

**BOARD OF ZONING APPEALS DIVISION II**

**June 10, 2025**

**Case Number:** 2025-DV2-014

**Property Address:** 412 Pine Drive (*approximate address*)

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

**Petitioner:** Matthew Vogt, by Kale Carlson

**Current Zoning:** D-S

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 1,040-square foot detached garage within the front yards of Pine Drive and Spring Mill Road (accessory structures not permitted within the front yard) and proposed front yard setbacks of 30 feet from Pine Drive and 20 feet from Spring Mill Road (40 feet or average required).

**Current Land Use:** Residential

**Staff**

**Recommendations:** Staff recommends **denial** of this petition.

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

A timely automatic continuance request was filed by the petitioner in advance of the May 13<sup>th</sup> hearing date. This petition was continued to the June 10<sup>th</sup> date at that point in time.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- 412 Pine Drive is a residential property and corner lot located at the intersection of Pine Drive and Spring Mill Road. It is currently developed with a primary residence (initially constructed in 1957), pool (added in 1994), and driveway leading to the attached 3-car garage. Surrounding land uses are also single-family residences, and the property is screened by trees from both rights-of-way.
- Approval of this variance petition would allow for construction of a 40'x26' detached garage structure within both front yards of the property. In addition to the broad prohibition on placement of accessory structures within front yards in residential contexts, the proposed garage would also not meet the required front-yard setback from either frontage. The Ordinance requires the *greater* or 40 feet of separation or the average front setback of neighboring properties (in this instance, about 56 feet from Pine Drive and about 83.5 feet from Spring Mill Road).

- This property is zoned to the D-S (Dwelling Suburban) district to allow for suburban areas of extreme topography desirable for low density, estate-style development. Generous front yards with trees along roadways that follow the natural terrain of the land are envisioned for the D-S district. Similarly, the Pattern Book recommends this site to the Suburban Neighborhood living typology. Additionally, Infill Housing Guidelines indicate that, when possible, accessory structures should be located behind existing buildings.
- Findings of Fact provided by the applicant in support of this petition were minimal, but mentioned the need for a parking space that could house “a large SUV” and that any alternate parking options would require the placement of additional driveway within naturalized areas. Staff disagrees that ownership of a large personal automobile rises to the level of a site-specific practical difficulty and feels that several alternate options would be preferable. Potential remedies might include remodeling the existing 3-car garage to be comprised of a double-width door and single-width door instead of three single-width ones or utilizing the existing driveway to park the SUV.
- The Indianapolis Zoning Ordinance only requires one parking space per dwelling unit, and it is unclear why the existing garage, which appears to be around 1100 square feet in size, would be unable to allow for parking of personal vehicles as well as typical accessory storage. Staff feels that placement of a front-yard accessory structure that does not comply with setback standards or Infill Housing Guidelines would not be appropriate within this residential context where it doesn’t appear that accessory structures within front yards are common. Additionally, although a landscape buffer does currently exist to the south and east of the proposed location, this is not a guarantee that such buffering would exist in the future. Given the lack of site-specific practical difficulty to justify the deviation and ample space to allow for vehicle parking at the property, staff recommends denial of this variance.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-S	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
North:	D-S	North: Residential
South:	D-S	South: Residential
East:	D-2	East: Residential
West:	D-S	West: Residential
<b>Thoroughfare Plan</b>		
Pine Drive	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Spring Mill Road	Primary Collector	71-foot existing right-of-way and 90-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	04/08/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	04/08/2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	04/08/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

- The Pattern Book recommends this site to the Suburban Neighborhood typology to allow for predominantly single-family housing interspersed with attached and multifamily housing and with natural corridors and features treated as focal points or organizing systems for development.

**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 indicate that accessory structures should be located behind the existing building unless there is a precedent otherwise, and that the scale, height, size and mass should not overshadow primary residences.

**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

**2021HOV005 ; 235 Willowgate Lane (southeast of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a pool and related uses in the front yard of Willowgate Drive (accessory structures not permitted in the front yard), **approved**.

**2008DV2034 ; 316 Willowgate Drive (southeast of site)**, Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for each lot to have a minimum open space ratio of 60 percent (minimum lot open space ratio of 75 percent required), **approved**.

**2007VAR838 ; 501 W 93<sup>rd</sup> Street (southwest of site)**, VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to provide for a lot with a lot width of 120 feet at the required setback line (minimum 150-foot lot width required), **approved**.

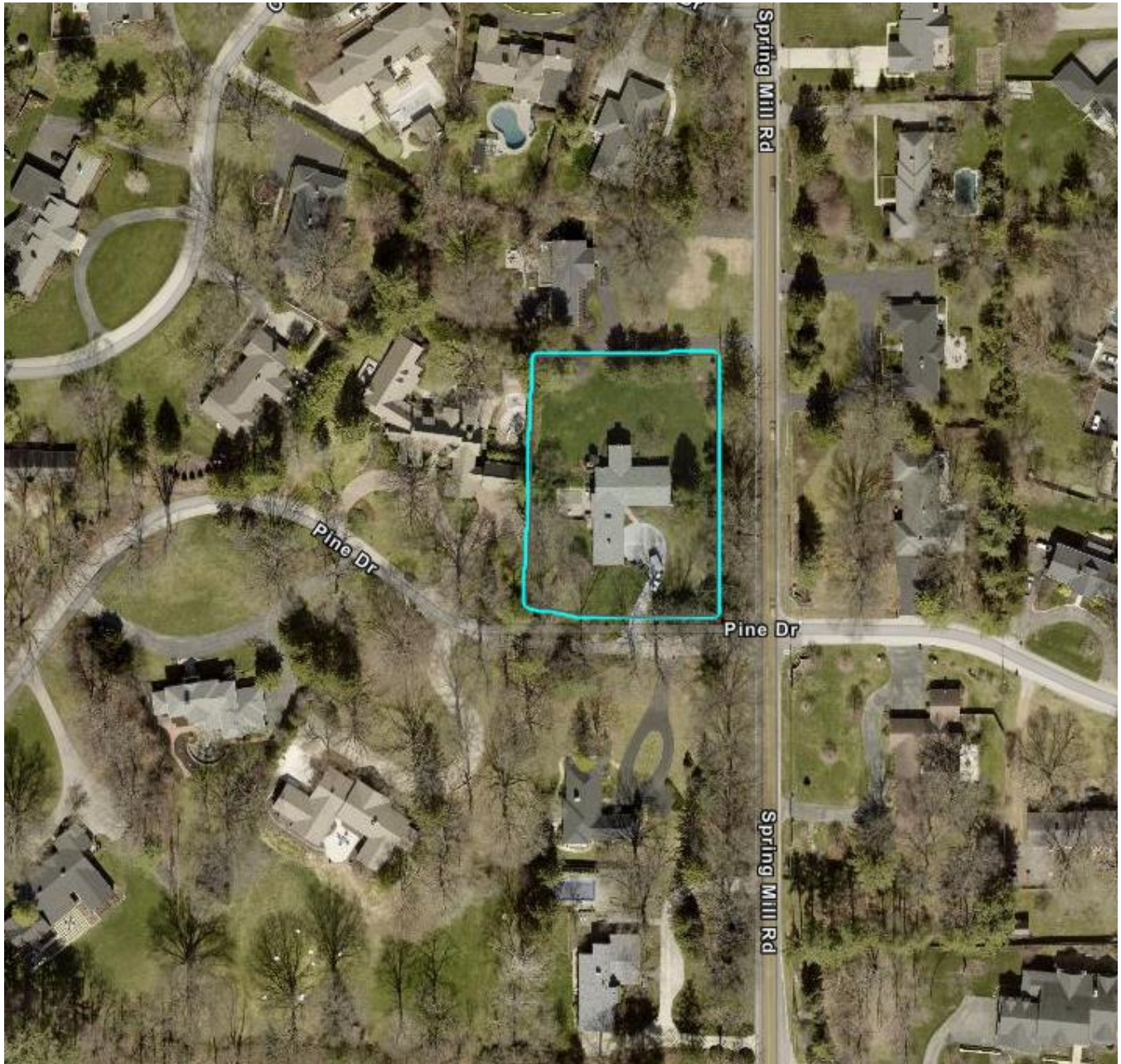
**2006HOV037 ; 535 W 96<sup>th</sup> Street (southwest of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 1,200 square foot addition between the existing single-family dwelling and the existing detached garage with an 11.9-foot east side setback (minimum fifteen-foot setback required), and resulting in a 28.9-foot side yard aggregate (minimum 35-foot side yard aggregate required), **approved**.

**2005DV3001 ; 526 W 93<sup>rd</sup> Street (southwest of site)**, legally establish a six-foot tall front yard fence in D-S (FW)(FF), **denied**.

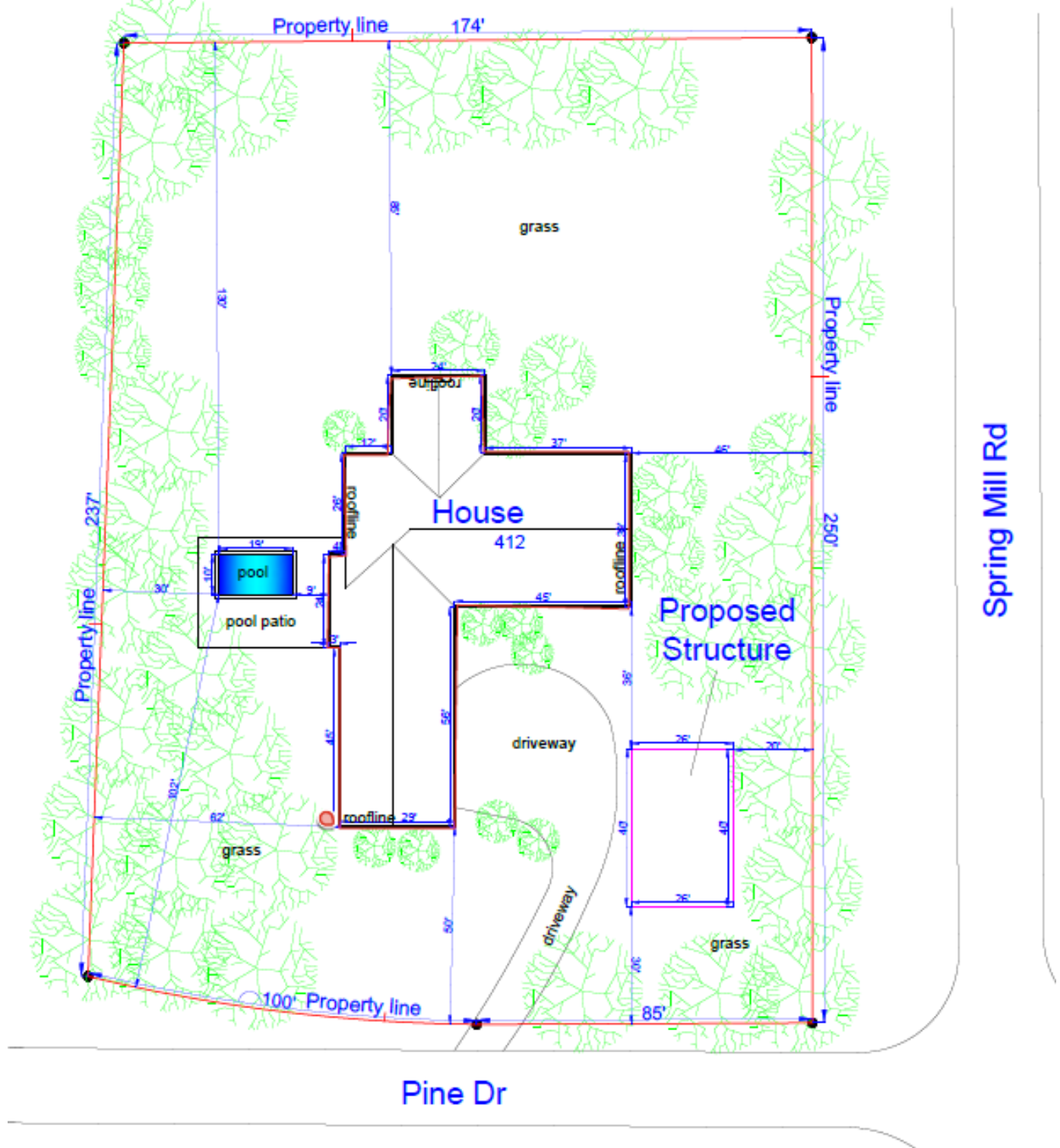


EXHIBITS

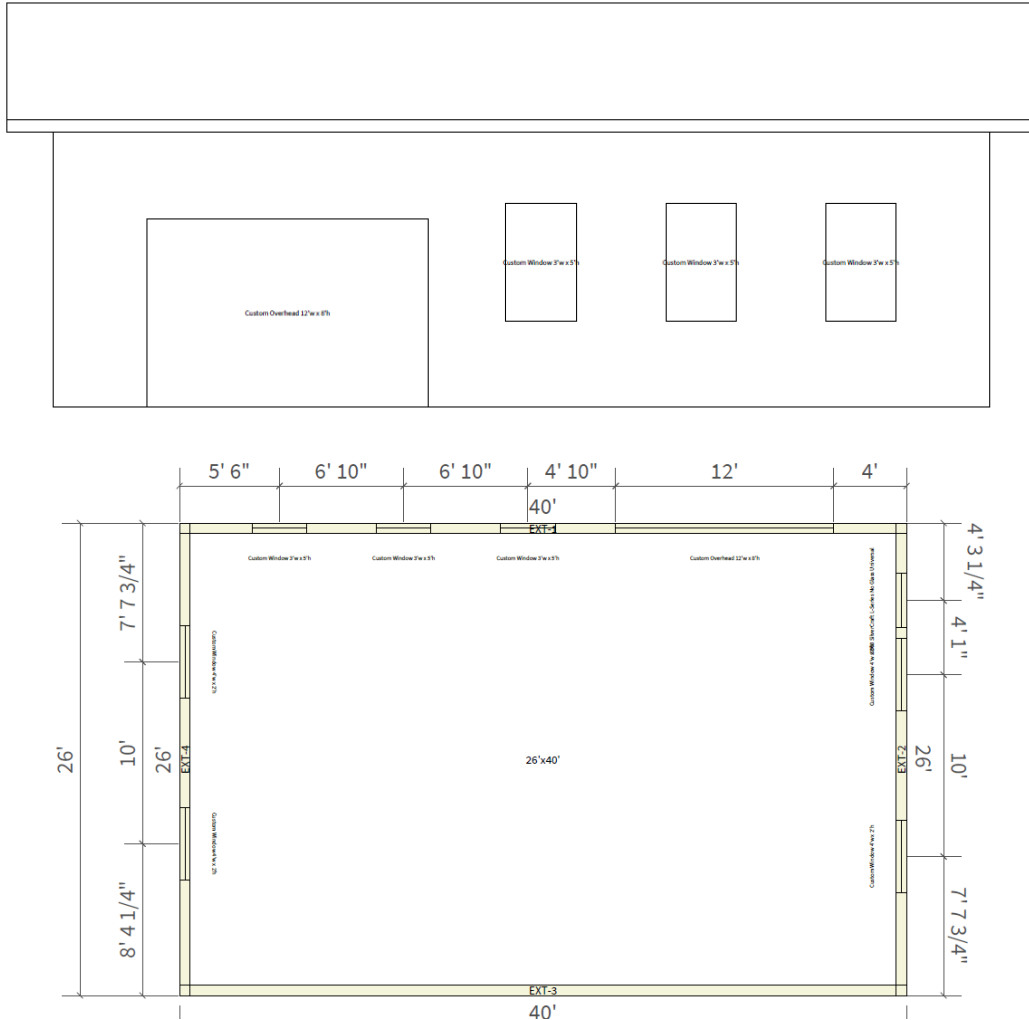
2025DV2014 ; Aerial Map



**2025DV2014 ; Site Plan**



**2025DV2014 ; Western Elevation & Floorplan**



**2025DV2014 ; Findings of Fact**

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

The prosed structure will have no affect on public health, safety, morals or general welfare.

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:

Proposed building will not be visible from road.

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

Proposed building is a detached garage needed in order to fit a large SUV.

Locating the building anywhere else on the property would require the owner to install a separate drive and ruin the aesthetics of his nautral yard.



**2025DV2014 ; Photographs**



Photo 1: Subject Site Viewed from South



Photo 2: Existing Attached Garage on Primary Structure



**2025DV2014 ; Photographs (continued)**



Photo 3: Location of Proposed Garage (Viewed from South)



Photo 4: Location of Proposed Garage (Viewed from East)



**2025DV2014 ; Photographs (continued)**



Photo 5: Location of Proposed Garage (Viewed from Southwest)



Photo 6: Adjacent Property to South