

BOARD OF ZONING APPEALS DIVISION III

December 17, 2024

Case Number: 2024-UV3-018
Property Address: 975 Hosbrook Street (approximate address)
Location: Center Township, Council District #18
Petitioner: Five Points Enterprises LLC, by Justin Kingen
Current Zoning: D-8 (TOD)
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of C-1 uses (not permitted).
Current Land Use: Mixed-Use
Staff Recommendations: Staff **recommends approval** of this petition, subject to the list of permitted uses stated in the Staff Report
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff **recommends approval** of this petition, subject to the list of permitted uses in the Staff Report

PETITION OVERVIEW

- This petition would provide for the operation of certain C-1 uses (not permitted). While the petition was originally filed to permit all C-1 uses, the petitioner has agreed to limit the list of permitted uses to the following C-1 uses:
 - Business, art or other post-secondary proprietary school
 - Financial or insurance services
 - Hair and body salon
 - Medical or dental laboratories
 - Medical or dental office, centers, or clinics
 - Office: business, professional, or government
 - Religious uses
- The subject site is improved with a two-story structure, with residential uses on the second floor and commercial uses on a portion of the ground floor. While commercial uses are not permitted in the D-8 zoning district, commercial uses have existed on site off and on since the structure's construction in around 1900. This variance would legalize the list of commercial uses above.

- The Comprehensive Plan recommends the Traditional Neighborhood typology for this site, which does include certain commercial uses in its list of recommended uses under proper conditions. These commercial uses should be generally neighborhood-scale, primarily located at intersections, and no more than 1 acre. The subject site is located at the intersection of Hosbrook Street and Grove Avenue and is approximately 0.1 acres. Staff believes that the list of proposed uses to broadly be appropriate for neighborhood commercial use and that, given the subject site’s proximity to both the Red Line TOD route, and the Cultural Trail, this is an appropriate location for mixed-use style development that is oriented towards pedestrians as opposed to automobiles. With any commercial uses being small in scale and directed towards the immediate neighborhood, with on-street parking existing on Hosbrook Street and Grove Avenue, and with alternative modes of transportation available in the area, Staff does not believe parking will be a significant issue for the site.
- Given that the proposed list of permitted uses containing commercial uses that can operate at a neighborhood-scale that do not typically generate high amounts of vehicular traffic, that the site has contained commercial uses throughout much of the structure’s history, and that the Comprehensive Plan recommends commercial uses in contexts such as that of the subject site, Staff finds the request to be reasonable in nature and, therefore, is not opposed to the petition.

GENERAL INFORMATION

| | | |
|-----------------------------------|--------------------------|---|
| Existing Zoning | D-8 (TOD) | |
| Existing Land Use | Mixed-Use | |
| Comprehensive Plan | Traditional Neighborhood | |
| Surrounding Context | Zoning | Surrounding Context |
| North: | D-8 | North: Single-family residential |
| South: | C-5 | South: Commercial |
| East: | MU-1 | East: Religious uses |
| West: | D-8 | West: Single-family residential |
| Thoroughfare Plan | | |
| Hosbrook Street | Local Street | 53 feet of right-of-way existing and 48 feet proposed |
| Grove Avenue | Local Street | 56 feet of right-of-way existing and 48 feet proposed |
| Context Area | Compact | |
| Floodway / Floodway Fringe | No | |
| Overlay | No | |
| Wellfield Protection Area | No | |
| Site Plan | 10/28/24 | |
| Site Plan (Amended) | N/A | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |

| | |
|-----------------------------------|----------|
| Findings of Fact | 10/28/24 |
| Findings of Fact (Amended) | N/A |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line TOD Strategic Plan (2020)
- Indy Moves

Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Traditional Neighborhood typology for this site.
 - The Traditional Neighborhood provides for certain neighborhood-scale commercial uses such as small-scale offices/professional services, small-scale schools, and places of worship

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located approximately 800 feet from the Fountain Square Transit Station
 - This station is categorized as a District Center, which is characterized by a dense, mixed use hub for multiple neighborhoods with multi-family housing and a minimum of 3 acres at the core with not front or side setbacks

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The subject site is approximately 270 feet from the Cultural Trail



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2024CVR821; (northeast of site)

2019-ZON-115, 1001 Hosbrook Street, (east of site), requested rezoning of 0.244 acre from the C-S district to the MU-1 district to provide for a hostel, **approved.**

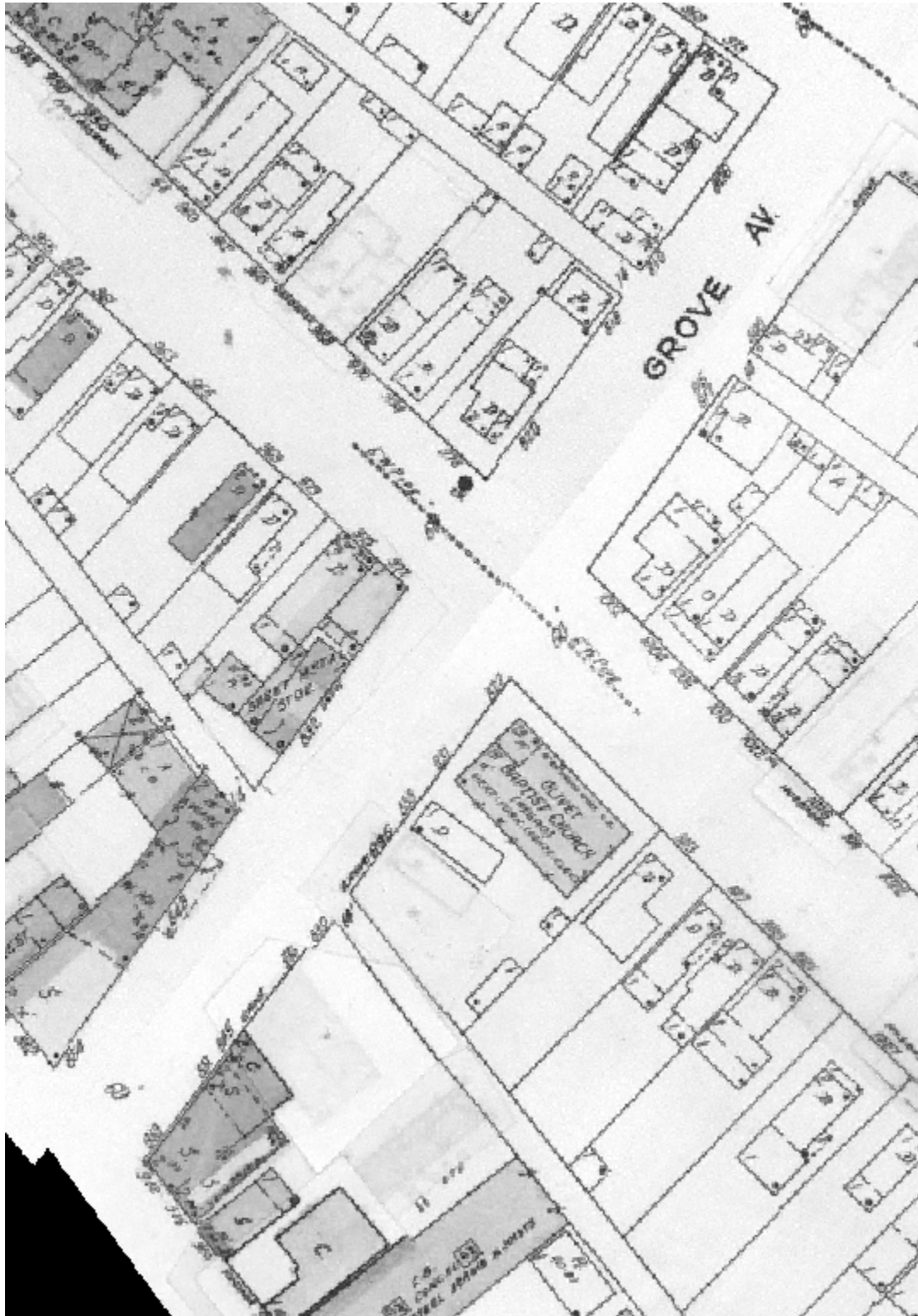
2013-ZON-015; 1001 Hosbrook Street (east of site), requested rezoning of 0.38 acre from the D-8 District to the C-S classification to provide for an antique shop, bed and breakfast, art gallery, single-family, two-family and multi-family dwellings, chiropractor office, business office, event center, woodwind instrument distributor, dressmaking shop, fitness facility, gift shop, gymnastics instruction, interior decorator, live-work studios, music lessons, commercial / off-site parking lot, outdoor flea market, outside dining, personal trainer studio, photographic studio, professional office, tailor, yoga studio and outdoor mini-festival, with music and to provide for the construction of a shed and two-story, 2,304-square foot building with a first-floor garage and a second-floor apartment, **approved.**

2010-ZON-059; Various addresses; requested rezoning of 13 parks from various districts to the PK-1 classification to bring the zoning of those parks into compliance with their use as parks, **approved.**

90-UV2-14; 950-951 Hosbrook Street (northwest of site), variance of use of the Dwelling District Zoning Ordinance to permit the continued use of a commercial structure for new and second hand retail sales and warehousing, **approved.**

EXHIBITS





1956 Sanborn Map

NEON
 ARCHITECTURE

955 Hosbrook Street
 Indianapolis, IN 46203
 317.983.4886
 info@neonarchitecture.com
 www.neonarchitecture.com

975 HOSBROOK

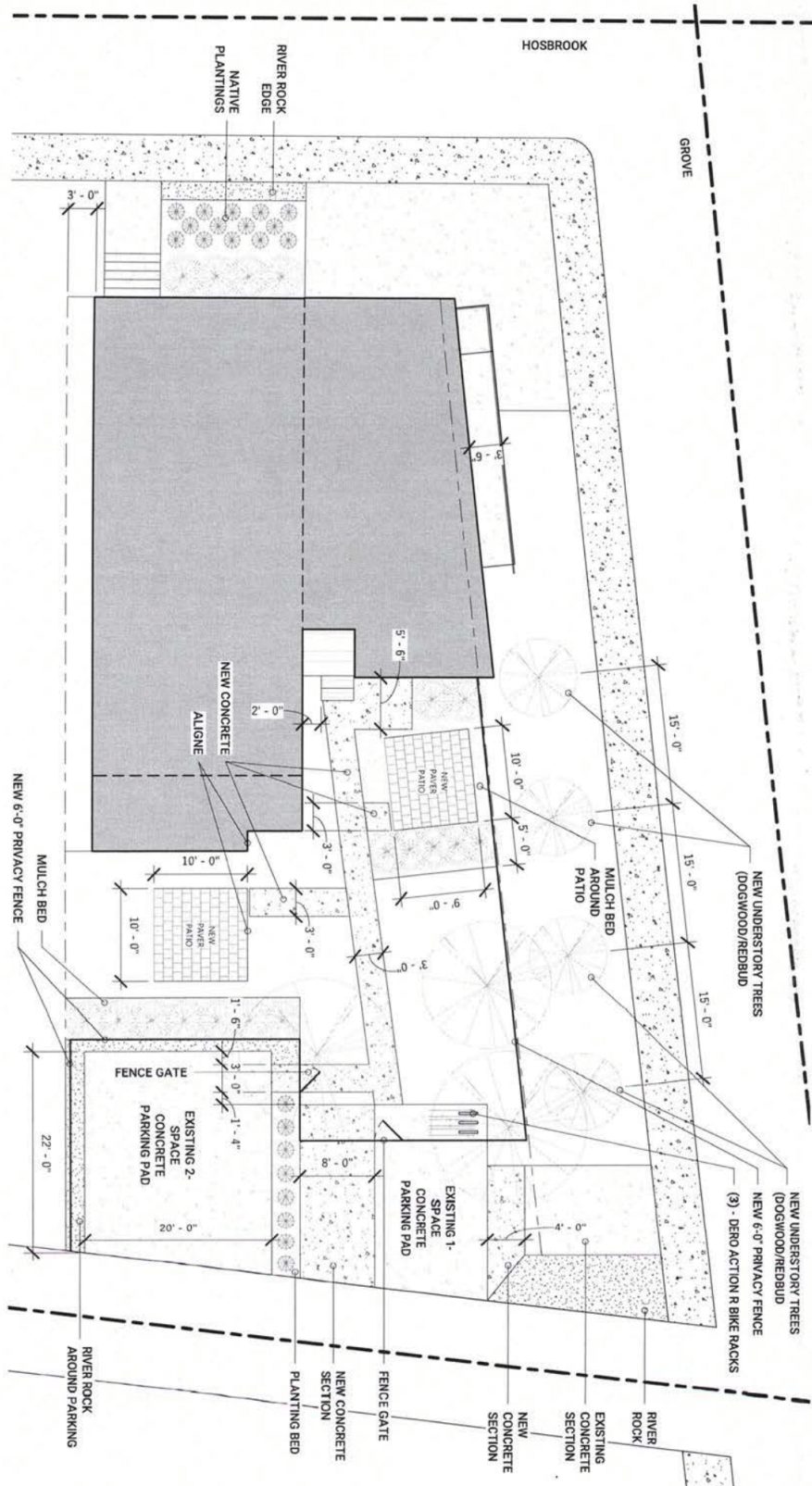
975 HOSBROOK STREET, INDIANAPOLIS, IN 46203

Date: 11/07/2018

Scale: 1" = 10'-0"

SITE PLAN

S001





Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

A portion of the existing structure on the site has historically contained a small commercial space. Over the years the space has been used as a bakery, a small metal shop, a grocery store and an office. These various uses have existed on the site for over 100 years without being injurious to the public health, safety, morals and general welfare of the community.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The use and value of the area adjacent to the property will not be adversely affected due to the fact that commercial uses have existed on the site for over 100 years. This variance of use petition is to legally establish those uses.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

This property has contained a commercial component since well before the adoption of the city's zoning ordinance. Granting this variance of use request would bring the historic and current use of the site in accordance with the current code.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

According to historical maps, a number of commercial uses have existed on the site dating back as far as 1898, well before the city's zoning ordinance was adopted. This variance of use petition would legally establish those uses so that the site could continue to function as it has for over a century.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The subject site is recommended by the Marion County Pattern Book (2019) to be Traditional Neighborhood. The Traditional Neighborhood typology does include low intensity commercial uses, such as Bed & Breakfast, Small Office, Retail and Professional Services. Therefore, granting this variance of use request would be consistent with the comprehensive plan.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____





Adjacent Church



Adjacent housing



Adjacent housing



Adjacent housing



Nearby commercial use on Hosbrook Street