



BOARD OF ZONING APPEALS DIVISION III

September 17, 2024

Case Number: 2024-DV3-021
Address: 125 South Muessing Road (approximate address)
Location: Warren Township, Council District #20
Zoning: D-A / SU-1
Petitioner: Brad Knapp & Nadine Murphy, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory building within the front yard of South Muessing Road (not permitted).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued at the request of a registered neighborhood organization from the August 20, 2024, hearing to the September 17, 2024, hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- The subject site is adjacent to industrial developed properties in the I-4 District to the west, and the I-3 District to the north and east. There is a religious use in the SU-1 District to the south.
- Development Standards of the Consolidated Zoning and Subdivision Zoning Ordinance, specifically those relating to accessory building use, are intended to ensure the dwelling remains the primary use of the property. Additionally, limiting the location of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.
- The proposed building location would be located in front of the primary dwelling on site. The subject site has a practical difficulty in locating the garage to the rear of the primary dwelling due to the location of a septic field and a draining swale.
- In Staff's opinion, the request would be consistent with surrounding structures, and would not be out of place, as there are minimal residential uses in the immediate area. The proposed location of the accessory building would still provide adequate space to mitigate any adverse impacts and provide the minimum area necessary for maintenance similar to or greater than adjacent parcel accessory structures. The request would represent a minor deviation from the Ordinance.

- Generally, staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-A / SU-1	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Recommends Rural or Estate Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North: I-3 / I-4	North: Pennsy Trail greenway / Commercial contractor
	South: SU-1	South: Religious use
	East: I-3	East: Biotech laboratory
	West: I-4	West: Building materials supplier
Thoroughfare Plan		
Muessing Road	Local Street	30-foot existing right-of-way and 50-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	Blue Line TOD	
Wellfield Protection Area	No	
Elevations	June 24, 2024	
Landscape Plan	N/A	
Site Plan	June 24, 2024	
Findings of Fact	June 24, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends rural, or estate neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Rural or Estate Neighborhood uses typology which includes both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Blue Line Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

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

2007-ZON-014; 230 South Munsie Street (west of site), requested the rezoning of 36.296 acres, from the D-A District to the I-4-S classification to provide for heavy industrial uses, **approved**.

97-Z-50, 125 South Muessing Road (south of site), requested the rezoning of 7.849 acres, being in the D-A District, to the SU-01 classification to provide for the construction of a church and associated religious uses, **approved**.

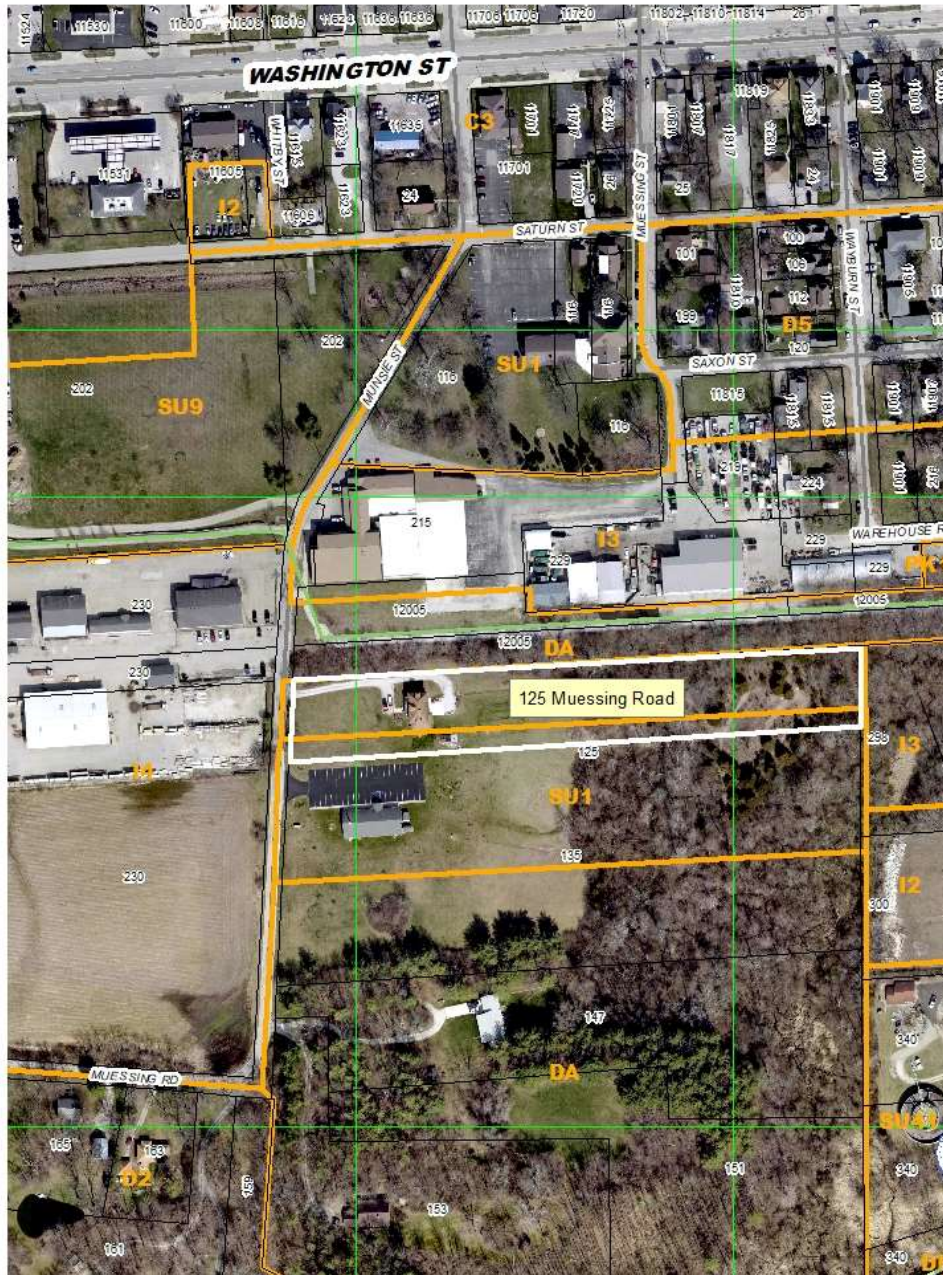
96-V3-76; 155 South Muessing Road (south of site), requested a variance to permit two single-family dwellings with reduced setbacks, **granted**.

87-Z-209; 230 South Muessing Road (north of subject site) requested a rezoning of 17.30 acres, being in the A-2 Agricultural, SU-1 Special Use, C-5 Commercial and I-2-S and I-3-S Industrial Districts to the I-5-S Industrial classification, **approved**.

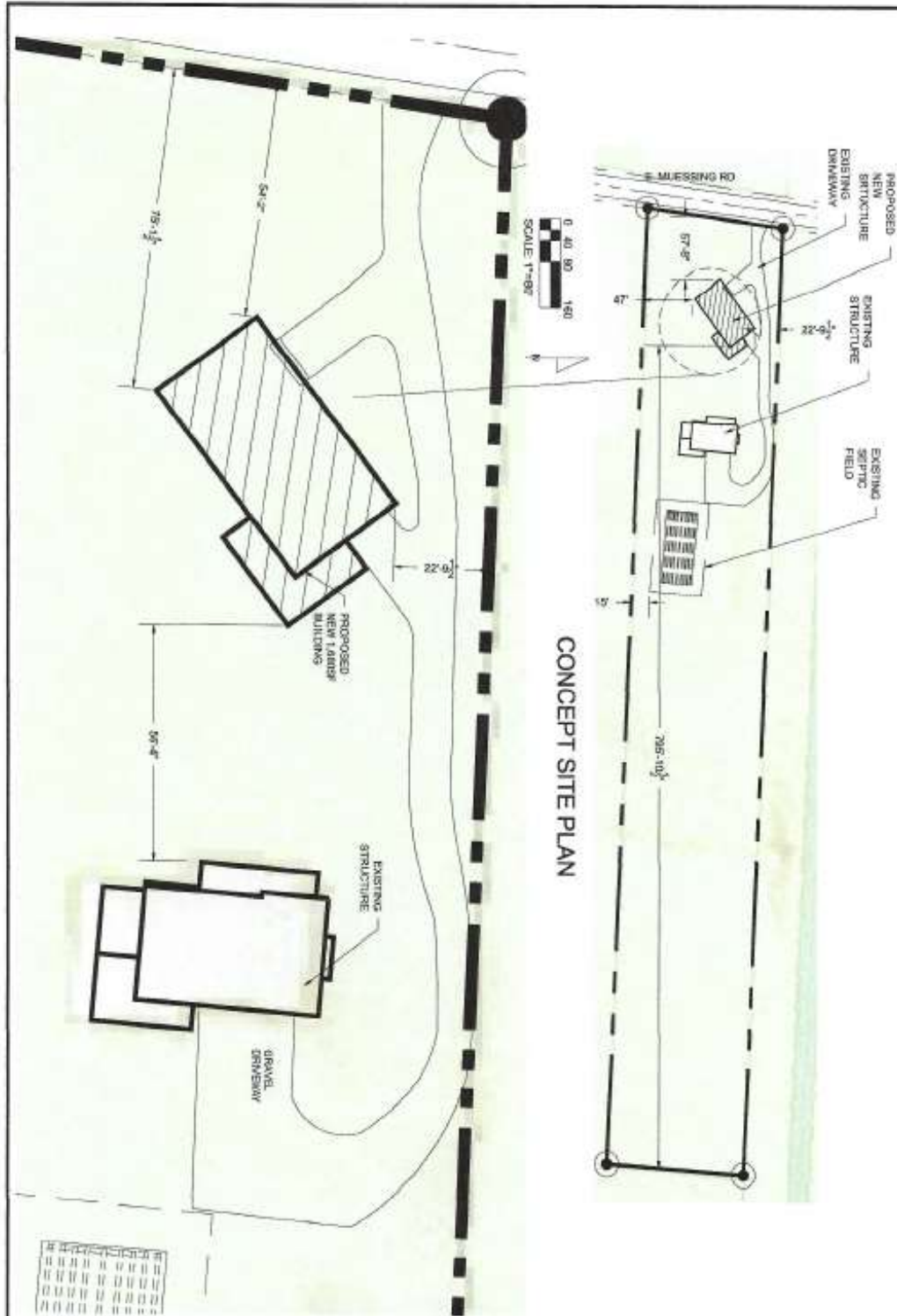
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EXHIBITS

Location Map



Site Plan





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 new accessory building will be constructed to match the architectural of the rural developed community and will meet the building code requirements.

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 adjacent development is the Pency Trail and commercial to the north, heavy industrial and outdoor storage to the west, religious use to the south and woods and industrial to the east. The accessory barn will not impact the developed area and will help block the view of the outdoor industrial storage from the front of the residence.

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

The rear and side yards of the existing residence are encumbered by the septic field, excessive slopes and a drainage swale.

DECISION

Photographs



Subject property looking east.



Subject property septic field and drainage swale to the rear of dwelling, looking east.



Proposed location of accessory building in front yard, looking west.



Adjacent religious use to the south.



Adjacent industrial use to the west, looking northwest.



Adjacent industrial use to the north, looking northeast.