

**BOARD OF ZONING APPEALS DIVISION I**

**August 5<sup>th</sup>, 2025**

**Case Number:** 2025-UV1-012  
**Property Address:** 709 North Holmes Avenue  
**Location:** Wayne Township, Council District #12  
**Petitioner:** Marie Solano, by Victor Solano  
**Current Zoning:** C-1  
**Request:** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a residential building addition (not permitted) resulting in a 70-foot front yard setback from Walnut Street (maximum 65-foot front yard setback permitted).  
**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 first public hearing of this variance petition.

**STAFF RECOMMENDATION**

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

**PETITION OVERVIEW**

- The petitioner of the variance petition is requesting to maintain a 70-foot front yard setback that is over the permitted maximum of 65 feet.
- This property is 0.4 acre in the C-1 zoning district. The land use plan suggests 5-8 residential units per acre in this area.
- The C-1 is typically classified as areas for office uses, as well as compatible office-type uses such as medical and dental facilities, educational services, and certain public and semi-public uses.
- According to historical Sanborn maps, this location has had residential homes on the property since 1898 and could be considered legally nonconforming due to its residential use in a C-1 district.
- The Ordinance does not have maximum front yard setback standards for dwelling districts.
- Staff recommends **approval** of this variance petition, as this property has had a residential use in this location for over a century. The increased front yard space provides green space and does not negatively affect the surrounding uses.

## GENERAL INFORMATION

Existing Zoning	C-1		
Existing Land Use	Residential		
Comprehensive Plan	5-8 Residential Units per Acre		
Surrounding Context	<b>Zoning</b>	<b>Surrounding Context</b>	
	North:	C-1	North: 5-8 Residential Units per Acre
	South:	I-3	South: Village Mixed-Use
	East:	D-5	East: 5-8 Residential Units per Acre
	West:	I-2	West: Special Use
Thoroughfare Plan			
Holmes Avenue	Local Street	56 feet of right-of-way existing and 48 feet proposed.	
Walnut Street	Local Street	60 feet of right-of-way existing and 48 feet proposed.	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	6/11/2025		
Site Plan (Amended)	N/A		
Elevations	6/11/2025		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	6/11/2025		
Findings of Fact (Amended)	N/A		

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines.

### Pattern Book / Land Use Plan

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, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park

#### **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**

- If setbacks are varied, new construction should fall in range between the shortest and longest distances from the right-of-way (i.e. streets or sidewalks) to houses.
- In some neighborhoods, houses were designed to be situated along a street in a nearly straight line. If setbacks are uniform, the setbacks for new construction should also be uniform.
- On conforming corner sites where two streets meet, building setbacks should reflect context from both streets.

#### **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

- 2010-ZON-027: 2860 North Talbott Street
  - Rezoning of 355.42 acres, from the D-A, D-A (FF), D-A (FF) (FW), D-2 (FF), D-3 (FW), D-4 (FF), D-5, D-5 (RC), D-5 (RC) (W-1), C-1 (RC), SU-2, SU-9 (W-5), PK-1, PK-1 (FF), PK-1 (FF) (FW), PK-1 (FW), PK-1 (W-5), I-3-U (FF) and I-4-U, and I-4-U (FW) (FF), I-4-U (FW) Districts, to the PK-1, PK-1 (FF), PK-1 (FF) (FW), PK-1 (FW), PK-1 (RC), PK-1 (W-1), PK-1 (W-5) classification to provide for park uses.
    - Approved
- 2011-CZN-811 / 2011-CVR-811: 2732 West Michigan Street
  - Rezoning of 2.63 acres, from the C-3 (W-5) and D-P (W-5) Districts to the C-3C (W-5) classification to provide for commercial uses.
  - Variance of Development Standards of the Commercial Zoning Ordinance to provide for 47 parking spaces (113 parking spaces required).
    - Approved
- 2012-HOV-033: 530 North Holmes Avenue
  - Variance of Development Standards of the Commercial Zoning Ordinance to provide for 47 parking spaces related to a multi-family development (114 parking spaces required).
    - Approved
- 2013-HOV-053: 530 North Holmes Avenue
  - Variance of Development Standards of the Sign Regulations to provide for a 5.12-foot tall freestanding pylon sign within approximately 220 feet of a D-P zoned protected district (maximum four-foot tall ground sign permitted within 600 feet of a protected district).
    - Approved
- 2015-UV2-006: 701 North Warman Avenue
  - Variance of Use of the Industrial Zoning Ordinance to provide for a laundromat, per plans filed.
    - Approved
- 2018-HOV-051: 725 North Belleview Place
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a 16-foot front setback and five feet between primary dwellings (18-foot front setback and ten feet between dwellings required).
    - Approved
- 2018-UV2-026: 2508 West Michigan Street
  - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a theatre (not permitted), with five parking spaces with deficient

- maneuvering, within the north rear transitional yard (18.5 spaces with adequate maneuvering required, eight-foot transitional yard required).
- Approved
  - 2021-ZON-027: 712 Haugh Street
    - Rezoning of 0.20 acre from the I-2 district to the D-5 district.
      - Approved
  - 2025-ZON-034: 2508 West Michigan Street
    - Rezoning of 0.14-acre from the C-3 district to the MU-2 district to provide for a mixed-use development with two commercial retail spaces at ground level and three dwelling units on the second level.
      - Approved

EXHIBITS

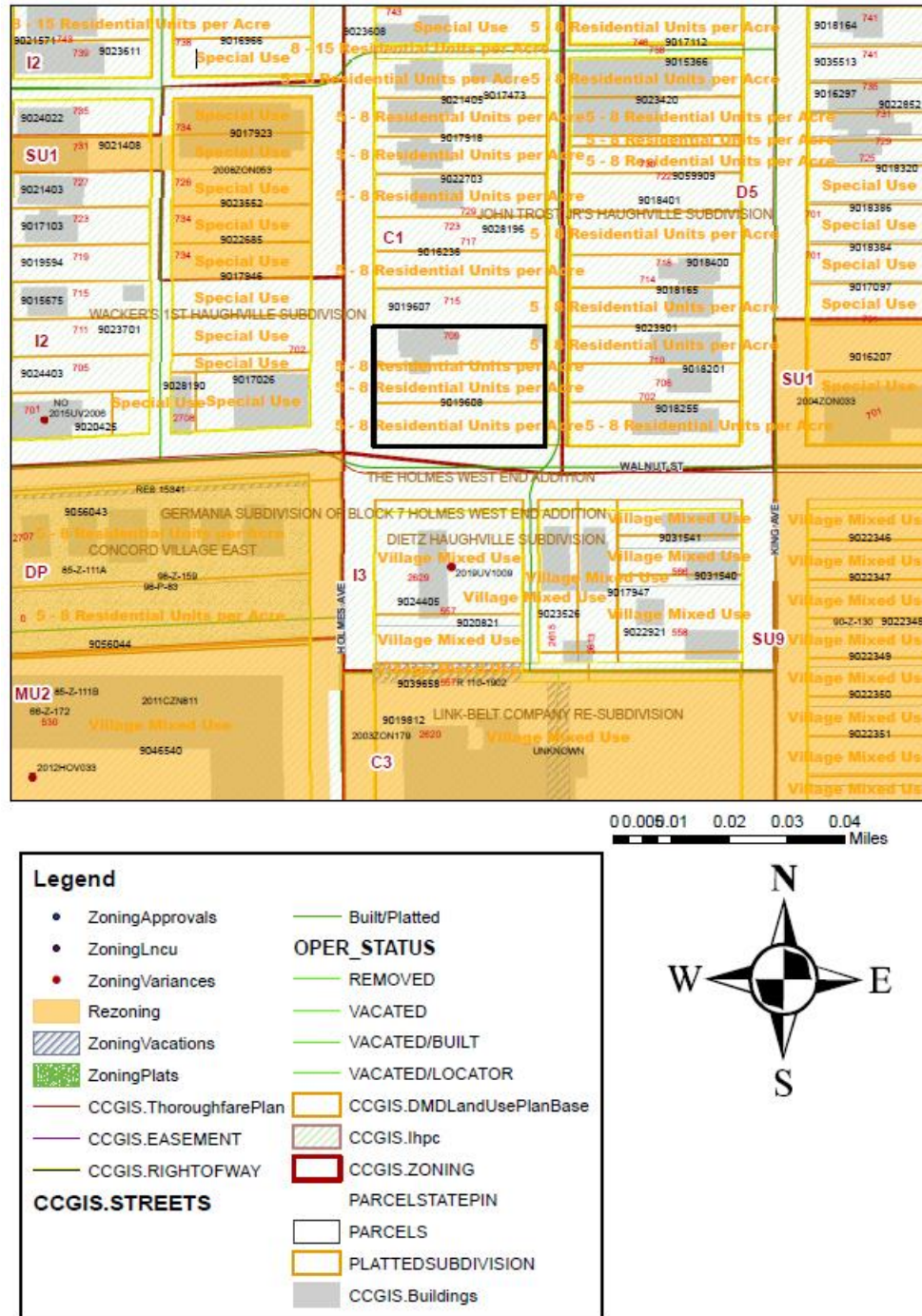


Exhibit 1: ArcGIS map of the subject site and surrounding area.





Exhibit 2: Aerial of the subject site.

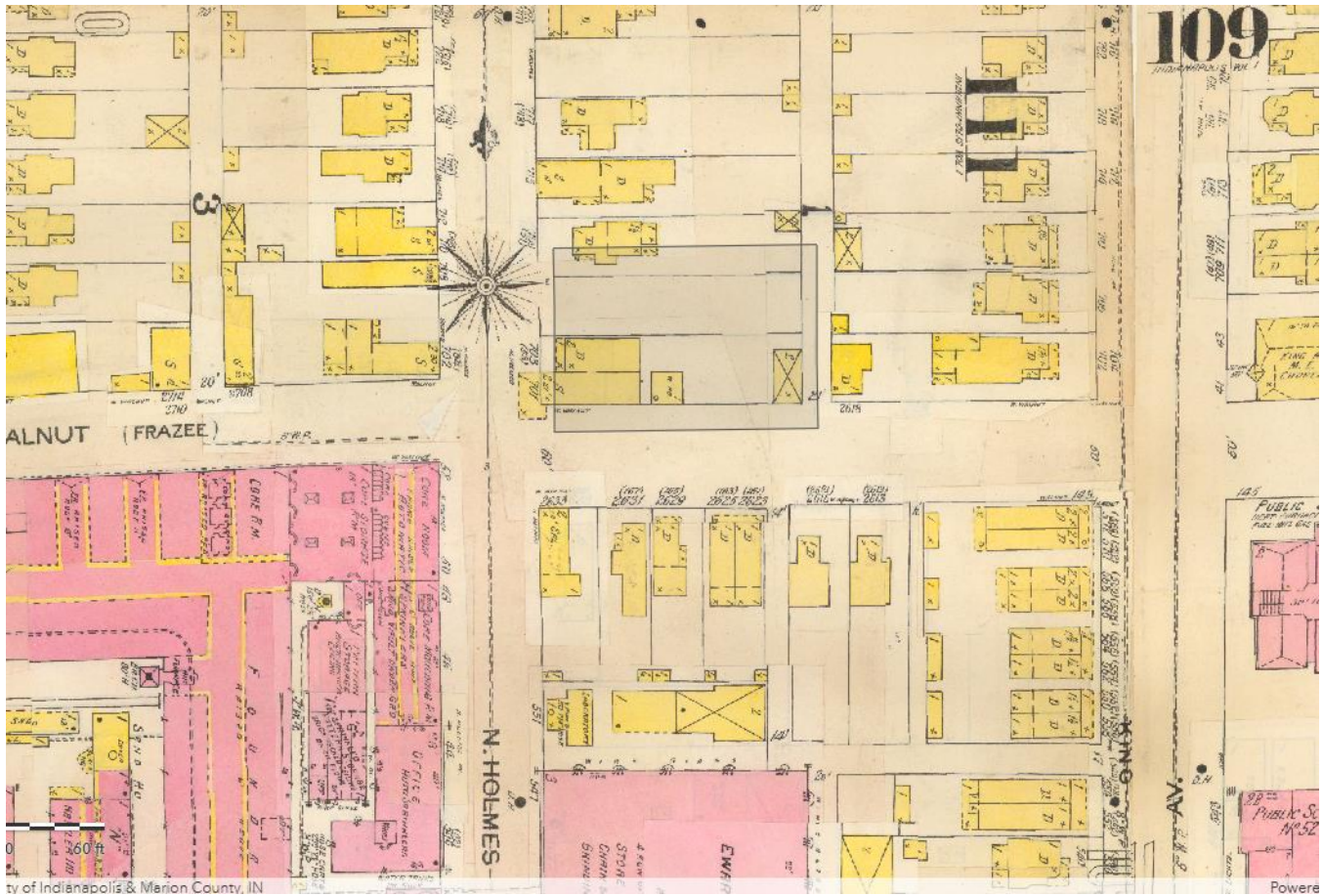
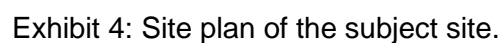


Exhibit 3: 1898 historical Sanborn map of residential uses on the subject site.





**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA**

**PETITION FOR VARIANCE OF USE**

**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 development would enhance the property and the neighborhood all whilst maintaining the public health, safety, morals and general welfare of the community above while complying with building codes.

**2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE**

the proposed development would positively impact the overall aesthetic and enjoyment of the property itself as well as the neighborhood.

**3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE**

compliance with zoning ordinances peculiar to the property involved are generally not shared by other similar properties.

**4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE**

the current zoning rules would not allow for the building of proposed addition, making it difficult to use the property in a consistent way with surrounding properties.

**5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE**

while the current comprehensive plan includes ordinances for which C-1 properties would not allow residential structures to be allowed, the property is located within a residential area. The development of the proposed addition would go in accordance with the community as it is currently under a comprehensive plan that is a low-density residential neighborhood.

Exhibit 5: The submitted Findings of Fact.



EXHIBIT A

Although currently zoned primarily as a C-1, this residential structure has been an existing residential occurrence. Petitioner asks for modification for porch addition to be approved to add to existing structure. Addition will not modify, impair or cause any distraction to neighboring businesses or residents.

EXHIBIT A

SECTION 2.01 C-1 OFFICE DISTRICT

PURPOSE OF C-1 DISTRICT:

The C-1 DISTRICT is designed to provide specific areas where office functions, Since these office

and punaction come ive spin of the petited me sine omen if e appearance and architecturally more harmonious with residential structures, this DISTRICT can serve as a buffer between residential areas and shopping districts. this DISTRICT with its offices and other buffer-tupe functions is designed for use along certain thoroughfares where a gradual transition from existing residential use to commercial use is occuring or should occur.

A. PERMITTED C-1 DISTRICT USES

The following uses shall be permitted in the C-1 DISTRICT. All uses in the C-1 DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-1 DISTRICT development standards of section 2.01, B and to any additional and/or more restrictive requirements specified in this section.

ANY OFFICE USE OR COMPLEX, INCLUDING BUT NOT LIMITED TO PROFESSIONAL, BUSINESS, AND GOVERNMENTAL OFFICES, BANKS, SAVINGS AND LOAN OFFICES.

PUBLIC AND SEMI-PUBLIC USES such as LIBRARIES, MUSEUMS, CHURCHES, CIVIC OR COMMUNITY CENTERS, EXHIBITION HALLS, CALLERIES, CIVIC CLUBS, PHILANTHROPIC INSTITUTIONS, AUDITORIUMS AND ASSEMBLY HALLS, FIRE STATIONS AND POLICE STATIONS.

3. EDUCATIONAL INSTITUTION, CAMPUS OR COMPLEX, including but not limited to COLLEGE OR UNIVERSITY, PROFESSIONAL, TECHNICAL, BUSINESS OR CLERICAL SCHOOL, OR OTHER PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION, SCHOOL OR KINDERGARTEN.

AND LABORATORIES, SAY NURINAND CONVALESCENT HONES, MEDICAL OR DENTAL CLINICS

PUBLIC AND SEMI-PUBLIC PARKS AND OPEN SPACE USES, including but not limited to PUBLIC PARKS (subject to all standards, requirements and regulations of Ordinance 68-40-2, the PARK DISTRICT ZONING ORDINANCE OF Marion County, Indiana), MALLS, PLAZAS, PEDESTRIAN AREAS, GREENWAYS and other similar open space uses.

6. COMMERCIAL PARKING LOTS AND STRUCTURES.

OTHER PUBLIC AND SEMI-PUBLIC USES, OFFICES AND USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.

ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses.

including but not limited to: ACCESSORY UTILITY STRUCTURES AND FACILITIES.

9. TEMPORARY STRUCTURES incidental to the development of land during construction.



Exhibit 7: The residence on the subject site.





Exhibit 8: The front yard between the residence and Walnut Street.



Exhibit 9: Another view of the front yard.





Exhibit 10: Patio that will be covered with the addition.