

BOARD OF ZONING APPEALS DIVISION II

October 8, 2024

Case Number: 2024-DV2-033

Property Address: 751 East McCarty Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Miatta Kargbo, by Mark and Kim Crouch

Current Zoning: D-8 (TOD) (RC)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a five-foot front yard setback (10 feet required) and a four-foot knee wall in association with a height of 2.5-stories, without exclusive access from an improved alley (required).

Current Land Use: Vacant

Staff Recommendations: Staff recommends approval of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends approval of this petition

PETITION OVERVIEW

- This petition would provide for the construction of a single-family dwelling with a five-foot front yard setback (10 feet required) and a four-foot knee wall in association with a height of 2.5-stories, without exclusive access from an improved alley (required).
- The subject site was partially cut off when the interstate was constructed in the late 1960s and early 1970s. This has resulted in the lot area being reduced from approximately 5220 square feet to approximately 4068 square feet. Likewise, with this cut off, the lot shape changed from a standard rectangular D-8 lot to a triangular lot without a large portion of the original rear yard. Staff sees this a substantial practical difficulty in being able to meet development standards such as setbacks. Likewise, the change in the lot size and shape also resulted in the lot having no direct access from the alley in the rear, which Staff sees as a substantial practical difficulty.
- Additionally, the reduced lot size puts added pressure and difficulty with regards to providing a quality amount of living space within the proposed residence. Therefore, Staff sees the request for 4-foot



high knee wall to allow for additional living space on the third floor to be reasonable. Staff also sees this request as a better solution than requesting a height variance, which would put extra strain on the house directly to the west from receiving natural light.

- Further, with this property being located within the TOD overlay and in immediate proximity to the Virginia Avenue commercial corridor as well as the Cultural Trail, Staff sees this proposal as an important addition in the effort to provide more housing along transit and commercial corridors. Staff believes this to be furthering the Livability Principles outlined in the Zoning Ordinance including, promoting equitable and affordable housing, enhancing economic competitiveness, and supporting existing communities. Therefore, Staff is unopposed to the requested variances.

GENERAL INFORMATION

Existing Zoning	D-8 (TOD) (RC)	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	I-3	North: Vacant
South:	D-8	South: Single-family residential
East:	D-8	East: Single-family residential
West:	D-8	West: Single-family residential
Thoroughfare Plan		
East McCarty Street	Local Street	48feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/11/24	
Site Plan (Amended)	10/3/24	
Elevations	8/11/24	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/11/224	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines
- 2020 Red Line TOD Strategic Plan
- Indy Moves

Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Traditional Neighborhood living typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is within the Red Line TOD overlay district and is under $\frac{1}{4}$ mile from the Virginia Avenue Red Line transit station.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- With regards to new infill housing, the Infill Housing Guidelines recommends:
 - Reinforce spacing on the existing block
 - Leave room for maintenance
 - Build within the setback range

Indy Moves

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

- The subject site is approximately 275 feet from the Cultural Trail

ZONING HISTORY

ZONING HISTORY – SITE

2021DV1073, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a detached single-family dwelling with an eight-foot front setback, six-feet of building separation to the east and four feet to the west, deficient 508 square foot main floor area, and a sidewalk and stoop with a zero-foot side setback (18-foot front setback, 10-foot building separation, 660 square foot main floor area, two-foot side yard setback for minor residential features required), **approved**.

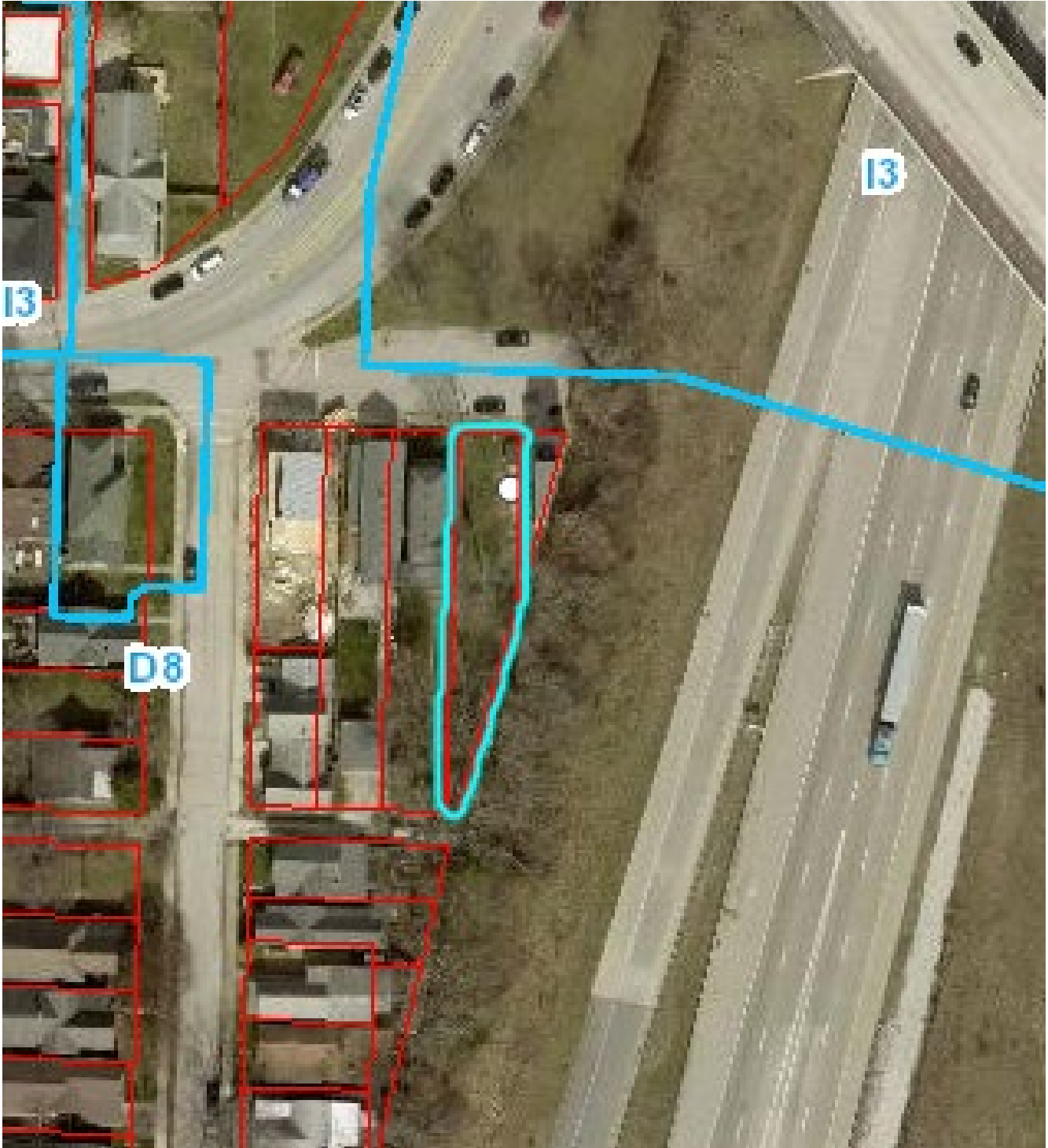
ZONING HISTORY – VICINITY

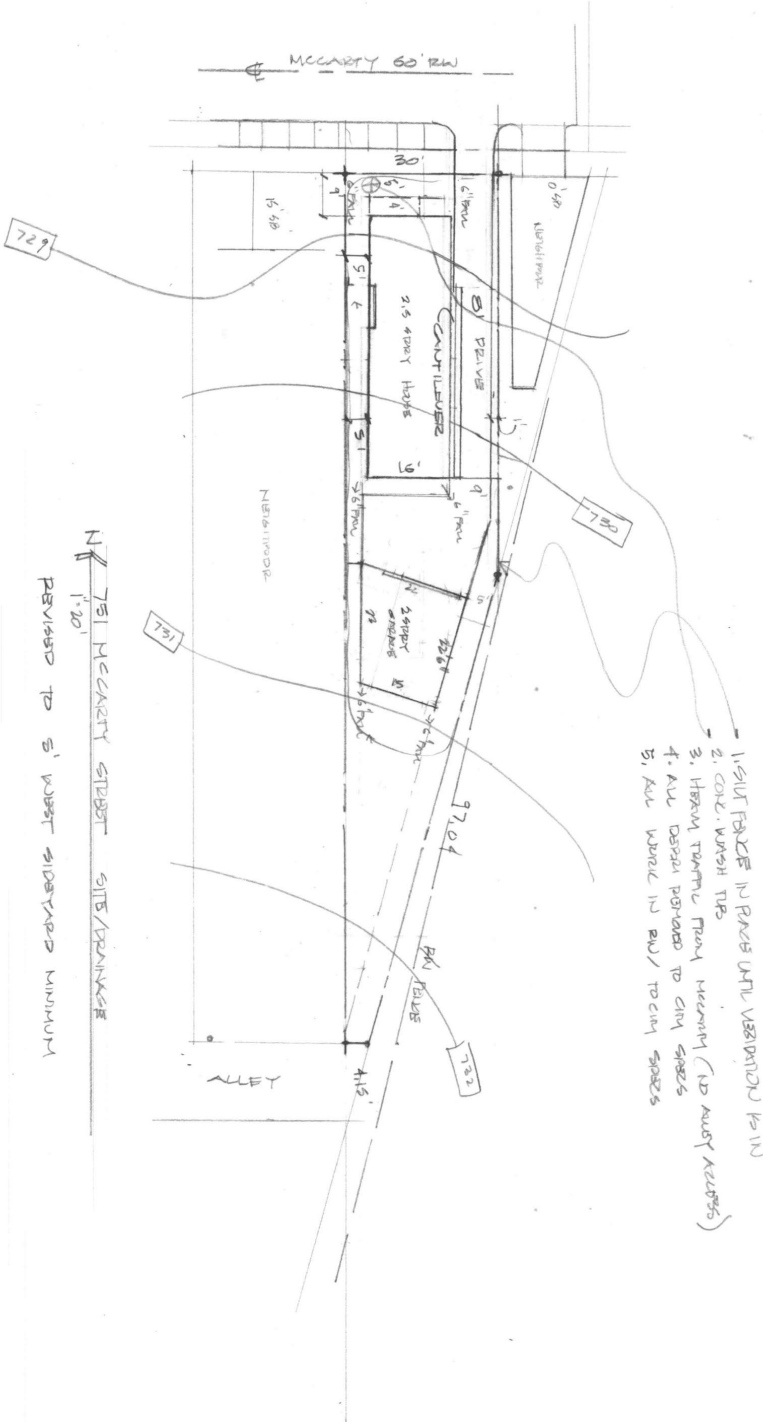
2020DV2017; 753 E McCarty Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38-foot tall single-family dwelling with a zero-foot front yard, a main floor area of 340 square feet, three-foot side yards and 50% open space (18-foot front yard or average, maximum 35-foot height, 660-square foot main floor area, four-foot side yards and 55% open space), **approved**.

2020DV2029; 737 E McCarty Street) west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage addition with a two-foot side setback, one-foot rear setback and 37% open space (four-foot side setbacks, 15-foot rear setback and 55% open space required), **approved**.

2001ZON122; Multiple addresses along Merrill, Warsaw, Noble, East McCarty, Norwood, and Stevens Streets(west of site), rezone of 3.7 acres, being in the I-3-U (RC) District, to the D-9 (RC) classification to legally establish residential uses, **approved**.

EXHIBITS



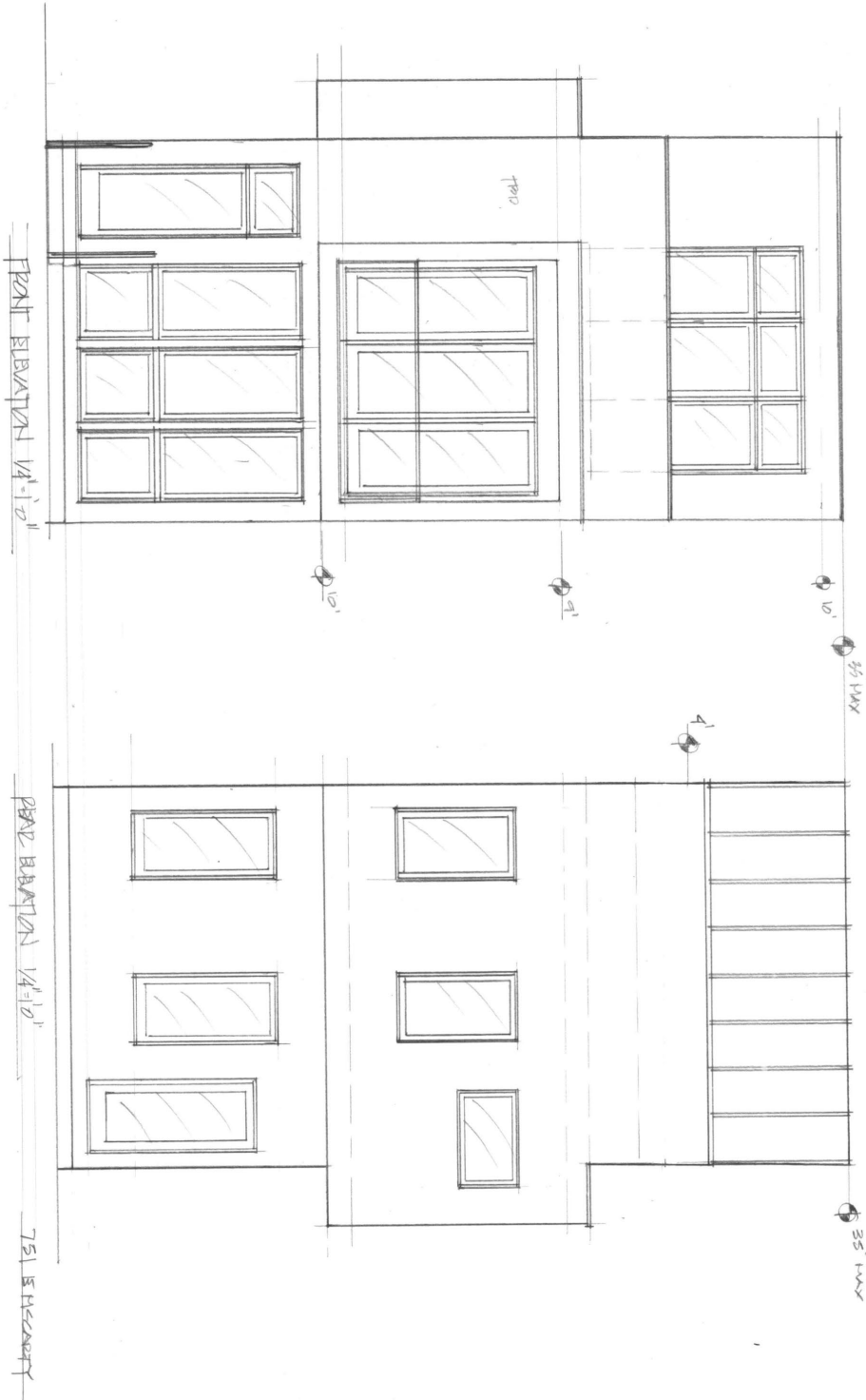


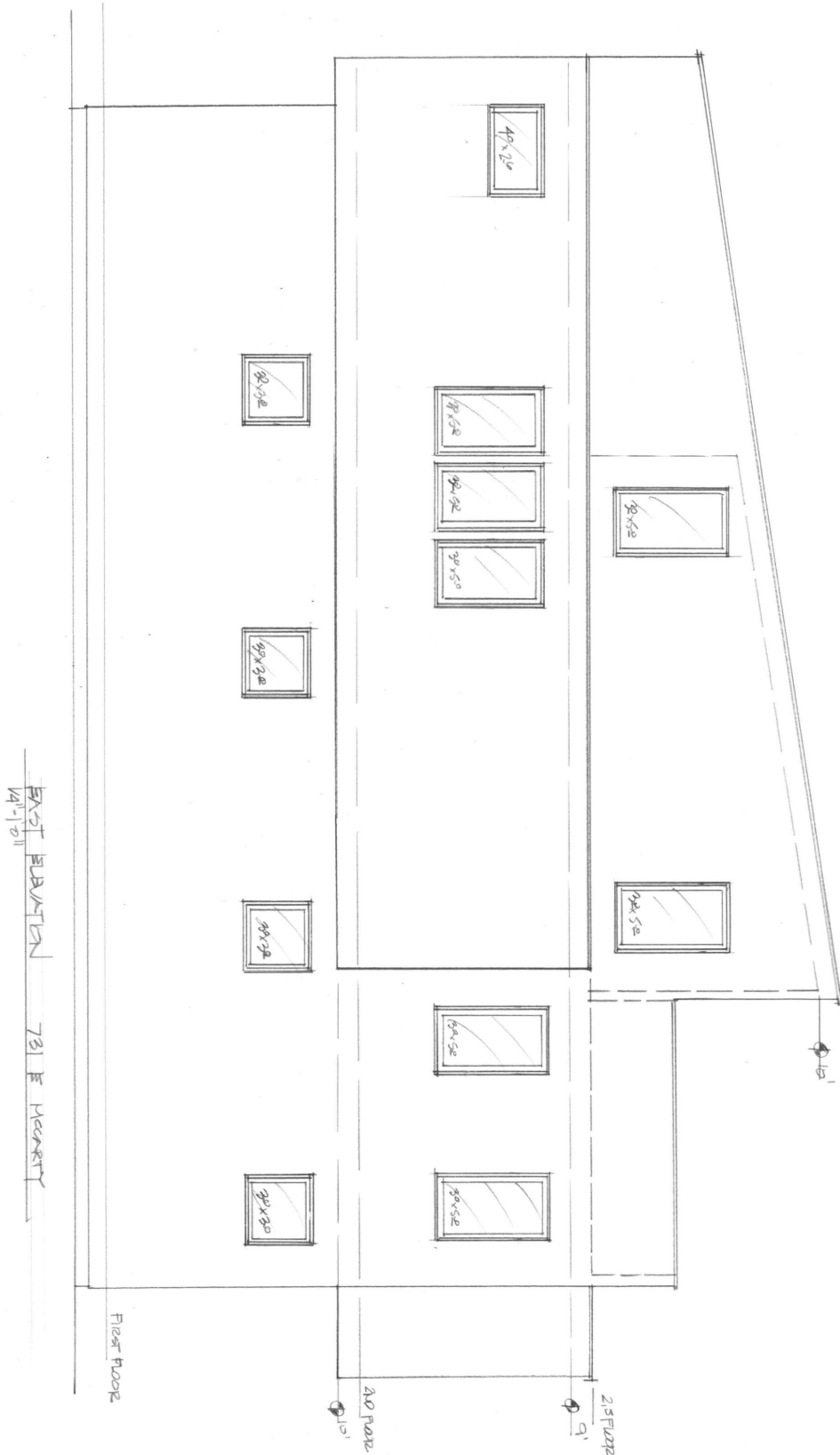
VARIANCE 5' FRONT YARD - 4' SIDE W/ W/ @ 2.5 STORY

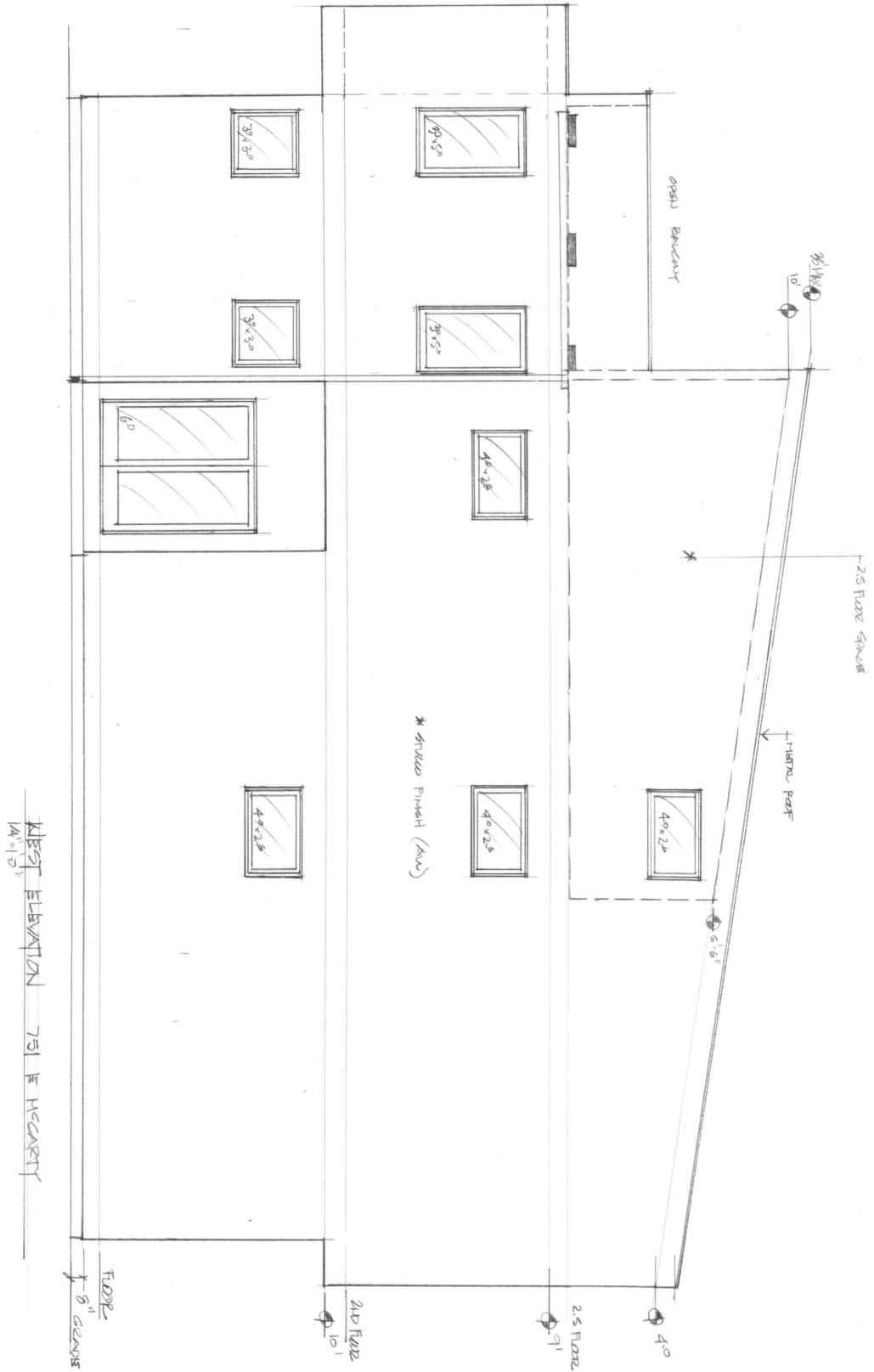
D-8 PL 3,977 sq (CONVERT)

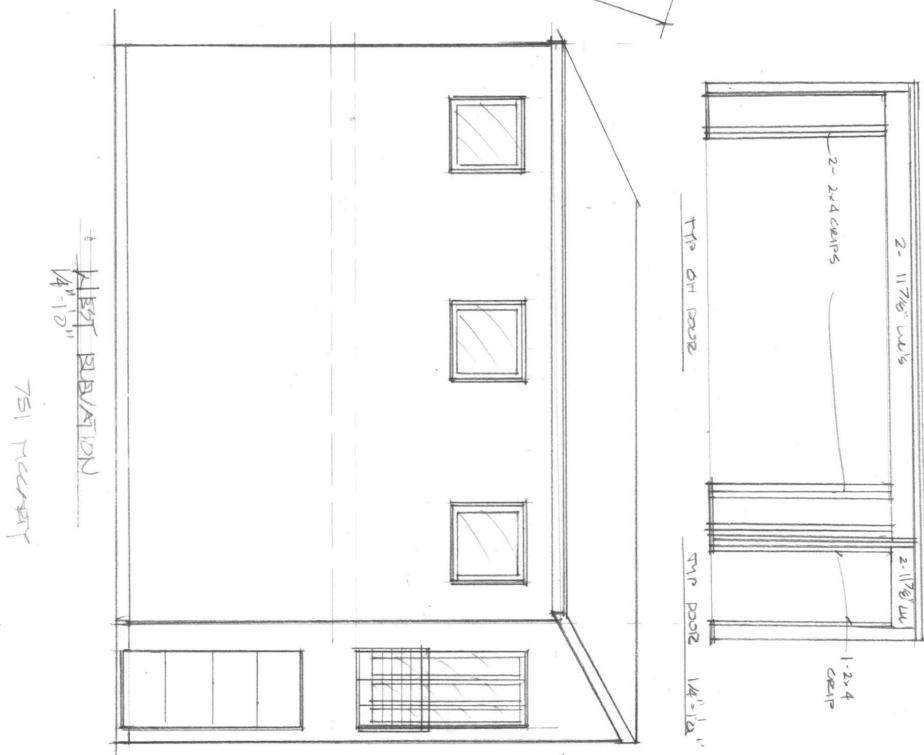
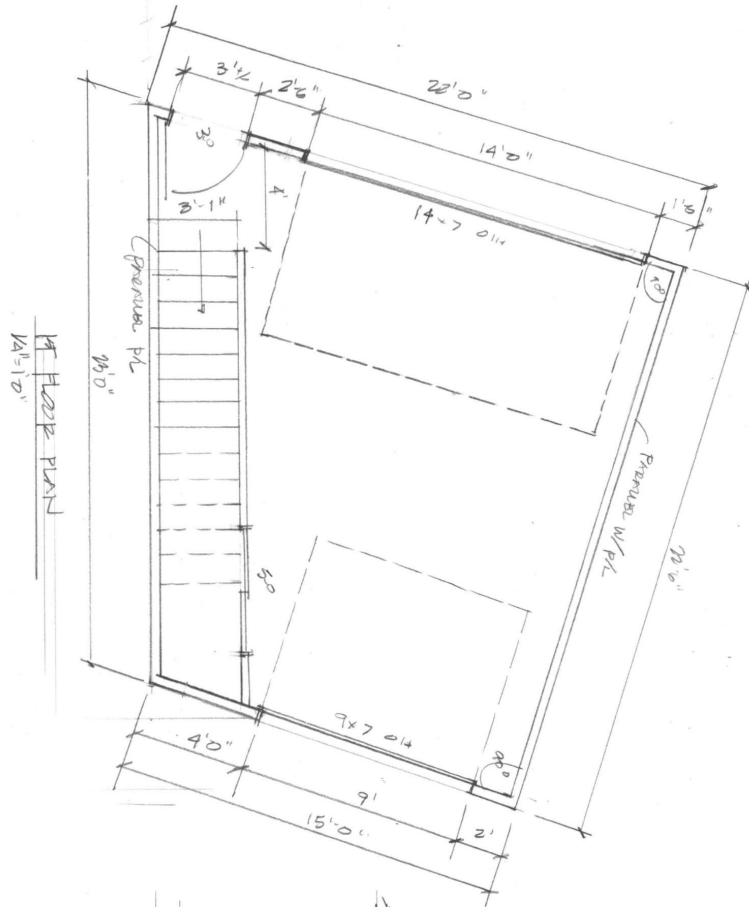
DISTRICT		ANR	
HOURS	SF	1,002 SF	5.5% (ANR)
GAZONS	SF	407 SF	
		1,409	
VARIANCE/ANR		600 SF	

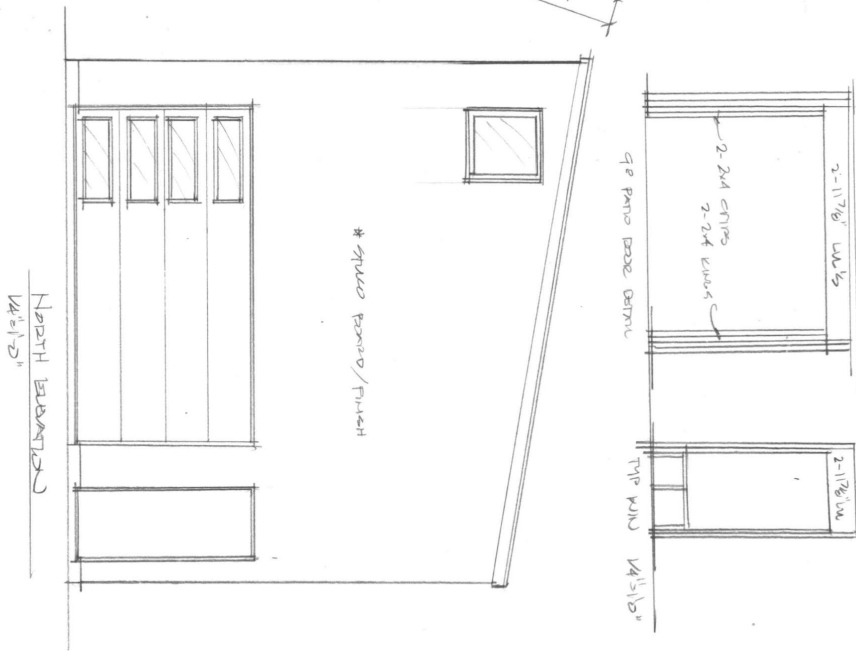
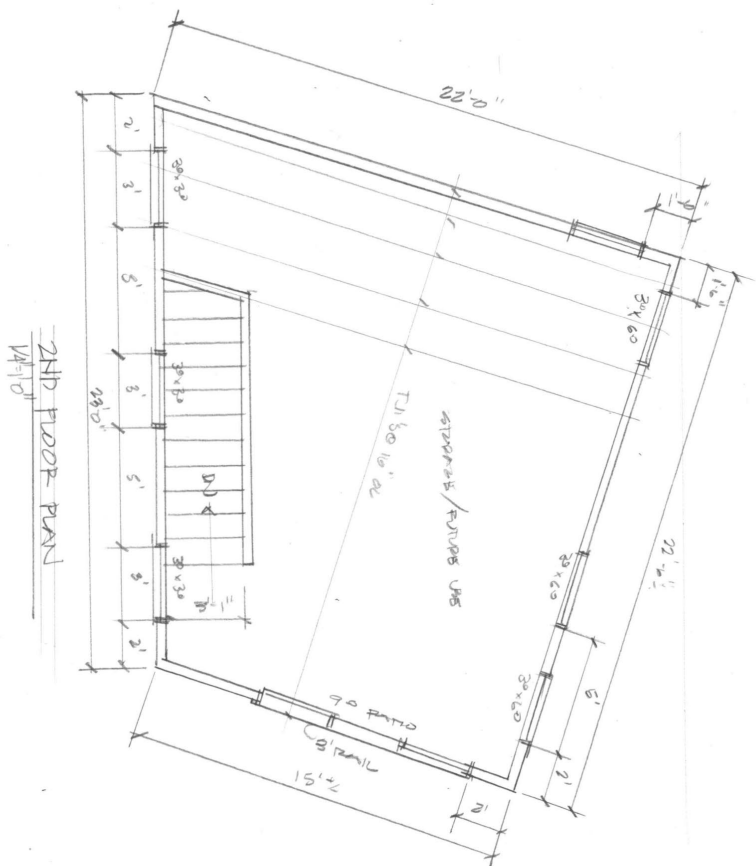
751 MCCARTHY STREET SITE/BREAKAGE
 1" @
 REVISOR TO 5' W/ST SIDEYARD MINIMUM

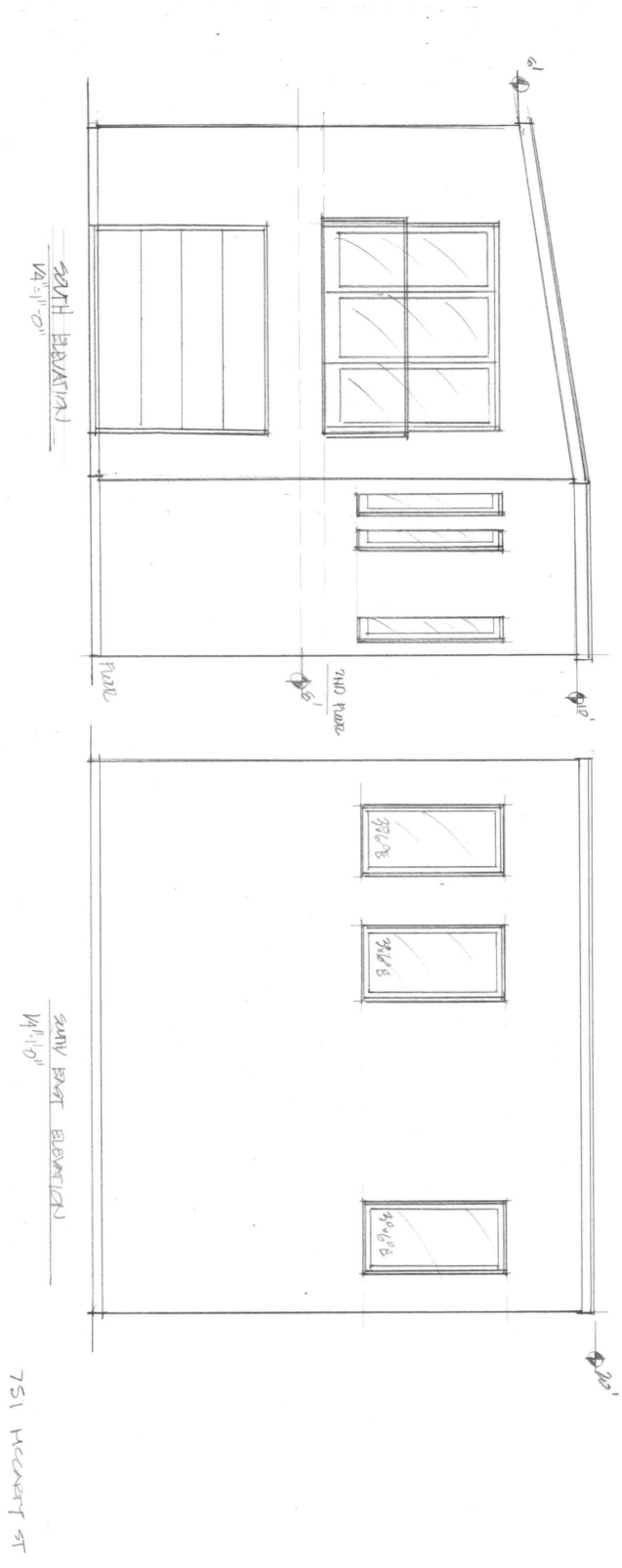














**Department of Metropolitan Development
Division of Planning
Current Planning**

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 grant will allow for the construction of a new home and detached garage for private residential use on a lot zoned for residential use.

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 home and detached garage will be consistent with development in the area and adjacent area.

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

lot is irregular in shape and has deficient alley access resulting in a need to reduce front setback to allow for maneuverable vehicle area behind residence. Also, an increase of the 2' required knee wall height to 4' is needed due to the need of extra height required for the staircase to the top floor. Without variance approval, the proposed residence and detached garage will not be built.

DECISION

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

Adopted this _____ day of _____, 20 ____



