



**Board of Zoning Appeals
Board of Zoning Appeals Division III
(February 17, 2026)
Meeting Agenda**

Meeting Details

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

Date: Tuesday, February 17, 2026 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2025-MO3-003 | 3030 North Shadeland Avenue**
Warren Township, Council District #9, zoned C-4
Shadeland Holdings Inc., by Patrick Rooney

Modification of Commitments associated with 2022-UV3-034 to modify Commitment Twelve to read as follows: "The real estate shall be developed as a retail gas station and convenience store pursuant to the site plan prepared by Abonmarche last dated 5/09/2024 and attached hereto."; and to terminate Commitments Five and Thirteen-M which restricted the days and hours of business operation and prohibited an automobile fueling station.

****A Registered Neighborhood Organization has automatically continued this petition to March 17, 2026**

- 2. 2025-SE3-003 (Amended) | 4555 South Harding Street**
Perry Township, Council District #22, zoned I-4 (FF)
Deleitosa Properties LLC, by Marianne McCalip

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 and I-465 by a state agency.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 14-foot by 48-foot off-premise advertising sign, of which the relocated off-premise sign will have a height of 70 feet and be located within 400 feet of another outdoor advertising sign (1,000-foot radial spacing required).

****Staff to request continuance to March 17, 2026.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

3. 2025-MO3-002 | 2719 North Emerson Avenue

Warren Township, Council District #9, zoned I-2
Imagineering Holdco Inc., by Nick Hammer

Modification to terminate Conditions Two and Three of 2005-SE3-003 to allow for outdoor storage and operations outside of the existing building (outdoor storage prohibited and operations required to be within the existing building).

Variance of use and development standards of the Consolidated Zoning/Subdivision Ordinance to allow for outdoor storage within 280 feet of a protected district with a height of 13 feet and without required fencing and landscape screening (500 feet of separation required, maximum 10-foot tall height permitted, screening required).

4. 2025-DV3-016 (Amended) | 2360 Prospect Street

Center Township, Council District #18, zoned C-4
Linda Thompson, by Justin Kingen & David Kingen

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

5. 2025-DV3-020 (Amended) | 4102 Madison Avenue

Perry Township, Council District #23, zoned C-4 (TOD)
Sanchez Family Inc., by Kevin Lawrence

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

PETITIONS FOR PUBLIC HEARING (New Petitions):

6. 2026-DV3-001 | 1759 North Whittier Place

Warren Township, Council District #14, zoned D-5
Leticia Lamas and Edgar Morales, by Josh Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage expansion, with a 5-foot south side setback (7-foot required), and a 4-foot rear setback (5-foot required).

Additional Business:

7. 2020-DV3-003 | 49D01-2007-PL-023390

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov, before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.

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

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



BOARD OF ZONING APPEALS DIVISION III **February 17, 2026**

Case Number: 2025-MO3-003
Address: 3030 North Shadeland Avenue (approximate address)
Location: Warren Township, Council District #9
Zoning: C-4
Petitioner: Shadeland Holdings Inc., by Patrick Rooney
Request: Modification of Commitments associated with 2022-UV3-034 to modify Commitment Twelve to read as follows: "The real estate shall be developed as a retail gas station and convenience store pursuant to the site plan prepared by Abonmarche last dated 5/09/2024 and attached hereto."; and to terminate Commitments Five and Thirteen-M which restricted the days and hours of business operation and prohibited an automobile fueling station.

Current Land Use: Vacant financial services facility
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued for cause by the petitioner from the December 16, 2025, hearing, to the January 20, 2026, hearing, and from the January 20, 2026, hearing, to the February 17, 2026, hearing.

A Registered Neighborhood Organization has filed an automatic continuance, continuing this petition from the February 17, 2026, hearing, to the March 17, 2026, hearing.



BOARD OF ZONING APPEALS DIVISION III **February 17, 2026**

Case Number: 2025-SE3-003

Property Address: 4555 South Harding Street (approximate address)

Location: Perry Township, Council District #22

Petitioner: Deleitosa Properties LLC, by Marianne McCalip

Current Zoning: I-4 (FF)
Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 and I-465 by a state agency.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 14-foot by 48-foot off-premise advertising sign, of which the relocated off-premise sign will have a height of 70 feet (maximum height of 60 feet permitted) and be located within 400 feet of another outdoor advertising sign (1,000-foot radial spacing required).

Current Land Use: Undeveloped / Industrial

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

2/17/26: Staff will plan to request a continuance to the March 17, 2026 hearing date to allow the petitioner additional time to obtain information and generate requested renderings.

1/20/26: A continuance to the February 17, 2026 hearing date of Division III will be required to allow adequate time for mailing and posting of the required legal notice.



BOARD OF ZONING APPEALS DIVISION III **February 17, 2026**

Case Number: 2025-MO3-002

Property Address: 2719 North Emerson Avenue (*approximate address*)

Location: Warren Township, Council District #9

Petitioner: Imagineering Holdco Inc., by Nick Hammer

Current Zoning: I-2
Modification to terminate Conditions Two and Three of 2005-SE3-003 to allow for outdoor storage and operations outside of the existing building (outdoor storage prohibited and operations required to be within the existing building).

Request: Variance of use and development standards of the Consolidated Zoning/Subdivision Ordinance to allow for outdoor storage within 280 feet of a protected district with a height of 13 feet and without required fencing and landscape screening (500 feet of separation required, maximum 10-foot tall height permitted, screening required).

Current Land Use: Industrial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

1/20/26: Since the petitioner was unable to attend this hearing date, staff requested a continuance on their behalf to the February 17, 2026 hearing date.

12/16/25: Due to a lack of quorum, this petition was continued from December 16th to January 20th.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 2719 North Emerson is a parcel with a size of around 5.55 acres that is currently improved with two (2) industrial buildings on the eastern portion of the property. Both buildings are associated with a metal finishing use (Imagineering Finishing Technologies). Adjacent land uses include contractors to the north and south, a fueling station to the southwest, and residences to the east.



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- The metal finishing facility was approved at this site in 2005 via the Special Exception petition 2005-SE3-003. That approval was subject to five (5) separate conditions, including that (a) outside storage would not be permitted; and (b) all operations would occur within the existing building. The full list of conditions is within Exhibits below.
- The enforcement case VIO25-003522 was opened in April of 2025 at the subject site, which noted the presence of several civil zoning violations. Some of those violations (related to the paving and striping of vehicle areas, signage, miscellaneous scrap metal and wood, etc.) are being addressed by the petitioner outside of the variance process. A full list of violations is within the Exhibits.
- Approval of this petition would allow for three (3) separate outdoor storage areas at the property (per the site plan within the Exhibits) by modifying the conditions of approval from 2005-SE3-003. Specifically, it would terminate the two (2) conditions related to the prohibition of outdoor storage (Condition Two) and the requirement for internal operations (Condition Three).
- Additionally, Variances of Development Standards would be required related to **(a)** the outdoor storage being within 280 feet of residentially zoned parcels to the east (minimum 500 feet of separation required); **(b)** a height of 13 feet for the outdoor storage materials (maximum of 10 feet permitted); and **(c)** a lack of required fencing or landscaping around the outdoor storage areas per 744-508.C of the Ordinance. The proposed outdoor storage areas appear to comprise 24.9% of the building area at the site, which complies with I-2 requirements per Table 743-306-2 (maximum 25% allowed).
- 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. Within that zoning district, outdoor operations and storage should be completely screened if adjacent to Protected Districts and limited to a percentage of the total operation. Similarly, the Comprehensive Plan recommends the site to the Light Industrial typology to allow for industrial, production, distribution, and repair uses within enclosed structures.
- Ordinance regulations on the height, screening, and size of outdoor storage when near residential areas exist to ensure that potential hazards and negative externalities are mitigated and separated from all neighborhoods and to ensure compatibility and buffering between adjacent land uses. Although the existing building does provide a level of buffering and visual separation from residences to the east of the outdoor storage areas, the limitations on outdoor storage and requirement for internal operations have been in place for the past 20 years and were a requirement for the Special Exception allowing for the metal finishing use. The applicant is seeking not only to exceed the limitations imposed by commitments but also those typically applicable for the I-2 zoning district (height, lack of screening, residential proximity).
- Staff's primary objection with regards to this petition is the lack of fencing or screening around the proposed outdoor storage areas. If some forms of buffering were in place, it would minimize the visual impact of the storage areas further and would also create a specific boundary ensuring that the storage areas wouldn't exceed the 25% of gross building area requirement for I-2 zoning. Staff



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indicated to the petitioner that provision of some form of fencing or landscaping around the storage areas could lead to an approval recommendation for the remaining requests, but the petitioner did not indicate openness to this compromise. Given this concern of the site exceeding the 25% requirement in addition to the lack of site-specific practical difficulty prevent compliant indoor storage as contemplated for this business in 2005, staff recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Industrial	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	I-2	North:
South:	C-4 / I-2	South: Commercial / Industrial
East:	D-4	East: Residential
West:	D-4 / C-3	West: Undeveloped
Thoroughfare Plan		
Emerson Avenue	Primary Arterial	120-foot existing right-of-way and 104-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	09/13/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	09/13/2025	
Findings of Fact (Amended)	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Truck traffic should be separated from local or residential.
- Light Industrial land uses are contemplated but removed where they would be adjacent to a living or mixed-use 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

ZONING HISTORY – SITE

2005SE3003, special exception of the Industrial Zoning Ordinance to provide for a metal finishing facility (not permitted), within an existing two-story building, **approved with conditions**.

ZONING HISTORY – VICINITY

2025DV3024 ; 2747 N Emerson Avenue (north of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a waiver of the requirement to install pedestrian connectivity between a freestanding building and the existing sidewalk network along the right-of-way of Emerson Avenue (required), **approved**.

2006VAR809A ; 2553 Emerson Access (south of site), special exception of the Industrial Zoning Ordinance to provide for retail sales of plants and landscaping related products, **withdrawn**.

2006VAR809 ; 2553 Emerson Access (south of site), variance of development standards of the Industrial Zoning Ordinance to provide for 4,900 square feet or 71.3 percent of the enclosed building area of outdoor display area (maximum 1,716 square feet 25 percent of the enclosed building area of outdoor display permitted), to provide for a zero-foot rear transitional yard (minimum 30-foot transitional yard required), without landscaping in the north and south side yards (landscaping required), **withdrawn**.

2004UV2026 ; 2553 Emerson Access (south of site), variance of use of the Industrial Zoning Ordinance to provide for an automobile storage lot for inoperable vehicles (not permitted), **approved**.

87-UV2-2 ; 2642 N Butler Avenue (east of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for storage, **denied**.

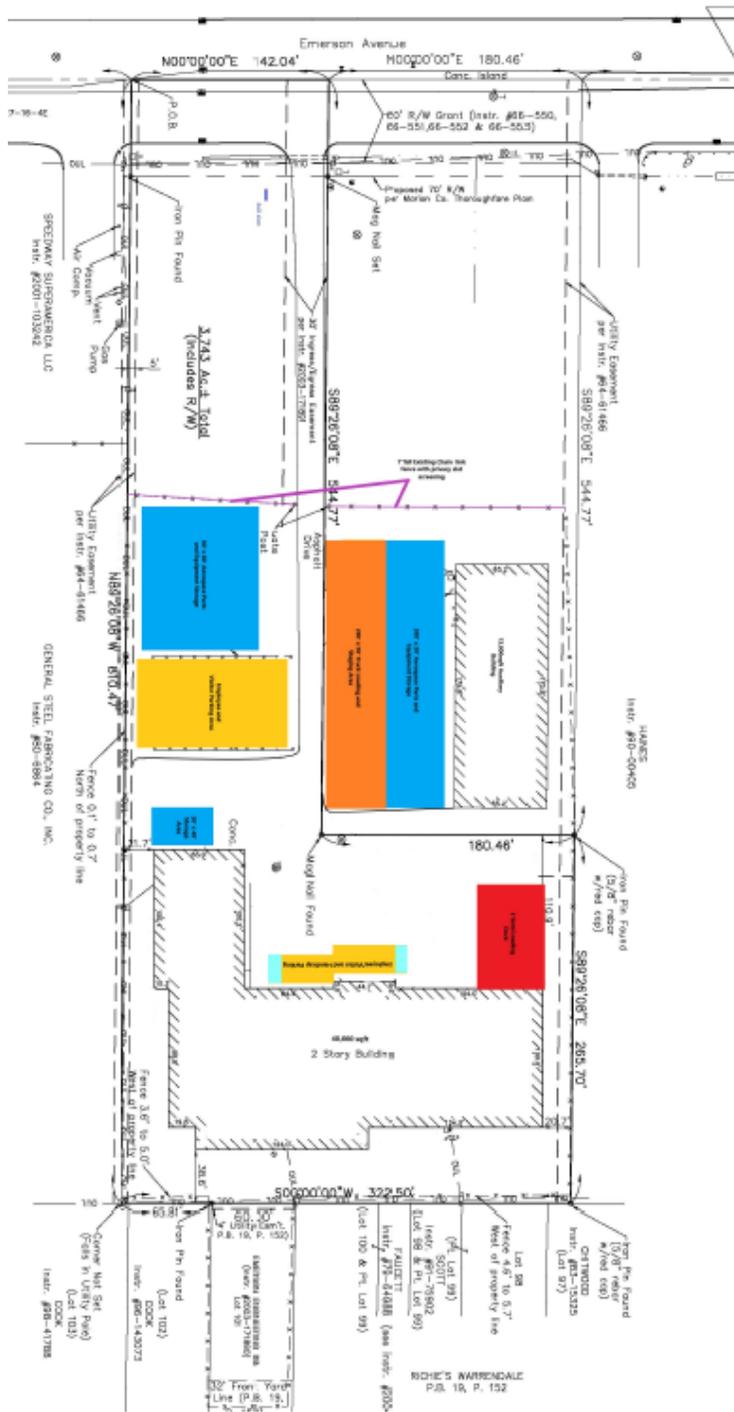
85-UV2-101 ; 2642 N Butler Avenue (east of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for the construction and repair of race cars and the re-building of antique cars, **denied**.

EXHIBITS

2025MO3002 ; Aerial Map



2025MO3002 ; Site Plan



Note: size of outdoor storage areas shown do not match the dimension labels provided. An amended site plan with accurate scaling was requested but not provided prior to publication of this report



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2025MO3002 ; Findings of Fact

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

The proposed storage involves only non-hazardous, commercially safe goods, eliminating risks of contamination, fire hazards, or other environmental concerns.

Storage areas are clearly defined, orderly, and maintained in a manner that preserves safe circulation for vehicles and emergency responders.

Visual impact will be minimized through fencing, screening, or landscaping, ensuring compatibility with the character of surrounding properties.

The use does not increase traffic hazards, impede public access, or introduce activity inconsistent with community standards. Similar outdoor storage practices already exist within the district without adverse impacts, and this proposal is designed to operate in the same responsible manner.

Accordingly, the request upholds public health and safety while supporting the general welfare and orderly development of the area.

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:

Storage will be limited to designated areas, organized and maintained in an orderly manner that is compatible with surrounding land uses. Screening, fencing, or landscaping will be provided where appropriate to reduce visual impacts and preserve the aesthetic quality of the area. The proposed storage will not introduce noise, odor, or other nuisances that could negatively affect nearby properties. Similar outdoor storage uses exist within the district and have not diminished surrounding property values, and this proposal is designed to operate in the same responsible and consistent manner. Accordingly, the requested use will remain harmonious with the character of the community while safeguarding the value and enjoyment of adjacent properties.

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

Strict enforcement of the prohibition on outdoor storage would create an unnecessary hardship by restricting the petitioner's ability to continue transporting and staging large aerospace components sourced from NASA, Boeing, Lockheed, and Blue Origin for delivery to the Indianapolis market. These components, due to their scale and specialized handling requirements, cannot feasibly be stored within standard enclosed facilities. Outdoor storage in a controlled, screened, and secure area is essential to the petitioner's ongoing operations and ability to serve a critical and growing sector of advanced manufacturing and aerospace supply. Denial of this allowance would impair the petitioner's ability to conduct business effectively and competitively, resulting in a practical difficulty that goes beyond mere inconvenience and instead threatens the viability of a unique and beneficial enterprise within the community. Granting the variance will relieve this hardship while ensuring storage is conducted in a manner consistent with the public interest.

2025MO3002 ; Previous Special Exception Conditions (2005SE3003)

1. **Subject to the site plan file-dated August 23, 2005, and the following conditions:**
2. **Outside storage shall not be permitted.**
3. **All operations shall occur within the existing building and be subject to the Plan Operation, file-dated September 22, 2005, and identified as Exhibit "A."**
4. **Any sign identifying the business use shall either be non-illuminated or externally illuminated**
5. **Subject to the PPC report submitted as part of the Plan of Operation.**



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2025MO3002 ; Notice of Violation (VIO25-003522)

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

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-903.B. - Failure to obtain a sign permit for the display of a wall sign and free-standing sign).

Section 740 -1005.A.3. Civil Zoning Violation

Specific Violation: The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Scrap metal, wood, and other miscellaneous items throughout the property).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: 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 that is otherwise partially dismantled or mechanically inoperable...multiple vehicles).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of vehicle parts in any zoning district, the provisions of which do not specifically permit such a use; (Vehicle tires, dump truck beds and other miscellaneous vehicle parts throughout the property).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.A.6.e – Parking lots used for access or maneuverability shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.D.6.a. - The parking area lacks hard surface and durability...gravel surface).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.D.7.a. - The parking spaces lack 4 inch durable painted lines, curbs or signage).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (Table 744-402-2: - Failure to provide the required ADA parking...2 handicap parking spaces are required).

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

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (Failure to comply with petition #2005-SE3-003; specifically, condition #2...outside storage shall not be permitted). Contact Current Planning, 18th Floor of the City/County Building, 200 E Washington St...317-327-5155.

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

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (Failure to comply with petition #2005-SE3-003; specifically, condition #3...all operations shall occur within the existing building) Contact Current Planning, 18th Floor of the City/County Building, 200 E Washington St...317-327-5155.

2025MO3002 ; Photographs



Photo 1: Primary Building Viewed from West



Photo 2: Accessory Building & Northern Storage Area Viewed from South

2025MO3002 ; Photographs (continued)



Photo 3: Northern Storage Area Viewed from East



Photo 4: Northern Storage Area Viewed from Southwest

2025MO3002 ; Photographs (continued)



Photo 5: Parking Area Viewed from Northeast



Photo 6: Western Storage Area Viewed from Northeast

2025MO3002 ; Photographs (continued)



Photo 7: Southern Storage Area Viewed from Northwest



Photo 8: Southern Storage Area Viewed from Southeast

2025MO3002 ; Photographs (continued)



Photo 9: Existing Loading Dock for Primary Building



Photo 10: Primary Building Viewed from Southeast

2025MO3002 ; Photographs (continued)



Photo 11: Portion of Primary Building (Southeast)



Photo 12: Adjacent Property to South

2025MO3002 ; Photographs (continued)



Photo 13: Adjacent Property to East



Photo 14: Adjacent Property Line to East

2025MO3002 ; Photographs (continued)



Photo 15: Existing Fence & Adjacent Property to Southwest



Photo 16: Adjacent Property to North

2025MO3002 ; Photographs (continued)



Photo 17: Subject Site Viewed from Emerson (June 2024)



Photo 18: Adjacent Property to West from Emerson (June 2024)



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BOARD OF ZONING APPEALS DIVISION III

February 17, 2026

Case Number: 2025-DV3-016 (Amended)

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

Location: Center Township, Council District #18

Petitioner: Linda Thompson, by Justin Kingen & David Kingen

Current Zoning: C-4

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

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

1/20/26: Due to a lack of quorum at the December 16th hearing date, this petition was continued to the January 20th hearing date of Division III of the BZA. Only three members were present at the January 20th hearing, and the petitioner requested a continuance to avoid the possibility of an indecisive vote. Staff would not be supportive of additional variance requests.

12/16/25: The petitioner's representative was granted a two-month continuance from the October hearing date (over staff objection) to allow time for the drafting of alternate site plans for the property that show both current conditions as well as a version of plans with a reduction in the amount of fence encroaching into the clear-sight triangular area (while still being located within it). Those plans have been added to the Exhibits. Staff's recommendation on the petition is unchanged, and no additional continuance requests would be supported.

10/21/25: The petitioner retained legal counsel to represent them in this matter, and made a one-month continuance request from the September 16th hearing date. Staff supported this request but would not be supportive of additional continuance requests by the petitioner.

9/16/25: The petitioner requested a two-month continuance at the 7/15 hearing to allow them time to consult with potential legal counsel and since they were unavailable on the August 19th hearing date.

7/15/25: This petition received an indecisive 1-2 vote at the June 17th hearing of Division III, and was therefore automatically continued to the July 15th hearing date. Staff has not changed their recommendation and would clarify that (a) available photography provided by Google Street View seems



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to show that no fence existed along the eastern or southern property lines between 2007 and 2023, and (b) that the site plan submitted along with the 1995 variance only showed placement of fencing along the northern yard (signified by X's) and the western property line (shorter chain link fence removed between 2011 and 2015 per Google Street View).

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 2360 Prospect Street is a corner lot site currently developed with an automobile sales operation on the eastern half of the site closest to the intersection of Prospect Street and Keystone Avenue. Surrounding land uses include residences to the north, commercial uses on other sides, and a connector to the Pleasant Run Greenway to the east. The vehicle sales use was allowed by the petition 95-UV3-65, subject to a site plan which only showed fencing within the northern yard.
- Between August 2022 and July 2023, new fencing was added to the western, eastern, and southern yards of the property. The property is now fully enclosed by fencing except for two (2) electric gates to allow for vehicle access from the southern and eastern front yards. The new portions of fence are around 6-feet in height and are constructed from chain link material. Per the applicant, the previously existing portions of fence to the north are 8-feet in height (maximum of 10 feet allowed within the northern side yard).
- The recently installed sections of fence would require several variances in order to be legally established: (a) the fence height of six (6) feet exceeds the maximum of 3.5 feet allowed for fences within front yards in C-4 zoning; (b) the Ordinance prohibits chain link fencing within front yards for commercial districts; and (c) the fence encroaches into multiple clear-sight triangles created by the intersection of two primary arterials, the intersection of the northern alley and Keystone Avenue, and the intersection of the southern driveway and Prospect Street (see diagram within Exhibits).
- VIO23-005132 was opened at this property in July of 2023, and lists nine separate zoning violations (see full text within Exhibits). Approval of this variance is limited just to the height and material of the recent fencing and its encroachment into required clear-sight triangles. This variance request would not allow for relief from the other standards mentioned within the Notice of Violation (i.e. placement of banner signage, required dumpster enclosure, clearly painted lines for parking areas, outdoor storage of vehicle parts, etc.).
- Additionally, the 1995 Use Variance petition allowing the site to function as an automobile sales operation was subject to a submitted site and landscape plan which indicated placement of landscape strips with widths of 10 feet along both the Prospect and Keystone frontages as well as placement of trees along each frontage. The current site does not match this layout, and



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regardless of the result of the request for additional fencing, the owner would need to either bring the site into compliance or have a modification petition approved for the use to legally continue.

- This site is zoned C-4 (Community-Regional) to allow for the development of major business grouping and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. The ordinance specifies that even small freestanding uses within C-4 should have excellent access from major throughfares. The portion of the site containing the auto sales use and fence is also recommended for Community Commercial uses by the Marion County Land Use Plan Pattern Book.
- The Indianapolis Zoning Ordinance prescribes height and material limitations for fences to maintain visibility, orderly development, and the appearance of open space while also allowing for reasonable privacy. Additionally, restrictions on visual obstructions within required clear-sight triangle areas allow for pedestrians and motorists to safely navigate around street corners.
- Staff does not feel that the Findings of Fact provided by the applicant identify any site-specific practical difficulty to justify a 71% increase in height over Ordinance requirements. Additionally, this property is directly bordered by both a bike lane to the south and a greenway connection to the east, and is within a mile of a Cultural Trail connection within the Fountain Square neighborhood to the west. Placement of fencing that would impede the view of pedestrians or cyclists attempting to navigate in an area with increasing walkability would be inappropriate both for the existing context at this intersection and for the Ordinance vision of vibrant and welcoming storefronts that don't impede site access for customers. Staff recommends denial of each request.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial / Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 / I-3 North: Residential
	South:	C-4 South: Commercial
	East:	C-4 East: Commercial
	West:	D-8 West: Residential
Thoroughfare Plan		
Prospect Street	Primary Arterial	56-foot right-of-way existing and 56-foot right-of-way proposed
Keystone Avenue	Primary Arterial	50-foot right-of-way existing and 56-foot right-of-way proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	



Overlay	No
Wellfield Protection Area	No
Site Plan	04/05/2025
Site Plan (Amended)	12/2/2025
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	04/05/2025
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 eastern portion of this property where the fence is placed for the Community Commercial working typology to allow for low-intensity commercial and office uses that serve nearby neighborhoods. The western portion of the property is recommended for the Traditional Neighborhood living typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

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

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

ZONING HISTORY – VICINITY

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

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

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

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

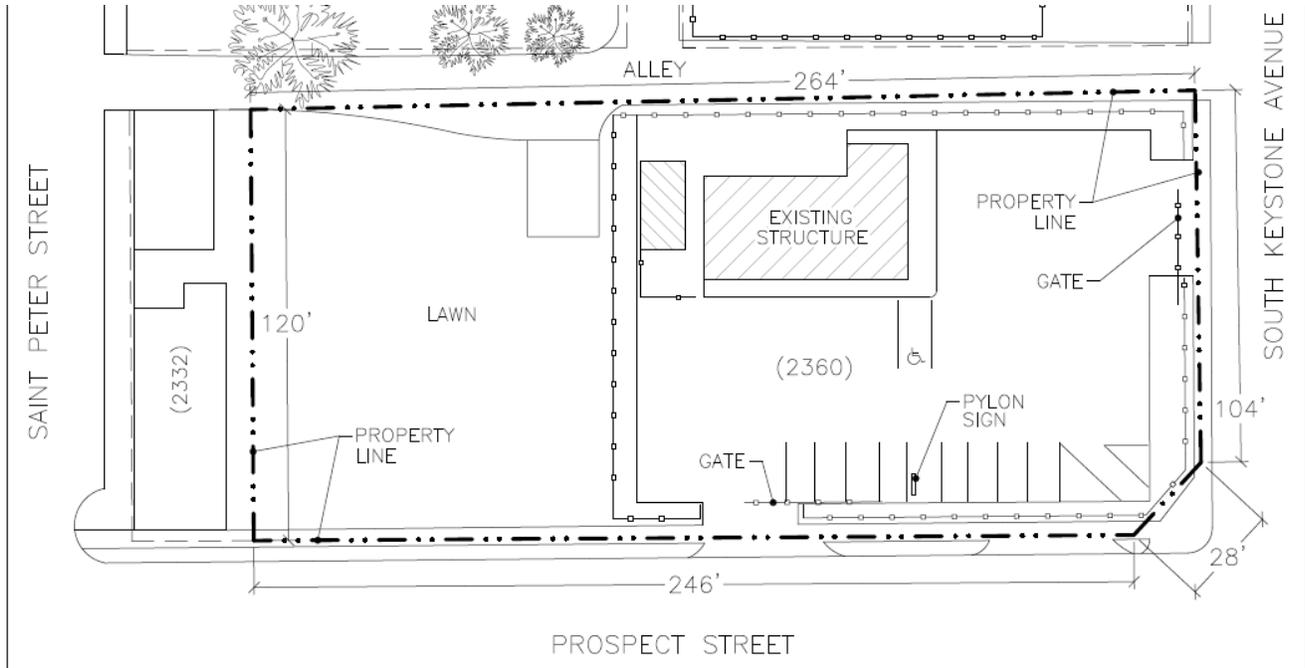
98-NC-25 ; 2332 Prospect Street (west of site), legally establish nonconforming use of 5 apartments within C-4 zoning, **denied.**

EXHIBITS

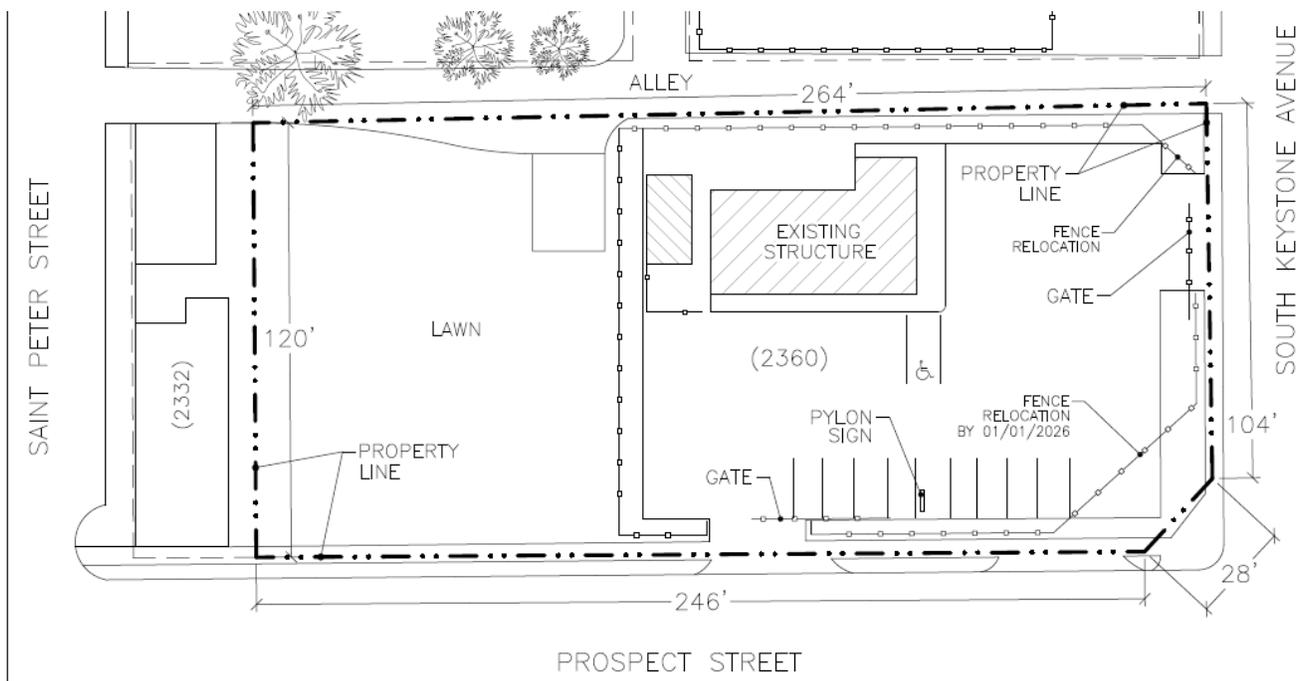
2025DV3016 ; Aerial Map



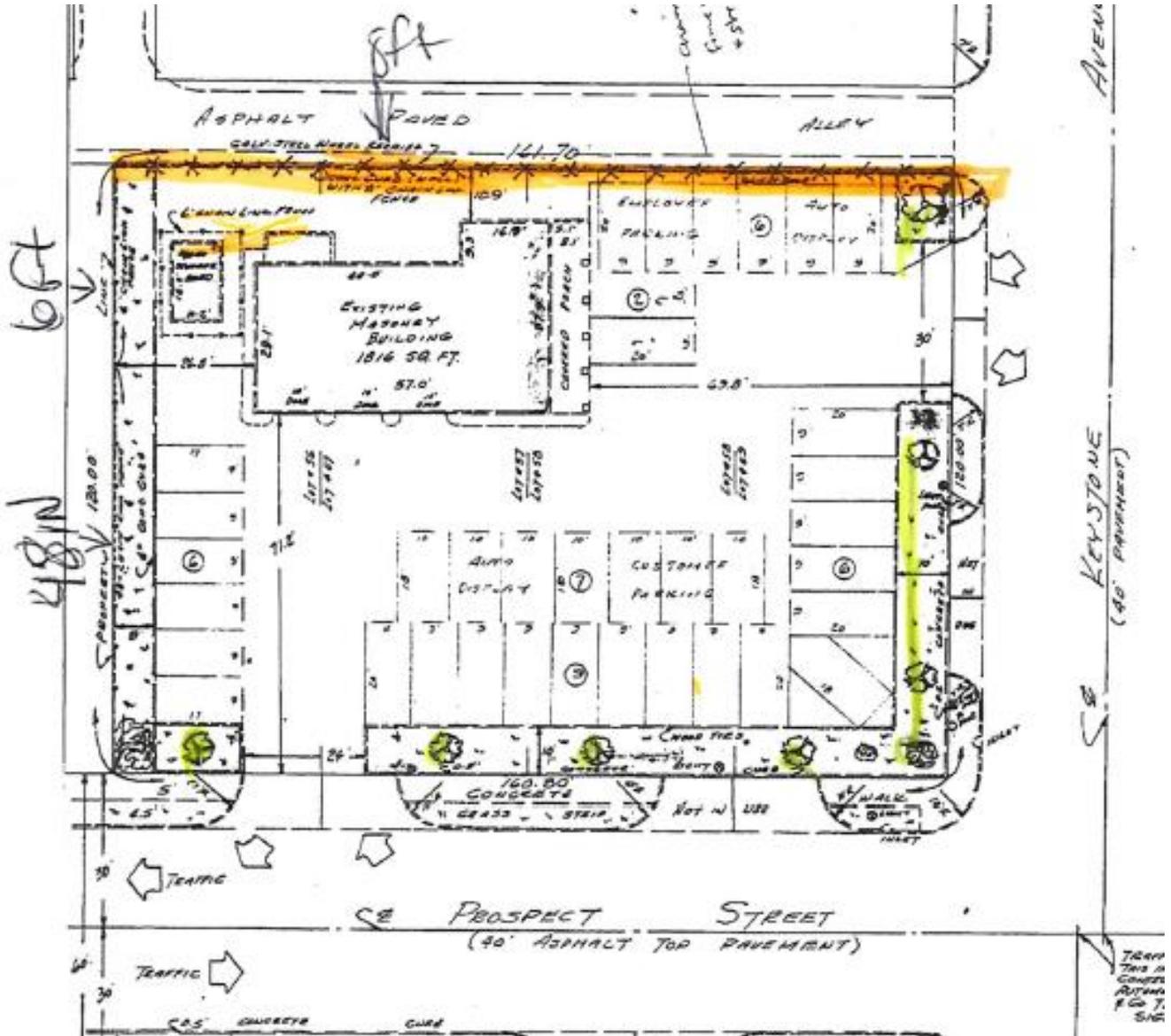
2025DV3016 ; Site Plan (Existing)



2025DV3016 ; Site Plan (Proposed Fence Adjustments; No New Development)

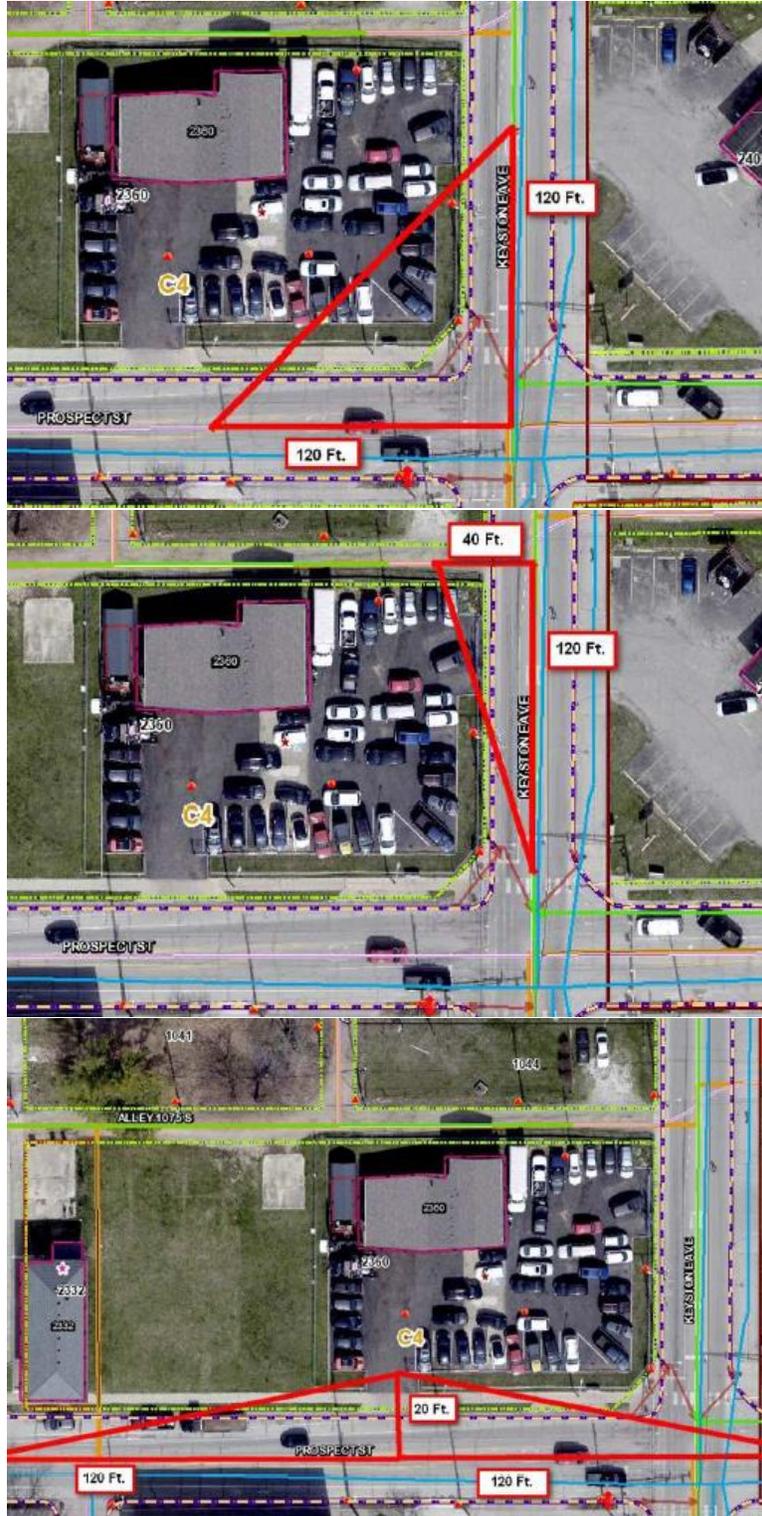


2025DV3016 ; Site Plan (95-UV3-65)



(note: landscape plantings shown on this plan that were a condition for approval were never installed)

2025DV3016 ; Clear Sight Triangle Encroachments





Department of Metropolitan Development
Division of Planning
Current Planning

2025DV3016 ; Notice of Violation (VIO23-005132)

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

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

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of vehicle parts in any zoning district, the provisions of which do not specifically permit such a use; (Vehicle tires, brake parts, and other miscellaneous vehicle parts throughout the property).

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

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

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

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

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

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

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

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

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

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

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

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

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

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



2025DV3016 ; Findings of Fact

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

The requested variance will not be injurious to the public health, safety, morals, or general welfare because the proposed fence is a transparent chain link, which preserves visibility compared to opaque screening. The site is a corner lot at Prospect Street and Keystone Avenue with multiple clear-sight triangle conditions, and visibility through the fence supports safer conditions for motorists, cyclists, and pedestrians. The request represents a reasonable security improvement without creating a hazard to the surrounding community.

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

A chain link fence does not introduce additional building mass, noise, lighting, or a new land use. A consistent perimeter boundary can reduce trespass, after-hours intrusion, and informal cut-through activity that can negatively affect nearby properties. The fence remains visually open and compatible with surrounding commercial corridor conditions.

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

Strict application of the ordinance creates practical difficulties because the corner-lot configuration and multiple street/alley/driveway intersections produce several clear-sight triangle areas and extensive front-yard frontage. These combined constraints significantly limit the ability to install a functional perimeter barrier for an outdoor vehicle inventory. A 3.5-foot front-yard fence height does not provide adequate perimeter control for a commercial lot at an arterial intersection adjacent to a bike lane.

2025DV3016 ; Photographs



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



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

2025DV3016 ; Photographs (continued)



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

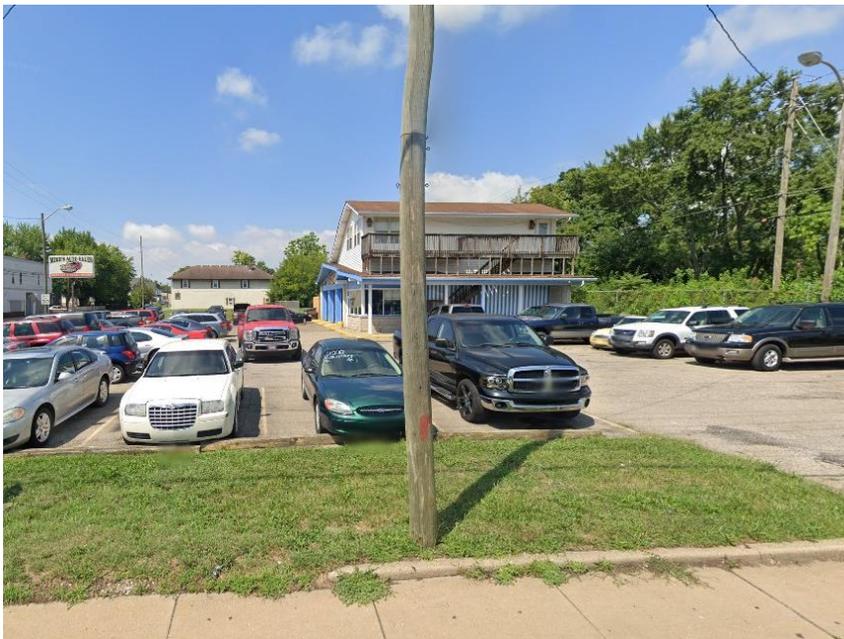


Photo 4: Subject Site Viewed from East (August 2019)

2025DV3016 ; Photographs (continued)



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



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

2025DV3016 ; Photographs (continued)



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

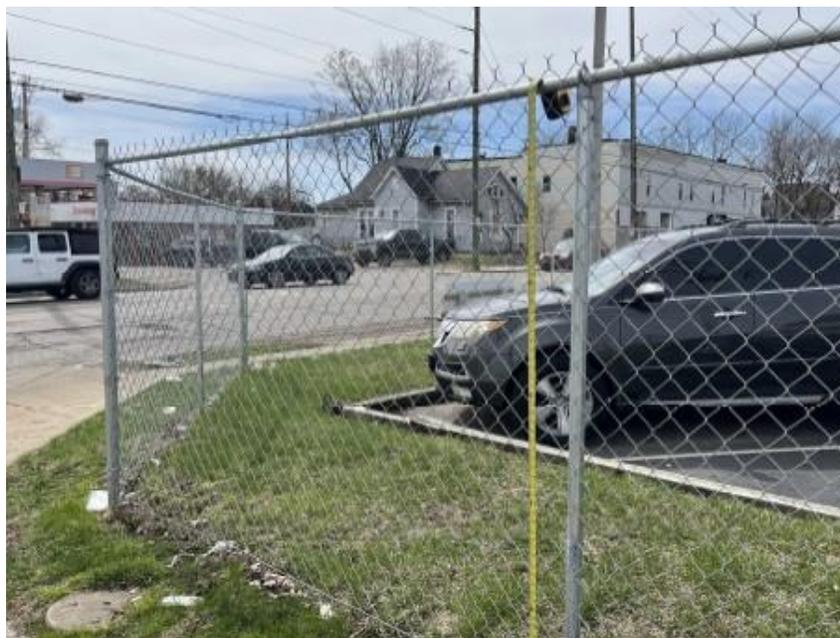


Photo 8: Prospect/Keystone Clear-Sight Area Viewed from Northeast (January 2025)

2025DV3016 ; Photographs (continued)



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



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

2025DV3016 ; Photographs (continued)



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



Photo 12: Adjacent Property to East (March 2024)



BOARD OF ZONING APPEALS DIVISION III

February 17, 2026

Case Number: 2025-DV3-020 (Amended)
Property Address: 4102 Madison Avenue (approximate address)
Location: Perry Township, Council District #23
Petitioner: Sanchez Family Inc., by Kevin Lawrence
Current Zoning: C-4 (TOD)

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

Current Land Use: Commercial

Staff Recommendations: Staff **recommends approval** of the deficient landscaping, and **recommends denial** of the covered porch within the right-of-way of Castle Avenue

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was automatically continued by the petitioner from the June 17, 2025 hearing to the July 15, 2025 BZA Division III hearing.
- The petition was required to be continued due to insufficient notice to the August 19, 2025 BZA Division III hearing.
- This petition was continued to the September 16, 2025 BZA Division III hearing with new notice.
- The petitioner and Staff agreed to a continuance to the October 21, 2025 hearing to allow for additional revisions to be made.
- The petition was automatically continued by a registered neighborhood organization to the November 25, 2025 BZA Division III hearing.
- The petition was continued to the December 16, 2025 Division III hearing to allow for additional information to be submitted.
- The petition was continued to the January 20, 2026 hearing due to lack of quorum.
- The petition was continued to the February 17, 2026 BZA Division III hearing.

STAFF RECOMMENDATION

- Staff **recommends approval** of the deficient landscaping, and **recommends denial** of the covered porch within the right-of-way of Castle Avenue



PETITION OVERVIEW

- The subject site is zoned C-4 (TOD), is approximately 0.16 acres, and the proposed use for the site is an eating establishment.
- The revised site plan, file-dated 02/04/26, indicates the removal of the initially proposed parking spaces within the public right-of-way of Madison Avenue. Therefore, this variance is to be removed from the request.
- Additionally, the revised site plan indicates a shared parking arrangement with the nearby property of 4132 Madison Avenue which provides a sufficient amount of parking for the proposed eating establishment use. Staff would note that since this property is owned by the same owner as the subject site, meaning that a signed documentation of the shared parking agreement is not required in this instance. The plan indicates at least 13 additional spaces to be available for the restaurant use at 4102 Madison Avenue as well as sufficient pedestrian connectivity located outside of public right-of-way to and from the additional parking. Further, with the petitioner indicating that 4132 Madison Avenue is presently not being used for any commercial use, the total proposed spaces shown exceeds the minimum required parking amount for the current use. Therefore, the request for reduced off-street parking is to be removed from the request.
- Staff would note that if and when the property owner decides to use 4132 Madison for commercial use, the amount of off-street parking spaces would need to meet the minimum shared parking ratio requirement for the relevant uses as set by the Ordinance in table 744-403-1. Due to the site's proximity to a IndyGo Red Line station, this minimum requirement amount would be reduced from the original standard.
- With regards to landscaping of the subject site, the proposed site plan and landscape plan would be deficient in the street frontage landscaping standards outlined in table 744-505-1 of the Ordinance. Given the size of the subject site, as well as the uncharacteristically wide right-of-way of Madison Avenue, Staff finds there to be a degree of practical difficulty for the petitioner to be able to provide a compliant amount of frontage landscaping on site. Likewise, with the petitioner committing to providing sufficient off-street parking, the space available for new landscaping is limited. Despite this, the landscaping plan still calls for the planting of additional shrubs and trees on site. Therefore, Staff is unopposed to the variance for deficient landscaping.
- With regards to the covered porch located with the right-of-way of Castle Avenue- generally, Staff does not find the proposal to constitute orderly and quality development. Firstly, the covered porch was constructed without obtaining of the necessary permits from the Department of Business and Neighborhood Services. Likewise, Staff finds private property located in public rights-of-way to be poor precedent, a potential hazard to members of the public and the ease of access and flow. To this point, Staff would note that there are not currently sidewalks along this portion of Castle Avenue- if in the future DPW desired to provide sidewalks along this neighborhood street, the location of this patio

could potentially impede or complicate that effort. Additionally, Staff does not find there to be any practical difficulty for needing the covered porch to be located within the right-of-way and believes that the subject site can be used without the presence of the covered porch. Therefore, Staff recommends denial of the covered porch within the right-of-way.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	D-3 (TOD)	North: Commercial
South:	C-4 (TOD)	South: Residential
East:	D-3 (TOD)	East: Residential
West:	D-3 (TOD)	West: Residential
Thoroughfare Plan		
Castle Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
Madison Avenue	Secondary Arterial	158 feet of right-of-way existing and 88 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit-Oriented Development overlay	
Wellfield Protection Area	No	
Site Plan	8/4/25	
Site Plan (Amended)	12/2/25	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/5/25	
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 typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within the Red Line TOD overlay, and is approximately 1500 feet from the University of Indianapolis transit station, which is categorized as a district center.

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

99-Z-117; rezoning of 0.177 acres from D-3 to C-4 to legally establish an existing commercial structure, **approved**.

73-UV1-13; requests a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide for a new pylon sign on the previous base and a new wall sign, **granted**.

ZONING HISTORY – VICINITY

2005SE1002; 925 E Castle Ave (west of site), provide for religious uses within an existing 1,782-sq.ft. single-family dwelling, with a 12.45-foot rear yard setback, with a proposed 4,464-sq.ft. asphalt parking area in the front yard, and a six-foot tall, fifteen-square foot pylon sign located one-foot from the right-of-way of Castle Avenue in a D-3 zoning district, **withdrawn**.

89-UV1-56; 4030 Madison Ave, requests a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the conversion of an existing single-family residence to an insurance office, **granted**.

87-UV2-95; 4108 Madison Avenue, requests a Variance of Use of the Commercial Zoning Ordinance to provide for the outdoor display and sale of motorcycles, **granted**.

87-UV1-78; 4030 Madison Avenue, requests a Variance of Use of the Commercial Zoning Ordinance to provide for the use of an existing building for a fence contractor with outdoor storage of materials and vehicles, **granted**.

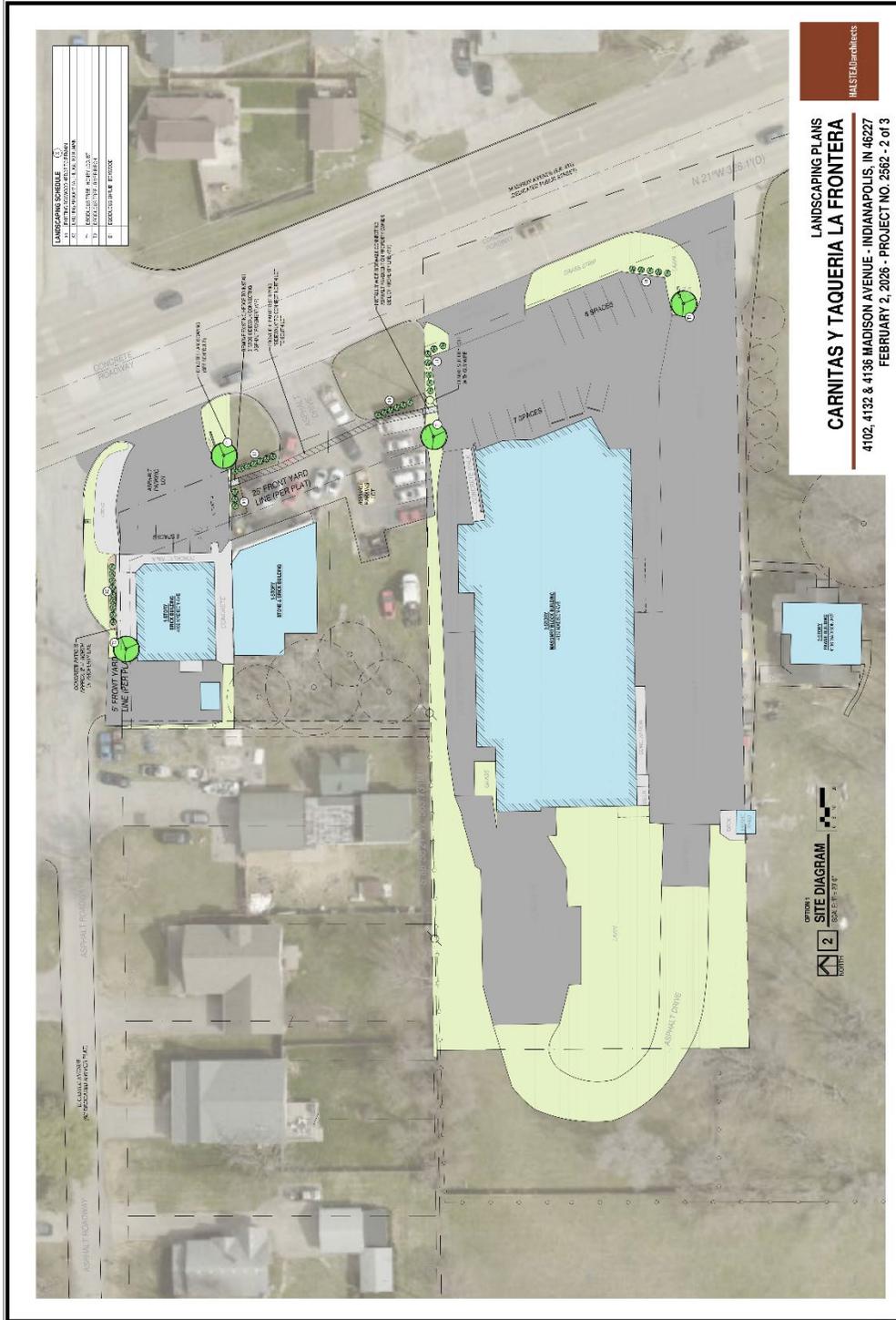
85-UV2-58; 925 E Castle Ave, requests a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the conversion of a single-family residence to a dance-studio, **granted**.

79-UV3-43; 4138 Madison Avenue, requests a Variance of Use and Development Standards to permit a motorcycle repair and sales shop, **granted**.

EXHIBITS



Aerial Photo



Updated Site Plan, file-dated 02/04/26



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The subject property is located in a commercially zoned district along Madison Avenue designed to accommodate mixed-use activity. The site previously operated as a Amazing Cakes cake shop demonstrating a longstanding history of compatible food-service use without generating adverse impacts on the public health, safety, morals, and general welfare of the community. A small reduction in the number of required off-street parking spaces, and the ability for a slight encroachment of the patio will preserve the the site's existing commercial purpose, reinforce neighborhood vitality, and support the community's economic and social welfare without introducing additional risks 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:

This business has previously operated as a customer facing business and is adjacent to other commercial uses along Madison Avenue including a tire shop and a law office. Petitioners rehabilitation of this previously vacant building will foster a vibrant commercial environment, benefit surrounding business and provide fresh opportunities for community connection. By revitalizing the site and enhancing its appeal, the restaurant represents a clear net positive for the use and value of the adjacent properties.

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

The usable space for business invitees is limited to the first floor, which accommodates only 10-11 tables. Accordingly, requiring one parking space per 150 square feet of building area creates a practical difficulty, as the limited parking demand does not align with the calculated parking demand based on total building square footage. The right of way adjacent to the property is unusually large, complicating compliance with setback requirements. The original plat indicates a five-foot distance from the right-of-way, demonstrating the patio's minor encroachment is consistent with historical site design. The existing patio's location, which is buffered by greenery, is constrained by the property's fixed dimensions and existing structures, making relocation impossible without eliminating functional outdoor dining space that was added to allow the business to stay viable during COVID.

DECISION

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

Adopted this _____ day of _____, 20 ____



Subject site looking southwest



Subject site looking west down Castle Ave



Looking south



Looking north up Madison Ave



Looking south down Madison Ave



Looking east down Castle Ave



Looking southeast at the patio addition



Gravel parking lot looking north



BOARD OF ZONING APPEALS DIVISION III

February 17, 2026

Case Number: 2026-DV3-001
Address: 1759 North Whittier Place (approximate address)
Location: Warren Township, Council District #14
Zoning: D-5
Petitioner: Leticia Lamas and Edgar Morales, by Josh Smith
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage expansion, with a 5-foot south side setback (7-foot required), and a 4-foot rear setback (5-foot required).

Current Land Use: Single-Family Dwelling.

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ On December 2, 2025, a complaint was filed with the Mayor’s Action Center that an addition to the existing garage was being constructed on the subject site without a permit. A subsequent inspection resulted in a violation (VIO25-010683) and a stop work order was issued as a Structural Permit had not been obtained for the construction.
- ◇ A Structural Permit and an Improvement Location Permit were applied for on December 20, 2025, but were put on hold, as the construction was encroaching into the side and rear setbacks.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property values by providing for open buffer areas along lot lines, and to ensure adequate access around buildings.
- ◇ The Findings of Fact indicate the reduced setbacks are needed to create an industry standard 2-car garage with the addition. The garage as constructed with the reduced setbacks is 30’x34’. The typical industry size standard for a 2-car garage is 25’x25’.



- ◇ If a typical industry standard garage of 25'x25' was constructed, then it would not have encroached into the side setbacks, and no Variance would have been required. A larger garage of 28'x30' would have fit with in the setback constraints as well without any needed Variances.
- ◇ The garage as constructed with reduced side setbacks would be too intense for the subject site, would block additional sunlight and cast shadows on the adjacent residential properties to the east and south. The larger addition area with the requested reduced setbacks, would also make it difficult for public safety emergency responders to access between the adjacent dwellings.
- ◇ The need for the reduction in the required setbacks is a self-imposed hardship and not a result of the Ordinance requirements. Staff believes that the lot is large enough to accommodate an industry standard two-car garage as needed, while still meeting the required setbacks. Any existing work completed with the deficient setbacks is believed to have been self-started prior to being permitted by DBNS.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Traditional Neighborhood Uses	
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		
Whittier Place	Local Street	50-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	January 6, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	January 6, 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 Traditional Neighborhood typology which includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2023-DV3-014; 5464 East 18th Street (west of site), requested a Variance of Development Standards to provide for the construction of a covered addition to an existing garage, resulting in a 3.5-foot south side yard setback, **granted**.

2009-HOV-027; 1756 North Whittier Place (west of site), requested a Variance of Development Standards to provide for the construction of 168-square foot room addition resulting in a 15-foot rear yard setback for the primary structure, **granted**.

RU

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:

The current and proposed uses will remain the same, this variance will simply allow for an enlargement to the single-car garage so it can hold a 2nd car. The structure will still remain an accessory to the existing single family home.

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 use of the property will remain the same; single family residential.

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

The current layout of the lot does not allow for expansion onto the detached garage without coming into conflict with the setback standard. This variance allows the garage to be converted from a single car garage to an industry-standard two-car garage.

Photographs



Subject site, existing dwelling, looking southeast.



Subject site, proposed/existing garage expansion location, looking east.



Subject site, proposed/existing garage expansion location with 5-foot south side setback, looking east.



Subject site, proposed/existing garage expansion location with 4-foot rear setback, looking south.