

**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

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

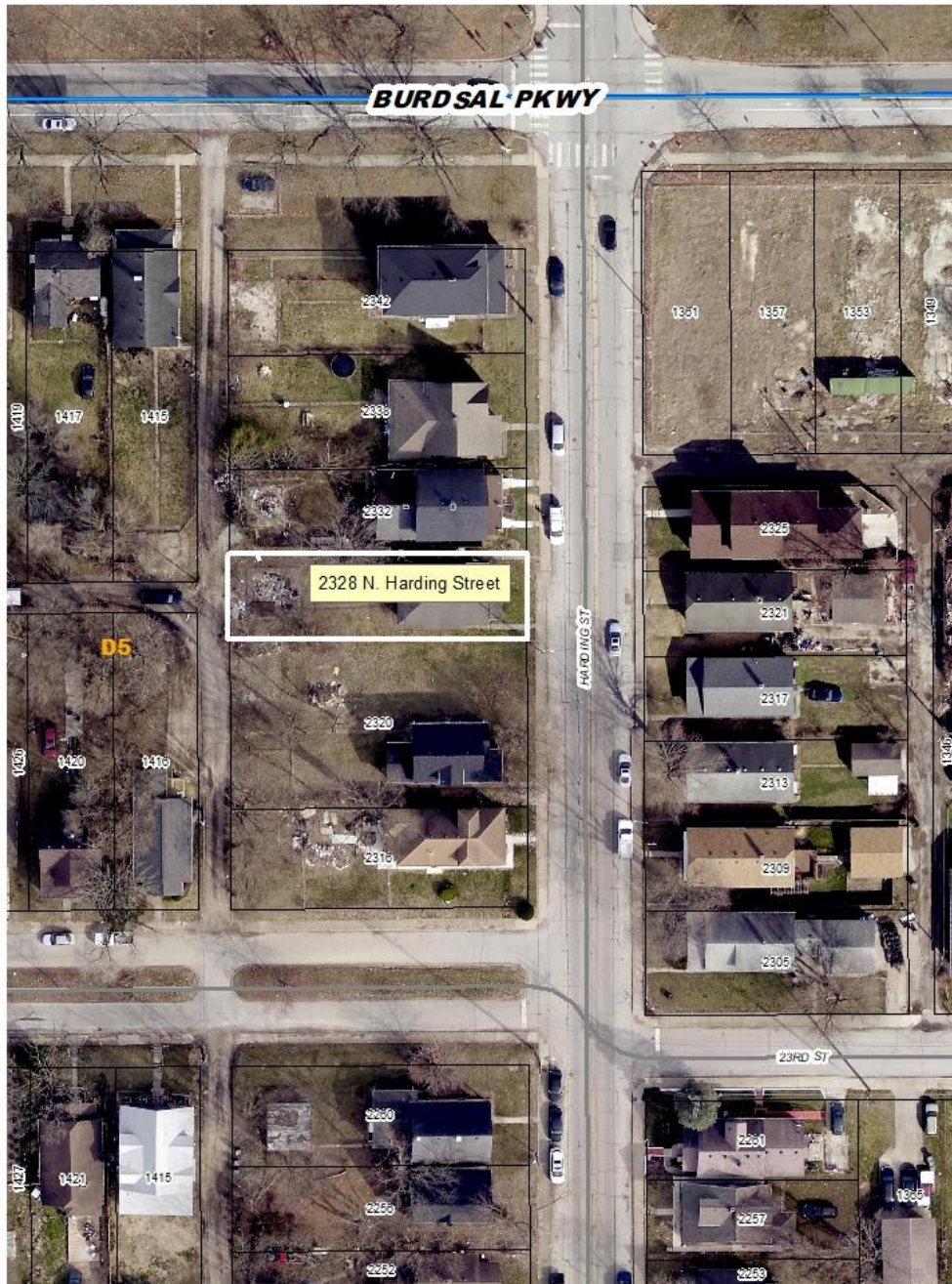
**85-UV3-46; 1352 Burdsal Parkway (north of site),** requested a variance of use to provide for an automobile repair shop, **denied.**

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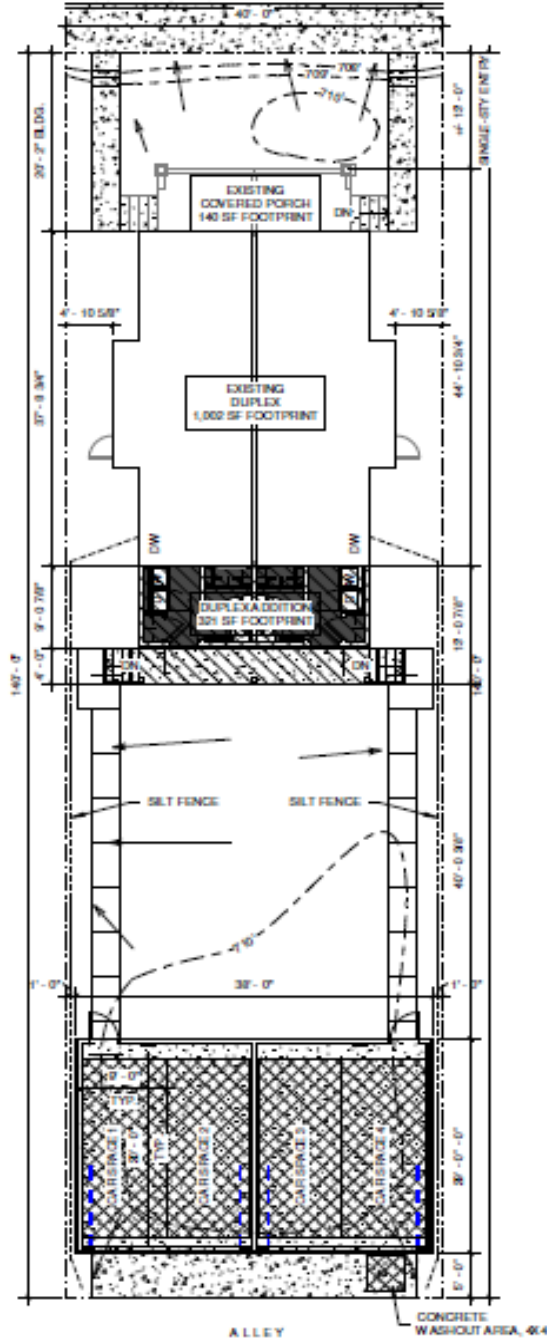
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**EXHIBITS**

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.