

BOARD OF ZONING APPEALS DIVISION I

March 4th, 2025

Case Number: 2025-UV1-001
Property Address: 3854 Washington Boulevard (*Approximate Address*)
Location: Washington Township, Council District #7
Petitioner: Timothy & Karissa Funston
Current Zoning: D-5 (TOD)
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a 999-square foot second primary dwelling (one primary use per lot permitted).
Current Land Use: Residential
Staff Recommendations: Staff recommends **denial** of this variance petition.
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this variance petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this variance petition.

PETITION OVERVIEW

- The petitioner is requesting a secondary dwelling unit in the rear yard of the property to be 279 sqft larger than the maximum size permitted (720 sqft).
- The subject site is 0.18 acres in a D-5 zoning district and Transit Oriented Development (TOD) Secondary District.
- The 999 sqft secondary dwelling unit is already constructed and has been on the property since 2001.
- The petitioner plans on renting this property out.
- The maximum permitted size of a secondary dwelling unit is 720 sqft.
- Staff is recommending **denial** of this variance petition because its large size and the deficient lot size.
- Staff believes that a second dwelling unit on the property would negatively impact the parking for this site and potential for traffic flow in the area.

GENERAL INFORMATION

| | | |
|-----------------------------------|--------------------------|---|
| Existing Zoning | D-5 (TOD) | |
| Existing Land Use | Residential | |
| Comprehensive Plan | Traditional Neighborhood | |
| Surrounding Context | Zoning | Surrounding Context |
| North: | D-5 | North: Traditional Neighborhood |
| South: | D-9 | South: Village Mixed-Use |
| East: | D-5 | East: Traditional Neighborhood |
| West: | C-1 | West: Urban Mixed-Use |
| Thoroughfare Plan | | |
| Washington Blvd | Local Street | 100 feet of right of way existing and 48 feet of right of way proposed. |
| Context Area | Compact | |
| Floodway / Floodway Fringe | No | |
| Overlay | Yes | |
| Wellfield Protection Area | No | |
| Site Plan | 11/21/2025 | |
| Site Plan (Amended) | N/A | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | 11/21/2024 | |
| Findings of Fact (Amended) | 1/12/2025 | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily

needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park (pg. 17-18).

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

- Secondary Dwelling Units (pg. 27-28)
 - In addition to traditional accessory structures like garages and sheds, there has also been growth in secondary dwelling units. These dwellings units offer many benefits, including the potential to increase adorability, to increase the diversity of housing options in the neighborhoods, and to enable seniors to stay near families.
 - Secondary Dwelling Units: Secondary dwelling units are secondary living areas that are often disconnected from a house that can support another family. In recent years, secondary dwelling units have been created in separate buildings, including above garages. In many other places these units are known as “accessory dwelling units”.
 - Accessory buildings should be located behind the existing building unless there is a precedent otherwise.
 - The scale, height, sized and mass should relate to the primary building and should not overshadow it.
 - Coordinate roof lines, window openings, and key architectural styles on accessory buildings with existing primary buildings.
 - Where secondary dwelling units are allowed, the Zoning Ordinance establishes a maximum square footage. If additional space is needed, another form of building, such as a duplex or triplex, might be more appropriate. An addition to an existing house may also be appropriate.

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 – SURROUNDING AREA

- 2002-DV1-012 – 3805 N Delaware Street
 - 4-foot-tall fence in front yard/no clear sight.
 - AP
- 2005-DV2-003 – 3915 N Delaware Street
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 418-square foot attached garage with a 3.2-foot south side yard setback.
 - AP
- 2005-DV2-049- 3939 N Delaware Street
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 576-square foot detached garage with a 1.5-foot north side yard setback, and with a 1.5-foot rear yard setback.
 - AP
- 2008-DV1-034 – 3824 N Delaware Street
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to: a) provide for a six-foot tall solid fence within the required 25-foot front yard along Delaware Street (maximum 3.5-foot tall fence permitted within the required front yard), b) legally establish an accessory building area of 1,516.17 square feet or 81.04 percent of the main floor area of the primary structure (maximum 1,403.25 square feet or 75 percent of the main floor area of the primary dwelling permitted), and c) legally establish an accessory use area of 4,500.15 square feet or 126.55 percent of the total living area of the primary structure (maximum 3,555 square feet or 99.99 percent of the total living area of the primary structure permitted).
 - AP
- 2013-HOV-070 – 3836 Central Avenue
 - Variance of use of the Dwelling Districts Zoning Ordinance to legally establish a multi-family dwelling (not permitted), per plans filed.
 - Approved
- 2014-HOV-019 – 3837 N Delaware Street
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 624-square foot detached garage, with a 1.5-foot south side setback and a 2.4-foot east rear yard setback (minimum 4-foot side setback and five-foot rear setback required).
 - Approved

EXHIBITS

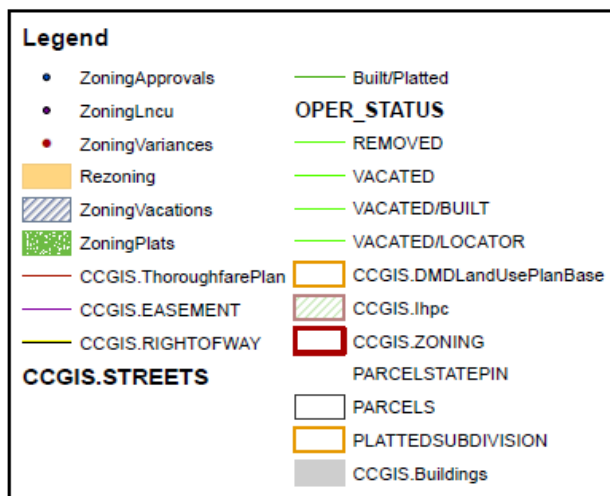
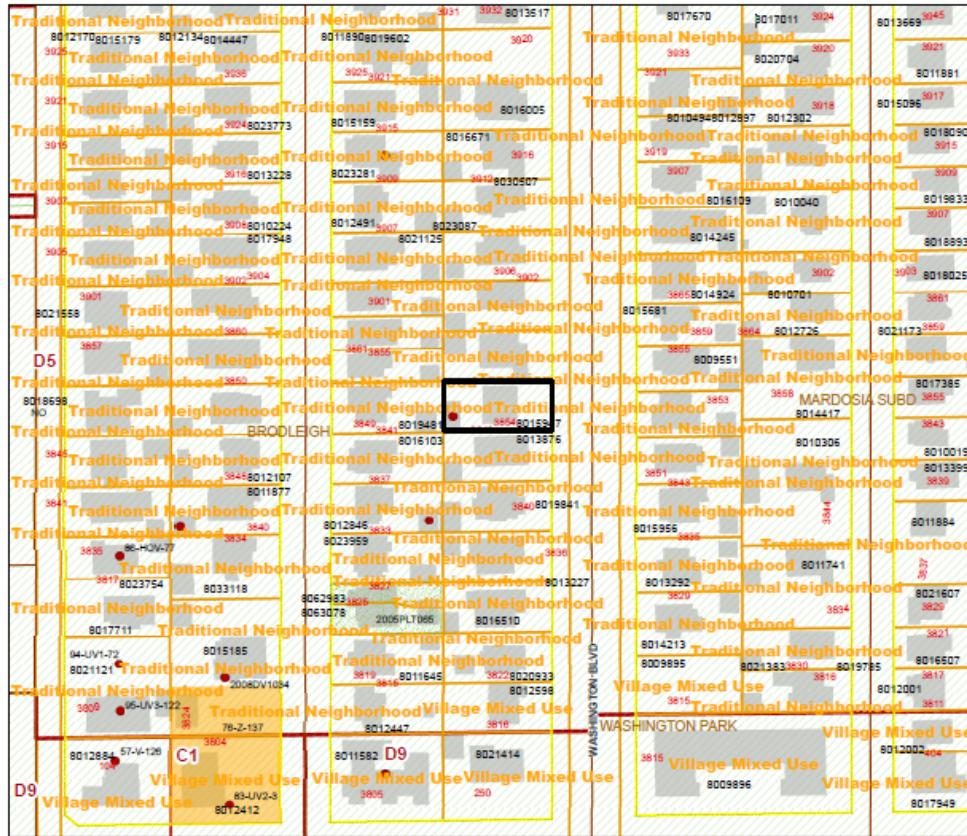


Exhibit 1: ArcGIS map of the surrounding area.

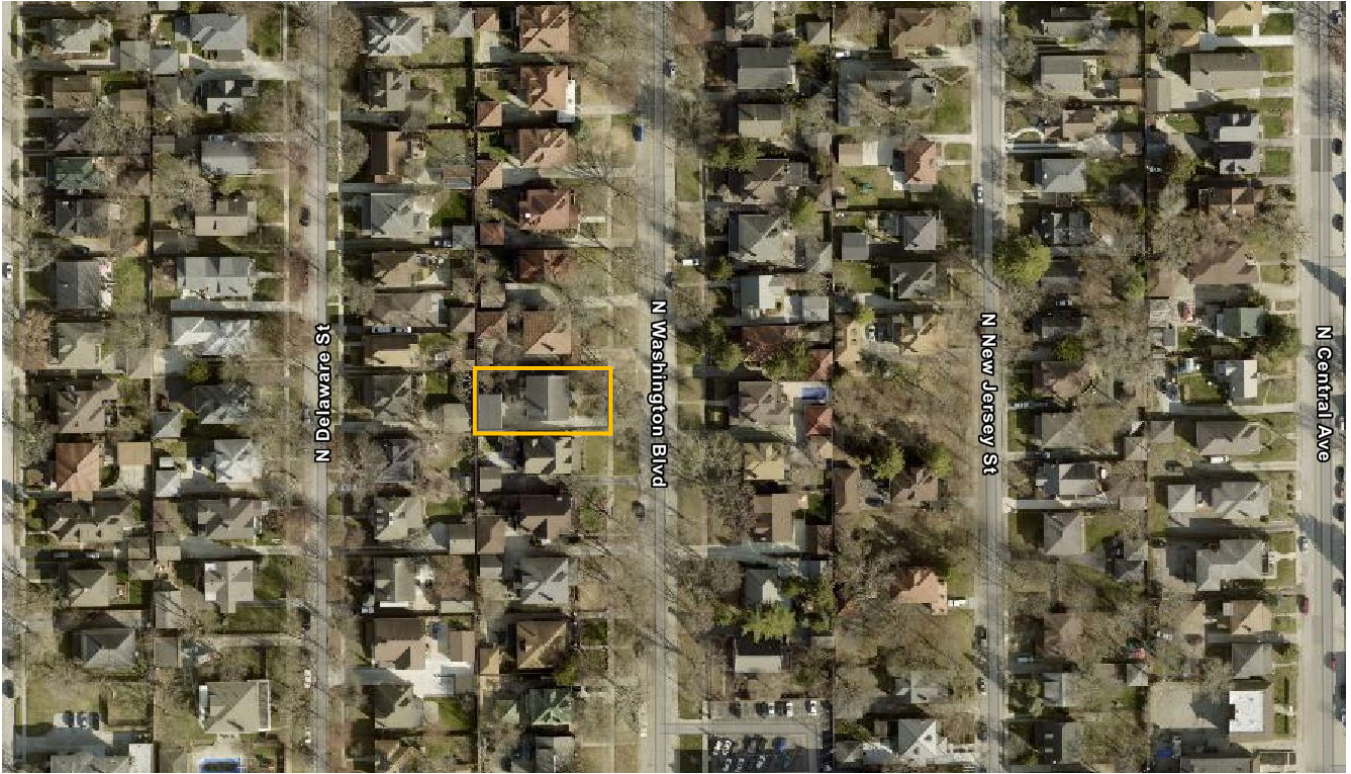


Exhibit 2: Aerial of the area.



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

THE CARRIAGE HOUSE ABOVE THE ACCESSORY STRUCTURE (GARAGE) ALREADY EXISTED CIRCA 2001 AND FUNCTIONED AS SUCH.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

THE PROPERTY WAS ALREADY IN EXISTENCE AND HAS NOT UNDERGONE SUBSTANTIAL ADDITIONS OR RENOVATIONS. IT IS CURRENTLY BEING TAXED AS A SECONDARY DWELLING UNIT.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

IT EXCEEDS THE 720 SQUARE FOOT ALLOWANCE FOR A DETACHED SECONDARY DWELLING UNIT. (APPROXIMATELY SQUARE FOOTAGE IS 970 SQUARE FEET THUS EXCEEDING THE ALLOWABLE LIMIT BY 250 SQUARE FEET.) IN ADDITION THE CARRIAGE HOUSE EXCEEDS THE MIN. SQUARE FEET FOR A PRIMARY DWELLING.

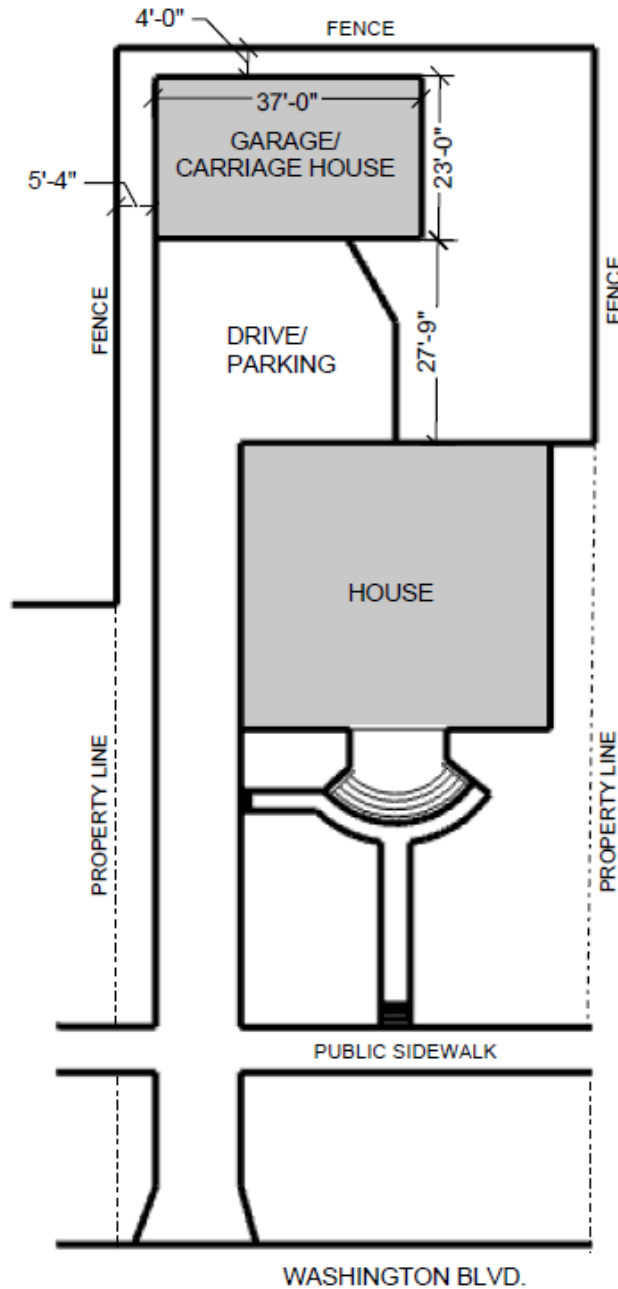
4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

THE DETACHED SECONDARY DWELLING CAN NOT BE USED FOR IT APPROVED USE IN WHICH IT IS CURRENTLY BEING TAXED.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

THE EXISTING DETACHED SECONDARY DWELLING (CARRIAGE HOUSE ABOVE GARAGE) WILL REMAIN REGARDLESS OF VARIANCE. THE ACTUAL USE OF THE SPACE WILL BE THE ONLY THING IMPACTED.

Exhibit 3: Findings of Fact submitted by the petitioner.

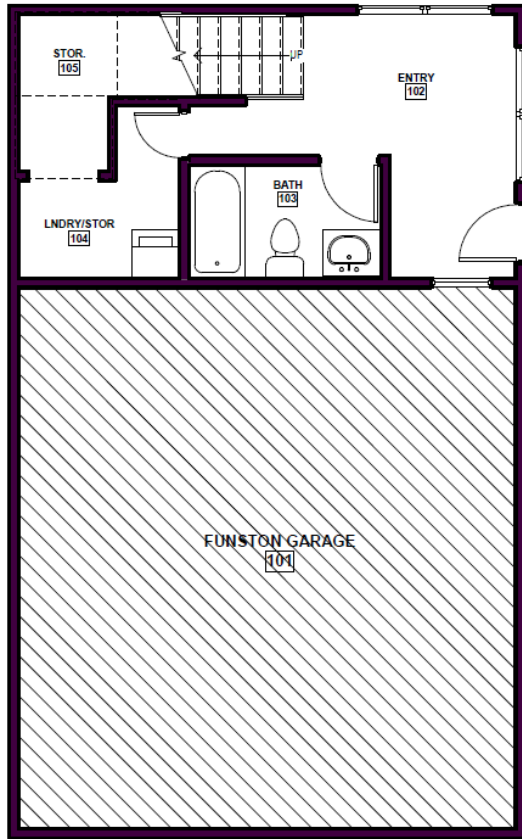


SITE PLAN- 3854 WASHINGTON BLVD

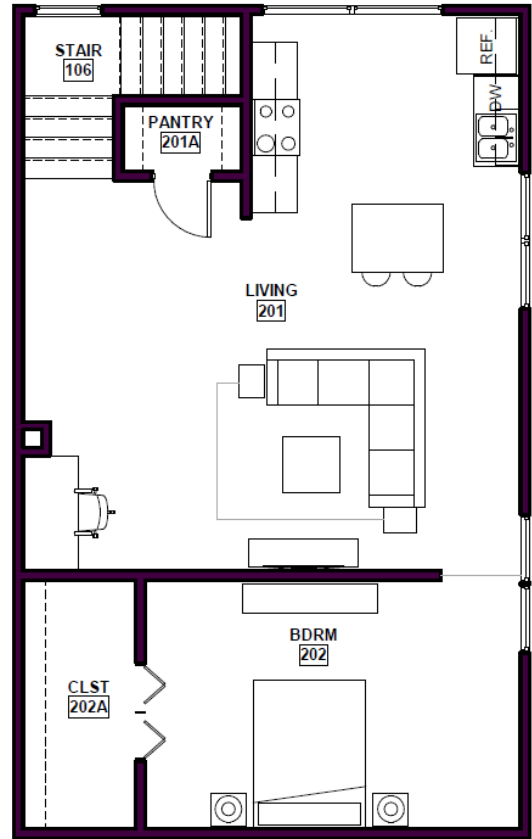
SCALE: 1:20



Exhibit 4: Site plan of the subject site.



1 FIRST FLOOR PLAN
 3/16" = 1'-0"



2 SECOND FLOOR PLAN
 3/16" = 1'-0" ?

Exhibit 5: Floor plan of the secondary dwelling unit.



Exhibit 6: Primary dwelling on the property.



Exhibit 7: Driveway leading to the secondary dwelling unit.



Exhibit 8: The secondary dwelling unit.



Exhibit 9: Area between the secondary dwelling unit and the primary dwelling.



Exhibit 10: Garage of neighbor to the north.



Exhibit 11: Garage of neighbor to the northwest.



Exhibit 12: Garage of neighbor to the west.