



Board of Zoning Appeals Board of Zoning Appeals Division I (November 4, 2025) Meeting Agenda

Meeting Details

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

Date: Tuesday, November 04, 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

2025-UV1-019 | 3040 South Kercheval Drive

Franklin Township, Council District #20, zoned D-5
Harry Hicks Jr.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a shipping container (prohibited) within the front yard, with a zero-foot north side yard setback (accessory structures not permitted within the front yard, seven-foot side yard setbacks required).

**Petitioner to make a request to modify notice requirements of the Rules of Procedure

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-DV1-050 (Amended) | 8888 Keystone Crossing

Washington Township, Council District #4, zoned C-4
MassMutual, by Tyler Ochs

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fifth skyline sign on a façade, being the sixth on a building (one skyline sign per elevation, maximum of four permitted per building).

**Automatic Continuance filed by a registered neighborhood organization, continuing this to the December 2, 2025 hearing of Division I

2. 2025-DV1-051 | 5345 West 81st Street

Pike Township, Council District #1, zoned I-3
KR 100 LLP, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a parking and building expansion resulting in two double-loaded rows of parking in front of a building (only one double-loaded row of parking permitted in industrial districts) and a non-compliant green factor score (compliance required).

**Petitioner to request a continuance and transfer to November 18, 2025 hearing of Division II

3. 2025-UV1-014A | 6805 Rockville Road

Wayne Township, Council District #16, zoned D-2
Margarito Mendoza Galindo, by Tasha Roberts

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor and indoor storage of lawn care equipment, machinery and materials (not permitted).

****Petitioner to request a continuance to the December 2, 2025 hearing of Division I**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

4. 2025-DV1-042 | 8415 West Washington Street

Wayne Township, Council District #17, zoned I-1
Greg & Seth Dotson

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of two industrial buildings resulting in a 40-foot eastern transitional yard and a 20-foot west side yard setback (50-foot side transitional yard, 30-foot side yard setbacks required).

5. 2025-UV1-009 | 5330 West Morris Street

Wayne Township, Council District #17, zoned C-3 (TOD)
Adriano Montas, by Arnoldo Gonzalez Vasquez

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, with outdoor storage of vehicles awaiting repair (not permitted), with eight parking spaces and zero bicycle parking spaces provided.

6. 2025-UV1-015 (Amended) | 488 South Rochester Avenue

Wayne Township, Council District #17, zoned D-5 (TOD)
Kandy Salazar & Leonor Medina, by Kandy Salazar

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an entire garage and proposed addition into a second primary dwelling (not permitted) with a zero-foot rear yard setback, a one-foot south side setback, and a 16.75-foot tall building height (five-foot rear yard setback and five-foot side yard setback required, second primary dwelling cannot be taller than the first primary dwelling).

PETITIONS FOR PUBLIC HEARING (New Petitions):

7. 2025-DV1-049 | 250, 254, and 258 North Addison Street

Wayne Township, Council District #18, zoned D-5
Agustin Alcauter

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fence and gate, with a height ranging from 5'4 to 6'3, within the front yard of Addison Street, encroaching within the clear sight triangle of driveways and Addison Street (maximum fence height of 3.5-foot tall permitted, encroachment of clear sight triangle prohibited), and for the placement of a driveway accessed from Addison Street (exclusive access from alleys 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

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
Peter Nelson, Chair	Mayor's Office	January 1, 2025 – December 21, 2025
David Duncan, Secretary	Mayor's Office	January 1, 2025 – December 21, 2025
Jennifer Whitt	City-County Council	January 1, 2025 – December 21, 2025
Andrew Katona	Metropolitan Development Commissions	January 1, 2025 – December 21, 2025
VACANT	City-County Council	N/A

BOARD OF ZONING APPEALS DIVISION I

November 4, 2025

Case Number: 2025-UV1-019

Property Address: 3040 South Kercheval Drive (approximate address)

Location: Franklin Township, Council District #20

Petitioner: Harry Hicks Jr.

Current Zoning: D-5

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a shipping container (prohibited) within the front yard, with a zero-foot north side yard setback (accessory structures not permitted within the front yard, seven-foot side yard setbacks required).

Current Land Use: Residential

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued to the November 4, 2025 Division I hearing date due to insufficient notice.
- The petitioner has indicated that they wish to make a special request regarding the required mailing of notice.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

November 4, 2025

Case Number: 2025-DV1-050 (Amended)
Address: 8888 Keystone Crossing (approximate address)
Location: Washington Township, Council District #4
Zoning: C-4
Petitioner: MassMutual, by Tyler Ochs
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fifth skyline sign on a façade, being the sixth on a building (one skyline sign per elevation, maximum of four permitted per building).

Current Land Use: Commercial Office Building

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

This petition was **automatically continued** from the November 4, 2025, hearing, **to the December 2, 2025**, hearing, at the request of a Registered Neighborhood Organization. This would require the Board's acknowledgement.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

November 4, 2025

Case Number: 2025-DV1-051

Property Address: 5345 West 81st Street (approximate address)

Location: Pike Township, Council District #1

Petitioner: KR 100 LLP, by Joseph D. Calderon

Current Zoning: I-3

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a parking and building expansion resulting in two double-loaded rows of parking in front of a building (only one double-loaded row of parking permitted in industrial districts) and a non-compliant green factor score (compliance required).

Current Land Use: Industrial

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

The petitioner indicated their intention to request a continuance and transfer of this petition to the November 18th, 2025 hearing date of Division II of the Board of Zoning Appeals in order to allow time for them to meet with the Pike Township Residents Association. Staff does not object to this request, and would make a full report available in advance of the 11/18/25 hearing date.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-UV1-014A
Address: 6805 Rockville Road (approximate address)
Location: Wayne Township, Council District #16
Zoning: D-2
Petitioner: Margarito Mendoza Galindo, by Tasha Roberts
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor and indoor storage of lawn care equipment, machinery, and materials (not permitted).

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the September 2, 2025, hearing to the October 7, 2025, hearing due to deficient public notice.

This petition was heard on October 7, 2025, resulting in an indecisive vote. Therefore, it was continued to the November 4, 2025, hearing.

The petitioner has indicated that they will be out of town on November 4, 2025, due to a Court deposition. Therefore, **they are requesting a continuance for cause to the December 2, 2025, hearing.**

Staff has contacted the remonstrator of record, and they have no objection to this continuance request. Staff has no objection to this continuance request either.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

November 4, 2025

Case Number: 2025-DV1-042
Address: 8415 West Washington Street (approximate address)
Location: Wayne Township, Council District #17
Zoning: I-1
Petitioner: Greg and Seth Dotson
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of two industrial buildings resulting in a 40-foot eastern transitional yard and a 20-foot west side yard setback (50-foot side transitional yard, 30-foot side yard setbacks required).

Current Land Use: Undeveloped.

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued from the October 7, 2025, hearing, to the November 4, 2025, hearing, at the request of a property owner remonstrator.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ This undeveloped subject site is approximately 3.5 acres and zoned I-1. The Comprehensive Plan recommends office industrial mixed uses for the site.
- ◇ The side yard setback is the distance between the side lot line and primary building or other structures. Side yard setbacks are essential, especially in industrial uses, because of potential hazards such as noise, increased traffic, waste, fumes, or other industrial by-products.
- ◇ The petitioner is requesting a reduction in both side yard setbacks to allow a third row of parking spaces. The spaces would be located in between two (2) proposed 18,150 sf warehouse/flex space/workspace buildings (rental units).
- ◇ Due to a D-3 Dwelling zoning district adjacent to the east of the subject site, the property has to meet the 50-foot side transitional yard setback to allow additional spacing to separate Protected Districts from the industrial uses.



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- ◇ The Ordinance requires one (1) parking space per 1,000 sf for the type of Industrial Use proposed on this site. The proposed buildings combined will be 36,300 sf, meaning they are required to have a total of 37 parking spaces.
- ◇ The current site plan shows approximately 90 parking spaces.
- ◇ Staff is recommending denial of this variance petition. If approved the reduction in the normal setback and the transitional yard to the east, would be completely removing all separation between the differing uses in this area. There is sufficient space on the site to construct one building to provide sufficient parking and still meet the required setbacks.
- ◇ The desire to develop two (2) buildings with potential tenant spaces, and additional parking resulting in the need for the reduced setbacks is not a requirement of the Ordinance, but instead is self-imposed by the petitioner's proposed development.
- ◇ Approving this variance will result in a large parking area for two (2) speculative buildings, with no predictors for the type of business or amount of traffic on the site and has the potential to become a large unused hard surfaced area, destroying a significant amount of green space in an area that already lacks it.

GENERAL INFORMATION

Existing Zoning	I-1	
Existing Land Use	Undeveloped	
Comprehensive Plan	Office / Industrial Mixed Use	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: C-S	Community Commercial
	South: SU-46	Airport related uses
	East: D-3	Undeveloped
	West: C-3	Undeveloped
Thoroughfare Plan		
West Washington Street	Primary Arterial	118-foot existing and proposed right-of-way.
North Perimeter Road	Special Corridor	50-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	August 4, 2025	
Elevations	August 4, 2025	
Plan of Operation	August 4, 2025	
Findings of Fact	August 4, 2025	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Office / Industrial Mixed Uses for the site.
- The Office / Industrial Mixed-Use typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research, and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/residential traffic in this 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.



ZONING HISTORY

2025-DV1-009; 8415 West Washington Street (subject site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of two buildings, resulting in 20-foot side yard setbacks, **withdrawn**.

2020-ZON-057; 8639 and 8415 West Washington Street (subject site), requested the Rezoning of 1.37 acres from the C-3 district to the I-1 district, **approved**.

2018-ZON-039; 8415 West Washington Street (subject site), requested the Rezoning of 3.6 acres from the C-4 district to the C-7 classification, **denied**.

2024-CZN-819; 8215 West Washington Street (east of site), requested the Rezoning of 2.7 acres from the SU-46 district to the I-1 district for light industrial uses, **approved**.

2024-CVR-819; 8215 West Washington Street (east of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 25,730 square feet of outdoor storage and approximately 140 feet from a protected district to the west and 400 feet from a protect district to the east, **granted**.

2022-DV1-030; 8501 West Washington Street (west of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 105,000-square foot industrial building with parking totaling more than 10% of the front yard area and located within the front transitional yard, **withdrawn**.

2022-CVR-827; 8501 West Washington Street (west of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 105,000-square foot industrial building with parking totaling more than 10% of the front yard area and located within the front transitional yard, **approved**.

2021-ZON-068; 8215 West Washington Street (east of site), requested the Rezoning of 2.625 acres from the SU-46 district to the I-1 district, **Withdrawn**.

2017-ZON-069; 8516 West Washington Street (west of site), requested the Rezoning of 1.96 acres from the SU-1 and D-3 districts to the C-7 classification, **Withdrawn**.

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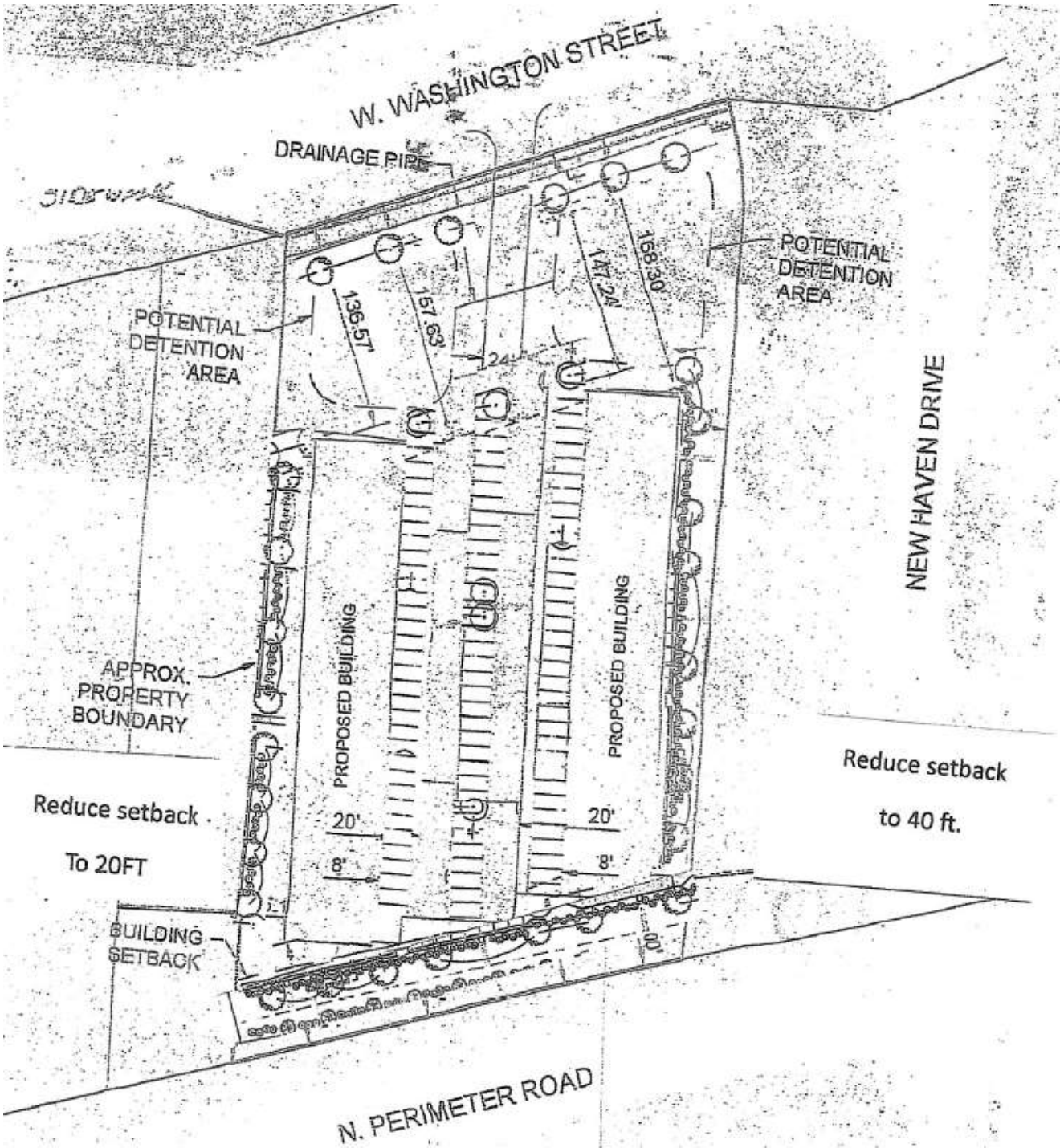
EXHIBITS

Location Map





Site Plan



Elevations as proposed for 2020-ZON-057

NORTH + EAST ELEVATION

3d View for Greg Dotson copy 1





Plan of Operation

PLAN OF OPERATION

WORKFORCE

THE BUILDINGS CONSIST OF RENTAL SPACES. WE CANNOT PREDICT NUMBER OF WORKERS

SOME WORK WILL BE ONSITE, OTHERS JUST RETURN FOR SUPPLIES

WHERE THEY WILL PARK IS THE REASON FOR THIS PETITION

WE WILL BE INSTALLING SECURITY CAMERAS LINKED TO IPD, PER ZONING COMMITMENT

CLIENTS/CUSTOMERS

AGAIN, WE CANNOT PREDICT CLIENTS AND CUSTOMERS, MOST TENANTS ARE SERVICE RELATED WITH NO CUSTOMERS

AGAIN, WHERE CLIENTS AND CUSTOMERS WILL PARK IS THE REASON FOR THIS PETITION

PROCESSES ON SITE

AGAIN, CANNOT PREDICT

MATERIALS USED

OUR LEASES STATE NO HAZARDOUS MATERIALS ON SITE AND WE SCREEN OUR TENANTS TO MAKE SURE

SHIPPING AND RECEIVING

MOST TENANTS GET UPS AND FEDEX DELIVERIES, SOME AN OCCASIONAL SHORT SEMI

WASTE

AGAIN, WE SCREEN OUR TENANTS – NO HAZARDOUS WASTE, SOME DO RECYCLE



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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:

REQUEST IS CONSISTENT WITH OTHER PROPERTIES IN THE AREA

CONSISTANT WITH APPROVAL GRANTED 2024-CVR-819

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:

REQUEST IS CONSISTENT WITH OTHER PROPERTIES IN THE AREA

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

CURRENT SET BACKS CUT PARKING SPACE TO

THE BUILDINGS ARE GOING TO BE 55 X 330 WITH 11- 30 X 55 BAYS

WITH BAY DOORS THERE ARE ONLY 2 SPOTS PER UNIT. A CENTER ROW OF PARKING IS NEEDED

Photographs



Subject site, looking north from Perimeter Road.



Subject site, looking southeast from West Washington Street.



Department of Metropolitan Development
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BOARD OF ZONING APPEALS DIVISION I

November 4, 2025

Case Number: 2025-UV1-009

Property Address: 5330 West Morris Street (approximate address)

Location: Wayne Township, Council District #17

Petitioner: Adriano Montas, by Arnoldo Gonzalez Vasquez

Current Zoning: C-3 (TOD)

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, with outdoor storage of vehicles awaiting repair (not permitted), with eight parking spaces and zero bicycle parking spaces provided.

Current Land Use: Residential

Staff Recommendations: Staff recommends denial of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- The petitioner automatically continued this petition from the July 1, 2025 hearing to the August 5, 2025 hearing date.
- The petition was continued to the September 2, 2025 hearing due to insufficient notice.
- The petition was continued to the October 7, 2025 hearing.
- The petition was continued to the November 4, 2025 hearing.

STAFF RECOMMENDATION

- Staff **recommends denial** of this petition

PETITION OVERVIEW

- This petition would allow for the operation of an Automobile, Motorcycle, and Light Vehicle Service or Repair facility, with outdoor storage of vehicles awaiting repair (not permitted), with eight (8) parking spaces and zero bicycle parking spaces provided.
- The subject site is zoned C-3 (TOD) and is improved with a single-family residence and accessory garage structure. The site's residential improvements were legally-established via variance (2023UV1022).



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- The automobile, motorcycle, and light vehicle service or repair use is classified as a C-4 use, as a natural element of these types of operations is the generation of automobile traffic to the site and vehicular storage on the site. Additionally, the request to have outdoor storage of vehicles awaiting repair is not permitted in C-3 districts, due to the increase of intensity and large amount of space that is typically required for that type of use. With the subject site being historically and currently residential in nature, and smaller than typical C-4 lots, Staff believes that the request and proposed plan of operation to be far too intense for the site. Likewise, Staff finds the proposed uses to be wholly incompatible with the legally established residential uses. The incompatibility of these uses is further exemplified by the fact that Automobile, Motorcycle, and Light Vehicle Service or Repair is not a permitted use in any residential district and, conversely, no residential uses are permitted in any of the zoning districts that do permit Automobile, Motorcycle, and Light Vehicle Service or Repair.
- Further, with this site being mid-block along West Morris Street, which is largely residential at this location, Staff does not believe this to be an appropriate location for the proposed uses given the surrounding context. Likewise, Staff does not find the proposal to be in line with the Comprehensive Plan recommendation of Community Commercial. The Land Use Plan Pattern Book indicates that examples of uses within Community Commercial are small-scale shops, professional and business services, grocery stores, drug stores, restaurants, personal services, and public gathering spaces. Lastly, Staff sees this proposal as further infiltration of heavy commercial uses south of Washington Street into primarily residential areas. Staff believes that the proposal would put further pressure on adjacent residential properties to the east and south. Finally, Staff does not believe there to be any practical difficulty for needing the requested variances, as this site has been used in a compliant manner in the past, and believes that the site can continue to operate in a manner permitted by the Zoning Ordinance without the grant of variances. Therefore, Staff is opposed to the request and recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Residential/Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: SU-9	North: Government Grounds
	South: D-5	South: Single-Family Residential
	East: C-3	East: Single-Family Residential
	West: SU-9	West: Government Grounds
Thoroughfare Plan		
West Morris Street	Primary Arterial	56 feet right-of-way proposed and 56 feet right-of-way existing
Context Area	Compact	



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Floodway / Floodway Fringe	No
Overlay	Yes, Transit-Oriented Development
Wellfield Protection Area	No
Site Plan	1/9/25
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	1/9/25
Findings of Fact (Amended)	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 Community Commercial working typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not applicable to the request

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



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

2023UV1022, Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for primary and accessory single-family uses and structures, including the construction of a detached garage, **approved**.

ZONING HISTORY – VICINITY

83-Z-131; 5401 and 5405 W Washington Street (north of site), requests Rezoning of 2 acres being in a C-5 district to the SU-9 classification to provide for a fire station and Township governmental offices, **approved**.

84-Z-199; 1149 South Lynhurst Drive (east of site), requests Rezoning of 0.99 acres, being in the D-3 district, to the C-3 classification to provide for the removal of existing improvements and the construction of a service station and convenience food market, **approved**.

84-UV2-84; 1130 South Lynhurst Drive (east of site), Variance of Use of the Commercial Zoning Ordinance to provide for the erection of a 26 x 40 foot garage to be used for storage of supplies and equipment for an existing automobile repair service, **approved**.

91-V3-98; 1229 South Biltmore Avenue (south of site), Variance of Development Standards of the Dwelling District Zoning Ordinance to permit the construction of an attached garage with a zero foot side yard setback and a six foot aggregate setback (4 foot side yard setback and a 10 foot aggregate required), **approved**.

92-V2-93; 5331 West Washington Street (north of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish an existing pole sign with a front setback of 6 feet from the right-of-way line of Washington Street (15 foot setback required) and a clear distance of 6 feet from the bottom edge of the sign to the grade (9 feet required), **approved**.

97-Z-60; 1205 South Lynhurst Drive (east of site), requests a Rezoning of the adjacent one-third of an acre D3 property to the C4 District to allow for the redevelopment of the site with a new Speedway convenience store, **approved**.

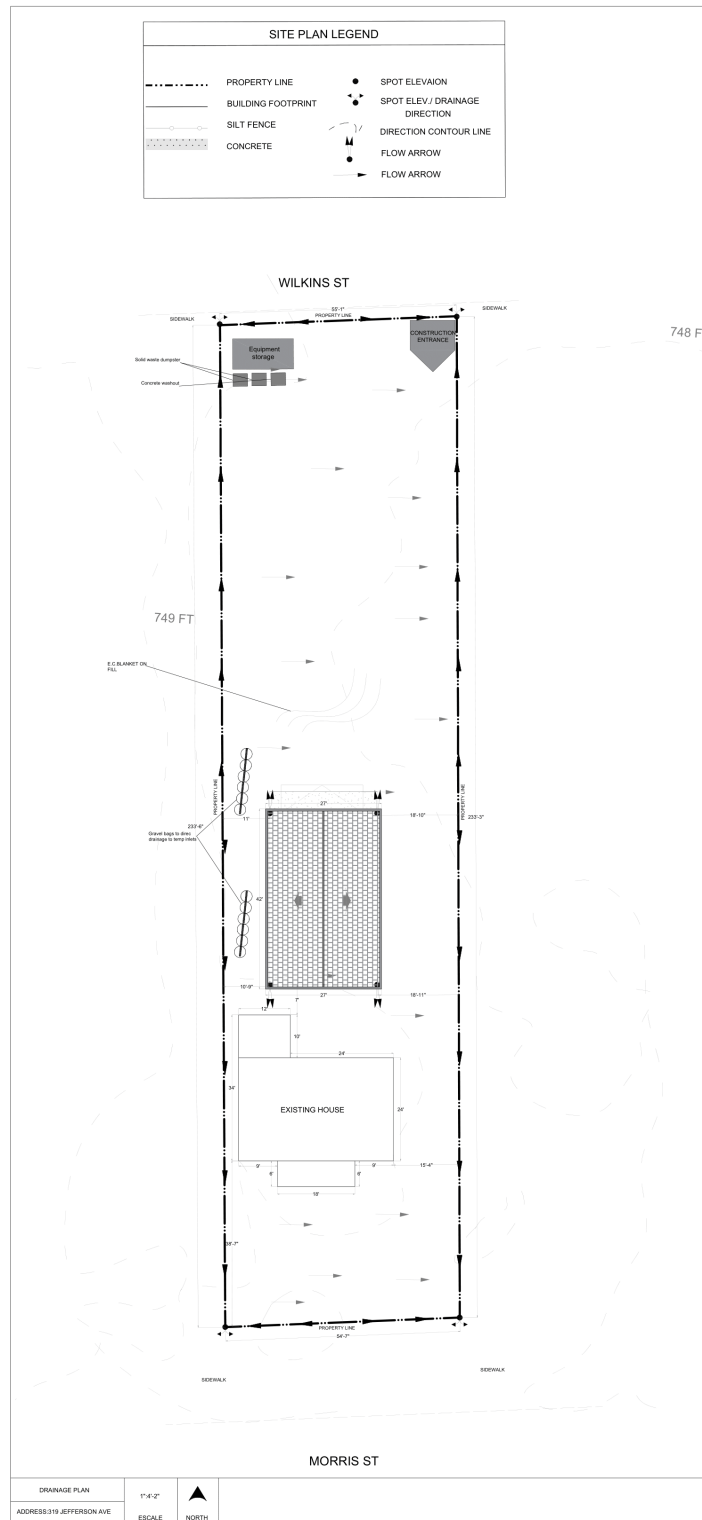
2005SE1004; 5515 West Morris Street (west of site), Special exception of the Dwelling Districts Zoning Ordinance to provide for a 1,144-square foot manufactured home, **approved**.

2011ZON086; 5334 and 5336 West Morris Street (west of site), Rezoning of 0.90 acres, from the C-3 District, to the SU-9 classification to provide for a parking lot for the Wayne Township government center, **approved**.

EXHIBITS



Aerial Photo



Site plan, file-dated 1/9/25



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5330 W Morris Street Type of Commercial Activity and Plan of Operation.

Operations Plan for Zoning Variance Request: Residential to Commercial Use

Business Description:

The vehicle and truck accessory workshop is dedicated to the sale and installation of new and luxury automotive accessories, including rims and tires. Currently, we operate a fully equipped workshop where all vehicle accessory installations are carried out professionally. There are also plans to expand operations to include mechanical and bodywork services in the near future.

Current Services:

- Sale and installation of luxury rims and tires for vehicles and trucks.
- Installation of new automotive accessories (such as trim kits, spoilers, sound systems, among others).
- Basic preventive maintenance related to the installed accessories.

Future Services:

- Workshop expansion to offer mechanical services.
- Implementation of vehicle bodywork services.

Facility Description:

The workshop currently has 8 parking spaces, which are sufficient for current operations given the nature of services and expected customer volume. Accessory installations are carried out on-site, and the facilities are designed to ensure an efficient and safe workflow.

Facilities Overview:

- Workshop size: [Insert square meters].
- Parking: 8 customer parking spaces available.
- Current number of employees: 2 (with projected hires as the business grows).
- Equipment: Specialized tools for accessory installation, tire diagnostics, alignment and balancing systems, among others.

Future Expansion Plans:

- Expansion of the workshop to incorporate general mechanical services.
- Addition of a vehicle bodywork and paint area.
- Increase in staffing as services expand, including mechanics, bodywork technicians, and administrative personnel.

Impact of Zoning Change:

We are requesting a zoning change from residential to commercial to permit the operation of this automotive accessory workshop and the future expansion into mechanical and bodywork



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services. The business will comply with all local regulations regarding noise, safety, and traffic, in accordance with zoning and commercial activity standards.

Considerations:

- The workshop will operate during standard business hours to minimize inconvenience to neighbors.
- The level of traffic generated will be moderate, as most customers are expected to arrive in personal vehicles.
- No substantial changes will be made to the existing structures, preserving the residential area's aesthetic.

Safety and Sustainability Plan:

1. **Site Safety:**
 - The workshop will be equipped with a security camera system to ensure the safety of employees and customers.
 - Proper signage will be installed to support traffic safety within the premises.
2. **Waste Management:**
 - An appropriate waste disposal system will be implemented for used tires, oils, and other chemical products.
 - All waste will be managed in accordance with local environmental regulations.
3. **Noise and Vibrations:**
 - All workshop activities will be conducted to minimize noise and vibrations in compliance with local noise restrictions.
4. **Accessibility:**
 - The workshop will provide adequate access for both vehicles and individuals with reduced mobility, in full compliance with accessibility regulations.

Growth Projections:

The business plans for gradual expansion, starting with automotive accessories and luxury tire sales, progressing toward a full-service mechanical and bodywork facility. It is anticipated that the zoning change will allow for greater customer outreach and local job creation.

1-Year Projections:

- Increase to 5 employees.
- Expansion of basic mechanical services.
- Growth in customer base and accessory sales volume.

3-Year Projections:

- Full development of mechanical and bodywork services.
- Greater business presence in the local community.
- Hiring of additional staff to support business expansion.



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

Conclusion:

We kindly request your consideration in approving the zoning change from residential to commercial use, enabling the growth and development of this business, which will contribute valuable to the local community and provide specialized services in the automotive industry.

We remain at your disposal for any questions or additional requirements during the evaluation process.

Sincerely,



**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

Zoning Compatibility: The proposed commercial use is consistent with the surrounding zoning regulations, ensuring it aligns with the area's planned development.

Increased Tax Revenue: The change will likely result in increased property tax revenues, which can be reinvested into public services and infrastructure.

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

Harmonious Integration: The proposed commercial use aligns with existing businesses or mixed-use developments in the area, ensuring a seamless transition from residential to commercial.

Economic Vitality: The presence of a well-maintained commercial property can stimulate local economic activity, making the area more attractive to potential buyers or investors.

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

Converting the property to commercial use would be consistent with the existing character of the area, which is already oriented towards retail and service activities.

Optimal Land Use: Utilizing the property for commercial purposes leverages its location within a commercially designated area, promoting efficient and appropriate land use.

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 inability to convert the property to commercial use diminishes its market value and economic viability, especially when the surrounding area is thriving commercially.

Maintaining the property as residential in a commercial zone represents an underutilization of the land, leading to financial losses for the owner and missed opportunities for community development.

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

The comprehensive plan likely emphasizes economic growth. Granting the variance aligns with this objective by facilitating new business opportunities, increasing local employment, and contributing to the area's economic vitality.

By allowing commercial use, the property can offer essential services or retail options, improving residents' access to goods and services, which is often a component of a comprehensive plan's objectives.

DECISION

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

Adopted this _____ day of _____, 20 ____



Subject site looking north from West Morris Street



Looking south from the alley



Looking south with the adjacent parking lot to the west



Looking north with the adjacent residence to the east



Looking south with the garage structure in the background



Rear gate from the alley



Looking north



Looking west down the alley



Department of Metropolitan Development
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BOARD OF ZONING APPEALS DIVISION I

November 4, 2025

Case Number: 2025-UV1-015 (Amended)
Address: 488 South Rochester Avenue (approximate address)
Location: Wayne Township, Council District #17
Zoning: D-5 (TOD)
Petitioner: Kandy Salazar & Leonor Medina, by Kandy Salazar
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an entire garage and proposed addition into a second primary dwelling (not permitted) with a zero-foot rear yard setback, a one-foot south side setback, and a 16.75-foot tall building height (five-foot rear yard setback and five-foot side yard setback required, second primary dwelling cannot be taller than the first primary dwelling).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends denial of the amended request.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the September 2, 2025, hearing, to the October 7, 2025, hearing, and from the October 7, 2025, hearing, to the November 7, 2025, hearing, to provide for an amended request and new legal notice.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

Variance of use

- ◇ The Ordinance does not permit more than one primary dwelling per parcel in those zoning districts that generally permit single-family detached development. Since the proposed garage conversion into a second dwelling is much larger than a Secondary Dwelling Unit, it is considered a second primary dwelling.



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Current Planning**

- ◇ The Ordinance does not permit two dwelling units on the same lot for several reasons. First, two units on one single-family lot would increase the density above the acceptable, typical density for the zoning district. The subject site is zoned D-5, which would have a typical density of 4.5 dwelling units per acre. The resulting density, with the proposed second primary dwelling, would be 11.9 dwelling units per acre for the site, or a 250 percent increase in the gross density envisioned by the Ordinance.
- ◇ Health and safety is the second reason the Ordinance prohibits more than one dwelling unit on a lot. A dwelling unit in a detached garage creates two safety hazards. First, emergency personnel may not be able to quickly find the dwelling unit. Even if the dwelling unit were addressed, there may be confusion as to where the emergency is located, because its structural orientation indicates that it is merely a garage.
- ◇ Second, the detached garage would have been constructed to different building codes than the converted dwelling unit which was converted presumably without proper permits prior to the variance request. Residential fire codes, approved construction materials, emergency egress, climate control and insulation, ventilation, required windows in habitable rooms, floor area provided for sleeping quarters, power supply, and sanitary and cooking facilities requirements must meet minimum standards before a dwelling can be occupied. No evidence that the second dwelling unit complies with the requirements of the Health and Hospital Code, or the Indiana Building Code has been submitted by the petitioner.
- ◇ The Ordinance does allow Secondary Dwelling Units in certain dwelling districts and mixed-use districts within the Compact Context Area, as long as certain use-specific standards are met. In this instance none of the use-specific standards have been met.
- ◇ Staff believes that the regulations for Secondary Dwelling Units located above a garage should be followed. There is no practical difficulty on the site that necessitates a larger second primary dwelling structure than what is allowed by these standards.

Variance of Development Standards

- ◇ The reduced setbacks are a result of the conversion of the original built garage, along with a non-permitted addition for residential purposes. The addition also added the zero-foot rear setback. This addition is also very close to the overhead electric utility power lines, which may cause a safety hazard.
- ◇ Staff believes that the proposed second dwelling unit could be reduced in size, and still provide for a secondary dwelling unit, which would also allow the proposed structure to meet the required rear setback, and reduced height limit.
- ◇ Secondary Dwelling Units located above a garage in no instance may exceed the height of the primary building. The maximum size of a Secondary Dwelling Unit is also limited to 720 square feet.



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Current Planning

- ◇ The reduced south side setback would be considered legally non-conforming as long as the structure remained a garage as built. Once the use was changed, then the structure is required to be zoning complaint.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the individual's needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site. This proposed use would consist of new construction that could be designed to meet the terms of the Ordinance.
- ◇ No peculiar condition exists on site for staff to be supportive of the request. Instead, this is a self-imposed difficulty since the proposed structure could be designed in a way to meet the required setbacks and limited to the maximum size for a secondary dwelling unit without the need for variances.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-family dwelling	
Comprehensive Plan	Recommends 3.5-5.0 Residential Units per acre	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	Single-Family dwelling
South:	D-5	Single-Family dwelling
East:	D-5	Single-Family dwelling
West:	D-5	Single-Family dwelling
Thoroughfare Plan		
South Rochester Avenue	Local Street	48-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	Blue Line Transit Oriented Development overlay	
Wellfield Protection Area	N/A	
Site Plan (Amended)	September 16, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	May 29, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 3.5-5.0 Residential Units per acre.

Pattern Book / Land Use Plan

- Not Applicable to the Site.



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Red Line / Blue Line / Purple Line TOD Strategic Plan

- This site falls within the Blue Line Bus Rapid Transit Oriented Development (TOD) overlay. The TOD overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

Neighborhood / Area Specific Plan

- Recommends 3.5-5.0 dwelling units per acre.

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

2011-DV2-009; 494 South Luett Street (west of site), requested a Variance of Development Standards to provide for the construction of a 135-square foot addition to an existing 192-square foot garage, with a side setback of two feet and a seven-foot front setback from Henry Street, creating an accessory building area of 714.5 square feet or 76.5% of the main floor area of the primary building, **granted**.

2006-UV1-048; 458 South Livingston Avenue (west of site), requested a Variance of Use to legally establish the conversion of a 720-square foot detached garage into a dwelling unit, being the second dwelling unit on the lot, with a five-foot rear setback with a main floor area of 720 square feet, **granted**.

91-V3-43; 502 South Holt Road (west of site), requests variance of development standards of the Dwelling Districts Zoning Ordinance to permit the continued use of a modular home with 840 square feet of living space, **granted**.

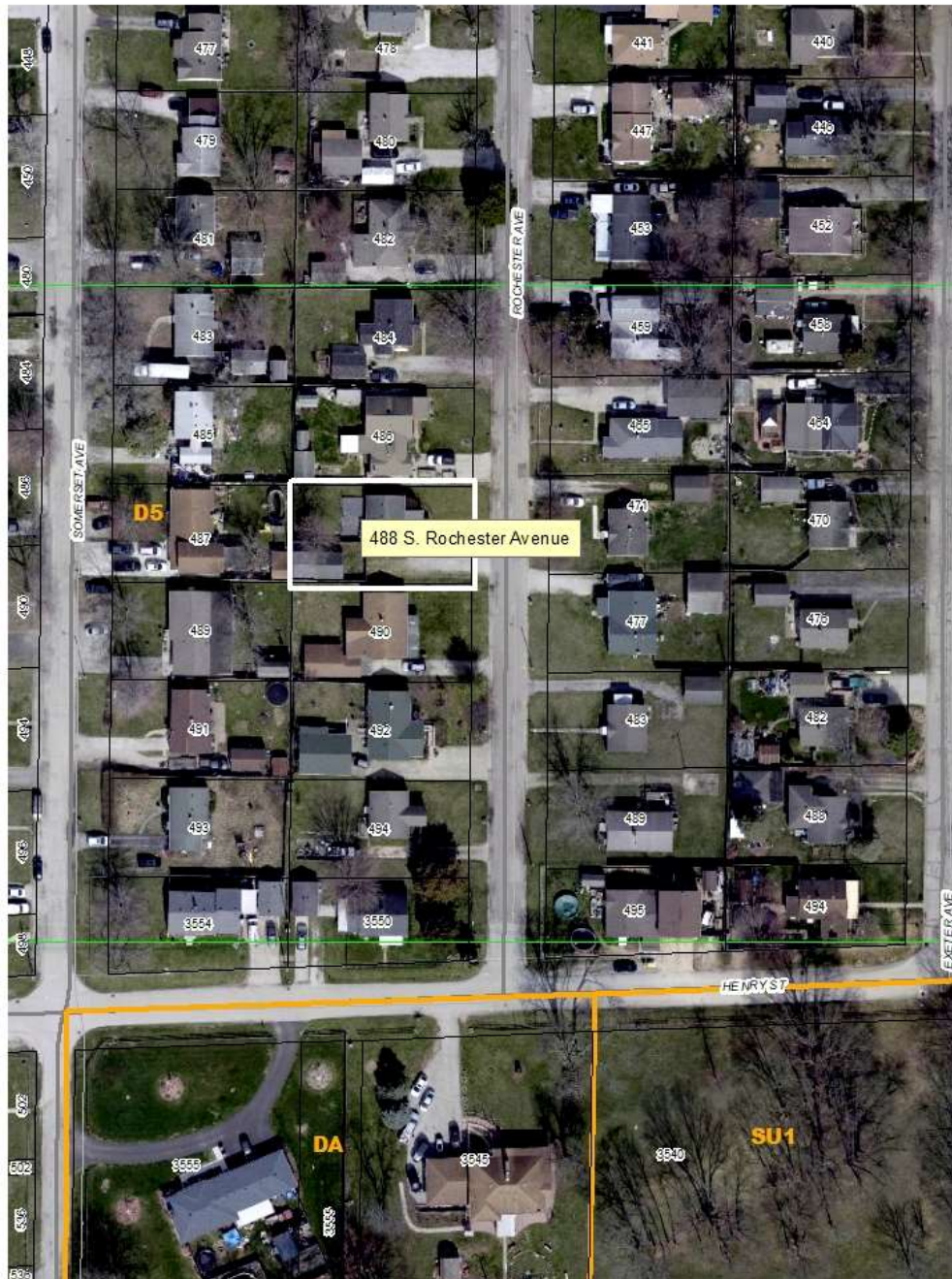
2002-DV2-048; 509 South Luett Avenue (west of site), requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,425-square foot detached garage:

- 1) with a height of 23.5 feet,
- 2) being greater than the height of the primary structure,
- 3) resulting in an accessory structure area of 79.06% of the main floor area of the dwelling, and
- 4) resulting in an accessory use area of 105.45% of the total floor area of the dwelling, **granted**.

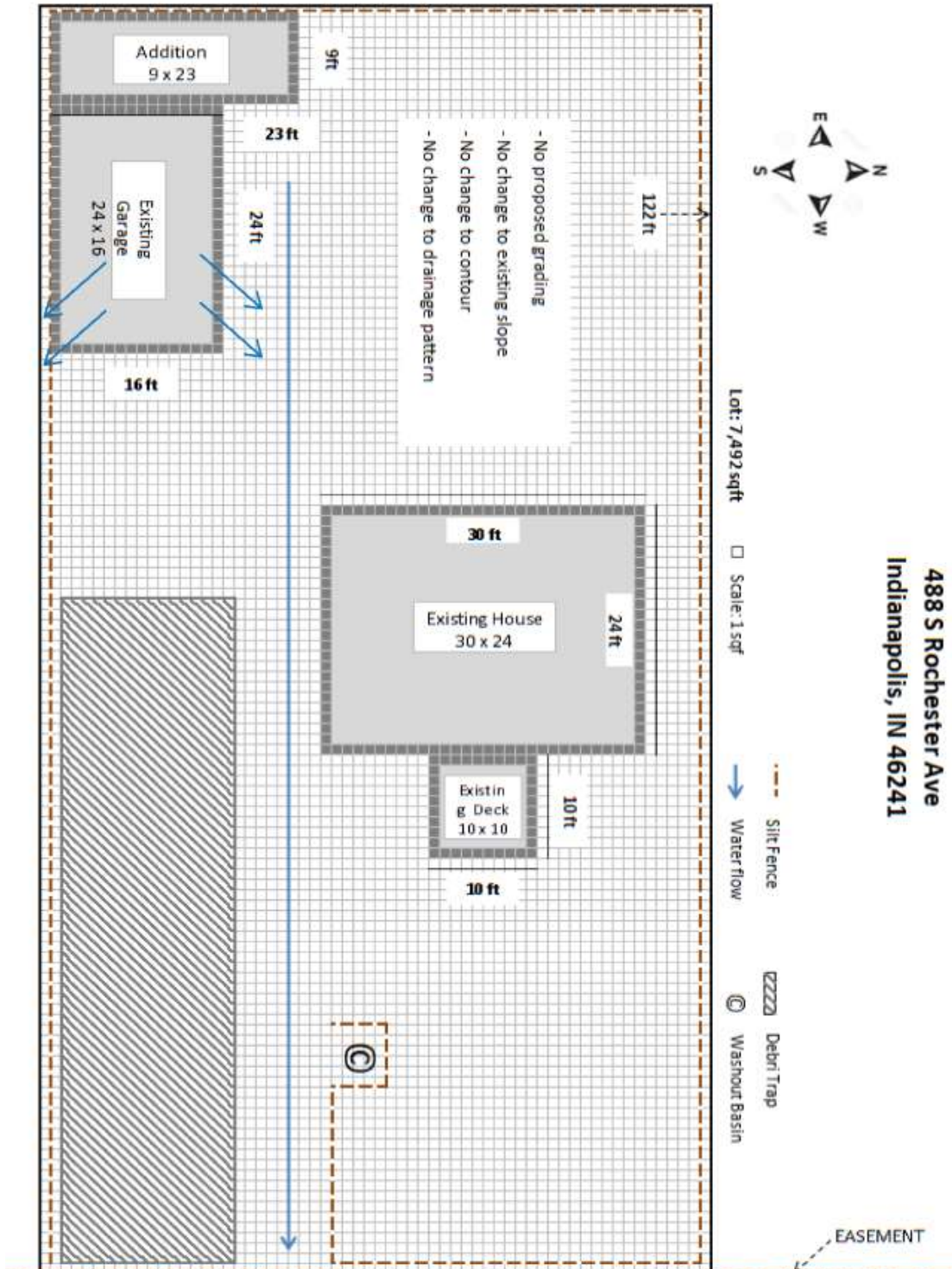
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EXHIBITS

Location Map



Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

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 accessory building extension is not impeding any platted easements impacting the community in general. Though the accessory building is taller than the primary structure it is still within the maximum height limitation of 20' and not the first of its kind in the community.

Zone ordinance: 743-306 (A-4-b.) accessory building shall not be located closer to any rear lot line than five feet

Zone ordinance: 731-202. D-S (b-5-b) no accessory building shall be higher than the primary building

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:

This improvement is not the first of its kind in the community. Precedence setting, 495 S Rochester Ave has a secondary structure (garage) has a second story which is taller than the primary structure. Use and value impacts would be limited as a result. However, structural improvement generally add value to the property and community.

Zone ordinance: 743-306 (A-4-b.) accessory building shall not be located closer to any rear lot line than five feet

Zone ordinance: 731-202. D-S (b-5-b) no accessory building shall be higher than the primary building

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

This would limit adding affordable housing at time when there is a critical shortage. Strict application of the zoning ordinance would force forfeiture of sunk costs requiring abandonment of the project ultimately resulting in the loss of affordable housing.

Zone ordinance: 743-306 (A-4-b.) accessory building shall not be located closer to any rear lot line than five feet

Zone ordinance: 731-202. D-S (b-5-b) no accessory building shall be higher than the primary building

Photographs



Photo 1 - Subject property looking west.



Photo 2 - Subject property existing garage addition with a zero foot rear setback, looking north.



Photo 3 – Subject property existing garage and addition with a one-foot south side setback, looking west.



Photo 4 - Adjacent property to the south, looking west.



Photo 5 - Adjacent properties to the east.



Photo 6 - Adjacent property to the north, looking west.



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Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

November 4, 2025

Case Number: 2025-DV1-049

Property Address: 250, 254, and 258 North Addison Street (*approximate addresses*)

Location: Wayne Township, Council District #18

Petitioner: Agustin Alcauter

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fence and gate, with a height ranging from 5'4 to 6'3, within the front yard of Addison Street, encroaching within the clear sight triangle of driveways and Addison Street (maximum fence height of 3.5-foot tall permitted, encroachment of clear sight triangle prohibited), and for the placement of a driveway accessed from Addison Street (exclusive access from alleys 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

- 250, 254, and 258 North Addison Street are three (3) contiguous residential parcels with shared ownership that are currently developed with two (2) single-family residences (one on 250 and the other on 254). The property is also improved with a three-car detached garage accessed from the rear alley that presumably could store vehicles for both existing residences.
- Around 2019, a wrought iron fence with brick columns was constructed along the front property line of all three (3) parcels, with additional front-yard portions running perpendicular to Addison Street along the northern and southern edges of the 250 property and the northern edge of the undeveloped 258 site. The height of the fence structure ranges from a low point of five (5) feet and four (4) inches to a maximum height of six (6) feet and three (3) inches.



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- Until recently, a curb cut with a width of around eight (8) feet existed at the southern edge of the 254 parcel that serviced a drive access that appeared to have worn away over time. Between 2024 and 2025, the site was improved with new concrete that both seemingly expanded the existing curb cut (without issuance of a driveway permit from the Department of Business and Neighborhood Services) and created a new driveway on the parcel itself.
- In June of 2025, the violation case VIO25-004773 was opened which cited the property for the height of the fence in the front yard and the encroachment of the fence into required clear-sight triangular areas at the intersection of driveways and Addison Street (both the 254 driveway as well as the neighboring driveway to the north of the 258 site). The violation text also mentioned the storage of an inoperable vehicle on the site (which has since been removed), the lack of an ILP for a minor building addition, and the encroachment of a small shed into the required northern setback (these issues would need to be resolved outside of this variance process). Approval of this variance would allow for the fence to remain with its current height and clear-sight triangle encroachment as well as for the new driveway improvement to remain (Ordinance would require exclusive access to the site from the rear alley).
- Staff also notes that a complaint was made to the Mayor's Action Center about the subject site, about a commercial contractor operation at the property. The operation of a commercial use at this site was not part of the violation, and staff was unable to confirm the accuracy of this request (a phone call with the applicant indicated that neither materials nor labor are stored at the residence). Approval of this variance would not allow for a commercial contractor use at the site.
- This property is zoned D-5 to allow for medium- and large-lot housing formats, primarily for detached houses within infill situations in established urban areas. Similarly, the Near West Neighborhood Land Use Plan recommends residential development at a density of between 5 and 8 dwelling units per acre. The Infill Housing Guidelines indicate that front-yard fences should be ornamental in scale (not privacy fences) and that accessory building vehicles access should come from rear yards to allow for front yard areas within infill contexts to have trees and shade.
- Regulations on fence height within residential front yards exist within the ordinance to allow for vibrant and pedestrian-friendly streetscapes. The Findings provided by the applicant don't identify a site-specific practical difficulty justifying deviation from this standard, and it appears that other front-yard fences along the block have front-yard fences of a compliant height. The encroachment of the fence into the required clear-sight triangle of two (2) different driveways creates a public safety concern, and the proposed front-yard height is more typical of a heavy commercial or industrial district than a residential area. Staff recommends denial of the fence variance.
- Similarly, regulations on driveway access from front yards when alleys are available are to reduce negative interactions between vehicles and pedestrians and allow for streetscapes with well-connected sidewalks and shade offered from trees. The subject site currently has a rear-loaded 3-car garage in place which would be an acceptable alternate access, and the new driveway and expanded curb cut remove eligible street parking and reduce the amount of front-yard green space without a discernible practical difficulty. Staff recommends denial of the driveway variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	5 – 8 Residential Units per Acre	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
Addison Street	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	08/15/2025	
Site Plan (Amended)	N/A	
Elevations	08/15/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	08/15/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.



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Neighborhood / Area Specific Plan

- The Near West Neighborhood Land Use Plan identifies this property and the surrounding area for residential development with a density of 5 to 8 dwelling units per acre, and places it within the Haughville South Historic District. The plan indicates a desire to reduce zoning violations (such as high weeds/grass or backyard auto repair businesses) through reporting to the Mayor's Action Center.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that within front yards, fences should be ornamental in style and that privacy fences should not be installed. The guidelines also indicate that front yard areas within infill contexts should have trees and shade and that accessory structures should be oriented towards alleys when possible.

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

N/A

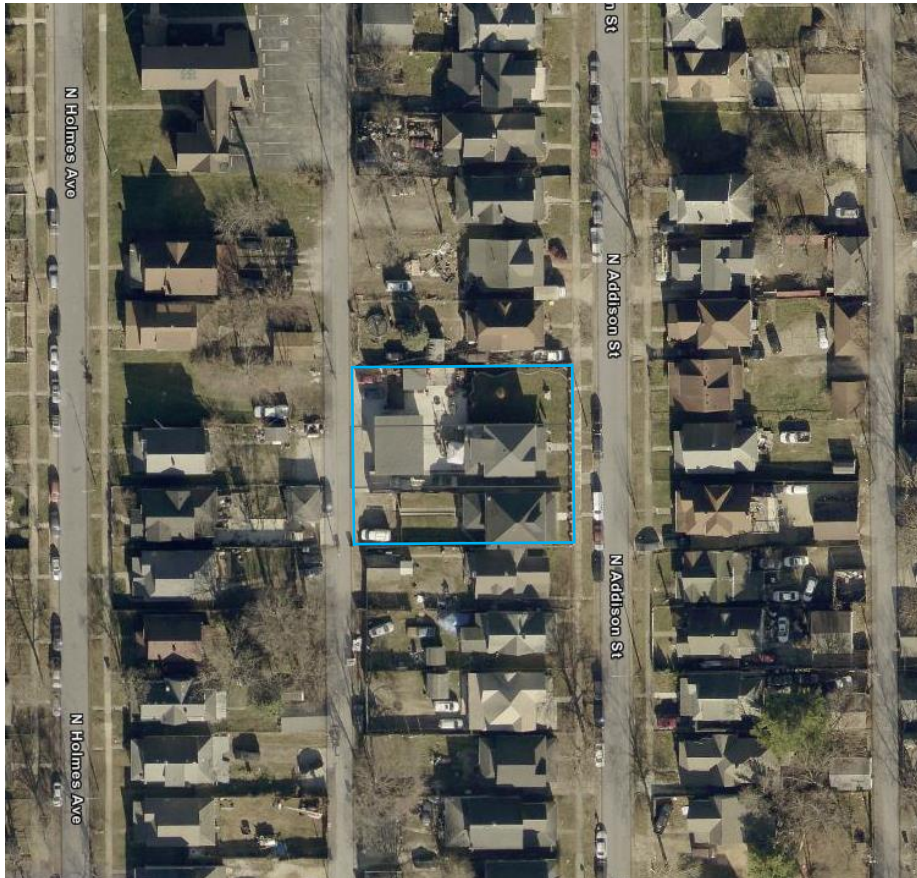
ZONING HISTORY – VICINITY

2007LNU020 ; 230 N Addison Street (south of site), Certificate of Legally Established Nonconforming Use to legally establish three residential dwelling units on the parcel, **denied**.

96-Z-173 ; 281 N Addison Street (northeast of site), rezoning of 0.478 acre, being in the C-3 District, to the D-5 classification to provide for residential uses, **approved**.

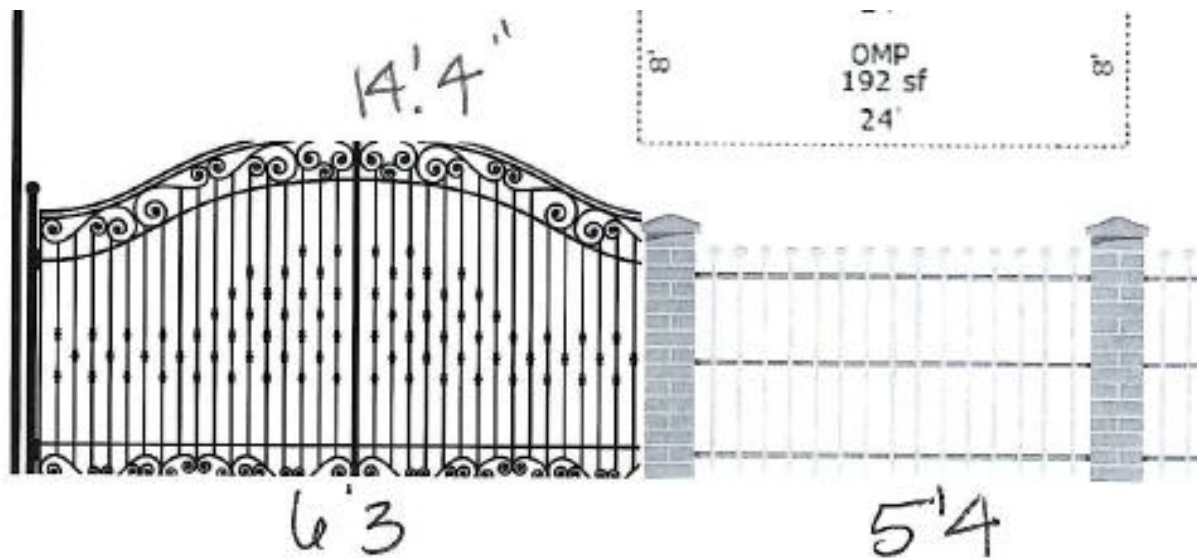
EXHIBITS

2025DV1049 ; Aerial Map (2024)



2025DV1049 ; Aerial Map (Spring 2019, subject parcels only)







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

2025DV1049 ; Findings of Fact (Fence)

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

Safety and Sightlines: The fence is constructed with an open-view design that does not obstruct visibility for drivers, cyclists, or pedestrians, thereby preserving public safety and clear sightlines along the right-of-way. Security and Welfare: The fence provides a secure boundary for residents-especially young children and pets-offering protection from the adjacent street and reducing the risk of accidental entry into traffic. It also serves as a deterrent to trespassing and unauthorized access, contributing to the overall safety of the property and surrounding community. Morals and General Welfare: By contributing to the sense of security, the fence supports the well-being and peace of mind of the petitioners, without infringing on the rights of neighbors. There is no foreseeable moral or ethical harm caused by its presence.

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:

Enhanced Curb Appeal: The fence is constructed with high-quality materials and designed to complement the architectural character of the property, thereby improving visual appeal and potentially increasing nearby property values. Respect for Neighboring Properties: The fence was thoughtfully designed to preserve privacy, maintain visual harmony, and ensure accessibility, minimizing any potential visual, noise or traffic-related impacts on adjacent lots. No Additional Externalities: The presence of the fence has not resulted in any increase in traffic, noise, or other disturbances beyond what is typical or permissible under the zoning code, and therefore does not negatively affect neighboring properties.

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

Privacy and Security Limitations: Due to the property's location and exposure to street traffic or pedestrian activity, a standard-height fence does not provide adequate privacy or security.

2025DV1049 ; Findings of Fact (Driveway)

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

The small concrete addition at the southern portion of the property was placed within the limits of an existing curb cut and driveway area, improving surface stability and safety for vehicles and pedestrians. The work does not change the existing access location or increase traffic and therefore does not pose any adverse impact to public health or safety.

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 driveway improvement is modest and consistent with residential properties throughout the neighborhood. It enhances the property's appearance and functionality without altering drainage, access patterns, or the character of surrounding homes, ensuring no negative effect on nearby property values or use.

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

Although alley access exists, it is narrow and in poor condition, making it unsuitable for regular residential use. Maintaining the existing front driveway and improving it with concrete provides safe, reliable access while staying within the established curb cut. Requiring exclusive alley access would create unnecessary hardship for normal residential activity.



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2025DV1049 ; Notice of Violation (VIO25-004773)

The outdoor storage of inoperable vehicles in any zoning district, the provisions of which do not specifically permit such a use; (Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate, or flat tires; or

[check spelling](#)

Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (Table 744-510-2: - Fence height exceeding 48 inches in the front yard...wrought iron fence).

[check spelling](#)

Failure to comply with use-specific standards and zoning district development standards for the D-5 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...wrought iron fence).

[check spelling](#)

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...addition to the primary structure).

[check spelling](#)

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

[check spelling](#)

2025DV1049 ; Photographs



Photo 1: Subject Site Viewed from East

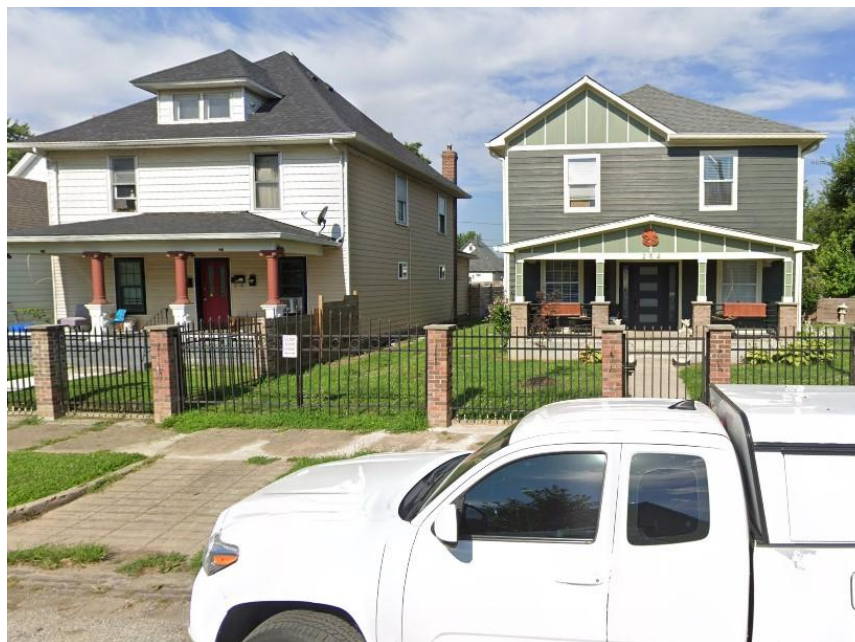


Photo 2: Subject Site Viewed from East (July 2024)

2025DV1049 ; Photographs (continued)



Photo 3: Subject Site and Neighboring Driveway Viewed from East



Photo 4: New Driveway on Subject Site Viewed from East

2025DV1049 ; Photographs (continued)



Photo 5: Gate and New Driveway Viewed from East



Photo 6: Adjacent Property to South

2025DV1049 ; Photographs (continued)



Photo 7: Adjacent Property to East



Photo 8: Adjacent Property to Southeast

2025DV1049 ; Photographs (continued)



Photo 9: Subject Site Viewed from West (June 2025)



Photo 10: Building Addition Viewed from West