

Board of Zoning Appeals Division III

October 20, 2026

Case Number:	2026-DV3-027
Property Address:	1633 East Thompson Road (<i>approximate address</i>)
Location:	Perry Township, Council District #23
Petitioner:	Justin Myers
Current Zoning:	D-3
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a detached garage within the established front yard setback (not permitted)
Current Land Use:	Single-Family Residential
Staff Recommendations:	Staff recommends denial of this petition. Should this petition be granted over staff's recommendation, staff would request a commitment.
Staff Reviewer:	Josh Levesque, Manager--Current Planning

PETITION HISTORY

This petition was continued from the September 15th BZA III hearing to allow for the petitioner to bring their driveway into compliance with 744-404-1.

This leaves the one variance for the detached garage in the front yard.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition. Should this petition be granted over staff's recommendation, staff would request the following commitment:

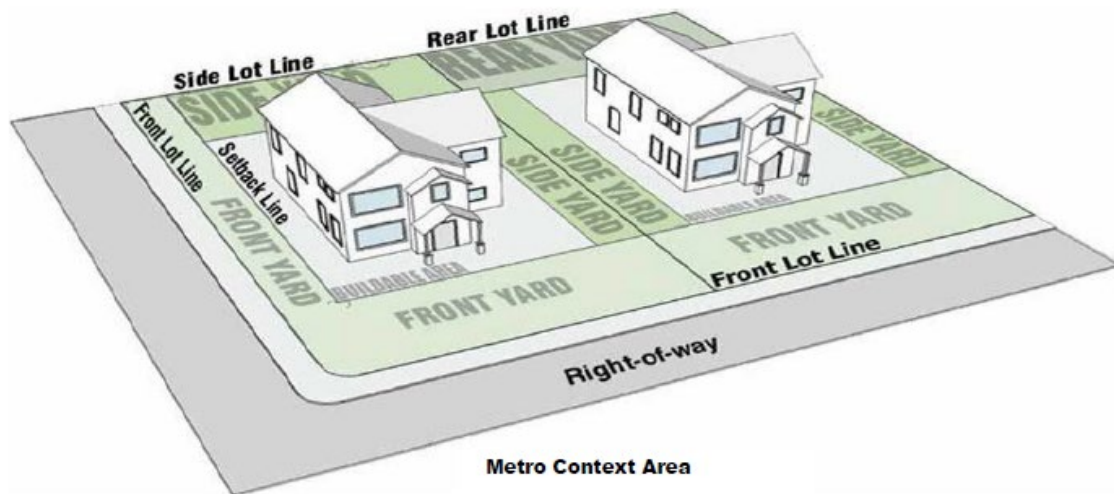
- No further encroachments into the front yard or front yard setback be permitted

PETITION OVERVIEW

- 1633 East Thompson Road is a parcel totaling roughly 0.47 acre. The parcel is on the southwest corner of Thompson Road and State Avenue. The property is zoned D-3. Properties to the north are zoned D-3 and SU-1. Properties to the south, east, and west are all zoned D-3. This parcel is in the Metro Context Area.
- The petitioner is requesting a variance of development standards to legally establish a 24-foot by 29-foot (696 square foot) detached garage within the established front yard setback. An existing 16-foot by 23-foot (368 square foot) garage also sits in the established yard front yard setback.

Property record cards indicate that this garage was built in 1950, pre-dating the Ordinance. This garage constitutes a legal nonconformity and is not a part of this variance request.

- The Ordinance defines the front lot line as “the lot line separating the lot from street rights-of-way; in the case of a corner lot, both lot lines separating the lot from the street rights-of-way are considered lot lines [...]” (740-200). While the Ordinance does provide certain exceptions to this definition for some dwelling districts in the Compact Context Area, the Metro Context Area makes no such exception. Below is a diagram of a corner lot with two front yards in the Metro Context Area from 744-200 of the Ordinance.



- The Ordinance defines garages as minor residential structures. Such structures must meet minimum setbacks and cannot be located closer to the street than the primary dwelling or the front yard setback on the lot, whichever is greater.
- The front setback off of State Avenue is 25 feet while the established front yard off of State Avenue is approximately 50 feet, limiting the buildable area. The legally nonconforming garage extends into the front yard setback by approximately 20 feet. The new garage, however, represents further encroachment into the front yard setback, encroaching up to 40 feet into the front yard setback. Based on the provided site plans, this represents a 2.6-foot side setback.
- An alternative option to expand the garage exists that would not have required a variance. The old garage could be attached to the primary dwelling unit, therefore becoming part of the primary dwelling unit. Provided that it met the 25-foot front setback, this could have been further expanded towards State Avenue as an attached accessory structure. GIS estimates indicate that, if the legally nonconforming garage were to be attached, it could be expanded by another 7-8 feet and still be within the 25-foot side setback.

- Given that the new garage further encroaches into the established front yard and the presence of an alternative option for expanding the garage, staff recommends **denial** of this petition. Should this petition be granted over staff's recommendation, staff would request the following commitment:
 - No further encroachments into the front yard or front yard setback be permitted

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-3 / SU-1	North: Residential / Religious
South:	D-3	South: Residential
East:	D-3	East: Residential
West:	D-3	West: Residential
Thoroughfare Plan		
Thompson Road	Primary Arterial	50-foot existing right-of-way and 80-foot proposed right-of-way
State Avenue	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	6/25/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	7/22/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan assigns this parcel the “Suburban Neighborhood” typology. This typology “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

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

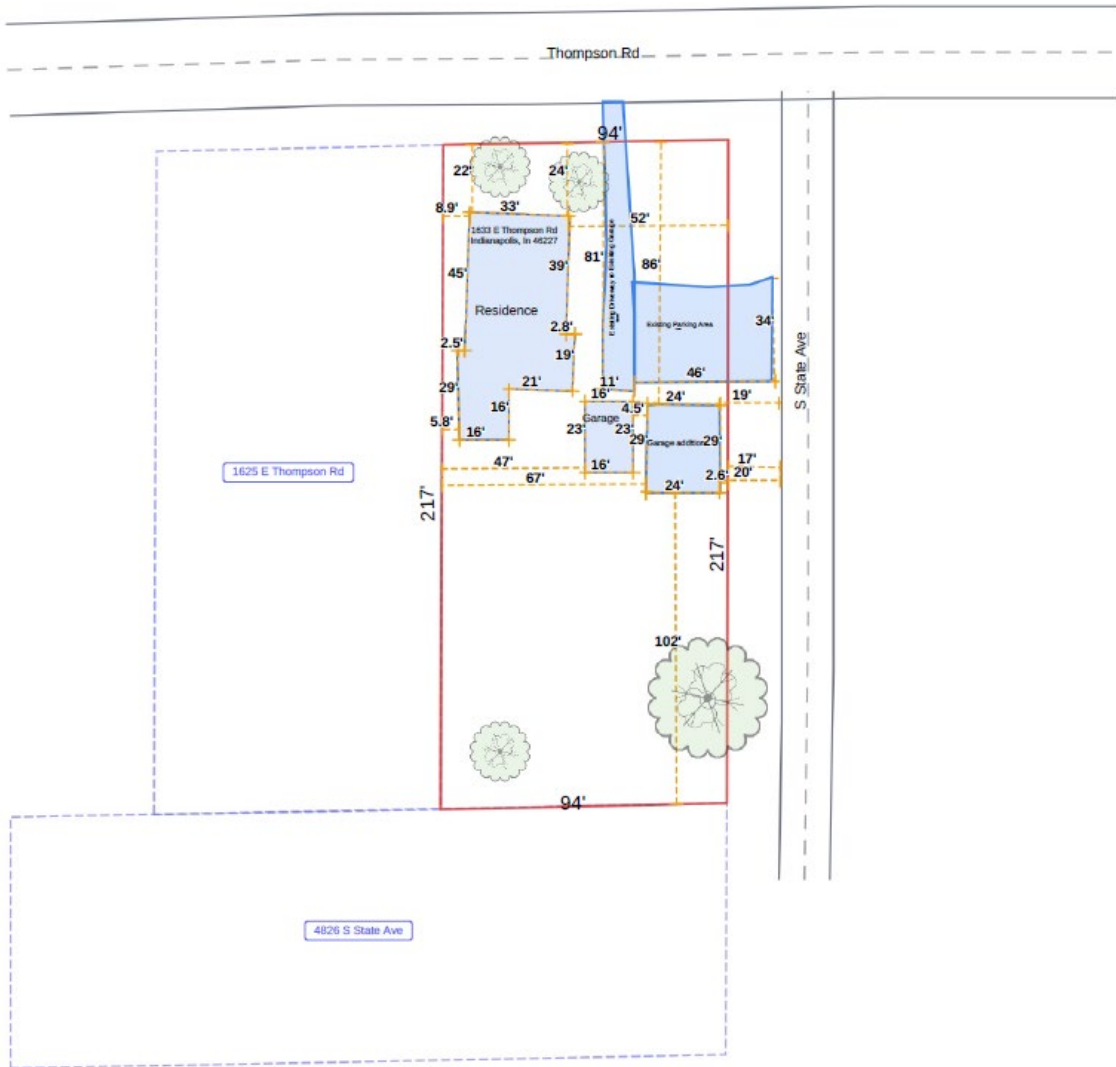
N/A

EXHIBITS

2026DV3027; Aerial Map



2026DV3027; Site Plan



2026DV3027; Findings of Fact

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The garage is inside the easement area of the property, and it is located 20 feet from the nearest road. It is also a temporary structure not attached to the property in any permanent way. All of this adds up to having no negative effect on the community.

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 garage is located within the limits of 1633 E Thompson Rd. inside the easement areas. I believe this addition will have zero effect on the surrounding properties. The driveway has not changed in size or location since my purchase.

The driveway is utilized for parking and for access to the garage building structure.

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

As a first time home buyer, I was uneducated on the strict zoning requirements in Marion county. However, meeting the zoning ordinances would create very large practical difficulties for use. The property already contained a single car garage (Est 1950s) that takes the only other place in line with or close to the driveway this structure could be placed.

2026DV3027; Photographs



Photo 1: Newly-placed garage (gray) next to older garage (white)

2026DV3027; Photographs (continued)



Photo 2: Driveway off of State Avenue

2026DV3027; Photographs (continued)



Photo 3: Partial view of backyard showing rear of both garages and house

2026DV3027; Photographs (continued)



Photo 4: Looking north on State Avenue

2026DV3027; Photographs (continued)



Photo 5: Looking south on State Avenue

2026DV3027; Photographs (continued)



Photo 6: Another view of the two garages

2026DV3027; Photographs (continued)



Photo 7: Looking west along Thompson Road