

BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number: 2026-DV1-003 (Amended)
Address: 602 Prospect Street (approximate address)
Location: Center Township, Council District #18
Zoning: D-8
Petitioner: NP Financial Services LLC, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling, resulting in the lack of a primary entry feature along the front façade (required), with a zero-foot front setback (10-foot front setback required), a three-foot east side setback (seven-foot side setback required), a 10-foot rear setback (20-foot rear setback required), and a 13-foot wide drive aisle (23-foot wide drive aisle required).

Current Land Use: Single-Family Dwelling.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued by a Registered Neighborhood Organization from the March 3, 2026, hearing, to the April 7, 2026, hearing. The Petitioner continued this petition from the April 7, 2026, hearing, to the May 12, 2026, hearing, to amend the request and provide new notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The requested zero-foot front setback and the 10-foot rear setback is largely a result of the reduced lot size, due to the location of the Interstate exit ramp at the rear of the lot. The 53-foot lot depth is a result of the zero-foot front setback and 10-foot rear setback. The proposed front and rear setbacks are similar to other parcels in the area, and therefore, would be a minor deviation from the Ordinance in Staffs opinion.
- ◇ Under Table 744-701-2, the subject site would fall under the Terrace Frontage category for Private Frontage Design Standards. The subject site is in a neighborhood where the context of the block establishes smaller frontages as the predominant pattern (typically 50% or more on the block face or at transitions to adjacent blocks and frontages). Table 744-701-2 stipulates the front entry and entry features for all buildings shall have a primary entrance on the front facade. A single-story entry feature may project up to 10' in front of the front building line, but never more than 5' from the front lot line, provided it meets the scale and design standards in Section 744-701.D

- ◇ Due to the shallowness of the lot, the dwelling has a reduced front setback, which does not allow room for an entry on the front façade with steps, without encroaching into the public right of way. Therefore, the front entry has been relocated to the side façade of the structure. The proposed entry location is still visible from the front public right of way and the petitioner will provide signage directing visitors to the entrance, as indicated on the site plan.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property values by providing for open buffer areas along lot lines, and to ensure adequate access around buildings.
- ◇ Standard D-8 lots in the Compact context allow for a 3-foot side setback. However, this lot is comprised of two lots totaling 60 feet in width, which requires a seven-foot side setback. The adjacent property is a community pocket park and would act as a buffer area, therefore the reduced side setback would not have a negative impact on that property in Staff's opinion.
- ◇ The proposed 13-foot drive aisle is a result of the lack of alley access for parking, and the need for a driveway to provide for parking at the rear of the lot, as there is no on-street parking in front of the dwelling. As proposed, the reduced drive aisle would have minimal impact upon the adjacent neighbors, would provide adequate space to mitigate any adverse impacts, and provide the minimum area necessary for maintenance. Therefore, in Staff's opinion, the proposed variance of development standards would represent a minor deviation from the Ordinance.
- ◇ Generally, staff supports legally establishing property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request; additionally, no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Side yard	
Comprehensive Plan	Traditional Neighborhood Uses	
Surrounding Context	Zoning	Surrounding Context
	North:	D-8 Interstate interchange
	South:	D-8 Single-Family Dwelling
	East:	D-8 Pocket Park
	West:	D-8 Single-Family Dwelling
Thoroughfare Plan		
Prospect Street	Local Street	60-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan Amended	April 27, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	January 20, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends the Traditional Neighborhood typology which includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

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-DV1-034; 517 Prospect Street (west of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-unit multiunit house on a 30-foot wide 2,700 square-foot lot (minimum 35-foot lot width and lot area of 3,500 square feet required), with a four-foot front yard setback and within the clear sight triangle of abutting street and alley (minimum 10-foot front yard setback and structures not permitted in the clear sight triangle).



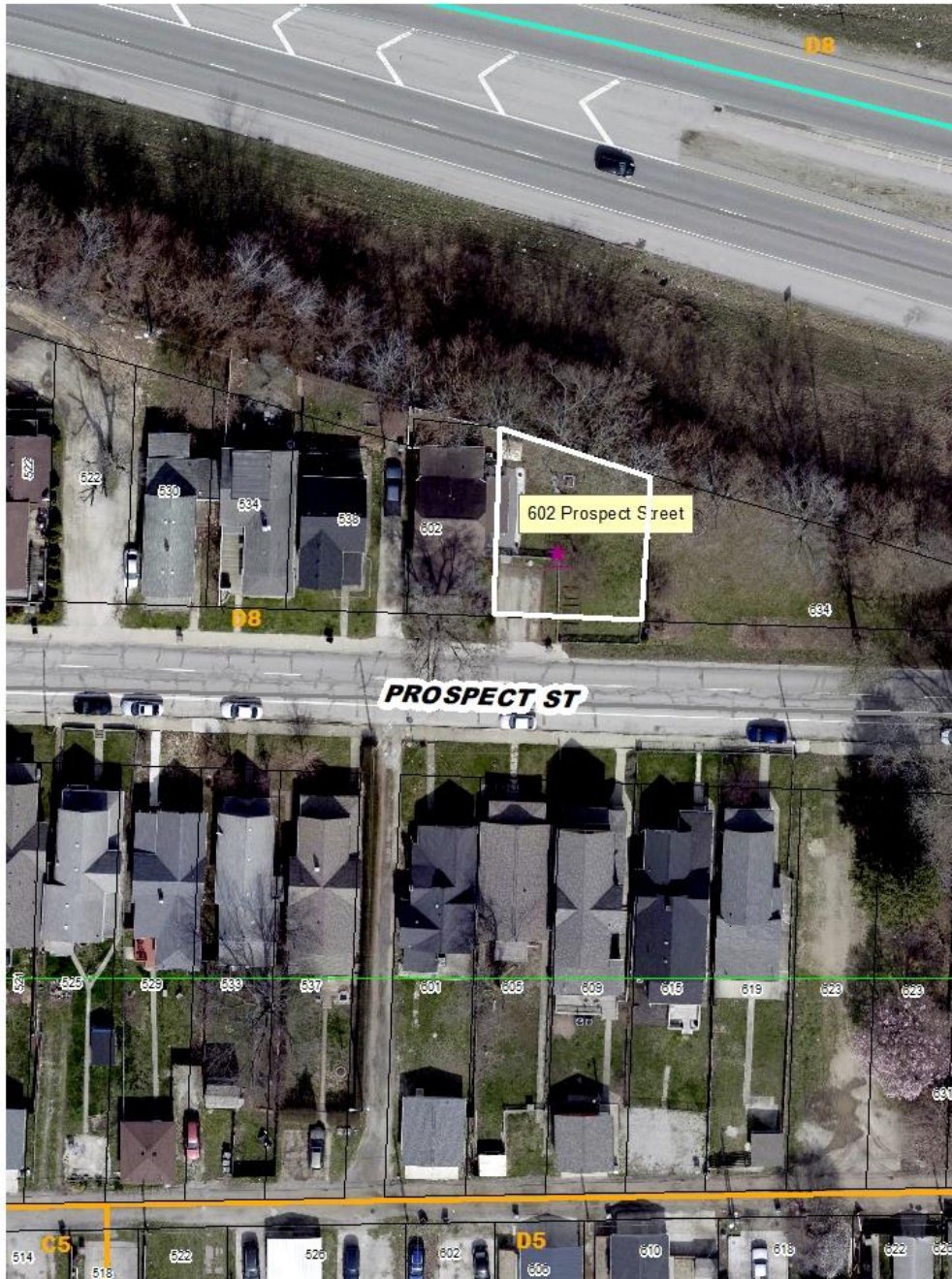
2023-UV3-010; 1041 South East Street (northwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses (not permitted), with an eight-foot front transitional yard (10-foot front transitional yard required) and to legally establish a 2.33-foot north side setback, 2.5-foot south side setback, and 14.92-foot rear setback (10-foot side and 15-foot rear setbacks required), **granted**.

2020-UV2-014; 368, 372, 376, 382 Prospect Street (west of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dog park (not permitted) with a six-foot tall fence in the front yard, with banner yard signs on the perimeter fence (3.5-foot maximum fence height in a front yard, yard signs permitted as freestanding signs, maximum size six square feet), **granted**.

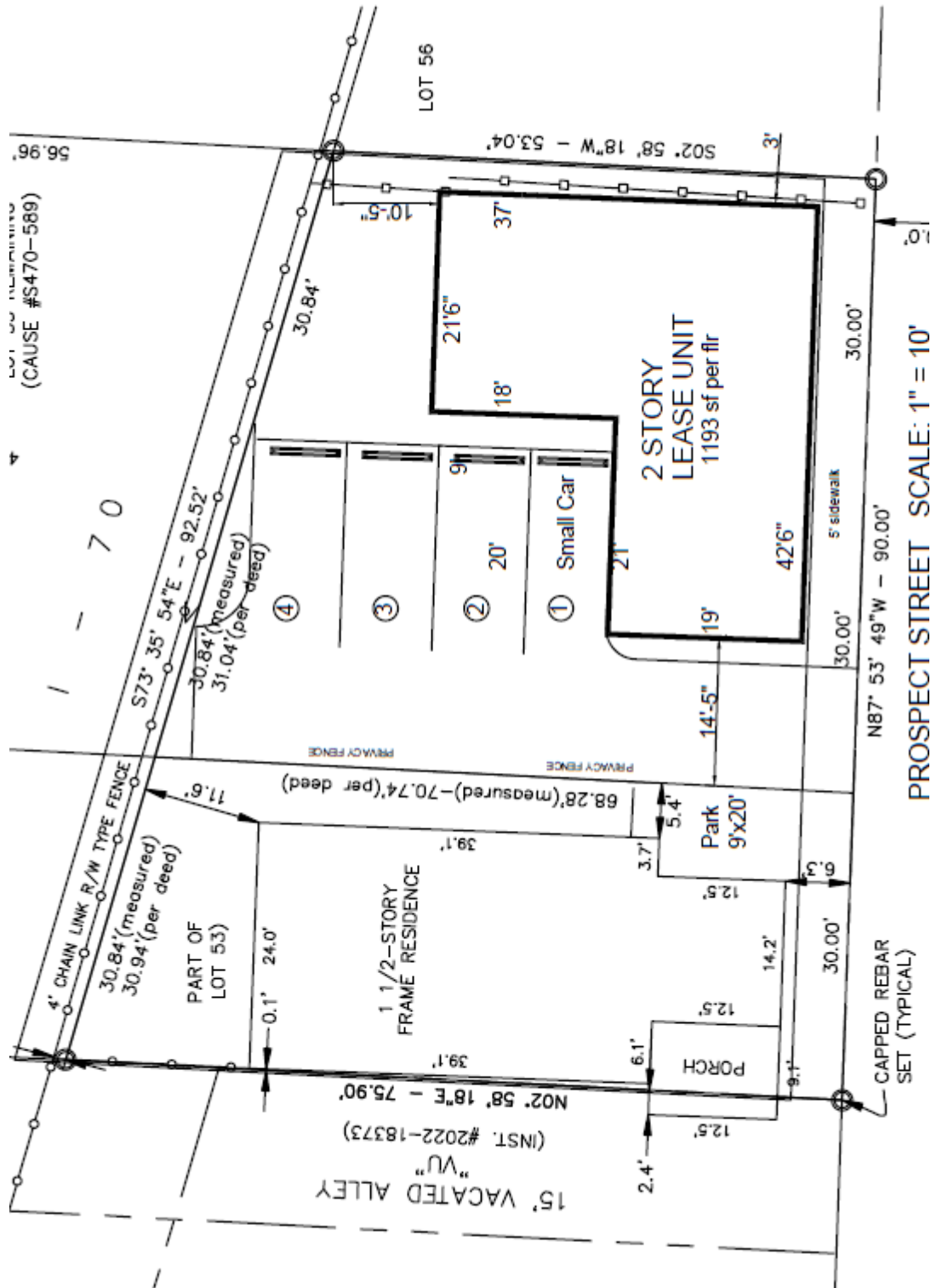
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EXHIBITS

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

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

The grant will not be injurious to the public health, safety, morals, or general welfare of the community because the site is buffered by the wide 170 right of way and its safety embankment, providing substantial separation from high speed traffic and protecting residents from noise, emissions, and other environmental impacts. Along Prospect Street, limited on street parking preserves clear sight lines and safe visibility for all roadway users, ensuring that traffic operations remain predictable and safe.

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 or value of the area adjacent to the property will not be affected in a substantially adverse manner because the requested rear yard reduction and allowance for front yard parking are consistent with the existing development pattern along this segment of the interstate corridor. Most nearby residences already maintain similar reduced rear setbacks due to the presence of the 170 rights of way and embankment, creating a uniform relationship between structures and the interstate. The variance therefore does not introduce a new or incompatible condition. Allowing parking in the front yard does not alter the character of the area, does not increase intensity, and does not diminish the ability of neighboring owners to use or enjoy their properties.

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

Strict application of the ordinance would create a practical difficulty in the use of the property. The lot's unique configuration and its proximity to the Interstate right of way significantly limit the buildable area and prevent the site from accommodating the full number of off street parking spaces required by the zoning ordinance. In addition, the property has no access to on street parking, leaving no alternative means to meet the parking requirement. These physical constraints are inherent to the site and not self created, and they make compliance with the ordinance impractical without relief.

Photographs



Subject site, existing lot, looking north.



Adjacent dwelling to the west, looking north.



Adjacent dwellings to the south.



Adjancet pocklet park to the east, looking north.