

BOARD OF ZONING APPEALS DIVISION III

May 26, 2026

Case Number: 2026-DV3-018
Address: 5351 Hawthorne Drive (approximate address)
Location: Lawrence Township, Council District #9
Zoning: D-2
Petitioner: Adolph Buckner
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with a zero-foot south side setback (seven-foot side setback required).
Current Land Use: Single-Family Dwelling
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

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The D-2 district is intended for use in suburban areas. Ample yards, trees and passive open spaces easily serving each individual lot are envisioned for this district. The D-2 district has a typical density of 1.9 units per gross acre. Two-family dwellings are permitted on corner lots in this district. This district fulfills the lowest density recommendation of the Comprehensive General Land Use Plan. Public water and sewer facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife
- ◇ 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.
- ◇ Adjacent to the subject site driveway is an approximate six-foot wide parcel (4015985) that runs the length of the southern side parcel line. Assessor's records indicate this parcel is owned by the property owner to the south, however, they have set their side yard fence on their primary parcel line along the southern border of this six-foot wide parcel, thereby allowing the six-foot wide parcel to act as a side yard setback for the subject site.

- ◇ The proposed garage would be located at the end of the driveway, adjacent to this six-foot wide parcel, with a zero-foot south side setback.
- ◇ State fire code regulations require certain protections for structures that are constructed within a three-foot setback from parcel lines. Even though the proposed garage would not be adjacent to another structure, these regulations would apply to this structure if it maintains the zero-foot south side setback as requested. No elevations have been provided, but state fire-code regulations will require the south exterior wall to be fire-resistant rated, it cannot have a window opening, and there can be no gutter overhang. Otherwise, the garage would need to be moved in order to have a three-foot minimum south side setback from the parcel line to meet the minimum state fire-code regulations. If the garage is moved the three feet to accommodate the minimum state fire-code regulations, the requested variance would still be applicable, as the garage would still be deficient from the required seven-foot side setback in the D-2 district development standards.
- ◇ The proposed zero-foot south side setback is adjacent to a six-foot wide small parcel that is not used for any structure and acts as a side yard buffer. This six-foot separation is an anomaly to the area where only one other instance occurs in the neighborhood. This six-foot separation would be similar to other side setback separations in the area. Therefore, Staff believes that the reduced side setback of zero-foot as requested would have no impact on the surrounding property owners.
- ◇ Generally, Staff supports 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, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	0-1.75 Residential units per acre	
Overlay	N/A	
Surrounding Context	Zoning	Surrounding Context
	North:	D-2 Single-family dwelling
	South:	D-2 Single-family dwelling
	East:	D-2 Single-family dwelling
	West:	D-2 Single-family dwelling
Thoroughfare Plan		
Hawthorne Drive	Local Street	50-foot existing and proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	N/A	
Wellfield Protection Area	N/A	
Site Plan	April 15, 2026	
Elevations	N/A	
Plan of Operation	N/A	
Commitments	N/A	
Landscape Plan	N/A	
Findings of Fact	April 15, 2026	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan has recommended 0-1.75 Residential units per acre uses for this site.

Pattern Book / Land Use Plan

- Not Applicable.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable.

Neighborhood / Area Specific Plan

- The Comprehensive Plan has recommended 0-1.75 Residential units per acre uses for this 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

None

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EXHIBITS

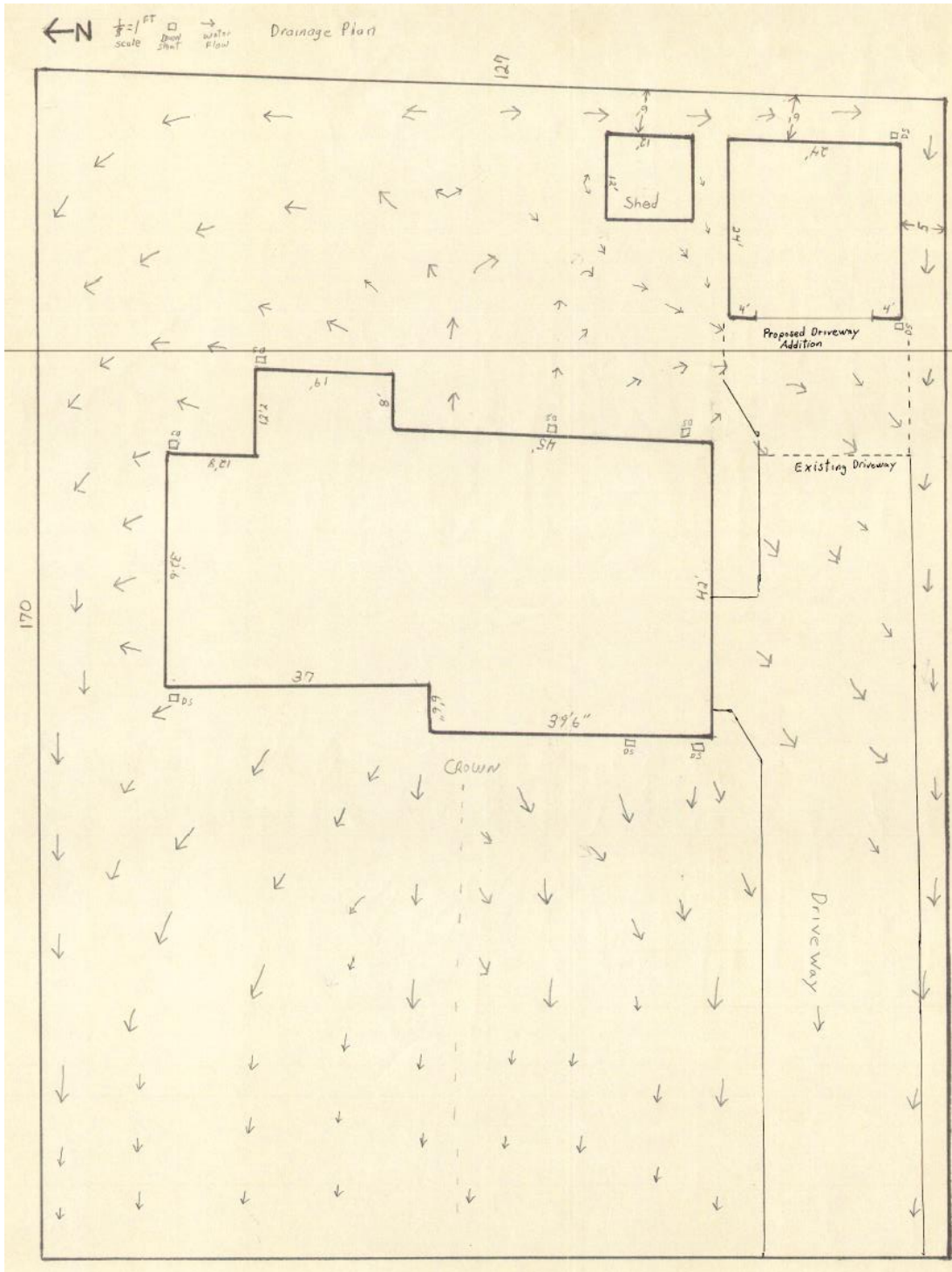
Location Map



Location Map closeup



Site Plan





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:

The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed detached garage will be constructed in accordance with all applicable building codes and safety standards. The structure is located along the south property line and will maintain adequate spacing for safe access and use. The placement will not obstruct visibility, interfere with traffic flow, or restrict emergency access. The use of the property will remain residential in nature and consistent with surrounding properties.

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 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 detached garage is consistent with the residential character of the neighborhood. The structure is proposed approximately six(6) feet from the east property line and will be similar in scale and design to other accessory structures in the area. The placement will not significantly impact light, air, or privacy for neighboring properties. The improvement will enhance the overall appearance and functionality of the property without negatively affecting surrounding property values.

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

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because the required twenty-five (25) foot rear setback significantly limits the ability to construct a functional detached garage on the lot. The configuration of the property, including the existing placement of the residence and available yard space, restricts reasonable options for placement in full compliance with the ordinance. Locating the garage within the required setback would reduce usable space and create access and layout challenges. The proposed placement is approximately six(6) feet from the east property line provides a reasonable and practical solution that allows for the improvement of the property while maintaining the overall intent of the zoning ordinance.

Photographs



Subject site front, looking east from Hawthorn Drive.



Location of proposed garage at end of driveway, looking east.



Closeup of six-foot wide parcel, adjacent to driveway, looking east.



Location of proposed garage, looking south.



Adjacent dwelling to the north, looking northeast



Adjacent dwelling to the south, looking east