



**BOARD OF ZONING APPEALS DIVISION I**

**May 14, 2024**

**Case Number:** 2024-DV1-016  
**Address:** 10410 East Southport Road (approximate address)  
**Location:** Franklin Township, Council District #25  
**Zoning:** D-A (FW) (FF)  
**Petitioner:** Gregory & Lisa Blatz, by David Gilman  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a barn within the front yard, with a 10-foot west side yard setback (not permitted, 15-foot side yard setback required).

**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 public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- ◇ The request would provide for the construction of a barn within the front yard, with a 10-foot west side yard setback, in the D-A district.
- ◇ The subject site is adjacent to residential developed properties in the D-A District to the east and west. There is undeveloped land in the D-S District to the south, and a solar farm in the D-A District to the south. In Staff’s opinion, the request would be consistent with surrounding residential properties.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Zoning Ordinance, specifically those relating to accessory building use, are intended to ensure the dwelling remains the primary use of the property. Additionally, limiting the location of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.
- ◇ The proposed garage location would be located approximately 1,150 feet north of Southport Road, behind the established front building lines of the primary dwellings on adjacent parcels to the east and west, further limiting any negative impacts to adjacent properties. The subject site has a practical difficulty in locating the garage to the rear of the primary dwelling due to the location of a septic field and high-power transmission line easement in that area.



- ◇ This request would permit the barn to have a 10-foot west side yard setback. Side setbacks are required to maintain adequate space between buildings on adjoining properties. This adequate space not only provides the appearance of “openness”, but also creates appropriate space for purposes of public safety. Furthermore, these required setbacks mitigate any adverse effect that might result from the use of the accessory buildings.
- ◇ In this case, however, the reduced setback would be an acceptable deviation from the Ordinance because the proposed 10-foot setback would provide sufficient room for maintenance and separation. In addition, adjacent neighbors to the east and west do not have any structures near the proposed reduced setback. Therefore, the reduced setback would not have any negative impact on the neighbors to the east and west.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Single-Family Dwelling	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood uses	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-S Undeveloped
	South:	D-A Solar Farm
	East:	D-A Single-Family dwelling
	West:	D-A Single-Family dwelling

<b>Thoroughfare Plan</b>		
East Southport Road	Primary Arterial	60-foot existing and proposed right-of-way.
<b>Context Area</b>	Metro area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	March 28, 2024	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	March 28, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Rural, or Estate neighborhood uses for the site.

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Rural or Estate Neighborhood, which applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

### 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

**2014-DV1-043; 10262 East Southport Road (west of site);** Requesting a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an 832-square foot attached garage addition, with a 10.7-foot side setback and a 1,440-square foot horse barn, creating an accessory building area of 3,001 square feet or 232.4% of the main floor area of the primary dwelling and accessory use area of 3,961.3 square feet or 306.7% of the total floor area of the primary dwelling, and to legally establish a shed with a 3.8-foot west side setback, **granted.**

**2013-UV2-016, 10220 East Southport Road (west of site);** Requesting a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a temporary excavation contracting business, with the storage, repair, restoration and maintenance of excavating equipment, to provide for a 2,000-square foot addition to an existing 2,640-square foot pole barn and to provide for a 3,500-square foot pole barn, creating an accessory building area and accessory use area of 8,140 square feet and 9,076 square feet, respectively, **granted.**



**2012-UV3-019, 10321 East Southport Road (south of site);** Requesting a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a photovoltaic renewable project/Solar Farm with a 6.5-foot tall perimeter fence topped with one-foot of security wire, **granted.**

**2006-UV1-034A, 10232 East Southport Road (west of site);** Requesting a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a 360-square foot addition to a single-family dwelling with a west side setback of 8.31 feet (minimum 30-foot side setback required), and to provide for a 336-square foot garage addition with a 3.51-foot west side setback (minimum 30-foot side setback required), resulting in an accessory use area of 13,171.5 square feet of 431.14 percent of the total living area of the primary dwelling (maximum 3,054 square feet of 99.99 percent of the total living area of the primary dwelling permitted, **denied.**

**2006-UV1-034B, 10232 East Southport Road (west of site);** Requesting a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 26.5-foot tall, 7,200-square foot detached accessory building (maximum 12.5-foot height permitted, height of primary structure), resulting in an accessory building area of 8.400 square feet or 274.96 percent of the main floor area of the primary dwelling (maximum 2,201.25 square feet or 75 percent of the main floor area of the primary dwelling permitted), and to provide for the storage of one tractor low boy, a bull dozer, two back hoes, and a truck with a one-ton load capacity and three flat-bed truck associated with a construction business within the proposed 7,200-square foot detached accessory building, **denied.**

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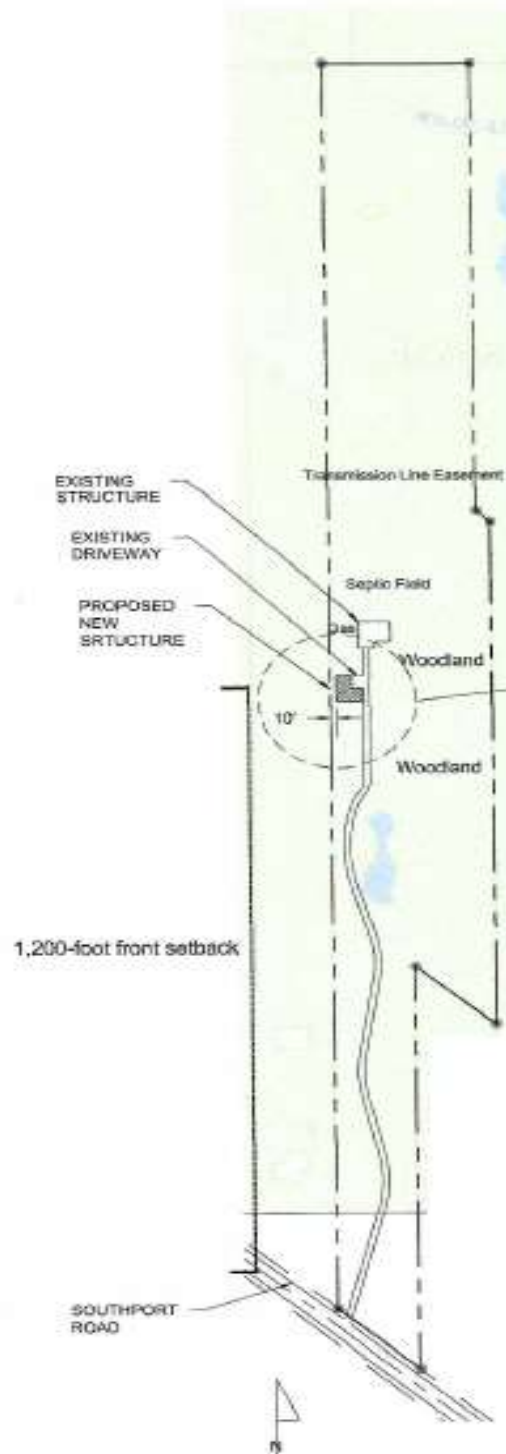
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**EXHIBITS**

**Location Map**



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 new accessory building will be constructed to match the architectural of the rural developed community and will meet the building code requirements. The site has access to a public street and is served with adequate utilities.  
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\_\_\_\_\_  
\_\_\_\_\_

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 new accessory structure is over 1200 feet from the nearest public road will be close to the single family residence. The area is developed with single family homes that have multiple outbuildings.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

The rear yard of the existing residence is encumbered by the septic field and electrical transmission line easement. To the west side of the residence is a propane gas supply tank and to the east is an existing woodland area of heritage trees.  
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\_\_\_\_\_  
\_\_\_\_\_

**Photographs**



Photo of the Subject Property from Southport Road, looking north.



Photo of the existing single-family dwelling, and proposed garage location, looking north.





Photo of septic field and high-power transmission line easement to the rear of the existign single-family dwelling, looking north.



Photo of proposed garage area, looking at Southport Road, approximately 1,150 feet to the south.