

**BOARD OF ZONING APPEALS DIVISION I**

January 7, 2025

**Case Number:** 2024-UV1-031  
**Address:** 1328 South Belmont Avenue (approximate address)  
**Location:** Wayne Township, Council District #17  
**Zoning:** C-1  
**Petitioner:** Paula Almanza Gonzalez and Carlos Juarez, by Epifanio Carbajal  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling (not permitted) and a parking pad with a zero-foot rear transitional yard (eight feet required).

**Current Land Use:** Single Family Dwelling.

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition as amended.

**PETITION OVERVIEW**

- ◇ The request would legally establish an existing single-family dwelling and provide for a rear paved parking space.
- ◇ The Marion County Assessor's records indicate the single-family dwelling was originally built on site in 1933. At some point, this portion of South Belmont Avenue was rezoned to the existing C-1 district.
- ◇ The Comprehensive plan recommends 5-8 Residential Units Per Acre for the site, and the proposed use would be compatible with the predominantly residential neighborhood.
- ◇ Due to the existing zoning being a long-term legacy zoning and outdated for the site, Staff believes there is a practical difficulty in meeting the Commercial oriented development standards.
- ◇ Staff does recommend that the petitioner file a rezoning petition in the near future, to rezone the site to D-5, which will help with any future residential upgrades and development on the site. As any future required variances will not be supported if the C-1 zoning is to remain.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-1	
<b>Existing Land Use</b>	Single Family Dwelling	
<b>Comprehensive Plan</b>	5-8 Residential Units Per Acre	
<b>Overlay</b>	N/A	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: C-1	Single Family Dwelling
	South: C-1	Single Family Dwelling
	East: C-1 / D-5	Single Family Dwelling
	West: D-5	Single Family Dwelling
<b>Thoroughfare Plan</b>		
South Belmont Avenue	Secondary Arterial	49-foot existing right-of-way and a 56-foot proposed right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	December 6, 2024	
<b>Elevations</b>	N/A	
<b>Commitments</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact - Original</b>	December 6, 2024	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends 5-8 residential units per acre.

### Pattern Book / Land Use Plan

- Not Applicable to the 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

- 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-CZN-826/2021-CVR-826; 1329 South Belmont Avenue (east of site)**, requested the rezoning of 0.10 acre from the C-1 district to the D-5 district, **Approved**, and a variance of use and development standards to provide for a single-family dwelling with 52% open space and five feet between dwellings, **granted**.

**2000-HOV-017; 1330 South Belmont Avenue (south of site)**, requested a variance of use to legally establish a single-family dwelling with reduced setbacks and construction of an attached garage with reduced setbacks, **granted**.

**95-V3-90; 1305 South Hiatt Street (northeast of site)**, requested a variance of development standards to provide for an eight-foot tall privacy fence along the south property line, **denied**.

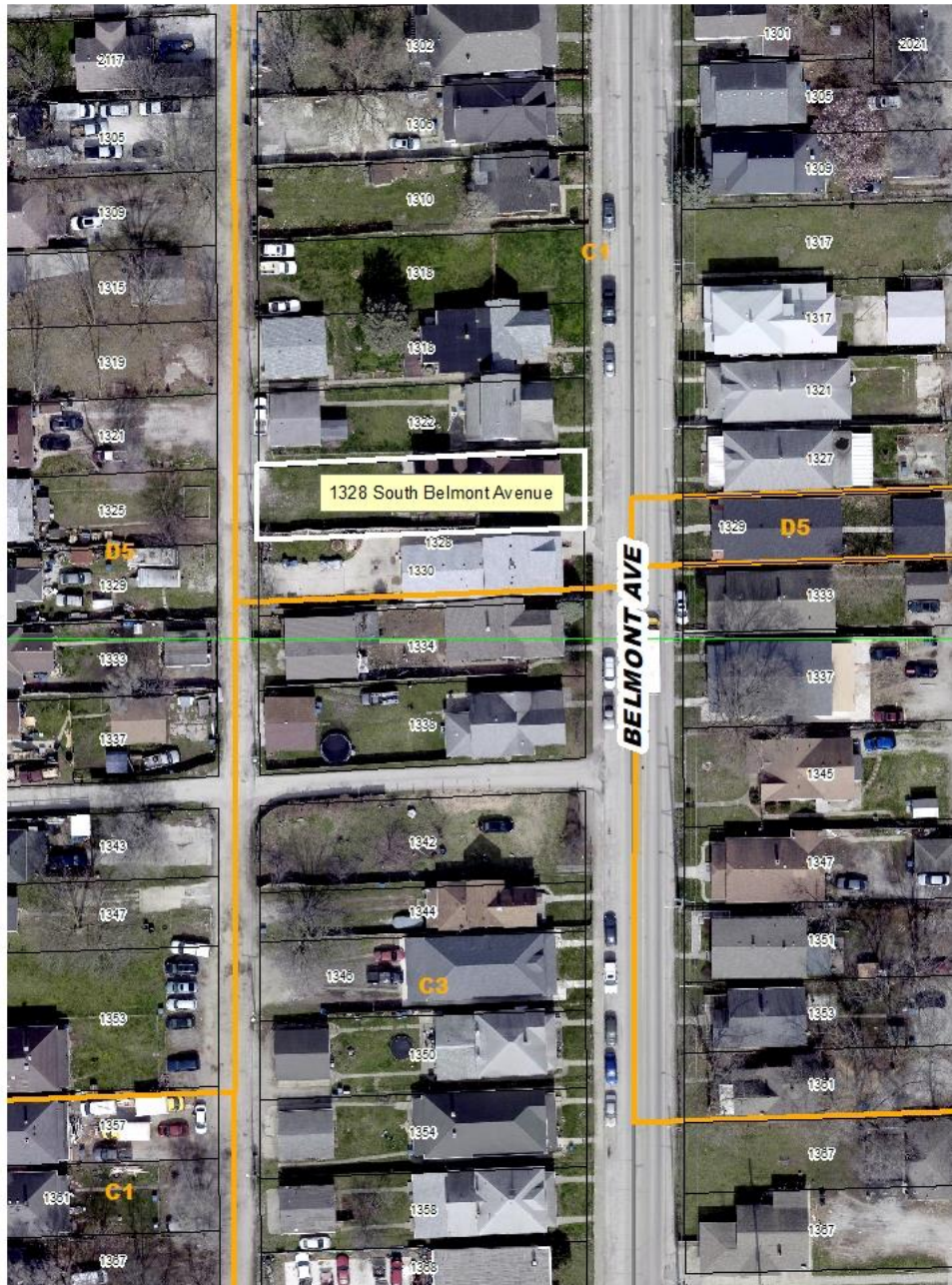
**73-UV3-4; 1334-1338 South Belmont Avenue (south of site)**, requested a variance of use to provide for an auto repair shop in an existing detached garage and a pole sign, **granted**.

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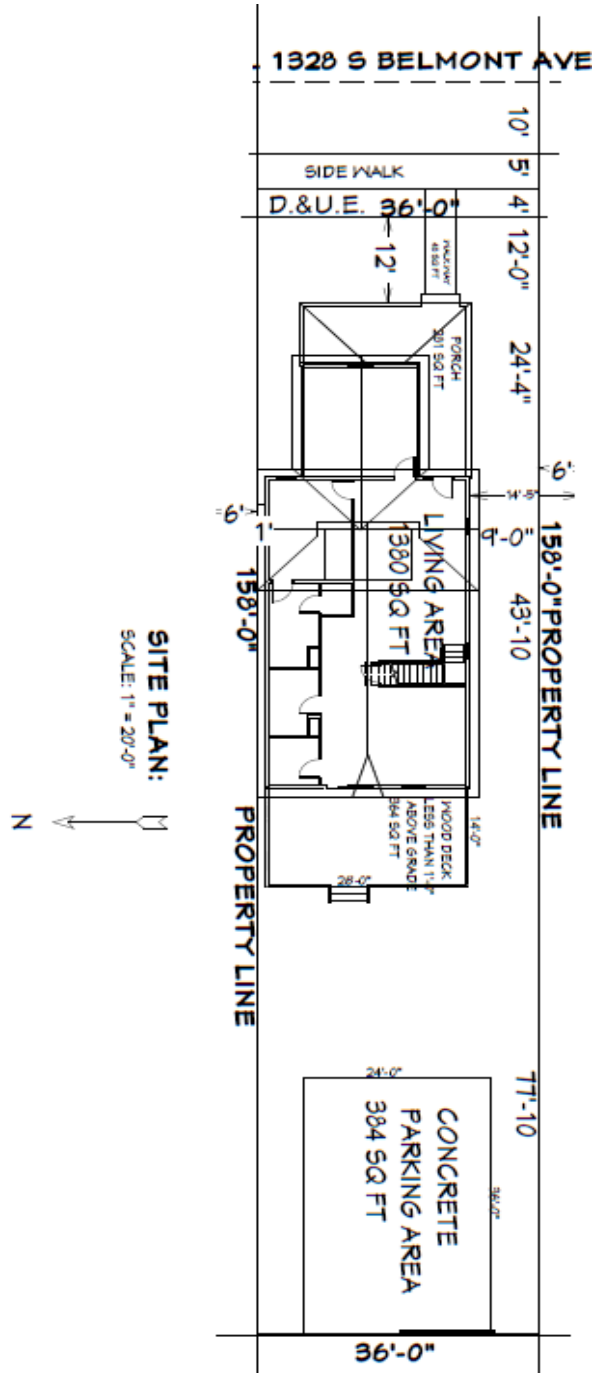
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**EXHIBITS**

**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 SUBJECT DWELLING IS EXISTING WITH 12'-0" FRONT SETBACK, 1'-0" NORTH SIDE SETBACK  
9'-0" SOUTH SIDE SETBACK AND 77'-10" REAR SET BACK

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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 REMODEL OF THE SUBJECT DWELLING WILL INCREASE ITS VALUE AND CURB APPEAL.

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

WITHOUT THE GRANT OF THE REQUEST WOULD NOT BE POSSIBLE TO LEGALIZE  
THE EXISTING ONE FAMILY DWELLING

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**DECISION**

**Photographs**



Subject site, looking west from Belmont Avenue.



Subject site rear yard, looking southeast



Subject site proposed rear parking pad area, looking south.



Adjacent single-family dwellings to the south, looking southwest.





Adjacent single-family dwellings to the north, looking northwest



Adjacent single-family dwellings to the east.