

BOARD OF ZONING APPEALS DIVISION I

May 14, 2024

Case Number: 2024DV1009
Property Address: 7436 W Henry Street (approximate address)
Location: Wayne Township, Council District #17
Petitioner: Charles & Claire Powell, by Ryan Freeman
Current Zoning: D-5
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 1,728 square foot pole barn, being larger than the primary building (not permitted).
Current Land Use: Residential
Staff Recommendations: Staff recommends **denial** of this request.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This petition was heard at the April 2, 2024 hearing and received an indecisive 2-1 vote. It was therefore continued to the May 14, 2024 hearing of the Division I board.

STAFF RECOMMENDATION

Staff recommends **denial** of this request.

PETITION OVERVIEW

- The subject site currently contains a single-family residence along with a rear detached structure with a smaller square footage than the primary building. It is surrounded by residential properties to the east and south and vacant properties zoned for residential use to the north and west. The parcel is approximately 250 feet to the east of rail tracks and approximately 500 feet to the north of a large distribution center.
- The resident at this site is seeking to construct a 1,728 square foot pole barn in the rear yard of the property to allow for parking and storage of personal vehicles. Permit applications were made in late 2023 but were placed on hold since the primary residence is only 1,208 square feet and the Indianapolis Zoning Ordinance disallows accessory structures with larger horizontal areas than primary structures within residential zoning. Approval of this variance request would allow for legalization of the proposed storage structure with a larger horizontal land area than the existing primary residence.

- This property is currently zoned D-5, which is a residential zoning designation that allows for walkable medium and large-lot housing formats predominantly for detached houses. However, the comprehensive plan designates this area as being within the Light Industrial working typology which does not recommend the current residential use.
- Additionally, this property is located within an environmentally sensitive overlay per the comprehensive plan. The pattern book doesn't provide any modifications for residential uses within Light Industrial areas. The parcel is partially within a 500-year floodplain and a stream protection corridor, but neither of those designations would impact development standards for the proposed location of the pole barn that is the subject of this variance request.
- The Infill Housing Guidelines indicate that accessory structures should be of a secondary nature on residential lots and should not overshadow primary residences in terms of scale, height, size, and mass. The proposed pole barn would be about 43% larger than the primary residence. The Indianapolis Zoning Ordinance reinforces the IHG language by requiring accessory structures to have a smaller horizontal area than primary structures within residential zoning districts. These regulations ensure harmonious development where primary residences remain the primary feature within residential contexts.
- The provided findings of fact indicate the structure would be utilized for the storage of personal vehicles but does not present any information or context on why these vehicles could not be stored within a building or buildings compliant with ordinance standards. Given the degree of non-conformity with ordinance regulations and comprehensive plan recommendations and the lack of practical difficulty to compliant development, staff would recommend denial of this request.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Light Industrial
	South:	South: Light Industrial
	East:	East: Light Industrial
	West:	West: Light Industrial
Thoroughfare Plan		
Henry Street	Local Street	50-foot right-of-way existing and 50-foot right-of-way proposed
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	01/31/2024	
Site Plan (Amended)	N/A	
Elevations	03/06/2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	01/31/2024	
Findings of Fact (Amended)	03/06/2024	

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 recommends this area for the Light Industrial working typology to allow for industrial, production, distribution, and repair services within enclosed structures and unlikely to create emission of light, odor, noise, or vibrations. Residential land uses are not recommended for this typology.
- Much of the subject site is also within an Environmentally Sensitive overlay. These areas are intended for high quality woodlands, wetlands, or other natural resources that should be protected.



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

- Infill Housing Guidelines for accessory structures indicate that they should be of a secondary nature and not overshadow primary buildings in terms of scale, height, size, and mass.

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

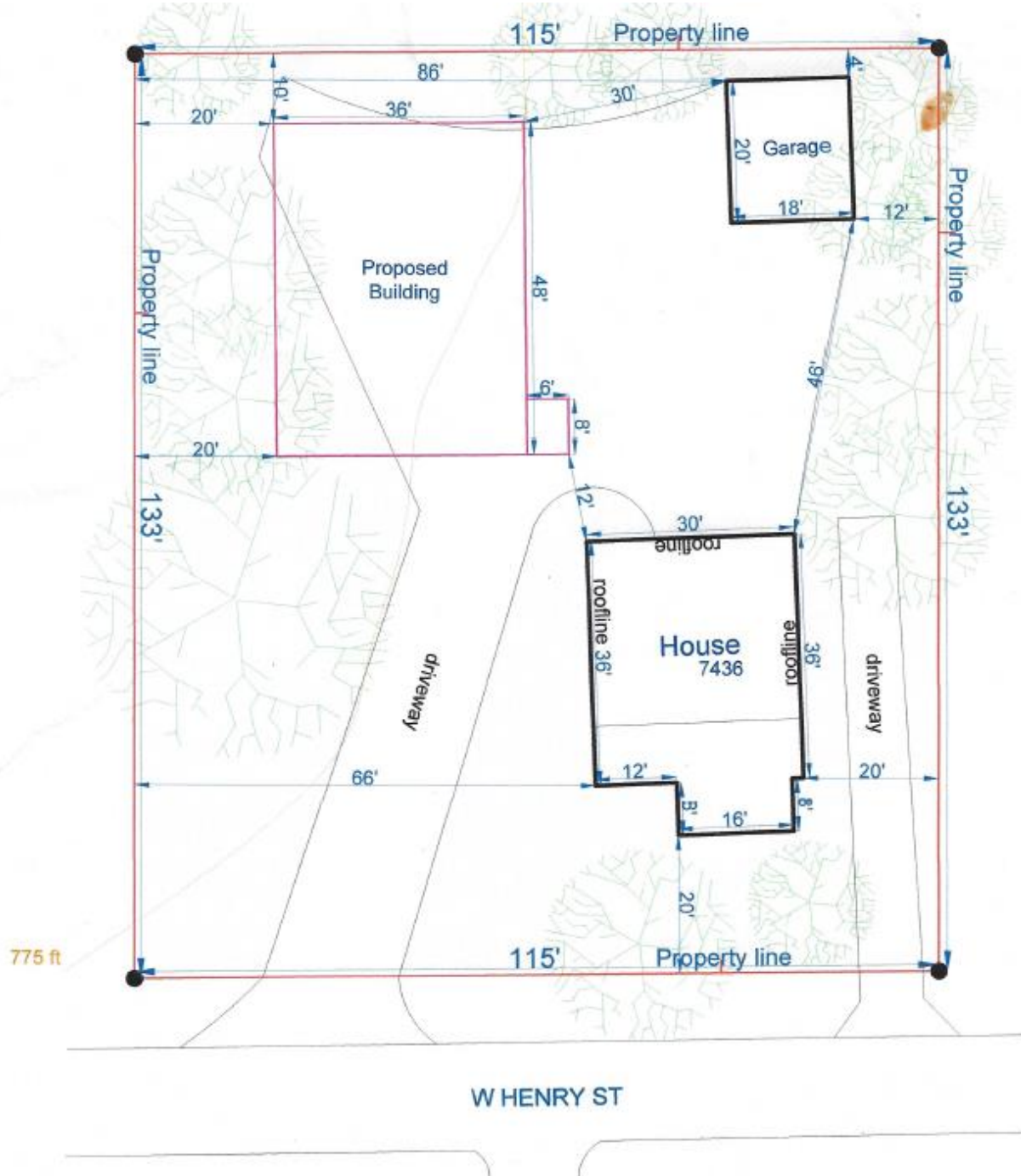
85-UV1-61 ; 7435 West Henry Street (south of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued use of a mobile home and for a permanent room addition to be built onto the mobile home, **denied**.

EXHIBITS

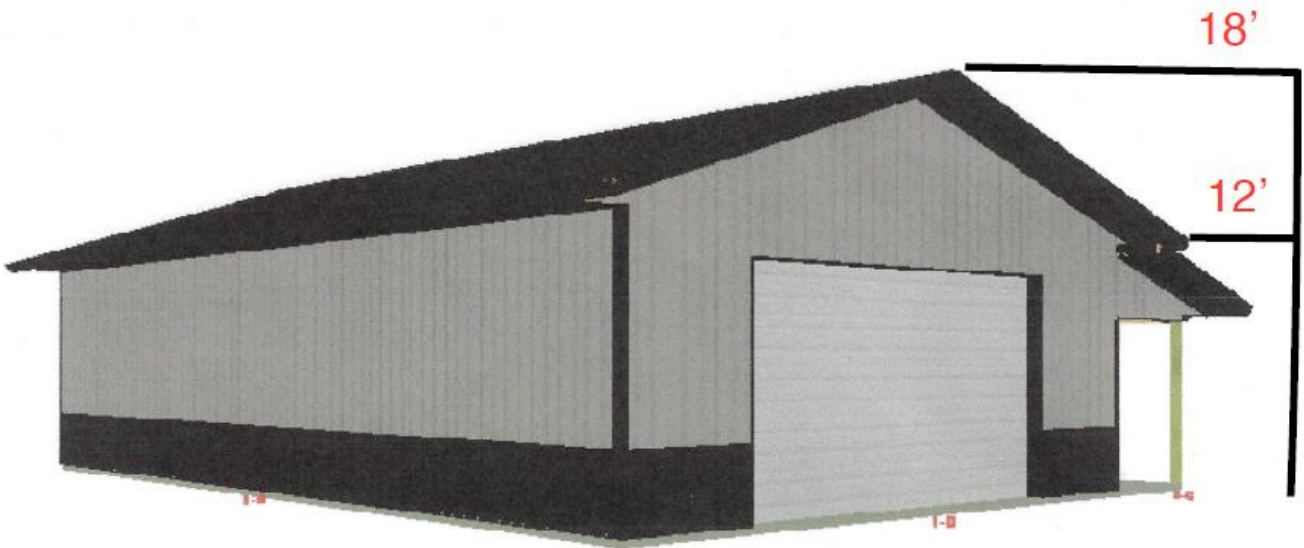
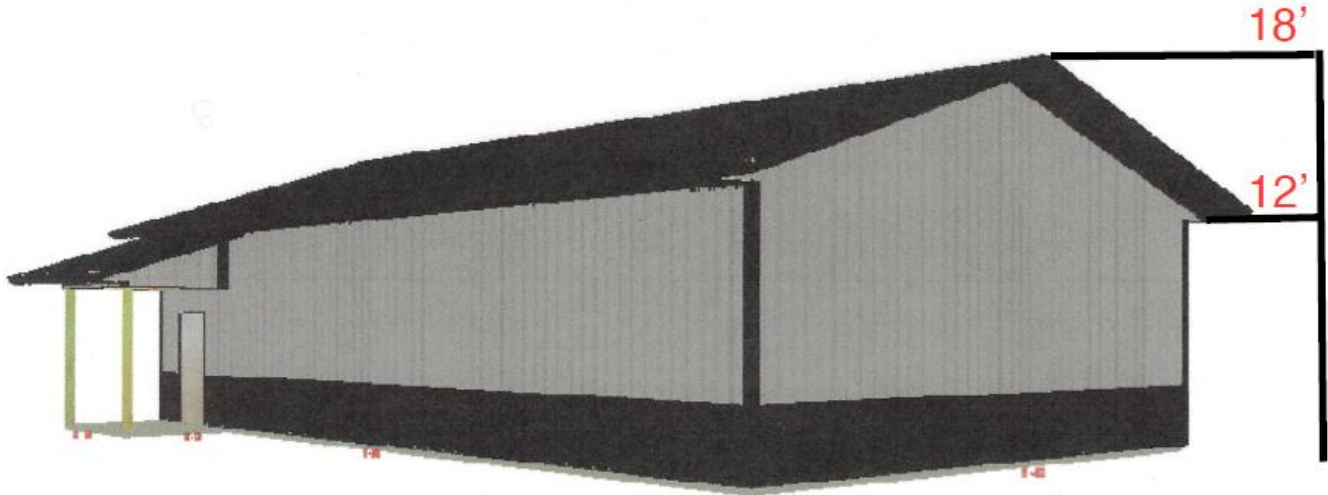
2024DV1009 ; Aerial Map



2024DV1009 ; Site Plan



2024DV1009 ; Elevations



2024DV1009 ; Findings of Fact

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

The Pole Barn being built will be used for personal use only.

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 pole barn will be used for personal use and storage on the lot.

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

Petitioner would like to use empty space on lot for extra parking storage for vehicles.

2024DV1009 ; Photographs



Photo 1: View of Subject Site from South on Henry Street

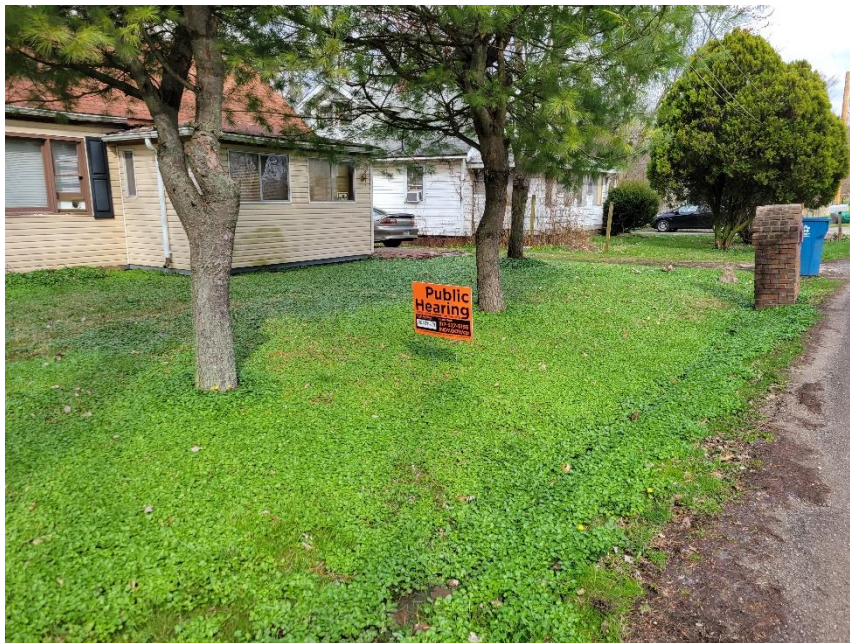


Photo 2: View of Primary Structure + Neighbor to East from Henry Street

2024DV1009 ; Photographs (continued)



Photo 3: Neighboring Property to South



Photo 4: Henry Street Looking West