

**BOARD OF ZONING APPEALS DIVISION I**

**February 06, 2024**

**Case Number:** 2024DV1003  
**Property Address:** 7219 92<sup>nd</sup> Street (approximate address)  
**Location:** Pike Township, Council District #1  
**Petitioner:** Daniel & Sarah Richardt, by Jay Christman  
**Current Zoning:** D-1

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 26.5-foot tall pole barn taller than the primary building, with a four-foot front yard setback from and within the front yard of Moore Road (maximum height of 24 feet permitted, height of accessory buildings must be less than height of primary building, 30-foot front yard setback required, accessory structures not permitted in front yards).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends **approval** of this request.

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this request.

**PETITION OVERVIEW**

- The subject site is currently improved with a single-family residence as well as a small accessory building to the east of the SFR. The 4.11-acre site also contains an existing tennis court on the eastern portion of the parcel near Moore Road. This petition would legalize placement of a 26.5-foot tall pole barn near the tennis court with a deficient setback in the front yard of Moore Road.
- This property is currently zoned D-1 (Dwelling District One) to allow for low residential density and estate-style development characterized by generous front yards for trees and a bucolic atmosphere within suburban areas. The existing property is an allowable use type per ordinance and is also a listed use for the Rural or Estate Neighborhood typology within the Marion County Land Use Pattern Book.

- Most of this property is located within the Environmental Overlay of the Marion County Land Use Pattern Book, which indicates that development should “minimize impact on the natural environment, including trees” and that “development should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area”. Even with the placement of this new shed, the property will easily exceed the 30% requirement for tree cover.
- The zoning ordinance contains building height regulations in the interest of public safety and visibility as well as for preservation of residential character. Additionally, accessory structures are required to be below the height of primary structures to increase their visibility and fulfill the Infill Housing Guidelines stipulation that accessory structures not overshadow primaries.
- Uniform and generous front setbacks within less dense residential zonings helps to establish the perceived size of streets and are important in establishing the estate-style development desired by the D-1 zoning designation. Additionally, requirements for placement of accessory structures within side or rear yards increases the visibility of primary structures and fulfill the Infill Housing Guidelines stipulation that accessory structures not overshadow primaries.
- This request would establish an accessory structure with a height of 26.5 feet, which exceeds the ordinance requirement of 24 feet for accessory structures. The proposed pole barn is also taller than the primary structure that is approximately 20 feet tall, but the difference in grade of 16 feet between the structures would place the pole barn at a lower elevation than the primary structure (see diagram within the Exhibits).
- The applicant has indicated this increased height is needed for storage of small equipment and materials including a Jeep vehicle, utility trailer, and small tools for personal use and property upkeep. Given the existing screening around the property within a comparatively rural setting and the fact that the secondary structure would still be “subordinate” to the height of the primary when measured from sea level, staff would be supportive of this variance.
- This request would also establish the accessory structure within a front yard with a deficient setback of approximately 4 feet from the property line to the east. Since approximately 72.3% of the subject site is comprised of front yard where the structure could not be placed, staff feels that legitimate practical difficulty exists. Placement of the pole barn in a different location would also likely require regrading and removal of trees which would run counter to comprehensive plan guidance. For these reasons, staff supports approval of the variance to allow for placement of the barn in the proposed location with deficient setback in the front yard.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-1
<b>Existing Land Use</b>	Residential
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood

<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-1	North: Rural or Estate Neighborhood
South:	D-A	South: Rural or Estate Neighborhood
East:	D-A	East: Rural or Estate Neighborhood
West:	D-1	West: Rural or Estate Neighborhood
<b>Thoroughfare Plan</b>		
Moore Road	Primary Collector	Existing ROW: 74' Prop ROW: 80'
92 <sup>nd</sup> Street	Local Street	Existing ROW: 60' Prop ROW: 50'
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	12/05/2023	
<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>	12/05/2023	
<b>Findings of Fact (Amended)</b>	01/12/2024	

**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 Pattern Book recommend the Rural or Estate Neighborhood living typology for this site.
- This site falls within the environmental overlay, which indicates that impact should be minimized on the natural environment and that development should preserve or add at least 30% of the parcel as tree canopy or naturalized area.

**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) are used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects.
- The IHG recommends that front setbacks should match the context of the existing block and be built within existing setback ranges of adjacent properties.
- The IHG also recommends that accessory building should be located behind the existing building unless there is a precedent otherwise, and that the scale, height, size, and mass of accessory structures should not overshadow 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

**2011DV3001; 7341 92<sup>nd</sup> Street (west of site)**, Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 3.08-acre single-family dwelling lot with 25 feet of lot width and lot frontage (minimum 90-foot lot width required at the required setback line, minimum 45 feet of street frontage required), **approved**.

**2010DV1001; 7575 92<sup>nd</sup> Street (west of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 192-square foot storage shed in front of the established primary front building line (accessory buildings not permitted in front of the established primary front building line), **approved**.

**2009UV2016; 9211 Moore Road (northeast of site)**, VARIANCE OF USE of the Dwelling Districts Zoning Ordinance to provide for two single-family dwellings on one parcel (not permitted), **approved**.

**2006UV2005A; 9211 Moore Road (east of site)**, VARIANCE OF DEVELOPMENT STANDARDS of the Sign Regulations to legally establish a five-foot tall, 40 square-foot pylon sign (not permitted), and a fence over 42 inches tall in the required front yard along Moore Road, **approved**.

**2006UV2005B; 9211 Moore Road (east of site)**, VARIANCE OF DEVELOPMENT STANDARDS to legally establish four three-square foot pylon signs in the right-of-way of Moore Road, **denied**.

**2006UV2005C; 9211 Moore Road (east of site)**, VARIANCE OF USE of the Dwelling Districts Zoning Ordinance to provide for a restaurant use (not permitted) within an existing 2,700 square-foot barn, processing and production of dairy products on site, a farmers market, a children's summer camp, and agri-tourism, **approved**.

**2006UV2005D; 9211 Moore Road (east of site)**, VARIANCE OF USE of the Dwelling Districts Zoning Ordinance to provide for live entertainment, and catering for up to 250 persons, **denied**.

**2006UV2005E; 9211 Moore Road (east of site)**, VARIANCE OF USE of the Dwelling Districts Zoning Ordinance to provide for live entertainment and catering for up to 600 persons, **denied**.

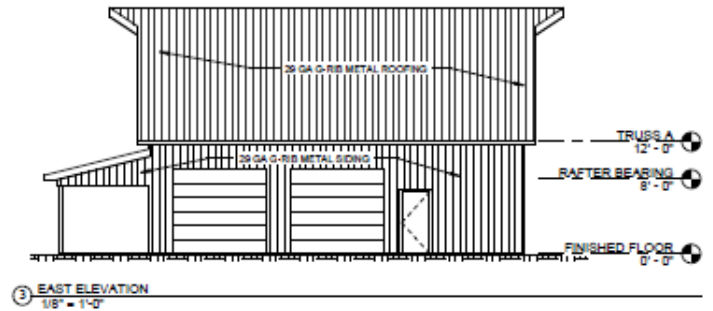
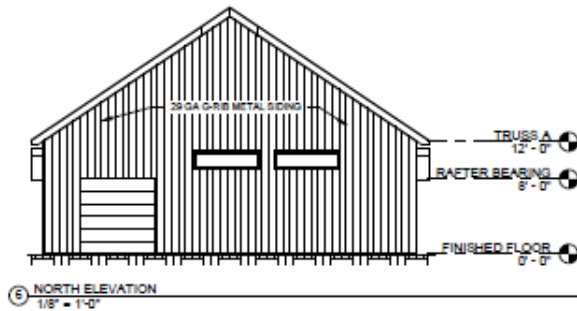
**92-Z-109A; Various properties located on Cooper Road, Lafayette Road, 87<sup>th</sup> Street, 88<sup>th</sup> Street, 96<sup>th</sup> Street, Kissel Road, and Moore Road (south of site)**, requested a rezoning to the D-S Classification, approved.

**EXHIBITS**

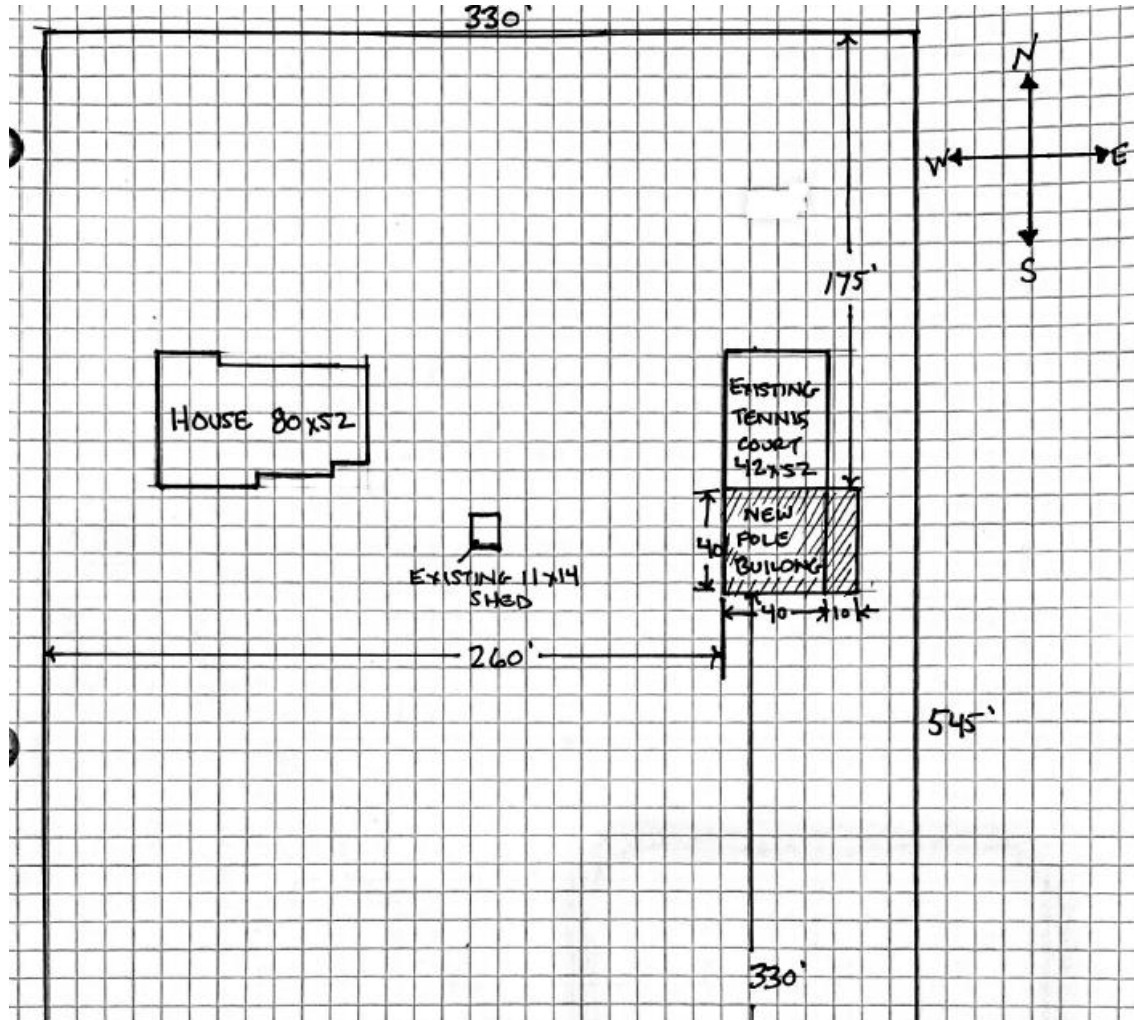
**2024DV1003 ; Aerial Map**



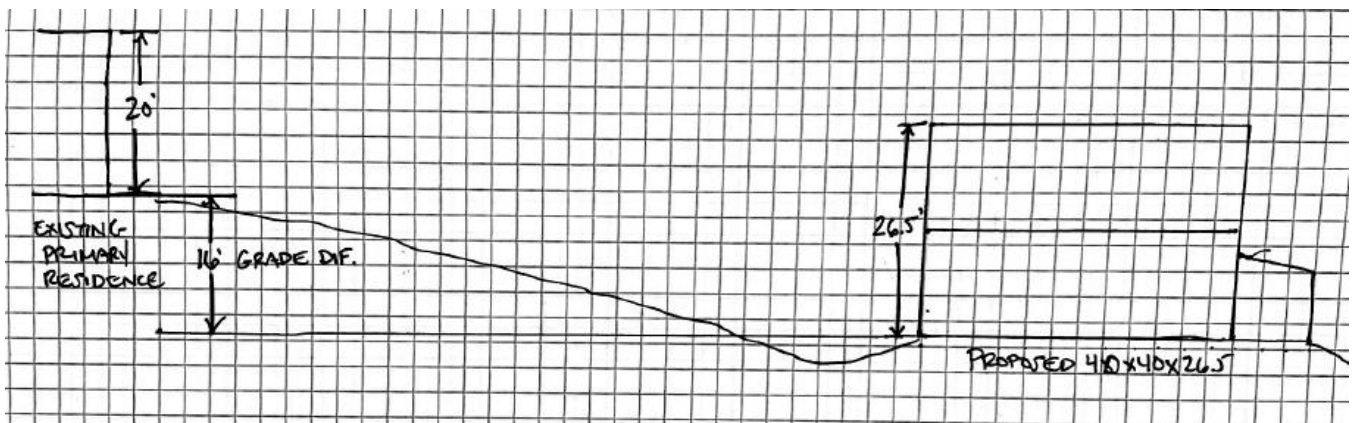
**2024DV1003 ; Partial Elevations**



**2024DV1003 ; Site Plan**



**2024DV1003 ; Structure Heights**





**2024DV1003 ; Findings of Fact**

**FINDINGS OF FACT**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The variance is for an additional 2' 5" height of the new building. This will still be lower than the existing house on the property as the foundation sits at a much lower elevation than the existing house (16' lower). Also, there are two large barns across the street which will also be taller than the new building.

In terms of overstepping minimum setback from Moore Rd, the building will be disguised by an area of thick trees and bushes.

The new building will sit 63' from the center of Moore Rd.

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 will be a high-end pole building which will be aesthetically pleasing to the eye. It will fit in with the architecture to any adjacent buildings in the neighborhood. Also, the proposed building is separated from the frontage road by a strip of heavy brush and trees which will subtly disguise the proposed building from the road.

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

In order to keep with the same style of architecture as adjacent buildings, it requires that we have an 8/12 pitch roof structure which in turn makes the building taller. Also, we will need no less than 12' high walls to accommodate the practical use of the petitioner and any future owners of the property and building. Lastly, although the lot is large, this area is the only flat area on the lot that this, or similar, structure will work.



**2024DV1003 ; Pictures**



Photo 1: Primary Residence Viewed from 92<sup>nd</sup> Street (North)



Photo 2: View of Proposed Site from the West

**2024DV1003 ; Pictures (continued)**



Photo 3: View of Proposed Site from 92<sup>nd</sup> Street (North)



Photo 4: View of Proposed Site from Moore Road (East)

**2024DV1003 ; Pictures (continued)**



Photo 5: Looking East from Proposed Location



Photo 6: Looking South from Proposed Location