

#### **METROPOLITAN DEVELOPMENT COMMISSION**

August 20, 2025

**Case Number:** 2025-CZN-828 (2<sup>nd</sup> Amended) / 2025 CVR-828 (2<sup>nd</sup> Amended)

Property Address: 1927, 1946, and 1950 East 32<sup>nd</sup> Street, and 3219 Orchard Avenue

**Location:** Center Township, Council District #8

Petitioner: Universal Church of Truth and First Born, Inc., by Justin Kingen and David

Kingen

Current Zoning: D-5 / SU-1

Rezoning of 1.35 acres, from the D-5 district to the D-8 district to provide for

multi-family dwellings.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide to provide for the construction of a medium

apartment building & community center (at 1927 East 32nd Street), within a

Request: SU-1 district (not permitted); to allow for a mixed-use, multi-family housing

project, community center and religious use (church) to have 38 off-street parking spaces (77 off-street parking spaces required); provide for the construction of five duplexes (floor over floor) with a floor area of 500 square feet (minimum floor area of 660 square feet required); to provide for the construction of duplexes at 1946 East 32nd Street and 3219 Orchard Avenue

with a reduced open space (60% open space required for duplexes).

Current Land Use: Vacant land

Staff

Recommendations:

Denial of the rezoning and variance requests

Staff Reviewer: Kathleen Blackham, Senior Planner

#### **PETITION HISTORY**

On May 29, 2025, the Hearing Examiner transferred these petitions to the Metropolitan Development Commission for initial hearing on July 2, 2025, at the request of the petitioner's representative due to deadlines associated with funding for the project.

The Metropolitan Development Commission continued these petitions from the July 2, 2025 hearing, to the July 16, 2025 hearing and to the August 20, 2025 hearing, with notice, to provide additional time to amend both the rezoning request and the variance request.



#### STAFF RECOMMENDATION

Denial of both the rezoning and variance requests. If approved staff would request that approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least five business days prior to the MDC hearing:

- 1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
- 2. A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees the diameter, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

#### **PETITION OVERVIEW**

This 2.37-acre site, zoned D-5 and SU-1, is comprised of four parcels that are not contiguous. Three of the parcels, zoned D-5, are vacant and the fourth parcel is developed with religious uses, zoned SU-1. It is surrounded by single-family dwellings to the north, south, east, and west, all zoned D-5. The southernmost parcel (SU-1) also abuts religious uses to the east, zoned SU-1.

Petition 97-Z-76 rezoned the southernmost parcel (addressed as 1927 East 32<sup>nd</sup> Street) to SU-1 to provide for religious uses.

#### **REZONING**

The request would rezone the portion of the site zoned D-5 (three parcels totaling 1.35 acres) to the D-8 Walkable Neighborhood District. "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."

"To advance the Livability Principles of this Code, the D-5, D-5II, **D-8**, D9 and D-10 districts implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. Street trees, landscape and trees along private frontages, and an active amenity zone create comfortable walking



environment and add appeal to neighborhoods. These districts require urban public and community facilities and services to be available. These districts may be used in combination to supply critical mass of residents to support nearby commercial and transit investments."

The purpose of the Walkable Neighborhood design standards and objectives is to advance the Livability Principles of this code, and to promote walkable neighborhoods. Any exceptions to the standards in the Ordinance, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

The Comprehensive Plan recommends traditional neighborhood typology for the site.

As development on this site occurs, recommendations of the Pattern Book and the Walkable Neighborhood design standards and objectives should be considered, as well as compliance with the Ordinance to mitigate negative impacts on surrounding residential development. Additionally, Infill Housing Guidelines should be considered and implemented to support appropriate integration with the character of the surrounding residential neighborhood.

As proposed, this request would generally be consistent with the recommended land use but would not align with the Pattern Book recommendations or the Infill Housing Guidelines. Both the duplexes at the northwest portion of the site (addressed as 3219 Orchard Avenue) and the three-story multi-family building (addressed as 1927 East 32<sup>nd</sup> Street) are located mid-block, rather than at intersections as recommended, as recommended by the Pattern Book.

Additionally, the elevations that were submitted confirm that the proposed structures would not be architecturally integrated into this neighborhood generally consisting of one-story dwellings. The three-story multi-family building (addressed as 1927 East 32<sup>nd</sup> Street) would be out of scale with the neighborhood and introduce a mass that would not be compatible with the residential structures in this area. The duplexes and triplexes would introduce a housing typology that would disrupt and not be compatible with this neighborhood.

Staff is also concerned with the lack of convenient neighborhood servicing businesses or institutions within walking distance of this site, as well as the absence of the walkable neighborhood design standards and objectives.

#### **Tree Preservation / Heritage Tree Conservation**

There are significant amounts of natural vegetation and trees located on the northern portion of the site, zoned D-5. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

All development shall be in a manner that causes the least amount of disruption to the trees.



A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees and the diameter, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester, or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines "heritage tree" as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (Acer saccharum), Shagbark Hickory (Carya ovata), Hackberry (Celtis occidentalis), Yellowwood (Cladrastus kentukea), American Beech (Fagus grandifolia), Kentucky Coffeetree (Gymnocladus diocia), Walnut or Butternut (Juglans), Tulip Poplar (Liriodendron tulipifera), Sweet Gum (Liquidambar styraciflua), Black Gum (Nyssa sylvatica), American Sycamore (Platanus occidentalis), Eastern Cottonwood (Populus deltoides), American Elm (Ulmus americana), Red Elm (Ulmus rubra) and any oak species (Quercus, all spp.)

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location Permit (ILP) issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

#### **Environmental Public Nuisances**

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;



- 2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
- 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
- 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptables for proper disposal of trash and other waste.

#### **VARIANCE OF USE**

The request would allow for the construction of a medium apartment building and community center (at 1927 East 32nd Street), within a SU-1 district, which is not permitted by the Ordinance. Staff is concerned that the proposed three-story apartment building would introduce a housing typology that would not be compatible with the existing religious uses and more importantly the surrounding neighborhood primarily consisting of detached one-story single-family dwellings.

For these reasons, staff does not support these variance requests.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

Staff believes that the need for reduced parking associated with proposed multi-family dwelling units, community center and religious uses is further evidence that this use would not be compatible with this area. The Ordinance requires 77 off-street parking spaces when 38 off-street parking spaces would be provided. A 50% reduction of parking would not be appropriate or acceptable because of the impact on the surrounding the neighborhood and the resulting burden of additional vehicles on the adjacent residents and property owners. The Ordinance would allow for a maximum of 30% reduction through adjustments to required off-street parking.

The request would provide for a reduced floor area from the required 660 square feet to 500 square feet. Staff believes this reduction would not be acceptable and would negatively impact the quality of life for the residents.



Staff is also concerned with the lack of appropriate architectural integration of the proposed various housing typologies into this neighborhood primarily consisting of one-story, detached single-family dwellings. It appears there was no consideration for the Infill Housing Guidelines that provides recommendations for compatible development in neighborhoods that would minimize disruption of the existing character and maintain the value of the existing dwellings.

This request would provide for the construction of duplexes at 1946 East 32nd Street and 3219 Orchard Avenue with a reduced open space when the Ordinance requires 60% open space. Open space provides areas for relaxation, recreation, socialization and contact with nature that contributes to the quality of life, health and well-being of the residents. Reducing the open space would negatively impact the residents and the surrounding land uses.

Staff supports density, but the proposed development would result in over development of the site because of the need for the reduced parking, floor area and open space. The site cannot appropriately sustain the level of density and comply with the walkable neighborhood standards. Furthermore, the development that is proposed would have a detrimental impact on all the residents living within the units and the surrounding neighborhood.

#### **GENERAL INFORMATION**

Existing Zoning	D-5 / SU-1	
Existing Land Use	Vacant / Church / Parking Lot	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
North:		Single-family dwellings
South:	D-5	Single-family dwellings
East:	D-5 / SU-1	Single-family dwellings/ Religious Uses
West:	D-5	Single-family dwellings
Thoroughfare Plan		
East 32 <sup>nd</sup> Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Orchard Avenue	Primary Collector	Existing 60-foot right-of-way and proposed 56-foot right-of-way.
Nichols Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	



Site Plan	May 19, 2025
Site Plan (Amended)	July 1, 2025
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	May 19, 2025
Findings of Fact (Amended)	June 2, 2025
C-S/D-P Statement	N/A

#### **COMPREHENSIVE PLAN ANALYSIS**

#### **Comprehensive Plan**

The Comprehensive Plan recommends Traditional Neighborhood typology.

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 five 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."

#### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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:



- Conditions for All Land Use Types Traditional Neighborhood Typology
  - 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 cutthroughs for longer blocks, are encouraged.

#### Conditions for All Housing

- A mix of housing types is encouraged.
- Should be within a one-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.
- 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. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)
  - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
  - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
  - If the above conditions are not met, individual buildings of attached housing (not part of a primary residential structures on a block.
- Small-scale multifamily 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.
  - It is preferred that multi-family housing should be organized around intersections of neighborhood collector streets, parks or public squares, or neighborhood-serving retail.
  - If the above conditions are not met, individual buildings of small-scale multi-family housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.
  - In predominantly platted, single-family neighborhoods, site layouts should be similar in siteand building-orientation as the surrounding single-family homes.
  - Parking should be either behind or interior to the development.



 Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.

#### 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**

The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal "to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts."

These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

#### Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

#### Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

#### Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future



"As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood."

#### **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 describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- o 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**

**97-Z-76**; **1927 East 32**<sup>nd</sup> **Street**, rezoned 1.02 acres from the D-5 district to the SU-1 classification to provide for religious uses, **approved**.

**66-V1-122**; **1927 East 32**<sup>nd</sup> **Street**, requested a variance of use, setback, and accessory building regulations to permit the construction of a church, with a 10-foot front yard setback, with the existing residence and detached garage to remain, **granted**.

#### **VICINITY**

**96-Z-225**; **3176 North Baltimore Avenue (east of site)**, requested rezoning of 1.78 acres, being in the D-5 District, to the SU-1 classification to provide for religious uses, including a church addition and parking, **approved**.



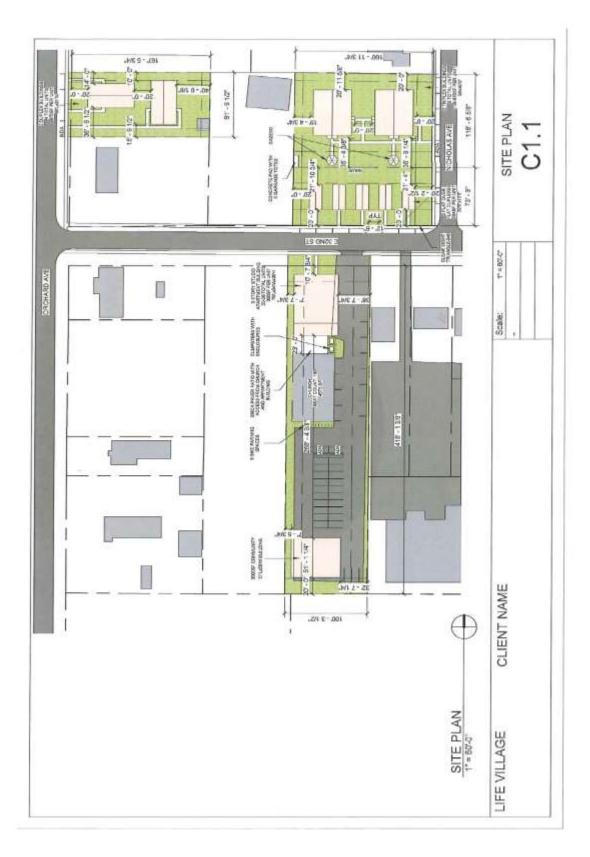
### **EXHIBITS**



1927, 1946 and 1950 East 32nd Street and 3219 Orchard Avenue









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	
<ol> <li>The grant will not be injurious to the public health, safety, morals, and general welfare o community because:</li> </ol>	f the
The majority of the future residents of this proposed developments will be low-income seniors, and therefore the	number of
of automobiles parked at or coming and going to the site will be significantly lower than that of a typical multi-ta	mily
development. Therefore, a variance to allow for a reduction in the amount of required parking spaces will not b	e detramental
to the health and/or general welfare of the community. The reduction to the amount of required open space and	to the minimur
floor area will also not be injurious to the community as there are certain areas of this proposed development when	ere both of
these standards are met. The variance request for these two standards only applies to a small percentage of the	proposed units
The use or value of the area adjacent to the property included in the variance will not be substantially adverse manner because: The use of the property is consistent with the Marion County Land Use Plan Pattern Book and the value of the	nearby
residences will be affected in a positive manner, given that this is will be an affordable housing development to	en area of
Marion County that is in need of such use and value.	
i. The strict application of the terms of the zoning ordinance will result in practical difficulties set of the property because: This variance request for the reduction of the required parking, minimum floor area, and open space will allow feet.	
the density that is necessary for housing projects such as the one being proposed in this petition to be feasible.	
	-
DECISION	
DECISION	
IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.	
dopted this day of , 20	



	Petition Number	
METRO	HEAR OPOLITAN BOARD	DEVELOPMENT COMMISSION RING EXAMINER OF ZONING APPEALS, Division LARION COUNTY, INDIANA
	PETITIO	ON FOR VARIANCE OF USE
	(4	FINDINGS OF FACT
GENERAL WELFAF The proposed site will co The multi-family and con	RE OF THE COMMU ntinue to have a religious o mnunity center will serve I	OUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND UNITY BECAUSE use and therefore a rezone of the property would make that use non-compliant. low-income earning senior citizens. A use that is greatly needed in Marion he community center will contain services for the residents.
VARIANCE WILL N	OT BE AFFECTED I	EA ADJACENT TO THE PROPERTY INCLUDED IN THE IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE operty will not be adversely affected due to the fact that the proposed
A STATE OF THE PARTY OF THE PAR	And the second s	he community. Thus, grantling the proposed use will not adversely affect the area.
PROPERTY INVOL.  This property has historic	VED BECAUSE ically been used as & by a	RISES FROM SOME CONDITION PECULIAR TO THE a church, whom wishes to provide quality housing for low-income seniors lly while being zoned for Special Use (Religious), thus a variance of use is
		E TERMS OF THE ZONING ORDINANCE CONSTITUTES HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH
	SOUGHT BECAUSE cally been used as & by a	E a church, whom wishes to provide quality housing for low-income seniors
in the area. A property onecessary.	annot be used residential	ily while being zoned for Special Use (Religious), thus a variance of use is
BECAUSE Granting the variance of	use allows for the new re-	SE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN esidential units to be developed on the site white allowing for the religious substantially with the comprehensive plan.
,		DECISION
IT IS THEREFORE	the decision of this b	body that this VARIANCE petition is APPROVED.
Adopted this	day of	. 20



#### **EXHIBIT A**

#### **Heritage Tree Conservation**

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

- 1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
- 2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
- 3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
- 4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

Table 744-503-3: Replacement Trees				
Size of tree	Number of Trees to	Number of Trees to		
removed or dead	be planted to	be planted to		
(inches)	replace a Heritage	replace an existing		
	Tree	tree		
Over 36 DBH	15	10		
25.5 to 36 DBH	11	8		
13 to 25 DBH	8	6		
10.5 to 12.5 DBH	6	4		
8.5 to 10 DBH	5	4		
6.5 to 8	3	2		
4 to 6	2	2		
2.5 to 3.5	1	1		









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View looking west along East 32<sup>nd</sup> Street



View looking west along East 32<sup>nd</sup> Street





View looking south across East 32<sup>nd</sup> Street at site – 1927 East 32<sup>nd</sup> Street



View looking north across East 32<sup>nd</sup> Street – 1926 / 1950 East 32<sup>nd</sup> Street





View looking north along Nichols Street



View looking northwest across East 32<sup>nd</sup> Street / Nichols Street – 1926 / 1950 East 32<sup>nd</sup> Street





View looking south along Orchard Avenue



View looking north along Orchard Avenue





View of site looking east across Orchard Avenue – 3219 Orchard Avenue



View of site looking east across Orchard Avenue – 3219 Orchard Avenue





View of adjacent property to the south looking east across Orchard Avenue – 3219 Orchard Avenue