



**Board of Zoning Appeals  
Board of Zoning Appeals Division III  
(September 16, 2025)  
Meeting Agenda**

## Meeting Details

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

**Date:** Tuesday, September 16, 2025      **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:

- 1. 2025-SE2-003 | 21 Virginia Avenue, 122 & 130 East Maryland Street**  
Center Township, Council District #18, zoned CBD-1 (RC) (TOD)  
Virginia Street Capital LLC, by Brian Schubert

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for 1). a parking garage within the CBD-1 District (special exception required), and 2). vehicular access for the parking garage from two streets within the CBD-1 District (special exception required).

**\*\* Request to continue to the October 21, 2025, hearing**

- 2. 2025-DV3-016 | 2360 Prospect Street**  
Center Township, Council District #18, zoned C-4  
Linda Thompson, by Daniel Newton

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall perimeter chain link fence within the required clear-sight triangular area (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, encroachment into the clear-sight triangle not permitted).

**\*\* Request to continue to the October 21, 2025, hearing**

- 3. 2025-DV3-020 (Amended) | 4102 Madison Avenue**  
Perry Township, Council District #23, zoned C-4 (TOD)  
Sanchez Family Inc., by Kevin Lawrence

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishment with a covered porch within the right-of-way of Castle Avenue (not permitted), deficient landscaping, reduced off-street parking, with parking spaces and maneuverability within the right-of-way of Madison Avenue (15 spaces required, parking spaces and maneuverability within street rights-of-way not permitted).

**\*\* Request to continue to the October 21, 2025, hearing**

- 4. 2025-DV3-028 | 1305 Lichtenburg Road**  
Warren Township, Council District #20, zoned D-A  
Lisa Latham, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 1,890-square-foot detached accessory structure, with a larger footprint and five-feet taller than the primary building (accessory structures must be smaller and shorter than primary building).

**\*\* Request to continue to the October 21, 2025, hearing**

**5. 2025-DV3-029 | 8600 Madison Avenue**

Perry Township, Council District #23, zoned C-3 / C-1 (TOD)  
Francis Michael Laux, by Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building encroaching 35 feet within a Category Two Stream Protection Corridor and a parking area within an easement (encroachment of stream protection corridors and easements not permitted).

**\*\* Request to continue to the October 21, 2025, hearing**

**6. 2025-DV3-031 (Amended) | 143 Washington Pointe Drive**

Warren Township, Council District #20, zoned C-4 (TOD)  
Net Lease Properties, by Timothy Ochs and Jennifer Milliken, Ice Miller LLP

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishing and associated drive-through with a front building line of 34.4% along Washington Street (80 percent required) and a parking area containing 10 vehicle spaces (maximum 8 spaces permitted).

**\*\* Request to continue to the October 21, 2025, hearing**

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

**7. 2025-MO3-001 | 8455 US 31**

Perry Township, Council District #23, zoned C-5  
Rohrman Family Realty LP., by Ed Williams

Modification of the grant of 2014-DV3-017, to update compliance of the filed elevation to one file-dated August 1, 2025.

**8. 2025-UV3-021 | 4038 & 4040 Otterbein Avenue**

Perry Township, Council District #23, zoned D-4 (TOD)  
Robert Lopez, by Anthony S. Ridolfo

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,172 square foot second primary building with a 3.5-foot western side yard setback and a six-foot rear yard setback (one primary building permitted per lot, four-foot side, 20-foot rear yard setbacks required).

**9. 2025-UV3-025 | 3005 Carson Avenue**

Perry Township, Council District #19, zoned C-5 / C-1 (TOD)  
Star Group Investments LLC, by Raymond A. Basile

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a pole sign and canopy sign, both containing digital display within 100 feet and 40 feet from a protected district, respectively (digital display not permitted within 400 feet of protected districts), with the pole sign maintaining a 2.5-foot setback from Troy Avenue (five feet required).

**10. 2025-UV3-027 | 2955 North Meridian Street**

Center Township, Council District #12, zoned C-1 (C-S pending) (TOD)  
NCD 2955 Indy IN LLC, by Misha Rabinowitch

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the improvement of surface parking areas on a lot fronting on Meridian Street within the Regional Center (prohibited).

## PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

## PETITIONS FOR PUBLIC HEARING (Continued Petitions):

### **11. 2025-DV3-023 (Amended) | 3640 North Post Road**

Warren Township, Council District #9, zoned C-4 (TOD)  
Post Holdings LLC, by Patrick Rooney

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fifth freestanding sign along Post Road, within 232 feet and 243 feet of other freestanding signs (maximum of two freestanding signs per frontage, 300-foot separation required).

### **12. 2025-DV3-025 | 980 South Kitley Avenue**

Warren Township, Council District #20, zoned I-4 / I-3  
980 Kitley LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding building with a two-foot front yard setback from Kitley Avenue (60 feet required), without required landscaping and sidewalk installation.

### **13. 2025-UV3-018 | 7802 Hague Road**

Lawrence Township, Council District #3, zoned SU-2  
Metropolitan School District of Lawrence Township, by Joseph D. Calderon

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 12-foot-tall monument sign (five-foot height permitted) with digital display within 80 feet of a protected district (digital display prohibited, 400 feet of separation required).

### **14. 2025-UV3-023 | 125 South Bonar Avenue**

Warren Township, Council District #20, zoned I-2  
Rayo Vivar Investments Corp, by Josh Smith

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, subject to the filed site plan (not permitted).

## PETITIONS FOR PUBLIC HEARING (New Petitions):

### **15. 2025-DV3-030 | 1226 McDougal Street**

Center Township, Council District #19, zoned D-5 (TOD)  
Christopher Hernandez, by Josh Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a three-foot east side yard setback (seven feet required).

### **16. 2025-UV3-026 | 2901 North Post Road**

Warren Township, Council District #15, zoned SU-1 / D-7 / D-4  
Calvary Temple Assembly of God, by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor storage of modular homes, with temporary perimeter fencing of the proposed outdoor storage area (not permitted).

## 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 [planneroncall@indy.gov](mailto:planneroncall@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 Services at 317-234-2200.

Affairs at (317) 327-7093, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.

This meeting can be viewed live at <https://www.indy.gov/activity/channel-16-live-web-stream>. The recording of this meeting will also be archived (along with recordings of other City/County entities) at <https://www.indy.gov/activity/watch-previously-recorded-programs>.

Member	Appointed By	Term
Joanna Taft, Chair	Metropolitan Development Commission	January 1, 2025 – December 21, 2025
Bryan Hannon, Vice-Chair	Mayor's Office	January 1, 2025 – December 21, 2025
Rayanna Binder, Secretary	Mayor's Office	January 1, 2025 – December 21, 2025
Rod Bohannon	City-County Council	January 1, 2025 – December 21, 2025
Percy Bland	City-County Council	January 1, 2025 – December 21, 2025





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**BOARD OF ZONING APPEALS DIVISION III**

**September 16, 2025**

**Case Number:** 2025-SE2-003

**Property Address:** 21 Virginia Avenue, 122 & 130 East Maryland Street (approximate addresses)

**Location:** Center Township, Council District #18

**Petitioner:** Virginia Street Capital LLC, by Brian Schubert

**Current Zoning:** CBD-1 (RC) (TOD)

**Request:** Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for 1). a parking garage within the CBD-1 District (special exception required), and 2). vehicular access for the parking garage from two streets within the CBD-1 District (special exception required).

**Current Land Use:** Office Building / Commercial Parking Lot

**Staff Recommendations:** N/A

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- This petition was continued and transferred from the September 9, 2025 BZA Division II hearing to the September 16, 2025 BZA Division III hearing.
- The petitioner and Staff have agreed to another continuance to the October 21, 2025 Division III hearing to allow for revisions to be made to the request.



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BOARD OF ZONING APPEALS DIVISION III

September 16, 2025

**Case Number:** 2025-DV3-016

**Property Address:** 2360 Prospect Street (*approximate address*)

**Location:** Center Township, Council District #18

**Petitioner:** Linda Thompson, by Daniel Newton

**Current Zoning:** C-4

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall perimeter chain link fence within the required clear-sight triangular area (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, encroachment into the clear-sight triangle not permitted).

**Current Land Use:** Commercial

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

**Staff Reviewer:** Michael Weigel, Senior Planner

PETITION HISTORY

**9/16/25:** The petitioner requested a two-month continuance at the 7/15 hearing to allow them time to consult with potential legal counsel and since they were unavailable on the August 19<sup>th</sup> hearing date. In the intervening period, the petitioner retained said legal counsel to represent them in this matter, and the petitioner's representative indicated their intention to make a one-month continuance request to the October 21<sup>st</sup> hearing date of Division III. Staff supports this request but likely would not be supportive of additional continuance requests by the petitioner.

**7/15/25:** This petition received an indecisive 1-2 vote at the June 17<sup>th</sup> hearing of Division III, and was therefore automatically continued to the July 15<sup>th</sup> hearing date. Staff has not changed their recommendation and would clarify that (a) available photography provided by Google Street View seems to show that no fence existed along the eastern or southern property lines between 2007 and 2023, and (b) that the site plan submitted along with the 1995 variance only showed placement of fencing along the northern yard (signified by X's) and the western property line (shorter chain link fence removed between 2011 and 2015 per Google Street View).

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW



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- 2360 Prospect Street is a corner lot site currently developed with an automobile sales operation on the eastern half of the site closest to the intersection of Prospect Street and Keystone Avenue. Surrounding land uses include residences to the north, commercial uses on other sides, and a connector to the Pleasant Run Greenway to the east. The vehicle sales use was allowed by the petition 95-UV3-65, subject to a site plan which only showed fencing within the northern yard.
- Between August 2022 and July 2023, new fencing was added to the western, eastern, and southern yards of the property. The property is now fully enclosed by fencing except for two (2) electric gates to allow for vehicle access from the southern and eastern front yards. The new portions of fence are around 6-feet in height and are constructed from chain link material. Per the applicant, the previously existing portions of fence to the north are 8-feet in height (maximum of 10 feet allowed within the northern side yard).
- The recently installed sections of fence would require several variances in order to be legally established: (a) the fence height of six (6) feet exceeds the maximum of 3.5 feet allowed for fences within front yards in C-4 zoning; (b) the Ordinance prohibits chain link fencing within front yards for commercial districts; and (c) the fence encroaches into multiple clear-sight triangles created by the intersection of two primary arterials, the intersection of the northern alley and Keystone Avenue, and the intersection of the southern driveway and Prospect Street (see diagram within Exhibits).
- VIO23-005132 was opened at this property in July of 2023, and lists nine separate zoning violations (see full text within Exhibits). Approval of this variance is limited just to the height and material of the recent fencing and its encroachment into required clear-sight triangles. This variance request would not allow from relief from the other standards mentioned within the Notice of Violation (i.e. placement of banner signage, required dumpster enclosure, clearly painted lines for parking areas, outdoor storage of vehicle parts, etc.).
- Additionally, the 1995 Use Variance petition allowing the site to function as an automobile sales operation was subject to a submitted site and landscape plan which indicated placement of landscape strips with widths of 10 feet along both the Prospect and Keystone frontages as well as placement of trees along each frontage. The current site does not match this layout, and regardless of the result of the request for additional fencing, the owner would need to either bring the site into compliance or have a modification petition approved for the use to legally continue.
- This site is zoned C-4 (Community-Regional) to allow for the development of major business grouping and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. The ordinance specifies that even small freestanding uses within C-4 should have excellent access from major thoroughfares. The portion of the site containing the auto sales use and fence is also recommended for Community Commercial uses by the Marion County Land Use Plan Pattern Book.
- The Indianapolis Zoning Ordinance prescribes height and material limitations for fences to maintain visibility, orderly development, and the appearance of open space while also allowing

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for reasonable privacy. Additionally, restrictions on visual obstructions within required clear-sight triangle areas allow for pedestrians and motorists to safely navigate around street corners.

- Staff does not feel that the Findings of Fact provided by the applicant identify any site-specific practical difficulty to justify a 71% increase in height over Ordinance requirements. Additionally, this property is directly bordered by both a bike lane to the south and a greenway connection to the east, and is within a mile of a Cultural Trail connection within the Fountain Square neighborhood to the west. Placement of fencing that would impede the view of pedestrians or cyclists attempting to navigate in an area with increasing walkability would be inappropriate both for the existing context at this intersection and for the Ordinance vision of vibrant and welcoming storefronts that don't impede site access for customers. Staff recommends denial of each request.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-4	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Community Commercial / Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-5 / I-3	North: Residential
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	D-8	West: Residential
<b>Thoroughfare Plan</b>		
Prospect Street	Primary Arterial	56-foot right-of-way existing and 56-foot right-of-way proposed
Keystone Avenue	Primary Arterial	50-foot right-of-way existing and 56-foot right-of-way proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	04/05/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	04/05/2025	
<b>Findings of Fact (Amended)</b>	N/A	



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## **COMPREHENSIVE PLAN ANALYSIS**

### **Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

### **Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends the eastern portion of this property where the fence is placed for the Community Commercial working typology to allow for low-intensity commercial and office uses that serve nearby neighborhoods. The western portion of the property is recommended for the Traditional Neighborhood living typology.

### **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.



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## ZONING HISTORY

### ZONING HISTORY – SITE

**2024DV3005**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall perimeter chain link fence within the required clear-sight triangular area (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, encroachment into the clear-sight triangle not permitted), **dismissed for lack of payment**.

**95-UV3-65**, variance of use of the Commercial Zoning Ordinance to legally establish a used automobile sales operation (not permitted), with a 10 foot landscape strip along both Prospect Street and Keystone Avenue, **approved**.

### ZONING HISTORY – VICINITY

**2021CVR807 ; 2326 Prospect Street (west of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with an 18-foot front setback from Prospect Street (25-foot front setback required), **approved**.

**2011CVR815 ; 2401 Prospect Street (southeast of site)**, Variance of development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for the construction of a 3,502-square foot convenience store / gasoline station, (a) with a 10-foot east side transitional setback for the building and parking lot (20-foot transitional setback required), (b) with a canopy having a 64-foot setback from the centerline of Prospect Street and a 55.5-foot setback from the centerline of Keystone Avenue (70-foot setback from the centerline required), (c) with carryout food service within ten feet of a protected district (100-foot separation required), and (d) with two pylons signs within eight feet of a protected district to the east and south (50-foot side setback required for freestanding signs), **approved**.

**2010CVR805 ; 1035 S Keystone Avenue (northeast of site)**, Special Exception and variance of development standards of the Industrial Zoning Ordinance to provide for an automobile crushing business, (a) with a 10-foot tall wood privacy fence, a storage area for crushed automobiles and vehicle parking, with a one-foot setback, without landscaping, from Keystone Avenue (100-foot front setback from the centerline of Keystone Avenue, with landscaping, required), and (b) with existing buildings with one and five-foot south side setbacks, without landscaping (20-foot side setback, with landscaping required), **approved**.

**2004UV3036 ; 2347 Prospect Street (south of site)**, variance of use of the Commercial Zoning Ordinance to legally establish a 1,082-square foot single-family dwelling with a 72-square foot front porch (not permitted), **approved**.

**98-NC-25 ; 2332 Prospect Street (west of site)**, legally establish nonconforming use of 5 apartments within C-4 zoning, **denied**.

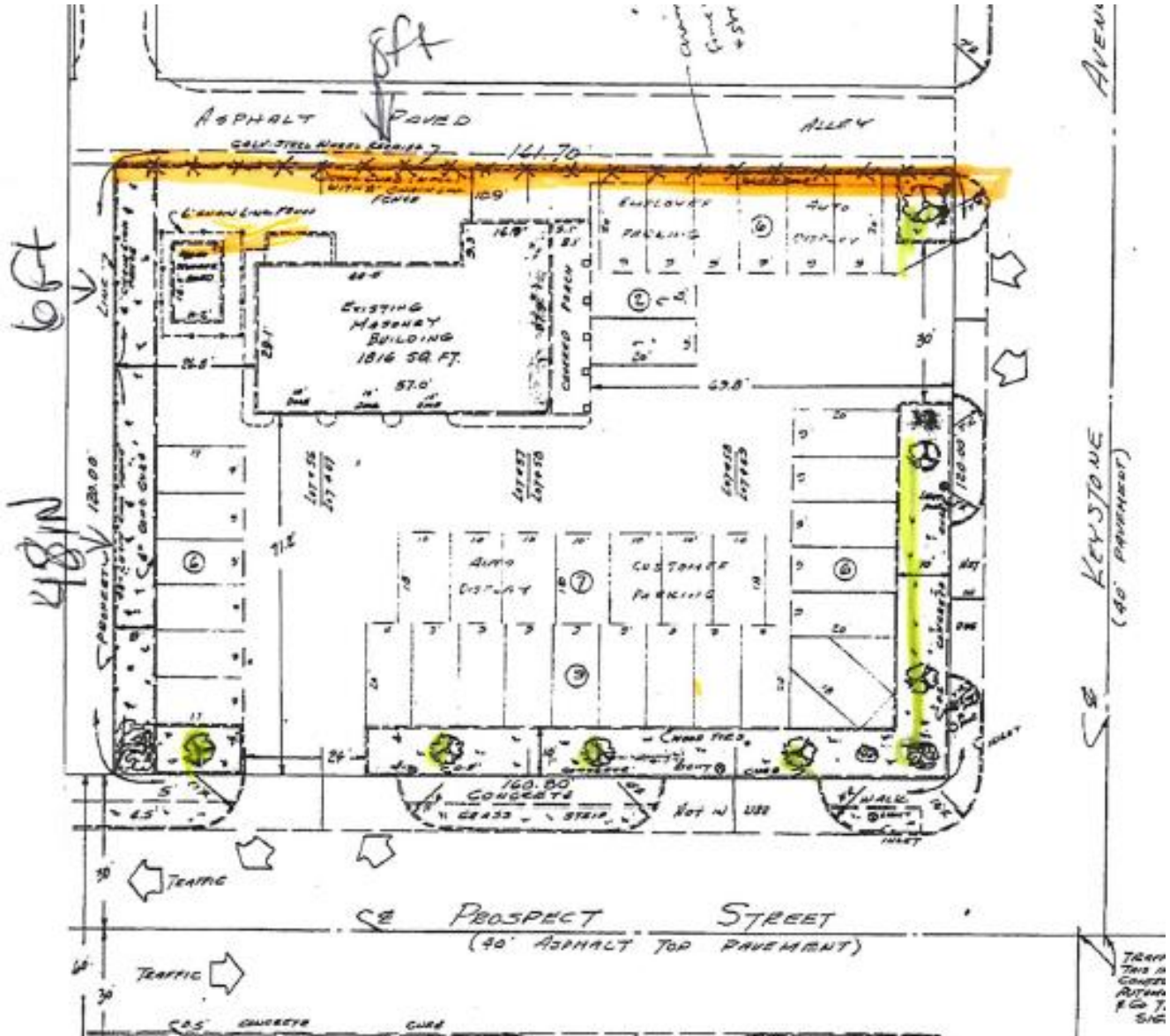


EXHIBITS

2025DV3016 ; Aerial Map



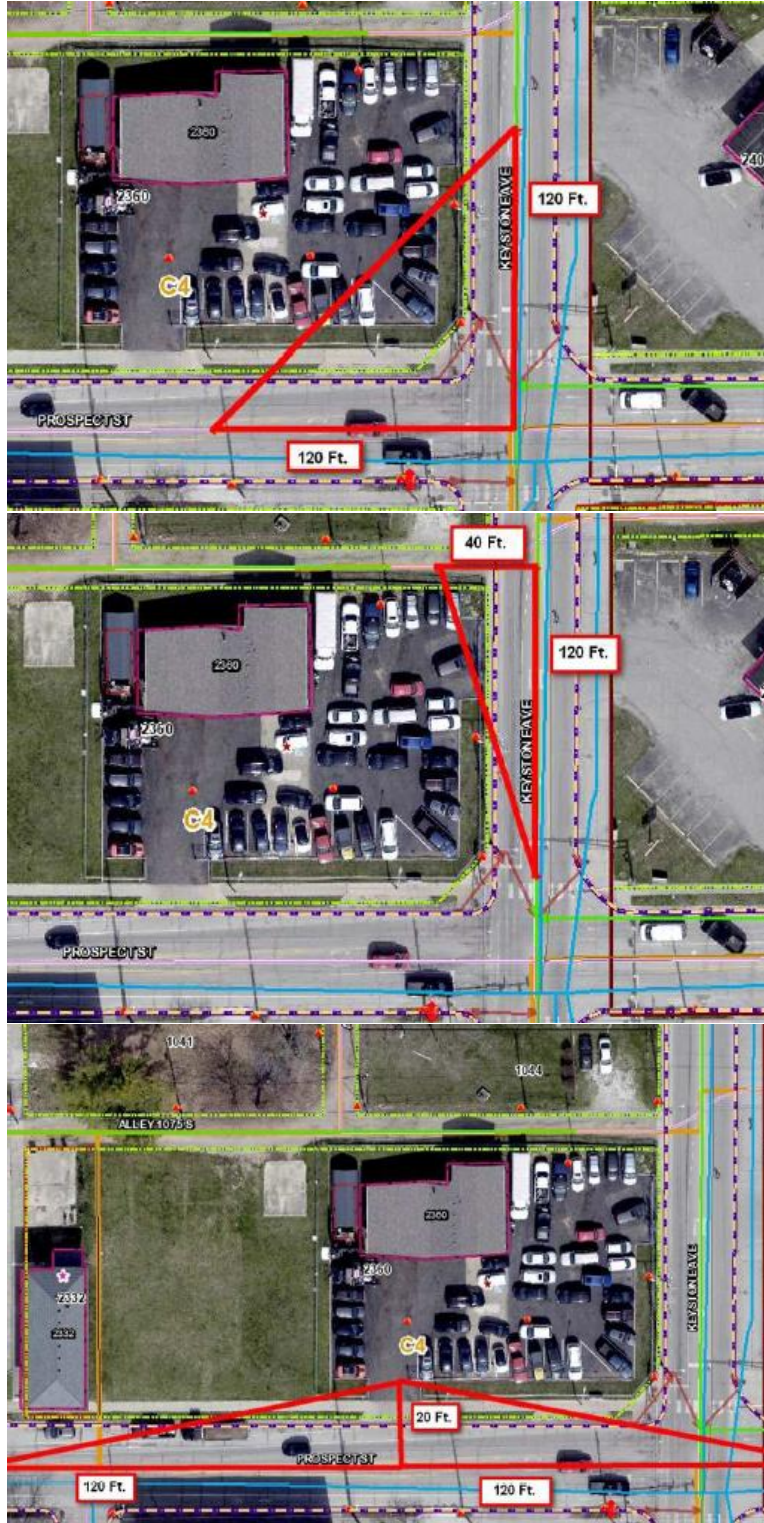
**2025DV3016 ; Site Plan**



(note: all portions of the current front-yard fence appear to have been installed at a height of around 6 feet or 72 inches; not 48 inches as the site plan indicates. Additionally, landscape plantings shown on this site plan that were a condition for approval of 95-UV3-65 do not currently exist)



**2025DV3016 ; Clear Sight Triangle Encroachments**





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**2025DV3016 ; Notice of Violation (VIO23-005132)**

**Section 740 -1005.A.1. Civil Zoning Violation**

**Specific Violation:** The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-903.G.5. - Portable signs are prohibited...banners).

**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, brake parts, and other miscellaneous vehicle parts throughout the property).

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

**Specific Violation:** Failure to comply with the use-specific standards and zoning district development standards for the C-4 district; (740-304. - No obstructions shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5ft. and 8ft. above grade level of the adjoining right-of-way within a Clear Sight Triangular Area...chain link fence).

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

**Specific Violation:** Failure to comply with the use-specific standards and zoning district development standards for the C-4 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard).

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

**Specific Violation:** Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-404.D.7.a. - The parking spaces lack 4 inch durable painted lines, curbs or signage).

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

**Specific Violation:** Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-508.B.1.a. - Failure to enclose dumpster with a solid wall at least the height of the service area on 3 sides with the 4th side having a solid gate).

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

**Specific Violation:** Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (Table 744-402-2: - Failure to provide the required ADA parking... 1 handicap parking space is required).

**Section 740 -1005.A.9. Civil Zoning Violation**

**Specific Violation:** The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (740-1005.A.9 - The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant #95-UV3-65 decision letter; specifically, a 10 foot landscaping strip along both Prospect Street and Keystone Avenue).

**Section 740 -1005.A.9. Civil Zoning Violation**

**Specific Violation:** The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (740-1005.A.9 - The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant #95-UV3-65 site plan; specifically, the parking spaces lack durable painted lines, curbs or signage indicated in the approved site plan and missing landscaping).



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**2025DV3016 ; Findings of Fact**

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

it was already approved for a fence at 48" and a 60" will be better for the line of site than a 4' fence

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:

they are empty lots which i own and there is asn alley behind me whitch was already approved for an 8' fence

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

i can not keep my lot secure with the 4' fence there are homeless all around me resulting in many problems with keeping my lot secure



**2025DV3016 ; Photographs**



Photo 1: Subject Site Viewed from South (March 2024)



Photo 2: Subject Site Viewed from South (August 2019)

**2025DV3016 ; Photographs (continued)**



Photo 3: Subject Site Viewed from East (March 2024)



Photo 4: Subject Site Viewed from East (August 2019)



**2025DV3016 ; Photographs (continued)**



Photo 5: Subject Site Viewed from Southeast (March 2025)



Photo 6: Subject Site Viewed from West (March 2024)

**2025DV3016 ; Photographs (continued)**



Photo 7: Prospect/Keystone Clear-Sight Area Viewed from Southwest (January 2025)



Photo 8: Prospect/Keystone Clear-Sight Area Viewed from Northeast (January 2025)



**2025DV3016 ; Photographs (continued)**



Photo 9: Fence from Prospect Driveway Looking East (January 2025)



Photo 10: Fence from Prospect Driveway Looking West (January 2025)



**2025DV3016 ; Photographs (continued)**



Photo 11: Northern Alley and Older Fence (March 2024)



Photo 12: Adjacent Property to East (March 2024)



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**BOARD OF ZONING APPEALS DIVISION III**

**September 16, 2025**

**Case Number:** 2025-DV3-020 (Amended)

**Property Address:** 4102 Madison Avenue (approximate address)

**Location:** Perry Township, Council District #23

**Petitioner:** Sanchez Family Inc., by Kevin Lawrence

**Current Zoning:** C-4 (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishment with a covered porch within the right-of-way of Castle Avenue (not permitted), deficient landscaping, reduced off-street parking, with parking spaces and maneuverability within the right-of-way of Madison Avenue (15 spaces required, parking spaces and maneuverability within street rights-of-way not permitted).

**Current Land Use:** Commercial

**Staff Recommendations:** N/A

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- This petition was automatically continued from the June 17, 2025 hearing to the July 15, 2025 BZA Division III hearing.
- The petition was required to be continued to insufficient notice to the August 19, 2025 BZA Division III hearing.
- This petition was continued to the September 16, 2025 BZA Division III hearing with new notice.
- The petitioner and Staff have agreed to a continuance to the October 21, 2025 hearing to allow for additional revisions to be made.



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**BOARD OF ZONING APPEALS DIVISION III**

**September 16, 2025**

**Case Number:** 2025-DV3-028  
**Address:** 1305 Lichtenburg Road (approximate address)  
**Location:** Warren Township, Council District #20  
**Zoning:** D-A  
**Petitioner:** Lisa Latham, by David Gilman  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 1,890- square-foot detached accessory structure, with a larger footprint and five-feet taller than the primary building (accessory structures must be smaller and shorter than primary building).

**Current Land Use:** Single Family Dwelling

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

Staff is requesting that this petition be **continued to the October 21, 2025**, hearing, to allow time for the petitioner to submit additional information to the file for Staff to consider.



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**BOARD OF ZONING APPEALS DIVISION III**

**September 16, 2025**

**Case Number:** 2025-DV3-029

**Property Address:** 8600 Madison Avenue (approximate address)

**Location:** Perry Township, Council District #23

**Petitioner:** Francis Michael Laux, by Justin and David Kingen

**Current Zoning:** C-3 / C-1 (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building encroaching 35 feet within a Category Two Stream Protection Corridor and a parking area within an easement (encroachment of stream protection corridors and easements not permitted).

**Current Land Use:** Vacant

**Staff Recommendations:** N/A

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- The petitioner is requesting a continuance to the October 21, 2025 BZA Division III hearing, without new notice.



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**BOARD OF ZONING APPEALS DIVISION III**

**September 16, 2025**

**Case Number:** 2025-DV3-031 (Amended)

**Property Address:** 143 Washington Pointe Drive (approximate address)

**Location:** Warren Township, Council District #20

**Petitioner:** Net Lease Properties, by Timothy Ochs and Jennifer Milliken, Ice Miller LLP

**Current Zoning:** C-4 (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishing and associated drive-through with a front building line of 17% along Washington Street (80 percent required) and a parking area containing 10 vehicle spaces (maximum 5 spaces permitted).

**Current Land Use:** Vacant Commercial

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

During review of the petition, it came to staff's attention that the language of the variance request would need to be amended to reflect the FBL width of the primary building as proposed to be 17% instead of 34.4%. This would result in an intensification of the request requiring the mailing of new notice and a continuance to the October 21<sup>st</sup> hearing date of Division III.



## BOARD OF ZONING APPEALS DIVISION III

September 16, 2025

**Case Number:** 2025-MO3-001  
**Address:** 8455 US 31 (approximate address)  
**Location:** Perry Township, Council District #23  
**Zoning:** C-5  
**Petitioner:** Rohrman Family Realty LP., by Ed Williams  
**Request:** Modification of the grant of 2014-DV3-017, to update compliance of the filed elevation to one file-dated August 1, 2025.

**Current Land Use:** Retail Automobile Sales Center

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

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

## PETITION HISTORY

This is the first hearing for this petition.

## STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

## PETITION OVERVIEW

### HISTORY

- ◇ On June 17, 2014, petition 2014-DV3-017, was granted approval for a Variance of Development Standards of the Sign Regulations to provide for a 30-foot tall, 1900-square foot freestanding sign. Approval was subject to the sign elevation file dated May 7, 2014.

### MODIFICATION REQUEST

- ◇ The petitioner requests to modify the previous approved sign elevation of sign variance (2014-DV3-017). The proposed sign elevation primarily changes the color orientation for the existing sign, from white and blue, to blue and white, and adds an aluminum pedestal base covered in aluminum, as seen in the included sign elevations.
- ◇ As these changes are minimal, and appear have no effect on surrounding property owners, or the original variance, Staff does recommend approval of the request.





Department of Metropolitan Development  
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## GENERAL INFORMATION

<b>Existing Zoning</b>	C-5										
<b>Existing Land Use</b>	Commercial Automotive Sales Center										
<b>Comprehensive Plan</b>	Heavy Commercial										
<b>Surrounding Context</b>	<table> <tr> <th><u>Zoning</u></th><th><u>Surrounding Context</u></th></tr> <tr> <td>North: C-5</td><td>Commercial Automotive Sales Center</td></tr> <tr> <td>South: D-3</td><td>Commercial Retail Center</td></tr> <tr> <td>East: D-5</td><td>Single-family dwellings</td></tr> <tr> <td>West: C-5</td><td>Commercial Automotive Sales Center</td></tr> </table>	<u>Zoning</u>	<u>Surrounding Context</u>	North: C-5	Commercial Automotive Sales Center	South: D-3	Commercial Retail Center	East: D-5	Single-family dwellings	West: C-5	Commercial Automotive Sales Center
<u>Zoning</u>	<u>Surrounding Context</u>										
North: C-5	Commercial Automotive Sales Center										
South: D-3	Commercial Retail Center										
East: D-5	Single-family dwellings										
West: C-5	Commercial Automotive Sales Center										
<b>Thoroughfare Plan</b>											
US 31 South	Primary Arterial 141-foot existing and proposed right-of-way										
<b>Context Area</b>	Metro Area										
<b>Floodway / Floodway Fringe</b>	No										
<b>Overlay</b>	N/A										
<b>Wellfield Protection Area</b>	N/A										
<b>Site Plan</b>	August 1, 2025										
<b>Plan of Operation</b>	N/A										
<b>Landscape Plan</b>	N/A										
<b>Findings of Fact</b>	August 1, 2025										

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Heavy Commercial uses for the site.

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Heavy Commercial typology which provides for consumer oriented general commercial, and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of goods. Examples include vehicle sales and commercial lumber yards.

### 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



Department of Metropolitan Development  
Division of Planning  
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- Not Applicable to the Site.

### Indy Moves

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

- Not Applicable to the Site.

## ZONING HISTORY

**2014-DV3-017, 8455 US 31 South (subject site);** Requesting a Variance of Development Standards of the Sign Regulations to provide for a 30-foot tall, 100-square foot freestanding sign, being approximately 200 feet from a freestanding sign to the north and being the fifth sign within an integrated center, along the approximately 1,300-foot frontage of US 31 South, and to legally establish an approximately five-foot tall, 11-square foot directional sign, interior to the site, facing US 31 South, **granted.**

**2013-ZON-032, 8545 US 31 South (south of site);** Requesting a Rezoning of 0.469 acre from the C-1 District to the C-3 classification to provide for retail uses, approved.

**2010-DV1-017, 8420 US 31 South (north of site);** Requesting a Variance of Development Standards of the Sign Regulations to provide for a freestanding sign without the required separation of signs, **denied.**

**2008-DV1-051, 8215 US 31 South (north of site);** Requesting a Variance of Development Standards of the Sign Regulations to provide for a freestanding sign with a reduced front setback from US 31 South, **granted.**

**2000-ZON-125, 8251 US 31 South (north of site);** Requesting Rezoning of 5.3 acres from the C-4 District to the C-5 classification for commercial development, approved.

**2000-ZON-105; 8251 US Highway 31 (north of site);** Requesting Rezoning of 5.3 acres, being in the C-3 District, to the C-5 classification, **granted.**

**2000-ZON-096, 8545 US 31 South (south of site);** Requesting a Rezoning of 0.469 acre from the D-3 District to the C-1 classification to provide for offices uses, approved.

**2000-ZON-062, 8605 and 8617 US 31 South (south of site);** Requesting Rezoning of 0.9 care from the D-3 District to the C-1 classification to provide for office uses, **approved.**

**93-Z-73 / 93-CV-9, 8055 South U.S. 31 (north of site);** Requesting a Rezoning of 3.1 acres from the C-4 District to the C-5 classification, **granted.**

**89-Z-35, 8320 South U.S. 31 (north of site),** Requesting a Rezoning of 2.29 acres from the A-2 (FP) District to the C-5 classification for commercial development, **approved.**

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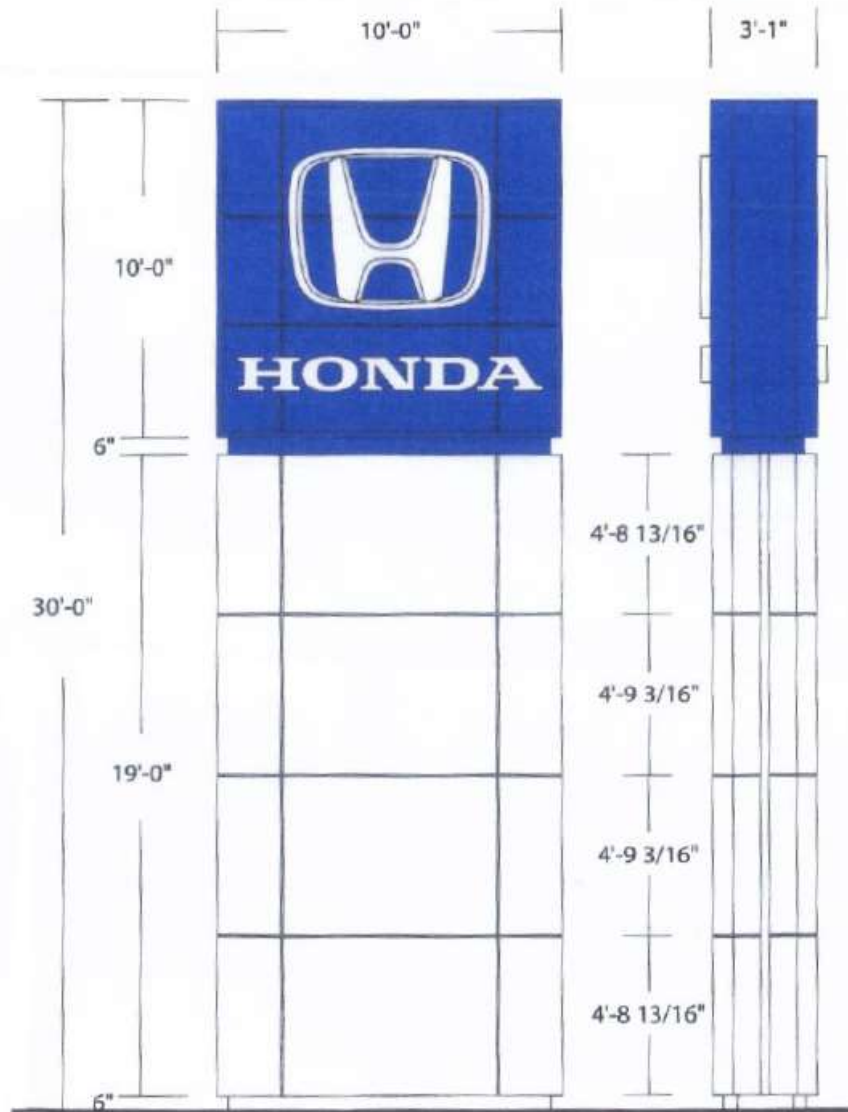
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Sign Elevation Approved with 2014-DV3-017

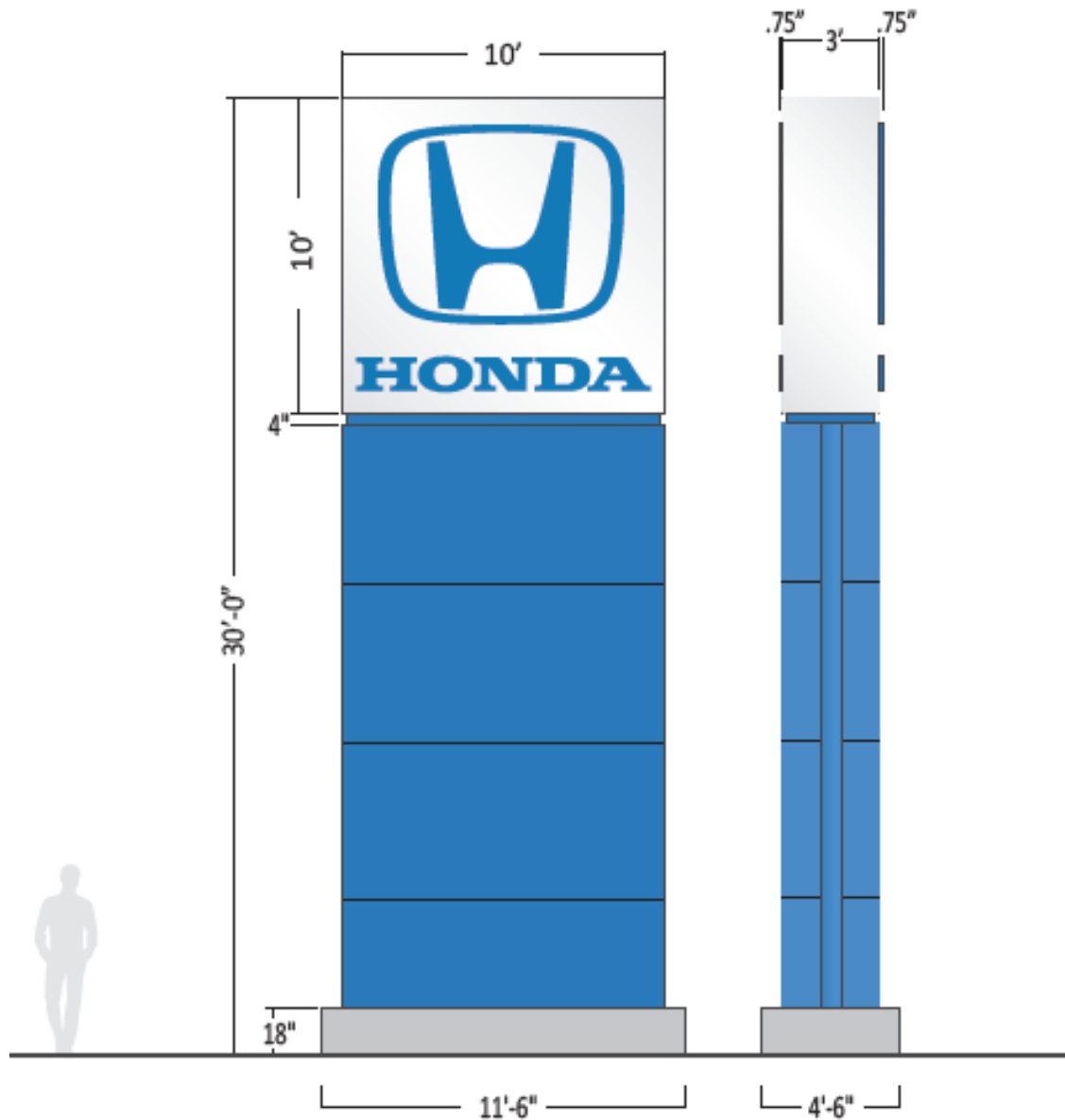
**Previously Approved Elevation 2014-DV3-017**



### Proposed Sign Elevation Changes

**Proposed Modifications:**

- Colors of sign elements reversed
- 18" aluminum pedestal covering existing base
- Decreased spacing between sign face and pole cover







Department of Metropolitan Development  
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**Findings of Fact 2025-MO2-001**

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

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

**PETITION FOR 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 size and location of the proposed signs will be consistent with the sign previously approved by the Board and has therefore already been determined to present no threats to the public health, safety, morals and general welfare of the community.

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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 Board has already determined that the use and value of adjacent properties are not adversely affected by the sign. The proposed sign retains the integrity of the previously approved sign. It maintains the same location, height, and sign area as previously approved with only minor design modifications.

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

The Board has already determined that the strict application of the ordinance results in practical difficulties in the use of the property.

Since the proposed sign contains only minor design modifications while maintaining the same location, height, and sign area, those practical difficulties still apply.

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**Photographs**



Subject site, looking east.



Subject site, existing sign looking south.



Subject site, existing sign looking north.



Adjacent commercial to the north





Adjacent commercial to the west, looking northwest.



Adjacent commercial to the south.



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BOARD OF ZONING APPEALS DIVISION III

September 16, 2025

**Case Number:** 2025-UV3-021

**Property Address:** 4038 & 4040 Otterbein Avenue (approximate address)

**Location:** Perry Township, Council District #23

**Petitioner:** Robert Lopez, by Anthony S. Ridolfo

**Current Zoning:** D-4 (TOD)

**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,172 square foot second primary building with a 3.5-foot western side yard setback and a six-foot rear yard setback (one primary building permitted per lot, four-foot side, 20-foot rear yard setbacks required).

**Current Land Use:** Residential

**Staff Recommendations:** Staff **recommends approval** of this petition, subject to the revised site plan, file-dated July 28, 2025 and the floor plan, file-dated August 15, 2025.

**Staff Reviewer:** Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff **recommends approval** of this petition, subject to the revised site plan file-dated July 28, 2025, and the floor plan, file-dated August 15, 2025.

PETITION OVERVIEW

- This petition would allow for a second primary building with a 3.5-foot western side yard setback and a six-foot rear yard setback (one primary building permitted per lot, four-foot side, 20-foot rear yard setbacks required).
- The subject site is two (2) parcels, zoned D-4, and is improved with two (2) separate primary buildings. The original primary building, which is located on the corner of Otterbein Avenue and Windermire Street, was built in approximately 1923, according to the property card. This structure was built on top of the lot line separating the parcels, according to the original plat and available Sanborn and Baist maps. The second structure was built around 1953, according to available imagery, and is located entirely on 4040 Otterbein Avenue.
- The original site plan indicated that the structure is approximately 1172 square feet. The amended site plan indicates that the structure is 727 square feet and the floor plan indicates that the residential

**Department of Metropolitan Development  
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Current Planning**

unit itself is approximately 701 square feet. While this is under the 720 square feet limit to be classified as a Secondary Dwelling unit, Staff still considers this to be a second primary structure for the following reasons: 1). the structure was built and intended to be its own residence, not clearly secondary to the original residence and, 2). the design and form of the structure contains features of and emulates a primary residence such as the front porch and its own driveway. Staff would note that this development predates the relevant standards for Secondary Dwelling units, and that, while not a common or advisable development pattern, Staff believes that the requested variances are the most appropriate manner in which to legalize the structure. Further, while the development contains two (2) primary structures on one (1) parcel, the lot itself is two (2) parcels with the original structure located on both parcels and the second structure located entirely on one (1) parcel. Therefore, with the two (2) parcels containing two (2) residential structures in total, Staff does not find to development to be overdevelopment of the site. Therefore, Staff is supportive of the request, subject to the revised site plan, file-dated July 28, 2025 and the floor plan, file-dated August 15, 2025. Staff **would not** be supportive of any future additions/expansions to the second primary structure.

- Staff would note that the approval recommendation for this petition is not an indication that Staff would be supportive of other requests for a two primary structures on a parcel, as Staff finds this to be a unique situation where the original structure was placed on top of the side lot line, and both structures predate the Zoning Ordinance.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-4 (TOD)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	UQ-1	North: University
South:	D-4	South: Residential
East:	UQ-1	East: University
West:	D-4	West: Residential
<b>Thoroughfare Plan</b>		
Otterbein Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
Windermire Street	Local Street	50 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes, Transit-Oriented Development	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	7/7/25	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	



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<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	7/28/25
<b>Findings of Fact (Amended)</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Traditional Neighborhood typology for this site.

### 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

- With regarding to additional buildings, the Infill Housing Guidelines recommends:
  - Do not overshadow primary buildings
  - Reinforce existing spacing on the block

### Indy Moves

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE





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

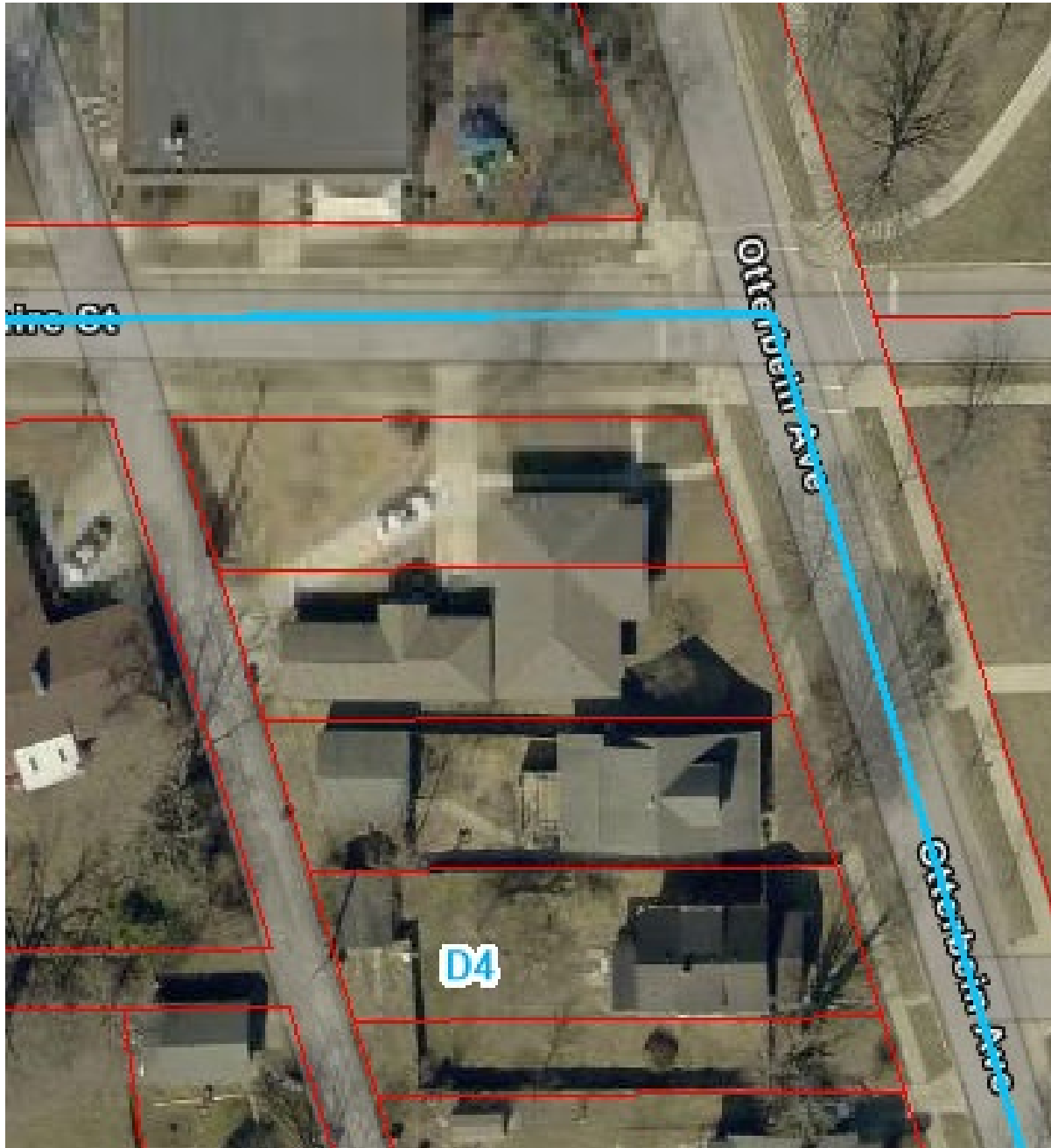
N/A

**ZONING HISTORY – VICINITY**

**2017UV3002; 4021 Otterbein Avenue (east of site),** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for offices and training rooms for the Indianapolis Neighborhood Housing Partnership in the existing Stierwalt Alumni House (not permitted), and to allow the grant of this variance to satisfy the requirement of filing an Approval petition for review and approval by the Metropolitan Development Commission, **approved.**

**2017-CZN-CAP-CVR-CVC-838; 4018 Bowman Avenue, 1227 and 1233 East Hanna Drive, 4002 Otterbein Avenue, 1218 and 1224 Windermire Street, 1402 1406, 1412, 1414, 1420, 1428, 1432, 1502, 1508, 1514, 1526 East Castle Avenue,** Rezoning of 4.7 acres from the D-4 and SU-1 districts to the UQ-1 classification. University Quarter-One Approval to provide for an academic training laboratory, with two wall signs at 4018 Bowman Avenue, and to provide for office, classroom, gathering places, collaboration space, meeting space, signs and a chapel for university departments and the SU-1 religious uses at 4002 Otterbein Avenue, and to provide for the expansion of an existing parking lot, with landscaping and illumination. Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the shared use by the Criminal Justice Education Lab of the University of Indianapolis and the Indianapolis-Marion County Forensic Services Agency to allow for combined training, simulation and testing purposes (non-university uses not permitted). Vacation of the first north-south alley west of Otterbein Avenue, being 15 feet wide, from the south right-of-way line of Hanna Avenue, 281.22 feet south to the north right-of-way line of Windermire Street. Vacation of the first east-west alley south of Hanna Avenue and north of Windermire Street, being 15 feet wide, from the west right-of-way line of the first north-south alley west of Otterbein Avenue, 320.25 feet west to the east right-of-way line of the first north-south alley east of Bowman Avenue. Vacation of the first east-west alley south of Windermire Street and north of Castle Avenue, being 15 feet wide, from the west right-of-way line of Matthews Avenue, 772.59 feet to the east right-of-way line of the first north-south alley east of Otterbein Avenue. Vacation of the first north-south alley east of Otterbein Avenue, being 15 feet wide, from the north right-of-way line of Castle Avenue, 156.71 feet to the north to the north line extended of the first east-west alley south of Windermire Street and north of Castle Avenue, **approved.**

EXHIBITS



Aerial Photo

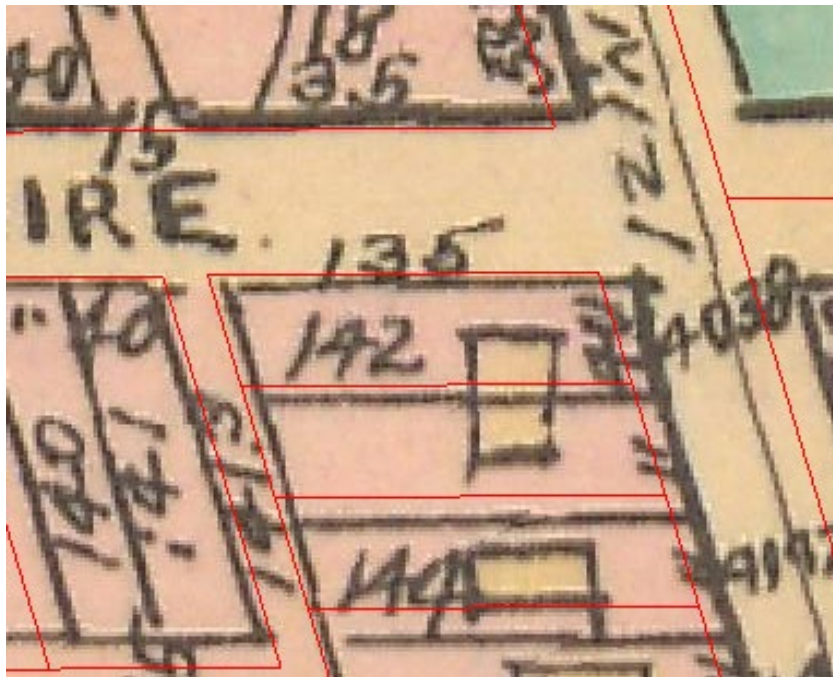


Zoomed in aerial photo

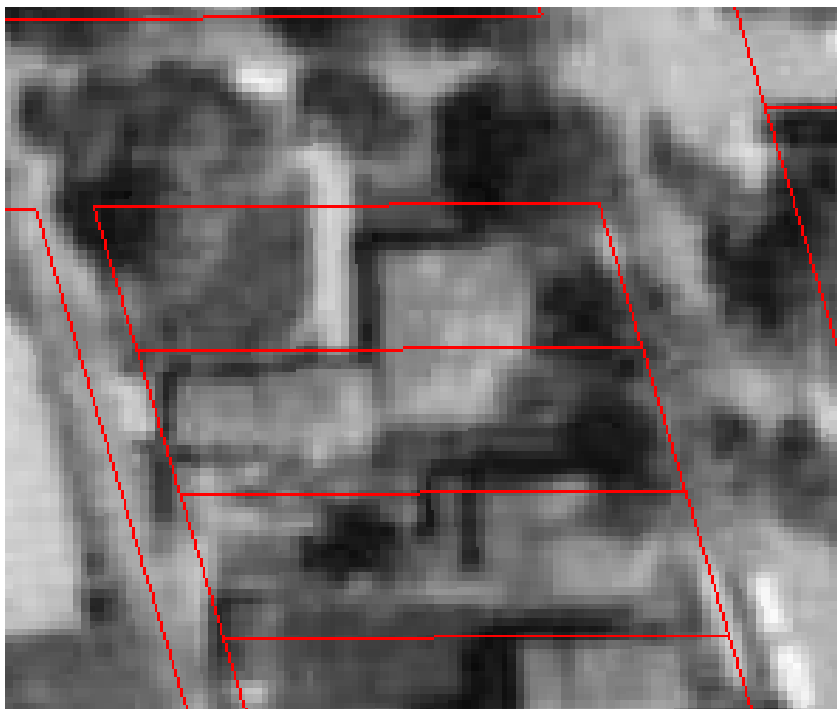


Original Plat showing two separate parcels (Russell was later renamed Windermire)





1941 Sanborn Map



1956 aerial photo, showing the second structure on 4040 Otterbein Ave



Address: 4038 & 4040 Otterbein Ave  
Indianapolis, IN 46227

Assessor's Parcel Number:  
LOT 144249-10-31-101-001.080-501  
LOT 14349-10-31-101-001.081-501

Parcel Area:  
LOT 142:0.12 Acres  
LOT 143:0.12 Acres

Land Use:  
Residential  
Single Family Residence

Zoning:  
LOT 142:ZO01  
LOT 143:ZO01

**Legal Description:**  
LOT 142: WILLIAM L ELDERS  
 UNIVERSITY HTS L142  
 LOT 143: WILLIAM L ELDERS  
 UNIVERSITY HTS L143

Subdivision:  
 LOT 142: /  
 LOT 143: /  
 Owner: LOPEZ, ROBERTA

Paper size & scale:  
8.5" x 11"; 1"=30'

Date: June, 2025

Site plan, file-dated July 7, 2025

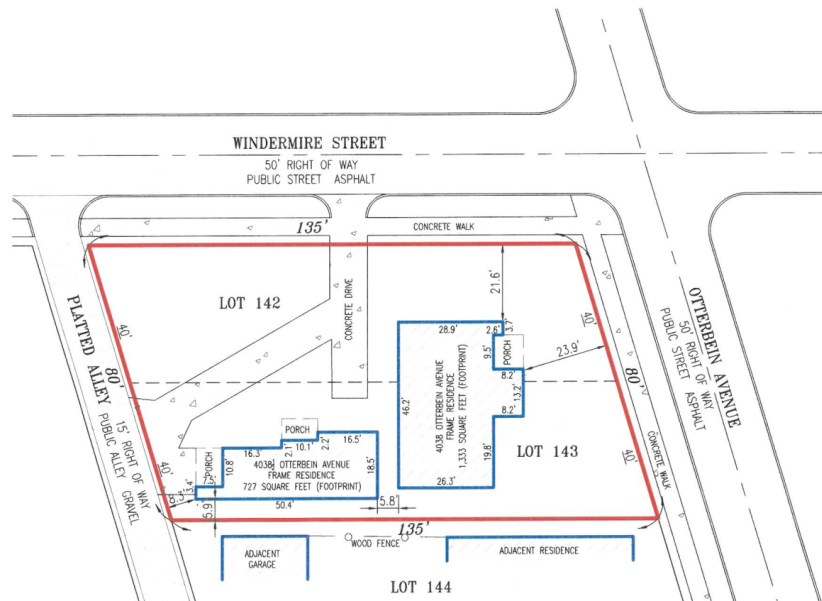
**AXIS**  
 SURVEYING, LLC

Complete Surveying Services for Commercial - Construction - Residential

(317) 841-1506 www.AXISIndy.com P.O. Box 30936 - Indianapolis, IN 46230

PROPERTY ADDRESS: 4038 Otterbein Avenue Indianapolis, Indiana

PROPERTY DESCRIPTION: Lot 142 and 143 in William L. Elder's University Heights Subdivision now in the City of Indianapolis, the plot of which is recorded in Plat Book 13, pages 104, 105 and 106, in the Office of the Recorder of Marion County, Indiana.



This Report is Designed For Use By A Title Insurance Company With Residential Loan Policies. No Corner Markers Were Set And The Location Data Hereon Is Based On Limited Accuracy Measurements.

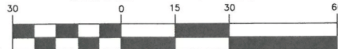
\*Note: Unless Otherwise Noted, No Substantial Physical Evidence Was Observed Along Perimeter Lines Of The Subject Tract.

DRAWING NO: 2-78207  
 DRAWN BY: R. STOHLER  
 CHECKED BY: E. SCOTTEN  
 ISSUE DATE: 07-22-2024

LEGEND:

BOUNDARY -   
 BUILDING - 

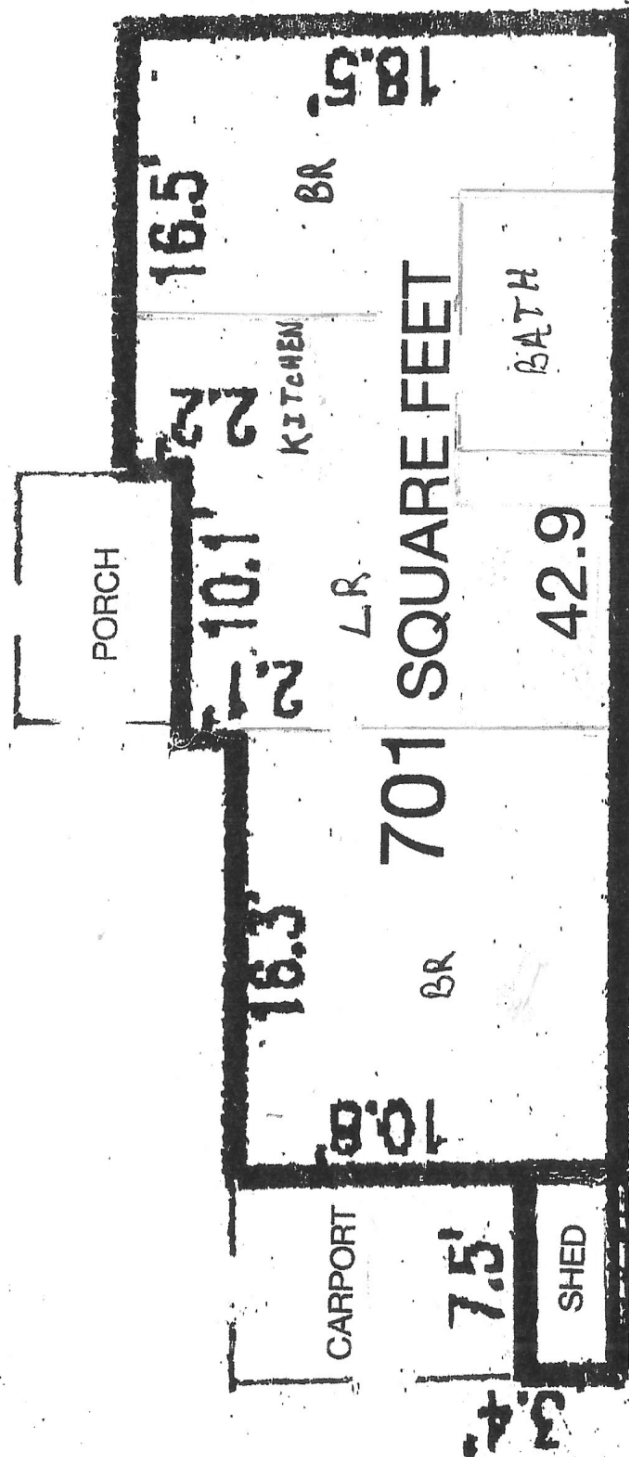
SCALE 1" = 30'



Revised site plan, file-dated July 28, 2025

4038 OTTERBEIN AVENUE

SECONDARY DWELLING



Floor plan, file-dated August 15, 2025





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

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

the proposed use will not create any adverse neighborhood impairments. The proposed use will be consistent with the surrounding area as many single family residences are within reasonably close proximity.

The proposed use allows for an additional residence to be inhabited, therefore increasing consumer expenditure in the immediate community and creating additional income for local businesses.

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

Approval of this petition and resulting variance will allow the existing property with a newly remodeled roof to operate as a primary dwelling unit available for rent. Therefore, it is reasonable to assume that the value of adjacent properties will only increase, as a residence with a newly remodeled roof is a substantial benefit to property value. The proposed use will not affect the current or future use of the adjacent properties.

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

upon information and belief, the subject property has been used as a secondary dwelling unit available to rent. The roof of the secondary dwelling unit became deteriorated, and, to prevent further damage, the roof was remodeled. The proposed use allows the secondary dwelling unit to become a primary dwelling unit and be rented without requiring the unnecessary destruction of a newly constructed roof or the dwelling owner to reside in either primary dwelling unit.

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 subject property cannot yield a reasonable return if used only for the allowed zoned purpose. Further, the subject property is located across the street from the University of Indianapolis, with the vast majority of tenants being students. The strict application of the zoning ordinance creates substantial limitations on the use of the subject property and the granting of this petition shall remedy that fact.

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

the proposed use maintains the traditional neighborhood classification of the subject property. The comprehensive plan explicitly states that secondary detached housing units are encouraged. Therefore, the grant of this petition will not interfere substantially with the comprehensive plan.

**DECISION**

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Subject site looking west



Subject site looking southwest





Subject site looking south



Subject site looking southeast





Looking east down Windermire Street



Looking west down Windermire Street





## BOARD OF ZONING APPEALS DIVISION III

September 16, 2025

**Case Number:** 2025-UV3-025 (Amended)  
**Address:** 3005 Carson Avenue (approximate address)  
**Location:** Perry Township, Council District #19  
**Zoning:** C-5 / C-1 (TOD)  
**Petitioner:** Star Group Investments LLC, by Raymond A. Basile  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a monument sign and canopy sign, both containing digital display within 100 feet and 40 feet from a protected district, respectively (digital display not permitted within 400 feet of protected districts), with the monument sign maintaining a 2.5-foot setback from Troy Avenue (five feet required).

**Current Land Use:** Automotive Fueling Station

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

## PETITION HISTORY

This is the first time this petition has been heard.

This petition was amended from the portion of the original legal notice that requested to provide for the erection of a pole sign with a digital display within 100 feet from a protected district, with the pole sign maintaining a 2.5-foot setback from Troy Avenue.

The new request would remove the pole sign, and replace it with a monument sign instead, with the same digital display, same 100-foot separation from a protected district, and the same 2.5-foot setback from Troy Avenue. No new notice would be required as the amended request was less of a deviation than the original published legal notice.

## STAFF RECOMMENDATION

Staff recommends **approval of the request as amended.**

## PETITION OVERVIEW

- ◇ The Sign Regulations “facilitate an easy and agreeable communication between people...and serve an important function.” The purpose of the Sign Regulations is to “eliminate potential hazards to motorists, and pedestrians; to encourage signs which, by their good design, are integrated with and harmonious to the buildings and site which they occupy; and which eliminate excessive and confusing sign displays.” Proliferation of signs causes those signs that are permitted and legal to become less effective and reduces their value. Additionally, the Sign Regulations preserve and improve the appearance of the City as a place in which to live and work.



Department of Metropolitan Development  
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- ◇ The digital component of the monument sign and the canopy sign would be static for pricing only and would not contain an electronic variable message component. Therefore, any light and glare that is produced by the sign would be limited in scale and contain pricing information only.
- ◇ The requested monument sign would be smaller in scale than the original proposed pole sign and less intrusive to the adjoining protected district. In addition, the reduced height, and sign orientation to the east and west would also direct the sign display away from the protected district to the north.
- ◇ The 2.5-foot requested setback for the monument sign, is in relation to the placement of the building as the building was placed close to the sidewalk edge. Therefore, placing the sign at the five-foot setback, would partially obscure it behind a portion of the building making it irrelevant.
- ◇ The granting of this amended request would be a minor deviation in Staff's opinion and would not have any negative impact on surrounding properties.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-5 / C-1	
<b>Existing Land Use</b>	Automotive Fueling Station / Convenience Store	
<b>Comprehensive Plan</b>	Village Mixed Uses / Traditional Neighborhood	
<b>Overlay</b>	Transit Oriented Development	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: SU-2	School
	South: C-5	Undeveloped
	East: C-1	Single Family Dwellings
	West: C-5	Automotive Sales
<b>Thoroughfare Plan</b>		
	Carson Avenue	Primary Arterial 130-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	July 25, 2025	
<b>Elevations</b>	July 25, 2025	
<b>Commitments</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	July 25, 2025	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Village Mixed Use for the site.



### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Village Mixed Use typology for the portion of the site where the signs are to be located. This typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

### 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

**98-DV1-5; 1202 East Troy Avenue (north of site)**, requested a variance of Development Standards of the Sign Regulations to provide for the placement of an illuminated pylon sign with a reader board, being nine-feet in height, and being five by ten feet in size, **granted**.

**RU**

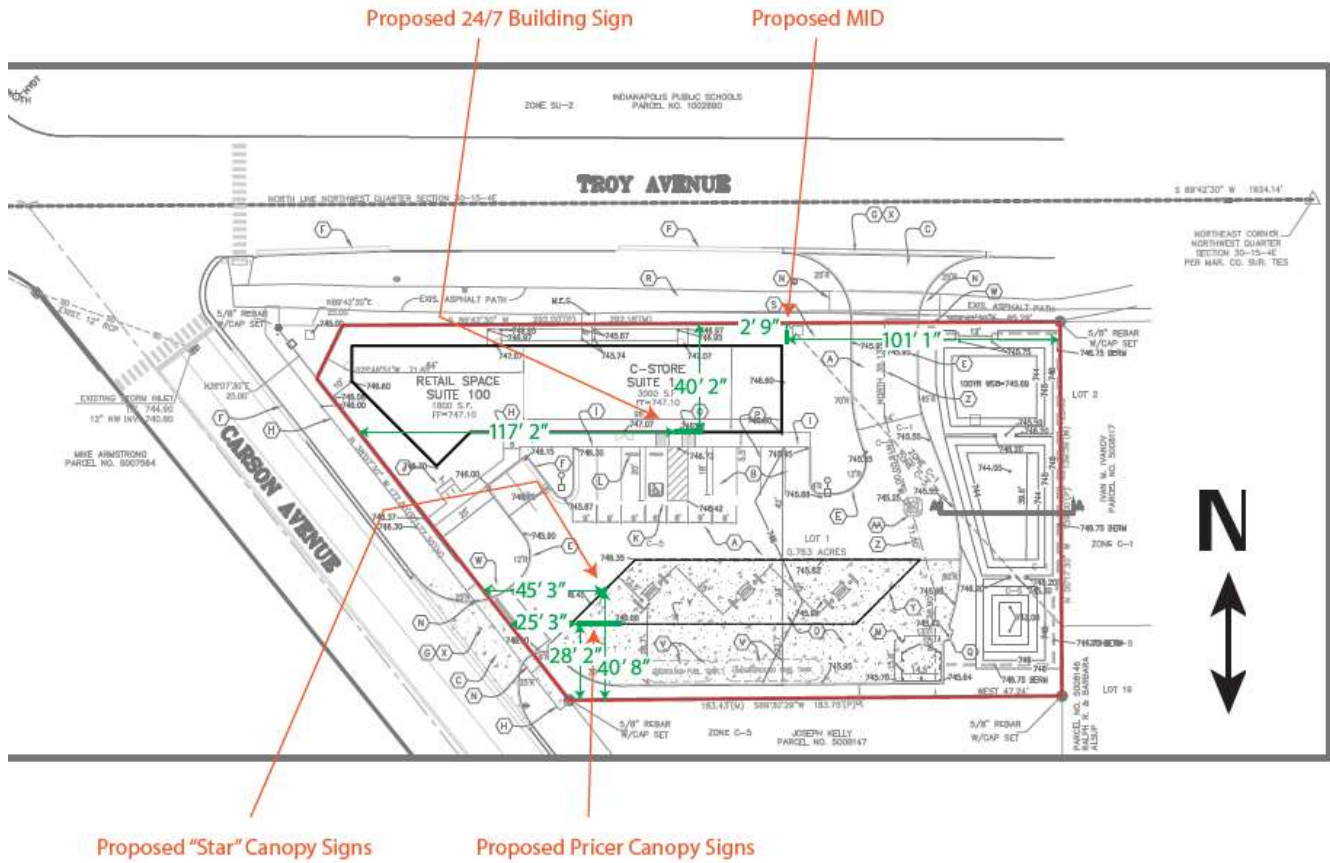
## EXHIBITS

### Location Map





Site Plan

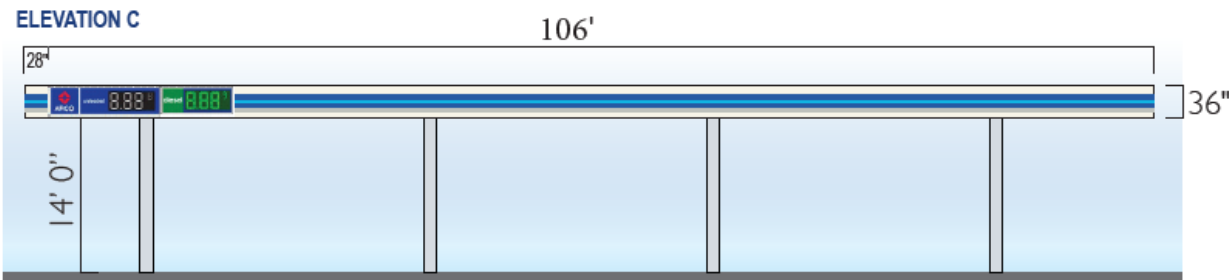
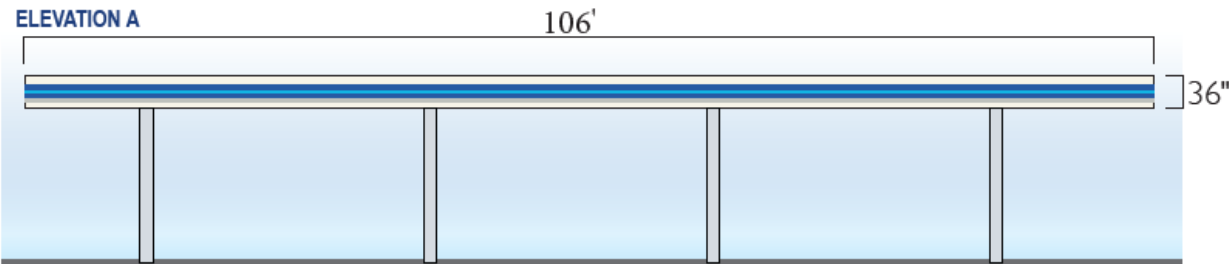


Sign Elevations



Day View

Canopy Elevations





## Findings of Fact

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

**FINDINGS OF FACT FOR PETITION FOR  
VARIANCE OF DEVELOPMENT AT 3001 CARSON AVENUE**

**General Welfare:** The grant will not be injurious to the public health, safety, morals and general welfare of the community. The proposed illuminated LED signs will comply with all sizing and other restrictions set forth in the Indianapolis Zoning Ordinance except that (a) they would, without a variance, violate Section 744-907(C)(1) which prohibits illuminated digital signs within 600' of a Protected District if obstructed or within 400' of such Protected District even if obstructed and (b) the pole sign would violate Table 744-906-1 by being located within 2.5 feet of the northern right-of-way, rather than the required 5 feet away.

However, in this instance, we do not believe the granting of the variance will be injurious to public health, safety or morals or the general welfare of the community. As depicted on the site plan, the vast majority of the illuminated signage would not be visible to the residences. The pole sign is to the far north of the subject property and faces east/west, not to the south. Any canopy pricing to the west or north would similarly not be visible to the homes to the south. As such, only a single pricer that is on the south side of the canopy (but to the far west, furthest away from the homes further southeast) would potentially be visible to the homes.

The proposed signs are consistent with signage used in modern designed gas stations and will primarily be visible to adjacent properties to the north and west that are currently being used as small automobile sales and the Adelante School to the north. The signs are simple logo and pricing signs and do not contain anything of an adult or immoral nature.

**Use, Value and Compatibility:** 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 signs will not be offensive in any manner and will be consistent with sleek, modern gas station design. While the signs would be visible to some of the residences to the south and southeast, there will be no noise or light pollution that enters upon those properties. Moreover, the proposed signs are consistent with all size limitations and thus are not so large or luminous as to constitute a nuisance or otherwise significantly depart from the signage otherwise permitted by the Indianapolis zoning ordinance.





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**Need:** The need for the variance arises from some condition peculiar to the property involved because of its location in an underdeveloped area that is going to require all viable efforts to attract business and customers. The Troy and Carson Avenue neighborhood has not had a long history of successful, long-term retail businesses. The only retail businesses in the vicinity are a Church's Texas Chicken and a Dinner Bell several blocks away. Having illuminated LED signs will be more likely to attract business to this location and make it a successful, long-term investment that hopefully drives more business into the area.

In addition, the configuration of the property with the sharp angle at Troy and Carson Avenues leads to less visibility for signage from certain directions and thus requires the LED illumination to ensure that road traffic sees the upcoming gas station and convenience store soon enough to stop and provide their business.

**Hardship:** 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 many newer gas stations are utilizing the similar type of signage based on their own market research and what they believe to be the best signage to attract customers. Utilizing these newer types of signs indicates a newer gas station that would have newer equipment and typically is in better physical condition than an older gas station. That alone tends to attract customers in a very competitive industry.

Moreover, this is a project in an under-developed part of town that is in need of some investment. As such, it is going to have some very specific and difficult challenges in generating sufficient business during day and nighttime hours to make it a financially viable project, rather than sitting as a vacant eyesore. Having the illumination is critical to that so that in the evening and nighttime, it attracts sufficient vehicles passing by. Moreover, there are some significant space limitations for the signs. Because of the odd angle of the intersection, visibility of the signs is reduced, and it cannot be placed at the intersection where a sign would normally be placed. The pole sign in particular will be partially obscured by the building on Troy and will not be visible at all even at the intersection from south Carson. The lighting will help compensate for the poor visibility and placement limitations imposed by the shape of the property at the Carson and Troy intersection.

It would be an unnecessary hardship to deny the use of the requested signage given the lack of negative impact either on the value or use and enjoyment of surrounding properties.

**Comprehensive Plan:** The grant does not interfere substantially with the comprehensive plan. It is located within a Village Mixed Use zone which specifically calls for a "wide range of small businesses" that "serve adjacent neighborhoods." From experience, while the station will and must attract business from those traveling through the area in order to be financially viable, the majority of its business will come from those who live within the neighborhood who make the short walk or drive to the convenience store for essentials or snacks or those leaving or returning each day and fill up on gas.

**Photographs**



Subject site, looking east from Carson



Subject site, looking west along Traoy Avenue frontage



Adjacent protected district to the North of Troy.



Adjacent protected district to the south of the site, looking north.

## BOARD OF ZONING APPEALS DIVISION III

September 16, 2025

**Case Number:** 2025-UV3-027

**Property Address:** 2955 North Meridian Street (approximate address)

**Location:** Center Township, Council District #12

**Petitioner:** NCD 2955 Indy IN LLC, by Misha Rabinowitch

**Current Zoning:** C-1 (C-S Pending) (TOD)

**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the improvement of surface parking areas on a lot fronting on Meridian Street within the Regional Center (prohibited).

**Current Land Use:** Office commercial

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

**Staff Reviewer:** Noah Stern, Senior Planner

## PETITION HISTORY

- This is the first public hearing for this petition.

## STAFF RECOMMENDATION

- Staff **recommends approval** of this petition

## PETITION OVERVIEW

- This petition would allow for the improvement of surface parking areas on a lot fronting on Meridian Street within the Regional Center (prohibited). This is required as a part of the proposed construction of the parking lot at the southwestern corner of the site as indicated in the site plan.
- The subject site is zoned C-1 and is pending a rezoning to C-S and is approximately 8.9 acres. The site was a part of recent companion petition 2025 - CZN / CPL / CVR – 826) which included the rezone to C-S, as well as a plat petition and variances to allow for future development on the current surface lot that is located on the eastern half of the site (see site plan below). The eastern half of the site has been partially or entirely a parking lot since the late 1960s and is legally non-conforming.
- The standard that prohibits surface parking lots along the North Meridian Street corridor is outlined in the Regional Center Secondary Zoning District section of the Ordinance and is in place to promote pedestrian-oriented uses, quality design aesthetics, and foster density along one of the City's most significant streets. With the development proposing six (6) new buildings on the existing surface lot, as well as one (1) building on the undeveloped southwest corner of the site, which will include a



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Division of Planning  
Current Planning**

mixture of uses, the development will not only be adding density along the Red Line / Purple Line corridor, but will be reducing the overall amount of surface parking on site, despite the request to improve a portion of the undeveloped southwest corner of the site with a parking lot. Staff believes that the development as a whole is in line with the goals of the Red Line and Purple Line TOD Strategic Plans which calls for adding density near transit stations, and limiting the amount of surface parking along the BRT routes. With this the development calling for new uses and density, and the reduction in overall surface parking on site, Staff is unopposed to the request.

- Staff would note that the approval recommendation of this petition is not an indication that Staff would be supportive of variance requests for developments that result in an increase in surface parking along the North Meridian Street corridor, or any other streets listed in the Regional Center Secondary Zoning District section of the Ordinance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-1 (C-S Pending) (TOD)	
<b>Existing Land Use</b>	Office Commercial	
<b>Comprehensive Plan</b>	Office Commercial Uses	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: C-3 / C-4	North: Commercial
	South: C-1 / PK-1	South: Commercial
	East: D-5	East: Residential
	West: C-S	West: Commercial Special
<b>Thoroughfare Plan</b>		
North Meridian Street	Primary Arterial	70 feet of right-of-way existing and 78 feet proposed
North Talbott Street	Primary Arterial	60 feet of right-of-way existing and 56 feet proposed
30 <sup>th</sup> Street	Primary Arterial	50 feet of right-of-way existing and 78 feet proposed
29 <sup>th</sup> Street	Primary Arterial	65 feet of right-of-way existing and 78 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes, Transit-Oriented Development	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	8/6/25	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	

Landscape Plan	N/A
Findings of Fact	8/6/25
Findings of Fact (Amended)	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line / Purple Line TOD Strategic Plan

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the typology for this site.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located across the street from the 30<sup>th</sup> Street and Museum Red Line and Purple Line station. This station has been identified as a District Center. The District Center typology is characterized as a dense mixed-use hub for multiple neighborhoods with tall buildings with minimum of 3 stories at the core with zero front or side setbacks.

### 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

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

**2025-CVR/CPL/CZN-826**, Rezoning of 8.966 acres from the C-1 (RC) (TOD) district to the C-S (RC) (TOD) district to provide for a mixed-use development consisting of townhomes, multi-family dwellings, commercial offices, and retail uses, and all uses in the C-1 and MU-3 districts, **pending**.

Approval of a Subdivision Plat to be known as 2955 North Meridian Subdivision, subdividing 8.966 acres into 21 lots, **approved**.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a retail use with a drive-through component within 600 feet of a transit station, on a lot with street frontage on Meridian Street (not permitted), with 20 feet of street frontage (minimum 50 feet street frontage required), zero-foot front yard and front transitional yard setbacks (minimum 10-foot front yard and 10-foot front transitional yard setbacks required), zero-foot side and rear yard setbacks (minimum 10-foot side and rear yard setbacks required), building height of 50 feet (maximum 38-foot building height in Compact Context Area, and maximum 25-foot building height permitted within a transitional yard required), 5% transparency for a structure along 30th Street (minimum 40% transparency required), and no transparency along Talbott Street (minimum 40% transparency required), and encroachment into the clear sight triangle (not permitted), **approved**.

**2024-PLT-010; 2955 North Meridian Street**; requested approval of a Subdivision Plat, to be known as 29th & Meridian Subdivision, dividing 9.035 acres into two lots and two blocks, **approved**.

**93-V1-136; 2955 North Meridian Street**, requested a variance to provide for expansion of an existing office building with 538 parking spaces, a ten-foot transitional yard along North Talbott Street and a zero-foot setback along East 29th Street and East 30th Street, **granted**.

**93-VAC-47; 2900 and 3000 North Pennsylvania Street**, requested vacation of a portion of North Pennsylvania Street, being 50 feet in width from the southern right-of-way line of East 30th Street to the northern right-of-way line of East 29th Street, **approved**.

**84-Z-62; 2955 North Meridian Street**, requested rezoning of approximately eight acres, being in the D-9 and D-5 districts, to the C-1 classification to conform zoning to the existing office parking uses, **approved**.

**79-VAC-9; 2900 and 3000 North Pennsylvania Street**, requested vacation of the first alley east of Pennsylvania Street from the north right-of-way line of East 29th Street to the south right-of-way line of East 30th Street, **approved**.

## **ZONING HISTORY – VICINITY**

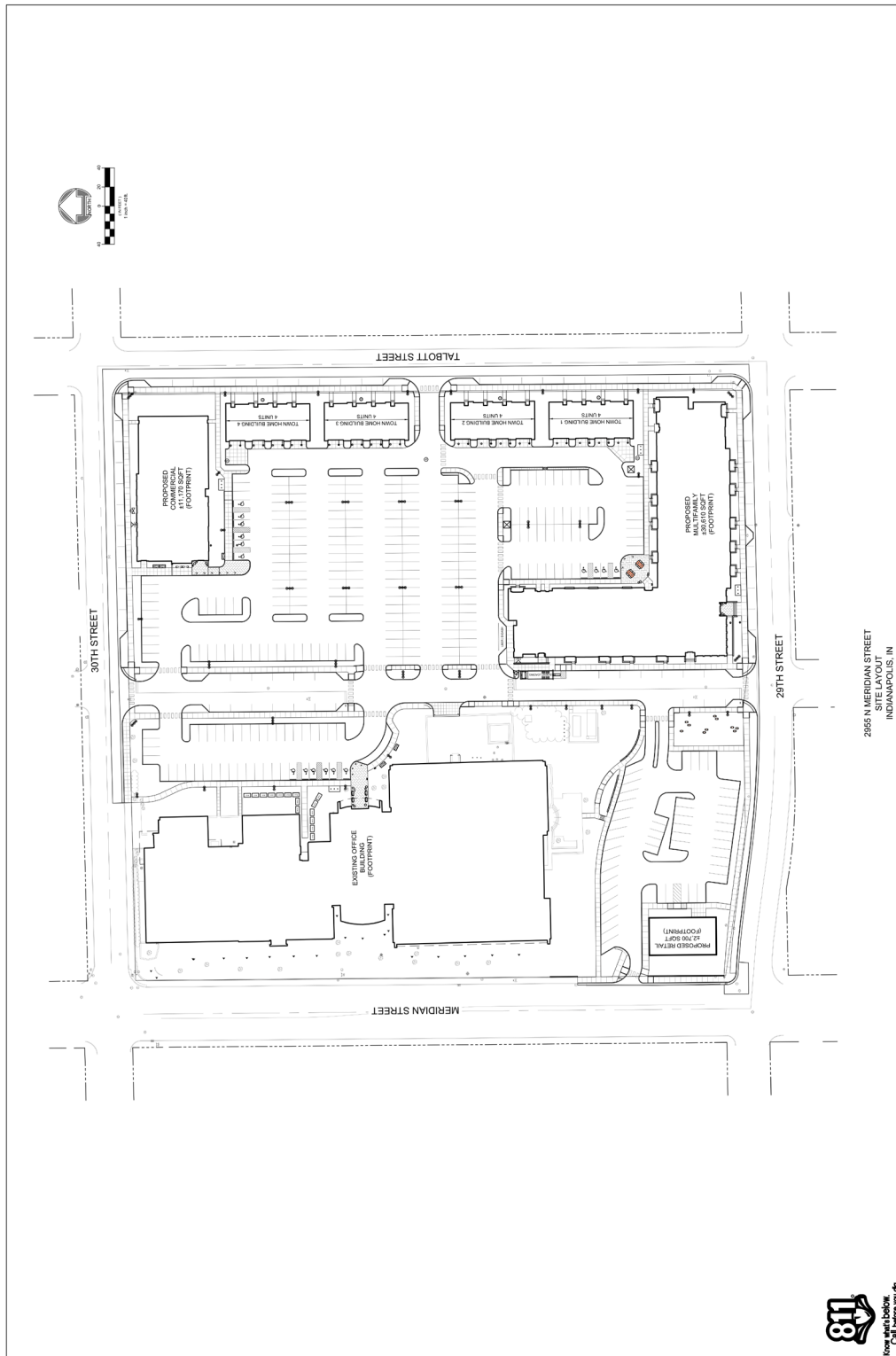
**2010ZON027; 2860 North Talbott Street (south of site)**, REZONING of 355.42 acres, from the D-A, D-A (FF), D-A (FF) (FW), D-2 (FF), D-3 (FW), D-4 (FF), D-5, D-5 (RC), D-5 (RC) (W-1), C-1 (RC), SU-2, SU-9 (W-5), PK-1, PK-1 (FF), PK-1 (FF) (FW), PK-1 (FW), PK-1 (W-5), I-3-U I-3-U (FF) and I-4-U, and I-4-U (FW) (FF), I-4-U (FW) Districts, to the PK-1, PK-1 (FF), PK-1 (FF) (FW), PK-1 (FW), PK-1 (RC), PK-1 (W-1), PK-1 (W-5) classification to provide for park uses, **approved**.

EXHIBITS



Aerial Photo





Site plan, file-dated 8/6/25



Department of Metropolitan Development  
Division of Planning  
Current Planning

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

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

PETITION FOR 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 proposed parking along Meridian Street (with egress as shown) is necessary in order to bring viable retail to the Meridian Street corridor and is part of, and important to, a comprehensive redevelopment of the overall site. Also, the parking area will be setback from Meridian Street per the filed and approved site plan.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 proposed parking is setback from Meridian Street with landscaping between the parking and Meridian Street to provide appropriate screening. Also, the parking is necessary for the overall development of the site, which will have a positive impact on adjacent properties.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

in order to bring much desired and needed retail to this area of the Meridian Street corridor, associated parking (along with egress thereon) along Meridian Street is required.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DECISION

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Department of Metropolitan Development  
Division of Planning  
Current Planning



Subject site looking north



Subject site looking northwest



Looking east down 29<sup>th</sup> Street



Looking north towards subject site





Looking south



Looking northeast

## BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

**Case Number:** 2025-DV3-023 (Amended)  
**Address:** 3640 North Post Road (approximate address)  
**Location:** Warren Township, Council District #9  
**Zoning:** C-4 (TOD)  
**Petitioner:** Post Holdings LLC, by Patrick Rooney  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fifth freestanding sign along Post Road, within 232 feet and 243 feet of other freestanding signs (maximum of two freestanding signs per frontage, 300-foot separation required).

**Current Land Use:** Integrated Commercial Center under development

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

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

## PETITION HISTORY

This petition was continued for cause by the petitioner, from the August 19, 2025, hearing, to the September 16, 2025, hearing. Staff indicated they will not support any further continuances for cause beyond the September 16, 2025, hearing.

This petition was continued for cause by the petitioner, from the July 15, 2025, hearing, to the August 19, 2025, hearing.

**Amended Petition:** The petitioner has submitted an updated site plan, which relocates the sign, and increases the separation distance between signs from five feet and 100 feet to 232 feet and 243 feet. The sign separation is still deficient of the 300-foot required separation, and the proposed sign still remains the fifth freestanding sign along Post Road. No new notice would be required as the amended petition would be less intense than the original published notice. Staff continues to recommend denial of this amended request.

## STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

## PETITION OVERVIEW

- ◇ Standards of the Sign Regulations are intended to promote quality sign displays that are integrated with developments and reduce potential hazards to pedestrians and motorists. These standards include the number of signs and separation requirements.

- ◇ The Sign Regulations allow two (2) freestanding signs for an integrated center. In addition, a separation distance of 300 feet is required between individual signs. These requirements are designed to mitigate the proliferation of freestanding signs and the visual conflicts and negative aesthetics associated with multiple signs in close proximity to one another.
- ◇ This request would provide for the erection of a fifth freestanding sign along this portion of North Post Road, where a maximum of two (2) freestanding signs are permitted as part of an integrated center development.
- ◇ This request would also allow for the freestanding sign to be located within 232 feet and 243 feet of other freestanding signs where a 300-foot separation between signs is required for legally permitted signs.
- ◇ The practical difficulty noted in the Findings of Fact for the requested fifth freestanding sign is that the business will suffer greatly without being able to advertise their business. Any potential financial gain and/or losses associated with the petitioner's investment were self-created by their desire to locate at this location without doing any prior due diligence on signage limitations and are not considered in the statutory criteria for Development Standards Variances. The BZA should not consider these issues when entering into a decision.
- ◇ Appropriate building or façade signs can provide the needed advertising and location identification without the need for a freestanding sign. With the newly constructed building being on an out lot, there is no obstructive buildings or structures in front of the proposed building that would restrict any building or façade signage from passing motorists. The use of building or façade signage would also reduce the potential hazard of additional freestanding signs and allow for the location of the business to be found safely.
- ◇ A basic tenet of the 2019 Sign Code revision was to allow the use of a variety of sign types in Commercial districts, lessening the need and reliance on free-standing signage. Staff believes that a sign plan that promotes a variety of sign types is particularly helpful in reducing sign proliferation along the right-of-way.
- ◇ Since the site is under development, the requested variance is a result of the specific design and development and not a result of the site. The site has no limiting factors, therefore, the site can be designed to meet the requirements of the Ordinance without the need of the requested variance and provide orderly development as other adjacent developments have been able to do so. Therefore, Staff does recommend denial of the requested variances due to no practical difficulty being imposed by the site.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-4	
<b>Existing Land Use</b>	Commercial Gas Station under development	
<b>Comprehensive Plan</b>	Community Commercial uses	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-4	Commercial Retail uses
South:	D-4	Single-Family dwellings
East:	D-4	Single-Family Dwellings
West:	D-4 / C-4	Single-Family Dwellings / Commercial Retail
<b>Thoroughfare Plan</b>		
North Post Road	Primary Arterial	100-foot existing right-of-way and 112-foot proposed right-of-way.
<b>Context Area</b>	Metro area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Transit Oriented Overlay – Partial Site	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan - Amended</b>	June 6, 2025	
<b>Sign Elevations</b>	June 6, 2025	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	June 6, 2025	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial uses for the site.

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial typology which provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

### 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

**2007-DV2-002; 3745 North Post Road (north of site)** requested a Variance of development standards of the Commercial Zoning Ordinance to legally establish a drive-through by-pass lane with a 1.8-foot front setback from the proposed (existing) right-of-way of East 38th Street, **granted**.

**2006-DV2-026, 9050 East 38<sup>th</sup> Street and 3829 North Post Road (north of the site)**, requested a variance of development standards of the Sign Regulations to provide for replacement of a manual reader-boards on two existing signs with 40-square foot electronic variable message sign components with one sign being within 130 of another freestanding sign along 38<sup>th</sup> Street with an approximate street frontage of 560 feet and within 325 feet of a protected district (minimum 300-foot separation required between freestanding signs, minimum 600 feet of frontage required, minimum 600-foot separation from a protected district required), and one sign being within 145 feet from another freestanding and within 260 feet of a protected district (minimum 300-foot separation required between freestanding signs, minimum 600-foot separation from a protected district required), with an eleven-foot front setback from Post Road (minimum fifteen-foot front setback required), **withdrawn**.

**2002-DV1-021; 3863 North Post Road (north of the site)**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a drive-through service unit located zero feet from a protected district (minimum 100-foot separation from a protected district required), without the required screening and landscaping and to provide for a stacking spaces located within the maneuvering area of a parking lot (stacking spaces not permitted with parking or maneuvering areas), **granted**.

**2001-DV3-041; 8939 East 38<sup>th</sup> Street (north of site)**, requested a variance of development standards to provide for a sign copy area of 31.7 percent of the canopy elevation (maximum 25 percent) on the south façade of an existing gasoline service station, **denied**.

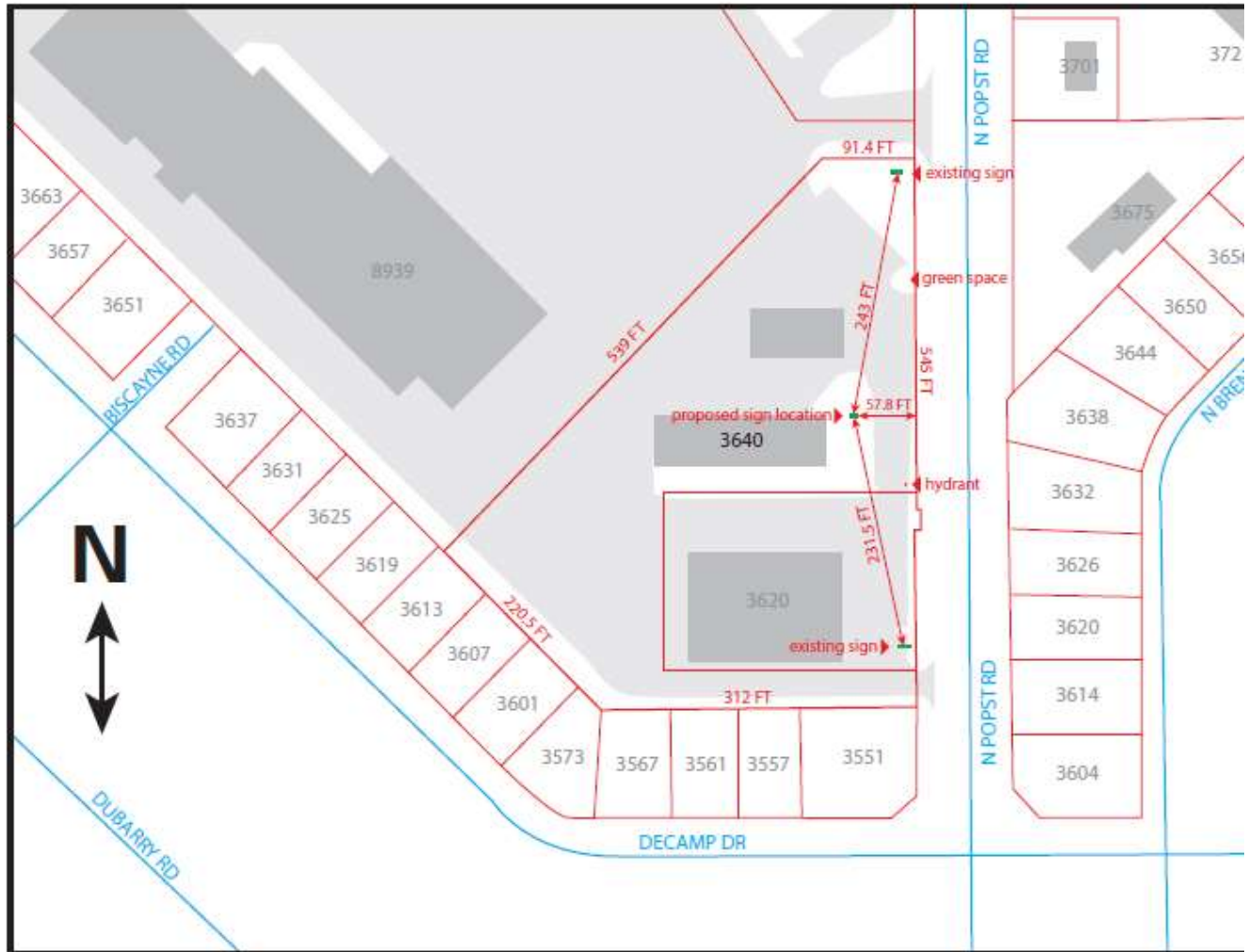
**2000-DV2-030; 9021 East 38<sup>th</sup> Street (north of the site)**, requested a variance of development standards of the Sign Regulations to provide for an 8 by 12.5-foot, 40-foot tall pole sign, located 30-feet from an existing pole sign front on 38<sup>th</sup> Street, within an integrated center (minimum 300-foot separation between signs fronting on the same street, within an integrated center, required), **withdrawn**.

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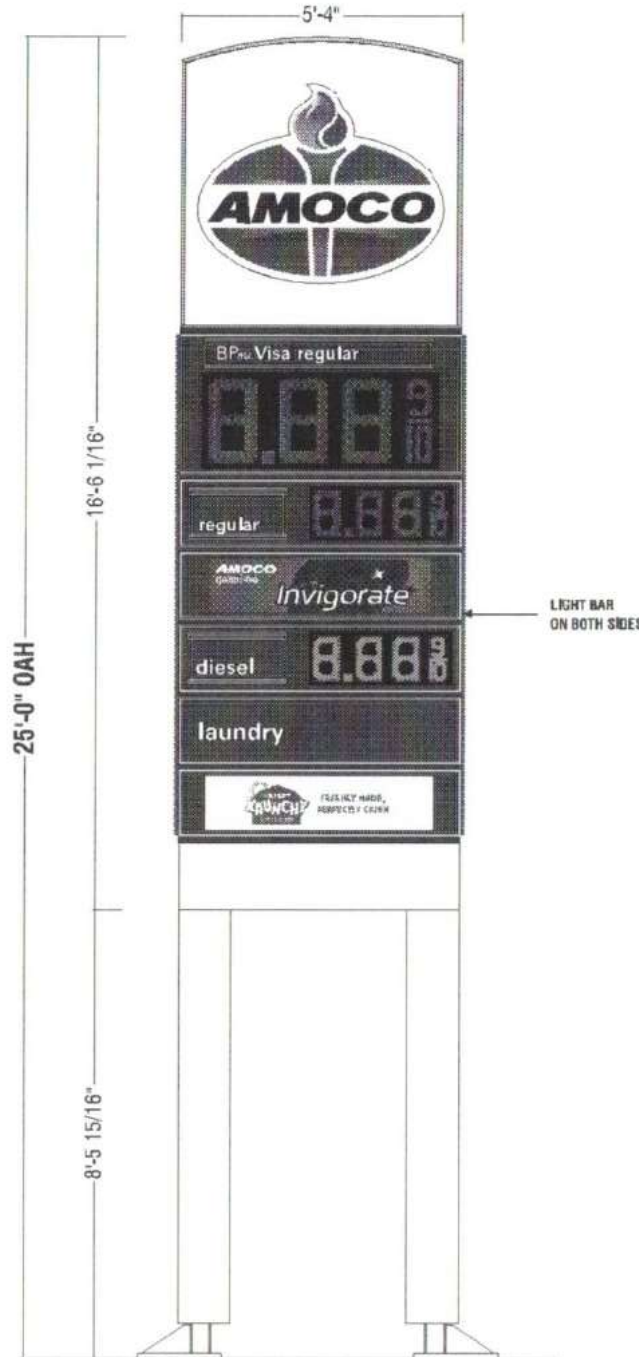


**Site Plan - Amended**





Sign Elevation



**PROPOSED SIGNAGE**



**Findings of Fact**

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

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

**PETITION FOR 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 variance will only be used to allow for a pylon sign on the property. This sign will allow potential customers to be able to conveniently see the gas prices being offered at the station, as well as the services being offered by the two other entities occupying the Subject Property. Without this sign, customers will not be able to see the prices of gas being offered and other services being provided, which would be a harm to the general welfare and economic participation of the community so that allowing the sign will be a benefit the the general welfare of the community.

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 addition of a pylon sign is a very minor, yet important, addition to the Subject Property. The sign will only take up about five feet of ground space. The pylon sign will serve to attract customers to the Subject Property as well as the adjacent shopping centers/retail locations, allowing for greater economic growth in the area, benefitting the Petitioners, adjacent owners, tenants, and the community as a whole.

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

if the Petitioner's variance is not granted, then gas station business will suffer greatly. Petitioner needs a pylon sign so that they may advertise their business, tenant's businesses, and gas pricing. The adjacent properties which comprise the shopping center are wholly separate from the Petitioner and there is not room on the existing signage for the necessary signage for the Petitioner and its tenants.

**Photographs**



Subject site commercial gas station under construction, looking south.



Approximate proposed sign location, five feet in front of existing center sign, looking northeast.



Existing frontage signs, with 100 feet and ten feet of separation from proposed sign, looking south



Existing outlot development to the north with one freestanding sign





Adjacent integrated commercial development, looking west.



Existing outlot development to the south with one freestanding sign, looking west.



**BOARD OF ZONING APPEALS DIVISION III**

**August 19, 2025**

**Case Number:** 2025-DV3-025

**Property Address:** 980 South Kitley Avenue (approximate address)

**Location:** Warren Township, Council District #20

**Petitioner:** 980 Kitley LLC, by David Gilman

**Current Zoning:** I-4 / I-3

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding building with a two-foot front yard setback from Kitley Avenue (60 feet required), without required landscaping and sidewalk installation.

**Current Land Use:** Industrial

**Staff Recommendations:** Staff **recommends approval** of the deficient landscaping, subject to the submitted landscape plan file-dated August 11, 2025  
Staff **recommends denial** of the two-foot front yard setback from Kitley Avenue

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

- Staff **recommends approval** of the deficient landscaping, subject to the submitted landscape plan file-dated August 11, 2025
- Staff **recommends denial** of the two-foot front yard setback from Kitley Avenue

**PETITION OVERVIEW**

- This petition would allow for the construction of a freestanding building with a two-foot front yard setback from Kitley Avenue (60 feet required), and without required landscaping.
- The revised site plan, file-dated August 11, 2025, indicated sidewalks being placed along the Brookville Road frontage, which is a sufficient linear distance to meet the required sidewalk installation. Therefore, that variance is to be removed from the request.
- With regards to the landscaping, interior landscaping is required as a part of construction of new freestanding building (as being requested here), per Table 744-502-1 of the Zoning Ordinance. With the subject site being almost entirely hardscaped and used for industrial uses, Staff and the petitioner

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have agreed to provide for landscaping along the frontages of Brookville Road and Kitley Avenue, per the landscaping plan. This would exceed the frontage landscaping requirement for number of trees per linear distance of frontage. While this would not meet the landscaping requirements for interior landscaping, Staff finds this to be a significant improvement to the site and to represent a reasonable replacement for the landscaping required by the Ordinance. Further, Staff finds providing frontage landscaping to be more appropriate and necessary for this site, to allow for additional screening of the existing outdoor storage. Being in the public right-of-way, this landscaping would require a flora permit, which has been obtained by the petitioner via FLR25-00094. Therefore, Staff is supportive of the request for deficient landscaping, subject to the filed landscape plan, which indicates that a total of 30 trees be planted along the Brookville Road and Kitley Avenue frontages.

- With regards to the request for the 2-foot front yard setback of the proposed new building, Staff finds this request to be a substantial deviation from the standard, approximately a 96% deviation from the standard of 60 feet in the I-4 district. The standard is in place to allow for sufficient distance and buffer of industrial uses from adjacent properties and public rights-of-way. The petitioner has indicated that the reason for the request is to ensure that outdoor storage space is not lost. Staff does not believe this to be justification for such a large deviation and would note that the site already contains a large amount of outdoor storage and that any presumed lack of outdoor storage space is likely an indication that the existing operations have outgrown the site. Staff does not find there to be any practical difficulty for needing such a request and believes there is ample room for outdoor storage as well as for truck maneuverability in between buildings. Therefore, Staff recommends denial of the 2-foot front yard setback.
- Additionally, Staff indicated to the petitioner that Staff would be supportive of a variance for a 25-foot front yard setback for the proposed building.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-4 / I-3	
<b>Existing Land Use</b>	Industrial	
<b>Comprehensive Plan</b>	Heavy Industrial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-S	North: Commercial Special
South:	I-2	South: Industrial
East:	I-3	East: Industrial
West:	I-3	West: Industrial
<b>Thoroughfare Plan</b>		
Brookville Road	Primary Arterial	98 feet of right-of-way existing and 112feet proposed
South Kitley Avenue	Primary Collector	70 feet of right-of-way existing and 80 feet proposed
<b>Context Area</b>	Metro	

<b>Floodway / Floodway Fringe</b>	No
<b>Overlay</b>	No
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	5/30/25
<b>Site Plan (Amended)</b>	8/11/25
<b>Elevations</b>	5/30/35
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	7/10/25
<b>Findings of Fact</b>	5/30/25
<b>Findings of Fact (Amended)</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Heavy Industrial typology for this site.

### 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

**78-Z-70**, Rezoning of 5.6 acres, being in the I-3-U district, to the I-5-U classification to permit industrial development, **approved**.

### ZONING HISTORY – VICINITY

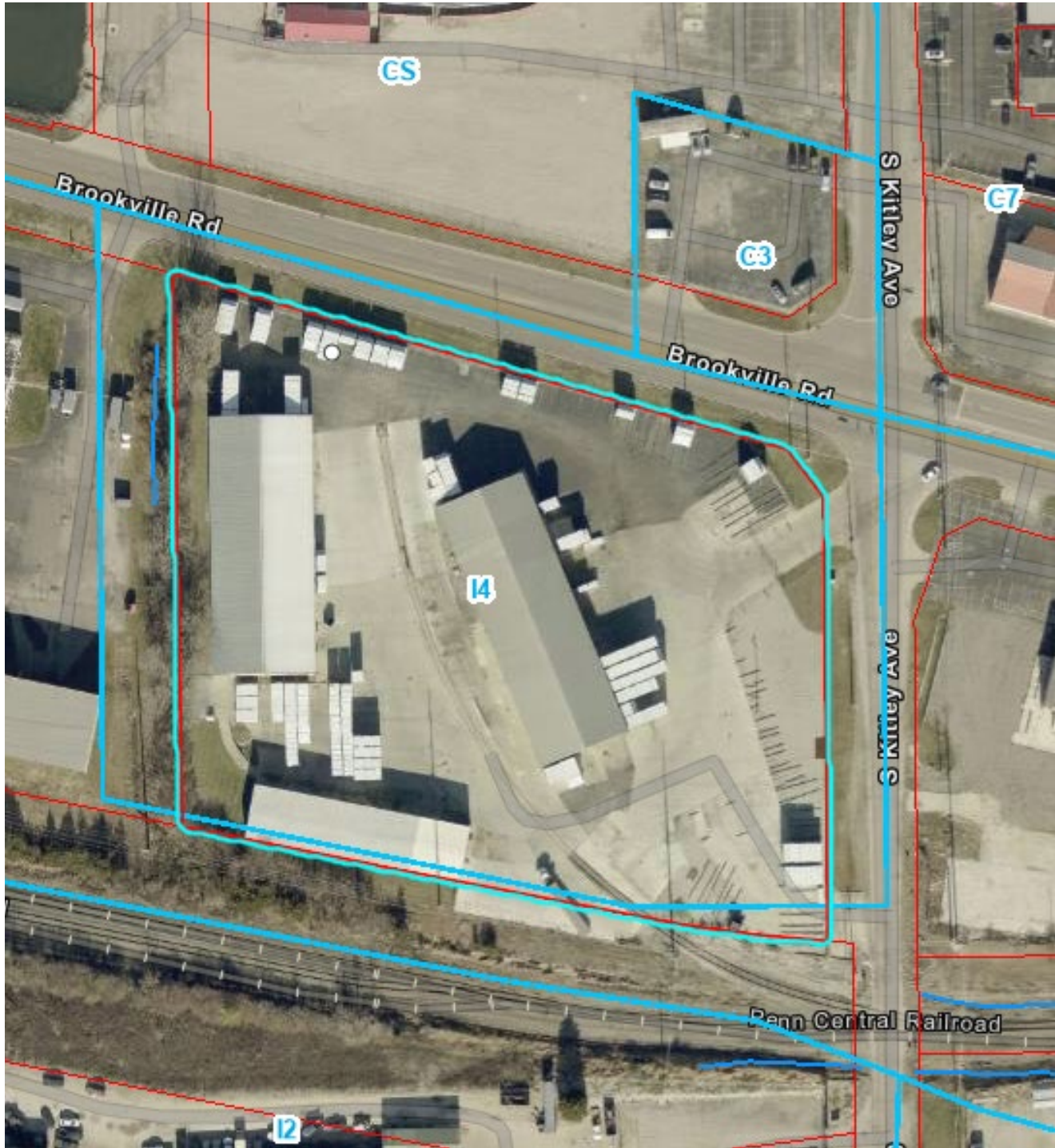
**2023ZON026; 6501 Brookville Road (east of site)**, Rezoning of 2.9 acres from the I-3 district to the C-4 district to provide for a gas station and convenience store, **dismissed**.

**2016UV3014; 805 S Kitley Ave (north of site)**, Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for up to two dwelling units (not permitted) on the second floor of the existing building, including residential accessory uses and structures (not permitted), **approved**.

**2001DV3021 / 2001SE3006; 1000 S Kitley Ave (south of site)**, Special Exception of the Industrial Zoning to provide for the construction of a 6120 square foot building for an automobile salvaging operation, Variance of Development Standards of the Industrial Zoning Ordinance to provide for the construction of a 6120 square foot building, with an 11-foot front yard setback and an 11-foot side yard setback (minimum 30-foot side yard setback required), **approved, subject to conditions**.

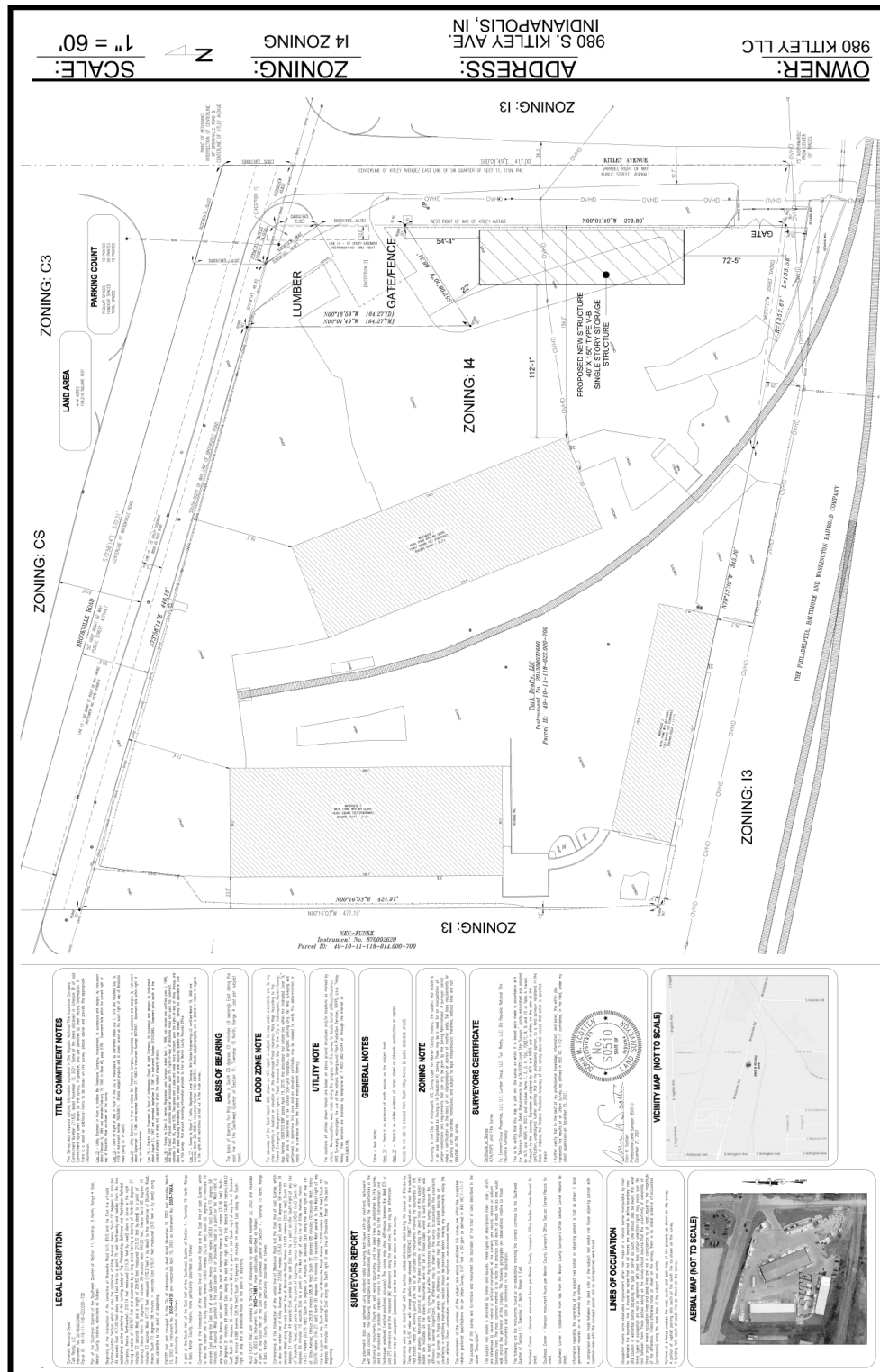


EXHIBITS



Aerial Photo

Department of Metropolitan Development  
 Division of Planning  
 Current Planning

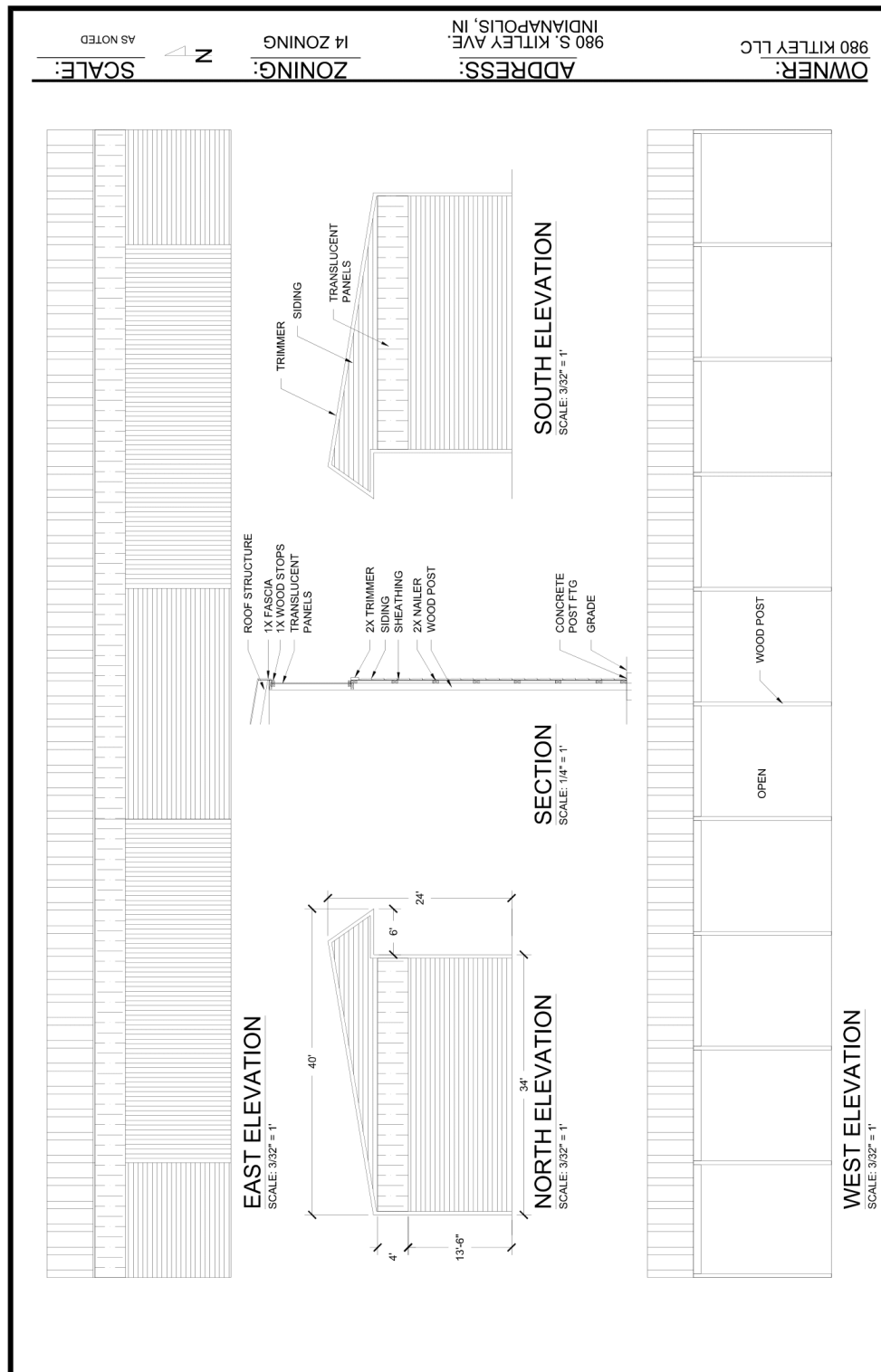


Original site plan, file-dated 5/30/25



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Division of Planning  
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Building elevations, file-dated 5/30/25





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

City of Indianapolis  
Department of Business and Neighborhood Services

**Flora Permit**

200 E. Washington St., Suite 107  
Indianapolis, IN 46204

Permit No.: **FLR25-00094**  
Location: **980 S KITLEY AVE**  
Township:

Issued: **07/23/2025**

Start Date: **10/01/2025**

Expired: **11/30/2025**

**CONTRACTOR**  
TBD  
IN

**OWNER**  
980 Kitley Llc  
53 S Union St  
Brazil, IN 47834

**APPLICANT**  
David Gilman  
Timberland Lumber Company  
211 S Ritter Avenue, SUITE H  
Indianapolis, IN 46219  
3178336331

**PROJECT DESCRIPTION:** Tree planting for private development.  
Provisional permit upon determination of landscape contractor.  
30 trees planted; species chosen to accommodate overhead utility lines  
Redbud; Arbor vitae; Yew; Chokecherry

**CITY CONTACT:** BNS Forestry, 317-327-2236.

**CONDITION(S):**

1. ANSI 60.1 – American Standard for Nursery Stock shall be adhered to.
2. Chapter 701 of the Revised Code of the Consolidated City of Indianapolis and Marion County shall be adhered.
3. Permit applicant is required to contact Indiana Underground Plant Protection Service (IUPPS) at 1-800-382-5544 to have Utilities Located prior to excavation/installation.
4. Occupational Safety and Health Administration Standards 29 CFR 1910 and 1926 shall be adhered
5. Changes to plant material or location must be submitted and approved prior to installation.
6. ANSI A300 – American National Standards for Tree Care Operations – Standard Practices Series shall be adhered to.
7. ANSI Z133.1 – American National Standards for Arboricultural Operations – Safety Requirements shall be adhered to.
8. City of Indianapolis Department of Public Works Forestry Planting Detail shall be adhered.
9. Must be planted on public lands under jurisdiction of the City of Indianapolis
10. Trees shall be a minimum of 1 ½" -2½" caliper at installation.
11. There will be a two-year warranty period on each tree. If the City finds a tree unacceptable during this period, the applicant will remove the tree and stump and plant a new tree to replace that tree at the applicant's expense.
12. Applicant will commit to two (2) years of watering at fifteen (15) gallons of water per week from April 1st to October 31st each year.



Department of Metropolitan Development  
Division of Planning  
Current Planning

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

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

PETITION FOR 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 reduced setback will not obstruct visibility to the general public. The site will have all required utilities and has direct access to a public street. The proposed building will be for dry storage of lumber and will not be for human occupancy.

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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 site is adjacent to a busy railroad, industrial and heavy commercial uses. The proposed building will be similar to other storage buildings already present on the site.

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

The site includes a railroad spur that required significant maneuvering area for the unloading of lumber material to the various storage buildings. Placing the building along the property line will allow for the safe loading and unloading of the lumber by large equipment and safety of the employees.

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DECISION

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

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

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Subject site looking southwest



Looking northwest along Brookville Road





Looking south down Kitley Avenue



Looking west towards subject site





Looking southeast



Looking northwest





Looking east across Kitley Avenue towards adjacent site



Looking northeast at adjacent site

BOARD OF ZONING APPEALS DIVISION III

September 16<sup>th</sup>, 2025

**Case Number:** 2025-UV3-018  
**Property Address:** 7802 Hague Road  
**Location:** Lawrence Township, Council District #3  
**Petitioner:** Metropolitan School District of Lawrence Township, by Joseph D. Calderon  
**Current Zoning:** SU-2  
**Request:** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 12-foot-tall monument sign (five-foot height permitted) with digital display within 80 feet of a Protected District (digital display prohibited, 400 feet of separation required).  
**Current Land Use:** School  
**Staff Recommendations:** Staff is recommending **denial** of this variance petition.  
**Staff Reviewer:** Eddie Honea, Current Planning Administrator

PETITION HISTORY

This is the second public hearing for this variance petition.

The first public hearing for this variance petition occurred on July 15, 2025, Board of Zoning Appeals Division I hearing, where this case was continued due to insufficient notice.

This petition was automatically continued from the August 19, 2025, hearing to the September 16, 2025, hearing, by request of a remonstrator. As of this writing, no new information has been submitted to the file.

STAFF RECOMMENDATION

Staff is recommending **denial** of this variance petition.

PETITION OVERVIEW

- The petitioner is requesting to install a 12-foot-tall digital display monument sign, which is not permitted within 400 feet of a school district or dwelling district.
- This property is 76.25 acres in a SU-2 zoning district.
- The subject site is the location of Lawrence North High School.



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- A previous variance (2023-UV3-007) requested the same Variance of Use and Development Standards in this location in 2023. Staff recommended denial of this variance petition, and the BZA Division III voted to deny the variance petition on April 18th, 2023.
- The Ordinance permits monument signs in the SU-2 zoning district to be five (5) feet tall and 3% of the building side or 240 sqft, whichever is lesser, in size.
- The proposed sign will be 12 feet tall and 120 square feet in size.
- Digital displays are not permitted in the SU zoning district.
- The proposed sign is digital, located across the street from single-family dwellings and near a street lighted intersection.
- Staff is concerned that in the proposed location, the sign will not only shine light into the homes across the street but also be a distraction to drivers at the nearby intersection.
- A Protected District is defined in the Ordinance as specific classes of zoning districts that, due to their low intensity or the sensitive land uses permitted within them, require buffering and separation when abutting certain more intense classifications of land use. A Protected District includes any dwelling district, historic preservation district, hospital district, parks district, university quarter district, SU-1 (church) district, or SU-2 (school) district.
- Per the Ordinance, "No digital display shall be located within 600 feet of any Protected District unless visibly obstructed from view from within that district; but in no instance may it be located within 400 feet of such a District.". This location has no visual obstructions and is within 400 ft of the Protected Districts in the area.
- The Findings of Fact state that the sign is necessary in this location to provide directions to Lawrence North High School. However, as one of the largest schools in the state, and considering that most navigation is now directed by technology, this reasoning for the sign presents no practical difficulty. The school is permitted to display various types of signage, including incidental and vehicle entry point signs, which can be used to direct and inform passersby. A digital sign is not the only type of sign that can achieve the stated goals.
- Staff is recommending **denial** of this variance petition because there is no practical difficulty, and it is not in compliance with the zoning regulations that govern the SU-2 district, particularly concerning its proximity to Lawrence North High School and the surrounding Protected Districts. The previous denial of a similar variance highlights the ongoing concerns regarding potential distractions for drivers and the adverse effects of light pollution on neighboring homes. While the petitioner argues that the sign is necessary for providing direction, the assertion lacks merit given the prevalence of online technology employed by the school district. Therefore, it is recommended that the variance petition be denied, maintaining the integrity of the zoning ordinances, and ensuring the safety and well-being of the community.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	SU-2	
<b>Existing Land Use</b>	School	
<b>Comprehensive Plan</b>	Regional Special Use	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<b>Surrounding Context</b>
North:	D-2	North: Suburban Neighborhood

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South:	D-6	South: Suburban Neighborhood
East:	D-P	East: Suburban Neighborhood
West:	D-P	West: Suburban Neighborhood
<b>Thoroughfare Plan</b>		
Hague Road	Primary Collector	116 feet of right-of-way existing and 112 feet proposed.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	5/28/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	5/28/2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	5/28/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Regional Special Use category provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.
- Large-Scale Schools, places of worship, and other places of assembly that are generally more than five acres in size. Particularly large centers of education such as township high schools and universities would not be included in this definition and are considered to be regional special uses.
- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood living typology to allow for predominantly single housing interspersed with attached and multifamily housing as well as a variety of neighborhood-serving businesses, institutions, and amenities where appropriate. Large-scale schools are a contemplated land use for this typology and should be in harmony with surrounding neighborhoods (parking, service and emergency vehicle areas should be screened from surrounding residential uses).

**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

- 72-Z-40: 7802 Hague Road
  - Rezoning of 101.5 acres being in A-2 district to SU-2 classification to provide for construction of a Junior-Senior High School Complex.
    - Approved
- 2006-DV1-001: 7802 Hague Road
  - Variance of Development Standards of the Sign Regulations to provide for a 7.33-foot tall, ten-foot-wide pylon sign within 100 feet of a protected district (minimum 600 feet separation required for signs over four feet tall) containing an Electronic Variable Message Sign (EVMS) component (not permitted) comprising 60 percent of the sign area.
    - Approved
- 2018-DV1-033: 7802 Hague Road
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a twelve-foot tall, freestanding sign, electronic variable message sign (not permitted), comprising approximately 47% of the sign area (maximum 40% permitted), within approximately 150 feet of the nearest protected district (EVMS not permitted and maximum four-foot-tall sign permitted within 600 feet of a protected district).
    - Approved
- 2023-UV3-007: 7802 Hague Road
  - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a 12-foot-tall monument sign (maximum height of five feet permitted) with digital display within 80 feet of a protected district (not permitted, no digital display permitted within 400 feet of a protected district).
    - Denied

### ZONING HISTORY – SURROUNDING AREA

- 2011-UV3-016: 7715 East 75<sup>th</sup> Street
  - Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish two dwellings (legal nonconforming use certificate issued for two dwellings on one lot, 2008-LNU-025), and provide for the construction of a 1,654-square foot addition to an existing 1,320-square foot dwelling (two dwellings on one lot not permitted).
    - Approved
- 2012-CZN-803 2012-CAP-803: 7250 and 7343 Clearvista Drive
  - Rezoning of 11.402 acres from the HD-1 and HD-2 Districts to the HD-1 classification to provide for a rehabilitation hospital.
  - Hospital District -One Approval to provide for an approximately 45-foot tall, 63,000-square foot rehabilitation hospital, with parking, with one 40-square foot freestanding sign at the main entrance drive, with one wall identification sign on the north façade, and with incidental signs.
    - Approved



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- 2012-CVR-816 / 2012-CAP-816 : 7150, 7229, 7343 and 7250 Clearvista Drive, 8101, 8103, 8177, and 8180 Clearvista Parkway and 8075, 8100, and 8181 North Shadeland Avenue
  - Hospital District One and Hospital District Two Approval to provide for a campus-wide sign program including replacement and new building identification wall signs, and replacement and new identification and incidental freestanding signs.
  - Variance of Development Standards of the Sign Regulations to provide for: a) one southwest-facing, 441-square foot wall sign with a sign area 12% of the façade area to which it is attached, and one northeast-facing, 435-square foot wall sign with a sign area 5.2% of the façade area to which it is attached (maximum wall sign area of 3% of associated façade area permitted in Hospital Districts), b) a package of nine freestanding incidental/identification signs along Clearvista Parkway and Clearvista Drive which do not meet separation requirements, as indicated on the site plan, file-dated July 16, 2012 (minimum 300-foot separation required between freestanding identification signs located on a single lot), c) a package of 28 freestanding directional incidental signs with sign areas up to 108.4 square feet, and heights up to 16.25 feet (maximum six-square foot sign area and 2.5-foot height permitted for directional incidental signs), and d) a package of freestanding parking and loading incidental signs with heights up to six feet (maximum four-foot height permitted for parking and loading incidental signs).
    - Approved
- 2012-DV3-037: 7322 Trestle Way Court
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for 240-square foot enclosure for an existing deck, with a 10-foot front setback from Blue Creek Drive (25-foot setback required) and to legally establish a six-foot tall fence along the front property line of East 75th Street and Blue Creek Drive (maximum 42-inch tall fence permitted), being within the sight distance triangle of East 75th Street and Blue Creek Drive (not permitted).
    - Withdrawn
- 2012-HOV-056: 7150, 7229, 7343 and 7250 Clearvista Drive, 8101, 8103, 8177, and 8180 Clearvista Parkway and 8075, 8100, and 8181 North Shadeland Avenue
  - Variance of Development Standards of the Sign Regulations to provide for 39 freestanding identification / incidental signs with deficient front setbacks as follows: a) Sign 25 encroaching three feet into the right-of-way of Clearvista Parkway (15-foot setback required, signs in right-of-way not permitted). b) Sign 15 encroaching five feet into the right-of-way of Clearvista Drive (15-foot setback required, signs in right-of-way not permitted). c) Signs 40 and 42 with zero-foot setbacks from Clearvista Parkway and Clearvista Way, respectively (15-foot setback required). d) Signs 4, 5, 11, 12a, 14, 22, 35-39 and 43, with one-foot setbacks from Clearvista Drive and Clearvista Parkway (15-foot setback required). e) Signs 6, 10, 31 and 34, with two-foot setbacks from Clearvista Drive and Clearvista Parkway (15-foot setback required). f) Signs 7, 8, 9, 16, 17, 18, 23, 26 and 29 with three-foot setbacks from Clearvista Drive and Clearvista Parkway (15-foot setback required). g) Signs 2, 13, 19, 20 and 24, with five-foot setbacks from Clearvista Drive (15-foot setback required). h) Sign 30 with a six-foot setback from Clearvista Parkway (15-foot setback required). i) Sign 33 with a nine-foot setback from Clearvista Parkway (15-foot setback required). j) Signs 12b and 21 with 10-foot setbacks from Clearvista Drive (15-

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- foot setback required). k) Sign 32 with a 13-foot setback from Clearvista Parkway (15-foot setback required).
- Approved
  - 2018-DV2-018: 7420 Shadeland Station Way
    - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for two ground signs on a 545-foot frontage (minimum 600 feet of frontage required).
    - Approved
  - 2020-DV3-041: 6503 Fairway Ave, 7524 Kilmer Ln, 7534 E 80th St, 7602 Knue Rd, 7603 Kimberly Drive, 8051 Wallingwood Dr, 8069 Richardt St, 8303 - 8304 Hague Rd, 8402 Clearvista Pkwy, 8940 Squire Ct, and 9011 Knights Ct
    - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 47-foot to 57.6-foot-tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973.)
    - Withdrawn
  - 2021-CVR-803 / 2021-CAP-803: 7640 Shadeland Avenue
    - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial building with a front setback of 87.4 feet and a rear yard of three feet (85-foot maximum front setback and 10-foot rear setback required).
    - Modification of the Site Plan and Commitments related to 94-Z\_11 to provide for a commercial building and to modify Commitment Ten requiring the exterior of all sides of the buildings to be brick with stone accents and glass; to modify Commitment Fifteen to provide for a freestanding signs consistent with the Consolidated Zoning and Subdivision Ordinance (permits only one 25-fpft tall pole sign at the corner of 75<sup>th</sup> Street and Shadeland Avenue, ground signs for C-1 buildings and gas station pricing signs) and to modify Commitment Eighteen which limits the use of this site to a full-services restaurant.
    - Approved
  - 2025-ZON-003: 7420 North Shadeland Avenue
    - Rezoning of 1.15 acres from the C-1 district to the C-7 district to provide for a commercial and building contractor business.
    - Withdrawn

EXHIBITS

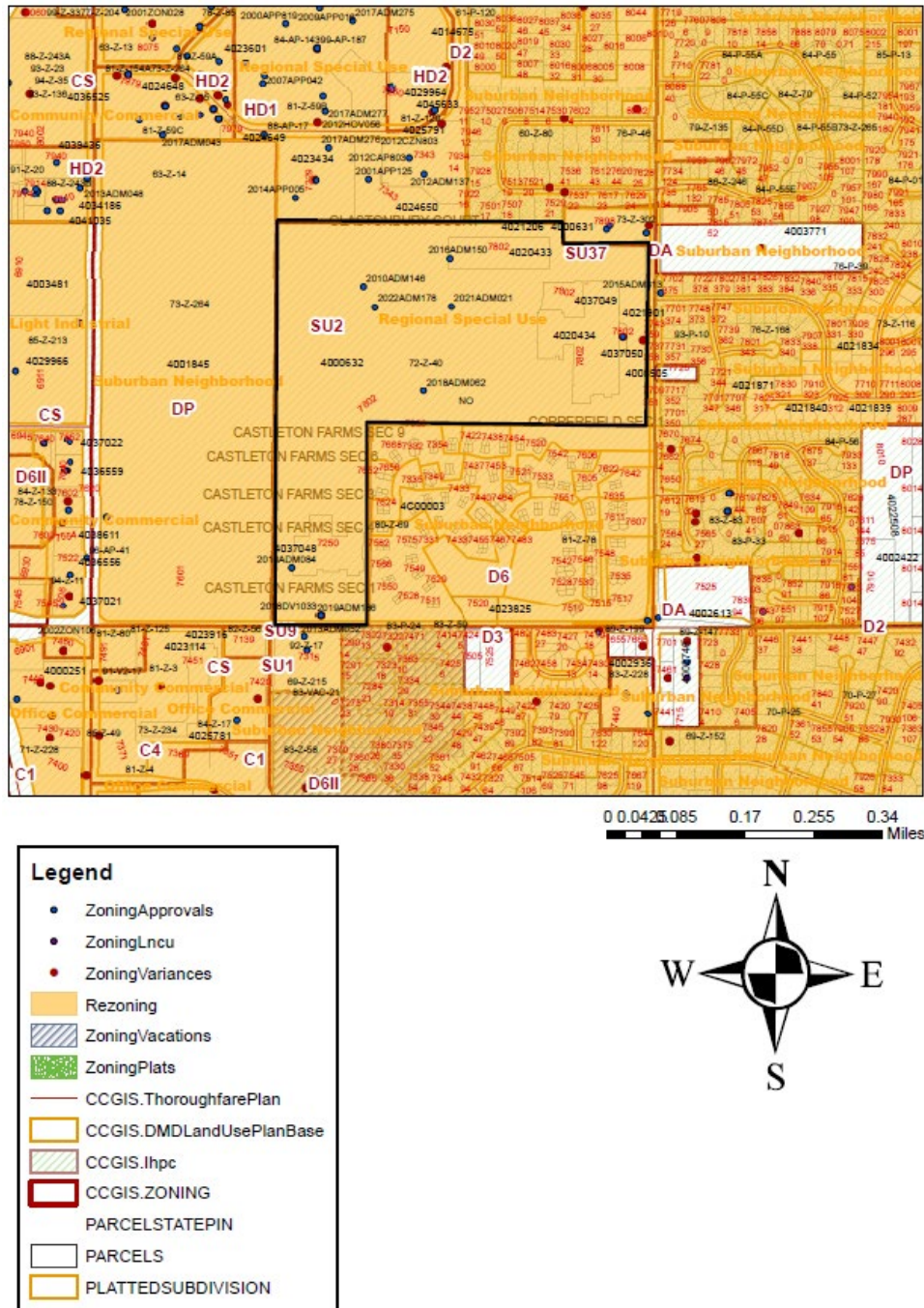


Exhibit 1: ArcGIS map of the subject site and surrounding area.



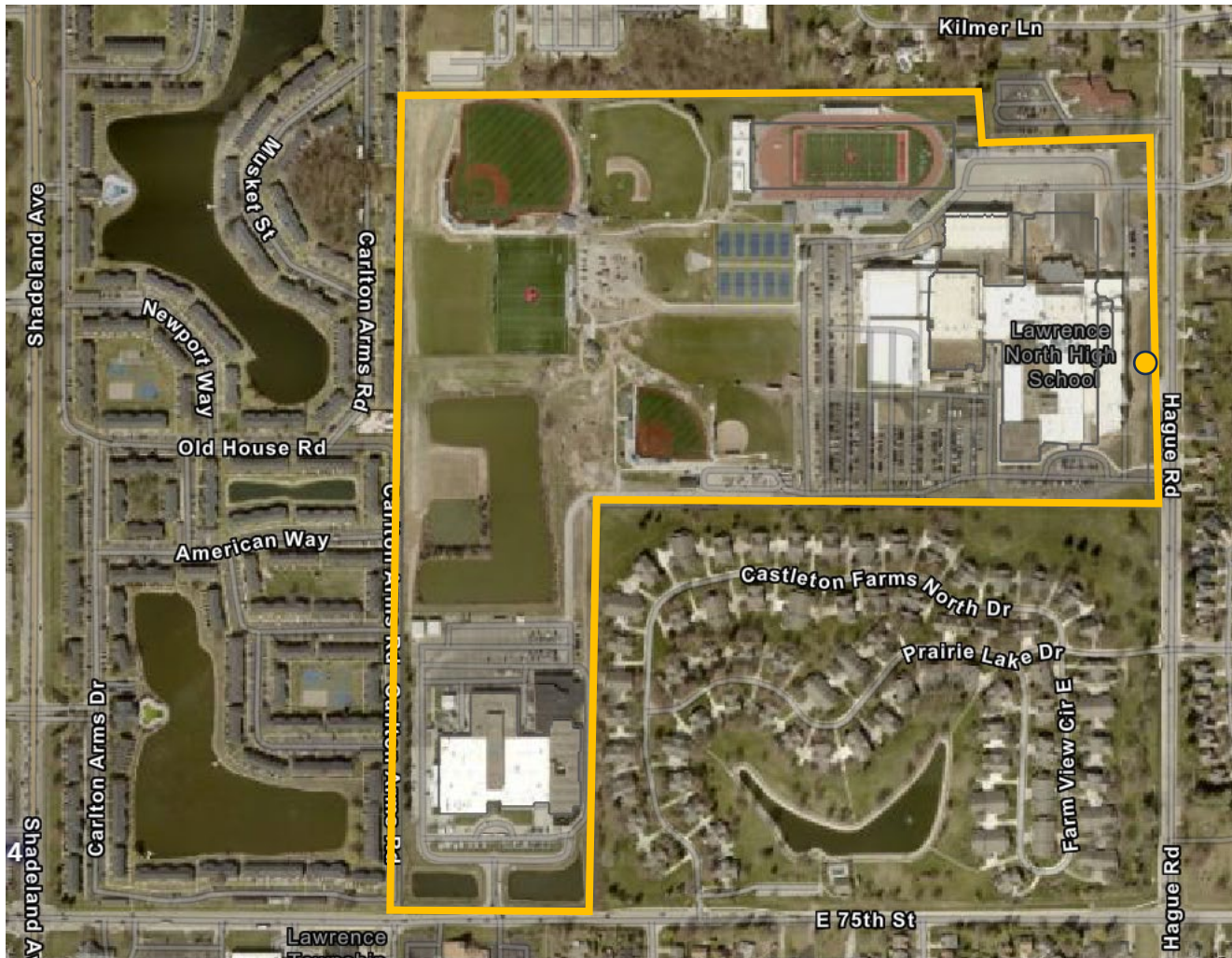


Exhibit 2: Aerial of the subject site.



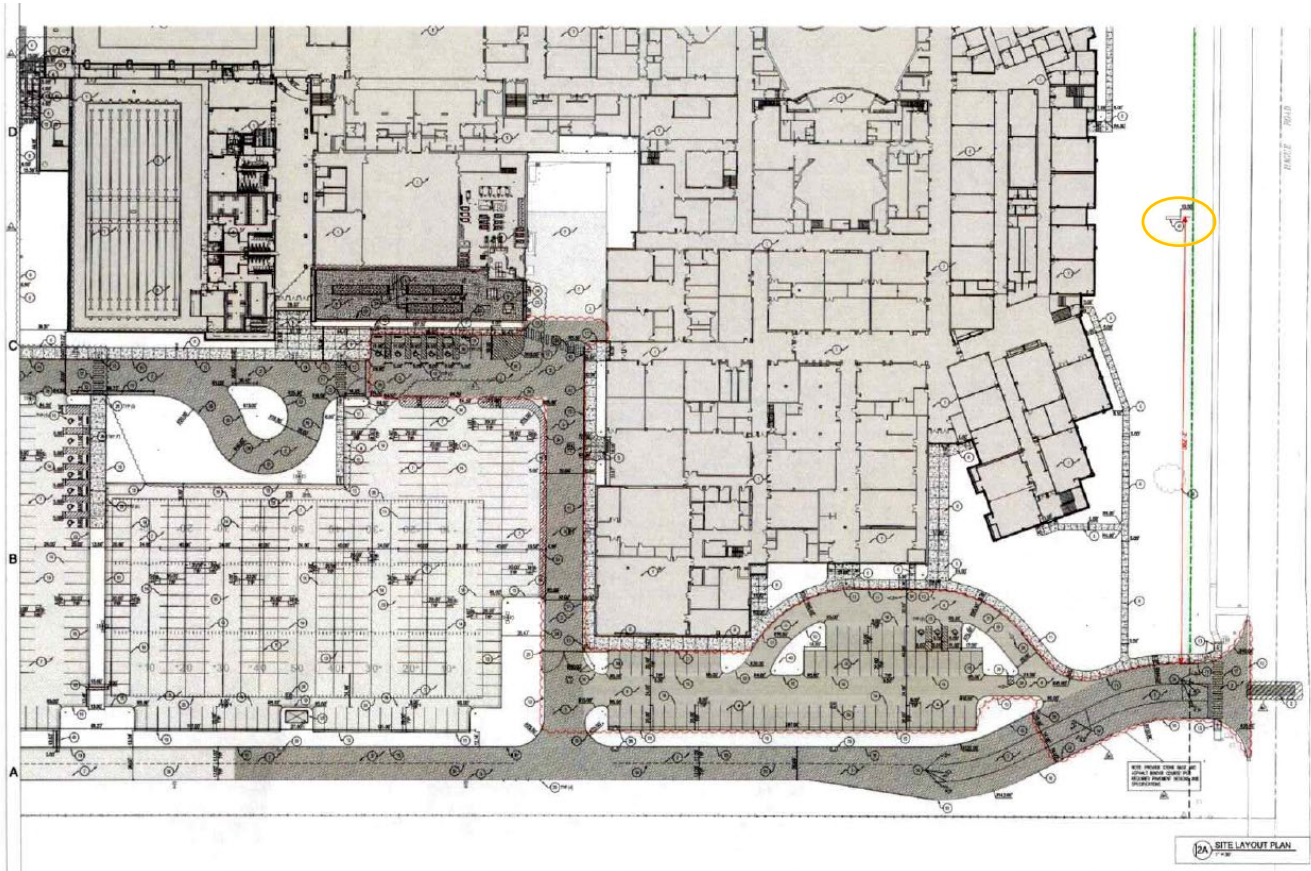
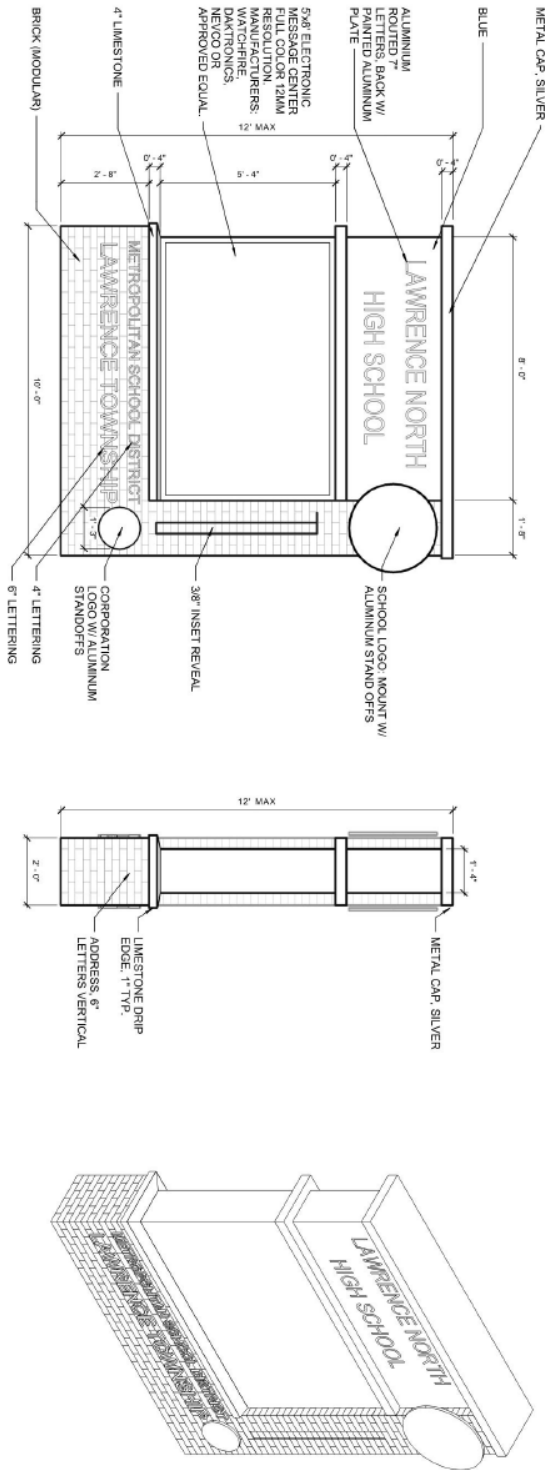


Exhibit 3: The submitted site plan.

Department of Metropolitan Development  
Division of Planning  
Current Planning



CONTRACTOR TO SUBMIT SHOP DRAWINGS FOR REVIEW AND APPROVAL PRIOR TO FABRICATION  
ALL TEXT TO BE WRAPD PRO. ALL PAINT COLORS TO BE VERIFIED WITH ARCHITECT/ENGINEER PRIOR TO FABRICATION



Exhibit 4:Elevation of the proposed sign.

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division I \_\_\_\_\_  
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**

the proposed sign will actually improve identification of the school and activities taking place thereon without interfering with vehicular or pedestrian traffic, which enhances the public health, safety, morals and general welfare of the community.

**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 proposed sign will be adequately separated by a primary collector street (Hague Road) from adjoining properties so as to not interfere with access to or visibility of said properties, and will be operated in a fashion to not interfere with the use or enjoyment of said properties.

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

the property is large, with significantly large improvements and a myriad of activities taking place, making it impossible to convey the myriad of information taking place on the school campus without a digital display sign.

**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 ordinance does not properly account for the size of school campuses, buildings and the number of activities taking place in prohibiting digital display signs in the SU-2 district.

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

the proposed digital display sign is compatible with a school use in the special use district.

Exhibit 5: The submitted Findings of Fact.





Exhibit 6: Front of Lawrence North High School



Exhibit 7: General area of the proposed location for the sign.





Exhibit 8: Homes across the street from the proposed sign.





Exhibit 9: Library sign to the north of the subject site.



Exhibit 10: Exhibit 10: Second nearby monument sign.





Exhibit 11: Cross street and streetlight near the proposed location of the sign.

## BOARD OF ZONING APPEALS DIVISION III

September 16, 2025

**Case Number:** 2025-UV3-023

**Property Address:** 125 S Bonar Avenue (approximate address)

**Location:** Warren Township, Council District #20

**Petitioner:** Rayo Vivar Investments Corp, by Josh Smith

**Current Zoning:** I-2

**Request:** Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, subject to the filed site plan (not permitted).

**Current Land Use:** Residential

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

**Staff Reviewer:** Noah Stern, Senior Planner

## PETITION HISTORY

- This petition was continued with notice to the September 16, 2025 BZA Division III hearing as the legal notices were not provided to the petitioner in time to meet the notice deadline.

## STAFF RECOMMENDATION

- Staff **recommends denial** of this petition.

## PETITION OVERVIEW

- This petition would allow for a single-family dwelling in the I-2 zoning district (not permitted).
- It has been indicated to the petitioner that Staff would recommend approval of a Rezoning petition to rezone the property to the D-2 district. Staff believes a rezoning petition is far more appropriate for the situation as the property has consisted of a single-family residence since the 1930s. Staff finds this to be an opportunity to correct the property's zoning which has been mismatched with the use of the land for decades. Staff would emphasize that any expansions or changes made to the residence under its current I-2 zoning district would require variances. Staff finds that rezoning would be much more beneficial so as to match the zoning with the actual use of the land, and to eliminate the need for future variances if any additions or changes are made to the site by the current or future owners.
- Staff recommends denial of this Use Variance and recommends that the petitioner withdraw and refile as a Rezoning petition, which Staff would support.



## GENERAL INFORMATION

<b>Existing Zoning</b>	I-2	
<b>Existing Land Use</b>	Single-family residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	I-2	North: Single-family residential
South:	I-2	South: Vacant
East:	D-P	East: Single-family residential
West:	I-2	West: Single-family residential
<b>Thoroughfare Plan</b>		
South Bonar Avenue	Local Street	40 feet of right-of-way existing and 50 feet proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	7/9/25	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	7/9/25	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Suburban Neighborhood typology for this site.

### 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



Aerial Photo

120





Department of Metropolitan Development  
Division of Planning  
Current Planning

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

The variance will continue to allow the current non-conforming structure that has been in place for 70+ years.

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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 variance would allow the continued single family home use that's been in place. The proposed changes do not significantly change the size of the structure nor the existing use.

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

The property is currently zones I2 for industrial uses however this single home has been on-site prior to 1950. The home now needs improvements to the crawlspace/floor that require some changes to the structure in order to raise perimeter walls and change the roofline. The existing floor system has a crawlspace that is less than a foot. In order to fix the floor, the floor structure needs raised to allow for a proper depth crawlspace. In order to raise the floor, the walls will also need raised and then roof/ceiling will need to be raised 1.5-2 feet.

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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 I2 zoning prohibits the use of property for residential uses and will not allow the structures to be changed and remodeled for housing purposes.

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

The comp plan suggests this area to be used for suburban residential uses. The continued use of the property as a family home is in-line with the plan recommendation.

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DECISION

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

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

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Subject site



Subject site





Adjacent home to the north

BOARD OF ZONING APPEALS DIVISION III

September 16, 2025

**Case Number:** 2025-DV3-030  
**Property Address:** 1226 McDougal Street (approximate address)  
**Location:** Center Township, Council District #19  
**Petitioner:** Christopher Hernandez, by Josh Smith  
**Current Zoning:** D-5 (TOD)  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a three-foot east side yard setback (seven feet required).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends **denial** of this petition.  
**Staff Reviewer:** Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 1226 McDougal Street is a residential parcel that had been improved with a single-family residence and detached garage structure prior to 2023 (see spring 2023 photo within Exhibits). The lot has a width of approximately 120 feet, with all current improvements on the eastern half of the parcel. The property is surrounded by residential development on adjacent properties as well as an unimproved alley to the north of the site.
- In 2023, a new building addition was constructed without permits in place that connected the existing home and garage together and resulted in a dramatic expansion of the building along the eastern side setback. A structural violation case (VIO23-006917) was opened later that year along with the issuance of a stop-work order, and a more recent zoning violation case (VIO25-007607) was opened in August 2025. The 2025 zoning violation cites the property for work done without issuance of an Improvement Location Permit, construction within the required side setback, and a portion of fence within the front yard exceeding the allowable height.



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

- A Variance of Development Standards would be required to make the work already done at the site legal. The initial site plan submitted showed a uniform 5-foot setback of the building, while aerial photography implied a smaller separation of around 0 feet from the existing home to the eastern property line. Additional site measurement has verified that the closest point of the original home is around 3 feet from the property line, while the new addition has a closest setback point of around 4 feet. This is reflected in the site plan shown below, and if required permit applications had been made prior to construction, the illegal expansion would not have been built.
- Approval of this variance would not serve as an exception from any applicable standards from the 2020 Indiana Residential Code for fire-rating of building materials, use of fixed or inoperable windows within close proximity to property lines, etc. Additionally, if the lot were to be subdivided in the future to create a second buildable lot on the western portion of the site, this petition would not serve as an exception from any applicable open space requirements. Finally, the height of the fence within the front yard as cited within the 2025 zoning violation would need to be addressed regardless of the result of this petition since it is not a part of this variance request.
- This property is zoned D-5 (Dwelling District Five) to allow for medium intensity residential development for urban, built-up areas of the city with a fine grain of accessibility for all modes of travel. It is also located within the Transit-Oriented Development secondary zoning district due to the site's proximity to the Garfield Park Red Line BRT stop. The Comprehensive Plan recommends it to the Traditional Neighborhood typology and places the site partially within an Environmentally Sensitive overlay (more information within Comprehensive Plan Analysis below).
- Additionally, the city's Infill Housing Guidelines indicate that sufficient side setbacks and minimum spacing can be crucial for proper maintenance of homes (allowing for ladder placement) and can also reduce the risk of fire spreading across buildings. The Guidelines also indicate that the massing and size of new construction and additions should be characteristic of surrounding buildings, particularly on local streets. Staff would note that although the spacing of the previous structure was legally non-conforming, the unpermitted addition results in an expansion of that non-conformity by 166.7% in a manner inconsistent with the size of surrounding properties.
- Findings of Fact provided by the applicant indicate that the single-family use is consistent with the area and that the lack of consistent side setback standards for the block should allow for deviation from Ordinance requirements. Staff would note that the both the size/massing of the enlarged structure and level of separation from the property to the east would be atypical for the block, and that other non-conforming setbacks on the block were not established by previous variances.
- Given the potential maintenance issues and negative externalities for this property and its neighbor to the east that might result from the expansion of the existing setback as well as the possibility that a future subdivision of the western half of the lot would lead to the creation of an open space violation at this site, staff recommends denial of the requested variance.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5 (TOD)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
North:	D-5	North: Undeveloped
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
<b>Thoroughfare Plan</b>		
McDougal Street	Local Street	50-foot existing right-of-way & 48-foot proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	08/11/2025	
<b>Site Plan (Amended)</b>	09/04/2025	
<b>Elevations</b>	08/11/2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	08/11/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- TOD Red Line Strategic Plan
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Traditional Neighborhood living typology to allow for a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible.

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

- The property is also within an Environmentally Sensitive overlay which is intended for areas containing high quality woodlands, wetlands, or other natural resources. Development of detached housing should be oriented to minimize impacts on trees, and development should preserve or add at least 30% of the entire parcel as tree canopy of naturalized area.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- The TOD Red Line Strategic Plan recommends this area to the District Center typology for dense, mixed-use infill at the heart of the area nearest the BRT stop with residential uses beyond.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Infill Housing Guidelines related to the spacing of buildings indicate that sufficient side setbacks and minimum spacing can be crucial for proper maintenance of homes (allowing for ladder placement) and can also reduce the risk of fire spreading across buildings. The Guidelines also indicate that the massing and size of new construction and additions should be characteristic of surrounding buildings, particularly on local streets.

**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

**2021UV1011 ; 1125 McCord Street (northwest of site)**, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to a single-family dwelling to convert it into two dwelling units (not permitted) on a 60-foot wide lot (70-foot wide lot required), and the construction of a detached garage with access to McCord Street (access required from improved alley), **approved**.

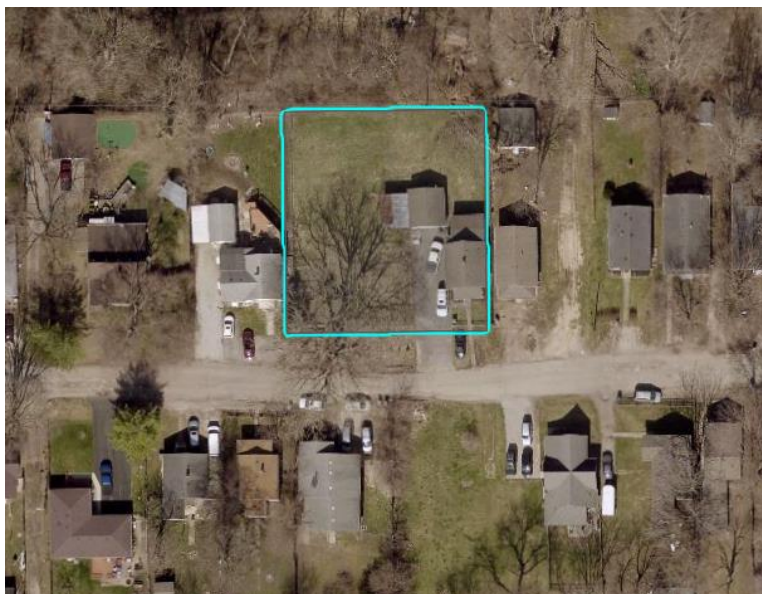


**EXHIBITS**

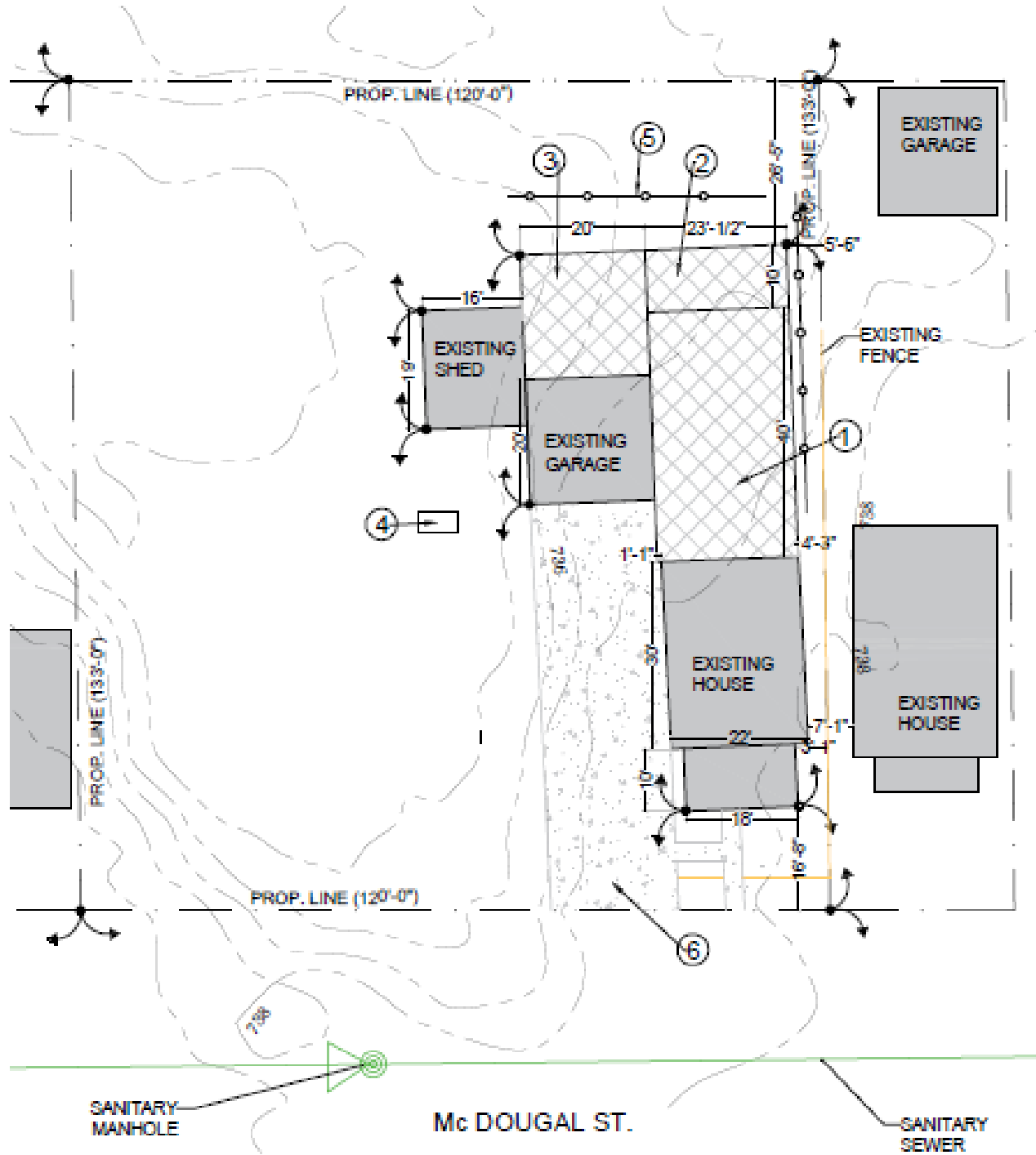
**2025DV3030 ; Aerial Map**



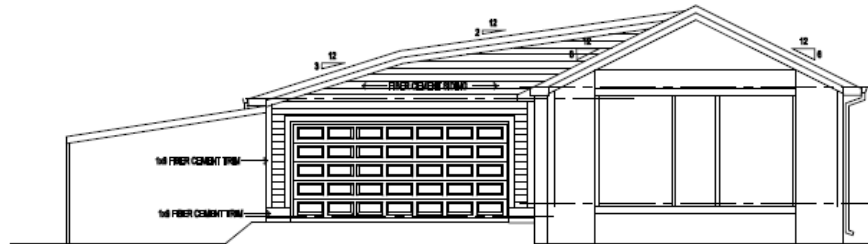
**2025DV3030 ; Aerial Map (spring 2023)**



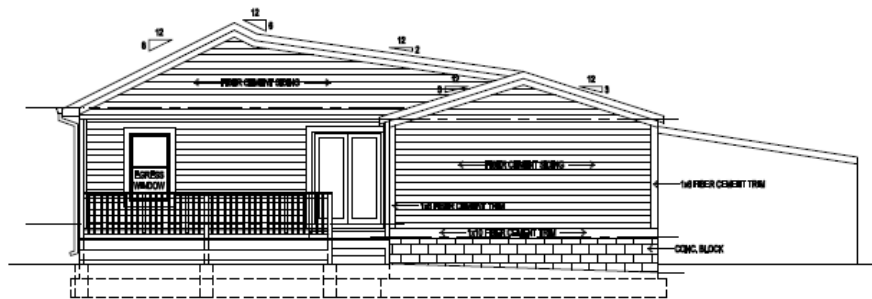
**2025DV3030 ; Site Plan**



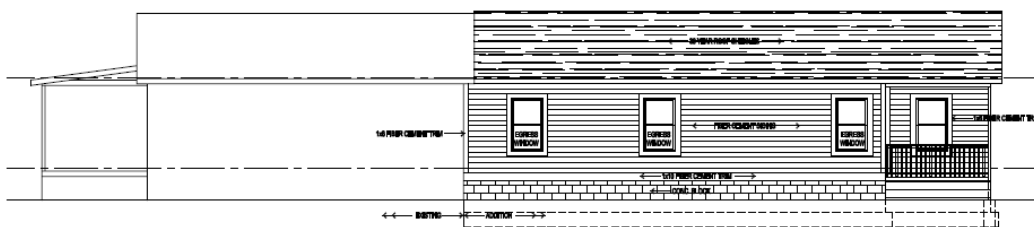
**2025DV3030 ; Elevations**



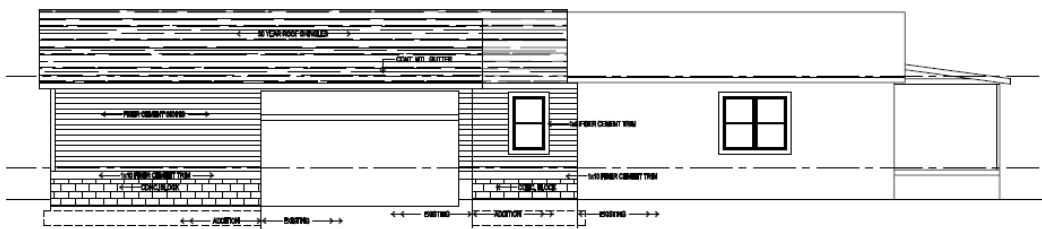
**EAST ELEVATION**  
 SCALE: 1/4" = 1'-0"



**WEST ELEVATION**  
 SCALE: 3/16" = 1'-0"

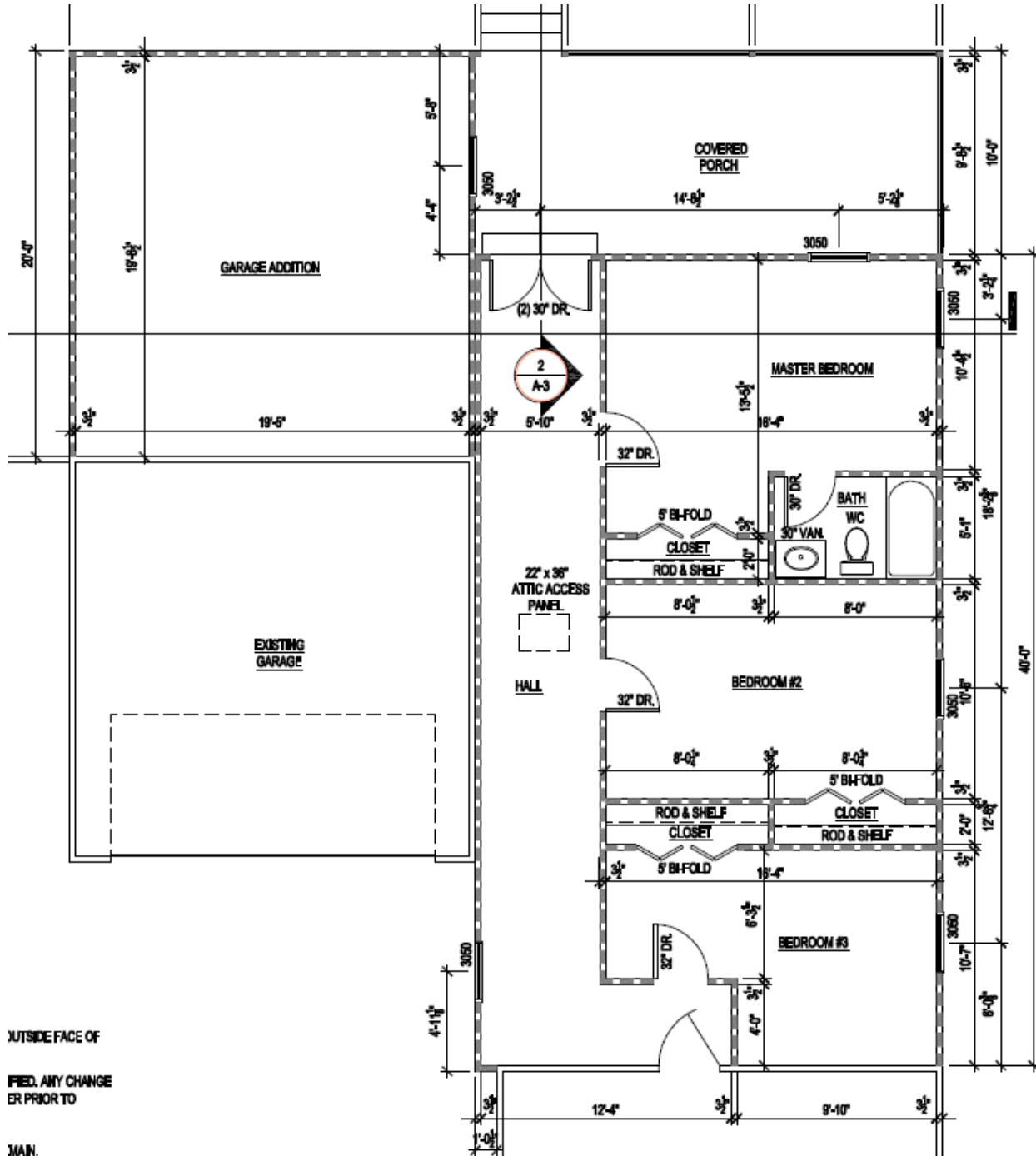


**NORTH ELEVATION**  
 SCALE: 1/4" = 1'-0"



**SOUTH ELEVATION**

**2025DV3030 ; Floorplan**





## **2025DV3030 ; Findings of Fact**

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

The use of the home and property will remain a single family home with a larger footprint. The single family use is consistent with the area.

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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 of the property will remain a single-family home with no change in use.

If granted, the proposed setback would be in-line with what is required for other lots on this same block.

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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 varying lot widths of this block of homes, there is no consistent side setback requirement the platted subdivision on the same street with the same zoning designation. This block has lots varying from 30ft wide to 120ft wide due to lots being combined and split since the original platting. The smaller lots at 30ft are required to have 3ft side setback; the mid size 45ft lots are required to maintain a 5ft side setback, and the larger lots 60ft wide and larger are required to have a 7ft side setback.

## **2025DV3030 ; Notice of Violation (VIO25-007607)**

### **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).

### **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: - Rear addition located in the 7ft. 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 744-510-2: - Fence height exceeding 42 inches in the front yard with more than 30% opacity...privacy fence).

**2025DV3030 ; Photographs**



Photo 1: Subject Site and Eastern Neighbor from South



Photo 2: Subject Building Viewed from Southwest

**2025DV3030 ; Photographs (continued)**



Photo 3: Addition Viewed from Northwest



Photo 4: Addition Viewed from North



**2025DV3030 ; Photographs (continued)**



Photo 5: Addition & Fence Viewed from Southeast



Photo 6: Separation Between House and Fence to East



## BOARD OF ZONING APPEALS DIVISION III

September 16, 2025

**Case Number:** 2025-UV3-026

**Property Address:** 2901 North Post Road (approximate address)

**Location:** Warren Township, Council District #15

**Petitioner:** Calvary Temple Assembly of God, by David Gilman

**Current Zoning:** SU-1 / D-7 / D-4

**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor storage of modular homes, with temporary perimeter fencing of the proposed outdoor storage area (not permitted).

**Current Land Use:** Religious Uses

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

**Staff Reviewer:** Noah Stern, Senior Planner

## PETITION HISTORY

- This is the first public hearing for this petition.

## STAFF RECOMMENDATION

- Staff **recommends denial** of this petition

## PETITION OVERVIEW

- This petition would for the outdoor storage of modular homes, with temporary perimeter fencing of the proposed outdoor storage area (not permitted).
- The site is primarily zoned SU-1 (religious uses), contains small portions of D-4 and D-7, and is approximately 16.21 acres. The site is currently improved with a church and an associated parking lot. The request is to allow to store modular homes (up to 100 according to the plan of operation) on the eastern parking lot. The plan of operation also indicates that the modular homes that would be stored on site would not be in association with the church, but for a home builder on the north side of East 30<sup>th</sup> Street.
- Religious use is defined in the Zoning Ordinance as “A land use and all related buildings and structures devoted primarily to the purpose of divine worship, together with reasonably related accessory uses including but not limited to, educational, instructional, social, or residential activities.”

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

- Outdoor storage of materials is not permitted in any residential zoning district, nor the SU-1 district. This standard is in place to preserve quality aesthetics, to protect sensitive districts from intense uses, and to limit the intermixing of incompatible land uses. Staff generally finds the request to be entirely out of line with typical uses and aesthetics of the SU-1 district which is reserved solely for religious uses.
- Staff finds the proposed use to be inappropriate and is concerned about the impact that this would have on the subject site. The subject site itself is a Protected District and is entirely incompatible with outdoor storage uses, particularly outdoor storage occurring on its own associated parking lot. Staff believes that the storage of large modular home structures would significantly alter the character of the property and represents a detrimental precedent for the SU-1 district. Special Use Districts have been in place since 1966 and are in place to contemplate specific land uses that are highly individualized and require more specific standards and review regarding the scope and scale of their existence. Intense outdoor storage in SU-1 districts is without precedent in Marion County and is not contemplated by the SU-1 district as it is not a compatible nor a typical feature of religious uses.
- Staff does not find that the Findings of Fact meet the burden of proof, as Staff does not believe there to be any hardship on the owner for needing the requested variance; Staff does not believe the parking lot needs to be used for outdoor storage and, likewise, could be used for permitted accessory uses to the church. Therefore, Staff is opposed to the request and recommends denial of the petition.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	SU-1 / D-7 / D-4	
<b>Existing Land Use</b>	Religious Uses	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-3 / I-3	North: Commercial / Industrial
South:	D-4	South: Multi-family residential
East:	D-7	East: Multi-family residential
West:	SU-2	West: School
<b>Thoroughfare Plan</b>		
North Post Road	Primary Arterial	108 feet of right-of-way existing and 134 feet proposed
East 30 <sup>th</sup> Street	Secondary Arterial	108 feet of right-of-way existing and 80 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	8/4/25	
<b>Site Plan (Amended)</b>	N/A	

<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N.A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	8/4/25
<b>Findings of Fact (Amended)</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Suburban Neighborhood typology for this site.

### 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

**91-HOV-86**, Variance of Development Standards of the Sign Regulations of Marion County to permit the placement of a second sign for an existing church (one sign structure permitted), **approved subject to conditions.**

### ZONING HISTORY – VICINITY

**2025UV3013; 9045 E 30<sup>th</sup> Street (north of site)**; Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for commercial offices within an existing building (not permitted), **approved.**



EXHIBITS



Aerial Photo



Site plan, file-dated 8/4/25

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

**Plan of Operation  
2901 N Post Road  
5/6/2025**

**BACKGROUND**

The subject site is located just east of Post Road on the south side of East 30<sup>th</sup> Street. The site consists of 16.04 acres and is zoned SU-1 (Religious Use). The site is developed with religious use and accessory administrative building. The church no longer needs the overflow parking area east of the church and would like to lease it to an adjacent modular home builder to store shrink-wrapped modular residential units until they are shipped to a remote development site.

**Business Use**

The petitioner seeks to lease a portion of an unused parking lot to an adjacent business for temporary storage of modular residential units. The area is ideal for this type of storage since it will be on within a paved parking area that has security lights and will have a perimeter fence.

**Workforce**

There will be a temporary security guard patrolling the site, as needed.

**Hours of Operation**

The modular units will be moved to the site and removed from the site during hours of the least amount of daily traffic. This is typically Saturday mornings.

**Off-Street Parking**

There will be a maximum of 100 units stored on the subject parking area.

**Signage**

No signage is proposed.

**Clients and Customers**

Only company employees will be permitted in the storage area.

**Lights**

Several tall two-headed pole lights are in the parking area to provide a well-secured environment.

**Shipping and Receiving**

All shipping and receiving will occur during hours to be the least disruptive to daily traffic.

**Drainage**

The stormwater drainage system is in place with the development of the church and parent property. There are no new improvements proposed that would impact the existing drainage system.

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Division of Planning  
Current Planning**

**Waste**

All waste would be picked up by utilizing a private or City waste disposal service. There will be no storage of hazardous materials on site.



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

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**

The proposed storage area will be secured by a perimeter fence and will only be used as need to full fill an order to serve new residential developments. The transportation of the units will be loaded on site and will be able to safely maneuver in and out of the site during times with the least amount of vehicular traffic.

**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 adjacent uses are either owned by the petitioner or the end user of the variance request. The only adjacent use not owned by the petitioner or end user is well protected with a large, wooded area.

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

The petitioner has a significant amount of un-used paved parking spaces that could be re-purposed to help an adjacent business.

**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 additional parking is not required and will continue to need maintenance and become a burden of the owners.

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

The variance is for a temporary/as needed use and will not change the underlying zoning classification.

**DECISION**

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

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

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\_\_\_\_\_  
\_\_\_\_\_

Department of Metropolitan Development  
Division of Planning  
Current Planning



Looking west at the parking lot and Church in background



Looking north

Department of Metropolitan Development  
Division of Planning  
Current Planning



Looking east



Looking south



Department of Metropolitan Development  
Division of Planning  
Current Planning



Looking southwest at Church



Looking south