

**BOARD OF ZONING APPEALS DIVISION II**

**October 10, 2023**

**Case Number:** 2023-DV2-028

**Property Address:** 8635 W 96<sup>th</sup> Street (approximate address)

**Location:** Pike Township, Council District #1

**Petitioner:** William & Rebecca Stafford, by Vince Braun

**Current Zoning:** D-S

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a 5.5-foot west side yard setback resulting in a 30-foot aggregate side yard setback (15-foot side yard setback, 35-foot aggregate side yard setback required).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends approval of this petition

**Recommended Motion:** Motion to approve petition 2023DV2028

**Staff Reviewer:** Noah Stern, Associate Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

**PETITION OVERVIEW**

- The request would provide for the construction of a detached garage with a 5.5-foot west side yard setback resulting in a 30-foot aggregate side yard setback (15-foot side yard setback, 35-foot aggregate side yard setback required).
- The proposal calls for the construction of a detached garage dimensions of 24 feet x 30 feet and an extension of the existing driveway to the location of the proposed garage. Detached garages are a common occurrence in the surrounding area. With the petitioner wishing to preserve as much landscaping as possible, the location of a large tree (see site plan below) limits the number of potential locations for new construction and represents a reasonable practical difficulty for needing a variance of a reduced setback. Further, the proposal will be adhering to the Infill Housing Guidelines recommendations of placing the detached garage behind the primary residence and by not

overshadowing the primary structure. Therefore, Staff is not opposed to the request for a variance of development standards for reduced side yard setbacks for the construction of a detached garage.

## GENERAL INFORMATION

Existing Zoning	D-S	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
	North: N/A	North: N/A
	South: D-P	South: Single-Family Residential
	East: D-S	East: Single-Family Residential
	West: D-A	West: Single-Family Residential
Thoroughfare Plan		
96 <sup>th</sup> Street	Secondary Arterial Existing ROW: 25 feet Proposed ROW: 126 feet	
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/15/23	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/15/23	
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 Pattern Book recommends the Rural or Estate 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

- Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects of 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, when possible
    - With the site not containing alley access, the detached garage will be access from the driveway on the west side of the primary structure
  - Don't overshadow primary building
- 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

**92-Z-109A**, rezoning to “downzone” certain Pike Township parcels to conform the zoning to the actual lot sizes and existing developments, **approved**.

### ZONING HISTORY – VICINITY

**83-UV1-122; 8639 W 96<sup>th</sup> Street (west of site)**, variance of use to use an existing single-family residence as a group home for teenage girls, **denied**.

**90-Z-68; 8727 W 96<sup>th</sup> Street (west of site)**, rezoning from the D-A district to the D-1 classification, **approved**.

**2003ZON115; 8599 W 96<sup>th</sup> Street (south of site)**, requests a rezoning of 20.11 acres, being in the D-A, D-S, and D-1 districts, to the D-P classification to provide for single-family residential development, resulting in 1.89 units per acre, **approved**.

**2006ZON803; 9510 & 9520 Woodslake Drive, (east of site)**, rezoning of 0.7068 acres, being in the D-S district, to the D-2 classification to provide for a single-family residential development, **approved**.

EXHIBITS











