

BOARD OF ZONING APPEALS DIVISION I

June 2, 2026

Case Number: 2026-DV1-021
Address: 8080 Broadway Street (approximate address)
Location: Washington Township, Council District #2
Zoning: D-S (TOD)
Petitioner: Kevin and Anne Casey, by Eric Jensen
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition, resulting in a 5.5-foot side yard setback (15-foot side setback required), and a 21-foot rear setback (25 feet 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 hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ This parcel is zoned D-S (Dwelling-Suburban) to allow for suburban areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low-density development. Generous front yards with trees along roadways that follow the natural terrain of the land are envisioned for the D-S district. Similarly, the Comprehensive Plan recommends this site for Rural and Estate Neighborhood development and partially places it within an Environmentally Sensitive secondary overlay. Staff would note that the proposed development would have minimal impact on the recommendations of the Comprehensive Plan since it would not have any impact on the number or placement of trees within the existing front yard and would maintain the existing front yard setback.
- ◇ 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.

- ◇ The requested side and rear setbacks are a result of an existing zoning compliant detached garage, that is being attached to the existing dwelling by a structural expansion of the dwelling. Once attached to the dwelling, a different set of development standards for setbacks is required by the Ordinance. The required setbacks would result in the relocation of the garage to the rear of the dwelling, away from the existing driveway and current access.
- ◇ The lot, at 18,731 square feet, is a D-2 sized lot, and the width, at 105 feet wide, is a D-1 sized lot in width, which provides a practical difficulty in complying with development standards for the side and rear setbacks for this lot, which is within the D-S district.
- ◇ Generally, staff supports legally establishing 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; additionally, no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-S	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	D-S Single-Family Dwelling
	South:	D-S Single-Family Dwelling
	East:	D-S Single-Family Dwellings
	West:	D-S Single-Family Dwelling
Thoroughfare Plan		
Broadway Street	Local Street	50-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	Environmentally Sensitive / Red Line TOD	
Wellfield Protection Area	No	
Site Plan	April 20, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	April 20, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Rural or Estate Neighborhood typology to allow for development of estate-style homes on large lots with exceptional natural features (i.e. rolling hills, high quality, woodlands, and wetlands) and low density. Mature trees should be preserved whenever possible, and the preservation of open space is even more critical in rural areas.
- This property is within an Environmentally Sensitive Overlay intended for areas containing natural amenities for which damage should be prevented or mitigated. This overlay is not intended for the preservation of open space, although detached housing should be oriented to minimize impact on the natural environment, including trees, wetlands, and exceptions topography (30% of parcels as tree canopy or naturalized area recommended).

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Given its proximity to the potential future College and 91st Red Line BRT stop, this property is recommended to the walkable neighborhood TOD typology to allow for walkable areas that are primarily small-lot single-family attached or detached residential uses but with small commercial nodes of one to two blocks. Stabilized residential areas should be placed outside of the immediate area of bus stations, and off-street parking is discouraged and should be limited to garages.

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

2025-DV2-005; 8063 Broadway Street (east of site), Variance of Development Standards to provide for the addition of a covered porch and detached garage, resulting in an open space of 76 percent, a ten-foot north side yard setback and an aggregate setback of 23.33 feet, **granted**.

2009DV1028; 641 E 80th Street (south of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for an addition to a single-family dwelling with a 7.5-foot west side setback (minimum fifteen-foot side setback required), **approved**.

2005DV1062; 8028 Morningside Drive (southwest of site), provide for the construction of an addition to an existing single-family dwelling with an 8.7-foot west side yard setback (minimum fifteen-foot side yard setback required), resulting in a 24.4-foot aggregate side yard setback (minimum 35-foot aggregate side yard setback required), and to legally establish a storage shed with a 0.6-foot rear yard setback (minimum five-foot rear yard setback for accessory buildings required) in D-S, **approved**.

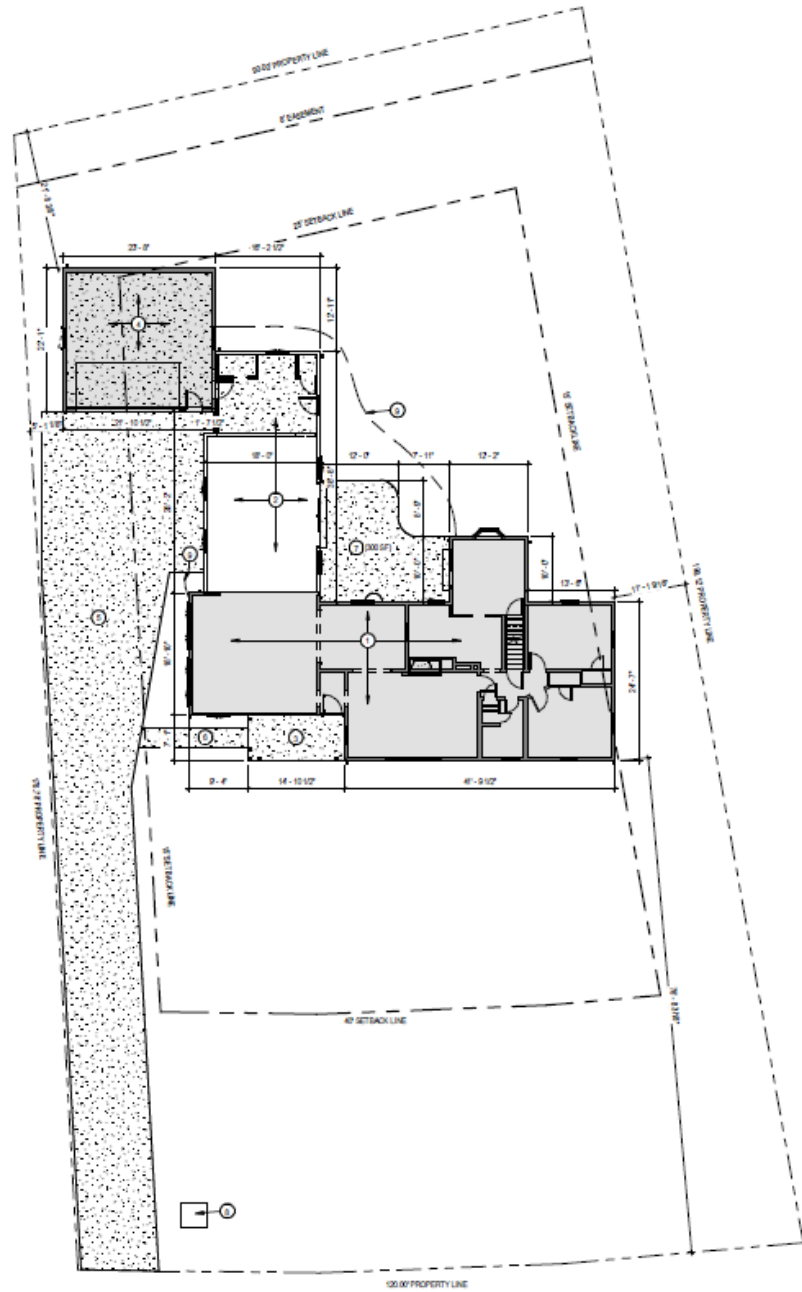
2005DV3043; 636 E 80th Street (south of site), provide a building reconstruction and expansion along an existing non-conforming 7.5-ft. east side yard setback in D-S (min. 15-ft. side setback req.), and legally establish a 28-ft. aggregate side setback and a 21.5-ft. rear setback (min. 35-ft. aggregate side yard; min. 25-ft. rear yard req.), **approved**.

2003HOV030; 8064 Morningside Drive (southwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a single-family dwelling on a 0.70-acre lot with a twelve-foot minimum northwest side yard setback and a 32-foot aggregate side yard setback, resulting in 84 percent open space, **approved**.

2000VAR827; 8008 Morningside Drive (southwest of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 3,380 square-foot single-family dwelling on a lot containing 80% of open space, **approved**.

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Site Plan



1 SITE PLAN
 1" = 10'-0"

BROADWAY AT CENTERLINE SO RIGHT OF WAY





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:

Similar setbacks can be found within the same block along Broadway St and Morningside Dr

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:

Having an attached garage is typically more desirable than the current detached garage arrangement, thus a more desirable property, with value added. Value added to a property will increase the value of surrounding properties.

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

If current zoning setbacks are imposed at the sides of the property then we will not be allowed to connect the existing garage to the existing house and the project may not proceed.

Photographs



Subject site, existing dwelling, looking west.



Subject site, existing location of dwelling addition, connecting garage to dwelling, looking northwest.



Existing garage with 5.5-foot side yard setback, looking west.



Existing garage with 21-foot rear setback, looking south.