

BOARD OF ZONING APPEALS DIVISION I

January 7, 2025

Case Number: 2024-DV1-044
Address: 289 North Cole Street (approximate address)
Location: Wayne Township, Council District #16
Zoning: D-4
Petitioner: Humberto Carreon Rubio, by Mark and Kim Crouch
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a greater floor area than, and forward of the primary building (not permitted).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the request to locate the detached garage in front of the primary dwelling.

Staff recommends **denial** of the request to provide for a detached garage with a floor area greater than the primary dwelling.

PETITION OVERVIEW

- ◇ Staff recommends approval of the request to provide for the construction of a detached garage in front of the primary dwelling. The proposed garage would replace an existing detached garage in a similar location in front of the primary dwelling. The primary dwelling is located to the rear of the lot, so there is not adequate room to place the proposed garage to the rear of the dwelling.
- ◇ Staff recommends denial of the request to provide for a 1,920 square foot detached garage with a floor area greater than the primary dwelling, as there is no practical difficulty requiring the larger size. The petitioner has not provided any findings of fact to support this request.
- ◇ A second detached 1,380 square foot garage already exists on the subject site. Both of these garages exceed the size of most single-family dwellings. Staff is concerned that the need for the excessive large garage is so that the petitioner can run a non-permitted construction contractor business from the site. During Staffs site visit, multiple trucks and equipment was present leading to the conclusion that a commercial contractor business was being operated on site.

- ◇ There is no practical difficulty associated with the subject site that would warrant the grant of the variance request for a garage larger than the primary dwelling. The subject site has no natural or manmade physical obstacles that would prohibit compliance with the size requirement. If additional space is still needed, then the existing detached accessory garage could be used. The desire for a garage larger than the primary dwelling would be a self-imposed hardship, where a standard two or three car garage could be provided that would be smaller than the primary dwelling.

GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Rural of Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	D-4 Single-Family dwelling
	South:	D-4 Single-Family dwelling
	East:	PK-1 City Park
	West:	D-A Single-Family dwelling
Thoroughfare Plan		
	Cole Street	Local street 35-foot existing right of way, and 50-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	N/A	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	November 4, 2024	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	November 4, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Rural or Estate Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Rural or Estate Neighborhood typology for this site. This typology provides for rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

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.

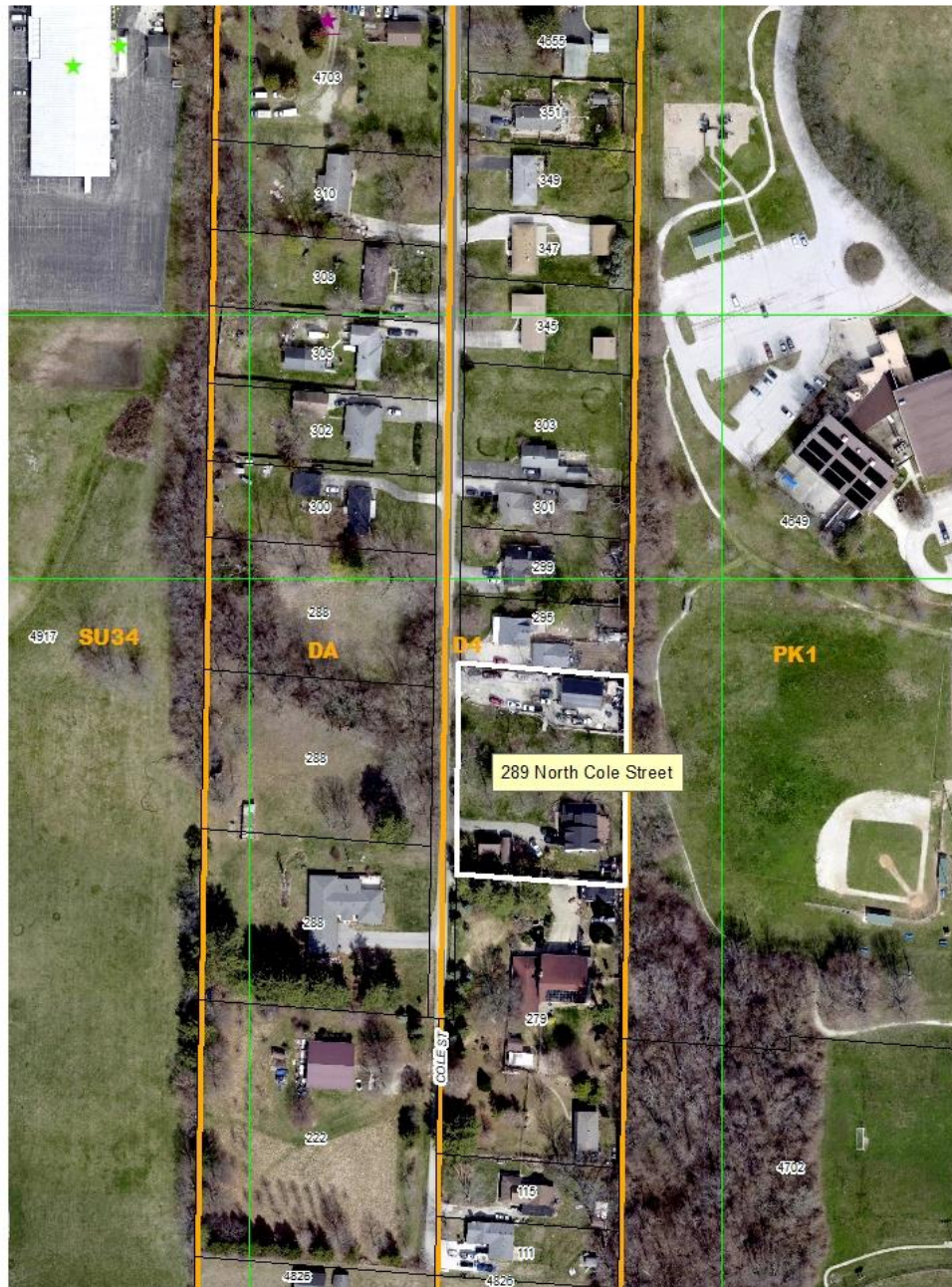
ZONING HISTORY

99-V1-125; 289 North Cole Street (subject site) requested a variance of development standards to provide for the construction of a pole barn, creating 2,160 square feet of detached accessory uses, or 140% of the size of the main floor area of the primary dwelling, **granted.**

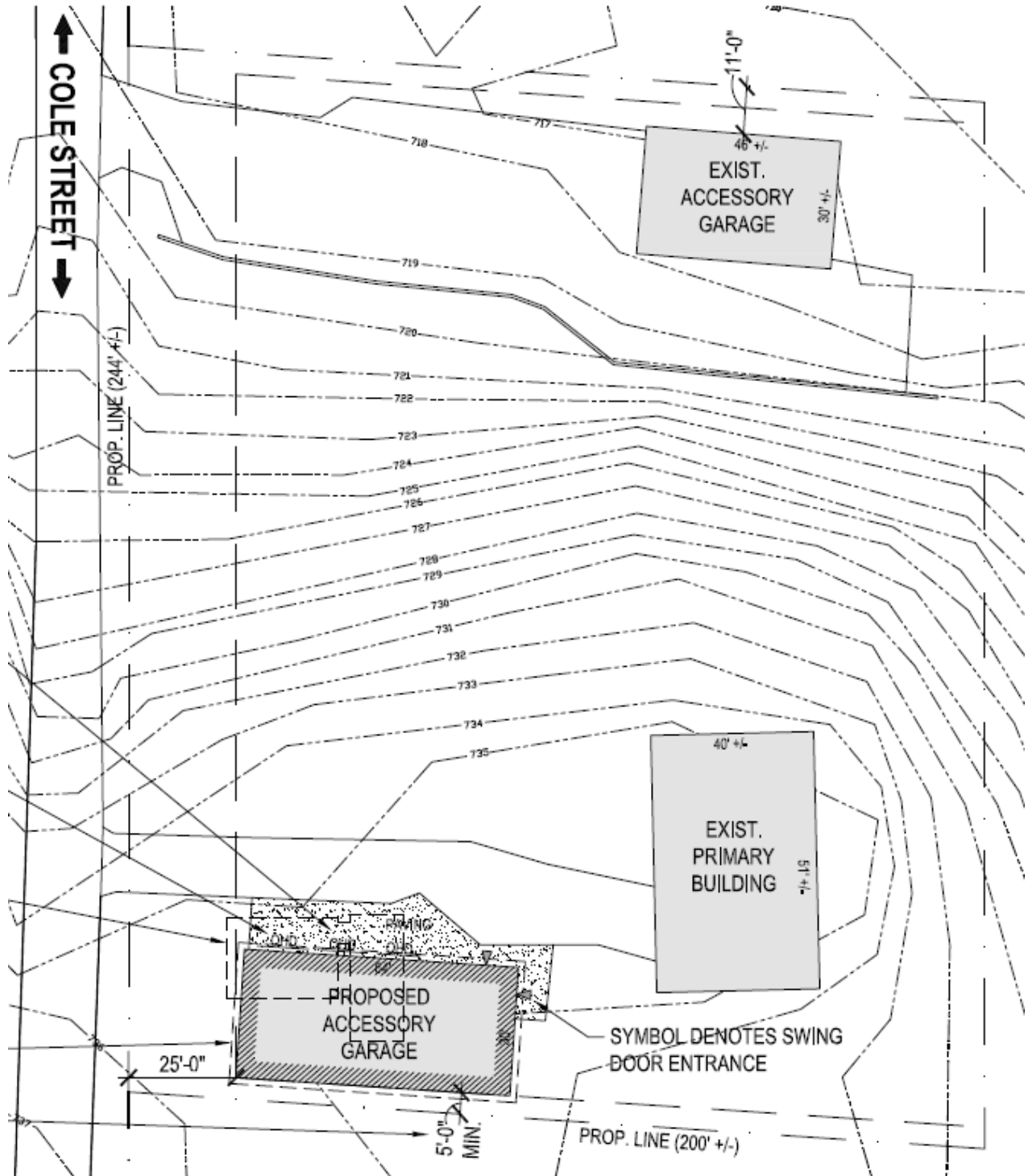
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EXHIBITS

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 grant will allow for the construction of a new 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 proposed detached garage will be 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:

contour of the property slopes significantly to the north and there is no space behind existing residence to allow for detached garage to be built resulting in a need to place proposed detached garage in front of the residence. Without variance approval, proposed garage will not be built.

Photographs



Photo 1 - Subject property looking east.



Photo 2 - Subject property existing garage to be removed and replaced with a larger garage, looking southeast.



Photo 3 - Subject property line, additional detached accessory pole barn, with commercial contractor equipment, looking east.



Photo 4- Close up of additional contractor equipment being stored outside of accessory pole barn.



Photo 5 - Adjacent properties to the north that are zoning complaint, looking east.



Photo 6 - Adjacent property to the west that is zoning complaint.