

BOARD OF ZONING APPEALS DIVISION II

March 11th, 2025

Case Number: 2025-DV2-003
Property Address: 807 Spruce Street (Approximate Address)
Location: Center Township, Council District #18
Petitioner: Nathan & Sara Smith, by Paul Lambie
Current Zoning: D-5
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a front loaded garage (exclusive access from an improved alley required).
Current Land Use: Residential
Staff Recommendations: Staff recommends **denial** of this variance petition.
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing of this variance request.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- This petitioner for this variance, is requesting a garage in the property's front yard to allow car access from Spruce Street instead of the alley behind the subject property.
- This property is 0.15-acre in a D-5 zoning district.
- There are plans to construct a multi-story (two floors and one basement) single-family dwelling on this property.
- The structure at this location has already been demolished.
- The Infill Housing Guidelines state that front-loaded garages are to be avoided. To minimize the impact of car access on neighborhood streetscapes, driveways and the extent of front-loaded garages along block frontages should be limited, and alternative access patterns integrated towards the interior of the block should be used.
- The alley behind 807 Spruce Street is paved with minimal foliage and ample space for home occupants to access their properties. This property and the property behind the subject site both have curved driveways in the backyard that allow them to pull in and out of the alley.

- The current proposed location of the single-family dwelling provides 39' and 6" of space in the backyard to accommodate a garage and an already existing pull-off area.
- The petitioner states that they need the front-loading garage to allow green space on the property. Staff believe that this could be accomplished by removing or moving the garage.
- Between Lexington Avenue and Pleasant Street, Spruce Street has five (5) front load garages that were located prior to the addition of the Walkable Neighborhood Development Standards in 2019. Staff sees this as an opportunity to promote infill development that honors the context of the compact area and the neighborhoods within the urban core.
- Spruce Street is a local street that is 60 feet wide and has sidewalks on both sides. It provides on-street parking for homes in the neighborhood that do not have alley access or garages for their vehicles.
- Staff recommends denial of this variance petition because there is no practical difficulty. The property is large enough for a garage in the back of the proposed dwelling and/or to use the existing, improved alley. Spruce Street has pedestrians on the sidewalks, cars traveling both ways of traffic, and on-street parking; Staff sees the introduction of another front-loaded garage as a potential detrimental to the actively used right of way along Spruce Street.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Traditional Neighborhood
South:	D-5	South: Traditional Neighborhood
East:	C-3	East: Community Commercial
West:	D-5	West: Traditional Neighborhood
Thoroughfare Plan		
Spruce Street	Local Street	60 feet of right-of-way existing and 48 feet proposed.
Lexington Avenue	Local Street	60 feet of right-of-way existing and 48 feet proposed.
Pleasant Street	Local Street	60 feet of right-of-way existing and 48 feet proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	02/04/2025	
Site Plan (Amended)	N/A	
Elevations	02/04/2025	

Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	02/04/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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 (pg 17-18).

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

- Accessory buildings should be of a secondary nature. Garages should be oriented towards alleys. Avoid front-loading garages and driveways where alleys are available. The Zoning Ordinance requires that entries should be clear and defined (pg 27).

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



**Department of Metropolitan Development
Division of Planning
Current Planning**

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

- N/A

ZONING HISTORY – SURROUNDING AREA

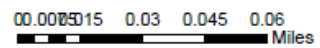
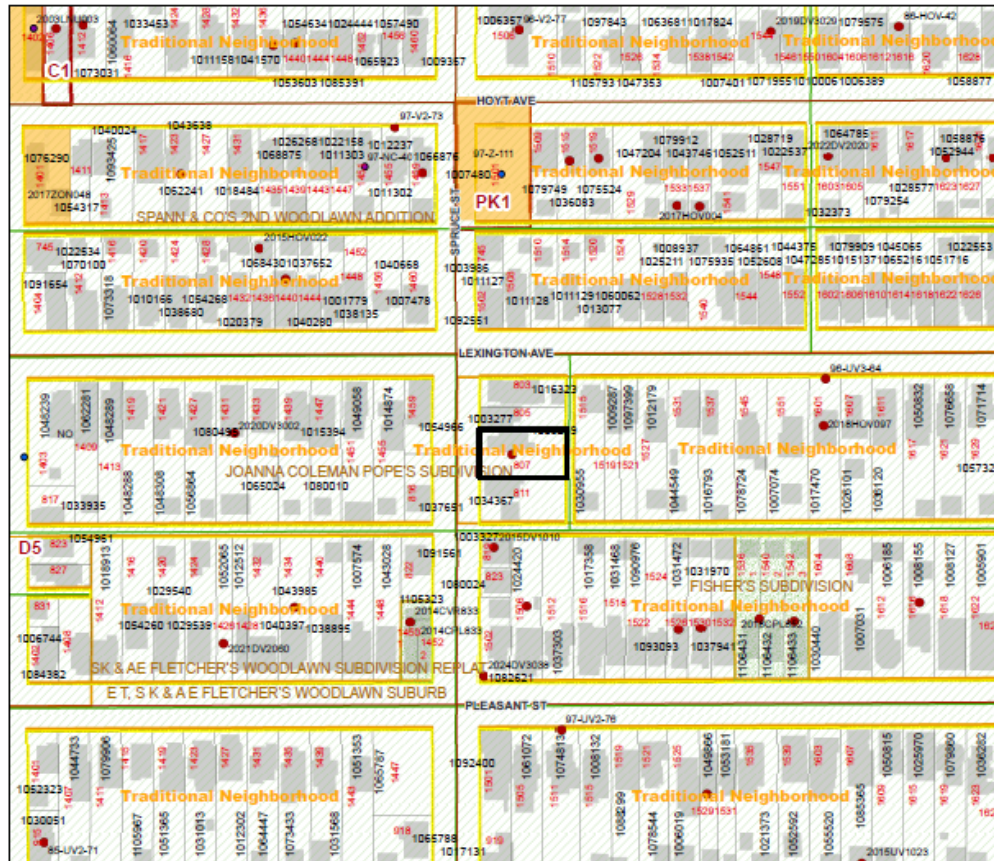
- 2015DV1010: 819 Spruce Street
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a two-story single-family dwelling, at 819 Spruce Street, with a four-foot front setback, a two-foot south side setback, a five-foot aggregate side setback and a two-foot rear setback, with 25% open space and a two-story single-family dwelling at 823 Spruce Street, with a six-foot front setback, a two-foot north side setback, a four-foot aggregate side setback, and a two-foot rear setback, with 28% open space (minimum 25-foot front setback, four-foot side setback, 10-foot aggregate side setback, 20-foot rear setback and 65% open space required).
 - Approved
- 2015HOV022: 1436 Lexington Avenue
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 528-square foot detached garage with an eight-foot aggregate side yard setback and an open space of 39% (10-foot aggregate side yard and 65% open space required).
 - Approved
- 2016DV1056: 1638 Pleasant Street
 - AMENDED- Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for: a) at 1638 Pleasant Street, an attached garage, with a 2.8-foot front setback along State Avenue and a 2.6-foot side setback, creating 33% open space, and to legally establish the existing nine-foot front setback (18-foot front setback, three-foot side setback and 60% open space required), b) to provide for, at 830 State Avenue, a detached garage, with a 3.3-foot rear setback, and creating 55% open space (minimum 60% open space required), and to legally establish a single-family dwelling, with a 3.3-foot rear setback, a zero-foot setback along State Avenue and a deck with a three-foot front setback (18-foot front setback, five-foot rear setback (garage), 20-foot rear setback (dwelling), c) and to provide for and legally establish structures within the clear sight triangles at 1638 Pleasant Street (not permitted).
 - Approved
- 2016HOV032: 1526 Pleasant Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, with a 6.33-foot and 5.083-foot separation from existing dwellings and a detached garage within the clear-sight triangle of the driveway and abutting alley.
 - Approved
- 2017Dv1003: 1537 Hoyt Avenue

- Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide the construction of detached garage, creating 51% open space (60% open space required), and to legally establish an existing single-family dwelling, with a two-foot west side setback, five feet between buildings and an eight-foot front setback (three-foot side setback, 10 feet between buildings and an 18-foot front setback required).
 - Approved
- 2017HOV004: 1533 Hoyt Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, with a 1.5-foot west side setback, creating 50% open space (minimum 60% open space required), and to legally establish a single-family dwelling, with 7.5 feet between primary dwellings (10-foot separation required).
 - Approved
- 2017HOV006: 1616 Pleasant Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and garage, with five feet between primary dwellings (10 feet required).
 - Approved
- 2017HOV086: 1530 Pleasant Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dwelling, with five feet separation between primary dwellings (10-foot separation required).
 - Approved
- 2017UV1015: 822 South State Avenue
 - Variance of Use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses, including a single-family dwelling and attached garage (not permitted), with a three-foot south side transitional setback (eight-foot side transitional setback required).
 - Approved
- 2017ZON005: 1401 Hoyt Avenue
 - Rezoning of 0.09 acre, from the C-1 district to the D-5 classification.
 - Approved
- 2017ZON048: 1407 Hoyt Avenue
 - Rezoning of 0.09 acre from the C-1 district to the D-5 classification.
 - Approved
- 2018CVR852: 1536 Pleasant Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for three lots with 31.33 feet of lot width (50 feet required).
 - Approved
- 2018HOV037: 1644 Lexington Avenue
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory single-family residential uses, including the demolition and reconstruction of a single-family dwelling and the construction of a detached garage (not permitted), with a five-foot front yard and three-foot side transitional yard (10-foot front yard and 10-foot side transitional yard required).

- Approved
- 2020DV3002: 1431 Lexington Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 936-square foot secondary dwelling (maximum 720-square foot permitted).
 - Approved
- 2020DV3005: 1519 Hoyt Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage with 50% open space (60% required).
 - Approved
- 2021Dv1001: 1515 Hoyt Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a 5.5-foot front setback, nine feet between dwellings, and a detached garage, resulting in 50% open space (18-foot front setback or average, 10 feet between dwellings and 60% open space required).
 - Approved
- 2021DV1029: 1635 Hoyt Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage accessory to a single-family dwelling with 49% open space (60% open space required).
 - Approved
- 2021DV2032: 1623 Hoyt Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage and the rehabilitation of an existing single-family dwelling with a zero-foot north side setback and 4.5 feet between dwellings, creating an open space of 49% (three-foot side setback, 10 feet between dwellings and 60% open space required).
 - Approved
- 2021DV2060: 1426 Pleasant Street
 - Variance development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish 3,740-square-foot lot with 20 feet of street frontage (25 feet of street frontage required) and to provide for a 1,116-square-foot dwelling with two-foot east and west side setbacks (three-foot setback, six-foot aggregate side setback required), a 6.5-foot separation between primary dwellings (ten-foot separation required) and to provide for a 352-square-foot detached garage with two-foot side setbacks (three-foot side setbacks required).
 - Approved
- 2022DV2020: 1603 Hoyt Avenue
 - (Amended) Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to a single-family dwelling and a new detached accessory structure, each with a four-foot west side yard setback, and a four-foot east side yard setback (five feet side yard setbacks required).
 - Approved

- 2024CVR836: 802 South State Avenue
 - (Amended) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a floor area ratio of 0.18 (maximum FAR of 0.60 permitted) and a livability space ratio of 0.24 (minimum LSR of 0.66 required) and to legally establish a zero-foot front building line setback (minimum front building line range of 10 feet to 19.9 feet required), and a zero-foot corner side yard (minimum 10-foot corner side yard required).
 - Approved
- 2024DV3038: 1502 Pleasant Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a four-foot tall fence within the front yards of Spruce and Pleasant Streets, also encroaching within the clear sight triangle of the intersection (3.5-foot tall fence permitted, encroachment prohibited).
 - Approved

EXHIBITS



Legend

- ZoningApprovals
- ZoningLncu
- ZoningVariances
- Rezoning
- ZoningVacations
- ZoningPlats
- CCGIS.ThoroughfarePlan
- CCGIS.EASEMENT
- CCGIS.RIGHTOFWAY

CCGIS.STREETS

- Built/Platted
- OPER_STATUS
- REMOVED
- VACATED
- VACATED/BUILT
- VACATED/LOCATOR
- CCGIS.DMDLandUsePlanBase
- CCGIS.lhpc
- CCGIS.ZONING
- PARCELSTATEPIN
- PARCELS
- PLATTEDSUBDIVISION
- CCGIS.Buildings



Exhibit 1: ArcGIS map of the surrounding area.



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]
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 grant of variances will result in demolition of a dilapidated structure and replacement with a new quality dwelling built to or beyond all current codes. Further, the grant of variances will result in the sidewalk being replaced with a new sidewalk/driveway interface built to current ADA standards to provide for a safe pedestrian experience.

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:

construction of a new dwelling to replace the existing dilapidated structure will enhance the use and value of adjacent properties, and the proposed dwelling with a front load garage and driveway from Spruce Street will be consistent with the predominant development pattern of this block.

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

the property's dimensions are wider (60') and narrower (110') than the typical urban lot, which is more typically in the range of 40' x 140'. This makes the lot more suitable for a wider dwelling with an attached garage. A front load garage is necessary to allow for a usable rear yard space that can be fenced for privacy and/or security. The alley behind the property is of a substandard width (10' platted) compared to the standard minimum alley pavement width of 15' required in Table 741-303-1 of the zoning ordinance. The existing alley is further restricted by overgrown vegetation due its infrequent use and this makes it even less safely traveled and would further hamper safe turning maneuvers into and out of the alley.

Exhibit 2: Findings of Fact submitted by the petitioner.



Exhibit 3: Aerial of the subject site before the prior home was demolished.



Exhibit 4: Proposed single family dwelling front elevation.

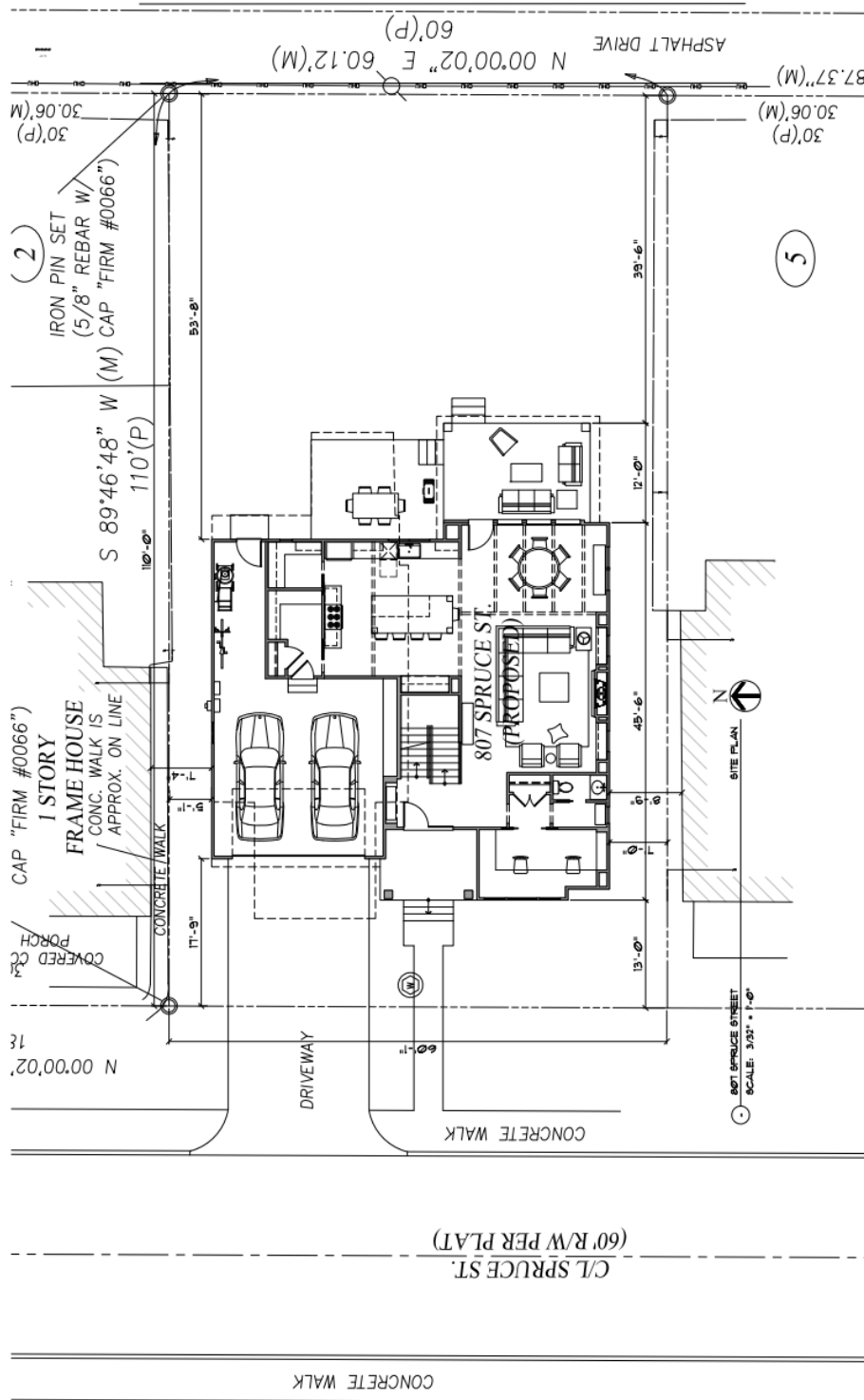
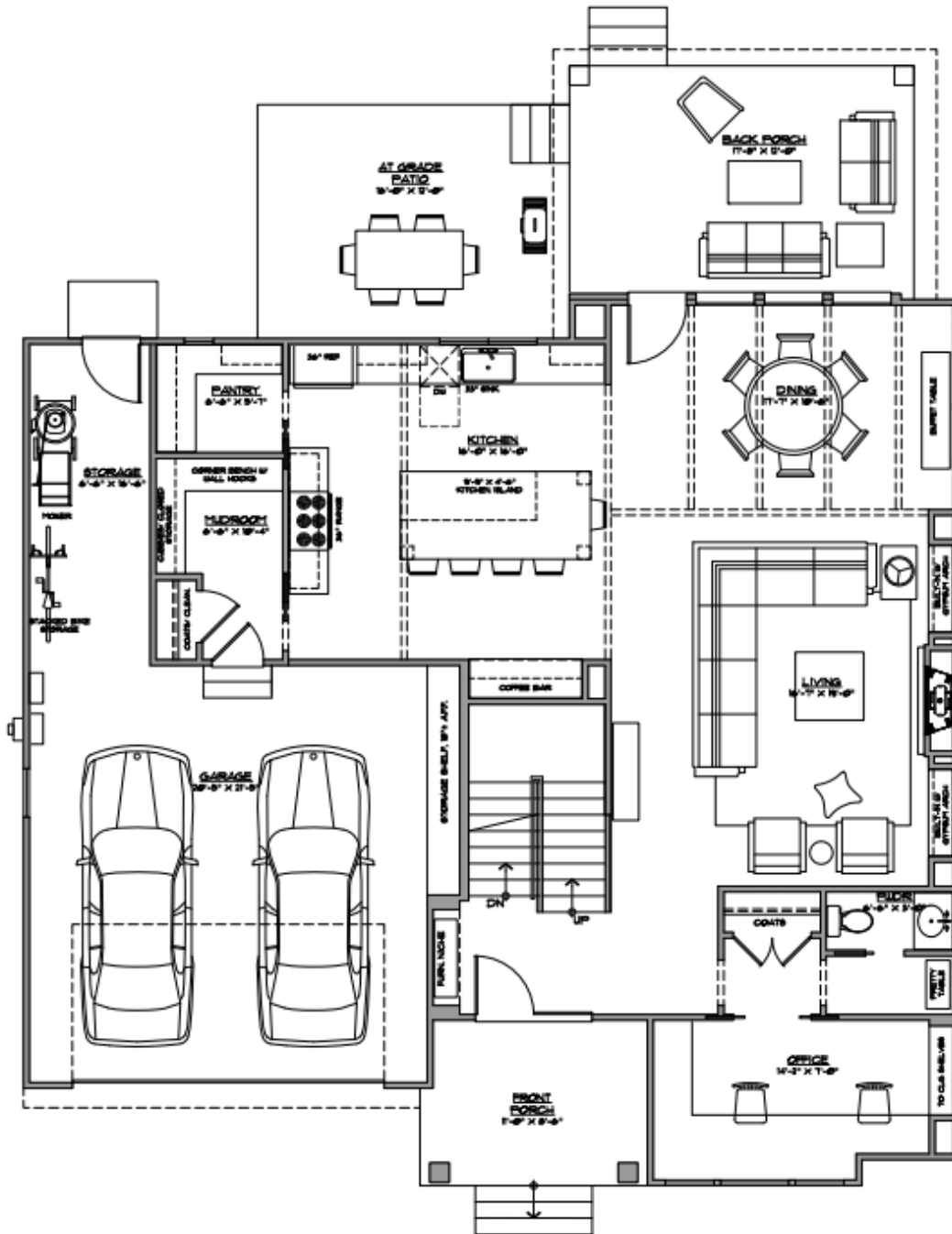


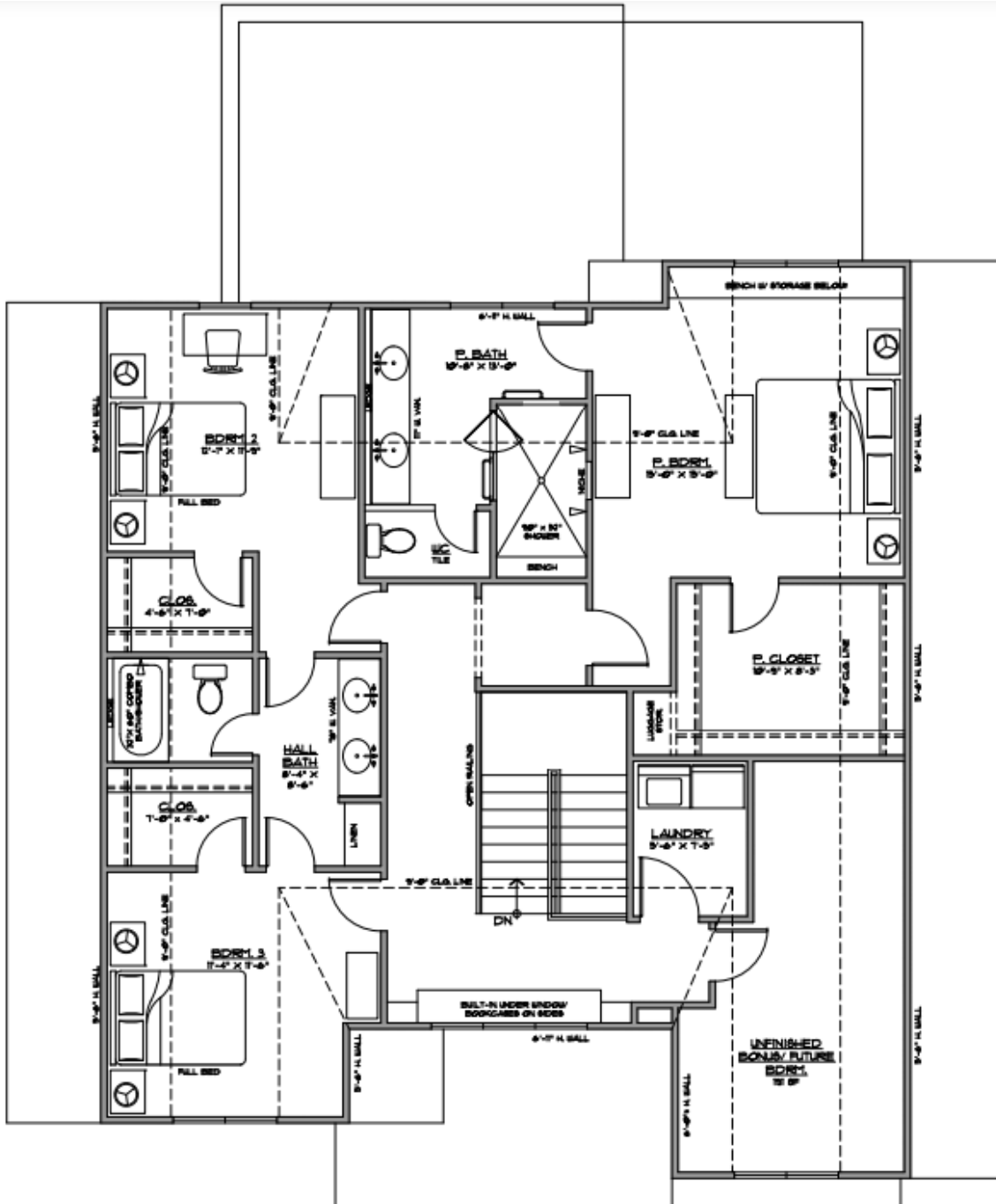
Exhibit 5: Site plan of the proposed single-family dwelling for this variance petition.



801 SPRUCE STREET FIRST FLOOR PLAN N

SCALE: 3/16" = 1'-0" FINISH SQ. FOOTAGE: 1,346 SF (DOES NOT INCLUDE GARAGE OR PORCHES)

Exhibit 6: Proposed first floor plan.

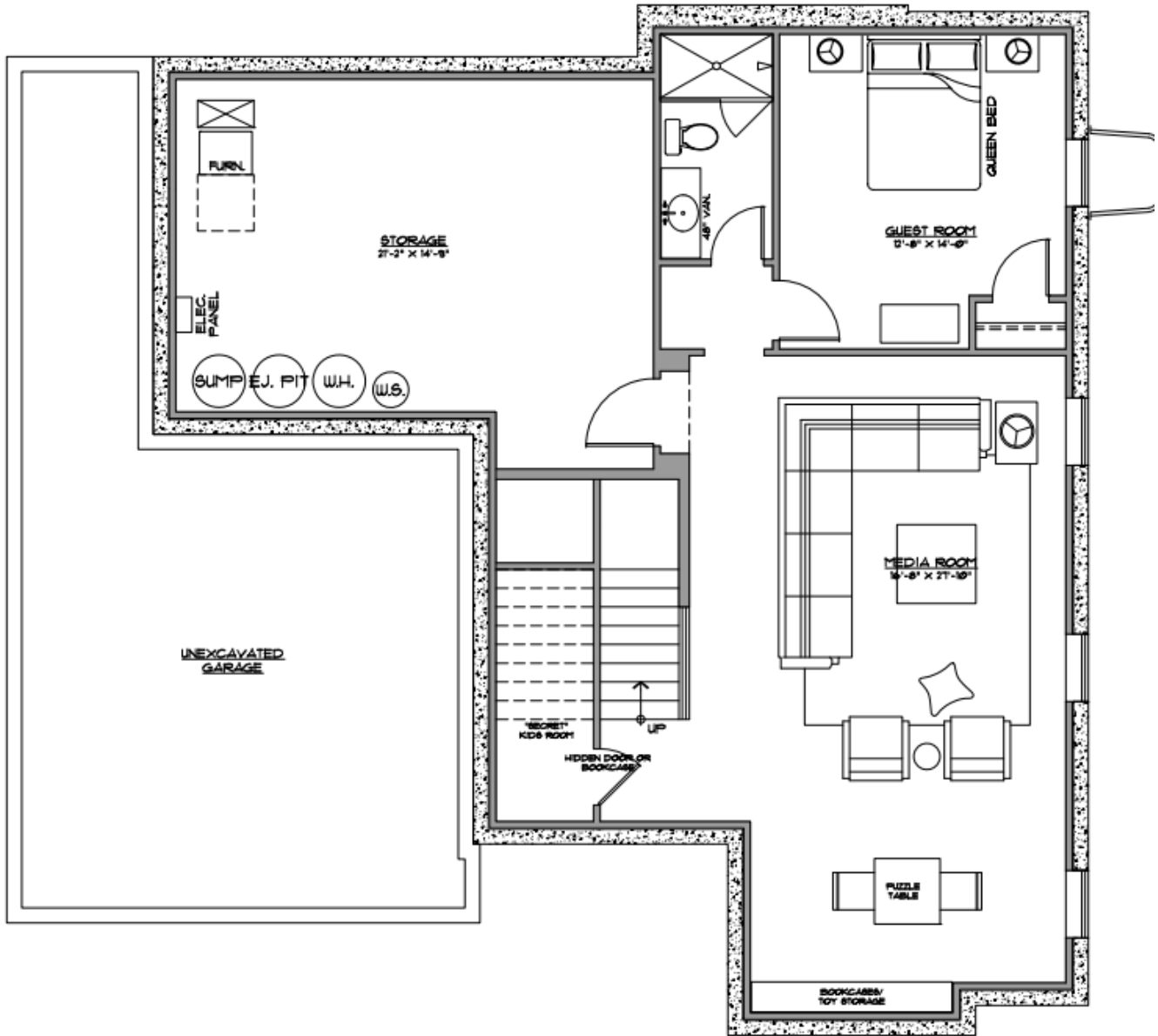


801 SPRUCE STREET
 SCALE: 3/16" = 1'-0"

SECOND FLOOR PLAN
 FINISH SQ. FOOTAGE: 1332 SF
 (DOES NOT INCLUDE BONUS)



Exhibit 7: Proposed second floor plan.



801 SPRUCE STREET FIRST FLOOR PLAN N
 SCALE: 3/16" = 1'-0" FINISH SQ. FOOTAGE: 963 SF
 (DOES NOT INCLUDE UNEXC. OR UNFIN. SPACE)

Exhibit 8: Proposed basement floor plan.



Exhibit 9: Double lot for the proposed single-family dwelling looking east from Spruce Street.



Exhibit 10: Double lot for the proposed single-family dwelling looking west from alley.



Exhibit 11: Looking south down alleyway from Lexington Avenue.

Exhibit 12: Looking south down alley way.



Exhibit 12: Parking location for neighbor behind 807 Spruce Street.



Exhibit 13: Looking north up Spruce Street.



Exhibit 14: Look south down Spruce Street.