



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 12, 2024

Case Number: 2024-CZN-842 / 2024-CVR-842

Property Address: 2147 Columbia Avenue and 1315 East 22nd Street

Location: Center Township, Council District #13

Petitioner: Keyon Johnson and K & D Epic Holdings, LLC, by David Gilman

Current Zoning: D-8 and I-3

Request: Rezoning of 0.264 acre from the D-8 and I-3 districts to the D-5 district to provide for a four-unit dwelling.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a four-unit dwelling, with a walkway along the south side yard lot line (walkways permitted to encroach up to two feet into the side yard) and to provide for one off-street parking space within the corner side yard (minimum eight-foot corner side yard setback required).

Current Land Use: Two-Family dwelling / vacant land

Staff Recommendations: Denial.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the November 21, 2024 hearing, to the December 12, 2024 hearing, at the request of staff, to provide additional time for discussions with the petitioner's representative related to the site plan submitted with the petition.

STAFF RECOMMENDATION

Denial. If approved, staff would request that approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

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 / receptacles provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 0.264-acre site, zoned D-8 and I-3, is developed with what appears to be a single-family dwelling with an attached garage and dwelling unit above the garage. It is surrounded by religious uses to the north, across East 22nd Street, zoned SU-1; a multi-unit house to the south, zoned D-8; a utility substation to the east, zoned I-3; and single-family dwellings to the west, across Columbia Avenue, zoned I-3.

Petition 2019-ZON-038 rezoned 2147 Columbia Avenue to the D-8 district to provide for residential development.

REZONING

The request would rezone the site from the D-8 and I-3 districts to the D-5 district to provide for a four-unit dwelling.

The Comprehensive Plan recommends traditional neighborhood typology for the site. “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.”

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.

As proposed, this request would be consistent with the Comprehensive Plan recommendations. However, the proposed development almost doubles the recommended density of five to 15 dwelling units per acre.

VARIANCES OF DEVELOPMENT STANDARDS

The request would allow for a walkway along the south side yard. According to the site plan, file dated October 28, 2024, the side yard setback is five feet. Assuming that the walkway would be three feet wide, there would be one foot on either side of the walkway. The current Ordinance supports more intense development, but staff believes this encroachment is not acceptable when combined with the increased density and a second development standard variance described below.

The request would also provide for one off-street parking space within the corner side yard when the required corner side yard is an eight-foot setback. Encroachment into the corner setback results in visibility issues related to vehicles, bicycles, and pedestrians.

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 receptacles for proper disposal of trash and other waste.



Planning Analysis

The request would rezone the site to the D-5 district to provide for a four-unit dwelling. This area did not develop in a manner that would allow for a density of 30 units per acre. Furthermore, this would be introducing a new building typology that would not comply with the Infill Housing Guidelines and could have a destabilizing impact on the surrounding neighborhood.

Staff also believes that the need for the variances is further evidence that the proposed development is too intense and over development of the site, which would not be compatible with the surrounding neighborhood context.

Adjacent properties have demonstrated their ability to provide suitable and appropriate development on similar sized lots. Any practical difficulty related to the site would be self-imposed based on the need to place four dwelling units on a site that cannot accommodate those units without the variances.

Staff would also note that the site was historically developed with two single-family dwelling, one of which had a detached garage.

GENERAL INFORMATION

Existing Zoning	D-8 / I-3	
Existing Land Use	Two-family dwelling / undeveloped land	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
	North: Su-1	Religious uses
	South: D-8	Multi-unit house
	East: I-3	Utility substation
	West: I-3	Single-family dwellings
Thoroughfare Plan		
Columbia Avenue	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
East 22 nd Street	Primary Arterial	Existing 48-foot right-of-way and proposed 56-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	October 7, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	

Landscape Plan	N/A
Findings of Fact	October 7, 2024
Findings of Fact (Amended)	N/A
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 cut-throughs 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 complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.

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 (2021)

- 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.
- 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

2019-ZON-038; 2147 Columbia Avenue, requested rezoning of 0.21 acre from the I-3 district to the D-8 classification, **approved**.

VICINITY

2022-CZN-834 / 2022-CVR-834; 2143 Columbia Avenue, requested Rezoning of 0.13 acre from the I-3 district to the D-8 district to provide for residential uses and a variance of developments standards for a reduced setback, **approved and granted**.

2021-ZON-058 / 2021-VAR-008; 2127 Columbia Avenue (south of site), requested rezoning of 0.13 acre from the I-3 district to the D-8 and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a detached garage with 3.66-foot side setbacks and 48% open space, **approved and granted**.

2019-ZON-030; 2010 Yandes Street, requested rezoning of 0.13 acre from the I-3 district to the D-8 classification, **approved**.

2019-ZON-029; 2007 Columbia Avenue, requested rezoning of 0.1 acre from the I-3 district to the D-8 classification, **approved**.

2019-ZON-028; 2032, 2038 and 2042 Columbia Avenue, requested rezoning of 0.39 acre from the I-3 district to the D-8 classification, **approved**.

2018-ZON-049; 2111, 2121, 2131, 2132, 2136, 2140 and 2144 Columbia Avenue, requested rezoning of 1.188 acres from the I-3 district to the D-8 classification, **approved**.

2007-ZON-866 / 2007-VAR-866; 1145 East 22nd Street & 2108 Columbia Avenue, requested rezoning of 6.2 acres, from the I-3-U District, to the C-S classification to provide for two development areas: Parcel "A" permits: mixed-use or stand-alone buildings including dwelling units, offices, C-3 uses, I-1, I-2 and specified I-3 uses and schools and Parcel "B" permits: C-3C uses and two-family and multifamily residential uses and a variance of development standards of the Commercial Zoning Ordinance for reduced setbacks and a building taller than permitted, **approved and granted**.

2004-UV2-003; 1002 East 21st Street and 1017 East 22nd Street, requested a variance of use of the Industrial Zoning Ordinance to provide for a second-hand retail store within an existing industrial warehouse, **granted**.

2003-ZON-106; 2202, 2247, 2224, 2239, 2243 North Columbia Avenue and 2225 Yandes Street, requested a rezoning of 0.86 acre from the D-5 and I-2-U to the SU-1 classification to provide for religious uses, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

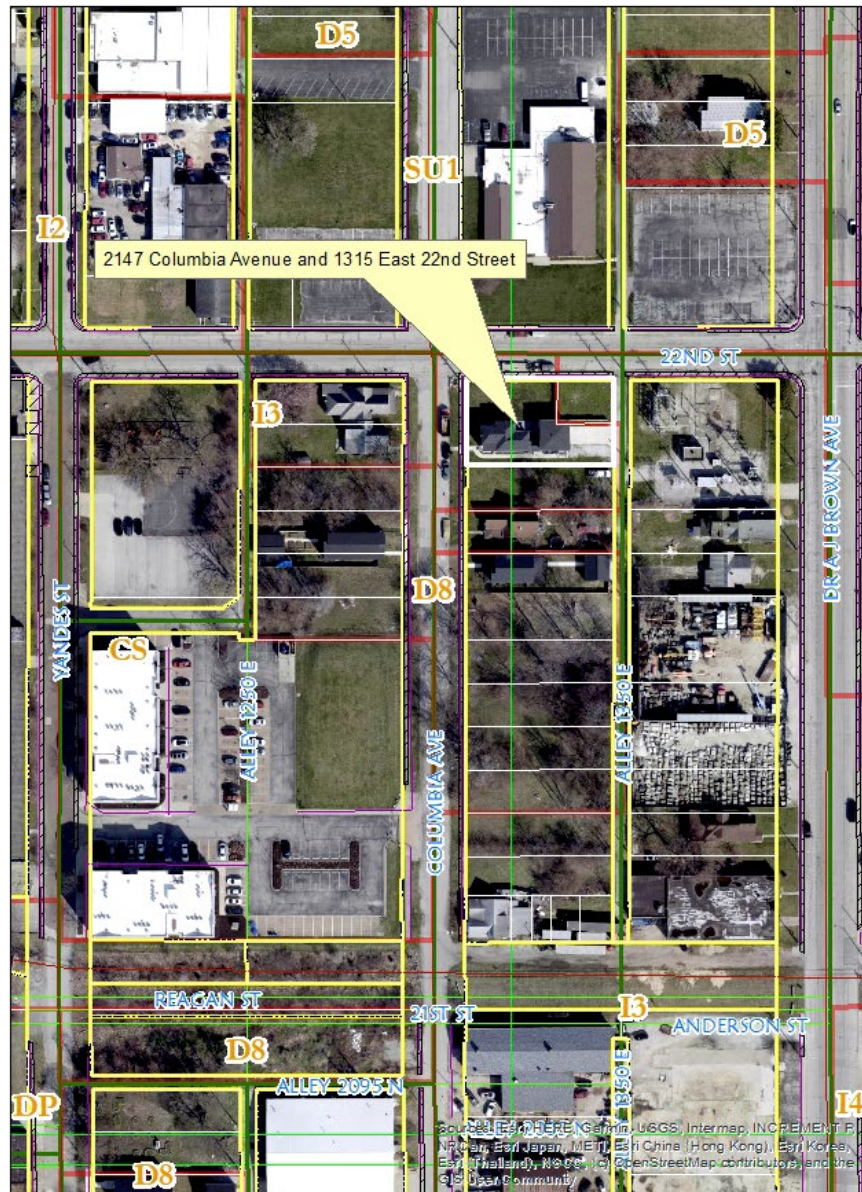
96-V3-46; 2225 Yandes Street, requested a variance of development standards of Industrial Zoning Ordinance to provide for a building addition with reduced setbacks, **granted**.

93-UV3-106; 2108 North Columbia Avenue, requested a variance of use of the Industrial Zoning Ordinance to provide for motor vehicle repair facility, **granted**.

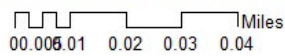
93-AP3-3; 2108 North Columbia Avenue, requested a waiver of the one-year filing requirement, **approved**.

92-UV3-51; 2108 North Columbia Avenue, requested a variance of use of the Industrial Zoning Ordinance to permit an automobile repair facility, including body work and painting of automobiles, the salvage of automobile parts, and a dwelling, **denied**.

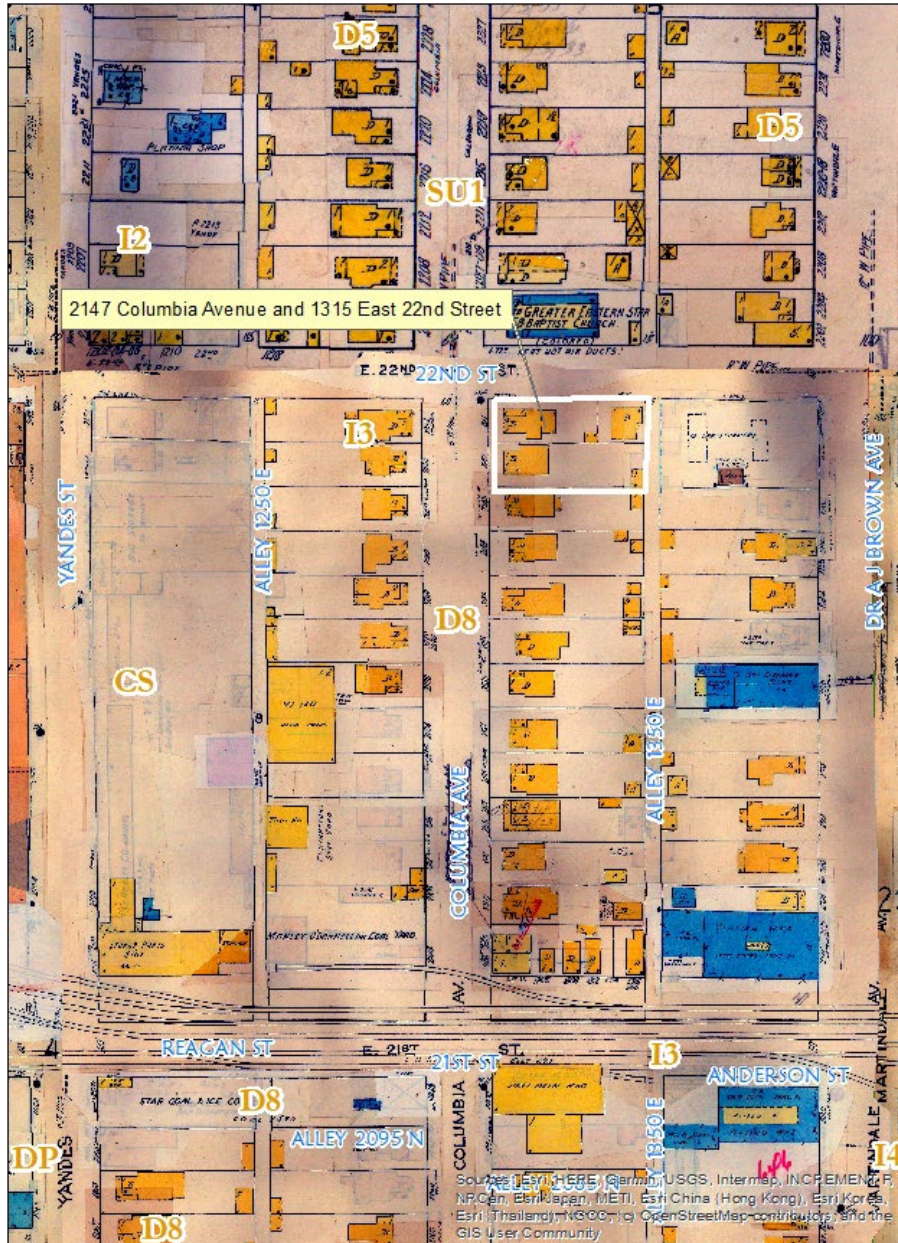
EXHIBITS



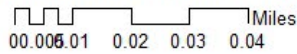
217 Columbia Avenue and 1315 East 22nd Street

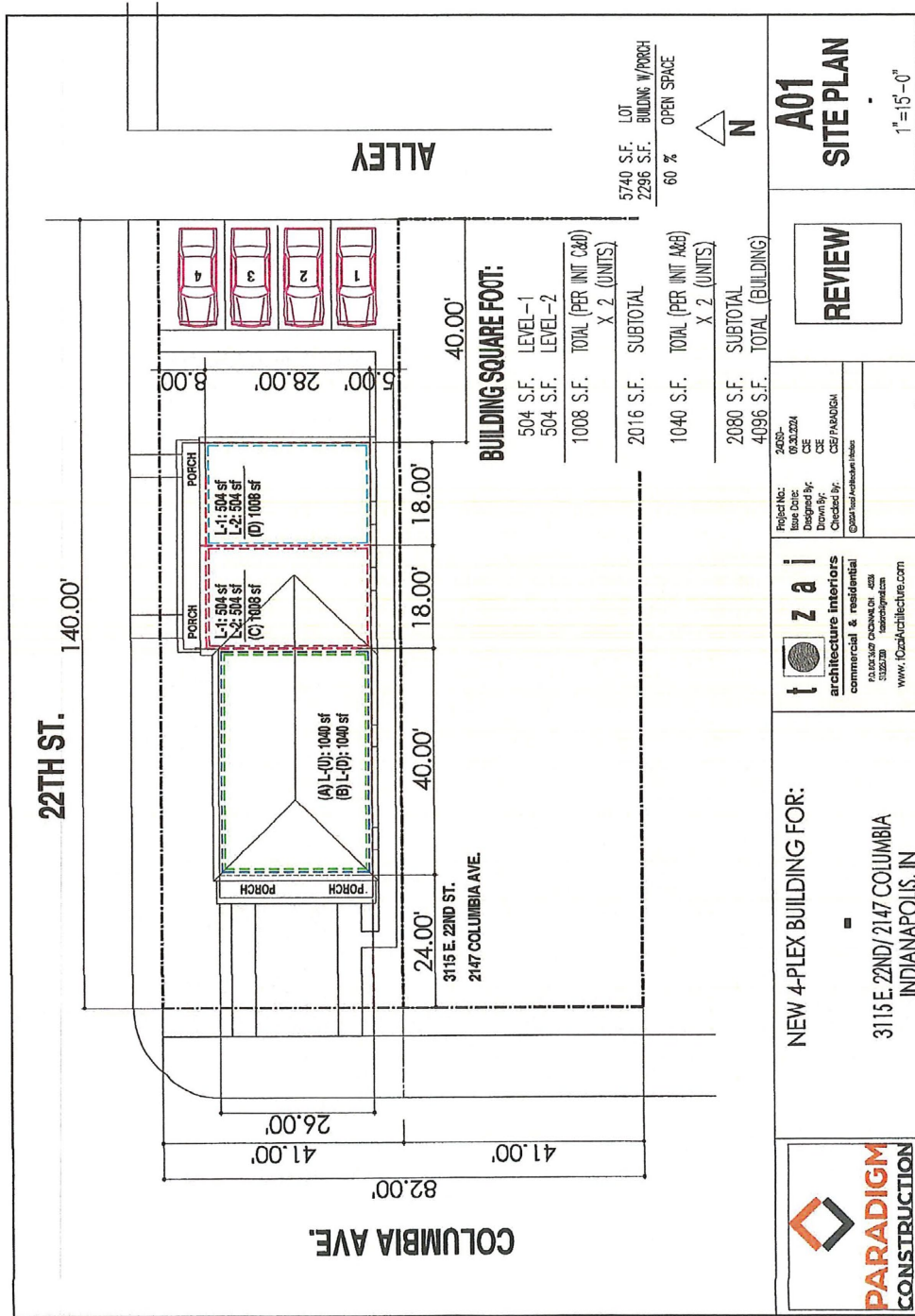


Sanborn 1915



2147 Columbia Avenue and 1315 East 22nd Street







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 proposed dwelling will be constructed to current building codes and health department standards. The site has adequate utilities available and direct access to a public street.

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 area is a mix of small unit housing with a variety of architectural styles. The proposed use will be compatible with the developed neighborhood and the new investment in the area will have a positive impact on the property values.

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 walkways would be considered a minor residential structure by ordinance and would require a minimum side setback of 2 feet. The portion leading to the entrances would be allowed by right but the portion running to the proposed rear parking would require a variance to legalize. The required parking space encroaches by 2 feet and would be considered a minor deviation to the ordinance and would not have a negative impact on the Infill Housing Guidelines.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking north along Columbia Avenue



View looking south along Columbia Avenue



View looking west along East 22nd Street



View looking east along East 22nd Street



View of site looking northeast across Columbia Avenue



View of abutting north / south alley to the east of site



View of site looking south across East 22nd Street



View of site looking south across East 22nd Street



View of site looking southeast across the intersection of Columbia Avenue and East 22nd Street