



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 25, 2026

Case Number: 2026-CZN-813 (Amended) / 2026-CVR-813

Property Address: 1127 South East Street

Location: Center Township, Council District #18

Petitioner: Josh Smith

Current Zoning: C-5

Rezoning of 0.12-acre from the C-5 district to the D-8 district to provide for a multi-unit dwelling, consisting of two units.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-unit dwelling, consisting of two units, with encroachment within the clear-sight triangle of Morris Street and East Street (not permitted) and no maximum front setback (19.9 feet maximum permitted).

Current Land Use: Vacant

Staff Recommendations: Approval of the rezoning and variance requests.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the May 14, 2026 hearing, to the June 11, 2026 hearing, and to the June 25, 2026 hearing, at the request of staff to provide additional time to amend the request and send required notice.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning request and the variance request for encroachment within the clear sight triangle of East Morris Street and South East Street. The variance for no maximum front setback should be withdrawn, based on the update site plan, file-dated May 22, 2026.

PETITION OVERVIEW

This 0.12-acre site, zoned C-5, is vacant. It is surrounded by commercial uses to the north, zoned C-5; commercial uses to the south, across East Morris Street, zoned C-5; vacant land to the east, zoned C-5 and commercial uses to the west, across South East Street, zoned C-3.

REZONING

The request would rezone the site to the D-8 district to provide for residential development. “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.”

“To advance the Livability Principles of this Code, the D-5, D-5II, **D-8**, D9 and D-10 districts implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. Street trees, landscape and trees along private frontages, and an active amenity zone create comfortable walking environment and add appeal to neighborhoods. These districts require urban public and community facilities and services to be available. These districts may be used in combination to supply critical mass of residents to support nearby commercial and transit investments.”

The purpose of the Walkable Neighborhood design standards and objectives is to advance the Livability Principles of this code, and to promote walkable neighborhoods. Any exceptions to the standards in the Ordinance, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

The Comprehensive Plan recommends village mixed-use typology for the site.

Recommended land uses in this typology include detached / attached / small- and large-scale-multi-family housing; assisted living facilities / nursing homes; group homes; bed and breakfast; small-scale offices, retailing, and personal or professional services; small- and large- scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; small-scale parks; artisan manufacturing and food production; structured parking; and community farms / gardens.

As proposed, this request would align with the Plan recommendation of village mixed-use that would provide for two attached single-family dwellings within a multi-unit house.

Variance of Development Standards

The request includes encroachment within the clear sight triangle and no maximum front setback. However, the amended site plan, file-dated May 22, 2026, eliminates the need for the no maximum front setback variance because the front setback is now 15.5 feet, which would comply with the Ordinance and would be more consistent with the front setback of the dwellings to the east of this site. Consequently, this variance should be withdrawn.

Staff generally does not support encroachment within the clear sight triangle due to visibility limitations and safety concerns created by the encroachment. However, after consultation with the Department of Public Works Traffic Engineer that included review of the updated site plan, it was determined that the alignment of the signalized intersection of South East Street and East Morris Street (one-way east) and

the relatively wide rights-of-way provide ample and appropriate visibility that does not impede the visibility of travelers at this intersection. Consequently, staff believes this variance is supportable.

GENERAL INFORMATION

Existing Zoning	C-5	
Existing Land Use	Vacant land	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Land Use
North:	C-5	Commercial uses
South:	C-5	Commercial uses
East:	C-5	Vacant land
West:	C-3	Commercial uses
Thoroughfare Plan		
South East Street	Primary Arterial	Existing 88-foot right-of-way and proposed 56-foot right-of-way.
East Morris Street	Primary Arterial	Existing 50-foot right-of-way and proposed 56-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	March 18, 2026	
Site Plan (Amended)	May 22, 2026	
Elevations	March 18, 2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	March 18, 2026	
Findings of Fact (Amended)	May 22, 2026	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Village Mixed-Use typology. The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods,

rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types – Village Mixed-Use Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development

Conditions for All Housing

- Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium).

- Recommended without additional conditions.

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)

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

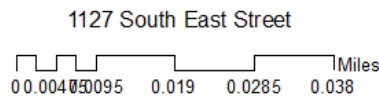
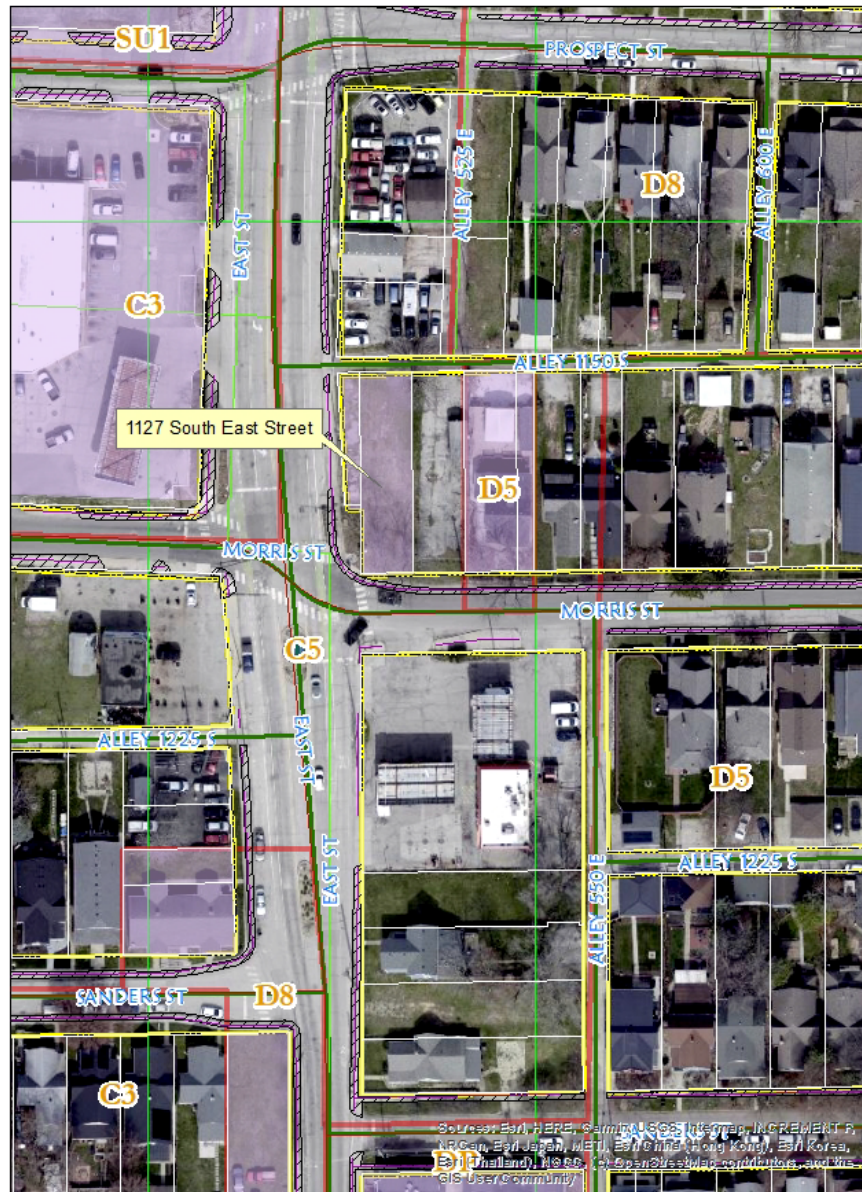
- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

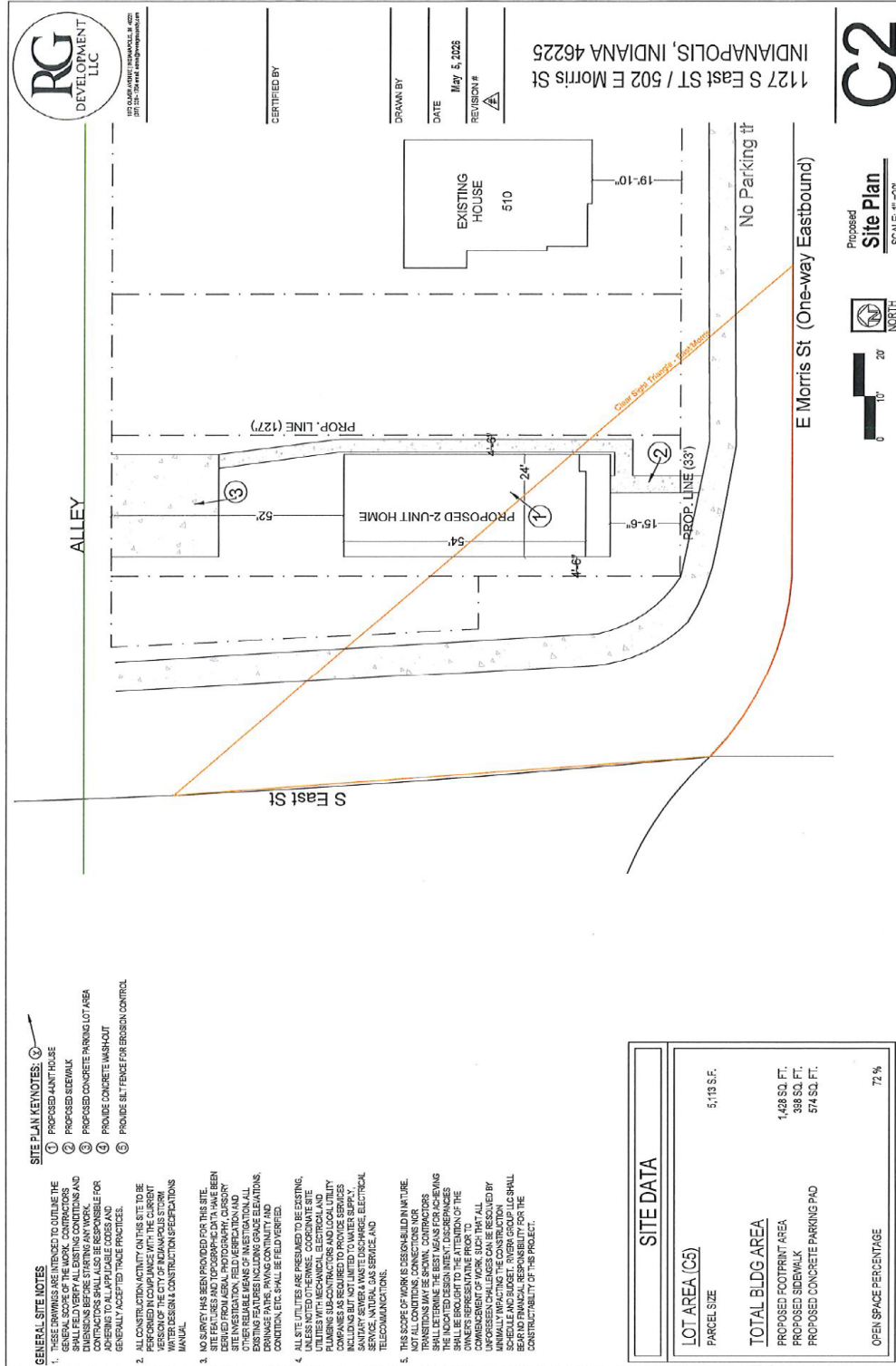


ZONING HISTORY

2017-ZON-016; 1401, 1425, 1441, 1460, 1462, 1464, 1502, 1816 and 1827 South East Street; 828 Beecher Street; 306, 310, 318, 322, 329, 353 and 401 Lincoln Street; 510 East Morris Street; 1538, 1542, 1551 and 1555 South New Jersey Street; 438 Orange Street; 445 and 446 Parkway Avenue, requested rezoning 1.95 acres (comprised of 25 parcels), from the C-1, C-3, C-5 and I-4 districts, to the D-5 classification, approved.

EXHIBITS





SITE PLAN KEYNOTES

- ① PROPOSED MAIN HOUSE
- ② PROPOSED SIDEWALK
- ③ PROPOSED CONCRETE PARKING LOT AREA
- ④ PROVIDE CONCRETE WASHOUT
- ⑤ PROVIDE SET-FENCE FOR EROSION CONTROL

GENERAL SITE NOTES

1. THESE DRAWINGS ARE INTENDED TO OUTLINE THE GENERAL SCOPE OF THE WORK. CONTRACTORS SHALL VERIFY ALL DIMENSIONS AND CONDITIONS BEFORE STARTING ANY WORK. CONTRACTORS SHALL ALSO BE RESPONSIBLE FOR ADHERING TO ALL APPLICABLE CODES AND GENERALLY ACCEPTED TRADE PRACTICES.
2. ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE PERFORMED IN ACCORDANCE WITH THE CURRENT VERSION OF THE INTERNATIONAL RESIDENTIAL WATER DESIGN & CONSTRUCTION SPECIFICATIONS MANUAL.
3. NO SURVEY HAS BEEN PROVIDED FOR THIS SITE. SITE FEATURES AND TOPOGRAPHIC DATA HAVE BEEN DERIVED FROM AERIAL PHOTOGRAPHY, COSMOS 3D, AND OTHER SOURCES. CONTRACTORS SHALL VERIFY ALL OTHER RELIABLE MEANS OF INVESTIGATION ALL EXISTING FEATURES INCLUDING GRADE ELEVATIONS, DRAINAGE PATTERNS, PAVING CONTINUITY AND CONDITIONS, ETC. SHALL BE FIELD VERIFIED.
4. ALL SITE UTILITIES ARE PRESUMED TO BE EXISTING. CONTRACTORS SHALL VERIFY THE LOCATION AND UTILITIES WITH MECHANICAL, ELECTRICAL AND PLUMBING SUB-CONTRACTORS AND LOCAL UTILITY COMPANIES AS REQUIRED TO PROVIDE SERVICES TO THE PROPOSED CONSTRUCTION. CONTRACTORS SHALL VERIFY SEWER, WASTE DISCHARGE, ELECTRICAL SERVICE, NATURAL GAS SERVICE, AND TELECOMMUNICATIONS.
5. THIS SCOPE OF WORK IS DESIGN-BUILD IN NATURE. NOT ALL CONDITIONS, CONNECTIONS NOR UTILITIES ARE SHOWN. CONTRACTORS SHALL DETERMINE THE BEST MEANS FOR ADDRESSING THE INDICATED DESIGN INTENT. DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY UPON DISCOVERY. ANY COMPLETION OF WORK SUCH THAT ALL UNFORSEEN CHALLENGES CAN BE RESOLVED BY CONTRACTORS. CONTRACTORS SHALL BE RESPONSIBLE FOR BEARING NO FINANCIAL RESPONSIBILITY FOR THE CONSTRUCTABILITY OF THIS PROJECT.

SITE DATA	
LOT AREA (CS)	5,118 S.F.
PARCEL SIZE	
TOTAL BLDG AREA	1,428 SQ. FT.
PROPOSED FOOTPRINT AREA	388 SQ. FT.
PROPOSED SIDEWALK	574 SQ. FT.
PROPOSED CONCRETE PARKING PAD	
OPEN SPACE PERCENTAGE	72 %



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:

This proposal will allow building a new 2-family home on a currently vacant lot previously occupied by a used car dealership.

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:

By granting this variance, a new home will be built on a vacant lot increasing the value of the surrounding area by eliminating one more vacant parcel.

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

This lot imposes a hardship by nature of its location and the current ordinance standards. Without this variance is not possible to build a home while meeting the maximum front setback and while keeping clear of the zoning clear sight triangle. This variance allows a compromise of both maximum front setback and clear sight triangle standard.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



View of site looking east across South East Street



View of site looking southeast across intersection of South East Street and East Morris Street



View of site looking northeast across South East Street



View of site looking north across East Morris Street



View of site looking northwest across East Morris Street



View looking west across intersection of South East Street and East Morris Street