

Board of Zoning Appeals Division I

July 7, 2026

Case Number: 2026-UV1-016

Property Address: 1504 South Grant Avenue (approximate address)

Location: Center Township, Council District #19

Petitioner: Ashley L. Ricardo

Current Zoning: D-3

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for outdoor storage and operations related to property maintenance and contractor operations (outdoor storage not permitted in the D-3 district).

Request:

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a parking area larger than 30 feet (parking areas in D-3 restricted to 30 feet in width or 50% of the lot width, whichever is lesser), to allow for the combined square footage of detached accessory structures to equal 1,656 square feet when the primary dwelling unit is 1,500 square feet (the sum of the square footage of all detached accessory structures may not exceed the square footage of the primary dwelling unit), to allow for an unpaved parking area (parking lots shall provide a durable and dust-free surface area).

Current Land Use: Single-family home; commercial contractor

Staff Recommendations: Staff recommends **denial** of this petition

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

N/A

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 1504 South Grant Avenue is a single-family home mid-block on Grant Avenue between Terrace Avenue and East Minnesota Street. The Assessor's property record card indicates that this house was constructed in 1957. There is no history of any land-use petition to suggest this has ever been anything but a single-family home. The property is zoned D-3 and the land use plan classifies it as a Suburban Neighborhood. Parcels to the north are zoned D-5 while those to the

east, south, and west are all zoned D-3; once again highlighting the residential aspect of this neighborhood.

- The Ordinance indicates that the D-3 district “D-3 district provides for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has atypical density of 2.6 units per gross acre. This district fulfills the low density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.”
- According to the Land Use Pattern Book 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.”
- By contrast, commercial and building contractors (as well as the accessory storage associated with the use) are only allowed by-right starting in the C-5 district. The Ordinance indicates that the C-5 district is “designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfare and should avoid locating adjacent to protected districts.” Staff will note that Grant Avenue is a local street and not a heavy commercial thoroughfare. Furthermore, both the D-3 and D-5 districts are considered protected districts.
- The intensity described in the C-5 district is incompatible with the uses and intensities described in the D-3 district and the Suburban Neighborhood typology.
- The intent of the Ordinance’s restrictions on driveway width and accessory structures is intended to reinforce the character of low-density residential neighborhoods. Large driveways or parking lots can conflict with the low-density residential feeling of a single-family or two-family structure. Accessory structures with more square footage than the primary dwelling unit overshadow the primary residential structure, relegating the residential use to an accessory capacity. Finally, the standard that all vehicles should be parked on a durable and dust-free surface is intended to ensure that vehicles remain on a paved or gravel lot and do not park in the grass. Parking in the

grass suggests a higher intensity than contemplated by the available parking spaces of a paved or gravel lot. Based on the analysis above, staff recommends denial of this petition.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Single-Family Residence; Commercial Contractor	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-5	North: Residential
	South: D-3	South: Residential
	East: D-3	East: Residential
	West: D-3	West: Residential
Thoroughfare Plan		
Grant Avenue	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/20/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/20/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

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

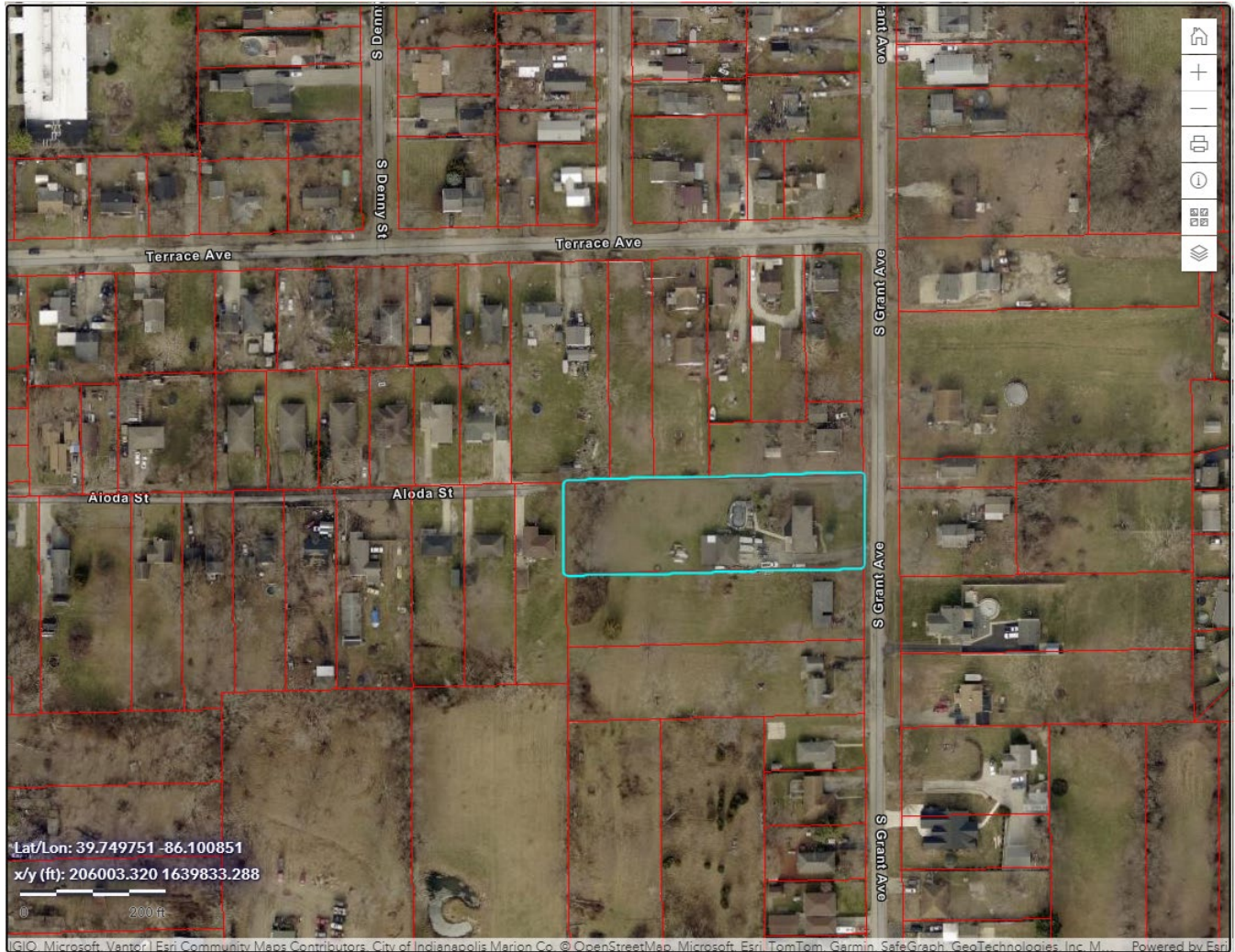
N/A

ZONING HISTORY – VICINITY

N/A

EXHIBITS

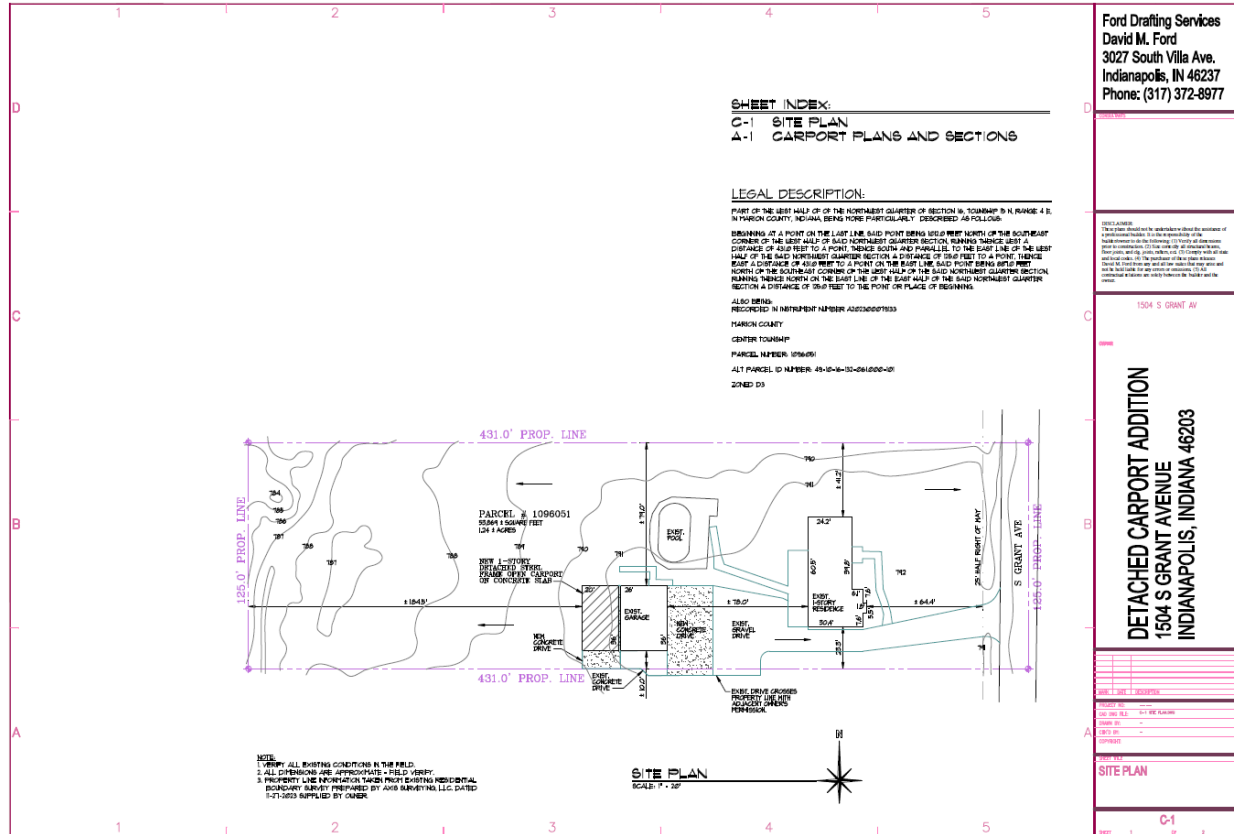
2026UV1016; Aerial Map



2026UV1016; Aerial Map (showing carport addition to rear of garage)



2026UV1016; Site Plan



2026UV1016; 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

The property is maintained in a control manner, and the items stored on-site are not hazardous. Any vehicles or materials are contained within the property boundaries and do not obstruct public right-of-way or create unsafe conditions. Steps are being taken to improve compliance, including organizing material and addressing surface parking concerns such as our driveway.

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

The conditions on the property on the property are being actively managed and improved. The property is consistent with other properties in the area that contain, vehicles, trailers or work related materials. The requested variance will allow the property to be brought into more orderly and compliant condition without negatively impacting neighboring properties. Being allowed to have the driveway will help with the organization.

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

The property including limited space for paved parking and the need to store work-related vehicles and materials associated with the ongoing maintenance or business activity. The layout and size of the lot make strict compliance with all zoning requirements difficult without significant financial burden.

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

it would require immediate removal of vehicles, materials and potential structural changes that are not financially feasible at this time. Compliance would impose a significant burden relative to the scale of the property and its current use. The variance would allow a reasonable transition toward compliance.

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

The use remains primarily residential, and any additional use is limited in scale. The variance will help bring the property into better overall condition while allowing continued reasonable use.

DECISION

2026UV1016; 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 conditions on the property do not create hazardous or unsafe situations. Vehicles and materials are kept within property boundaries and do not obstruct sidewalks, streets or visibility. Allowing the existing driveway to remain will provide safe and organized off-street parking while the property owner continues making improvements to the property.

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 and condition of the property, including the existing driveway, will not adversely affect the use or value of adjacent properties.

Similar conditions, including vehicle parking and outdoor storage, exist within the surrounding area.

The requested variance will allow continued reasonable use of the property while maintaining orderly parking and improving overall property conditions without negatively impacting neighboring properties.

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

Due to the layout and size of the property, which limits available options for compliant paved parking and storage areas.

Reconstructing or removing the existing driveway would create a financial burden. Bringing the property into full compliance immediately would also require significant financial investment, including removal or relocation of vehicles and materials. These requirements create

a hardship given current limited resources, and the variance would allow reasonable opportunity to address the issues over time.

Allowing the existing driveway to remain would provide a reasonable solution while preserving safe access and functionality of the property.

2026UV1016; Photographs



Photo 1: Inspector photographs showing the width of the driveway beyond 30 feet

2026UV1016; Photographs (continued)



Photo 2: Inspector photo of the trailers stored on site

2026UV1016; Photographs (continued)



Photo 3: Property as seen from the driveway

2026UV1016; Photographs (continued)



Photo 4: View of the front of the property

2026UV10016; Photographs (continued)



Photo 5: On Grant Avenue looking south

2026UV10016; Photographs (continued)



Photo 5: On Grant Avenue looking north