

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number: 2026-DV1-020 (Amended)
Address: 6129 South Emerson Avenue (approximate address)
Location: Franklin Township, Council District #24
Zoning: D-A
Petitioner: Daniel and Jennifer Taylor, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 4,800-square foot detached accessory structure, with a larger footprint than the primary dwelling (accessory structures must be smaller than the primary dwelling).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued from the June 2, 2026, hearing, to the July 7, 2026, hearing, to allow time to amend the petition and provide new notice. The petition was continued from the July 7, 2026, hearing, to the August 4, 2026, hearing to allow time for the petitioner to meet with a neighborhood organization and provide new notice.

STAFF RECOMMENDATION

Staff recommends **denial** 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 on surrounding property owners.
- ◇ Staff would note that the site is zoned D-A, however, the proposed 4,800-square foot accessory structure would not be used for agricultural purposes, and would be out of scale, or character, with surrounding uses. The petitioner could construct two smaller buildings, each smaller than the primary dwelling and provide the same amount of storage area.

- ◇ There is no practical difficulty associated with the subject site that would warrant the grant of this variance. The subject site has no natural or manmade physical obstacles that would prohibit compliance with the maximum footprint requirements of the Ordinance. Similar nearby properties are able to comply with the Ordinance.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Recommends Suburban Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North: D-A	Single Family Dwelling
	South: D-A	Single Family Dwellings
	East: D-2	Single-Family Dwellings
	West: D-A	Single Family Dwelling
Thoroughfare Plan		
Emerson Street	Primary Arterial	102-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	Residential Corridor Reserve	
Wellfield Protection Area	No	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan - Amended	April 9, 2026	
Findings of Fact	April 9, 2026	

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 Suburban Neighborhood typology which 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. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

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

2022-DV1-043; 5243 East Edgewood Avenue (east of site), requested a Variance of Development Standards to provide for the construction of a barn with a 15-foot west side setback, **granted**.

2012-DV2-026; 5727 South Emerson Avenue (north of site), requested a variance of development standards to provide for a 320-square foot accessory building, with a five-foot north side setback, **granted**.

75-Z-89; 6601 South Emerson Avenue (east of subject site), requested the rezoning of 77.26 acres, being in the A-2 district, to the D-02 classification for residential uses, **approved**.

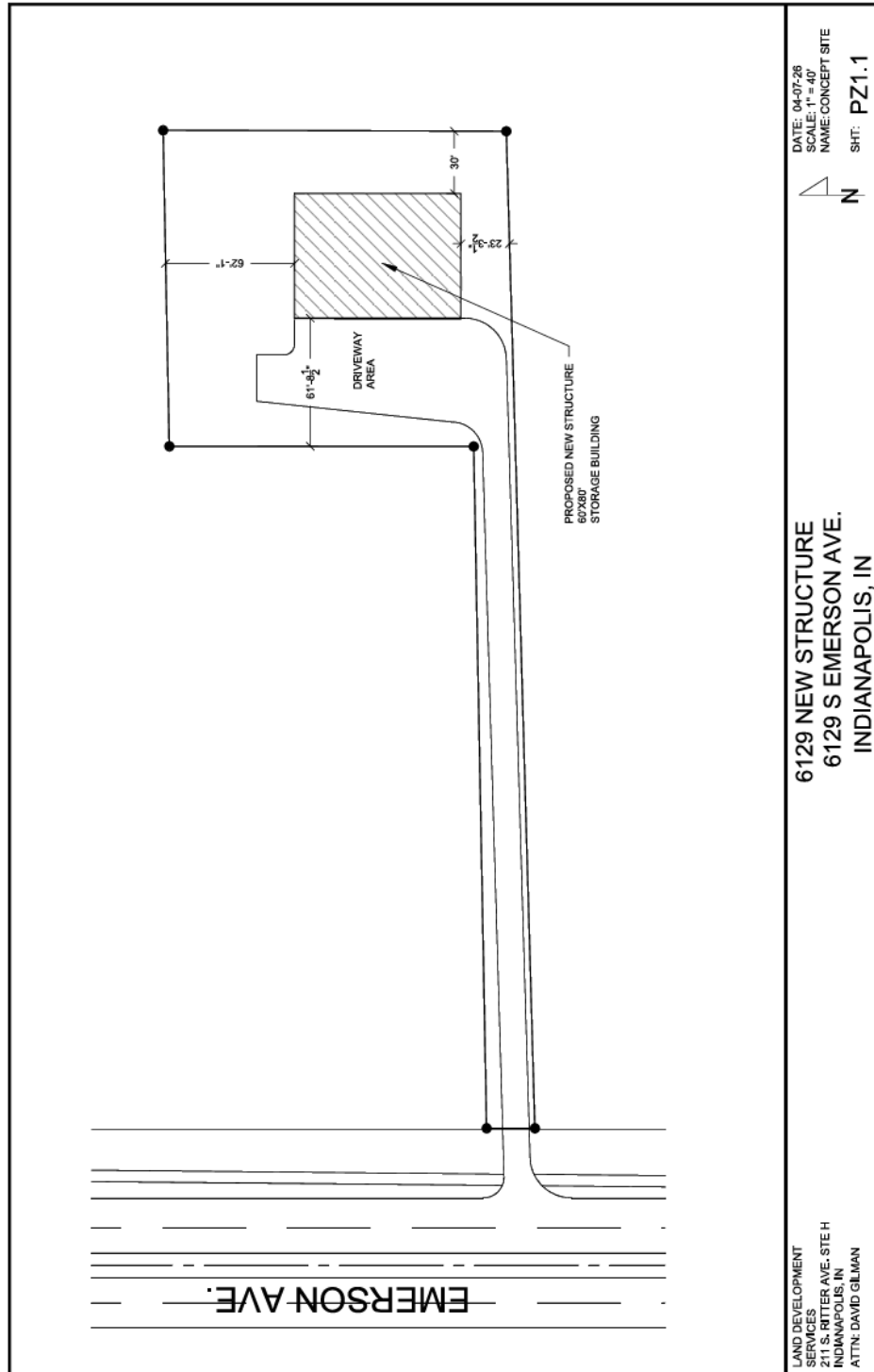
RU

EXHIBITS

Location Map



Site Plan.





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

No Primary Dwelling

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

The structure will be constructed in full compliance with all applicable building codes and health department standards, ensuring that it meets current safety, structural, and sanitation requirements.

The building will be used solely for private storage and will not be open to or accessed by the general public, thereby eliminating risks associated with public interaction or commercial activity.

The site will be developed in a manner that maintains proper drainage patterns and prevents adverse stormwater impacts on surrounding properties. Access to the site is established to avoid creating traffic hazards, with no increase in traffic volumes that would burden nearby streets or compromise roadway safety.

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 currently contains an abandoned and deteriorated house that has suffered from prolonged lack of maintenance. In its present condition, the existing structure poses a far greater detriment to neighboring properties than the petitioner's proposal. Replacing this blighted condition with a new, well constructed, and code compliant storage building will improve the visual character of the site and reduce the negative influence of the existing structure.

The proposed building will be used exclusively for the petitioner's private storage and will not introduce commercial activity, noise, traffic, or other impacts that could interfere with nearby residential uses. The petitioners reside immediately adjacent to the property and will maintain the site with regular presence and oversight, ensuring that it remains orderly, secure, and well cared for.

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

The results will be to store personal recreational vehicles, cars, and equipment outdoors imposing a negative impact the adjacent residences.

Creates a need for multiple smaller storage buildings across the property increasing visual clutter.

The petitioners seek only to utilize the property for private storage, a use that is compatible with the site's existing conditions and does not rely on residential occupancy.

Photographs



Subject property driveway from Emerson Avenue, looking east



Subject property, existing dwellign to be demolished, looking east.



Proposed accessory structure location, behind rear of primary dwelling, looking east



Adjacent single-family dwelling to the west of subject site, looking east.