Board of Zoning Appeals
Board of Zoning Appeals Division I
(December 1, 2026)
Meeting Agenda

Meeting Details

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

Date: Tuesday, December 01, 2026 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

2026-DV1-036 | 6317 Askin Drive
Franklin Township, Council District #25, zoned D-P
John L. Hudson Jr. & Kimberly Hudson

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for installation of a pool encroaching within a platted easement (not permitted).

****This petition will be withdrawn.**

PETITIONS REQUESTING TO BE CONTINUED:

1. **2026-DV1-059 | 6925 W 38th Street**
Wayne Township, Council District #5, zoned PK-2
Julia Huber

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow a 12-foot beacon incidental sign in the PK-2 zoning district. (Maximum height permitted for incidental signs is 8 feet).

**** Staff request to continue to January 5, 2027.**

2. **2026-UV1-027 (Amended) | 2450 Lafayette Road**
Wayne Township, Council District #11, zoned C-4
Jorge Gonzales

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an existing automobile repair with outdoor storage of inoperable vehicles (not permitted) and encroachment into the required rear transitional yard setback (minimum 20 feet setback requirement), without minimum off-street parking and ADA parking (minimum of four off-street parking space required and one ADA space required).

** **Staff request to continue to January 5, 2027.**

3. **2026-UV1-030 | 1121 S Sheffield Avenue**
Wayne Township, Council District #17, zoned D-5
Andrew Harrill

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to legally establish a detached single-family dwelling as a second primary dwelling built on the same lot as a two-family dwelling (not permitted).

**** Staff request to continue to January 5, 2027.**

4. **2026-UV1-033 | 851 Manhattan Avenue**
Wayne Township, Council District #17, zoned D-5, FW, TOD
Sweet Home Rentals LLC, by Virinia Morfin Sarceno

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to operate a mobile food trailer (not permitted).

**** Petitioner request to continue to January 5, 2027.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

5. **2026-DV1-055 | 3203 East 56th Street**
Washington Township, Council District #3, zoned D-2
Brett and Margaret Barnes

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached carport with a 10-foot front setback (30 feet required) within the front yard of the property (accessory structures not permitted in front yards), and a driveway width of 65.5 feet (maximum width of 30 feet in residential front yards).

6. **2026-DV1-058 | 1140 Dr MLK Jr Street**
Center Township, Council District #12, zoned SU-2 (RC)
Crispus Attucks Highschool, by Michael Cloyd

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a new community competition and wellness center resulting in an excessive off-street vehicle parking (1 per 6 students at design capacity), reduction of required interior landscaping (6% of all uncovered vehicles areas required), and to allow parking between building and street frontages (vehicle areas shall be located with a minimum setback of 8 feet and maximum shall be front setback line).

7. **2026-UV1-034 | 456 North Centennial Street**
Wayne Township, Council District #18, zoned D-5
Starfish Properties LLC, by Ann Montgomery

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide transitional living quarters for up to 8 women and one live-in Lead Person (not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

8. **2026-MO1-003 / 2026-DV1-060 (Amended) | 2380 E 54th Street**
Washington Township, Council District #7, zoned C-3
Michigan Road Realty Corporation, by Kelly Shaw

Modification of a statement of commitments placed on the subject property under 2005-UV1-008 to remove a commitment prohibiting the outdoor seating area to be enclosed by a permanent roof or awning and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to permit the permanent awning to encroach into the minimum required front setback of 10 feet (not permitted).

9. **2026-DV1-047 | 2502 N. Delaware Avenue**
Center Township, Council District #12, zoned MU-2
Shawn Jones

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor seating to the north of Building ‘A’ with planting and no other landscaping at a two-foot north side transitional yard setback (minimum 15-foot transitional side yard with landscaping required).

10. **2026-DV3-011 | 3603 South Meridian Street**
Perry Township, Council District #18, zoned SU-1 (FF)
Roman Catholic Archdiocese of Indianapolis, Properties Inc as Trustee for St Roch, Catholic Church Indianapolis Inc., by Wooton Hoy (John Cross)

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an 8-foot fence located within the clear sight triangle (not permitted).

11. **2026-UV1-025 (Amended) | 2040 North Emerson Avenue**
Center Township, Council District #13, zoned C-4
Thind Property Group LLC, by Joseph Csikos

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and repair of vehicles (not permitted) with 3-foot and 5-foot front yard setbacks of parking areas (10 feet required), a 6-foot southern transitional yard setback (8 feet required), and deficient landscaping and outdoor storage screening (required).

12. **2026-UV1-028 | 625 Foltz Street**
Wayne Township, Council District #17, zoned D-4
Ruby Ramirez

Variance of Use of the Consolidated Zoning Ordinance to permit the storage of construction materials (not permitted), storage of construction equipment (not permitted) and the storage of trailers and vehicles (not permitted).

13. **2026-UV1-029 | 431 North Holmes Avenue**
Wayne Township, Council District #18, zoned I-3
Brook Transport LLC, by David Dearing

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit the display of automobiles for sale (not permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

14. **2026-DV1-056 | 5215 Chelsea Road**
Wayne Township, Council District #17, zoned D-3
Brenda Ibarra, by Jack Dillon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 72-inch-tall fence (42-inch permitted) in the front yard.

15. **2026-DV1-057 | 4251 Evanston Avenue**
Washington Township, Council District #8, zoned D-5
LaTroya Rucker

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to allow for the establishment of a fence height of 6-feet within a front yard (3.5-feet maximum permitted).

16. **2026-UV1-031 | 9102 North Meridian Street**
Washington Township, Council District #2, zoned C-1
BT Law, by Joe Caleron

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a walk-up/drive through beverage/baked goods facility on an under-utilized portion of an existing office parking lot with drive through stacking spaces to be located between 91st Street and North Meridian Street (not permitted).

17. **2026-UV1-032 | 7947 Southeastern Avenue**
Franklin Township, Council District #20, zoned C-3
Behrnhite LLC, by Rick Hite

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the operation of a Commercial and Building Contractors use classification to include associated office, shop and training facilities not permitted by right.

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

BOARD OF ZONING APPEALS DIVISION I — December 1, 2026

Case Number:	2026-DV1-036
Property Address:	6317 Askin Drive (approximate address)
Location:	Franklin Township, Council District #25
Petitioner:	John L. Hudson Jr. & Kimberly Hudson
Current Zoning:	D-P
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for installation of a pool encroaching within a platted easement (not permitted).
Current Land Use:	Residential
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

12/1/26: On November 13th, the petitioner informed staff in writing of their intention to have this variance withdrawn from consideration. The Board will acknowledge the withdrawal at the 12/1 hearing.

10/6/26: On the petitioner's behalf, staff will request an additional two-month continuance to the December 1, 2026 hearing date of Division I. This will allow the petitioner additional time to explore a potential reduction in the size of the existing deck, which would subsequently allow for installation of the pool outside of the easement area and would obviate the need for this variance.

9/1/26: Both staff and the petitioner are requesting a continuance to the October 6, 2026 hearing of Division I of the BZA to allow for additional time to verify presence of utility companies and stormwater infrastructure near the proposed improvement, and if adequate non-zoning permissions would be able to be granted. A full staff report will be made available in advance of that hearing date.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — DECEMBER 1, 2026

Case Number:	2026-DV1-059
Property Address:	6925 W 38th Street (approximate address)
Location:	Wayne Township, Council District #5
Petitioner:	Julia Huber
Current Zoning:	PK-2
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow a 12-foot beacon incidental sign in the PK-2 zoning district. (Maximum height permitted for incidental signs is 8 feet).
Current Land Use:	Commercial
Staff Reviewer:	Drew Haynes, Senior Planner

PETITION HISTORY

Staff is requesting a continuance from the December 1st, 2026, BZA I hearing to the January 5th, 2027, BZA I hearing to allow additional time for the petitioner to consult with staff and properly address concerns about the height of the sign(s).

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — December 01, 2026

Case Number:	2026-UV1-027
Property Address:	2450 Lafayette Road
Location:	Wayne Township, Council District #11
Petitioner:	Jorge Gonzales
Current Zoning:	C-4
Request:	Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an existing automobile repair with outdoor storage of inoperable vehicles (not permitted) and encroachment into the required rear transitional yard setback (minimum 20 feet setback requirement), without minimum off-street parking and ADA parking (minimum of four off-street parking space required and one ADA space required).
Current Land Use:	Commercial
Staff Reviewer:	Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

10/6/2026: The petitioner requested a one-month continuance from the October 6, 2026, BZA 1 Hearing to the November 10, 2026, BZA I Hearing to allow time to amend the petition and provide new notice, **approved**.

11/10/2026: The owner is requesting a continuance from the November 10, 2026, BZA I Hearing to the December 1, 2026, BZA I Hearing to allow the owner time to consult with the petitioner and staff about additional proposals and to amend the petition, **approved**.

PETITION OVERVIEW

Staff is requesting a continuance from the December 1, 2026, BZA 1 Hearing to the January 5, 2027, BZA I Hearing to allow petitioner time to submit required documentation.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — DECEMBER 1, 2026

Case Number:	2026-UV1-030
Property Address:	1121 S Sheffield Avenue (approximate address)
Location:	Wayne Township, Council District #17
Petitioner:	Andrew Harrill
Current Zoning:	D-5
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to legally establish a detached single-family dwelling as a second primary dwelling built on the same lot as a two-family dwelling (not permitted).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends **denial** of this petition.
Staff Reviewer:	Drew Haynes, Senior Planner

PETITION HISTORY

Staff is requesting a continuance from the December 1st, 2026, BZA I hearing to the January 5th, 2027, BZA I hearing to allow additional time for the petitioner to consult with staff and properly address concerns at the site.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — December 01, 2026

Case Number:	2026-UV1-033
Property Address:	851 Manhattan Avenue (approximate address)
Location:	Wayne Township, Council District #17
Petitioner:	Sweet Home Rentals LLC, by Virinia Morfin Sarceno
Current Zoning:	D-5 (FW) (TOD)
Request:	Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to operate a mobile food trailer (not permitted).
Current Land Use:	Commercial
Staff Reviewer:	Jasmine Dillard Nikolich, Senior Planner

PETITION OVERVIEW

The petitioner is requesting a continuance from the December 1, 2026, BZA 1 Hearing to the January 5, 2027, BZA I Hearing to allow petitioner time for mailing and positing of the required legal notice.

DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 24, 2026

Case Number:	2026-DV1-055
Property Address:	3203 East 56th Street (approximate address)
Location:	Washington Township, Council District #3
Petitioner:	Brett & Margaret Barnes
Current Zoning:	D-2
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached carport with a 10-foot front setback (30 feet required) within the front yard of the property (accessory structures not permitted in front yards), and a driveway width of 65.5 feet (maximum width of 30 feet in residential front yards).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends **approval** of the requested variances, subject to a commitment below.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the variances, subject to a commitment:

1. The existing landscape buffer of trees planted between the proposed carport area and the right-of-way of 56th Street (shown in Photo 3 of the Exhibits below) shall be preserved and maintained to establish a visual buffer between the front-yard accessory structure and the road. Dead or diseased trees shall be replaced by the property owner to maintain a consistent visual buffer.

PETITION OVERVIEW

3203 East 56th Street is a 0.64-acre residential parcel currently improved with a single-family residence. The property is accessed by a private driveway with a width of around 10 feet that leads from 56th Street to a rear-yard parking and vehicle maneuvering area behind the primary residence (no attached garage space exists; see photo 7 within the Exhibits). The property is bordered by an electrical substation to the north, other single-family residences to the east and west, and a lake to the south.

Approval of this request would allow for placement of a front-yard carport with a size of 600 square feet, that would be accessed from new driveway area connecting from the carport to the existing driveway. The site plan and rendering within Exhibits below provide additional detail on the size and location.

Three Variances of Development Standards would be required to allow for the structure as proposed:

- The carport would be placed between the existing residence and the right-of-way of 56th Street, and the Ordinance disallows accessory structures within residential front yards (743-306.A).
- The carport would be placed within 10 feet of the northern property line, and the Ordinance requires a minimum front setback of 30 feet within the D-2 zoning district (Table 744-201-1).
- The addition of new paved vehicle area within the front yard would result in a width of 65.5 feet of uncovered drive area within the front yard. The Ordinance limits the width of parking and vehicle areas in residential front yards to the smaller of 30 feet or 50% of lot width (Table 744-404-1).

Scaled architectural elevations were not made available to staff as a part of this review, but the petitioner did confirm their intention to have the proposed structure comply with height requirements for accessory structures in the D-2 zoning district (maximum height of 24 feet, and shorter than the primary residence).

This property is zoned D-2 (Dwelling District Two) which, per the Ordinance, is intended for use in suburban areas with ample yards, trees and passive open spaces easily serving each individual lot. Similarly, the Comprehensive Plan Pattern Book recommends it to the Rural or Estate Neighborhood living typology to allow for either agricultural areas or historic, urban areas with estate-style homes.

Relevant guidance from the Infill Housing Guidelines (another component of the Comprehensive Plan) indicates that accessory structures should be located behind the existing building unless there is a precedent otherwise. In this instance, staff notes the presence of multiple front-yard accessory structures in the nearby area (see photos 11 and 12 of Exhibits below).

Findings of Fact and a supporting document explaining the nature of hardship provided by the petitioner reference both the difficulty in vehicle maneuvering that results from the current site configuration as well as site-specific topographical changes that would restrict the feasibility of placing a carport either in the rear yard or closer to the existing driveway in a manner that would reduce the overall width of front-yard paved area. A letter of support and explanation from a licensed engineer was also provided in support of the filing: these supporting documents are within the Exhibits below.

Staff notes the presence of substantial site-specific practical difficulty that result from topographical changes (see contour map within Exhibits below) as well as the existing location of the residence and on-site landscaping that would prevent viable alternate placement of the structure in a way that would remove or reduce the need for variances. The proposed front-yard location would be consistent with at least two other parcels along 56th Street that have front-yard accessory structures, and the extended driveway width would result in placement of the structure in a manner that is slightly off-center from being placed directly in front of the residence (a better fit with relevant Infill Housing Guidelines).

To mitigate any potential negative visual externalities that would result from placement of a front-yard accessory structure, staff proposed a landscaping commitment that existing trees along the northern property line would be nurtured and maintained in a manner that would provide a consistent visual buffer between the carport and the street. The petitioner has agreed to the commitment (see the first page of this report under ‘Staff Recommendation’), and staff therefore recommends **approval** of the request given that commitment and given the existing site-specific practical difficulty preventing the structure from being built in full compliance with the Ordinance.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	SU-18	North: Electrical Substation
South:	D-2	South: Lake
East:	D-2	East: Residential
West:	D-2	West: Residential
Thoroughfare Plan		
56th Street	Primary Collector	64-foot existing right-of-way and 90-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	10/01/2026	
Site Plan (Amended)	N/A	
Elevations	10/01/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	10/01/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

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

- Accessory structures should be located behind the existing building unless there is a precedent otherwise. The scale, height, size, and mass of accessory structures should relate to the primary building and should not overshadow it.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

96-V3-96 ; 3537 E 56th Street (east of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 11.3 by 26 foot room addition and a 10 by 26 foot wood deck extending 191.3 feet beyond the rear building setback line (maximum 170 foot building setback permitted), **withdrawn.**

EXHIBITS

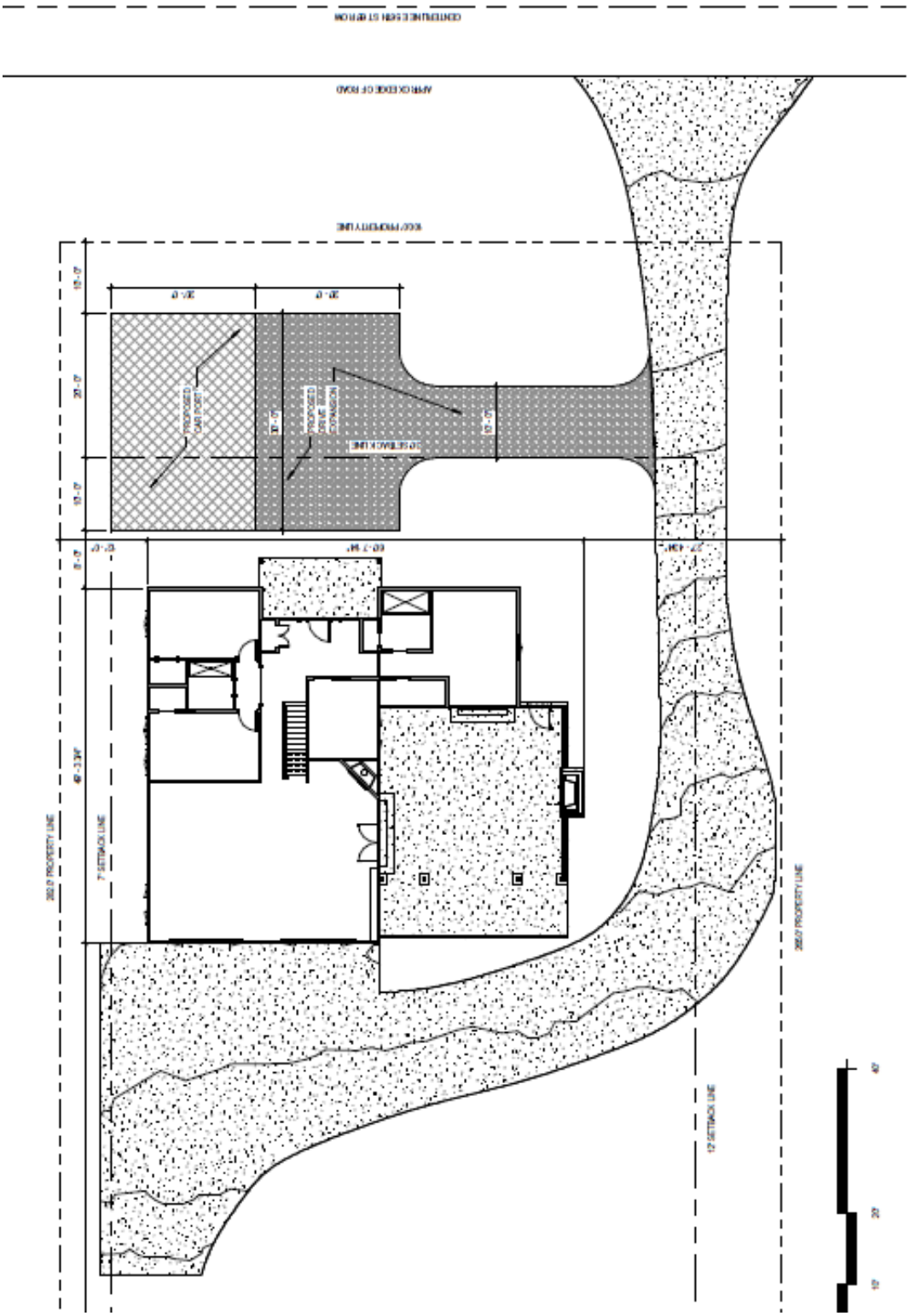
2026DV1055 ; Aerial Map



DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

2026DV1055 ; Site Plan (Detail)



2026DV1055 ; Elevation Rendering



Note: AI-generated, not precise to site layout or orientation

2026DV1055 ; Findings of Fact

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

The variance would allow construction of a modest, residential carport and related driveway improvements to improve on-site vehicle maneuvering and enable forward exit onto 56th Street. It would not alter the property's residential use, create a commercial or more intensive use, or interfere with streets, utilities, emergency access, or neighboring properties. The west-side location was selected because it is flatter, screened by existing trees and landscaping, and less disruptive than the steeper east side, while preserving drainage by minimizing impact to grading, reducing visibility, and maintaining the property's residential character.

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 carport will remain a residential accessory to the existing single-family home and will not introduce traffic, noise, lighting, or activity inconsistent with the surrounding area. Its west-side location will reduce visual impacts through existing mature trees and landscaping. Nearby non-residential uses, including an AES/IPL substation and concrete manufacturing facility, further limit potential impacts on residential properties. Adjacent neighbors support the proposal, which will preserve the properties character, significant landscaping, and lake sight lines.

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

Strict application of the zoning ordinance would create practical difficulties because of the property's unique conditions, including its lakewar slope, limited suitable rear-yard area, existing house and driveway placement, and mature trees with landscaping. The rear and east sides are difficult, if not impractical locaitons for a detached carport because they would require substantial grading and create drainage, tree-disturbance, visibility, and lake-sight-line concerns. The flatter, landscaped west side is the least impactful and most functional location. The variance is therefore necessary to allow a reasonable residential accessory improvement while improving vehicle safety, minimizing site disturbance, and maintaining property's visual character.

2026DV1055 ; Hardship Explanation (provided by petitioner)

The existing configuration of our property creates a practical and safety related hardship that we cannot reasonably solve without the requested variance. Our home sits closer to East 56th Street than most of the neighboring homes, and the rear of the property slopes significantly toward the lake, which limits our ability to expand the existing parking area behind the house. Because of that layout, the current driveway and parking configuration do not provide adequate turnaround space.

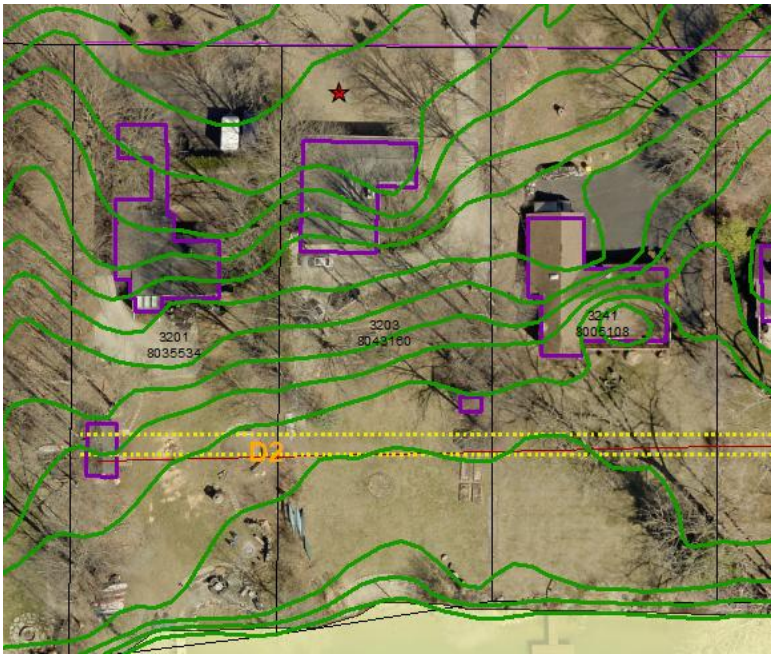
As a result, vehicles must back up the driveway and into East 56th Street in order to leave the property. That creates an ongoing safety concern because East 56th Street is a busy collector road with limited sight distance to the west and frequent traffic, including commercial trucks and utility vehicles. We have experienced multiple close calls over the past several years while backing out of the driveway, both with family members and with guests. The current layout is especially difficult because vehicles have to reverse out of a long, narrow driveway with no practical turnaround area.

The requested detached carport and expanded driveway would solve this problem by allowing vehicles to pull forward out of the parking area and leave the property with better visibility and safer movement. This is not a matter of convenience alone. It is a property specific limitation created by the placement of the house on the lot, the slope toward the lake, and the inability to expand the rear parking area in a practical way.

The proposed improvement is also designed to minimize any impact on the neighborhood. Both adjacent neighbors support the request, and existing and planned evergreen screening will reduce the visibility of the carport from the street. There are no residential homes directly across the street, and the proposal should improve the appearance of the front yard by organizing parking in a planned way rather than leaving vehicles visible and scattered.

For these reasons, we believe the requested variance is a reasonable and necessary solution to a real hardship created by the physical characteristics of the property and the current parking configuration.

2026DV1055 ; Contour Map + Easement Location (green + yellow)



2026DV1055 ; Engineer Letter

Michael Weigel, AICP Candidate
Principal Planner I
Current Planning, Department of Metropolitan Development
City of Indianapolis
Michael.weigel3@indy.gov

Re: Carport construction project
3203 East 56th Street, Indianapolis, Indiana 46220
Parcel # 8043160

Dear Mr. Weigel,

I have reviewed the communication between yourself and Mr. Brett Barnes for his proposed project at 3203 East 56th Street, Indianapolis, Indiana. I have also visited his property to evaluate the proposed location for his carport project. Based on the site visit, review of planned construction location and an evaluation of these, my thoughts are the following:

- If the carport would be constructed on the east side of the house, it would present the following challenges and in my opinion, unnecessary risks for long-term sustainability.
    - Potentially cause problems with existing drainage systems that are located in the front yard.
        - This could further cause overall problems for the house and adjacent properties.
    - Existing slope on and near the east side of the house becomes problematic for the new carport structure due to stability concerns. This area would need multiple feet of new grade-raise fill soil to be placed in a controlled, engineered fashion. The soil would need to be a certain type that could be tested and compacted in-place, which generally would not be closely monitored for this type of construction project.
        - Furthermore, adding fill onto an existing slope is extremely challenging and overall adds another layer of apparent unnecessary risk of failure.

Overall, it is my opinion that the potential carport construction location on and near the east side of the house is not an overall safe location due to the items listed above. It would present unnecessary risks, both short term and long term, that can seemingly be alleviated by utilizing the area on the front west side of the property in an area that appears to have no, or minor at worst, engineering risks.

Thank you for this consideration.

R. David Mcilwaine
Indiana Licensed Professional Engineer #PE11200315

2026DV1055 ; Photographs



Photo 1: Existing Residence Viewed from North



Photo 2: Existing Residence Viewed from Northeast

2026DV1055 ; Photographs (continued)



Photo 3: Proposed Carport Area + Existing Landscaping Viewed from North



Photo 4: Proposed Carport Area Viewed from East

2026DV1055 ; Photographs (continued)



Photo 5: Private Driveway Looking South



Photo 6: Private Driveway Looking North

2026DV1055 ; Photographs (continued)



Photo 7: Existing Residence Viewed from South



Photo 8: Paved Area to South of Residence Viewed from North

2026DV1055 ; Photographs (continued)



Photo 9: Adjacent Property to North



Photo 10: Adjacent Property to East Viewed from North

2026DV1055 ; Photographs (continued)



Photo 11: Adjacent Property to West Viewed from North



Photo 12: Nearby Property to East (3427 East 56th Street) Viewed from North

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III — December 1, 2026

Case Number:	2026-DV1-058
Property Address:	1140 Dr M L King St (*approximate address)*
Location:	Center Township, Council District #12
Petitioner:	Crispus Attucks Highschool, by Michael Cloyd
Current Zoning:	SU-2 (RC)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a new community competition and wellness center resulting in an excessive off-street vehicle parking (1 per 6 students at design capacity), reduction of required interior landscaping (6% of all uncovered vehicles areas required), and to allow parking between building and street frontages (vehicle areas shall be located with a minimum setback of 8 feet and maximum shall be front setback line).
Current Land Use:	High School
Staff Recommendations:	Staff recommends **approval**
Staff Reviewer:	Sam Sparzo, Senior Planner

PETITION HISTORY

First public hearing on this petition

STAFF RECOMMENDATION

Staff recommend **approval** of the requested variance

PETITION OVERVIEW

- The subject site is zoned SU-2, the Special Use District for schools, and the property is occupied by Crispus Attucks High School. The comprehensive plan recommends Regional Special Use. This non-typology land use is intended for places of large-scale assembly that are generally larger than five acres in size. Partial changes to the property should remain thematically and economically supportive of Crispus Attucks High School while also being contextually sensitive to adjacent existing development and land use plans.
- The requested variances stem from the development of a new community competition and wellness center expansion at Crispus Attucks High School. The requested variances include allowing excess on-site parking spaces for the high school (one space per six students at design capacity) as provided in 744-402-1, Required Parking Table.” In addition, the development will require a variance for a reduction in interior landscaping requirements, (six percent of all uncovered vehicles areas) as provided in 744-505-2, “Required Interior Landscaping Area”.

Lastly, a variance is being requested to allow for parking between the proposed building and street frontages (vehicular areas must be located with a minimum setback of eight feet and no further than the front setback line) as provided in 742-202-E.1.B, "Additional Development Standards – Regional Center Secondary Zoning". These requested variances will facilitate the continued use of the high school and the community wellness center while minimizing the adverse effects on the surrounding residential zones and the commercial zone to the southeast of the subject site.

- According to the petitioner's Findings of Fact, the proposed community competition and wellness center will be used for high school events and will include non-student users of the center, as well as spectators attending events at the facility. Without additional on-site parking, the abutting residential areas would face a parking burden as the large number of spectators would need to find off-site parking near the center.
- According to the petitioner Findings of Fact, the reduction required in required interior landscaping within the newly proposed parking areas is necessary to allow a parking lot configuration that provides safe designated pedestrian traffic areas and the ability to properly maintain the lot, such as using a snowplow during the winter months. The proposed variance will allow for the continued use of the site during drop-off and pickup operations for the center and the high school, while maintaining safe pedestrian traffic throughout the lot.
- According to the petitioner Findings of Fact, two parking areas are needed at the subject site due to the large volume of vehicular traffic anticipated for the proposed use. The parking area must be located between the building and the street frontage, due to the lot being surrounded by street right-of-way. The pickup and drop-off area is designed to be intermittent parking zones to minimize traffic disruption on the public right-of-way near the site.
- The proposed variances will allow for the continued use of the high school, support the development of the new community center, minimize adverse impacts on the surrounding neighborhood, and are due to practical difficulties associated with the site. Staff recommends **approval** of the variances.

GENERAL INFORMATION

Existing Zoning	SU-2	
Existing Land Use	High School	
Comprehensive Plan	Regional Center Special Use	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-8	North: Single-family residential
South:	D-8 and C-3	South: Single-family residential and Multi-tenant commercial
East:	D-8	East: Single-family residential
West:	D-8	West: Single-family residential
Thoroughfare Plan		
Dr M L King JR St	Primary Arterial	95 feet of right-of-way
Oscar Robertson Blvd	Primary Arterial	60 feet of right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	

Overlay	No
Wellfield Protection Area	No
Site Plan	10/20/2026
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	10/20/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Regional Special Use for this site

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

- The Infill Housing Guidelines recommend the following when adding onto an existing structure.
    - Consider the context of the block/neighborhoods to help guide the
        - Size,
        - Height,
    - Leave room for maintenance
    - Reinforce the spacing of the existing lots
- The proposal follows the above recommendation and matches the context of the surrounding blocks/neighborhood; therefore, the staff support the variance request.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2009-DV2-022; 1140 Dr. Martin Luther King Jr. Street; Variance of Development Standards of the Sign Regulations and the Regional Center Ordinance to provide for the erection of a 22.833-foot-tall, 160-square-foot pole sign, with a 48-square-foot electronic variable message sign (EVMS) component, located approximately 65 feet from a dwelling district (maximum four-foot-tall sign permitted within 600 feet of a dwelling district; EVMS not permitted in the SU-2 district; EVMS not permitted within 600 feet of a protected district), **granted.**

2009-DV2-003 / 2009-SE2-001; 1140 Dr. Martin Luther King Jr. Street; Variance of development standards and special exception to provide for a 129-foot tall monopole wireless communications tower with a 345 square foot equipment shelter, **granted**.

2004-UV1-015; 1140 Dr. Marin Luther King Jr. Street; Variance of use to permit a museum in a SU-2 zone, **approved**.

2003-ZON-154; 1140 Dr. Martin Luther King Jr. Street; Rezoning of 14.28 acres, being in the D-8 (RC)(W-5), to the SU-2 (RC)(W-5) classification to provide for a school, **approved**.

98-Z-11; 1145-1221 Dr. Martin Luther King Jr. Street; Rezoning of 0.397 acre, being in the D-8 district, to the SU-2 district to provide for religious uses, **approved**.

ZONING HISTORY – VICINITY

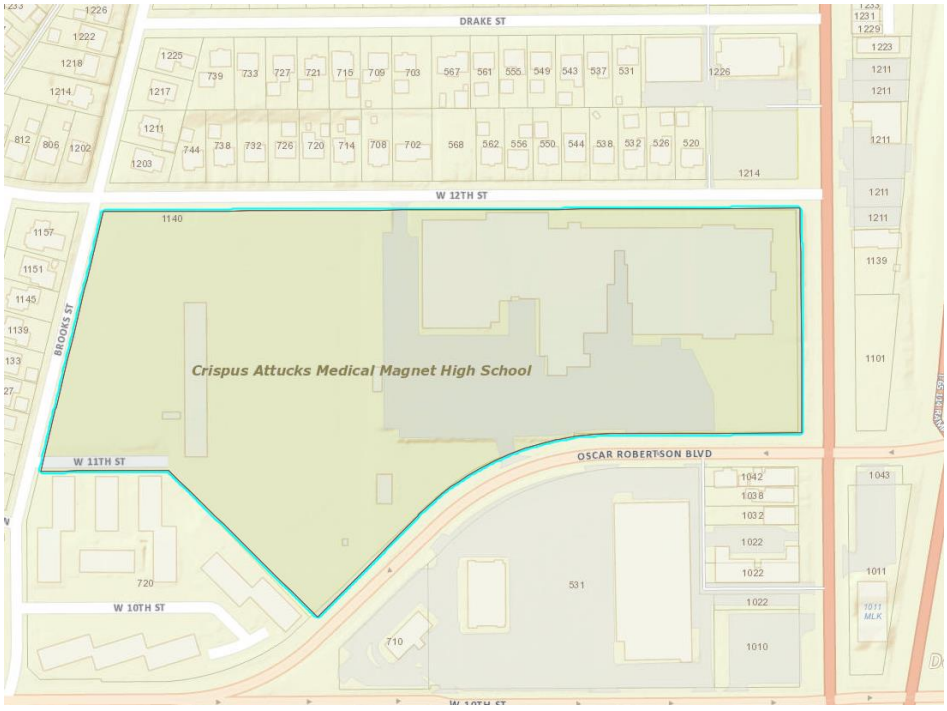
N/A

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

2026DV1058; Aerial Map

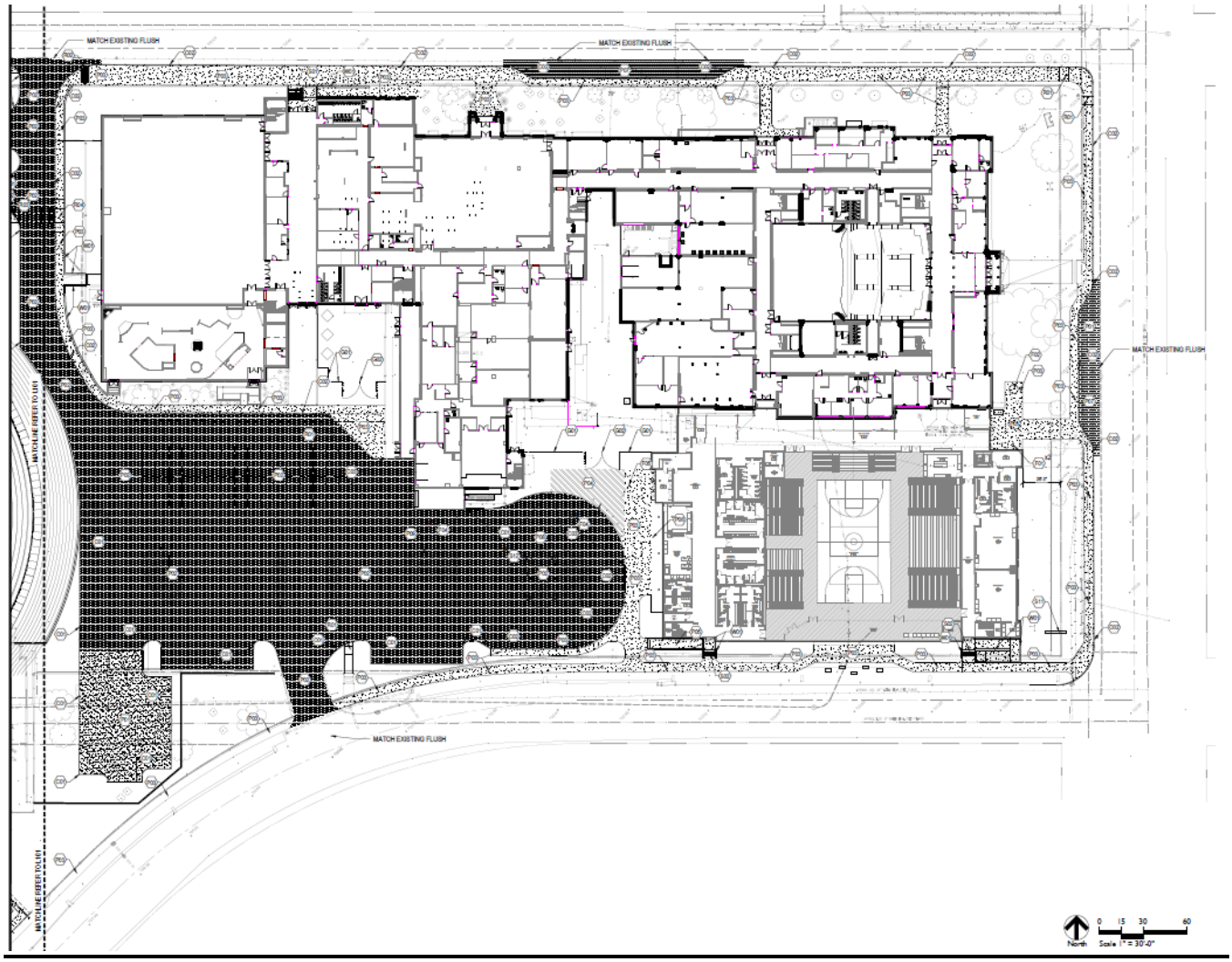




DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

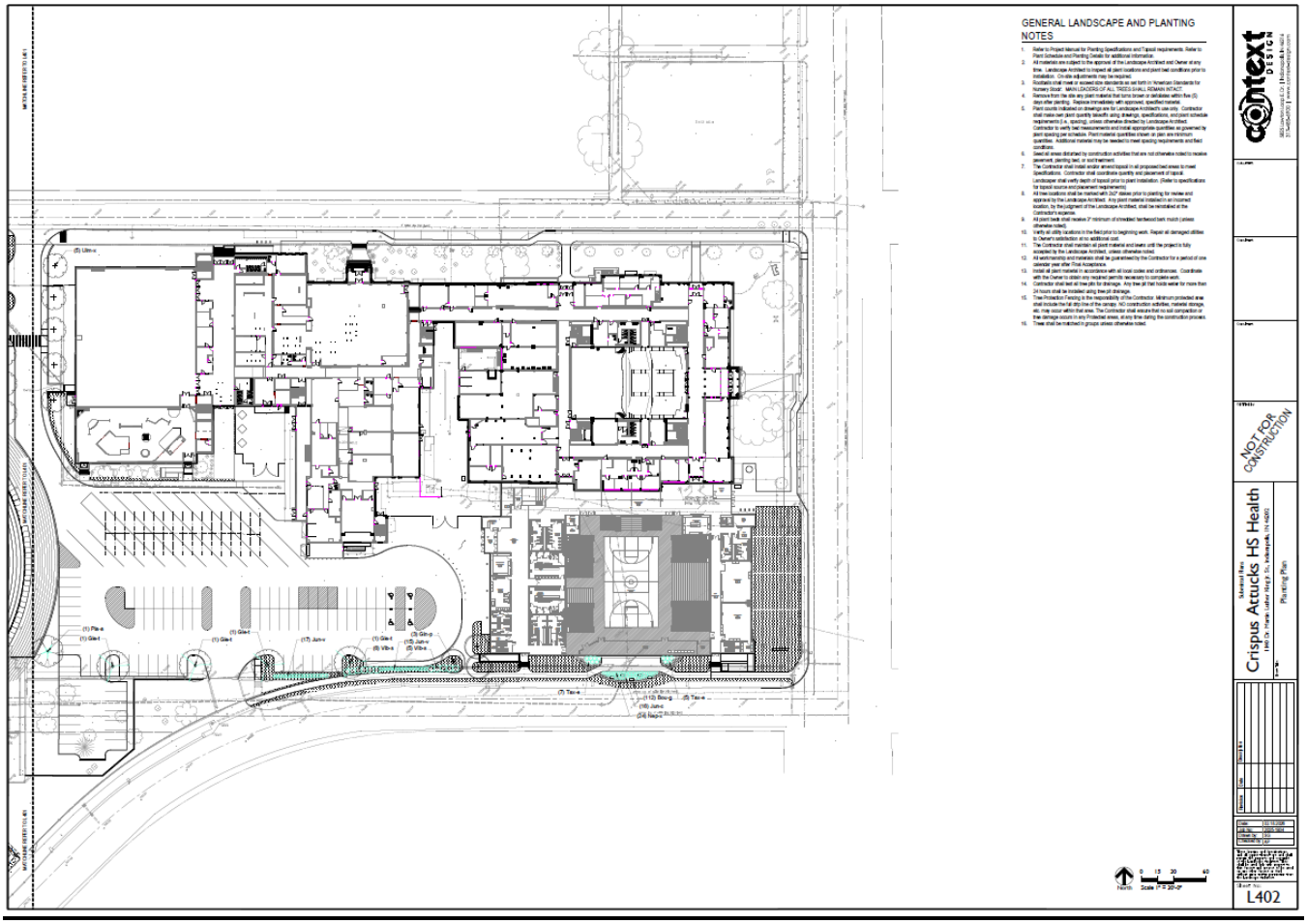
2026DV1058; Site Plan



DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

2026DV1058; Landscape Plan



2026DV1058; Site Photos



Subject Site; facing east; parking area



Subject Site; Face east; parking area; pre-construction of center



Subject Site; facing west; existing school facilities

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

2026DV1058; Finding of Facts

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

The fundamental purpose of the development is to promote public health and well being. Variance of standards requested allows the use to expand while preserving public safety.

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

Variance of the standards requested will reduce impact on surrounding community while promoting vitality. The use of the subject property will not change and the variance of standards minimizes any adverse effect on neighboring properties.

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

The property could not accommodate the expanded use and the owner could not optimally maintain the premises.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — December 01, 2026

Case Number:	2026UV1034
Property Address:	456 N Centennial St (*approximate address*)
Location:	Wayne Township, Council District #18
Petitioner:	Starfish Properties LLC, by Ann Montgomery
Current Zoning:	D-5, (A)
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide transitional living quarters for up to 8 women and one live-in Lead (not permitted).
Current Land Use:	Residential
Staff Recommendations:	Approval With Conditions
Staff Reviewer:	Adrienne Baker, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff Recommends approval of this petition with conditions.

PETITION OVERVIEW

This petition is a request for a Use Variance to allow transitional living quarters for up to eight adult women and one live-in lead within an existing single-family residence zoned D-5. The property is located in an established residential neighborhood surrounded by similarly zoned and developed residential properties. This is the first public hearing on the petition. The review has focused on the proposed operation, its compatibility with the surrounding area, and its consistency with the goals and policies of the Comprehensive Plan.

The petitioner proposes to operate ANUYOU Housing & Hope, a structured transitional living program designed to assist adult women working toward housing stability and independent living. The residence is intended to function as a managed living environment rather than an emergency shelter, drop-in center, or institutional facility. Prospective residents may be employed, actively seeking employment, or receiving verifiable sources of recurring income, such as Social Security, disability benefits, retirement income, or veterans' benefits. The anticipated length of stay ranges from six to twelve months, with extensions considered for individuals who demonstrate progress toward program goals.

The existing home contains five bedrooms, approximately two and one-half bathrooms, a three-car garage, and a fenced yard. Under the proposed arrangement, two residents would occupy each bedroom,

while one bedroom would be reserved for a live-in lead responsible for daily oversight of the residence. Occupancy would be limited to eight adult women and one live-in lead. No children are proposed as part of the operation.

No additions or exterior modifications are proposed. The residence will retain its existing residential appearance and continue to function as a home within the neighborhood. The main floor kitchen will serve as the primary food preparation area, while the upper-level kitchen and lounge area will be limited to light food preparation activities and equipped only with small appliances.

The proposed operation includes written house rules, emergency procedures, and behavioral expectations intended to promote accountability and respectful conduct. Alcohol and weapons will be prohibited on the premises. The petitioner has indicated that procedures will be in place to address resident concerns, safety issues, and violations of program requirements. The property will be maintained in a clean and orderly manner, and security measures, including a monitored security system and cameras at exterior entrances and common areas, are proposed to provide additional oversight.

The property is located near transit service along West Michigan Street and provides convenient access to employment, services, and community resources. Bicycle storage is proposed within the existing garage, and the petitioner has indicated that resident vehicles will not be stored on-site. These measures are intended to support resident mobility while limiting impacts on surrounding properties.

The site is located within the Traditional Neighborhood designation of the Comprehensive Plan, which supports a range of housing opportunities within established residential areas. Transitional living quarters are recognized as a residential use that provides temporary lodging and supportive services for individuals seeking housing stability. The proposed use utilizes an existing residence, preserves the character of the neighborhood, and expands housing opportunities consistent with the plan's broader housing and community development objectives.

Several factors support the request. The residence will maintain its residential appearance, no expansion of the structure is proposed, and no commercial signage is planned. The occupancy limits, on-site management, property maintenance commitments, and operational standards provide reasonable assurances that the use can function in a manner compatible with surrounding residential development. In addition, the proposal offers a structured housing option for a population with limited housing opportunities while incorporating measures intended to minimize impacts on adjacent properties.

Based on the information submitted and the operational commitments proposed by the petitioner, the requested use appears compatible with the surrounding neighborhood, consistent with the housing objectives of the Comprehensive Plan, and capable of operating in a manner that protects the public health, safety, and general welfare. Therefore, staff recommends approval of this petition, subject to an additional commitment limiting the number of permitted on-street parking spaces to two.

GENERAL INFORMATION

Existing Zoning	D-5, (A)	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
N Centennial St	Local Street	48-foot existing right-of-way and 48-foot proposed right-of-way
Groff Ave	Local Street	48-foot existing right-of-way and 48-foot proposed right-of-way
W Michigan St	Primary Arterial	80-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	October 19, 2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	October 19, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

To advance the Livability Principles of this Code, the D-5, D-5II, D-8, D9 and D-10 districts implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. Street trees, landscape and trees along private frontages, and an active amenity zone create comfortable walking environment and add appeal to neighborhoods. These districts require urban public and community facilities and services to be available. These districts may be used in combination to supply critical mass of residents to support nearby commercial and transit investments.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for

new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

Transitional Living Quarters: A residential facility providing temporary lodging for families or individuals in immediate need. The facility may also provide limited temporary counseling, referral, mediation, and similar human service functions. This definition does not include a group home, daily emergency shelter, diversion center, or residential facilities or shelters for residents who are required to leave during the day for work or other purposes.

Pattern Book / Land Use Plan

The **Traditional Neighborhood** typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

A mix of housing types is encouraged. Residential development should be located within one mile of a school, playground, library, public greenway, or another publicly accessible recreational or cultural amenity that is available at no cost and can be reached by streets, sidewalks, or off-street paths. Building heights should remain compatible with surrounding development, with primary structures generally no more than one and a half times the height of adjacent primary structures. Homes and buildings should face the street and provide a pedestrian connection from the front entrance to the sidewalk; driveways and parking areas are not considered pedestrian connections. Developments with densities greater than 15 dwelling units per acre should be designed to complement the character of nearby properties. Higher-density housing should be introduced gradually and located closer to frequent transit routes, greenways, parks, and similar community amenities.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Five IndyGo bus routes directly serve the Near West. Three of the routes run east/west through the neighborhood, the #3 - Michigan Street, the #8 - Washington Street, and the #10 - 10th Street. One route, the #25 - West 16th Street, provides east-west service with a loop to the north. The #37 - Park 100 provides service along White River and then north-west along Lafayette Road.

The Blue Line is proposed to run 23.5 miles within the existing right-of-way of Washington Street from Cumberland on the far east side of the city to the Indianapolis International Airport on the west. The Blue Line route may go as far west as western Plainfield in a future phase.

The corridor is being studied for bus rapid transit. Bus Rapid Transit (BRT) vehicles look, operate, and feel like a light rail vehicle. They are essentially light rail without the tracks. BRT provides faster service by limiting stops to enhanced passenger stations located near major activity centers along arterial roadway corridors. BRT runs on dedicated lanes and has traffic signal priority. Typically, stops are every 1/2 mile to 1 mile, fares are collected at the stations rather than on the vehicle, and boarding platforms

BRT provides faster service by limiting stops to enhanced passenger stations located near major activity centers along arterial roadway corridors. BRT runs on dedicated lanes and has traffic signal priority. Typically, stops are every 1/2 mile to 1 mile, fares are collected at the stations rather than on the vehicle, and boarding platforms are level with the bus floor.

Neighborhood / Area Specific Plan

Settlement in the West Indianapolis area began in the 1820s, making it one of the oldest neighborhoods in the city. The neighborhood developed around industry and many of the homes in the area were built before 1900. West Indy has higher crime rates, lower educational attainment levels, and higher poverty rates than the rest of the County. Median sales prices for homes are significantly lower than the county median, yet housing cost burden remains high.

Although the Market Value Analysis identifies the area as currently distressed, the long-term prospects for the area are promising considering the areas proximity to downtown as well as the future redevelopment of the GM Stamping Plant, located just north of the neighborhood. However, to capitalize on the redevelopment of that site, fundamental neighborhood issues will need to be addressed. The priority tools for addressing underlying issues type 02 neighborhoods focus on addressing underlying issues to meet residents' basic needs. West Indy will need to focus on addressing key people-based issues such as adult education and job readiness, youth education, and increasing access to quality childcare options. Through these investments, more residents will be able to achieve a living wage job and move out of poverty. Address underlying issues for type 02 proposes to address the most basic people and place challenges. These areas have less crime than the address underlying issues type 01 neighborhoods, but suffer from low education levels, and low median sales prices. unlike addressing underlying issues type 01 neighborhoods, which are less pervasive, address underlying issues type 02 neighborhoods are often grouped together forming large, depressed swaths across the city.

Over the next twenty-four months, these neighborhoods should focus on addressing key people-based issues such as adult education and job readiness, youth education, and increasing access to quality childcare options. By increasing educational attainment, job readiness skills, and improving access to childcare, residents will have more success obtaining a living wage job and moving out of poverty. Due to the limited incomes and market realities of grocery store attraction and development, mobile markets will be a more tactical and feasible tool to address the limited supermarket access issues in these areas. although half of households in addressing underlying issues type 02 neighborhoods are housing cost burdened, the concentration of affordable units in these areas should be limited unless located near market momentum or as part of a comprehensive revitalization strategy. These areas already have a large share of subsidized housing, and many of the address underlying issues type 02 areas fall within HUD designated Racially/Ethnically Concentrated Areas of Poverty. Finally, capacity building for community-based organizations has been prioritized because local organizations in areas with multiple challenges are often best positioned to understand those challenges and direct efforts to solve residents' most pressing problems.

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

N/A

Zoning History – Vicinity

2013ZON065; 3000 W Washington St; Rezoning of 115 acres from the D-P district to the D-P classification to provide for the following permitted uses; breweries, with accessory tasting rooms, indoor-outdoor event centers, student housing, and urban farming, generally with respect to the re-use of historic buildings within the Cultural Village Section of the Central Greens Planned Unit Development; **approved.**

2007ZON134; 3000 W Washington St; Rezoning of 149.49 acres, from the SU-9, PK-1, HD-1 and HD-2 Districts, to the D-P classification to provide for the redevelopment of the site, including: **a)** approximately 36 acres for C-1, C-2, C-3, C-3C and C-4 uses, hospital uses, nursing homes, schools, religious uses. charitable/not-for-profit uses, government buildings, library, and community center uses. **b)** approximately 43 acres for single-family and multi-family residential uses, **c)** approximately 19 acres for a "Cultural Village", to permit the following uses: auditoriums. assembly halls, day care centers, community, multiservice, neighborhood or senior citizens centers, schools, public and semipublic uses. religious uses. charitable/not-for-profit uses, hospital, nursing home, government use, indoor/outdoor commercial amusement and recreation, library, Community Center, eating places/restaurants, hotels/motels, and theatres, **d)** approximately 45 acres for a "Cultural Green", to permit open space, indoor and outdoor sports/recreation facilities a horse patrol house, and a community center; **approved.**

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

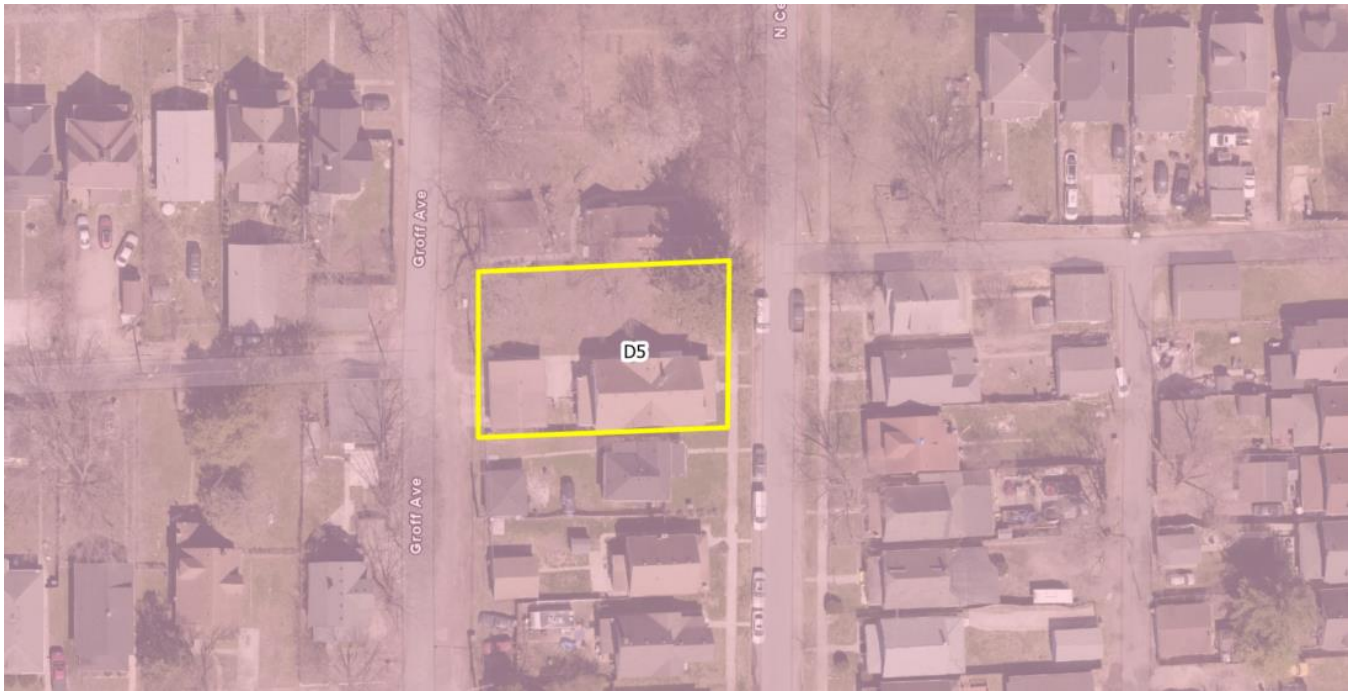
Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

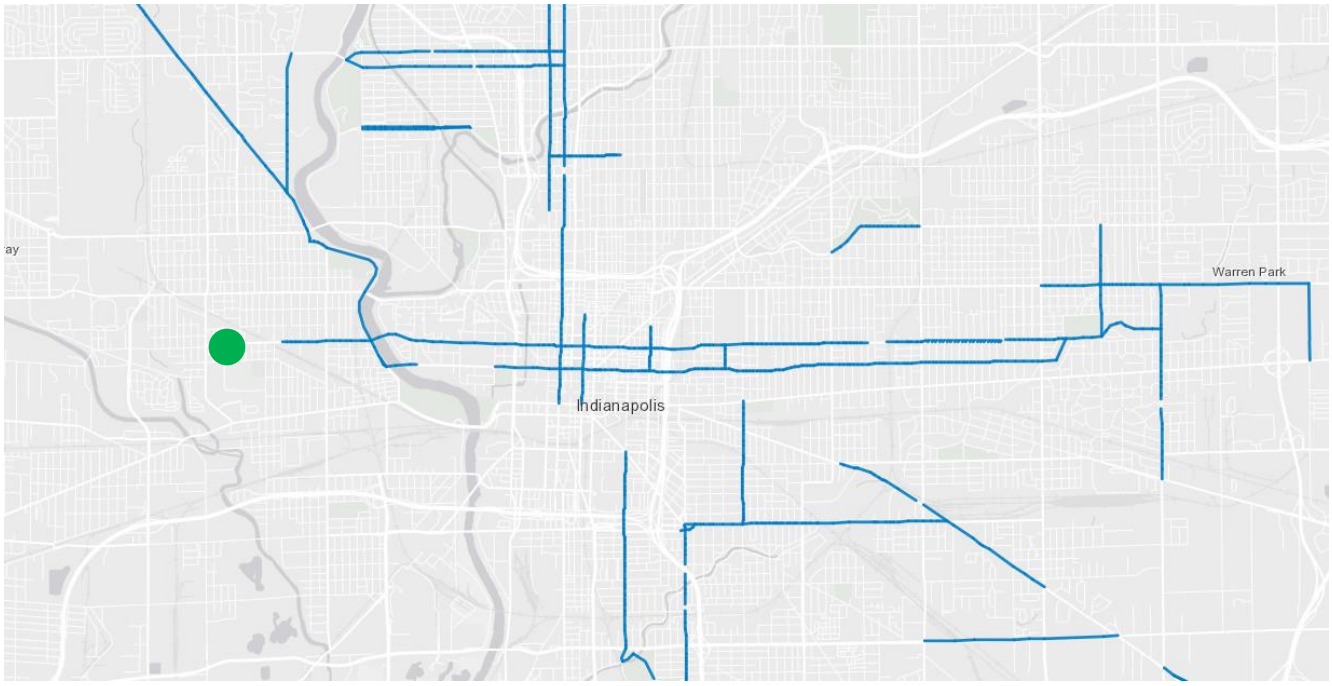
AERIAL VIEW:



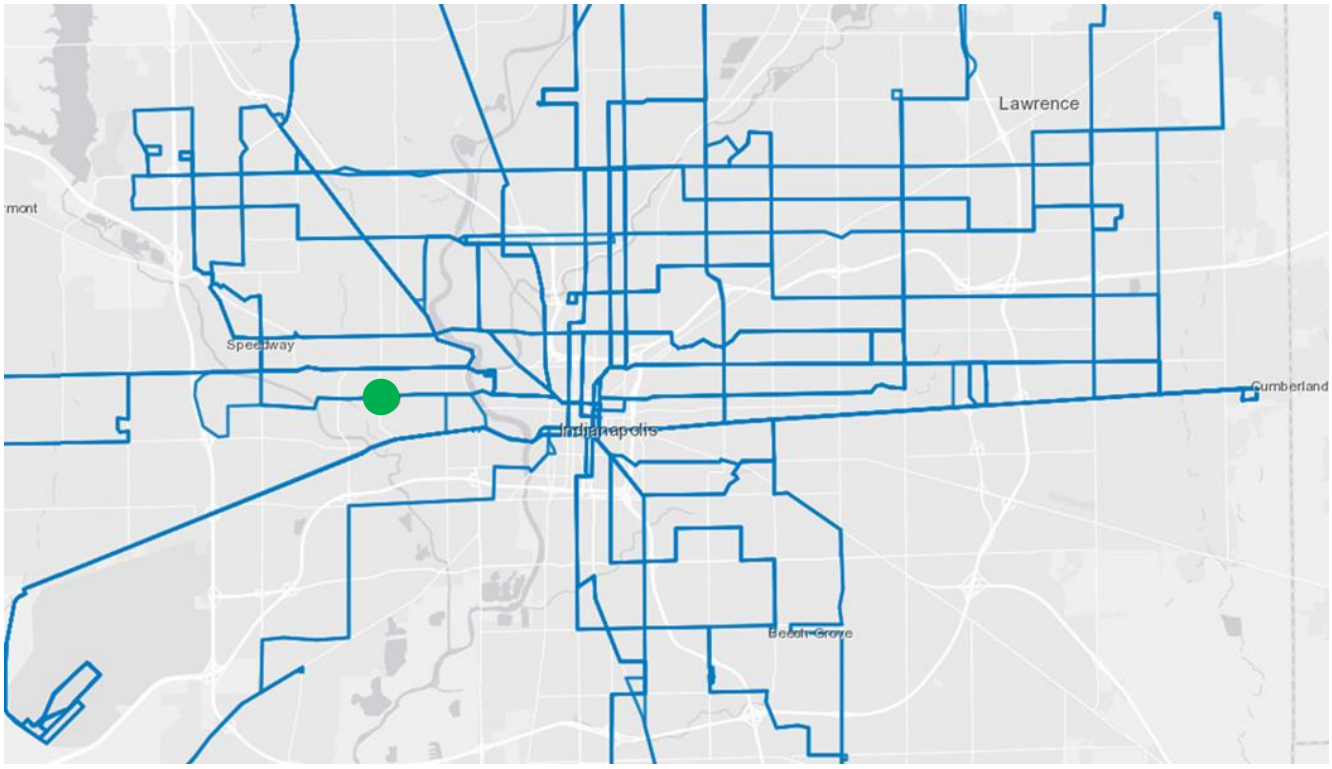
ZONING:



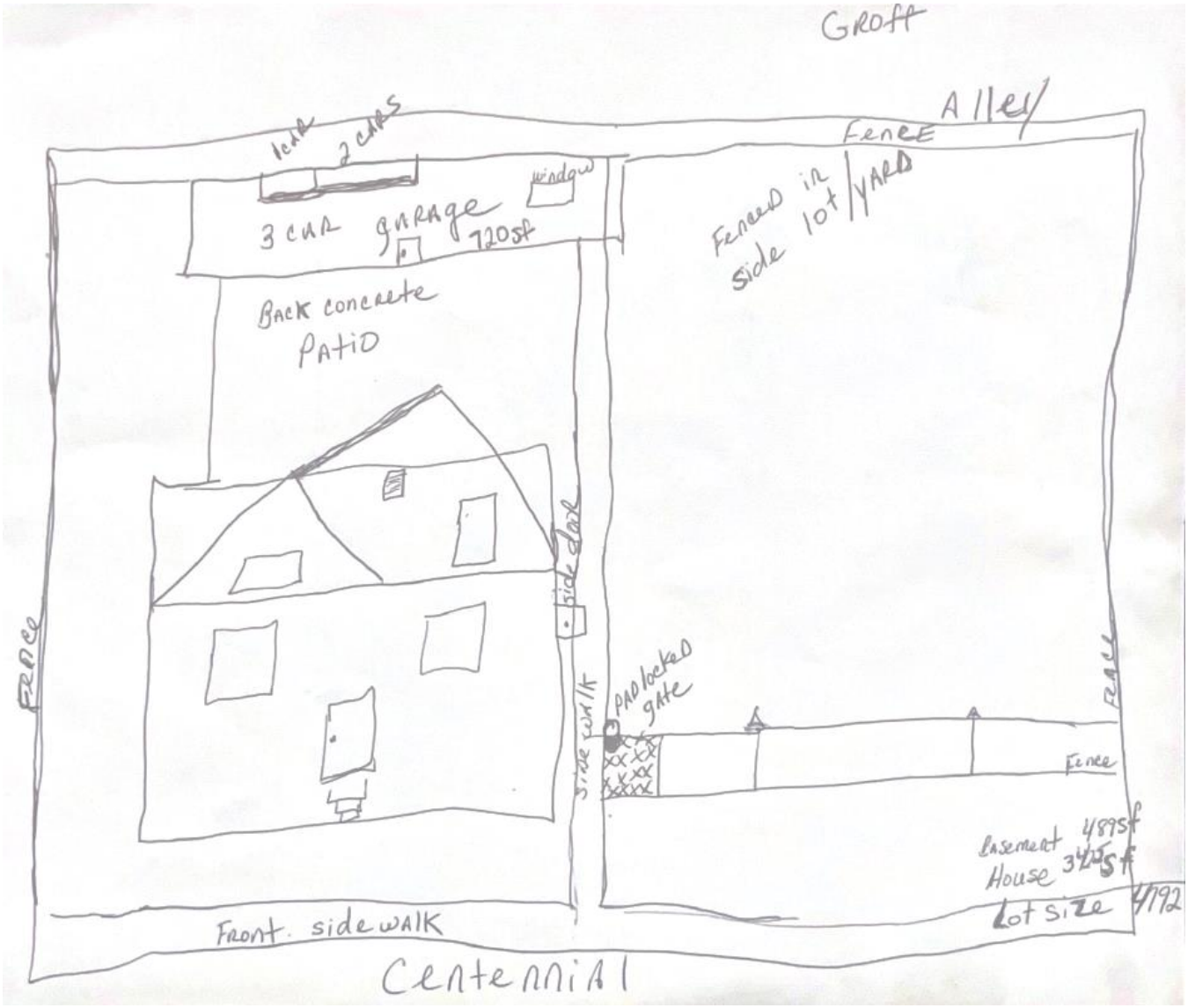
BIKE LANES:



BUS ROUTES:



SITE PLAN:


GROFF
ALLEY
FENCE
2 CARS
3 CAR GARAGE
720SF
WINDOW
FENCED IN SIDE LOT YARD
BACK CONCRETE PATIO
SIDE DOOR
FENCE
PADLOCKED GATE
SIDE WALK
FENCE
FENCE
BASEMENT 489SF
HOUSE 342 SF
LOT SIZE 4792
FRONT. SIDEWALK
CENTENNIAL

ANUYOU HOUSING & HOPE PROPOSED PLAN OF OPERATION

ANUYOU Housing & Hope proposes to operate a structured, faith-based transitional living residence for adult women who are working toward greater stability and independent living. The program is not proposed as a children's residence. The program will use the existing residential structure and will not expand the building footprint as part of this proposal. Proposed Resident Capacity Maximum occupancy requested: 8 adult women + 1 Live in Lead. No children are proposed to reside at the property under this program. Final occupancy will remain subject to zoning approval, building/fire requirements, and any occupancy limits imposed by the appropriate authorities. Property Layout and Kitchen Use -The property is understood to contain five legal bedrooms, 2.5 bathrooms, an existing three-car garage, and a fenced yard on a second lot. The final layout and bedroom count should be confirmed against applicable records and approvals.

The downstairs kitchen will be the residence's sole full cooking kitchen, with the primary cooking appliances. Upstairs kitchen/eating and lounge area: This area is proposed for light food preparation and eating, with a microwave, air fryer, toaster, and coffee maker only; no stove or oven is proposed use upstairs. Use of the upstairs appliances will be subject to approval by the applicable planning, building, and fire officials and compliance with appliance instructions, electrical capacity, ventilation, and fire-safety requirements. Parking and Bicycle Parking -The applicant proposes to provide at least three dedicated bicycle parking spaces inside the existing three-car garage, subject to the final floor-plan layout and staff review.

Bicycle parking will be located within 50 feet of a pedestrian entrance, consistent with the guidance received from Planning, subject to confirmation during review. A floor plan will identify the proposed car-parking area and the three bicycle spaces so that the arrangement can be reviewed. l Proposed vehicle policy: residents may own vehicles, but resident vehicles will not be parked or stored on the property. This proposed policy is subject to Planning staff's review and final written commitments. Resident Structure and Accountability - Residents will receive written program expectations, house rules, emergency procedures, and information about resident rights and responsibilities. The program will use structured routines and accountability appropriate to a transitional living setting, including respectful conduct, care of shared spaces, and compliance with lawful property rules. No alcoholic beverages and no weapons will be permitted on the property. Staff or designated program leadership will maintain a process for addressing rule violations, resident concerns, safety incidents, and referrals to community resources.

The property will be maintained in a clean and orderly condition, including the yard, exterior, and any designated parking or bicycle areas. Property will be secured by proper locks, security system, cameras on all doors and inside in common areas only. Residents will be expected to comply with times to be in, unless approved by management and to respect quiet hours, neighbors, avoid nuisance behavior, and comply with applicable laws and all property rules. The program will use the existing residential structure only, subject to all required approvals, and will not operate as a walk-in public service site. Safety and Compliance Before occupancy begins, the organization will seek the required zoning, building, fire-safety, and occupancy approvals and will follow any conditions imposed by the City.

This document describes a proposed operation for staff review and is not a representation that any permit, variance, or approval has already been granted. Important note: The upstairs appliances, resident vehicle policy, bicycle parking layout, and all occupancy details should be reviewed with Planning and the appropriate permitting/fire officials before the organization relies on them or opens the residence.

ANUYOU HOUSING & HOPE PROPOSED COMMITMENTS

1. **Use of structure:** The operation will be limited to the existing residential structure. No expansion of the building footprint is proposed as part of this application.

2. **Resident cap:** The residence will be limited to a maximum of eight (8) adult women, subject to any lower occupancy limit required by applicable codes or authorities. No children are proposed to reside at the property.

3. **Vehicle policy:** Residents may own vehicles, but resident vehicles will not be parked or stored on the property. This is proposed for Planning staff review and may be revised if staff identifies a different acceptable policy.

4. **Bicycle parking:** At least three (3) dedicated bicycle parking spaces are proposed inside the existing three-car garage, within 50 feet of a pedestrian entrance, subject to final layout and staff review.

5. **Parking plan:** A floor plan will identify the proposed vehicle parking area and the three dedicated bicycle spaces for review.

6. **Kitchen arrangement:** The downstairs kitchen will be the sole full cooking kitchen. The upstairs kitchen/eating/lounge area is proposed to contain a microwave and air fryer only, with no stove or oven upstairs. These appliances will be used only if allowed by applicable planning, building, electrical, and fire-safety requirements.

7. **Alcohol and weapons:** No alcoholic beverages and no weapons will be permitted on the property.

8. **Property maintenance:** The organization will maintain the property and yard in a clean and orderly condition and will manage trash, exterior upkeep, and designated parking/bicycle areas.

9. **Resident conduct:** Residents will be expected to respect neighbors, comply with house rules and applicable laws, and avoid nuisance behavior.

10. **Program management:** The organization will provide written resident expectations, house rules, and procedures for addressing safety incidents and rule violations.

11. **Approvals:** The organization will not begin occupancy until it has obtained the zoning and other permits or approvals required by the City and relevant authorities.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

FINDINGS OF FACT:

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

AnuYou Housing & Hope will provide safe, structured housing with clear house rules, accountability , and safety procedures while maintaining the property, minimizing neighborhood disruptions and prohibiting alcohol and weapons on the premises, The structure will maintain its residential character with no exterior modifications or signage.

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 structure will retain its single-family appearance. No Proposed exterior changes, or increased building, no parking to avoid blocking neighboring driveways, properly dispose of trash, prohibit disruptive behavior an provide contact persont to address neighborhood concerns promptly. These measures will help preserve neighborhood safety, cleanliness and quality of life.

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

The property's existing layout, bedroom capacity and suitability for providing structured transitional housing for women, while requiring zoning approval for the proposed use.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

Strict application of the D-5 dwelling district regulations prevents a reasonable residential use of the existing structure despite its compatibility with surrounding residential development. The hardship arises from zoning limitation rather than from zoning limitations rather than from any action by the petitioner.

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

The subject property is located within an area designated for residential use under the Comprehensive Plan. The proposed supervised transitional living residence supports housing stability and residential community development while preserving

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

Site Photos:





DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning





DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning













Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — December 1, 2026

Case Number:	2026-MO1-003 & 2026-DV1-060
Property Address:	2380 E 54th St
Location:	Washington Township, Council District #7
Petitioner:	Enter Petitioner, Enter Representative Company
Current Zoning:	C-3
Request:	Modification of a statement of commitments placed on the subject property under 2005-UV1-008 to remove a commitment prohibiting the outdoor seating area to be enclosed by a permanent roof or awning.
Current Land Use:	**Vacant Restaurant**
Staff Recommendations:	**Approval** of 2026-MO1-003 with commitment. **Denial** of 2026-DV1-060.
Staff Reviewer:	Noah S. Pappas, Manager – Current Planning

PETITION HISTORY

At the November 10, 2026 Hearing, 2026-MO1-003, was continued to the December 1st 2026 Board of Zoning Appeals Division I Hearing to allow for an additional variance to be added. Changes to the staff report have been underlined.

STAFF RECOMMENDATION

Approval of 2026-MO1-006 with one commitment.

Commitment: A Landscaping plan, subject to Administrative Approval, shall be provided to the Department of Metropolitan Development prior to issuance of ILPs on the subject property. Said plan shall consist of a mix of grasses, ornamental trees, and shrubs dispersed equally across the subject property frontage to provide screening for the outdoor dining area. All plantings shall be installed by June 1, 2027 These plants shall be continually maintained and replaced if any die or are removed for utility work.

Denial of 2026-DV1-060.

PETITION OVERVIEW

There are two proposals at hand for this request. The first proposal is to remove a commitment placed on the property under 2005-UV1-008 that prohibited the outdoor seating area from being enclosed by a permanent roof or awning. The petitioner's proposal is not just to enclose what exists, but to expand the permanent outdoor seating area. The second proposal is to allow for this permanent awning to be setback 4 feet from the right of way when 10 feet is required.

The enclosure itself consists of a wood framed black awning attached to the building. At this time it is not known what the method of enclosure would be for the sides. The awning is shown in the pictures below.

This property has been used historically as a restaurant, with aerial photographs showing the structure dating back to at least 1978.

Zoning for the subject property is C-3. The front setback standard requirement is 10 feet from the property line. The petitioner's requested a 4 foot setback per written correspondence from the petitioner. The provided site plans show some variance in what is requested, ranging between showing approximately 2-4 feet. Ultimately the setbacks would be confirmed at the Improvement Location Permit (ILP) stage with DBNS. This is deficient by 6 feet, thus requiring an additional variance. Regardless, the closest any permanent structure could get to the right-of-way is 10 feet as stated above.

This outdoor seating area is enclosed by an existing 6-foot-tall metal fence which is situated approximately 4 feet from the edge of the 54th street road pavement. As it stands, this offers minimal protection for outdoor diners from the adjacent roadway. There is also minimal visual protection present. Overtime, between 2007 and 2024 street view substantial landscaping was removed. Much of this was in the right of way, and it is not clear who removed it. However, if this were replanted it would offer additional separation between roadway and restauranteurs.

54th Street is classified as a Primary Collector under the Thoroughfare Plan. Collector Streets are "designed and intended to collect traffic from an area and move it to an arterial while also providing substantial service to abutting land uses." (Ordinance Definition for Collector Street, P. 74)

Outdoor seating is contemplated in the Ordinance as a permitted accessory use and is allowed as an Accessory Permitted Use in the C-3 zoning district. This allows for outdoor seating within the front setback even if no awning is present. However, this does not permit the awning to encroach into the minimum required front setback.

As stated above, in 2005 this property had a similar variance petition, 2005-UV1-008, to allow outdoor seating within the required front yard. In looking at past correspondence, it is not clear to staff why the commitment for the awning to be temporary was applied.

Past permit history for this property includes relevant ILP, STR and craft permits obtained in 2005 for the establishment of the Marco's. Since that point there have been various INV cases and VIO cases opened. Most recently, VIO25-002845, which was opened due to the petitioner having begun construction work on a 16 foot by 50 foot (800 square feet) awning addition without first getting relevant permits and removal of the commitment we have been discussing. In 2025 a Structural Permit and Improvement Location Permit were filed with the Department of Business and Neighborhood Services. ILP25-01168 was set as "Revisions Required" on May 15, 2025 and has sat at that status for the last 1.5 years. On June 18, 2026 a Legal (LGL) petition was opened on the subject property due to the lack of progress on addressing the violation. Finally, in early September 2026 this Modification petition was submitted.

Using past street view, staff was able to observe the former presence of significant landscaping along the subject frontage property. The total landscaping present lessened in time and today there is barely

any present. Previously, this landscaping served the function to screen the outdoor dining area from the heavily trafficked 54th Street. There are overhead utility lines present, which may limit the capacity to which replacement landscaping can be provided. Using the petitioner's provided site plan there still appears to be adequate space for the provision of some landscaping.

Below are two definitions relevant to the proposal:

1. **Sidewalk Café:** An outdoor seating area accessory to an establishment that serves food or beverage such as a restaurant, coffee shop, café, bar or tavern in the public right-of-way, for consuming of goods purchased from the primary use of the property. See related "Outdoor Seating or Patio (nonresidential)."
2. **Outdoor Seating or Patio (nonresidential):** On-site service facilities or seating areas accessory to a restaurant or establishment serving items to be consumed on site. This definition does not include sidewalk cafes in the public right-of-way.

The proposed use on site would best fit within the Sidewalk Café use classification. As identified in the Use Table, Table 743-1, Sidewalk Café's are a contemplated accessory use in all Commercial and Mixed Use districts.

Staff will note that there is currently no sidewalk along the subject property frontage. Due to the presence of overhead utility poles, there does not appear to be any pathway to providing sidewalks at this location without the acquisition of additional right of way. Given the location of the fence and awning, any additional right of way would necessitate moving the fence and awning back. However, staff is not aware of any imminent plans to install sidewalks in this area by the City.

The petitioner has stated in their provided documents that they would be maintaining all other commitments implemented under the 2005 rezoning and is only seeking to remove the commitment prohibiting the installation of the permanent awning. The core issue at hand relative to this modification request is whether a permanent awning should be allowed. Staff is supportive of the request to terminate the commitment prohibiting the installation of a permanent outdoor awning.

The modification findings ask the question: "THE PROPOSED MODIFICATION OF COMMITMENTS IS IN FURTHERANCE OF THE ORIGINAL VARIANCE OF DEVELOPMENT STANDARDS FOR WHICH THE COMMITMENTS WERE MADE BECAUSE". Staff agrees with the petitioner's stated rational that, "the modification will allow a longer lasting, more aesthetically pleasing and easier to maintain improvement for the property and its customers without impacting the traveling public or the community at large." As stated earlier in this report, the original variance was to allow outdoor seating within the required front yard. Removal of the commitment would allow for greater usage of the outdoor seating area and easier maintenance of the subject property, furthering the original variance. For these reasons, staff is recommending **approval** of the modification request. That approval recommendation comes with one commitment described below.

As noted above, there was formerly significant landscaping present at the subject property frontage on 54th Street. To lessen the visual impact of the permanent awning and also to shield restaurant goers from the busy 54th street traffic, staff is requesting the below commitment.

Commitment: A Landscaping plan, subject to Administrative Approval, shall be provided to the Department of Metropolitan Development prior to issuance of ILPs on the subject property. Said plan shall consist of a mix of grasses, ornamental trees, and shrubs dispersed equally across the subject property frontage to provide screening for the outdoor dining area. All plantings shall be installed by June 1, 2027 These plants shall be continually maintained and replaced if any die or are removed for utility work.

Regarding the Development Standard Variance Portion of this request. There are three criteria, required by state code, which must be met for any Development Standard Variance to be approved. Shown below.

1. The grant will not be injurious to the public health, safety, morals, and 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.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

The petitioner notes in their provided findings of fact that the property does not have a traditional rear yard where this type of outdoor patio would typically be provided. It is indeed true that there is nowhere else on the subject property a permanent awning could go. However, even if there were a rear yard available, any permanent awning would still be required to meet relevant setback standards.

If no awning were present, outdoor seating is still allowed in the front setback because of 2005-UV1-008. This allows for outdoor seating up to the property line. This means that, whether or not the Board approves the Development Standards Variance, the petitioner would be able to have outdoor seating in the entire front yard. Thus, the question is not whether outdoor seating can occur here, but whether said outdoor seating will have a permanent awning enclosing it.

With that said, there is also an alternate method of shielding restaurant goers from the sun, an outdoor umbrella, which would be allowed without necessitation of a variance,

Given that outdoor seating would be allowed regardless of awning, and the existence of alternate methods of shielding restaurant goers from the sun, staff is recommending denial of 2026-DV1-060. If this request is approved over staff's recommendation, Staff would reiterate the landscaping commitment attached to the 2026-MO1-003.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Restaurant	
Comprehensive Plan	Village Mixed Use	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	C-3, C-5	North: Supermarket
South:	C-5	South: Restaurant, Car Dealership
East:	C-5, C-7	East: Various Auto Oriented Uses, Coffee Drive-thru
West:	C-3	West: Retail and Restaurant uses

Thoroughfare Plan		
Enter Street(s)	Primary Collector	54th Street
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August, 21, 2026	
Site Plan (Amended)	N/A	
Elevations	None Provided	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	August 21, 2026, November 10, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Land Use Plan recommends this site for the Village Mixed-Use Typology. The Pattern Book identifies that businesses found in this typology serve adjacent neighborhoods rather than the wider community.

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 54th Street as a Primary Collector. The subject property is also located nearby to Keystone, which is an Arterial Street.
- There is a Painted Bike Lane along 54th Street directly adjacent to the subject property, but not on the subject property frontage.
- While sidewalks are nearby the subject property, there are none along the frontage.

ZONING HISTORY

ZONING HISTORY – SITE

86-Z-128 – Rezoning the subject property to C-3.

2005UV1008 – Allowing outdoor seating in the front of the building line.

ZONING HISTORY – VICINITY

2007DV2013 – 2222 E 54th – Variance of Development Standards to provide for a 738 square foot outdoor seating area (not permitted).

2010UV2002 – 2170 E 54th – Variance of Use to provide for a daycare or headstart use (not permitted).

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

2025DV1005 ; Aerial Map

Enter any photographs or site plans

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — December 01, 2026

Case Number:	2026-DV1-047
Property Address:	2502 North Delaware Street
Location:	Center Township, Council District #12
Petitioner:	Shawn Jones
Current Zoning:	D-8
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor seating to the north of Building 'A', with planting and no other landscaping, at a two-foot north side transitional yard setback (minimum 15-foot transitional side yard with landscaping required).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommend **denial** of this petition
Staff Reviewer:	Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

This is the first public hearing of this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

2502 N. Delaware Street is commercial property currently paved as a parking lot area near the intersection of Delaware Street and 25th Street with public alley access to the south. In 2024, variance petition 2024-CVR-810 was granted for the development of Building 'A' on this parcel as well as Building 'B' on the parcel to the east corner, located at 2460 N. Delaware Street, as a mixed-use development to include 46 dwelling units. The mixed-used structures are currently undeveloped at this time. The parcel to the east also received approval under 2024-CZN-810 for a rezone from D-8, MU-2, and SU-7 (TOD) to MU-2 (TOD). Surrounding land uses include commercial buildings to the north, mixed-use to the east, and residential buildings to the south and west.

An application for Administrative Approval (petition number 2026-ADM-171) is currently pending as a request to approve final plans pursuant to the commitments adopted through petitions 2024-CVR-810 and 2024-CZN-810. The commitments are included under the Exhibit Section below.

Approval of this petition would allow for the development of an outdoor seating area to the north of Building 'A', with planting and no other landscaping, at a two-foot north side transitional yard setback (minimum 15-foot transitional side yard with landscaping required).

This property is zoned D-8 to allow for a mix of small-scale multi-unit buildings for new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendation of the Comprehensive Plan and Traditional Neighborhood. Similarly, the Comprehensive Plan Pattern Book recommends the Traditional Neighborhood typology to allow for large-scale multifamily housing to be compacted and well-connected, with access to individual parcels by an alley when practical. Additionally, a wide range of neighborhood serving businesses, institutions, and amenities should be present.

The subject sites fall within the Transit Oriented Development Secondary Zoning District and Red Line Transit-Oriented Development Strategic Plan (2021). Development within this area would allow for medium-and-high-density residential developments with a comfortable walking environment.

Infill Housing Guidelines indicate that side yard setbacks should reinforce the spacing and context of the block while leaving room for building maintenance with basic tools such as ladders. Additionally, those Guidelines indicate that new construction should reflect and reinforce the character of spacing found in its block. The proposed addition would not comply with this section of the Plan, given that there does not appear to be similarly narrow non-conforming setbacks either on the block or in the immediate vicinity.

Findings of Fact provided by the applicant indicate that the proposed addition would add value to the area and would be impossible to construct without encroaching into the required side transitional yard establishment. Additionally, the applicant has verbally expressed that there is limited amount of transitional yard space available on the parcel due to the narrowed lot size to include the undeveloped residential building and parking spaces approved under 2024-CVR-810. Staff would note that despite the existence of some practical difficulty with the limited amount of space available, staff does not feel that this should justify relief from any and all ordinance standards. Additionally, constructing outdoor seating too close to the neighbor's property line can reduce privacy, increase noise, block maintenance, lower property value, and impact the removal of utility lines when structures are noncompliant to the zoning ordinance.

To conclude, staff does not feel that adequate site -specific practical difficulty has been established since the need for a variance is self-imposed from the applicant's desire to include the outdoor seating addition with limited amount of planting that encroaches into the required side transitional yard establishment. Additionally, there are no narrow non-conforming setbacks within the surrounding area. Staff recommend **denial** of the requested variance.

Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Commercial	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	DP	North: Residential (Multi-family dwelling)
South:	D-8	South: Residential (Single-family dwelling)
East:	MU-2	East: Residential (Townhouse dwelling)
West:	D-8	West: Residential (Single-family dwelling)
Thoroughfare Plan		
Delaware Street	Primary Arterial Street	78-foot proposed right-of-way and 60 to 65-foot existing right-of-way.
25th Street	Secondary Arterial Street	56-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	7/7/2026	
Site Plan (Amended)	N/A	
Elevations	7/7/2026	
Elevations (Amended)	N/A	
Landscape Plan	7/7/2026	
Findings of Fact	7/7/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Pattern Book (2019).
- Red Line Transit-Oriented Development Strategic Plan (2021).
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- **Traditional Neighborhood** typology includes a full spectrum of housing types, ranging from single-family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. This typology usually has a residential density of 5 to 15 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 (Page 33).

Red Line / Blue Line / Purple Line TOD Strategic Plan

- This site is located within the Red Line Transit-Oriented (TOD) Development Strategic Plan (2021).
- The Red Line TOD Strategic Plan recommends this site to the Walkable Neighborhood typology given it closest station to the site is located within a ¼ mile northwest at the intersection of Meridian Street and Fall Creek Parkway North Drive. This typology is designed for walkable areas that are primarily within the urban areas to include medium and high-density residential developments.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- On conforming corner sites where two streets meet, building setbacks should reflect context from both streets (Page 10).
- Use the surrounding block to help guide appropriate building orientation (Page 11).
- New construction should reflect and reinforce the character of spacing found in its block. New construction should maintain the perceived regularity or lack of regularity of spacing on the block (Page 12).
- Minimum spacing can be crucial for proper maintenance of homes. For example, additional spacing between tall houses can be key to allowing for maintenance with basic tools, like ladders (Page 12).

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2026ADM171; 2502 North Delaware Street (subject site), Request to approve final plans pursuant to the commitments adopted through petitions 2024-CVR-810 and 2024-CZN-810, **pending**.

2024-CZN-810; 2502 North Delaware Street (subject site), Rezoning of 0.94 acre from the D-8, MU-2, and SU-7 (TOD) districts to the MU-2 (TOD) district for a proposed mixed-use development, consisting of 46 dwelling units and approximately 5,000 square feet of retail space, **approved**.

91-AP2-14; 2502 Delaware Street (subject site), Modification of conditions pursuant to 65-V-60 to permit the placement of a 30-square foot pole sign and pursuant to Petition 84-UV2-51 to permit the continued use of the outdoor advertising signs, **granted.**

91-UV3-41; 2502 North Delaware Street (subject site), Variance of use to permit vending machines and existing wall signs, **granted.**

85-Z-53; 2542 North Delaware Street (subject site), Rezoning from the D-8 District to the SU-7 classification to provide for narcotics treatment, youth education and rehabilitation, **approved.**

84-UV2-51; 2502 North Delaware Street (subject site), Variance of use to permit an addition to a liquor store, **granted.**

65-V-60; 2502 North Delaware Street (subject site), Variance of use to permit a package liquor store, **granted.**

64-V-475; 2502 North Delaware Street (subject site), Variance of use to permit an automobile seat cover business, **granted.**

64-V-400; 2502 North Delaware Street (subject site), Variance of use to permit the sale of alcoholic beverages and a wall sign, **withdrawn.**

60-V-125; 2502 North Delaware Street (subject site), Variance of use to permit an automobile seat cover business, **granted for temporary period of one year.**

59-V-403; 2502 North Delaware Street (subject site), Variance of use to permit an automobile seat cover business, **denied.**

59-V-151; 2502 North Delaware Street (subject site), Variance of use to permit the outdoor display and sale of automobiles, **granted.**

ZONING HISTORY – VICINITY

2024-CVR-810; 2460 North Delaware Street, (subject site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for front building line of 41.3% and 42.4% along 25th Street (minimum of 80% required), parking and maneuvering that extends beyond the building and less than required minimum setback (not permitted beyond the building and a minimum of 50-foot setback required), parking space dimensions of 8.5-foot by 18-foot (minimum of 9-foot by 18-foot and 180 square feet required), alley curb cut and pavement of 14 feet (minimum of 15 feet required), clear sight triangle encroachment for the proposed buildings at the intersection of Delaware Street and 25th Street (not permitted), two-foot side transitional yard for parking areas (minimum 15-foot required) and a two-foot rear transitional yard for parking areas and a trash enclosure (minimum of 10 feet required), **approved**.

2024-CZN-810; 2502 North Delaware Street and 2460 North Delaware Street, (subject site), Rezoning of 0.94 acre from the D-8, MU-2, and SU-7 (TOD) districts to the MU-2 (TOD) district for a proposed mixed-use development, consisting of 46 dwelling units and approximately 5,000 square feet of retail space, **approved**.

2016-CZN-814 / 2016-CVR-814; 2542 North Delaware Street, (north of site), Rezoning of 0.84 acre from the SU-7 district to the D-8 classification to provide for single-family residential uses and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for eight single-family dwellings, with a five-foot front setback (25-foot front setback required), with two-foot side setbacks and 6.5 feet between dwellings (minimum four-foot side setback and 10 feet between buildings required), and with accessory buildings, with two-foot and three-foot side setbacks (minimum four-foot side setbacks required), and to provide for 47% open space (55% open space required), **approved.**

2015-ZON-062; 2449-2457 North Delaware Street (east of site), Rezoning of 0.06 acre from the D-P district to the D-P classification to provide for a tavern with outdoor seating, **approved**.

2014-ZON-042; 2501 North Talbott Street (west of site), Rezone 0.15 acre from the SU-7 and D-8 districts to the D-8 classification, to provide for single-family residential development, **approved**.

2005-ZON-122; 2519 North Delaware Street (east of site), Rezoning of 0.17 acre, being in the C-3 District, to the D-8 classification to provide for the construction of a single-family dwelling, **approved.**

2005-ZON-140; 2449 through 2509 North Delaware Street (east of site), Rezoning of 0.64-acre from D-8 and C-3 to D-P to provide for the construction of two mixed-use buildings, **approved.**

2002-ZON-137; 2505 and 2513 North Talbott Street (west of site), Rezoning of 0.25 acre from SU-7 to D-8, to provide for single-family residential development, **approved.**

95-HOV-26; 236 East 25th Street (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of single-family residences, associated with the Fall Creek Proper Subdivision, with reduced front yard setbacks, **approved.**

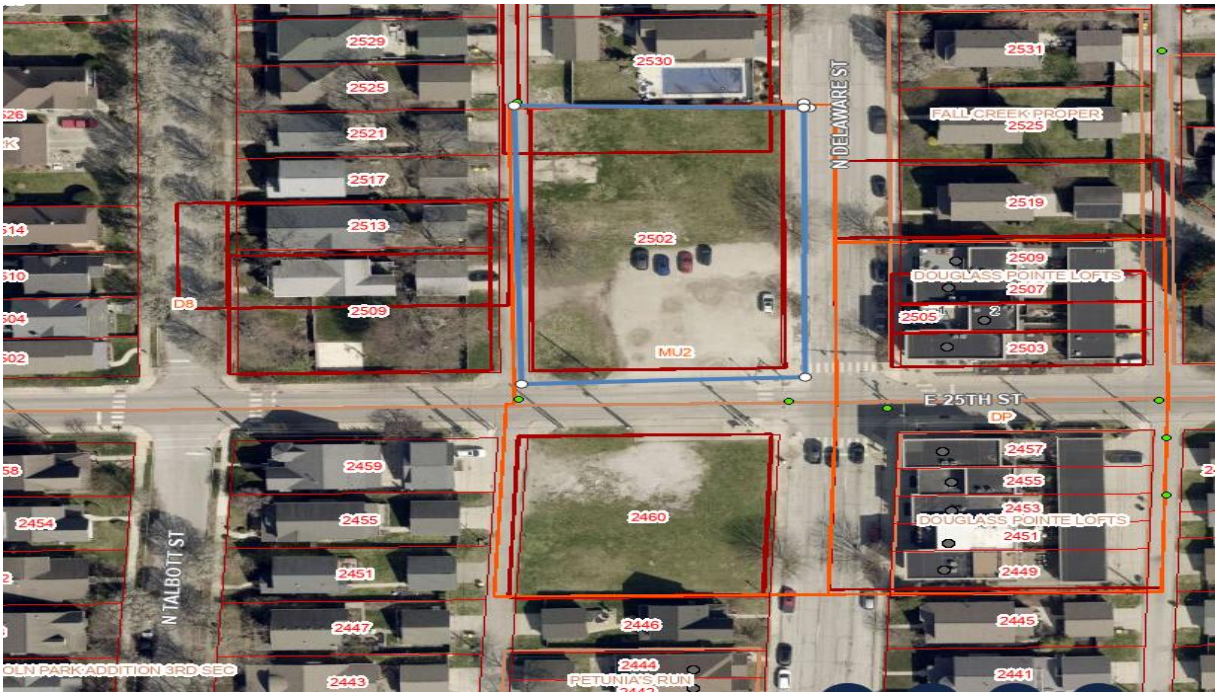
85-Z-53; 2452 North Delaware Street (west and north of site), Rezoning of 1.8 acres from D-8 to SU-7 to provide for non-profit Christian treatment facility and to permit the construction of a small shed, **approved.**

83-Z-3; 2501 North Delaware Street (east of site), Rezoning of 0.26 acre, being in the D-8 district, to the C-3 classification, to provide for commercial use, **approved.**

76-UV1-52; 2542 North Delaware Street (north of site), Variance of use and development standards to permit the construction of a youth education and rehabilitation organization with live-in facilities, **granted.**

EXHIBITS

2026-DV1-047; Aerial Map



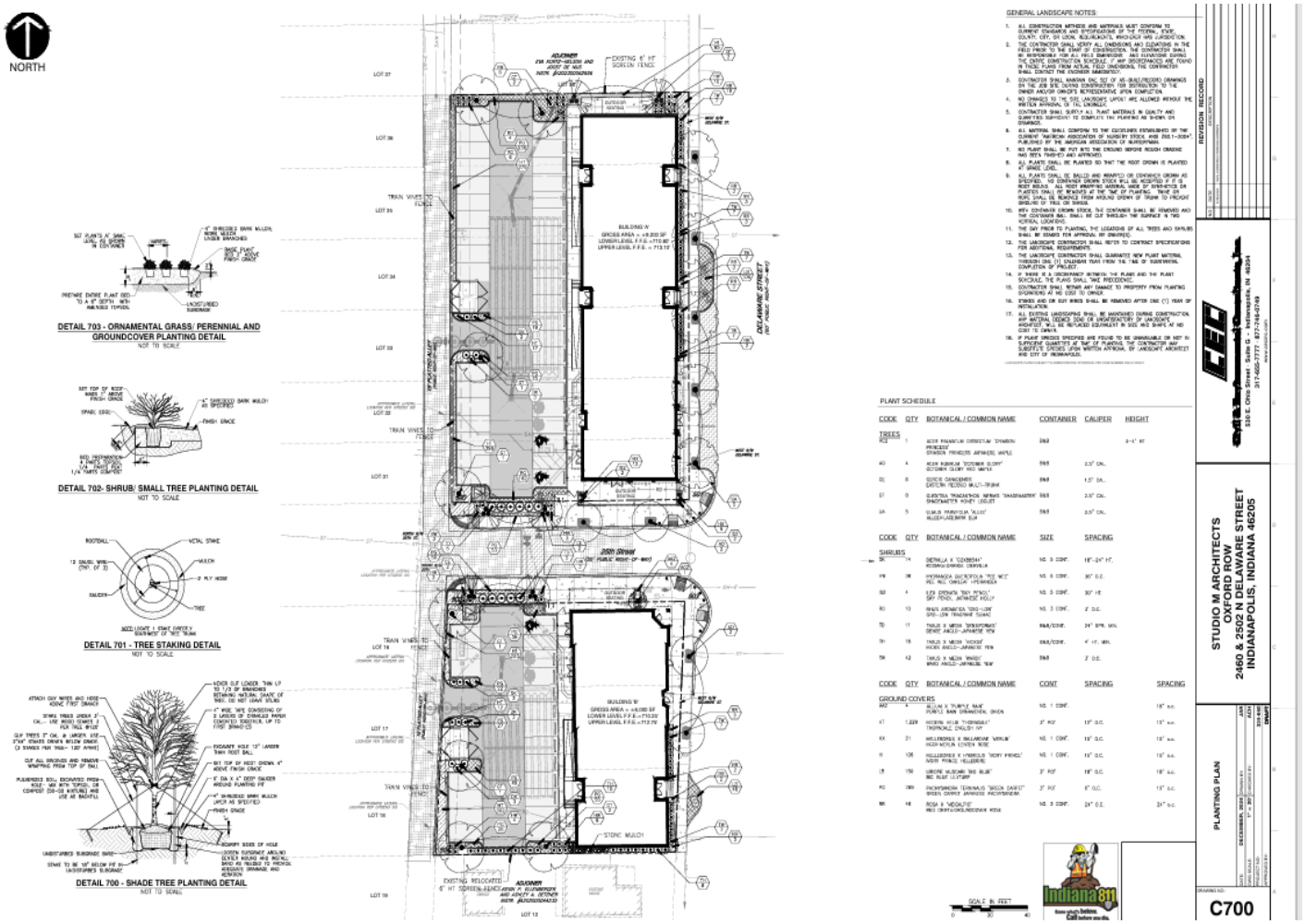
2026-DV1-047; Google Maps View (June 2024)



DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

2026-DV1-047; Site Plan



DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

2026-DV1-047; 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 Oxford Row yard is seeking an encroachment from the 15 foot required side yard to a 2 foot planted yard for a proposed seating area north of the multi-family building of the north parcel is consistent with and appropriate in the Traditional Neighborhood typology. The addition of a seating area has been thoughtfully designed to bring high-quality amenity construction to encourage areas for outdoor gathering.This variance will not interfere with traffic; will not deter privacy from adjoining neighbors; is accessible and provides ample space for landscaping.

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

This variance will allow for the construction of an additional garden amenity situated with a landscaped area that contributes to and adds value to this immediate area.

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

The proposed seating area would not be possible without the encroachment into the required side transitional yard establish from the prior approved variance petition 2024-CVR-810 and the terms of the zoning ordinance for district MU-2 dimensional standards to maximize outdoor amenity areas.

Commitments from 2024-CVR-810 and 2024-CZN-810 Petitions Approved

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".

MDC's Exhibit B - - page 1 of 6

Tx:42150552
DocId:20277784

6

2. A final landscape plan shall be submitted for Administrator's Approval showing the street frontage landscaping and screening for transformers and relocation of the dumpster at 2460 Delaware Street prior to the issuance of an Improvement Location Permit.
3. Final building elevations shall be submitted for review and approval by the City Architect.
4.
5.

2026-DV1-047; Photographs

Photo 1: Subject Site Viewed from North from North Delaware Street (August 2026)



Photo 2: Subject Site Viewed from East from 25th Street (August 2026)



Photo 3: Subject Site Viewed from South (August 2026)



Photo 4: Subject Site Viewed from West (August 2026)



Photo 5: Subject Site Viewed from the Alley to the South (August 2026)



Department of Metropolitan Development
Division of Planning
Current Planning

Board of Zoning Appeals Division III — December 1, 2026

Case Number:	2026-DV3-011A
Property Address:	3603 South Meridian Street *(approximate address)*
Location:	Perry Township, Council District #18
Petitioner:	Roman Catholic Archdiocese of Indianapolis, Properties Inc as Trustee for St Roch, Catholic Church Indianapolis Inc., by Wooton Hoy (John Cross)
Current Zoning:	SU-1 / D-4
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit a fence within the clear sight triangle (not permitted).
Current Land Use:	Developed, School
Staff Recommendations:	Staff recommends **denial** of the variance for obstruction of the clear sight triangle.
Staff Reviewer:	Josh Levesque, Manager

PETITION HISTORY

This case was originally set to be heard by BZA Division III on April 21st, 2026. A registered neighborhood organization filed a timely automatic continuance to May 26th. The petitioner subsequently filed a continuance from the May 26th, 2026, to the July 21st, 2026, BZA III hearing. The petitioner filed for an additional continuance as well as transfer to the August 4th, 2026, BZA III hearing. The petition was subsequently continued to the September 1st hearing and continued again to the October 6th hearing.

At the October 6th hearing, the board split the case. 2026DV3011A, pertaining to the fence's encroachment into the clear sight triangle received an indecisive vote and was continued to the November 10, 2026, BZA hearing. 2026DV3011B, permitting the portion of the fence outside of the clear sight triangle to have a height of up to 8 feet, was granted.

At the November 10, 2026, hearing, the board granted a continuance to the December 1, 2026, at the request of multiple parties.

STAFF RECOMMENDATION

Staff recommends **denial** of the variance for obstruction of the clear sight triangle.

PETITION OVERVIEW

3603 South Meridian Street is a large parcel on the corner of South Meridian Street and Sumner Avenue. The parcel contains a school and a large, paved play and parking area. The property is currently split-zoned between SU-1 (the majority) and D-4 and is surrounded by a variety of zoning districts and land

uses. The adjacent property to the east, zoned D-4, contains parish offices. The parcels across Sumner Avenue to the north are zoned D-3 and are undeveloped. To the west is a parcel zoned D-A and containing a gas station. To the south is a church center.

The petitioner's request is to establish a fence/wall in the front yard that that encroaches into the clear sight triangle.

744-503.H of the Ordinance indicates that "no obstructions shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5 feet [30 inches] and 8 feet above grade level." The Department of Public Works also relies on sight triangles (an engineering sight triangle) to determine the safety of intersections. The clear sight triangle used by DPW represents the area a driver needs visibility in order to react and stop in case of an oncoming hazard. It also represents the distance the driver needs to see oncoming traffic from the left and right so they can safely pull into traffic. Furthermore, an obstruction into the clear sight triangle impedes a driver's ability to see pedestrians. Pedestrians, whether waiting at the corner or attempting to cross the street would be in particular danger. The diagrams below (see "Clear Sight Diagrams" in "Exhibits") show the extent to which the fence/wall encroach into the clear sight triangle.

Petitioner's plans, file-dated September 29th, propose to clip the fence on the northwest corner and bring it partially within the clear sight triangle. However, the petitioner's own diagram shows that the fence/wall will still partially encroach into the clear sight triangle. As highlighted earlier, the clear sight triangle is intended to promote safety and to reduce traffic conflicts—a chief concern near schools.

A variance of development standards may only be approved if the following three criteria are met:

- ***The approval will not be injurious to the public health, safety, morals, and general welfare of the community.***
    - Staff will note that one party cannot be made safe at the expense of another party, especially when other design solutions exist. Within the clear sight triangle there traffic stop bars and turn lanes. Additionally, there is a lack of sidewalks along Sumner Avenue and Meridian Street, forcing pedestrians into the road. Obstructing the clear sight triangle presents potential hazardous conditions for area pedestrians and drivers. The petitioner can keep students AND the public safe by lessening the amount of lot they use and moving the fence/wall outside the clear sight triangle. Such an action would also create greater separation from the play area and the street, further helping to increase safety.
- ***The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.***
    - The safety hazards created by encroachment into the clear sight triangle would impact the safe use of the public right of way in a substantially adverse manner.
- ***The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.***
    - The parking lot/play area is over 36,000 square feet. The amount of area that would be lost to bring the fence into compliance is roughly 3% of the entire area. Compliance with the

Ordinance would not prevent the rest of the parking lot from being used and would not prevent other parts of the property from being devoted to play areas.

- The Ordinance is intended to promote public safety. Staff's analysis indicates the presence of public safety hazards. As such, staff recommends **denial** of the clear sight variance. Staff will also note that the proposed commitment regarding bollards/guardrails, as written, would permit bollards or guardrails within the clear sight triangle. If the bollards/guardrails do not meet Ordinance provisions for the clear sight triangle, staff must also recommend **denial** of this commitment.

GENERAL INFORMATION

Existing Zoning	SU-1	
Existing Land Use	Developed; School	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-3	North: Undeveloped
South:	SU-1	South: Religious Use / Community Center
East:	D-4	East: Religious Use / Church
West:	D-A	West: Gas Station
Thoroughfare Plan		
South Meridian Street	Primary Arterial	50-foot existing right-of-way and 95-foot proposed right-of-way
Sumner Avenue	Primary Collector	60-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	3/09/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/10/2026	
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 Suburban Neighborhood typology is predominantly made up of single-family housing, 3603but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. 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.

ZONING HISTORY

ZONING HISTORY – SITE

79-Z-151; 3500 South Meridian Street, Rezoning from SU to SU1, **approved.**

ZONING HISTORY – VICINITY

79-Z-151; 3435 South Meridian Street, Requesting rezoning from D3 to SU1, **approved.**

99-Z-156; 3449 South Meridian Street, Requesting rezoning of 2.19 acres from D3 to DP, **withdrawn.**

2002ZON054; 3510 South Meridian Street, Requesting rezoning of 1.659 acres from DA to C-3, **withdrawn.**

2005DV1031; 18 East Sumner Avenue, Variance of Development Standards of the Dwelling District Zoning Ordinance to provide for the construction of a single-family dwelling with a ten-foot front yard setback along Union Street, **approved.**

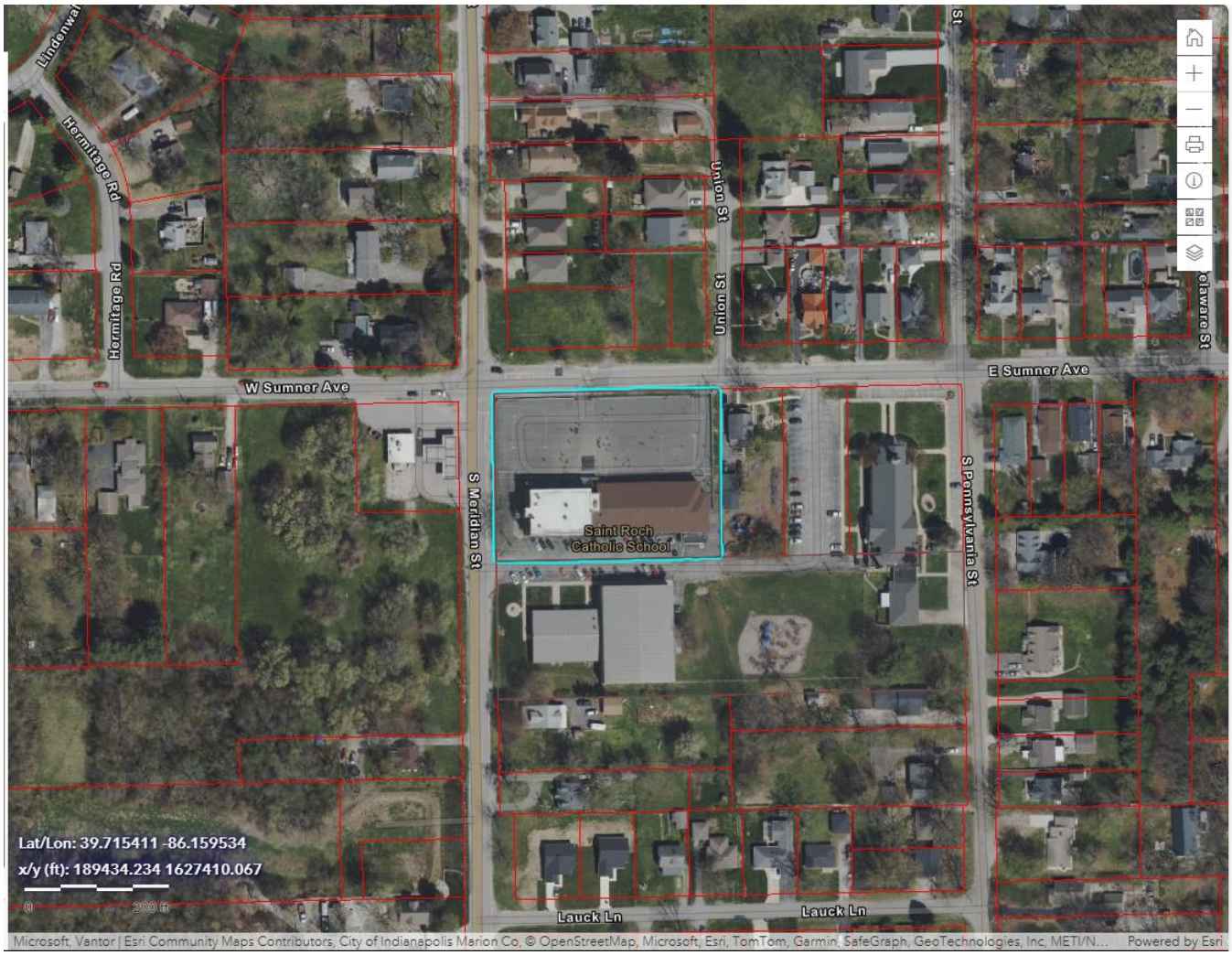
2012UV2020; 3652 South Meridian Street, Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish a 780-square foot deck for outdoor seating and a 4,400-square foot outdoor seating area on gravel, accessory to bar, **approved.**

2023UV3006; 3650 & 3652 South Meridian Street, Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an eating establishment with outdoor seating on an existing patio, **withdrawn.**

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

2026DV3011; Aerial Map



2026DV3011; Site Plan (1)



Proposed fence location

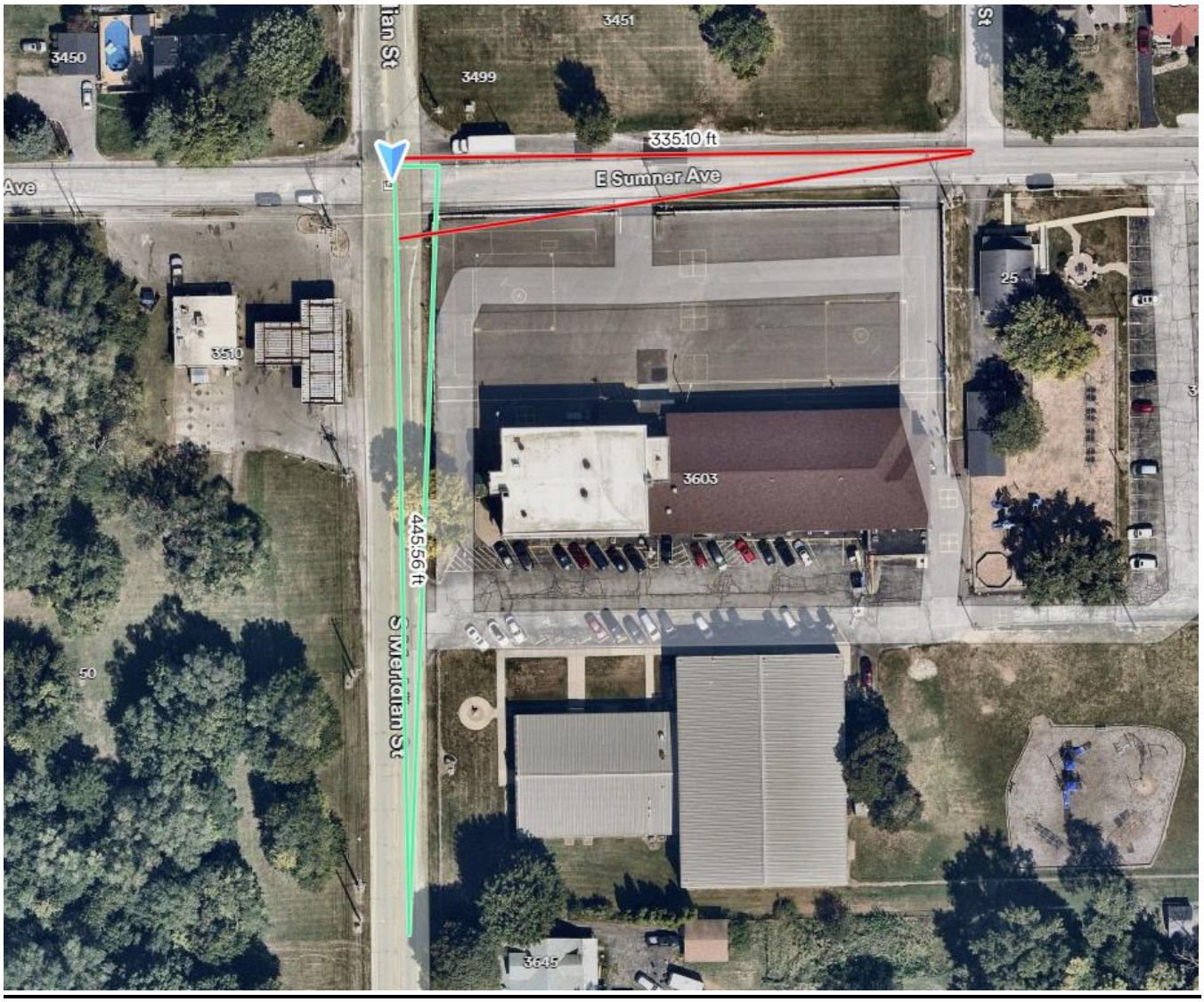
2026DV3011; Site Plan (2)



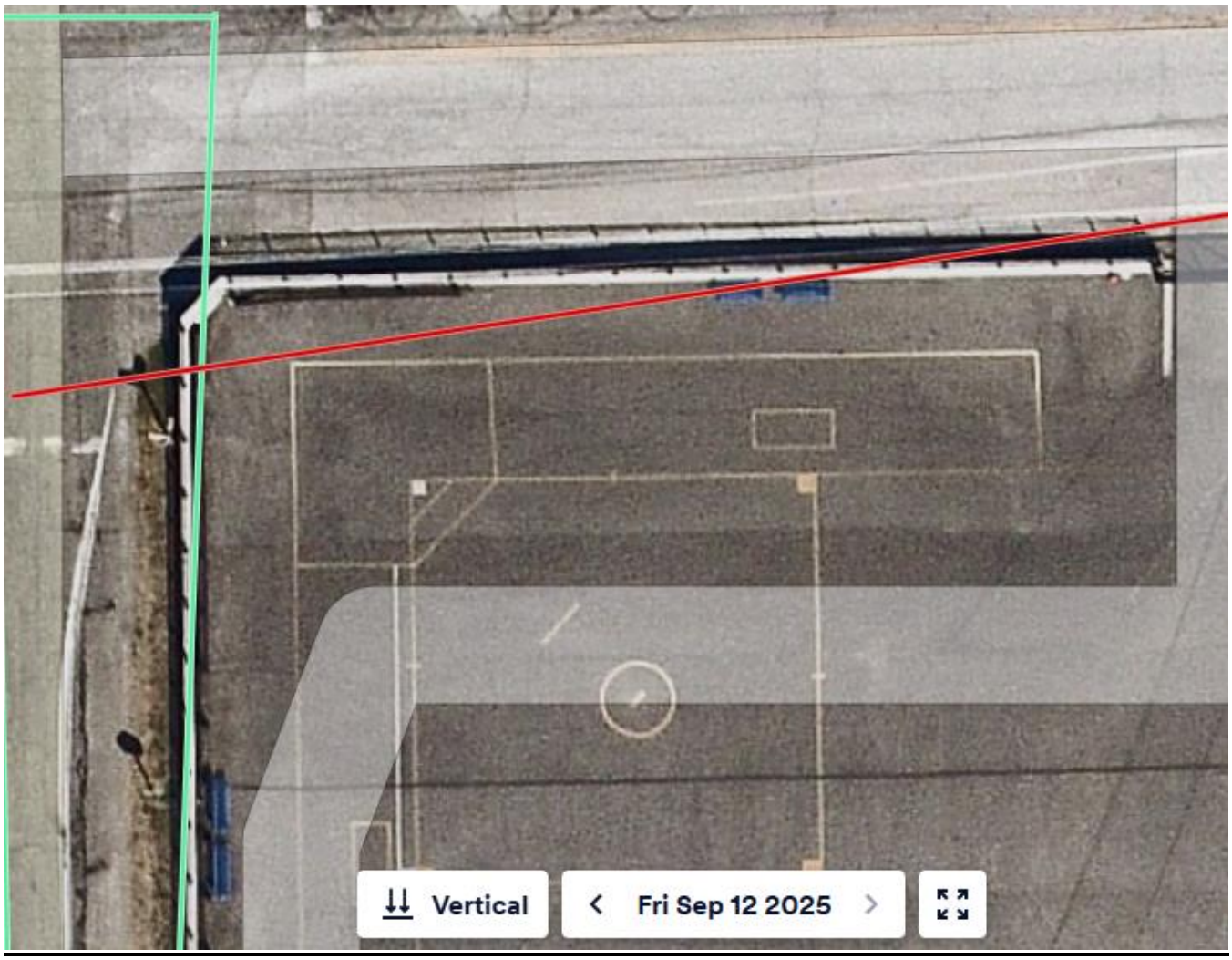
Site plan showing fence moved in roughly 16 feet from its current location

Department of Metropolitan Development
Division of Planning
Current Planning

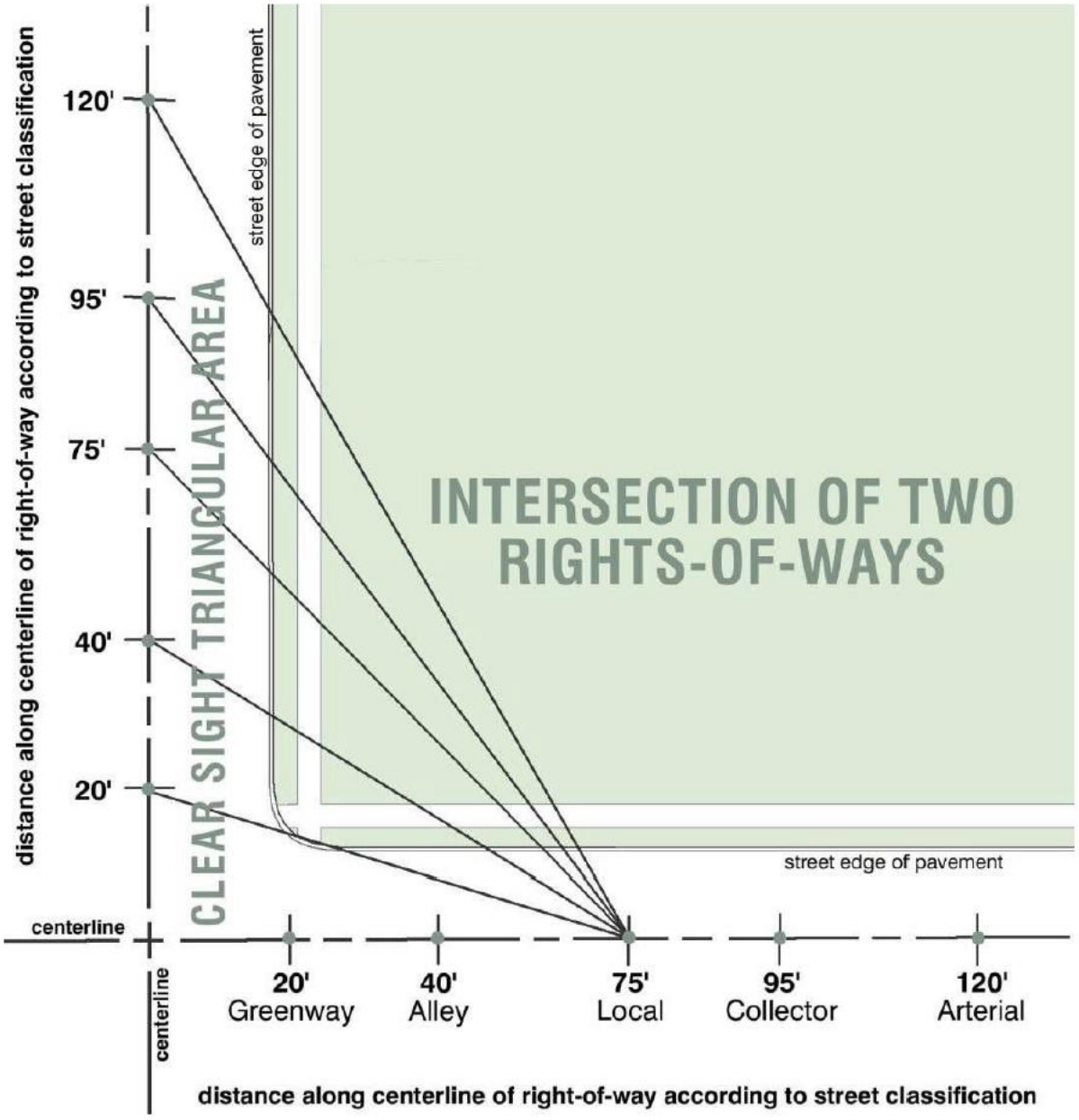
2026DV3011; DPW Clear Sight Diagrams (1)



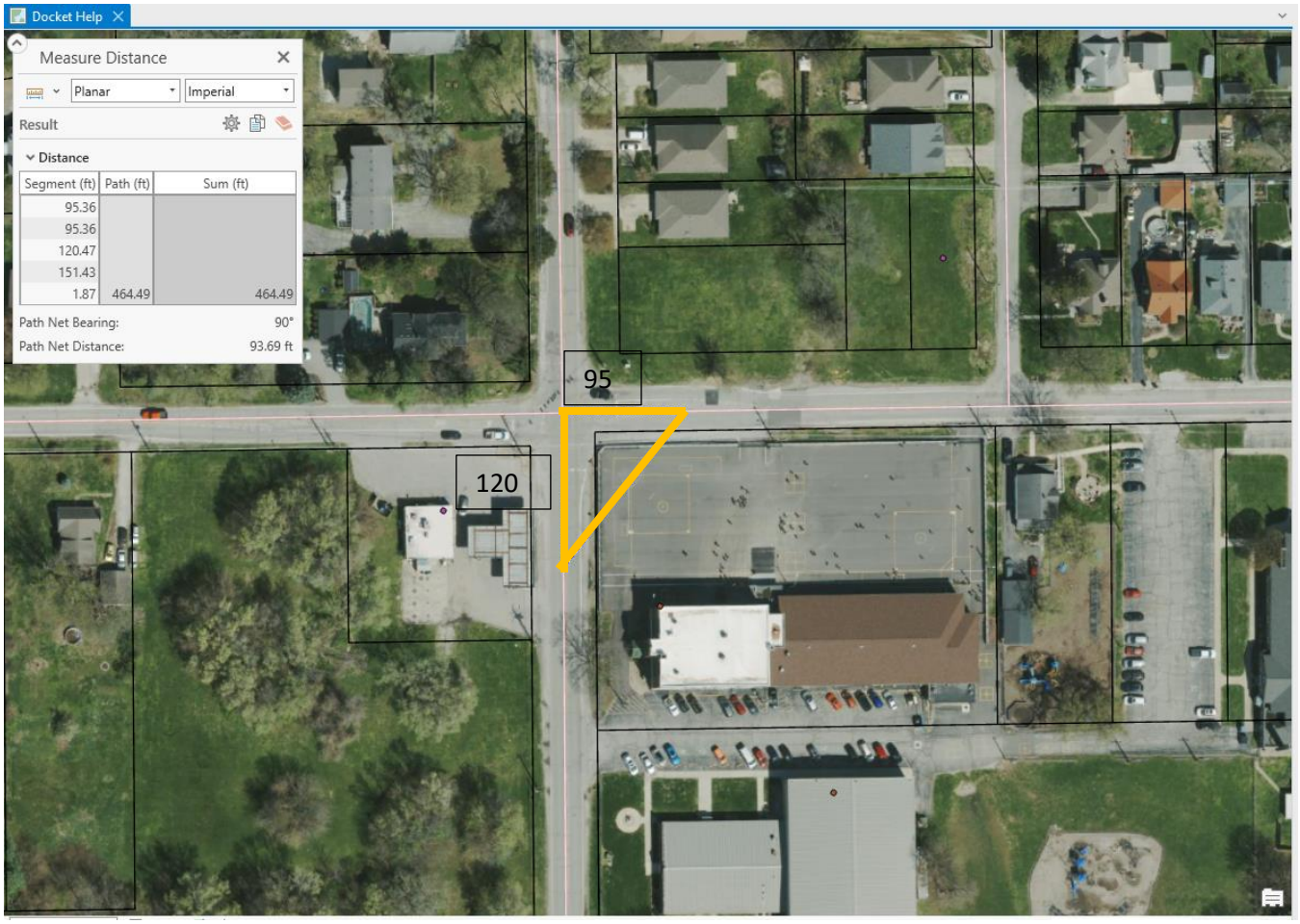
2026DV3011; DPW Clear Sight Diagrams (2)



2026DV3011; DMD Clear Sight Diagrams (1)



2026DV3011; DMD Clear Sight Diagrams (2)



2026DV3011; Photographs



Photo 1: Fence/wall as seen from Sumner Avenue looking south

2026DV3011; Photographs (continued)



Photo 2: On South Meridian at corner with Sumner

2026DV3011; Photographs (continued)



Photo 3: On Sumner at corner with Meridian

2026DV3011; Photographs (continued)



Photo 4: Fence/wall along Sumner near intersection with South Meridian

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — December 1, 2026

Case Number:	2026-UV1-025 (Amended)
Property Address:	2040 North Emerson Avenue (approximate address)
Location:	Center Township, Council District #13
Petitioner:	Thind Property Group LLC, by Joseph Csikos
Current Zoning:	C-4
Request:	Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and repair of vehicles (not permitted) with 3-foot and 5-foot front yard setbacks of parking areas (10 feet required), a 6-foot southern transitional yard setback (8 feet required), and deficient landscaping and outdoor storage screening (required).
Current Land Use:	Automobile Sales Lot
Staff Recommendations:	Staff recommends **approval** of the requested variances, subject to commitments.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

11/10/26: A timely automatic continuance request was filed by a registered neighborhood group.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested variances, subject to six commitments:

1. All vehicle repair shall be conducted internally within an enclosed building. No vehicle repair shall be conducted outdoors.
2. All vehicles awaiting repair shall be stored exclusively within the fenced area to the west of the existing building. Parking spaces along the street frontage and outside of the fenced area shall be reserved for customer and employee parking and shall not contain vehicles awaiting repair.
3. The fence surrounding the vehicle storage area shall be a 100% opaque fence with a height of 6 feet and constructed of an Ordinance-approved material such as wood.
4. The portion of fence near the western property boundary shall meet Ordinance standards for screening of accessory outdoor storage as defined within 744-508.C of the Indianapolis Zoning Ordinance. Installed landscaping shall be trimmed and maintained by the property owner.
5. The site and improved areas within the site shall be maintained in a reasonably near and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
6. Lighting fixtures utilized at the property shall not result in illumination levels at or past the property lines that exceed the 1.0 foot-candle maximum permitted by Table 744-604-1 of the Ordinance.

PETITION OVERVIEW

2040 North Emerson Avenue is a commercial parcel with a size of 0.32 acres that is at the southwest corner of the intersection of 21st Street and Emerson. The site is improved with a commercial structure that is surrounded by accessory parking areas to the north and east as well as fenced vehicle storage area to the west of the structure. The property has vehicle access from both 21st and Emerson, and there is existing screening from both a fence along the western property line and southern landscaping.

Surrounding land uses include single-family residences to the west and south (both of which are separated from the subject site by alleys), fueling stations to the north and northeast, and a multitenant commercial building to the east containing two restaurants, a barbershop, a tire shop, and a tax office.

In 1995, the temporary variance petition 95-UV2-40 was approved to allow for automobile sales at this property, with an expiration date 3 years after the date of approval per commitments. Subsequently, the variance petition 98-UV1-51 was approved in 1998 to allow for automobile sales as well as for reduced landscaping and transitional setbacks for the existing use (this request was supported by Staff at the time). Although there was not an applicable 3-year expiration date, a condition of the 1998 approval was that “the variance petition shall be exclusive to the petitioner and family members for as long as the property is owned by Brian and Rosemary Pipes” (see all Previous Conditions within the Exhibits below).

Since ownership of this property changed in 2011, the previously granted variance would be considered null and void, and the auto sales that have been conducted at the property since 2011 have not been done legally. Since the previous variance has already terminated, there also would not be an option to terminate the ‘ownership’ condition through a modification petition.

The violation case VIO26-000095 was opened in April 2026, which cited the property for unpermitted signage and a lack of clearly defined parking as well as for the vehicle sales use not being permitted within the C-4 zoning district (see Exhibits for a full list of citations). Approval of this petition would not allow for non-conformities that aren’t a part of this request to continue, and should be addressed through the Department of Business and Neighborhood Services outside of the variance process.

At the time of initial filing, documents provided by the petitioner indicated that they would seek to continue the previous, non-conforming vehicle sales use at the property (a use only allowed within the C-5 zoning district and up). The applicant later decided to amend their request to instead seek permission to allow for a vehicle *repair* use at the site, instead of vehicle *sales*. Vehicle repair is allowed within the C-4 zoning district, but only if both repairs and storage are fully conducted within enclosed buildings.

To allow for operation of a vehicle repair use as detailed by the provided site plan and Plan of Operation (see Exhibits below), the following variances would be required:

- Variance of Use for outdoor storage of vehicles awaiting repair (not permitted in C-4).
- Variance of Development Standards to allow for reduced front-yard setbacks for existing parking areas (3 feet from the northern property line and 5 feet from the eastern property line when current Ordinance would require a 10-foot separation).

- Variance of Development Standards to allow for a reduced southern transitional yard setback (8 feet currently existing, 10 feet required by current Ordinance).
- Variance of Development Standards to allow for the current site layout to remain without all required landscaping or screening of outdoor storage areas per 744-508.C of the Ordinance.

This property is zoned C-4 (Community-Regional District) which, per Ordinance, 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. Similarly, the Comprehensive Plan Pattern Book recommends it to the Community Commercial typology for low-intensity commercial and office uses (see Comp Plan Analysis section of report below).

Findings of Fact provided by the applicant in support of the requested Variance of Use indicate their intent for all vehicle repair to be conducted indoors and the level of screening that would be placed around the outdoor areas to store vehicles. Staff would note that the proposed repair use (even with a small outdoor storage component) would be less intense than the use that has been in operation at the site for the past 31 years, that the C-4 district does contemplate the primary use proposed by the petition, and that the lot size and placement of existing building and parking areas would preclude feasible placement of a building addition that could store vehicles awaiting repair internally. Additionally, the petitioner has agreed to two limiting commitments (#1 and #2 above) that would reduce negative externalities by prohibiting outdoor vehicle repair and limiting storage of vehicles awaiting repair to the existing fenced portions of the site. For these reasons, staff recommends **approval** of the requested Variance of Use.

The requested variances of development standards would largely serve to legally establish the existing site layout for which approval was granted by 98-UV1-51 but which is no longer valid due to the transfer of the property's ownership and the proposed change of use from auto sales to auto repair. The lot size and space required for parking spaces would also make the placement of additional internal landscaping difficult. Staff also negotiated two additional limiting commitments with the petitioner (#3 and #4 above) which would ensure adequate visual buffering of the commercial use and outdoor storage area from nearby properties (in addition to existing buffering along the southern portion of the site and the 15-foot separation afforded by existing unimproved alleys between the subject site and residences). For these reasons, staff recommends **approval** of the requested Variances of Development Standards.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Automobile Sales Lot	
Comprehensive Plan	Community Commercial	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	C-4	North: Commercial
South:	D-5	South: Residential
East:	C-4	East: Commercial
West:	D-5	West: Residential
Thoroughfare Plan		
21st Street	Primary Arterial	90-foot existing right-of-way and

Emerson Avenue	Primary Arterial	88-foot proposed right-of-way 100-foot existing right-of-way and 78-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	08/11/2026	
Site Plan (Amended)	09/17/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	08/11/2026	
Findings of Fact (Amended)	09/28/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

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

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

98-UV1-51, Variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for automobile sales (not permitted) with (a) a six foot landscape area along Emerson Avenue and East 21st Street (minimum of 10 feet required); and (b) off-street parking and maneuvering located within a portion of the required transitional yard along the south property line (minimum 10 foot transitional yard required), **approved subject to conditions.**

95-UV2-40, Variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for: (a) automotive related uses, including the sale of motor vehicles (not permitted); (b) with the outdoor display and sale of merchandise (not permitted); (c) with a parking area being 8.5 feet from the south property line (minimum 10 foot setback required); (d) with a 6 foot landscape strip along the frontage of Emerson Avenue and 21st Street (minimum 10 foot landscape strip required), **approved for three years.**

94-Z-5 & 94-CV-5, Rezone 1.6 acres from D-5 and C-4 to C-4 with a variance of development standards of the Commercial Zoning Ordinance to permit a drive-through unit on the side of the building within 100 feet of a protected district and without the required bypass aisle, **denied.**

ZONING HISTORY – VICINITY

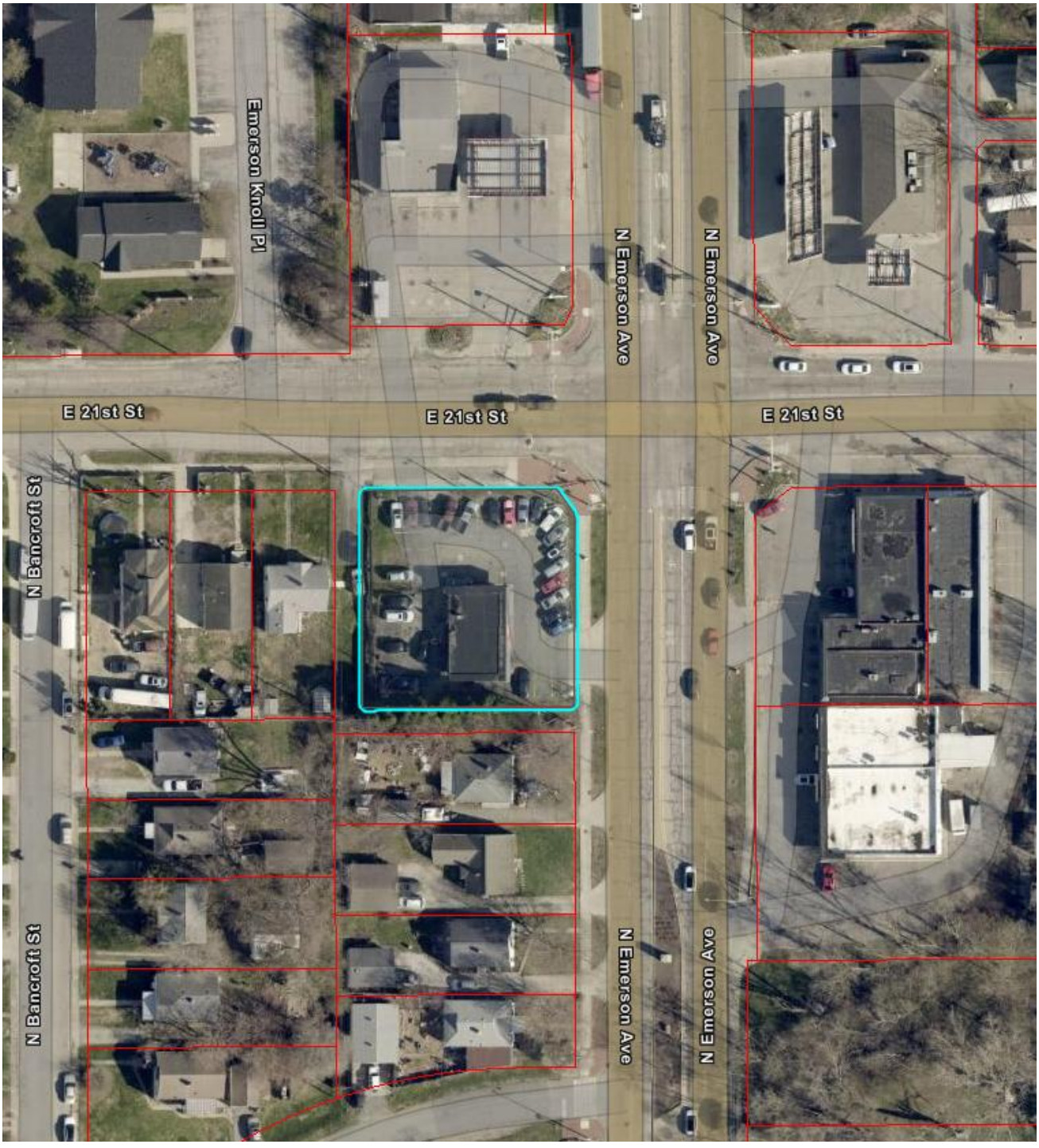
2011DV3022 ; 5111 E 21st Street (east of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a tavern, with 13 parking spaces (34 parking spaces required), within 48 feet of a protected district (100-foot separation required), **approved.**

2011DV1004 ; 5109 E 21st Street (east of site), Variance of use of and variance of development standards of the Commercial Zoning Ordinance to legally establish a package liquor store within seventy-nine feet of a protected district (minimum 100-foot separation required) with one handicapped parking space (two handicapped parking spaces required), **approved.**

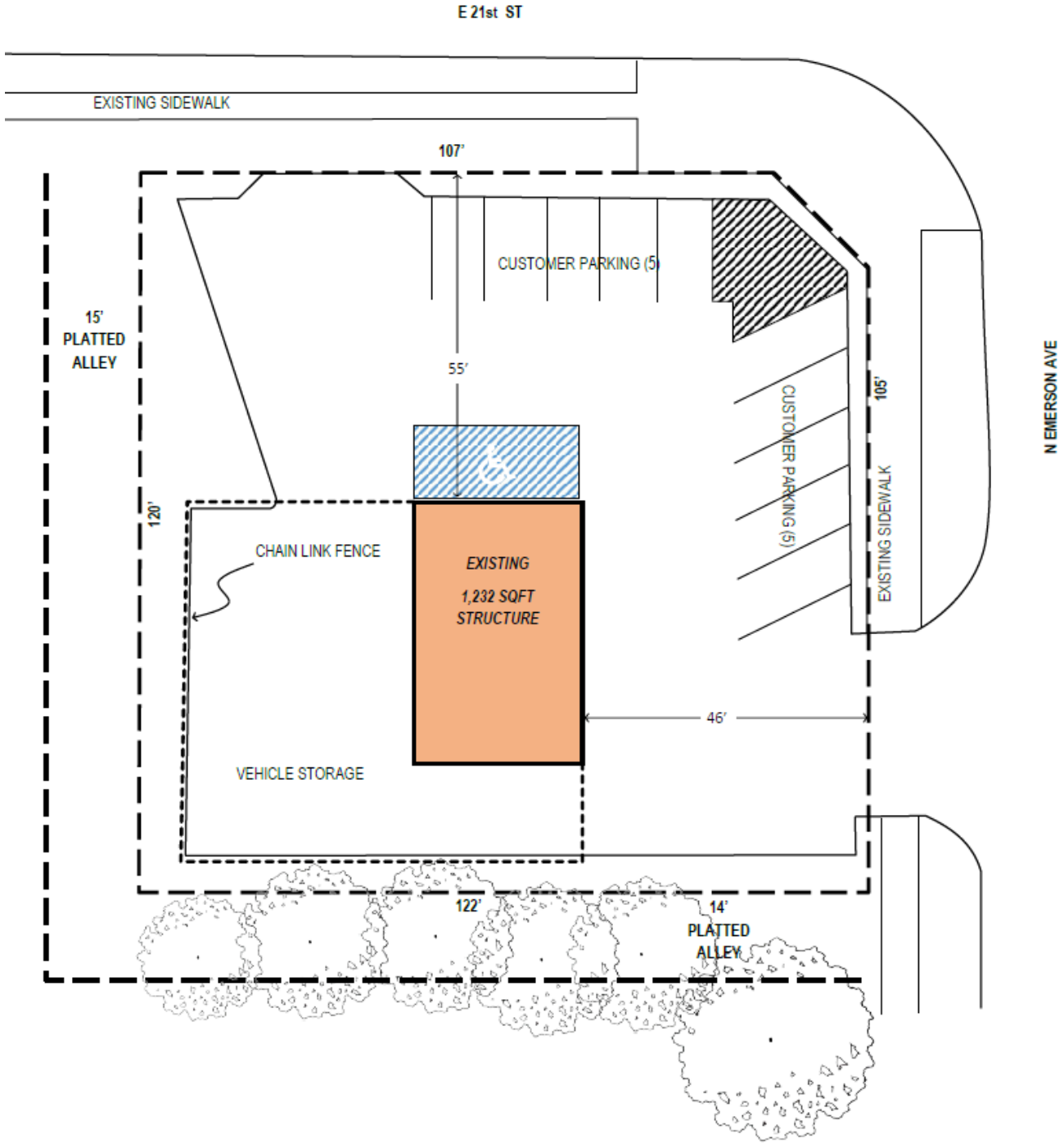
98-CP-13Z ; 5050 E 21st Street (northwest of site), Rezone 5.64 acres from C-3 and D-5 to D-8 to provide for single-, two- and/or multi-family residential development, **approved.**

EXHIBITS

2026UV1025 ; Aerial Map



2026UV1025 ; Site Plan



Note: site plan doesn't appear to show location of wooden fence along W property line

Department of Metropolitan Development
Division of Planning
Current Planning

2026UV1025 ; Notice of Violation (VIO26-000095)

April 30, 2026

Case #: VIO26-000095

THIND PROPERTY GROUP LLC
11109 CUMBERLAND RD
FISHERS, IN 46037

RE: 2040 N EMERSON AVE

Dear THIND PROPERTY GROUP LLC:

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

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

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-910.A. - Only one temporary banner sign is permitted per lot).

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

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-910.A. - The maximum duration of the display of a temporary banner sign shall not exceed 10 days).

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

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-910.A. - The maximum frequency of the display of a temporary banner sign shall not exceed three times in a calendar year).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: 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: - Vehicle sales is not a permitted use in a C-4 zoning district).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (Table 744-402-1: - Failure to provide the required off-street parking spaces for a automotive repair shop…4 off-street parking spaces are required).

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

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

2026UV1025 ; Findings of Fact (Use)

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

All active vehicle repair operations will occur strictly within the fully enclosed building; no vehicle repair or mechanic work will be performed outdoors. Accessory outdoor storage will be strictly limited to vehicles awaiting repair and be contained entirely within a dedicated storage area located to the west of the building and behind a 100% opaque fence. All parking spaces along the street frontages will remain clear for customer and employee parking, preserving sight lines and ensuring safe traffic movement on adjacent roadways.

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 accessory outdoor storage area will be completely screened from public rights-of-way and adjacent properties. By prohibiting outdoor repair work and restricting stored vehicles to the secure rear / western fenced yard, noise, dust, automotive fluids, and visual clutter are contained. Surrounding property values are protected by maintaining an orderly commercial presentation and dedicated customer / employee parking along the street frontages. The primary use of the lot is, and has been, permitted by right.

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

The physical layout, lot geometry, and position of the existing building restrict usable outdoor space primarily to the west of the structure. The front yard is necessary for customer and employee parking and site circulation, while the building's interior capacity is dedicated to active service bays. Consequently, the fenced rear area is uniquely suited and necessary for staging vehicles awaiting repair and is the only. location on the property which can accommodate this accessory activity to a use which is permitted by right in this zoning classification.

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 prohibit any accessory outdoor vehicle storage, requiring all vehicles awaiting service to be stored inside the primary structure at all times. Given the floor area limitations of the existing structure and areas necessary to conduct repairs, prohibiting outdoor staging would eliminate the functional capacity of an automotive repair shop denying the owner reasonable commercial use of the property for a use otherwise permitted by right at this location.

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

The Comprehensive Plan supports commercial redevelopment and service uses along established commercial corridors. Permitting accessory outdoor storage (subject to strict screening standards and operational commitments) ensures the property functions safely and efficiently as a local vehicle service provider without encroaching on neighboring land uses.

2026UV1025 ; Findings of Fact (Development Standards)

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

The requested front yard setbacks, and south transitional yard setback reflect the established placement of existing structures and site improvements which have been considered an approved in previous petitions for the subject property. These reduced setbacks do not interfere with vehicular sight triangles,. pedestrian pathways or emergency access routs. The elimination of additional landscaping requirements allow the site to maximize, existing, usable paved areas for vehicular circulation, preventing undue congestion along public streets.

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 reduced setbacks align with existing development patters in the immediate area. Mitigation is provided through the installation of screening around the storage yard and enhanced screening along the Western property boundary. The absence of additional landscaping if offset by the improved structural screening, clean site management, and defined customer parking.

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

The physical placement of the existing site improvements and lot geometry make strict compliance with setbacks impossible without, at a minimum, partial demolition of existing site features. Furthermore, requiring additional landscape plantings on this compact site would consume critical drive aisle and staging space necessary for safe vehicle maneuvering, rendering the facility impractical to operate. The layout as exists has been in place for decades without any substantial change.

2026UV1025 ; Plan of Operation (1 of 2)

PLAN OF OPERATIONS

Subject Property Address: 2040 N Emerson Ave, Indianapolis, IN 46218

Request: Plan of Operations submitted in support of a Use Variance for accessory outdoor storage and Development Standards Variances for setback/landscaping modifications to permit an automobile and light vehicle repair facility.

1. Business Description & Scope of Operations

The subject property located at 2040 N Emerson Ave will operate as an automobile and light vehicle repair facility providing minor and major automotive servicing, mechanical repairs, diagnostic evaluations, and preventative maintenance for passenger cars and light-duty trucks. All primary repair activities, diagnostics, and mechanical work will take place entirely within the existing fully enclosed service building.

2. Operational Hours & Staffing

- **Standard Operating Hours**:
  - **Monday – Friday**: 8:00 AM – 6:00 PM
  - **Saturday**: 9:00 AM – 3:00 PM
  - **Sunday**: Closed
- **Staffing**: The facility will employ approximately 2 to 5 employees on-site during operational hours, including certified service technicians, shop management, and customer service staff. An on-site manager will be present during all operating hours to enforce compliance with all binding commitments.

3. Vehicle Repair & Work Procedures (Commitment Compliance)

- **Enclosed Repairs Only**: All active vehicle repair work, component disassembly, fluid changes, and mechanical service shall be conducted internally within the enclosed building. No tool usage, lift operations, mechanical repairs, or dismantling will occur outdoors under any circumstances.
- **Service Bay Noise Control**: Overhead service doors will remain closed when high-noise equipment (e.g., air impact wrenches, compressors) is in heavy use to minimize sound transmission to neighboring properties.

4. Outdoor Vehicle Storage & Parking Protocols (Commitment Compliance)

- **Accessory Vehicle Staging**: All vehicles awaiting service or repair, as well as serviced vehicles awaiting customer pickup, shall be stored exclusively within the fenced storage area located directly to the west (rear) of the existing building.
- **Front Customer & Employee Parking**: All designated parking spaces situated along the street frontage and outside of the western fenced area shall be strictly reserved for active customer visits and employee vehicle parking. No vehicles awaiting repair or disabled vehicles shall be parked outside of the west fenced storage yard.
- **Inoperable Vehicles**: No parts vehicles, salvaged shells, or long-term abandoned vehicles will be stored on-site. Vehicle staging in the west yard is limited to active customer repair orders.

2026UV1025 ; Plan of Operation (2 of 2)

5. Fencing, Screening & Site Buffer Standards (Commitment Compliance)

- **Fencing Opacity & Height**: The vehicle storage yard to the west of the building shall be completely enclosed by a 6-foot tall, 100% opaque screening fence to eliminate visual impact from surrounding rights-of-way and adjacent properties.
- **Western Boundary Screening Compliance**: The portion of the fence along or near the western property line shall strictly meet Ordinance standards for screening of accessory outdoor storage as defined within Section 744-508.C of the Indianapolis Zoning Ordinance.
- **Setback Management**: Drive aisles, security clearance, and emergency vehicle access routes around the building perimeter will remain completely open and unobstructed by parked vehicles or equipment.

6. Environmental Safety, Waste & Fluid Management

- **Hazardous Fluid Storage**: All automotive fluids (used motor oil, coolant, transmission fluid, brake fluid) will be stored indoors in approved,containment tanks or sealed drums equipped with secondary containment.
- **Disposal & Recycling**: Fluids, batteries, and scrap metal will be collected and removed on a regular schedule by licensed industrial hazardous waste recyclers and environmental contractors.
- **Spill Prevention & Stormwater Compliance**: No waste fluids or cleaning agents will be discharged into storm drains or unpaved areas. Spill containment kits will be maintained inside the shop at all times.

7. Refuse, Lighting & Site Aesthetics

- **Refuse Storage**: Solid commercial waste (packaging, paper, filters) will be contained in a dedicated outdoor dumpster located within the west fenced yard and properly screened from public view.
- **Lighting**: All exterior security and building lighting fixtures will be 100% full cut-off, directed downward, and shielded inward to eliminate light bleed onto adjoining parcels or N. Emerson Avenue.
- **Litter & Grounds Control**: Shop personnel will conduct daily site cleanups to maintain the customer parking lot, frontage perimeter, and fence lines free of litter, auto debris, and weeds.

2026UV1025 ; Previous Conditions (98-UV1-51)

1. All development shall be in compliance with the plans, file-dated April 24, 1998.
2. The variance petition shall be exclusive to the petitioner and family members for as long as the property is owned by Brian and Rosemary Pipes.
3. A maximum of 16 automobiles shall be displayed on site.
4. Mechanical or body repair to automobiles shall be strictly prohibited.
5. The site shall be landscaped, in accordance with the landscaping plan, related to Petition 95-UV2-40, approved by the Administrator on March 20, 1996.

2026UV1025 ; Photographs



Photo 1: Subject Site Viewed from East



Photo 2: Subject Site Viewed from Northeast

2026UV1025 ; Photographs (continued)



Photo 3: Subject Site Viewed from North



Photo 4: Subject Site Viewed from Northwest

2026UV1025 ; Photographs (continued)



Photo 5: Adjacent Property to West



Photo 6: Adjacent Property to Northwest

2026UV1025 ; Photographs (continued)

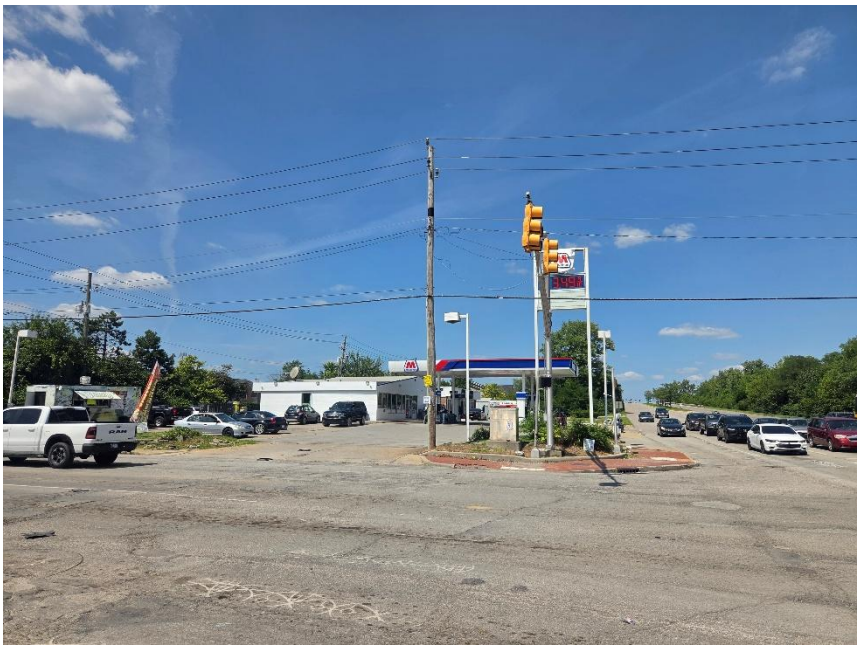


Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to Northeast

2026UV1025 ; Photographs (continued)



Photo 9: Adjacent Property to Northwest



Photo 10: Adjacent Property to South (Viewed from East)

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — December 01, 2026

Case Number:	2026UV1028
Property Address:	625 Foltz St
Location:	Wayne Township, Council District #17
Petitioner:	Ruby Ramirez
Current Zoning:	D-4 (FF) (TOD) (A)
Request:	Variance of Use of the Consolidated Zoning Ordinance to permit the storage of construction materials (not permitted), storage of construction equipment (not permitted) and the storage of trailers and vehicles (not permitted)
Current Land Use:	Residential
Staff Recommendations:	Staff recommends denial
Staff Reviewer:	Adrienne Baker, Principal Planner I

PETITION HISTORY

This is the third public hearing for this petition, following two prior continuances.

STAFF RECOMMENDATION

Staff recommends denial of this petition.

PETITION OVERVIEW

The petitioner seeks a Variance of Use to permit outdoor storage of construction materials, construction equipment, trailers, and vehicles at 625 Foltz Street. The property is zoned D4 and is also subject to the Transit Oriented Development, Airspace, and Flood Zone secondary zoning districts. The site is also currently used for residential purposes. The surrounding area consists primarily of residential properties, along with a nearby church and a clubroom facility. There is no industrial zoning in the vicinity that would support or accommodate the types of storage activities proposed.

The Comprehensive Plan identifies this area as Traditional Neighborhood. This classification supports walkable and compatible residential development, human scale design, environmental quality, and access to neighborhood serving amenities. The D4 zoning district is intended for low and medium intensity residential uses and does not allow outdoor storage of commercial vehicles, construction materials, or equipment. The TOD overlay reinforces compact and walkable development patterns that prioritize pedestrian and transit access. Uses that are automobile-oriented or reliant on outdoor storage directly conflict with TOD design objectives.

The property is also located within a regulated Flood Zone. Land use activities in these areas are subject to additional restrictions to protect public safety and prevent environmental hazards. Outdoor storage in floodway fringe areas is limited when it may obstruct the flow of floodwater, increase debris hazards, or introduce other risks during flood events. Construction materials, equipment, and vehicles stored outdoors can significantly increase these risks.

The property has an extensive history of open zoning violations, including outdoor storage of junk, debris, inoperable vehicles, commercial vehicles, and unpermitted business activities such as agricultural operations and vehicle repair, none of which are permitted in the D-4 district. Multiple violation cases remain open, demonstrating long-standing noncompliance with the zoning ordinance. These existing violations precisely include the types of uses the petitioner is now requesting to legalize.

Surrounding properties are predominantly residential, and the proposed storage activities do not align with the character of the neighborhood. The introduction of outdoor storage for construction materials, equipment, trailers, and vehicles would negatively affect adjacent properties through visual impacts, clutter, nuisance conditions, and increased commercial activity. These concerns are reinforced by ongoing zoning violations on the site for similar unpermitted uses.

There is no physical condition of the property that necessitates the requested outdoor storage. The request stems from existing activities and business practices occurring on the site rather than a unique characteristic of the land. These activities violate both the D4 zoning district and the Transit Oriented Development overlay, and therefore the need for the variance does not arise from a condition peculiar to the property.

The D4 district limits the property to residential use, and the petitioner has not demonstrated that meeting residential zoning requirements would create unnecessary hardship. Any hardship claimed is self-imposed, as it results from activities already occurring on the property without authorization.

The request is inconsistent with the Traditional Neighborhood classification, which prioritizes residential compatibility, walkability, and environmental quality. Industrial-style outdoor storage is contrary to these objectives and to the principles of the Transit Oriented Development overlay. The variance also conflicts with Flood Zone regulations that are intended to protect public safety and environmental integrity.

Overall, the proposed use is inconsistent with all applicable zoning and planning regulations. The D4 district does not allow outdoor storage of construction materials, equipment, trailers, or vehicles, and these activities do not align with the district's intended residential character. The Transit Oriented Development overlay prohibits auto-oriented uses that undermine walkable, transit-supportive development, and the property's location in a regulated Flood Zone adds restrictions meant to prevent obstructions to flood flows and other hazards. The requested uses do not meet these requirements.

The petitioner has not demonstrated that the need for the variance arises from a physical condition that is unique to the property. Instead, the request reflects ongoing activities on the site that are already in violation of zoning regulations. The zoning ordinance provides a clear path for appropriate residential use of the property. Any hardship claimed is therefore self-imposed rather than the result of a peculiarity of the land.

Based on these considerations, the request does not meet the criteria for approval. The proposal conflicts with the Comprehensive Plan's standards of the D4 zoning district, the objectives of the Transit Oriented Development overlay, and the regulations governing Flood Zones. It would also intensify existing zoning violations already documented on the site. For these reasons, staff recommends denial.

GENERAL INFORMATION

Existing Zoning	D-4 (FF) (TOD) and Airspace	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	SU-1, D-5	North: Religious Use, Residential
South:	D-4	South: Residential
East:	SU-34	East: Club Room or Ballroom
West:	D-4	West: Residential
Thoroughfare Plan		
S Holt Rd	Primary Arterial	Existing ROW: 95-feet Proposed ROW: 78-feet
S Foltz St	Local Street	Existing ROW: 48-feet Proposed ROW: 48-feet
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	August 10, 2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	August 10, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important

cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.

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. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code.

TRANSIT ORIENTED DEVELOPMENT SECONDARY ZONING DISTRICT (TOD)

The Transit Oriented Development Secondary District is established on all lots, wholly or partially, within 1,000' from centerline of a BRT Line established on the effective date of this section as depicted on the map contained in the 2015 IndyGo Comprehensive Operational Analysis (COA) except the following property in this area are not subject to the standards in Section 742-207:

1. Any property with D- district zoning.

2. Any property with CBD- district zoning.

3. Any property with I- district zoning.

4. All lots located within any locally designated historic preservation areas as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC).

The intent of the **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. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:

1. Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.

2. Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.

3. Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.

4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

Development in the TOD Secondary District may be approved in the following manner:

1. Projects that meet all development and design standards may apply for permits unless Administrative Approval is required by this code.

2. Projects requesting relief from the use or development standards require approval by the Board of Zoning Appeals, in addition to all other approvals that may otherwise apply, including but not limited to approval by the Indianapolis Historic Preservation Commission or Regional Center Hearing Examiner.

AIRSPACE SECONDARY ZONING DISTRICT

Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintain within the airspace district to a height in excess of the following height limits herein established for the applicable airport instrument approach surface area, airport no instrument approach surface area, airport transitional surface area, airport horizontal surface area and airport conical surface area and designated on the official zoning map. (Such height limits shall be computed from the applicable runway elevation or airport elevation as designated on the official zoning map).

GENERAL REGULATIONS APPLICABLE TO ALL FLOOD CONTROL ZONING DISTRICTS

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one percent (1%) annual chance flood or one hundred (100) year flood also known as the regulatory flood. Flood Hazard Area.

From and after October 4, 1971:

- No land, watercourse, building, structure, premises, or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this article.

- No land, watercourse, building, structure, premises, use or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed, relocated, altered, improved, or repaired except in conformity with these regulations and for uses permitted by this Section 742-203.

No land alteration, watercourse alteration, open land use, legally established nonconforming use, or structure as defined in this article shall be constructed, erected, placed, extended, reconstructed, improved, repaired, restored, or relocated until a floodplain development permit is issued for the proposed activity as required by Section 742-203.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard. Ordinary maintenance and repair conducted under Department of Public Works maintenance programs is excluded, such as mowing and activities required as part of necessary maintenance of drainage or flood

control facilities so that the facilities will perform the function for which it was designed and constructed, provided that the maintenance of drainage or flood control facilities does not include any activities identified in subparagraphs 1 through 8 of the definition of “development” in Sec. 740-202.

Site plans for all platted subdivisions shall also include a delineation of the existing and proposed floodway and floodway fringe boundaries; a flood protection grade denoted for each building pad and floor; volumetric calculations demonstrating compensatory storage; and, for each lot located in a Flood Control zoning district, a plan note identifying the Flood Control zoning district in which it is located and the requirements and limitations imposed under this Section 742-203 for construction on the floodplain lot.

Nonbuilding structures shall be permitted in a Floodway only under the following conditions:

- The nonbuilding structure is designed, located, and constructed such that it is protected from potential damage resulting from flooding up to and including the flood protection grade.

- The nonbuilding structure is designed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the flood protection grade.

- The nonbuilding structure is designed to minimize potential contamination or infiltration of floodwaters or other potential environmental health or safety hazards associated with flooding up to and including the flood protection grade.

- The nonbuilding structure is designed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross-section area perpendicular to the flow path, and placement of the nonbuilding structure away from areas of greater depth or velocities.
- The IDNR first issued a certificate of approval of construction in a floodway, if applicable pursuant of IC 14-28-1; and

- The nonbuilding structure must meet the applicable flood protection grade required by IDNR and FEMA rules.

The following uses are prohibited from locating in the Floodway Fringe zoning district.

- Truck, train, or bus terminal, storage, or maintenance facility.

- Other public equipment storage facilities.

Nonbuilding structures shall be allowed in a floodway fringe district only if constructed in a manner that will not impede the flow of floodwater and debris carried by floodwater, and the following conditions are met:

- The nonbuilding structure is designed, located, and constructed such that it is protected from potential damage resulting from flooding up to and including the flood protection grade.

- The nonbuilding structure is designed and constructed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the flood protection grade.

- The nonbuilding structure is designed and constructed to minimize potential contamination or infiltration of floodwaters or other potential environmental or safety hazards associated with flooding up to and including the flood protection grade.

- The nonbuilding structure is designed and constructed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross-section perpendicular to the flow path, and placement of the nonbuilding structure away from areas of greater depth or velocities; and

- The nonbuilding structure shall meet the applicable flood protection grade required by IDNR and FEMA rules.

The Board of Zoning Appeals may only issue a variance to the permitted uses or development standards of the Floodway (FW) or Floodway Fringe (FF) districts, provided no other zoning district prohibits the land use, and if the applicant submits evidence that the grant of the variance(s) meet the statutory criteria for approval of Indiana Code 36-7-4-918.

The Board of Zoning Appeals may only issue a variance to the permitted uses or development standards of the Floodway (FW) or Floodway Fringe (FF) districts, provided no other secondary zoning district imposes stricter development standards, and if the following conditions are met:

- No variance for the construction of a new residential structure in a Floodway (FW) district may be granted.

- All variances granted for an associated use in a Floodway (FW) district shall first require a permit from IDNR if such permit is required by IDNR rules and procedures.

- Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

- All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction.

Pattern Book / Land Use Plan

The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and

amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Conditions for housing: A variety of housing types is encouraged. Housing should be located within one mile, measured along streets, sidewalks, or off-street paths, of a school, playground, library, public greenway, or another publicly accessible recreational or cultural amenity that is available at no cost to the user. Primary structures should not exceed one- and one-half times the height of adjacent primary structures. All buildings should be oriented toward the street and should provide a direct pedestrian connection from the front door to the sidewalk. Driveways and parking areas do not qualify as a pedestrian connection.

For detached housing, the primary structure should extend beyond the front elevation of the garage. Whenever feasible, garages should be accessed from an alley or side street, and those located along the side of the dwelling should be detached. The inclusion of secondary units is encouraged. Lot sizes should not exceed one and one-half times the size of adjacent lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

The Washington Street corridor is one of the main east-west travel routes across Marion County. The corridor encompasses some of the region's largest trip generators, including the Indianapolis International Airport, the Indianapolis Zoo, downtown Indianapolis, and regional shopping centers, as well as several planned redevelopment areas and a population with a higher poverty rate than Indianapolis as a whole. IndyGo's busiest bus route currently serves the corridor with 15-minute daily service over most of the route. The Blue Line would provide this east-west travel route across Indianapolis and Marion County, Indiana.

The Blue Line would improve pedestrian access by providing continuous sidewalks on both sides of Washington Street for the entire length of the corridor, excluding the sections within the Airport property, along I-70, and along Holt Road. New sidewalks would be constructed along the corridor where none currently exist. Existing sidewalks in poor condition would be repaired or replaced. Existing sidewalks that meet ADA requirements and are in good condition would not be widened or replaced. There would be sidewalk construction and improvements to help fill linear gaps in sidewalk along Washington Street. Approximately 1,500 feet of an 8 – 10 feet sidewalk path occurs on the south side of Washington Street between Holt Road and South Tibbs Avenue. The path would connect to, but not preclude, a future greenway project planned west of Holt Road that is separate from the Blue Line. A five-foot grass buffer between the curb and sidewalk would be provided, where possible, within the existing right-of-way.

The Blue Line would reduce transit travel times in the corridor by up to 40 percent, support redevelopment efforts, and provide improved service levels to the high concentrations of underserved populations; thereby providing increased access to the community, improving urban mobility, and connecting neighborhoods to economic opportunities and cultural amenities within Marion County.

Additionally, new crosswalk pavement markings, consisting of continental-type crosswalk pavement markings, would be installed at station locations and signalized intersections within the project limits. Where practical, median pedestrian refuges that are a minimum of eight-feet wide and curb extensions would be added to reduce pedestrian crossing distance. Pedestrian refuges would occur through either

Rectangular Rapid Flashing Beacons (RRFB) or High-Intensity Activated Crosswalk Beacons (HAWK). Existing refuges near Randolph Street, Oxford Street, Layman Street, Audubon Road, Bolton Avenue and Woodlark Drive would become either HAWKs or RRFB. New pedestrian refuges would occur between Traub and Elder (RRFB), Keystone (HAWK), near the Fenton Station and at the Mitthoeffer traffic signal. All corners of intersections, with or without stations, would include new ADA curb ramps, unless the existing curb ramps are in good condition and within ADA standards.

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

98-Z-176; 625 Foltz St; Rezoning of 9.4 acres, being in the D-4 District, to the I-1-S classification to provide for commercial-industrial uses including a paper goods distribution center and warehouse; **denied.**

ZONING HISTORY – VICINITY

2023SE2005; 3845 Oliver Ave; Special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of one manufactured home on an individual lot; **approved.**

2019ADM117; 601 S Holt Rd; Construction of an outdoor shelter; **approved.**

2015DV3010; 601 S Holt Rd; Variance of development standards of the Sign Regulations to provide for a seven-foot tall, 24.8-square foot electronic variable message sign (not permitted), approximately 80 feet from the nearest protected district (maximum four-foot-tall sign permitted within 600 feet of a protected district, electronic variable message sign not permitted within 600 feet of a protected district); **approved.**

2012ADM058; 601 S Holt Rd; to provide for a seven-foot tall, 24.8-square-foot electronic variable message sign, approximately 80 feet from the nearest protected district, **denied.**

2012SE1003; 642 Foltz St; Special exception of the Dwelling Districts Zoning Ordinance to provide for a 5,760-square foot, two-story building for religious uses with a four-foot south front yard setback, parking with a zero-foot east front yard setback and maneuvering within the right-of-way of Foltz Street, a seven-foot tall, 17.5-square foot pylon sign and expanded parking to the north and west of the primary building; **approved.**

2011UV3003; 3821 Oliver Ave; Variance of use of the Dwelling Districts Zoning Ordinance to legally establish a second dwelling unit (one single-family dwelling permitted); **approved.**

2001DV2005; 3831 Oliver Ave; Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the placement of a dwelling with an 8.33-foot front setback along Albert Street; **approved.**

2001SE2002; 3831 Oliver Ave; Special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a 26.67 by 40-foot manufacture home; **approved.**

98-Z-240; 525 Foltz St; Rezoning of 4.21 acres, being in the C-1 District, to the SU-1 classification to provide for development of a church; **approved.**

90-Z-32; 601 S Holt Rd; Rezoning of 24.52 acres to the SU-34 classification to provide for the existing use of an American Legion Headquarters with clubroom and to construct a shelter house for use by other veteran organizations and the general public; **approved.**

ZONING VIOLATIONS

LGL24-00578; OPEN-LEGAL; Upon inspection of property found the following violations remain:

1. The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Litter, debris, and other miscellaneous items throughout the property).
2. The outdoor storage of inoperable vehicles or vehicle parts in any zoning district, the provisions of which do not specifically permit such a use; (Multiple unlicensed vehicles and vehicle tires, rims, batteries, etc.).
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 12 ft. in length, reefer trailer and multiple commercial trailers holding construction materials).

VIO24-007040; OPEN- based upon the evidence, it is therefore ordered, adjudged, and decreed the property is in not in compliance with the agreed judgment order.

1. The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Trash, cardboard, milk crates, coolers, and other miscellaneous items throughout the property).
2. The outdoor storage of inoperable vehicles or vehicle parts in any zoning district, the provisions of which do not specifically permit such a use; (Multiple inoperable vehicles, vehicle tires, and bumpers).
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, multiple trailers, and reefer trailer).
4. The conduct of any activity in a zoning district, not specifically enumerated as permitted primary or accessory use in that zoning district.
5. The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (An agricultural enterprise is not a permitted use in a D-4 zoning district- poultry and cattle farm), (Vehicle repair is not a permitted use in a D-4 zoning district), and (Outdoor storage and operations is not a permitted accessory use in a D-4 zoning district).

VIO18-007372; VIO-CLOSED.

1. The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (washer, dryer, pallets, and miscellaneous items).
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; (semi-trailer, trailers with cargo holders measuring more than 12 feet in length).
3. Failure to comply with use-specific standards and zoning district development standards for the D-4 district; (approved safety cover or fencing not installed for pool).

VEH18-002728; Inoperable Vehicle on Private Property: It is a violation of the Revised Code to store, maintain, or keep any inoperable vehicle outdoors on private property in a zoning district, the provisions of which do not specifically permit such a use. Section 621-127 of the Revised Code; **CLOSED.**

VIO16-005310; The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (Pool in backyard taller than 18"); Failure to comply with use-specific standards and zoning district development standards for the D4 district; (Approved safety cover or fencing not installed for pool); **CLOSED.**

EXHIBITS

AERIAL VIEW:



ZONING:



DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

OVERLAY:

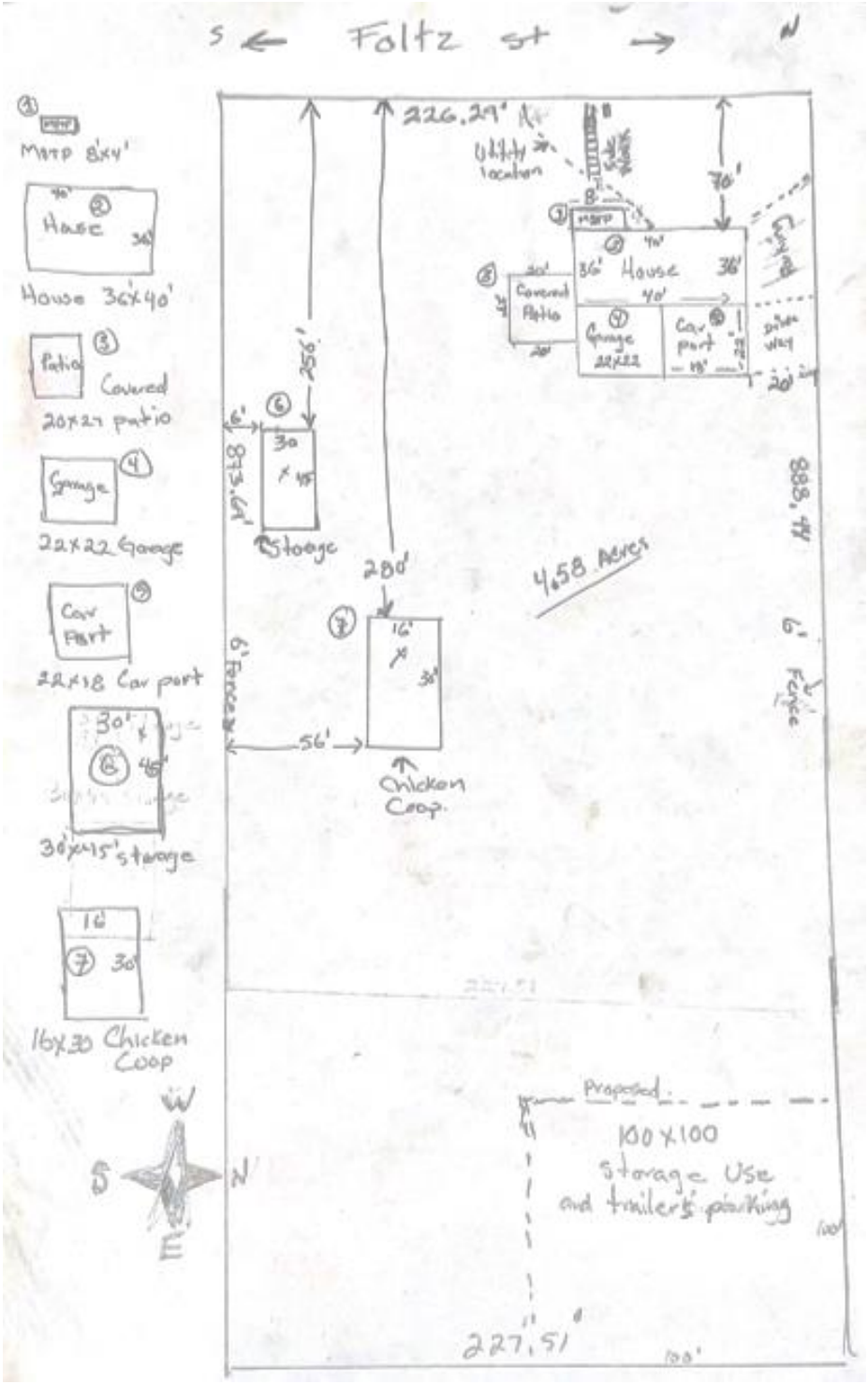


100 yr flood

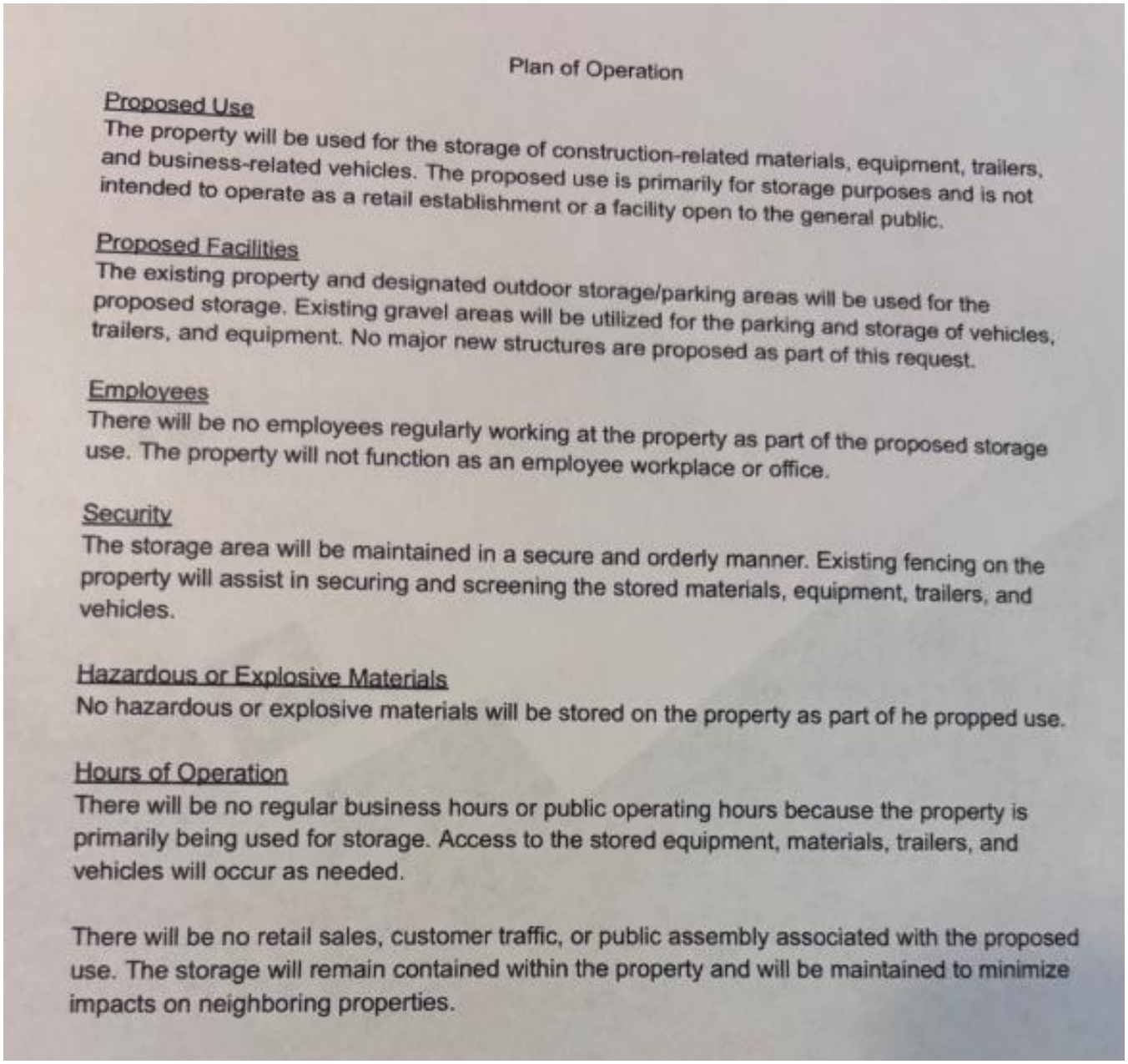


TOD

SITE PLANS:


S ← Foltz st → N
226.29'
Utility location
8'
70'
MBTP 8'x4'
House 36'x40'
Patio Covered
20x27 patio
Garage
22x22 Garage
Car Port
22x18 Car port
30'x45' storage
16'x30' Chicken Coop
House
36'
40'
Covered Patio
Garage 22x22
Car port
256'
6'
30 x 45
Storage
280'
16' x 30'
56'
Chicken Coop.
6' Fence
888.4'
4.58 Acres
Fence
Proposed:
100 x 100
storage Use
and trailers parking
227.51'
100'
W
S
N
E

PLAN OF OPERATION:



Plan of Operation

Proposed Use

The property will be used for the storage of construction-related materials, equipment, trailers, and business-related vehicles. The proposed use is primarily for storage purposes and is not intended to operate as a retail establishment or a facility open to the general public.

Proposed Facilities

The existing property and designated outdoor storage/parking areas will be used for the proposed storage. Existing gravel areas will be utilized for the parking and storage of vehicles, trailers, and equipment. No major new structures are proposed as part of this request.

Employees

There will be no employees regularly working at the property as part of the proposed storage use. The property will not function as an employee workplace or office.

Security

The storage area will be maintained in a secure and orderly manner. Existing fencing on the property will assist in securing and screening the stored materials, equipment, trailers, and vehicles.

Hazardous or Explosive Materials

No hazardous or explosive materials will be stored on the property as part of he propped use.

Hours of Operation

There will be no regular business hours or public operating hours because the property is primarily being used for storage. Access to the stored equipment, materials, trailers, and vehicles will occur as needed.

There will be no retail sales, customer traffic, or public assembly associated with the proposed use. The storage will remain contained within the property and will be maintained to minimize impacts on neighboring properties.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

FINDINGS OF FACT:

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

The proposed storage use will be contained on the property and maintained in an orderly manner. The construction materials, equipment, trailers, and business-related vehicles will be stored safely and will not create a hazard or interfere with surrounding properties or public roadways.

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

The proposed use will not substantially change the existing character of the property. The storage will take place within the property and will be maintained in an orderly manner. Existing improvements such as fence will help contain the use.

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

The property consist of 4.577 acres and has sufficient space to accommodate the proposed storage use without overcrowding the property or interfering with neighboring properties. The size, layout, and existing improvements of property make it suitable for the proposed use

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

Strict application of current zoning requirements would prevent reasonable use of the property's available space, even though the property has adequate acreage and existing improvements to accommodate the use safely.

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

The proposed use is limited in scope and will remain contained within the property. It will not substantially alter the character of surrounding area or prevent the continued residential use of the property.

LETTERS OF REMONSTRANCE:

From: JERRY CLEVENGER
To: Baker, Adrienne
Subject: Case# 2026UV1-028
Date: Thursday, September 17, 2026 12:14:30 PM

[You don't often get email from jjerclev@sbcglobal.net. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

My name is Jerry Clevenger and my wife is Judy Clevenger. We live at 3830 W. McCarty St. Indianapolis, IN 46241.
We are writing this letter to "OPPOSE" the variance request at 625 Foltz St.

We believe, along with other neighbors that they are attempting to start some sort of construction business including storage of
construction equipment, various types of building materials, trailers and vehicles.

They already have some vehicles, trailers, sheds and barns for cows, horses, goats, and chickens on the property.

There is no good entrance or outlet for trucks and trailers. (except for city streets). That will be bad for local traffic.

This neighborhood is quiet, peaceful and serene, We do not need a Construction company in our midst with the traffic, noise,
dust, and any unknown employees .

We moved here because this area was nice and peaceful. Alot of the other residents are old and moved here for the same
reasons.

We also feel that having this business here would decrease our property value by having an "EYESORE" in our midst.

Thank You

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

From: Beverly Goodwin
To: Baker, Adrienne
Subject: Case number 2026-UV1-028 625 Foltz Street Wayne Township, Council District #17 Requesting a Varience to store construction materials, trailers,and vehicles.
Date: Tuesday, September 22, 2026 1:12:26 PM

You don't often get email from indybev1234@gmail.com. Learn why this is important

My husband Robert E Goodwin Jr and myself Beverly S Goodwin are opposed to this varience. We are adjacent to two properties that are adjacent to 625 Foltz St. Our address is 810 S Holt Road Indianapolis IN 46241. We have lived here since 1970. We have one way in and one way out and these streets are not made for the traffic etc that this would bring.We feel that this would adversely affect our property values. We are also in a flood zone and feel it would cause more drainage problems. Thank you for your time, public service, and your consideration of the integrity of our neighborhood. 317-247-8336.

Department of Metropolitan Development
Division of Planning
Current Planning

SITE PHOTOGRAPHS:









DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning









VIO24-007040, 625 FOLTZ ST, 8/30/2024@11:30AM (DBNS Site Visit)





DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning





































DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning























Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — December 01, 2026

Case Number:	2026UV1029
Property Address:	431 N Holmes Ave (approximate address)
Location:	Wayne Township, Council District #18
Petitioner:	Brook Transport LLC, by David Dearing
Current Zoning:	I-3, (A)
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit the display automobiles for sale (not permitted).
Current Land Use:	Residential
Staff Recommendations:	Denial
Staff Reviewer:	Adrienne Baker, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends denial of this petition.

PETITION OVERVIEW

The petitioner requests a Variance of Use to permit outdoor automobile display and sales on property zoned I-3. The site is located within a mixed-use area consisting of industrial properties to the north and east and established residential neighborhoods immediately to the south and west.

Both the Pattern Book and the Near West Neighborhood Land Use Plan envision this area as a walkable, mixed-use environment that supports neighborhood-serving development and reinvestment. The Pattern Book designates the property as Village Mixed-Use, a land use category intended to accommodate a mix of small-scale commercial, residential, and civic uses within a pedestrian-oriented setting. Likewise, the Near West Neighborhood Land Use Plan identifies this area as the historic industrial and commercial core of Haughville and supports its continued evolution as a traditional mixed-use district emphasizing active streetscapes, neighborhood connectivity, and pedestrian amenities.

The proposed use does not align with these planning objectives. The Pattern Book discourages automobile-oriented development and outdoor merchandise display and specifically excludes automotive uses from the Village Mixed-Use typology. Automobile sales operations rely on outdoor vehicle display, customer automobile access, and vehicle circulation, characteristics that are inconsistent with the pedestrian-focused, neighborhood-serving character envisioned for the area. Similarly, outdoor

automobile sales do not further the land use recommendations of the Near West Neighborhood Land Use Plan and would instead reinforce an automobile-oriented development pattern that conflicts with the plan's redevelopment goals.

The site's location between industrial properties and established residential neighborhoods further highlights compatibility concerns. Although industrial uses exist nearby, the property directly abuts residential areas to the south and west. The introduction of outdoor vehicle display, customer traffic, and associated commercial activity would not provide an appropriate transition between these differing land use patterns. The Pattern Book emphasizes compatibility and appropriate transitions where residential development is adjacent to more intensive uses, and the proposed use does not further that objective.

While the parcel may present development constraints related to its size and configuration, those conditions do not alter the adopted policy guidance for the area. The surrounding neighborhood contains a mix of residential, institutional, commercial, and industrial uses that support the vision for a walkable, neighborhood-serving mixed-use district. Rather than contributing to that development pattern, the proposed use would introduce an automobile-oriented activity specifically discouraged by the applicable planning documents.

The property is also located near the B&O Trail corridor, where public and private investment is intended to improve connectivity, walkability, neighborhood amenities, and overall community character. Planning efforts associated with the corridor emphasize pedestrian-oriented development, streetscape improvements, and neighborhood revitalization. The proposed use would not support these objectives or contribute to the public realm improvements envisioned for the corridor.

Remonstrance was received from nearby residents, the Hawthorne Neighborhood Association, and State Representative Justin Moed. Concerns focused on the compatibility of outdoor automobile sales with the surrounding residential neighborhood, increased traffic and vehicle activity on Holmes Avenue, existing site maintenance issues, and the potential impact on ongoing neighborhood revitalization efforts. Additional concerns were raised regarding parking, truck traffic, roadway conditions, and the property's operational history. These concerns generally reflect the same compatibility, connectivity, and neighborhood character issues identified in the adopted plans.

Additionally, the property is the subject of an open enforcement case involving an unpermitted freestanding sign, the accumulation of trash and debris, deteriorated parking surfaces, parking areas lacking required striping, and the absence of required ADA-accessible parking spaces. These unresolved violations demonstrate ongoing noncompliance with zoning and site maintenance standards and raise concerns regarding the operation and maintenance of a use that relies heavily on outdoor vehicle display and customer access.

For these reasons, the record does not support a finding that the requested variance satisfies the standards for approval. The proposed use is inconsistent with adopted plans, would not provide an appropriate transition between industrial and residential land uses, and would not advance the long-term planning objectives established for the area. The record does not demonstrate that the need for the variance arises from a condition peculiar to the property or that strict application of the ordinance would result in an unusual and unnecessary hardship. The additional traffic, vehicle circulation, and outdoor

commercial activity associated with the proposed use would adversely affect adjacent residential properties and would not further the public health, safety, and general welfare of the surrounding community. Further, granting the variance would interfere substantially with the Comprehensive Plan and adopted neighborhood planning policies. Therefore, staff recommends denial of the requested variance.

GENERAL INFORMATION

Existing Zoning	I-3, (A)	
Existing Land Use	Industrial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	I-3	North: Industrial
South:	D-5, D-5II	South: Residential
East:	I-3	East: Industrial
West:	D-5	West: Residential
Thoroughfare Plan		
N Holmes Ave	Local Street	Existing ROW: 48 Proposed ROW: 48
Wilcox St	Local Street	Existing ROW: 48 Proposed ROW: 48
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	August 03, 2026	
Site Plan (Amended)	October 05, 2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	August 03, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both

low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

The D-5II district is intended for small-lot housing formats, primarily for small, detached houses, but also including a mix of small-scale multi-unit building types. This district can be used for new, walkable suburban neighborhoods or for infill situations in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood or Traditional Neighborhood Typologies of the Land Use Pattern Book.

Outdoor storage and operations in the I-3 district permits maximum height of storage near a protected district 10 feet with solid screening required and no storage higher than the screening.

Outdoor storage and operations in the I-3 district are permitted to a maximum height of 10 feet when located within 300 feet of a protected district and must include solid screening with no stored materials allowed to exceed the height of the screening.

Automobile, Motorcycle, and Light Vehicle Sales or Rental

The storage, display, sale, lease, or rental of new or used vehicles, including automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar **vehicles under 14,000 pounds** gross vehicle weight rating (GVWR). An inherent characteristic of this use is the outside display of vehicles which is considered a primary facet of the use; as a primary use, this display must meet the development standards as a primary use and not the standards associated with an accessory use. This definition includes uses such as new and used automobile dealers; tractor, truck, and bus dealers under 14,000 GVWR; passenger automobile leasing; passenger automobile rental; motorcycle rental; and motorcycle dealers. Accessory uses include repairs to any vehicles permitted to be sold or rented, and sales of vehicle parts for any vehicles permitted to be sold or rented. This definition **shall not include** a wrecking or salvage facility, a facility meeting the definition of Truck or Heavy Vehicle Sales, Rental, or Repair, or any facility for the sales or rental of farm equipment, recreational vehicles over 14,000 GVWR, mobile homes, or manufactured homes.

Truck or Heavy Vehicle Sales, Rental, or Repair

The storage, display, sale, lease, rental, or repair of new or used self-propelled vehicles, including trailer, truck, or bus rental; truck or bus rustproofing; truck or bus maintenance garage; and truck or bus dealer (of any load capacity). This definition does not include any use or activity included in the definition of other or light vehicle sales, rental, or repair. An inherent characteristic of this use is the outside display of vehicles offered for sale which is considered a primary facet of the use; as a primary use, this display must meet the development standards as a primary use and not the standards associated with an accessory use.

Other Vehicle Sales, Rental, or Repair

Sales, rental, or repair of vehicles not included in Automobile, Motorcycle, and Light Vehicle Sales or Rental; or Truck or Heavy Vehicle Sales, Rental, or Repair. This definition includes uses such as boat

dealers; recreational vehicle dealers; mobile home dealers, and manufactured home dealers. An inherent characteristic of this use is the outside display of vehicles offered for sale which is considered a primary facet of the use; as a primary use, this display must meet the development standards as a primary use and not the standards associated with an accessory use.

On-street Parking Spaces

In the Compact Context area, on-street parking spaces, **lawful at the time of permit issuance**, located on the same side of the street and directly in front of the property containing the use or building being served (as determined by extensions of the property side or rear lot lines, as applicable, into the on-street parking lane) may be counted towards minimum off-street parking requirements.

Outdoor Display and Sales, Ongoing

- The use or structure must comply with all setback requirements for a primary building on the site.
- Outdoor Display and Sales must not be located in any transitional yard or edge buffering area or required landscape area.
- There shall be no outdoor displays that restrict traffic visibility in any way or impede the movement of vehicles on the site, curb cuts, or rights-of-way.
- There shall be no outdoor displays located in or in any way conflicting with or interfering with sidewalks, walkways, off-street parking areas or required landscaping yards.
- Outdoor displays shall be on a hard-surfaced area, such as concrete, asphaltic pavement, brick, flagstone, or comparable material, and maintained in good condition.
- All exterior displays should be maintained in an orderly manner.
- Unless indicated otherwise, outdoor displays and sales shall be located abutting a building exterior wall and shall not be located within a required yard or required transitional yard.

Civil Zoning Violations

It shall be unlawful for any person who is the owner or contract vendee of, or who has a possessory interest in, real property located in Marion County to cause, suffer, or allow any of the following civil zoning violations to occur on such property:

1. The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance.
2. The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such use.

3. The outdoor storage of Inoperable vehicles or vehicle parts in any zoning district, the provisions of which do not specifically permit such a use.

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. However, this provision does not apply to motorized commercial vehicles which do not exceed a gross vehicle weight rating (GVWR) of 10,000 pounds and are not categorized as a commercial vehicle by Item 2 in the definition of a commercial vehicle.

5. The outdoor storage or display of merchandise or goods in any zoning district, the provisions of which do not specifically permit such use or in violation of zoning district development standards regulating such use.

6. Failure to comply with use-specific standards and zoning district development standards, including but not limited to landscaping, paving, or striping of parking areas, minimum parking space requirements, service area enclosure, fencing or screening requirements.

Pattern Book / Land Use Plan

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

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.

- All development should include sidewalks along the street frontage.

- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Small-Scale Offices, Retailing and Personal or Professional Services

- Mixed-Use structures are preferred.

- **Automotive uses** (such as gas stations and auto repair) **are excluded.**
- **Should not include outdoor display of merchandise.**

Heavy Commercial

The Heavy Commercial typology provides for consumer-oriented general commercial and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of goods. Examples include vehicle sales and commercial lumber yards.

Air Quality

Contributors to poor air quality include 'point sources' such as industrial uses, but other causes, such as traffic, should also be considered in land use planning. Exposure to traffic pollution is especially dangerous to children, as it can stunt lung growth, trigger asthma, and may even affect a child's ability to learn. Places where children and other vulnerable populations spend long periods of time should be separated from highways, which are a major source of air pollution.

Environmental Equality

Some uses, such as light and heavy industrial uses, are never appropriate in a neighborhood setting. Like many cities across the nation, Indianapolis has a history of disproportionate burden of environmental hazards in low-income and minority neighborhoods. Hazardous uses should never be located in proximity to residential areas, regardless of race or income.

Compatibility

Compatibility between land uses is key to maintaining stable property values and resilient neighborhoods. Compatibility should be considered at the typology level, where transitions in scale and character between typologies should happen gradually rather than abruptly. It should also be considered parcel by parcel, where uses integrated into residential neighborhoods should respect the existing scale and character of the built environment. Uses that create a higher level of disturbance (such as loading zones or pick-up/drop-off areas) should include buffers along their perimeter.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Near West Neighborhood Land Use Plan

Critical Area: Location: Michigan Street between Haugh Street and Traub Avenue

This area is the historic industrial and commercial core of Haughville. It is still home to a mix of industrial and commercial uses, along with housing and institutions such as the IMPD Southwest District Headquarters, Christa-more House and the Haughville Branch Library. Many historic structures remain in the area. Buildings tend to be set close to the street. This plan recommends that the area retain and enhance its qualities as a mixed-use, traditional neighborhood center.

Recommendations:

- Appropriate land uses in this area are a mix of small, neighborhood-serving retail, offices, public and semi-public uses, open space, and small-scale light industrial development.
- Large-scale or heavy industrial development is generally inappropriate within this area.
- Multi-story buildings with retail and services on the ground floor and offices or apartments on the upper floors are appropriate.
- Historically significant structures should be preserved and adaptively reused.
- Pedestrian amenities should be enhanced, such as wider sidewalks, pedestrian bump-outs, marked crosswalks, street trees, medians, upgraded bus stops and landscaping.
- Infill buildings should be a similar height to existing buildings. The buildings should not have long expanses of flat blank wall, but be articulated with windows, doors, and architectural details.
- The faces of the buildings should be placed within a range of setbacks from the right-of-way line to 20 feet. Front yard parking is not recommended.
- Signs should be designed creatively and artistically and be compatible with the architectural pattern, style, and fenestration of the building. Signs on buildings are preferred to pole signs. Strobes, motion, and other attention-getting devices should not be used. Signs in shop windows should not obscure more than a small percent of the window area.
- Off-premise advertising signs (billboards) are not appropriate in the mixed-use district.
- Exterior lighting should be carefully designed and provided to direct people to their destinations, highlight architectural, landscape features, and create a safe and secure environment; however, exterior lighting on private properties should not overflow into the night sky, or onto adjacent rights-of-way or proper ties.

Neighborhood Investment Strategy: 2017

Michigan Street

The plan recommends an improved streetscape with on-street parking, bike lanes, a single vehicle travel lane in each direction, turn lanes at key intersections, wider sidewalks, pedestrian bump-outs, marked

crosswalks, street trees, medians, upgraded bus stops and landscaping. A crosswalk at either the intersection off Michigan and Sheffield or mid-block on Michigan Street between Sheffield and Pershing is recommended. A stoplight at Holmes and Michigan is also suggested.

Legacy Industrial Clusters

These neighborhoods are somewhat centrally located and represent a mix of older neighborhoods and inner ring suburbs. Because of their age, housing is typically denser and older but more likely to suffer from maintenance and quality issues. Home values are the lowest of any neighborhood type. Code enforcement issues are high in these neighborhoods as well as crime, poverty, and a variety of other social issues. Even with good access to job centers, lack of transportation, childcare, and education likely inhibit many of the residents from obtaining available jobs. The area has some of the lowest educational attainment rates in the County.

Settlement in the West Indianapolis area began in the 1820s, making it one of the oldest neighborhoods in the city. The neighborhood developed around industry and many of the homes in the area were built before 1900. West Indy has higher crime rates, lower educational attainment levels, and higher poverty rates than the rest of the County. Median sales prices for homes are significantly lower than the county median, yet housing cost burden remains high. Although the Market Value Analysis identifies the area as currently distressed, the long-term prospects for the area are promising considering the areas proximity to downtown as well as the future redevelopment of the GM Stamping Plant, located just north of the neighborhood. However, to capitalize on the redevelopment of that site, fundamental neighborhood issues will need to be addressed. The priority tools for addressing underlying issues is to focus on addressing underlying issues to meet residents' basic needs. West Indy will need to focus on addressing key people-based issues such as adult education and job readiness, youth education, and increasing access to quality childcare options. Through these investments, more residents will be able to achieve a living wage job and move out of poverty.

Infill Housing Guidelines

Not Applicable to the Site.

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

Over the years, the city has developed a core set of greenways and trails that have helped set the standard for other communities in the development of their own system. The Indy Greenways system is one that has provided recreation for residents and visitors while helping to connect them to the city’s waterways, parks, and cultural resources. More recently, the greenways are increasingly being used for bicycle commuting and to make connections to many of the city’s different commercial and neighborhood centers.

Now an inactive rail line, the B&O rail corridor extends 7.1 miles from the Hendricks County line east to the intersection of Michigan Street and Concord Street where the corridor then joins an active rail line.

Adjacent properties along the eastern two thirds of this corridor are completely developed with moderate density residential and industrial land uses. The western third of the corridor is rapidly developing as a residential area. Major community facilities along the corridor include Ben Davis High School, the Indiana Girls School, the Country Club of Indianapolis, Leonard Park in Speedway, and the Indianapolis Motor Speedway. The B&O rail corridor is easily accessible from several thoroughfares, such as Country Club Road, Girls School Road, Lynhurst Drive, and West 10th Street.

The route would utilize the abandoned rail corridor from the county line eastward to Concord Street. From Concord Street to downtown, the route follows the existing rail line and old rail corridor east toward downtown to Miley Avenue. In this section, coordination with the railroad and the existing property owners along the route will be needed to determine the most appropriate route through the corridor. Special design standards will be needed to address areas where the trail route follows an active corridor.

Just east of Miley Avenue, the corridor crosses the beltline railroad, an active line that runs south around the downtown. This intersection of existing, active routes presents the biggest challenge for development of this trail corridor. Additional study will be needed to determine the best alternative for crossing this intersection. Stringtown Park exists at the northeast side of this rail-line intersection, this park includes a comfort station making it an ideal location for a potential trailhead. Space exists to cross the beltline at Ohio Street to connect up to Stringtown Park. Further planning efforts should determine the feasibility of constructing this crossing to connect the B&O route to Stringtown Park.

Once at Stringtown Park, the route again follows the existing rail line southeast to Koehne Street where the route then turns south to cross under the active rail line to Washington Street. The route then turns east and follows the existing Washington Street alignment east to the White River. For this portion of the greenway, the existing sidewalk on the north side of the street should be reconstructed as a shared-use path.

During the public involvement process, there was a significant amount of support for accelerating development of the B&O corridor from residents of Speedway and Hendricks County. Momentum has been building for new trail development in the western part of the County and the communities of Speedway and Clermont expressed support for the development of this key greenway route to downtown. The potential linkages include Eagle Creek Greenway and Eagle Creek Park, the Indianapolis Motor Speedway, various schools and recreation facilities along the corridor, connection to Downtown and connection to the built portion in Hendricks County and western Indiana.

The B&O corridor presents the city with the opportunity to provide a key east-west connection to downtown, similar to the Monon Trail on the north side. This route has the potential to connect communities, serve important linkages, provide regional connectivity to the surrounding counties to the west of Indianapolis, and provide another major commuter route to the downtown business district.

ZONING HISTORY

ZONING HISTORY – SITE

83-HOV-35; 431 N Holmes Ave; Variance of Development Standards to provide for the construction of a warehouse addition to the existing cabinet manufacturing facility; **approved.**

ZONING HISTORY – VICINITY

2022ZON031; 373 N Holmes Ave; Rezoning of 0.76 acre from the D-5 district to the D-5II district to provide for a mixed-use development. Amended from request to MU-2; **approved.**

2013ZON065; 3000 W Washington St; Rezoning of 115 acres from the D-P district to the D-P classification to provide for the following permitted uses; breweries, with accessory tasting rooms, indoor-outdoor event centers, student housing, and urban farming, generally with respect to the re-use of historic buildings within the Cultural Village Section of the Central Greens Planned Unit Development; **approved.**

2012UV1008; 456 N Holmes Ave; Variance of use of the Industrial Zoning Ordinance to provide for an animal welfare center, a spay/neuter facility and related indoor equipment storage (not permitted); **approved.**

2012ZON019; 2641 W Michigan St; Rezoning of 0.13 acre from the I-3-U (W-5) District to the C-3-C (W-5) classification; **approved.**

2010ZON044; 337 N Warman Ave; Rezoning of 1.68 acres, from the D-5 (W-5) District to the SU-1 (W-5) classification to provide for religious uses; **approved.**

2007ZON134; 3000 W Washington St; Rezoning of 149.49 acres from the SU-9, PK-1, HD-1, and HD-2 Districts to the D-P classification to provide for the redevelopment of the site; **approved.**

2007UV3001; 460 N Holmes Ave; Variance of Use of the Industrial Zoning Ordinance to provide for a restaurant (not permitted), in a 2,580 square foot tenant space in an existing building; **approved.**

ZONING VIOLATIONS:

VIO24-009882; Failure to obtain a sign permit for the display of a free-standing sign; Trash bags, cardboard, and other miscellaneous items throughout the property; Parking lots used for access or maneuverability shall be maintained in good condition and free of chuckholes, weeds, dirt, trash, and debris; The parking area lacks hard surface and durability...gravel surface; The parking spaces lack 4 inch durable painted lines, curbs or signage; Failure to provide the required ADA parking…1 handicap parking space is required; **OCC Legal.**

INV25-03096; Upon inspection found discarded trash on property in the row, **referred to DPW.**

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

AERIAL VIEW:



ZONING:



DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

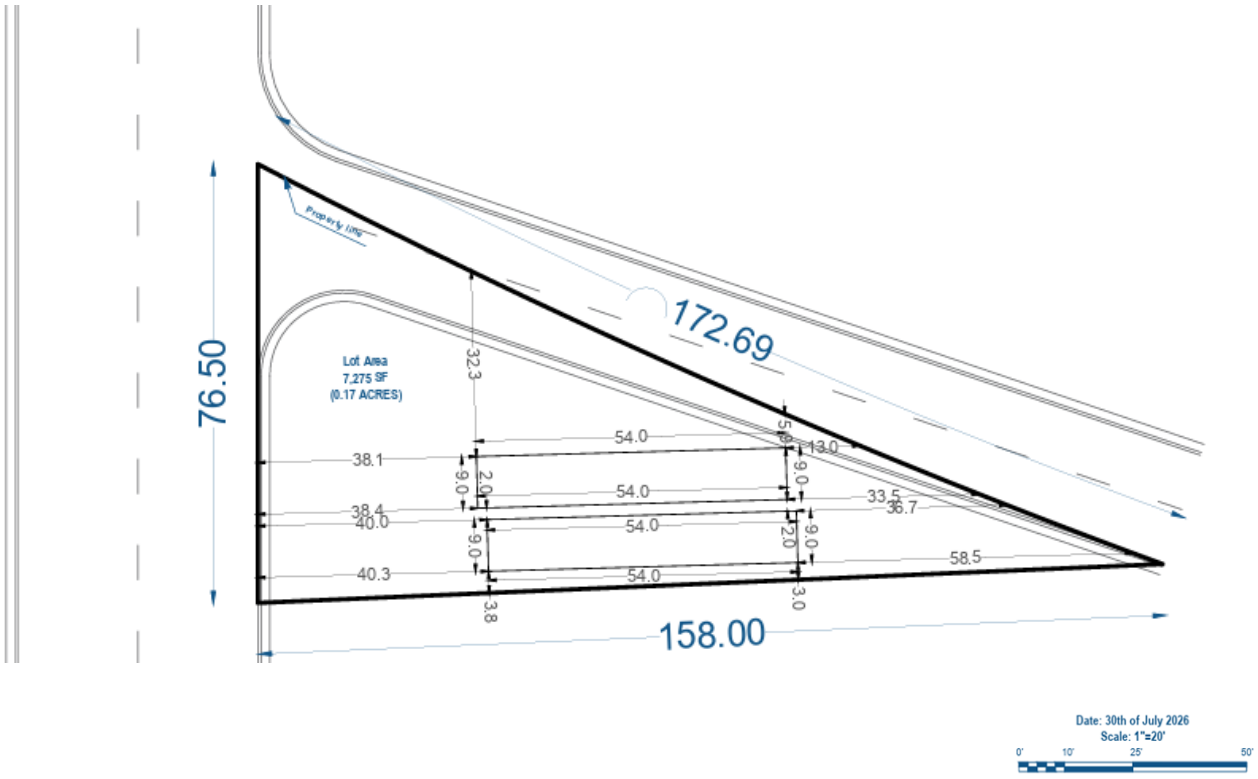
B & O TRAIL



B&O RAIL CORRIDOR:



SITE PLAN:



PLAN OF OPERATION:

Sale Office hours – 9:00 a.m. to 6:00 p.m. Monday through Saturday.

Between five and ten cars will be displayed on the property

There will be five parking spaces for customers, including one reserved for handicapped persons

Two employees

Parking for both employees is available on the adjoining property, which is also owned by Brook Transport

FINDINGS OF FACT:

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

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

the proposed use lacks the capacity to affect the public health, safety, morals or the general welfare of the community.

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 proosed use will be less intense than that authorized and occurring on the adjacent industrial properties.

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

the parcel is very small and unusally shaped; thus, it is not suitable for an industrial 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 owner would not be able to make practical use of the parcel due to its small size and unusual shape.

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

the proposed use is less intense than the industrial use recommended by the Comprehensive Plan.

LETTERS OF OPPOSITION:

From:	Ann Plumback
To:	Baker, Adrienne; PlannerOnCall; Santiago Baeza, Ana; David@Dearinglawfirm.com
Subject:	Opposition to zoning variance request -- Case #2026-UV1-029
Date:	Wednesday, October 14, 2026 4:42:37 PM

I recently received a Legal Notice of Public Hearing regarding case number 2026-UV1-029 for 431 North Holmes Avenue.

I am VEHEMENTLY opposed to this variance request!

When I first moved to this neighborhood in 1998, the neighborhood was quiet and clean, and there were never any problems with the business that was previously housed at 431 North Holmes.
Because of the current business operations at 431 North Holmes, the neighborhood has significantly declined. The patrons/employees of the business park on the street, which means that people who live in the neighborhood don't have adequate parking. This causes people on the east side of the street to park in their yards (no parking allowed on the east side of street), and their yards and sidewalks are in terrible condition. There are semi trucks and wrecker trucks that travel too fast and go in and out of the business, which jams up the street. Cars have to wait for these trucks to move to be able to travel up and down the street. The street itself is in horrible condition. Trash lines the street and yards, which is mostly from the patrons/employees of this business.

These are just a few of the many problems that have been caused by this business. Now they want to display that they have automobiles for sale. This is supposed to be a residential neighborhood - not a used (and probably junk) car lot!

Please do not allow this to happen. Please have someone monitor the current business to see what is actually happening before anything is passed.

Thank you.

DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

STATE OF INDIANA
HOUSE OF REPRESENTATIVES
THIRD FLOOR STATE HOUSE
INDIANAPOLIS, INDIANA 46204

JUSTIN MOED
DEMOCRATIC WHIP
200 WEST WASHINGTON STREET
INDIANAPOLIS, IN 46204

COMMITTEES:
AGRICULTURE AND RURAL DEVELOPMENT
LOCAL GOVERNMENT
PUBLIC POLICY, RMM

November 3, 2026

Chairman Nelson
Metropolitan Board of Zoning Appeals
200 E Washington St.
Suite 2060
Indianapolis, IN 46204

RE: Petition 2026-UV1-029

Chairman Nelson,

I am writing to express my opposition to the proposed petition noted above. I stand in solidarity with the Hawthorne Neighborhood Association and the surrounding community against the proposed rezoning of the property.

The community stands in opposition to this proposal, as it directly defies their efforts to strengthen, and secure their neighborhood. This proposed car lot would be situated among homes and small businesses, which would be negatively impacted by the increased traffic on Holmes Avenue. Over the past years, there have been plenty of cases where these plans have been proposed and defeated at the request of the surrounding community.

As the city moves forward with millions of dollars of investments into the blue line along Washington Street, this proposal flies in the face of the intended growth the city has cultivated.

For the reasons enumerated above and more, I stand opposed to these petitions. I urge you to reject the proposals.

Thank you for your consideration.

Sincerely,



Justin Moed
House District 97

DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

Re: Opposition to Case 2026-UV1-029
Variance of Use to permit the display of automobiles for sale
431 N Holmes Avenue (approximate)
Petitioner: Brook Transport LLC, by David Dearing

Dear Members of the Board:

The Hawthorne Neighborhood Association respectfully opposes the variance request in Case 2026-UV1-029. The petition seeks to permit the outdoor display of automobiles for sale at approximately 431 N Holmes Avenue; a use not allowed under the existing I-3 zoning.

Holmes Avenue already carries significant traffic and shows clear signs of deteriorating pavement and infrastructure. Adding a vehicle sales display would increase customer, delivery, and employee trips on a street that is not equipped for that additional volume. The resulting congestion raises legitimate safety concerns for residents, pedestrians, and other drivers who use this corridor daily.

The neighborhood has also experienced ongoing difficulties with the manner in which this business has operated as a neighbor. Those experiences give us little confidence that the proposed use would be managed in a way that respects the surrounding residential area.

For these reasons - traffic, safety, the condition of the street, and the petitioner's record as a neighbor - we ask that the Board deny the variance.

Thank you for your consideration.

Sincerely,

Hawthorne Neighborhood Association
2440 W. Ohio St.
317-919-0608
hawthorneneighborhoodassoc@gmail.com

SITE PHOTOS:





DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning













DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning





DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning





DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

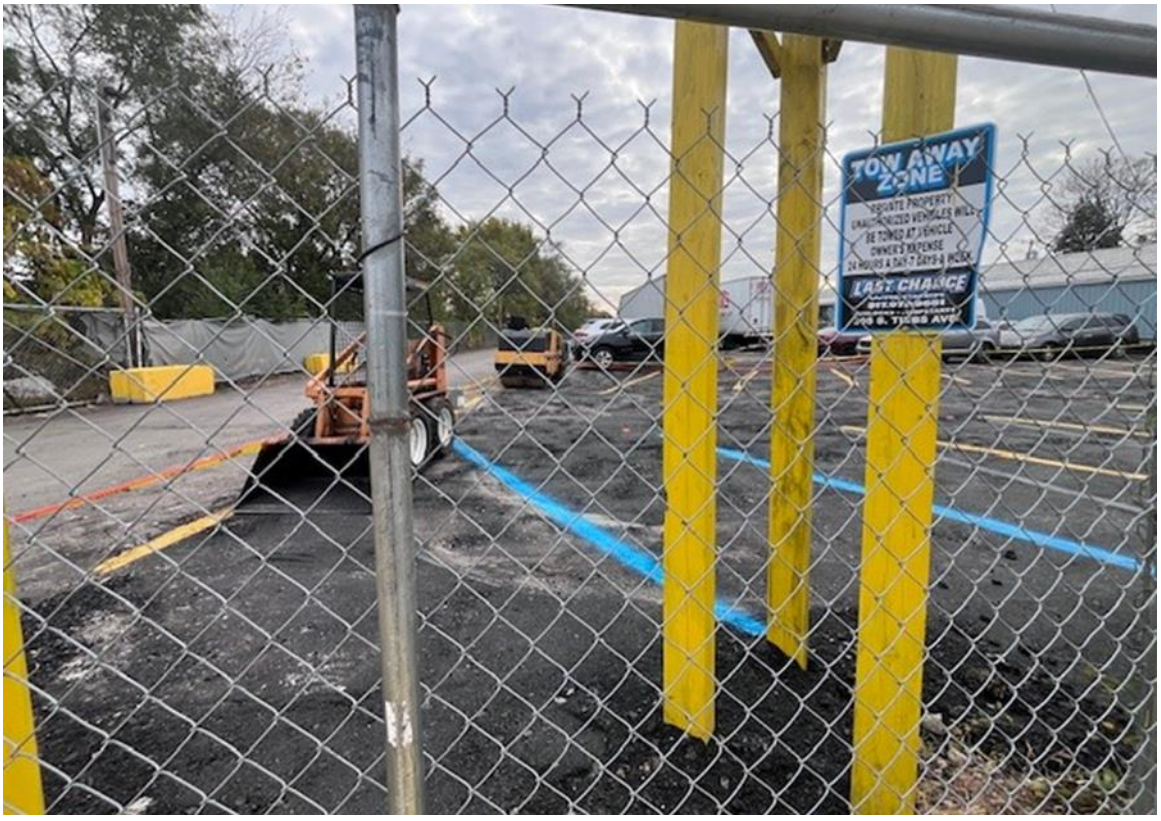




DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning





DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning







DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III — December 1, 2026

Case Number:	2026-DV1-056
Property Address:	5215 Chelsea Road (*approximate address)*
Location:	Wayne Township, Council District #17
Petitioner:	Brenda Ibarra, by Jack Dillon
Current Zoning:	D-3
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 72-inch-tall fence (42-inch permitted) in the front yard.
Current Land Use:	Single-family residential
Staff Recommendations:	Staff recommends **denial**
Staff Reviewer:	Sam Sparzo, Senior Planner

PETITION HISTORY

First public hearing on this petition

STAFF RECOMMENDATION

Staff recommend **denial** of the requested variance

PETITION OVERVIEW

- The subject site is currently zoned D-3, which provides for low or medium intensity residential development. The current zoning is aligned with the comprehensive plan recommendation of 3.5 – 5 Units per Acre. An area zoned D-3 should include good thoroughfare access, be relatively flat, and include pedestrian linkages to community and neighborhood services.
- Table 744-510-2, “Maximum Fence and Wall Height”, includes the development standards for the D-3 district, including a maximum height for front-yard fence of 3.5 feet. The current fence is 6 feet tall (3.5 feet permitted) and consists of a metal fence placed on top of a cement base between cement pillars (6 feet tall).
- In 2024, VIO24-007997 indicated that the fence was not compliant with the development standards of the zoning ordinance, providing the petitioner with the option to either modify the fence to comply with the development standards or file a variance of development standards application.
- The petitioner’s Finding of Facts indicates that the existing pillars were constructed as part of the fence’s design and are required for the stability of the fence and the architectural cohesion between the fence and the cement pillars. Staff notes, however that the 6-foot-tall cement pillars are also not compliant with the development standards and the fence can be designed and constructed without requiring cement pillars for stability.

- The petitioner Finding of Facts also indicates that the 6-foot-tall fence and cement pillars match the surrounding context of neighboring properties. The Infill Housing Guidelines recommend that development should consider the size, height, and aesthetic context of the block and neighborhood. While there are neighboring fences that are not compliant with the zoning ordinance. There are properties to the directly to the west, north across the street, and further east and west along the block that contain fences compliant with the development standards. A fence that is 3.5 feet tall would be compliant with the development standards and would better match the context of the surrounding area.
- Staff notes that a fence could remain in the current location with its height reduced to 3.5 feet instead of 6 feet, as indicated during the inspector's violation review.
- Given the subject sites lack of site-specific practical difficulties that would justify the grant of the petition, staff recommends **denial** of the request.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Single-family residential	
Comprehensive Plan	Dwellings 3.5 – 5 Units per Acre	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-3	North: Single-family residential
South:	D-3	South: Single-family residential
East:	D-3	East: Single-family residential
West:	D-3	West: Single-family residential
Thoroughfare Plan		
Chelsea Road	Local Street	40-feet of Right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	3/30/2026	
Site Plan (Amended)	10/5/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/30/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends 3.5 – 5 Units per Acre for this site

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

- The Infill Housing Guidelines recommend the following when adding onto an existing structure.
    - Consider the context of the block/neighborhoods to help guide the
        - Size,
        - Height,
- The proposal does not follows the above recommendation and does not match the context of the surrounding blocks/neighborhood; therefore, the staff does not support the variance request.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2002-UV2-049; 5215 West Morris Street (northeast of site); Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a two-family dwelling originally constructed as a single-family dwelling (not permitted) on a 14,980.7-square-foot lot (minimum 15,000-square-foot lot required) with a lot width of 69.01 feet and a 20-foot front yard setback along Tudor Avenue (minimum lot width of 90 feet on each street required and a front setback of 25 feet required, **granted**.

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

2026DV1056; Aerial Map

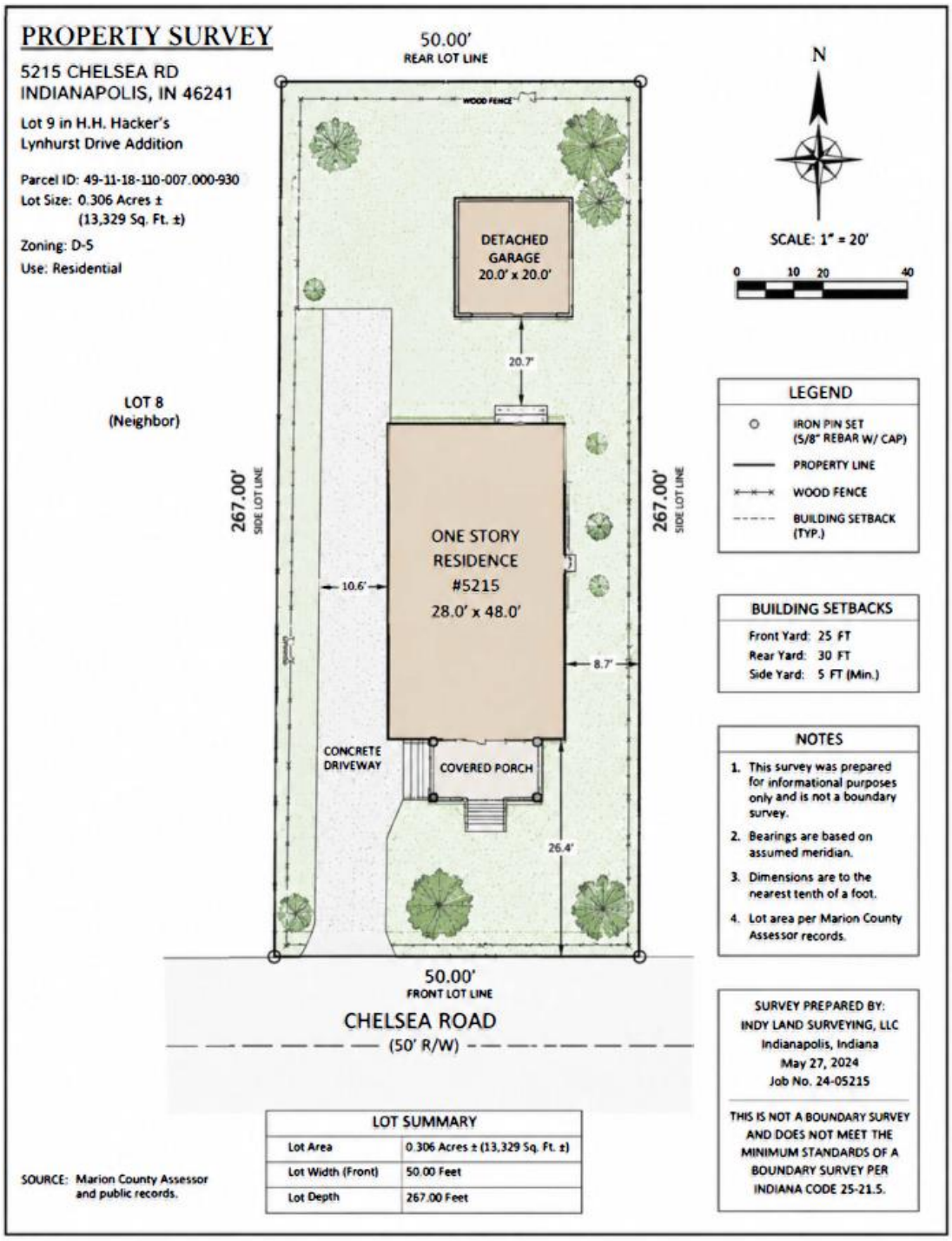




DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

2026DV1056; Site Plan



2026DV1056; Site Photos



Subject Site; facing south from Chelsea Rd; shows fence pillars and cement base



Subject Site; facing south from Chelsea Rd; showing fence pillars next to complaint neighboring fence



Subject Site; facing south from Chelsea Rd; showing fence pillars next to compliant neighboring fence



Subject Site; facing west from Chelsea Rd; showing contextual area; showing compliant fences



Subject Site; from Chelsea Rd; facing east; showing contextual area and additional non-compliant fences

2026DV1056; Findings of Fact

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 existing fence and structural pillars do not obstruct visibility or pedestrians, do not encroach into the public right-of-way, and do not interfere with any sight-distance triange. The pillars are structurally integrated, stable, and consistent with other residential fence features in the surrounding neighborhood. Allowing the pillars to remain at their current height will not create any safety concerns or negatively affect the 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 fence and pillars are residential in character and compatible with the surrounding homes within Evanston / H.H. Hacker's Lynhurst Drive Addition. Similar decorative entry features exist on nearby properties, and the pillars do not alter access or light to adjacent lots. The requested variance is limited in scope and will not diminish neighboring property values or alter the established residential character of the area.

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

Because of the location of the property, both street-facing sides are treated as front yards, triggering the 48-inch height limit on both sides. The existing pillars were constructed as part of the fence's structural design and are necessary for stability and architectural cohesion. Strict enforcement would require removal or reconstruction of integral structural elements, creating a practical difficulty not shared by adjacent lots and not related to the general condition of the neighborhood.

DECISION

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

Adopted this _____ day of _____, 20 ___

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — December 1, 2026

Case Number:	2026-DV1-057
Property Address:	4251 Evanston Avenue (approximate address)
Location:	Washington Township, Council District #8
Petitioner:	LaTroya Rucker
Current Zoning:	D-5
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for the establishment of a fence height of 6-feet within a front yard (3.5-feet maximum permitted).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends **denial of this request**
Staff Reviewer:	David Arrom Garza, AICP Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends denial of this request

PETITION OVERVIEW

The petition would allow for the establishment of a fence height of 6-feet within a front yard (3.5-feet maximum permitted).

STAFF ANALYSIS

DWELLING DISTRICT

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situations in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book

The subject lot, zoned D-5, is a corner Compact Lot bounded by Evanston Avenue and 43rd Street: two local streets providing primary residential access and neighborhood connectivity.

As corner lot, with a total lot size area of approximately 5,200 square feet, and a lot width of 39 feet, lot dimensions meet the small lot definition (Table 742-103-2 D-S District Dimensional Standards).

The ordinance requires a maximum fence height of 3.5 feet in a front yard and a maximum height of 6 feet in side and rear yards for all dwelling districts. Table 744-510-2: Maximum Fence and Wall Height**.**

For single-family attached dwellings, located on corner lots in the Compact Context Area, fences or walls located in any yard that a) does not serve as the primary entrance for a dwelling unit, and b) does not face the primary entrance of a dwelling unit across the street may be up to six feet in height. However, in no instance shall any fence or wall exceeding 42" in height extend beyond the building line containing the primary entrance.

SITE CHARACTERISTICS

The subject lot is a corner lot with two front yards. The façade of the residential structure is oriented west toward Evanston Avenue with no entrance provided at the north side of the structure facing 43rd Street. The neighboring dwelling directly across the street, at 2031 E 43rd Street, also maintains a primary entrance at Evanston Avenue. No sidewalks exist for residences aligning with 43rd Street.

The placement of the fence line at the western property line and at the primary entrance is adjacent to the sidewalk pavement edge placing the fence directly in front of the residence. Portions of the fence to the south of the driveway area attain six feet in height with fence height varying by location. Some portions of the fenceline immediately in front of the front door transition down to 49 inches. In no instance shall any fence or wall exceed 42" in height extend beyond the front building line containing the primary entrance.

Finding reason for practical site difficulty for a corner lot with two front yard areas, and in accommodating minimal relief, staff recommended to the petitioner a commitment for a reduction of overall fence height to 49 inches for fence area facing Evanston Avenue and 43rd Street (for west and north facing yard areas) with 49 inches representing a marginal deviation from the standard (7 inches above the maximum 42 inches) while being the lowest height measured of the

existing fence height facing Evanston Avenue. Informed of this commitment, the petitioner has decided to proceed with the variance as requested for a six-foot fence height in front yards. Staff recommend denial of the request finding that the allowance of the current fence height at six feet in a front yard does not meet the standard for minimal relief from hardship.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
Evanston Avenue	Local Street	18’ R/W existing (curb-to-curb)
43rd Street	Local Street	11’ R/W existing (curb-to-curb)
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	September 1, 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”) Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to

individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, 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

- Applicable to the Site

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

- Subject site with ¼ mile of Nickel Plate Trail, an existing greenway.

Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

N/A

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

Location Map



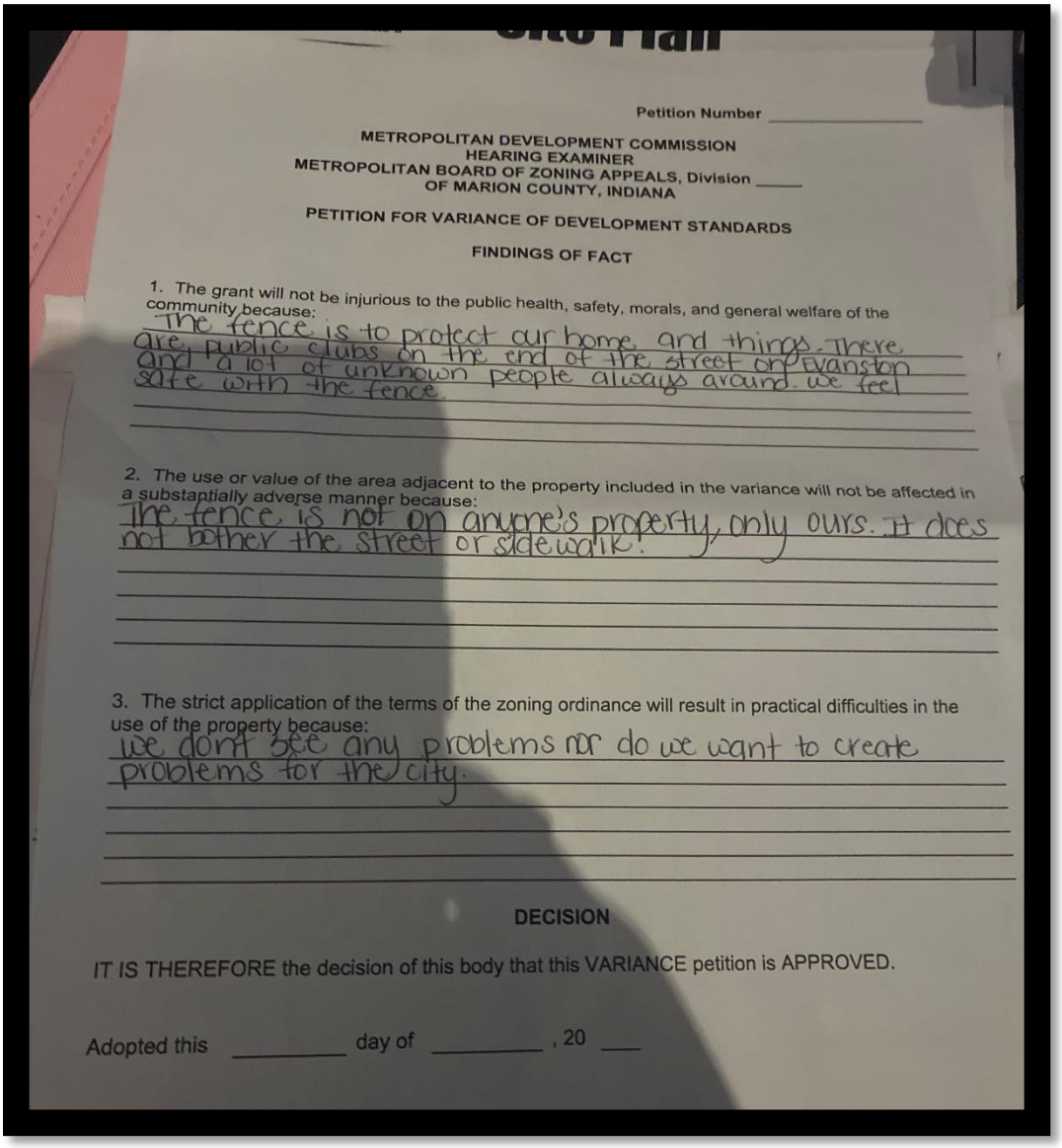
Site Plan

N/A

DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact



Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
The fence is to protect our home, and things. There are public clubs on the end of the street on Evanston and a lot of unknown people always around. we feel safe with the fence.

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 fence is not on anyone's property, only ours. It does not bother the street or sidewalk.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
we dont see any problems nor do we want to create problems for the city.

DECISION

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

Adopted this _____ day of _____, 20 ___

2026DV1057 Site Photographs



View of frontage on Evanston Ave and transition of fence height occurring at driveway area



View of fenceline looking north along Evanston Avenue



View of six-foot height fence along Evanston Avenue and adjacent driveway

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — December 01, 2026

Case Number:	2026-UV1-031
Property Address:	9102 N. Meridian Street (approximate address)
Location:	Washington Township, Council District #2
Petitioner:	BT Law, by Joe Calderon
Current Zoning:	C-1
Request:	Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a walk-up/drive-thru beverage/baked goods facility on an under-utilized portion of an existing office parking lot with drive through stacking spaces to be located between 91st Street and North Meridian Street (not permitted).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommend **approval** of this petition with commitments.
Staff Reviewer:	Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

There is no history of this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to the commitments that being reduced to writing on the BZA's Exhibit "A" forms at least three days prior to the BZA hearing:

1. Variance of Uses shall substantially comply with the site plan filed-dated October 13, 2026.
2. Variance of Uses shall substantially comply with the Plan of Operation filed-dated October 13, 2026.

PETITION OVERVIEW

9102 N. Meridian Street is a 183,173-acre commercial parcel on the corner of West 91st Street and North Meridian Street with an improved multi-unit commercial office building known as Meridian Park One with business operations such as STAR Financial Bank, Ketchum & Walton Co – Indianapolis, and Modern Strength Psychology Center included. The building structure was originally built in 1975 with asphalt pavement designated parking spaces, 5 spaces per 1,000 square feet (approximately 228 spaces), for its office tenants per Marion County Assessor's Property Card. The property is accessed by a private street to the southeast, connecting to West 91st Street. Surrounding areas include a fueling station to the east, and commercial office buildings to the north, south, and west.

Approval of this variance would allow for a walk-up/drive-thru beverage/baked goods facility on an under-utilized portion of an existing office parking lot with drive-thru stacking spaces to be located between West 91st Street and North Meridian Street.

This property is zoned C-1, which is designed to perform two functions: act as a buffer between uses, and provide for freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or district. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts – if designed accordingly. This district, with its offices and other buffer-type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

The Comprehensive Plan recommends that this property be developed for Suburban Neighborhood and Village Mixed-Use (additional information within the Comprehensive Plan Analysis section below).

Findings of fact provided by the petitioner indicate that the location of the proposed eating establishment known as Dutch Bros, is fixed because the construction of the building will be placed on the unused parking lot area to the east of the parcel. The proposed building will also have street frontage facing West 91st Street and North Meridian Street. Additionally, Dutch Bros will meet all building setback requirements and will allow for the use to be entirely self-contained, which will promote the public health, safety, and general welfare. The placement of the drive-thru stacking lanes will not interfere with access or visibility to or from any adjoining property and will be mitigated by additional landscaping.

The Site Plan provided by the petitioner indicates that there will be a total of 13 parking spaces with 3 parking spaces for employees and 1 ADA accessibility parking space included. There will also be a total of 24 stacking spaces, including 3 stacking spaces at pick-up window. Additionally, there will be directional signs to guide parking and drive-thru traffic flow. Landscaping will be maintained and will meet zoning requirements (additional information within the Site Plan Exhibit section below).

Staff will note that the proposed Dutch Bros will not be detrimental to traffic flow within surrounding areas because the proposed restaurant will be placed on the highly visible corner at the intersection of West 91st Street and North Meridian Street; which already contains high traffic flow due to the operation of the fueling station and fast food chains (Dairy Queen & Hoosier Mart) to the east.

The Variance of Use and Development Standards would be restricted to the current proposals illustrated on the Plan of Operation and Site Plan. Further additions will require a rezone or a new variance use. This means that further expansions of this incompatible use will be subject to further petitions and public hearings. Staff recommend **approval** of this petition with the proposed commitments.

Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	C-1	
Existing Land Use	Commercial	
Comprehensive Plan	Suburban Neighborhood and Village Mixed-Use	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	C-1	North: Commercial
South:	C-1	South: Commercial
East:	C-3	East: Commercial
West:	C-1	West: Commercial
Thoroughfare Plan		
North Meridian Street	Primary Arterial	124-foot existing and proposed right-of-way
West 91st Street	Primary Collector	80-foot existing and proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	10/13/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	10/13/2026	
Findings of Fact	10/13/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Pattern Book (2019).

Pattern Book / Land Use Plan

- The **Suburban Neighborhood** typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. 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 (Page, 26).

- The **Village Mixed-Use** typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre (Page, 47).

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

2010-DV2-034; Variance of development standards of the Sign Regulations to provide for a 16-foot tall, 163-square foot illuminated pylon sign within 550 feet of a protected district (illuminated pylon signs not permitted within 600 feet of a protected district), **approved.**

97-HOV-68; Variance for 3 telecom antennas, **approved.**

ZONING HISTORY – VICINITY

2021-ZON-085; 9311 N. Meridian Street (West of Site), Rezoning of 17.842 acres from the C-1 and C-3 district to the D-P district to provide for a mixed-use development with C-1, C-3, multi-family, commercial parking garage and hotel uses, **approved.**

2021-ZON-024; 401 E. 91st Street (North of Site), Rezoning of 4.55 acres from the D-2 district to the SU-2 district and Site Plan approval of future school-related improvements, **approved.**

2005-ZON-116; 9411 N. Illinois Street (of Site), Petitioner requests a rezoning of the D7 zoning District to the DP classification for a mixed-use development with multi-family residential and commercial development within the community as described in detail in the attached development statement, **approved.**

2002-ZON-162; 202 East 91st Street, (Northwest of Site), Rezoning 0.9 acres from D-3 to C-1, to provide for commercial office development, **approved.**

94-Z-129; 8602 North College Avenue, (Northeast of Site), Rezoning 28.53 acres from SU-1 (FF) and D-2 (FF) to SU-1 (FF), **approved.**

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

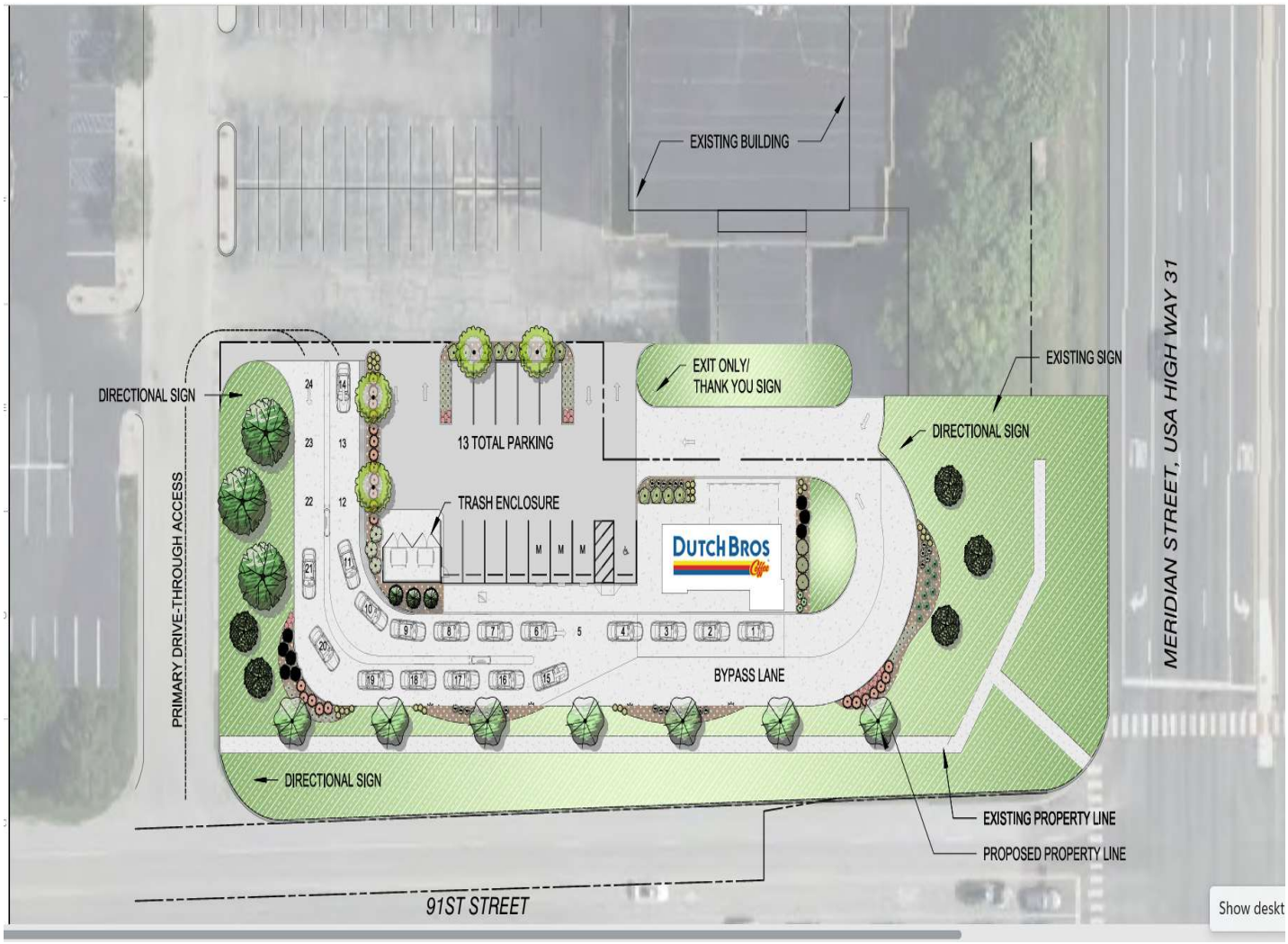
2026-UV2-031 ; Aerial Map



DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

2026-UV2-031 ; Site Plan

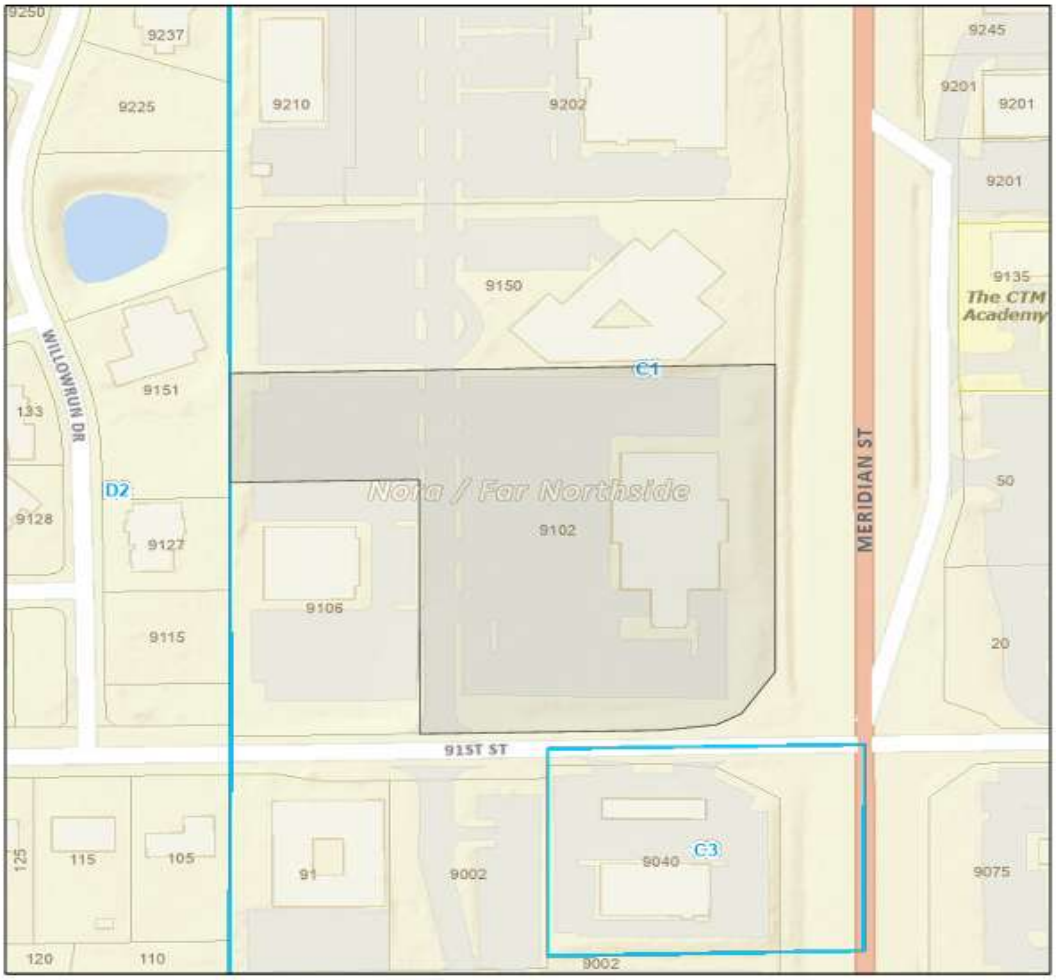


DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

2026-UV2-031 ; Plan of Operations

In Meridian-9102 N Meridian Zoning Map



10/13/2026

Zoning

1:2,257

0 0.01 0.03 0.05 mi
0 0.02 0.04 0.09 km

Esri, HERE, Garmin, INCREMENT P, NGA, USGS, City of Indianapolis & Marion County, IN

Department of Metropolitan Development
Division of Planning
Current Planning

2026-UV2-031 ; 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 drive through stacking lanes will meet all building setback requirements and will allow for the use to be entirely self-contained, which will promote the public health, safety and general welfare.

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 placement of the stacking lanes does not interfere with access or visibility to or from any adjoining property, plus the location of the stacking lanes will be mitigated by additional landscaping.

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

the location of the eating establishment is fixed due to lack of use of this portion of the parking lot and has street frontage on both 91st Street and Meridian Street, which triggers the variance requested.

2026-UV2-031; Photographs

Photograph 1: Northeast of Site towards Intersection of North Meridian Street & West 91st Street



Photograph 2: North of Site



Photograph 3: East of Site



Photograph 4: South of Site



Photograph 5: West of Site



Photograph 6: Access to the East Connecting to West 91st Street



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — December 1, 2026

Case Number:	2026-UV1-032
Property Address:	7947 Southeastern Avenue (approximate address)
Location:	Franklin Township, Council District #20
Petitioner:	Behrnhite LLC, by Rick Hite
Current Zoning:	C-3
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the operation of a Commercial and Building Contractors use classification to include associated office, shop and training facilities not permitted by right.
Current Land Use:	Commercial
Staff Recommendations:	Staff **recommends approval subject to plan of operations**
Staff Reviewer:	David Arrom Garza, AICP Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval subject to plan of operations (Exhibit A)

PETITION OVERVIEW

The petition would allow for the operation of a Commercial and Building Contractors use classification to include associated office, shop and training facilities not permitted by right in a C-3 district.

STAFF ANALYSIS

COMMERCIAL DISTRICT

The Comprehensive Plan calls for Community Commercial. The C-3 district is intended for the development of an extensive range of retail and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. It does not allow those businesses that require outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

SITE CHARACTERISTICS

The subject site, approximately 1.71 acres, is zoned C-3 with commercial frontage located on Southeastern Avenue, a primary arterial.

The site is bounded to the north by Southeastern Avenue, to the west by a C-3 district classified by the Comprehensive Plan as Community Commercial, and to the east and south by a D-3 dwelling district classified by the Comprehensive Plan as Suburban Neighborhood. Immediately across the subject lot is the Wanamaker Post Office facility.

The existing 3,000 square foot building is located on the north side of the parcel approximate to Southeastern Avenue with a surface parking lot provided at side and rear yard lot areas. The petitioner proposes to keep the existing structure and construct a proposed 3,456 square foot pole barn ("Pole Barn") at the rear yard of the site within 10' of the property line. The proposed Pole Barn is 48' wide by 72' long with a height of 25.5'.

Finished floor elevation of the proposed Pole Barn shall be 855.5', with the finish grade of 855.4' to 855.3' around the structure and shall have a minimum slope of 0.5' in the first 10' away from the building to prevent any surface drainage towards the building.

The proposed building will have electric service, but no water or plumbing.

PROPOSED USES

The proposed use indicated in the Findings of Fact and Plan of Operations submitted September 16, 2026, are for primary office use with contractor training facilities and light indoor storage provided onsite.

Onsite operations proposed include project planning, estimating, dispatch, accounting and general office administration with interior storage of tools, small equipment, and paperwork with incidental parking of company vehicles in the paved lot.

Findings of Fact indicate that no retail sales, outdoor fabrication, outdoor storage or heaving manufacturing will occur at the site generating vehicular traffic, noise or activity levels that are inconsistent with the surrounding area.

Vegetative Buffer and Screening

Screening is provided by a mature tree line and existing swale between the subject site and the residences immediately to the south of the site.

Staff requested information regarding the Pole Barn use in the Operations Plan which provided no specifications regarding facility usage. In email interrogatories, seeking clarification regarding the Pole Barn usage, it was indicated that the usage will be for cold storage of electrical materials to consolidate company storage at one location.

Commercial and Building Contractors are not allowed by right in a C-3 district. However, Office: Business, Professional or Government is a permitted use for a C-3 district. Given that the current C-3 classification does not fit all proposed uses, and that the use variance requested represents an intensification of use of the office category to include contractor training activities with light

indoor storage space, staff recommends approval subject to plan of operations submitted September 16, 2026, and referenced in this report as Exhibit A.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	DP	North: US Postal Service
South:	D-3	South: Residential
East:	D-3	East: Residential
West:	C-3	West: Commercial
Thoroughfare Plan		
Southeastern Avenue	Arterial	100’ R/W existing (no curb)
Miller Street	Local Street	40’ R/W existing (no curb)
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	October 5, 2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	September 16, 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 Community Commercial typology for this site intended for the development of an extensive range of retail and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. It does not allow those businesses that require outdoor display, sale or storage of merchandise; or require outdoor operations.

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

VICINITY

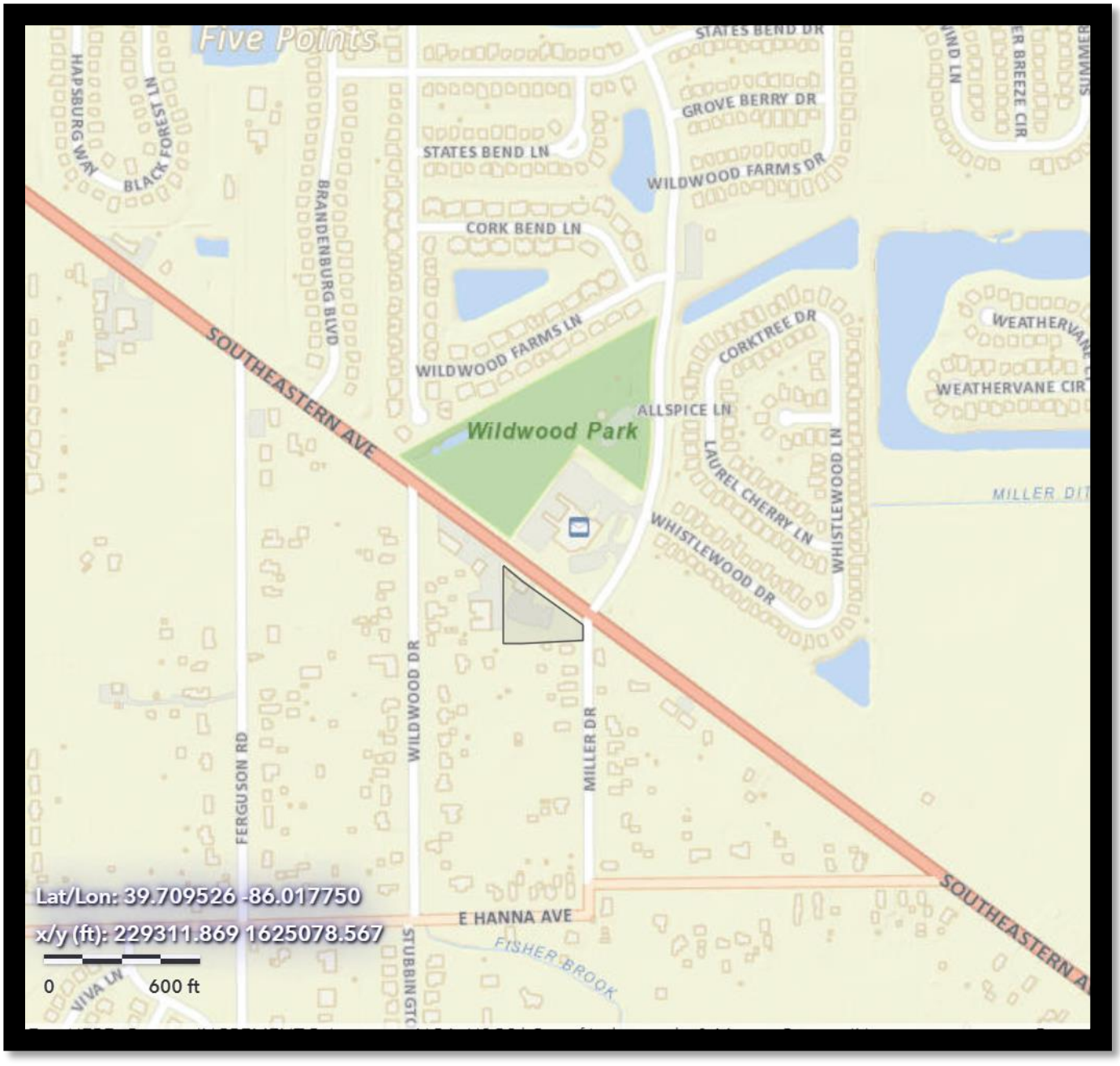
88-UV1-124; 7901 Southeastern Avenue, Franklin Township, Temporary Car Lot, 5 years, **approved**.

95-UV2-120; 7913 Southeastern Avenue, Franklin Township, Continued Operation as a gun shop, **approved**.

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

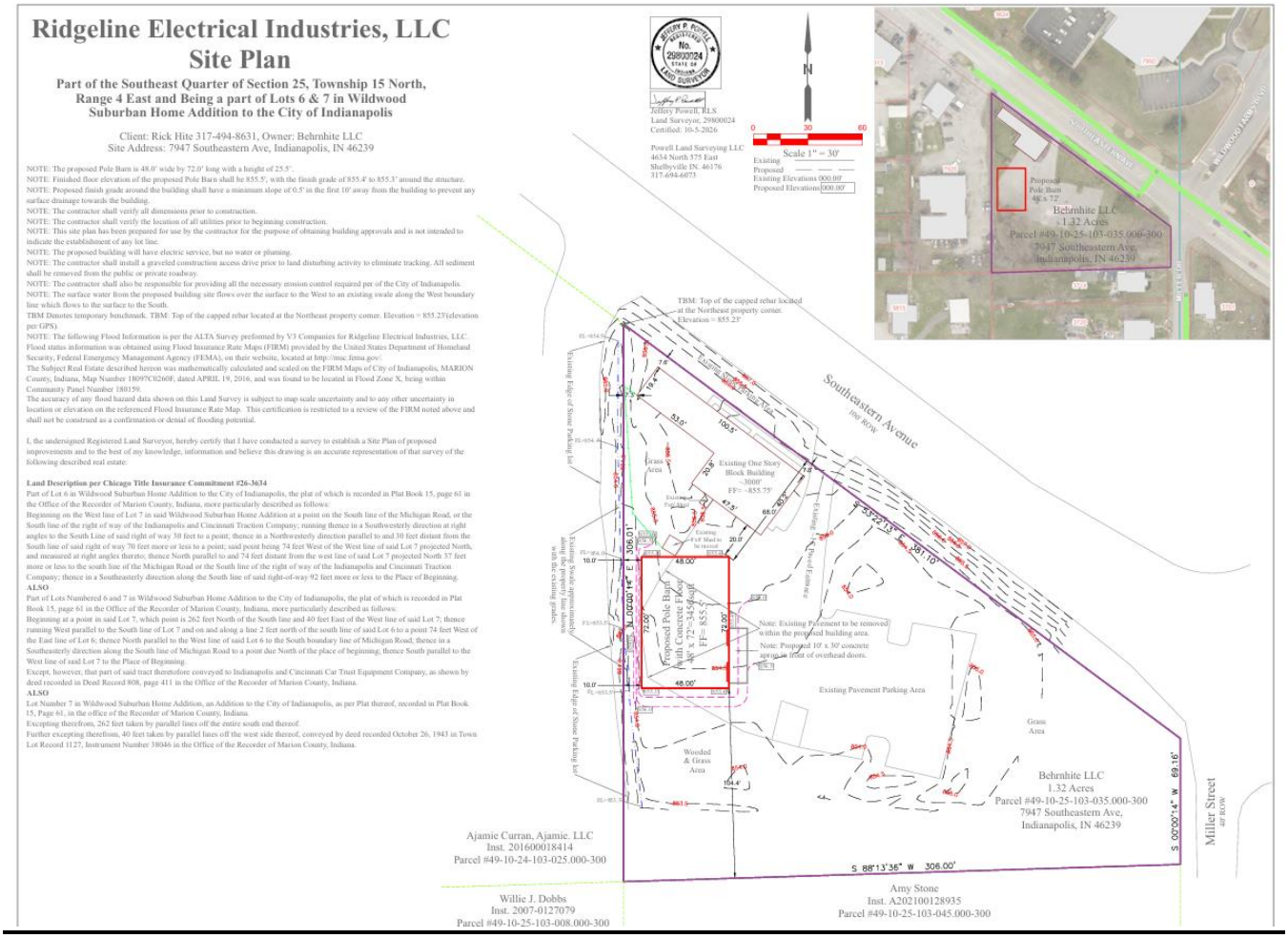
Location Map



DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

Site Plan



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

Petitioner: Ridgeline Electrical Industries

Property Address: 7797 Southeastern Ave, Indianapolis, Marion County, Indiana

Current Zoning: C-3

Proposed Use: Commercial and Building Contractors

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

Ridgeline Electrical Industries proposes to operate as a Commercial and Building Contractor at the subject property, a use that is administrative and trade-service in nature and does not involve manufacturing, processing, or activities that generate hazardous emissions, excessive noise, or heavy truck traffic beyond what is typical of a C-3 commercial corridor. The proposed use will not increase risk to the public health, safety, or morals of the surrounding community, and general welfare will be preserved through the Petitioner's continued maintenance of the property and compliance with all applicable building and fire codes.

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 surrounding area is already characterized by a mix of commercial and residential uses, and the proposed Commercial and Building Contractors use is consistent with the existing commercial character of the corridor. The property retains substantial natural screening, including large, mature trees along the south and southeast boundaries, which separate and buffer the subject property from adjacent residential lots. This existing vegetative buffer will continue to shield neighboring residential properties from the visual and operational impacts of the proposed use, and the use and value of adjacent properties are not expected to be substantially or adversely affected.

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

The property is zoned C-3, which does not list Commercial and Building Contractors as a permitted use, even though the nature of Ridgeline Electrical Industries' operations (office-based electrical contracting services) is compatible in scale and character with other uses permitted in the C-3 district. This classification creates a condition peculiar to this property and use, as the Petitioner's business does not fit neatly within the enumerated C-3 use list despite otherwise conforming to the district's commercial character, necessitating the requested variance.

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 C-3 zoning classification would prevent Ridgeline Electrical Industries from operating its business at this location, despite the property's suitability for the proposed use and its consistency with the surrounding mixed commercial and residential character of the area. Denial of the variance would impose an unnecessary hardship on the Petitioner by foreclosing a viable and compatible use of the property, without any corresponding benefit to the public or surrounding property owners, given the existing screening and buffering already in place.

2026UV1032 Site Photographs



Street frontage at 7947 Southeastern Avenue, existing building.



View looking onto transitional area of proposed Pull Barn site



View looking south across to D-3 District from rear yard area

Exhibit A: Plan of Operations Submitted on September 16, 2026

PLAN OF OPERATION

Ridgeline Electrical Industries

Property Business Name	Behrnhite LLC
Members in Business	Blake Behr and Rick Hite
Business Name	Ridgeline Electrical Industries
Type of Business	Commercial & Industrial Electrical Contracting
Location	7947 Southeastern Ave., Indianapolis, IN 46239 – Single tenant operator
Zoning District	C-3, Neighborhood Commercial District
Years in Operation	9 years
Total Employees	45 (36 field / 9 office — 80% field, 20% office)
Date Prepared	September 16, 2026

1. Business Overview

Ridgeline Electrical Industries is a commercial and industrial electrical contracting company that has operated in the State of Indiana for nine (9) years. Ridgeline provides full-service electrical installation, maintenance, and repair for commercial, multi-family, and industrial clients, including new construction, tenant build-outs, multi-family buildings, equipment installation, preventive maintenance, and emergency service calls. While all electrical installation and repair work is performed off-site at customer job locations. This Plan of Operation describes the workforce, clientele, on-site processes, materials, shipping and receiving activity, and waste management practices associated with Ridgeline's operations.

2. Workforce

- Total staff: 45 employees.
- Field employees: approximately 36 (80%) — licensed and apprentice electricians, foremen, and crew leads who perform installation and service work exclusively at customer job sites throughout Indiana.
- Office/administrative employees: approximately 9 (20%) — project management, estimating, dispatch, accounting, and administrative support, based at Ridgeline's office at this location.
- Field crews report directly to assigned job sites rather than to the office each day.
- Office staff work standard business hours, generally 7:00 AM to 5:00 PM, Monday through Friday.
- Field employees' schedules vary by project and may include early morning starts, and occasional evening or weekend work for emergency/after-hours service calls performed at customer locations.
- Employee parking is provided on-site in a designated, paved parking lot for office staff and for company vehicles when not in the field.
- Site security includes on-site vehicle parking, secured interior storage for tools and materials, exterior building lighting, and controlled access to the office and building interior.

3. Clients & Customers

- Clients are commercial and industrial property owners, general contractors, property managers, and facility managers located throughout Indiana.
- The substantial majority of work is performed at customer job sites (new construction sites, existing commercial/industrial facilities); clients generally do not visit Ridgeline's office as part of routine operations.

4. Processes Conducted On-Site

- On-site (at Ridgeline's office): project planning, estimating, dispatch, accounting, and general office administration; interior storage of tools, small equipment, and paperwork; incidental parking of company vehicles in the paved lot.
- Off-site (at customer job sites): all electrical installation, wiring, panel and switchgear work, lighting and power distribution, equipment hookups, troubleshooting, repairs, and preventive maintenance, performed by licensed electricians in accordance with the National Electrical Code (NEC) and applicable state and local codes.
- Safety & security measures include use of personal protective equipment (PPE) and OSHA-compliant lockout/tagout procedures at customer job sites, job-site safety briefings, marked/lettered company vehicles, and secured interior storage of tools and materials at the office.
- No outdoor storage, display, or sale of merchandise or equipment occurs on the property, and no outdoor fabrication, equipment servicing, or material processing is conducted on-site.
- No retail sales, walk-in customer traffic, or public-facing operations occur at the facility.

5. Materials Used

- Materials associated with the office use are generally limited to office supplies, plan and project documents, and small quantities of electrical component samples or spare parts kept indoors for reference and dispatch purposes.
- Bulk electrical materials — wire and cable, conduit, panels, switchgear, breakers, transformers, lighting fixtures, junction boxes, fasteners, and related components — are ordered through suppliers and delivered directly to active customer job sites wherever feasible, minimizing on-site handling at the office.
- Any hazardous materials (e.g., small quantities of solvents, lubricants, or battery-powered tool batteries) are stored indoors, in approved, labeled containers/cabinets, in accordance with applicable safety data sheets (SDS) and OSHA standards, with access limited to trained personnel.
- Fire extinguishers and spill-containment supplies are maintained on-site, indoors, in accordance with applicable fire and safety codes.

6. Shipping & Receiving

- Office supplies and incidental materials are received by common carrier or supplier delivery, generally during normal business hours, approximately 7:00 AM to 4:00 PM, Monday through Friday.
- Delivery frequency at the office is low, consistent with an administrative use; the majority of project materials and equipment are shipped or transported directly to customer job sites rather than to this location, reducing on-site handling and vehicle trips.
- Loading/unloading of any office deliveries occurs at the building entrance and is brought indoors promptly; materials are not stored or staged outdoors.
- No tractor-trailer or heavy equipment deliveries (e.g., switchgear, transformers) are received at this office location; such items, when required for a project, are delivered directly to the applicable customer job site.

7. Waste

- Waste generated at the office is limited to general office trash and recycling (paper, cardboard, and similar materials).
- Non-hazardous waste is collected in on-site containers, kept in an enclosure consistent, and removed by a licensed commercial waste hauler on a regular schedule.
- Ridgeline does not generate or store construction debris, scrap metal/wire, or job-site waste at this location; such waste is generated and managed at customer job sites under the applicable construction/service contract, and is not brought back to or stored at the office.

- Any limited hazardous waste associated with office operations (e.g., spent batteries, fluorescent lamps/ballasts) is handled and disposed of in accordance with applicable federal, state, and local regulations, using licensed hazardous-waste disposal vendors as needed.

8. Growth & Future Considerations

Ridgeline anticipates continued, gradual growth in workforce and project volume consistent with demand for commercial and industrial electrical services in Indiana. Any future increase in office staffing or facility use will be planned to remain consistent with the office use, parking, and no visible -outdoor-storage/operations standards described in this Plan of Operation.