



**BOARD OF ZONING APPEALS DIVISION I**

**March 4, 2025**

**Case Number:** 2024-DV1-044 (Amended)  
**Address:** 289 North Cole Street (approximate address)  
**Location:** Wayne Township, Council District #16  
**Zoning:** D-4  
**Petitioner:** Humberto Carreon Rubio, by Mark and Kim Crouch  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage in front of the primary dwelling (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 amended at the January 7, 2025, hearing, to withdraw the request to provide for the construction of a detached garage with a floor area greater than the primary dwelling.

The amended petition was continued for cause at the request of a remonstrator, from the January 7, 2025, hearing, to the March 4, 2025, hearing.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the amended request to provide for the construction of a detached garage in front of the primary dwelling.

**PETITION OVERVIEW**

- ◇ The proposed garage would replace an existing detached garage in a similar location in front of the primary dwelling.
- ◇ The site has a practical difficulty in locating the garage to the side or rear of the primary dwelling due to a significant elevation change to the side, and the primary dwelling is located to the rear of the lot, leaving inadequate space to locate the proposed garage to the rear of the dwelling.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-4	
<b>Existing Land Use</b>	Single-Family Dwelling	
<b>Comprehensive Plan</b>	Rural of Estate Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-4 Single-Family dwelling
	South:	D-4 Single-Family dwelling
	East:	PK-1 City Park
	West:	D-A Single-Family dwelling
<b>Thoroughfare Plan</b>		
	Cole Street	Local street 35-foot existing right of way, and 50-foot proposed right-of-way.
<b>Context Area</b>	Metro area	
<b>Floodway / Floodway Fringe</b>	N/A	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	N/A	
<b>Site Plan (Amended)</b>	February 14, 2025	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	November 4, 2024	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Rural or Estate Neighborhood uses for the site.

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Rural or Estate Neighborhood typology for this site. This typology provides for rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

### 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

- Not Applicable to the Site.

### Indy Moves

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

- Not Applicable to the Site.

## ZONING HISTORY

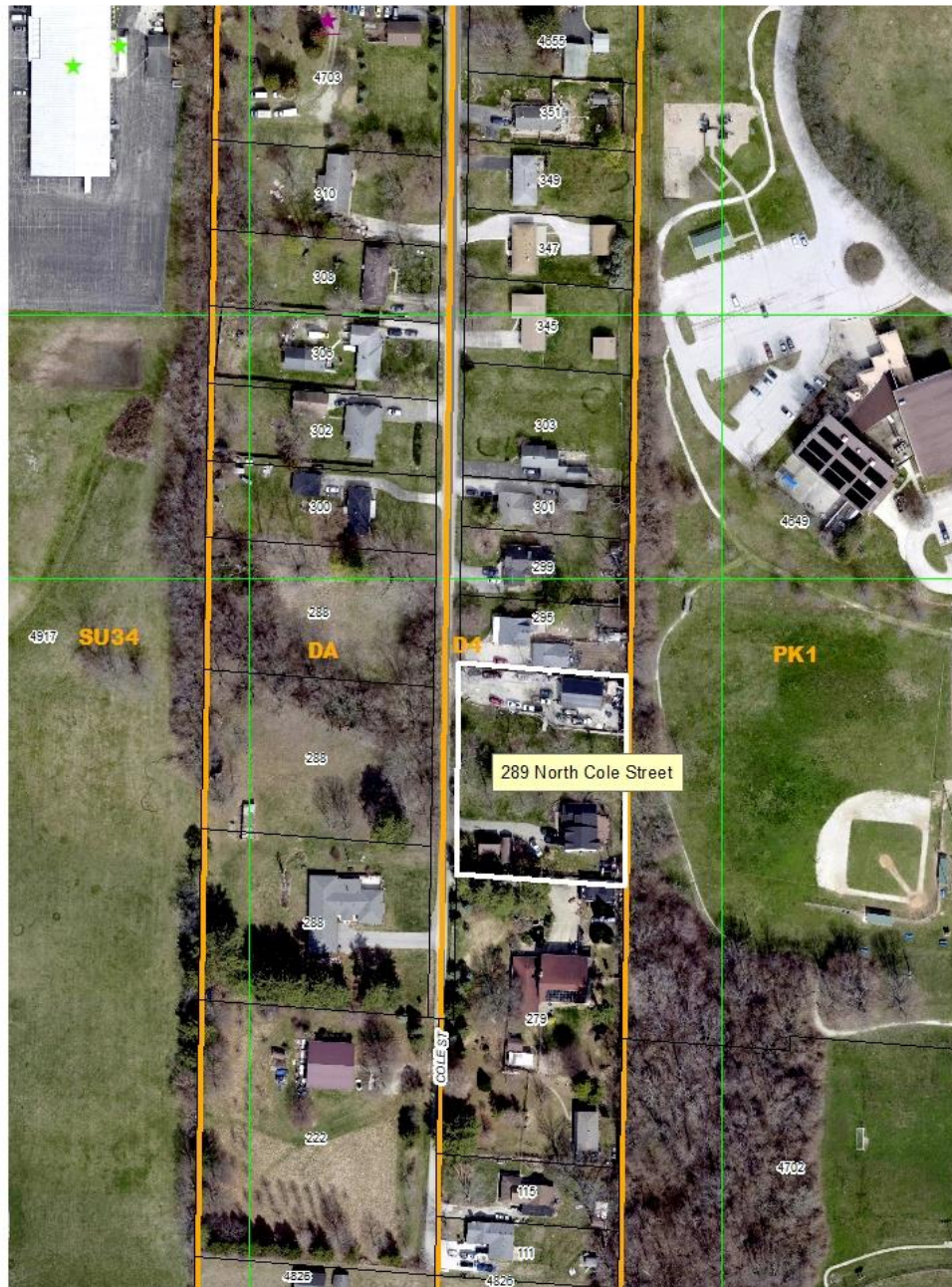
**99-V1-125; 289 North Cole Street (subject site)** requested a variance of development standards to provide for the construction of a pole barn, creating 2,160 square feet of detached accessory uses, or 140% of the size of the main floor area of the primary dwelling, **granted**.

RU

\*\*\*\*\*

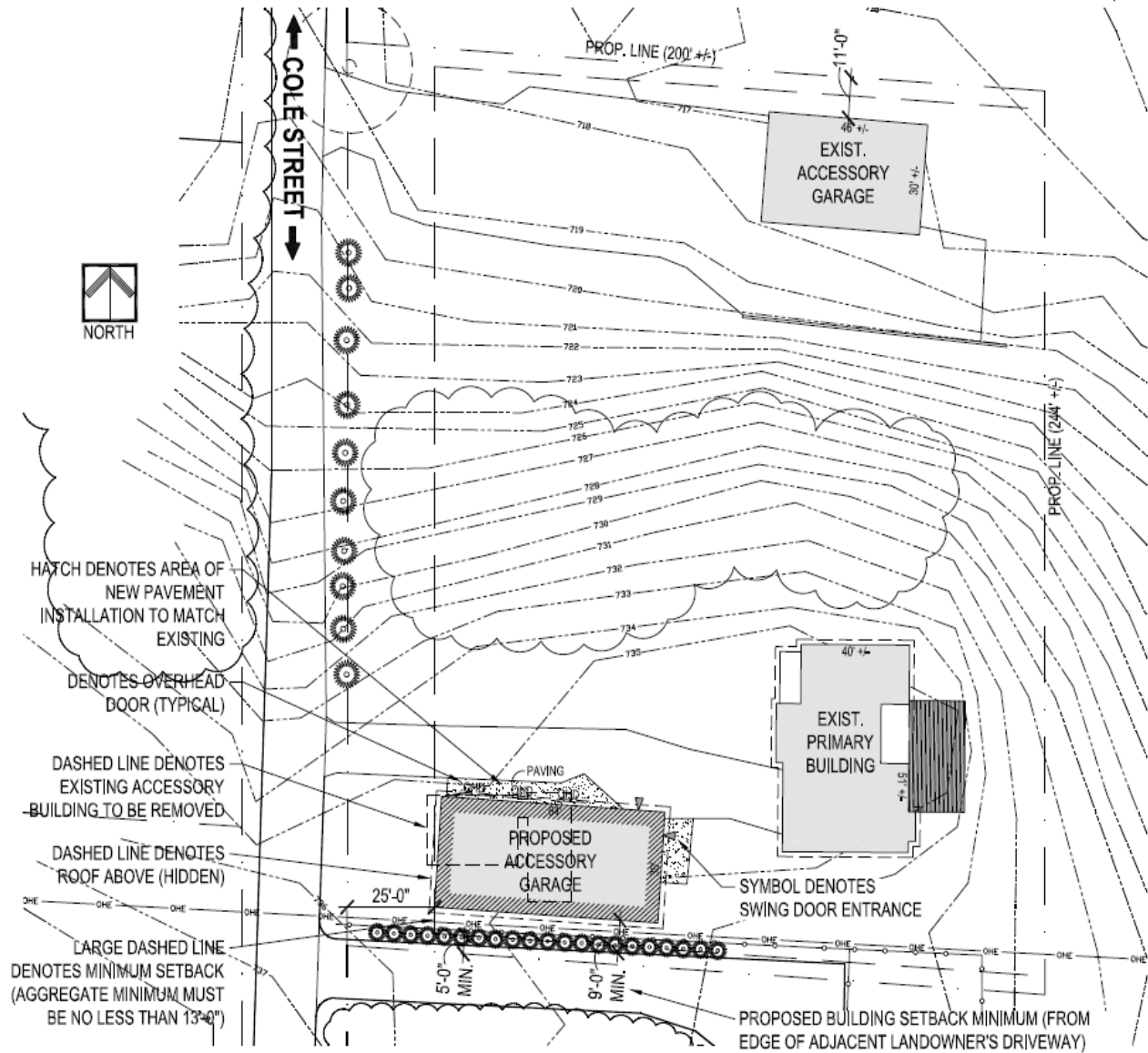
**EXHIBITS**

**Location Map**



**Site Plan**

289 N COLE STREET, INDIANAPOLIS, IN 46224  
 FEBRUARY 14, 2025 | 2 of 2





**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 grant will allow for the construction of a new detached garage for private residential use.

---

---

---

---

---

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 detached garage will be consistent with development in the area and adjacent area.

---

---

---

---

---

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

contour of the property slopes significantly to the north and there is no space behind existing residence to allow for detached garage to be built resulting in a need to place proposed detached garage in front of the residence. Without variance approval, proposed garage will not be built.

---

---

---

---

**Photographs**



Photo 1 - Subject property looking east.



Photo 2 - Subject property existing garage to be removed and replaced with a larger garage, looking southeast.



Photo 3 - Subject property line, additional detached accessory pole barn, with commercial contractor equipment, looking east.



Photo 4- Close up of additional contractor equipment being stored outside of accessory pole barn.





Photo 5 - Adjacent properties to the north that are zoning complaint, looking east.



Photo 6 - Adjacent property to the west that is zoning complaint.