

BOARD OF ZONING APPEALS DIVISION I

January 7th, 2024

Case Number:	2024-DV1-038 (Amended)
Property Address:	2511 Columbia Avenue
Location:	Center Township, Council District #8
Petitioner:	Bentley Construction LLC, by John Cross
Current Zoning:	D-5
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling on a 28-foot-wide lot (60-foot width required), a 53% open space percentage (60% open space required), and a 5,746 sqft lot (7,200 sqft required).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends approval of this variance request.
Staff Reviewer:	Kiya Mullins, Associate Planner

PETITION HISTORY

This is the third public hearing for this petition.

The second public hearing for this case occurred on December 3rd, 2024 where it was continued due to an continuing issue with the legal request.

The first public hearing for this case occurred on November 7th, 2024 where it was continued due to an issue with the legal request.

STAFF RECOMMENDATION

Staff recommends **approval** of this variance request.

PETITION OVERVIEW

- This Variance of Development Standards petition includes three (3) requests: 1) to allow the construction of a duplex on a 28-foot wide parcel (60-foot width required), 2) to allow the parcel to have only 53% of open space (60% open space required), and finally 3) to allow for the size of the parcel with a duplex to be 5,746 sqft in size (7,200 sqft required).
- If this petition is approved, the owner will build a two-story, two-unit duplex on the parcel.
- This property is 0.09 acres and is currently zoned D-5. The lot currently does not have a primary structure.

- The Ordinance states that a D-5 zoned parcel with a duplex is required to have a minimum lot width of 60 feet. This property was platted sometime during or around 1915, so it is smaller than the modern D-5 zoned property as defined in the most current version of the Ordinance. With the size of this lot, surrounding context, and orientation, it would not be possible for the owner to build a residential home on this property without a variance.
- With the current size of the proposed building and lot, this property will have 53% open space.
- The percentage of open space is calculated by comparing the square footage of built structures on the parcel to the total square footage of the parcel. The open space percentage ensures that green space is available on each parcel and prevents overdevelopment.
- A duplex is required to have 60% open space.
- As stated before, this parcel was platted in 1915 and is, therefore, smaller in size. If the proposed structure decreased in size, the duplex would not meet the minimum square footage per apartment.
- According to the Ordinance, a D-5 zoned parcel with a duplex must be 7,200 sqft in size. Again, due to the parcel's age, this parcel is smaller than the typical D-5 zoned property in the most current version of the Ordinance, similar to the lot width minimum requirement. The current size of the proposed duplex and the lot size still allow sufficient space for the required setbacks, so approving the smaller size will not affect the surrounding area.
- Staff recommends approval of this petition because of the age of the parcel, its current size preventing other uses or homes, the surrounding context, and open space. If this variance is approved, it would not change the character of the area currently experiencing growth and would provide a new home on an older parcel.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: D-5	North: Traditional Neighborhood
	South: D-5	South: Traditional Neighborhood
	East: PK-1	East: Large Scale Park
	West: I-2	West: Village Mixed-Use
Thoroughfare Plan		
Columbia Avenue	Local Street	60 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	09/26/2024	
Site Plan (Amended)	N/A	

Elevations	10/21/2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	09/26/2024
Findings of Fact (Amended)	10/21/2024

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Pattern Book
- 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 (pg 17-18)

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

- **Front Setback:** The distance between the edge of street right-of-way and a building. In many residential zoning districts, the front setback on corner lots is along the street with the greater number of lots fronting upon it. (pg 10)

- When Setbacks are Different, Build in the 'Setback Range' If setbacks are varied, new construction should fall in range between the shortest and longest distances from the right-of-way (i.e. streets or sidewalks) to houses. (pg 10)
- When Setbacks are the Same, Match the Existing Context In some neighborhoods, houses were designed to be situated along a street in a nearly straight line. If setbacks are uniform, the setbacks for new construction should also be uniform. (pg 10)

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 – SURROUNDING AREA

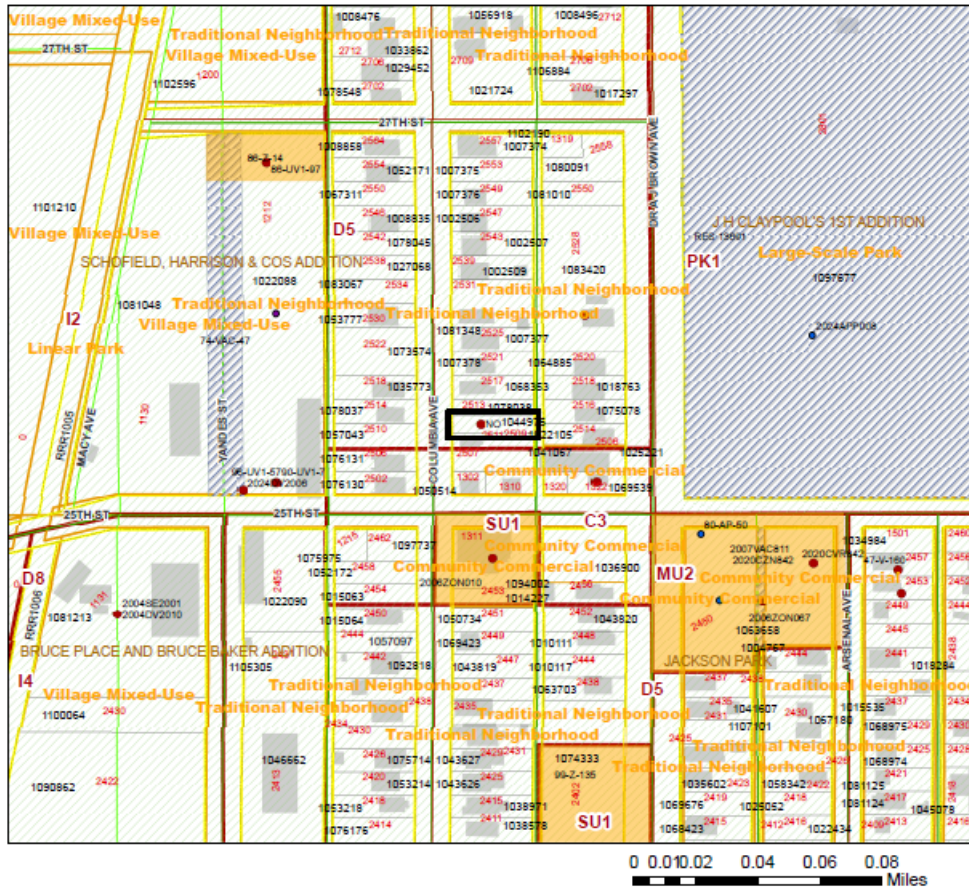
- 2000-UV1-008: 2401 Winthrop Avenue
 - MULTI-FAMILY DWELLINGS, CLUBHOUSE, PLAYGROUND IN I-4-U
 - AP
- 2001-DV1-052: 1322 E 25th Street
 - OUTDOOR STORAGE AND SALES IN AN 80 SQUARE FOOT TENT
 - AP
- 2001-UV3-008: 2462 Winthrop Avenue
 - SOCIAL CLUB IN I-2-U
 - AP
- 2001-UV3-023: 2444 Winthrop Avenue
 - ESTABLISH THE OUTSIDE STORAGE OF VEHICLES, REPAIR OF VEHICLES, AND EXCEEDING PERMITTED OUTSIDE STORAGE CAPACITY, orig filed as 2450 WINTHROP AVE
 - AP
- 2002-UV3-006: 923 E 25th Street
 - RELIGIOUS USES IN I-2-U
 - AP
- 2003-UV1-044: 916 E 25th Street
 - OFF-SITE PARKING LOT FOR CHURCH
 - PEN
- 2004-DV2-010: 1131 E 25th Street
 - 10,000 FT² WAREHOUSE WITH A REDUCED SETBACK
 - AP
- 2004-HOV-063: 2520 Winthrop Avenue
 - Legally establish dwelling in I-2-U
 - AP
- 2004-SE2-001: 1131 E 25th Street
 - SHOWROOM FOR SALE OF STEEL PRODUCTS IN I-4-U
 - AP
- 2005-DV1-032: 1100 E 24th Street
 - Provide for construction of a 42,379-sq.ft. addition to an existing 108,294-sq.ft. industrial building, w/ a zero-ft. front setback from Yandes Street (min. 20-ft. setback req.), and a zero-ft. north side setback (min. 20-ft. setback req.), and w/ maneuvering space for an off-street loading area within the rights-of-way of Yandes Street and East 24th Street.
 - AP

- 2006-ZON-010: 1311 E 25th Street
 - 1311 East 25th Street aka 2465 No. Columbia Ave. Recorded instrument 2006-0082667. special use not envisioned by neighborhood plan
 - AP
- 2007-VAC-811: 2451 Dr Andrew J Brown Avenue
 - VACATE 204.6 FOOT LONG ALLEY
 - AP
- 2008-HOV-011: 2361 Sheldon Street
 - PROVIDE FOR REDUCED FRONT SETBACK
 - AP
- 2012-HOV-004: 2734 Columbia Avenue
 - Special Exception to provide for a religious to add a 484-square foot addition for ADA restrooms.
 - Approved
- 2018-ZON-002: 2401 Winthrop Avenue
 - Rezoning of 2.04 acres from the I-4 district to the D-8 classification.
 - Approved
- 2020-CVR-830: 2626 Winthrop Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two two-family dwellings, with 12-foot front setbacks, 3.5-foot side setbacks, seven feet between dwellings and 48% open space (18-foot front setback, four-foot side setback, 10 feet between dwellings and 55% open space).
 - Approved
- 2020-CVR-842: 2450 N Arsenal Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story multi-family building within the clear sight triangle of the abutting streets (not permitted), with a 10-foot front transitional setback from the right-of-way of Dr. Andrew J. Brown Avenue, with a 7.5-foot front transitional setback from the right-of-way of East 25th Street, with a patio with a zero-foot front transitional setback from Dr. Andrew J. Brown Avenue and East 25th Street, with a 90-foot front setback from Arsenal Avenue, with parking with a 10-foot front transitional setback from Arsenal Avenue, with parking in the front yard of Arsenal Avenue, with zero-foot side transitional yards and 10-foot side transitional yards, and with two 38-foot wide curb cuts from Arsenal Avenue (buildings not permitted within the clear sight triangle, 12-foot front transitional yard, maximum 20-foot front setback, 15-foot side transitional setback required and access from alley required, curb cuts cannot exceed 24 feet at the street line).
 - Denied
- 2020-CZN-830: 2626 Winthrop Avenue
 - Rezoning of 0.251 acre from the I-2 district to the D-8 district.
 - Approved
- 2020-CZN-842: 2450 N Arsenal Avenue
 - Rezoning of 1.32 acres from the C-1 district to the MU-2 classification to provide for a development of a mixed-use building.
 - Approved

- 2020-UV2-013: 2450 N Arsenal Avenue
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story multi-family building (not permitted) within the clear sight triangle of the abutting streets (not permitted), with a 145.25-foot front setback from Arsenal Avenue, a trash container in the front yard of Arsenal Avenue, with two-doubled loaded rows of parking in the front yard of Arsenal Avenue, with a trash container and parking lot with a two-foot east front transitional yard, with a parking lot with a 7.5-foot north front transitional yard and eight-foot south side transitional setback (maximum 65-foot front setback, trash enclosures not permitted within the front yard, one-single-loaded row of parking permitted, 10-foot front transitional yards, 10-foot side transitional yards required).
 - Withdrawn
- 2020-ZON-048: 1123 E 25th Street
 - Rezoning of 1.435 acres from the I-4 district to the D-8 district.
 - Approved
- 2021-CVR-850: 2606 Winthrop Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage with 53% open space (55% open space required).
 - Approved
- 2021-ZON-015: 2615 Winthrop Avenue
 - Rezoning of 0.26 acre from the I-2 district to the D-8 district.
 - Approved
- 2021-ZON-031: 919 E 24th Street
 - Rezoning of 0.22 acre from the I-2 district to the D-8 district.
 - Approved
- 2022-CVR-831: 1616 E 25th Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide sidewalks only adjacent to the proposed structure along 25th Street and Ralston Avenue (additional sidewalks required along perimeter of park site based on proposed size of building).
 - Approved
- 2022-DV3-023: 2703 Guilford Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family detached dwelling with a five-foot east rear setback (twenty feet required).
 - FOF Adopted
- 2022-PLT-067: 2525 Guilford Avenue
 - Approval of a Subdivision Plat, to be known as Guilford Homes Addition, dividing 0.12-acre into two lots, and Approval of a Subdivision Plat, to be known as Guilford Homes 2 Addition, dividing 0.12-acre into two lots.
 - Approved
- 2022-ZON-018: 2602 Winthrop Avenue

- Rezoning of 0.40 acre from the I-2 district to the D-8 district to allow for single-family residential.
 - Approved
- 2023-DV3-037: 2519 Guilford Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on a 40-foot-wide lot (60-foot lot width required).
 - Approved
- 2023-DV3-038: 2434 Winthrop Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a townhome community development with six-foot rear yard setbacks and a livability space ratio of 0.21 (15-foot rear yard setback, livability space ratio of 0.66 required).
 - Approved
- 2023-PLT-099: 2434 Winthrop Avenue
 - Approval of Subdivision Plat to be known as Secondary Plat of Arnold's Place, dividing 1.35 acres into 33 townhome lots.
 - Approved
- 2023-ZON-015: 2444 Winthrop Avenue
 - Rezoning of 1.35 acres from the I-2 district to the D-8 district.
 - Approved
- 2024-DV2-006: 1212 E 25th Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 20-foot-tall internally illuminated pole sign (not permitted).
 - Withdrawn
- 2024-ZON-044: 2712 Winthrop Avenue
 - Rezoning of 2.96 acres from the D-5 district to the D-8 district for residential development.
 - Approved

EXHIBITS



0 0.01 0.02 0.04 0.06 0.08 Miles

Legend	
• ZoningApprovals	— Built/Platted
• ZoningLncu	OPER_STATUS
• ZoningVariances	— REMOVED
■ Rezoning	— VACATED
▨ ZoningVacations	— VACATED/BUILT
■ ZoningPlats	— VACATED/LOCATOR
— CCGIS.ThoroughfarePlan	— CCGIS.DMDLandUsePlanBase
— CCGIS.EASEMENT	▨ CCGIS.lhpc
— CCGIS.RIGHTOFWAY	■ CCGIS.ZONING
CCGIS.STREETS	□ PARCELSTATEPIN
	□ PARCELS
	■ PLATTEDSUBDIVISION
	■ CCGIS.Buildings



Exhibit 1: Area map around 2511 Columbia 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 variance will allow the construction of a residential multi-unit dwelling The dwelling will comply with all setbacks so will not have an negative impact on the community but instead will benefit the area with an additional dwelling.

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 variance will permit construction of a residential multi-unit dwelling which use is consistent with the surrounding area. The consistent use will not negatively impact the area and the dwelling will comply with all other developmental standards.

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

the multi-unit dwelling cannot be constructed without the variance. Given the lots small size compared to surround lots the variance is needed for the construction.

Exhibit 2: The Findings of Fact submitted by the petitioner.

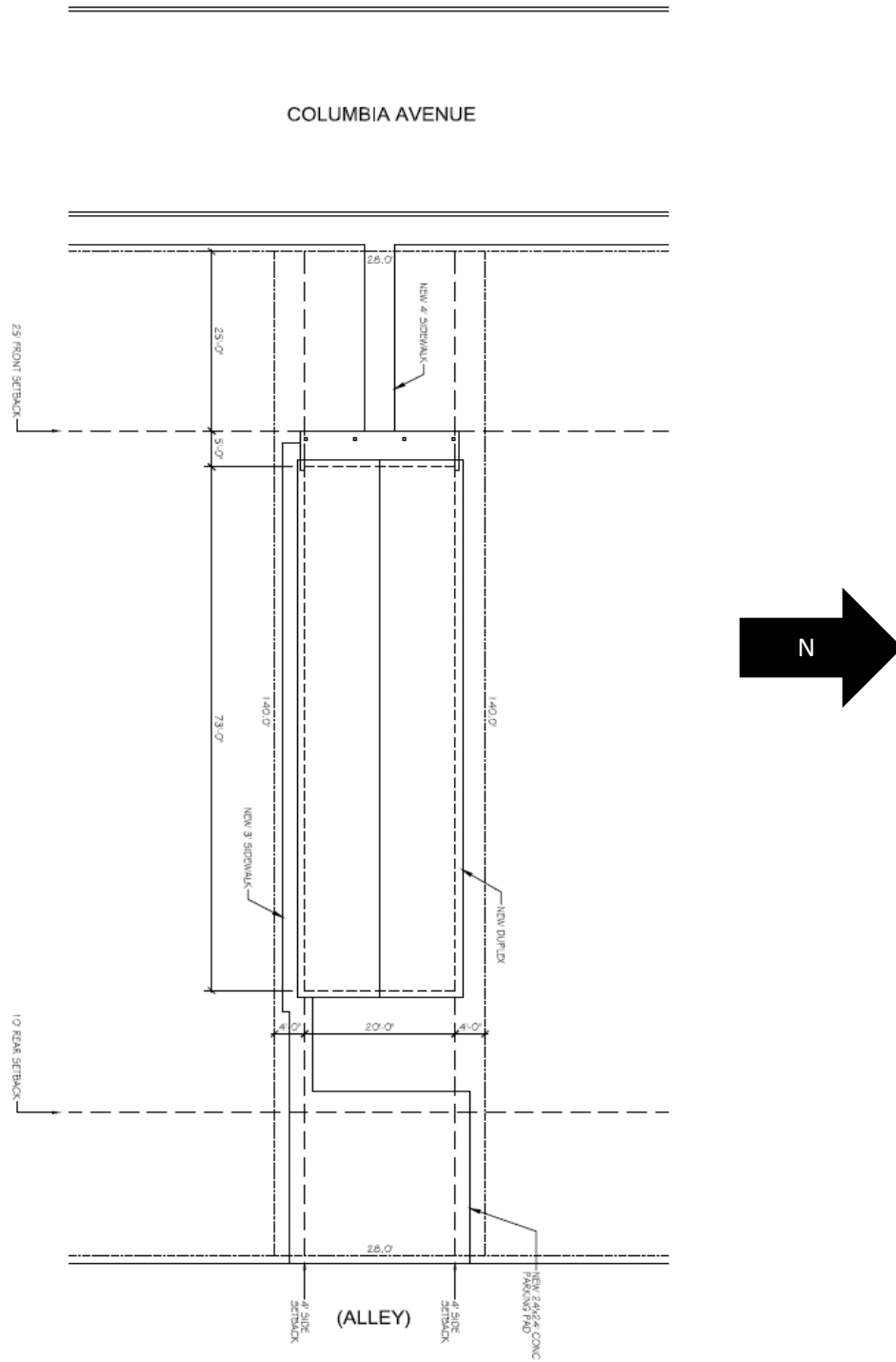


Exhibit 3: Site plan of the proposed duplex that will be built at 2511 Columbia Avenue.

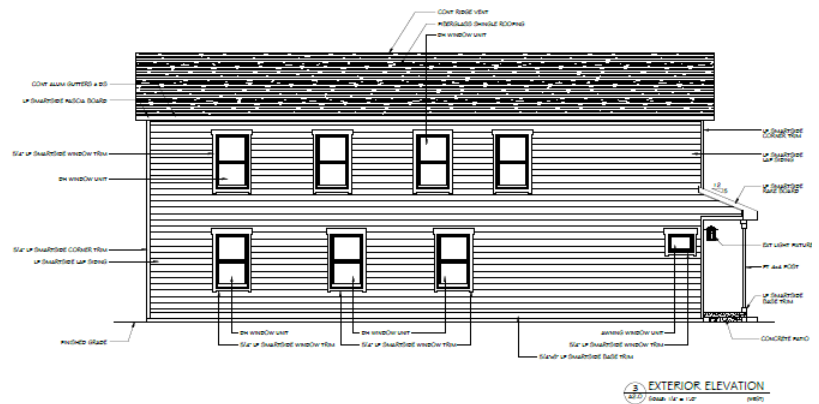
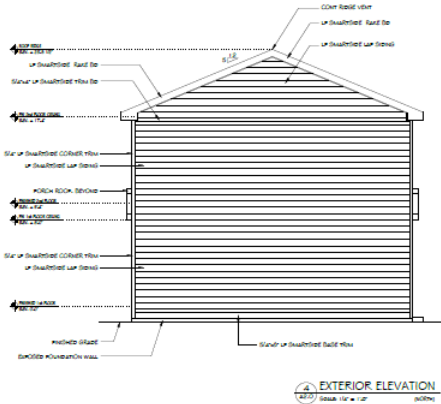
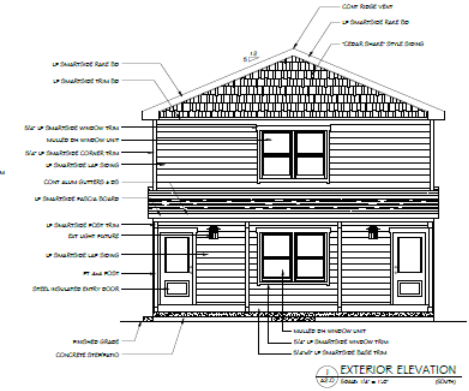
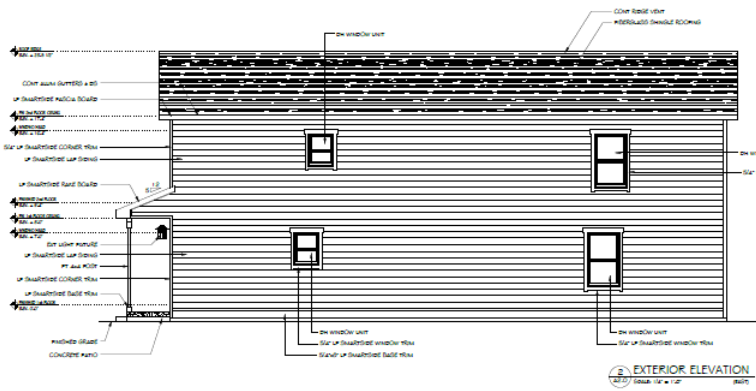


Exhibit 4: Elevation of the proposed duplex at 2511 Columbia Avenue.

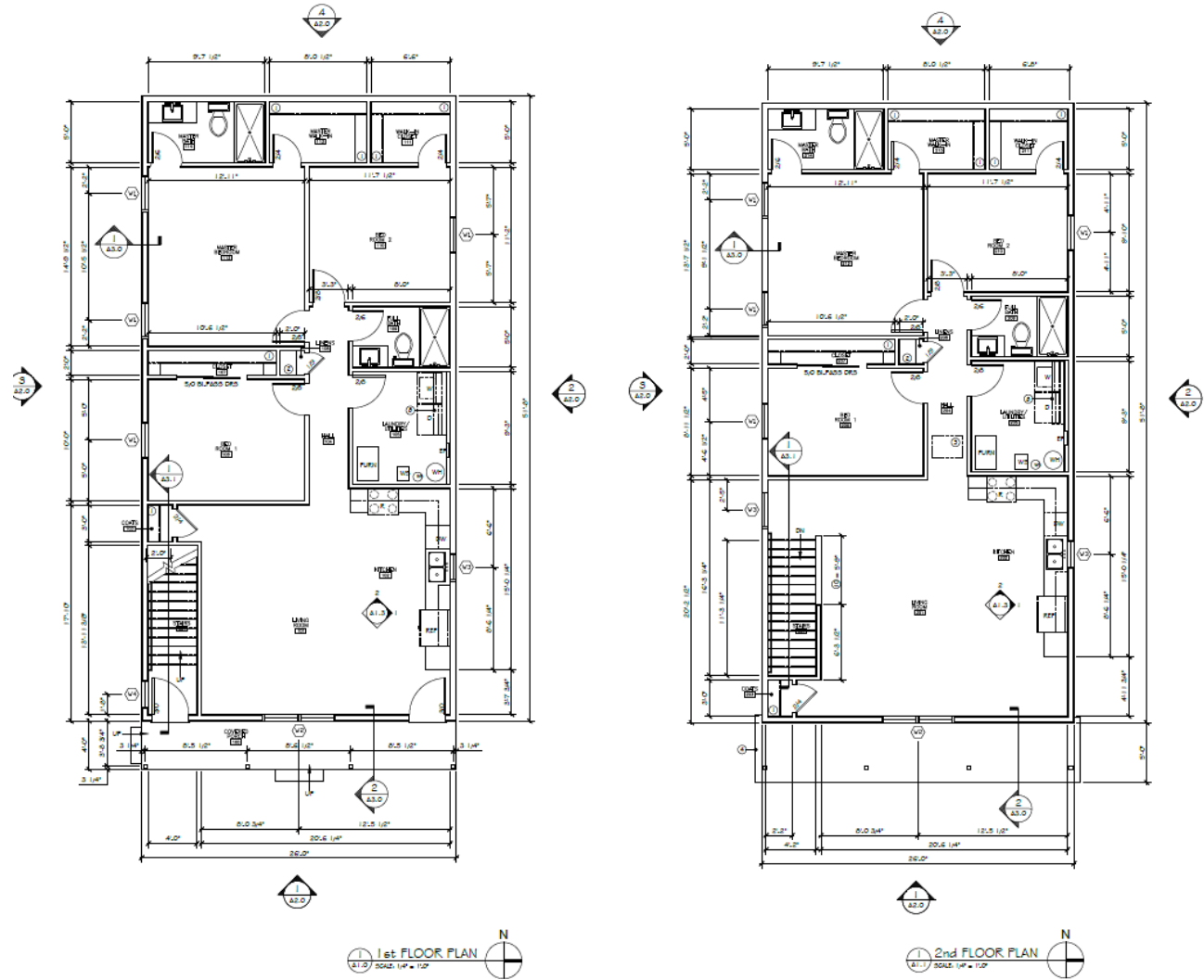


Exhibit 5: Floor plans of the two apartments of the proposed duplex.



Exhibit 6: Proposed location of the new two-story duplex.



Exhibit 7: Proposed location of the two story duplex will sit between the shed and the parked vehicles.



Exhibit 8: Two story duplexes that sit to the northwest of 2511 Columbia Avenue.

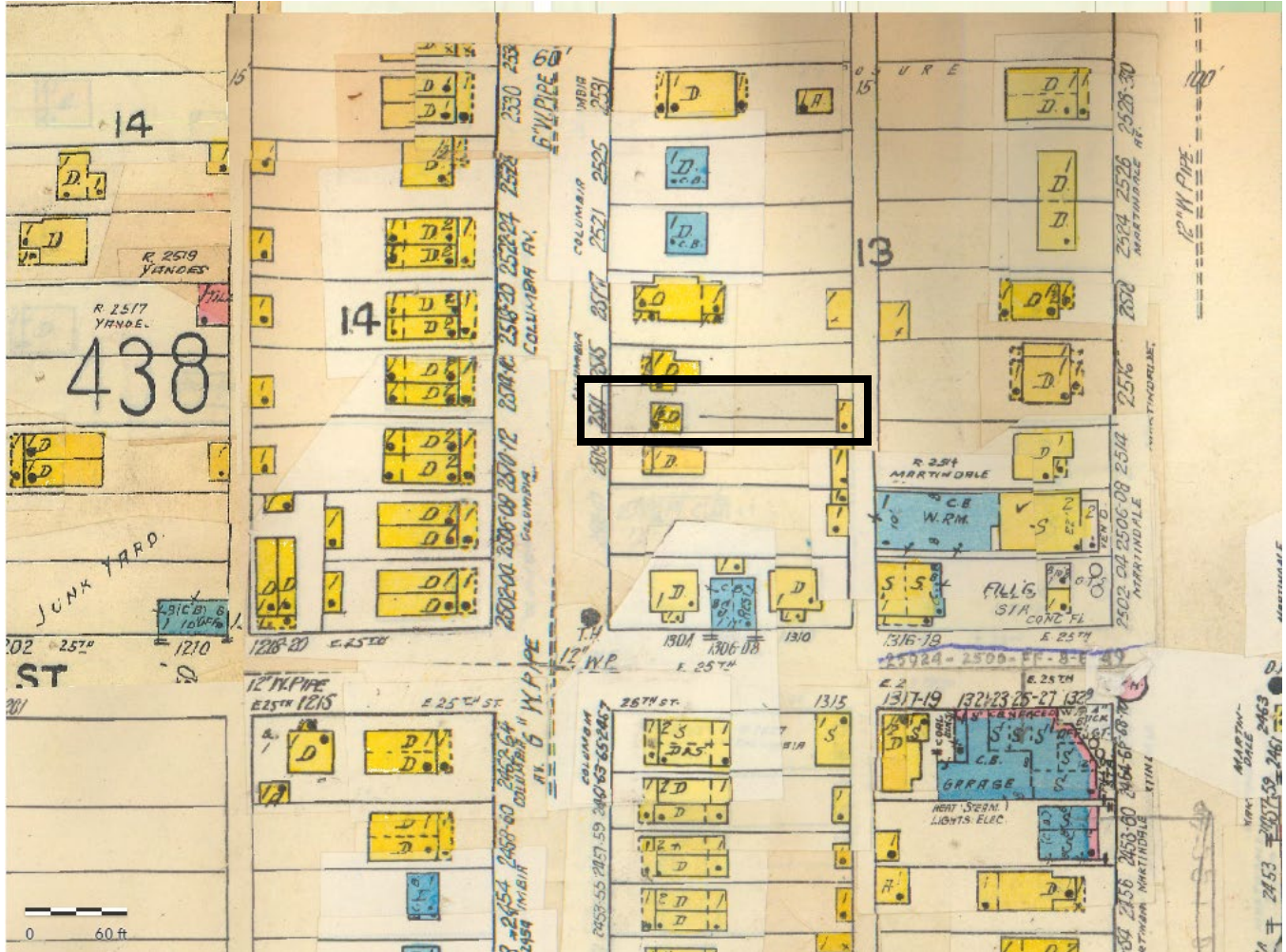


Exhibit 9: 1915 plat of 2511 Columbia Avenue and surrounding area.