



**BOARD OF ZONING APPEALS DIVISION II**

**May 21, 2024**

**Case Number:** 2024-DV2-017  
**Address:** 4361 East 75<sup>th</sup> Street (approximate address)  
**Location:** Washington Township, Council District #3  
**Zoning:** D-A  
**Petitioner:** Michael & Carly Dury, by Michael Mattingly  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage within the front yard (not permitted) and a second residential accessory structure with a height of 32 feet (maximum height of 24 feet 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 previously scheduled to be heard on May 21, 2024. Due to the lack of a quorum, this petition was continued from the May 21, 2024, Board II hearing, and transferred to the May 28, 2024, Board III hearing.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- ◇ The request would provide for the construction of a detached garage within the front yard and a second residential accessory structure with a height of 32 feet
- ◇ 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 limiting the height regulates the building mass impact to surrounding property owners.
- ◇ The proposed detached garage location would be located approximately 890 feet south of East 75<sup>th</sup> Street, behind another primary dwelling on an adjacent parcel to the north, further limiting any negative impacts to adjacent properties.



- ◇ This request would permit the second residential accessory structure to have a height of 32 feet. The proposed structure would be developed in a similar style to match the primary dwelling and appear as an extension of the dwelling. This would be appropriate for a large lot zoned D-A that has rural characteristics and a significant separation from adjacent dwellings.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Single-Family Dwelling	
<b>Comprehensive Plan</b>	Suburban Neighborhood uses	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-A Single-Family dwelling
	South:	D-2 Single-Family dwellings
	East:	D-2 Single-Family dwellings
	West:	D-S Single-Family dwelling

<b>Thoroughfare Plan</b>		
East 75 <sup>th</sup> Street	Primary Collector	40-foot existing right-of-way and an 80-foot proposed right-of-way.
<b>Context Area</b>	Metro area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	April 4, 2024	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	April 4, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Suburban Neighborhood uses for the site.

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood typology, which 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 recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.



**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**

**2023-CZN-821/2023-CVR-821/2023-CPL-821; 4359 and 4361 East 75<sup>th</sup> Street (west of site)**, requested the rezoning of 7.194 acres from the D-A district to the D-S district, **approved**; requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish two existing parcels with zero-feet of street frontage and to provide for a subdivision creating a third lot, also without street frontage, **approved**; requested approval of a subdivision plan to be know as Mattingly Subdivision, dividing 3.884 acres into two lots, **approved**.

**2020-DV1-026; 4421 East 75<sup>th</sup> Street (northeast of site)**, requested a variance of development standards to provide for a detached garage in the front yard of the single-family dwelling, **granted**.

**2018-DV2-025; 4635 East 75<sup>th</sup> Street (northeast of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an in-ground pool, pool equipment and spa / hot tub in the front yard of 75th Street, **granted**.

**2015-DV3-046; 4357 East 75th Street (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 24.5 by 40.5-foot, 33-foot tall storage barn and chicken coop, with a three-foot west side setback, **granted**.

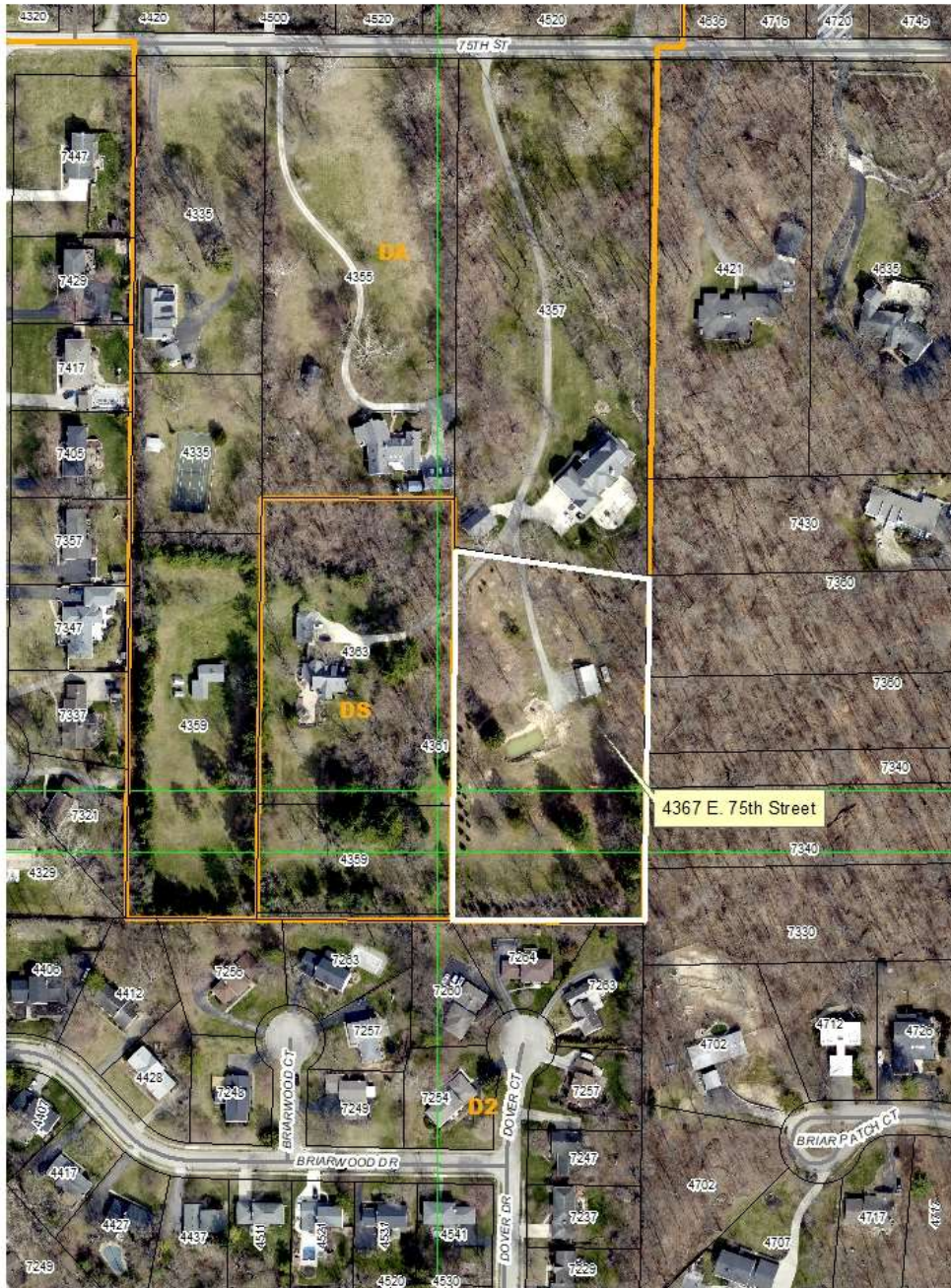
**2007-DV2-027; 5035 East 76<sup>th</sup> Street (northeast of site)**, requested a variance of development standards to provide for the construction of an 830-square foot cabana and in-ground swimming pool in front of the established front building lines along East 75<sup>th</sup> Street and Allisonville Road, **granted**.

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**EXHIBITS**

Location Map







**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:

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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:

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

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**Photographs**



Photo of driveway entrance form East 75<sup>th</sup> Street, looking south.



Photo of the subject site, with existing garage to be demolished, looking south.



Photo of adjacent dwelling, from proposed dwelling location, looking west.



Photo of proposed dwelling and accessory structure area, looking towards East 75<sup>th</sup> Street, at approximately 890 feet to the north.