

BOARD OF ZONING APPEALS DIVISION I

July 1st, 2025

Case Number: 2025-DV1-025 (Amended)
Property Address: 1002 Hosbrook Street and 815 Grove Avenue
Location: Center Township, Council District #18
Petitioner: Ethan & Madisson Riddle, by Micah Hill
Current Zoning: D-8 (TOD)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a four-foot-tall fence within the front yards, clear sight triangles, and right-of-way of Grove Avenue and Hosbrook Street and Grove Avenue and the abutting alley (height limited to 3.5-foot tall, encroachment of clear sight triangles not permitted, encroachment of right-of-way not permitted).
Current Land Use: Residential
Staff Recommendations: Staff is recommending **denial** of the variance petition.
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the second public hearing of this variance petition.

The first public hearing occurred on June 3rd, 2025, where this petition was continued to the July 1st, 2025, hearing to allow additional time to address an issue on the legal notice.

STAFF RECOMMENDATION

Staff is recommending **denial** of the variance petition.

PETITION OVERVIEW

- The petitioner of the variance is requesting to maintain two (2) existing four (4) foot tall fences that are in the front yards of the subject sites.
- 1002 Hosbrook Street is situated on a corner lot, where the fence encroaches into the Clear Sight Triangle and the right-of-way.
- While the fence at 815 Grove Avenue only encroaches into the right-of-way.
- There are two (2) subject sites for this variance petition, one of which is 0.058-acre (Hosbrook Street) and the other is 0.043-acre (Grove Avenue). Both sites are within the D-8 zoning district.
- In the front yard of a parcel in a dwelling district, a fence is only permitted to be 3.5 feet in height.

- The Clear Sight Triangle is a measured distance between two (2) roads that intersect. The Ordinance does not permit encroachment into this area because the Clear Sight Triangle is necessary to allow drivers to see incoming pedestrian or vehicular traffic from the opposite road, allowing the driver to go forward or turn safely.
- The public right-of-way is public property used by the general public for transportation or utilities.
- The fences in these locations meet transparency standards but still encroach into the clear sight triangle, impeding the clear view of drivers. In combination with encroaching into the right of way, the fences in this location pose a potential safety hazard for pedestrians or vehicles coming through this intersection.
- The subject sites are within the Red Line Transit-Oriented Development Strategic Plan area and are beside the Cultural Trail of Virginia Avenue.
- The subject sites are located beside the Hot Shot Tot Lot Park, which will attract more children and families to walk in the area.
- Staff recommends **denial** of this variance petition, as the subject sites are located within an area that is currently a safe and walkable neighborhood. Granting a fence that encroaches on the right of way and potentially creates a safety hazard will set a precedent that undermines the work that has already begun in the area.

GENERAL INFORMATION

Existing Zoning	D-8 (TOD_	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	PK-1	North: Traditional Neighborhood
South:	MU-1	South: Village Mixed-Use
East:	C-5	East: Traditional Neighborhood
West:	D-8	West: Traditional Neighborhood
Thoroughfare Plan		
Grove Avenue	Local Street	60 feet of right-of-way existing and 48 feet proposed.
Hosbrook Street	Local Street	60 feet of right-of-way existing and 48 feet proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	4/18/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	

Findings of Fact	4/18/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- 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

- Red Line
 - Virginia & College
 - Existing Conditions
 - The station offers direct access to the growing Fletcher Place neighborhood portion of Virginia Avenue.
 - There are a large amount of active, pedestrian uses.
 - There are a number of pedestrian oriented brick buildings along most of the streets in this area, away from the actual station.
 - The south and eastern end of the station area is dominated by large expanses of highway.
 - To the west, Eli Lilly Company is easily accessed.
 - Typology Characteristics
 - Walkable areas of multiple city blocks, serving as cultural + commercial hubs for multiple neighborhoods

- Mix of office, retail, entertainment, and residential with higher densities at center desired
- Off-street parking is discouraged and should be limited to garages.
- Aspire to a minimum of 15 Dwelling Units per Acre at the core of the station area
- Aspire to a minimum of 3-story buildings at the core of the station area.
- Investment Framework
 - These stations are the most TOD Ready, generally characterized by good urban form, pedestrian, and bicycle connectivity, and medium to strong market strength.
 - TOD investments here should leverage significantly higher residential and employment densities, demonstration projects, urban living amenities and workforce housing.
 - The most appropriate locations for significant infill development • Primary focus is the private sector.
- Virginia & Prospect
 - Existing Conditions
 - The station offers direct access to the heart of the Historic Fountain Square Cultural District and the Cultural Trail.
 - The intersection of Shelby, Prospect and Virginia Avenue is very congested with a large amount of active, pedestrian uses.
 - there are a number of pedestrian oriented brick buildings along most of the streets in this area, away from the actual station.
 - Both the Historic Murphy Building and Historic Fountain Square Theatre act as neighborhood anchors.
 - Typology Characteristics
 - Walkable areas of multiple city blocks, serving as cultural + commercial hubs for multiple neighborhoods
 - Mix of office, retail, entertainment, and residential with higher densities at center desired
 - Off-street parking is discouraged and should be limited to garages.
 - Aspire to a minimum of 15 Dwelling Units per Acre at the core of the station area.
 - Aspire to a minimum of 3-story buildings at the core of the station area.
 - Investment Framework
 - These stations are the most TOD Ready, generally characterized by good urban form, pedestrian and bicycle connectivity, and medium to strong market strength. • TOD investments here should leverage significantly higher residential and employment densities, demonstration projects, urban living amenities and workforce housing • The most appropriate locations for significant infill development • Primary focus is the private sector

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Design ornamental elements, such as fences and retaining walls, to be simple, fit the context of the block and neighborhood, do not obstruct views of the front of the house, and do not obstruct public sidewalks.
- Fencing around dwellings should be carefully placed. See-through fencing is the safest. In the front, fences should be ornamental in style. Do not install privacy fences in front yard.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

- 2024-CVR-821 / 2024-CPL-812: 815 Grove
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on proposed Lot One, with a seven-foot front setback along Hosbrook Street (front setback ranging from 10 feet to 19.9 feet required), a 3.5-foot corner side yard setback from Grove Street (minimum 8 feet required) and to legally establish an existing single-family dwelling on proposed Lot Two with deficient setbacks.
 - Approval of a Subdivision Plat to be known as Replat of Lot 362 in Fletcher Stone, Witt, Taylor and Hoyt's Subdivision, subdividing 0.10-acre into two lots including a vacation of a portion of the abutting alley, along the northeast portion of proposed Lot Two, ranging from 2.59 feet to 3.19 feet in width (irregular-shaped), from a point 2.87 feet southeast of the right-of-way of Grove Avenue,
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2020-DV3-013: 1031 Elm Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a garage attached by a breezeway to an existing single-family dwelling with an eight-foot front setback, 2.75-foot west side setback, 2.75 feet between primary dwellings, a five-foot rear setback and 34% open space (18-foot front setback or average, four-foot side setbacks, 10 feet between dwellings, 15-foot rear setback and 55% open space required).
 - Approved
- 2021-DV1-027: 945 Elm Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to a single-family dwelling with a six-foot front setback, a 2.5-foot northwest side setback, six and 7.5-foot separations between dwellings and an attached garage with a three-foot rear setback and 37% open space (18-foot front setback or average, four-foot side setback, 10-foot separation fifteen-foot rear setback and 55% open space required).
 - Approved
- 2021-DV3-010: 1020 Elm Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for additions to an existing single-family dwelling and detached garage, with a one-foot north side dwelling setback, 2.5-foot south side dwelling setback, three-foot side garage setbacks, three-foot and five-foot separation between dwellings and open space of 40% (four-foot side setback, 10-foot separation and 55% open space required).
 - Approved

- 2022-CZN-829 / 2024-CVR-829: 921 Virginia Avenue
 - Rezoning of 1.49 acres from the D-8 and C-5 districts to the MU-2 (TOD) district.
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a Large Mixed-Use building type (not permitted), a zero-foot setback along Virginia Avenue (five feet required) and to allow for reduced landscaping (landscaping required).
 - Approved
- 2022-UV2-002: 1035 Elm Street
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story, fourteen unit medium apartment building (not permitted in D-8) with a four-foot front building setback (6.5-foot setback required), a 1.5-foot rear setback (ten-foot setback required), a Floor Area Ratio of 1.31 (maximum 0.60 permitted) and a Livability Space Ratio of 0.17 (minimum 0.66 ratio required).
 - Approved
- 2024-UV3-018: 975 Hosbrook Street
 - Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of C-1 uses (not permitted).
 - Approved

EXHIBITS

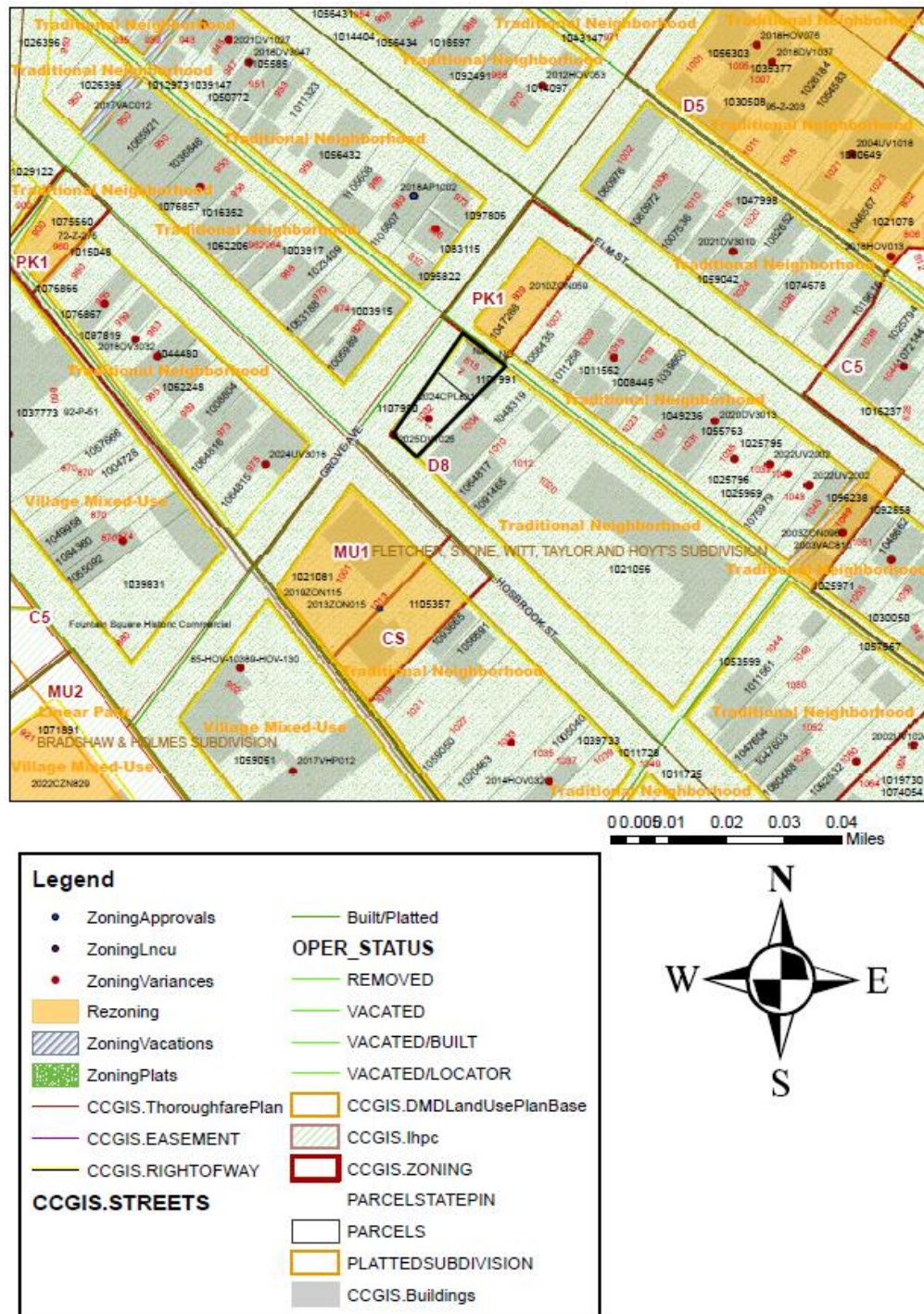


Exhibit 1: ArcGIS map of the subject sites and surrounding area.

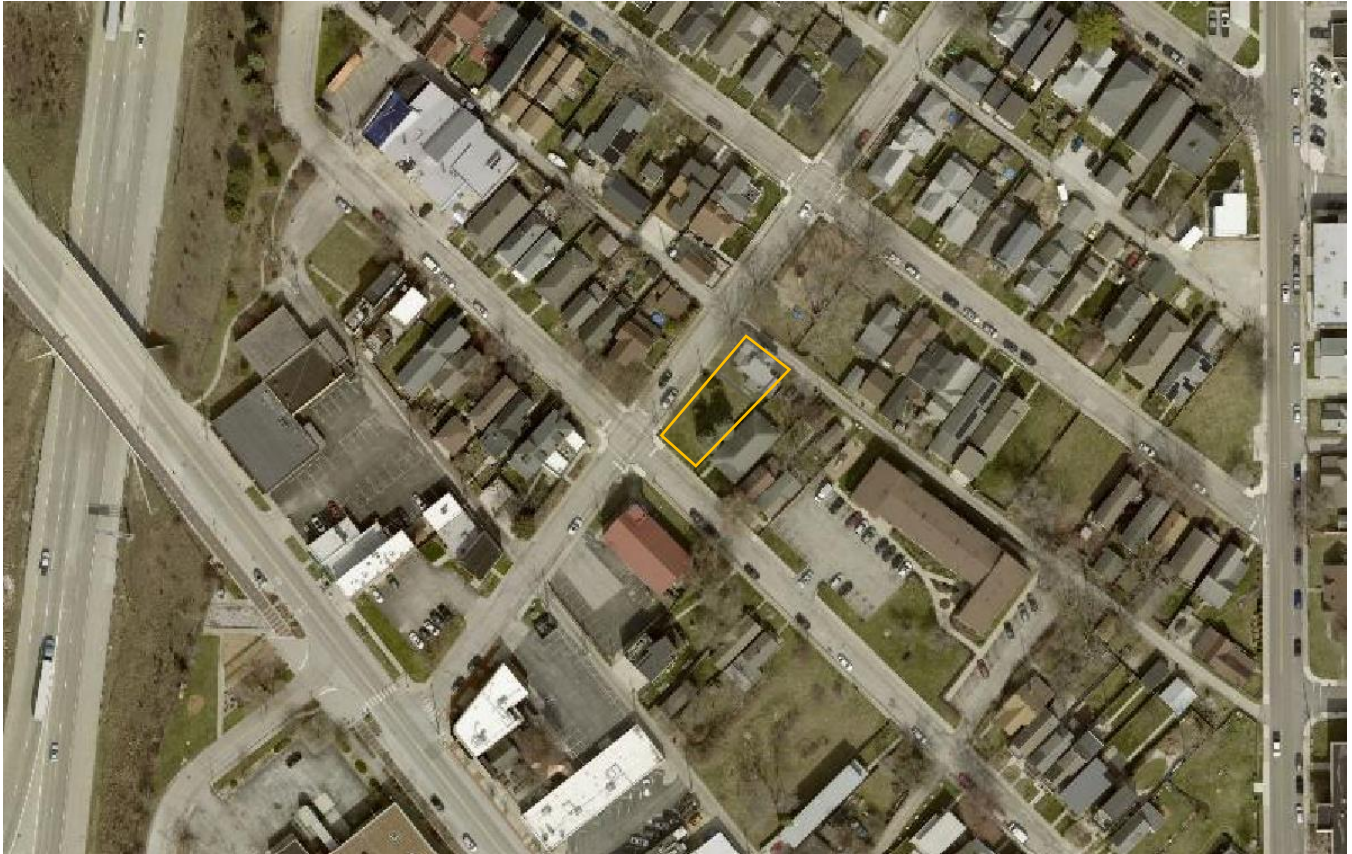
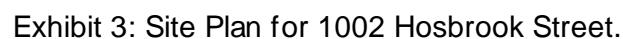


Exhibit 2: Aerial of the subject sites.



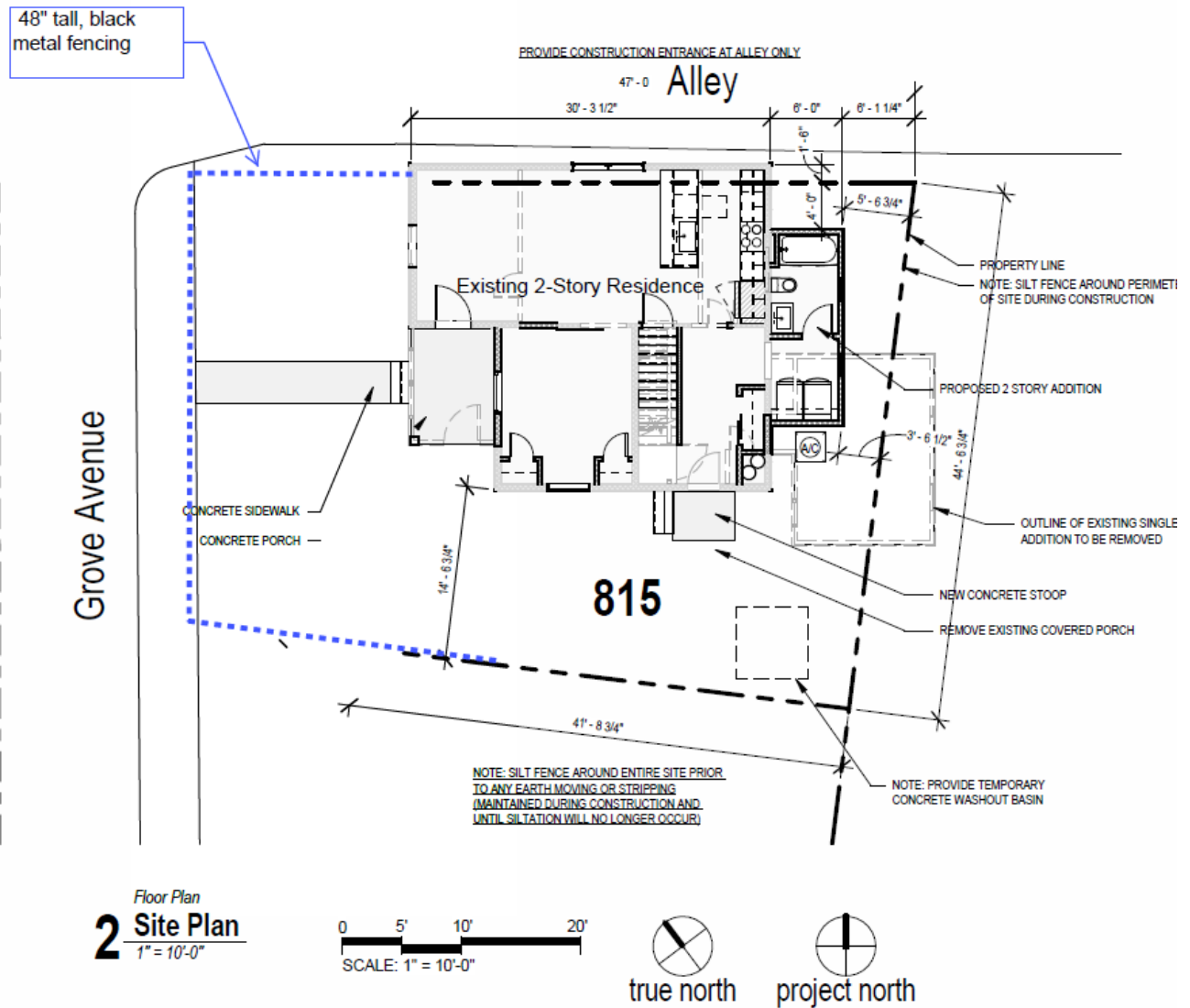


Exhibit 4: Site plan for 815 Grove Avenue.



**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 fencing does not "materially impede visibility" which is consistent with the intent of the Ordinance.

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 installed fencing is consistent with the intent of the Ordinance and is complimentary with the context of the neighborhood where the majority of homes and yards have similar fencing installed.

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

the fencing does not violate the spirit of the Ordinance as can be seen by surrounding context including other neighbors, properties and an adjacent city park.

Exhibit 5: The submitted Findings of Fact.



Exhibit 6: 1002 Hosbrook Street fence.



Exhibit 7: 1002 Hosbrook Street fence



Exhibit 8: 815 Grove Avenue fence.



Exhibit 9: 815 Grove Avenue fence.



Exhibit 10: Looking northeast down Grove Avenue.