

BOARD OF ZONING APPEALS DIVISION II

October 13th, 2026

Case Number:	2026-DV2-029
Property Address:	1607 Bellefontaine Street (approximate address)
Location:	Center Township, Council District #13
Petitioner:	Stephens Holdings LLC, by Jeremy Stephens
Current Zoning:	D-8
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front-loaded garage (not permitted) when a side-loaded, rear-loaded or detached garage would be required.
Current Land Use:	Vacant, proposed home is currently being constructed
Staff Recommendations:	Staff recommends approval of this petition, subject to commitments
Staff Reviewer:	Adam Skrzyszewski, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to the following commitments, provided both from the petitioner and staff:

1. Garage to remain a two-car maximum capacity.
2. Driveway width not to exceed 18 feet.
3. The structure shall be constructed substantially in accordance with the plans approved by the Board of Zoning Appeals (BZA), except as modified by permits.
4. Will provide necessary masonry material & labor to fill in/remove existing curb cut in sidewalk to the north of subject property, and match existing sidewalk to eliminate conflicting sidewalk disruptions.

PETITION OVERVIEW

- The petitioner is requesting to permit a front-loaded garage within the D-8 zoning district. Per Table 744-701-2 of the Ordinance, the subject parcel would be considered Terrace Frontage. If a garage is proposed in D-8 with Terrace Frontage, the garage must either be side-loaded or rear-loaded, and must face an improved alley adjacent to the home if one is present. The petitioner is requesting to permit a front-loaded garage due to the absence of an improved alley adjacent to the parcel, inadequate space on the parcel to harbor a garage, and no connection from the subject parcel to the current improved alley to the east.

- There is practical difficulty on-site in meeting the full extent of the Ordinance. There is a curb cut adjacent to the proposed home to the north that shows a non-improved alley, this alley would need to be improved to harbor a garage to front an alley to the north. The unimproved, if improved, would not contain enough space for ingress and egress to a potential garage that would face to the north, the parcel and non-improved alley is not large enough to harbor a garage to face to the north. There is an estimated 100+ year old tree within the non-improved alley as well.
- The parcel is also not long enough to have a connection to the nearest improved alley to the east with a detached garage. There is another parcel to the east before the improved alley, blocking this connection to the improved alley for a detached garage and connection to the proposed home.
- Per the Findings of Fact, staff is in agreement that the prioritized walkability of the D-8 district, per the Walkable Neighborhood Design Standards, will not be jeopardized through providing a curb cut and a 2-car garage for the proposed home.
- The petitioner, by committing to closing the unimproved alley's curb cut, as described in the 5th commitment, the petitioner is taking effort to minimize the effect of the proposed added curb cut and front-loaded garage to walkability. This commitment, if the case is approved, will require the petitioner to remove the existing curb cut to the north for the non-improved alley, bridge the sidewalk disruption, and provide all labor and materials in doing so. The Department of Public Works acknowledges and agrees with this commitment as well.
- There is a front-loaded garage for an existing home to the north of the proposed home at 1643 Bellefontaine Street. Therefore, the front-loaded garage with a curb cut for the proposed home is not out of character for the street and neighborhood.
- The proposed home's plans were initially submitted on June 11th, 2026 to the Department of Business and Neighborhood Services for the release of permits, but was initially denied due to the initial proposal having a front-loaded garage within D-8. The petitioner then changed the plans to comply with the Ordinance, but upon a staff site visit on August 21st, 2026, the home was found under construction on-site with a garage opening, which did not match the plans approved by DBNS. The petitioner has been issued a violation for this, and the violation letter is attached below within the staff report. This does not affect staff's recommendation, as this case only pertains to permitting a front-loaded garage within D-8, and the petitioner has indicated to come into compliance.
- There is no way for the petitioner to have a garage for the proposed home without it being front-loaded. Even if the unimproved alley to the north is improved and the estimated 100+ year old tree is removed, there will be a lack of space for the alley and the proposed home to co-exist for adequate ingress and egress for a garage, and there is no connection to the existing improved alley to the east; therefore, staff recommends **approval** of 2026-DV2-029.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Vacant, proposed home is currently being constructed	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-8	North: Single-family residential
South:	D-P	South: Single-family residential
East:	I-3	East: Single-family residential
West:	D-8	West: Single-family residential
Thoroughfare Plan		
1607 Bellefontaine Street	Local Street	48-foot existing and proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August 5 th , 2026	
Site Plan (Amended)	N/A	
Elevations	August 5 th , 2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	August 5 th , 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood. The proposed single-family home and its front-loaded garage with curb cut matches the recommendation of Traditional neighborhood and has no conflicts with its intended use.

Pattern Book / Land Use Plan

- Per the Pattern Book, the Traditional Neighborhood Typology includes a full spectrum of housing from single-family homes to large-scale more intense multi-family housing. The proposed single-family home and its front-loaded garage with curb cut, matches the Traditional Neighborhood Typology.

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 proposed single-family home **does not comply fully** with the Aesthetic Considerations of the Infill Housing Guidelines, but this does not affect staff's recommendation, as this petition only refers to permitting the proposed front-loaded garage with curb cut within the D-8 zoning district.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2026-DV2-028 ; 906 E 16th Street (South of proposed site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front-loaded garage (not permitted) when a side-loaded, rear-loaded or detached garage would be required. (in progress, case docketed for October 13th BZA II hearing as well)

2019-HOV-034 ; 1621 Bellefontaine Street (North of proposed site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family dwellings, with three-foot side setbacks and nine feet between dwellings (four-foot side setback and 10-foot separation between dwellings required). **Approved**

2022-DVR-860 ; 1606 Cornell Avenue (East of proposed site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached single-family dwelling with a two-foot north side setback (three feet required). **Approved**

2012-HOV-043 ; 1614 Cornell Avenue (East of proposed site), Variance of use of the Industrial Zoning Ordinance to legally establish a single-family dwelling (not permitted), per plans filed. **Approved**

2008-DV3-016 ; 1603 Cornell Avenue (East of proposed site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a single-family dwelling with a three-foot front setback from the existing right-of-way of Cornell Avenue and a ten-foot front setback from the existing right-of-way of 16th Street (minimum 40-foot front setback required), a 759-square foot detached garage with a 14-foot front setback from the existing right-off-way of 16th Street (minimum 40-foot front setback permitted), and a six-foot high ornamental fence within the required front yard of and within the clear sight triangle at the intersection of Cornell Avenue and 16th Street (maximum 3.5-foot tall fence permitted, structures not permitted within the clear site triangle). **Approved**

2017-UV3-011 ; 1622 Cornell Avenue (Northeast of proposed site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two, single-family dwellings and detached garages, (not permitted), with 20-foot front setbacks, five-foot side setbacks, and 15-foot rear setbacks (30-foot front setback, 10-foot side setback and 40-foot transitional rear setback required). **Approved**

2003-VHP-027 ; 809 East 16th Street (Southwest of proposed site), VDS for 51% open space when 55% is req. And for an accessory building 22 ft. x 38 ft. when 24 x 30 is the max allowed. (IHPC) **Approved**

2003-VHP-004 ; 1557 Carrollton Avenue (Southwest of proposed site), VDS to allow for construction of a new SFR that encroaches into the clear sight triangle. (IHPC) **Approved**

EXHIBITS

1607 Bellefontaine St current aerial



1:1,128
0 0.01 0.02 0.04 km
0 0.01 0.02 0.04 mi
iGEO, Microsoft, Vantor, Esri Community Maps Contributors, City of Indianapolis Marion Co. © OpenStreetMap, Microsoft, Esri, TomTom, Garmin.

9/30/2026



1 - elevations submitted for variance application



2 - elevations from approved ILP's

Site Visit August 21st





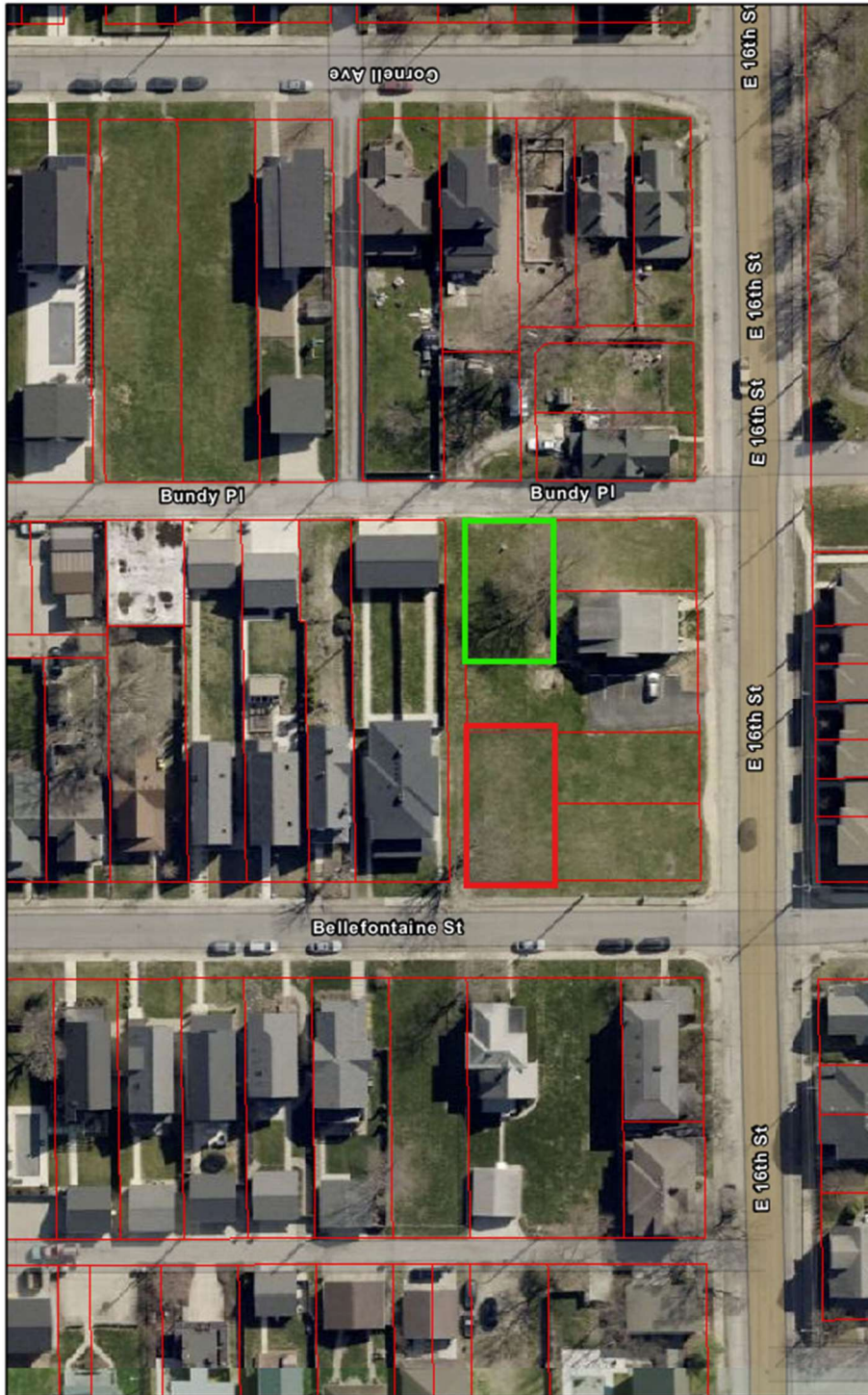
3 (above picture) - from inspection photographs VIO26-007306, 100+ year old tree to left of home, barring improvement of alley/curb cut





4 - looking north at public right-of-way and home

1607 Bellefontaine St parcels



1:1,128
 0 0.01 0.02 0.04
 0 0.01 0.02 0.04
 IGLD, Microsoft, Vantor, City of Indianapolis & Marion County, IN, Esri
 Community Maps Contributors, City of Indianapolis Marion Co. ©

9/30/2026

Parcels

5 - green parcel blocking connection from subject parcel (bold red) for connection to improved alley to the east



6 - 1643 Bellefontaine, similar home on same side of street north of proposal with front-loaded garage and curb cut



September 3, 2026

Case #: VIO26-007306

STEPHENS HOLDINGS LLC
7064 HART ST
INDIANAPOLIS, IN 46229

RE: 1607 BELLEFONTAINE ST

Dear STEPHENS HOLDINGS LLC:

A recent inspection of the above referenced property indicated violation (s) of the Revised Code of Indianapolis and Marion County as follows:

Section 740 -1005.A.2. Civil Zoning Violation

Specific Violation: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance;(740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for garage opening...the project is not in accordance with ILP26-01602).

The City of Indianapolis requests your cooperation in correcting the violation(s). If the violation(s) have not been abated before October 05, 2026, this will result in further enforcement action, which could include:

- 1.) Issuance of a citation for each violation (Section 103-3) and / or
- 2.) Assessment of an administrative fee in the amount of two hundred fifteen dollars (\$215.00) for each scheduled visit to the property and the violation is not abated (Section 536-609) and / or
- 3.) Lawsuit with fines up to \$2,500 for each violation plus court costs (Section 103-3)

*** If you are the property owner and have leased / rented the property noted above, please notify the undersigned immediately with tenant information.**

To further research the Marion County code section mentioned above, please visit www.municode.com.

If you have any questions, please contact me at the number listed below.

Sincerely,

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE
IN CONNECTION WITH A VARIANCE, SPECIAL EXCEPTION OR APPROVAL GRANT.**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the parcel of real estate:

Legal Description: Forty-Two (42) feet by parallel lines of the entire north end of Lots 1 and 2 in Sarah Jean Gerard's Subdivision of Lots 1, 2 and 3, in Livingston D. Johnson's Subdivision of the south half of Block 28 in Thomas Johnson Heirs Addition to the city of Indianapolis, as per plat thereof, recorded in Plat Book 7, page 154, in the office of the recorder of Marion County, Indiana.

Statement of COMMITMENTS:

1. *Garage to remain a two car maximum capacity*
2. *Driveway width not to exceed 18 feet*
3. *The structure shall be constructed substantially in accordance with the plans approved by the Metropolitan Development Commission (MDC), except as modified by permits.*
4. *No additional dwelling units or expansion of the garage shall be permitted without obtaining any required approvals from the City of Indianapolis.*
5. *Will provide necessary masonry material & labor to fill in/remove existing curb cut in sidewalk to the north of subject property, and match existing sidewalk to eliminate conflicting sidewalk disruptions.*

**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 allowance of a front loading garage and accompanying curb cut will not be injurious to the public health, safety, morals, and general welfare of the community because it does not create any physical or chemical hazards, and does not interfere with the walkability or usability of the surrounding right of ways. It also does not encroach on any surrounding properties, and stays within bounds of the existing setbacks for the parcel

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 value of the properties adjacent to the parcel will not be negatively impacted due to the proposed front loading garage not encroaching on any adjacent parcel or stretching beyond currently allowable limits. It also aesthetically compliments to the current streetscape without creating an unattractive element that would negatively impact property values.

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

The strict application of the zoning ordinance/development standards negatively impacts this parcel in a way that the other surrounding parcels are not, due to the lack of usable alley access or street parking. Under the current standards there are no other practical solutions for providing off street parking, which is a critical need in moderate/high density zoning districts such as the one the parcel is located in.