

**BOARD OF ZONING APPEALS DIVISION I**

**July 1, 2025**

**Case Number:** 2025-DV1-031

**Property Address:** 3838 East Washington Street (*approximate address*)

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

**Petitioner:** Shepard Community, Inc., by Mindy Westrick Brown

**Current Zoning:** MU-2 (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for development of a mixed-use project with first floor residential at-grade (two-foot elevation above street level required) and public entries at intervals of 100' along the front facades (one entry per 50 feet required) and vehicle access from Bradley Avenue (exclusive access from improved alley required).

**Current Land Use:** Vacant

Staff recommends **approval** of the variance for the first floor residential at-grade.

**Staff Recommendations:** Staff recommend **approval** of the variance for public entries at intervals of 100 feet along the front facades.

Staff recommends **denial** of the variance for vehicle access from Bradley Avenue.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the variance of development standards for the first floor residential at grade.

Staff recommends **approval** of the variance of development standards for the public entries at intervals of 100 feet along the front facades.

Staff recommends **denial** of the variance of development standards for vehicle access from Bradley Avenue.

## **PETITION OVERVIEW**

This 0.82-acre site, zoned MU-2 (TOD) is comprised of five vacant parcels, except for an accessory building. It is surrounded by single-family dwellings to the north, zoned D-5 (TOD); commercial uses to the south, across East Washington Street; commercial uses to the west, across North Bradley Avenue; and commercial uses to the east, all zoned C-5 (TOD).

## **DEVELOPMENT STANDARDS VARIANCES**

This request would allow the first floor of the proposed building to be constructed at the existing site elevation, rather than increasing the building two feet above the street level. Staff supports this request because of the constraints of the site and the compromises that would be required to comply with the Ordinance and would likely require ramps and negatively impact proposed living space.

This request would eliminate the need for public entries at 100-foot intervals, as required by the Ordinance. The linear footage of the property along Washington Street is approximately 240 feet and the proposed building would occupy most of that length, with dwelling units in the eastern portion of the proposed building and more public spaces on the western portion of the proposed building. Staff supports this variance to provide a level of privacy for the residents living there. Staff believes the public entrance at the southwest corner of the proposed building would provide appropriate building access for the public, while maintaining privacy for residents.

The third and final request would allow site access from Bradley Avenue when the Ordinance requires exclusive access from an improved alley. When the use of the site changes, any existing access drives are evaluated based upon current standards and regulations. In other words, during the permitting process, site development review would also determine whether the current access from North Bradley Avenue complies with all current standards and regulations.

Additionally, providing alley access minimizes the proliferation of access drives for each and every land parcel along public streets that negatively impacts the safety of pedestrians, especially families and children.

Staff believes that the existing alley would provide appropriate access and would improve pedestrian safety in the area by minimizing conflicts between vehicles and pedestrians.

Staff would note that damage to the alley and the sidewalks along North Bradley Avenue and East Washington Street during construction activities would require repair in accordance with the current infrastructure standards and regulations.

## GENERAL INFORMATION

<b>Existing Zoning</b>	MU-2 (TOD)	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Village Mixed-Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-5 (TOD)	Single-family dwellings
South:	C-5 (TOD)	Commercial uses
East:	C-5 (TOD)	Commercial uses
West:	C-5 (TOD)	Commercial uses
<b>Thoroughfare Plan</b>		
East Washington Street	Primary arterial	80-foot existing right-of-way and 78-foot proposed right-of-way
Bradley Avenue	Local Street	50-foot existing right-of-way and 48 proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes – Transit-Oriented Development (TOD)	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	June 1, 2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	June 1, 2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	June 1, 2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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.

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

The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology. This site lies within the Transit-Oriented Development overlay.

- *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.
- *Small-Scale Multi-Family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of less than two acres and at a height of less than 40 feet).*
  - Mixed-Use structures are preferred.
  - Parking should be either behind or interior to the development.

- *Modified Uses – Transit-Oriented Development Overlay*
  - Small-Scale Multi-Family Housing - A residential density of 15+ units per acre is recommended.

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

- This site is also located within an overlay, specifically the Blue Line Transit Oriented Development Strategic Plan (2018).
- This site is located within a ¼ mile walk (approximately 337 feet) of a proposed transit stop located at the intersection of East Washington Street and Sherman Drive with a Community Center typology.
- District Center Stations typology are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
- Characteristics of the District Center typology are
  - A dense mixed-use neighborhood center
  - Minimum of 2 stories at core
  - No front or side setbacks at core; 0-10 feet front setbacks and 0-10-foot side setbacks at the periphery
  - Multi-family housing with a minimum of 3 units
  - Structured parking at the core and attractive surface parking at the periphery

#### **Neighborhood / Area Specific Plan**

Not Applicable to the Site.

#### **Infill Housing Guidelines**

Not Applicable to the Site.

#### **Indy Moves**

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

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describes the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- Identify roadways for planned expansions or new terrain roadways
- Coordinate modal plans into a single linear network through its GIS database

## ZONING HISTORY

### ZONING HISTORY – SITE

**2024-ZON-020; 3838, 3840, 3852 and 3862 East Washington Street**, requested rezoning from f 0.82 acre from the C-S (TOD) district to the MU-2 (TOD) district to provide for residential and commercial uses, **approved**.

**96-CP-1A / 96-CP-IV; 3862 East Washington Street**, requested modification of the site plan associated with petition 84-Z-2 to permit the construction of an addition to an existing laboratory and a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of an addition to an existing laboratory being located 49 feet from the centerline of East Washington Street, **approved and granted**.

**87-AP-263; 3862 East Washington Street**, requested a modification of the site plan approved as part of rezoning petition 84-Z-2 to allow a second story addition to an existing warehouse, **approved**.

**86-AP-15; 3802 East Washington Street**, requested modification of commitments to permit an addition to the existing laboratory, **approved**.

**86-HOV-10; 3902 East Washington Street**, requested a variance of development standards to provide for a laboratory addition without the required front and side yards, **granted**.

**84-Z-2; 3820 East Washington Street**, requested rezoning of 0.99 acre from C-5 and D-5 districts to the C-S classification to conform zoning to the use as a laboratory and to permit construction of a garage, **approved**.



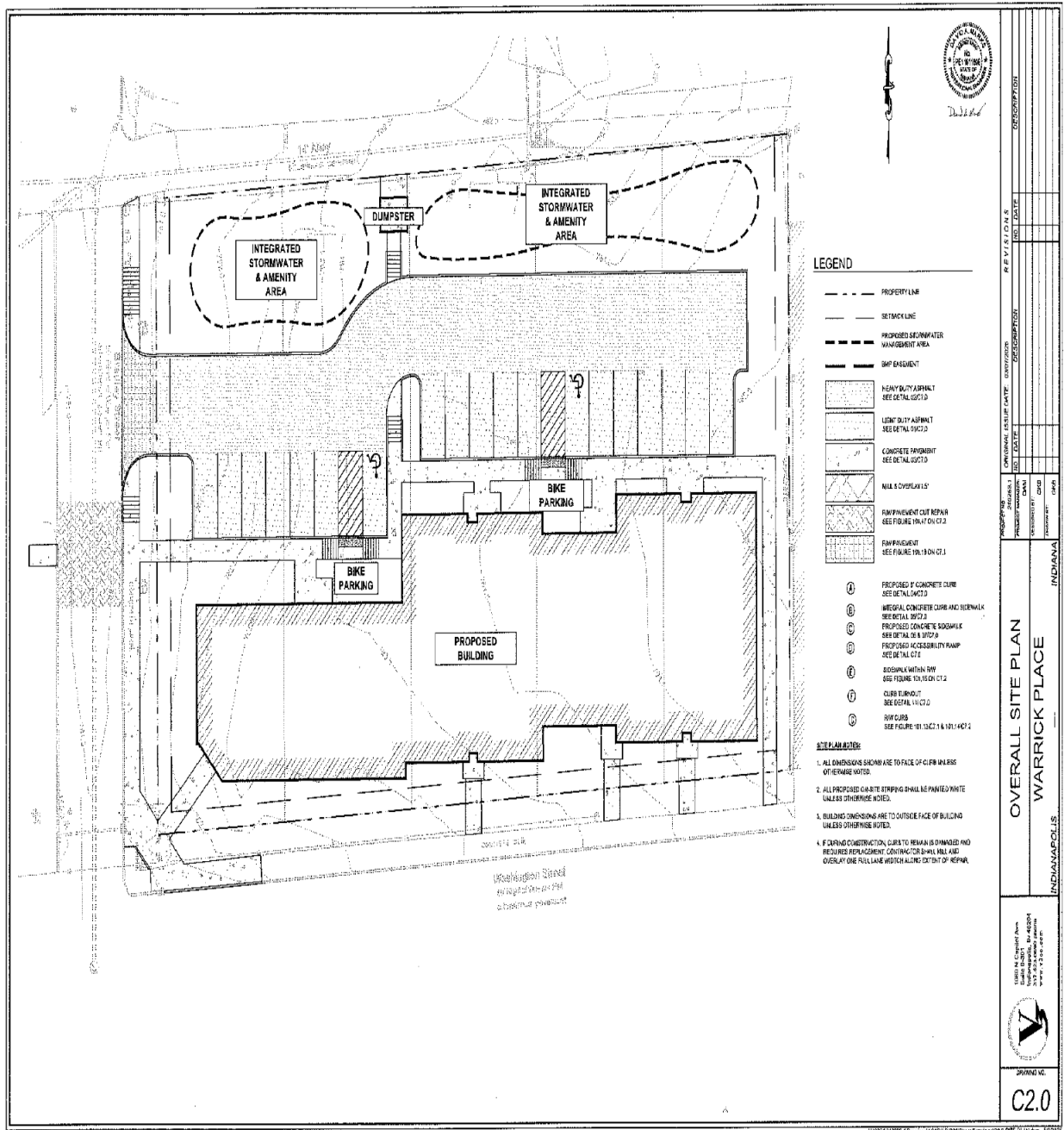
EXHIBITS



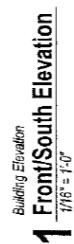
3838, 3840, 3852 and 3862 East Washington Street



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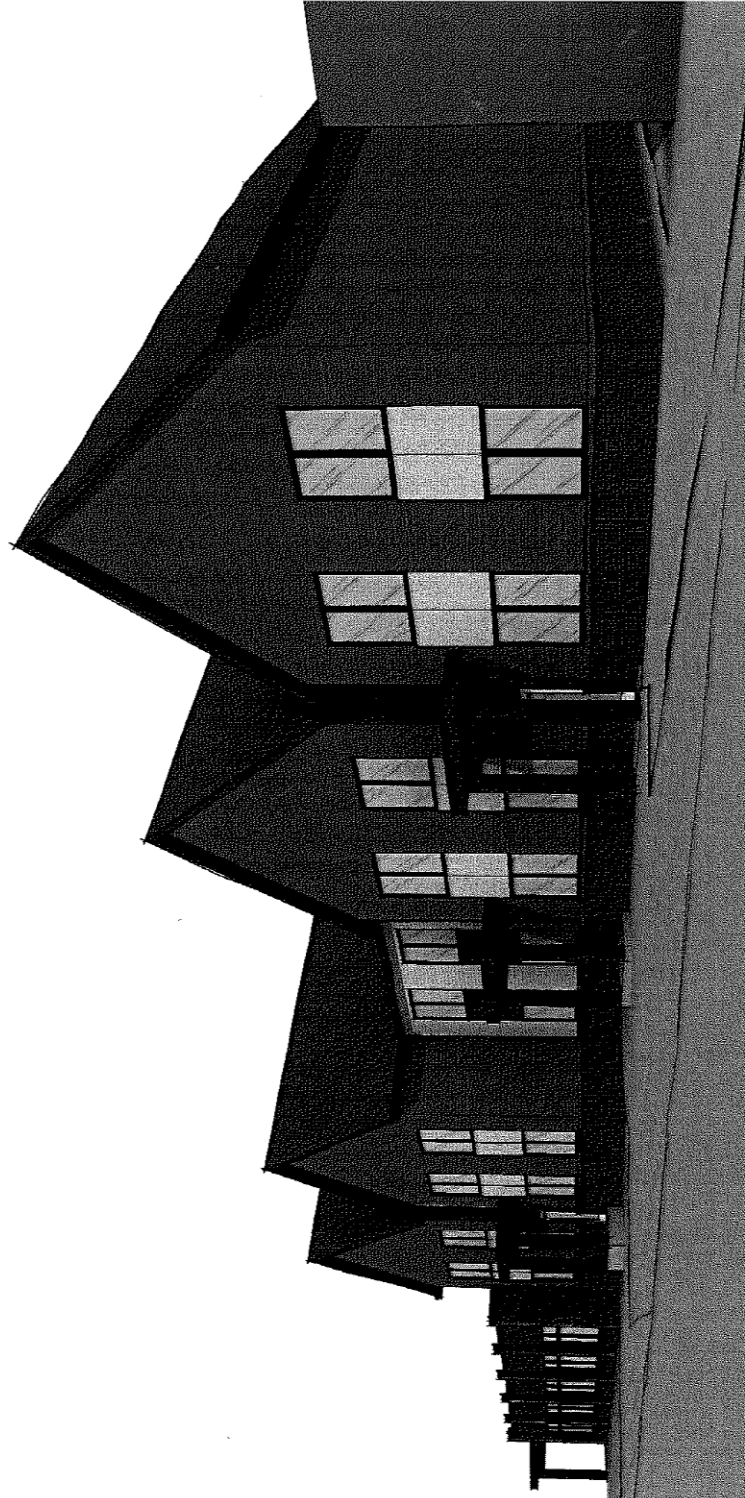






**WOVE**  
ARCHITECTURE + DESIGN

**Warrick Place**  
3862-3838 E. Washington Street  
SD201  
05.23.25



3D View  
**1** East Perspective

**Warrick Place SD211**  
3862-3898 E. Wallington Street  
05.23.25

**WOVE**  
ARCHITECTURE + DESIGN



3D View  
1 West Perspective

**Warrick Place SD212**  
3862-3838 E. Washington Street  
05.13.25

**WOVE**  
ARCHITECTURE + DESIGN

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 requested variances will allow for the development of a vacant site into a neighborhood village mixed-use property, with residential and commercial uses, in compliance with the zoning classification and the Comprehensive Plan recommendation. The curb cut onto Bradley Avenue is existing, and therefore the proposed reuse of the existing curb cut will not be injurious. The building with first story at ground level will also not be injurious as that is consistent with the prior building located on the site. Finally, the separation of primary public entrances will help to ensure safety and security for the single-story commercial portion of the building by not requiring multiple front entrances, which in turn will not be injurious to the community.

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 requested variances will allow for the development of a vacant site into a neighborhood village mixed-use property, with residential and commercial uses, in compliance with the zoning classification and the Comprehensive Plan recommendation. The curb cut onto Bradley Avenue is existing, and therefore the proposed reuse of the existing curb cut will not affect neighbors adversely. The building with first story at ground level will also not affect neighbors adversely as that is consistent with the prior building located on the site. Finally, the separation of primary public entrances will help to ensure safety and security for the single-story commercial portion of the building by not requiring multiple front entrances, which in turn will not affect neighbors adversely.

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

Accessing the site from the alley, and not from the existing curb cut, would be cost prohibitive, and not practical, as the alley is not improved to such standards as to make heightened vehicular traffic possible. The building could not be built two feet above street level because the size of the lot creates a physical limitation for any ramp that would need to be built with the raised height. The requirement for public entrances every 50 feet at this location does not make sense for this particular building as the commercial space will be one single-use space, proposed to be utilized for community health purposes. Multiple front entrances would cause issues with the use of the interior space.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





View looking west along East Washington Street



View looking east along East Washington Street





View looking south along North Bradley Avenue



View looking north along North Bradley Avenue





View looking east along east / west alley to the north

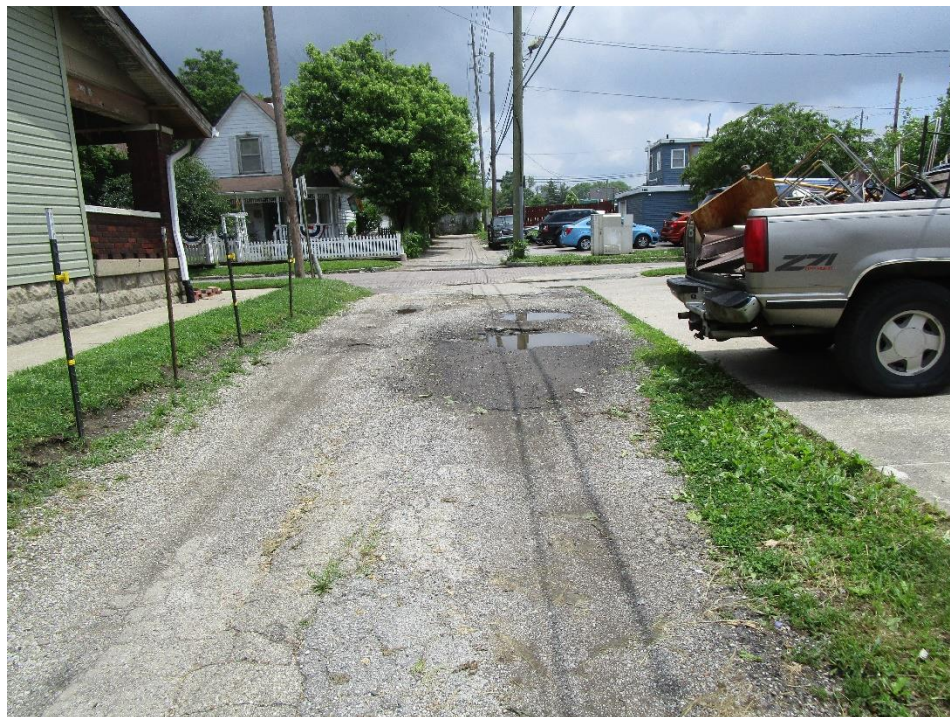


View looking north from east / west alley intersection of north / south alley





View looking east along east / west alley along the northern boundary



View looking east along east / west alley along the northern boundary





View looking west along east / west alley along the northern boundary



View looking west along east / west alley along the northern boundary





View of site looking south from east / west alley along the northern boundary



View of site looking southeast from east / west alley along the northern boundary





View from site looking south across East Washington Street



View from site looking southeast across East Washington Street