



**Board of Zoning Appeals
Board of Zoning Appeals Division II
(January 13, 2026)
Meeting Agenda**

Meeting Details

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

Date: Tuesday, January 13, 2026 **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-DV2-035 | 5100 Knollton Road**
Washington Township, Council District #2, zoned D-S (FW) (FF)
John & Jane Murphy, by Justin and David Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on a lot with 50 feet of street frontage (75 feet required) and a driveway with a front yard setback of 12 feet from Roland Drive, with an accessory structure within the front yard of Roland Drive (accessory structures may not be within front yards).

****Petitioner to either withdraw or request a continuance to the April 14, 2026 hearing of Division II**

- 2. 2025-UV2-016 | 2949 Brouse Avenue**
Center Township, Council District #8, zoned D-5
Hector Esparza, by Arnolando Gonzales

(Amended) Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor storage of vehicles awaiting repair (not permitted).

****Petitioner to request continuance to the February 10, 2026 hearing of Division II**

- 3. 2025-UV2-018 | 1003 West 30th Street**
Center Township, Council District #12, zoned C-3
Skyline General Contracting Corp, by Jorge Gonzales

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a single-family residence (not permitted), per the site plan.

****Petitioner to request a continuance to the February 10, 2026 hearing of Division II**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

4. 2025-SE3-002 (Amended) | 3620 Developers Road

Perry Township, Council District #19, zoned C-7
B-Mac Properties LLC, by Patrick B. McIlvenna

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility with a 150-foot-tall monopole tower and a five-foot lightning rod (maximum height limited to 60 feet), within 150 feet of a dwelling district (500-foot separation required), and without the required perimeter landscape screening (minimum 10-foot landscape yard on all sides required).

5. 2025-UV1-022 | 4502 East Michigan Street

Center Township, Council District #13, zoned D-5
Jose Luis Tapia Camacho, by Justin Kingen

(Amended) Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an Automobile, Motorcycle and Light Vehicle Service or Repair facility, and Business, Professional or Government Office uses (not permitted) and a parking area greater than 30-foot wide within the front yards of Linwood Avenue and Michigan Street (not permitted).

6. 2025-UV2-017 | 853 North Tacoma Avenue

Center Township, Council District #13, zoned D-5
Near East Side Renewal, by Joe Smoker

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit rowhouse (not permitted), each with a minimum main floor area of 612 square feet, a front building line of 20 feet from Tacoma Avenue, and a five-foot corner side yard setback (660 square foot main floor area required, maximum 19.9-foot building line permitted, eight-foot corner side yard setback required), with deficient parking, per site plan filed.

7. 2025-UV2-019 | 7543 Terrace Beach

Washington Township, Council District #2, zoned D-S
Adam Gilliatte, by Michael Rabinowitch

(Amended) Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for the rebuilding of a single-family dwelling on a previous foundation in the floodway and a detached accessory structure in the front yard of Terrace Beach (accessory structures are not permitted in front of primary building), with a three-foot north side setback and a three-foot south side setback (fifteen-foot side setback required), with a six-foot aggregated side setback (35-foot aggregate side yard setback required), on a lot with twenty feet of street frontage (75 feet of frontage required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

8. 2025-DV2-045 | 8083 Georgetown Road

Pike Township, Council District #1, zoned D-2
Raul Flores, by Donald W. Fisher

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 4,000 square-foot accessory building and 2,591 square-foot accessory building, both being larger than the primary building (not permitted) and the 4,000 square-foot building being located within the front yard of the property (not permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

9. 2025-DV2-046 | 2346 Brookside Avenue

Center Township, Council District #8, zoned D-8 / C-7
Raul Rosas, by Jorge Gonzales

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a three-foot east side setback (five-foot side setback required).

10. 2025-DV2-047 | 2402 Brookside Avenue
 Center Township, Council District #8, zoned D-8
 Braulio Jauregui Barajas, by Leyla Mirena Paz Pineda

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a two-foot front setback (ten-foot minimum front setback required).

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. Written objections to a proposal are encouraged to be filed via email at 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 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
Craig Von Deylen, Chair	City-County Council	January 1, 2025 – December 21, 2025
James Duke, Vice-Chair	Mayor’s Office	January 1, 2025 – December 21, 2025
Patrice Duckett-Brown, Secretary	City-County Council	January 1, 2025 – December 21, 2025
Beth Brandon	Mayor’s Office	January 1, 2025 – December 21, 2025
Tom Barnes	Metropolitan Development Commission	January 1, 2025 – December 21, 2025



BOARD OF ZONING APPEALS DIVISION II **January 13, 2025**

Case Number: 2025-DV2-035
Property Address: 5100 Knollton Road (approximate address)
Location: Washington Township, Council District #2
Petitioner: John & Jane Murphy, by Justin and David Kingen
Current Zoning: D-2 (FW) (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on a lot with 50 feet of street frontage (75 feet required) and a driveway with a front yard setback of 12 feet from Roland Drive, with an accessory structure within the front yard of Roland Drive (accessory structures may not be within front yards).

Current Land Use: Vacant
Staff Recommendations: N/A
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- The petition was continued from the October 14th, 2025 hearing to the November 18, 2025 BZA Division II hearing, as well as from the November hearing date to the January 13, 2026 BZA Division II hearing.
- The petitioner has indicated their intention to file a replat petition and apply for recording of an extension of right-of-way, which would result in their ability to develop the site without the need for variances. The petitioner will plan to ask for a continuance to the April 14th, 2026 hearing date to allow for them to have a plat petition filed and approved which may obviate the need for variances.



BOARD OF ZONING APPEALS DIVISION II

January 13, 2026

Case Number: 2025-UV2-016 (Amended)
Address: 2949 Brouse Avenue (approximate address)
Location: Center Township, Council District #8
Zoning: D-5
Petitioner: Hector Esparza, by Arnoldo Gonzales
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor storage of vehicles awaiting repair (not permitted).

Current Land Use: Commercial Automobile Repair

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

The petitioner has requested this petition be continued 2 months, to the January 13, 2026, hearing, to allow time to amend the petition and provide new notice. Staff has no objection to this request.

This petition was amended with new legal notice, to provide the expansion of the outdoor storage onto an adjacent lot.

The petitioner has requested the petition be **continued to the February 10, 2026, hearing**, to allow time to discuss additional information with Staff. Staff has no objection to this request.



BOARD OF ZONING APPEALS DIVISION II **January 13, 2026**

Case Number: 2025-UV2-018

Property Address: 1003 West 30th Street (approximate address)

Location: Center Township, Council District #12

Petitioner: Skyline General Contracting Corp, by Jorge Gonzales

Current Zoning: C-3

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a single-family residence (not permitted), per the site plan.

Current Land Use: Undeveloped

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

The petitioner indicated that a representative for the property management group would be unable to attend this hearing date, and are therefore requesting a continuance to the February 10th hearing date of Division II. A full staff report will be made available in advance of that hearing date.



BOARD OF ZONING APPEALS DIVISION III

December 16, 2025

Case Number: 2025-SE3-002 (Amended)
Address: 3620 Developers Road (approximate address)
Location: Perry Township, Council District #19
Zoning: C-7
Petitioner: B-Mac Properties LLC, by Patrick B. McIlvenna
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility with a 150-foot-tall monopole tower and a five-foot lightning rod (maximum height limited to 60 feet), within 150 feet of a dwelling district (500-foot separation required), and without the required perimeter landscape screening (minimum 10-foot landscape yard on all sides required).

Current Land Use: Commercial Contractor use

Staff Recommendation: Staff recommends approval of this amended petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

This petition was amended by Staff to a Variance of Development Standards to reflect the correct request. It was determined that a Special Exception would not be needed, and the request was actually for a Variance of Development Standards. The petition number remains the same as the petition was not re-docketed. No new notice was required as the amended request is less intense than the original request.

Due to a lack of quorum, this petition was continued from the December 18, 2025, hearing and transferred to the January 13, 2026 hearing of Board II.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition as amended, subject to the following commitment:

- 1. The Variance grant shall be subject to an Administrator’s Approval of the landscape plan.

PETITION OVERVIEW

- The purpose of the development standards for wireless communications facilities (WCF) is to provide comprehensive service while protecting the community from oversaturation and intrusive design. The Ordinance also encourages the facilities to be as unobtrusive and invisible as reasonably possible by using designs and colors that are compatible with the adjacent land uses.



- As proposed, existing mature trees on the site and surrounding properties would provide a portion of the screening for the equipment area for the surrounding property owners.
- Additionally, the existing mature trees provide enough density to mitigate the negative visual impact of the tower and provide the camouflage and integration with existing structures, as required by the Findings of Fact.
- As a result of the adjacent mature tree screening, deficient perimeter landscaping is proposed to screen the remaining portion of the equipment area along the east side of the proposed site where the mature trees are lacking. Staff is requesting a commitment to Administratively Approve this landscaping area, in conjunction with the surrounding mature trees. This will require the replacement of any adjacent or proposed landscaping if removed, including any of the tall trees on the adjacent property that provide screening. Appropriate landscaping will be required on the subject site at that time to replace the deficient screening.
- The proposed tower location is approximately 150 feet from a dwelling district to the southwest, but the closest dwelling is approximately 240 feet from the tower location. A portion of the previously mentioned mature trees are located in between the tower and this dwelling.

GENERAL INFORMATION

Existing Zoning	C-7	
Existing Land Use	Commercial Contractor	
Comprehensive Plan	Recommends Light Industrial uses	
Surrounding Context	Zoning	Surrounding Context
	North: C-7	Commercial Contractor
	South: C-4	Indoor Recreation
	East: C-7	Commercial Contractor
	West: UQ-1	University uses
Thoroughfare Plan		
Developers Road	Private Street	No existing right-of-way provided.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Elevations	October 22, 2025	
Landscape Plan	October 22, 2025	
Site Plan -	October 22, 2025	
Findings of Fact	October 22, 2025	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial uses for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Light Industrial uses typology which provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.

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

79-Z-75;2120 National Avenue (includes subject site), requested the Rezoning of 15.21 acres, being in the SU-1 district, to the C-ID (C-7) classification, to provide for commercial contractor uses, **approved**.

97-UV2-82; 3601 Carson Avenue (west of site), requested a Variance of Use to provide for the operation of an automobile sales facility in an existing building, with outdoor display and the construction of two, 50 by 100-foot buildings for indoor commercial storage and office use, **granted**.

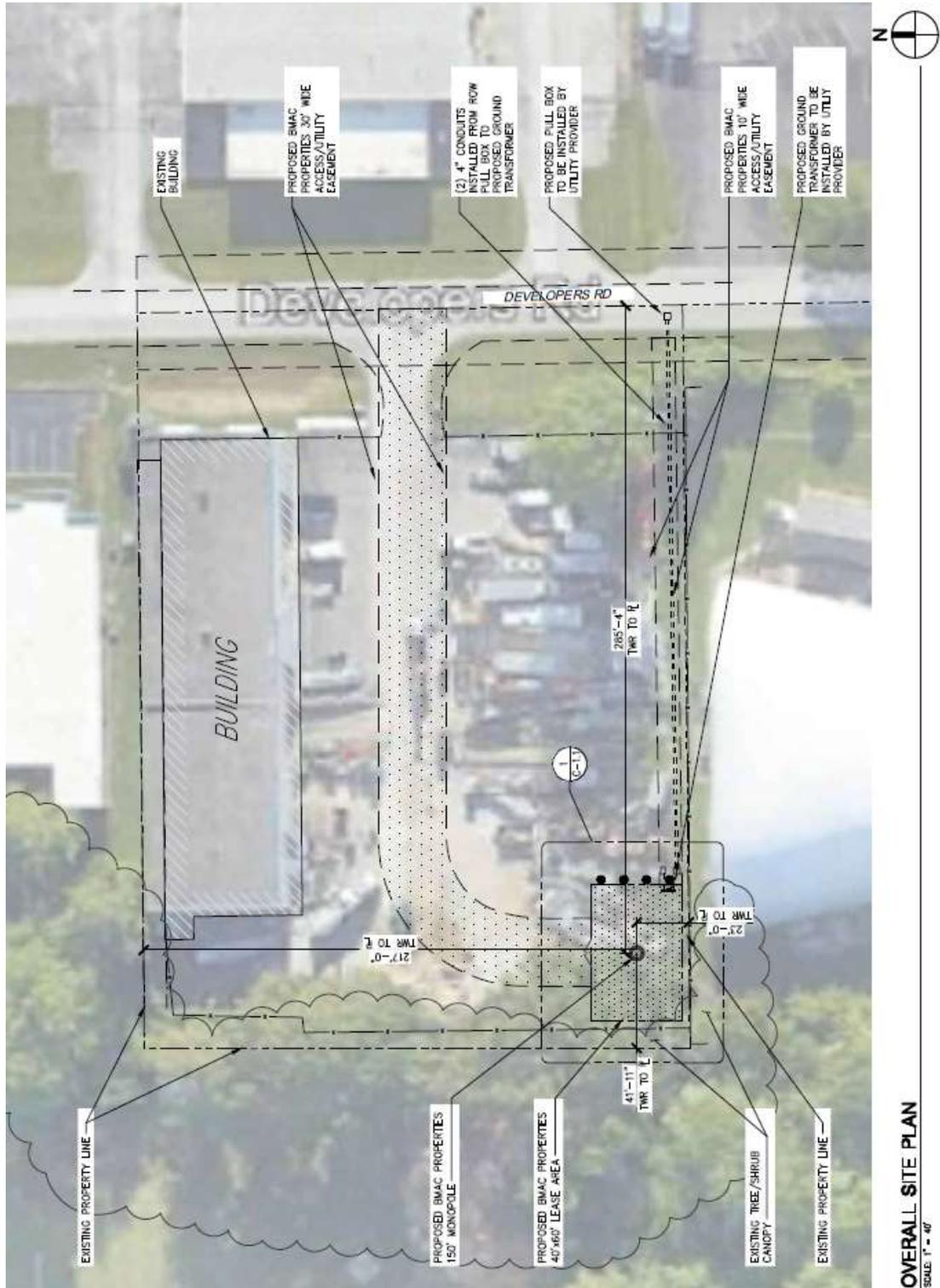
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EXHIBITS

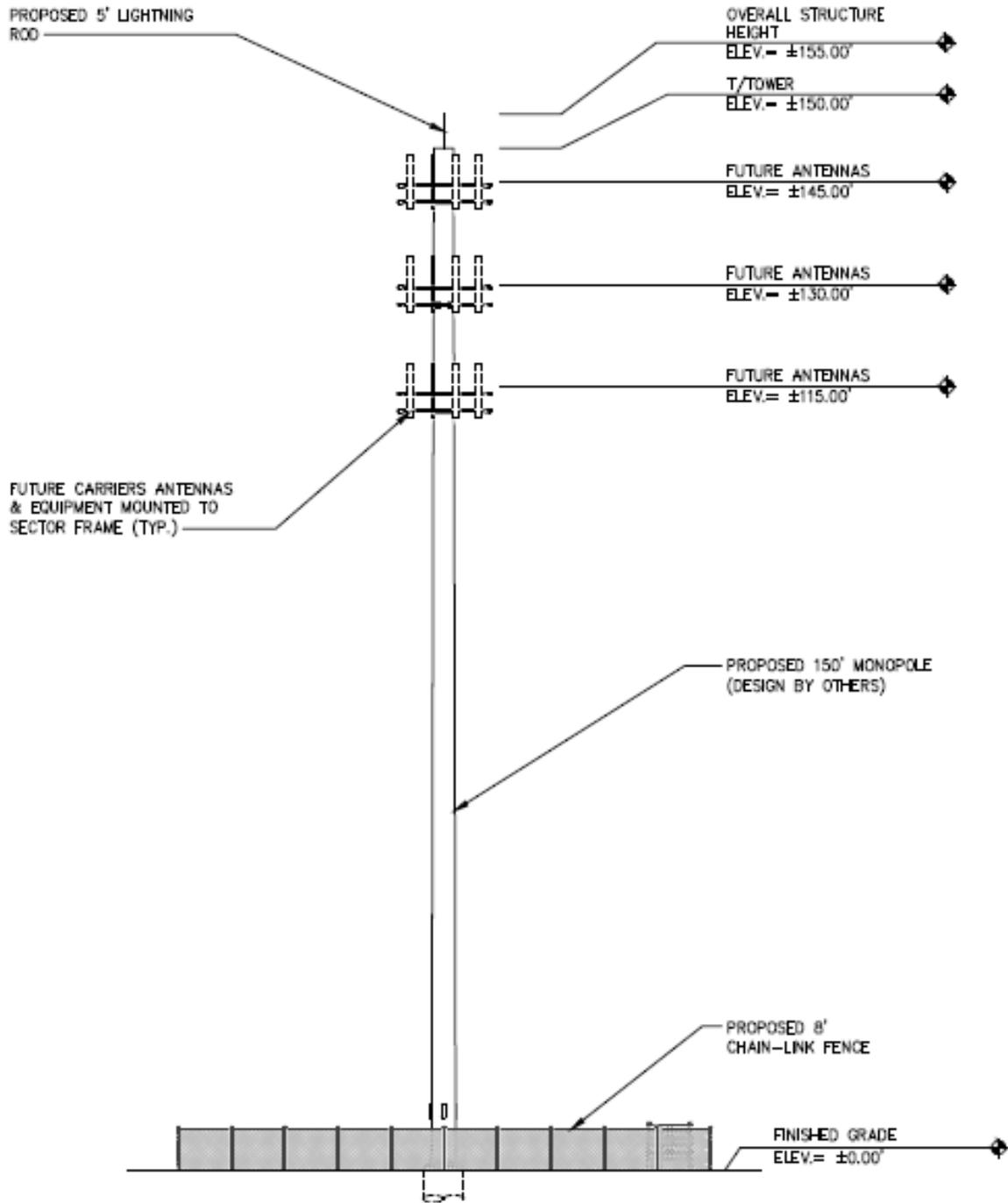
Location Map



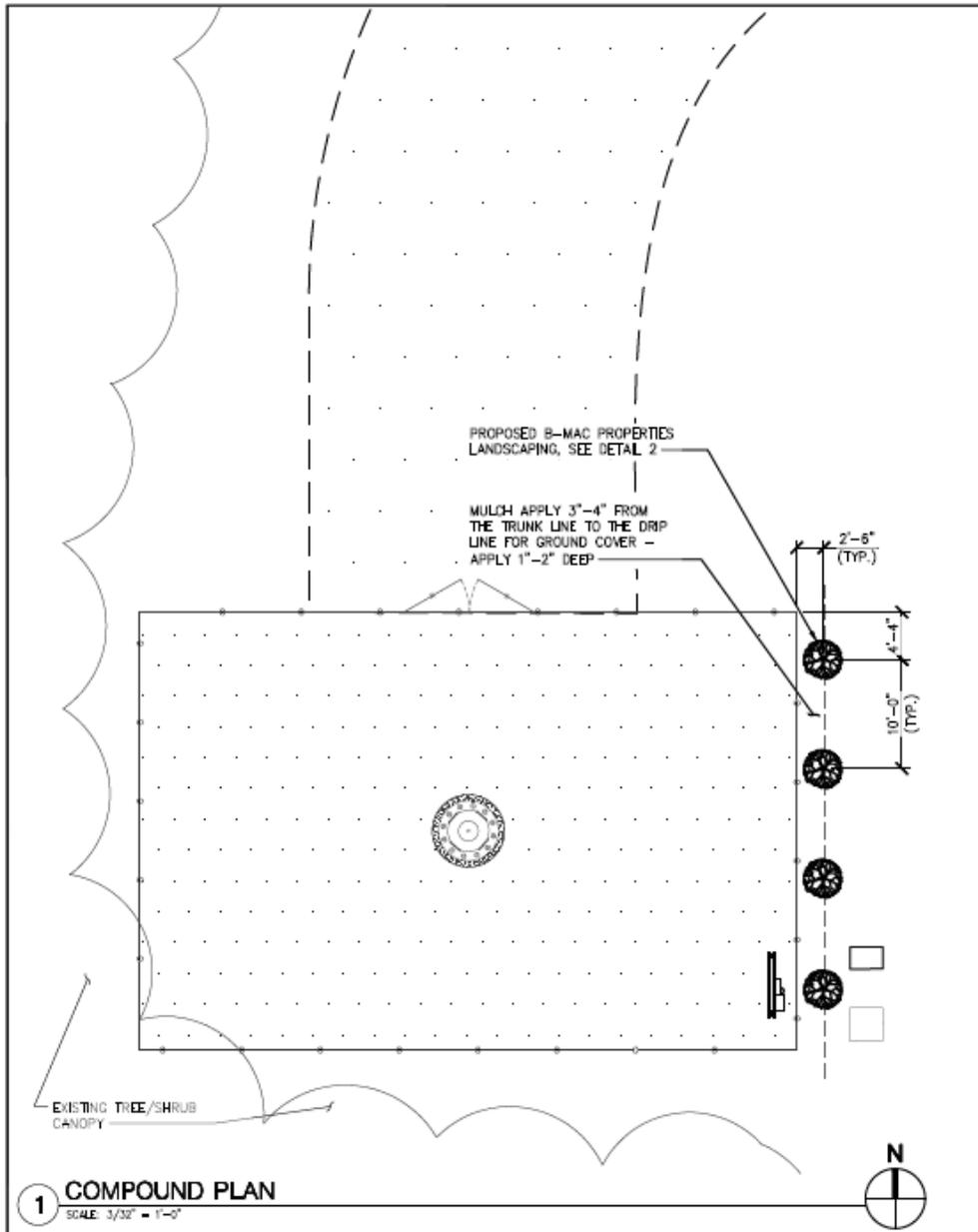
Site Plan.



Elevation.



Landscape Plan.





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT – HEIGHT

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

The wireless communications facility will not create smoke, dust, noise, odor, surface drainage issues, significant lighting, or demands on the public infrastructure. The facility will not impair visibility for motorists or pedestrians, and will not result in additional traffic along the adjacent Developers Road. The 150' monopole tower and 5' lighting rod are needed to provide reliable coverage and will contribute positively to the public health, safety, morals, and general welfare of the community by providing emergency communication capabilities and enhanced wireless communications infrastructure.

- 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 overall property is 1.8 acres in a heavy commercial business park adjacent to a major corridor of I-65 and South Keystone Avenue. The installation and use of a wireless communications facility at the proposed height will not hinder use or value of the adjacent area in a substantially adverse manner because the subject property is well removed from dwellings and surrounding protected uses and is equipped with existing vegetation to screen the proposed facility from view.

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

Within the context of the subject property being used by a commercial business and zoned C-7, the use of a wireless communications facility is a permitted use. The protected district located west of the subject property limits the height of the proposed tower to an inadequate 60 feet. Limiting the tower height to only 60 feet results in practical difficulty for AT&T Mobility to meet the coverage requirements for this proposed site. Strict application of the ordinance would result in effective prohibition of wireless services to this site and the surrounding area. The protected district is not developed and will not be impacted by the proposed height of the facility. Further, surrounding uses of the protected district and the subject site are existing commercial and industrial, for which wireless communications facilities serve as appropriate adjacent uses.



Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT – LANDSCAPING

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

The wireless communications facility will not create smoke, dust, noise, odor, surface drainage issues, significant lighting, or demands on the public infrastructure. The facility will not impair visibility for motorists or pedestrians, and will not result in additional traffic along the adjacent Developers Road. Further, as it relates to the required landscaping, the site itself has a natural tree line around the site, which provides a better screening than the required landscaping. There will be landscape screening installed on the east side of the site, facing Developers Road.

- 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 installation and use of a wireless communications facility, while not providing landscaping around three (3) sides of the facility, will not hinder the use or value of the adjacent area in a substantially adverse manner because the subject property already has substantial existing vegetation to screen the proposed facility from view from neighboring uses and properties.

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

There will be landscaping installed on one (1) side of the facility, facing Developers Road, which landscaping will provide adequate screening of the wireless communications facility. The existing tree cover will provide screening for the other three (3) sides of the site. The practical difficulty of having to install the landscaping results because such installation would require removal of the existing substantial vegetation and screening and/or require relocation of the proposed wireless communications facility elsewhere on the site, encroaching onto the existing use of the property.

Photographs



Building on subject property looking northwest.



Outdoor storage yard on subject property, proiosed tower location, looking west.



Adjacent heavy commercial, light industrial to the north of subject site.



Adjacent UQ-1 zoned site, and existign tall tree line screening to the west of subject site, looking east.



BOARD OF ZONING APPEALS DIVISION II

January 13, 2026

Case Number: 2025-UV1-022 (Amended)
Address: 4502 East Michigan Street (approximate address)
Location: Center Township, Council District #13
Zoning: D-5
Petitioner: Jose Luis Tapia Camacho, by Justin Kingen
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an Automobile, Motorcycle and Light Vehicle Service or Repair facility, and Business, Professional or Government Office uses (not permitted) and a parking area greater than 30-foot wide within the front yards of Linwood Avenue and Michigan Street (not permitted).

Current Land Use: Vacant Automotive Repair building

Staff Recommendation: Staff recommends approval of the request.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause by the petitioner, from the December 2, 2025, Board I hearing, and transferred to the December 9, 2025, hearing of Board II.

This petition was continued for cause by the petitioner a second time from the December 9, 2025, hearing, to the January 13, 2026, hearing.

The petitioner amended the petition from all C-3 uses, to allow only Business, Professional or Government Office uses along with the Automobile, Motorcycle and Light Vehicle Service or Repair facility use. As the amended request is less intense than the original request, no new notice would be required.

STAFF RECOMMENDATION

Staff recommends **approval** of the request as amended subject to the to the following commitment:

1. The Variance of Use and Variance of Development Standards grant shall be subject to the use of the existing building and existing parking area only. If the building is demolished or removed, then any granted variance for the use and the parking area will no longer be in effect. Any expansions of the building, parking area or use on the site will require a rezoning or additional variance.



PETITION OVERVIEW

VARIANCE OF USE

- ◇ The requested Variance of Use for an Automobile, Motorcycle and Light Vehicle Service or Repair facility and Business, Professional or Government Office uses would use the existing commercial building, and parking lot orientation.
- ◇ The existing building was originally designed for commercial uses, specifically as an automotive repair facility prior to the current Zoning Ordinance. As the building is not designed as a residential use that is compatible with the D-5 Zoning District, it is not likely to be used for future D-5 residential uses. Therefore, Staff is recommending approval due to the commercial nature of the existing building, subject to a commitment that the Variance shall subject to the use of the existing building only.
- ◇ Staff is requesting a commitment that the variance grant shall be subject to the use of the existing building only, since it was designed for the proposed Automobile, Motorcycle and Light Vehicle Service or Repair use, and the Office use would be an acceptable alternative.
- ◇ If the building is demolished or removed, then the variance will no longer be in effect, as the property could be redeveloped with the existing D-5 zoning. Any expansions of the building or new use on the site will require a rezoning or additional variance.
- ◇ Staff is requesting this commitment, as any change in the originally developed site could facilitate other commercial uses in the D-5 zoned district, which Staff believes the site should instead be rezoned to the C-3 District to provide for the appropriate Development Standards to address any adjacent protected districts.
- ◇ While Sanborn Fire Insurance Maps, as early as 1956, indicate the presence of an automotive repair facility on the subject site, similar to the proposed Automobile, Motorcycle and Light Vehicle Service or Repair facility, Staff would note that such construction would have predated the implementation of zoning in Marion County and Zoning Ordinance requirements, specifically for Use and Development Standards.
- ◇ If any future commercial uses are proposed, then Staff recommends the site be rezoned to provide for any requested for future C-3 uses due to the existing D-5 zoning being a legacy zoning and outdated for any other Commercial uses on the site.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The existing parking area greater than 30-foot wide within the front yards of Linwood Avenue and Michigan Street appears to have been originally designed for a commercial use prior to the current Zoning Ordinance.
- ◇ As the parking area is not designed as a residential use that is compatible with the D-5 Zoning District, it is not likely to be used for future D-5 residential uses.



- Therefore, Staff is recommending approval subject to the existing building and parking area only. Staff is requesting a commitment that the variance grant shall be subject to the use of the existing parking lot only. If the building is demolished or removed, then any granted variance will no longer be in effect. Any expansions of the building, parking area or use on the site will require a rezoning or additional variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Vacant Automotive Repair building	
Comprehensive Plan	Recommends Traditional Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 Single-family dwellings
	South:	MU-2 Automobile sales facility
	East:	D-5 Single-family dwellings
	West:	C-3 Undeveloped
Thoroughfare Plan		
East Michigan Street	Primary Arterial	62-foot existing right-of-way and 78-foot proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan	May 29, 2024	
Findings of Fact	September 11, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single-family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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

2017-ZON-077; 4501 East Michigan Street (south of site), requested the Rezoning of 0.15 acre, from the D-5 District, to the MU-2 classification, **approved**.

2009-ZON-058; 4606 East Michigan Street (east of site), requested the Rezoning 0.115 acre, from the D-5 District, to the C-3C classification to provide for corridor commercial uses, **granted**.

94-UV3-128, 4501 East Michigan Street (south of site), requested a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for vehicle sales, **approved**.

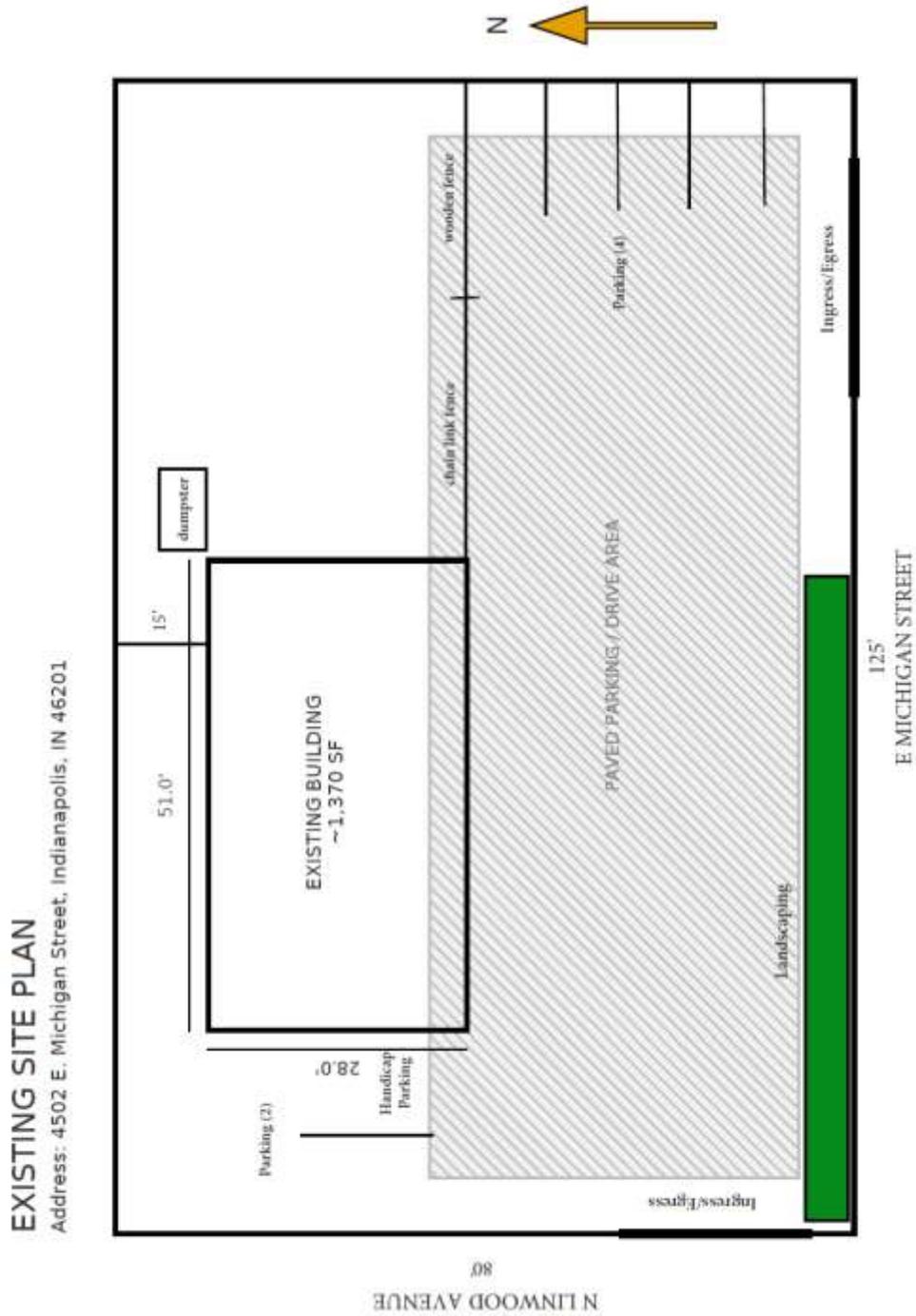
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EXHIBITS

Location Map



Site Plan





Plan of Operation (1-5-2026)

4502 East Michigan Street - Plan of Operation

- **Use:**
 - Automobile, Motorcycle and Light Vehicle Service or Repair
 - Office use: Business, Professional or Government
- **Staff:**
 - Three (3) full-time employees
- **Hours of Operation:**
 - Open to the public: 8:00am – 10:00pm (7 days a week)
 - Staff is able to access the building outside of those hours to utilize resources
- **Building:**
 - 1,370 square foot commercial building
- **Clients & Customers:**
 - Commercial operation will be open to the public
- **Safety & Security Measures:**
 - The office building has security cameras, and an alarm installed.
- **Materials Used:**
 - No hazardous waste is used on site.
- **Shipping, Receiving & Storage:**
 - Deliveries will be made via box-truck and enter the building through the overhead door on the east side of the building, per the site plan on file.
- **Waste:**
 - Commercial Dumpster will be located on the east side of the commercial structure and behind the existing fence. It will be set out in the parking lot on the weekly pick-up day. Disposal of trash will occur between the hours of 8am and 6pm, Monday through Friday.
- **Parking**
 - There are six (6) parking spaces, one (1) of which is an ADA space, all of which are paved, as indicated on the site plan on file.



Findings of Fact

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 site has been used and developed commercially, specifically with an automobile use over the past several decades. It was a fueling station in the 1950's, with an auto repair shop in the 1980's. Also the site across the street to the south has historically had an automobile related structure and operation.

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 use and value of the area adjacent to the property will not be adversely affected due to the fact that the subject site has been developed and used commercially, with an automobile related use, historically. Thus, granting the proposed use will not adversely affect the area.

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

A practical difficulty exists in that this site was developed several decades ago, and has been used for several decades, commercially despite being zoned with a residential use. Therefore, a practical difficulty exists in that the site would have to be completely redeveloped for residential use should this variance petition not be granted.

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

According to historical maps, a number of commercial uses have existed on the site dating back as far as the 1950s. The strict application of the Ordinance would constitute a hardship, as it would disallow the historic commercial use of the site.

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

Granting the variance of use allows for the historical commercial uses as well as the proposed commercial use to be compliant, and therefore does not interfere substantially with the comprehensive plan.



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:

A commercial structure has existed in its present location the subject for at least the last 1956, according to the Sanborn Map, as copy of which has been filed as part of this variance petition. Therefore this site has historically had a deficient northside rear transitional yard setback that predates the City's Zoning Ordinance. Furthermore, the existing fifteen foot (15') transitional yard setback is a greater setback than numerous commercial structures/properties in the East Michigan Street corridor.

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:

A fifteen foot (15') rear transitional yard setback on the site has existed since before the city's zoning ordinance was enacted. Legally establishing the setback will not negatively affect the value or use of the area adjacent to the subject site.

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

A commercial structure has existed in its present location on the subject site for over a half century. A strict application of the terms of the zoning ordinance would require that the building either be razed or moved.

Photographs



Subject property looking north.



Subject property looking east



Adjacent D-5 residential property to the north, looking east.



Adjacent D-5 residential property to the east.



BOARD OF ZONING APPEALS DIVISION II

January 13, 2026

Case Number: 2025-UV2-017
Address: 853 North Tacoma Avenue (approximate address)
Location: Center Township, Council District #13
Zoning: D-5
Petitioner: Near East Area Renewal, by Joe Smoker
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit rowhouse (not permitted), each with a minimum main floor area of 612 square feet, a front building line of 20 feet from Tacoma Avenue, and a five-foot corner side yard setback (660 square foot main floor area required, maximum 19.9-foot building line permitted, eight-foot corner side yard setback required), with deficient parking, per site plan filed.

Current Land Use: Undeveloped

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause by the Petitioner, from the December 9, 2025, hearing, to the January 13, 2026, hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The subject site was originally developed with a single-family dwelling, which was demolished sometime in 2018. The site has been undeveloped since then.
- ◇ The Variance of Use request is for a three-unit rowhouse as per the site plan. Therefore, the Variance as granted would be subject to the site plan. The remaining portion of the lot is to remain undeveloped as open space. On street parking is being provided on either the 9th Street or Tacoma Avenue frontages.
- ◇ The subject site is a deep, but relatively narrow parcel, which creates a practical difficulty and unusual scenario for a multi-unit structure, which is contemplated by the comprehensive plan.



- ◇ The proposed use would provide needed housing and be similar to other development in the area, in regard to traffic, noise, and intensity of use. In Staff’s opinion, the request would be consistent with surrounding residential properties, and the Comprehensive Plan recommendation.
- ◇ The request for the 612 square foot main floor area, would be a 7% deviation from the required 660-square feet. Due to the depth and corner orientation of the lot, two of the new dwellings would have frontage on 9th street, which would limit the building depth and main floor area square footage, thereby creating less first floor area available for living area. The proposed dwellings, however, would still have sufficient overall living space between the first and second levels.
- ◇ The request for a 20-foot front setback from Tacoma Avenue would be a 1.2-inch deviation from the 19.9-foot required setback. The requested front setback would be smaller than the adjacent corner two-family dwelling to the north and would provide additional Clear Sight Triangle visibility for the corner.
- ◇ The request for the 5-foot north side setback, would be in addition to the existing 10-foot right-of-way between the parcel and the sidewalk along the 9th Street frontage, providing for an adequate side yard separation from the sidewalk.
- ◇ The requested variances of development standards would be minimal deviations in Staff’s opinion and would have no impact on the character of development within the surrounding area.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Recommends Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	Two-Family dwelling
	South:	Single-Family dwelling
	East:	Single-Family dwellings
	West:	Two-Family dwelling
Thoroughfare Plan		
North Tacoma Street	Local Street	60-foot existing and proposed right-of-way.
East 9 th Street	Local Street	52-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	September 23, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	September 23, 2025	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Pattern Book recommends the Traditional Neighborhood typology which includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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

2021-DV3-055A; 919 Eastern Avenue (east of site), requested a Variance of Development Standards to legally establish and provide for the expansion of a deck with an eight-foot rear setback, and an open space of 42%, **granted**.

2021-DV3-055B; 919 Eastern Avenue (east of site), requested a Variance of Development Standards to legally establish and provide for the expansion of a deck with a zero-foot north side setback, and a five-foot separation between dwellings, **granted**.



2020-DV3-025; 919 Eastern Avenue (east of site), requested a Variance of Development Standards to provide for the construction of a dwelling addition with an eight-foot rear setback and 47% open space, **granted**.

2019-HOV-006; 924 North Rural Street (east of site), requested a Variance of Development Standards to provide for the addition of an attached garage to an existing two-story single-family dwelling, with an open space of 49%, **granted**.

2019-DV3-021; 837 North Temple Avenue (east of site), requested a Variance of Development Standards to provide for a front porch with a 5.5-foot front setback and a six-foot separation between dwellings and to legally establish a dwelling with a two-foot south side setback and four feet between dwellings, **granted**.

2018-HOV-007; 836 Eastern Avenue (east of site), requested a Variance of Development Standards to provide for an addition to an existing single-family dwelling, with a five-foot rear setback, and with 56% open space, **granted**.

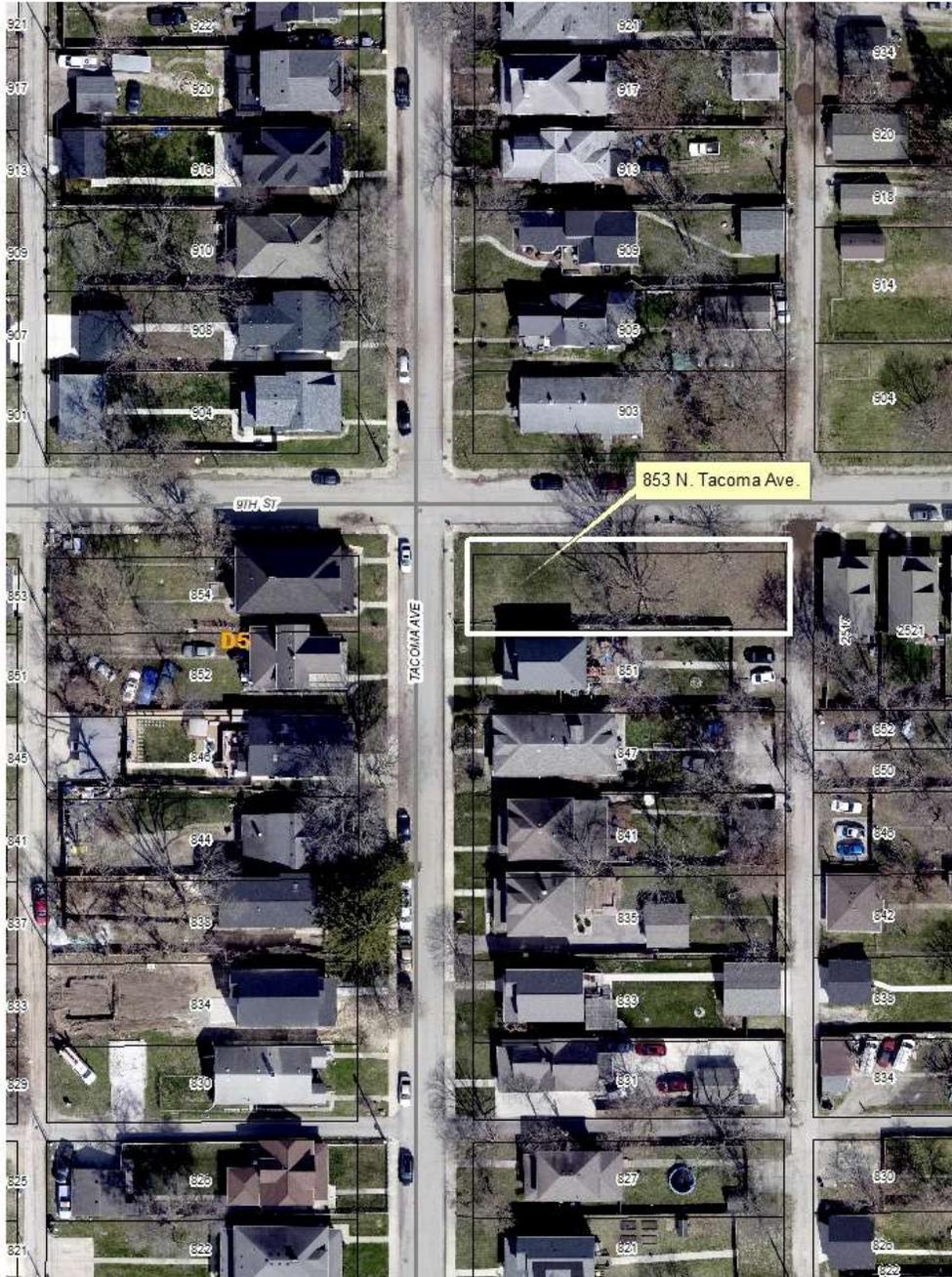
2018-DV3-029; 832 Eastern Avenue (east of site), requested a Variance of Development Standards to provide for a detached garage, with one-foot side and rear setbacks, **granted**.

2017-HOV-017; 517 East 9th Street (east of site), requested a Variance of Development Standards to provide for four single-family dwellings, without parking, with eight-foot front setbacks and nine and six feet between dwellings, and with one dwelling encroaching within the clear sight triangle of the abutting alley and street, **granted**.

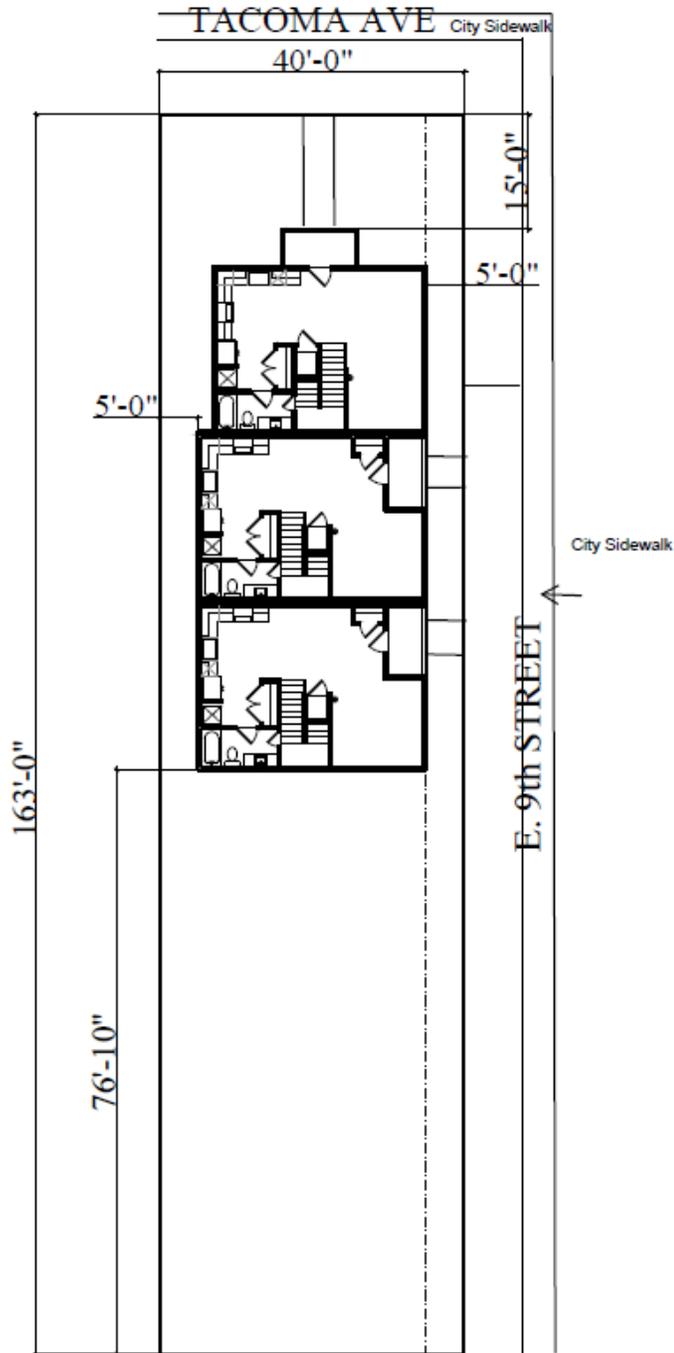
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EXHIBITS

Location Map



Site Plan



PROPOSED SITE PLAN
SCALE: 1" = 20' N →



Findings of Fact

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 development would be constructed by certified professionals and would be required to meet local and state building codes as well as additional project inspections by DMD relative to the funding source.

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 use would be similar to adjacent properties and projects completed by NEAR. Developing housing for homeownership has been the long-time mission of the organization including the properties immediately adjacent to the subject lot.

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

The subject site is deep, but relatively narrow, creating an unusual scenario for a multi-unit structure, which is contemplated by the zoning ordinance and comprehensive plan. As a corner lot, the property faces corner lot requires stricter setback standards.

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 site is within a block from a high frequency bus line and near to existing, urban commercial nodes. This location creates an ideal situation for slightly denser housing opportunities. Additoonally, the townhome style of development typically includes smaller floor plans as well as limited opportunity or indivudual vehicle access. Limitations of the building code require the building to be set further away from the south property line, forcing the building closer to the north lot line.

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

The Comprehensive Plan, specifically the traditional neighborhood category, contemplates varied housing styles and types. The proposed development retains the existing charcter and scale of the neighborhood while meeting the objectives of the Comprehensive Plan.



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 development would be constructed by certified contractors and would be required to meet local and state building codes, including inspections from both code enforcement and city inspectors related to the funding source. Housing is a consistent use surrounding the subject site.

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 development would be consistent with surrounding uses and would not create any negative external impacts.

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

Multi-unit houses are contemplated by the Comprehensive Plan and zoning ordinance in locations similar to the subject site, but the standards of the D5 district significantly limit the development potential on a somewhat narrow, deep corner lot.

Photographs



Photo 1 – Subject site looking east.



Photo 2 – Subject site looking west.



Photo 3 – Adjacent single-family property to the south, looking east.



Photo 4 – Adjacent two-family property to the west.



Photo 5 – Adjacent two-family property to the north, looking east.



Photo 6- Adjacent multiple single-family properties to the east, looking southeast.



BOARD OF ZONING APPEALS DIVISION II

January 13, 2026

Case Number: 2025-UV2-019 (Amended)
Address: 7543 Terrace Beach (approximate address)
Location: Washington Township, Council District #2
Zoning: D-S
Petitioner: Adam Gilliatte, by Michael Rabinowitch
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for the rebuilding of a single-family dwelling on a previous foundation in the floodway and a detached accessory structure in the front yard of Terrace Beach (accessory structures are not permitted in front of primary building), with a three-foot north side setback and a three-foot south side setback (fifteen-foot side setback required), with a six-foot aggregated side setback (35-foot aggregate side yard setback required), on a lot with twenty feet of street frontage (75 feet of frontage required).

Current Land Use: Vacant lot

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

Amended petition: This petition was amended after the Public Notice, to remove the original request for the Variance of Development Standards to provide for a 34-foot tall detached accessory structure. It was determined after the petition was docketed, that the actual height of the proposed accessory structure will be 24-feet, which the Ordinance permits by right. Additional notice would not be needed, as the request would now deviate less from the Ordinance than the original notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The previous dwelling that existed on site, was demolished in November 2024, due to damage sustained by a fallen tree. Due to the narrowness of the lot, the previous accessory structure that also existed on site, was removed to allow access to the site to demolish the damaged dwelling.



Department of Metropolitan Development
Division of Planning
Current Planning

- ◇ The previous dwelling and accessory structure had been on site since prior to 1969, which would normally classify them as a Legally Non-Conforming Uses. However, a Certificate of Legally Non-Conforming Use cannot be granted for uses in the floodway. Therefore, the requested Variances are required to provide for the rebuilding of the previous structures in the floodway.
- ◇ This Variance request would provide for the rebuilding of a single-family dwelling in the floodway and a detached accessory structure in the front yard adjacent to Terrace Beach.
- ◇ Both structures would have reduced three-foot north and south side setbacks, and six-foot aggregate side setbacks as requested, due to the narrowness of the platted lot, ranging in width from 17 feet to 43 feet.
- ◇ The proposed site development is typical of the area where detached accessory structures are located near the street and in front of the established front building line. The pattern of development on the north side of this portion of East 75th Street consists of deep rear yards to avoid construction in the floodway of the White River, while at the same time siting the primary dwelling to take advantage of its proximity to the river. Due to this land-related limitation and configuration, a practical difficulty exists.
- ◇ The requested reduced side setback reductions are largely a result of the small size of the lot. The lot, at approximately 8,610 square feet, is a D-4 sized lot. However, this site is within the D-S district, which includes standards that would be difficult to meet, particularly when proposing development consistent with the neighborhood. Therefore, there is a practical difficulty in complying with the width-based development standards for side setbacks.
- ◇ The Ordinance provides exceptions for reduced lot width and reduced lot area for lots platted prior to December 20, 1989, which apply to this lot. However, it does not provide an exception for reduced lot frontage, which requires a Variance of Development Standards for this lot. This lot is part of the Terrace Beach subdivision that was platted on June 14, 1906. Therefore, the requested Variance of Development Standards would legally establish the existing lot with twenty feet of street frontage.
- ◇ The Department of Business and Neighborhood Services has indicated the request to rebuild the dwelling and accessory structure in the floodway would be allowed under the Flood Damage Prevention Ordinance (Chapter 565 of the Revised Code), with the new structures being compliant with all current building protection standards, as well as obtaining any necessary approvals from the Indiana Department of Natural Resources.
- ◇ In Staff's opinion, the proposed request to rebuild a single-family dwelling and an accessory structure in the floodway as proposed would not constitute a change in the use from the previous structures prior to the damage caused by the fallen tree and would be consistent with the development in this area.



GENERAL INFORMATION

Existing Zoning	D-S		
Existing Land Use	Vacant lot		
Comprehensive Plan	Floodway		
Overlay	No		
Surrounding Context	Zoning	Surrounding Context	
	North:	D-S	Single-family dwellings
	South:	D-S	Single-family dwellings
	East:	D-S	Single-family dwellings
	West:	D-S	White River / Single-family dwellings
Thoroughfare Plan			
	Terrace Beach	Private Drive	Not indicated on the Thoroughfare Plan.
Context Area	Compact		
Floodway / Floodway Fringe	Floodway		
Wellfield Protection Area	No		
Site Plan	December 10, 2025		
Elevations	N/A		
Plan of Operation	N/A		
Commitments	N/A		
Landscape Plan	N/A		
Findings of Fact	December 10, 2025		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan has recommended this site as Floodway.

Pattern Book / Land Use Plan

- Not Applicable to the 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

2015-DV3-008; 7565 Terrace Beach (north of site), requested a Variance of Development Standards to provide for a dwelling addition, two covered porch additions and a deck, with a grill area, with a west side setback of approximately one-foot, creating an open space of 84%, on a lot with zero feet of frontage and lot width, and without direct access to a public street, **granted**.

99-UV1-77; 1520 East 75th Street (east of site), requested a Variance of Use of the Flood Control Districts Zoning Ordinance to provide for a non-substantial second story addition to an existing single-family dwelling without a Certificate of Approval for Construction in a Floodway from the Indiana Department of Natural Resources. (Certificates no longer required from IDNR), **granted**.

91-V1-128; 7517 Terrace Beach Avenue (south of site), requested a Variance of Use of the Flood Control Districts Zoning Ordinance to legally establish a room addition to a single-family dwelling within a regulatory floodway on a lot without all-weather access, **granted**.

83-UV2-1; 7402 Indianola Avenue (south of site), requests a Variance of the Flood Control Districts Zoning Ordinance to permit a clubhouse addition, **granted**.

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EXHIBITS

Location Map





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
(ACCESSORY STRUCTURE)**

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

Garages in the community are located in the front yard due to the proximity to the White River.

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:

Garages in the community are located in the front yard due to the proximity to the White River.

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

The pre-existing lot configuration and proximity to the White River dictates location of the garage to the front yard.



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
(SIDE YARD AND AGGREGATE SETBACKS)**

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

The side yard and aggregate setbacks are consistent with those established for the previous home on the property and the surrounding properties.

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 side yard and aggregate setbacks are consistent with those established for the previous home on the property and the surrounding properties.

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

The side yard and aggregate setbacks are consistent with other lots in the neighborhood, and the narrow lot configuration was previously established.



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
(STREET FRONTAGE)**

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

The long established lot configuration and street frontage is consistent with other lots in the neighborhood.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The long established lot configuration and street frontage is consistent with other lots in the neighborhood.

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

The existing lot configuration in the neighborhood and deficient street frontage under the existing zoning classification is well established and fits in context.

Photographs



Subject site proposed detached accessory structure location, looking west



Subject site proposed dwelling location, looking west.



Adjacent detached accessory structure in front yard to the south of subject site, looking west



Adjacent detached accessory structure in front yard to the north of subject site, looking west



BOARD OF ZONING APPEALS DIVISION II

January 13, 2026

Case Number: 2025-DV2-045
Property Address: 8083 Georgetown Road
Location: Pike Township, Council District #1
Petitioner: Raul Flores, by Donald W. Fisher
Current Zoning: D-2
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 4,000 square-foot accessory building and 2,591 square-foot accessory building, both being larger than the primary building (not permitted) and the 4,000 square-foot building being located within the front yard of the property (not permitted).
Current Land Use: Residential
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

1/13/26: The petitioner indicated their intention to request that this petition be continued an additional month to allow for time to answer questions posed by neighborhood groups. Staff is supportive of this continuance given that it would be the first such request from the petitioner, and a full staff report will be made available in advance of the new hearing date.

12/9/25: A timely automatic continuance request was filed by a registered neighborhood organization, automatically continuing this petition to the January 13, 2025 hearing date. A full staff report will be made available in advance of that hearing.



BOARD OF ZONING APPEALS DIVISION II

January 13, 2026

Case Number: 2025-DV2-046
Address: 2346 Brookside Avenue (approximate address)
Location: Center Township, Council District #8
Zoning: D-8 / C-7
Petitioner: Raul Rosas, by Jorge Gonzales
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a three-foot east side setback (five-foot side setback required).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff makes no recommendation for this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff makes **no recommendation** for this petition.

PETITION OVERVIEW

- ◇ The request would legally establish an existing single-family dwelling with a three-foot east side setback, in the D-8 district, originally permitted by the Department of Business and Neighborhood Services (DBNS) under ILP24-00351, and subsequently permitted under ILP25-00927.
- ◇ The original new construction two story single-family dwelling was permitted under ILP24-03107 with a five-foot side setback indicated.
- ◇ According to the property owner, the 3-foot side setback was mistakenly constructed, but was not corrected by the DBNS inspector after several on-site inspections. In addition, the property owner was instructed to remove several windows along the deficient side setback and install fire-rated siding as a result of the 3-foot side setback.
- ◇ When the size of the house was change, permit ILP25-01763, was issued and then placed on hold once it was determined the side setback had been constructed at 3 feet. Resulting in the need for a Variance of Development Standards.



GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Traditional Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North: C-7	Commercial Contractor
	South: D-8	Single-Family dwelling
	East: D-8	Single-Family dwelling
	West: D-8	Single-Family dwelling
Thoroughfare Plan		
Brookside Avenue	Local Street	64-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	December 5, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	December 5, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends traditional neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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

2024-UV1-018; 2243 Massachusetts Avenue (west of site); requested a Variance of Use and Development Standards to provide for the construction of a freestanding surface parking lot, **granted.**

2006-HOV-010; 2422 Brookside Avenue (east of site), requested a Variance of Use to legally establish a single-family dwelling, in a C-2 (MU-1) zoning district, **granted.**

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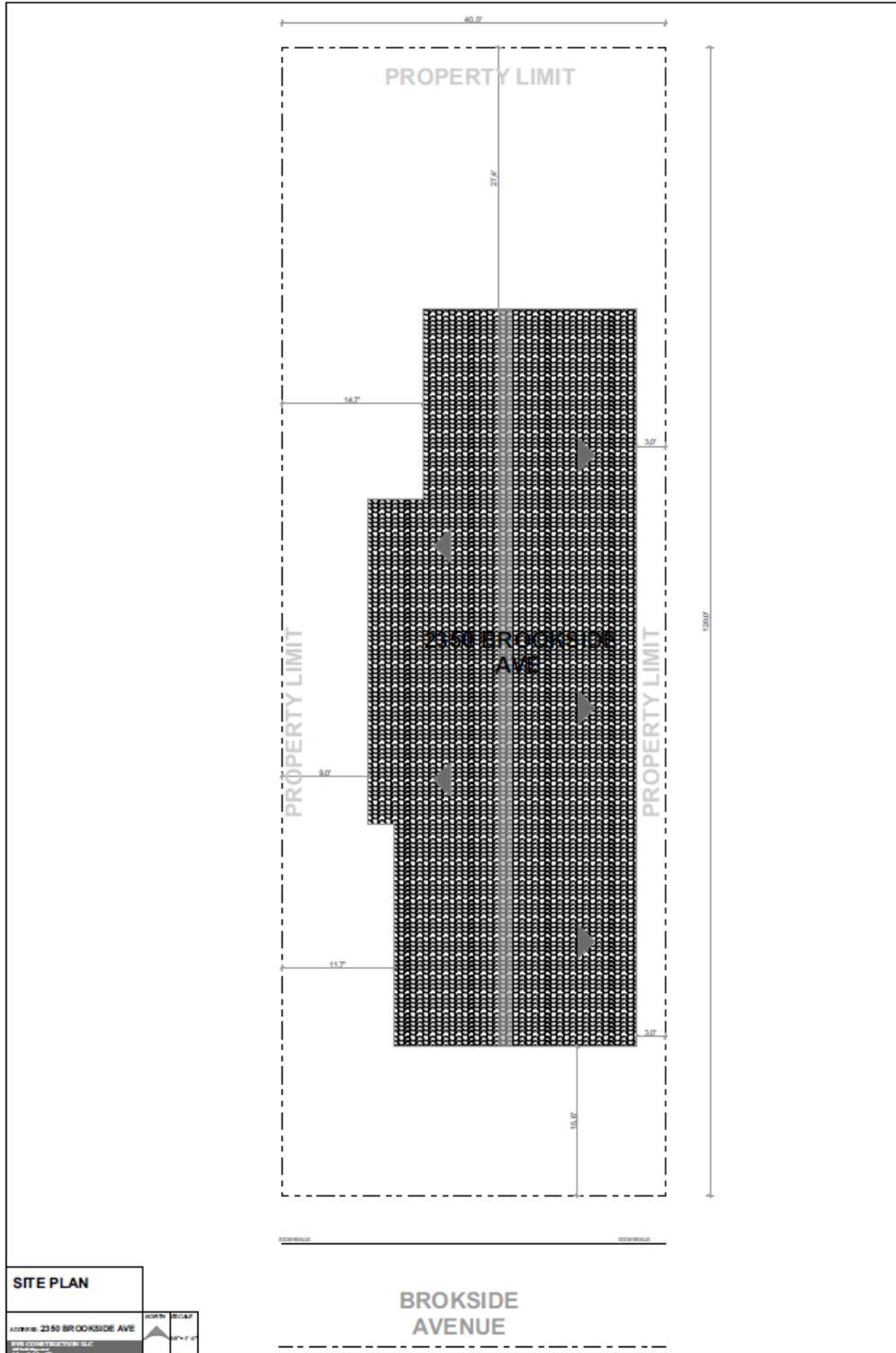
EXHIBITS

Location Map





Site Plan





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 as-built exterior walls located three (3) feet from the lot lines will comply with applicable building and fire-resistive requirements for reduced fire-separation distances, including rated wall assemblies, protection of projections/eaves, and opening limitations as required. Sightlines, emergency access, and drainage patterns are preserved, and no encroachment into any public right-of-way or recorded utility/drainage easement is proposed.

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 condition is modest and compatible with established development on similarly constrained lots; there is no physical encroachment onto adjoining parcels; light, air, and privacy for neighboring properties are maintained; and roof runoff will be managed onsite through gutters/downspouts directed to approved discharge points to avoid adverse stormwater impacts.

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

the lot's particular conditions (including narrow/irregular width and existing placements established during construction) make full compliance with a five-foot side yard on all sides impracticable without disproportionate demolition and relocation of finished walls. The requested three-foot side yards allow reasonable residential use comparable to nearby properties while meeting fire/life-safety standards and providing no lesser public protection than strict compliance would achieve.

Photographs



Photo of the subject site existing single family dwelling, looking north.



Photo of adjacent dwelling to the east, looking north.



Photo of adjacent single-family dwelling to the south.



Photo of adjacent single family dwelling to the west, looking north.



BOARD OF ZONING APPEALS DIVISION II **January 13, 2026**

Case Number: 2025-DV2-047
Address: 2402 Brookside Avenue (approximate address)
Location: Center Township, Council District #8
Zoning: D-8
Petitioner: Braulio Jauregui Barajas, by Leyla Mirena Paz Pineda
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a two-foot front setback (ten-foot minimum front setback required).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff makes no recommendation for this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff makes **no recommendation** for this petition.

PETITION OVERVIEW

- ◇ The request would legally establish an existing single-family dwelling with a two-foot front setback, in the D-8 district, originally permitted by the Department of Business and Neighborhood Services (DBNBS) under ILP24-03107, and subsequently permitted under ILP25-01763.
- ◇ The original new construction two story single-family dwelling was permitted under ILP24-03107, indicating a 12.3-foot front setback. When the owner determined there was not enough funding to construct the two-story dwelling, the permit was changed to ILP25-01763 to provide for a one-story dwelling, maintaining the same 12.3-foot front setback.
- ◇ Permit ILP25-01763, was issued then placed on hold once it was later determined the rear setback was proposed at being 18 feet, and the front setback was actually 2.5 feet from the property line. The rear setback was subsequently approved after discussions with the Division of Planning that the site warranted Terrace Frontage standards, allowing for a minimum 15-foot rear setback.
- ◇ It is believed the 12.3 front setback was originally measured from the sidewalk by the petitioner, instead of from the right-of way line, which has a 10-foot setback from the sidewalk edge. This was not detected by DBNS until after the ILP permits had been issued and construction was underway.

- ◇ Once detected, it was determined that a Variance of Development Standards would be required for the deficient 2.3-foot front setback.
- ◇ The subject site is adjacent to other residential developed properties in the D-8 District with similar reduced front setbacks. In addition, the local street has an above average 63-foot wide right-of-way for 48-feet in width of the existing street and sidewalks, providing for 10 feet of additional setback on the north side and 5 feet additional setback on the south side.

GENERAL INFORMATION

Existing Zoning	D-8		
Existing Land Use	Single-Family Dwelling		
Comprehensive Plan	Traditional Neighborhood uses		
Surrounding Context	Zoning	Surrounding Context	
	North:	C-7	Commercial Contractor
	South:	D-8	Single-Family dwelling
	East:	D-8	Parking lot
	West:	D-8	Single-Family dwellings
Thoroughfare Plan			
Brookside Avenue	Local Street	64-foot existing and proposed right-of-way.	
Context Area	Compact area		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	December 10, 2025		
Elevations	N/A		
Landscape Plan	N/A		
Findings of Fact	December 10, 2025		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends traditional neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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

2024-UV1-018; 2243 Massachusetts Avenue (west of site); requested a Variance of Use and Development Standards to provide for the construction of a freestanding surface parking lot, **granted.**

2006-HOV-010; 2422 Brookside Avenue (east of site), requested a Variance of Use to legally establish a single-family dwelling, in a C-2 (MU-1) zoning district, **granted.**

RU

EXHIBITS

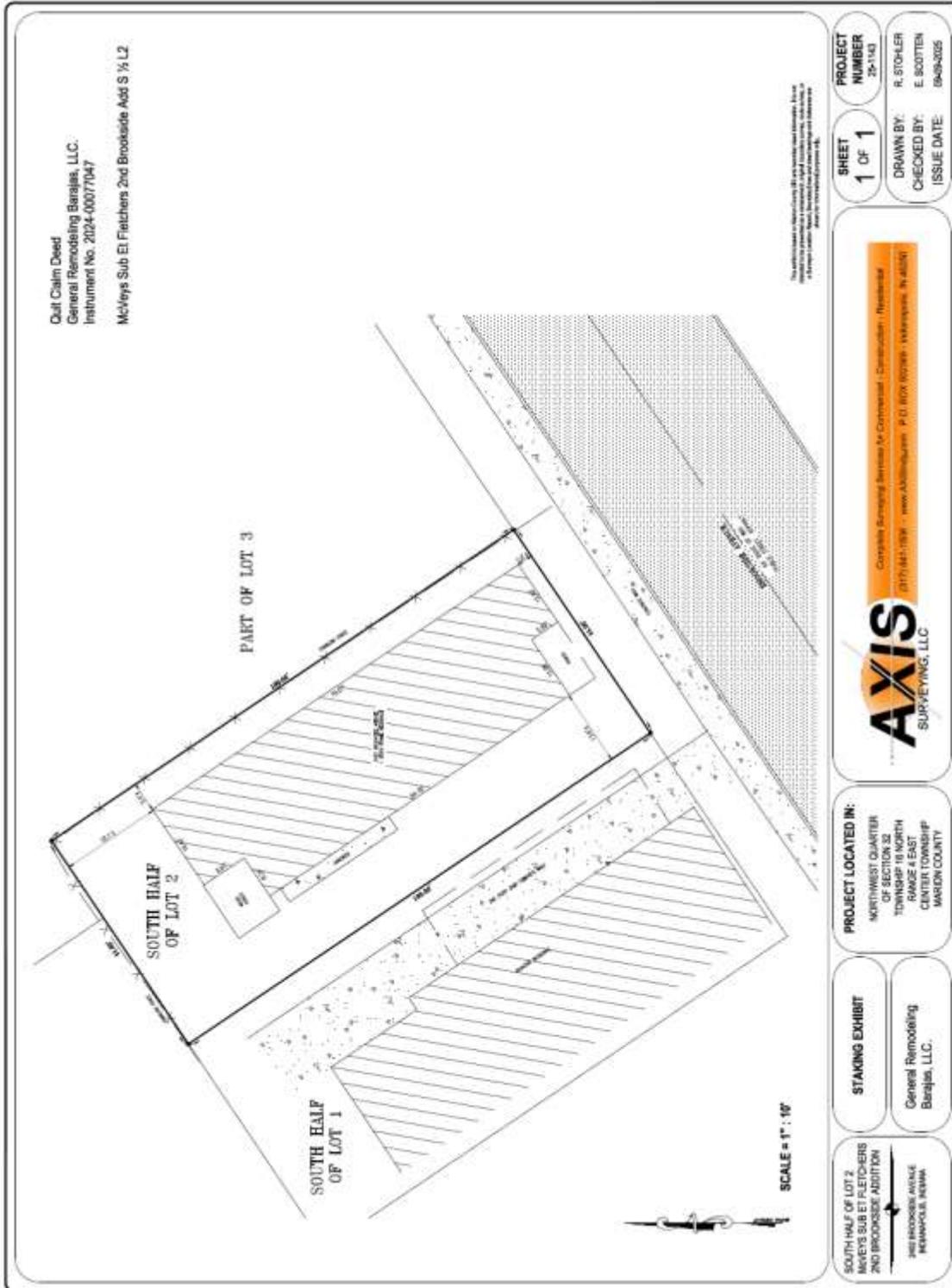
Location Map





Department of Metropolitan Development
 Division of Planning
 Current Planning

Site Plan





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 proposal complies with applicable building and fire-safety measures, preserves visibility and emergency access,
and does not encroach into public rights-of-way or easements; therefore, it does not compromise community health, safety, or welfare.

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 building massing fits the established context, preserves light, air, and privacy for neighboring properties, and avoids stormwater burdens
on adjoining lots; accordingly, it does not substantially and adversely affect the use or value of adjacent parcels.

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

Given the lot conditions and the existing placement of the structure, strict enforcement of the standard setback would require demolition
and relocation of finished improvements without a commensurate public benefit; the variance allows reasonable, safe residential use
consistent with the neighborhood.

Photographs



Photo of the subject site existing single family dwelling, looking north.



Photo of adjacent dwelling to the east with similar setbacks.



Photo of adjacent single-family dwelling to the south.



Photo of adjacent undeveloped lot to the west, looking north.