



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 15, 2024

Case Number: 2024-CZN-803 / 2024-CVR-803

Property Address: 2051 Columbia Avenue (Approximate Address)

Location: Center Township, Council District #13

Petitioner: Padbros, LLC (Brian Maire), by Mark and Kim Crouch

Current Zoning: I-3
Rezoning of 0.26 acres from the I-3 district to the D-8 district to provide for two, two-unit row homes.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three-foot side setbacks (five feet required).

Current Land Use: Undeveloped Lot

Staff Recommendations: Staff **recommends approval** of the rezone request subject to elevations being submitted for Administrator's Approval.
Staff **recommends denial** of the variance request.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the rezone petition, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Final building elevations shall be submitted for Administrator's Approval.

Staff **recommends denial** of the variance request.

PETITION OVERVIEW

The 0.26-acre subject site consists of an undeveloped industrial lot. It is surrounded by single-family dwellings to the south, zoned I-3, and industrial uses to the west, north, and south also zoned I-3.



REZONING

The site is zoned I-3. The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.

The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow for three-foot side setbacks in the D-8 district for Row-House – Large Lot (2-8 units/building).

Per Table 742.103.03 Residential Building Type Standards, the D-8 district would require 5-foot side setbacks or zero feet at party walls.

Staff Analysis

Staff determined that there is no practical difficulty with meeting the required five-foot side setbacks since the row-houses could be reduced in width to meet the five-foot side setbacks. Additionally, the sites could also be developed with single-family dwellings without variances.

Staff is supportive of the rezoning request to the D-8 district so long as elevations are submitted for Administrator’s Approval to confirm the proposed building would be in line with the Infill Housing Guidelines.

GENERAL INFORMATION

Existing Zoning	I-3s	
Existing Land Use	Undeveloped Lot	
Comprehensive Plan	Heavy Industrial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	I-3 Industrial
	South:	I-3 Residential (Single-family dwelling)
	East:	I-3 Industrial
	West:	I-3 Industrial
Thoroughfare Plan		
Columbia Avenue	Local Street	56 feet existing right-of-way and 48-foot proposed right-of-way.
Context Area	Compact	

Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	December 13, 2023
Site Plan (Amended)	N/A
Elevations	January 31, 2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	December 13, 2023
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends heavy industrial development for the subject site.
- The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic.
- This typology does not recommend housing options, but the residential development pattern of the surrounding area with a variety of previously zoned industrial sites rezoned residentially indicate that residential uses would be appropriate.

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

- BUILDING SPACING
 - 1. **Reinforce Spacing on the Existing Block:** New construction should reflect and reinforce the character of spacing found in its block. New construction should maintain the perceived regularity or lack of regularity of spacing on the block.
 - 2. **Limit Uncharacteristically Large Gaps Between Houses:** Avoid the creation of large open spaces where historically none existed. Such spacing is uncharacteristic and establishes holes in the traditional pattern and rhythm of the street.
 - 3. **Leave Room for Maintenance:** Minimum spacing can be crucial for proper maintenance of homes. For example, additional spacing between tall houses can be key to allowing for maintenance with basic tools, like ladders
- BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS
 - 1. **Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - 2. **Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
 - 3. **Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
 - 4. **Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
 - 5. **Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.

- **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – VICINITY

2023-CZN-848 / 2023-CPL-848; 2069 Yandes Street (northwest of site), Rezoning of 0.42 acre from the I-3 district to the D-8 district and Approval of a Subdivision Plat to be known as Starks Minor Subdivision, dividing 0.42 acre into four lots, **approved**.

2022-CZN-835; 2069 Yandes Street (northwest of site), Rezoning of 0.42 acre from the I-3 district to the D-8 district, **withdrawn**.

2022-ZON-005; 2024 Columbia Avenue (southwest of site), Rezoning of 0.129 acre from the I-3 district to the D-8 district to allow for the construction of a single-family house, **approved**.

2021-CZN-816 / 2021-CVR-816; 2035, 2039, 2043 and 2047 Columbia Avenue (south of site), Rezoning of 0.47 acre from the I-3 district to the D-8 district and a variance of development standards to provide for a deficient front setback, **approved**.

2001-LNU-024; 2016 Columbia Avenue (southwest of site), Certificate of Legal Non-Conforming Use of a single-family dwelling in the I-3-U district, **approved**.

2021-ZON-063; 2057 Yandes Street (northwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.

2021-ZON-059; 2020 Columbia Avenue (southwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.

2020-CZN-835 / 2020-CVR-835; 2005 and 2011 Columbia Avenue; 1314 East 20th Street (south of site), Rezoning of 0.29 acre from the I-3 district to the D-8 classification and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of three single-family dwellings, with one single-family dwelling within the clear sight triangle of the abutting streets, with three-foot side setbacks and 47% open space (four-foot side setback and 55% open space), **approved and granted**.

2020-ZON-076; 2019 and 2023 Yandes Street (southwest of site), Rezoning of 0.26 acre from the I-3 district to the D-8 district, **approved**.

2020-ZON-038; 2028 Columbia Avenue (southwest of site), Rezoning of 0.1 acre from the I-3 district to the D-8 classification, **approved**.

2019-HOV-020; 2015 Columbia Avenue (south of site), Variance of use to provide for a single-family dwelling in an industrial district, and variances of development standards to provide for deficient setbacks, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

2019-ZON-029; 2007 Columbia Avenue (south of site), Rezoning of 0.1 acre from the I-3 district to the D-8 district, **approved.**

2019-ZON-028; 2032, 2038, and 2042 Columbia Avenue (southwest of site), Rezoning of 0.39 acre from the I-3 district to the D-8 classification, **approved.**

2008-LNU-023; 2080 Dr. Andrew J. Brown Avenue (east of site), Certificate of Legal Non-Conforming Use as to the following development standards: lack of paved parking (along the northern property line of parcel 1045885, and according to the file site plan), barbed wire in the front setback (Parcel 1004520 and southern half of Parcel 1097853, and according to the file site plan), parking space access directly from or into a public street (Parcel 1045885 and northern half of Parcel 1097853, and according to file site plan), and lack of handicap parking spaces (Parcels 1045885, 1097853, and 1006011), **approved.**

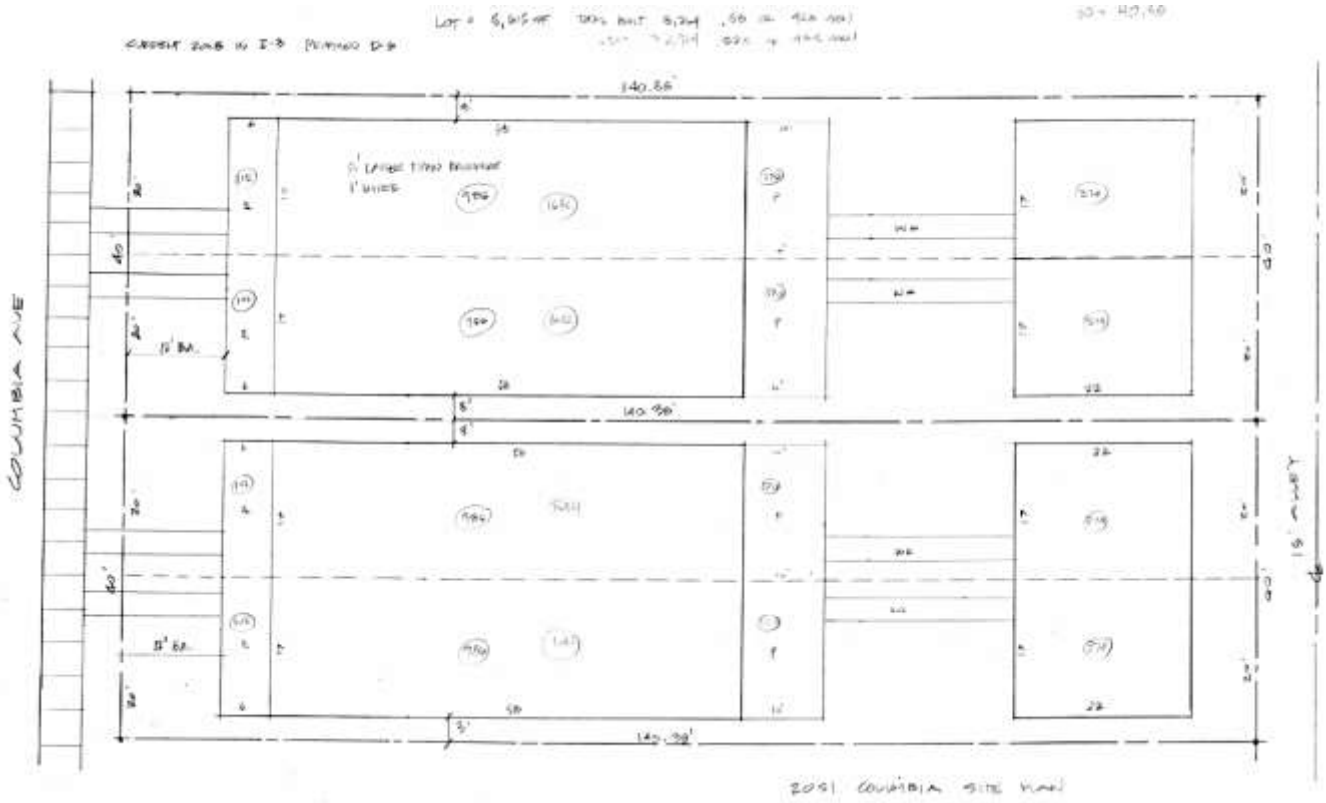
99-HOV-42; 2012 Columbia Avenue (southwest of site), Variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a 24 by 30-foot attached garage (not permitted), with a side yard setback of 6 feet (minimum 10 feet required), **granted.**

92-Z-133; 2001 Yades Street (southwest of site), Rezoning of 2.640 acres from I-3-U District to the SU-1 classification to provide for a church, **approved.**

93-UV3-31; 2016 Columbia Avenue (southwest of site), Variance of use to provide for an addition to a single-family dwelling in an industrial district, **approved.**

85-UV3-14; 2022 Columbia Avenue (south of site), Variance of use to provide for a single-family dwelling in an industrial district and a variance of development standards to provide for deficient setbacks, **approved.**

EXHIBITS





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 grant will allow for the construction of a new townhome residences and detached garages for private residential use.

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 residences and detached garages will be consistent with development in the area and adjacent area.

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

lot is narrow and just meets the minimum required width for requested zoning resulting in a need for increased townhome width from 15' to 17' to allow for larger living area. Proposed townhome and proposed garage will align with one another resulting in a need to reduce required side setback from 5' to 3'. Without variance approval, proposed residence and detached garage will not be built.



Subject site at 2051 Columbia Avenue



Subject site at 2051 Columbia Avenue



Single-family dwelling south of the site.



Sheet metal company north of the site.



Industrial company west of the site.



Industrial land east of the site.



Alley at the rear of the site looking south.



Alley at the rear of the site looking north.