



Board of Zoning Appeals  
Board of Zoning Appeals Division III  
5/28/2024  
Meeting Agenda

## Meeting Details

Notice is hereby given that the Metropolitan Board of Zoning Appeals will hold public hearings on:

**Date:** Tuesday, May 28, 2024

**Time:** 1:00 PM

**Location:** Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street

## Business:

### Adoption of Meeting Minutes:

### Special Requests

## PETITIONS REQUESTING TO BE CONTINUED:

## Petitions for Public Hearing

## PETITIONS TO BE EXPEDITED:

1. **2024-DV3-004 | 1328 Lawrence Avenue**  
Perry Township, Council District #23, Zoned D-4  
Amy DiVincenzo & William Esquivel Najera

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall fence that faces the primary entrance of the dwelling unit across Otterbein Avenue (fence heights on corner lots in the Compact Context Area limited to 3.5 feet when facing a primary entrance of a dwelling unit across the street), and that encroaches into the clear sight triangle (not permitted).

2. **2024-DV3-016 | 2538 Fisher Road**  
Warren Township, CD #20, Zoned D-A  
Lars Fanning IUTMA, by Mitchell Cooper

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 3,000-square-foot detached accessory structure, being larger than the primary dwelling (not permitted).

3. **2024-DV2-017 | 4361 East 75th Street**  
Washington Township, Council District #3, Zoned D-A  
Michael & Carly Dury, by Michael Mattingly

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage within the front yard (not permitted) and a second residential accessory structure with a height of 32 feet (maximum height of 24 feet permitted).

4. **2024-UV2-007 | 5314 West 38th Street**  
Pike Township, Council District #5, Zoned C-4  
Rama Inc., by Pat Rooney

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway with stacking spaces located within the front yard and a service unit facing 38th Street (not permitted).

## PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

## PETITIONS FOR PUBLIC HEARING (Continued Petitions):

**5. 2024-DV3-003 | 3308 North Mitthoefer Road**

Warren Township, Council District #15, Zoned I-3 / I-4  
The Finish Line Inc., by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of two incidental signs, each encroaching 4.5-feet into the right-of-way of Mitthoefer Road (prohibited), with the north sign located 70-feet from a dwelling district (100-foot transitional yard required).

**\*\* Petitioner to withdraw**

**6. 2024-DV3-010 (Amended) | 1635 West Michigan Street**

Center Township, Council District #18, Zoned SU-7 / CBD-S (RC)  
INDPL Goodwill Industries Inc., by Alan S. Townsend

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an 18.33-foot-tall freestanding pylon sign (eight-foot-tall sign permitted), with a sign area of 106.66 square feet (36 square feet permitted), with a five-foot front yard setback from West Michigan Street (10-foot required) and located within 300 feet of a protected district (600 feet of separation required).

**7. 2024-DV3-012 | 2916 West Banta Road**

Perry Township, CD #22, Zoned D-A (GSB) (W-5)  
Martin Marietta Materials Inc., by Jennifer Milliken

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for Gravel, Sand and Borrow operations with a front yard setback of 100 feet from Banta and Concord Roads and a 100-foot east side yard setback (150-foot front yard setback, 175-foot side yard setback required).

**8. 2024-UV3-004 | 2308 Shelby Street**

Center Township, Council District #19, Zoned C-3 (TOD)  
Walter Resinos

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor within 55 feet of a protected district (not permitted within 500 feet of a protected district).

**9. 2024-UV3-005 | 6901 East 38th Street** Warren Township, Council District #9, Zoned C-5 (TOD) Equipment Share, by Michael Rabinowitch

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of heavy equipment sales and rental business (not permitted).

**\*\* Petitioner to request a continuance to the July 16, 2024 hearing of Division III**

## PETITIONS FOR PUBLIC HEARING (New Petitions):

### Additional Business:

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing [planneroncall@indy.gov](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [dmdpubliccomments@indy.gov](mailto:dmdpubliccomments@indy.gov), before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.