

BOARD OF ZONING APPEALS DIVISION I

January 07, 2025

Case Number: 2024DV1033
Property Address: 7401 Holliday Drive West, Town of Meridian Hills (*approximate address*)
Location: Washington Township, Council District #2
Petitioner: Ezra & Sonja Burdix
Current Zoning: D-1
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of a primary dwelling resulting in a 33-foot front yard setback along 74th Street (46.75-foot setback required).
Current Land Use: Residential
Staff Recommendations: Staff recommends **approval** subject to the below commitment.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

12/3/24: A for-cause continuance request was made by the Town of Meridian Hills to allow for their town council and land use committee to vote on the petitioner’s request on December 17th prior to it being heard by the Board of Zoning Appeals. The petition was continued to the January 7, 2025 hearing date.

11/7/24: A timely automatic continuance request was filed by the Town of Meridian Hills to allow them time to discuss the proposed addition with the applicant. This petition will be continued to December 3rd, 2024, and a full staff report will be published in advance of that hearing date.

STAFF RECOMMENDATION

Staff recommends **approval** of the variance request subject to a commitment ensuring that the existing landscaping that screens the front-yard addition area will remain in place and be properly maintained.

PETITION OVERVIEW

- 7401 Holliday Drive West is located within a residential context and is currently improved with a single-family dwelling with attached garage. In addition to being zoned D-1 for low-density suburban residential development, the property is also located within the Class R-3 district of the Town of Meridian Hills and would be subject to additional development standards for front, side, and rear yard setbacks per 744-203.A of the Indianapolis Zoning Ordinance.

- The proposed layout associated with this variance request would result in a 200 square-foot building addition placed along the eastern side yard as well as an 800 square-foot building addition along the southern front yard nearest 73rd Street. These additions, along with a proposed rear patio, would reduce the open space ratio at the property to 81%, which is narrowly above the minimum requirement of 80%.
- Since this property is a corner lot located within the Metro context, it would have two front yards along both the Holliday and 73rd frontages. The applicable front setback standards for this property would be the average setback of the existing dwelling units on the block per R-3 standards within Meridian Hills. In this case, the sole neighboring property to the east would result in a setback requirement of 46.75 feet: the proposed addition would result in a 33-foot front setback and would require a variance to legalize.
- VIO24-005152 was opened at this property in June for a failure to obtain a drainage permit for land alterations made within the front yards of the property (alterations visible within the Exhibit photographs). Approval of this variance would not impact the status of this infrastructure violation, and this non-conformity would need to be resolved regardless of the disposition of this petition.
- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood living typology for predominantly single-family housing with natural features preserved and houses extending beyond the fronts of garages. Infill Housing Guidelines also indicate that front setbacks should build within the setback range when the front setbacks of adjacent properties vary and should match the existing context when neighboring properties are situated in a straight line (corner lots should incorporate the context of both frontages).
- The findings of fact submitted with this variance application indicate that “given the abundance of mature, evergreen and fully leafed trees, proposed modifications will likely go un-noticed”. Staff agrees with this assessment, and notes that within D-1 zoning outside of Meridian Hills the front setback standard would be the greater of the average setback or 30 feet (the proposed 33-foot setback would meet the latter standard). Given that this front yard is well-screened, doesn’t contain an entry feature, only shares a block with one other house, and approximates the 30-foot front setback standard sometimes applicable for D-1 zoning, staff feels that this would be a minor deviation from ordinance standards and recommend approval of the variance subject to a commitment that the trees surrounding the area of the southern addition remain in place and be properly maintained to ensure adequate screening from the rights-of-way of Holliday and 74th.

GENERAL INFORMATION

| | | | |
|-----------------------------------|--------------------------------------|---|--------------------|
| Existing Zoning | Enter Zoning and Secondary Districts | | |
| Existing Land Use | D-1 | | |
| Comprehensive Plan | Suburban Neighborhood | | |
| Surrounding Context | Zoning | Surrounding Context | |
| | North: | D-1 | North: Residential |
| | South: | D-1 | South: Residential |
| | East: | D-1 | East: Residential |
| | West: | D-1 | West: Residential |
| Thoroughfare Plan | | | |
| Holliday Drive West | Local Street | 57-foot existing right-of-way and 50-foot proposed right-of-way | |
| 74 th Street | Local Street | 52-foot existing right-of-way and 50-foot proposed right-of-way | |
| Context Area | Metro | | |
| Floodway / Floodway Fringe | No | | |
| Overlay | Yes or No | | |
| Wellfield Protection Area | No | | |
| Site Plan | 09/17/2024 | | |
| Site Plan (Amended) | N/A | | |
| Elevations | N/A | | |
| Elevations (Amended) | N/A | | |
| Landscape Plan | N/A | | |
| Findings of Fact | 09/17/2024 | | |
| Findings of Fact (Amended) | N/A | | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommend this site to the Suburban Neighborhood typology which is predominantly made up of single-family housing. Natural corridors and natural features should be treated as focal points for development, and houses should extend beyond the front of the garage.

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

- The guidelines indicate that front setbacks should build within the setback range when the front setbacks of adjacent properties vary and should match the existing context when neighboring properties are situated in a straight line. On conforming corner sites where two streets meet, building setbacks should reflect context from both streets.

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

2019DV3008A ; 7307 Holliday Drive W (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition with an eight-foot north side setback and 20-foot aggregate side setback (12-foot side setback and 30-foot aggregate required), **approved**.

2019DV3008B ; 7307 Holliday Drive W (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall wrought iron fence in the front yard (maximum four-foot tall with 30% opacity or less) and within the clear sight triangle of the abutting streets (not permitted), **approved**.

2014HOV041 ; 7373 Holliday Drive E (southeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a detached garage, with a seven-foot east side setback, an eight-foot north side setback and a 15-foot aggregate side setback (minimum 10-foot setback and 30-foot aggregate site setback required), **approved**.

2014HOV055 ; 7474 Holliday Drive E (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a garage addition, with a 13.8-foot rear setback (minimum 25-foot rear setback required), **approved**.

2014DV2029 ; 7373 Holliday Drive E (southeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a single-family dwelling on a lot with zero feet of public street frontage and lot width, and without direct access from a public street (45 feet of public street frontage, 90 feet of lot width required at the front building setback line and direct access from a public street required), **approved**.

2013DV3029 ; 130 W 73rd Street (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a six-foot tall fence, consisting of a three-foot tall natural stone wall, and a three-foot tall ornamental black fence, with two six-foot tall, black ornamental swing gates, within 1.5 feet of the front lot line along 73rd Street (maximum 42-inch tall fence permitted in the required front yard), **approved**.

99-HOV-4 ; 7440 Holiday Drive E (northeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for expansion of existing detached garage with a rear-yard setback of 8 feet (minimum 30 feet required), **approved**.

98-V3-55 ; 7457 Holliday Drive W (north of site), variance of development standards of the Dwelling Districts Subdivision Ordinance to provide for an 18 by 36 foot inground pool and ground level deck with: (a) a 37 foot front yard setback from 75th Street (minimum of 60 feet required); (b) an 8 foot tall fence within the front yard area (maximum height of 3.5 feet permitted) and (c) the pool located in the front yard (75th Street frontage) (not permitted), **approved**.

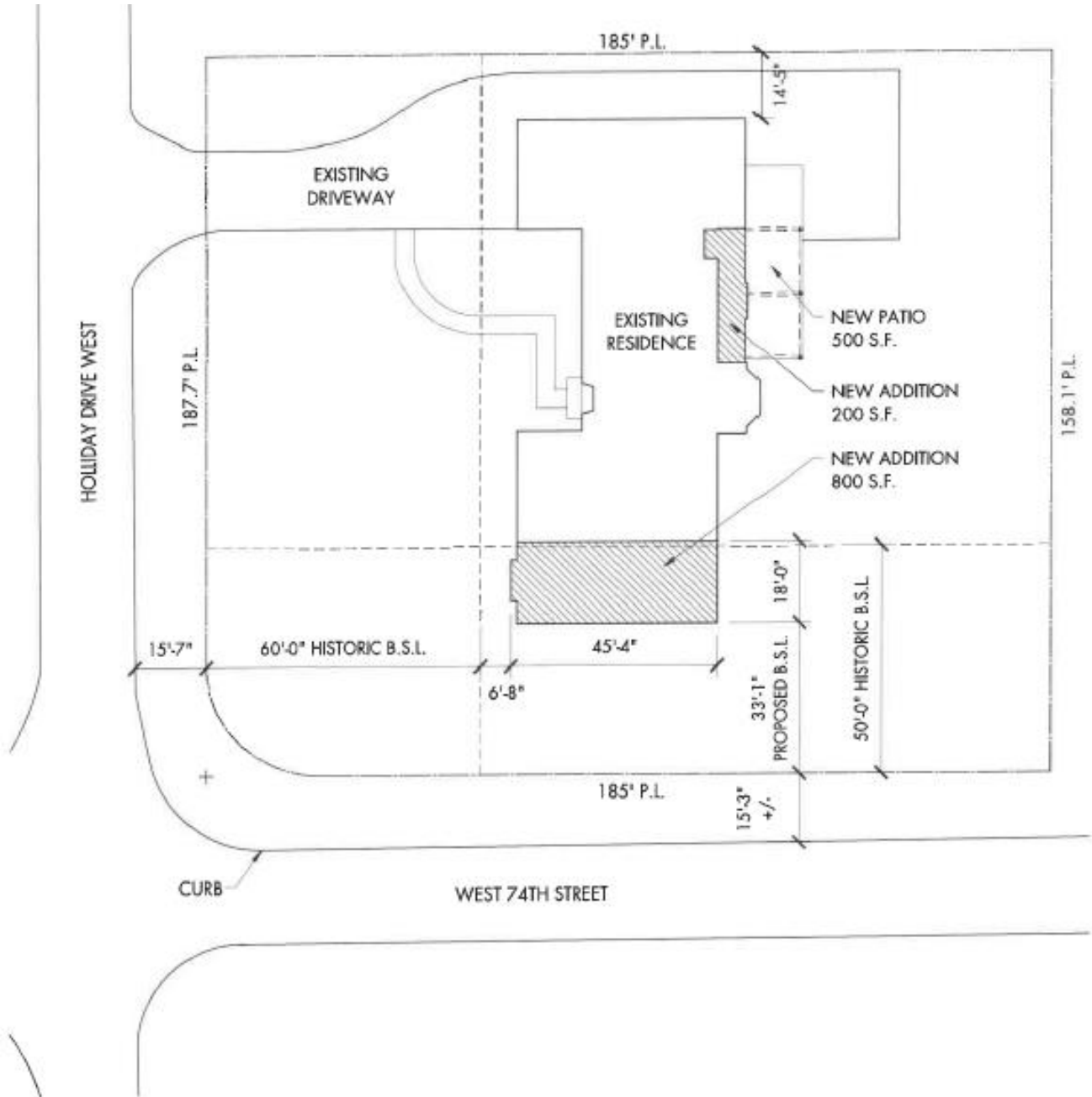
97-HOV-25 ; 7383 Holliday Drive (south of site), variance of development standards of the Dwelling Districts Subdivision Ordinance to provide for a privacy fence being 6 feet in height in a portion of the front yard along Holliday Drive West (maximum 42 inches permitted), **approved**.

EXHIBITS

2024DV1033 ; Aerial Map



2024DV1033 ; Site Plan



BURDIX RESIDENCE

7401 HOLLIDAY DRIVE WEST
 INDIANAPOLIS, INDIANA

SITE PLAN

AUGUST 29, 2024
 SCALE: 1" = 30'





2024DV1033 ; Findings of Fact

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

The petition for variance fo development standards will only affect petitioners property. This variance, if granted will only slightly affect the structure of the petitioners residence (add 18' along the south boundary), and will not be injurious to any other citizenry. In fact, given the abundance of mature, evergreen and fully leafed trees, proposed modifications will likely go un-noticed.

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 petitioners request will not modify the use of adjacent property to the subject in any manner, nor will the variance, if granted affect adjacent or area properties adversely in any manner. The requested petition, if granted would positively affect adjacent and area values as the anticipated improvements would have a definite positive affect on adjacent and area properties.

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

The ordinance as written would prevent the petitioner from expanding the size of the subject dwelling, to better accommodate the petitioners current family size. The request would take the petitioners open space from the 80% requirement, to just 83% as proposed. 744-201-1 setback requirement is the greater of 30' or the average setback. Petitioner would still be compliant with the greater setback requirement. Additionally, petitioner is aware of the same or similar variances being granted, or a grandfather element in petitioners area. Several addresses include; 7373 Holliday Dr W, 7554 Holliday Dr W, 207 W 77th St, 150 W 75th St, 222 W 75th St, 7481 W 75th St. In other-wards by variance or other, petitioners request has been a common dwelling modification in petitioners area.

2024DV1033 ; Photographs



Photo 1: Subject Site from South



Photo 2: Subject Site from West

2024DV1033 ; Photographs (continued)



Photo 3: Area of Proposed Addition from West



Photo 4: Area of Proposed Addition from Southwest

2024DV1033 ; Photographs (continued)



Photo 5: Area of Proposed Addition from Southeast



Photo 6: Adjacent Property to East

2024DV1033 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to West