



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**June 12, 2025**

**Case Number:** 2025-ZON-051  
**Property Address:** 4324 East New York Street (Approximate Address)  
**Location:** Center Township, Council District #13  
**Petitioner:** Malak Services, LLC, by Terrance Kinnard  
**Current Zoning:** C-3 (TOD)  
**Request:** Rezoning of 0.08-acre from the C-3 (TOD) district to the D-5 (TOD) district legally establish a detached single-family dwelling.  
**Current Land Use:** Residential  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 0.08-acre subject site was developed with a single-family dwelling that was burned down. The site is surrounded by single-family dwellings west, east, and north, zoned C-3, and a multi-unit dwelling south of the site, zoned C-3.

The site was subject to a building violation, VIO25-000078, for the failure to obtain a structural permit prior to the removal and replacement of the existing floor joists and sub floor and the near complete demolition of a two-story single-family residence leaving only the west and north exterior walls intact. It was closed with the issuance of a wrecking permit.

**REZONING**

The grant of the request would rezone the site from the C-3 district to the D-5 district to permit a detached single-family dwelling.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

## **OVERLAY**

This site is also located within the Transit Oriented Development Secondary District (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

The closest transit station is located within a 1/4 mile southeast of the site at Linwood Avenue and Washington Street, with a Walkable Neighborhood typology.

Walkable Neighborhood stations are in well-established, walkable, primarily residential neighborhoods, with a small amount of retail and office at the intersection nearest the station, or the potential for it. Development opportunities include projects that improve neighborhood stability and encourage transit use.

## **STAFF ANALYSIS**

Staff is supportive of the rezoning to the D-5 district because it would allow for residential uses to be permitted in line with the context of the surrounding area and historical residential use of the site per a 1915 Sanborn Map. The dwelling district would also align with the traditional neighborhood recommendation of the Comprehensive Plan that contemplates a variety of housing types.

All development of the site would need to meet TABLE 742.103.03 and TABLE 744-701-2 for Terrace Frontage design standards.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-3 (TOD)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	C-3	Residential (Single-family dwelling)
South:	C-3	Residential (Multi-unit dwelling)
East:	C-3	Residential (Single-family dwelling)
West:	C-3	Residential (Single-family dwelling)
<b>Thoroughfare Plan</b>		
New York Street	Primary Arterial Street	78-foot proposed right-of-way and 60-foot existing right-of-way
Euclid Avenue	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<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>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)
- Blue Line Transit-Oriented Development Strategic Plan (2018)

- The Near Eastside Quality of Life Plan (2020)

### **Pattern Book / Land Use Plan**

- The Comprehensive Plan recommends Traditional Neighborhood development of the site.
- 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.
- **Conditions for All Housing**
  - A mix of housing types is encouraged.
  - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
  - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
  - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
  - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- **Detached Housing**
  - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
  - Secondary units are encouraged.
  - Lots should be no larger than one and a half times the adjacent lots.

### **Red Line / Blue Line / Purple Line TOD Strategic Plan**

- The subject site falls within the Blue Line Transit-Oriented Development Strategic Plan (2018)
- The closest transit station is a 1/4 mile southeast of the site at Linwood Avenue and Washington Street. This station is classified under the walkable neighborhood typology that should provide a mix of uses at station area and primarily residential beyond, maximum of three stories throughout, with no front or side setbacks at core, zero to 15-foot front setbacks and zero to 20-foot side setbacks at periphery. A mix of multi-family and single-family housing is recommended with structured parking at the core and attractive surface parking at the periphery.

### Neighborhood / Area Specific Plan

- Near Eastside Quality of Life Plan notes a Housing Priority #1 is to develop quality affordable and market-rate homeownership opportunities.

### Infill Housing Guidelines

- BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS
  - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
  - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
  - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
  - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
  - **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
  - **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
  - **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.

- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

#### **Indy Moves**

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

- An on-street bike lane exists along New York Street from Rural Street to Emerson Avenue per Indy Bike Master Plan (2011).

## ZONING HISTORY

### Zoning History – Vicinity

**2023-ZON-034B; 4406 East New York Street** (east of site), Rezoning of 0.11-acre, from the C-1 District to the D-8 District, **approved**.

**2003-HOV-044; 309 North Colorado Avenue** (northwest of site), Variance of use and development standards of the Commercial Zoning Ordinance to legally establish a 1,225 square-foot single-family dwelling (not permitted) with 40 feet of street frontage at the required setback line (minimum 50 feet of street frontage required) and a three-foot north side yard setback (minimum 20-foot side yard required when abutting a protected district) and to provide for 576 square foot detached garage (not permitted) with a five-foot north side yard setback (minimum 20-foot side yard required when abutting a protected district), **approved**.

**97-NC-05; 130 N Euclid Avenue** (south of site), Certificate of Legal Non-Conforming Use for the conversion of a two-family dwelling into a three-unit dwelling, located in a D-5 zoning classification (one single-family dwelling or one originally constructed two-family dwelling permitted by the current Dwelling District Zoning Ordinance of Marion County, Indiana), **approved**.

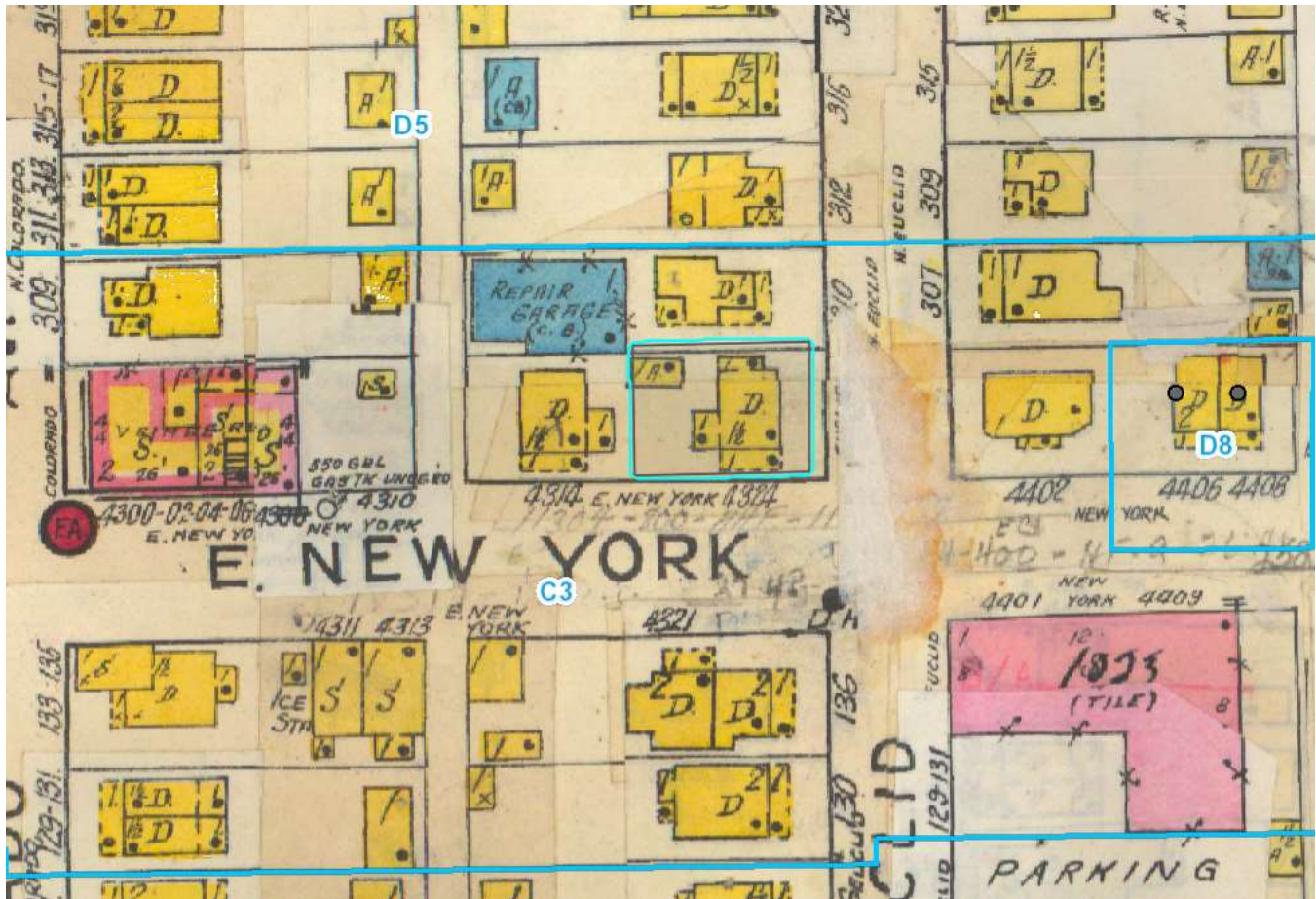
**89-UV2-24; 4401 East New York Street** (southeast of site), Variance of use of the Commercial and Dwelling Districts Zoning Ordinance to provide for a printing business in an existing building, **approved**.



EXHIBITS







1915 Sanborn Map



Photo of the subject site looking north across New York Street.



Photo of the subject site looking west across Euclid Avenue.





Photo of a single-family dwelling north of the site.



Photo of a single-family dwelling west of the site.





Photo of a multi-unit dwelling south of the site.



Photo of a single-family dwelling east of the site.