



BOARD OF ZONING APPEALS DIVISION II

May 21, 2024

Case Number: 2024-DV2-017
Address: 4361 East 75th Street (approximate address)
Location: Washington Township, Council District #3
Zoning: D-A
Petitioner: Michael & Carly Dury, by Michael Mattingly
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage within the front yard (not permitted) and a second residential accessory structure with a height of 32 feet (maximum height of 24 feet permitted).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior 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 within the front yard and a second residential accessory structure with a height of 32 feet
- ◇ Development Standards of the Consolidated Zoning and Subdivision Zoning Ordinance, specifically those relating to accessory building use, are intended to ensure the dwelling remains the primary use of the property. Additionally, limiting the location of accessory structures preserves open space and limiting the height regulates the building mass impact to surrounding property owners.
- ◇ The proposed detached garage location would be located approximately 890 feet south of East 75th Street, behind another primary dwelling on an adjacent parcel to the north, further limiting any negative impacts to adjacent properties.
- ◇ This request would permit the second residential accessory structure to have a height of 32 feet. The proposed structure would be developed in a similar style to match the primary dwelling and appear as an extension of the dwelling. This would be appropriate for a large lot zoned D-A that has rural characteristics and a significant separation from adjacent dwellings.



GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Suburban Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
North:	D-A	Single-Family dwelling
South:	D-2	Single-Family dwellings
East:	D-2	Single-Family dwellings
West:	D-S	Single-Family dwelling

Thoroughfare Plan		
East 75 th Street	Primary Collector	40-foot existing right-of-way and an 80-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	April 4, 2024	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	April 4, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood uses for the 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

2023-CZN-821/2023-CVR-821/2023-CPL-821; 4359 and 4361 East 75th Street (west of site), requested the rezoning of 7.194 acres from the D-A district to the D-S district, **approved**; requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish two existing parcels with zero-feet of street frontage and to provide for a subdivision creating a third lot, also without street frontage, **approved**; requested approval of a subdivision plan to be know as Mattingly Subdivision, dividing 3.884 acres into two lots, **approved**.

2020-DV1-026; 4421 East 75th Street (northeast of site), requested a variance of development standards to provide for a detached garage in the front yard of the single-family dwelling, **granted**.

2018-DV2-025; 4635 East 75th Street (northeast of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an in-ground pool, pool equipment and spa / hot tub in the front yard of 75th Street, **granted**.

2015-DV3-046; 4357 East 75th Street (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 24.5 by 40.5-foot, 33-foot tall storage barn and chicken coop, with a three-foot west side setback, **granted**.

2015-UV3-010; 4355 East 75th Street (west of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a 28.7-foot tall, two-story, 24 by 38-foot detached accessory building, with a second-floor dwelling unit, with a 10-foot side setback, **granted**.

2007-DV2-027; 5035 East 76th Street (northeast of site), requested a variance of development standards to provide for the construction of an 830-square foot cabana and in-ground swimming pool in front of the established front building lines along East 75th Street and Allisonville Road, **granted**.

RU



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:

-
-
-
-
-
-

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:

-
-
-
-
-

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

-
-
-
-
-

Photographs



Photo of driveway entrance form East 75th Street, looking south.



Photo of the subject site, with existing garage to be demolished, looking south.



Photo of adjacent dwelling, from proposed dwelling location, looking west.



Photo of proposed dwelling and accessory structure area, looking towards East 75th Street, at approximately 890 feet to the north.