

BOARD OF ZONING APPEALS DIVISION I

July 7th, 2026

Case Number: 2026-DV2-018 (Amended)
Property Address: 2230 East 75th Street (approximate address)
Location: Washington Township, Council District #2
Petitioner: Luis Cordon, by Avouch Contractors (David Stevens)
Current Zoning: D-S (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family residence with a 3-foot west side setback and a 9-foot east side setback (15-foot side setback and 35-foot combined side setback required), a 40-foot rear setback (50 feet required), a 36-foot front setback (60-foot setback required based on average setbacks), to permit 2 minor residential structures in the front yard setback (not permitted), to legally establish a utility shed partially within the floodway fringe, and to provide for development with deficient open space (85% open space required).

Current Land Use: Residential

Staff

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This petition was continued and transferred from the June 9th BZA II hearing to the July 7th BZA I hearing to allow for corrections in the legal notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 2230 East 75th Street is a single-family home on East 75th Street between Caroline and Keystone Avenues. Property record cards indicate a dwelling has existed on this property since the 1920s and a utility shed has existed on the site since 1989. Properties on the north side of 75th Street are zoned D-S. Except for the properties west of Caroline Avenue, almost all properties on this block would appear to have deficient lot widths and areas for the D-S district. Additionally, the White River borders these homes to the north. To the south are single-family homes in the D-3 zoning district. Most of the lots appear to meet the minimum width and area requirements for this district.

- Based on current Ordinance standards, a D-S lot is required to have a minimum lot width of 150 feet. The setbacks of each district are based on the size of each lot. The Ordinance states that D-S properties in the compact context area must have the greater of 40 feet or the average setback for their front setback. Averaging the setbacks of the property to the east and to the west, this property would be expected to have a setback of 60 feet. The lot itself is only about 160 feet long. Additionally, the Ordinance requires D-S properties in the compact context area to have setbacks of 15 feet on each side yard¹. For a lot that is approximately 56 feet wide in the middle, this would leave roughly 26 feet of buildable space. As the Ordinance prohibits minor residential structures (like garages) from being located any closer to a “front or side lot line than the required minimum front and side yard setbacks”, the garage would be to either be placed next to or behind the house. 26 feet of buildable space would be difficult to split between a garage and a home.
- While this is not infill development, the Infill Housing Guidelines can help us understand what would be expected here if it had been. The guidelines state that “accessory buildings should be located behind the existing building unless there is a precedent otherwise.” Staff will note that several homes on this block have garages in the front yard so as to not obstruct views of the river.
- Infill Housing Guidelines also instruct us how to consider front and side yard setbacks. The guidelines state that when “setbacks are varied, new construction should fall in range between the shortest and longest distances from the right-of-way.” While a 36-foot front setback would be closer to the right-of-way than either front setback of the adjacent properties, staff will note that multiple properties on this block have detached accessory structures with setbacks of less than 40 feet. A 36-foot setback would still largely fit within the context of the block. The Ordinance also indicates that new construction “should reflect and reinforce the character of spacing found in its block.” Estimated measurements of aerial imagery show that multiple homes on this block do not meet the required 15-foot side setbacks. Some seem to have as little as 2 or 3 feet. A 3-foot side setback would not be out of context with the neighborhood and would still provide enough spacing for egress.
- While each case should be assessed individually based on its unique contexts, staff will note that similar variance requests have been approved on this block in the past, indicating a sort of precedent.
- Upon conducting a site visit, staff noticed that the existing shed had been torn down. If the petitioner wishes to amend their request to limit the variance to one building in the front setback and to remove the portion regarding a shed in the floodway fringe, staff would be supportive. Should the petitioner wish to rebuild the shed on its existing footprint, approximately one-third of the shed would be within the floodway fringe. Given that the shed is a small tool shed, without the ability to support dwelling units or large vehicles, staff has no concerns about this shed being partially within the floodway fringe.
- Based on the site-specific practical difficulties that come from a deficient lot, an established precedent of properties on this block having garages in the front setback, and the context of existing setbacks for surrounding properties, staff recommends approval of this petition.

¹ The legal notice indicated that the side yard setbacks had to be 15 feet on each side with an aggregate setback of 35 feet. These are the standards for the D-S district in the metro context. However, as this is a less intense

GENERAL INFORMATION

Existing Zoning	D-S	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-P	North: Residential
South:	D-3	South: Residential
East:	D-S	East: Residential
West:	D-S	West: Residential
Thoroughfare Plan		
East 75 th Street	Local Street	45-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/24/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	04/24/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- “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

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

91-V1-85 (east of site), Variance of Development Standards of the Dwelling District and Flood Control Zoning Ordinances to permit the construction of a single-family residence with 60 feet of public street frontage and a side yard setback of 5 feet, with an aggregate of 22 feet, all within a floodway, **approved subject to conditions**.

98-V3-51; 2226 East 75th Street (west of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 16 by 16 foot addition to an existing single family residence and a 24 by 24 foot attached garage with: a minimum floor area of 1153 square feet; a side yard of 3 feet resulting in an aggregate side yard of 18 feet, and; open space of 75%

2001-DV1-026; 2334 East 75th Street (east of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish an existing 24 by 24-foot detached garage with a side yard setback of 4.5 feet within the established front yard of East 75th Street and to provide for the construction of a 17 by 38-foot attached carport with a side yard setback of 7 feet and an aggregate side yard of 14 feet, **approved subject to conditions**.

2001-DV2-030; 2330 East 75th Street (east of site), Variance of Development Standards of the Dwelling Districts and the Flood Control Districts Zoning Ordinances to provide for the construction of a single-family dwelling with the proposed 2nd story living area being two-feet above the base flood elevation, and to convert an existing dwelling structure to a 23 by 22-foot detached garage, with a rear yard setback of six feet for the single-family dwelling, with a side yard setback of ten feet for the single-family dwelling, resulting in a minimum open space of 80% of the lot, with the detached garage located in the established front yard, and a six-foot side yard setback, and with the exterior walls of attached non-habitable accessory enclosure with wall openings to meet the federal standard of one square foot for every 144 square feet of enclosed floor area subject to flooding, **approved subject to conditions**.

2016-HOV-005; 2260 East 75th Street (east of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-story single-family dwelling, with a 5-foot east side setback and 10-foot west side setback, on a lot with 60 feet of frontage and an open space of 68%, **approved**.

2020-DV2-016; 2222 East 75th Street (west of site), Variance of Development Standards to provide for a garage in the front yard of the primary dwelling unit with a 10-foot east side setback, **approved**.



**Department of Metropolitan Development
Division of Planning
Current Planning**

2020-DV2-034; 2222 East 75th Street (west of site), Variance of Development Standards to provide for a garage in the front yard of the primary dwelling with a 10-foot east side setback with 78% open space, **approved.**

EXHIBITS

2026DV2018; Aerial Map



2026DV2018; Findings of Fact

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

This new home will not negatively impact this community. It will only enhance the neighborhood.

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:

It will add to property value.

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

This lot and adjacent lots are narrow and many have homes and accessory buildings that do not adhere to set back distances and reduced open space requirements. This project is in line with existing and established developments.

2026DV2018; Photographs



Photo 1: Subject site on left; concrete pad where shed used to be; stakes indicating property line

2026DV2018; Photographs (continued)



Photo 2: View of property seen from 75th Street

2026DV2018; Photographs (continued)



Photo 3: View of western side of property with stake showing property line

2026DV2018; Photographs (continued)



Photo 4: Looking east on 75th Street

2026DV2018; Photographs (continued)



Photo 5: Looking west on 75th Street

2026DV2018; Photographs (continued)



Photo 6: Neighboring property to the east with garage in established front yard

2026DV2018; Photographs (continued)



Photo 7: View of properties to the west with garages in front yard