

**BOARD OF ZONING APPEALS DIVISION II**

**June 10, 2025**

**Case Number:** 2025-DV2-016

**Property Address:** 1507, 1501 and 1533 West New York Street (approximate address)

**Location:** Center Township, Council District #18

**Petitioner:** Lurvey Loft Townhomes LLC, by Adam DeHart

**Current Zoning:** D-8 (RC)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 45-foot tall, four story four-unit townhome development with 27 percent living material comprising the front yard (maximum 40-foot tall, three story building permitted, 50 percent living material required).

**Current Land Use:** Vacant

**Staff Recommendations:** Staff recommends approval for this petition

**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

**PETITION OVERVIEW**

- This petition would allow for the construction of a 45-foot tall, four story four-unit townhome development with 27 percent living material comprising the front yard (maximum 40-foot tall, three-story building permitted, 50 percent living material required).
- The subject site is zoned D-8, is located within the Regional Center Secondary Zoning district, and has been vacant since the late 1970s according to aerial imagery. The proposal calls for two separate two-family townhome structures, for a total of four (4) units on the site.
- The standards limiting height to 40 feet and to three (3) stories are in place to maintain an appropriate and consistent development pattern, to limit overdevelopment, and to limit overshadowing of adjacent residences. Staff generally finds the request for increased height and number of floors to be reasonable given the site's location on the corner, along White River Parkway Drive, and within the Regional Center. Staff believes that a slight increase in height would create a strong edge at this intersection and along White River Parkway which is a primary arterial. Further, Staff believes that a

reasonable increase in height and intensity can be appropriate within the Regional Center, in effort to promote further growth and redevelopment of the central core of the City.

- While Staff is generally supportive of the variance for height increase, Staff did have initial concerns about the adjacent property directly to the west and the potential for the proposed development to overshadow the existing residence. The initial site plan called for a setback of approximately 5 feet from the west side lot line. The petitioner agreed to move the western structure east by an additional foot, with the revised 6-foot side setback shown in the revised site plan below, file-dated 6/4/25. Further, the petitioner indicated that while the request for increased height is for 45 feet, the structure itself is only 42 feet in height and that the request for 45 feet is to account for grade change issues on the site. Given these two points, Staff finds the height request to be reasonable and appropriate.
- Staff would note that the request for an increase in height is seen as reasonable first and foremost because of the site's location on the edge of the neighborhood and along White River Parkway. A similar request for an increase in height in the middle of the neighborhood or at a mid-block location would be seen as less appropriate.
- With regards to the variance for reduced living materials in the front yard- the standard requiring at least 50% of the front yard being comprised of living material is to promote landscaping and natural materials on site, to limit the amount of hardscaping on site, and to enhance aesthetics and beautification of the City's neighborhoods. The request for 27% living materials stems from practical difficulty related to the site's existing conditions and shape; with the site containing an irregular, angled shape and with significant grade change towards the rear of the site, the ability to provide sufficient landscaping in the front yard is impeded. Further, Staff would note that despite the request for reduced living materials in the front yard, the submitted landscape plan (file-dated 6/4/25) indicates that much of the site will be comprised of living materials and landscaping, and specifically calls for the placement of 31 trees including 4 large trees, and therefore represents a significant improvement to the site, which currently does not contain any finished landscaping.
- Given that Staff sees the increase in height to be reasonable for the site's context, that practical difficulty exists for front yard living materials, and that the proposal represents a substantial improvement to vacant the site, Staff is unopposed to the request.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-8 (RC)	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	8-15 residential units per acre	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
North:	D-8	North: Utilities
South:	D-8	South: Single-family residential
East:	CBD-S	East: White River
West:	D-8	West: Single-family residential
<b>Thoroughfare Plan</b>		
West New York Street	Local Street	40 feet of right-of-way existing and 48 feet proposed
North White River Parkway West Drive	Primary Arterial	98 feet of right-of-way existing and 78 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	5/5/25	
<b>Site Plan (Amended)</b>	6/4/25	
<b>Elevations</b>	5/5/25	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	5/5/25	
<b>Findings of Fact</b>	6/4/25	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Near West Neighborhood Land Use Plan (2014)
- Infill Housing Guidelines
- Indy Moves

### Pattern Book / Land Use Plan

- Not applicable to the site.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- The Near West Neighborhood Land Use Plan recommends 8-15 residential units per acre for this site.

### Infill Housing Guidelines

- With regards to building height, and landscaping the Infill Housing Guidelines recommends:
  - Look to surrounding context for appropriate housing sizes
  - Thoughtfully design landscaping
  - Maintain landscaping to retain visibility

### Indy Moves

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

- The Central White River Trail is approximately 115 feet from the subject site.



## ZONING HISTORY

### ZONING HISTORY – SITE

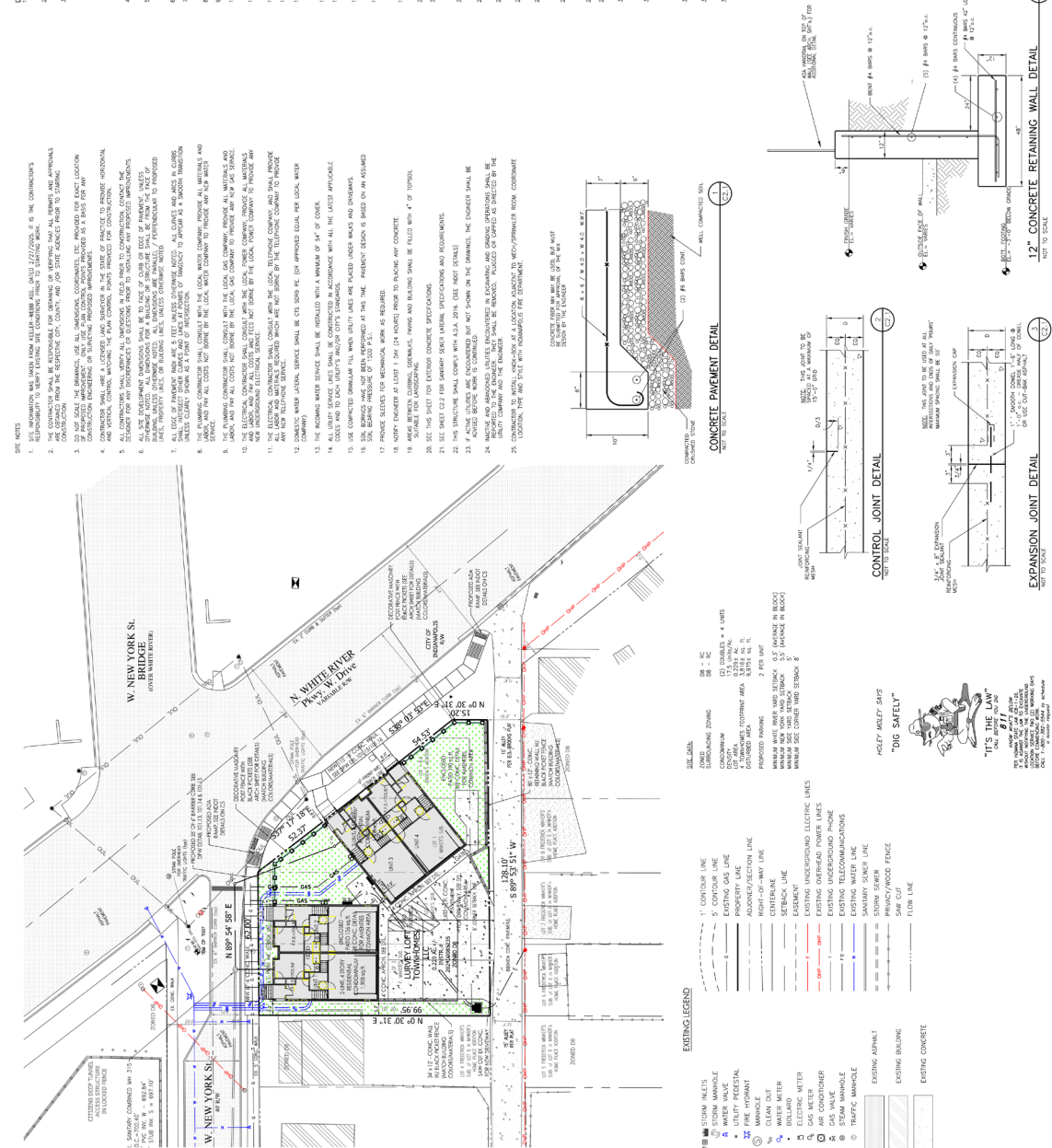
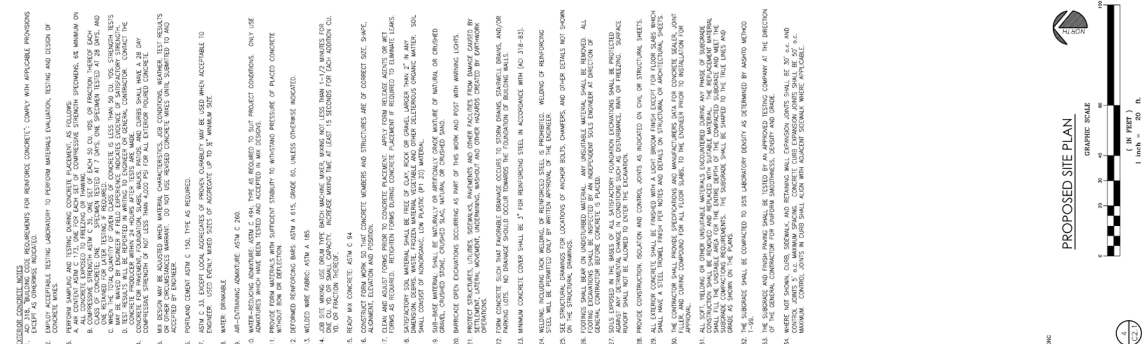
N/A

### ZONING HISTORY – VICINITY

**85-Z-48 801; West Washington Street (east of site)**, rezoning of 253 acres to the CBD-S district for the creation of White River Park, **approved**.

EXHIBITS











**prince alexander**  
PROJECT  
850 S. Meridian St., Indianapolis, IN 46225, United States  
Phone: 317-261-0070  
www.princealexander.biz

**NEW YORK STREET  
RESIDENCES**  
INDIANAPOLIS, IN 46222

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**BID SET**  
**NOT FOR CONSTRUCTION**

REVISIONS - SCAN FOR LATEST

No.	Description	Date



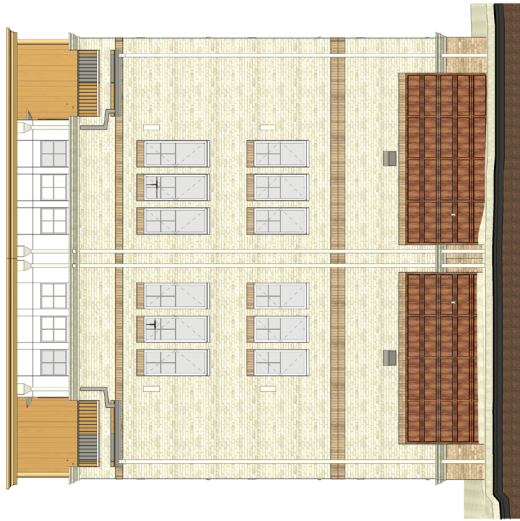
**ELEVATIONS**

**REGIONAL  
CENTER**

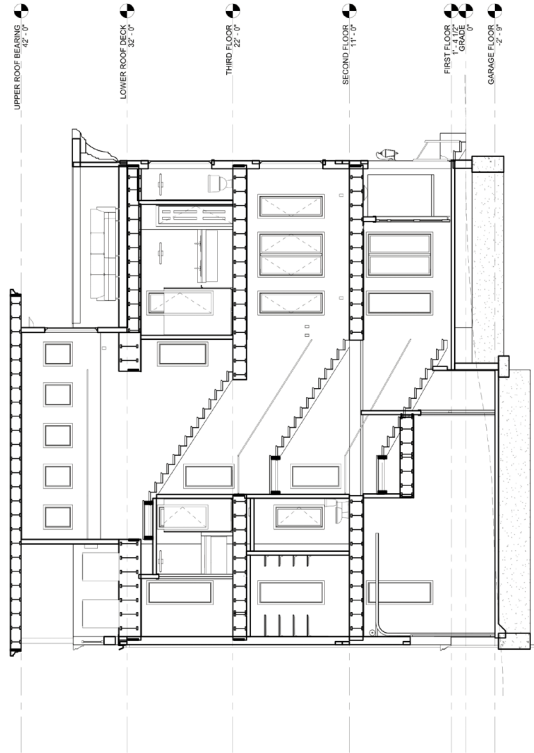
DATE  
05-03-2025

**RC2**

5/3/2025 1:42:34 PM



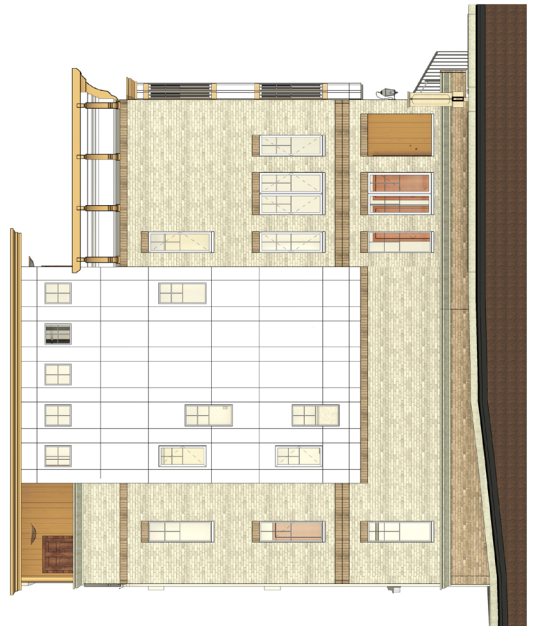
02 ELEVATION - REAR  
3/16" = 1'-0"



04 STAIR SECTION  
3/16" = 1'-0"



01 ELEVATION - FRONT  
3/16" = 1'-0"



03 ELEVATION - SIDE  
3/16" = 1'-0"

Architect: Prince Alexander Street 1111 N. Meridian St.

**MULTIPLE DWELLING PROJECT ANALYSIS  
DEPARTMENT OF METROPOLITAN DEVELOPMENT  
DIVISION OF PLANNING**

Property Address: 1501-1507 W. NEW YORK ST. Date: 4/17/2025  
Project Name: LURVEY LOFT TOWNHOMES Date of Plans: 4/17/2025  
Zoning Classification: D8-RC

	Required Ratios by Ordinance	Computed Ratios
Floor Area Ratio	FAR =	1.40
Open Space Ratio	OSR =	0.63
Livability Space Ratio	LSR=	0.34
Major Livability Space Ratio	MLSR=	0.28
Total Car Ratio	TCR=	2
What to Determine	How to determine it	Determination
Floor Area – FA	From Plans	FA
Land Area – LA	From Plans in square feet	LA
Floor Area Ratio – FAR	FA / LA	FAR
Building Area – BA	From Plans	BA
Usable Roof Areas – URA	From Plans	URA
Uncovered Open Space – UOS	LA-BA+URA	UOS
Covered Open Space – COS	From Plans	COS
Open Space – OS	UOS + ½ COS	OS
Open Space Ratio – OSR	OS / FA	OSR
Car Area – CA	From Plans	CA
Livability Space – LS	OS – CA	LS
Livability Space Ratio – LSR	LS / FA	LSR
Major Livability Space – MLS	From Plans	MLS
Major Livability Space Ratio – MLSR	MLS / FA	MLSR
Number of Dwelling Units – DU	From Plans	DU
Number of Parking Spaces – PS	From Plans	PS
Total Car Ratio – TCR	PS / DU	TCR
Gross Density – GD	DU / (LA / 43,560)	GD























