

BOARD OF ZONING APPEALS DIVISION I

July 1, 2025

Case Number: 2025-DV1-028
Property Address: 4830 Guilford Avenue (*approximate address*)
Location: Washington Township, Council District #7
Petitioner: Jeffrey & Ellen Butz, by Mark Demerly
Current Zoning: D-5 (TOD) (W-1)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage resulting in a three-foot south side yard setback.
Current Land Use: Residential
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 4830 Guilford Avenue is currently developed with a single-family residence constructed around 1920 and a rear-yard one-car detached garage. Surrounding land uses are also residential in nature, and most surrounding sites utilize rear-yard detached garages. The subject site's garage is accessed from a concrete curb while gravel leads to what appear to be two additional surface parking spaces to the rear of the property (see area placed outside of fencing in Exhibits).
- Approval of this petition would allow for demolition of the existing one-car garage to be replaced by a new detached garage that would allow for parking of two (2) cars. The new garage would be partially built on the existing footprint of the current garage. The existing garage is legally established with a side setback of two (2) feet. However, this garage would be demolished and replaced by a new garage with a proposed three (3) foot setback. Since current Ordinance regulations for single-family lots of this size would require a side setback of five (5) feet, construction of the new garage would require a Variance of Development Standards.

- Staff would note that this construction work would not be eligible for existing Ordinance exceptions related to the reconstruction of detached accessory structures on existing foundations (since the new garage would not utilize the existing foundation or square footage of the current structure) or for extension along a legally established nonconforming side yard (since the structure would be demolished and rebuilt). Additionally, a wrecking permit would be required for the demolition work.
- Per staff request, the petitioner clarified via an amended site plan that one surface parking space would remain to the north of the proposed detached garage, and that this parking space would have a compliant side yard setback of five (5) feet. Surface parking spaces would not be eligible for the two-foot side yard exception applicable for minor residential features such as driveways or walkways, and any existing or proposed surface parking spaces would require five feet of separation from side property lines.
- The property is zoned D-5 to allow for medium and large-lot housing formats, primarily for detached houses. Similarly, the Martindale-Brightwood Neighborhood Plan recommends it to the Traditional Neighborhood typology for residential uses. The site is also located within the Transit-Oriented Development Secondary District (to allow for walkable neighborhood development) and the Fall Creek Wellhead Protection Area (designed to protect groundwater from contaminants). Finally, the Infill Housing Guidelines indicate that side setbacks should reinforce existing building spacing and separation on the block while leaving room for maintenance and avoiding large gaps.
- Findings of Fact provided by the applicant indicate that neighboring properties and the currently existing garage have similar side yard setbacks to the proposed garage. Although several legally non-conforming garages appear to exist along this alley, it does not appear that any of those garages were recently constructed or established via zoning petition. The existence of nearby non-conforming structures does not constitute a site-specific practical difficulty.
- Additionally, since the garage would be fully demolished and a new structure would be built at the site, it is unclear to staff why the existing lot with a width of 40 feet would be unable to facilitate placement of a garage with compliant setbacks beyond a desire to have three parking spaces within the rear yard of the site. The single-family residence at the site would only require one parking space, and placement of a two-car garage with compliant setbacks would allow for four parking spaces for the property (inclusive of street parking along Guilford Avenue).
- Staff would also note that the TOD Red Line Plan discourages surface parking and encourages placement of cars within detached garages. Placement of a two-car detached garage of this size with uniform side setbacks (eight feet on each side) would reduce the likelihood of rear-yard surface parking spaces remaining at the site and increase conformity with the TOD plan. For this reason, as well as for the lack of identifiable site-specific practical difficulty preventing ordinance compliance, staff recommends denial of this request.

GENERAL INFORMATION

Existing Zoning	D-5 (TOD) (W-1)	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
Guilford Avenue	Local Street	51-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	05/12/2025	
Site Plan (Amended)	06/11/2025	
Elevations	05/12/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	05/12/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Red Line Transit-Oriented Development Strategic Plan
- Meridian-Kessler Neighborhood (2016)
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line Transit-Oriented Development Strategic Plan recommends this site to the Walkable Neighborhood typology given its proximity to the College and 46th station. This typology is designed for walkable areas that are primarily residential but may have a commercial node of one to two city blocks. Off-street parking is discouraged and should be limited to garages.

Neighborhood / Area Specific Plan

- The Meridian-Kessler Neighborhood Plan recommends this site to the Traditional Neighborhood living typology to allow for a full spectrum of housing types, ranging from single-family homes to large-scale multifamily housing. Residential development should be accessed by rear alleys and detached garages, and infill development should continue the existing visual pattern of the block. The site does not fall within the boundary of the Meridian Street Preservation Commission or of any critical areas.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that side setbacks should reinforce existing building spacing and separation on the block while leaving room for maintenance and limiting uncharacteristically large gaps. Additionally, accessory structures should be located behind primary residences with appropriately diminished scale, height, and mass, should be accessed from alleys, and should have coordinated roof lines, window opening and architectural styles with existing 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

2015DV1046 ; 4851 Carrollton Avenue (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a deck on top of an existing garage, with an approximately zero-foot south side setback and a one-foot aggregate side setback (minimum four-foot side and 10-foot aggregate side setback required), **approved**.

2015UV2013 ; 911 E 50th Street (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for two dwelling units (not permitted) on one lot, per plans filed, **approved**.

2014DV1027 ; 4802 Carrollton Avenue (southwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 772-square foot addition to an existing dwelling, creating an open space ratio of 51% (minimum 65% open space required), **approved**.

2010DV3003 ; 4801 Guilford Avenue (southwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to (a) provide for the construction of a 260-square foot garage with a zero-foot front setback along 48th Street (25-foot front setback or average setback required); (b) provide for a six-foot tall fence in the front yard of 48th Street and encroaching four feet into the right-of-way of 48th Street (maximum 42-inch fence permitted within the front yard, fences not permitted within the right-of-way); and (c) provide for a porte-cochere, with a 10-foot setback from Guilford Avenue and a zero-foot setback from 48th Street (25-foot front setback required along local streets), **approved**.

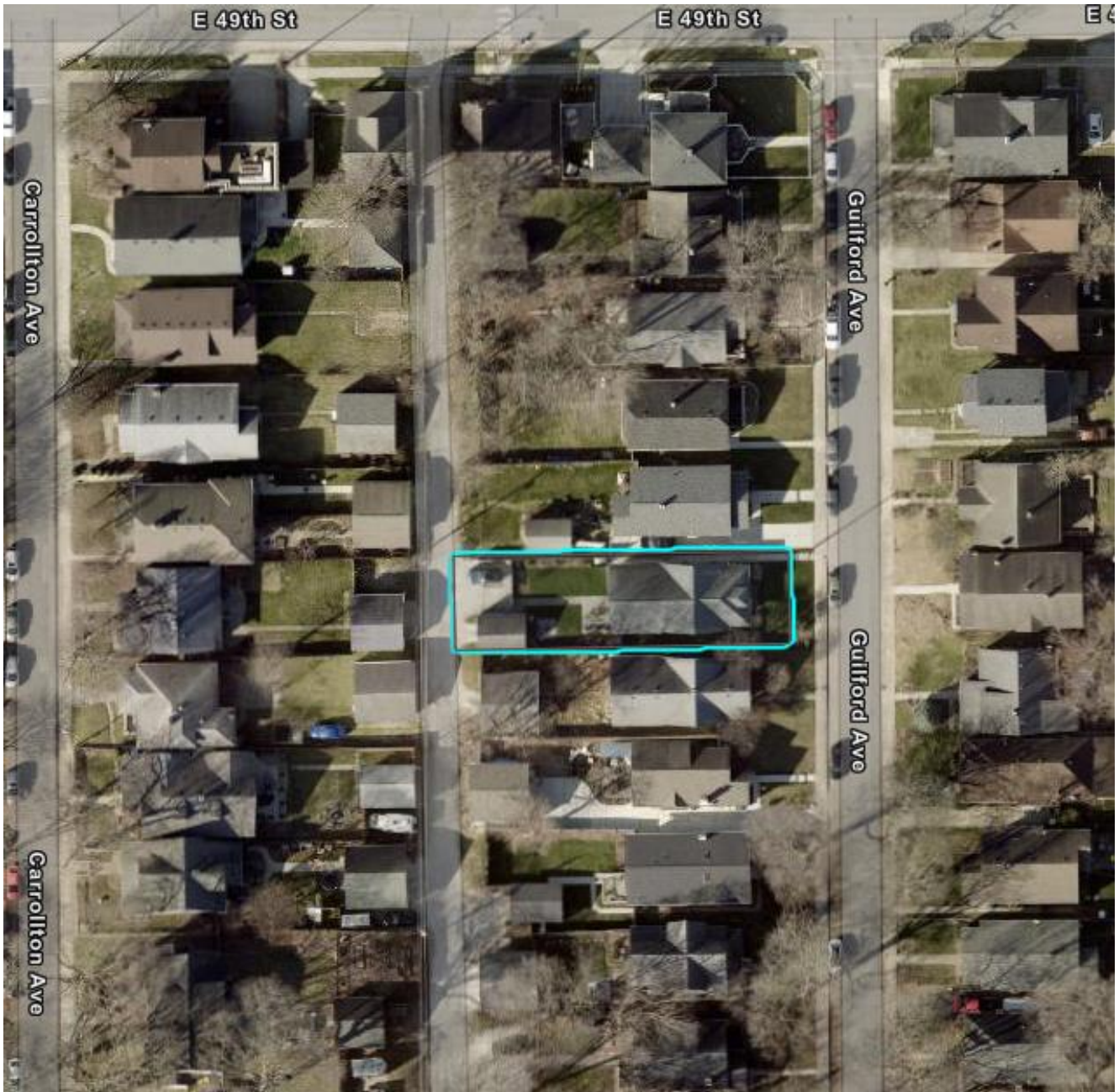
2009HOV003 ; 4612 Carrollton Avenue (southwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 23.67-foot tall, 558-square foot detached garage (maximum twenty-foot height permitted), with a four-foot south side setback and a two-foot garage overhang into the required four-foot south side yard (minimum four-foot side setback required), **approved**.

2007DV1026 ; 4619 Carrollton Avenue (southwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish the construction of a 115.5-square foot covered deck addition to a single-family dwelling with a 1.50foot north side setback (minimum four-foot side setback required), and to legally establish an eight-foot side yard aggregate (minimum ten-foot side yard aggregate required), **denied**.

2000UV1034 ; 4715 Guilford Avenue (southeast of site), variance of use of the Dwelling Districts Zoning Ordinance to legally establish two dwelling units on one lot, with both units in a two-story dwelling structure originally constructed as a single-family dwelling (maximum two dwelling units in an originally constructed duplex permitted), **approved**.

EXHIBITS

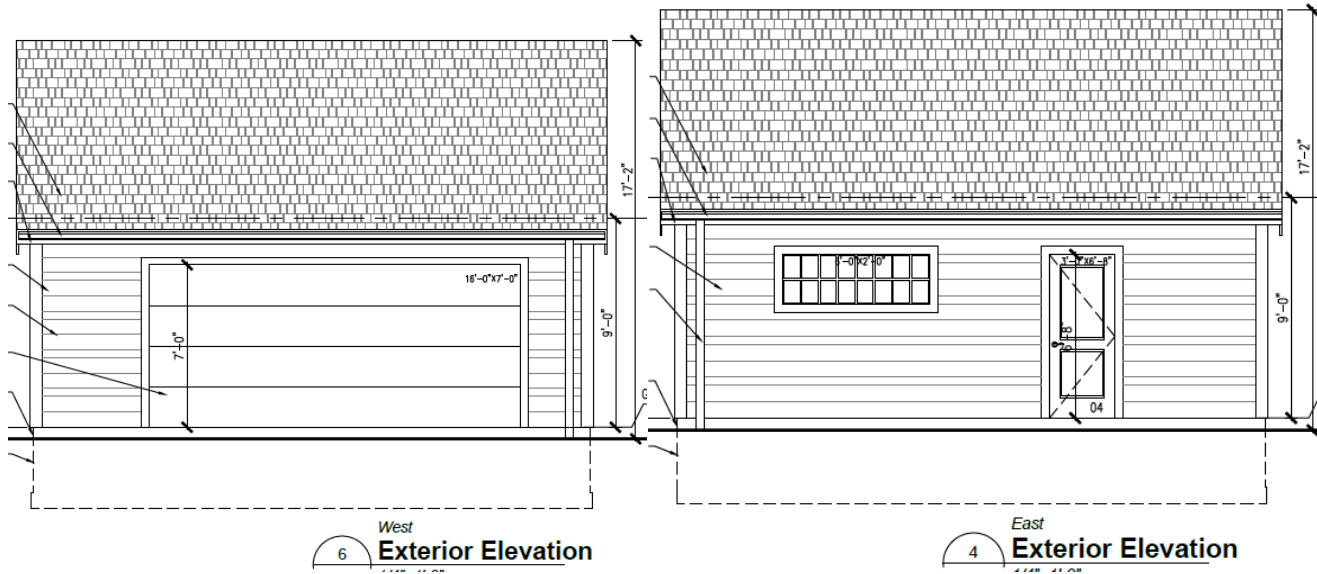
2025DV1028 ; Aerial Map



Site plan of the property at 145' x 40'. The plan shows the proposed new one-story garage, existing parking area, and surrounding setbacks. Key features include:

- Property Dimensions:** 145' wide by 40' deep.
- Setbacks:** 5'-0" setbacks on all four sides.
- Garage:** A new one-story garage measuring 23'-6" by 20'-4". The existing garage outline to be demolished is 14'-4" wide.
- Parking Area:** An existing parking area measuring 22'-4" by 13'-6".
- Walkways:** A new paver walkway to match the existing one, and an existing paver walk.
- Other Features:** A patio area, a porch, and an existing one-story residence.

2025DV1028 ; Elevations (West and East)



2025DV1028 ; Findings of Fact

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

The existing garage on this property, as well as other neighboring properties have similar side yard setbacks for accessory buildings.

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 existing garage on this property, as well as other neighboring properties have similar side yard setbacks for accessory buildings.

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

The side yard set back requirement would hinder the use for parking and off street parking needs.

2025DV1028 ; Photographs



Photo 1: Subject Property Viewed from East



Photo 2: Subject Property Viewed from West

2025DV1028 ; Photographs (continued)



Photo 3: Adjacent Property to North from Alley



Photo 4: Adjacent Property to Northwest from Alley

2025DV1028 ; Photographs (continued)



Photo 5: Adjacent Property to West from Alley



Photo 6: Adjacent Property to South from Alley

2025DV1028 ; Photographs (continued)



Photo 7: Adjacent Property to East



Photo 8: Adjacent Property to South