

BOARD OF ZONING APPEALS DIVISION I

May 6, 2025

Case Number: 2025-DV1-008
Property Address: 1910 Mansfield Street (approximate address)
Location: Center Township, Council District #12
Petitioner: Delores Williams Bentley
Current Zoning: D-5 (W-1)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for driveway access from Mansfield Street (alley access required).
Current Land Use: Single-family Residential
Staff Recommendations: Staff **recommends denial** of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued from the April 1, 2025 hearing to the May 6, 2025 hearing due to an unexpected Administrative error.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- This petition would allow for driveway access from Mansfield Street (alley access required).
- The Ordinance was amended in April of 2016 to regulate access and connectivity for the zoning districts. This property is required to gain exclusive access from the existing improved alley for any new driveway, per Section 744-301 of the Ordinance.
 - The “Access to accessory parking areas” provision states that “... if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley.”
 - In addition, per Section 744-401 of the Ordinance, the “Access to and from parking lots and garages” provision states that “... no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line.”

- The Department of Business and Neighborhood Services has determined that the abutting alley to the west of the property is an “improved” alley, and therefore access from Mansfield Street to the parcel would not be allowed, per the Ordinance.
- The paved driveway located on the subject site was built without prior variance approval nor the necessary curb cut permit in 2022, according to aerial imagery and has been subject to violation (VIO24-005482), thus triggering the need for variance approval.
- Vehicles utilizing alleys when available, instead of front-yard driveway access, is a significant help in maintaining walkability and the pedestrian experience, as this style of development results in far fewer conflict points between pedestrians and vehicles, and preserves flat, even sidewalks as opposed to slants and unevenness resulting from driveway curb cuts. Likewise, reducing the number of curb cuts for private vehicular access helps preserve valuable on-street parking spaces available for public use. Further, given that this site is located within the Compact Context Area, Staff finds importance in preserving urban-style development patterns and aesthetics. Typically, this includes neighborhoods with little to no vehicle parking located in front yards, and high-quality pedestrian experience. Contrastingly, high amounts of curb cuts, front-yard vehicle parking, and vehicular priority is more characteristic of suburban-style development which Staff finds to be inappropriate for this area.
- While Staff is aware that there are legally non-conforming driveways and curb cuts that exist in the area, Staff sees additional curb cuts in areas such as that of the subject site as an undesired precedent that slowly dissolves the character and intentions of urban neighborhoods, and unnecessary when improved alleys are present. With the subject site having access to the improved alley to the rear of the lot, where a vehicular garage already exists (see site visit photos below), Staff does not believe grant of the requested variance to be necessary, and does not find there to be a practical difficulty for the variance and therefore, recommends denial of the request.

GENERAL INFORMATION

Existing Zoning	D-5 (W-1)	
Existing Land Use	Single-family Residential	
Comprehensive Plan	3.5-5 units/acre	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Single-family residential
South:	D-5	South: Single-family residential
East:	D-5	East: Single-family residential
West:	D-5	West: Single-family residential
Thoroughfare Plan		
Mansfield Street	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	

Wellfield Protection Area	Yes, One-Year
Site Plan	12/19/25
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	1/26/25
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- United Northwest Neighborhood Plan (2008)
- Indy Moves

Pattern Book / Land Use Plan

- Not applicable for this 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

- The United Northwest Neighborhood Plan recommends Residential Uses at 3.5-5 units/acre for this site.

Indy Moves

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

- The Riverside Promenade is located approximately 400 feet from subject site.
- The Central White River Trail is located under ½ mile from the subject site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

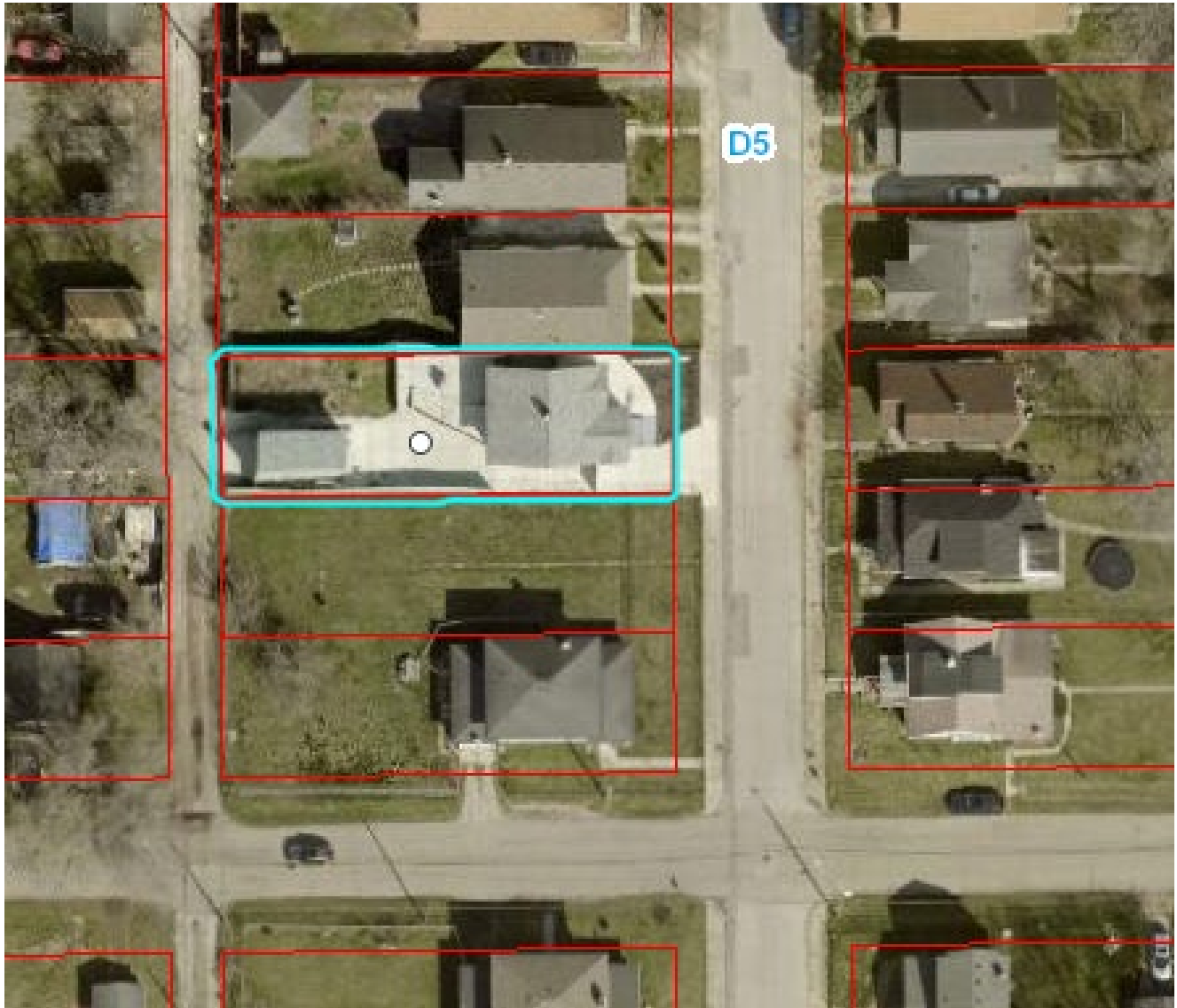
ZONING HISTORY – VICINITY

2024DV1047, 1919 Mansfield Street (east of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway accessing Mansfield Street (exclusive vehicular access of improved alleys required), **approved**.

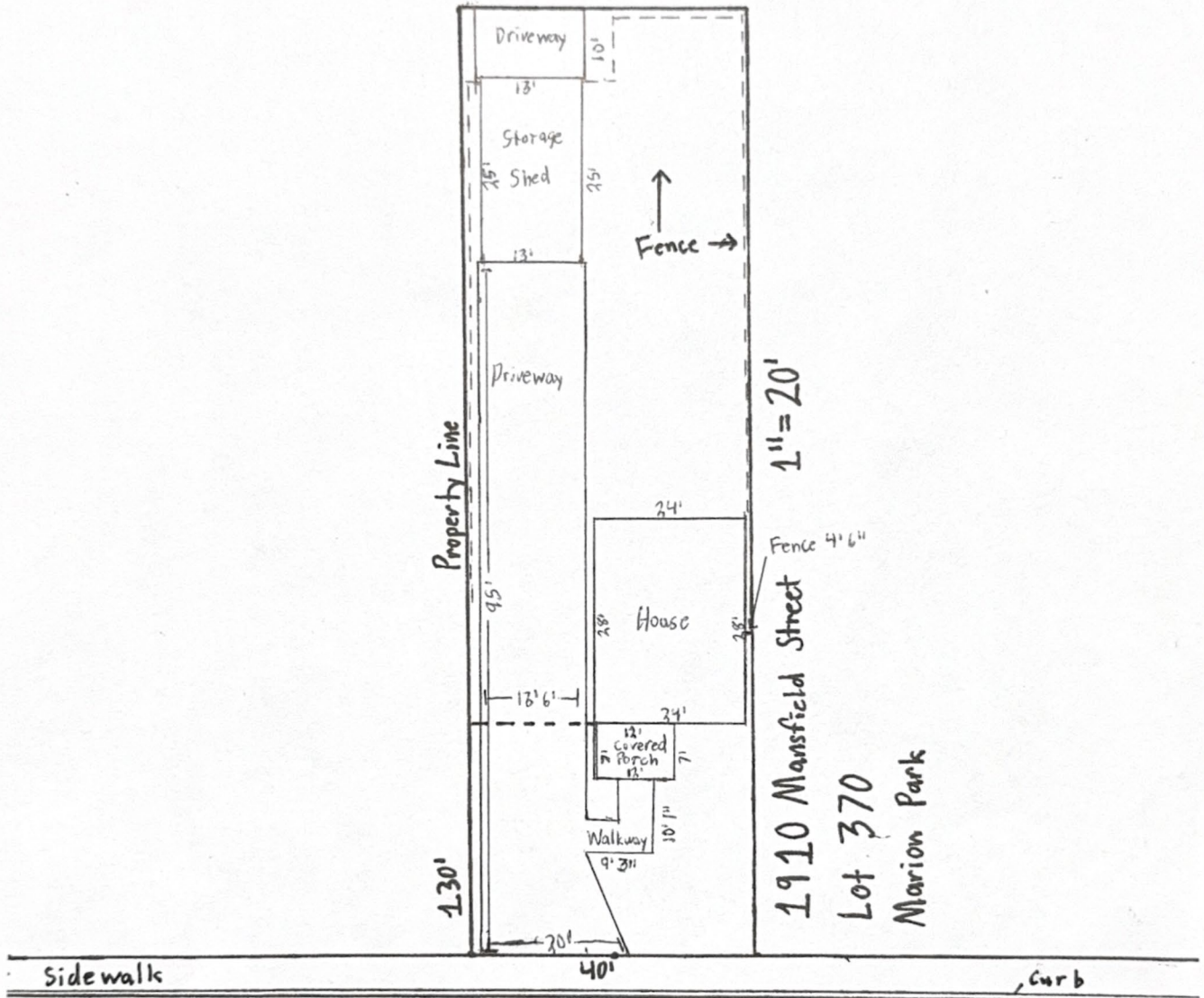
2024DV2040, 2010 Mansfield Street (north of site); Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a parking area without exclusive alley access and a zero-foot south side yard setback (alley access required, five-foot side yard setback required), **approved**.

88-Z-213, (east of site); requested rezoning from the D-5 district, to the SU-1 classification, **denied**.

EXHIBITS



Alley



N → Mansfield Street



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number 2024PTN218

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division 12
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 variance for the private home driveway will not negatively impact the public health, safety, morals, or general welfare of the community. The project has been carefully designed to ensure safe access to the property without obstructing public roads or right-of ways. Adequate drainage and safety measures will be put in place to prevent any adverse effects on surrounding properties or infrastructure. Additionally, the driveway will not interfere with emergency vehicle access or create hazards for pedestrians. The variance is being sought only to accommodate the homeowner's specific needs for direct access to the private owner's garage structure, the safety entering and exiting vehicles parked on the narrow city street of the 1900 block of Mansfield, and the security of the privately owned vehicles parked on the narrow city street which negatively impacts the cost of vehicle insurance, and will not result in any negative consequences to the greater community.

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 adjacent properties will not experience any substantial adverse effects to the variance. The proposed driveway is designed in a way that will not disrupt the existing aesthetics or functionality of the surrounding area. The driveway will be constructed to blend with the surrounding environment and will not encroach on neighboring properties. Additionally, the variance does not change the intended residential nature of the area, and the property's use will remain consistent with current zoning regulations. The value of surrounding properties is expected to remain unaffected or potentially enhanced, as the variance will improve the usability or functionality of the residential 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 strict application of the zoning ordinance would create practical difficulties in use of the property due to the existing site constraints. The lot configuration, topography, and location of surrounding structures limit the feasible options for driveway placement that comply with the current zoning requirements. These constraints would result in an inefficient or unsafe driveway, limiting the homeowner's ability to use their property effectively and safely. The alley access is not cleaned and cleared of debris, and is not adequately lit. Granting the variance would allow for an appropriately designed driveway that meets the needs of the property owner while still preserving the integrity of the surrounding area.

DECISION

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

Adopted this _____ day of _____, 20 ____





