



BOARD OF ZONING APPEALS DIVISION III

December 17, 2024

Case Number: 2024-DV3-035
Address: 6301 McFarland Road (approximate address)
Location: Perry Township, Council District #24
Zoning: D-1
Petitioner: Royce D. Cole Jr., by Ryan Vokes
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a 21-foot front yard setback from Payne Road South Drive (30-foot required).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to provide for adequate separation and ventilation between structures and use areas and provide for a continuous pattern of development through the block.
- ◇ The request would provide for a detached garage with a 21-foot setback from Payne Road, where a 30-foot setback is required.
- ◇ There is no practical difficulty associated with the subject site that would warrant the grant of this variance. The subject site has no natural or manmade physical obstacles that would prohibit compliance with the required setbacks as the proposed garage could be relocated the additional nine feet further south to meet the required setback. To request the reduced setback for the purpose of a security camera, would be a self-imposed hardship, where the security camera could be relocated to provide the preferred line of vision, and also allowing for the garage to be located with the required 30-foot side setback.

- ◇ No practical difficulty exists for the property since the site has sufficient space to locate the garage by right without the need for a variance. Adjacent properties have demonstrated their ability to meet the required setbacks. Any practical difficulty related to the requested reduced setback would be self-imposed, by the need to have a security camera sightline on the existing detached garage.

GENERAL INFORMATION

Existing Zoning	D-1	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Recommends Suburban Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North:	D-1 North: Utility Easement / Single-Family dwelling
	South:	D-1 South: Single-Family dwelling
	East:	D-1 East: Single-Family dwelling
	West:	D-3 West: Single-Family dwelling
Thoroughfare Plan		
McFarland Road	Primary Collector	90-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	October 25, 2024	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact Updated	December 11, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood typology that is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 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.



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

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

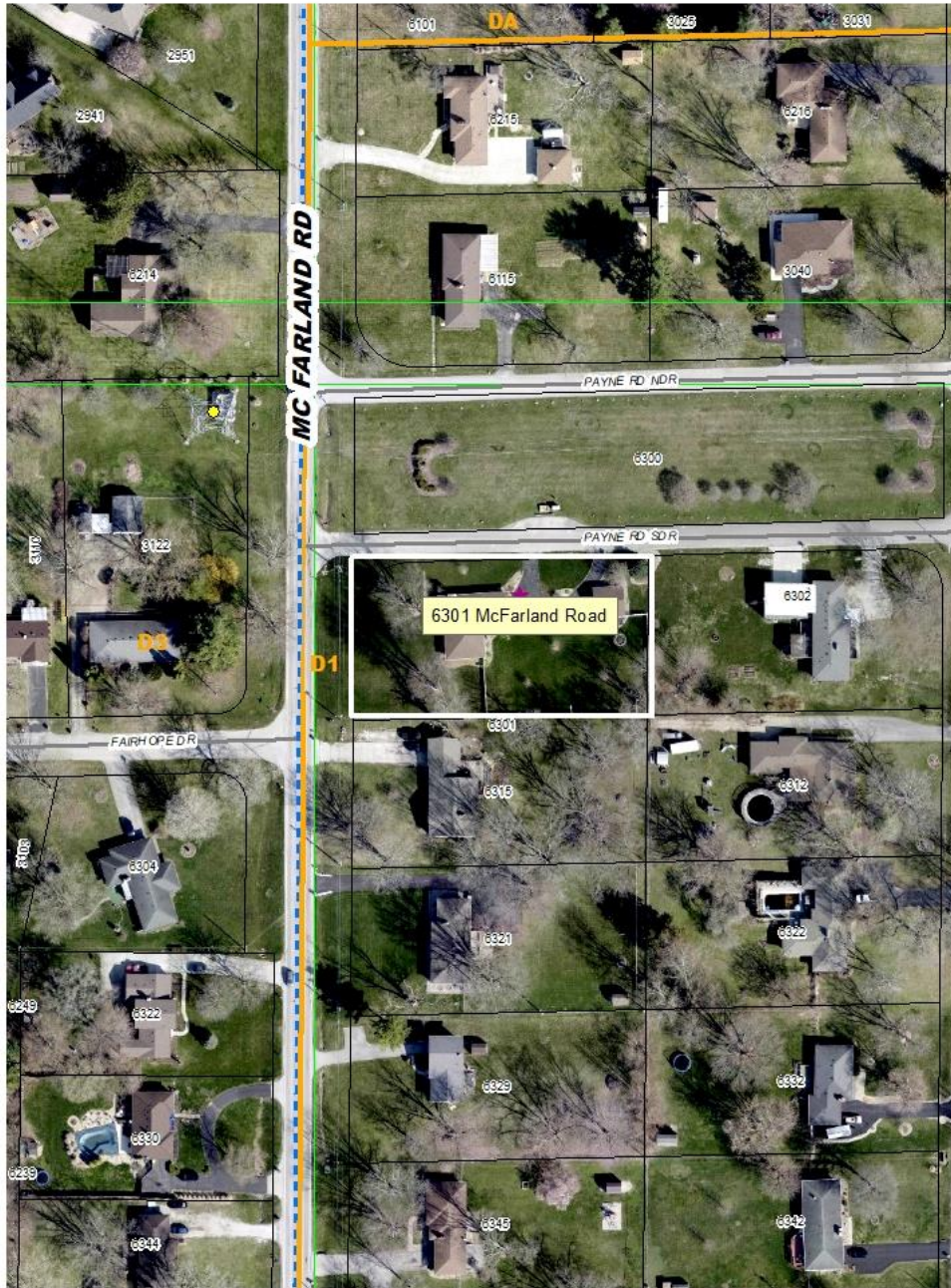
ZONING HISTORY

None

RU

EXHIBITS

Location Map





Findings of Fact

Petition Number 2024-DV3-035

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division D1
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 waiver the petitioner is requesting will only reduce the build line from Payne Road South Drive by 9 feet.
All sight lines for traffic purposes at the corner of South McFarland Road and Payne South Drive will not be impaired by this 9-foot encroachment on the Payne South Drive build line.
All foot traffic using the public easement along Payne South Drive will not be impacted in any manner if the petitioner's request for a waiver is granted.

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 traffic using South McFarland Road and Payne Road South Drive will still have broad sightlines of the intersection and both roads when accessing either road from the other. The closest adjacent home is behind the petitioner's property at Payne Road South Drive and Marburn Drive so the petitioner doesn't believe this would have a negative impact on this residence, but rather a positive impact on property value based on the type of improvement being proposed. The property across from the proposed wavier site and on the opposite side of Payne Road South Drive is an open field with no structures present so the petitioner doesn't believe the proposed waiver will have a negative effect on this area.

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

the denial of the wavier will prevent the financial improvement of the property, as well as the convenience and safety an attached garage provides.

Photographs



Photo 1 - Subject property looking east.



Photo 2 - Subject property proposed attached garage location, looking south.



Photo 3 - Subject property line, area of proposed garage with 21 foot setback, looking west.



Photo 4- Adjacent properties to the north with zoning compliant setbacks, looking east.