



**BOARD OF ZONING APPEALS DIVISION I**

**February 6, 2024**

**Case Number:** 2024-DV1-002  
**Property Address:** 5449 North Pennsylvania Street (approximate address)  
**Location:** Washington Township, Council District #7  
**Petitioner:** Robert King and Mary McCate, by Mark Demerly  
**Current Zoning:** D-4 (MSPC)  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for building additions resulting in a nine-foot rear yard setback (20-foot rear yard setback required).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends approval of this petition  
**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**

- This petition would provide for building additions resulting in a nine-foot rear yard setback (20-foot rear yard setback required).
- The proposal calls for the demolition of the existing detached garage, which sits approximately 3 feet from both the rear property line and north side property line, and the construction of an attached garage on the back of the existing primary structure. The proposed addition will sit further from both the rear and side property lines, with a rear setback of 9 feet. The proposed addition is also of similar development to much of the surrounding area and properties that contain both primary and accessory structures with reduced/minimal setbacks. Given that the proposed addition will sit further from the property line than the current garage structure, Staff is unopposed to the variance request.
- Additionally, the subject site lies within the Meridian Street Preservation Area, which seeks to maintain and preserve the character and aesthetics of Meridian Street and parallel streets from 39<sup>th</sup> Street to 58<sup>th</sup> Street. The Meridian Street Preservation Commission heard and approved the request at its December 19, 2023 meeting.



**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:   | North: Single-family residential |
|                                   | South:   | South: Single-family residential |
|                                   | East:  | East: Single-family residential  |
|                                   | West:  | West: Single-family residential  |
| <b>Thoroughfare Plan</b>          |  |                                  |
| North Pennsylvania Street         | Local Street<br>Existing ROW: 48 feet<br>Proposed ROW: 58 feet |                                  |
| <b>Context Area</b>               | Compact or Metro   |                                  |
| <b>Floodway / Floodway Fringe</b> | No   |                                  |
| <b>Overlay</b>                    | No   |                                  |
| <b>Wellfield Protection Area</b>  | No   |                                  |
| <b>Site Plan</b>                  | 11/9/23  |                                  |
| <b>Site Plan (Amended)</b>        | N/A  |                                  |
| <b>Elevations</b>                 | N/A  |                                  |
| <b>Elevations (Amended)</b>       | N/A  |                                  |
| <b>Landscape Plan</b>             | N/A  |                                  |
| <b>Findings of Fact</b>           | 11/9/23  |                                  |
| <b>Findings of Fact (Amended)</b> | N/A  |                                  |

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book
- Meridian Street Preservation Area Plan (2004)

**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

- The Meridian Street Preservation Area Plan (2004) recommends low density single-family (3-5 units/acre) residential for this site.

#### Infill Housing Guidelines

- Enter Recommendation by IHG or “Not Applicable to the Site.”

#### 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 – SITE

**2020DV1064; 5040 Washington Boulevard (east of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a one-foot rear setback (20-foot rear setback required), **approved**.

**2020DV2007; 5456 N New Jersey Street (east of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with three-foot side and rear setbacks (four-foot side and five-foot rear setbacks required), **approved**.

**2003HOV013; 5510 N Delaware Street (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to replace an existing 12.2 by 22-foot detached garage, with a seven-foot side yard setback, with an 18 by 26-foot detached garage with a one-foot side yard setback, **approved**.

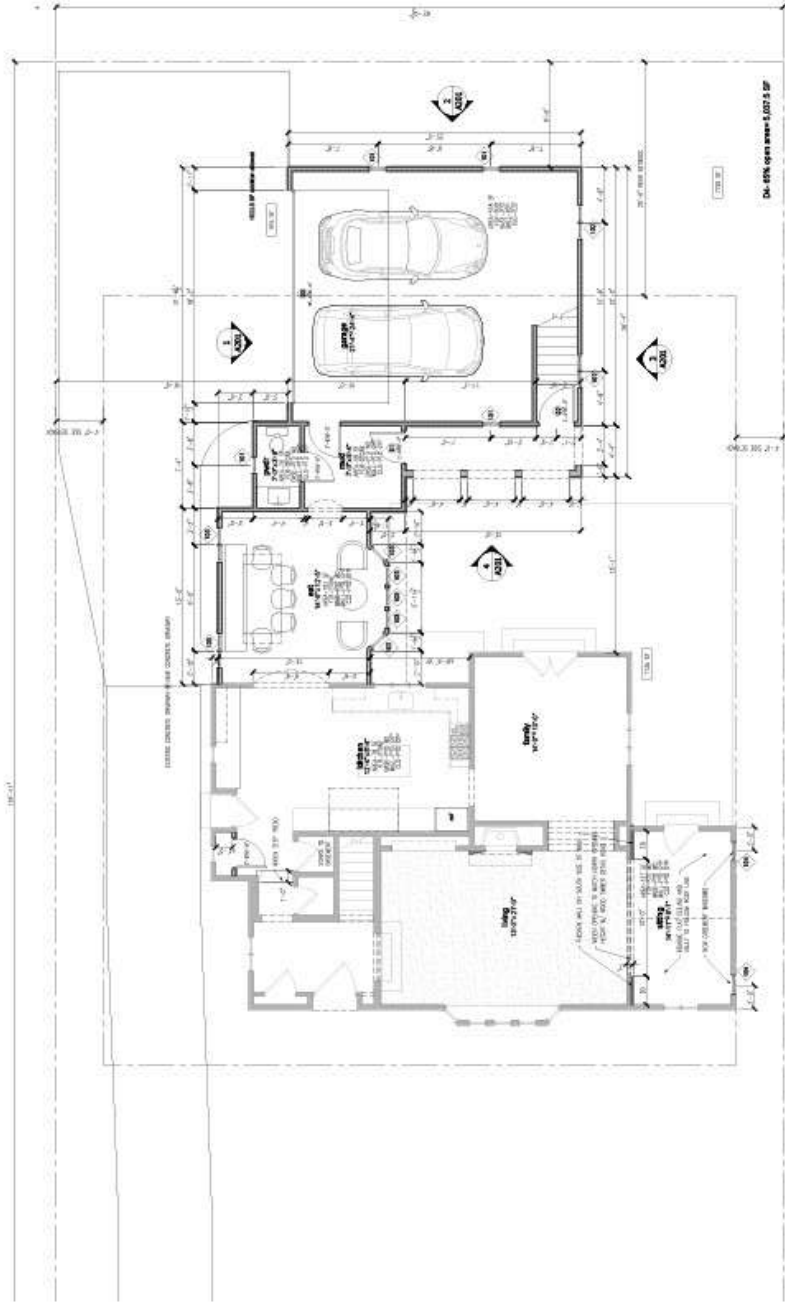
**96-UV1-22; 5445 N Delaware Street (east of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 22'2" by 27'2" second single-family residence on one lot (only one single-family residence per lot permitted), **approved**.

**EXHIBITS**



**GENERAL NOTES:**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS ZONING ORDINANCES.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS DEPARTMENT OF METROPOLITAN DEVELOPMENT REGULATIONS.
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DATE: 08/14/14  
 DRAWING NO.: A101





**MERIDIAN STREET PRESERVATION COMMISSION**

In the matter of an application filed by  
Mark Demerly on behalf of Robert King and Mary McCrate  
for a Prior Approval of a Variance for the property located at 5449 N.  
Pennsylvania Street

**FINAL ORDER GRANTING PRIOR  
APPROVAL OF A VARIANCE  
#V-MSPC 23-20**

The Meridian Street Preservation Commission, at a meeting held at 4:00 p.m. on December 19, 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 Mark Demerly on behalf of Robert King and Mary McCrate, for improvements to be made at the property located at 5449 N. Pennsylvania Street.

*Being duly advised in the premises, the Commission, by a vote of 7-0 of its eight (8) members present and voting AYE: (Norman, Fujawa, Colby, Roth, Hess, Madden, Vanderstel), NAY: (None), ABSTAIN: (Bennett) 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. required, 9 ft. provided).
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

December 20, 2023  
Date





