

**BOARD OF ZONING APPEALS DIVISION III**

**September 16, 2025**

**Case Number:** 2025-UV3-023  
**Property Address:** 125 S Bonar Avenue (approximate address)  
**Location:** Warren Township, Council District #20  
**Petitioner:** Rayo Vivar Investments Corp, by Josh Smith  
**Current Zoning:** I-2  
**Request:** Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, subject to the filed site plan (not permitted).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff **recommends denial** of this petition  
**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- This petition was continued with notice to the September 16, 2025 BZA Division III hearing as the legal notices were not provided to the petitioner in time to meet the notice deadline.

**STAFF RECOMMENDATION**

- Staff **recommends denial** of this petition.

**PETITION OVERVIEW**

- This petition would allow for a single-family dwelling in the I-2 zoning district (not permitted).
- It has been indicated to the petitioner that Staff would recommend approval of a Rezoning petition to rezone the property to the D-2 district. Staff believes a rezoning petition is far more appropriate for the situation as the property has consisted of a single-family residence since the 1930s. Staff finds this to be an opportunity to correct the property's zoning which has been mismatched with the use of the land for decades. Staff would emphasize that any expansions or changes made to the residence under its current I-2 zoning district would require variances. Staff finds that rezoning would be much more beneficial so as to match the zoning with the actual use of the land, and to eliminate the need for future variances if any additions or changes are made to the site by the current or future owners.
- Staff recommends denial of this Use Variance and recommends that the petitioner withdraw and refile as a Rezoning petition, which Staff would support.

## GENERAL INFORMATION

|                                   |                           |  |
|-----------------------------------|---------------------------|--|
| <b>Existing Zoning</b>            | I-2                       |  |
| <b>Existing Land Use</b>          | Single-family residential |  |
| <b>Comprehensive Plan</b>         | Suburban Neighborhood     |  |
| <b>Surrounding Context</b>        | <b><u>Zoning</u></b>      | <b>Surrounding Context</b>                               |
| North:                            | I-2                       | North: Single-family residential                         |
| South:                            | I-2                       | South: Vacant  |
| East:                             | D-P                       | East: Single-family residential                          |
| West:                             | I-2                       | West: Single-family residential                          |
| <b>Thoroughfare Plan</b>          |                           |  |
| South Bonar Avenue                | Local Street              | 40 feet of right-of-way existing and<br>50 feet proposed |
| <b>Context Area</b>               | Metro                     |  |
| <b>Floodway / Floodway Fringe</b> | No                        |  |
| <b>Overlay</b>                    | No                        |  |
| <b>Wellfield Protection Area</b>  | No                        |  |
| <b>Site Plan</b>                  | 7/9/25                    |  |
| <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>           | 7/9/25                    |  |
| <b>Findings of Fact (Amended)</b> | N/A                       |  |

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Suburban Neighborhood typology for this site.

### 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

- Not Applicable to the Site.

#### Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

### ZONING HISTORY

#### ZONING HISTORY – SITE

N/A

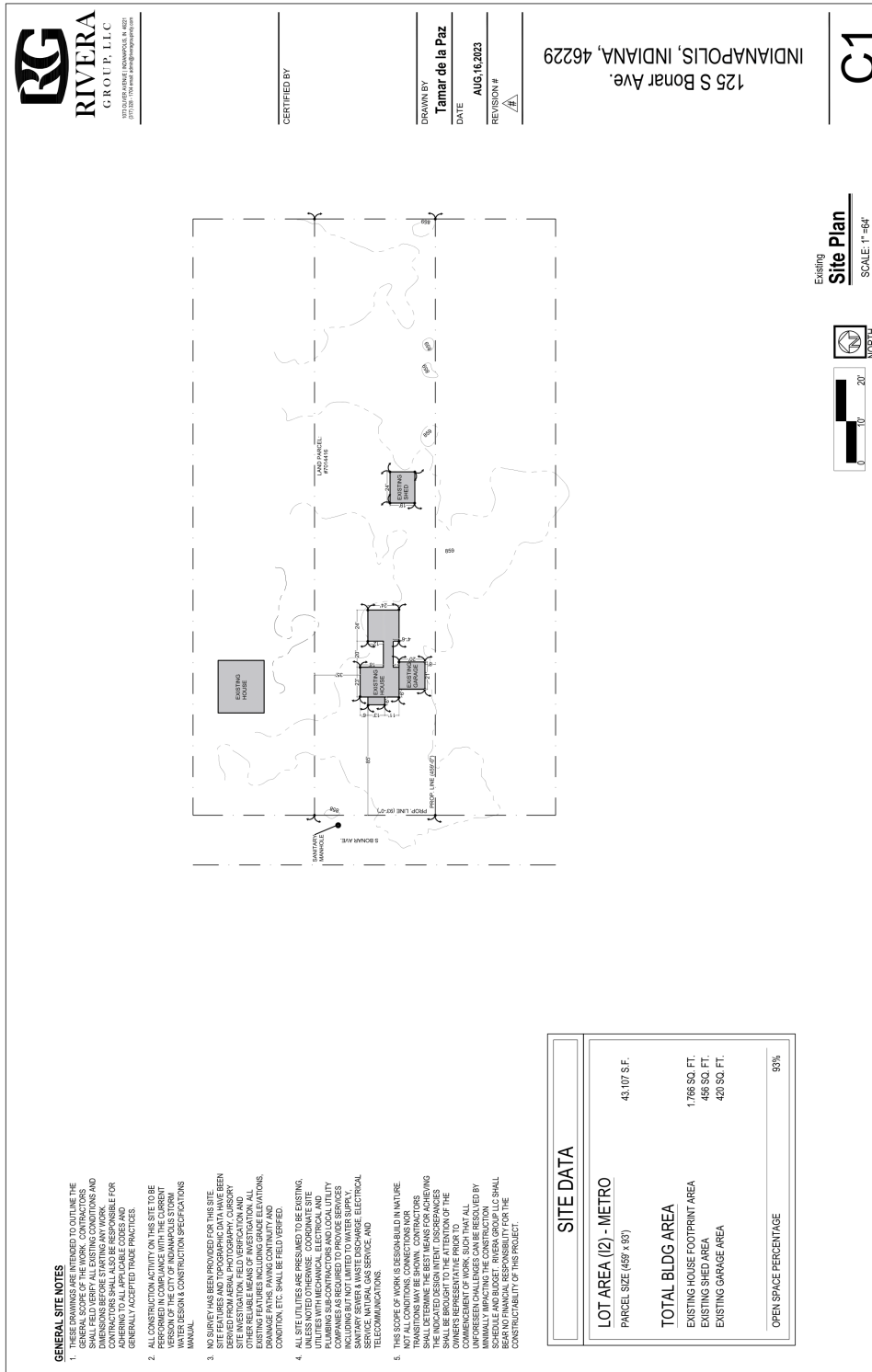
#### ZONING HISTORY – VICINITY

N/A

EXHIBITS



Aerial Photo



Site plan



Department of Metropolitan Development  
Division of Planning  
Current Planning

Petition Number \_\_\_\_\_

METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND  
GENERAL WELFARE OF THE COMMUNITY BECAUSE

The variance will continue to allow the current non-conforming structure that has been in place for 70+ years.

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2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE  
VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The variance would allow the continued single family home use that's been in place. The proposed changes do not significantly change the size of the structure nor the existing use.

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3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE  
PROPERTY INVOLVED BECAUSE

The property is currently zones I2 for industrial uses however this single home has been on-site prior to 1950. The home now needs improvements to the crawlspace/floor that require some changes to the structure in order to raise perimeter walls and change the roofline. The existing floor system has a crawlspace that is less than a foot. In order to fix the floor, the floor structure needs raised to allow for a proper depth crawlspace. In order to raise the floor, the walls will also need raised and then roof/ceiling will need to be raised 1.5-2 feet.

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4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES  
AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH  
THE VARIANCE IS SOUGHT BECAUSE

The I2 zoning prohibits the use of property for residential uses and will not allow the structures to be changed and remodeled for housing purposes.

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5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN  
BECAUSE

The comp plan suggests this area to be used for suburban residential uses. The continued use of the property as a family home is in-line with the plan recommendation.

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DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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Subject site



Subject site



Adjacent home to the north