

BOARD OF ZONING APPEALS DIVISION I

May 6, 2025

Case Number: 2025-DV1-005

Property Address: 6462 Broadway Street (approximate address)

Location: Washington Township, Council District #2

Petitioner: Melissa Jackson and Andrew Mehlhop, by Hannah Able

Current Zoning: D-4 (TOD) (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage addition with a one-foot south side yard setback (four feet required) and a three-foot rear yard setback (five feet required).

Current Land Use: Residential

Staff Recommendations: Staff recommends **denial** of this variance.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

4/1/25: A miscommunication between staff and the petitioner led the applicant to believe that this petition would be unable to be heard at the April 1st meeting, and they did not attend that hearing date. Staff requested a continuance to the May 6th, 2025 hearing on their behalf.

3/4/25: The applicant had requested a continuance for cause at the March 4th 2025 hearing date to allow for additional time to discuss with a neighborhood group.

STAFF RECOMMENDATION

Staff recommends **denial** of this variance.

PETITION OVERVIEW

- 6462 Broadway Street is currently improved with a single-family residence. There is an accessory garage within the rear yard that is accessed by a front-yard driveway that connects from Broadway to the garage via the southern side yard. The property is located both within the Transit-Oriented Development overlay and within a Floodway. The surrounding properties are also developed with single-family homes; most of these homes utilize rear yard garages that are accessed either from the rear alley (as current Ordinance rules would require) or from front-yard driveways.
- The owner of this property is seeking to construct an addition onto the western side of the existing accessory garage that would reduce the rear setback from 21 feet to 3 feet. It would also extend

the existing one-foot southern side yard setback. Variances would be needed for both the rear yard setback (5 feet required) and the side yard setback (4 feet required). Although the Ordinance allows for a one-time 50% extension along an existing non-conforming side yard, this extension would result in an 81% increase so the exception would not be applicable.

- This property is zoned D-4 to allow for low or medium intensity single-family and two-family residential development with good throughfare access, flat topography, and access to nearby community services facilitated by pedestrian linkages. Similarly, the Envision Broad Ripple neighborhood plan and Red Line TOD Plan recommend the site be developed with residential uses with accessible alleys and off-street parking limited to garages. The Infill Housing Guidelines indicate that accessory garages should be oriented towards alleys and front-loading garages/driveways should be avoided when alleys are available. Finally, issuance of a flood permit in conjunction with building permits would be required for this or any other garage addition.
- Findings of Fact provided by the applicant indicate that detached accessory structures on neighboring properties have similar side and rear setbacks, that the flexibility to expand the garage closer to the existing home does not exist, and that the side yard increase comes close to qualifying for the 50% increase along a non-conformity (81% increase). Although it does appear that some existing neighboring structures have setbacks that are similarly non-compliant with current ordinance standards, staff would note that (a) there does not appear to be an extensive petition history of approvals to allow for new or newly expanded setback non-conformities at adjacent properties; (b) the existence of neighboring non-conformities would not by itself constitute a practical difficulty; and (c) it does not immediately appear that accessory structures on adjacent properties contain 4-car garages or garages with the proposed square footage of 840 square feet.
- Prior to the filing of this petition, staff had indicated to the applicant that a version of this variance that removed the front-yard curb cut and routed vehicle access exclusively from the rear alley (as current ordinance would require) would be supportable; it does not appear that the applicant would be amenable to this compromise. Given the lack of site-specific practical difficulty requiring this development, the available street parking along Broadway Avenue, and the fact that the Ordinance would only require one parking space for the existing single-family use, staff feels that approval of a garage with this many vehicles may lead to additional requests for higher density development in the future and would recommend denial of the petition.

GENERAL INFORMATION

Existing Zoning	D-4 (TOD) (FF)	
Existing Land Use	Residential	
Comprehensive Plan	3.5 – 5 Residential Acres per Acre	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-4	North: Residential
South:	D-4	South: Residential
East:	D-4	East: Residential
West:	D-4	West: Residential
Thoroughfare Plan		
Broadway Street	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	01/15/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	01/15/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Red Line Transit-Oriented Development Strategic Plan
- Envision Broad Ripple
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line TOD Strategic Plan recommends this site to the Walkable Neighborhood typology given its proximity to the 66th Street stop of the Red Line. This typology is designed for walkable areas that are primarily residential (small lot single-family attached or detached) but may have a commercial node of one to two city blocks. Off-street parking is discouraged and should be limited to garages.

Neighborhood / Area Specific Plan

- The Envision Broad Ripple Neighborhood Plan recommends that this site be developed for residential uses in an area with density of 3.5 to 5 units per acre.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that accessory structures should be placed behind primary buildings in a manner that does not overshadow the primary structure in scale, height, size, and mass. When possible, accessory garages should be oriented towards alleys, and front-loading garages and driveways should be avoided when alleys are available.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2008HOV017 ; 6417 N Park Avenue (southwest of site), variance of use of the Dwelling Districts Zoning Ordinance to legally establish a two family dwelling (not permitted), not on a corner lot, **approved**.

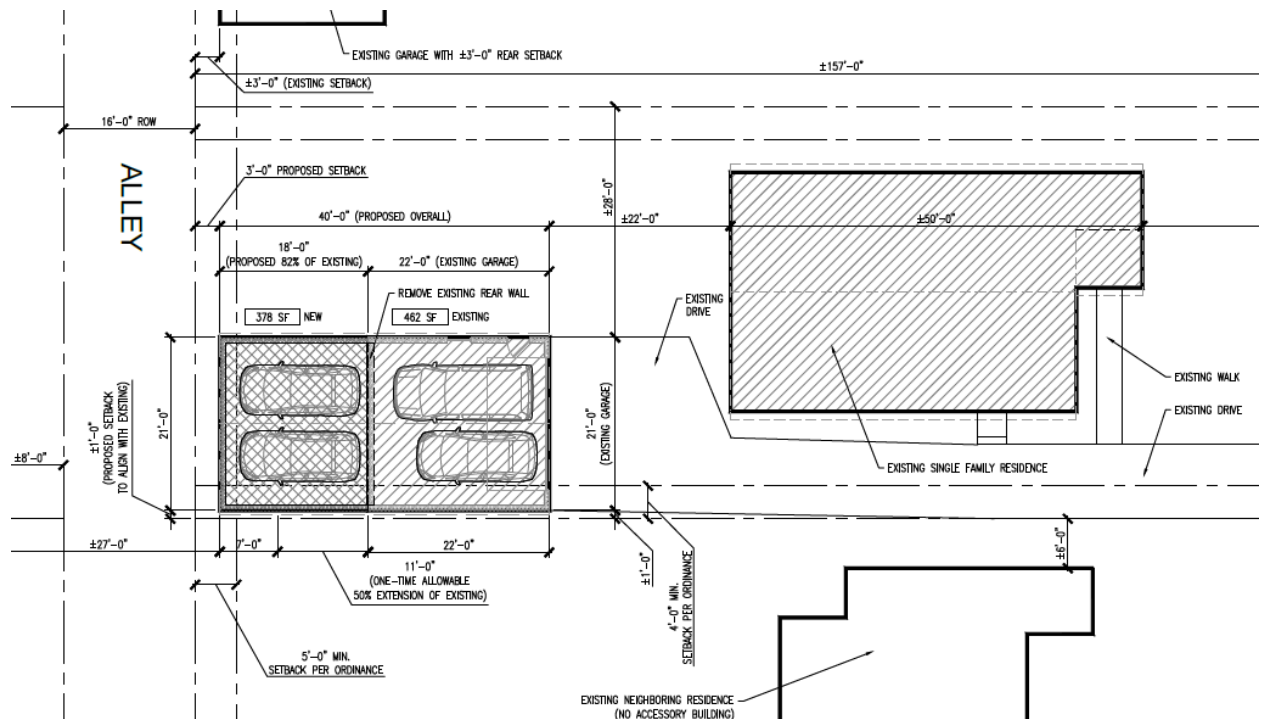
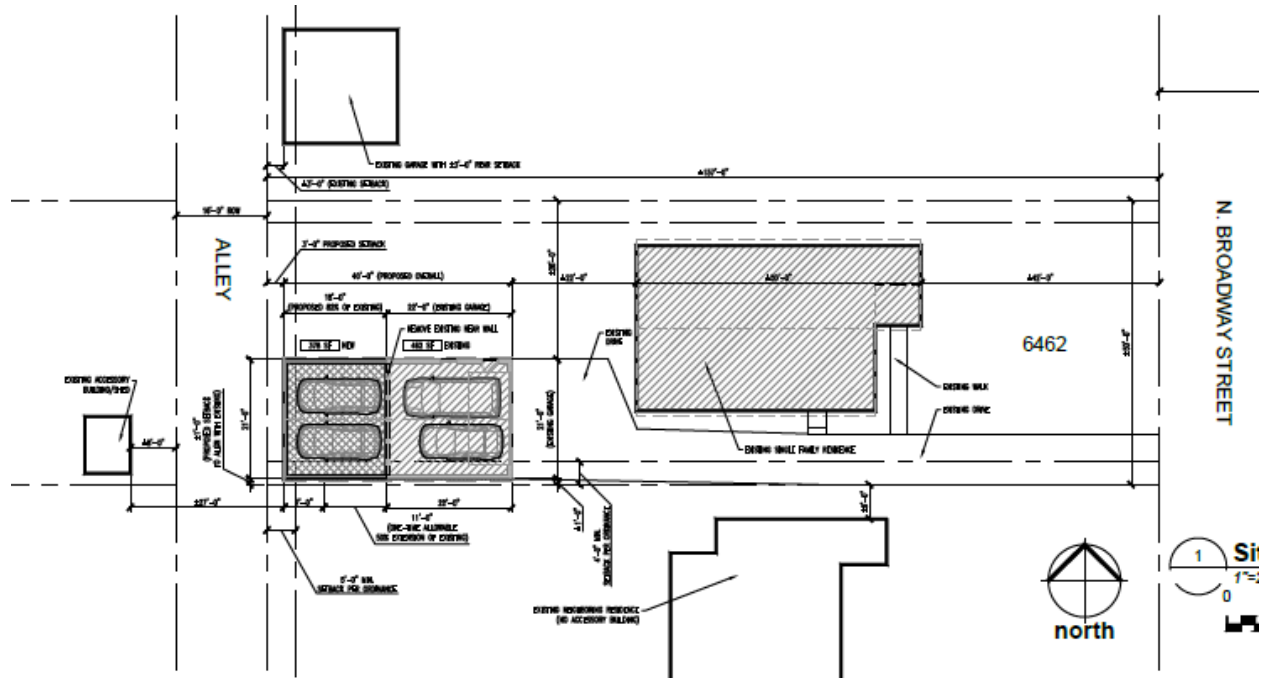
2004DV3009 ; 6471 Broadway Street (northeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 550.50-square foot carport with a one-foot rear yard setback (minimum five-foot rear yard setback required for accessory structures) and a zero-foot north side yard setback (minimum five-foot side yard setback required), **denied**.

2002DV1041 ; 6420 N Park Avenue (southwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a wheelchair ramp at the rear of the single-family dwelling with a setback two feet from the north property line (minimum five-foot setback required), **approved**.

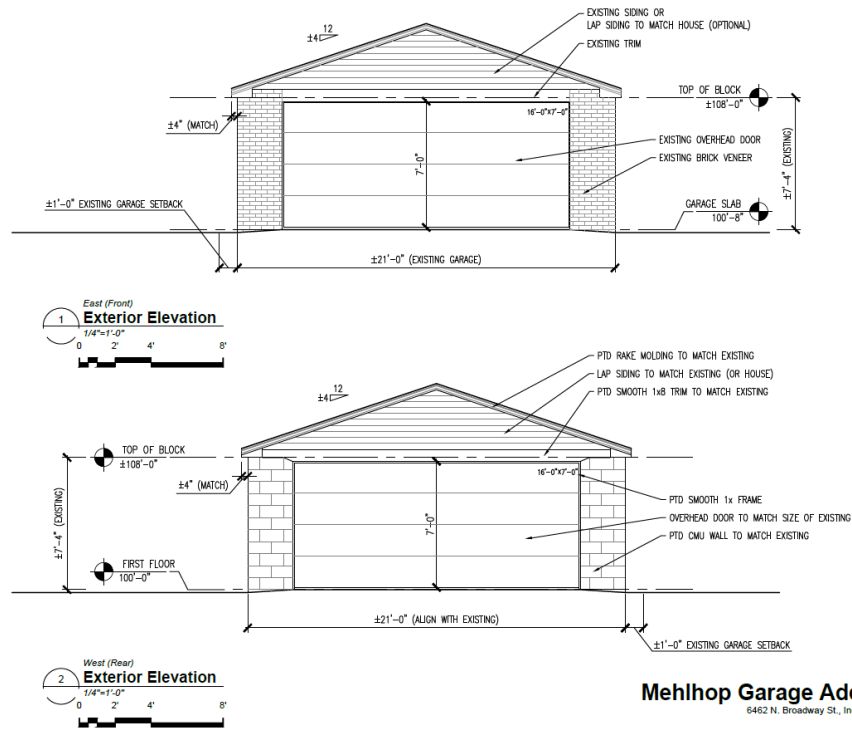
EXHIBITS

2025DV1005 ; Aerial Map

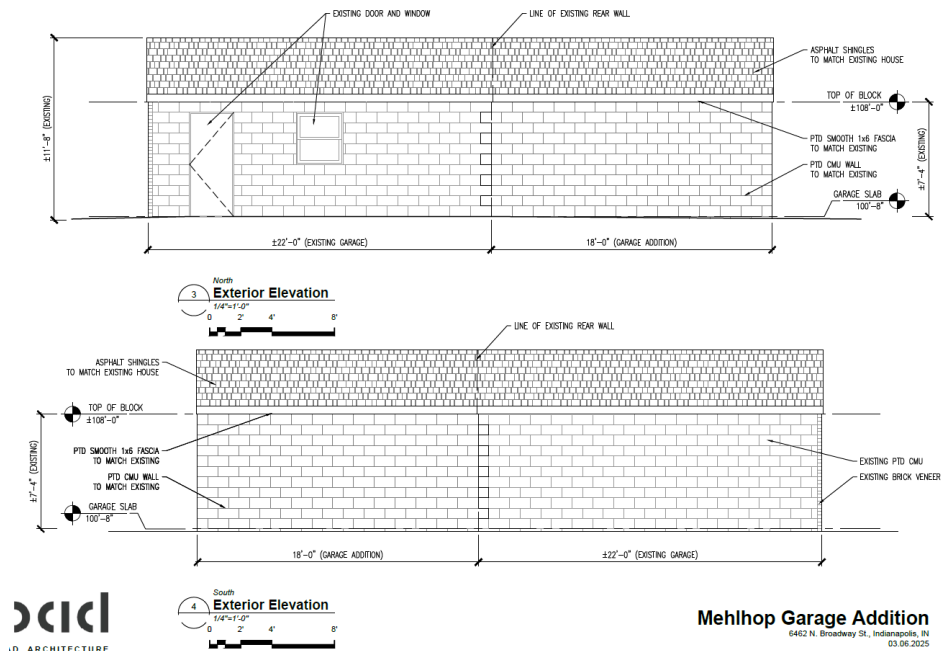




2025DV1005 ; Elevations (East/West)



2025DV1005 ; Elevations (North/South)





2025DV1005 ; Findings of Fact

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

similar rear and side setback conditions for accessory buildings already exist within the neighborhood.

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:

similar rear and side setback conditions for accessory buildings already exist on neighboring properties.

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 garage is too close to the existing residence to expand the garage within the allowable side setbacks and connect with the existing drive.

The existing garage is too close to the rear setback and the 50% allowable extension is not adequate to provide enough additional depth for tandem parking.

2025DV1005 ; Photographs



Photo 1: Subject Site Viewed from East



Photo 2: Adjacent Property to East

2025DV1005 ; Photographs (continued)



Photo 3: Adjacent Property to South



Photo 4: Adjacent Property to North

2025DV1005 ; Photographs (continued)



Photo 5: Subject Site Viewed from West



Photo 6: Adjacent Property to North (Viewed from Alley)

2025DV1005 ; Photographs (continued)



Photo 7: Adjacent Property to Northwest



Photo 8: Adjacent Property to Southwest