



BOARD OF ZONING APPEALS DIVISION I

April 7, 2026

Case Number: 2026-DV1-001 (Amended)
Address: 445 Sanders Street (approximate address)
Location: Center Township, Council District #18
Zoning: D-8
Petitioner: NP Financial Services LLC, by Josh Smith
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling, encroaching within the clear sight triangle of Sanders Street and South East Street (not permitted).

Current Land Use: Undeveloped

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued at the request of a Registered Neighborhood Organization from the March 3, 2026, to the April 7, 2026, hearing.

Amended Petition: The petition originally requested a variance of development standards to provide for the construction of a two-family dwelling with a 29-foot front setback, where a 19.9-foot maximum front setback is required. That request was withdrawn after the site plan was revised to provide for a 10-foot front setback. No new notice would be required as the request would be less intense than the published request.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The request would allow for the construction of a two-family dwelling on the parcel, with a 10-foot front setback, located within the Clear Sight Triangle.
- ◇ The original request placed the dwelling with a 29-foot front setback. This required an additional variance for exceeding the 19.9-foot maximum setback in the Terrace frontage. However, Staff would point out that it would have moved the dwelling further south outside of the Clear Site Triangle, providing for a wider visibility area for vehicles approaching the intersection of Sanders and East Street.

- ◇ As amended, with the 10-foot front setback, the dwelling would be placed farther into the Clear Sight Triangle and provide for more obstructions of the turning radius visibility area, than what was previously proposed.

GENERAL INFORMATION

| | | |
|-----------------------------------|------------------------------|--|
| Existing Zoning | D-8 | |
| Existing Land Use | Undeveloped | |
| Comprehensive Plan | Recommends Village Mixed-Use | |
| Surrounding Context | Zoning | Surrounding Context |
| | North: | D-8 Fourplex |
| | South: | C-3 Commercial Building |
| | East: | C-5 / D-P Single-Family dwellings |
| | West: | C-3 Single-family dwelling |
| Thoroughfare Plan | | |
| | Sanders Street | Local Street 50-foot existing and proposed right-of-way. |
| | East Street | Primary Arterial 46-foot existing right-of-way, and 56-foot proposed right-of-way. |
| Context Area | Compact area | |
| Floodway / Floodway Fringe | No | |
| Overlay | N/A | |
| Wellfield Protection Area | N/A | |
| Site Plan - Amended | March 19, 2026 | |
| Elevations | March 19, 2026 | |
| Landscape Plan | N/A | |
| Findings of Fact- amended | March 19, 2026 | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Village Mixed-Use typology.

Pattern Book / Land Use Plan

- The Pattern Book recommends the Village Mixed-Use typology, which creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

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 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)

- Not Applicable to the Site.



ZONING HISTORY

2025-ZON-035; 445 Sanders Street (subject site), requested the rezoning 0.12-acre from the C-3 to the D-8 district to provide for residential uses, **approved**.

2024-CZN-846 / 2024-CVR-846; 1267 and 1271 South East Street (south of site), requested rezoning of 0.214 acre from the D-P district to the MU-2 district to provide for a mixed-use development and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building encroaching into the clear-sight triangle of South East Street and Orange Street and reduced parking, **approved and granted**.

2023-CZN-812 / 2023-CVR-812; 1257 South East Street (south of site), requested rezoning of 0.13 acre from the C-1 district to the D-5 district and variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide an 810-square foot secondary dwelling unit without an entrance visible from the public right-of-way, **approved and granted**.

2017-CZN-837; 1306 South East Street (south of site), requested rezoning of 0.8 acre from the C-3 district to the D-5 classification, **approved**.

2016-ZON-015; 1263 South East Street (south of site), requested rezoning of 0.11 acre, from the D-P District to the D-5 classification, **approved**.

2015-UV3-033; 1324 South East Street (south of site), requested variances of development standards of the Commercial Zoning Ordinance and Sign regulations to provide for expansion of an existing commercial building for a restaurant, with outdoor seating, reduced parking, carryout without the required separation from a protected district, zero-foot setbacks for the outdoor seating and parking lot, maneuvering within the right-of-way, and a pick-up window awning extending into the right-of-way, **granted**.

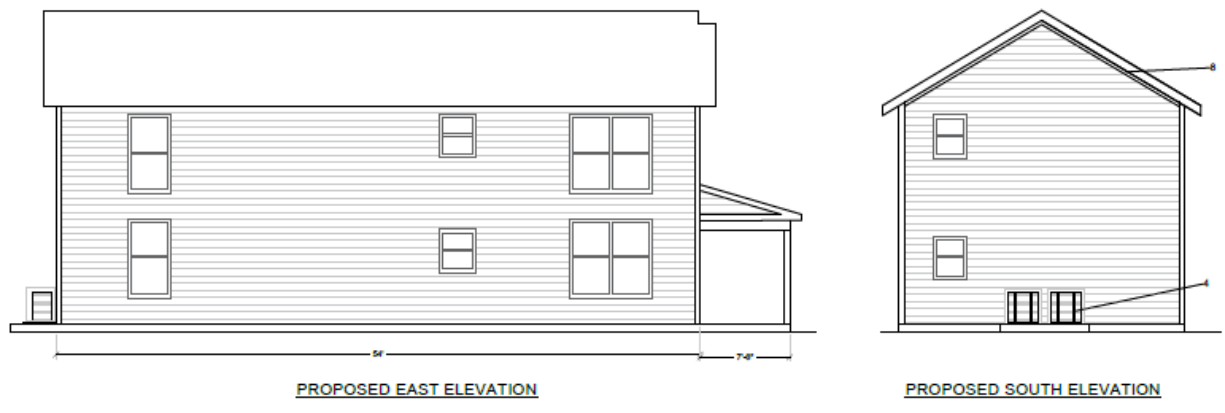
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EXHIBITS

Location Map



Elevations





Findings of Fact

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:

This proposal will allow building a new 2-family home on a vacant lot within the proposed and recommended uses of the D8 zoning district. By maintaining the same block front building line, this will promote engagement between neighbors with the front porches aligned. The variance of sight triangle, while smaller than the ordinance standard, will still be maintained at a smaller level similar to what is required for a local-level -street. With the prohibition of the street parking on the west side of S East street, this variance still provides for an intersection with better visibility than the others within 500feet on S East st.

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:

By granting this variance, a new home will be built on a vacant lot increasing the value of the surrounding area by increasing the investment in the area and eliminating one more 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:

This lot imposes a hardship by nature of its location and the current ordinance standards. Without a variance is not possible to build a home while meeting the maximum front setback and while keeping the primary arterial clear sight triangle empty. This variance allows a compromise of the clear sight triangle standard with a reduced triangle and while maintaining the historic placement of the past home on this lot and keeping the consistent line and rhythm of the block's historic front building line.

Photographs



Photo 1 - Subject property looking south.



Photo 2 - Adjacent property to the west, looking south.