



**BOARD OF ZONING APPEALS DIVISION III**

**July 16, 2024**

**Case Number:** 2024-DV3-019  
**Address:** 901 Campbell Avenue (approximate address)  
**Location:** Warren Township, Council District #14  
**Zoning:** D-4  
**Petitioner:** Amanda Schmidt, by David Gilman  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of an addition resulting in a zero-foot south side yard setback (four feet required).

**Current Land Use:** Single-family dwelling

**Staff Recommendation:** Staff recommends approval of this petition.

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- ◇ The request would provide for the construction of an addition resulting in a zero-foot south side yard setback (four feet required). Adjacent to the south side yard is a twelve-foot driveway and a side yard on the parcel to the south. The driveway and side yard would provide adequate separation from any primary dwelling or other accessory structure.
- ◇ Development in this area predates current zoning requirements. Residential uses with similar reduced setbacks are common in this area. Requiring that the site adhere to development standards for the proposed improvements, particularly given that the site was platted prior to current zoning requirements, would constitute a practical difficulty.
- ◇ The proposed setback would still provide adequate space to mitigate any adverse impacts and provide the minimum area necessary for maintenance setbacks similar to or greater than adjacent parcel accessory structures. The request would represent a minor deviation from the Ordinance.
- ◇ Generally, staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-4	
<b>Existing Land Use</b>	Single-Family Dwelling	
<b>Comprehensive Plan</b>	Recommends 3.5-5.0 dwelling units per acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Single-Family dwelling
	South:	South: Single-Family dwelling
	East:	East: Single-Family dwellings
	West:	West: Single-Family dwelling
<b>Thoroughfare Plan</b>		
Campbell Avenue	Local Street	70-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>	No	
<b>Site Plan</b>	June 3, 2024	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	June 3, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends 3.5 – 5.0 dwellings per acre for the site.

**Pattern Book / Land Use Plan**

- The Comprehensive Land Use Plan recommends 3.5-5.0 dwelling units per acre for the subject site, which provides for a medium density residential use. Permitted are single family and two-family dwellings

**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

**2011-HOV-002; 955 Campbell Avenue (north of site)**, requested a variance of development standards to legally establish a pool and fire pit in the front yard of the established front building line, and to provide for a 528-square foot detached garage in front of the established front building line, **granted.**

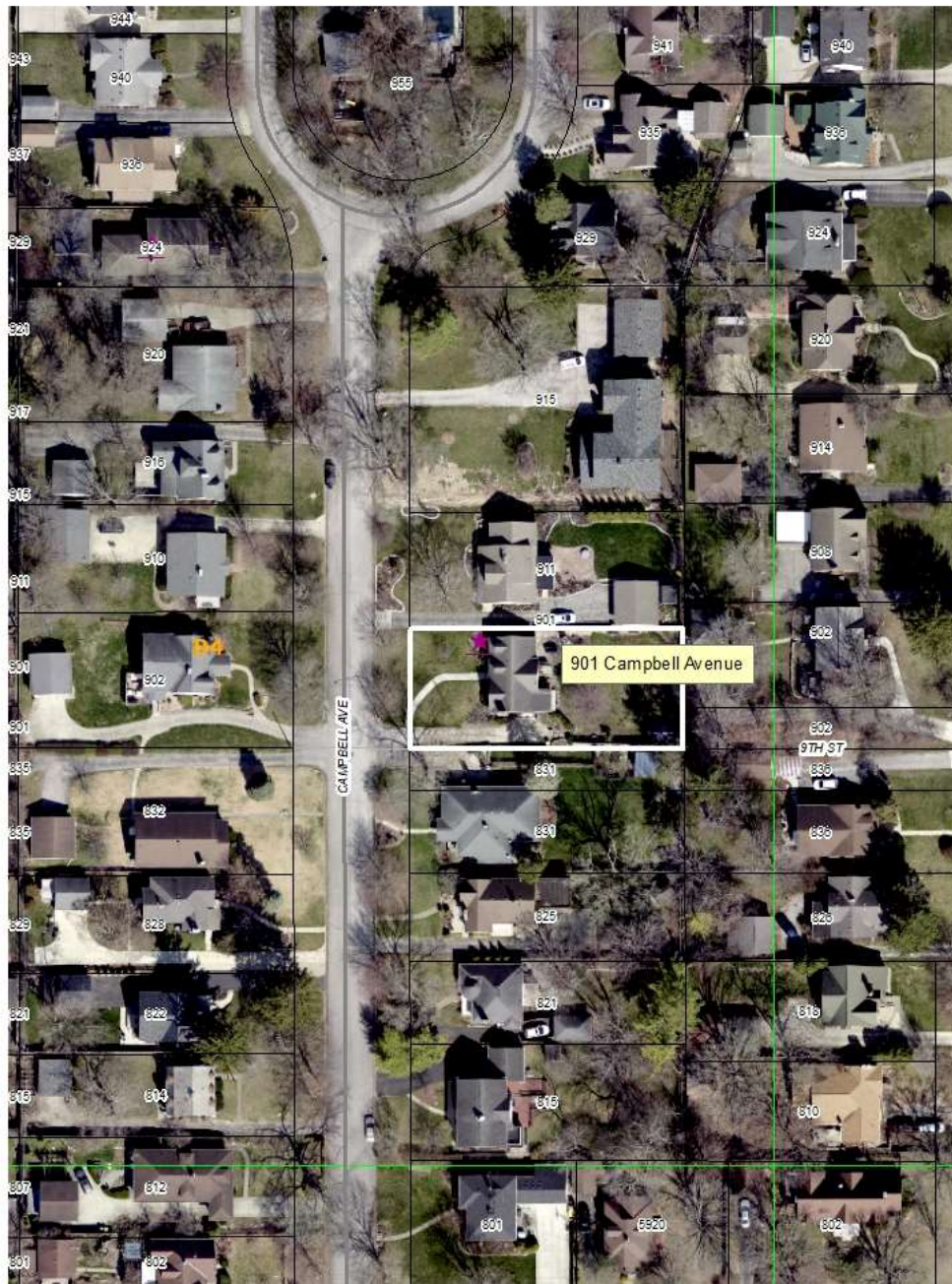
**99-V3-49; 924 Campbell Avenue (north of site)**, requested a variance of development standards to provide for the construction of a 20 by 24-foot detached garage with a side yard setback of two feet, **granted.**

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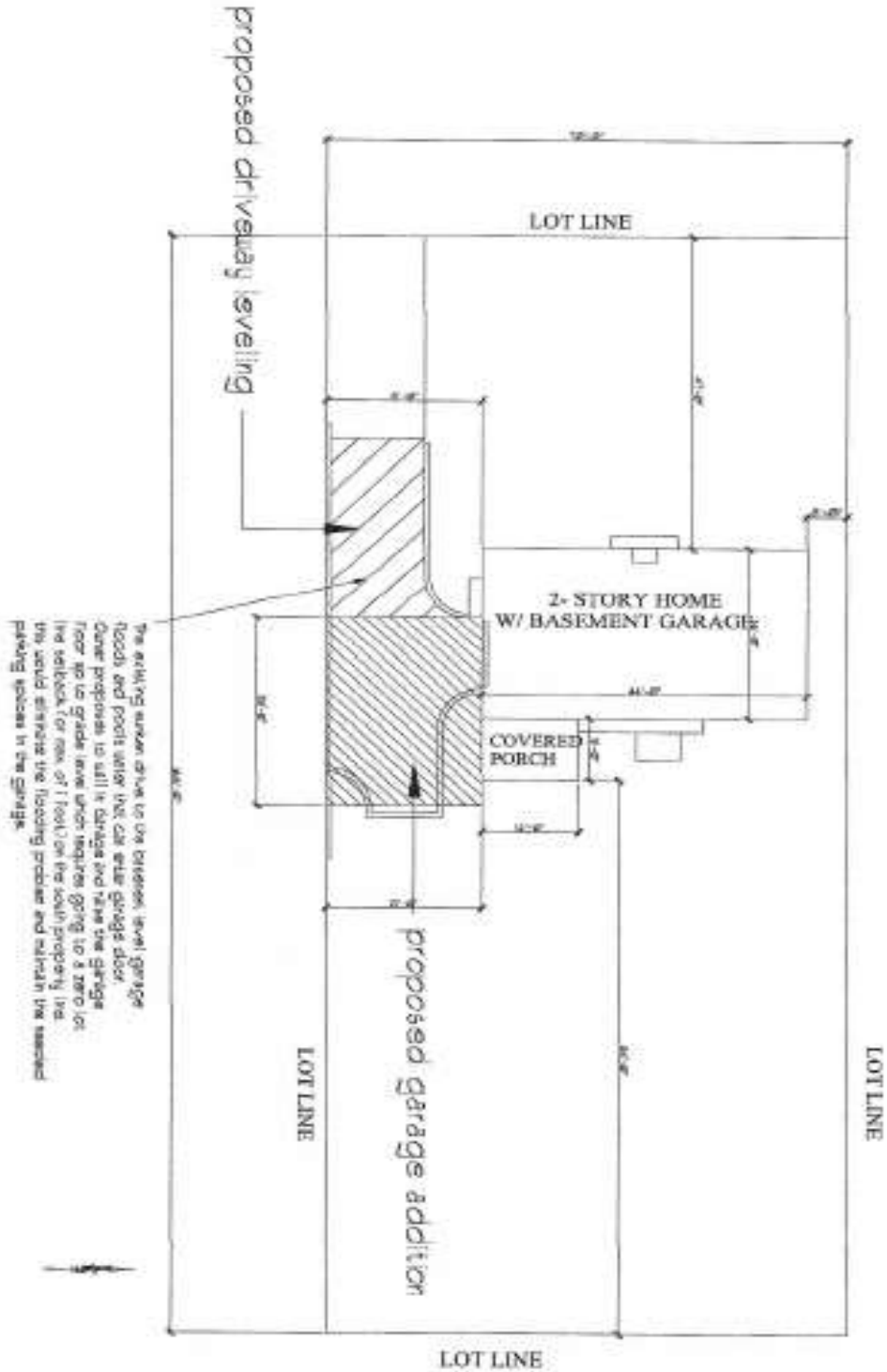
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**EXHIBITS**

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**

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

The proposed garage will be constructed to meet the applicable building codes. The site will continue to provide for proper drainage and will not create a traffic hazard or health concern.

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 subject property has a common retaining wall with the adjacent property to the south. That wall is at a zero (0) foot setback and will provide for a portion of the proposed garage foundation. Both property owners are working together to elevate their common lots lines for the proposed garage and to improve the topographic conditions for drainage on the adjacent property.

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 drive to the subterranean garage is well below the street elevation and stormwater often floods into the residence. The adjacent property to the south elevated their drive to match street level grade with the same type of construction. The subject property is now the only lot with this unusual construction design and it needs to be remedied to protect the residence, occupants and property values. Elevating the drive to match street grade and a street level garage is the best solution.

Photographs



Subject Property looking east.



Subject Property driveway and entrance to basement garage, looking east.





Subject Property entrance to basement garage, looking northeast.



Location of proposed addition, looking east.





Adjacent property to the south, looking east.



Adjacent property to the north, looking east.