

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-853 / 2023-CVR-853
Address: 2029 Massachusetts Avenue (*Approximate Address*)
Location: Center Township, Council District #17
Petitioner: Shanea Howell, by Sarah Walters
Requests: Rezoning of 0.14 acre from the C-3 district to the D-8 district.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to a single-family dwelling with a two-foot west side setback (five feet required) and a six-foot corner east side setback (eight feet required).

RECOMMENDATIONS

Staff **recommends approval** of the rezoning request and the variance requests, subject to the updated site plan file-dated October 3, 2023 and elevations file-dated July 31, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 0.14-acre site, zoned C-3, was developed with a single-family dwelling that was recently demolished. It is surrounded by railroad right-of-way to the north across Massachusetts Avenue, zoned I-3; a single-family dwelling to the south, zoned D-8; heavy commercial uses to the east, across Jefferson Avenue, zoned C-7; and undeveloped land to the west, zoned C-3.
- ◇ Petition 2023-UV2-004 was filed to legally establish an existing dwelling and provide for an addition with a six-foot front setback from Jefferson Avenue with garage access from Jefferson Avenue. Subsequently, the petitioner's representative made the decision to file for a rezoning with variances for reduced setbacks.

REZONING

- ◇ This request would rezone the site from the C-3 District to the D-8 classification. "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."

(Continued)

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- ◇ The Comprehensive Plan recommends village mixed-use typology. “The Village Mixed-Use typology 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.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

Conditions for All Land Use Types

- 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.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Conditions for All Housing

- Should be within a one-quarter-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.
- 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.

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.

(Continued)

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.”

VARIANCES OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a single-family dwelling with a reduction of three feet on the west side setback from the required five-foot setback. The request would also allow for a six-foot east side corner setback when the Ordinance requires an eight-foot east side corner setback.
- ◇ It was determined that the development plans filed with the request that used the existing foundation with an addition and a detached garage would require a variance for encroachment into the clear sight triangle. Because the dwelling has been demolished, the petitioner submitted revised plans that would move the structure out of the clear sight triangle while maintaining the original footprint configuration of the dwelling and the addition, along with the requested reduced setbacks.

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- ◇ Development standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to provide sufficient buffering to prevent the lateral expansion of fires, as well as the operation of emergency equipment in such situations.
- ◇ The requested reduced side setbacks is largely a result of the 35-foot lot width when the minimum lot width in the D-8 for detached house on a small lot is 40 feet, making it difficult to comply with the Ordinance provisions and resulting in an undevelopable lot.
- ◇ This variance, however, should only be applicable to the replacement structure with a similar footprint, including the expansion, as the previous single-family dwelling, along with the detached garage.

Planning Analysis

- ◇ The rezoning request would be consistent with the Comprehensive Plan recommendation of village mixed-use typology, as well as the historical residential use. Furthermore, the site is adjacent to residential uses, zoned D-8, to the south.
- ◇ Staff also believes that the variances for reduced setbacks are reasonable, would have minimal impact on surrounding land uses and would allow for redevelopment of the site for residential uses.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-3 Residential uses (vacant)

SURROUNDING ZONING AND LAND USE

North -	I-3	Railroad right-of-way
South -	D-8	Single-family dwelling
East -	C-7	Heavy commercial uses
West -	C-3	Undeveloped land

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends village mixed-use typology.
	Marion County Land Use Pattern Book (2019).
	Infill Housing Guidelines (2021)

THOROUGHFARE PLAN	This portion of Massachusetts Avenue is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.
	This portion of Jefferson Avenue is designated in the Marion County Thoroughfare Plan as a local street, with an existing 43-foot right-of-way and a proposed 48-foot right-of-way.

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CONTEXT AREA	This site is located within the compact context area.
OVERLAY	There is no overlay for this site.
SITE PLAN (AMENDED)	File-dated October 3, 2023
ELEVATIONS	File-dated July 31, 2023
FINDINGS OF FACT	Filed-dated April 17, 2023

ZONING HISTORY

2023-UV2-004; 2029 Massachusetts Avenue, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing dwelling and provide for an addition with a six-foot front setback from Jefferson Avenue, with garage access from Jefferson Avenue, **withdrawn**.

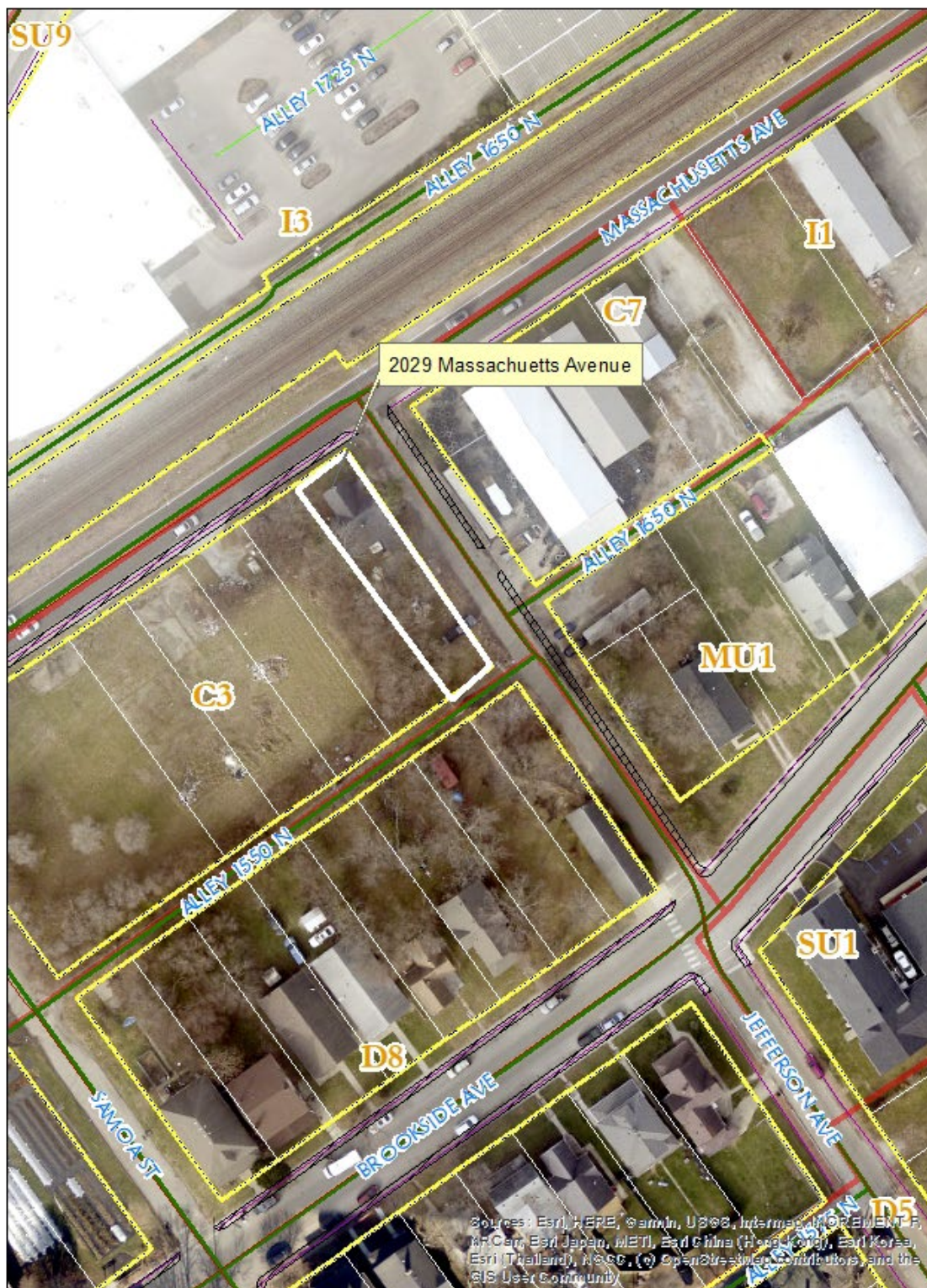
VICINITY

2019-ZON-093; 1544 Samoa Street (west of site), requested rezoning of 0.55 acre from the C-7 district to the C-3 classification, **approved**.

2004-ZON-167; 1848 Ludlow Avenue (north of site), requested rezoning of 2.9 acres, being in the I-3-U district to the SU-9 classification to provide for a residential work release facility for criminal offenders, **approved**.

93-Z-173; 1702 Ludlow Avenue (north of site), requested rezoning of 3.29 acres from the C-3 District to the I-3-U classification to provide for expansion of an existing manufacturing facility, **approved**.

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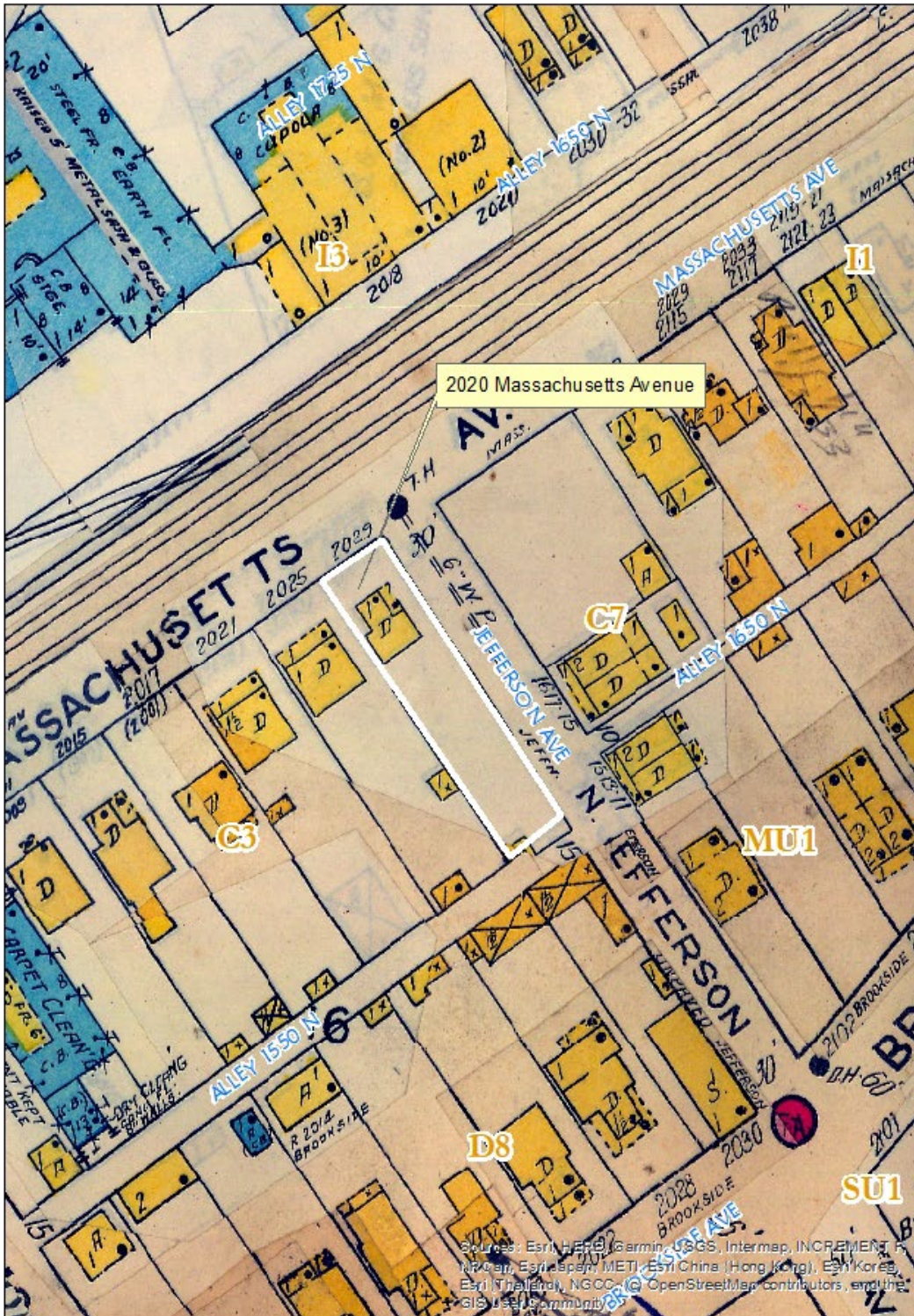


2029 Massachusetts Avenue

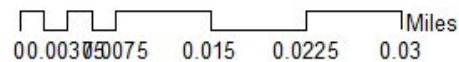


00.00475095 0.019 0.0285 0.038 Miles

1915 Sanborn Map



2029 Massachusetts Avenue



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 addition will be built in the back of the existing home and will match the existing appearance and follow all ordinance standards

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 home is already existing so the addition will not change or affect the adjacent properties

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

the home is existing and the proposed addition will void the legal non-conforming status, so a variance of development standards is now needed even though the existing home will remain the same

DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____

GENERAL SITE NOTES
 THESE DRAWINGS ARE INTENDED TO OUTLINE THE PROPOSED CONSTRUCTION. CONTRACTORS SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS BEFORE STARTING ANY WORK. CONTRACTORS SHALL ALSO BE RESPONSIBLE FOR ADHERING TO ALL APPLICABLE CODES AND GENERALLY ACCEPTED TRADE PRACTICES.

- EXISTING HOUSE WILL BE DEMOLISHED. THEY WILL BUILD A NEW HOUSE
- ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE PERFORMED IN COMPLIANCE WITH THE CURRENT ORDINANCES OF THE CITY OF INDIANAPOLIS. STORM WATER DESIGN & CONSTRUCTION SPECIFICATIONS MANUAL.
- NO SURVEY HAS BEEN PROVIDED FOR THIS SITE. ALL EXISTING CONDITIONS AND DIMENSIONS SHALL BE DERIVED FROM AERIAL PHOTOGRAPHY, CURSORY SITE INVESTIGATION, FIELD VERIFICATION AND OTHER RELIABLE MEANS OF INVESTIGATION. ALL EXISTING FEATURES INCLUDING GRADE ELEVATIONS, DRAINAGE PATTERNS, ETC. SHALL BE FIELD VERIFIED.
- ALL SITE UTILITIES ARE PRESUMED TO BE EXISTING. CONTRACTORS SHALL VERIFY ALL EXISTING UTILITIES WITH MECHANICAL, ELECTRICAL AND PLUMBING SUB-CONTRACTORS AND LOCAL UTILITY COMPANIES AS REQUIRED TO PROVIDE SERVICES INCLUDING BUT NOT LIMITED TO WATER SUPPLY, SEWER, GAS, FIBER OPTIC, CABLE, TELEPHONE, ELECTRICAL SERVICE, NATURAL GAS SERVICE, AND TELECOMMUNICATIONS.
- THIS SCOPE OF WORK IS DESIGNED AS A MINIMUM. NOT ALL CONDITIONS, CONNECTIONS, AND TRANSITIONS MAY BE SHOWN. CONTRACTORS SHALL DETERMINE THE BEST MEANS FOR ACHIEVING THE INDICATED DESIGN INTENT. DISCREPANCIES BETWEEN THE INDICATED DESIGN INTENT AND THE OWNERS REPRESENTATIVE PRIOR TO COMMENCEMENT OF WORK, SUCH THAT ALL UNFORESEEN CHALLENGES CAN BE RESOLVED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT AND SHALL BEAR NO FINANCIAL RESPONSIBILITY FOR THE CONSTRUCTABILITY OF THIS PROJECT.

SITE DATA	
LOT AREA (C3) - COMPACT	5,159 S.F.
PARCEL SIZE (34' x 150')	
TOTAL BLDG AREA	
EXISTING FOOTPRINT AREA	1,050 SQ. FT.
EXISTING CONCRETE PATH	39 SQ. FT.
OPEN SPACE PERCENTAGE	79%



DRAWN BY

Tamar de la Paz

DATE

OCT 03 2023

REVISION #

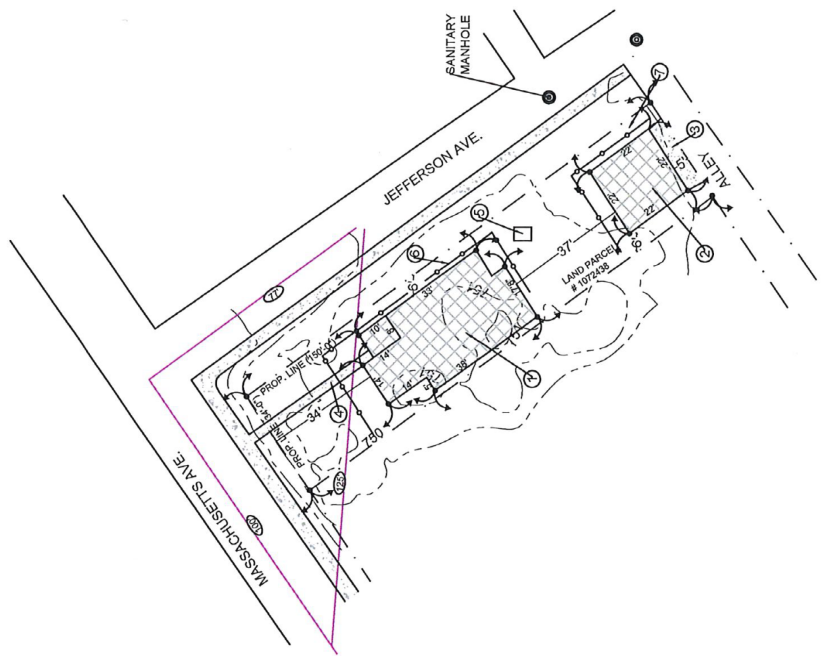
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2029 Massachusetts Ave.
 INDIANAPOLIS, INDIANA, 46218



- SITE PLAN KEYNOTES:**
- 1. PROPOSED NEW HOME
 - 2. PROPOSED GARAGE
 - 3. PROPOSED DRIVEWAY
 - 4. PROPOSED SIDEWALK
 - 5. PROVIDE CONCRETE WASH OUT
 - 6. PROVIDE BILT FENCE FOR EROSION CONTROL
 - 7. ACCESS TO CONSTRUCTION SITE FROM ALLEY, REMOVE SOIL AND DEBRIS FROM CONSTRUCTION SITE

- GENERAL SITE NOTES**
- THESE DRAWINGS ARE INTENDED TO OUTLINE THE GENERAL SCOPE OF THE WORK. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND DIMENSIONS BEFORE STARTING ANY WORK. CONTRACTORS SHALL ALSO BE RESPONSIBLE FOR ADHERING TO ALL APPLICABLE CODES AND GENERALLY ACCEPTED TRADE PRACTICES.
 - ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE PERFORMED IN COMPLIANCE WITH THE CURRENT EDITION OF THE CITY OF INDIANAPOLIS STORM WATER DESIGN & CONSTRUCTION SPECIFICATIONS MANUAL.
 - NO SURVEY HAS BEEN PROVIDED FOR THIS SITE. SITE FEATURES AND TOPOGRAPHIC DATA HAVE BEEN OBTAINED FROM A PREVIOUS SURVEY. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ANY ADDITIONAL SURVEY DATA OR FIELD VERIFICATION AND OTHER RELIABLE MEANS OF INVESTIGATION. ALL EXISTING FEATURES INCLUDING GRADE ELEVATIONS, UTILITIES, ETC., SHALL BE FIELD VERIFIED.
 - ALL SITE UTILITIES ARE PRESUMED TO BE EXISTING, UNLESS NOTED OTHERWISE. COORDINATE SITE UTILITIES WITH ALL NECESSARY LOCAL UTILITY COMPANIES AS REQUIRED TO PROVIDE SERVICES INCLUDING BUT NOT LIMITED TO WATER SUPPLY, SEWER, GAS, CABLE, AND TELEPHONE. ELECTRICAL SERVICE, NATURAL GAS, CABLE, AND TELECOMMUNICATIONS.
 - THE SCOPE OF WORK IS DESIGNED TO BE A COMPLETE REMODEL OF THE EXISTING HOME. CONTRACTORS SHALL DETERMINE THE BEST MEANS FOR ACHIEVING THE INDICATED DESIGN INTENT. DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF WORK. SUCH THAT ALL UNFORESEEN CHALLENGES CAN BE RESOLVED BY MANUALLY IMPACTING THE CONSTRUCTION. CONTRACTORS SHALL BE RESPONSIBLE FOR BEARING NO FINANCIAL RESPONSIBILITY FOR THE CONSTRUCTIBILITY OF THIS PROJECT.



SITE DATA	
LOT AREA (C3) - COMPACT	5,158 S.F.
PARCEL SIZE (34' x 150')	
TOTAL BLDG AREA	
PROPOSED HOUSE FOOTPRINT AREA	1,302 SQ. FT.
PROPOSED GARAGE AREA	484 SQ. FT.
PROPOSED DRIVEWAY PATH	110 SQ. FT.
PROPOSED SIDEWALK PATH	111 SQ. FT.
OPEN SPACE PERCENTAGE	65%

DRAWN BY
Tamar de la Paz
DATE
OCT.03.2023
REVISION #
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CERTIFIED BY

2029 Massachusetts Ave.
INDIANAPOLIS, INDIANA, 46218

Proposed
Site Plan
SCALE: 1" = 32'



C2

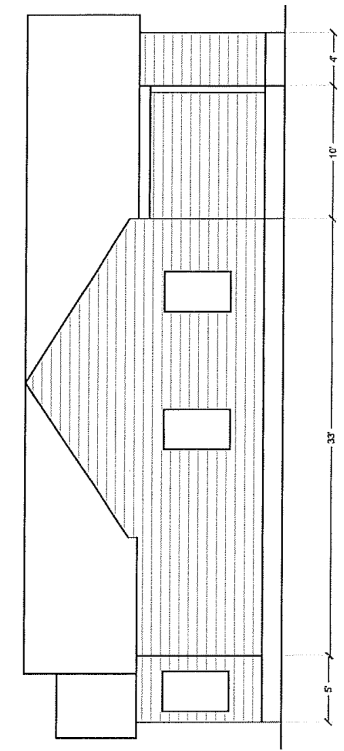
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Tamar de la Paz
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OCT 03, 2023
REVISION #
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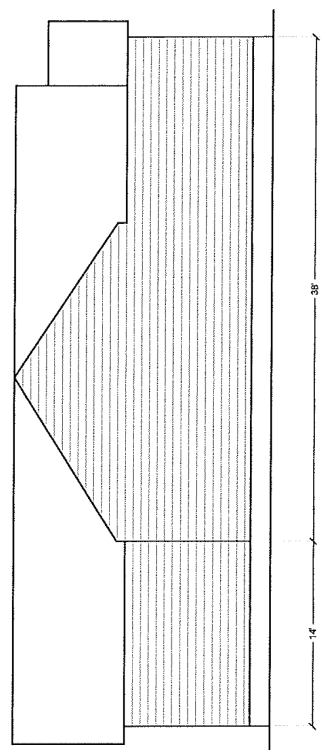
2029 Massachusetts Ave.
INDIANAPOLIS, INDIANA, 46218

A2

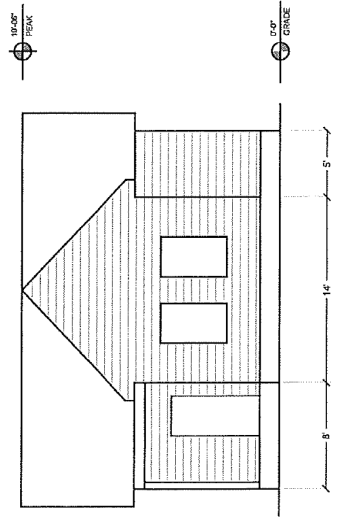
Proposed House
Elevations
SCALE: 1" = 8'



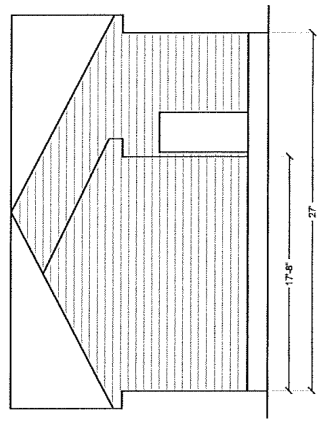
PROPOSED EAST ELEVATION



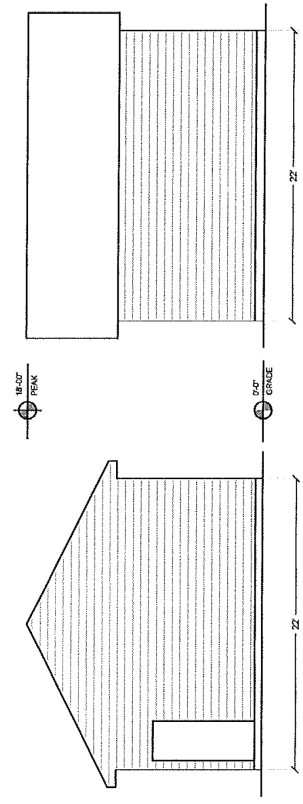
PROPOSED WEST ELEVATION



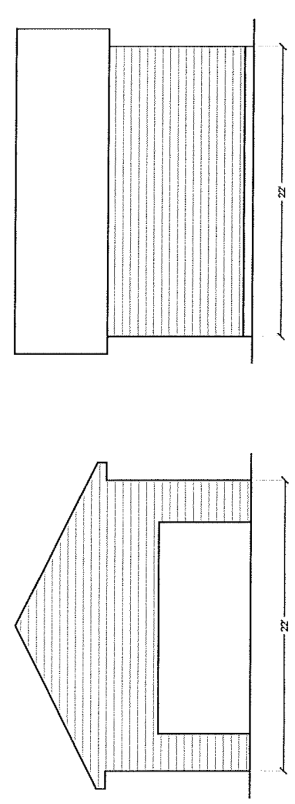
PROPOSED NORTH ELEVATION



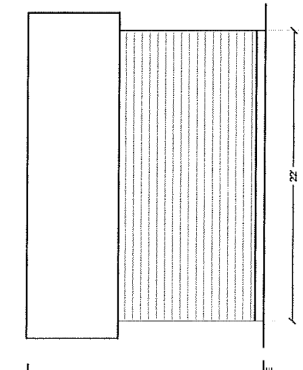
PROPOSED SOUTH ELEVATION



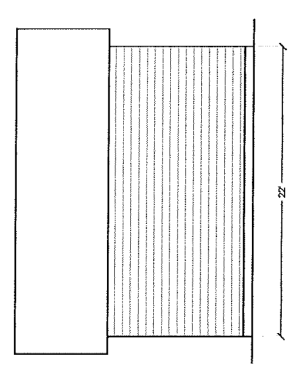
PROPOSED GARAGE NORTH ELEVATION



PROPOSED GARAGE SOUTH ELEVATION



PROPOSED GARAGE EAST ELEVATION



PROPOSED GARAGE WEST ELEVATION



View looking west along Massachusetts Avenue



View looking east along Massachusetts Avenue



View looking south along Jefferson Avenue



View looking north along Jefferson Avenue



View of east / west alley along the southern boundary looking west



View of site looking northwest across Jefferson Avenue



View of site looking west across Jefferson Avenue



View of site looking west across Jefferson Avenue



View of site looking west across Jefferson Avenue



View from site looking east across Jefferson Avenue