



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

October 24, 2024

Case Number: 2024-CVR-826 / 2024-CPL-826 (Amended)
Property Address: 1150 East New York Street (approximate address)
Location: Center Township, Council District #13
Petitioner: Ronin Highland Park, LLC, by Jynell D. Berkshire
Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction five single-family attached dwellings, each with a zero-foot front setback along New York Street (front setback ranging from 10 feet to 19.9 feet required) zero-foot corner side setback along Highland Avenue (eight feet required), a 10.67-foot encroachment into the clear sight triangle of New York Street and an eight-foot encroachment into the clear sight triangle of Highland Avenue (not permitted), with deficient landscaping (50% living material required), and a five-foot rear setback for Lot 5 (15 feet required).

Approval of a Subdivision Plat to be known as Elevate Highland Park Subdivision, subdividing 0.20-acre into five single-family attached lots.

Current Land Use: Undeveloped
Staff Recommendations: Approval of the variances and plat.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued from the July 11, 2024 hearing to the August 15, 2024 hearing at the request of the petitioner to provide additional time to work with staff.

This petition was continued from the August 15, 2024 hearing to the September 12, 2024 hearing at the request of the petitioner to provide additional time to work with staff.

This petition was continued from the September 12, 2024 hearing to the October 24, 2024 hearing at the request of the petitioner to amend the request.

STAFF RECOMMENDATION

Staff **recommends approval** of the variance requests.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated September 25, 2024 complies with the standards of the Subdivision regulations, subject to the following conditions:



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

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

PETITION OVERVIEW

LAND USE

The undeveloped subject site is located in the Near Eastside neighborhood and falls within the Walker's East Ohio Street Addition Subdivision. The site is surrounded a single-family dwelling to the north and east, zoned D-8, by a surface parking lot to the west, zoned C-S, and a park to the south, zoned PK-1.

VARIANCE OF DEVELOPMENT STANDARDS

The request was amended to eliminate a building height variance and significantly reduced the clear sight triangle encroachment.

The grant of the amended request would allow for the construction of five single-family attached dwellings, with a zero-foot front setback along New York Street for each unit where a 10 to 19.9-foot front yard setback is required, a zero-foot corner side setback along Highland Avenue for one unit where an eight-foot setback is required, a clear sight triangle encroachment, deficient landscaping and a reduced five-foot rear setback for Lot 5 where 15 feet is required.



PLAT

The proposed subdivision plat would subdivide the site into five single-family attached lots that would be named Elevate Highland Park. The proposed plat meets the standards of the D-8 zoning district except for the variances requested in the companion variance petition, 2024-CVR-826.

TRAFFIC / STREETS

Four of the proposed lots would front on New York Street and one would front along Highland Avenue. No new streets are proposed as part of this petition. Access will be granted from the abutting alley to the west.

SIDEWALKS

The sidewalk along New York Street would be relocated and installed per the submitted plan. The existing sidewalk along Highland Avenue would remain.

STAFF ANALYSIS

The zero-foot front setback along New York Street is for a staircase in the front yard that provides four units access to the sidewalk. The zero-foot corner side setback along Highland Avenue is also for a staircase for Lot 5 to gain access to the sidewalk. Because the building setback along Highland Avenue will be eight feet and the building setback along New York Street will be five feet, staff determined the staircase encroachment into the corner side yard is supportable.

In working with staff, the corner unit was rearranged to face Highland Avenue and provide minimal encroachment into the clear sight triangle. Furthermore, the Department of Public Works provided the petitioner an example of what their version of a clear sight triangle is, Intersection Sight Distance, and the petitioner provided a visual that they would be outside of that area. The new layout pushed the unit further north which created a reduced rear yard setback to allow a reduction of a clear sight triangle encroachment. Staff is now supportive of the clear sight triangle variance request and the reduced rear setback.

Lastly, the 50% living material would not be met where the staircase takes up the majority of the front yard, but additional landscaping could be proposed in the right-of-way which staff would support.

Staff is recommending approval of the variance requests as amended and the subdivision plat.

GENERAL INFORMATION

Existing Zoning	D-8
Existing Land Use	Undeveloped
Comprehensive Plan	Traditional Neighborhood

Surrounding Context	Zoning	Land Use
North:	D-8	Residential (Single-family dwelling)
South:	PK-1	Park
East:	D-8	Residential (Single-family dwelling)
West:	C-S	Surface Parking Lot
Thoroughfare Plan		
New York Street	Primary Arterial Street	78-foot proposed right-of-way and 80-foot existing right-of-way.
Highland Avenue	Local Street	48-foot proposed right-of-way and 60-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	June 9, 2024	
Site Plan (Amended)	September 25, 2024	
Elevations	June 9, 2024	
Elevations (Amended)	September 25, 2024	
Landscape Plan	September 25, 2024	
Findings of Fact	June 9, 2024	
Findings of Fact (Amended)	October 15, 2024	
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)
- Indy Moves Transportation Integration Plan (2018)

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 Land Use Types**
 - 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. 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.
- **Attached Housing**
 - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
 - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
 - If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Blue Line Transit-Oriented Development Strategic Plan (2018), but not within the Transit Oriented Development Secondary District.
- The site is located within a ½ mile of the closest transit station at Southeastern Avenue and Washington Street, which is classified as a district center typology.

- Development in the district century typology should include a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum of 3 stories at core with no front or side setbacks, multi-family housing with a minimum of 5 units, and structured parking only with active first floor.
- TOD investments here should leverage significantly higher residential and employment densities, demonstration projects, urban living amenities and workforce housing.
- The proposal would align with the recommendation for more residential density.

Neighborhood / Area Specific Plan

- The subject site falls within the Near Eastside Quality of Life Plan.

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.

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Indy Moves

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

- Indy Moves Transportation Integration Plan (2018), specifically IndyMoves PedalIndy 2018 proposes an active transportation system, neighborway, along Highland Avenue from Washington Street to 10th Street.
- Neighborways are slow-speed, low-volume streets shared by people driving and bicycling. They include improvements that calm traffic and give people walking and bicycling priority: 20 MPH speed limit signs, stop signs for side streets crossing the neighborway, speed humps and traffic circles, wayfinding signs and pavement markings, and easier crossings of busy streets with crosswalks, flashing beacons, or traffic signals.
- Pedal Indy strives to:
 - Improve low-stress conditions for biking
 - Support active transportation options to improve health outcomes
 - Build support and collaboration for multimodal transportation options
 - Lay the groundwork for planning, design, implementation, and evaluation of existing and proposed bike infrastructure
- A protected bike lane exists along New York Street from Davison Street to Rural Street.

ZONING HISTORY

Zoning History – Vicinity

2013-CVR-807; 1205 East New York Street and 237 North Highland Avenue (southeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for 14 dwellings with 15-foot front setbacks along New York Street, Highland Avenue and Marlowe Avenue (25-foot front setback required), and with two detached garages on the lots facing New York Street having eight-foot aggregate side setbacks (10-foot aggregate side setbacks required), **granted**.

2009-CZN-825 / 2009-CVR-825; 1030 East New York Street, 1021 East Michigan Street, 254, 315, 321, 329, 402 and 411 Dorman Street, 1019 East Vermont Street and 326 Highland Avenue (northwest and west of site), Rezoning of 10.35 acres from the I-3-U (FW) (FF), D-8 (FW) (FF), C-2 (FF) to the C-S classification to provide for I-3-U uses, C-1 uses, C-3C uses, multifamily uses, single-family dwellings and off-street parking lots, and Variance of development standards of the Commercial Zoning Ordinance to provide for a trash enclosure in the front yard of Vermont Street and to provide for five free-standing signs with deficient setbacks as follows, a) Sign One with a three-foot setback from New York Street (15-foot setback required), b) Sign Two with a three-foot setback from New York Street (15-foot setback required), c) Sign Three with a three-foot setback from New York Street (15-foot setback required), d) Sign Four with an eight-foot setback from New York Street and a nine-foot setback from Dorman Street (15-foot setback required), and e) Sign Five with a nine-foot setback from Michigan Street and a 12-foot setback from Dorman Street (15-foot setback required)., **approved and granted**.

2003-DV1-024; 1202 East New York Street (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 875 square foot single family dwelling and a 535.33 square foot detached garage each with a six-foot front yard setback along Highland Avenue (minimum 25 foot front yard setback required), **granted?**

99-UV1-69; 1201-1221 East New York Street and 1240-1318 Marlowe Avenue (southeast of site), Variance of Use to provide for religious uses, **granted**.

96-UV2-98; 1202 East New York Street (east of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a paved parking lot as the primary use (not permitted) for an auction hall located across the street, **denied**.

EXHIBITS



LEGAL DESCRIPTION
[Text describing the property and its location]

SUBDIVISION CERTIFICATE
[Text regarding subdivision regulations and compliance]

STANDARD PLANNING COVENANTS
[Text detailing the covenants and restrictions for the subdivision]

APPROXIMATE STATEMENT
[Text providing an approximate description of the property]

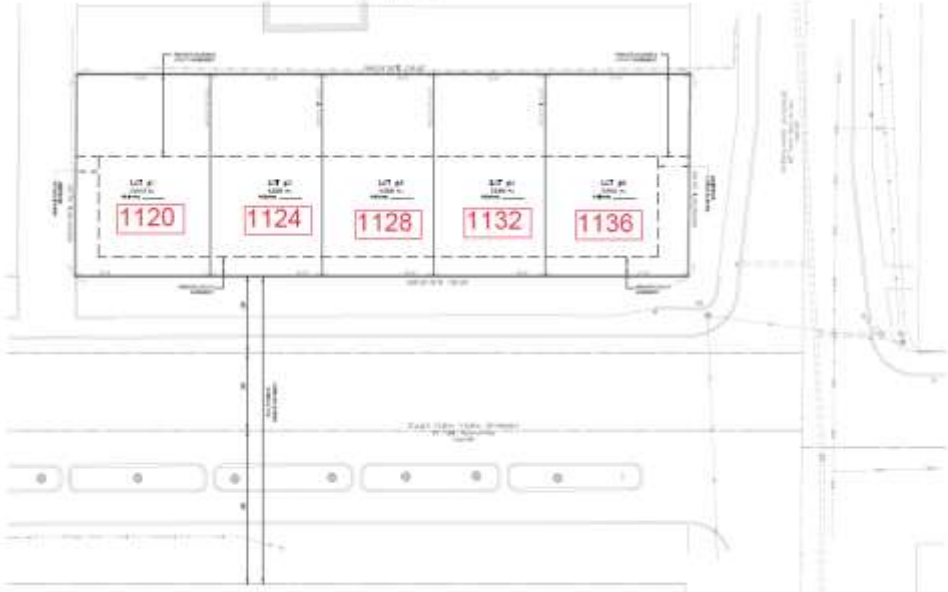
DIVID DESCRIPTION
[Text providing a detailed description of the individual lots]

APPROVED
DATE: 8/4/2024

ELEVATE SUBDIVISION
[Information about the subdivision project]

boyer becker
[Logo of the planning firm]

C1.0



OWNER INFORMATION
 The undersigned hereby certifies that the owner of the real estate herein is the undersigned and that the undersigned is the owner of the real estate herein and that the undersigned is the owner of the real estate herein and that the undersigned is the owner of the real estate herein.

ATTORNEY GENERAL APPROVED FOR RECORDATION

RECORDING OFFICE

DATE OF RECORDATION

APPROVED FOR RECORDATION

ELEVATE SUBDIVISION
 A Replat of Lot 9 and the South Half of Lot 10
 in Block 2 in Walker's East Ohio Street Addition

SECTION 16
 10-10-2014-10-10-2014
 10-10-2014-10-10-2014
 10-10-2014-10-10-2014
 10-10-2014-10-10-2014

RECORDER'S COMMENTS
 REFERENCE TO THE PROCEEDINGS FOR APPROVAL OF THE SUBDIVISION IS REFERRED TO THE PUBLIC RECORDS OF THE CITY OF INDIANAPOLIS FOR THE YEAR 2014.

APPROVED FOR RECORDATION

DATE OF RECORDATION

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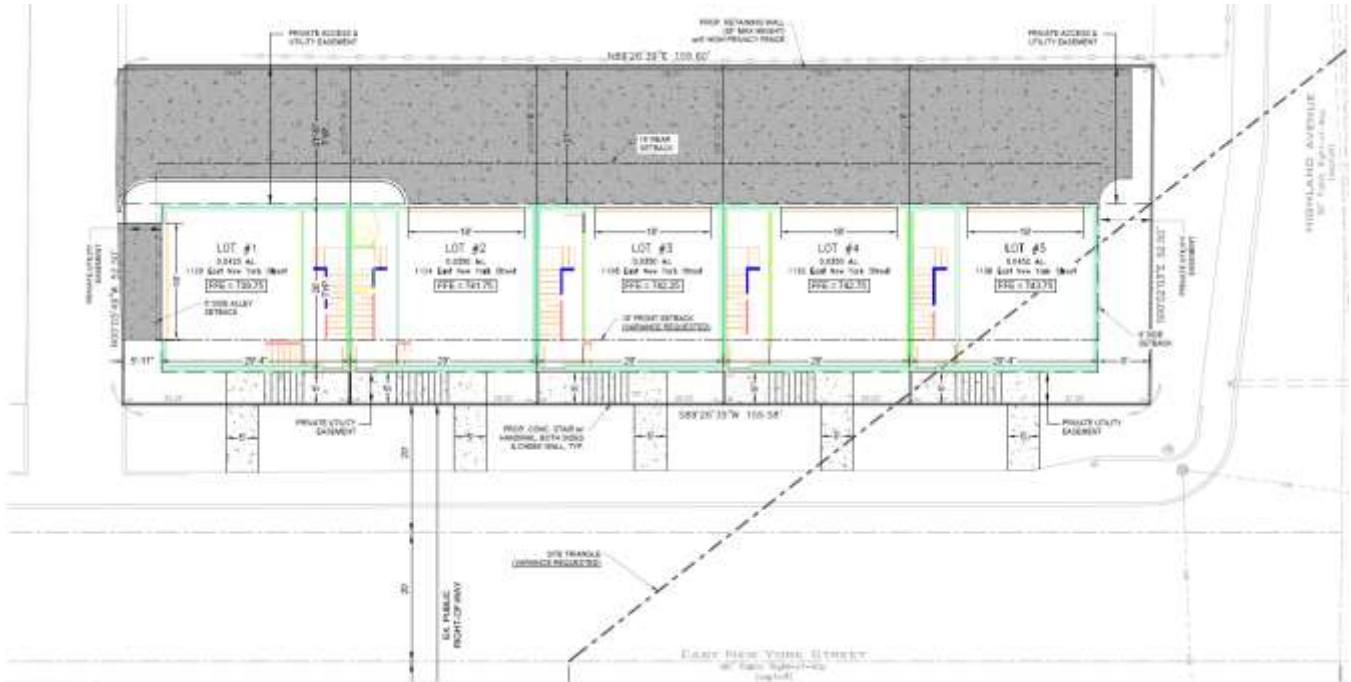
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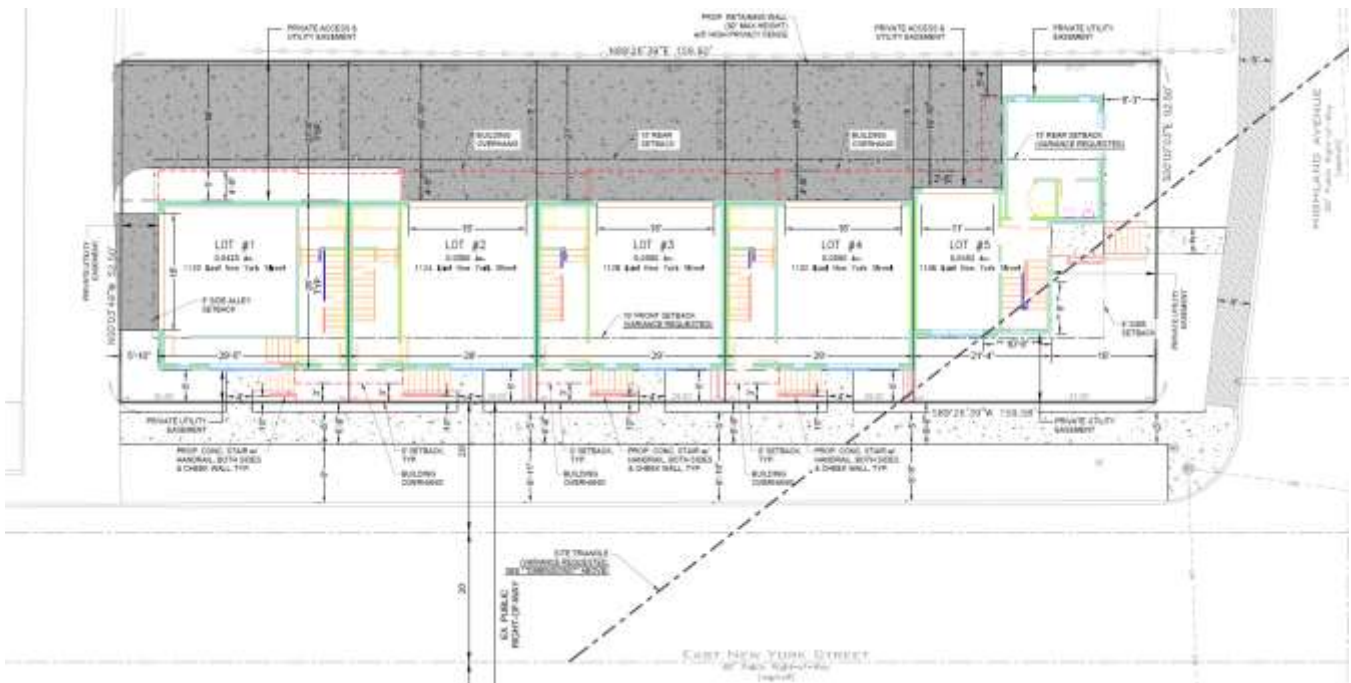
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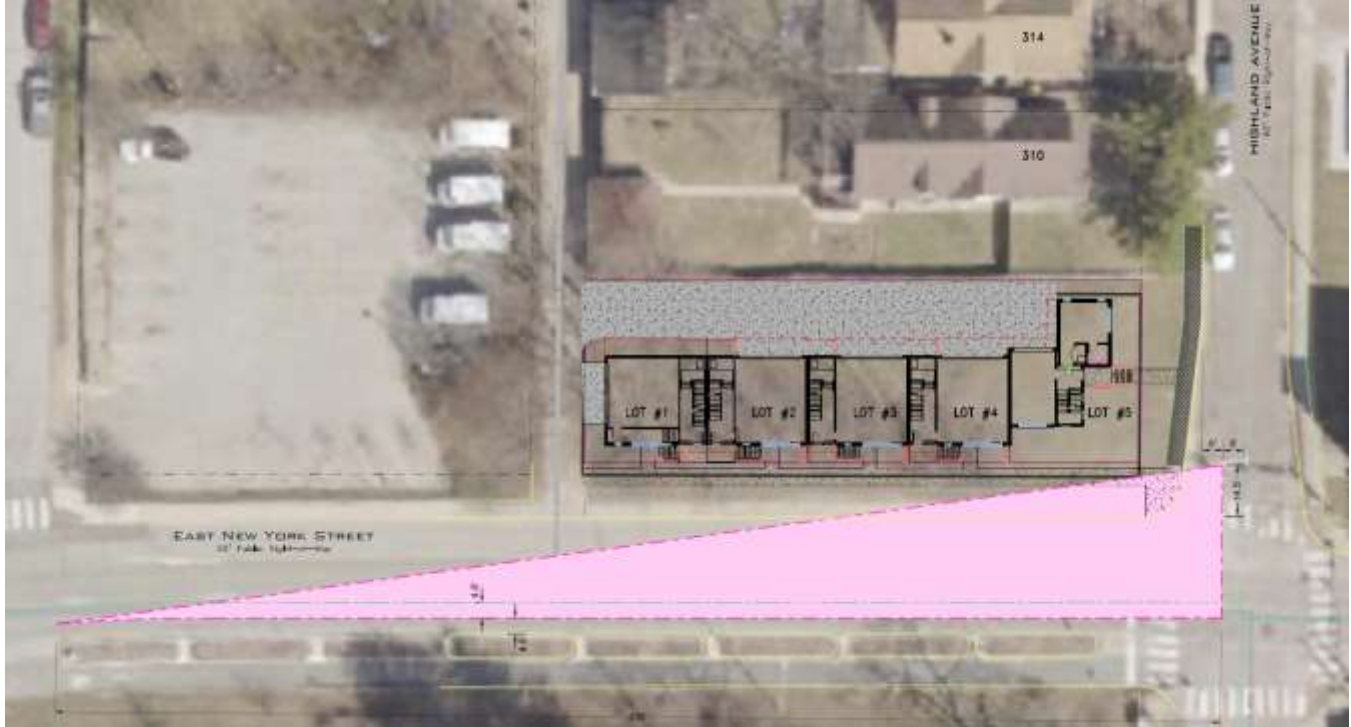
SITE PLAN



AMENDED SITE PLAN



DPW INTERSECTION SIGHT DISTANCE



PROPOSED SETBACKS CALLED OUT



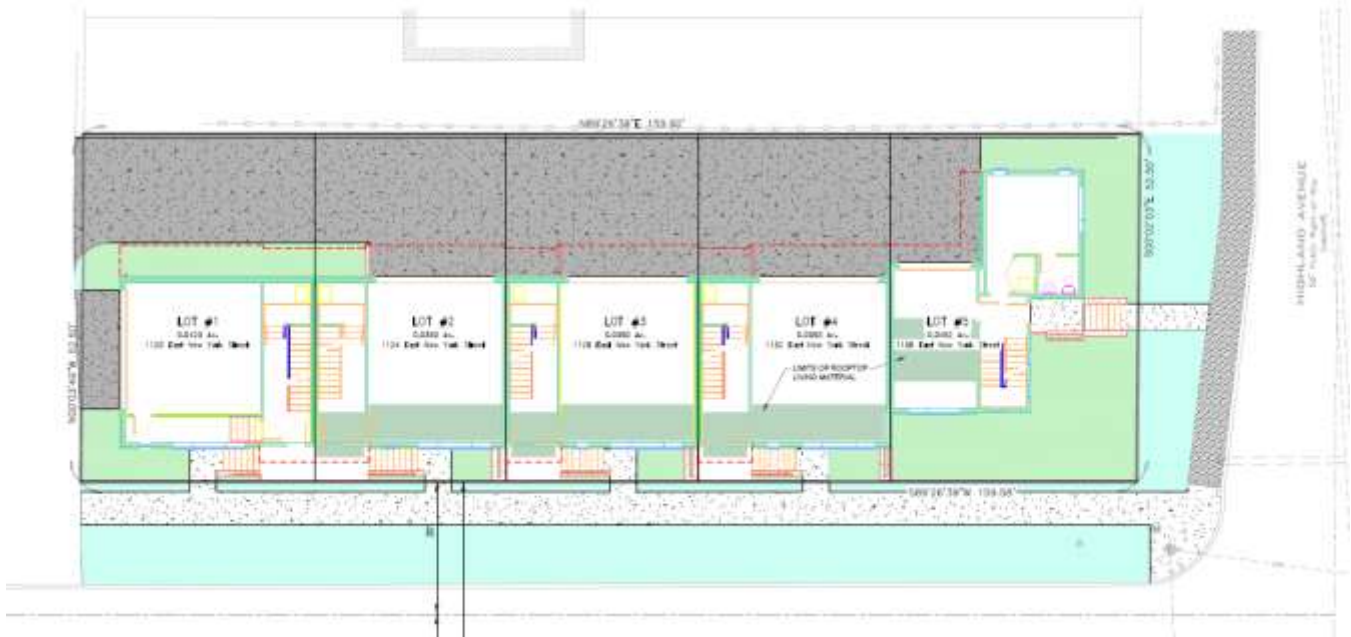


LEGEND

- PROPOSED CONCRETE DRIVE
- PROPOSED CONCRETE WALK
- LIVING MATERIAL (PARCEL GROUND-LEVEL)
- LIVING MATERIAL (ROOFTOP)
- LIVING MATERIAL (RIGHT-OF-WAY)

LIVING MATERIAL CALCULATION

PARCEL GROUND-LEVEL LIVING MATERIAL = 1,322 SF
 ROOFTOP LIVING MATERIAL = 816 SF
 RIGHT-OF-WAY LIVING MATERIAL = 2,117 SF
 TOTAL SITE LIVING MATERIAL = 4,255 SF





ELEVATE AT HIGHLAND PARK

EXTERIOR RENDERING - ZONING PACKET
 09/11/24



South Elevation
 1" = 10'-0"

ELEVATE AT HIGHLAND PARK

EXTERIOR ELEVATIONS - ZONING PACKET
 09/11/24





East Elevation
 1" = 10'-0"



West Elevation
 1" = 10'-0"

ELEVATE AT HIGHLAND PARK

EXTERIOR ELEVATIONS - ZONING PACKET
 09/11/24


 BLACKLINE

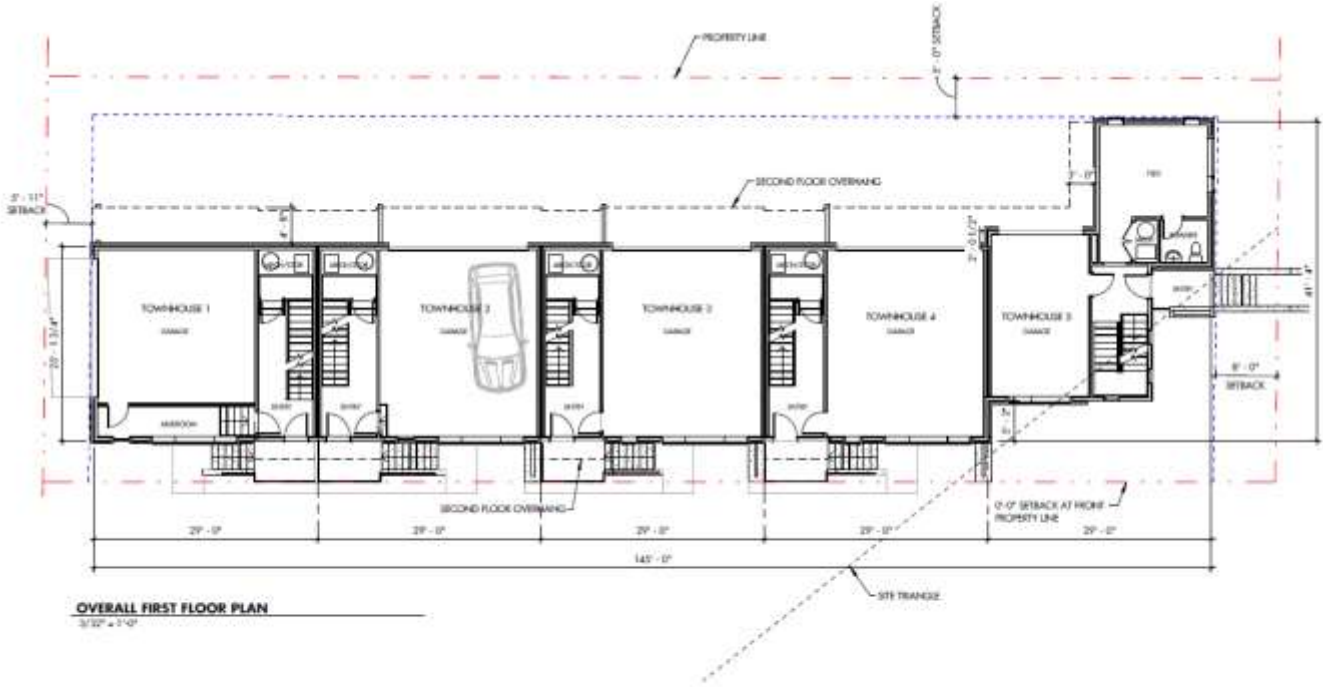


North Elevation
 1" = 10'-0"

ELEVATE AT HIGHLAND PARK

EXTERIOR ELEVATIONS - ZONING PACKET
 09/11/24


 BLACKLINE



ELEVATE AT HIGHLAND PARK

FIRST FLOOR PLAN - ZONING PACKET
 09/11/24



ELEVATE AT HIGHLAND PARK

SECOND FLOOR PLAN - ZONING PACKET
 09/11/24

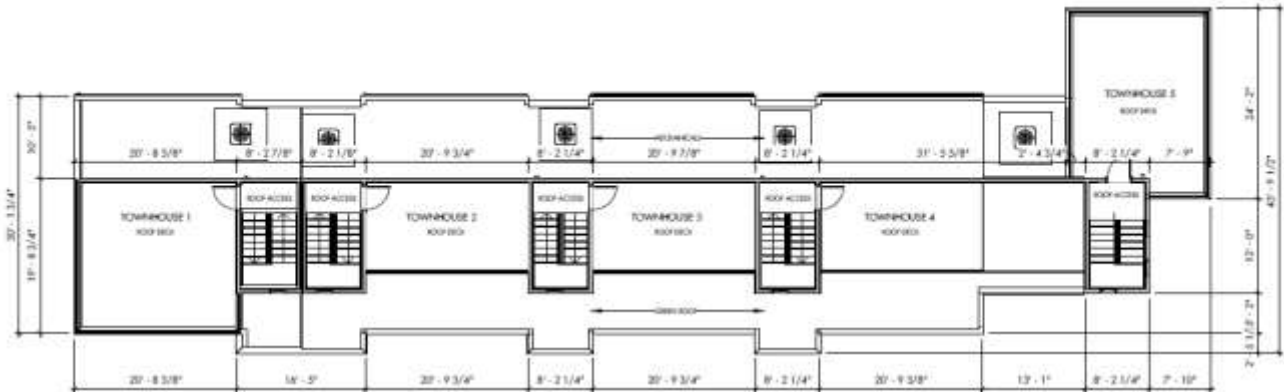




OVERALL THIRD FLOOR PLAN
 1/32" = 1'-0"

ELEVATE AT HIGHLAND PARK

THIRD FLOOR PLAN - ZONING PACKET
 09/11/24



OVERALL ROOF PLAN
 1/32" = 1'-0"

ELEVATE AT HIGHLAND PARK

ROOF PLAN - ZONING PACKET
 09/11/24





**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 existing undeveloped lot meets conformity and zoning standards for a rowhouse development. Subdividing the lot into five (5) lots for such rowhouse development will not be a detriment to the public health, safety, morals and general welfare of the community. The variance request will not substantially increase the hazard from fire or other dangers to the subject property nor will result in an increase in public expenditure or unduly traffic congestion in the public streets and highways.

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 adjacent property will not be affected in a substantially adverse manner. The variance request will not diminish nor impair property values within the neighborhood nor create a nuisance, but is needed for preservation of property rights which are the same as owners of other property in the same or vicinity possessed in D-8 Zoning District.

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

without the variance, the permitted use of the property will result in practical difficulties in the use and proposed development use of the property in compliance with the zoning ordinance.



Photo of the subject site looking west from Highland Avenue.



Photo of the subject site's street frontage along New York Street looking east.



Photo of the subject site looking east from the alley.



Photo of the alley west of the site.



Photo of the parking lot west of the alley.



Photo of the park south of the site.



Photo of the single-family dwelling north of the site.



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