

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number:	2026-DV1-034
Property Address:	4907 Rowney Street (approximate address)
Location:	Center Township, Council District #19
Petitioner:	Abisai Lopez Jimenez & Roxana E Lopez, by Joe Calderon
Current Zoning:	D-3
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1-foot side yard setback for a covered patio (4-foot required).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends approval of the requested variance.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested variance.

PETITION OVERVIEW

4907 Rowney Street is an 0.33-acre residential parcel that is currently developed with a single-family residence and rear-yard accessory garage built in 1930 as well as a larger accessory garage further to the south on the lot built per plans approved by ILP24-02876. Immediately adjacent properties are also residential in nature, and Southeastern Avenue is the nearest arterial street. Although power lines run along the eastern boundary of the property, no utility easement appears to exist for the northeastern portion of the property.

In addition to the detached accessory garage built in 2024, other site improvements were undertaken without the issuance of permits around that point in time: existing front-yard grass on the eastern portion of the front yard was paved over in late 2022 or early 2023, and a rear-yard covered patio addition was placed on the existing single-family home in the middle of 2023 (see aerial photography). The covered patio addition did not receive permits at the time of construction, but was included on the plans stamped by the Department of Business and Neighborhood Services in association with the ILP issued for the newer garage in 2024. An anonymous complaint made to the Mayor's Action Center in early 2026 related to an auto service and towing use at the property led to the enforcement case VIO26-001670 being opened.

The full text of the violation is within the Exhibits below. In addition to carport within the required setback, the violation notice mentioned the width of parking areas and lack of landscaped material both within the front yard and throughout the site because of the 2022-2023 work undertaken. The enforcement case did not mention commercial use at this property, and correspondence from the petitioner's representative on June 26th indicated that all vehicles parked on the property are owned by and for the use of the property owner. Staff also notes that the front-yard area mentioned within the violation appears to have been resodded (see Photo 1).

Approval of this variance request would be limited solely to legally establishing the rear-yard covered patio with a deficient side setback from the eastern property line: Ordinance would require a 4-foot side setback for the D-4 zoning district in the Metro Context Area, and plans provided by the petitioner indicate that the currently existing setback would only be 1 foot.

Petition approval would not allow for any relief from the need for a structural permit (to be issued retroactively) for the patio addition, nor would it constitute relief from any relevant residential building code requirements. A 4-foot side yard setback would also be applicable for the rear-yard aboveground pool (although the violation notice didn't mention this as a non-conformity). Additionally, staff would note that the amount of gravel paving and vehicle area at the property would not comply with the Ordinance standard for 60% living materials in areas where landscaping is provided, and would potentially constitute a violation of the City's infrastructure and drainage requirements; this non-conformity would need to be addressed outside of the variance process.

The Comprehensive Plan recommends that this property be developed for Suburban Neighborhood uses (additional information within the Comprehensive Plan Analysis section below). Additionally, Infill Housing Guidelines indicate that side setbacks should both reflect the existing context of the block and should leave adequate space for maintenance.

Findings of Fact provided by the petitioner indicate that **(a)** the side-yard fence between the patio and the property to the east would both provide buffering between the two properties and **(b)** that this reduced side setback would be visually compatible with other accessory structures along the block with reduced side-yard setbacks. Staff would also note the presence of multiple legally non-conforming accessory structures along Rowney Street, as well as the relative narrowness of the lot and placement of the existing house limiting feasible options for patio placement

Additionally, the side-yard fence between this property and 4929 Rowney Street (which is currently owned by the same individual who owns the subject parcel) would provide visual buffering while also meaning that the patio would likely not contribute to any difficulty in maintenance that didn't already exist because of the fence. For these reasons, staff recommends **approval** of the requested variance for a 3-foot reduction in the side yard setback, with the caveat that this approval would not allow for any parking associated with a commercial or towing use at the site.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-3	North: Residential
South:	D-3	South: Residential
East:	D-3	East: Residential
West:	D-3	West: Residential
Thoroughfare Plan		
Lafayette Road	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	06/16/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	06/16/2026	
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 Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within 0.25 miles 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

- Spacing between houses establishes a rhythm and pattern along a street. Development should reinforce spacing on the existing block, should limit uncharacteristically large gaps between houses, and should leave room for maintenance.

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

2015ZON090 ; 4852 Southeastern Avenue (south of site), Rezoning of 0.54 acre from the D-3 district to the C-3 classification, **approved**.

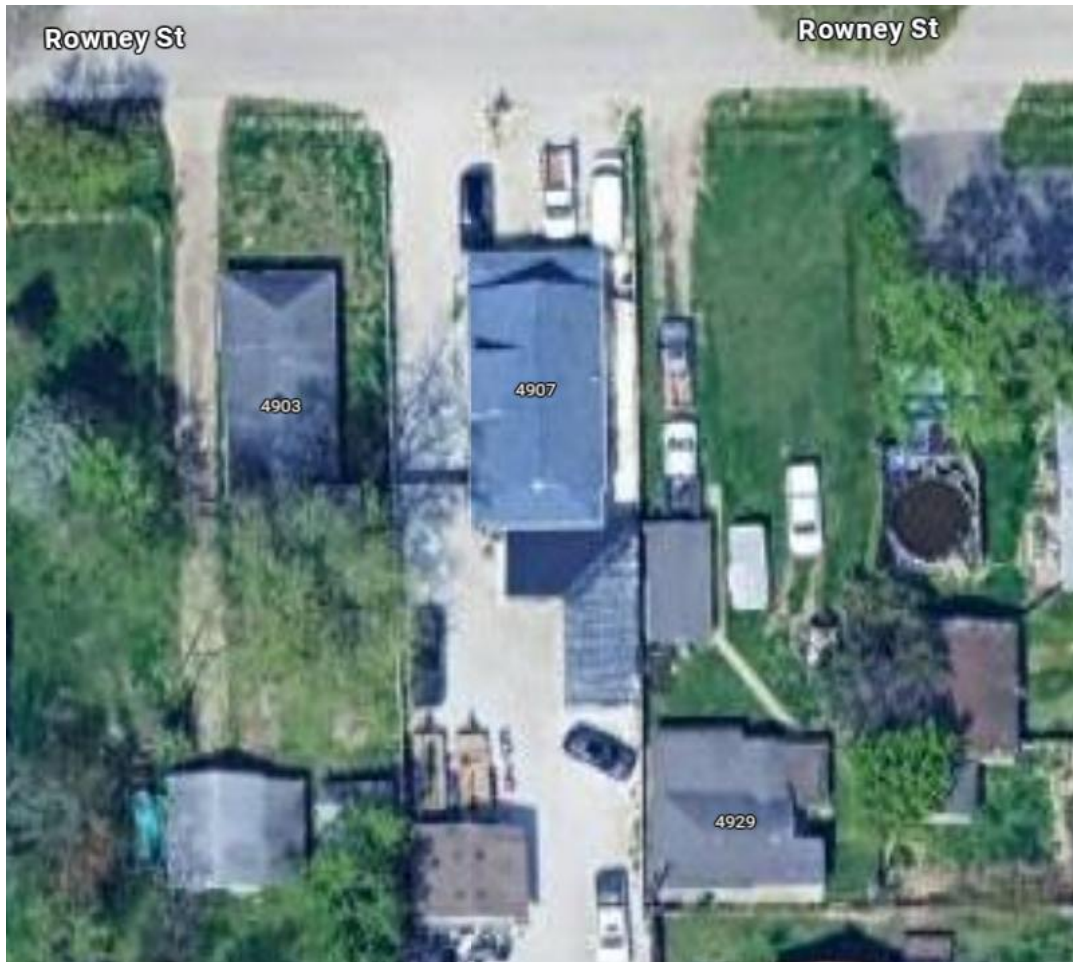
98-Z-99 ; 4970 Rowney Street (northeast of site), Rezone 0.523 acre from D-3 to SU-1 to provide for church use, **approved**.

EXHIBITS

2026DV1034 ; Aerial Map



2026DV1034 ; Aerial Photograph (Zoomed)



Note: photograph taken prior to resodding of front yard area in front of primary residence

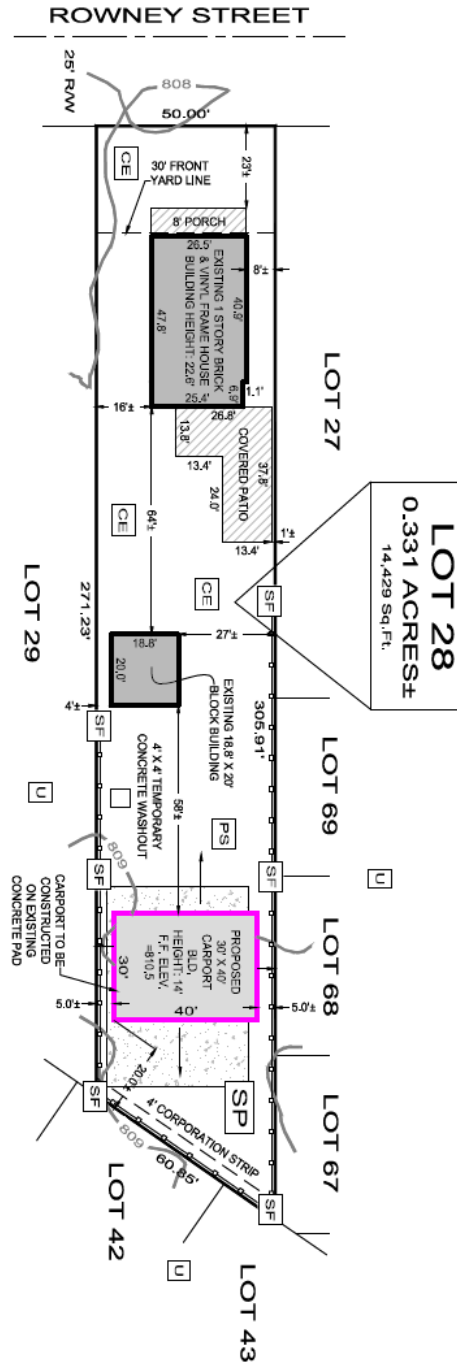
2026DV1034 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
the covered patio does not interfere with any vehicular or pedestrian traffic pattern, and there is a solid fence which blocks the covered patio from the public view.

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:
there are accessory structures on both the east and west adjoining properties which are built very close to the property line and there is a solid fence which screens the covered patio from view of the east adjoining property.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
the property has very little lot width (50 feet) compared to depth, making it difficult to comply with the side setback requirements.

2026DV1034 ; Site Plan



Note: carport to S of property built in 2024 (not 'proposed' as marked on plan)

2026DV1034 ; Notice of Violation (VIO26-001670)



March 4, 2026

Case #: VIO26-001670

JIMENEZ, ABISAI LOPEZ & ROXANA E LOPEZ
4907 ROWNEY ST
INDIANAPOLIS, IN 46203

RE: 4907 ROWNEY ST

Dear JIMENEZ, ABISAI LOPEZ & ROXANA E LOPEZ:

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 increasing the height, size or lateral bulk of the structure...carport).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (744-404.D.6.a. - Parking areas in front yards shall be paved with bricks, concrete, asphalt, permeable pavers or pavement, or a gravel surface with a distinct edge boundary to retain the gravel; the parking of vehicles on grass in the front yard is prohibited).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (744-503.C. - In all areas where landscaping is required, a minimum of 60% of the surface area shall be covered by living materials, rather than gravel, stone or other non-living materials).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (Table 744-201-1: - Carport located in the 7ft. side yard setback).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (Table 744-404-1 - The parking area in front yards shall not exceed 30 feet in width or 50% of the lot width, whichever is lesser).

2026DV1034 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Fenceline + Subject Shelter Viewed from North

2026DV1034 ; Photographs (continued)



Photo 3: Subject Shelter Viewed from West (Internal to Lot)



Photo 4: Subject Shelter Viewed from Southwest (Internal to Lot)

2026DV1034 ; Photographs (continued)



Photo 5: Subject Shelter and Fenceline Viewed from South (Internal to Lot)



Photo 6: Accessory Structures on Southern Portion of Lot

2026DV1034 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to West