

**BOARD OF ZONING APPEALS DIVISION II**

**August 12, 2025**

**Case Number:** 2025-DV2-026  
**Address:** 5547 North Delaware Street (approximate address)  
**Location:** Washington Township, Council District #7  
**Zoning:** D-4 (MSPC)  
**Petitioner:** Theo & Elizabeth Mascari, by Vince Braun  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a three-foot south side and a three-foot rear yard setback (four and five feet required, respectively).

**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 hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property values by providing for open buffer areas along lot lines, and to ensure adequate access around buildings.
- ◇ The requested side setback reductions are largely a result of the deficient size and width of the lot. The lot, at 7,020 square feet, is a D-5 sized lot, and the width, at 52 feet wide, is also a D-5 sized lot in width. However, this site is within the D-4 district, which includes standards that would be difficult to meet, particularly when proposing development consistent with the neighborhood. Therefore, there is a practical difficulty in complying with development standards for the side and rear setbacks.
- ◇ Generally, staff supports legally establishing property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request; additionally, no public safety or health risks would come from the grant of this variance.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-4		
<b>Existing Land Use</b>	Single Family Dwelling		
<b>Comprehensive Plan</b>	Traditional Neighborhood Uses		
<b>Surrounding Context</b>		<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-4	Single-Family Dwelling
	South:	D-4	Single-Family Dwelling
	East:	D-4	Single-Family Dwelling
	West:	D-4	Single-Family Dwelling
<b>Thoroughfare Plan</b>			
	Delaware Street	Local Street	60-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact area		
<b>Floodway / Floodway Fringe</b>	No		
<b>Overlay</b>	Red Line TOD		
<b>Wellfield Protection Area</b>	No		
<b>Site Plan</b>	June 11, 2025		
<b>Elevations</b>	N/A		
<b>Landscape Plan</b>	N/A		
<b>Findings of Fact</b>	June 11, 2025		

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends the Traditional Neighborhood typology which includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject is within 1000 feet of the existing Red Line and is designated with the Walkable Neighborhood typology by the comprehensive plan. This typology allows for a mix of uses near transit stations with stabilized residential uses beyond.

### 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

**2024-DV1-002; 5449 North Pennsylvania Street (south of site)**, requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for building additions resulting in a nine-foot rear yard setback, **approved**.

**2020DV1064; 5040 Washington Boulevard (east of site)**, requested a 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, **approved**.

**2020DV2007; 5456 N New Jersey Street (south 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, **approved**.

**2017-DV3-017; 5621 Washington Boulevard (north of site)**, requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, with a three-foot side setback and a shed with a zero-foot side setback, **granted**.

**2016-DV1-008; 5544 Broadway Street (east of site)**, requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a detached garage, with a two-foot north side and two-foot rear setback, to legally establish a three-foot south side setback and 13-foot aggregate side setback for the existing dwelling, and to provide for 65% open space, **granted**.

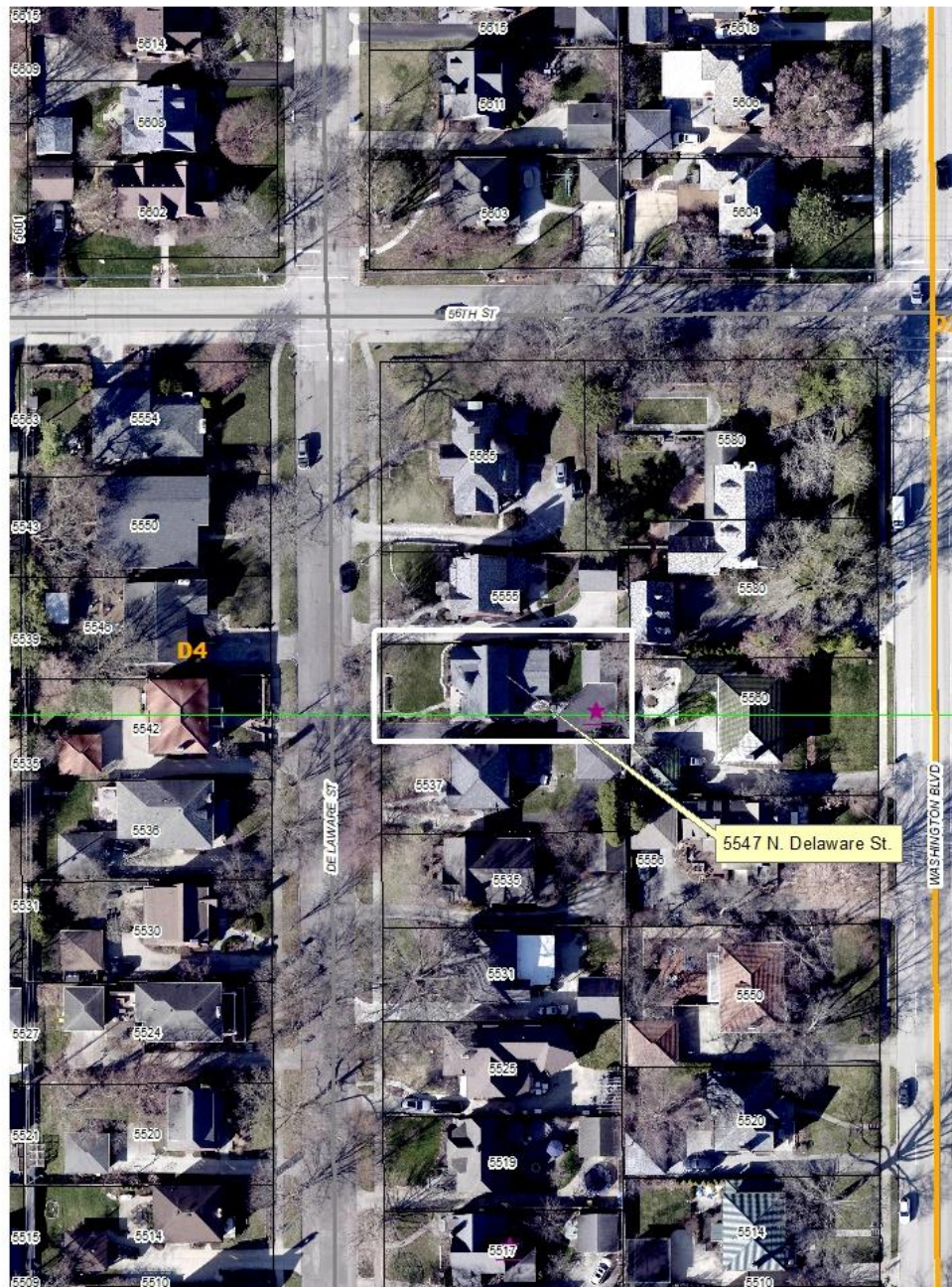
**2011-DV3-002; 5658 Central Avenue (north of site)**, requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for an 812-square foot detached garage with a two-foot south side setback, **granted**.

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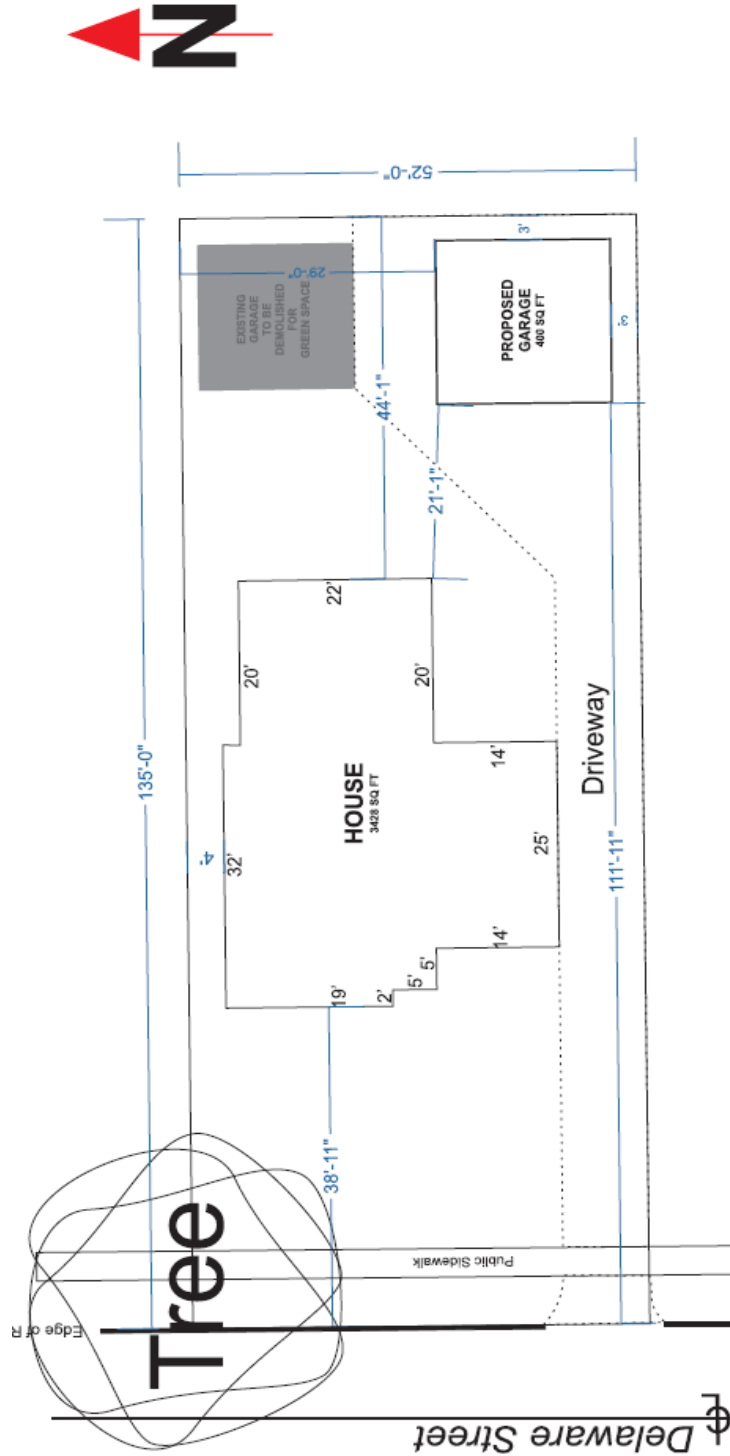
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## EXHIBITS

### Location Map



Site Plan



**Meridian Street Preservation Commission Certificate of Appropriateness:**



**MERIDIAN STREET PRESERVATION COMMISSION**

In the matter of an application filed by  
Vincent Braun on behalf of Theo Mascari for  
the Prior Approval of a Variance for the property located at  
5547 North Delaware Street

**FINAL ORDER GRANTING THE PRIOR  
APPROVAL OF A VARIANCE  
#V-MSPC 25-05**

The Meridian Street Preservation Commission, at a meeting held at 4:00 p.m. on July 15, 2025 in the Fellowship Hall of the Meridian Street United Methodist Church at 5500 N. Meridian Street, heard evidence and considered an application for the Prior Approval of a Variance filed by Vincent Braun on behalf of Theo Mascari for improvements to be made at the property located at 5547 N. Delaware Street.

*Being duly advised in the premises, the Commission, by a vote of 6-1 of its seven (7) members present and voting AYE: (Norman, Vanderstel, Colby, Wolfe, Welling, Bennett), NAY: (Madden), ABSTAIN: (None) 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 minimum setback requirements allowed in a Dwelling District (D-4) for the installation of a detached garage (5ft. to 3ft., side and rear yards).
3. Such improvements shall be per plans submitted on 7.15.25 and 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 Certificate of Appropriateness 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

July 20, 2025  
Date



**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:

It is a basic build of a garage structure according to the codes and safety rules and regulations of the State of Indiana and the International Building Code.

It will be located in an area of the owner's property that is well maintained and serviced.

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 garage is being built and constructed of the highest quality by a reputable company, Coach House Garages, and it's respected subcontractors using only the highest quality products that have shown to only increase property values presently and in the past.

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

it limits the use of the homeowners personal property in such a way that the setback restriction prohibits the use of property in a way that neither effects the municipal codes nor any neighbor in a negative manner. The location of the building provides only the best use of the property for the home owner while in no way negatively effects the community or neighbors.

**Photographs**



Subject site, existing dwelling, looking east.



Subject site, proposed garage location, looking east.



Subject site, existing garage, looking north.



Adjacent dwelling to the south, with similar garage setback.