

BOARD OF ZONING APPEALS DIVISION III

October 15th, 2024

Case Number: 2024-DV3-027
Property Address: 9621 E 96th Street
Location: Lawrence Township, Council District #4
Petitioner: Chris Shuptar
Current Zoning: D-A
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 24-foot tall, detached garage, being taller than the primary building (not permitted).
Current Land Use: Residential
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- This petition requests a variance to allow the construction of a proposed detached garage that will stand 24-30" tall and have a square footage 3,200 sqft (40ft W x 80ft L), which is taller than the primary structure. The City of Indianapolis Consolidated Zoning/Subdivision Ordinance does not permit this within Dwelling Districts.
- The primary structure on this D-A zoned property has a height of 23' and 1,900 sqft. This new accessory structure would be placed between the existing barn and the primary building.
- The large size of the proposed garage is intended to be used for indoor storage of nine vehicles which the petitioner owns.
- Staff recommends denial of this case. The proposed accessory structure is almost twice the size of the primary structure. The scale and massing of the proposed structure is incongruous with the other structures on the lot. This issue is also self-imposed due to the ability to park the vehicles on the hard surface that is already existing on the property which would still be in accordance with the ordinance without the need of a variance.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	Hamilton County Zoning North: Unknown
	South:	D-S South: Rural or Estate Neighborhood
	East:	D-1 East: Rural or Estate Neighborhood
	West:	D-P West: Rural or Estate Neighborhood
Thoroughfare Plan		
96 th Street	Primary Arterial	81ft right-of-way existing and 119ft right-of-way proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/21/2024	
Site Plan (Amended)	N/A	
Elevations	08/21/2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	08/21/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- City of Indianapolis Consolidated Zoning/Subdivision Ordinance
- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines.

Pattern Book / Land Use Plan

- City of Indianapolis Consolidated Zoning/Subdivision Ordinance
 - The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries,

aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

- Within the Consolidated Zoning and Subdivision Ordinance an accessory use includes a subordinate structure, building or use that is customarily associated with and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building and use and is located on the same lot as the primary building, structure or use (pg 10)
- According to the Consolidate Zoning and Subdivision Ordinance Accessory buildings and minor residential structures in all dwelling districts shall comply with the following requirements:
 - The horizontal land area covered by the primary building and all accessory buildings, and all game courts and all minor residential structures must cumulatively meet the required open space requirement of the district.
 - The horizontal land area covered by any one accessory building or minor residential structure must be less than the horizontal land area covered by the primary building.
 - The height of any accessory building or minor residential structure shall be less than the height of the primary building (pg 447). Enter Recommendation by Pattern Book or “Not Applicable to the Site. Please see Neighborhood / Area Specific Plan (etc.) below.”
- Pattern Book
 - The Rural or Estate Neighborhood typology 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. (pg 17)

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 Infill Housing Guild lines indicate that Accessory Structures scale, height, size and mass should relate to the primary building and should not overshadow it. (pg 28)

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 – SURROUNDING AREA

- **2003-DV2-029: 9150 Mud Creek Road**
 - 42-inch brick fence with two brick posts located in required front yard. **AP.**
- **2005-DV1-046: 9808 Northwind Drive**
 - Provide for two subdivision identification signs located within the right-of-way of Northwind Drive (signs not permitted within the right-of-way), one being located on a 8.33-foot tall wall (structural barriers not permitted within the right-of-way; maximum 3.5-foot tall structural barrier permitted in front of the established building line of the primary dwelling on the lot), and the other being located on a 8.33-foot tall support structure (maximum four-foot tall sign permitted), and to provide for two subdivision identification signs located within the right-of-way of Southwind Drive (signs not permitted within the right-of-way), one being located on a 8.33-foot tall wall (structural barriers not permitted within the right-of-way; maximum 3.5-foot tall structural barrier permitted in front of the established building line of the primary dwelling on the lot), and the other being located on a 8.33-foot tall support structure (maximum four-foot tall sign permitted). **AP.**
- **2015-DV3-007: 9611 E 96th Street**
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 2,880-square foot, 22.6-foot tall pole barn (maximum 20-foot tall permitted), with an 864-square foot porch, with a 10-foot east side setback (15-foot side setback required), creating an accessory building area of 3,744 square feet or 257% of the main floor area of the primary dwelling and an accessory use area of 4,768 square feet or 173.4% of the total floor area of the primary dwelling (maximum 75% or 1,092 square feet of accessory building area and maximum 99.9% or 2,747 square feet of accessory use area permitted). **Approved.**
- **2016-DV3-021: 8909 Ginnylock Drive**
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an attached garage, with a 3.5-foot side setback and to legally establish a shed, with a two-foot side setback, creating a 5.5-foot aggregate side yard (minimum seven-foot setback and 12-foot aggregate side setback required). **Withdrawn.**
- **2017-DV1-002: 9240 Mud Creek Road**
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 43-foot-tall addition (maximum 24-foot tall permitted) to an existing pole barn, located in front of the established front building line of the primary dwelling (not permitted). **Approved.**
- **2017-HOV-080: 9431 Sargent Road**



Department of Metropolitan Development
Division of Planning
Current Planning

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with 15-foot and 24-foot side setbacks (minimum 30-foot side setback and 75-foot aggregate side setback, encroaching within the stream protection corridor of a Tributary of Mud Creek (50-foot stream protection corridor required)). **Approved.**

EXHIBITS

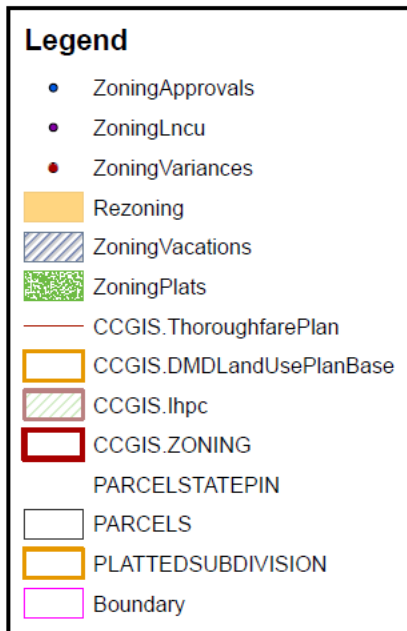
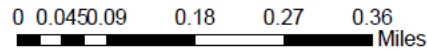
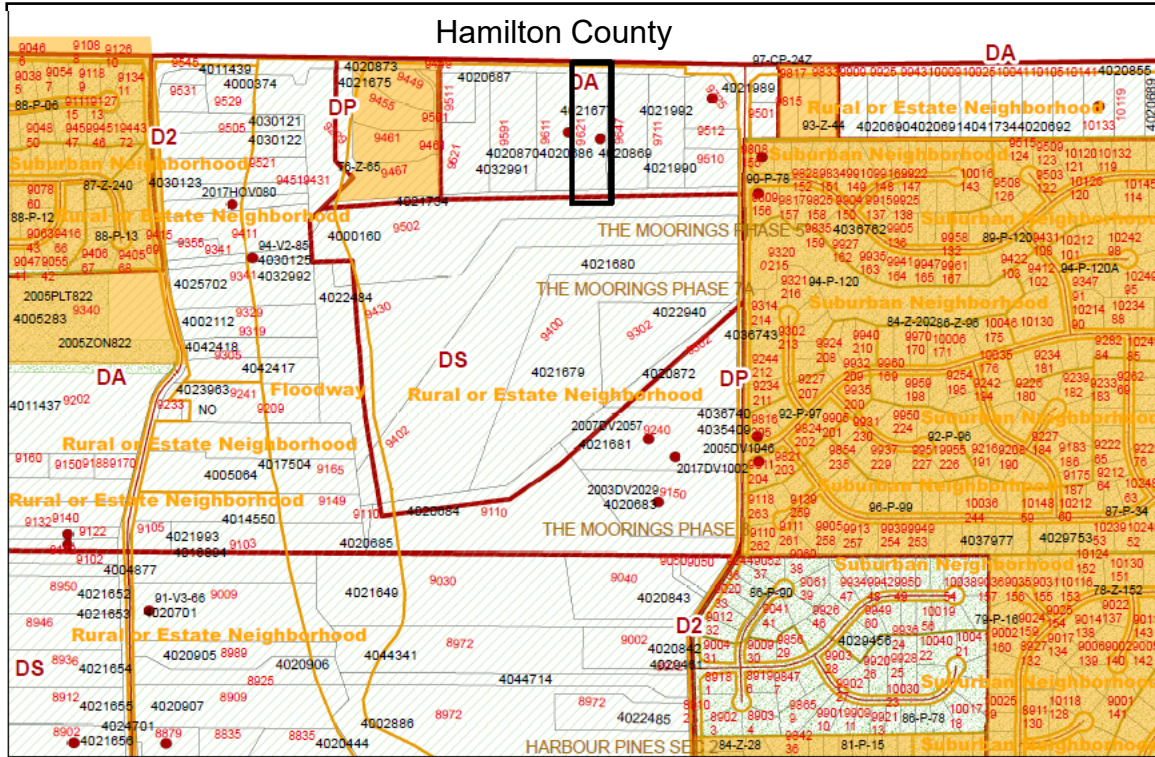


Exhibit 1: Area map around 9621 E 96th Street

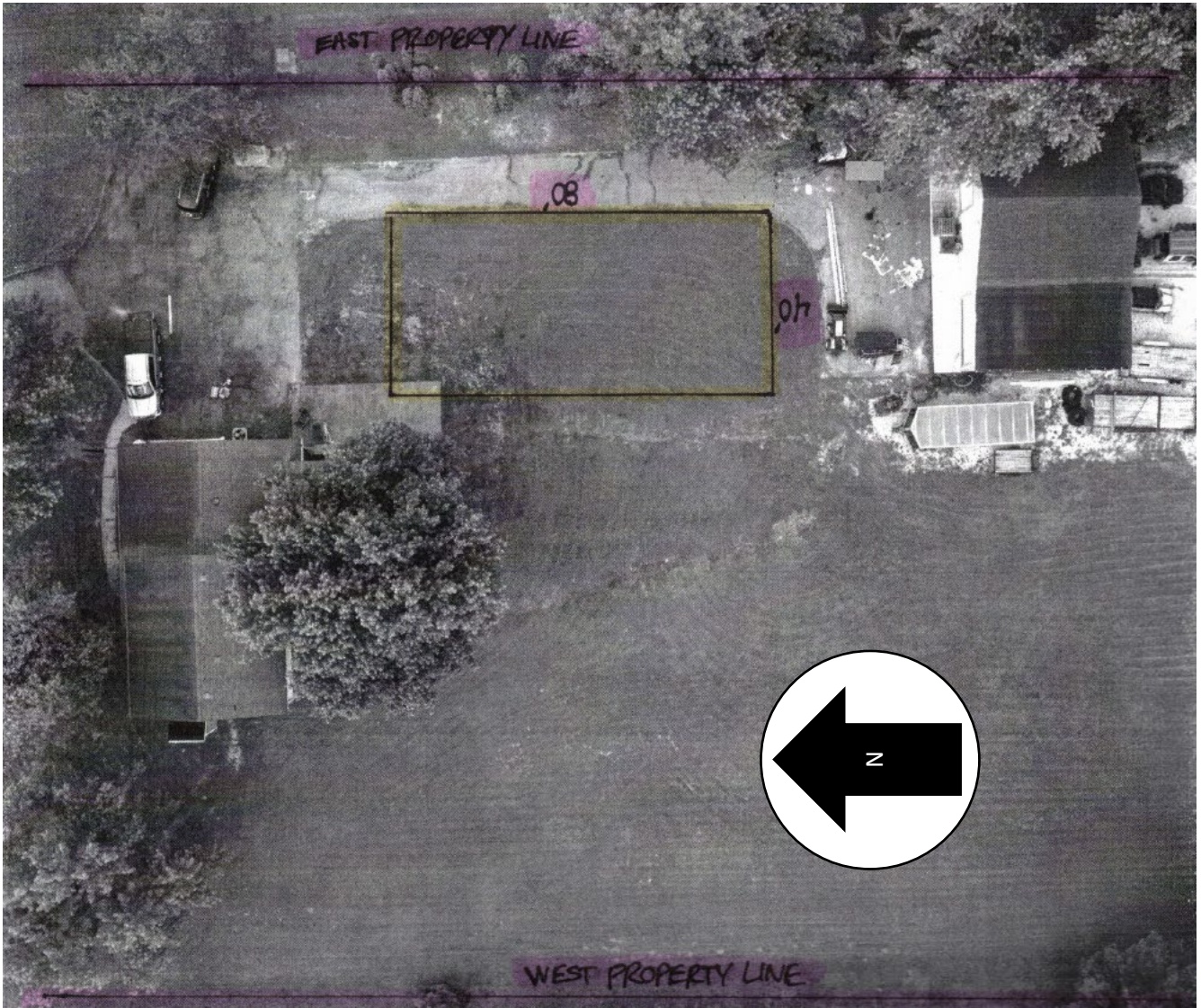


Exhibit 2: Site plan for the proposed barn at 9621 E 96th Street.

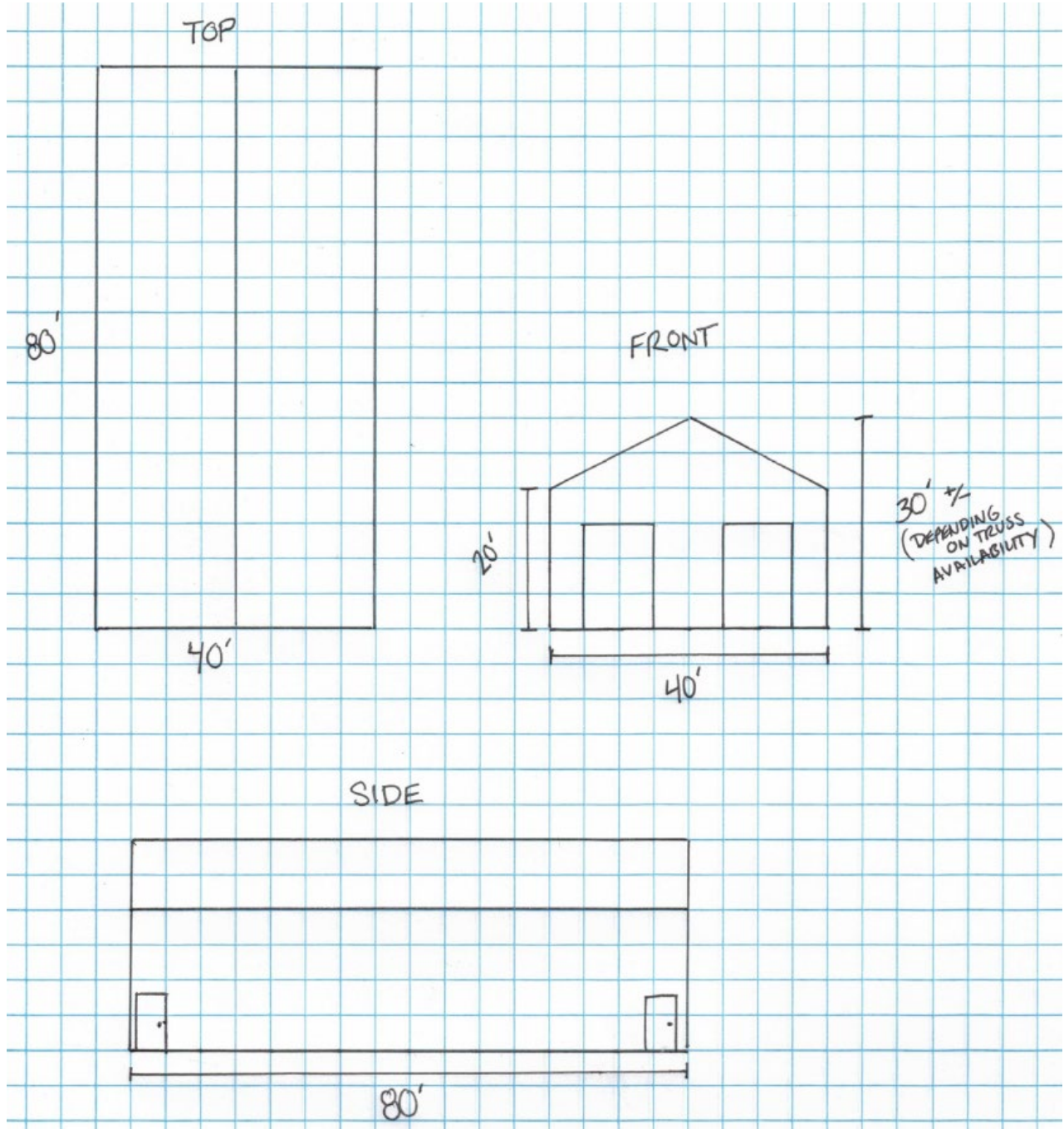


Exhibit 3: Drawn elevation of the proposed barn at 9621 E 96th Street.



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:

This proposed building will improve the value and aesthetic of properties in the immediate area.
I have already spoken to all my neighbors and they have expressed excitement for the project.
I have gone to great lengths to ensure that this project will not only improve my property by making it more functional storage, but it will also improve my neighbor's property by more effectively routing rain water south to where it naturally flows.

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:

Due to the location and type of property, this building will only increase values to the surrounding properties.
The building proposed will be high quality construction and aesthetically pleasing as to not be an ear sore or even stand out beyond what is deemed to be reasonable.
Furthermore, the current primary residence exterior will be renovated (siding and roof) to match the new construction.
Lastly, the position of the building was carefully chosen to take advantage of large tree cover on the eastern property line.

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

Being a home that was built in the 1970's, square footage is not quite up to a modern standard for a parcel this size. Therefore, building anything larger than a small shed would require a special variance.
I am a motorsport enthusiast and own 9 vehicles (most of them being off-road use only). Since most of them are for off-road sport only, they are not legally eligible for plates or insurance.
That requires me to own various hauling trailers to transport these vehicles to their respective areas of recreational use.
I am applying for the height variance merely because I need tall doors to fit trailers, my large (daily use) truck, and vehicles like RV's.
The extra interior height will allow me to stack vehicles on top of each other for more efficient use of the storage space.
It's less expensive to store vehicles vertically rather than constructing a larger footprint building.

Exhibit 4: The findings of fact, submitted by the petitioner.



Exhibit 5: The front of the primary structure at 9621 E 96th Street.



Exhibit 6: The back of the primary structure at 9621 E 96th Street.



Exhibit 7: The location between the back patio and the existing accessory structure where the proposed accessory building requested by the variance will sit looking east.



Exhibit 8: The location between the back patio and the existing accessory structure where the proposed accessory building requested by the variance will sit looking south.



Exhibit 9: The driveway at 9621 E 96th Street.



Exhibit 10: Closer picture of driveway leading to location where proposed accessory structure will sit.



Exhibit 11: Neighbor to the west of 9621 E 96th Street. Barn at this location is like the size of what the proposed accessory structure will be.



Exhibit 12: Neighbor to the west of 9621 E 96ths Street.