



BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number: 2026-DV3-007
Address: 1930 North Audubon Street (approximate address)
Location: Warren Township, Council District #14
Zoning: D-5
Petitioner: Suleima Morales, by Josh Smith
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to the primary dwelling with an 11-foot rear setback (20 feet required).

Current Land Use: Single Family Dwelling

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the April 21, 2026 BZAIII hearing due to a lack of quorum, and transferred to the May 12, 2026, BZA I hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ This request would provide for an addition to the existing dwelling that would include an attached garage, creating an approximately 11-foot rear setback for the primary dwelling, when the Ordinance requires a 20-foot rear setback.
- ◇ The Consolidated Zoning and Subdivision Ordinance provides for a five-foot rear yard setback for detached accessory structures but requires a 20-foot rear yard setback for the rear of the primary dwelling.
- ◇ The garage was legally constructed and permitted as a detached accessory structure. With the dwelling expansion, the garage was then attached to the primary dwelling, resulting in the existing garage rear setback not meeting the rear setback for the rear of a primary dwelling.
- ◇ The reduced rear setback would have minimal negative impact upon the use and value of the properties of the abutting neighbors because the development pattern of reduced setbacks is common throughout this older neighborhood. It should also be noted that the new structures will maintain and not negatively impact the required open space.

- ◇ Staff believes that the reduced setback would be reasonable and would be in character with the neighborhood as staff has supported similar setback reductions in this area because the lots were developed before the adoption of the development standards of Consolidated Zoning and Subdivision Ordinance.
- ◇ Generally, Staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 Single-Family dwelling
	South:	D-5 Single-Family dwelling
	East:	D-5 Single-Family dwelling
	West:	D-5 Single-Family dwelling
Thoroughfare Plan		
North Audubon Avenue	Local street	50-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	February 11, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	February 11, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood typology which 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.

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

None

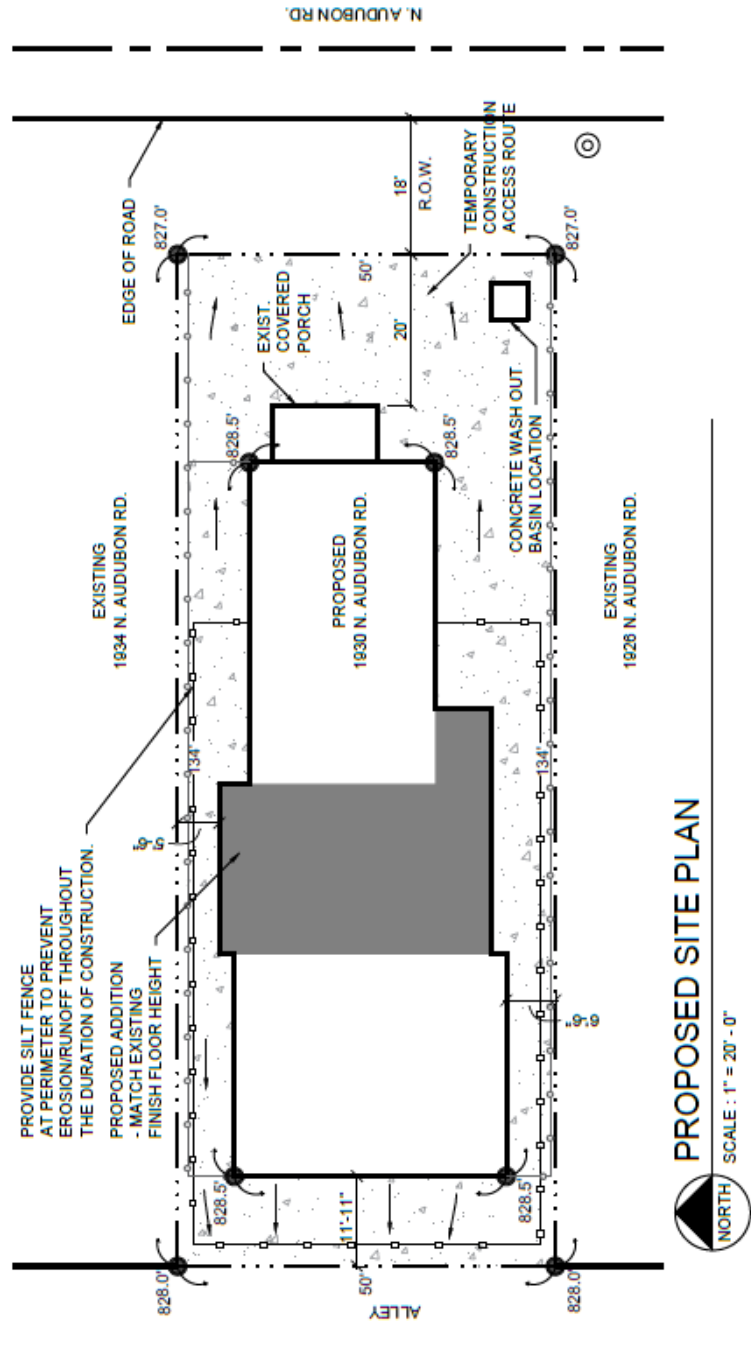
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EXHIBITS

Location Map



Site Plan



PROVIDE SILT FENCE AT PERIMETER TO PREVENT EROSION/RUNOFF THROUGHOUT THE DURATION OF CONSTRUCTION.
 PROPOSED ADDITION - MATCH EXISTING FINISH FLOOR HEIGHT

EXISTING 1934 N. AUDUBON RD.

N. AUDUBON RD.

PROPOSED 1930 N. AUDUBON RD.

EXISTING 1926 N. AUDUBON RD.

ALLEY

TEMPORARY CONSTRUCTION ACCESS ROUTE

CONCRETE WASH OUT BASIN LOCATION

EDGE OF ROAD 827.0'

828.5'

828.5'

828.0'

EXIST. COVERED PORCH

18" R.O.W.

20'

50'

50'

134'

11'-11"

828.0'

PROPOSED SITE PLAN

SCALE : 1" = 20' - 0"





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:

This variance allows the continued use of the property and structure as a single family home.

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:

By granting this variance, nothing will change with the proposed and existing use. The home is and will remain a single family property.

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

Prior to the addition there was no logical space to add a reasonable square footage onto the home without connecting the home to the detached garage or demolishing the detached garage. While the demolition was possible it would be unreasonable to demolish the existing asset of the garage. The connection of the home to the garage is the most reasonable way to add usable and valuable room to the home.

Photographs



Photo of subject site, looking west.



Photo of subject site, north elevation, looking southwest.



Photo of attached garage with with an 11-foot rear setback, looking north.



Photo of attached garage with with an 11-foot rear setback, looking south.