

BOARD OF ZONING APPEALS DIVISION III

January 20, 2026

Case Number: 2025-UV3-036
Address: 2236 East 75th Street (approximate address)
Location: Washington Township, Council District #2
Zoning: D-S (FF)
Petitioner: NLS, LLC by Laura Guy
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of 280-square foot garage in the front yard of 75th Street (not permitted), with a six-foot west side yard setback (fifteen-foot side yard setback required), and with 80% open space (85% open space required).

Current Land Use: Single-Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

SITE PLAN & DESIGN ISSUES

- ◇ The existing site development is typical of the area where detached accessory structures are located near the street and in front of the established front building line. The pattern of development on the north side of this portion of East 75th Street ranges from both shallow and deep rear yards to avoid construction in the changing floodway of the White River, while at the same time siting the primary dwelling to take advantage of its proximity to the river. Due to this land-related limitation and configuration, a practical difficulty exists for placing the garage in the front yard of 75th Street, from which relief should be granted.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would also provide for the proposed detached garage to have a six-foot side setback rather than the required 15-foot side setback, and the site to have an 80% open space where 85% is required.

- ◇ The requested reduced side setback reduction and the open space reduction are largely a result of the smaller size of the lot. The lot, at approximately 9,414 square feet and 60 feet in width, is a D-4 sized lot. However, this site is within the D-S district, which includes standards that would be difficult to meet, particularly when proposing development consistent with the neighborhood. Therefore, there is a practical difficulty in complying with the width-based development standards for side setbacks, and the lot coverage development standards for open space minimums.
- ◇ In Staff's opinion, the proposed request to provide for the construction of 280-square foot garage in the front yard of 75th Street, with a six-foot west side yard setback, and with 80% open space would be consistent with the development in this area, and supportable.

GENERAL INFORMATION

Existing Zoning	D-S		
Existing Land Use	Single-Family Dwelling		
Comprehensive Plan	Suburban Neighborhood		
Overlay	No		
Surrounding Context	<u>Zoning</u>		Surrounding Context
	North:	D-S	White River / Multi-family dwellings
	South:	D-S	Single-family dwellings
	East:	D-S	Single-family dwellings
	West:	D-S	Single-family dwellings
Thoroughfare Plan			
	East 75 th Street	Local Street	48-foot existing and proposed right-of-way.
Context Area	Compact		
Floodway / Floodway Fringe	500-year Floodplain		
Wellfield Protection Area	No		
Site Plan	December 10, 2025		
Elevations	N/A		
Plan of Operation	N/A		
Commitments	N/A		
Landscape Plan	N/A		
Findings of Fact	December 10, 2025		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan has recommended Suburban Neighborhood uses for this site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book 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

2018-DV1-026; 2170 East 75th Street (west of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with a nine-foot side setback, and to provide for and legally establish accessory structures in the front yard of 75th Street, **granted**.

2016-HOV-005; 2260 East 75th Street (east of site), requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-story single-family dwelling, with a five-foot east side setback and a 10-foot west side setback for an aggregate setback of 15 feet, on a lot with 60 feet of frontage, and an open space of 68%, **granted**.

2015-DV3-008; 7565 Terrace Beach (west of site), requested a Variance of Development Standards to provide for a dwelling addition, two covered porch additions and a deck, with a grill area, with a west side setback of approximately one-foot, creating an open space of 84%, on a lot with zero feet of frontage and lot width, and without direct access to a public street, **granted**.

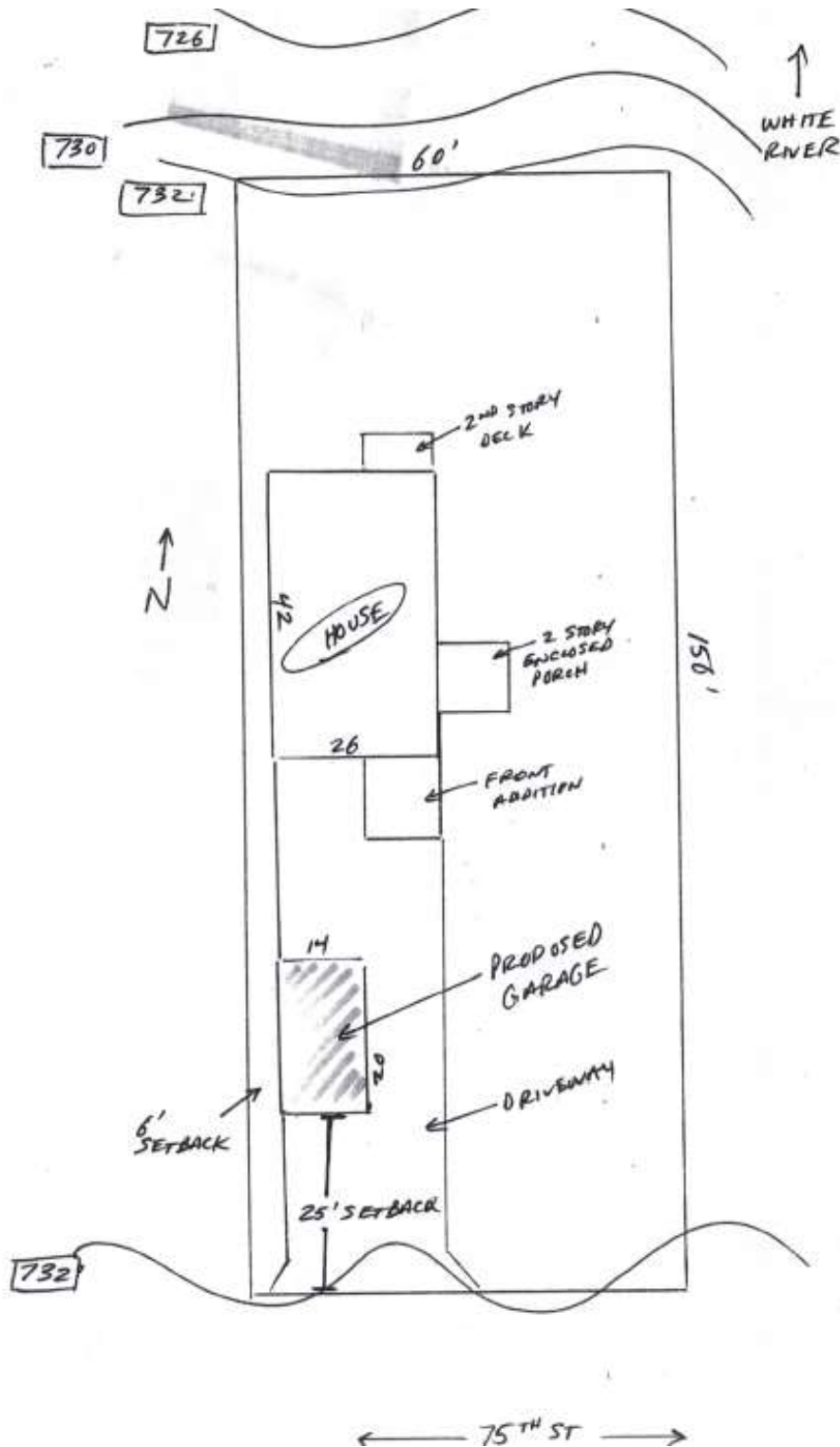
2001-DV1-026; 2334 East 75th Street (east of site), request for Variances of Development Standards of the Dwelling Districts Zoning Ordinance, to provide for reduced side yard setbacks and front yard setbacks for accessory use structures, **granted**.

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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:

Building a 14x20 detached garage on this residential lot will have no negative impact on the surrounding community. It will be a secure structure and built in an efficient manner. In fact, it's likely that the neighbors will appreciate the resident's car, lawn mower, and other items be stored inside a garage instead of the open grounds.

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:

It's common place in this neighborhood, where the majority of lots are 60' wide, to have structures built very close to property lines. The proposed garage would actually be slightly farther from the property line that the house already is. A newly built garage with matching facade as the recently remodeled house will be attractive and fitting for the neighborhood.

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

DS zoning is generally designated for larger properties (minimum 1 acre) in which case 85% open space makes sense. This property is .22 acres (9,360 sq ft) so 80% seems more in line with municipal guidelines. The proposed garage would still leave 82% open space on this property. Similarly, a 25' front setback and 6' side setback are symmetric with development standards for lots of this size and also in line with what is already built on properties all throughout this neighborhood. If it's relevant, unlike the vast majority of the surrounding area, this property is outside the flood zone.

Photographs



Subject site, looking north



Subject site proposed garage location, looking northwest.



Subject site proposed six-foot westside setback for garage, looking north.



Subject site rear yard, looking north.