



BOARD OF ZONING APPEALS DIVISION II

April 14, 2026

Case Number: 2026-DV2-007
Address: 229 McKim Avenue (approximate address)
Location: Center Township, Council District #18
Zoning: D-8
Petitioner: Ana Pereira, by Samuel Salazar
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 2.5-story single-family dwelling with the top floor having a 9.5-foot exterior wall face (maximum 2-foot wall face above floor level permitted).

Current Land Use: Undeveloped

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The D-8 district is intended for areas of medium-intensity single-family residential development. This district is designed for urban, built-up areas of the community, and two-family dwellings are permitted on any lot in this district. The district has a typical density of 4.5 units per acre. The subject site’s neighborhood has historically had smaller lots with small setbacks between houses. The variance requests would not be out of character for this area.
- ◇ The proposed dwelling would be 2.5 stories tall, as the top floor would be less than 60% in area than the floor below, which defines a ½ story. The request would allow for the side walls on the top ½ floor have a 9.5-foot exterior wall face, where a 2-foot maximum wall face above floor level is permitted. This will provide for a taller and flatter roof line, which is contrary to surrounding properties.



- ◇ The required 2-foot tall maximum side wall is to prevent dwellings from towering over adjacent dwellings that are typically smaller in height and stature. In addition, the 2-foot knee wall results in a sloped roof, allowing a greater amount of sunlight and air to reach between dwellings, where a taller wall face as requested would prevent more sunlight and air from reaching between dwellings.
- ◇ The findings indicate the taller exterior wall face is needed due to the limitation of a 30-foot wide lot. The lot is wide enough to provide the minimum ground floor square foot requirement for either a single-story dwelling or a two-story dwelling. In addition, the site provides for up to 80% lot coverage, which allows for an additional 1,300 in lot area to be used instead of providing a non-compliant ½ story level.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned D-8 and could construct an appropriate 2 1/2 story dwelling design by right, in the D-8 zoning classification without any variances. The need for the requested variance is self-imposed and could be addressed without a variance, by designing an appropriate dwelling that fits the Ordinance standards. Any practical difficulty is self-imposed by the petitioner's desire to choose to not follow the ordinance and design the dwelling with a taller roofline instead.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North: D-8	Single Family Dwelling
	South: D-8	Single Family Dwelling
	East: I-3	Industrial Contractor
	West: I-3	Industrial Contractor
Thoroughfare Plan		
McKim Avenue	Local Street	40-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact area	
Floodway / Floodway Fringe	N/A	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	February 20, 2026	
Landscape Plan	N/A	
Findings of Fact	February 20, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends 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. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

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

The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”

These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future



“As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.

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

- Not Applicable to the Site.

ZONING HISTORY

2021DV2052; 1460 Bates Street (south of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage accessory to a single-family dwelling with a zero-foot east side setback and two-foot west side setback and with 2.5 and 3.5 feet between dwellings and with a six-foot front setback, resulting in 40% open space, **granted**.

2019-DV1-015; 225 McKim Avenue (north of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling, with a 12-foot front setback, a one-foot north side setback, one-foot separation between dwellings and to provide for the re-construction of a rear addition with a three-foot north side setback, and a detached garage, with 45% open space, **granted**.

2008-ZON-031; 130-237 Mckim Avenue, 1448-1468 & 1502-1536 Bates Street, et al., South Arsenal Avenue, Detroit Street, Southeastern Avenue & South Summit Street (includes subject site), requested the Rezoning of 8.394 acres, from the I-3-U District to the D-8 classification to legally establish single-family and two-family dwellings, **approved**.

2007-UV2-004; 1523 Southeastern Avenue (east of site), requested a Variance of Use and Development Standards to legally establish a single-family dwelling, reduced setbacks, fence height, and detached accessory structure size in an I3U district, **granted**.

2007-HOV-040; 214 Summit Street (east of site), requested a Variance of Development Standards to legally establish a single-family dwelling, **granted**.

2000-HOV-016; 1514 Bates Street (south of site), requested a Variance of Use and Development Standards to legally establish a single-family dwelling with reduced side yard setback and construction of a detached garage with reduced side yard setback in an I3U district, **granted**.

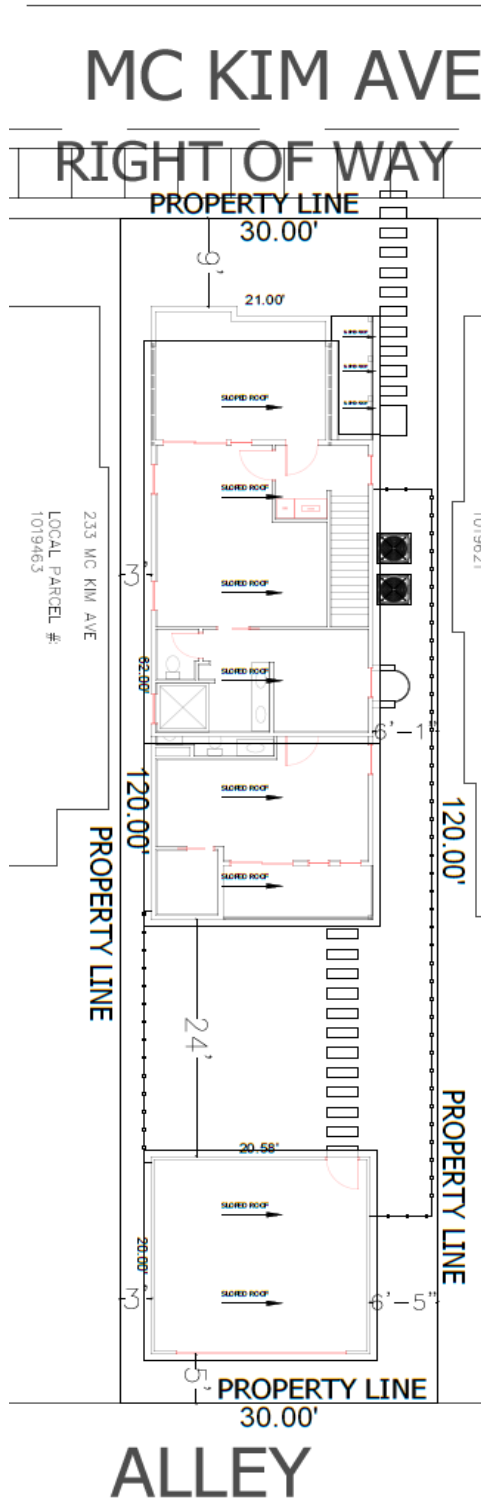
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EXHIBITS

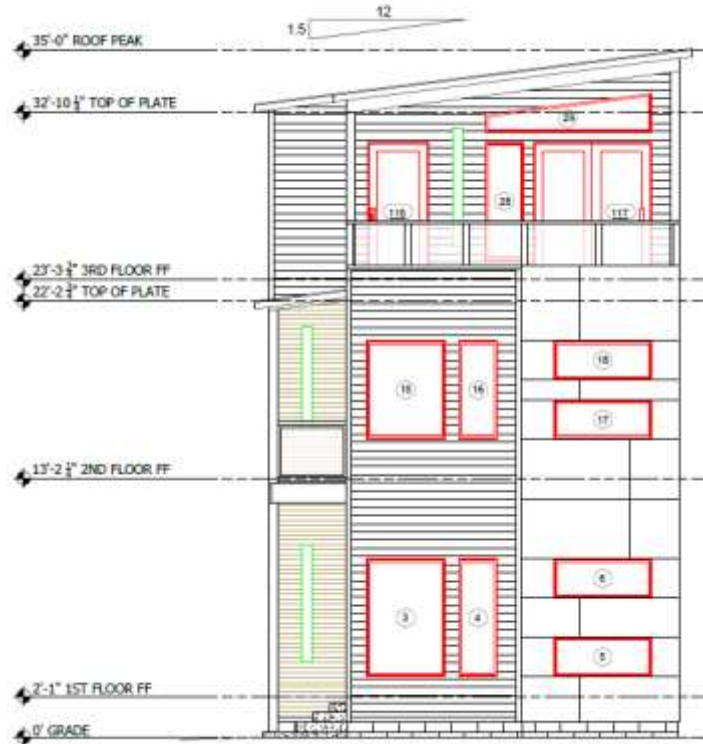
Location Map



Site Plan



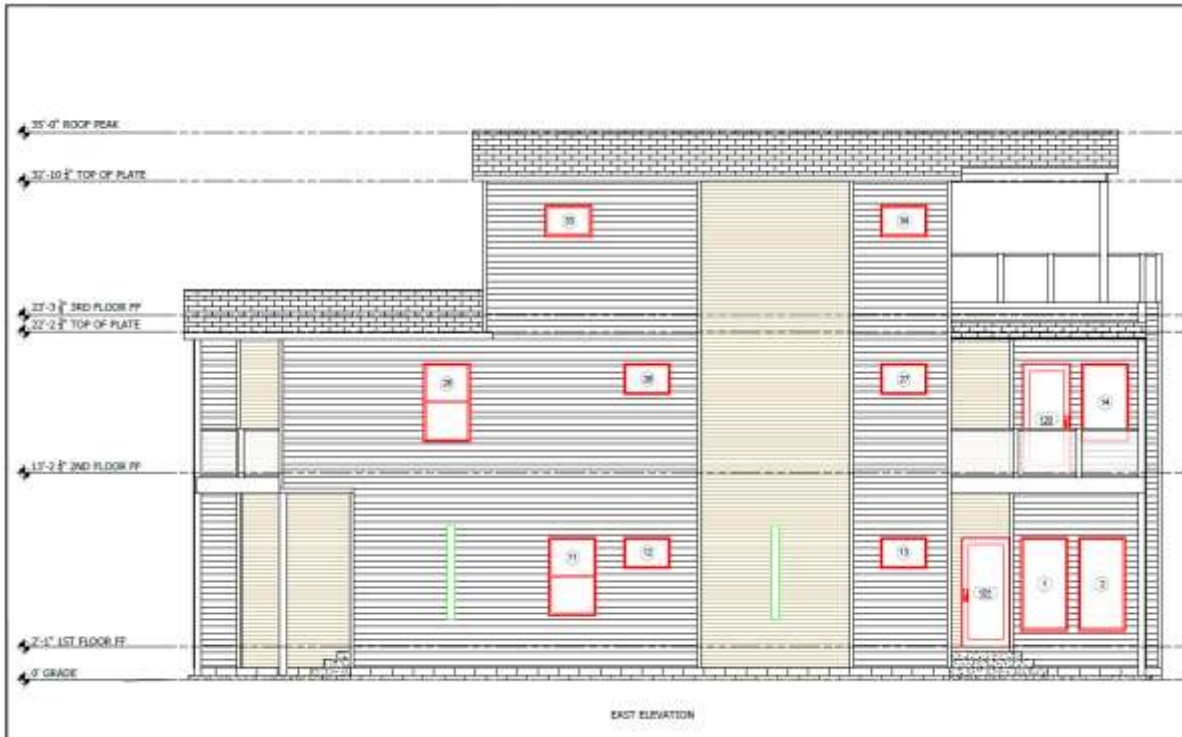
Elevations



(West Elevation)



(East Elevation)



(North Elevation)



(South Elevation)



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:

The proposed single-family residence complies with the 35-foot maximum height requirement, does not increase residential density, and maintains adequate light, air, and access for neighboring properties. The partial third story is set back approximately 13.5 ft from the front facade, significantly reducing its visual impact from the public right-of-way. The development is consistent with the character and scale of surrounding properties within the D8 zoning district and will not create unsafe or hazardous conditions.

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 structure remains consistent in scale, height, and form with nearby residential developments, including homes in the immediate vicinity that approach the maximum permitted height. The reduced footprint of the partial third story minimizes perceived massing, and the project will not introduce additional traffic, noise, or intensity of use. The proposed variance will not negatively affect neighboring property values or interfere with the reasonable use and enjoyment of adjacent properties.

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 is a 30-foot-wide lot, which creates practical limitations on building design and roof configuration. Strict enforcement of the story limitation and roof intersection standard would require significant reduction in suitable upper-level floor area or force an increase in the building footprint. Either alternative would result in a wider and bulkier structure, increased lot coverage, and greater visual mass than the proposed design. Granting the variance allows for a design that concentrates mass vertically while remaining within the 35-foot height limit and better achieves the intent of the zoning ordinance to reduce massing on narrow urban lots.

Photographs



Subject site, looking east.



Adjacent dwellings to the north, looking northeast.



Adjacent dwelling to the south of site, looking east.



Adjacent dwellings to the northwest of site.