



Board of Zoning Appeals Board of Zoning Appeals Division III (September 15, 2026) Meeting Agenda

Meeting Details

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

Date: Tuesday, September 15, 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

2025-DV3-035 | 7930 Castleton Road

Lawrence Township, Council District #4, zoned C-5
Outfront Media LLC, by Alan S. Townsend

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to increase the height of a legally established, legally non-conforming outdoor advertising sign to 60 feet (40-foot maximum height per the grant of 2023-SE3-004).

****This petition will be withdrawn.**

2026-UV3-016 | 2705 East Washington Street

Center Township, Council District #18, zoned I-3 (TOD)
Good News Mission Inc., by Tim Dunlop

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the light retail use of a thrift store (not permitted as a primary use) with accessory outdoor sales and display of merchandise (not permitted).

****This petition will be withdrawn.**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2026-DV3-027 | 1633 East Thompson Road

Perry Township, Council District #23, zoned D-3
Justin Myers

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a detached garage within the established front yard setback (not permitted) and to allow for a parking area in the front yard to exceed the lesser of 30 feet in width or 50% of the lot width (not permitted).

****Petitioner to request continuance to October 20, 2026 hearing.**

2. 2026-DV3-031 | 10401 East Washington Street

Warren Township, Council District #20, zoned C-4 (TOD)
Washington Market Realty, LLC, % Sander Development Company, by Matt Yanda

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a restaurant with a three-foot west side transitional yard (20-foot side transitional yard required), and a 29% front building line (40% front building line in buffer/suburban frontage required).

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

3. 2026-SE2-001 | 4501 East 32nd Street

Center Township, Council District #8, zoned SU-2 / D-5
Paramount Schools of Excellence LLC, by Joseph Csikos

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a proposed 165-foot-tall wireless communication facility (not permitted).

4. 2026-DV3-032 | 2522 North Butler Avenue

Warren Township, Council District #9, zoned I-2
Eastside Coverage I70 LLC, by Joe Calderon

Variance of Development Standards to permit the erection of a 6-foot-tall wooden privacy fence within the front yard (fences in front yard limited to 3.5 feet in height or may be 4 feet tall if 30% or less opaque).

5. 2026-DV3-036 | 2403 East Thompson Road

Perry Township, Council District #23, zoned D-A
Bruce W. Potts, by Alejandro Lopez

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family residence resulting in a 24-foot front yard setback (40 feet required), a 12-foot side yard setback (15 feet required), a 32-foot aggregate side yard setback (75 feet required), an open space ratio of 81% (85% required).

6. 2026-UV3-014 | 4038 & 4040 Otterbein Avenue

Perry Township, Council District #23, zoned D-4 (TOD)
Roberta Lopez, by Anthony S. Ridolfo

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for a secondary dwelling unit with a size of 727 square feet (maximum 720 feet permitted) and to allow for a primary and secondary dwelling unit without permanent occupancy by the owner (occupancy of either the primary or secondary dwelling unit by the owner required).

7. 2026-UV3-017 | 2331 Muessing Road

Warren Township, Council District #25, zoned SU-9 (FF)
Paredes Castello LLC, by David Gilman

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a tree service commercial contractor (not permitted) with a 56-foot wide gravel driveway (driveway limited to 30-feet in width, gravel not permitted), with a five-foot north side yard setback and a five-foot south side yard setback, (ten-foot side setbacks required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

8. 2026-DV3-016A | 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).

9. 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).

PETITIONS FOR PUBLIC HEARING (New Petitions):

10. 2026-UV3-013 | 5930 McFarland Road
Perry Township, Council District #23, zoned D-A
Noah Worley

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a home occupation (electrical contractor office and material storage) within 500 square feet of an existing 4,000-square-foot accessory structure, to legally establish a 4,000-square-foot accessory structure with a horizontal land area greater than the primary building (accessory building larger than primary building not permitted), and an accessory structure with a 13.5-foot side setback (15-foot side setback required).

Additional Business:

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

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

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

BOARD OF ZONING APPEALS DIVISION III

September 15, 2026

Case Number: 2026-DV3-035
Property Address: 328 W 28th Street
Location: Center Township, Council District #12
Petitioner: Chris Barnett, Habitat for Humanity
Current Zoning: D-5
Request: Variance of Development Standards to apply a clear sight triangle measurement of 40 feet along the centerline of the Senate Avenue alley, east of the property.
Current Land Use: Residential
Staff Reviewer: Drew Haynes, Senior Planner

PETITION HISTORY

The petitioner has informed staff of their intent to have this petition withdrawn from consideration since staff review indicated that the property wouldn't be within the clear-sight triangle. The Board will acknowledge this withdrawal at the September 15th hearing.

BOARD OF ZONING APPEALS DIVISION III

September 15, 2026

Case Number: 2026-UV3-016
Property Address: 2705 East Washington Street (approximate address)
Location: Center Township, Council District #18
Petitioner: Good News Mission Inc., by Tim Dunlop
Current Zoning: I-3 (TOD)
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the light retail use of a thrift store (not permitted as a primary use) with accessory outdoor sales and display of merchandise (not permitted).
Current Land Use: Industrial
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

The petitioner indicated in writing their intent to have this petition withdrawn from consideration and to instead pursue a rezoning to the SU-7 zoning district. The Board will acknowledge this withdrawal at the September 15th hearing, and fees already paid towards the variance of use could be reapplied towards the rezoning petition (not yet filed).



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Board of Zoning Appeals Division III

September 15, 2026

Case Number: 2026-DV3-027

Property Address: 1633 East Thompson Road (*approximate address*)

Location: Perry Township, Council District #23

Petitioner: Justin Myers

Current Zoning: D-3

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a detached garage within the established front yard setback (not permitted)

Current Land Use: Single-Family Residential

Staff Reviewer: Josh Levesque, Senior Planner

PETITION OVERVIEW

- The petitioner is requesting a one-month continuance to the October 20, 2026, BZA III hearing in order to bring their driveway into compliance. This would decrease the number of requested variances from two to one.



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BOARD OF ZONING APPEALS DIVISION III

September 15, 2026

Case Number: 2026-DV3-031
Address: 10401 East Washington Street (approximate address)
Location: Warren Township, Council District #20
Zoning: C-4 (TOD)
Petitioner: Washington Market Realty, LLC, % Sander Development Company, by Matt Yanda
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a restaurant with a three-foot west side transitional yard (20-foot side transitional yard required), and a 29% front building line (40% front building line in buffer/suburban frontage required).
Current Land Use: Undeveloped
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

This petition was automatically **continued from the September 15, 2026 hearing to the October 20, 2026, hearing**, at the request of a Registered Neighborhood Organization. This would require the Board's acknowledgement.



Department of Metropolitan Development
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Current Planning

BOARD OF ZONING APPEALS DIVISION II

September 15, 2026

Case Number:	2026-SE2-001
Property Address:	4501 East 32 nd Street (approximate address)
Location:	Center Township, Council District #8
Petitioner:	Paramount Schools of Excellence LLC, by Joseph Csikos
Current Zoning:	SU-2 / D-5
Request:	Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a proposed 165-foot-tall wireless communication facility (not permitted).
Current Land Use:	Vacant, former Elementary School
Staff Recommendations:	Staff recommends approval of this petition
Staff Reviewer:	Adam Skrzyszewski, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff recommends **approval** of this petition

PETITION OVERVIEW

- The petitioner is requesting to permit a wireless communications tower and its supporting structures (electrical box, fence, generator, and landscaping) in an SU-2 zoned district. The site is a vacant Elementary School, vacant since 2022. The proposed site is located in the center of the parcel, extending from the parking lot adjacent to the southern entrance of the school. The school's land is being leased for the proposed location of the tower.
- Wireless communications towers require a special exception to be permitted within SU-2 zoned districts. Special exceptions from the Ordinance are used to permit uses that may be compatible and necessary for the surrounding area, but are not permitted by right within the zoning district. We permit a special exception for a Wireless Communications tower based on these three main criteria per the Ordinance:
 - The design and proposed location of the wireless communications facility is compatible and integrated to the surrounding environment.
 - The wireless communications facility is consistent with the 1996 Telecommunications Act.
 - The purpose of the wireless communications facility follows the definition of a Wireless Communications facility in the Ordinance.



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- The wireless communications facility's proposed site was chosen to close coverage gaps for 4G LTE and 5G cellular data. It fulfills the purpose of a wireless communications facility per the definition of a wireless communications facility in the Ordinance.
- The closest wireless communications tower is approximately 4,345 feet away, meeting the Ordinance requirement that wireless communications towers cannot be within a 1/2-mile (2,640 feet) radius of one another. There are no surrounding wireless communications facilities of a height sufficient to fill the same cellular needs, according to the Findings of Fact.
- Safety and conformity to the surrounding area is ensured through the tower's proposed location, operations, shielding, and mitigated environmental impact:
 - The proposed facility meets all landscaping requirements, giving full coverage and shielding to the base of the site. The landscape yard is a 10-foot-wide perimeter surrounding the fence with large evergreen trees that are 4-feet minimum in height. 65 trees in total will be planted.
 - The proposed facility is protected with a 6-foot-tall chain-link fence enclosed at all times, with a woven dark cloth covering.
 - Gate will always be secured with a high-security padlock, only unlockable by authorized service personnel and emergency responders. All accessory equipment, wires, and generators for the tower, are enclosed within the fence.
 - Facility is completely unmanned. 1-2 site visits per month by a single field technician using a light-duty utility vehicle. Other site visits are conducted on an as-needed basis. There is no traffic impact on the public right-of-way as all turnaround and maneuvering of utility vehicles are done closest to the wireless communications facility.
 - Zero impact to water supply, sanitary/sewer, and solid waste.
 - Compliant with Federal Communications Commission (FCC) regulations for Radio Frequency emissions.
 - Compliant with the Indianapolis Noise Ordinance. Operates with minimal noise. A diesel backup generator is only used during grid outages, and during a 15-minute weekly diagnostic test conducted between 10:00 AM and 2:00 PM on weekdays.
 - Lighting for the site is activated only by motion and along the facility's fence, with downward-shielded LED fixtures to prevent light pollution to the neighbors. There will be no signage or commercial advertisement with illumination.
 - There will be no hazard to air navigation.
- Additionally to the shielding and landscaping at the base of the tower, the view of the tower from the neighborhood is mitigated through its proposed location. The tree lines to the East and to the South block the sight of the tower from the East and South, and the school building itself blocks the sight of the tower from the residents to the North.



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- The facility conforms with the Federal Telecommunications Act of 1996 to increase wireless network coverage. The facility is adding necessary cellular coverage for residents and emergency responders surrounding, fulfilling demand and increasing ease of emergency communication for first responders and 911 operators.
- The 165-foot cell tower's location is placed with intent to meet all Federal and State engineering and environmental regulations, and minimize effects and views of the tower. There is no better location for the tower that would both meet Federal and State regulations, and provide more shielding to the site.
- The wireless communications facility meets the Ordinance requirement of necessary dismantling of cell towers after an inoperative period of 12 consecutive months. Within 90 days after the wireless communications facility is inoperative, for 12 uninterrupted months, the tower and all supporting elements will be removed from the site and the site will be restored to its original condition.
- Staff does acknowledge that the proposed 165-foot-tall wireless communications tower and its extremities are placed directly adjacent to an elementary school, and will continue to operate if the school rebegins operation; but the funds generated from the wireless tower can be used to revitalize the school, the wireless tower is separated and contained from surrounding uses, with maximized mitigation to its potential effect, and it fills cellular communications gaps for the Township.
- The proposed site for the tower is the best location to meet all Federal and Ordinance requirements for cell towers, mitigate its own effect to the surrounding neighborhood, and provide necessary funds and cellular coverage to the area; therefore, staff recommends **approval** of 2026-SE2-001.



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GENERAL INFORMATION

Existing Zoning	SU-2 / D-5	
Existing Land Use	Vacant, former Elementary School	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5 / SU-1	North: Single-Family Residential
South:	D-5	South: Single-Family Residential
East:	D-5	East: Single-Family Residential
West:	D-5	West: Single-Family Residential
Thoroughfare Plan		
Enter Street(s)	Local Street Local Street	32 nd Street Euclid Street
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August 6 th , 2026	
Site Plan (Amended)	N/A	
Elevations	August 6 th , 2026	
Elevations (Amended)	N/A	
Landscape Plan	August 6 th , 2026	
Findings of Fact	August 6 th , 2026	
Findings of Fact (Amended)	N/A	



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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood. The proposed wireless communications facility is in the center of the SU-2 zoned site, adjacent to the Elementary School, and approximately 4,345-feet away from the nearest cell tower.

Pattern Book / Land Use Plan

- The use of a cell tower or wireless communications facility is not specifically recommended for the Traditional Neighborhood Typology, but provides necessary cellular coverage and funds for the surrounding neighborhood and Township.
- The proposed cell tower provides landscaping, fencing, coverage, security, and meets all Federal and State regulations to mitigate views and effects of the tower to the surrounding area as much as possible.

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

99-SE3-7 ; 4202 East 30th Street (Southwest of proposed site), Special Exception to provide for the construction of a church. **Approved**

93-SE1-3 ; 3202 North Colorado Avenue (Northwest of proposed site), Special Exception to provide for the construction of a church. **Approved**

2002-SE3-007 ; 3202 North Colorado Avenue (Northwest of proposed site), Special exception of the Dwelling Districts Zoning Ordinance to provide for the construction of a 676 square-foot garage to store church vehicles and lawn equipment. **Approved**

94-SE1-5 ; 3142 North Euclid Avenue (West of proposed site), Special Exception of the Dwelling Districts Zoning Ordinance to provide for continued use of a church in an existing structure. **Approved**

91-V1-146 ; 4337 East 30th Street (South of proposed site), Variance of the Dwelling District Zoning Ordinance to permit an accessory building with square footage exceeding 75% of the main floor of the primary building. **Approved**

2021-UV1-013 ; 4626 East 30th Street (South of proposed site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,500 square-foot steel building for vehicle and equipment storage for a home cleaning company. **Approved**

89-SE1-7 ; 4650 East 30th Street (Southeast of proposed site), Special Exception to provide for the construction of a church. **Approved**

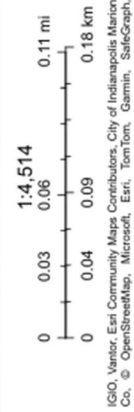
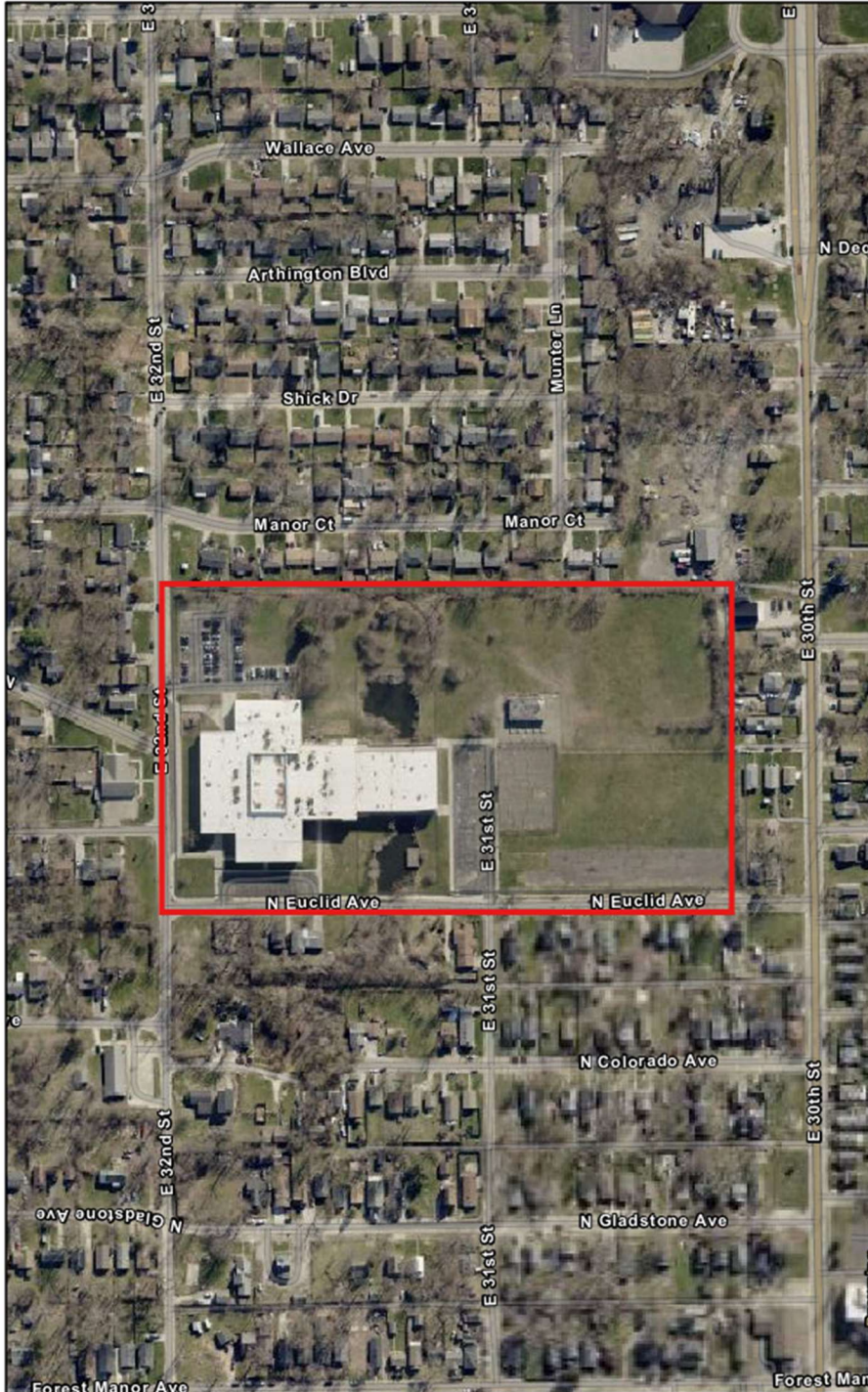
2008-UV3-008 ; 4710 East 30th Street (Southeast of proposed site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 31.167-foot tall, 2,400-square foot detached accessory building, resulting in an accessory building area of 2,400 square feet or 250 percent of the main floor area of the primary structure, and an accessory use area of 2,560 square feet or 224 percent of the total living area of the primary structure, to provide for the indoor storage of two commercial vehicles, and to legally establish a gravel parking area within the required 40-foot front setback along 30th Street. **Approved**

85-HOV-79 ; 3303 Manor Court (Northeast of proposed site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a room addition to a single-family residence within the 25-foot front-yard setback. **Approved**

2005-UV1-044 ; 4806 East 30th Street (Southeast of proposed site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the completion of a partially constructed 800 square-foot garage and a 550 square-foot breezeway in association with a proposed construction business office within an existing single-family residence. **Approved**

EXHIBITS

4501 E 32nd St Aerial 2026



8/27/2026

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 3001 TULIP SPRING DRIVE INDIANAPOLIS, IN 46218 PHONE (317) 594-1400	 3001 TULIP SPRING DRIVE INDIANAPOLIS, IN 46218 PHONE (317) 594-1400	Southernlowers BTS 250 SERIAL MONITOR ROAD, SUITE B CAPTANOWA, IN 46033 PHONE (423) 531-1500	<table><tr><td>KEY</td><td>DATE</td><td>DESCRIPTION</td></tr><tr><td>0</td><td>04/17/20</td><td>PHOTOGRAPH ZONING</td></tr></table>	KEY	DATE	DESCRIPTION	0	04/17/20	PHOTOGRAPH ZONING		IN-018 - RIBBLE TBD 3161 E 32ND ST INDIANAPOLIS, IN 46218 PHOTO LOCATION 2	<table><tr><td>DESIGNED FOR</td><td>-</td></tr><tr><td>REVIEW</td><td>-</td></tr><tr><td>PERMIT</td><td>-</td></tr><tr><td>CONSTRUCTION</td><td>-</td></tr><tr><td>RECORD</td><td>-</td></tr><tr><td>PROJECT MANAGER</td><td>DESIGNER</td></tr><tr><td>JPL</td><td>JPL</td></tr></table>	DESIGNED FOR	-	REVIEW	-	PERMIT	-	CONSTRUCTION	-	RECORD	-	PROJECT MANAGER	DESIGNER	JPL	JPL	JOB NUMBER 240900-01-178 (28-046)	P-2
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EXISTING



PROPOSED

VIEW FROM NORTH WEST (CORNER OF E 32ND ST & N EUCLID AVE)

KEY



▲ PROPOSED TOWER LOCATION
■ PHOTOGRAPH LOCATION

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Bowman 2001 TULSA DRIVE SUITE 100 INDIANAPOLIS, IN 46218 PHONE (317) 454-4000	LASHBROOK ENGINEERING 2001 TULSA DRIVE SUITE 100 INDIANAPOLIS, IN 46218 PHONE (317) 454-4000	SouthernLowers BTS 250 LEXINGTON AVENUE, SUITE 8 CENTROVIA, IN 46025 PHONE (413) 311-0300	KEY DATE DESCRIPTION 0 04/17/20 PHOTOGRAPH ZONING	JEFFREY LASHBROOK REGISTERED PROFESSIONAL ENGINEER No. 12300121 STATE OF INDIANA	IN-018 - RIBBLE TBD 3161 E 32ND ST INDIANAPOLIS, IN 46218 PHOTO LOCATION 4	DESIGNED FOR REVIEW PERMIT CONSTRUCTION RECORD	DESIGNED BY JTL JTL JTL JTL	CONTACT MANAGER JTL JTL JTL JTL	2403900-01-178 (26-046)	P-4											
 EXISTING											 PROPOSED										
VIEW FROM SOUTH WEST (CORNER OF E 30TH ST & N EUCLID AVE)																					
KEY  PROPOSED TOWER LOCATION PHOTOGRAPH LOCATION																					

Site Visit August 21st, 2026



Looking East towards proposed site



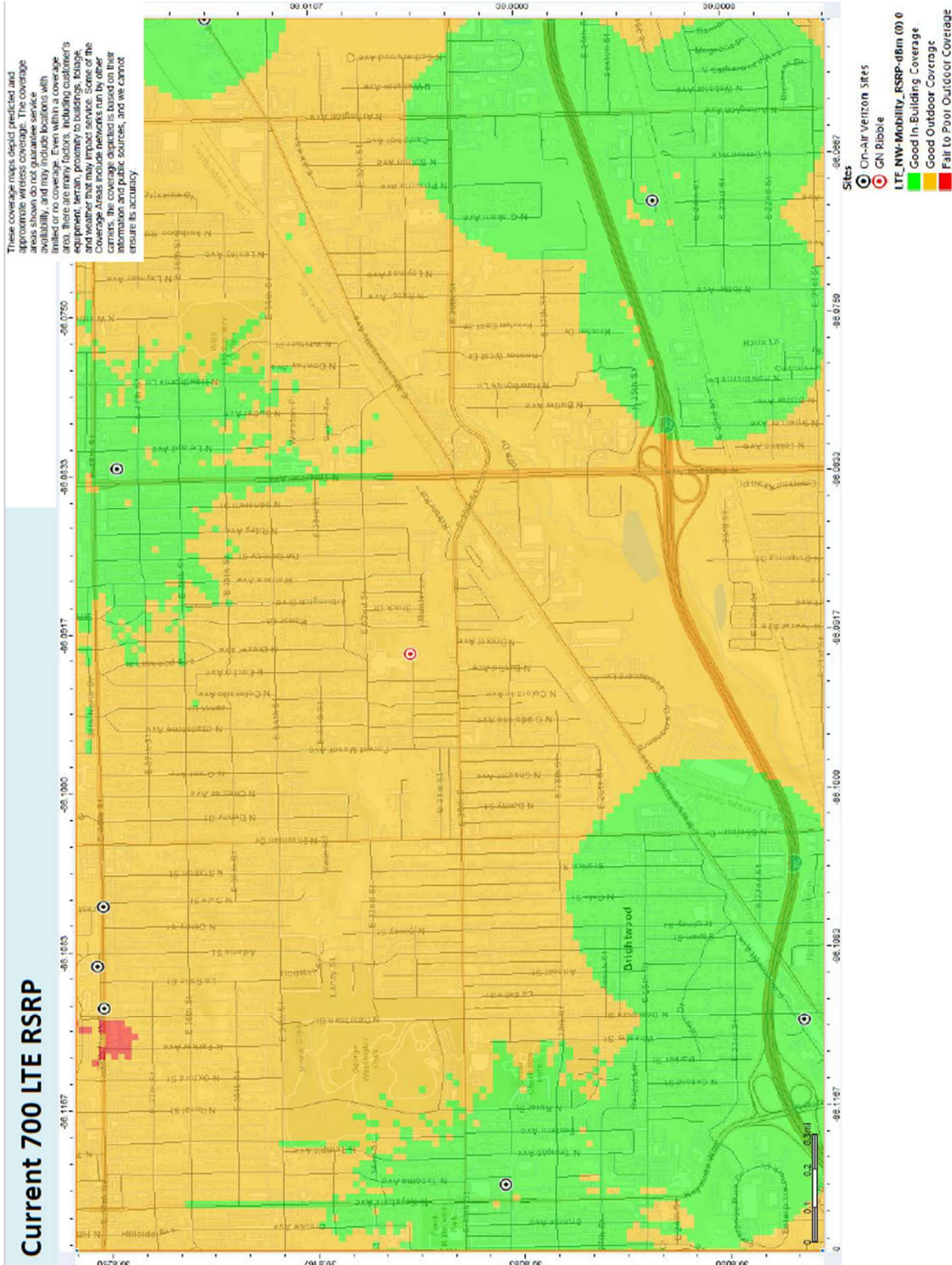
Looking North towards southern entrance of school next to proposed site

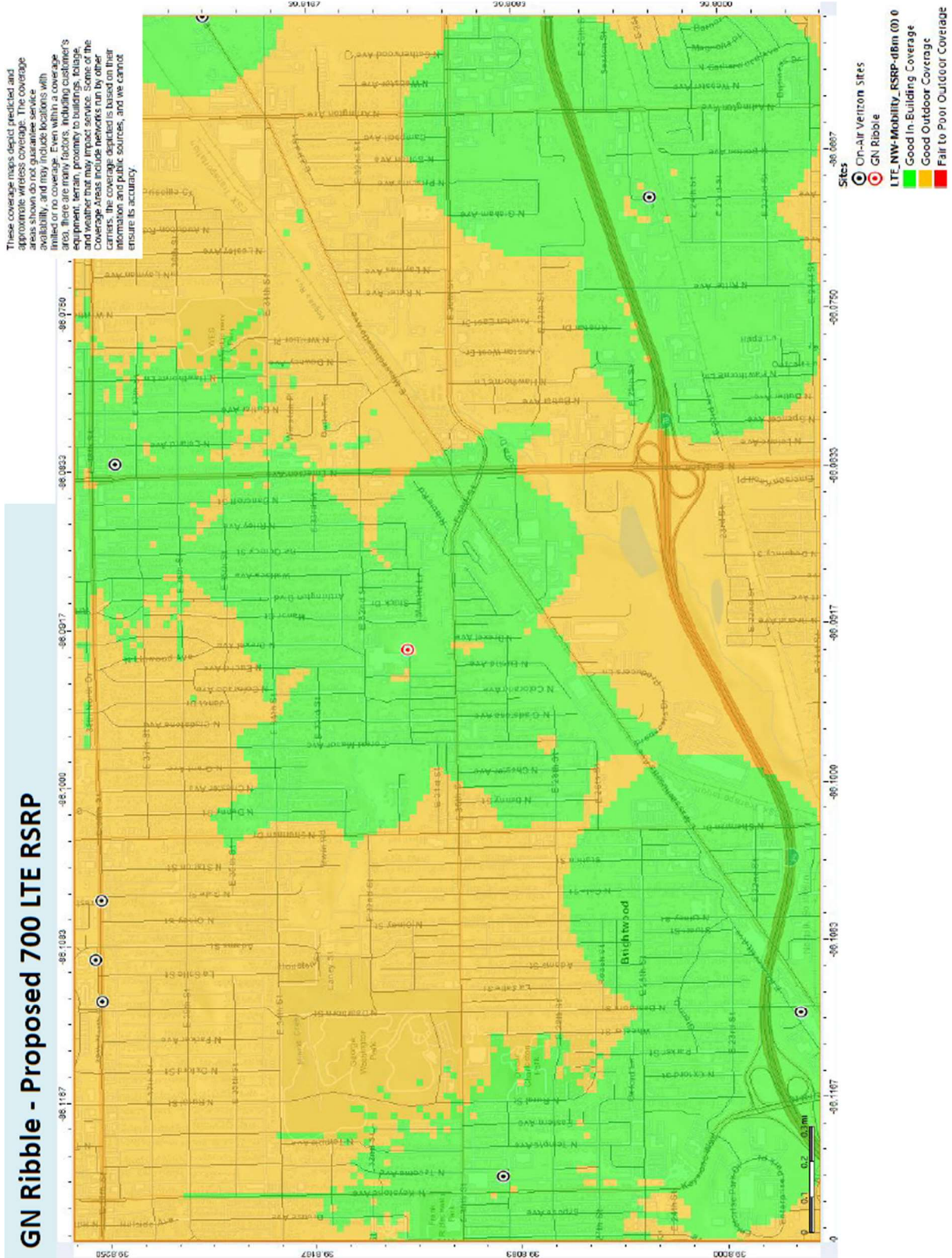


Looking South of proposed site towards entrance of school parking lot



Looking East towards building adjacent to proposed site and field







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

**PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT**

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

The proposed facility meets the definition of a "Wireless Communications Facility" (WCF) under Chapter 740, Article II, Section 740-202 of the Consolidated Zoning and Subdivision Ordinance. It consists of a 160-foot tall monopole support structure with a 5-foot lightning arrestor (165 feet total height) and associated ground-mounted equipment compound designed to send and receive radio frequency signals for licensed commercial wireless telecommunications providers to deliver wireless voice and data services to the public.

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

The facility is an unmanned, passive utility structure that generates no glare, smoke, odor, or excess noise, and requires minimal maintenance traffic. The tower will be structurally engineered in accordance with ANSI/TIA-222 specifications to ensure structural integrity and safety. Studies show that modern wireless infrastructure does not negatively impact surrounding residential or commercial property values, while the resulting improved wireless coverage and emergency E-911 service reliability enhance community safety and utility services for the surrounding area.

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

The facility operates without routine noise, vibration, or off-site emissions. Commercial advertising signage is prohibited on the tower. Security lighting on the ground compound will be low-intensity, motion-activated, and shielded downward to prevent light trespass. Tower lighting will conform strictly to FAA standards that do not mandate lighting for the proposed tower height. The perimeter ground equipment will be fully enclosed within a locked security fence and buffer landscaping.

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:

Pursuant to Table 743-305-1, a Wireless Communications Facility with a monopole tower is listed as an allowable Special Exception use within the SU-2 zoning district. Although located in a Traditional Neighborhood land use recommendation, reliable wireless infrastructure is vital utility service for modern residential and institutional functions. To minimize visual clutter the monopole is engineered for multi-carrier collocation, ensuring future wireless carriers can attach to this tower rather than erecting additional support structures in the vicinity.



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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 tower and ground compound observe all applicable standards, including structural fall-zone setbacks, perimeter setback requirements from adjacent rights-of-way and lot lines, off-street parking/access drive requirements, security fencing, and appropriate landscape screening surrounding the perimeter of the ground equipment compound.

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 facility complies with all general performance standards set forth in Chapter 740 regarding vibration, noise, hazardous materials, air quality, and glare. The radio frequency (RF) emissions comply fully with federal standards established by the Federal Communications Commission (FCC) under the Telecommunications Act of 1996, and all structural components comply with national engineering standards and Indiana building codes.

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 tower satisfies all Chapter 743 use-specific standards for Wireless Telecommunications Facilities. Specifically:

- Location / Permissibility (Table 743-305-1): Monopole towers in the SU-2 district are allowed upon Special Exception approval by the Board of Zoning Appeals / Hearing Examiner.
- Need & Infeasibility of Collocation: Existing structures in the search ring lack sufficient height or structural capability to resolve the documented coverage and capacity gap, necessitating a new support structure.
- Collocation Capacity: The proposed monopole and ground compound are designed to accommodate a minimum of four (4) commercial wireless service providers.
- Design & Height: The sleek monopole design minimizes bulk and visual impact compared to open-lattice structures.
- Security & Screening: The ground equipment compound is enclosed within a 6-foot security fence accompanied by a surrounding landscape buffer in accordance with Chapter 744, Article V.
- Signage & Lighting: No commercial signage or logos will be displayed, and illumination complies with FAA and local shielding mandates.



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Board of Zoning Appeals Division III

September 15, 2026

Case Number:	2026-DV3-032
Property Address:	2522 North Butler Avenue (<i>approximate address</i>)
Location:	Warren Township, Council District #9
Petitioner:	Eastside Coverage I70 LLC, by Barnes & Thornburg LLP (Joseph Calderon)
Current Zoning:	I-2
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the erection of a 6-foot-tall wooden privacy fence within the front yard (fences in front yard limited to 3.5 feet in height or may be 4 feet tall if 30% or less opaque)
Current Land Use:	Industrial / residential
	Staff recommends approval of this petition, subject to the following commitment:
Staff Recommendations:	The 6-foot-tall fence along the front yard shall be limited to the perimeter of the asphalt lot fronting 25th Street and Butler Avenue as shown in the site plan file-dated December 15th, 2025. All other fencing along 25th and Butler must meet Ordinance standards.
Staff Reviewer:	Josh Levesque, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

2025-CZN-852 / 2025-CVR-852 granted the following:

- Rezoning of 1.61 acres from the D-4 district to the I-2 district to provide for light industrial uses
- Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage zero feet from a protected district (minimum 500-foot separation from a protected district required)

STAFF RECOMMENDATION

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

- The 6-foot-tall fence along the front yard shall be limited to the perimeter of the asphalt lot fronting 25th Street and Butler Avenue as shown in the site plan file-dated December 15th, 2025. All other fencing along 25th and Butler must meet Ordinance standards.



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PETITION OVERVIEW

- 2522 North Butler Avenue is a parcel totaling roughly 2.15 acres. The property was recently rezoned to I-2 (2025-CZN-852). Properties to the north are zoned D-4. Properties to the east are zoned a mix of D-4 and I-2. Properties to the south and west are zoned I-2.
- The petitioner is requesting a variance of development standards to allow for a 6-foot fence along portions of the front yard when a maximum height of 3.5 feet is permitted.
- The I-2 (Light Industrial 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”.
- The Comprehensive Plan assigns this parcel the “Light Industrial” typology. This typology “provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.”
- As noted in the I-2 intent paragraph above, outdoor storage must be screened if adjacent to a protected district. While 2025-CVR-852 granted relief from the 500-foot separation requirement, it did not negate the need for screening and buffering. 744-508-C indicates that “all outdoor storage and operations within 500 feet of a protected district must be effectively contained by a chain link, solid, lattice or similar type fence or wall and gate. The height of such fence or wall shall be at least 6 feet and shall not exceed 10 feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards. The storage of materials or products within the enclosure may not exceed the height of the fence.” Site plans show that the petitioner intends to comply with the landscape requirements. Approval of this variance would allow them to also comply with the necessary screening requirements for outdoor storage.
- The Ordinance requires a 6-foot-tall fence to buffer outdoor storage within 500 feet of a protected district. Yet the Ordinance also limits the height of fences in I-2 front yards to 3.5 feet. The limitations on front yard fence height in I-2 would make compliance with the Ordinance’s screening requirements a practical difficulty.



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- Given the practical difficulties that strict adherence to I-2 front yard fence height requirements would impose on screening compliance and the additional landscape buffering the petitioner has included in their site plan, staff recommends **approval** of this petition subject to the following commitment:
 - The 6-foot-tall fence along the front yard shall be limited to the perimeter of the asphalt lot fronting 25th Street and Butler Avenue as shown in the site plan file-dated December 15th, 2025. All other fencing along 25th and Butler must meet Ordinance standards.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Industrial / Residential	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-4	North: Residential
South:	I-2	South: Industrial
East:	D-4 / I-2	East: Residential / Industrial
West:	I-2	West: Industrial
Thoroughfare Plan		
Butler Avenue	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
East 25 th Street	Local Street	68-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	12/15/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	7/22/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2025-CZN-852 / 2025-CVR-852; 5200 East 25th Street and 2522 North Butler Avenue

- Rezoning of 1.61 acres from the D-4 district to the I-2 district to provide for light industrial uses, **approved**.
- Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage zero feet from a protected district (minimum 500-foot separation from a protected district required).



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ZONING HISTORY – VICINITY

96-UV2-36; 5206 East 25th Street, Variance of Use of the Industrial Zoning Ordinance to legally establish an automobile repair facility (automotive body repair not permitted) within an existing industrial park, **approved subject to a condition.**

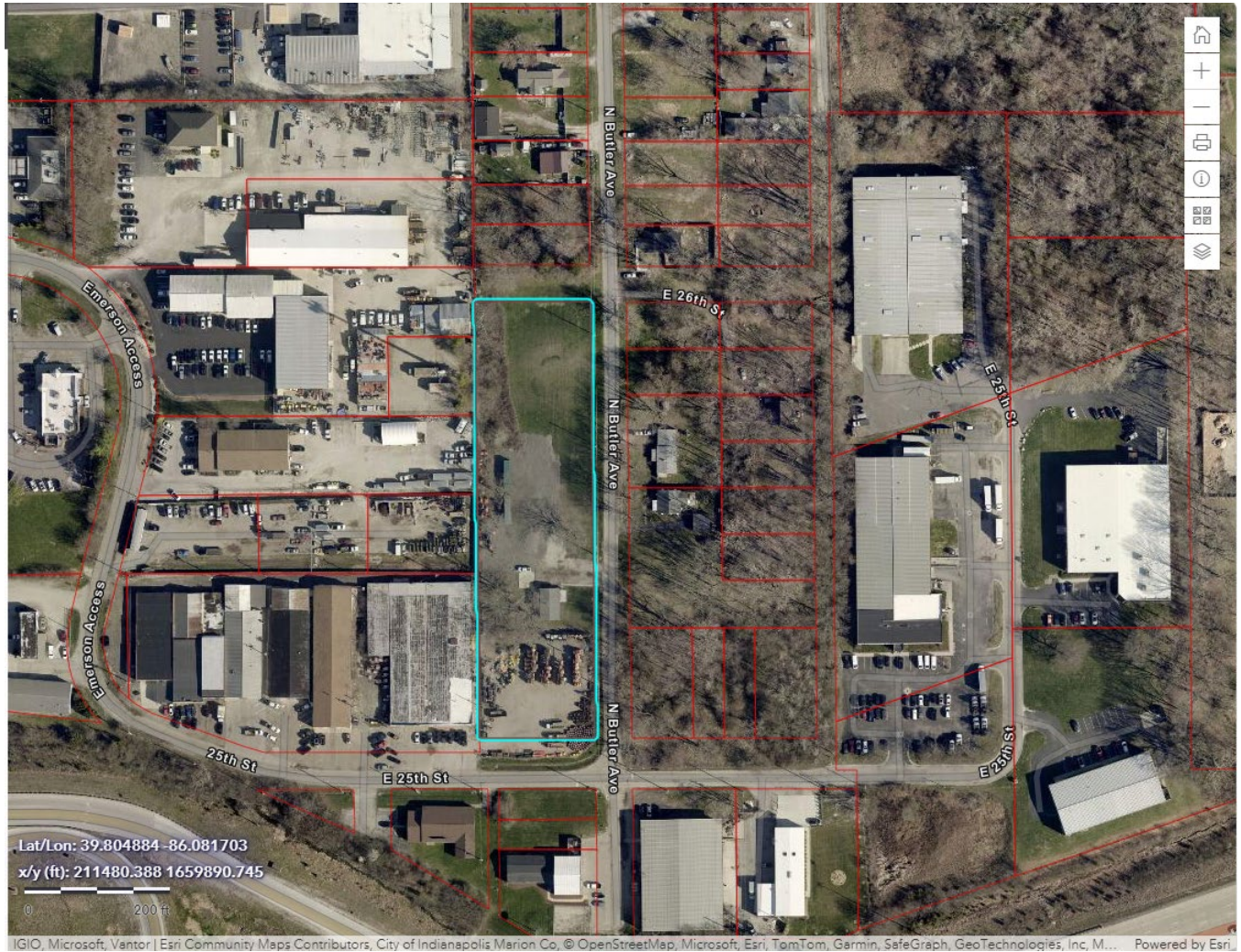
2000-DV3-018; 2551 Emerson Access, Variance of Development Standards of the Wireless Communication Zoning Ordinance to provide for a 15-foot height extension to an existing 135-foot-tall monopole tower (maximum 51.5 feet tall or 25 feet higher than the maximum building height allowed by district, permitted, when located within 300 feet of a Protected District), with a rear transitional yard of 34.5 feet (133-foot rear transitional yard for a 150-foot-tall tower required, or one foot for each additional one foot increase in height above 47 feet, **approved subject to a condition.**

2004-UV2-026; 2545 Emerson Access, Variance of Use of the Industrial Zoning Ordinance to provide for an automobile storage lot for inoperable vehicles (not permitted), **approved subject to conditions.**

2015-ZON-072; 2500 North Butler Avenue, 5242, 5246, and 5248 East 25th Street, Rezoning of 0.89 acre from the D-4 district to the I-2-U classification, **approved.**

EXHIBITS

2026DV30032; Aerial Map



2026DV3032; Site Plan





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2026DV3032; Findings of Fact

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The taller fencing is required to effectively screen a permitted outside storage 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:

The fencing will be in conjunction with landscaping, and is needed to provide a new effective screening of industrial use from residential use.

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

The limits of a 3.5 feet tall fence in a front yard reduce the effectiveness of screening industrial use from residential use across Butler Avenue.

2026DV3032; Photographs



Photo 1: Existing fence facing 25th Street. Fence will be moved in.

2026DV3032; Photographs (continued)



Photo 2: Traffic control signage that is being stored on-site and will be screened by fencing

2026DV3032; Photographs (continued)



Photo 3: Additional view of outdoor storage site

2026DV3032; Photographs (continued)



Photo 4: Existing fence line along Butler

2026DV3032; Photographs (continued)



Photo 5: Northern border of existing fence line looking south

2026DV3032; Photographs (continued)



Photo 6: Northern part of property where fence will remain at 3.5-foot height limit



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BOARD OF ZONING APPEALS DIVISION III

September 15, 2026

Case Number:	2026-DV3-036 (amended)
Property Address:	2403 East Thompson Road (approximate address)
Location:	Perry Township, Council District #23
Petitioner:	Bruce W. Potts, by Alejandro Lopez
Current Zoning:	D-A
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family residence resulting in a 24-foot front yard setback (40 feet required), a 12-foot side yard setback (15 feet required), a 32-foot aggregate side yard setback (75 feet required), and an open space ratio of 81% (85% required).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends approval for this petition
Staff Reviewer:	David Arrom Garza, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval for this petition.

PETITION OVERVIEW

The petition would allow for the construction of a single-family residence resulting in a 24-foot front yard setback (40 feet required), a 12-foot side yard setback (15 feet required), a 32-foot aggregate side yard setback (75 feet required), and an open space ratio of 81% (85% required). A variance for a driveway width of 80 feet (30 feet minimum) was withdrawn by the petitioner after a modification to the site plan was submitted for a reduced driveway width of 30 feet further eliminating the need for a variance.

SITE PLAN

The site plan, file-dated August 12, 2026, and updated August 28, 2026, depicts an approximately 1,500 square foot residential dwelling as primary use with all detached accessory garage structures (existing) remaining onsite for an open space of 81 percent. Single-family residential is permitted use in a D-A dwelling district. A 462-square-foot and a 572-square-foot main garage currently occupy the lot. Driveway access is provided off Keystone Avenue from an existing driveway opening.



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PLANNING ANALYSIS

The subject lot, zoned D-A, is a corner lot bounded to the north by E Thompson Road and to the west by S Keystone Avenue, both primary thoroughfares. The character of the lot differs from a typical D-A lot requiring a minimum lot area of 3 acres and a minimum lot width of 250-feet. The subject lot area is 0.33-acres, with a lot width of 70-feet which is undersized for a D-A district context.

Practical site difficulties occur with the construction of a single-family residence due to reduced lot size area to meet D-A dimensional standards. Frontage along a secondary thoroughfare requires a minimum setback of 40 feet in a D-A Metro context area. The single family proposed residential structure width is 30 feet, providing a 12-foot side yard setback (15 feet required). With a total lot width (as measured from east to west) of 66 feet, there is no ability to meet both setback standards. Approximately 1,034 square feet of accessory space exist onsite between two existing garage structures. With the addition of a 1,500 square foot primary residence, nearly 19 percent of the lot will be building area providing 81 percent open space; four percent less than what is required for a D-A district requiring a variance.

Reducing residential square footage to meet the open space requirement would not be practical to maintain a minimum main floor area (1-story) of 1,200 square feet required in a D-A dwelling district.

For these reasons, staff requested the petitioner consider a rezone of the subject lot under a D3 district which would allow greater flexibility to meet dimensional standards, reducing the total number of variances required from five to one; a variance for a 24-foot front yard setback (35 feet minimum required under D3). After consideration by the petitioner, it was requested that the petition be unchanged.

Staff supports **approval** for this petition, finding that practical difficulties imposed by lot physical dimensions impact the ability of the property to be used for a permitted residential purpose. Staff would also note that the development proposed would be compatible with the surrounding suburban neighborhood context recommended by the Comprehensive Plan.



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GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-2	North: Single-Family dwelling
South:	D-A	South: Single-family dwelling
East:	D-A	East: Single-family dwelling
West:	D-3	West: Single-family dwelling
Thoroughfare Plan		
S Keystone Ave	Secondary Arterial	25' R/W existing (no curb)
E Thompson Rd	Secondary Arterial	22' R/W existing (no curb)
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August 12, 2026	
Site Plan (Amended)	August 28, 2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	August 12, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan ("Pattern Book") recommends the Suburban Neighborhood living typology for this site. 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 support a variety of neighborhood-serving businesses, institutions, and



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amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the 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

- 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 – VICINITY

2004ZON068; Southside Church of the Nazarene at 2423-2447 East Thompson Rd, Perry Township, rezoned to a SU-1 classification, approved.

EXHIBITS

Location Map



Site Plan





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Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed single-family residence is consistent with the surrounding residential neighborhood and will be constructed in compliance with applicable building and safety codes. The requested variances will not adversely affect the public health, safety, morals, or general welfare of the community.

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

The proposed single-family residence is compatible with the surrounding residential neighborhood and will not negatively impact adjacent properties.

The requested variances are limited to addressing the property's unique physical constraints and will allow for reasonable residential use without substantially affecting neighboring property values or uses.

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 legally existing lot that is deficient in both lot area and lot width under the current DA zoning standards.

Due to these pre-existing conditions and the location of the existing garages, it is impractical to construct a reasonable single-family residence in full compliance with the zoning ordinance.

Even if one of the existing garages were removed, the lot would still require one or more variances because of its deficient size and development constraints.

The requested variances are therefore the minimum relief necessary to allow reasonable residential development of the property.

2026DV3036 Site Photographs



View looking south from E Thompson Rd



View looking west from Keystone Ave



View of existing accessory garage structures from Keystone Ave



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BOARD OF ZONING APPEALS DIVISION III

SEPTEMBER 15, 2026

Case Number:	2026-UV3-014
Property Address:	4038 & 4040 Otterbein Avenue (approximate address)
Location:	Perry Township, Council District #23
Petitioner:	Roberta Lopez, by Anthony S. Ridolfo
Current Zoning:	D-4 (TOD)
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for a secondary dwelling unit with a size of 727 square feet (maximum 720 feet permitted) and to allow for a primary and secondary dwelling unit without permanent occupancy by the owner (occupancy of either the primary or secondary dwelling unit by the owner required).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends approval of this petition.
Staff Reviewer:	Drew Haynes, Senior Planner

PETITION HISTORY

This petition was originally scheduled for the August 18th hearing and has been continued to the September 15th hearing to allow for proper notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- **The Request:** The petitioner is requesting a variance of use to allow for the permitted residential use of a secondary dwelling be over 720 square feet and allow for the permitted residential use of a secondary dwelling unit to not be the owner's permanent residence.
- **Context:** 4038 & 4040 Otterbein Ave is a residential site at the corner of Windermire St. and Otterbein Ave. The site is in a transit-oriented development (TOD) corridor, right on the southwestern edge of the University of Indianapolis.
- **Zoning:** This site is technically two (2) parcels and contains two (2) primary buildings that are zoned D-4. D-4 district calls for low to medium intensity of single-family and two-family residential development. According to the property card, the original primary building to the east was built in approximately 1923. This structure was built on top of the lot line separating the parcels, according to the original plat and available Sanborn and Baist maps. The primary building to the west was built around 1953, according to imagery, and is located entirely on 4040 Otterbein Avenue.



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- **History:** A previous variance of use was granted, last year (2025-UV3-021), that allowed for a second primary residence with a 3.5-foot western side yard setback and a six-foot rear yard setback (one primary building permitted per lot, four-foot side, 20-foot rear yard setback required). At the time of approval, this created both residences to be viewed as primary dwellings.
- **Recommendation:** Staff recommends approval of both requests in this petition. Staff consider the request to allow a secondary dwelling unit of 727 square feet reasonable, given that the dimensions extend only 7 feet beyond the maximum square feet permitted in the zoning ordinance.
- Although the classification of the dwelling units proposed by this petition would differ from the previous petition, the resulting housing configuration requested by this permit would be identical to the configuration previously approved by 2025UV3021 (no changes to the square footage of either residence are proposed). The previously considered classification of two primary buildings would not have a requirement related to owner-occupancy of either unit. Therefore, staff would consider this deviation to be minor in nature and would recommend approval of the variance related to owner-occupancy.

GENERAL INFORMATION

Existing Zoning	D-4 (TOD)	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	UQ-1	North: University
South:	D-4	South: Residential
East:	UQ-1	East: University
West:	D-4	West: Residential
Thoroughfare Plan		
Otterbein Avenue	Local Street	50 feet of right of way existing and 48 feet proposed.
Windermire Street	Local Street	50 feet of right-of-way existing and 48 feet proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit Oriented Development	
Wellfield Protection Area	No	
Site Plan	7/10/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	



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Findings of Fact	7/10/2026
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

- Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood typology for this site. This typology includes a wide array of housing types from single family homes to multi-family housing. The building form should promote the social connectivity of the neighborhood with clearly defined public, semi-public, and private spaces.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- This site sits in a Regional Office Park or Campus (REG) TOD typology. This typology has infill development with increased walkability and varied land uses is desired. Off-street parking is discouraged and should be limited to garages.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- IHG recommends:
 - Do not overshadow primary buildings.
 - Reinforce existing spacing on the block.

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

2025-UV3-021, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,172 square foot second primary building with a 3.5-foot western side yard setback and a six-foot rear yard setback (one primary building permitted per lot, four-foot side, 20-foot rear yard setbacks required), **approved**.

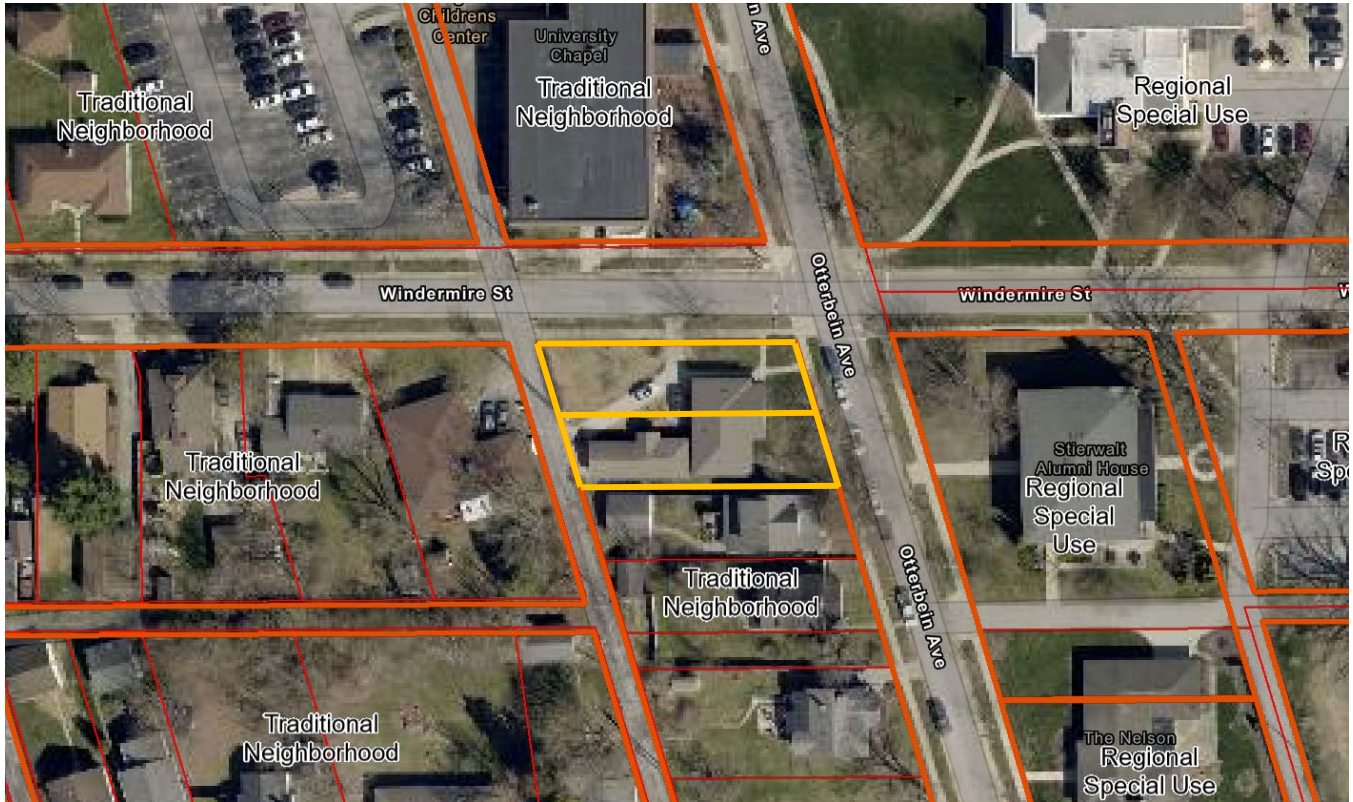
ZONING HISTORY – VICINITY

2017-UV3-002; 4021 Otterbein Avenue (east of site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for offices and training rooms for the Indianapolis Neighborhood Housing Partnership in the existing Stierwalt Alumni House (not permitted), and to allow the grant of this variance to satisfy the requirement of filing an Approval petition for review and approval by the Metropolitan Development Commission, **approved**.

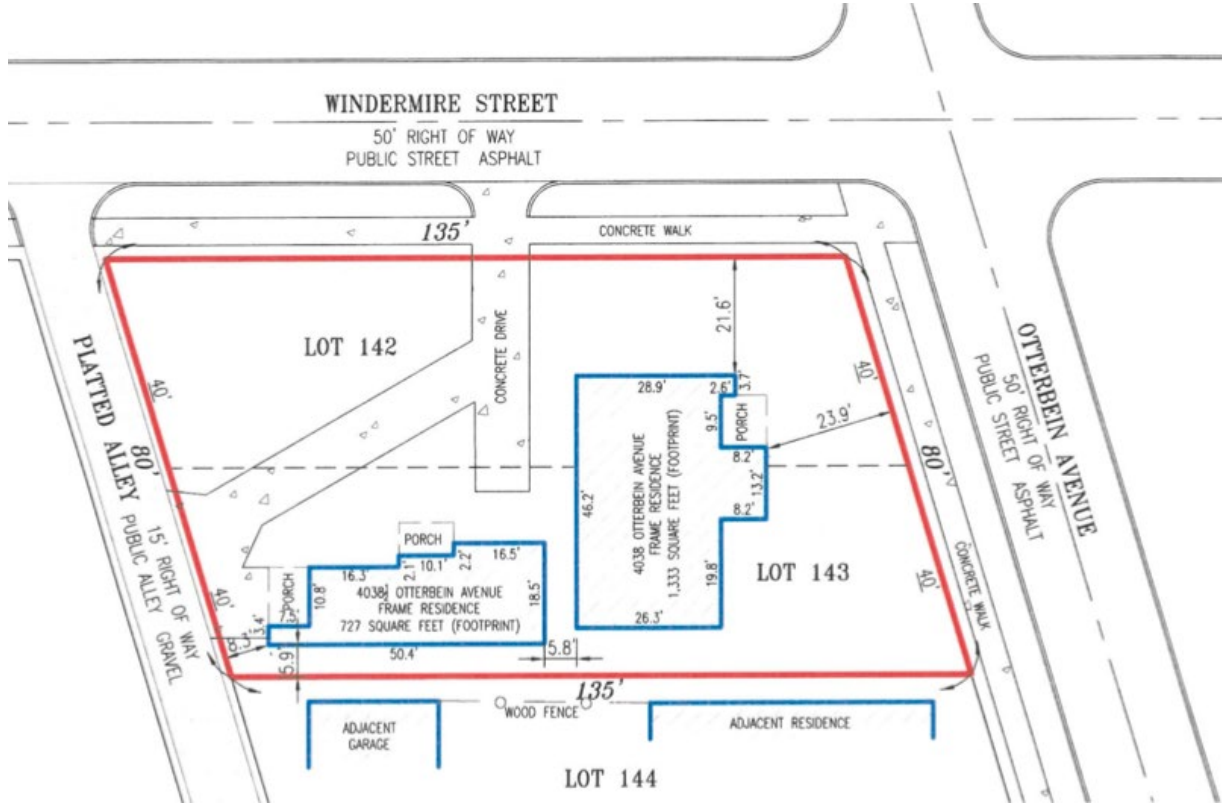
2017-CZN-CAP-CVR-CVC-838; 4018 Bowman Avenue, 1227 and 1233 East Hanna Drive, 4002 Otterbein Avenue, 1218 and 1224 Windermire Street, 1402 1406, 1412, 1414, 1420, 1428, 1432, 1502, 1508, 1514, 1526 East Castle Avenue, Rezoning of 4.7 acres from the D-4 and SU-1 districts to the UQ-1 classification. University Quarter-One Approval to provide for an academic training laboratory, with two wall signs at 4018 Bowman Avenue, and to provide for office, classroom, gathering places, collaboration space, meeting space, signs and a chapel for university departments and the SU-1 religious uses at 4002 Otterbein Avenue, and to provide for the expansion of an existing parking lot, with landscaping and illumination. Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the shared use by the Criminal Justice Education Lab of the University of Indianapolis and the Indianapolis-Marion County Forensic Services Agency to allow for combined training, simulation and testing purposes (non-university uses not permitted). Vacation of the first north-south alley west of Otterbein Avenue, being 15 feet wide, from the south right-of-way line of Hanna Avenue, 281.22 feet south to the north right-of-way line of Windermire Street. Vacation of the first east-west alley south of Hanna Avenue and north of Windermire Street, being 15 feet wide, from the west right-of-way line of the first north-south alley west of Otterbein Avenue, 320.25 feet west to the east right-of-way line of the first north-south alley east of Bowman Avenue. Vacation of the first east-west alley south of Windermire Street and north of Castle Avenue, being 15 feet wide, from the west right-of-way line of Matthews Avenue, 772.59 feet to the east right-of-way line of the first north-south alley east of Otterbein Avenue. Vacation of the first north-south alley east of Otterbein Avenue, being 15 feet wide, from the north right-of-way line of Castle Avenue, 156.71 feet to the north to the north line extended of the first east-west alley south of Windermire Street and north of Castle Avenue, **approved**.

EXHIBITS

Aerial Map



Site Plan





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Findings of Fact

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

it involves no construction and no physical change to the property. Both dwellings have existed for decades and this Board approved both as primary dwellings in 2025-UV3-021.

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 nothing visible changes. The surrounding neighborhood already includes a mix of owner-occupied and rental homes, many of which are rented for purposes of student housing.

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

the original 1923 residence was built on the lot line between two platted lots, and both homes predate the zoning ordinance. The owner-occupancy standard was written for a different situation than this property presents.

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 owner would need to live in one of the homes to rent the other. This relief was requested in 2025-UV3-021, and this filing completes what was started in the original petition.

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

the comprehensive plan recommends the Traditional Neighborhood typology for this area. The grant simply keeps two existing homes in use.

Site Photos







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BOARD OF ZONING APPEALS DIVISION III

September 15, 2026

Case Number: 2026-UV3-017
Address: 2331 Muessing Road (approximate address)
Location: Warren Township, Council District #25
Zoning: SU-9 (FF)
Petitioner: Paredes Castello LLC, by David Gilman
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a tree service commercial contractor (not permitted) with a 56-foot wide gravel driveway (driveway limited to 30-feet in width, gravel not permitted), with a five-foot north side yard setback and a five-foot south side yard setback, (ten-foot side setbacks required).

Current Land Use: Commercial Contractor

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing of this petition.

STAFF RECOMMENDATION

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

1. The Variance grant shall be subject to the installation of a 24-foot wide asphalt driveway that will be installed from the edge of Muessing Road 50 feet into the site, no later than August 15, 2027.
2. The Variance grant shall be subject to an updated site plan to be submitted for Administrator's Approval, prior to the issuance of an Improvement Location Permit. The site plan shall show the entire site of the parcel at approximately 1,000 square foot in length, along with building and parking placements.
3. The Variance grant shall be subject to the Plan of Operation, file dated September 15, 2026

PETITION OVERVIEW

- ◇ The site was previously part of the former historic Marion County Healthcare Center grounds, that was closed in 1997. The site was rezoned to SU-9 in 1987 to accommodate that use. The purpose of the SU-9 district is to provide for buildings and grounds used by any department of town, city, township, county, state or federal government agencies.

VARIANCE OF USE

- ◇ The request would provide for the operation of a tree service contractor. A newly constructed 5,600 square foot building is planned for the site that will have five-foot north and south side setbacks, with a gravel driveway in front of it. All storage will occur inside of the planned building.



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- ◇ The contractor will provide tree services off site by appointment and by referral. No customers are intended to visit the site.
- ◇ The Comprehensive Plan recommends rural, or estate neighborhood uses for the subject site. The proposed use, being a tree service contractor, would be similar to agricultural operations that are permitted in the D-A District. Therefore, the request would be a minor deviation from the Ordinance, and the impact would not be an increase in intensity.
- ◇ The use of the site for a town, city, township, county, state or federal government agencies is no longer viable as the property was sold off in 1997 from the Marion County agency that controlled it up until then. The site is now under private ownership. The site also has a very narrow lot width of 66 feet that prevents most rural or estate development that requires a minimum of 150 square feet in lot width.
- ◇ The submitted site plan is abbreviated and does not indicate the entire size of the lot. Therefore, Staff is requesting a commitment that the Variance grant shall be subject to an updated site plan to be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit. This site plan shall show the entire site of the parcel at approximately 1,000 square feet in length, along with building and parking placements.
- ◇ Staff is requesting this commitment to prevent any future expansion of the proposed use, and the use of the eastern portion of the site, as there is the presence of a 100-year flood plain, a stream protection corridor, potential Heritage Trees, and an adjacent residential protected district.
- ◇ Staff is also requesting that the Variance grant shall be subject to the submitted plan of operation file dated September 15, 2026. This plan of operation limits the intensity of the use to a smaller scale with a maximum of five work trucks, two pickup trucks with trailers, and a woodchipper in equipment, and a team of eight (8) full-time employees. Any expansion of the plan of operation or site plan will require an Approval petition and public hearing to modify the subject commitment.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The development standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to provide for adequate separation and ventilation between structures and use areas as well as provide for a continuous pattern of development through the block.
- ◇ The site, although conducive to commercial development, is narrowly configured at 66 feet in width, and 1,000 feet in length. Strict application of the dimensional standards would significantly limit the reasonable development of this site to a lower intensity and limit the construction of commercial uses.
- ◇ The adjoining parcels to the north and south are non residential uses whose ability to access and use their parcels does not depend on additional separation, and a high level of existing property line screening already exists.



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- ◇ Therefore, this reduction of the requested side setbacks would not be a significant deviation from the Ordinance or negatively impact the character of development within the surrounding area and is supportable.
- ◇ Gravel parking areas are always a cause for concern because of potential impacts upon surrounding property and public rights-of-way. Gravel parking can generate dust that can leave the site and inundate surrounding property. Furthermore, loose stones can enter the public right-of-way and become a hazard for passing vehicles and accelerate the deterioration of taxpayer funded street surfaces.
- ◇ Therefore, Staff is requesting that the Variance grant shall be subject to the installation of a 24-foot wide asphalt driveway, that will be installed from the edge of Muessing Road 50 feet into the site, no later than August 15, 2027.

GENERAL INFORMATION

Existing Zoning	SU-9	
Existing Land Use	Commercial Contractor	
Comprehensive Plan	Rural or Estate Neighborhood	
Overlay	No	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: SU-9	Agricultural
	South: SU-9	Undeveloped
	East: D-A	Single-Family Dwellings
	West: D-A	Undeveloped / Agricultural
Thoroughfare Plan		
	Muessing Road	Local Street 50-foot existing and proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	100-year on eastern edge	
Wellfield Protection Area	No	
Site Plan	July 31, 2026	
Elevations	N/A	
Commitments	Staff proposes 3 commitments	
Landscape Plan	N/A	
Findings of Fact	July 31, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends rural or estate neighborhood development.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Rural or Estate Neighborhood typology for this site. This typology provides for rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural



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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.

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

2026-UV3-001; 11011 Brookville Road (west of site), requested a Variance of Use to provide for the operation of an excavation commercial contractor, **granted**.

2021-ZON-092; 11850 Brookville Road (east of site), requested the Rezoning of 24.78 acres from the C-S (FF) district to the C-S (FF) district to provide for and legally establish religious and ministry-related uses; not-for-profit uses; addiction recovery programs, including in-patient and out-patient treatment; housing for staff, participants and former participants; accessory uses, including hair salon; boutique; coffee shop; food sales; wedding, reception and conference facility; greenhouse/nursery; training, housing and care of dogs; light manufacturing/assembly and business training; animal assisted therapy programs; fundraising operations; indoor and outdoor recreational uses; and farmer's market, in addition to the uses previously approved within the C-S district and to provide for the approval of the filed site plan, **approved**.

98-Z-70; 11850 Brookville Road (east of site), requested the Rezoning of 25 acres from the SU-9 district to the C-S district to provide for training, resident housing, offices, retirement center, conference center and an orphanage, **approved**.

87-Z-89; 11850 Brookville Road (included subject site), requested the Rezoning of 147 acres from the A-2 and C-1 districts to the SU-9 district, **approved**.

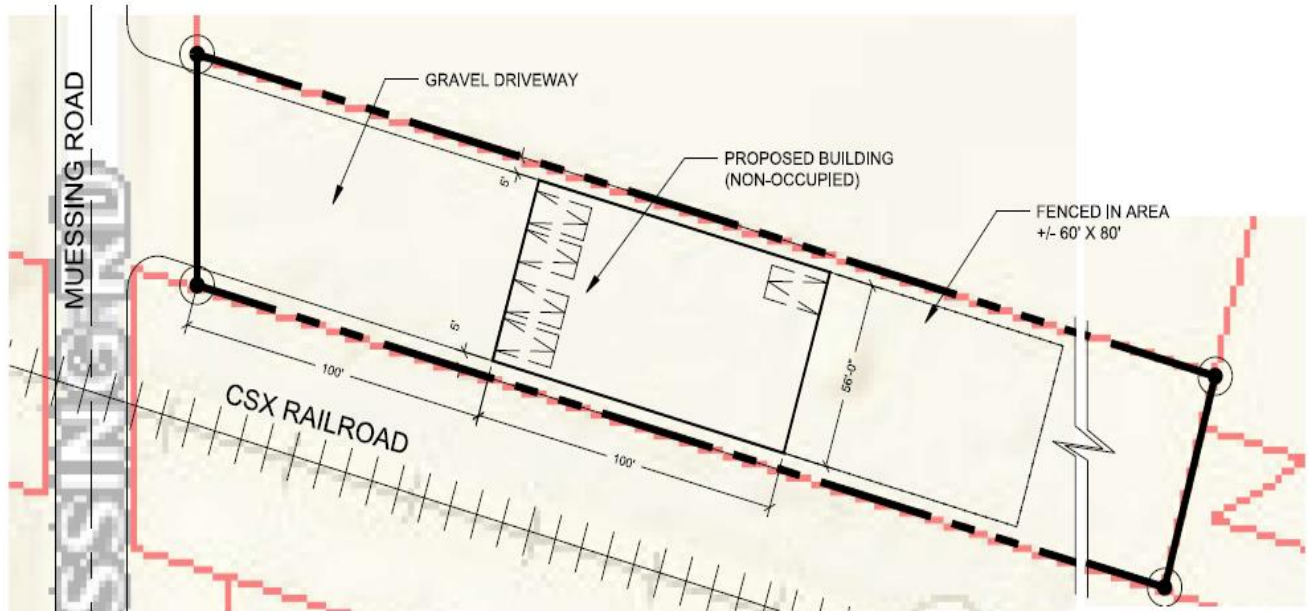
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EXHIBITS

Location Map



Site Plan - File dated July 31, 2026





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Plan of Operation - file dated September 15, 2026.

Plan of Operation
2231 Muessing Road
9/15/2026

Proposed Use

The business is a small, locally owned tree-service company that provides residential and light commercial tree removal, trimming, and maintenance services. The operation maintains a modest fleet consisting of five work trucks, two pickup trucks with trailers, and a wood chipper used for on-site processing of limbs and debris.

The business functions as a typical service-oriented contractor: crews depart the site in the morning, perform scheduled work throughout the community, and return in the late afternoon to unload equipment, secure vehicles, and prepare for the next day. No retail activity occurs onsite, and customer interaction is limited to scheduling and administrative coordination. Equipment will be stored within the proposed building.

Workforce

Daily operations are performed by a team of seven (7) to eight (8) full-time employees.

Hours of Operation

The business will operate from 7am to 6pm Monday to Saturday, Closed on Sunday.

Off-Street Parking

The site will provide gravel parking for employees. There will be no public visitation to the site.

Signage

There will be no signage required.

Clients and Customers

The tree service business does not receive customers onsite. All customer interaction occurs remotely, either online, by phone, or through scheduled estimates at the customer's property. Tree service work is inherently mobile: crews travel to each job location, perform the work there, and return only to store equipment and prepare for the next day. There is no retail component, no walk-in traffic, and no reason for customers to visit the site.

Lights

Only building wall pack security lights will be used.

Shipping and Receiving

All shipping and receiving will be delivered by normal postal services.

Waste

All waste would be picked up by utilizing a private or City waste disposal service. There will be no storage of hazardous materials on site.



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Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The physical characteristics of the site, its location, and its existing environmental context support this type of low intensity commercial use.

Noise producing activities are minimal and will occur during normal business hours. No hazardous materials are stored on site, and the business will comply with the applicable building codes and health department regulations.

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 site's physical characteristics, existing environmental conditions, and the tree service operational practices will limit off site impacts.

The proposed use does not involve public visitation, retail traffic, or continuous heavy truck movement, and therefore does not generate the types of noise, heat, light, vibration or glare that will impact adjacent properties.

The business primarily dispatches crews off site to perform work and the property functions more as a staging and storage area than an active work yard.

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

The parcel is extraordinarily narrow, approximately 66 feet wide and 1,000 feet long, a configuration that inherently limit the types of uses that can safely and reasonably occur on the property.

The property is also located directly adjacent to a busy railroad, which already generates significant noise, vibration, and visual activity.

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 physical characteristics of the property make it uniquely challenging to use for any conforming purpose.

The width severely limits building placement, circulation, parking layout, and compliance with standard development requirements that assume more conventional lot proportions.

The property is further constrained by its location directly adjacent to a busy railroad corridor, which introduces noise, vibration, and visual impacts that make the site undesirable and impractical for most permitted uses.

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

While the Comprehensive Plan identifies the area for future residential use, strict adherence to that recommendation is not reasonable or appropriate for this particular parcel due to its extreme physical constraints and surrounding environmental conditions.

The Plan's broader intent—to promote compatible, safe, and context appropriate development—is actually better served by allowing a low impact commercial use that aligns with the site's physical realities.



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Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The subject parcel is only 66 feet wide, making the full side yard physically impossible without eliminating the functional building area. Strict application of the standard on a parcel of this width would not improve public safety or welfare; it would simply prevent any reasonable use of the property. The adjoining properties do not contain residential, pedestrian oriented, or vulnerable uses. The adjacent uses are an active railroad and an undeveloped farm field zoned for public use.

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 adjoining parcels are not residential or commercial properties whose value depends on additional separation or screening.

The adjacent properties do not rely on side yard width for privacy, noise mitigation, or aesthetic protection, therefore, the reduced setback will not diminish their functionality, marketability, or long term value.

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

The parcel is only 66 feet wide, and imposing the full side yard requirement on both sides leaves an unworkably narrow building envelope. This constraint is inherent to the lot's physical dimensions and is not self created by the property owner.

Because the lot's narrow width makes full compliance impractical, and because the reduced setback does not create adverse impacts on surrounding properties or the public, the request meets the standard for practical difficulty.

Photographs



Subject site driveway entrance, looking east from Muessing Road



Subject site, existing lot, parking and proposed building location, looking east



Adjacent undeveloped lot to the west



Adjacent Railroad to the south of the site, looking east.



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Board of Zoning Appeals Division III

September 15, 2026

Case Number:	2026-DV3-016A
Property Address:	10220 East Washington Street (<i>approximate address</i>)
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).
Current Land Use:	Under development
Staff Recommendations:	Staff recommends approval of this petition, subject to substantial compliance with the site plan, file-dated August 7, 2026, with drive-through access limited to the Ring Road/internal drive configuration shown on the plan and a bypass aisle being included.
Staff Reviewer:	Josh Levesque, Senior Planner

PETITION HISTORY

This was originally part of a larger petition.

- **May 26, 2026:**
 - 2026DV3016 was split into 2026DV3016A and 2026DV3016B
 - 2026DV3016B pertained to a variance request to allow for a monument sign within 250 feet of another freestanding sign. 2026DV3016B was granted on May 26, 2026.
 - 2026DV3016A, this petition, was continued from the May 26, 2026, BZA III hearing to the June 16th, 2026, BZA III hearing.
- **June 16, 2026:** 2026DV3016A was continued to the July 21st, 2026, BZA III hearing.
- **July 21, 2026:** A timely automatic continuance was filed ahead of the July 21st hearing to automatically continue this case to the August 18th, 2026, BZA III hearing.
- **August 18, 2026:** The petitioner provided updated site plans on August 7th, 2026, showing the inclusion of bypass aisle, thus eliminating the need for the variance request related to the lack of a bypass aisle. This left the variance regarding access from the ring road rather than an alley as the sole remaining variance. The board voted 2-2 on this petition. The indecisive vote automatically continued the petition to the September 15, 2026, BZA III hearing.



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Division of Planning
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STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to substantial compliance with the site plan, file-dated September 4, 2026, with drive-through access limited to the Ring Road/internal drive configuration shown on the plan and a bypass aisle being included.

PETITION OVERVIEW

- 10220 East Washington Street is a parcel totaling roughly 1.326 acres and is part of a larger integrated center just east of the intersection of Washington Street and Mitthoefer Road. This site was previously home to a Golden Corral restaurant. The property is zoned C-4 and is part of the Transit-Oriented Development (TOD) overlay district. Surrounding properties are also zoned C-4 within the TOD overlay. Site plans indicate that a proposed bus rapid transit (BRT) line, is proposed directly south of this site.
 - The petitioner is requesting a variance of development standards to allow a drive-thru with access provided by an interior road (Ring Road) in lieu of a rear alley
- The C-4 (Community-Regional District) is “designed to provide 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. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”
- Along with a base zoning district, sites can have secondary zoning districts. Secondary districts regulate development in certain geographies “and are intended to protect a natural resource (Wellfield and Gravel-Sand-Borrow), to enhance the value of existing development (Regional Center), or to assure the public safety (Flood Control and Airspace).” In other words, secondary districts add an extra layer of standards to the existing base district to enhance development in certain geographic areas. TOD is one of these secondary districts.
- According to the Ordinance, “the intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments.” The Metropolitan Development Commission adopted the TOD changes to the Ordinance in 2021 to provide staff, developers, and the board with guidelines for development in specific areas along transit lines. This has continued to remain a part of the Ordinance for the past five years and remains in full force.

- While certain elements of the Ordinance adopt a more conventional approach to zoning, the TOD aspect of the Ordinance is a form-based code. Rather than focusing on a separation of uses, form-based code regulates the physical form to produce predictable results. Form-based code can be used to steer the shape of the built environment and promote more compact, walkable neighborhoods. Because TOD is a form-based code, it lays out a number of specific guidelines that must be met for development to occur within the district. These guidelines are intended to work in unison to promote more compact, walkable neighborhoods. A deviation from one guideline can undermine the larger goal TOD is trying to achieve. Therefore, any request to deviate from the guidelines must be carefully considered. Each case should be considered on its merits and approval of one petition at one site should not determine the outcome of another.
- This is the 5th (if one includes the splitting of this case) variance petition related to this project that has come before the board in the past 3 years. The petitioner has gone back to the drawing board more than once to adjust things like pedestrian street access, window transparency, setbacks, orientation, and more to try and fit this into a TOD model. The remaining matters revolve around the lack of a bypass aisle and the lack of alley access.
- Under TOD regulations, drive through uses within 600 feet of a transit station (as this one will be) are “prohibited, except where located behind the building and all access provided by alleys.” The subject site is in the Metro Context and was originally developed without alleys. The intent of the Ordinance requiring that TOD drive-throughs be accessed via an alley is to help mitigate traffic conflicts in TOD. If automobiles were to access the site directly off of Washington Street, traffic could spill over into the street and either disrupt traffic or cause conflict with pedestrians. Providing rear access via an internal drive can meet the same goal. When an internal drive can handle the traffic capacity, it can help to meet the intent of reducing traffic conflict.
- To be clear, not all private or internal drives will be able to meet the intent of the Ordinance. This drive does have the capacity due to its size and relatively low existing traffic patterns. While the internal drive will be accessed via a curb cut off of Washington Street, automobiles will then have to drive into the integrated center and access the drive-through from the rear. Additionally, the petitioner has added additional stacking spaces to mitigate overflow into the rest of the development. Staff will note that the curb cut off of Washington Street is pre-existing and was previously an entrance for Washington Square Mall among other business.
- A previous variance (2023-DV3-004) granted access for an accessory drive-through via a private drive for the bank. Staff does not treat 2023-DV3-004 as controlling precedent because the prior approval involved an accessory bank drive-through which is different from a drive-through as a primary function. However, this is relevant site-specific history as it reflects prior BZA consideration of this same internal drive as a potential substitute for alley access within this integrated center.
- TOD requires drive-throughs to be accessed from a rear alley, yet the Metro Context area was largely developed without alleys. This constitutes a site-specific practical difficulty and staff must



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analyze whether a private/internal drive can carry out the same function while also keeping the spirit of the TOD aspect of the Ordinance. In this case, the internal drive functions more similarly to service/rear access than a conventional front drive, as it is internal to the integrated commercial center, does not require drive-through vehicles to queue directly from East Washington Street, provides rear-oriented access to the drive-through, and separates drive-through circulation from the primary pedestrian frontage to the extent shown on the site plan. As such, staff recommends approval this petition.

- Staff will emphasize that the TOD guidelines are intended to work in unison to promote more compact, walkable neighborhoods. A deviation from one guideline can undermine the larger goal TOD is trying to achieve. Therefore, any request to deviate from the guidelines must be carefully considered. Each case should be considered on its merits and approval of one petition at one site should not determine the outcome of another. This specific drive and the layout of the development allowed for a situation where the intent of the Ordinance was met. Not every private road and design will be able to meet this intent and neither petitioners, nor the Board, nor the public should construe this as an automatic recommendation of approval on future projects.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Undergoing development	
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:	C-4	West: Commercial
Thoroughfare Plan		
Washington Street	Primary Arterial	170-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	3/09/2026	
Site Plan (Amended)	9/4/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/10/2026	



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Findings of Fact (Amended)	7/15/2026
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

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.

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

2023-DV3-004, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an integrated center with: a) an accessory drive through within 600 feet of a transit station with access provided by a private drive (alley access required); b) a surface parking area within the minimum 50-foot front yard setback (not permitted); c) all buildings maintaining a 20-foot front yard setback (maximum 10-foot setback permitted); d) and a 46% front building line (80% required), **approved**.



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2024-DV3-013, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a bank with one primary entry (two required), **approved**.

2024-DV3-024 (Amended), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through without an exclusive bypass aisle (bypass aisle required) and the construction of freestanding buildings with front building line setbacks of up to 33 feet (maximum 20-feet permitted per 2023-DV3-004), a front building line width of 33.5 percent (46% required per 2023-DV3-004), and deficient first-story transparency on the front façade of the westernmost building (60% transparency required), **denied**.

ZONING HISTORY – VICINITY

73-Z-176; 10029 East Washington Street, Rezoning of 2.517 acre parcel from the A-2 district to the C-4 classification to provide for commercial development, **approved**.

76-Z-105; 10025 East Washinton Street, Rezoning of a 0.694-acre parcel from the A-2 to the C-4 classification, **approved**.

80-Z-11; 10115 East Washington Street, Rezoning of unimproved land from the D-2 to the C-4 classification to allow for the construction of a retail sales facility with off-street parking, **approved**.

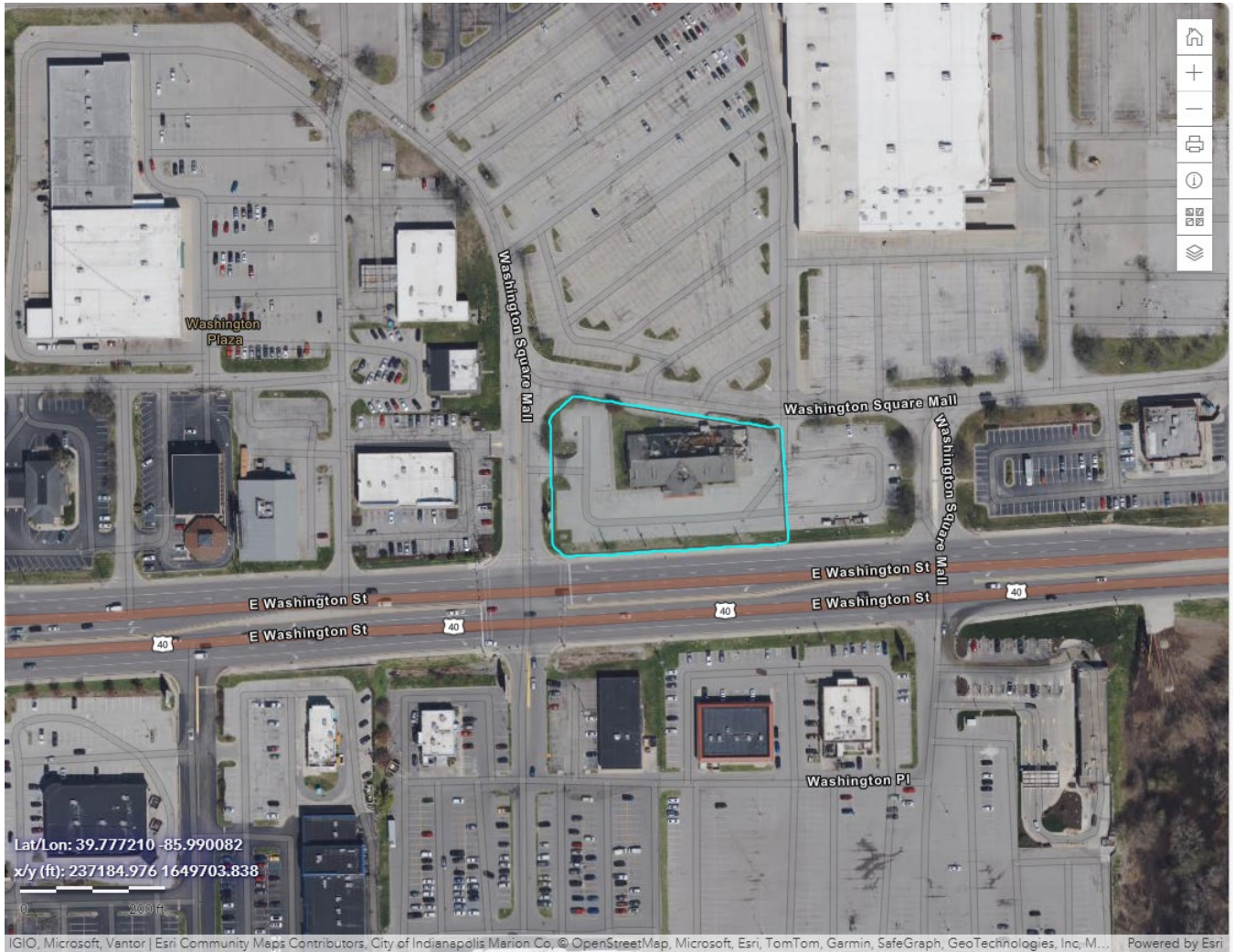
80-Z-12; 10117 East Washington Street, Rezoning of 3 acres from the D-2 to the C-4 classification to allow for the construction of a retail sales facility with off-street parking, **approved**.

84-Z-35; 10225 East Washington Street, Rezoning of 10.6 acres from the A-2 classification to the C-4 classification to permit development of the property for retail commercial use, **approved**.

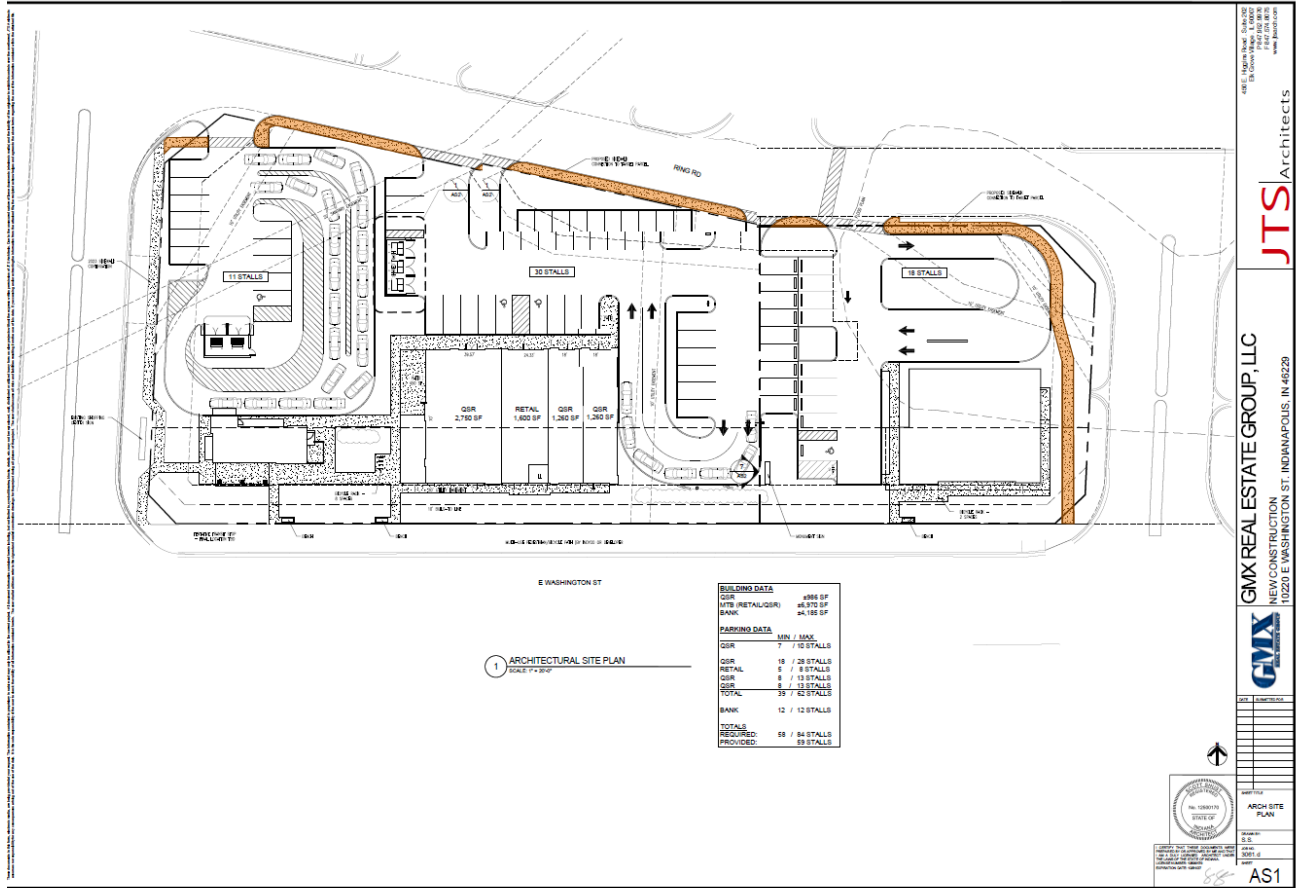
87-Z-24; 10229 East Washington Street, Rezoning of 4+ acres from the A-2 to the C-4 classification, **approved**.

EXHIBITS

2026DV3016A; Aerial Map



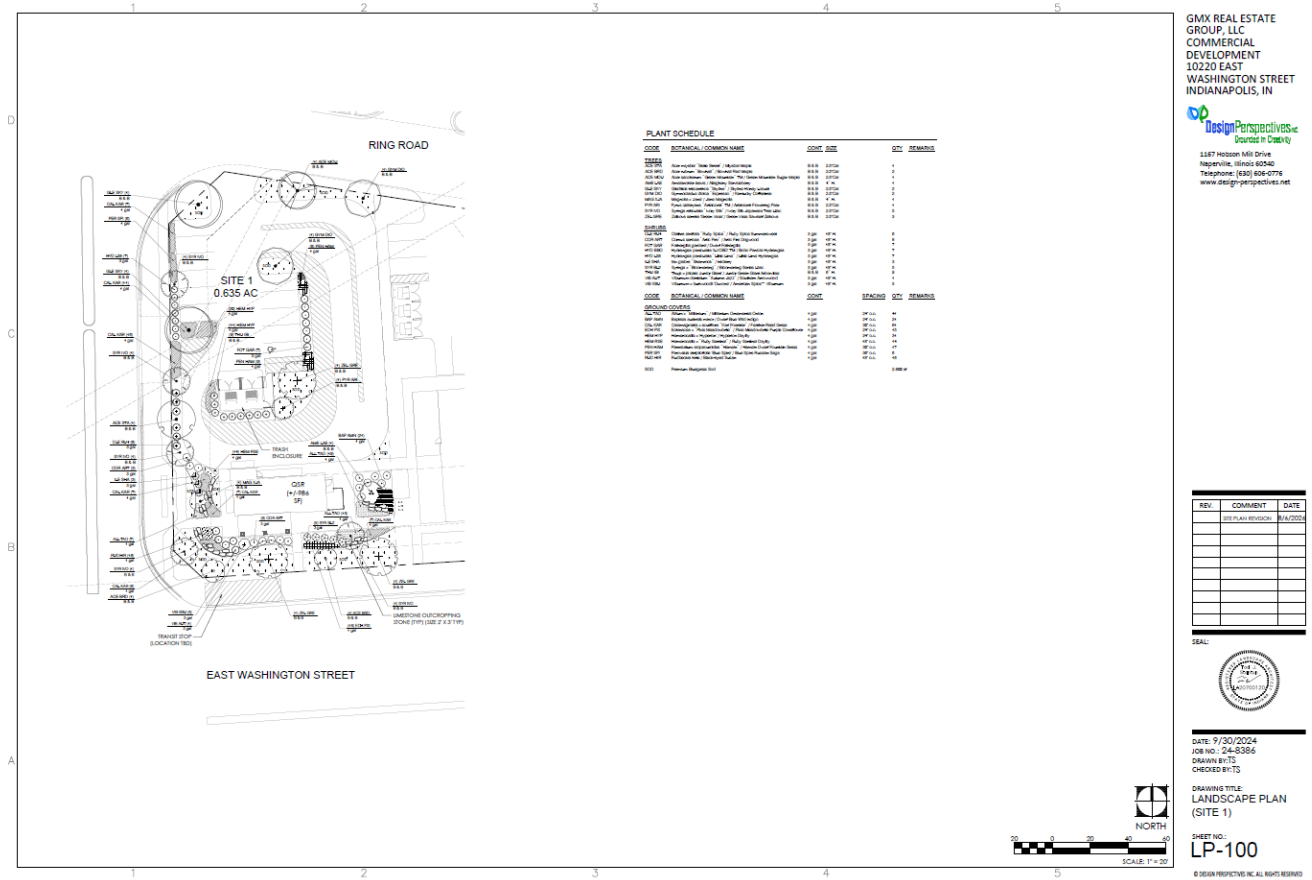
2026DV3016A; Site Plan (Amended 9.4.2026)



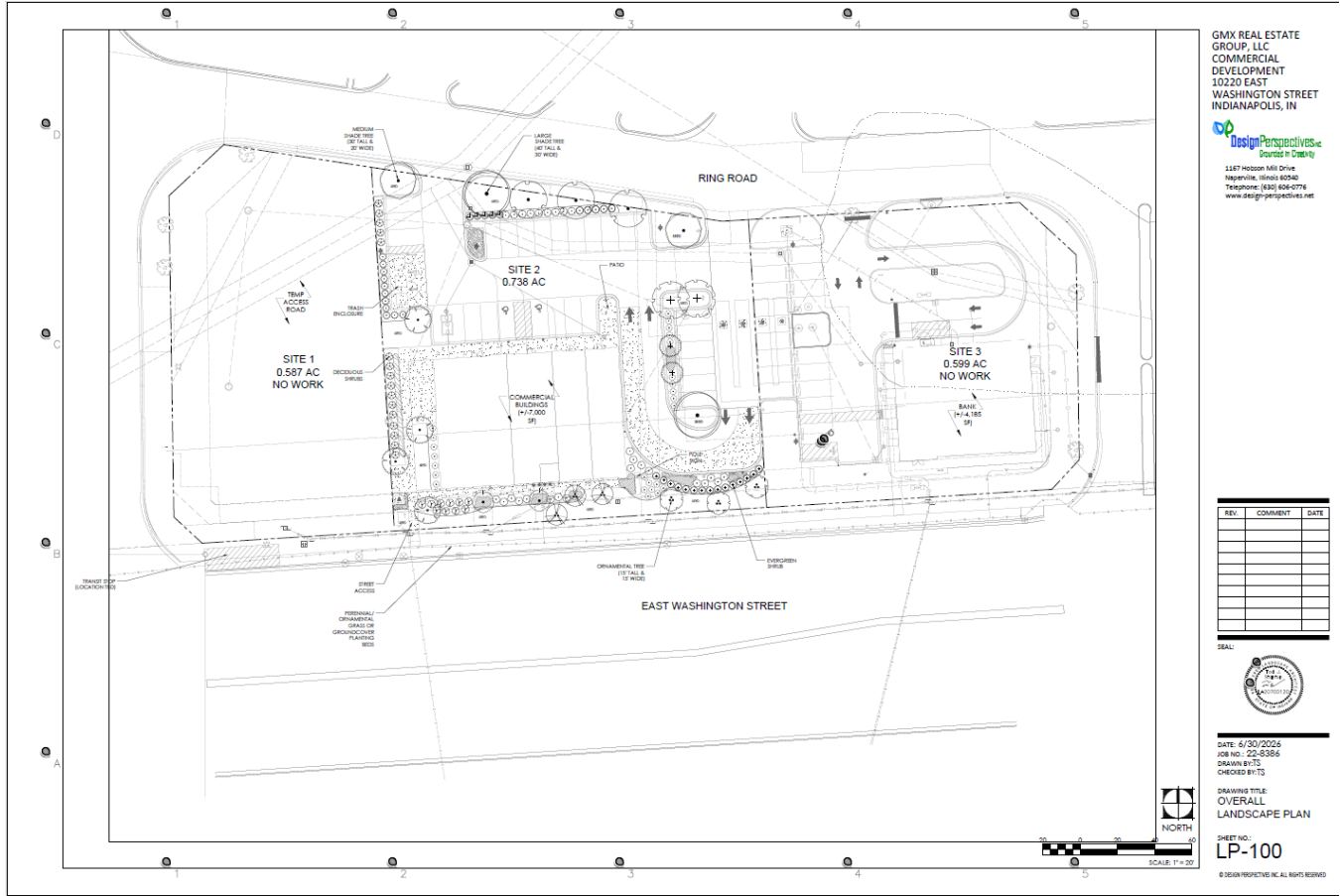


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2026DV3016A; Landscape Plan (Western Parcel)



2026DV3016A; Landscape Plan (Middle Parcel)





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2026DV3016A; Findings of Fact

FINDINGS OF FACT

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

the entrance to the drive through is significantly offset from Washington Street, so there will be no interference with vehicular traffic on a public street. The site plan has been designed to accommodate maximum stacking such that one lane can effectively serve as a bypass aisle without spilling vehicles into public ways.

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:

some adjoining properties use the same ring road as access to their respective properties, and there is adequate stacking and maneuverability to accommodate drive-through traffic (and those waiting to exit/abandon the drive-through lane) to do so without impacting any adjoining 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 subject property is an outlot on a suburban shopping mall development, and there is no alley to provide access to a business with a drive through unit; rather, the existing ring road serves as a functional alley, since it is located behind the proposed buildings. Additionally, to require an exclusive bypass lane when the drive-through lanes and significantly more stacking spaces are available would require unnecessary land and pavement.

2026DV3016A; Photographs



Photo 1: Subject site from mall parking lot

2026DV3016A; Photographs (continued)



Photo 2: Framing of bank at subject site

2026DV3016A; Photographs (continued)



Photo 3: Photo of subject site undergoing development and surrounding context in background



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Board of Zoning Appeals Division III

September 15, 2026

Case Number:	2026-UV3-011
Property Address:	2001 West Washington Street (<i>approximate address</i>)
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 Recommendations:	Staff recommends denial of this petition.
Staff Reviewer:	Josh Levesque, Senior Planner

PETITION HISTORY

N/A

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 2001 West Washington Street is a strip mall with accessory parking on a lot of just over 2 acres. The proposed use would see an O'Reilly Auto Parts store occupy the easternmost tenant bay—one that had been previously occupied by a Dollar General.
- The property is zoned C-4 and is part of the Transit-Oriented Development (TOD) overlay district. Properties to the northwest and west are also zoned C-4 while properties to the north, east, and south are generally zoned D-5 with some MU-2 directly to the east of the subject site. A Blue Line Bus Rapid Transit stop is currently being constructed 245 feet to the west at the intersection of Washington Street and Belmont Avenue.
- The petitioner is requesting a variance of use to provide for the operation of an automobile parts and supply store on a lot greater than 0.5-acre. The Ordinance defines an automobile parts and supply store as "Automobile, Motorcycle, and Light Vehicle Service or Repair".¹ The full definition

¹ The Ordinance defines Automobile, Motorcycle, and Light Vehicle Service or Repair as "the major or minor repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar vehicles under 14,000 pounds gross vehicle weight rating (GVWR). This definition includes uses such as automobile oil change or lubrication shop; automobile tune up shop; engine repair shop; air condition equipment repair; automobile body

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is provided in Footnote 1. While staff concedes that an O'Reilly Auto Parts has the appearance of a retail store, the Ordinance clearly defines parts and supply stores as part of the Automobile, Motorcycle, and Light Vehicle Service or Repair definition. Variances can be granted to allow a use where it would otherwise not normally be allowed. Variances cannot, however, change how the Ordinance defines uses and staff must couch its analysis in the text of the Ordinance.

- Having established that a parts and supply store is defined as automotive repair and--absent a change in Ordinance--cannot be defined otherwise, the question becomes how such a definition impacts this petition. As part of the Transit Oriented Development standards, Automobile, Motorcycle, and Light Vehicle Service or Repair is prohibited on pedestrian frontages in the TOD district. Where otherwise permitted in the district, it is limited to lots no larger than 0.5-acre. The petitioner is seeking a variance to allow the automobile repair use on a lot that is too large, not a variance to redefine what automobile repair means.
- According to the Ordinance, "the intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments." The Metropolitan Development Commission adopted the TOD changes to the Ordinance in 2021 to provide staff, developers, and the board with guidelines for development in specific areas along transit lines. This has continued to remain a part of the Ordinance for the past five years and remains in full force.
- While certain elements of the Ordinance adopt a more conventional approach to zoning, the TOD aspect of the Ordinance is a form-based code. Rather than focusing on a separation of uses, form-based code regulates the physical form to produce predictable results. Form-based code can be used to steer the shape of the built environment and promote more compact, walkable neighborhoods. Because TOD is a form-based code, it lays out a number of specific guidelines that must be met for development to occur within the district. These guidelines are intended to work in unison to promote more compact, walkable neighborhoods. A deviation from one guideline can undermine the larger goal TOD is trying to achieve. Therefore, any request to deviate from the guidelines must be carefully considered. Each case should be considered on its merits and approval of one petition at one site should not determine the outcome of another.
- The Ordinance does not prohibit the use of Automobile, Motorcycle, and Light Vehicle Service or Repair in a TOD district. What the Ordinance guides one to consider are the standards that such a use and other automobile-centric uses must meet so as to not undermine the compact, urban, and walkable development that the Ordinance envisions in these overlays. Just as the Ordinance helps to guide the types of lots that are suitable for various residential, commercial, and industrial districts, the Ordinance provides a guide as to where an Automobile, Motorcycle, and Light Vehicle Service or Repair use might fit in the context of the surrounding area. Such a use is permitted when the lot is deemed to be part of the "Pedestrian Frontage" or when a lot is less than

repair/paint shop; brake system repair or service; detailing/trim shop; exhaust system (muffler) repair shop; glass replacement shop; rust proofing; speed/tuning shop; parts and supply store; tire alignment, retreading, or repair shop; tire dealers; motorcycle paint shop; motorcycle repair shop; and transmission repair and service shop."

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0.5-acre. The issue at hand is not whether the use should be allowed, but whether deviating from the form-based guidelines will undermine the intent of the TOD district.

- A site-specific practical difficulty is related to the unique hardship posed by the site, not the hardship stemming from the proposed development. There are a variety of other C-4 uses that would be permitted on this location under the TOD standards.
- Per state statute, for a board to consider granting a variance, they must find that the petition meets **ALL** five of the following criteria:
 - the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - the need for the variance arises from some condition peculiar to the property involved;
 - the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - the approval does not interfere substantially with the comprehensive plan
- Staff's analysis shows no site-specific practical difficulty and approval of such a variance would substantially interfere with the comprehensive plan and the intended goals of the TOD district. As such, staff recommends denial of this petition.
- Should the board grant approval over staff's recommendation, staff would request the following commitments:
 - No diagnostic testing, vehicle maintenance, or repair may be done on site.
 - This variance will terminate upon the ending of O'Reilly's business operations at this site or upon the sale of the strip mall by the owner, whichever comes first.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Integrated Commercial Center	
Comprehensive Plan	Regional Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-5/C-4/MU-2	North: Residential/Commercial
	South: D-5	South: Residential
	East: MU-2/D-5	East: Residential
	West: C-4	West: Commercial
Thoroughfare Plan		
Washington Street	Primary Arterial	78-foot existing right-of-way and 88-foot proposed right-of-way
Elder Avenue	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	



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Overlay	No
Wellfield Protection Area	No
Site Plan	4/15/2026
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	6/4/2026
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Community Commercial typology provides for low intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- IndyGo's Blue Line Strategic Plan classifies the area around the Washington Street and Belmont Street stop as "Walkable Neighborhood". Characteristics of this typology should include:
 - Mix of uses at station area and primarily residential beyond
 - Maximum of 3 stories throughout
 - No front or side setbacks at core; 0-15 ft. front setbacks and 0-20 ft. side setbacks at periphery
 - Mix of multi-family and single-family housing
 - Structure parking at the core and attractive surface parking at the periphery

Neighborhood / Area Specific Plan



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- The Near West Neighborhood Land Use Plan (2014) envisions this site as community commercial. One of the objectives of this plan is to “improve the public face of Washington and Michigan streets through streetscaping, façade improvements, pedestrian amenities and stronger connections into the downtown.”

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The Thoroughfare Plan indicates that a Primary Arterial Multi-Modal Expansion is planned for Washington Street. This expansion is intended to support multi-modal transportation and support road designs that reflect a more urban, walkable, and compact setting.

ZONING HISTORY

ZONING HISTORY – SITE

89-Z-5, Requesting rezoning of 2.142 acres from C4/D5 to C4, **approved**.

94-Z-145, Requesting rezoning of 0.88 acres from D5 to C4, **approved**.

2006-DV1-018, Variance of Development Standards of the Commercial Zoning Ordinance to provide for the construction of a bank, with each of three drive-through lanes with four stacking spaces before the service unit, each with a stacking space after service units located within the required twenty-foot transitional yard along Maryland Street, with a trash dumpster located within the required twenty-foot transitional yard along Maryland Street and in front of the established building line, and to legally establish a trash enclosure located within the required twenty-foot transitional yard along Elder Avenue and in front of the established building line, **approved subject to commitments**.

ZONING HISTORY – VICINITY

74-UV2-108; 101 South Belmont Avenue (west of site), Variance of use, parking in setback and Variance of Development Standards to permit a parking lot, **approved subject to provisions**.

85-UV3-16; 2041 West Washington Street (west of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the re-development of existing commercial buildings with 51 parking spaced provided on the residentially zoned property, **approved subject to conditions**.

86-UV1-111; 1911 West Washington Street (north of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the outdoor display and sales of vehicles with a 4x6-foot pole sign, **denied**.



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95-V2-31; 2025-2029 West Washington Street (west of site), Variance of Development Standards to provide for the construction of a drug store with: a) the drive-through service unit located on the side of the building; b) with the drive-through service unit located 40 feet from a residential zoning district, **approved subject to conditions**

2019-CZN-844 / 2019-CVR-844; 1847, 1906, and 1910 West Washington Street (north and east of site), Rezoning of 0.52-acre from the D-5 district to the MU-2 district and; Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family residential dwellings and to provide for a proposed mixed-use structure (1910), parking lot and trash container with a five-foot west side transitional setback and an existing mixed-use structure (1906) with a 25-foot front setback and a parking lot with a five-foot east side transitional yard, and a parking lot (1847) with a five-foot south transitional yard and zero-foot east transitional yard, **approved subject to commitments.**

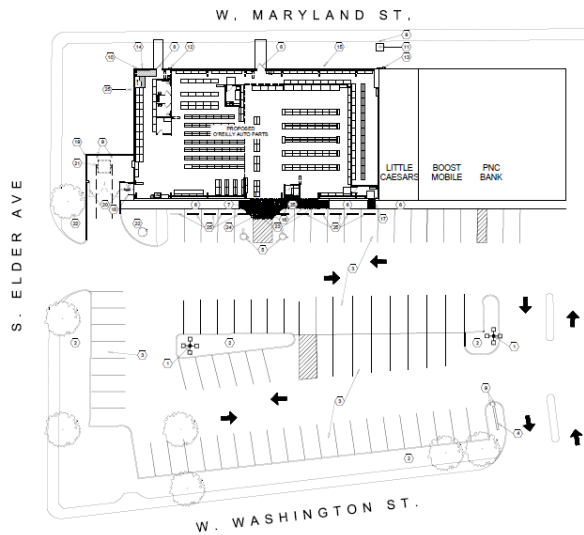
EXHIBITS

2026UV3011; Aerial Map



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2026UV3011; Site Plan



SITE PLAN GENERAL NOTE:

SITE PLAN PROVIDED FOR GENERAL REFERENCE OF EXISTING CONDITIONS. SCOPE OF WORK IS IDENTIFIED IN KEYNOTES ON THIS SHEET.

PARKING LAYOUT AS SHOWN, DRIVE AISLES, PUBLIC WALKWAYS, ADJACENT STRUCTURES, PARKING LAYOUT GRADE SLOPES, ETC. ARE EXISTING CONDITIONS AND NOT VERIFIED. NO NEW PARKING SITE LAYOUT SCOPE.

③ SITE PLAN (NO CHANGE IN BUILDING SQUARE FOOTAGE OR PARKING)
 SCALE 1"=25'

SYMBOLS LEGEND

- EXISTING CONDITIONS TO BE REMOVED
- PROPERTY LINE
- ACCESSIBLE PATH OF TRAVEL
- LIGHT POLE

GENERAL NOTES

1. ALL SURVEY DATA NOT BEEN PROVIDED. EXISTING SITE CONDITIONS INDICATED. NOTES ARE SHOWN FOR ONLY AND PROPOSED THE GENERAL REFERENCE.
2. SITE CONDITIONS TO FACE OF BUILDING, SIDEWALK, CURB, UTILITY LINE, PROPERTY LINE OR CENTER LINE OF STREET UNLESS OTHERWISE NOTED.
3. EXISTING CONDITIONS TO REMAIN TO BE PROTECTED AS REQUIRED. REPLACE AND/OR REPAIR EXISTING CONSTRUCTION DAMAGED DUE TO CONTRACTOR ACTIVITIES.
4. ALL DEMOLITION MATERIALS SHALL BECOME PROPERTY OF CONTRACTOR FOR PROPER DISPOSAL. SEE DETAIL 1000-01.
5. PROVIDE SMOOTH ELEVATION AND GRADING TRANSITIONS FROM NEW CONSTRUCTION TO EXISTING CONSTRUCTION TO REMAIN.
6. CONTRACTOR TO ENSURE EXISTING LANDSCAPING IS FREE OF WEEDS, FREE OF OBSTRUCTIONS AND IS WELL MAINTAINED.

KEYNOTES

1. EXISTING LIGHT POLE
2. EXISTING BASED CONCRETE OR LANDSCAPE ISLAND
3. EXISTING REGULAR STRIPED PARKING
4. EXISTING ILLUMINATED SHOPPING CENTER DISGAGE
5. REPAIR EXISTING ACCESSIBLE PARKING SPACES WITH NEW DISGAGE
6. EXISTING CONCRETE SIDEWALK
7. NEW CONCRETE ACCESSIBLE CURB RAMP AND LANDSCAPE
8. EXISTING EXISTING DOOR WITH CONG. PAD
9. EXISTING BOLLARD
10. EXISTING DOWNPOUT
11. EXISTING WATER METER
12. EXISTING ELECTRICAL METER
13. EXISTING GAS METER
14. EXISTING INCOMING ELECTRIC
15. EXISTING CLEAN OUT
16. NEW DOWNPOUT SYSTEM WITH NEW DOWNPOUT ENTRY / EXIT DOOR
17. NEW EXTERIOR GUSSET DOOR AND NEW CONG. LANDING AT DOOR
18. NEW EXTERIOR DOORS
19. EXISTING DUMPSTER ENCLOSURE
20. NEW DUMPSTER ENCLOSURE SATIS
21. NEW DUMPSTER
22. EXISTING LANDSCAPE AREA
23. NEW/REPAIR USE FOUR IN AND EXTERIOR ELEVATIONS
24. NEW CONCRETE PAVEMENT TO MATCH ADJACENT PARKING SURFACES. PAINT STRIPES TO MATCH ADJACENT SURFACE
25. BRUSH CLEAROUT
26. NEW/REPAIR, STOP, SEE DETAIL 1000-01

ENVIRONMENTAL GENERAL NOTES

ALL ENVIRONMENTAL ANALYSES HAVE NOT BEEN PERFORMED ON THE EXISTING SITE. IF THE PROJECT COULD AFFECT ENVIRONMENTAL, CONTRACTOR TO PROVIDE ANALYSIS REQUIRED FOR PROPER REMOVAL, HANDLING AND DISPOSAL. FOR ENVIRONMENTAL ANALYSIS RECOMMENDATIONS.



Know what's below.
 Call before you dig.

CAUTION: INFORMATION ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUDING. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THEREOF.

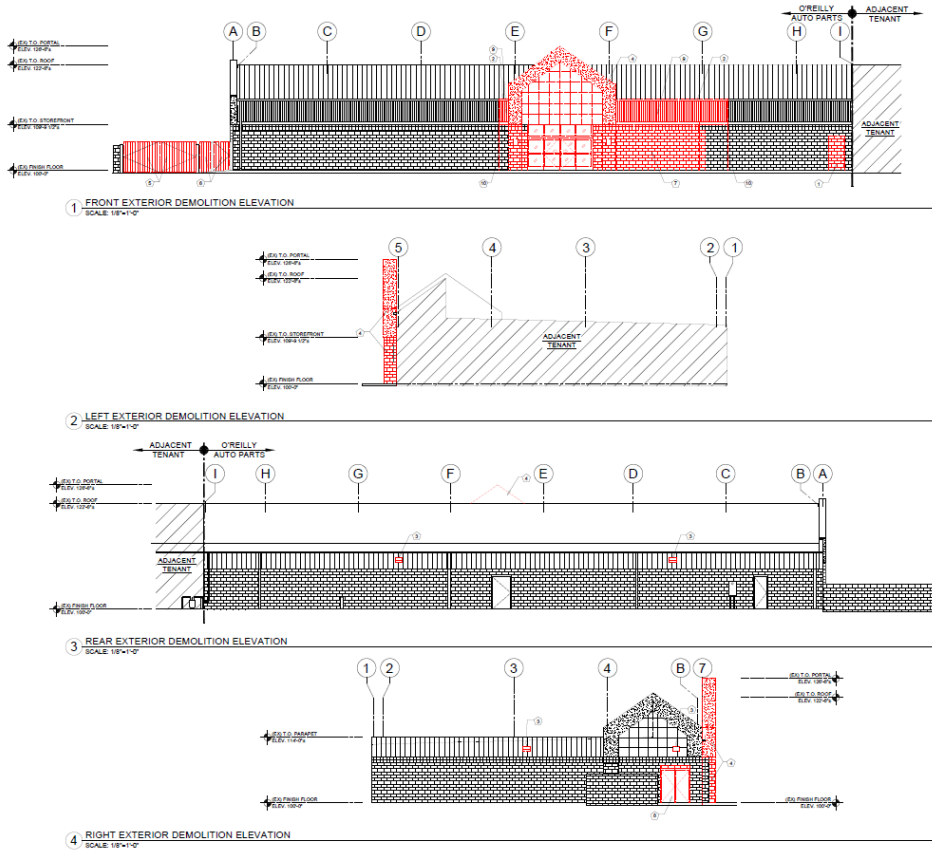
PROJECT:
 O'REILLY AUTO PARTS STORE - 118
 118 W. WASHINGTON ST.
 INDIANAPOLIS, IN 46222

ARCHITECTURAL SITE PLAN

O'Reilly AUTO PARTS

A0.2.1

2026UV3011; Elevations



LEGEND	
	EXISTING TO BE REMOVED
	NEW CONSTRUCTION
GENERAL NOTES	
A. DEMOLITION CONSTRUCTION BASED UPON INFORMATION PROVIDED BY OTHERS OR ARCHITECT'S OBSERVATION.	
B. EXISTING CONSTRUCTION TO REMAIN TO BE REMOVED AS REQUIRED. REMOVE AND REPLACE DAMAGED CONSTRUCTION DUE TO CONTRACTOR'S ACTIONS.	
C. EXISTING CONSTRUCTION TO BE REMOVED AS REQUIRED FOR INSTALLATION OF NEW CONSTRUCTION. NOTCH AND STUMP EXISTING SURFACES OF EXISTING CONSTRUCTION TO REMAIN AT LOCATION OF EXISTING CONSTRUCTION TO BE REMOVED. FILL GROUND SURFACE OF REMAINING AREAS.	
D. NEW CONSTRUCTION TO MATCH EXISTING CONSTRUCTION TYPE AND FINISH, UNLESS OTHERWISE NOTED.	
E. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONSTRUCTION PRIOR TO DEMOLITION. NO NEW CONSTRUCTION SHALL BE PERMITTED WITHOUT EXISTING CONSTRUCTION.	
DEMOLITION KEYNOTES	
1. CUT OFFLINE IN EXTERIOR WALL, FOR NEW CONSTRUCTION, REFER TO SHEET 10.2 FOR ADDITIONAL INFORMATION.	
2. REMOVE EXISTING EXTERIOR GUTTER FOR NEW PORTAL. REFER TO AS 2.2 FOR ADDITIONAL INFORMATION.	
3. EXISTING EXTERIOR LIGHT FIXTURES TO BE REMOVED. PREPARE WALLS AS REQUIRED TO RECEIVE NEW WALL/FIXTURES.	
4. REMOVE EXISTING PORTAL ENTRY COMPLETE, INCLUDING BUT NOT LIMITED TO: GLASS, ALUMINUM, STEEL, BRASS, COPPER, POLYMER, METAL, CORRAL, ALUMINUM, STEEL, ETC.	
5. REMOVE EXISTING DAMAGED GATES IN PREPARATION FOR NEW GATES.	
6. REMOVE EXISTING WOOD PANELS ON EXISTING PORTAL AND NEW GATE, AND PREPARE EXISTING PORTAL FOR NEW PORTAL.	
7. SAWCUT AND REMOVE EXISTING WALL FOR NEW EXTERIOR LIGHT FIXTURES. SAWCUT AND REMOVE EXISTING WALL FOR NEW EXTERIOR LIGHT FIXTURES. SAWCUT AND REMOVE EXISTING WALL FOR NEW EXTERIOR LIGHT FIXTURES. SAWCUT AND REMOVE EXISTING WALL FOR NEW EXTERIOR LIGHT FIXTURES.	
8. REMOVE EXISTING WOOD PANELS, WOOD TRIM AND WALL, PREPARE WALL TO FACILITATE CONSTRUCTION OF PORTAL.	
9. EDGE OF NEW PORTAL.	

CABCO 1000 N. ALABAMA ST. INDIANAPOLIS, IN 46202	
PROJECT: O'REILLY AUTO PARTS STORE - 118 2061 W WASHINGTON ST. INDIANAPOLIS, IN 46222	
O'Reilly AUTO PARTS	
DATE: 04/18/2026 DRAWN BY: JLB CHECKED BY: JLB	A2.2.1

2026UV3011; Elevations (cont'd)



FACADE	
ED - 1	PAINT
WPR:	SHERWIN WILLIAMS
STYLE:	SWARTZ-CLEV
COLOR:	SWARTZ POSITIVE RED
FINISH:	GLOSS
APP:	PER WPR SPEC FOR SURFACE
NOTES:	INCLUDE FIBRE COMPONENT (NOT IN BULK) / BULK IS CLEAR URETHANE

EXTERIOR GENERAL NOTES

- | | |
|---|---|
| A | MANUFACTURER: SHERWIN WILLIAMS SPECIFIED: EQUAL PRODUCTS BY PPG INDUSTRIES ACCEPTABLE (NO SUBSTITUTES) |
| B | APPLICATION: INSTALL PER MANUFACTURER'S RECOMMENDATIONS FOR PROPER CONDITIONS. EACH COAT SPECIFIED SHALL BE SPRAY APPLIED AND BACK ROLLED. COVERAGE THICKNESS INDICATED IN WET MIL UNITS, UNLESS OTHERWISE INDICATED. |
| C | ALL CORINGS, NEW AND EXISTING, ARE TO BE PAINTED TO MATCH THE WALL BELOW THEM. |

EXTERIOR KEYNOTES

- [illegible]

[illegible]



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2026UV3011; Findings of Fact

FINDINGS OF FACT

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

The proposed use consists of a retail O'Reilly Auto Parts store within an existing commercial building and is compatible with the surrounding commercial corridor and adjacent retail uses. The project does not include automotive repair, body work, vehicle dismantling, or outdoor storage of inoperable vehicles. The use will operate in accordance with all applicable building, fire, and life safety requirements.

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 project is a reuse of an existing commercial retail building and will maintain the commercial character of the area. The proposed improvements include exterior façade updates that will enhance the appearance of the property. The proposed use is consistent with surrounding commercial development patterns and is not anticipated to generate impacts beyond those typical of retail commercial uses in the area.

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

The subject property is located within a C-4 (TOD) zoning district. While the primary C-4 district permits automobile repair-related uses, the TOD overlay only permits those uses on lots smaller than 0.5 acres. The overall subject property is over 2 acres, but our parcel is less than .5 acres. Based on the Ordinance definitions and prior administrative interpretations, the proposed O'Reilly Auto Parts use is classified as an automobile repair use due to the inclusion of automobile parts sales within that definition. The TOD overlay was also adopted after the site was originally developed, creating a unique zoning condition affecting reuse of the existing commercial property.

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 zoning ordinance would prevent reasonable reuse of an existing vacant commercial retail building for a use that is substantially similar in operational characteristics to surrounding commercial uses. Denial of the variance would limit the viable commercial reuse of the property despite the proposed use having minimal impact on adjacent properties and being consistent with the character of the surrounding corridor.

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

The proposed project is consistent with the existing commercial nature of the corridor and represents reinvestment into an existing developed commercial property. The project reuses existing infrastructure, maintains commercial activity within the area, and is compatible with the surrounding land uses and development pattern contemplated by the Comprehensive Plan.

2026UV3011; Photographs



Photo 1: Tenant bay in strip mall where O'Reilly Auto Parts proposes to locate. This was previously home to a Dollar General

2026UV3011; Photographs (continued)



Photo 2: View of strip mall to the west

2026UV3011; Photographs (continued)



Photo 3: Looking north from subject site. Reconstruction of Washington Street to support Blue Line Bus Rapid Transit can be seen in background.

2026UV3011; Photographs (continued)



Photo 4: Looking east from subject site

2026UV3011; Photographs (continued)



Photo 5: Reconstruction of Washington Street to support Blue Line Bus Rapid Transit can be seen in background.

BOARD OF ZONING APPEALS DIVISION III

September 15, 2026

Case Number: 2026UV3013

Property Address: 5930 McFarland Rd

Location: Perry Township, Council District 24

Petitioner: Noah Worley

Current Zoning: D-A

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a home occupation (electrical contractor office and material storage) within 500 square feet of an existing 4,000-square-foot accessory structure, to legally establish a 4,000-square-foot accessory structure with a horizontal land area greater than the primary building (accessory building larger than primary building not permitted), and an accessory structure with a 13.5-foot side setback (15-foot side setback required).

Current Land Use: Single-Family Residential

Staff Denial of the Use Variance, Approval of the Development Standard

Recommendations: Variance for Accessory Structure Size, Denial of the Side Setback Variance.

Staff Reviewer: Noah Pappas, Manager – Current Planning

PETITION HISTORY

This is the first hearing for this petition

STAFF RECOMMENDATION

Denial of the Use Variance, **Approval** of the Development Standard Variance for Accessory Structure Size, **Denial** of the Side Setback Variance.

If approved over staff's recommendation, it is requested that the Board include two commitments to better shield adjacent property owners.

Commitment 1: Along the northern and southern property line, beginning at the far western corners of the building and extending east 150 feet, the petitioner provide buffering consisting of a dense vegetative screen including one evergreen tree for every 25 linear feet of lot line and 4 large shrubs per 25 linear feet of lot line. This would constitute a total of 6 trees and 24 large shrubs on each frontage, for a total of 12 trees and 48 shrubs.

Commitment 2: The approval is tied to the provided plan of operation.

PETITION OVERVIEW

- In September 2025, VIO25-008479 was opened, noting violations on site. Several items were noted on that violation notice including:
 1. 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 an accessory structure exceeding 200sq. feet).
 2. The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Vehicle, regardless of weight, used or designed to be used as a excavator).
 3. The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, with a cargo holder exceeding 12ft. in length).
 4. The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, holding landscaping or construction equipment...excavator storage)
 5. The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - A construction contractor is not a permitted use in a D-A zoning district..."Branch Electric LLC").
 6. Failure to comply with use-specific standards and zoning district development standards for the D-A district; (743-306.A.1.a.Any accessory use shall be customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot).
 7. Failure to comply with use-specific standards and zoning district development standards for the D-A district; (743-306.JJ.3. - Required 5ft. fencing not installed for an above ground swimming pool exceeding 18 inches in depth).
- The petitioner is requesting to utilize 500 square feet of a 4,000 square foot accessory structure to house an electrical contractor and related material storage, to allow an accessory structure that is larger than the primary (approximately 1100 square feet, and to allow the accessory structure to have a side setback of 13.5 feet when a 15 foot side setback would be required.
- As noted above, the existing house is approximately 1100 square feet. This is 2900 square feet smaller than the accessory structure. The ordinance restricts accessory structures to be no larger in horizontal land area than the primary structure. This accessory structure was constructed without proper permits in 2022 according to aerial photography. It should be noted that a business has been operating at this location for approximately fifteen years, with the accessory structure only being around for the last four.
- The stated purpose of needing the larger accessory structure than would otherwise be permitted is to (1) house the electrical contractor business, (2) provide storage of work vehicles, (3) storage of personal vehicles, yard maintenance items and hobby/ interest items.

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- This proposed use would not be anticipated to generate meaningful traffic from the site, with the petitioner stating that there is minimal traffic (no more than 2 persons daily) from employees and no retail footprint.
- While this use is utilized by the petitioner as a business run at his residence, the business more closely resembles that of Commercial and Building Contractor, which is defined in the ordinance as, “**Commercial and Building Contractor:** Establishment or activity that supplies materials and labor to fulfill work at a remote site, typically a building trade or activity associated with construction or maintenance. This definition may include offices for operation of the contracting business, but does not include retail sales of goods to the public, unless such retail sales are permitted by the district. This includes uses such as contractors for awning; building/construction; carpentry work; concrete; decorating; demolition; electrical; excavation; extermination/disinfection; fence; flooring; home remodeling; masonry/stonework/tile/setting; painting; pest control; plastering/drywall; plumbing; roofing; septic system; sheet metal; siding; sign; storm door; window; construction companies, contractors, lumber yards; swimming pool installation and services; home remodeling companies; heating; air conditioning; landscaping; lawn services; tree services; and water softener services.” As noted above, the ordinance specifically calls out Electrical as part of this definition.
- Conversely, a Home Occupation is defined as, “**Home Occupation:** An occupation, profession, craft, service, or business activity carried on within a legally established dwelling unit, or associated legally established accessory building, by a resident of a dwelling unit on the same lot or parcel, where the occupation or business activity is clearly incidental and subordinate to the residential use. Examples of professional services that are permitted home occupations include but are not limited to accounting, counseling, cabinet making, computer programming, web design, graphic design, law, medicine, dentistry, architecture, engineering, sewing, real estate brokerage, tailoring, weaving, therapy provided by a practitioner licensed by the State of Indiana, tutoring, writing, painting, photography, music instruction, web design, and such services as are provided by clergyman, insurance agents, and manufacturer’s agents. A child care home is not a home occupation.
- According to the Ordinance, the D-A district “holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying necessary uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as part of such agricultural uses. A secondary provision of this district is a large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.”
- While the site in question is within the Rural or Estate Neighborhood land use typology, it directly borders Southport Middle School and Clinton Young Elementary, which fall under the Regional

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Special Use typology. Although this typology provides some non-residential uses, staff will note that the Commercial and Building Contractor use is not a by-right use until the C-5 district, a district more compatible with the Heavy Commercial typology. The Pattern book stresses importance of in harmony with the surrounding area.

- The existing lot is approximately 100 feet wide. With a northern side setback of approximately 28.5 feet, there is an additional 13.5 feet available to meet the 15 foot setback requirement on both property lines.
- During staff's site visit, a drop in grade was observed from the house to the site of accessory building where the ground levels out. Using GIS staff was able to determine a drop in grade from 798 feet at the house, down to 788 feet at the accessory structure. This grade difference would have made it difficult to build this accessory building as an addition to the house.
- The location of the accessory building is approximately 175 feet away from the neighbor to the souths residence, and approximately 75 feet away from the northeastern neighbor. The petitioner has stated that part of the reason the accessory structure encroaches into the southern side setback is to provide as much separation from the northern neighbor as possible.
- Staff will note, that the home occupation of an electrical contractor can represent a less intense use than one where an electrical contractor's office is also conducted. While an electrical contractor on it's own would not be suitable in the D-A district, a Home Occupation is contemplated is. Per the petitioner, the predominant business activities on this site is for office and business / business vehicle storage.
- Outlined in the Ordinance definition above, for home occupations to be permitted they must be "clearly incidental and subordinate to the residential use". While the accessory structure itself is larger than the 1100 square foot residence, the 500 square feet of the accessory structure which the electrical contractor business resides in *would* represent a subordinate use. However, taken in context with the scope of the 4,000 square foot accessory structure, the overall development is neither incidental nor subordinate. Staff will note that 3500 of the 4000 square-foot building is used for personal storage and is not related to the business. Ultimately there is nothing peculiar to this property which would limit it from being utilized for what it is permitted for, which is single-family residential. Given that fact, staff is recommending **denial** of the use variance.
- The steep change in grade *does* present practical difficulty in that it would make it difficult for the petitioner to attach the development to the house. Had this been able to be attached directly to the house, without the grade change, a 4,000 square foot addition would have been allowed. For that reason, staff is recommending **approval** of the Development Standard Variance for an accessory structure larger than the primary.
- However, given the fact that there is an additional 13.5 feet to the north which would allow for both south and north side setback to be met, staff is recommending **denial** of the southern yard side setback variance.

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

- If approved over staff's recommendation, it is requested that the Board include two commitments to better shield adjacent property owners.
 - Commitment 1: Along the northern and southern property line, beginning at the far western corners of the building and extending east 150 feet, the petitioner provide buffering consisting of a dense vegetative screen including one evergreen tree for every 25 linear feet of lot line and 4 large shrubs per 25 linear feet of lot line. This would constitute a total of 6 trees and 24 large shrubs on each frontage, for a total of 12 trees and 48 shrubs.
 - Commitment 2: The approval is tied to the provided plan of operation.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single-Family Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North:	D-A, SU-2 North: Estate Single-Family Residential, School
	South:	D-A South: Estate Single-Family Residential
	East:	D-A, D-3 East: Estate and Suburban Single Family Residential
	West:	D-A, SU-2 West: Estate Single-Family Residential and School
Thoroughfare Plan		
McFarland	Primary Collector	
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 9, 2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	June 9, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019).

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
- Recommended land uses include: Detached Housing, Working Farms, Group Homes, Bed and Breakfast, Wind or Solar Farms.
 - **Detached Housing** - Should preserve open space. In older, established historic areas, lots should be deep and narrow with deep setbacks. This allows for city services such as streets and sewer lines to be used more efficiently. Mature trees should be preserved whenever possible. In more rural areas, the protection of open space is even more critical. Lots should be both deep and wide. Denser development is appropriate only if the houses are clustered together and public open space is provided. “Flag lots” (lots that are behind other lots, buildings, or otherwise not visible from the road) should be avoided. Lots should be no larger than one and a half times the adjacent lots.
 - **Working farms** - Livestock feedlots, open food composting, or other uses emitting significant and unmitigated odors should be separated from all other land use typologies with the exception of Heavy Commercial, Light Industrial, and Heavy Industrial by a minimum of 500 feet.
 - **Group Homes** - Should be in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location, and vehicle and service areas. Should be located adjacent to residential uses.
 - **Bed and Breakfast** - Should be in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location, and vehicle and service areas.
 - **Wind or Solar Farms** - Recommended only where it is unlikely to have an impact on areas of exceptional topography or sight-lines.

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)

Thoroughfare Plan identifies McFarland as a Primary Collector.

The Pedestrian Plan identifies McFarland as a Priority one Area. \

The Bicycle Master Plan identifies McFarland as having a proposed Bikeway.

ZONING HISTORY

56-A-157, 60-Z-207, 94-Z-63, 2004ZON137, 2017ZON066 and 2005ZON114 are all rezonings tied to area schools (Southport Middle Schools and Clinton W Young Elementary.

88-Z-60 to permit the Perry Woods II subdivision.

Note to future Noah. Fill in additional school related variances.



Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

METROPOLITAN DEVELOPMENT COMMISSION
METROPOLITAN BOARD OF ZONING APPEALS
PLAT COMMITTEE
HEARING OFFICER
OF MARION COUNTY, INDIANA

Item 10.

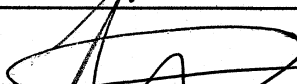
CONSENT FORM

The undersigned, Noah Worley, being the owner of the property
commonly known as 5930 Mc Farland Rd, hereby authorizes
Noah Worley to file land development petitions necessary for the
aforementioned address.

This consent shall (check one):

- ☒ remain in effect until revoked by a written statement filed with the Planning Division of the
Department of Metropolitan Development.
- ☐ remain in effect until _____.
- ☐ remain in effect until these land development petitions are resolved.

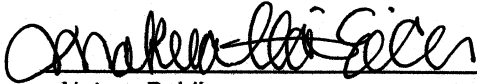
Noah Worley


Signature(s) of Owner (s)

STATE OF INDIANA,
COUNTY OF MARION, SS:

Subscribed and sworn to before me this

2nd day of June, 2024


Notary Public

Makenna Thais Emrich

Printed Name of Notary Public

My Commission expires: 11/13/2030

My County of residence: Johnson

Consent Form.doc
Revised 12/15/05

MAKENNA THAIS EMRICH
Notary Public - Seal
Johnson County - State of Indiana
Commission Number NP0744896
My Commission Expires Nov 13, 2030

Signature(s) of Owner(s)

STATE OF INDIANA,
COUNTY OF MARION, SS:

Subscribed and sworn to before me this

____ day of _____, 20 ____

Notary Public

Printed Name of Notary Public

My Commission expires: _____

My County of residence: _____

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
We Have been using our home/property for our small business for 15 years. We do not create nuisance via Noise, Traffic, Trash or Activity.
Non of our neighbors have ever complained about our activities.
In fact we help our neighbors on the street with our knowledge, tools and personal labor when they could not have afforded professional services.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:
The Building in question was built inline with both of my adjacent neighbors knowledge, I included them in on the size, placement, style.
My Northern neighbor wanted the building over as far as possible so I tried to abide by that.
My Southern neighbor didn't care.
They have both voiced to my family recently that we are the best neighbors they interact with on the street.
I did admittedly accidentally place the building 6"-1.5' to close to my sourthern neighbor, she has stated shes willing to sign that it is not impacting her and she does not care.
All of our surrounding neighbors have voiced that the property has only gotten "prettier" as we've worked on it and brought yard maintenance items under roof

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
We do run a small business out of the building in question.
It is our livelyhood and we can't currently afford the steep price of commercial rent for our sized business.
We need the building for first and formost a "garage" we have no room to add a 3 car garage to our home and we have 3 going on 4 drivers.
The building footprint is larger than our home but we use it for our familys storage needs and operation primarily and then a home office/Minor material storage

DECISION

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

Adopted this _____ day of _____, 20 ____

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

We Have been using our home/property for our small business for 15 years. We do not create nuisance via Noise, Traffic, Trash or Activity.

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 Building in question was built inline with both of my adjacent neighbors knowledge, I included them in on the size, placement, style.

My Northern neighbor wanted the building over as far as possible so I tried to abide by that.

My Southern neighbor didn't care.

They have both voiced to my family recently that we are the best neighbors they interact with on the street.

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

I would like to continue to use my home and property including my accessory building for our business activites as long as we are a small community company.

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

I would no longer be able to opperate out of my home office or store a very modest ammount of tools and parts.

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

I appologize but I am unfamiliar with "the plan"

DECISION

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

Adopted this _____ day of _____, 20 ____

Noah Worley

5930 Mcfarland Rd
Indianapolis, IN 46227
(123) 456-7890
Noah Worley

6th of June 2026

Metropolitan Board of Zoning Appeals

Plan of Operation for 5930 Mcfarland rd.

The current building in question is a 4,000 sq' building.

The building is used as my Electrical contracting office, our family's garage since we can't build an attached garage to our home and we have 3 drivers soon to be 4.

It houses our yard maintenance items, personal vehicles, hobby/interest items.

Also it acts as our business materials storage (roughly 500 sq')

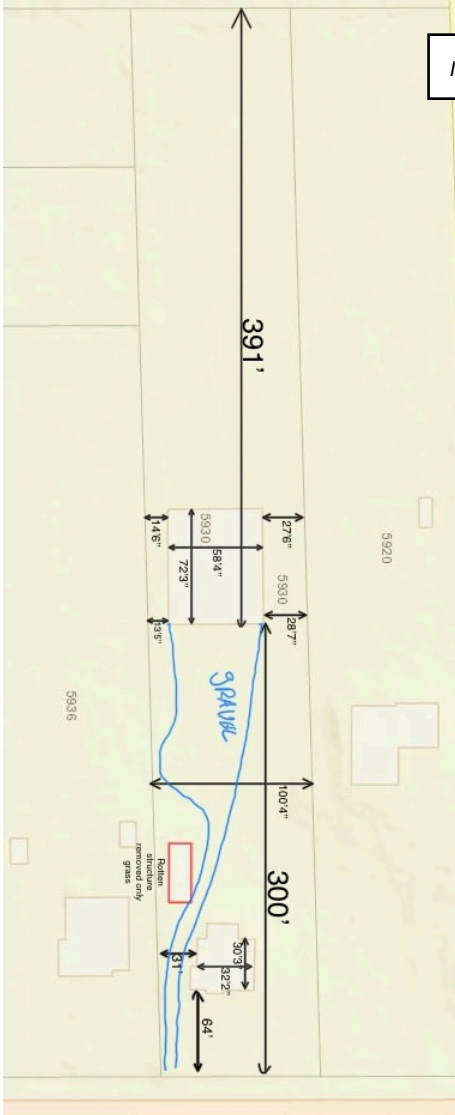
Currently we have 5 employees including myself. Employees don't come to the shop daily, the work is done remote from company vehicles taken home by employees. Our business traffic on the property daily is 0-2 persons and we have no retail foot traffic.

We are very quiet and have the building so that items once having to be stored outside and unsightly are now in a well maintained structure.

Sincerely,

Noah Worley

Item 10.



Record No: VAR-26-155

Variance Petition

Status: Active

Submitted On: 6/9/2026

Staff Review

Accela Case 

2026-PTN-128

Public Notice Blurb 



PAST STAFF DISCUSSION NOTICE: Applicant has previously discussed project with City Staff. Staff should reach out to the listed staff / departments for information that was discussed.

Project Information

Are you requesting a Variance of Use?*

Yes

What is the proposed use?*

My Business office and minor storage of basic parts 500 sq'

Is the propsed use non-residential?*

Yes

Is the proposed use a multiple dwelling project or is in a D-6, D-6II, D-7, D-8, D-9, or D-10 dwelling district?

No

Are you requesting a Variance of Development Standards?*

Yes

Are you requesting a Variance of the Flood Control Districts Zoning Ordinance?*

No

Provide a detailed description of the proposal. *

The building is 1.5 feet too close to the property line (13.5)
The foot print of the building is larger than the home on the same property
I also want to keep running my small business of 15 years out of it

Specify any specific condition(s), commitment(s), and/or regulation(s) sought to be modified.*

Sec. 743-306-A.2.B: Accessory and Temporary Uses
Table 744-201-1: Dimensional Standards for D-A through D-5II

Has applicant discussed this project or parcel with any city staff?*

Yes

Please list the city departments and staff.*

Adam Cooper,Kathleen Blackham

IndyGo Coordination - Are there stops at or adjacent to the site?*

No

Are you filing this petition along with another zoning request (a companion petition)?*

No

Zoning Information

Current Primary Zoning Classification*

D-4

Current Secondary Zoning Classification

Ag

What is the future Land Use recommendation found in the city's Comprehensive Plan?*

variance of use and a variance of development standards

Existing Use of the Subject Property* ?

Primary residence/small business

Existing Improvements on the Subject Property* ?

Accessory building/Removal of former accessory building that was falling down

Property Information

Local Tax Parcel Numbers* ?

5011887

Property Acreage*

1.6

Township(s)*

Perry

Is this property the subject of any code enforcement action?*

No

Was this property the subject of any previous land use petition(s)?*

No

Legal Description

A copy of the legal description is required for an application to be considered submitted.

What type of legal description does this property have?*

Not sure

A legal description may be obtained in a variety of ways:

1. A legal description is part of the deed to the property. Get the deed and make a copy of the legal description. If there is a mortgage, the lending institution may have a copy of the deed.
2. Go to the Township Assessor's Office with the name of the owner of record and the address of the property. The Township Assessor's Office can provide the month and year the property was purchased along with the instrument number for the recorded legal description. The Marion County Recorder's office can provide property legal descriptions.
3. From the Office of the Marion County Recorder:
 1. If the property was purchased before 1964, the month and year of purchase will be needed. Take that information, and the name of the owner of record, to the Office of the Marion County Recorder to obtain the most recent deed.
 2. If the property was purchased after 1964, take the name of the owner of record and the address of the property to the Office of the Marion County Recorder to obtain a copy of the most recent deed.
 3. A copy of the most recent deed may also be obtained from the Office of the Marion County Recorder if the abbreviated legal description that is on the tax receipt is provided to them.
 4. If the property involved has been or is being purchased by a contract sale, then the legal description should be obtained from the owner of record. The owner of record must also sign all documents pertaining to the petition.

Property Owner Consent

Is the Petitioner the same as the Property Owner?*

Yes

Does the petitioner own 100% of the land involved in the petition?*

Yes

Oath

The provided information, to my knowledge and belief, is true and correct. *

✓ Noah Levi Worley

Jun 2, 2026

Attachments

	Property Owner Consent Form Consent.pdf Uploaded by Noah Worley on Jun 8, 2026 at 10:39 PM	REQUIRED
	Legal Description A200400010862.pdf Uploaded by Noah Worley on Jun 9, 2026 at 9:11 AM	REQUIRED
	Site Plan Site plan w_requested alterations (1).pdf Uploaded by Noah Worley on Jun 2, 2026 at 11:43 AM	REQUIRED
	Findings of Fact - Variance of Use FOF Use Anno.pdf Uploaded by Noah Worley on Jun 8, 2026 at 9:02 AM	REQUIRED
	Findings of Fact - Variance of Development Standards FOF Standards Anno.pdf Uploaded by Noah Worley on Jun 8, 2026 at 9:03 AM	REQUIRED
	Plan of Operation Plan of Operation.pdf Uploaded by Noah Worley on Jun 2, 2026 at 11:38 AM	REQUIRED

Record Activity

Noah Worley started a draft Record

06/02/2026 at 9:54 am





