

## HEARING EXAMINER

April 10, 2025

**Case Number:** 2025-CVR-810 / 2025-CPL-810

**Property Address:** 1222 North Temple Avenue (Approximate Address)

**Location:** Center Township, Council District #13

**Petitioner:** Maurice K. Kistler and Vivian R. Kistler, by John Cross

**Zoning:** D-5

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38.5-foot lot width and zero-foot south side setback at the walkway for proposed Lot One, a 36.53-foot lot width for proposed Lot Two (minimum 40-foot lot width required for each lot and five-foot side setback required).

Approval of a Subdivision Plat to be known as Replat of Lot 48 in Vajens Springdale Subdivision, subdividing 0.32-acre into two lots.

**Waiver Requested:** None

**Current Land Use:** Residential

**Staff Reviewer:** Marleny Iraheta, Senior Planner

## PETITION HISTORY

This petition was automatically continued from the March 13, 2025 hearing to the April 10, 2025 hearing at the request of a registered neighborhood organization.

## STAFF RECOMMENDATION

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 31, 2025 complies with the standards of the Subdivision regulations, subject to the following conditions:

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 0.32-acre subject site is developed with a two-unit multi-unit house on the northern portion of the site. It falls within the Near Eastside neighborhood and surrounded by single-family dwellings, zoned D-5.

### **VARIANCE OF DEVELOPMENT STANDARDS**

Per Table 742.103.02 – Residential Building Type Standards, a detached house – small lot development type would require a 40-foot minimum lot width and five-foot side setbacks.

As proposed Lot One would have a 38.5-foot lot width and zero-foot south side setback at the walkway. Lot Two would have a 36.53-foot lot width for proposed.

### **PLAT**

The subject site is a residential lot with a two-unit multi-unit house zoned D-5 in the J H Vajen's Springdale subdivision platted on April 25, 1872. This proposed plat would divide the existing parcel into two lots. Lot 1 would contain the two-unit multi-unit house with a detached garage at the rear and Lot 2 would remain an undeveloped lot until developed as a single-family dwelling. This replat would allow the property owner to sell each of the parcels individually, rather than as one parcel, with minimal impact on the surrounding property owners.

### **STREETS**

Both Lot One and Two would front on Temple Avenue. No new streets are proposed.

### **SIDEWALKS**

Sidewalks are existing along Temple Avenue.



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## STAFF ANALYSIS

Staff is supportive of the variance request to provide for a 38.5-foot lot width and zero-foot south side setback at the walkway for proposed Lot One and a 36.53-foot lot width for proposed Lot Two where a minimum 40-foot lot width and five-foot side setbacks are required.

The zero-foot south side setback on Lot One is for an existing walkway that will not significantly impact Lot two. The five-foot setback from the southern property boundary to the building façade would still be present and does not mean that the building would be any closer to the future dwelling on Lot Two than is required.

Staff is supportive of the subdivision plat because it will meet the D-5 standards apart from the lot width and side setback on one lot.

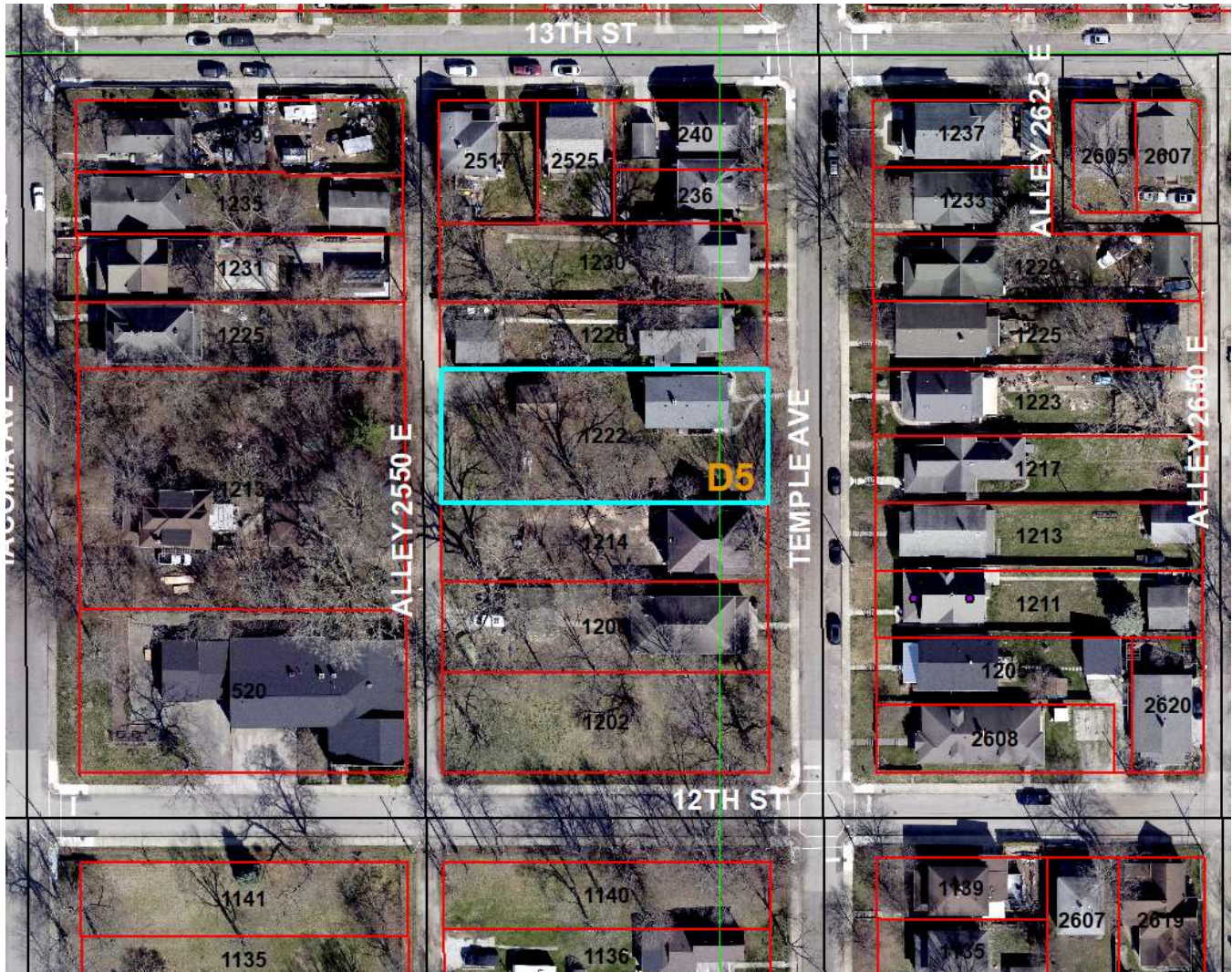
## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Two-unit multi-unit house	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	D-5	Residential (Multi-unit house)
South:	D-5	Residential (Single-family dwelling)
East:	D-5	Residential (Single-family dwelling)
West:	D-5	Residential (Single-family dwelling)
<b>Thoroughfare Plan</b>		
Temple Avenue	Local Street	60-foot existing and 48-foot proposed right-of-way.
<b>Petition Submittal Date</b>	January 31, 2025	



EXHIBITS

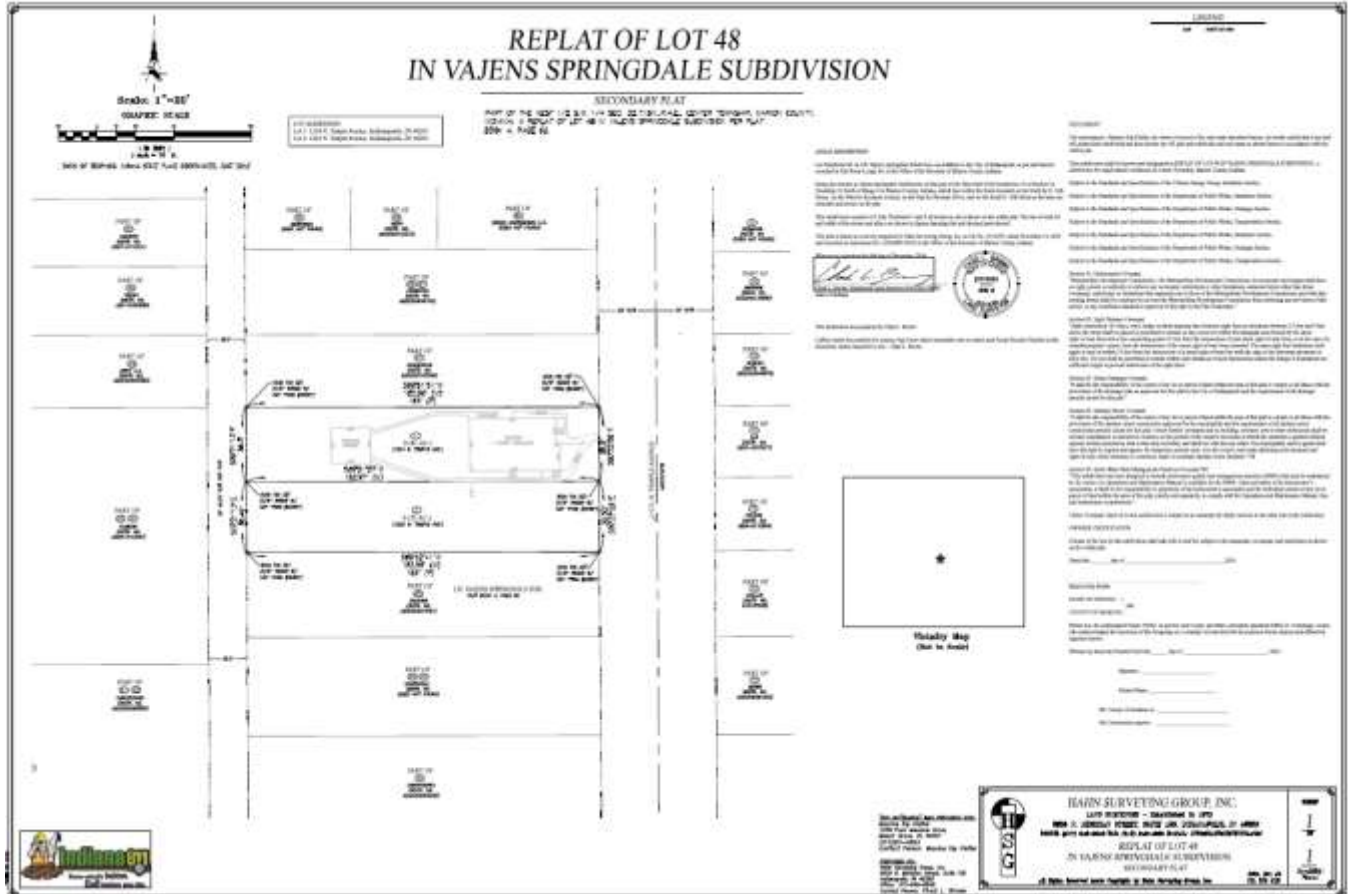
Present Day Aerial



**Legend**

- 1/4" = 100'
- 1/8" = 50'
- 1/16" = 25'
- 1/32" = 12.5'
- 1/64" = 6.25'
- 1/128" = 3.125'
- 1/256" = 1.5625'
- 1/512" = 0.78125'
- 1/1024" = 0.390625'
- 1/2048" = 0.1953125'
- 1/4096" = 0.09765625'
- 1/8192" = 0.048828125'
- 1/16384" = 0.0244140625'
- 1/32768" = 0.01220703125'
- 1/65536" = 0.006103515625'
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- 1/37778931862957161709568" = 1.05

Preliminary Plat







Department of Metropolitan Development  
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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 reduced lot widths are minor deviations from required standard. The north lot exists with a dwelling on it that will not be impacted. The lot split and lot width variance for the south lot will permit a similar dwelling be constructed. The lots will be consistent with the smaller lots common throughout the area and will not have any negative impact to the public.

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 smaller lot widths will not be uncharacteristic to other smaller lots in the area so will not negatively impact any property values. The variance will permit the construction of a new dwelling which will benefit the area by providing additional housing.

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

The replatted south lot cannot be developed without the variance. The proposed lot size is similar to surrounding lots and this lot will be negatively impacted if it cannot be improved similarly to other similar lots in the area.

DECISION

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PHOTOS



Photo of the subject site looking west.



Photo of the detached garage to remain on proposed Lot One.





Photo of the rear yard of proposed Lot Two.



Photo of the rear yard of the subject site looking north on the alley.



Photo of the dwellings north of the site.



Photo of the dwellings south of the site.