

**BOARD OF ZONING APPEALS DIVISION III**

January 09, 2024

**Case Number:** 2023DV2037

**Property Address:** 8120 Sycamore Road (approximate address), Town of Williams Creek

**Location:** Washington Township, Council District # 2

**Petitioner:** Matthew and Michelle Pheffer, by Jose Calderon

**Current Zoning:** D-S

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a front yard setback of 61.9 feet from Sycamore Road (67-foot setback required) and a total open space of 83.8% (85% minimum open space required).

**Current Land Use:** Residential

**Staff Recommendations:** Staff **recommends approval** of this request with a commitment to ensure two additional trees allowed by the Selected and Prohibited Plants List are added to replace those removed.

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of this request with a commitment to ensure two additional trees allowed by the Selected and Prohibited Plants List are added to replace those removed.

**PETITION OVERVIEW**

- This parcel contains an existing single-family residence along with an existing front-loaded driveway and small storage shed in the rear yard. This petition would allow for construction of front and rear additions that would result in a deficient front yard setback and a total open space below ordinance standards.
- These parcels are zoned D-S (Dwelling Suburban district) to allow for suburban areas with extreme topography that are conducive to estate development with a low density of housing units. D-S zoning is typified by generous front yards with trees along roadways that follow the natural terrain of the land. The existing home is an allowable use type per ordinance and is also a listed



use for the Rural or Estate Neighborhood Typology within the Marion County Land Use Pattern Book.

- This property is located within the Environmental Overlay of the Marion County Land Use Pattern Book, which stipulates that for this typology “detached housing should be oriented to minimize impact on the natural environment, including trees” and that “development should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area”.
- Although two trees have already been removed to allow for installation of the front addition, the petitioner has agreed to add two additional trees elsewhere on the property to compensate. This commitment is reflected within the staff recommendation above and will assist in preserving the level of tree coverage that typifies D-S zoning. The trees to be added should comply with the Selected and Prohibited Plants List previously approved by the Metropolitan Development.
- Setback standards allow for adequate separation between neighboring properties and between structures and public roadways. Additionally, uniform front setbacks help shape the perceived size of streets. Table 744-201-1 of the Indianapolis Zoning Ordinance indicates that for local streets within D-S zoning and in the Metro context, the minimum allowable front setback would be the larger of 40 feet from proposed right-of-way or the average setback of neighboring houses.
- This request would establish a front yard setback of 61.9 feet (a smaller amount than the average setback of 67 feet). Staff has no objection to this request given that the proposed setback is within the character of most surrounding properties and would be a larger proposed setback than the neighboring property to the south.
- Open space restrictions are in place to prevent over-development, promote development pattern unity, and preserve space for outdoor recreation and required stormwater drainage. Table 744-201-1 of the Indianapolis Zoning Ordinance indicates that the minimum total open space for D-S zoning districts is 85%.
- The front and rear additions proposed by this petition would establish a total open space of 83.8%. Staff has no objection to the request given the substandard area and width of the lot and the minor nature of the nonconformity.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-S	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
North:	D-S	North: Rural or Estate Neighborhood
South:	D-S	South: Rural or Estate Neighborhood
East:	D-S	East: Rural or Estate Neighborhood
West:	D-S	West: Rural or Estate Neighborhood

<b>Thoroughfare Plan</b>		
Sycamore Street	Local Street	Existing ROW: 61' Prop ROW: 50'
<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>	12/11/2023	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	12/11/2023	
<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 Marion County Land Use Plan Pattern Book recommends the Rural or Estate Neighborhood living typology for this site.
- This site falls within the environmental overlay, which indicates that impact should be minimized on the natural environment and that development should preserve or add at least 30% of the parcel as tree canopy or naturalized area.

**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**

- The Infill Housing Guidelines (IHG) are used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects.
- The IHG recommends that front setbacks should match the context of the existing block and be built within existing setback ranges of adjacent properties. The newly proposed front setback would fall within the existing setback range of neighboring houses.
- The IHG indicates that for lots that do not meet current size requirements such as this one, the surrounding context could be used to dictate appropriate housing sizes.

#### **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

**2019DV1036; 8185 Sycamore Road (northeast of site)**, variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall metal fence and a six-foot tall masonry wall with 6.5-foot tall posts in the front yard (maximum 42 and 48-inch fence and 4.5-foot and five-foot tall posts permitted), and to provide for a retaining wall taller than six feet without terracing and landscaping and exceeding six feet in height where topography drops more than two feet (terracing required maximum two feet additional height permitted for two-foot topography change), **approved**.

**2018DV3010; 8192 Sycamore Road (north of site)**, variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an expanded rear (west) porch, creating an open space of 83% (85% required), **approved**.

**2010DV2032; 8182 Sycamore Road (north of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a single-family dwelling, with a south side setback of 12.9 feet (minimum 15-foot south side setback required), **approved**.

**2006DV3025; 8105 Sycamore Road (southeast of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 5.17-foot tall fence within the required 25-foot front yard (maximum 3.5-foot tall fence permitted), **approved**.

**2001VAC021 ; 8105 Sycamore Road (southeast of site)**, vacation of the platted building lines for Lot Number 123 in Williams Creek Estates, Meridian Hills, as per plat thereof recorded in Plat Book 20, Pages 30-31, in the Office of the Recorder of Marion County, Indiana, **approved**.

**94-UV2-32; 8141 Sycamore Road (northeast of site)**, variance of use of the Dwelling Districts Ordinance to provide for the continued operation of a 696 square foot office within an existing single-family residence with two nonresident employees, **approved**.

**88-V2-10; 8195 N Pennsylvania Street (northwest of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 23.2-foot tall (twenty feet maximum height permitted) detached garage with a front setback of twenty feet (twenty-five feet required), **approved**.

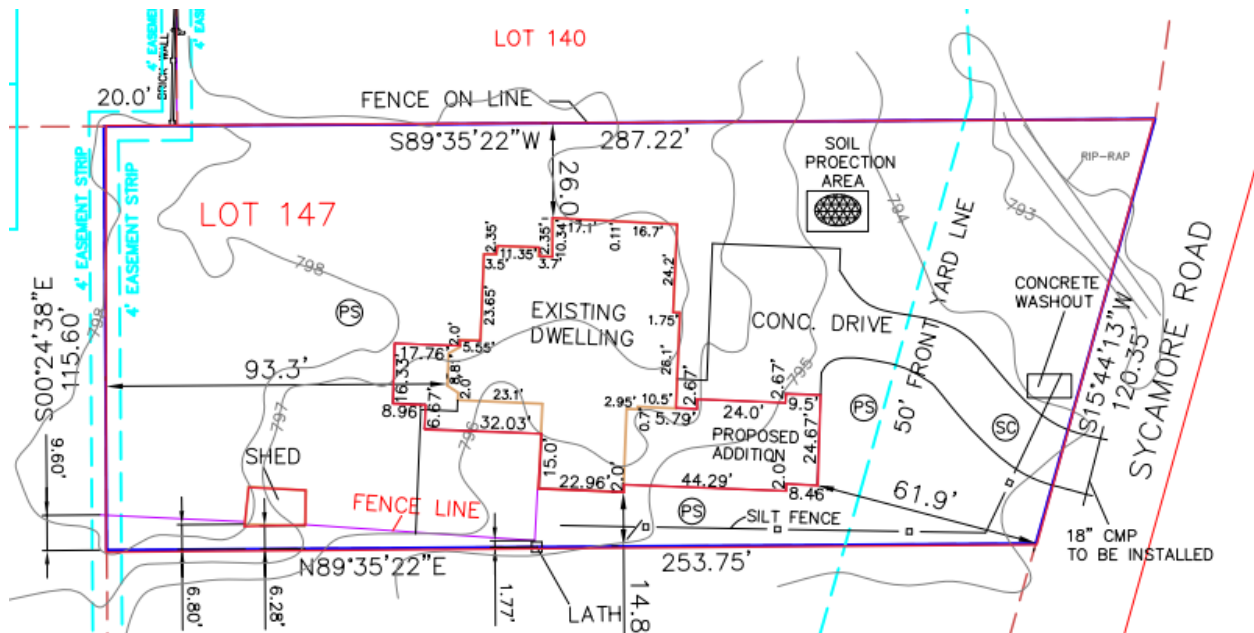
**71-P-95; 0 Southern Ave (north of site)**, approval of a preliminary plan of a subdivision plat to be known as PENNSYLVANIA HEIGHTS, dividing 3.50 acres into 18 lots, being in A-2 district, to be platted according to D-5 zoning requirements, **approved**.

**EXHIBITS**

**2023DV2037 ; Aerial Map**



**2023DV2037 ; Site Plan**





**2023DV2037 ; Findings of Fact**

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
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:

there will still be ample room for off-street parking and the addition is still beyond the City zoning ordinance default front setback of 40 feet.

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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 addition will be consistent with the south adjoiner's front building setback line, and there is no change to the existing building setback with respect to the north adjoiner.

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

the averaging of two adjoining properties front setbacks can lead to exaggerated setbacks required for the subject property's desired addition. Furthermore, the angle of Sycamore Road leads to greater setback, along Sycamore as it runs to the north.

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**2023DV2037 ; Pictures**



Photo 1: View of the Subject Site



Photo 2: Facing South



**2023DV2037 ; Pictures (continued)**



Photo 3: Facing North



Photo 4: Across Sycamore from Subject Site