

**BOARD OF ZONING APPEALS DIVISION II**

**October 8, 2024**

**Case Number:** 2024-DV2-025 (Amended)  
**Property Address:** 1670 Columbia Avenue (approximate address)  
**Location:** Center Township, Council District #13  
**Petitioner:** Karissa Grove, by Justin Kingen  
**Current Zoning:** D-8 / SU-1  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for vertical addition and conversion of a single-family dwelling into a three-unit apartment resulting in a three-foot corner side yard setback (ten feet required) and a four-foot south side yard setback (five feet required).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends approval for this petition  
**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR OCTOBER 8, 2024 BZA DIVISION II HEARING**

- This petition was continued to the August 13, 2024 and again to the September 10, 2024 BZA Division II hearing to allow for changes to the request.
- The petition was continued to the October 8, 2024 BZA Division II hearing to finalize the site plan.

**STAFF RECOMMENDATION**

- Staff recommends approval of this petition

**PETITION OVERVIEW**

- This petition would provide for vertical addition and conversion of a single-family dwelling into a three-unit apartment resulting in a three-foot corner side yard setback (ten feet required) and a four-foot south side yard setback (five feet required). The petition was amended and renoticed after the proposal was determined to be a 3-unit apartment building and that a height variance was not needed.
- The subject site is improved with a single-story, single-family residence that was built in approximately 1940. The setbacks for the structure predate the Ordinance and are legally non-conforming. The south side yard setback is the only setback that would receive any change as a result of the proposal, which calls for demolishing an existing bump-out with a side setback of 3-feet, and then constructing

a new elevator shaft to match the existing 3-foot setback. This petition would legally establish those setbacks.

- With the proposal calling for three residential units completely separate from each other, with different entrances, and with the form and design resembling an apartment building typology, Staff has classified the proposed structure as a three-unit apartment building which allows for a height of up to 50 feet / 4 stories, meaning the proposed height of approximately 35 feet would not require a height variance.
- Staff finds the request to be reasonable in nature, given the legally non-conforming status of the setbacks, and that the south side yard setback would ultimately be unchanged as a result of the elevator addition. Likewise, with the proposal meeting the requirements for open space, height, lot width, and lot area, Staff does not view this proposal as overdevelopment. Staff also finds the proposal to be in accordance with the Infill Housing Guidelines standards regarding building spacing and open space, which include meeting open space requirements when the lot is of sufficient sizing, limiting uncharacteristically large gaps between houses, and leaving room for maintenance. Therefore, Staff is unopposed to the variance request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-8	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: PK-1	North: Parks and Recreation
	South: SU-1	South: Religious Uses
	East: SU-1	East: Religious Uses
	West: D-8	West: Single-family residential
<b>Thoroughfare Plan</b>		
17 <sup>th</sup> Street	Local Street	49 feet of right-of-way existing and 48 feet proposed
Columbia Avenue	Local Street	60 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	6/7/24	
<b>Site Plan (Amended)</b>	9/11/24	
<b>Elevations</b>	6/7/24	
<b>Elevations (Amended)</b>	9/11/24	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	6/7/24	

**Findings of Fact  
(Amended)**

8/14/24

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

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

### 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

- With regards to setbacks and building spacing, the Infill Housing Guidelines recommends:
  - Reinforce spacing on the existing block
  - Limit uncharacteristically large gaps between houses
  - Leave room for maintenance
  - For lots that meet current size requirements, meet the open space standards
  - Consider both how additions and improvements meet Comprehensive Plan goals and ways to mitigate impacts

### Indy Moves

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

**2005UV2002**, variance of use of the Dwelling Districts Zoning Ordinance to provide for an art studio, with infrequent gallery use, in an existing 1820-square foot building (not permitted),

### ZONING HISTORY – VICINITY

**2021DV1039A; 1709 Alvord Street (west of site)**, (Amended) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached four-car garage with two-foot side setbacks (four-foot side setbacks required), **denied**.

**2021DV1039B; 1709 Alvord Street (west of site)**, (Amended) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling with a 16-foot front setback, 3.5-foot side setbacks, 4.5 feet between dwellings and 52% open space (18-foot front setback or average, four-foot side setbacks, 10 feet between dwellings and 55% open space required), **approved**.

**2021UV1016; 1607 Yandes Street (south of site)**, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a second floor addition to an existing two-family dwelling (not permitted) with 7.5-foot front setback, a 2.5-foot side setback, a four-foot north transitional side setback and an eleven-foot rear setback (10-foot front, side and rear setbacks and 15-foot side transitional setback required), **approved**.

**2020DV2023; 1628 Columbia Avenue (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, located 8.5 feet from an adjacent dwelling (10-foot separation required), and a detached garage, **granted**.

**2018DV3058; 1127 E 17<sup>th</sup> Street (west of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 35.5-foot tall, single-family dwelling, with garage access from 17<sup>th</sup> Street, with a 3.5-foot west side setback, and with 290 square feet of main floor living area (maximum 35-foot height, access to an improved alley, four-foot side setback and 660 square feet of main floor area required), **approved**.

**2018UV1001; 1653 Alvord Street (west of site)**, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile repair garage on a lot without public street frontage and without direct access to a public street, **approved**.

**2017DV2032A; 1324 E 16<sup>th</sup> Street (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building, with less transparency than required on the east, south and north elevations (40% required for any façade within 50 feet of a local, collector or arterial street), **approved**.



Department of Metropolitan Development  
Division of Planning  
Current Planning

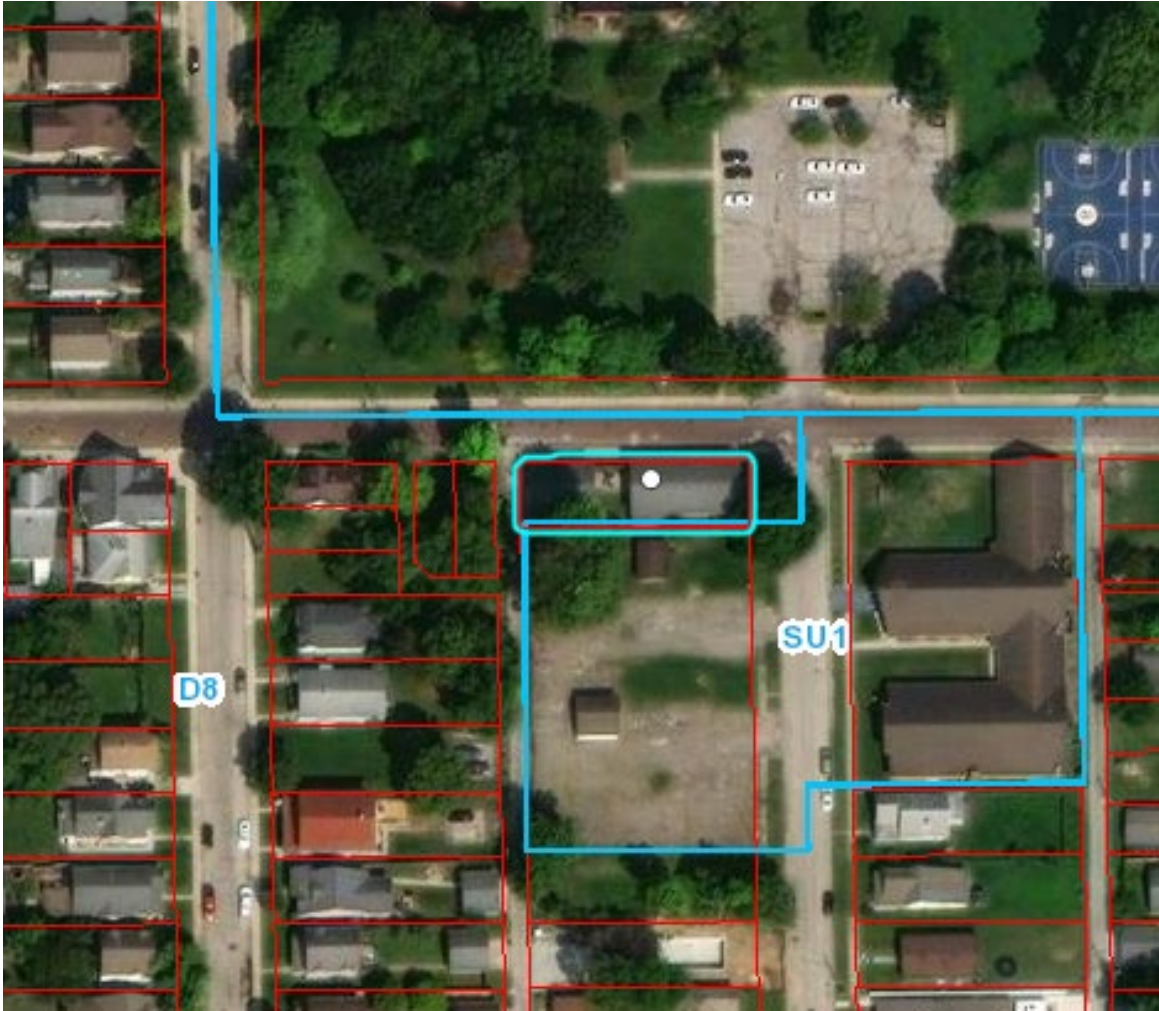
**2017DV2032B; 1324 E 16<sup>th</sup> Street (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building, with less transparency than required on the east elevation (40% required for any façade within 50 feet of a local, collector or arterial street), **denied**.

**2006ZON084; 1608 Columbia Avenue (south of site)**, Rezoning of 0.123-acre, from C-5 District, to the D-8 classification to provide for the construction of a single-family dwelling, **approved**.

**99-Z-83; 1648-1664 Columbia Avenue (south of site)**, rezone of 0.65 acres from D-8 to SU01 to provide for a church parking lot, **approved**.

**98-UV3-13; 1607-1617 Columbia Avenue (south of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a commercial building for the retail sale of flowers, being 47 by 96 feet in size (not permitted), **approved**.

EXHIBITS

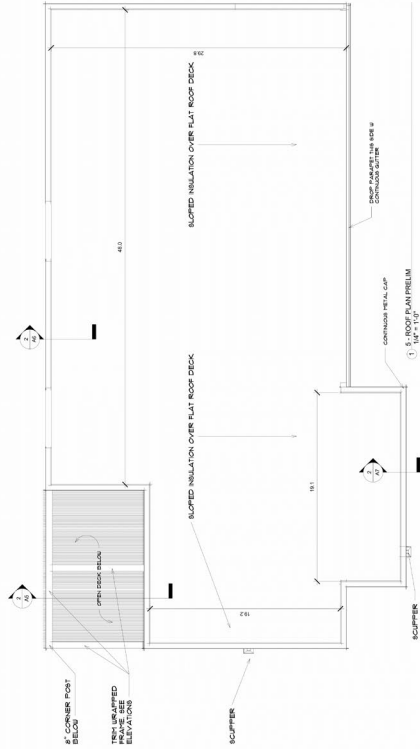








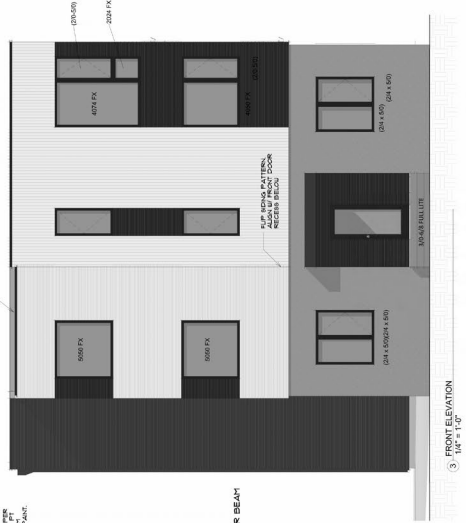




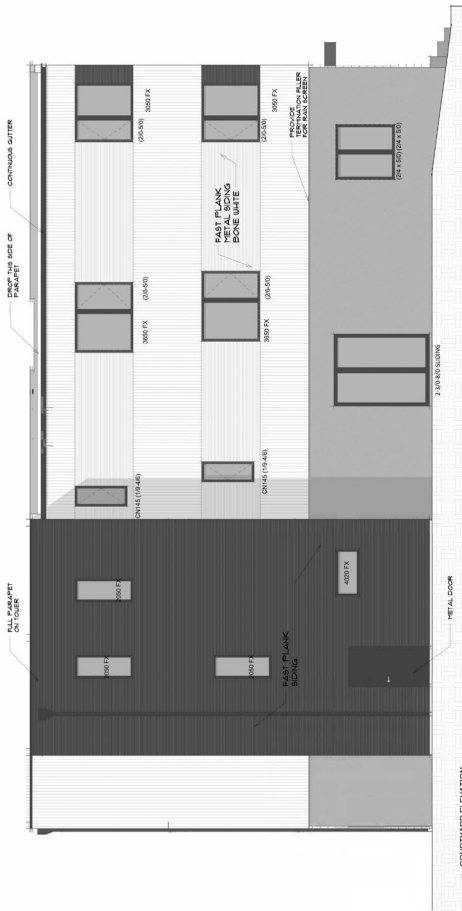
Window Schedule					Exterior Door Schedule						
Type	Count	Level	Family and Type	Width	Height	Type	Count	Level	Family and Type	Width	Height
200101	1	1	Window, 10'0\"/>								



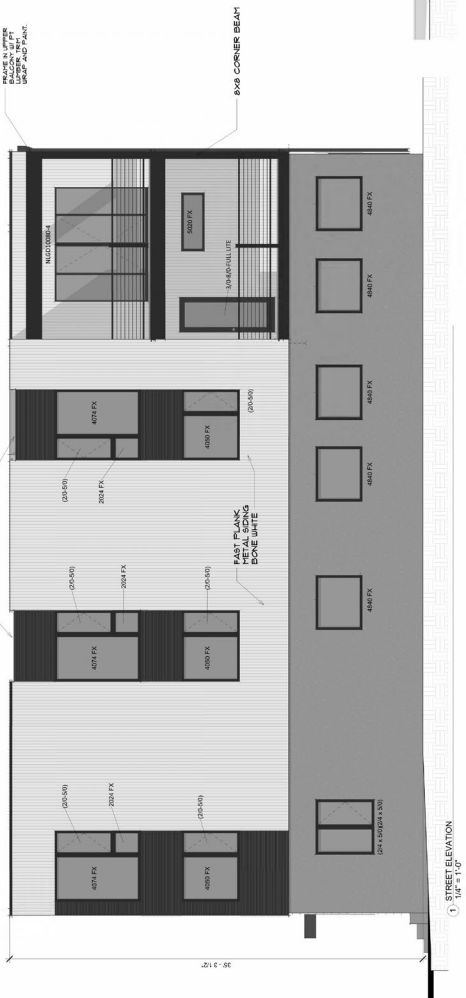
5 REAR ELEVATION  
 1/4" = 1'-0"



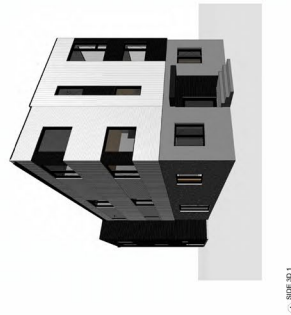
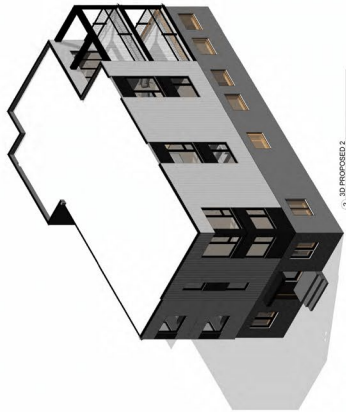
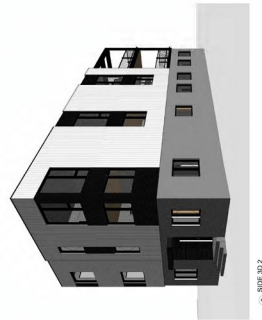
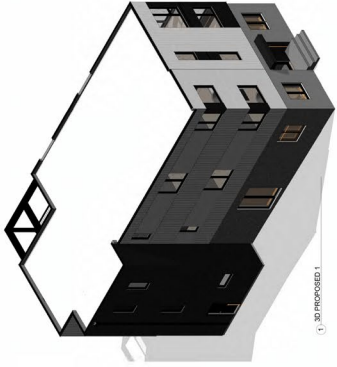
3 FRONT ELEVATION  
 1/4" = 1'-0"



2 COURTYARD ELEVATION  
 1/4" = 1'-0"



1 STREET ELEVATION  
 1/4" = 1'-0"





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 vertical construction of the two additional stories, which is permitted by code, will contain the same setbacks as to what is currently on the site and will be similar in nature to many other residential properties in the Martindale Brightwood neighborhood.

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 use and value of the area will be increased due to the new addition to an existing single-family structure. The use of the subject property will remain as-is.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:

The proposed redevelopment of this property is a small apartment building, which is permitted by code. It will contain the same setbacks as the existing structure that is currently on the property.

**DECISION**

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

Adopted this \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
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