



**Board of Zoning Appeals
Board of Zoning Appeals Division III (May
20, 2025)
Meeting Agenda**

Meeting Details

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

Date: Tuesday, May 20, 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-UV3-009 | 718 East Georgia Street

Center Township, Council District #18, zoned CBD-2 (RC) (TOD)
VUE LLC, by Stephanie L. Fall

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a trash disposal facility (not permitted).

****Withdrawn**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-UV3-004 | 5284 38th Street North Drive

Lawrence Township, Council District #9, zoned SU-1 (TOD)
The National Bank of Indianapolis, by Joseph D. Calderon

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a freestanding Automated Teller Machine (ATM) (not permitted).

****Petitioner to request a continuance to the June 17, 2025 hearing of Division III**

2. 2025-UV3-006 | 2308 Shelby Street

Center Township, Council District #19, zoned C-3 (TOD)
Walter Resinos

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor recreation and entertainment (not permitted) on a proposed deck with a 2.5-foot setback from Shelby Street, a 3.7-foot setback from Hervey Street, and encroaching within the clear sight triangle of their intersection (10-foot front yard setbacks required, encroachment of clear sight triangles not permitted).

****Petition to be continued to the June 17, 2025 hearing of Division III due to insufficient notice**

3. 2025-UV3-008 | 1231 West Troy Avenue

Perry Township, Council District #22, zoned C-5 (FF)
JAAK Properties LLC, by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a towing facility (not permitted).

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

4. 2025-DV3-012 | 8215 US 31

Perry Township, Council District #23, zoned C-3 (FF)
Flatlander Properties LLC

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation of an existing commercial building resulting in a front transparency of 20 percent (40 percent required).

5. 2025-DV3-013 | 1106 West 28th Street

Center Township, Council District #12, zoned D-5
Canal Village III, LP, by Elizabeth Bentz Williams

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on each lot, with three-foot side yard setbacks, per the filed site plans (five-feet required).

6. 2025-DV3-014 | 6411 East 82nd Street

Lawrence Township, Council District #4, zoned C-4 / C-S
7Venture, Inc., by Timothy Ochs and Jennifer Milliken

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishing with seven parking spaces provided (maximum five permitted) and with one stacking space within the front yard of 82nd Street (not permitted).

7. 2025-UV3-005 | 5109 Hardegan Street

Perry Township, Council District #23, zoned D-3
Jonathan & Brenda Scotten, by Victoria Katterhenry

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a secondary dwelling unit without an entry visible from the right-of-way (required).

8. 2025-UV3-010 | 1302 & 1322 Columbia Avenue

Center Township, Council District #13, zoned C-4
Heath Properties LLC, by Amy Lapka

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a garden center with outdoor sales (not permitted) and a bar with outdoor entertainment (not permitted) with a total of 19 parking spaces (32 required), with nine spaces maintaining a zero-foot setback from and maneuvering within the right-of-way of Columbia Avenue, and a gravel parking lot at 1322 Columbia Avenue (hard surface required) with a zero-foot front yard setback from Columbia Avenue and an office trailer and outdoor seating area with a zero-foot front yard setback from 13th Street (10 feet required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

9. 2024-DV3-037 (Amended) | 1625 Shelby Street

Center Township, Council District #18, zoned C-3 (TOD)
Jugaad LLC, by David Retherford

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience store with a front building line width ratio of 10.64 (80 percent required) and deficient transparency along Shelby Street (40 percent required), and with deficient landscaping.

10. 2025-DV3-010 (2nd Amended) | 909 Wright Street

Center Township, Council District #18, zoned D-8 (TOD) (RC)
8424 Bravestone LLC, by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a three-foot south side yard setback (five-feet required), a three-foot rear yard setback (20 feet required), an open space of 30 percent (40 percent required) and a front-loaded carport.

PETITIONS FOR PUBLIC HEARING (New Petitions):

11. 2025-UV3-007 | 3960 Baker Drive

Lawrence Township, Council District #15, zoned D-5
Joanne Springer, by Roger W. Upchurch

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction and use of a daycare center (not permitted) with deficient parking (7 spaces required).

Additional Business:

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

BOARD OF ZONING APPEALS DIVISION III

May 20, 2025

Case Number: 2025-UV3-009
Property Address: 718 East Georgia Street (approximate address)
Location: CenterTownship, Council District #18
Petitioner: VUE LLC, by Stephanie L. Fall
Current Zoning: CBD-2 (RC) (TOD)
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a trash disposal facility (not permitted).
Current Land Use: Commercial
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

BOARD OF ZONING APPEALS DIVISION III

May 20, 2025

Case Number: 2025-UV3-004
Address: 5284 38th Street North Drive (approximate address)
Location: Lawrence Township, Council District #9
Zoning: SU-1 (TOD)
Petitioner: The National Bank of Indianapolis, by Joseph D. Calderon
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a freestanding Automated Teller Machine (ATM) (not permitted).

Current Land Use: Non-permitted towing facility

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

The petitioner has indicated they will be requesting to continue this petition for cause, **to the June 17, 2025, hearing**, from the May 20, 2025, hearing. This would require a motion from the Board.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

May 20, 2025

Case Number: 2025-UV3-006

Property Address: 2308 Shelby Street (approximate address)

Location: Center Township, Council District #19

Petitioner: Walter Resinos

Current Zoning: C-3 (TOD)

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor recreation and entertainment (not permitted) on a proposed deck with a 2.5-foot setback from Shelby Street, a 3.7-foot setback from Hervey Street, and encroaching within the clear sight triangle of their intersection (10-foot front yard setbacks required, encroachment of clear sight triangles not permitted).

Current Land Use: Commercial

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition is required to be continued to the June 17th, 2025 hearing due to insufficient notice.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

May 20, 2025

Case Number: 2025-UV3-008
Address: 1231 West Troy Avenue (approximate address)
Location: Perry Township, Council District #15
Zoning: C-5 / D-4 (FF)
Petitioner: JAAK Properties LLC, by David Gilman
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a towing facility (not permitted).

Current Land Use: Non-permitted towing facility

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

This petition was **automatically continued to the June 17, 2025, hearing**, from the May 20, 2025, hearing, at the request of a Registered Neighborhood Organization. This would require the Board's acknowledgement.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

May 20th, 2025

Case Number: 2025-DV1-012
Property Address: 8215 US 31
Location: Perry Township, Council District #23
Petitioner: Flatlander Properties, LLC
Current Zoning: C-3 (FF)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation of an existing commercial building resulting in a front transparency of 20 percent (40 percent 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 first public hearing for this variance petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- The petitioner is requesting a variance to permit an already constructed building to have less than the required transparency.
- This property is 0.61-acre and in the C-3 zoning district.
- This is a commercial building with three rentable spaces for small local businesses. Scrub Identity and Herculean Prepared Foods currently occupy two of them.
- The subject site has a connector front façade design, which requires 40% transparency.
- Currently, the front façade has a 20-26% transparency.
- This building was remodeled in 2022 and later discovered to have a transparency issue when applying for a third structural permit to make modifications to it.
- Staff is recommending **approval** of this variance petition. Staff believes that there may have been errors in calculation and interpretation which resulted in this standard not being flagged earlier. While the already-constructed building does not fully comply with the current standards, staff feels that the owner has operated in good faith, complying with all the standards that were noted during the initial permitting process.

GENERAL INFORMATION

Existing Zoning	C-3 (FF)		
Existing Land Use	Commercial		
Comprehensive Plan	Community Commercial		
Surrounding Context	Zoning	Surrounding Context	
	North:	D-3	North: Suburban Neighborhood
	South:	C-4	South: Heavy Commercial
	East:	D-A	East: Suburban Neighborhood
	West:	C-5	West: Heavy Commercial
Thoroughfare Plan			
US 31	Primary Arterial	150 feet of right-of-way existing and 124 feet proposed.	
Context Area	Metro		
Floodway / Floodway Fringe	Yes		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	3/27/2025		
Site Plan (Amended)	N/A		
Elevations	4/15/2025		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	3/27/2025		
Findings of Fact (Amended)	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan



Department of Metropolitan Development
Division of Planning
Current Planning

-
- 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

- 2003-VAR-837: 8140 Meadow Lane
 - Variance of Use of Dwelling District Zoning Ordinance to provide for a health food store (not permitted).
 - AP
- 2006-UV1-033: 8215 US 31
 - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for retail sale of alcohol (not permitted), accessory to a Health Food Store, as permitted by petition 2003-VAR-837.
 - AP
- 2008-DV1-051: 8215 US 31
 - Variance of Development Standards of the Sign Regulations to provide for a 32.34 square-foot roof-integral sign (not permitted).
 - AP
- 2014-ZON-045: 8215 US 31
 - Rezoning of 0.7 acre from the D-3 (FF) district to the C-3 (FF) classification to provide for commercial retail uses.
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2012DV2005: 8202 US 31
 - Variance of development standards of the Sign Regulations to provide for an approximately 72-square foot electronic variable message wall sign on the north façade of a building within an integrated center (not permitted) and within 175 feet of a protected district (600-foot separation from a D-3 zoned protected district required).
 - Approved
- 2014-DV2-004A: 8202 US 31
 - Variance of Development Standards of the Sign Regulations to provide for: a) two additional non-illuminated freestanding signs, for a total of three signs along the approximately 610-foot frontage of Shelby Street (maximum two signs permitted, 300 feet of frontage required per sign), b) with a 6.33-foot tall, 42-square foot freestanding sign and a five-foot tall, 18-square foot freestanding sign being located approximately 100 feet and 190 feet south of the existing 20-foot tall, 75.32-square foot freestanding sign (minimum 300 feet of separation required), c) with the 6.33-foot tall, 42-square foot freestanding sign encroaching approximately 18 feet into the existing right-of-way of Shelby Street (minimum 15-foot setback required, signs not permitted in the right-of-way), d) with the five-foot tall, 18-square foot freestanding sign encroaching approximately two feet into the right-of-way of Shelby Street (minimum 15-foot setback required, signs not permitted in the right-of-way).
 - Denied



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- 2014-DV2-004B: 8202 US 31
 - Variance of Development Standards of the Sign Regulations to provide for an approximately four-foot tall, 18-square foot non-illuminated directional entrance sign (maximum height of 2.5 feet and area of six square feet permitted).
 - Approved
- 2016DV1040: 8320 US 31
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a canopy, with a seven-foot front setback (10-foot setback from existing or proposed right-of-way required, whichever is greater) for an existing carwash.
 - Approved
- 2017DV2033: 8150 US 31
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant, with stacking spaces in the front yard and a service unit along a front façade of a public street (not permitted along any public right-of-way exceeding 30 feet in width), to provide for a five-foot setback and landscape yard (10-foot setback, with landscaping required), and to provide for deficient transparency and to permit a mural above the main entrance to count towards transparency at the main entrance and to permit the mural and mock brick filled windows to count toward transparency along an arterial street (40% transparency within 50 feet of a public entrance or 50 feet of a public street, within three and eight feet above grade level required).
 - Approved
- 2019DV1026: 8320 US 31
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an electronic variable message sign within 250 feet of the nearest protected district (600-foot separation required).
 - Approved
- 2019ZON095: 8010 US 31
 - Rezoning of 1.78 acres from the C-4 district to the C-5 district.
 - Approved

EXHIBITS

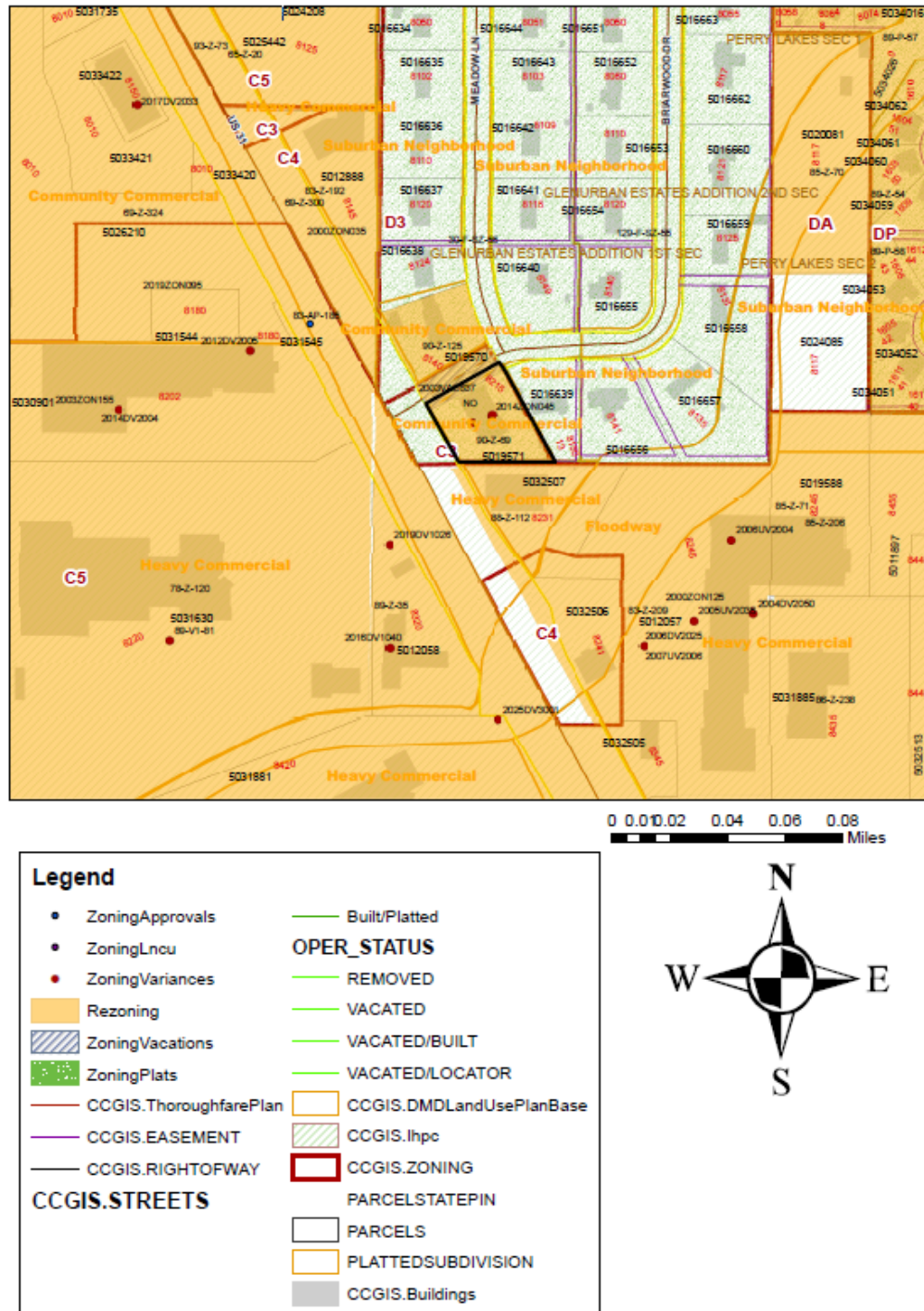


Exhibit 1: ArcGIS map of subject site and surrounding area.



Exhibit 2: Aerial of 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:

Granting the transparency variance will not adversely affect public health, safety, morals, or general welfare because the variance pertains solely to the exterior transparency of the building and does not compromise the structural integrity, fire safety, or emergency access of the property. The building's design is exactly the same as the approved structural permit #STR22-03106 that went to completion card end of 2022. Additionally, the reduced transparency does not create privacy issues, encourage undesirable activities, or diminish the visual appeal of the property. The building continues to serve its intended purpose and integrates respectfully with the character of the surrounding community.

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

The requested transparency variance will not substantially or negatively impact the use or value of adjacent properties. The variance applies solely to the transparency requirements of the building's exterior and does not alter the intended use or functionality of the property. The property has received several compliments based on the prior property was run down & abandoned only being used as a vehicle storage. Furthermore, the building remains visually compatible with neighboring structures and does not create a condition that would diminish property values or disrupt the character of the area. Neighboring properties retain their privacy, access to light, and sightlines, minimizing any potential adverse effects. The requested variance is intended to address an undue hardship without imposing a burden on the surrounding community.

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 transparency requirements presents practical difficulties due to the fact that the building is already completed based on previously approved architectural plans and structural permits. Compliance with the current transparency standards would require significant and costly alterations to the existing structure, causing undue financial hardship and potential disruption to the property's functionality. Structurally the property was also not designed to account for additional windows which could impact the entire building. There is also a small business Herculean Foods who has been unable to open their storefront because of this new finding in the process of fulfilling the ILP request that was not requested on the first two structural permits.

Exhibit 3: The submitted Findings of Fact.

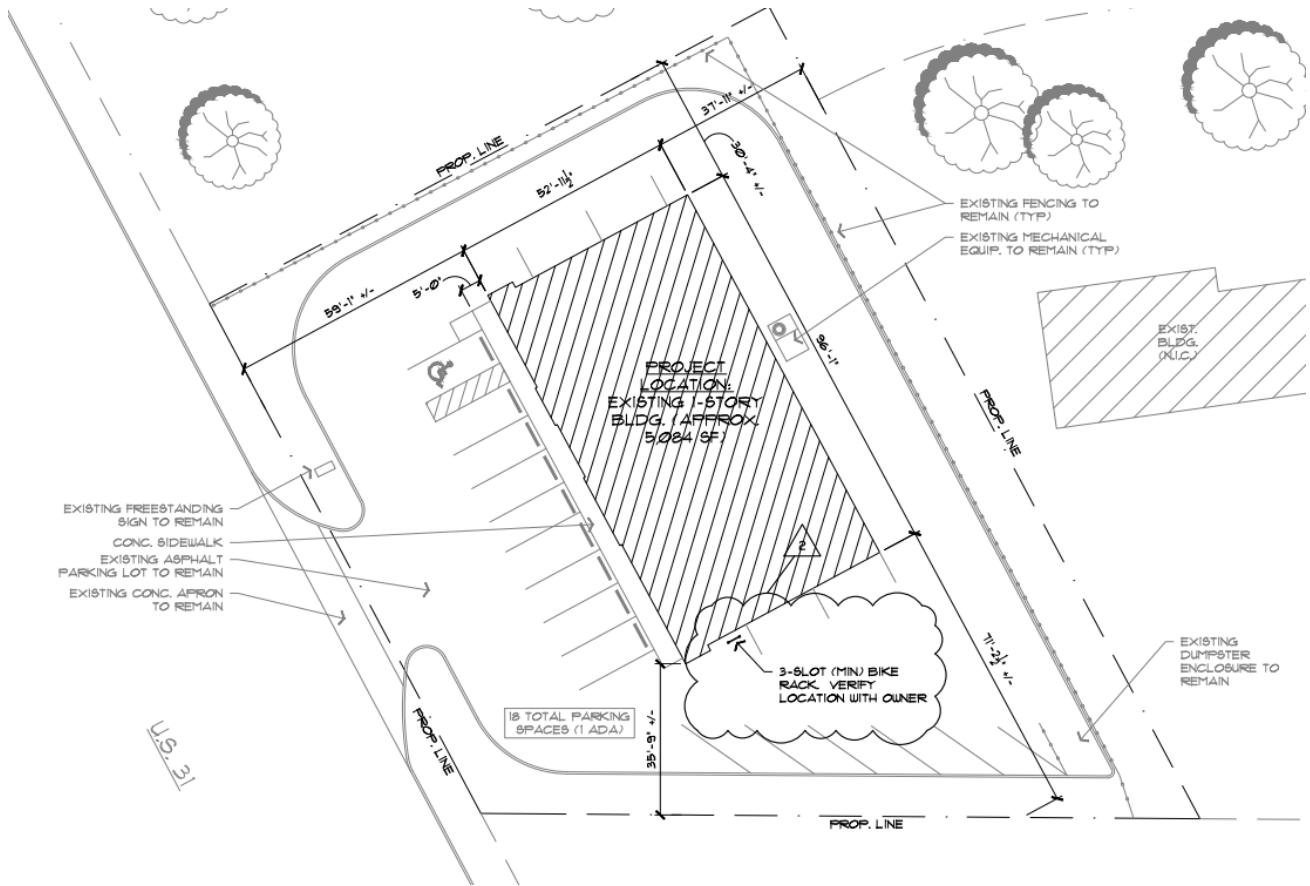


Exhibit 4: Site plan.

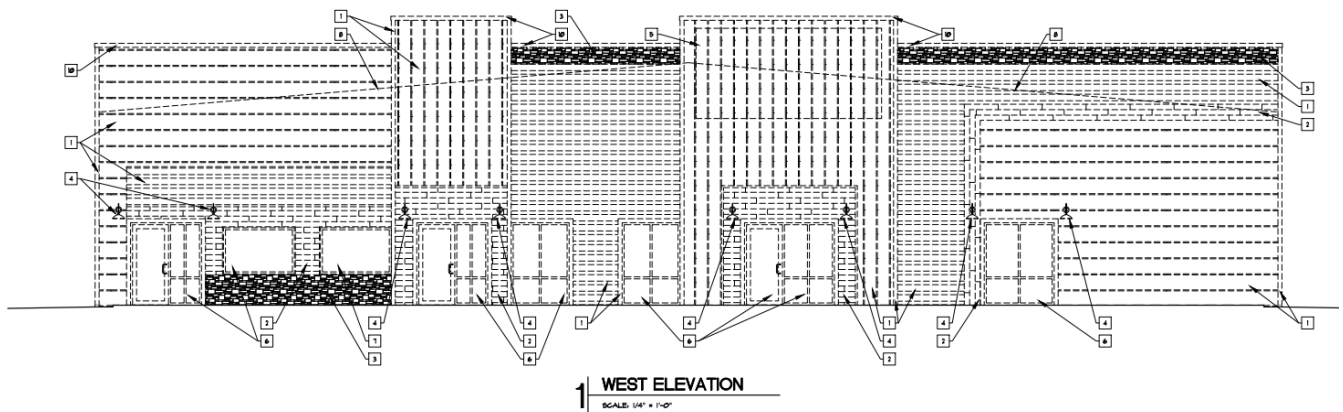


Exhibit 5: West Elevation.



Exhibit 6: The front façade of the subject site (right side).



Exhibit 7: The front façade of the subject site (left side).



Exhibit 8: Looking north up US 31.



Exhibit 9: Looking south down US 31.



Department of Metropolitan Development
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BOARD OF ZONING APPEALS DIVISION III

May 20, 2025

Case Number: 2025-DV3-013

Property Address: 1106 West 28th Street & 842 West 26th Street (*approximate addresses*)

Location: Center Township, Council District #12

Petitioner: Canal Village III, LP, by Elizabeth Bentz Williams

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 dwelling on each lot, with three-foot side yard setbacks, per the filed site plans (five-feet required).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** of this petition subject to a commitment.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to a commitment that elevation renderings approved for the ILP match those previously approved by the City Architect and submitted with this application.

PETITION OVERVIEW

- This petition encompasses two (2) separate residential parcels that are not contiguous but are located within a half mile of each other: 1106 W 28th Street and 842 West 26th Street. Both parcels are undeveloped and are 3780 square feet in size. Surrounding land uses within the neighborhood include are predominantly 1-2 family residential, although the 28th Street parcel is bordered to the north by a church and the 26th Street parcel by a vacant commercial/storage structure.
- Approval of this petition would allow for the construction of two (2) single-family residences with eastern side-yard setbacks of three (3) feet. The proposed homes would have western side-yard setbacks of seven (7) feet and would be offset from being placed on the center of the lot to allow for placement of ADA access and sidewalks along the western property boundaries. The D-5 zoning would require side setbacks to be 5 feet in width.



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- The D-5 zoning district is intended for medium and large-lot housing formats (primarily detached houses) either within new walkable suburban neighborhood contexts or for infill situations within established urban areas. Similarly, the United Northwest Neighborhood Plan identifies these sites as “prime area for new residential development” and recommends a density of 3.5 to 5 units per acre (typical for single-family residences). Additionally, Infill Housing Guidelines indicate that spacing between properties should reinforce spacing on the existing block, that uncharacteristically large gaps between houses should be avoided, and that adequate room should remain between structures for maintenance.
- Findings of Fact provided by the applicant indicate that the proposed development would constitute reinvestment into an area with high poverty, would follow relevant infill development and walkable neighborhood principles, and would allow for more housing options at a variety of price points. They also mention the need for ADA-compliant front entry features and the involvement of the Canal Village III Tax Credit project in development of these properties for affordable housing. Full Findings of Fact are displayed within the Exhibits below.
- Staff notes that the proposed two-foot deviation would be minor in nature, that the change in grade towards the front of the 26th Street lot would make ADA-compliant entry features of even greater importance, and that the proposed side setbacks would not deviate from typical setbacks in this neighborhood context or create issues related to irregular separation or difficulty of building maintenance. Additionally, staff is supportive of City efforts to establish affordable housing. On the condition that renderings of proposed building elevations be submitted for administrative approval prior to permit issuance to ensure the building design matches what had been approved by the City Architect, staff recommend approval of this petition.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Dwellings 3.5 – 5 Units per Acre	
Surrounding Context	Zoning	Surrounding Context
North:	D-5 (C-3 for 28 th St)	North: Church (Undeveloped for 28 th)
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
28 th Street	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
26 th Street	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	



**Department of Metropolitan Development
Division of Planning
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Wellfield Protection Area	No
Site Plan	04/14/2025
Site Plan (Amended)	N/A
Elevations	05/01/2025
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	04/14/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- United Northwest Neighborhood Plan (2008)
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see United Northwest Neighborhood Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- The United Northwest Neighborhood Plan recommends this site for low density residential development of 3.5 to 5 units per acre. The plan is encouraging of efforts to increase home ownership across a range of housing prices and has identified these sites as a “prime area for new residential development” in which there shouldn’t be expansion of industrial or heavy commercial uses.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that the spacing between properties should reinforce spacing on the existing block, that uncharacteristically large gaps between houses should be avoided, and that adequate room should remain between structures for maintenance.



Department of Metropolitan Development
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Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2025CVR817 ; 866 W 26th Street (west of 26th site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two, single-family detached dwellings, on proposed 2,829 square-foot lots (minimum 5,000 square-foot lots required), 22.5-foot lot widths (minimum 40-foot lot width required), and, with 3.5-foot side yard setbacks (minimum five-foot side yard setbacks required), **approved**.

2021HOV036 ; 829 Roache Street (northeast of 26th site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 3,750-square-foot, 30-foot wide lot and to provide for a single-family dwelling with four feet of separation between primary dwellings (minimum 5,000 square-foot lot size, 50-foot lot width, ten-foot separation required), **approved**.

2020HOV012 ; 1017 W 28th Street (southeast of 28th site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with five feet between dwelling (10-foot separation required), **approved**.

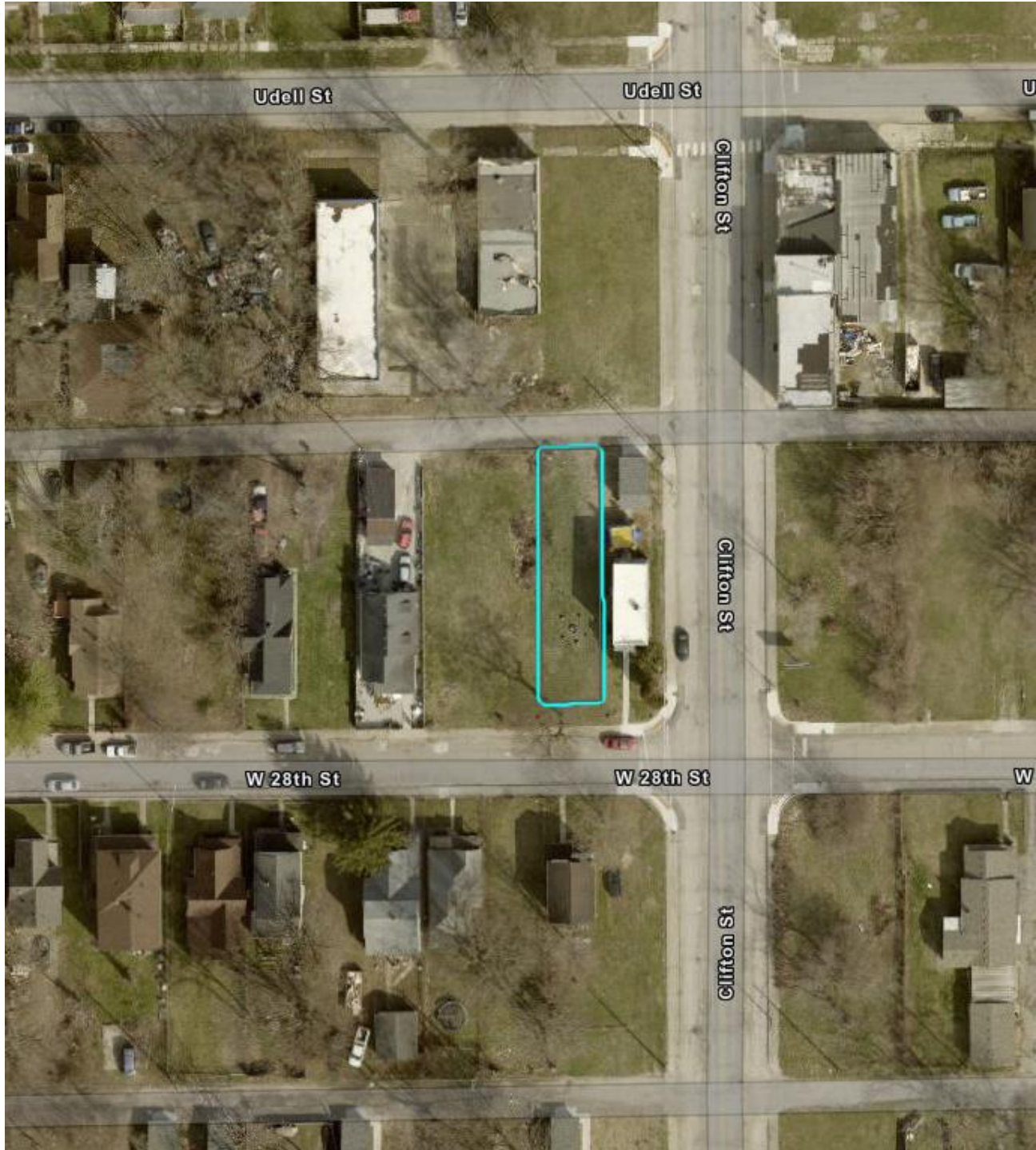
2018CVR835 ; various address near 28th site, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling on a 5,760-square foot lot (7,200 square feet) at 1122 Roache Street, to provide for single-family dwellings with 620-square foot main floor areas (660 square feet) at 1002 and 1102 West 28th Street and 1045 Udell Street and 1121 Roache Street, to provide for a single-family dwelling six feet between dwellings at 1066 Roache Street and to provide for a single-family dwelling at 1045 Udell Street, with 6.0 feet between dwellings (10 feet required), **approved**.

2005ZON207 ; various addresses near 28th site, 0.43 acres from C-3 and PK-1 to D-5 to provide for the construction of five single-family dwellings, **approved**.

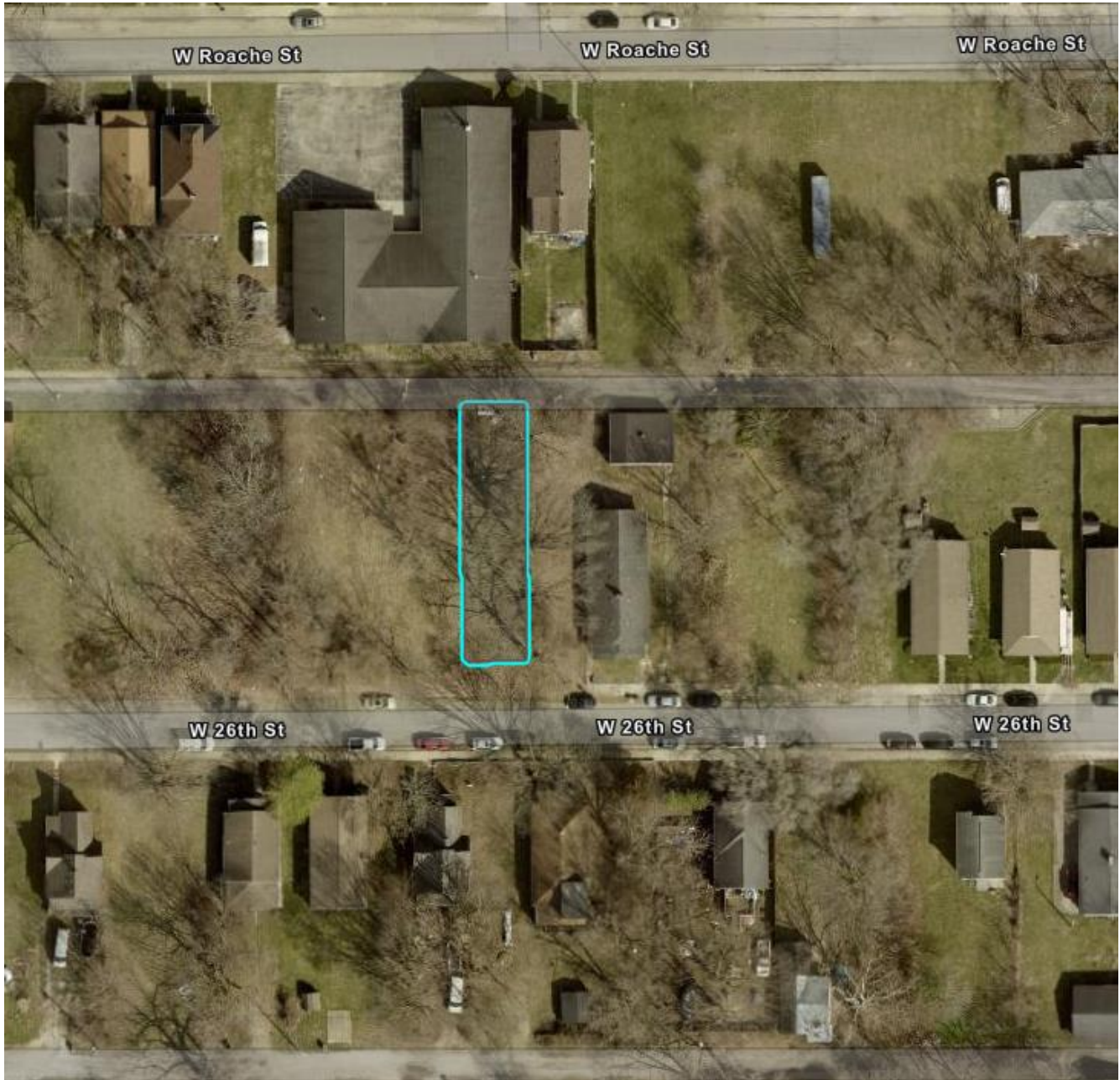
2005ZON119 ; northeast of 28th site, Rezoning of two commercial lots in the C-3 zoning District to the D-5 classification for the construction for two affordable single family houses, **approved**.

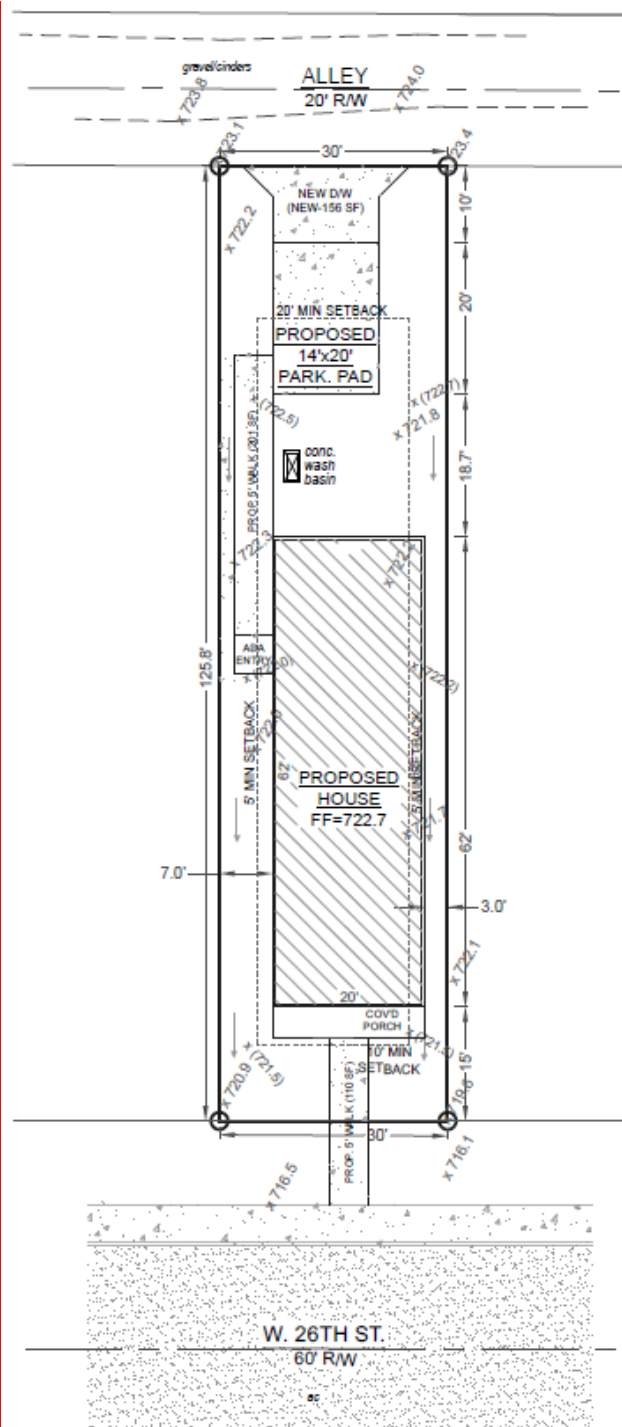
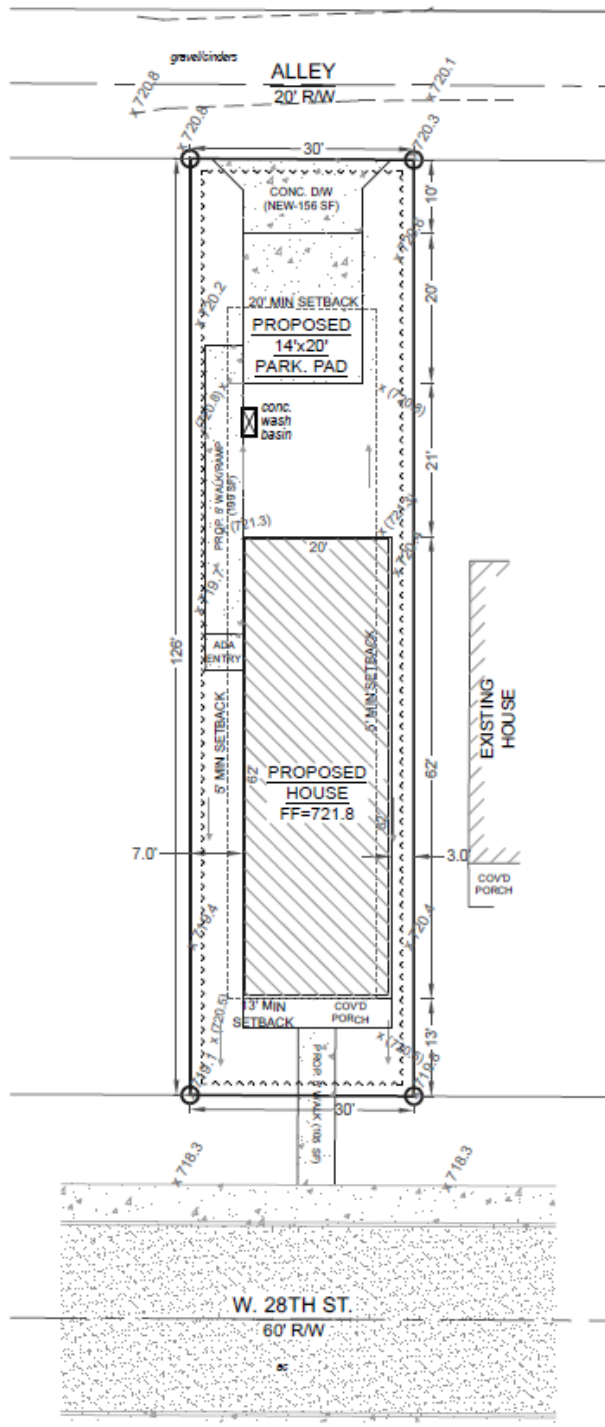
EXHIBITS

2025DV3013 ; Aerial Map (1106 W 28th)



2025DV3013 ; Aerial Map (842 W 26th)





2025DV3013 ; Elevations (both properties)





Department of Metropolitan Development
Division of Planning
Current Planning

2025DV3013 ; Findings of Fact

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

The proposal fulfills the intent of provisions of the zoning and subdivision control ordinances with regard to infill development and walkable neighborhood provisions by creating new construction opportunity in an established neighborhood. Granting the variances would allow continued reinvestment into a neighborhood where 1/3 of the population falls below the poverty line.

The granting of the requested variances would have no injurious effects of the public health, safety, morals or general welfare of the community, as the setback reduction is intended to provide for accessible entry features to the proposed structures.

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 and value of surrounding property would be positively affected by granting the variance requests. Construction of new single family detached homes, as opposed to the permitted 2-4 unit multi-family structures, provides a needed product that is consistent with the development patterns of the neighborhood. Permitting reduced side yard setbacks serves to provide an affordable housing option in a neighborhood that has experienced significant disinvestment in recent history.

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

Granting of the variance requests would accommodate the evolution of the neighborhood and a modernization of infill strategy while maintaining the traditional neighborhood form and feel. The variance requests serve to provide single family reinvestment and repopulation of the neighborhood that sees a 27% vacancy rate as of 2022.

The strict application of the terms of the ordinance would create serious practical difficulties by eliminating ADA compliant entry features from the structure as well as conflicting with the Canal Village III Tax Credit project granted with support from the City of Indianapolis.

2025DV3013 ; Photographs



Photo 1: Subject Site Viewed from South (842 W 26th)

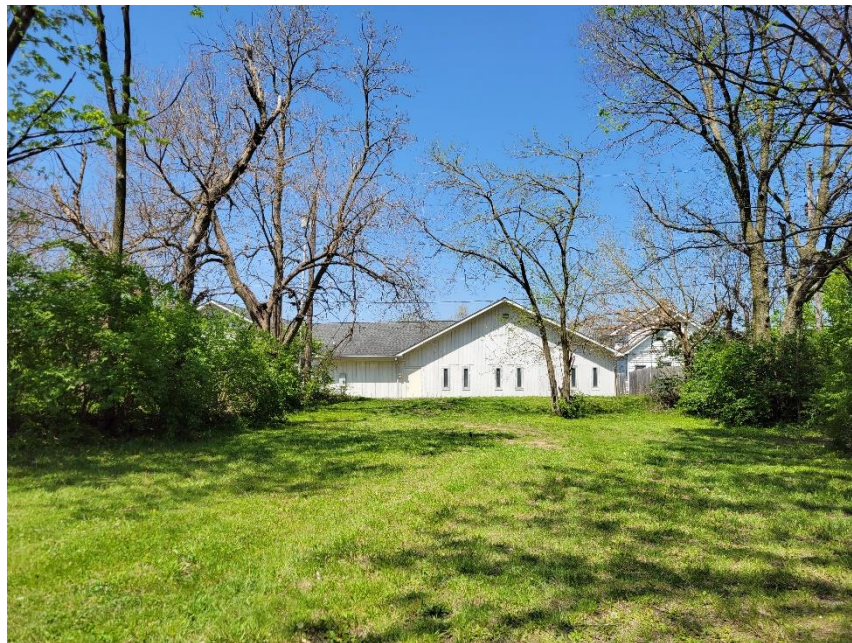


Photo 2: Adjacent Property to North (842 W 26th)

2025DV3013 ; Photographs (continued)



Photo 3: Adjacent Property to East (842 W 26th)

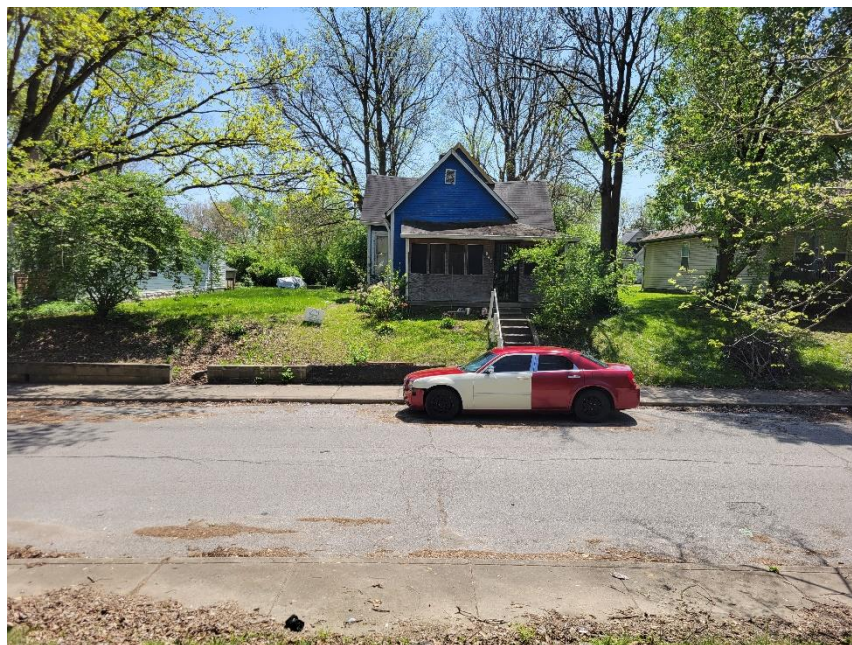


Photo 4: Adjacent Property to South (842 W 26th)

2025DV3013 ; Photographs (continued)



Photo 5: Subject Site Viewed from South (1106 W 28th)



Photo 6: Subject Site Viewed from North (1106 W 28th)

2025DV3013 ; Photographs (continued)



Photo 7: Adjacent Property to West (1106 W 28th)



Photo 8: Adjacent Property to South (1106 W 28th)

2025DV3013 ; Photographs (continued)



Photo 9: Adjacent Property to North/Northwest (1106 W 28th)



Photo 10: Adjacent Property to Northeast (1106 W 28th)



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BOARD OF ZONING APPEALS DIVISION III

May 20, 2025

Case Number: 2025-DV3-014

Property Address: 6411 East 82nd Street (*approximate address*)

Location: Lawrence Township, Council District #4

Petitioner: 7Venture, Inc., by Timothy Ochs & Jennifer Milliken

Current Zoning: C-4 / C-S

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishing with seven parking spaces provided (maximum five permitted) and with one stacking space within the front yard of 82nd Street (not permitted).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 6411 East 82nd Street is a parcel at the intersection of 82nd Street and a portion of Center Run Drive that is private frontage. It is currently developed with a vacant commercial structure that most recently housed a tire shop. Surrounding land uses include a quick-change oil facility to the east, a vacant restaurant structure to the west, 82nd Street to the north, and a multi-use office, commercial and industrial park to the south (a small portion of the subject site is zoned C-S in relation to the southern development, but most of the property is zoned C-4).
- ILP25-00144 was applied for earlier this year to allow for development of a drive-through coffee restaurant with accessory freezer and dumpster that would replace the existing vacant structure. The primary structure would have an area of 510 square feet and would be supported by seven (7) vehicle parking spaces to the west of the structure as well as stacking spaces predominantly within the eastern side yard. The stacking spaces would be screened from view on 82nd Street by frontage landscaping and would also have access to a bypass aisle per Ordinance requirements.



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- As proposed, the parking layout proposed under ILP25-00144 would require two Variances of Development Standards to be legally established. The first variance involves the number of proposed parking spaces. Since parking maximums for this use category are based on the size of the primary building housing the use, the 510 square feet of area would allow for a maximum of five (5) accessory parking spaces for the use. The second variance relates to the placement of stacking spaces. Table 744-406-1 requires placement of two stacking spaces at the *exit* of each service unit/drive-through window, and while the space at the window itself would qualify as one of these two, the second would technically be within the front yard of 82nd Street (not permitted).
- The Marion County Land Use Plan Pattern Book recommend the majority of site to the Heavy Commercial working typology to allow for commercial uses that are typically incompatible with less intensive land uses. This recommendation does not appear to align with surrounding land use patterns or Comprehensive Plan guidance for development, and the proposed use and context appears to be a closer match for the Community Commercial typology. The northern portion of the site is recommended for Linear Park land uses in anticipation of development of the Northtown Trail which would potentially run along the southern portion of 82nd Street.
- Findings of Fact provided by the applicant indicate that surrounding business (as well as uses typical to the C-4 zoning) have more than seven (7) accessory parking spaces and that this total would be needed to allow for adequate employee parking. Staff feels that both proposed variances are minor deviations from ordinance requirements, and that the ability would also exist to administratively approve reductions of required stacking spaces in a manner that would obviate the need for the second variance. Additionally, the drive-through area is well-screened from the primary 82nd Street frontage and that circulation and maneuvering at the site would likely not be impeded by the proposed layout. For these reasons, staff recommends approval of the variance.

GENERAL INFORMATION

Existing Zoning	C-4 / C-S	
Existing Land Use	Commercial	
Comprehensive Plan	Heavy Commercial / Linear Park	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Commercial
South:	C-S	South: Commercial
East:	C-4	East: Commercial
West:	C-S	West: Commercial
Thoroughfare Plan		
82 nd Street	Primary Arterial	150-foot existing right-of-way and 134-foot proposed right-of-way
Center Run Drive	Primary Collector	56-foot existing right-of-way and 102-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	



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Overlay	No
Wellfield Protection Area	No
Site Plan	04/22/25
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	04/22/2025
Findings of Fact	04/22/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Heavy Commercial working typology which provides for consumer-oriented commercial and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses (i.e. exterior operations and sales for vehicles or lumber).
- The northern portion of the site is bordered by a strip of land recommended for Linear Park uses. This land use category is intended for public or private property designated for active or passive recreation and is primarily used for the passage of people or wildlife (i.e. greenways, trails, etc.)

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

84-HOV-2, variance of development standards to provide for an existing pole sign to be relocated and recognized as a non-integrated center sign, **approved**.

ZONING HISTORY – VICINITY

2023DV3046 ; 6415 E 82nd Street (east of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a quick service oil change facility with a drive-through that faces a public right-of-way greater than 30-foot wide (not permitted) with five parking spaces provided (six required), **withdrawn**.

2022DV3048 ; 6303 E 82nd Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dumpster within the front yard of Knue Road (not permitted), **approved**.

2013UV1012 ; 6457 E 82nd Street (east of site), Variance of use of the Commercial Zoning Ordinance to provide for an automotive glass, installation, replacement and repair company (not permitted), **approved**.

2006DV3035 ; 6520 E 82nd Street (northeast of site), variance of development standards of the Commercial Zoning Ordinance to provide for the construction of restaurant drive-through with one stacking space after the final component of the drive-through (minimum two stacking spaces required), **approved**.

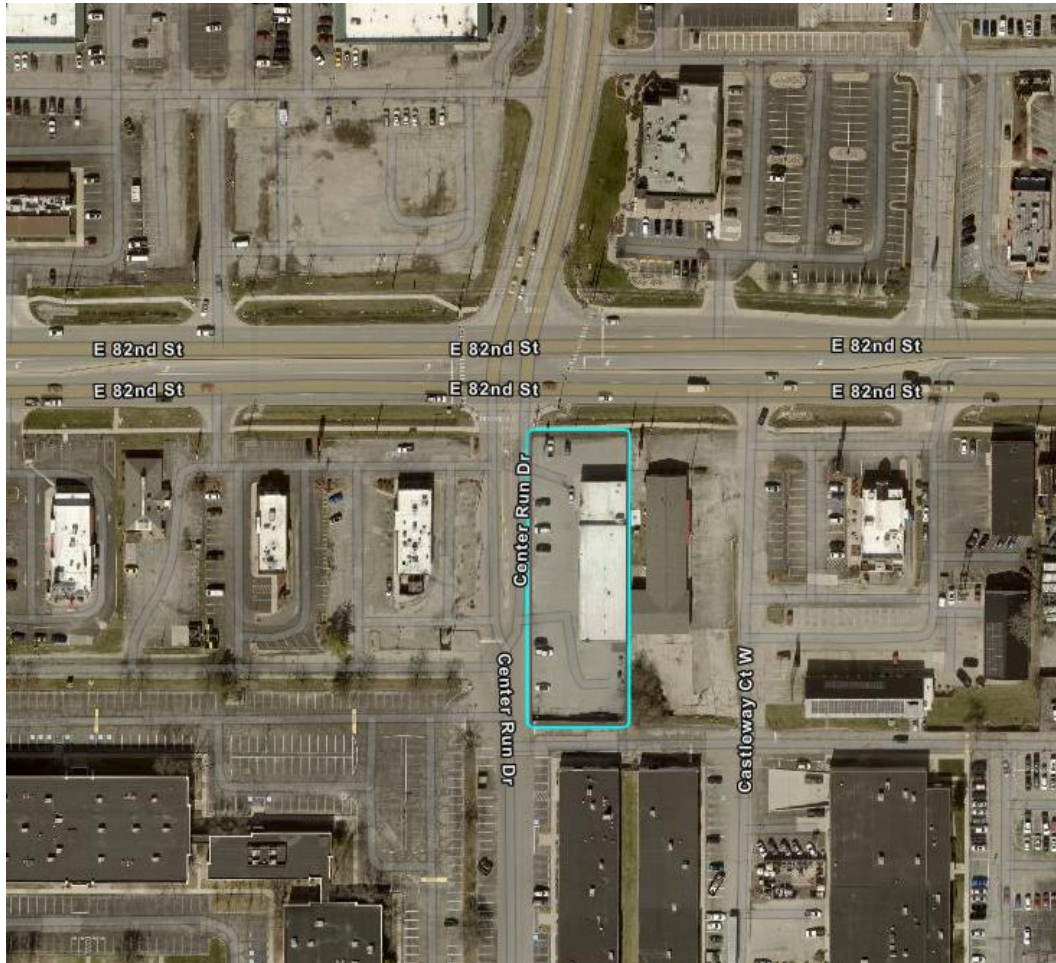
2002UV2006 ; 6520 E 82nd Street (northeast of site), variance of use of the Commercial Zoning Ordinance to provide for automobile rental and parking (not permitted), **approved**.

2001ZON817 ; 6081 E 82nd Street (south of site), rezone 122.13 acres from C-3, C-4, C-7, and I-2-S to C-S to provide for the development and redevelopment of an office-commercial-industrial park, **approved**.

2000DV2042 ; 8050 Castleway Drive (southeast of site), variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a 372.6-square foot building addition and loading dock, with a 13-foot side yard setback (minimum 30-foot side yard setback required) and the loading space and maneuvering area located in front of the established building line (loading spaces and maneuvering area not permitted in front of the established building line), **approved**.

EXHIBITS

2025DV3014 ; Aerial Map



2025DV3014 ; Findings of Fact

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

While the seven (7) parking spaces shown in the site plan exceeds the maximum allowed by ordinance, this is still far fewer spaces than most uses 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:

The number of parking spaces provided (7) is well below what is typical in the C4 district in which the project is located.

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

The petitioner requires a minimum of seven spaces (6 standard + 1 ADA) to accommodate the number of employees working on their busiest shift.



2025DV3014 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from West

2025DV3014 ; Photographs (continued)



Photo 3: Existing Building from Northwest



Photo 4: Existing Building from South

2025DV3014 ; Photographs (continued)



Photo 5: Existing Vehicle Access at Northwest of Site



Photo 6: Existing Vehicle Access at Southwest of Site

2025DV3014 ; Photographs (continued)



Photo 7: Adjacent Property to East



Photo 8: Adjacent Property to West

2025DV3014 ; Photographs (continued)



Photo 9: Adjacent Property to North



Photo 10: Adjacent Property to South



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BOARD OF ZONING APPEALS DIVISION III

May 20th, 2025

Case Number: 2025-UV3-005

Property Address: 5109 Hardegan Street

Location: Perry Township, Council District #23

Petitioner: Jonathan & Brenda Scotten, by Victoria Katterhenry

Current Zoning: D-3

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a secondary dwelling unit without an entry visible from the right-of-way (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 first public hearing for this variance petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- The petitioner of this variance petition is requesting to construct a secondary dwelling unit that will not face the Hardegan Street.
- This property is 1.11 acres in size in the D-3 zoning district.
- The primary dwelling and the neighboring property to the west also face the same driveway instead of Hardegan Street.
- According to historical aerials, homes in these locations have been facing the driveway instead of Hardegan Street since 1962.
- The proposed secondary dwelling unit will meet all setbacks.
- Staff is recommending **approval** of this variance petition because it is not possible for the home to face the right of way due to the age and layout of the surrounding properties. This is a practical difficulty that would not be possible to correct without a variance of use.



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GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-6	North: Suburban Neighborhood
South:	D-4	South: Suburban Neighborhood
East:	D-1	East: Suburban Neighborhood
West:	D-3	West: Suburban Neighborhood
Thoroughfare Plan		
Hardegan Street	Local Street	30 feet of right-of-way existing and 50 feet proposed.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	3/25/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
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 Suburban Neighborhood typology is predominantly made up of singlefamily housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is



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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

Orient the front façade of a house in the same direction as other houses on the street. Avoid single buildings which turn away from the street and give the appearance that the street façade is not the front façade.

For circumstances where there may be multiple housing units on a single parcel, the unit or units closest to the street should face towards the street

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 – SURROUNDING AREA

- 2006-ZON-839: 1820 East Epler Avenue
 - Rezoning of 3.97 acres, from the D-3 District, to the SU-1 classification to legally establish a religious use.
 - AP
- 2007-DV3-048A: 4953 South Walcott Street
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to: to legally establish a 948-square foot detached garage and a 96-square foot playhouse, resulting in an accessory building area of 1044.6-square feet or 103 percent of the main floor area of the primary structure (maximum 769-square feet or 75 percent of the main floor area of the primary structure permitted)), resulting in an accessory use area of 1,283.6-square feet or 126.5 percent of the total living area of the primary structure (maximum 1,014-square feet or 99.99 percent of the main floor area of the primary structure permitted).
 - AP
- 2007-DV3-048B: 4953 South Walcott Street
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a 264-square foot detached boat port accessory structure , resulting in an accessory building area of 1,308.6 square feet or 129 percent of the main floor area of the primary structure (maximum 760-square feet or 75 percent of the main floor area of the primary structure permitted), resulting in an accessory use area of 1,547.6-square feet or 152.6 percent of the total living area of the primary structure (maximum 1,014-square feet or 99.99 percent of the main floor area of the primary structure permitted).
 - Denied
- 2009-DV2-025: 5400 South Keystone Avenue
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for an above ground pool, deck and canopies with an accessory use area of 3,346 square feet or 250 percent of the total living area of the primary structure (maximum 1,343 square feet or 99.99 percent of the total living area of the primary structure permitted), and to legally establish an accessory building area of 1,258 square feet or 94 percent of the main floor area of the primary structure (maximum 1007 square feet or 75 percent of the main floor area of the primary structure permitted).
 - Denied
- 2010-DV1-043: 5540 South Keystone Avenue
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 576-square foot garage, creating an accessory use area of 1,196 square feet or 109.52% of the total floor area of the primary dwelling (99.9% of the total living area or



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- 1091 square feet permitted) and to provide for an accessory building area of 1056-square feet or 96.7% of the main floor area of the primary dwelling (819 square feet or 75% of the main floor area of the dwelling permitted).
- Approved
 - 2015-UV1-012: 5430 South Keystone
 - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a landscaping contractor (not permitted), including the parking and storage of commercial vehicles and trailers (not permitted).
 - Denied
 - 2022-CZN-859: 1838 East Epler Avenue
 - Rezoning of 1.41 acres from the SU-1 District to the D-3 District to provide for residential development.
 - Approved
 - 2023-UV3-021: 1838 East Epler Avenue
 - Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the storage of four commercial vehicles (not permitted).
 - Approved

EXHIBITS

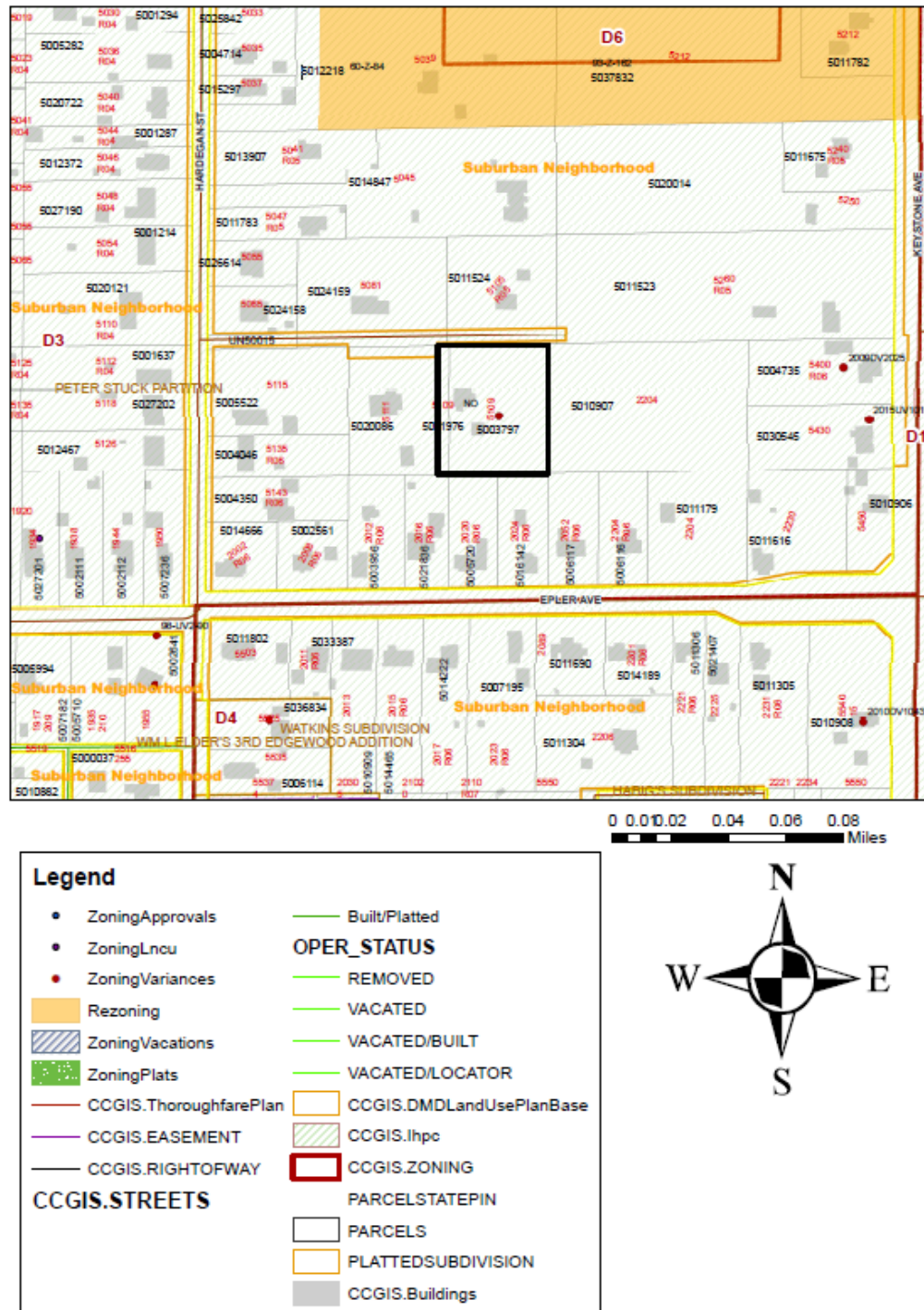


Exhibit 1: ArcGIS map of the subject site and surrounding area.

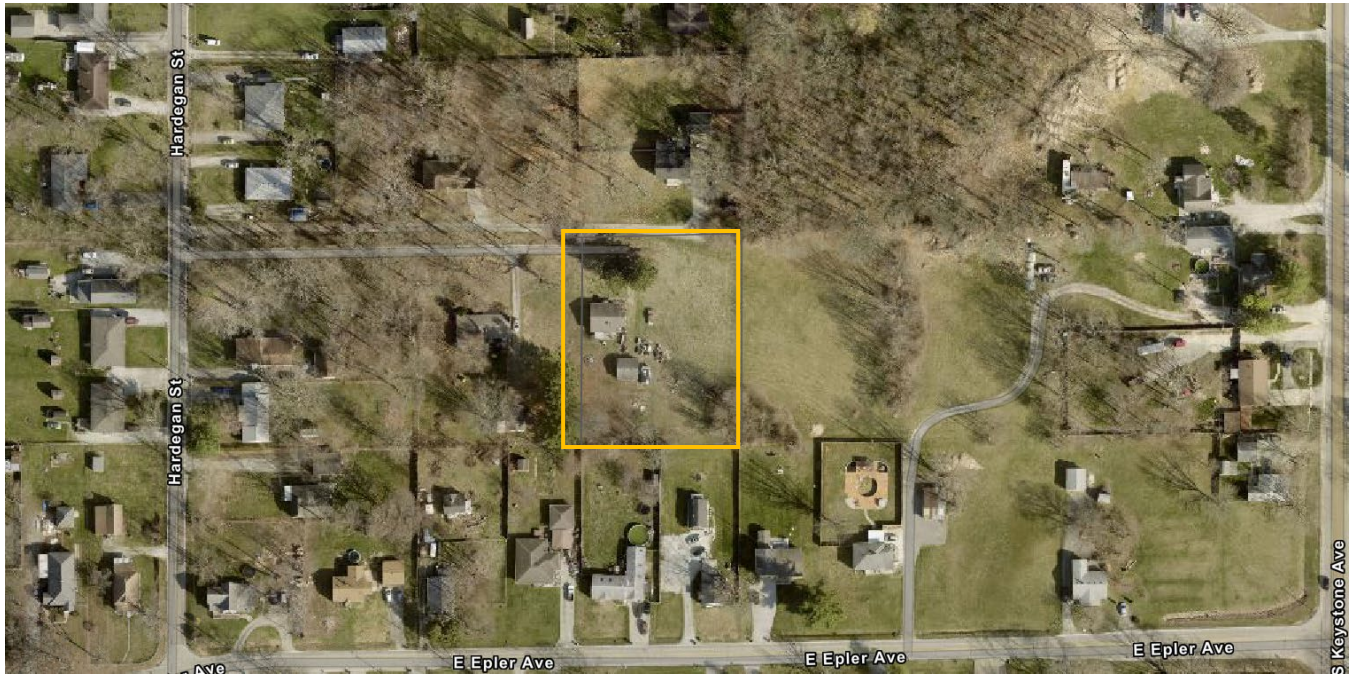


Exhibit 2: Aerial of the subject site and surrounding area.



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**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

It aligns with the existing zoning regulations and is designed to enhance the neighborhood. The variance has received support from the neighboring properties indicating that the community perceives no threat to their health and safety.

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 of the secondary dwelling will be compatible with the surrounding properties in aesthetics. It has similar colors shape and peak as the main building and similar colors as neighboring properties and this complements the character of the neighborhood there fore not impacting property values. If variance granted will help with economic growth and housing shortages. three neighboring properties view this as favorable. Property owner will maintain the landscape to fit in with the neighborhood. and Beautify.

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

This variance is needed because the zoning laws say secondary dwelling must face a right of way. Zoning allows for a secondary dwelling for no less than 200 sq ft but smaller than 720 sq ft which the secondary dwelling falls into that range. It will have 1 off street parking. The other properties in the neighborhood face a shared lane to Hardegan Rd. New dwelling will face the same as current properties. Due to the location it is impossible for secondary dwelling to face a main road.

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

There is no way for this property to face a main right of way due to the location of the main property. The secondary dwelling is intended for a family member with meniers disease who at times needs help. Due to strict zoning it denies the property owner a reasonable use of their land. This restricts the property owner from accommodating his family member. It could help increase the property values by increasing affordable housing.

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

The proposed variance aligns with the comprehensive plan by promoting sustainable development and increasing housing options within the community. Nearby properties have similar dwellings but are not restricted by right of way facing. Granting this variance does not affect noise or traffic problems. The secondary dwelling will use the same shared lane and drive as the primary dwelling. Granting this variance supports the comprehensive plan for a more diverse and affordable community therefore benefitting the property owners and the community as a whole.

Exhibit 3: The submitted Findings of Fact.



TO HARDEGAN STREET

183.30' 182.97'

163.30' 20' DRIVE

STONE DRIVE

237.80'

111.95'

34'10"

238.28'

EXCEPTION

34'

SEE DETAIL

PORCH

Primary House

STONE DRIVE

Secondary Dwelling

Height 12'

32'

GARAGE (22.2'x21.7')

PORCH

237.85'

236.99'

POINT OF BEGINNING 5111 Hardegan

163.30'

20'

POINT OF BEGINNING 5109 Hardegan

182.97'

ADJOINER'S FENCE

115'

52



Exhibit 5: General proposed location for the secondary dwelling unit, looking south.



Exhibit 6: General proposed location of the secondary dwelling unit, looking east.



Exhibit 7: The primary dwelling unit on the subject site.



Exhibit 8: Looking to home across the street from the proposed location of the secondary dwelling unit.



Exhibit 9: Looking down Hardegan Street (right) and the driveway (left).



Exhibit 10: Neighbor to the west of the subject side that also faces the same drive way.



Exhibit 11: 1962 Historical Aerial of subject site.



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BOARD OF ZONING APPEALS DIVISION II

May 20, 2025

Case Number: 2025-UV3-010

Property Address: 1302 & 1322 Columbia Avenue (approximate address)

Location: Center Township, Council District #13

Petitioner: Heath Properties LLC, by Amy Lapka

Current Zoning: C-4

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a garden center with outdoor sales (not permitted) and a bar with outdoor entertainment (not permitted) with a total of 19 parking spaces (32 required), with nine spaces maintaining a zero-foot setback from and maneuvering within the right-of-way of Columbia Avenue, and a gravel parking lot at 1322 Columbia Avenue (hard surface required) with a zero-foot front yard setback from Columbia Avenue and an office trailer and outdoor seating area with a zero-foot front yard setback from 13th Street (10 feet required).

Current Land Use: Garden Center and active renovation/conversion to a bar

Staff

Recommendations: Recommendation of Approval

Staff Reviewer: Eddie Honea, Interim Current Planning Administrator

PETITION HISTORY

The May 20, 2025, hearing of Division III is the initial hearing of the request.

STAFF RECOMMENDATION

Staff recommends **approval** of the request.

PETITION OVERVIEW

- The subject site, zoned C-4, is currently improved with two metal fabricated commercial buildings, an on-site construction-style trailer, a dog park, outdoor seating area and various structures associated with the storage of plants for sale.
- Undeveloped lots within the D-8 and C-3 District are located east, across Columbia Avenue. An elevated segment of Interstate 70 abuts the site to the north. To the east is an AES substation, a dead-end alley, and undeveloped lots, all within the C-3 District. A towing facility, within the I-4 District, is located to the south, across 13th Street.



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- The request, as proposed, would allow for the operation of a garden center with outdoor sales, a bar with indoor and outdoor seating and occasional live performances, a reduction of several setbacks and parking spaces provided, with some maneuvering into the right-of-way of Columbia Avenue and located on a gravel surface.
- The Comprehensive Plan recommends Village Mixed-Use development for the subject site.

VARIANCE OF USE

- While bars and garden centers are permitted within the C-4 District, the outdoor components related to outdoor sales, storage and live entertainment are not permitted. In addition, the amount of outdoor seating, at times, may exceed that provided indoors. Such outdoor operations begin to be permitted within the C-5 District.
- The C-4 District is intended to reflect higher intense land uses associated with the community commercial plan recommendation of the Land Use Pattern Book. These Districts are intended to be applied near established neighborhoods, in appropriate contexts such as the intersection of two or more primary arterials and sufficient separation or buffering from less intense uses.
- While this site does not meet all the above conditions typically required for a favorable recommendation, Staff would note that the general area south of Interstate 70 and east of the "North Split" has historically been developed with medium to heavy industrial uses due to the railroad that runs parallel to Massachusetts Avenue.
- In addition, prior to the construction of this segment of I-70, throughout the mid 1970's, this general area was connected to an established neighborhood to the north, consisting of single-family dwellings and related community uses such as schools and churches.
- Beginning in the early 1990's, as industrial uses either closed or relocated, the area has introduced light to moderate commercial uses such as professional offices, eating establishments, fitness centers and artisan uses.
- While industrial uses remain in the general area, Staff would classify the area as a mix of various uses and intensities that has resulted in a community/cultural node as reflected by the comprehensive plan recommendation.
- Staff would also note that the site was previously home to a landscaping contractor, which is typically classified as a heavy commercial or industrial use. The request represents adaptive reuse that is reflective of both the comprehensive plan and the on-going change of use of the general area.



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- For these reasons, Staff finds that the intent of several of the standards associated with the non-permitted uses are largely nullified by the confined characteristic of the general area. Therefore, Staff is recommending approval of the variances of use being requested.

VARIANCE OF DEVELOPMENT STANDARDS

- As indicated above, the request also includes relief in the form of a parking reduction to 19 total spaces, with nine providing a zero-foot setback and maneuvering within the right-of-way and the balance being located on a gravel lot at the northernmost portion of the site.
- Given that the site is located on a dead-end street with undeveloped lots across Columbia Avenue, Staff believes that the reduction would not impose a negative impact upon adjacent properties, nor would it represent a safety hazard.
- The requirement for hard surfacing of parking areas is, in part, to mitigate the potential for negative externalities associated with dust particulate and ensuring the long-term maintenance elements such as individual space markings. Given the access-restricted nature of the site, and that the abutting Interstate is elevated, Staff believes the request to represent a negligible deviation from the request.
- Similarly, the request would also allow for the location of an office trailer and outdoor seating with a zero-foot front yard setback from 13th Street. Given that this area is entirely screened in, abuts an electric substation, and the access issues stated above, Staff also finds that these portions of the request represent minimal deviations from the intent of the Ordinance.
- Staff would also note that this request furthers the Livability Principles of the Ordinance, specifically those related to enhancing economic competitiveness, supporting existing communities, and valuing communities and neighborhoods.
- For these reasons, Staff requests that the Board approve this request in its entirety.]

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial – Garden Center / active renovation	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	D-8	North: Interstate 70
South:	I-4	South: Towing Facility
East:	C-3 / D-8	East: Undeveloped
West:	C-3	West: Electric substation, alley, undeveloped lots
Thoroughfare Plan		

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Columbia Avenue	Local Street	60-foot existing and proposed right-of-way
East 13 th Street	Local Street	60-foot existing and proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	April 11, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	April 11, 2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Land Use Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan



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- [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

Subject Site:

2022-ZON-127; 1302 Columbia Avenue; requests rezoning of 0.803 acre from the I-3 District to the C-4 classification to provide for a garden center, brewery, distillery, and restaurant; **approved.**

2018-CZN-802 / 2018-CVR-802; 1302 and 1320 Columbia Avenue; requested rezoning of 0.81 acre from the D-8 and C-3 Districts to the I-4 classification and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish the existing building and provide for a proposed building, parking and outdoor storage area, with zero-foot front and side transitional yards without landscaping and front and side yards without landscaping; **approved and granted.**

Vicinity:

2016-VAC-004; 1211 Roosevelt Avenue; Vacation of a 16-foot wide alley, beginning at the northwest corner of Lot One of Ingram Fletcher's Subdivision of Block 3 in E.T. and S.K. Fletchers Addition to the City of Indianapolis, as recorded in Plat Book 3, Page 115 in the Office of the Recorder of Marion County, Indiana, also being at the south right-of-way line of Roosevelt Avenue; thence 140 feet to the southwest corner of said Lot One, also being at the north right-of-way line of the CCC and St. Louis Railroad, with a waiver of the assessment of benefits; **granted.**

2016-UV1-013; 1102 and 1133 Roosevelt Avenue; requests variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a Pre-K-12 school; **denied.**

2014-DV1-056; 1225 Roosevelt Avenue; requests variance of development standards of the Industrial Zoning Ordinance to provide for a 60 by 140-foot building addition, with an approximately eight-foot front setback from the private school, Roosevelt Avenue; **granted.**

2012-SE1-001; 1256 Roosevelt Avenue; requests Special Exception of the Industrial Zoning Ordinance to provide for a wrecker service / impound lot, with the storage of inoperable vehicles and a variance of development standards of the Industrial Zoning Ordinance to legally establish a 12-foot-tall concrete block wall in the required front yard; **granted.**



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2006-AP1-001; 1310 Columbia Avenue; requests a modification of conditions related to petition 2004-UV1-019 to modify condition two to extend temporary variance period from February 3, 2006, to February 3, 2007; **denied.**

2004-UV1-019; 1310 Columbia Avenue; requests variance of use and development standards of the Commercial Zoning Ordinance to provide for the storage of four commercial semi-trailers; **approved for 18 months.**

2002-ZON-109; 1317 Columbia Avenue; requests rezoning of 0.15-acre from the D-8 District to the C-3 classification to provide for commercial development; **approved.**

98-SE1-3; 1102 Roosevelt Avenue; requests Special Exception of the Industrial Zoning Ordinance to provide for 36,000 square feet of an existing 151,945 square foot building to be utilized for commercial office use; **granted.**

96-HOV-1203 Roosevelt Avenue; requests variance of development standards of the Industrial Zoning Ordinance to provide for an armored car facility with zero feet of public street frontage and a zero-foot side yard setback along the north and south property lines; **granted.**

89-UV3-51; 989 Dorman Street; requests variance of use of the Industrial Zoning Ordinance to permit outdoor storage and incidental maintenance of school buses; **granted.**

84-VAC-18; Vacation of parts of Lewis Street; **granted.**

81-VAC-5; West of Site; Vacation of portions of Roosevelt Avenue and Yandes Street; **granted.**

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EXHIBITS

Exhibit A: Location Area Map

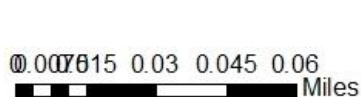
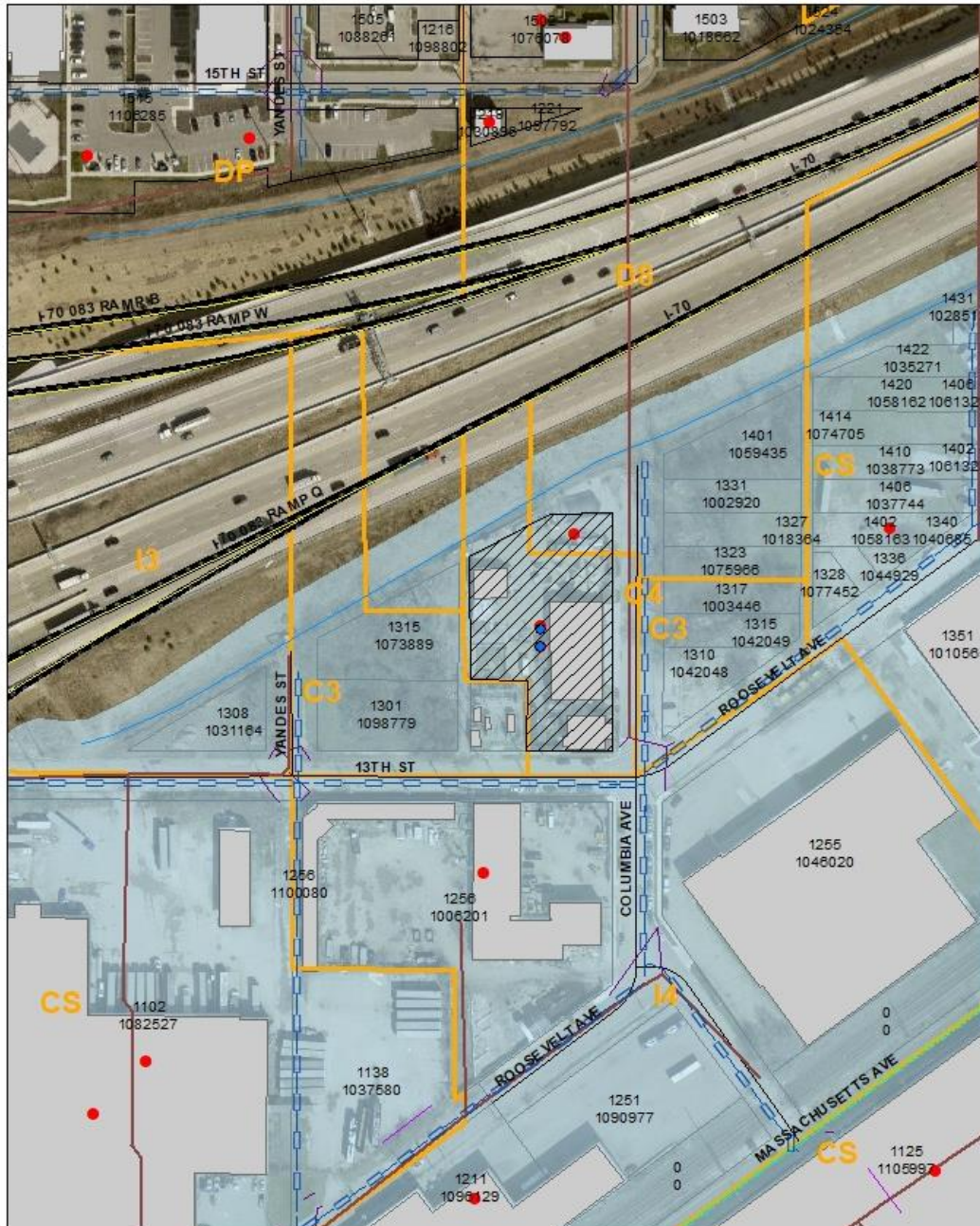
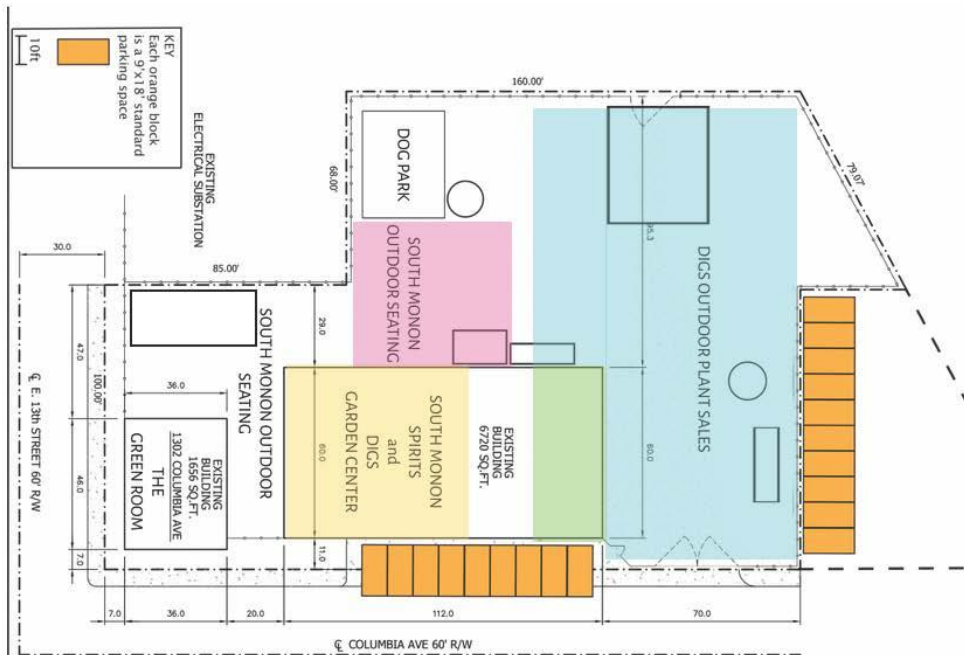


Exhibit B: Site Plan and Plan of Operation:

Scaled Site Plan, 1302 Columbia
Plan of Operations

*1322 Columbia



OUTDOOR GARDEN CENTER, 28,000 sq ft, 3-6 Employees

Seasonal Hours of Operation:

Jan-mid March: CLOSED

Mid March-Mid Nov: M-F 10am-5pm, Sa-Su 9am-7pm

Mid Nov-Dec 20: 7 days a week, 12pm-6pm *Christmas Tree sale season

Traffic to DIGS Garden Center is light with few customers at a time, with peak hours in the morning and afternoon.

Special events to take place 2-3 times a year, understanding that special event permitting may apply.

INDOOR BAR AND RESTURANT, 1,600 sq ft, 5-9 employees

Hours of Operation

Sun 1pm-6pm

Mon 4pm-9pm

Tue-Wed CLOSED

Thurs 4pm-6pm

Fri 4pm-11pm

Sat 2pm-11pm

Special events to take place 2-3 times a year, understanding that special event permitting may apply. Special events may spill out in to the exterior space.

SEASONAL EXTERIOR SEATING, 600 sq ft

Seating available, weather permitting, adjacent to dog park and garden center. Not the primary seating for our bar/restaurant.



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Exhibit C: 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

Use of additional outdoor table and chairs, and outdoor plant sale retail will not pose a safety concern.

Live entertainment/music will not pose a safety concern. All current city noise ordinances will be followed.

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

Adjacent lots consist of IPS substation, interstate, and empty dead end lots.

All proposed future development around us will be of similar use, and we have the support of land owners/developers, Stenz and Becovic.

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

We are opening our bar and restaurant and would like to include occasional live entertainment, secondary outdoor seating for seasonal use,

and would like to continue to use our outdoor space for outdoor retail as we have established an outdoor garden center,

per 2022-ZON-127

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

Under C4 zoning, and through the prior acceptance of the 2022-ZON-127 petition, we have been approved for the development of a garden center, bar and restaurant. We completed that rezoning and have developed appropriately.

We would like to make the following use variances to enhance our development and make it more aligned with what our

community and neighbors want to see, as well as align with future development in the area.

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

Our development has continued as proposed in our since accepted 2022-ZON-127 petition.

DECISION

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

Adopted this _____ day of _____, 20 ____



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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 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 changes proposed in this variance including parking, have been designed with public safety in mind.

Variance of setbacks will not cause injury or restrict the safety of foot and bike traffic.

Parking use of right-of-way will not cause a safety concern as we are located at the end of a dead end, and not a through street.

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

Adjacent lots consist of IPS substation, interstate, and empty dead end lots.

All proposed future development around us will be of similar use, and we have the support of land owners/developers, Stenz and Becovic.

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

We are opening our bar and restaurant and in order to do so, we are required to add parking.

Secondly, we are not able to move forward with our alcohol permit without an approved parking plan from the city.

A reduction in the quantity of parking spots required is reasonable given the excess of existing parking and extensive future parking development slated for our area. We also have support from other developers in our area to use that parking.

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

Under C4 zoning, and through the prior acceptance of the 2022-ZON-127 petition, we have been approved for the development of a garden center, bar and restaurant. We completed that rezoning and have developed appropriately. However, we are not able to obtain our alcohol permit to open our business in Indianapolis without proof of city approval of our parking plan.

In short, we cannot develop what we were approved to do, unless our parking plan is accepted by the city and furthermore the ATC.

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

Our development has continued as proposed in our since accepted 2022-ZON-127 petition, with the acceptance of proposed added parking deemed necessary by the city and ATC for our business operation.

We are attempting to comply with requirements we are being asked to fulfill.

DECISION

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

Adopted this _____ day of _____, 20 ____

Photos:



Photo One: Looking East Along 13th Street

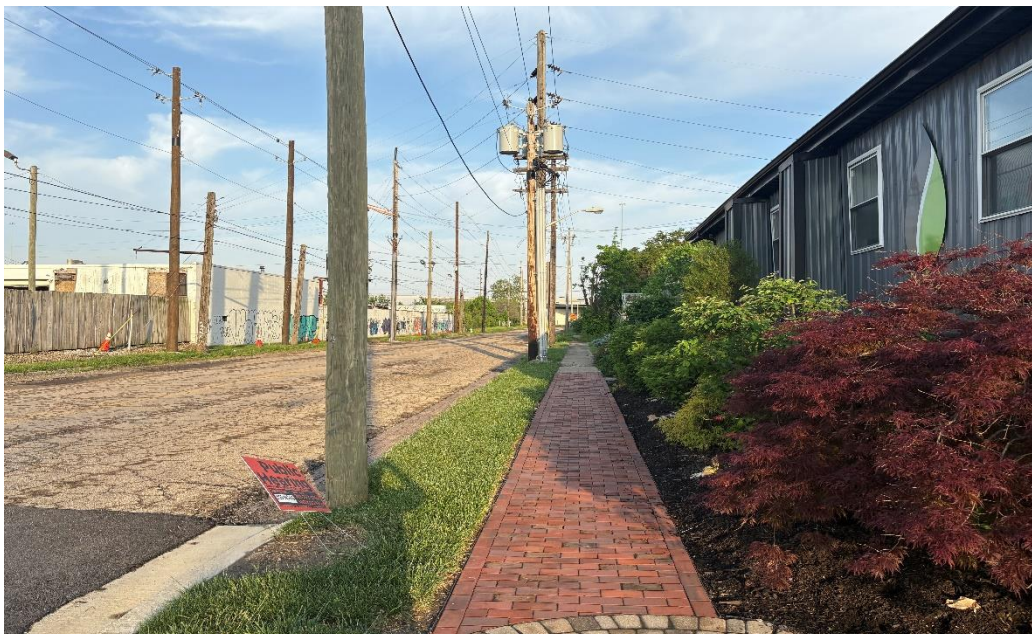


Photo Two: Looking West Along 13th Street



Photo Three: Looking South Along Columbia Avenue, Across 13th Street



Photo Four: Looking Northwest Across Intersection of Columbia Avenue and 13th Street, Towards Subject Site



Photo Five: Looking Towards Outdoor Area from Alley to the East



Photo Six: Looking West, Towards Interior Outdoor Area from Eastern Lot Line



Photo Seven: Looking West Towards Main Entry Gate to Outdoor Area



Photo Eight: Looking West Towards Proposed Gravel Lot on Northern Portion of the Site

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BOARD OF ZONING APPEALS DIVISION III

May 20, 2025

Case Number: 2024DV3037 (Amended)

Property Address: 1625 Shelby Street (*approximate address*)

Location: Center Township, Council District #18

Petitioner: Jugaad LLC, by David Retherford

Current Zoning: C-3 (TOD)

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience store with a front building line width ratio of 10.64 (80 percent required) and deficient transparency along Shelby Street (40 percent required), and with deficient landscaping.

Current Land Use: Vacant Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

4/15/25: This petition was continued by petitioner request to allow time for an approval letter from a neighborhood organization to be finalized and submitted. Staff would not be supportive of additional continuance requests.

3/18/25: This petition was continued by petitioner request to allow them additional time to discuss the proposal with neighborhood groups. Given that this was the third for-cause continuance request made by the petitioner and the previous indecisive vote taken in January, staff would be unlikely to support additional continuance requests in the future for this petition.

2/18/25: This petition received an indecisive 1-2 vote at the January 21st hearing of Division III and was therefore automatically continued to the February 18th hearing date. The petitioner was not available to provide testimony on this date, and staff requested a continuance to the March 18th date on their behalf.

1/21/25: This petition was continued from the December 17th, 2024 hearing date by petitioner request to allow for additional discussion with staff and relevant neighborhood stakeholders. In the intervening period, updated plans were provided that incorporated the following amendments: (a) closure of the southernmost curb cut and addition of new curb island along Shelby, (b) an alternate location for placement of a new sign that would comply with current standards, (c) placement of a new window on the western elevation, and (d) addition of small landscaped areas along Pleasant Run and at the southwest corner of the property. These new plans and updated Findings of Fact documents have been added to the report, which otherwise was written to reflect the initial site plan submitted. Staff is appreciative of the changes made because of these discussions, but core objections related to how little



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the proposed layout comports with relevant Transit-Oriented Development standards remain. Therefore, staff continues to recommend **denial** of the petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 1625 Shelby Street is a triangular lot which has historically contained a fueling station use that was initially constructed between 1972 and 1978. The property contained two fuel canopies, three accessory structures, a pole sign, and four existing curb cuts. In late 2023 or early 2024, the fueling station use ceased operations and the accessory buildings were demolished without issuance of a wrecking permit (which resulted in the violation case VIO24-001821 being opened); fuel pumps and two canopies remain at the site. Surrounding land uses and improvements include the I-65 interstate to the east, the Pleasant Run Creek and greenway to the south, a fueling station and retail uses to the southwest, and a thrift store use to the northwest. The site is located near the Fountain Square neighborhood to the north.
- A Red Line BRT bus stop exists at the intersection of Shelby Street and Pleasant Run Parkway SDR to the south of the property, and there is approximately 485 feet separating the edge of the transit station from the edge of this parcel. Given this proximity, TOD restrictions on uses and development standards would apply. The addition of any new or relocated fuel pumps beyond the three currently existing underneath the remaining canopies would require a variance of use for legal operation. However, since (a) the pumps and canopies predate ordinance rules disallowing fueling station uses within C-3 zoning and the TOD overlay, and (b) the zoning ordinance allows for five years of vacancy before a nonconforming use would be considered discontinued (740-603), no use variance would be required for the addition of a new convenience store structure.
- However, the proposed convenience store shown on submitted plans would require multiple variances of development standards related to the TOD overlay guidelines introduced in 2021 to allow for pedestrian-friendly development along activated streetscapes. Required variances relate to: (a) the width of the building as a ratio of the width of the Shelby frontage (80% required and only 10.64% proposed), (b) the percentage of transparent materials comprising the western building façade closest to the Shelby frontage (40% required and 0% proposed), (c) the required setback for parking areas from the Pleasant Run frontage (25 feet required and 17 feet proposed), and (d) deficient landscaping at the site (both width of landscape strip along Shelby and required screening of parking areas from rights-of-way per 744-702.D.3.d of the Ordinance).
- Review of the Improvement Location Permit application for this project was initially conducted earlier this year and noted similar dimensional standards issues. That reviewer also noted issues with light-level standards exceeding maximum allowable limits. Lighting details were not provided for DMD review, and any outstanding issues related to lighting would need to be addressed separately should the petition be approved. Additionally, the number of curb cuts and driveway



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widths at the site would not meet current standards and, regardless of approved land use, staff would be generally supportive of efforts to close off some of those access points.

- This property is zoned C-3 (Neighborhood Commercial District) to allow for the development of an extensive range of retail sales and personal/professional services with accessibility for all modes of travel being provided and maintained. This zoning district previously allowed for the placement of fueling stations by-right but this is no longer a permitted use. The Pattern Book recommends this site to the Village Mixed-Use typology to allow for neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. Development in this typology should be compact and walkable with parking at the rear of buildings, entrances and large windows facing streetways, and with pedestrian-scale amenities such as landscaping contributing to the walkable environment. Mixed-use structures are preferred, and automotive uses (such as gas stations and auto repair) are not a contemplated land use. Similarly, the Red Line TOD Plan envisions mixed-use commercial nodes placed near BRT stops and discourages both automotive uses and parking within surface lots near stations.
- Findings of Fact submitted by the applicant indicate that the primary hardships preventing them from full ordinance compliance are the unusual parcel shape and the existing fuel canopies limiting options for placement of buildings on the site. Staff would note that the legally non-conforming pumps and canopies are not required to be placed at the site, and that their existence would not constitute a site-specific practical difficulty. Additionally, their removal could facilitate development of a convenience store that conforms much more closely with TOD requirements for building placement/width and parking similar to the recent pedestrian-oriented development to the northwest of the site (see Photo 6 within Exhibits).
- In addition to the close proximity between this site and the Pleasant Run Red Line stop, staff would note that this property sits between the Pleasant Run Greenway to the south and the Fountain Square station to the north (which has direct access to the Cultural Trail and a Pacers Bikeshare kiosk) and is bordered by a protected bike lane to the west. Given the high visibility of this area and proximity to several multi-modal travel options, staff contends that development and land uses should maximize the potential offered by the TOD overlay by meeting ordinance and Plan guidance as closely as possible. The proposed use of a convenience store is not incongruous with this vision, but the proposed building layout offers zero pedestrian activation along the Shelby frontage through a building width that is around one-eighth of ordinance requirements and a building façade with no windows or architectural features.
- Since the presence of multiple fueling canopies is neither required by the property's primary and secondary zonings nor a prerequisite for the successful operation of a convenience store, staff does not feel that their existence constitutes a site-specific practical difficulty. Their presence (and related fueling station use) would not be permitted by current ordinance standards and constitutes a direct impediment to development of the property in a manner compliant with ordinance and Plan guidance that envisions a vibrant and pedestrian-friendly streetscape. Removal of one or more of the canopies could allow for placement of a building that comprises a much larger portion of the Shelby frontage with additional windows and pedestrian features (and fewer extraneous

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curb cuts). Additionally, it could allow for reconfiguration of the proposed parking area further from property lines and for the installation of the required landscaping strip along Shelby. Staff feels that even accounting for the irregular lot shape, the proposed layout deviates substantially from both compliance and intent of relevant guidelines and recommends denial of the variances.

GENERAL INFORMATION

Existing Zoning	C-3 (TOD)	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-3	North: Interstate
South:	PK-1	South: Pleasant Run Creek
East:	C-3	East: Interstate
West:	C-3 / I-3	West: Commercial
Thoroughfare Plan		
Shelby Street	Primary Arterial	62-foot existing right-of-way and 56-foot proposed right-of-way
Pleasant Run Pkwy NDR	Primary Collector	90-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	11/21/2024	
Site Plan (Amended)	01/10/2025	
Elevations	11/21/2024	
Elevations (Amended)	12/23/2024	
Landscape Plan	11/21/2024	
Findings of Fact	11/21/2024	
Findings of Fact (Amended)	01/10/2025	



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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line Transit-Oriented Development Strategic Plan

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Village Mixed-Use typology to allow for neighborhood gathering places (either in historically small neighborhood centers or newly created ones) with a wide range of small businesses, housing types, and public facilities. Development in this typology should be compact and walkable with parking at the rear of buildings, entrances and large windows facing streetways, and with pedestrian-scale amenities such as landscaping contributing to the walkable environment. Mixed-use structures are preferred, and automotive uses (such as gas stations and auto repair) are not a contemplated land use.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line Transit-Oriented Development Strategic Plan recommends this site to the Walkable Neighborhood TOD typology given its proximity to the Pleasant Run Red Line stop. The desired land-use mix for these areas is primary residential but with a commercial node of mixed-use development near transit stops. Off-street parking within surface lots and “car-only uses” are discouraged.

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

N/A

ZONING HISTORY – VICINITY

2018ZON129 ; 1618 Shelby Street (west of site), Rezoning of 0.55 acre from the I-3 district to the C-3 classification, **approved**.

2001VAR830 ; 1638 Shelby Street (southwest of site), variance of development standards of the Commercial Zoning Ordinance to legally establish eleven off-street parking spaces, for the storage of trucks and trailers, located within the side transitional yard (off-street parking not permitted within the side transitional yard), **approved**.

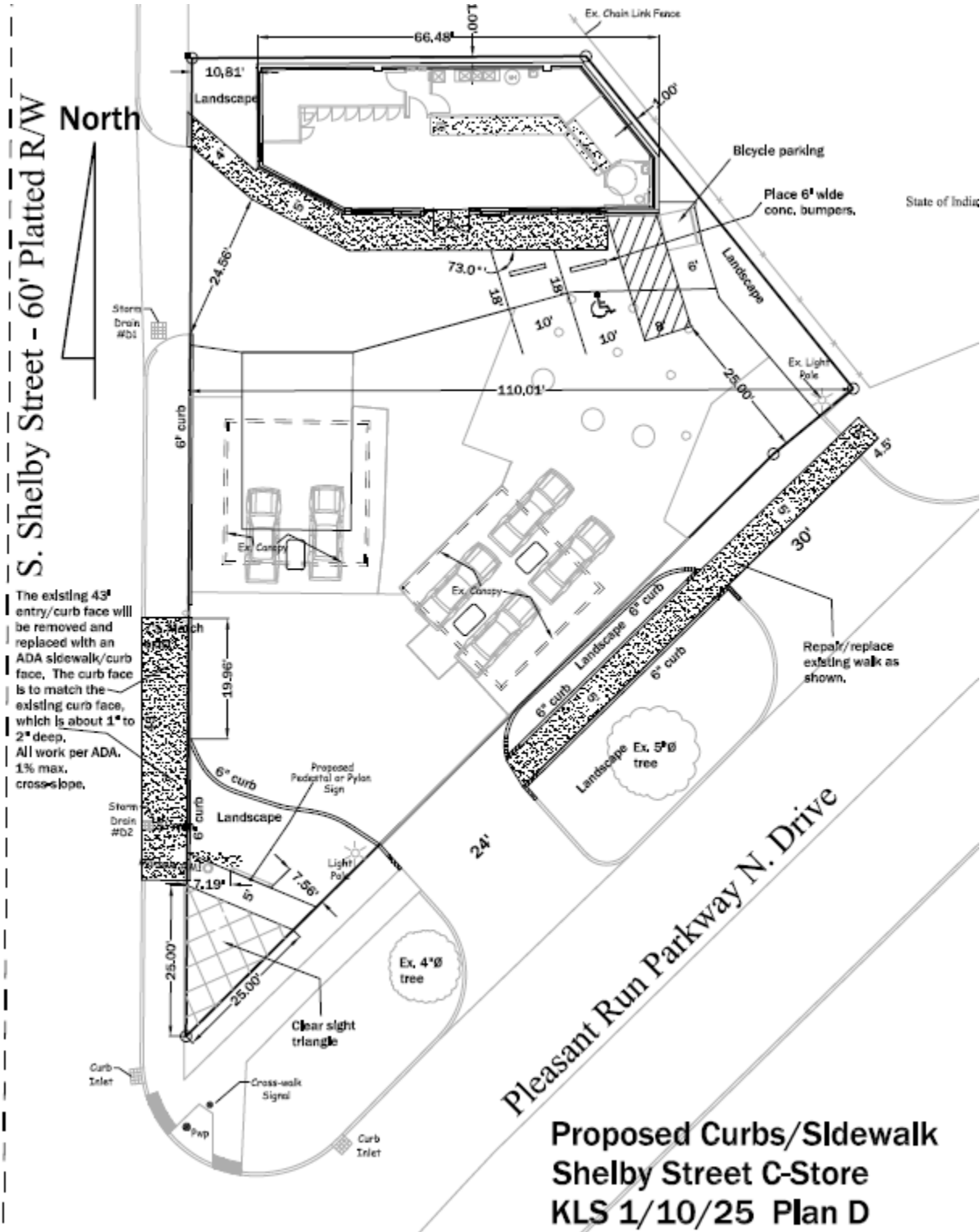
2001ZON830 SW ; 1638 Shelby Street (southwest of site), rezoning of 0.566 acres from the I-3-U district to the C-3 classification, **approved**.

EXHIBITS

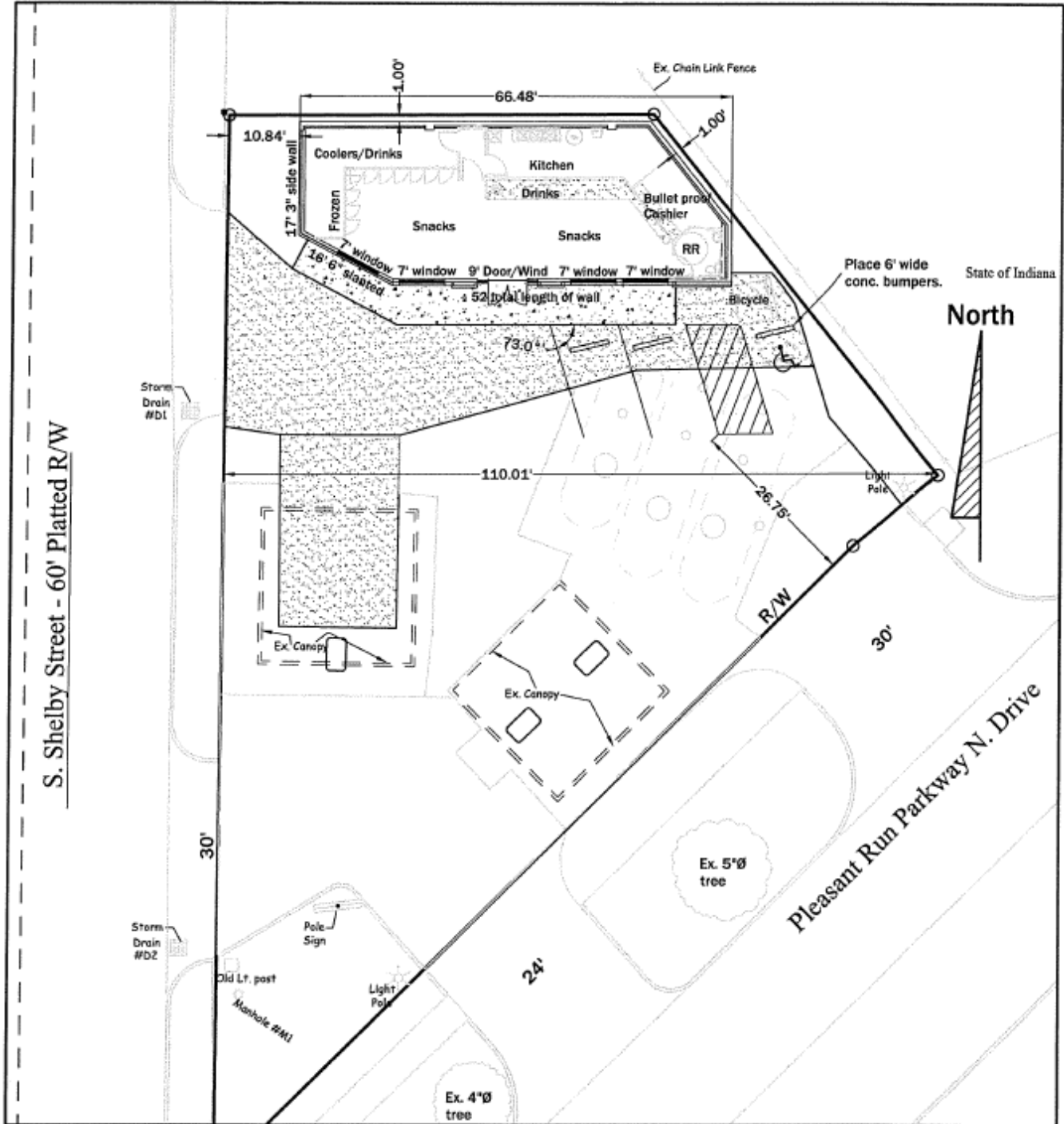
2024DV3037 ; Aerial Map



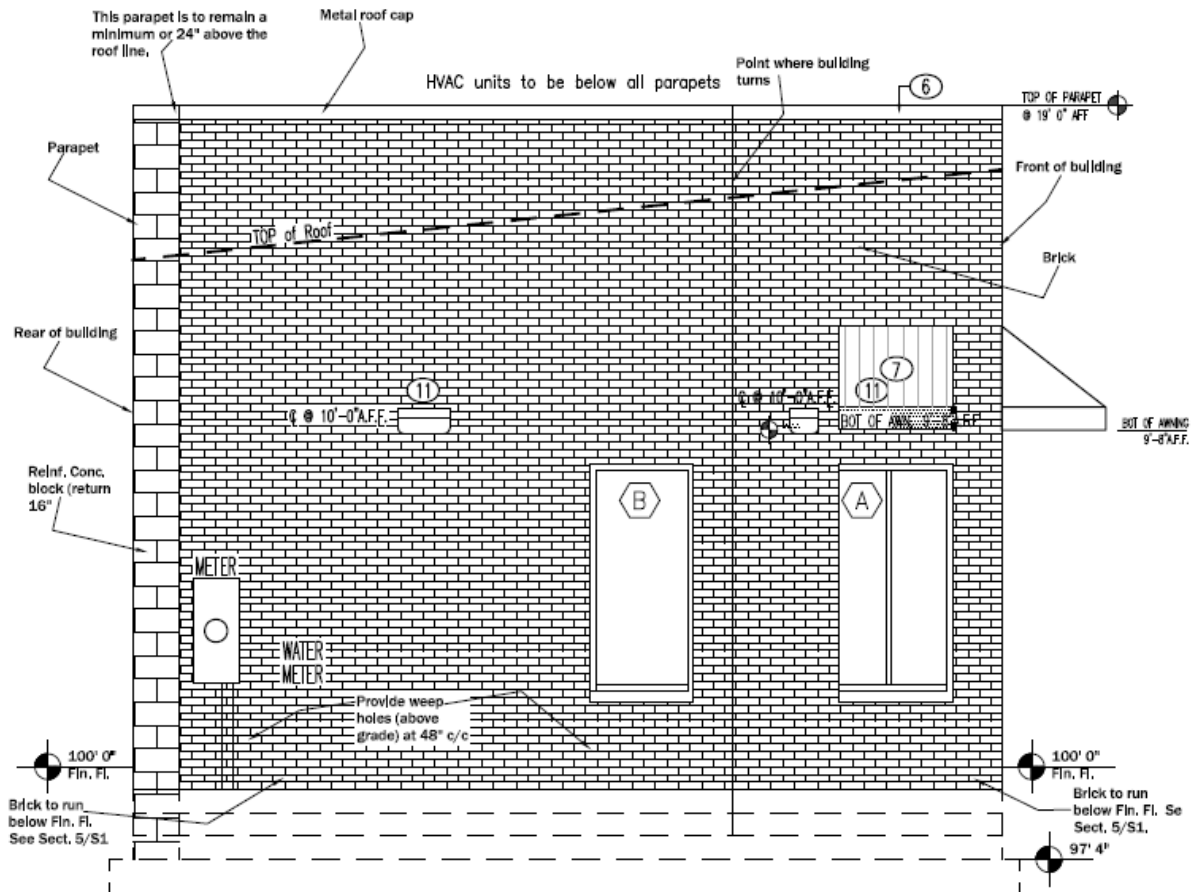
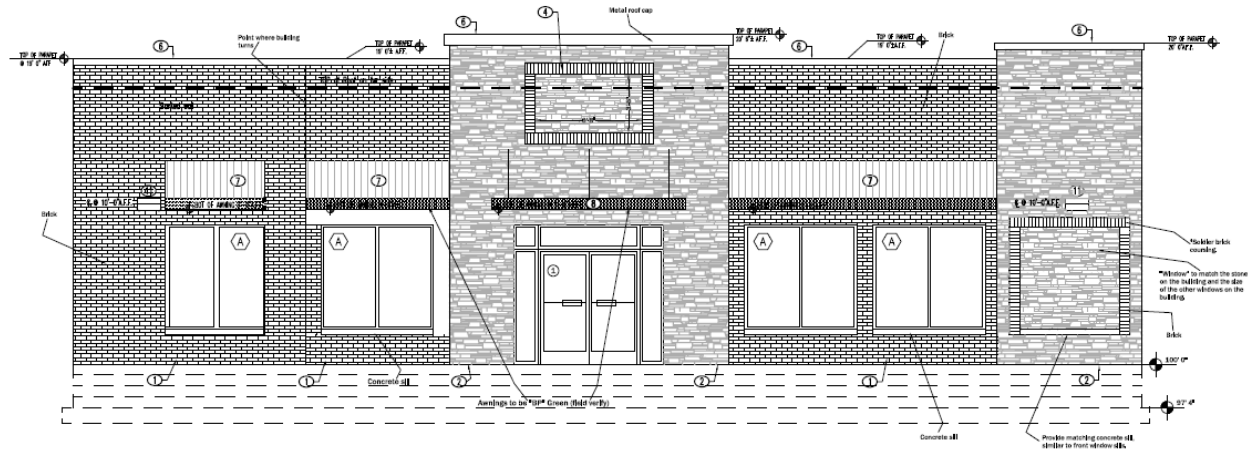
2024DV3037 ; Site Plan (amended 01/10/25 submittal)



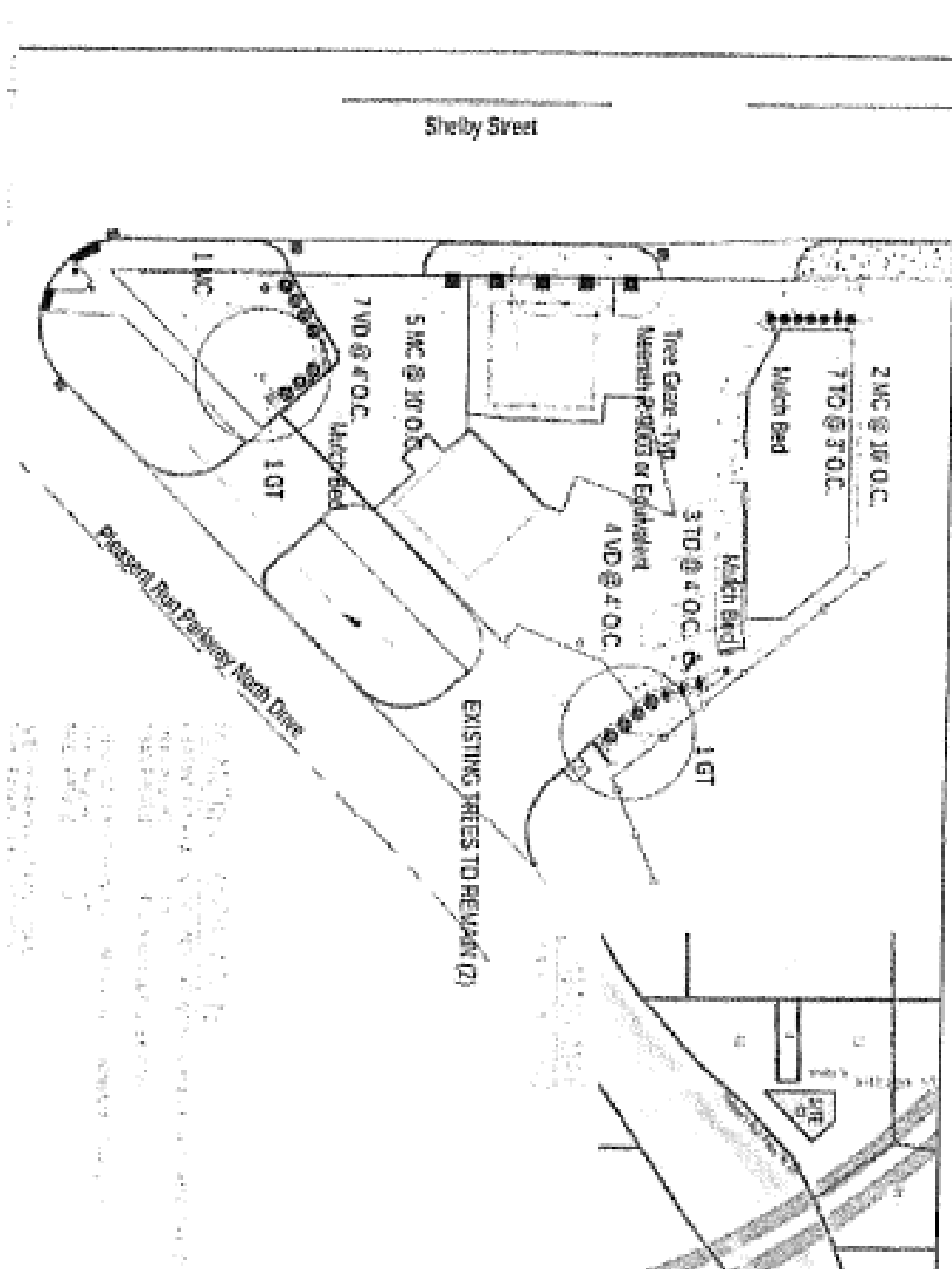
2024DV3037 ; Site Plan (initial 11/21/24 submittal)



2024DV3037 ; Elevations (South and West/Southwest)



2024DV3037 ; Landscape Plan (preliminary)





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2024DV3037 ; Findings of Fact (Transparency)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Approving the exterior design of the building with the 17' foot long west facing wall only containing 17.5% transparency instead of the required 40% is not likely to create such injury. This wall does not contain a public entrance. The desired visibility into the building is provided in a reasonable fashion by the 3' X 5" window in the south portion of that wall, which allows direct view of the cash register location. In addition, the true front facing wall of the building contains 58% transparency, and the angled wall between the front wall and the west wall contains 42% transparency. In addition, if the three walls were measured as one no variance would be required as the overall transparency would exceed 40%. To resolve any potential security concerns the cash register location is also located within a transparent bullet proof enclosure for 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 subject property has been developed and utilized continually as a gasoline service station with a small associated store and public restrooms for at least four decades, and while the gas station use is integral to the success of the convenience store operation, the gas station is legally permitted and established and is not being expanded. The site sits at the intersection of Shelby Street and the sharply angled Pleasant Run North Drive, so it is a very small triangular parcel. The two rear yards of the site abut I-65 to the North and northeast. Across Pleasant Run to the East and Southeast is the heavily wooded Greenways corridor and then South drive, before any residential lots even exist. Across Shelby Street to the West are three properties. Two are zoned C-3. The north parcel contains a commercial building owned by the Archdiocese, and the south parcel contains Nelson's Marathon gas station. The middle parcel appears to contain a residential rental. Installing a new attractive masonry building with canopies, and adding a new landscaping area directly west of the west facing wall with the 17.5 % transparency, when combined with the elimination of the former public restrooms that had created a well-known homeless population immediately to the North which is blamed for a history of vandalism and police calls, is actually likely to positively impact the use or value of the adjacent properties if the request is approved.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: Although Shelby Street is the front yard of the site per the ordinance, the front of this building actually faces the intersection, so the 17' long west wall is a side wall. This wall does not contain a public entrance, and the only area inside the store where the full height coolers can practically be located is along this same west wall. Since the original petition was filed, the Petitioner has added a window in this west wall which eliminates three of the originally designed coolers, and there is no practical way to replace any additional coolers if the full 40% is required for this wall.



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2024DV3037 ; Findings of Fact (Landscaping)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Permitting the landscaping required along the approximately 20' of the frontage along Shelby Street which abuts the short term parking space used when refueling at the single pump station along that frontage, does not present any risk of such injury in this case where the Petitioner is adding significant landscaping to the site at each end of the Shelby Street frontage per the Site Plan; and it also willing to close the existing southernmost entrance onto Shelby Street, and to solve a long-time existing risk by installing a new curb separating the pedestrian traffic on the existing sidewalk along Shelby Street from the internal vehicular traffic on the site.
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The site sits at the intersection of Shelby Street and the sharply angled Pleasant Run North Drive, so it is a very small triangular parcel. The two rear yards of the site abut I-65 to the North and northeast. Across Pleasant Run to the East and Southeast is the heavily wooded Greenways corridor and then South drive, before any residential lots exist. Across Shelby Street to the West are three properties. Two are zoned C-3. The north parcel contains a commercial building owned by the Archdioces, and the south parcel contains Nelson's Marathon gas station. The middle parcel appears to contain a residential rental. The subject property has been utilized in the past as a gasoline service station with a very small associated C-store and also public restrooms, for at least four decades. If the variance is approved, the legally permitted gas station use would be refreshed and modernized, a new and attractive C-store built, and the entire site landscaped along with several significant improvements to the safety and appearance of the site. Permitting these upgrades to be made by approving this variance is preferable to denying it based on the minor variance being requested which abuts only the side of one parking space, as opposed to the front or back of said space.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: This is a very small site, triangular in shape. In addition to parking space adjacent to the pump for a vehicle that is being refueled, a traffic lane to pass the parked vehicle is required for public safety and emergency access. This access is especially important on the Shelby Street side due to the impact of the agreement by the Petitioner to close the southernmost entrance onto Shelby Street. The proposed new curb will be installed on the existing right of way line, which is also the east edge of the existing sidewalk. This presents a practical difficulty in that there is no room between the right of way line/existing sidewalk and the access around this fuel island for the typical landscape island along this short length of frontage. The legally existing pump and fuel island cannot practically be relocated due to the other improvements on the site, and it is not required to be removed. A site specific practical difficulty exists here; and the solution proposed by the Petitioner to landscape at the intersection and west of the building as shown on Site Plan, and also to add additional landscaping within the new island/areas along Pleasant is a satisfactory solution in this unique situation.



Department of Metropolitan Development
Division of Planning
Current Planning

2024DV3037 ; Findings of Fact (Building Width)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Locating the proposed new building as far off the intersection as possible, and also aligning it so the attractive front of the building actually faces the intersection as proposed by the Petitioner, is a better option than waiting for an unknown future owner who would possibly be willing to remove the existing pumps, tanks and gas station improvements and completely redevelop the site with a small office building facing Shelby Street that would most likely still require multiple variances due to the small size and shape of the subject site. The Petitioner's proposal includes locating the building and the associated parking and related pedestrian store activity as far from the intersection as possible, which is likely safer than a location closer to the intersection, or even with the back of the building exposed to Pleasant Run. The Petitioner is willing to close the existing southernmost entrance onto Shelby Street, which would not be required by a different proposed use that did not require a rezoning. The Petitioner is also willing to solve a long-time existing risk by installing a new curb separating the pedestrian traffic on the existing sidewalk along Shelby Street from the internal vehicular traffic on the site. The Petitioner is willing and ready to invest hundreds of thousands of dollars in the proposed redevelopment of this decayed site, one which has a history under prior owners of being a haven for homeless people and associated crime. For all these reasons it is likely that the approval of this request would benefit public safety, morals and general welfare more than denying it and then waiting on an unknown future user and their plans.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The site sits at the intersection of Shelby Street and the sharply angled Pleasant Run North Drive, so it is a very small triangular parcel. The two rear yards of the site abut I-65 to the North and northeast. Across Pleasant Run to the East and Southeast is the heavily wooded Greenways corridor and then South drive, before any residential lots exist. Across Shelby Street to the West are three properties. Two are zoned C-3. The north parcel contains a commercial building owned by the Archdiocese, and the south parcel contains Nelson's Marathon gas station. The middle parcel appears to contain a residential rental. The subject property has been utilized in the past as a gasoline service station with a very small associated C-store and also public restrooms, for at least four decades. If the variance is approved, the legally permitted gas station use would be refreshed and modernized, a new and attractive C-store built, and the entire site landscaped along with several significant improvements to the safety and appearance of the site. Denying this request based on the proposed orientation of the building likely just results in it staying vacant and an eyesore for the foreseeable future, and the current opportunity to actually have a positive impact on the adjacent properties and this area would be lost.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: Even though it is a sharp cornered lot, the ordinance requires a new building to face Shelby Street, and also for the width of that building to cover at least 60% of the length of that frontage. The site is not likely large enough to accommodate a flatiron style building with the associated parking and accesses, setbacks, landscaping, etc. Any typical rectangular building would likely require similar variances to be granted due to the practical difficulty that complying with the TCO ordinance presents on this particular site. By orienting the building towards the intersection, thereby providing views of the front of the building from the intersection also from both of the abutting streets, the Petitioner presents a reasonable solution to the practical difficulty this site presents. This proposal is likely to get this vacant site cleaned up and back on the tax rolls soon, and it makes practical sense here to approve the building as oriented as it actually does cover more than the required 60% of the lot width if that measurement is simply taken at the most practical location on this triangular site, which is across the back portion of the lot and immediately in front of the proposed building. It is also likely that the costs and delays which would result from any effort to remove the existing tanks, pumps and lines in compliance with the regulations of IDEM and the EPA are a significant practical difficulty which was not self-imposed, which would make it difficult at best to justify changing the use to anything different than a remodel of the existing gas station use on this unique site.

2024DV3037 ; Photographs



Photo 1: Subject Site from Southwest

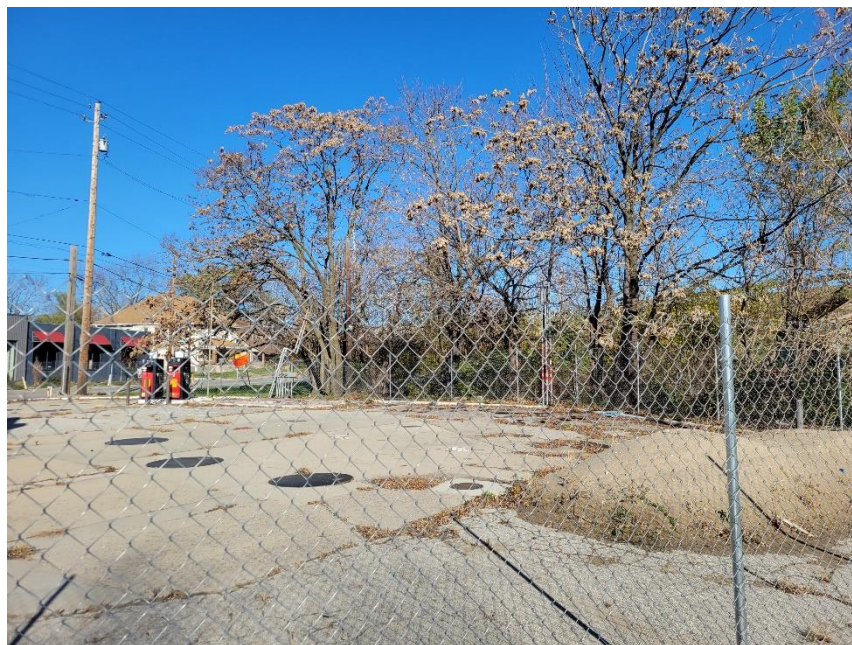


Photo 2: Subject Site from Pleasant Run Pkwy NDR

2024DV3037 ; Photographs (continued)



Photo 3: Subject Site from Shelby Street



Photo 4: Subject Site from West (taken August 2023)

2024DV3037 ; Photographs (continued)



Photo 5: Adjacent Property to the Southwest



Photo 6: Adjacent Property & Bike Lane to the Northwest (September 2024)

2024DV3037 ; Photographs (continued)



Photo 7: Existing Curb Cuts along Shelby Street



Photo 8: Existing Curb Cuts along Pleasant Run Pkwy NDR

BOARD OF ZONING APPEALS DIVISION III

May 20, 2025

Case Number: 2025-DV3-010 (2nd Amended)
Address: 909 Wright Street (approximate address)
Location: Center Township, Council District #18
Zoning: D-8 (TOD) (RC)
Petitioner: 8424 Bravestone LLC, by Mark & Kim Crouch
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a three-foot south side yard setback (five-feet required), a three-foot rear yard setback (20 feet required), an open space of 30 percent (40 percent required) and a front-loaded carport.

Current Land Use: Undeveloped

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

This request has been amended twice from the original legal notice. This property is located within the Regional Center overlay, which was not originally indicated. For the first amended request, the Regional Center overlay does not require a front yard setback, therefore the request for a one-foot front yard setback was withdrawn. In addition, the site plan was changed to remove the request for the front-loaded garage.

For the second amended request, the petitioner redesigned the site plan to provide for a carport parking area with access from Wright Street. With living space above the carport, Staff determined that it did not meet the definition of a carport and the request as a front-loaded garage would need to be reinserted. No new notice would be required as this 2nd amended request was included in the original legal notice.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- The subject site is currently undeveloped and is adjacent to single-family homes within residential subdivisions to the west and north. Public and Interstate right-of-way exists to the east and south.

Front loaded garage

- ◇ Under Table 744-701-2, the subject site would fall under the Terrace Frontage category for Private Frontage Design Standards. The subject site is in a neighborhood where the context of the block establishes smaller frontages as the predominant pattern (typically 50% or more on the block face or at transitions to adjacent blocks and frontages). Table 744-701-2 describes Front Loaded Garage Placement and Limitations, where it stipulates front loaded garages are prohibited. Side loaded, rear loaded, or detached garages are the only garages permitted.
- ◇ The proposed site plan displays that the subject site has access to the cul-de-sac at the north end of the property. However, the proposed garage / carport access would be directly from Wright Street. Staff concludes the desire not to use the cul-de-sac for a side load garage is to be a self-imposed practical difficulty. The site plan could be reconfigured with an attached garage at the north end of the parcel. If the plan were reconfigured to reflect this, it would eliminate the need for a front-loaded garage variance.
- The findings submitted by the applicant for this petition indicate that the proposed residence and attached garage will be consistent with the development in the area and adjacent area. Staff disagrees in that the majority if not all houses in the area have detached garages. Even if the garage remains attached, it can be accessed from the side of the dwelling from the cul-de-sac to the north. Placing the front-loaded garage massing to the side, instead of in front of the dwelling, would actually make the proposed garage consistent with the development in the area, as the majority are to the rear of their respective dwellings. Therefore, any restrictions on garage placement is self-imposed by their desire not to have a side loaded garage.
- ◇ Given the close proximity of other developed properties without front loaded garages, staff does believe this would be a significant deviation from the Ordinance and would negatively impact the character of development within the surrounding area, and would therefore, not be supportable.

Reduced setbacks and open space

- ◇ The subject site was partially cut off when the interstate was constructed in the late 1960s and early 1970s. This has resulted in the lot area being reduced from approximately 5220 square feet to approximately 4068 square feet. Likewise, with this cut off, the lot shape changed from a standard rectangular D-8 lot to a triangular lot without a large portion of the original rear yard. Staff sees this a substantial practical difficulty in being able to meet development standards such as setbacks and open space.

GENERAL INFORMATION

Existing Zoning	D-8
Existing Land Use	Undeveloped
Comprehensive Plan	Traditional Neighborhood

Surrounding Context	Zoning	Surrounding Context
North:	D-8	Right-of-way
South:	D-8	Right-of-way
East:	D-8	Right-of-way / Interstate
West:	D-8	Single-family dwellings
Thoroughfare Plan		
Wright Street	Local Street	56-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	TOD / RC	
Wellfield Protection Area	No	
Site Plan - updated	April 26, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	March 13, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development of the site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

- **Conditions for All Housing**

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.

- **Detached Housing**

- The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
- Secondary units are encouraged.
- Lots should be no larger than one and a half times the adjacent lots.

- **Attached Housing**

- Duplexes should be located on corner lots, with entrances located on different sides of the lot.
- It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood- serving retail.
- If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is within the Red Line Transit Oriented Development Secondary District.
- 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:
 - 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.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed, or flush, narrow, or wide.
 - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
 - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
 - **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
 - **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.

- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2024-DV2-033; 751 East McCarty Street (north of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a five-foot front yard setback (10 feet required) and a four-foot knee wall in association with a height of 2.5-stories, without exclusive access from an improved alley (required), **granted.**

2021DV1073; 751 East McCarty Street (north of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a detached single-family dwelling with an eight-foot front setback, six-feet of building separation to the east and four feet to the west, deficient 508 square foot main floor area, and a sidewalk and stoop with a zero-foot side setback (18-foot front setback, 10-foot building separation, 660 square foot main floor area, two-foot side yard setback for minor residential features required), **granted.**

2020DV2017; 753 E McCarty Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38-foot tall single-family dwelling with a zero-foot front yard, a main floor area of 340 square feet, three-foot side yards and 50% open space (18-foot front yard or average, maximum 35-foot height, 660-square foot main floor area, four-foot side yards and 55% open space), **granted.**

2020DV2029; 737 E McCarty Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage addition with a two-foot side setback, one-foot rear setback and 37% open space (four-foot side setbacks, 15-foot rear setback and 55% open space required), **granted.**

2001ZON122; Multiple addresses along Merrill, Warsaw, Noble, East McCarty, Norwood, and Stevens Streets (northwest of site), rezone of 3.7 acres, being in the I-3-U (RC) District, to the D-9 (RC) classification to legally establish residential uses, **approved.**

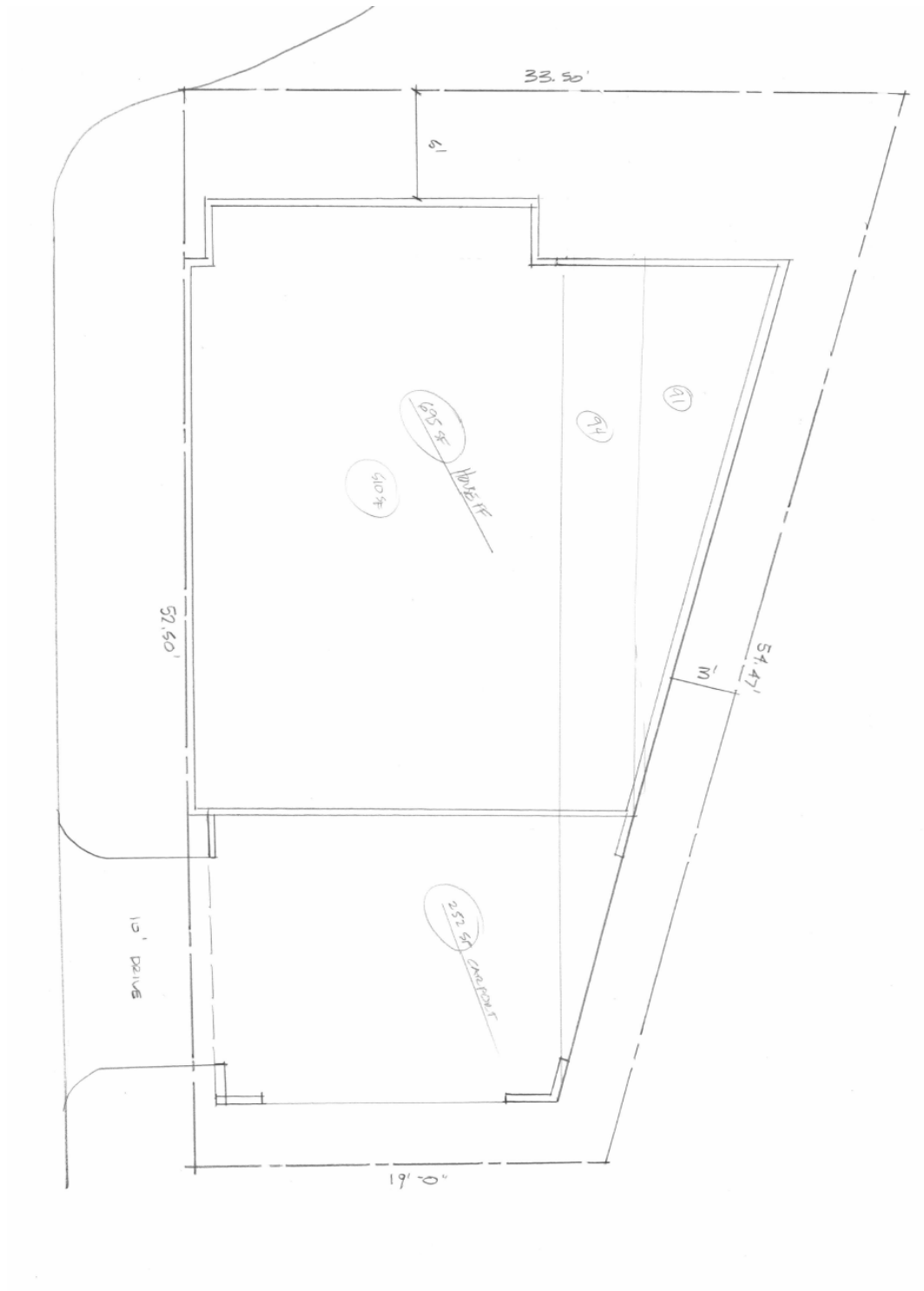
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EXHIBITS

Location Map



Site Plan - 2nd Amended April 26, 2025



Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the grant will allow for the construction of a single family residence with attached garage for private residential use.

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

the proposed residence and attached garage will be consistent with the development in the area and adjacent area.

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

lot is smaller than zoning minimums and shape is unusual resulting in need to reduce required setbacks and open space requirements.

Without variance approval, proposed residence and attached garage will not be constructed.

DECISION

Photographs



Photo of subject site, looking east.



Photo of subject site from the north adjacent cul-de-sac, looking south.



Photo of adjacent dwellings to the west with rear access garages, looking northwest.



Photo of adjacent dwelling to the north.

BOARD OF ZONING APPEALS DIVISION III

May 20, 2025

Case Number: 2025-UV3-007
Property Address: 3960 Baker Drive (*approximate address*)
Location: Lawrence Township, Council District #15
Petitioner: Joanne Springer, by Roger W. Upchurch
Current Zoning: D-5
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction and use of a daycare center (not permitted) with deficient parking (7 spaces required).
Current Land Use: Undeveloped Residential
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 3960 Baker Drive is an undeveloped lot that is zoned D-5 and located within a residential context. The property is bordered to the south by a Phalen Leadership Academies school (a K-6 tuition-free charter school) and on other sides by residential development. A single-family residence that was approximately 1075 square feet in area previously existed at this site but was demolished between 2008 and 2009; the driveway leading to that house remains in place at the site.
- Grant of this variance would allow for the construction and operation of a daycare center at this property. This would be a commercial use category that would allow for the care of children under the age of 6 separated from their parents or guardians between 4 and 24 hours. This primary use would be distinct from the accessory use category of a child care home, which would have a maximum enrollment of 16 children, allow for older ages, would have differences in required licensing, and would take place within a primary residential structure where the caretaker also lives on-site. Per the use details and floor plan provided by the applicant, the scope of this business could not be considered a child care home.

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

- In addition to the required Use Variance, a Variance of Development Standards would be required in relation to required parking for the use. The proposed size of the building would require a minimum of seven (7) parking spaces, and plans submitted by the applicant do not clearly indicate where any required parking spaces would be placed (the existing driveway would potentially be utilized as a single on-street parking space, but all other parking would be off-street).
- Staff received a version of a site plan from the applicant that indicated placement of parking spaces within the front yard of the property (see 'Alternate Site Plan' within Exhibits). It is unclear on this version of the site plan from where vehicles would ingress or egress, and this version of the site plan would require additional variances for a parking area within the front yard of a residentially zoned lot that (a) exceeded 30 feet in width and (b) resulted in the landscaped area of the front yard being below 65% living materials. When the applicant was informed that this alternate site plan would require issuance of new notice and for the petition to be continued to a June hearing date, they indicated their preference to revert to the original site plan and request a daycare with parking below required minimums.
- The East 38th Street Corridor Plan recommends that this site (and neighboring properties) be developed for residential purposes with a density of 3.5 to 5 dwelling units per acre. The Plan specifically mentions that development of new single-family housing is a high priority for this area. Although this proposed development wouldn't result in the development of residential infill, staff would note that Infill Housing Guidelines would discourage placement of a midblock commercial structure that would have a larger size or width than surrounding residential properties (proposed building elevations do not give the external appearance of a residence).
- The Plan of Operation provided by the applicant indicates that the Kidz Konnect Learning Academy would provide full-time and part-time care for children ages 2 to 5, in addition to an after-school program for school-aged children 5 to 12. Hours of operation would be from 6 AM to 6 PM Mondays on weekdays, and maximum enrollment would be 30 students (with a maximum of 10 on-site employees). Staffing would be adjusted throughout the day to meet ratio requirements, although it is unclear what the "standard" number of children or teachers occupying the building would be. The applicant indicated that parents would "mostly pull up front to drop off and pick up kids", but additional information about frequency and timing of these visits or how many parking spaces would be designated for employees vs. parents was not provided.
- Findings of Fact submitted by the applicant indicate that the business would follow applicable State and Local regulation for safe operation of a daycare, that childcare is a needed community asset, that the use would integrate seamlessly with the existing neighborhood context, and that site-specific conditions would prevent the property from being developed with an alternate use. Staff disagrees with the latter two assertions presented without supporting evidence.
- There does not appear to be any site-specific hardship at this lot that would prevent the property from being developed as a single-family residence: the lot is 9950 square feet in size and has a width of approximately 60 feet, which means that it would be subject to Medium Lot standards from Table 742.103.03 of the Ordinance. Construction of a single-family home would also comport

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Division of Planning
Current Planning**

with relevant guidance from the East 38th Street area plan and could allow for the legal accessory use of a child care home which would allow for child care at the site in a smaller capacity.

- While the Indianapolis Zoning Ordinance does allow for the establishment of daycare centers within some higher-density residential zoning districts with zoning approval, those instances would only be acceptable if the daycare was designed with building materials that are aesthetically compatible with surrounding structures and that adequate parking, loading and drop-off facilities be provided at a scale that is in harmony with surrounding residential uses. The elevations and floorplan provided do not appear to match the surrounding context of smaller residential properties (larger brick structure with main interior hallway).
- Staff has strong concerns about the impact that a use of this intensity would have on surrounding properties, and these concerns are compounded by the lack of detailed information provided about drop-off/pick-up protocols. At the time of Staff's site visit (around 2 PM on a Monday afternoon), a line of cars queued to pick up students from the existing school to the south of the subject site stretched from the school's entrance to the intersection of Baker Street and Conried Drive (around 900 feet of roadway; see Photos 4 and 6 within Exhibits). Baker Street already contains limited street parking due to the number of curb cuts from existing residential garages, and the introduction of a use that would utilize up to 10 employees as well as potential influxes of cars from drop-off/pick-up times would likely exacerbate existing congestion along the local street, create difficulties for ingress/egress at the site, and could increase the risk of accidents involving children and moving automobiles.
- Staff does not feel that the size and location of this specific site would be supportive of a day care center use that would introduce 10 employees and 30 kids without provision of on-site parking. Even if plans were amended to incorporate required parking, the level of front-yard paving and intensity of the use would not be in harmony with surrounding single-family residential uses. Given a lack of undue hardship preventing a compliant use from being built on an undeveloped site, comprehensive plans recommending residential development, the negative externalities that would be created for surrounding residences on Baker Street, and the risk of negative interactions between parents/children and vehicles, staff recommends denial of this variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped Residential	
Comprehensive Plan	3.5 – 5 Residential Units per Acre	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Undeveloped
South:	SU-2	South: Educational
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
Baker Street	Local Street	50-foot existing right-of-way and

	50-foot proposed right-of-way
Context Area	Metro
Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	04/01/2025
Site Plan (Amended)	05/04/2025
Elevations	05/04/2025
Elevations (Amended)	N/A
Landscape Plan	Not provided prior to publication deadline
Findings of Fact	04/01/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- East 38th Street Corridor Plan (2012)

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

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The East 38th Street Corridor Plan recommends that this site and surrounding parcels to the west, north, and east be developed for residential purposes with a density of 3.5 to 5 dwelling units per acre. The Plan mentions that development of new housing (specifically single-family dwellings with one story of height) is a priority.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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



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- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

63-V-350, variance of ground floor house area requirements to permit erection of a single-family dwelling having 747.25 square feet of ground floor area at 3960 Baker Drive, **approved**.

ZONING HISTORY – VICINITY

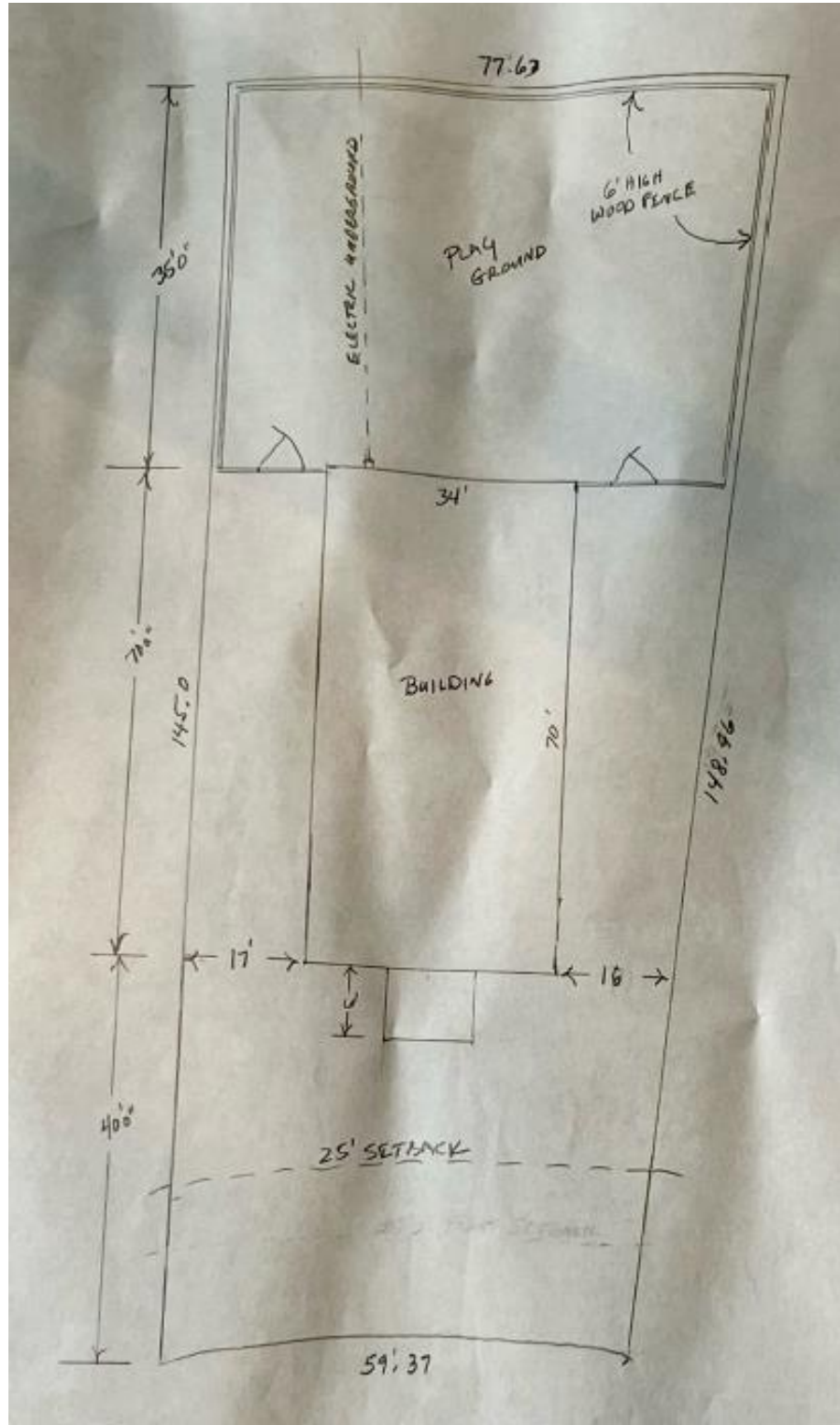
2020DV3033 ; 9638 Conried Drive (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 47-foot wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973), **denied**.

EXHIBITS

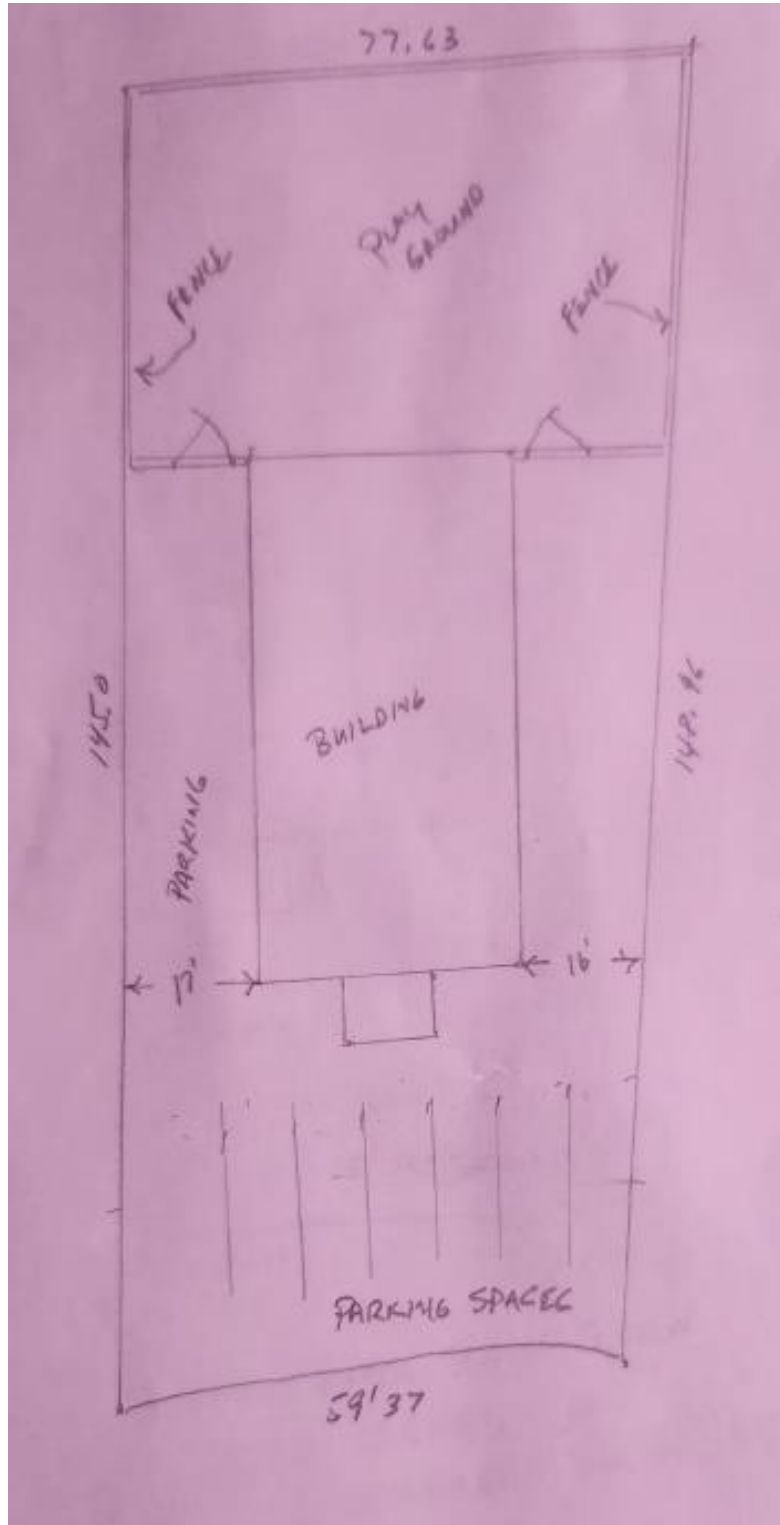
2025UV3007 ; Aerial Map



2025UV3007 ; Proposed Site Plan without Parking



2025UV3007 ; Alternate Site Plan with Parking (not proposed)





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2025UV3007 ; Plan of Operation

Business Scope and Services

KIDZ KONNECT LEARNING ACADEMY is a licensed childcare and early education facility providing full-time and part-time care for children ages 2 years through 5 years, along with an after-school program for school-aged children (ages 5–12).

Our mission is to offer a nurturing, educational, and safe environment that promotes children's developmental, social, emotional, and academic growth.

Programs and services provided on-site include:

- Toddler and preschool programs for children ages 2–5
- Early childhood education and school readiness curriculum
- Structured indoor learning activities and outdoor play
- Nutritious meals and snacks
- After-school homework assistance, enrichment programs, and supervised recreational time for school-aged children

All services are conducted in full compliance with local, state, and federal childcare licensing regulations.

Days and Hours of Operation

- **Days Open:** Monday through Friday
- **Hours of Operation:** 6:00 AM to 6:00 PM
- **Closed on:** Saturdays, Sundays, and major federal holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).

Maximum Number of Children

The maximum number of children enrolled at KIDZ KONNECT LEARNING ACADEMY at any given time will be 30 children.

This includes:

- Children ages 2 to 5 years enrolled in full-time care
- School-aged children enrolled in the after-school program

Class sizes and groupings will comply with required child-to-staff ratios based on children's ages, in accordance with [State Licensing Agency] regulations.

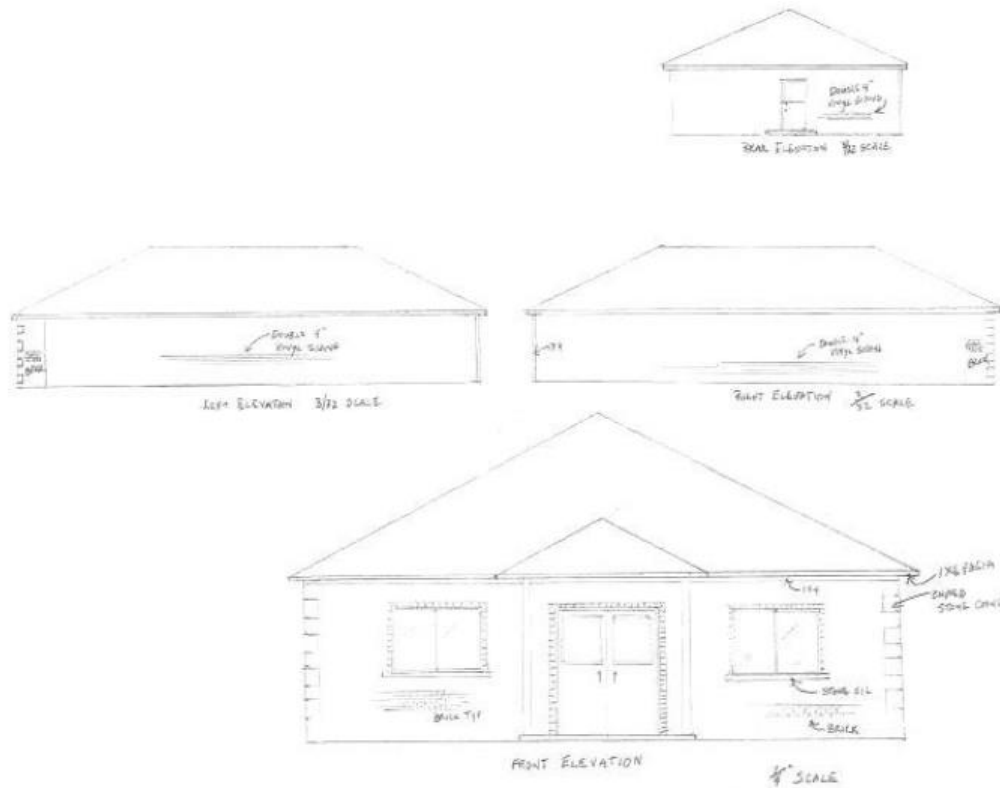
Maximum Number of Employees on Site

The maximum number of employees on-site at any given time will not exceed 10 employees, including:

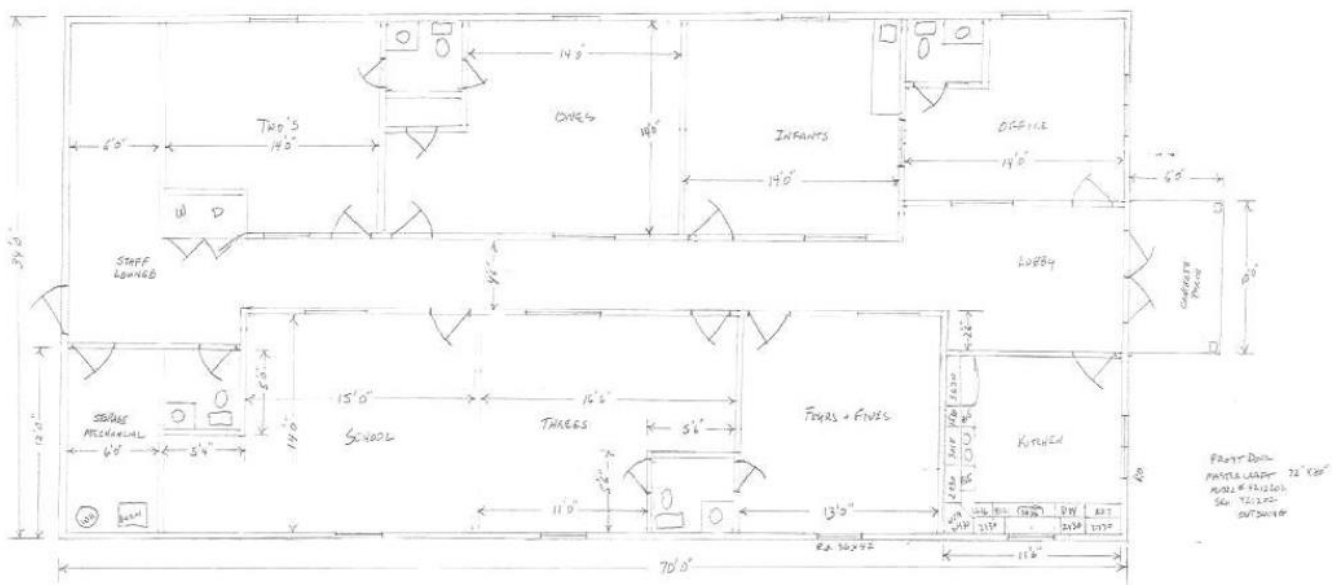
- Administrative Staff (Director/Owner, Assistant Director)
- Lead and Assistant Teachers for toddler, preschool, and after-school groups
- After-school program staff
- Kitchen and janitorial support staff
- Substitute and floating staff for breaks and additional supervision

Staffing is adjusted throughout the day to meet ratio requirements during peak and non-peak hours

2025UV3007 ; Elevations



2025UV3007 ; Floorplan



**Department of Metropolitan Development
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2025UV3007 ; 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 daycare facility is designed to operate under strict compliance with all applicable local, state, and federal regulations. The facility will implement rigorous health and safety protocols—including regular sanitation, emergency preparedness, and controlled access measures—to ensure a secure environment for children and staff. In addition, all personnel will be thoroughly trained in childcare best practices and emergency response, reinforcing the commitment to a safe and nurturing atmosphere. By providing a vital service that supports local families, the daycare will contribute positively to community stability and well-being, thereby enhancing overall public welfare without compromising community standards.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the proposed daycare facility is designed to integrate seamlessly with the neighborhood's residential character. The facility will comply with all applicable local, state, and federal guidelines, including stringent controls on noise, traffic, and environmental standards to ensure minimal disruption to neighboring properties. Its design incorporates landscaping and architectural elements that complement surrounding homes, thereby preserving the aesthetic and cultural value of the area. Furthermore, by offering high-quality childcare services, the daycare will serve as a community asset that supports local families, potentially enhancing neighborhood stability and property values. Robust operational measures such as controlled access, designated parking areas, and ongoing community engagement will ensure that any impacts are proactively managed and kept to a minimum.
3. The need for the variance arises from some conditions peculiar to the property involved because the property's unique characteristics—such as its size, shape, topography, or existing structures—create practical difficulties in adhering strictly to current zoning requirements. For example, the lot may have limited space for parking or drop-off areas that comply with standard setbacks or access regulations. Additionally, the property's location within a residential zone, combined with its proximity to community resources like parks or schools, makes it an ideal site for a daycare facility that serves local families. Granting the variance would allow for reasonable use of the property while maintaining the character of the surrounding neighborhood and ensuring that the facility operates safely and efficiently.
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 property's unique characteristics—such as its size, shape, and existing layout—prevent reasonable use under the current zoning restrictions. Complying strictly with setback requirements, parking regulations, or other zoning provisions would significantly limit the ability to establish a safe and functional daycare facility. This would not only impose an undue financial burden but also deprive the community of a valuable service. Granting the variance would allow for practical and efficient use of the property that aligns with the community's needs without negatively impacting the surrounding area.
5. The grant does not interfere substantially with the comprehensive plan because it advances the community's long-term vision in several significant ways. The proposed daycare facility addresses a critical need by providing high-quality childcare that enables local families to participate fully in the workforce, thereby supporting economic growth and enhancing residents' quality of life. Its design and operation have been meticulously planned to respect and preserve the residential character of the area, using tailored architectural elements, landscaping, and site planning that maintain the neighborhood's aesthetic and cultural integrity. Additionally, the project incorporates sustainable development practices—such as energy-efficient building techniques, sustainable landscaping, and environmentally responsible operations—which minimize its environmental footprint while serving as a model for broader community sustainability. A comprehensive traffic and safety management plan has also been integrated to mitigate any potential impacts on local traffic patterns and public safety. Finally, extensive community engagement during the planning process has ensured that the project meets local expectations and aligns with the broader development strategy outlined in the comprehensive plan.

2025UV3007 ; Photographs



Photo 1: Subject Site Viewed from East (June 2019)



Photo 2: Subject Site Viewed from East (August 2007)

2025UV3007 ; Photographs (continued)



Photo 3: Adjacent Property to South (June 2019)



Photo 4: Adjacent Property to South (April 2025)

2025UV3007 ; Photographs (continued)



Photo 5: Adjacent Property to North



Photo 6: Adjacent Property to East