



# Board of Zoning Appeals Board of Zoning Appeals Division I (May 6, 2025) Meeting Agenda

## Meeting Details

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

**Date:** Tuesday, May 06, 2025

**Time:** 1:00 PM

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

## Business:

### Adoption of Meeting Minutes

### Special Requests

#### 2025-DV1-014 | 7612 West 93rd Street

Pike Township, Council District #1, zoned D-1  
Ronald James Christie II & Asako Christie

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pole barn within the front yard of West 93rd Street and Fanchon Drive (not permitted).

#### \*\*Petitioner to withdraw

#### 2025-UV1-007 | 2222 Hillside Avenue

Center Township, Council District #8, zoned I-3 / SU-7  
Hillside Industrial IN LP, by Jason P. Lueking

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for I-3 Uses (not permitted).

#### \*\*Petitioner to withdraw the request

## PETITIONS REQUESTING TO BE CONTINUED:

#### 1. 2025-DV1-016 | 3406 Lafayette Road

Wayne Township, Council District #5, zoned C-3 (FF)  
LK Foodmart Inc., by Joseph Lese

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience store with 15 parking spaces and zero bicycle parking spaces provided (22 vehicle, three bike spaces required), a dumpster located within the front yard of 34th Street (not permitted) and deficient landscaping.

#### \*\*Petitioner to request a continuance to the June 3, 2025 hearing of Division I

#### 2. 2025-UV1-006 | 5451 Moller Road

Pike Township, Council District #5, zoned D-A / D-P  
Maribel Morales Picon, by David E. Dearing

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the storage of two food trucks (prohibited) with a gravel parking area (parking areas must be paved).

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

**3. 2025-DV1-010 | 6901 & 6951 Michigan Road**

Pike Township, Council District #6, zoned C-4 / C-S  
DPM Michigan Road Self Storage LLC, by J. Murray Clark

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a third freestanding sign along Michigan Road (two permitted).

**4. 2025-DV1-011 | 6445 North Illinois Street, Town of Meridian Hills**

Washington Township, Council District #2, zoned D-1  
Joseph & Ellen Hawkins, by Hannah Able

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition, including the replacement of an attached garage, resulting in a 12-foot north side yard setback (15 feet required).

**5. 2025-DV1-012 | 8130 Rockville Road**

Wayne Township, Council District #17, zoned C-4  
Kroger Limited Partnership I, by Damiane' Handa

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the alteration of an existing freestanding sign requiring compliance with the sign regulations, including being the third freestanding sign along Rockville Road and being within 210 feet of an existing sign to the east (maximum two signs permitted along a frontage, 300 feet of separation required).

**6. 2025-DV1-013 (Amended) | 1933 West 64th Street**

Washington Township, Council District #2, zoned D-A  
Ingris Maribel Velasquez Fuentes, by Epifanio Carbajal

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an inground swimming pool resulting in an open space of 67 percent (85 percent required).

**7. 2025-DV1-015 (Amended) | 909 North Pershing Avenue**

Wayne Township, Council District #12, zoned D-8  
Indianapolis Neighborhood Housing Partnership, by Jeff Hasser

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on an existing foundation (not permitted) with a zero-foot north side yard setback (three-feet required) and a patio and walkway with zero-foot south side yard setback (minor residential features not permitted within two feet of any side lot line).

**8. 2025-UV1-004 | 3950 Meadows Drive**

Washington Township, Council District #8, zoned C-4 / DP (TOD)  
Health & Hospital Corporation, by Mark VanderWoude

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an emergency services fleet terminal (not permitted) and construction of a building with a front building line of 19 feet and width encompassing 18 percent of the lot width (maximum 10-foot building line permitted, 80 percent lot width required) with no public entry along Meadows Drive (required) and 16 percent transparency along Meadows Drive (60 percent required).

**9. 2025-UV1-005 | 2225 East 10th Street**

Center Township, Council District #13, zoned MU-1  
1800 BLOK LLC, by Paul J. Lambie



Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor (not permitted) and two parking spaces provided (five required).

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

**10. 2025-DV2-007 | 5734 North New Jersey Street**

Washington Township, Council District #7, zoned D-4 / D-2  
Jason & Jill Cleveland, by Todd Williams

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a zero-foot setback from the southern zoning boundary (minimum four feet required) and a 5.25-foot rear yard setback (20 feet required).

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

**11. 2025-DV1-005 | 6462 Broadway Street**

Washington Township, Council District #2, zoned D-4 (TOD) (FF)  
Melissa Jackson and Andrew Mehlhop, by Hannah Able

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage addition with a one-foot south side yard setback (four feet required) and a three-foot rear yard setback (five feet required).

**12. 2025-DV1-008 | 1910 Mansfield Street**

Center Township, Council District #12, zoned D-5 (W-1)  
Delores Williams Bentley

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for driveway access from Mansfield Street (alley access required).

**13. 2025-DV1-009 (Amended) | 8415 West Washington Street**

Wayne Township, Council District #17, zoned I-1 / C-3  
Greg & Seth Dotson

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of two buildings, resulting in 20-foot side yard setbacks (30-foot side yard setbacks required).

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

**14. 2025-SE1-001 | 2205 North Sherman Drive**

Center Township, Council District #8, zoned I-4  
ABG Property Inc., by Suzanne Baker

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot.

**15. 2025-DV1-017 | 1421 East Michigan Street**

Center Township, Council District #13, zoned D-8  
Indy Real Estate Consulting LLC, by David and Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for subdivision of a lot for construction of a duplex resulting in lot widths of 19.98 feet (60-foot lot widths required) and a total lot area of 6,240 square feet (7,200 square feet of lot area required), with a two-foot western side yard setback (five feet required).

**16. 2025-DV1-019 | 440 & 450 Elanco Circle**

Center Township, Council District #18, zoned CBD-S (RC) (TOD)  
Indy Animal Property LLC, by Tyler Ochs

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for location of an eight-foot tall decorative perimeter fence (maximum fence height of 3.5-feet permitted within front

yards) and a parking garage with 21 8.5-foot by 18-foot, 153 square-foot parking spaces (minimum 9'x18', 180 square foot parking spaces required).

**17. 2025-DV1-020 | 1506 & 1510 Dunlap Avenue**

Wayne Township, Council District #17, zoned D-5  
Elore Alom LLC, by Matthew Peyton

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family detached house on each lot, each with a front-loaded garage representing 56.4 percent of the façade width (prohibited).

**18. 2025-DV1-018 | 510 Kessler Boulevard West Drive**

Washington Township, Council District #2, zoned D-1  
Diana Steinhoff, by Andrew Wert

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 60-foot wide parking area within the front yard, including a second driveway access to Kessler Boulevard West Drive (maximum parking area width of 30 feet permitted, two driveway connections along one frontage not permitted).

**Additional Business:**

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

**BOARD OF ZONING APPEALS DIVISION I**

**April 1, 2025**

**Case Number:** 2025-DV1-014

**Property Address:** 7612 West 93<sup>rd</sup> Street (approximate address)

**Location:** Pike Township, Council District #1

**Petitioner:** Ronald James Christie II & Asako Christie

**Current Zoning:** D-1

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pole barn within the front yard of West 93<sup>rd</sup> Street and Fanchon Drive (not permitted).

**Current Land Use:** Vacant

**Staff Recommendations:** To be determined

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- Due to an unexpected Administrative error, this petition is required to be continued to the May 6, 2025 BZA Division I hearing.

**BOARD OF ZONING APPEALS DIVISION I**

**May 6, 2025**

**Case Number:** 2025-UV1-007  
**Property Address:** 2222 Hillside Avenue (approximate address)  
**Location:** Center Township, Council District #8  
**Petitioner:** Hillside Industrial IN LP, by Jason P. Lueking  
**Current Zoning:** I-3 /SU-7  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for I-3 Uses (not permitted).  
**Current Land Use:** Industrial  
**Staff Recommendations:** N/A  
**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- The petitioner has indicated that this petition is to be withdrawn.



Department of Metropolitan Development  
Division of Planning  
Current Planning

(Staff use)  
**BOARD OF ZONING APPEALS DIVISION I**

May 6, 2025

**Case Number:** 2025-DV1-016

**Property Address:** 3406 Lafayette Road (*approximate address*)

**Location:** Wayne Township, Council District #5

**Petitioner:** Lk Foodmart Inc., by Joseph Lese

**Current Zoning:** C-3 (FF)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience store with 15 parking spaces and zero bicycle parking spaces provided (22 vehicle, three bike spaces required), a dumpster located within the front yard of 34<sup>th</sup> Street (not permitted) and deficient landscaping.

**Current Land Use:** Commercial

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

The petitioner will make a for-cause continuance request to the June 3<sup>rd</sup> hearing date to address inconsistencies noted by staff between the property line boundaries shown on provided plans and those within City records. Staff also noted a lack of proposed sidewalks for the development; it is possible that amended notice will be required that reflects this non-conformity as well.



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**BOARD OF ZONING APPEALS DIVISION I**

May 6, 2025

**Case Number:** 2025-UV1-006 (Amended)  
**Address:** 5451 Moller Road (approximate address)  
**Location:** Pike Township, Council District #5  
**Zoning:** D-A / D-P  
**Petitioner:** Maribel Morales Picon, by David E. Dearing  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the storage of two food trucks (prohibited).

**Current Land Use:** Single-family dwelling

**Staff Recommendation:**

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

**PETITION HISTORY**

This is the first public hearing for this petition.

This request has been amended from the original legal notice. The original notice included a request for a gravel parking lot, where parking areas must be paved.

The petitioner has indicated the trucks will be parked on a paved area to the rear of the dwelling. No new notice is required for the change.

This petition was **automatically continued to the June 3, 2025, hearing**, from the May 6, 2025, hearing, by a Registered Neighborhood Organization. This would require the Board's acknowledgement.



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## BOARD OF ZONING APPEALS DIVISION I

May 6, 2025

**Case Number:** 2025DV1010

**Property Address:** 6901 & 6951 Michigan Road (approximate address)

**Location:** Pike Township, Council District #6

**Petitioner:** DPM Michigan Road Self Storage LLC, by J. Murray Clark

**Current Zoning:** C-4 / C-S

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a third freestanding sign along Michigan Road (two permitted).

**Current Land Use:** Commercial

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

**Staff Reviewer:** Michael Weigel, Senior Planner

## PETITION HISTORY

**4/1:** Due to an unexpected publication error impacting the printing of this petition's information within newspapers as required by statute, this petition cannot be heard on the April 1<sup>st</sup> hearing date. Staff will request a continuance to the May 6<sup>th</sup> date of Division I.

## STAFF RECOMMENDATION

Staff recommends **approval** of the request.

## PETITION OVERVIEW

- 6901 and 6951 Michigan Road are two (2) contiguous parcels located on the eastern side of Michigan Road that contain both a commercial multitenant center (containing uses such as a hair salon, fitness center, offices, and restaurants) on the western (6951) parcel and a vacant commercial structure on the eastern (6901) parcel. The 6901 parcel was recently rezoned to the C-S zoning designation via the petition 2023-ZON-047 to allow for indoor self-storage uses both within the existing structure as well as a new structure currently under construction within the existing parking area. Adjacent land uses include multifamily apartments to the north and east of the commercial complex, a health center to the west, and additional commercial uses to the south.
- These parcels comprise a portion of an integrated center with shared frontage that would also incorporate 6905 and 6895 Michigan Road. These parcels each contain a freestanding sign: the former contains an automobile parts store that has a pole sign approved via the permit SGN07-





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01037, and the latter contains an abandoned gas station with a pole sign approved by the variance petition 2012-DV3-039.

- Approval of this petition would allow for placement of a third sign along the shared Michigan Road frontage on the 6951 Michigan parcel, which is currently zoned C-4. The proposed pylon sign would advertise the self-storage use allowed by the 2023 rezoning and include five (5) additional tenant panels for other businesses to utilize. The sign as proposed (see Exhibits below). would meet all dimensional standards associated with C-4 zoning except for the regulation on the number of signs placed along a shared frontage: this would constitute the third primary freestanding sign and would therefore require a variance.
- The portion of the property where the proposed sign would be placed is zoned C-4 to allow for the development of major business grouping and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. Additionally, the Comprehensive Plan recommends it to the Community Commercial typology to allow for low-intensity commercial and office uses that serve nearby neighborhoods.
- Staff would note that the gas station sign located approximately 650 feet from the proposed pylon sign at the address 6895 Michigan Road has been abandoned for well over one year, and that Ordinance requires removal of abandoned on-premises signage that advertises uses that are no longer active at the subject site. The violation case VIO23-005765 indicates that the pole sign with missing sign copy area would need to be “removed or brought into compliance”, and it appears that the wrecking permit WRK24-00460 was recently obtained to allow for demolition of the gas station (and which should include removal of the cited and abandoned sign). As of March 6<sup>th</sup>, 2025, the gas station structure had been removed while the sign and fuel canopy remain, although demolition work appeared to be ongoing at the site.
- Since the abandoned gas station sign is required to be removed in conjunction with the violation and wrecking permit referenced above, the variance request made to allow for this pylon sign would be supportable. The pylon sign would only constitute the second *legally placed* sign along this shared frontage, and since the applicant would not have the ability to remove the abandoned sign on their own, staff believes that they should not suffer negative consequence for any lack of compliance at the neighboring site. Given that all other zoning standards (sign separation, height, setbacks, etc.) are met and the variance is only required because of the neighboring abandoned sign, staff feels the deviation from ordinance standards would be justified and recommends approval.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-4 / C-S	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-6II / C-4	North: Multifamily / Commercial
South:	C-4	South: Commercial
East:	D-6II	East: Multifamily
West:	C-S / D-A	West: Commercial
<b>Thoroughfare Plan</b>		
Michigan Road	Primary Arterial	100-foot existing right-of-way and 102-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	01/28/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	01/28/2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	01/28/2025	
<b>Findings of Fact (Amended)</b>	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 this property to the Community Commercial working typology to allow for low-intensity commercial and office uses that serve nearby neighborhoods; examples of contemplated uses include small-scale shops, personal and professional services, grocery stores, drug stores, restaurants, and public gathering spaces.



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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.



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## ZONING HISTORY

### ZONING HISTORY – SITE

**2023ZON047**, Rezoning of 11.737 acres from the C-4 district to the C-S district to provide for self-storage uses, **approved**.

### ZONING HISTORY – VICINITY

**2014DV3044 ; 6940 Michigan Road (southwest of site)**, Variance of development standards of the Sign Regulations to provide for a 20-foot tall, 78-square foot freestanding sign, within approximately 110 feet of an existing freestanding sign to the south (300 feet of separation required) and to provide for a nine-foot tall, 20.6-square foot freestanding sign, being the second and third signs along an approximately 590-foot frontage (one sign permitted for every 300 feet of frontage), **approved**.

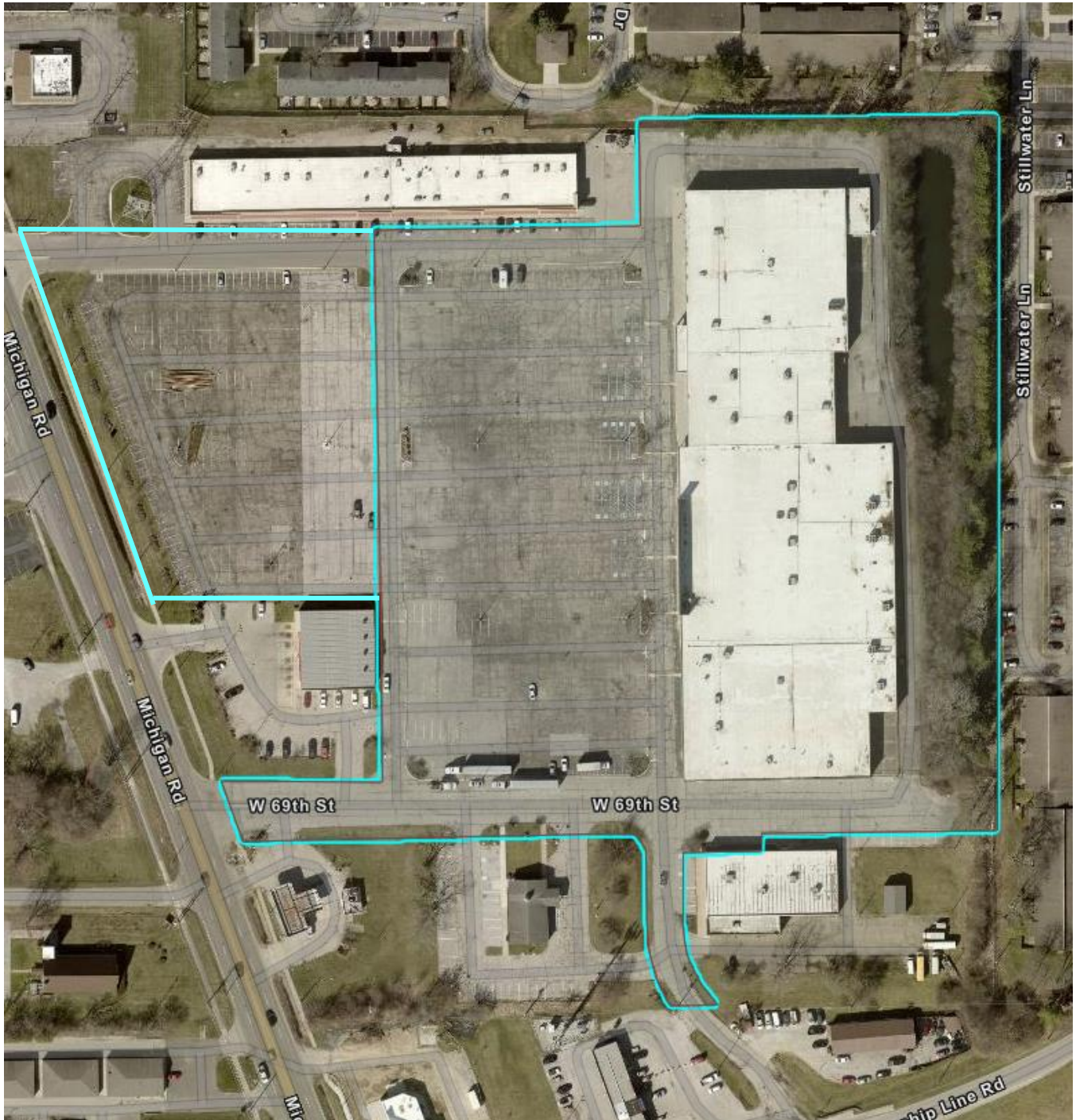
**2012DV3039 ; 6895 Michigan Road (south of site)**, Variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a 2,400-square foot convenience store and **(a)** to legally establish a canopy, with a 57.6-foot setback from the centerline of Michigan Road and pump islands with a 68.8-foot setback from the centerline of Michigan Road (10 foot setback required from the proposed 70-foot half right-of-way); **(b)** to legally establish a freestanding sign, with a 4.3-foot setback from Michigan Road and 4.1-foot front setback from 69th Street (15-foot front setback required), within the clear sight triangle of Michigan Road and 69th Street (not permitted); and **(c)** to provide for a 1.5-foot front setback for a 10-foot wide access lane (10-foot front setback required, 12-foot width required for one-way drive), **approved**.

**2009CVR819 ; 7002 Michigan Road (southwest of site)**, Variance of Development Standards of the Sign Regulation to provide for installation of a twelve-foot tall, 87.3-square foot pylon sign within 120 feet of an existing freestanding identification sign (minimum 300-foot separation required), being the third freestanding identification sign within an integrated center having 594 feet of frontage along Michigan Road (minimum 300 feet of street frontage per freestanding identification sign required), **approved**.

**93-HOV-32 ; 6840 N Michigan Road (south of site)**, variance of development standards of the Sign Regulations of the Marion County to provide for the placement of a pole sign with less than the required 15 foot setback from the right-of-way and to allow the placement of gasoline panels (not permitted), **approved**.

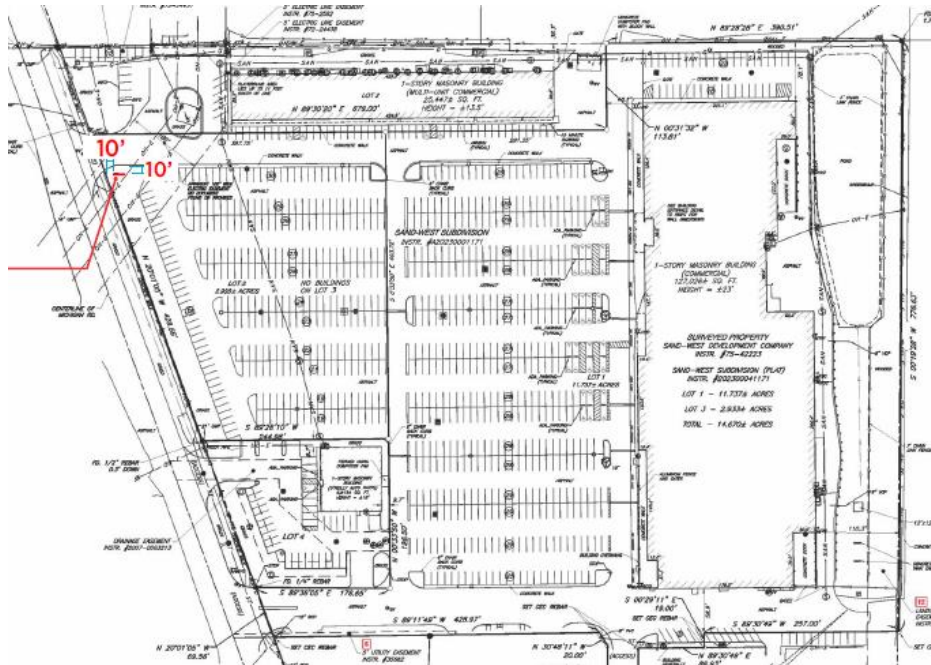
EXHIBITS

2025DV1010 ; Aerial Map

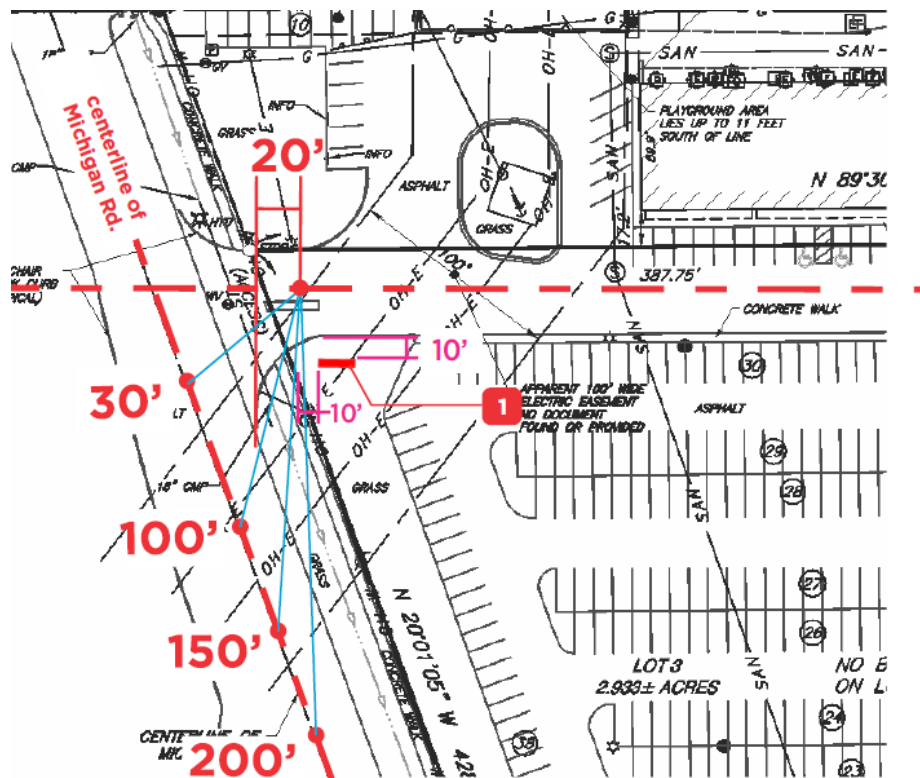




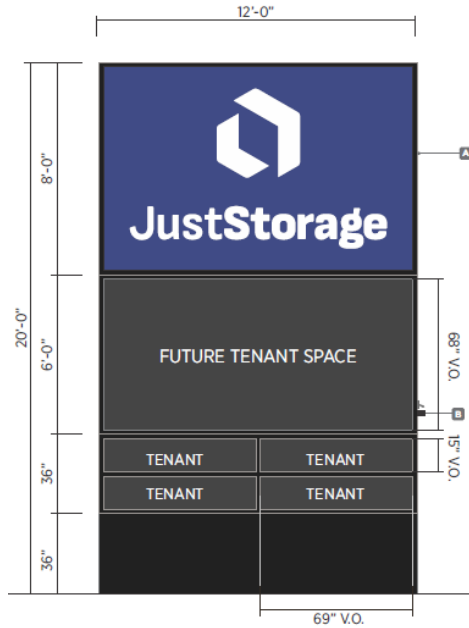
**2025DV1010 ; Site Plan (Full, not showing self-storage expansion)**



**2025DV1010 ; Site Plan (Zoomed)**



### 2025DV1010 ; Sign Elevation



### 2025DV1010 ; 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 grant will provide for a high-quality freestanding sign for a community amenity that is located approximately 700 feet back from the public road right of way. The closest other freestanding sign within the same integrated center is approximately 370 feet further south from the proposed sign location. All other freestanding sign development standards are proposed to be met, including the required setback away from the public road right of way, and the sign will be outside of the clear site triangular area so as not to cause any safety concerns.

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:

Surrounding neighbors adjacent to the property will not be negatively affected because the spacing and location of the proposed sign is in an ideal location for everyone. The sign will not block any sight lines and will facilitate wayfinding of the general public in a way that will lead to the best possible traffic circulation. The sign will be attractive and of a high-quality and will not have any negative visual effects. Additionally, the sign provides space for a future tenant space so an additional freestanding sign will not be needed in the future for the future tenant.

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

The zoning ordinance would not allow for this freestanding sign because technically a second freestanding sign for an abandoned automobile fueling station is already located within the same integrated center as this proposed freestanding sign. In reality, the abandoned automobile fueling station is not really a part of the same integrated center, besides the fact that it has a small connection to the private drive that appears to serve as a common site facility. Without the grant of the variance, the general public will not be able to find the businesses on the property as easily as they would be able to with the proposed freestanding sign in place, which will lead to worsened traffic circulation patterns.



**2025DV1010 ; Photographs**



Photo 1: Proposed Sign Location Viewed from South



Photo 2: Proposed Sign Location and Adjacent Property to West

**2025DV1010 ; Photographs (continued)**



Photo 3: Michigan Road Shared Frontage Viewed from South



Photo 4: Michigan Road Shared Frontage Viewed from North



**2025DV1010 ; Photographs (continued)**



Photo 5: Adjacent Pole Sign to South



Photo 6: Adjacent Abandoned Sign to South

**2025DV1010 ; Photographs (continued)**



Photo 7: Adjacent Commercial Center to Northeast



Photo 8: Existing Structure and Construction Area for Self-Storage Use



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## BOARD OF ZONING APPEALS DIVISION I

May 6, 2025

**Case Number:** 2025DV1011

**Property Address:** 6445 North Illinois Street, Town of Meridian Hills (*approximate address*)

**Location:** Washington Township, Council District #2

**Petitioner:** Joseph & Ellen Hawkins, by Hannah Able

**Current Zoning:** D-1

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition, including the replacement of an attached garage, resulting in a 12-foot north side yard setback (15 feet required).

**Current Land Use:** Residential

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

**Staff Reviewer:** Michael Weigel, Senior Planner

## PETITION HISTORY

**4/1:** Due to an unexpected publication error impacting the printing of this petition's information within newspapers as required by statute, this petition cannot be heard on the April 1<sup>st</sup> hearing date. Staff will request a continuance to the May 6<sup>th</sup> date of Division I.

## STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

## PETITION OVERVIEW

- 6445 North Illinois Street is a residential parcel within the Town of Meridian Hills that is currently improved with a single-family residence and one-car, attached garage within the northern side yard. The home appears to have had the same footprint and driveway access for decades, and surrounding land uses are also comprised of single-family residences.
- Approval of this petition would allow for a rear addition to the existing home and attached garage which would allow for interior parking of two (2) vehicles while also reducing the current side and rear yard setbacks. Meridian Hills has distinct zoning regulations within the Ordinance that dictate allowable setbacks, and the placement of this property within the Class R-1 district would mean that the applicable side yard setback would be 15 feet. Although D-1 zoning within the Metro





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context would typically only require a nine (9) foot setback, the proposed 12-foot side yard setback would not be allowable absent a variance.

- This property is zoned D-1 to allow for estate-style suburban development characterized by generous front yards for trees and a bucolic atmosphere, appropriately served by gently curving roadways and with environmental and aesthetic concerns incorporated and promoted. Similarly, the site is recommended to the Suburban Neighborhood living typology by the Comprehensive Plan to allow for residential uses with a focus on preserving natural corridors and features such as streams, wetlands, and woodlands. Infill Housing Guidelines also indicate that spacing between homes should remain uniform within an established pattern; it does not appear to staff that the proposed addition would substantially alter existing separation patterns.
- Findings of Fact were submitted by the applicant and indicate that the current location of the property would be unable to incorporate a 2-car garage under current rules, and that neighboring properties (some of which fall within the Class R-2 district of Meridian Hills) appear to be developed with structures that maintain similar side yard setbacks. Given that this variance would constitute a minor 20% deviation from the existing standard, would meet both base D-1 and Class R-2 standards, would have minimal impact on existing trees and green spaces in the front and side yards, and wouldn't create any irregular patterns of spacing between structures, staff recommends approval of the request.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-1	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-1	North: Residential
South:	D-1	South: Residential
East:	D-1	East: Residential
West:	D-1	West: Residential
<b>Thoroughfare Plan</b>		
Illinois Street	Local Street	70-foot existing right-of-way and 50-foot proposed right-of-way
Wellington Road	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	02/06/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	



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<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	02/06/2025
<b>Findings of Fact (Amended)</b>	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 this property to the Suburban Neighborhood living typology which is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. Natural corridors and features such as streams, wetlands, and woodlands should be treated as focal points for development.

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Infill Housing Guidelines stipulate that the spacing between houses should establish a pattern along a street in order to allow for maintenance and limit large or uneven gaps between homes.

### Indy Moves

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

- Not Applicable to the Site.





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## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2023DV2003 ; 231 Wellington Road (west of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with an eight-foot east side yard setback and a 25.08-foot rear yard setback (12-foot side yard and 28.5-foot rear yard setbacks required), **approved**.

**2021DV1074 ; 48 W 65<sup>th</sup> Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a primary building addition with a four-foot rear setback and legally establish a patio with a 10-foot rear setback (15% of the depth of the lot, but no more than 30-feet required), **approved**.

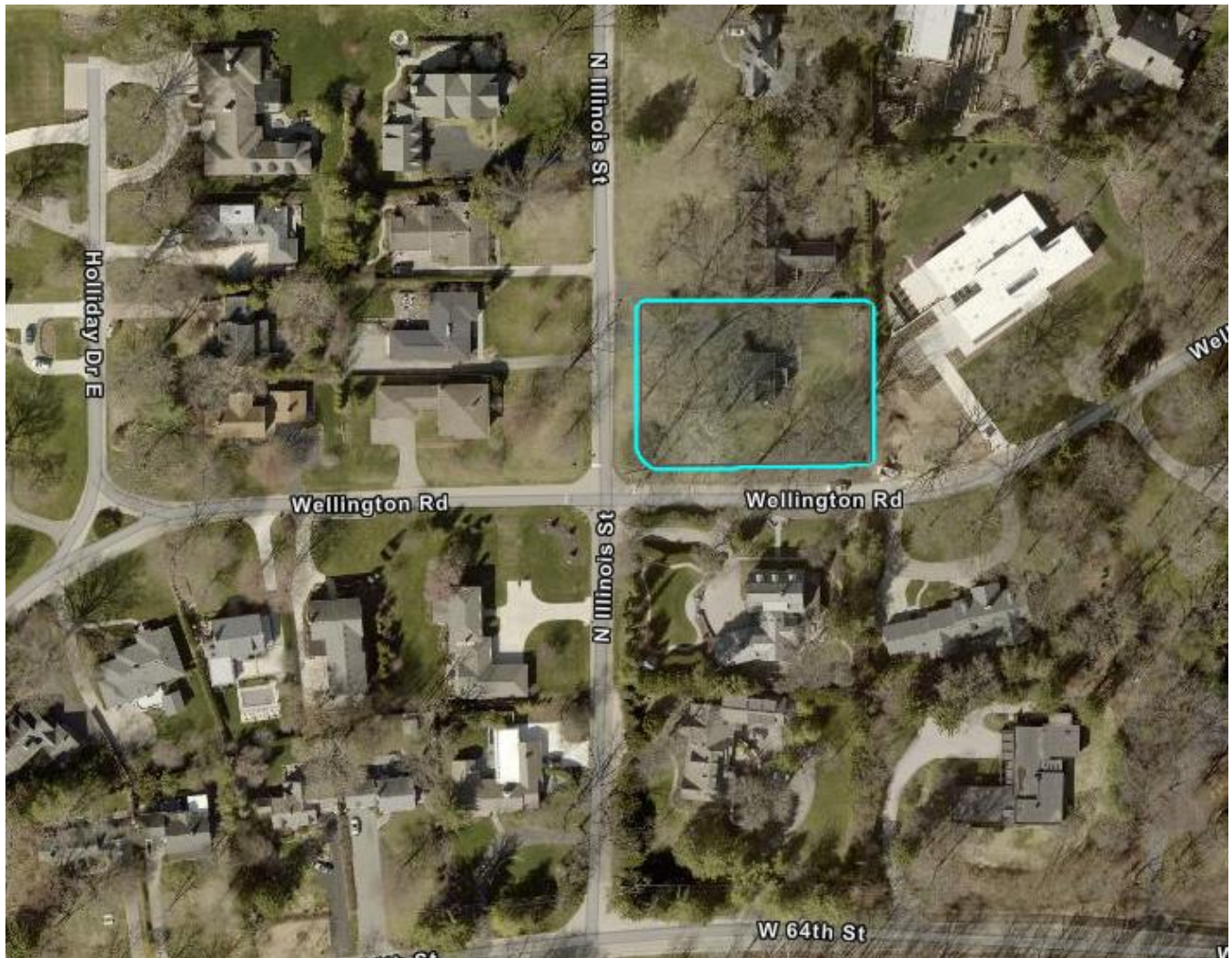
**2012HOV044 ; 95 Wellington Road (south of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a rear yard setback of 17.45 feet (21-foot rear setback required in the R-1 district), **approved**.

**2010HOV001 ; 100 W 64<sup>th</sup> Street (southwest of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 10.917-foot side setback (12-foot side setback required), **approved**.

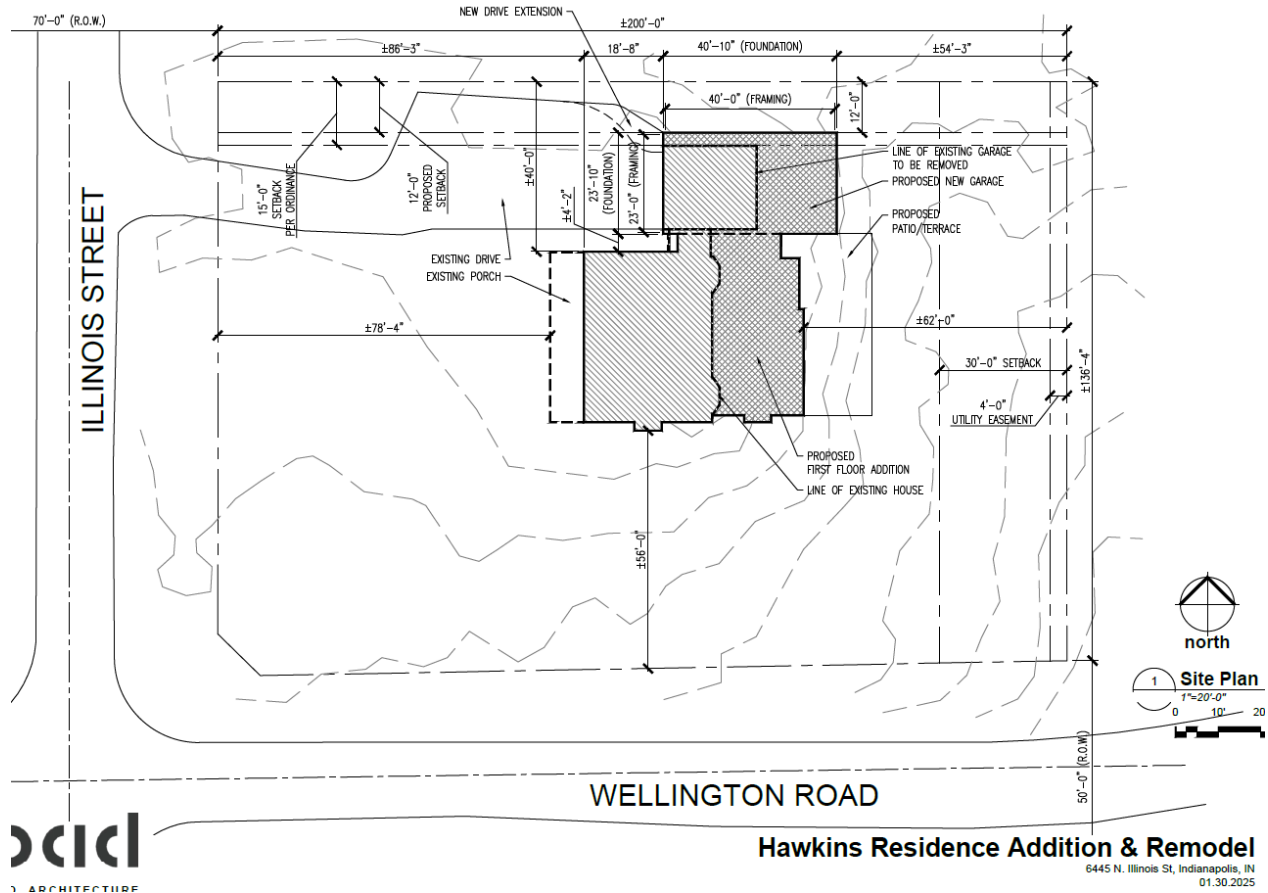
**2006DV3009 ; 6470 N Illinois Street (northwest of site)**, Variance of the Dwelling Districts Zoning Ordinance to provide for the construction of a single family dwelling with a 25-foot front setback (minimum 38-foot front setback required), **approved**.

## EXHIBITS

### 2025DV1011 ; Aerial Map



## 2025DV1011 ; Site Plan



## 2025DV1011 ; Findings of Fact

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

there are similar as well as smaller existing setback conditions on the same street. The lots on the opposite side of Illinois Street are a different Meridian Hills zoning classification and the minimum setback for those properties is the same as what the petitioner has requested.

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:

there are similar as well as smaller existing setback conditions on the same street. The lots on the opposite side of Illinois Street are a different Meridian Hills zoning classification and the minimum setback for those properties is the same as what the petitioner has requested.

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

there is not enough width between the existing residence and the side setback per the ordinance to provide a garage that accommodates two standard sized vehicles side by side.



**2025DV1011 ; Photographs**



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site Viewed from South



**2025DV1011 ; Photographs (continued)**



Photo 3: Current Garage Viewed from West



Photo 4: Adjacent Property Line to North of Subject Site



**2025DV1011 ; Photographs (continued)**



Photo 5: Adjacent Property to West



Photo 6: Adjacent Property to East



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## BOARD OF ZONING APPEALS DIVISION I

May 6<sup>th</sup>, 2025

**Case Number:** 2025-DV1-012

**Property Address:** 8130 Rockville Road (Approximate Address)

**Location:** Wayne Township, Council District #17

**Petitioner:** Kroger Limited Partnership I, by Damiane' Handa

**Current Zoning:** C-4

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the alteration of an existing freestanding sign requiring compliance with the sign regulations, including being the third freestanding sign along Rockville Road and being within 210 feet of an existing sign to the east (maximum two signs permitted along a frontage, 300 feet of separation required).

**Current Land Use:** Commercial

**Staff Recommendations:** Staff is recommending **approval** of this variance petition.

**Staff Reviewer:** Kiya Mullins, Associate Planner

## PETITION HISTORY

This is the second public hearing for this variance petition.

This petition was continued by staff at its first public hearing on April 1st to the May 6th Division I hearing due to an unexpected publication error that impacted the printing of this petition's information within newspapers as required by statute.

## STAFF RECOMMENDATION

Staff is recommending **approval** of this variance petition.

## PETITION OVERVIEW

- The petitioner is requesting updates to an existing freestanding sign that is within the 300-ft required separation from another freestanding sign.
- This parcel is the location of a Kroger Gas Station. The lot is 0.79-acre within a C-4 zoning district.
- The Ordinance requires 300 feet of separation between signs to avoid overcrowding of street frontages, right of way obstruction, and to prevent blocking the view of businesses or other buildings.
- According to Google Street View, the Kroger freestanding sign has been in this location since 2011, before the second sign to the east within the 300-ft separation appeared in 2022.



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- The current sign is 25 feet and 8 inches high; the proposed alterations will reduce the height of the freestanding sign to 22 feet and 8 inches.
- Staff is recommending **approval** of this variance petition. The sign has been in this location for a long period of time, predating the sign to the east, which is within the required separation between signs. The alterations of the sign will reduce the overall height of the sign.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-4	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	I-3	North: Light Industrial
South:	C-4	South: Community Commercial
East:	I-4	East: Office Commercial
West:	C-4	West: Community Commercial
<b>Thoroughfare Plan</b>		
Rockville Road	Primary Arterial	160 feet of right-of-way existing and 112 feet proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	2/12/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	2/12/2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	2/12/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## 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



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centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces (pg. 20).

**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

- N/A

### ZONING HISTORY – SURROUNDING AREA

- 2007ZON136: 8121 Frito Lay Drive
  - Rezoning of 9.058 acres, from the I-3-S (FF) District to the C-4 (FF). Recorded Commitment number 2008-0077883.
    - AP
- 2009DV3007: 8150 Rockville Road
  - VARIANCE OF DEVELOPMENT STANDARDS of the Sign Regulations to provide for a 52-square foot electronic variable message sign component (not permitted), on an existing 25.5-foot tall, 215-square foot pole sign within 20 feet of a signalized intersection (minimum 125-foot separation from a signalized intersection required).
    - Dismissed
- 2012DV1037: 8301 Rockville Road
  - Variance of development standards of the Commercial Zoning Ordinance to provide for outdoor kennels and play areas (not permitted) for a pet hotel, pet daycare, dog grooming and training facility, with overnight boarding, with 44 parking spaces.
    - Approved
- 2016DV3031: 8301 Rockville Road
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant, with 75 parking spaces (maximum 43 parking spaces permitted), and to provide for a transparencies of 15% and nine percent on the two building facades, with public entrances (40% transparency required).
    - Approved
- 2019CZN833: 8301 Rockville Road
  - Rezoning of four acres from the I-3 (FF) district to the C-4 (FF) classification.
    - Withdrawn
- 2019CZN840: 8150 Rockville Road
  - Rezoning of 8.86 acres from the C-3 district to the C-4 district.
    - Approved
- 2019CVR860: 8301 Rockville Road
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 85 parking spaces (maximum 70 parking spaces permitted).
    - Approved
- 2019CVR840: 8150 Rockville Road

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 120 parking spaces for a plasma center (maximum 96 permitted). Denial

## EXHIBITS

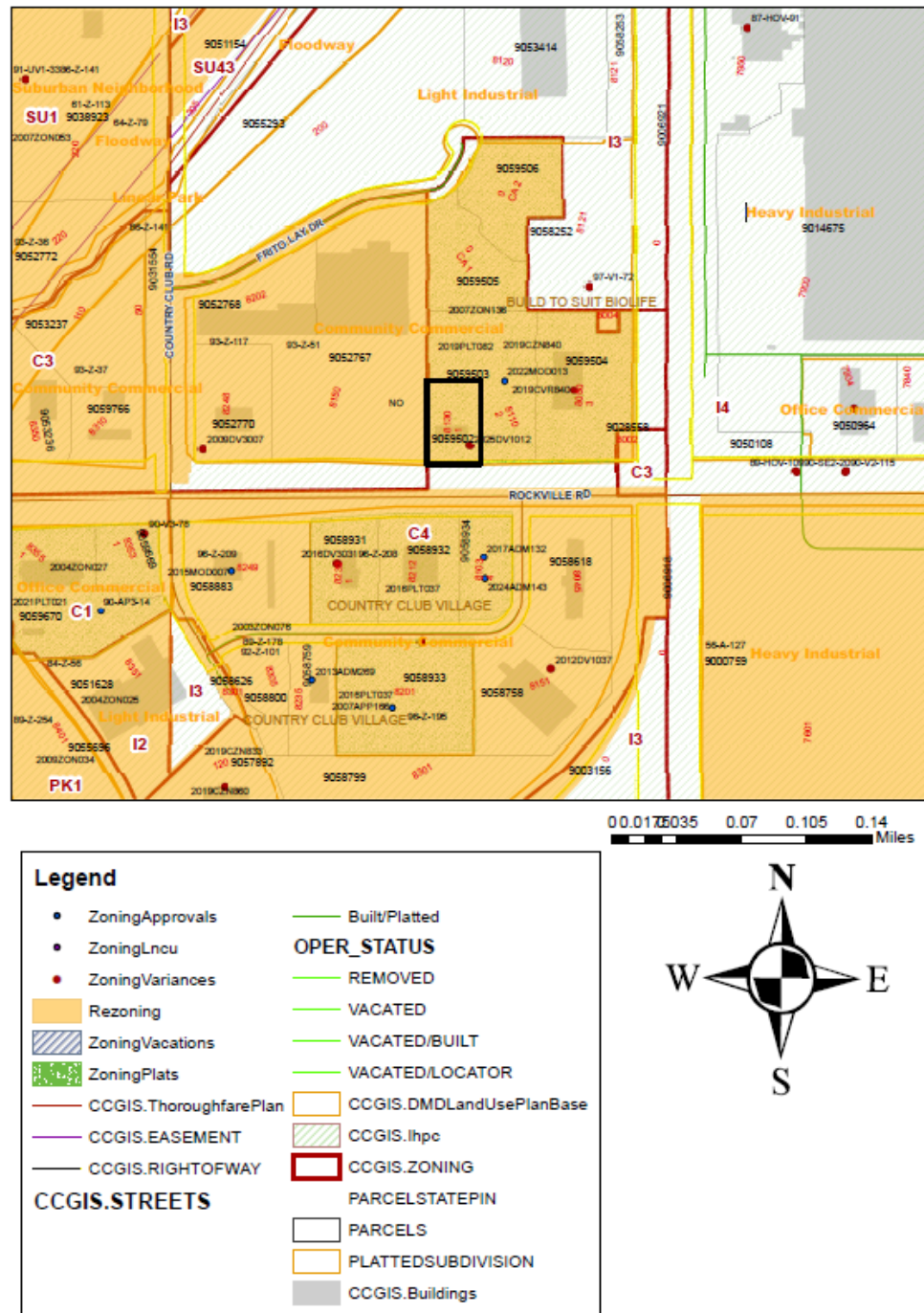


Exhibit 1: ArcGIS map of the subject site.



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**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.

The sign is an existing pylon sign for Kroger and the gas station. The sign has plenty of clearance from the bottom of the cabinet to the grade to safely allow vehicles to see under the sign for the upcoming driveway. The existing sign is consistent with the pylon signs in the area and clearly identifies the Kroger gas station allowing vehicles traveling on Rockville Road time to safely make their turn into the fuel center.

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.

The sign is necessary to identify the gas station in a clear and concise manner. The sign does not block the view of any other adjacent signs and the sign does not cause unnecessary glare or illumination that would impact surrounding properties. The variance will not alter the character of the neighborhood or district. The signage is compliant in size, height, illumination and setback.

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

The adjacent property BioLife installed a sign closer than 300' to Kroger's existing sign. The Kroger sign displays gas prices and it is necessary for consumers to be able to identify the gas station at this property, make the decision to pull into the appropriate lane and have time to locate the entrance without disrupting the flow of traffic. The Kroger sign proposal does not produce sign clutter, it is in keeping with the overall intent of the Development Standards and the authorization of the variance would be necessary for motorists to be able to read the sign at the posted speed limits. Motorists need to make quick, decisive choices while safely driving. The changes to the existing Kroger sign requires that the sign be brought into conformance with the code.

Exhibit 2: Findings of Fact Submitted by the petitioner.



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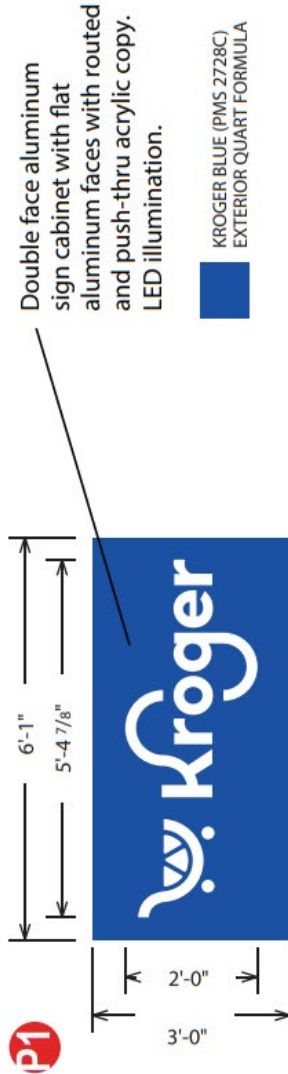
### Description of Work:

The property at 8150 Rockville Road is Zoned C-3. Kroger is long standing anchor tenant in the Westpoint Commons Shopping Center. The shopping center has a large street frontage along Rockville Road.

The applicant proposes to replace the top cabinet portion of the existing pylon sign containing the Kroger name and logo. The current sign measures 6.08 feet in width and 25.6 feet in height. The top of the current sign contains the Kroger name and former logo. Kroger is rebranding their logo and name in all stores. The new logo contains a shopping cart and the name "Kroger" with signature curves on the letter "K" and "g". The rebranding of all signs is necessary to help patrons identify Kroger when traveling in this area. Consumers familiar with the brand will be able to easily locate the store and its services, including fuel. Consumers not familiar with the brand will be able to easily identify that this location has fuel services included in the brand by listing the fuel prices on the sign. The new sign will remain 6.08 feet in width and the height will be reduced to 22.69 feet. The fuel price panels will remain the same size and display the unleaded, mid-grade and diesel prices. The Kroger/Fuel Price sign has been in place for over 10 years. When the adjacent property for BioLife installed a pylon sign within the past 4 years, it was placed less than the required 300 feet from Kroger's sign. The face replacement to the Kroger Sign requires the sign to be brought into conformance with the Development Standards. Kroger, wishes to keep their sign in its current location as it meets the necessary setbacks that are required for the sign.

Exhibit 3: Description of work submitted by the petitioner.





NOTE: POLES WILL NEED TO BE CUT OFF AT THE TOP TO ALIGN WITH THE TOP OF THE NEW CABINET.



SCOPE OF WORK: FUEL PYLON - REMOVE EXISTING SIGN HEAD AND INSTALL NEW BLUE KROGER SIGN HEAD.  
- NO WORK TO FUEL PRICERS AT THIS TIME.

Exhibit 4: Sign plans.

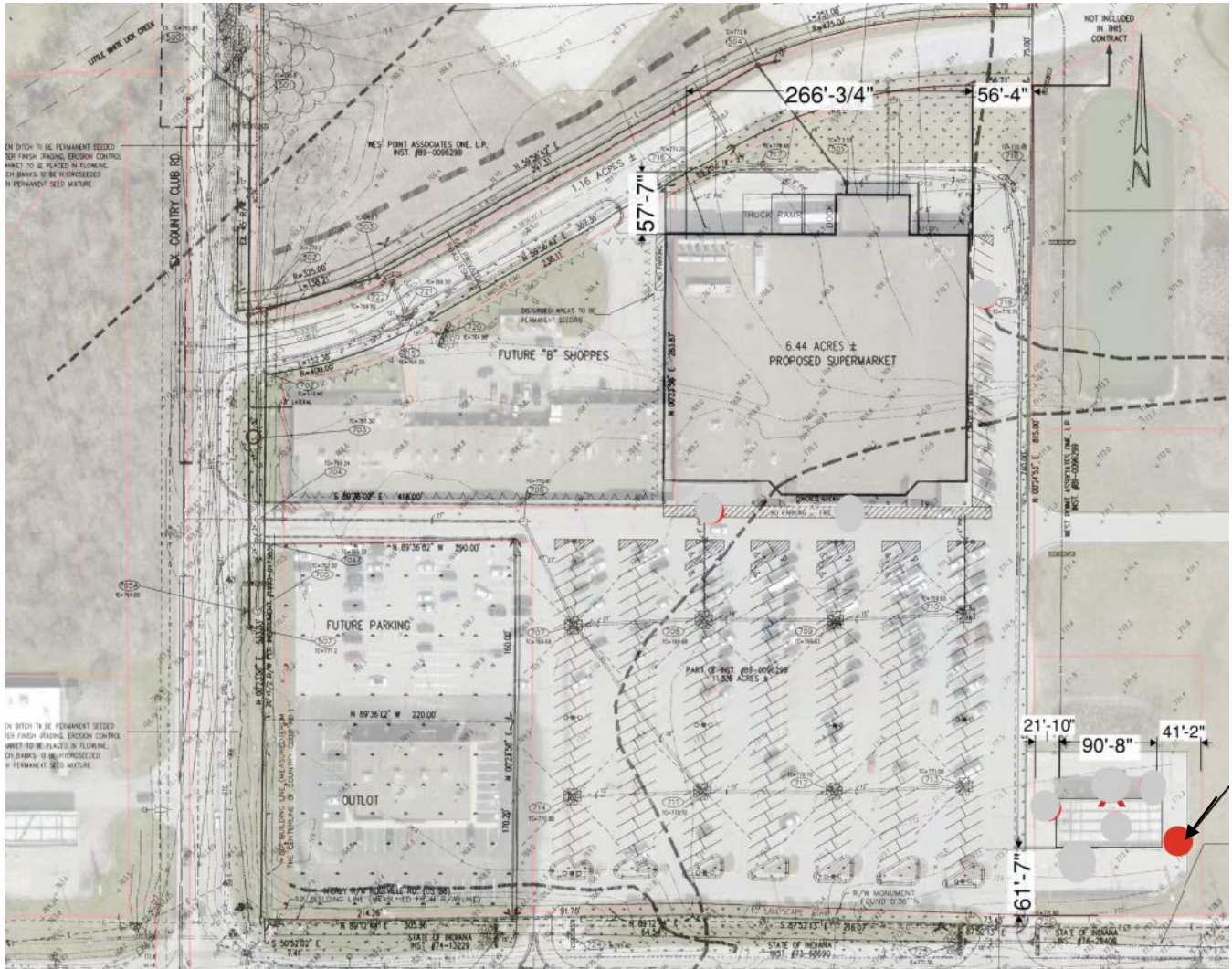


Exhibit 5: Site plan, location of the sign is indicated by the red dot.





Exhibit 6: Subject site.



Exhibit 7: Gas station on the site.





Exhibit 8: Current sign on the property that will be shortened, and the top panel will be replaced.





Exhibit 9: July 2011 Google Street view of the current sign.



Exhibit 10: Aerial of site from MapIndy.



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## BOARD OF ZONING APPEALS DIVISION I

May 6<sup>th</sup>, 2025

**Case Number:** 2025-DV1-013 (Amended)  
**Property Address:** 1933 West 64<sup>th</sup> Street  
**Location:** Washington Township, Council District #2  
**Petitioner:** Ingris Maribel Velasquez Fuentes, by Epifanio Carbajal  
**Current Zoning:** D-A  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an inground swimming pool resulting in an open space of 67 percent (85 percent required).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff is recommending **approval** of this variance petition.  
**Staff Reviewer:** Kiya Mullins, Associate Planner

## PETITION HISTORY

This is the second public hearing for this variance petition.

This petition was continued by staff at its first public hearing on April 1st to the May 6th Division I hearing due to an unexpected publication error that impacted the printing of this petition's information within newspapers as required by statute.

## STAFF RECOMMENDATION

Staff is recommending **approval** of this variance petition.

## PETITION OVERVIEW

- The petitioner is requesting an open space percentage reduction from 85% to 67% in order to have an inground swimming pool.
- This parcel is 0.35-acre in a D-A zoning district.
- Historical aerials show that development has occurred on this parcel since 1956 when the Ordinance allowed smaller lots.
- The D-A zoning district requires a three (3) acre minimum lot area because of its larger size, the district has a higher required open space percentage.
- The proposed inground swimming pool meets all setbacks as required by the Ordinance.
- The property has a six (6) foot fence around the rear and side yards of the parcel to prevent animals or non-residents around the property from accessing the pool.



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- Staff recommends **approval** of this variance petition. Due to the lot being legally non-conforming and deficient in required lot area for the current D-A district, it would be difficult for this property to meet the required standards without a variance.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-2	North: Suburban Neighborhood
South:	D-A	South: Suburban Neighborhood
East:	D-2	East: Suburban Neighborhood
West:	D-A	West: Suburban Neighborhood
<b>Thoroughfare Plan</b>		
64 <sup>th</sup> Street	Primary Collector	50 feet of right-of-way existing and 80 feet proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	2/19/2025	
<b>Site Plan (Amended)</b>	3/5/2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	2/19/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Pattern Book
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of singlefamily housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be



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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 (pg. 17).

**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**

- Open space is one of the key ways that the Zoning Ordinance ensures that oversized structures are not placed on smaller lots by limiting the percentage of a lot that is covered by houses, garages, or other built features. Open space requirements prevent over-development, promote development pattern unity, and preserve space for outdoor recreation (pg. 17).
- In some existing neighborhoods, there may be lots that do not meet current minimum size requirements. In these cases, it may be appropriate to seek a variance to request a reduction in open space for the construction of a primary structure like a house. However, the resulting primary structure should be consistent in height, mass, and footprint with other structures on the same street or in the surrounding area (pg. 17).

**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 – SURROUNDING AREA

- 2003-UV2-024: 1746 Kenruth Drive
  - Luggage repository in residential front yard, accessory structures with non-conforming setbacks.
    - AP
- 2004-DV2-047: 2057 Mayfair Drive
  - Reduced front and side yard setbacks.
    - AP
- 2008-DV2-003: 2033 Riviera Street
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 720-square foot detached garage with a five-foot east side setback (minimum fifteen-foot side setback required), resulting in an accessory building area of 1,160 square feet or 127.19 percent of the main floor area of the primary structure (maximum 684 square feet or 75 percent of the main floor area of the primary structure permitted), and resulting in an accessory use area of 1,456 square feet or 159.65 percent of the total living area of the primary structure (maximum 911-square feet or 99.99 percent of the total living area of the primary structure permitted).
    - AP
- 2008-DV3-009: 1909 Mayfair Drive
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 400-square foot detached garage with a six-foot west side setback (minimum 30-foot side setback required).
    - AP
- 2009-DV3-034: 2041 Mayfair Drive
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 280-square foot attached garage addition with a six-foot west side setback, resulting in a primary structure with a 30.7-foot side yard aggregate (minimum 30-foot side setback required, minimum 75-foot side yard aggregate required).
    - Approved
- 2014-DV1-041: 2048 West 63<sup>rd</sup> Street
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 735-square foot detached garage, with a six-foot east side setback (15-foot side setback required).
    - Approved
- 2021-DV1-014A: 1750 Oles Drive



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- Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a nine-foot-tall rear yard fence (maximum six-foot tall fence permitted).
  - Approved
- 2021-DV1-014B: 1750 Oles Drive
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a nine-foot-tall side yard fence (maximum six-foot tall fence permitted).
    - Denied







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**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 PROPOSED INGROUND POOL WILL BE SECLUDED BY THE EXISTING 6'-0" WOOD FENCE AND THE HOUSE.

THE PROPOSED INGROUND POOL WILL HAVE A LOCKED GATE TO AVOID ANYONE ENTERING WITHOUT THE OWNER'S SUPERVISION

THE PROPOSED INGROUND POOL WILL NOT BE VISIBLE FROM THE ROAD OR SURROUNDING AREA

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

THE PROPOSED INGROUND POOL WILL INCREASE THE PROPERTY VALUE

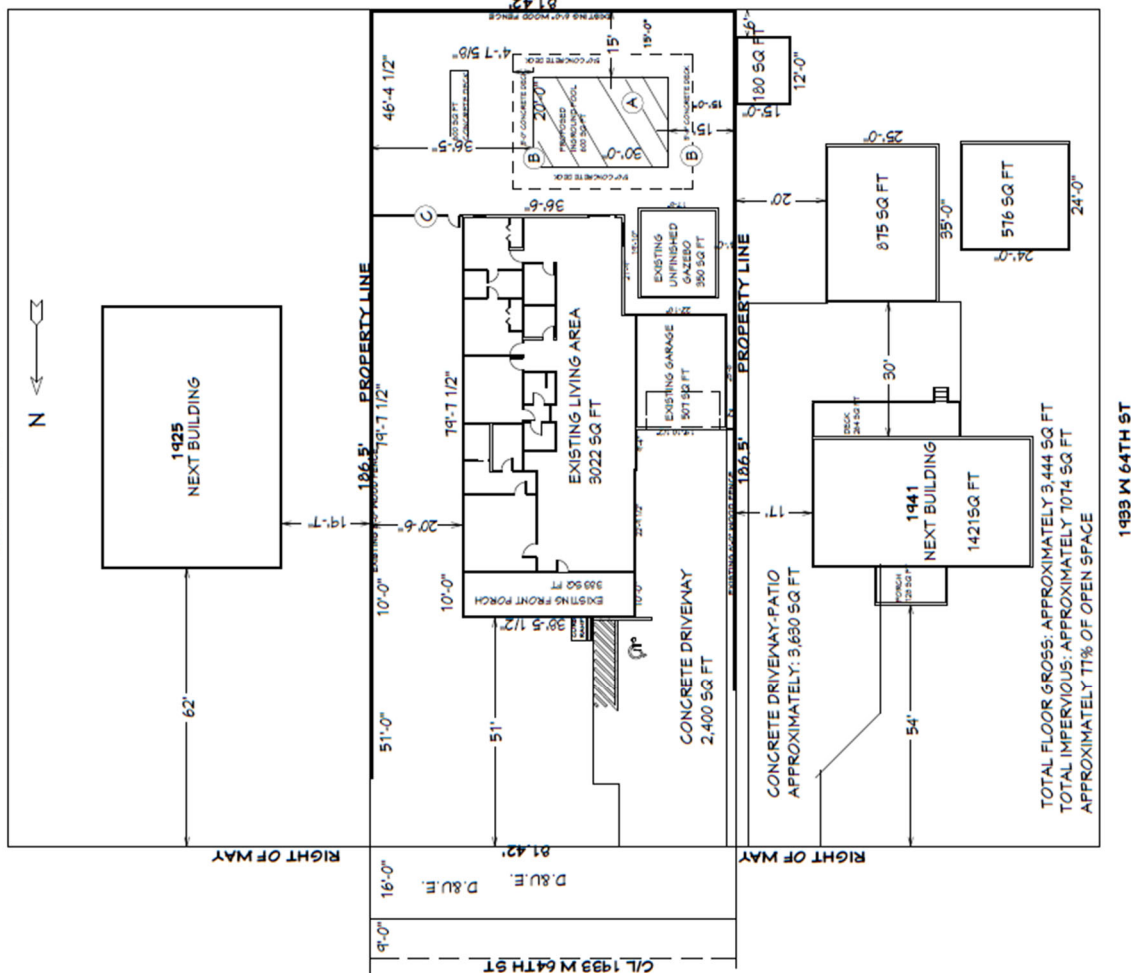
THE PROPOSED INGROUND POOL SETBACKS REQUESTED ARE: 13'-0" TO THE WEST, 38'-0" TO THE EAST AND 10'-8" TO THE SOUTH.

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

WITHOUT THE GRANT OF THE REQUEST, THE INGROUND POOL WOULD NOT BE POSSIBLE DO TO THE OPEN SPACE REQUIREMENT

Exhibit 2: The submitted Findings of Fact.

SCALE: 1" = 30'-0"



PROPOSAL:

- A. - 600 SQ FT FLOOR GROSS INGROUND POOL  
B. - 600 SQ FT IMPERVIOUS OF IMPERVIOUS MATERIALS  
(CONCRETE POOL DECK)  
C. - 6'-0" WOOD FENCE WITH A LOCKED GATE

**PARCEL DESCRIPTION:**

ZONING	D.A.
PARCEL#	8048450
ADDRESS	1933 W 64TH ST
CITY	INDIANAPOLIS, IN 46260
COUNTY	MARION
TOWNSHIP	WASHINGTON

## OPEN SPACE CALCULATION

[illegible]

NEXT BUILDING TO THE EAST: 40'-0" (+/-)

NEXT BUILDING TO THE EAST: 40'-0" (+/-)  
NEXT BUILDING TO THE WEST: 19'-0" (+/-)

50



Exhibit 4: Primary dwelling at the subject site.





Exhibit 5: The inground pool at the subject site.



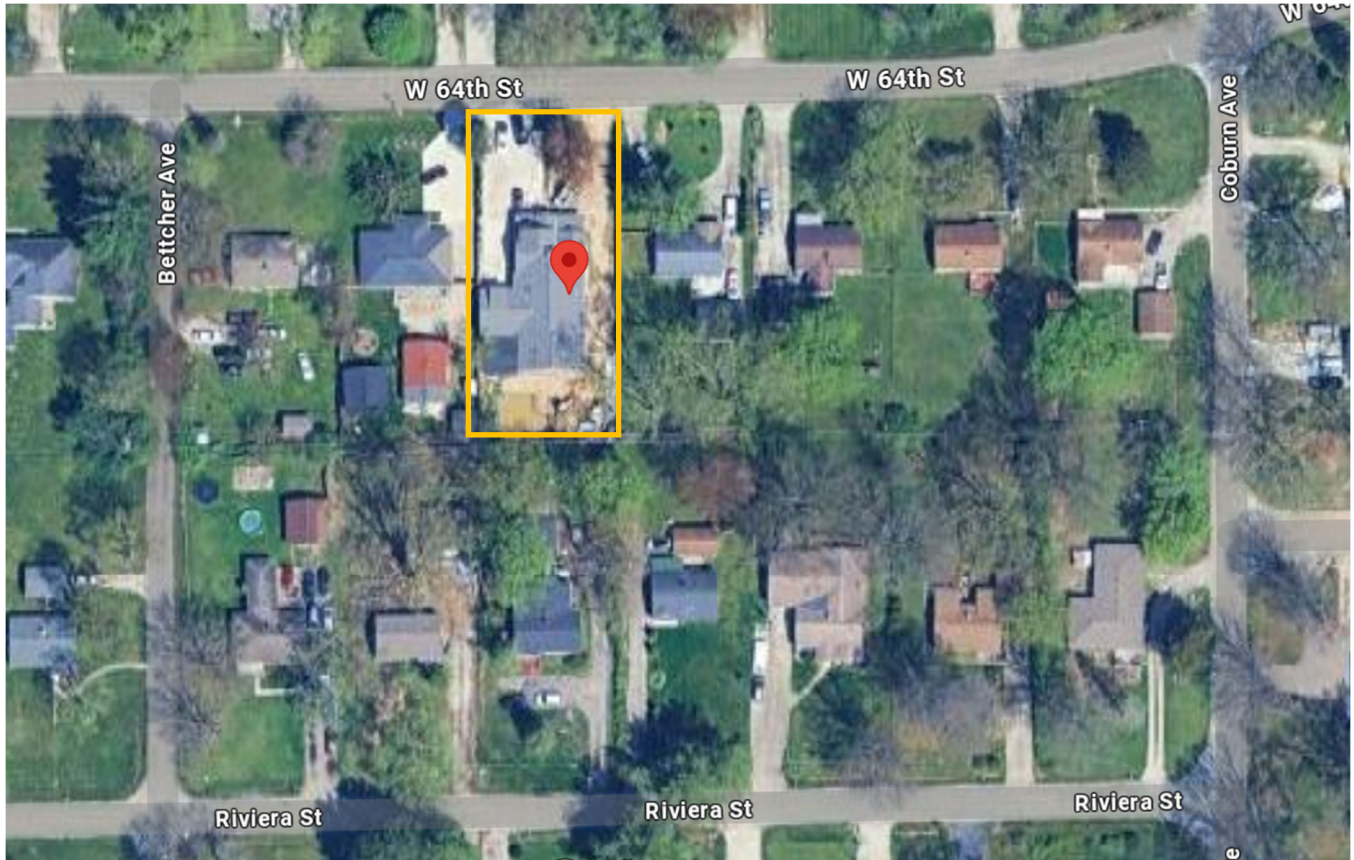


Exhibit 6: Aerial of the subject site from Google Maps.



Exhibit 7: 1956 Historical Aerial of the subject site and surrounding area.



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## BOARD OF ZONING APPEALS DIVISION I

May 6, 2025

**Case Number:** 2025-DV1-015

**Property Address:** 909 North Pershing Avenue (approximate address)

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

**Petitioner:** Indianapolis Neighborhood Housing Partnership, by Jeff Hasser

**Current Zoning:** D-8

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on an existing foundation (not permitted) with a zero-foot north side yard setback (three-feet required) and a patio and walkway with zero-foot south side yard setback (minor residential features not permitted within two feet of any side lot line).

**Current Land Use:** Vacant

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

**Staff Reviewer:** Noah Stern, Senior Planner

## PETITION HISTORY

- This petition was continued from the April 1, 2025 hearing to the May 6, 2025 hearing due to an unexpected Administrative error.

## STAFF RECOMMENDATION

- Staff **recommends approval** of this petition.

## PETITION OVERVIEW

- This petition would allow for the construction of a single-family dwelling on an existing foundation (not permitted) with a zero-foot north side yard setback (three-feet required) and a patio and walkway with zero-foot south side yard setback (minor residential features not permitted within two feet of any side lot line).
- The subject site is improved with a vacant one-story house which is proposed to be torn down and replaced with a new residence using the existing foundation and the existing walkway and patio along the south side of the residence. The existing house was built in approximately 1910 and predates the Zoning Ordinance.
- The Ordinance standards for setbacks are in place to provide sufficient spacing in between buildings when needed, and to maintain consistent form and character of the surrounding area. With regards

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to building spacing and setbacks, the Infill Housing Guidelines recommends reinforcing the existing spacing on the block, leaving room for maintenance, and maintaining consistent form. With reduced side setbacks existing for a significant number of houses in the surrounding area, Staff believes that the proposal would be in accordance with these recommendations. Further, with the proposal calling for reutilizing the existing foundation which would result in the new house maintaining the existing setbacks, Staff finds the request to be reasonable and minor in nature that will have minimal impact on adjacent properties. For these reasons, Staff is unopposed to the request.

## GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Vacant	
Comprehensive Plan	5-8 Residential Units per Acre	
Surrounding Context	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
	North: D-5	North: Single-family residential
	South: C-1	South: Single-family residential
	East: D-5	East: Single-family residential
	West: C-1	West: Single-family residential
Thoroughfare Plan		
North Pershing Avenue	Local Street	48 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	3/6/35	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/6/25	
Findings of Fact (Amended)	3/6/25	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Near West Neighborhood Land Use Plan (2014)
- Infill Housing Guidelines





**Department of Metropolitan Development  
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Current Planning**

**Pattern Book / Land Use Plan**

- N/A

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

- N/A

**Neighborhood / Area Specific Plan**

- The Near West Neighborhood Land Use Plan recommends 5-8 residential units per acre for this site.

**Infill Housing Guidelines**

- With regards to setbacks and building spacing, the Infill Housing Guidelines document recommends:
  - Reinforce spacing on the block
  - Leave room for maintenance
  - Limit uncharacteristically large gaps between buildings

**Indy Moves**

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

- Not Applicable to the Site.



Department of Metropolitan Development  
Division of Planning  
Current Planning

## ZONING HISTORY

### ZONING HISTORY – SITE

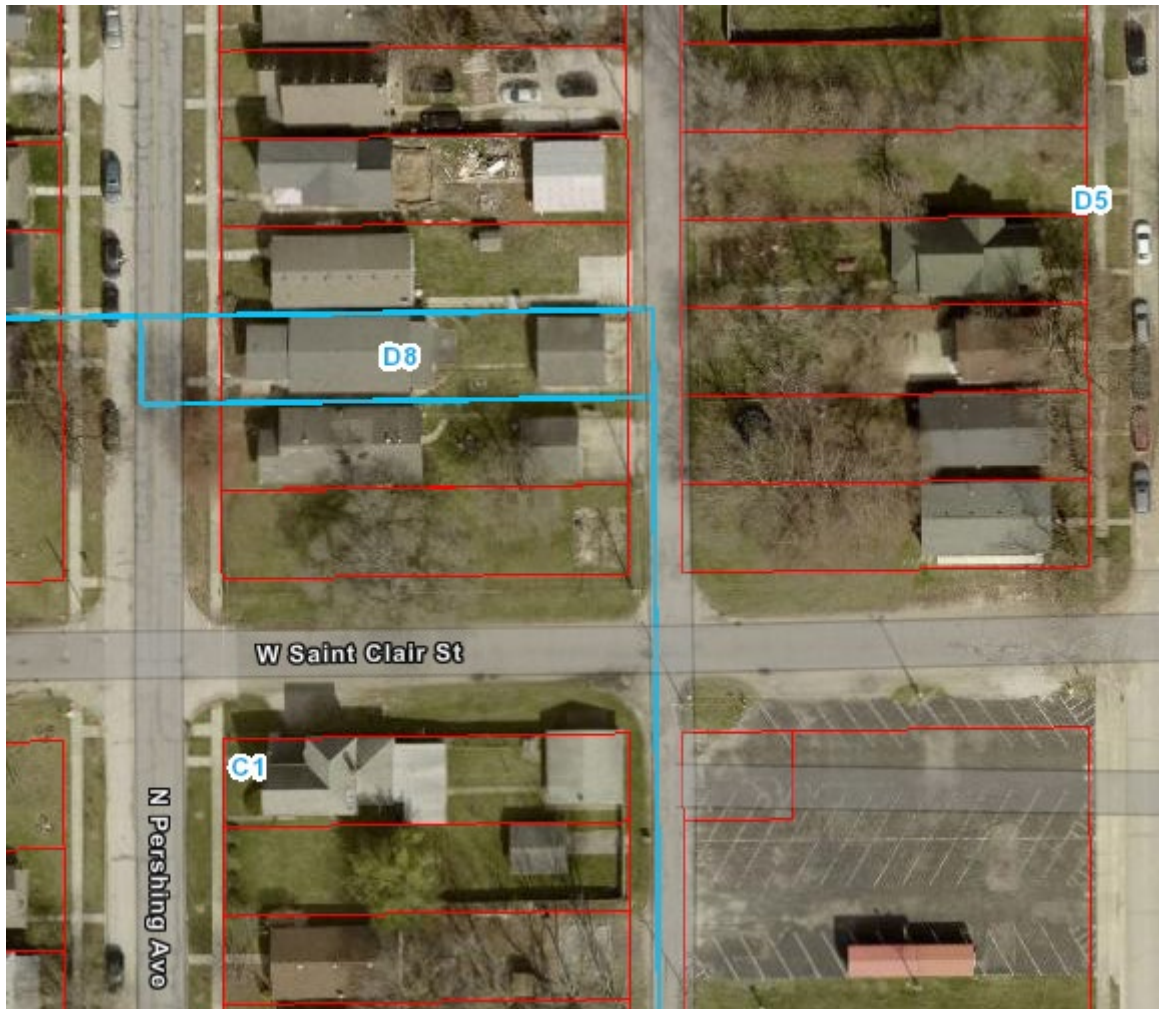
**2024DV1012;** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a zero-foot north side yard setback and a patio and walkway with zero-foot south side yard setback (three-foot side yard setbacks required), **withdrawn**.

**2023ZON033C;** Rezoning of 909 North Pershing Avenue, totaling 0.12-acre, from the C-1 District to the D-8 District, **approved**.

### ZONING HISTORY – VICINITY

**89-UV3-102; 763 N Pershing Avenue (south of site),** variance of use to provide for the construction of a single-family residence having a front yard setback of forty-two feet (fifty-five feet required, **approved**).

EXHIBITS



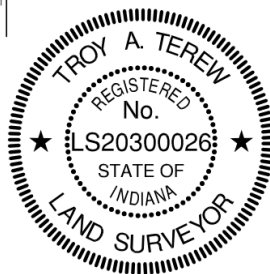
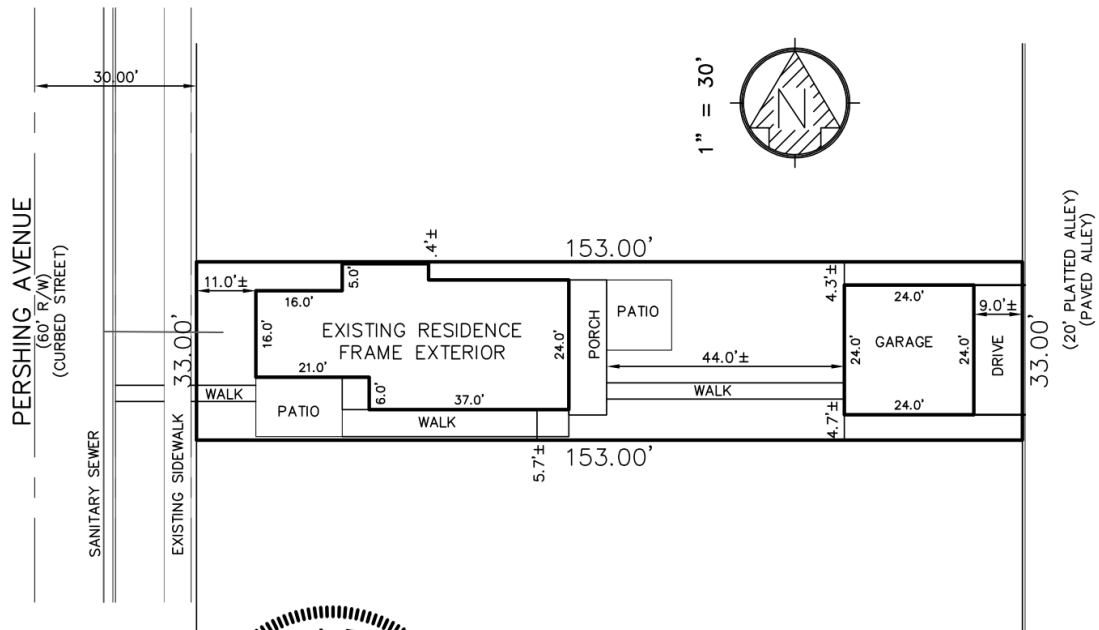
CHRIS BAKER'S  
 HAUGHVILLE SUBDIVISION  
 PARCEL #9019639  
 LOT #18, BLOCK #20

# SITE PLAN EXHIBIT

MARION COUNTY, INDIANA  
 909 N. PERSHING AVENUE

PREPARED FOR  
 INHP

THE IMPROVEMENTS SHOWN ON  
 THIS SITE PLAN EXHIBIT ARE AS  
 SCALED FROM MARION COUNTY  
 GIS DATA.



T. A. T.

000.0 — PROPOSED GRADE

000.0 — EXISTING GRADE



LAND DEVELOPMENT CONSULTING  
 & LAND SURVEYING SERVICES  
 11650 Olio Road, Suite#1000-289  
 Fishers, Indiana 46037  
 Phone: (317)-841-8754  
 Fax: (317)-841-8762  
 E-mail: Troy@Truenorthindy.com

DRWN: TAT  
 JOB#: 23-255

DATE: 03/27/23  
 REV.:

SCALE: 1" = 30'  
 DOCUMENT SIZE: 8-1/2"x11"

ZONING: C1 — OFFICE/BUFFER











Department of Metropolitan Development  
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## BOARD OF ZONING APPEALS DIVISION I

May 6, 2025

**Case Number:** 2025-UV1-004  
**Address:** 3950 Meadows Drive (approximate address)  
**Location:** Washington Township, Council District #8  
**Zoning:** C-4 / DP (TOD)  
**Petitioner:** Health & Hospital Corporation, by Mark VanderWoude  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an emergency services fleet terminal (not permitted) and construction of a building with a front building line of 19 feet and width encompassing 18 percent of the lot width (maximum 10-foot building line permitted, 80 percent lot width required) with no public entry along Meadows Drive (required) and 16 percent transparency along Meadows Drive (60 percent required).

**Current Land Use:** Vacant former bank.

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

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

## PETITION HISTORY

This petition was previously continued from the April 1, 2025, hearing, to the May 6, 2025, hearing, due to the lack of required published notice.

## STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

## PETITION OVERVIEW

- ◇ The subject site is currently developed with a vacant former bank building. The property is located on the Purple Line of the Bus Rapid Transit system within the Transit Oriented Development Overlay district, which is more restrictive on automotive uses and the design of such facilities. The surrounding neighborhood consists of previously developed commercial uses.
- ◇ The Transit-Oriented Development Secondary District is established on all lots, wholly or partially, within 1,000' from centerline of a Bus Rapid Transit (BRT) Line. 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, and has the following specific design objectives:



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

- 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.
- Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
- 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.
- Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

## **VARIANCE OF USE**

- ◇ For the request to provide for the operation of an emergency services fleet terminal, Staff does recommend approval.
- ◇ The existing building will be renovated and expanded to provide for a two-bay ambulance garage for the Indianapolis Emergency Medical Services. The building is part of the existing Health & Hospital Corporation of Marion County campus and will provide needed emergency medical services to the surrounding community, similar to a fire station.

## **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ For the request to provide for a building with a front building line of 19 feet along Meadows Drive and width encompassing 18 percent of the lot width, where a maximum 10-foot front building line is permitted and where an 80 percent building line is required, and with no public entry along Meadows Drive, with 16 percent window transparency along Meadows Drive, Staff does recommend approval.
- ◇ The front building line percentage is defined as the percentage of the lot frontage which must be occupied by at least a portion of the front building (740-201.B).
- ◇ The subject site is bordered on two (2) sides by throughfares, Meadows Drive, and an unnamed private street, with the back of the original building oriented to Meadows Drive, providing a practical difficulty in meeting the standards that were created primary for parcels with a singular frontage.
- ◇ The required public entry and window transparencies are being provided along the north side of the building adjacent to the parking lot, which is the proposed primary access for pedestrians in the area.
- ◇ The request for a reduction of front building line and entrances along Meadows Drive would be minor deviations in Staff's opinion, as the intent of the Ordinance is being met, without any reduction in pedestrian access to the primary entrance from the parking lot to the north side of the building.



## GENERAL INFORMATION

<b>Existing Zoning</b>	C-4 / D-P	
<b>Existing Land Use</b>	Vacant former bank building	
<b>Comprehensive Plan</b>	Regional Special Use	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
	North: D-P	Fitness Center and School
	South: C-4	Commercial Office
	East: C-4	Commercial Office
	West: D-P	Commercial Office
<b>Thoroughfare Plan</b>		
Meadows Drive	Primary Collector	78 foot existing and proposed right-of-way
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	N/A	
<b>Site Plan</b>	February 4, 2025	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	February 4, 2025	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Regional Special Uses for the site.

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Regional Special Use typology which provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.

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

- This site falls within the Purple Line (Bus Rapid Transit) and the Transit-Oriented Development (TOD) overlay. The TOD overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.



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### 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

**2024-DV1-049; 3830 Meadows Drive (west of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a medical laboratory with a 28 percent front building line along Meadows Drive (80 percent required), one public entry on the east façade (three required) and a loading/service area within the front yard of Rural Street (not permitted) with a parking area providing a 9.-7-foot front yard setback from Meadows Drive (not permitted, 50-foot setback required), **granted**.

RU

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3908

3950

3950 Meadows Drive

3950

3901

3916

3930

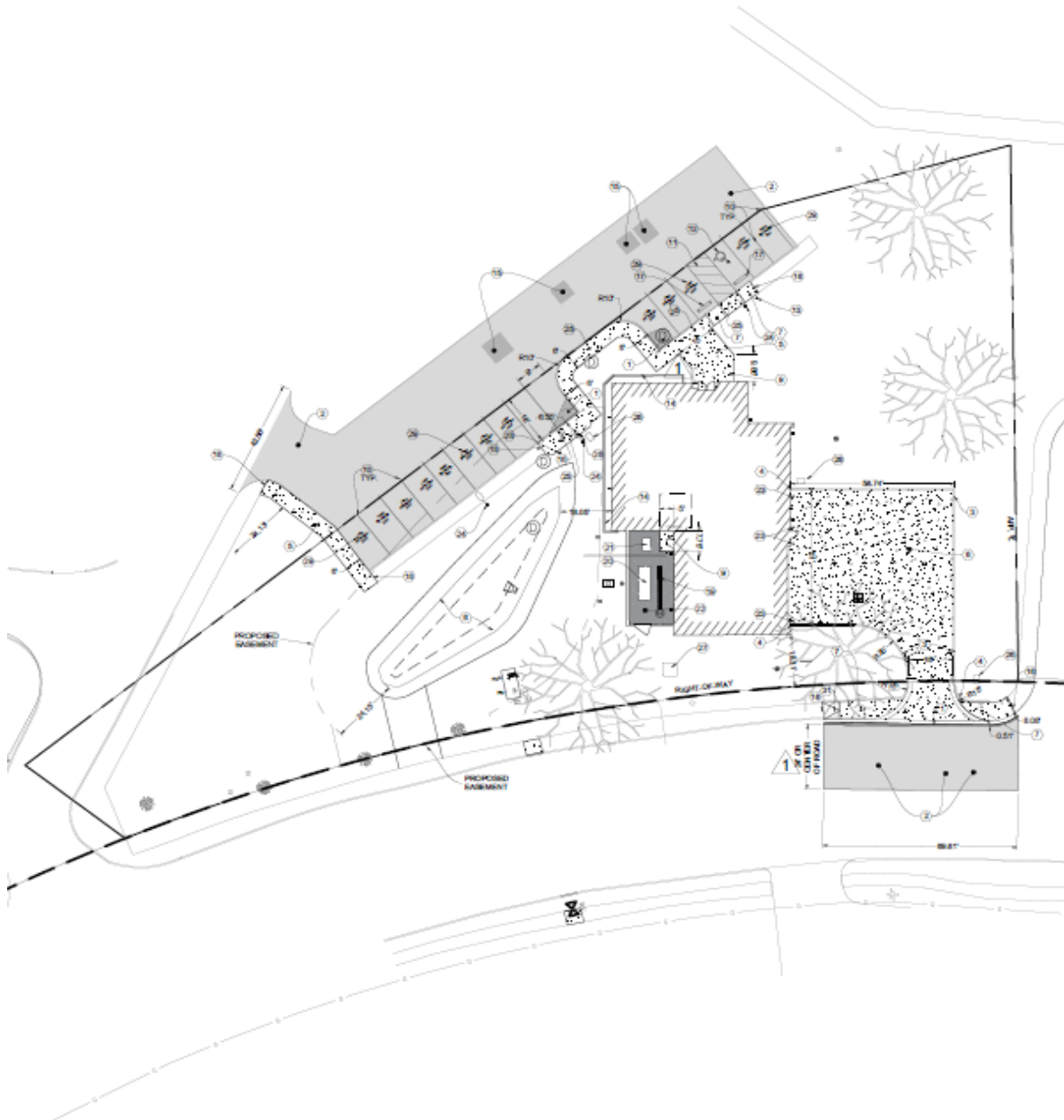
3840

39TH ST

DP

PARKWAY CT

**Site Plan**







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## Findings of Fact

Petition Number \_\_\_\_\_

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

### **PETITION FOR VARIANCE OF USE**

#### **FINDINGS OF FACT**

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

The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed building brings an EMS outpost to this community. This proposed site was gifted to Health & Hospital Corporation from DMD with the intentions to bring a serviced needed in this 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 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 proposed site was gifted to Health & Hospital Corporation from DMD with the intentions to become a outpost for EMS and to renovate and occupy a currently vacant site and structure.

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

The need for the variance arises from some condition peculiar to the property involved because this property was gifted from DMD to Health & Hospital Corporation with the intentions to be used for such outpost function.

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

The strict application of the terms of the zoning ordinance constitutes and unusual and unnecessary hardship because without this variance, this proposed project cannot be completed. This property was gifted from DMD to Health & Hospital Corporation with the intentions to be used for such outpost function. .

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

The grand does not interfere substantially with the comprehensive plan because this property was gifted from DMD to Health & Hospital Corporation with the intentions to be used for such outpost function. The proposed building will bring a public service to the community.



Department of Metropolitan Development  
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Petition Number \_\_\_\_\_

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

First Story Transparency:  
60-90%

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 is not injurious to public health, safety, morals, and general welfare of the community because this facades of the building maintains visual transparency transparency with Meadows Drive.

The proposed building facade that faces Meadows Drive has a single glazed storefront making up 198 square feet of the forward most face of the building. This results in 22% transparency on this face and 16% of the total elevation facing this roadway. The intention of this building face is to provide visual transparency to the public showing the ambulance service while also maintaining security to the building.

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

The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the current vacant building that is being renovated and added onto for this project does not meet this requirement and in-turn this project increases the visual transparency to the building inhabitation.

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

The zoning ordinance will result in practical difficulties in the use of the property because this building facade is not intended to connect the public to the interior program in an interactive manner.

DECISION



Department of Metropolitan Development  
Division of Planning  
Current Planning

Petition Number \_\_\_\_\_

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

Front Building Line:  
0'-10', 80%

**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 is not injurious to public health, safety, morals, and general welfare of the community because this project is a renovation and addition to the current vacant building in this lot. The proposed building as it is designed continues to create visual pass-thru from adjacent properties while also shortening the distance from the face of the building to the roadway.

The proposed building is located in a long curving triangular site of which spans over 300 feet.

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

The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the proposed building will renovate and add value to the currently abandoned site and structure.

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

The zoning ordinance will result in practical difficulties in the use of the property because it would create a need to build much more building space than the building program would operate in order to meet the requirement.

**DECISION**



Department of Metropolitan Development  
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Current Planning

Petition Number \_\_\_\_\_

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

Primary Entry Feature:  
1 per 50ft

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 is not injurious to public health, safety, morals, and general welfare of the community because if public access is needed, there is an access door located to the North wall of the garage with 24/7 video/intercom surveillance to specifically support public visitors if the occasion arises.

The proposed building facade that faces Meadows Drive is programmed with an ambulance garage not intended for public access. This face displays the building will display the owners logo (HHC) and building function (EMS).

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

The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because although there is not an entrance located on the wall facing directly towards Meadows Driver, there is a door to service public visitors in close proximity to the roadway.

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

The zoning ordinance will result in practical difficulties in the use of the property because the proposed building is not intended to invite public visitors. Considerations have been made in the event to support public access, although, not intended.

DECISION



**Photographs**



Photo of subject site, looking northeast.



Photo of subject site Meadows Drive frontage, looking north



Photo of subject site, looking south.



Photo of adjacent office building to the southeast.





Photo of adjacent YMCA, to the northwest.



Photo of adjacent medical building under construction to the southwest.



## BOARD OF ZONING APPEALS DIVISION I

May 6, 2025

**Case Number:** 2025-UV1-005  
**Address:** 2225 East 10<sup>th</sup> Street (approximate address)  
**Location:** Center Township, Council District #13  
**Zoning:** MU-1  
**Petitioner:** 1800 BLOK LLC, by Paul J. Lambie  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor (not permitted) and two parking spaces provided (five required).

**Current Land Use:** Vacant Building

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

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

## PETITION HISTORY

This petition was previously continued for cause from the April 1, 2025, hearing, to the May 6, 2025, hearing due to a lack of published notice.

## STAFF RECOMMENDATION

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

1. The Variance grant shall be subject to the Site plan, file-dated February 20, 2025.
2. The Variance grant shall be subject to the Plan of operation, file-dated February 20, 2025.

## PETITION OVERVIEW

### VARIANCE OF USE

- ◇ The requested variance of use would provide for a tattoo parlor in the existing commercial building. Tattoo Parlors are permitted by right in the C-4, C-5, and C-7 districts, with a 1,000-foot separation from any protected district, or with a Special Exception in the C-3, MU-3, or MU-4 districts, with a 500-foot separation from any protected district.
- ◇ The proposed use would be located in a commercial corridor directly across the alley from a MU-2 district, and an abutting protected district to the north across East 10<sup>th</sup> Street. Tattoo parlors, if not properly operated can impact the public health and safety of customers and the general public. It is important to note that tattoo parlors generate infectious waste, which must be properly treated, stored, and disposed.





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Division of Planning  
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- ◇ A plan of operation has been submitted that limits the hours of operation by appointment only from 11:00am to 7:00pm Tuesday – Saturday. A site plan has also been submitted that limits the operation to the existing building. Staff believes these commitments would limit the scope of operation, and its intensity, providing for the requested use to be an acceptable use at this location despite the non-permitted zoning district. Therefore, Staff is requesting that approval of this petition shall be subject to the plan of operation and the site plan as commitments.
- ◇ In Staff's opinion, the proposed tattoo parlor would not be dissimilar from other professional services permitted in the surrounding districts. The process of creating a tattoo requires time, ensuring that turnover at the subject site would be limited. Additionally, Staff would also note that the limitations within the plan of operation, including hours of operation, would further reduce the number of customers using the service at any one time.

### **TATOO PARLOR REGULATION**

- ◇ Tattoo parlors are regulated by Title 16, Article 19, Chapter 3, Section 4.1 of the Indiana Code (IC 16-19-3-4.1), which directs the State Department of Health to establish rules related to tattoo parlors, resulting in the adoption of Title 410 of the Indiana Administrative Code, Article 1, Rule 5 (410 IAC 1-5, Sanitary Operation of Tattoo Parlors). These rules also apply to body piercing facilities.
- ◇ The Marion County Health Department (MCHD) in Chapter 19, Article Seven, of the Marion County Health and Hospital Code (19-701 to 19-712) requires tattoo parlors to be licensed, with annual renewals. Disinfection and sterilization equipment must be tested by an approved independent laboratory on a monthly basis. The MCHD has the authority to close a facility or suspend a license if tests results are not submitted in a timely manner, if proper hand-washing facilities are not provided at each station or if general conditions of the operation present an imminent threat to public health or transmission of communicable disease.

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The requested variance of development standards would provide for two on street parking spaces, where a minimum of five parking spaces is required.
- ◇ The very small building size at 149 square feet, is limited in the amount of traffic it would generate, with no more than 2-3 individuals at a time maximum due to limited inside space.
- ◇ The subject site is also on a well-travelled bus line, that can provide access to the site without the need for a parking space if the need arises or the clients choose to do so.
- ◇ Therefore, given the close proximity of other public on street parking, and similarly developed properties, staff does not believe this reduction in parking would be a significant deviation from the Ordinance or negatively impact the character of development within the surrounding area, and would therefore, be supportable.

## GENERAL INFORMATION

<b>Existing Zoning</b>	MU-1	
<b>Existing Land Use</b>	Vacant building	
<b>Comprehensive Plan</b>	Village Mixed Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	SU-38	Community Center
South:	MU-1	Undeveloped
East:	MU-1	Undeveloped
West:	MU-2	Multi-family dwellings
<b>Thoroughfare Plan</b>		
East 10 <sup>th</sup> Street	Primary Arterial	56-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan - updated</b>	February 20, 2025	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	February 20, 2025	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends the Village Mixed Use typology that creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street.
- Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

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

- Not Applicable to the Site.



Department of Metropolitan Development  
Division of Planning  
Current Planning

### Indy Moves

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

- Not Applicable to the Site.

## ZONING HISTORY

**2009-UV1-017; 2210, 2236 and 2302 East 10th Street (north of site)**, requested a variance of use of the Special Districts Zoning Ordinance to provide for a restaurant and caterer with outdoor seating as a primary use within a tenant space of a community center, and to provide for all C-1 and C-3 uses, **granted**.

**2009-HOV-014; 2201 East 10<sup>th</sup> Street (west of site)**, requested a variance of development standards to provide for nineteen off-street parking spaces, **granted**.

**2008-ZON-858/2008-VAR-858; 2201 East 10<sup>th</sup> Street (west of site)**, requested the rezoning of 0.358 acre, from the C-2 and D-4 Districts to the C-3C classification to provide for corridor commercial uses, **granted**.  
requested a variance of Development Standards of the Commercial Zoning Ordinance to provide for:

- a) a 12,940-square foot building addition with a 26.083-foot front setback from the centerline of East 10th Street (minimum 70-foot front setback from centerline required) and a 4.167-foot front setback from the existing right-of-way of Jefferson Avenue (minimum ten-foot front setback required), within the clear-sight triangle (not permitted),
- b) a fence or wall within the clear-sight triangle (not permitted) on the north side of the proposed driveway,
- c) being 45 feet tall (maximum 35-foot height permitted),
- d) with twenty off-street parking spaces (minimum 35 parking spaces required),
- e) parking and a transformer with a five-foot setback and a trash enclosure with a fourteen-foot setback within the required 20-foot south side transitional yard (not permitted),
- f) parking with a seven-foot setback within the required twenty-foot front transitional yard along Jefferson Street (not permitted) at the southwest corner of the site,
- g) a transformer and portion of a trash enclosure with two-foot east side setbacks within the required ten-foot east side transitional yard (not permitted) at the southeast corner of the site, **granted**.

**2004-ZON-145; 2210-2302 East 10<sup>th</sup> Street, 1017 Jefferson Avenue, and 1042 Beville Avenue (north of site)**, requested a rezoning of 1.99 acres, being in the D-5 and C-2 Districts, to the SU-38 classification, to provide for the expansion of a community center, **approved**.

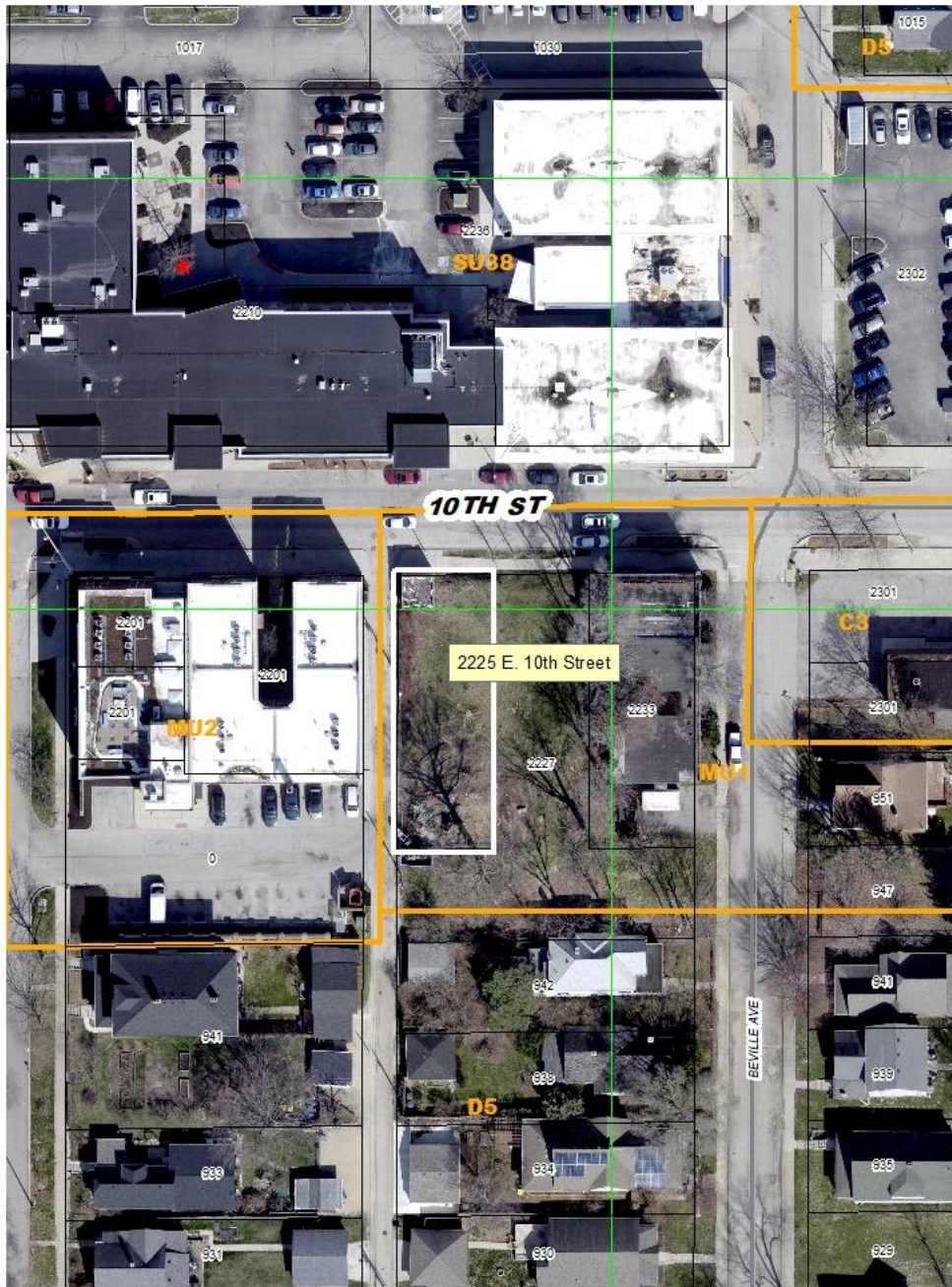
**2003-UV2-037; 958 North Beville Avenue (east of site)**, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish the retail sales of motorcycle parts and motorcycle repair, **granted**.

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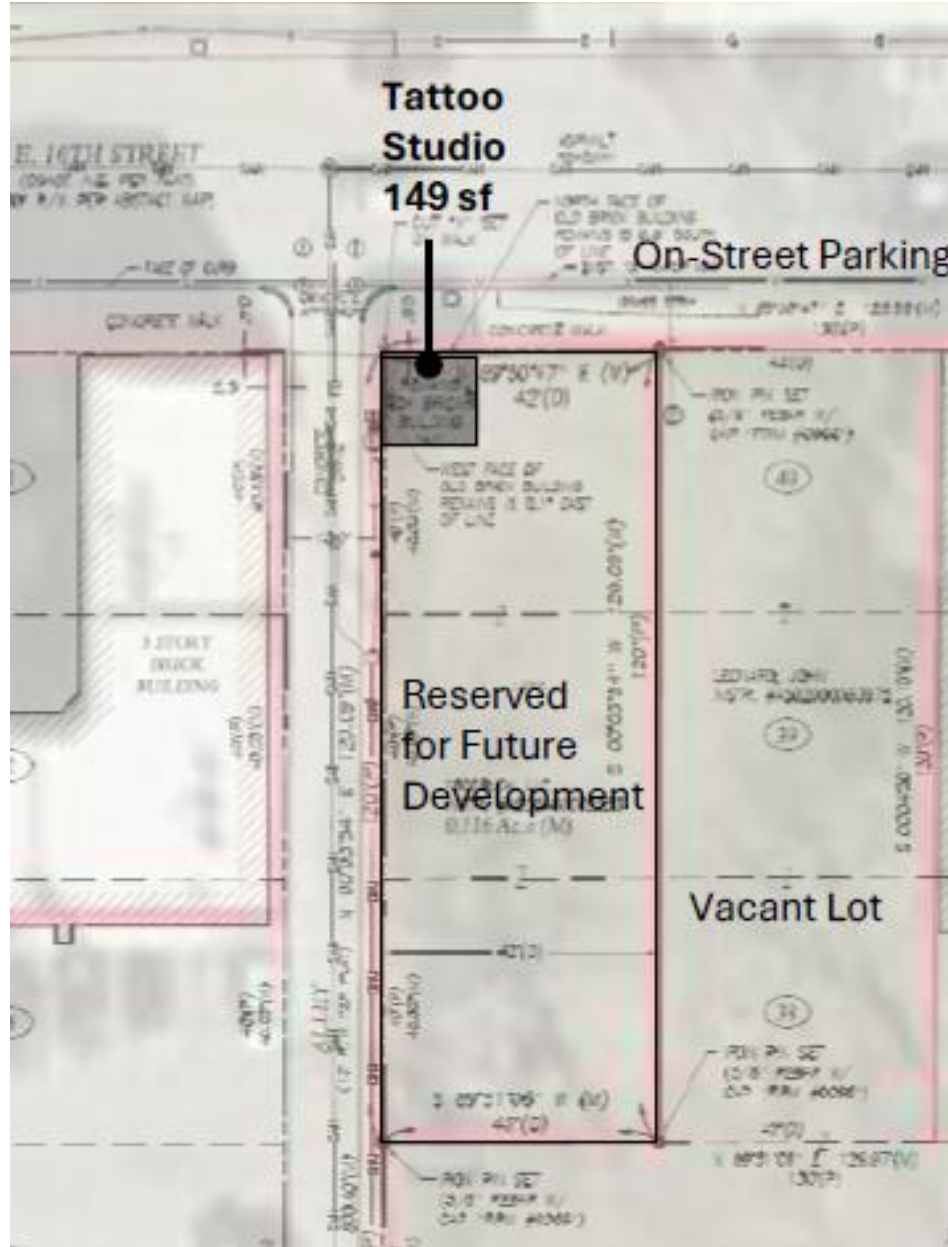
## EXHIBITS

### Location Map





Site Plan (File-dated February 20, 2025)





Department of Metropolitan Development  
Division of Planning  
Current Planning

**Plan of Operation (File-dated February 20, 2025)**

**Plan of Operation**

Business Name: Wing and Wheel Tattoo

Address: 2225 East 10th St., Indianapolis, Indiana

Owner: Dustin Leach

Contact: 317-657-8954 | [wingandwheeltattoo@gmail.com](mailto:wingandwheeltattoo@gmail.com)

Hours of Operation: Appointment Only (Tuesday – Saturday) 11:00-7:00

**1. Business Overview**

Wing and Wheel Tattoo is a professional tattoo studio committed to providing high- quality, custom tattoos in a clean, safe, and welcoming environment. Owned and operated by Dustin Leach, a seasoned tattoo artist with 15 years of experience, the studio upholds the highest artistic and professional standards. Dustin also owns Great Day Tattoo in Irvington, a thriving and well-established shop, showcasing his expertise and dedication to the craft. Our artists specialize in various styles, ensuring each client receives unique, meaningful, and expertly executed body art.

The studio will function with impacts similar to nearby existing shops at:

204 South Audubon Road (Great Day Tattoo operated by Dustin Leach), and at

961 North Highland Avenue (Abysm Art Collective), which are zoned C-3 and MU-1 respectively and have received use variances to operate (2020-VHP-022 & 2022-VHP-006).

**2. Services Offered**

- Custom Tattoo Design
- Black & Grey Tattoos
- Color Tattoos
- Traditional, Neo-Traditional, Realism, and Fine Line Work
- Cover-Ups and Touch-Ups
- Consultations (In-Person & Virtual)

**3. Daily Operations**

**Opening Procedures (Before First Appointment)**

- Staff arrives and preps workstations.
- Clean and disinfect all tattooing areas.
- Ensure all supplies are stocked (ink, needles, gloves, etc.).
- Review daily appointments and confirm bookings.

**Business Hours (Appointment Only, Tuesday – Saturday)**

- Only pre-booked appointments will be accepted. No walk-ins.
- Artists conduct consultations and complete tattoo sessions.
- Maintain cleanliness and sanitation between clients.
- Ensure proper documentation (consent forms, aftercare instructions).

**Closing Procedures (After Last Appointment)**

- Sanitize all workstations and equipment.
- Dispose of used materials following health regulations.
- Check supply inventory and restock as needed.
- Secure shop and set alarms.



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#### 4. Health & Safety Compliance

- All artists follow state health department regulations.
- Use of single-use needles and disposable gloves for each client.
- Thorough sanitization of equipment and workstations after each session.
- Clients must complete consent and health disclosure forms before tattooing.
- Aftercare instructions provided to all clients.
- All employees are trained and certified in bloodborne pathogens and first aid to maintain a safe environment.

#### 5. Staffing & Roles

- Owner/Lead Artist (Dustin Leach): Oversees operations, tattoos clients, and manages shop logistics.
- Tattoo Artist (Employee): Provides tattoo services, maintains hygiene standards, and assists with customer consultations.

#### 6. Customer Policies

- Appointments Only: All tattoo sessions require an appointment. Clients can book via phone, email, or in person. Walk-ins will not be accepted.
- Deposits & Cancellations: A deposit is required to secure an appointment. Cancellations must be made with at least 48 hours' notice to reschedule.
- Age Requirements: Clients must be 18+ with a valid ID. No minors are permitted for tattoo services.
- Behavior Policy: Respectful behavior is required from all clients. The studio reserves the right to refuse service to anyone who does not adhere to shop policies.

#### 7. Marketing & Promotion

- Active social media presence (Instagram, Facebook, etc.).
- Participation in local tattoo conventions and events.
- Customer referral programs and promotions to build clientele.

#### 8. Parking & Accessibility

- Parking is available in front of the building alongside Tenth Street.
- The shop is accessible by bike, car, and public transportation.

#### 9. Materials & Waste Management

##### Materials Used

- Single-use disposable tattoo supplies (tubes, needles, gloves)
- Sterilization and cleaning supplies (MataCide, sterilized water, soaps, protective barriers, saran wrap)
- Tattoo inks and transfer paper
- Office supplies for scheduling and record-keeping

##### Waste Disposal

- Biohazard waste (needles, tubes, gloves) is disposed of quarterly through Stericycle.
- Recycling is implemented whenever possible.
- General waste is properly contained and disposed of according to city regulations.



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**10. Shipping & Receiving**

- Supplies and materials will be delivered via USPS and major carriers.
- Deliveries will be received at the front door during business hours, with a typical frequency of 2-3 times per week.

**11. Emergency Procedures**

- First-aid kit available for minor injuries.
- Contact emergency services if needed.
- Follow health department guidelines for incidents.





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**Findings of Fact**

Petition Number \_\_\_\_\_

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

**PETITION FOR VARIANCE OF 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:

parking needs for a 144-square foot building will be minimal and ample on-street parking is available on 10th Street.


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:

parking needs for a 144-square foot building will be minimal and ample on-street parking is available on 10th Street.


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

the minimum requirement of five spaces that would mandate the same size off-street parking area for any building up to 1,750 square feet would result in a surface parking lot many times larger than the building itself which would not be regularly used and would preclude future development of the remainder of the lot. It should also be noted that if approval is granted to reuse this decades vacant building, it is anticipated that this parcel will be re-platted into two parcels and the resulting parcel will contain less than 5,000 square feet of lot area and would then be exempt from providing any off-street parking spaces.

--

**DECISION**

**Photographs**



Photo of subject site, looking south.



Photo of two on street parking spaces, looking east.





Photo of adjacent mixed-use to the west, looking south.



Photo of adjacent community center to the north, looking northwest.

**BOARD OF ZONING APPEALS DIVISION I**

**May 6<sup>th</sup>, 2025**

**Case Number:** 2025-DV2-007

**Property Address:** 5734 North New Jersey Street (Approximate Address)

**Location:** Washington Township, Council District #7

**Petitioner:** Jason & Jill Cleveland, by Todd Williams

**Current Zoning:** D-4/D-2

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a zero-foot setback from the southern zoning boundary (minimum four feet required) and a 5.25-foot rear yard setback (20 feet required).

**Current Land Use:** Residential

**Staff**

**Recommendations:** Staff is recommending **approval** of this variance petition.

**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the second public hearing of this variance petition.

The first public hearing occurred on April 8th, 2025. This case was transferred to the BZA I Hearing on May 6th, 2025, to allow the petitioner to continue dialogue with a nearby neighbor who requested a continuance.

**STAFF RECOMMENDATION**

Staff is recommending **approval** of this variance petition.

**PETITION OVERVIEW**

- The petitioner is requesting two variances: 1) a proposed attached garage with a zero (0) foot setback from the southern zoning boundary and 2) a 5.25-foot rear yard setback (to the west of the property).
- This 0.16-acre property is within the D-4 and a D-2 zoning districts and within the compact context area.
- Currently, there is a detached garage on the property that was constructed in 1936 (the same as the home) and sits two feet and four inches (2' 4") from the rear property line and three feet and eight inches (3' 8") from the southern side property line.



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- If approved, the petitioner will construct the proposed attached garage five feet and three inches (5' 3") from the rear property line and four feet and three inches (4' 3") from the southern side property line, which would be an increase of both setbacks.
- The primary dwelling is three stories (two floors and one basement) with an attached garage. The second floor and basement will also be expanded.
- The zoning boundary that changes the area's zoning from D-4 to D-2 requires a four (4) foot setback. In this location, the zoning change occurs on the south side of this parcel, which is four (4) feet to the north of the south side property line, which indicates a site-specific practical difficulty.
- The D-4 zoning required a twenty (20) foot rear yard setback. However, with the detached accessory structure, there is an exception that allows the accessory to be only five (5) feet from the rear property line. When the accessory structure is attached, the same exception does not apply, which, in this case, causes the need for the variance.
- North New Jersey Street is a dead-end street, with the subject site being one of the final homes at the end of the road. Residents and visitors park on both sides of the right-of-way. Without the garage, more cars will need to park on the local street, which will shrink in size and cause potential hazards.
- Staff recommends **approval** of this variance petition. This is an old parcel that is smaller than the modern D-4 requirements, which also has a zoning change on top of it. The subject site does not have the space to meet the required setback without a variance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-4 / D-2	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-4	North: Traditional Neighborhood
South:	D-2	South: Traditional Neighborhood
East:	D-3	East: Traditional Neighborhood
West:	D-2	West: Traditional Neighborhood
<b>Thoroughfare Plan</b>		
North New Jersey Street	Local Street	50 feet of right-of-way existing and 48 feet proposed.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	2/26/2025	
<b>Site Plan (Amended)</b>	2/26/2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	

<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	2/26/2025
<b>Findings of Fact (Amended)</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### 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 (pg. 17-18).

### 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

- N/A

### ZONING HISTORY – SURROUNDING AREA

- 2005-DV3-054: 5701 N Pennsylvania Street
  - Legally establish a single-family dwelling with a two-foot north side yard setback, (minimum five-foot side yard setback required; 4.17-foot side yard setback permitted by variance petition 2004-DV3-053), with an existing one-foot east side yard setback permitted by variance petition 2004-DV3-053 (minimum thirteen-foot aggregate side yard setback required) in D-4.
    - AP
- 2006-ZON-016: 440 E 57<sup>th</sup> Street
  - Rezoning of 0.823 acre from the D-2 district to the SU-2 classification to provide for the expansion of a school. Recorded instrument number 2006-0082666. Special use not envisioned by neighborhood plan.
    - AP
- 2012-DV1-025: 5735 Washington Boulevard
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 1,025-square foot detached garage (attached by a covered walkway), with a 4.2-foot south side setback, creating a 9.2-foot aggregate side setback (minimum seven-foot setback and 19-foot aggregate required) and to legally establish a six-foot rear setback for a 2,400-square foot basketball court (25-foot rear setback required).
    - Approved
- 2012-HOV-022: 5774 Washington Boulevard
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 480-square foot detached garage, creating an aggregate side building setback of 8.8 feet and an accessory use structure aggregate side setback of six feet and to legally establish a deck, with a one-foot north side setback and a single-family dwelling with a 3.8-foot aggregate side setback (five-foot minimum side setback and 13-foot aggregate side setback required) and to legally establish a shed with a 2.1-foot west rear setback (five-foot minimum rear setback required).
    - Approved
- 2014-DV3-045: 512 E 57<sup>th</sup> Street
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling and a detached garage on Lot 56, with three-foot south side setbacks and an eight-foot aggregate side setback and a single-family dwelling and a detached garage on Lot 57, with a three-foot north side setback and eight-foot aggregate side setback (minimum six-foot side setback and 16-foot aggregate side setback required).
    - Approved

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- 2015-DV1-025: 5744 Washington Boulevard
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a two-story addition to an existing single-family dwelling, with an eight-foot rear setback and a four-foot north side setback and to provide for a 24-foot tall detached garage, with a three-foot south side setback and a three-foot rear setback (minimum five-foot side yard and 13-foot aggregate side yard, 20-foot rear yard (maximum 20-foot tall height).
    - Approved
- 2015-DV2-032: 5736 Central Avenue
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a two-story dwelling with a 2.25-foot north side setback, to provide a two-story building addition and a one-story 557.34-square foot garage addition with a 3.33-foot north side setback (minimum seven-foot setback required) and to provide for a 120-square foot screened porch addition with an 8.83-foot south side setback creating an 11.08-foot aggregate side yard setback (minimum nineteen-foot aggregate side yard setback required).
    - Approved
- 2015-DV3-059: 513 E 57<sup>th</sup> Street
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the reconfiguration of three lots, with one lot having access via an access easement from the north-south alley to the east (direct access to a public street required), with two lots having 8,400 square feet of lot area (10,000 square feet required), with two lots having an minimum open space of 45 percent (70 percent required), with two lots having aggregate side yards of 12 feet (16-foot aggregate required), and with three lots having minimum front setbacks of twenty feet (25 feet required).
    - Approved
- 2015-UV3-024: 5732 Broadway Street
  - Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide a second dwelling unit (not permitted) in a 23-foot tall detached garage (maximum 20-foot permitted).
    - Approved
- 2016-HOV-034: 5715 Washington Boulevard
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage on the existing foundation, creating an open space of 71% (75% required).
    - Denied
- 2017-DV2-021: 5715 Washington Boulevard
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, with a 2.5-foot rear setback and zero-foot south side setback (five-foot rear setback and seven-foot side setback required), and creating an open space of 71% (75% required).
    - Approved
- 2018-DV2-005A: 5784 Central Avenue



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- Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a garage and dwelling addition, with a zero-foot front setback from 58th Street (20-foot front setback required).
    - Approved
- 2018-DV2-005B: 5784 Central Avenue
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an accessory building in the established front yard of New Jersey Street, with a zero-foot south side setback (not permitted, four-foot side setback required).
    - Approved
- 2021-DV1-066: 5760 N Delaware Street
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 256 square-foot porch addition resulting in a lot open space of 62% (minimum 65% open space required).
    - Approved
- 2024-DV2-007: 529 E 57<sup>th</sup> Street
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with an open space of 66.9 percent (70 percent open space required).
    - Approved

EXHIBITS

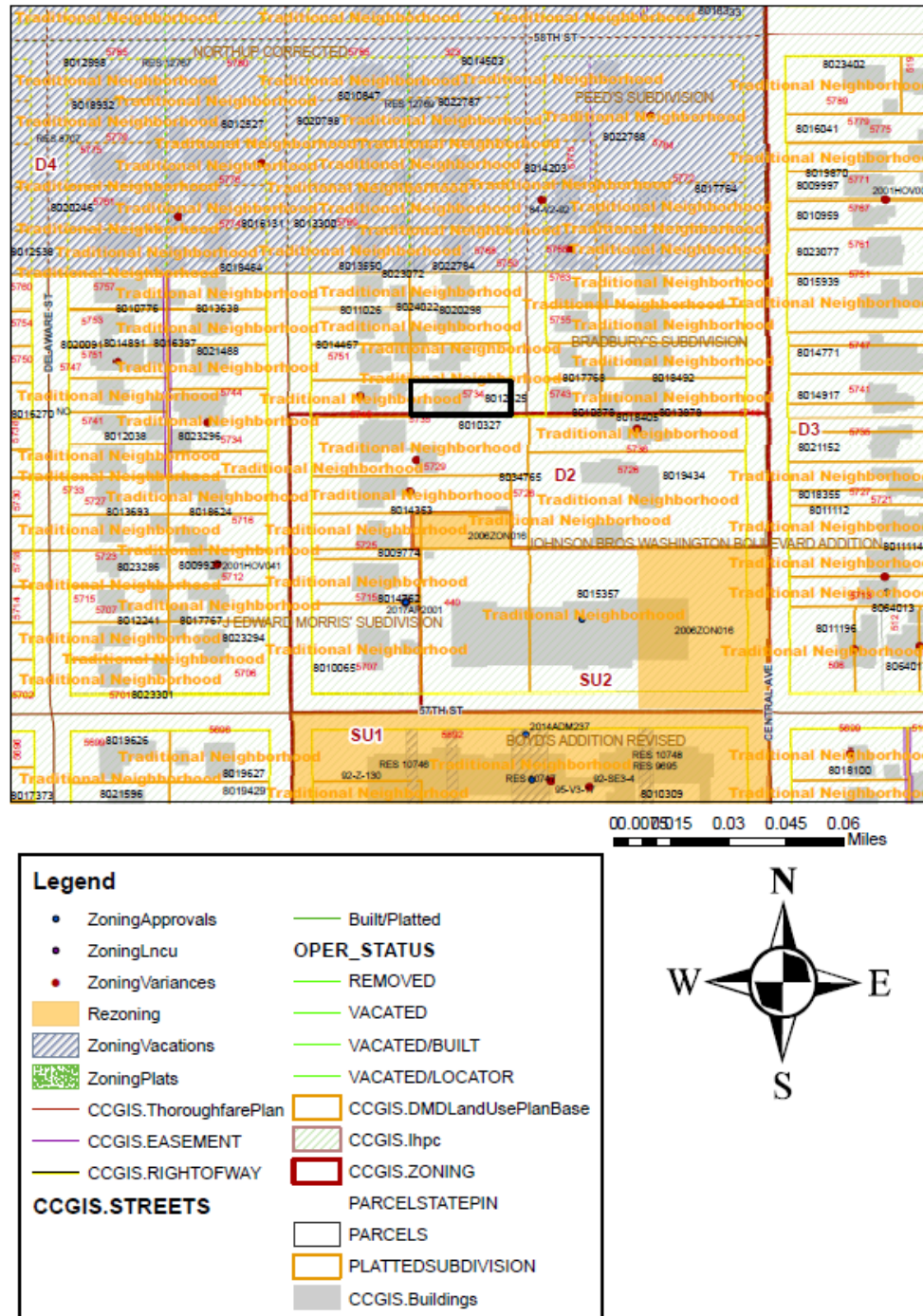


Exhibit 1: ArcGIS map of the subject site and the surrounding area.



Exhibit 2: Aerial of the subject site.



**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 detached garage that we are proposing to demo was constructed in 1936 and is original to the home.

To the petitioners knowledge there has never been an objection to this original detached garage location.

The proposed attached garage would be constructed on the lot in the same general area as the original garage is located but increasing the rear setback from 2'-4" to 5'-3 5/8".

The proposed attached garage will be an enhancement to the value of the home and neighborhood and more functional to needs in the 21st century.

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:

It will be a dimensional improvement to the existing conditions affording more pervious soils around the proposed structure.

The proposed attached garage will not exceed the height of the existing structure and therefore will not block the views of any neighbors.

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

To comply with 20' rear set back requirements would not allow enough space to construct the proposed attached garage with bedroom and bath above. This additional space is needed for the petitioner's growing family.

Due to the driveway being shared with a neighbor and the way the house is positioned on the lot, there is no other place to create the needed bedroom and bath addition.

The size of the existing garage is not adequate for today's larger vehicles

Exhibit 3: The submitted Findings of Fact.





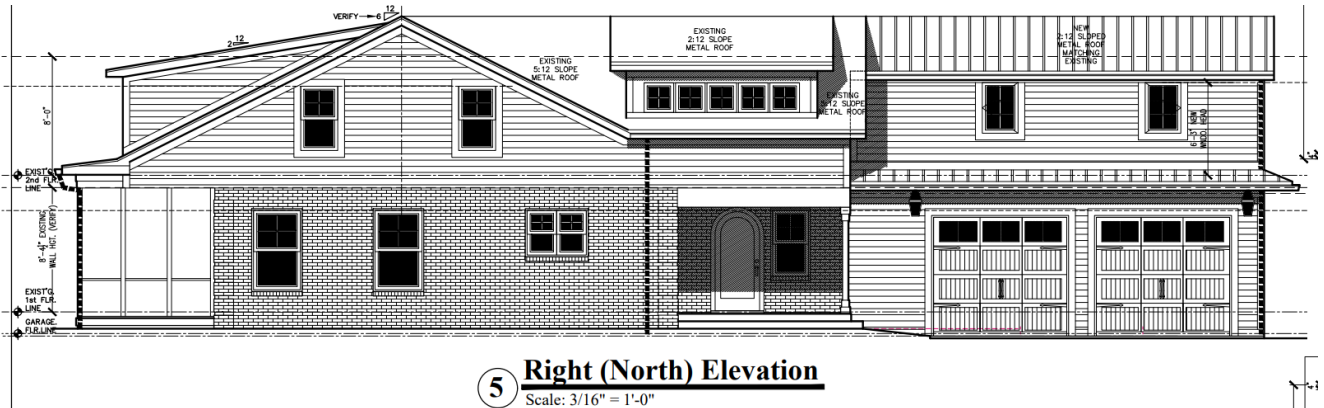


Exhibit 5: North Elevation.

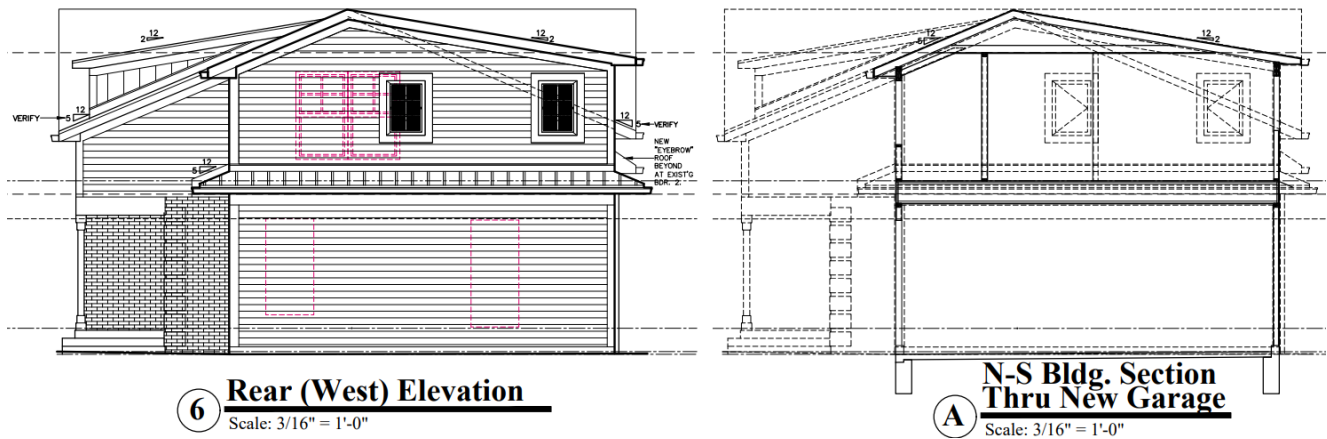


Exhibit 6: Rear Elevation.

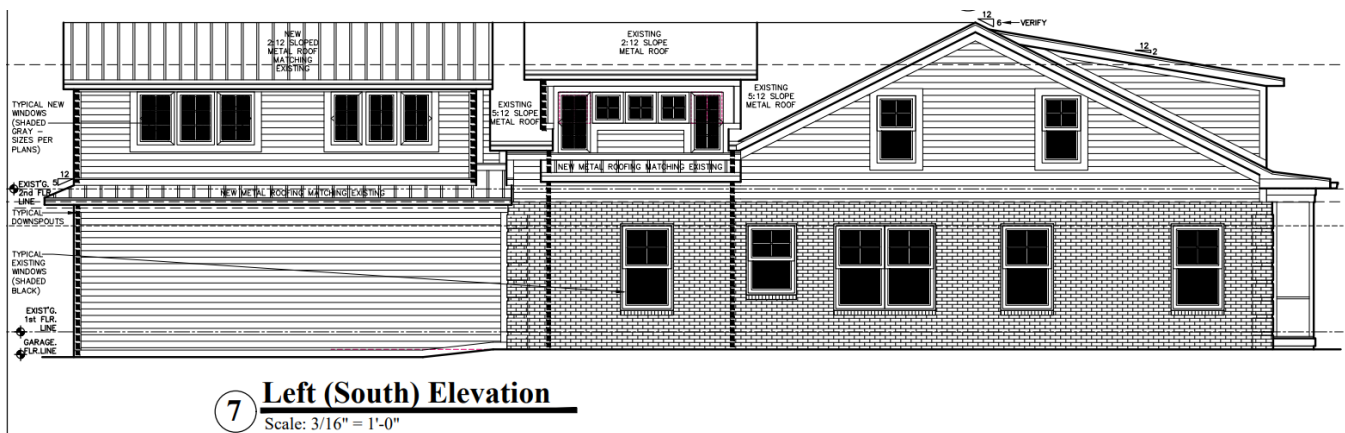


Exhibit 7: South Elevation.

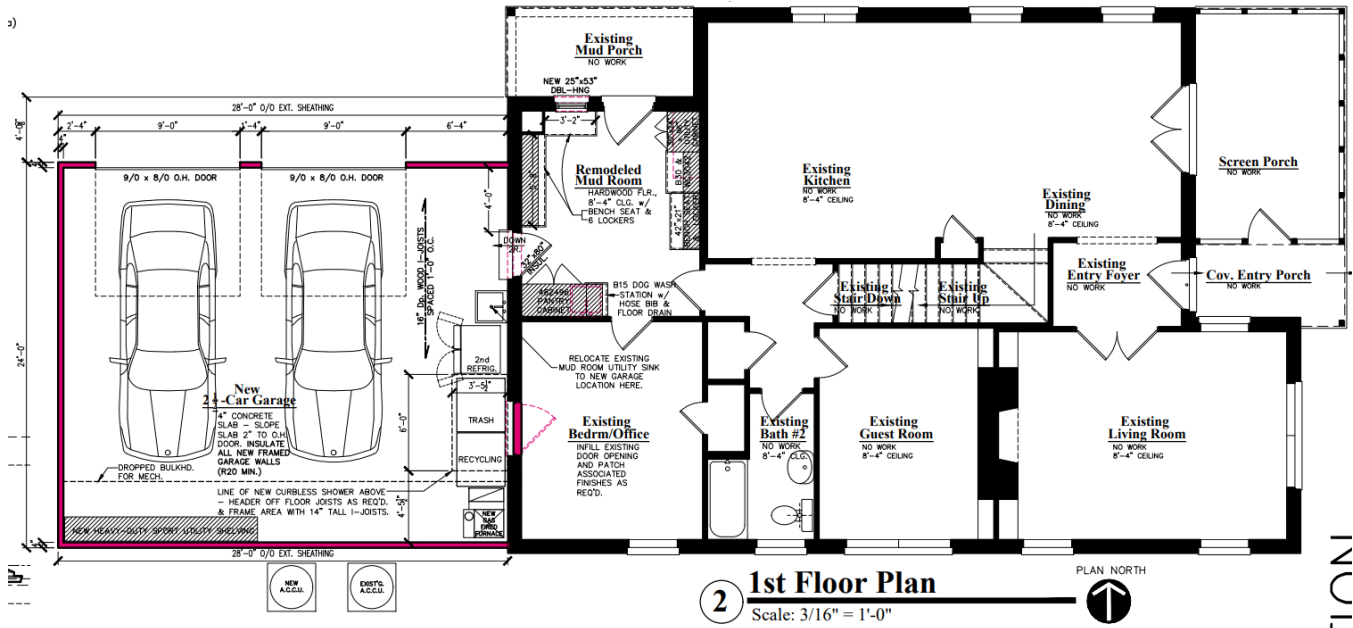


Exhibit 8: Floor plan of 1<sup>st</sup> floor.

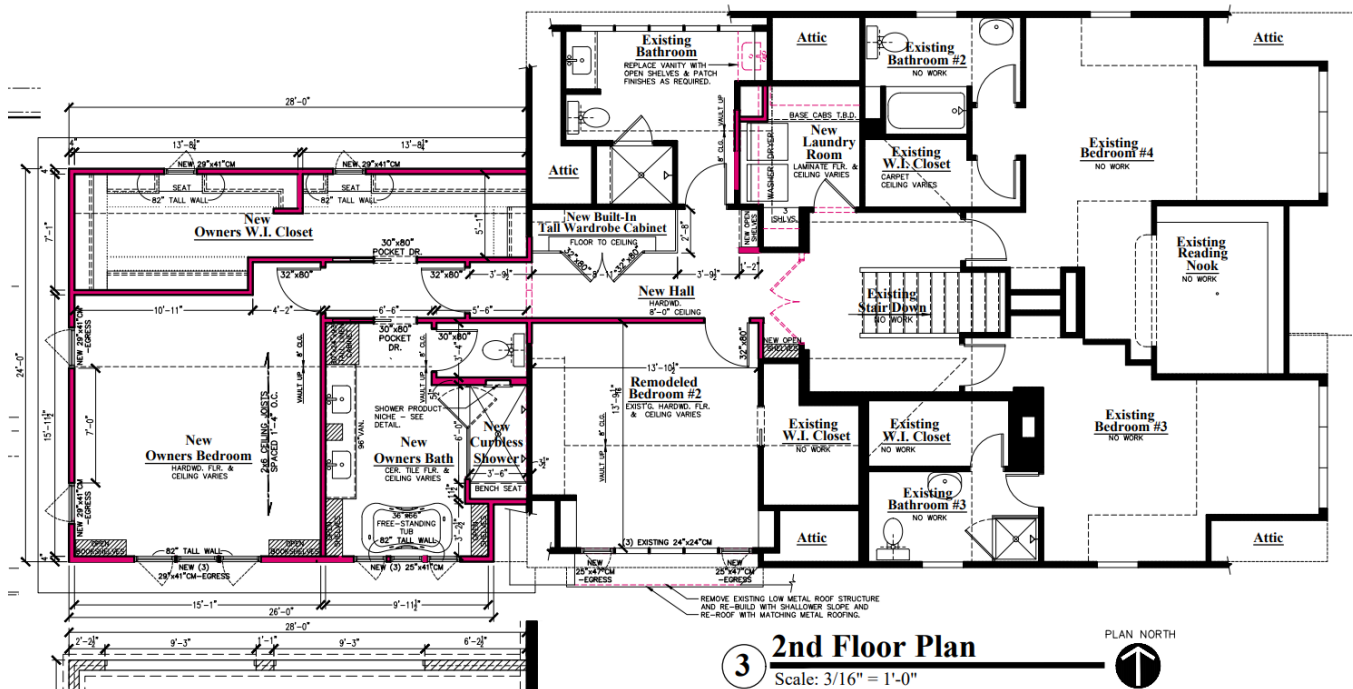


Exhibit 9: Floor plan of 2<sup>nd</sup> floor.





Exhibit 10: Front of the primary dwelling at the subject site.





Exhibit 11: Looking southwest at the primary dwelling.



Exhibit 12: Looking southeast at the primary dwelling.



Exhibit 13: Existing Garage on the property.



Exhibit 14: Existing Garage on the property.





Exhibit 15: Space between the primary structure and existing garage that will be filled in by the proposed attached garage.



Exhibit 16: Looking south down New Jersey Street towards the dead end.





Exhibit 17: Looking north up New Jersey Street.





Exhibit 18: Driveways of the subject site and neighboring home, looking at homes across the street with garages.



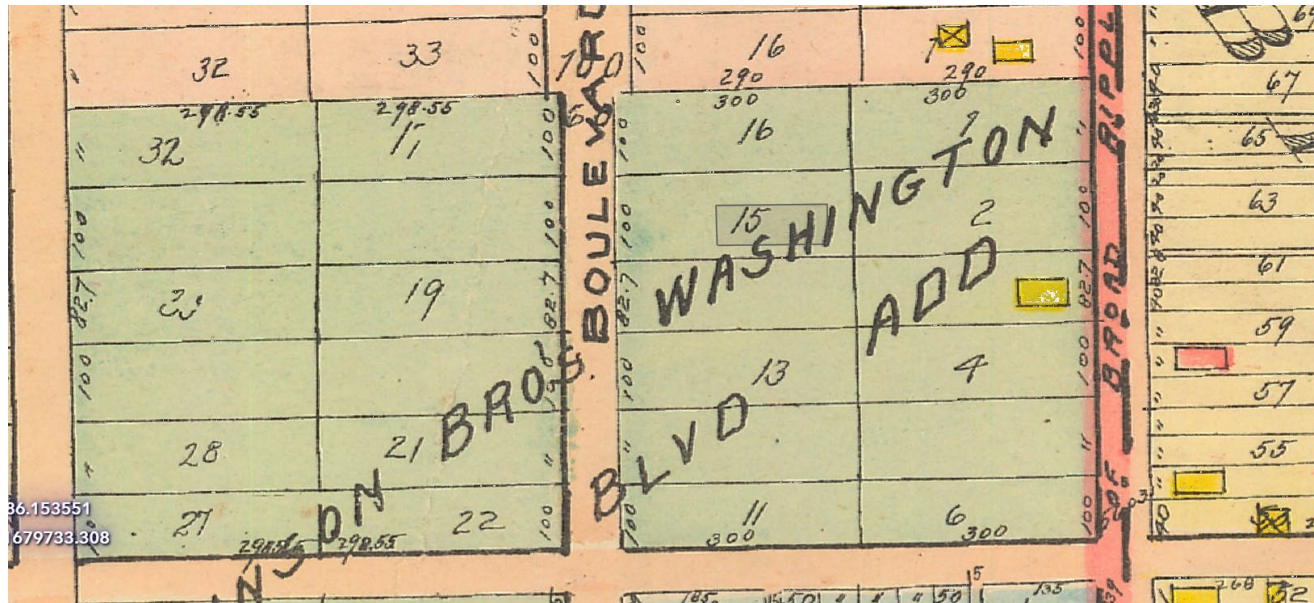


Exhibit 19: 1916 Historical Aerial of the subject site.

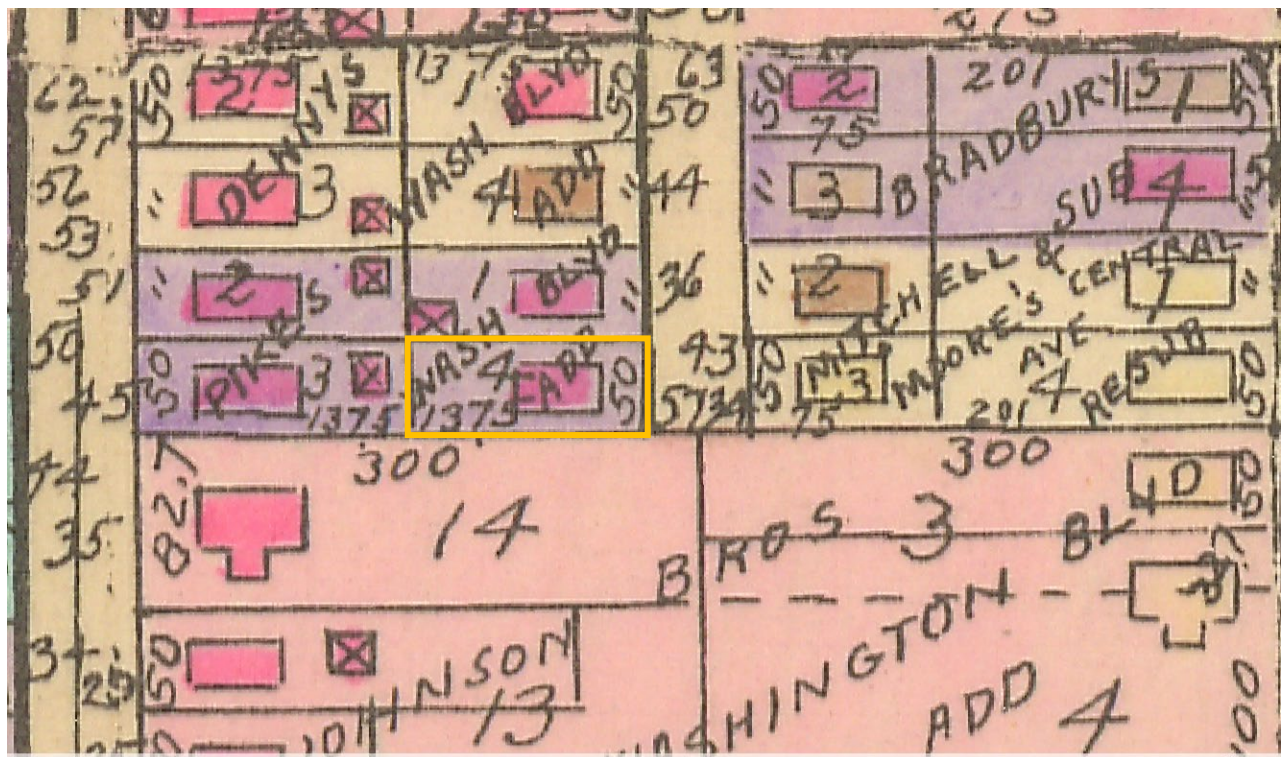


Exhibit 20: 1941 Historical Aerial of the subject site.

**BOARD OF ZONING APPEALS DIVISION I**

**May 6, 2025**

**Case Number:** 2025-DV1-005

**Property Address:** 6462 Broadway Street (approximate address)

**Location:** Washington Township, Council District #2

**Petitioner:** Melissa Jackson and Andrew Mehlhop, by Hannah Able

**Current Zoning:** D-4 (TOD) (FF)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage addition with a one-foot south side yard setback (four feet required) and a three-foot rear yard setback (five feet required).

**Current Land Use:** Residential

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

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

**4/1/25:** A miscommunication between staff and the petitioner led the applicant to believe that this petition would be unable to be heard at the April 1<sup>st</sup> meeting, and they did not attend that hearing date. Staff requested a continuance to the May 6<sup>th</sup>, 2025 hearing on their behalf.

**3/4/25:** The applicant had requested a continuance for cause at the March 4<sup>th</sup> 2025 hearing date to allow for additional time to discuss with a neighborhood group.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this variance.

**PETITION OVERVIEW**

- 6462 Broadway Street is currently improved with a single-family residence. There is an accessory garage within the rear yard that is accessed by a front-yard driveway that connects from Broadway to the garage via the southern side yard. The property is located both within the Transit-Oriented Development overlay and within a Floodway. The surrounding properties are also developed with single-family homes; most of these homes utilize rear yard garages that are accessed either from the rear alley (as current Ordinance rules would require) or from front-yard driveways.
- The owner of this property is seeking to construct an addition onto the western side of the existing accessory garage that would reduce the rear setback from 21 feet to 3 feet. It would also extend

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Current Planning**

the existing one-foot southern side yard setback. Variances would be needed for both the rear yard setback (5 feet required) and the side yard setback (4 feet required). Although the Ordinance allows for a one-time 50% extension along an existing non-conforming side yard, this extension would result in an 81% increase so the exception would not be applicable.

- This property is zoned D-4 to allow for low or medium intensity single-family and two-family residential development with good throughfare access, flat topography, and access to nearby community services facilitated by pedestrian linkages. Similarly, the Envision Broad Ripple neighborhood plan and Red Line TOD Plan recommend the site be developed with residential uses with accessible alleys and off-street parking limited to garages. The Infill Housing Guidelines indicate that accessory garages should be oriented towards alleys and front-loading garages/driveways should be avoided when alleys are available. Finally, issuance of a flood permit in conjunction with building permits would be required for this or any other garage addition.
- Findings of Fact provided by the applicant indicate that detached accessory structures on neighboring properties have similar side and rear setbacks, that the flexibility to expand the garage closer to the existing home does not exist, and that the side yard increase comes close to qualifying for the 50% increase along a non-conformity (81% increase). Although it does appear that some existing neighboring structures have setbacks that are similarly non-compliant with current ordinance standards, staff would note that (a) there does not appear to be an extensive petition history of approvals to allow for new or newly expanded setback non-conformities at adjacent properties; (b) the existence of neighboring non-conformities would not by itself constitute a practical difficulty; and (c) it does not immediately appear that accessory structures on adjacent properties contain 4-car garages or garages with the proposed square footage of 840 square feet.
- Prior to the filing of this petition, staff had indicated to the applicant that a version of this variance that removed the front-yard curb cut and routed vehicle access exclusively from the rear alley (as current ordinance would require) would be supportable; it does not appear that the applicant would be amenable to this compromise. Given the lack of site-specific practical difficulty requiring this development, the available street parking along Broadway Avenue, and the fact that the Ordinance would only require one parking space for the existing single-family use, staff feels that approval of a garage with this many vehicles may lead to additional requests for higher density development in the future and would recommend denial of the petition.



## GENERAL INFORMATION

<b>Existing Zoning</b>	D-4 (TOD) (FF)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	3.5 – 5 Residential Acres per Acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-4	North: Residential
South:	D-4	South: Residential
East:	D-4	East: Residential
West:	D-4	West: Residential
<b>Thoroughfare Plan</b>		
Broadway Street	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	01/15/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	01/15/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Red Line Transit-Oriented Development Strategic Plan
- Envision Broad Ripple
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

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

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

- The Red Line TOD Strategic Plan recommends this site to the Walkable Neighborhood typology given its proximity to the 66<sup>th</sup> Street stop of the Red Line. This typology is designed for walkable areas that are primarily residential (small lot single-family attached or detached) but may have a commercial node of one to two city blocks. Off-street parking is discouraged and should be limited to garages.

### **Neighborhood / Area Specific Plan**

- The Envision Broad Ripple Neighborhood Plan recommends that this site be developed for residential uses in an area with density of 3.5 to 5 units per acre.

### **Infill Housing Guidelines**

- Infill Housing Guidelines indicate that accessory structures should be placed behind primary buildings in a manner that does not overshadow the primary structure in scale, height, size, and mass. When possible, accessory garages should be oriented towards alleys, and front-loading garages and driveways should be avoided when alleys are available.

### **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

**2008HOV017 ; 6417 N Park Avenue (southwest of site)**, variance of use of the Dwelling Districts Zoning Ordinance to legally establish a two family dwelling (not permitted), not on a corner lot, **approved**.

**2004DV3009 ; 6471 Broadway Street (northeast of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 550.50-square foot carport with a one-foot rear yard setback (minimum five-foot rear yard setback required for accessory structures) and a zero-foot north side yard setback (minimum five-foot side yard setback required), **denied**.

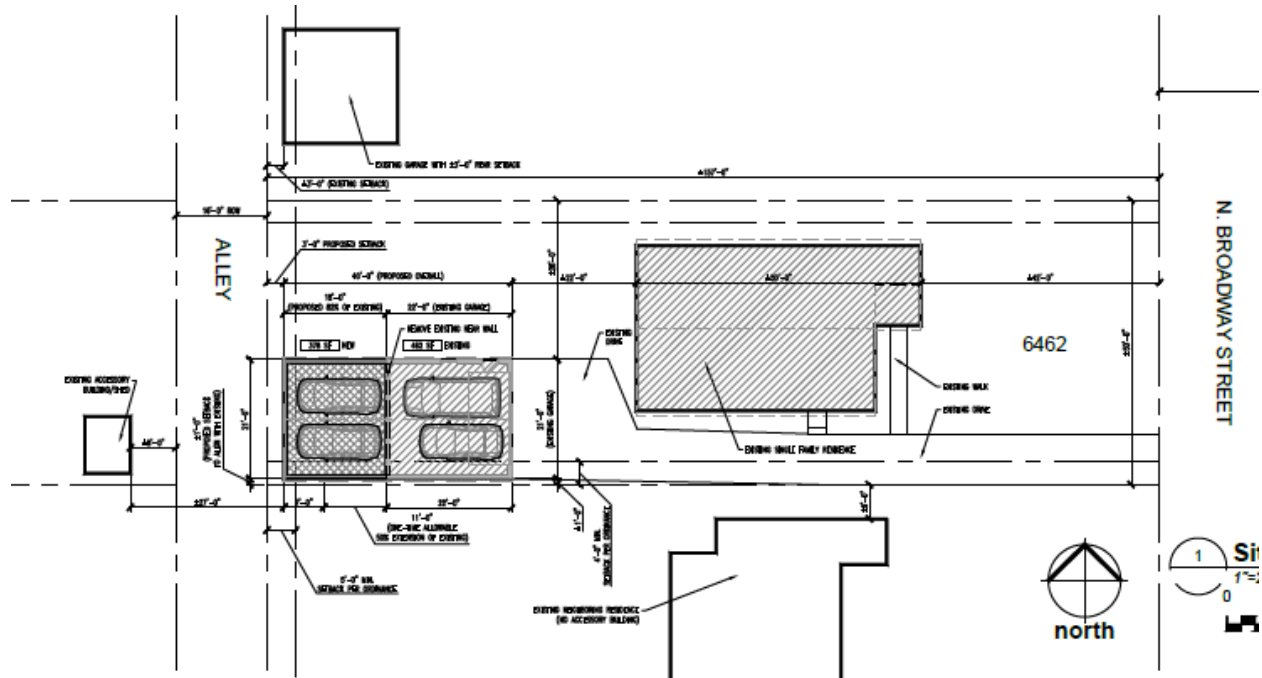
**2002DV1041 ; 6420 N Park Avenue (southwest of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a wheelchair ramp at the rear of the single-family dwelling with a setback two feet from the north property line (minimum five-foot setback required), **approved**.



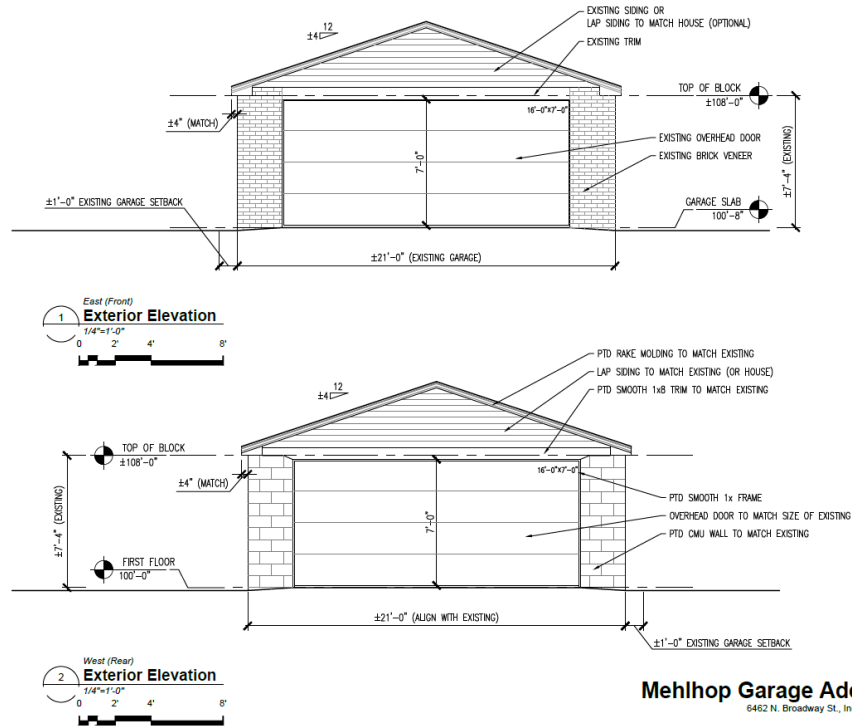
EXHIBITS

2025DV1005 ; Aerial Map

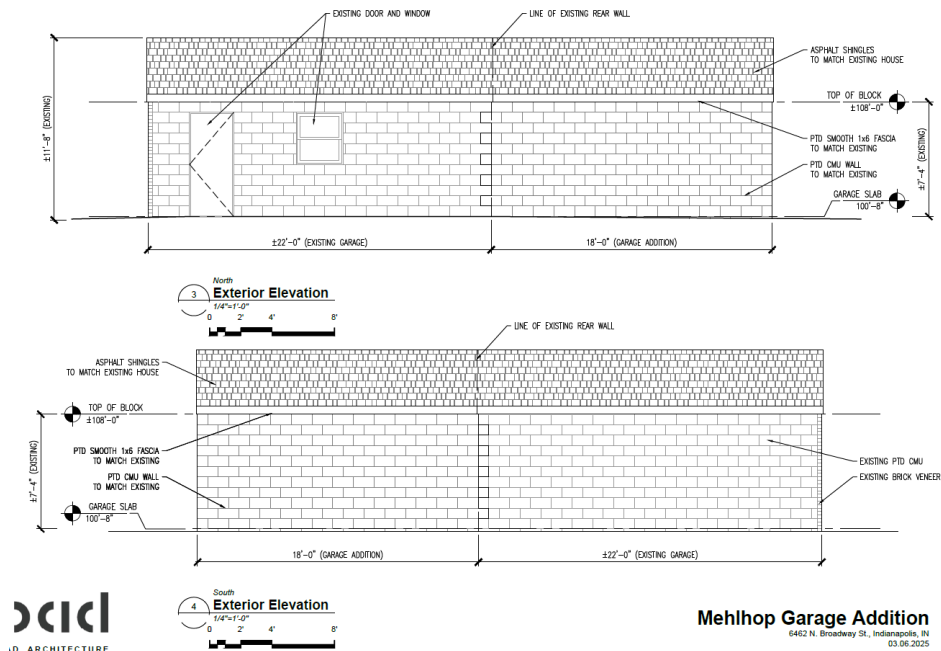


[illegible]

**2025DV1005 ; Elevations (East/West)**



**2025DV1005 ; Elevations (North/South)**



**2025DV1005 ; Findings of Fact**

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

similar rear and side setback conditions for accessory buildings already exist within the neighborhood.

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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:

similar rear and side setback conditions for accessory buildings already exist on neighboring properties.

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

the existing garage is too close to the existing residence to expand the garage within the allowable side setbacks and connect with the existing drive.

The existing garage is too close to the rear setback and the 50% allowable extension is not adequate to provide enough additional depth for tandem parking.

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**2025DV1005 ; Photographs**



Photo 1: Subject Site Viewed from East



Photo 2: Adjacent Property to East



**2025DV1005 ; Photographs (continued)**



Photo 3: Adjacent Property to South



Photo 4: Adjacent Property to North



**2025DV1005 ; Photographs (continued)**



Photo 5: Subject Site Viewed from West



Photo 6: Adjacent Property to North (Viewed from Alley)



**2025DV1005 ; Photographs (continued)**



Photo 7: Adjacent Property to Northwest



Photo 8: Adjacent Property to Southwest



## BOARD OF ZONING APPEALS DIVISION I

May 6, 2025

**Case Number:** 2025-DV1-008  
**Property Address:** 1910 Mansfield Street (approximate address)  
**Location:** Center Township, Council District #12  
**Petitioner:** Delores Williams Bentley  
**Current Zoning:** D-5 (W-1)  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for driveway access from Mansfield Street (alley access required).  
**Current Land Use:** Single-family Residential  
**Staff Recommendations:** Staff **recommends denial** of this petition  
**Staff Reviewer:** Noah Stern, Senior Planner

## PETITION HISTORY

- This petition was continued from the April 1, 2025 hearing to the May 6, 2025 hearing due to an unexpected Administrative error.

## STAFF RECOMMENDATION

- Staff **recommends denial** of this petition.

## PETITION OVERVIEW

- This petition would allow for driveway access from Mansfield Street (alley access required).
- The Ordinance was amended in April of 2016 to regulate access and connectivity for the zoning districts. This property is required to gain exclusive access from the existing improved alley for any new driveway, per Section 744-301 of the Ordinance.
  - The “Access to accessory parking areas” provision states that “... if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley.”
  - In addition, per Section 744-401 of the Ordinance, the “Access to and from parking lots and garages” provision states that “... no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line.”

- The Department of Business and Neighborhood Services has determined that the abutting alley to the west of the property is an “improved” alley, and therefore access from Mansfield Street to the parcel would not be allowed, per the Ordinance.
- The paved driveway located on the subject site was built without prior variance approval nor the necessary curb cut permit in 2022, according to aerial imagery and has been subject to violation (VIO24-005482), thus triggering the need for variance approval.
- Vehicles utilizing alleys when available, instead of front-yard driveway access, is a significant help in maintaining walkability and the pedestrian experience, as this style of development results in far fewer conflict points between pedestrians and vehicles, and preserves flat, even sidewalks as opposed to slants and unevenness resulting from driveway curb cuts. Likewise, reducing the number of curb cuts for private vehicular access helps preserve valuable on-street parking spaces available for public use. Further, given that this site is located within the Compact Context Area, Staff finds importance in preserving urban-style development patterns and aesthetics. Typically, this includes neighborhoods with little to no vehicle parking located in front yards, and high-quality pedestrian experience. Contrastingly, high amounts of curb cuts, front-yard vehicle parking, and vehicular priority is more characteristic of suburban-style development which Staff finds to be inappropriate for this area.
- While Staff is aware that there are legally non-conforming driveways and curb cuts that exist in the area, Staff sees additional curb cuts in areas such as that of the subject site as an undesired precedent that slowly dissolves the character and intentions of urban neighborhoods, and unnecessary when improved alleys are present. With the subject site having access to the improved alley to the rear of the lot, where a vehicular garage already exists (see site visit photos below), Staff does not believe grant of the requested variance to be necessary, and does not find there to be a practical difficulty for the variance and therefore, recommends denial of the request.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5 (W-1)	
<b>Existing Land Use</b>	Single-family Residential	
<b>Comprehensive Plan</b>	3.5-5 units/acre	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
North:	D-5	North: Single-family residential
South:	D-5	South: Single-family residential
East:	D-5	East: Single-family residential
West:	D-5	West: Single-family residential
<b>Thoroughfare Plan</b>		
Mansfield Street	Local Street	50 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	

<b>Wellfield Protection Area</b>	Yes, One-Year
<b>Site Plan</b>	12/19/25
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	1/26/25
<b>Findings of Fact (Amended)</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- United Northwest Neighborhood Plan (2008)
- Indy Moves

### Pattern Book / Land Use Plan

- Not applicable 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 United Northwest Neighborhood Plan recommends Residential Uses at 3.5-5 units/acre for this site.

### Indy Moves

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

- The Riverside Promenade is located approximately 400 feet from subject site.
- The Central White River Trail is located under ½ mile from the subject site.



## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

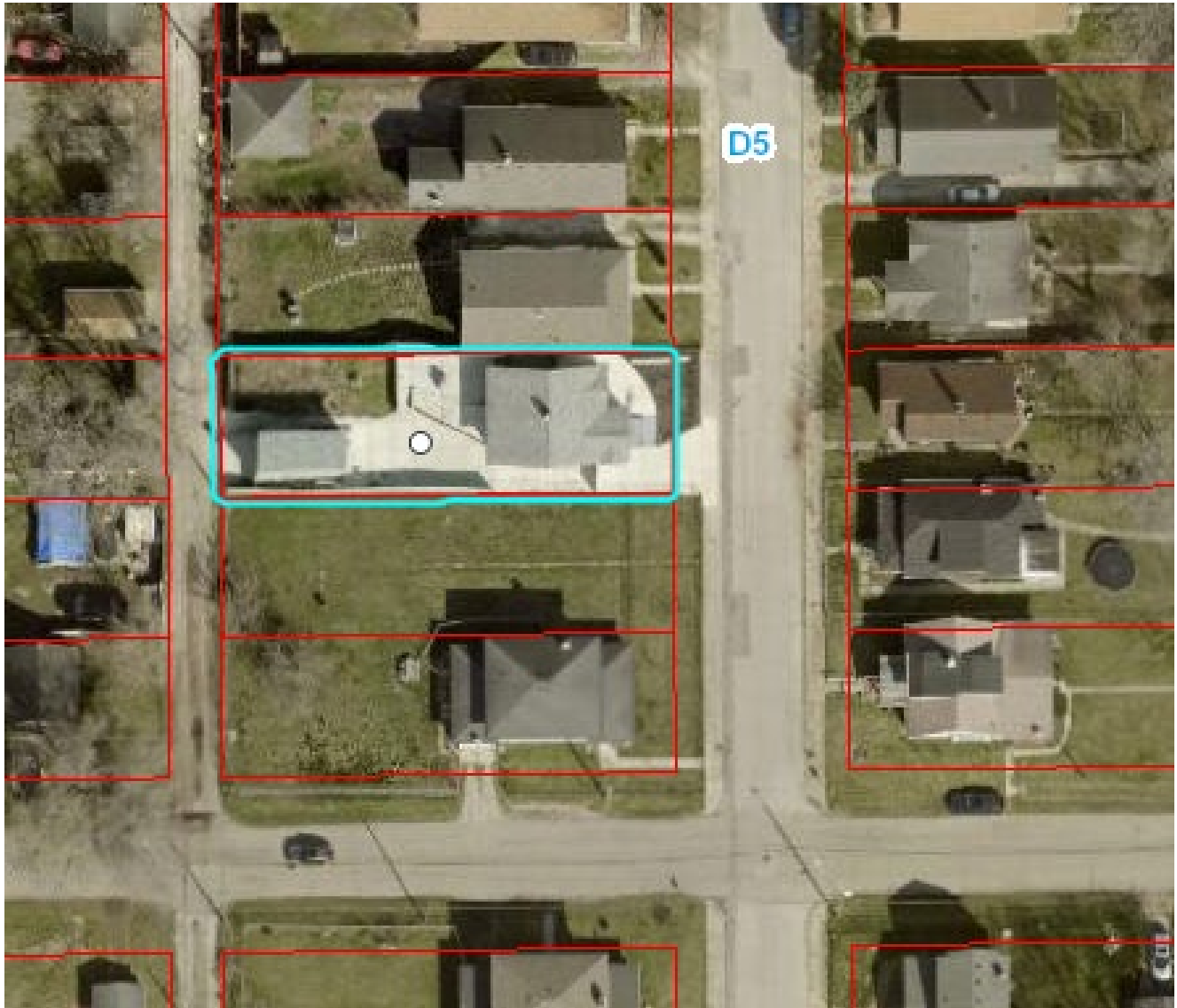
### ZONING HISTORY – VICINITY

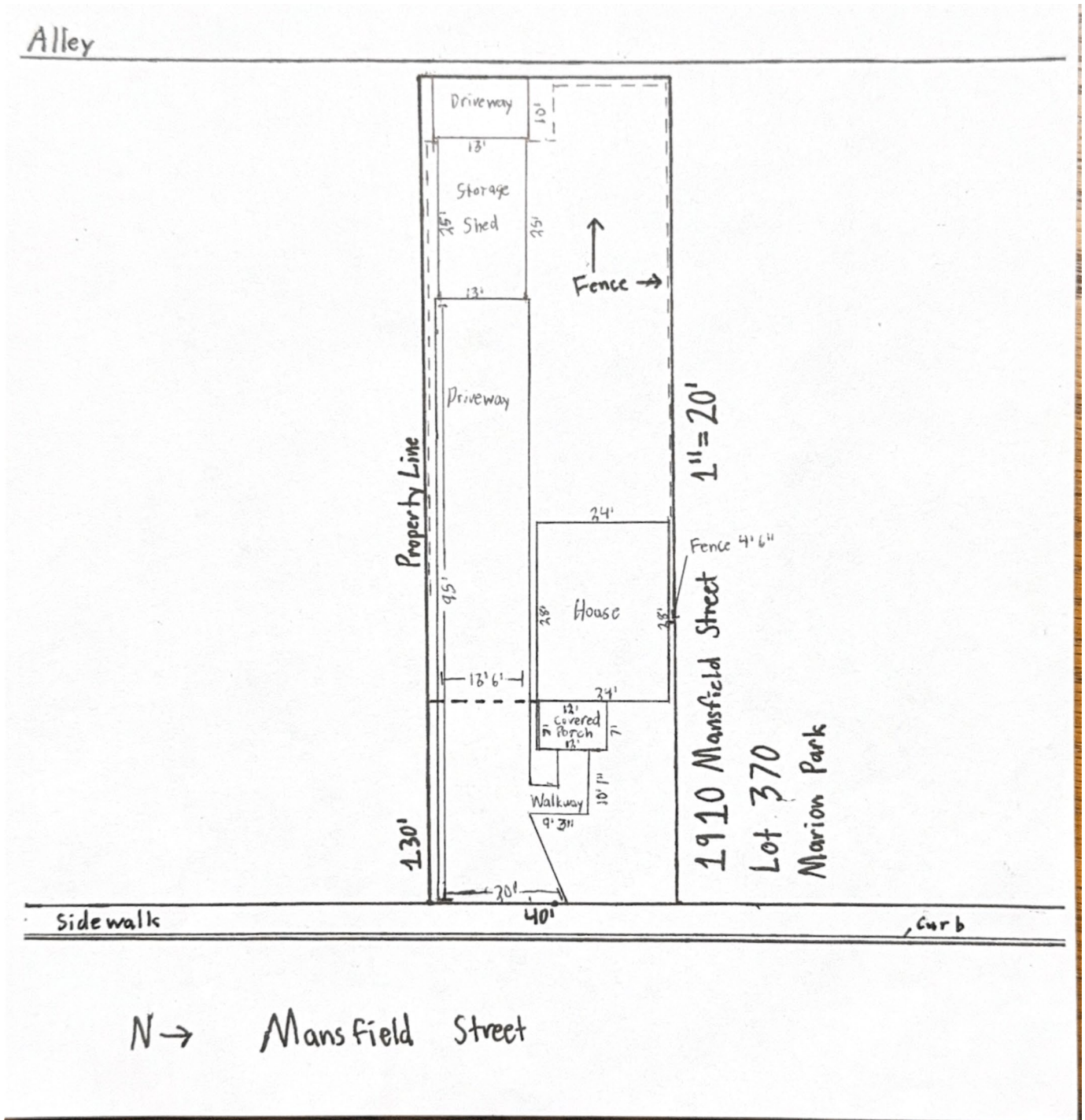
**2024DV1047, 1919 Mansfield Street (east of site)**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway accessing Mansfield Street (exclusive vehicular access of improved alleys required), **approved**.

**2024DV2040, 2010 Mansfield Street (north of site)**; Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a parking area without exclusive alley access and a zero-foot south side yard setback (alley access required, five-foot side yard setback required), **approved**.

**88-Z-213, (east of site)**; requested rezoning from the D-5 district, to the SU-1 classification, **denied**.

EXHIBITS









Department of Metropolitan Development  
Division of Planning  
Current Planning

Petition Number 2024PTN218

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division 12  
OF MARION COUNTY, INDIANA**

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

The proposed variance for the private home driveway will not negatively impact the public health, safety, morals, or general welfare of the community. The project has been carefully designed to ensure safe access to the property without obstructing public roads or right-of ways. Adequate drainage and safety measures will be put in place to prevent any adverse effects on surrounding properties or infrastructure. Additionally, the driveway will not interfere with emergency vehicle access or create hazards for pedestrians. The variance is being sought only to accommodate the homeowner's specific needs for direct access to the private owner's garage structure, the safety entering and exiting vehicles parked on the narrow city street of the 1900 block of Mansfield, and the security of the privately owned vehicles parked on the narrow city street which negatively impacts the cost of vehicle insurance, and will not result in any negative consequences to the greater 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 adjacent properties will not experience any substantial adverse effects to the variance. The proposed driveway is designed in a way that will not disrupt the existing aesthetics or functionality of the surrounding area. The driveway will be constructed to blend with the surrounding environment and will not encroach on neighboring properties. Additionally, the variance does not change the intended residential nature of the area, and the property's use will remain consistent with current zoning regulations. The value of surrounding properties is expected to remain unaffected or potentially enhanced, as the variance will improve the usability or functionality of the residential property.

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

The strict application of the zoning ordinance would create practical difficulties in use of the property due to the existing site constraints. The lot configuration, topography, and location of surrounding structures limit the feasible options for driveway placement that comply with the current zoning requirements. These constraints would result in an inefficient or unsafe driveway, limiting the homeowner's ability to use their property effectively and safely. The alley access is not cleaned and cleared of debris, and is not adequately lit. Granting the variance would allow for an appropriately designed driveway that meets the needs of the property owner while still preserving the integrity of the surrounding area.

**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





Department of Metropolitan Development  
Division of Planning  
Current Planning



**BOARD OF ZONING APPEALS DIVISION I**

**May 6<sup>th</sup>, 2025**

**Case Number:** 2025-DV1-009 (Amended)  
**Property Address:** 8415 West Washington Street (Approximate Address)  
**Location:** Wayne Township, Council District #17  
**Petitioner:** Greg & Seth Dotson  
**Current Zoning:** I-2 / C-3  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of two buildings, resulting in 20-foot side yard setbacks (30-foot side yard setbacks required).  
**Current Land Use:** Commercial  
**Staff Recommendations:** Staff is recommending **denial** of this variance petition.  
**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the second public hearing for this variance petition.

This petition was continued by staff at its first public hearing on April 1st to the May 6th Division I hearing due to an unexpected publication error that impacted the printing of this petition's information within newspapers as required by statute.

**STAFF RECOMMENDATION**

Staff is recommending **denial** of this variance petition.

**PETITION OVERVIEW**

- The petitioner is requesting a reduction in both side yard setbacks to allow a third row of parking spaces. The spaces would be between two (2) proposed warehouse/flex space/workspace buildings (rental units).
- This property is 3.5 acres, primarily in an I-2 zoning district.
- The side yard setback is the distance between the side lot line and buildings or other structures. This provides spacing between the buildings and uses. Side yard setbacks are essential, especially in industrial uses, because of potential hazards such as noise, increased traffic, waste, fumes, or other industrial by-products.
- The Ordinance requires one (1) parking space per 1000 sqft for the type of Industrial Use proposed on this site. The proposed buildings combined will be 39,600 sqft, meaning they are required to have a total of 39.6 parking spaces.

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

- With the variance and the additional parking spaces, the current site plan shows around 90 parking spaces.
- The originally submitted site plan showed around 60 parking spaces without the variance and additional parking spaces.
- Staff is recommending **denial** of this variance petition. As shown in the previous site plan, there is sufficient space on the site before the additional parking spaces to provide nearly double the number of parking spaces that the Ordinance requires for buildings of this use and size. Approving this variance will result in a large parking area for two (2) buildings with no predictors for the type of business or amount of traffic on the site.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-2 / C-3	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Office/Industrial Mixed-Use	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
	North: C-S	North: Community Commercial
	South: SU-46	South: Regional Special Use
	East: D-3	East: Office/Industrial Mixed-Use
	West: C-3	West: Office/Industrial Mixed-Use
<b>Thoroughfare Plan</b>		
Washington Street	Primary Arterial	118 feet of right-of-way existing and 102 feet proposed
North Perimeter Road	Special Corridor	50 feet of right-of-way existing and 50 feet proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	1/28/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	1/28/2025	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**



- Marion County Land Use Plan Pattern Book

#### Pattern Book / Land Use Plan

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

#### 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

- 2018-ZON-039: 8415 West Washington Street
  - Rezoning of 3.6 acres from the C-4 district to the C-7 classification.
    - Denied
- 2020-ZON-057: 8639 and 8415 West Washington Street
  - Rezoning of 1.37 acres from the C-3 district to the I-1 district.
    - Approved

### ZONING HISTORY – SURROUNDING AREA

- 2011-UV1-029: 8514 West Washington Street
  - Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance and the Commercial Zoning Ordinance to legally establish a) automobile repair and towing service, with outdoor storage (not permitted, storage not permitted within 500 feet of a protected district without the required solid fence or wall), b) to legally establish a trash container in front of the established front building line (not permitted), with a 14-foot west side transitional yard c) to legally establish parking with a two-foot east side yard and east side transitional yard, without landscaping (10-foot yard and 20-foot transitional yard, with landscaping required), and d) to legally establish a paved asphalt area, with a zero foot setback from Washington Street (10-foot front setback, with landscaping required), and e) to legally establish one handicapped parking space (two spaces required).
    - Approved
- 2012-VAR-004: 8616 West Washington Street
  - Variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for automobile sales (not permitted), to legally establish a dwelling (not permitted), with a front setback 74 feet from the centerline of Washington Street (80 feet from the centerline required), on a lot having 39.7 feet of frontage (50 feet of frontage required).
    - Approved
- 2012-ZON-022: 8616 West Washington Street
  - Rezoning of 1.62 acres, being in the C-S District, to the C-5 classification to provide for commercial uses.
    - Approved
- 2013-CVR-827: 8480 West Washington Street
  - Variance of Development Standards of the Commercial Zoning Ordinance to provide for a trash container in front of the established building line (not permitted), and a five-foot tall sign, with a 9.5-foot front setback from Washington Street (15-foot front setback required).
    - Approved
- 2016-UV1-026: 8639 West Washington Street
  - (Amended) Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the rental and leasing of vans (not permitted).
    - Approved

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

- 2017-ZON-051: 8610 West Washington Street
  - Rezoning of 1.972 acres from the C-S (FF) district to the C-5 (FF) classification to provide for automobile sales.
    - Denied
- 2017-ZON-069: 8516 West Washington Street
  - Rezoning of 1.96 acres from the SU-1 and D-3 districts to the C-7 classification.
    - Withdrawn
- 2021-ZON-068: 8215 West Washington Street
  - Rezoning of 2.625 acres from the SU-46 district to the I-1 district.
    - Withdrawn
- 2022-CVR-827: 8501 West Washington Street
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 105,000-square foot industrial building with parking totaling more than 10% of the front yard area (parking limited to 10% of the front yard area) and located within the front transitional yard (not permitted).
    - Approved
- 2022-DV1-030: 8501 West Washington Street
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 105,000-square foot industrial building with parking totaling more than 10% of the front yard area (parking limited to 10% of the front yard area) and located within the front transitional yard (not permitted).
    - Withdrawn
- 2024-CVR-819: 8215 West Washington Street
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 25,730 square feet of outdoor storage (maximum of 8,805 square feet or 25% of gross floor area of all enclosed buildings) and approximately 140 feet from a protected district to the west and 400 feet from a protect district to the east (minimum separation of 500 feet required from a protected district).
    - Approved
- 2024-CZN-819: 8215 West Washington Street
  - Rezoning of 2.7 acres from the SU-46 district to the I-1 district for light industrial uses.
    - Approved



## EXHIBITS

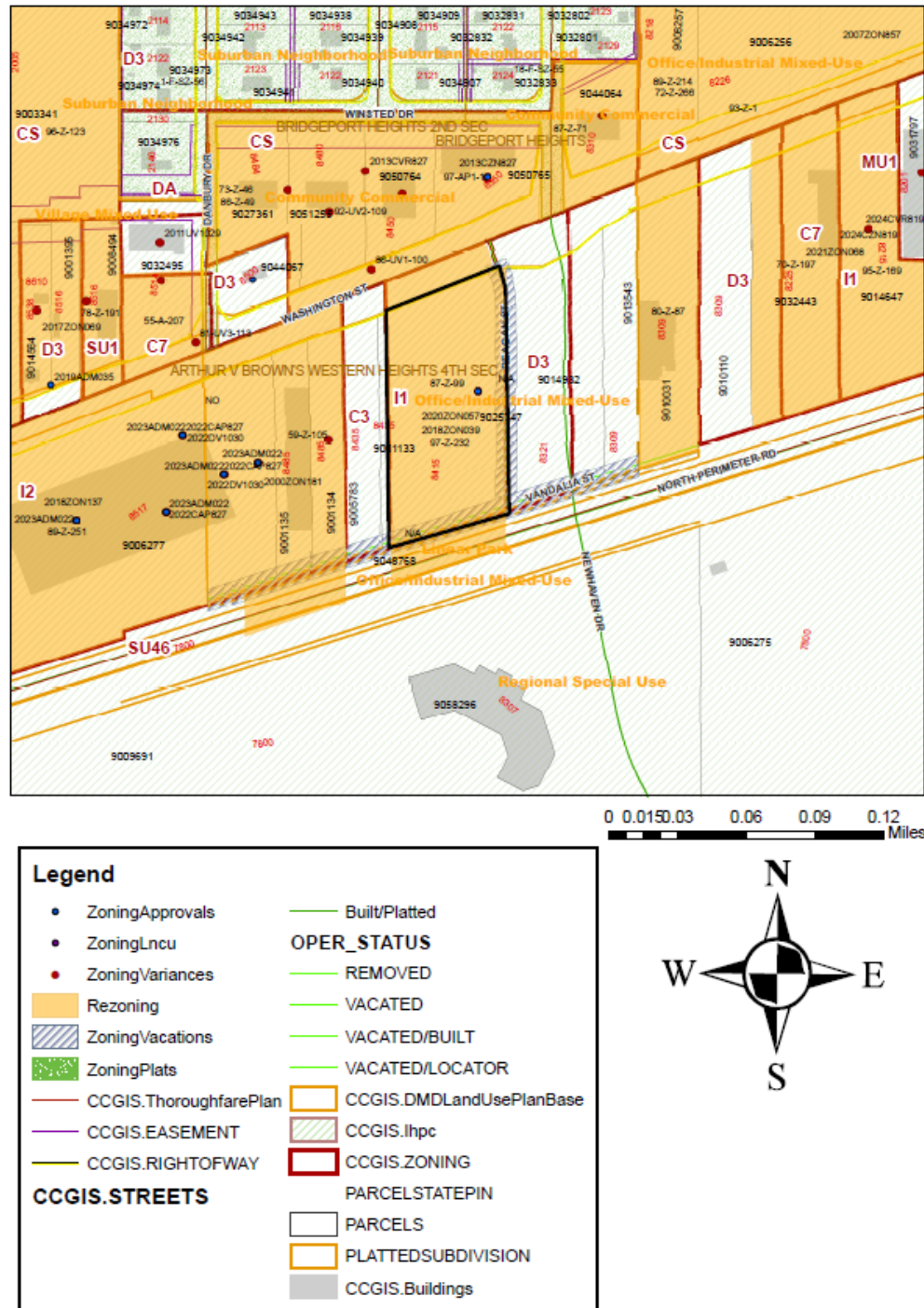


Exhibit 1: ArcGIS map of the subject site and surrounding area.



Exhibit 2: Aerial of the subject site and surrounding area.

Department of Metropolitan Development  
Division of Planning  
Current Planning

Petition Number \_\_\_\_\_

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

REQUEST IS CONSISTENT WITH OTHER PROPERTIES IN THE AREA.

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

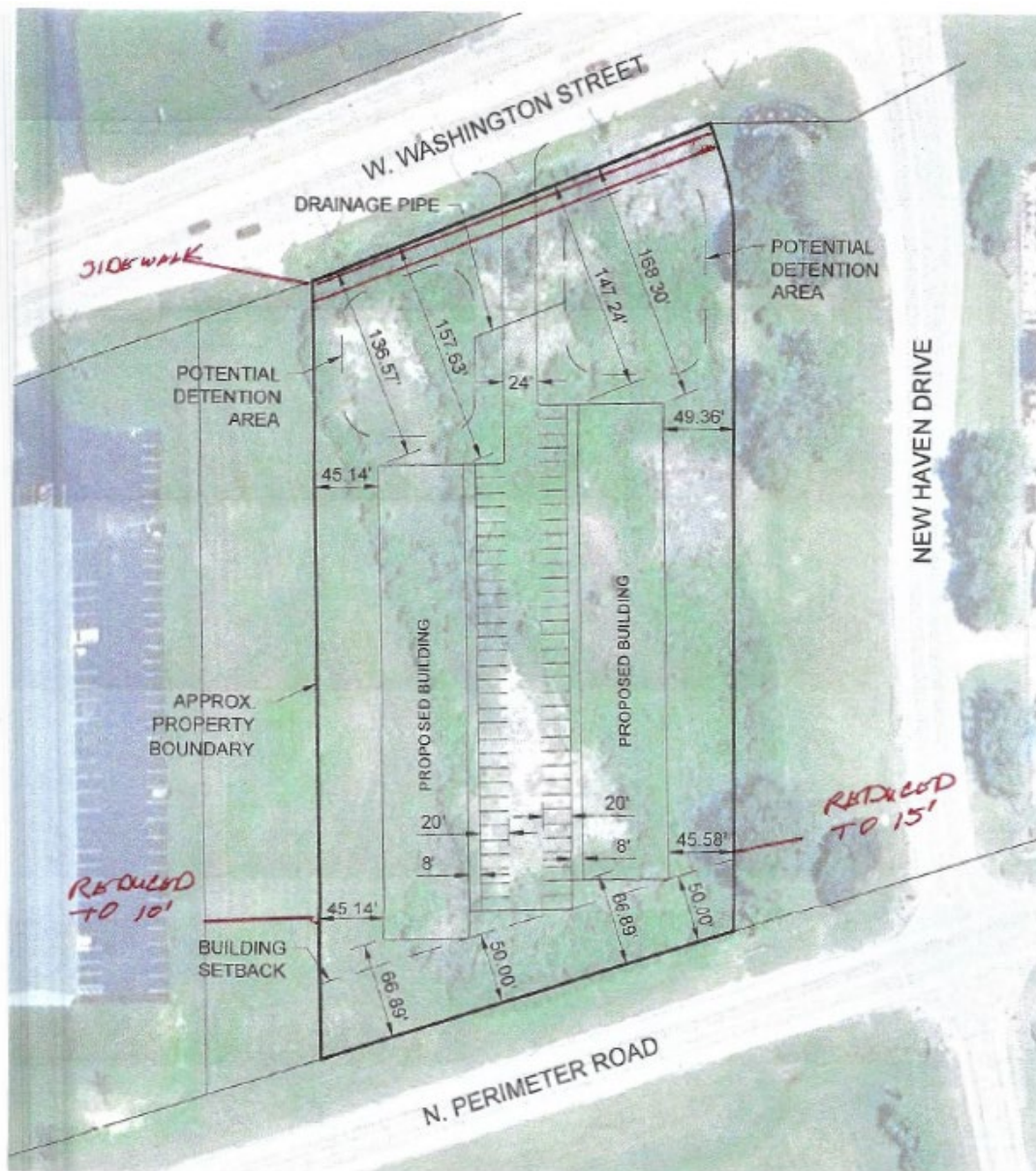
REQUEST IS CONSISTENT WITH OTHER PROPERTIES IN THE AREA.

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

CURRENT SETBACKS CUT PARKING SPACE TO A BARE MINIMUM OR BELOW.

Exhibit 3: Findings of fact, submitted by the petitioner.





NOTE: ALL DIMENSIONS ARE FROM BUILDING EDGE TO PROPERTY LINE



8415 W. WASHINGTON STREET  
 PROPOSED LAYOUT  
 INDIANAPOLIS, IN 46231



LandWorks Engineering, LLC  
 958 Washington St., Suite 108  
 Indianapolis, Indiana 46202  
 317.816.0177

Exhibit 4: The originally submitted site plan.

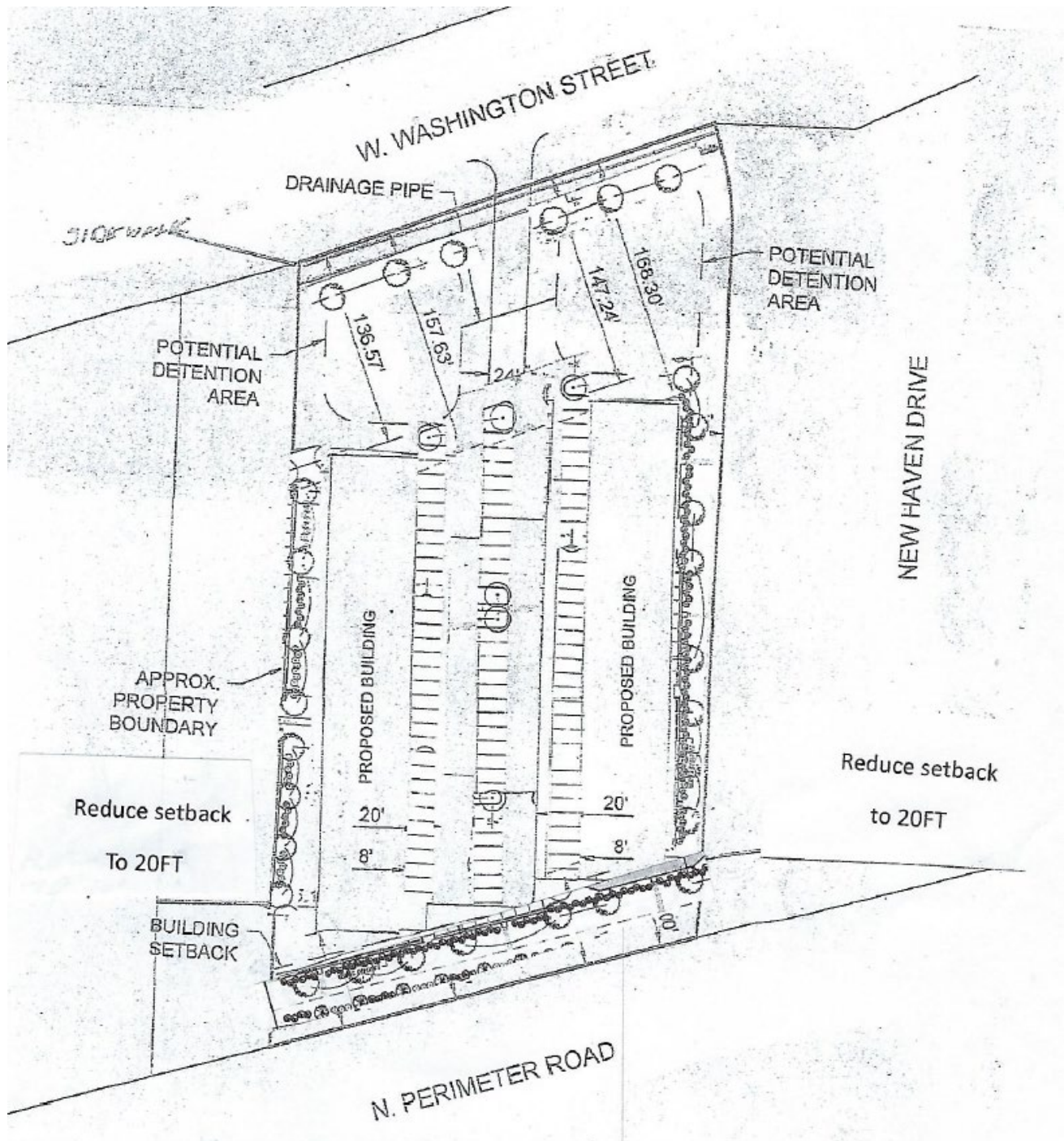


Exhibit 5: The site plan with the additional parking.



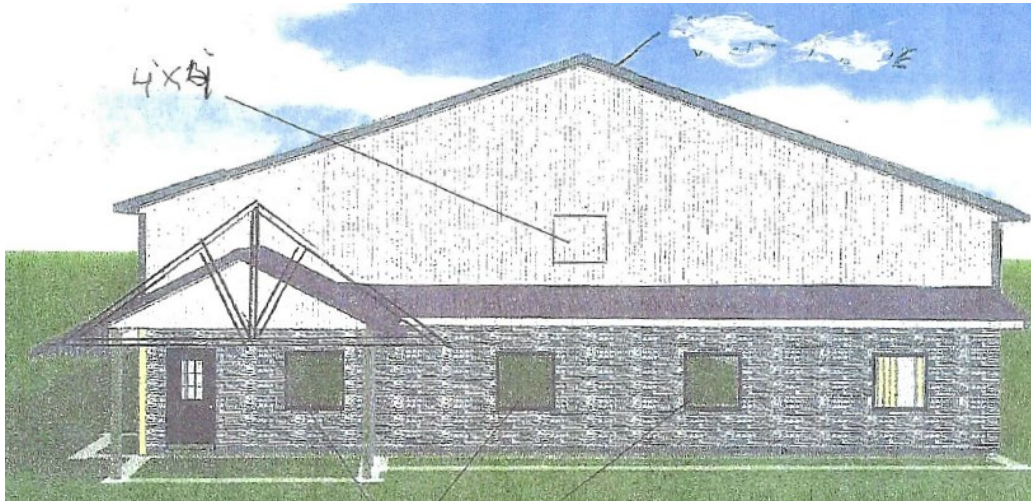


Exhibit 6: North elevation of one of the proposed buildings.

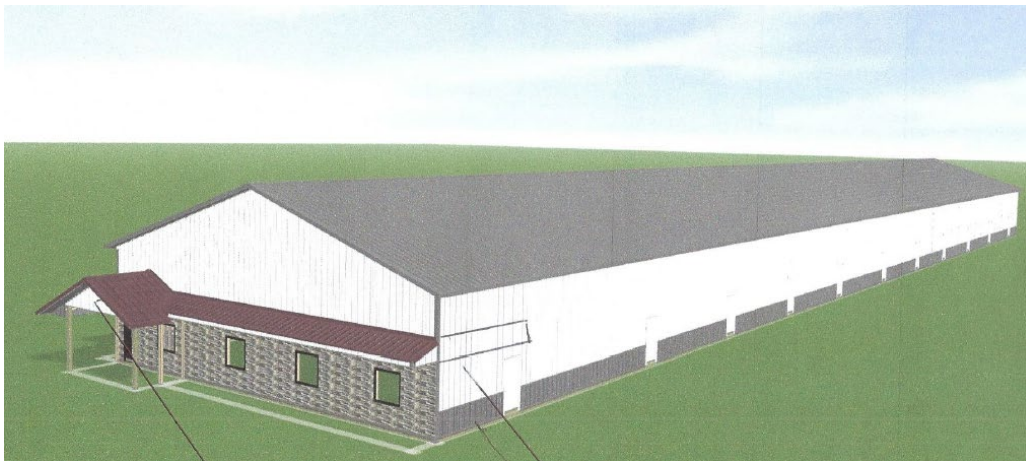


Exhibit 7: North and side elevation of one of the proposed buildings.



Exhibit 8: North and side elevation of one of the proposed buildings.



#### PLAN OF OPERATION

Petitioner's plan is to construct one, eventually two, 60 ft. x 330 ft. warehouse/flex space/workspace, for lease under the I1 classification. Request is consistent with uses of three buildings directly west and five buildings directly across the street. Security cameras shall be installed per rezoning commitment 2020-zon-57.

Workforce – We can't attest to as companies, (tenants) may be national companies or start-up companies with a couple of employees.

Clients & customers – We can't predict.

Processes conducted on sight would be activity allowed in I1 zoning classification. We have a pretty strict lease that states no work is to be conducted outside buildings.

Materials used – Again our leases prohibit any use of or storage of hazardous chemicals.

Waste – We do not lease to anyone who creates or disposes of hazardous waste, including no auto repair.

Exhibit 9: The submitted plan of operation.



Exhibit 10: Looking southeast at the subject site.





Exhibit 11: Looking north towards the subject site.





Exhibit 12: Looking west down West Washington Street.

**BOARD OF ZONING APPEALS DIVISION I**

**May 6, 2025**

**Case Number:** 2025-SE1-001  
**Address:** 2205 North Sherman Drive (approximate address)  
**Location:** Center Township, Council District #8  
**Zoning:** I-4  
**Petitioner:** ABG Property Inc., by Suzanne Baker  
**Request:** Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot.

**Current Land Use:** Vacant lot

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

**PETITION HISTORY**

This is the first time this petition has been heard.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

**SPECIAL EXCEPTION**

- ◇ A commercial parking lot is permitted in the I-4 District by the grant of a Special Exception, which must include findings that the proposed use will not injure or adversely affect the adjacent area or property values in that area, and any grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property.
- ◇ Each Special Exception request must show that the grant would not be injurious to the public health, safety, convenience, and general welfare of the community. The proposed parking lot use would provide exclusive parking for approximately twenty (20) semi-truck and trailer rigs with no proposed supporting structure, trash dumpster, or restroom facilities on site. The plan of operation indicates that pole lights will be used to illuminate the site, and the site will be accessible to drivers 24 hours a day.
- ◇ This portion of North Sherman Avenue is deficient of public right of way width, where only 55 feet or right of way width is provided, and an 88-foot right-of-way width is proposed. This deficient right of way could provide safety issues in the maneuvering of the semi-trucks and rigs along this portion of North Sherman Avenue, possibly into oncoming north bound or south bound traffic.

- ◇ It is anticipated the trucks would either travel north or south on Sherman Avenue, presumably to access a nearby interstate interchange on Emerson Avenue. The intersection to the north, at Sherman Avenue and Massachusetts Avenue has deficient sight lines and turning radius angles due to the angled intersection with Massachusetts Avenue and the parallel railroad. Accessing South bound Sherman Avenue would result in the trucks traveling through residential neighborhood on East 21<sup>st</sup> Street to access the interstate interchange on Emerson Avenue.
- ◇ The Special Exception must indicate that the grant would not injure or adversely affect the adjacent area or property values.
- ◇ The proposed use for a parking lot is a generational use that would take away from the land available for the proposed Heavy Industrial and Industrial Reserve overlay uses and services. As a result of displacing a potential heavy industrial user with higher property values, the lower property valued parking lot could decrease property values in the area.
- ◇ This site is located across Sherman Avenue from approximately three (3) residential dwellings with a Comprehensive Plan recommendation for Traditional Neighborhood. Additional dwellings are located further west in a D-5 district. The subject site is also located across Sherman Avenue northeast from a University Quarter District 1. In Staff's opinion, the proposed parking lot would have a negative effect on the property values of these dwellings and surrounding residential neighborhood.
- ◇ The presence and impact of the semi-truck and trailer rigs operating 24 hours a day, with associated security lighting as well, would have an adverse and detrimental impact on the single-family dwellings to the west, and the University Quarter protected district to the southwest. For this residential neighborhood to remain viable, it would be important to protect these dwellings from the more intense use of the requested commercial parking lot in proximity to dwellings.
- ◇ In Staff's opinion, the request would jeopardize the public safety by increasing the amount of semi-truck and trailer traffic adjacent to an area that is recommended for traditional neighborhood uses. The proposed parking lot could be more appropriately located on sites that are not adjacent to residential uses and protected districts.
- ◇ Additionally, the grant must be in harmony with the character of the district and the land use authorized therein. The subject site is located within the I-4 zoning classification, with an Industrial Reserve overlay district. A parking lot could be an accessory to an industrial use, but it is not generally considered as a primary industrial use by itself. As the east side of Sherman Avenue corridor in this area contains heavy industrial uses, and the overlay district recommends this site be reserved for Industrial uses, the proposed commercial parking lot would be out of character with the adjacent districts and land uses on surrounding properties. The proposed parking lot would not be compatible with the Marion County Comprehensive Land Use Plan recommendation of Heavy Industrial and the Industrial Reserve Overlay district for the site.
- ◇ Summarily, in Staff's opinion, permitting a commercial parking lot in an Industrial Reserve overlay district, and adjacent to residential dwellings and a University Quarter District as proposed, would be wholly inappropriate, particularly considering the general increase of truck use intensity adjacent to the residential uses.



## GENERAL INFORMATION

<b>Existing Zoning</b>	I-4										
<b>Existing Land Use</b>	Vacant Lot										
<b>Comprehensive Plan</b>	Heavy Industrial										
<b>Overlay</b>	Industrial Reserve										
<b>Surrounding Context</b>	<table> <tr> <th><u>Zoning</u></th><th><u>Surrounding Context</u></th></tr> <tr> <td>North: I-4</td><td>Commercial Truck Repair and Service</td></tr> <tr> <td>South: I-4</td><td>Stone Fabricator</td></tr> <tr> <td>East: I-4</td><td>Shipping Terminal</td></tr> <tr> <td>West: I-3</td><td>Single-Family Dwellings</td></tr> </table>	<u>Zoning</u>	<u>Surrounding Context</u>	North: I-4	Commercial Truck Repair and Service	South: I-4	Stone Fabricator	East: I-4	Shipping Terminal	West: I-3	Single-Family Dwellings
<u>Zoning</u>	<u>Surrounding Context</u>										
North: I-4	Commercial Truck Repair and Service										
South: I-4	Stone Fabricator										
East: I-4	Shipping Terminal										
West: I-3	Single-Family Dwellings										
<b>Thoroughfare Plan</b>											
Sherman Drive	Primary Arterial 55-foot existing right-of-way and 88-foot proposed right-of-way.										
<b>Context Area</b>	Compact										
<b>Floodway / Floodway Fringe</b>	No										
<b>Wellfield Protection Area</b>	No										
<b>Site Plan, Revised</b>	March 18, 2025										
<b>Elevations</b>	N/A										
<b>Commitments</b>	N/A										
<b>Landscape Plan</b>	N/A										
<b>Findings of Fact</b>	March 18, 2025										

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Heavy Industrial uses for the site, with an Industrial Reserve Overlay.

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends Heavy Industrial uses for this site. The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic.
- The Industrial Reserve overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

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

- Not Applicable to the Site.

## ZONING HISTORY

**2023-DV3-015; 2300 North Sherman Drive (north of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an unmarked and unpaved parking area (parking areas must be hard surfaced with durable markings), **denied**.

**2004-ZON-011; 2187 North Gale Street and 2186 North Sherman Drive (southwest of site)**, requested the rezoning of 0.8 acre from the D-5 and I-3-U districts to the UQ-1 classification to provide for higher education uses, **granted**.

**2001-HOV-047; 4101 Massachusetts Avenue (northeast of site)**, requested a special exception to provide for the development of a 78.473-acre industrial park with one private street for eleven lots, **granted subject to the site plan**.

**99-CP-37Z / 99-CP-37V / 99-CP-37VAC / 99-CP-37AP; 2169-2197 North Gale Street, 2161, 2171, 2181-2198 Avondale Place, 2162-2190, 2194 Station Street, and 2164-2172 North Sherman Drive (southwest of site)**, requested the rezoning of 3.6 acres from D-5 and I-3-U to UQ-1 to legally-establish, and provide for the expansion of, a university; with a number of variances, **approved**.

**93-DV1-120; 3823 Massachusetts Avenue (north of site)**, requested a variance of development standards to permit an addition to a building extending the existing front setback of 36.75 feet from the centerline of Massachusetts Avenue, **granted**.

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## EXHIBITS

### Location Map





Site Plan



## Findings of Fact

Petition Number \_\_\_\_\_

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

**PETITION FOR SPECIAL EXCEPTION  
FINDINGS OF FACT**

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

As defined a "Parking Lot, Commercial" is a parking lot that is a primary use of land. The site will specifically be used just for truck parking with no other structures on site besides a moveable loading dock.

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

The proposed use will not injure or adversely affect adjacent area or property values because it is a similar and compatible use with the surrounding uses of the property and it will also improve a now vacant and overgrown site. Surrounding uses include a truck repair facility, FedEx trucking fleet terminal, a stone supplier, and a manufacturing company of burial vaults. This site and surrounding sites are well served and encourage trucking industry uses due to the close proximity to Interstate 70 and is also currently zoned the most intense industrial classification.

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

The site will not materially or substantially interfere with the lawful use and enjoyment of the adjoining property because the site will be secured and provide for lighting. Additionally, Sherman Drive is already equipped for trucks as the surrounding uses of truck repair north of the site, which is a much larger site than the subject site.

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

This site will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan because the future land use recommendation for the site indicates for Heavy Industrial. Further this site is zoned the most intense industrial zoning classification and is surrounded by both industrial zoning and similar and compatible uses to our proposed commercial parking lot.

### Findings of Fact Cont'd

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

The proposed use will conform to the development standards set forth in Chapter 744. With the proposed use there will be minimal improvements needed to make to the site, with only 20 parking spaces which will abide by other City regulations and requirements as well.

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

The proposed use will conform to the performance standards set forth in Chapter 740 and the development standards set forth in Chapter 744. With the proposed use there will be minimal improvements needed to make to the site, with only 20 parking spaces which will abide by other City regulations and requirements as well.

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

The proposed Parking Lot, Commercial on the subject site will comply with the use-specific standards outlined in Chapter 743, Article III, Section 5, CC. Specifically, #1-3 do not apply to this location. #4, Parking lots, Commercial shall be limited to a maximum of 2 acres and the subject site is 1.36 acres.

### DECISION



**Photographs**



Subject site northern portion with proposed entrance, looking east.



Subject site southern portion, looking east



Adjacent single-family dwellings on west side of Sherman Avenue, looking northwest.



Adjacent University Quarter District to the southwest





Adjacent industrial Stone Fabricator use to the south, looking southeast.



Adjancet commercial Truck Repair and Service to the north, looking northeast.



**BOARD OF ZONING APPEALS DIVISION I**

**May 6, 2025**

**Case Number:** 2025-DV1-017

**Property Address:** 1421 East Michigan Street (approximate address)

**Location:** Center Township, Council District #13

**Petitioner:** Indy Real Estate Consulting LLC, by David and Justin Kingen

**Current Zoning:** D-8

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for subdivision of a lot for construction of a duplex resulting in lot widths of 19.98 feet (60-foot lot widths required) and a total lot area of 6,240 square feet (7,200 square feet of lot area required), with a two-foot western side yard setback (five feet required).

**Current Land Use:** Residential

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

A timely automatic continuance request was filed by a registered neighborhood organization in advance of the May 6<sup>th</sup> hearing date. This petition will be continued to the June 3<sup>rd</sup> hearing date of Division I, and a full staff report will be made available at that point in time.

## BOARD OF ZONING APPEALS DIVISION I

May 6, 2025

**Case Number:** 2025-DV1-019

**Property Address:** 440 450 Elanco Circle (approximate address)

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

**Petitioner:** Indy Animal Property LLC, by Tyler Ochs

**Current Zoning:** CBD-S (RC) (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for location of an eight-foot tall decorative perimeter fence (maximum fence height of 3.5-feet permitted within front yards) and a parking garage with 21 8.5-foot by 18-foot, 153 square-foot parking spaces (minimum 9'x18', 180 square foot parking spaces required).

**Current Land Use:** Vacant

**Staff Recommendations:** Staff **recommends approval** of the variance for reduced parking space area and dimensions.  
Staff **recommends denial** for the remainder of the petition.

**Staff Reviewer:** Noah Stern, Senior Planner

## PETITION HISTORY

- This is the first public hearing for this petition.

## STAFF RECOMMENDATION

- Staff **recommends approval** of the variance for reduced parking space area and dimensions.
- Staff **recommends denial** for the remainder of the petition.

## PETITION OVERVIEW

- The petitioner is requesting to allow for the location of an eight-foot tall decorative perimeter fence (maximum fence height of 3.5-feet permitted within front yards) and a parking garage with 21 8.5-foot by 18-foot, 153 square-foot parking spaces (minimum 9'x18', 180 square foot parking spaces required).
- The proposal is a part of the multi-building development as a part of the rezoning 2022CZN824 for the new Elanco headquarters. The proposed fence (to surround a parking lot) and parking garage are to be located on the west side of the complex.

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

- Standards for fence height are in place to maintain visibility, limit oversized barriers, and to promote quality aesthetics. The Ordinance puts an even greater emphasis on this premise for front yards to ensure that access is not overly restricted and so that frontages do not contain overwhelming features and maintain a high-quality look and feel. Staff finds the proposed 8-foot fence to be a substantial deviation from the 3.5-foot standard, and to be out of character for the surrounding area and for the Regional Center overlay district, which is meant to foster a high-quality pedestrian experience. Staff does not find the request to be necessary nor appropriate and, does not find that there is practical difficulty related to the site that necessitates a fence of this height. Staff would also note that there are other options for security besides an increase in fence or wall height. Finally, Staff believes his proposal to be an undesired precedent for our commercial areas and in particular, the areas in and around Downtown. Therefore, Staff recommends denial of this portion of the request.
- With regard to the variance request for the reduced parking space area and dimensions, these standards are in place to ensure that adequate space is provided for parking and maneuverability of automobiles. While 9 feet by 18 feet is the standard for commercial uses, the Ordinance does contemplate parking spaces of smaller dimensions in certain situations, including small vehicle parking which is listed as having a minimum of 8 feet in width and 16 feet in length, which this request would meet. Further, with this request comprising a small minority of the overall number of spaces that are to be located on site, and with the dimensions to be a small deviation from the required standard, Staff finds the request to be reasonable and minor in nature. Further, Staff does not believe that the request would impede motorists from accessing and parking on the site. Therefore, Staff is unopposed to this portion of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	CBD-S (RC) (TOD)	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Urban Mixed-use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	CBD-S (RC) (TOD)	North: Vacant
South:	CBD-S (RC) (TOD)	South: Vacant
East:	CBD-S (RC) (TOD)	East: Vacant
West:	CBD-S (RC) (TOD)	West: Vacant
<b>Thoroughfare Plan</b>		
Elanco Circle	Local Street	87 feet of right-of-way existing and 80 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes, Regional Center, Blue Line TOD	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	4/14/25	
<b>Site Plan (Amended)</b>	N/A	



<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	3/21/25, 4/14/25
<b>Findings of Fact (Amended)</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Blue Line TOD Strategic Plan (2018)

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Urban Mixed-Use typology for this site.

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

- The subject site is approximately ¼ mile from the proposed Indianapolis Zoo Blue Line Station.
- The typology assigned to this station is Central Business District, which is characterized as:
  - The densest core of the city with tallest buildings
  - Mix of office, entertainment civic, retail, active public space, and residential
  - Minimum of 5 stories throughout with no front or side setbacks
  - Structured parking only with active first floor

### 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)

- The Central White River Trail is adjacent to the site to the east.
- The Cultural Trail will connect to the Central White River Trail as a part of the Henry Street Bridge project.

## ZONING HISTORY

### ZONING HISTORY – SITE

**2022CZN824;** Rezoning of 93.23 acres from the CBD-S (RC), C-1 (RC) and C-3 (RC) districts to the CBD-S (RC) district to provide for a mixed-use residential, commercial, industrial and park development.

Approval of a Subdivision Plat to be known as Reimagining the GM Stamping Plant, dividing 93.23 acres into fifteen lots including the vacation of all remaining streets and alleys in an area bounded by Oliver Avenue, White River Parkway West Drive, Washington Street and Division Street, **approved**.

### ZONING HISTORY – VICINITY

**2010-SE3-003 and 2010-DV3-023; 1428 West Henry Street,** requested a Special Exception of the Industrial Zoning Ordinance to provide for the recycling of commercial and household recyclable materials, including ferrous and non-ferrous metal scrap; plumbing, steel, metal or copper pipe; electrical wiring, scrap metal from electrical appliances, obsolete machinery and other miscellaneous ferrous and non-ferrous metal materials, and to provide for the transporting, sorting, baling and staging / storage of recyclable materials prior to transporting and a Variance of Development Standards of the Industrial Zoning Ordinance to provide for a zero-foot south front transitional yard along Henry Street (minimum 50-foot front transitional yard setback required), **granted**.

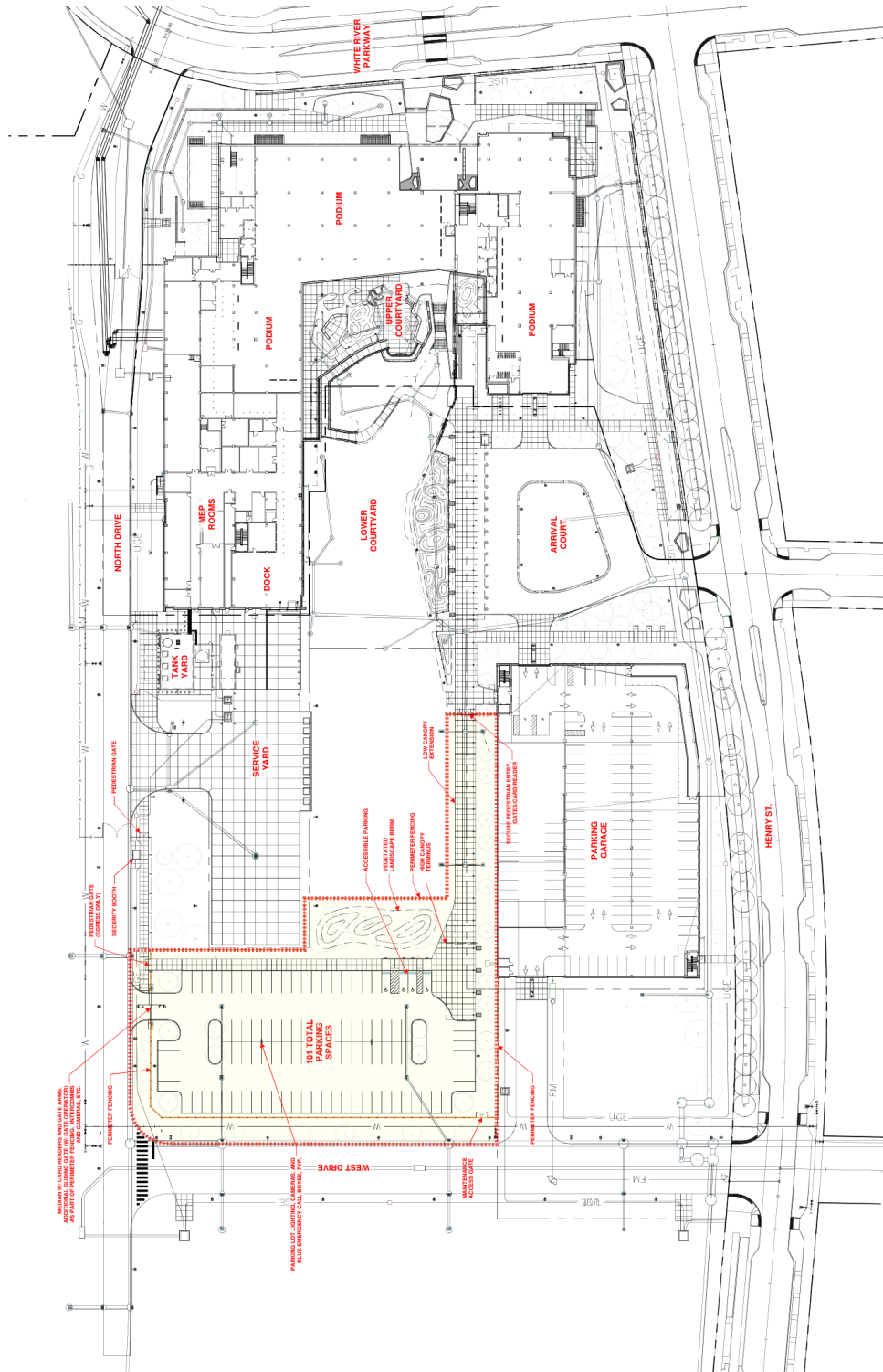
**2010-MO3-001; 1428 West Henry Street,** requested a Modification of Conditions related to petition 84-UV3-91, to modify Condition Three to provide for limited outdoor storage and processing of miscellaneous ferrous scrap steel and outdoor operations, **withdrawn**.

**2010-REG-048; 1428 West Henry Street,** requested Regional Center Approval to provide for outdoor operation of a recycling facility, with fencing, **approved**.

**2007-APP-171; 1428 West Henry Street,** requested Regional Center Approval to provide for use of the site as a recycling facility for common household and commercial materials, **approved**.



EXHIBITS



**RATIO**  
**CSO**

ELANCO CORPORATE GLOBAL HEADQUARTERS  
 SITE PLAN  
 01/09/2020



Department of Metropolitan Development  
Division of Planning  
Current Planning

Petition Number 2025-\_\_\_\_\_

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 variance will allow for a taller fence to provide for the safety and general welfare of Elanco employees. Since this is an industrial area, where employees may be traveling to their vehicle at night, this variance will only help to increase safety and general welfare. Additionally, this site is an industrial area as stated, and therefore, a higher fence will not impact the community due to location. The entire intent is for employee 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:

The parking lot will be in the corner of the parcel and surrounded by public roads. This is an industrial area, and therefore, there is no adjacent property that would be negatively impacted in direct proximity. Additionally, it is located on the redevelopment of the old stamping plant, which has remained vacant. This will help to increase the property value of adjacent areas.

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

This property is the former home of the GM Stamping Plant. The Lot has remained unused for quite some time. The fence requirement in the ordinance seems to have the intent to not impede the view of neighboring land owners or businesses. Due to the location and redevelopment of the site, this fence will not impact any neighboring land owner, and further, it accomplishes the intent of allowing Elanco to develop this unused site while also providing for the safety and security of their employees.

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**

Petition Number 2025-

**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 proposed six-inch reduction of parking space width will still allow visitors and employees to safely park and provide sufficient space to access vehicles even when the garage is full. The proposed parking space area is consistent with the minimum area required for residential uses, which also allows safe parking and access when vehicles are parked on both sides of an open parking space.

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

the proposed variance relates to the parking structure located on the Elanco Global Headquarters development on the larger Reimagining the GM Stamping Plant site and will allow for ample parking on-site to ensure that visitors do not look to adjacent properties for parking options, thereby protecting the adjacent properties' value.

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

the proposed variance will allow Petitioner to construct the onsite parking garage as presented and approved in its regional center filing. To require strict adherence to the minimum parking area standard for non-residential uses would necessitate either the addition of another level to the parking garage, which would alter the site-lines and appearance of the overall development, or increasing the footprint of the parking garage altering the building's presence and appearance along Henry Street as part of the approved site development plans.

**DECISION**

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

Adopted this            day of            , 2025.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_









BOARD OF ZONING APPEALS DIVISION I

May 6<sup>th</sup>, 2025

**Case Number:** 2025-DV1-020

**Property Address:** 1506 & 1510 Dunlap Avenue

**Location:** Wayne Township, Council District #17

**Petitioner:** Elore Alom LLC, by Matthew Peyton

**Current Zoning:** D-5

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family detached house on each lot, each with a front-loaded garage representing 56.4 percent of the façade width (prohibited).

**Current Land Use:** Residential

**Staff**

**Recommendations:** Staff is recommending **denial** of this variance petition.

**Staff Reviewer:** Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this variance petition.

STAFF RECOMMENDATION

Staff is recommending **denial** of this variance petition.

PETITION OVERVIEW

- The petitioners are requesting a variance to allow for two (2) proposed single-family homes with front-loading garages, which is prohibited.
- These properties are 0.40-acre in size and within the D-5 zoning district.
- Front-loaded garages are not permitted by the Ordinance and are recommended against by the Infill Housing Guidelines.
- 1502 Dunlap Avenue was split into three (3) parcels in 2024 (2024-PLT-071), creating subject sites 1506 and 1510. This area was also rezoned 2024 from the D-3 zoning district to D-5 (2024-ZON-067).
- The front loading garages will face Dunlap Avenue.
- Staff is recommending **denial** of this variance petition; no practical difficulty would make the front-loading garages necessary. On both sites, there is enough space to place the garages in the property's backyard or create an alley behind all three (3) properties to provide access to garages



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

and ample green space. Dunlap Avenue already has multiple instances of front-loading garages, and adding additional ones can increase traffic on Dunlap Avenue, a local street.

## GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-3	North: Traditional Neighborhood
	South: D-3	South: Traditional Neighborhood
	East: SU-2	East: Traditional Neighborhood
	West: D-3	West: Traditional Neighborhood
Thoroughfare Plan		
Dunlap Avenue	Local Street	44 feet of right-of-way existing and 48 feet proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	3/25/2025	
Site Plan (Amended)	N/A	
Elevations	3/25/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/25/2025	
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 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.

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

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**

- Accessory buildings should be of a secondary nature. Garages should be oriented towards alleys. Avoid front-loading garages and driveways where alleys are available. The Zoning Ordinance requires that entries should be clear and defined.

**Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

- 2024-PLT-071: 1502 Dunlap Avenue
  - Approval of a Subdivision Plat, to be known as Brown's Replat of Part of Lots 139 and 140 in Lynhurst Heights Subdivision, dividing 0.645-acre into three lots.
    - Approved
- 2024-ZON-067: 1502 Dunlap Avenue
  - Rezoning of 0.643-acre from the D-3 district to the D-5 district to provide for residential uses.
    - Approved

### ZONING HISTORY – SURROUNDING AREA

- 2008-HOV-052: 1643 Dunlap Avenue
  - Variance of Development Standards of the Sign Regulations to legally establish a 6.083-foot tall, 33.33-square foot pylon sign (maximum four-foot tall ground sign permitted), containing a 24-square foot electronic variable message sign component (not permitted) being 72 percent of the total sign area (maximum 13.3 square feet or 40 percent of the total sign area permitted), within 42.5 feet of a protected district (minimum 600-foot separation required).
    - Approved
- 2008-ZON-814: 1401 South Lynhurst Drive
  - 0.83 acre from C-S to C-S to provide for a contractor's business, disaster restoration services and janitorial/cleaning services. Recorded commitment number 2008-0048039.
    - AP
- 2009-UV3-008: 4848 West Minnesota Street
  - Variance of Use and Development Standards of the Industrial Zoning Ordinance to legally establish: a) a towing business (not permitted, including outdoor storage of inoperable vehicles (not permitted), b) automobile sales (not permitted) of towed vehicles, c) approximately 102,950-square feet of outdoor storage or 655 percent of the total area of enclosed buildings and structures (maximum 7,866 square feet or 50 percent of the total area of enclosed buildings and structures permitted), d) outdoor storage of automobiles with a four-foot west side setback being within the required 100-foot west transitional yard (not permitted), without landscaping in the required west transitional yard (landscaping required), e) outdoor storage of automobiles with a zero-foot east side setback being within the required 30-foot east side yard (not permitted), without landscaping in the required east side yard (landscaping required), f) outdoor storage of automobiles with a 50-foot north side setback being within the required 100-foot rear transitional yard (not permitted), without landscaping in the required rear transitional yard (landscaping required), g) building "B" with a six-foot east side setback (minimum 30-foot east side setback required).
    - Approved





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

- 2015-CZN-815: 4701 West Morris Street
  - Rezoning of 27.12 acres from the I-3-S district to the C-7 classification to provide for trailer sales and storage.
    - Withdrawn

## EXHIBITS

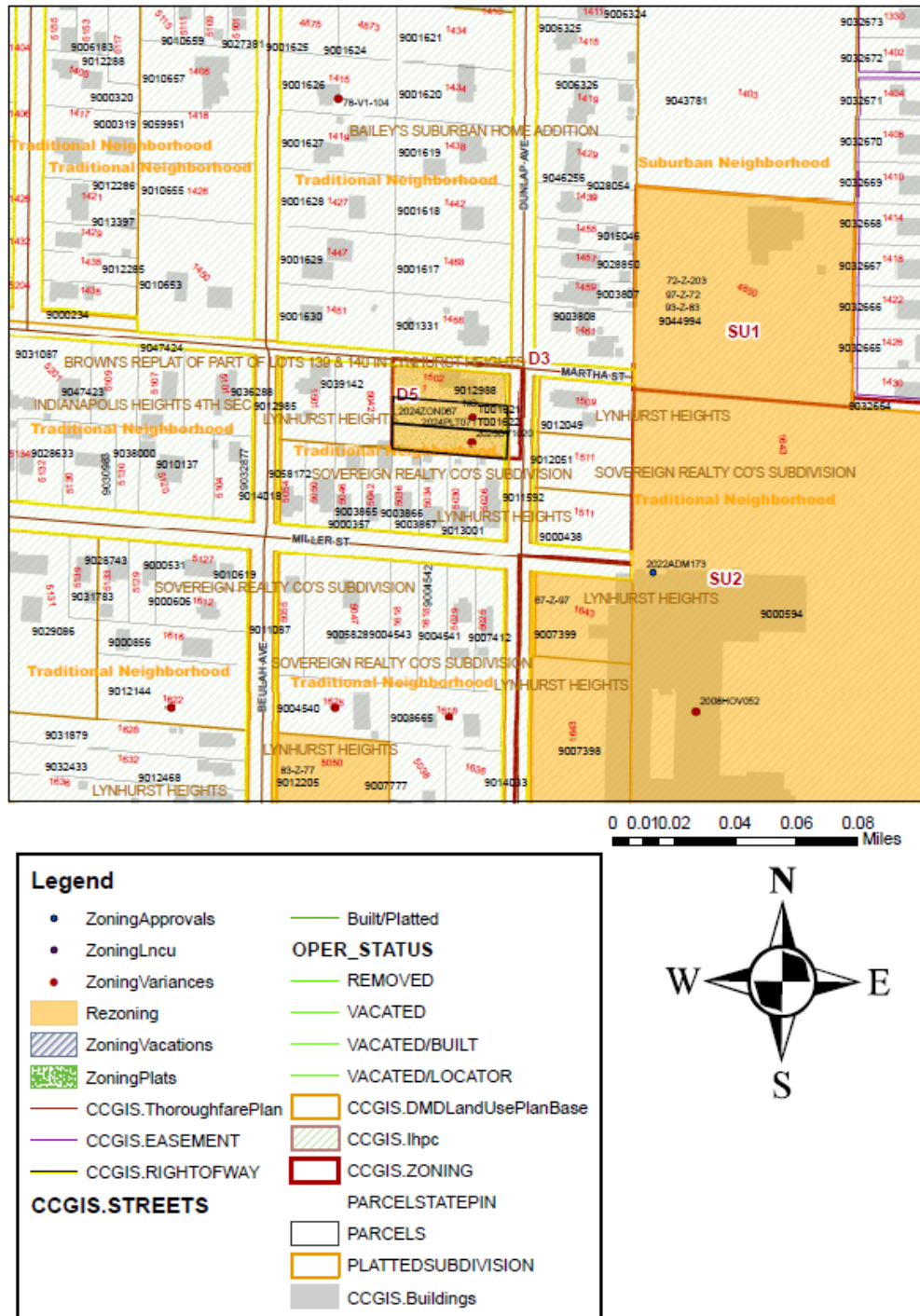


Exhibit 1: ArcGIS map of the subject sites and surrounding area.

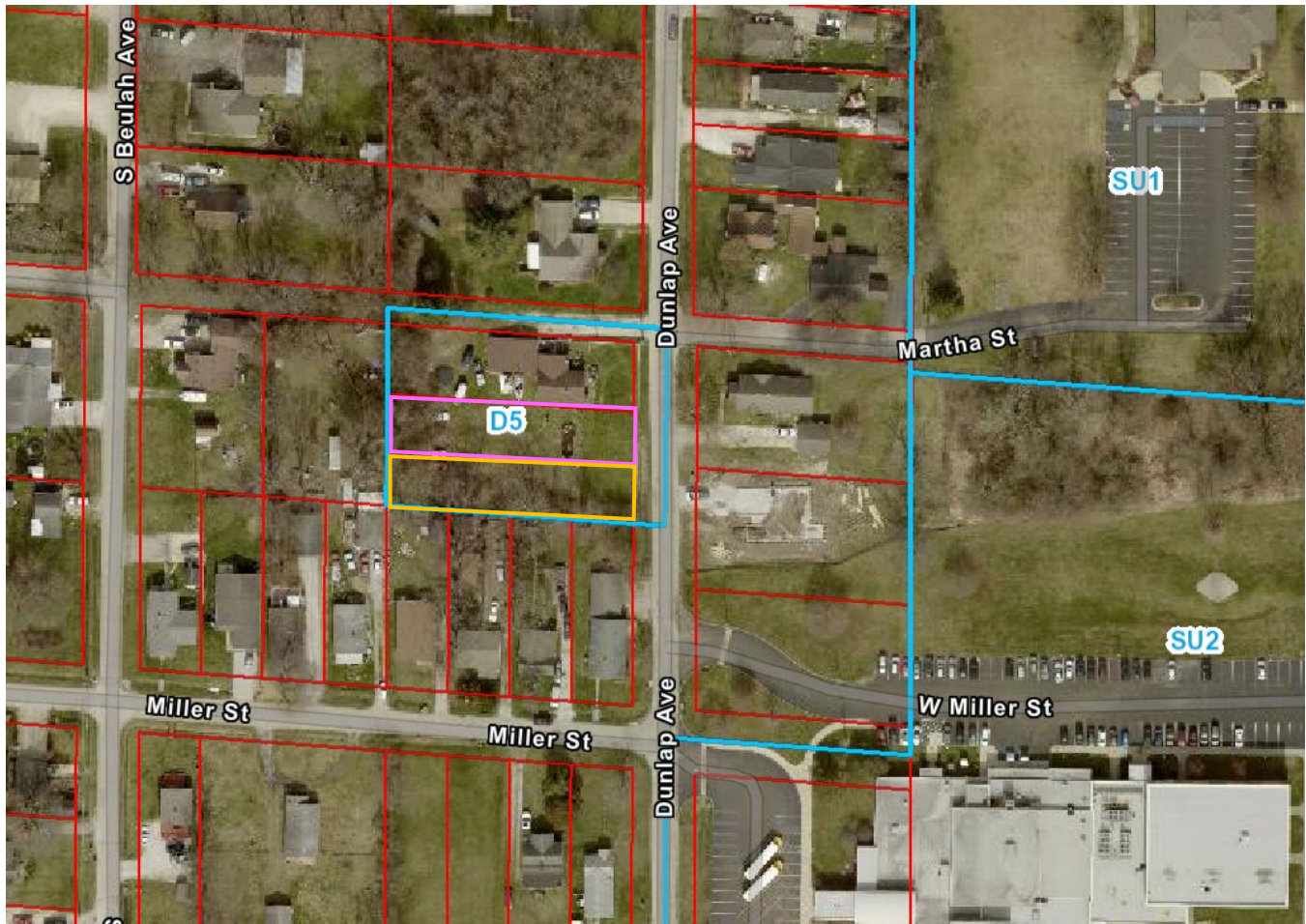


Exhibit 2: Aerial of the subject sites and surrounding area.



**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:

There are existing conditions within the neighborhood where the house has a front loaded attached garage at or in front of the front building line.

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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 condition of a front loaded attached garage is already present in the neighborhood.

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

The strict application of the private frontage design standards would not allow for 2 parking spaces in the garage on a 44 foot wide lot. There is no alley access along the back of the property to locate the garage. Providing a driveway along the side of the property would be very costly and take up a large portion of the build-able width of the property as well as a substantial amount of space in the back yard.

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Exhibit 3: The submitted findings of fact.

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 Division of Planning  
 Current Planning

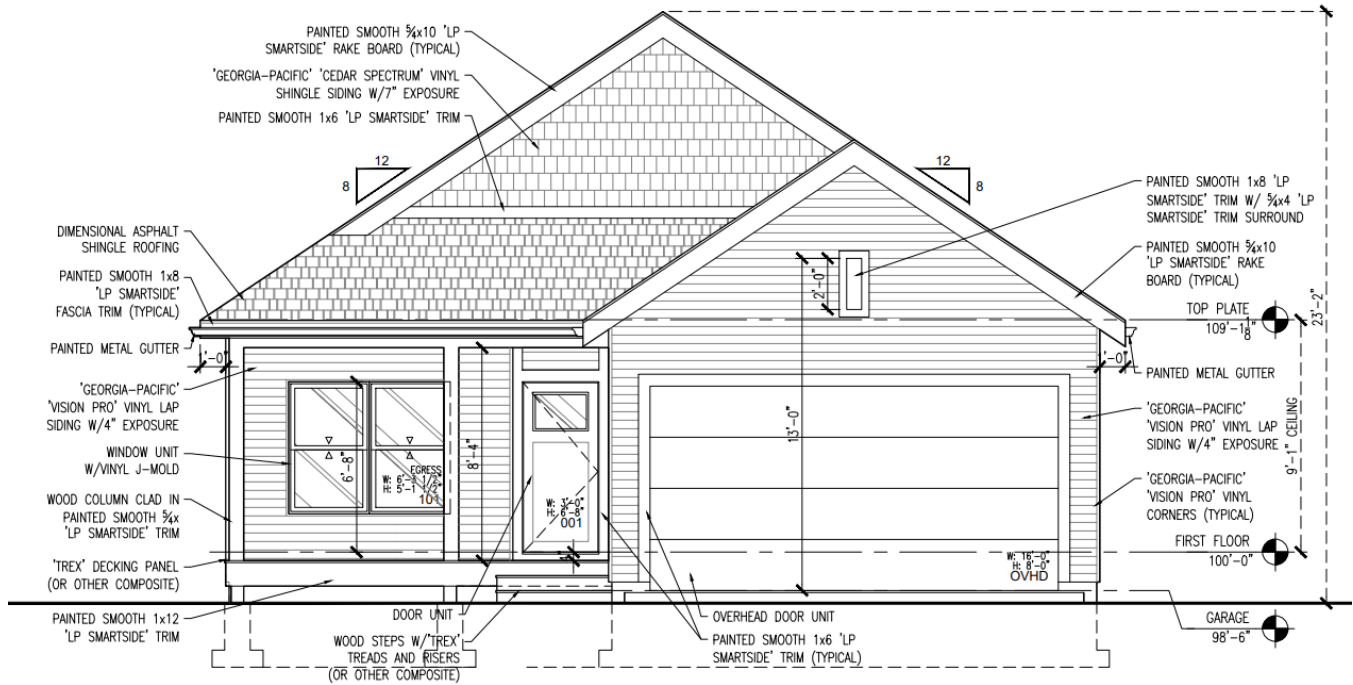


Exhibit 4: 1506 Dunlap Avenue front elevation.

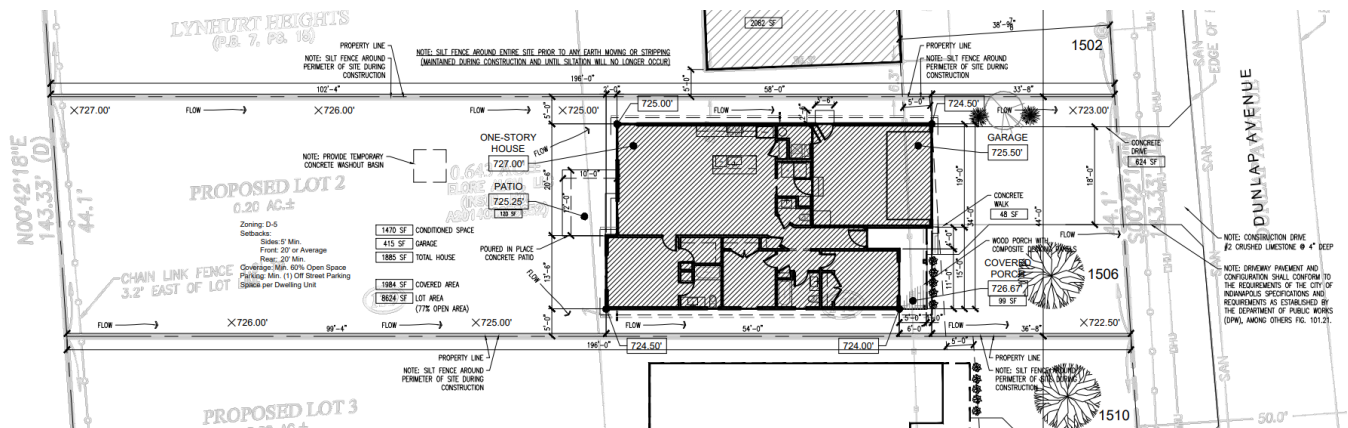


Exhibit 5: 1506 Dunlap Avenue enlarged site plan.

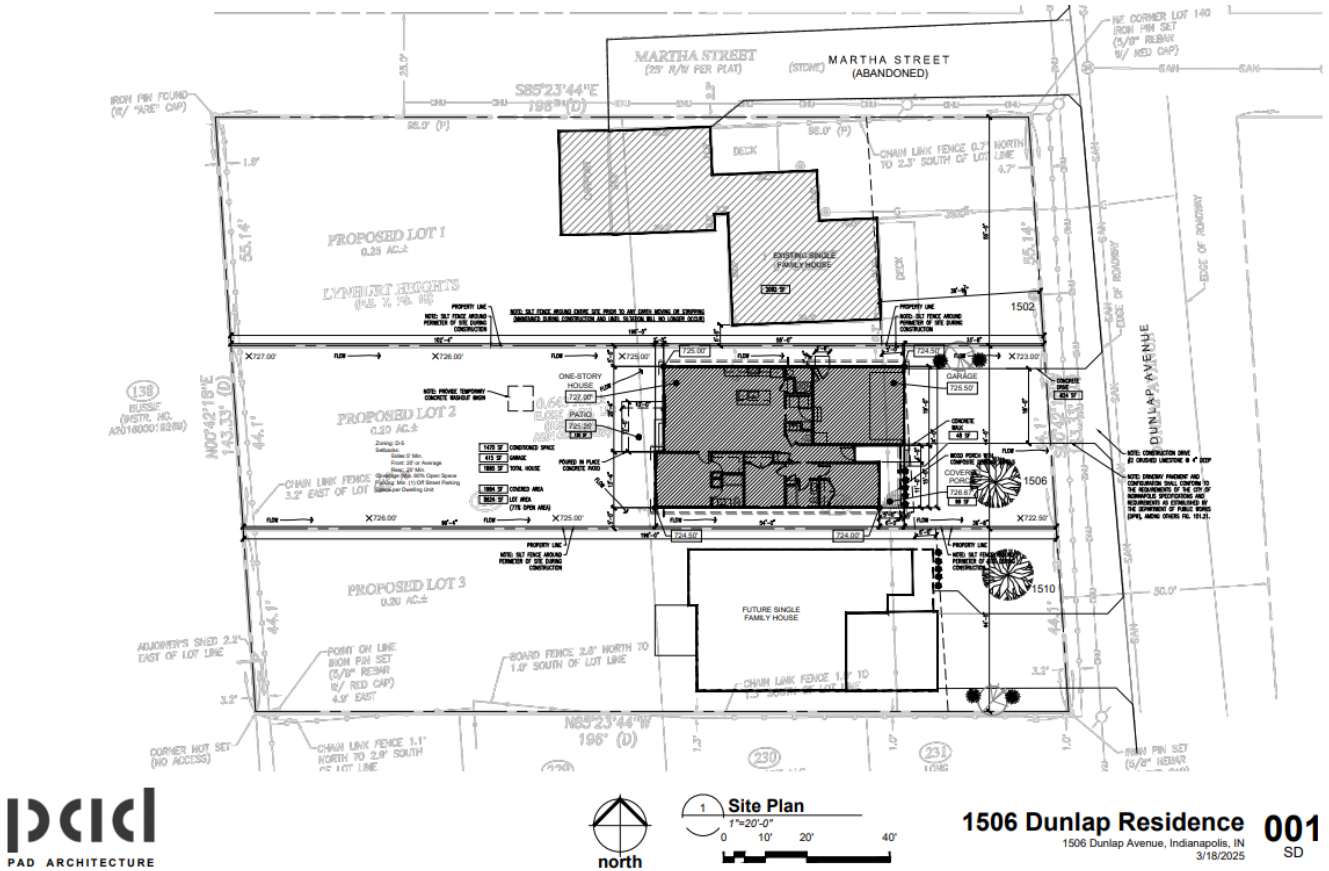


Exhibit 6: 1506 Dunlap Avenue full site plan.



Department of Metropolitan Development  
 Division of Planning  
 Current Planning

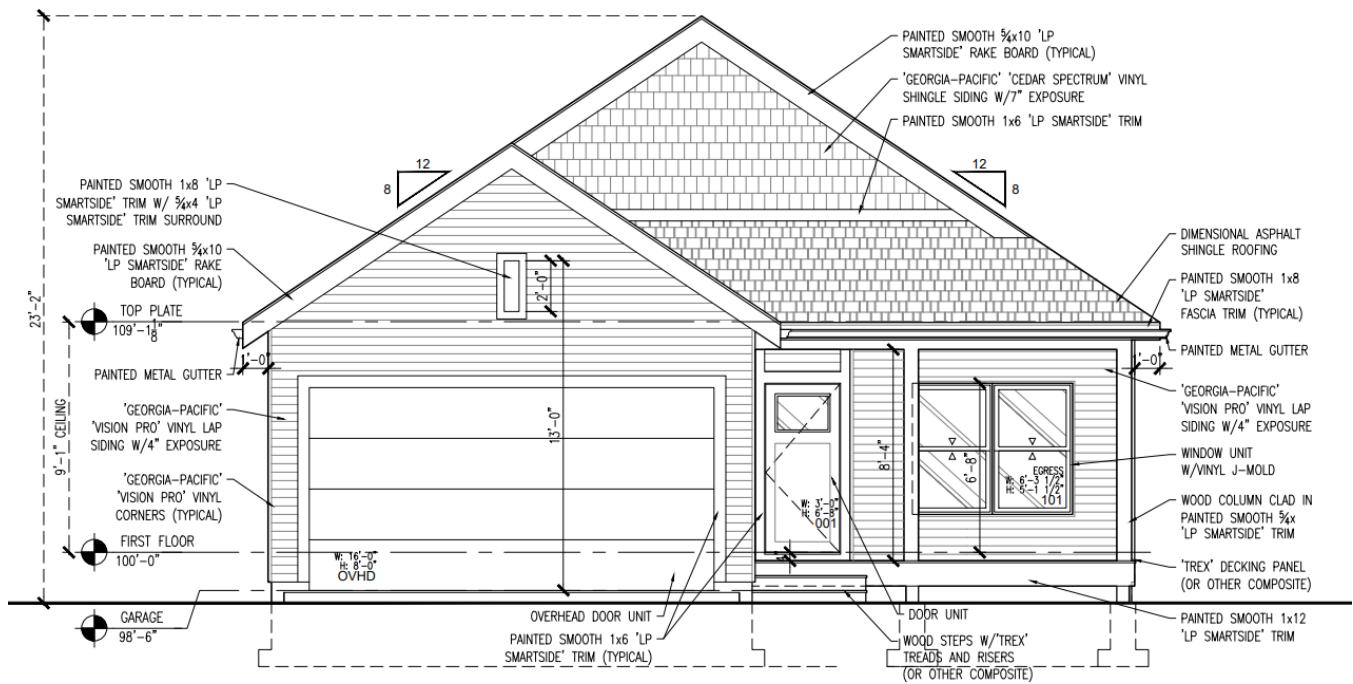


Exhibit 7: 1510 Dunlap Avenue front elevation.

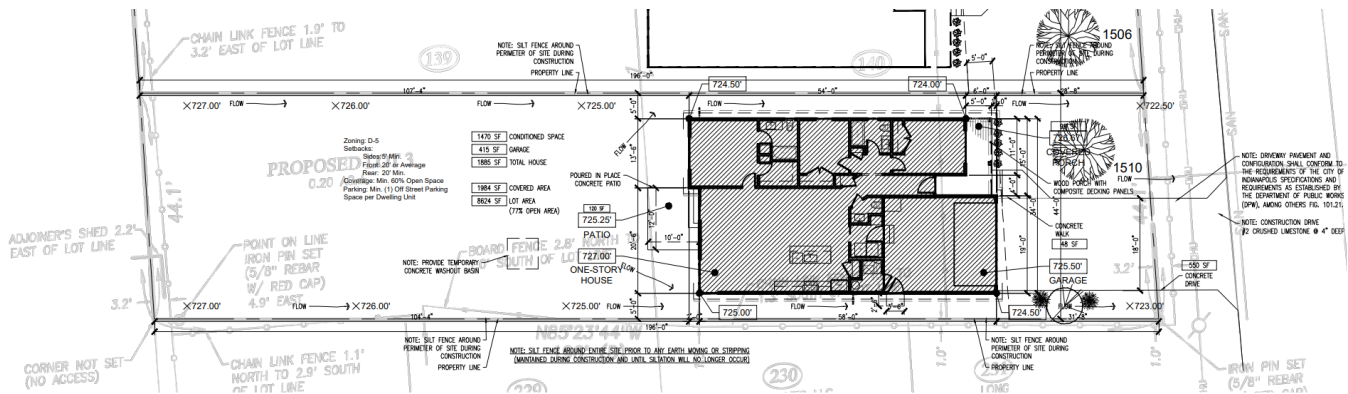


Exhibit 8: 1510 Dunlap Avenue enlarged site plan.



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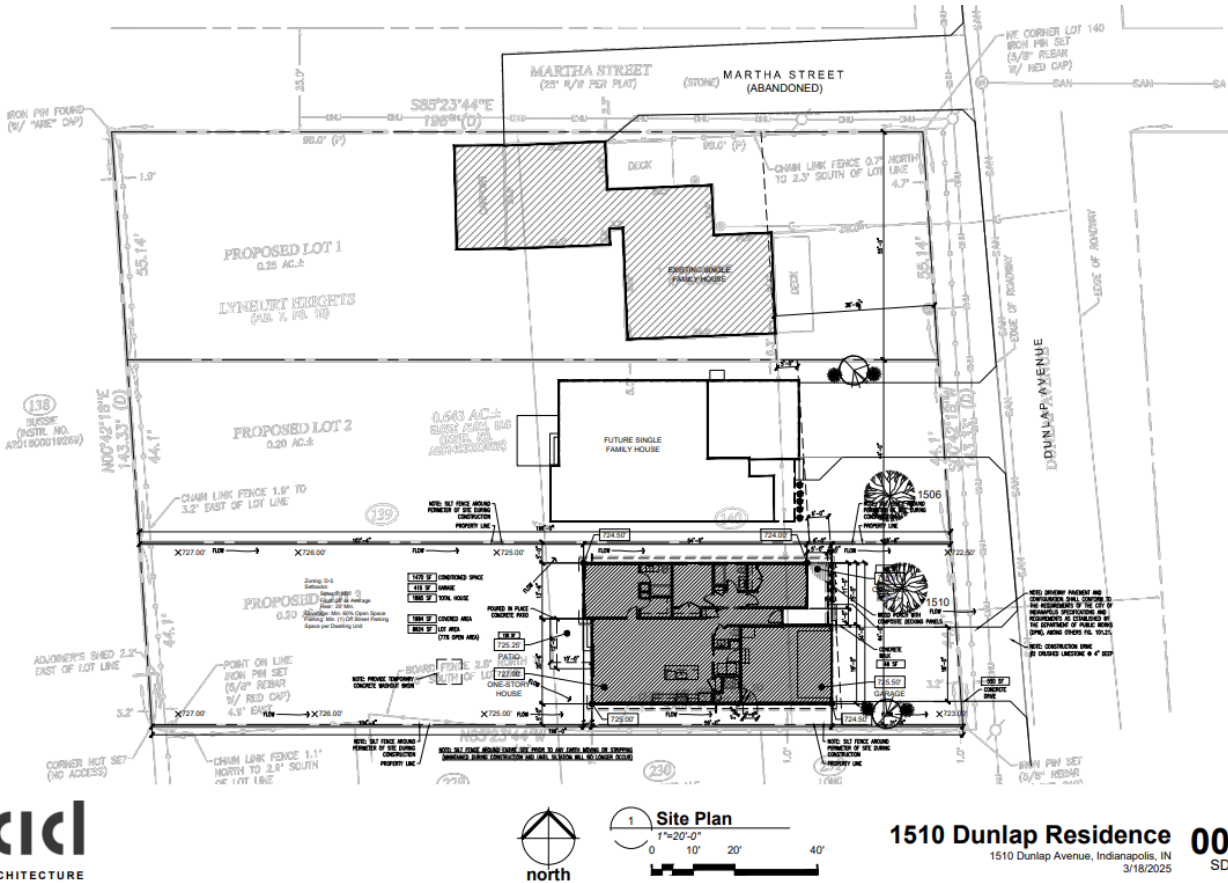


Exhibit 9: 1510 Dunlap Avenue full site plan.





Exhibit 10: 1502 Dunlap Avenue and the proposed locations for subject sites 1506 and 1510 Dunlap Avenue.



Exhibit 11: Another view of the proposed subject sites.





Exhibit 12: Home across the street from subject sites.





Exhibit 13: Looking south down Dunlap Avenue.



Exhibit 14: Looking north up Dunlap Avenue.



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## BOARD OF ZONING APPEALS DIVISION I

May 6<sup>th</sup>, 2025

**Case Number:** 2025-DV1-018

**Property Address:** 510 Kessler Boulevard West Drive

**Location:** Washington Township, Council District #2

**Petitioner:** Diana Steinhoff by Andrew Wert

**Current Zoning:** D-1

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 60-foot-wide parking area within the front yard, including a second driveway access to Kessler Boulevard West Drive (maximum parking area width of 30 feet permitted, two driveway connections along one frontage not permitted).

**Current Land Use:** Residential

**Staff**

**Recommendations:** Staff is recommending **denial** of this variance petition.)

**Staff Reviewer:** Kiya Mullins, Associate Planner

## PETITION HISTORY

This is the first public hearing for this variance petition.

## STAFF RECOMMENDATION

Staff is recommending **denial** of this variance petition.

## PETITION OVERVIEW

- The petitioner is requesting a variance to replace the existing driveway with a new driveway that is sixty (60) feet wide. The new design includes a second exit onto Kessler Boulevard West Drive.
- This property is 0.9-acre in a D-1 zoning district.
- Kessler Boulevard West Drive is a primary arterial thoroughfare with heavy traffic in both directions (South and Northeast).
- The Land Use Plan recommends this area for a Rural or Estate Neighborhood. This land use category is defined as "...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...one dwelling unit per acre unless housing is clustered to preserve open space."

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- Currently, the property has one (1) driveway approximately forty-five (45) feet wide at its widest point.
- The ordinance allows only one (1) driveway in front of a residential home, which can be a maximum of 30 feet wide.
- Within this section of the neighborhood (Kessler Blvd West Drive, Stafford Road, and Stafford Way), there are around thirteen (13) examples of existing double driveways.
- Staff is recommending **denial** of this variance petition. Though this is an intense location for traffic, the second driveway will cause more conflict between vehicles in the Kessler travel lanes and vehicles maneuvering into that traffic. There is no guarantee that the grant of the variance will provide safety to the residents and delivery drivers. The driveway is currently already over the permitted width of the driveways in the front yard. To approve this variance would destroy an even larger section of green space in the front yard of an area that is recommended to preserve open space.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-1	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-2	North: Suburban Neighborhood
South:	D-S	South: Rural or Estate Neighborhood
East:	D-S	East: Rural or Estate Neighborhood
West:	SU-2	West: Suburban Neighborhood
<b>Thoroughfare Plan</b>		
Kessler Blvd W Drive	Primary Arterial	83 feet of right-of-way existing and 119 feet proposed.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	3/18/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	3/18/2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	3/18/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan: Pattern Book

### Pattern Book / Land Use Plan

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

### 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

- N/A

### ZONING HISTORY – SURROUNDING AREA

- 2011-CVR-801: 5951 Stafford Way
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a single-family dwelling (5951) with a 50-foot front setback (77-foot front setback required) from Stafford Way.
    - Approved
- 2011-DV1-047: 5880 Stafford Way
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance and Sign Regulations to provide for a) a six-foot tall wrought iron fence and chain link fence, with 7.75-foot tall and 10-foot tall columns in the front yard of Hoover Road, Stafford Road and Kessler Boulevard West Drive and with portions of the fence being within the right-of-way of Stafford Road and Kessler Boulevard, West Drive (fences not permitted in the right-of-way, maximum 42-inch fence permitted in the front yard, columns cannot exceed maximum height of fence by more than one foot), and b) to provide for subdivision identification signs on 10-foot tall columns located in the right-of-way (four-foot maximum height for subdivision signs, 15-foot setback required, signs not permitted in the right-of-way).
    - Approved
- 2021-DV2-040: 5921 Stafford Road
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 50-foot front setbacks from the front property line of the adjacent streets (30-foot from the proposed right-of-way or average setback, whichever is greater).
    - Approved

## EXHIBITS

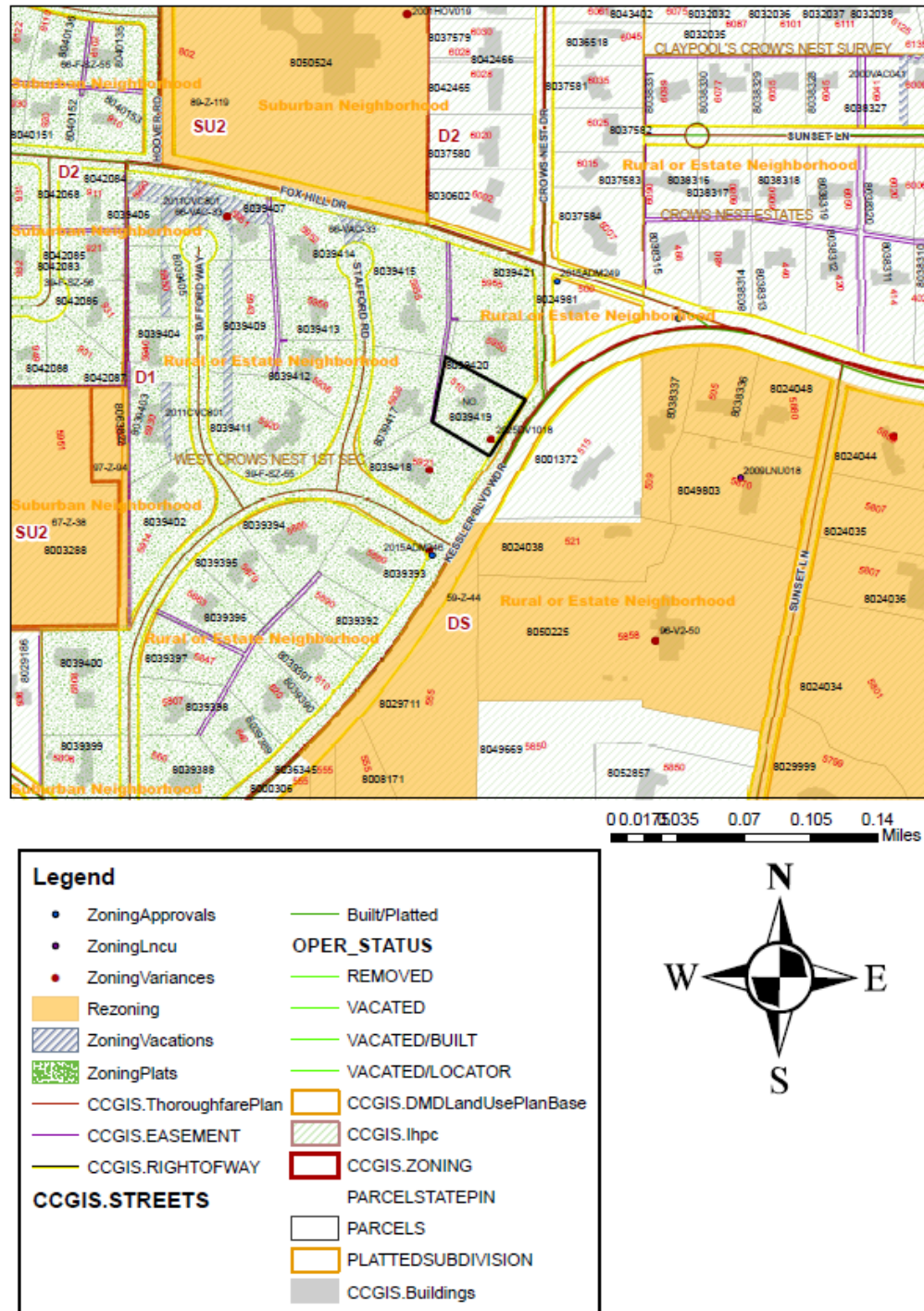


Exhibit 1: ArcGIS map of the subject site and the surrounding area.





Exhibit 2: Aerial of the subject site and surrounding area.



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Petition Number \_\_\_\_\_

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

the current driveway access is unsafe. The proposed configuration will increase safety for the motoring public and delivery vehicles exiting the property.

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

the proposed dual access driveway is common in this area of large lots large and heavy traffic along Kessler Boulevard.

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

it will not permit turnaround space for vehicles exiting the property, forcing those vehicles to back out onto Kessler Boulevard. The property is located on a curve and the current driveway configuration is a safety issue.

Exhibit 3: The submitted Findings of Fact.

## **Narrative Statement**

**Bill & Diana Steinhoff**

510 Kessler Boulevard West Drive, Indianapolis, IN 46228

We live on a section of Kessler that, unlike other areas, is free of potholes, which leads to consistently high vehicle speeds. Adding to this, there is a partially blind curve near our home, resulting in poor visibility around the bend.

Directly in front of our house, it is common for cars to drift off the road, through our easement and driveway. The previous homeowners even had to relocate the mailbox because it was repeatedly destroyed.

### **Why Does Dual Access Improve Safety?**

Currently, delivery vehicles from Amazon, UPS, and FedEx must either park directly on Kessler or reverse out of our driveway to exit. Given the speed and visibility challenges, this maneuver is extremely hazardous. If the current setup remains unchanged, an accident is inevitable.

I shared the best available option for a turnaround using a single-access driveway. However, due to the right-of-way width, there is insufficient depth to create an effective turnaround, and the space needed to turnaround would result in the front yard looking like a parking lot.

In my proposed dual-access design, we have minimized the driveway footprint while significantly improving safety and accessibility. This solution ensures safer entry and exit for both residents and delivery vehicles, reducing the risk of accidents in a dangerous traffic environment. The impact on the easement is essentially the same.

We respectfully seek approval from the board for this driveway variance.

Exhibit 4: Additional Narrative statement from owners of the property.

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Exhibit 6: The primary dwelling and current driveway.



Exhibit 7: General location where second exit of the driveway would be constructed.





Exhibit 8: Proposed driveway will lead up to this new addition to the primary dwelling.



Exhibit 9: Neighbor across Kessler Blvd West Drive from subject site.



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Exhibit 10: Looking north up Kessler Blvd West Drive.



Exhibit 11: Looking south down Kessler Blvd West Drive.