

BOARD OF ZONING APPEALS DIVISION III

October 21, 2025

Case Number: 2025-DV3-028 (Amended)
Address: 1305 Lichtenburg Road (approximate address)
Location: Warren Township, Council District #20
Zoning: D-A
Petitioner: Lisa Latham, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 19-foot tall detached accessory structure (accessory structures cannot be taller than the primary building).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends approval of this amended petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued at the request of Staff from the September 16, 2025, hearing to the October 21, 2025, hearing.

The petitioner amended this petition by withdrawing the request for the accessory structure to have a footprint larger than the primary building. No new notice was required as the remaining request is less intense than the original published request.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition as amended.

PETITION OVERVIEW

- Development Standards of the Consolidated Zoning and Subdivision Zoning Ordinance, specifically those relating to accessory building use, are intended to ensure the dwelling remains the primary use of the property. Additionally, limiting the size of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.
- ◊ Staff would note that the site is zoned D-A, consistent with agricultural districts, in which large agricultural accessory structures are not out of character. The proposed accessory structure height, in Staff's opinion, would not be out of scale, or character, with surrounding uses, and would be located approximately 315 feet from Lichtenburg Road, within an area that is partially wooded, further limiting any negative impacts to adjacent properties.

- ◇ In Staff's opinion, the size of the subject site and the proposed location of the accessory structure would ensure that the dwelling remains the primary use on the subject site. Any potential negative impact resulting from the height of the proposed accessory structure, while taller than the primary structure, would be minimized by the separation between the two structures, and its distance from Lichtenburg Road.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Recommends Rural or Estate Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
North:	D-A	Single Family Dwelling
South:	D-A	Single Family Dwelling
East:	D-A	Agriculture / undeveloped
West:	PK-1	Regional Park
Thoroughfare Plan		
Lichtenburg Road	Local Street	28-foot existing right-of-way and 50-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan - Amended	September 29, 2025	
Findings of Fact	July 29, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends rural, or estate neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Rural or Estate Neighborhood uses typology which includes both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.



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

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2023-DV3-007; 9539 E. Prospect Street (north of site), requested a Variance of Use and Development Standards to provide for the storage of three commercial vehicles, and the construction of a detached garage with a four-foot west side yard setback, **granted**.

2014-DV2-034; 9277 Prospect Street (northwest of site), requested a Variance of Development Standards to provide for the construction of a 15.5-foot tall, 1,200-square foot detached garage, with a 12-foot west side setback, creating an accessory building area of 1,320 square feet of 96.6% of the main floor area of the primary dwelling and 2,076 square feet of accessory use area or 151% of the total floor area of the primary dwelling, **granted**.

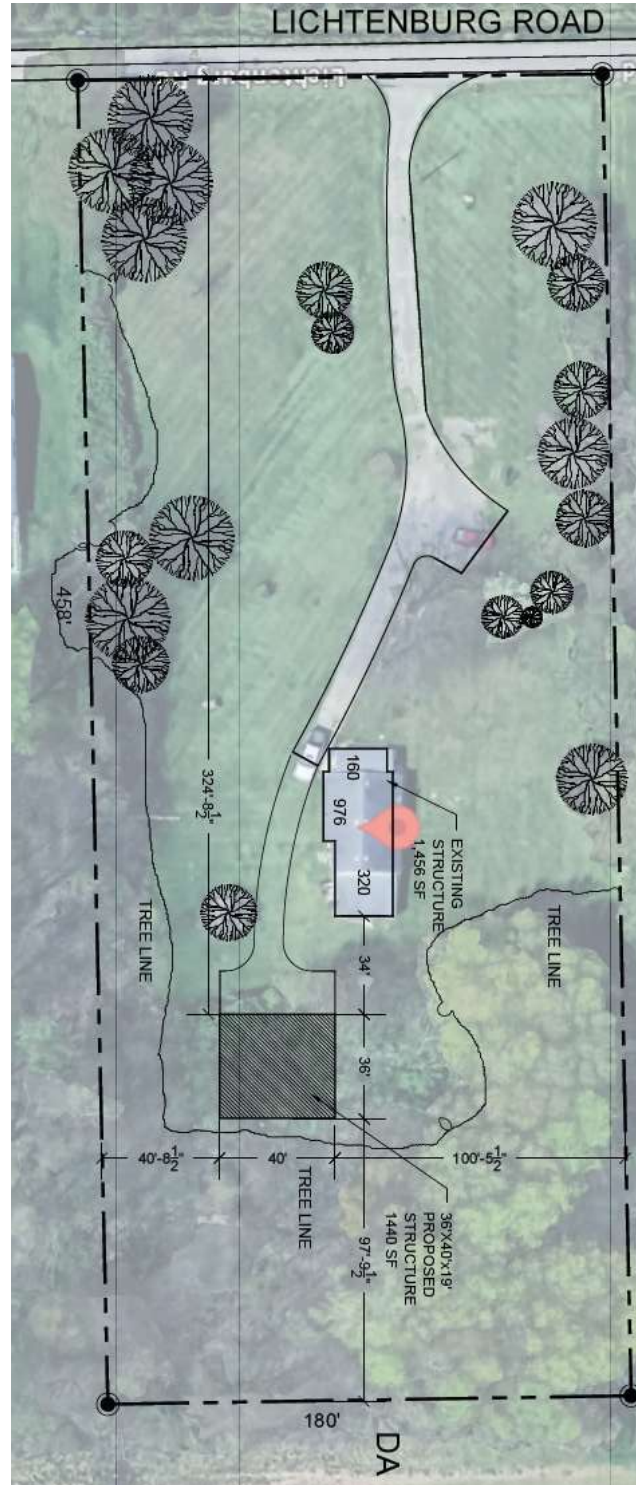
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EXHIBITS

Location Map



Site Plan – Amended 9-29-2025.





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 accessory building will be constructed to meet the applicable building codes and will be on private property and not available to the public.

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 subject site is a large rural estate lot and the accessory building will be place near the wooded area and several hundred feet from the street. The other properties in the immediate area have larger accessory buildings

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

The petitioner's home was constructed in 1939 and is very small and only 12 feet to the eaves. The parcel is a large woodland site that requires more maintenance equipment and storage.

The proposed accessory building is in alignment with the other properties with a newer residential homes and the overall height is still less than 20 feet.

Photographs



Subject property looking east.



Subject property existing dwelling with 14 foot high roof line, looking northeast.



Proposed location of 19-foot tall accessory building, looking east.



Proposed location of 19-foot tall accessory structure, looking west.