

BOARD OF ZONING APPEALS DIVISION II

August 12, 2025

Case Number: 2025-DV2-028
Property Address: 415 South Oxford Street (approximate address)
Location: Center Township, Council District #18
Petitioner: Bob & Cindy Grigsby, by Mark & Kim Crouch
Current Zoning: D-5
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage addition with a 1.5-foot north side yard setback (five-feet required).
Current Land Use: Single-family residential
Staff Recommendations: N/A
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff **recommends denial** of this petition

PETITION OVERVIEW

- This petition would allow for a detached garage addition with a 1.5-foot north side yard setback (five-feet required).
- The subject site is zoned D-5 and is improved with a single-family residence. The structure in question was built without obtaining the required permits to do so. The owner has since applied for permits (ILP25-01503, STR25-02695) at which point the Department of Business and Neighborhood Services flagged the building for needing variances.
- Staff finds that the structure in question goes against the Infill Housing Guidelines, does not represent good building practice, and constitutes overdevelopment of the site. With this site being of sufficient lot width and lot size, Staff does not find there to be any practical difficulty for needing the requested variance. A detached garage can be built, just not as proposed by the applicant.
- Further, Staff does not believe that structures built without proper permits to be completed improvements and that those structures can be altered or removed more feasibly, especially if issues

with the Zoning Ordinance or building code are found. Likewise, Staff believes recommending approval of development that did not receive required permits to be poor precedent. Therefore, for all of these reasons, Staff recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-family residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	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		
South Oxford Street	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/9/25	
Site Plan (Amended)	N/A	
Elevations	7/9/25	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	7/9/25	
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 Marion County Land Use Plan pattern Book recommends the Traditional Neighborhood typology for this site.

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

- With regards to accessory structures, the Infill Housing Guidelines recommends:
 - Match existing spacing on the block
 - Leave room for maintenance

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

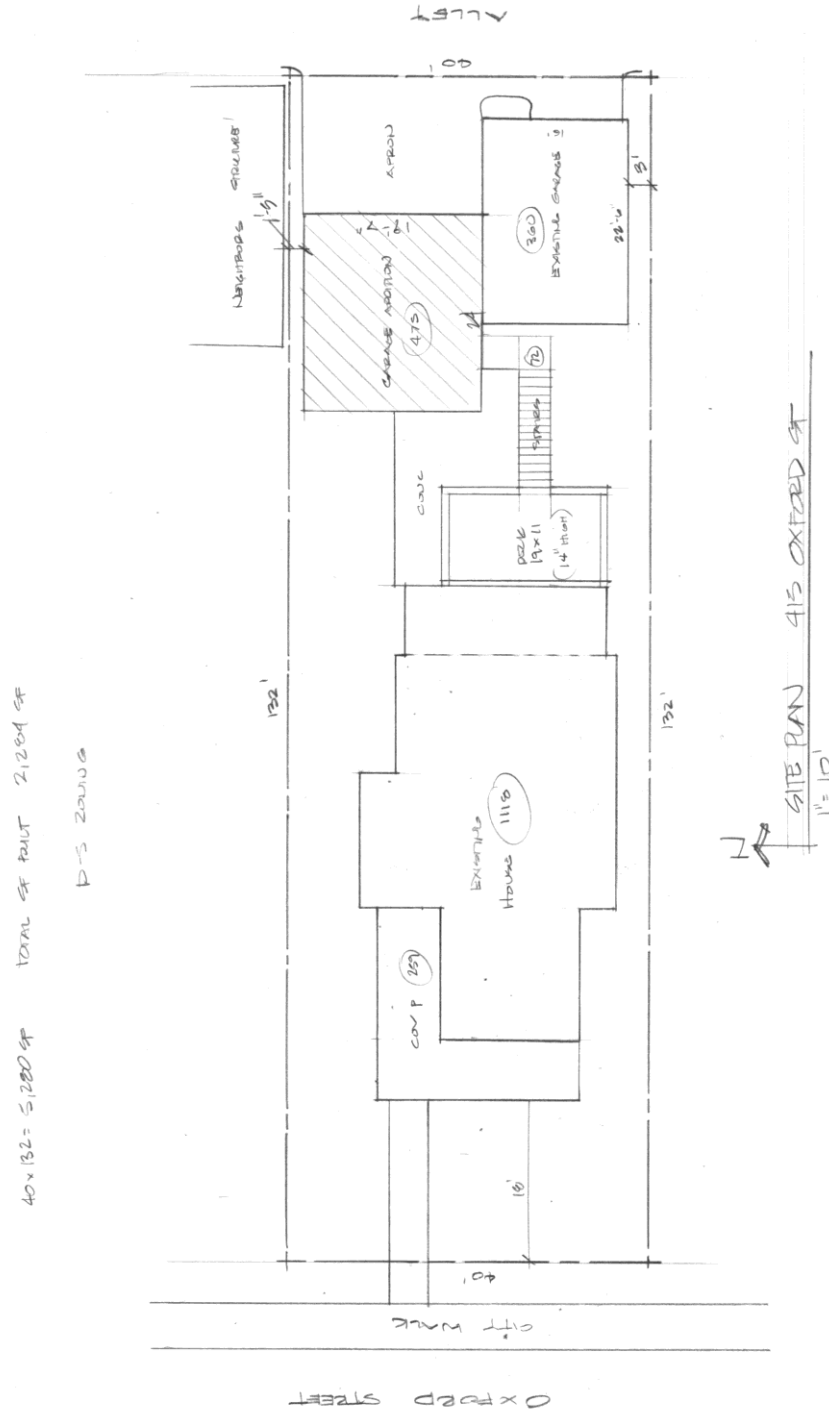
96-UV1-108; 446 South Parker Avenue (south of site), Variance of Use for a second residential structure on site, **withdrawn**.

90-V3-143; 427 South Oxford Street (south of site), Variance of Development Standards of the Dwelling District Zoning Ordinance to permit the construction of a detached garage with a side yard setback of 2.8 feet (4 feet required), **granted**.

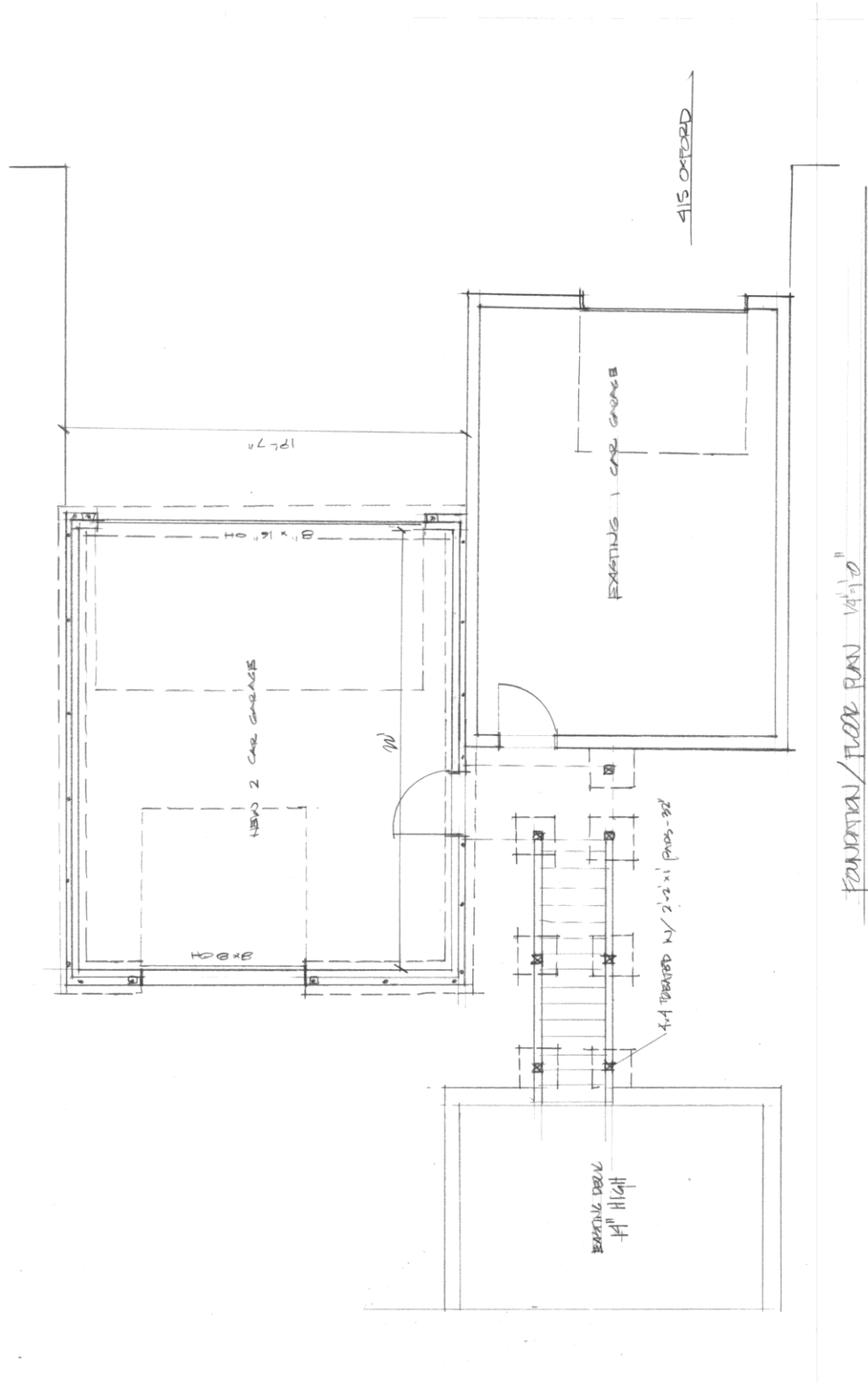
EXHIBITS

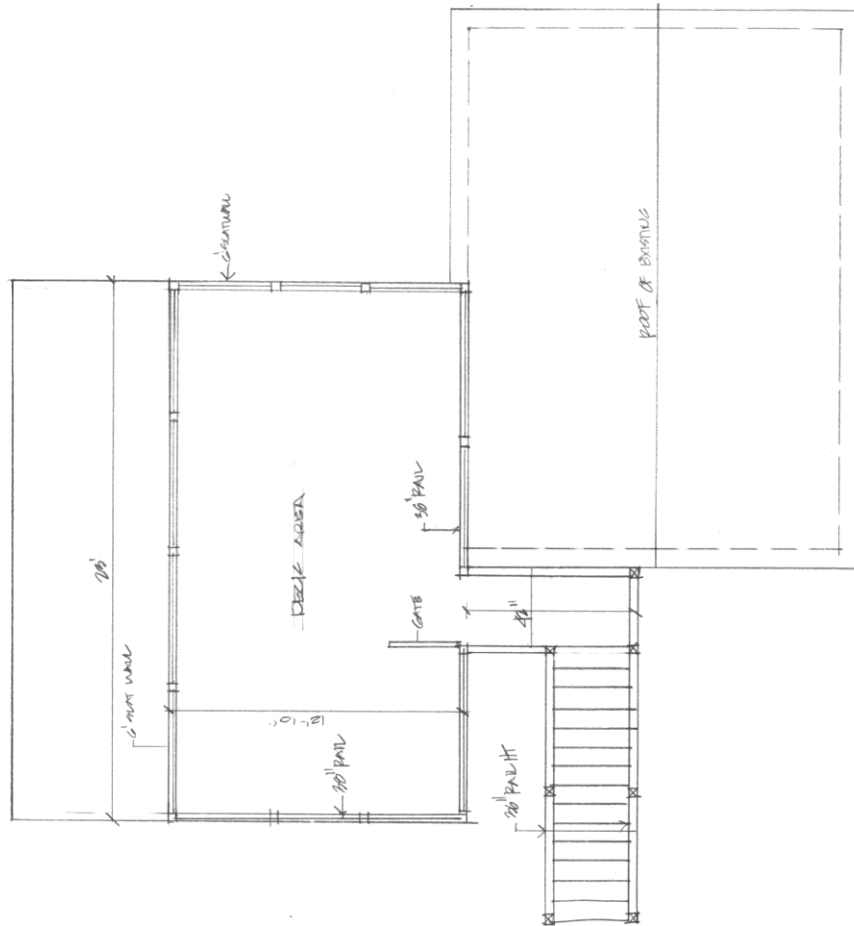


Aerial Photo



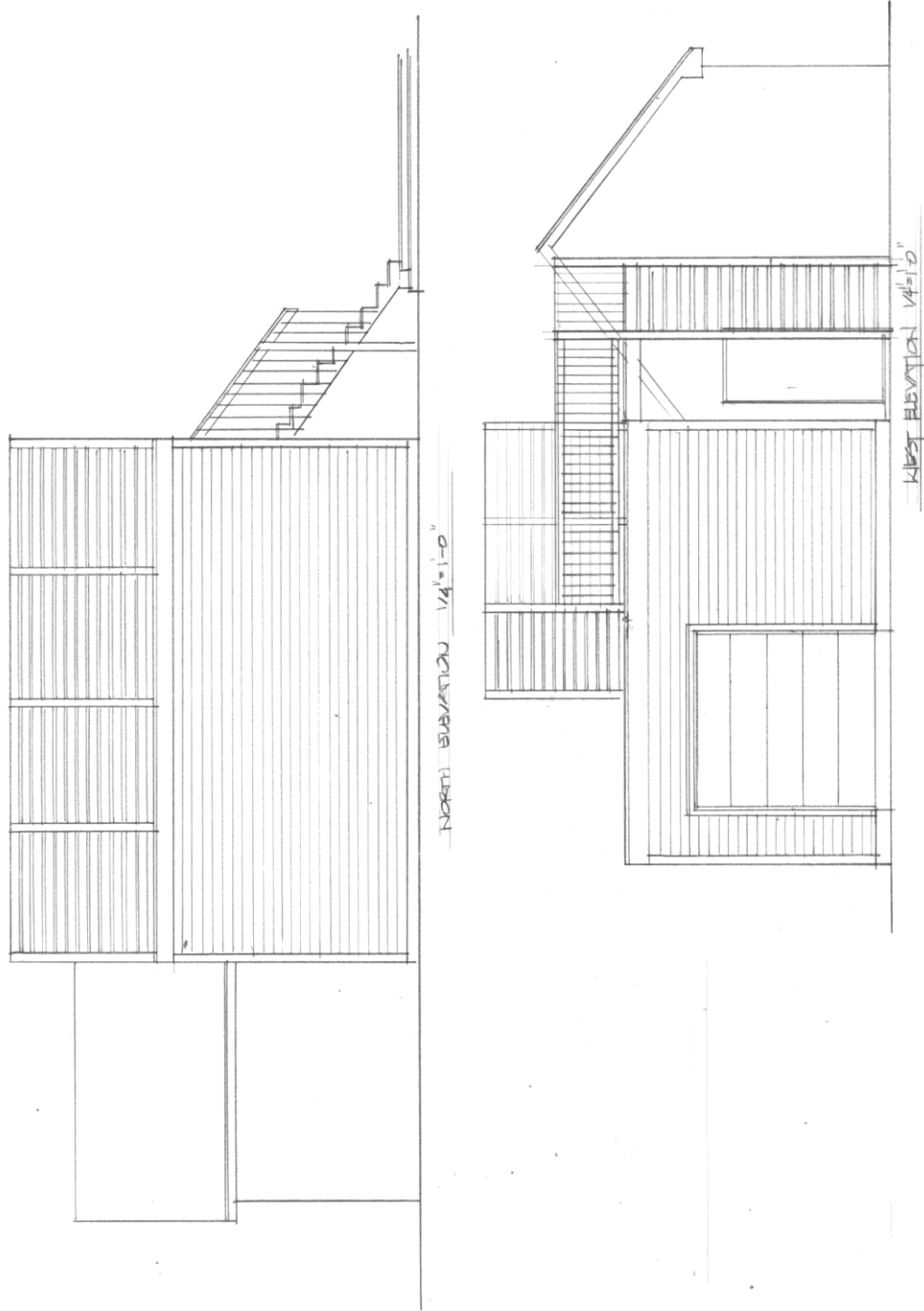
Site plan- file-dated July 9, 2025

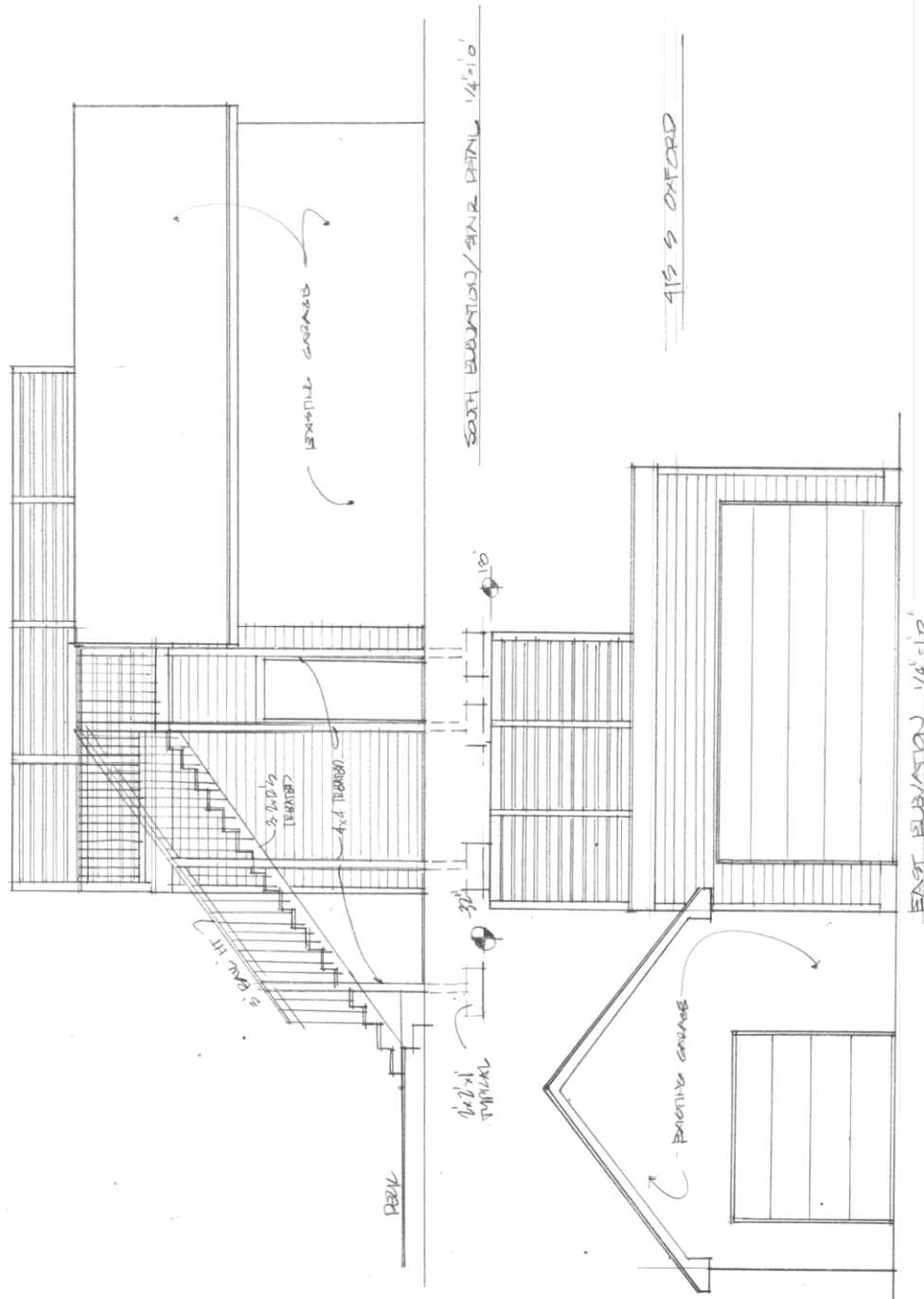


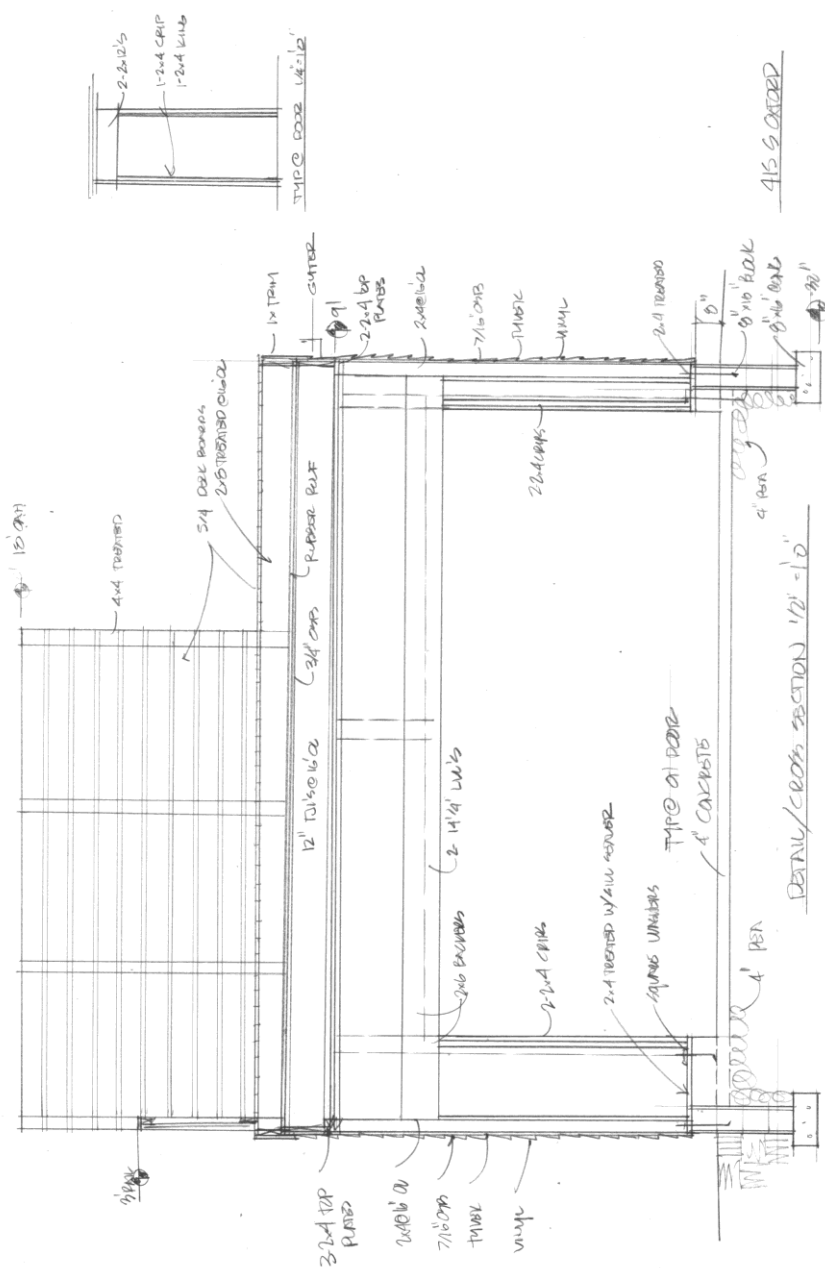


ROOF / DECK PLAN 1/4" = 1'-0"

2/5/2018









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 grant will legalize the footprint of the existing detached garage for private residential use.

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 detached garage is existing and is consistent with development in the area and adjacent area.

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

homeowners are unaware that the original garage has an existing deficient south side setback and were unaware that proper permits were not pulled by the contractor who constructed the addition to the existing garage. Without variance approval, detached garage can not be allowed to exist at current size.

DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____



Subject site from Oxford Street



Structure in question viewed from the alley



Structure in question to the right, original garage to the left



Original garage