



## Board of Zoning Appeals Division II (June 9, 2026) Meeting Agenda

### Meeting Details

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

**Date:** Tuesday, June 09, 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

##### 2026-DV2-020 | 951 South White River Parkway Drive West Drive

Center Township, Council District #18, zoned C-S (RC)

951 South White Parkway LLC, by Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for deficient internal landscaping for a surface parking lot (internal landscaping totaling 9% of all uncovered vehicle areas required).

**\*\*This petition will be withdrawn.**

### PETITIONS REQUESTING TO BE CONTINUED:

#### 1. 2026-DV2-018 | 2230 East 75th Street

Washington Township, Council District #2, zoned D-S (FF)

Luis Cordon, by Avouch Contractors (David Stevens)

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family residence with a 3-foot west side setback and a 9-foot east side setback (15-foot side setback and 35-foot combined side setback required), a 40-foot rear setback (50 feet required), a 36-foot front setback (60-foot setback required based on average setbacks), to permit a minor residential structure in the front yard setback (not permitted), and to provide for development with deficient open space (85% open space required).

**\*\*Staff to request continuance and transfer to the July 7 BZA 1 hearing.**

### Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

#### 2. 2026-DV2-019 | 1244 West 26th Street

Center Township, Council District #12, zoned D-5 (TOD)

Diane Robert LLC, by Andrew Wert

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 6.4-foot corner side setback (8-foot setback required).

**3. 2026-UV2-007 (Amended) | 1375 West 16th Street**  
 Center Township, Council District #12, zoned I-2 (RC) (W-1)  
 Pine Street Properties LLC, by Justin Kingen

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the following primary uses: Community Centers (not permitted); Offices, Art Galleries, Medical or Dental Offices, Artisan Food and Beverage, Indoor Recreation (permitted only when vacant for 5 or more years); and Eating Establishments or Food Preparation, Hair and Body Care Services (permitted only as accessory use), and to legally establish parking and maneuvering areas within the right-of-way of Harding Street (not permitted).

**PETITIONS FOR PUBLIC HEARING (Transferred Petitions):**

**PETITIONS FOR PUBLIC HEARING (Continued Petitions):**

**4. 2026-DV2-017 | 921 East 66th Street**  
 Washington Township, Council District #7, zoned MU-2 (FF) (TOD)  
 KMK Cornell LLC, by Joe Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing daycare/preschool with 31% building transparency on the west façade (40% transparency required), a zero to six-foot west transitional yard (15 foot west transitional yard required), with no interior parking lot landscaping (interior parking lot landscaping required for parking lots with 15 or more spaces), a 22-foot wide drive aisle (23-foot wide drive aisle required), without the installation of a public sidewalk along East 66th Street or payment into the sidewalk fund (public sidewalks are required along the entire frontage of abutting public rights-of-way), with a five-foot front setback for existing and proposed parking from 66th Street (25 feet minimum required), a 102-foot wide parking lot (limited to 40% of lot width or 41 feet), 21 parking spaces (23 parking spaces required), with 21 parking spaces at 8' 6" (maximum of 7 parking spaces can be sized for small cars), and with parking in portions of the west transitional yard (not permitted).

**PETITIONS FOR PUBLIC HEARING (New Petitions):**

**Additional Business:**

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

June 9, 2026

**Case Number:** 2026-DV2-020

**Property Address:** 951 South White River Parkway Drive West Drive (approximate address)

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

**Petitioner:** 951 South White Parkway LLC, by Justin Kingen

**Current Zoning:** C-S (RC)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for deficient internal landscaping for a surface parking lot (internal landscaping totaling 9% of all uncovered vehicle areas required).

**Current Land Use:** Undeveloped

**Staff Reviewer:** Michael Weigel, Principal Planner I

**PETITION HISTORY**

The petitioner was able to amend plans to comply with both the development standard cited above as well as a required 10-foot landscape buffer to the east. They indicated via email their desire to have this petition withdrawn, which the Board will acknowledge at their June 9, 2026 hearing.



**Board of Zoning Appeals Division II**

**June 9, 2026**

**Case Number:** 2026-DV2-018  
**Property Address:** 2230 East 75th Street (*approximate address*)  
**Location:** Washington Township, Council District #2  
**Petitioner:** David Stevens  
**Current Zoning:** D-S

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family residence with a 3-foot west side setback and a 9-foot east side setback (15-foot side setback and 35-foot combined side setback required), a 40-foot rear setback (50 feet required), a 36-foot front setback (60-foot setback required based on average setbacks), to permit a minor residential structure in the front yard setback (not permitted), and to provide for development with deficient open space (85% open space required).

**Current Land Use:** Residential  
**Staff Reviewer:** Josh Levesque, Senior Planner

**PETITION OVERVIEW**

- Staff is requesting a continuance for cause as an additional variance was discovered after the notice deadline. This will require new notice. Staff is also requesting the transfer of this petition to the July 7<sup>th</sup> BZA I hearing.



**BOARD OF ZONING APPEALS DIVISION II** **June 9, 2026**

**Case Number:** 2026-DV2-019

**Property Address:** 1244 West 26<sup>th</sup> Street (*approximate address*)

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

**Petitioner:** Diane Robert LLC, by Andrew Wert

**Current Zoning:** D-5 (TOD) (W-5)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 6.4-foot corner side setback (8-foot setback required).

**Current Land Use:** Residential

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

**Staff Reviewer:** Michael Weigel, Principal Planner I

**PETITION HISTORY**

This is the first public hearing for the petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the request.

**PETITION OVERVIEW**

1244 West 26<sup>th</sup> Street is a residential corner lot with a size of 4619 square feet and a width of 35 feet at the northeast corner of the intersection of 26<sup>th</sup> and White Avenue. Although platted in 1882, it does not appear that the site has been developed within the last 50 years per aerial photography. The property is located within the United Northwest neighborhood.

Approval of this petition would allow for construction of a single-family residence on the subject property. Most dimensional standards would be met per the site plan and elevations provided below; however, since the property is a corner lot within the Compact context area, a corner side yard setback of eight (8) feet would be applicable to the west. Plans show a 6.8-foot corner side setback, which would require a Variance of Development Standards to be granted.

The home shown within the elevations and sample photograph would be a modular home, but not a manufactured home as defined by the Ordinance (meaning no special exception would be required assuming IDHS permission and local permits were granted). The proposed plans also show that the residence would be placed outside of the required clear-sight triangular area. Additionally, on-street parking along 26<sup>th</sup> Street would meet the required parking minimum for the property, which is why no variance would be required to allow the lot to be developed without a parking pad or garage.



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Division of Planning  
Current Planning**

The property is zoned D-5 to allow for the development of medium- and large-lot housing formats, primarily for detached houses. It is also within a Transit-Oriented Development secondary district and a Wellhead Protection Area (although neither of those would have a direct impact on applicable development standards for residential development of the site). The United Northwest Neighborhood Plan recommends this property for development of 3.5-5 dwelling units per acre (which would align with the D-5 zoning of the property). Finally, Infill Housing Guidelines recommend that setbacks should reflect and reinforce spacing on the existing block while also allowing room for maintenance of homes.

Findings of Fact provided by the applicant indicate that shifting the proposed residence to the east to comply with the corner side setback requirement to the west would result in the house violating the required 5-foot side setback to the east. Staff does not feel that the proposed residence would violate applicable Infill Housing Guidelines, and that the requested deviation would only be of 1.4 feet of required spacing. Staff recommends **approval** of the requested variance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5 (TOD) (W-5)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Dwelling 3.5 – 5 Units Per Acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-5	North: Residential
	South: D-5	South: Residential
	East: D-5	East: Residential
	West: D-5	West: Residential
<b>Thoroughfare Plan</b>		
26 <sup>th</sup> Street	Local Street	54-foot existing right-of-way and 48-foot proposed right-of-way
White Avenue	Local Street	40-foot existing right-of-way and 48-foot proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	04/28/2026	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	04/28/2026	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	04/28/2026	
<b>Findings of Fact (Amended)</b>	N/A	



**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- United Northwest Neighborhood Plan (2008)
- Infill Housing Guidelines

**Pattern Book / Land Use Plan**

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

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- The United Northwest Neighborhood Plan recommends this site for Low Density Residential development. This would typically be 3.5 to 5 dwellings units per gross acre, intended for single-family dwellings.

**Infill Housing Guidelines**

- Infill Housing Guidelines indicate that setbacks should reflect and reinforce spacing on the existing block while also allowing room for maintenance of homes.

**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

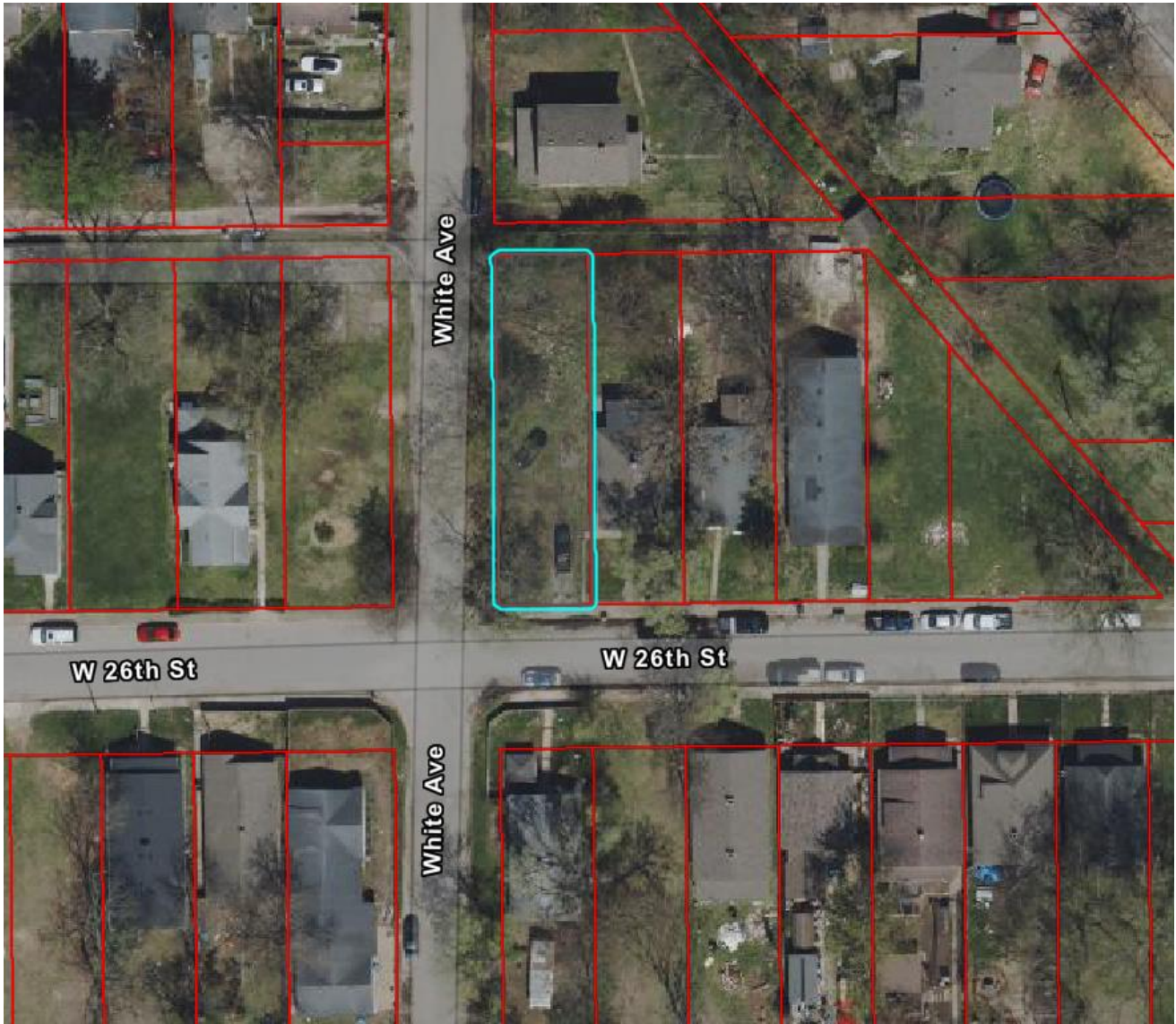
### ZONING HISTORY – VICINITY

**2023DV1035 ; 1310 West 26<sup>th</sup> Street (west of site)**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and secondary dwelling unit, each with three-foot side yard setbacks (five-foot side yard setbacks required), **approved**.

**2012UV1019 ; 1234 West 26<sup>th</sup> Street (east of site)**, Variance of use of the Dwelling Districts Zoning Ordinance to provide for a Men's Fellowship House including bible study, worship and meetings (not permitted), **approved**.

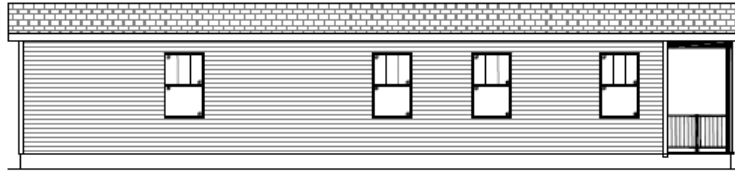
**EXHIBITS**

**2026DV2019 ; Aerial Map**

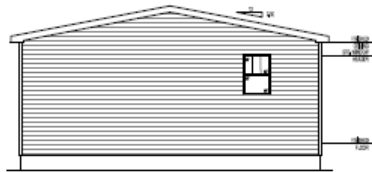




**2026DV2019 ; Elevations**



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

**2026DV2019 ; Sample Photograph**





**2026DV2019 ; Project Narrative**

The owner proposes to build a new single-family residence at the northeast corner of West 26<sup>th</sup> Street and White Avenue in the Near Northwest/Riverside area. The proposal is to construct a 1200 square foot residence by Clayton Homes out of Middlebury, Indiana. This is a modular (not manufactured) home. It will be placed on a permanent, cinder block, crawl space foundation. These units have been inspected and approved by the Indiana Department of Homeland Security. The in-house, assembly line construction renders these homes affordable.

A corner side setback variance is respectfully requested. This will be a setback reduction from White Avenue. The standard is 8 feet. A 6.4 feet setback is proposed. This is necessary in order to meet the side setback standard on the east side, adjacent to an existing home.

The proposed residence is visually appealing and will be compatible with the established neighborhood. The 16.8 inch setback encroachment will not be detrimental to the line of sight along White Avenue as there are other existing homes that are located closer to the street. We respectfully seek the Board’s approval of our request.

**2026DV2019 ; 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 residence is a modular home inspected and approved by the Indiana Department of Homeland Security. It will be placed on a permanent, perimeter cinder block foundation. The setback variance will not result in line of sight issues for the motoring public.

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 residence is visually appealing and will be compatible with the established neighborhood. Clayton Homes is an established home builder based in Indiana. They provide homes that are affordable but also attractive.

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

This corner lot is only 35 feet in width and has not been modified since it was platted in 1882. The standards present today were created long after the lot was created. Meeting these standards would result in the construction of a visually inferior product.

**2026DV2019 ; Photographs**



Photo 1: Subject Residence Viewed from South



Photo 2: Subject Residence Viewed from West

**2026DV2019 ; Photographs (continued)**



Photo 3: Adjacent Property to South



Photo 4: Adjacent Property to Southeast

**2026DV2019 ; Photographs (continued)**



Photo 5: Adjacent Property to Southwest

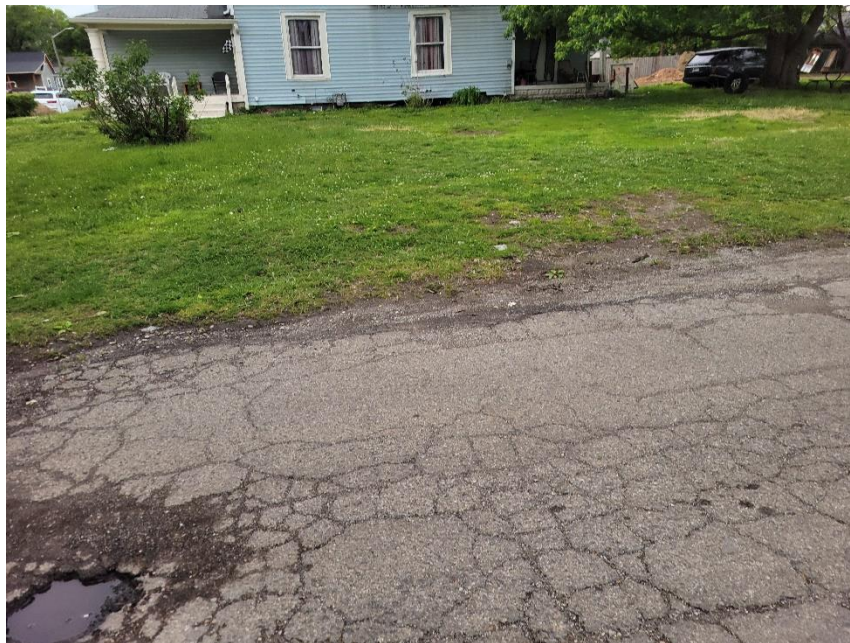


Photo 6: Adjacent Property to West



**BOARD OF ZONING APPEALS DIVISION II** **June 9, 2026**

**Case Number:** 2026-UV2-007

**Property Address:** 1375 West 16<sup>th</sup> Street (approximate address)

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

**Petitioner:** Pine Street Properties LLC, by Justin Kingen

**Current Zoning:** I-2 (RC) (W-1)

**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the following primary uses: Community Centers (not permitted); Offices, Art Galleries, Medical or Dental Offices, Artisan Food and Beverage, Indoor Recreation (permitted only when vacant for 5 or more years); and Eating Establishments or Food Preparation, Hair and Body Care Services (permitted only as accessory use), and to legally establish parking and maneuvering areas within the right-of-way of Harding Street (not permitted).

**Current Land Use:** Commercial/Industrial

**Staff Recommendations:** Staff recommends **approval** of the request, subject to commitments.

**Staff Reviewer:** Michael Weigel, Principal Planner I

**PETITION HISTORY**

The petition was continued from the May 19<sup>th</sup> hearing date to allow for both (a) the mailing and posting of legal notice and (b) for discussion of commitments with Staff.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the request, subject to the following commitments:

1. Indoor Recreation and Entertainment shall be limited to fitness / studio-type uses only.
2. No outdoor storage for contractor uses shall be permitted.
3. No accessory drive-thrus shall be permitted.
4. No expansion of parking or maneuvering areas within the Harding Street right-of-way shall be permitted.
5. There shall be a maximum of six (6) tenants / uses at any given time.

**PETITION OVERVIEW**

1375 West 16<sup>th</sup> Street is a 1.80-acre industrially zoned parcel at the southeastern corner of 16<sup>th</sup> and Harding Street. The majority of the site is developed with 29,358 square foot building with accessory parking areas on each side of the structure. Current uses within the building include a lighting contractor, offices for an engineering firm and for a youth-oriented non-profit, and warehousing space for a company



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that delivers small-scale consumer goods directly to individuals. Surrounding land uses include apartments to the west, a park with athletic fields to the northwest, an electrical supply store to the north, an art gallery to the south, and a research building associated with a major university to the east. The property is also located near the 16 Tech Innovation District business center, to the southeast.

Approval of this variance would allow for eight (8) use categories to legally operate at this property that wouldn't currently be allowed within the I-2 zoning district, or that would only be allowed under specific circumstances. The petitioner indicated that this would *not* mean that each of the below uses would concurrently operate the building; instead, it would offer future flexibility for potential tenants that might fall into these categories. Those contemplated uses are as follows:

- Community Centers (not permitted within I-2)
- Offices: Business, Professional, or Government (permitted only in buildings vacant for 5+ years)
- Art Galleries (permitted only in buildings vacant for 5+ years)
- Medical or Dental Offices (permitted only in buildings vacant for 5+ years)
- Artisan Food and Beverage production (permitted only in buildings vacant for 5+ years)
- Indoor Recreation and Entertainment (permitted only in buildings vacant for 5+ years)
- Eating Establishments or Food Preparation (permitted only as an accessory use)
- Hair and Body Care Services (permitted only as an accessory use)

A Variance of Development Standards was also requested related to an existing parking area on the western side of the building that has been established since at least 1962 per aerial photography. The parking stalls appear to encroach a few feet into the right-of-way of Harding Street, and maneuvering areas for cars parking in those spaces would be fully within the ROW. Approval of this variance would legally establish those parking spaces.

The petition request initially included a request for Printing Services uses (disallowed within Wellhead Protection Areas), but this portion of the request was withdrawn by the petitioner. Additionally, the petitioner indicated that no expansions or major external changes were planned for the building or for parking areas. Grant of this petition would not exempt any future changes from compliance with applicable Ordinance standards at the time of permitting, from Regional Center design review, or from the potential need for an Encroachment License from the Department of Business and Neighborhood Services related to the parking area.

This property is zoned I-2 (Light Industrial District) to allow for industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. The site is also within two (2) secondary zoning overlays: the first is the Regional Center for properties within the downtown area requiring design review, and the second is a Wellfield Protection District given proximity to a municipal water wellfield. The Comprehensive Plan recommends the property to the Institution-Oriented Mixed Use typology to allow for a variety of pedestrian-friendly land uses near a larger institutional use (see Comprehensive Plan Analysis below).



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Findings of Fact provided by the applicant in support of the requested Variance of Use allude to the changing context of the area surrounding this site, and that no single zone would allow for the specific mix of uses contemplated while also allowing for continued legal operation of the lighting contractor that currently occupies the majority of the building. Staff would note that each of the requested uses would be harmonious with the Comprehensive Plan recommendation of Institution-Oriented Mixed Use development, and that only one (1) of the eight (8) requested uses is fully disallowed within the I-2 district: the other seven (7) are contemplated in some capacity for the site (either as accessory uses or in vacant buildings to allow for adaptive reuse).

Staff also requested four (4) commitments related to current and future uses of the building to ensure continued harmony with the Plan recommendation and with current parking layout and availability. The petitioner agreed to limit the overall number of tenants within the building to six (6), to limit the indoor recreation uses solely to fitness/gymnasium uses, and to disallow accessory outdoor storage and drive-through uses. For these reasons, staff recommends **approval** of the requested Use Variance.

With regards to the requested variance related to the placement of parking and maneuvering areas within the ROW of Harding Street, staff would note that the parking stalls appear to have existed in some form for (at least) 64 years, and that the current parking stall would only encroach around 6 feet past the established property line. Additionally, there is a separation of around 15 feet between the parking stalls and the pavement edge of Harding Street, which would allow adequate space for maneuvering without utilizing the street itself. For these reasons, and because the petitioner agreed to an additional fifth commitment disallowing any expansion of the parking or maneuvering areas in right-of-way, staff recommends **approval** of the requested Variance of Development Standards.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-2 (RC) (W-1)	
<b>Existing Land Use</b>	Commercial/Industrial	
<b>Comprehensive Plan</b>	Institution-Oriented Mixed Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-7	North: Commercial
South:	I-2	South: Residential
East:	I-2	East: Institutional
West:	CBD-S	West: Multifamily Residential
<b>Thoroughfare Plan</b>		
16 <sup>th</sup> Street	Primary Arterial	91-foot existing right-of-way and 88-foot proposed right-of-way
Harding Street	Local Street	80-foot existing right-of-way and 48-foot proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	



Site Plan	04/07/2026
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	04/30/2026
Findings of Fact (Amended)	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**Pattern Book / Land Use Plan**

- The Institution-Oriented Mixed-Use (Campus) typology contains a mix of land uses within and surrounding a significant regional institutional campus, such as a university or hospital. This typology is meant to promote development that is permeable to pedestrians and integrates into its surrounding context. Uses in this typology will often be thematically or economically linked to the anchor institution. Residential areas of this typology have a density of 8 to 15 units per acre.
  - Uses with a link to the anchor business or focused on research and technology should be located along arterial or collector streets.

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**  
 (Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

**2008ZON051**, rezoning of the area generally bounded by Belmont Street to the Monon, up to 16<sup>th</sup> Street, to the Regional Center (RC) secondary district, **approved**.

### ZONING HISTORY – VICINITY

**2020DV1022 ; 1220 Waterway Boulevard (southeast of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two temporary parking lot with deficient interior landscaping (interior landscaping on nine percent of all uncovered vehicle areas required), **approved**.

**2020ZON018 ; 1220 Waterway Boulevard (southeast of site)**, Rezoning of 53.525 acres from the CBD-S (RC) (FW) (FF) (W-1) district, to the CBD-S (RC) (FW) (FF) (W-1) district to provide for Adaptive Re-use and Innovation, Flexible Research, Office, Multi-family residential, hotel/conference center, retail and active uses, **approved**.

**2013DV3023 ; 1244 West 16<sup>th</sup> Street (northeast of site)**, Variance of development standards of the Commercial Zoning Ordinance to provide for a 65-foot tall hotel (maximum 35-foot height permitted), **approved**.

**2013CVR817 ; 1502 West 16<sup>th</sup> Street (northwest of site)**, Variance of use and development standards of the Special Districts Zoning Ordinance to provide for a charter school, with a 15-foot setback from Riverside Drive (40-foot front setback required and a 22-foot setback from 18th Street (25-foot front setback required), **approved**.

**2011ZON045 ; 1100 Indiana Avenue (south of site)**, Rezoning of 250 acres, from the D-S (RC) (W-1), D-5 (RC) (W-1), C-1 (RC) (W-1), C-5 (RC) (W-1), C-7 (RC) (W-1), I-2U (RC) (W-1), I-3U (RC) (W-1), CBD-S (RC) (W-1), SU-1 (RC) (W-1), SU-9 (RC) (W-1), PK-1 (RC) (W-1) Districts, to the CBD-S (RC) (W-1) classification to provide for a mixed-use life-sciences technology development focusing on information technology, biotech, motor sports, and clean energy companies, high-density housing and parks, **approved**.

**EXHIBITS**

**2026UV2007 ; Aerial Map**







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**2026UV2007 ; List of Proposed Uses**

1. Commercial Contractor, with no outdoor storage or operations
2. Office: Business, Professional or Government
3. Direct to consumer delivery of staple groceries, snacks, household items and sundries
4. Consumer Services or Repair of Consumer Goods
5. Eating Establishment or Food Preparation
6. Community Center
7. Art Gallery
8. Medical or Dental Offices / Clinics / Centers
9. Artisan Food & Beverage
10. Indoor recreation & entertainment - fitness / studio-type use only
11. Barber or Beauty Shop

Existing Tenants:

- ESL / Spectrum: Lighting commercial contractor (Commercial Contractor) – 25,000 SF
- KEDbluestone: Engineering Firm (Office: Business, Professional or Government) – 2,500 SF
- MCCOY: Youth oriented non-profit (Office: Business, Professional or Government / Community Center) – 3,700 SF
- GOPUFF: On demand goods delivery service (Fleet Terminal / Warehousing, Wholesaling and Distribution) – 5,500 SF



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**2026UV2007 ; Plan of Operation**

- Staff:
  - Each independent use above is not intended to have more than five employees on-site at any given time.
  
- Hours of Operation:
  - Each independent use would have traditional business hours of 7:00am-6pm.
  - Occasional (maximum of four times per year) special events, particularly associated with the Art Gallery and Artisan Food & Beverage uses may require closure by 10PM.
  
- Building:
  - Existing 29,358-square foot industrial building
  
- Clients & Customers:
  - Uses to be open to the general public
  
- Safety & Security Measures:
  - The existing building has security cameras, an alarm system, and lighting elements.
  
- Materials Used:
  - Any potential medical use will comply with State and Federal requirements for waste disposal.
  - All other uses will not have any hazardous or objectionable materials or waste stored on-site.
  
- Shipping, Receiving & Storage:
  - Deliveries will be made via box-truck and use existing service areas.
  
- Waste:
  - Commercial dumpsters will be sited and screened in accordance with the requirements of the zoning ordinance
  
- Parking:
  - There are 53 parking spaces located internally to the subject site, and 15 parking spaces located along Harding Street



**2026UV2007 ; Findings of Fact (Use)**

**1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE**

The requested uses are characterized by community contributing and enhancing externalities and are commonly associated with Industrial-Institutional parks and corridors, as envisioned by the comprehensive plan. The immediate area has begun to transform from a historic industrial corridor to a quasi-commercial industrial-institutional corridor, as most evidenced by the successful growth of 16 Tech, immediately east of the subject site. No outdoor operations or elements in conflict with performance standards are proposed

**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 requested uses are characterized by community contributing and enhancing externalities and are commonly associated with Industrial-Institutional parks and corridors, as envisioned by the comprehensive plan. Many lots along this portion of 16th Street already align with this vision. No building addition is proposed, and all operations would occur indoors. The grant of the request would allow for uses that could enhance the vibrancy of this quickly evolving corridor.

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

The Zoning Ordinance rigidly regulates Industrial zoning districts, presumably with the out-dated intent and paradigm of separating perceived incompatible uses. The Ordinance contemplates mixed-use development with an emphasis on incorporating residential uses as a key requirement, but has yet do so for emerging uses such as industrial-mixed use, with an emphasis on supporting small-scale industrial uses, institutions and uses that should be viewed not only an amenity, but a necessity for fostering such areas successful transformation.

**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 Zoning Ordinance rigidly regulates Industrial zoning districts, presumably with the out-dated intent and paradigm of separating perceived incompatible uses. The Ordinance contemplates mixed-use development with an emphasis on incorporating residential uses as a key requirement, but has yet do so for emerging uses such as industrial-mixed use, with an emphasis on supporting small-scale industrial uses, institutions and uses that should be viewed not only an amenity, but a necessity for fostering such areas successful transformation.

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

The request does not conflict with the comprehensive plans recommendation of Institutional-Mixed Use, as the request aligns with the vision of the overall recommendation, and does not conflict with any of the rationale elements or conditions outlined for small scale retailing and personal or professional services in the Land Use Pattern Book. Petitioner would posit that the site not receiving this request, rigidly allowing only I-2 uses, would actually harm the implementation of comprehensive plans recommendation.



**2026UV2007 ; Findings of Fact (Development Standards)**

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

The front yard setback along 16th Street has been existing since construction of the building in the 1940's, according to aerial images. The southern building addition appears to have taken place in about 1972, and by 1979, according to aerial images, the current vehicular areas associated with the addition were prevalent. This indicates that the existing building and internal vehicular circulation patterns have been in operation for 47 years, without imposing any negative externalities to the immediate areas. The parking area along Harding Street, according to aerial images, dates back to at least 1962. Prohibition of vehicles maneuvering within street rights-of-way are intended to promote pedestrian safety through decreasing potential conflict nodes. Given the long-term existence of these parking areas, the clear line of view imposed by the preserved, and unlikely to be redeveloped, ballfield of the former Busch Stadium, along with the fact that the sidewalks are located on the west side of Harding Street, the petitioner would posit that these conditions have long posed no risk.

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 request would not propose additional building additions or new parking areas. Therefore, no negative impacts would be imposed upon the immediate properties or their value.

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

The request is primarily driven by the language outlined in Section 744-401.C, which requires developments to conform with modern parking requirements whenever there is a mere change of use, without any exception afforded to long-standing developments whose change of use is driven by a need for use flexibility rather than redevelopment or building additions.

**2026UV2007 ; Photographs**



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from West

**2026UV2007 ; Photographs (continued)**



Photo 3: Subject Site Viewed from Northwest



Photo 4: Subject Site Viewed from Northeast

**2026UV2007 ; Photographs (continued)**



Photo 5: Subject Site Viewed from Southeast



Photo 6: Subject Site Viewed from South

**2026UV2007 ; Photographs (continued)**



Photo 7: Adjacent Property to West



Photo 8: Adjacent Property to Northwest

**2026UV2007 ; Photographs (continued)**



Photo 9: Adjacent Property to North



Photo 10: Adjacent Property to Southeast

**2026UV2007 ; Photographs (continued)**



Photo 11: Adjacent Property to South Viewed from Parking Area



Photo 12: Adjacent Property to South Viewed from Harding Frontage



**BOARD OF ZONING APPEALS DIVISION II**

**May 19, 2026**

**Case Number:** 2026-DV2-017  
**Address:** 921 East 66<sup>th</sup> Street (approximate address)  
**Location:** Washington Township, Council District #7  
**Zoning:** MU-2 (FF) (TOD)  
**Petitioner:** KMK Cornell LLC, by Joe Calderon  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing daycare/preschool with 31% building transparency on the west façade (40% transparency required), a zero to six-foot west transitional yard (15 foot west transitional yard required), with no interior parking lot landscaping (Interior parking lot landscaping required for parking lots with 15 or more spaces), a 22-foot wide drive aisle (23-foot wide drive aisle required), without the installation of a public sidewalk along East 66<sup>th</sup> Street or payment into the sidewalk fund (public sidewalks are required along the entire frontage of abutting public rights-of-way), with a five-foot front setback for existing and proposed parking from 66<sup>th</sup> Street (25 feet minimum required), a 102-foot wide parking lot (limited to 40% of lot width or 41 feet), 21 parking spaces (23 parking spaces required), with 21 parking spaces at 8' 6" (maximum of 7 parking spaces can be sized for small cars), and with parking in portions of the west transitional yard (not permitted).

**Current Land Use:** Undeveloped.

**Staff Recommendation:** Staff recommends denial of the request to waive payment into the sidewalk fund.  
  
Staff recommends approval of the remaining variances.

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

**PETITION HISTORY**

This petition was continued for cause, from the May 19, 2026, hearing, to the June 9, 2026, hearing, to allow time to provide new notice for the request.

**STAFF RECOMMENDATION**

Staff recommends **denial** of the request to waive payment into the sidewalk fund.  
Staff recommends **approval** of the remaining variances

## PETITION OVERVIEW

### PAYMENT IN LIEU OF SIDEWALK INSTALLATION.

- ◇ The Ordinance allows for a waiver of the sidewalk installation requirement in locations where site conditions cause extreme difficulty in the construction of sidewalks (744-301.G). The Administrator may, upon written request, waive that portion of sidewalks. Examples of extreme difficulty include, but are not limited to, waterway crossings, significant elevation change, existing deep drainage swales in the right-of-way, and grades steeper than 3:1. The request shall include supporting documentation. The waiver would be pursuant to a written agreement and subject to a contribution in lieu of sidewalks that shall be made to the City for the provision of sidewalks in Marion County. The rate amount shall be set annually.
- ◇ In Staff's review, there are conditions along this portion of the south side of East 66<sup>th</sup> Street that could limit the installation of sidewalks, specifically a narrow right-of-way, and various utility infrastructure. However, Staff does not agree that the requirement to make a contribution to the City in lieu of installing sidewalks should be waived.
- ◇ As this is a highly pedestrian area, the need for completing the sidewalk network in this area should not be overlooked. The need for sidewalks is even more apparent when the subject site is not providing the required on-site parking, resulting in some of its employees and customers to find parking on the street or in nearby publicly provided parking spaces, and walking to the site.
- ◇ By all appearances, there is sufficient room along the north side of East 66<sup>th</sup> Street to install sidewalks that would provide pedestrian safety and accessibility for this area. Therefore, the request to not provide the contribution into the sidewalk fund should be denied.

### VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would provide for an expansion and addition onto an existing building, with that addition having a 31% building transparency on the west façade, where a 40% transparency is required. This entrance with the transparency reduction would not be the main entrance and would primarily be used by staff in accessing the parking lot.
- ◇ The request would provide for a zero to six-foot west transitional yard where a 15 foot west transitional yard is required, and with parking in portions of the west transitional yard. This is a continuation of the existing reduced transitional yard and paring that was previously granted by petition 2021-CVR-812. The adjacent parcel is heavily landscaped, which provides for a buffering of this reduction. The reduction in the transitional yard would be associated with on site parking, and not as a result of a structure encroaching into the yard.
- ◇ As a result of the existing vehicle parking and the proposed expansion of on-site parking, the interior parking lot landscaping would continue to be non-existent. This is a continuation of the existing parking lot that was previously granted by Variance 2021-CVR-812.



- ◇ The proposal will provide for a 22-foot wide drive aisle, where a 23-foot wide drive aisle is required. This is a continuation of the existing 22' drive aisle that was previously granted by Variance 2021-CVR-812.
- ◇ A five-foot front setback for the existing and proposed parking from 66th Street would be provided, where a 25-foot setback is required. This is a continuation of the existing parking lot front setback from 66<sup>th</sup> Street that was previously granted by Variance 2021-CVR-812.
- ◇ Twenty-one (21) parking spaces will be provided where 23 parking spaces are required. All 21 parking spaces will be sized for small cars at 8' 6", when a maximum of 7 parking spaces can be sized for small cars.
- ◇ A 102-foot wide parking lot will also be provided where parking lots would be limited to 40% of lot width or 41 feet. This is a continuation of the existing 22' drive aisle that was previously granted by Variance 2021-CVR-812.
- ◇ All of these variance requests are related to existing structures, or their proposed expansion. The proposed setbacks, reductions and encroachments will allow for the existing use to continue on site and will not have any known negative impacts or cause any community concern.

**Floodway / Floodway Fringe**

- ◇ This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.
- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. All uses permitted in the primary zoning district (MU-2) in this request) are permitted, subject to certain development standards of the Flood Control Districts Zoning Ordinance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	MU-2
<b>Existing Land Use</b>	Daycare / Undeveloped
<b>Comprehensive Plan</b>	Village Mixed Use



<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-4	Office and Religious uses
South:	MU-2	Commercial uses
East:	D-P	Multi-family dwellings
West:	D-4	Single Family Dwelling
<b>Thoroughfare Plan</b>		
East 66 <sup>th</sup> Street	Local Street	45-foot existing right-of-way and 48-foot existing and proposed right-of-way.
Cornell Street	Local Street	45 existing right-of-way, and 48-foot proposed right-of-way
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	100 year	
<b>Overlay</b>	TOD	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	April 13, 2026	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	April 13, 2026	

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

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

- Red Line Transit Oriented Development Strategic Plan (2018).
- The subject site is located approximately 950 feet from the 66<sup>th</sup> and College Avenue Red Line transit station.



- The 66<sup>th</sup> and College Avenue transit station has been categorized as a Walkable Neighborhood typology.
- District Center stations are areas that are primarily residential but may have a commercial node of one to two city blocks.
  - Characteristics of the Walkable Neighborhood typology are:
    - Mix of uses at station with stabilized residential beyond.
    - Off-street parking is discouraged and should be limited to garage

**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-CZN-812 / 2021-CVR-812; 6572 Cornell Avenue (subject site)**, requested the rezoning of 0.42-acre form the D-4 (FF) district to the MU-2 (FF) district. **Approved.**

**2021-CZN-812 / 2021-CVR-812; 6572 Cornell Avenue (subject site)**, requested a Variance of Development Standards to permit a three-foot front transitional yard along 66th Street, with a wood porch and handrail encroaching into the front transitional setback and right-of-way of 66th Street, to legally establish portions of a four-foot tall and six-foot tall fence in the front yards of 66th Street and Cornell Avenue, portions of the parking lot in the front yard of 66th Street, a playground in the front yard of Cornell Avenue, portions of a parking lot in the west side transitional yard, **granted.**

**2004-UV3-011; 6572 Cornell Avenue**, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for an art studio with an administrative office with a 3.6-foot setback from the existing right-of-way of 66th Street and a fourteen-foot setback from the existing right-of-way of Cornell Avenue, **granted.**

**84-UV2-89, 921 East 66th Street**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of the existing structure for professional offices, **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**

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

1) the proposed use does not generate parking demand all at once, rather it is used intermittently throughout the day; thus the number of spaces and stall size is sufficient to safely park expected vehicles on site.

2) the transitional yard is created by a zoning district line located in the centerline of an alley, which provides sufficient separation and screening from the D-4 to the West.

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:

1) there is no real risk of parking spilling over on to adjoining properties, as there is available on-street parking as an option.

2) there is ample vegetation separating the western parking spaces from the D-4 zoning to the West.

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

1) the Ordinance, although it does allow adjustments to minimum required parking, does not adjust for intermittent parking demand (drop off/pick up) as is the case with most day care/preschool uses.

2) the transitional yard exception does not apply to an alley which actually serves as a buffer yard.

**Photographs**



Subject site, looking southwest.



Subject site expansion area to the south, looking west.



Subject site, looking south east from East 66<sup>th</sup> Street



Subject site parkign area, looking south from East 66<sup>th</sup> Street