

**BOARD OF ZONING APPEALS DIVISION II**

**August 08, 2023**

**Case Number:** 2023-DV1-031  
**Property Address:** 1409 Fletcher Ave (approximate address)  
**Location:** Center Township, Council District #17  
**Petitioner:** Dan Barber, by Bob Abbott  
**Current Zoning:** D-5  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with three-foot side yard setbacks (five-foot side yard setbacks required).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff **recommends approval** of this request  
**Recommended Motion:** Motion to approve petition 2023-DV1-031  
**Staff Reviewer:** Noah Stern, Associate Planner

**PETITION HISTORY**

**ADDENDUM FOR AUGUST 8, 2023**

This petition was transferred from the August 1, 2023 BZA Division I hearing to the August 8, 2023 BZA Division II hearing due to lack of a quorum.

Staff continues to **recommend approval** of this request.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this request

**PETITION OVERVIEW**

- ◇ This request would provide for a detached garage on the .09-acre subject site with three-foot side yard setbacks for both side yards (five-foot yard setbacks required).
- ◇ Detached garages are a normal development in the neighborhood. Additionally, with most of the area containing narrow lots, reduced side yard setbacks are not uncommon in the neighborhood.
- ◇ The existing lot has a width of 30 feet. The minimum lot width in the D-5 district is 40 feet, thus, the associated development standards for D-5 districts are meant for lots that are wider than the subject site, representing a practical difficulty for the property owner. Therefore, Staff would not

be opposed to the reduced three-foot side yard setbacks to accommodate a new detached garage.

## GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
	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		
Fletcher Ave	Local Street Existing ROW: 72ft Proposed ROW: 48 ft	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/31/23	
Site Plan (Amended)	N/A	
Elevations	7/13/23	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/31/23	
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 Marion County Land Use Plan recommends the Traditional Neighborhood living typology for this site
- Garages should be loaded and accessed from an alley or side street, when possible.

#### **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 Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects for all scales and types.
- With regards to detached garages, the Infill Housing Guidelines document recommends:
  - Locate accessory structures behind primary building
  - Access accessory buildings from alleys
  - Don't overshadow primary buildings
- The proposal is in accordance with these recommendations.

#### **Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

#### EXISTING VIOLATIONS

N/A

#### PREVIOUS CASES

N/A

### ZONING HISTORY – VICINITY

**2012DV2012; 1412 Hoyt Ave (south of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-story garage and room addition by legally establishing a 1.5-foot west side setback and creating a six-foot aggregate side setback (four-foot minimum and 10-foot aggregate side setback required), **dismissed**.

**2019DV2007; 1440 Hoyt Ave (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage creating 41% open space (minimum 60% open space required) and to legally establish the existing 13-foot front setback, zero-foot side setbacks and zero-foot separation of the primary dwelling from the adjoining dwellings (18-foot front setback or average, three-foot side setback and 10-foot separation required), **approved**.

**2019DV3011; 1230 Hoyt Ave (south of site)**, (AMENDED) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a 10-foot front setback and 3.5 feet between dwellings and to provide for a detached garage, creating 52% open space (18-foot front setback or average, 10 feet between dwellings and 60% open space required), **approved**.

**2021DV1001; 1515 Hoyt Ave (south of site)**, 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**.

**2004ZON101; 1402 Hoyt Ave (south of site)**, Rezoning from C-1 district to D-5 district to provide for continued religious uses. The subject site is improved with a single-story church and was the subject of a previous petition, 2003-LNU-003, which granted a Certificate of Legal Nonconforming Use for religious uses, **approved**.

**2013CZN824; 1334 Hoyt Ave (south of site)**, Rezoning of 0.25 acre from the C-1 district to the D-5 classification to provide for single-family residential development, **approved**.

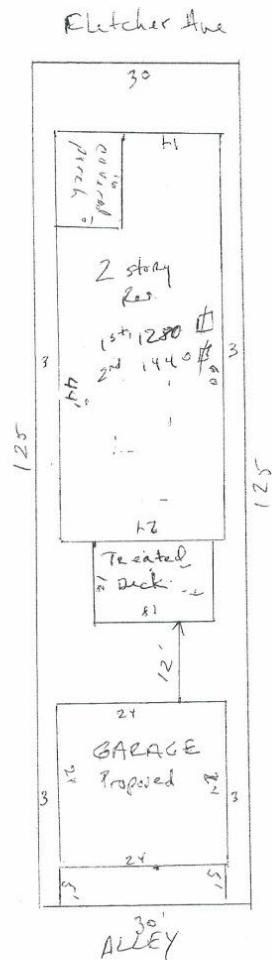


**Department of Metropolitan Development  
Division of Planning  
Current Planning**

**2017ZON005, 1401 Hoyt Ave, (south of site),** Rezoning of 0.09 acre, from the C-1 district to the D-5 classification, **approved.**

**2017ZON048, 1407 Hoyt Ave, (south of site),** Rezoning of 0.09 acre, from the C-1 district to the D-5 classification, **approved.**

EXHIBITS

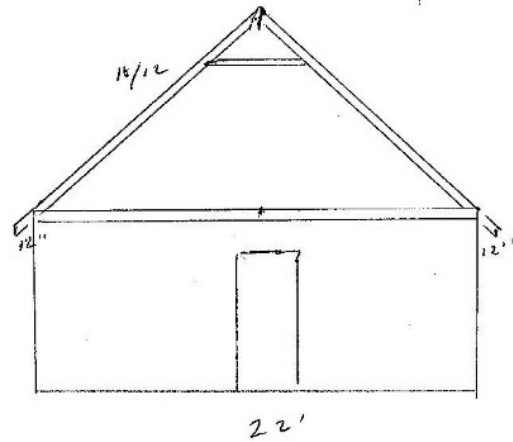
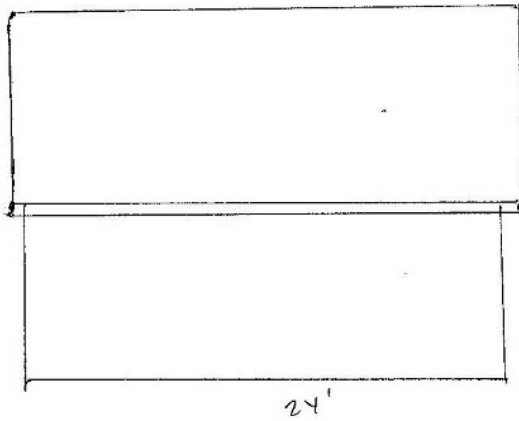
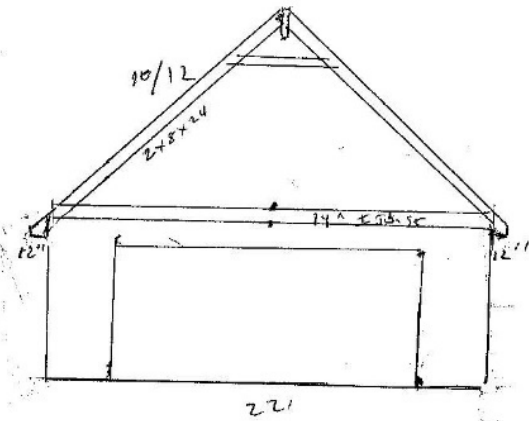
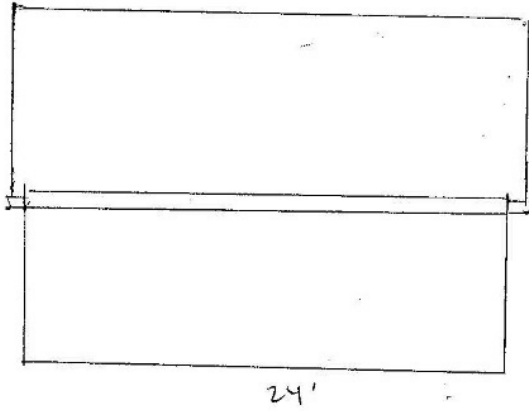


Dan Baker  
 1409 Fletcher Ave  
 Ingle 46203  
 770-757-7796  
 dbthree@gmail.com

North

1 inch  
 8 feet

2023 DVI 031 1409 Fletcher Ave



1 inch  
 3 Feet

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 **\_Detached garage is a normal accessory building for a residence and will be used only for legal parking of vehicles and storage of personal property**
2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE **detached garages are common in this subdivision. Due to small lots, it is common to seek a variance on order to build a garage, The garage will remain at least 3 feet from side property lines and will be the same distance off of property as the primary residence**
3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE **Granting of side setbacks variance will not allow the detached garage from encroaching on lot lines or encumbering use of adjacent properties. Increasing building area is necessary in this subdivision due to small lots, The home itself nearly exceeds open area The addition of a small 22x24 detached garage would not be possible with out relief with this variance. A garage is crucial for security of automobiles and personal property**

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_















