

**BOARD OF ZONING APPEALS DIVISION I**

**July 2, 2024**

**Case Number:** 2024-DV1-018

**Property Address:** 7920 North College Avenue, Town of Williams Creek (approximate address)

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

**Petitioner:** Curtiss & Jennifer Wall, by Brent Bennett

**Current Zoning:** D-S (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with an 11-foot north side yard setback (15 feet required).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends approval of this petition

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR JULY 2, 2024 BZA DIVISION III HEARING**

- This petition was automatically continued by a registered neighborhood organization from the June 4, 2024 BZA Division III hearing to the July 2, 2024 BZA I hearing.

**STAFF RECOMMENDATION**

- Staff recommends approval for this petition

**PETITION OVERVIEW**

- This petition would provide for the construction of an attached garage with an 11-foot north side yard setback (15 feet required).
- The subject site is improved with a primary single-family house, with an attached garage located on the north side of the structure. The proposed addition would use the existing curb cut and driveway on site.
- The subject property is approximately 135 feet in width and 0.56 acres in area. These measurements are deficient compared to the D-S standards of 150 feet minimum in lot width, and 1-acre minimum lot size. This represents a degree of practical difficulty upon the owner for meeting side setback requirements.

- Additionally, the proposal would meet the characteristics of the Comprehensive Plan recommendation of Suburban Neighborhood and the proposal would be in accordance with the Infill Housing Guidelines recommendations of not overshadowing primary buildings and coordinating styles of the primary and accessory uses. For these reasons, Staff is unopposed to the request for a reduced north side yard setback.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-S (TOD)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-S (TOD)	North: Single-family residential
South:	D-S (TOD)	South: Single-family residential
East:	D-2 (TOD)	East: Single-family residential
West:	D-S (TOD)	West: Single-family residential
<b>Thoroughfare Plan</b>		
North College Avenue	Primary Arterial	90 feet of right-of-way existing and 80 feet proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	4/3/24	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	4/3/24	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	4/2/24	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book
- Red Line TOD Strategic Plan
- Infill Housing Guidelines

#### Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Rural or Estate Neighborhood typology for this site.

#### Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within the Red Line Transit Oriented Development overlay but is not within ½ mile of an existing Red Line transit station.

#### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

#### Infill Housing Guidelines

- With regards to building additions and side setbacks the Infill Housing Guidelines document recommends:
  - Do not overshadow primary structures
  - For undersized lots, look to surrounding context for appropriate sizing

#### Indy Moves

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

- Not Applicable to the Site.



## ZONING HISTORY

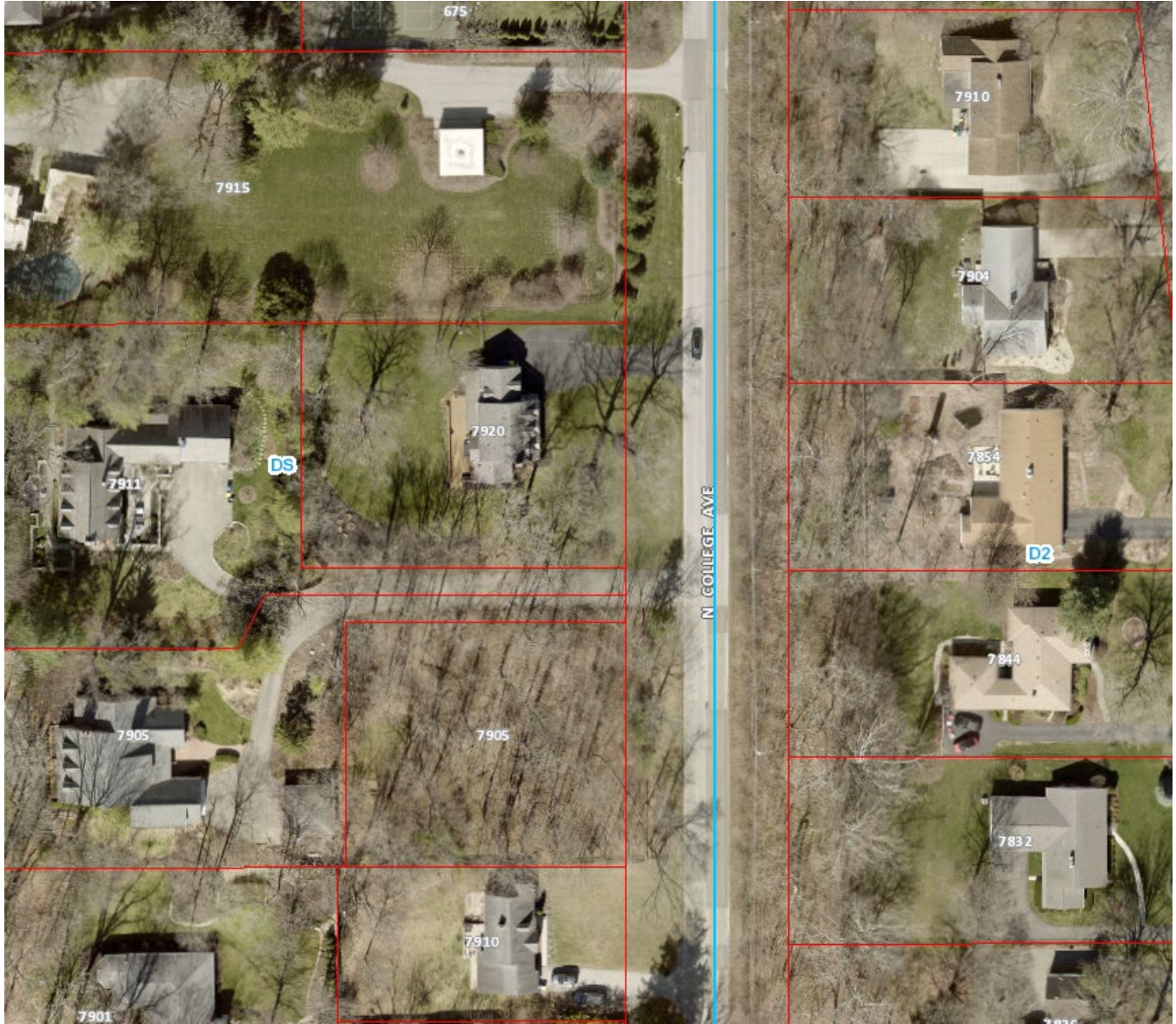
### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**94-V3-93; 7898 North College Avenue (south of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of six single-family residences without public street frontage, (each lot shall have a minimum of 75 feet of frontage on, and gain direct access to a public street), **approved**.

EXHIBITS





**PLOT PLAN FOR PART OF LOT THREE  
 WILLIAMS CREEK ESTATES, MERIDIAN HILLS**

**811**  
 Know what's below.

CAUTION!  
 LOCATION OF ALL EXISTING UNDERGROUND UTILITIES SHOWN ON THESE PLANS ARE BASED UPON ABOVE GROUND EVIDENCE (including but not limited to, manholes, flags, valves, etc.) AND OTHER EXISTING UNDERGROUND UTILITIES FOR WHICH THERE IS NO ABOVE GROUND EVIDENCE OR FOR WHICH NO ABOVE GROUND EVIDENCE WAS OBTAINABLE. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES SHOULD BE VERIFIED BY THE CONTRACTOR PRIOR TO START OF ANY AND ALL CONSTRUCTION.

**NORTH**  
 SCALE: 1" = 30'

**LEGAL DESCRIPTION:**

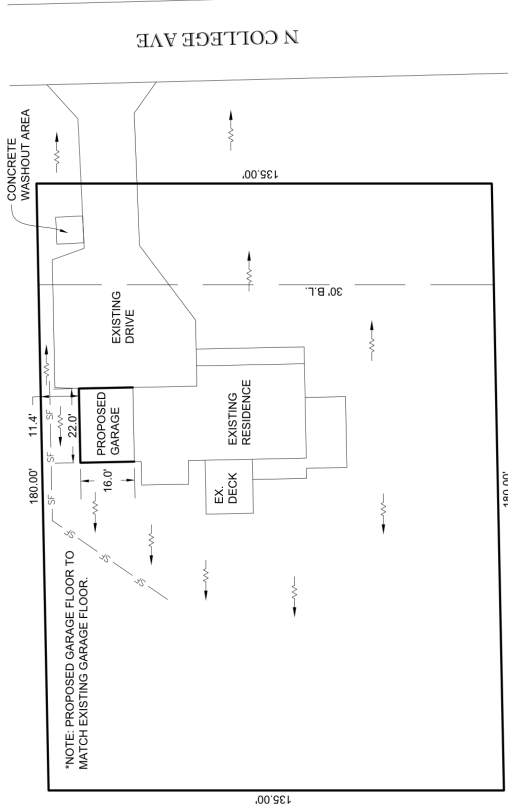
THE EAST PART LOT NUMBER 3, IN WILLIAMS CREEK ESTATES, MERIDIAN HILLS, AN UNDIVIDED TRACT OF LAND, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 20, PAGES 30 AND 31, IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA, MORE PARTICULARLY BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2 ON THE WEST LINE OF SAID LOT 2, THENCE EAST 180 FEET ALONG A LINE PARALLEL TO THE EAST LINE OF LOT 2, THENCE SOUTH 135 FEET ALONG A LINE PARALLEL TO THE EAST LINE OF LOT 2, THENCE EAST 180 FEET ALONG A LINE PARALLEL TO THE NORTH LINE OF LOT 2, THENCE SOUTH 135 FEET ALONG A LINE PARALLEL TO THE EAST LINE OF LOT 2, THENCE SOUTH 135 FEET TO THE PLACE OF BEGINNING.

**LEGEND**

- EXISTING SPOT ELEVATION
- EXISTING CONTOUR ELEVATION
- EXISTING STORM SEWER AND INLET
- EXISTING SANITARY SEWER AND MANHOLE
- EXISTING WATER LINE
- PROPOSED STORM SEWER AND INLET
- PROPOSED SPOT ELEVATION
- PROPOSED SURFACE DRAINAGE
- PROPOSED SUBSURFACE DRAIN
- SILT FENCE

**GENERAL NOTES**

- THE PURPOSE OF THIS DRAWING IS TO OBTAIN A BUILDING PERMIT, AND IS NOT INTENDED OR REPRESENTED TO BE A LAND OR PROPERTY LINE SURVEY. NO MONUMENTS WERE SET. DO NOT USE TO ESTABLISH FENCE OR BUILDING LINES. NO RESPONSIBILITY IS EXTENDED HEREIN TO THE LAND OWNER OR OCCUPANT.
- ALL UNDERGROUND SEWERS AND UTILITIES SHOWN ARE PLOTTED BY SCALE FROM DESIGN PLANS. THE ACTUAL FIELD LOCATION MAY VARY.
- ALL NEW CONSTRUCTION (EXPOSED EARTH) SHOULD BE SEDED OR GRADED. IF DELAYED, USE TEMPORARY SEED COVER OF 2 BUSHELS OF WHEAT, RYE OR OATS PER ACRE. MUCH ALL SLOPES GREATER THAN 6:1.
- SANITARY SEWER CONNECTION SHALL BE MADE WITH APPROVED COUPLING AS MANUFACTURED BY FERRO (OR EQUAL).
- FINISHED FIRST FLOOR ELEVATION AND/OR EXTERIOR GRADES AT THE HOUSE SHALL BE MAINTAINED AT LEAST SIX INCHES IN THE FIRST TEN FEET. MAINTAIN DRAINAGE PATTERNS AS SHOWN.
- LOCATION OF EXISTING UTILITIES IS BASED UPON READILY AVAILABLE INFORMATION AND IS NOT WARRANTED AS ACCURATE OR COMPLETE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION OF ALL EXISTING UTILITIES. FOR STAKE LOCATIONS, CALL 1-800-382-2544 TWO WORKING DAYS IN ADVANCE.
- INSTALL DRIVEWAY BASE STONE BEFORE BEGINNING CONSTRUCTION. USE FOR OFF THE MAIN AREA ACCESS TO AND FROM LOT. KEEP CONSTRUCTION TRAFFIC OFF THE MAIN AREA.
- CHANGES ALONG THE SIDE LOT LINES ARE TO BE MAINTAINED SO AS TO PROVIDE POSITIVE SURFACE DRAINAGE TO THE FRONT AND REAR OF THE LOT. AT NO TIME SHALL SURFACE DRAINAGE BE ALLOWED TO CROSS THE SIDE LOT LINES.



THE PURPOSE OF THIS DRAWING IS FOR OBTAINING A BUILDING PERMIT UNDER THE SUBDIVISION AND CONSTRUCTION PERMIT ACT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT. NO MONUMENTS WERE SET. DO NOT USE TO ESTABLISH FENCE OR BUILDING LINES. NO RESPONSIBILITY IS EXTENDED HEREIN TO THE LAND OWNER, OCCUPANT OR OTHER ENTITIES.

**EROSION CONTROL NOTES:**  
 EXISTING VEGETATIVE STRIP 10' WIDE MINIMUM TO REMAIN ALONG SIDE AND REAR LOT LINES WHERE POSSIBLE.  
 EXCESS DIRT FROM CONSTRUCTION TO BE REMOVED FROM SUBDIVISION.  
 IT IS THE BUILDER'S RESPONSIBILITY TO VERIFY ALL ELEVATIONS PRIOR TO BEGINNING CONSTRUCTION.



*D. Kruse*  
 DALE T. KRUSE  
 P.S. No. LS20000224  
 STATE OF INDIANA

NO.	DATE	REVISION
BY	DATE	REVISION
<p><b>BUILDER:</b>  <b>ALARIE BUILDING &amp; RENOVATION COMPANY</b>          MIKE ALARIE          (317) 710-6070</p>		
<p><b>PROPERTY ADDRESS:</b>          7920 NORTH COLLEGE AVENUE          INDIANAPOLIS, INDIANA 46240</p>		
<p><b>DATE OF DESIGN:</b> _____  <b>DATE OF DRAWING:</b> _____  <b>SCALE:</b> _____  <b>PROJECT NO.:</b> _____  <b>SHEET NO.:</b> _____ OF _____</p>		





