

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-DV3-038  
**Address:** 2434 & 2444 Winthrop Avenue (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** D-8  
**Petitioner:** Indianapolis Neighborhood Housing Partnership Inc., by Brandon Knox  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a townhome community development with six-foot rear yard setbacks and a livability space ratio of 0.21 (15-foot rear yard setback, livability space ratio of 0.66 required).

### RECOMMENDATIONS

Staff **recommends approval** of the request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

D-8	Compact	Undeveloped
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##### SURROUNDING ZONING AND LAND USE

North	I-2	Religious Uses
South	I-2 / D-8	Undeveloped land / single-family dwellings
East	D-8	Undeveloped land
West	D-8	Single-family dwellings and Two-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood development.
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- ◇ This 1.35-acre lot, zoned D-8, is currently undeveloped.
- ◇ North of the subject site is a religious use facility within the I-2 District. South of the subject site is an undeveloped lot and single-family dwellings located within the I-2 and D-8 Districts. To the east are undeveloped lots within the D-8 District. West of the subject site are various single-family dwellings and duplexes within the D-8 District.
- ◇ The subject site has historically been used for industrial uses, namely, the location of a former industrial bakery and associated surface parking. According to aerial imagery, these structures were demolished by 2008. The site has remained undeveloped ever since.

(Continued)

## **STAFF REPORT 2023-DV3-038 (Continued)**

- ◇ The subject site was recently rezoning from the I-2 District to the D-8 District to allow for the development of a townhome community. This approval is subject to commitments related to maintaining a reasonable level of cleanliness of the site and future elevations being subject to Administrator's Approval, to be in line with the Infill Housing Guidelines.

### **VARIANCE**

- ◇ As proposed, the request would provide for the construction of a townhome community, with a total of 33 units across 10 buildings, each containing three to four units.
- ◇ The Comprehensive Plan recommends the development of Traditional Neighborhood development. This typology is intended to provide for a full spectrum of housing types, ranging from detached single-family homes to large-scale multifamily housing. Development within this typology should be compact and well-connected with exclusive vehicular access from improved alleys when feasible. This typology is recommended for a residential density of five to 15 units per acre, however, greater density is recommended when located within a quarter mile of a frequent transit line, greenway, or park.
- ◇ As proposed, the development maintains a six-foot rear yard setback from the alley located along the western lot line. This setback would allow for five primary buildings to be located within the required 15-foot rear yard setback, and three vehicular access drives. Staff would note that the Ordinance requires exclusive vehicular access from this alley, and that other forms of residential development, particularly detached single-family housing, affords exceptions that would allow for detached accessory structures to be located as close as five feet from the rear lot line. Given that the development does not propose individual garages, which would result in numerous points of access, Staff believes that this portion of the request to be a reasonable deviation from the Ordinance.
- ◇ As the initial development will occur while the property is under sole ownership, the development is subject to providing for a livability space ratio 0.66. The livability space ratio expresses the relationship between the size of a development and the size of the non-vehicular outdoor, natural areas available for use and enjoyment. A ratio of 0.21 is proposed. While Staff is hesitant to recommend approval of such a deviation, Staff would note that the Monon Trail is located 240 feet to the east, with pedestrian access located 440 feet to the east from the northern lot line, along 25<sup>th</sup> Street. Given that the comprehensive plan outlines enhanced density within a quarter mile of greenways, Staff believes that the proposed decrease of livability space to be responsive to the plan.
- ◇ While the development will occur under a sole owner, the intent of the development is to allow for affordable housing ownership opportunities. Staff believes that this is responsive to the Ordinances Livability Principles, particularly to promote equitable and affordable housing. The grant of this variance is required to allow for future subdivision of the property to allow for individualized ownership.

(Continued)

## **STAFF REPORT 2023-DV3-038 (Continued)**

### **GENERAL INFORMATION**

#### THOROUGHFARE PLAN

This portion of Winthrop Avenue is classified as a local street in the Official Thoroughfare Plan for Marion County, Indiana with an existing 50-foot right-of-way and proposed right-of-way of 48 feet.

This portion of East 24<sup>th</sup> Street is classified as a local street in the Official Thoroughfare Plan for Marion County, Indiana with an existing 50-foot right-of-way and proposed 48-foot right-of-way

#### SITE PLAN

File-dated September 15, 2023.

#### FINDINGS OF FACT

File-dated September 15, 2023 and September 28, 2023.

### **ZONING HISTORY – SITE**

**2023-ZON-015; 2423 and 2444 Winthrop Avenue;** requests rezoning of 1.35 acres from the I-2 District to the D-8 District; **approved.**

### **ZONING HISTORY – VICINITY**

**2020-ZON-048; 1123 East 25<sup>th</sup> Street;** requests rezoning of 1.435 acres from the I-4 District to the D-8 District; **approved.**

**2018-ZON-002; 2401-2475 Winthrop Avenue;** requests rezoning of 2.04 acres from the I-4 District to the D-8 classification; **approved.**

**2005-DV1-032; 1100 East 24<sup>th</sup> Street;** requests variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a 42, 379-square foot addition to an existing 108,294-square foot industrial building, with a zero-foot front setback from Yandes Street (minimum 20-foot front yard setback required), with a zero-foot north side yard setback (minimum 20-foot side yard setback required), and with a maneuvering space for an off-street loading area within the rights-of-way of Yandes Street and East 24<sup>th</sup> Street; **granted.**

**2004-SE2-001; 1131 East 25<sup>th</sup> Street;** requests special exception of the Industrial Zoning ORdinacne to provide for a 10,000-square foot office and warehouse with a ten-foot front yard setback from the existing right-of-way line of Yandes Street and East 25<sup>th</sup> Street; **granted.**

**2004-DV2-010; 1131 East 25<sup>th</sup> Street;** requests variance of development standards of the Industrial Zoning Ordinance to provide for a 10,000-square foot office and warehouse with a ten-foot front yard setback from the existing right-of-way line of Yandes Street and East; **granted.**

**2002-UV3-006; 925 East 25<sup>th</sup> Street, and 2454, 2458, 2462, 2468, 2470 and 2476 Winthrop Avenue;** requests variance of use of the Industrial Zoning Ordinance to provide for religious uses, within an existing 4,334.32 square foot building; **granted.**

(Continued)

**STAFF REPORT 2023-DV3-038 (Continued)**

**2001-UV3-008; 2462 Winthrop Avenue;** requests variance of use of the Industrial Zoning Ordinance to provide for a social club; **granted.**

**2001-UV3-023; 2450 Winthrop Avenue;** requests variance of use of the Industrial Zoning Ordinance to legally establish the outside storage of licensed and unlicensed vehicles and truck parts, and the mechanical and body repair of vehicles, in an existing building, with outside storage exceeding 17,350 square feet or 173.32 percent of the total floor area of enclosed structures and buildings; **granted.**

**2000-UV1-008; 2401-2479 Winthrop Avenue;** requests variance of use of the Industrial Zoning Ordinance to provide for 64 multi-family units, a clubhouse and playground area; **granted.**

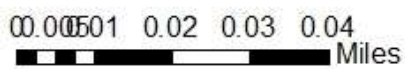
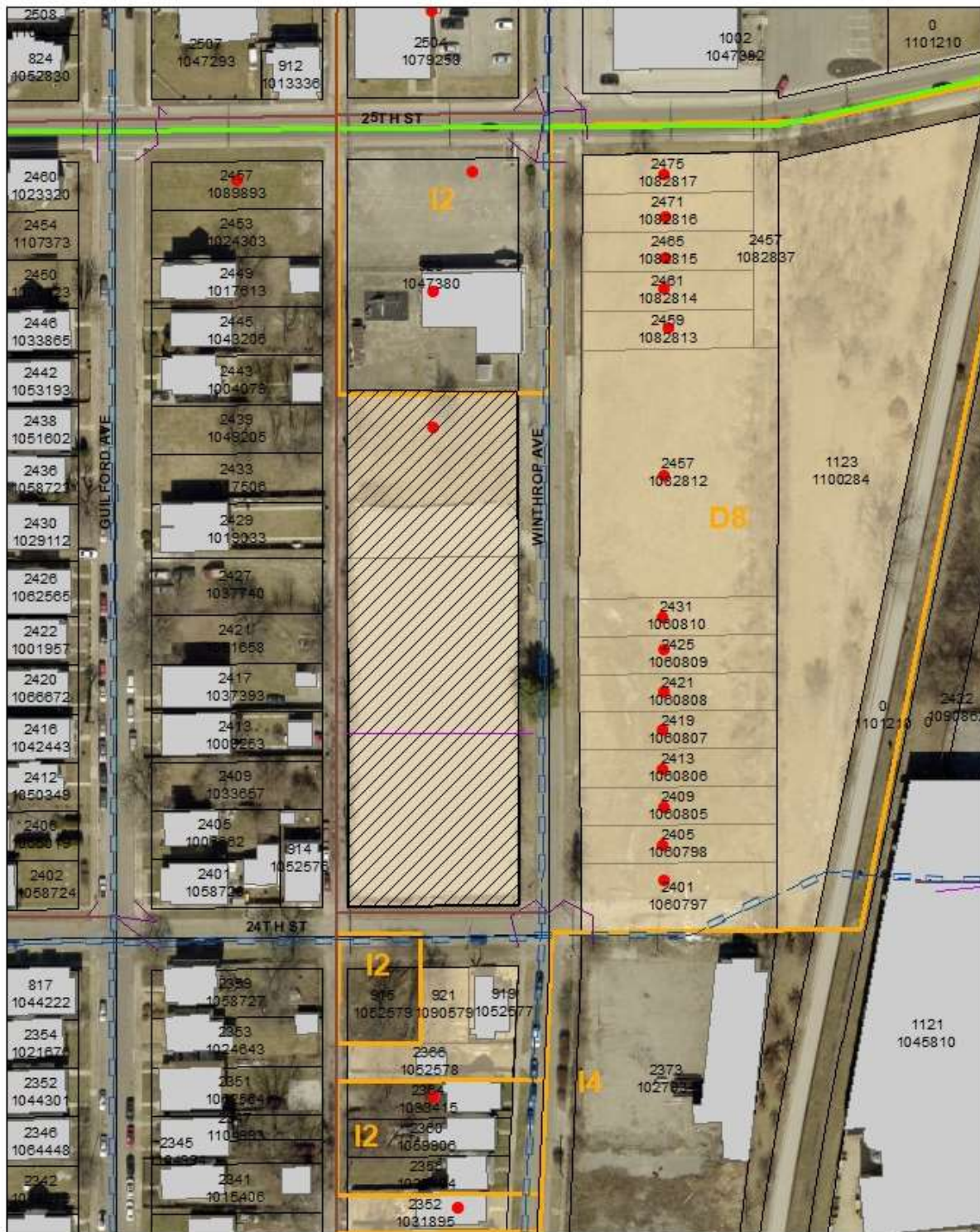
**95-SE3-4; 1204 East 24<sup>th</sup> Street;** requests Special Exception of the Dwelling Districts Zoning Ordinance to provide for an addition to an existing church with additional parking; **granted.**

**63-V-524; 1204 East 24<sup>th</sup> Street;** requests variance of use of the Industrial Zoning Ordinance to permit the construction of a church; **granted.**

EDH

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## 2023-DV3-038; Location Map



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 requested variance will not have any negative impact to the public health, safety, morals, or general welfare of the community because the rear-yard setback will be internal to the proposed development and will not interfere with the overall public health and general welfare as the perimeter of the development and will overall improve the public infrastructure and connectivity of the existing site by adding sidewalk connections.

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 requested variance will not affect the adjacent property as the rear setbacks are all internally oriented within the proposed development. Since all units have attached garages, there is still on-site parking for each individual unit within the footprint of the building.

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

Although the development has the necessary space needed to meet the 15' rear setback requirement, the strict application of this standard would result in practical difficulties of this property due to the extensive private infrastructure that needs to be installed in the private roadways. By keeping the rear setback of the property outside of the private roadway, all private utilities, curbs, and surface pavement can be within the platted "common area" of the community which is owned and managed by the HOA. This would keep all private infrastructure off of the future homeowners and newly created townhome lots.

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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Petition Number \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
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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:

Granting the requested variance from the Livability Space Ratio development standard requirement will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed product and site plan is common in higher-density, missing middle, housing products and patterns such as this. The proposed lot dimensions, home sizes, and internal infrastructure is all sized appropriately for safe and healthy connectivity and livability.

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 of value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed townhome product and community pattern is in line with the surrounding zoning districts and suggested comprehensive plan land uses. Higher-density products, such as townhomes, are encouraged in multi-modal corridors such as this to promote diverse housing options and connectivity throughout the community.

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

The strict application of the terms of the zoning ordinance requiring a .66 Livability Space Ratio will result in practical difficulties of the property and proposed development due to the nature of townhome development patterns. Because townhouses have small lots and vertical floor space, the livability space ratio is weighed down due to the small lot size and minimal open space or traditional private "yard" that is typical in a traditional single family home. The open space within the community is not part of the deeded lot for the unit but is rather included as platted common area for the HOA to own and maintain.

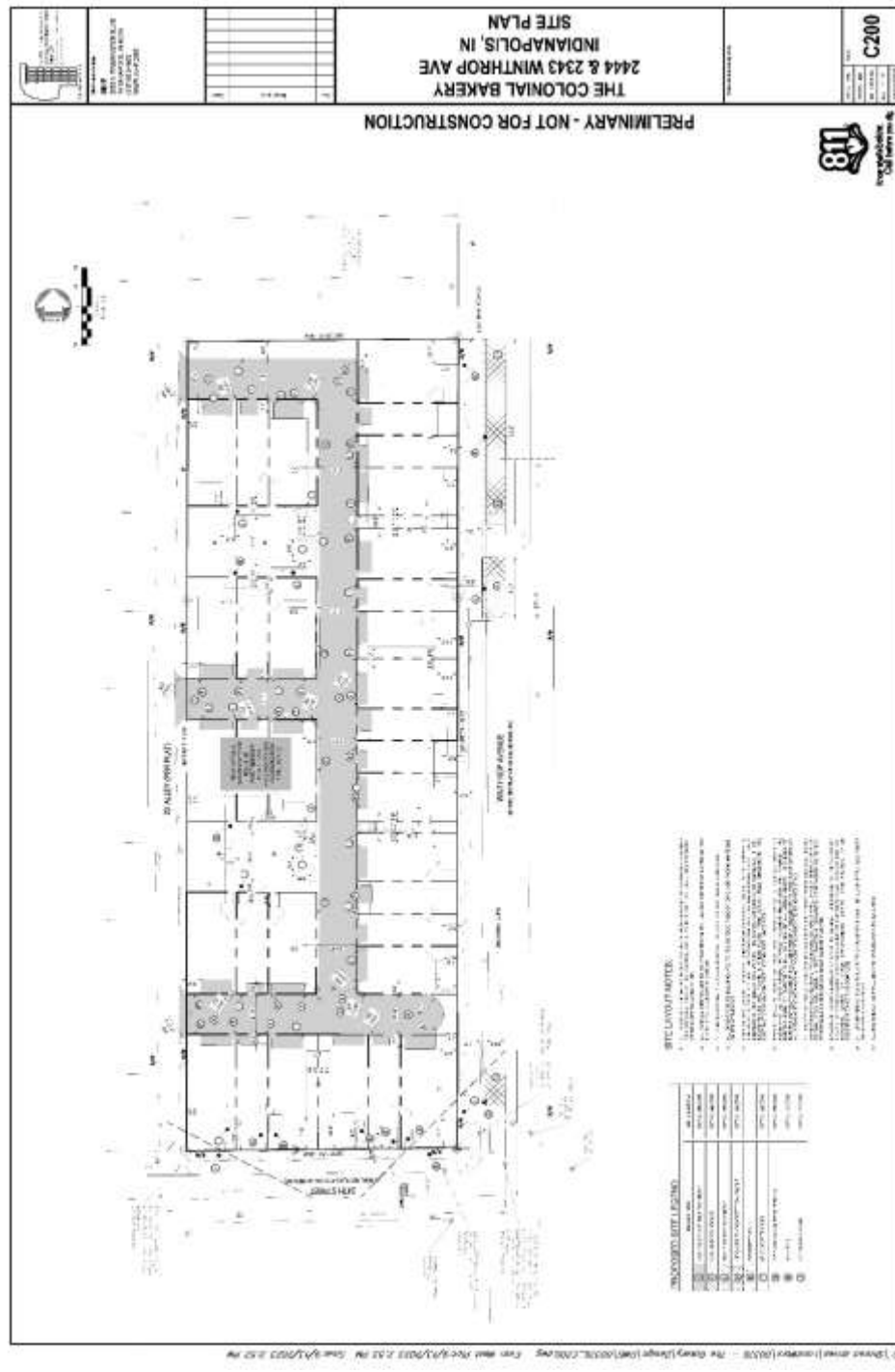
**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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**2023-DV3-038; Photographs**



Photo One: East 24<sup>th</sup> Street, Facing East



Photo Two: East 24<sup>th</sup> Street, Facing West





Photo Three: Looking South of Subject Site



Photo Four: Alley Along Rear Lot Line, Facing North





Photo Five: Looking Towards Subject Site From Winthrop Avenue, Facing West



Photo Six: Looking East of Subject Site, Towards Monon Trail Connection Along 25<sup>th</sup> Street