

**BOARD OF ZONING APPEALS DIVISION I**

**July 2, 2024**

**Case Number:** 2024-DV1-021  
**Property Address:** 3559 Central Avenue (approximate address)  
**Location:** Center Township, Council District #8  
**Petitioner:** Denise Garcia  
**Current Zoning:** D-5  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition, resulting in a 14.5-foot front yard setback from Central Court North (20 feet required).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends denial of this petition  
**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

- Staff recommends denial of this petition

**PETITION OVERVIEW**

- This petition would provide for a building addition, resulting in a 14.5-foot front yard setback from Central Court North (20 feet required).
- The subject site is improved with a residential structure that dates back to 1919. Staff has various concerns regarding the proposed addition to the residence. First, the proposal represents a substantial increase in the size and massing of the house and constitutes over-development compared to the surrounding context. Second, the petitioner does not have any floor plans or elevations of the proposed addition at this time, leaving details regarding height, massing, and aesthetics unknown. Additionally, Staff is concerned by the potential for this proposed addition to impact or destroy the exterior façade of the residence which is one of unique character and quality.
- Further, Staff does not find any practical difficulty related to the site itself that necessitates the variance. The petitioner's Findings of Fact do not identify any practical difficulty/hardship related to the variance. Likewise, given that the house is currently well behind the required setbacks, the site already contains a significant amount of open space along both Central Avenue and Central Court

North for a building addition that would not require setback variances. Finally, Staff believes alternative designs and layouts for a proposed addition exist that do not result in the need for a variance, such as placing a portion of the building addition along Central Avenue, as opposed to placing the addition solely on Central Court North. For all these reasons, Staff recommends denial of the request and asks that the proposal be revised to be compliant with the setbacks and more in line with the surrounding character.

**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-5	North: Single-family residential
South:	D-5	South: Single-family residential
East:	D-5	East: Single-family residential
West:	D-3	West: Single-family residential
<b>Thoroughfare Plan</b>		
Central Avenue	Primary Arterial	60 feet of right-of-way existing and 78 feet proposed
Central Court North	Local Street	40 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	5/23/24	
<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>	5/23/24	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Mapleton-Fall Creek Neighborhood Land Use Plan (2013)

- Infill Housing Guidelines

**Pattern Book / Land Use Plan**

- Not Applicable. Please see Neighborhood / Area Specific Plan

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- The Mapleton-Fall Creek Neighborhood Land Use Plan recommends 5-8 residential units per acre for this site.

**Infill Housing Guidelines**

- With regards to building massing and building additions, the Infill Housing Guidelines recommends:
  - The massing and new construction of additions should be characteristic of surrounding buildings, particularly on local streets.
  - Build with respect to the street
  - Design strategically to match context

**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

**2020DV1006; 3529 Central Avenue (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall iron and wood fences within the front yards of Central Avenue and Central Court South and within the clear sight triangle of the abutting streets and the abutting street and driveway (maximum 42-inch fence permitted or 48-inch tall fence with 30% opacity or less; fences not permitted within the clear sight triangle), **approved**.

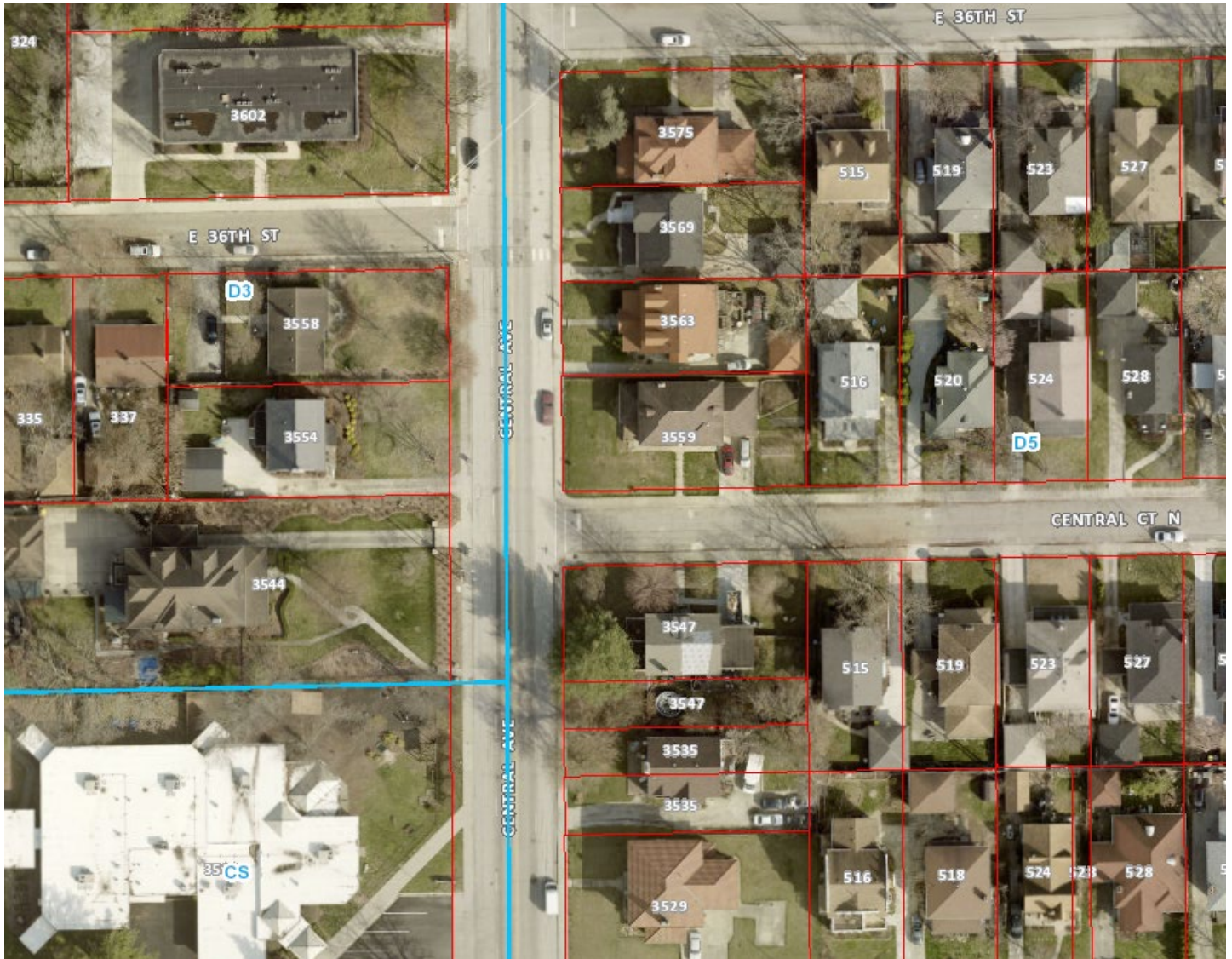
**2004DV2001; 3554 Central Avenue (west of site)**, variance to legally establish a 6.83-foot tall fence in the rear yard and a 9.67-foot tall fence in the side yard, with eight-foot and ten-foot posts, respectively, **dismissed**.

**96-V2-62; 523 Central Court North (east of site)**, variance to permit a greenhouse and a deck with a 4.5-foot east side yard setback, and to legally establish a dwelling with a 0.4-foot west side yard setback and a five-foot aggregate side yard setback, and to legally establish a detached garage with a 2.5 rear yard setback in the D-5 district, **approved**.

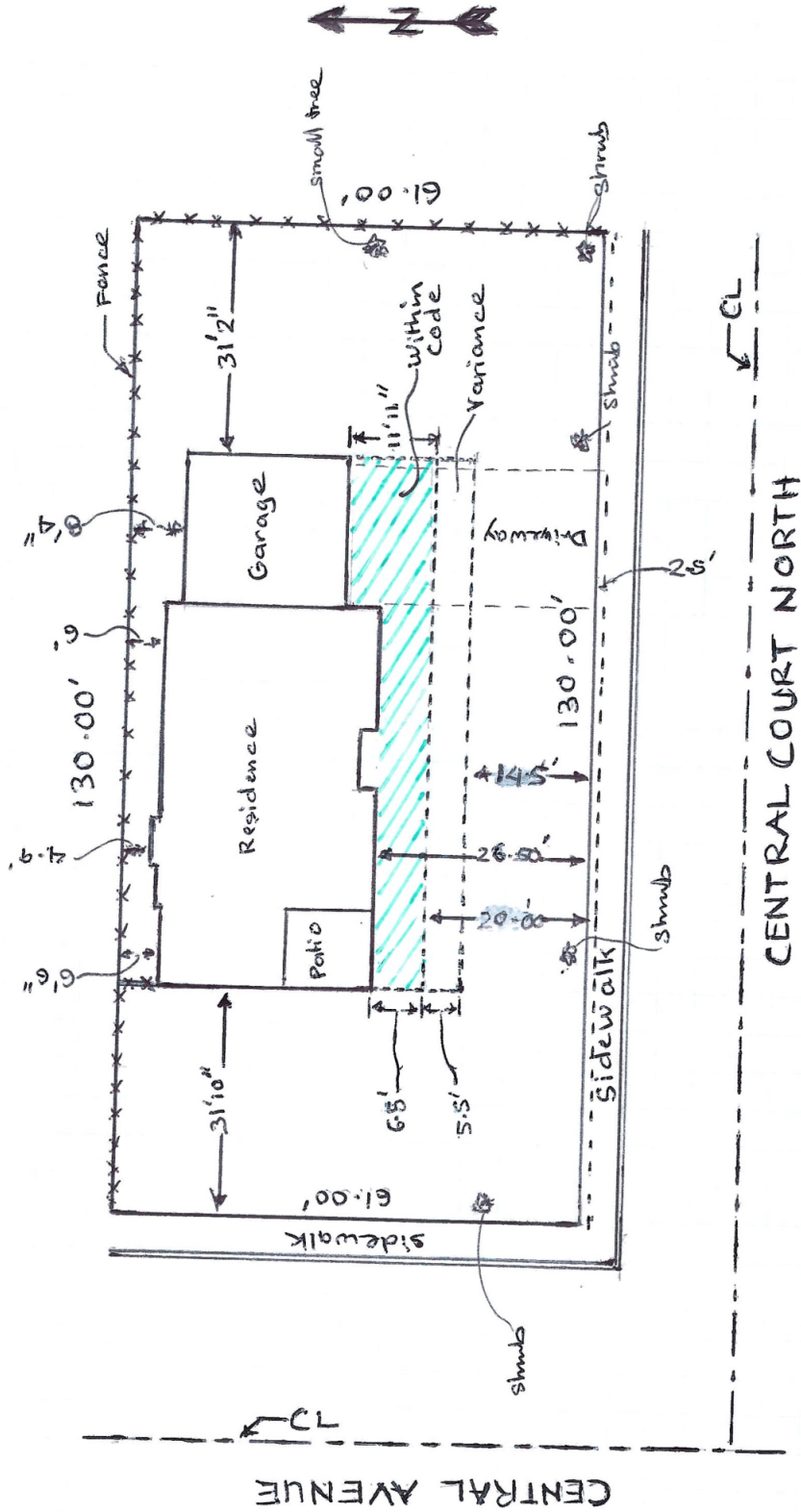
**87-UV1-137; 3588 Central Avenue (west of site)**, variance to provide for the use of an existing building for professional offices including an oral surgeon in a D-3 district and a two-foot by three-foot freestanding sign, **approved**.

**85-Z-219; 3601 Washington Boulevard (west of site)**, rezoning petition initiated by the Commission to correct a mapping error in Ordinance 84-OA-5 which omitted the zoning district classification for the affected property previously zoned to the D-3 classification on the Base Map Number 18, **approved**.

**EXHIBITS**







CL - Center Line

CENTRAL COURT NORTH

3559 CENTRAL AVENUE

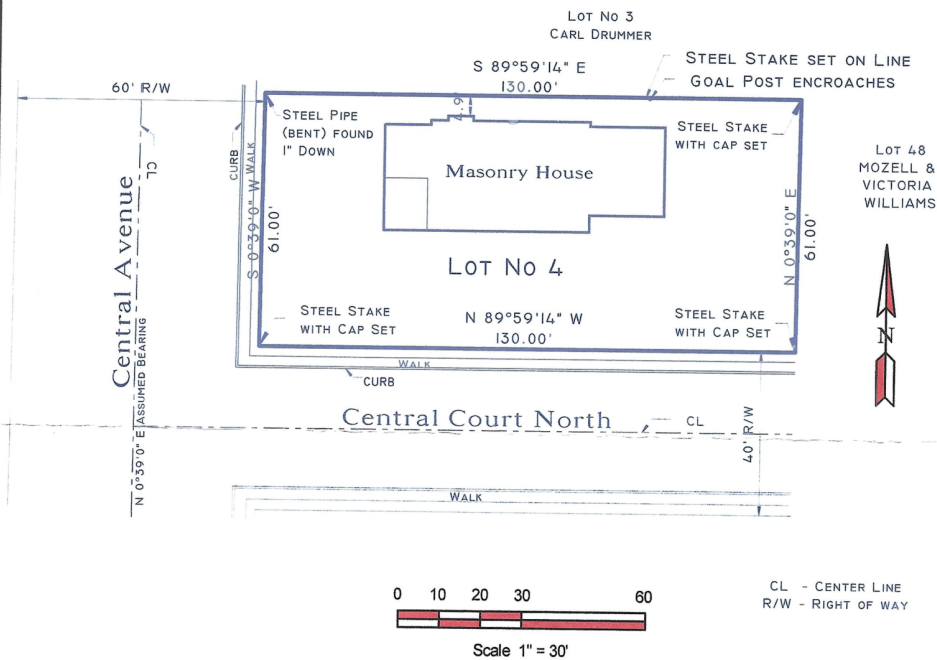
Scale 1" = 20'



**ALIG ENGINEERING, INC.**  
 8271 N. WASHINGTON BLVD.  
 INDIANAPOLIS, IN 46240  
 317-254-5670

RE: Denise Garcia  
 3559 Central Avenue  
 Indianapolis, In. 46205

PARCEL DESCRIPTION: LOT NO 4 IN JOSE-BALZ CENTRAL AVENUE ADDITION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 17, PAGE 116 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.



**Surveyors Report:**

In accordance with Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of the lines and corners established on this survey as a result of uncertainties in the reference monuments, discrepancies in record descriptions and plats, inconsistencies in lines of occupations and the relative position accuracy of the measurements. There may be unwritten rights associated with these uncertainties. This Relative Position accuracy of the corners of the parcel established by this survey is within the specifications for a Suburban Survey as defined by IAC 865.

Subject parcel is located in a recorded subdivision in Marion County Indian. The right of way lines and lot dimensions were obtained from said subdivision plat. The location of the centerlines of, Central Avenue and Central Court were established by measurement between the curbs of said streets and alleys. There are no bearings called for in the record description, therefore an assumed bearing system was established using the center line of Central Avenue. Plat distances, found monuments on adjacent and near parcels as well as pavement spits for the block were used in establishing the boundary lines and corners of subject parcel. Lines of occupation: There is a row of bushes approximately 2' west of the East property line as established in this survey. Discrepancies in the recorded plats and deeds: There were no discrepancies found in the recorded plats used in this survey. There were no discrepancies or overlaps found in the deed for this and the adjoining parcels. Existing Monumentation was found at the northwest corner of this parcel. Uncertainty of this monument location is up to 3 inches. The origin of this monument is unknown.

All survey monuments set or found this survey are flush with existing grade unless otherwise noted. The measurements shown on the herein drawing are field measurements (m), unless noted otherwise. (D) Deed, (P) plat.  
 This Instrument prepared without the use Title Commitment

I, the undersigned, HEREBY CERTIFY, that to the best of my professional knowledge and belief that the within described Plat represents a true and accurate survey completed by myself on July 20, 2010 and correctly represents the boundary line of the above described real estate.

JULY 22, 2010

*Douglas S. Alig*  
 Douglas S. Alig  
 Registered Land Surveyor No. 20300024





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 subject of extending the front building line out pass the required minimum of 20 ft does not impact the neighborhood.
The house is located on a corner lot. The variance requested would not encroach into the clear-sight-triangle.
Proposed front setback of 14.5 ft when 20 ft is required would not pose a public safety or health risk to the 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 proposed setback variance would not impact the neighborhood since the requested variance is not between houses along the east block of Central Court North. This would not negatively impact adjacent property owners. The proposed dwelling variance would protect surrounding property values due to the proposed improvement.

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

The proposed 14.5 ft front setback for the property improvement at this location do not negatively impact the streetscape, neighborhood and would represent a minor deviation from the Ordinance.

DECISION

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

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

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