



**BOARD OF ZONING APPEALS DIVISION III**

**April 2, 2024**

**Case Number:** 2024-UV1-002  
**Address:** 1125 Worcester Avenue (approximate address)  
**Location:** Center Township, Council District #19  
**Zoning:** I-2  
**Petitioner:** Juan Perez Gonzalez, by Arnaldo Gonzales Vasquez  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling and for the construction of a residential building addition (not permitted) resulting in a zero-foot south side yard setback (10-foot side setback required).

**Current Land Use:** Single-family dwelling

**Staff Recommendation:** Staff recommends approval of this petition.

**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.

**PETITION OVERVIEW**

- ◇ The request would legally establish a single-family dwelling and provide for the construction of a residential building addition resulting in a zero-foot south side yard setback, in the I-2 district.
- ◇ This request would legally establish a single-family dwelling in the I-2 Industrial District. The records of the Assessor's Office indicate that the single-family dwelling was constructed in 1954 and appears to have been continuously used as a single-family dwelling since.
- ◇ The subject site is surrounded by residential developed properties and is D-3 and D-4 Districts. In Staff's opinion, the request would be consistent with surrounding residential properties.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks and building separation, are intended to ensure orderly development and protect surrounding property values by providing for open buffer areas along lot lines, and to ensure adequate access around buildings.



- ◇ However, because the proposed south side setback would roughly match the setbacks of the existing dwelling, and the adjacent dwelling to the south would have a 10-foot separation, Staff believes that the reduced south side setback would have no impact on the streetscape or the surrounding property owners.
- ◇ 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**

<b>Existing Zoning</b>	I-2	
<b>Existing Land Use</b>	Single-Family Dwelling	
<b>Comprehensive Plan</b>	Suburban Neighborhood uses	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Single-Family dwelling
	South:	South: Single-Family dwelling
	East:	East: Single-Family dwellings
	West:	West: Single-Family dwelling

<b>Thoroughfare Plan</b>		
South Worcester Avenue	Local Street	50-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	February 14, 2024	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	February 14, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends suburban neighborhood uses for the site.



### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends 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. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

### 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

**87-UV3-55; 4718 Orange Street (west of site)**, requested a variance of use of the Industrial Zoning Ordinance to provide for an addition to a single-family dwelling, **granted**.

**89-UV3-45; 1105 Worcester Avenue (north of site)**, requested a variance of use of the Industrial Zoning Ordinance to provide for an addition to a single-family dwelling with a reduced side setback, **granted**.

**93-UV3-1; 4726 Orange Street (west of site)**, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for an addition to a single-family dwelling, **granted**.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**96-HOV-114; 4718 East Morris Street (west of site)**, requested a variance of use of the Industrial Zoning Ordinance to provide for the renovation of an existing single-family dwelling, **granted**.

**97-Z-48; 4702-4730 East Orange Street (west of site)**, requested rezoning of 2.73 acres from the I-2-U District to the D-3 classification to conform zoning to the existing seven single-family dwellings, **approved**.

**2018-ZON-125; 114 South Worcester Avenue (north of site)**, requested the rezoning of 0.21 acre from the I-2 district to the D-4 classification, **approved**.

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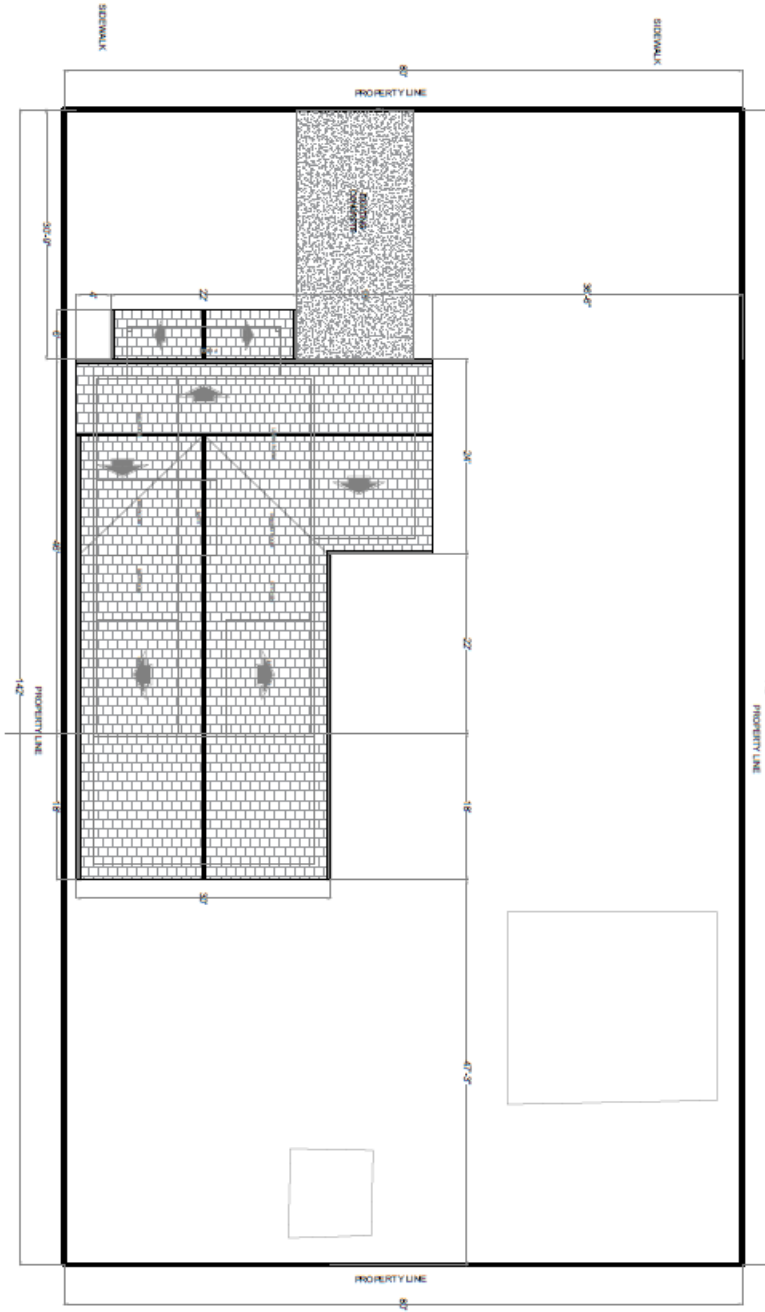
**EXHIBITS**

**Location Map**



Site Plan

WORCESTER AVE





**Findings of Fact**

Petition Number \_\_\_\_\_

METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA

**PETITION FOR VARIANCE OF USE**

**FINDINGS OF FACT**

**1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE**

*Compliance with Zoning Regulations: The proposed addition construction complies with all local zoning regulations, including setback requirements and property line restrictions, ensuring that it does not encroach on neighboring properties or create safety hazards.*

**2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE**

*Structural Integrity: The garage will be designed and constructed in accordance with local building codes and engineering standards. All environmental considerations, such as storm-water management and erosion control will be addressed to prevent any adverse effects on the environment or local waterways.*

**3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE**

*Additional bedrooms to convert into a home office or workspace, allowing for a quiet and dedicated area for professional activities. Adding bedrooms can increase the overall square footage of the property, potentially increasing its market value. Additional bedrooms are often appealing to home-buyers.*

**4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE**

*The petitioner or his family could not exercise their livelihood normally. Strict enforcement of the Zoning Ordinance would prevent the petitioner from safely and comfortably approaching his property*

**5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE**

*Adding two bedrooms supports homeownership by increasing property value and convenience. The proposed addition complies with existing zoning regulations, such as setbacks, height limits, and lot coverage. It may align with the community's land use goals as outlined in the comprehensive plan.*

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Photographs



Photo of the Subject Property existign single-family dwelling, looking east



Photo of the existing single-family dwelling zzero-foot south side setback, looking east.





Photo of proposed addition with matching zero-foot south side setback, looking west.



Photo of adjacent single-family dwelling to the south, with 10-foot side setback, looking east.



Photo of adjacent single-family dwelling to the north, looking east.



Photo of adjacent single-family dwelling to the west.