

BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number: 2026-DV1-022 (Amended)
Property Address: 510 West Hampton Drive (approximate address)
Location: Washington Township, Council District #7
Petitioner: Michael and Sara Mitchell, by Josh Smith
Current Zoning: D-5
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-foot side yard setback (seven feet required) and a three-foot rear yard setback (five feet required) for a detached structure.
Current Land Use: Residential
Staff Recommendations: Staff recommends **approval** of the requested variances.
Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

6/2/26: A continuance was granted to the petitioner to allow for them to amend the request to include a rear setback variance as well as the side setback. Additional time was required for mailing of legal notice.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested variance.

PETITION OVERVIEW

510 West Hampton Drive is a 0.21-acre parcel currently developed with a single-family home and attached garage built in 1928 (per the property card) with a footprint of approximately 1725 square feet. The property is accessed by an existing driveway from Hampton to the south, and lacks alley access. Immediately adjacent land uses are residential in nature (zoned D-5 and within the Butler-Tarkington neighborhood), and areas zoned UQ-1 and associated with Butler University are to the west of the property along Sunset Avenue.

Approval of this petition would allow for construction of a detached garage in the northwest corner of the lot, in addition to the existing side-loaded attached garage. The garage door of the new structure would be roughly parallel with the existing driveway location, which would not be altered by this project. The 70-foot width of the lot would require a side yard setback of seven (7) feet to the west, and an exception for detached accessory residential structures would allow for a rear setback of five (5) feet. The variances sought would allow for a 3-foot setback to the west as well as a 3-foot setback to the north, a deviation of four (4) feet and two (2) feet from Ordinance requirements respectively.

The property is zoned D-5 (Dwelling District Five) to allow for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. Similarly, the property is recommended for Traditional Neighborhood uses and placed within a Residential Corridor Reserve overlay by the Comprehensive Plan Pattern Book (additional information below). Finally, relevant Infill Housing Guidelines indicate that building spacing should reflect existing spacing along the block while also allowing for maintenance of buildings.

Findings of Fact provided by the applicant indicate that usage of solely the existing attached garage located around the corner of the established building creates difficulties in maneuvering, and that the placement of this garage would maintain the visual layout of the rest of the neighborhood where reduced side- and rear-yard setbacks for garages are not uncommon. Staff would concur that the placement of the garage would not violate applicable Infill Housing Guidelines, that adequate fencing and landscape placement exists near property lines to provide buffering, and that the adjacent lot to the west (owned by the university) does not have current plans for future development. For these reasons, staff recommends **approval** of the requests related to setbacks.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-5	North: Residential
	South: D-5	South: Residential
	East: D-5	East: Residential
	West: D-5	West: Undeveloped
Thoroughfare Plan		
Hampton Drive	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	04/17/2026	
Site Plan (Amended)	06/02/2026	
Elevations	06/16/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	04/17/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible.
 - The Residential Corridor Reserve (RR) overlay is intended for areas where the residential nature of a corridor is at risk due to encroachment from other land uses. An example might be residential areas that are being overtaken by schools, hospital, or corporate campuses.
 - Detached housing is a contemplated land use for both this typology and this overlay.

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

- Spacing between buildings should establish a rhythm and pattern along a street, with existing spacing on the block reinforced, limits on uncharacteristically large gaps between houses, and adequate room for maintenance of homes and buildings.

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

2024DV2005 ; 435 West Hampton Drive (southeast of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with four-foot east side yard setback (seven-foot side yard setback required), **approved**.

2023DV1054 ; 530 West 44th Street (southwest of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 754-square foot carriage house (maximum square footage of 720 square feet permitted) with a five-foot corner side yard setback from Sunset Avenue (10-foot required) and a 2.5-foot rear yard setback (five-foot setback required), **approved**.

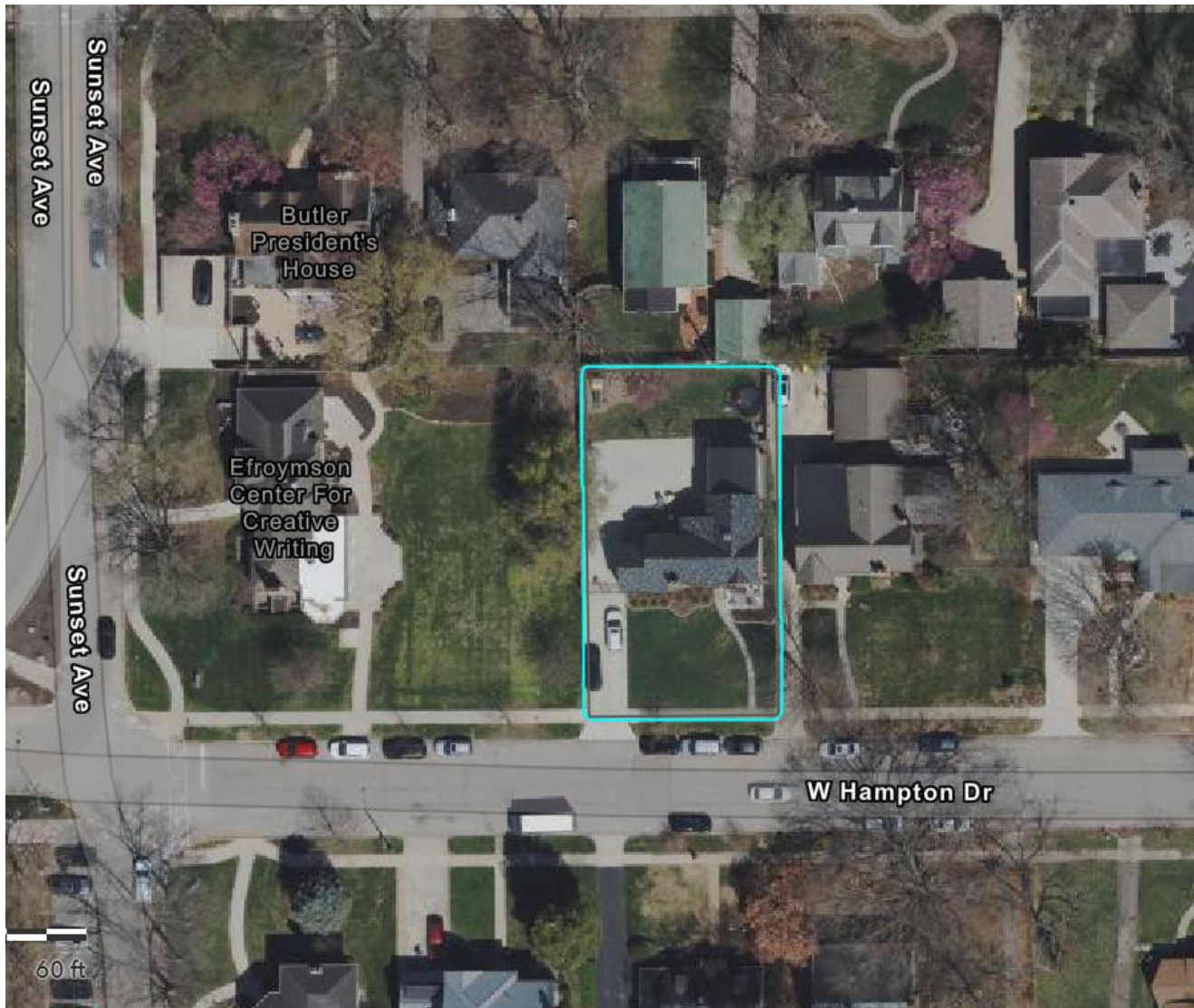
2011CVR824 ; 525 Blue Ridge Road (west of site), Variance of use and development standards of the Special Districts Zoning Ordinance to provide for the University President's House (Carter House; 525) and the Efroymsen Center for Creative Writing (530), which would have lectures by visiting writers and authors and other university uses, as well as provide for housing for the writers, authors and up to three graduate students, and to provide for an attached garage, with a 0.75-foot front setback from Sunset Avenue (25-foot front setback required), **approved**.

2011CZN824 ; 525 Blue Ridge Road (west of site), Rezoning of 0.645 acre from the D-5 District to the UQ-1 classification to provide for the University President's House (Carter House; 525) and the Efroymsen Center for Creative Writing (530), which would have lectures by visiting writers and authors and other university uses, as well as provide for housing for the writers and authors, **withdrawn**.

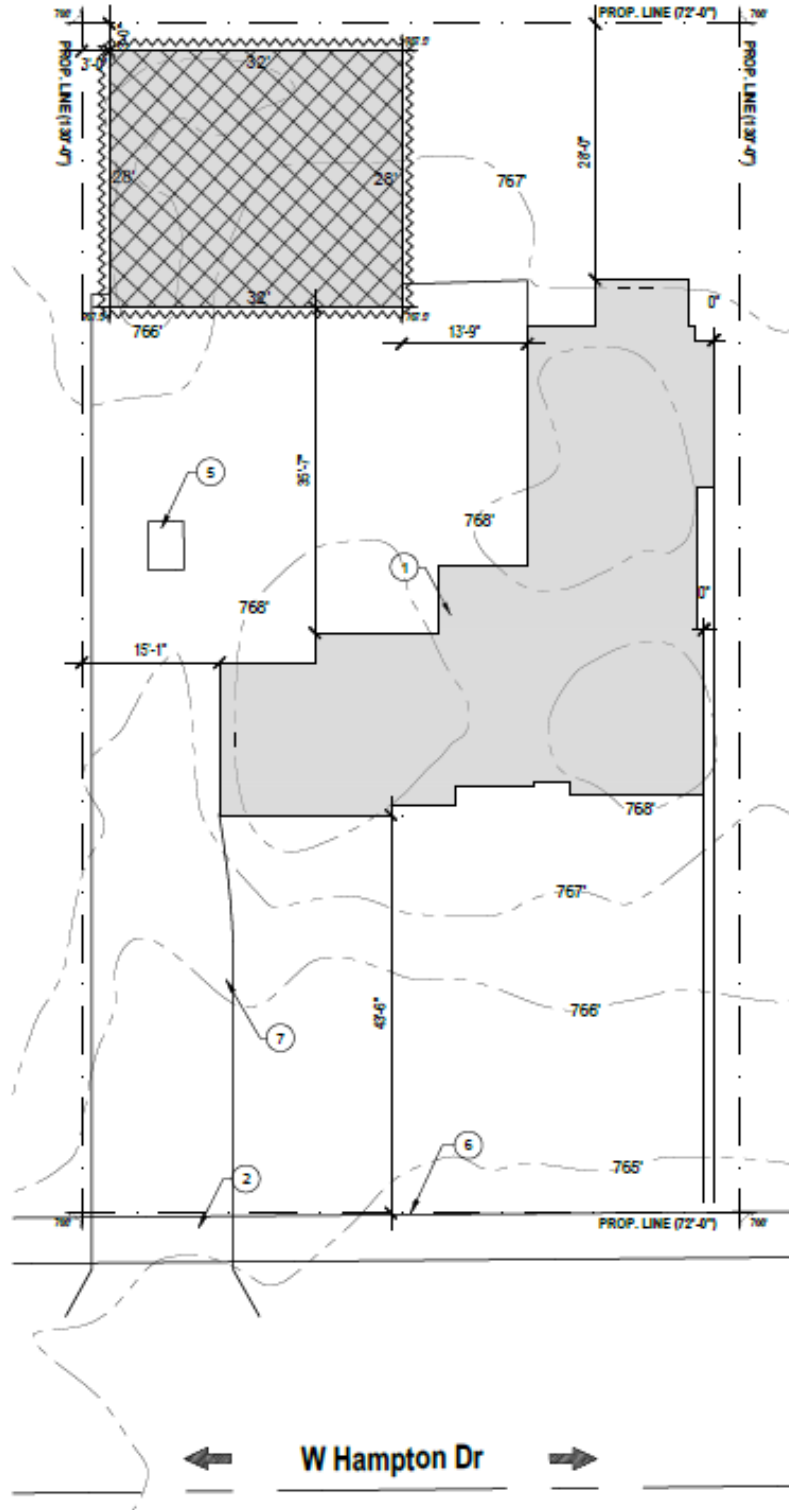
2006UV2040 ; 525 West Hampton Drive (southwest of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the location of the Butler University Police Department within the existing structure on site (not permitted), and to legally establish five parking spaces partially within and with maneuvering area within the right-of-way of Sunset Avenue (parking spaces and maneuvering area in the right-of-way not permitted), **approved**.

EXHIBITS

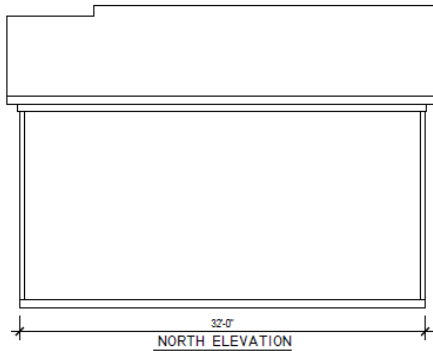
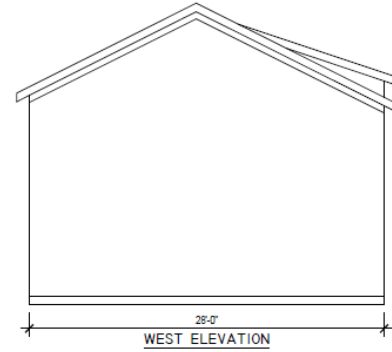
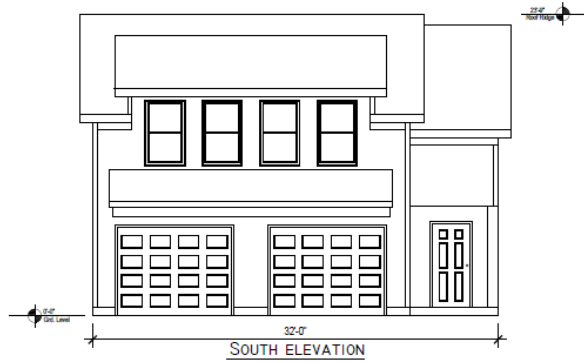
2026DV1022 ; Aerial Map



2026DV1022 ; Site Plan



2026DV1022 ; Elevations



Proposed

2026DV1022 ; Findings of Fact

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

This property will remain residential and in compliance with all other D5 regulations

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:

This variance allows the expansion of the residential use with additional garage and space above the garage. The design follows the character of the existing home and surrounding neighborhood.

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

Due the non-traditional layout of the home on this lot, the existing garage is on the backside of the home with a driveway that wraps around the west side of the home. By building the proposed structure closer to the west property line, this leaves more room for driveway vehicle access to remain for the attached garage.

2026DV1022 ; Photographs



Photo 1: Subject Property Viewed from South

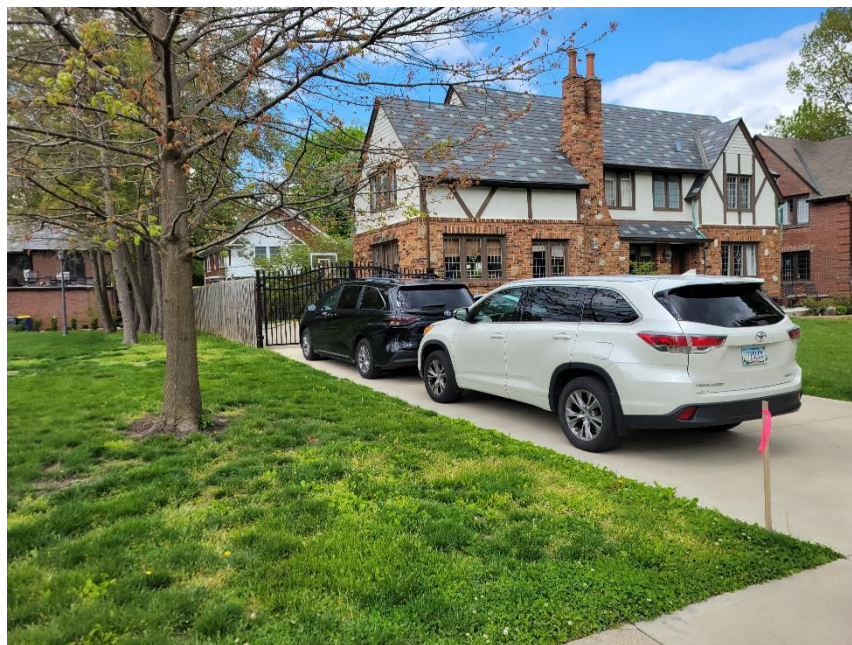


Photo 2: Subject Fence Viewed from Southwest

2026DV1022 ; Photographs (continued)



Photo 3: Location of Proposed Detached Garage Viewed from South



Photo 4: Existing Attached Garage Viewed from West

2026DV1022 ; Photographs (continued)



Photo 5: Adjacent Property to West



Photo 6: Adjacent Property to South