



**Board of Zoning Appeals
Board of Zoning Appeals Division II (March
11, 2025)
Meeting Agenda**

Meeting Details

Notice is hereby given that the Metropolitan Board of Zoning Appeals will hold public hearings on:

Date: Tuesday, March 11, 2025

Time: 1:00 PM

Location: Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street

Business:

Adoption of Meeting Minutes

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2025-UV2-001 (Amended) | 2454 North Illinois Street**
Center Township, Council District #12, zoned D-8 (TOD) (RC)
Sheref Nessem, by Justin Kingen

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of either an HVAC commercial contractor (not permitted) or C-1 uses (not permitted), the location of a six-foot tall fence within the front yards of and clear-sight triangle created by Fall Creek Parkway Drive S and Illinois Street (maximum 3.5-foot tall fence permitted, encroachment into clear-sight triangles not permitted), a parking area with a zero-foot side yard setback (four-feet required) and being greater than 30-foot wide within the front yards of Fall Creek Parkway Drive S and Illinois Street (not permitted), and a 12 square foot wall sign to be located on the eastern elevation (maximum sign area of 3% of the front elevation required).

****Petitioner to request a continuance to the April 8, 2025 hearing of Division II in order to further discuss the request with interested parties**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 2. 2025-DV2-005 | 8063 Broadway Street, Town of Williams Creek**
Washington Township, Council District #2, zoned D-S (TOD)
John Thomasson & Lili Glazier, by Misha Rabinowitch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the addition of a covered porch and detached garage, resulting in an open space of 76 percent (85 percent required), a ten-foot north side yard setback and an aggregate setback of 23.33 feet (15-foot minimum side yard, 35-foot aggregate side yard setback required).

- 3. 2025-DV2-006 | 8201 Englewood Road**
Washington Township, Council District #2, zoned D-S
John & Diane Cowger, by Chris Schmidt

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a seven-foot north side yard setback and 14-foot aggregate side yard setback (minimum 15-foot, aggregate 35-foot side yard setback required) with a 51-foot front yard setback from

Englewood Road (60-feet required) and a parking area within the front yard exceeding 30-feet in width (not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

PETITIONS FOR PUBLIC HEARING (New Petitions):

- 4. 2025-SE2-001 | 1452 Prospect Street**
Center Township, Council District #18, zoned C-4
1452 Prospect Street LLC, by Misha Rabinowitch

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a parking area with a five-foot front yard setback from both Prospect Street and Spruce Street (10-feet required).

- 5. 2025-DV2-002 | 2430 Northview Avenue**
Washington Township, Council District #3, zoned D-5
Tyler Kalachnik, by Timothy Ochs and Jennifer Milliken

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and detached garage with four-foot side yard setbacks (five feet required).

- 6. 2025-DV2-003 | 807 Spruce Street**
Center Township, Council District #18, zoned D-5
Nathan & Sara Smith, by Paul J. Lambie

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a front loaded garage (exclusive access from an improved alley required).

- 7. 2025-DV2-004 | 2328 North Harding Street**
Center Township, Council District #12, zoned D-5 (W-5)
Stonecroft LLC, by Joseph Lese

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with one-foot side yard setbacks on a lot with an existing duplex (five feet required).

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov, before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.



BOARD OF ZONING APPEALS DIVISION II **March 11, 2025**

Case Number: 2025UV2001 (Amended)
Property Address: 2454 North Illinois Street (*approximate address*)
Location: Center Township, Council District #12
Petitioner: Sheref Nessem, by Justin Kingen
Current Zoning: D-8 (TOD) (RC)

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of either an HVAC commercial contractor (not permitted) or C-1 uses (not permitted), the location of a six-foot tall fence within the front yards of and clear-sight triangle created by Fall Creek Parkway Drive S and Illinois Street (maximum 3.5-foot tall fence permitted, encroachment into clear-sight triangles not permitted), a parking area with a zero-foot side yard setback (four-feet required), and being greater than 30-foot wide within the front yards of Fall Creek Parkway Drive S and Illinois Street (not permitted), and a 12 square foot wall sign to be located on the eastern elevation (maximum sign area of 3% of the front elevation required).

Current Land Use: Commercial

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

3/11/25: The petitioner indicated that they will make a for-cause continuance request to the April 11, 2025 hearing date to allow additional time for discussion of the petition with relevant neighborhood associations. Staff does not oppose this request, though no guarantee is made that future continuance requests will be supported. A full staff report will be made available in advance of the April hearing date.

2/11/25: The petitioner made a for-cause continuance request at the February 11, 2025 Division II hearing to allow sufficient time for legal notice to be sent. In the intervening period, the petitioner amended the request to (a) remove the unscreened dumpster request (b) replace the monument sign with a wall sign and (c) added a request for C-1 uses to function at the site (a separate and distinct category from the requested contractor use). The petitioner also provided a set of proposed commitments and made minor changes to the site plan.



BOARD OF ZONING APPEALS DIVISION II **March 11, 2025**

Case Number: 2025-DV2-005

Property Address: 8063 Broadway Street, Town of Williams Creek (*approximate address*)

Location: Washington Township, Council District #2

Petitioner: John Thomasson & Lili Glazier, by Misha Rabinowitch

Current Zoning: D-S (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the addition of a covered porch and detached garage, resulting in an open space of 76 percent (85 percent required), a ten-foot north side yard setback and an aggregate setback of 23.33 feet (15-foot minimum side yard, 35-foot aggregate side yard setback required).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 8063 Broadway Street is a residential parcel within a D-S zoning district that is currently improved with a single-family home and a detached garage. The property is within the Town of Williams Creek (subject to Indianapolis zoning standards) and is also within the Transit-Oriented Development Secondary District. Surrounding land uses are single-family homes on each side.
- The property owner is seeking to add both a covered porch and 3-car attached garage to the existing residence (per the plans within Exhibits) while concurrently removing the existing detached garage. This plan would require three (3) separate variances of D-S development standards: (a) the northern side yard setback would be 10 feet (15 feet required); (b) the aggregate side yard setback would be 23.33 feet (the sum of side yard setbacks must be at least 35 feet); and (c) the open space provided would be 76 percent (85 percent required).



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

- This parcel is zoned D-S (Dwelling-Suburban) to allow for suburban areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low-density development. Generous front yards with trees along roadways that follow the natural terrain of the land are envisioned for the D-S district. Similarly, the Comprehensive Plan recommends this site for Rural and Estate Neighborhood development and partially places it within an Environmentally Sensitive secondary overlay. Staff would note that the proposed development would have minimal impact on the recommendations of the Comprehensive Plan since it would not have any impact on the number of placement of trees within the existing front yard and would maintain the existing front yard setback.
- Findings of Fact provided by the applicant indicate that the southern side yard was previously established with a setback of 13 feet which limits development options, that the provided green space is consistent with neighboring properties, and that practical difficulty arises from the substandard lot area and width of the parcel compared to current D-S requirements. The petitioner is correct that the existing lot area of 17,440 square feet is substantially smaller than the current D-S minimum lot size of one acre (43,560 square feet), and it does appear that the open space of the adjoining property to the north also falls below the 85% requirement.
- Given the amount of practical difficulty presented by the substandard area and width of the lot as well as the presence of residences with D-2 zoning to the east, staff feels that the flexibility would exist to allow for grant of a variance which would allow for development approximating standards from the D-2 zoning district for setbacks and open space. Since the proposed development would comply with those standards (75% open space, 7-foot side setback, and 19-foot aggregate side setback) while also preserving front-yard open space in a manner consistent with D-S and Rural and Estate Neighborhood recommendations, staff would recommend approval of this request.

GENERAL INFORMATION

Existing Zoning	D-S (TOD)	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-S	North: Residential
South:	D-S	South: Residential
East:	D-2	East: Residential
West:	D-S	West: Residential
Thoroughfare Plan		
Broadway Street	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	



Wellfield Protection Area	No
Site Plan	02/07/2025
Site Plan (Amended)	N/A
Elevations	02/07/2025
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	02/07/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line Transit-Oriented Development Strategic Plan

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Rural or Estate Neighborhood typology to allow for development of estate-style homes on large lots with exceptional natural features (i.e. rolling hills, high quality, woodlands, and wetlands) and low density. Mature trees should be preserved whenever possible, and the preservation of open space is even more critical in rural areas.
- This property is within an Environmentally Sensitive Overlay intended for areas containing natural amenities for which damage should be prevented or mitigated. This overlay is not intended for the preservation of open space, although detached housing should be oriented to minimize impact on the natural environment, including trees, wetlands, and exceptions topography (30% of parcels as tree canopy or naturalized area recommended).

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Given its proximity to the potential future College and 91st Red Line BRT stop, this property is recommended to the walkable neighborhood TOD typology to allow for walkable areas that are primarily small-lot single-family attached or detached residential uses but with small commercial nodes of one to two blocks. Stabilized residential areas should be placed outside of the immediate area of bus stations, and off-street parking is discouraged and should be limited to garages.

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)

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

84-HOV-100, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a residential room addition at 8.6 feet from the side property line (15 foot setback required), **denied**.

ZONING HISTORY – VICINITY

2015DV1045 ; 675 E 80th Street (southeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a six-foot tall fence in the front yard of 80th Street and within the right-of-way of College Avenue (maximum 42-inch tall fence permitted, fences not permitted within the right-of-way), being within the clear sight triangle of 80th Street and College Avenue (not permitted), **approved**.

2009DV1028 ; 641 E 80th Street (south of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for an addition to a single-family dwelling with a 7.5-foot west side setback (minimum fifteen-foot side setback required), **approved**.

2005DV1062 ; 8028 Morningside Drive (southwest of site), provide for the construction of an addition to an existing single-family dwelling with an 8.7-foot west side yard setback (minimum fifteen-foot side yard setback required), resulting in a 24.4-foot aggregate side yard setback (minimum 35-foot aggregate side yard setback required), and to legally establish a storage shed with a 0.6-foot rear yard setback (minimum five-foot rear yard setback for accessory buildings required) in D-S, **approved**.

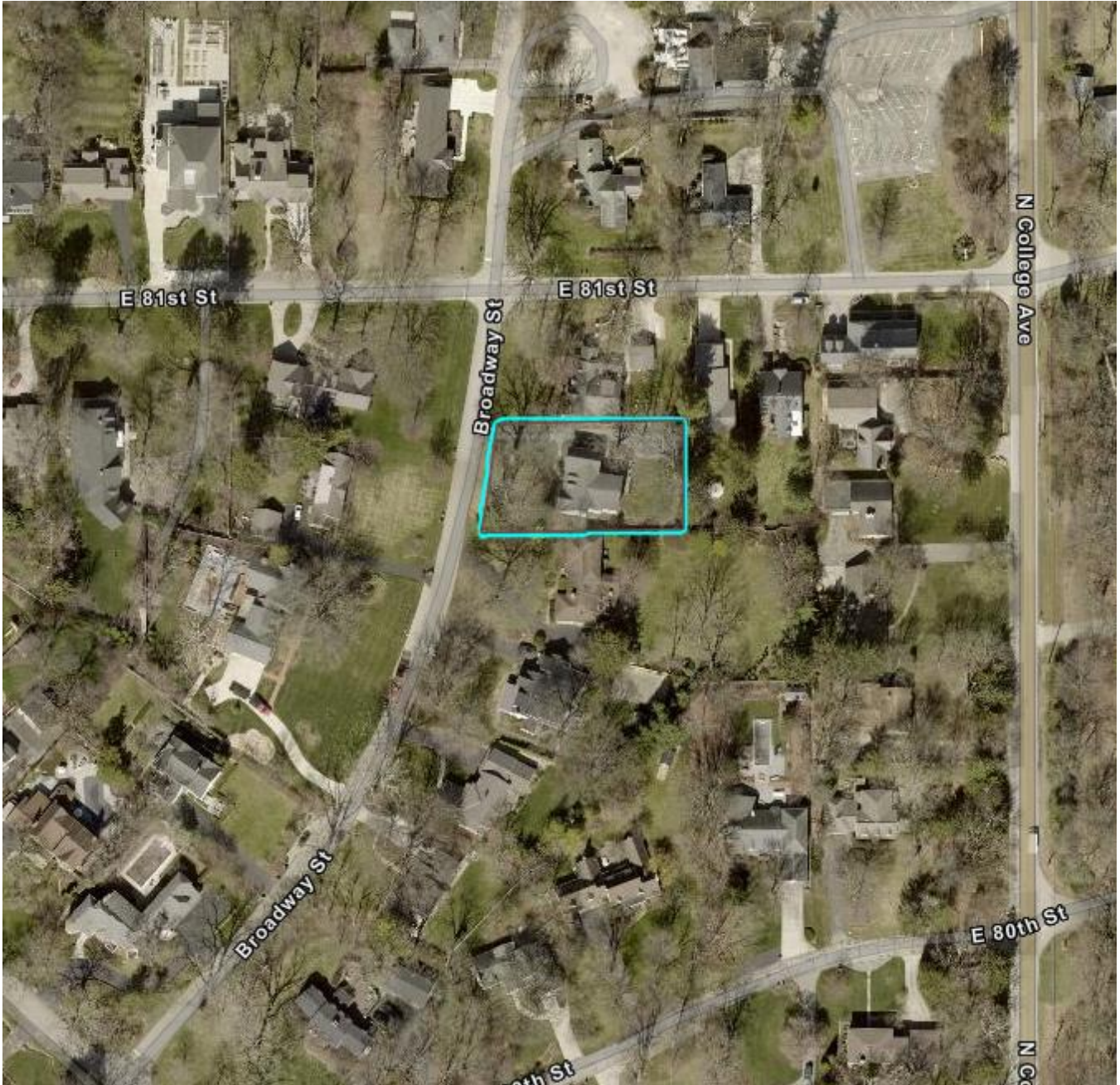
2005DV3043 ; 636 E 80th Street (south of site), provide a building reconstruction and expansion along an existing non-conforming 7.5-ft. east side yard setback in D-S (min. 15-ft. side setback req.), and legally establish a 28-ft. aggregate side setback and a 21.5-ft. rear setback (min. 35-ft. aggregate side yard; min. 25-ft. rear yard req.), **approved**.

2003HOV030 ; 8064 Morningside Drive (southwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a single-family dwelling on a 0.70 acre lot with a twelve-foot minimum northwest side yard setback and a 32-foot aggregate side yard setback, resulting in 84 percent open space, **approved**.

2000VAR827 ; 8008 Morningside Drive (southwest of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 3,380 square-foot single-family dwelling on a lot containing 80% of open space, **approved**.

EXHIBITS

2025DV2005 ; Aerial Map



2025DV2005 ; Site Plan



2025DV2005 ; Renderings



Proposed Garage (northwest)



Proposed Covered Porch (southeast)



2025DV2005 ; Findings of Fact (Side Yard/Aggregate Side Yard Setback)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The legally established lot is smaller than current D-S standards. The north side yard setback has been increased by 8' from what currently exists. The 13' southside setback is pre-existing and provides ample buffer from neighboring properties.

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 legally established lot is smaller than current D-S standards. The north side yard setback has been increased by 8' from what currently exists. The 13' southside setback is pre-existing and provides ample buffer from neighboring 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 lot configuration is smaller than current D-S standards and the location of the existing home pre-dates current ordinance standards. Also, the 35' combined setback requirement is excessive for the size of the existing platted lot.

2025DV2005 ; Findings of Fact (Open Space)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

There is substantial open space such that the property will have an amount of green space that is consistent with other properties in the neighborhood.

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:

There is substantial open space such that the property will have an amount of green space that is consistent with other properties in the neighborhood.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The lot configuration is smaller than current D-S standards and the location of the existing home pre-dates current ordinance standards.

2025DV2005 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site with Partial View of Garage Area

2025DV2005 ; Photographs



Photo 3: Adjacent Property to the North



Photo 4: Adjacent Property to the Northwest

2025DV2005 ; Photographs



Photo 5: Adjacent Property to the Southwest



Photo 6: Adjacent Property to the South



BOARD OF ZONING APPEALS DIVISION II **March 11, 2025**

Case Number: 2025-DV2-006
Property Address: 8201 Englewood Road (approximate address)
Location: Washington Township, Council District #2
Petitioner: John & Diane Cowger, by Chris Schmidt
Current Zoning: D-S

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a seven-foot north side yard setback and 14-foot aggregate side yard setback (minimum 15-foot, aggregate 35-foot side yard setback required) with a 51-foot front yard setback from Englewood Road (60-feet required) and a parking area within the front yard exceeding 30-feet in width (not permitted).

Current Land Use: Residential
Staff Recommendations: Staff recommends approval for this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends approval of this petition

PETITION OVERVIEW

- This petition would allow for the construction of an attached garage with a seven-foot north side yard setback and 14-foot aggregate side yard setback (minimum 15-foot, aggregate 35-foot side yard setback required) and a 51-foot front yard setback from Englewood Road (60-feet required). Aggregate setbacks refer to the cumulative total of all side setback distances added together.
- The revised site plan, file-dated March 4, 2025, indicates the reduction of the proposed driveway width to approximately 28 feet. Therefore, the request for an increased driveway width exceeding 30 feet is no longer necessary and can be removed from the petition.
- The subject site is zoned D-S and is approximately 0.6 acres, which is less than the lot area standard of 1 acre for the D-S district. The D-S district is intended for suburban areas where it is desirable for mostly low-density development. A typical density of D-S districts is 0.5 units per acre. Staff finds the



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reduced lot size to represent a practical difficulty with regards to the petitioner’s ability to meet the D-S setback standards, which are designed for lots much larger than the site in question. Further, Staff finds the three (3) setback requests to be minor in nature, and a reasonable request given the constraints of the property. Lastly, with the petitioner agreeing to alter the driveway width to compliant specifications, Staff is unopposed to the petition.

GENERAL INFORMATION

Existing Zoning	D-S	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Residential
	South:	South: Residential
	East:	East: High School
	West:	West: Residential
Thoroughfare Plan		
Englewood Road	Local Street	50 feet of right-of-way existing and 50 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	2/10/25	
Site Plan (Amended)	3/4/25	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	2/10/25	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan



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

- The Marion County Land Use Plan pattern Book recommends the Suburban Neighborhood living typology for this site.

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)

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2024DV1013; 1801 East 86th Street (north of subject site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of two wall signs on elevations that do not face a street (required), **approved**.

EXHIBITS









BOARD OF ZONING APPEALS DIVISION II

March 11, 2025

Case Number: 2025-SE2-001
Address: 1452 Prospect Street (approximate address)
Location: Center Township, Council District #18
Zoning: C-4
Petitioner: 1452 Prospect Street LLC, by Misha Rabinowitch
Request: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a parking area with a five-foot front yard setback from both Prospect Street and Spruce Street (10-feet required).

Current Land Use: Undeveloped

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first time this petition has been heard.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

SPECIAL EXCEPTION

- ◇ A commercial parking lot is permitted in the C-4 District by the grant of a special exception, which must include findings that the proposed use will not injure or adversely affect the adjacent area or property values in that area, and any grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property.
- ◇ The Comprehensive Land Use Plan recommends village mixed uses for this site and the surrounding parcels along Prospect Street. 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.



- ◇ Each Special Exception request must show that the grant would not be injurious to the public health, safety, convenience, and general welfare of the community. The proposed parking lot use would provide exclusive parking for the mixed-use development located across the street. The original mixed-use development had requested and was granted a variance for commercial uses that exceeded the permitted 8,000 square feet. Staff supported that variance under the premise that the proposed commercial would be neighborhood based, would provide services to the immediate neighborhood, and would not require additional parking for visiting customers. In Staff's opinion, the request would does jeopardize the public safety by increasing the amount or vehicular traffic in an area that is recommended as village-mixed use.
- ◇ The special exception must indicate that the grant would not injure or adversely affect the adjacent area or property values. The proposed use for a parking lot is a generational use that would prevent and displace the proposed village mixed-uses and services further from the adjacent area. As a result of the parking lot, those nearby neighbors in the adjacent area would be forced to drive further to needed commercial uses and services, creating more vehicular traffic and noise in the area.
- ◇ Additionally, the grant must be in harmony with the character of the district and the land use authorized therein. The subject site is located within the C-4 zoning classification; the proposed parking lot would not be compatible with the Marion County Comprehensive Land Use Plan recommendation of Village-Mixed Use for the site.
- ◇ In Staff's opinion, there are existing parking lots to the east and south with limited use that should be sought out to provide a shared parking arrangement, as these businesses will typically have different peak usage times, effectively maximizing the use of the available parking spaces throughout the day or week.
- ◇ Summarily, in Staff's opinion, permitting a commercial parking lot in a village-mixed use district as proposed would be wholly inappropriate, particularly considering the general increase of vehicle use intensity within a pedestrian oriented area.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The development standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to provide for adequate separation and ventilation between structures and use areas as well as provide for a continuous pattern of development through the block.
- ◇ The request would provide for a reduced five-foot front yard setback from both Prospect Street and Spruce Street, where a ten-foot setback is required.
- ◇ There is no practical difficulty associated with the subject site that would warrant the grant of this variance. The subject site has no natural or manmade physical obstacles that would prohibit compliance with the required setback as the proposed parking lot could have a reduced number of parking spaces to meet the required setback. Any practical difficulty related to the requested reduced setbacks would be self-imposed by the need to have an additional dedicated parking area for the adjacent commercial use.



GENERAL INFORMATION

Existing Zoning	C-4		
Existing Land Use	Undeveloped		
Comprehensive Plan	Village Mixed Use		
Overlay	No		
Surrounding Context	Zoning	Surrounding Context	
	North:	C-4	Single Family Dwelling
	South:	MU-2	Mixed-Use development
	East:	C-4	Religious Use
	West:	C-4	Automotive fueling station
Thoroughfare Plan			
	Prospect Street	Primary Arterial	80-foot existing and proposed right-of-way.
	Spruce Street	Local Street	58-foot existing and proposed right-of-way.
Context Area	Compact		
Floodway / Floodway Fringe	No		
Wellfield Protection Area	No		
Site Plan, Revised	February 21, 2025		
Elevations	N/A		
Commitments	N/A		
Landscape Plan, Revised	March 5, 2025		
Findings of Fact	January 8, 2025		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Village Mixed-Use typology for this site. This 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.



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)

- Not Applicable to the Site.

ZONING HISTORY

2016-CZN-816 / 2016-CVR-816; 1427, 1431, 1433, 1437 and 1443 East Prospect Street and 1116 Spruce Street (south of site), requested the rezoning of 1.28 acres from the C-4 district to the MU-2 classification to provide for a mixed-use district. **Approved.** Requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 64-foot tall (maximum 35-foot height permitted) mixed-use development, with commercial businesses exceeding 8,000 square feet (not permitted), to provide for a zero-foot front setback, without landscaping (five-foot setback, with landscaping required), to provide for a five-foot rear transitional setback, without landscaping (10-foot setback, with landscaping required), without interior landscaping (interior landscaping required), and access from an alley or abutting street (curb cuts permitted only if access cannot be provided from an alley), **granted.**

2005-UV2-045; 1427 Prospect Street, requested a variance of use of the Commercial Zoning Ordinance to legally establish an existing four-unit multi-family dwelling and an existing five-unit multi-family dwelling. **Denied.**

2004-DV2-019; 1509 Prospect Street, requested a variance of development standards of the Sign Regulations to legally establish an 18.42-foot tall, 34.56-square foot pylon sign with a 4.50-foot setback from the existing right-of-way of Prospect Street (minimum fifteen-foot setback from the existing right-of-way required). **Granted.**

2003-UV3-02; 1443 Prospect Street, requested a variance of use of the Commercial Zoning Ordinance to provide automobile sales and display (not permitted). **Denied.**



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2003-VHP-015; 1633-1637 East Prospect Street, requested a variance of use to provide for a neighborhood outreach center with clothing pantry, food pantry, feeding programs, and child preschool daycare, and future religious services to operate in an existing commercial building. **Approved.**

98-UV2-1; 1527-1529 East Prospect Street, requested a variance of use of the Commercial Zoning Ordinance to provide for the renovation of an existing building into two dwelling units with four off-street parking spaces. **Granted.**

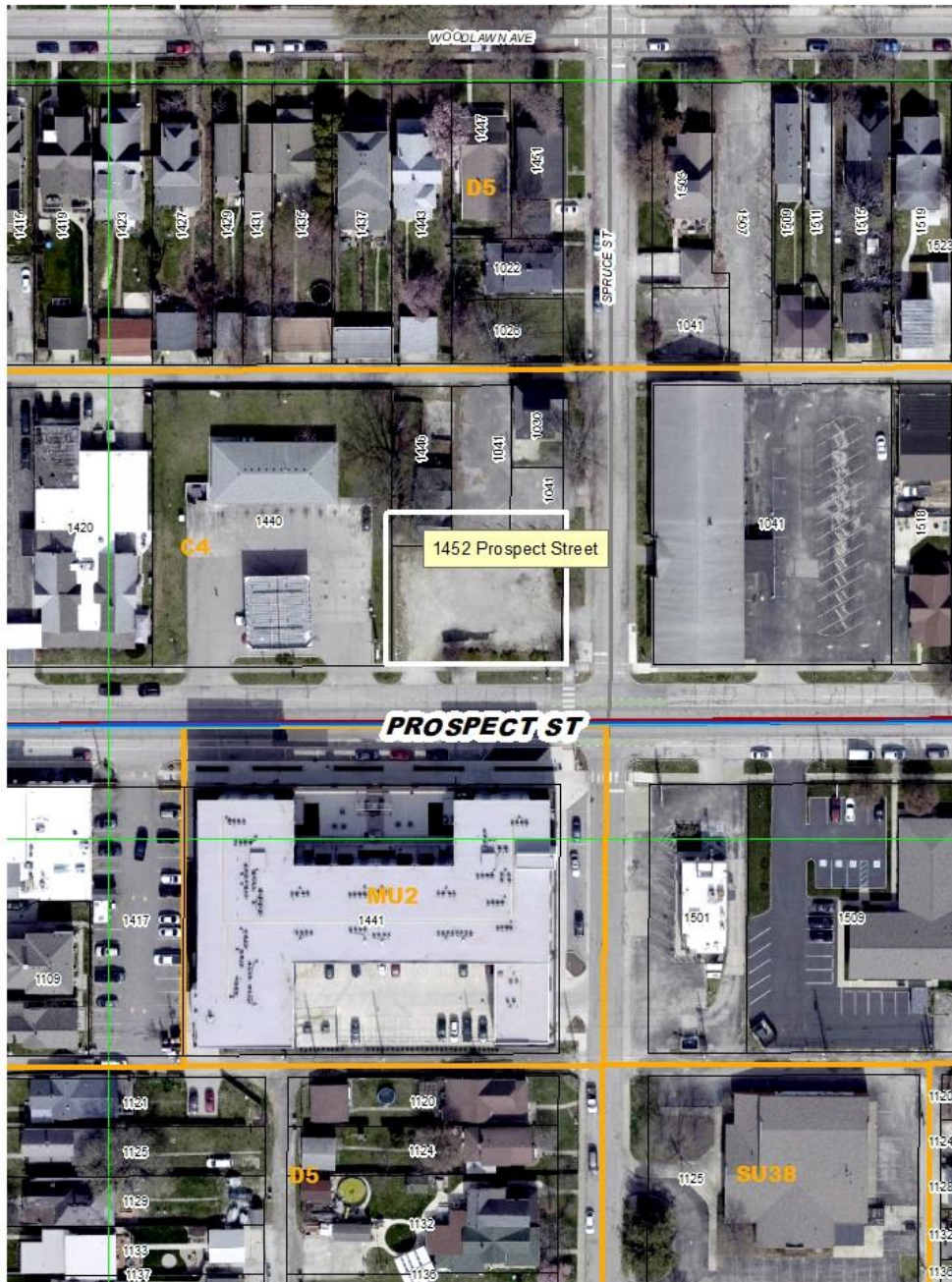
98-Z-168; 1131-11333 South Linden Street and 1302 East Prospect Street, requested rezoning of 0.60 acre, from the D-5 and C-4 Districts to the SU-1 classification for religious uses. **Approved.**

96-UV2-16; 1118 Spruce Street, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish an outdoor automobile sales lot with a zero-foot side transitional yard provided (minimum 10 feet required), landscaping not provided, parking within the front yard along Spruce Street and parking with the rear yard along the west property line (minimum 10-foot landscape strip required) (parking not permitted in the front and rear yards). **Granted.**

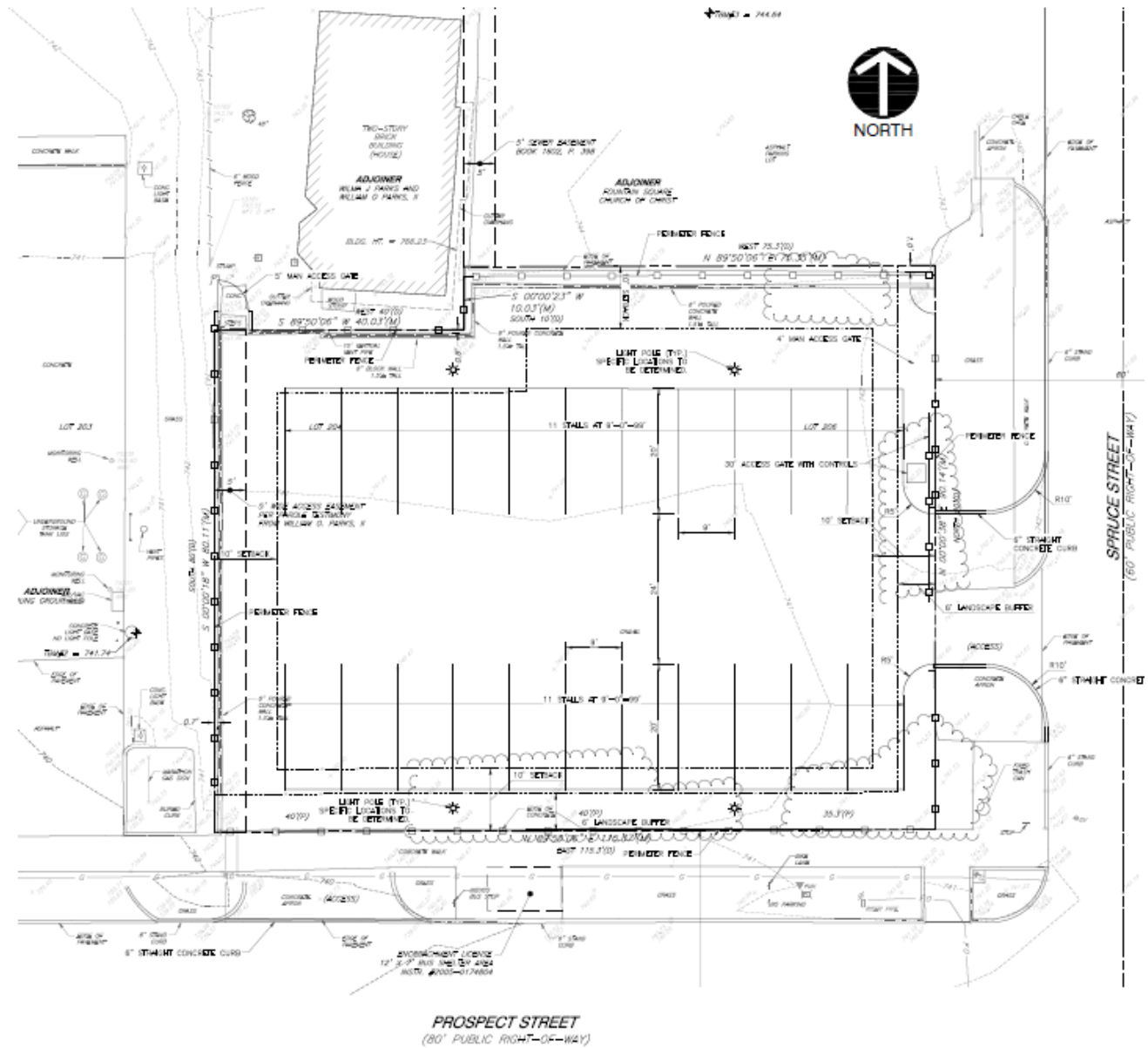
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EXHIBITS

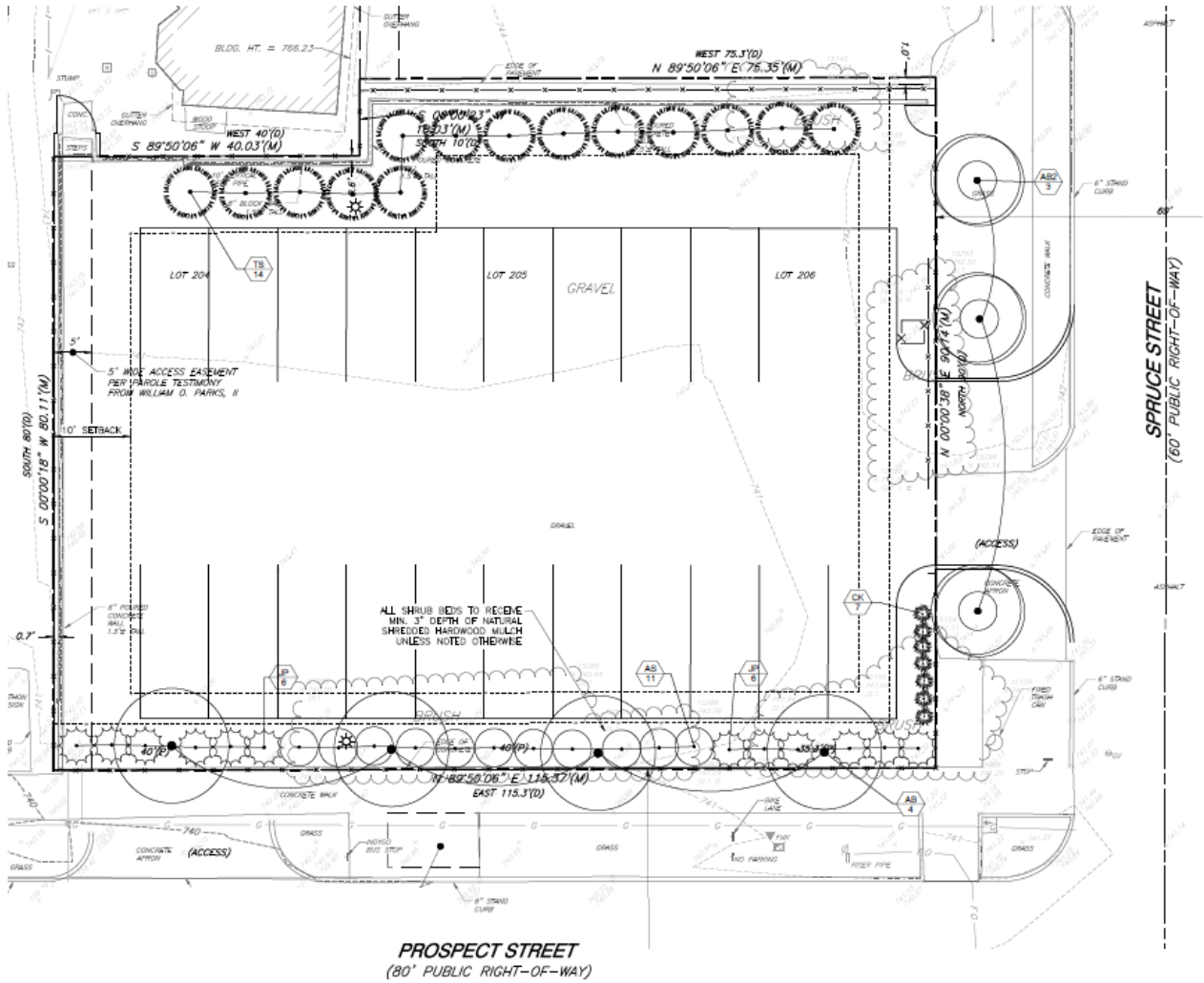
Location Map



Site Plan - Revised



Landscaping Plan - Revised



TREES						
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	SPACING	HEIGHT
	AB1	4	ACER RUBRUM 'BOWHALL' BOWHALL RED MAPLE	B&B	2.5' CAL	
	AB2	3	ACER SACCHARUM 'BARRETT COLE TM' ARDELLO SUGAR MAPLE	B&B	2.5' CAL	
	TS	14	THUJA OCCIDENTALIS 'SMARAGO' EMERALD GREEN ARBORVITAE	B&B		6' HT. MIN.
SHRUBS						
	AS	11	ARONIA MELANOCARPA 'TROQUELS BEAUTY' IROQUOIS BEAUTY BLACK CHOKEBERRY	5 GAL	36" MIN.	
	CK	7	CALAMAGROSTIS X ACUTIFLORA 'KAIL' 'PUEBLEN' KAIL FORESTER LEATHER SEED GRASS	2 GAL		1.5' O.C.
	JP	12	JUNIPERUS CHINENSIS 'KALLAYS COMPACT' KALLAY COMPACT FRITZER JUNIPER	5 GAL	18"-24" HT.	





Findings of Fact

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT

1. The proposed use meets the definition of that use in Chapter 740, Article II because
The proposed use will be a hard surfaced parking lot that is the primary use of land as defined in the ordinance.

2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because
It will add much needed parking for the apartments and retail uses on the south side of Prospect Street and will be properly landscaped and secured.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because
It will add much needed parking for the apartments and retail uses on the south side of Prospect Street and will be properly landscaped and secured.

4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because
The Comprehensive Plan recommends Village Mixed Use and the proposed parking supports, and is complimentary to, the mixed use City's End property on the southside of Prospect St.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because
With approval of the companion setback variance, the proposed use will achieve appropriate setbacks consistent with other uses in the immediate vicinity.

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because
the proposed parking lot will be paved, striped, and properly landscaped.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because
there are no use-specific standards or Special Exception standards for a commercial parking lot.



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

(Setback Front & Side Yard)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The reduced setbacks, which are consistent with other commercial setbacks in the immediate vicinity, will permit maximum use of the property for much needed parking, relieving the adjacent streets from on-street parking pressure.

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 reduced setbacks, which are consistent with other commercial setbacks in the immediate vicinity, will permit maximum use of the property for much needed parking, relieving the adjacent streets from on-street parking pressure.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

Without the reduced setbacks, use of the property for much needed parking cannot be maximized in a way that has no negative impact on the surrounding area.

Photographs



Subject site, looking north.



Subject site Prospect Street frontage, looking east



Subject site Spruce Street frontage, looking north.



Adjancet mixed use developmetn to the south



Adjacent religious use to the east, looking north



Adjacent commercial use to the west, looking north.



BOARD OF ZONING APPEALS DIVISION II **March 11th, 2025**

Case Number: 2025-DV2-002

Property Address: 2430 Northview Avenue (Approximate Address)

Location: Washington Township, Council District #3

Petitioner: Tyler Kalachnik, by Timothy Ochs and Jennifer Milliken

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and detached garage with four-foot side yard setbacks (five feet required).

Current Land Use: **Residential**

Staff Recommendations: Staff recommend **approval** of this variance petition.

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing of this variance petition.

STAFF RECOMMENDATION

Staff recommends approval of this variance petition.

PETITION OVERVIEW

- The petitioner is requesting for the already constructed primary dwelling unit (west side) and detached garage (east side) to have a four (4) foot-side yard setback.
- The subject site is 0.14-acre and is within a D-5 zoning district.
- The required side yard setback for a D-5-zoned property is five (5) feet from the property line.
- Staff recommends approval of this variance petition. The proposed four-foot variance does not significantly deviate from the required setback and will not negatively impact the neighboring properties or the neighborhood's overall appearance.



GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Vacant	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Suburban Neighborhood
	South:	South: Community Commercial
	East:	East: Suburban Neighborhood
	West:	West: Suburban Neighborhood
Thoroughfare Plan		
Northview Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	02/04/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	02/04/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is



Department of Metropolitan Development
Division of Planning
Current Planning

recommended if the development is within a quarter mile of a frequent transit line, greenway, or park (pg 17).

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

- Side Setback: This is the distance between the side lot line and buildings or other structures (pg 12).
- New construction should reflect and reinforce the character of spacing found in its block. New construction should maintain the perceived regularity or lack of regularity of spacing on the block (pg 12).
- Minimum spacing can be crucial for proper maintenance of homes. For example, additional spacing between tall houses can be key to allowing for maintenance with basic tools, like ladders (pg 12).
- As neighborhoods evolve, new types of housing may appear. Though new types of developments may not match existing housing in every way, addressing some of the following factors could help increase the blend between old and new:
 - Massing
 - Height
 - Public Door Placement
 - Setbacks
 - Materiality (pg 29)

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

- N/A

ZONING HISTORY – SURROUNDING AREA

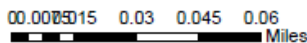
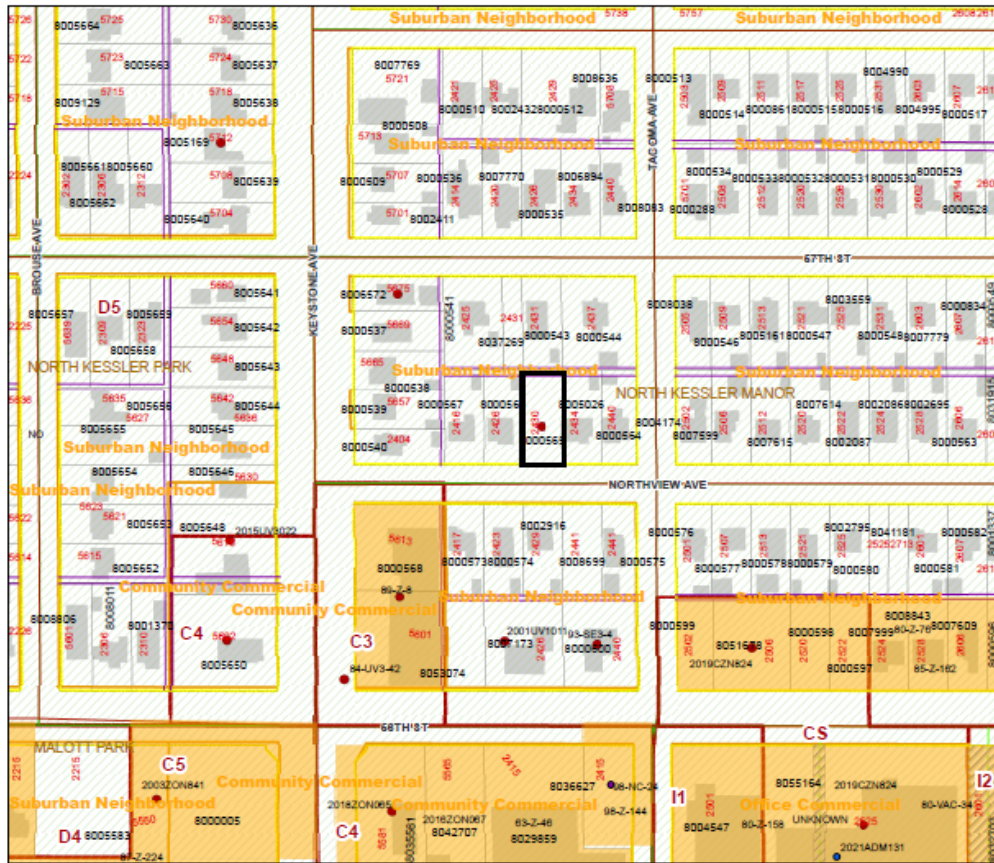
- 2014-ZON-048: 2121 East 56th Street
 - Rezoning of 0.85 acre from the D-4 (W-5) District to the C-4 (W-5) classification to provide for commercial uses.
 - Withdrawn
- 2014-ZON-049: 2121 East 56th Street
 - Rezoning of 1.3 acres from the D-4 (W-5) district to the C-4 (W-5) classification to provide for commercial uses.
 - Withdrawn
- 2015-UV3-022: 5616 North Keystone Avenue
 - Variance of Use of the Commercial and Dwelling Districts Zoning Ordinances to provide for a contractor (not permitted), with outdoor storage of construction equipment (not permitted), a parking lot, a gravel outdoor storage area and a trash container enclosure (not permitted in a dwelling district), with said storage enclosed by a 10-foot tall fence (maximum six-foot tall fence permitted in a dwelling district).
 - Approved
- 2016-ZON-067: 5565 North Keystone Avenue
 - Rezoning of 0.447 acre, from the D-4 (W-5) district, to the C-4 (W-5) classification.
 - Approved
- 2018-UV1-014: 2525 East 56th Street
 - Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for automobile, motorcycle and light vehicle service repair and indoor/outdoor recreation and entertainment, with respect to the storage and renovation of classic vehicles, with shows/displays of classic vehicles (not permitted).
 - Approved
- 2018-UV1-027: 5565 North Keystone Avenue
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish three roof signs (not permitted) and a pylon sign with a three-foot front setback from Keystone Avenue (15-foot front setback required).
 - Approved
- 2018-ZON-065: 5581 North Keystone Avenue
 - Rezoning of 0.3 acre from the D-4 (W-5) district to the C-4 (W-5) classification.
 - Approved
- 2019-CVR-824: 2525 East 56th Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition (2525) with a six-foot west side setback and to legally establish the zero-foot west side setback and three-foot front setback for the on-



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- site parking lot (10-foot setback required), and to provide for a three-story mixed-use building (2502-2520) taller than permitted along the north transitional yard (30-foot height permitted at proposed 15-foot transitional setback) and within the clear sight triangle of the abutting streets (not permitted).
- Approved
 - 2019-CZN-824: 2525 East 56th Street
 - Rezoning of 1.81 acres from the D-5 (W-5), I-1 (W-5) and I-2 (W-5) districts to the C-S (W-5) district to provide for restoration, service, storage and sales by internet or appointment only of classic autos on the south property; C-1 uses, MU-1 uses and event center (Gathering place for car clubs, public viewing of classic autos with art viewing only).
 - Approved
 - 2023-DV2-035: 5602 North Keystone Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a quick service oil change facility with a drive-through with only one stacking space before the final component (two stacking spaces required) that faces a public right-of-way greater than 30-foot wide, within insufficient stacking maneuverability after the service bay exits (not permitted).
 - Approved

EXHIBITS



Legend

- ZoningApprovals
- ZoningLncu
- ZoningVariances
- Recoloring
- Zoning/Vacations
- ZoningPlats
- CCGIS.ThoroughfarePlan
- CCGIS.EASEMENT
- CCGIS.RIGHTOFWAY
- CCGIS.STREETS**
- Built/Platted
- OPER STATUS**
- REMOVED
- VACATED
- VACATED/BUILT
- VACATED/LOCATOR
- CCGIS.DMDLandUsePlanBase
- CCGIS.Ihpc
- CCGIS.ZONING
- PARCELSTATEPIN
- PARCELS
- PLATTEDSUBDIVISION
- CCGIS.Buildings



Exhibit 1: ArcGIS map of the surrounding area.



Exhibit 2: Aerial of the subject site.



**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:

Required side yard setbacks in the D-5 zoning district (a "Walkable Neighborhood Dwelling District") vary from 5 feet to 7 feet, depending on lot width. The address in question is considered a "Detached House - Small Lot" based on its lot width of 50 feet. A D-5 lot with a "Detached House - Small Lot" can be as narrow as 40 feet and have the same 5-foot required setbacks, leaving 30 feet for possible buildings. The lot in question being 50 feet with two 4-foot setbacks results in 42 feet for possible buildings.

Further, looking at the location of the subject buildings versus adjacent lots, the reduced setback on the west is adjacent to the neighbor's driveway, not an indoor or outdoor living space. The reduced setback on the east is separated from the neighbor by the neighbor's fence.

For these reasons, the variances will not be injurious to the public health, safety, morals, and general welfare of the community.

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:

As described above, the width of the lot and building area are still consistent with what is permitted in a D-5 district.

Further, the locations of the reduced setbacks are adjacent to a driveway on the west and a fence on the east.

For these reasons, the variance should not affect the use or value of the adjacent areas in a substantially adverse manner.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The buildings were already constructed by the property owner's building contractor before the property owner became aware of the error in required setbacks. Having to comply with the required side yard setbacks would require the buildings to be moved or reconstructed, which is not financially viable.

Exhibit 3: Findings of Fact submitted by the petitioner.

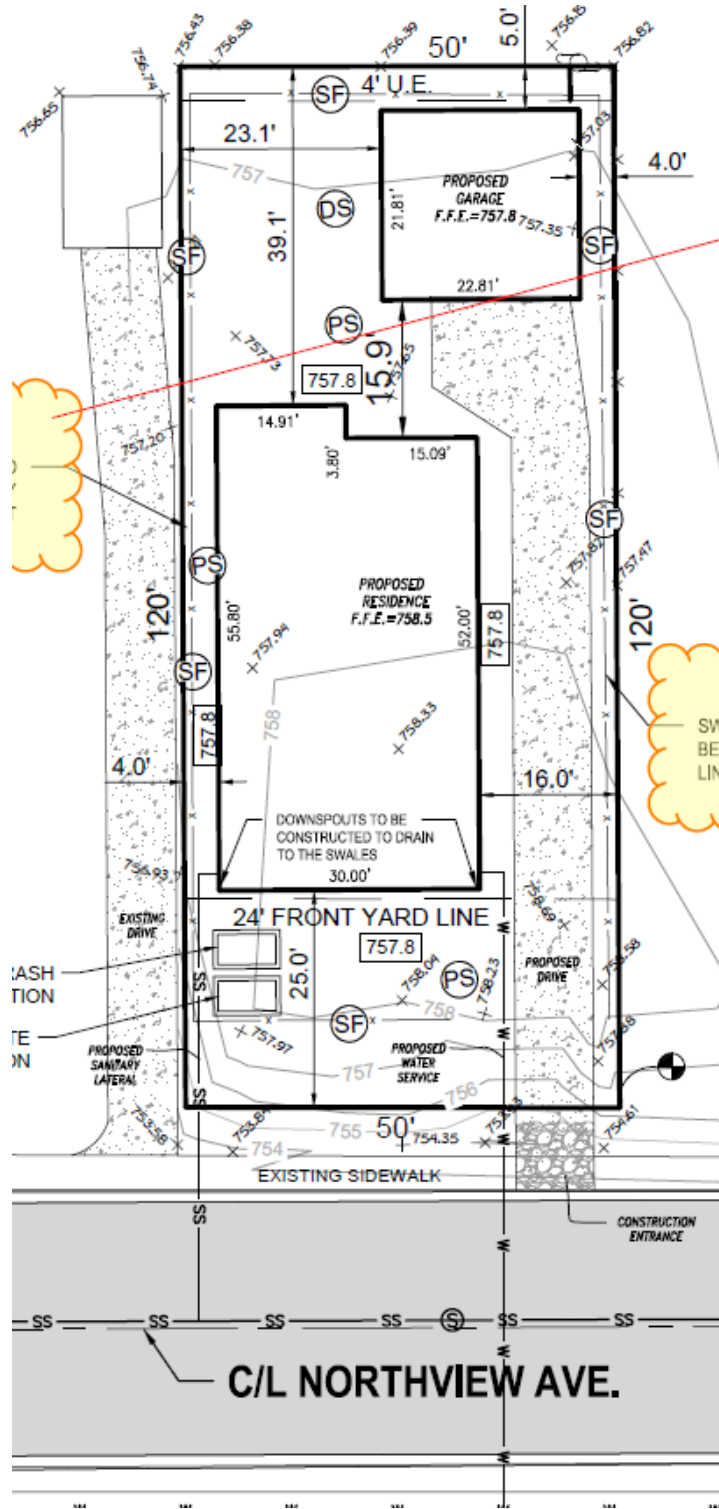


Exhibit 4: Submitted site plan.



Exhibit 5: Front elevation of the primary dwelling unit.



Exhibit 6: Detached garage with 4 foot side yard setback.



Exhibit 7: Four foot side yard setback for the west side of primary dwelling unit.



BOARD OF ZONING APPEALS DIVISION II **March 11th, 2025**

Case Number: 2025-DV2-003

Property Address: 807 Spruce Street (Approximate Address)

Location: Center Township, Council District #18

Petitioner: Nathan & Sara Smith, by Paul Lambie

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a front loaded garage (exclusive access from an improved alley required).

Current Land Use: Residential

Staff Recommendations: Staff recommends **denial** of this variance petition.

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing of this variance request.

STAFF RECOMMENDATION

Staff recommends **denial** of this variance petition.

PETITION OVERVIEW

- This petitioner for this variance, is requesting a garage in the property's front yard to allow car access from Spruce Street instead of the alley behind the subject property.
- This property is 0.15-acre in a D-5 zoning district.
- There are plans to construct a multi-story (two floors and one basement) single-family dwelling on this property.
- The structure at this location has already been demolished.
- The Infill Housing Guidelines state that front-loaded garages are to be avoided. To minimize the impact of car access on neighborhood streetscapes, driveways and the extent of front-loaded garages along block frontages should be limited, and alternative access patterns integrated towards the interior of the block should be used.
- The alley behind 807 Spruce Street is paved with minimal foliage and ample space for home occupants to access their properties. This property and the property behind the subject site both have curved driveways in the backyard that allow them to pull in and out of the alley.



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

- The current proposed location of the single-family dwelling provides 39' and 6" of space in the backyard to accommodate a garage and an already existing pull-off area.
- The petitioner states that they need the front-loading garage to allow green space on the property. Staff believe that this could be accomplished by removing or moving the garage.
- Between Lexington Avenue and Pleasant Street, Spruce Street has five (5) front load garages that were located prior to the addition of the Walkable Neighborhood Development Standards in 2019. Staff sees this as an opportunity to promote infill development that honors the context of the compact area and the neighborhoods within the urban core.
- Spruce Street is a local street that is 60 feet wide and has sidewalks on both sides. It provides on-street parking for homes in the neighborhood that do not have alley access or garages for their vehicles.
- Staff recommends denial of this variance petition because there is no practical difficulty. The property is large enough for a garage in the back of the proposed dwelling and/or to use the existing, improved alley. Spruce Street has pedestrians on the sidewalks, cars traveling both ways of traffic, and on-street parking; Staff sees the introduction of another front-loaded garage as a potential detrimental to the actively used right of way along Spruce Street.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Traditional Neighborhood
South:	D-5	South: Traditional Neighborhood
East:	C-3	East: Community Commercial
West:	D-5	West: Traditional Neighborhood
Thoroughfare Plan		
Spruce Street	Local Street	60 feet of right-of-way existing and 48 feet proposed.
Lexington Avenue	Local Street	60 feet of right-of-way existing and 48 feet proposed.
Pleasant Street	Local Street	60 feet of right-of-way existing and 48 feet proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	02/04/2025	
Site Plan (Amended)	N/A	
Elevations	02/04/2025	



Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	02/04/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- 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 5 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 (pg 17-18).

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

- Accessory buildings should be of a secondary nature. Garages should be oriented towards alleys. Avoid front-loading garages and driveways where alleys are available. The Zoning Ordinance requires that entries should be clear and defined (pg 27).

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



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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

- N/A

ZONING HISTORY – SURROUNDING AREA

- 2015DV1010: 819 Spruce Street
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a two-story single-family dwelling, at 819 Spruce Street, with a four-foot front setback, a two-foot south side setback, a five-foot aggregate side setback and a two-foot rear setback, with 25% open space and a two-story single-family dwelling at 823 Spruce Street, with a six-foot front setback, a two-foot north side setback, a four-foot aggregate side setback, and a two-foot rear setback, with 28% open space (minimum 25-foot front setback, four-foot side setback, 10-foot aggregate side setback, 20-foot rear setback and 65% open space required).
 - Approved
- 2015HOV022: 1436 Lexington Avenue
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 528-square foot detached garage with an eight-foot aggregate side yard setback and an open space of 39% (10-foot aggregate side yard and 65% open space required).
 - Approved
- 2016DV1056: 1638 Pleasant Street
 - AMENDED- Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for: a) at 1638 Pleasant Street, an attached garage, with a 2.8-foot front setback along State Avenue and a 2.6-foot side setback, creating 33% open space, and to legally establish the existing nine-foot front setback (18-foot front setback, three-foot side setback and 60% open space required), b) to provide for, at 830 State Avenue, a detached garage, with a 3.3-foot rear setback, and creating 55% open space (minimum 60% open space required), and to legally establish a single-family dwelling, with a 3.3-foot rear setback, a zero-foot setback along State Avenue and a deck with a three-foot front setback (18-foot front setback, five-foot rear setback (garage), 20-foot rear setback (dwelling), c) and to provide for and legally establish structures within the clear sight triangles at 1638 Pleasant Street (not permitted).
 - Approved
- 2016HOV032: 1526 Pleasant Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, with a 6.33-foot and 5.083-foot separation from existing dwellings and a detached garage within the clear-sight triangle of the driveway and abutting alley.
 - Approved
- 2017Dv1003: 1537 Hoyt Avenue

- Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide the construction of detached garage, creating 51% open space (60% open space required), and to legally establish an existing single-family dwelling, with a two-foot west side setback, five feet between buildings and an eight-foot front setback (three-foot side setback, 10 feet between buildings and an 18-foot front setback required).
 - Approved
- 2017HOV004: 1533 Hoyt Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, with a 1.5-foot west side setback, creating 50% open space (minimum 60% open space required), and to legally establish a single-family dwelling, with 7.5 feet between primary dwellings (10-foot separation required).
 - Approved
- 2017HOV006: 1616 Pleasant Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and garage, with five feet between primary dwellings (10 feet required).
 - Approved
- 2017HOV086: 1530 Pleasant Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dwelling, with five feet separation between primary dwellings (10-foot separation required).
 - Approved
- 2017UV1015: 822 South State Avenue
 - Variance of Use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses, including a single-family dwelling and attached garage (not permitted), with a three-foot south side transitional setback (eight-foot side transitional setback required).
 - Approved
- 2017ZON005: 1401 Hoyt Avenue
 - Rezoning of 0.09 acre, from the C-1 district to the D-5 classification.
 - Approved
- 2017ZON048: 1407 Hoyt Avenue
 - Rezoning of 0.09 acre from the C-1 district to the D-5 classification.
 - Approved
- 2018CVR852: 1536 Pleasant Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for three lots with 31.33 feet of lot width (50 feet required).
 - Approved
- 2018HOV037: 1644 Lexington Avenue
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory single-family residential uses, including the demolition and reconstruction of a single-family dwelling and the construction of a detached garage (not permitted), with a five-foot front yard and three-foot side transitional yard (10-foot front yard and 10-foot side transitional yard required).

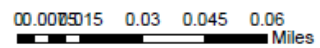
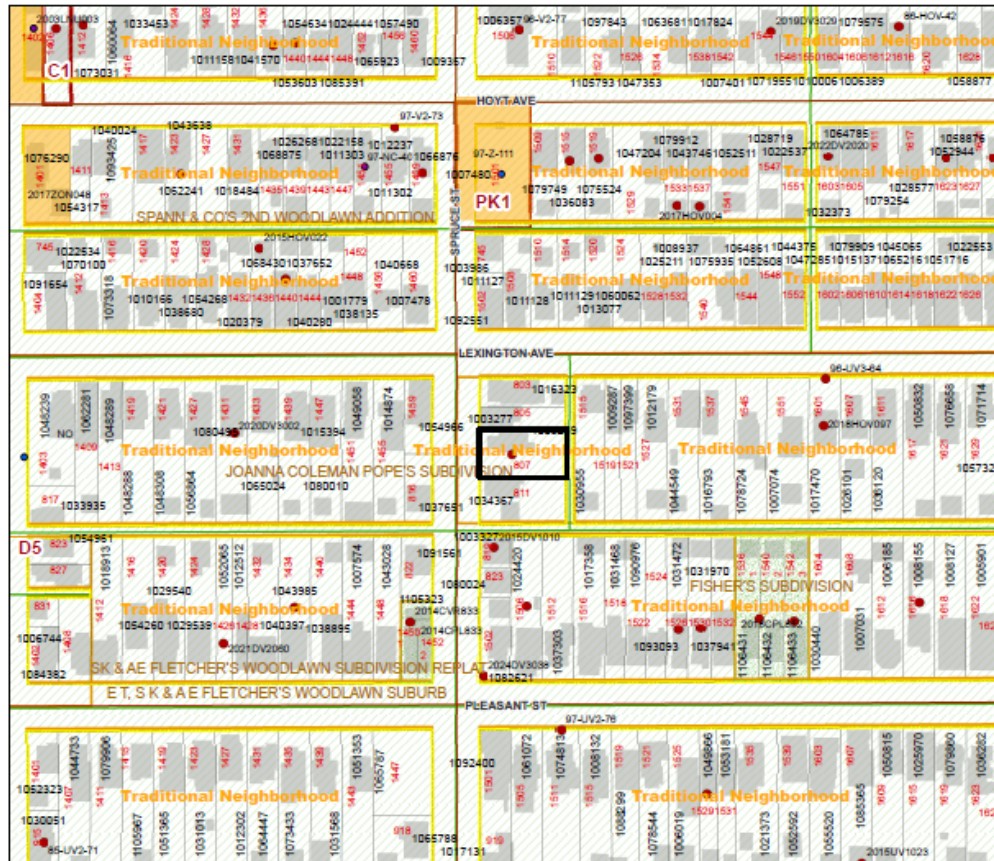
- Approved
- 2020DV3002: 1431 Lexington Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 936-square foot secondary dwelling (maximum 720-square foot permitted).
 - Approved
- 2020DV3005: 1519 Hoyt Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage with 50% open space (60% required).
 - Approved
- 2021Dv1001: 1515 Hoyt Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a 5.5-foot front setback, nine feet between dwellings, and a detached garage, resulting in 50% open space (18-foot front setback or average, 10 feet between dwellings and 60% open space required).
 - Approved
- 2021DV1029: 1635 Hoyt Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage accessory to a single-family dwelling with 49% open space (60% open space required).
 - Approved
- 2021DV2032: 1623 Hoyt Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage and the rehabilitation of an existing single-family dwelling with a zero-foot north side setback and 4.5 feet between dwellings, creating an open space of 49% (three-foot side setback, 10 feet between dwellings and 60% open space required).
 - Approved
- 2021DV2060: 1426 Pleasant Street
 - Variance development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish 3,740-square-foot lot with 20 feet of street frontage (25 feet of street frontage required) and to provide for a 1,116-square-foot dwelling with two-foot east and west side setbacks (three-foot setback, six-foot aggregate side setback required), a 6.5-foot separation between primary dwellings (ten-foot separation required) and to provide for a 352-square-foot detached garage with two-foot side setbacks (three-foot side setbacks required).
 - Approved
- 2022DV2020: 1603 Hoyt Avenue
 - (Amended) Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to a single-family dwelling and a new detached accessory structure, each with a four-foot west side yard setback, and a four-foot east side yard setback (five feet side yard setbacks required).
 - Approved



Department of Metropolitan Development
Division of Planning
Current Planning

- 2024CVR836: 802 South State Avenue
 - (Amended) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a floor area ratio of 0.18 (maximum FAR of 0.60 permitted) and a livability space ratio of 0.24 (minimum LSR of 0.66 required) and to legally establish a zero-foot front building line setback (minimum front building line range of 10 feet to 19.9 feet required), and a zero-foot corner side yard (minimum 10-foot corner side yard required).
 - Approved
- 2024DV3038: 1502 Pleasant Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a four-foot tall fence within the front yards of Spruce and Pleasant Streets, also encroaching within the clear sight triangle of the intersection (3.5-foot tall fence permitted, encroachment prohibited).
 - Approved

EXHIBITS



Legend

- ZoningApprovals
- ZoningLncu
- ZoningVariances
- Rezoning
- ZoningVacations
- ZoningPlats
- CCGIS.ThoroughfarePlan
- CCGIS.EASEMENT
- CCGIS.RIGHTOFWAY
- CCGIS.STREETS**

- Built/Platted
- OPER_STATUS**
- REMOVED
- VACATED
- VACATED/BUILT
- VACATED/LOCATOR
- CCGIS.DMDLandUsePlanBase
- CCGIS.lhpc
- CCGIS.ZONING
- PARCELSTATEPIN
- PARCELS
- PLATTEDSUBDIVISION
- CCGIS.Buildings



Exhibit 1: ArcGIS map of the surrounding area.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]
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 grant of variances will result in demolition of a dilapidated structure and replacement with a new quality dwelling built to or beyond all current codes. Further, the grant of variances will result in the sidewalk being replaced with a new sidewalk/driveway interface built to current ADA standards to provide for a safe pedestrian experience.

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:

construction of a new dwelling to replace the existing dilapidated structure will enhance the use and value of adjacent properties, and the proposed dwelling with a front load garage and driveway from Spruce Street will be consistent with the predominant development pattern of this block.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

the property's dimensions are wider (60') and narrower (110') than the typical urban lot, which is more typically in the range of 40' x 140'. This makes the lot more suitable for a wider dwelling with an attached garage. A front load garage is necessary to allow for a usable rear yard space that can be fenced for privacy and/or security. The alley behind the property is of a substandard width (10' platted) compared to the standard minimum alley pavement width of 15' required in Table 741-303-1 of the zoning ordinance. The existing alley is further restricted by overgrown vegetation due its infrequent use and this makes it even less safely traveled and would further hamper safe turning maneuvers into and out of the alley.

Exhibit 2: Findings of Fact submitted by the petitioner.



Exhibit 3: Aerial of the subject site before the prior home was demolished.



Exhibit 4: Proposed single family dwelling front elevation.

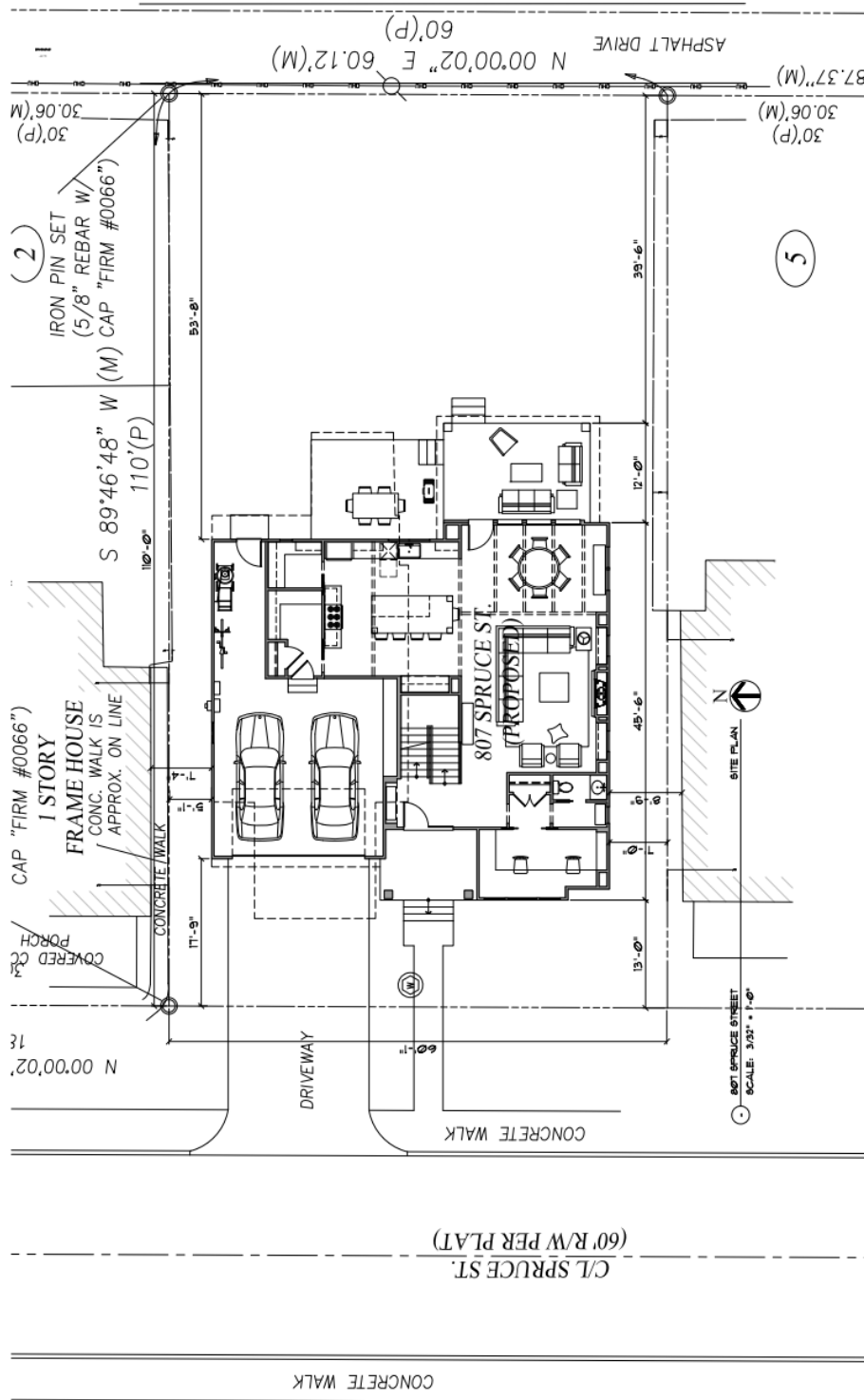


Exhibit 5: Site plan of the proposed single-family dwelling for this variance petition.

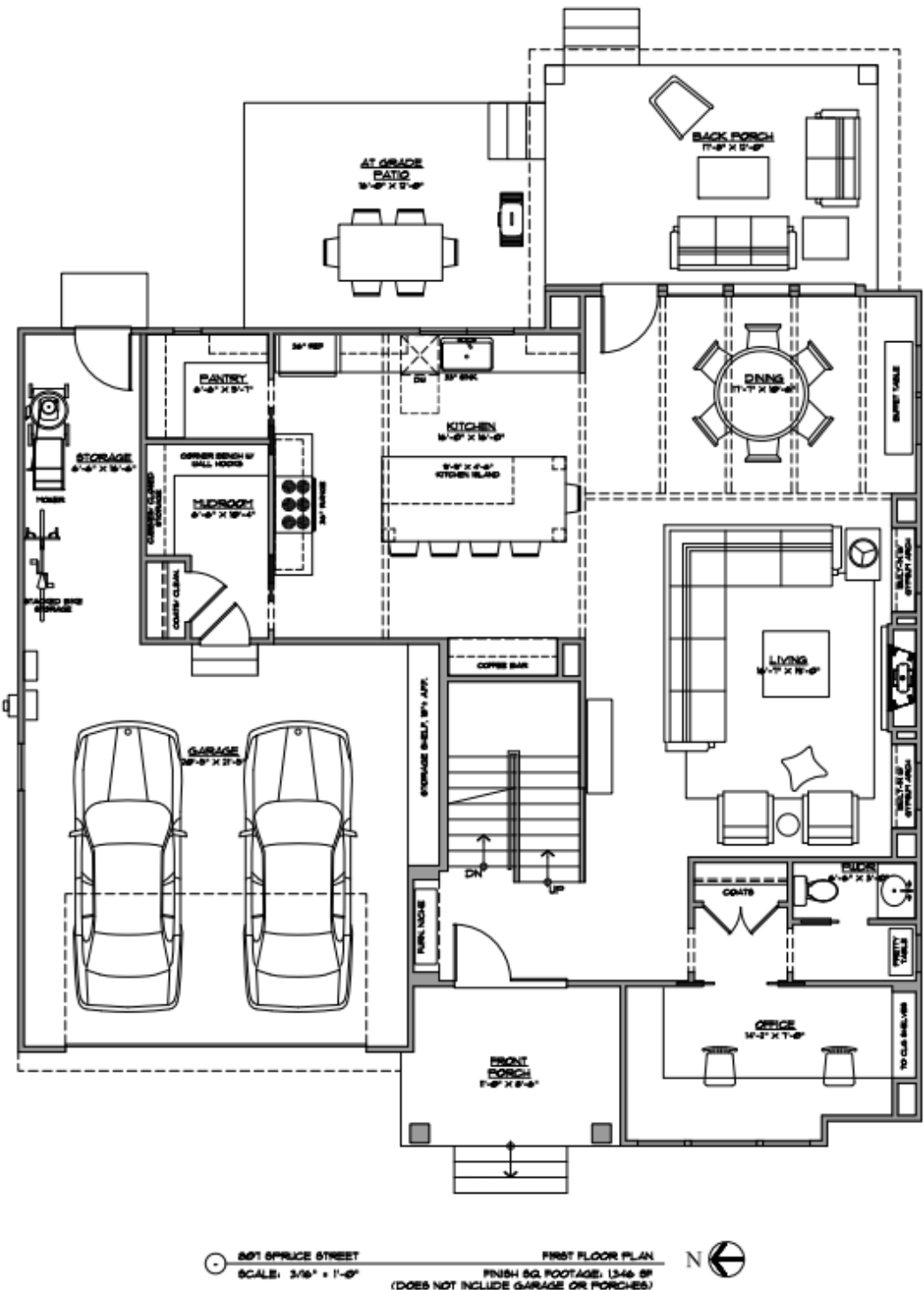


Exhibit 6: Proposed first floor plan.

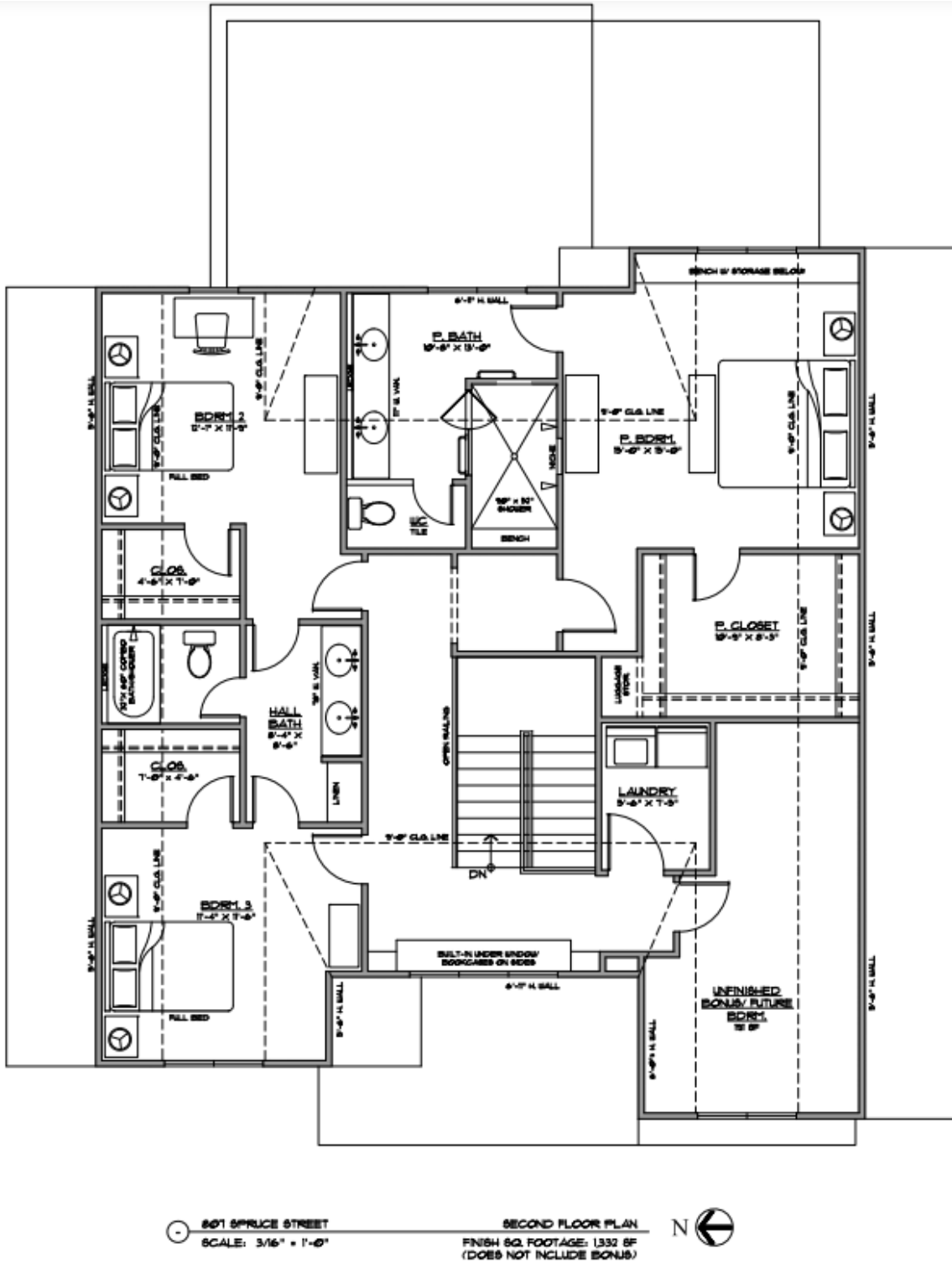
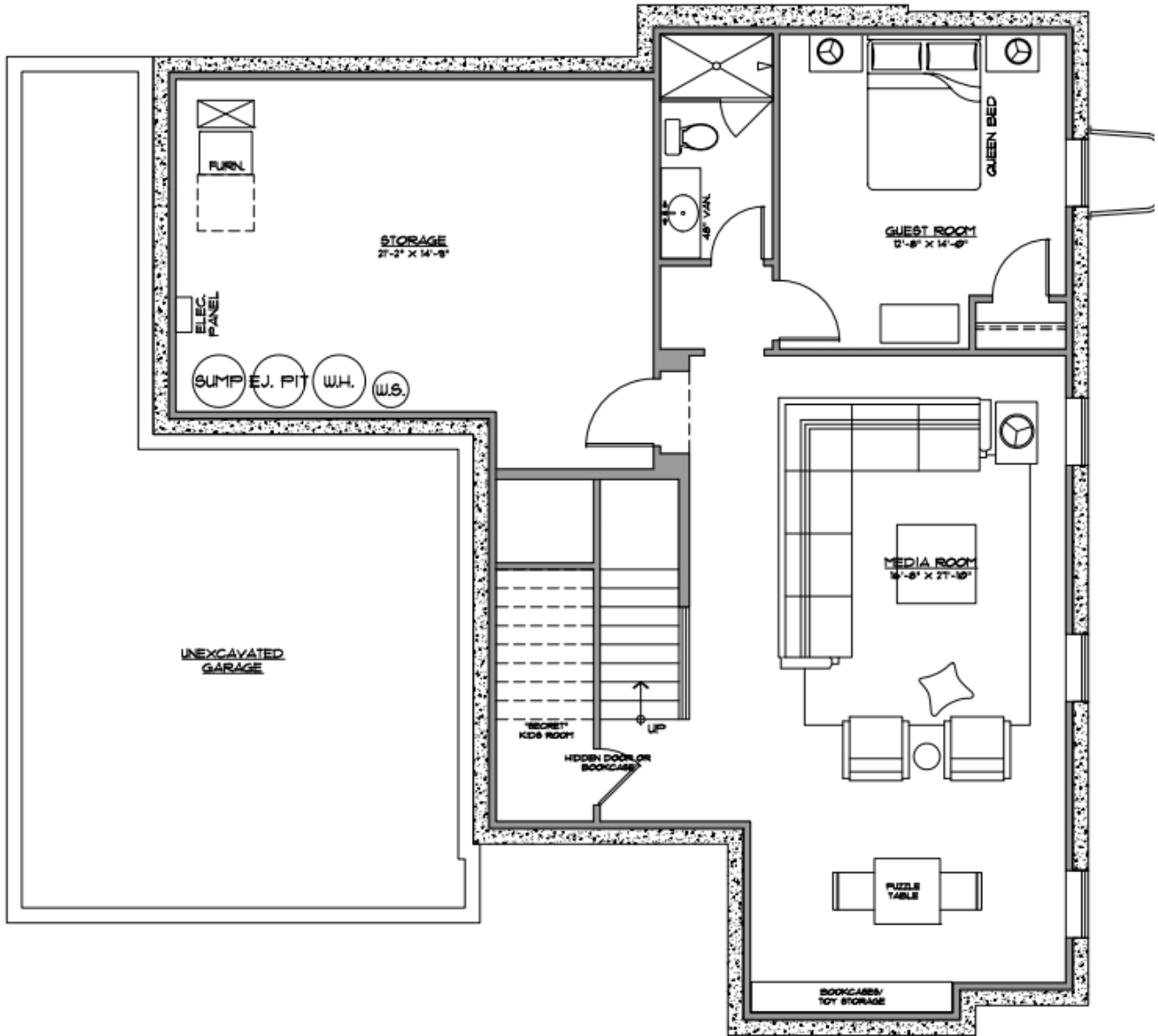


Exhibit 7: Proposed second floor plan.



801 SPRUCE STREET FIRST FLOOR PLAN N
 SCALE: 3/16" = 1'-0" FINISH SQ. FOOTAGE: 963 SF
 (DOES NOT INCLUDE UNEXC. OR UNFIN. SPACE)

Exhibit 8: Proposed basement floor plan.



Exhibit 9: Double lot for the proposed single-family dwelling looking east from Spruce Street.



Exhibit 10: Double lot for the proposed single-family dwelling looking west from alley.



Exhibit 11: Looking south down alleyway from Lexington Avenue.

Exhibit 12: Looking south down alley way.



Exhibit 12: Parking location for neighbor behind 807 Spruce Street.



Exhibit 13: Looking north up Spruce Street.



Exhibit 14: Look south down Spruce Street.



BOARD OF ZONING APPEALS DIVISION II

March 11, 2025

Case Number: 2025-DV2-004
Address: 2328 North Harding Street (approximate address)
Location: Center Township, Council District #12
Zoning: D-5 (W-5)
Petitioner: Stonecroft LLC, by Joseph Lese
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with one-foot side yard setbacks (five feet required) on a lot with an existing duplex.

Current Land Use: Two-family dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The development standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to provide for adequate separation and ventilation between structures and use areas as well as provide for a continuous pattern of development through the block.
- ◇ The request would provide for the construction of a detached garage with one foot north and south side yard setbacks, where five-foot setbacks are required.
- ◇ There is no practical difficulty associated with the subject site that would warrant the grant of this variance. The subject site has no natural or manmade physical obstacles that would prohibit compliance with the required setback as the proposed detached garage would be new construction and could be designed to meet the required setback without compromising safety or functionality, or negatively impacting adjoining property owners.
- ◇ Any practical difficulty related to the requested reduced setback would be self-imposed by the need to provide two on-site garage parking spaces for each unit, where only one on-site parking space is required for each unit.



- ◇ With the proposed garage at 38 feet in width, each parking space will be limited to nine feet in width, where 10 feet is the standard parking space width size.
- ◇ By providing for the required five-foot side setback, a standard 10-foot wide parking space can still be provided for each unit with an additional five feet for accessory storage in the garage. Or, if two spaces are truly needed, then a 30x38 foot tandem garage can be constructed, and still meet the five-foot required side setback.
- ◇ The request of the one-foot side setbacks for the purpose of providing sufficient off-street parking would be a self-imposed hardship and would negatively impact adjacent property owners. Adjacent properties have demonstrated their ability to be compliant with the Zoning Ordinance and meet the required side setbacks and still provide sufficient off-street parking.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Two-Family Dwelling	
Comprehensive Plan	Recommends 3.5 – 5 Dwelling units per acre	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 Two-family dwelling
	South:	D-5 Single-Family dwelling
	East:	D-5 Single-Family dwelling
	West:	D-5 Single-Family dwellings
Thoroughfare Plan		
Harding Street	Primary Collector	56-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	W-5	
Site Plan	February 4, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	February 4, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 3.5 – 5 Dwelling units per acre for the site.

Pattern Book / Land Use Plan

- Not Applicable to the Site.



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)

- Not Applicable to the Site.

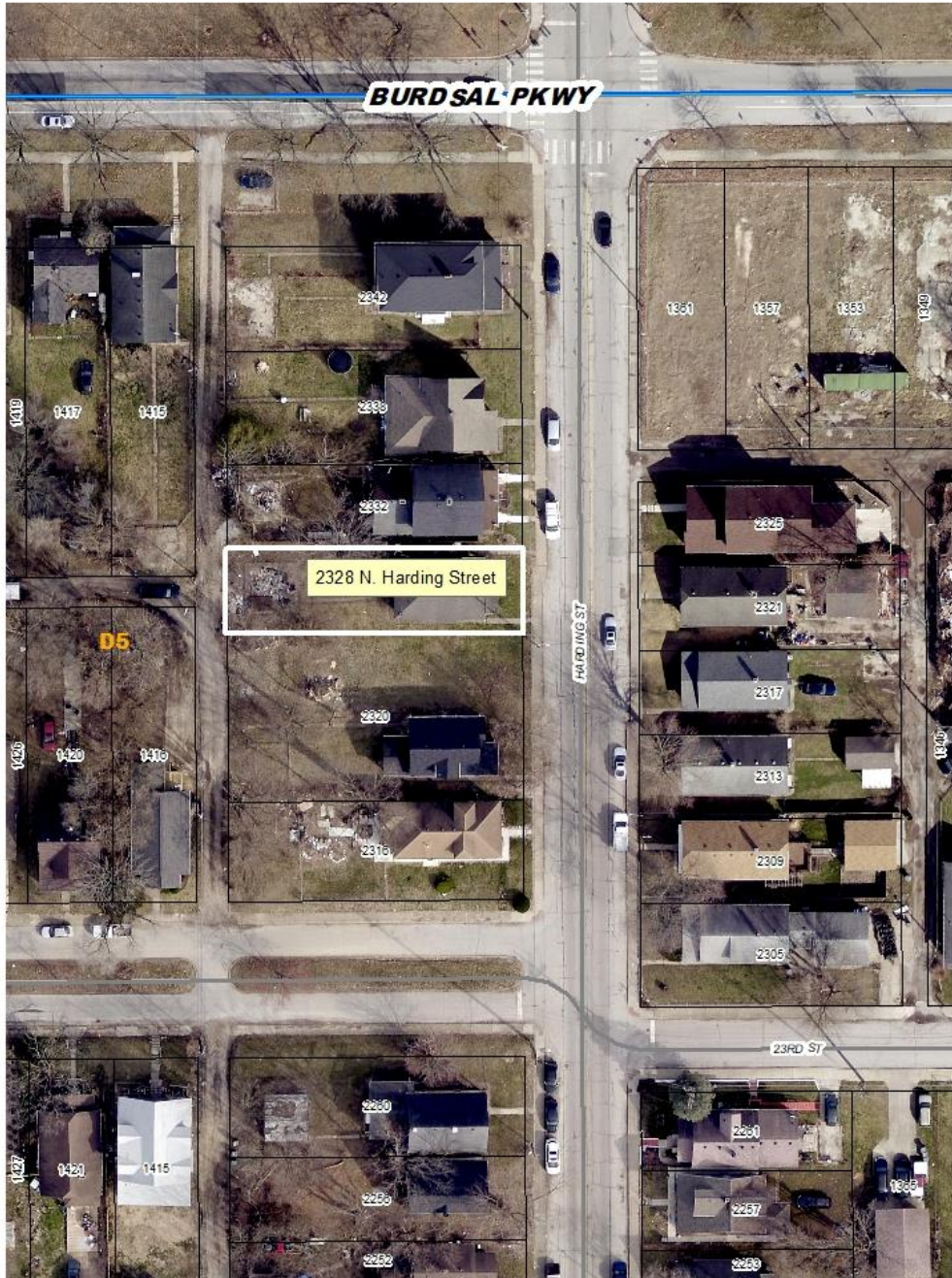
ZONING HISTORY

85-UV3-46; 1352 Burdsal Parkway (north of site), requested a variance of use to provide for an automobile repair shop, **denied.**

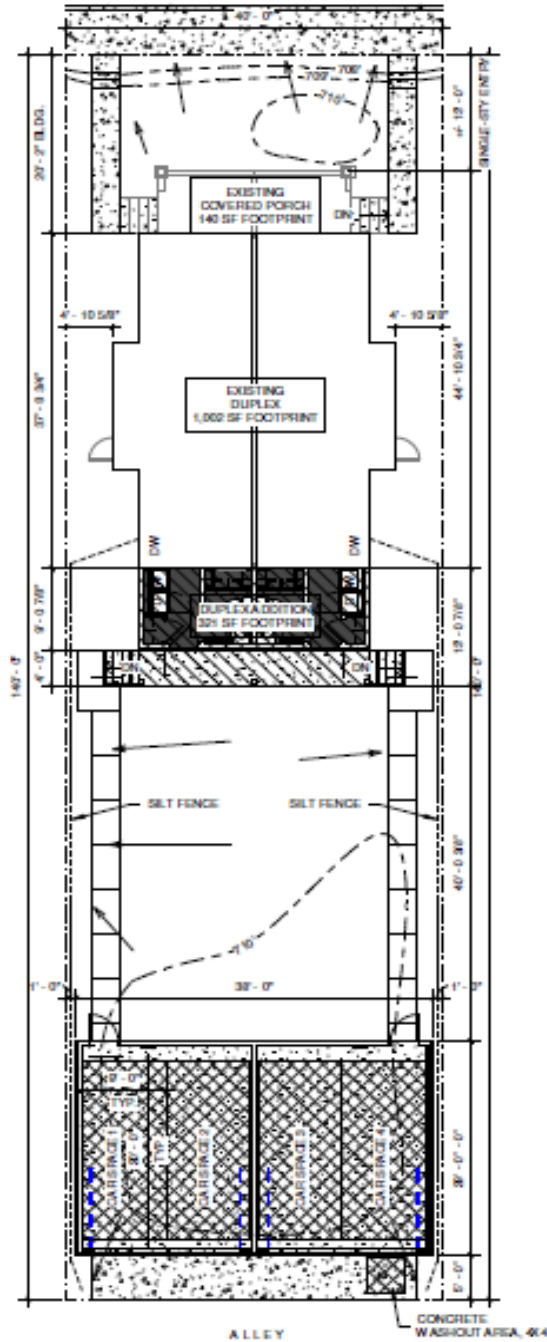
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EXHIBITS

Location Map



Site Plan



2 PROPOSED SITE PLAN
1" = 10'-0"



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 use of the property as a duplex shall remain, and the improvements will improve the existing conditions by enclosing a parking area that has in recent years been overgrown and unsightly. The garage specifically will clean up the overgrowth, provide a clean apron to the garage and will remove overgrown vegetation. A reduction in side yard setback will not injure the health, safety, morals, or welfare as the garage will be constructed with exterior fire-rated wall construction in the areas close to the property line, and will have drainage directed away from the property line and directed to the east and west.

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 of the property as a duplex will remain unchanged, and adjacent properties will not be affected in their use by the property improvements proposed by the garage addition. The reduction in side yard for the detached garage does not affect the adjacent property owners in their use or value and enhances the environment visually from the alley.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

providing sufficient off-street parking for the duplex requires a minimum size of parking space, which is being provided. The existing lot width provides a limitation that, in strict interpretation of the zoning ordinance, would either reduce the quantity of off-street parking for the duplex or would require an impractical reduction in the size of the parking spaces.

Photographs



Photo 1- Subject property looking west.



Photo 2- Subject property rear of lot, looking east.



Photo 3- Adjacent properties to the south, looking southwest.



Photo 4- Adjacent properties to the north, looking northwest.