



**METROPOLITAN DEVELOPMENT COMMISSION**  
**HEARING EXAMINER** **August 29, 2024**

**Case Number:** 2024-CZN-829 / 2024-CVR-829 (Amended)

**Property Address:** 707 East 22nd Street (Approximate Address)

**Location:** Center Township, Council District #13

**Petitioner:** Elliott 317, LLC, by Jamilah Mintze

**Current Zoning:** C-3

**Request:** Rezoning of 0.07-acre from the C-3 district to the D-8 district to provide for a two-unit multi-unit house.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38.1-foot tall, three-story, two-unit multi-unit house (maximum 35-foot tall, 2.5 stories permitted), with a deficient 2,926 square foot lot area (3,500 square feet required), a five-foot rear setback (10-foot rear setback required), with no street trees and deficient landscaping (minimum one street tree per 35 feet of lot frontage and 50% living material required).

**Current Land Use:** Undeveloped

**Staff Recommendations:** Approval of the rezone. Denial of the variances.

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR SEPTEMBER 29, 2024 HEARING EXAMINER**

This petition was continued from the July 25, 2024 hearing to the September 29, 2024 hearing at the request of the petitioner to allow additional time to amend the request and provide proper notice.

**Amendment:** The petitioner filed a revised site plan and provided building elevations and floor plans for the proposed multi-unit house that exceeded the height and story limitation.

The new site plan indicates two driveways to be proposed at the rear of the site for the proposed garages on the first floor of each unit. The issue is that the site does not have access to the proposed garages. The property to the south has a private drive along the abutting property boundary, which would require an access easement to be granted from the southern property owners before permits can be issued.

Without a definitive answer whether an access easement would be granted, staff does not find reason to support a request that is partially due to the proposed garage use of the first floor. In staff's opinion, the filing of the variances is premature and should be considered after the access issue has been addressed.

The Ordinance defines a half story as "the space under a sloping roof that has a line of intersection of the roof and exterior wall face not more than 2 feet above the floor level, and where the possible floor



area with headroom of 7 feet or more is no greater than 60% of the total floor area of the story directly beneath”.

If the garages were to be eliminated, then the floor layouts could be rearranged to possibly meet the 2.5 story limit. The height of the proposed building could also be adjusted to meet the 35-foot height limitation without any issues.

A multi-unit house could be developed on site without the need for parking garages to be proposed. As submitted, staff **recommends denial of the variances and approval of the rezoning.**

If the landscape variances were withdrawn so the landscape requirements could be met and if the petitioner commits to not develop garages with the proposal, then staff could recommend approval of the variances. A revised site plan and revised floor plans would need to be submitted for Administrative Approval.

### **July 25, 2024**

This is the first public hearing for this petition.

## **STAFF RECOMMENDATION**

Staff **recommends approval** of the rezoning.

Staff **recommends approval** of the variances if the landscape variances were withdrawn, and the landscape requirements met.

## **PETITION OVERVIEW**

### **LAND USE**

The 0.07-acre subject site is an undeveloped lot part of the Bruce Place and Bruce Baker Addition platted subdivision located in the Near Northside neighborhood.

The site is bordered to the west and south by townhomes, zoned D-P, to the east by a single-family dwelling, zoned C-3, and to the north by a commercial property, zoned C-3.

### **REZONING**

The request would rezone the property from the C-3 district to the D-8 district to allow for the construction of a two-unit multi-unit house that is not permitted in the existing zoning district.

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-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.

### **VARIANCE OF DEVELOPMENT STANDARDS**

The grant of the request would allow for a deficient lot area, rear setback, and landscaping.

Per Table 742.103.03 – Residential Building Type Standards, the D-8 district requires a 3,500 square foot lot area and ten-foot rear setback for a multi-unit house.

Per Table 744-701-2: Private Frontage Design Standards, the D-8 district with a Terrace Frontage requires 50% minimum landscape area (living material), 1 street tree for every 35 feet of lot frontage, and planting beds with shrubs or perennial plants covering at least 10% of the frontage area.

### **STAFF ANALYSIS**

Staff is recommending approval of the rezoning to the D-8 district for residential development since it would align with the traditional neighborhood recommendation of the Comprehensive Plan.

The variance request would allow a multi-unit house on a 2,926 square foot lot with a five-foot rear setback, which staff determined to be minimal deviations of the development standards. This type of infill development is exactly what the changes to the Ordinance intended to promote with the variety of housing types now permitted.

There is an exception in the Ordinance that does not require off-street parking for any parcel containing less than 5,000 square feet of lot area, except for single-family attached dwellings or single-family detached dwellings. The classification of the proposal as a multi-unit house allows for this exception to apply.

IndyGo bus stops are located at the northwest and northeast corners of the 22<sup>nd</sup> Street and North College Avenue intersection that would allow for residents to utilize public transportation as an option and a two-way bike lane is along the street frontage of 22<sup>nd</sup> Street for commuting by bicycle. If necessary, public street parking is available along the north side of 22<sup>nd</sup> Street as well.

The variance request would also allow development of the site with no street trees and with deficient landscaping, specifically the requirement for 50% living material. Considering there would be more than



enough front yard area to allow for the required landscaping to be met, staff would request that these standards be met.

To advance the Livability Principles of the Ordinance, and to promote walkable neighborhoods, the design standards of the Walkable Neighborhood Design Standards section include objectives that include the following:

1. Design walkable streetscapes, with slow traffic speeds, well-connected sidewalks, and shade and enclosure offered from street trees.
2. Orient all buildings to the street to activate the streetscape, while still promoting effective transitions from public spaces to private spaces on the lot.
3. Promote human-scale buildings and create active, social spaces along the streetscape and private frontages with building massing and architectural details that break up larger masses into smaller components and define outdoor spaces.

These objectives would be met with the installation of street trees and front yard landscaping since it would provide the necessary shade, provide the transition from the public sidewalk to the property entrance, and could promote front yard activation for gardening, leisure, and yard maintenance.

Staff is recommending approval of the variance requests so long as the required landscaping is met with the withdrawal of the landscape variances. It was determined that there is no practical difficulty for the landscape requirements to be met.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	C-3 Commercial
	South:	D-P Residential (Townhomes)
	East:	C-3 Residential (Single-family dwelling)
	West:	D-P Residential (Townhomes)
<b>Thoroughfare Plan</b>		
22 <sup>nd</sup> Street	Primary Arterial Street	56-foot proposed right-of-way and 60-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	June 24, 2024	
<b>Site Plan (Amended)</b>	July 29, 2024	
<b>Elevations</b>	July 29, 2024	

<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	June 24, 2024
<b>Findings of Fact (Amended)</b>	July 29, 2024
<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)
- Indy Moves Transportation Integration Plan (2018)

**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.

**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

- **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)

- Indy Moves Transportation Integration Plan (2018) notes an existing on-street bike lane along 22<sup>nd</sup> Street from Capitol Avenue to the Monon Trail.



## ZONING HISTORY

### Zoning History – Vicinity

**2022-DV2-006; 2216 and 2228 North College Avenue** (northwest of the site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story, mixed-use building with direct vehicular access to College Avenue (not permitted), **approved**.

**2021-CVR-817; 2216 and 2228 North College Avenue** (northwest of the site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38-foot tall, mixed-use building with 59 parking spaces (including 10 proposed on-street parking spaces), and a fourteen-foot north side transitional yard (maximum 35-foot height, 61 parking spaces, and 15-foot side transitional setback), **denied**.

**2021-CZN-817; 2216 and 2228 North College Avenue** (northwest of the site), Rezoning of 0.82 acre from the D-8 district to the MU-2 district, **approved**.

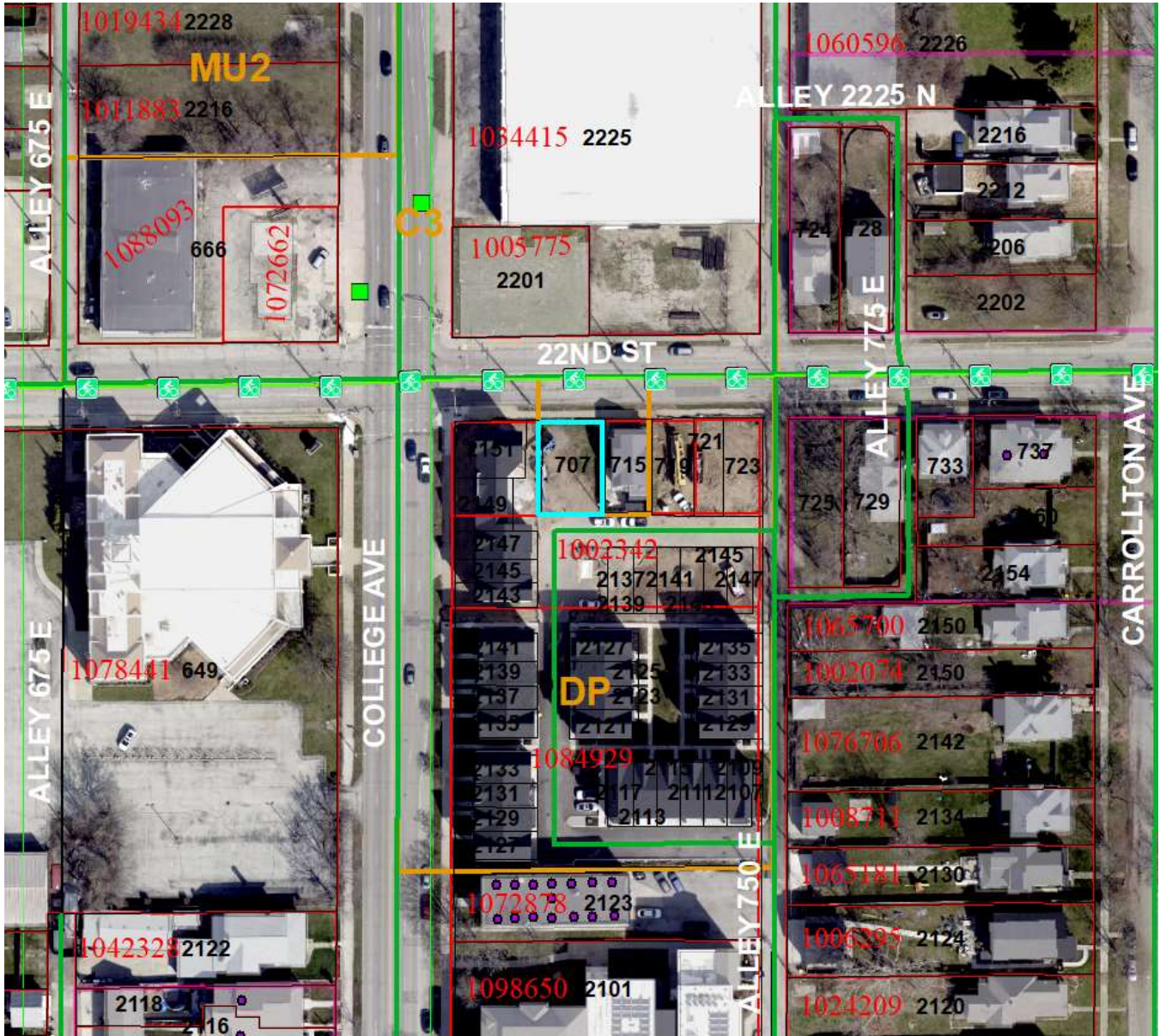
**2021-ZON-021; 717 & 721 East 22nd Street and 2139 & 2151 North College Avenue** (west and south of the site), Rezoning of 1.1 acres from D-8 and C-3 districts to the D-P classification to provide for 36 townhome units at a density of 25 units per acre, **approved**.

**2014-DV3-037; 2202 North College Avenue and 666 East 22nd Street** (northwest of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a neighborhood retail center with 18, 162-square foot parking spaces; a trash enclosure, with a zero-foot west side transitional yard; carryout food service within approximately 20 feet of a D-8 zoned protected district; and outdoor seating and dining encroaching partially into the front yard of 22nd Street, **granted**.

**94-Z-93; 666 East 22nd Street** (northwest of the site), Rezoning of 0.37 ace, being in the C-3 District to the SU-1 classification to provide for church use and a food pantry, **withdrawn**.

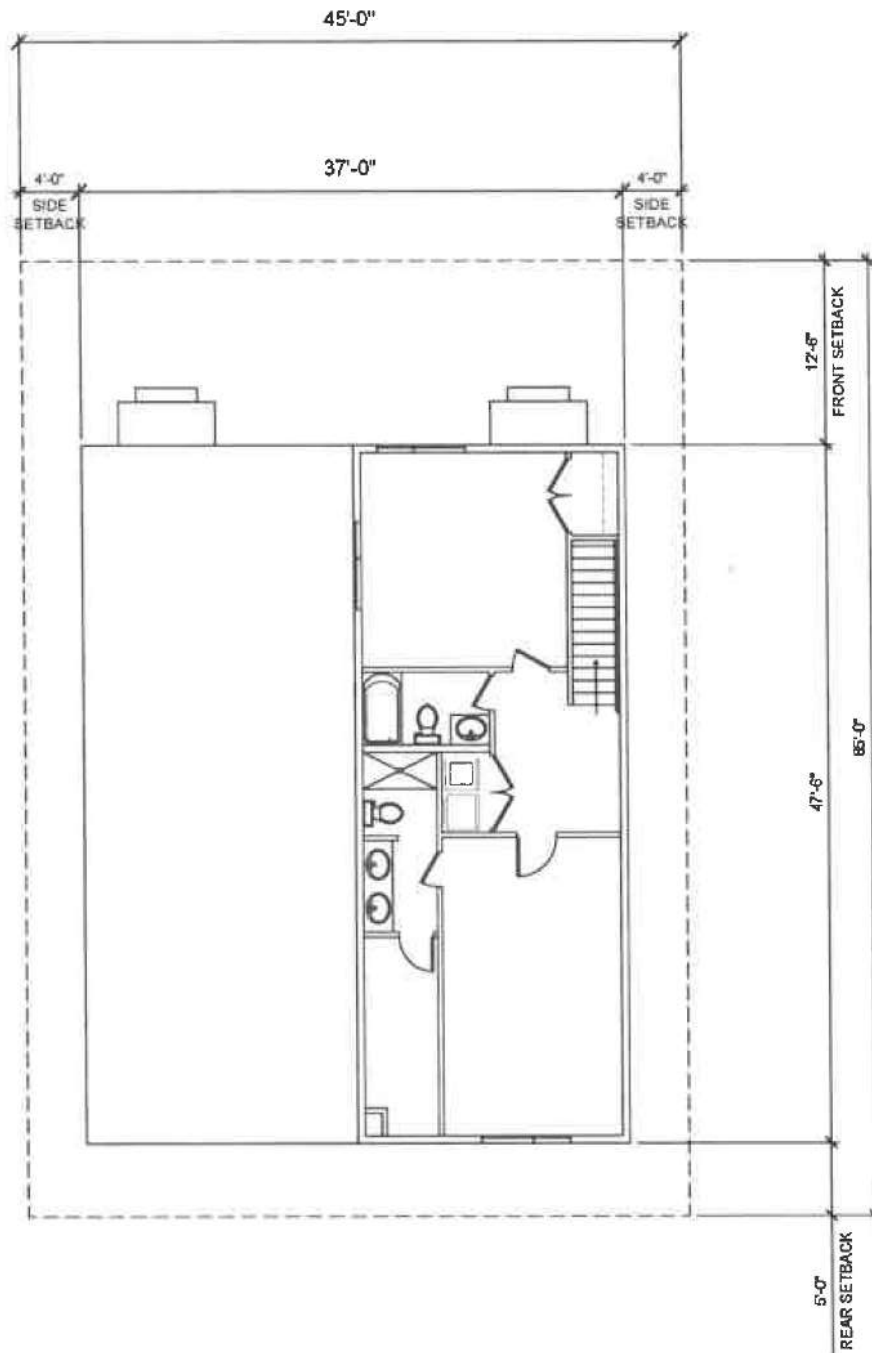


**EXHIBITS**





707 E 22ND ST.  
NEW CONSTRUCTION  
INDIANAPOLIS, IN 46202  
CONSTRUCTION DOCUMENTS

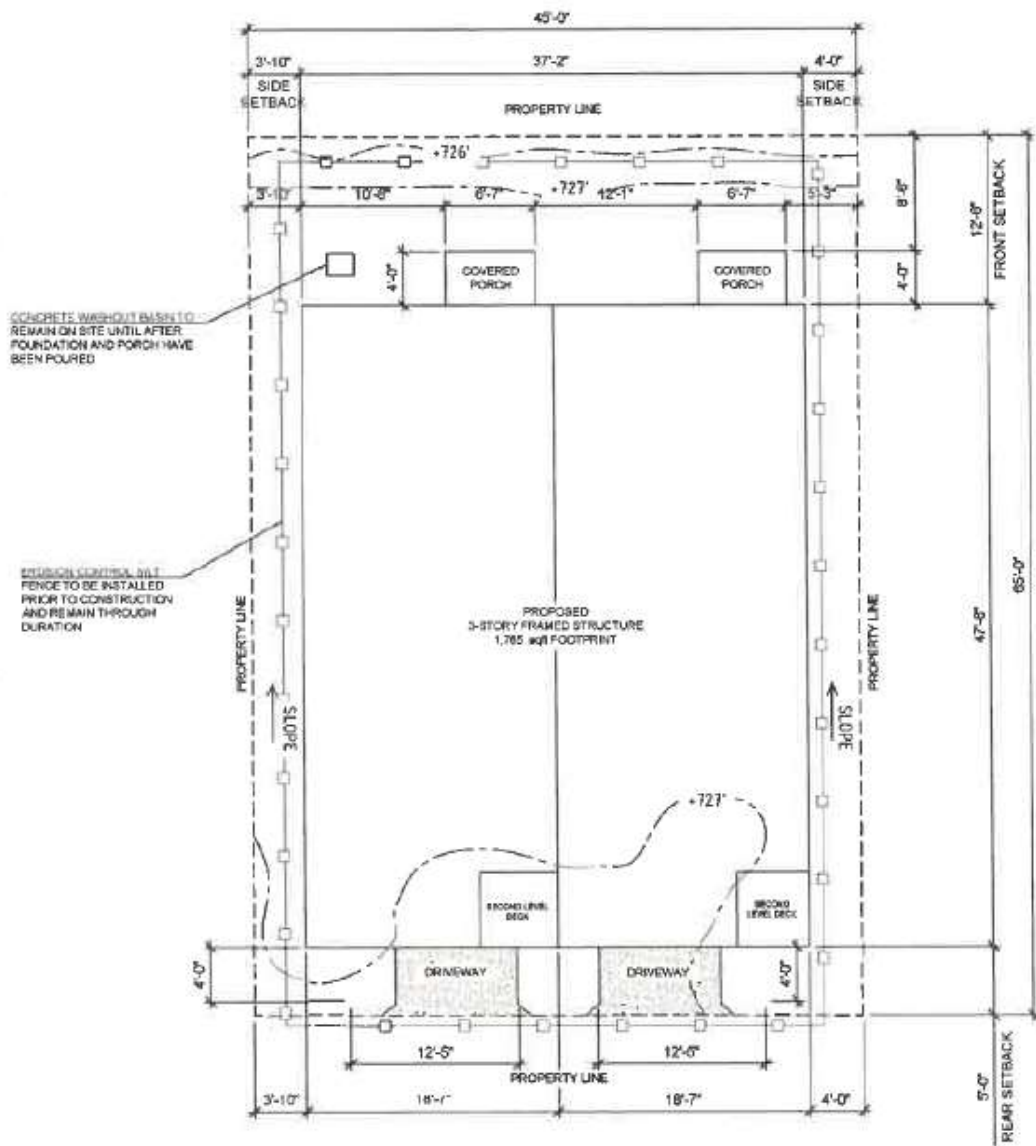


1 SITE PLAN  
SCALE: 1/8" = 1'-0"



AMENDED SITE PLAN

707 E 22ND ST.  
 NEW CONSTRUCTION  
 INDIANAPOLIS, IN 46202  
 CONSTRUCTION DOCUMENTS

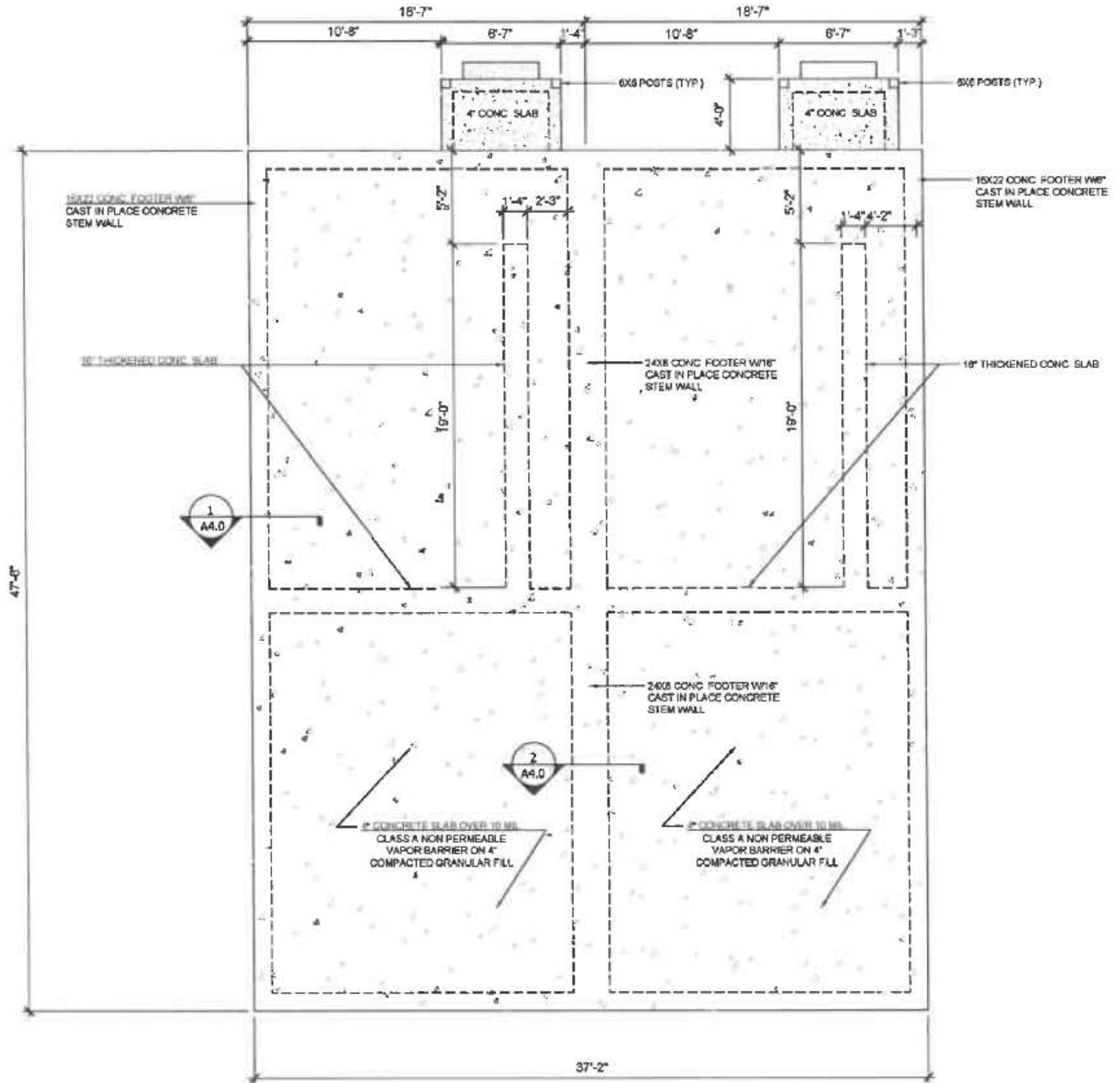


1 SITE PLAN  
 SCALE: 1/8" = 1'-0"



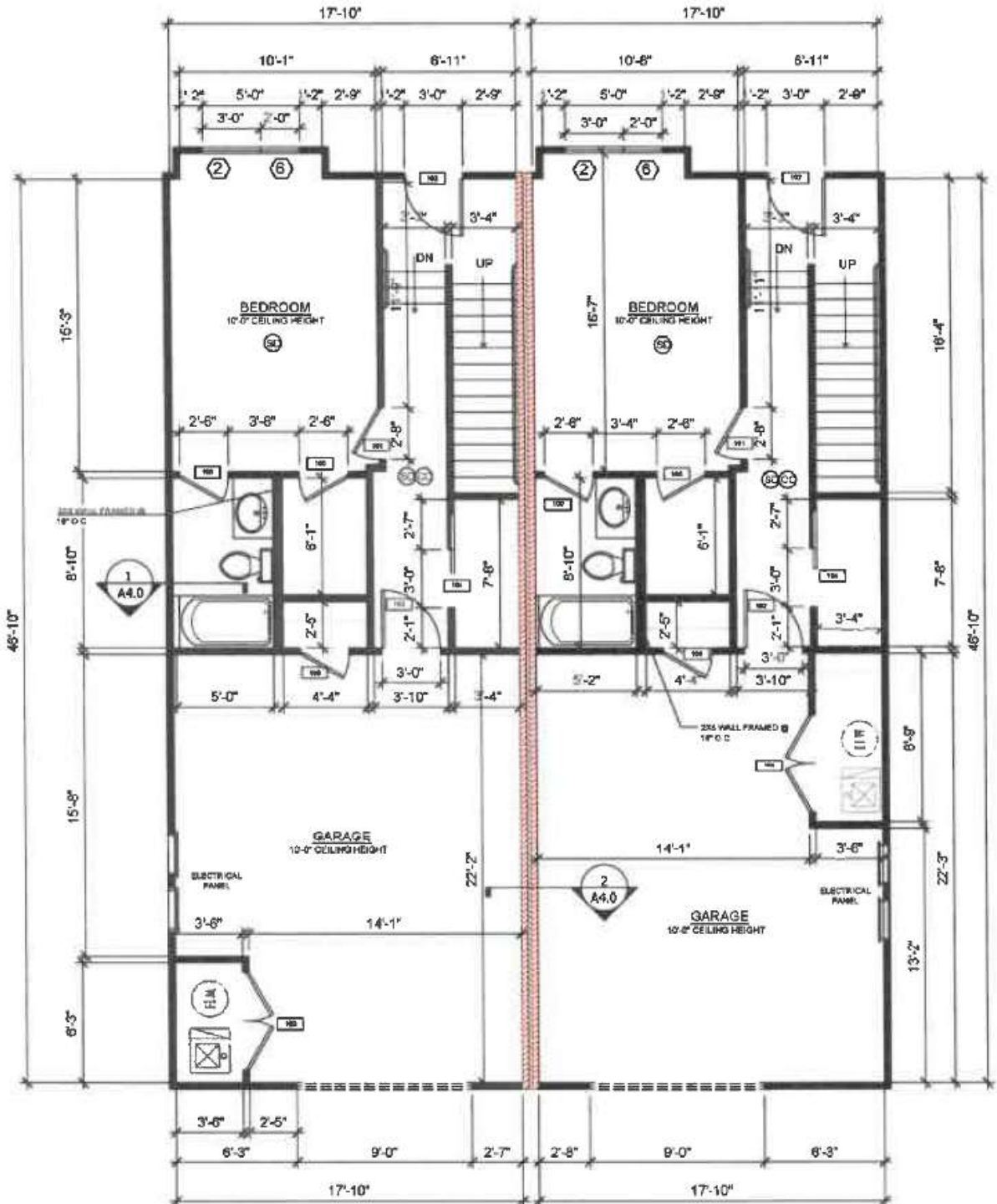


FOUNDATION PLAN



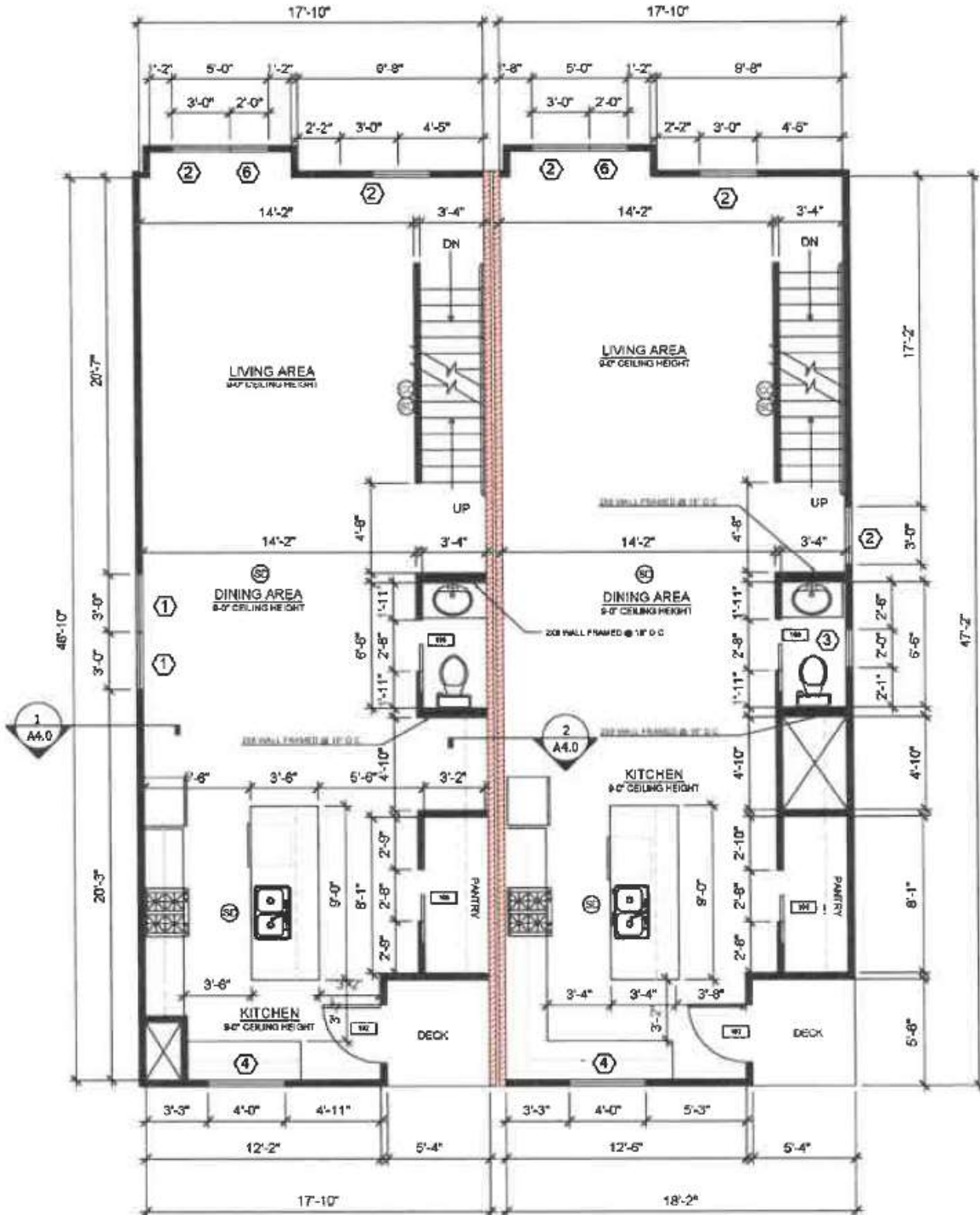
1 FOUNDATION PLAN  
 3/16" = 1'-0"

FIRST FLOOR PLAN



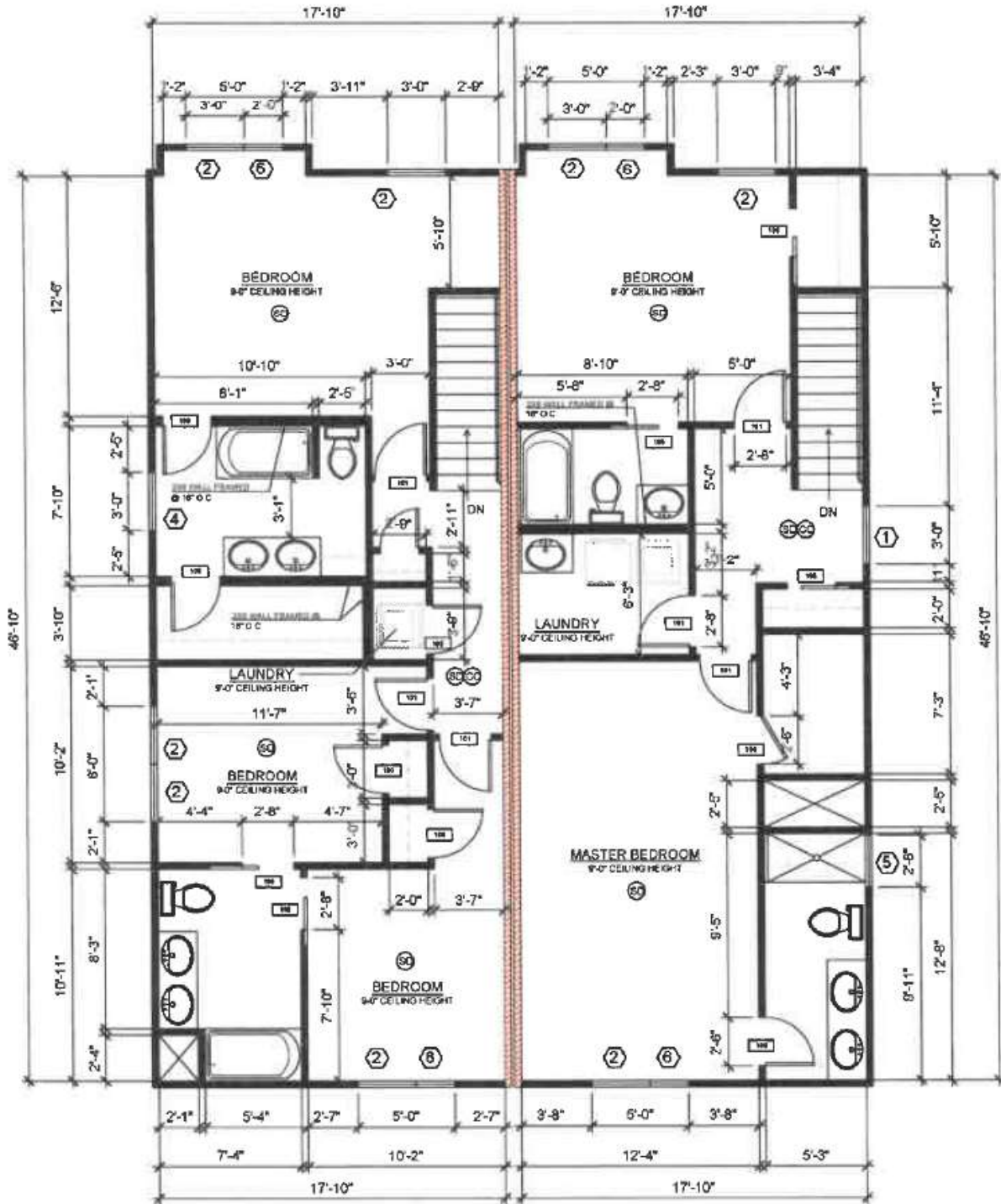
1 FIRST FLOOR PLAN  
 3/16" = 1'-0"

SECOND FLOOR PLAN



**2 SECOND FLOOR PLAN**  
 3/18" = 1'-0"

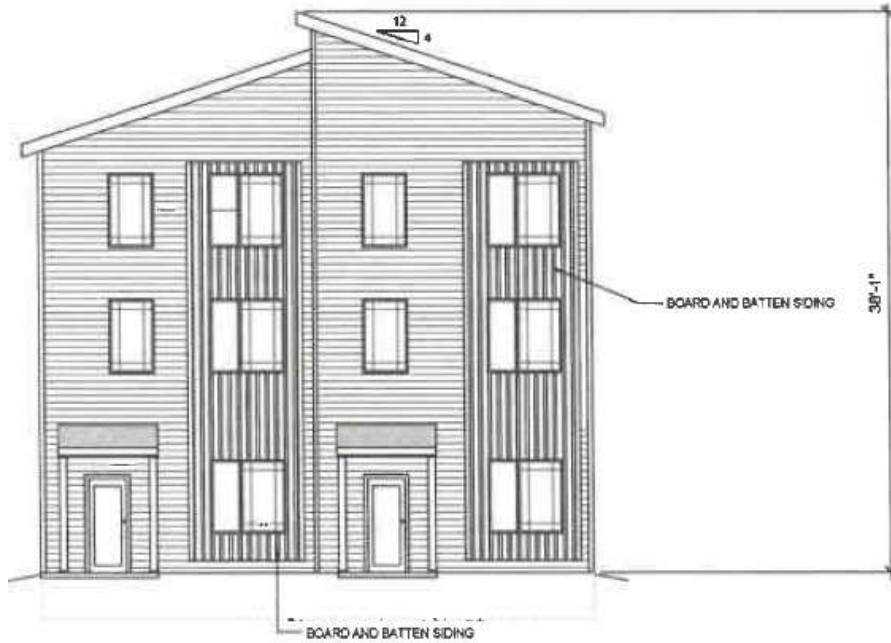
THIRD FLOOR PLAN



1 THIRD FLOOR PLAN  
 3/16" = 1'-0"



ELEVATIONS

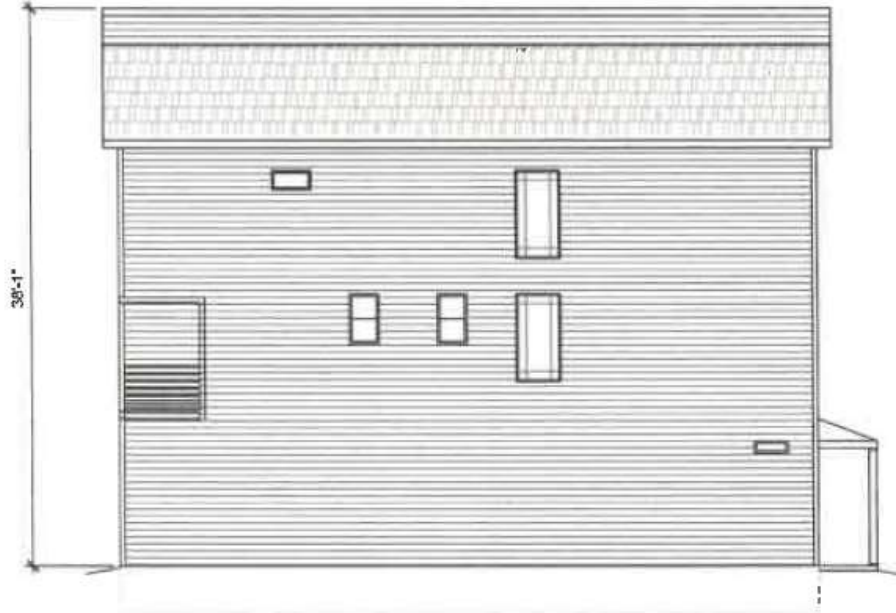


1 NORTH ELEVATION  
1/8" = 1'-0"

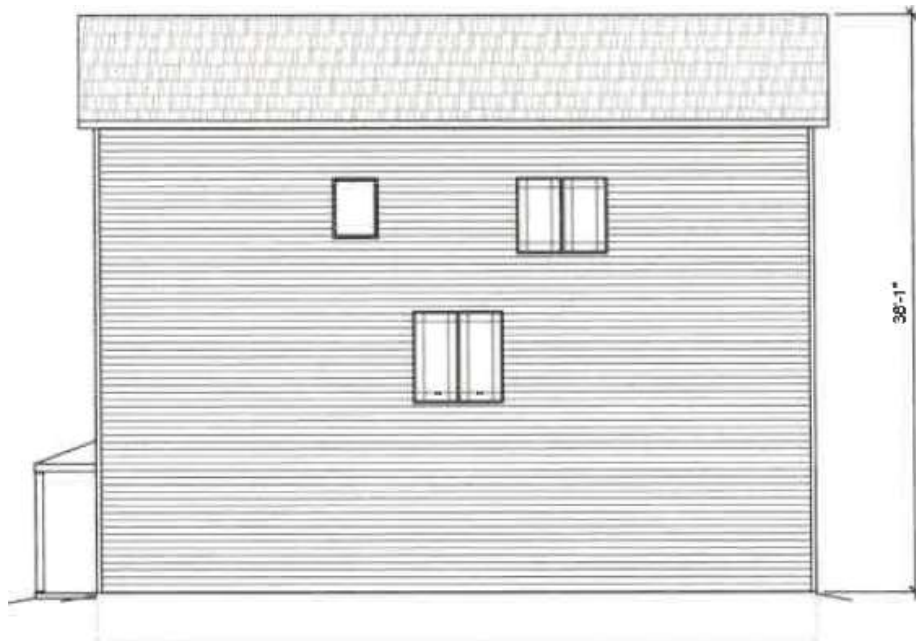


2 SOUTH ELEVATION  
1/8" = 1'-0"

ELEVATIONS (Continued)



3 EAST ELEVATION  
1/8" = 1'-0"



4 WEST ELEVATION  
1/8" = 1'-0"



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 petition will be in uniform with the surrounding properties in this area, by providing  
a residential dwelling for two family use.  
\_\_\_\_\_  
\_\_\_\_\_

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 proposed project meets and exceeds the same standards for the surrounding parcels. The  
aesthetic of the area and the proposed project are similar in design and will provide closure to the properties  
that are adjacent and nearby.  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
The parcel is reasonably small and only allows for use of a single family dwelling other than the proposed project  
the project being sought allows the area to have a completed look and keep the aesthetic of the  
development which has gone forth for this area.  
\_\_\_\_\_  
\_\_\_\_\_

DECISION



**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 proposed project will be consistent with the surrounding development of other townhomes adjacent to L117 in Bruce's Place Addition,

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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 proposed project will be a great addition to the existing aesthetic of this area to provide housing for 2 families. The added value for this parcel will continue to increase for the properties which surround this proposed lot will maintain if not exceed the current parcels nearby.

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

Plans and time spent on planning for this project have been underway for several months, thoughts were considered when planning this property, all decisions were taken into consideration based on the current development nearby and were strictly adhered to when deciding on final plans.

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Photo of the subject site.



Photo of townhomes west of the site.



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



Photo of a commercial site to the north.