

BOARD OF ZONING APPEALS DIVISION II

July 9, 2024

Case Number: 2024-DV2-024
Property Address: 2415 & 2427 North Rural Street (approximate address)
Location: Center Township, Council District #8
Petitioner: Martindale Brightwood Community Development Corporation, by Susie Wilson
Current Zoning: D-5
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for subdivision of two lots, to build a duplex on each lot, resulting in lot widths of eight and 22 feet (60-foot lot widths required) and a total lot area of 4,065 square feet (7,200 square feet of lot area required), with each duplex providing four-foot north and south side yard setbacks (five feet required).
Current Land Use: Partially Constructed Two-Family Dwellings
Staff Recommendations: Staff recommends **approval** of the request.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This petition is scheduled for initial hearing on July 9, 2024, before Division II of the Board of Zoning Appeals.

STAFF RECOMMENDATION

Staff recommends **approval** of the request.

PETITION OVERVIEW

- The variance petition 2024DV2003 approved the construction of Two-Family Dwellings at 2415 and 2427 N Rural Street (the subject sites) with 30-foot wide lots, containing total lot areas of 4,065 square feet and parking pads with three-foot southern side yard setbacks. The site plans provided along with that variance application indicated compliant side setbacks of 5 feet and made no mention of subdivision of the lots.
- An application to replat these parcels for individual sale with lot widths of 22 feet and 8 feet is currently scheduled for hearing on July 10th, 2024, and the preliminary plat shows side setbacks of four feet. These deficient lot widths and setbacks were not included within the original grant of this variance, so a new petition including that variance has been filed to facilitate approval of 2024PLT028. All other development standards are met or previously addressed by 2024DV2003.

- The Land Use Pattern Book recommends Traditional Neighborhood development. Specifically, Two-Family Dwellings are encouraged to be located on corner lots, or along a block, so long as they do not comprise greater than 25% of the primary buildings. While there are multi-family structures in the area, the request would represent the only two two-family dwellings along this portion of the 2400 block of North Rural Street. Therefore, the request would comply with the Land Use Pattern Book.
- The Infill Housing Guidelines is a component of the overall Marion County Comprehensive Plan that advises residential infill development, with particular regard to site configuration and aesthetic considerations. These guidelines specifically emphasis vicinity context regarding setbacks, building orientation, building spacing, massing, open space, and landscaping. After review of the filed site-plan, Staff has determined that the request complies with these guidelines and does not propose any deviation.
- Staff would note that this portion of Martindale Brightwood is bound by institutional uses to the west, including religious uses, a juvenile detention center and a court facility. Enterprise Park, an industrial integrated center, is also located directly to the southwest, and I-70 is located directly south. Staff believes this proximity to such uses establishes the immediate area as a transitional buffer, and that increased density would be appropriate.
- In addition, Staff believes this increased density advances the Livability Principles of the Ordinance, specifically to promote equitable, affordable housing through the introduction of four new dwelling units; and enhancing economic competitiveness by providing increased housing stock near employment centers. For these reasons, staff would have no objection to approval of the request to allow for subdivision of Lots 13 and 16 to allow for lot widths of 22 feet and 8 feet.
- Side setback requirements exist to maintain uniform and visually appealing spacing between houses while maintaining adequate space for maintenance. The side setback shown on the site plan from the initial variance was a compliant five feet, but the plat document shows a 4-foot separation. Staff feels that this would be a minor deviation from ordinance standards that would still allow room for maintenance and fireproofing without violating the basic tenets of the Infill Housing Guidelines and would recommend approval of the side setback request as well.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Partially Constructed Two-Family Dwellings	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Undeveloped Lots & Single-Family Dwellings
South:	D-5	South: Undeveloped Lots & Single-Family Dwellings
East:	D-5	East: Single-Family Dwellings
West:	D-5	West: Single-Family Dwellings
Thoroughfare Plan		
Rural Street	Local Street	60-feet existing and 48-feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 23, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	May 23, 2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Land Use 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.



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

- Two-Family Dwellings are encouraged to be located on corner lots, or along blocks where no more than 25% of the primary residential structures comprise of Two-Family Dwellings. Side setbacks should match the existing context of surrounding properties on the block.

Indy Moves

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

- Not Applicable to the Site

ZONING HISTORY

ZONING HISTORY – SITE

2024DV2003, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling on each lot, both with 30-foot lot widths and lot areas of 4,065 square feet (minimum lot width of 60 feet and area of 7,200 square feet required), each with a parking pad with a three-foot south side yard setback (five-foot side yard setbacks required), **approved**.

ZONING HISTORY – VICINITY

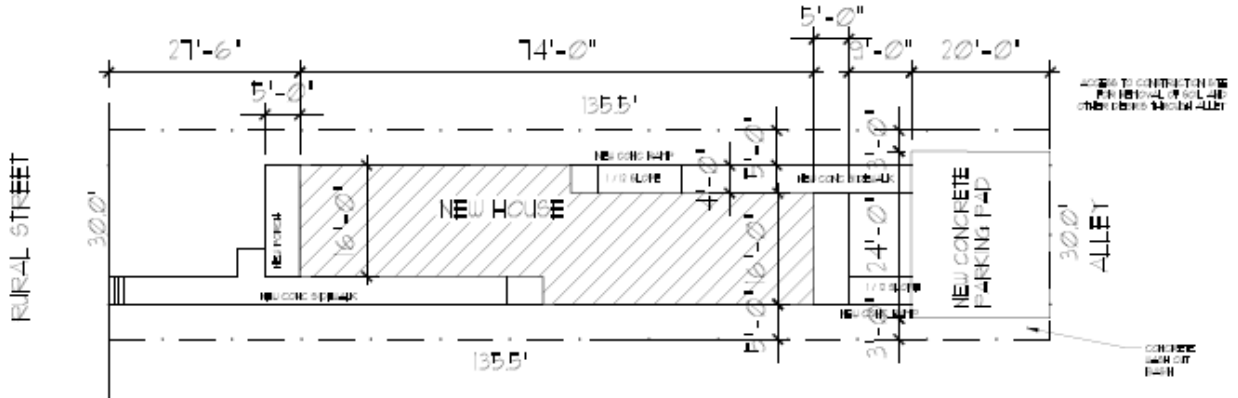
2023DV3012 ; 2411 N Rural Street (south of site), (Amended) Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on a 30-foot-wide lot with an area of 4,050 square feet (minimum 60-foot lot width, minimum 7,200 square foot lot area), with an eight-foot lot width for proposed plat of Lot 17A and a 22-foot lot width for proposed plat of Lot 17B, **approved**.

EXHIBITS

2024DV2024 ; Aerial Map

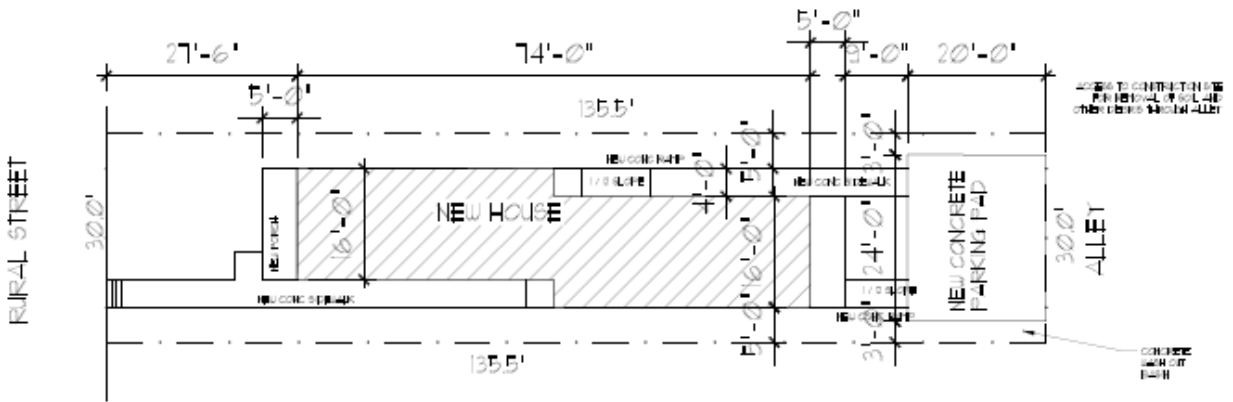


2024DV2024 ; Site Plan 2415 N Rural



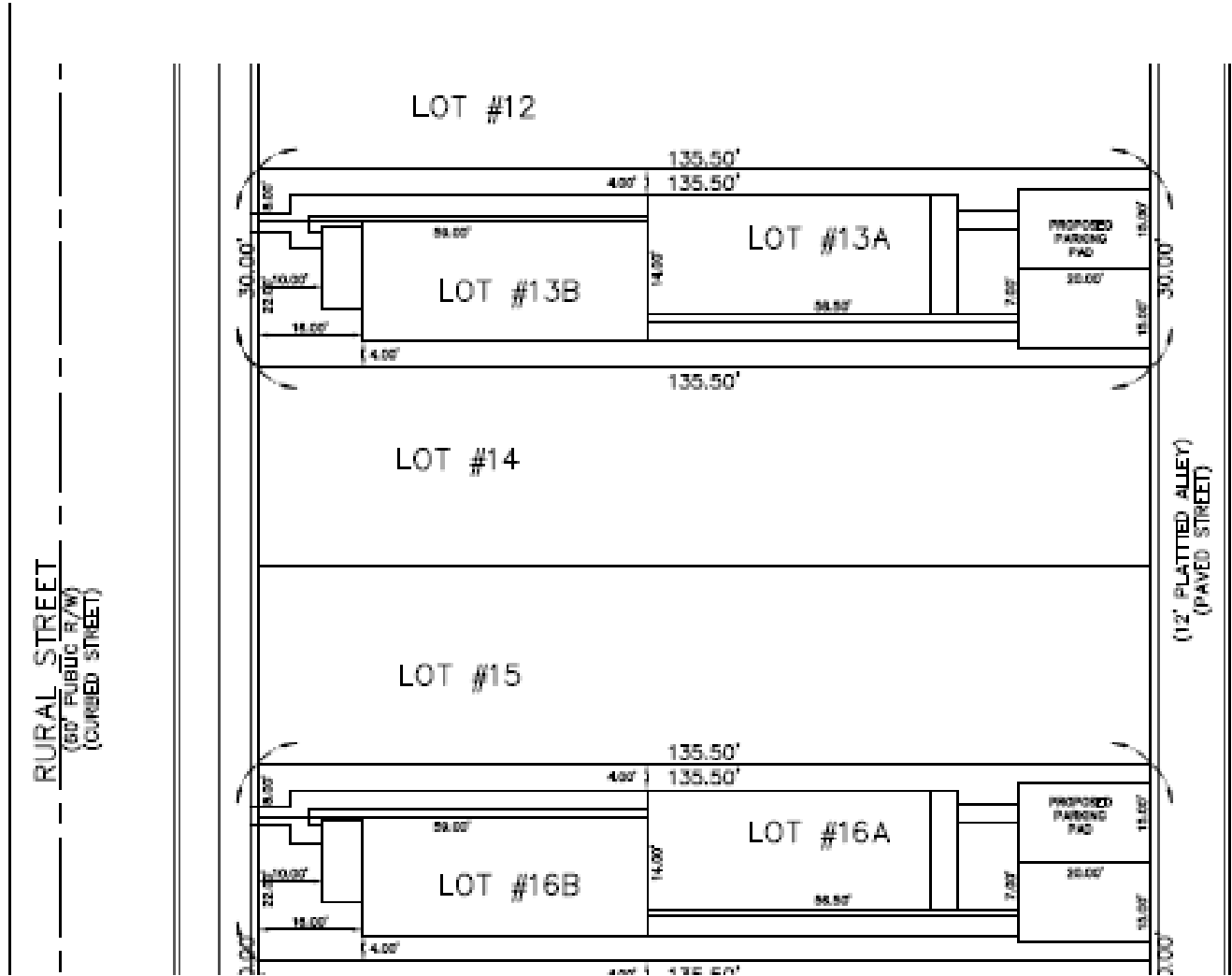
SITE PLAN
 SCALE 1" = 10'-0"

2024DV2024 ; Site Plan 2427 N Rural



SITE PLAN
 SCALE 1" = 10'-0"

2024DV2024 ; Proposed Plat with 22-foot and 8-foot Widths





2024DV2024 ; Findings of Fact

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

Proposed plans for development on this site would not be injurious to any property adjacent. The request for 2 family dwellings would benefit and provide a new overall facade to the existing area.

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:

This petition is within the single family dwelling development plan for the area. Petitioning for this approval will give access to provide affordable housing for residents within the community.

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

This project was approved and issued permits to begin construction and has such begun construction of these dwellings. Plan review for additional projects, the matter was brought to attention of the development requirements for the parcel and as such, the petition is necessary to obtain proper approval to continue with completion of these parcels.

2024DV2024 ; Photographs



Photo 1: 2415/2417 N Rural Viewed from Across Street to West



Photo 2: 2415/2417 N Rural Viewed from West

2024DV2024 ; Photographs (continued)



Photo 3: 2427/2429 N Rural Viewed from Across Street to West



Photo 4: 2427/2429 N Rural Viewed from West

2024DV2024 ; Photographs (continued)



Photo 5: Both Structures Viewed from West



Photo 6: Existing Community Garden Site Between Structures