



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

October 10, 2024

Case Number: 2024-CZN-836 / 2024-CVR-836

Property Address: 802 South State Avenue

Location: Center Township, Council District #18

Petitioner: Structure Midwest, LLC, by Russell L. Brown and Elizabeth Bentz Williams

Current Zoning: C-3
Rezoning of 0.13-acre from the C-3 district to the D-8 District to provide for a triplex residential development.

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a floor area ratio of 1.18 (maximum FAR of 0.60 permitted) and a livability space ratio of 0.24 (minimum LSR of 0.66 required) and to legally establish a zero-foot front building line setback (minimum front building line range of 10 feet to 19.9 feet required), and a zero-foot corner side yard (minimum 10-foot corner side yard required).

Current Land Use: Commercial uses (vacant)

Staff Recommendations: Approval of the rezoning and variances

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing on these petitions.

STAFF RECOMMENDATION

Approval of the rezoning and development standards variances, subject to substantial compliance with the site plan and elevations file dated September 5, 2024.

PETITION OVERVIEW

This 0.13-acre site, zoned C-3, is developed with a vacant commercial building. It is surrounded by single-family dwellings to the north, across Lexington Avenue zoned C-3; a single-family dwelling to the south, zoned C-3; a park (Finch Park) to the east, across South State Avenue, zoned PK-1; and undeveloped land and single-family dwellings to the west, zoned D-5.

Petition 2018-UV1-025 provided for a variance of use and development standards to allow for three live-work units and three total garage spaces within the existing building with reduced setbacks.

REZONING

The request would rezone the site to the D-8 (Walkable Neighborhood) District. “The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.”

“The purpose of walkable neighborhood districts is to implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important.”

The Comprehensive Plan recommends community commercial typology for the site. As proposed, this request would not be consistent with the Plan recommendation.

However, given the surrounding residential land uses and the historical residential use of the site, staff believes the request would support ongoing residential improvements in the neighborhood and would be compatible with the surrounding area. Furthermore, staff would question the viability of commercial use on the site.

VARIANCES

Staff understands that the existing building footprint / foundation would be utilized to provide for three living units, with attached garages. It is not clear whether the existing above-ground portion of the structure would be utilized but redevelopment of the site on the existing footprint / foundation would maintain current and historical development on the northern portion of the site.

The request would provide for a floor area ratio of 1.18 when the Ordinance requires a maximum of 0.60. This ratio compares the size of the building by the total lot area and relates to the intensity of the development.

The request would provide for a livability space ratio of 0.24 when the Ordinance requires a minimum of 0.66. This ratio is a measurement of the amount of space dedicated to open, green, and recreational areas compared to the total built-up area.

Both ratios relate to the quality of life for the residents and the surrounding area. Because this request would allow for redevelopment of a vacant site, staff believes the deviation from the Ordinance in this situation would be supportable because of the limitations of the square footage of the site and the availability of open space (Finch Park) to the east. Additionally, residential development of this site would support and be compatible with the recent residential improvements in the surrounding area.



The variance request would also provide for zero-foot front building line and a zero-foot corner side yard. The Ordinance requires a front building setback range from 10 feet to 19.9 feet and a 10-foot corner side yard. Staff supports these reduced setbacks because they would maintain the current and historical character of development of this site. Furthermore, the reduced setbacks would have minimal impact on surrounding residential land uses.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial (vacant)	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
	North:	C-3 Single-family dwellings
	South:	C-3 Single-family dwelling
	East:	PK-1 Park (Finch Park)
	West:	D-5 Single-family dwelling
Thoroughfare Plan		
South State Avenue	Primary Collector	Existing 60-foot right-of-way and proposed 56-foot right-of-way.
Lexington Avenue	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	September 5, 2024	
Site Plan (Amended)	N/A	
Elevations	September 5, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	September 5, 2024	
Findings of Fact (Amended)	September 11, 2024	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial typology. The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types – Community Commercial Typology*
 - 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.

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 (2021)

The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”

These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

“As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

Indy Moves

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- Identify roadways for planned expansions or new terrain roadways
- Coordinate modal plans into a single linear network through its GIS database

ZONING HISTORY

2018-UV1-025; 802 and 808 South State Street, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for three live-work units and three total garage spaces with the building having zero-foot front and front transitional setbacks, **granted**.

VICINITY

2018-UV1-024; 810, 814 and 818 South State Avenue (south of site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for four townhomes and four, two-car garages, **granted**.

2018-UV2-014; 1643 Lexington Avenue (west of site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and garage with reduced setbacks, **granted**.

2018-HOV-037; 1644 Lexington Avenue (north of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory single-family residential uses, including the demolition and reconstruction of a single-family dwelling and the construction of a detached garage with reduced setbacks, **granted**.

2016-DV1-056; 1638 Pleasant Street & 803 South State Street (south of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for (1) at 1638 Pleasant Street, an attached garage, with a 2.8-foot front setback along State Avenue and a 2.6-foot side setback, creating 33% open space, and to legally establish the existing nine-foot front setback (18-foot front setback, three-foot side setback and 60% open space required), (2) to provide for, at 830 State Avenue, a detached garage, with a 3.3-foot rear setback, and creating 55% open space and to legally establish a single-family dwelling, with a 3.3-foot rear setback, a zero-foot setback along State Avenue and a deck with a three-foot front setback and to provide for and legally establish structures within the clear sight triangles at 1638 Pleasant Street, **granted**.

2010-ZON-090; 1710 Lexington Avenue (northeast of site), requested rezoning from the C-3 district to the D-5 classification, **approved**.

2005-HOV-009; 1643 Lexington Avenue (west of site), requested a variance of use of the Commercial Zoning Ordinance to legally establish a 1,456-square foot, two-story single-family dwelling with a 112-square foot front porch, and a 10-square foot east side porch, **granted**.

2002-UV3-024; 1632 Pleasant Street (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to legally establish a group home / homeless shelter and religious counseling, within an existing single-family dwelling, **denied**.

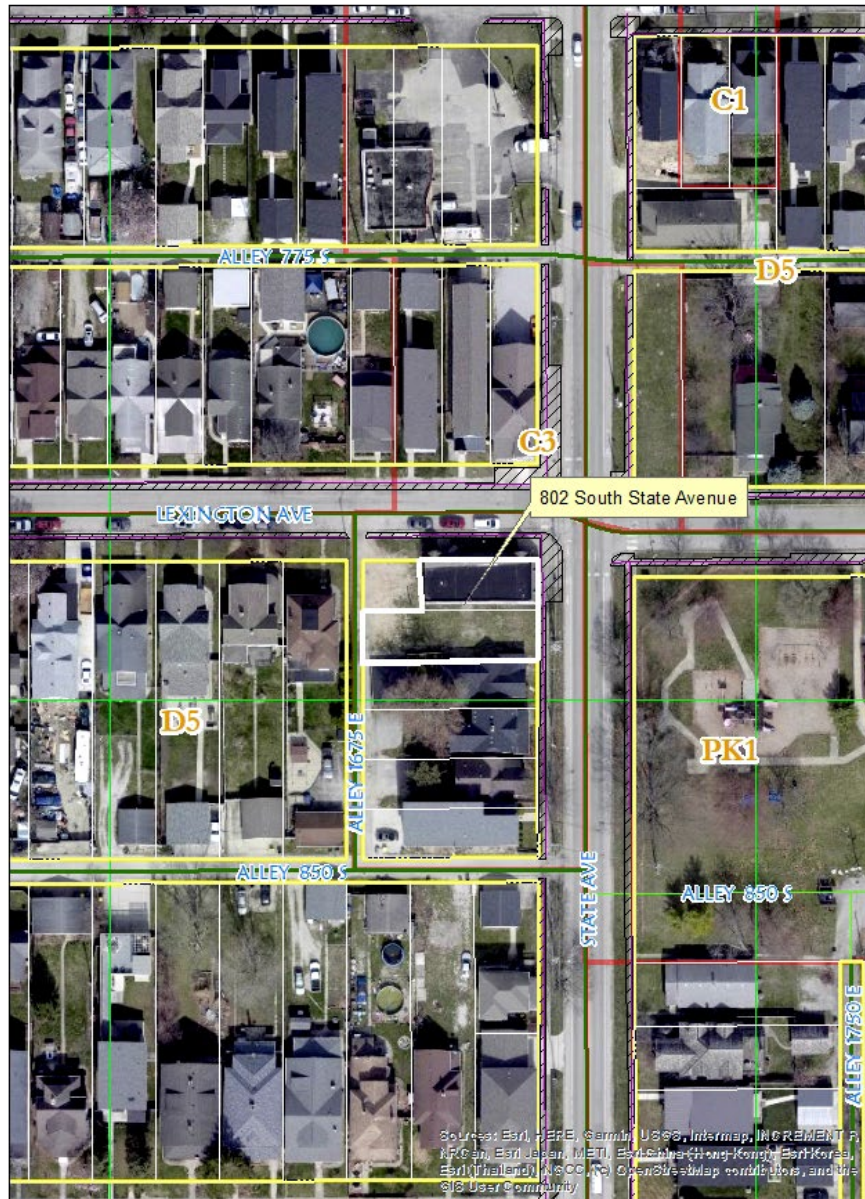


**Department of Metropolitan Development
Division of Planning
Current Planning**

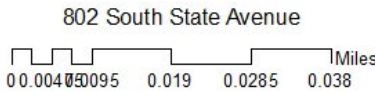
97-NC-68; 1644 Lexington Avenue (north of site), requested a legal non-conforming use for the construction and use of a single-family dwelling, located in a C-3 (neighborhood Commercial District) zoning classification, **approved**.

95-AP-67; 801 South State Avenue (east of site), requested a variance of development standards of the Special Districts Zoning Ordinance to provide for the construction of a 17,000-square foot building for a new Boys and Girls Club with a five-foot front yard setback from Dawson Street and a 17-foot front yard setback along Lexington Avenue, **granted**.

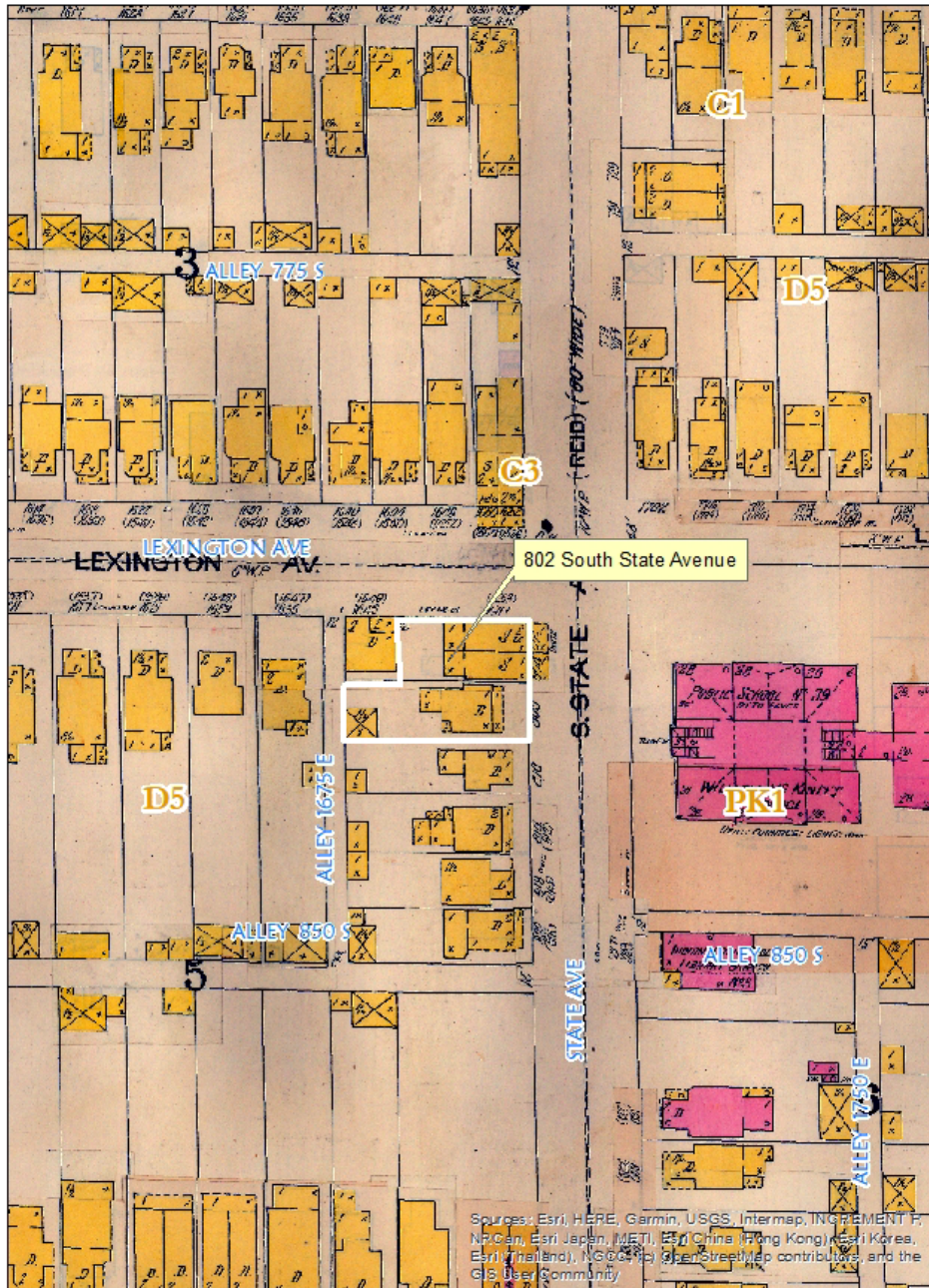
EXHIBITS



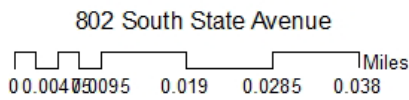
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Swis Korea, Esri (India), SwisCC, IGN, OpenStreetMap contributors, and the
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Sanborn Map 1898



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NP/CAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, @SwireStreetView, contributors, and the GIS User Community





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 proposed construction will utilize the existing footprint and part of the existing walls of the existing building. The LSR at .57 is slightly less than the required minimum and the FAR at .95 is above the maximum, however, there is no difference in these ordinance requirements between the Compact Context and the Metro Context. It would seem in the Compact District, more urban areas, the lot space available should be considered differently. The project will provide off street parking within the first story of the building. The walk-ability of the area and the existence of nearby parks provide areas for outdoor enjoyment needed for urban development and in line with what most urban residents expect to be available. The public health, safety, morals and general welfare of the community will not be compromised by the development.

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 adjacent properties will not be negatively impacted, because the proposed construction will add positive vitality into the neighborhood. The redevelopment with residential units will promote a positive affect on the adjacent area, providing new residential uses and eliminating a vacant and dilapidated structure.

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

The petitioner is endeavoring to redevelop the site in accordance with the Comprehensive Plan, utilizing the existing building footprint that has existed for well over 100 years. Petitioners would utilize the entirety of the existing building if it were not in such disrepair. Without the variances of LSR and FAR, the redevelopment would not be able to move forward.

DECISION

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

Adopted this _____ day of _____, 20 ____



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 proposed construction will utilize the existing footprint and part of the existing walls of the existing building, so there will be no change in setbacks.

The public health, safety, morals and general welfare have been considered in the design of the proposed vehicle access point from State Street to the public right of way, providing rear access. The pedestrian and vehicular traffic safety will not be compromised.

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 adjacent properties will not be negatively impacted, because the proposed construction will duplicate the existing setbacks, which is similar with the surrounding context. The redevelopment provides residential units, and will be a positive affect on the adjacent area, as the existing building has been vacant for many years and has dilapidated.

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

The petitioner is endeavoring to redevelop the site in accordance with the Comprehensive Plan, utilizing the existing building footprint that has existed for well over 100 years. Petitioners would utilize the existing building if it were not in such disrepair.

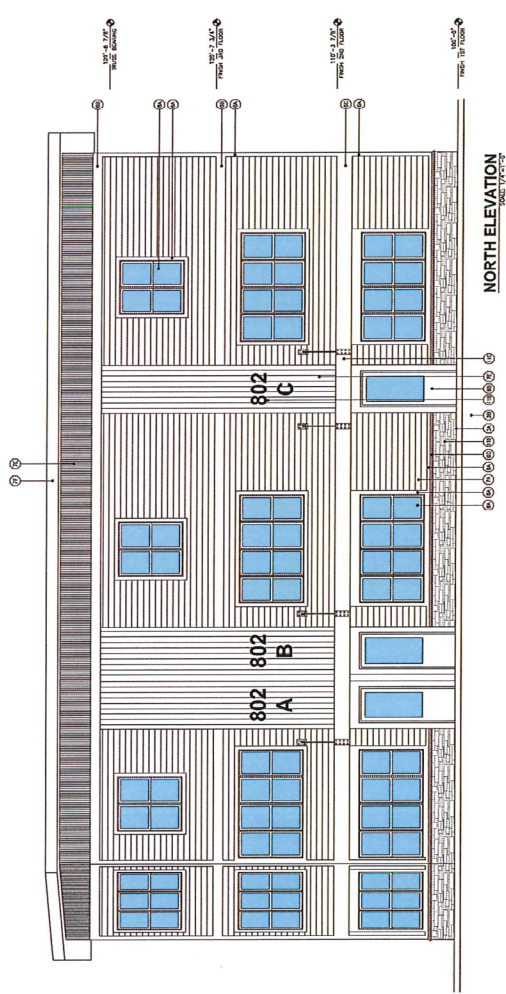
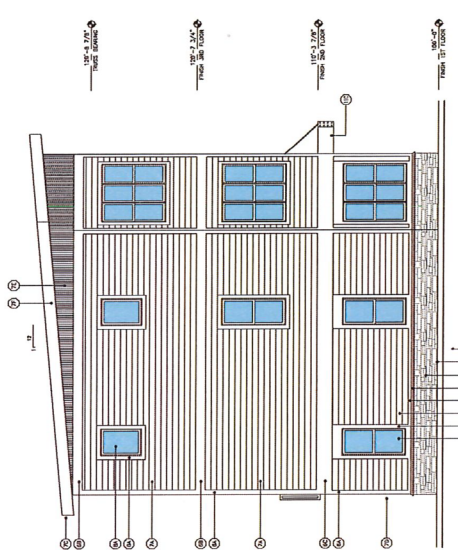
Without the variances of setbacks, the redevelopment would not be able to provide the rear access and required drainage improvements and would be out of character with the surrounding context.

DECISION

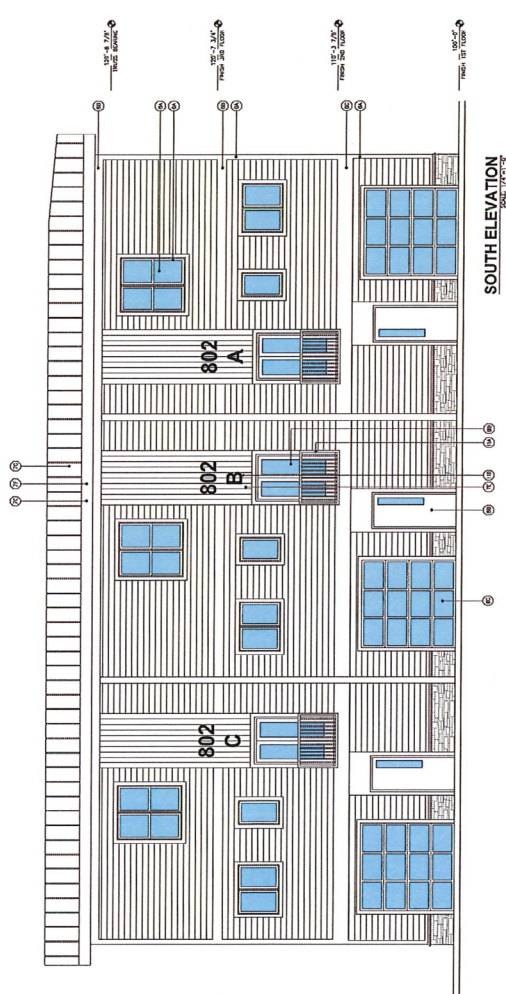
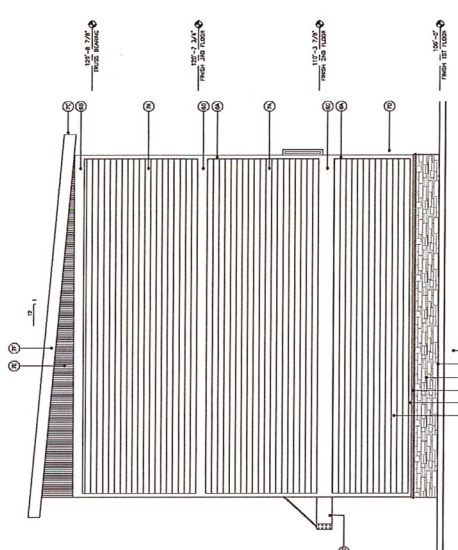
IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 _____

<p>NEW BUILDING FOR SOUTH STATE AVENUE CONDOMINIUMS 802 SOUTH STATE AVENUE INDIANAPOLIS, INDIANA 46203</p>		<p>ISSUED FOR PERMIT & CONSTRUCTION</p>	<p>BALAY ARCHITECTS 1000 N. MERIDIAN AVENUE, SUITE 1000 INDIANAPOLIS, IN 46202 RANDY BAKER 1000 N. MERIDIAN AVENUE, SUITE 1000 INDIANAPOLIS, IN 46202</p>	<p>EXTERIOR ELEVATIONS A211</p>
<p>GENERAL NOTES: 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL ORDINANCES. 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. 3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION. 4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. 5. ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE EXISTING FINISH GRADE. 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.</p>		<p>KEY NOTES: 1. FINISH GRADE SHALL BE AS SHOWN. 2. EXISTING CONCRETE FOUNDATION SHALL BE REPAIRED AND REFINISHED TO MATCH THE NEW CONSTRUCTION. 3. ALL EXISTING UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE EXISTING FINISH GRADE. 4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. 5. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION. 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.</p>		



<p>GENERAL NOTES:</p> <p>1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p>	<p>KEY NOTES:</p> <p>1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p> <p>10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS, INDIANA 46203</p>	<p>802 SOUTH STATE AVENUE SOUTH STATE AVENUE CONDOMINIUMS NEW BUILDING FOR</p>	<p>802 SOUTH STATE AVENUE INDIANAPOLIS, INDIANA 46203</p>	<p>ISSUED FOR PERMIT & CONSTRUCTION</p>	<p>BALAY</p> <p>Architect & Builder 1000 East 10th Street Indianapolis, IN 46203 317.444.4444 www.balay.com</p>	<p>A212</p> <p>EXTERIOR ELEVATIONS</p> <p>DATE: 11/11/2014 TIME: 10:00 AM DRAWN BY: [Name] CHECKED BY: [Name] PROJECT NO: [Number] SHEET NO: [Number]</p>
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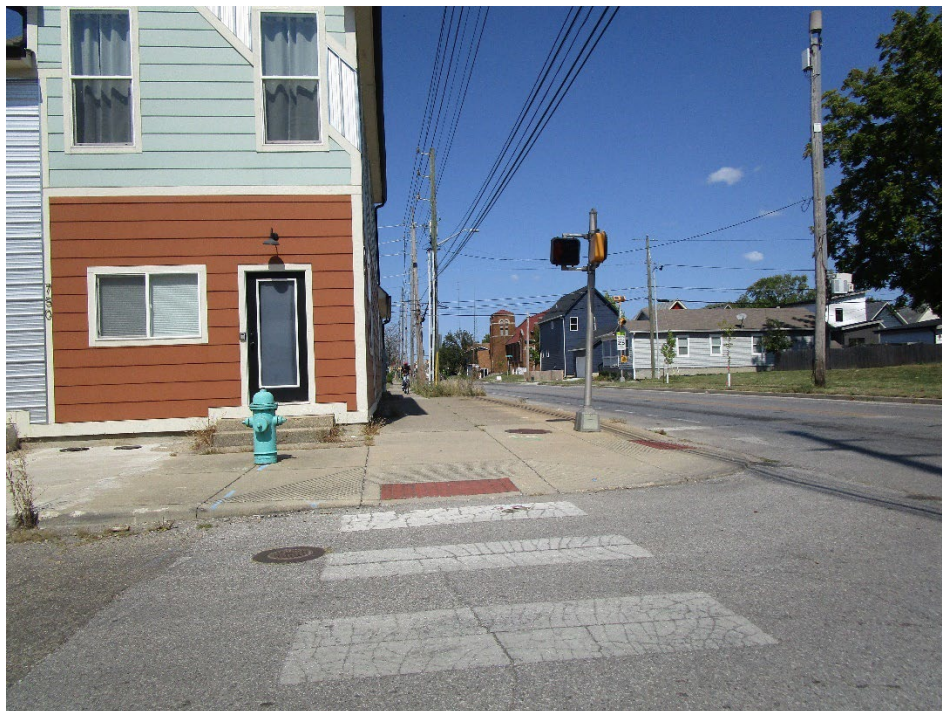
View looking north along South State Avenue



View looking south along South State Avenue



View looking east along East Lexington Avenue



View of site looking west along East Lexington Avenue



View of site looking west across intersection of East Lexington Avenue and South State Avenue



View of site looking southeast across South State Avenue



View of southern portion of site looking east from the north / south alley



View looking north at adjacent property to the west of site



View looking south of abutting north / south alley to the west of site



View looking northwest across intersection of South State Avenue and Lexington Avenue