



Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

January 9, 2025

Case Number: 2024-CZN-849 (Amended) / 2024-CVR-849
Property Address: 1629 Deloss Street (approximate address)
Location: Center Township, Council District #18
Petitioner: Abolaji Oladipupo
Current Zoning: I-2
Rezoning of 0.08-acre from the I-2 district to the D-5 classification to legally establish a detached single-family dwelling.
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an expansion of an existing detached single-family dwelling, with a zero-foot east side yard setback (minimum five-foot side yard setback required).
Current Land Use: Single-family dwelling
Staff Recommendations: Approval
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENUM FOR JANUARY 9, 2025 HEARING EXAMINER

This petition was continued from the December 12, 2024 hearing to the January 9, 2025 hearing at the request of staff to allow the petitioner additional time to mail out new notices since there was insufficient mailed notice previously provided.

The petitioner submitted an amended petition form to the case file to rezone the site to the D-5 district instead of the D-5II district as recommended by staff.

Staff now **recommends approval** of the rezone petition as amended and the variance request.

December 12, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the requests as submitted.

Staff would **recommend approval** if the site was rezoned to the D-5 district instead of D-5II.

PETITION OVERVIEW

LAND USE

The 0.08-acre subject site is developed with a single-family dwelling located in the Fountain Square Neighborhood. It is surrounded by single-family dwellings to the west and east, zoned I-2, single-family dwellings to the south, zoned D-5, and an industrial property to the north, zoned I-2.

REZONING

This petition would rezone this site from the I-2 district to the D-5II district.

The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.

The D-5II district is intended for small-lot housing formats, primarily for small, detached houses, but also including a mix of small-scale multi-unit building types. This district can be used for new, walkable suburban neighborhoods or for infill situations in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood or Traditional Neighborhood Typologies of the Land Use Pattern Book.

VARIANCE OF DEVELOPMENT STANDARDS

The request would allow for an expansion of a single-family dwelling with a zero-foot east side yard setback.

Per Table 742.103.03 – Residential Building Type Standards, the D-5II district requires a minimum three-foot side yard setback.

STAFF ANALYSIS

Staff determined that the rezoning to the D-5II would not be supportable at this location.

An approval to the D-5II district would create a precedent for additional rezonings to the D-5II district along this section of residential housing that is currently zoned I-2. To prevent spot zoning and the possibility of row house development in the immediate area that would not align with the context of the surrounding neighborhood or the Infill Housing Guidelines, staff cannot support the request as submitted.

Instead, staff would support a rezoning to the D-5 district because it would allow for the continued residential use of the site to be permitted in line with the context of the surrounding area and historical residential use of the site per an 1898 Sanborn Map. The D-5 dwelling district would be more appropriate for the site due to the bordering D-5 district to the south and would align with the traditional neighborhood recommendation of the Comprehensive Plan.

The existing single-family residential use with the proposed second story and rear building addition would be permitted in the D-5 district and would require a five-foot side yard setback. Because the request is for a zero-foot side yard setback, the deviation from the D-5 development standard would be a slight deviation in staff's opinion.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Single-family dwelling	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	I-2	Industrial
South:	I-2	Residential (Single-family dwellings)
East:	I-2	Residential (Single-family dwellings)
West:	D-5	Residential (Single-family dwellings)
Thoroughfare Plan		
Deloss Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes]	
Wellfield Protection Area	No	
Site Plan	November 14, 2024.	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	November 14, 2024.	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Blue Line Transit-Oriented Development Strategic Plan (2018)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development of the site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.
 - Should be within a one-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.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - 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.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- **Detached Housing**
 - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
 - Secondary units are encouraged.
 - Lots should be no larger than one and a half times the adjacent lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Blue Line Transit-Oriented Development Strategic Plan (2018).
- The site is located a ½ mile from the nearest transit station at Arsenal Avenue and Washington Street. It is classified as a District Center typology that promotes a dense mixed-use hub for multiple neighborhoods with tall buildings with minimum of three stories at core with no front or side setbacks, multi-family housing with a minimum of five units and structured parking only with active first floors.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
 - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
 - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
 - **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
 - **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and

other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.

- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

Zoning History - Vicinity

2010-HOV-012; 1656 English Avenue (southeast of site), Variance of development standards of the Commercial Zoning Ordinance to provide for three residential units with two off-street parking spaces (five off-street parking spaces required), **approved**.

2005-ZON-129; 1656 English Avenue (southeast of site), Rezoning of 0.07 acre, being in the D-5 District, to the C-3C classification to provide for commercial and residential uses, **approved**.

2004-UV3-030; 1641 Deloss Street (east of site), Variance of use of the Industrial Zoning Ordinance to provide for an off-site automobile storage lot for an automobile sales facility (not permitted), **granted**.

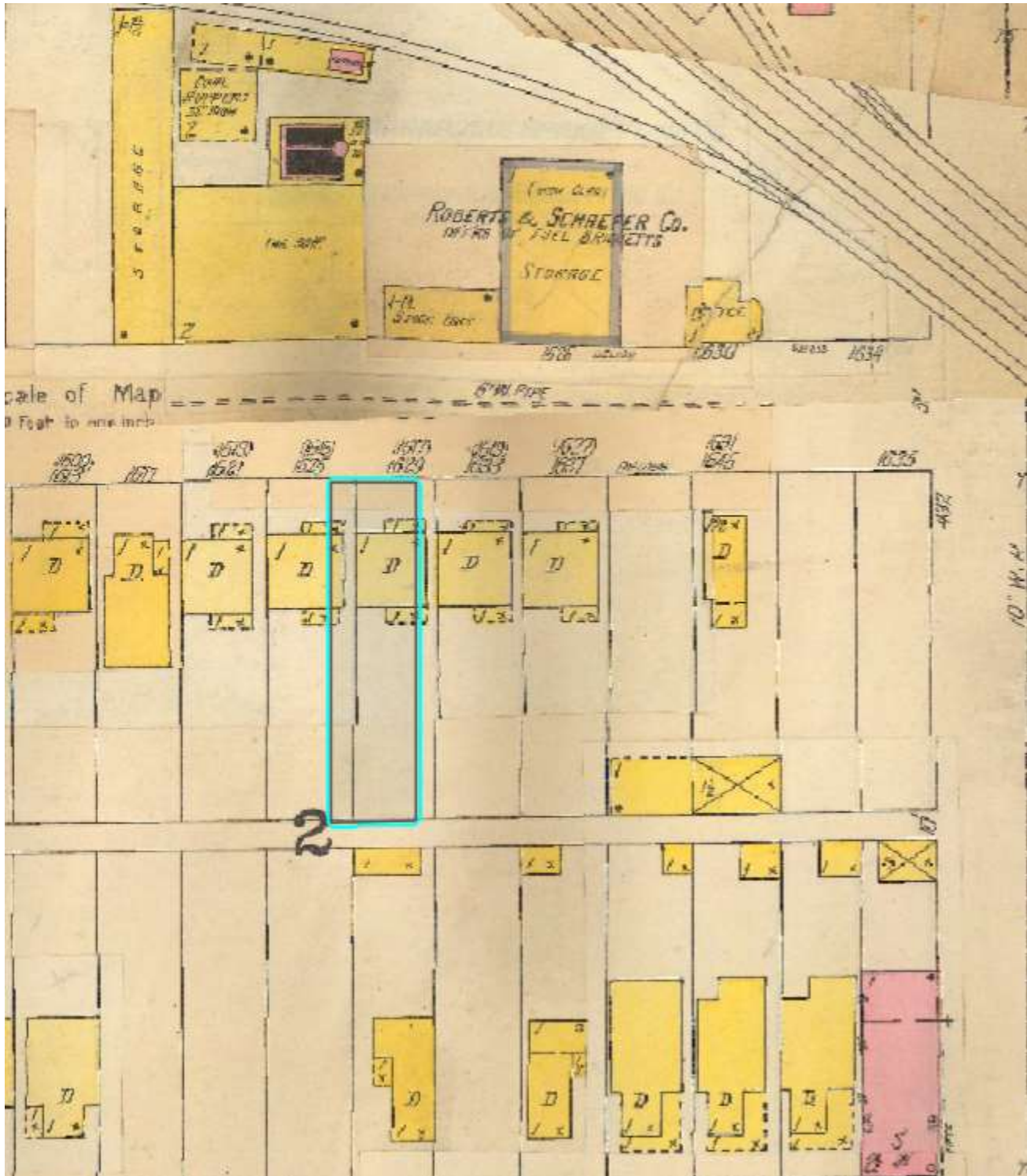
2003-ZON-103; 1641 Deloss Street (east of site), Rezoning of 0.567 acre from the I-2-U District to the C-ID District to provide for new and used vehicle storage, **withdrawn**.

88-UV1-70; 1604 Deloss Street (northwest of site), Variance of use of the Industrial Zoning Ordinance to provide for the recycling and smelting of nonferrous metals and aluminum, **granted**.

84-V2-97; 1607 Deloss Street (west of site), Variance of development standards of the Industrial Zoning Ordinance to provide for a building addition to an existing machine shop within the required rear and side yards and without the required maneuvering space for off-street loading, **granted**.

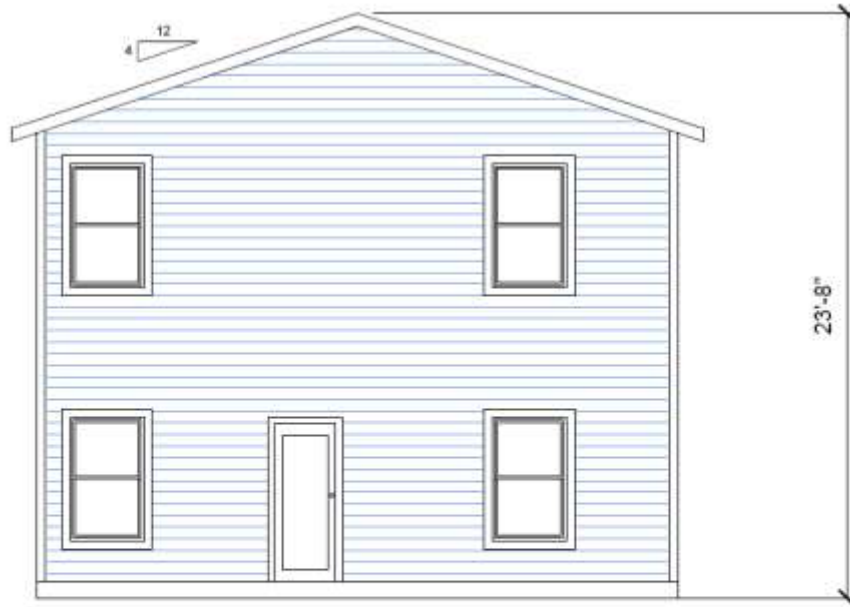
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1898 SANBORN MAP



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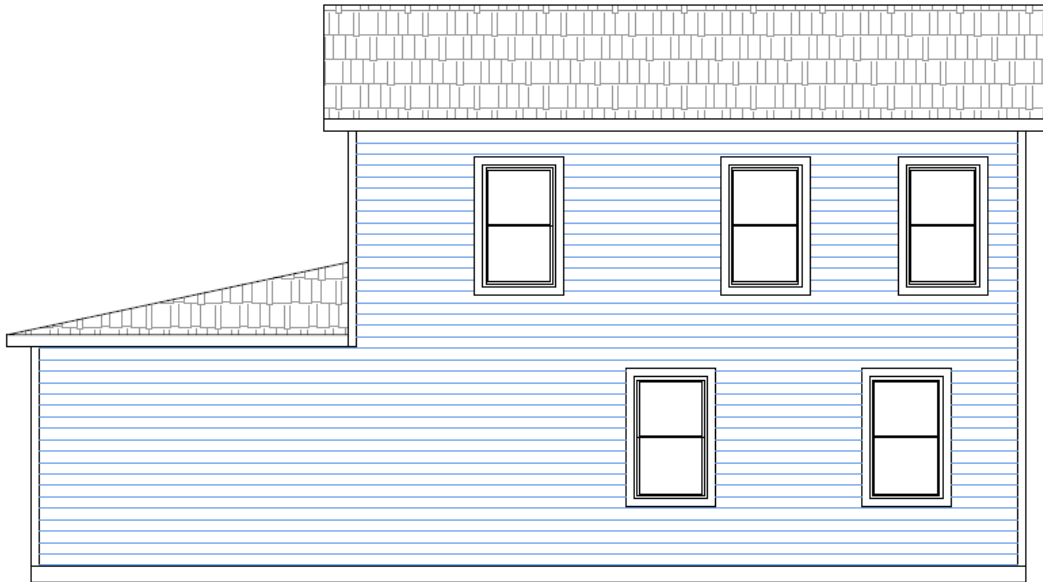




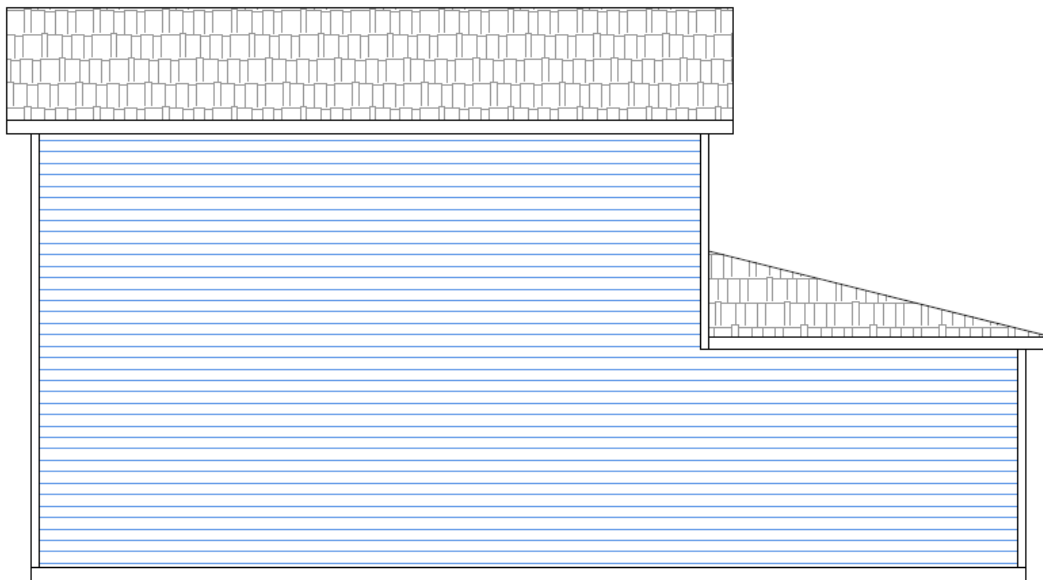
1 NORTH ELEVATION
 3/16" = 1'-0"



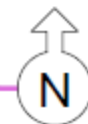
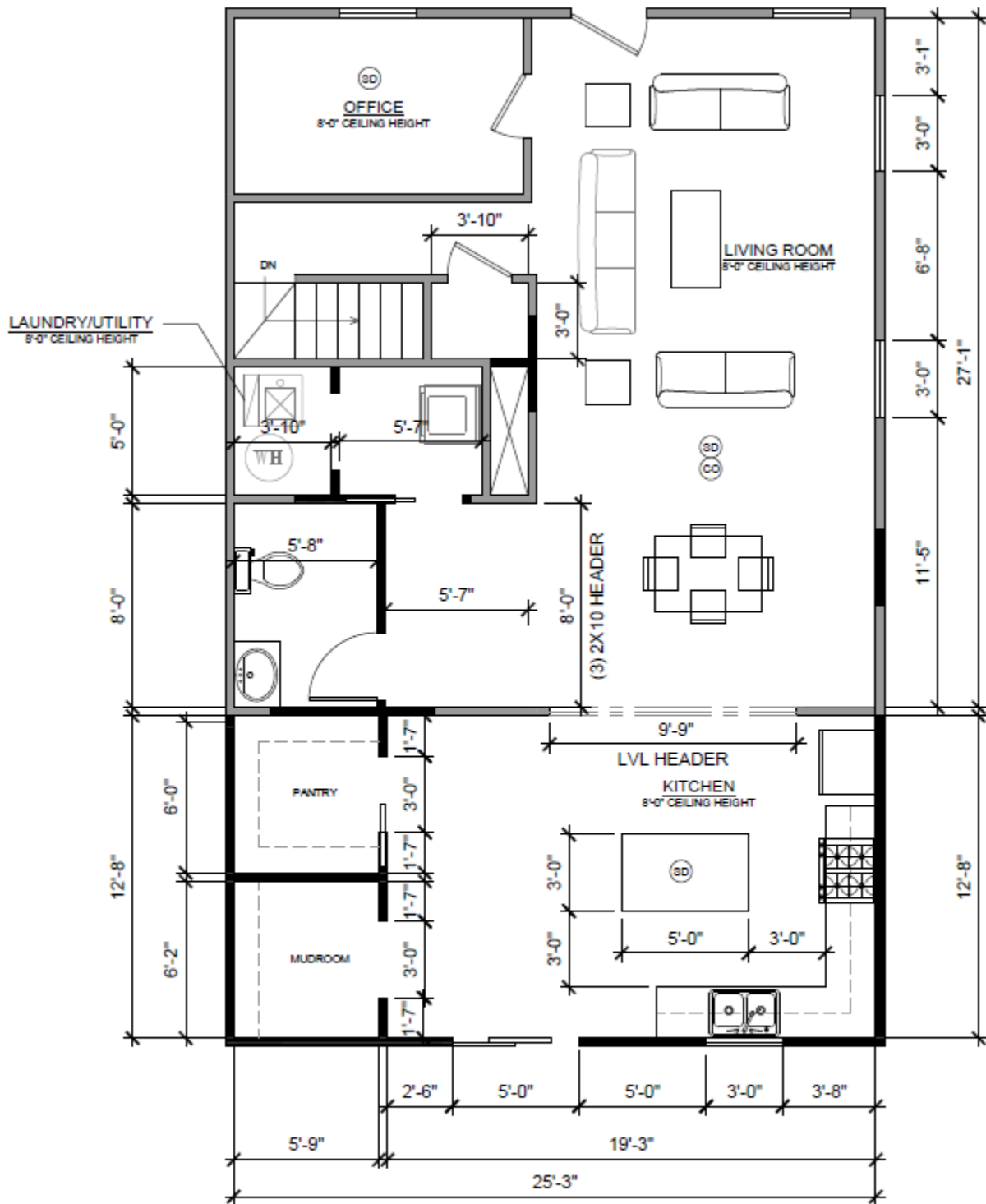
1 SOUTH ELEVATION
 3/16" = 1'-0"

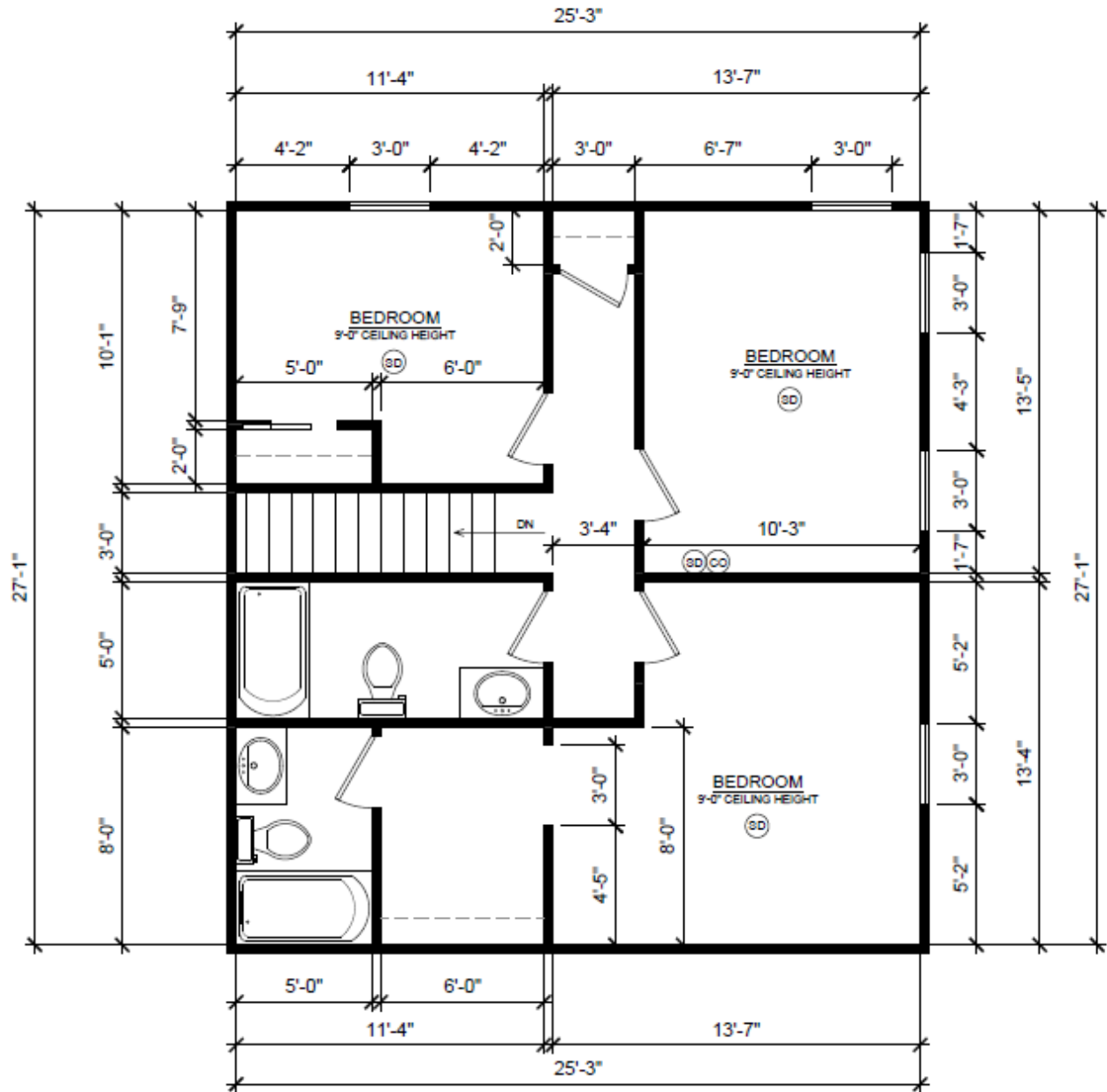


1 EAST ELEVATION
3/16" = 1'-0"



1 EAST ELEVATION
3/16" = 1'-0"





2

SECOND FLOOR PLAN

3/16" = 1'-0"



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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:

the property is intended to be used as residential for dwelling purpose. At least 5 lots on Deloss street have been remodeled as residential for dwelling purpose and none have injure the public health, safety, morals and general welfare of the community.

The existing building has 15'-0" front setback, 3'-10" west side setback, 64'-3" rear setback and 0' east side setback.

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 approval will be consistent with the character of the area. At least 5 lots on Deloss street have been remodeled for residential dwelling.

Facing the property, the parcel lot on the left has buffering setback, while the parcel lot on the right is currently vacant.

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

the strict application of the terms of the zoning ordinance would prohibit the expansion of the existing parcel building.

DECISION



Photo of the existing single-family dwelling on the subject site.



Photo of the rear yard where the proposed addition will be located.



Photo of the single-family dwellings east of the site.



Photo of the single-family dwellings west of the site.



Photo of the industrial site to the north of the subject site.