## BOARD OF ZONING APPEALS DIVISION II — NOVEMBER 17, 2026

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|---|---|
| **Case Number:** | 2026-DV2-036 |
| **Property Address:** | 5205 Byram Avenue (approximate address) |
| **Location:** | Washington Township, Council District #7 |
| **Petitioner:** | Jason Burk |
| **Current Zoning:** | D-5 |
| **Request:** | Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for the construction of an accessory structure in the front yard of Byram Avenue (accessory structures located closer to any front yard lot line not allowed). |
| **Current Land Use:** | Residential |
| **Staff Recommendations:** | Staff recommends **approval** of this petition. |
| **Staff Reviewer:** | Drew Haynes, Senior Planner |

## PETITION HISTORY

This is the first public hearing for this petition.

## STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

## PETITION OVERVIEW

The Request: The petitioner is requesting a variance of development standards to allow for the construction of an accessory structure to sit in the front yard of the property along Byram Avenue.

Context: 5205 Byram Avenue is a single-family residential site at the corner of Byram Avenue and 53rd Street. The site is in the compact area of city and sits in a 100-year flood plain. Single-family residences border the site directly to the east and directly to the south. The Central Canal towpath borders the site to the southeast. The primary single-family residence sits at the southeast corner on the site. The proposed carriage house will sit to the west of the primary residence.

Zoning: The site is zoned D-5. The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods.

Recommendation: Staff recommends approval of this request citing practical difficulties of the site being the driving force for the decision.

The petitioner's findings state that it's not physically possible to build an accessory structure on the property without it being closer to the frontage than the existing primary structure. Also, the primary structure has already used the one-time improvement allowed by the flood ordinance.

Staff is in agreement with the findings because the grade changes do exist in the northern yard, making it impractical for the accessory structure to be built there. Moving the proposed accessory structure slightly north Also, since the primary residence sits to the southeast corner of the site, the accessory structure cannot be built behind the primary.

**GENERAL INFORMATION**

| | | |
|---|---|---|
| **Existing Zoning** | D-5 | |
| **Existing Land Use** | Residential | |
| **Comprehensive Plan** | Suburban Neighborhood, Linear Park | |
| **Surrounding Context** | **Zoning** | **Surrounding Context** |
| North: | PK-1 | North: Park |
| South: | D-5 | South: Single Family Residence |
| East: | D-5 | East: Single Family Residence |
| West: | D-5 | West: Single Family Residences |
| **Thoroughfare Plan** | | |
| Byram Avenue | Local Street | 48-foot existing and proposed right of way. |
| West 53rd Street | Local Street | 48-foot existing and proposed right of way. |
| Canal Blvd | Local Street | 48-foot existing and proposed right of way. |
| **Context Area** | Compact | |
| **Floodway / Floodway Fringe** | Yes | |
| **Overlay** | No | |
| **Wellfield Protection Area** | No | |
| **Site Plan** | 8/30/2026 | |
| **Site Plan (Amended)** | N/A | |
| **Elevations** | N/A | |
| **Elevations (Amended)** | N/A | |
| **Landscape Plan** | N/A | |
| **Findings of Fact** | 8/30/2026 | |
| **Findings of Fact (Amended)** | N/A | |

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Suburban Neighborhood for this site.
- Infill Housing Guidelines.

## Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development.

## 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

- IHG recommends:
    - Accessory Buildings don't overshadow Primary Buildings.
    - Coordinate Primary and Accessory Structures.
    - Consider Options when adding space, especially for Secondary Dwelling Units.

## Indy Moves
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Marion County Thoroughfare Plan (2019) – "is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area."
- The Greenways Master Plan (2014) – The Central Canal Towpath is a scenic, waterside multi-use path that provides connection from Broad Ripple to Downtown along the historic Indianapolis Water Company Canal. The towpath is approximately 7.7. miles long and connects to several other trails and greenways that include the Monon Trail, White River Greenway, Fall Creek Greenway, White River Connector, and the Indianapolis Cultural Trail.

- For context the Central Canal Towpath directly impacts the property of 5205 Byram Ave bordering the site along its eastern side. See photos for more context.

## ZONING HISTORY

### ZONING HISTORY – SITE

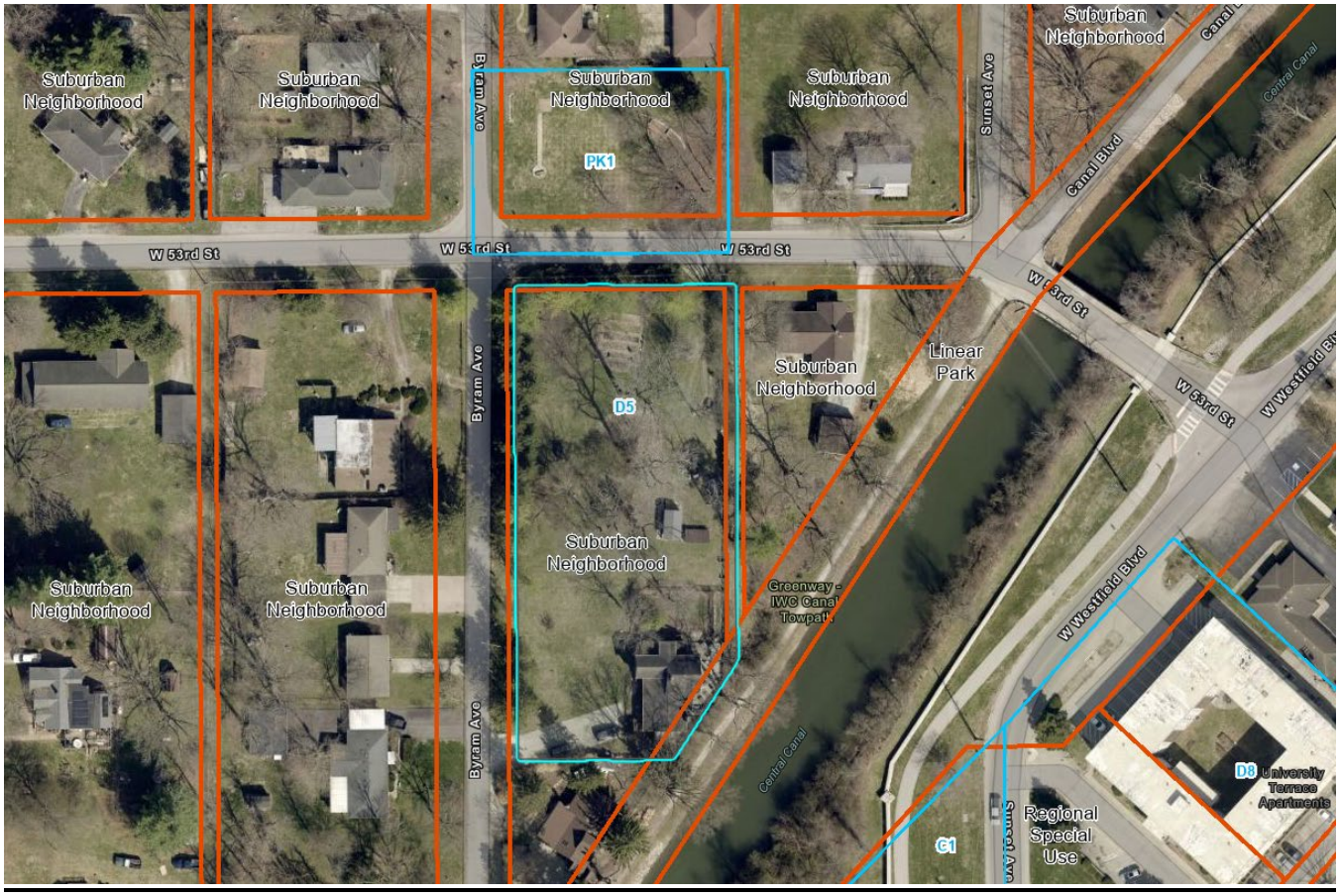
There are no previous zoning cases at this site.

### ZONING HISTORY – VICINITY

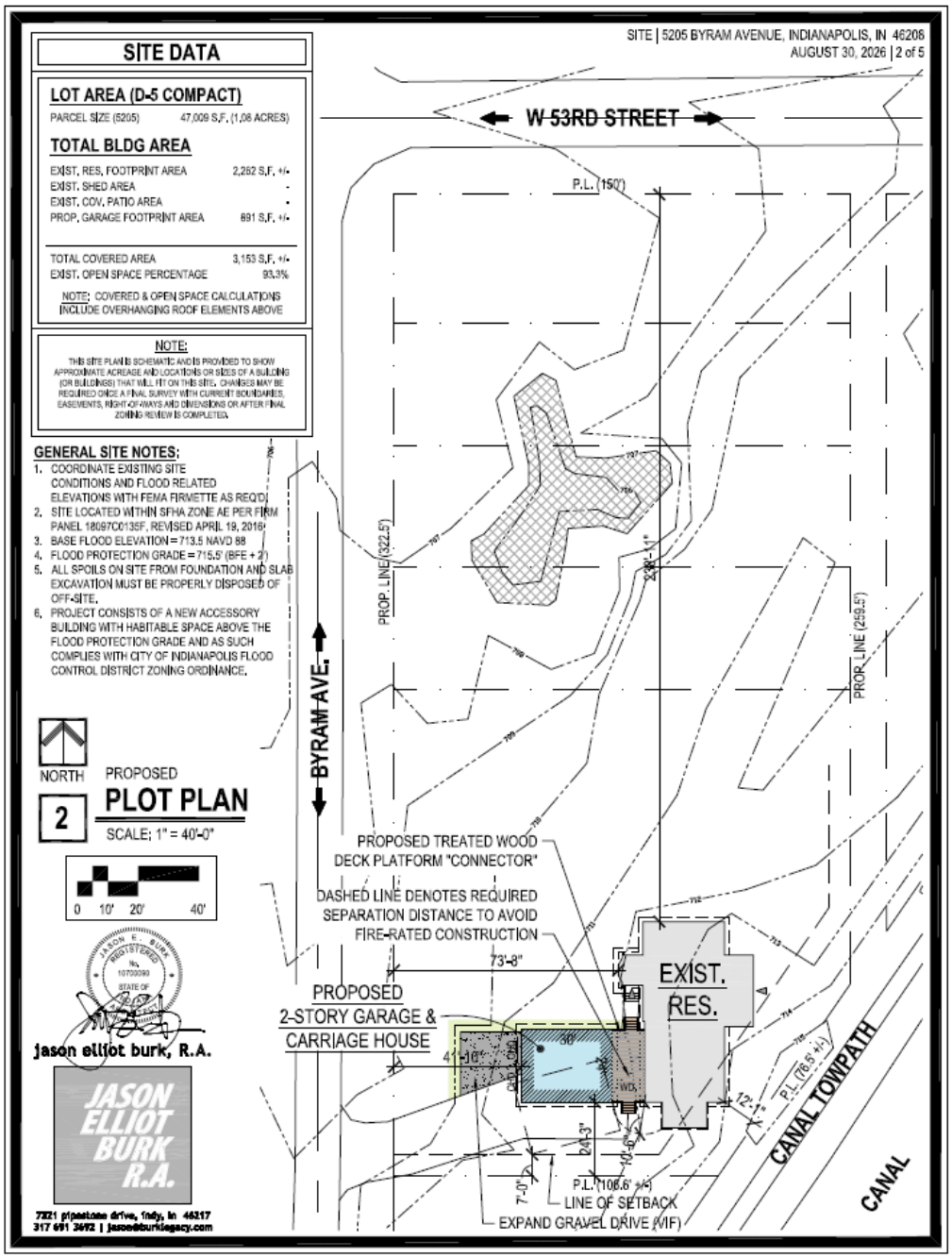
**2009-ZON-075; 5303 Byram Avenue (North of site),** requests the rezoning of 0.34 acre, from the D-5 (FF) District, to the PK-1 (FF) classification to provide for park uses, **approved.**

## EXHIBITS

### Aerial Map



## Site Plan


SITE DATA
LOT AREA (D-5 COMPACT)
PARCEL SIZE (5205) 47,009 S.F. (1.08 ACRES)
TOTAL BLDG AREA
EXIST. RES. FOOTPRINT AREA 2,262 S.F. +/-
EXIST. SHED AREA -
EXIST. COV. PATIO AREA -
PROP. GARAGE FOOTPRINT AREA 891 S.F. +/-
TOTAL COVERED AREA 3,153 S.F. +/-
EXIST. OPEN SPACE PERCENTAGE 93.3%
NOTE: COVERED & OPEN SPACE CALCULATIONS INCLUDE OVERHANGING ROOF ELEMENTS ABOVE
NOTE:
THIS SITE PLAN IS SCHEMATIC AND IS PROVIDED TO SHOW APPROXIMATE ACREAGE AND LOCATIONS OR SIZES OF A BUILDING (OR BUILDINGS) THAT WILL FIT ON THIS SITE. CHANGES MAY BE REQUIRED ONCE A FINAL SURVEY WITH CURRENT BOUNDARIES, EASEMENTS, RIGHT-OF-WAYS AND DIMENSIONS OR AFTER FINAL ZONING REVIEW IS COMPLETED.
GENERAL SITE NOTES:
1. COORDINATE EXISTING SITE CONDITIONS AND FLOOD RELATED ELEVATIONS WITH FEMA FIRMETTE AS REQ'D.
2. SITE LOCATED WITHIN SFHA ZONE AE PER FIRM PANEL 18097C0135F, REVISED APRIL 19, 2016
3. BASE FLOOD ELEVATION = 713.5 NAVD 88
4. FLOOD PROTECTION GRADE = 715.5' (BFE + 2')
5. ALL SPOILS ON SITE FROM FOUNDATION AND SLAB EXCAVATION MUST BE PROPERLY DISPOSED OF OFF-SITE.
6. PROJECT CONSISTS OF A NEW ACCESSORY BUILDING WITH HABITABLE SPACE ABOVE THE FLOOD PROTECTION GRADE AND AS SUCH COMPLIES WITH CITY OF INDIANAPOLIS FLOOD CONTROL DISTRICT ZONING ORDINANCE.
NORTH
2
PROPOSED
PLOT PLAN
SCALE: 1" = 40'-0"
0 10' 20' 40'
jason elliot burk, R.A.
JASON ELLIOT BURK R.A.
7321 pipestone drive, indy, in 46217
317 691 3692 | jason@burklegacy.com
SITE | 5205 BYRAM AVENUE, INDIANAPOLIS, IN 46208
AUGUST 30, 2026 | 2 of 5
W 53RD STREET
P.L. (150')
PROP. LINE (322.5')
PROP. LINE (259.5')
BYRAM AVE.
PROPOSED TREATED WOOD DECK PLATFORM "CONNECTOR"
DASHED LINE DENOTES REQUIRED SEPARATION DISTANCE TO AVOID FIRE-RATED CONSTRUCTION
73'-8"
PROPOSED 2-STORY GARAGE & CARRIAGE HOUSE
EXIST. RES.
CANAL TOWPATH
CANAL
P.L. (76.5' +/-)
P.L. (108.6' +/-)
LINE OF SETBACK
EXPAND GRAVEL DRIVE (VIF)

## Findings of Fact

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 grant will allow for the petitioner to build a garage for private residential use, whereas the ordinance(s) as written do not allow for such development.

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 new accessory structure will maintain consistency with the existing improvements on the property as well as maintain the highest design and development standards. The project will also be in compliance with the current flood ordinance requirements, which will further enhance the safety of the property in question as well as protect surrounding and adjacent properties from adverse effects related to any flood events.

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

It is not physically possible to build an accessory structure on the property without it being closer to the frontage than the existing primary structure. Also, the primary structure has already use the one-time improvement allowed by the flood ordinance.

DECISION

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

## Site Photos





