

BOARD OF ZONING APPEALS DIVISION I

August 05, 2025

Case Number: 2025-DV1-034

Property Address: 8760 Crown Point Road (*approximate address*)

Location: Pike Township, Council District #1

Petitioner: Scott & April Willy, by Brent Bennett

Current Zoning: D-A (FW)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage within the front yard of Crown Point Road (accessory structures not permitted within the front yard).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** of this petition subject to a commitment.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to a commitment that development shall comply with what's shown on the site plan submitted with the application and file-dated June 4, 2025.

PETITION OVERVIEW

- 8760 Crown Point Road is a residential property comprised of approximately 19 acres that is currently improved with a single-family residence, accessory structure, and swimming pool. The location of the current accessory structure and rear pool were permitted with the property's front yard by grant of the variance 2020-DV1-025. Surrounding land uses include a subdivision to the east of the site and low-density residential land uses in other directions.
- Approval of this variance would allow for the construction of a new three-car detached garage in the location designated on the provided site plan. It would be placed within the front yard to the south of the currently existing accessory structure (utilizing the same existing driveway). Construction of additional structures (beyond those approved by the 2020 variance) between the main residence and Crown Point Road would require the approval of a separate and distinct variance. It appears that the garage would conform with other applicable zoning standards.

- This property is zoned D-A (Dwelling Agricultural) to allow for a variety of agricultural uses as well as large estate development of single-family dwellings as a secondary provision. The Comprehensive Plan recommends it to the Rural & Estate Neighborhood living typology to allow for agricultural use or estate-style homes on large lots. The property is also partially located within a floodplain (areas to the west near the Fishback Creek) and an environmentally sensitive overlay where 30% of the parcel should be maintained with tree canopy or other naturalized area.
- Staff notes that there is a substantial change in topography for this property (see contour map and Photos 5 and 6 within Exhibits) that would make placement of any accessory structures within the rear yard of the site a practical difficulty and would result in removal of natural wooded areas counter to Comprehensive Plan guidance. The site is also well-screened and isolated from the right-of-way of Crown Point (around 1500 feet) and has an eastern side yard setback that is ten times larger than the requirement (15 feet required; 150 feet proposed) which would minimize visual impacts of placement of an accessory structure within the front yard. For these reasons, staff recommends approval of the variance request subject to a commitment limiting development to what's shown on the proposed site plan.

GENERAL INFORMATION

Existing Zoning	D-A (FW)	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood / Linear Park	
Surrounding Context	Zoning	Surrounding Context
North:	Enter Zoning	North: Residential
South:	Enter Zoning	South: Residential
East:	D-P	East: Residential
West:	D-A	West: Residential / Creek
Thoroughfare Plan		
Crown Point Road	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	06/04/2025	
Site Plan (Amended)	N/A	
Elevations	06/04/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	06/04/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Rural or Estate Neighborhood living typology to allow for rural or agricultural areas and historic, urban areas with estate-style homes on large lots. This typology prioritizes exceptional natural features, and development should work with the existing topography as much as possible.
- The site is also located within an Environmentally Sensitive overlay for areas with high-quality woodlands or other natural resources. Development within these secondary overlays should preserve or add at least 30% of the entire 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

- 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

2020DV1025, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an accessory building and to provide for a pool in the front yard of an existing single-family dwelling (not permitted), **approved**.

ZONING HISTORY – VICINITY

2004DV1013 ; 7915 Fishback Road (west of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an accessory structure in front of the established building line of the primary structure (accessory structures not permitted in front of the established building line of the primary structure), **approved**.

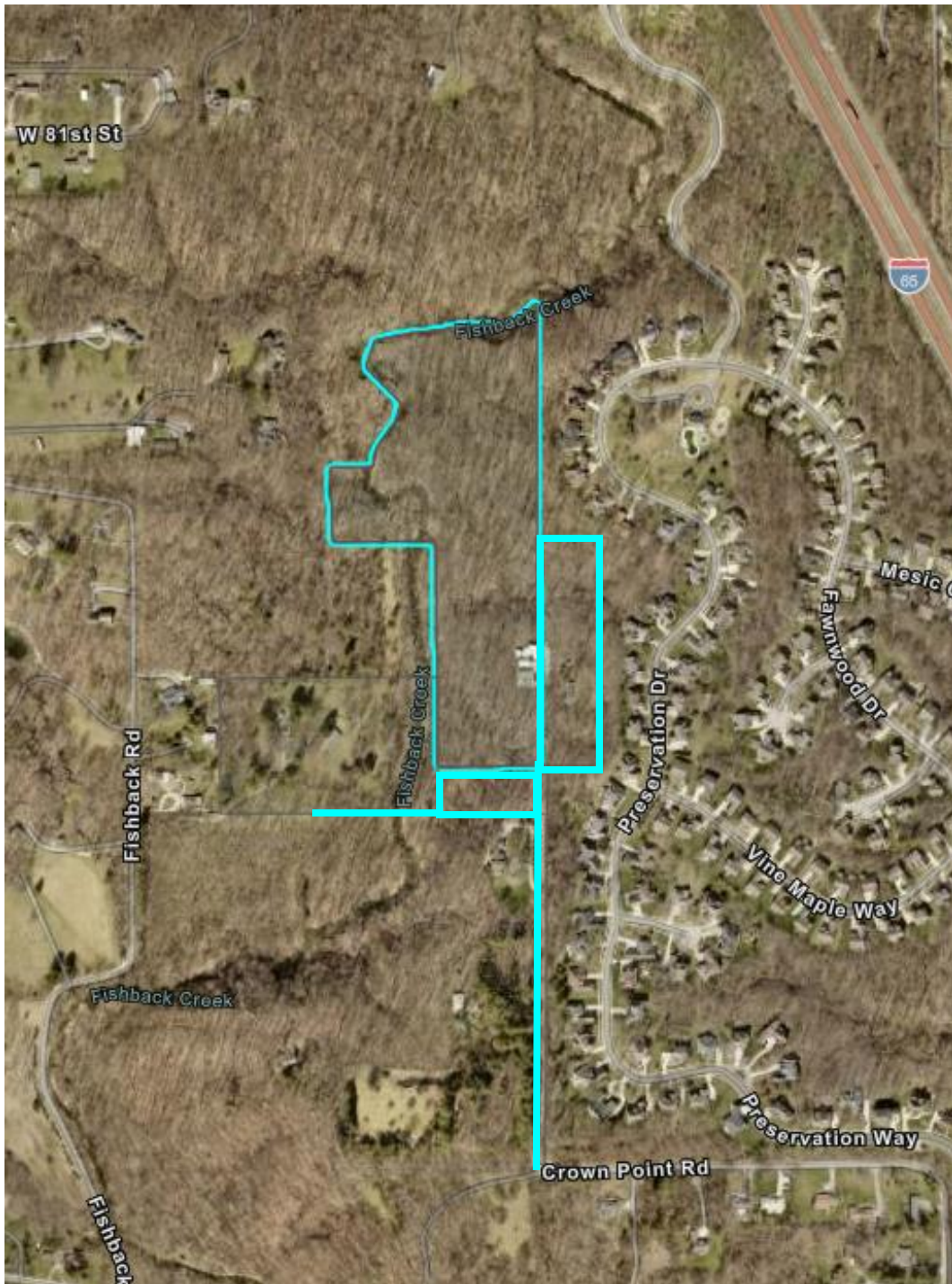
2000ZON147 ; 8649 W 82nd Street (east of site), rezoning of 177 acres from D-A zoning to the D-P zoning designation to allow residential development per the development plan, **approved**.

98-V1-112 ; 8009 Fishback Road (northwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an accessory building in front of the established front setback (not permitted), **approved**.

90-V1-127 ; 8750 Crown Point Road (south of site), variance of development standards of the Dwelling Districts Zoning Ordinance to permit the construction of a 24 x 40 foot detached garage without public street frontage and a side yard setback of 4 feet (12 feet required), **approved**.

EXHIBITS

2025DV1034 ; Aerial Map



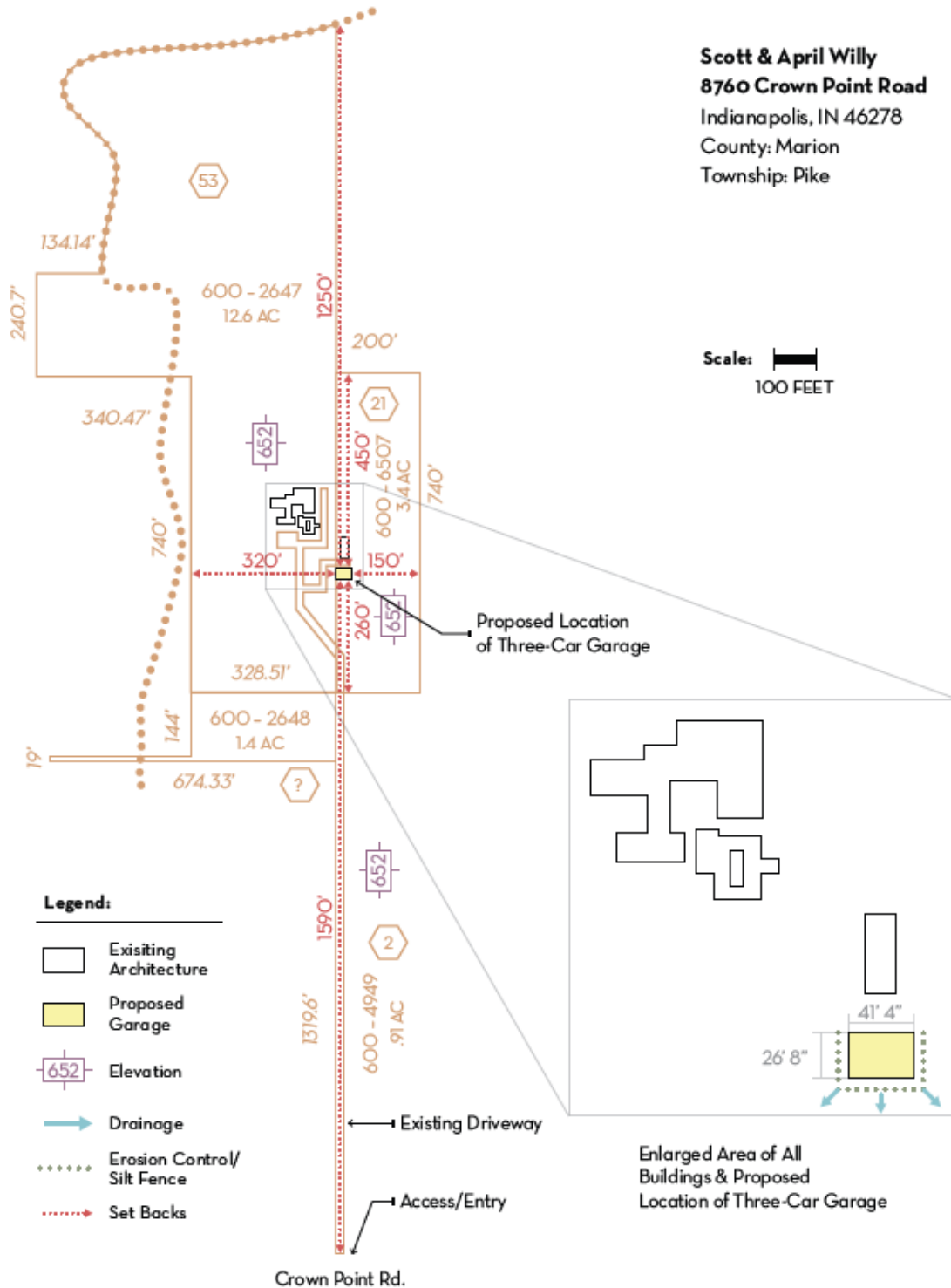
2025DV1034 ; Aerial Photograph (Zoomed to House)



2025DV1034 ; Contour Map (green lines indicate changes in grade)

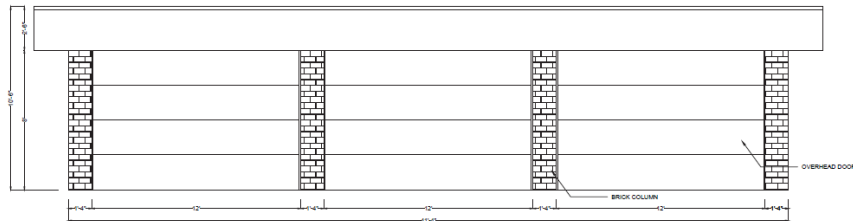


2025DV1034 ; Site Plan

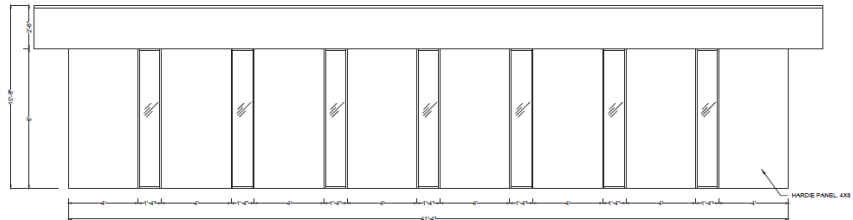


2025DV1034 ; Elevations (Northern and Southern)

ELEVATIONS



1 ELEVATION
 Scale: 1/4"=1'



2 ELEVATION
 Scale: 1/4"=1'

2025DV1034 ; Findings of Fact

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

Granting this approval will not be injurious to the public health, safety or general welfare of the community. We are attempting to adding a detached garage to a residential property that has over 14 Acres.

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:

Granting this petition would not have any adverse affects to the value of the adjacent properties. The continued developement of this property could only lead to increasing the values of the adjacent homes.

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

The pratictal difficulties to this property are easy to see. Technically the back of the house faces the street. The front facade faces out over the property with a great view. We are asking to allow a detached garage in on the backside of this house which is closer to the street

2025DV1034 ; Photographs



Photo 1: Primary Residence Viewed from Southwest (provided by applicant)



Photo 2: Primary Residence Viewed from Southeast (taken in 2020 prior to pool installation)

2025DV1034 ; Photographs (continued)



Photo 3: Existing Accessory Structure Viewed from East (provided by applicant)



Photo 4: Existing Accessory Structure Viewed from South (provided by applicant)

2025DV1034 ; Photographs (continued)



Photo 5: Site Terrain to West/Northwest of Primary Residence (taken in 2020)



Photo 6: Site Terrain to North/Northeast of Primary Residence (taken in 2020)

2025DV1034 ; Photographs (continued)



Photo 7: Adjacent Property to East from Building Location (provided by applicant)



Photo 8: Private Access Drive viewed from Crown Point ROW to South (taken July 2024)