

BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number: 2026-DV1-012 (Amended)

Property Address: 3675 West 11th Street (*approximate address*)

Location: Wayne Township, Council District #12

Petitioner: Manuel Alonso Marrufo Villa & Maria Elena Marrufo, by Epifanio Carbajal

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached structure with a 3-foot side setback (7-foot required), a 4-foot rear setback (5-foot required), and within an easement (encroachment into easements prohibited).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** of the requests.

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

6/2/26: This petition received an indecisive 1-2 vote at the June 2nd hearing date. Between then and the July hearing date of Division I of the BZA, the petitioner provided an amended site plan showing removal of the eastern driveway accessing the detached structure (see Exhibits below). This amendment resulted in the removal of one of the remaining variances related to front-yard driveway width. Given the odd shape of the lot, the reduced likelihood of commercial activity at the site given the driveway removal, and the previous letter from AES indicating their approval of the encroachment, staff now recommends **approval** of the petition.

5/12/26: An additional continuance was sought by the petitioner to obtain a formal letter of encroachment approval from AES. That letter is within the Exhibits below. Staff continues to recommend denial.

4/7/26: A continuance was requested by the petitioner to allow for additional time to (a) submit an amended site plan that might address the driveway width and landscaping variances and (b) to discuss the easement encroachment with relevant utility holders. The petitioner provided an updated site plan reducing the width of front-yard parking areas to 33 feet as well as an email from AES indicating a lack of objection to the easement encroachment. Staff continues to recommend denial of the requests.

STAFF RECOMMENDATION

Staff recommends **approval** of the requests based on the revised site plan sent on June 17, 2026.

PETITION OVERVIEW

- 3675 West 11th Street is a triangularly-shaped residential parcel with a size of approximately 0.25 acres. As of 2023, the property was developed with a single-family residence and detached front-loaded garage to the west of the home. Adjacent land uses include other residences to the north and east, and a rail line to the southwest. Overhead power lines exist roughly parallel with the property's eastern boundary line, and the site is only accessible via multiple local streets.
- In 2024, the property was improved with an additional gravel driveway and parking area along the eastern portion of the site. It does not appear that a driveway permit was obtained to allow for the vehicle access. Similarly, construction began on a detached garage in 2025 for which no permits were sought from or approved by the Department of Business and Neighborhood Services.
- The violation case VIO25-010512 was opened in November of 2025 in response to a complaint filed with the Mayor's Action Center. The full text of the 15 violations cited at the property is within the Exhibits below. Non-conformities noted by that inspection included the need for permits for the partially built structure as well as an addition onto the primary residence, the encroachment of that new building into required setbacks, outdoor storage of miscellaneous debris and vehicle parts, the parking of commercial and recreational vehicles and a trailer, the width of front-yard driveways, and the unpermitted operation of a construction contractor use in a residential zone.
- Approval of this petition would allow for the property owner to keep and complete construction of the second, partially built detached garage in its current location. They would also reduce the width of the new gravel driveway on the east of the site from the 19 feet shown within aerial photography (see Exhibits) to 10 feet for a total of 60 feet of driveway area in the front yard. Per correspondence from the applicant received in February of 2026, "the homeowner has acquired a warehouse, and that is where he has been and will continue to store his construction and recreational vehicles". Approval of this variance would not allow for any commercial activity or operation at the site.
- Based on the contents of VIO25-010512, discussion with the petitioner, and staff's own review of applicable dimensional standards, the following variances would be required:
 - The partially built detached garage has a side setback of three (3) feet from the eastern property line where seven (7) feet would be the applicable minimum.
 - The partially built detached garage has a rear setback of three (3) feet from the southwestern property line where five (5) feet would be the applicable minimum.
 - Due to the existence of overhead power lines along the eastern property line, there is a 4-foot easement that runs parallel to the eastern property line. The partially built detached garage is partially within this easement (which is not permitted).
 - The width of front-yard driveway and parking areas would total 60 feet: 10 feet for the gravel driveway and 50 feet in front of the existing house and detached garage. This would be double the applicable maximum of 30 feet.

- The driveway addition would also result in only 54.2% of the front yard area being comprised of grass or other landscaped materials. This zoning district and frontage type would require a front yard with at least 65% landscaped materials.
- Staff's review also concluded that variances related to the size and height of the garage as compared to the existing residence would not be required (the primary building would have a height of 15.5 feet and an area of 1210 square feet, while the garage would have a height of 14.5 feet and an area of 1188 square feet). Additionally, the open space ratio would be compliant, and no alley access would exist for this property unlike neighboring parcels to the east. However, staff would note that approval of this petition would not exempt the property owner from the need for a driveway permit, and that the Department of Public Works has a separate set of rules distinct from the Zoning Ordinance that would disallow two driveways on a single residential property. Even if variances are approved, it is unlikely that a driveway permit would be issued for a second access point for the same property where a 50-foot access already exists.
- The subject site is zoned D-5 (Dwelling District Five) to allow for medium- and large-lot housing formats, primarily for detached houses in either new, walkable suburban neighborhoods or for infill situations in established urban areas. Similarly, the Near West Neighborhood Land Use Plan recommends residential development with a density of 5-8 dwelling units per acre for this area. Finally, Infill Housing Guidelines indicate that setbacks should reflect existing spacing on the block while allowing room for maintenance, and that front-yard areas should utilize trees and landscape areas to create aesthetically pleasing and sustainable residential communities.
- Findings of Fact provided by the applicant in support of this filing are minimal, and mention that grant of these variances would allow for on-site vehicle parking as opposed to the utilization of on-street parking. Staff would note that no site-specific practical difficulty was identified by these Findings, and that if permits had been sought prior to the placement of improvements on the property these dimensional standards issues could have been identified and plans could have been altered prior to construction. Additionally, compliance with applicable residential building standards, Fire Code, and drainage requirements could be verified during the permitting process. This would be a self-imposed hardship, and staff would want to avoid the negative precedent of granting relief by variance for instances of "asking forgiveness, not permission".
- Regulations on setbacks exist to ensure adequate separation between structures on adjoining lots for reasons related to public safety, maintenance, aesthetics, and privacy. Although the odd triangular shape of the lot does reduce feasible options for rear yard development, staff would note that an exemption exists for the rear setbacks of detached accessory structures that would allow for five (5) feet instead of 20 feet (a reduction of 75%). The proposed structure with a size of 1188 square feet would be comparable to the size of the house and would be the second detached garage placed on the property (Ordinance only requires 1 parking space per dwelling unit). Staff feels that even given the triangle lot, the proposed size of the structure and the fact that construction began without permits would be a self-imposed difficulty. A smaller version of the garage might be more contextually appropriate (especially since commercial use of the site

has been abated, per the petitioner) and could allow for compliance with setback standards. For these reasons, staff recommends denial of the setback variances.

- With regards to variances related to the driveway width and front-yard landscaped areas, staff would note that a potential pathways to compliance might be to either (a) remove the new gravel driveway on the eastern portion of the property or (b) reduce front-yard parking areas in front of the existing house (most recently used for housing of commercial vehicles, per photographs within Exhibits) to allow for placement of a new driveway while remaining under the 30-foot requirement. Adjacent property owner appear able to meet the standard for front-yard landscaped area despite having narrower lots, and staff feels that utilization of either of the above options could allow for compliant site development that would more closely align with Ordinance and Plan goals. For these reasons, staff also recommends denial of the variances related to the width of front-yard parking areas and landscaped areas along the frontage.
- Finally, staff would also note the placement of the detached garage within the easement related to overhead power lines (see Photo 4 of Exhibits). No practical difficulty exists that would require encroachment of a structure into the required easement area, and placement of a building here could create complications for any future maintenance that might be required either for the power line or for the structure on this property. At the time of publication, it is unclear if AES has granted or if AES would grant permission for construction within their easement. For these reasons, staff recommends denial of the variance for encroachment into the easement.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	5 – 8 Residential Units per Acre	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Railroad
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
11 th Street	Local Street	50-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	02/17/2026	
Site Plan (Amended)	06/17/2026	
Elevations	02/23/2026 (from STR25-05866)	

Elevations (Amended)	N/A
Findings of Fact	02/17/2026
Findings of Fact (Amended)	02/26/2026

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Near West Neighborhood Land Use Plan (2014)
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Near West Neighborhood Land Use Plan recommends this site for the development of 5-8 residential units per acre and also recommends the current D-5 zoning. In urban areas, 5-8 dwelling units per acre is common for both single-family and multi-family development.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that setbacks should reflect and reinforce spacing on the existing block while also allowing room for maintenance of homes. Additionally, trees and well designed landscaping areas within front yards are recommended to foster aesthetically pleasing, environmentally beneficial, and sustainable residential development and streetscapes.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

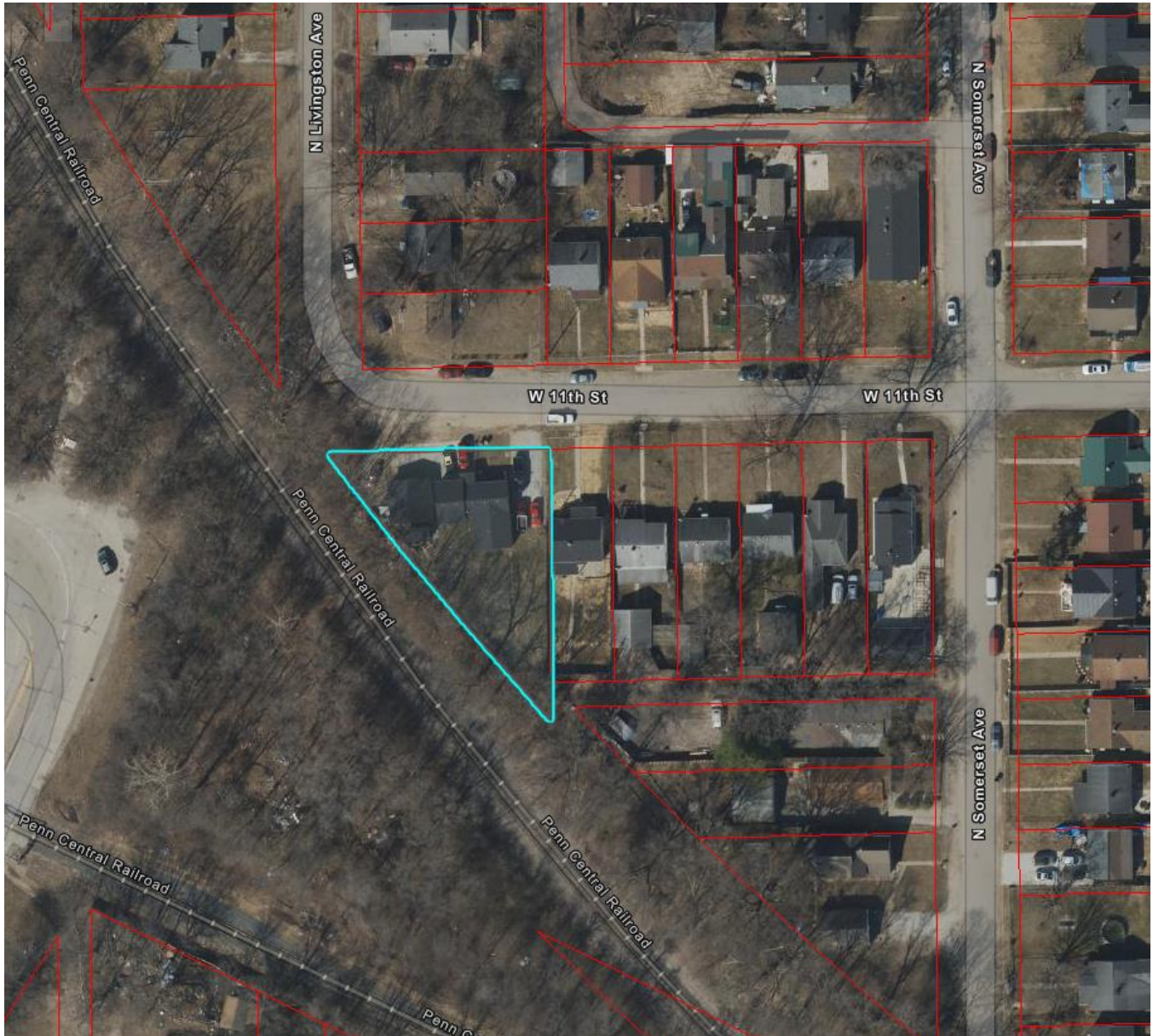
N/A

ZONING HISTORY – VICINITY

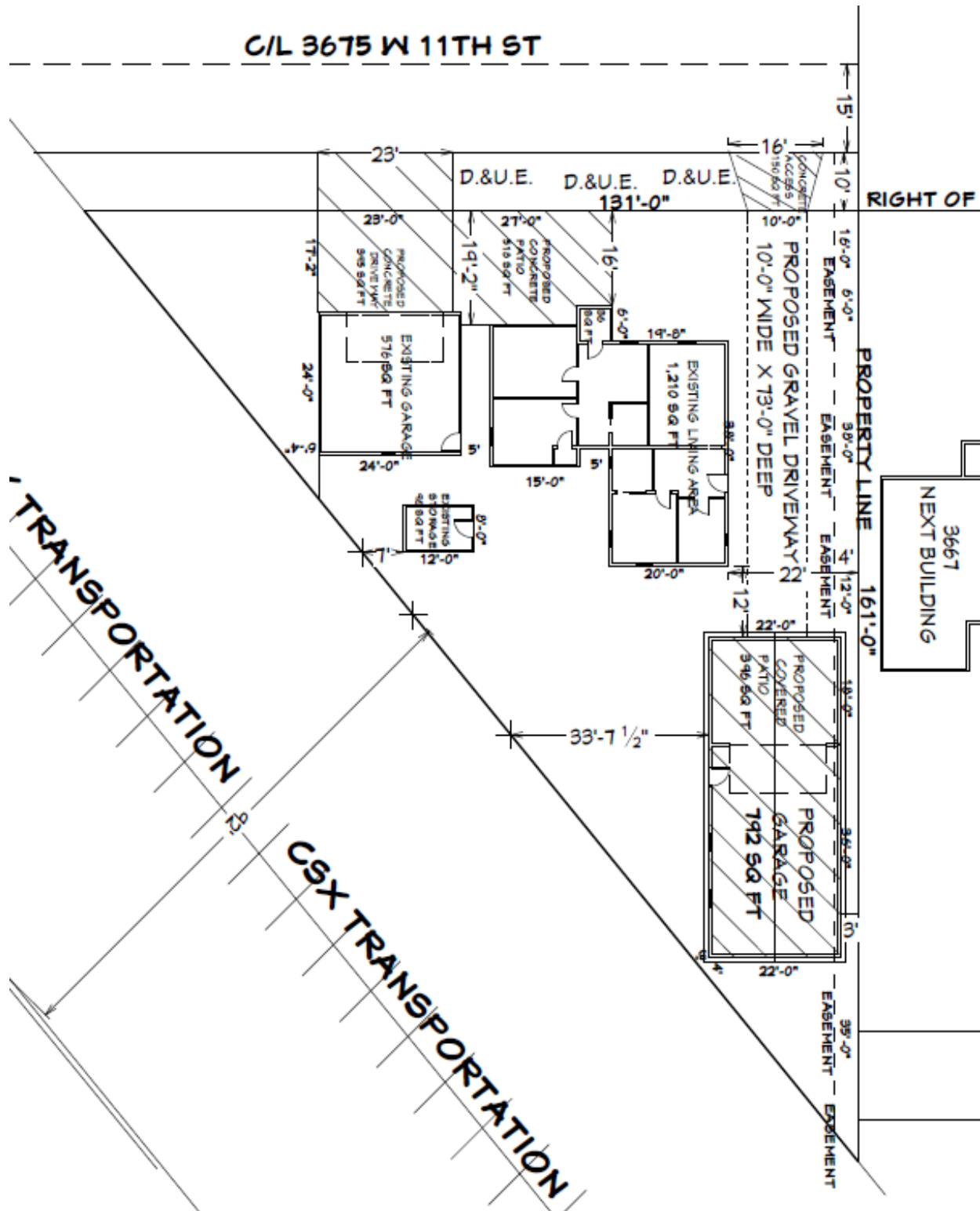
2007DV1070 ; 1102 North Rochester Avenue (northeast of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish the parking of a commercial vehicle (not permitted), **denied**.

EXHIBITS

2026DV1012 ; Aerial Map



Note: aerial photograph taken before partial construction of new garage 3 feet from property line to E

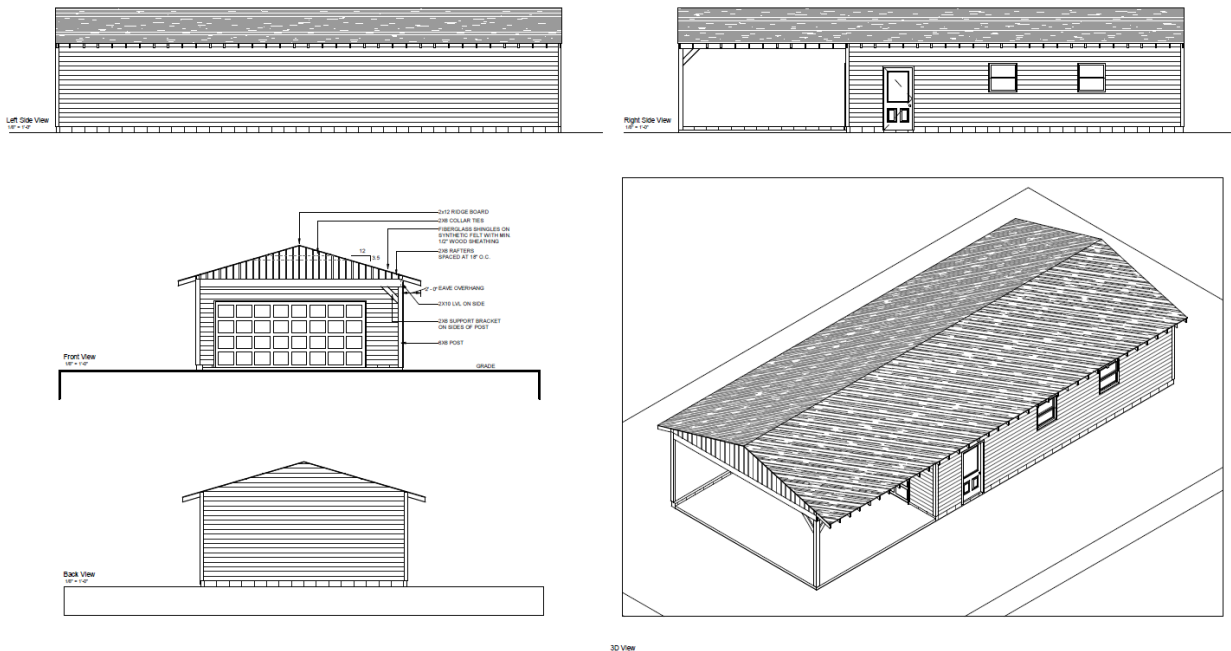


2026DV1012 ; Aerial View of Northern Portion of Parcel + Easement (2023)



Note: easement boundary represented by dashed yellow line

2026DV1012 ; Elevations (STR25-05866)



2026DV1012 ; Driveway Width Diagram



2026DV1012 ; 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 addition will be an accessory structure in the rear yard and the driveways will be used to access the garages.

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 accessory structure, concrete patio and driveways will all increase the value of the adjacent property and will remain for personal use by the petitioner.

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 requested variances the desired addition, driveway, and concrete patio would not be possible and lead to vehicles parking in the street.

2026DV1012 ; Notice of Violation (VIO25-010512)

Section 740 -1004.A.1. Stop Work Order

Specific Violation: FAILURE TO OBTAIN THE REQUIRED IMPROVEMENT LOCATION PERMIT (ILP) FOR AN ACCESSORY STRUCTURE EXCEEDING 200SQ FEET.

Section 740 -1004.A.1. Stop Work Order

Specific Violation: FAILURE TO OBTAIN THE REQUIRED IMPROVEMENT LOCATION PERMIT (ILP) FOR AN ADDITION TO THE PRIMARY STRUCTURE.

Section 740 -1005.A.2. Civil Zoning Violation

Specific Violation: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for a change in the roofline configuration of the structure...rear addition to primary structure).

Section 740 -1005.A.2. Civil Zoning Violation

Specific Violation: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for increasing the height, size or lateral bulk of the structure...rear addition to primary structure).

Section 740 -1005.A.3. Civil Zoning Violation

Specific Violation: The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Litter, scrap metal, wood, clothing, buckets, trash bags, plywood, tarps, and other miscellaneous items throughout the property).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of vehicle parts in any zoning district, the provisions of which do not specifically permit such a use; (Vehicle tires, tractor attachments, truck bed, and other miscellaneous vehicle parts throughout the property).

Section 740 -1005.A.5. Civil Zoning Violation

Specific Violation: The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, with a cargo holder exceeding 12ft. in length...14ft. and 21ft. trailers).

Section 740 -1005.A.5. Civil Zoning Violation

Specific Violation: The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Vehicle, regardless of weight, used or designed to be used as Marrufos Concrete fleet vehicles and excavator).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - A construction contractor is not a permitted use in a D-5 zoning district..."Marrufos Concrete LLC").

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Outdoor storage and operations is not a permitted accessory use in a D-5 zoning district...septic tank, concrete mixer, lumber, concrete, construction materials, wheelbarrow, etc.).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (743-306.AA.1.c. - No recreational vehicle shall be parked outside in a side yard unless parked on a durable and dust-free surface area improved with bricks, concrete, asphaltic pavement, or gravel).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (Table 744-201-1: - Mini-barn/shed located in the 5ft. rear yard setback).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (Table 744-201-1: - Mini-barn/shed located in the 7 ft. side yard setback).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (Table 744-404-1 - The parking area in front yards shall not exceed 30 feet in width or 50% of the lot width, whichever is lesser).

Section 740 -1005.A.2. Civil Zoning Violation

Specific Violation: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for mini-barns or sheds exceeding 200sq. feet...1188 sq. ft.).

2026DV1012 ; AES Consent to Encroach

CONSENT TO ENCROACHMENT

THIS INDENTURE WITNESSETH:

WHEREAS, Indianapolis Power & Light Company d/b/a AES Indiana (hereinafter referred to as the "Company"), has an interest in the following described real estate located in Marion County, Indiana, to-wit:

SIMKO HTS L46

because of the existence of a platted Utility Strip (hereinafter referred to as "easement") adjoining the easterly line of lot 46, and

WHEREAS, a part of a garage was constructed upon said real estate and extending into and encroaching upon said easement, as shown on the drawing attached hereto, made a part hereof and marked "Exhibit A" (hereinafter referred to as the "encroachment"), and

WHEREAS, the encroachment does not interfere with the operation of the Company insofar as such operations involve the use of said easement;

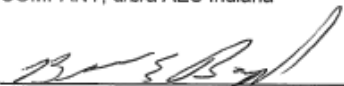
NOW, THEREFORE, in consideration of the premises and other valuable consideration, receipt of which is hereby acknowledged, the Company, by and through its duly authorized officials, does hereby grant unto Manuel Alonzo Marrufo Villa & Maria Elena Marrufo Villa as Joint Tenants With Right Of Survivorship, the present owners of record of said real estate per Quitclaim Deed recorded as Instrument Number A201800065614, in the Office of the Recorder of Marion County, Indiana, their successors and assigns, its consent to the encroachment; provided, that the encroachment shall be limited to that as described above and on Exhibit A, attached hereto and made a part hereof, except that repairs and maintenance may be performed so long as the height and area thereof within said easement is not increased or otherwise extended; that such limitation shall be construed also as a condition upon which this grant is made and accepted, for breach of which the Company may recover damages and, without prejudice thereto, may compel by injunction or otherwise the removal of all or any part of the encroachment.

The owners of said real estate, by acceptance of this instrument hereby agree for themselves, their successors and assigns, to indemnify and save harmless the Company, its successors and assigns, from and against any and all damages and loss that may result to the facilities and equipment or any property owned or used by the Company upon said easement, and from and against any and all legal and other expenses, claims, costs, losses, suits and judgment for damages or injuries resulting to persons or property by reason of the encroachment.

This instrument shall not be construed as a release or waiver of any rights of the Company in the aforesaid easement other than the right to object to the encroachment as proposed to be built and described.

IN WITNESS WHEREOF, Indianapolis Power & Light Company d/b/a AES Indiana, has caused this indenture to be executed by its duly authorized officials this 14 day of MAY, 2024.

INDIANAPOLIS POWER & LIGHT
COMPANY, d/b/a AES Indiana



Blane E. Boyd
Manager, Real Estate and Surveying

2026DV1012 ; Photographs



Photo 1: Subject Residence Viewed from North



Photo 2: Unpermitted Driveway and Accessory Structure Viewed from North

2026DV1012 ; Photographs (continued)



Photo 3: Subject Site Front Yard Viewed from East



Photo 4: Overhead Power Lines/Easement Intersecting Property

2026DV1012 ; Photographs (continued)



Photo 5: Adjacent Property to East of Subject Site



Photo 6: Adjacent Property to North

2026DV1012 ; Photographs (continued)



Photo 7: Unpermitted Garage Viewed from East (November 2025)



Photo 8: Separation Between Unpermitted Garage and Fence to East (November 2025)

2026DV1012 ; Photographs (continued)



Photo 9: Commercial Vehicles within Front Yard Viewed from North (November 2025)



Photo 10: Commercial Vehicles within Front Yard Viewed from East (November 2025)