

# STAFF REPORT

## Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-UV3-026  
**Address:** 4328 East Michigan Street (approximate address)  
**Location:** Center Township, Council District #12 (#13 Beginning 2024)  
**Zoning:** MU-1  
**Petitioner:** Robert McInteer  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing building to a duplex (not permitted) with one-foot front yard setbacks from Michigan Street and Euclid Avenue and a six-foot west side yard setback (12-foot front yard, 10-foot side yard setbacks required).

### ADDENDUM FOR FEBRUARY 20, 2024

This petition was continued, for cause, at the request of a registered neighborhood organization, to the February 20, 2024 hearing of Division III. The petitioner has since withdrawn the portion of the request related to prohibited vehicular access from Euclid Avenue. Subsequently, **Staff recommends approval** of the request.

January 16, 2024

### RECOMMENDATIONS

Staff **recommends denial** of the request to allow for vehicular access from Euclid Avenue, however, **recommends approval** of the remainder of the request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

MU-1	Compact	Vacant
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##### SURROUNDING ZONING AND LAND USE

North	D-5	Single-family Dwellings
South	MU-1	Single-family Dwellings and General Commercial
East	D-5	Multi-family Dwellings
West	D-5	Single-family Dwellings & Two-Family Dwellings

(Continued)

## **STAFF REPORT 2023-UV3-026 (Continued)**

COMPREHENSIVE PLAN            The Comprehensive Plan recommends Village Mixed-Use development.

- ◇ This 0.11-acre lot, zoned MU-1, is currently improved with a vacant, previously commercial office building, with a residential appearance.
- ◇ North of the subject site are single-family dwellings, within the D-5 District. West of the site are single and two-family dwellings within the MU-1 District. To the east is a multi-family structure within the MU-1 District. To the south, across Michigan Street, are single-family dwellings and a general commercial building.
- ◇ The MU-1 District is intended to promote the development of high-rise office uses with apartments intermixed within the same building. The district is intended to be applied in areas with access to primary arterials, within proximity to high frequency mass transit, in order to promote increased presence of regional commercial complexes. Prior to the adoption of Indy Rezone, the subject site was zoned C-2, which served a similar purpose to the MU-1 District.

### **VARIANCE OF USE**

- ◇ The request, as proposed, would allow for the conversion of the existing structure into a two-family dwelling.
- ◇ According to Assessor Property Cards, the structure was built in 1922, and has an area of 756 square feet. While a floor plan has not been provided, this would allow for the development of two efficiency style dwelling units. Staff would note that this would support the Ordinances Livability Principles, specifically to promote equitable, affordable housing options.
- ◇ Ideally, this Livability Principle would be applied in instances where the goal of lowering the combined cost of housing and transportation can be achieved. At the time of publication, the subject site is located along Indy Go's Route 3, which provides service every 30 minutes. Therefore, Staff believes the request to represent a reasonable deviation from the Ordinance.
- ◇ In Staff's opinion, the subject site is mis-zoned, given that the lot is substandard to reasonably provide for the building typology and intensity of uses associated with the intent of the district. Given that the request intends to repurpose the existing building, Staff believes there to be sufficient hardship warranting a favorable recommendation.
- ◇ Staff would note, however, that if approved, the variance grant would only apply to the existing building. Its grant would not apply to any subsequent building additions or site redevelopment.
- ◇ The use, as proposed, is more in line with the Artisan Food and Beverage land use. While this use is permitted within most Commercial and Mixed-Use Districts, and therefore would continue to require a variance of use within the D-5 District, Staff would note that this type of use is contemplated by the Land Use Pattern Book.

(Continued)

## **STAFF REPORT 2023-UV3-026 (Continued)**

- ◇ According to the Land Use Pattern Book, such operations, classified as Community Farms/Gardens, are promoted to be located on sites recommended for Traditional Neighborhood Development, so long as they are limited to no more than two acres per site. This recommendation contemplates the sales of products grown on site.

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The portions of the request related to setbacks effectively legally establish deficiencies associated with the footprint of the existing building. Given the adaptive reuse of the structure, and facts indicated above, Staff believes this to be a reasonable request.
- ◇ The request also intends to provide vehicular access from Euclid Avenue along its eastern lot line. All lots within Marion County, with less than 200 linear feet of street frontage, that abut improved alleys, are required to maintain exclusive vehicular access from said alley. This alley is improved and appears to be well used given the presence of parking pads along the alley.
- ◇ This standard is intended to reduce the potential for conflict between vehicles and pedestrians and preserve the sidewalk network throughout the County by reducing the number of unnecessary curb cuts. Staff believes that this would unduly introduce a pedestrian hazard, and that no practical difficulty exists warranting approval of this portion of the request.

### **GENERAL INFORMATION**

#### **THOROUGHFARE PLAN**

This portion of Michigan Street is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing 59-foot right of way and proposed 78-foot right-of-way.

This portion of Euclid Avenue is classified as a Local Street in the Official Thoroughfare Plan for Marion County, Indiana, with an existing and proposed 50-foot right-of-way.

#### **SITE PLAN**

File-dated December 11, 2023.

#### **FINDINGS OF FACT**

File-dated December 11, 2023.

### **ZONING HISTORY – SITE**

None.

(Continued)

**STAFF REPORT 2023-UV3-026 (Continued)**

**ZONING HISTORY – VICINITY**

**2021-UV1-005; 437 North Euclid Avenue;** requests variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a transitional living quarters; *granted*.

**2006; UV3-011; 4401 East Michigan Street;** requests variance to provide for repair of used automobiles, with one parking space in the required ten-foot east transitional yard, with one parking space with insufficient maneuvering area in the alley; **granted**.

**2005-HOV-035; 4319 East Michigan Street;** requests variance to legally establish an existing two-story single-family dwelling with a detached garage; **granted**.

**99-UV2-27; 4406 East Michigan Street;** requests variance of use of the Commercial Zoning Ordinance to legally establish a 20 by 20 foot addition to an existing garage, associated with an existing single-family dwelling; **granted**.

**98-Z-84; 4410-4424 East Michigan Street;** requests rezoning of 0.5 acre from C-2 and D-5 Districts to the SU-1 classification; **approved**.

**98-UV2-1; 4406 East Michigan Street;** requests variance of use of the Commercial Zoning Ordinance to legally establish a 20 by 20 foot addition to an existing detached garage associated with a single-family residence; **denied**.

**95-UV1-72; 4324 East Michigan Street;** requests variance to provide for an ice producing operation; **granted**.

**95-UV1-44; 4401 East Michigan Street;** requests variance to legally establish a building contractor's facility in two one-story structures; **granted**.

**94-V1-86; 422 North Linwood Avenue;** requests variance to legally establish a 336-square foot carport with a zero-foot side yard setback, resulting in 62% open space; **granted**.

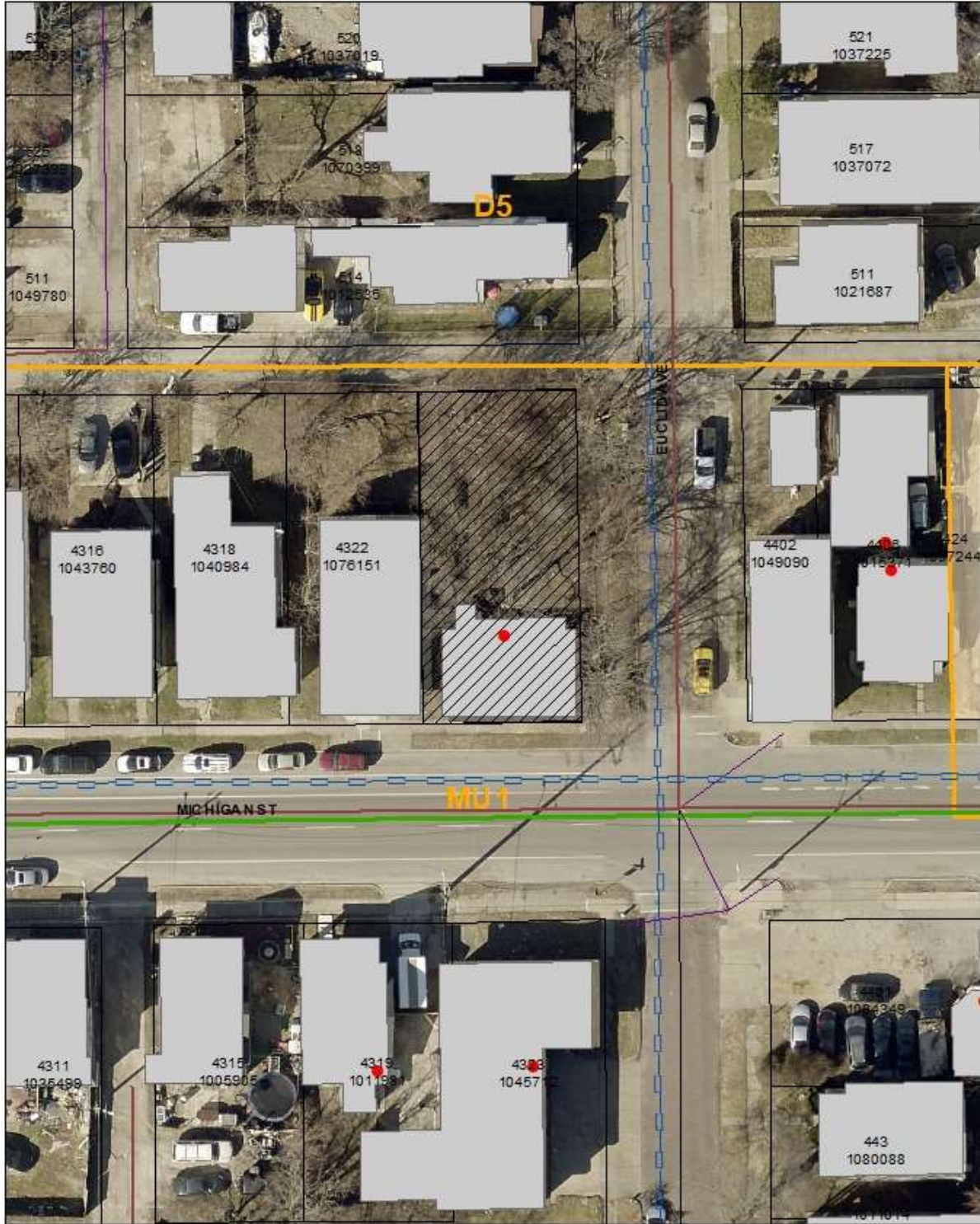
**88-Z-75; 4428 East Michigan Street;** requests rezoning of 0.12 acre from D-5 to C-3; **approved**.

**81-V3-16; 4501 East Michigan Street;** requests variance of use and development standards to permit open air auto sales with office and signs; **granted**.

EDH

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**2023-UV3-026; Location Map**



0.00225 0.0045 0.009 0.0135 0.018  
Miles



Petition Number \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA**

**PETITION FOR VARIANCE OF USE**

**FINDINGS OF FACT**

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

The nature of this petition is to allow for safe, healthy and affordable housing for residents of Indianapolis. This petition also mirrors the city's comprehensive plan of being a residential area.

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**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**

A majority of the properties in close proximity are used as residential dwellings, which will allow for this variance of use to seamlessly interlock with the current zoning of adjacent properties. Speaking to the value of adjacent properties, the previous condition of the property is light, as a result would help better the community image and value, in the immediate area as well as this overall section of the michigan st corridor.

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

It is the petitioner's understanding that a zoning ordinance was adopted in 1968 to promote the development of commercial buildings to support the needs of the local community. This ordinance included converting 4328 E. Michigan st to a MU1 designation which does not fit well within the city's or community's needs the the present day. Since 1968 other areas have had more success garnering development for the community.

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**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 current property use drastically limits the property's ability to have a positive contribution to the community. The majority of uses for MU1 generally require a much larger lot size for development.

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

The current comprehensive plan designates this area as heavily traditional neighborhood. Two family dwellings are and will continue to be depended upon to provide safe, healthy and affordable housing for the constituents of Indianapolis.

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**DECISION**

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

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

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

**2023-UV3-026; Findings of Fact – Development Standards**

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 property is to remain within the comprehensive plan set forth by the city as a residential area and add affordable safe and healthy housing units, for residents of Indianapolis.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 value and overall use will increase by adding affordable living conditions for at least two residents to become part of the community.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

The property will not conform to the zoning ordinance development standards designated for MU1 for many factors including, minimum street frontage, minimum front yard setback, side transitional yard/abutting alley, minimum primary building height (all included in table (744-201-4). The development standards will prevent the practical use of the property in a reasonable manner due to the MU1 zoning designation being primarily for use in high rise and large unit mixed use buildings.  
\_\_\_\_\_  
\_\_\_\_\_

**DECISION**

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

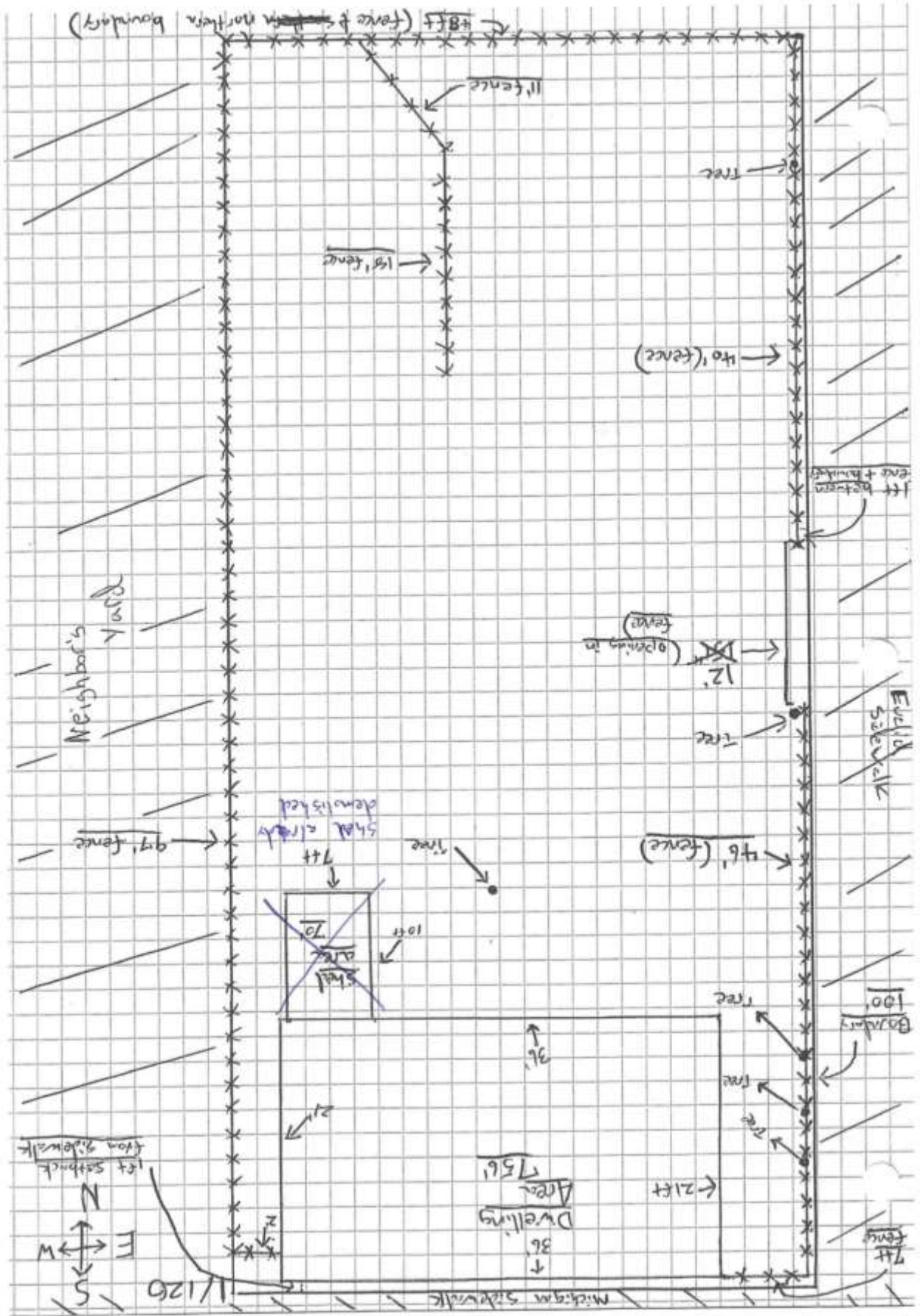
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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





2023-UV3-026; Site Plan – File-dated September 18, 2023





**2023-UV3-026; Photographs**



Photo One: Looking East Along Michigan Street



Photo Two: Looking West Along Michigan Street – Subject Site On Right



Photo Three: Facing South Along Euclid Avenue, Across Michigan Street



Photo Four: Looking North Along Euclid Avenue, Subject Site On Left





Photo Five: Existing Gap In Fence, Facing West



Photo Six: Looking West Along Improved Alley, Subject Site On Left