

**BOARD OF ZONING APPEALS DIVISION I**

**April 7, 2026**

**Case Number:** 2025-DV1-065  
**Property Address:** 2929 Eagledale Drive (approximate address)  
**Location:** Wayne Township, Council District #11  
**Petitioner:** Grise Home & Property Group LLC, by Martin Jimenez  
**Current Zoning:** D-5  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a carport with a 0-foot side yard setback (5-foot setback required).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends **denial** of this petition.  
**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

**3/3/26:** During the period between hearings, staff became aware that legal notice requirements had not fully been met. To allow for 23 days between posting of the legal notice sign and the hearing, staff requested a continuance on the petitioner’s behalf to the April 7<sup>th</sup>, 2026 hearing date of Division I.

**2/3/26:** The petition was continued by the Board to the March 3<sup>rd</sup>, 2026 hearing date to allow for staff to make arrangements for a live translator to be present.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- 2929 Eagledale Drive is a residential property currently improved with a single-family residence originally constructed in 1956 per the Assessor’s property card. The site is midblock, along a curvilinear street, and is around 4973 square feet in size. Surrounding properties are also residential in nature, and the closest road of a non-local classification is 30<sup>th</sup> Street to the north. Per aerial photography, a carport with a width of 16 feet, supported by three (3) posts and with open walls was added onto the southeastern portion of the property in 2024.
- The violation case VIO24-005040 was opened June 2024 based on an anonymous complaint filed with the Mayor’s Action Center related to the parking of unlicensed cars. The Notice of Violation (within Exhibits below) cites the property for those vehicles, as well as for both a lack of

distinct edging for gravel parking and areas and the lack of a zoning permit for the carport addition. Grant of this variance would not allow for relief from those Ordinance standards, and the site would need to be brought into compliance regardless of the disposition of this petition.

- Approval of this variance would relate to the setback encroachment that has resulted from placement of the carport without having permits in place. Although neither the notice of violation nor documentation provided by the applicant specified the precise setback of this improvement, aerial photography and staff’s visit seem to indicate that the carport would be directly adjacent to the border fence comprising the property boundary (resulting in a 0-foot setback where a 5-foot setback would be required).
- Staff would note that it doesn’t appear that the carport improvement is utilized for the parking of vehicles; instead, vehicles park on the driveway within the site’s front yard and the portion of the carport nearest the front property line is blocked by an opaque fence that appears to have been installed between 2019 and 2022. This fence and outdoor patio area predate the carport, and although the height of the fence was not cited within the violation staff notes that the maximum allowable height for this fence within a side yard would be 6 feet in height and that a fence exceeding that height could be citable.
- The property is zoned D-5 to allow for medium and large-lot housing formats, primarily for detached houses within either suburban neighborhoods or infill of established urban areas. Similarly, the Comprehensive Plan recommends the site to the Suburban Neighborhood typology to allow for development of predominantly single-family housing. Infill Housing Guidelines indicate that side setbacks and building spacing should reinforce spacing on the existing block, and that minimum spacing is needed to allow for maintenance and reduce the risk of fire spreading.
- Findings of Fact provided by the applicant indicate that grant of the variance would be justified since the carport covering the patio would be placed on their private property, and that the additional covered area wouldn’t result in difficulties related to rainfall runoff or site drainage. Staff would note that the Findings fail to identify any site-specific practical difficulty requiring placement of a carport with this width and proximity to the property line: the fact that the structure was placed without permits to verify ordinance compliance is a self-imposed difficulty, and staff would want to avoid the precedent of ‘asking for forgiveness instead of permission’.
- It also is unclear that placement of the roofed structure wouldn’t have a drainage impact on the adjacent property to the south, and the setback being reduced to 0 feet would fail to conform with relevant Infill Housing Guidelines. For these reasons, staff recommends denial of the variance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5
<b>Existing Land Use</b>	Residential
<b>Comprehensive Plan</b>	Suburban Neighborhood
<b>Surrounding Context</b>	<b>Zoning</b> <span style="float: right;"><b>Surrounding Context</b></span>

	North:	D-5	North: Residential
	South:	D-5	South: Residential
	East:	D-5	East: Residential
	West:	D-5	West: Residential
<b>Thoroughfare Plan</b>			
	Eagledale Drive	Local Street	70-foot existing right-of-way and 50-foot proposed right-of-way
<b>Context Area</b>		Metro	
<b>Floodway / Floodway Fringe</b>		No	
<b>Overlay</b>		No	
<b>Wellfield Protection Area</b>		No	
<b>Site Plan</b>		12/10/2025	
<b>Site Plan (Amended)</b>		N/A	
<b>Elevations</b>		12/20/2025	
<b>Elevations (Amended)</b>		N/A	
<b>Landscape Plan</b>		N/A	
<b>Findings of Fact</b>		12/20/2025	
<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 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.

**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.

### **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

**2008UV1033 ; 3901 W 30<sup>th</sup> Street (northwest of site)**, Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a preschool (not permitted), **approved**.

**83-V1-52 ; 2919 Corvallis Crescent (west of site)**, Variance of development standards to permit construction of an attached garage to within seventeen feet of the corner front building line, **approved**.

**EXHIBITS**

**2025DV1065 ; Aerial Map**



**2025DV1065 ; Aerial Map (zoomed, prior to carport placement)**







**2025DV1065 ; Findings of Fact**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

IT IS NOT FOR THE PUBLIC AT ALL, ITS SOMETHING PERSONAL

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:

NO, BECAUSE IT IS NOT CLOSE TO THE PROPERTY AND IT WAS CHECKED BEFORE WATER SLIDING OFF WONT TOUCH OR BOTHER IT

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

THERE WILL BE NO DIFICULTIES IT IS A SIMPLE ROOF FOR SHADE

**2025DV1065 ; Notice of Violation (VIO24-005040)**

**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 a change in the roofline configuration of the structure...carport addition).

**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 addition).

**Section 740 -1005.A.4. Civil Zoning Violation**

**Specific Violation:** The outdoor storage of inoperable vehicles in any zoning district, the provisions of which do not specifically permit such a use; (Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate, or flat tires; or that is otherwise partially dismantled or mechanically inoperable...unlicensed Honda Pilot and Chevy Cruze).

**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-5 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-5 district; (Table 744-201-1: - Carport located in the 5ft. side yard setback).

**2025DV1065 ; Photographs**



Photo 1: Subject Site Viewed from Southwest



Photo 2: Subject Site Viewed from Southwest (October 2022)

**2025DV1065 ; Photographs (continued)**



Photo 3: Carport Viewed from Southwest



Photo 4: Carport Viewed from South

**2025DV1065 ; Photographs (continued)**



Photo 5: Adjacent Property to West



Photo 6: Adjacent Property to North (October 2024)