

BOARD OF ZONING APPEALS DIVISION II

July 9, 2024

Case Number: 2024DV2019 (Amended)
Property Address: 6176 Carrollton Avenue (approximate address)
Location: Washington Township, Council District #7
Petitioner: JLILY LLC, by Ted Darnall
Current Zoning: D-5 (TOD)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and attached carport with a 3-foot southern side yard setback (five-feet required).
Current Land Use: Residential
Staff Recommendations: Staff recommends **denial** of this request.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

7-9 Addendum: This petition received an indecisive 2-1 vote at the Division II hearing on June 11, 2024. It was then automatically continued to the July 9, 2024 hearing. Staff has no additional comment beyond emphasizing that existing street parking would also be a route to ordinance compliance without the need for a variance.

6-11 Addendum: This petition was scheduled for initial hearing on May 21, 2024. The scope of the petition was altered by the petitioner to remove requests for northern side and rear setbacks but also to ask for a narrower southern side yard setback (original request was for 3.5'). In order to allow time for adequate notice to be sent, this case was continued by petitioner request to the June 11, 2024 hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this request.

PETITION OVERVIEW

- The subject site is a 4900 square-foot lot that is currently being developed with a new single-family residence. The property is in Broad Ripple and both it and adjacent neighbors are zoned D-5 for residential uses. It is to the east of College Avenue which houses a mix of commercial uses zoned C-1/MU-2 and commercial uses within D-5 zoning legalized by use variances.

- The previous home at this property was demolished and permits for new residential development were issued in 2023 indicating side setbacks of 5 feet and a rear setback of 20 feet. Construction is underway, and along with the variance application an updated site plan was provided to Current Planning staff in April showing a carport with a width of 11 feet (previous had shown 8 feet) as well as non-compliant setbacks of 3.5 feet for the side yards and 15.3 feet for the rear yard. Upon additional surveying of the site in May, it was ascertained that the compliant northern and western side and rear setbacks shown on the original permit plans were accurate and the only variance needed would be a 3-foot southern side setback to allow for carport construction.
- The site was not the subject of any enforcement action or violation: the variance request was made by the applicant to allow for a carport with a width of 10 feet instead of 8 feet based on their claim that a carport width of 8 feet would not allow for car doors to be opened. Grant of this variance would legalize the house currently under construction with deficient side and rear setbacks. The most recent site plan provide in May also shows placement of two frontage trees which meets ordinance requirements for landscaping.
- This property is zoned D-5 to allow for medium and large-lot housing formats (primarily detached houses) within walkable neighborhoods. It is also under the jurisdiction of several components of the Comprehensive Plan: additional recommendations from the Red Line TOD Strategic Plan, Envision Broad Ripple Plan, and Infill Housing Guidelines can be found below that broadly contemplate walkable residential development with side setbacks that reflect the existing context. The TOD Plan indicates that surface parking should be discouraged in favor of garages (the exposed parking space below the carport would fall into the former category).
- The Indianapolis Zoning Ordinance provides regulation on setbacks to ensure adequate separations between buildings on adjacent properties and to shape an appropriate relationship between private development and public streetways. Approval of a variance allowing deviance from these standards would need to be based on the existence of a site-specific practical difficulty that wouldn't feasibly allow for development of the parcel without grant of variances. The site plan previously approved for permits clearly shows a workable version of site development that meets setback requirements, and placement of a surface parking space without carport cover would also be allowed in the southern yard without the need for variance. Therefore, staff does not feel that a legitimate practical difficulty exists and would recommend denial of the request.

GENERAL INFORMATION

Existing Zoning	D-5 (TOD)	
Existing Land Use	Residential	
Comprehensive Plan	8 – 15 Residential Units per Acre	
Surrounding Context	Zoning	Surrounding Context
	North:	North: 8-15 Res Units per Acre
	South:	South: 5-8 Res Units per Acre
	East:	East: 5-8 Res Units per Acre
	West:	West: 8-15 Res Units per Acre
Thoroughfare Plan		
Carrollton Avenue	Local Street	50-foot right-of-way existing and 48-foot right-of-way proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/05/2024	
Site Plan (Amended)	05/03/2024	
Elevations	05/03/2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	04/05/2024	
Findings of Fact (Amended)	05/03/2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Red Line TOD Strategic Plan
- Envision Broad Ripple Plan
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line TOD Strategic Plan recommends this site to the Walkable Neighborhood typology. This typology encourages walkable areas that are primarily residential (small lot single-family attached or detached) but may have a commercial node of one to two city blocks. The Plan indicates that off-street parking is discouraged and should be limited to garages.

Neighborhood / Area Specific Plan

- The Envision Broad Ripple Plan indicates that this site should be developed for residential purposes with 8-15 units per acre. It is also designated as being within Critical Area 4 due to its proximity to the College Avenue commercial corridor. Residential development within Critical Area 4 should avoid placement of parking within front yards and should maintain the setbacks, height, style, material, and massing of existing residential structures.

Infill Housing Guidelines

- The Infill Housing Guidelines indicate that side setbacks should reflect and reinforce the character and spacing already existing on the block while allowing adequate room for maintenance and limiting uncharacteristically large gaps between houses.

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

2019UV2004 ; 6173 N College Avenue (west of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a law office (not permitted), with deficient off-street parking (three parking spaces required), **approved**.

2018UV2018 ; 6173 N College Avenue (west of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a hair and nail salon (not permitted) in an existing building, **withdrawn**.

2016UV2012 ; 6161 N College Avenue (southwest of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance, to provide for a law office (not permitted), **approved**.

2015UV1010 ; 6181 Carrollton Avenue (northeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for office uses (not permitted), **approved**.

2012UV1005 ; 6161 N College Avenue (southwest of site), Variance of use and development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for a massage and skin care studio (not permitted), with a four-foot tall, 28-square foot freestanding sign (not permitted), **approved**.

2011UV2012 ; 6177 N College Avenue (northwest of site), Variance of use of the Commercial Zoning Ordinance to provide for carryout food service and catering business (not permitted), **approved**.

2009UV1041 ; 6169 N College Avenue (southwest of site), Variance of use of the Commercial Zoning Ordinance and variance of development standards of the Sign Regulations to provide for a spa offering beauty and esthetic, including make-up, facials, manicures, pedicures, therapeutic massage, hair styling, hair removal and the retail sale of beauty and health products (not permitted) and to provide for a three-foot tall, 14.01-square foot free-standing sign (not permitted), with a 10.67-foot front setback (15-foot front setback required), and with off-street parking provided, **approved**.

2001DV3016 ; 6170 Carrollton Avenue (south of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 576 square foot detached garage, with a one-foot side yard setback (minimum four-foot side yard setback required), **approved**.

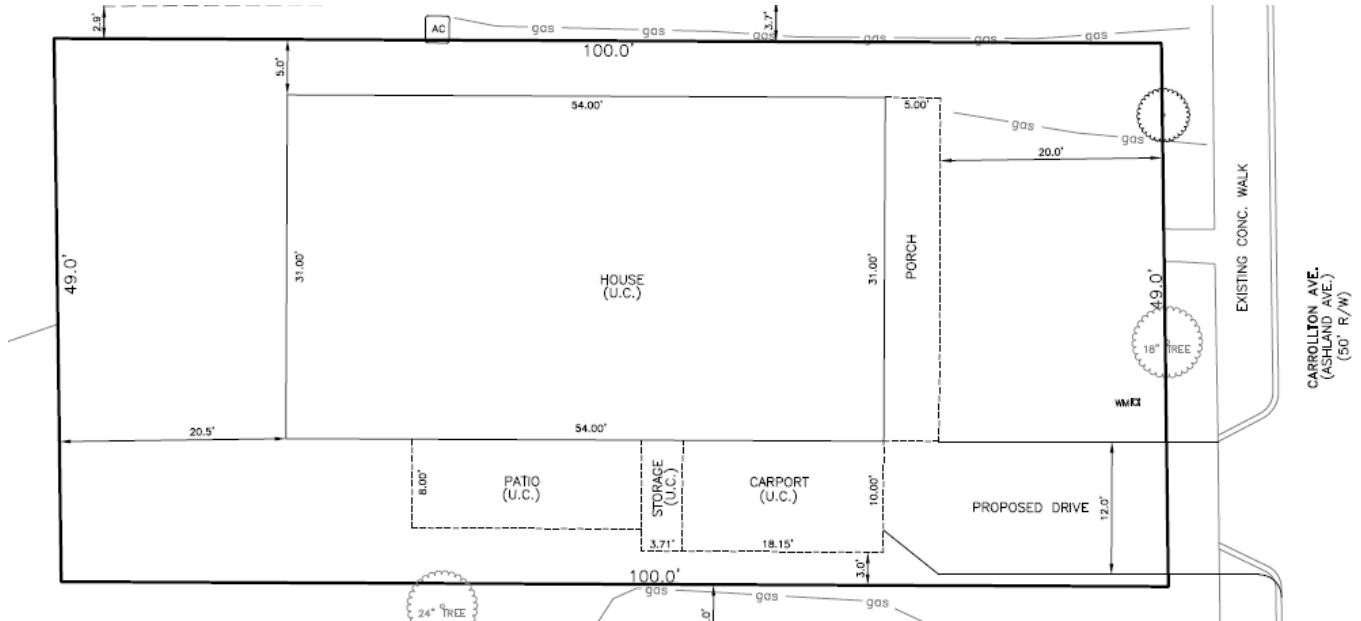
85-Z-194 ; 6177 N College Avenue (northwest of site), rezoning of 0.13 acres from D-5 to C-1 to provide for office uses, **approved**.

EXHIBITS

2024DV2019 ; Aerial Map



2024DV2019 ; Site Plan



2024DV2019 ; Findings of Fact

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

Proposed residence is replacing an existing residence that has existed on this site for decades. No additional burden will be placed on the existing infrastructure (roads, sewer & water systems). The existing drive accessing Carrollton avenue will be re-utilized with the curb cut location remaining the same.

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 use of the property will not change from its current use of single family residential. The new residence constructed in place of the former residence will enhance surrounding property values. The existing home to the north is setback 3.7 feet from the lot line.

The detached garage previously located on the subject property was setback 1.9 feet from the lot line. The existing home to the south is setback 6.0 feet from the lot line.

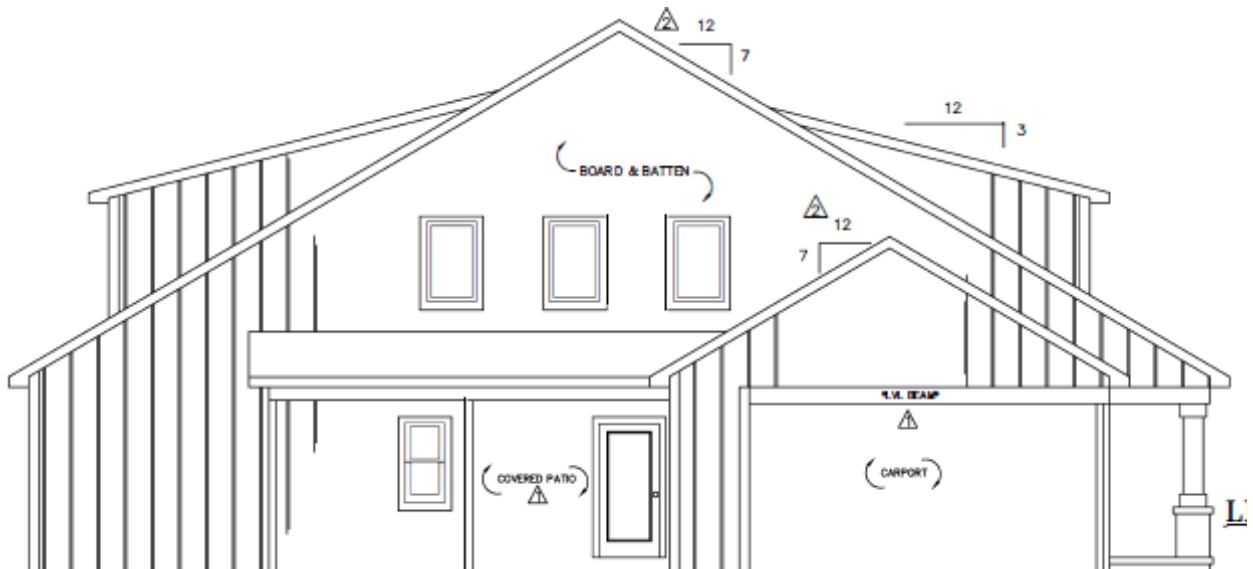
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The proposed home was designed to include an attached carport, which will provide off-street parking. The minimum useable width of a carport is 10 feet, which allows the car doors to be opened. With the internal floor plan of the house having modern sized rooms and hallways it necessitates the need for proposed 3.0 foot side setback, making it practically difficult to meet the required 5 foot setback.

2024DV2019 ; Front (Eastern) Elevation



2024DV2019 ; Left Side (Southern) Elevation



2024DV2019 ; Photographs



Photo 1: Subject Site from East (Carrollton Ave)



Photo 2: Southern Carport and Setback

2024DV2019 ; Photographs (continued)



Photo 3: Northern Setback from Adjacent Property



Photo 4: Adjacent Property to East