

**BOARD OF ZONING APPEALS DIVISION III**

**February 13, 2024**

**Case Number:** 2024DV2004  
**Property Address:** 4020 N Pennsylvania Street (approximate address)  
**Location:** Washington Township, Council District #7  
**Petitioner:** Wesley Thacker and Ellen Mrzlack, by Josh Valentine  
**Current Zoning:** D-2 (MSPC)  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a one-foot north side yard setback (seven-foot side yard setback required).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends **approval** of this request.  
**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.

**PETITION OVERVIEW**

- This lot currently contains a single-family residence, swimming pool in the rear yard, and a detached garage that is planned to be demolished and replaced by a new structure. The proposed 2-car garage would be approximately 23 feet in height and have unfinished storage space above.
- This variance request would seek to legalize placement of the new detached garage with a 1-foot setback instead of the 7 feet required by ordinance. Although the new garage would be placed in a similar location as the older one erected under a previous zoning ordinance, the proposed structure would have a larger footprint making it ineligible for the reconstruction of nonconformities exception found in 740-602 of the Indianapolis Zoning Ordinance.
- The site is zoned D-2 to allow for suburban development with ample yards, trees, and passive open spaces. It is also located with the Secondary Zone of the Meridian Street Preservation Commission’s jurisdiction, which requires neighborhood approval prior to filing of a variance case.

- The Meridian Kessler Neighborhood Plan indicates that residential areas and institutions should maintain setbacks consistent with neighboring properties. Additionally, the Infill Housing Guidelines recommend consistent spacing with neighbors and that secondary structures be subordinate to primary residences.
- Other residences along Pennsylvania Street appear to have rear detached garages placed closer to side setback lines than would be allowable by current ordinance (two of which were legalized by variances in 2008 and 2002). This garage does not appear to violate the recommendations of the above plans. Additionally, the adjacent property owner to the north and the MSPC have both provided their written approval of the proposed structure.
- Side setback rules exist to allow for adequate separation between neighboring properties. Given that the proposed garage meets the existing development pattern of the neighborhood, is on a lot with existing deficient width, and would be set back slightly further than the existing garage that is in disrepair, staff would support approval of this variance request.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-2 (MSPC)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-2	North: Traditional Neighborhood
South:	D-2	South: Traditional Neighborhood
East:	D-2 / C-S	East: Estate Residential
West:	D-2	West: Traditional Neighborhood
<b>Thoroughfare Plan</b>		
Pennsylvania Street	Local Street	Existing ROW: 73' Prop ROW: 48'
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	01/07/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	01/17/2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	01/07/2024	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Meridian Kessler Neighborhood Plan
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Meridian Kessler Neighborhood Plan below.

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- This property falls within the Traditional Neighborhood living typology and is located within the secondary MSPC zoning district (approval received prior to filing of this variance).
- The Meridian Kessler Neighborhood Plan indicates that new construction with residential areas should have setbacks that fall within typical ranges compared to neighboring properties.

### Infill Housing Guidelines

- The Infill Housing Guidelines stipulate that accessory structures like detached garages should be located behind primary residences and should not overshadow them in terms of scale, height, size, or massing.

### 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

**2023DV2014; 28 E 40<sup>th</sup> Street (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a three-foot rear yard and east side yard setback (five-foot rear and side yard setback required), **approved**.

**2021CVR815; 4011 N Pennsylvania Street (east of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 21 parking spaces (60 parking spaces required), **approved**.

**2021CZN815A; 4011 N Pennsylvania Street (east of site)**, Rezoning of 1.5 acres from the SU-1 district to the C-S classification to provide for the existing religious use and opera center and other arts and culture-related uses, **approved**.

**2021CZN815B; 4011 N Pennsylvania Street (east of site)**, Rezoning of 0.98 acre from the SU-1 district to the D-2 classification to provide for residential development, **approved**.

**2017DV1027; 4008 N Pennsylvania Street (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of a detached garage and a covered porch, creating 64.8% open space (75% required), **approved**.

**2008DV2040; 4180 N Pennsylvania Street (north of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a twenty-foot tall, 840-square foot detached garage with a three-foot north side setback (minimum seven-foot side setback required), **approved**.

**2007UV3027; 4011 N Pennsylvania Street (east of site)**, variance of use of the Special Districts Zoning Ordinance to provide for an opera center (not permitted), **approved**.

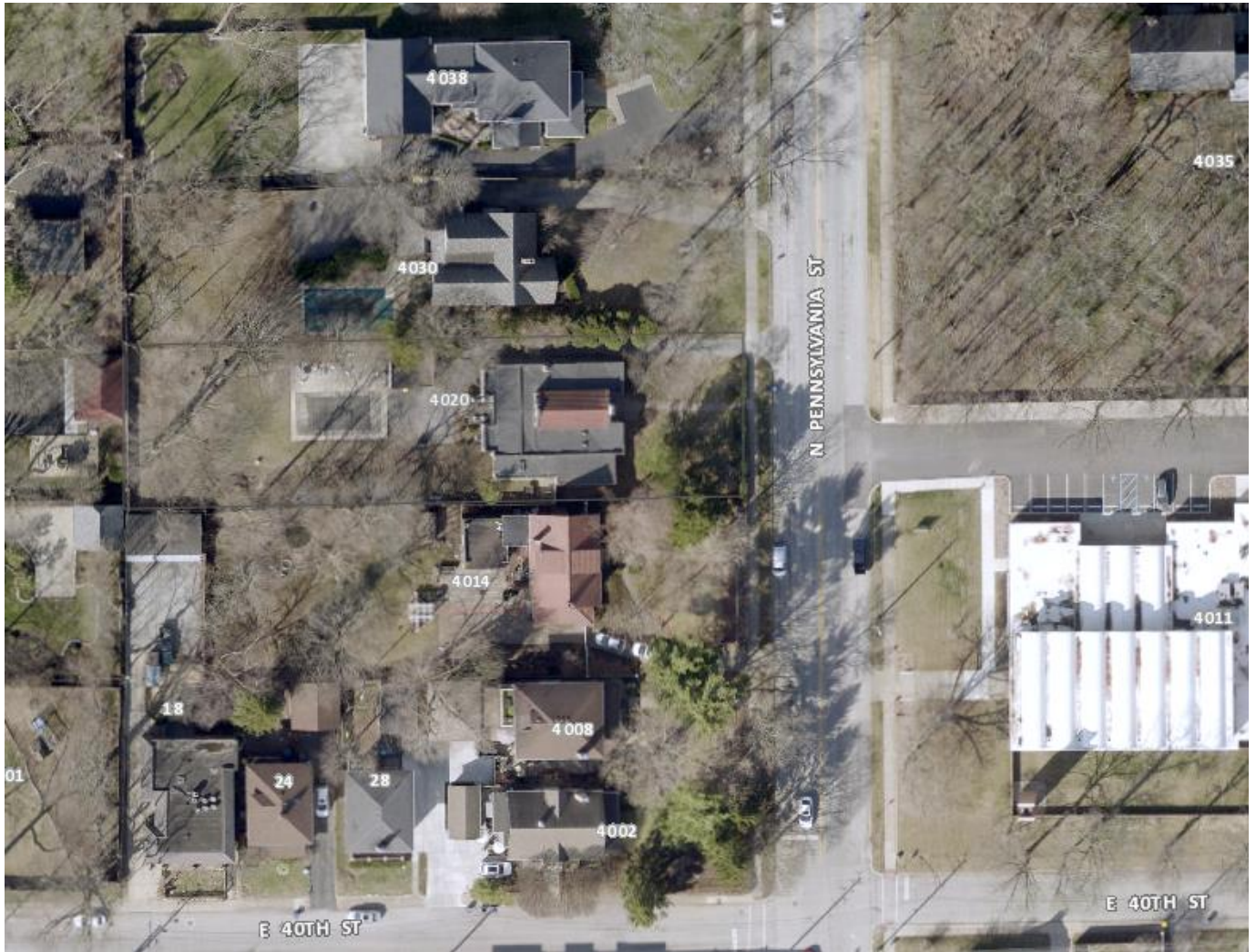
**2006UV3032; 3965 N Meridian Street (south of site)**, Variance of use of the Commercial Zoning Ordinance to legally establish an office use and provide for limited C-2 and C-3 uses in the ground floor of the existing building, **approved**.

**2002HOV001; 4144 N Pennsylvania Street (north of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for 227.64 square foot garage and room addition with a 2.8-foot side setback, **approved**.

**83-UV1-6; 4127 N Meridian Street (northwest of site)**, temporary variance for the exhibiting of the Decorator's Show House for three months, **approved**.

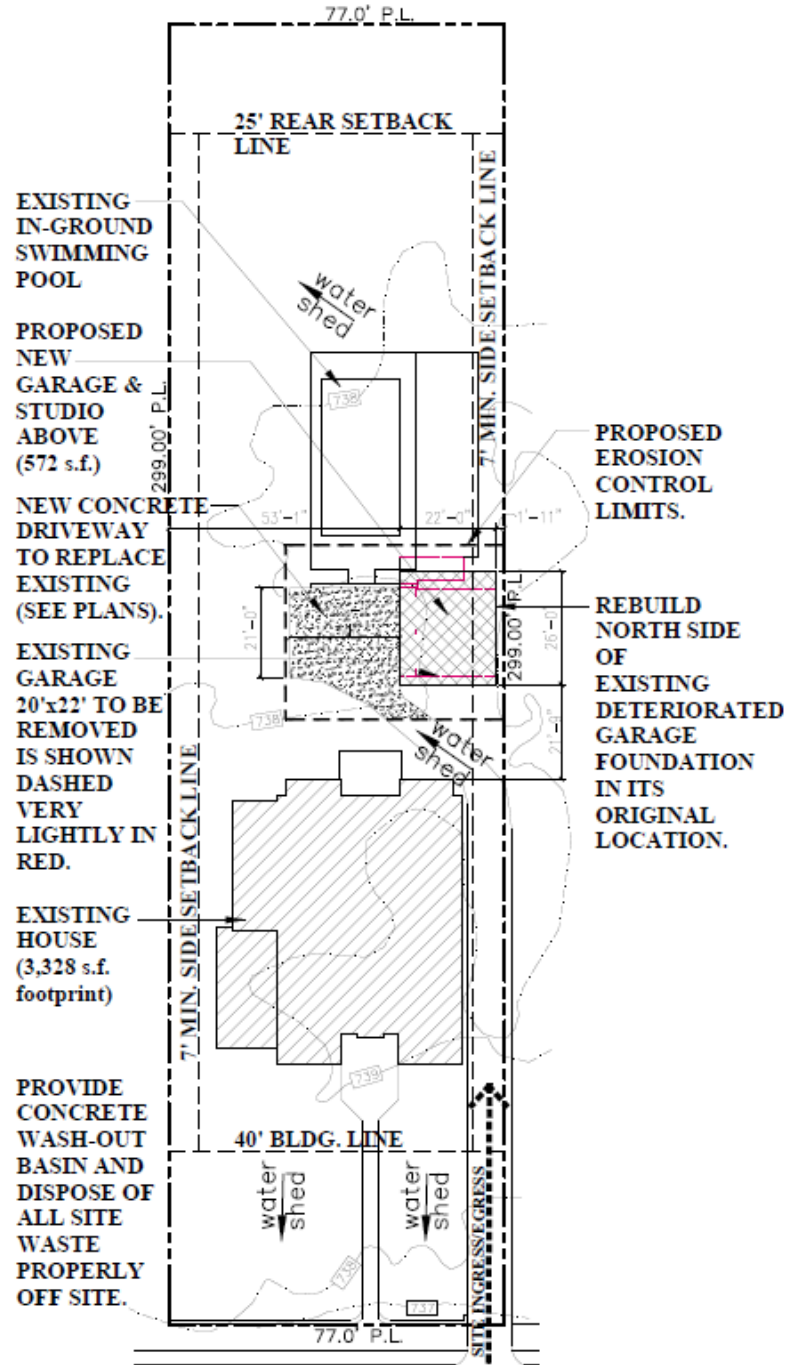
**EXHIBITS**

**2024DV2004 ; Aerial Map**





**2024DV2004 ; Site Plan**



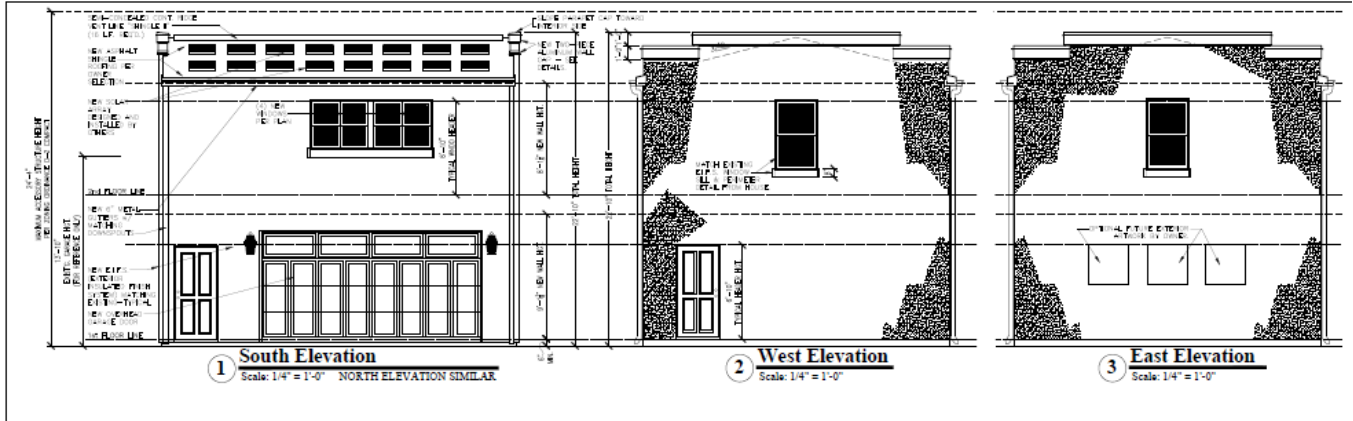
**4020 N. Pennsylvania St.  
 Site Plan**

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Scale: 1" = 30'-0"



**2024DV2004 ; Elevations**



**2024DV2004 ; Findings of Fact**

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

The proposed 572-square-foot accessory structure will replace a structurally compromised existing 440-square-foot accessory structure along an existing 1'-11" building setback line. The proposed accessory structure would be in character with the existing primary structure as well as existing accessory structures in the surrounding neighborhood. The parcel is located within the MSPC secondary review boundaries. MSPC has reviewed the proposed development and issued a prior approval of variance order in support of the proposed project. #V-MSPC 23-18.

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 proposed accessory structure would maintain the existing non-conforming north sideyard setback of 1'-11". The adjacent property owner along the proposed reduced setback side of the property has reviewed the plans and issued a letter in support of the project. The proposed accessory structure will be constructed using quality building materials and techniques.

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

Due to limitations on the parcel by the orientation of the existing primary residence and driveway, the proposed accessory structure must be located in roughly the same footprint area as the existing accessory structure for project feasibility.

**2024DV2004 ; Pictures**



Photo 1: Existing Residence Viewed from Across Pennsylvania (East)



Photo 2: Existing Garage Viewed from ROW to East (Partially Obstructed View)



**2024DV2004 ; Pictures (continued)**



Photo 3: Southern Elevation of Existing Garage (taken October 2023)



Photo 4: Western Elevation of Existing Garage (taken October 2023)