

BOARD OF ZONING APPEALS DIVISION II

September 9, 2025

Case Number: 2025-DV2-022

Property Address: 1337 Olive Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Brandon Spitz and Christina Presley, by Sharmin Frye

Current Zoning: D-5 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 23.624-foot tall carriage house where the primary dwelling is 22-foot-tall (accessory structures may not be taller than primary buildings), with a three-foot northern side yard setback (five feet required).

Current Land Use: Single-family residential

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

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- A Registered Neighborhood Organization automatically continued this petition to the August 12, 2025 BZA Division II hearing date.
- This petition was continued to the September 9, 2025 BZA Division II hearing to allow for more information to be determined.

STAFF RECOMMENDATION

- Staff **recommends denial** of this petition

PETITION OVERVIEW

- This petition would allow for the construction of a 23.624-foot-tall carriage house where the primary dwelling is 22-foot-tall (accessory structures may not be taller than primary buildings), with a 3-foot northern side yard setback (5 feet required).
- The subject site is zoned D-5 (TOD) and is improved with a single-family residence. The site contained an accessory garage structure that was demolished (prior to the issuance of a wrecking permit) to allow for the proposed detached garage and secondary dwelling unit accessory structure. The site is approximately 36 feet wide, 6,540 square feet, and is therefore of sufficient lot area and width.

- The submitted site plan and elevations indicate that the structure would be approximately 23.7 feet in height while the existing primary structure is 22 feet in height. The height standard for accessory structures is in place to maintain residential characteristics, limit overdevelopment, and promote quality design. Staff finds the proposed height of the accessory structure to be out of character for the area that represents an unnecessary deviation from the Ordinance and the typical development pattern of the City's neighborhoods. Further, Staff does not find there to be any practical difficulty for needing the height variance, as Staff believes that a height-compliant structure is able to be built on the property. Additionally, Staff finds that the approval of such a request to be a potentially detrimental precedent that may lead to similar requests in the future.
- With regards to the north side yard setback request, the proposed location of the accessory structure, which is to contain a two-car garage, would be three (3) feet from the northern side lot line. Staff would note that the lot is of sufficient width, and that the proposed structure is far wider than what is needed for the storage of two vehicles. With the standard width for residential parking spaces being 8.5 feet, Staff believes that the storage of two vehicles can occur on site without needing side setback variances. Further, Staff has significant concerns of the potential overwhelming nature that this structure would have on adjacent properties, particularly the lot to the north. With this structure to be both taller than permitted and closer to the lot line than permitted, Staff finds this proposal to be poor development that goes directly against the Infill Housing Guidelines. Therefore, Staff recommends denial of the petition in its entirety.

GENERAL INFORMATION

Existing Zoning	D-5 (TOD)	
Existing Land Use	Single-family residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5 (TOD)	North: Single-family residential
South:	D-5 (TOD)	South: Single-family residential
East:	D-5 (TOD)	East: Single-family residential
West:	D-5 (TOD)	West: Single-family residential
Thoroughfare Plan		
Olive Street	Local Street	60 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit-Oriented Development	
Wellfield Protection Area	No	
Site Plan	6/1/25	
Site Plan (Amended)	N/A	
Elevations	6/1/25	
Elevations (Amended)	N/A	
Landscape Plan	N/A	

Findings of Fact	6/1/25
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines
- Red Line TOD Strategic Plan (2021)
- Indy Moves

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within a ½ mile walk of the Fountain Square Red Line Station. The Fountain Square station is categorized as a district center. The district center typology is characterized as a dense mixed-use hub for multiple neighborhoods with a minimum of 3 stories and no setbacks at the core and multi-family housing with 5 or more units throughout the area.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- With regards to building size and spacing of accessory structures, the Infill Housing Guidelines recommends:
 - The primary structure sets the context for accessory structures
 - Do not overshadow the primary structure
 - Leave room for maintenance

Indy Moves

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

- The subject site is located with ¼ mile of the Cultural Trail and the Shelby Street two-way bike lane.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2021HOV015; 1401 Olive Street (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage with 5.5 feet and nine feet between dwellings (10-foot separation required), **granted**.

2020ZON084; 1325 Shelby Street (west of site), Rezoning of 0.08 acre from the MU-1 district to the MU-2 district, **approved**.

2018HOV029; 1321 Olive Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, with a 16-foot front setback, eight feet between primary dwellings and 57% open space (18-foot front setback, 10 feet between buildings and 60% open space required), **approved**.

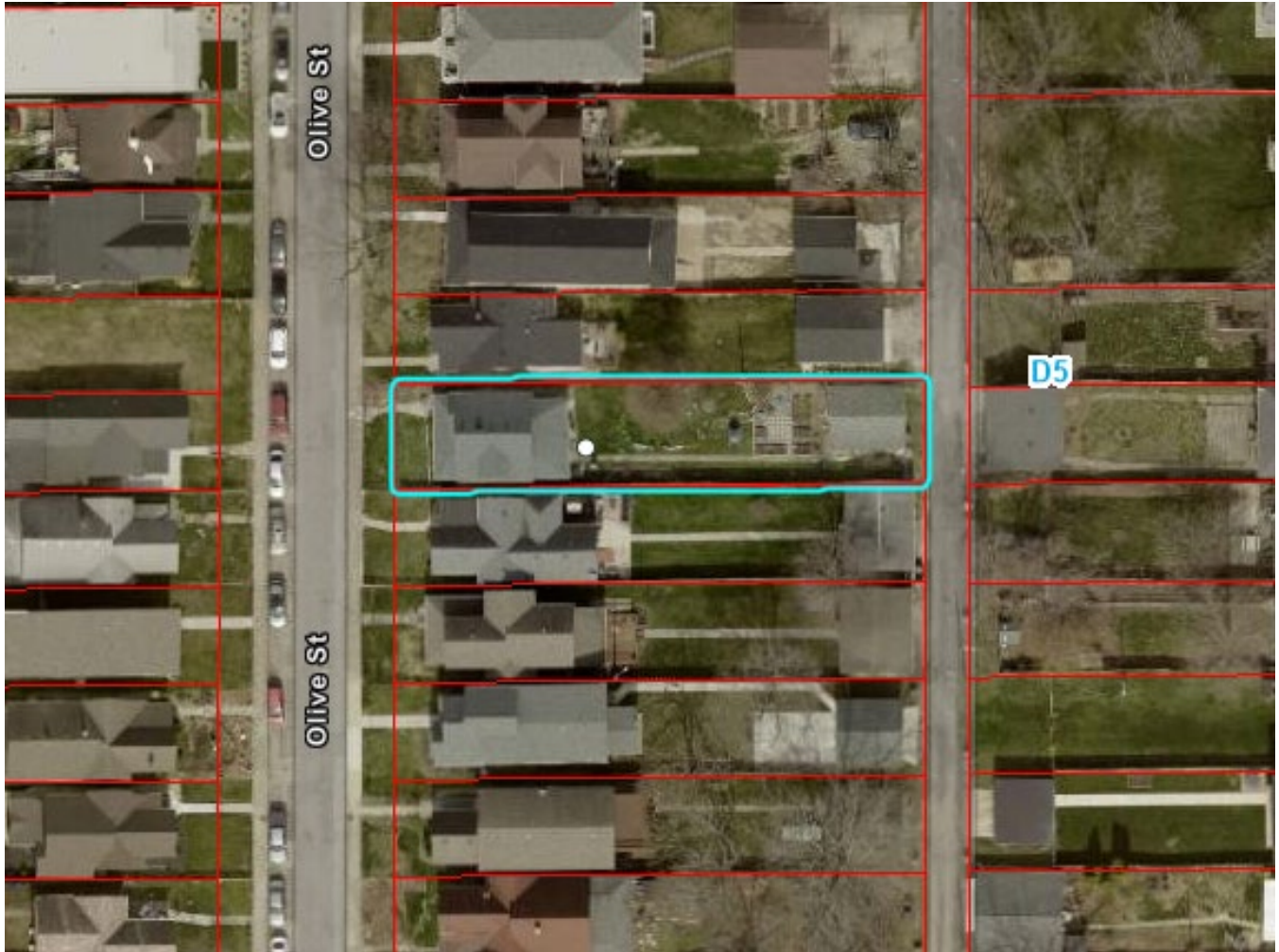
2018HOV072; 1406 Linden Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with five feet between dwellings (10 feet required) and a detached garage, **approved**.

2017DV1064; 1430 Olive Street (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a 10-foot front setback (18-foot front setback or average required) and a detached garage, creating 50% open space, with the dwelling having a one-foot side setback and two feet separation between primary dwellings (minimum three-foot side setback, 60% open space, 10 feet between primary buildings required), **approved**.

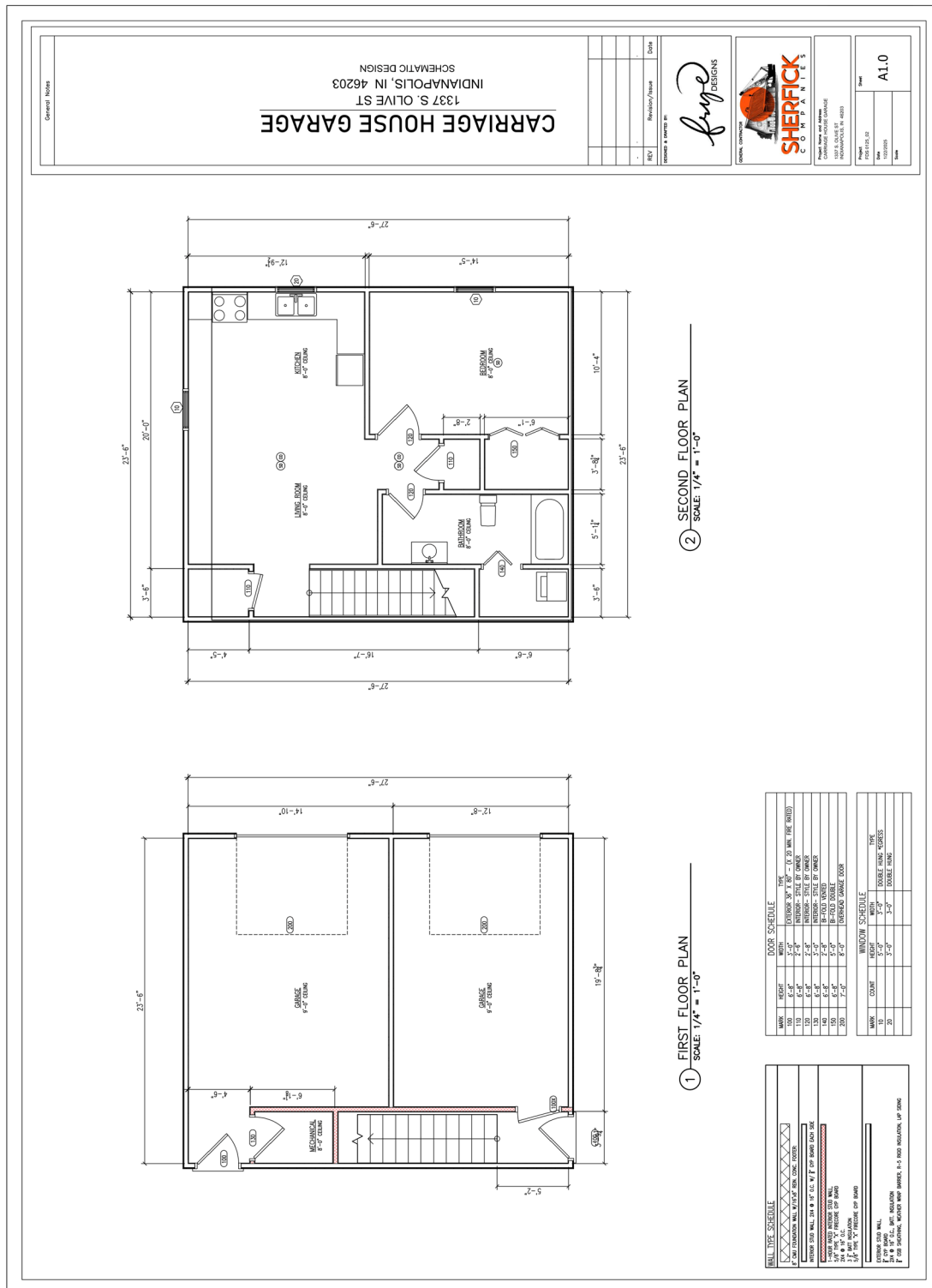
2017DV1036; 1426 Olive Street (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dwelling (1426) and garage, creating an open space of 58% (minimum 60% required), and with a 10-foot front yard, a one-foot south side yard, and with two feet and seven feet between dwellings (18-foot front yard, three-foot side yard and 10 feet between dwellings required), and to legally establish a dwelling (1430), with a 10-foot front setback, a one-foot north side setback and two feet between dwellings (18-foot front setback, three-foot side yard and ten feet between dwellings required), **approved**.

88-UV1-117, 1345 Olive Street (south of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the conversion of a single-family residence to a double-family residence (permitted on corner lots only), **denied**.

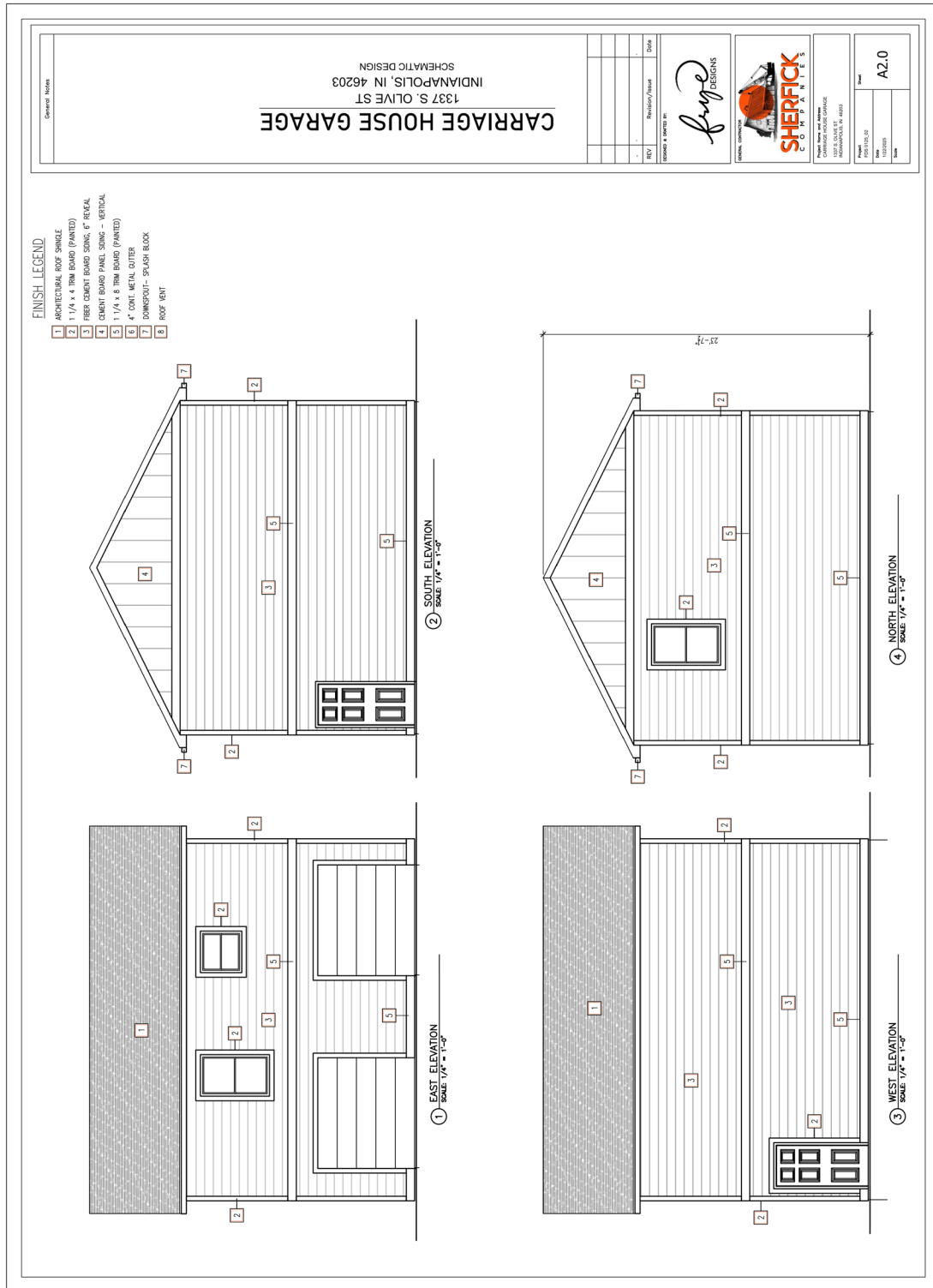
EXHIBITS



Aerial Photo



Floor plans



Elevations, file-dated June 1, 2025



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The construction of the garage will not create a nuisance to the surrounding community. No safety or health risk would come from granting the variance of development standards request. The current garage is unusable and an eyesore to the neighborhood. Granting this request would go along development of the fountain square neighborhood.

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 variance would allow for the development and beautification of the dilapidated garage that currently adversely effects the neighborhood.

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

Height - accessory structure is taller than main house. But under the standard height requirements.
Side setbacks -

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



Subject site from Olive Street



Rear yard from alley



View of the alley



View of subject site and adjacent garage



View of Olive Street looking south