

BOARD OF ZONING APPEALS DIVISION I

November 7th, 2024

Case Number: 2024-DV1-034
Property Address: 1718 Hamblen E Dr
Location: Wayne Township, Council District #17
Petitioner: Azucena Mezo Toto, by Epifanio Carbajal
Current Zoning: D-A
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to an existing dwelling resulting in a 10-foot south side yard setback and an open space of 79 percent (15-foot side yard setback, 85 percent open space required).
Current Land Use: Residential
Staff Recommendations: Staff recommends **approval** of this variance request.
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this variance request.

PETITION OVERVIEW

- This petition has two requests: 1) to allow a 10-foot set back on the south site and 2) to have an open space amount of 79%.
- This property has a D-A zoning, and is located on a 0.35 acre property. Platted sometime around 1956. Staff would note that current D-A zoned properties are for larger properties that have agricultural, or estate uses. Due to this property and those around being platted before 1989 they do not conform to the current standards of a D-A zone. This smaller than usual lot size lends itself to smaller open space percentage and yard setbacks.
- This property was platted sometime around 1956, according to past aerial photos. The D-A exception stated in Chapter 744, Article 2, Section 02A allows any lot with deficient minimum lot area or lot width, of the current D-A district requirements previously platted or recorded prior to December 20th, 1989, may construct, enlarge, extend, reconstruct or relocate the primary and accessory single-family uses with 15-foot minimum side and rear setbacks. (pg 482). This exception would apply in this case.

- In this petition, the 10ft setback is needed for the extension of the house on the south side. Even with the smaller setback the primary structure on this property will sit 62' from the southern primary structure on the property beside it. While on the north side with no edition or changes to the primary structure of the north property sits 52'. Staff believes because of this; the new setback of 10-foot will not affect the neighbors on either side of the property despite the setback does not follow the required 15-foot.
- To be in accordance with the Ordinance a D-A zoned properties that are less than 3 acres in size are required to provide the minimum 85% of the area to be open space. (pg 470). Staff believes due to the size of the lot and the current setbacks, that the request of 79% open space is reasonable. The expansion to home will still allow this property to follow the character of the neighborhood, increase the property value, and still provides adequate space for green space on this parcel.
- Staff recommends **approval** for this variance request, allowing a 10-foot setback on the south side and 79% open space. We believe that with this current zoning and smaller parcel size that the expansion of this home would not be possible without a variance. Additionally, if this variance is approved the property will have adequate spacing between homes, follow the character of the neighborhood, increase the property value and would still have a healthy amount of space between homes and open space to avoid over development in this area.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: I-3	North: Office/Industrial Mixed-Use
	South: C-5	South: Office/Industrial Mixed-Use
	East: C-S	East: Suburban Neighborhood
	West: D-P	West: Suburban Neighborhood
Thoroughfare Plan		
Hamblen E Drive	Local Street	43 feet of right-of-way existing and 50 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	09/17/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	10/10/2024	

**Findings of Fact
 (Amended)**

N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology 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. (pg 17)

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

- Open space is one of the key ways that the Zoning Ordinance ensures that oversized structures are not placed on smaller lots by limiting the percentage of a lot that is covered by houses, garages, or other built features. Open space requirements prevent over-development, promote development pattern unity, and preserve space for outdoor recreation. (pg 14)
- Open space can improve stormwater drainage on existing lots when combined with strategic landscaping and limited impervious surfaces, like driveways and paved pathways. (pg 14)

- Open Space: In the Zoning Ordinance, open space is defined as “land area that is exposed to the weather.” This generally means areas that are not covered by houses, garages, large decks, or other accessory structures. (pg 14)
- For Undersized Lots, Look at the Surrounding Context for Appropriate Housing Sizes. In some existing neighborhoods, there may be lots that do not meet current minimum size requirements. In these cases, it may be appropriate to seek a variance to request a reduction in open space for the construction of a primary structure like a house. However, the resulting primary structure should be consistent in height, mass, and footprint with other structures on the same street or in the surrounding area. (pg 14)
- Consider Both How Additions and Improvements Meet Comprehensive Plan Goals and Ways to Mitigate Impacts, Particularly for Accessory Structures New construction that includes patio areas should consider permanent permeable materials (such as permeable asphalt or unit masonry systems). (pg 15)

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 – SURROUNDING AREA

- **2011-DV3-038: 1554 Countryside Drive**
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,400-square foot garage, with a 144-square foot covered porch, creating an accessory building area of 1,544 square feet or 114.54% of the main floor area of the primary building (75% of the main floor area of the primary dwelling or 1011 square feet permitted). **Approved.**
- **2011-UV1-029: 8514 W Washington Street**
 - Variance of use and development standards of the Dwelling Districts Zoning Ordinance and the Commercial Zoning Ordinance to legally establish a) automobile repair and towing service, with outdoor storage (not permitted, storage not permitted within 500 feet of a protected district without the required solid fence or wall), b) to legally establish a trash container in front of the established front building line (not permitted), with a 14-foot west side transitional yard c) to legally establish parking with a two-foot east side yard and east side transitional yard, without landscaping (10-foot yard and 20-foot transitional yard, with landscaping required), and d) to legally establish a paved asphalt area, with a zero foot setback from Washington Street (10-foot front setback, with landscaping required), and e) to legally establish one handicapped parking space (two spaces required). **Approved.**
- **2011-UV2-005: 1013 S Girls School Road**
 - Variance of Use of the Industrial Zoning Ordinance to provide for a medical waste treatment facility (not permitted). **Approved.**
- **2013-CVR-827: 8480 W Washington Street**
 - Variance of development standards of the Commercial Zoning Ordinance to provide for a trash container in front of the established building line (not permitted), and a five-foot tall sign, with a 9.5-foot front setback from Washington Street (15-foot front setback required). **Approved.**
- **2013-DV1-039: 1610 S Girls School Road**
 - Variance of development standards of the Industrial Zoning Ordinance to provide for a 51,500-square foot outdoor storage area (maximum 50% of the primary building or 25,000 square feet permitted). **Approved.**
- **2013-UV3-023: 8009 W Washington Street**
 - Variance of use and development standards of the Commercial Zoning Ordinance and the Airport Zoning Ordinance to provide for the construction of a self-storage facility (not permitted), with access from streets exterior to the airport, with parking and buildings within 100 feet of the boundaries of the Airport Special Use District (not permitted, parking may be within 10 feet of boundary, if a four-foot tall screen is provided). **Approved.**
- **2014-DV2-002: 7777 W Morris Street**

- Variance of development standards of the Sign Regulations to legally establish a second sign along the approximately 591-foot frontage of West Morris Street, with said sign being approximately 135 feet east of the other sign (600 feet of frontage required for two signs and 300 feet of separation between signs required). **Withdrawn**
- **2015-DV2-039: 1619 S Girls School Road**
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an addition to an existing dwelling, with a rear setback of 12 feet (20-foot setback required). **Approved.**
- **2015-SE2-004: 1626 Research Way**
 - Special Exception of the Industrial Zoning Ordinance to provide for an industrial waste by-product recycling, mixing and transfer facility. **Approved.**
- **2017-DV2-047: 8010 W Washington Street**
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for and legally establish a building height of less than 25 feet, a building height of 55 feet, and to provide for 107 parking spaces (25-foot minimum and 45-foot maximum height required and 124 parking spaces required). **Approved.**
- **2017-HOV-041: 1550 Research Way**
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 20-foot front setback for a 3,600-square foot office building (60 feet required). **Approved.**
- **2017-UV1-014: 1616 S Girls School Road**
 - (AMENDED) Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a bus transportation company (not permitted), with a gravel bus parking lot (not permitted). **Approved.**
- **2017-UV3-024: 7960 W Washington Street**
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses, including, but not limited to a single-family dwelling with a four-foot side setback and a detached garage with a four-foot side setback and 16-foot side transitional setback (10-foot side setback and 10-foot transitional side setback required). **Dismissed.**
- **2020-UV1-005: 8533 W Morris Street**
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility with a 120-foot monopole tower and 10-foot lightning rod, with a five-foot south rear setback (75-foot rear setback required). **Approved.**
- **2021-UV3-012: 7811 W Morris Street**
 - Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an artisan food and beverage establishment with accessory outdoor seating (not permitted). **Approved.**
- **2022-CVR-827: 8501 W Washington Street**
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 105,000-square foot industrial building with parking totaling more than 10% of the front yard area (parking limited to 10% of the front yard area) and located within the front transitional yard (not permitted). **Approved.**

- **2022-DV1-030: 8501 W Washington Street**
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 105,000-square foot industrial building with parking totaling more than 10% of the front yard area (parking limited to 10% of the front yard area) and located within the front transitional yard (not permitted). **Withdrawn.**
- **2022-DV1-032: 7310 W Morris Street**
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,140-square foot building addition with a twenty-foot setback from Girls School Road (60 feet from the proposed right-of-way required). **Approved.**
- **2023-DV1-041: 7551 W Morris Street**
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing parking area resulting in 14 double-loaded parking rows and 18 single-loaded parking rows, with parking area comprising 52.5 percent of the front yard (parking in the front yard limited to a single-double loaded row and 10 percent of the total area). **Approved.**
- **2024-CVR-819: 8215 W Washington Street**
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 25,730 square feet of outdoor storage (maximum of 8,805 square feet or 25% of gross floor area of all enclosed buildings) and approximately 140 feet from a protected district to the west and 400 feet from a protect district to the east (minimum separation of 500 feet required from a protected district). **Approved.**
- **2024-UV1-005: 8215 W Morris Street**
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a four-foot tall commercial, 14.59-square foot commercial monument sign (not permitted). **Approved.**

EXHIBITS

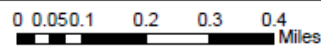
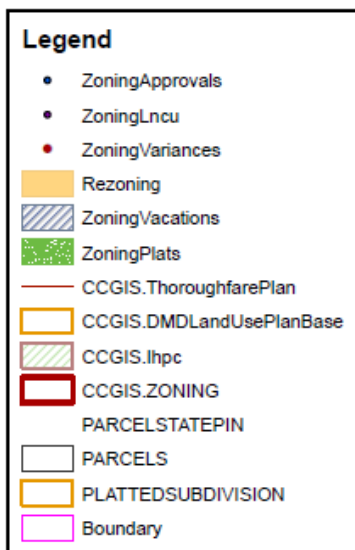


Exhibit 1: Area map around 1718 E Hamblen E Drive.



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 SUBJECT DWELLING IS EXISTING WITH 64'-0" FRONT YARD SETBACK, 14'-0" SOUTH SIDE YARD SETBACK
62'-0" REAR YARD SETBACK AND 5'-0" NORTH SIDE SETBACK

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 REMODEL AND ADDITION TO THE SUBJECT DWELLING WILL INCREASE ITS VALUE AND CURB APPEAL

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

WITHOUT THE GRANT OF THE REQUEST THE ADDITION DESIRABLE WOULD NOT BE POSSIBLE.

Exhibit 3: Findings of Fact form submitted by the petitioner.

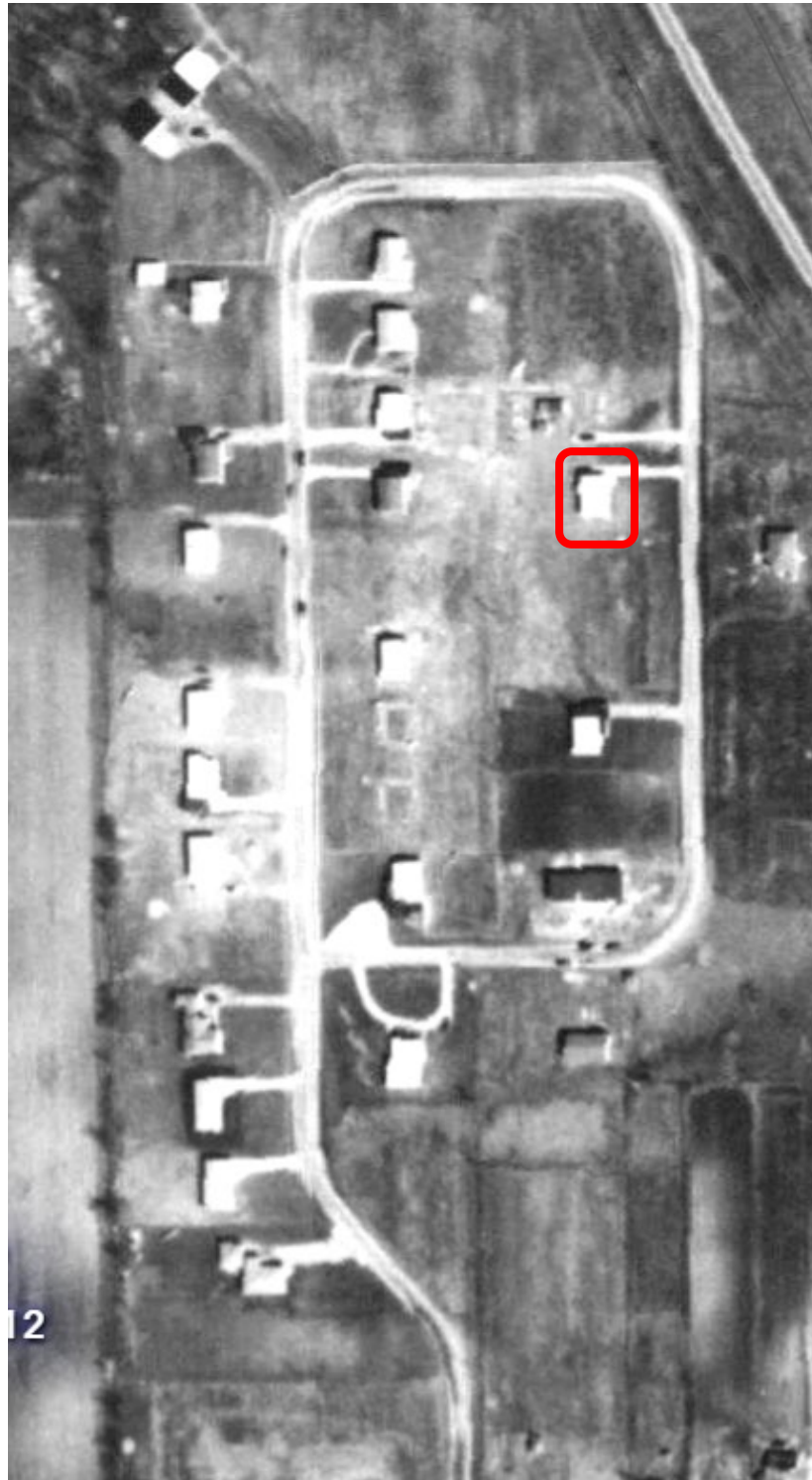


Exhibit 4: This is an aerial photo of the neighborhood in 1956. Circled in red is property 1718 Hamblen E Drive.



Exhibit 5: 1718 Hamblen E Drive.



Exhibit 6: Homes north of 1718 Hamblen E Drive.



Exhibit 7: Homes south of 1718 Hamblen E Drive.



Exhibit 8: Homes across from 1718 Hamblen E Drive.



Exhibit 9: Back of 1718 Hamblen E Drive, homeowners will be extending to make room for more living space and bedrooms.



Exhibit 10: Front of 1718 E Hamblen E Drive, homeowners will be adding a covered porch.



Exhibit 11: Southside of 1718 Hamblen E Drive, homeowners will be extending to add room to existing bedrooms.

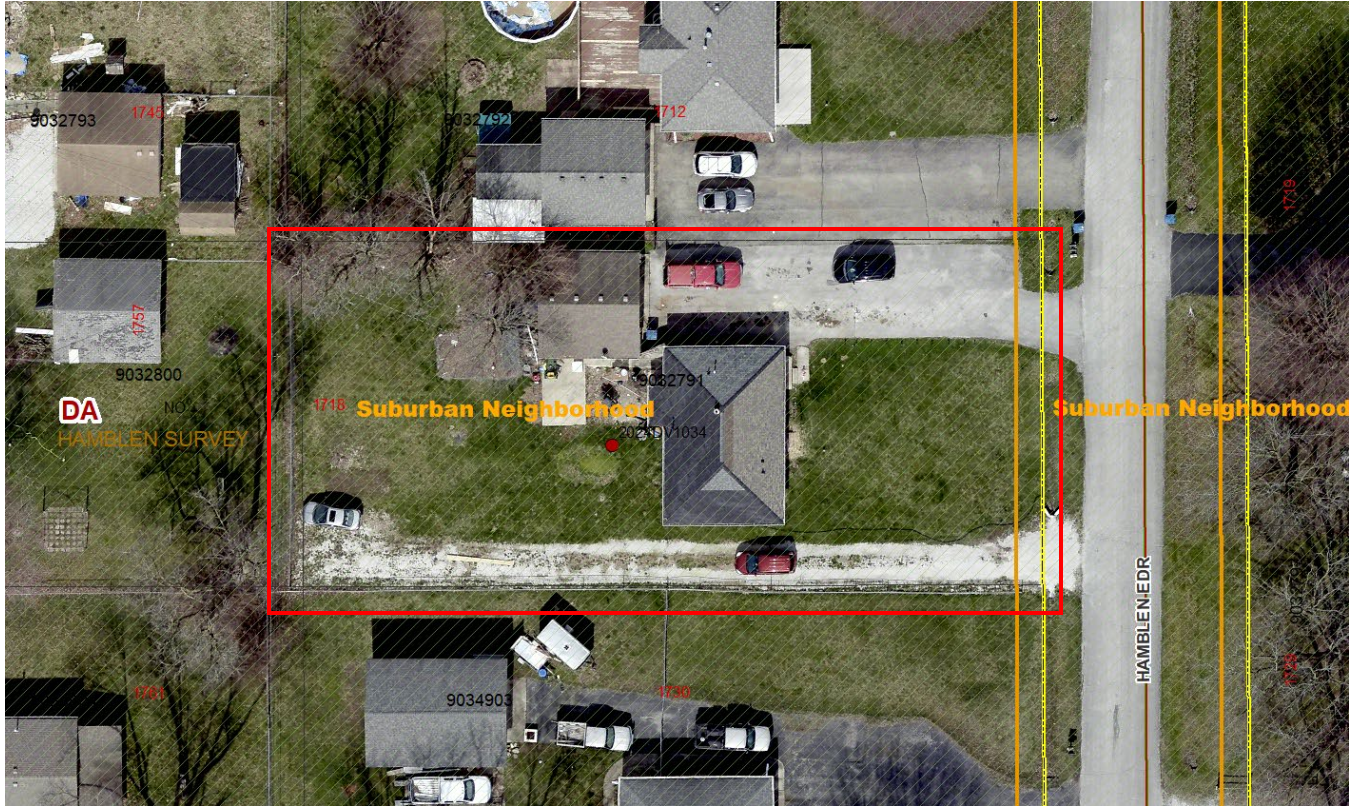


Exhibit 12: 1718 Hamblen E Drive aerial.