



**BOARD OF ZONING APPEALS DIVISION I**

**August 6, 2024**

**Case Number:** 2024-DV1-028  
**Property Address:** 5151 Pennsylvania Street (approximate address)  
**Location:** Washington Township, Council District #7  
**Petitioner:** Eric & Kimberly Dollin, by Patrick Shirmeyer  
**Current Zoning:** D-4 (MSPC)  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a six-foot rear yard setback (20 feet required).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends approval of this petition  
**Staff Reviewer:** Noah Stern, Senior 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 a building addition resulting in a six-foot rear yard setback (20 feet required).
- The property is improved with a primary residence and a detached garage. The detached garage currently contains a side yard setback of 3 feet 4 inches and a rear yard setback of 6 feet. The side yard setback is legally non-conforming, and the rear yard setback is compliant. The proposal calls for attaching the detached garage with the primary residence via an enclosed, air-conditioned space that would result in one primary structure on site. This alteration requires a variance for a reduced rear yard setback since the garage would be considered part of the primary structure, which are required to be at least 20 feet from rear lot lines. This variance would legally establish the 3-foot 4 inch side yard setback as well as the 6 foot rear yard setback for the future primary structure.
- Staff finds the request to be reasonable in nature, given that the location of the garage and its setbacks would not change as a part of this addition. Likewise, the addition proposal is moderate in nature with regards to height and bulk, and would match the design and style of the existing



structures. Further, various other residences in the surrounding area having reduced rear setbacks or garages attached to the primary structure. Therefore, Staff does not see the proposal as overdevelopment nor out of character with the surrounding context. For these reasons, Staff is unopposed of the variance request. |

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-4 (MSPC)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-4 (MSPC)	North: Single-family residential
South:	D-4 (MSPC)	South: Single-family residential
East:	D-4 (MSPC)	East: Single-family residential
West:	D-2 (MSPC)	West: Single-family residential
<b>Thoroughfare Plan</b>		
52 <sup>nd</sup> Street	Primary Collector	50 feet of right-of-way existing and 56 feet proposed
North Pennsylvania Street	Local Street	59 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	5/30/24	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	5/27/24	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	7/25/24	
<b>Findings of Fact (Amended)</b>	N/A	

**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 Traditional 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 garages, the Infill Housing Guidelines recommends:
  - Don't overshadow primary structures
  - Coordinate primary and accessory structures
  - Locate accessory structure behind primary buildings |

#### 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

**94-V3-52; 5125 North Pennsylvania Street (south of site)**, variance of development standards of the dwelling districts zoning ordinance to provide for the installation of a 6 foot fence (amended to 5 foot fence) in the front yard (maximum 42 inches in height permitted) for an existing corner lot single-family residence, **approved subject to conditions.**

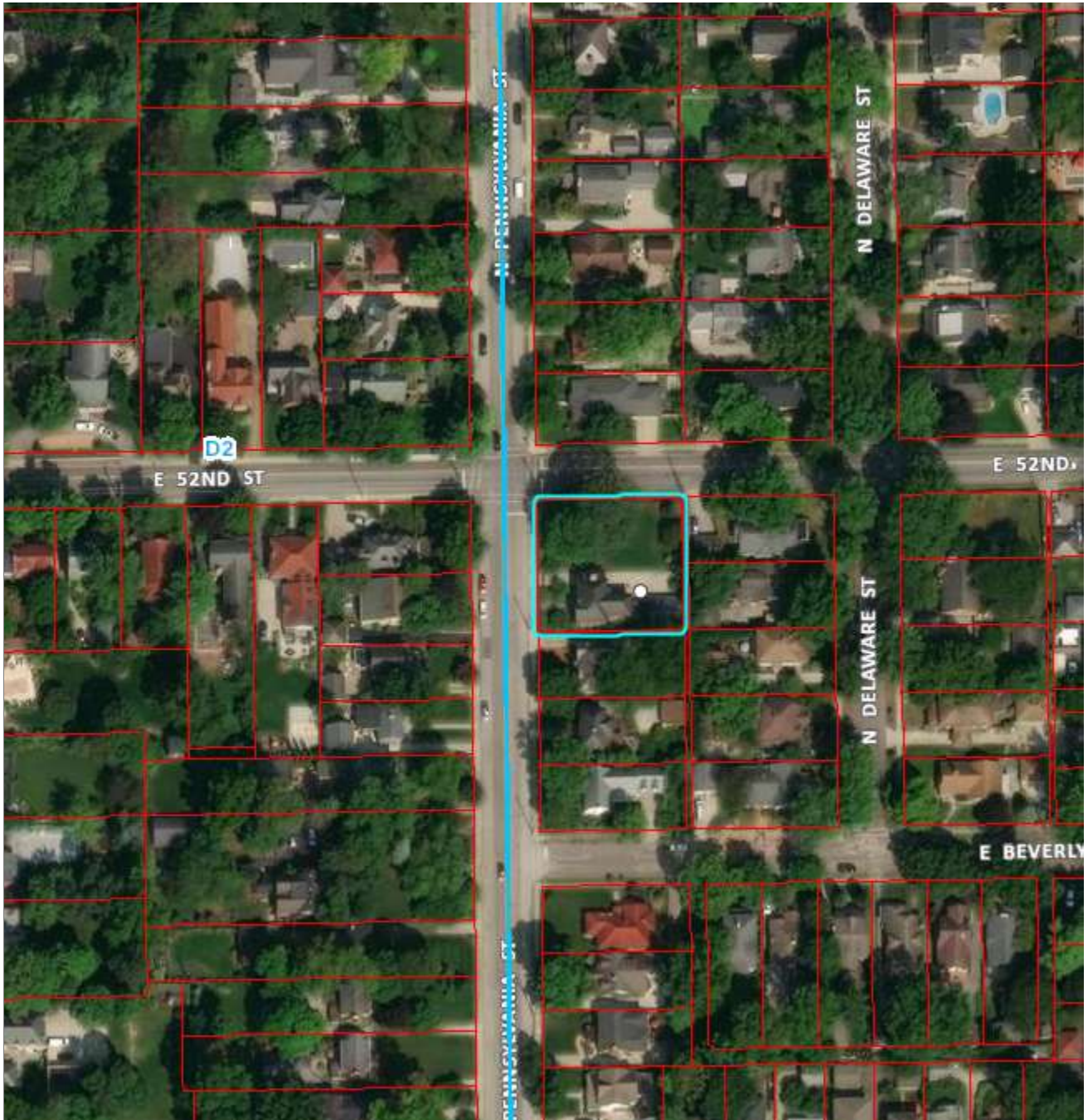
**2007DV2024; 5140 Washington Boulevard (east of site)**, VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,084.75 square foot living area and garage addition to a single-family dwelling, with a zero-foot rear setback (minimum twenty-foot rear setback required), **approved.**

**2012DV1045; 5144 N Delaware Street (south of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 24-foot tall (maximum 20 feet height permitted), two-story detached garage, **withdrawn.**

**2012DV2033; 5208 N Delaware Street (north of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for additions to an existing dwelling and detached garage, creating a primary structure, with a one-foot north side setback and 5.5-foot rear yard setback (minimum five-foot side yard setback and 20-foot rear yard setback required), **approved.**

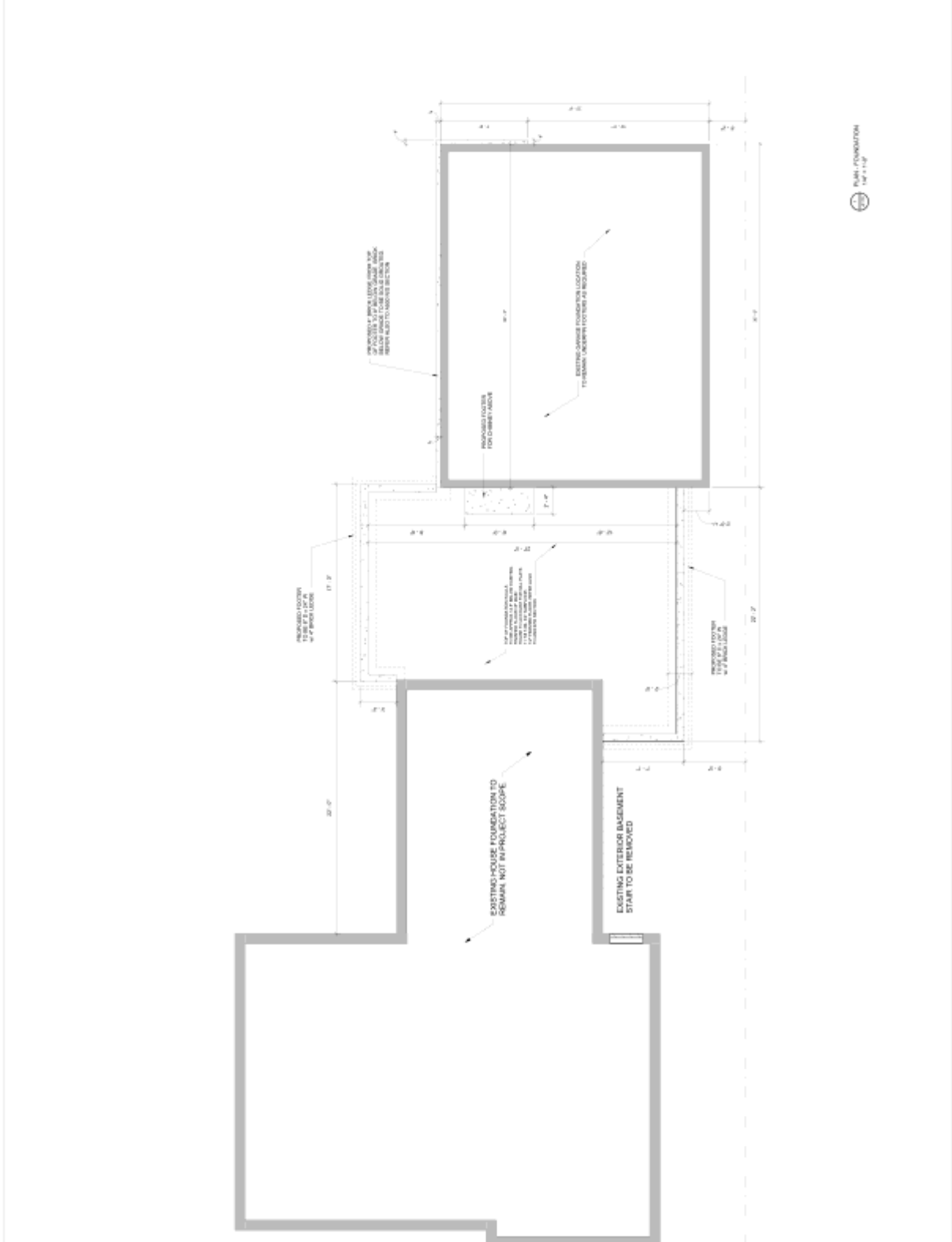
**2022DV1060; 5224 N Pennsylvania Street (north of site)**; Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition, resulting in a four-foot northern side yard setback and to legally establish a six-foot south side yard setback for the existing house (seven-foot side yard setbacks required), **approved.** |

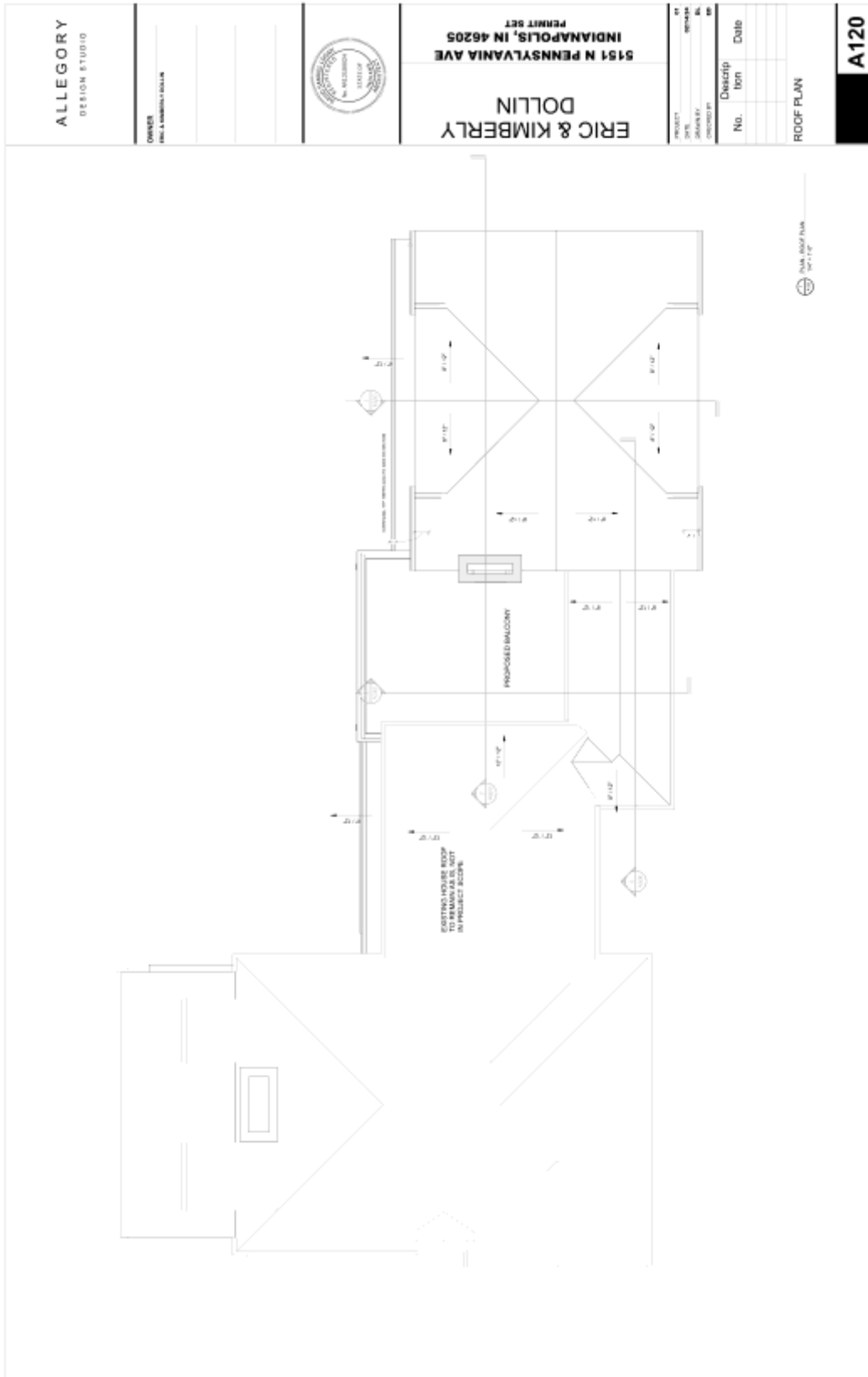
EXHIBITS





ALLEGORY DESIGN STUDIO		OWNER ERIC & KIMBERLY FOLLIN				<b>ERIC &amp; KIMBERLY</b> <b>DOLLIN</b> <b>5151 N PENNSYLVANIA AVE</b> <b>INDIANAPOLIS, IN 46205</b> <b>PERMIT SET</b>		PROJECT: _____ DATE: _____ DRAWN BY: _____ CHECKED BY: _____ NO. _____		REVISIONS: No. _____ Description _____ Date _____	
FOUNDATION											
<b>A110</b>											









## MERIDIAN STREET PRESERVATION COMMISSION

In the matter of an application filed by  
**Patrick Shirmeyer on behalf of Eric and Kimberly Dollin** for  
a Certificate of Appropriateness for the property located at  
**5151 North Pennsylvania Street**

### FINAL ORDER GRANTING CERTIFICATE OF APPROPRIATENESS #V-MSPC 24-05

The Meridian Street Preservation Commission, at a meeting held at 4:00 p.m. on June 18, 2024 in the Fellowship Hall of the Meridian Street United Methodist Church at 5500 N. Meridian Street, heard evidence and considered an application for a Certificate of Appropriateness filed by Patrick Shirmeyer on behalf of Eric and Kimberly Dollin for improvements to be made at the property located at 5151 N. Pennsylvania Street.

*Being duly advised in the premises, the Commission, by a vote of 7-2 of its nine (9) members present and voting AYE: (Norman, Vanderstel, Colby, Fujawa, Welling, Bennett, Rotb), NAY: (Hess, Madden), ABSTAIN: (None) finds that:*

1. The Commission has jurisdiction of this matter under Indiana Code 36-7-11.2-61.
2. The Certificate of Appropriateness requested approval for the:
  - Reduction of rear yard setback in a D4 zoning district (20 ft. to 6 ft. provided).
3. Such improvements shall be per plans submitted on 6.18.24 and on file with the Commission, except as amended below.
4. Said improvement is appropriate to the preservation of the area comprised of Meridian Street and bordering properties and complies with the architectural and construction standards in said area.
5. The Certificate of Appropriateness requested by the applicant should be **GRANTED**, with the following commitment(s):
  - Approval is conditioned on the port cochere remaining unenclosed.

*It is, therefore, ORDERED AND DECREED by the Meridian Street Preservation Commission that the Certificate of Appropriateness for the aforesaid construction is hereby **GRANTED**, to be evidenced solely by this Final Order. This Final Order must be acted upon within 2 years of the bearing date of the Meridian Street Preservation Commission and all aspects must be completed in whole.*

*Shannon Norman*  
Shannon Norman, Chair

June 24, 2024  
Date



