



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

February 15, 2024

**Case Number:** 2024-CZN-801 / 2024-CVR-801  
**Property Address:** 526 Blue Ridge Road (approximate address)  
**Location:** Washington Township, Council District #7  
**Petitioner:** Butler University, by Brian J. Tuohy  
**Current Zoning:** Enter Current Zoning District  
Rezoning of 0.32 acres from the D-5 District to the UQ-2 District to provide for a residence for the university president.  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 10-foot north rear yard setback (20-foot rear setback required) without a primary entry on the front façade (required).  
**Current Land Use:** Residential (Single-family dwelling)  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the rezoning request.  
Staff recommends **approval** of the variance requests.

**PETITION OVERVIEW**

The 0.32-acre subject site is developed with a single-family dwelling with a four-foot-tall fence. The site border's a university to the west, zoned UQ-1, and single-family dwellings to the north, east and south, zoned D-5.

**REZONING**

The grant of the request would rezone the property from the D-5 district to the UQ-2 district to provide for a residence for the university president.



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

The D-5 District is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

The UQ-2 District allows for a variety of uses as listed in Table 742-108-4: Permitted Uses in University Quarter Districts, including residential uses. Specifically, “all uses permitted in D-5 district, subject to all requirements that apply to development of that use in the D-5 district; Multifamily dwellings limited to faculty and student housing; and Fraternity or Sorority. (This use is subject to the Commission's approval required except as listed in Section 742-108.D.2 Specific exemptions - Administrator's approval, pursuant to the development standards of Section 742-108.D.3.”

If approved to the UQ-2 District, Administrators' approval would be needed for specific structures and improvements on site in the future. Improvements that exceed the limitations for Administrator's approval would require an approval petition to be filed for approval from the Commission.

**VARIANCE OF DEVELOPMENT STANDARDS**

The grant of the request would allow for the construction of a 34-foot 10-inch-tall single-family dwelling with a 10-foot rear yard setback and without a primary entry on the front façade.

Per Table 742.103.03 – Residential Building Type Standards, the D-5 district for a Detached House-Medium Lot requires a 20-foot rear yard setback.

Table 744-701-2: Private Frontage Design Standards notes that all buildings shall have a primary entrance on the front façade.

**Staff Analysis**

Staff determined that rezoning the site to the UQ-2 district would allow for this university property to be zoned according to the related university use with it being the proposed residence for all future university presidents.

The proposed university district would align with the Comprehensive Plan recommendation for Institution-Oriented Mixed- Use.

The proposed building will be oriented towards Sunset Avenue, which is considered a corner side yard instead of being oriented south along Blue Ridge Road which is the front yard. Due to the orientation of the building, the front entrance would be along the side building façade instead of the front building façade. Staff determined that this would be a slight technicality change because the front of the dwelling would have a primary entrance and would not affect the use and value of the area adjacent to the property in a substantially adverse manner.



The required 20-foot rear setback would need to be along the northern property boundary, but the orientation of the proposed dwelling would have a 10-foot north rear setback to allow for the location of the garage to align with the existing curb cut and driveway. Staff would support this reduced rear yard setback to prevent the location of a driveway closer to the intersection of Sunset Avenue and Blue Ridge Road which could potentially cause pedestrian and vehicular conflicts.

For these reasons, staff is recommending approval of the rezoning and variances.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Residential (Single-family dwelling)	
<b>Comprehensive Plan</b>	Institution-Oriented Mixed- Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	D-5 Residential (Single-family dwelling)
	South:	D-5 Residential (Single-family dwelling)
	East:	D-5 Residential (Single-family dwelling)
	West:	UQ-1 University Dorm
<b>Thoroughfare Plan</b>		
Blue Ridge Road	Local Street	70-foot existing right-of-way and a 48-foot proposed right-of-way.
Sunset Avenue	Primary Collector Street	80-foot existing right-of-way and a 56-foot proposed right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	January 11, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	January 11, 2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	January 11, 2024	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)

#### **Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book (2019) recommends Institution-Oriented Mixed-Use development for the subject site.
- The Institution-Oriented Mixed-Use (Campus) typology contains a mix of land uses within and surrounding a significant regional institution campus, such as a university or hospital. This typology is meant to promote development that is permeable to pedestrians and integrates into its surrounding context. Uses in this typology will often be thematically or economically linked to the anchor institution. Residential areas of this typology have a density of 8 to 15 dwelling units per acre.
- **Conditions for All Housing**
  - Should be within a one-half-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
  - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

#### **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**

- BUILDING ORIENTATION
  - **2. Orient Towards the Street:** Orient the front façade of a house in the same direction as other houses on the street. Avoid single buildings which turn away from the street and give the appearance that the street façade is not the front façade.
- BUILDING SPACING
  - **1. Reinforce Spacing on the Existing Block:** New construction should reflect and reinforce the character of spacing found in its block. New construction should maintain the perceived regularity or lack of regularity of spacing on the block.

- **2. Limit Uncharacteristically Large Gaps Between Houses:** Avoid the creation of large open spaces where historically none existed. Such spacing is uncharacteristic and establishes holes in the traditional pattern and rhythm of the street.
- **3. Leave Room for Maintenance:** Minimum spacing can be crucial for proper maintenance of homes. For example, additional spacing between tall houses can be key to allowing for maintenance with basic tools, like ladders
- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
  - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.

#### **Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### PREVIOUS CASES

**2023-DV2-010; 526 Blue Ridge Road** (subject site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 43-foot 10-inch-tall single-family dwelling (maximum 35-foot height permitted) with a 10-foot rear yard setback (20-foot rear setback required) without a primary entry on the front façade (required), **denied**.

**70-V2-114; 526 Blue Ridge Road** (subject site), Variance of use and rear yard requirements to permit construction of an addition to existing dormitory residence to house 70 girls, with sorority crest affixed to the house, with off-street parking available across Sunset Avenue, **granted by BZA and reversed and denied by the Superior Court of Marion County**.

**61-V-216; 526 Blue Ridge Road** (subject site), Request for permission to use the existing dwelling house as a dormitory for students, with off-street parking provided, **granted**.

### ZONING HISTORY – VICINITY

**2020-DV3-037; 4321 Clarendon Road; 3909 Cornelius Ave, 723 W 44th St, 406 Buckingham Dr, 4340 Sunset Ave, 503 West 49th St, 402 West 41st St, 4454 Boulevard Pl, 4321 Crown St, 325 West 47th St, 245 West 40th St** (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 39-foot to 49.2-foot tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973.), **denied**.

**2014-CVR-835; 340 South White River Parkway** (northwest of site), Variance of use of the Central Business Districts Zoning Ordinance to provide for a county jail, community corrections and related uses and facilities associated with a consolidated justice center (SU-8 uses, correctional and penal institutions not permitted), **granted**.

**2011-CVR-824 / 525 Blue Ridge Road and 530 West Hampton Road** (south of site), Variance of use and development standards of the Special Districts Zoning Ordinance to provide for the University President's House (Carter House; 525) and the Efrogmson Center for Creative Writing (530), which would have lectures by visiting writers and authors and other university uses, as well as provide for housing for the writers, authors and up to three graduate students, and to provide for an attached garage, with a 0.75-foot front setback from Sunset Avenue (25-foot front setback required), **granted**.

**2011-CZN-824; 525 Blue Ridge Road and 530 West Hampton Road** (south of site), Rezoning of 0.645 acre from the D-5 District to the UQ-1 classification to provide for the University President's House (Carter House; 525) and the Efrogmson Center for Creative Writing (530), which would have lectures by visiting writers and authors and other university uses, as well as provide for housing for the writers and authors, **withdrawn**.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**2006-DV2-023; 524 Buckingham Drive** (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 360-square foot addition to an existing detached garage with a 1.5-foot north side setback, a 1.5-foot aggregate side setback, and to provide for a six-foot tall fence within the right-of-way of Sunset Avenue, **granted**.

**2004-HOV-023; 527 West 46th Street** (north of site) Variance of the development standards of the Dwelling Districts Zoning Ordinance to legally establish a 420-square foot detached garage located zero feet from the east property line (minimum four-foot side yard setback required) and to provide for a two-story 1,800-square foot building addition to the existing single-family dwelling resulting in the attachment of the nonconforming detached garage to the existing single-family dwelling, **granted**.

**99-V1-90; 517 West 46th Street** (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a second story garage and addition to an existing detached garage for a recreation room with an overall height of 24.5 feet (maximum 20 feet permitted) creating 1,465.1 square feet of detached accessory uses, or 83% of the size of the main floor area of the primary dwelling (maximum 1,313 square feet of 75% of the size of the main floor area of the primary residence permitted), with total accessory uses being 2,290 square feet, or 130% of the size of the main floor area of the primary residence (maximum 1,733 square feet of 99% of the size of the main floor area of the primary residence permitted), having a rear yard setback of two feet (minimum five feet required) and having a side yard setback of two feet (minimum five feet required), **withdrawn**.

**93-Z-103; 525 Blue Ridge Road** (south of site), Rezoning of 0.21 acre from D-5 district to UQ-1 classification to provide for university-related office uses, **withdrawn**.

**89-UV3-35; 518 Buckingham Drive** (north of site), Variance of use to permit an addition to an existing detached garage to be used as an artist studio, **granted**.

**87-HOV-118; 429 Buckingham Drive** (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the installation of an in-ground swimming pool with a rear setback of six feet (20 feet required), **denied**.

**82-V1-133; 502 Blue Ridge Road** (east of site), Variance of development standards to permit an indoor pool and family room addition to the existing residence within the 20-foot rear yard setback, a 15-foot setback is proposed with a storeroom coming within 7.4 feet of the rear property line, **granted**.

**59-V-500; 445 Blue Ridge Road** (southeast of site), Variance of rear yard requirements to permit construction of a carport attached to the existing dwelling house and extending to 15'3" from the rear lot line, **granted**.

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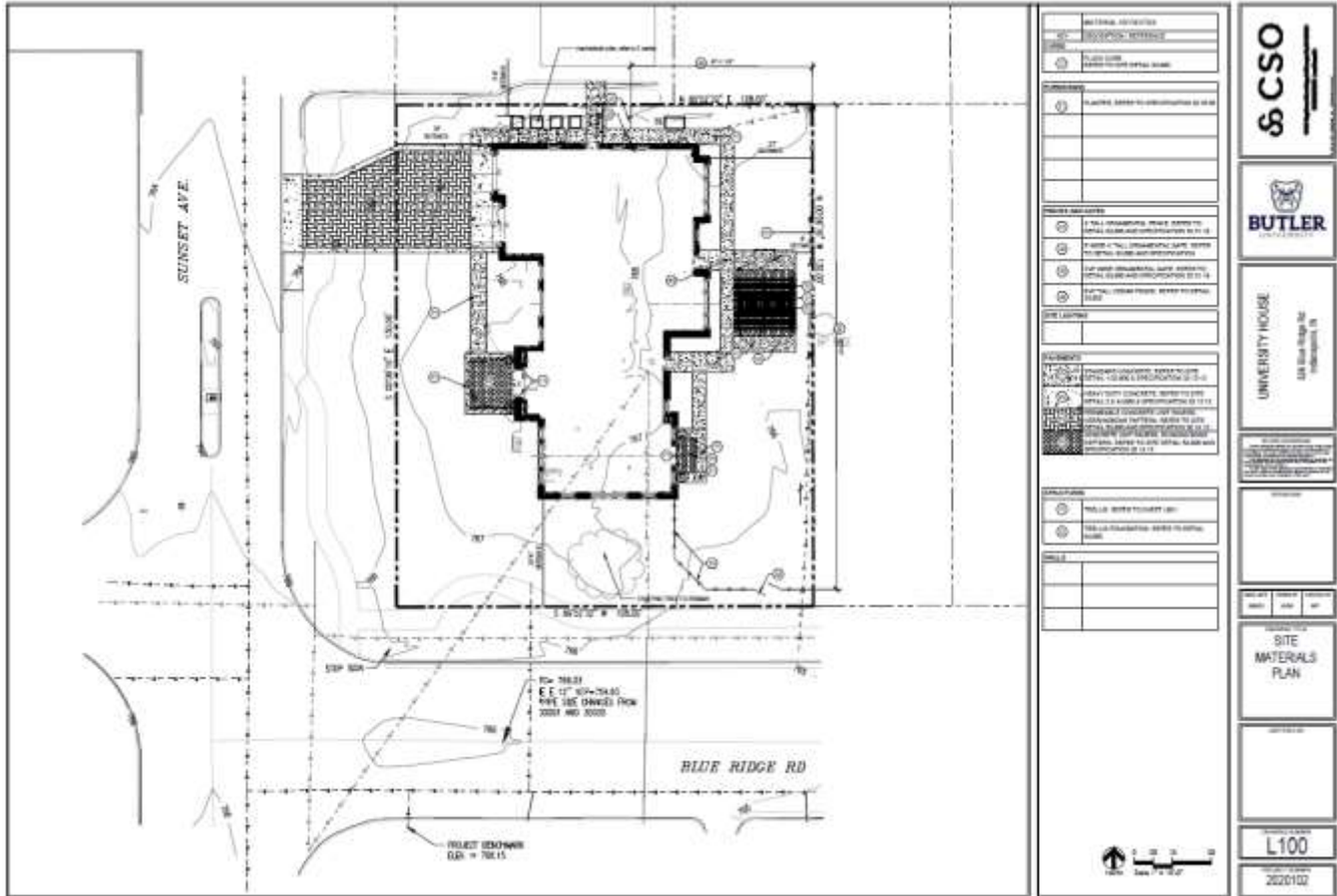
**EXHIBITS**

**Proposal Description**  
**526 Blue Ridge Road (“Site”)**

The Site is located at the northeast corner of Sunset Avenue and Blue Ridge Road. Petitioner, Butler University, respectfully requests to rezone the Site to the UQ-2 Zoning District to provide for the construction of a new University House. The University House will be used as a residence for the President of Butler University. The existing house on the Site will be removed to allow for the new University House to be constructed as approximately depicted on the proposed site plan and preliminary rendering filed herewith. In connection with the construction of the new University House, Petitioner also respectfully requests the following variances of development standards:

- Variance of Table 742.103.03 to provide for a north (rear) setback of less than 20 feet;
- Variance of Table 744-701-2 to provide for construction of the new University House without a primary entrance on the front façade. The front façade faces Blue Ridge Road, and Petitioner proposes that the primary entrance be located along the façade which faces Sunset Avenue.







West Elevation



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]  
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:

Petitioner proposes to demolish the existing house and construct a new University House ("New House") on the site with its primary entrance along the facade facing Sunset Avenue and with a north (rear) yard setback of less than 20'. The existing house has its primary entrance facing Sunset Avenue and has had a north (rear) yard setback of less than 20' for many years, which caused no injury to the community. Similarly, the location of the proposed primary entrance and the reduced rear setback of the New House will not be injurious.

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 existing house has a rear yard setback of less than 20' and has had a primary entrance along the Sunset Avenue facade. Such existing setback and primary entrance location have not adversely affected the use or value of the adjacent area. Similarly, the proposed variances relating to the requested reduced rear yard setback and primary entrance location will not adversely affect the use or value of the adjacent area. Further, the parcels that are adjacent to the north, south and west sides of the site are owned by Petitioner.

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

A long existing curb cut along Sunset Ave provides access to/from the existing house's driveway. The proposed location of the New House, including the proposed setback distance from the north property line, allows for the continued use of such existing curb cut to access the New House's driveway and garage and removes the necessity of relocating such curb cut south, closer to the intersection of Blue Ridge Rd. and Sunset Ave. Additionally, a large, mature existing tree is located on the site between the proposed location of the New House and Blue Ridge Road. Shifting the New House south, closer to Blue Ridge Rd may risk the health of the tree. Additionally, the site's longest facade/lot line runs north to south along Sunset Ave, which is where the primary entrance is proposed. The primary entrance of the New House is consistent with the location of the primary entrance of the existing house, which is also along the Sunset Ave facade.



Front yard along Blue Ridge Road



Corner side yard along Sunset Avenue.



University dorms to the west of the subject site across Sunset Avenue.



Single-family dwelling south of the site.



Single-family dwelling east of the site.