

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-DV1-017

Property Address: 1421 East Michigan Street (approximate address)

Location: Center Township, Council District #13

Petitioner: Indy Real Estate Consulting LLC, by David and Justin Kingen

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for subdivision of a lot for construction of a duplex resulting in lot widths of 19.98 feet (60-foot lot widths required) and a total lot area of 6,240 square feet (7,200 square feet of lot area required), with a two-foot western side yard setback (five feet required).

Current Land Use: Residential

Staff Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

6/3/25: Since the petitioner was unable to attend the June 3rd hearing date, staff requested a continuance and transfer on their behalf to have this petition moved to the June 10th hearing date of Division II.

5/6/25: A timely automatic continuance request was filed by a registered neighborhood organization, continuing this petition from the May 6th hearing date to the June 3rd hearing date.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 1421 East Michigan Street is currently zoned D-8 and is improved with a two-family structure and detached garage. It is located within the Holy Cross neighborhood and is directly to the south of Arsenal Technical High School. Other directly adjacent land uses are residential in nature, and most properties on the block are also zoned D-8 and improved with two-family structures.
- The permits to allow for construction of the two-family structure currently existing on the site were issued in 2023 via ILP23-02890. Plans associated with those approvals indicated a 5-foot setback from both side property lines. A two-family structure was constructed on the site; however, it does not meet the setbacks that were represented on the site plan associated with the permits that

were issued. The plans submitted for this variance show a building with the same dimensions but with a 2.2-foot western setback and 7.8-foot eastern setback. It appears that the building was constructed in a location approximately 3 feet to the west of what had been proposed.

- In early 2025, the plat petition 2025PLT010 was filed to allow for the replat of 1421 E Michigan into two lots for individual sale of duplex units (the planned subdivision had not been shown on plans submitted for the ILP, and the result of the plat petition is pending the result of this variance). Per ordinance regulations related to duplexes within D-8 zoning instituted in November of 2021, variances would be required for the lot area and lot widths proposed by the replat. Additionally, this variance petition would legally establish the structure with a deficient 2-foot western side setback (a new or amended ILP would also be required should this variance be approved).
- The existing detached garage on the property is not a part of the variance request: its placement on the site predates the construction of the two-family dwelling. Permits approved in 2023 indicated construction of a new garage with 8-foot side yard setbacks, and the option to utilize the existing garage (or footprint of that garage per 744-202.E of the Ordinance) as an accessory structure for the primary use would also exist.
- This property is zoned D-8 to allow for a variety of housing formats, with a mix of small-scale multi-unit building types. Similarly, the Comprehensive Plan Pattern Book recommends it to the Traditional Neighborhood typology to allow for a full spectrum of housing types, ranging from single-family homes to large-scale multifamily development. Infill Housing Guidelines indicate that new construction should avoid irregular spacing and uncharacteristically large gaps between houses on established residential blocks, and that insufficient spacing can create maintenance issues and increase the risk of fires spreading between buildings.
- Findings of Fact provided by the applicant indicate that some properties on this block have similarly narrow setbacks and that denial of this variance would require them to demolish the structure recently constructed at the site. Staff would note that there does not appear to be a site-specific practical difficulty requiring development of the site in such a manner, and that the difficulty of having previously constructed the duplex in the incorrect location would be a fully self-imposed hardship. Additionally, it does not appear that any of the previous setbacks for neighboring sites were established by petition, and the neighboring property to the west appears to have a 0-foot side setback which results in a narrow separation of about 2 feet between the two structures. Given the lack of practical difficulty, lack of accordance with Infill Housing Guidelines, and potential maintenance and safety issues given the narrow space between the subject site and property to the west, staff recommends denial of this request.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	SU-2	North: High School
South:	D-8	South: Residential
East:	MU-1	East: Residential
West:	D-8	West: Residential
Thoroughfare Plan		
Michigan Street	Primary Arterial	60-foot existing right-of-way and 78-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	03/11/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/11/2025	
Findings of Fact (Amended)	04/24/2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- This Marion County Land Use Plan Pattern Book recommends this site to the Traditional Neighborhood typology to allow for a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. Development should be compact and well-connected, with access to individual parcels via alleys and building forms that promote social connectivity and continue the existing visual pattern, rhythm, and orientation of surrounding buildings when possible.

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

- Spacing between houses establishes a rhythm and pattern along a street, and insufficient spacing can create maintenance issues and increase the risk of fire spreading across buildings. New construction should reflect and reinforce the regular or irregular spacing on the block, and uncharacteristically large gaps between houses should be avoided.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2025PLT010, Approval of a Subdivision Plat to be known as Replat of Lot 6 of North Arsenal Park Addition, dividing 0.14-acre into two lots, **pending**.

2021ZON102, Rezoning of 0.72 acre from the MU-1 district to the D-8 district, **approved**.

ZONING HISTORY – VICINITY

2021UV3009 ; 1429 E Michigan Street (east of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a wood deck with a 7.5-foot west side setback and a detached garage with a five-foot west side setback and a 10-foot south transitional rear setback, accessory to a single-family dwelling (single-family development not permitted, 10-foot side setback and 15-foot rear transitional setback required), **approved**.

2005HOV026 ; 1417 E Michigan Street (west of site), Variance of use of the Commercial Zoning Ordinance to legally establish a two-story, 1,802-square foot single-family dwelling, and to provide for the construction of a 720-square foot detached garage (single-family dwellings and related accessory uses and buildings not permitted), **approved**.

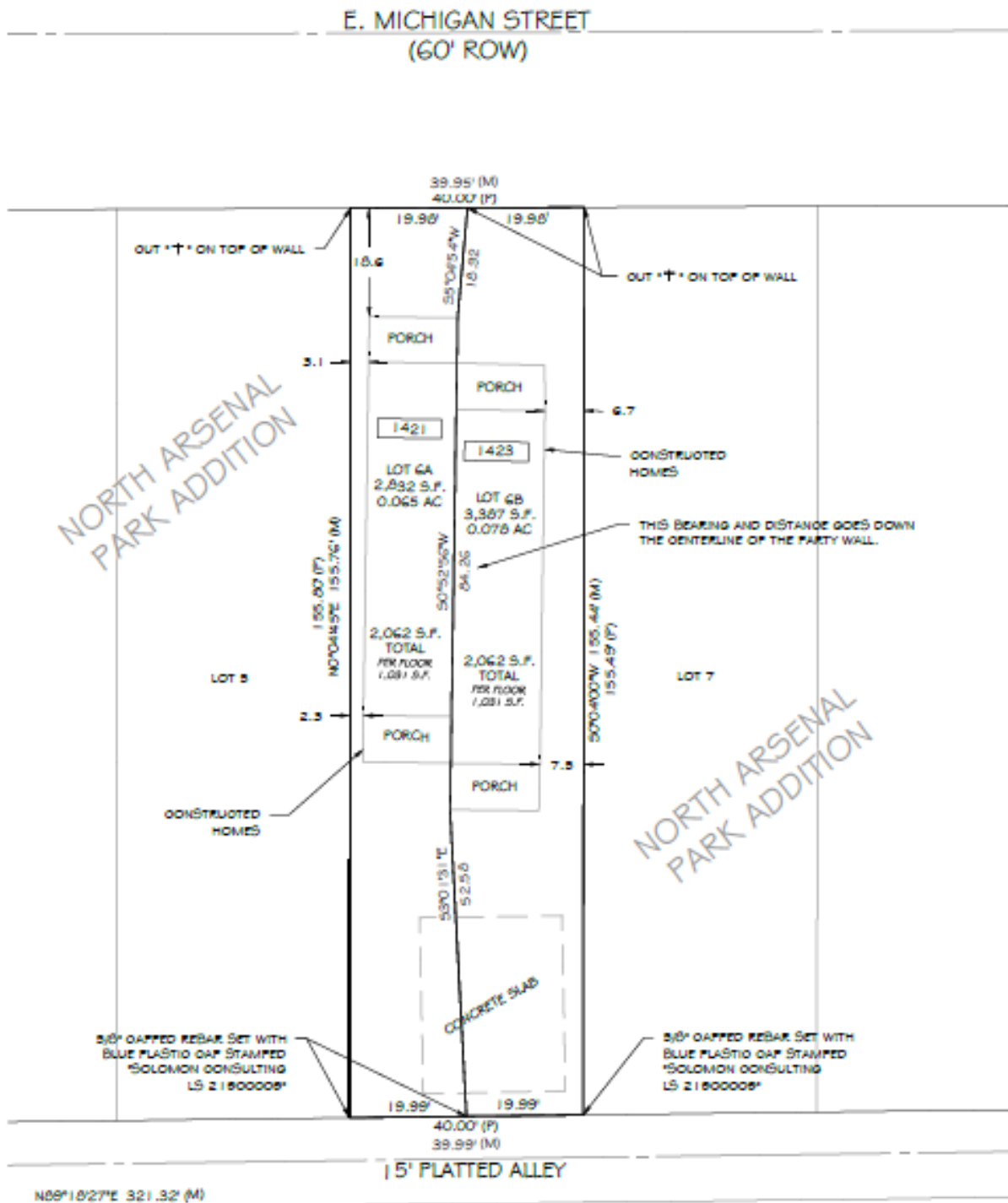
92-Z-99 ; 1401 East 10th Street (north of site), rezoning of 80 acres to the SU-2 district, **approved**.

EXHIBITS

2025DV1017 ; Aerial Map



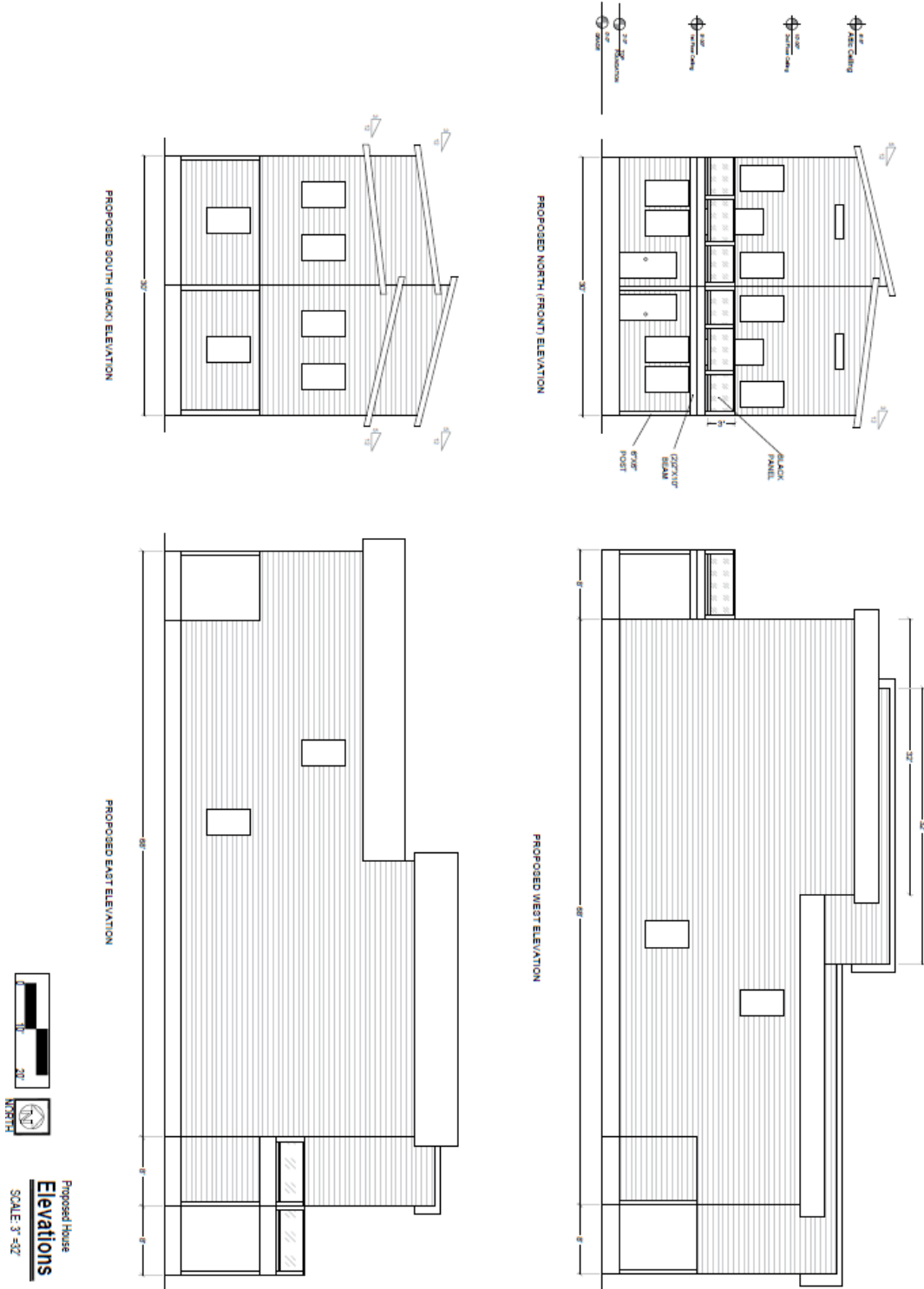
2025DV1017 ; Site Plan (with proposed subdivision; filed as 2025PLT010)



(Note: previous detached garage remains at site despite above plan indicating a rear yard 'concrete slab')

The site plan illustrates the proposed building layout within a 73' x 150' lot. The proposed building is a rectangular structure measuring 30' by 60'. It is situated between two existing houses and an alley. The setbacks are as follows: 15' front, 5' side, and 15' rear. The lot area is 10,950 sq. ft. The plan includes various area markers (1-7) and dimensions for setbacks and building footprint. The existing houses are located on the left and right sides of the lot, and the alley is at the bottom. The proposed building footprint is shown with a cross-hatch pattern.

2025DV1017 ; Building Elevations Approved for Permits (ILP23-02890)



2025DV1017 ; Findings of Fact

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

The existing residential structure contains a similar side-yard setbacks to the other residences along this block of East Michigan Street as well a significant amount of residential properties in the Holy Cross Neighborhood. There are two existing duplexes to the west of the subject along East Michigan Street that have similar lot widths and lot areas. Thus, granting this variance request will not be injurious to the public health as the existing residential structure and its setbacks, lot width and lot area are consistent with the character of this neighborhood.

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 use of the property is consistent with the Marion County Land Use Plan Pattern Book and the value of the nearby residences won't affected in an adverse manner given that this is an existing residential structure that contains side-yard setbacks, lot width and lot area that are consistent with the residential properties in the immediate vicinity.

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

This variance request for the reduction of the side-yard setback, reduction of the lot width and reduction of the lot area will will legally establish the existing duplex. The practical difficulty exists due to the fact that this structure would be required to be razed if the variance request is not granted.

2025DV1017 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from Across Michigan St

2025DV1017 ; Photographs (continued)



Photo 3: Separation from Western Neighbor Viewed from North

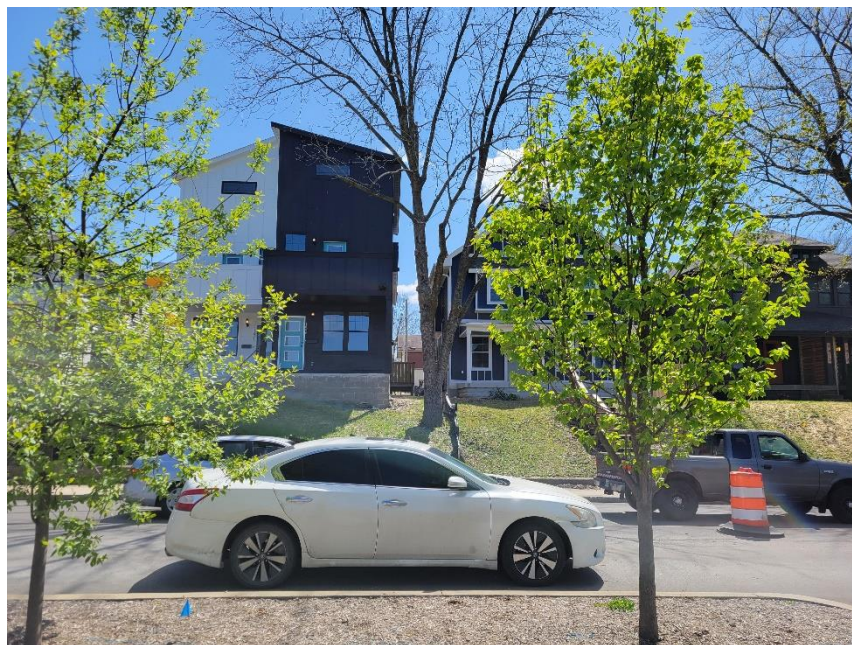


Photo 4: Separation from Western Neighbor Viewed from Across Michigan St

2025DV1017 ; Photographs (continued)



Photo 5: Adjacent Property to North



Photo 6: Subject Site + Separation from Western Neighbor Viewed from South