

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 12, 2026

Case Number: 2025-CZN-859 / 2025-CVR-859 / 2025-CPL-859

Property Address: 1536 Prospect Street

Location: Center Township, Council District #18

Petitioner: The Whitney Company, LLC, by Garrick Walton

Current Zoning: C-4

Rezoning of 0.233-acre from the C-4 district to the D-8 district to provide for residential uses.

Request: Variance of Development Standards to legally establish a single-family, with 1.2-foot and 1.6-foot side yard setbacks (minimum five-foot side yard setback required), and a second existing single-family dwelling, with 1.7-foot and 2.5-foot side yard setbacks (minimum five-foot side yard setback required).

Approval of a Subdivision Plat, to be known as Replat of Lot 315 in E. T. S. K. and A. E. Fletcher's Woodlawn Suburb Subdivision, dividing 0.233-acre into two lots.

Current Land Use: Vacant

Staff Recommendations: Approval of the rezoning, variance and plat.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued these petitions from the January 15, 2026 hearing, to the February 12, 2026 hearing.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated November 24, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.

4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

PETITION OVERVIEW

This 0.233-acre site, zoned C-4, is developed with two single-family dwellings. It is surrounded by a single-family dwelling to the north, zoned D-5, commercial uses to the south, across Prospect Street, zoned C-4; a single-family dwelling to the east, zoned D-5; and a single-family dwelling to the west, zoned C-4.

PLAT

Site Plan

The site is developed with two historic single-family dwellings.

Streets

The site fronts on Prospect Street. No new streets are proposed.

Sidewalks

Sidewalks exist along Prospect Street.

Waivers

None.

REZONING

The request would rezone the site to the D-8 district to provide for residential development. “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.”

“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.”

The purpose of the Walkable Neighborhood design standards and objectives is to advance the Livability Principles of this code, and to promote walkable neighborhoods. Any exceptions to the standards in the Ordinance, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

The Comprehensive Plan recommends village mixed-use typology for the site.

Recommended land uses in this typology include detached / attached / small-scale multi-family / large-scale multi-family housing; assisted living facilitates / nursing homes / group homes; bed and breakfast; small-scale offices, retailing, and personal or professional services; small- and large- scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; small-scale parks; artisan manufacturing and food production / structured parking; and community farms / gardens.

This request would align with the Plan recommendation of village mixed-use and the historical residential use of this site.

VARIANCES OF DEVELOPMENT STANDARDS

The request would legally establish two single-family dwellings on two lots with reduced setbacks. One dwelling would have a 1.2-foot and a 1.6-foot side yard setback. The second dwelling would have a 1.7-foot and a 2.5-foot setback. The Ordinance requires five-foot side setbacks.

Staff supports these variances because this lot and the dwellings have existed for over 100 years without negatively impacting the neighborhood, while contributing to the residential neighborhood character.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Single-family dwellings	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5	Single-family dwelling
South:	C-4	Commercial uses
East:	D-5	Single-family dwelling
West:	C-4	Single-family dwelling
Thoroughfare Plan		
East Prospect Street	Primary arterial	Existing 80-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	November 24, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	November 24, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Village Mixed Use typology. The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

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 – Village Mixed Use 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.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Conditions for All Housing

- Should be within a one-quarter-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.
- 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.

Detached Housing (Detached housing refers to detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership).

- The house should extend beyond the front of the garage. Garages should be loaded from an alley or sides street when possible and should be detached if located on the side of the house.

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

Not Applicable to the Site.

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.

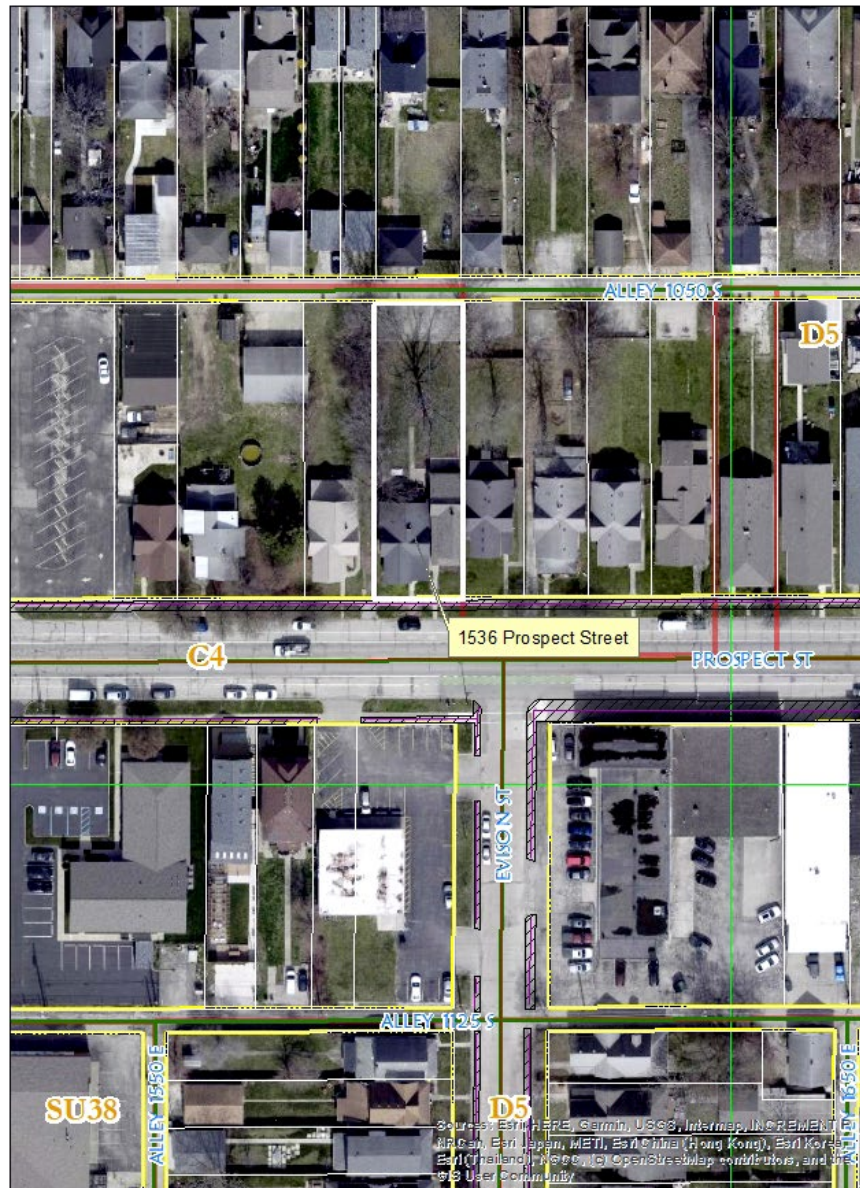


Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

97-Z-95; 1542, 1602, 1606 and 1610 Prospect Street (east of site), requested rezoning of 0.69 acre, being in the C-4 district to the D-5 classification to provide for residential development, **approved**.

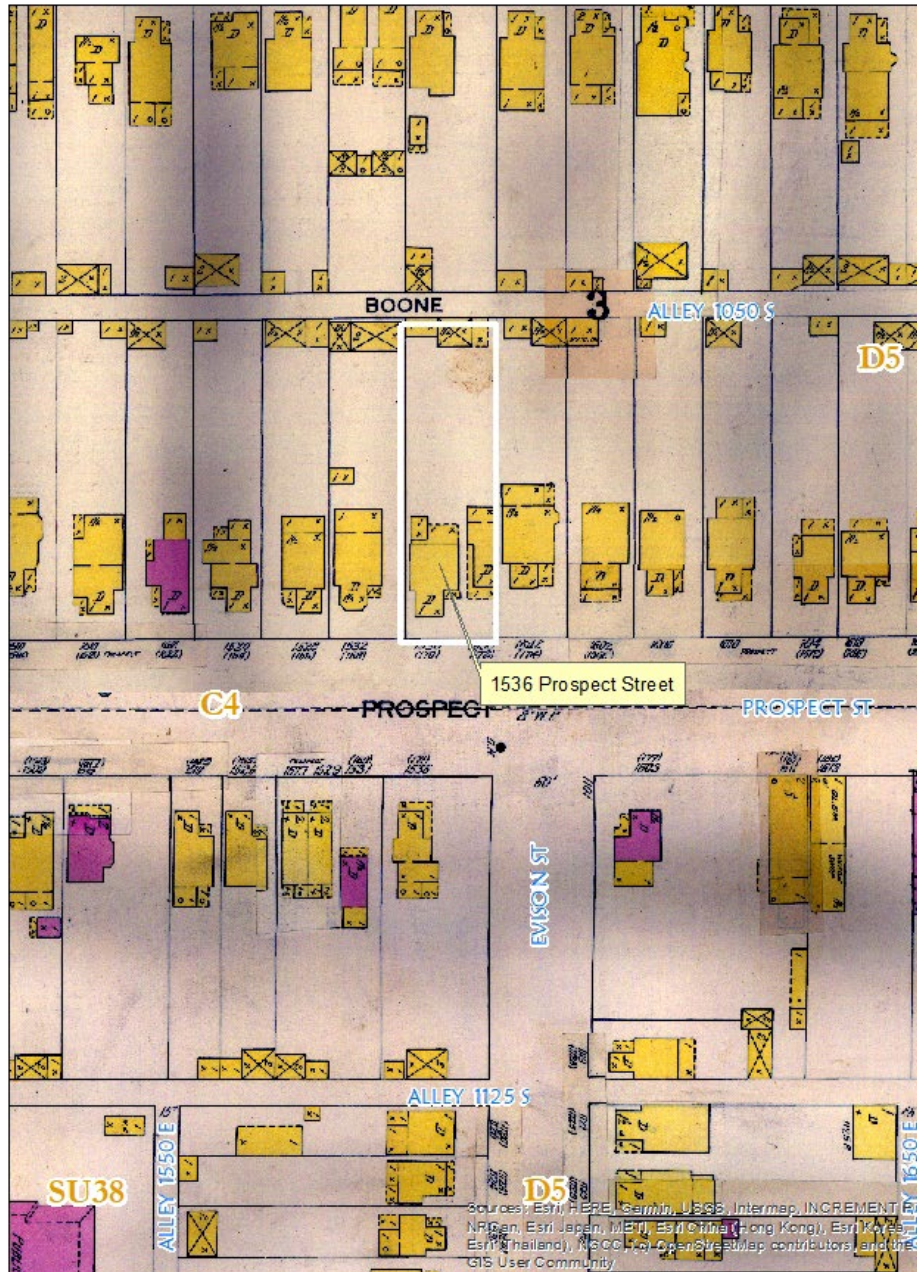
EXHIBITS



1536 Prospect Street

0 0.008 0.014 0.021 0.028 Miles

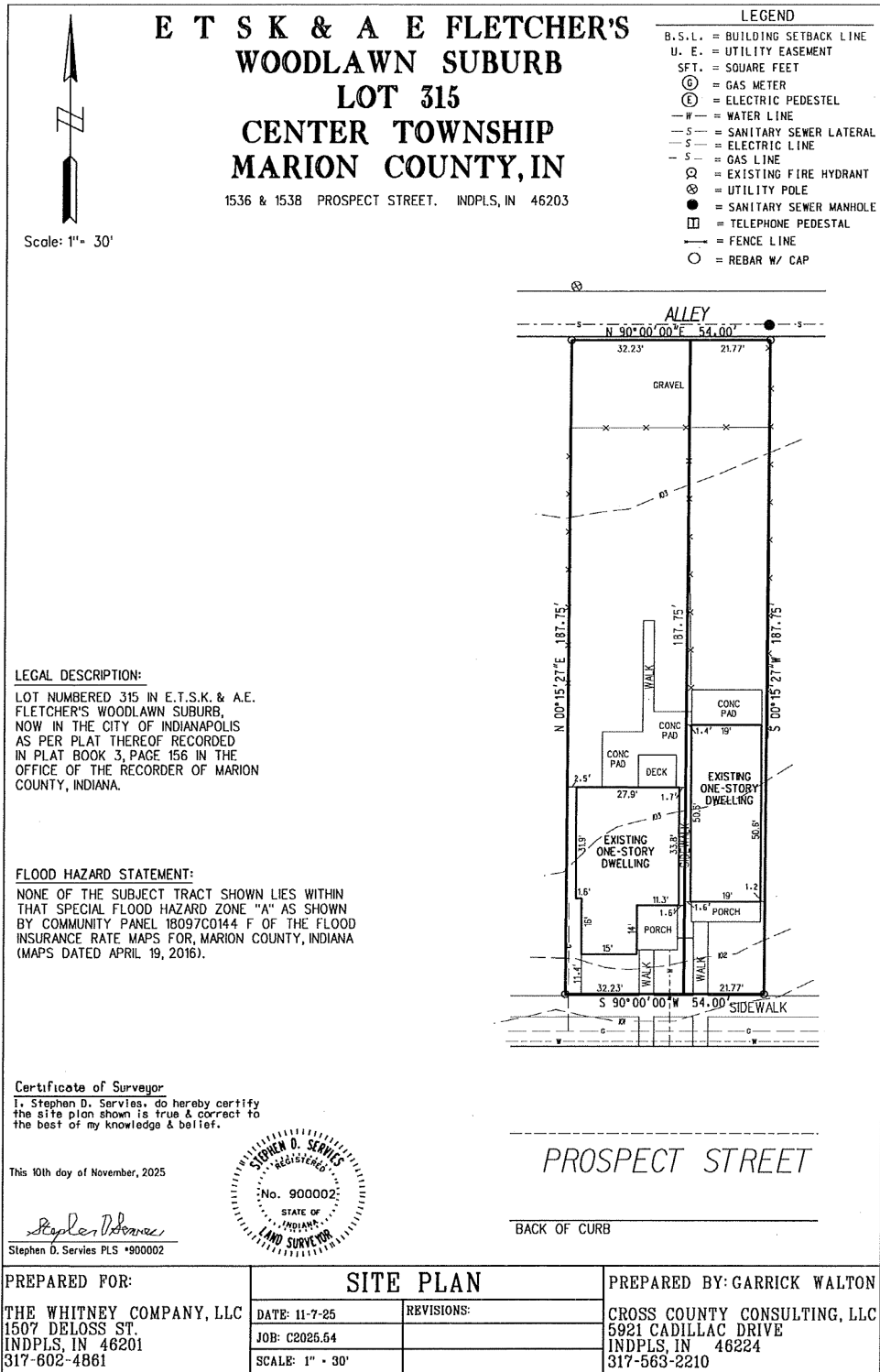
Sanborn 1898



1536 Prospect Street



0.008 0.014 0.021 0.028 Miles





Department of Metropolitan Development
Division of Planning
Current Planning

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:

there will be no change in use of land.

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 use & value is consistent with all 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:

there are existing residential homes on the property.

DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____



View looking west along Prospect Street



View looking east along Prospect Street



View of site looking north across Prospect Street



View of site looking northwest across Prospect Street



View looking northeast across Prospect Street at residential development east of site