



BOARD OF ZONING APPEALS DIVISION II

November 18, 2024

Case Number: 2025-DV2-039 (Amended)
Address: 854 North Gladstone Avenue (approximate address)
Location: Center Township, Council District #13
Zoning: D-5
Petitioner: Yuri Guzman, Josh Smith
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with a 3.5-foot north side yard setback and a 4.5-foot south side setback, (five feet side setbacks 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 for cause at the request of the petitioner, from the October 14, 2025, hearing, to the November 18, 2025, hearing, to allow for an amended legal notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for an addition to the existing single-family dwelling on the subject site.
- ◇ The site is zoned D-5, which permits single-family dwellings and is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book
- ◇ The proposed side setback reductions would follow the existing rear portion of the dwelling as an addition and would be appropriate for a parcel of this size. There would be minimal impact, because of the separation from adjacent structures.
- ◇ The proposed side setbacks would still provide adequate space to mitigate any adverse impacts and provide the minimum area necessary for maintenance setbacks.

- ◇ 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	Recommends Traditional Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North: D-5	Undeveloped
	South: D-5	Two-Family dwelling
	East: D-5	Single-family dwelling
	West: D-5	Single-family dwelling
Thoroughfare Plan		
Gladstone 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	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan - Updated	October 6, 2025	
Findings of Fact	August 29, 2025	

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 (2019) recommends Traditional Neighborhood development of the site. The Traditional Neighborhood typology 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

2021-DV3-004; 737 North Linwood Avenue (east of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to single-family dwelling and a detached garage with 48% open space, **granted**.

2019-HOV-024; 621 North Beville Avenue (west of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with 56% open space, **granted**.

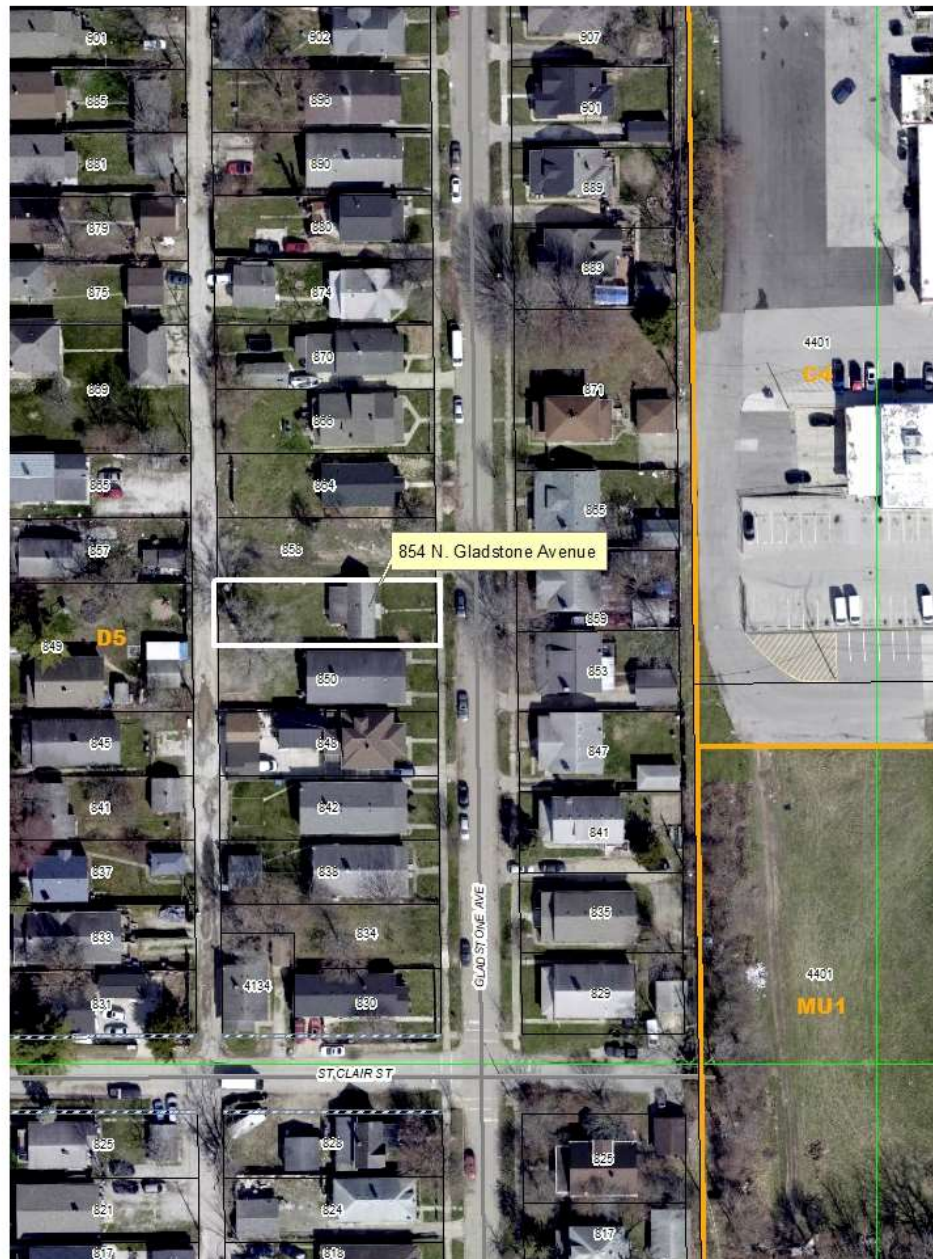
2017-DV3-042; 611 North Keystone Avenue (west of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 30-foot tall, detached garage, with a secondary dwelling, creating an open space of 36%, **granted**.

2011-HOV-025, 502 Carlyle Place (southeast of site), requested a variance of Development Standards to provide for a 72-square foot addition to an existing garage located in front of the established building line of Michigan Street, having a zero-foot side setback and creating a five-foot front setback on Michigan Street, and creating an open space of 60%, **granted**.

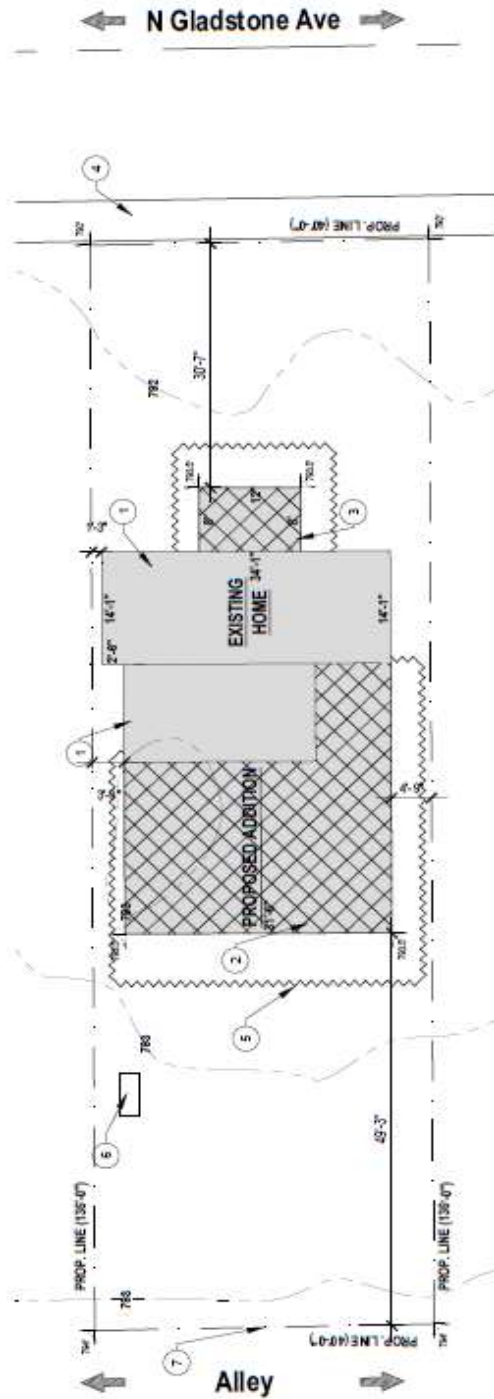
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EXHIBITS

Location Map



Site Plan





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:

The smaller than required setback will not change the proposed or allowed uses of the property. The property will remain a single family home in-line with the current use and D5 zoning of the area.

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 use of the home and property will remain a single family home with a larger footprint. The single family use is consistent with the area. This will take the smallest home on the block and make it a more consistent size with the rest of the block.

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

This home was built prior to 1920 and currently has a 0'ft north setback for the main portion and a 2'-7" setback for the rear section. The proposed addition would be in-line with the south side of the home and one of the existing non-compliant north setbacks. To meet the required 5ft setback would require an additional 'bump-in' of the floor plan and would not allow for the addition to be in-line with the current home.

Photographs



Subject property single-family dwelling under renovation, looking west.



Subject property single-family dwelling rear of lot, looking east



Adjacent property to the north, looking west.



Adjacent property to the south, looking west.