

**BOARD OF ZONING APPEALS DIVISION I**

**May 14, 2024**

**Case Number:** 2024-DV1-015  
**Property Address:** 951 Tecumseh Street (approximate address)  
**Location:** Center Township, Council District #13  
**Petitioner:** Alysse Popov, by Josh Smith  
**Current Zoning:** D-5 / MU-1  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a carriage house in front of the established building line of the primary building (not permitted) and a 14.5-foot rear yard setback (20 feet required).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends approval of this petition  
**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

- Staff recommends approval of this petition

**PETITION OVERVIEW**

- This petition would provide for the location of a carriage house in front of the established building line of the primary building (not permitted) and a 14.5-foot rear yard setback (20 feet required).
- It has come to Staff's attention that the request for the 14.5-foot rear yard setback is not necessary, as minor residential structures are permitted to be located up to 5 feet from the rear lot line, per Chapter 743, Article III, Section 6.A of the Zoning Ordinance. This variance was mistakenly included and can be removed from the request.
- The secondary structure in question was built after acquiring proper permits, when it was later realized that the proposal required a variance that had previously been unnoticed.
- The primary structure is located zero feet from the rear property line and the front building line is approximately 29 feet from the front property line. While this site configuration is ordinary for the surrounding block, this is abnormal development for most residential districts. Further, with this

portion of Tecumseh Street being classified as terrace frontage, the maximum permitted front setback is 19.9 feet, the front setback of the primary structure would be legally non-conforming as it exceeds this amount. Given this, Staff does see there to be a degree of practical difficulty with regards to placing accessory structures behind the front building line. Additionally, the proposal calls for the secondary structure to sit approximately 22 feet from the front building line. This distance would not significantly deviate from the surrounding character in terms of the distance that structures sit from the front property line, as most front building lines on this portion of Tecumseh Street are between 20-25 feet.

- Further, the lot was platted in 1910 and has a lot area of approximately 3720 square feet, well under the standard D-5 amount of 5000 square feet. Staff sees this reduced lot size as another practical difficulty upon the owner with regards to placing structures. Staff would note that, despite this hardship, the proposal would still conform with required open space and setback requirements.
- Additionally, while almost all residences on Tecumseh Street contain front-loading garages, the proposed detached garage component of the structure will provide vehicular access from the alley, which is the recommended method when alley access is present, per the Infill Housing Guidelines.
- With the site containing reasonable practical difficulties, and the proposal conforming with the Infill Housing Guidelines when possible, and with the proposal resulting in minimal change in form and character to the area, Staff is supportive of the request.

**GENERAL INFORMATION**

|                                   |                          |   |                                  |
|-----------------------------------|--------------------------|---|----------------------------------|
| <b>Existing Zoning</b>            | D-5 / MU-1               |   |                                  |
| <b>Existing Land Use</b>          | Residential              |   |                                  |
| <b>Comprehensive Plan</b>         | Traditional Neighborhood |   |                                  |
| <b>Surrounding Context</b>        | <b>Zoning</b>            | <b>Surrounding Context</b>                            |                                  |
|                                   | North:                   | MU-1  | North: Single-family residential |
|                                   | South:                   | D-5   | South: Single-family residential |
|                                   | East:                    | D-5   | East: Single-family residential  |
|                                   | West:                    | D-5   | West: Single-family residential  |
| <b>Thoroughfare Plan</b>          |                          |   |                                  |
| Tecumseh Street                   | Local Street             | 27 feet of right-of-way existing and 48 feet proposed |                                  |
| <b>Context Area</b>               | Compact                  |   |                                  |
| <b>Floodway / Floodway Fringe</b> | No                       |   |                                  |
| <b>Overlay</b>                    | No                       |   |                                  |
| <b>Wellfield Protection Area</b>  | No                       |   |                                  |
| <b>Site Plan</b>                  | 3/28/24                  |   |                                  |
| <b>Site Plan (Amended)</b>        | N/A                      |   |                                  |
| <b>Elevations</b>                 | 3/28/24                  |   |                                  |

|                                   |         |
|-----------------------------------|---------|
| <b>Elevations (Amended)</b>       | N/A     |
| <b>Landscape Plan</b>             | N/A     |
| <b>Findings of Fact</b>           | 4/11/24 |
| <b>Findings of Fact (Amended)</b> | 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 recommends the Traditional Neighborhood living typology for this site.

**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**

- With regards to secondary structures, the Infill Housing Guidelines recommends:
  - Placing building behind primary building line
  - Access garages from alley when possible
  - Coordinate design and sizing of secondary structures with the primary structure
- The proposal does call for the secondary building to be in front of the building line, due to practical difficulties with regards to lot size and the existing location of the primary building. The proposal is in accordance with the remainder of the recommendations.



**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

**2021ZON006; 2022 E 10<sup>th</sup> Street (north of site)**, Rezoning of 0.294 acre from the MU-1 district to the D-5 district, **approved**.

**2018ZON087; 2018 E 10<sup>th</sup> Street (north of site)**, Rezoning of 0.15 acre from the MU-1 district to the D-5 classification, **approved**.

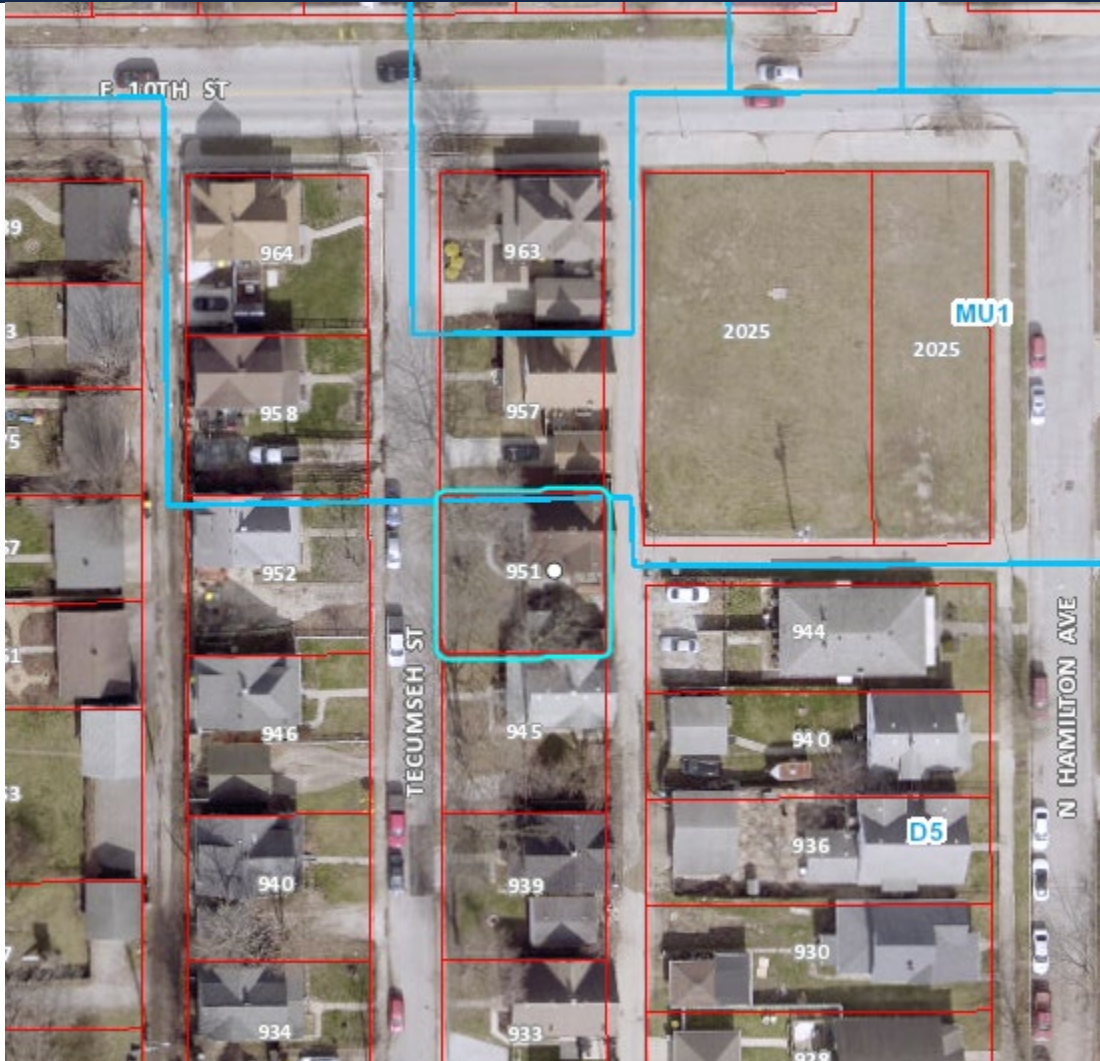
**2015UV2019; 2014 E 10<sup>th</sup> Street (north of site)**, Variance of use and development standards of the Commercial Zoning Ordinance to permit primary and accessory residential uses (not permitted), including the legal establishment of an existing dwelling unit and the construction of a 746-square foot detached garage, with a second floor dwelling unit, and with both structures having an approximately one-foot west side setback (10-foot side setback required), **approved**.


**2009UV1005; 2103 E 10<sup>th</sup> Street (east of site)**, VARIANCE OF USE of the Commercial Zoning Ordinance to provide for a gas station and convenience store (not permitted) utilizing an existing building and gas station canopy permitted by previous variance petitions, **approved**.

**2005ZON191; 2032 E 10<sup>th</sup> Street (north of site)**, rezoning of 0.15 acre from C-2 to C-3C to provide for a mixed-use redevelopment. Recorded instrument number 2006-0053708, **approved**.

**98-Z-235; 2122 E 10<sup>th</sup> Street (north of site)**, rezoning of 1.175 acres from the C-2 to C-3, to provide for a fast food restaurant, with drive-through service and a separate check-cashing facility, **approved**.

EXHIBITS





**RIVERA GROUP, LLC**  
10725 CLAREMONT BLVD INDIANAPOLIS, IN 46227  
317-128-3738 [www.riveragroup.com](http://www.riveragroup.com)

951 Tecumseh St,  
Indianapolis, IN 46201

**PLANS RECEIVED AND APPLICATION APPROVED**

File-marked plans and specifications shall be available for inspection at all times. You must schedule an inspection as required, scheduling an inspection.


INDIANAPOLIS

STR23-06182

01/11/2024

See your permit for instructions on scheduling an inspection.

1209 Madison Ave, Suite 1400 Indianapolis, IN 46203 | 317-227-2970 | [www.indianapolis.gov](http://www.indianapolis.gov)



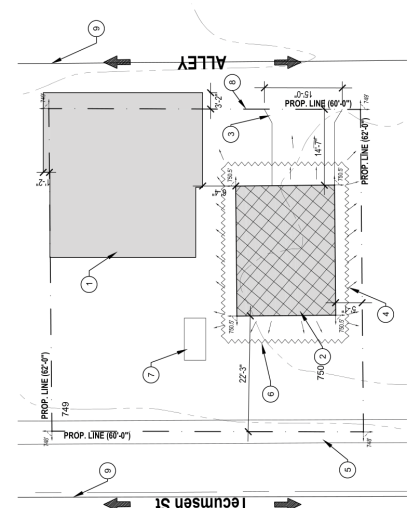
**SITE PLAN KEYNOTES:**

- ① EXISTING HOUSE (APPROX. 40' TALL)
- ② PROPOSED GARAGE F.F.E. - 750.5'
- ③ PROPOSED DRIVEWAY
- ④ FLOW ARROWS
- ⑤ EXISTING SIDEWALK
- ⑥ PROVIDE SILT FENCE FOR EROSION CONTROL
- ⑦ PROVIDE CONCRETE WASHOUT FOR CONCRETE PAVING AND OTHER CONSTRUCTION
- ⑧ ACCESS TO CONSTRUCTION SITE FROM ALLEY
- ⑨ SANITARY SEWER

**GENERAL SITE NOTES**

1. THESE DRAWINGS ARE INTENDED TO OUTLINE THE SCOPE OF WORK. CONTRACTORS SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS BEFORE STARTING ANY WORK. CONTRACTORS SHALL ALSO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND ACCEPTED TRADE PRACTICES.
2. ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE PERFORMED IN ACCORDANCE WITH THE LATEST VERSION OF THE CITY OF INDIANAPOLIS STRAWMATE DESIGN & CONSTRUCTION SPECIFICATIONS MANUAL.
3. NO SURVEY HAS BEEN PROVIDED FOR THIS SITE. SITE INFORMATION IS BASED ON AERIAL PHOTOGRAPHY. CURSORY SITE INVESTIGATION, FIELD VERIFICATION AND OTHER REASONABLE MEANS OF INVESTIGATION ALL EXISTING UTILITIES SHALL BE FIELD VERIFIED. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING UTILITIES AND PATHS PAVING CONTINUITY AND CONDITION, ETC. SHALL BE FIELD VERIFIED.
4. ALL SITE UTILITIES ARE PRESUMED TO BE EXISTING, UNLESS NOTED OTHERWISE. CONTRACTORS SHALL VERIFY ALL UTILITIES WITH MECHANICAL, ELECTRICAL AND PLUMBING SUB-CONTRACTORS AND LOCAL UTILITY COMPANIES AS REQUIRED TO PROVIDE SERVICES INCLUDING BUT NOT LIMITED TO: SANITARY SEWER, SANITARY SEWER & WASTE DISCHARGE, ELECTRICAL SERVICE, NATURAL GAS SERVICE, AND TELECOMMUNICATIONS.
5. THIS SCOPE OF WORK IS DESIGN-BUILD IN NATURE. NOT ALL CONDITIONS, CONNECTIONS NOR TRANSITIONS MAY BE SHOWN. CONTRACTORS SHALL DETERMINE THE EXISTING CONDITIONS AND UTILITIES. ANY INTENT DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE PRIOR TO COMMENCEMENT OF WORK, SUCH THAT ALL UNRESOLVED CHALLENGES CAN BE RESOLVED BY THE CONTRACTOR. RIVERA GROUP LLC SHALL BEAR NO FINANCIAL RESPONSIBILITY FOR THE CONSTRUCTION OF THIS PROJECT.



TECUMSEH ST      ALLEY

CERTIFIED BY

DRAWN BY  
**Fausto Limon**

DATE  
**JANUARY 5, 2024**

AMENDMENT  
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C2.1

Proposed

**Site Plan**

SCALE: 1" = 20'



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**SITE DATA**

|                                       |                         |
|---------------------------------------|-------------------------|
| <b>LOT AREA (D5) - COMPACT</b>        | 3,720 S.F. (0.08 ACRES) |
| <b>TOTAL BLDG AREA</b>                | 933 SQ. FT.             |
| <b>EXISTING HOME FOOTPRINT AREA</b>   | 475 SQ. FT.             |
| <b>PROPOSED GARAGE FOOTPRINT AREA</b> | 1,408 SQ. FT.           |
| <b>TOTAL DEVELOPED AREA</b>           | 62.16%                  |
| <b>OPEN SPACE PERCENTAGE</b>          | 62.16%                  |





Petition Number 2024-DV1-015

**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 carriage house is being built in a consistent manner and design of the surrounding homes and other detached accessory buildings, creating no changes to the community.

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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 surrounding properties are developed in a similar manner and size the proposed plans for this lot.

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

The existing lot was platted prior to 1910 and is less than 75% of the minimum lot area of the current D5 zoning standards. Meeting all of the currently required development standards with the existing lot dimensions and while maintaining the mature trees in the front yard will be impossible.  
The existing plans were previously approved for building permits and construction of the carriage house has begun; including the entire foundation and substantial completion of the framing. Moving the carriage house now due to the oversight during plan review would be a very expensive and material intensive burden.

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**DECISION**

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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