



BOARD OF ZONING APPEALS DIVISION II

January 13, 2026

Case Number: 2025-UV2-019 (Amended)
Address: 7543 Terrace Beach (approximate address)
Location: Washington Township, Council District #2
Zoning: D-S
Petitioner: Adam Gilliatte, by Michael Rabinowitch
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for the rebuilding of a single-family dwelling on a previous foundation in the floodway and a detached accessory structure in the front yard of Terrace Beach (accessory structures are not permitted in front of primary building), with a three-foot north side setback and a three-foot south side setback (fifteen-foot side setback required), with a six-foot aggregated side setback (35-feet aggregate side yard setback required), on a lot with twenty feet of street frontage (75 feet of frontage required).

Current Land Use: Vacant lot

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

Amended petition: This petition was amended after the Public Notice, to remove the original request for the Variance of Development Standards to provide for a 34-foot tall detached accessory structure. It was determined after the petition was docketed, that the actual height of the proposed accessory structure will be 24-feet, which the Ordinance permits by right. Additional notice would not be needed, as the request would now deviate less from the Ordinance than the original notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◊ The previous dwelling that existed on site, was demolished in November 2024, due to damage sustained by a fallen tree. Due to the narrowness of the lot, the previous accessory structure that also existed on site, was removed to allow access to the site to demolish the damaged dwelling.

- ◊ The previous dwelling and accessory structure had been on site since prior to 1969, which would normally classify them as a Legally Non-Conforming Uses. However, a Certificate of Legally Non-Conforming Use cannot be granted for uses in the floodway. Therefore, the requested Variances are required to provide for the rebuilding of the previous structures in the floodway.
- ◊ This Variance request would provide for the rebuilding of a single-family dwelling in the floodway and a detached accessory structure in the front yard adjacent to Terrace Beach.
- ◊ Both structures would have reduced three-foot north and south side setbacks, and six-foot aggregate side setbacks as requested, due to the narrowness of the platted lot, ranging in width from 17 feet to 43 feet.
- ◊ The proposed site development is typical of the area where detached accessory structures are located near the street and in front of the established front building line. The pattern of development on the north side of this portion of East 75th Street consists of deep rear yards to avoid construction in the floodway of the White River, while at the same time siting the primary dwelling to take advantage of its proximity to the river. Due to this land-related limitation and configuration, a practical difficulty exists.
- ◊ The requested reduced side setback reductions are largely a result of the small size of the lot. The lot, at approximately 8,610 square feet, is a D-4 sized lot. However, this site is within the D-S district, which includes standards that would be difficult to meet, particularly when proposing development consistent with the neighborhood. Therefore, there is a practical difficulty in complying with the width-based development standards for side setbacks.
- ◊ The Ordinance provides exceptions for reduced lot width and reduced lot area for lots platted prior to December 20, 1989, which apply to this lot. However, it does not provide an exception for reduced lot frontage, which requires a Variance of Development Standards for this lot. This lot is part of the Terrace Beach subdivision that was platted on June 14, 1906. Therefore, the requested Variance of Development Standards would legally establish the existing lot with twenty feet of street frontage.
- ◊ The Department of Business and Neighborhood Services has indicated the request to rebuild the dwelling and accessory structure in the floodway would be allowed under the Flood Damage Prevention Ordinance (Chapter 565 of the Revised Code), with the new structures being compliant with all current building protection standards, as well as obtaining any necessary approvals from the Indiana Department of Natural Resources.
- ◊ In Staff's opinion, the proposed request to rebuild a single-family dwelling and an accessory structure in the floodway as proposed would not constitute a change in the use from the previous structures prior to the damage caused by the fallen tree and would be consistent with the development in this area.

GENERAL INFORMATION

Existing Zoning	D-S				
Existing Land Use	Vacant lot				
Comprehensive Plan	Floodway				
Overlay	No				
Surrounding Context	Zoning	Surrounding Context			
North:	D-S	Single-family dwellings			
South:	D-S	Single-family dwellings			
East:	D-S	Single-family dwellings			
West:	D-S	White River / Single-family dwellings			
Thoroughfare Plan					
Terrace Beach	Private Drive	Not indicated on the Thoroughfare Plan.			
Context Area	Compact				
Floodway / Floodway Fringe	Floodway				
Wellfield Protection Area	No				
Site Plan	December 10, 2025				
Elevations	N/A				
Plan of Operation	N/A				
Commitments	N/A				
Landscape Plan	N/A				
Findings of Fact	December 10, 2025				

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan has recommended this site as Floodway.

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

2015-DV3-008; 7565 Terrace Beach (north of site), requested a Variance of Development Standards to provide for a dwelling addition, two covered porch additions and a deck, with a grill area, with a west side setback of approximately one-foot, creating an open space of 84%, on a lot with zero feet of frontage and lot width, and without direct access to a public street, **granted**.

99-UV1-77; 1520 East 75th Street (east of site), requested a Variance of Use of the Flood Control Districts Zoning Ordinance to provide for a non-substantial second story addition to an existing single-family dwelling without a Certificate of Approval for Construction in a Floodway from the Indiana Department of Natural Resources. (Certificates no longer required from IDNR), **granted**.

91-V1-128; 7517 Terrace Beach Avenue (south of site), requested a Variance of Use of the Flood Control Districts Zoning Ordinance to legally establish a room addition to a single-family dwelling within a regulatory floodway on a lot without all-weather access, **granted**.

83-UV2-1; 7402 Indianola Avenue (south of site), requests a Variance of the Flood Control Districts Zoning Ordinance to permit a clubhouse addition, **granted**.

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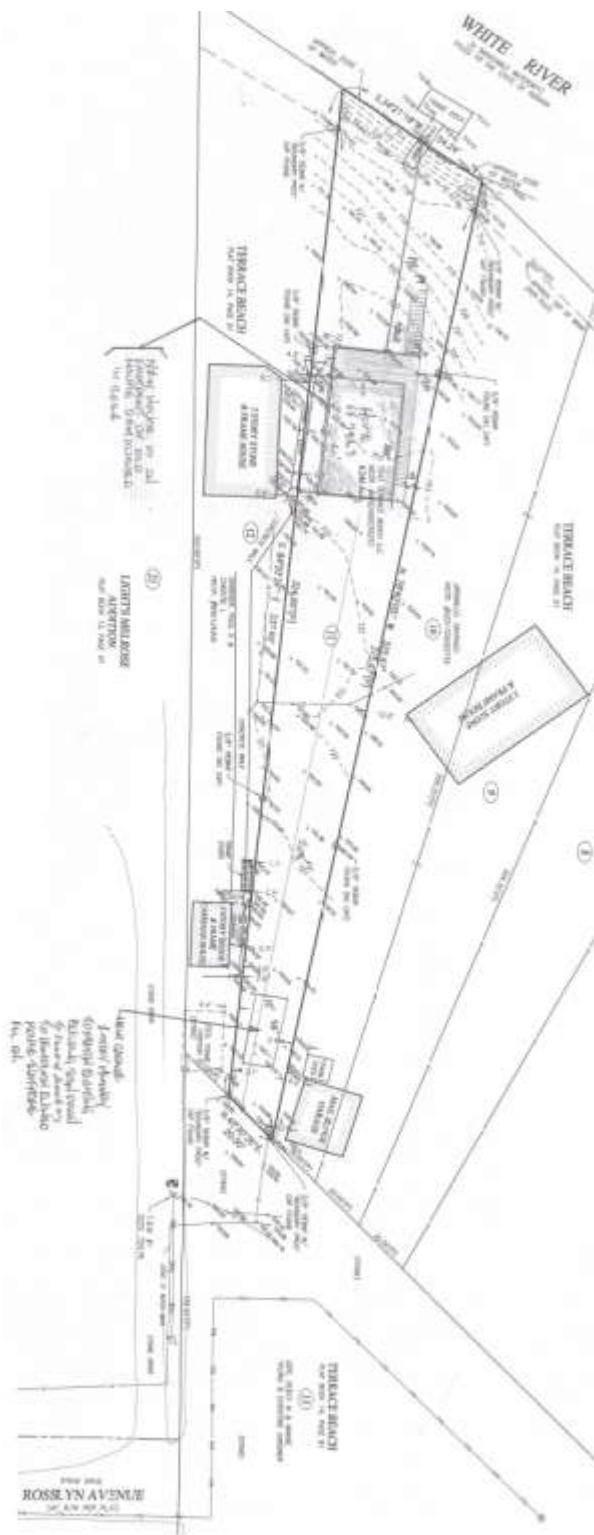
EXHIBITS

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
(ACCESSORY STRUCTURE)**

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

Garages in the community are located in the front yard due to the proximity to the White River.

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:

Garages in the community are located in the front yard due to the proximity to the White River.

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

The pre-existing lot configuration and proximity to the White River dictates location of the garage to the front yard.



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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

(SIDE YARD AND AGGREGATE SETBACKS)

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

The side yard and aggregate setbacks are consistent with those established for the previous home on the property and the surrounding 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 side yard and aggregate setbacks are consistent with those established for the previous home on the property and the surrounding 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 side yard and aggregate setbacks are consistent with other lots in the neighborhood, and the narrow lot configuration was previously established.



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HEARING EXAMINER
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OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

(STREET FRONTAGE)

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

The long established lot configuration and street frontage is consistent with other lots 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:

The long established lot configuration and street frontage is consistent with other lots 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 existing lot configuration in the neighborhood and deficient street frontage under the existing zoning classification is well established and fits in context.

Photographs



Subject site proposed detached accessory structure location, looking west



Subject site proposed dwelling location, looking west.



Adjacent detached accessory structure in front yard to the south of subject site, looking west



Adjacent detached accessory structure in front yard to the north of subject site, looking west