

BOARD OF ZONING APPEALS DIVISION I

December 2, 2025

Case Number: 2025-DV1-058

Property Address: 5554 North Delaware Street (approximate address)

Location: Washington Township, Council District #7

Petitioner: Jeffrey & Lavonne Frank, by Jennifer Milliken

Current Zoning: D-4 (MSPC)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for exterior improvements resulting in an open space of 62 percent and a 16.97-foot front yard setback from Delaware Street (65 percent open space and 20-foot front yard, setback required).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** of the petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the petition.

PETITION OVERVIEW

- 5554 North Delaware Street is a residential lot at the southwest corner of Delaware Street to the east and 56th Street to the north. It is currently improved with a single-family residence, and surrounding land uses are similar in nature. Vehicle access comes from 56th Street to the north.
- The violation case VIO25-005617 was opened at the site in June of 2025 citing the property in relation to the construction of a front patio and minor residential structure (freestanding accessory fireplace with a height above 18 inches). This work was undertaken without permits in place and can be seen within the photographs in Exhibits below. An eastern addition to the existing residence is also contemplated but has not yet been constructed at the property. A separate Infrastructure violation was opened at the property related to work done on sidewalk within the right-of-way; approval of this petition would not resolve that violation and an Encroachment License from the Department of Business and Neighborhood Services would likely be required.

- Beyond any permitting requirements, two (2) Variances of Development Standards would be required to allow for the existing and proposed patio and fireplace improvements. The first would be for a reduction in the required open space ratio at the site from 65% to 62%. The second would be to allow for a reduction in the required front setback from 20 feet to 16.97 feet.
- The front building addition contemplated for the property would result in the fireplace no longer being placed within the front yard of the property (would be to the west of the proposed front building line). Additionally, the patio and stairway work undertaken on the northern portion of the property wouldn't require a variance related to the 4-foot side setback requirement along 56th.
- This property is zoned D-4 (Dwelling District Four) to allow for low or medium intensity single-family and two-family residential development. Similarly, the Meridian Kessler Neighborhood Plan recommends it to the Traditional Neighborhood typology for a variety of housing and associated neighborhood-oriented uses typically supportive of daily living needs. The site is also within the Secondary Area of the Meridian Street Preservation Corridor, which requires that applications for rezoning or for variances receive approval from the MSPC prior to filing for a City land use petition (these requests were approved by that body on October 21st, 2025).
- Staff is typically reluctant to support petitions in instances where improvements have been installed prior to securing proper permits or when those improvements would violate Ordinance requirements. However, in this specific instance the two (2) requested variances are minor in scope and would not result in substantial negative externalities for surrounding properties. Staff recommends approval of the petition with the caveat that the placement of the patio and fireplace at the site is a self-imposed difficulty (not site-specific) and did not inform staff's recommendation.

GENERAL INFORMATION

| | | |
|-----------------------------------|--------------------------|-------------------------------------------------------------------|
| Existing Zoning | D-4 (MSPC) | |
| Existing Land Use | Residential | |
| Comprehensive Plan | Traditional Neighborhood | |
| Surrounding Context | <u>Zoning</u> | Surrounding Context |
| North: | D-4 | North: Residential |
| South: | D-4 | South: Residential |
| East: | D-4 | East: Residential |
| West: | D-4 | West: Residential |
| Thoroughfare Plan | | |
| Delaware Street | Local Street | 60-foot existing right-of-way and 48-foot proposed right-of-way |
| 56 th Street | Local Street | 56.5-foot existing right-of-way and 48-foot proposed right-of-way |
| Context Area | Compact | |
| Floodway / Floodway Fringe | No | |
| Overlay | No | |

| | |
|-----------------------------------|------------|
| Wellfield Protection Area | No |
| Site Plan | 11/5/2025 |
| Site Plan (Amended) | N/A |
| Elevations | 10/29/2025 |
| Elevations (Amended) | N/A |
| Landscape Plan | N/A |
| Findings of Fact | 10/29/2025 |
| Findings of Fact (Amended) | N/A |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Meridian Kessler Neighborhood Plan (2016)
- 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

- The Meridian Kessler Neighborhood Plan recommends this property to the Traditional Neighborhood living typology to allow for a variety of housing and associated neighborhood-oriented uses typically supportive of daily living needs. The Plan also indicates that the site falls within the Secondary Area of the jurisdiction of the Meridian Street Preservation Commission (MSPC). New homes or additions to existing structures should fall within existing setback ranges and consider characteristics (height, size, materials, etc.) of surrounding properties. Open porches are encouraged as they provide for more interaction between porch-dwellers and passer-by.

Infill Housing Guidelines

- Front setbacks should reflect the existing context of blocks where setbacks are the same, and should reflect the 'setback range' on blocks where they are different (corner lots should reflect the context of both streets). Open space standards should be met for lots that meet open space requirements, and new construction that includes patio areas should consider permanent permeable materials.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2025DV2026 ; 5547 N Delaware Street (southeast 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 south side and rear yard setback (four and five-feet required, respectively), **approved**.

2020DV1064 ; 5450 Washington Boulevard (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a one-foot rear setback (20-foot rear setback required), **approved**.

2003HOV013 ; 5510 N Delaware Street (south of site), variance of the development standards of the Dwelling Districts Zoning Ordinance to provide for a 459 square foot garage addition resulting in a ten-foot aggregate side yard setback (minimum thirteen-foot aggregate side yard setback required), **approved**.

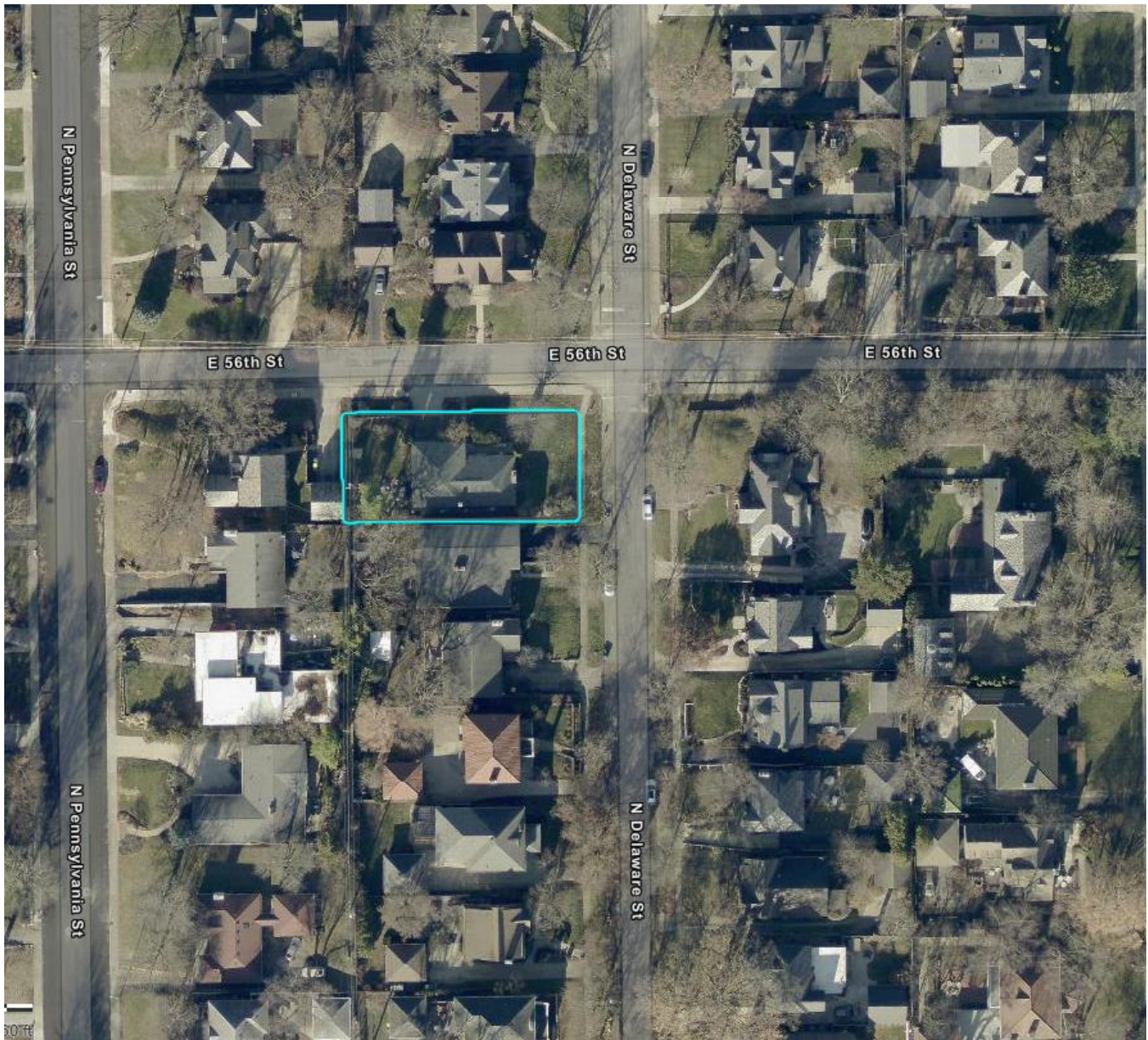
99-HOV-40 ; 5517 N Delaware Street (southeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a detached garage have a 1.7 foot side yard setback (minimum 5 feet required), and to provide for a 4 foot rear yard setback (minimum 5 feet required), **approved**.

96-UV1-22 ; 5445 N Delaware Street (southeast of site), variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a 22'2" by 27'2" second single-family residence on one lot (only one single-family residence per lot permitted), **approved**.

84-HOV-52 ; 5602 N Pennsylvania Street (northwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the erection of a 21 x 17 foot garage addition at 16.9 feet from the rear west property line (25 feet required) and four feet from the side north property line, **approved**.

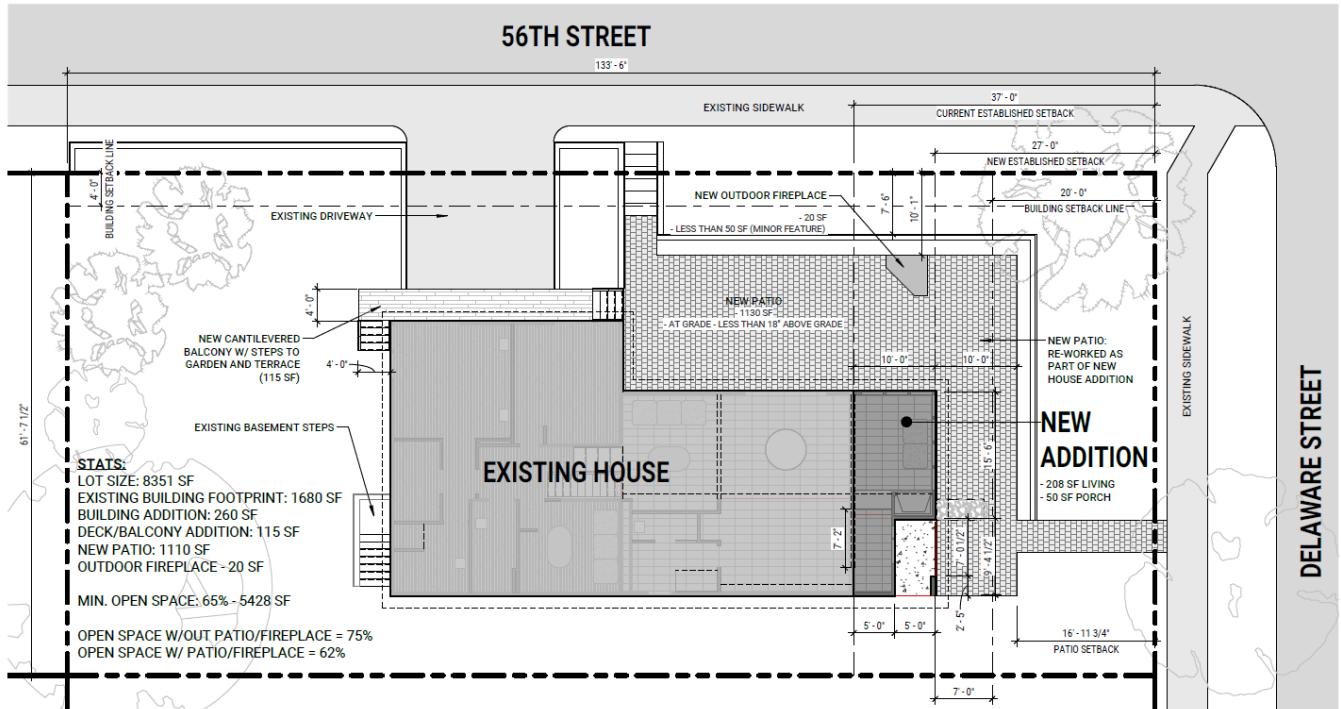
EXHIBITS

2025DV1058 ; Aerial Map



Note: aerial photograph predates construction of the patio and fireplace at the site

2025DV1058 ; Site Plan



2025DV1058 ; Elevation Renderings (North and West)



2025DV1058 ; Findings of Fact

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

The reduction in open space is minor (62% versus the 65% required.) The calculation is influenced strongly by the size of the patio, which is 1130 square feet. Since the patio is uncovered, this is less impactful to the appearance of open space on the lot, as compared to coverage by enclosed buildings. The reduction in the front yard setback for the patio is also relatively minor, since the minimum front yard setback for new construction in a D4 district is 20 feet, and the provided setback is 16 feet, 11¼ inches. Since the patio is uncovered, this is less impactful to the apparent setback versus an enclosed building.

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 project overall will greatly increase the value and appearance of the property.
Minor Residential Structures in front yards are very common in the neighborhood.
Similar variances of required open space have been granted to other properties in the vicinity.

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

As a corner lot, the property suffers from a lack of usable open space. The patio expands the functionality of the property, while being consistent with the original home design.

2025DV1058 ; Notice of Violation (VIO25-005617)

RE: 5554 N DELAWARE ST

Dear FRANK JEFFREY D & LAVONNE C:

A recent inspection of the above referenced property indicated violation(s) of the Revised Code of Indianapolis and Marion County as follows:

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-4 district; (Table 744-204-1: Minor Residential Features are not permitted to extend more than 6 ft. into the front yard from the façade...paver patio)

2025DV1058 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from North (June 2024)

2025DV1058 ; Photographs



Photo 3: Subject Site Viewed from East



Photo 4: Subject Site Viewed from East (June 2024)

2025DV1058 ; Photographs



Photo 5: Subject Site Viewed from Northwest



Photo 6: Current View from Corner (Provided by Applicant)

2025DV1058 ; Photographs



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to East