



Board of Zoning Appeals Board of Zoning Appeals Division III (July 21, 2026) Meeting Agenda

Meeting Details

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

Date: Tuesday, July 21, 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. **2026-DV3-011 | 3603 South Meridian Street**

Perry Township, Council District #18, zoned SU-1 (FF)
Roman Catholic Archdiocese of Indianapolis, Properties Inc as Trustee for St Roch, Catholic Church Indianapolis Inc., by Wooton Hoy (John Cross)

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an 8-foot fence in the front yard (fences taller than 4 feet not permitted in front yards) and located within the clear sight triangle (not permitted).

2. **2026-DV3-014 | 4202 Carson Avenue**

Perry Township, Council District #19, zoned D-A (FW) (FF) / D-6II
Kevin and Heather Davis

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall fence within the front yard of Carson Avenue (maximum 3.5-foot tall fence permitted) and encroaching within the required clear-sight triangle (not permitted).

**** Request to continue by staff on petitioner's behalf to the August 18, 2026, hearing.**

3. **2026-DV3-016A (Amended) | 10220 East Washington Street**

Warren Township, Council District #20, zoned C-4 (TOD)
Indy WS40 LLC, by Barnes & Thornburg LLP (Joseph Calderon)

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive through with access provided by Ring Road instead of an alley (drive throughs prohibited within 600 feet of a transit station except where located behind the building and all access is provided by alleys) and for a drive through without an exclusive bypass aisle (bypass aisle required).

**** Automatic continuance to the August 18, 2026, hearing**

4. **2026-UV3-007 | 1531 Hunter Road**

Warren Township, Council District #20, zoned D-A
Joel Gomez & Asuncion Caballero, by Arnoldo Gonzalez

Variance of Use to allow for a 240 foot by 140 foot soccer field with accessory parking and structures (outdoor recreation not permitted within D-A) and a variance of development standards to provide for a side setback of 21 feet and 9 inches (minimum 30 feet required), a rear setback of 21 feet and 6 inches (minimum 75 feet required), to provide for a fence taller than 6 feet (not permitted in D-A), and deficient bike parking (greater of 3 spaces or 10% of required off-street parking spaces required).

**** Request to continue by petitioner to the August 18, 2026, hearing.**

- 5. 2026-UV3-011 | 2001 West Washington Street**
Center Township, Council District #18, zoned C-4 (TOD)
Don's Legacy LLC, by Jennifer Wright

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile parts and supply store on a lot greater than 0.5-acre (automobile service and repair prohibited on lots larger than 0.5-acre in the TOD district).

**** Request to continue by the petitioner to the August 18, 2026, hearing.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 6. 2026-DV3-009 (Amended) | 6111 and 6215 Lakehaven Lane**
Perry Township, Council District #22, zoned C-7 (FF) / I-2 (FF)
Lakehaven Realty LLC & RH Malin, Inc., by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and rental of heavy construction equipment within 30 feet of a protected district (500-foot separation from protected districts required), utilizing gravel for parking and vehicle maneuvering area (hard surfacing required), and with a height exceeding 10 feet (not permitted), deficient transitional yard landscaping (required), and deficient screening around outdoor storage areas (required).

- 7. 2026-DV3-025 (Amended) | 8674 US 31**
Perry Township, Council District #22, zoned C-4
Fountain Creek LLC, by Crystal Whitehead

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the placement of a canopy sign with sign area exceeding 45% of the canopy plane (maximum 45% permitted) and for three secondary incidental signs (maximum 2 per acre permitted).

- 8. 2026-DV3-026 | 6400 S Belmont Ave**
Perry Township, Council District #22, zoned I-2
Midwest Food Bank Corp, by Jacob Brattain

A variance of development standards of the Consolidated Zoning and Subdivision Ordinance to permit a fifteen- foot (15') encroachment into the required thirty- foot (30') side yards on the north and south sides of the property within the I- 2 zoning district, to allow the construction of access drives.

- 9. 2026-UV3-012 | 7801 East 88th Street**
Lawrence Township, Council District #4, zoned I-2
GF Ventures of Indiana LLC, by Karina Plasencia

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a Body Care Salon and Service use.

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

None.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

10. 2026-SE3-002 (Amended) | 6309 South Harding Street

Perry Township, Council District #22, zoned C-7 (FF) / D-A (FF)
Amanpreet Singh, by Adam G. Hoffer

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial contractor use partially within the D-A zoning district (not permitted).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 0-foot transitional yard setbacks (20-foot transitional yard required), deficient interior and transitional yard landscaping (required), vehicle parking and outdoor storage on a gravel surface (not permitted), and outdoor storage lacking screening within 500 feet of a protected district (screening required).

11. 2026-DV3-015 | 4305 Dudley N. Drive

Perry Township, Council District #24, zoned D-3
Mark & Amanda Daniel, by John Cross

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall fence within front yard areas (maximum 3.5-foot height permitted).

12. 2026-DV3-019 (Amended) | 6838 South East Street

Perry Township, Council District #22, zoned C-1
CKJ Property LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition and new parking area with a 6-foot front transitional yard setback (20 feet required), a 5-foot rear transitional yard setback (15 feet required), a total of 29 parking spaces (maximum of 24 spaces permitted), and no frontage sidewalks (130 linear feet of sidewalk responsibility).

13. 2026-DV3-021 | 3919 Madison Avenue

Perry Township, Council District #23, zoned C-7 (TOD)
HRSV LLC, by Jason Burk

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience store building and fueling canopy with a front building line width of 43 percent (60 percent required).

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. 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
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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



Department of Metropolitan Development
Division of Planning
Current Planning

Board of Zoning Appeals Division III

July 21, 2026

Case Number: 2026-DV3-011

Property Address: 3603 South Meridian Street (*approximate address*)

Location: Perry Township, Council District #18

Petitioner: Roman Catholic Archdiocese of Indianapolis, Properties Inc as Trustee for St Roch, Catholic Church Indianapolis Inc., by Wooton Hoy (John Cross)

Current Zoning: SU-1 / D-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an 8-foot fence in the front yard (fences taller than 4 feet not permitted in front yards) and located within the clear sight triangle (not permitted).

Current Land Use: Developed, School

Staff Reviewer: Josh Levesque, Senior Planner

PETITION OVERVIEW

This case was originally set for hearing with BZA III on April 21st, 2026. A registered neighborhood organization filed a timely automatic continuance to May 26th. The petitioner subsequently filed a continuance from the May 26th, 2026, to the July 21st, 2026, BZA III hearing.

The petitioner is now requesting continuance and transfer to BZA I's August 4th hearing to discuss the latest proposal with staff and community members. This is the final continuance that staff will support.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number: 2026-DV3-014

Property Address: 4202 Carson Avenue (approximate address)

Location: Perry Township, Council District #19

Petitioner: Kevin and Heather Davis

Current Zoning: D-A (FW) (FF) / D-6II

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall fence within the front yard of Carson Avenue (maximum 3.5-foot tall fence permitted) and encroaching within the required clear-sight triangle (not permitted).

Current Land Use: Residential

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

7/21/26: The petitioner indicated their need for an additional continuance due to a last-minute work obligation impacting their ability to have childcare secured on the afternoon of the hearing. Staff will make this request on their behalf, and a full report will be made available in advance of the August 18, 2026 hearing date. Staff would not be able to guarantee support of future continuances.

6/16/26: The petitioner indicated their need for an additional continuance to allow time for legal notice to be posted and mailed. Staff will make this request on their behalf, and a full report will be made in advance of the July 21, 2026 hearing date.

5/26/26: The petitioner has a conflict on this hearing date and has indicated their desire to have this petition continued to the June 16, 2026 hearing of Division III. Staff will make this request on their behalf. A full report will be made in advance of that hearing date.



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Board of Zoning Appeals Division III

July 21, 2026

Case Number: 2026-DV3-016 Petition A

Property Address: 10220 East Washington Street (*approximate address*)

Location: Warren Township, Council District #20

Petitioner: Indy WS40 LLC, by Barnes & Thornburg LLP (Joseph Calderon)

Current Zoning: C-4 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive through with access provided by Ring Road instead of an alley (drive throughs prohibited within 600 feet of a transit station except where located behind the building and all access is provided by alleys) and for a drive-through without an exclusive bypass aisle (bypass aisle required).

Current Land Use: Under development

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This petition was split into an A and B on May 26, 2026. Petition B was approved at the May 26, 2026, BZA III hearing. Petition A was continued from the May 26, 2026, BZA III hearing to the June 16th BZA III hearing. This petition was subsequently continued from the June 16th BZA III hearing to the July 21st BZA III hearing to give the petitioner time to work on a traffic stacking plan.

PETITION OVERVIEW

A timely automatic continuance has been filed by a City-County Councilor. This petition has will be continued to the August 18, 2026, BZA III hearing.



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Board of Zoning Appeals Division III

July 21, 2026

Case Number: 2026-UV3-007

Property Address: 1531 Hunter Road (*approximate address*)

Location: Warren Township, Council District #20

Petitioner: Joel Gomez & Asuncion Caballero, by Arnoldo Gonzalez

Current Zoning: D-A

Request: Variance of Use to allow for a 240 foot by 140 foot soccer field with accessory parking and structures (outdoor recreation not permitted within D-A) and a variance of development standards to provide for a side setback of 21 feet and 9 inches (minimum 30 feet required), a rear setback of 21 feet and 6 inches (minimum 75 feet required), to provide for a fence taller than 6 feet (not permitted in D-A), and deficient bike parking (greater of 3 spaces or 10% of required off-street parking spaces required).

Current Land Use: Single-family residential

Staff Reviewer: Josh Levesque, Senior Planner

PETITION OVERVIEW

Petitioner is requesting a one-month continuance to the August 18th BZA III hearing to allow for ongoing conversations with community members and to discuss easement matters with AES.



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Board of Zoning Appeals Division III

July 21, 2026

Case Number: 2026-UV3-011

Property Address: 2001 West Washington Street (*approximate address*)

Location: Center Township, Council District #18

Petitioner: Don's Legacy LLC, by Jennifer Wright (Joseph Calderon)

Current Zoning: C-4 (TOD)

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile parts and supply store on a lot greater than 0.5-acre (automobile service and repair prohibited on lots larger than 0.5-acre in the TOD district).

Current Land Use: Vacant tenant bay in commercial strip

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

N/A

PETITION OVERVIEW

Petitioner is requesting a one-month continuance from the July 21st, 2026, BZA III hearing to the August 18th, 2026, BZA III hearing to allow for internal discussions related to possible commitments.



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BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number:	2026-DV3-009 (Amended)
Property Address:	6111 and 6215 Lakehaven Lane (<i>approximate address</i>)
Location:	Perry Township, Council District #22
Petitioner:	Lakehaven Realty LLC & RH Malin, Inc., by David Gilman
Current Zoning:	C-7 (FF) / I-2 (FF)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and rental of heavy construction equipment within 30 feet of a protected district (500-foot separation from protected districts required), utilizing gravel for parking and vehicle maneuvering area (hard surfacing required), and with a height exceeding 10 feet (not permitted), deficient transitional yard landscaping (required), and deficient screening around outdoor storage areas (required).
Current Land Use:	Industrial Storage
Staff Recommendations:	Staff recommends approval of this petition, subject to commitments.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

5/26/26: To allow for additional discussion about the floodplain status of the property and for the drafting of a new site plan to amend the southern transitional yard setback, staff requested an additional continuance to the July 21st hearing date of Division III, on the petitioner's behalf.

4/21/26: To allow for additional review of case history and potential amendments to the submitted plans, staff requested a continuance for cause to the May 26th, 2026 hearing date of Division III of the BZA.

STAFF RECOMMENDATION

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

1. The existing treeline at a height of 25-30 feet and thick undergrowth along the southern property line shall be preserved in its current state by the property owner.
2. The height of outdoor storage and heavy construction equipment shall not exceed 20 feet in height within 500 feet of the protected district to the south.
3. The owner(s) shall provide the necessary Best Practice Management (BPMs) for detention and water quality for all impervious surface, as required by the Department of Business and Neighborhood Services.



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4. Any major repairs to a truck, vehicle, or equipment shall be done within buildings and no major repairs (defined as rebuilding, removing, or replacing engines, transmissions, or hydraulic systems) shall occur in outdoor storage areas.
5. The outdoor storage area shall be inherently used for the display of trucks, vehicles, or equipment for sale or rent. All trucks, vehicles, or equipment in the outdoor storage area shall be in good condition and fully operable.
6. All internal drives within the outdoor storage areas shall be paved with a hard surface.
7. Additional trees and shrubs shall be planted within the southern transitional yard generally consistent with the landscape plan file-dated June 30, 2026.

PETITION OVERVIEW

The subject property contains three parcels in total with a combined area of around 11.21 acres. The two northern parcels have an address of 6111 Lakehaven Lane and are zoned C-7, and the southern parcel has an address of 6215 Lakehaven Lane and is zoned I-2. The parcels are fully located within the Floodway Fringe, as are adjacent properties on each side. Surrounding land uses are industrial in nature to the north, east and to the west (bordering the 6111 parcel), while land to the west (bordering the 6215 parcel) and south is not developed. The property is to the east of State Road 37 (no direct access exists) and is to the north of a Wellhead Protection Area.

Currently, the property is developed with outdoor storage areas paved with gravel on each of the three subject parcels, in addition to a primary building and hardscaped parking area. The building and parking have existed since at least 2007, while the gravel outdoor storage additions appear to have been placed in 2025 per aerial photography. Although a drainage permit and flood permit were obtained in 2024 to allow for those gravel areas (DRN24-02128 and FLD24-00168 respectively), the zoning permit application made (ILP24-01729) remains unissued.

These parcels have been the subject of several previous zoning petitions related to outdoor storage and operations uses:

- The petitions 2007ZON828 and 2007VAR828 were approved for the southern 6215 Lakehaven parcel as well as for the parcel to the west of that site (1846 W Banta). Approval of these petitions rezoned the site to the I-2-S zoning district and gave permission for outdoor storage and rental of large construction equipment without public street access and exceeding height and square footage limits applicable at the time. It does not appear that the sites were developed because of that approval, but grant of those variances would still apply for the southern parcel.
- The petitions 2020ZON058 and 2020DV2058 were approved for the northern two parcels of the subject site, and both **(a)** rezoned the properties from I-2 to C-7 and **(b)** gave permission for the use of gravel areas for parking and vehicle maneuvering.
- Finally, the petition 2021DV2061 was approved to allow for 100% outdoor storage on the southern parcel, without a mention of additional relief for standards related to paving or height.



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Approval of this petition would seek to allow the expansion of the outdoor storage area in a manner similar (but not identical) to what unpermitted additions currently exist at the property, and with some consistency with the previous petitions described above. However, the following variances would be required for some or all of the property to allow for legal operation:

- The outdoor storage and rental areas on the 6215 Lakehaven parcel (zoned I-2) would have a 30-foot separation from the southern property line. The property to the south is zoned D-A (a protected district) and would therefore require at least 500 feet of separation between the outdoor storage and the property line. Grant of this variance was not included in previous filings.
- The use of gravel parking and maneuvering areas for vehicles and equipment would not be allowed within either zoning district. The grant of the 2020 petition allowed gravel parking to the north (on the condition that drive aisles be paved), but neither of the petitions applicable for the southern property.
- The maximum height allowed for outdoor storage within 500 feet of a protected district in both zoning districts would be 10 feet. Although the property to the south was granted permission to exceed that limit via 2007VAR828, no such permission currently exists for the northern parcels.
- Similarly, outdoor storage near protected districts would require screening at the boundaries of the storage areas in accordance with the stipulations of 744-508.C. The current layout and submitted plans do not show compliance with these standards.
- Although the petitioner has agreed to reduce the outdoor storage on the 6215 Lakehaven parcel by 20 feet to increase the separation from 10 feet to 30 feet (and therefore meet the required transitional yard setback for the I-2 district), there would still be requirements for transitional yard *landscaping* that do not appear to be met in full, which would require a fifth variance.

Staff would note that grant of these variances would not exempt the petitioner from the need to both **(a)** obtain the required Improvement Location Permit for the gravel outdoor storage areas and **(b)** to have the issued drainage and flood permits updated to reflect the storage areas on the southern parcel as well as the northern ones. Approval would also not allow for the current layout to remain unaltered: an amended site plan was provided and the petition was subsequently amended to remove the 10-foot southern setback from the property, and this change would also need to be reflected in the field.

Findings of Fact provided by the applicant indicate that grant of these variances would be justified given **(a)** that the intent of previous Boards would have been to allow for this sort of development by way of past petition approvals including similar requests and **(b)** that the surrounding context is largely heavy commercial and industrial with the exception of the D-A zoned areas to the south which would be unlikely for future residential development given their placement within the Floodway Fringe. Specifically, the petitioner indicates that development of the property to the south (1846 W Banta Road) with a residential subdivision would require either several feet of fill or a watershed study of over 1000 acres (in addition to any complications related to compensatory storage), and that both options would be cost-prohibitive.

Although staff would not infer any previous support for additional variances based on previous Board votes on past ones, it is accurate that several of the variances requested by this filing have been granted approval for a *portion* of the subject area (northern portion allowed gravel parking, southern portion has permission for height above 10 feet and to exceed 25% of the lot area with outdoor storage).



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Additionally, communication with a floodplain official with the Department of Business and Neighborhood Services indicates that although development of the Banta parcel to the south would be possible, that they “do agree with the engineer’s assessment that development on the site, especially a subdivision, would be hard to achieve given the flood zone and applicable requirements”. Staff would also note that the Comprehensive Plan recommendation for that property would be for Office and Industrial Mixed Uses, which would not align with the property’s current zoning or typically include zoning districts that would trigger the requirement for a 500-foot separation.

In consultation with the petitioner as well as based on commitments applicable for previous petitions, staff requested seven total commitments written in full above. These commitments would ensure some level of buffering and additional protection for any future development to the south (residential or otherwise) and more closely approximating the intent of the Ordinance with relation to buffering, height limitations, and paving. Subject to these commitments, staff recommends **approval** of the petition with the caveat that the previous placement of storage at the site without permits did not serve as a factor in formulation of the recommendation, and that this recommendation should not serve as precedent for “asking forgiveness instead of permission”.

GENERAL INFORMATION

Existing Zoning	C-7 (FF) / I-2 (FF)	
Existing Land Use	Industrial Storage	
Comprehensive Plan	Light Industrial + Office/Industrial Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
	North: I-3 / I-2	North: Industrial
	South: D-A / I-2	South: Undeveloped / Industrial
	East: I-2	East: Industrial
	West: C-S / I-2	West: Commercial / Undeveloped
Thoroughfare Plan		
Lakehaven Lane	Private Drive	
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	02/23/2026	
Site Plan (Amended)	06/01/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	06/30/2026	
Findings of Fact	02/11/2026	
Findings of Fact (Amended)	N/A	



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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Light Industrial typology (applicable for the northern two parcels) provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.
- The Office/Industrial Mixed-Use typology (applicable for the southern parcel) is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/residential traffic in this typology.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

2021DV2061 (6215 Lakehaven), Variance development standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage of large equipment on 100% of the property (storage and operations limited to 25% of the total gross area of enclosed buildings), **approved**.

2020DV2058 (6111 Lakehaven), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the utilization of six inches of aggregate with three inches of compacted milled asphaltic cover for a parking and vehicle maneuvering area (hard surfacing required), **approved**.

2020ZON058 (6111 Lakehaven), Rezoning of 8.2 acres from the I-2 district to the C-7 district, **approved**.

2007VAR828 (6215 Lakehaven), Variance of Use of Development Standards of the Industrial Zoning Ordinance to provide for (a) outdoor storage and rental of large construction equipment (not permitted), such as cranes and lifts; (b) on a lot without direct access to a public street (not permitted); (c) 364,755 square feet of outdoor storage for construction equipment or 2399 percent of the total gross floor area of enclosed buildings (maximum 3800-square feet or 25 percent of the total gross floor area of enclosed buildings permitted); and (d) outdoor storage of construction equipment with a height exceeding ten feet (not permitted), **approved**.

2007ZON828 (6215 Lakehaven), Rezoning of 15.20 acres, from the D-A (FF) (W-1) classification to provide for light industrial uses, **approved**.

2006ZON042 (western 6111 Lakehaven lot), Rezoning of 8.19 acres, from the C-S (FF) (W-1) and I-2-S (FF) (W-1) Districts, to the I-2-S (FF) (W-1) classification to provide for light industrial suburban uses, **approved**.

ZONING HISTORY – VICINITY

2024UV3001 ; 1615 W Edgewood Avenue (north of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses (not permitted), **approved**.

2023UV3012 ; 1735 W Edgewood Avenue (north of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a truck terminal (prohibited in Floodway Fringe District) and parking area with 53-foot front yard setback from Edgewood Avenue and a six-foot east side yard setback (60-foot front yard setback required, 30-foot side yard setback required) and deficient landscaping, **approved**.

2021ZON114 ; 1525 W Edgewood Avenue (northeast of site), Rezoning of 0.417 acre from the D-A district to C-1 district, **approved**.



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2021ZON086 ; 1735 W Edgewood Avenue (north of site), Rezoning of 2.29 acres from the I-2 (FF) district to the I-3 (FF) district, **approved.**

2020DV2056 ; 6120 S Harding Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition with a fifteen-foot front setback from the proposed right-of-way of Harding Street and to provide for parking outdoor storage and outdoor operations with zero-foot north side yard and west rear yard (30-foot front setback from the proposed right-of-way, 30-foot side and rear setbacks (outdoor storage and operations not permitted within 500 feet of a protected district, limited to 25% of the building area and storage cannot be higher than 10 feet or higher than the required screening), **approved.**

2017DV2013 ; 6020 Lakehaven Lane (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an industrial building, with a 49-foot north front setback and 32-foot east front setback (60-foot front setback from the proposed right-of-way required), **approved.**

2015ZON074 ; 1615 W Edgewood Avenue (north of site), Rezoning of 1.45 acres from the D-A (W-1) district to the C-4 (W-1) classification to provide for a 10,000-square foot building for a haunted house, **approved.**

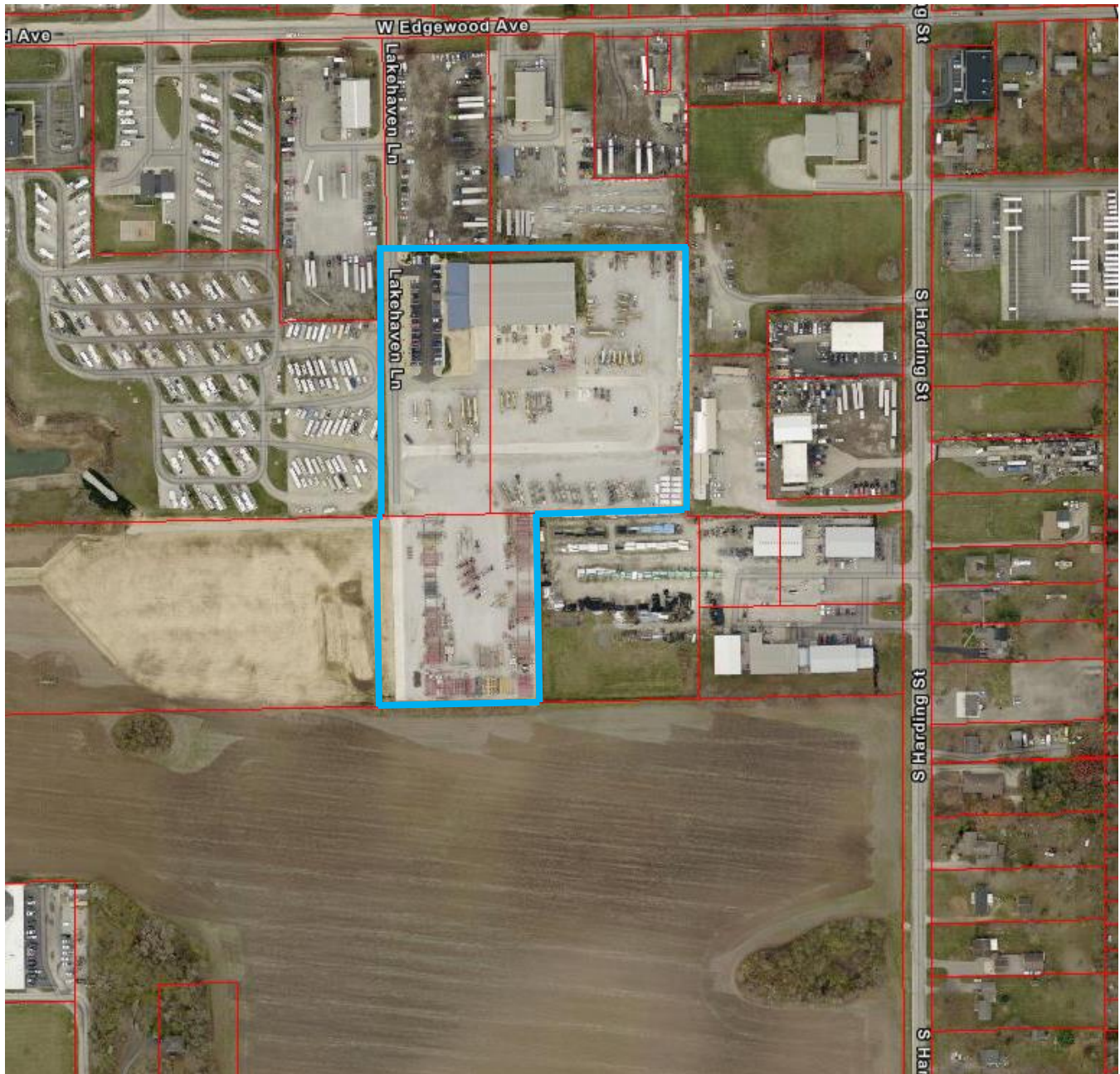
2013ZON055 ; 1739 Edgewood Avenue (northwest of site), Rezoning of four acres from the D-A (FF) (W-1) district to the C-S (FF) (W-1) classification to provide for office use, warehouse use, a distribution facility, with a retail component, and all I-3-S uses, **approved.**

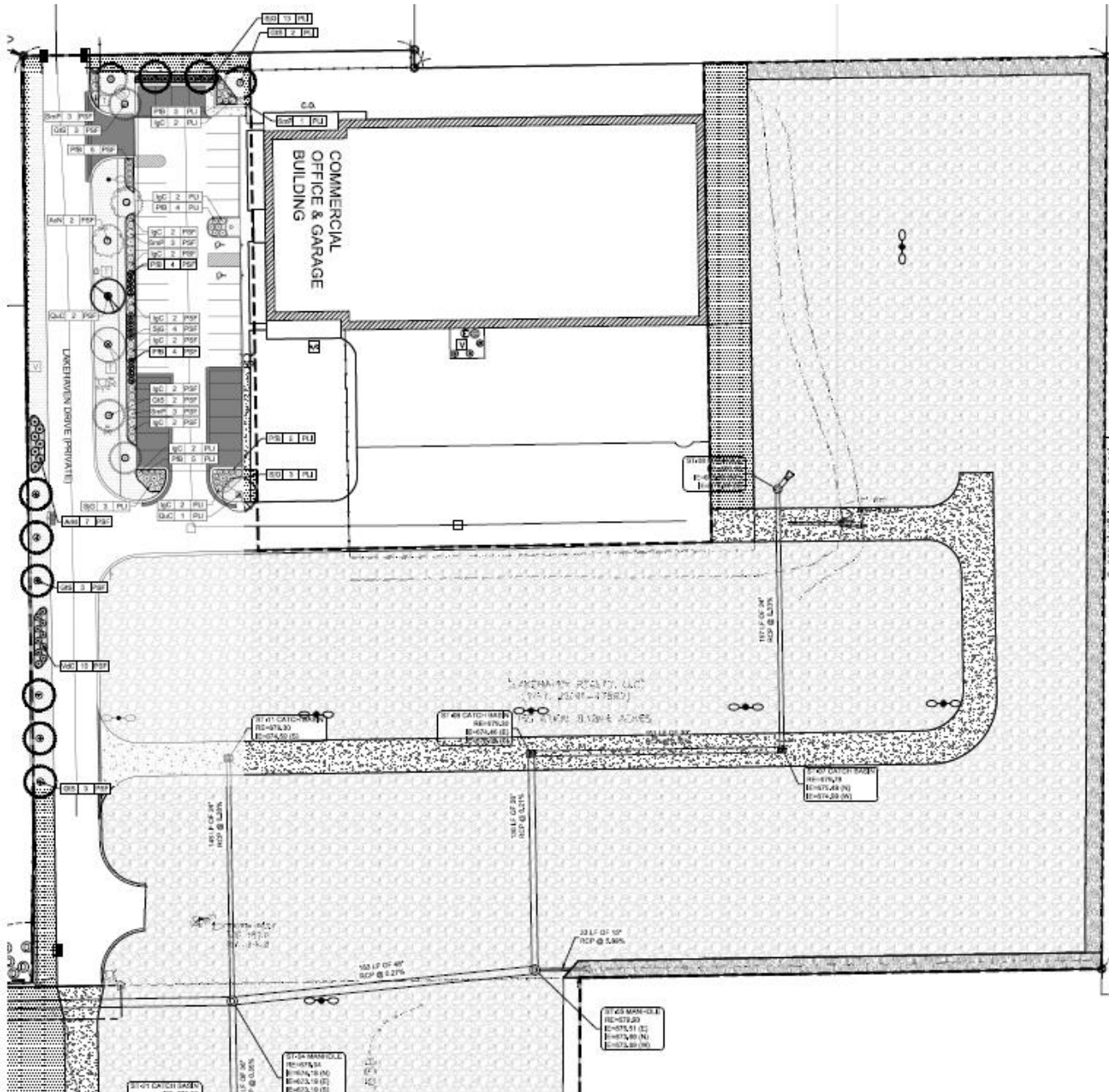
2009ZON067 ; 6020 Lakehaven Lane (northwest of site), Rezoning of 3.06 acres, from the I-2-S (W-1)(FF) and C-S (W-1)(FF) Districts, to the I-3-S (W-1)(FF) classification to provide for medium-intensity industrial uses, **approved.**

2008UV2008 ; 1735 W Edgewood Avenue (north of site), Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for the rental of recreational vehicles (not permitted), with a 528-square foot office-trailer, and with a 22,275-square foot, gravel outdoor storage area (hard surfacing required), being approximately 4,200 percent of the total area of enclosed buildings (maximum 132-square feet or 25 percent permitted), with outdoor storage of recreational vehicles exceeding the height of the surrounding fence within approximately 250 feet of a protected district (not permitted within 500 feet of a protected district), **withdrawn.**

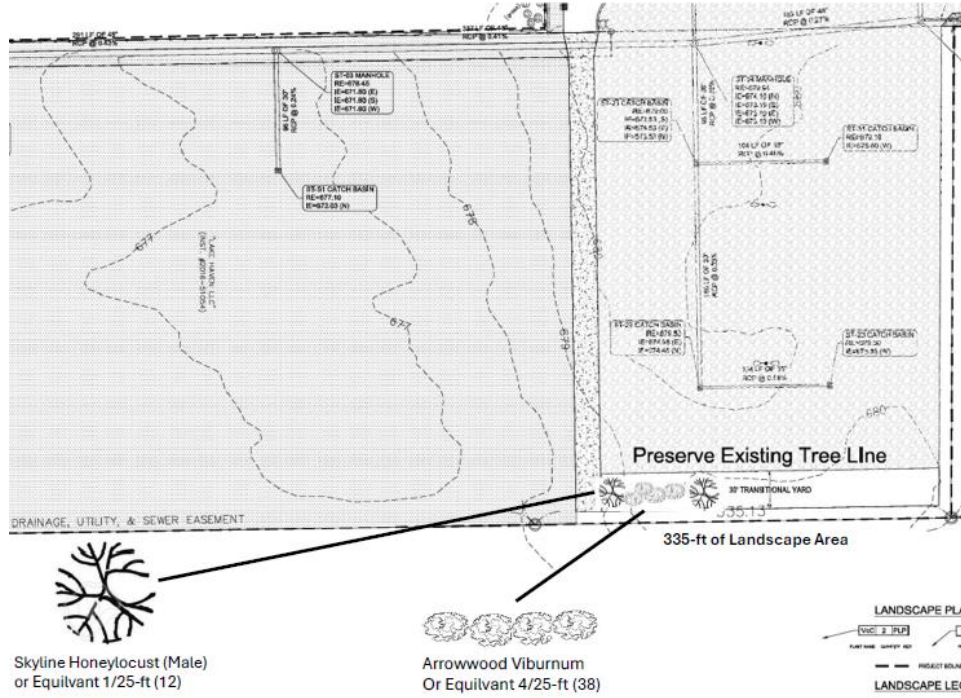
EXHIBITS

2026DV3009 ; Aerial Map





2026DV3009 ; Site/Landscape Plan (southern portion)



2026DV3009 ; 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 has already been deemed appropriate for outdoor storage through the approval of a prior variance, demonstrating that this type of low-intensity use is compatible with the area.

The site is surrounded by established industrial operations and undeveloped floodplain land that is unlikely to support residential development in the future.

As a result, the continuation of outdoor storage on this parcel will not introduce new impacts, will not burden nearby properties, and will remain fully consistent with the character and expectations of the surrounding environment.

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 subject property has already been deemed appropriate for outdoor storage through the approval of a prior variance, demonstrating that this type of low-intensity use is compatible with the area.

The site is surrounded by established industrial operations and undeveloped floodplain land that is unlikely to support residential development in the future.

As a result, the continuation of outdoor storage on this parcel will not introduce new impacts, will not burden nearby properties, and will remain fully consistent with the character and expectations of the surrounding environment.

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 to enforce the full buffer setback is not practical given the Board's prior approval of the 2020 variance, which expressly allowed the site to be used for outdoor storage.

The subject property is bordered by heavy commercial and industrial operations, and the remaining adjacent land consists of undeveloped floodplain that is unlikely to support residential development. As a result, the limited encroachment into the buffer does not create any adverse impacts on sensitive uses, nor does it conflict with the purpose of the buffer standards. Enforcing the full setback at this stage would effectively negate the Board's original intent and render the approved outdoor storage use impractical.

2026DV3009 ; Photographs



Photo 1: Existing Building on 6111 Parcel from Southwest



Photo 2: Existing Storage on 6111 Parcels from Northwest

2026DV3009 ; Photographs (continued)



Photo 3: Existing Storage on 6111 Parcels from West



Photo 4: Storage on 6215 Parcel from Northwest

2026DV3009 ; Photographs (continued)



Photo 5: Storage on 6215 Parcel from Southwest



Photo 6: Existing Treeline + Adjacent Property to South

2026DV3009 ; Photographs (continued)



Photo 7: Adjacent Property to West of 6111 Parcels



Photo 8: Adjacent Property to West of 6215 Parcel



Department of Metropolitan Development
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BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number:	2026-DV3-025 (Amended)
Property Address:	8674 US 31 (approximate address)
Location:	Perry Township, Council District #22
Petitioner:	Fountain Creek LLC, by Crystal Whitehead
Current Zoning:	C-4
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the placement of a canopy sign with sign area exceeding 45% of the canopy plane (maximum 45% permitted) and for three secondary incidental signs (maximum 2 per acre permitted).
Current Land Use:	Commercial (Under Construction)
Staff Recommendations:	Staff recommends approval of this petition.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

8674 US 31 is a 0.8-acre commercial parcel on the southern side of Indianapolis. Along with several other parcels, it was rezoned to the C-4 classification in 2020 to allow for commercial development. The Improvement Location Permit ILP25-00396 was approved to allow for construction of a Mediterranean restaurant. Construction is currently underway for that building and accessory parking area.

A permit application for a sign permit was made via SGN26-00066, which is on hold pending the result of this petition. Specifically, two variances would be required to allow for the canopy and secondary incidental signage proposed by this permit to be installed as proposed. A site plan showing the sign locations and dimensional renderings of the signs and building elevations are within the Exhibits below.

1. One canopy sign are proposed along the southeastern façade above the proposed drive-thru service unit ("Pickup"). Ordinance would classify this as a canopy sign as opposed to a wall sign. The size of canopy sign message areas is limited to 45% of the canopy planes (which in this case would be the narrow wooden canopy running parallel to the building). Per review by the Department of Business and Neighborhood Services, the proposed sign would exceed the 45% requirement.



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2. Secondary incidental signs are limited to two per acre. Provided plans show placement of 3 parking/pickup signs on an 0.8-acre lot (which would allow for a maximum of 2 signs). This would require grant of a second variance of development standards per review by the Department of Business and Neighborhood Services.

Originally, the variance filed sought permission for *four* canopy signs, with three additional building identification signs being placed along the narrow wooden canopy running parallel to the building. However, on July 14th the petitioner amended their filing to indicate placement of those other three signs on the building façade directly (allowing them to be classified as wall signs) and to solely seek permission for one canopy sign instead of four.

The property is zoned C-4 to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. Similarly, the Comprehensive Plan recommends it for Regional Commercial uses to provide for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Additional information is within the Comprehensive Plan Analysis section of the report below.

Ordinance standards for canopy signage were written with the intent to enforce the size of message areas on cloth canopies. Per staff analysis, the proposed building sign for this project would function in a manner more similar to wall signage than canopy signage; however, the Ordinance definition for wall signs explicitly indicates that they must be attached both parallel to and *within 18 inches of* the wall (the latter condition would not be met). No negative externality would be created by placement of the sign as proposed, which otherwise meet all applicable standards for signage. Staff recommends **approval** of the variance to allow for a canopy sign exceeding 45% of the area of the wooden canopy plane.

With regards to the secondary incidental sign variance requested, staff would note that **(a)** if the lot were slightly larger (over 1 acre in size as opposed to 0.8-acre) it would allow for four signs without the need for a petition; **(b)** these regulations are typically applied for much larger directional signage within either industrial parks or integrated commercial centers; and **(c)** the combined size of all three proposed secondary incidental signs (6 square feet) would constitute less than 20% of the maximum sign size allowed for this sign type within the Ordinance (32 square feet). For these reasons, staff feels that the requested deviation is minor in nature and would recommend **approval** of this variance as well.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial (Under Construction)	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	HD-1	West: Hospital Parking Lot
Thoroughfare Plan		



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US 31	Primary Arterial	150-foot existing right-of-way and 124-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	05/28/2026	
Site Plan (Amended)	N/A	
Elevations	05/28/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	05/28/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

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.



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Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2020ZON094, Rezoning of 6.2 acres from the SU-1 and D-A district to the C-4 district, **approved**.

ZONING HISTORY – VICINITY

2026DV3002 ; 8704 US 31 (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a commercial building and parking with a 10-foot side transitional yard (20 feet required), **approved**.

2025DV3019A ; 8733 US 31 (southeast of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a freestanding sign within 269 feet of another freestanding sign and a third drive through sign (300-foot separation required, two drive through signs permitted), **approved**.

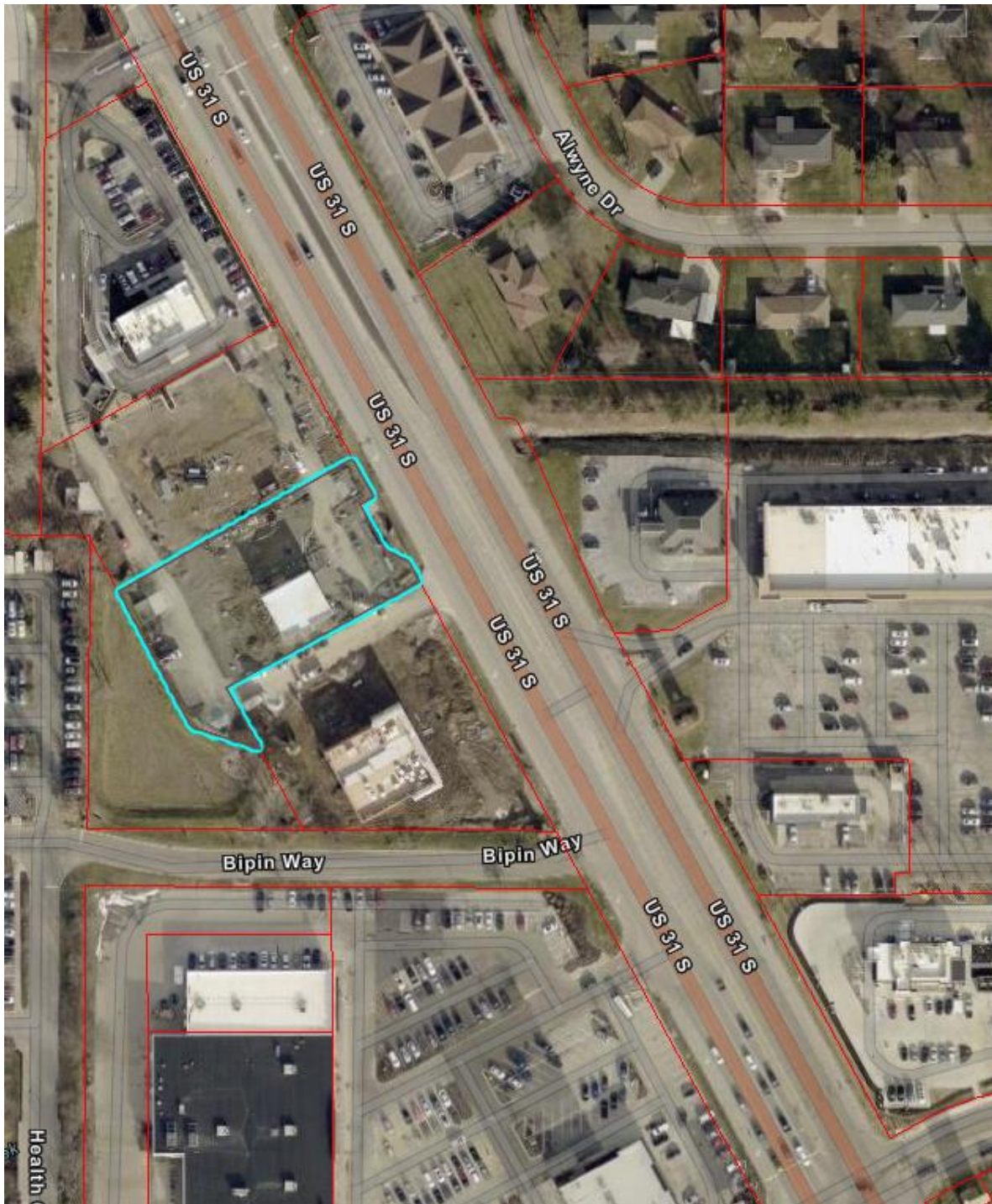
2013DV3017 ; 8820 US 31 (southeast of site), Variance of development standards of the Sign Regulations to provide for a freestanding sign, with a nine-foot front setback (15-foot front setback required), being within approximately 155 feet of a freestanding sign to the north and approximately 170 feet of a freestanding sign to the east, being the fifth sign on a frontage of less than 1,400 linear feet (maximum four freestanding signs permitted), **approved**.

2008DV2059 ; 8800 US 31 (southeast of site), Variance of Development Standards of the Sign Regulations to provide for a 437.5-square foot pole sign with a 140-square foot electronic variable message sign (EVMS) component, within 27 feet of a signalized traffic intersection (minimum 125-foot separation required) and within 400 feet of a protected district (minimum 600-foot separation required), **approved**.

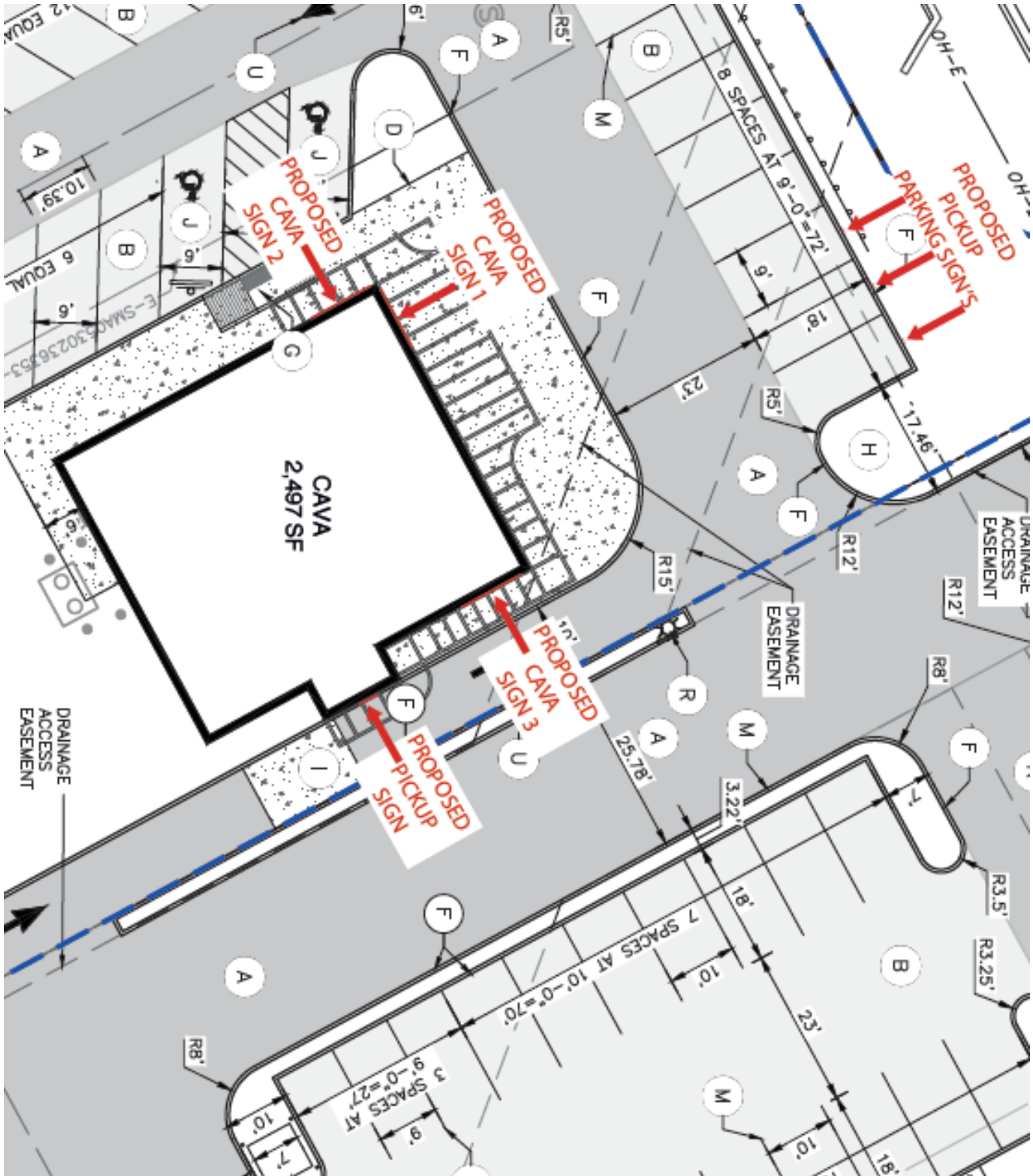
2008HOV005 ; 8711 US 31 (east of site), Variance of Development Standards of the Sign Regulations to provide for a 40-square foot electronic variable message sign component to be installed within the bottom tenant panel space of an existing 35-foot tall, 225.56-square foot pylon sign within 200 feet of a protected district (minimum 600-foot separation required), **approved**.

EXHIBITS

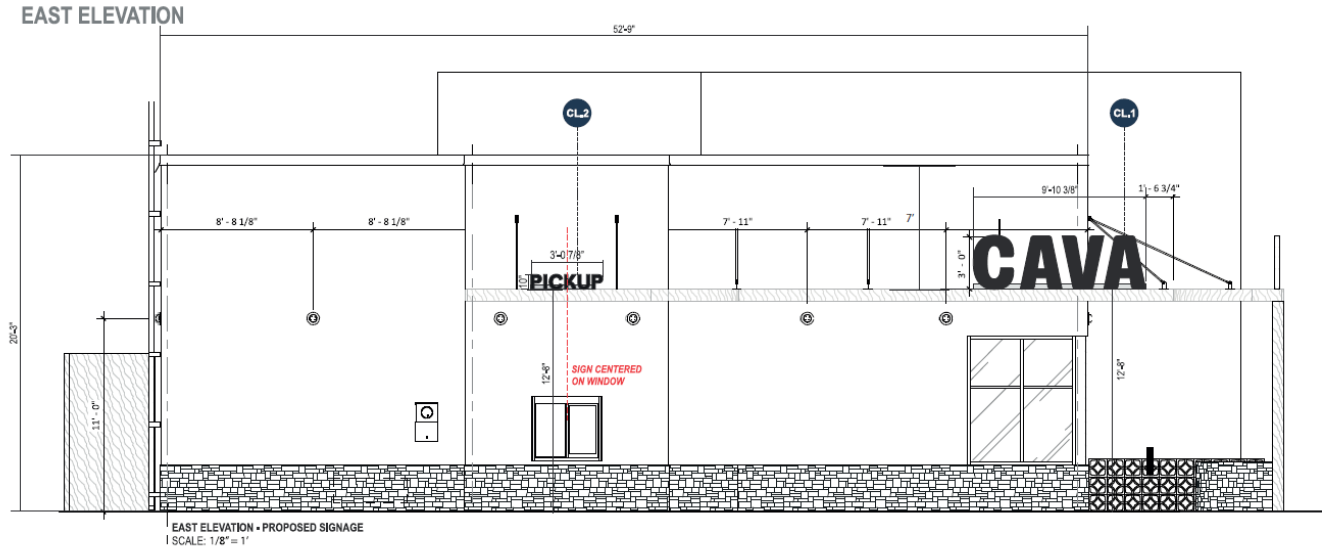
2026DV3025 ; Aerial Map



2026DV3025 ; Site Plan



2026DV3025 ; Elevation (East)

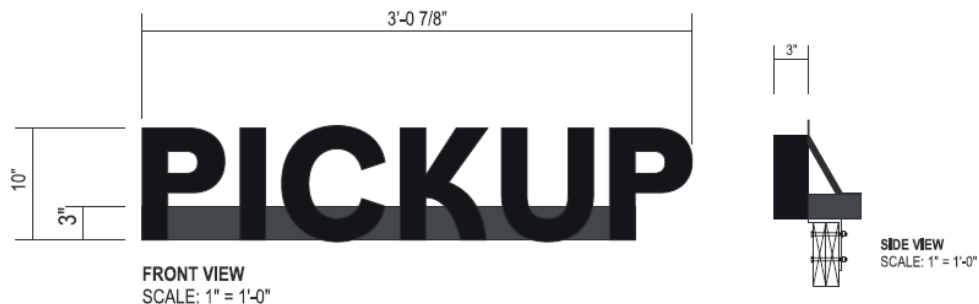


Note: amended plans indicate placement of the 'CAVA' sign mounted directly onto the wall as opposed to on the canopy as shown above. Variance approval would be limited to the 'Pickup' sign

2026DV3025 ; Sign Dimensions (Pickup)

CL.2 10" FACE LIT CHANNEL LETTERS - RACEWAY MOUNT - WHITE FACE W/PERF (Qty 1)

SQUARE FOOTAGE: 2.56



2026DV3025 ; Sign Dimensions (Secondary Incidental)

PN.1 PARKING SIGN (Qty 3)

SQUARE FOOTAGE: 2



2026DV3025 ; Findings of Fact

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

They will be designed, constructed, and maintained in a way as to be solid structures. They will not have materials, equipment, nor conditions that would be harmful to people nor property.

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

They will be designed, constructed, and maintained in a manner to be harmonious and consistent with other signage in the vicinity.

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

Without proper identification a business could be missed and/or overlooked. Identification is critical to identify to potential customers and/or visitor's where the business is located. Signs are an essential component of a business's overall sustainability. Exterior signs draw attention to a place of business and help differentiate it from others on the street allowing for safe entry and exit of the property.

2026DV3025 ; Photographs



Photo 1: Subject Site Viewed from Northeast



Photo 2: Subject Site Viewed from Northwest

2026DV3025 ; Photographs (continued)



Photo 3: Subject Site Viewed from Southeast



Photo 4: Adjacent Property to Southeast

2026DV3025 ; Photographs (continued)



Photo 5: Adjacent Property to Northwest



Photo 6: Adjacent Property to East



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BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number: 2026DV3026
Property Address: 6400 S Belmont Ave
Location: Perry Township, Council District #22
Petitioner: Midwest Food Bank Corp, by Jacob Brattain
Current Zoning: I-2

Request: A variance of development standards of the Consolidated Zoning and Subdivision Ordinance to permit a fifteen-foot (15') encroachment into the required thirty-foot (30') side yards on the north and south sides of the property within the I-2 zoning district, to allow the construction of access drives.

Current Land Use: Agricultural

Staff

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

Staff Reviewer: Adrienne Baker, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

The subject site consists of a single parcel totaling approximately 8.450 acres and is currently undeveloped. Access to the site is provided from the west side of South Belmont Avenue right-of-way. Adjacent properties to the north and south are developed with light industrial uses. To the east, the site is bordered by the right-of-way of State Road 37. To the west, the site abuts an area planned for a residential subdivision that is currently under development but has not yet been platted. Surrounding land uses include single-family residential to the west and light industrial uses to the north, south, and east.

The requested variance would permit a fifteen-foot (15') encroachment into the required thirty-foot (30') side yards on the north and south sides of the property within the I-2 zoning district, to allow the construction of access drives.

The following exceptions to height limits and encroachments into required setbacks and yard areas are allowed as indicated in Table 744-204-1. Encroachments into Required Yard or Setback: Driveways, Wheelchair Ramps, Walkways may encroach into and cross through a required front, side, rear,



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perimeter, or transitional yard in the most direct manner possible to connect a right-of-way line and setback line. The subject site abuts a protected district to the west.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Agricultural	
Comprehensive Plan	Office Commercial, Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: I-2 and DP	Commercial
	South: I-2	Industrial, Exempt
	East: I-3, C-7	Industrial, Commercial
	West: DP	Suburban Neighborhood
Thoroughfare Plan		
Belmont Ave	Local Street	50-ft existing right-of-way and 50-ft proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Environmentally sensitive	
Wellfield Protection Area	No	
Site Plan	April 23, 2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	April 23, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The I-2 district is for those 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. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.



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- Any operations, service, or processing (except storage and off-street loading) shall be conducted within completely enclosed buildings except in the I-2, I-3, and I-4 districts. In the I-2 and I-3 districts, all operations, servicing, or processing located within 500 feet of a protected district boundary (except storage and off-street loading) shall be conducted within completely enclosed buildings.
- The I-2 district is for those 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. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer.
- The following exceptions to height limits and encroachments into required setbacks and yard areas are allowed as indicated in Table 744-204-1: Encroachments and Exceptions. Driveways, wheelchair ramps, and walkways may encroach into and cross through the required front, side, rear, perimeter or transitional yard in the most direct manner possible to connect a right-of-way line and setback line.

Pattern Book / Land Use Plan

- Working Typologies are primarily non-residential areas - places where people work. Generally, these typologies are intended for uses that are too intense to be near homes - either because of their scale and form (such as a business park) or because they may cause a nuisance (such as heavy industrial uses).
- The Land Use Plan Pattern Book recommends this site to the Office Commercial working typology to allow single and multi-tenant office buildings. It is often a buffer between land uses of differing intensities and can range from a small freestanding office to a major employment center. Intended uses might include medical and dental facilities, insurance, real estate, financial institutions, legal services, or hair and body care salons. Industrial uses are not contemplated for this typology.
- All development should include sidewalks along the street frontage. If a development is proposed within one-half mile, along an adjoining street, of an existing or approved residential development, continuous pedestrian infrastructure—such as a sidewalk, greenway, or off-street path—should be provided to establish a direct connection between the proposed site and the residential area.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- The Wellfield Protection secondary districts are designed to limit certain types of uses, processes and development in areas adjacent to a water wellfield. This is intended to protect significant groundwater and aquifer resources.



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Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY -

2004-UV1-016, 6400 South Belmont Avenue (subject site), Variance of Use of the Industrial Zoning Ordinance to provide for an outdoor storage facility for construction materials (not permitted), **denied**.

2003-ZON-185, 6400 South Belmont Avenue (subject site), requested a change in zoning from the 1-2-S (W-1) District to the 1-3-S (W-1) District, **withdrawn**.

98-Z-121 6400 South Belmont Avenue (subject site), requested rezoning of 8.449 acres from the D-P District to the 1-2-S District to provide for industrial use, **approved**.

VICINITY -

2008-DV3-020- 6480 South Belmont Avenue, Variance Of Development Standards of the Industrial Zoning Ordinance to: a) legally establish 14 parking spaces within the required 30-foot north and west side yards (not permitted), b) legally establish 11 parking spaces and an interior access drive within the required 50-foot west side transitional yard (not permitted), c) provide for the construction of a two-story, 6,303 square foot building with a 21.75-foot front setback from the existing right-of-way of Banta Road (minimum fifty-foot front setback required), d) provide for ten parking spaces with a 21-foot front setback and a portion of a patio with a 36-foot front setback from the existing right-of-way of Banta Road, being within the reduced required 40-foot front transitional yard (not permitted) with type C landscaping provided, **approved**.

99-Z-105, 6148 South Belmont Avenue

98-Z-17, 6650 South Belmont Avenue (south of site), requested a rezoning of 4.384 acres from D-A to C-3, **withdrawn**.

98-Z-18, 6650 South Belmont Avenue (south of site), requested a rezoning of 38.274 acres from D-A to D-6II, **approved**.

97-Z-14/97-DP-3; 2201 West Southport Road (south of site), requested rezoning of approximately 1131 acres from D-A (FF), SU-23 (GSB), SU-3 (FF), D-6 (FF) and C-3 (FF) to D-P (GSB, FF) to provide for a residential and golf course community development consisting of twelve single-family residential communities, three multi-family residential communities, a twenty-seven hole golf course, a nine hole golf course, a golf academy, club house and practice area, three neighborhood commercial centers, three neighborhood commercial service areas, a Mini warehouse use, recreational amenities and open space areas, **approved**.

95-Z-212/95-DP-11; 2701 West Banta Road (west of site), requested a rezoning of 41.047 acres from D-A (FW)(FF) to D-P(FW)(FF) to provide for multi-family residential development, **approved**.

95-Z-144; 2210 West Southport Road (south of site), requested a rezoning of 16.32 acres from D-A(FF)(W-1) to SU-3(FF)(W-1) to provide for a golf course and driving range, **approved**.

95-HSE-8; 2151 West Banta Road (east of site), requested a special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured home, **granted**.



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94-UV1-48 2151 West Banta Road (east of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to construct a pole barn on a lot without primary residence, **granted**.

91-Z-80; 2430 West Banta Road (east of site), requested a rezoning of 49.15 acres from D-A to I-2-S to provide for light industrial development, **withdrawn**.

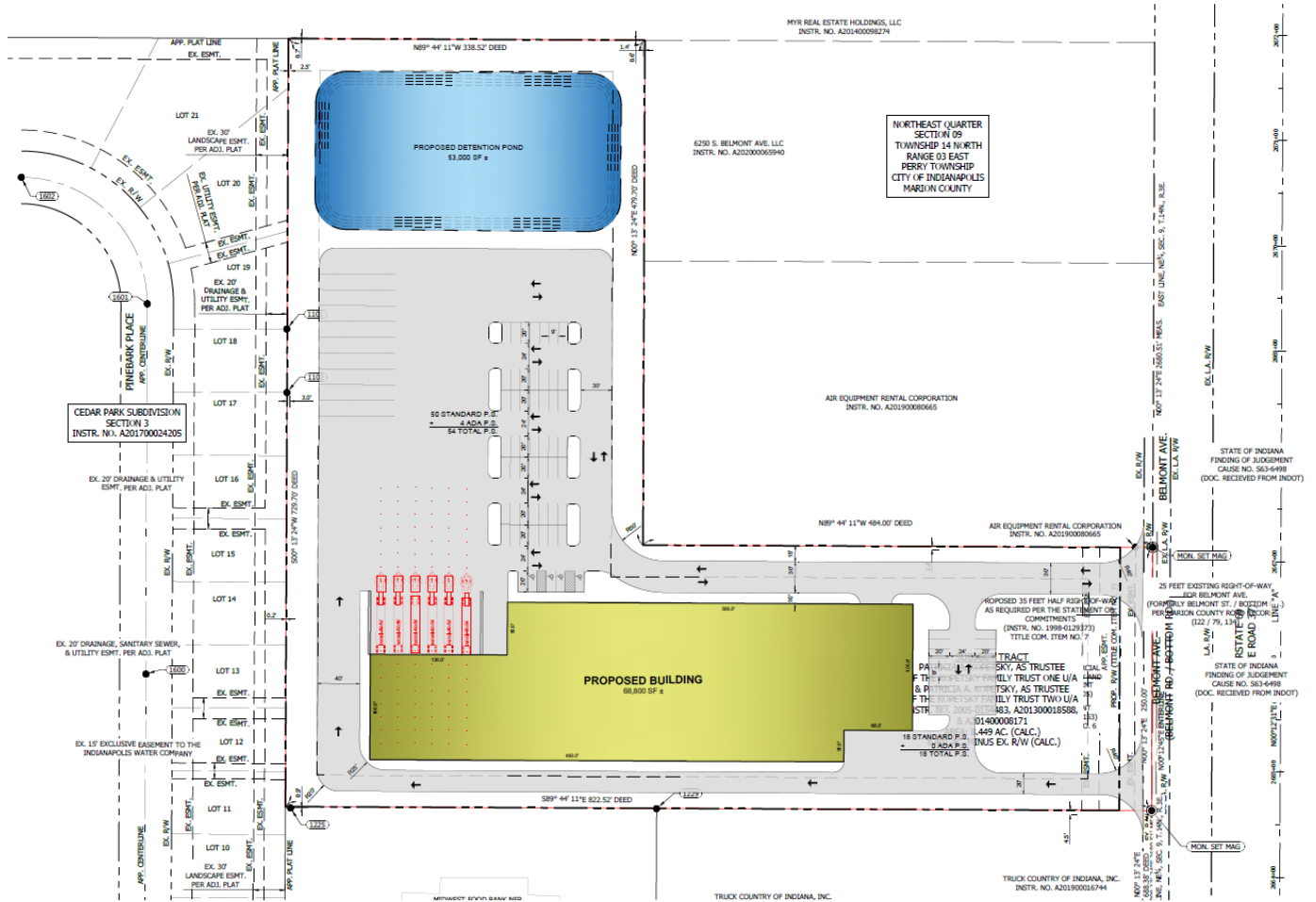
85-Z-14; 6450 South Belmont Avenue (east of site), requested a rezoning of 8.0 acres from A-2 to I-2-S to provide for the manufacture of small airplane parts, **approved**.

85-Z-139; 6302 South Belmont Avenue (east of site), requested a rezoning of 2.98 acres from A-2 to I-2-S to provide for an office/ warehouse, **approved**.

This is an aerial map of a residential area in San Diego, California. The map shows several streets and lots. Key streets include S Belmont Ave, W Santa Fe, and S Bonita Way. A large lot is labeled 'Southern Dunes'. Other lots are labeled with codes such as I2, C7, DA, SU18, D611, and DP. The map also shows a highway (SR 37) and a water feature (lake).

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2026DV3026 : Site Plan





**Department of Metropolitan Development
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Current Planning**

2026DV3026 : Findings of Fact

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

This area is already designated to support commercial and industrial operations similar to the proposed use and construction and granting the variance will allow for currently vacant land to be used in a similar manner to the surrounding properties.

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

This Property is bounded to the North and South by other industrial properties and to the east by Interstate 69. Many similar properties in the area were constructed with access drives and parking areas encroaching into the current setbacks for the zoning designation, which has not substantially affected the value or use of those 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 Property is a "L" shaped parcel and strict application of the zoning ordinance will make it difficult to utilize the entire parcel for its current zoning designation. The current design allows for parking to support the business to be shielded from the street and allows the main operations to be as close to the road as possible.

2026DV3026 : Site Photos



Facing west from Belmont.



Facing south.



Facing northwest towards proposed development.



Facing west towards proposed development.



Facing southwest towards proposed development.



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BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number: 2026-UV3-012
Address: 7801 East 88th Street (approximate address)
Location: Lawrence Township, Council District #4
Zoning: I-2
Petitioner: GF Ventures of Indiana LLC, by Karina Plasencia
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a Body Care Salon and Service use.
Current Land Use: Office Industrial
Staff Recommendations: Staff **recommends approval** of the request, subject to a commitment.
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

1. The Variance grant shall be subject to the amended plan of operation, file dated July 13, 2026.

PETITION OVERVIEW

- ◇ This 0.98-acre site, zoned I-2-S, is developed with an approximately 9,400-square foot one-story structure, a paved parking lot consisting of 37 spaces, and an on-site dumpster. The parking lot is located to the east and rear (south) of the building. The building has landscaping along 88th Street and along both side lot lines. Greenbelt and drainage areas run along the rear property line. The on-site dumpster and a loading dock area are located at the rear of the building.
- ◇ The property is zoned I-2 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; this district is often a buffer between protected districts and heavier industrial areas. Similarly, the Comprehensive Plan recommends it to the Office/Industrial Mixed-Use typology to allow for light industrial, distribution, and office uses conducted within enclosed structures.
- ◇ This request would provide for a Body Care Salon and Service use on the property, which would not be permitted in an I-2 District. Per the amended plan of operation, the proposed use would be by appointment only and would be limited to 15 customers on site at any one time. All operations would be inside and would have a similar impact as surrounding office uses.



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- ◇ Based on the past history and characteristics of this area, staff would support the proposed use of this property, and recommends approval of this request, subject to the above commitment.

GENERAL INFORMATION

Existing Zoning	I-2		
Existing Land Use	Office Industrial		
Comprehensive Plan	Office/Industrial Mixed-Use		
Surrounding Context		Zoning	Surrounding Context
	North:	I-2	Light Industrial
	South:	SU-1	Religious Use
	East:	I-2	Day care center
	West:	I-2	Light Industrial
Thoroughfare Plan			
	88 th Street	Local Street	50-foot existing and proposed right-of-way
Context Area	Metro		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	06/09/2026		
Plan of Operation (Amended)	07/13/2026		
Elevations	N/A		
Landscape Plan	N/A		
Findings of Fact	06/09/2026		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Pattern Book

Pattern Book / Land Use Plan

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



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Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2025-DV3-033; 7857 East 88th Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building expansion resulting in a 38-foot rear transitional yard setback, without installation of the required frontage sidewalk, **granted**.

2016-DV1-029; 7802 E 88th Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance, to provide for a parking lot, with a zero-foot front setback and an outdoor storage area comprising 205% of the building, **denied**.

2015-UV2-040; 7801 E 88th Street (subject site), Variance of use of the Industrial Zoning Ordinance to provide for general office uses, **approved**.

2014-UV2-001; 7857 East 88th Street (east of site), Variance of use of the Industrial Zoning Ordinance to provide for an expansion to a handicapped therapy center, with an accessory outdoor recreation area (not permitted), **approved**.

2012-UV1-027; 7739 E 88th Street (west of site), Variance of use of the Industrial Zoning Ordinance to provide for a vocational training café for individuals with autism and neurodevelopmental disorders, **approved**.

2010-UV1-013; 7901 E 88th Street (east of site), Variance of use of the Industrial Zoning Ordinance to provide for a handicapped / special needs therapy center, **approved**.

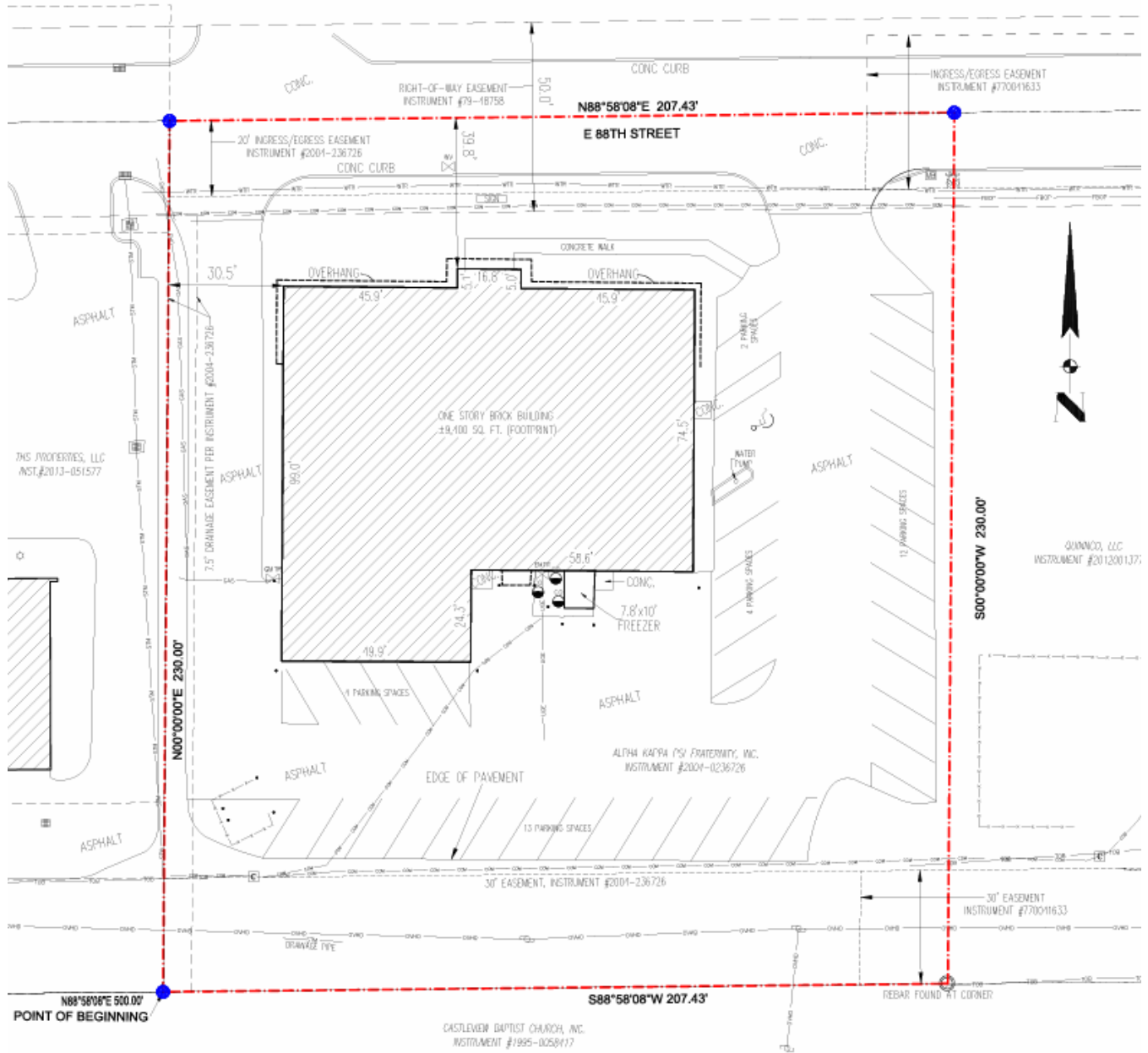
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EXHIBITS

2026-UV3-040; Aerial Map



2026-UV3-040; Site Plan





Department of Metropolitan Development
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2026-UV3-040; Plan of Operation file dated July 13, 2026

PLAN OF OPERATION

Sutil Head Spa and Skin Care LLC
Trade Name: SUTIL
7801 E. 88th Street, Indianapolis, IN 46256
Prepared for Variance of Use Petition

Primary Use	Head spa and skin care spa with related retail sales
Accessory Uses	Small wellness cafe and small-scale product storage and order fulfillment area
Public Hours	Tuesday through Saturday, 9:00 a.m. to 6:00 p.m.
Maximum Customers	✓ Approximately 15 customers at one time, including cafe patrons

1. Description of the Proposed Use

SUTIL will operate as a head spa and skin care spa offering head spa services, facials, massage services, skin care treatments, relaxation services, and the retail sale of related skin care and wellness products. The business will operate within the existing building. No exterior expansion is proposed.

2. Proposed Facilities

The interior layout will include a reception and waiting area, head spa treatment rooms, facial rooms, massage rooms, relaxation areas, sauna, shower and cold-bath area, restrooms, laundry area, staff areas, retail space, a small wellness cafe, and a rear accessory storage and order fulfillment area. A proposed interior floor plan is attached as Appendix A.

3. Essential Oil Bar

The oil bar will provide a selection of essential-oil aromas for customers to choose from as part of their spa experience. Customers may also purchase small retail-size bottles. No bulk blending, manufacturing, or industrial processing is proposed.

4. Hours of Operation

Public hours: Tuesday through Saturday, 9:00 a.m. to 6:00 p.m.

Employee access for preparation, cleaning, and inventory: Tuesday through Saturday, 8:00 a.m. to 6:30 p.m.

The spa will operate primarily by appointment. Walk-in spa service is not anticipated.

5. Employees and Customer Capacity

The business is expected to open with approximately five employees and may grow to a maximum of approximately fifteen employees. The anticipated maximum number of customers on site at one time is approximately fifteen including cafe patrons. The business will not host large events, classes, or public assemblies.

6. Wellness Cafe

A small wellness cafe will be open to the public during the same hours as the spa. It will offer coffee, beverages, and light prepackaged refreshments. No cooking will take place on site. No alcoholic beverages will be sold. The cafe seating area is expected to include approximately five two-person tables and a small seating area.

7. Accessory Storage and Order Fulfillment

The rear portion of the building will contain an accessory storage and order fulfillment area of approximately 1,000 square feet. This area will support the spa and retail operations by storing skin care, beauty, and wellness products, packaging materials, and related inventory. Products may also be shipped to customers throughout the United States. This activity is secondary and incidental to the primary spa and retail use. Customer pickups from the rear storage area are not proposed.

8. Deliveries and Shipping

At the beginning of operations, the business anticipates preparing approximately fifty outgoing packages per day. Packages will generally be consolidated for one pickup or delivery run per business day during normal operating hours, using UPS.



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similar parcel carriers, or small delivery vans. The business may also use its own small delivery vans. No semi-trucks, heavy freight activity, palletized industrial distribution, or overnight shipping activity is proposed.

9. Security

The facility will use security cameras, an alarm system, exterior lighting, and secured doors. These measures will support the safety of customers, employees, inventory, and the property.

10. Products and Materials Stored On Site

Ordinary commercial quantities of skin care products, beauty products, retail-size essential oils, packaging materials, and standard cleaning supplies will be stored on site. No bulk storage of hazardous, explosive, or industrial materials is proposed. Products and supplies will be stored and handled in accordance with applicable requirements.

11. Parking, Access, and Neighborhood Impact

The existing parking area is expected to be sufficient for customers and employees. No changes to the existing driveways, parking layout, or exterior access points are proposed. The business will not generate loud music, industrial machinery noise, or overnight activity. The proposed use is expected to have minimal impact on surrounding properties.

12. Compliance

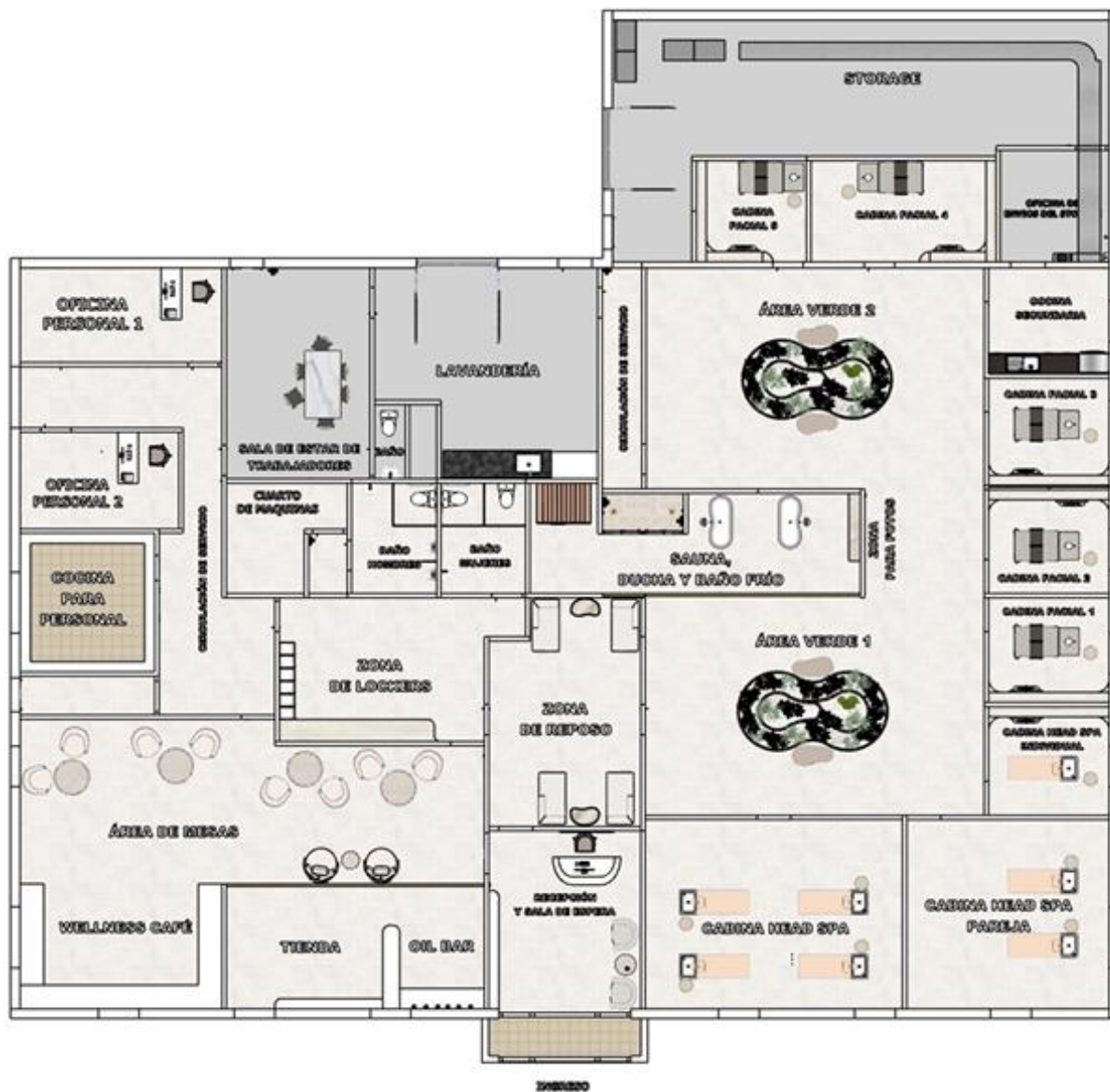
The business will obtain and maintain any licenses, permits, and inspections required for its services, cafe operations, and occupancy. The cafe and accessory fulfillment activities will remain limited in scale and subordinate to the primary spa and retail use.

Prepared for submission with the Variance of Use petition.

Approximate quantities and operational details may be refined during build-out, provided that the general character and scale of the proposed use remain consistent with this plan.

APPENDIX A

Proposed Interior Floor Plan - SUTIL



APPENDIX B

English Key for Proposed Interior Floor Plan

Spanish Label on Plan	English Meaning
Ingreso	Entrance
Recepcion y sala de espera	Reception and waiting area
Cabina head spa	Head spa treatment room
Cabina head spa pareja	Couples head spa treatment room
Cabina facial	Facial treatment room
Cabina masaje individual	Individual massage room
Cabina secundaria	Secondary treatment room
Sauna, ducha y baño frio	Sauna, shower, and cold-bath area
Zona de reposo	Relaxation area
Area verde	Indoor relaxation / green area
Oil bar	Essential-oil selection and small retail area
Tienda	Retail store
Wellness cafe	Small wellness cafe
Area de mesas	Cafe seating area
Storage	Accessory storage and order fulfillment area
Lavanderia	Laundry area
Cuarto de maquinas	Mechanical room
Zona de lockers	Locker area
Cocina para personal	Staff kitchen
Sala de estar de trabajadores	Employee break area
Oficina personal	Staff office
Bano hombres / baño mujeres	Men's restroom / women's restroom



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2026-UV3-040; Findings of Fact

Petition Number _____

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

**PETITION FOR VARIANCE OF USE
FINDINGS OF FACT**

Project: Sutit Spa

Property: 7801 E. 88th Street, Indianapolis, IN 46256

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

the proposed use will operate inside the existing building and will provide appointment-based head spa, facial, massage, skincare, retail, and accessory coffee and refreshment services. The use is low-impact and is not expected to generate excessive noise, traffic, odors, or other conditions that would adversely affect the surrounding area.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

the proposed use will occupy and improve an existing building without an exterior expansion. The property will continue to be maintained as an active commercial site. Existing parking and access will be used.

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

the existing building and site are suited for a low-impact commercial service use, but the current zoning classification does not permit the proposed spa and related accessory uses by right. The variance is needed to allow a reasonable reuse of the existing building.

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

strict application of the current zoning restrictions would prevent the proposed reuse of the existing commercial building even though the business can operate without exterior expansion and with minimal impact on nearby properties. Granting the variance will allow productive use of the site while preserving the existing character of the property.

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

the proposal reuses an existing building, maintains the property as an active employment-generating site, and does not require a change to the surrounding development pattern. The use is limited in scale and is expected to have minimal impact on neighboring properties and public infrastructure.

2026-UV3-040; Photographs



Subject site, looking south.



Subject site east parking lot, looking south



Adjacent office use to the west, looking southwest.



Adjacent office use to the east, looking southwest.

BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number: 2026-SE3-002

Property Address: 6309 South Harding Street (approximate address)

Location: Perry Township, Council District #22

Petitioner: Amanpreet Singh, by Adam G. Hoffer

Current Zoning: C-7 (FF) / D-A (FF)
Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial contractor use and accessory outdoor storage partially within the D-A zoning district (not permitted).

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 0-foot transitional yard setbacks (20-foot transitional yard required), deficient interior and transitional yard landscaping (required), vehicle parking and outdoor storage on a gravel surface (not permitted), and outdoor storage lacking screening within 500 feet of a protected district (screening required).

Current Land Use: Unpermitted Truck Parking

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

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

6/16/26: The petitioner requested an additional continuance to allow for them to amend the original petition from a use of commercial truck parking to a commercial contractor use, per the amended site plan and Plan of Operation below. This amendment resulted in the removal of the special exception request and the variance of use request related to the floodway fringe. However, it also resulted in the addition of a variance to allow for the contractor and accessory outdoor storage uses on a lot partially zoned D-A as well as a new variance of development standards related to a lack of screening around the outdoor storage area within 500 feet of a protected district. Staff continues to recommend **denial**.

5/26/26: The petitioner requested a continuance to allow additional time to prepare for the hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

6309 South Harding Street is a parcel with a size of 1.05 acres and a width of around 128 feet that fronts on Harding to the west. The site was rezoned to a commercial designation in 1979, although it appears to have maintained a single-family residential use on the premises until at least 2022. Surrounding land

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uses include a single-family residence to the north (zoned C-7 despite the residential use), undeveloped land to the west and southwest zoned D-A, multiple residences and a preschool to the south zoned D-A, and a residential subdivision to the west zoned D-P. Light industrial uses (predominantly zoned I-2 and C-S) are located further to the north and northwest along Harding Street.

In 2024, a row of mature trees along the western portion of the site was removed and a gravel front-yard parking area was installed, per aerial photography. Additionally, in 2025 the areas to the rear of the house had trees removed and gravel vehicle area installed, in addition to placement of a 6-foot privacy fence. No permits were sought or granted related to the site changes or for any new commercial use at the property. These changes resulted in the opening of the violation case VIO25-004939 in August of 2025, which cites the property owner for the lack of permits for the parking area, the parking of inoperable vehicles, and for outdoor storage and operations without required screening. There is also a flood violation opened at the site for development that occurred without proper permitting.

Approval of this petition would allow for a truck parking/vehicle storage use at the site, utilizing the parking areas placed recently placed without permits. Multiple forms of zoning petition relief would be required to allow for this use and layout at the site:

Special Exception:

- The C-7 zoning district only allows for truck/commercial parking as a primary use when a Special Exception petition has been granted to ensure that the intensity of the use would be appropriate for the surrounding context and harmonious with established development and neighborhoods.

Variance of Use:

- Most of the property is located within the Floodway Fringe (see boundaries within Exhibits below). Truck storage is not a permitted use within the Floodway Fringe, which means that a Variance of Use would be required to allow for truck parking on this property.

Variance of Development Standards:

- The parking area installed without permits would violate transitional yard setbacks to the south (0 feet proposed and 20 feet required) and to the east (10 feet proposed and 20 feet required).
 - A transitional yard to the north would not be enforceable since the land is zoned C-7, but if the single-family residence there were zoned appropriately, 20 feet of separation would also be required to the north (only 10 feet proposed).
- Ordinance requires that new parking lots comply with regulations on the placement of landscaping both (a) within vehicle and maneuvering areas and (b) along property boundaries for land with less-intense zoning. Placement of this parking area without permits resulted in the removal of trees from the site, and the proposed perimeter shrubs to the north and east would not meet minimum requirements as outlined within 744-505 and 744-506 of the Ordinance.
- The Ordinance requires that accessory parking areas for most uses be comprised of hardscaping, per 744-404. Plans submitted indicate usage of compacted aggregate base, but staff noted on the site visit that the parking surface appears to be comprised of gravel (see photo 5). This is not permitted, and a third Variance of Development Standards would be needed to maintain it.

The Plan of Operation filed by the petitioner indicates that the would utilize the site for commercial parking behind the existing structure, with the former residence to be utilized for accessory office and dispatch uses. A maximum of 6 employees would be on-site during standard hours, and no refueling, vehicle repair, or loading/unloading of materials would be conducted at the property. The full text of that Plan is within the Exhibits below. The plan provided to staff does not clarify the number of trucks that would be

parked at the site at peak times or during standard operations, and it also does not provide information about the anticipated frequency of ingress and egress of trucks to and from the site onto Harding or on anticipated hours of operation. Upon staff's request, the petitioner indicated that there would be 8-12 vehicles on site at any given time, with 2-3 vehicles per day entering and exiting the property.

Most of this property is zoned C-7 to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or the outdoor parking and storage of trucks, materials, or equipment. C-7 uses are more compatible with industrial than retail commercial activities. Due to the intensity, C-7 districts should never be adjacent to protected districts (such as the residential zones near this site) and should be located on major commercial arterial thoroughfares or near interstates (Harding Street is a primary collector). Additionally, this property is located within a Floodway Fringe area, which is a secondary zoning district that indicates a 1% chance for significant flooding as well as shallow flooding in any given year.

The Marion County Comprehensive Plan Pattern Book recommends this site to the Rural or Estate Neighborhood typology to allow for the preservation of natural features and for large-lot estate-style development of single-family residences. This recommendation is commensurate with existing residential uses to the north, east, and south. Additionally, the Plan places this property within an Environmentally Sensitive Areas overlay. Additional information on the typology and overlay is within the Comprehensive Plan Analysis section below, but neither of them contemplates the placement of heavy commercial uses.

Findings of Fact provided by the petitioner in support of the requested Special Exception indicate that this use would be appropriate for the context since uses of similar intensity exist further along the corridor to the north, that no substantial negative externality would be created for adjacent property owners, and that development standards would otherwise be met. Staff notes that several variances related to development standards would be needed, and would disagree with the assertion that this use would be harmonious with surroundings or that no negative impacts would result. Specifically, staff notes that:

- Residential zoning exists on three (3) of the four (4) sides of this property (west, south, and east), and residential *development* appears to exist on three (3) of four (4) sides as well (south and east as well as the house zoned C-7 to the north of the site). A preschool use also appears to exist about 80 feet to the south of the subject site.
- Harding Street is a two-lane primary collector with a right-of-way of 60 feet and a road width of only around 30 feet. This raises concerns related to both (a) the needed turn radius for trucks entering and exiting the site and (b) the impact of truck traffic on the quality of the two-lane road also utilized by local and residential traffic.
- A more appropriate site for a use of this intensity might be further north on the Harding corridor, which would both (a) encroach less into established residential areas; (b) would mitigate or avoid the use being placed in the Floodway Fringe; and (c) would be closer to the interstate.

For these reasons, staff recommends **denial** of the requested Special Exception.

When contacted about this project, the Floodplain Administrator for the Department of Business and Neighborhood Services indicated that they "have a concern with granting an exemption to allow for truck storage within the flood fringe. That is something [they] would advise strongly against as it goes against the Flood Damage Prevention Ordinance. Furthermore, granting a variance could put the City at risk of non-compliance with the NFIP" (National Flood Insurance Program). For this reason, as well as for a lack of undue hardship identified within the provided Findings to that would prevent the site from alternate,

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compliant development with a use not expressly prohibited within the Floodway Fringe (only 'critical facility' uses are disallowed in this way), staff recommends **denial** of the requested Variance of Use.

In addition to the concerns listed above, staff feels that the primary reason relief from applicable development standards is being sought relates not to any specific properties of the site but rather to the substantial changes made to the site without permits in place or verification that the proposed truck parking use would be allowed without multiple variances or a Special Exception. The proposed setbacks ranging from 0 to 10 feet and the proposed shrubs with 10-foot spacing on a 1-foot berm would not provide adequate buffering of parked trucks from land zoned or used residentially to the north, east, or south, and staff has concerns about light and noise impacts that might result for the surrounding area. Given that (a) multiple variances would be required to support a use also not permitted by-right and (b) that no site-specific practical difficulty exists to justify a positive recommendation (which is the statutory burden of proof required), staff recommends **denial** of the variances related to deficient setbacks, landscaping, and parking surface.

GENERAL INFORMATION

Existing Zoning	C-7 (FF) / D-A (FF)	
Existing Land Use	Unpermitted Truck Parking	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: C-7	North: Residential
	South: D-A	South: Residential
	East: D-P	East: Residential
	West: D-A / I-2	West: Undeveloped / Industrial
Thoroughfare Plan		
Harding Street	Primary Collector	60-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	03/23/2026	
Site Plan (Amended)	06/24/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/23/2026	
Findings of Fact (Amended)	05/04/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.
 - Heavy commercial land uses are not contemplated for this typology.
 - The property is also within an Environmentally Sensitive Areas (ES) Overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development.

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

79-Z-65, rezoning of 1.138 acres, being in A-2 district, to C-ID classification, to provide for storage of trees, shrubs, equipment of landscape contractor, **approved**.

ZONING HISTORY – VICINITY

2020DV2056 ; 6120 Harding Street (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition with a fifteen-foot front setback from the proposed right-of-way of Harding Street and to provide for parking outdoor storage and outdoor operations with zero-foot north side yard and west rear yard (30-foot front setback from the proposed right-of-way, 30-foot side and rear setbacks (outdoor storage and operations not permitted within 500 feet of a protected district, limited to 25% of the building area and storage cannot be higher than 10 feet or higher than the required screening), **approved**.

2010DV1015 ; 6445 South Harding Street (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 576-square foot detached garage, with a seventeen-foot side setback (30-foot minimum side setback required), **approved**.

2005ZON219 ; 6341 South Harding Street (south of site), rezoning of one acre, being in the D-A (FF) (W-1) District, to the C-S (FF) (W-1) classification to provide for a single-family dwelling use and a wedding chapel and banquet facility, **withdrawn**.

2004ZON018 ; 1319 West Edgewood Avenue (north of site), Rezone 10.73 acres from D-A (FF) (W-1), I-1-S (FF) (W-1), and C-S (FF) (W-1) to the C-S (FF) (W-1) classification to provide for the expansions of an existing school bus maintenance and storage facility, **approved**.

2004VAR005 ; 1319 West Edgewood Avenue (north of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the expansion and additional parking for an existing bus maintenance and storage facility resulting in a zero-foot south transitional yard without the required landscaping (minimum fifteen-foot transitional yard required when abutting a protected district, required transitional yard shall be landscaped), **approved**.

2002DV1027 ; 6310 South Harding Street (northwest of site), variance of development standards of the Industrial Zoning Ordinance to provide for an unlimited amount of outdoor storage and operations (maximum 25 percent of the total gross floor area permitted for outdoor storage and operations), **approved**.

2001ZON161 ; 1500 West Banta Road (east of site), Rezoning of 44 acres, being in the D-A (FF) (W-1) (W-5) District, to the D-P (FF) (W-1) (W-5) classification to provide for 176 single-family residential units, or 4.0 units per acre, **approved**.

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98-UV2-85 ; 6207 South Harding Street (north of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a trucking company and transportation brokerage firm (not permitted), within a proposed pole barn, with (a) repair and outdoor parking and storage of commercial vehicles (not permitted); (b) an aggregate side yard setback of 71.83 feet (minimum 75 feet required); (c) a lot width at the required setback line of 111.83 feet (minimum 250 feet required); and (d) a street frontage of 111.83 feet (minimum 125 feet required), **approved**.

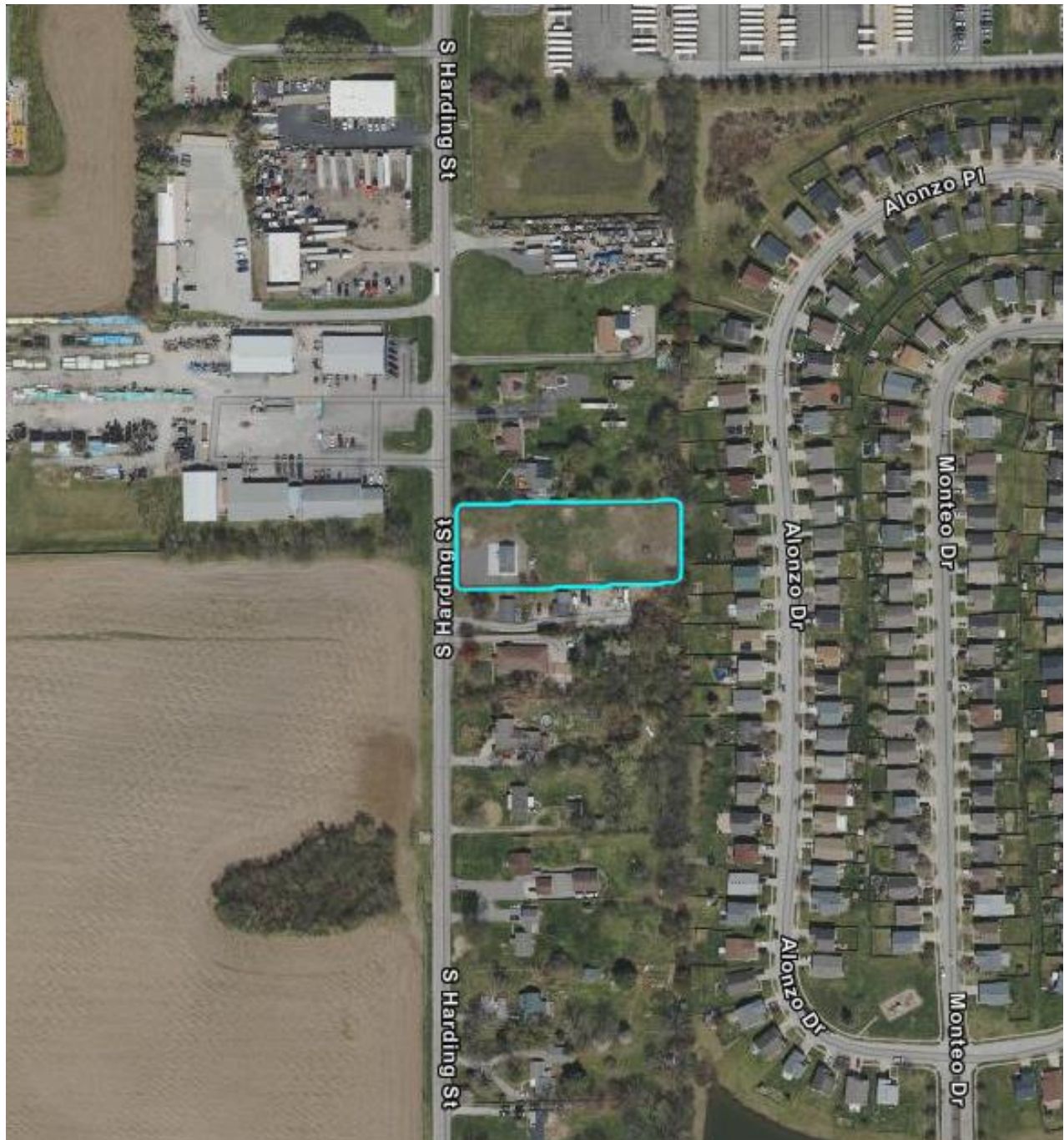
95-UV2-48 ; 6239 South Harding Street (north of site), variance of use of the Commercial Zoning Ordinance to provide for construction of a breezeway addition to connect a detached garage to an existing single-family residence, **approved**.

87-UV3-123 ; 6204 South Harding Street (northwest of site), Variance of Use of the Commercial Zoning Ordinance to provide for the use of existing buildings for the auction sale of personal goods, **withdrawn**.

83-UV2-71 ; 6201 South Harding Street (north of site), variance of use of the Industrial Zoning Ordinance to provide for the sale, service, and reconstruction of automobiles within a 1887.5 square foot existing structure and to construct a 4320 square foot building with all service and reconstruction inside a new building, **approved**.

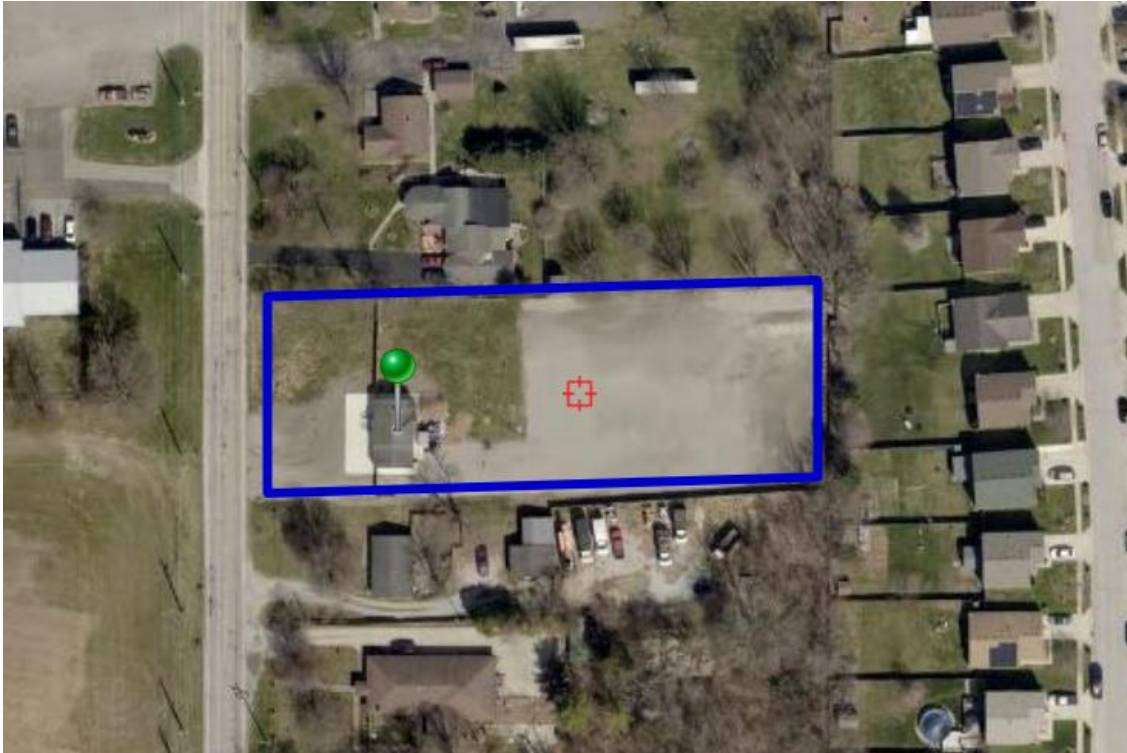
EXHIBITS

2026SE3002 ; Aerial Map



Note: Photo taken before placement of rear-yard gravel parking area

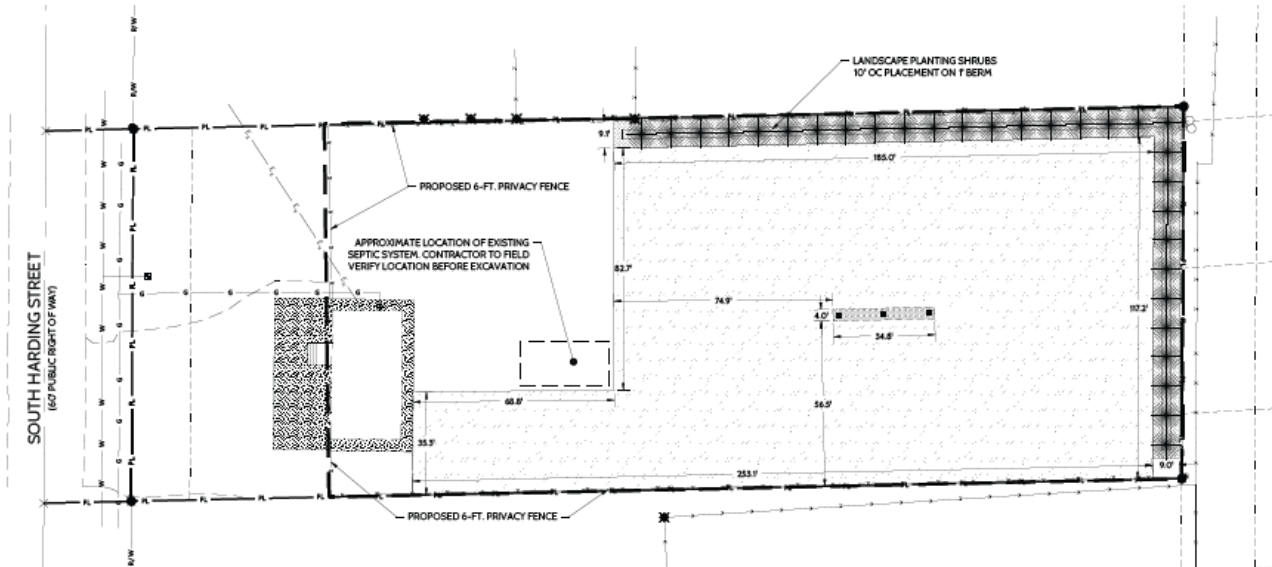
2026SE3002 ; Aerial Map (Zoomed, Gravel Parking Area Shown)



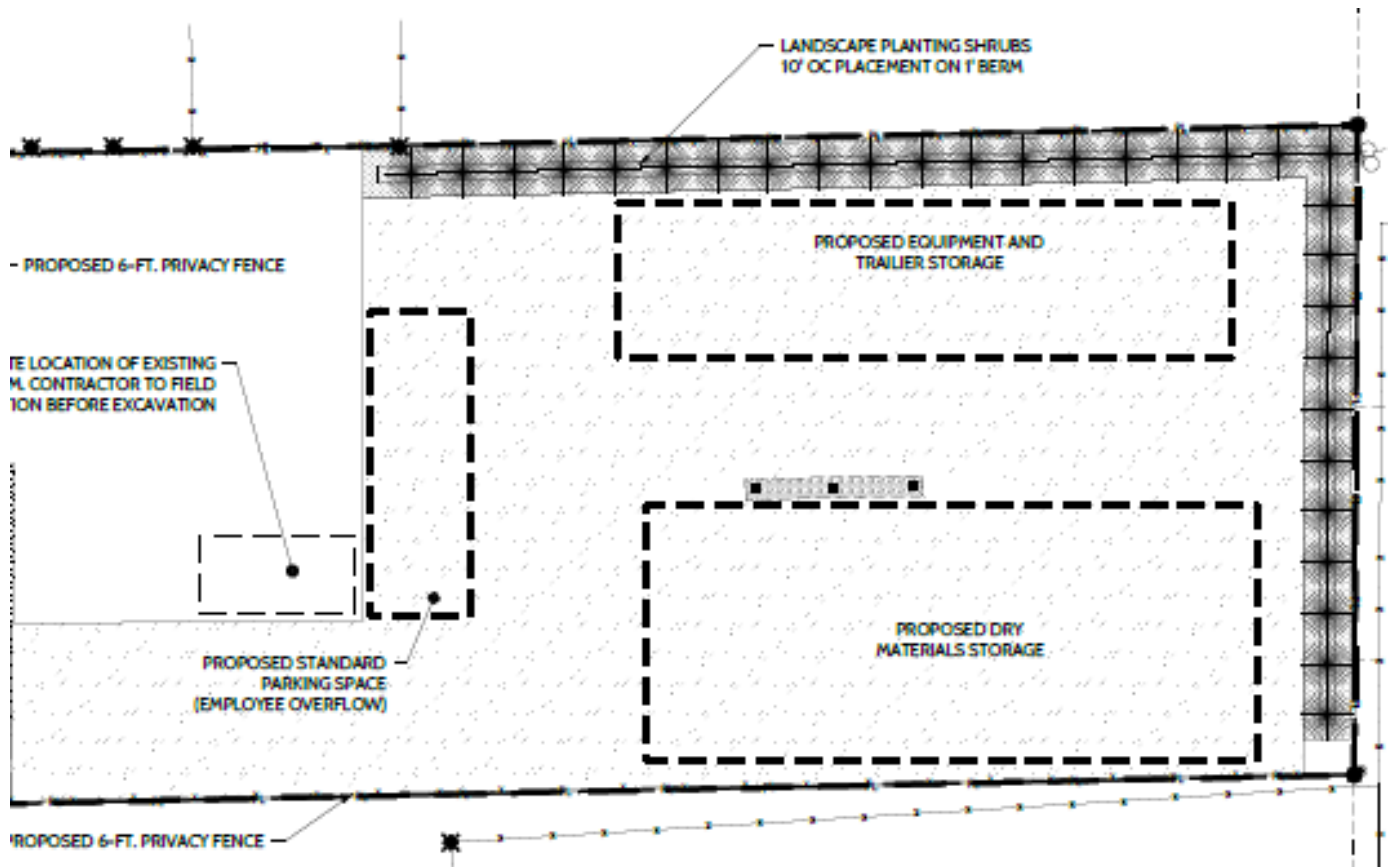
2026SE3002 ; Aerial Map (Floodplain Areas Shown)



2026SE3002 ; Site Plan (03/23/2026; Truck Parking)



2026SE3002 ; Site Plan (06/24/2026; Commercial Contractor Rear Yard)



2026SE3002 ; Plan of Operation

Background:

The subject parcel is currently zoned 'C-7' with an existing single-story structure.

Narrative:

Proposed activities on the site will be operations for a commercial building contractor utilizing the existing structure. This would include such contractors as for awnings; building/construction; carpentry work; concrete; decorating; demolition; electrical; excavation; fence; flooring; home remodeling; masonry/stonework/tile/setting; plastering/drywall; plumbing; roofing; septic system; sheet metal; siding; sign; storm door; window; construction companies, contractors, home remodeling companies; heating; air conditioning; landscaping; lawn services; tree services; and water softener services. The existing single-story structure will be utilized as an office for daily general administration and day-to-day business. The gravel area will be utilized for staff overflow parking and dry storage of construction materials.

Workforce:

The total number of employees on site during standard hours of 8:00am – 6:00pm will have between 6-10 employees. Employee parking shall be contained within the property and utilize front and rear parking areas. Construction of a privacy fence and installation of CCTV security cameras will be utilized for security.

Clients & Customers:

Client visits to the site will be minimal (if ever), and shall park in the designated front parking area. No public sales are planned for this location.

Processes Conducted On-Site:

The primary use of the site will be for operations and storage of dry materials and equipment to be used by the commercial building contractor to perform their day-to-day operations. There will be no maintenance performed onsite.

Material Use:

There will be no active vehicle or equipment maintenance performed on-site. There will be no vehicle refueling performed on-site. Standard office materials and equipment will be utilized to conduct general business administration. Dry materials will be stored within the designated area by the contractor for construction purposes.

Shipping & Receiving:

The commercial building contractor may have construction materials received at the property for use with client construction activities. Any material received will be delivered by box truck or standard flatbed.

No shipping of materials is planned at this property.

Waste:

Waste generated on-site would be due to general business administration – printer/copier paper waste, food waste from the break room area, etc. as well as any scrap material brought back from an active construction site. All waste shall be disposed of by means of a commercial refuse container. No hazardous waste will be generated from day-to-day business being conducted. Currently, there is no information on an active recycling program at the property.

2026SE3002 ; Notice of Violation (VIO25-004939)

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 pole sign).

Section 740 -1005.A.2. Civil Zoning Violation

Specific Violation: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for the construction of a parking lot).

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 with expired or no plates).

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-7 district; (743-306.U.2. - Outdoor storage and operations must be screened in accordance with Section 744-508.C.).

2026SE3002 ; Findings of Fact (Variance of Development Standards)

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

The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the site itself is similar to other sites of the same size and capacity within the area and have had no adverse impacts reported. While there is no planned transitional buffer, there are existing fence lines and vegetation strips along the south and east property lines, which will be protected and enhanced with updated perimeterfencing and interior landscaping where necessary for security and screening. The parking lot would incorporate a compacted gravel surface in lieu of asphalt to aid in stormwater infiltration.

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

The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because there are similar instances of commercial vehicular parking/storage within close proximity of the property in questions. Additionally, properties zoned as Light Industrial within short proximity currently park commercial vehicles and construction material. Surrounding uses include Perry Twp. School Transpo Center, Utility Supply, Quick Repair, and 6207 S. Harding St.

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

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property due to the additional setbacks for the yard transitions creating obstacles in accessing the rear portion of the site and subsequent use of that area. In regards to the use of compacted gravel vs. asphalt, the use of asphalt would create an impervious surface within the designated floodway fringe which can adversely affect stormwater infiltration and lessen flooding. By incorporating compacted gravel we can still channel stormwater towards catch basins while still allowing infiltration.

2026SE3002 ; Findings of Fact (Special Exception)

1. The proposed use meets the definition of that use in Chapter 740, Article II because

As defined, "Parking Lot, Commercial" is the designated primary use of the land. The site will be specifically used as truck parking. There will be no materials received, loaded, or shipped directly from the property.

2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because

The proposed use will not injure or adversely affect adjacent area or property value in the area as there are similar instances of commercial vehicular parking/storage within close proximity of the property in question. Additionally, properties zoned as Light Industrial within short proximity currently park commercial vehicles and construction material. Surrounding uses include Perry Twp. School Transpo Center, Utility Supply, Quick Repair, and 6207 S. Harding St.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because

The site will not materially or substantially interfere with the lawful use and enjoyment of the adjoining property based on landscape screening along the perimeter of the property for privacy, as well as required lighting for security. As the area is already subject to high commercial vehicle traffic, additional noise pollution would be negligible.

4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because

The proposed use of the site would be compatible with the existing district as the area has an existing commercial vehicle presence within the immediate surrounding area. As the current zoning is listed for C-7, a commercial parking lot in the immediate sense would pose little to no incompatibility.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because

The proposed use conforms to the development standards in Chapter 744 as the only minimal improvements will be required to complete construction for the proposed use. Per the included plan set, all site improvements shall conform to City of Indianapolis design/development standards.

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

The proposed use conforms to all provisions of the ordinance, including the standards in Chapter 740 and Chapter 744, in the zoning district in which it is located as the proposed use falls within the definitions of a commercial parking lot, as noted within Table 743-1, and in addition to the applicable site development as beholden to the development standards based on the proposed construction plans.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

The proposed use "Parking Lot, Commercial" being requested at the property will comply with the use-specific standards outlined within Chapter 743, Article III, Section 5, CC - Specifically, #1-3 do not apply to this location. Item #4, regarding maximum acreage of a commercial parking lot being no more than 2 acres - the proposed site location where the special exception is being requested has a maximum size of 1.14 acres.

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2026SE3002 : Findings of Fact (Variance of Use)

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

The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the site itself is similar to other sites of the same size and capacity within the area and have had no adverse impacts reported.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because there are similar instances of commercial vehicular parking/storage within close proximity of the property in questions. Additionally, properties zoned as Light Industrial within short proximity currently park commercial vehicles and construction material. Surrounding uses include Perry Twp. School Transpo Center, Utility Supply, Quick Repair, and 6207 S. Harding St.

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

The need for the variance arises from some condition peculiar to the property involved due to a stipulation that the parking of a commercial vehicle would constitute a "Terminal". The petitioner is requesting that, per current zoning, a commercial parking lot is allowed, and that the owner of the property be allowed to park only commercial vehicles. No other activities that are listed within the city definition of a "Terminal" would be performed.

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 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 due to a stipulation that the parking of a commercial vehicle would constitute a "Terminal". No other activities that are listed within the city definition of a "Terminal" would be performed - only the parking of commercial vehicles.

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

The grant does not interfere substantially with the comprehensive plan because the area the site in question sits in is close proximity to current, and future, light industrial zoning. The current commercial zoning does not substantially interfere with the comprehensive plan, nor will the variance being requested prohibit the site from a future use.

2026SE3002 : Findings of Fact (Flood Variance)

1. There exists a good and sufficient cause for the requested variance because:

There exists a good and sufficient cause for the requested variance because the requested use does not immediately or subsequently impact the floodway fringe.

2. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant because:

The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant due to the fact that the site is currently ~90% within the floodway fringe, and any attempt to utilize the site in a commercial capacity (as is zoned) would render the site unusable.

3. The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with other applicable laws or ordinances because:

The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with other applicable laws or ordinances as there are similar instances of commercial vehicular parking/storage within close proximity of the property in question. There will be no additional permanent structures installed within the floodway fringe, which would not impact the flood area, and the use of compacted aggregate gravel vs. asphalt helps to alleviate any unnecessary impervious surface from blocking stormwater or flood water from infiltrating back into the watershed.

2026SE3002 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Southern Property Line Viewed from West

2026SE3002 ; Photographs (continued)



Photo 3: Rear Gravel Area Behind Fence Viewed from Southeast



Photo 4: Rear Gravel Parking Area Viewed from West (November 2025)

2026SE3002 ; Photographs (continued)



Photo 5: Surface of Parking Area



Photo 6: Adjacent Property to East (January 2026)

2026SE3002 ; Photographs (continued)



Photo 7: Adjacent Property to South



Photo 8: Adjacent Property to North

2026SE3002 ; Photographs (continued)



Photo 9: Adjacent Property to Southwest



Photo 10: Adjacent Property to Northwest

BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number: 2026-DV3-015
Property Address: 4305 Dudley NDR (approximate address)
Location: Perry Township, Council District #24
Petitioner: Mark & Amanda Daniel, by John Cross
Current Zoning: D-3
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall fence within front yard areas (maximum 3.5-foot height permitted).
Current Land Use: Residential
Staff Recommendations: Staff recommends **denial** of the requested variance.
Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

5/26/26: The petitioner had a conflict on this hearing date as well as the June 16th hearing date of Division III. Staff requested a continuance to the July 21, 2026 hearing date on their behalf.

STAFF RECOMMENDATION

Staff recommends **denial** of the requested variance.

PETITION OVERVIEW

4305 Dudley North Drive is a 0.43-acre residential parcel at the southeast corner of the intersection of Dudley NDR and Gladstone Avenue (which curves instead of forming a 90-degree angle). The property is currently developed with a single-family home with attached garage built in 1991 and accessed from the west. Play equipment exists in the eastern side yard, and surrounding land use is also residential in nature. The site is near another intersection (East Dudley and Gladstone) to the southwest.

Per street-level photography, there has previously been visual buffering of the eastern side yard from the north via both planting of trees parallel to the front building line (see photo 5 from 2012 within Exhibits) as well as a chain-link fence parallel to the front building line (photo 4 from 2019). Between 2019 and 2024, that fence was removed and replaced with a taller chain-link fence that has a height of 6 feet and extends 37 feet into the front yard of Dudley NDR per the provided site plan and inspection of the property.

In 2024, several anonymous complaints were made to the Mayor's Action Center in relation to this property, including but not limited to the height of this fence not complying with requirements. As a result, the violation case VIO24-006562 was opened in August of 2024 related to the fence as well as to vehicles parked on grass in the front yard. Petition approval would not allow for that parking to continue unabated.

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Per staff analysis, the existing fence would not fall within the required clear-sight triangular area created by the intersection of Dudley and Gladstone to the northwest. However, since the property is within the Metro context area, it would have two front yards and would therefore require a Variance of Development Standards to allow for a 6-foot height in the front yard (per Table 744-510-2 of the Ordinance).

The property is zoned D-3 to allow for low or medium intensity residential development with flat topography, good thoroughfare access, and pedestrian linkages to community and neighborhood services. Similarly, the Pattern Book recommends the site to the Suburban Neighborhood typology (see Comprehensive Plan Analysis section below). Additionally, the Infill Housing Guidelines indicate that front-yard fences for residential areas should be ornamental in nature, with privacy fences discouraged.

Findings of Fact provided by the applicant assert that the orientation of the building on a corner lot would prevent placement of any fence that would allow for privacy and for containing children and animals that also occupy the residence. Staff would not concur with this assessment that the existence of two front yards would constitute a site-specific practical difficulty. Staff would also note that surrounding properties, several of which are also placed on corner lots, either are developed without front-yard fences at all (see photos 7-9 within the Exhibits) or with fences that appear to have a compliant height (photos 10-12). These properties show the feasibility of compliance with Ordinance and Pattern Book standards.

Additionally, staff would note that alternate options would exist to allow for placement of a visual buffer that would still allow for privacy without the need for variance relief: **(a)** the fence could remain in its current location but with the height reduced to 4 feet instead of 6 feet; **(b)** landscaping could be placed to provide additional privacy similar to the 2012 photograph; or **(c)** the fence could be moved to run parallel with the northern front building line similar to the 2019 photograph, but with a height of 6 feet. This third option would still allow for the side-yard play area to be screened and would result in a fenced area of around 6,225 square feet while only removing 2,590 square feet of currently fenced area in the front yard (see Front Yard Areas of Property diagram within Exhibits).

Given the lack of site-specific practical difficulty justifying grant of the petition, incongruence with the Pattern Book and surrounding properties, and feasible alternate options to allow for site buffering and privacy, staff recommends **denial** of the requested variance related to front-yard fence height.

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

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-3	North: Single-Family Residential
South:	D-3	South: Single-Family Residential
East:	D-3	East: Single-Family Residential
West:	D-3	West: Single-Family Residential
Thoroughfare Plan		
Dudley NDR	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Gladstone Avenue	Local Street	51-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	03/18/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/18/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

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

- Fences around dwellings should be carefully placed. See-through fencing is safest. In the front, fences should be ornamental in style. Do not install privacy fences in front yards.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

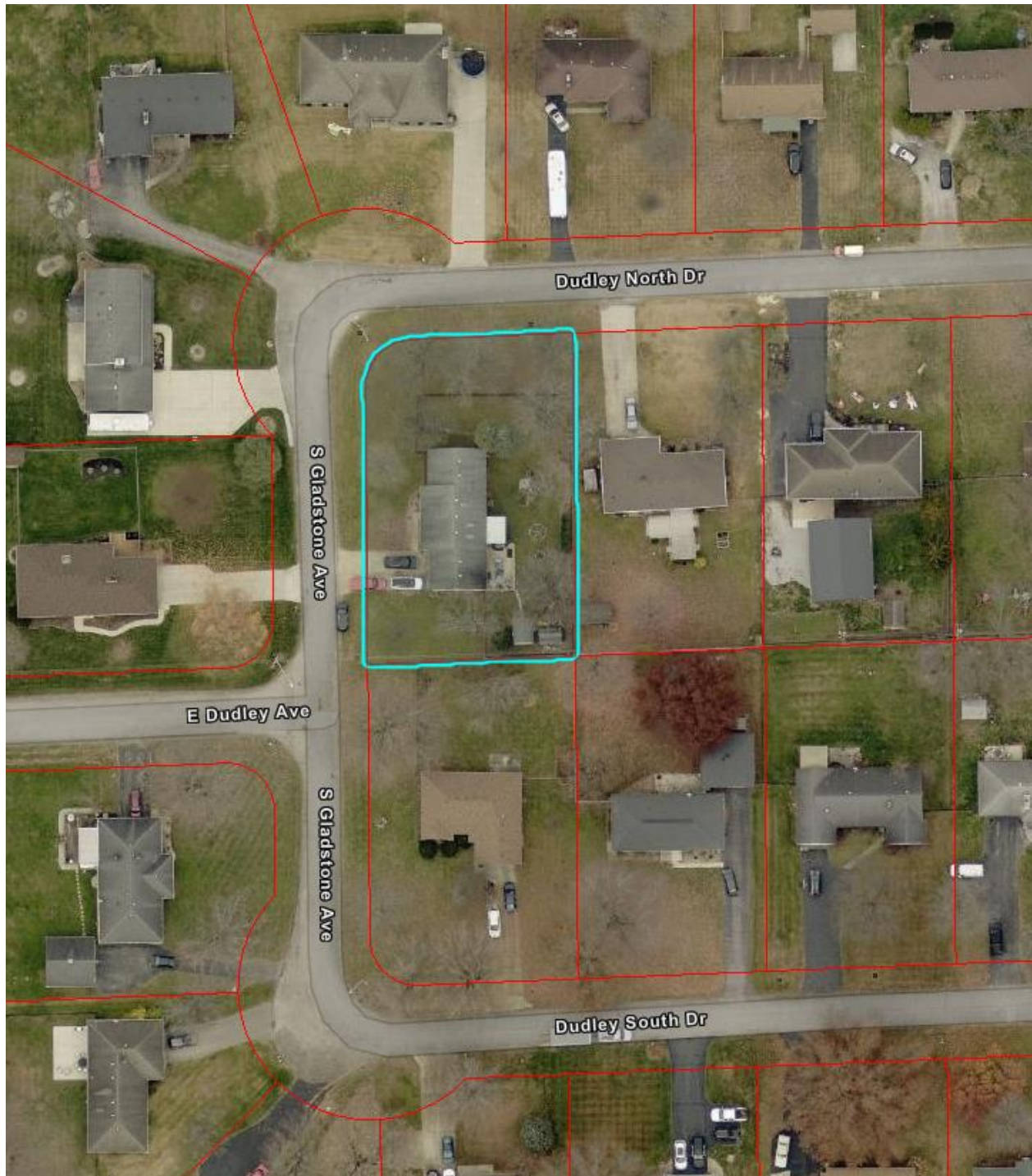
N/A

ZONING HISTORY – VICINITY

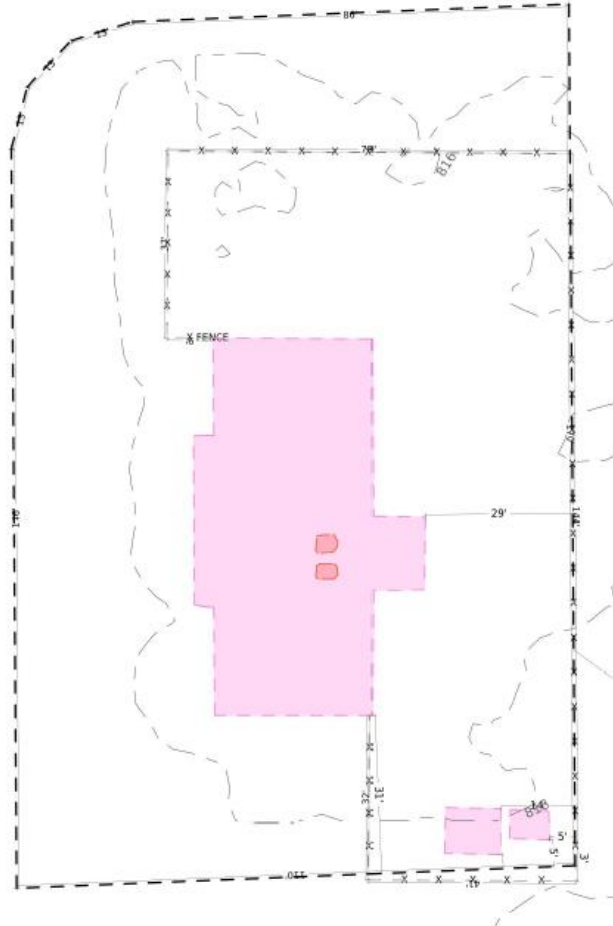
N/A

EXHIBITS

2026DV3015 ; Aerial Map



2026DV3015 ; Site Plan



2026DV3015 ; Front Yard Areas of Property



2026DV3015 ; Notice of Violation (VIO24-006562)

RE: 4305 DUDLEY NDR

Dear DANIEL, MARK W III & AMANDA D:

A recent inspection of the above referenced property indicated violation(s) of the Revised Code of Indianapolis and Marion County as follows:

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (744-404.D.6.a. - Parking areas in front yards shall be paved with bricks, concrete, asphalt, permeable pavers or pavement, or a gravel surface with a distinct edge boundary to retain the gravel; the parking of vehicles on grass in the front yard is prohibited...two front yards on D-3 Metro corner lot, along both frontages of Dudley NDR and Gladstone Ave).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (Table 744-510-2: - Fence height exceeding 48 inches in the front yard...two front yards on D-3 Metro corner lot, along both frontages of Dudley NDR and Gladstone Ave).

2026DV3015 ; Findings of Fact

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

The extended area of the fence is under the required opacity limits for a front yard and does not negatively impact public health. Further, it provides a barrier to keep the public from becoming injured on play equipment installed on the property. The fence is well-built, maintained, and matches fence heights in materials in use in 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:

All adjacent property owners have approved the extended size and height of the fence. It does not infringe on property views and has no impact on property values. There is no impact on adjacent property access or other use.

The grant will also be expected to be temporary and only extend until the current owner vacates the property. At that time the current owner responsible for removing the fence before selling the property.

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

The peculiar orientation of the buildings on the property and the corner lot limit the area defined as a 'back yard'. This limits the use of the property to house domestic animals and provide reasonable space for children to play safely. Further the height of the previous fence (32 inches) limited the use of the property to safely house domestic animals and to reasonably protect the public from accidents related to play equipment. Strict application of the Zoning Ordinance would require the removal of play equipment and restrict the ability to install new play equipment. There would also be a requirement for the current owner to remove domestic animals that have not been able to be properly restrained with the previous fence requirements.

2026DV3015 ; Photographs



Photo 1: Fence Viewed from Northwest



Photo 2: Fence Along Eastern Property Line Viewed from North

2026DV3015 ; Photographs (continued)



Photo 3: Subject Property Viewed from North

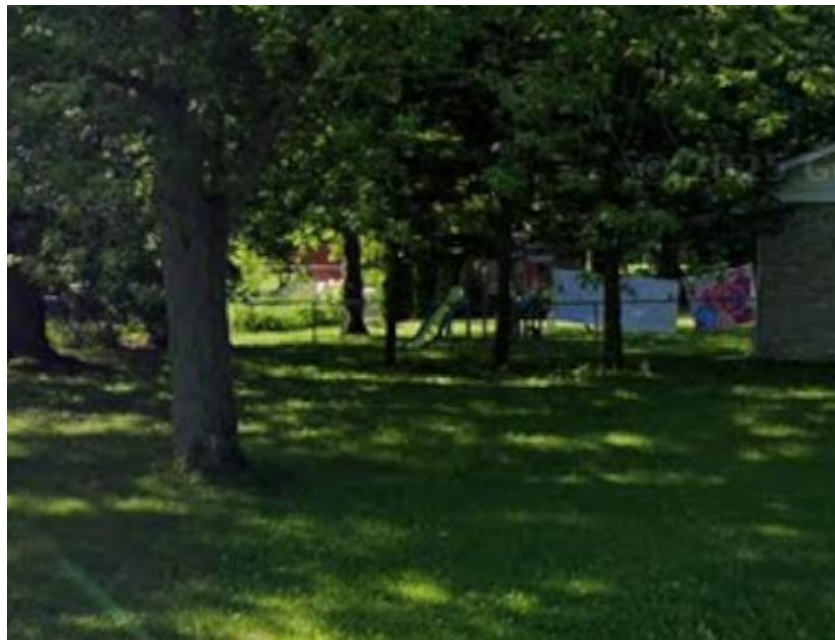


Photo 4: Subject Site Viewed from North (May 2019)

2026DV3015 ; Photographs (continued)



Photo 5: Subject Site Viewed from North (March 2012)



Photo 6: Subject Site Viewed from Northwest (March 2012)

2026DV3015 ; Photographs (continued)



Photo 7: Adjacent Property to East



Photo 8: Adjacent Property to North

2026DV3015 ; Photographs (continued)



Photo 9: Adjacent Property to Northwest



Photo 10: Adjacent Property to West

2026DV3015 ; Photographs (continued)



Photo 11: Adjacent Property to Southwest



Photo 12: Adjacent Property to South

BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number:	2026-DV3-019 (Amended)
Property Address:	6838 South East Street (approximate address)
Location:	Perry Township, Council District #22
Petitioner:	CKJ Property LLC, by David Gilman
Current Zoning:	C-1
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition and new parking area with a 6-foot front transitional yard setback (20 feet required), a 5-foot rear transitional yard setback (15 feet required), a total of 29 parking spaces (maximum of 24 spaces permitted), and no frontage sidewalks (130 linear feet of sidewalk responsibility).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends approval of variances related to setbacks and parking. Staff recommends denial of the variance related to sidewalks.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

6/16/26: Staff requested a continuance to the July 21, 2026 hearing date to allow additional time to obtain information about the status and the proposed plans for an Indiana Department of Transportation project that would have resulted in the installation of sidewalk along the US 31 frontage (this project has since been cancelled by INDOT).

STAFF RECOMMENDATION

Staff recommends **approval** of variances related to setbacks and parking. Staff recommends **denial** of the variance related to the petitioner not placing required frontage sidewalks.

PETITION OVERVIEW

6838 South East Street is a 0.84-acre parcel that is currently used as a financial services office. The structure on the property was initially constructed as a single-family residence that received a Variance of Use to operate as a photography studio in 1985; the site was subsequently rezoned to the C-1 zoning designation in 2001. The lot forms a irregularly long and thin triangle caused by the curvature of the state road US 31 to the northeast, with most of the lot to the north having a width of less than 65 feet. Surrounding land uses include additional offices to the south, single-family residences to the west separated by an existing fence and trees, and apartments to the northeast (buffered by the six-lane state road). The nearest major intersection is US 31 and Southport to the south, and the IndyGo Route 31 runs along US 31 with bus stops along both the east and west of the road to the south of the site.

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

Approval of this petition would allow for the placement of both a substantial building addition onto the northern portion of the existing structure as well as for the placement of additional parking areas to the east of the existing office and to the north of the proposed addition, per plans within the Exhibits below. This project would maintain the existing fence and tree line near the western property line in addition to the provision of additional shrubs. Submitted plans do not indicate the placement of any sidewalk along the northeastern frontage.

The following variances would be required to legally develop the site per provided plans:

- The front transitional setback for new parking areas would be 6 feet from the property line to the northeast when Ordinance would require separation of at least 20 feet.
- The rear transitional setback for new parking areas would be 5 feet from the property line to the west when Ordinance would require separation of at least 15 feet.
- This layout shows the placement of 29 accessory parking spaces for the primary office use when Ordinance allows for a *maximum* of 24 spaces for the proposed use and square footage.
- Ordinance also requires the placement of 5 linear feet of sidewalk per 100 square feet of building addition for projects where frontage sidewalks do not already exist. In this instance, 130 linear feet of sidewalk would be required for the addition size (0 feet of sidewalk is shown on plans).

Original plans filed by the petitioner also indicated the need for variances related to interior landscaping and a lack of bicycle parking, but amendments provided to staff on June 2nd indicated compliance with those standards and the request language was amended to remove those requests.

This property is zoned C-1 (Office Commercial) to both act as a buffer between uses and to allow for the development of offices and office-type uses, such as medical and dental facilities or education services, with the assurance that retail and other heavier commercial uses with incompatible characteristics. Similarly, the Comprehensive Plan recommends it to the Office Commercial typology to allow for single and multi-tenant office buildings. The Plan explicitly indicates that all development within this typology, regardless of land use type, should include sidewalks along the street frontage.

Findings of Fact provided by the applicant cite the abnormal shape and dimensions of the lot as constituting a practical difficulty that would severely limit their ability to construction building or parking additions without the need for petition relief. Staff would note that the front transitional yard requirement is based on apartments to the northeast that are on the other side of the busy and multi-lane state road, and that the proposed plans show the addition of new shrubs and the preservation of extensive buffering (both fence and trees) near the western property line.

Additionally, only the proposed parking areas would encroach into required setbacks and the building addition itself would not require any setback relief. Staff would also note that the proposed parking layout would allow for placement of ADA spaces closer to the building entrance and would allow for more maneuvering space in an oddly shaped parking lot. Given the practical difficulty caused by the lot dimensions and the steps taken to reduce negative externality for properties to the west, staff recommends **approval** of variances related to setbacks and parking.

**Department of Metropolitan Development
Division of Planning
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Although there were recent plans for sidewalk to be installed along the western portion of the East Street frontage via the INDOT project #2200074, this project was cancelled in May of 2026 with no certain timeline for if the project might be rescheduled. The right-of-way bordering this site falls under INDOT jurisdiction and would require INDOT permitting for placement of the partial sidewalk required, but that jurisdiction would not impact the applicability of the Indianapolis Zoning Ordinance requirement for placement of frontage sidewalks.

Plans showing the location of the proposed sidewalk were drafted (see Exhibits below), which demonstrate the feasibility of having sidewalk installed along this frontage: although a contact with INDOT indicated that the plans shown below were likely to change, the cancellation of the project was based on funding and not related to feasibility of site engineering. No indication from INDOT has been provided to staff indicating a lack of ability for the petitioner to obtain permission for partial sidewalk installation as required by Ordinance. Findings of Fact submitted by the petitioner reference the existing drainage ditch along the frontage, which would complicate but not preclude the placement of required sidewalks.

The petitioner's Findings related to the sidewalk variance also indicate that installation along the frontage should be the responsibility of the State. There is no indication of if or when the proposed INDOT project might be resumed in the future, and absent a replatting of the site (highly unlikely), the requirement for sidewalk placement at the time of building additions is the only mechanism by which the City could compel sidewalk placement. A connected sidewalk network is a core part of the Vision Zero framework, and DMD staff is fully supportive of those efforts to increase transportation choices throughout the City. For this reason, as well as for the lack of extreme site difficulty preventing installation, staff recommends **denial** of the requested variance to exempt the petitioner from placement of sidewalks.

GENERAL INFORMATION

Existing Zoning	C-1	
Existing Land Use	Commercial	
Comprehensive Plan	Office Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-6II	North: US 31
	South: C-1	South: Commercial
	East: D-6II / SU-1	East: Apartments / Religious Use
	West: D-3	West: Residential
Thoroughfare Plan		
East Street / US 31	Primary Arterial	137-foot existing right-of-way and 124-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/23/2026	
Site Plan (Amended)	06/02/2026	

Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	06/02/2026
Findings of Fact	04/23/2026
Findings of Fact (Amended)	06/05/2026

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. All development, regardless of land use type, should include sidewalks along the street frontage.

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

2001ZON107, Rezone 0.90 acre from D-A to C-1 to provide for office uses, **approved**.

85-UV3-19, Variance of Use of the Marion County Master Plan Permanent Zoning Ordinance and the Sign Regulations to provide for a photography studio in an existing residence with a ground sign, **approved**.

ZONING HISTORY – VICINITY

2021UV2022 ; 510 East Southport Road (south of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a convenience market, **approved**.

2009DV3054 ; 445 Tulip Drive (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 232-square foot accessory building, without a permanent foundation, with a zero-foot south side setback (minimum six-foot side setback and aggregate side setback of 16 feet required), and to provide for a six-foot tall fence in the front yard of Tulip Drive and within the sight-distance triangle of the driveway and Tulip Drive (42-inch tall fence not permitted within the front yard, structures taller than 2.5 feet tall are not permitted within the sight distance triangle), **approved**.

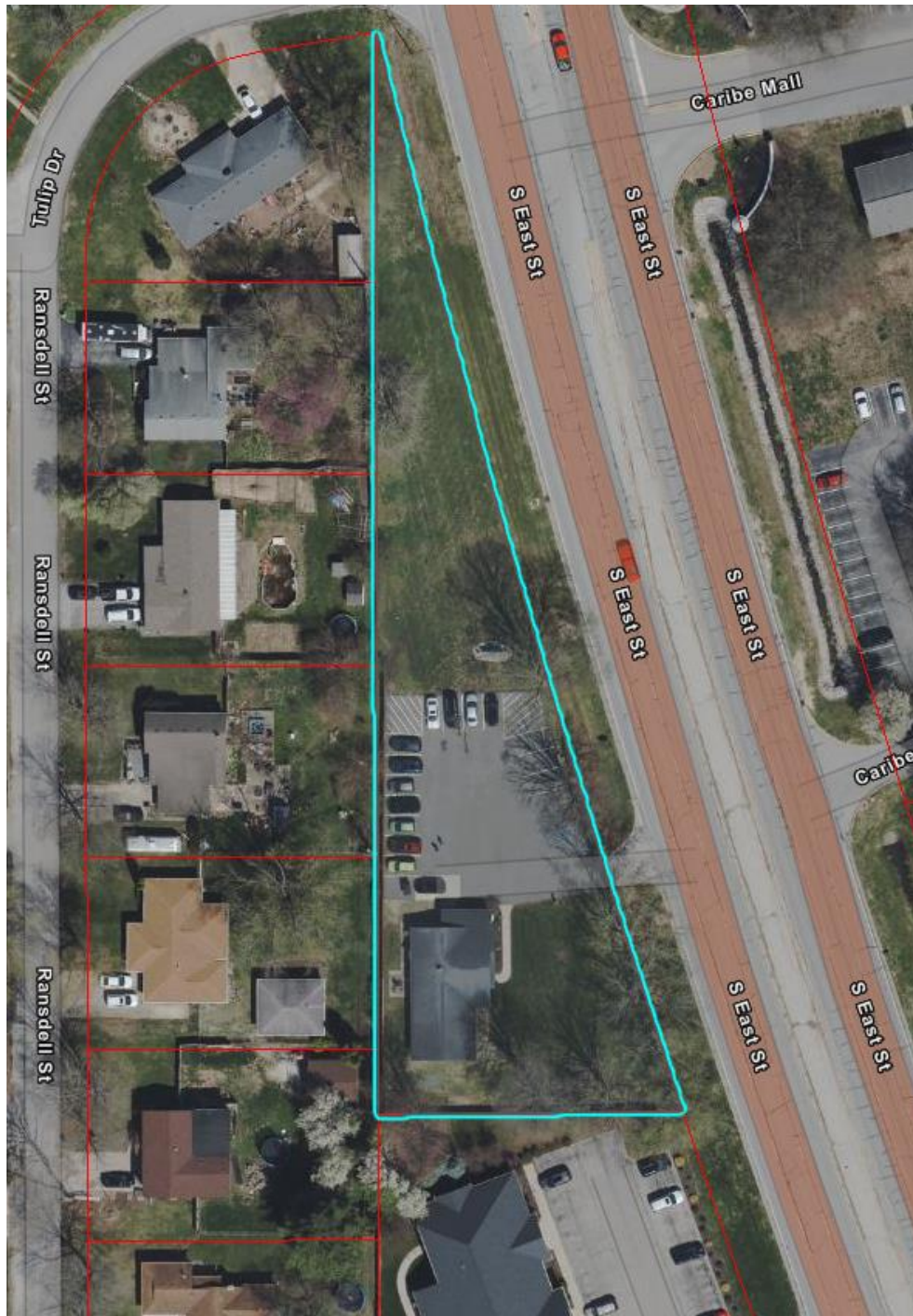
2008HOV024 ; 610 East Southport Road (southeast of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the construction of a 20,000 square-foot medical office building resulting in a deficient total of required parking spaces (72 spaces deficient) for a temporary period during construction of the new office building, **approved**.

2006UV1021A ; 500 East Southport Road (south of site), Variance of Use of of the Commercial Zoning Ordinance to provide for the retail sale and storage of garage door openers, components, windows and panels (not permitted), **approved**.

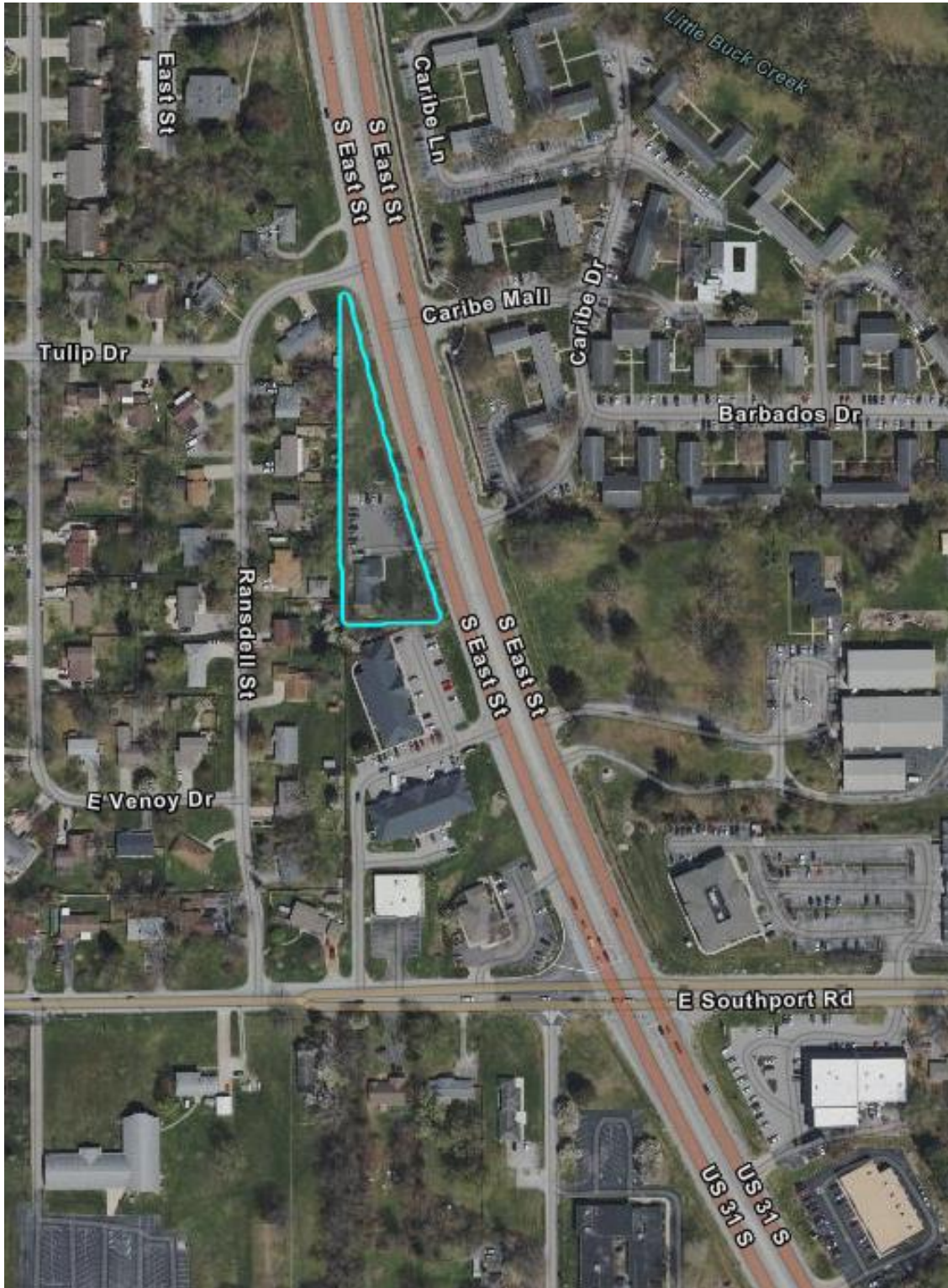
2006UV1021B ; 500 East Southport Road (south of site), Variance of Development Standards of the Sign Regulations to provide for the construction of a 25-foot tall, 124-square foot internally illuminated pylon sign within 60 feet of a protected district (minimum 600-foot separation required), **denied**.

EXHIBITS

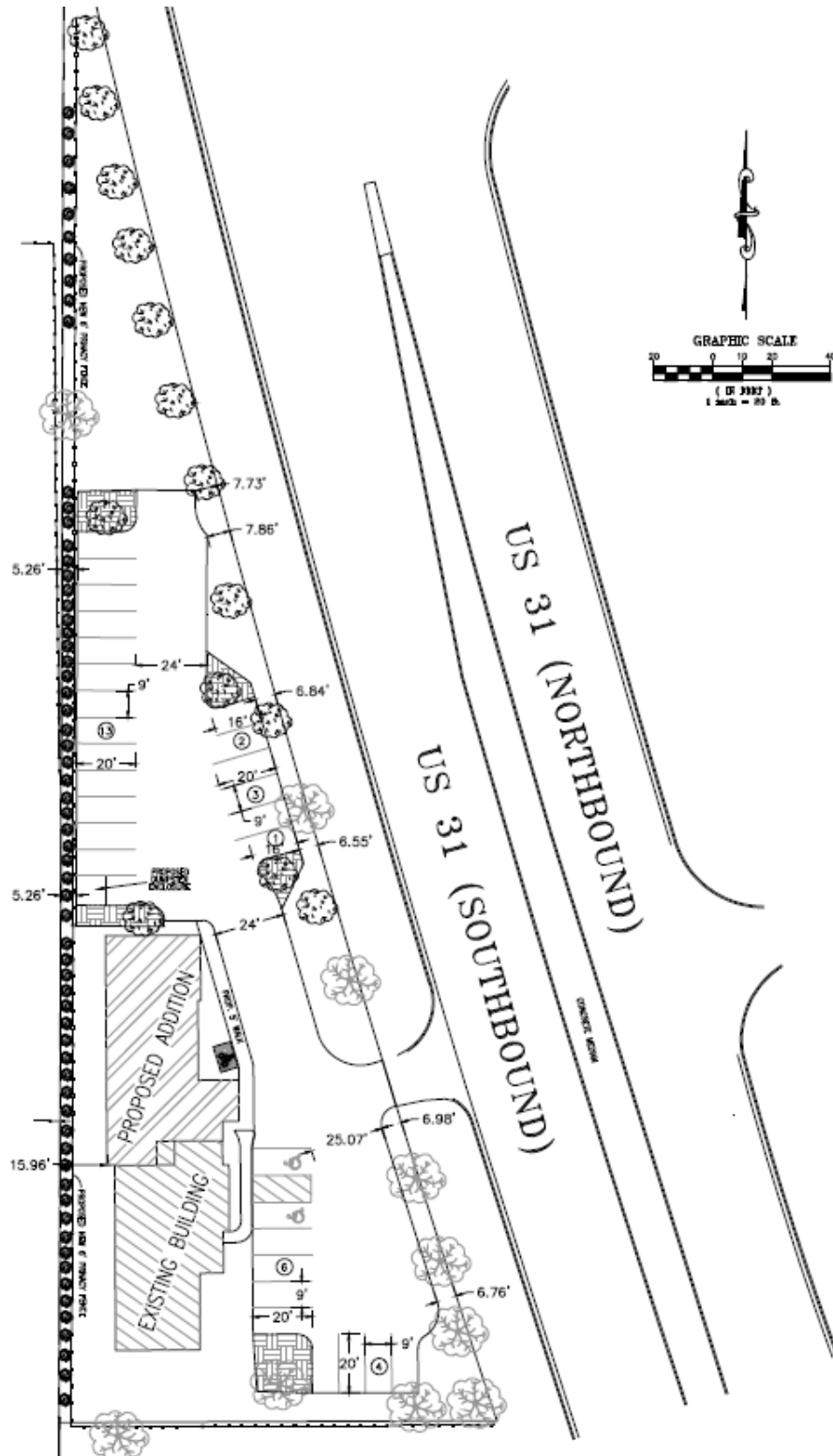
2026DV3019 ; Aerial Map (Subject Site)



2026DV3019 ; Aerial Map (Site Context)



2026DV3019 ; Site/Landscape Plan



2026DV3019 ; Findings of Fact (Setbacks)

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

The transitional yard reduction provides the maneuvering space needed on this uniquely shaped parcel to ensure safe on-site circulation.

The expanded parking area will meet all required design and circulation standards, supporting safe movement for both vehicles and pedestrians.

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 homes to the rear are fully screened by an existing solid opaque fence, which effectively blocks views and activity on the site. In addition, the site's operations are limited to daytime hours,

further reducing any potential for disturbance. The apartments to the east are separated by a (6) lane State thoroughfare and mature tree cover, providing substantial physical and visual buffering.

The parking lot will not require any lighting above the height of the existing fence, ensuring that no light spillover or glare reaches the adjacent residential properties. With all fixtures contained below the fence line, illumination remains fully shielded and directed inward, eliminating any potential impact on neighboring homes.

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

The existing business already functions as a natural professional office buffer between the residential neighborhood and the heavily traveled State thoroughfare, and its ability to expand is essential to meeting the growing demand for its services. The business must also be able to provide adequate customer and employee parking to operate safely and efficiently.

The proposed expansion plan is modest and designed to accommodate the business's future needs without altering the character of the area. Importantly, the property's odd pie shaped configuration makes full compliance with the transitional yard requirements impractical.

2026DV3019 ; Findings of Fact (Parking Maximum)

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

The inherent nature of the financial services business conducted on the site requires multiple real estate closing transactions each day, many of which involve several owners, agents, and related parties arriving separately. This operational pattern results in a higher than typical number of short duration visits throughout the business day.

The additional parking spaces is necessary to safely accommodate the customer volume already inherent to the business.

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:

Because the parking area is internal to the site and serves only the business's customers and invited parties, it does not generate public traffic or create conditions detrimental to surrounding properties. The design and layout maintain a professional appearance consistent with the area and do not introduce noise, glare, or activity levels that would adversely affect neighboring uses.

The site has direct access to a state highway which has more than adequate capacity to handle the proposed traffic volume.

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

Providing additional parking spaces is necessary to ensure safe and orderly on site circulation, accommodate the number of vehicles inherent to daily operations, and allow the business to function as intended. The physical layout of the site supports these additional spaces without compromising maneuverability, sight lines, or internal traffic flow.

2026DV3019 : Findings of Fact (Sidewalks)

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

The Indiana Department of Transportation (INDOT), under Project Number B570, has already approved a comprehensive roadway improvement project that includes the future installation of sidewalks along this corridor.

INDOT's planned improvements are fully engineered, coordinated, and designed to function as a continuous, safe pedestrian facility. Installing a small, isolated segment of sidewalk in advance of this state project would provide no public benefit, would not connect to any existing pedestrian network, and would not be used by the public.

The requested relief is consistent with the Board of Zoning Appeals' recent decision for 8310 Rockville Road, where on August 5, 2025, the Board approved a variance deferring sidewalk installation along a

INDOT controlled highway corridor. In that case, the Board determined that because INDOT had a programmed roadway project including future sidewalks, it was appropriate to defer sidewalk construction to the State rather than require a private property owner to install an isolated segment.

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

The site fronts a limited access state highway, a corridor that is not currently designed or used for pedestrian travel and does not contain sidewalks along residential or commercial frontage anywhere along its frontage.

Because no pedestrian network exists in the surrounding area, the installation or non installation of a sidewalk on this single parcel has no functional relationship to how neighboring properties are used or valued.

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

The subject parcel contains a deep drainage ditch within the area where a sidewalk would be located. Constructing a sidewalk over this ditch would require extensive engineering, grading, and structural work

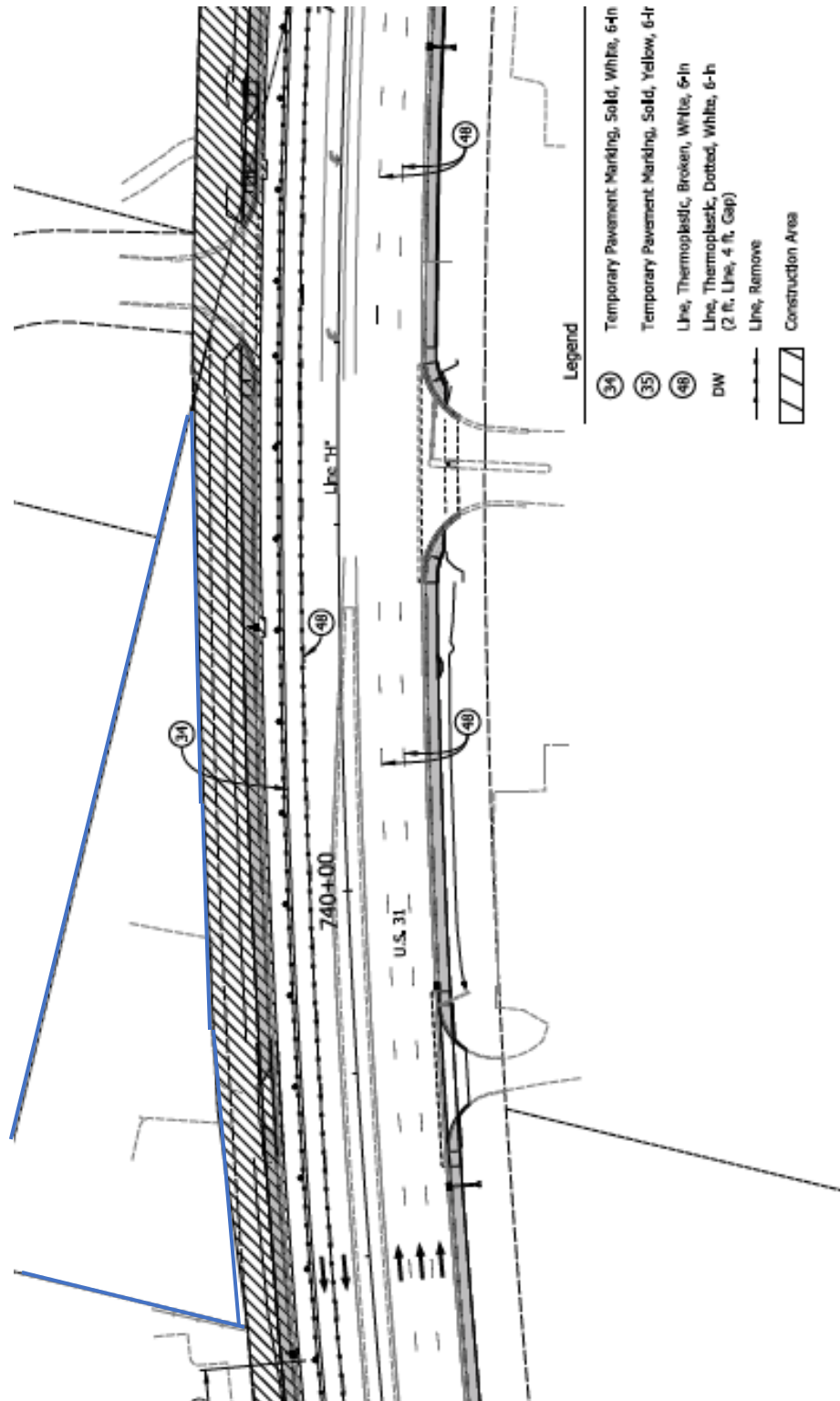
far beyond the scope and cost of a typical sidewalk installation. These improvements are best addressed as part of INDOT's

comprehensive project, which is already designed to manage drainage, grading, and pedestrian accommodations holistically.

Requiring a single small business owner to construct a sidewalk segment in this location is inappropriate, premature, and unreasonable, particularly when the State has already committed to installing the full, continuous facility as part of its capital project. A piecemeal installation would not improve safety and could create confusion or maintenance issues until INDOT's project is constructed.

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2026DV3019 ; INDOT Sidewalk Location (Proposed Prior to Cancellation)



2026DV3019 ; Photographs



Photo 1: Subject Site and Building Addition Area Viewed from East



Photo 2: Proposed Southern Parking Area + Adjacent Property to South

2026DV3019 ; Photographs (continued)



Photo 3: Potential Sidewalk Area to South of Driveway (June 2025)



Photo 4: Potential Sidewalk Area to North of Driveway (June 2025)

2026DV3019 ; Photographs (continued)



Photo 5: Proposed Building Addition Area Viewed from North



Photo 6: Proposed Northern Parking Area Viewed from South

2026DV3019 ; Photographs (continued)



Photo 7: Existing Buffering Along Western Property Line



Photo 8: Adjacent Property to East

BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number:	2026-DV3-021
Property Address:	3919 Madison Avenue (approximate address)
Location:	Perry Township, Council District #23
Petitioner:	HRSV LLC, by Jason Burk
Current Zoning:	C-7 (TOD)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience store building and fueling canopy with a front building line width of 43 percent (60 percent required).
Current Land Use:	Undeveloped Commercial Outlot
Staff Recommendations:	Staff recommends approval of this petition, subject to commitments.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

6/16/26: A timely automatic continuance was filed by a registered neighborhood organization.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to two commitments:

1. Elevations provided for review of the Improvement Location Permit shall substantially comply with these elevations file-dated April 28th, and substantial deviation from those elevations shall require administrative approval.
2. Overflow parking areas to the north and east of the property shall not be utilized for the parking of semi-trucks and trailers.

PETITION OVERVIEW

3919 Madison Avenue is a commercial outlot with a size of 1.22 acres at the northeastern corner of the intersection of Madison and Hanna Avenue. The property currently contains a multitenant sign on the southwestern portion, paved parking area on the eastern portion, and sidewalks along both frontages. Surrounding land uses include multitenant commercial development (restaurants, a school, a DMV branch, etc.) to the north and east, a dollar store to the south, a fueling station to the southwest, and additional commercial development to the west. The University of Indianapolis campus is to the northeast.

The subject property is also located approximately 715 linear feet from an existing Bus Rapid Transit stop of IndyGo's Red Line (the University of Indianapolis station to the northeast). Since the site is within 1000 linear feet of a BRT stop, it would be subject to both use limitations and private frontage design

standards for the Transit-Oriented Development (TOD) secondary zoning layer. The proposed use of a fueling station for the site would be disallowed within 600 feet of the transit station, but since the property is approximately 715 feet away, a maximum of 8 pump islands would be permitted.

Plans provided in relation to this variance request by the applicant detail the construction of both a convenience store as well as the placement of a fueling canopy covering 8 total pumps in the rear yard (along with related underground fueling storage tanks). The proposed development would utilize existing curb cut access points, would maintain the existing sidewalks and multitenant freestanding sign, and would result in the placement of additional accessory parking areas, landscaping, and internal walkways.

Approval of this petition would grant the applicant relief from only 1 applicable development standard: the TOD secondary overlay would require a front building line (FBL) width of at least 60% of the width of the frontage for new development (in this case, a building width of around 129.6 feet). The proposed building width would be 95 linear feet, which would only comprise 43% of the requirement and would require the issuance of a Variance of Development Standards.

No Variance of Use would be required, and the site plan provided appears to comply with other standards related to frontage design, building placement and form, and building scale and design. However, grant of this petition would not be an exemption from any other applicable rules related to frontage landscaping that were noted by the Department of Business and Neighborhood Services in their review of the plans.

Staff would note that the Department of Public Works project ST-39-059 is planned along the portion of Madison Avenue directly to the west of the property, which is a road diet project that will result in reconfiguration of existing vehicle travel lanes. Although this will likely have an impact on placement of the IndyGo bus shelter directly to the west of the site and might have an impact on the placement of the adjacent curb cut along Madison Avenue, it likely will not have a direct impact on the site layout provided for staff review or result in the need for substantial revisions or new variances. Additionally, the Greenways Plan indicates that the Interurban Trail is contemplated for this portion of Madison Avenue (although it is not yet decided if that trail would be placed on the western or eastern portion of the street).

This property is zoned C-7 to allow for specific areas and commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. A petition to rezone both this parcel and areas to the north and east to the C-4 designation was withdrawn in 2025 (C-4 would have still allowed for this proposed use). The Shelby Street Corridor Plan indicates that the property should be developed with Community Commercial Uses. Additional guidance from both that plan as well as the Red Line TOD Strategic Plan is located within the Comprehensive Plan Analysis portion of the staff report below.

Findings of Fact provided by the applicant indicate that widening the proposed convenience store or shifting it closer to the southwestern corner of the lot would result in impacts on the existing drainage feature and signage on the lot and would also result in the need for a second entry feature. Staff would note that the petitioner was amenable to staff feedback in pre-filing discussions to approximate the standards of the TOD district as closely as possible in their site design, and that the 9 other standards within Table 744-701-2 of the Ordinance for TOD areas appear to be met. Staff would also note that the

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development would be screened from view on Hanna Avenue by multiple lines of landscaping, and that the petitioner was open to a commitment that the building elevations substantially comply with the design and levels of window transparency shown during the variance process. Given these reasons and that the requested reduction of the FBL would be less than one-third, staff recommends **approval** of this request.

GENERAL INFORMATION

Existing Zoning	C-7 (TOD)	
Existing Land Use	Undeveloped Commercial Outlot	
Comprehensive Plan	Community Commercial Uses	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	C-7	North: Commercial
South:	C-3	South: Commercial
East:	C-7	East: Commercial
West:	C-4	West: Commercial
Thoroughfare Plan		
Madison Avenue	Secondary Arterial	124-foot existing right-of-way and 88-foot proposed right-of-way
Hanna Avenue	Primary Arterial	81-foot existing right-of-way and 88-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	04/28/2026	
Site Plan (Amended)	N/A	
Elevations	04/28/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	04/28/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Shelby Street Corridor Plan
- Red Line Transit Oriented Development Strategic Plan

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Given proximity to the University of Indianapolis BRT station, this property falls within a District Center (DC) TOD typology. This typology is intended for walkable areas of multiple city blocks serving as cultural and commercial hubs for multiple neighborhoods with a mix of office, retail, entertainment and residential uses with high densities at the center desired. Off-street parking is discouraged and should be limited to garages visually separate from the street to allow for clear and regular pedestrian and vehicle connections.

Neighborhood / Area Specific Plan

- The Shelby Street Corridor Plan recommends this site be developed with Community Commercial Uses. This land use category is for low-intensity retail commercial and office uses, which serve a predominantly residential market adjacent to, or very near, the location of the use. The uses in this land use category are designed to fulfill a broad range of retail, personal, professional and business services and are either freestanding or part of a small integrated center typically anchored by a grocery store. These centers contain no, or extremely limited, outdoor display of merchandise.

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

2025ZON029, Rezoning of 7.79 acres from the C-7 (TOD) district to the C-4 (TOD) district to provide for a school and existing commercial retail uses, **withdrawn**.

ZONING HISTORY – VICINITY

2019DV1045 ; 902 East Hanna Avenue (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a retail drug store with 26 parking spaces (maximum 12 parking space spaces (1 per 200 square feet) permitted), **approved**.

2015SE2003 ; 3820 Madison Avenue (northwest of site), Special Exception of the Commercial Zoning Ordinance to provide for a substance abuse treatment center (not permitted), **withdrawn**.

2010UV3016 ; 933 East Hanna Avenue (southwest of site), Variance of use of the Commercial Zoning Ordinance to provide for a school and daycare use (not permitted), **approved**.

2010HOV009 ; 4024 Madison Avenue (southwest of site), Variance of use and development standards of the Commercial Zoning Ordinance to provide a 5,000-square foot building expansion for an existing Head Start program (not permitted), with the building expansion, parking lot expansion and air-conditioning units encroaching into the south transitional yard, creating a 10-foot south transitional yard, and to provide for a playground with a zero-foot west and south side transitional yard (20-foot transitional yard required), **approved**.

2007DV2063 ; 3814 Madison Avenue (northwest of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a 200 square foot display area and a 2460-square foot outdoor storage area (maximum 200-feet of outdoor display and storage area permitted) related to a lawn mower sales and repair business, **approved**.

EXHIBITS

2026DV3021 ; Aerial Map

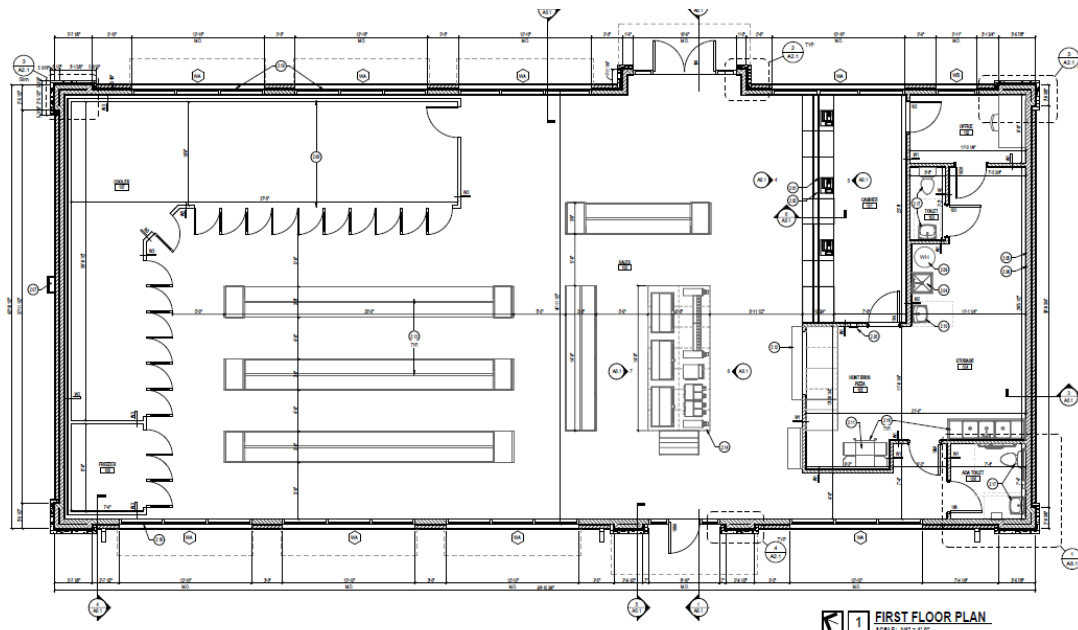




2026DV3021 ; Building Elevations



2026DV3021 ; Floorplan



2026DV3021 ; Findings of Fact

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

The building design and site layout is functionally appropriate given the constraining site conditions and complies with local and State regulatory requirements with respect to public access, accessibility, fire department and emergency personnel access, pedestrian visibility, automobile circulation standards, applicable building codes, and the nearby built context containing primarily light-commercial development. The site was only recently made available for development and the existing features that the current design accommodates pre-date modern zoning requirements by decades.

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 applicable zoning ordinance for which a variance is being sought provides little substantial value to the area adjacent to property. The vast majority of the surrounding area has already been developed with infrastructure and design accommodations that were established many decades ago. The site was only recently limited by the criteria adopted in the Transit Oriented Development (TOD) overlay district because of its linear distance from the TOD, not because of a legitimate physical or contextual connection. The current well-established site is primarily developed for automobile access. Although the required pedestrian and landscaping infrastructure is still being proposed as required by the current ordinance, future infrastructure connecting the site to the adjacent TOD area is unlikely to be installed due to cost and physical limitations.

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

The site cannot cost-effectively be developed to meet the requirements of the ordinance for which we seek a variance. The ordinance requires a building with at least 60% lot frontage and a maximum set-back of 25' from the property line. This lot is a corner lot with two frontages required to meet these provisions. The ordinance effectively would effectively require a building on this site to be more than twice the square footage as what is desired! Additionally, the frontage corner of this site contains a large existing drainage feature which serves the adjacent development as well as the public ROW and a large existing sign that would have to be removed to make way for any building development in compliance with the ordinance. Working around the limiting conditions is the primary practical difficulty with cost and the lack of contextual necessity closely following.

2026DV3021 ; Photographs



Photo 1: Subject Site Viewed from East



Photo 2: Subject Site Viewed from South

2026DV3021 ; Photographs (continued)



Photo 3: Subject Site Viewed from North



Photo 4: Adjacent Property to South + Existing Multitenant Sign

2026DV3021 ; Photographs (continued)



Photo 5: Site Access from Madison Avenue



Photo 6: Site Access from Hanna Avenue

2026DV3021 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to East

2026DV3021 ; Photographs (continued)



Photo 9: Adjacent Property to Southwest



Photo 10: Adjacent Property to West