



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

October 24, 2024

Case Number: 2024-CVR-841 / 2024-CPL-841

Property Address: 3359 Carrollton Avenue (Approximate Address)

Location: Center Township, Council District #8

Petitioner: INDYCHEN, LLC., by David Gilman

Current Zoning: D-5
Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for two, multi-unit dwellings, with a five-foot corner side yard for the dwelling and zero-foot corner side yard for the sidewalk and parking space along 34th Street on Lot 1 (minimum eight-foot corner side yard required), and zero-foot north and south side setbacks for sidewalks on Lot 2 (two-foot side setbacks required for minor residential features), with a zero-foot rear setback on Lot 2 for the detached garage (minimum five feet required).

Request:
Approval of a Subdivision Plat, to be known as Osgood Carrollton Estate, subdividing 0.27-acre into two lots.

Current Land Use: Undeveloped

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition will be **continued for cause from the October 24, 2024 hearing to the November 21, 2024 hearing** at the request of the petitioner to allow additional time for the petitioner to present at a registered neighborhood organization meeting.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the November 21, 2024 hearing.



LAND USE

13. **Contact person** identified. This Contact Person is notified when Legal Notice is prepared; contacted to provide additional information; and receives the written Staff Report.

Name (print): David Gilman
Address: 211 S Ritter Avenue, Ste H
Indianapolis, Indiana 46219
Daytime Phone: 317-833-6331 Fax: NA
E-Mail Address: davidgilman78@gmail.com

1. **Contact person** identified. This Contact Person is notified when Legal Notice is prepared; contacted to provide additional information; and receives the written Staff Report.

Name (print): David Gilman
Address: 211 S Ritter Avenue, Ste H
Indianapolis, Indiana 46219
Daytime Phone: 317-833-6331 Fax: NA
E-Mail Address: davidgilman78@gmail.com



CONSENT FORM

The undersigned, INDYCHEN, LLC, being the owner of the property commonly known as 3359 Carrollton Avenue, hereby authorizes David Gilman to file land development petitions necessary for the aforementioned address.

This consent shall (*check one*):

- remain in effect until revoked by a written statement filed with the Planning Division of the Department of Metropolitan Development.
- remain in effect until _____.
- remain in effect until these land development petitions are resolved.

DAVID H. TANG
David H. Tang, Member
INDYCHEN, LLC
Signature(s) of Owner (s)



Signature(s) of Owner(s)

VARIANCE OF DEVELOPMENT STANDARDS



Department of Metropolitan Development
Division of Planning
Current Planning

Address of Subject Property: 3359 Carrollton Avenue

Petitioner(s) Name: INDYCHEN, LLC by David Gilman Phone: 317-833-6331
Address of Petitioner: 211 S Ritter Avenue, Ste H FAX: NA
Indianapolis, Indiana Zip Code: 46219
Email: davidgilman78@gmail.com

Owner(s) Name: INDYCHEN by David Tang Phone: 925-570-4823
Address of Owner: 7077 Antiquity Drive FAX: NA
Carmel, Indiana Zip Code: _____
Email: springtimedave@gmail.com

Request is for (check all that apply):

Variance of Use

Variance of Development Standards

Legal Description (check one):	
<input type="checkbox"/>	Complete Metes & Bounds legal description attached.
<input checked="" type="checkbox"/>	Platted site within a recorded subdivision, copy of plat map attached.
Subdivision Name: <u>Osgood Forest Park</u>	
Lot Number(s): <u>227</u>	Section Number(s): <u>4</u>
Recorded in Plat Book number: <u>15</u>	page(s): <u>40</u>
or recorded as Instrument Number: _____ in the Marion County Recorder's Office.	

Does the petitioner own one hundred percent (100%) of the area involved in the petition (yes or no)?	<u>Yes</u>
Tax Parcel Numbers: <u>1035976</u>	
Acreage: <u>0.27</u>	Township(s): <u>Center</u>



Department of Metropolitan Development
Division of Planning
Current Planning

Is this property the subject of any **code enforcement** action (yes or no)? No
Was this property the subject of any **previous petition** (yes or no)? No
If yes, list the previous petitions' docket number(s): NA

Current **Primary Zoning** Classification: D5 Current **Secondary Zoning** Classification: _____
Current **Comprehensive Plan** recommendation: Residential 3 to 5 units per acre
Existing Use of the Subject Property: Vacant Lot
Existing Improvements on the Subject Property: Undeveloped

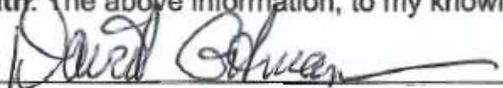
Provide a **detailed description** of the proposal. Attached additional pages or documentation if necessary.

Petitioner request a variance of development standards to allow a sidewalk within a required side yard (not permitted); to allow a partial parking space within a required side yard (not permitted); and, to reduce the corner lot setback to five (5) feet (8 foot corner setback required).

Specify any **specific ordinance(s)**, standard(s), condition(s), commitment(s), and/or regulation(s) sought to be modified. Attached additional pages or documentation if necessary.

Table 742-103.03 Residential Building Type Standards

Oath. The above information, to my knowledge and belief, is true and correct.



DAVID GILMART
Signature(s) of Petitioner(s)

Signature(s) of Owner(s) (if different than petitioner)

TABLE 742.103.03 – RESIDENTIAL BUILDING TYPE STANDARDS

NAME/TYPE	LOT (MIN.) [1]		SETBACKS (MIN.)				BUILDING		Zoning Districts				
	AREA (S.F.)	WIDTH	FRONT	SIDE	CORNER SIDE	REAR	HEIGHT (MAX.) [2]	OPEN SPACE [3]	D5	D5II	D8	D9	D10
Detached House – Medium Lot	≥ 7.2K	60'	See Section 744, Article VII, Section 01.C. Private Frontage Types	7'	10'	20'	35' / 2.5 story	60%	■	■			
Detached House – Small Lot	≥ 5K	40'		5'	8'	20'	35' / 2.5 story	40%	■	■	■		
Detached House – Compact Lot	≥ 2.5K	25'		3'	8'	15'	35' / 2.5 story	20%		■	■	■	
Duplex (2 units)	≥ 7.2K	60'		5'	8'	20'	35' / 2.5 story	60%	■	■	■		
Multi-Unit House (2-4 units) – Small Lot	≥ 5K	40'		5'	8'	20'	35' / 2.5 story	40%	■	■	■		
Multi-Unit House - Compact Lot (2-4 units)	≥ 3.5K	35'		3'	8'	10'	35' / 2.5 story	20%	■	■	■	■	
Row House – Large Lot (2 – 8 units / building)	≥ 2K	20'		5' / 0' if party wall	8'	15'	40' / 3 story	15%		■	■	■	■
Row House – Small Lot (2-12 units / building)	≥ 1.2K	16'		5' / 0' if party wall	8'	15'	40' / 3 story	10%			■	■	■
Small Apartment (3 – 12 units)	4K – 12K	40' – 100'		5'	10'	10'	50' / 2-4 story	100 s.f. / unit			■	■	■
Medium Apartment (13-50 units)	12K – 1ac.	100' – 200'		5'	10'	10'	75' / 3-6 story	75 s.f. / unit				■	■
Large Apartment (51+ units)	≥ 1 ac.	150' min.	5'	10'	10'	150' / 3-12 story	60 s.f. / unit					■	

[1] Lot width shall exclusively control the application of the residential building type standards (except for Apartment Types).

[2] The lesser of the two values shall be the maximum height.

[3] See Walkable Neighborhood Design Standards, Section 744, Article VII, Section 01.D. Block & Lot Open Space for eligible open space designs.

■ Permitted lot and building type in zoning district.

TABLE 744-701-2: PRIVATE FRONTAGE DESIGN STANDARDS

FRONTAGE ELEMENT	TERRACE FRONTAGE	NEIGHBORHOOD YARD FRONTAGE
<i>Application</i>	<p><i>Generally</i> - Applicable D-8, D-9, and D-10. <i>Exception</i> – Applicable in D-5 and D-5ll where:</p> <ul style="list-style-type: none"> ○ Corridors have a high degree of pedestrian amenity in the streetscape; or ○ The context of the block establishes smaller frontages as the predominant pattern (typically 50% or more on the block face or at transitions to adjacent blocks and frontages) 	<p><i>Generally</i> – Applicable in D-5 and D-5ll <i>Exception</i> – Applicable in D-8, D-9, and D-10 where:</p> <ul style="list-style-type: none"> ○ High speed or higher-volume streets that lack pedestrian amenities needed for a quality frontage; or ○ The context of the block establishes larger frontages as the predominant pattern, (typically 50% or more on the block face or at transitions to adjacent blocks or frontages).
<i>Front Building Line ("Build to Range")</i>	10' – 19.9'	20' – 50'
<i>Front Entry & Entry Features</i>	All buildings shall have a primary entrance on the front facade. A single-story entry feature may project up to 10' in front of the front building line, but never more than 5' from the front lot line, provided it meets the scale and design standards in Section 744-701.D	
<i>Front Loaded Garage Placement and Limitations</i>	Prohibited; requires side-loaded, rear-loaded or detached garages.	<ul style="list-style-type: none"> • 0' – 12' behind front building line, up to 30% of facade at the front building line; • 12'+ behind front building line, up to 45% of facade at the front building line. • Prohibited if over 45% of facade; • All other cases require side-loaded, rear-loaded or detached garages.
<i>Landscape [See Section 744, Article V for standards and specifications.]</i>	<ul style="list-style-type: none"> • 50% minimum landscape area (living material) • 1 street tree for every 35' of lot frontage. • Planting beds with shrubs or perennial plants shall cover at least 10% of the frontage area. 	<ul style="list-style-type: none"> • 65% minimum landscape area (living material) • 1 street tree for every 35' of lot frontage, and one additional tree per 35' of frontage where the front building line is more than 35' from the front lot line. • Planting beds with shrubs or perennial plants shall cover at least 10% of the frontage area.
<i>Surface Parking Lot Setback and Limits</i>	<ul style="list-style-type: none"> • At least 20' or behind the front building line, whichever is greater. 	<ul style="list-style-type: none"> • Behind the front building line.

PLAT



◆ PETITION FOR PLAT APPROVAL ◆

Address of Subject Property: 3359 Carrolton Avenue

Proposed Name of Subdivision: Osgood Carrollton Estate

Petitioner(s) Name: INDYCHEN, LLC by David Gilman Phone: 317-833-6331
Address: 211 S Ritter Avenue, Ste H FAX: NA
Indianapolis, Indiana Zip Code: 46219
Email: davidgilman78@gmail.com

Owner(s) Name: INDYCHEN, LLC by David Tang Phone: 925-570-4823
Address: 7077 Antiquity Drive FAX: NA
Carmel, Indiana Zip Code: 46033
Email: springtimedave@gmail.com

Registered Land Surveyor who prepared the plat:
ARE Surveying Consultants, Inc Phone: 317-407-8080
Address: 129 South 8th Avenue FAX: NA
Beech Grave, Indiana Zip Code: 46107
Email: ebrowning@aresurveying.com



Department of Metropolitan Development
Division of Planning
Current Planning

Legal Description of Subdivision or Resubdivision boundaries: *(to be attached)*

Section: _____ Township: _____ Range: _____

Tax Parcel Numbers: 1035876

Acreage: 0.27 Number of Lots: 2 Township(s): Center

Current Zoning Classification(s): D5 To be platted as: D5 classification

Metropolitan Development Commission Rezoning petition docket number: NA

Is the Cluster option of the Dwelling Districts Zoning Ordinance utilized (yes or no)? No

Is any part of the subdivision within 500 feet of a park, parkway, boulevard (yes or no)? No

Total length of any new streets to be dedicated to public use: NA

Brief Description of proposed improvements for:

Streets: Existing

Storm Drainage: Existing

Sanitary System: Existing

Utilities: All Available to Site

Specify any Modifications or Waivers of the Subdivision Control Ordinance requested for the subdivision plan. Attached additional pages or documentation if necessary.

No

Oath: The undersigned hereby applies for final plat approval of the following described subdivision or resubdivision. Further, the undersigned is the owner of the real estate included in said subdivision or resubdivision. The undersigned, having been duly sworn, upon oath, says that the above information, to their knowledge and belief, is true and correct and that the undersigned agrees to comply with all applicable requirements of the Subdivision Control Ordinance of Marion County, Indiana, as amended.

DAVID G. GURAL

Signature(s) of Petitioner(s)

Signature(s) of Owner(s) (if different than petitioner)



Department of Metropolitan Development
 Division of Planning
 Current Planning

Marion County Soil and Water Conservation
 District

Attn: Cheyenne Hoffa
 1200 Madison Avenue, Suite 200
 Indianapolis, Indiana 46225

Citizens Energy Group - All Divisions

Attn: Jerry Sikes
 2150 Dr. Martin Luther King Jr. St
 Indianapolis, Indiana 46202

Marion County Assessor's Office

Attn: Brian Schneider
 200 East Washington Street, Suite 1342
 Indianapolis, IN 46204

Department of Public Works

Attn: Shawn Brock
 2520 Hudnut Boulevard
 Indianapolis, Indiana 46221

If plats involve Septic Systems:

Health and Hospital Corporation
 Attn: Pam Thevenow
 3901 Meadows Drive, 2nd floor
 Indianapolis, Indiana 46205

Applicable Fire District
City or Township

Metropolitan Emergency Communications Agency -
 MECA

Attn: Tom Bassett
 47 South State Avenue
 Indianapolis, Indiana 46201

AT&T

Attn: Joshua Hewitt
 5870 North College Avenue
 Indianapolis, IN 46220

Indianapolis Power & Light Company

Attn: Bill Luecht or David Hanna
 1230 West Morris Street, Room 304
 Indianapolis, IN 46221

If located within the limits of the City of Lawrence:

Renea Rafala
 9001 E. 59th Street
 Lawrence, IN 46216

Applicable public school district
City or Township

STAFF ANALYSIS

GENERAL INFORMATION

Existing Zoning	Enter Zoning and Secondary Districts	
Existing Land Use	Enter Land Use	
Comprehensive Plan	Enter Comprehensive Plan Recommendation	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	Enter Zoning	Enter Land Use



South:	Enter Zoning	Enter Land Use
East:	Enter Zoning	Enter Land Use
West:	Enter Zoning	Enter Land Use
Thoroughfare Plan		
Enter Street(s)	Enter Thoroughfare	Enter ROW Requirement vs Proposed
Context Area	Compact or Metro	
Floodway / Floodway Fringe	Yes or No	
Overlay	Yes or No	
Wellfield Protection Area	Yes or No	
Site Plan	Enter Date. N/A if not applicable	
Site Plan (Amended)	Enter Date. N/A if not applicable	
Elevations	Enter Date. N/A if not applicable	
Elevations (Amended)	Enter Date. N/A if not applicable	
Landscape Plan	Enter Date. N/A if not applicable	
Findings of Fact	Enter Date. N/A if not applicable	
Findings of Fact (Amended)	Enter Date. N/A if not applicable	
C-S/D-P Statement	Enter Date. N/A if not applicable	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Enter all comprehensive plans applicable to this proposal.

Pattern Book / Land Use Plan

- Enter Recommendation by Pattern Book or “Not Applicable to the Site. Please see Neighborhood / Area Specific Plan (etc.) below.”

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Enter Recommendation by TOD Plans or “Not Applicable to the Site.”

Neighborhood / Area Specific Plan

- Enter Recommendation by Pattern Book or “Not Applicable to the Site.”

Infill Housing Guidelines



- Enter Recommendation by IHG or “Not Applicable to the Site.

Indy Moves

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

- Enter Recommendation by Indy Moves Plans or “Not Applicable to the Site.

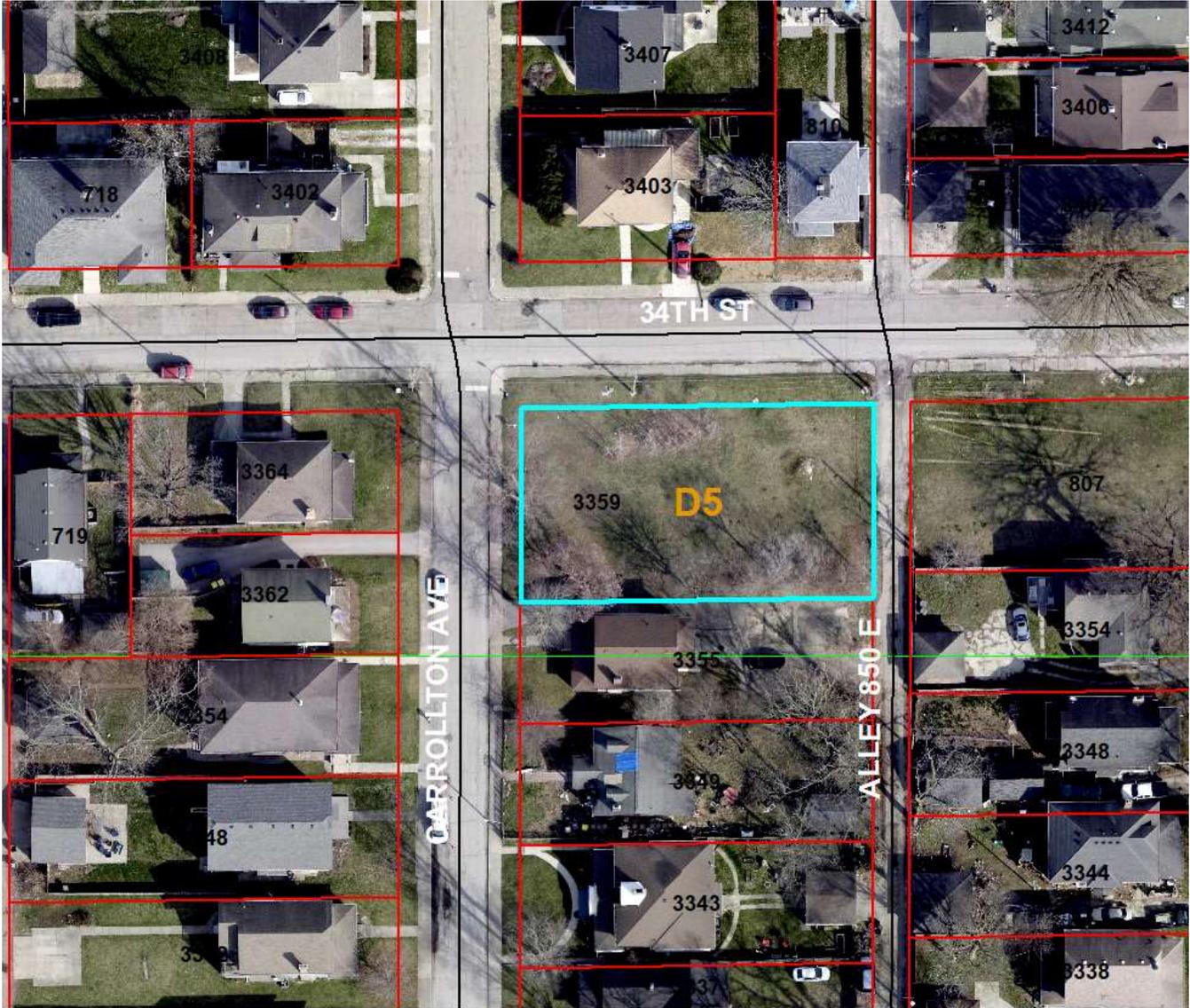


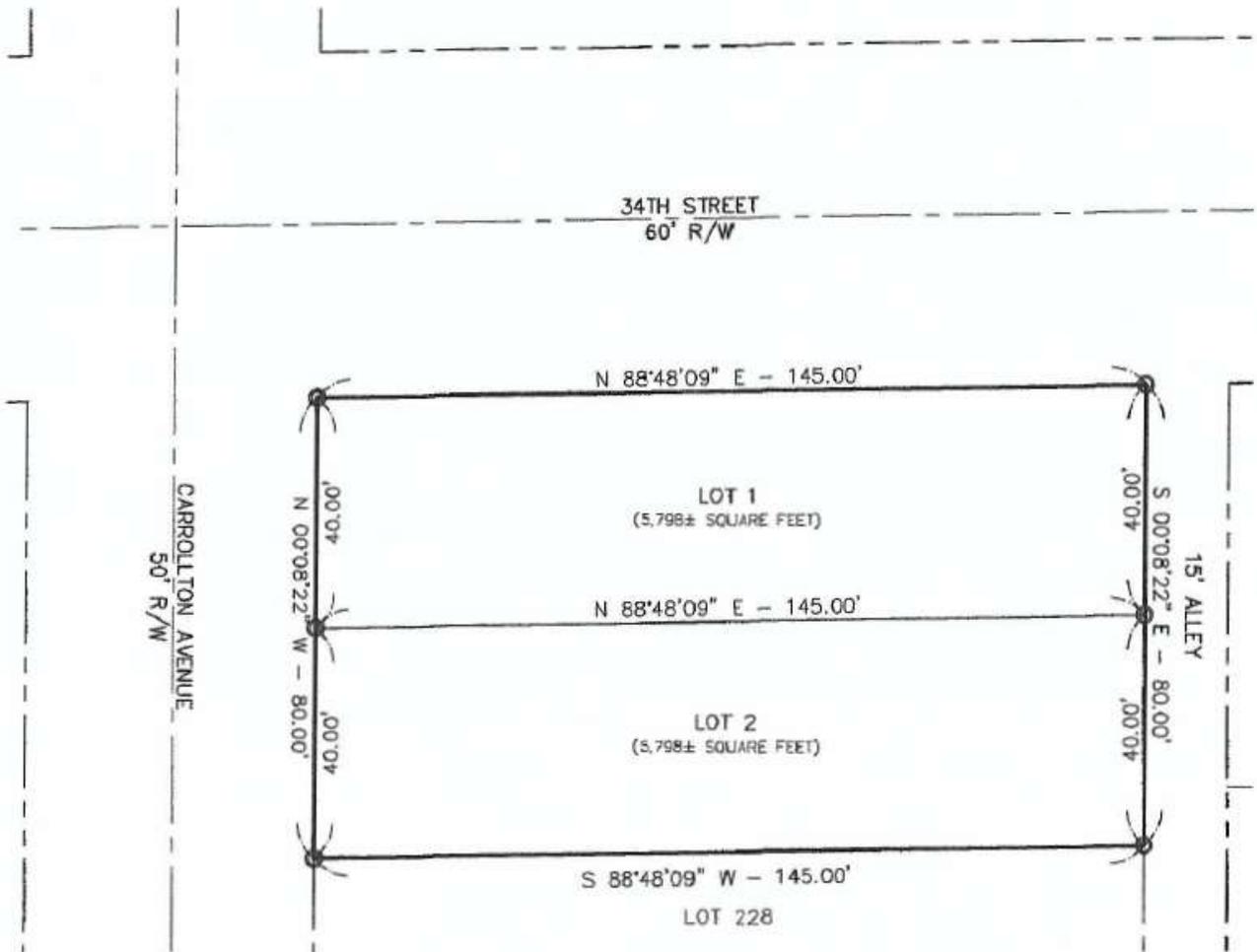
ZONING HISTORY

Enter Zoning History

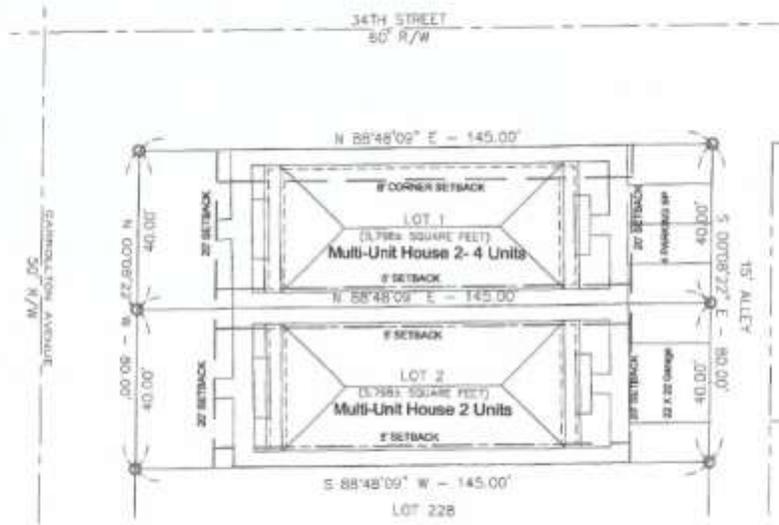
EXHIBITS

Enter any photographs or site plans





Multi-Unit House; Small Lot Design



SITE DEVELOPMENT PLAN
 SCALE: 1" = 20'



LAND DEV. SERVICES JAMES HAYWARD 411 S. HARRIS AVENUE INDIANAPOLIS, IN
3359 PROPERTY 3359 HARRIS AVENUE INDIANAPOLIS, IN
DATE 9/3/24
PZ 1.2



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 residential buildings will be constructed to meet all applicable building codes and health department standards.

The site has direct access to a public street and has all utilities readily available.

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 use of the site is compatible with the developed area and general neighborhood.

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

The request to the side yard encroachments and a slight reduction to a corner setback are minor deviations to the Walkable Design Standards. The sidewalks provide a safe pathway to the entrances and the parking meets the minimal amount required by the ordinance.

