



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

July 11, 2024

Case Number: 2024-CVR-821 / 2024-CPL-821

Property Address: 815 Grove Street

Location: Center Township, Council District #18

Petitioner: 815 Grove, LLC, by Paul J. Lambie

Current Zoning: D-8 (TOD)

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on proposed Lot One, with a seven-foot front setback along Hosbrook Street (front setback ranging from 10 feet to 19.9 feet required), a 3.5-foot corner side yard setback from Grove Avenue (minimum 8 feet required) and to legally establish an existing single-family dwelling on proposed Lot Two with deficient setbacks.

Request:

Approval of a Subdivision Plat to be known as Replat of Lot 362 in Fletcher Stone, Witt, Taylor and Hoyt's Subdivision, subdividing 0.10-acre into two lots including a vacation of a portion of the abutting alley, along the northeast portion of proposed Lot Two, ranging from 2.59 feet to 3.19 feet in width (irregular-shaped), from a point 2.87 feet southeast of the right-of-way of Grove Avenue, southeast 33.03 feet, with a waiver of the assessment of benefits.

Current Land Use: Single-family dwelling

Staff Recommendations: Approval, subject to the commitments and conditions noted below:

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on these petitions.

STAFF RECOMMENDATION

Approval of the variance request, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

Staff recommends that the Hearing Examiner approve and find that the plat, file-dated July 27, 2023, complies with the standards of the Subdivision Regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the plat.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner final plat.

PETITION OVERVIEW

This 0.101-acre site, zoned D-8, is developed with a single-family dwelling. It is surrounded by park to the north, zoned PK-1; a hostel to the south, across Hosbrook Street, zoned MU-1; a single-family dwelling to the east zoned D-8 and a single-family dwelling to the west, across Grove Avenue, zoned D-8.

VARIANCE

This request would provide for the construction of a single-family dwelling on Lot 1 with reduced setbacks, including a seven-foot front setback along Hosbrook Street when the required setback ranges from 10 feet to 19.9 feet and a 3.5-foot corner side yard setback along Grove Avenue when the Ordinance requires a minimum of eight feet.

Because the proposed reduced setbacks would be similar to those in the surrounding neighborhood staff supports the request. Staff would note that despite the reduced corner side yard setback there is no encroachment into the clear sight triangle.



**Department of Metropolitan Development
Division of Planning
Current Planning**

The existing dwelling on proposed Lot 2 includes a portion of the existing structure that crosses onto the neighboring lot to the southeast. The proposed site plan indicates that this portion of the structure would be demolished.

Staff also supports the deficient setbacks of the existing building because the dwelling has existing for at least 126 years and obviously development standards did not likely exist at the time it was constructed.

PLAT / VACATION

The plat would subdivide the subject site into two lots. The two lots are proposed for two single-family dwellings. The dwelling on Lot 1 would front on Hosbrook Street and the dwelling on Lot 2 would front on Grove Street. Lot 1 would meet the lot area and width requirements for a detached house on a compact lot, but lot area of Lot 2 would be deficient by 546 square feet. Because of the existing dwelling a variance for the lot area would not be necessary but if the existing dwelling would be demolished and new development would occur, a variance for a deficient lot area would be required.

Staff would note that two dwellings existed on this parcel in 1898 so the proposed plat and site plans would be consistent original development of this parcel of land.

Traffic / Streets

Because this is a corner Lot 1 would front on Grove Avenue and Hosbrook Street, with a side yard on Grove Avenue. Lot 2 would front on Grove Avenue. No new streets are proposed as part of this petition.

Vacation / Waiver of Benefits

The existing dwelling encroaches into the abutting alley to the northeast. The area of encroachment is irregular and minor, ranging from a 2.59 - 3.19-foot width and 33.3 feet long. This encroachment has existed since at least 1898 according to the Sanborn Map. Consequently, staff supports the vacation as well as the waiver of the benefits.

Sidewalks

Sidewalks are required and are existing on Grove Avenue and Hosbrook Street. Any damage to the existing infrastructure during development of the site, including sidewalks, would need to be replaced or repaired in compliance with the Department of Public Works standards.

Connecting sidewalks between dwellings and the public sidewalk should be provided. The site plan for the dwelling on Lot 1 would propose a connecting sidewalk, but a sidewalk from the existing dwelling on Lot 2 to the public sidewalk should be provided.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Single-family dwelling	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	PK-1 Park
	South:	MU-1 Hostel
	East:	D-8 Single-family dwelling
	West:	D-8 Single-family dwelling
Thoroughfare Plan		
Grove Avenue	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Hosbrook Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Transit Oriented Development	
Wellfield Protection Area	No	
Site Plan	May 3, 2024, and May 16, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	May 3, 2024, and June 13, 2024	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive for Indianapolis and Marion County (2018) is a long-term vision for how Indianapolis and Marion County grows and develops as a healthy, inclusive, resilient, and competitive city.

- The Comprehensive Plan recommends Traditional Neighborhood typology. “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.”

Pattern Book / Land Use Plan

The Marion County Land Use Plan Pattern Book (2019)

The Comprehensive Plan consists of two components that include the Pattern Book 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 – Traditional Neighborhood 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.
- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - 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.
 - 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 (defined as detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership).*
 - 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.
- *Modified Uses – Transit-Oriented Development Overlay*
 - Removed Uses
 - Detached Housing - Where detached housing already exists, secondary units are encouraged. Detached housing is not recommended as new development
 - Large-Scale Schools, Places of Worship, Community-Serving Institutions/Infrastructure, and Other Places of Assembly
 - Community Farms/Gardens

Red Line / Blue Line / Purple Line TOD Strategic Plan

The Red Line Transit-Oriented Development Strategic Plan (2021)

This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

This site is located within a ½ and ¼ -mile walk of transit stops located at the intersection of Merrill Street and Virginia Avenue (Fletcher Place) and the intersection of Woodlawn Avenue and Virginia Avenue (Fountain Square), both with a District Center typology.

District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

Characteristics of the District Center typology are:

- Minimum of 3 stories at core with no front or side setbacks
- Multi-family housing with a minimum of 5 units
- Structured parking only with active first floor

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

Infill Housing Guidelines (2021)

The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”

These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

“As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

Because no elevations were submitted for review to confirm that the proposed dwelling would architecturally be compatible and harmonious with the surrounding land uses and neighborhood character, staff would request that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

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 describes 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

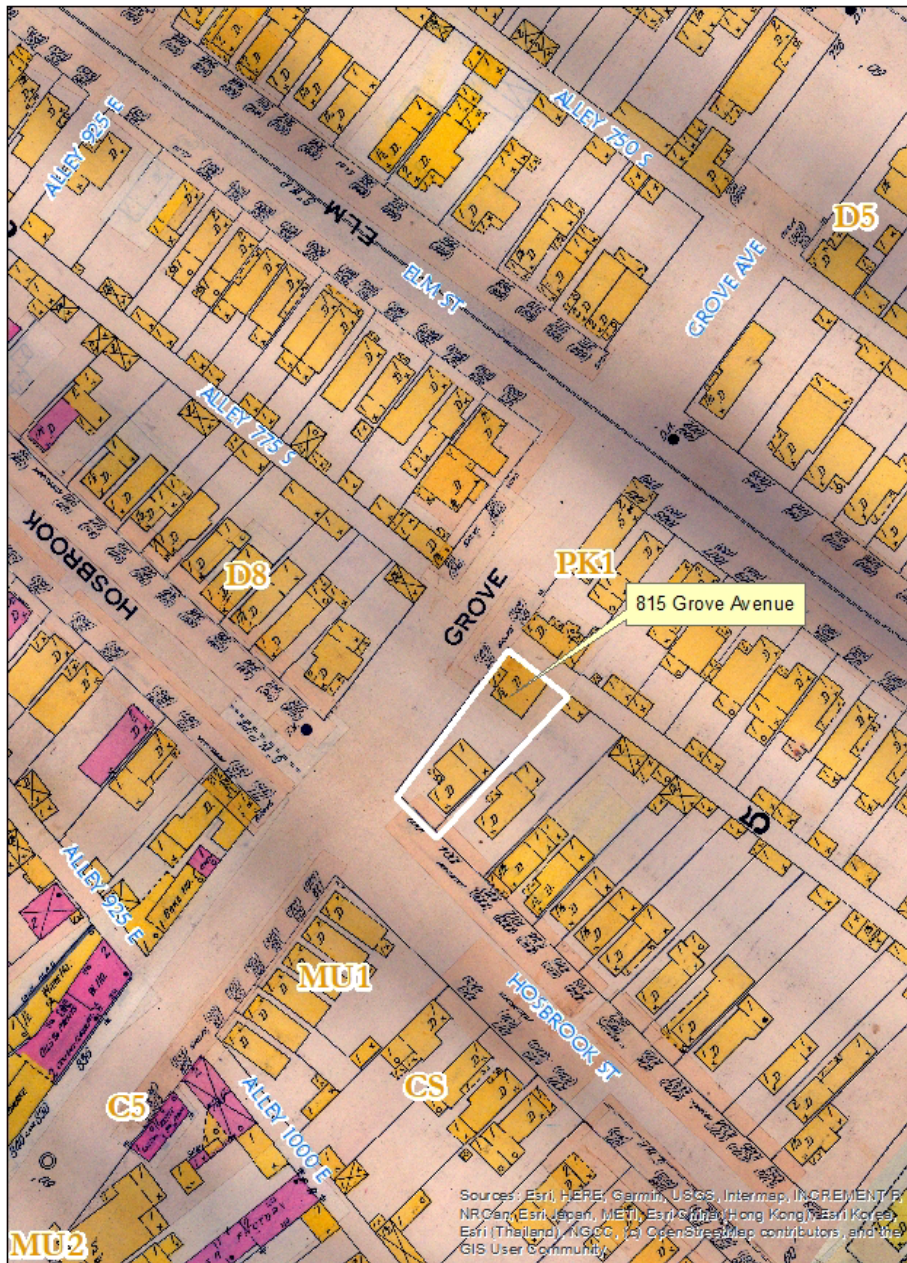
ZONING HISTORY

2019-ZON-115, 1001 Hosbrook Street, (south of site), requested rezoning of 0.244 acre from the C-S district to the MU-1 district to provide for a hostel, **approved**.

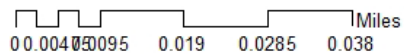
2013-ZON-015; 1001 Hosbrook Street (south of site), requested rezoning of 0.38 acre from the D-8 District to the C-S classification to provide for an antique shop, bed and breakfast, art gallery, single-family, two-family and multi-family dwellings, chiropractor office, business office, event center, woodwind instrument distributor, dressmaking shop, fitness facility, gift shop, gymnastics instruction, interior decorator, live-work studios, music lessons, commercial / off-site parking lot, outdoor flea market, outside dining, personal trainer studio, photographic studio, professional office, tailor, yoga studio and outdoor mini-festival, with music and to provide for the construction of a shed and two-story, 2,304-square foot building with a first-floor garage and a second-floor apartment, **approved**.

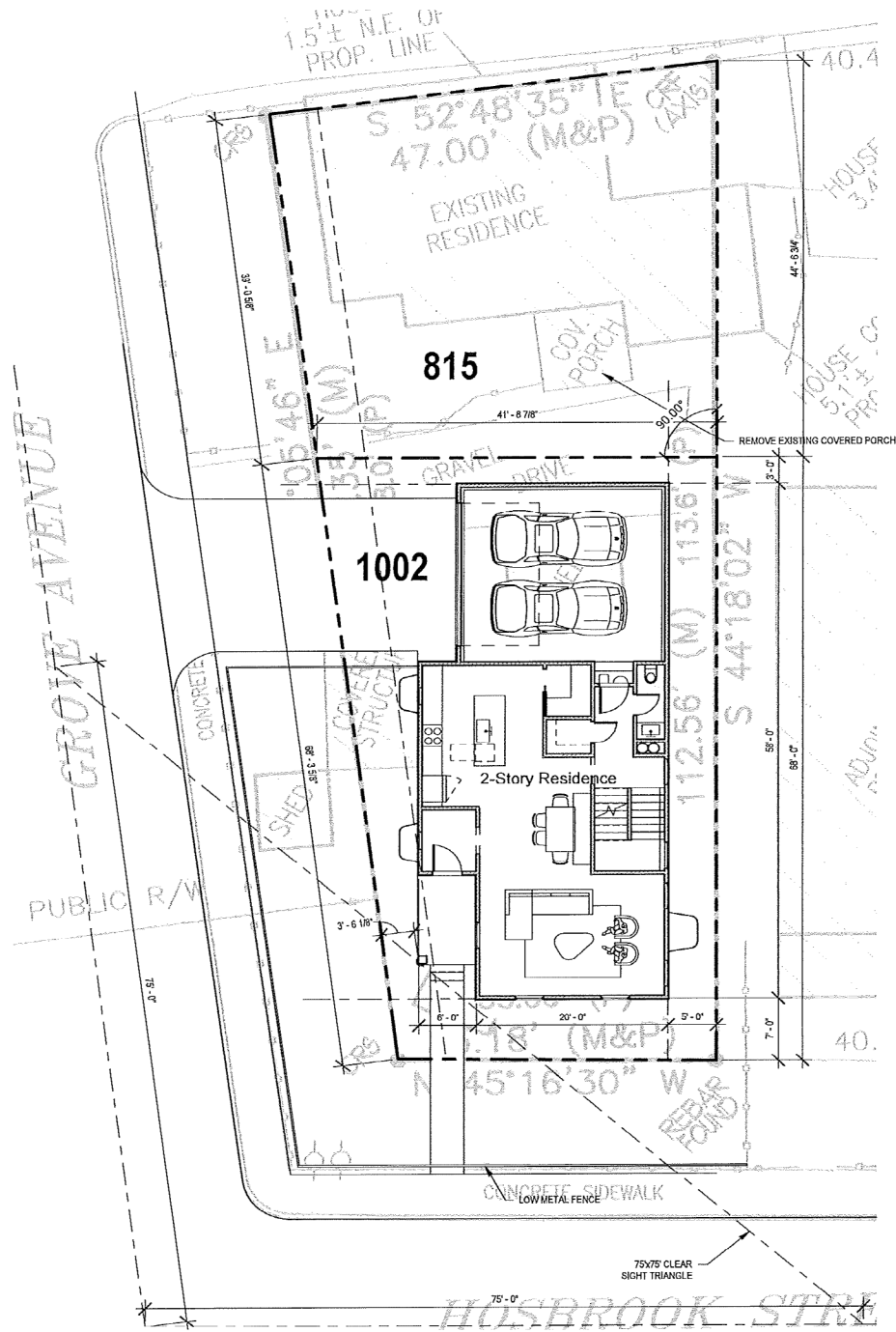
2010-ZON-059; Various addresses; requested rezoning of 13 parks from various districts to the PK-1 classification to bring the zoning of those parks into compliance with their use as parks, **approved**.

Sanborn Map 1898



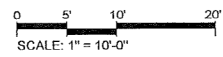
815 Grove Avenue





Floor Areas	
Name	Area
First Floor	904 SF
Second Floor	1344 SF
Garage	440 SF
Basement	904 SF
House	3592 SF
Grand total	3592 SF

1 Floor Plan
Site Plan
 1" = 10'-0"
 north



1002 Residence SD001
 1002 Hosbrook Street, Indianapolis
 03.21.24



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:

the proposed development will be consistent with the development pattern of the surrounding neighborhood where similar deficient setbacks are common.

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 proposed development will be consistent with the development pattern of the surrounding neighborhood and adequate separation from adjacent properties/buildings will be provided.

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

it would prevent utilization of the site in a manner that is consistent with both the development pattern of the neighborhood and the historic use of this particular site that was previously developed with two single-family dwellings.

DECISION

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

Adopted this _____ day of _____, 20 ____



**Department of Metropolitan Development
Division of Planning
Current Planning**

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA**

PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:
the area to be vacated has been improved with a private dwelling structure for over a century and should not be needed for
public use in the future.

DECISION

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 ____



View looking north along Grove Avenue



View looking south along Grove Avenue



View looking east along alley vacation



View of site looking east at intersection of Grove Avenue and alley



View of site looking south along Grove Avenue



View of site looking east along Hosbrook Street



View of site looking east along Hosbrook Street



View of site looking north from Hosbrook Street



View looking east across the intersection of Grove Avenue and Hosbrook Street