

BOARD OF ZONING APPEALS DIVISION I

September 2, 2025

Case Number: 2025-DV1-038
Address: 954 North Traub Avenue (approximate address)
Location: Center Township, Council District #12
Zoning: D-5
Petitioner: Curtis Smith, by Vince Braun
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 672-square foot detached garage, being larger than the 660-square foot primary building (accessory structures are not permitted to be larger than the primary building).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first scheduled hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the construction of a 672-square foot detached garage, being larger than the primary dwelling.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to accessory buildings, are intended to ensure the dwelling remains the primary use of the property. Limiting the size of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the individual's needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site. The proposed garage would consist of new construction that could be designed to meet the terms of the Ordinance.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a hardship, nor does the site possess a practical difficulty, since the site is zoned D-5 and could be used as permitted, by right, in the D-5 zoning classification. Any practical difficulty is self-imposed by the desire to use the site for the construction of a garage, being larger than the primary dwelling.

- ◇ The subject site is similar in size to other nearby properties, that are able to follow the comprehensive plan and zoning ordinance without the need for the requested variances. For these reasons, staff does recommend denial.

GENERAL INFORMATION

Existing Zoning	D-5		
Existing Land Use	Single Family Dwellings		
Comprehensive Plan	5-8 residential units per acre.		
Overlay	No		
Surrounding Context		Zoning	Surrounding Context
	North:	C-3	Undeveloped
	South:	D-5	Undeveloped side yard
	East:	D-5	Single-family dwelling
	West:	D-5	Single-family dwelling
Thoroughfare Plan			
	Traub Avenue	Local Street	48-foot existing and proposed right-of-way.
Context Area	Compact		
Floodway / Floodway Fringe	N/A		
Wellfield Protection Area	No		
Elevations	N/A		
Commitments	N/A		
Landscape Plan	N/A		
Plan of Operations	N/A		
Site Plan	June 5, 2025		
Findings of Fact	June 5, 2025		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 5-8 residential units per acre.

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Recommends 5-8 residential units per acre.

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

2016-UV2-011; 958 North Belmont Avenue (west of site), requested a Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance, to provide for a real estate office, with commercial business signs, **denied**.

2007-UV1-002; 954 North Traub Avenue (subject site), requested a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a beauty salon and a candy store in an existing dwelling, and a Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 6-foot tall fence in the required front yard, **granted**.

2007-ZON-044; 961 North Sheffield Avenue (west of site), requested the Rezoning of 0.13 acre, from the C-3 District, to the D-5 classification to provide for the construction of a single-family dwelling, **granted**.

2005-DV2-052; 937 North Sheffield Avenue (southwest of site), requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a 1,092-square foot single-family dwelling, with a 16.25-foot front yard setback, with a zero-foot north side yard setback and a 3.92-foot south side yard setback, and to provide for the construction of an 84-square foot addition extending 18.08 feet along the existing nonconforming zero-foot north side yard setback, **granted**.

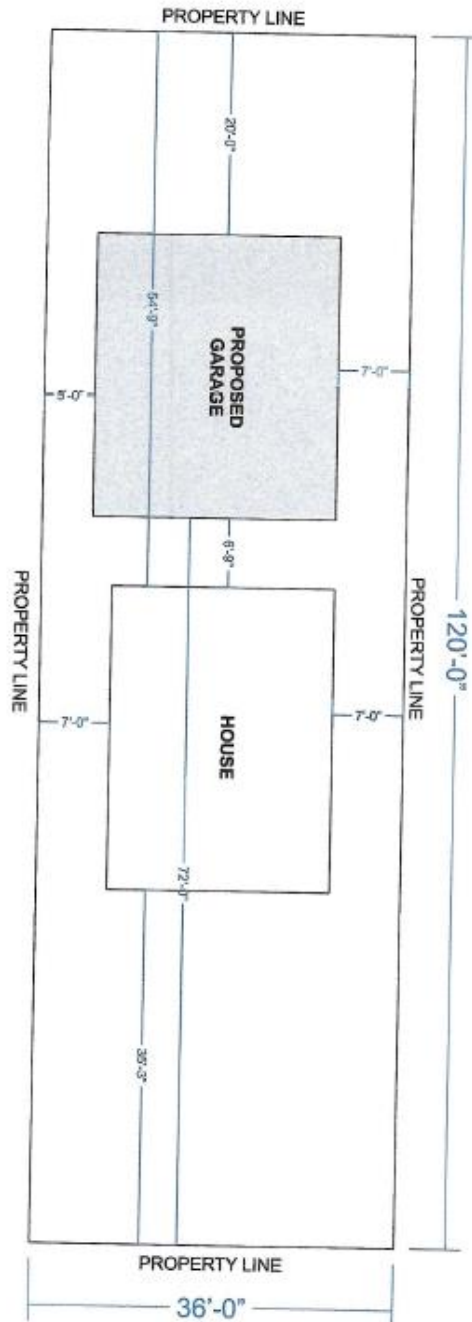
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EXHIBITS

Location Map



Site Plans



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:

It is a basic build of a garage structure according to the codes and safety rules and regulations of the State of Indiana and the International Building Code.

It will be located in an area of the owner's property that is well maintained and serviced.

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 garage is being built and constructed of the highest quality by a reputable company, Coach House Garages, and it's respected subcontractors using only the highest quality products that have shown to only increase property values presently and in the past.

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

It limits the storage of the homeowners personal property in such a way that the width restriction prohibits the use of property in a way that neither effects the municipal codes nor the neighbor's line of sight in a negative manner. The width of the building provides only the best use of the property for the home owner while in no way negatively effects the community or neighbors. The current code states that the building cannot exceed the width of the existing residential structure. However the width of the existing structure is less than twenty four inches smaller than the new structure.

Photographs



Subject site single family dwelling, looking west



Subject site rear of dwelling, proposed garage location, looking east



Adjacent single family dwelling with complaint garge, looking west.



Adjacent single family dwelling with complaint garge, looking northwest.