

BOARD OF ZONING APPEALS DIVISION III

May 20, 2025

Case Number: 2025-DV3-010 (2nd Amended)
Address: 909 Wright Street (approximate address)
Location: Center Township, Council District #18
Zoning: D-8 (TOD) (RC)
Petitioner: 8424 Bravestone LLC, by Mark & Kim Crouch
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a three-foot south side yard setback (five-feet required), a three-foot rear yard setback (20 feet required), an open space of 30 percent (40 percent required) and a front-loaded carport.

Current Land Use: Undeveloped

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

This request has been amended twice from the original legal notice. This property is located within the Regional Center overlay, which was not originally indicated. For the first amended request, the Regional Center overlay does not require a front yard setback, therefore the request for a one-foot front yard setback was withdrawn. In addition, the site plan was changed to remove the request for the front-loaded garage.

For the second amended request, the petitioner redesigned the site plan to provide for a carport parking area with access from Wright Street. With living space above the carport, Staff determined that it did not meet the definition of a carport and the request as a front-loaded garage would need to be reinserted. No new notice would be required as this 2nd amended request was included in the original legal notice.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- The subject site is currently undeveloped and is adjacent to single-family homes within residential subdivisions to the west and north. Public and Interstate right-of-way exists to the east and south.

Front loaded garage

- ◇ Under Table 744-701-2, the subject site would fall under the Terrace Frontage category for Private Frontage Design Standards. The subject site is in a neighborhood where the context of the block establishes smaller frontages as the predominant pattern (typically 50% or more on the block face or at transitions to adjacent blocks and frontages). Table 744-701-2 describes Front Loaded Garage Placement and Limitations, where it stipulates front loaded garages are prohibited. Side loaded, rear loaded, or detached garages are the only garages permitted.
- ◇ The proposed site plan displays that the subject site has access to the cul-de-sac at the north end of the property. However, the proposed garage / carport access would be directly from Wright Street. Staff concludes the desire not to use the cul-de-sac for a side load garage is to be a self-imposed practical difficulty. The site plan could be reconfigured with an attached garage at the north end of the parcel. If the plan were reconfigured to reflect this, it would eliminate the need for a front-loaded garage variance.
- The findings submitted by the applicant for this petition indicate that the proposed residence and attached garage will be consistent with the development in the area and adjacent area. Staff disagrees in that the majority if not all houses in the area have detached garages. Even if the garage remains attached, it can be accessed from the side of the dwelling from the cul-de-sac to the north. Placing the front-loaded garage massing to the side, instead of in front of the dwelling, would actually make the proposed garage consistent with the development in the area, as the majority are to the rear of their respective dwellings. Therefore, any restrictions on garage placement is self-imposed by their desire not to have a side loaded garage.
- ◇ Given the close proximity of other developed properties without front loaded garages, staff does believe this would be a significant deviation from the Ordinance and would negatively impact the character of development within the surrounding area, and would therefore, not be supportable.

Reduced setbacks and open space

- ◇ The subject site was partially cut off when the interstate was constructed in the late 1960s and early 1970s. This has resulted in the lot area being reduced from approximately 5220 square feet to approximately 4068 square feet. Likewise, with this cut off, the lot shape changed from a standard rectangular D-8 lot to a triangular lot without a large portion of the original rear yard. Staff sees this a substantial practical difficulty in being able to meet development standards such as setbacks and open space.

GENERAL INFORMATION

Existing Zoning	D-8
Existing Land Use	Undeveloped
Comprehensive Plan	Traditional Neighborhood

Surrounding Context	Zoning	Surrounding Context
North:	D-8	Right-of-way
South:	D-8	Right-of-way
East:	D-8	Right-of-way / Interstate
West:	D-8	Single-family dwellings
Thoroughfare Plan		
Wright Street	Local Street	56-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	TOD / RC	
Wellfield Protection Area	No	
Site Plan - updated	April 26, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	March 13, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development of the site.
- 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.

- **Conditions for All Housing**

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.

- **Detached Housing**

- The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
- Secondary units are encouraged.
- Lots should be no larger than one and a half times the adjacent lots.

- **Attached Housing**

- Duplexes should be located on corner lots, with entrances located on different sides of the lot.
- It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
- If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is within the Red Line Transit Oriented Development Secondary District.
- The Transit Oriented Development Secondary District is established on all lots, wholly or partially, within 1,000' from centerline of a Bus Rapid Transit (BRT) Line. The intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:
 - Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
 - Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.

- Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
- Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed, or flush, narrow, or wide.
 - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
 - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
 - **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
 - **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.

- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2024-DV2-033; 751 East McCarty Street (north of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a five-foot front yard setback (10 feet required) and a four-foot knee wall in association with a height of 2.5-stories, without exclusive access from an improved alley (required), **granted**.

2021DV1073; 751 East McCarty Street (north of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a detached single-family dwelling with an eight-foot front setback, six-feet of building separation to the east and four feet to the west, deficient 508 square foot main floor area, and a sidewalk and stoop with a zero-foot side setback (18-foot front setback, 10-foot building separation, 660 square foot main floor area, two-foot side yard setback for minor residential features required), **granted**.

2020DV2017; 753 E McCarty Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38-foot tall single-family dwelling with a zero-foot front yard, a main floor area of 340 square feet, three-foot side yards and 50% open space (18-foot front yard or average, maximum 35-foot height, 660-square foot main floor area, four-foot side yards and 55% open space), **granted**.

2020DV2029; 737 E McCarty Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage addition with a two-foot side setback, one-foot rear setback and 37% open space (four-foot side setbacks, 15-foot rear setback and 55% open space required), **granted**.

2001ZON122; Multiple addresses along Merrill, Warsaw, Noble, East McCarty, Norwood, and Stevens Streets (northwest of site), rezone of 3.7 acres, being in the I-3-U (RC) District, to the D-9 (RC) classification to legally establish residential uses, **approved**.

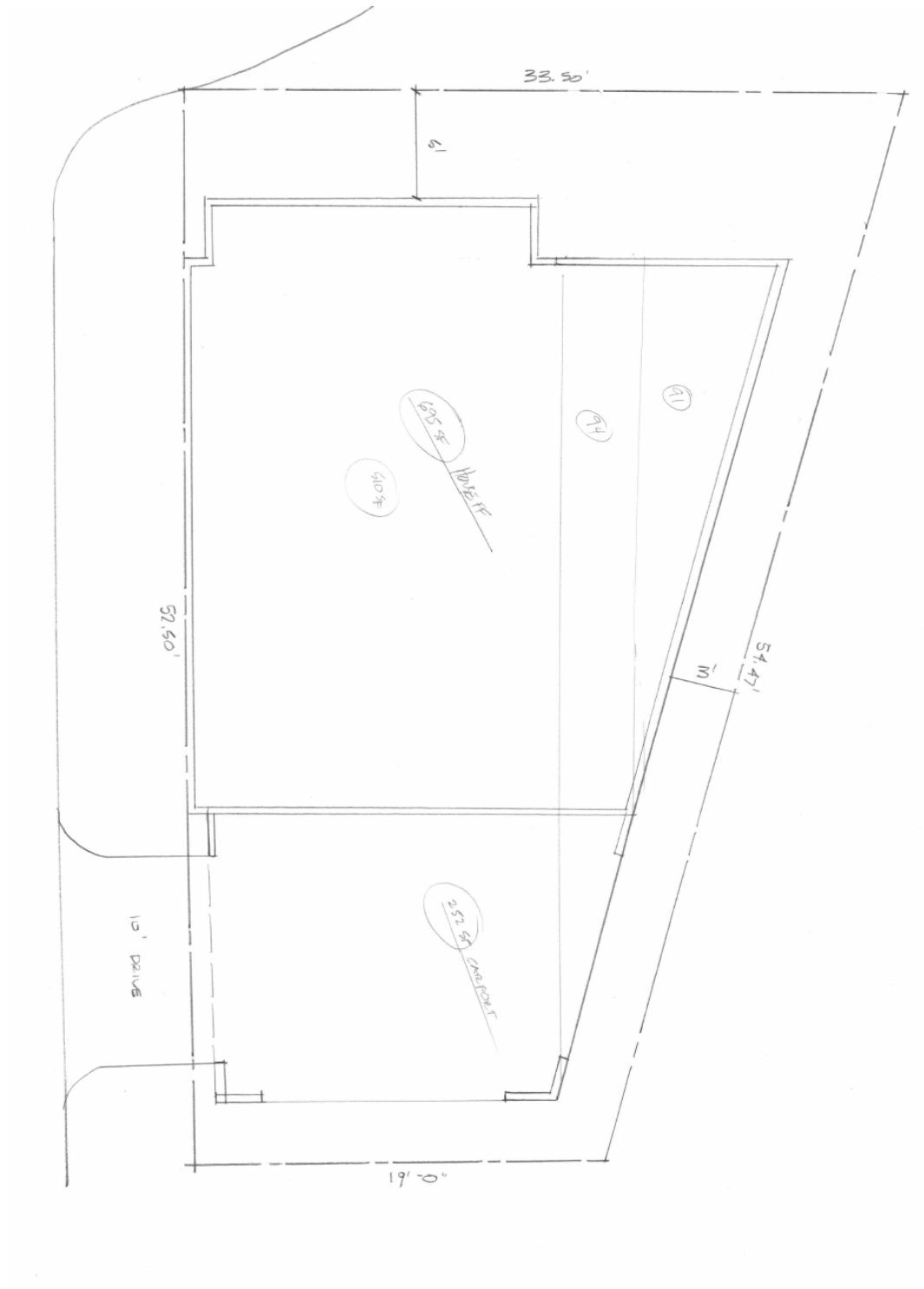
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EXHIBITS

Location Map



Site Plan - 2nd Amended April 26, 2025





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 grant will allow for the construction of a single family residence with attached garage for private residential use.

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 proposed residence and attached garage will be consistent with the development in the area and adjacent area.

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

lot is smaller than zoning minimums and shape is unusual resulting in need to reduce required setbacks and open space requirements.

Without variance approval, proposed residence and attached garage will not be constructed.

DECISION

Photographs



Photo of subject site, looking east.



Photo of subject site from the north adjacent cul-de-sac, looking south.



Photo of adjacent dwellings to the west with rear access garages, looking northwest.



Photo of adjacent dwelling to the north.