

**BOARD OF ZONING APPEALS DIVISION II**

**August 13<sup>th</sup>, 2024**

**Case Number:** 2024-DV2-O27  
**Property Address:** 450 Braeside North Drive  
**Location:** Washington Township, Council District #1t  
**Petitioner:** Indy Home Remodels, by Ryan Cromer  
**Current Zoning:** D-S  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 24-foot tall, detached garage, being taller than the primary building (not permitted).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff **recommends denial** of this variance request.)  
**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

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

**PETITION OVERVIEW**

- This petition requests a variance to allow a detached garage to be 4'9" taller than the primary structure, which is not permitted within Dwelling Districts of the Zoning Ordinance.
- The primary structure on this D-S zoned property has a height of 19'3" while the proposed 2,029 sqft accessory structure (garage) is planned to stand at 24'.
- According to the petitioners findings, a lower height is not possible in order to match the pitch of the roof to the primary structure. A lower pitch would not be possible unless plans replace the shingled roof for a metal roof, which is believed by the client to diminish value of the property and surrounding properties.
- The large size of the proposed garage is intended for the accommodation to the indoor storage of recreation vehicles. Recreational vehicles are permitted to be stored indoors or outdoors in the Dwelling districts. However, recreational vehicles may not be stored in any side or rear yard. They may be stored within the front yard so long as they are stored on a durable, dust-free, hard surface.

- Given alternative storage methods and locations, as well as the ability to redesign the proposed garage to be compliant with the ordinance, staff does not believe there to be sufficient practical difficulty warranting a favorable recommendation. Therefore, staff **recommends denial** of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-S	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Single-family Residential
	South:	South: Single-family Residential
	East:	East: Single-family Residential
	West:	West: Single-family Residential
<b>Thoroughfare Plan</b>		
Braeside Drive North	Local Street	50-foot right-of-way existing and 50-foot proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes – Environmentally Sensitive	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	07/07/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	07/19/2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	07/07/2024	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book.
- Infill Housing Guidelines
- Indy Moves Final Plan 2018
- City of Indianapolis Consolidated Zoning/Subdivision Ordinance

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book states Washington Township, Critical Area 001, is intended to promote development that is orientated towards and provides access to trails and greenways. All new development in Washington Township should have a primary entrance facing the trail or greenway. Existing development should retrofit to provide a public access point to the trail or greenway and wherever possible, provide a direct protected pedestrian connection between the trail/greenway and the primary entrance(s). Existing development should provide significant screening for dumpsters, loading docks/areas, and parking. Addressing on all development should be provided on both the trail and vehicular access sides to accommodate wayfinding and emergency access. Pedestrian amenities, including benches, lighting, public art, and drinking fountains are encouraged (pg 117).
- Within the Consolidated Zoning and Subdivision Ordinance an accessory use includes a subordinate structure, building or use that is customarily associated with and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building and use and is located on the same lot as the primary building, structure or use (pg 10)
- According to the Consolidate Zoning and Subdivision Ordinance Accessory buildings and minor residential structures in all dwelling districts shall comply with the following requirements:
  - A. The horizontal land area covered by the primary building and all accessory buildings, and all game courts and all minor residential structures must cumulatively meet the required open space requirement of the district.
  - B. The horizontal land area covered by any one accessory building or minor residential structure must be less than the horizontal land area covered by the primary building.
  - C. The height of any accessory building or minor residential structure shall be less than the height of the primary building (pg 447).

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- The Marion County Land Use Plan Pattern Book states that Suburban Neighborhood typology are 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 navigated 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 withing a quarter mile of a frequent transit line, greenway, or park. (pg 26)

- Within the Consolidated Zoning and Subdivision Ordinance a D-S zoning is described as 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 D-S district. Estate development in a natural setting is typical realization of the district. The S-S district provides for single-family residential lot consisting of at least one acre. A typical density of the D-S is 0.4 units per gross acre. This district fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. Development plans would likely use the cluster option when subdividing and should incorporate and promote environmental and aesthetic considerations, including vegetation topography drainage and wildlife. (pg 150)

### **Infill Housing Guidelines**

- The Infill Housing Guidelines indicate that Accessory Structures scale, height, size and mass should relate to the primary building and should not overshadow it. (pg 28)

### **Indy Moves**

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

- The Indy Moves Final Plan states that 86<sup>th</sup> street and its surrounded area will be used in multiple plans across Indianapolis (pgs 62, 63, Appendix D page 2, 4 and 13)

## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTOR – SURROUNDING AREA

- **2023-DV1-047: 775 Braeside S Dr. (West of site)**
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a five-foot southern side yard setback (15-foot side yard setback required), **approved.**
- **2019-CVR-800: 8727 Pine Ridge Dr. (South of Site)**
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an eight-foot tall privacy fence along the east and north perimeter lot lines and along internal segments of 8727 Pine Ridge Drive, and to legally establish an eight-foot tall masonry wall along the west property line of 630 West 86th Street, to provide for the construction of an 8.3-foot tall wrought iron style fence along the north, west and south perimeter of the property, to permit the construction of a six-foot tall wrought iron style fence within the south front yard of 8727 Pine Ridge Drive rear property line and to provide for a 6.21-foot tall masonry wall (with portions of the wall at 7.1-foot tall) with 8.75-foot and 10.21-foot columns along the southern perimeter of the site (maximum 3.5-foot tall fence permitted in the front yard, maximum six-foot tall fence permitted in the side and rear yards), **approved.**
- **2017-DV1-010: 8640 Spring Mill Rd (South of Site)**
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot and eight-foot tall fence, with 8.5-foot tall columns and a 13-foot tall gate in the front yard and an eight-foot tall fence in the perimeter yard (maximum 3.5-foot tall front yard fence and six-foot tall perimeter fence permitted) columns permitted to be one-foot taller than permitted fence height), with the fence encroaching into the clear sight triangle of the driveway and intersecting street (not permitted), **approved.**
- **2017-HOV-046 536 W 86<sup>th</sup> St (South of Site)**
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an addition to an existing garage located in front of the established building line, creating an accessory structure larger than the primary dwelling (not permitted), **approved.**
- **2015-DV3-035 457 92<sup>nd</sup> St (North of Site)**
  - Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish an enclosed trailer (commercial vehicles not permitted) and a mini-barn, both with a seven-foot east side setback (15-foot side setback required), creating a 34.91 aggregate side setback (35-foot aggregate side setback required), **approved.**



EXHIBITS



Photo 1: Front of 450 Braeside Dr N



Photo 2: Beside garage on left side of 450 Braeside Dr N.



Photo 3: General location of proposed driveway and accessory structure.

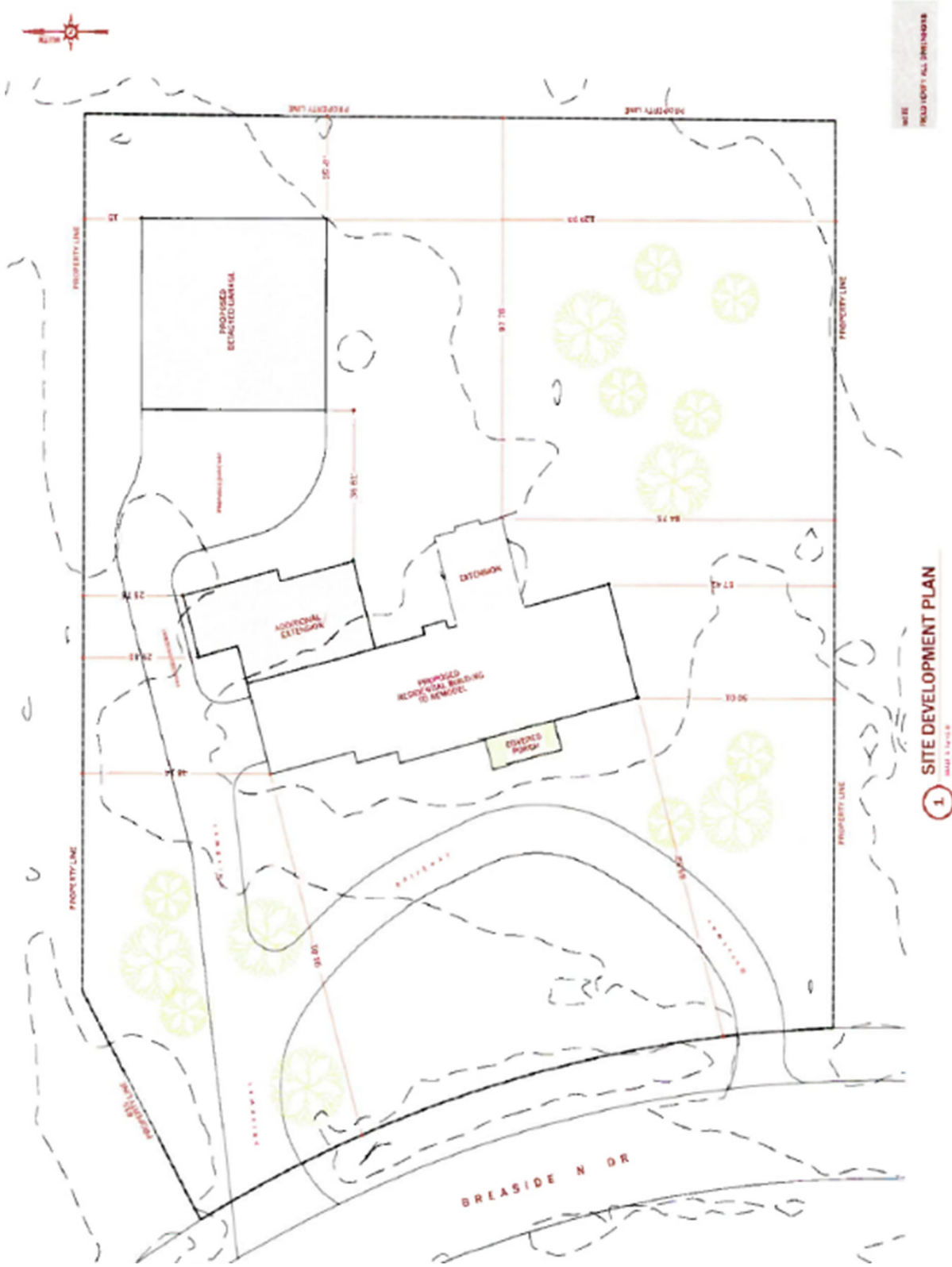


Photo 4: Proposed Site Plan for 450 Braeside Dr N





Photo 5: Residential home to right of 450 Braeside Dr N.



Photo 6: Residential home to left of 450 Braeside Dr N.



Photo 7: Residential home across from 450 Braeside Dr N





Photo 8: Findings of Fact for 2024-DV2-027

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 request to allow the secondary height to increase 4' 9" over the primary structure poses no known risk to the welfare of the general community. There is no known public health issue, or safety issue, related to this request. This is a structural and functional need only.

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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:

The request only serves to increase the property value to the petitioner, and the surrounding homeowners. The request allows the petitioner to build upon an already established, and visually appealing, neighborhood aesthetic. Secondary structures, such as a detached additional garage, are known to give positive value rise to homeowners. It helps to increase neighborhood property values, which provides for positive growth in neighborhoods, and adjacent areas. In further support, adjacent homeowners have already been allowed to have secondary structures constructed with heights above the primary structure. Letters of support are attached.

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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:

In order to comply with the strict application, the secondary structure would need to be redesigned with a much lower roof pitch. The new lower roof pitch would require a metal roof, which would diminish the value of the property, and surrounding properties alike. One of the primary functions of the secondary structure, for the petitioner, is RV and boat storage. A lower roof pitch would not allow the petitioner to store petitioners RV within the secondary structure. Petitioner would be unduly burdened with increased costs related to upkeep and off-site storage of the RV, along with other recreational equipment. Any redesign of the primary, or secondary, structure would be very costly, in both time and money.

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**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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