

## STAFF REPORT

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

**Case Number:** 2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810  
**Address:** 809 Noble Street (*Approximate Address*)  
**Location:** Center Township, Council District #16  
**Petitioner:** PADBROS, LLC, by Jynell D. Berkshire  
**Requests:** Rezoning of 0.53-acre from the I-3 (RC) District to the D-8 (RC) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish front building setbacks along Noble Street, of 4.5 feet (10-foot to 19.9-foot required), a 3.8-foot and a 5.7-foot rear setback (minimum fifteen feet required), and to provide for a 1.75-foot north side yard setback for a proposed Lot Two (minimum three feet required).

Approval of a Subdivision Plat to be known as Padbros Noble Street Addition, subdividing 0.53-acre into two lots.

### **RECOMMENDATIONS**

Staff recommends **approval of the rezoning** petition.

Staff **recommends approval of the variance** petition.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated March 6, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.

(Continued)

## **2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810 STAFF REPORT (Continued)**

10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.
11. An access easement shall be placed on the southern portion of Lot Two, to provide legal access to an accessory structure located at 707 East McCarty Street.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ The subject site is zoned I-3 (RC) and is developed with an historic one and one-half story brick Gothic church, constructed in 1872 and a two-story single-family dwelling. It is a corner lot at the intersection of McCarty Street and Noble Street within the Holy Rosary / Danish Church Historic District, a district recognized on the National Register of Historic Places. It is not a locally designated historic district by the Indianapolis Historic Preservation Commission.
- ◇ The rezoning petition would rezone this property to the D-8 (RC) district to permit for multi-family dwellings within the existing church building and to legally establish the existing single-family dwelling. The variance petition would legally establish the existing setbacks. A plat would subdivide the property into two lots so that each use may have separate ownership.

#### **REZONING**

- ◇ This petition would rezone this site from the I-3 (RC) district to the D-8 (RC) district to permit the church building to be renovated for multi-family dwellings and to bring the single-family into compliance with zoning regulations.
- ◇ The comprehensive plan recommends Traditional Neighborhood uses, which would support a mix of housing types and small-scale commercial uses. Typology standards suggest locating townhomes at intersections near neighborhood-serving retail. This portion of McCarty Street is residential, with a park to the west, however, this street carries traffic between two major arterials, Virginia Avenue and East Street. The comprehensive plan suggests that commercial uses are preferred as part of a mixed-use building, located at intersections, and limited to an aggregate of one acre. This petition does not propose mixed uses. The proposed rezoning and development are consistent with the land use plan recommendations and their conditions. Therefore, staff is recommending approval of the rezoning.

#### **VARIANCE**

- ◇ This request would provide for legally establishing the long-standing structures, with the church dating to 1872. The variances for front yard setback, though indicated as required to be between 10 feet and 19.9 feet, are not required within the Regional Center overlay zone. Rather, the site plan that would be approved would establish the front setbacks. The proposed side and rear yard setbacks would not materially affect the adjacent property values in a negative manner, due to their long-standing use. Therefore, staff would recommend approval of the variance requests.

(Continued)

## **2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810 STAFF REPORT (Continued)**

### **PLAT**

- ◇ The plat would subdivide the subject site into two lots.
- ◇ Lot One would be 3,308 square feet and would provide for the church building to be renovated to multi-family dwellings. This lot would front on the corner of McCarty Street and Noble Street with the primary entrance facing McCarty Street.
- ◇ Lot Two would be 2,686 square feet and would provide for a single-family dwelling. This lot would front on Noble Street with the primary entrance facing west. Approval of this plat is subject to approval of the variances for 2023-CVR-810.
- ◇ Staff noted on a site visit that access to an accessory structure to the east (707 East McCarty) is currently through the southern portion of Lot Two, as the garage door to this structure faces west. Staff understands that this garage may be removed in the near future. However, a petition to demolish this structure has not been formally submitted for staff review, through the filing of a Regional Center Approval petition. Staff, therefore, requests that an access easement be placed on the southern portion of Lot Two.

### **TRAFFIC / STREETS**

- ◇ The subject site has frontages on two existing streets: McCarty Street and Noble Street. No new streets are proposed as part of this petition.

### **SIDEWALKS**

- ◇ Sidewalks are existing on McCarty Street and Noble Street.

### **GENERAL INFORMATION**

#### **EXISTING ZONING, CONTEXT AREA, AND LAND USE**

I-3 (RC)	Compact	Vacant church and one single-family dwelling
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#### **SURROUNDING ZONING AND LAND USE**

North	D-8 (RC)	Residential
South	D-8 (RC)	Residential
East	I-3 (RC)	Residential
West	D-8 (RC)	Residential

COMPREHENSIVE LAND USE PLAN	Traditional Neighborhood
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#### **THOROUGHFARE PLAN**

McCarty Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 78-foot existing and proposed right-of-way. Noble Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 48-foot existing and proposed right-of-way.

#### **FINDINGS OF FACT**

File-dated March 6, 2023

(Continued)

**2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810 STAFF REPORT (Continued)**

SITE PLAN

File-dated March 6, 2023

SURVEY

File-dated March 6, 2023

**ZONING HISTORY – SITE**

None.

**ZONING HISTORY – VICINITY**

**2019-ZON-063; 741 Greer Street**, requested a rezoning of 0.261-acre, from the I-3 (RC) district to the D-8 (RC) district, **approved**.

**2018-ZON-096; 822 Wright Street**, requested a rezoning of 0.20-acre, from the I-3 (RC) district to the D-8 (RC) district, **approved**.

**2018-HOV-086; 726 Noble Street**, requested a variance of development standards of the Consolidated Subdivision and Zoning Ordinance to provide for four feet between buildings, **granted**.

**95-HOV-116; 707 East McCarty Street**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance, to provide for an accessory use structure, with an aggregate side yard setback of eight feet (minimum 10 feet required), **granted**.

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**2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810 Area Maps**



## Plat Detail

POINT OF BEGINNING

S87°51'20"E 40.50'

SOUTH SIDE OF WEST END OF WEST WACARY STREET

LOT 1  
(701 E WACARY STREET)  
3,300 SQUARE FEET

38.14'

81.49'

LOT 2  
(809 NOBLE STREET)  
2,086 SQUARE FEET

S87°51'20"E 40.50'

38.14'

81.49'

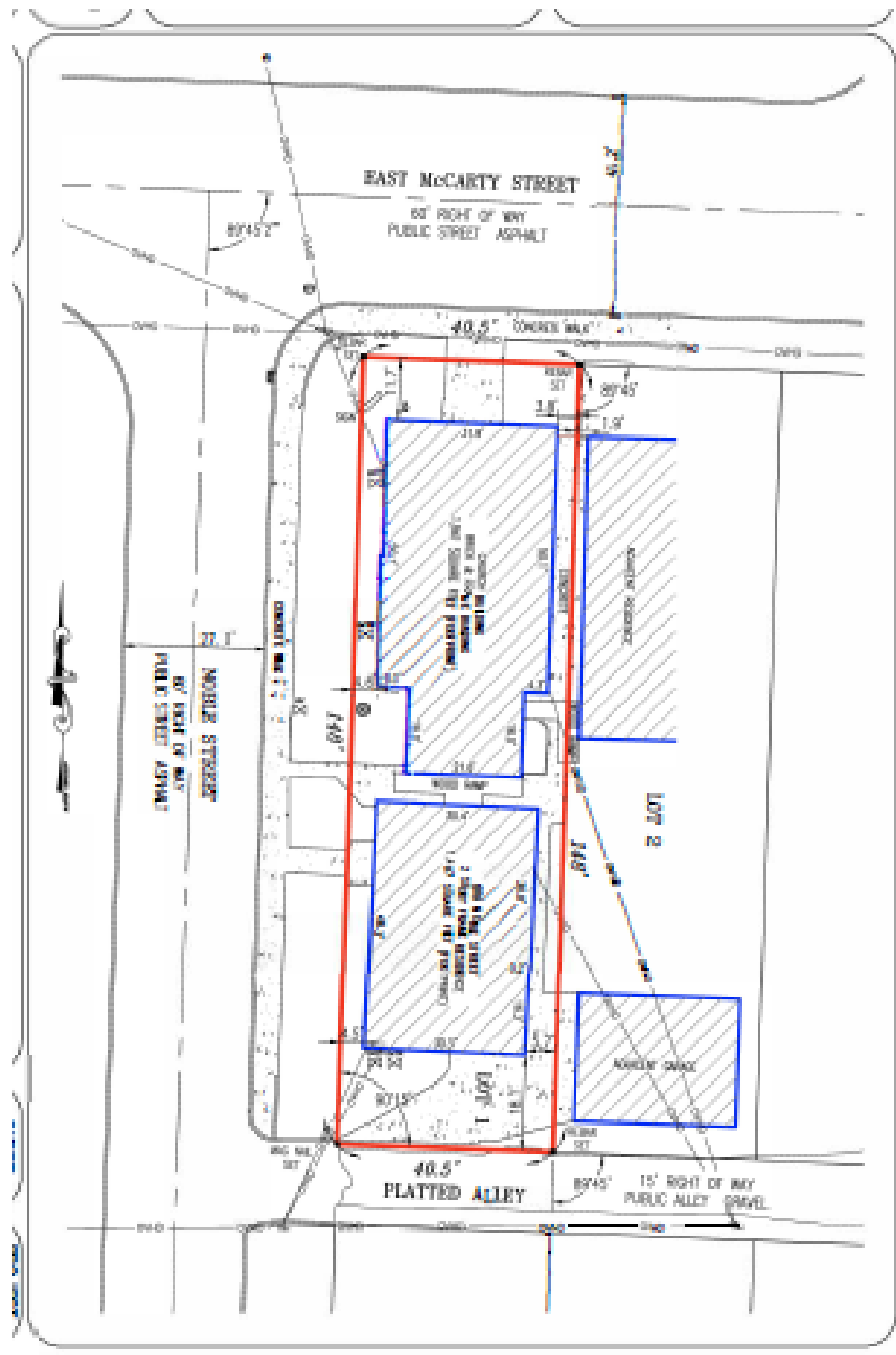
NOBLE STREET

701 E WACARY STREET

809 NOBLE STREET

PLATTED ALLEY 15' RIGHT OF WAY PUBLIC ALLEY CROWN

**STAFF REPORT 2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810 Site Plan**



**STAFF REPORT 2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810 Findings of Fact**

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 variance will not result in an increase in public expenditure nor unduly increase traffic congestion in the public streets and highways. This variance to legally establish existing setbacks for the structures and to permit reduced side yard setbacks will not substantially increase the hazard from fire or other dangers.

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 is a minimum variation that makes possible the reasonable use of land. The proposed use will not cause a nuisance, create an economic hardship, diminish, nor impair property values to the adjacent properties.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:  
the proposed subdivision of the parcel will not meet setback requirements for the existing structures. The application will prevent the improvements of the property which are reasonable, customary and consistent with other residential uses in the zoning district.

**DECISION**

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

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

_____	_____
_____	_____
_____	_____

**2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810 Photographs**



Existing church building along McCarty Street – Proposed Lot One



Church and single-family dwelling, from Noble Street



Single-family dwelling on proposed Lot Two (note access to adjacent garage)