



BOARD OF ZONING APPEALS DIVISION II

April 14, 2026

Case Number: 2026-DV2-012
Address: 239 East Caven Street (approximate address)
Location: Center Township, Council District #18
Zoning: D-5
Petitioner: Cohen Property Group LLC, by Mark Crouch
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-unit house with a 32-foot wide lot (35-foot wide lot required for multi-unit dwellings).

Current Land Use: Undeveloped.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance states that a D-5 zoned parcel with a multi-unit house is required to have a minimum lot width of 35 feet. This property was platted sometime during or around 1892, so it is smaller than the modern D-5 zoned property as defined in the most current version of the Ordinance.
- ◇ According to the Ordinance, a D-5 zoned parcel with any dwelling, must be at least 35 feet in width. Again, due to the parcel's age, this parcel is smaller than the typical D-5 zoned property in the most current version of the Ordinance, similar to the lot width minimum requirement.
- ◇ The requested variance is largely a result of the deficient size and width of the lot. The lot, at 3,530 square feet, is suitable for a Detached house – Compact Lot, however, that use is not permitted in the D-5 district. To develop the lot as a Multi-Unit house – Compact Lot as permitted in the D-5 district, would require a 35-foot wide lot. All other permitted uses in the D-5 district require larger lot sizes or larger lot widths. Therefore, there is a practical difficulty in complying with development standards for the minimum lot width, as the lot is undevelopable without a Variance.

- ◇ With the size of this lot, surrounding context, and orientation, it would not be possible for the owner to build a residential home on this property without a variance. The proposed multi-unit house and the lot size will still allow sufficient space for the required setbacks, so approving the smaller lot width will not affect the surrounding area.
- ◇ Generally, staff supports legally establishing property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request; additionally, no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Traditional Neighborhood Uses	
Surrounding Context	Zoning	Surrounding Context
	North: I-4	Industrial Use
	South: PK-1	Neighborhood Park
	East: D-5	Single-Family Dwelling
	West: D-5	Undeveloped
Thoroughfare Plan		
Caven Street	Local Street	40-foot existing right-of-way, and 48-foot proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	March 10, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	March 10, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends the Traditional Neighborhood typology which includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and



private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

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)

- Not Applicable to the Site.

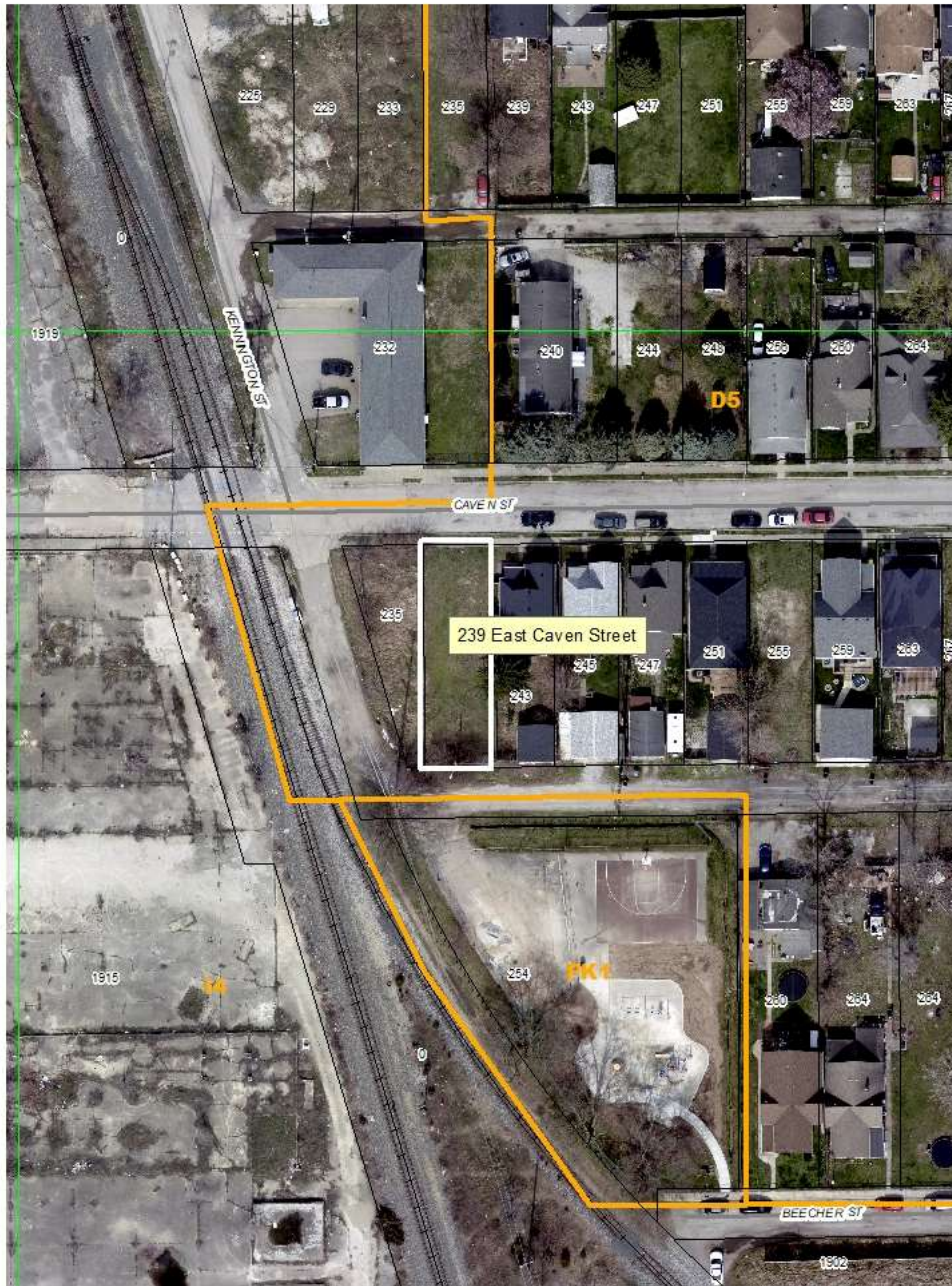
ZONING HISTORY

2005-DV1-036; 239 Caven Street (subject site), requested a Variance of Development Standards to legally establish a six-foot tall front yard fence, **granted**.

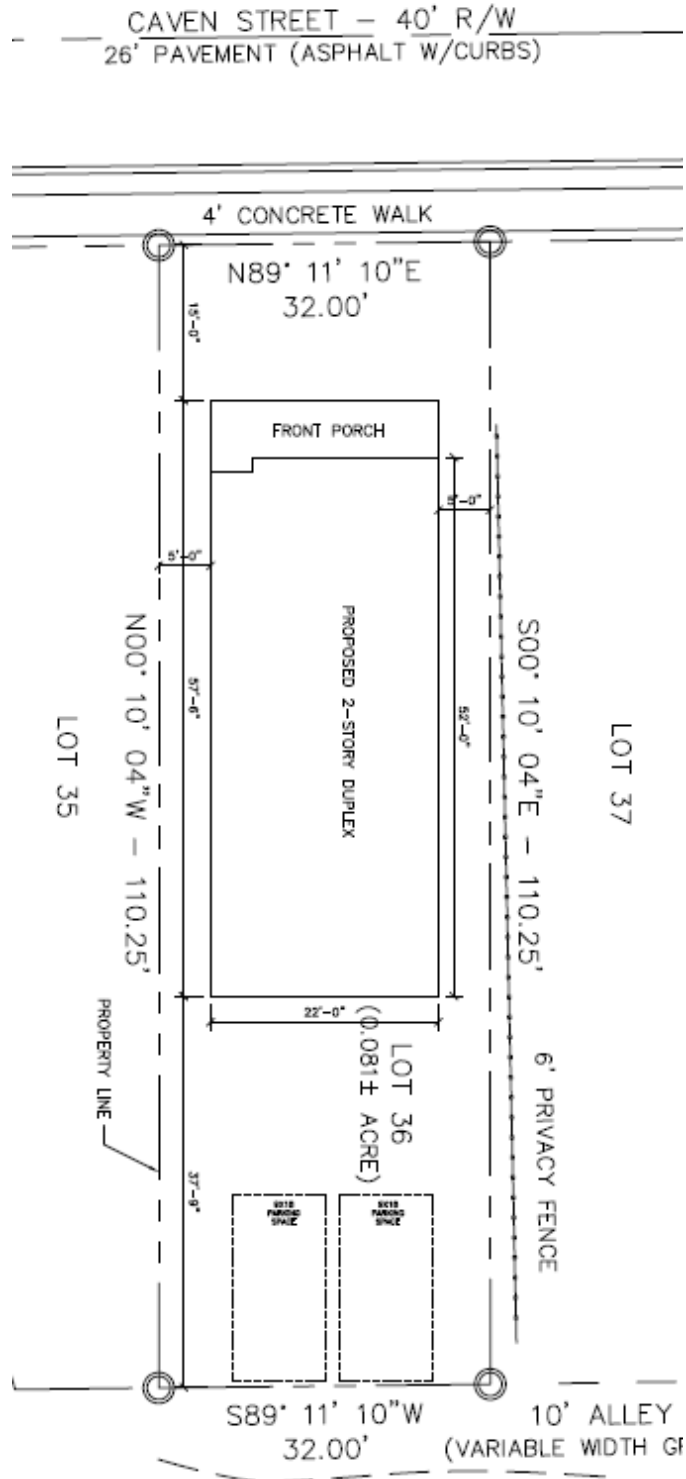
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EXHIBITS

Location Map



Site Plan





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The proposed two-unit residence is a residential use consistent with the surrounding neighborhood. The 3-foot deficiency in lot width is minor and does not impact public safety or utility access. The project will adhere to all other development standards, including the required 5-foot side setbacks, ensuring adequate building separation, fire safety, and light/air for adjacent properties. The development will replace an underutilized lot with a high-quality housing option that meets modern building codes.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

the proposed two-unit residence maintains the required 5-foot side yard setbacks on both the east and west property lines.
This ensures that the building separation, privacy, and access to light and air for neighboring residents are identical to what would be provided on a conforming 35-foot lot.
Furthermore, the subdivision (Hildebrand's Addition) is comprised of historically platted lots; by constructing a modern, code-compliant home on this vacant parcel, the project will increase the neighborhood's density in an appropriate manner and improve the overall valuation of the immediate block.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

the property is a legally established 'Lot of Record' (Lot 36 in Hildebrand's Addition), platted in 1901 per Plat Book 10, Page 102.
The lot is physically fixed at 32 feet in width, making it mathematically impossible to comply with the modern 35-foot minimum width requirement.
This 3-foot deficiency is a pre-existing condition of the land that the owner cannot remedy, as there is no adjacent land available for purchase to widen the parcel.
Denying this variance would unfairly deprive the owner of the right to develop a standard two-unit dwelling—a use that is otherwise permitted in this district—simply because of a historic platting dimension that predates current zoning standards."

Photographs



Subject site, looking south.



Adjacent vacant lot to the west, looking south.



Adjancet Industrial use to the north.



Adjacent dwellings to the east, looking southeast.