



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 13, 2024

Case Number: 2024-CZN-809 / 2024-CVR-809

Property Address: 2457 Barnes Avenue (Approximate Address)

Location: Center Township, Council District #12

Petitioner: MSR Development Group, LLC, by Joseph D. Calderon

Current Zoning: D-5 (W-5)
Rezoning of 0.56 acre from the D-5 (W-5) district to the D-8 (W-5) district to provide for a townhome development.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 15.6-foot wide lots (minimum 16-foot wide lots required), 5.9-foot corner side yard setback (eight feet required), and a main floor area of 583 square feet (600 square feet required).

Current Land Use: Vacant with a residential accessory structure

Staff Recommendations: **Approval** of the rezoning subject to a commitment.
Denial of the variance requests.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR JUNE 13, 2024 HEARING EXAMINER

This petition was continued from the April 25, 2024 hearing to the June 13, 2024 hearing at the request of the petitioner. The petitioner was working with DPW regarding the right-of-way dedication, which was subject to change from the initial dedication requested. Additional notice was to be provided since the petitioner intended to make amendments to the request and companion it with a subdivision plat. However, no new information has been provided to the case file.

The petitioner submitted a **request to withdraw** this petition. This would require acknowledgement from the Hearing Examiner.

ADDENDUM FOR APRIL 25, 2024 HEARING EXAMINER

This petition was continued from the March 28, 2024 hearing to the April 25, 2024 hearing at the request of the petitioner. Additional notice was to be provided since the petitioner intended to make amendments to the request. However, no new information has been provided to the case file.

March 28, 2024

This is the first public hearing on this petition

STAFF RECOMMENDATION

Staff **recommends denial** of the variance requests.

Staff **recommends approval** of the rezoning petition, 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:

A 24-foot half right-of-way along Barnes Avenue and a 24-foot half right-of-way along Edgemont Avenue shall be dedicated, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

LAND USE

The 0.56-acre subject site is comprised of seven parcels that are primarily undeveloped except for a detached garage located across the property line between two parcels. The site is surrounded by single-family dwellings west, north, and east, zoned D-5, and a church to the south, zoned D-5.

REZONING

The request would rezone the property from the D-5 (W-5) district to the D-8 (W-5) district for townhome development.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 24-foot half right-of-way along Barnes Avenue and a 24-foot half right-of-way along Edgemont Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

VARIANCE OF DEVELOPMENT STANDARDS



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

The grant of the request would allow for deficient lot widths, a deficient corner side yard setback, and main floor areas less than the minimum requirement.

Table 742.103.03 notes that Row-House-Small Lot development in the D-8 district requires 16-foot wide lot widths and an eight-foot corner side setback. The request would propose a 15.6-foot lot width and a 5.9-foot corner side setback.

Staff determined that due to the nature of the two-unit townhouse proposal it would be possible for the lot lines to be adjusted to meet the 16-foot lot width by eliminating one of the buildings since six are proposed. The removal of one of the buildings would ensure that the corner side setback could be met as well.

Considering that DPW is requesting a right-of-way dedication for this site, the layout of the development would need to be adjusted to take this into account providing more reason to eliminate one of the buildings.

With regards to the reduced main floor area, the floor area could be increased to meet or exceed the minimum floor area of 600 square feet since there is sufficient room on site to have this accomplished.

WELLFIELD PROTECTION SECONDARY ZONING

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts are subject to Commission approval.

This site is specifically located within the White River W-5 Wellfield Protection District. Unless exempted by Section 742-204.D Technically Qualified Person review requirement, a Site and Development Plan shall be filed with and be subject to approval on behalf of the Commission by the Technically Qualified Person (TQP).

STAFF ANALYSIS

The United Northwest Neighborhood Plan (2008) recommends 3.5 to five dwelling units per acre development. The proposal would have a 17 unit per acre density. Staff is willing to consider a density higher than the neighborhood plan recommendation since the development of each existing parcel would be a density of 12.5 if developed as is in the proposed D-8 district.

However, development of the site could meet the D-8 development standards because this would be all new construction in a neighborhood that could otherwise be developed for single-family dwellings or the townhomes with slight changes to the site and building layouts.

For these reasons, staff determined there is no practical difficulty at the site to warrant the variances to be granted.



GENERAL INFORMATION

Existing Zoning	D-5		
Existing Land Use	Vacant with a residential accessory structure		
Comprehensive Plan	3.5 to 5 units per acre		
Surrounding Context	Zoning	Land Use	
	North:	D-5	Residential (Single-family dwelling)
	South:	D-5	Church
	East:	D-5	Residential (Single-family dwellings)
	West:	D-5	Residential (Single-family dwellings)
Thoroughfare Plan			
Barnes Avenue	Local Street	48-foot proposed right-of-way with a 45-foot existing right-of-way.	
Edgemont Avenue	Local Street	48-foot proposed right-of-way with a 30-foot existing right-of-way.	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	Yes		
Site Plan	February 23, 2024.		
Site Plan (Amended)	N/A.		
Elevations	February 23, 2024.		
Elevations (Amended)	N/A.		
Landscape Plan	N/A.		
Findings of Fact	February 23, 2024.		
Findings of Fact (Amended)	N/A.		
C-S/D-P Statement	N/A.		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- United Northwest Neighborhood Plan (2008)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see United Northwest Neighborhood Plan (2008) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- United Northwest Neighborhood Plan (2008) recommends 3.5 to 5 units per acre development.

Infill Housing Guidelines

- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
 - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
 - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
 - **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
 - **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.

- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – VICINITY

2019-HOV-010; 1235 and 1250 West 25th Street and 1338 and 1363 West 27th Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four single-family dwellings with 637 square feet of main floor area (660 square feet required), **granted**.

2018-UV2-013; 1164 Burdsal Parkway (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 45-foot-wide lot, a 38-foot wide lot, and a 37-foot wide lot (50 feet of width required), and 22.5-foot front yard setbacks (25-foot front yard setbacks required), **granted**.

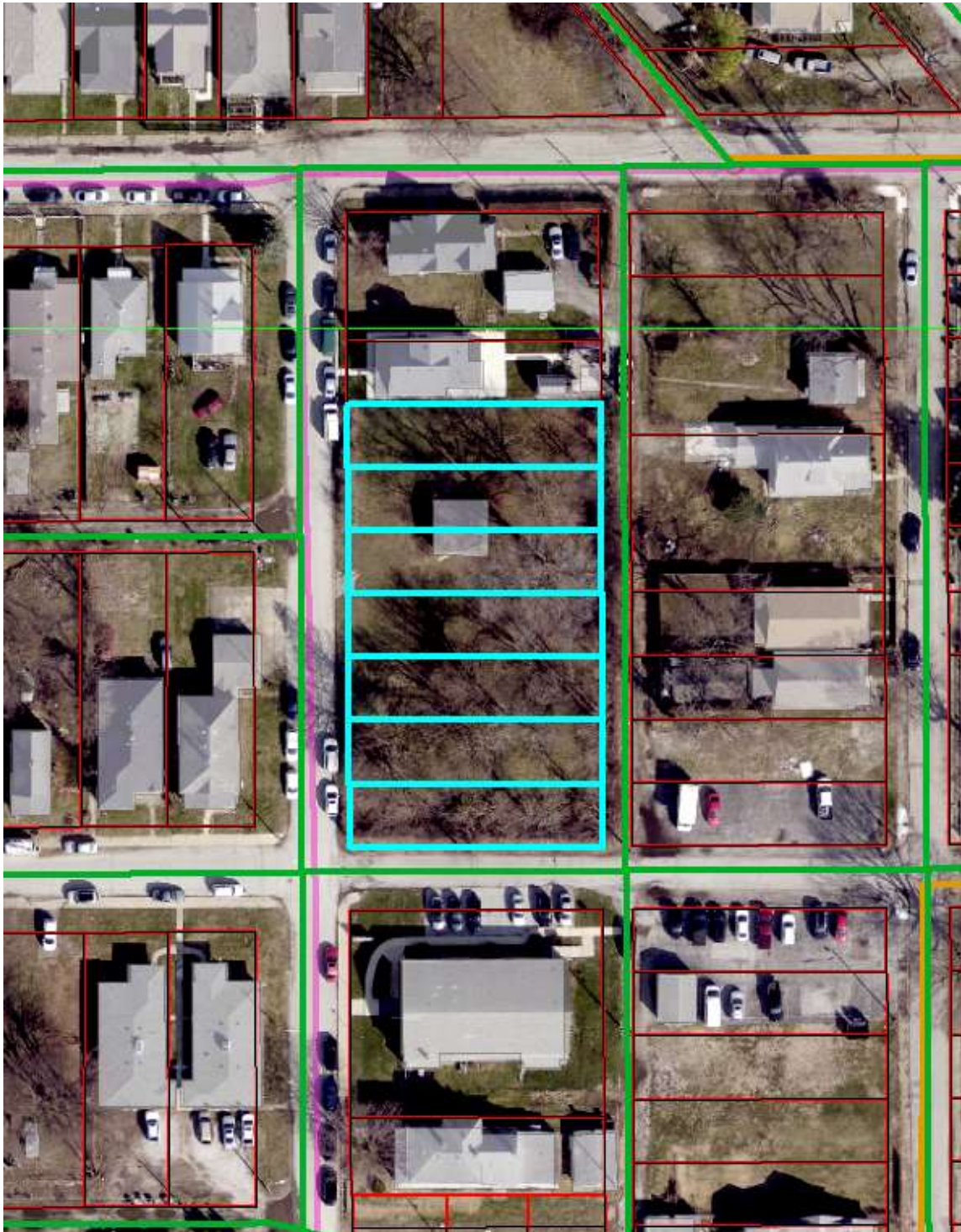
2006-ZON-828 / 2006-VAC-828; 1104 Burdsal Parkway and 2413, 2417, 2421, 2425, 2433, 2439, 2443 and 2447 Bond Street (southeast of site), Rezoning of 1.06 acres from the D-5 (W-1) (W-5) and I-3-U (W-1) (W-5) Districts, to the SU-1 classification to provide for religious uses and requests a vacation of portion of Edgemont Avenue, being 30 feet in width and a vacation of the first north-south alley east of Bond Street, being fourteen in width, **approved**.

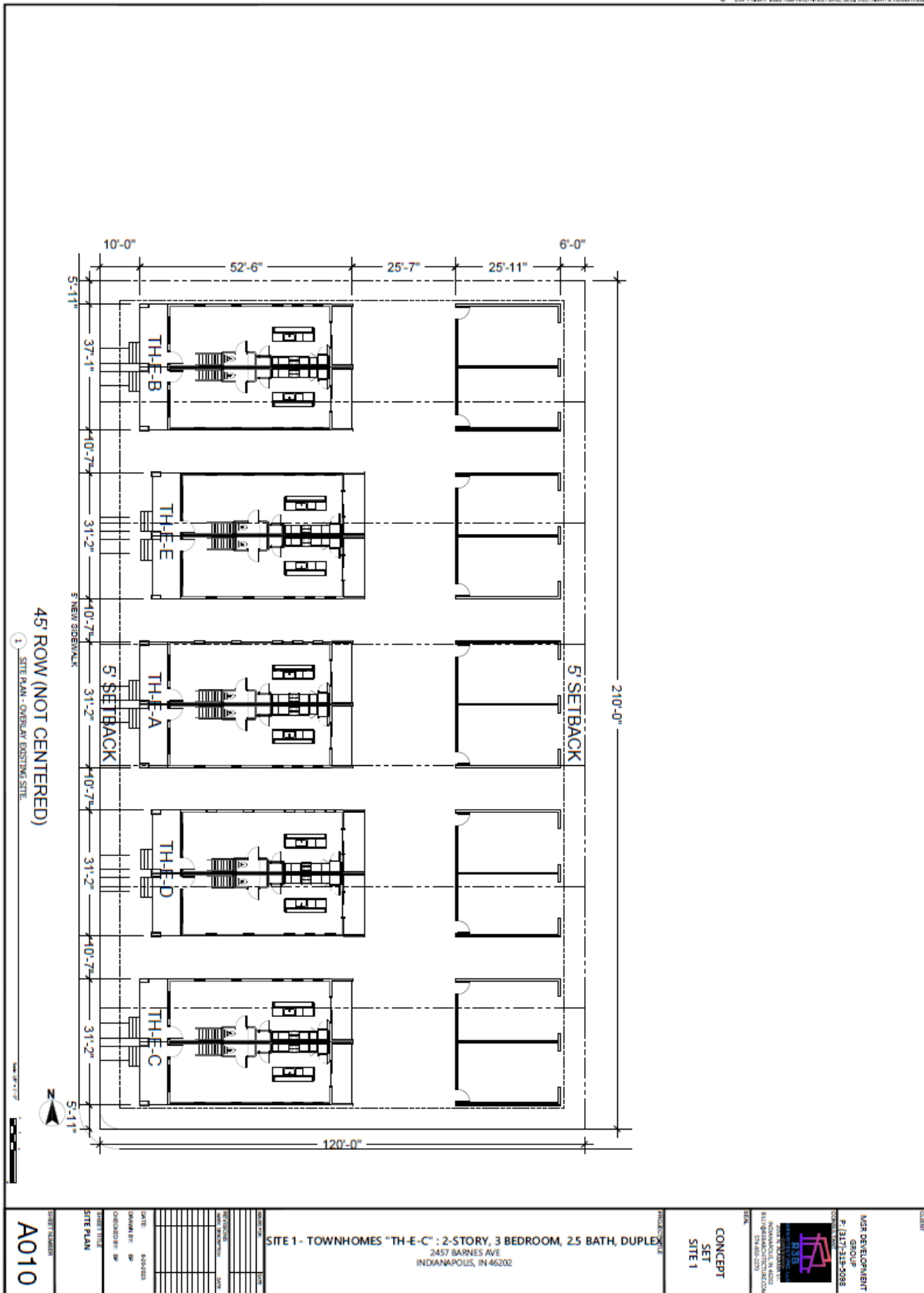
65-V-399; 2425-2435 Barnes Avenue (south of site), Variance of use of the Dwelling District Zoning Ordinance to provide for the construction of a church, **granted**.

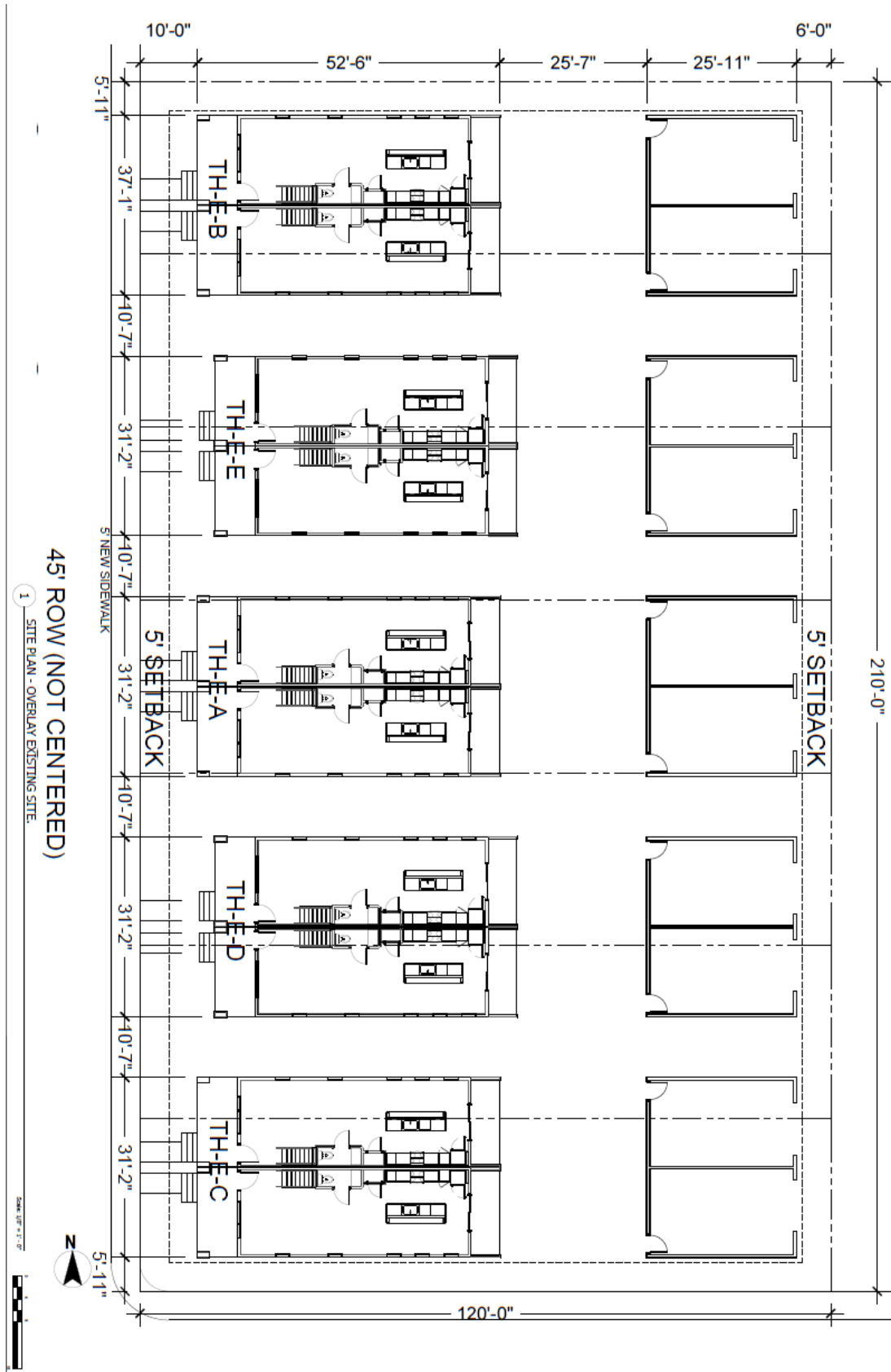
59-V-400; 2424-2434 Barnes Avenue (a/ka/ 1201 and 1205 Edgemont Avenue) (south of site), Variance of lot area, front building line, and off-street parking requirements to permit erection of three 2-family dwelling houses, with partial off-street requirements provided; **granted by the Board of Zoning Appeals, reversed, and denied by the Metropolitan Board of Zoning Appeals**.

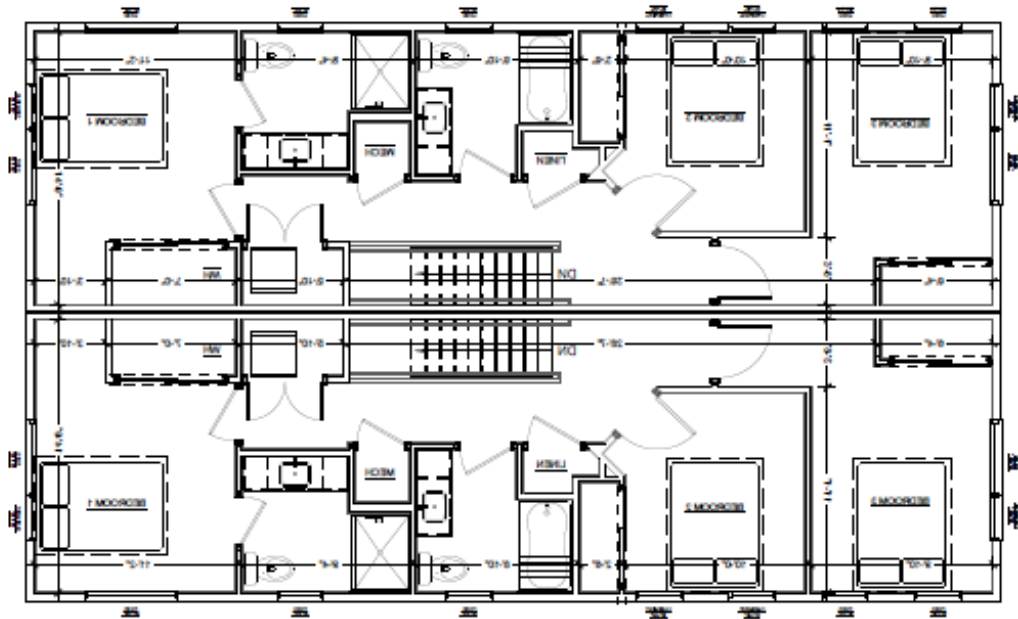
55-V-299; 2421 Bond Street (southeast of site), Variance to park and occupy an old trolley for an ice cream and barbecue business, **denied**.

EXHIBITS



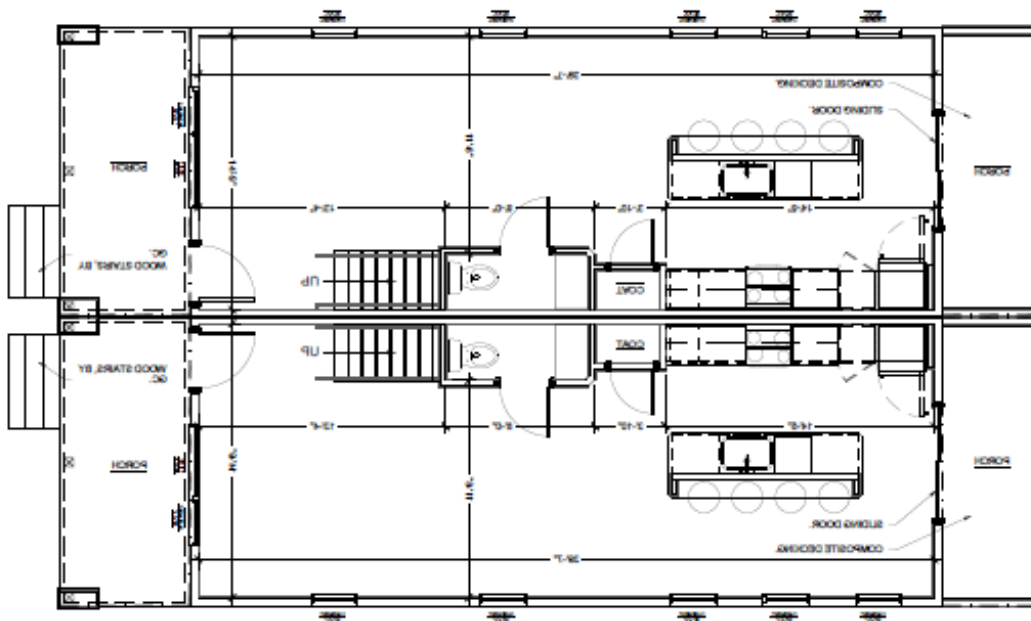






2 FLOOR PLAN - SECOND

Scale: 1/4" = 1'-0"



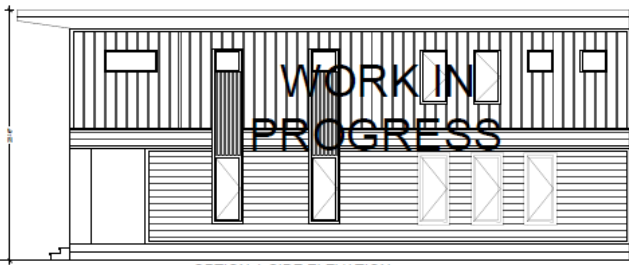
1 FLOOR PLAN - GROUND

Scale: 1/4" = 1'-0"



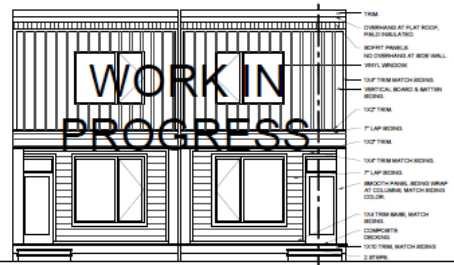


1 SITE RENDERING



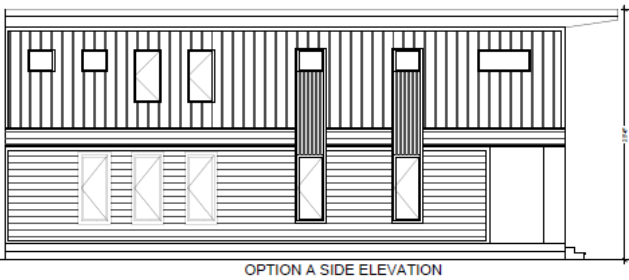
OPTION A SIDE ELEVATION

4 ELEVATIONS: SIDE TH-E-A



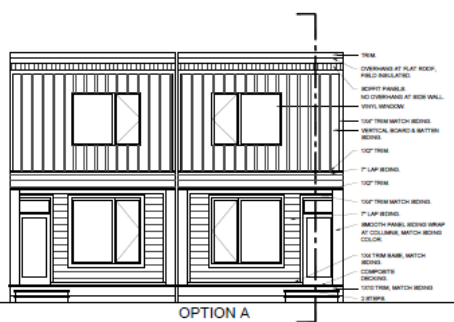
OPTION A

3 ELEVATIONS: REAR TH-E-A



OPTION A SIDE ELEVATION

1 ELEVATIONS: SIDE TH-E-A



OPTION A

1 ELEVATIONS: FRONT TH-E-A



4 ELEVATION: SIDE

3 ELEVATION: REAR



1 ELEVATION: SIDE

2 ELEVATION: FRONT



4 ELEVATION: SIDE

3 ELEVATION: REAR



1 ELEVATION: SIDE

2 ELEVATION: FRONT



4 ELEVATIONS: SIDE

1 ELEVATIONS: FRONT



4 ELEVATIONS: SIDE

1 ELEVATIONS: FRONT



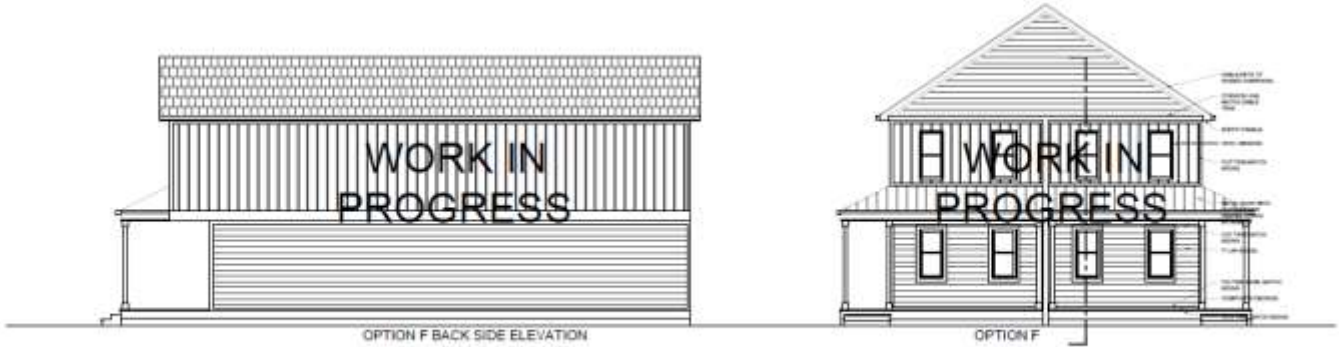
4 ELEVATIONS: SIDE

1 ELEVATIONS: FRONT



4 ELEVATIONS: SIDE

1 ELEVATIONS: FRONT



4 ELEVATIONS: SIDE 1/8" = 1'-0"

3 ELEVATIONS: REAR 1/8" = 1'-0"



1 ELEVATIONS: SIDE 1/8" = 1'-0"

2 ELEVATIONS: FRONT 1/8" = 1'-0"



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 variances will provide for adequate front setbacks with sidewalks as well as a sidewalk on the corner side yard to make up for reduced corner side yard, there is more than adequate total floor area and ground level porch area to mitigate the variance for main level living area, and here is adequate side yards between lots to mitigate the variance for lot width.

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 new housing units will provide new investment on a block which has several vacant lots, which will actually improve property values of adjoining nearby 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 standards for this type of development, if applied, would result in the loss of housing units and result in a more suburban versus urban/compact feel.



Photo of the subject site looking northeast.



Photo of the street frontage along Edgemont Avenue.



Photo of the street frontage along Barnes Avenue.



Photo of the existing detached garage on the subject site.



Photo of the subject site street frontage looking south on Barnes Avenue.



Photo of the alley east of the site looking north from Edgemont Avenue.



Photo of the alley east of the site looking south from 25th Street.



Photo of the single-family dwellings north of the site.



Photo of the single-family dwellings west of the site.



Photo of the single-family dwelling west of the site.



Photo of the church south of the site.