

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834
Address: 4202 East 10th Street and 1009 Gladstone Avenue (*Approximate Address*)
Location: Center Township, Council District #12
Petitioner: Mountain Goat Properties, LLC, by Pat Rooney
Request: Rezoning of 0.134 acre from the C-4 district to the D-5II district.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a 2.8-foot front yard setback (10-19.9-foot required), a two-foot side setback (three-foot required) and a 0.4-foot rear setback (fifteen feet required) for proposed Lot 5A.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a five-foot corner side setback (eight feet required) for proposed Lot 5B.

Approval of a Subdivision Plat, to be known as 10th St and Gladstone Ave Addition, dividing 0.134 acre into two lots.

RECOMMENDATIONS

Staff recommends **approval of the rezoning and variance** petitions, 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 variances of development standards shall only apply to the existing structures.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated June 14, 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.

(Continued)

2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 STAFF REPORT (Continued)

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.
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. That no new driveway curb cut shall be permitted for proposed Lot 5B.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned C-4 and developed with two dwellings; the original single-family dwelling to the south and a garage that has been converted into a single-family dwelling to the north.
- ◇ This petition would rezone the property to the D-5II district, subdivide the property into two lots, and legally establish the existing non-conforming setbacks as described in the body of this report.

REZONING

- ◇ This petition would rezone this site from the C-4 district to the D-5II district. This site has been used residentially since at least the 1920's. The rezoning would permit continued residential use of this site.
- ◇ The comprehensive plan recommends village mixed-use, which would support a variety of dwelling types, including detached housing. The D-5II district would permit single-family detached dwellings, and has a minimum lot area of 2,500 square feet.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would provide for a 2.8-foot front yard setback where a minimum of ten feet is required, a two-foot side setback where a minimum of three feet is required, and a 0.4-foot rear setback where a minimum of fifteen feet is required for proposed Lot 5A. These reduced setback requests are to legally establish the setbacks for an existing building, the garage that was converted into a dwelling. The structure has existed since at least the 1920's as shown on the historic Sanborn Map. Staff would not be opposed to a variance to legally establish a historic non-compliant structure.

(Continued)

2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 STAFF REPORT (Continued)

- ◇ This petition would provide for a five-foot corner side yard setback where eight feet is required for proposed Lot 5B. This request would legally establish the setbacks for the existing single-family dwelling. The structure has existed since at least the 1920's as shown on the historic Sanborn Map. Staff would not be opposed to a variance to legally establish a historic non-compliant structure

PLAT

- ◇ The plat would subdivide the subject site into two lots—Lots 5A and 5B. Lot 5A would be 2,600 square feet, and would contain the existing garage that was remodeled into a dwelling on the north. Lot 5B would be 3,228 square feet, and contain the existing dwelling on the south. The proposed plat meets the standards of the D-5II zoning classifications as proposed in the companion rezoning and variances.

TRAFFIC / STREETS

- ◇ Lot 5A would front on Gladstone Avenue to the west and have alley access on the north side yard. This site has an existing driveway to Gladstone Avenue. Lot 5B would front on East 10th Street to the south; it would also have corner side frontage on Gladstone Avenue. No new streets are proposed for this petition.

SIDEWALKS

- ◇ Sidewalks are existing on East 10th Street and Gladstone Avenue.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-4	Compact	Residential
-----	---------	-------------

SURROUNDING ZONING AND LAND USE

North	D-5	Residential
South	C-4	Commercial
East	C-4	Residential
West	C-4	Commercial

COMPREHENSIVE LAND USE PLAN	Village Mixed-Use
-----------------------------	-------------------

THOROUGHFARE PLAN	East 10 th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 55-foot existing and a 78-foot proposed right-of-way. Gladstone Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing and proposed right-of-way.
-------------------	--

SITE PLAN	File-dated June 14, 2023
-----------	--------------------------

PRELIMINARY PLAT	File-dated June 14, 2023
------------------	--------------------------

FINDINGS OF FACT	File-dated June 14, 2023
------------------	--------------------------

(Continued)

2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 STAFF REPORT (Continued)

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

91-V2-45, 4226 East 10th Street, variance to legally establish an existing pole sign with less than the required fifteen-foot setback from the right-of-way of 10th Street, and an existing wall sign in excess of the 25 percent of the building façade, **approved**.

87-HOV-33, 4120 East 10th Street, variance to provide for a parking lot with parking spaces and an access drive located within the required transitional yard, **approved**.

84-V2-99, 4207 East 10th Street, variance to provide for the use of an existing building as an ice cream store without off-street parking, **approved**.

84-HOV-85, 4126, 4128, & 4130 East 10th Street, variance to provide for the use of an existing building for offices without the required off-street parking, **approved**.

38-V-203, 4101 East 10th Street, variance to provide for a retail storeroom building, **approved**.

AR

An aerial photograph of a residential neighborhood with various lot numbers and street names. The streets shown are Grant Ave, Colorado Ave, and 10th St. A red star marks lot 426, which is highlighted with a blue border. Other lots visible include 1031, 4105, 4103, 4115, 4117, 4119, 1036, 1032, 1020, 4201, 4205, 4209, 4215, 4217, 1028, 1024, 1020, 1003, 4106, 4110, 4118, 4120, 1010, 4128, 426, 4206, 4210, 4214, 4220, 4226, 4015, 4023, 4101, 4111, 4115, 4117, 4127, 4201, 4205, 4209, 4401. Street names include Grant Ave, Colorado Ave, and 10th St. A red star is also present on lot 4128.

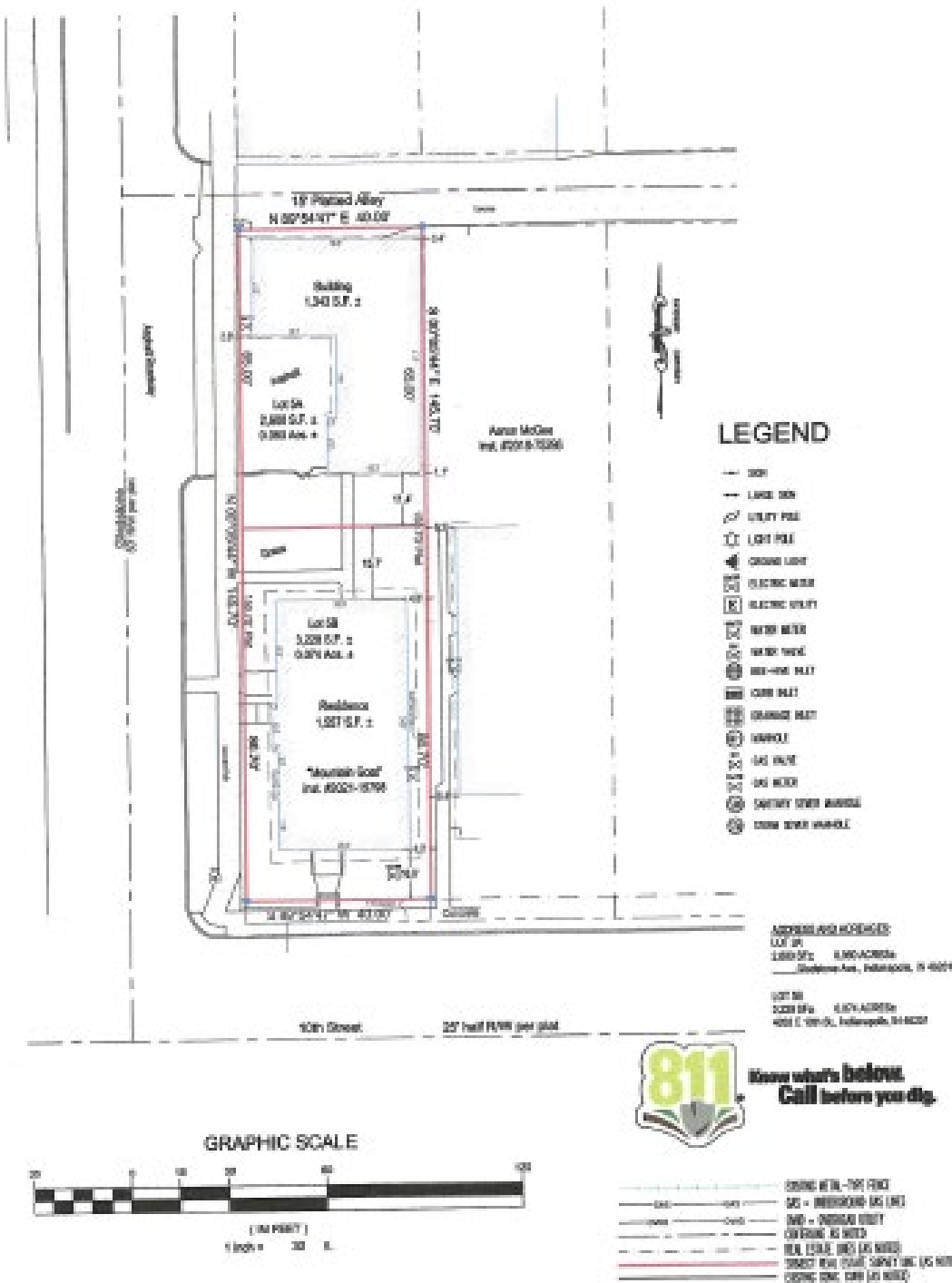
A hand-drawn floor plan of a building, oriented vertically. The plan includes several rooms and areas:

- Top Section:** A large yellow rectangular area, possibly a hallway or open space, with a small yellow square labeled "1" and a small yellow rectangle labeled "2".
- Middle Section:** A large yellow rectangular area, possibly a hallway or open space, with a small yellow square labeled "3" and a small yellow rectangle labeled "4".
- Bottom Section:** A large yellow rectangular area, possibly a hallway or open space, with a small yellow square labeled "5" and a small yellow rectangle labeled "6".
- Left Side:** A large blue rectangular area labeled "CONTRACTORS" with "10-10-10" and "10-10-10" written inside. Below this is a smaller blue rectangular area labeled "10-10-10" and "10-10-10".
- Right Side:** A large yellow rectangular area labeled "10-10-10" and "10-10-10".
- Central Area:** A large yellow rectangular area labeled "10-10-10" and "10-10-10".
- Handwritten Notes:** "10-10-10" and "10-10-10" are written in the top right corner. "10-10-10" and "10-10-10" are written in the bottom right corner. "10-10-10" and "10-10-10" are written in the bottom left corner.

2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 Site Plan and Plat

Primary Plat

Replat of Part Lot Numbered Five (5) in Charles E. and William H. Johnson's East 10th Street Addition to the City of Indianapolis Center Township, Marion County, Indiana



Revised/Amended	Date Completed	Date Permitted	Drawn/Checked
Survey	4/1/2023		REDCR
Common Address: 4001 E 10th Street, Indianapolis, Indiana 46204			
Client: Mountain Goat Properties			
10-Sub No.:	2023-07-01	Page 1 of 2	Scale: 1" = 30'
			
Engineer: JEFFREY D. HARRIS, P.E. Sealed: JEFFREY D. HARRIS, P.E. 211 S. 4th Street, Suite 100 Indianapolis, IN 46202 317.344.1000			

Deed/Land Description
Lot Numbered Five (5) in Charles E. and William H. Johnson's East 10th Street Addition to the City of Indianapolis as a plat thereof recorded in Plat Book 15, page 6-6 in the Office of the Recorder of Marion County, Indiana.
EXCEPT five feet by parallel lines off the entire South-east of said lot, taken for the opening and widening of 10th Street.

Source of Title: Prepared for and Owned by:
Mountain Goat Properties, Jeremy Miller, 18436 Kilmer Ct., Westfield, IN 46074

Instrument #2023-15708
Marion County, Center Township, Indiana
Data Parcel ID 849-07-00-179-012.000-001 Local Parcel #1827508

2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 Site Photos



Proposed Lot 5A Gladstone Avenue frontage, looking east



Proposed Lot 5A viewed from the alley, looking south



Proposed Lot 5A viewed from alley, looking west



Proposed Lot 5B Gladstone Avenue frontage, looking southeast



Proposed Lot 5B, corner side yard



View of Gladstone Avenue, looking north



Proposed Lot 5B, East 10th Street frontage, looking north



East side yard and east of site



East 10th Street frontage, looking northwest