

BOARD OF ZONING APPEALS DIVISION I

December 3, 2024

Case Number: 2024-DV1-030
Property Address: 7848 Melbourne Road (approximate address)
Location: Pike Township, Council District #1
Petitioner: Jose & Maria Arroyo, by James P. Mack
Current Zoning: D-3
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage, being two-foot taller than the primary building (not permitted).
Current Land Use: Residential
Staff Recommendations: Staff recommends denial of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR DECEMBER 3, 2024 BZA DIVISION I HEARING

- This petition was continued to the November 7, 2024 BZA Division I hearing due to insufficient notice.
- A registered neighborhood organization automatically continued this petition to the December 3, 2024 BZA Division I hearing.

STAFF RECOMMENDATION

- Staff recommends denial of this petition

PETITION OVERVIEW

- This petition would provide for the construction of a detached garage, being two-foot taller than the primary building (not permitted).
- The subject site is improved with a single-family residential house and is approximately 0.66 acres. The proposal to construct an accessory garage structure that is taller than the primary residence is not permitted by the Zoning Ordinance. This standard is in place to maintain residential characteristics and aesthetics, and to limit more intense uses that are not appropriate for residential use-only areas. This (along with the provision that limits the square footage of primary structures from being larger than the primary structure in area) also helps serve as a stop gap from future expansion of those accessory uses. Staff also believes that approving such requests would be an undesired precedent for the City's neighborhoods and would go against the City's Infill Housing Guidelines.

- Additionally, Staff does not find there to be practical difficulty for not meeting this standard and, likewise, believes that an Ordinance-compliant accessory structure is able to be built on this site and requests that the plans be revised to be so. For these reasons, Staff recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-3	North: Single-family residential
South:	D-3	South: Single-family residential
East:	D-3	East: Single-family residential
West:	D-A	West: Undeveloped
Thoroughfare Plan		
Melbourne Road	Local Street	52 feet of right-of-way existing and 48 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/21/24	
Site Plan (Amended)	N/A	
Elevations	7/21/24	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	9/4/24	
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 pattern Book recommends the Suburban Neighborhood living typology 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

- With regards to accessory structures, the Infill Housing Guidelines recommends:
 - Do not overshadow accessory structures

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

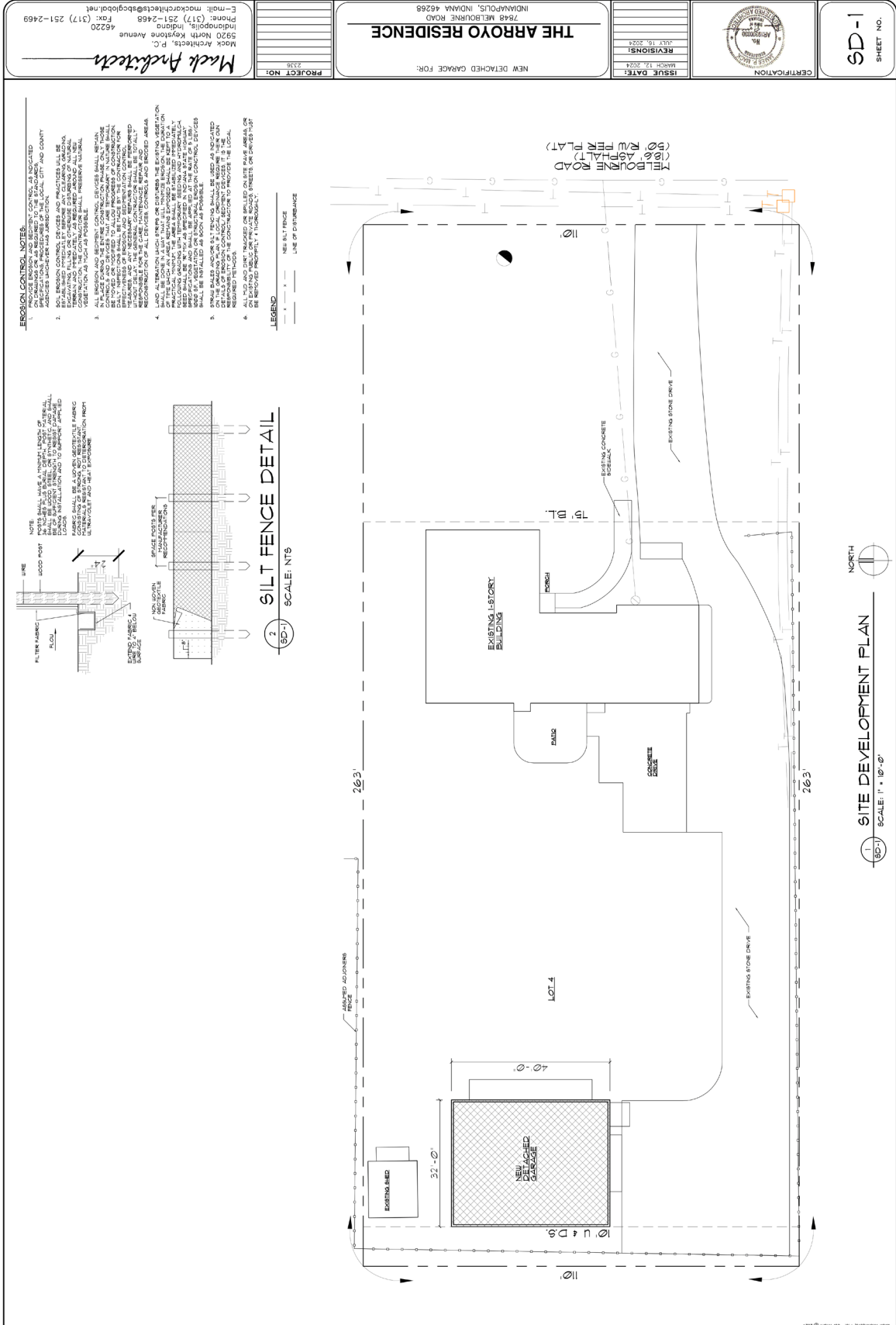
N/A

ZONING HISTORY – VICINITY

82-V3-94; 7777 North Alton Avenue (southeast of site), variance of development standards to erect a single family residence, on a 15' access easement without the necessary public street frontage and lot width at the front setback line, **granted, subject to commitments.**

EXHIBITS





CERTIFICATION
MARCH 14, 2024
JULY 18, 2024
REVISIONS

S-1
SHEET NO.

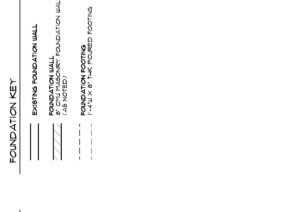
ISSUE DATE
MARCH 14, 2024
JULY 18, 2024
REVISIONS

NEW DETACHED GARAGE FOR:
THE ARROYO RESIDENCE
7848 MELBOURNE ROAD
INDIANAPOLIS, INDIANA 46266

PROJECT NO. 2108
Mack Architects, P.C.
46220
5920 North Keystone
Indianapolis, Indiana
Phone: (317) 251-2468
Fax: (317) 251-2469
E-mail: mackarchitects@bcbccba.com

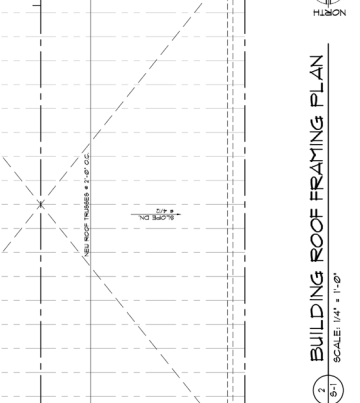
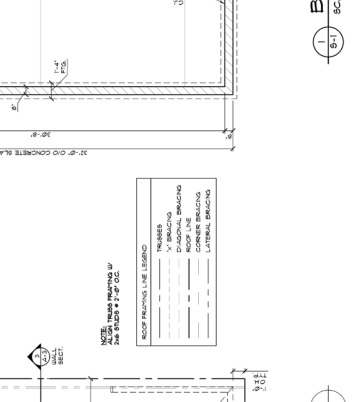
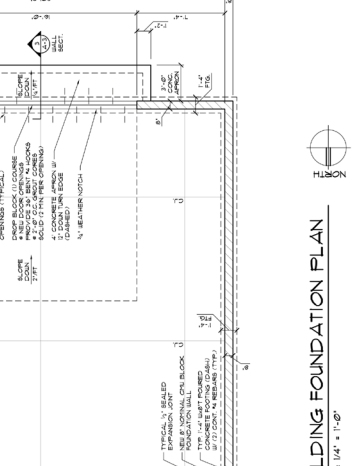
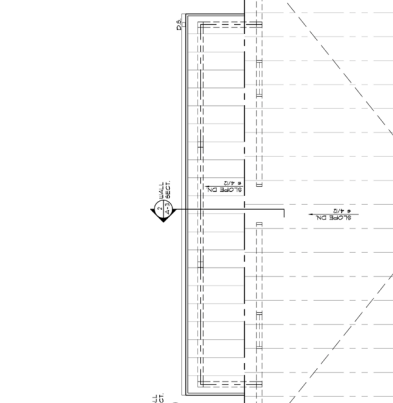
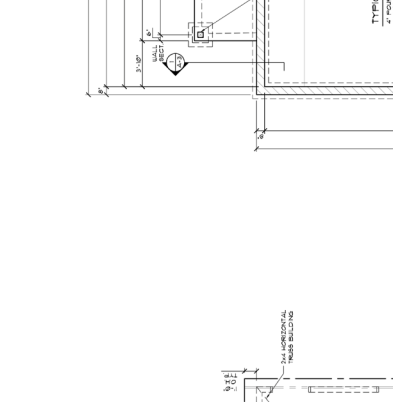
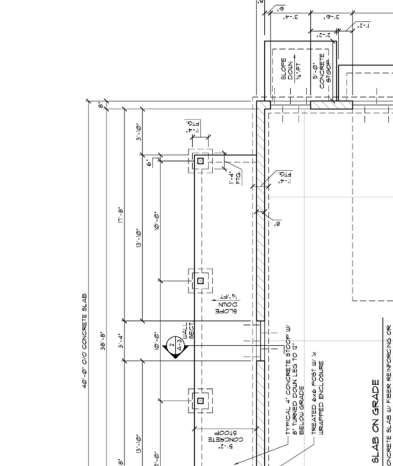
GENERAL FOUNDATION NOTES:

- TO BE ADAPTED TO CONCRETE OF BACKGROUND AREAS TO MATCH EXISTING. ALL REVISIONS TO BE MADE TO THIS DRAWING. ALL DIMENSIONS SHALL BE TO FACE UNLESS NOTED OTHERWISE.
- EXCAVATE AND PREPARE TO FINISH GRADE WITH A SUITABLE FINISH. ALL EXCAVATION SHALL BE PROTECTED FROM COLLAPSE BY SHORING. ALL EXCAVATION SHALL BE PROTECTED FROM COLLAPSE BY SHORING. ALL EXCAVATION SHALL BE PROTECTED FROM COLLAPSE BY SHORING.
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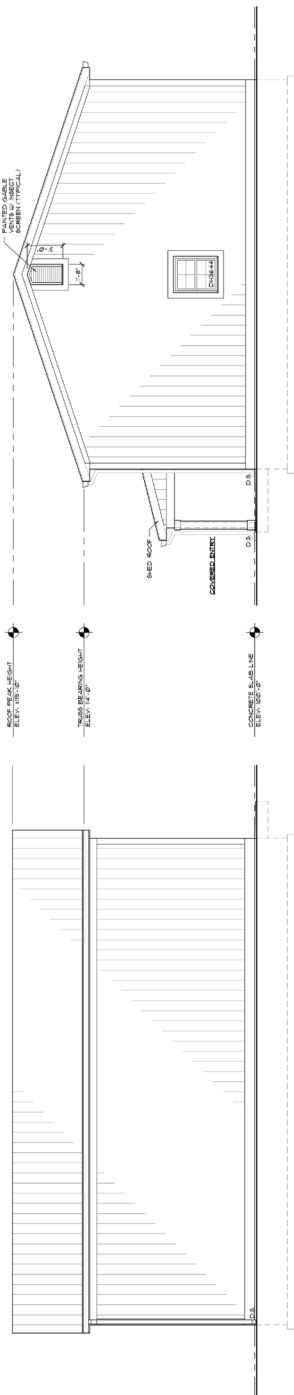
ROOF FRAMING NOTES:

- SEE ARCHITECTURAL DRAWINGS FOR ALL INFORMATION AND DIMENSIONS.
- ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- ROOF TRUSSES TO BE SPACED AT 24" ON CENTER UNLESS OTHERWISE NOTED.
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- ROOF TRUSSES TO BE SPACED AT 24" ON CENTER UNLESS OTHERWISE NOTED.

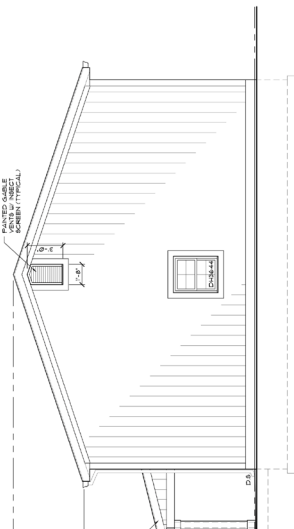


NOTES:
1. ROOF TRUSS SPACING SHALL BE 24" ON CENTER UNLESS OTHERWISE NOTED.
2. ROOF TRUSS NUMBER SHALL BE 2 OR 3.
3. ROOF TRUSS NUMBER SHALL BE 2 OR 3.

	A-2 SHEET NO.	REVISIONS: DATE: JULY 16, 2024 DATE: MARCH 12, 2024	THE ARROYO RESIDENCE NEW DETACHED GARAGE FOR:	PROJECT NO. 2358 5920 North Keystone Avenue Indianapolis, Indiana 46220 Phone: (317) 251-2468 Fax: (317) 251-2469 E-mail: mark@architects@soysoy.com Mark Architects
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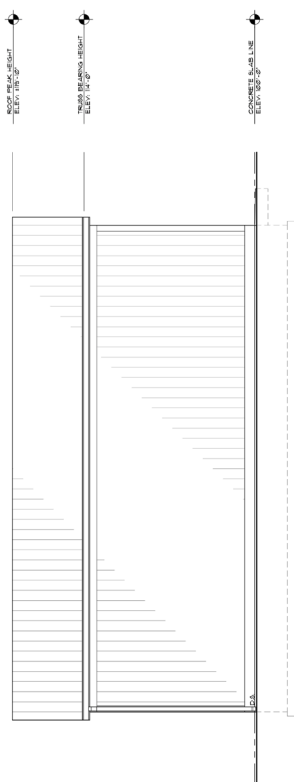
WEST ELEVATION
 SCALE: 1/4" = 1'-0"



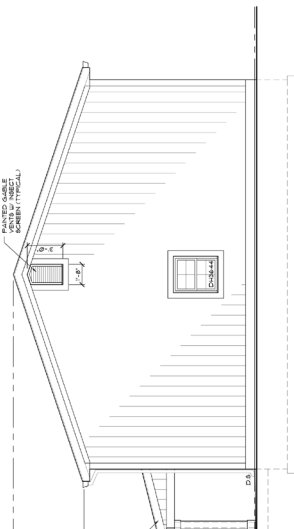
NORTH ELEVATION
 SCALE: 1/4" = 1'-0"

GENERAL EXTERIOR NOTES:

1. VERIFY ALL CONDITIONS AND MATERIALS WITH THE MANUFACTURER AND OBTAIN APPROVED CONNECTIONS AND ADHESIVES.
2. VERIFY ALL CONDITIONS AND MATERIALS WITH THE MANUFACTURER AND OBTAIN APPROVED CONNECTIONS AND ADHESIVES.
3. VERIFY ALL CONDITIONS AND MATERIALS WITH THE MANUFACTURER AND OBTAIN APPROVED CONNECTIONS AND ADHESIVES.



SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



EAST ELEVATION
 SCALE: 1/4" = 1'-0"



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 detached garage will not be directly visible from the street, will be screened from adjacent property owners by existing dense wooded areas, and the proposed detached garage floor line will be on grade, 2' lower than the existing dwelling floor line.

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 detached garage will increase the value of the owner's property, and therefore increase the value of other properties in the neighborhood.

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

Construction of the detached garage roof lower or equal to the height of the existing dwelling roof, will not achieve the desired storage need of the property owner.

DECISION

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

Adopted this _____ day of _____, 20 ____



