

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

August 28, 2025

Case Number: 2025-CVR-835 / 2025-CPL-835

Property Address: 622 South Keystone Avenue (Approximate Address)

Location: Center Township, Council District #18

Petitioner: Shelly Mills, by David Gilman

Zoning: D-5

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing detached single-family dwelling and accessory structure (to be demolished), with a two-foot north side yard setback, and to provide for parking areas for three, multi-unit homes, with zero-foot side yard setbacks (minimum three-foot side yard required).

Approval of a Subdivision Plat to be known as Turner Minor Subdivision, subdividing 0.82-acre into three lots

Waiver Requested: None

Current Land Use: Residential

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first hearing for this plat petition and variance.

STAFF RECOMMENDATION

Staff **recommends approval** of the variance if amended to reflect the changes per the amended site plan, file dated August 12, 2025. The amendment would eliminate the variance to provide for parking areas for three, multi-unit homes with zero-foot side yard setbacks since this development standard would be met and there would not be shared parking proposed.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated May 6, 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.
11. That the final plat includes an access easement across the three properties to allow each property access to the rear parking areas with the removal of the common parking area language.
12. That the subdivision plat is not recorded until after the removal of the existing single-family dwelling on site.
13. That the final plat notes all D-5 development standards for Multi-Unit House -Compact Lot (2-4 units) if they will be called out.
14. A 24-foot half right-of-way shall be dedicated along the frontage of Mooresville Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

VARIANCE OF DEVELOPMENT STANDARDS

The initial request included a variance for the parking areas for the multi-unit homes with zero-foot side yard setback since the parking spaces on the initial site plan noted the parking spaces would cross over the property boundaries. An amended site plan was submitted on August 12, 2025 to change this and remove the variance request altogether.



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Division of Planning
Current Planning**

The grant of the request once amended to reflect the updated site plan would legally establish an existing detached single-family dwelling (to be demolished) with a two-foot north side yard setback and an accessory structure.

The variance request would allow the existing single-family dwelling to remain as is until it is demolished or removed from the property prior to the recording of the subdivision plat.

SITE PLAN AND DESIGN

The 0.82-acre site is zoned D-5 and would be subdivided into three lots (3) to be known as Turner Minor Subdivision. Lot 1 would measure approximately 12,984 square feet or 0.298-acre, Lot 2 would measure approximately 9,892 square feet or 0.227-acre and Lot 3 would measure approximately 10,735 square feet or 0.246-acre. Each lot would contain one four-unit multi-unit house with three rear parking spaces and one street parking space. The proposed plat would meet the setback standards of the D-5 zoning classification for a Multi-Unit House- Compact Lot (2-4 units) that requires a 35-foot lot width, 3,500 square-foot lot area, 10 to 19.9-foot front building line range, three-foot side setbacks, 10-foot rear setback, 20 percent open space.

STREETS

Access to all three sites would come from the alley located south of Lot 3 with the recording of an access easement across the three proposed lots. No new streets are proposed as part of this petition.

SIDEWALKS

Sidewalks exist along Keystone Avenue.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 24-foot half right-of-way along Keystone Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

Staff is supportive of the requests because the proposed subdivision of the site would allow for residential development within a residential neighborhood, would promote a variety of housing types, and would increase the housing stock. Additionally, the variance request would only be applicable until the property owner decides to demolish or remove the existing dwelling prior to the recording of the subdivision plat.

For these reasons, staff is recommending approval of the requests.

GENERAL INFORMATION

Existing Zoning	D-5
Existing Land Use	Residential
Comprehensive Plan	Traditional Neighborhood



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Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5	Residential (Single-family dwelling)
South:	D-5	Residential (Single-family dwelling)
East:	D-5	Residential (Single-family dwellings)
West:	D-5	Residential (Single-family dwelling)
Thoroughfare Plan		
Keystone Avenue	Local Street	48-foot proposed right-of-way and 45-foot existing right-of-way.
Petition Submittal Date	May 6, 2025	

EXHIBITS



AERIAL MAP

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LEGEND

- A. EXISTING CONCRETE WALK
- B. PROPOSED 12" DEEPER WALK
- C. PAVED WALK PAVEMENT STRIP
- D. FILL DEPTH 12" MINIMUM
- E. AT EXISTING CURB AND GUTTER
- F. EXISTING CURB
- G. DRIVE AND PARK ONLY
- H. WALKING SURFACE AT 12" DEEPER WALK

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SCALE

1" = 10'-0"

North Arrow

Site Plan

Project Information

Project Name: 589-2543 W 362.65M J

Client: 589-2543 W 362.65M J

Sheet No: 1-25-001

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Division of Planning
Current Planning

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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 existing residence will only encroach preliminary lot lines and will be razed before the plat is recorded and new lot lines are established.

The Owners will submit a recorded commitment that the existing residence will be removed before the plat is recorded and prior to the issuance of an Improvement Location Permit.

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 existing residence will only encroach preliminary lot lines and will be razed before the plat is recorded and new lot lines are established.

The Owners will submit a recorded commitment that the existing residence will be removed before the plat is recorded and prior to the issuance of an Improvement Location Permit.

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

The existing residence will only encroach preliminary lot lines and will be razed before the plat is recorded and new lot lines are established.

The Owners will submit a recorded commitment that the existing residence will be removed before the plat is recorded and prior to the issuance of an Improvement Location Permit.

DECISION

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

Adopted this _____ day of _____, 20 ____

PHOTOS



Photo of the subeject site proposed Lot 3.



Photo of the subeject site proposed Lot 2.



Photo of the subject site proposed Lot 1.



Photo of the southern alley looking north where all three lots would gain access from.



Photo of the southern alley looking east towards the fenced in subject site on the left.



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



Photo of the rear yard of the subject site looking northwest.



Photo of the existing garage on site to remain.



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



Photo of single-family dwellings east of the site.



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



Photo of the single-family dwellings south of the site.