

BOARD OF ZONING APPEALS DIVISION I

October 03, 2023

Case Number: 2023-DV1-046
Property Address: 4602 North Pennsylvania Street (approximate address)
Location: Washington Township, Council District #7
Petitioner: Scott Gilchrist
Current Zoning: D-2 (MSPC)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with two-foot side yard setbacks (seven-foot side yard setbacks required).
Current Land Use: Residential
Staff Recommendations: Staff **recommends approval** of this petition
Recommended Motion: Motion to approved petition 2023DV1046
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

- The request would provide for the construction of a detached garage with two-foot site yard setbacks (seven-foot side yard setbacks required).
- The proposal calls for replacing the existing detached garage (20.5 feet x 22.3 feet) that has 2-foot side yard setbacks, with a new detached garage that will have the same setbacks but a slightly larger footprint (24 feet x 24 feet).
- Detached garages are common occurrence in the surrounding area. Likewise, with this subject site being slightly smaller than the minimum lot area requirement of 15,00 square feet in D-2 zoning districts, the decreased buildable space on the lot represents a practical difficulty for the owner. Furthermore, with the proposed detached garage comprising roughly the same footprint and maintaining the current setbacks, Staff is not opposed to granting the variance of reduced setbacks to allow for a new detached garage.

GENERAL INFORMATION

Existing Zoning	D-2 (MSPC)	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-2 (MSPC)	North: Single-family residential
South:	D-2 (MSPC)	South: Single-family residential
East:	D-4 (MSPC)	East: Single-family residential
West:	D-2 (MSPC)	West: Single-family residential
Thoroughfare Plan		
Pennsylvania Street	Local Street Proposed ROW: 48 feet Existing ROW: 60 feet	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/11/23	
Site Plan (Amended)	N/A	
Elevations	8/11/23	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/11/23	
Findings of Fact (Amended)	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.
- In this typology, the Pattern Book recommends loading garages from alleys or side streets, when possible, and that garages be detached if located on the side of the house.

- The proposal is in accordance with these recommendations.

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

- The Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects of all scales and types.
- With regards to detached garages, the Infill Housing Guidelines document recommends:
 - Locate accessory structures behind primary building
 - Access accessory buildings from alleys, when possible
 - With the site not containing alley access, the detached garage will be access from the driveway on the west side of the primary structure
 - Don't overshadow primary building
- The proposal is in accordance with 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

83-UV2-100; 4601 N Illinois Street (west of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to all for a convenience and food store in conjunction with the existing gasoline sales, **dismissed**.

91-Z-54; 4610 N Illinois Street (west of site), Rezoning from the D-5 zoning district to the SU-1 classification to allow for a church, **approved**.

91-Z-71; 4609 N Capitol Avenue (west of site); Rezoning from the D-5 zoning district to the SU-1 classification to allow for a church, **approved**.

2003UV3036; 4601 and 4611 N Illinois Street (west of site); Variance of use and a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a parking lot for the Governor's Mansion (not permitted) with a 20.38-foot front yard setback from the existing right-of-way of W 46th Street (minimum 30-feet setback required), **approved**.

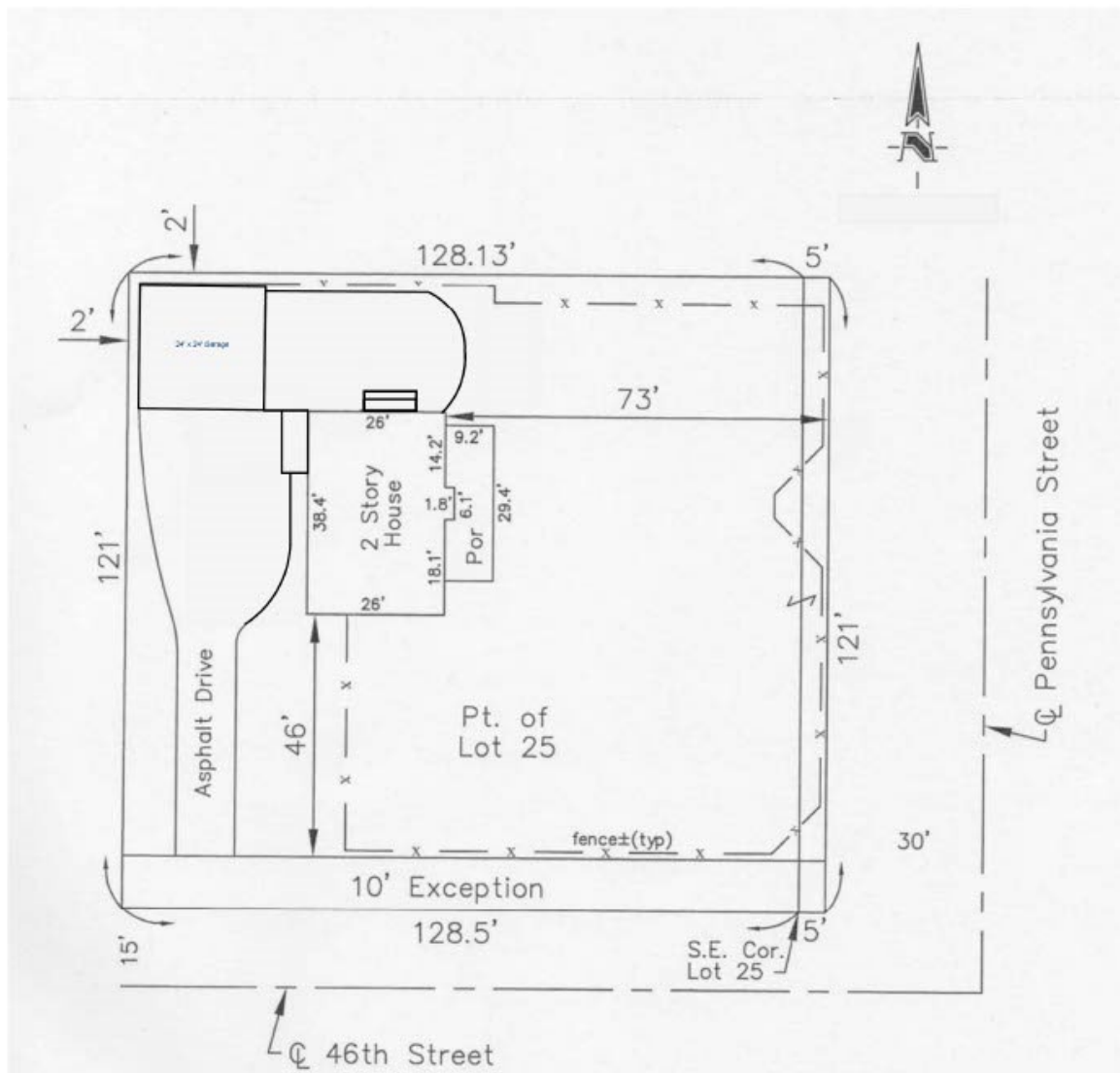
2007ZON033; 4550 N Illinois Street (west of site), Rezoning of 2.18 acres, being in the D-5 District, to the SU-1 classification to provide for religious use, **approved**.

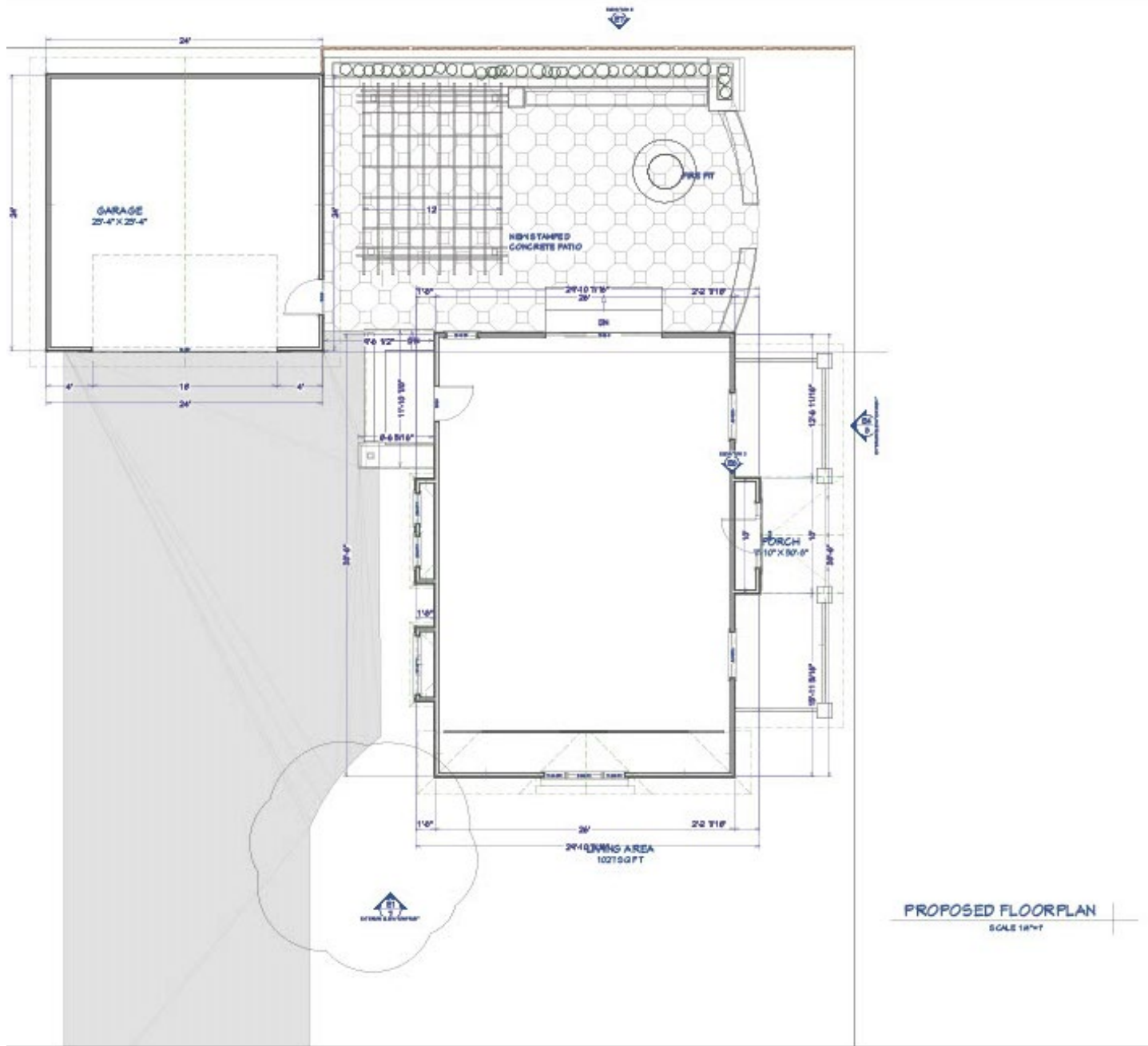
2013DV2012; 4545 N Delaware Street (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an attached garage, with a 3.33-foot north side setback (minimum five-foot setback required), creating a 9.5-foot aggregate setback (13-foot aggregate setback required), and a 15-foot rear setback (minimum 20-foot rear setback required), **approved**.

2016DV3014; 4736 Washington Blvd (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance, to provide for a 23.5-foot tall detached garage, with a 1.67-foot south side setback (minimum five-foot side setback required), **approved**.

EXHIBITS

Site Map for Proposed Construction
 4602 N. Pennsylvania St.







MERIDIAN STREET PRESERVATION COMMISSION

In the matter of an application filed by
Scott Gilchrist
for a Prior Approval of a Variance for the property located at 4602
N. Pennsylvania Street

FINAL ORDER GRANTING PRIOR APPROVAL OF A VARIANCE #V-MSPC 23-08

The Meridian Street Preservation Commission, at a meeting held at 4:00 p.m. on July 18, 2023, in the second floor conference room of the Meridian Street United Methodist Church at 5500 N. Meridian Street, and heard evidence and considered an application for a Prior Approval of a Variance filed by Scott Gilchrist, for improvements to be made at the property located at 4602 N. Pennsylvania Street.

Being duly advised in the premises, the Commission, by a vote of 9-0 of its nine (9) members present and voting AYE: (Norman, Fujawa, Roth, Colby, Bennett, Hess, Welling, Madden, Vanderstel), NAY: (None), 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:
 - Construction of a new two-car garage with the reduction of side setback (7ft. to 2ft.) required in D-2 zoning.
3. Such improvements shall be per plans 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): None.

*It is, therefore, ORDERED AND DECREED by the Meridian Street Preservation Commission that the Prior Approval of a Variance 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 hearing date of the Meridian Street Preservation Commission and all aspects must be completed in whole.*

Shannon Norman
Shannon Norman, Chair

July 24, 2023
Date





