

BOARD OF ZONING APPEALS DIVISION I

December 5, 2023

Case Number: 2023-DV1-055

Property Address: 5326 Riverview Drive (approximate address)

Location: Washington Township, Council District #7

Petitioner: Adam & Kelsey Murphy, by Mark and Kim Crouch

Current Zoning: D-5 (FF) (FW)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage and secondary dwelling unit, within the front yard (accessory structures not permitted forward of primary building), with a 1.58-foot north side yard setback and 67-foot front yard setback (seven-foot side yard setback required, maximum 50-foot front yard setback permitted).

Current Land Use: Residential

Staff Recommendations: Staff recommends approval of this request

Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

PETITION OVERVIEW

- This petition would provide for the construction of a detached garage and secondary dwelling unit, within the front yard (accessory structures not permitted forward of primary building), with a 1.58-foot north side yard setback and 67-foot front yard setback (seven-foot side yard setback required, maximum 50-foot front yard setback permitted). The proposal calls for the accessory structure to be located approximately 12 feet from the eastern edge of the primary building.
- The entire rear yard of the subject site lies within the floodway of the White River and the remainder of the property lies within the floodplain. This represents a practical difficulty on that of the property owner, leaving them with nowhere to place an accessory structure except within the front yard. Additionally, with the existing front and side yard setbacks are legally non-conforming the primary structure, as well as many surrounding primary structures sit well beyond the current maximum front

setback of 50 feet. Placing the accessory structure beyond the 50-foot setback will be consistent with the development pattern of the neighborhood. Likewise, the proposed structure is to match the existing north site yard setback of the primary structure at 5 feet. Further, the layout of the front yard consists of a wrap-around driveway that encircles a greenspace with several trees. This has been the layout of the front yard since the construction of the house in 1930. Placing the accessory structure within 50 feet of the front lot line and at least 7 feet away from the north side lot line would result in a significant loss of this greenspace. The location of these trees and greenspace represents a practical difficulty on the owner. With the petitioner seeking to preserve as much of the existing greenspace as possible, Staff finds placing the accessory structure at the proposed location beyond the maximum setback of 50 feet and slightly within the side yard setback to be a reasonable request. For those reasons, Staff is not opposed to this petition.

GENERAL INFORMATION

Existing Zoning	D-5 (FF) (FW)	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D5	North: Single-Family Residential
South:	D5	South: Single-Family Residential
East:	D5	East: Single-Family Residential
West:	SU-34	West: Country Club
Thoroughfare Plan		
	Riverview Drive Local Street Existing ROW: 50 feet Proposed ROW: 48 feet	
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	9/12/23	
Site Plan (Amended)	N/A	
Elevations	11/27/23	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	9/12/23	
Findings of Fact (Amended)	9/12/23	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood living typology for this site.

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

- With regards to secondary dwelling units, the Infill Housing Guidelines document recommends:
 - Don't overshadow buildings
 - Locate accessory structures behind primary building
 - Coordinate primary and accessory structures
- With the site containing the practical difficulty of the backyard being entirely in the floodway, the secondary structure is to go in the front of the building. The proposal is in accordance with the remainder of these recommendations.

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

2015ZON048; 1050 W 52nd Street (west of site), Rezoning of 20.09 acres from the SU-34 (FW) (FF) District to the D-P (FW) (FF) classification to provide for 14 single-family dwellings on private gated streets and drives, 14 single-family dwellings on private streets, surrounding a central green, and a maximum of 20 fee simple “coach homes” within a maximum of 10 buildings, with one to four “coach home” in each building, on private streets, for a density of 2.39 units per acre, **withdrawn**.

2009ZON076; 5315 Patterson Street (east of site), Rezoning of 0.45 acre, from the D-5 (FF) District, to the PK-1 (FF) classification to provide for park uses, **approved**.

2009ZON077; 5231 Patterson Street (east of site), Rezoning of 0.57 acre, from the D-5 (FF) District, to the PK-1 (FF) classification to provide for park uses, **approved**.

2000DV1053; 5312 Riverview Drive (south of site), variance of development standards of the Flood Control Districts Zoning Ordinance to provide for the construction of a single-family dwelling in the floodway fringe, with a 1,050-square foot first floor, with thirteen, 0.56 square foot wall openings totaling 7.3 square feet (minimum one square foot wall opening for every two square feet of enclosed area or a total of 525 square feet required for attached non-habitable structures), **approved**.

99-V3-88; 5312 Riverview Drive (south of site), variance of development standards of the Flood Control Districts Zoning Ordinance to provide for the construction of a 682 square foot detached garage (maximum 400 square feet permitted in a floodway fringe), **approved**.

EXHIBITS



















