

BOARD OF ZONING APPEALS DIVISION I

February 3, 2026

Case Number: 2025-UV1-024 (Amended)
Address: 2170 East 75th Street (approximate address)
Location: Washington Township, Council District #2
Zoning: D-S (FW)
Petitioner: Molly A. Wright, by David Stevens
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for and legally establish an accessory structure in the front yard of 75th Street (not permitted), to provide for the expansion of a detached garage with a two-foot side setback (15-foot side setback required), for the garage to have a footprint larger than the primary building (accessory structures cannot be larger than the primary building), and with 81% open space (85% open space required).

Current Land Use: Single-Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued from the January 6, 2026, hearing, to the February 3, 2026, hearing, to allow time for the petitioner to amend the request and provide new notice.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition as proposed.

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 shallow to deep rear yards to mitigate construction activities in the varying 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 expansion of an existing detached garage with a two-foot side setback, with the garage to have a footprint larger than the primary building, and for 81% open space.

- ◇ The proposed two-foot side setback for the expanded garage would be adjacent to an existing accessory structure on the adjoining parcel that has a zero-foot side setback. The two-foot setback for the existing accessory structure on the subject site would be considered as legally non-conforming, but once an expansion is proposed, then the setback is required to become zoning compliant, either by meeting the setback or applying for a variance. In this case the requested variance would allow the proposed expansion of the garage to create an additional 10 feet of a non-conforming two-foot setback for a two-story structure, adjacent to an existing accessory structure on the adjoining property that has a legally non-conforming zero-foot setback. Staff feels this expansion on a reduced setback would be too intense for the adjoin property and would not provide adequate area for maintenance and emergency safety response.
- ◇ The need for a reduction in the open space requirement to 81%, is a self-imposed hardship due to the to the size of the proposed accessory structure and not a result of the Ordinance requirements.
- ◇ The need for the proposed garage to have a footprint larger than the primary building is also a self-imposed hardship due to the proposed size of the accessory structure and not a result of the Ordinance requirements.
- ◇ The subject site already has two (2) existing detached accessory structures that provide 1,388 square feet in detached accessory structure storage. The proposed detached accessory structure would add an additional 1,265 square feet in accessory structure storage for a total of 2,653 square feet in accessory structure storage. The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since adjacent properties with similar sized lots are able to meet the Ordinance requirements. Any practical difficulty is self-imposed by the desire to provide a total of 2,653 square feet in detached accessory structure storage on the subject site.

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 - Revised	January 6, 2026	
Elevations	January 6, 2026	
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

2025-UV3-036; 2236 East 75th Street (east of site), requested a Variance of Use and Development Standards 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, **granted**.

2018-DV1-026; 2170 East 75th Street (subject 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**.



Department of Metropolitan Development
Division of Planning
Current Planning

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**.

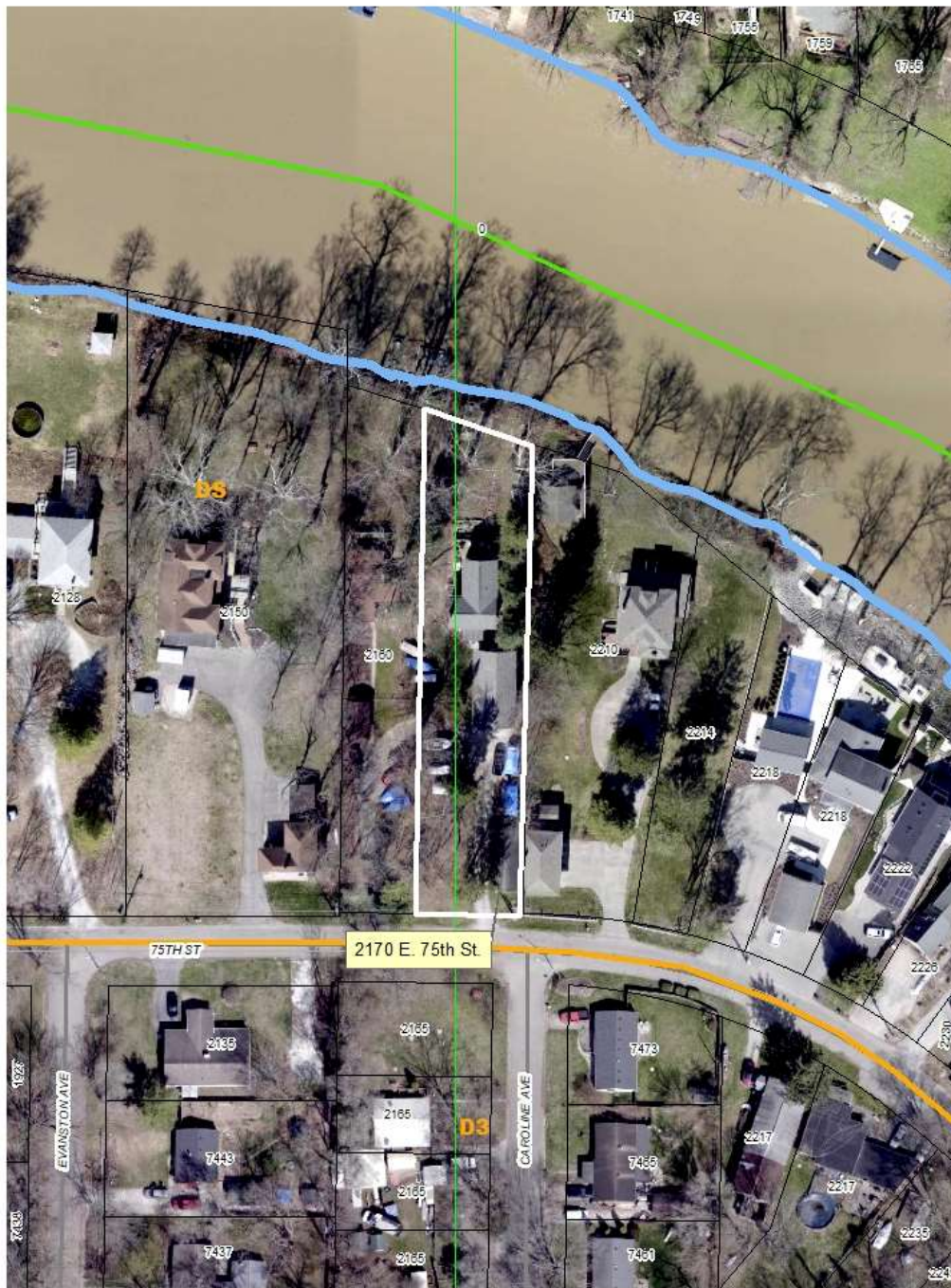
2015-DV3-008; 7565 Terrace Beach (west of site), requested a Variance of Development Standards to provide for a dwelling addition, two covered porch additions and a deck, with a grill area, with a west side setback of approximately one-foot, creating an open space of 84%, on a lot with zero feet of frontage 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**.

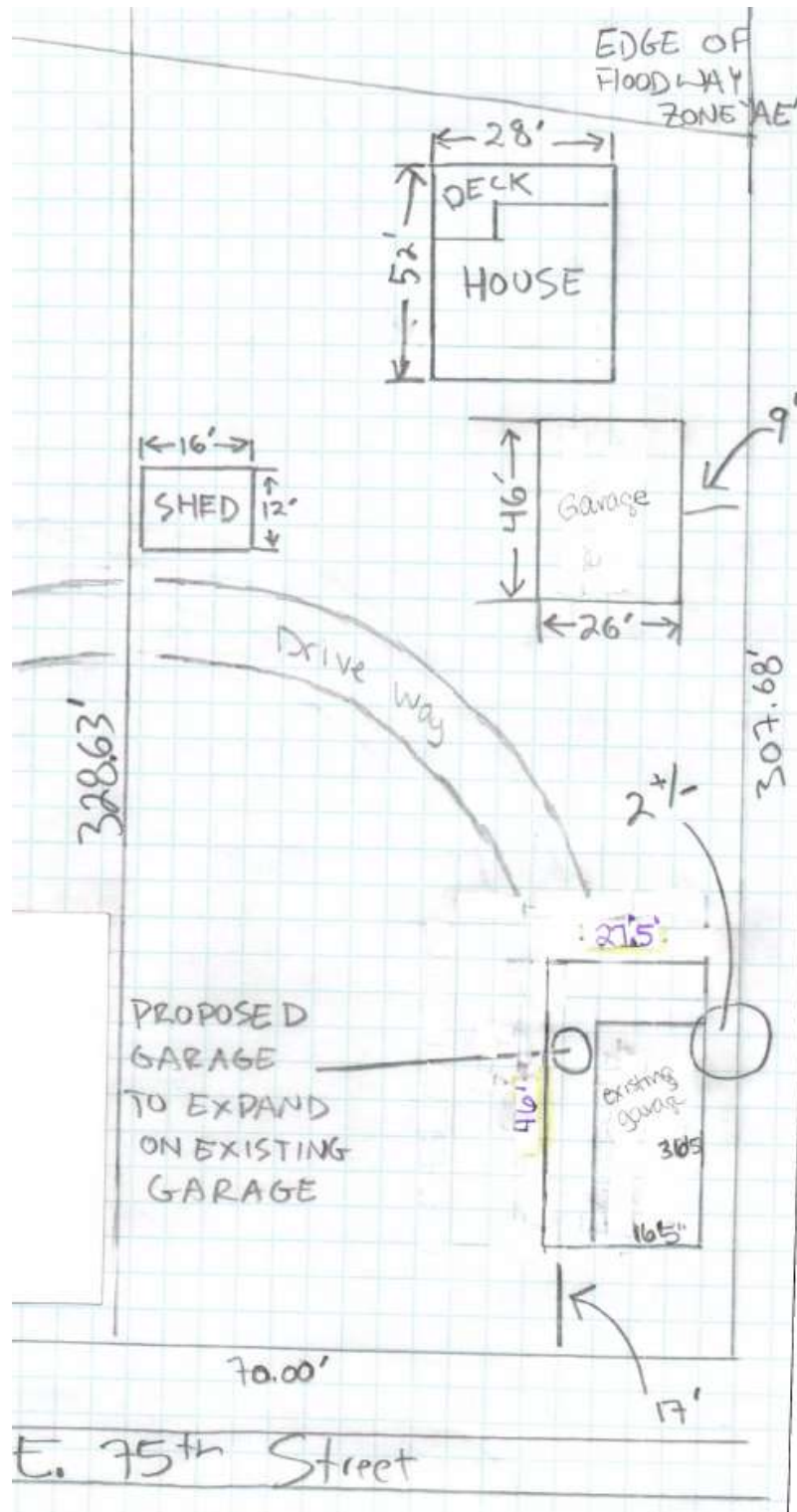
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EXHIBITS

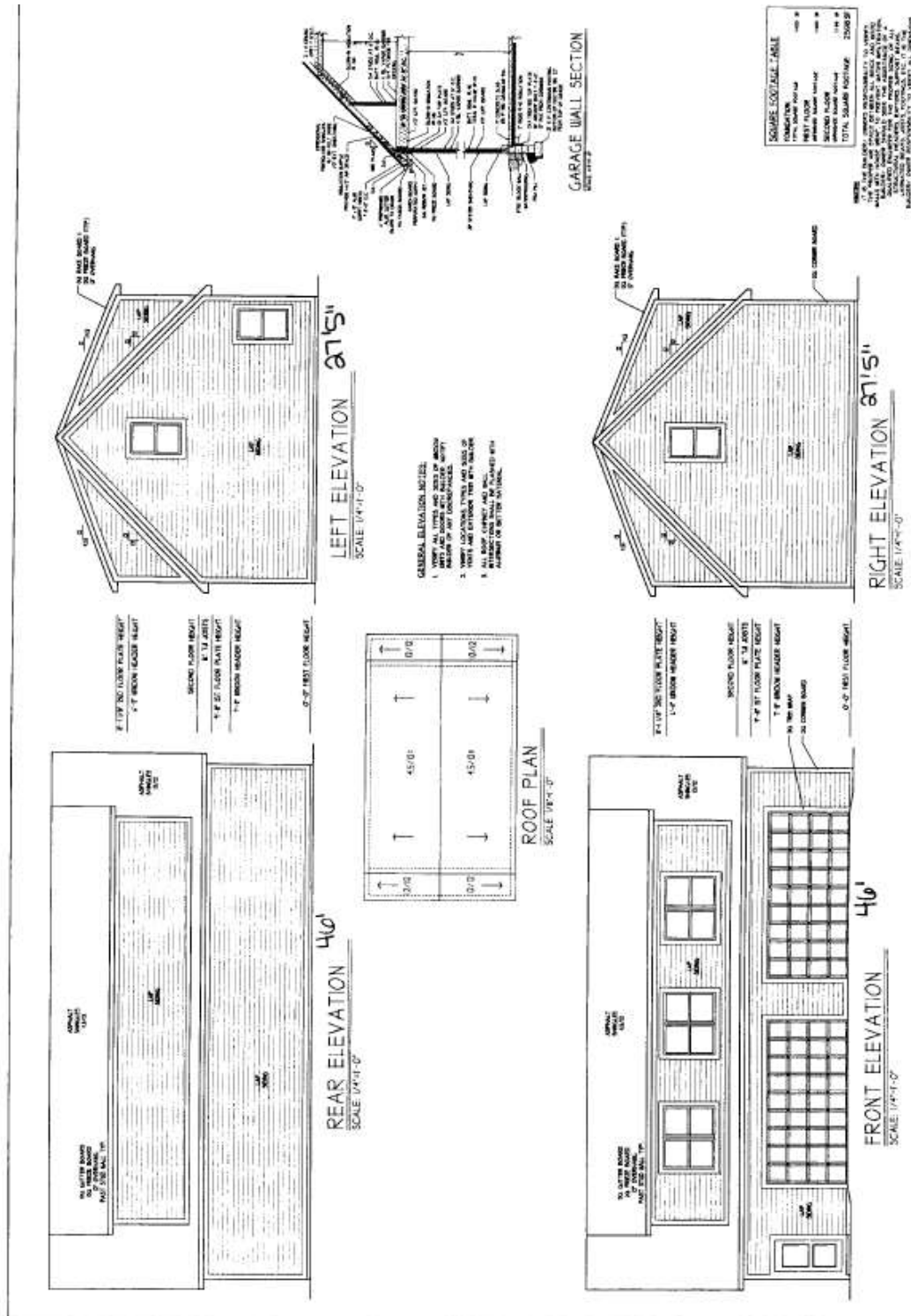
Location Map



Site Plan – Revised 1-6-2026.



Elevations





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 garage expansion will be built with proper materials and according to code. all safety measures will be followed in the selective demo of the existing garage. The updated structure will enhance the property and is in line with other properties in the area.

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:

This project will enhance the property and add value to the area around it.

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

These are narrow lots and many of the properties have structures that do not adhere to the set back distances and standards. The proposed gargage expansion would allow for boat storage as these lots are waterfront on White River and many owners have boats. Our proposed design is in alignment with the surrounding properties.

Photographs



Subject site primary dwelling and existing detached garage, looking north



Subject site existing detached garage, looking northeast.



Subject site existing second garage to be replaced with proposed two-story garage, looking north.



Subject site existing second garage with two-foot east side setback, to be replaced with proposed two-story garage with two-foot east side setback, looking north.