

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-DV1-040 (2nd Amended)
Address: 3725 West 21st Street (approximate address)
Location: Wayne Township, Council District #11
Zoning: D-5
Petitioner: Maria Del Rocio Cortez-Garcia, by Josh Smith
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a five-foot rear yard setback, and to legally establish an existing detached garage and two accessory structures within the front yard of Rochester Avenue (20-foot rear yard setback required, accessory buildings within front yards not permitted).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause from the September 2, 2025, hearing, to allow time to amend the request, and provide new notice, as a result of an updated site plan.

The petition was re-noticed as amended to add a request for two accessory structures each with a one-foot south side setback, and within the front yard of Rochester Avenue.

The petitioner has amended the petition a second time to remove the request for the two accessory structures each with a one-foot south side setback.

STAFF RECOMMENDATION

Staff recommends **approval** of the request as amended.

PETITION OVERVIEW

- ◇ Staff recommends approval of the request to provide for a building addition resulting in a five-foot rear yard setback, and to legally establish an existing detached garage and two accessory structures within the front yard of Rochester Avenue.
- ◇ The proposed building addition setback would be in line with the existing dwellings rear setback and would not negatively impact any adjoining property.
- ◇ According to Assessor's records, the existing dwelling was originally constructed in 1946, at the rear of the lot.

- ◇ Since the primary dwelling is located to the rear of the lot, there is not adequate room to place the proposed garage to the rear of the dwelling, and the petitioner has a practical difficulty in placing the garage and accessory structures in the front yard of Rochester Avenue.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan		
Surrounding Context	Zoning	Surrounding Context
North:	D-6II	Multi-Family dwellings
South:	D-5	Single-Family dwelling
East:	D-5	Single-Family dwelling
West:	D-5	Single-Family dwelling
Thoroughfare Plan		
West 21 st Street	Local street	72-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	N/A	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	July 28, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	July 28, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 3.5 – 5.0 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 3.5 – 5.0 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

2018-DV3-056; 3615 White Cedar Court (northeast of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front porch addition with a zero-foot side setback from common area used for ingress/egress, **granted**.

2015-DV2-037; 3709 Yellow Popular Court (west of site), requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish the setbacks of a single-family dwelling and accessory structure, with an accessory structure encroaching approximately seven feet into the right-of-way of West 21st Street, **FOF signed but no Approval letter**.

2006-DV3-004; 1958 Berwick Avenue (south of site), requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a 960 square-foot garage, being 134 percent of the main floor area of the primary structure (maximum 540 square feet or 75 percent of the main floor area of the primary structure permitted) and resulting in 1,264 square feet of accessory uses or 175 percent of the total floor area of the primary dwelling (maximum 718.99 square-feet of accessory uses, or 99.99 percent of the total floor area of the primary dwelling permitted), with a twelve-foot front setback from 20th Street, **4 yes ballots, but no approval letter. No FOF**

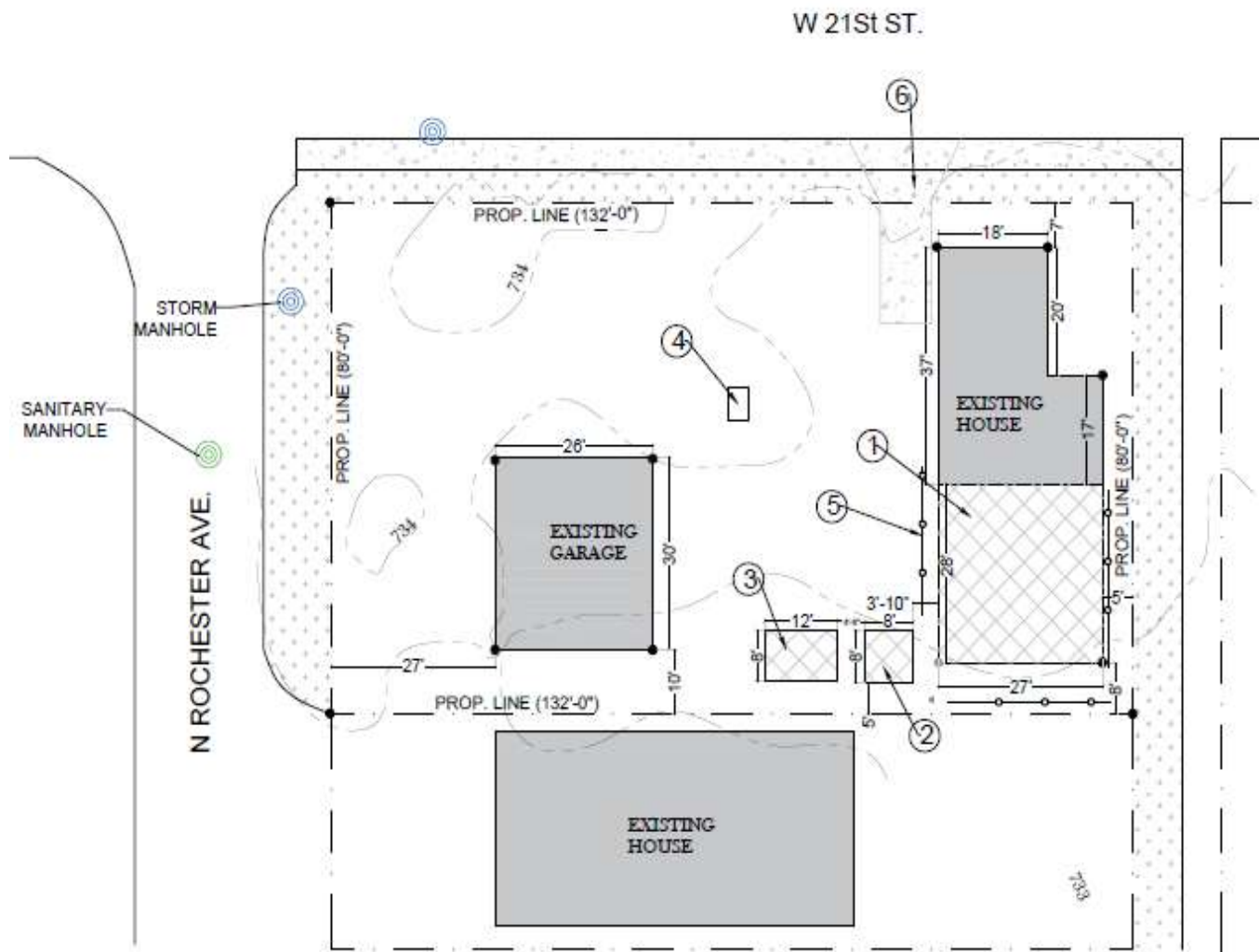
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EXHIBITS

Location Map



Site Plan





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 addition will enlarge the existing single family home into a larger single family home. The use will remain consistent with the existing structure and surrounding neighborhood.

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 use of the property will remain single family residential and will not change the nature or character of the area.

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

This property, being a corner lot, was developed with the home facing north, the longer side of the property. The other surrounding properties were developed with the house oriented so they are facing the narrower front of the properties. With the existing non-compliant setback, the existing driveway location, the existing orientation of the home, as well as other structures on the lot, there is very minimal opportunity to add-on to the existing home while meeting all current development standards set forth in ordinance.

Photographs



Photo 1 - Subject property existing dwellign looking south from West 21st Street.



Photo 2 - Subject property existing garage in front yard, looking east from Rochester Ave.



Photo 3 - Subject property line, existing dwelling with five foot rear setback, and area for expansion with five foot rear setback, looking south.



Photo 4- Subject property garage and accessory building in front yard of Rochester Ave. looking southwest.