

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number: 2026-DV1-027

Property Address: 330 North Arsenal Avenue (approximate address)

Location: Center Township, Council District #13

Petitioner: 330 N Arsenal Ave LLC, by Alltrue Construction LLC

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a deck and stairs to protrude 4 feet into the required corner side yard setback (8-foot corner side setback required).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** of the variance.

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This case was previously continued from the July 7th, 2026, BZA I hearing to the August 4th, 2026, BZA I hearing due to an affidavit of notice not being on file. Said affidavit is now on file.

STAFF RECOMMENDATION

Staff recommends **approval** of the variance.

PETITION OVERVIEW

- 330 North Arsenal Avenue is a duplex on the southwest corner of Arsenal Avenue and New York Street. While it is unclear as to when exactly this property became a duplex, property record cards indicate the structure has been on the property since around 1900.
- The property is zoned D-8 as are properties to the north and west. Properties to the south and east are zoned D-5.
- The petitioner is requesting a variance to allow for a deck and stairs to encroach into 4 feet into the required 8-foot corner side setback.
- Under current Ordinance standards, the minimum lot width for a duplex is required to be 60 feet. This duplex, which predates those standards, is on a lot roughly 38 feet wide. This deficient lot width limits the amount of buildable space available to the petitioner. The petitioner has 22 feet less space to work with.
- Staff will note that these stairs are an important secondary means of ingress and egress and the stairs, as constructed, still leave room to walk alongside the house if needed. Furthermore, the

house is separated from the multi-use path by a retaining wall. The stairs exit into the rear yard as opposed to onto the multi-use path and the retaining wall adds an element of visual separation between the stairs and the path. Staff has also confirmed that the stairs do not impact the clear sight triangle.

- Based on the existing lot's deficient width making it difficult to meet duplex development standards, the fact that the stairs do not cause conflicts with pedestrians and bikers using the multi-use path, and as there are no clear sight triangle concerns, staff recommends approval of this petition.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-8	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-8	West: Residential
Thoroughfare Plan		
New York Street	Primary Arterial	50-foot existing right-of-way and 78-foot proposed right-of-way
Arsenal Avenue	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/11/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/11/2026	
Findings of Fact (Amended)	N/A	

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book assigns this property the “Traditional Neighborhood” living typology. This 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

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)

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

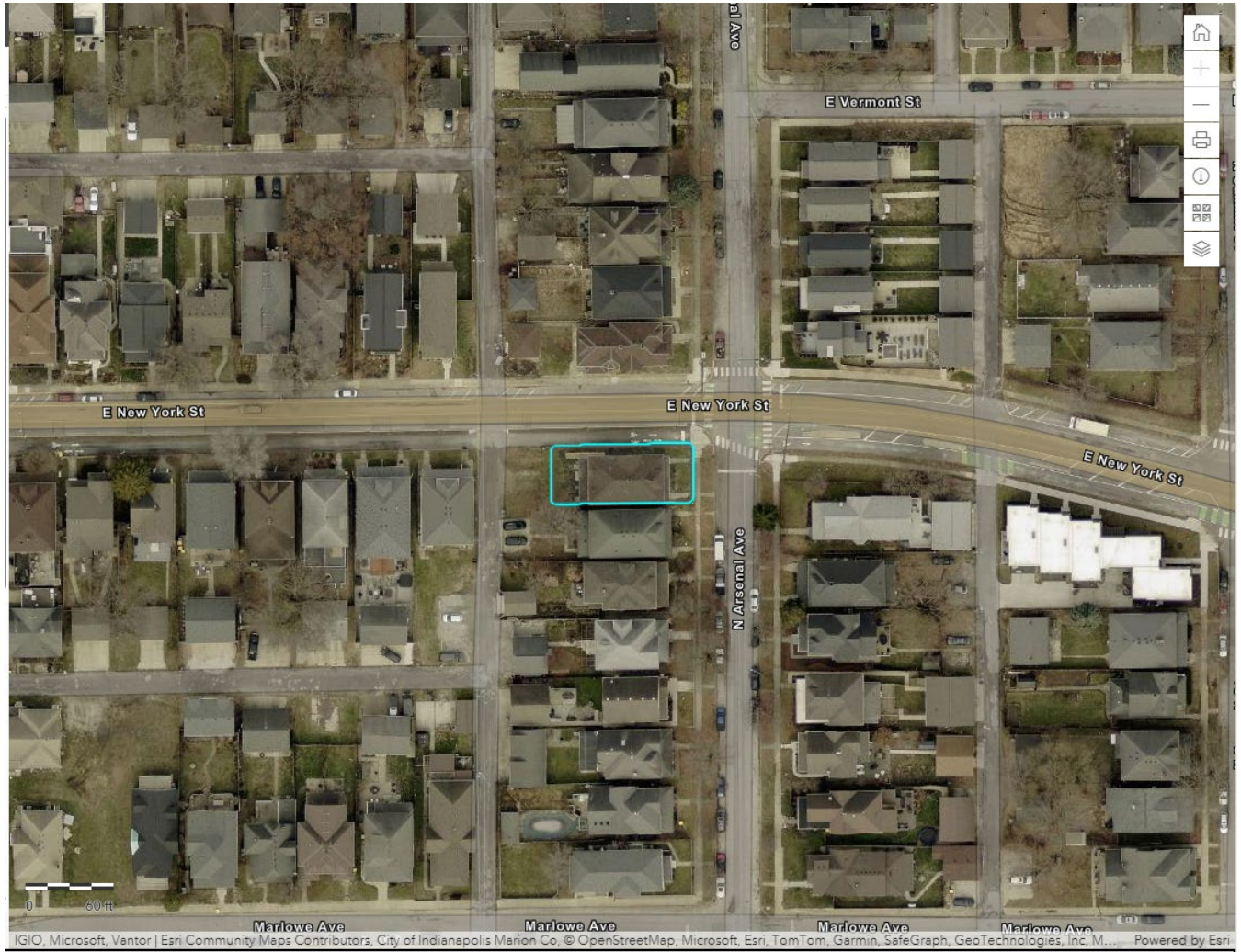
ZONING HISTORY – VICINITY

96-UV2-79; 1421 East New York Street (west of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a staircase with a 1-foot side yard setback, **approved subject to conditions.**

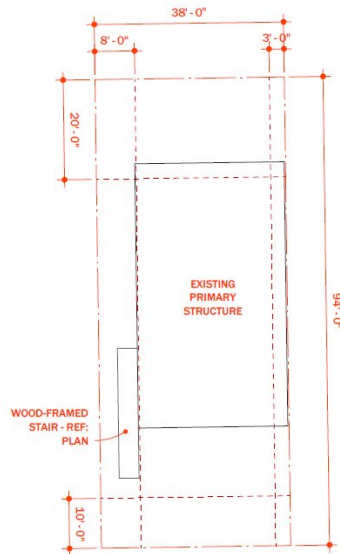
2000-UV2-023; 1430 East New York Street (northwest of site), Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish an off-site parking lot (not permitted) associated with a multi-family dwelling, **denied.**

EXHIBITS

2026DV1027; Aerial Map



2026DV1027; Site Plan



ZONING: D-8 DISTRICT
 SETBACKS:
 - FRONT: 20'
 - SIDE: 3'
 - SIDE: 8' (CORNER)
 - REAR: 10'
 MAX HEIGHT:
 - 2.5 STORIES
 - 35 FEET
 OPEN SPACE REQ'D:
 - 20%

1,720 SF LOT COVERAGE
 3,567 SF LOT SIZE
 ~52% OPEN SPACE

- NOTE:
- Contractor shall maintain debris removal to the work site.
 - Material staging and delivery shall be maintained on work site.
 - Existing drainage patterns shall be maintained. No modifications to existing drainage patterns or systems.



2 Site Plan
 SCALE: 1/16" = 1'-0"

1 Vicinity Map
 SCALE: 1" = 160'-0"

2026DV1027; Findings of Fact

1. There exists a good and sufficient cause for the requested variance because:

It will allow for adequate egress from the second floor. It will improve health and safety of the residence of the subject property.

2. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant because:

It will prevent free enjoyment of the subject property.

3. The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with other applicable laws or ordinances because:

The property sits in an area that has no active flood plane and the variance will not change any drainage from the property.

2026DV1027; Photographs



Photo 1: Subject site (partially obstructed by tree) as seen from Arsenal Avenue

2026DV1027; Photographs (continued)



Photo 2: Close-up subject site from corner of Arsenal Avenue and New York Street

2026DV1027; Photographs (continued)



Photo 3: View of stairs seen from multi-use path on New York Street looking west.

2026DV1027; Photographs (continued)



Photo 4: Another view of stairs from rear of property