

BOARD OF ZONING APPEALS DIVISION II

April 09, 2024

Case Number: 2024DV2012
Property Address: 1613 E 20th Street (approximate address)
Location: Center Township, Council District #8
Petitioner: Martindale Brightwood Community Development Corporation, by David Kingen
Current Zoning: D-8
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a 4.5-foot corner side yard setback and a 27.4-foot front yard setback (eight-foot corner side required, maximum 19.9-foot front setback permitted).
Current Land Use: Undeveloped
Staff Recommendations: Staff recommends **approval** of both variance requests.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- The subject site is currently undeveloped and is a corner lot at the southwest corner of the intersection of Ralston Avenue and 20th Street. The property is surrounded by residential development and vacant parcels zoned for residential development on all sides.
- Permits were opened at this address in late 2023 to legalize the construction of a single-family residence with a rear parking pad accessed by the existing alley. The proposed development would establish both a corner side setback of 4.5 feet (8 required) and a front building line of 27.4 feet (range between 10 and 19.9 feet required). This variance is sought to legalize both of those setbacks and allow for the proposed single-family development.

- This property is zoned D-8 to allow for a variety of housing formats with a mix of small-scale multi-unit building types as well as infilling single-family residences with established urban areas. The Comprehensive Plan also designates it for the Traditional Neighborhood living typology to allow for a full spectrum of housing types within compact, well-connected neighborhoods.
- Setback standards allow for adequate separation between neighboring properties and between structures and public roadways. They are also a key component of recent ordinance amendments focused on the implementation of walkable, compact neighborhoods. Additionally, uniform front setbacks help shape the perceived size of streets and promote orderly development as outlined within the Infill Housing Guidelines. Table 744-701-2 of the Indianapolis Zoning Ordinance indicates that along Terrace frontages a maximum front building line of 19.9 feet is allowed. Additionally, 8-foot corner side setbacks are required for this property and development type per Table 742.103.03 of the Ordinance.
- Although not located on corner lots, the side setbacks for the two adjacent properties to the south are an average of around 4 feet. Additionally, the corner side setback of the property to the northeast (2001 Ralston Avenue) is approximately 3.3 feet. The required side and corner side setbacks for this property would allow for a maximum building width of 24 feet and shifting the proposed building southward to comply with the corner side setback standards would create the need for a variance for the southern side setback. Given that the proposed development would conform with Infill Housing Guidelines on uniformity of side yard setbacks, and given the narrow width of the lot, staff would support this portion of the variance request.
- Legalization of the proposed layout would result in a front building line of 27.4 feet. The FBLs of the adjacent property to the south is approximately 26 feet. Additionally, shifting the building forward on the lot could potentially create compliance issues with clear-sight triangular area standards. Given that the proposed location matches the context of the block and would be outside of the clear-sight triangle, staff would support this portion of the variance request.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Traditional Neighborhood
	South:	South: Traditional Neighborhood
	East:	East: Traditional Neighborhood
	West:	West: Traditional Neighborhood
Thoroughfare Plan		
Ralston Avenue	Local Street	50-foot right-of-way existing and 48-foot right-of-way proposed
20 th Street	Local Street	50-foot right-of-way existing and 48-foot right-of-way proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	03/06/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/06/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this property for the Traditional Neighborhood living typology to allow for a full spectrum of housing types within compact, well-connected neighborhoods, ranging from single family homes to large-scale multifamily housing. Infill development should continue the existing visual pattern, rhythm, or orientation of the surrounding buildings when possible.

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

- The Infill Housing Guidelines indicate that front setbacks should match the context of existing residences in the neighborhood with uniformity and construction within the existing 'setback range' when possible. Corner sites where two streets intersect should reflect the context from both streets.
- The Infill Housing Guidelines also indicate that side setbacks should be appropriate for the surrounding block with adequate room for maintenance and should reinforce existing spacing without creating uncharacteristically large gaps.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2018ZON112 ; 2000 Tipton Street (east of site), Rezoning of 0.1 acre from the C-7 district to the D-8 classification, **approved**.

2009HOV021 ; 2015 Ralston Avenue (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a minimum side yard of 3.5 feet and an aggregate side setback of seven feet (minimum four side setback and 10-foot aggregate side setback required), **approved**.

2009HOV020 ; 2018 Ralston Avenue (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an aggregate setback of nine feet (minimum 10 feet aggregate setback required), **approved**.

2000UV2003 ; 2006 Tipton Street (northeast of site), variance of use of the Commercial Zoning Ordinance to provide for the outdoor storage of remnant fencing materials (not permitted), **approved**.

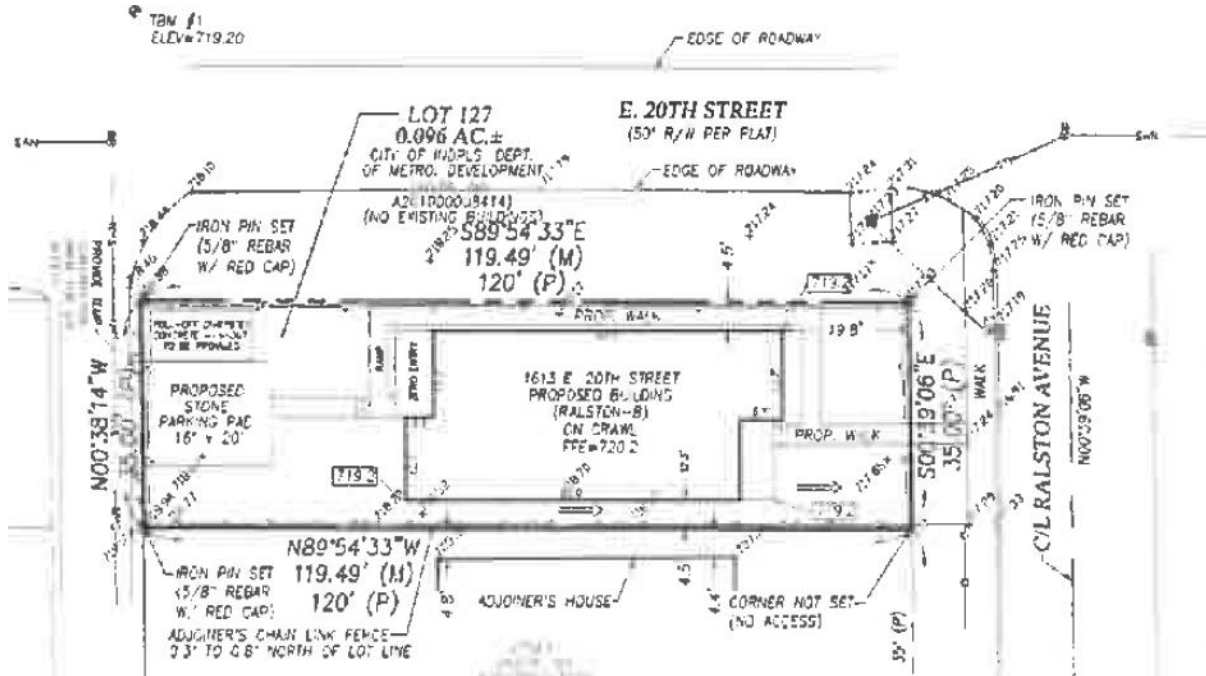
87-UV1-22 ; 2023 Hovey Street (northwest of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for the retail sale of fresh and frozen seafood, **denied**.

EXHIBITS

2024DV2010 ; Aerial Map



2024DV2010 ; Site Plan



2024DV2010 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The previous dwelling was positioned on the site also close to the north property line and thus the dwelling with the grant of the variance would be characteristic of other dwellings on corner lots in this part of the Hillside 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:

This part of the Hillside neighborhood will be enhanced by the addition of another single family dwelling on a vacant lot.

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

If the dwelling was slide to the south to allow for the required north front yard setback, then the dwelling would need a variance from the side yard setback to the south.

2024DV2010 ; Photographs



Photo 1: View of Property from North



Photo 2: Adjacent Property to East

2024DV2010 ; Photographs (continued)



Photo 3: Adjacent Property to North



Photo 4: Adjacent Property to Northeast