

BOARD OF ZONING APPEALS DIVISION II

November 18, 2025

Case Number: 2025-DV2-044
Property Address: 170 East 71st Street, Town of Meridian Hills (*approximate address*)
Location: Washington Township, Council District #2
Petitioner: Jay & Karen Wirts, by Adam Mears
Current Zoning: D-1
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a 1.5-foot west side yard setback (15 feet required).
Current Land Use: Residential
Staff Recommendations: Staff recommends **approval** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 170 East 71st Street is a residential parcel within the Town of Meridian Hills currently improved with a single-family residence originally constructed around 1930 and with a carport addition that appears to have been built in the late 1970s or early 1980s from aerial photography. The property is accessed by driveway from 71st Street to the south, and surrounding land uses are single-family residential in nature.
- Approval of this petition would allow for the replacement of the existing carport (which has a western side yard setback of 1.5 feet) with an attached garage in a similar location that would also have a deficient 1.5 foot setback. The garage would not expand past the carport's footprint to the south, but would add 7.5 feet of new building area to the north of the carport footprint. Since the carport would be demolished and then rebuilt, the side setback would not be considered legally non-conforming and would not be eligible for the side setback exception found within 744-202.E of the Indianapolis Zoning Ordinance.

- The required side yard setback for this property would be 15 feet given its placement within Meridian Hills, which has additional zoning requirements (744-203.A) beyond the standard setbacks applicable for the D-1 zoning district. The proposed garage addition would also not meet the standard D-1 setback requirement of eight (8) feet but would comply with the aggregate side yard requirement of 22 feet.
- This property is zoned D-1 (Dwelling District One) to allow for low-density estate-style residential development in suburban areas characterized by generous front yards for trees and a bucolic atmosphere appropriately served by gently curving roadways. D-1 development plans should incorporate and promote environmental and aesthetic considerations from existing vegetation, topography, drainage, and wildlife. Similarly, the Comprehensive Plan Pattern Book recommends it to the Suburban Neighborhood typology to allow for predominantly single-family housing and places it within an Environmentally Sensitive overlay which indicates that development should prevent or mitigate damage to natural features and should preserve at least 30% of the site as tree canopy or naturalized area. The site is one of two adjoining lots owned by the petitioner, and in combination the lots are longer than they are wide.
- Staff would note that (a) if the scope of work proposed by the applicant were to solely involve enclosing of the carport (a similar scope of work) then no variance relief would be required; (b) the residence on the parcel to the west of the subject site is well-screened and has 30 feet of separation from the property line which would limit negative impacts of the project; and (c) placement of an attached garage in alternate locations to the east or south of the property would likely result in the removal of trees or green spaces on the site (counter to ordinance and guidance from the Pattern Book and). For these reasons, staff recommends approval of the variance.

GENERAL INFORMATION

Existing Zoning	D-1	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-1	North: Residential
South:	D-1	South: Residential
East:	D-1	East: Residential
West:	D-1	West: Residential
Thoroughfare Plan		
71 st Street	Primary Arterial	75-foot existing right-of-way and 90-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	

Site Plan	10/14/2025
Site Plan (Amended)	N/A
Elevations	10/14/2025
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	10/14/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. Natural corridors and features such as streams, wetlands, and woodlands should be treated as focal points or organizing systems for development.
- The Environmentally Sensitive (ES) overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to natural resources. The development of detached housing should preserve or add at least 30% of the entire 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

- 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 – VICINITY

2016HOV018 ; 212 E 71st Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a fireplace and pergola, with an eight-foot east side setback, on a patio, with a six-foot side setback (15-foot side setback required), **approved**.

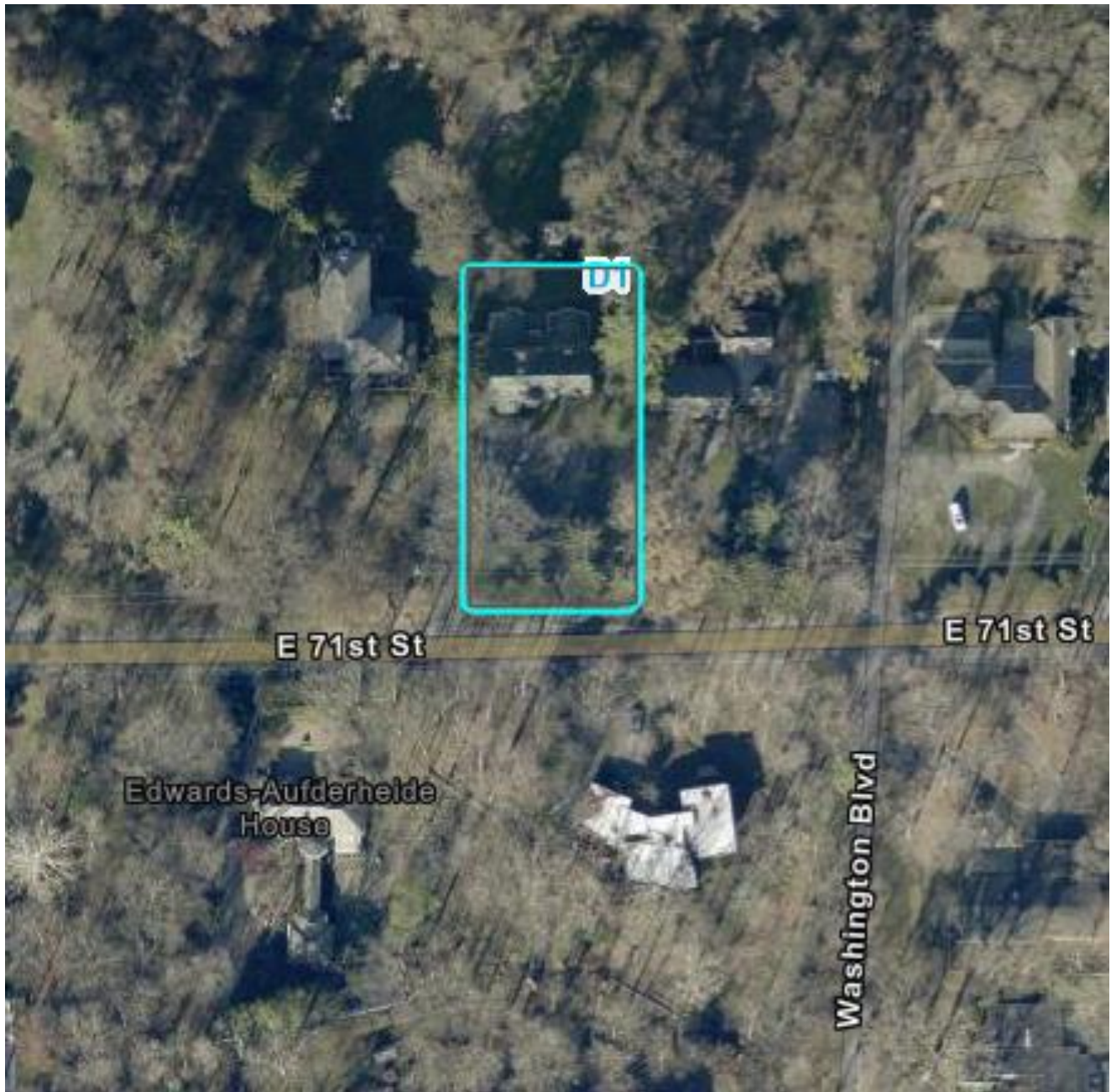
2011HOV031 ; 7070 N Pennsylvania Street (southwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 330-square foot addition, with a four-foot north side setback (15-foot minimum setback required), **approved**.

2009DV1038 ; 7090 N Pennsylvania Street (west of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for 127.2-square foot building addition with a 73-foot front setback from Pennsylvania Street (minimum 95-foot front setback required), **approved**.

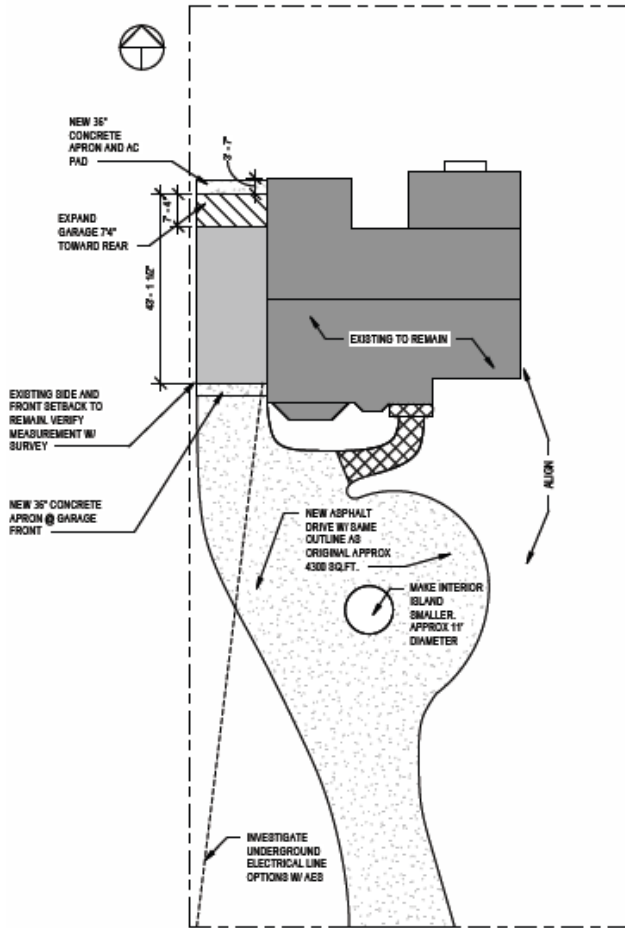
2007DV2031 ; 7162 Pennsylvania Street (northwest of site), VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to provide for the construction of a 492-square foot deck with a zero-foot north side setback (minimum eight-foot side setback required), and to legally establish a 500-square foot attached garage, a 120-square foot porch, a 200-square foot patio, a 384-square foot accessory building, a 440-square foot parking pad, a 1,050-square foot patio, and a 2,223.75-square foot pool, resulting in an accessory use area of 5,409.75 square feet or 216.39 percent of the total living area of the primary dwelling (maximum 2,500 square feet or 99.99 percent of the total living area of the primary dwelling permitted), **approved**.

EXHIBITS

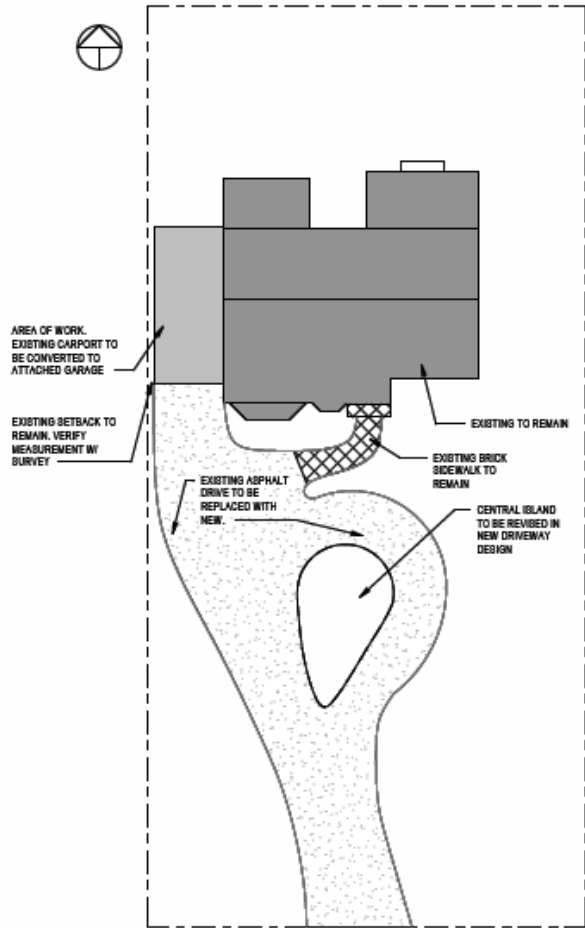
2025DV2044 ; Aerial Map



2025DV2044 ; Site Plan

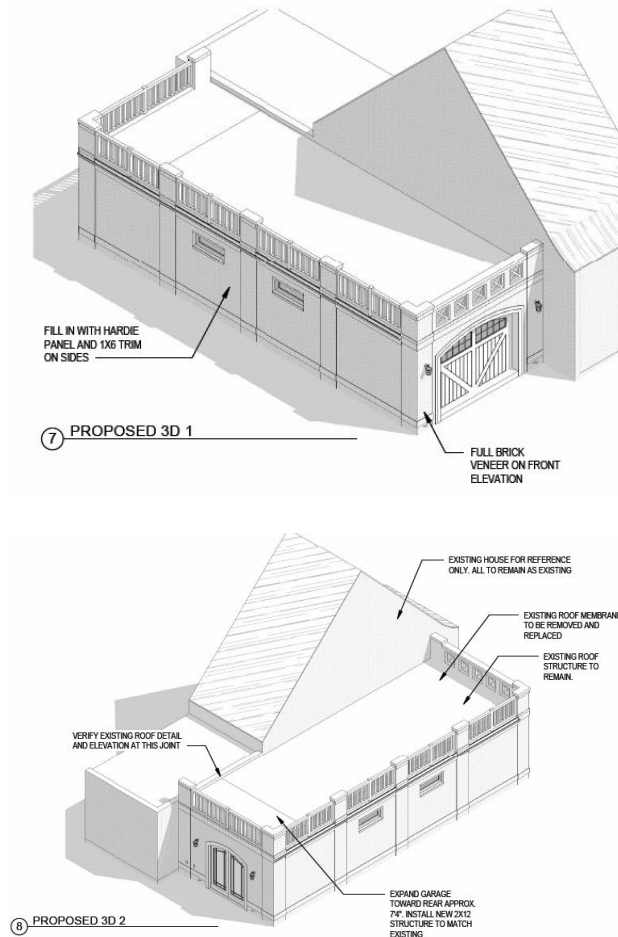


② **SITE PLAN PROPOSED**
 1" = 20'-0"



① **SITE PLAN EXISTING**
 1" = 20'-0"

2025DV2044 ; Elevations (3D Render)



2025DV2044 ; Findings of Fact

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

The proposed garage will not cause pollution, unsanitary conditions, traffic congestion or impair drainage.

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 proposed garage will enhance the appearance and value of the property. Furthermore, the most impacted neighbors do not object.

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

Due to the location of the current car port, without relief, the owners will be unable to enhance the appearance and value of the property for themselves and their neighbors.

2025DV2044 ; Photographs



Photo 1: Subject Site Viewed from South



Photo 2: Current Carport (provided by applicant)

2025DV2044 ; Photographs (continued)



Photo 3: Eastern Portion of Subject Site



Photo 4: Screening Along Western Property Line