BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026-DV1-044
Property Address:	2674 Shirley Drive
Location:	Wayne Township, Council District #11
Petitioner:	Jesse Martinez
Current Zoning:	D-5
Request:	**Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a new carport to replace the existing old carport in the same location with a 1-foot side yard setback (required 7 feet side yard setback).**
Current Land Use:	Single-Family Residential
Staff Recommendations:	Staff recommend **approval** of this petition.
Staff Reviewer:	Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

10/6/2026: Staff requested a continuance from the October 6, 2026, BZA I hearing to the November 10, 2026, BZA I hearing to allow the petitioner adequate time for mailing and positing of the required legal notice. Board approved the continuance request.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

2674 Shirley Drive is a residential parcel within the Eagledale 2nd Section Part 3 subdivision currently improved with a single-family residence originally constructed in 1956 with a utility shed and carport addition built in 1960 per the Assessor's property card. The property is accessed by driveway from Shirley Drive to the northwest and surrounding land-uses are single-family residential in nature. The closest road of a non-local classification is 30th Street to the west.

The violation case VIO26-004476 was opened June 2026 based on an anonymous complaint filed with the Mayor's Action Center related to issuing a stop-work order due to failure of obtaining a wrecking permit prior to demolishing the carport attached to the side of the single-family residence. The Notice of Violation (within Exhibits below) cites the property for demolishing the carport without proper wrecking

permit and zoning approval. The petitioner applied for a wrecking permit under case WRK26-00196 shortly after receiving the violation.

Approval of this variance would allow for the replacement of the carport in the same location with a deficient 1-foot side yard setback to the west. Since the carport is demolished and then rebuilt, the side setback would not be considered legally non-conforming and would not be eligible for the side setback exception found within 744-202. E. of the Indianapolis Zoning Ordinance.

The required side yard setback for the D-5 zoning district is 7 feet. Although the proposed carport would not meet the D-5 district side yard setback requirements, all other D-5 requirements including lot width, rear yard, front yard, and open space would be met. The current lot width is 60 feet, which meets the minimum lot width requirement of 60 feet. The rear yard setback is 25 feet, which meets the 20 feet minimum standard. The front yard setback is 36 feet, which meets the minimum front yard setback of 35 feet. Finally, 69.75% of open space meets the minimum requirement of 60%.

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.

Staff would note that a 1-foot side yard setback would not be out of context with the neighborhood as multiple homes on the block have as little as a one to zero feet side yard setbacks per aerial imagery (2731 Shirley Drive, 4111 Beauport Road, 4020 Corwyn Road, 4007 Red Bird Drive, and 2520 Falcon Drive). Additionally, the carports in the surrounding areas were built in the early 1960's per arterial street without the issuance of permits at that time.

Staff would note that the original carport was built in 1960 with a 1-foot side yard setback. Practical hardship has been demonstrated as a result of the inability to preserve the carport's original structure due to weather deterioration and age-related wear and tear. Demolishing and rebuilding the carport on its original foundation will substantially improve the value of the neighborhood.

Findings of Fact provided by the petition indicate that the carport will be rebuilt on the same foundation and the footprint of the structure will not change. The carport will be replaced with new metal material according to the updated Indianapolis Housing Code, and the pitch of the roof will be the only minor changes made.

Based on the established precedent of the carport and the surrounding properties on the block having carports with as low as one to zero feet side yard setbacks, staff recommend **approval** of this petition.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-5	North: Single-Family Residential
South:	D-5	South: Single-Family Residential
East:	D-5	East: Single-Family Residential
West:	D-5	West: Single-Family Residential
Thoroughfare Plan		
Shirley Drive	Primary Arterial	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/9/2026	
Site Plan (Amended)	9/8/2026	
Elevations	7/9/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	7/9/2026	
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 predominately 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 (Page 26).

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 the spacing between buildings should reinforce spacing on the existing block, and that insufficient spacing can create maintenance problems and increase the risk of fire spreading across buildings (Page 12).

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

2015-DV1-067: 2656 Shirley Dr (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a room addition to an existing dwelling and detached garage, with a three-foot north side setback and an eight-foot rear setback (minimum four-foot side setback and 20-foot rear setback required), **approved.**

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

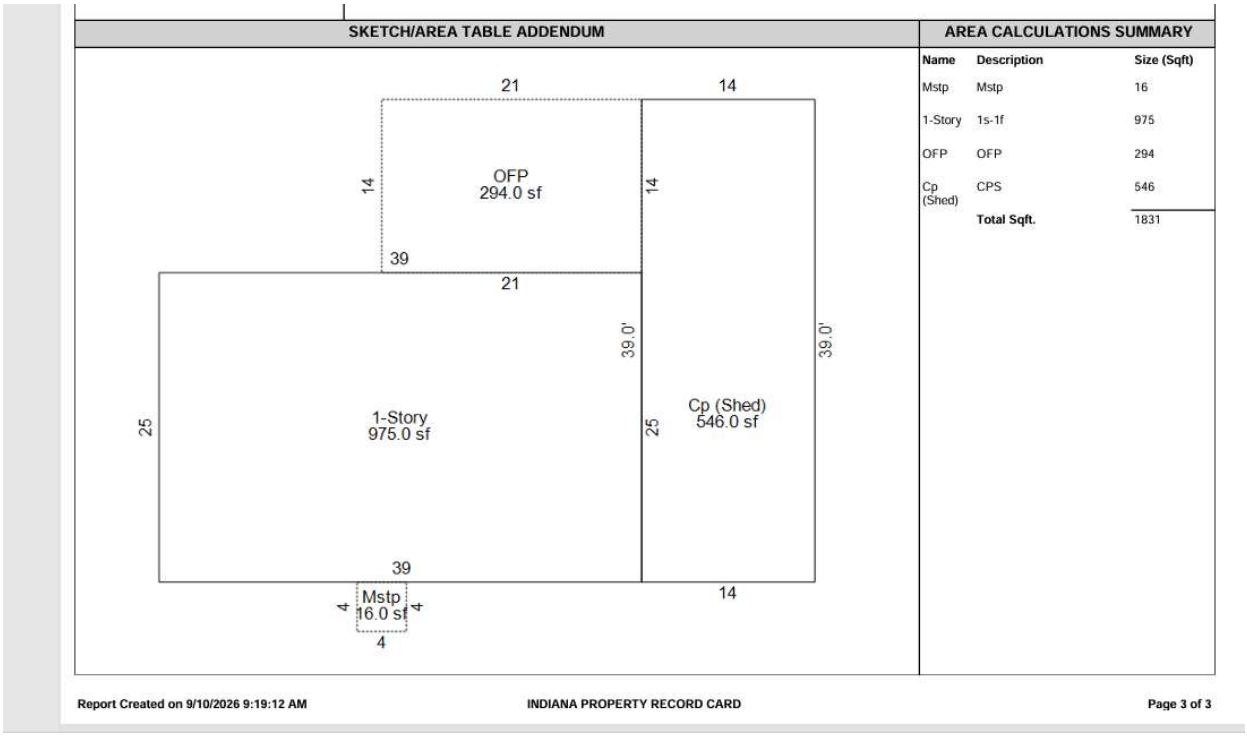
2026-DV1-044 ; Aerial Map



2026-DV1-044 ; MapIndy Street View w/ Carport (October 2024)



2026-DV1-044 ; Assessor's Property Card with Carport (CP) included



2026-DV1-044 ; Findings of Fact

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The structure is being replaced with new material of updated code. It was built to standards of the city decades ago when the building was new and did not cause concern for the duration of it's standing.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The property is open grass for a lawn and has been this way for decades. The car port was built with the property.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The code variance is required to build on existing foundation.

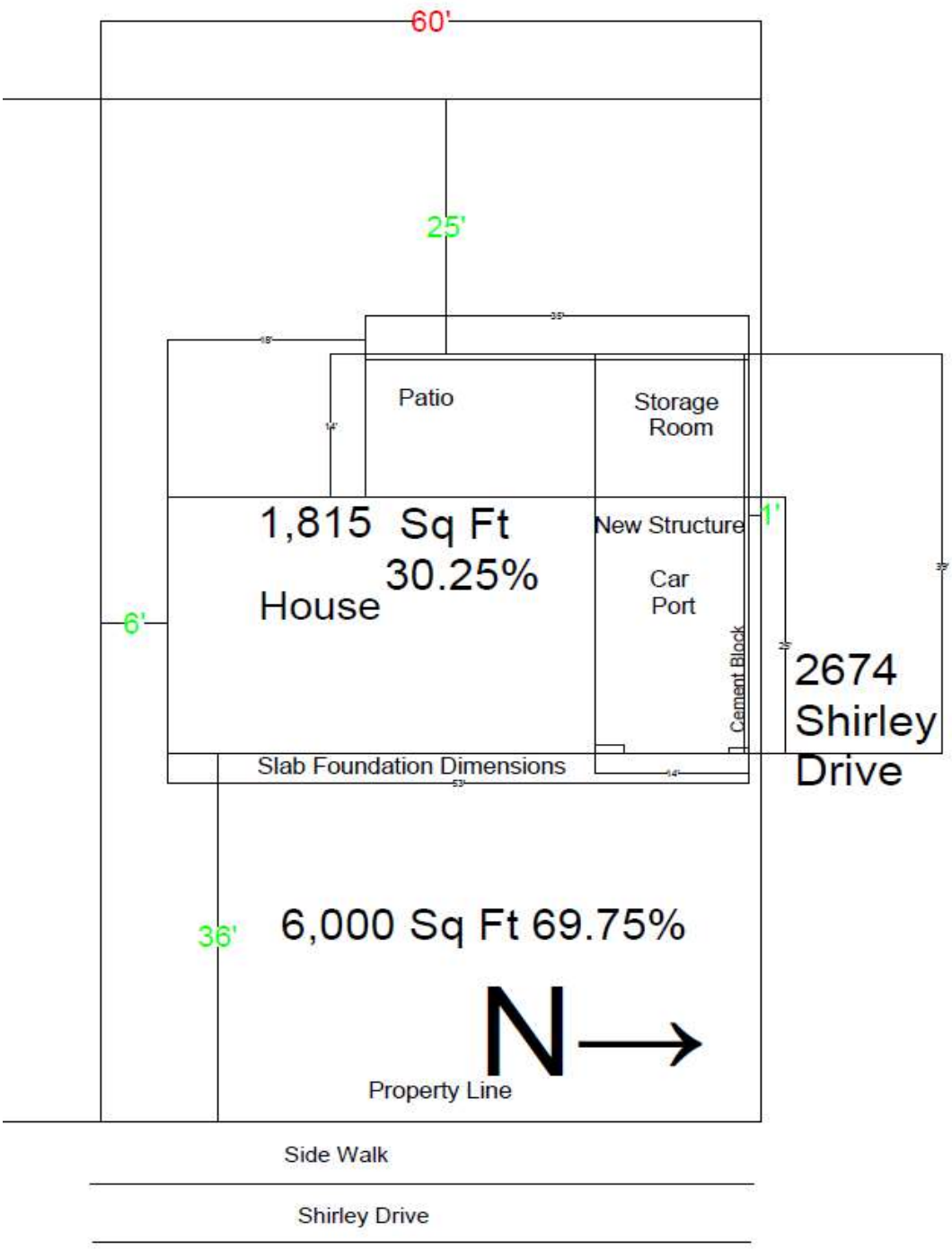
4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

The structure has been partially demolished to be rebuilt. The work has not been completed. Undue hardship would be had, if the open wooden structures could not be completed on their original foundations.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

It does not change the footprint of the structures in the plan. It also does not add any square footage of livable or non-livable space.

2026-DV1-044 ; Site Plan



2026-DV1-044 ; Notice of Violation (VIO26-004476)

ORDER TO STOP WORK

BUILDING IS IN VIOLATION
OF
STATE OR LOCAL CODES

Mail To:
MARTINEZ, CLAIRE ANITA & JESSE DAVID
2674 SHIRLEY DR
INDIANAPOLIS, IN 46222

Case Number: VIO26-004476
Date: 06/01/2026
Time: 1:00 pm

Location of Work: 2674 SHIRLEY DR

Reason for issuance: Indianapolis Building Standards and Procedures: Section(s) 536-201; 536-705; 536-709. This Stop Work-Order has been issued for failure to obtain a wrecking permit prior to the demolition of a car port/garage attached to the side of a 1 story single family home.

This Stop Order shall expire and applicable construction activity may resume when: Obtain and post wrecking permit

Corrections must be made within 15 days of this Violation. For information on obtaining permits, please call (317) 327-8700 or email PermitQuestions@indy.gov

Any person, partnership or corporation violating this Stop Work may be subject to a fine in any sum not exceeding two thousand five hundred dollars ($2,500.00).

Construction Type:
Wrecking

City of Indianapolis
Department of Business and
Neighborhood Services
200 E. Washington St., Suite 107
Indianapolis, IN 46204
Phone: (317) 327-8700

Do Not Remove

Inspector Signature:

Inspector Name: Kevin Swails
Phone: 317-775-2194
Fax: (317) 327-2621
Inspector Email: Kevin.Swails2@Indy.Gov

2026-DV1-044 ; Photographs

Photo 1: Subject Site View from Front



Photo 2: Subject Site View from the West During Demolition of Carport



Photo 3: Subject Site View from the West After Demolition of Carport



Photo 4: Surrounding Homes w/ As Little as 1 to 0-Feet Side Yard Carports

2731 Shirley Drive



4111 Beauport Road



4020 Corwyn Road



4007 Red Bird Drive



2520 Falcon Drive

