

**BOARD OF ZONING APPEALS DIVISION I**

**May 6<sup>th</sup>, 2025**

**Case Number:** 2025-DV1-013 (Amended)  
**Property Address:** 1933 West 64<sup>th</sup> Street  
**Location:** Washington Township, Council District #2  
**Petitioner:** Ingris Maribel Velasquez Fuentes, by Epifanio Carbajal  
**Current Zoning:** D-A  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an inground swimming pool resulting in an open space of 67 percent (85 percent required).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff is recommending **approval** of this variance petition.  
**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the second public hearing for this variance petition.

This petition was continued by staff at its first public hearing on April 1st to the May 6th Division I hearing due to an unexpected publication error that impacted the printing of this petition's information within newspapers as required by statute.

**STAFF RECOMMENDATION**

Staff is recommending **approval** of this variance petition.

**PETITION OVERVIEW**

- The petitioner is requesting an open space percentage reduction from 85% to 67% in order to have an inground swimming pool.
- This parcel is 0.35-acre in a D-A zoning district.
- Historical aerials show that development has occurred on this parcel since 1956 when the Ordinance allowed smaller lots.
- The D-A zoning district requires a three (3) acre minimum lot area because of its larger size, the district has a higher required open space percentage.
- The proposed inground swimming pool meets all setbacks as required by the Ordinance.
- The property has a six (6) foot fence around the rear and side yards of the parcel to prevent animals or non-residents around the property from accessing the pool.

- Staff recommends **approval** of this variance petition. Due to the lot being legally non-conforming and deficient in required lot area for the current D-A district, it would be difficult for this property to meet the required standards without a variance.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-2	North: Suburban Neighborhood
South:	D-A	South: Suburban Neighborhood
East:	D-2	East: Suburban Neighborhood
West:	D-A	West: Suburban Neighborhood
<b>Thoroughfare Plan</b>		
64 <sup>th</sup> Street	Primary Collector	50 feet of right-of-way existing and 80 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>	2/19/2025	
<b>Site Plan (Amended)</b>	3/5/2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	2/19/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Pattern Book
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of singlefamily housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be

supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park (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**

- Open space is one of the key ways that the Zoning Ordinance ensures that oversized structures are not placed on smaller lots by limiting the percentage of a lot that is covered by houses, garages, or other built features. Open space requirements prevent over-development, promote development pattern unity, and preserve space for outdoor recreation (pg. 17).
- In some existing neighborhoods, there may be lots that do not meet current minimum size requirements. In these cases, it may be appropriate to seek a variance to request a reduction in open space for the construction of a primary structure like a house. However, the resulting primary structure should be consistent in height, mass, and footprint with other structures on the same street or in the surrounding area (pg. 17).

#### **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-UV2-024: 1746 Kenruth Drive
  - Luggage repository in residential front yard, accessory structures with non-conforming setbacks.
    - AP
- 2004-DV2-047: 2057 Mayfair Drive
  - Reduced front and side yard setbacks.
    - AP
- 2008-DV2-003: 2033 Riviera Street
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 720-square foot detached garage with a five-foot east side setback (minimum fifteen-foot side setback required), resulting in an accessory building area of 1,160 square feet or 127.19 percent of the main floor area of the primary structure (maximum 684 square feet or 75 percent of the main floor area of the primary structure permitted), and resulting in an accessory use area of 1,456 square feet or 159.65 percent of the total living area of the primary structure (maximum 911-square feet or 99.99 percent of the total living area of the primary structure permitted).
    - AP
- 2008-DV3-009: 1909 Mayfair Drive
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 400-square foot detached garage with a six-foot west side setback (minimum 30-foot side setback required).
    - AP
- 2009-DV3-034: 2041 Mayfair Drive
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 280-square foot attached garage addition with a six-foot west side setback, resulting in a primary structure with a 30.7-foot side yard aggregate (minimum 30-foot side setback required, minimum 75-foot side yard aggregate required).
    - Approved
- 2014-DV1-041: 2048 West 63<sup>rd</sup> Street
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 735-square foot detached garage, with a six-foot east side setback (15-foot side setback required).
    - Approved
- 2021-DV1-014A: 1750 Oles Drive



**Department of Metropolitan Development  
Division of Planning  
Current Planning**

- Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a nine-foot-tall rear yard fence (maximum six-foot tall fence permitted).
    - Approved
- 2021-DV1-014B: 1750 Oles Drive
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a nine-foot-tall side yard fence (maximum six-foot tall fence permitted).
    - Denied

EXHIBITS

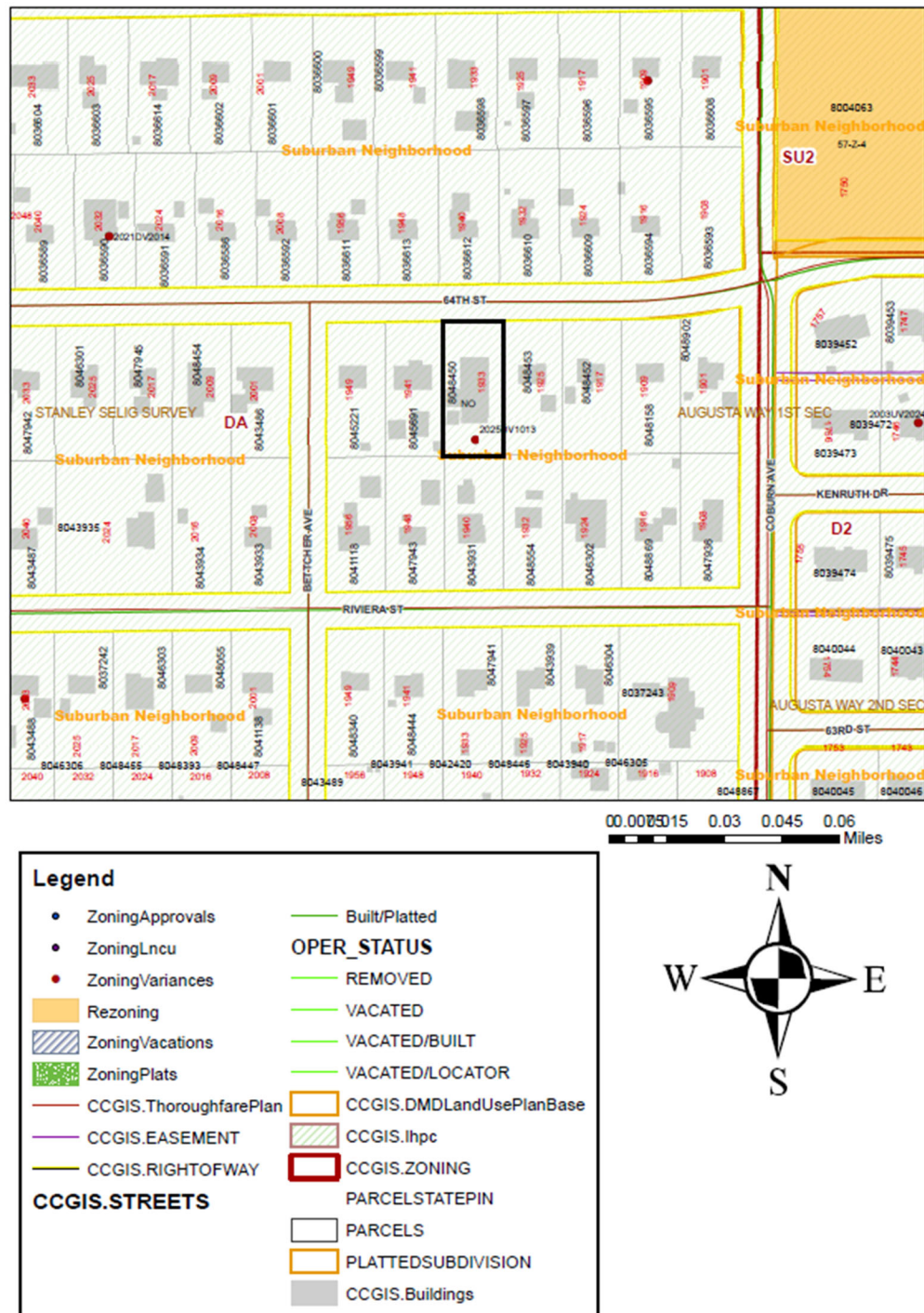


Exhibit 1: ArcGIS map of the subject site.



**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:

THE PROPOSED INGROUND POOL WILL BE SECLUDED BY THE EXISTING 6'-0" WOOD FENCE AND THE HOUSE.

THE PROPOSED INGROUND POOL WILL HAVE A LOCKED GATE TO AVOID ANYONE ENTERING WITHOUT THE OWNER'S SUPERVISION

THE PROPOSED INGROUND POOL WILL NOT BE VISIBLE FROM THE ROAD OR SURROUNDING AREA

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 INGROUND POOL WILL INCREASE THE PROPERTY VALUE

THE PROPOSED INGROUND POOL SETBACKS REQUESTED ARE: 13'-0" TO THE WEST, 38'-0" TO THE EAST AND 10'-8" TO THE SOUTH.

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

WITHOUT THE GRANT OF THE REQUEST, THE INGROUND POOL WOULD NOT BE POSSIBLE DO TO THE OPEN SPACE REQUIREMENT

Exhibit 2: The submitted Findings of Fact.

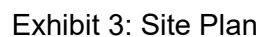






Exhibit 4: Primary dwelling at the subject site.





Exhibit 5: The inground pool at the subject site.



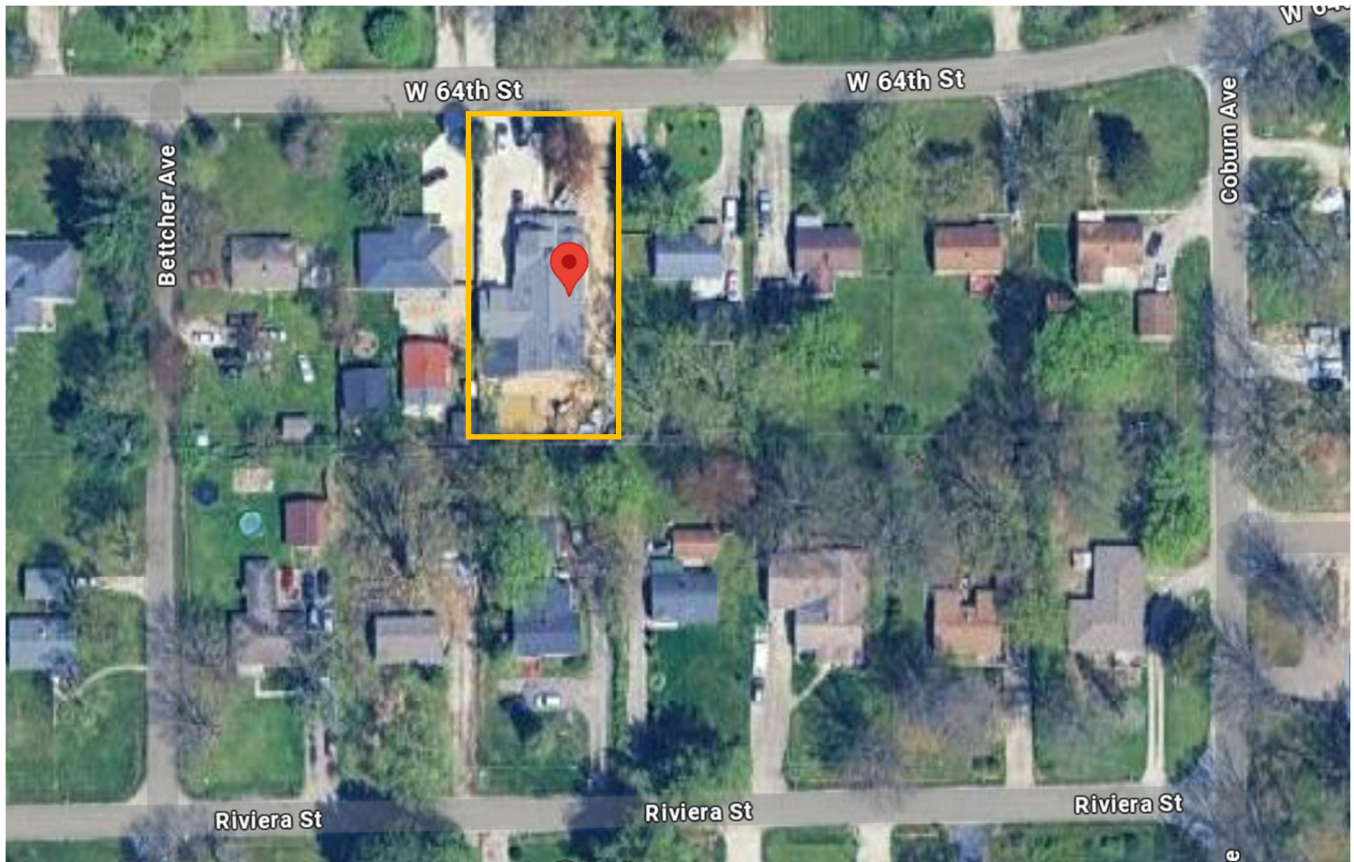


Exhibit 6: Aerial of the subject site from Google Maps.



Exhibit 7: 1956 Historical Aerial of the subject site and surrounding area.