

**BOARD OF ZONING APPEALS DIVISION II**

**November 12, 2024**

**Case Number:** 2024-DV2-041  
**Property Address:** 2461 Sheldon Street (*approximate address*)  
**Location:** Center Township, Council District #8  
**Petitioner:** Intend Indiana, by Mia Gutierrez and Joe Fillenwarth  
**Current Zoning:** D-5

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a front building line of 26 feet (range of 10 feet to 19.9 feet required) and encroaching within the clear sight triangle of the intersection of 25th and Sheldon Streets (encroachment not permitted), and construction of a walkway with a 0-foot side yard setback (2 feet required).

**Current Land Use:** Undeveloped

**Staff**

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

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- 2461 Sheldon Street is an undeveloped corner-lot parcel within a residential context. It is bordered by Frederick Douglass Park to the north and single-family homes in all other directions. The property was developed with a home that was demolished in 2016 which had an area of 996 square feet and a front building line of 18 feet.
- Approval of this variance would allow for construction of a new home built through the LIFT Indy 2021 grant program with 1350 square feet of livable space and a front building line of 26 feet. The site would also be improved with a front porch, rear ADA wood ramp, and parking pad bordering the alley (see site plan within Exhibits). Variances would be required for (a) the proposed front building line (b) encroachment of the home into the required clear-sight triangle and (c) the 0-foot southern side-yard setback of the proposed walkway.

- The required front building line for homes on this block would be within the range of 10 feet to 19.9 feet per frontage design standards found within Table 744-701-2 of the Zoning Ordinance. Although properties within D-5 zoning often utilize a range of 20 feet to 50 feet, since the majority of existing homes (and each of the six homes to the south of the subject site) on this specific block fall within the 10'-19.9' range, Terrace Frontage standards would be applicable. Additionally, the applicable side setback for the walkway would be two (2) feet per Table 744-204-1 of the Ordinance.
- This parcel is zoned D-5 to allow for medium- and large-lot housing formats (primary detached houses) within either new walkable suburban neighborhoods or infill situations in established urban areas. Similarly, the Comprehensive Plan recommends it to the Traditional Neighborhood living typology for a full spectrum of housing types with compact and well-connected development that should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. The Infill Housing Guidelines indicate that corner lots should reflect the context of both blocks when possible and that in instances in which neighboring setbacks differ, new development should build within the existing setback range.
- Full compliance with ordinance standards at this property is difficult given the need for both a front building line of less than 20 feet and requirements related to the clear-sight triangular area. Placement of a home with a compliant front-building line would encroach substantially more into the visual area needed to keep pedestrians and motorists safe, but shifting the home fully outside of that area would increase the disparity of the front building line with neighbors to the south. The applicant's findings also mention that shifting the house further to the east might also impact the placement of the rear parking pad and required 20-foot rear setback for the house.
- Staff notes that the recent addition of a large family center to the park directly north of this property represents a substantial investment that will likely result in an increase in pedestrian activity in this area. Preserving as much of the clear-sight triangle as possible should be of greater importance given this context and a home with a compliant front building line would compromise much more of this area. The currently proposed layout would only have the proposed front porch encroaching into the required clear sight area; the covered open space provided by the porch would afford much greater visibility than would otherwise exist if the building were moved further to the west and enclosed space was placed in the clear-sight area. Additionally, given that the southern walkway would be 10 feet from the closest neighbor and the residence would meet its setback, staff feels the walkway request is minor in nature. Staff recommends approval of the requested variances.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	PK-1 North: Public Park
	South:	D-5 South: Residential
	East:	D-5 East: Residential
	West:	D-5 West: Residential
<b>Thoroughfare Plan</b>		
25 <sup>th</sup> Street	Secondary Arterial	48-foot right-of-way existing and 56-foot right-of-way proposed
Sheldon Street	Local Street	50-foot right-of-way existing and 48-foot right-of-way 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>	09/30/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	10/21/2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	09/30/2024	
<b>Findings of Fact (Amended)</b>	10/25/2024	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Traditional Neighborhood living typology to allow for a full spectrum of housing types with compact and well-connected development that should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. Housing near parks is encouraged.

**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**

- The Infill Housing Guidelines indicate that when neighboring setbacks are different, infill development should build within the 'setback range' created by varied front building lines of adjacent homes. Additionally, on corner sites, building setbacks should reflect the context of both streets.

**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2022CVR831 ; 1616 E 25<sup>th</sup> Street (northeast of site)**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide sidewalks only adjacent to the proposed structure along 25th Street and Ralston Avenue (additional sidewalks required along perimeter of park site based on proposed size of building), **approved**.

**2008HOV011 ; 2361 Sheldon Street (south of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling with a 7.9-foot front setback from East 24<sup>th</sup> Street (minimum 25-foot front setback required), **approved**.

**EXHIBITS**

2024DV2041 ; Aerial Map











**2024DV2041 ; Findings of Fact**

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

Our request for a variance will not alter the proposed use of the site. The project was funded and proposed in partnership with the City of Indianapolis' LIFT Indy 2021 program, and is designed to provide an affordable homeownership opportunity for existing neighborhood residents. The nature of the lot requires that a variance be requested so that a single-family home could be fit onto the lot while still allowing line of sight for drivers on Sheldon St. The addition of a new-construction, owner-occupied property in the neighborhood will provide opportunity for a local family to become homeowners at an affordable rate. The construction would act as an investment into the neighborhood, turning what is now a vacant lot into a property that provides additional tax-base to the city.

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 area is a primarily residential area, zoned D5. The addition of a single-story, single-family residential building will not substantially effect the intended or current uses of the surrounding areas.

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

The back porch is several inches over the rear setback line. Changing this would require a new site plan and building plan, which would create additional expense and difficulties in developing the property to be sellable at an affordable rate.

**2024DV2041 ; Photographs**



Photo 1: Subject Site from West



Photo 2: Subject Site from Northwest

**2024DV2041 ; Photographs (continued)**



Photo 3: Adjacent Property to West



Photo 4: Adjacent Property to North

**2024DV2041 ; Photographs (continued)**



Photo 5: Adjacent Property to South



Photo 6: Front Building Lines of Homes to South