

BOARD OF ZONING APPEALS DIVISION II

September 12, 2023

Case Number: 2023-DV2-020

Property Address: 1538 Ringgold Avenue (approximate address)

Location: Center Township, Council District #21

Petitioner: AKS Capital LLC, by Luke Childers

Current Zoning: D-5 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of detached single-family dwelling with three-foot side yard setbacks (five-foot side yard setbacks required).

Current Land Use: Residential

Staff Recommendations: Staff recommends approval of this petition

Recommended Motion: Motion to approve petition 2023-DV2-020

Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval of this petition

PETITION OVERVIEW

- This request would allow for the construction of a detached single-family dwelling with three-foot side yard setbacks (five-foot side yard setbacks required).
- The subject site has a width of 19 feet, well smaller than typical D-5 lots, which usually have widths of 25-40 feet. Therefore, Staff sees the width of the site as a clear practical difficulty to the petitioner.
- Applying the five-foot side yard setback development standard to this site would result in a house that is 8 feet wide, which is neither practical, nor is it similar to the neighborhood context. Five-foot side yard setbacks will allow for a house that is approximately 12 feet wide.

- The existing foundations on site (shown in site photos) are to be removed and rebuilt, with a slightly different footprint than the existing foundations. The future footprints are detailed in the site plans below.

GENERAL INFORMATION

Existing Zoning	D-5 (TOD)	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Single-family residential
South:	D-5	South: Single-family residential
East:	D-5	East: Single-family residential
West:	D-5	West: Single-family residential
Thoroughfare Plan		
Ringgold Avenue	Local Street Existing ROW: 60 feet Proposed ROW: 48 feet	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/2/23	
Site Plan (Amended)	N/A	
Elevations	8/2/23	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/2/23	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood living typology for this site.
- In the Traditional Neighborhood living typology, the Pattern Book recommends:
 - 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
 - Garages be accessed and loaded via alley, when possible

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line Transit-Oriented Development Strategic Plan was created to establish “policy guidelines that support land use and development patterns that: complement the implementation of the Red Line bus rapid transit route, maximize the economic development and public benefit of the investment, promote more in-demand (and under-supplied) walkable urban villages, and promote economic mobility for those who can most benefit from the educational and employment opportunities the Red Line connects”.
- The area in which the subject site is located has been identified by the Red Line Strategic Plan as “Walkable Neighborhood”, and sits approximately 7 minutes walking from the nearest TOD station (Pleasant Run station on Shelby Street)
- The housing types recommended in the Walkable Neighborhood portions of the TOD overlay are “primarily small lot single-family attached or detached, with some mixed-use and multi-family at the center”.
- The proposed housing for this site is in accordance with these recommendations.

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- The Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects for all scales and types.
- With regards to new infill housing, the Infill Housing Guidelines recommendations include:
 - Orient front façade towards street
 - For undersized lots, look at the surrounding context for appropriate housing sizes
 - Consider the sizes, materials, and styles of surrounding houses
 - Use street type to guide appropriate massing



**Department of Metropolitan Development
Division of Planning
Current Planning**

- The proposals of this request are in accordance with these recommendations.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2019DV3005, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family dwelling on an existing foundation, with a seven-foot front setback, four-foot separation between dwellings and 49% open space (18-foot front setback or average, 10-foot separation between dwellings and 60% open space required), **approved**.

ZONING HISTORY – VICINITY

2006UV2036; 1601 Leonard Street (south of site), VARIANCE OF USE AND DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to legally establish a three-family dwelling (not permitted), with a 21-foot front setback from Leonard Street (minimum 30-foot front setback required), and a seven-foot front setback from Palmer Street (minimum 25-foot front setback required), and to legally establish a 600-square-foot detached garage with a four-foot front setback in front of the established front building line set by the primary structure (not permitted), **approved**.

2012DV3036; 1524 Ringgold Avenue (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a room addition, with a 1.5-foot north side setback and a 4.5-foot aggregate side setback (minimum four-foot side setback and 10-foot aggregate side setback required), **approved**.

2017ZON071; 1001 Palmer Street (south of site), Rezoning of 1.33 acres from the SU-1 and D-5 districts to the D-8 classification, **approved**.

2018DV2015; 1517 Leonard Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for an existing single-family dwelling and dwelling addition with six feet between dwellings and a 12-foot front setback (18-foot front and 10 feet between dwellings required), **approved**.

2019DV3006; 1540 Ringgold Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family dwelling on an existing foundation, with a seven-foot front setback, six-foot separation between dwellings and 49% open space (18-foot front setback or average, 10-foot separation between dwellings and 60% open space required), **approved**.

2019DV3007; 1544 Ringgold Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family dwelling on an existing foundation, with a 6.5-foot front setback, six-foot and 3.5-foot separation between dwellings and 49% open space (18-foot front setback or average, 10-foot separation between dwellings and 60% open space required), **approved**.

2021DV1046; 1544 Ringgold Avenue (south of site), (Amended) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling with an eight-



**Department of Metropolitan Development
Division of Planning
Current Planning**

foot front setback, 3.8 feet between dwellings and a detached garage with 50% open space (18-foot front setback or average, 10 feet between dwellings and 60% open space required), **approved**.

2021CVR839; 1525 Ringgold Avenue (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two 30-foot wide, 4,400-square foot lots, with four and six feet separation between dwellings, and 58% open space on the northern lot and with six and 8.5 feet of separation and 58% open space on the southern lot (50-foot width, 5,000-square foot lot, 10 feet of separation and 60% open space required), **approved**.

2022DV2040; 1517 Ringgold Avenue (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with three-foot side yard setbacks (five-yard side setbacks required), **approved**.

2022ADM235; 1501 Ringgold Avenue (north of site), Replace playground equipment in PK 1 district, approved.

2023ZON054; 1554 Ringgold Avenue (south of site), Rezoning of 0.14 acres from the D-5 (TOD) district to the D-5II (TOD) district, **pending**.

EXHIBITS

















