

**BOARD OF ZONING APPEALS DIVISION III**

**March 17, 2026**

**Case Number:** 2026-DV3-003

**Property Address:** 3171 North Pennsylvania Street (*approximate address*)

**Location:** Center Township, Council District #8

**Petitioner:** John K. Barry, by Justin Kingen

**Current Zoning:** D-5 (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a three-foot north side yard setback (seven feet required) and a one-foot rear yard setback (twenty feet required).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends **approval** of this petition.

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- 3171 North Pennsylvania Street is a residential parcel with a size of 7612 square feet that is current improved with a single-family residence. The structure on the lot has an attached garage that is both front-loaded from an existing driveway from Pennsylvania and has a rear garage door adjacent to the existing rear-yard fence (see Photo 2 of Exhibits). Adjacent land uses are either residential or undeveloped land zoned residentially. The site is part of the Meridian Park Historic District within the National Register of Historic Places.
- Approval of this petition would allow for a building addition onto the existing property for both an expansion of the existing attached garage as well as a new mud room, per site plan below (no elevations were provided for review). The addition as shown would create the need for two (2) separate Variances of Development Standards related to the northern side yard setback (3-foot proposed and 7-foot required) and eastern rear yard setback (1-foot proposed and 20-foot required).

- Although there is a legally established side yard setback of three (3) feet for the existing structure, this addition would result in an expansion along that non-conformity by more than 50%, which would not qualify for the exception found within 744-202.E of the Ordinance. The proposed layout would also narrowly comply with open space requirements for the district, and although the placement of a *new* front-loaded driveway would be disallowed the existing front-yard access from Pennsylvania is not being expanded and would be considered legally non-conforming.
- This property is zoned D-5 to allow for medium- and large-lot housing formats, primarily for detached houses but with small-scale multi-unit buildings in strategic locations. Similarly, the Meridian Kessler Neighborhood Plan recommends 5-8 residential units per acre and TOD strategic plans place it within the Community Center typology which contemplates residential use. Finally, Infill Housing Guidelines indicate that building setbacks should reinforce existing spacing and patterns within the context of the larger block, and should allow for adequate room for maintenance while limiting uncharacteristically large gaps between structures.
- Findings of Fact provided by the applicant indicate that the proposed addition would match the neighborhood context where small side and rear setbacks are common, would not impact existing traffic patterns or frequency, and that the placement of the current residence on the lot limits their ability to improve the site with a building addition in a compliant manner.
- Staff would note that the current building has an existing rear setback of 19 feet, which would mean that any sort of building addition to the east would not be possible absent a variance to build within the required 20-foot setback. Additionally, the expansion of approximately 68.4% along the existing side yard setback would be comparable to the 50% expansion that would be permitted and would not result in new building being placed directly adjacent to development on the property to the north. Given the practical difficulty caused by existing building placement on the site and that the addition would appear to comport with Infill Housing Guidelines, staff recommends approval of the petition.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5 (TOD)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	5-8 Residential Units per Acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Undeveloped
<b>Thoroughfare Plan</b>		
Pennsylvania Street	Primary Arterial	x-foot existing right-of-way and 56-foot proposed right-of-way
<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>	01/26/2026
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	01/26/2026
<b>Findings of Fact (Amended)</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Mapleton Fall Creek Neighborhood Land Use Plan (2013)
- Red/Purple Line Transit-Oriented Development Strategic Plan
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan below.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red and Purple Line TOD Strategic Plans recommend this property to the Community Center TOD typology given its proximity to the 34<sup>th</sup> Street BRT stop. This typology allows for walkable commercial centers with a range of commercial types as well as a mix of retail, entertainment, office, and residential uses as desired. Surface parking should be consolidated and placed behind buildings.

### Neighborhood / Area Specific Plan

- The Mapleton Fall Creek Neighborhood Land Use Plan notes this property is located within the Meridian Park Historic District and recommends land use of 5-8 residential units per acre. The Plan views the current D-5 zoning of the parcel as being appropriate.

### Infill Housing Guidelines

- Infill Housing Guidelines indicate that spacing between houses should establish a rhythm and pattern on the block, with uncharacteristically large gaps between houses and inadequate room for maintenance discouraged.

### 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

**2023DV2023 ; 3159 N Pennsylvania Street (south of site)**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a five-foot rear yard setback (20-foot rear yard setback required), **approved**.

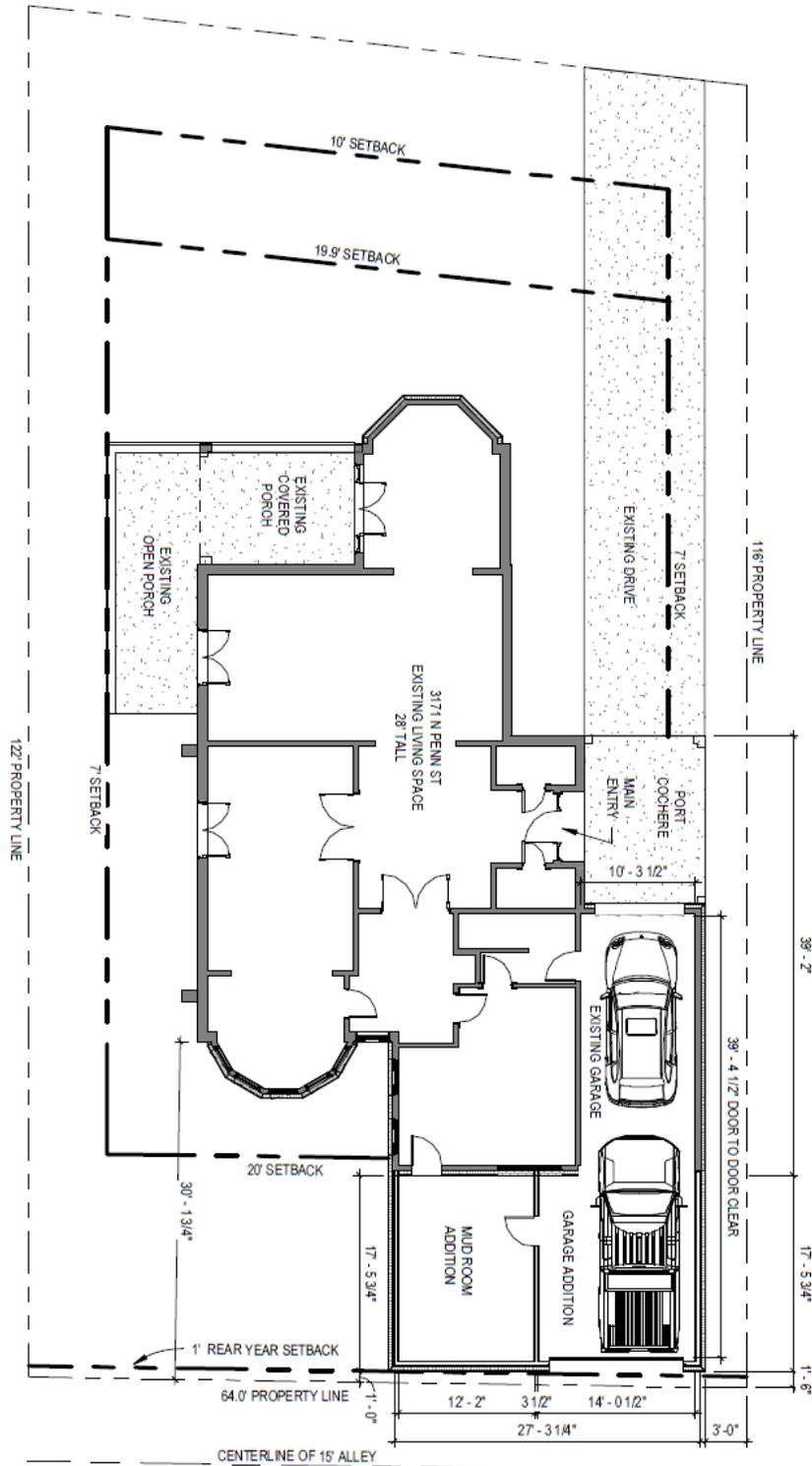
**83-V2-18 ; 3177 N Pennsylvania Street (north of site)**, variance of development standards of 66-AO-2, Section 2:15 B.1 (2) to reconstruct a detached garage on an existing foundation two feet from the rear property line, as per plans filed, **approved**.

**EXHIBITS**

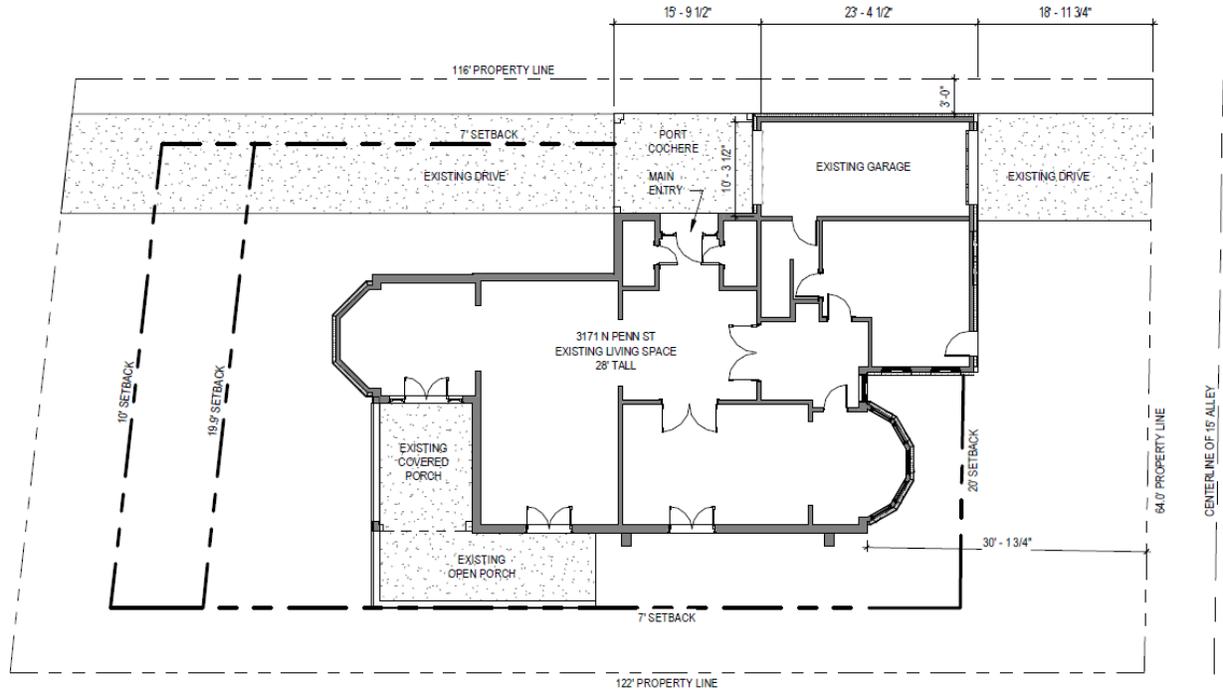
**2026DV3003 ; Aerial Map**



**2026DV3003 ; Site Plan**



**2026DV3003 ; Site Plan (existing, without proposed addition)**



**2026DV3003 ; Findings of Fact**

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

The proposed variances will allow for the construction of an attached garage addition that is subordinate to the existing single-family residence and consistent with the established residential character of the surrounding neighborhood. The improvements will not increase density, introduce a new use, or alter traffic patterns. The proposed garage will be located behind the primary building façade and will not adversely affect visibility, access, or public safety. The rear yard setback of the proposed attached garage addition will be similar to existing garage setbacks along the alley behind the subject property.

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 garage addition will be compatible in scale, massing, and placement with nearby residential structures. Similar setback conditions exist on adjacent and nearby properties, reflecting the development pattern of the neighborhood. The variances will not negatively impact light, air, or privacy for adjoining properties, nor will they introduce noise, traffic, or activity beyond what is customary for a single-family dwelling. The proposed project is not anticipated to adversely affect nearby property values.

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

The subject property contains an existing attached garage with non-conforming yard setbacks, which limits the ability to construct a code-compliant garage addition. Strict enforcement of the current side and rear yard setback requirements would prevent reasonable expansion of the existing attached garage and restrict the homeowner's ability to provide functional off-street parking and storage. The lot's dimensions, existing building placement, and established development pattern create practical difficulties that are not self-imposed and are unique to the property.

**2026DV3003 ; Photographs**



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site Viewed from East

**2026DV3003 ; Photographs (continued)**



Photo 3: Alley to East of Subject Site, Viewed from North



Photo 4: Adjacent Property to North

**2026DV3003 ; Photographs (continued)**



Photo 5: Adjacent Property to West



Photo 6: Adjacent Property to South