

**BOARD OF ZONING APPEALS DIVISION I**

**November 7<sup>th</sup>, 2024**

**Case Number:** 2024-DV1-035  
**Property Address:** 3301 East 25<sup>th</sup> Street (Approximate Address)  
**Location:** Center Township, Council District #8  
**Petitioner:** Intend Indiana Inc. by Mia Guterrez  
**Current Zoning:** D-5  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with an 11.7-foot rear yard setback (20-foot setback required)  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends **approval** of this variance request  
**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

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

**PETITION OVERVIEW**

- This petition would allow for the reduction of the rear setback line from the required 20ft to 11.7 ft for the construction of a single-family home.
- This property zoned is D-5 and is considered a small lot that is 5,400sqft in size.
- The property was platted sometime during or around 1915.
- The neighboring property to the east has a side yard setback of 11.6ft (3ft required).
- With the 11.7' and the current setback of the neighbor to the east they will have 23.3' feet between each building.
- Since this property is on a corner lot, the front lot needs to be between 20' – 50' feet. The side yard setback on the 25<sup>th</sup> street side (the north side for this lot) needs to be 8'. The side yard setback on the non-corner side (the south side for this lot) needs to be 5', and the rear which is the east side of the parcel needs to have a setback of 20'.
- Currently the proposed home has a home is placed to have a 20.6' front setback, 18.6' for the side yard setback to the north beside 25<sup>th</sup> street, and finally 12' for the south side setback.

- To fit the proposed home of this size, the property has to have a variance to allow the front setback or the rear setback to be smaller than the required; the non-conformity of the lot creates a practical difficulty in complying with 20' on both sides unless the proposed home is changed to be smaller.
- Staff recommends **approval** of this petition because this compact parcel was platted in 1915 and is smaller in size due to the changes in the Ordinance standards. Without this variance the home could only be 18.7' feet wide and this would dramatically shrink the size of any home to be placed on it.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Traditional Neighborhood
	South:	South: Traditional Neighborhood
	East:	East: Traditional Neighborhood
	West:	West: Traditional Neighborhood
<b>Thoroughfare Plan</b>		
25 <sup>th</sup> Street	Secondary Arterial	55 feet right-of-way existing and 56 feet proposed.
Lasalle Street	Local Street	50 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	10/10/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	10/10/2024	
<b>Findings of Fact (Amended)</b>	10/24/2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Pattern Book.

### Pattern Book / Land Use Plan

The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park (pg 33).

### 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

- Not Applicable to the Site.

### Indy Moves

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

- N/A

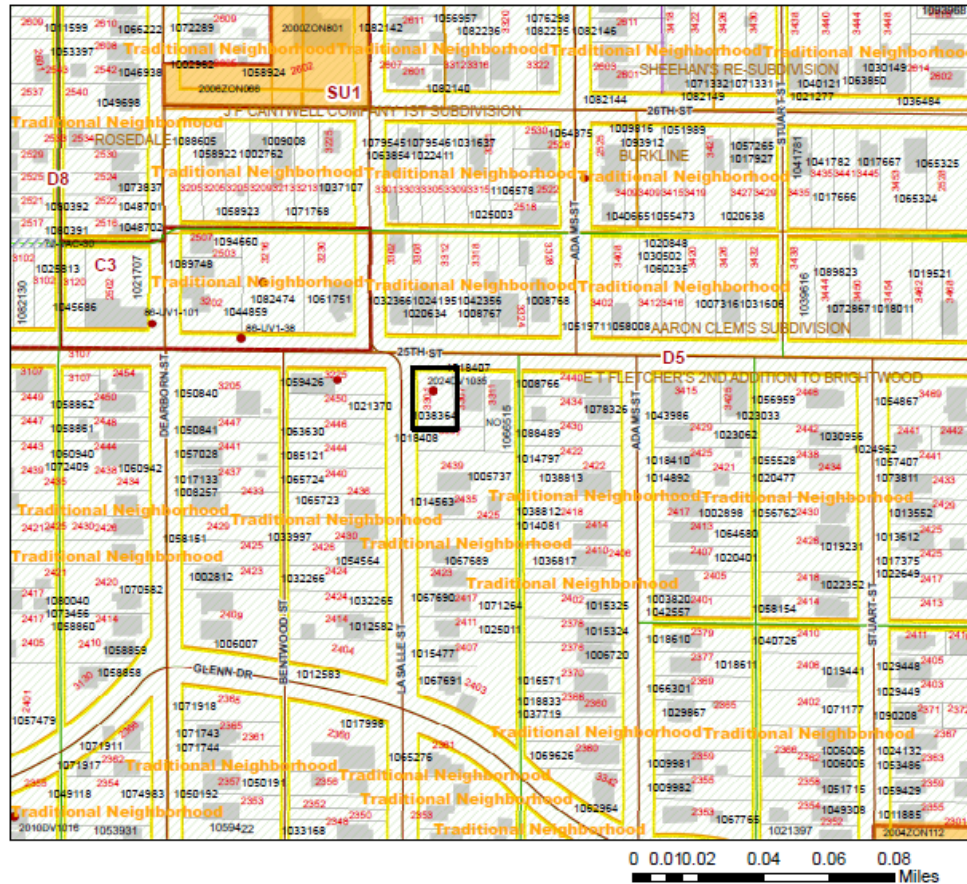
### ZONING HISTORY – SURROUNDING AREA

- 2001-DV2-008H: 2721 Adam Street
  - SIDE YARD SETBACKS.
    - AP.
- 2001-DV2-008I: 2804 Adams Street
  - Side and front yard setbacks.
    - AP.
- 2002-UV1-028: 2321 N Lasalle Street
  - Conversion of a SFD to TFD without req lot area, lot width.
    - AP.
- 2002-UV1-029: 2321 N Lasalle Street
  - Conversion of SFD to TFD without lot area and width.
    - AP.
- 2004-UV3-047: 3216 E 25<sup>th</sup> Street
  - Daycare in C-3.
    - AP
- 2004-VAC-014: 2301 N Olney Street
  - Planning/Vacation/Street/NA.
    - AP.
- 2004-VAC-022: 3541 Roosevelt Avenue
  - Planning/Vacation/Alley/NA.
    - AP.
- 2004-ZON-112: 2301 N Olney Street
  - 3460 east 23rd st, 3460 glen drive, 2353 stuart street, and 2304-2370 gale st.
    - AP.
- 2006-ZON-066: 2602 N LaSalle Street
  - REZONING of 0.89 acre, from the D-5 District, to the SU-1 classification legally establish and provide for the expansion of religious uses.
    - AP.
- 2010-DV1-016: 2355 Wheeler Street
  - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an 8.4-foot front setback from Glen Drive (25-foot front setback required).
    - Approved.
- 2010-ZON-027: 2860 N Talbott Street
  - REZONING of 355.42 acres, from the D-A, D-A (FF), D-A (FF) (FW), D-2 (FF), D-3 (FW), D-4 (FF), D-5, D-5 (RC), D-5 (RC) (W-1), C-1 (RC), SU-2, SU-9 (W-5), PK-1, PK-1 (FF), PK-1 (FF) FW, PK-1 (FW), PK-1 (W-5), I-3-U I-3-U (FF) and I-4-U, and I-4-U (FW) (FF), I-

4-U (FW) Districts, to the PK-1, PK-1 (FF), PK-1 (FF) (FW), PK-1 (FW), PK-1 (RC), PK-1 (W-1), PK-1 (W-5) classification to provide for park uses.

- Approved.
- 2022-DV1-034: 2727 Wheeler Street
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for duplex with vehicular access to Wheeler Street (alley access required).
    - Approved
- 2022-DV1-035: 3801 S Post Road
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for accessory renewable energy equipment (solar panels) in the front yard of Post Road and Interstate 74 (not permitted) with a zero-foot setback from the right-of-way of Interstate 74 (20-foot transitional yard required).
    - Approved
- 2022-HOV-004: 2363 N Parker Avenue
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a zero-foot corner side setback from the right-of-way of Glenn Drive (eight-foot corner side setback required), within the clear-sight triangle (not permitted).
    - Withdrawn
- 2023-DV1-016: 2701 Wheeler Street
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for vehicular access from 27th Street (exclusive vehicular access from an improved alley required).
    - Approved

EXHIBITS



**Legend**

- ZoningApprovals
- ZoningLncu
- ZoningVariances
- Rezoning
- ZoningVacations
- ZoningPlats
- CCGIS.ThoroughfarePlan
- CCGIS.EASEMENT
- CCGIS.RIGHTOFWAY
- CCGIS.STREETS

**OPER\_STATUS**

- Built/Platted
- REMOVED
- VACATED
- VACATED/BUILT
- VACATED/LOCATOR
- CCGIS.DMDLandUsePlanBase
- CCGIS.lhpc
- CCGIS.ZONING
- PARCELSTATEPIN
- PARCELS
- PLATTEDSUBDIVISION
- CCGIS.Buildings



Exhibit 1: Area map around 3301 E 25th Street.



Petition Number 2024-DV1-035

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:

Our request for a variance will not alter the proposed use of the site. The project was funded and proposed in partnership with the City of Indianapolis' LIFT Indy 2021 program, and is designed to provide an affordable homeownership opportunity for existing neighborhood residents. The nature of the lot requires that a variance be requested so that a single-family home could be fit onto the lot while still allowing line of sight for drivers on N Lasalle Street. The addition of a new-construction, owner-occupied property in the neighborhood will provide opportunity for a local family to become homeowners at an affordable rate. The construction would act as an investment into the neighborhood, turning what is now a vacant lot into a property that provides additional tax-base to the city.

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 area is a primarily residential area, zoned D5. The addition of a single-story, single-family residential building will not substantially effect the intended or current uses of the surrounding areas.

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

Vehicles on N Lasalle Street need additional line of sight onto E 25th Street, and as such, the structure will need to be pushed further to the southeast side of the lot to accommodate this (see attached site plans). This accommodation will require a variance for the rear setback.

Exhibit 2: The Findings of Fact submitted by the petitioner.

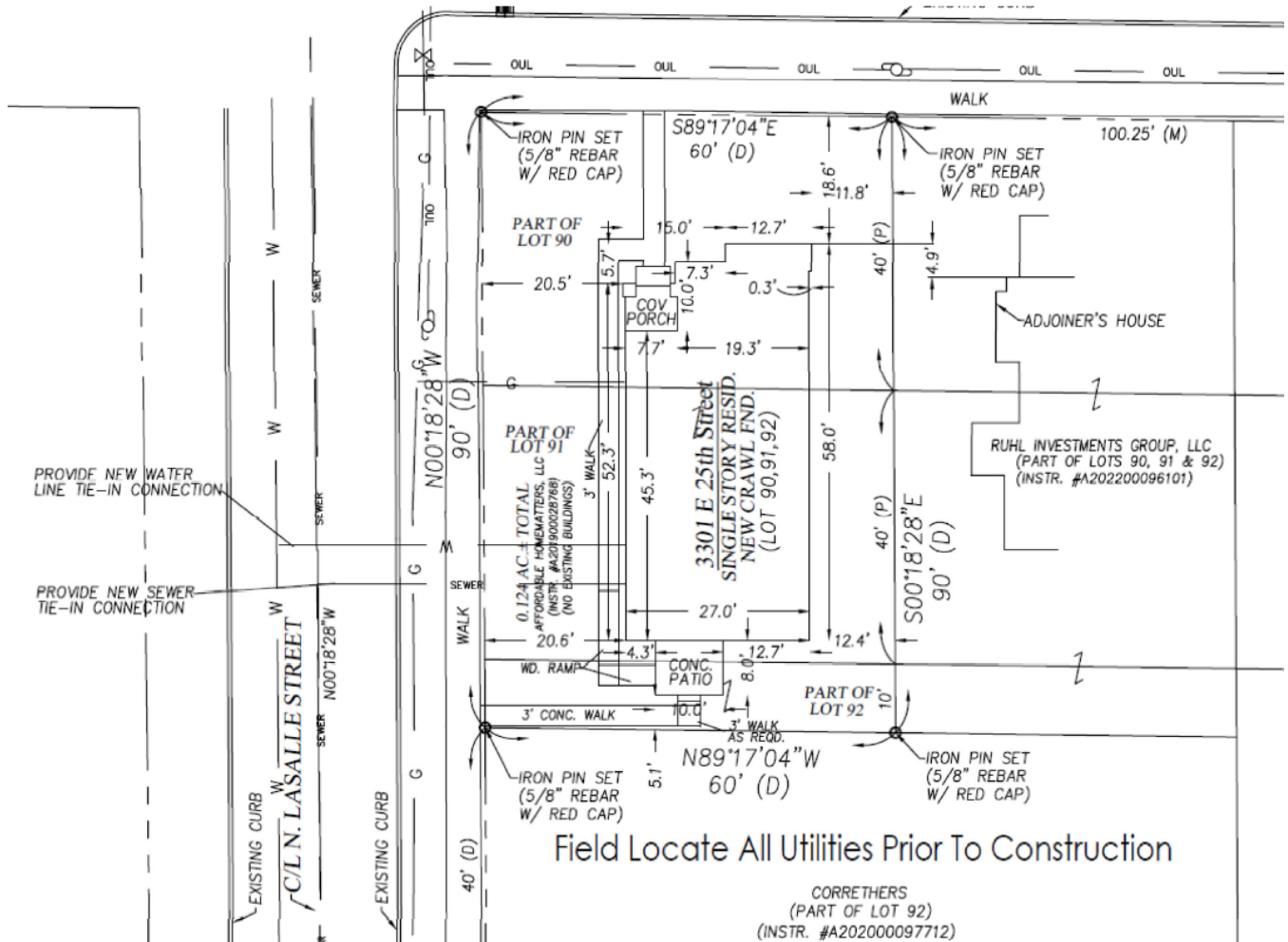


Exhibit 3: Site plan for proposed single family home at 3301 E 25<sup>th</sup> Street



PLOT DATE: 3-31-23

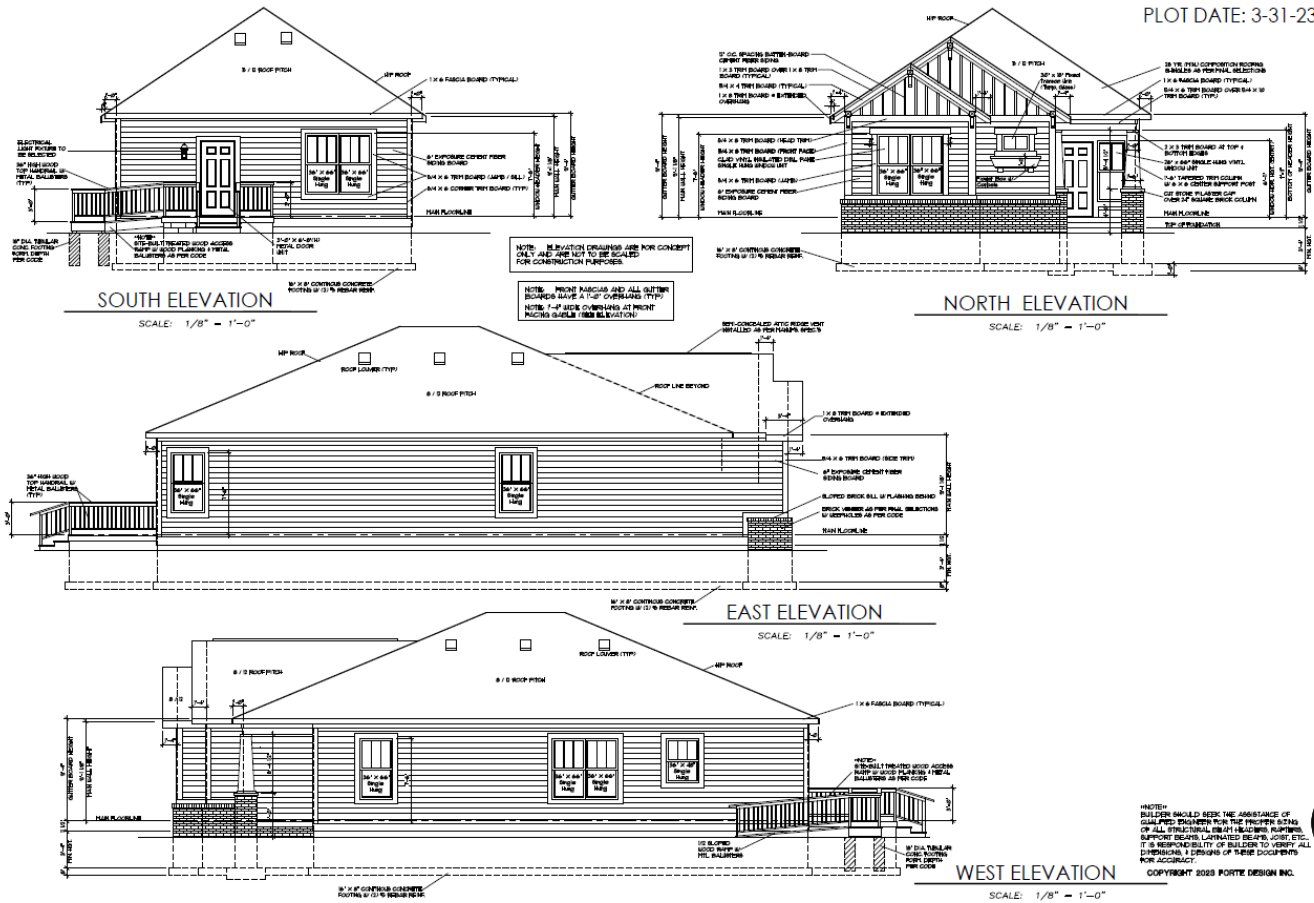


Exhibit 4: Elevations for the proposed single-family dwelling, if this variance is approved.

NOTES:  
 1. BUILDER SHOULD SEEK THE ASSISTANCE OF QUALIFIED ENGINEERS FOR THE PROPER DESIGN OF ALL STRUCTURAL ELEMENTS INCLUDING SUPPORT BEAMS, LATERAL BRACING, JOIST, ETC. IT IS RESPONSIBILITY OF BUILDER TO VERIFY ALL DIMENSIONS & DETAILS OF THESE DOCUMENTS FOR ACCURACY.  
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Exhibit 5: Empty lot where new home will be built if this variance is approved.



Exhibit 6: Home that will sit to the east of the new build.



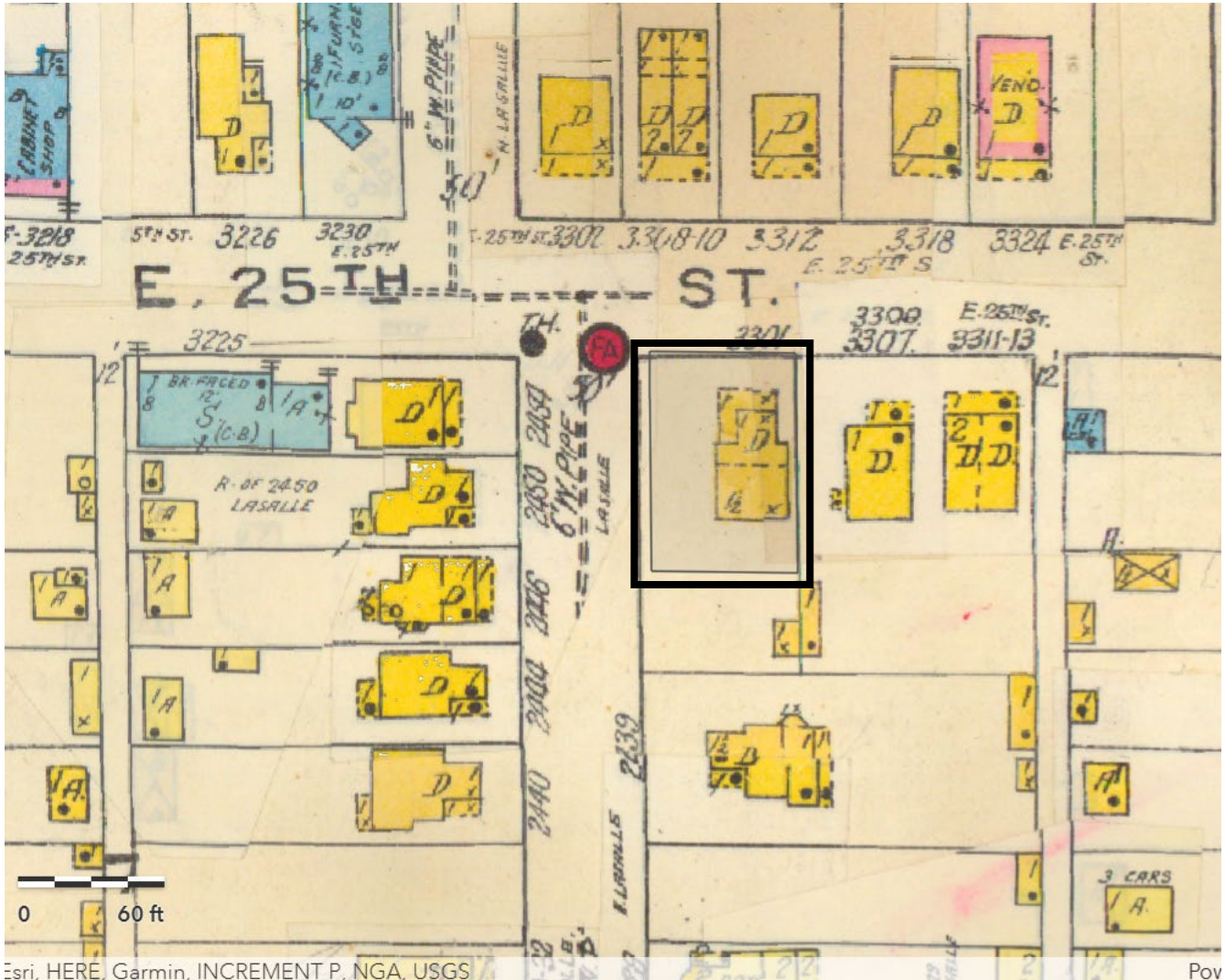
Exhibit 7: Homes to the north of 3301 E 25<sup>th</sup> Street.



Exhibit 8: Homes to the south of 3301 E 25<sup>th</sup> Street.



Exhibit 9: Church to the west of 3301 E 25<sup>th</sup> Street



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Pov

Exhibit 10: 1915 plat map of 3301 E 25<sup>th</sup> Street and surrounding area..