



## BOARD OF ZONING APPEALS DIVISION I

February 3, 2026

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|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Number:</b>           | 2025-DV1-064                                                                                                                                                                                                                                                                                                                                            |
| <b>Property Address:</b>      | 3155 Arbor Street ( <i>approximate address</i> )                                                                                                                                                                                                                                                                                                        |
| <b>Location:</b>              | Perry Township, Council District #22                                                                                                                                                                                                                                                                                                                    |
| <b>Petitioner:</b>            | Jose Moreno, by Samuel Salazar                                                                                                                                                                                                                                                                                                                          |
| <b>Current Zoning:</b>        | D-4 (FF)                                                                                                                                                                                                                                                                                                                                                |
| <b>Request:</b>               | Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a detached accessory garage within the front yard of Arbor Street (accessory structures must be behind primary buildings), and for a 72-foot wide parking area within the front yard of Arbor Street (maximum 30-foot wide parking area permitted). |
| <b>Current Land Use:</b>      | Undeveloped                                                                                                                                                                                                                                                                                                                                             |
| <b>Staff Recommendations:</b> | Staff recommends <b>approval</b> of the accessory garage request and <b>denial</b> of the parking area width request.                                                                                                                                                                                                                                   |
| <b>Staff Reviewer:</b>        | Michael Weigel, Senior Planner                                                                                                                                                                                                                                                                                                                          |

## PETITION HISTORY

**2/3/26:** The remonstrator and petitioner agreed to an additional month's continuance to allow for the case to be presented to the Northwest Perry Neighborhood Association. Staff will make this continuance request on the remonstrator's behalf to continue the petition to the March 3<sup>rd</sup> hearing date.

**1/6/26:** A timely automatic continuance was filed by a registered neighborhood organization to automatically continue this petition to the February 3, 2026 hearing. The petitioner provided an amended site plan, which is reflected within the below report. Staff's recommendation remains unchanged.

## STAFF RECOMMENDATION

Staff recommends **approval** of the accessory garage request and **denial** of the parking area request.

## PETITION OVERVIEW

- 3155 Arbor Street is a lot comprised of six (6) different residential parcels with a width of 150 feet total. A residence that had been constructed on the westernmost two (2) parcels was demolished in the 1970s, and the property has been undeveloped since. Surrounding land uses include undeveloped land to the south, residences to the north and west, and a lake and operation for excavation of sand and gravel to the east. Due to its low elevation and proximity to the Highland Creek to the south, the property is fully located within the floodway fringe.

- The applicant is seeking to develop this site with a single-family residence. A flood permit was issued in 2024 to allow for that development with the primary and accessory structure in the locations shown below.
- Two (2) variances of development standards would be required to allow for the proposed design. The first would be to allow for a detached accessory structure within the front yard between the proposed building location and the front property line. The second would be to allow for a parking area width of 72 feet within the front yard of the site (maximum of 30 feet permitted). It appears that no variance would be needed related to the Flood Control Ordinance given the previous issuance of a flood permit, and the applicant has indicated that gravel parking areas would have distinct edge buffering as required by Ordinance.
- The violation case VIO24-010173 was opened in 2024 in relation to vehicle storage of a dump truck and trailer at the site and a lack of ILP for a parking lot area. This variance would not allow for commercial parking at this property, although staff would note that those vehicles did not appear to be present when conducting a site visit in late 2025. Additionally, approval of this petition would not allow for relief from regulations related to the placement of multiple curb cuts for a residence imposed by the Department of Public Works during the driveway permit process. A representative from DPW indicated that approval of two driveway access points would be unlikely to be approved regardless of the outcome of this petition.
- This property is zoned D-4 to allow for low or medium intensity single-family and two-family residential development, and similarly the Comprehensive Plan recommends the site to the Suburban Neighborhood typology and places it within an Environmentally Sensitive overlay (additional information below). The site is also located within the Floodway Fringe, which is a Secondary Zoning District and indicates a 1% chance for significant flooding as well as shallow flooding in any given year. Additionally, Infill Housing Guidelines indicate that accessory structures should be placed behind primary structures without overshadowing them in size, and that front yards should contain shaded green space.
- Due to site-specific constraints related to the location of the property within the Floodway Fringe and the limited amount of undisturbed soil at the site, the proposed location of the primary structure at the rear of the site would be the only feasible location for development to occur. Staff would note that in addition to there being no feasible way to have an accessory structure placed behind the primary building, the proposed detached garage would be offset to the north from the primary residence in a manner that wouldn't directly impede visual access from Arbor Street (approximating the intent of Infill Housing Guidelines). For these reasons, staff recommends approval of the requested variance for an accessory structure within the front yard.
- However, no such site-specific practical difficulty exists to justify approval of the requested variance for the parking area width of 72 feet. The limitation on front-yard parking area width for residential areas within the Ordinance exists to allow for vibrant front-yard areas primarily defined by green space (echoed within the Environmentally Sensitive overlay guidance from the Comprehensive Plan) while still allowing adequate space for vehicle maneuverability. Placement

of a parking area over twice the maximum amount allowed would run counter to these goals, and may also negatively impact the property within floodway fringe by reducing space for front-yard compensatory storage and drainage retention and resulting in additional areas of mud and chuckholes for the gravel drive. Staff recommends denial of the driveway width variance.

## GENERAL INFORMATION

|                                   |                          |                                                                    |
|-----------------------------------|--------------------------|--------------------------------------------------------------------|
| <b>Existing Zoning</b>            | D-4 (FF)                 |                                                                    |
| <b>Existing Land Use</b>          | Undeveloped              |                                                                    |
| <b>Comprehensive Plan</b>         | Suburban Neighborhood    |                                                                    |
| <b>Surrounding Context</b>        | <b>Zoning</b>            | <b>Surrounding Context</b>                                         |
| North:                            | D-4                      | North: Residential                                                 |
| South:                            | D-4                      | South: Undeveloped                                                 |
| East:                             | D-A                      | East: Mining Operations                                            |
| West:                             | D-4                      | West: Residential                                                  |
| <b>Thoroughfare Plan</b>          |                          |                                                                    |
| Arbor Street                      | Local Street             | 51-foot existing right-of-way and<br>50-foot proposed right-of-way |
| <b>Context Area</b>               | Metro                    |                                                                    |
| <b>Floodway / Floodway Fringe</b> | Yes                      |                                                                    |
| <b>Overlay</b>                    | Yes                      |                                                                    |
| <b>Wellfield Protection Area</b>  | Yes or No                |                                                                    |
| <b>Site Plan</b>                  | 11/27/2025               |                                                                    |
| <b>Site Plan (Amended)</b>        | 01/07/2026               |                                                                    |
| <b>Elevations</b>                 | 10/23/2024 (ILP24-02180) |                                                                    |
| <b>Elevations (Amended)</b>       | N/A                      |                                                                    |
| <b>Landscape Plan</b>             | N/A                      |                                                                    |
| <b>Findings of Fact</b>           | 11/27/2025               |                                                                    |
| <b>Findings of Fact (Amended)</b> | N/A                      |                                                                    |

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood typology to allow for predominantly single-family housing interspersed with attached and multifamily housing where appropriate. The property is also located within the Environmentally Sensitive overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected through development that prevents or mitigates damage.

#### **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**

- Infill Housing Guidelines indicate that accessory structures should be located behind existing buildings unless there is a precedent otherwise, and that they shouldn't overshadow primary buildings in terms of scale, height, size or mass. Additionally, front yards should provide shade trees.

#### **Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

**56-A-159**, rezoning of Lots 167 & 184 in Richland Addition being in an R-4 (Residential) district to Special Uses (15) classification to provide for the raising of fur bearing animal in existing hutches, **approved**.

### ZONING HISTORY – VICINITY

**2023UV3003 ; 3202 Arbor Street (southwest of site)**, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a commercial contractor with outdoor storage and multiple commercial vehicles (not permitted, prohibited within the Floodway Fringe) with a parking area in the front yard greater than 30 feet in width (maximum 30-foot wide parking area permitted) and a six-foot fence within the front yard of Arbor Street and a four-foot fence in the front yard of Arbor Street and Murray Street, encroaching within the clear sight triangle of these intersecting streets (maximum 3.5-foot tall fence permitted in front yards, encroachment of clear sight triangle not permitted) and a 336 square-foot garage with a three-foot rear setback (accessory structure not permitted without a primary structure and five-foot rear setback required), **denied**.

**2005ZON121 ; 1135 W Troy Avenue (east of site)**, rezoning of 36.135 acres, being in the D-A (GSB) (FF) and D-A (FF) Districts, to the I-3-U district to provide for a mulch manufacturing operation, **denied**.

**2004VAR001 ; 1135 W Troy Avenue (east of site)**, variance of development standards of the Industrial Zoning Ordinance to provide a maximum total area of outside operations and storage not to exceed 75 percent of the lot area (maximum 50 percent of the total floor area of enclosed structures and building permitted), **denied**.

**2002LNU009 ; 3014 Arbor Street (northwest of site)**, legally establish use of a church, **approved**.

**88-V3-31 ; 1103 W Troy Avenue (northeast of site)**, variance of development standards of the Marion County Master Plan Permanent Zoning Ordinance to provide for a setback of fifty feet for a sand and gravel excavating pit, **denied**.

**87-UV2-83 ; 3126 Arbor Street (northwest of site)**, variance of use of the Flood Control Districts Zoning Ordinance and of development standards of the Dwelling Districts Zoning Ordinance to provide for a single-family residence constructed below the one-hundred year flood elevation (two feet above required) and at fifteen feet from the rear property line (twenty feet required), **denied**.

**86-Z-193 ; 1103 W Troy Avenue (east of site)**, rezoning of 47.23 acres to the secondary GSB district to permit the excavation of sand and gravel, **approved**.

**85-UV1-84 ; 3331 Arbor Street (south of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a 3200 square foot building to be used for storage of commercial trucks, **approved**.

**EXHIBITS**

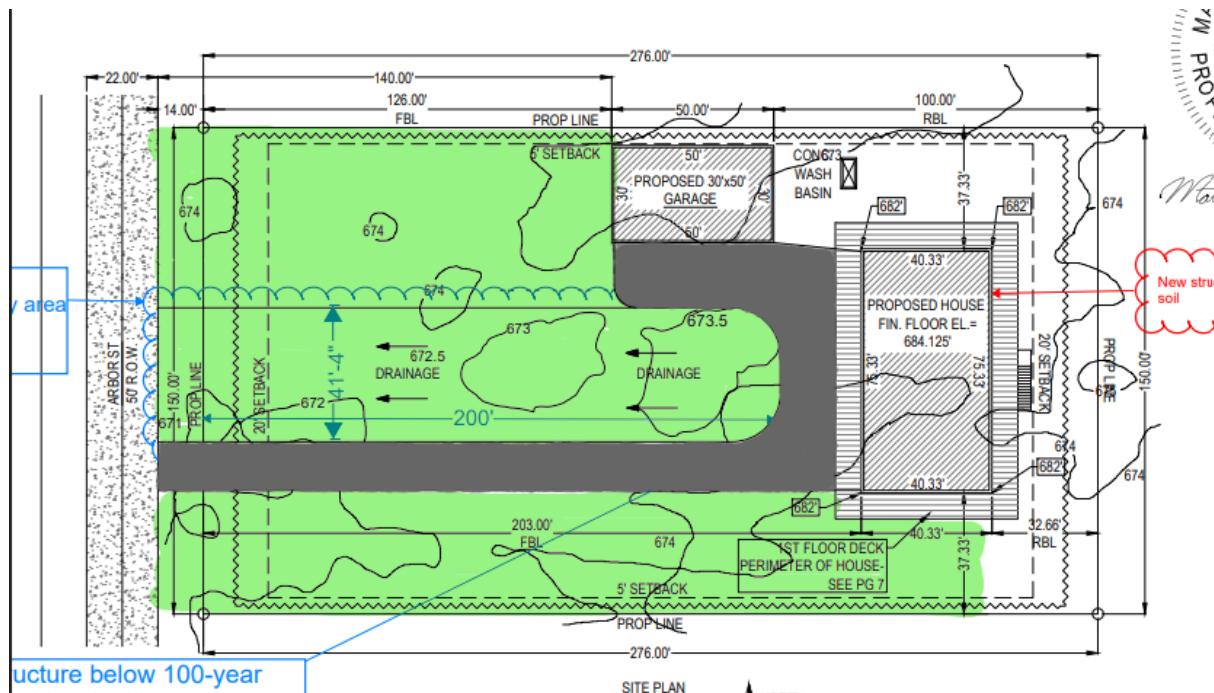
**2025DV1064 ; Aerial Map**



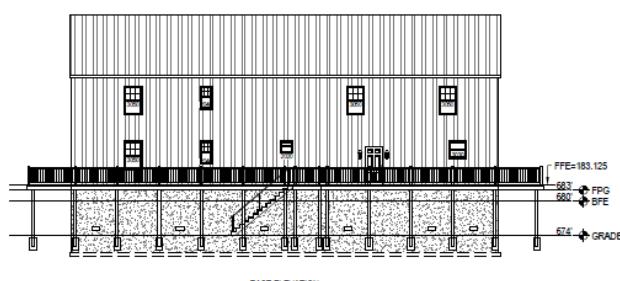
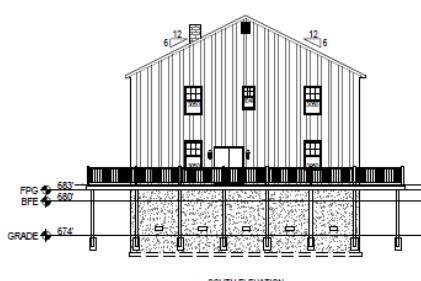
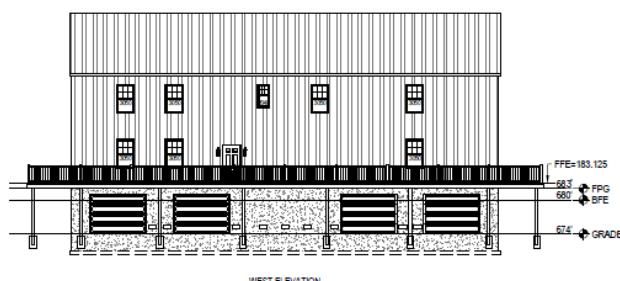
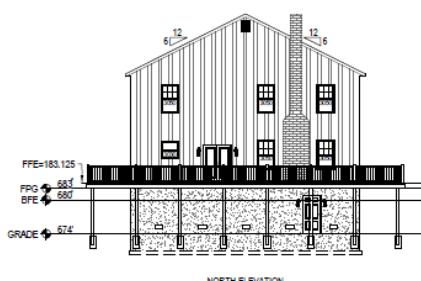


**Department of Metropolitan Development  
Division of Planning  
Current Planning**

2025DV1064 ; Site Plan (01/07/2026)



2025DV1064 : Elevations (ILP24-02180)





## 2025DV1064 ; 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 location of the detached garage allows the installation of the excavated area mandated by flood control regulations. In a flood event it will prevent a higher base flood elevation in order to protect surrounding properties and homes. The proposed circular driveway will prevent unnecessary 3-point turns or backing maneuvers to ease traffic flow and reduce accidents.

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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 location of the detached garage will not reduce or impede visibility of the home. This maintains the Municiple Code's intent to maintain accessory structures as subordinate to the primary structure also maintain consistency with surrounding properties. Circular driveways typically elevate curb appeal and the proposed circular driveway will help integrate the excavated area into the lot as to create an asthetically pleasing view from the street.

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

The proposed home must be located at the rear of the property to make space for excavated area mandated by flood control regulations. This forces any detached garage or accessory to be located in front off to and to the side of the primary structure.

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**2025DV1064 ; Photographs**



Photo 1: Subject Site Viewed from West



Photo 2: Adjacent Property to North

**2025DV1064 ; Photographs (continued)**



Photo 3: Adjacent Property to South



Photo 4: Adjacent Property to West