



**BOARD OF ZONING APPEALS DIVISION I**

**October 1, 2024**

**Case Number:** 2024-UV1-017

**Property Address:** 1016 Tecumseh Street (approximate address)

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

**Petitioner:** Indy Opportunity Biz LLC, by William A Bentley II

**Current Zoning:** D-8

**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of two three-unit apartment buildings on a lot improved with a two-unit multi-unit home (one primary building per lot permitted).

**Current Land Use:** Residential

**Staff Recommendations:** Staff has no recommendation for this petition

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

The petitioner is requesting a continuance to the November 7, 2024 BZA Division I hearing to provide more information and to potentially revise the submitted site plan.

**STAFF RECOMMENDATION**

Enter Staff Recommendation

**PETITION OVERVIEW**

- This petition would provide for the location of two three-unit apartment buildings on a lot improved with a two-unit multi-unit home (one primary building per lot permitted).
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**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-8	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-8	North: Residential
South:	C-3	South: Commercial
East:	D-8	East: Residential
West:	C-3	West: Commercial
<b>Thoroughfare Plan</b>		
Tecumseh Street	Local Street	50-foot existing right-of-way and 48-foot proposed 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>	07/22/2024	
<b>Site Plan (Amended)</b>	Enter Date. N/A if not applicable	
<b>Elevations</b>	Enter Date. N/A if not applicable	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	07/22/2024	
<b>Findings of Fact (Amended)</b>	Enter Date. N/A if not applicable	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

- Infill Housing Guidelines

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

- The Pattern Book recommends this site to the Traditional Neighborhood typology to allow for a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. Development should be compact and well-connected with access to individual parcels by an alley when practical. Infill development should continue the existing visual pattern, rhythm, and orientation of surrounding buildings when possible. 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.
- The land use type of Small-Scale Multi-Family Housing is contemplated for this typology. It should be organized around intersections of neighborhood collector streets, parks or public squares, or neighborhood-serving retail. If those conditions are not met, individual small apartment buildings may be interspersed with single-family homes but should not make up more than 25% of the residential structures on a block. Parking should be either behind or interior to development.

#### **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**

- With regards to new housing construction, the Infill Housing Guidelines recommends:
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#### **Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2019DV1066; 1938 E 11<sup>th</sup> Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Control Ordinance to provide for the rehabilitation of a single-family dwelling with a one-foot side setback, a zero-foot front setback, a one-foot rear setback and within the clear sight triangle of the abutting street and alley (not permitted) and to provide for an attached garage with 15% open space and nine feet between dwellings (four-foot side setback, 18-foot front setback or average, 15-foot rear setback, 55% open space and 10 feet between dwellings required), **approved**.

**2019DV1064; 1102 Tecumseh Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Control Ordinance to provide for the rehabilitation of a single-family dwelling within the clear sight triangle of the abutting streets (not permitted) with a one-foot side setback, an 11-foot front setback and to provide for a 20-foot by 20-foot attached garage with a 6.9-foot rear setback and 38% open space (four-foot side setback, 18-foot front setback or average, 15-foot rear setback, and 55% open space required), **approved**.

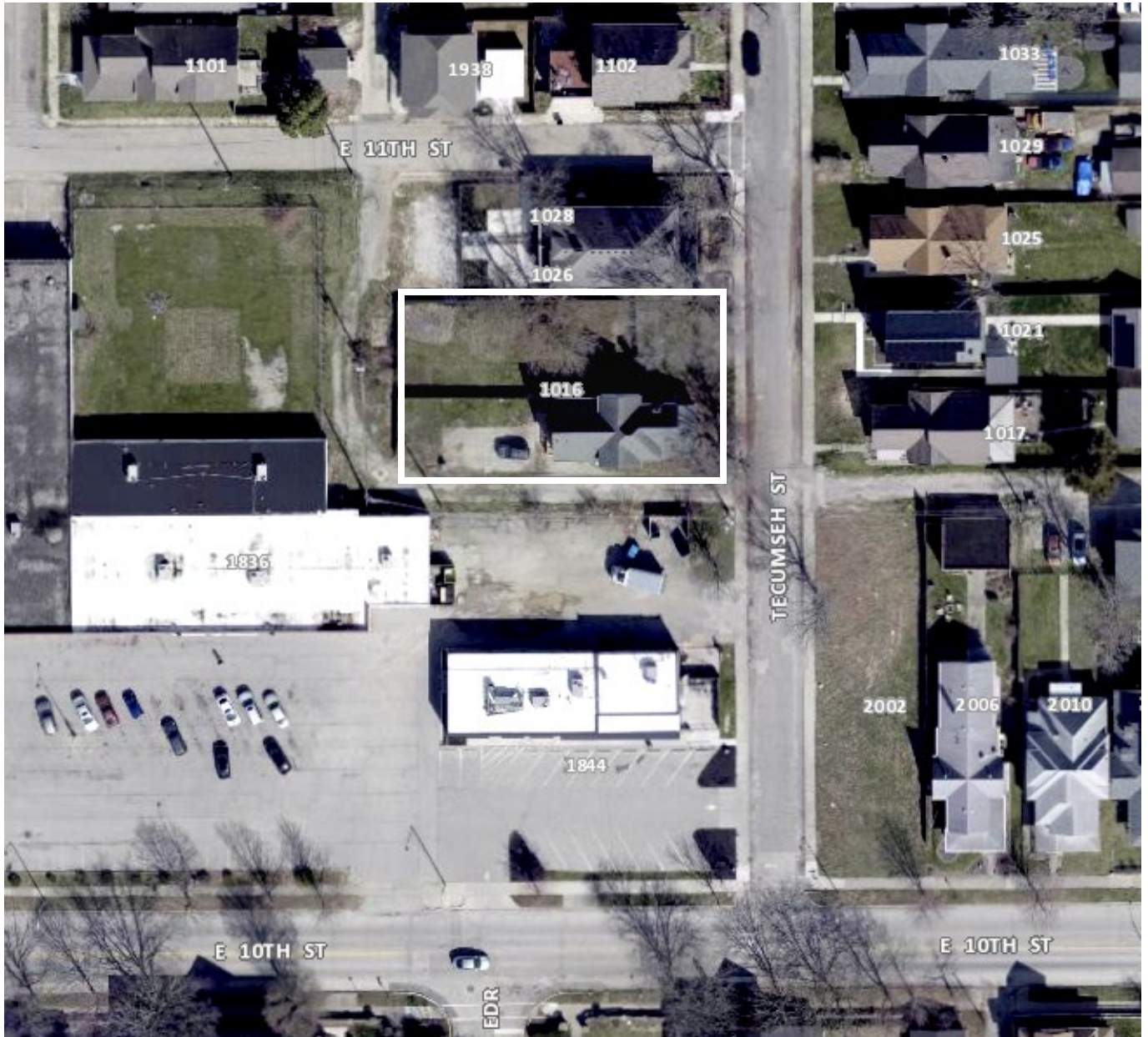
**2017DV3013; 1844 E 10<sup>th</sup> Street (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition, and a one-foot front setback along Tecumseh Street, with deficient landscaping and a three-foot transitional setback, along 10th Street, with deficient landscaping (10-foot front and front transitional setback, with a six-foot landscape strip required), and with 16 parking spaces (22 parking spaces required), **approved**.

**2015UV2019; 2014 E 10<sup>th</sup> Street (southeast of site)**, Variance of use and development standards of the Commercial Zoning Ordinance to permit primary and accessory residential uses (not permitted), including the legal establishment of an existing dwelling unit and the construction of a 746-square foot detached garage, with a second floor dwelling unit, and with both structures having an approximately one-foot west side setback (10-foot side setback required), **approved**.

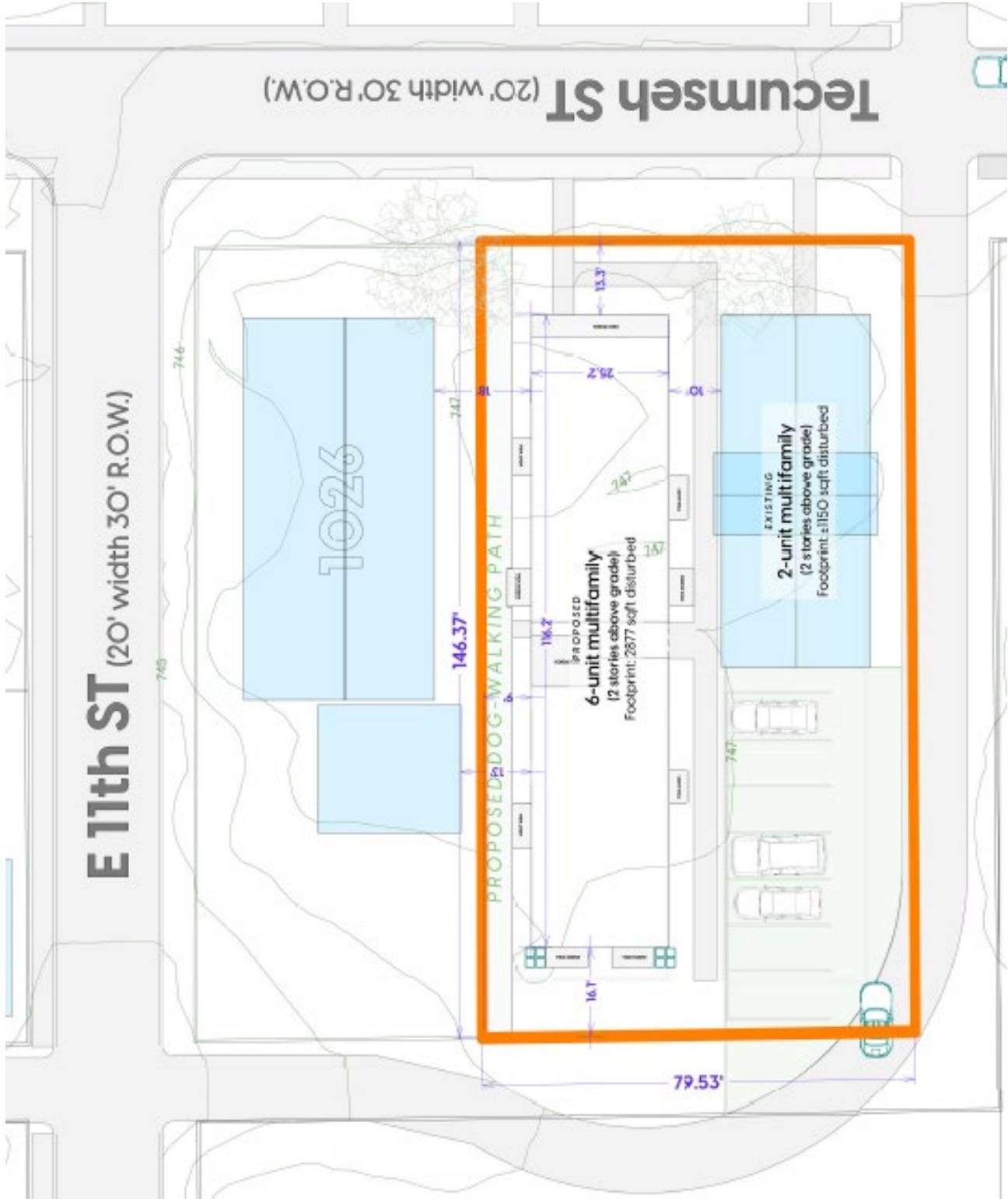
**2001DV1001; 1129 Tecumseh Street (northeast of site)**, development standards of the Dwelling Districts Zoning Ordinance to provide for the conversion of a two-story, 906 square foot garage into a single-family dwelling with a 169 square foot addition and a 5-foot rear yard setback (minimum 15-foot rear yard setback required), **denied**.

**EXHIBITS**

**2024UV1017; Aerial Map**



**2024UV1017; Site Plan**





**2024UV1017; Elevations?**

X

**2024UV1017; Multiple Dwelling Project Analysis**

**MULTIPLE DWELLING PROJECT ANALYSIS DEPARTMENT OF METROPOLITAN DEVELOPMENT DIVISION OF PLANNING**

Property Address: 1016 Tecumseh Street

Project Name: North Lot Multi-Family Dwelling and Parking Addition Date of Plans: 07/09/2024

Zoning Classification: D-8

	Required Ratios by Ordinance	Computed Ratios
Floor Area Ratio	FAR ≤ <b>0.60</b>	<b>0.54</b>
Open Space Ratio	OSR ≥ <b>1.18</b>	<b>1.19</b>
Livability Space Ratio	LSR ≥ <b>0.66</b>	<b>0.84</b>
Major Livability Space Ratio	MLSR ≥ <b>0.11</b>	<b>0.13</b>
Total Car Ratio	TCR ≥ <b>1.0</b>	<b>1.0</b>
What to Determine	How to determine it	Determination
Floor Area – FA	From Plans	FA
Land Area – LA	From Plans in square feet	LA
Floor Area Ratio – FAR	FA / LA	FAR
Building Area – BA	From Plans	BA
Usable Roof Areas – URA	From Plans	URA
Uncovered Open Space – UOS	LA-BA+URA	UOS
Covered Open Space – COS	From Plans	COS
Open Space – OS	UOS + ½ COS	OS
Open Space Ratio – OSR	OS / FA	OSR
Car Area – CA	From Plans	CA
Livability Space – LS	OS – CA	LS
Livability Space Ratio – LSR	LS / FA	LSR
Major Livability Space – MLS	From Plans	MLS
Major Livability Space Ratio – MLSR	MLS / FA	MLSR
Number of Dwelling Units – DU	From Plans	DU
Number of Parking Spaces – PS	From Plans	PS
Total Car Ratio – TCR	PS / DU	TCR
Gross Density – GD	DU / (LA / 43,560)	GD



**2024UV1017; Findings of Fact**

**1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE**

The north lot of this parcel will create additional multi-family housing in a zone (D-8) that promotes "walkable compact neighborhoods" as per 2020 IRC Sec 742-103.H.1. The grant promotes the general welfare of the community by in the desired goal of increasing residents for access to nearby commercial and transit investments as well as providing land for recreation (dog walking zone) for its residents.

**2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE**

The value of the area adjacent to the property will be affected in a positively due to the increased value of the petitioner's improved lot. The new property will be designed and built in a style similar to a recently-built single-family property located at 1021 Tecumseh Street (modern/urban community).

**3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE**

In order to provide parking for the proposed multi-family structure, we have combined lots and placed parking in the southwest corner of the parcel (south lot). Due to being a combined lot, the proposed north lot dwelling's primary use (multifamily of greater than 4 units) and existing south lot structure's primary use (2 units) are different. It is due to the peculiar circumstance of combining the lots, does the need arise to file an Variance of Use.

**4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE**

The strict application of the terms of the zoning ordinance prevents the building of anything more than a 2-family home on the parcel due to the primary use of the dwelling located on the south lot (which is a 2-family dwelling). The proposed dwelling will reside on a separate lot, with only parking (for both structures) being employed on the south lot. This hardship will be alleviated by granting a Variance of Use to Ordinance 742-103.A.

**5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE**

The grant does not interfere with the Comprehensive Plan because zone D-8 allows for multi-family dwellings of this type within the Compact Context. In order to comply with the Car Ratio minimum for zone D-8, the proposed plan takes advantage of available open space on the south lot of the parcel.



**2024UV1017; Photographs**



Photo 1: Subject Site (northern portion) from East



Photo 2: Subject Site from South

**2024UV1017; Photographs (continued)**



Photo 3: Existing Alleyway from Southeast (1844 E 10<sup>th</sup>)



Photo 4: Existing Alleyway from Northwest (11<sup>th</sup> Street)

**2024UV1017; Photographs (continued)**



Photo 5: Adjacent Property to East



Photo 6: Adjacent Property to West



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