

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number: 2026-DV1-038

Property Address: 1825 Marlowe Avenue

Location: Center Township, Council District #13

Petitioner: Excelsior LLC, Joe Smoker

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit a 4-foot corner side-yard setback (8-foot corner side-yard setback required), a 5-foot rear-yard setback for the primary residence (15-foot rear-yard setback required), a 1-foot rear-yard setback for the stoop and the sidewalk (5-foot rear-yard setback required), a 4-foot front building line (10-foot front building line required), and a partial encroachment of the covered porch into the clear site triangle (not permitted).

Current Land Use: Single-Family Dwelling

Staff Recommendations: Staff recommends approval of this petition

Staff Reviewer: Adam Skrzyszewski, Senior Planner

PETITION HISTORY

This is the first public hearing of this petition

STAFF RECOMMENDATION

Staff recommends **approval** of this petition

PETITION OVERVIEW

- The petitioner is proposing to construct a single-family residence, approximately 1,750 square-feet, located on a corner lot zoned D-8 in the compact context area with Terrace Frontage per the Ordinance; therefore, proposing a single-family residence with:
 - A deficient corner side-yard setback from the primary residence to the side-yard lot-line, from the alley right-of-way.
 - A deficient rear-yard setback from the primary residence to the rear lot-line.
 - A deficient rear-yard setback from the proposed stoop and sidewalk to the rear lot-line.
 - Minor residential features, such as stoops and sidewalks, are granted an exception from the required 15-feet minimum for this parcel to a 5-feet minimum rear lot-line setback, per table 744-204-2 of the Ordinance.
 - A deficient front-yard setback from the primary residence to the front building line, per the Walkable Neighborhood Design Standards.

- An encroachment of the proposed covered porch approximately 25 square-feet into the 1,500 square-foot clear-site triangle, created from the alley right-of-way, and the Marlowe Avenue right-of-way.
- The deficient lot size creates practical difficulty in using the lot for the recommended use of Traditional Neighborhood per the Comprehensive Plan. A single-family detached home is a recommended use in a Traditional Neighborhood Typology per the Pattern Book. The proposed single-family home meets all recommendations of use for this parcel, but cannot be built without need of variances due to the development standards rendering the lot undevelopable.
- The proposed single-family detached home matches historical use of the site. The parcel was previously occupied by a single-family detached home of similar design and residential intensity. Demolished in Fall of 2024. The previous use of the property is referenced with former aerials and street-views of the site in the exhibits section below.
- The proposed deficient setbacks will not be harmful to the character, pattern, and consistent rhythm found throughout the neighborhood per the Infill Housing Guidelines. The aesthetic and design of the proposed structure will meet all aesthetic and site configurations necessary for the site context per the Infill Housing Guidelines.
- The petitioner is meeting the requirement of 1 street tree for every 35-feet of lot frontage per the Walkable Neighborhood Design Standards, and addressing the recommendation of landscaping within the lot per the Infill Housing Guidelines through imagery in the proposed site-plan: Foundation plantings along the front of the house, and an ornamental tree within the Marlowe Avenue public right-of-way.
- The petitioner is meeting the off-street parking requirement of 1 per the Ordinance due to the historical use of off-street parking on the Marlowe Avenue right-of-way. There is available space of 1 off-street parking spot fronting the proposed residence on the Marlowe Avenue right-of-way, therefore, meeting the requirement.
- The front door of the proposed single-family residence fronts the alley right-of-way which is the side-yard of the property. Per the Walkable Neighborhood Design Standards, primary entrances with Terrace Frontage are required to face towards the front façade of the residence. The proposed primary entrance is permitted because it is facing the front façade of the primary entrance feature, which is the proposed 6-foot by 12-foot covered porch of the home.
- If the Ordinance is implemented to its full effect, The proposed development, which is fulfilling the recommended use of the parcel, would not be permitted due to the hardship created from the deficient lot-size and its development standards. Therefore, a variance is justified; and after staff's review, case 2026-DV1-038 is recommended for approval.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-8	North: Single-Family Dwelling
South:	D-8	South: Single-Family Dwelling
East:	D-8	East: Single-Family Dwelling
West:	D-8	West: Single-Family Dwelling
Thoroughfare Plan		
Enter Street(s)	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	June 23 rd , 2026	
Site Plan (Amended)	July 10 th , 2026	
Elevations	June 23 rd , 2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	June 23 rd , 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood.

Pattern Book / Land Use Plan

- The Pattern Book states the Traditional Neighborhood Typology includes a full spectrum of housing types, ranging from single-family homes to large-scale multifamily housing. The proposed detached single-family home is a recommended land-use for the Traditional Neighborhood Typology. The proposed single-family home matches the description of the Traditional Neighborhood Typology by keeping the development pattern of the neighborhood compact, well-connected, with access to the alley, and by helping preserve the historical social connectivity of the neighborhood. The proposed single-family home also matches the visual pattern, rhythm, and orientation of the surrounding buildings.

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 Infill Housing Guidelines state that setbacks should be built within the Setback range of the frontage design standard, setbacks should be in line with the surrounding properties, setbacks should reflect the context of both streets being a corner lot, setbacks should maintain the character of spacing found in the neighborhood, setbacks should leave room for maintenance, and trees and landscaping should be provided to add shade and recreation to the property where reasonable.

Indy Moves

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

- The Pedestrian Plan indicates the area as a top tier priority for walkability. The petitioner's proposed design and landscaping per the site-plan, ensures preservation of the highly walkable nature of the neighborhood.

ZONING HISTORY

2024-DV3-020 ; 1825 Marlowe Avenue (adjacent parcel east of proposed site). Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit townhome, with a 5.5-foot rear yard setback (15 feet required), with each unit having a main floor area of 600 square feet (660 square feet required). **Approved**

2003-UV2-011 ; 315 North Walcott Street (North of proposed site). Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile repair facility in a D-8 zoning district (not permitted). **Denied**

94-UV1-98 ; 1825 East New York Street (North of proposed site). Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile repair facility in a D-8 zoning district (not permitted). **Denied**

2012-UV3-006 ; 1825 East New York Street (North of proposed site). Variance of use of the Consolidated Zoning and Subdivision Ordinance Zoning Ordinance to provide for an automobile repair facility and office uses in a D-8 zoning district (not permitted). **Approved**

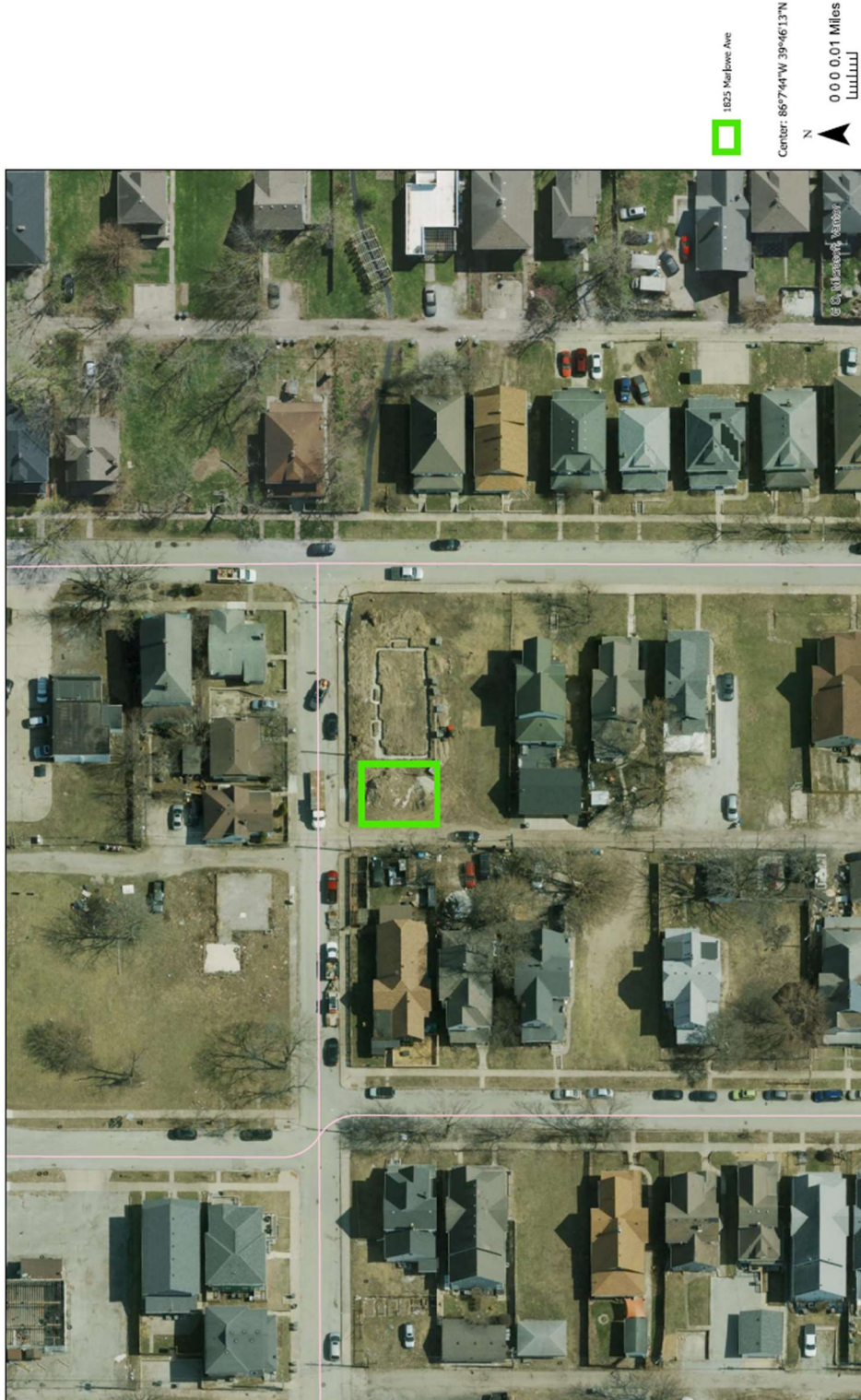
2020-CVR-811 ; 208 North Randolph Street (South of proposed site). Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot interior side yard for single-family attached dwellings and legally establish eight feet between primary dwellings (three-foot side setback and 10 feet between primary dwellings required). **Approved**

2015-UV2-027 ; 1814 East Ohio Street (South of proposed site). Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish a two-family dwelling and a single-family dwelling on one lot (not permitted). **Approved**

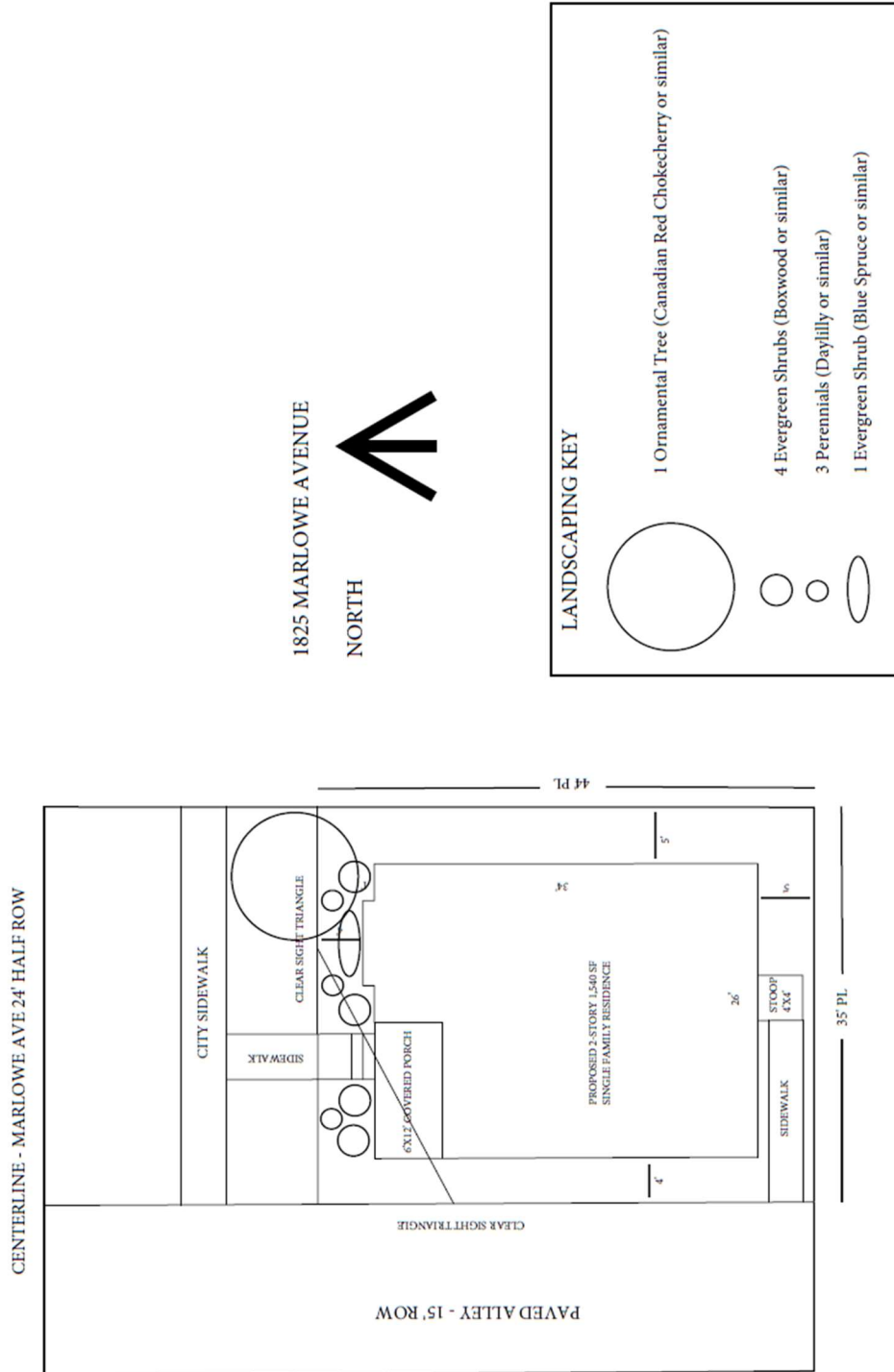
2015-HOV-042 ; 226 North Walcott Street (South of proposed site). Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 528-square foot detached garage, with a three-foot north side setback and a seven-foot aggregate side setback (minimum four-foot side and 10-foot aggregate side setback), creating 52% open space (minimum 55% open space). **Approved**

2021-DV1-010 ; 302 North Walcott Street (West of proposed site). Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation of a two-family dwelling, balconies with zero-foot front and side setbacks, with concrete stairs/steps/railings and retaining walls within the rights-of-way of Marlowe Avenue and Walcott Street, with a deck with a zero-foot north side setback, 28% open space, a three-foot building separation (18-foot front setback or average, four-foot side setbacks, structures not permitted within the right-of-way, 55% open space and 10-foot separation required), and structures within the clear sight triangle of the abutting streets (not permitted). **Approved**

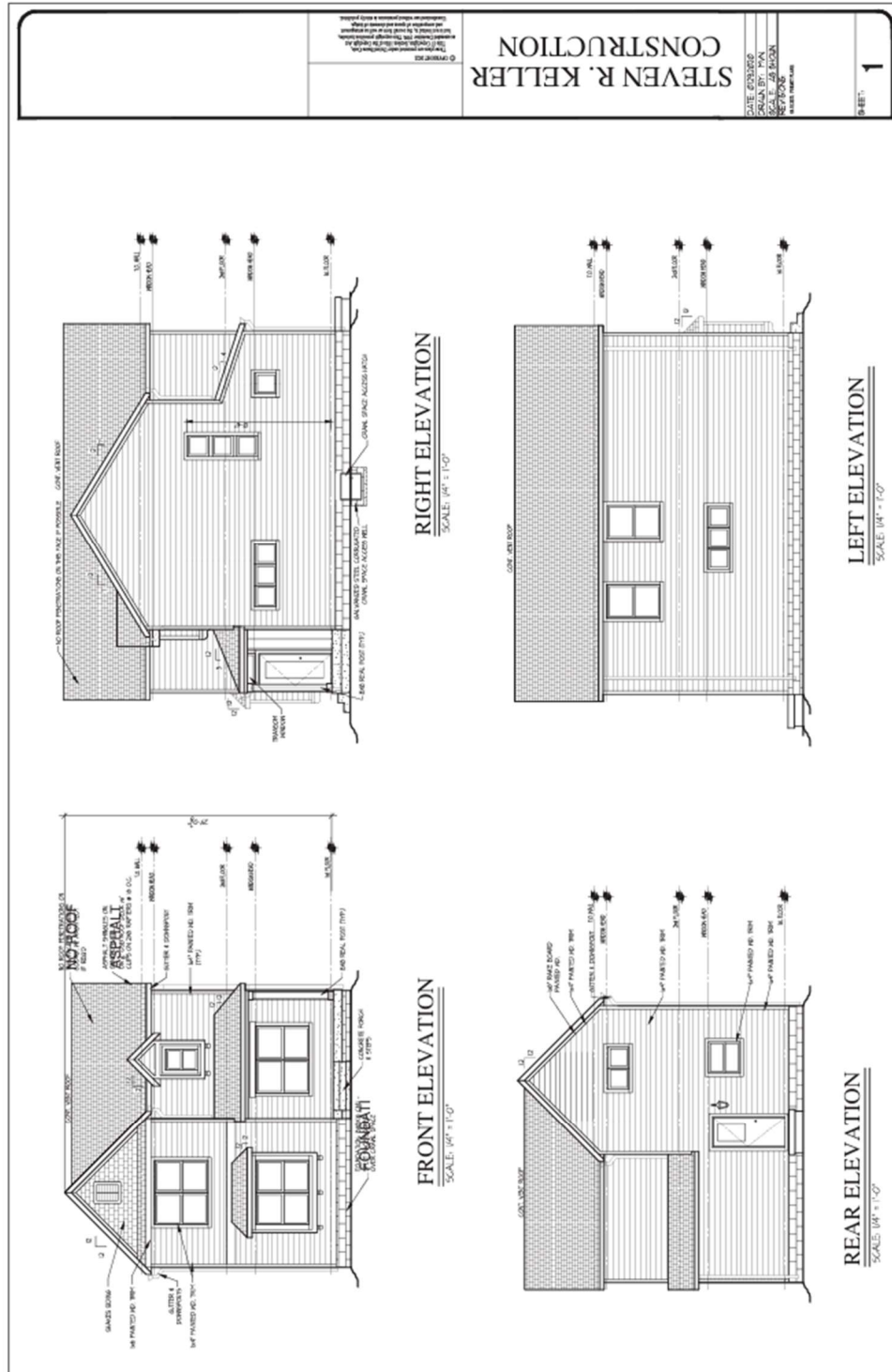
Proposed Site, Location Map



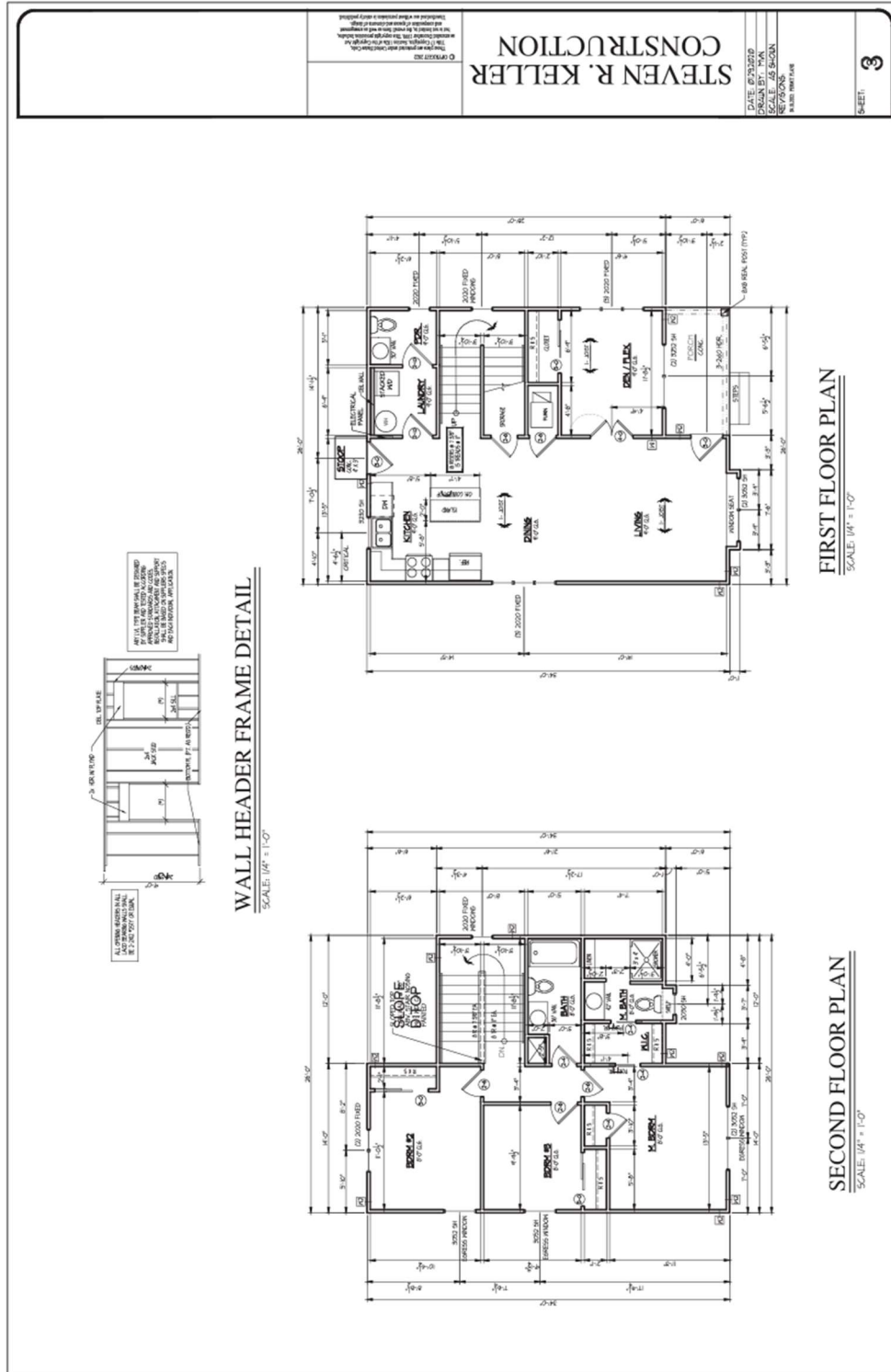
Proposed Site Plan



Proposed Elevation Plan



Proposed Floor Plan





Department of Metropolitan Development
Division of Planning
Current Planning

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 site was previously platted with an existing, 2-story single family residential structure. The site is surrounded
by residential structures and uses and the proposed development would not be injurious to the public health, safety, morals,
and general welfare of the community.

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 use and development matches historical uses, both on the subject site and adjacent sites and will not
create an adverse impact on adjacent properties.

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

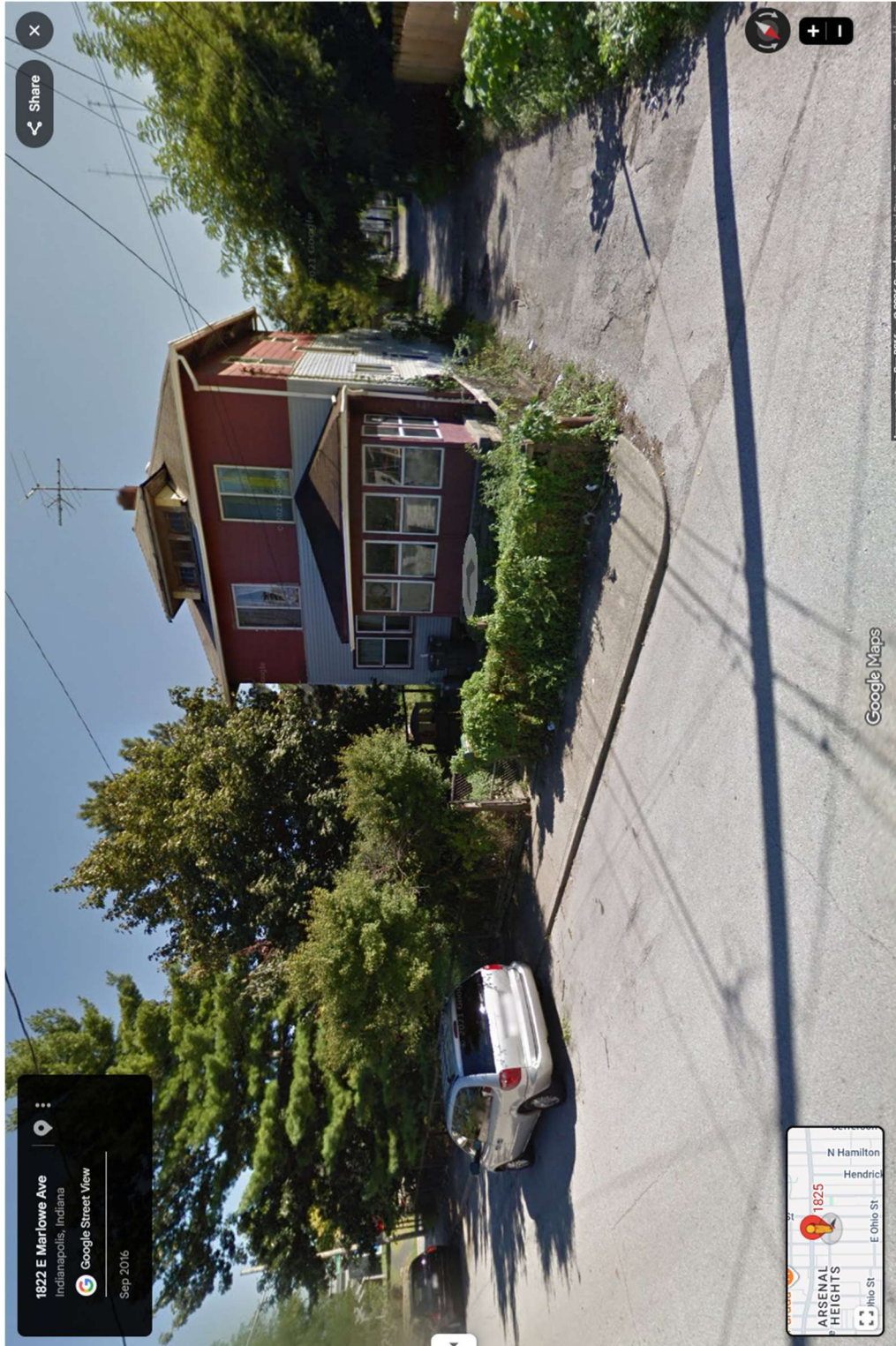
The subject site is an existing, platted lot zoned for residential uses. In order to meet the terms of the ordinance, the
proposed structure would only have a developable area on the lot of approximately 512 square feet, failing to meet the
ordinance requirement for minimum floor area. This existing, substandard lot necessitates these variance requests.

DECISION

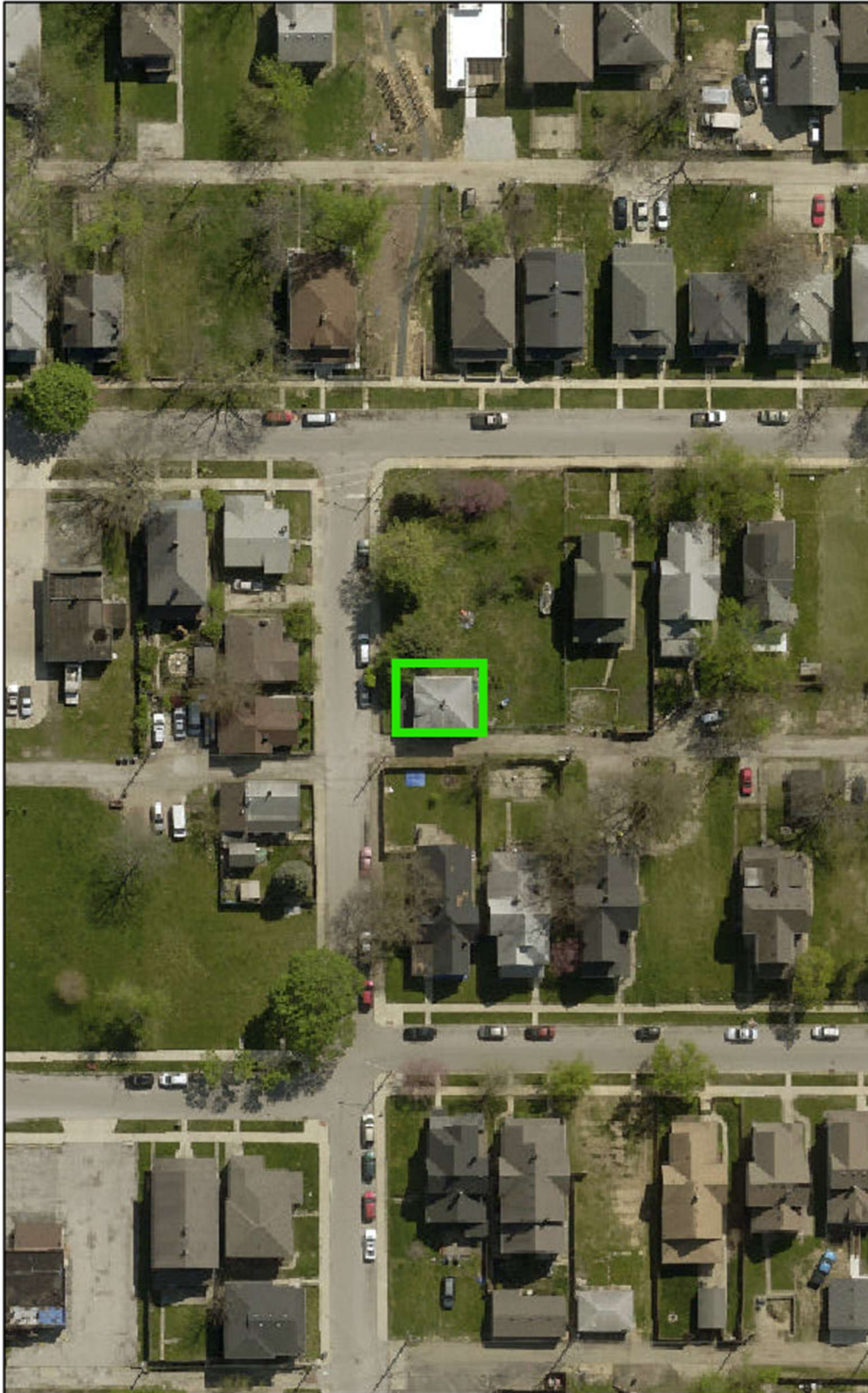
IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

previous use of property (September 2016)



1825 Marlowe Ave 2016 aerial



1:1,128
0 0.01 0.01 0.02 0.02 mi
0 0.01 0.01 0.02 0.04 km
IGIO, Microsoft, Vantor, City of Indianapolis & Marion County, IN

7/10/2026

site photographs (7/10/2026)



Figure 1 - looking **South** at Lot



Figure 2 - looking **East** from Lot



Figure 3 - looking **West** from Lot



Figure 4 - looking **South** through alley



Figure 5 - Looking **North** from lot



Figure 6 - looking **South** at lot



Figure 7 - looking **South** at lot