



Board of Zoning Appeals Board of Zoning Appeals Division III Meeting Agenda

Meeting Details

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

Date: Tuesday, November 25, 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-UV3-028 | 1255 Roosevelt Avenue

Center Township, Council District #13, zoned I-4 / C-S
1255 Roosevelt Partners LLC, by Tyler Ochs

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

**Petitioner to request withdrawal

PETITIONS REQUESTING TO BE CONTINUED:

1. **2025-DV3-020 (Amended) | 4102 Madison Avenue**
Perry Township, Council District #23, zoned C-4 (TOD)
Sanchez Family Inc., by Kevin Lawrence

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishment with a covered porch within the right-of-way of Castle Avenue (not permitted), deficient landscaping, reduced off-street parking, with parking spaces and maneuverability within the right-of-way of Madison Avenue (15 spaces required, parking spaces and maneuverability within street rights-of-way not permitted).

**Petitioner to request a continuance, continuing this petition to the December 16, 2025 hearing of Division III

2. **2025-DV3-029 | 8600 Madison Avenue**
Perry Township, Council District #23, zoned C-3 / C-1 (TOD)
Francis Michael Laux, by Justin & David Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building encroaching 35 feet within a Category Two Stream Protection Corridor and a parking area within an easement (encroachment of stream protection corridors and easements not permitted).

**Petitioner to request a continuance, continuing this petition to the December 16, 2025 hearing of Division III

3. **2025-DV3-034 | 7110, 7200, 7202 & 7304 East 21st Street**
Warren Township, Council District #9, zoned C-4 (FW)
7202 East (Indianapolis) Tanford LLC, by Lisa Argue

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of four freestanding signs within an integrated center along East 21st Street, with a minimum of 45 feet

of separation (maximum two freestanding signs along a frontage permitted, 300-foot separation required), with setbacks along East 21st Street ranging from two feet to zero-feet and encroaching within the right-of-way (five-foot setback required, encroachments not permitted) and the installation of a new sign cabinet on the existing pole sign along I-465, resulting in a height of 52.17 feet (maximum height of 20 feet permitted).

****Automatic continuance filed by a registered neighborhood organization, continuing this petition to the December 16, 2025 hearing of Division III**

4. **2025-DV3-035 | 7930 Castleton Road**

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

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

****Staff to request a continuance on behalf of the petitioner, continuing this petition to the December 16, 2025 hearing of Division III**

5. **2025-UV3-035 | 10211 Hidden Meadow Lane**

Warren Township, Council District #20, zoned D-A (TOD)
Sally & Justin Groff

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a landscape contractor, subject to the filed plan of operation (not permitted).

****Automatic continuance filed by a registered neighborhood organization, continuing this petition to the December 16, 2025 hearing of Division III**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

PETITIONS FOR PUBLIC HEARING (New Petitions):

6. **2025-DV3-036 | 2065 Columbia Avenue**

Center Township, Council District #13, zoned I-3
River West 3 LLC, by Adam DeHart

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding building with a 12.4-foot southern transitional yard (40 feet required).

7. **2025-DV3-037 | 3331 North Hawthorne Lane**

Warren Township, Council District #9, zoned D-4
Indy Real Estate Consulting LLC, by John Cross

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on an 82-foot wide lot (90 feet required).

8. **2025-UV3-031 | 4240 Bluff Road**

Perry Township, Council District #22, zoned SU-7
Otis James & Tonya Haimes, by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a three-unit apartment (not permitted).

9. 2025-UV3-032 | 1044 St. Patrick Street

Center Township, Council District #18, zoned C-4 (TOD)
Murphy Arts Center LLC, by Misha Rabinowitch

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an outdoor entertainment venue, for one year, subject to the filed plan of operation (not permitted) with reductions in required parking (16 spaces required) and temporary placement of both unscreened service areas in a front yard and improvements with a 0-foot front yard setback (screening of service areas and 10-foot setback required) with temporary stage, shipping containers, and other improvements encroaching within an alley right-of-way (encroachments not permitted).

10. 2025-UV3-033 | 5900 South East Street

Perry Township, Council District #22, zoned C-1 / D-A
David & Melissa Stehlik, by Rachael Sloop and Eric Prime

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an expansion of a musical instrument manufacturing and repair facility, subject to the filed site plan and plan of operation (not permitted).

11. 2025-UV3-034 | 1147 East Troy Avenue

Perry Township, Council District #19, zoned C-5 (TOD)
ARA Investments LLC, by Raymond A. Basile

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of two shipping containers for permanent storage (not permitted).

Additional Business:

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

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

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



BOARD OF ZONING APPEALS DIVISION III

November 25, 2025

Case Number: 2025-UV3-028
Address: 1255 Roosevelt Avenue (approximate address)
Location: Center Township, Council District #13
Zoning: I-4 / C-S
Petitioner: 1255 Roosevelt Partners LLC, by Tyler Ochs
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a pickleball facility (not permitted).

Current Land Use: Industrial Building

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued for cause by the petitioner from the October 21, 2025, hearing, to the November 25, 2025.

A rezoning petition has been filed to replace this petition. Therefore, the petitioner has requested that this **petition be withdrawn**. This will require the Board's acknowledgement.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

November 25, 2025

Case Number: 2025-DV3-020 (Amended)

Property Address: 4102 Madison Avenue (approximate address)

Location: Perry Township, Council District #23

Petitioner: Sanchez Family Inc., by Kevin Lawrence

Current Zoning: C-4 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishment with a covered porch within the right-of-way of Castle Avenue (not permitted), deficient landscaping, reduced off-street parking, with parking spaces and maneuverability within the right-of-way of Madison Avenue (15 spaces required, parking spaces and maneuverability within street rights-of-way not permitted).

Current Land Use: Commercial

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was automatically continued by the petitioner from the June 17, 2025 hearing to the July 15, 2025 BZA Division III hearing.
- The petition was required to be continued due to insufficient notice to the August 19, 2025 BZA Division III hearing.
- This petition was continued to the September 16, 2025 BZA Division III hearing with new notice.
- The petitioner and Staff agreed to a continuance to the October 21, 2025 hearing to allow for additional revisions to be made.
- The petition was automatically continued by a registered neighborhood organization to the November 25, 2025 BZA Division III hearing.
- The petitioner is requesting a continuance to the December 16, 2025 Division III hearing to allow for additional information to be submitted.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

November 25, 2025

Case Number: 2025-DV3-029

Property Address: 8600 Madison Avenue (approximate address)

Location: Perry Township, Council District #23

Petitioner: Francis Michael Laux, by Justin and David Kingen

Current Zoning: C-3 / C-1 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building encroaching 35 feet within a Category Two Stream Protection Corridor and a parking area within an easement (encroachment of stream protection corridors and easements not permitted).

Current Land Use: Vacant

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued to the October 21, 2025 BZA Division III hearing.
- The petition was continued to the November 25, 2025 Division III hearing.
- The petitioner is requesting a continuance to the December 16, 2025 Division III hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

November 25, 2025

Case Number: 2025-DV3-034

Property Address: 7110, 7200, 7202 and 7304 East 21st Street (approximate address)

Location: Warren Township, Council District #9

Petitioner: 7202 East (Indianapolis) Tanford LLC, by Lisa Argue

Current Zoning: C-4 (FW)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of four freestanding signs within an integrated center along East 21st Street, with a minimum of 45 feet of separation (maximum two freestanding signs along a frontage permitted, 300-foot separation required), with setbacks along East 21st Street ranging from two feet to zero-feet and encroaching within the right-of-way (five-foot setback required, encroachments not permitted) and the installation of a new sign cabinet on the existing pole sign along I-465, resulting in a height of 52.17 feet (maximum height of 20 feet permitted).

Current Land Use: Commercial

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization to continue this petition to the December 16th hearing of Division III. A full staff report will be made available in advance of that hearing date.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

December 16, 2025

Case Number: 2025-DV3-035

Property Address: 7930 Castleton Road (approximate address)

Location: Lawrence Township, Council District #4

Petitioner: Outfront Media LLC, by Alan S. Townsend

Current Zoning: C-5

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

Current Land Use: Undeveloped

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

Staff will request a continuance on the petitioner's behalf to the December 16th hearing date given their inability to attend the hearing on the 11/25 hearing date and to allow for a full 23 days between the mailing and posting of notice and the hearing. A full report will be made available in advance of the 12/16 hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III**November 25, 2025**

Case Number: 2025-UV3-035
Address: 10211 Hidden Meadow Lane (approximate address)
Location: Warren Township, Council District #20
Zoning: D-A (TOD)
Petitioner: Sally & Justin Groff
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a landscape contractor, subject to the filed plan of operation (not permitted).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

A Registered Neighborhood Organization has filed an Automatic Continuance, **continuing this petition to the December 16, 2025, hearing**, from the November 25, 2025, hearing. This will require the Board's acknowledgement.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

November 25, 2025

Case Number: 2025-DV3-036

Property Address: 2065 Columbia Avenue (approximate address)

Location: Center Township, Council District #13

Petitioner: River West 3 LLC, by Adam DeHart

Current Zoning: I-3

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding building with a 12.4-foot southern transitional yard (40 feet required).

Current Land Use: Industrial (Demolished)

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

- 2065 Columbia Avenue is a currently undeveloped parcel that previously contained an accessory structure associated with the sheet metal company that had been housed in a primary structure to the north of the subject site. Adjacent land use is also industrial to the west, undeveloped to the east, and single- and two-family residential to the south and southwest. The site is also near the Monon Trail to the west and is located within a Brownfield as identified by the Indiana Department of Environmental Management.
- Per the applicant, fire damage was sustained by the accessory structure at the site in February of 2025 after the site was purchased by new ownership in April of 2024 (see photos 9-10 in Exhibits). The structure was subsequently demolished via a wrecking permit (WRK25-00117) issued in April of 2025. After the demolition of the damaged structure, an application for an Improvement Location Permit was made in June of 2025 to allow for the construction of a new building with a footprint and setbacks matching the previous structure at the site (see site plan within Exhibits). ILP25-01573 has not been issued as of publication of this staff report.



Department of Metropolitan Development
Division of Planning
Current Planning

- In some instances, the Indianapolis Zoning Ordinance allows for the restoration of non-conformities per the stipulations of 740-602. In this instance, since the structure was fully demolished before the application for a new zoning permit having been made, the rebuild would *not* be eligible for restoration to the previous dimensions by-right. This is due to the inability of the City to conclusively verify the extent of the site damage or the previously existing setback given that the structure has already been demolished. To be eligible for the exception, an application for an ILP for the rebuild would have needed to have been made with the Department of Business and Neighborhood Services prior to demolition of the structure.
- Since the rebuild would be required to comply with current Ordinance regulations, a variance is being sought to allow for a 12.4-foot transitional yard setback to the south of the subject building given that the parcel to the south was rezoned for residential use via the petition 2024-CZN-803. It appears that the proposed site and landscape plan layout would comply with other relevant dimensional standards. The applicant has also indicated that if approved, their intent would be to sell this property to a new user and that any future use at the site would comply with applicable use- and zone-specific limitations on outdoor storage and operations.
- This property is zoned I-3 to allow for industries that present moderate risks to the general public. Additionally, the Comprehensive Plan Pattern Book recommends it to the Heavy Industrial typology to allow for high-intensity industrial production, distribution, and repair uses. Staff would note that **(a)** I-3 zoning districts typically incorporate larger parcels are recommended to be separated from residential districts wherever practical and **(b)** that the Pattern Book discourages both light and heavy industrial land uses when adjacent to living or mixed-use typologies (as would be the case for the proposed structure).
- Per the applicant, Phase 1 and Phase 2 environmental site assessments have been submitted to IDEM per state requirements for development within Brownfield areas, and that mitigation repairs are underway with IDEM approval of those mitigation systems dependent upon completion of their installation. Approval of this petition would not exempt the subject property from any relevant state or local requirements related to brownfield sites.
- Although it is unfortunate that the previous building at the site was demolished prior to application for an Improvement Location Permit in a manner that may have allowed for reconstruction of the non-conforming structure, this lack of awareness of relevant procedure would not constitute a site-specific practical difficulty to justify granting of a variance. Establishing a side setback of 12.4 feet when the zoning district and context area would require 40 feet would be a substantial reduction of around 70% and could create negative externalities for existing or future residential development along the corridor. Staff recommends denial of the requested variance.



Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Industrial (Demolished)	
Comprehensive Plan	Heavy Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: I-3	North: Industrial
	South: D-8	South: Residential
	East: I-3	East: Undeveloped
	West: I-3	West: Industrial
Thoroughfare Plan		
Columbia Avenue	Local Street	57’ existing ROW; 48’ proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	09/19/2025	
Site Plan (Amended)	N/A	
Elevations	Enter Date. N/A if not applicable	
Elevations (Amended)	Enter Date. N/A if not applicable	
Landscape Plan	11/11/2025	
Findings of Fact	09/19/2025	
Findings of Fact (Amended)	N/A	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Pattern Book recommends this site to the Heavy Industrial working typology to provide for industrial production, distribution, and repair uses that are intense and may create emissions of light, odor, noise or vibrations. This typology is characterized by freestanding building or groups of buildings, often within industrial parks. Outdoor operations and storage are common, and industrial or truck traffic should be separated from local or residential traffic.
- Both light and heavy industrial uses are removed as recommended land uses for instances in which they would be adjacent to a living or mixed-use typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2024CVR803 ; 2051 Columbia Avenue (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three-foot side setbacks (five feet required), **denied**.

2024CZN803 ; 2051 Columbia Avenue (south of site), Rezoning of 0.26 acres from the I-3 district to the D-8 district to provide for two, two-unit row homes, **approved**.

2023CZN848 ; 2069 Yandes Street (northwest of site), Rezoning of 0.42 acre from the I-3 district to the D-8 district, **approved**.

2022ZON005 ; 2024 Columbia Avenue (southwest of site), Rezoning of 0.129 acre from the I-3 district to the D-8 district to allow for the construction of a single-family house, **approved**.

2021ZON059 ; 2020 Columbia Avenue (southwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.

2021CVR816 ; 2033 Columbia Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 5-foot front yard setback (18 feet required), **approved**.

2021CZN816 ; 2033 Columbia Avenue (south of site), Rezoning of 0.468 acre from the I-3 district to the D-8 district to provide for four single-family dwellings, **approved**.

2020ZON038 ; 2029 Columbia Avenue (southwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 classification, **approved**.

2020CVR835 ; 2005 Columbia Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of three single-family dwellings, with one single-family dwelling within the clear sight triangle of the abutting streets, with three-foot side setbacks and 47% open space (four-foot side setback and 55% open space), **approved**.

2020CZN835 ; 2005 Columbia Avenue (south of site), Rezoning of 0.29 acre from the I-3 district to the D-8 classification, **approved**.

2019ZON029 ; 2007 Columbia Avenue (south of site), Rezoning of 0.1 acre from the I-3 District to the D-8 classification, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

2019ZON028 ; 2032 Columbia Avenue (south of site), Rezoning of 0.39 acre from the I-3 District to the D-8 classification, **approved.**

2019HOV020 ; 2015 Columbia Avenue (south of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and secondary single-family residential uses, including, but not limited to a single-family dwelling, with a twelve-foot front setback and two-foot and five-foot side setbacks and a detached garage with eight-foot side setbacks and a 12-foot rear setback (residential uses not permitted, 30-foot front setback and 10-foot side and rear setbacks required), **approved**

2008LNU023 ; 2080 Doctor A.J. Brown Avenue (east of site), Seeking lack of paved parking, lack of handicap spaces, parking access directly from a street, and barbed wire in front setback, **approved.**

2001LNU024 ; 2016 Columbia Avenue (southwest of site), Single-family dwelling zoned I-3-U, **approved.**

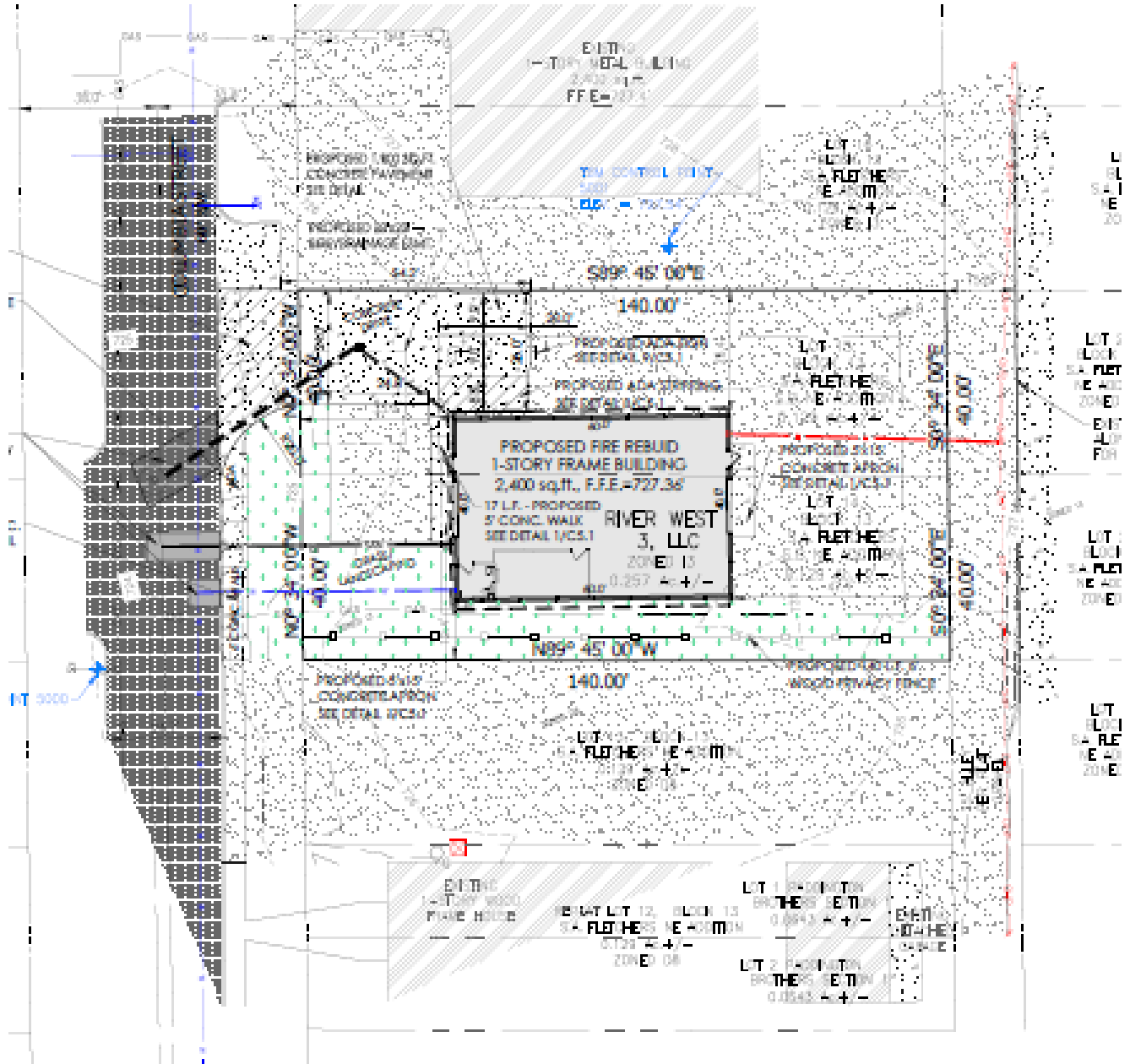
85-VAC-39 ; 2067 Columbia Avenue (north of site), vacation petition, **approved.**

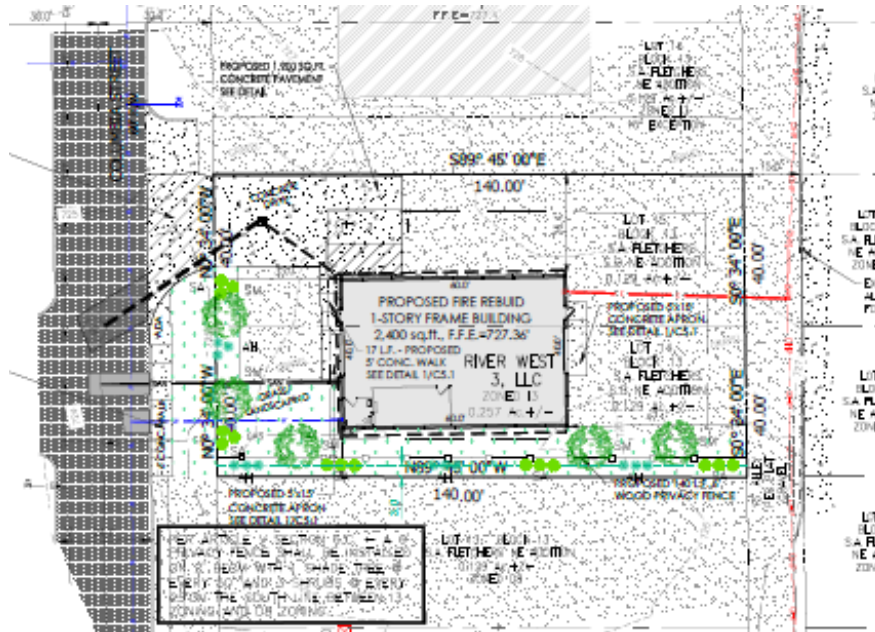
EXHIBITS

2025DV3036 ; Aerial Map



2025DV3036 ; Site Plan





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

it is unlikely that the use and value of the adjacent undeveloped property will be affected in an adverse manner. The owner and insurance company are investing substantial money in access of replacement value for the Emergency Fire Rebuild including reconstructing the structure, utility upgrades, site improvements, ADA, buffer yards, increased green space, and fencing.

7	9	7	9	4	7	9

Strict application of the UDO would result in the inability to reconstruct the structure and encumbers the real estate with an additional transition buffer yard requirement as the adjoining southern property was recently rezoned from I3 to R8.

2025DV3036 ; Photographs



Photo 1: Subject Site Viewed from Northwest



Photo 2: Subject Site Viewed from Southwest

2025DV3036 ; Photographs (continued)



Photo 3: Existing Condition of Columbia Frontage



Photo 4: Subject Site Viewed from West (October 2022)

2025DV3036 ; Photographs (continued)



Photo 5: Adjacent Property to South



Photo 6: Adjacent Property to West

2025DV3036 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to Northeast

2025DV3036 ; Photographs (continued)



Photo 9: Damaged Structure Viewed from South (provided by applicant)



Photo 10: Damaged Structure Viewed from West (provided by applicant)



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

November 25, 2025

Case Number: 2025-DV3-037
Address: 3331 North Hawthorne Lane (approximate address)
Location: Warren Township, Council District #9
Zoning: D-4
Petitioner: Indy Real Estate Consulting LLC, by John Cross
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on an 82-foot wide lot (90 feet required).

Current Land Use: Undeveloped

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The Ordinance intentionally establishes standards in the D-4 district for lot width. These standards apply broadly to all Dwelling Districts where single family and duplex dwellings are permitted, and serve several purposes:
 - Access for maintaining building exteriors without trespassing into adjacent properties.
 - Storm water runoff management.
 - Areas for landscaping/green space.
 - Access for emergency responders.
 - Separation between buildings to reduce risk of fires spreading.
- ◇ The proposed duplex would meet the side setback and open space requirements and have a similar footprint as several nearby existing duplex dwellings.
- ◇ The proposed duplex would be consistent with many of the existing dwellings within the immediate area. Therefore, providing for the proposed 82-foot lot width, would be supportable.
- ◇ Given the close proximity of other similarly developed properties, staff does not believe this would be a significant deviation from the Ordinance or negatively impact the character of development within the surrounding area, and therefore would be supportive of the Variance.



Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	D-4										
Existing Land Use	Undeveloped										
Comprehensive Plan	Traditional Neighborhood										
Surrounding Context	<table> <tr> <th><u>Zoning</u></th><th><u>Surrounding Context</u></th></tr> <tr> <td>North: D-4</td><td>Single-family dwelling</td></tr> <tr> <td>South: D-4</td><td>Single-family dwelling</td></tr> <tr> <td>East: D-4</td><td>Undeveloped</td></tr> <tr> <td>West: D-4</td><td>Single-family dwellings</td></tr> </table>	<u>Zoning</u>	<u>Surrounding Context</u>	North: D-4	Single-family dwelling	South: D-4	Single-family dwelling	East: D-4	Undeveloped	West: D-4	Single-family dwellings
<u>Zoning</u>	<u>Surrounding Context</u>										
North: D-4	Single-family dwelling										
South: D-4	Single-family dwelling										
East: D-4	Undeveloped										
West: D-4	Single-family dwellings										
Thoroughfare Plan											
Hawthorne Lane	Local Street 50-foot existing and proposed right-of-way.										
Context Area	Compact area										
Floodway / Floodway Fringe	Yes, 500 on partial lot.										
Overlay	N/A										
Wellfield Protection Area	No										
Site Plan	October 1, 2025										
Elevations	N/A										
Landscape Plan	N/A										
Findings of Fact	October 1, 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.



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

- **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.



Department of Metropolitan Development
Division of Planning
Current Planning

- **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

2025-UV3-014; 3331 North Hawthorne Lane (subject site), requested a Variance of Use to provide for the construction of a four-unit townhome condominium, **withdrawn.**

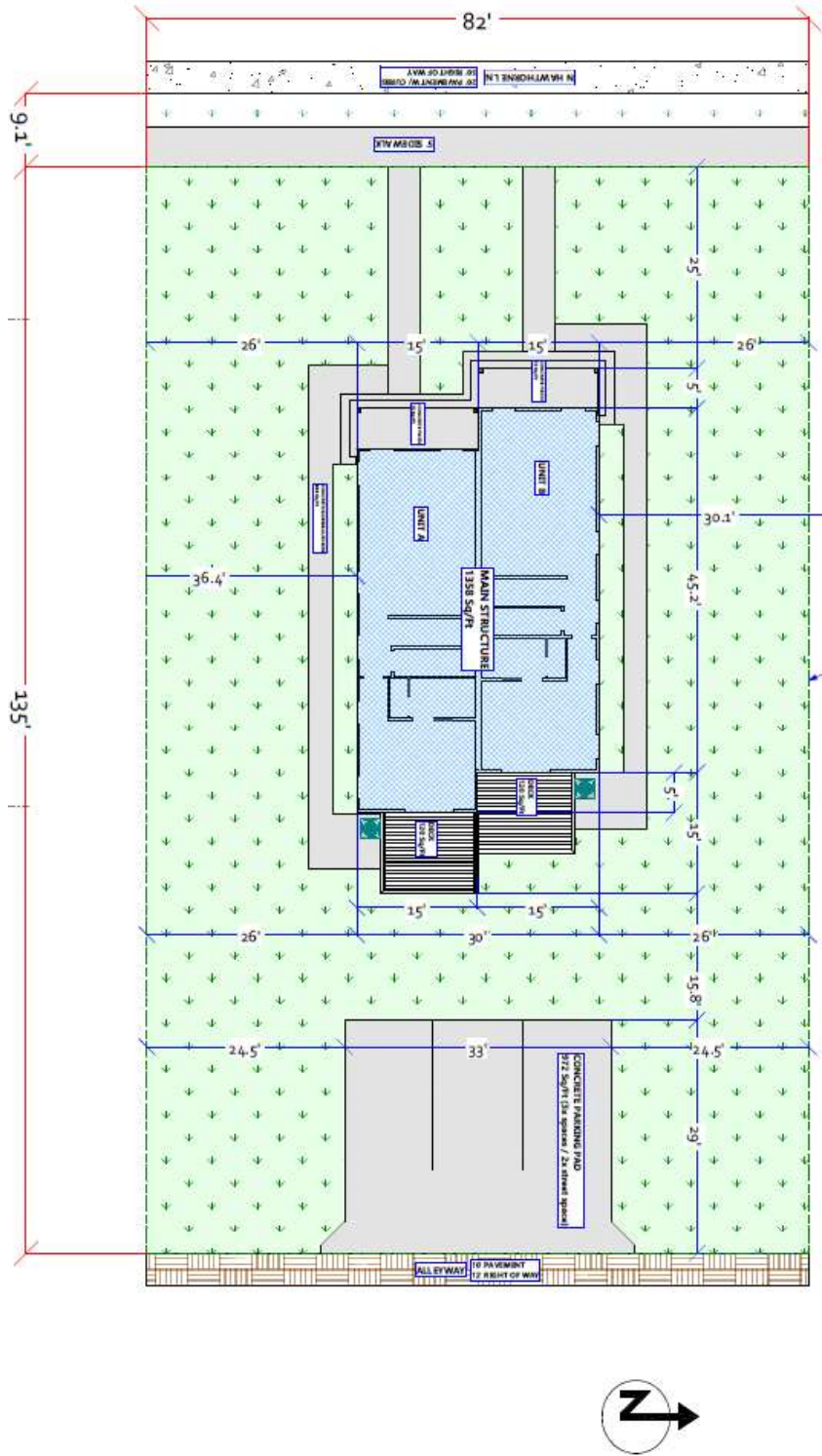
99-SE3-5; 3335 N. Hawthorne Lane (north of site), requested a Special Exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured dwelling with dimensions of 27 by 44 feet, **granted.**

97-SE3-10; 2712 North Hawthorne Lane (south of site), requests a Special Exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured home, being 27 by 44 feet, **approved.**

RU



Site Plan





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Division of Planning
Current Planning

Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the variance is minimal deviation from required standard and will permit the construction of a two-family dwelling (duplex) without the need for any other variances.

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 variance is a minimal deviation and will permit the construction of a new two-family dwelling that will increase surrounding property values and also increase density in the area.

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

the lot is sufficient size to build a two-family dwelling except for the minimum lot width which will not impact the dwelling and does not require any other variances. The two-family dwelling is permitted in D4 zoning district but cannot be constructed without the variance.

Photographs



Photo of subject site, looking east.



Photo of adjacent dwelling to the south, looking east



Photo of adjacent single family dwellings to the west.



Photo of adjacent dwelling to the north, looking east.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

November 25, 2025

Case Number: 2025-UV3-031
Address: 4240 Bluff Road (approximate address)
Location: Perry Township, Council District #22
Zoning: SU-7
Petitioner: Otis James & Tonya Haimes, by David Gilman
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a three-unit apartment (not permitted).

Current Land Use: A three-unit apartment.

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition as filed.

Staff does recommend the petition be refiled as a rezoning petition to provide for D-6 uses and legally establish the three-unit apartment, as the existing SU-7 zoning is a legacy zoning and outdated for the site.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ This site, along with the larger parcel to the rear, was previously rezoned (78-Z-82) on December 20, 1979, to the SU-7 classification. That rezoning was to provide for a meeting hall and social functions for the Southside Fellowship Center.
- ◇ Staff believes the structure was originally developed as a two-family dwelling sometime around 1900, according to Assessor's records. The petitioner indicates a third apartment was added to the rear of the structure sometime around 1984-1985. However, Staff could not find evidence of a previous petition or evidence for the conversion of the existing duplex into a three-unit apartment permit history. Therefore, Staff believes these changes were illegally made without the proper structural inspections.



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

- ◇ Since the proposed three-unit apartment use is a significant change in use from the existing SU-7 zoning, Staff has recommended this petition be withdrawn and refiled as a rezoning petition due to the existing zoning being a long-term legacy zoning and outdated for the site. It is not likely the site will be developed as a Special Use again.
- ◇ Staff feels rezoning the property to the D-6 District would be more appropriate. Staff also acknowledges that additional variances may still be needed with the D-6 district, however, those additional variances would address any deficiencies with the current SU-7 District zoning and establish the site as a protected district and require transitional yard setbacks for any new commercial development that is adjacent to the site, where a variance of use in the current SU-7 zoning does not.
- ◇ At the time of printing, the petitioner has indicated their reluctance to file for a rezoning, and their intent to proceed with the variance of use petition as filed due to possible additional costs associated with a rezoning petition. Additional costs associated with a rezoning petition is a self-imposed difficulty, and not a practical difficulty imposed by the Ordinance.
- ◇ With the proposed use being legally established onto a property that is not properly zoned, and the lack of a demonstrable hardship for filing a rezoning petition, Staff does recommend denial of this petition as requested.

GENERAL INFORMATION

Existing Zoning	SU-7	
Existing Land Use	Three-unit apartment	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-A	Automotive repair
	South: D-A	Single-family dwelling and
	East: D-1	Single-family dwellings
	West: SU-7	Horse Barns
Thoroughfare Plan		
	Bluff Road	Primary Arterial 94-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No.	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	September 23, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	September 23, 2025	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Rural or Estate Neighborhood Uses for this site.
- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

78-Z-82; 4240 Bluff Road (subject site), requested the Rezoning of 29.00 acres, being in the A-1 district, to the SU-7 classification, to permit a meeting hall, office, and social functions of Southside Fellowship Center, **approved**.

2018-UV2-009; 4200 Bluff Road (north of site), requested a Variance of Use and Development Standards to provide for an automobile repair business and to legally establish setbacks for the existing parking lot, dwelling and commercial building, per plans filed, **granted**.

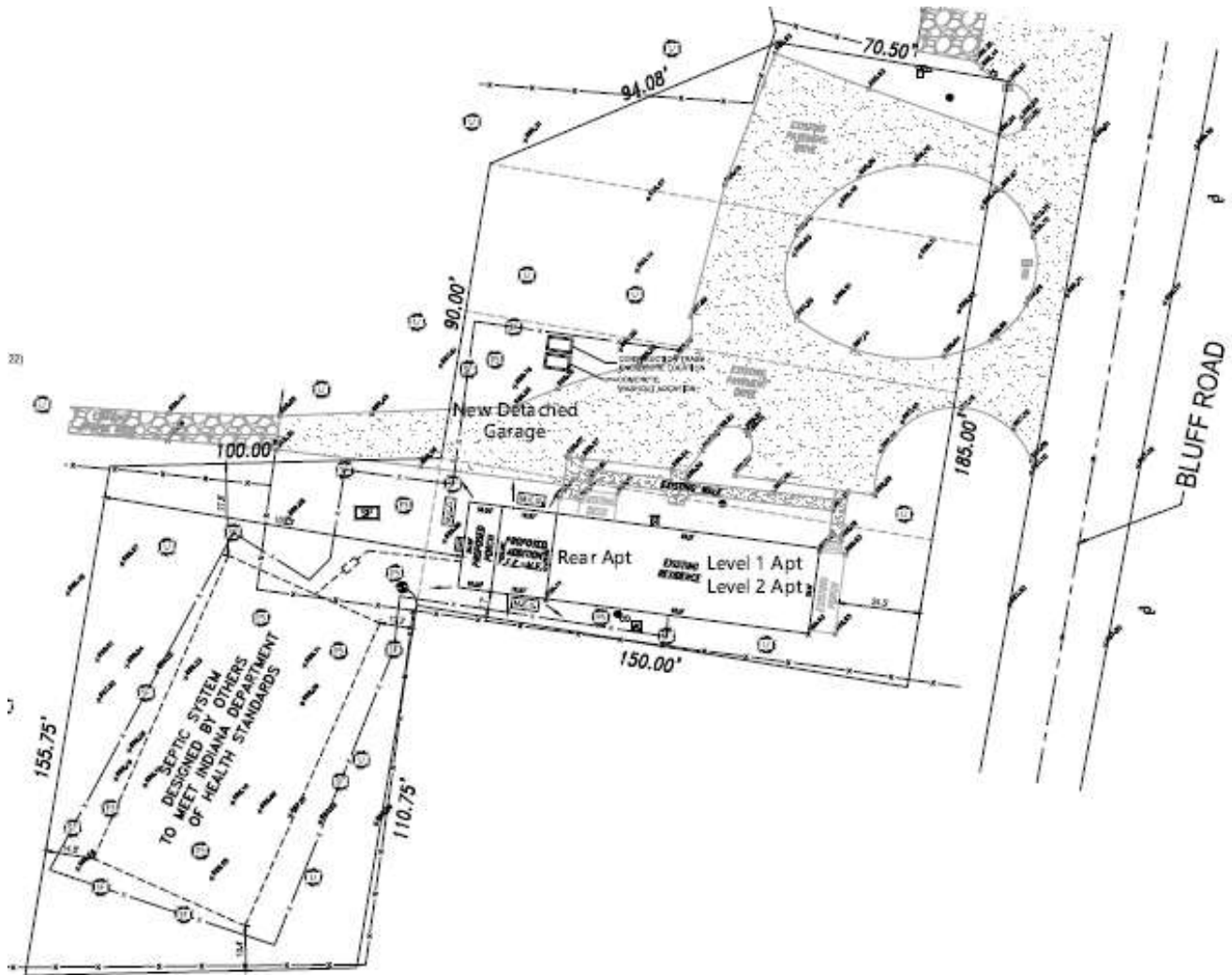
2013-CZN-801/2013-CVR-801; 4241 Bluff Road (east of site), requested the rezoning of 2.44 acres from the D-A (FF) District to the D-1 (FF) classification to provide for single-family development, **approved**; requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 4.89-acre parcel (D-A) with 90 feet of frontage, **approved**.

89-UV3-59; 4008 Bluff Road (north of site), requested a variance of the Commercial Zoning Ordinance to permit an automotive repair shop, **approved**.

80-UV3-33; 4002 Bluff Road (north of site), requested a variance of use to provide for automobile sales and service, **granted**.

RU

Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF 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 existing residence has been used for a multi-unit home for over forty (40) years and will be remodeled and permitted to make sure the structure meets the applicable building and health department codes.

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

The existing residence has been used for a multiunit home for over 40 years. The exterior of the residence will maintain the rural estate character of the area.

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

The petitioners applied for a building permit to remodel the residence, meet applicable building code standards and to provide for an enclosed patio to the rear of the building. During the permit review, it was discovered the Special Use zoning designation was not clear on the approval of a 3-unit residence. The variance is necessary to make any improvements to the residence.

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 Special Use zoning designation is for a specific non-profit use and information to that zoning case was not readily available to determine if the 3-unit residence was a permitted use.

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

The existing 3-unit residence is located on a 23-acre horse farm and is one of the original residences along this segment of Bluff Road. It is in alignment with the Rural Estate Residential land use recommendation.

Photographs



Photo of subject site, looking southwest.



Photo of subject site side yard and driveway, looking west.



Photo of single family dwellign and automotive repair to the south, looking west.



Photo of adjacent automotive repair to the north, looking northwest.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

November 25, 2025

Case Number: 2025-UV3-032

Property Address: 1044 St. Patrick Street (*approximate address*)

Location: Center Township, Council District # 18

Petitioner: Murphy Arts Center LLC, by Misha Rabinowitch

Current Zoning: C-4 (TOD)

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an outdoor entertainment venue, for one year, subject to the filed plan of operation (not permitted) with reductions in required parking (16 spaces required) and temporary placement of both unscreened service areas in a front yard and improvements with a 0-foot front yard setback (screening of service areas and 10-foot setback required) with temporary stage, shipping containers, and other improvements encroaching within an alley right-of-way (encroachments not permitted).

Current Land Use: Commercial

Staff Recommendations: Staff recommends **denial** of the variances.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of these variances.

PETITION OVERVIEW

- 1044 St. Patrick Street is currently improved with the Hi-Fi Annex, an outdoor concert viewing area comprised of a temporary stage and several anchored shipping containers that allow for food/drink and merchandise sales, restroom facilities, ticket sales, and buffering from surrounding properties. The Annex was opened because of the COVID-19 pandemic as an outdoor alternative for live music that minimized risk of infection and has remained in operation during warmer months in addition to indoor concerts hosted at the Hi-Fi (located within the G.C Murphy Building at 1043 Virginia Avenue to the northeast) that occur year-round. The variance petition 2025-UV3-003 was approved in February 2025 to allow for the completion of the 2025 concert as the final season of outdoor operation for the concert use, per the filed plan of operation.



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

- The current variance is being sought to allow for operation of the concert use for the 2026 season as well. The applicant had originally planned to have Hi-Fi Annex operations moved into the former Granada Theater site within the G.C. Murphy Building to the north of the property, but they have indicated that financial and logistical difficulties have impacted this timeline and that the space would not be available at the start of the 2026 concert season. If this variance is approved, the 2026 concert season would be the last for the outdoor component of the Hi-Fi Annex.
- Surrounding land uses include a church and St. Patrick Street to the west, commercial and nonprofit offices to the south, and a commercial multi-tenant building to the north and east accessed from Virginia Avenue and containing uses such as restaurants, bars, and an art studio. In addition to the primary C-4 zoning, this property is within the Transit-Oriented Development secondary zoning district given its proximity to IndyGo's BRT Red Line.
- The property falls just outside of the boundaries of the Fountain Square Historic District, and since no site improvements appear to be attached to the building within the IHPC district, no Certificate of Appropriateness or other IHPC approvals would be required. The site is also not located within the Regional Center, although an update to RC boundaries may potentially place it there.
- Although temporary structural permits and the temporary structures license LDL-002663 appear to have been issued for placement of structures at this site with expirations in October of 2021, it does not appear that any zoning permits or petitions had been filed with the City of Indianapolis in relation to the outdoor concert venue prior to approval of the 2025 Use Variance. Additionally, it appears that the applicant has received construction releases and approvals from the Indiana Department of Homeland Security in relation to the placement of the shipping containers.
- In 2024, a two-story viewing deck ("The Vista") was constructed on the site and was cited both for the lack of an Improvement Location Permit to allow its construction (per VIO24-004571) and its encroachment into the northern alley (per VIO24-008015). This improvement has since been removed from the site to bring the site into zoning compliance, but an ILP review brought to the attention of both the City and the applicant that a Use Variance would be required for the use of Outdoor Recreation and Entertainment, General within the C-4 zoning district (this had not been previously noted due to the confusion of the COVID-19 pandemic).
- Approval of this variance petition would allow for the outdoor entertainment venue to continue for the 2026 season beyond the approval previously granted for the 2025 season, but would not grant an extended approval for outdoor entertainment at the site for the 2027 season and beyond. Additionally, variances of development standards would be required to allow for the site to operate without required on-site vehicle parking spaces (16 spaces required based on site size and applicable reductions) and with storage containers and partially screened dumpsters placed both within the front yard of the property (western St. Patrick frontage) and within public alleyways.

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

- Site photography and the site plan provided for ILP review indicate that multiple shipping containers and other improvements have been placed within public alleyways to the north and east of the subject site. Approval of either an encroachment license or a long-term right-of-way permit from the Department of Business and Neighborhood Services would be required to allow for those structures to remain within right-of-way (in addition to approval of this variance).
- Staff would not be supportive of the continued blocking of these alleyways given the lack of vacation petition and potential inconvenience for co-tenants within the Murphy Arts building, and the previous approval recommendation had been operating under the assumption that all temporary structures would be removed by December of 2025. It is unclear what practical difficulty exists that would prevent associated structures from remaining within property lines if the concert use were to extend beyond the previous temporary approval granted.
- The subject site is zoned C-4 to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. The Comprehensive Plan recommends it to the Village Mixed-Use typology to allow for a variety of people-centric uses in a dense, walkable environment. Additionally, the proximity to the Fountain Square Red Line stop means that this site would be recommended to the District Center TOD typology, which allows for a mix of office, retail, entertainment, and residential uses and discourages uncovered off-street parking spaces. Relevant comprehensive plans are supportive of entertainment uses such as concerts, but staff would note that the *outdoor nature* of this use would make it more intense than what is contemplated for the C-4 district (C-5, C-7 and CBD-2 zoning would allow the use by-right).
- The plan of operation filed by the applicant indicates that the business would include 30 full-time and 45 part-time employees during the Annex season of operation (a mixture of marketing or management and event-specific staff), and that there would be 16 dedicated parking spaces in an adjacent lot on the southern portion of Prospect Street to accommodate staff and other tour buses or production vehicles (see Photo 7 within Exhibits). Guests would arrive between 5 PM and 7 PM and events would end promptly at 10 PM, and the maximum capacity of the venue would be 950 guests. All improvements would be removed by November 31st, 2026, and the full operation plan can be found within Exhibits.
- Staff had recommended approval of the previous temporary variance at this site to allow for the completion of the 2025 concert season. The below excerpt from the staff report for 2025-UV3-003 provides more context about the basis for this approval:
 - *“Staff support for this petition is narrowly related to the details of the specific use, specific neighboring context, and specific circumstances of how the unpermitted use began during the confusion of the COVID-19 pandemic. Although staff is typically reticent to retroactively allow unpermitted uses to avoid circumstances of “asking forgiveness not permission”, the temporary nature of this use as well as the effort undertaken by the owner to remain compliant with all requirements of which they were made aware is relevant context. Subject to the details and limitations outlined within the plan of operation, staff recommends support of this petition with the caveat that future outdoor entertainment use variances in this location (either temporary or permanent) would likely not be supportable.”*



Department of Metropolitan Development
Division of Planning
Current Planning

- Staff would note that the specific context from that approval recommendation has changed between February and the present. The applicant had not previously been aware of zoning requirements for the use, but the Plan of Operation filed and previous report from 2025-UV3-003 left little ambiguity about the zoning requirements and expected expiration date of the use. Additionally, it appears that (as of November 10th) at least two concerts utilizing the outdoor space during the spring and summer of 2026 have already been scheduled prior to the resolution of this variance. The grant of repeated, temporary variances would not constitute a land-use best practice, and staff feels that approval of this variance would increase the chance of a third temporary request being made for the 2027 season and beyond.
- Findings of Fact provided by the applicant do not identify a specific undue hardship that would prevent alternate use at the site, or that would preclude them from scheduling either additional indoor shows within either the Murphy building (or other alternate spaces) or outdoor shows in areas where the zoning would be compliant. Staff also does not feel that allowing for longer-term noise externalities, encroachments into public alleyways, or reductions in parking in the congested Fountain Square neighborhood would be appropriate for the area. Staff recommends denial of the requested variances.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	C-4	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	SU-1	West: Religious Use
Thoroughfare Plan		
St. Patrick Street	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	10/22/2025	
Site Plan (Amended)	11/06/2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	10/22/2025	
Findings of Fact (Amended)	11/06/2025	



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

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 the creation of neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing town centers as well as to promote new neighborhood centers. This typology is compact and walkable with business that serve adjacent neighborhoods and parking at the rear of buildings. Public spaces in this typology are small and intimate, such as pocket parks or sidewalk cafés.
- This property is also located within the Transit-Oriented Development overlay intended for areas within walking distance of a rapid transit station. Pedestrian connectivity and a higher density than the surrounding area are encouraged.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Given its proximity to the Fountain Square stop of the Red Line, this plan recommends the site to the District Center TOD typology to allow for walkable areas of multiple city blocks serving as cultural and commercial hubs for multiple neighborhoods. A mix of office, retail, entertainment, and residential uses are contemplated with higher densities desired close to the BRT lines. Off-street parking is discouraged and should be limited to garages visually separate from the street.

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.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

2025UV3003, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an outdoor entertainment venue, for one year, subject to the filed plan of operation (not permitted) with reductions in required parking (16 spaces required) and temporary placement of both unscreened service areas in a front yard and improvements with a 0-foot front yard setback (screening of service areas and 10-foot setback required), **approved**.

ZONING HISTORY – VICINITY

2023VHP001 ; 1122 Shelby Street (southeast of site), Variance of Use to allow for a single residential unit in C4, which is not permitted, **approved**.

2022DV2017 ; 928 Woodlawn Avenue (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached accessory structure with a four-foot front yard setback (minimum ten feet required), and within the clear-sight triangles Woodlawn Avenue and adjacent alleys (not permitted), **approved**.

2017VHP021, 1031 Virginia Avenue (north of site), use variance for carry out alcohol/liquor sales within 100 feet of a protected district, **approved**.

2017DV3009 ; 928 Woodlawn Avenue (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-unit dwelling, with two-foot side setbacks and a 12.5-foot front setback (four-foot side setbacks and 18-foot front setback required), and with an open space of 40% (55% required), **approved**.

2016VHP044 ; 1025 Virginia Avenue (north of site), variance of development standards to allow tattoo parlor within 1000 ft of a protected district, **approved**.

2016VHP029 ; 1031 Virginia Avenue (north of site), Variance of Development Standards of the C-5 Zoning Ordinance to allow less onsite parking than required, **approved**.

2015DV1071 ; 1053 St. Patrick Street (south of site), Variance of development standards of the Commercial Zoning Ordinance to legally establish an office building with a deck, ramp, patio and trash container having zero-foot front setbacks from Prospect Street (25 feet from the centerline) and St. Patrick Street (70-foot setback from the centerline of Prospect Street and 20-foot front transitional setback required), with said trash container being in front of the established building line of the primary dwelling (not permitted) and with zero on-site parking spaces (three parking spaces required), **approved**.

2015VHP031 ; 1110 Shelby Street (southeast of site), use variance to allow an outdoor storage container, **approved**.

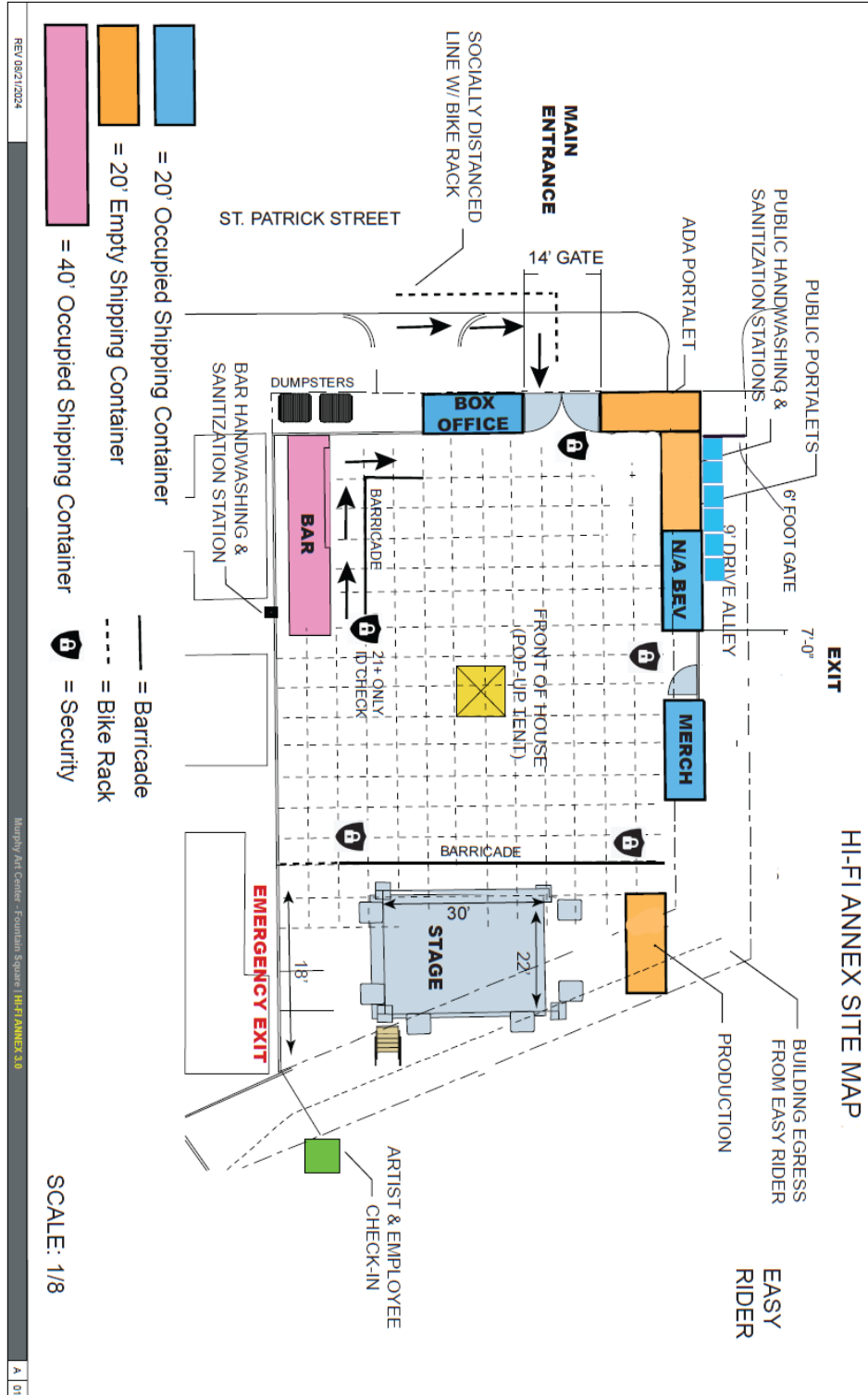
2010VHP019 ; 1110 Shelby Street (southeast of site), variance of development standards of the C-4 zoning ordinance to: (1) reduce required off-street parking from 145 to 36 spaces; and (2) reduce the front yard setback to 0 feet (15 feet required), **approved**.

EXHIBITS

2025UV3032 ; Aerial Map



2025UV3032 ; Site Plan



2025UV3032 ; Plan of Operation (pg. 1 of 5)



Plan of Operation for HI-FI Annex: Zoning Variance Application

Overview

The HI-FI Annex is an outdoor music venue that has operated safely and successfully for five years, hosting live performances by national, regional, and local touring artists. Named #23 on Pollstar's Top 100 Music Venues in the World in 2022, the Annex has brought significant visibility to Indianapolis and its vibrant Fountain Square neighborhood. Additionally, the venue has provided countless positive experiences for live music fans of all ages by focusing on concerts and a family-friendly atmosphere. This document outlines operational details, sound mitigation efforts, community contributions, and plans for our final outdoor season as part of our zoning variance request.

- The outdoor venue has been operational for 4 years. Through routine filings for the final season the space was flagged for a potential zoning issue.
- The venue has already been granted a variance from the Department of Homeland Security through October 31, 2026 for extended stage and container placement within the venue.
- Video showcasing the venue and a live show experience - [Watch Video](#)

Historical and Future Context

The HI-FI Annex was created during the COVID-19 pandemic to sustain our business and keep staff employed during a critical period for the live music industry. Over five years, the venue has proven a valuable community and cultural asset. As we prepare to transition to a new indoor venue within the Murphy Arts Center in 2026, this zoning variance will enable us to complete the final outdoor season successfully.

- A permanent indoor location for the HI-FI Annex has been secured within the Murphy Arts Center, with construction beginning in mid 2026. The venue will relocate indoors upon completion of the new venue.
- Media coverage, press releases, and community-focused messaging are available on our dedicated [HI-FI Annex webpage](#).

Workforce

- **Staffing Levels:**
 - Regular Operations: 25 full-time and 20 part-time employees across HI-FI and HI-FI Annex.
 - HI-FI Annex Season (April 1 – October 31): staff increases to 30 full-time and 45 part-time employees.
- **Work Schedules:**
 - Half of the staff work standard business hours (e.g., programming, marketing, management).

2025UV3032 ; Plan of Operation (pg. 2 of 5)

- The other half are event-specific, working evenings during shows, typically hosted Thursday through Sunday.
- **Parking for Staff:**
 - 16 dedicated parking spaces leased from LAZ in an adjacent lot accommodate staff, tour buses, and production vehicles. Venue has an agreement with LAZ Parking to manage parking sales for customers of the venue, which allows us to purchase additional spaces for staff or production in the event we have busy days or large tours that require more space.
 - Many staff members live in the neighborhood and walk, bike, or carpool.

Clients & Customers

- **Demographics:**
 - Audiences vary based on the artist, with ages ranging from 18 to 54.
 - Approximately 50% of attendees are local, 25% from elsewhere in Indiana, and 25% from out of state.
- **Attendance:**
 - Audiences vary based on the artist, with ages ranging from 18 to 54.
 - Venue capacity: 950.
 - Average attendance: 600 guests per event.
- **Event Timing:**
 - Shows typically run from 6:00 PM to 10:00 PM, in compliance with the Marion County Noise Ordinance.
 - Guests arrive between 5:00 PM and 7:00 PM and leave promptly by 10:00 PM.

Parking and Transportation

- **Customer Parking:**
 - Ample free street parking and paid parking options are available in the neighborhood.
 - Agreement with LAZ to offer dedicated paid parking in the adjacent parking lot. This has been happening for the duration of the 2025 season and will continue in 2026 and accounts for a total of 40 spaces.
 - Arrangements with nearby businesses and property owners provide additional parking spaces.
 - Many guests use ride-share services (Uber, Lyft), public transportation, or walk to the venue, minimizing parking demand.
 - The transition to indoor location in 2027 will free up the existing Murphy parking lot, reclaiming 40 parking spaces.
- **Proactive Measures:**
 - Responsibility messaging is shared with guests to discourage drinking and driving, further reducing parking-related challenges.

2025UV3032 ; Plan of Operation (pg. 3 of 5)

- All tour buses and other concert related vehicles shall be parking in the auxiliary parking lot located at 1003 Prospect Street.

Processes Conducted On-Site

- **Activities:**
 - Live music performances, food service, and community engagement events.
 - Artist arrivals typically occur at 12:00 PM, with setup and soundchecks completed by 4:00 PM.
 - Events end by 10:00 PM, with load-out completed by 11:30 PM.
- **Safety & Security:**
 - Managed by an in-house security team that ensures a safe environment for over 80,000 guests annually.
 - Security protocols include ID verification, metal detection wands, and restricted item policies communicated to guests prior to arrival.
 - Emergency Action Plans account for inclement weather, with detailed evacuation and safety protocols.
 - Security personnel shall be stationed along St. Patrick's St. during, and until all guests have departed, all events.

Sound Mitigation

- **Adherence to Noise Ordinances:**
 - All outdoor events end at 10:00 PM in compliance with Marion County Noise Ordinance.
 - Maintaining appropriate db levels with checks throughout the shows
- **Sound Engineering:**
 - Use of a state-of-the-art line array PA system for optimal sound containment within the venue.
 - Surrounding structures, including the Murphy Arts Center and nearby walls, naturally buffer sound.
 - The PA system is directed to minimize sound impact on nearby residences.
- **Community Feedback:**
 - Many neighbors express appreciation for the music and enjoy it from their homes or the parking lot across the street.

Community Contributions

- **Charitable Donations:**
 - HI-FI and HI-FI Annex actively support several local charities, including:
 - SEND - Southeast Neighborhood Development (Lady Spray Fountain Fund)
 - Southeast Community Services



Department of Metropolitan Development
Division of Planning
Current Planning

2025UV3032 ; Plan of Operation (pg. 4 of 5)

- Fletcher Place Food Pantry
- Indy Reads, Indy Humane, Parks Alliance of Indianapolis and various other neighborhood-focused organizations
- **Hosting Charitable Events:**
 - The venues host high-profile events for local charities, such as:
 - Limitless Ability benefit concerts promoting all-inclusive events accessible to all
 - Tonic Ball (benefiting Second Helpings)
 - Mozel Sanders Charity Fundraiser
 - Rock For Riley, Visit Indy, Girls Rock Indy, Habitat Sartorial and other community-driven events
- **Hosting Profile National Events:**
 - The venues host high-profile events through supplemental event spaces for some of Indy's biggest events
 - 2024 NBA All Star Weekend - PlayersTV, Bleacher Report, American Express
 - 2025 NIVA National Live Policy Summit. NIVA has renewed and will host their the Policy Summit here for 2026
- **Local Economic Impact**
 - HI-FI Annex events significantly boost business for nearby retailers, restaurants, and hospitality providers on show days.
 - Significant source of state and local tax dollars.

Materials Used

- **Equipment:**
 - Professional-grade line array sound systems, stage lighting, and production gear.
 - Connex steel shipping containers
- **Safety:**
 - No hazardous materials are used during operations.

Waste Management

- **Waste Handling:**
 - Waste and recycling are managed by licensed providers.
 - No hazardous waste is generated.
 - For the 2025 concert season, dumpsters along St. Patrick St. shall be enclosed with fencing as currently exists. Upon termination of the requested variance, ordinance required dumpster enclosure shall be provided.

Regulatory Compliance

- **Agency Collaboration:**



Department of Metropolitan Development
Division of Planning
Current Planning

2025UV3032 ; Plan of Operation (pg. 5 of 5)

- Active compliance with state and local agencies, including Bureau of Neighborhood Services, Fountain Fletcher Merchants Association, Department of Homeland Security, Board of Health, and the Alcohol Tobacco and Fire Commission.
- **Zoning Context:**
 - The current zoning variance request aligns with our ongoing commitment to responsible operations and is a proactive measure to finalize our final outdoor season at the Annex.

Temporary Variance

The original variance was set with intention to conclude outdoor operations to relocate to the new indoor venue at the Murphy Arts Center for the summer 2026 season. Due to a number of factors beyond our control, our partnership deal to develop the space collapsed at the final stages. We have already invested a significant amount of time, professional fees, designs, and project planning into the project. Since the initial development deal, new development partners have been engaged and are committed to completing the indoor venue transition. As a result of our original deal, we already have plans and blueprints ready to proceed. With that said, it has taken the better part of 2025 to finalize plans with our new partners and has delayed the project by nearly a year. Economic conditions have also played a substantial role in financing delays for this project. As a result, even under an accelerated schedule, the new indoor venue will not be operational until mid-to-late 2026. We are committed to complete the indoor transition as quickly as possible, so the term of this variance is only limited to accommodate the 2026 season. DHS has already approved our variance for 2026. Additionally, we have received letters of support for this proposed variance extension from both the Fountain Fletcher District Association and from Deylen, our landlord for both the current Annex location and our future indoor facility.

No changes have been made since this variance request was approved in 2025.

All improvements related to the HI-FI Annex, including shipping containers, shall be removed by November 31, 2026 at the latest. If the new indoor venue becomes operational during the 2026 season, the transition to indoors will begin mid-season. No further extensions of the variance will be requested.



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

2025UV3032 ; Findings of Fact (Use)

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

The proposed outdoor entertainment area is shielded by adjacent buildings; is tightly regulated in terms of safety, security, hours of operation, and noise; and brings much needed tourism and economic development to the area.

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

The proposed outdoor entertainment area is shielded by adjacent buildings; is tightly regulated in terms of safety, security, hours of operation, and noise; and brings much needed tourism and economic development to the area.

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

The property is located in a dense urban setting where outdoor entertainment space is extremely limited and due to the courtyard condition created by the existing historic buildings.

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 configuration of the property, including the courtyard condition created by the existing historic buildings, makes the property conducive to the outdoor entertainment use (a C-5 use), even though the property is zoned C-4.

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

The proposed outdoor entertainment use is consistent with the Comprehensive Plan recommendation of Village Mixed Use in this urban setting.

2025UV3032 ; Findings of Fact (Parking)

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

The variance is temporary and appropriate on this urban setting located along the Cultural Trail where many area visitors walk or bike to the location. Also, parking is available on an adjacent lot through an exclusive parking agreement.

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 variance is temporary and appropriate on this urban setting located along the Cultural Trail where many area visitors walk or bike to the location. Also, parking is available on an adjacent lot through an exclusive parking agreement.

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

The property is located in a dense urban setting along the Cultural Trail, which, in combination, even with standard transit oriented development discounts from the parking requirements, makes compliance with existing ordinance parking requirements impractical.



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

2025UV3032 ; Findings of Fact (Setbacks/Service Areas)

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

The encroachments into the front yard are minor in that they do not impede pedestrian travel in any way. Also, such improvements are temporary and serve to screen adjacent properties from onsite activities.

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 encroachments into the front yard are minor in that they do not impede pedestrian travel in any way. Also, such improvements are temporary and serve to screen adjacent properties from onsite activities.

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

The manner in which the existing historic buildings are configured, establishing a natural courtyard setting for the temporary outdoor venue, creates unnecessary restriction on productive use of the property without a minor deviation from the ordinance's front yard requirements.

2025UV3032 ; Findings of Fact (Encroachment into ROW)

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

the alley right-of-way where the encroachments are located do not generally benefit the public and/or there are alternative means of access. Moreover, the encroachments are temporary.

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 alley right-of-way where the encroachments are located are contained within the subject parcel and the encroachments do not impact adjacent properties. Moreover, the encroachments are temporary.

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

due to the temporary nature of the improvements and the manner in which the existing improvements establish a natural courtyard and restrict use of the alley right-of-way even without the encroachments, and the temporary nature of the improvements some deviation from the ordinance is required for the productive use of the property on a temporary basis.

2025UV3032 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Stage Area Viewed from West

2025UV3032 ; Photographs (continued)



Photo 3: Shipping Containers, Deck and Alley Viewed from Northwest



Photo 4: Dumpsters at Southwest Section of Site (February 2025)

2025UV3032 ; Photographs (continued)



Photo 5: Bicycle Parking Area & St. Patrick Right-Of-Way (February 2025)

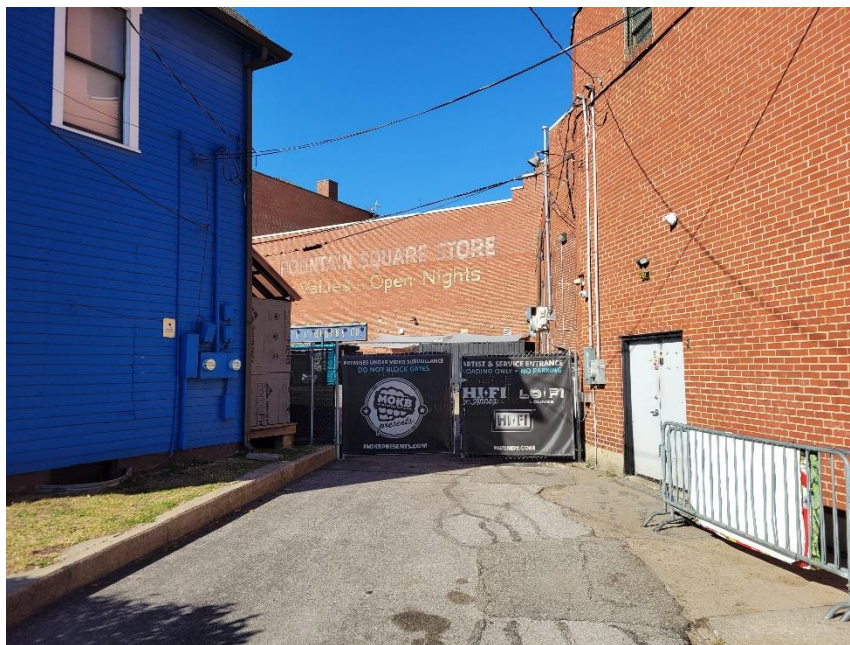


Photo 6: Subject Site Viewed from Southeast

2025UV3032 ; Photographs (continued)



Photo 7: Parking Area South of Subject Site & Prospect Street (February 2025)



Photo 8: Adjacent Property to South of Subject Site (February 2025)

2025UV3032 ; Photographs (continued)



Photo 9: Adjacent Property to Southwest (February 2025)



Photo 10: Adjacent Property to South (February 2025)

2025UV3032 ; Photographs (continued)



Photo 11: Murphy Arts Building/Hi-Fi Indoor Entrance East of Site (February 2025)



Photo 12: Future Annex Location/Former Granada Theater North of Site (February 2025)

2025UV3032 ; Photographs (continued)

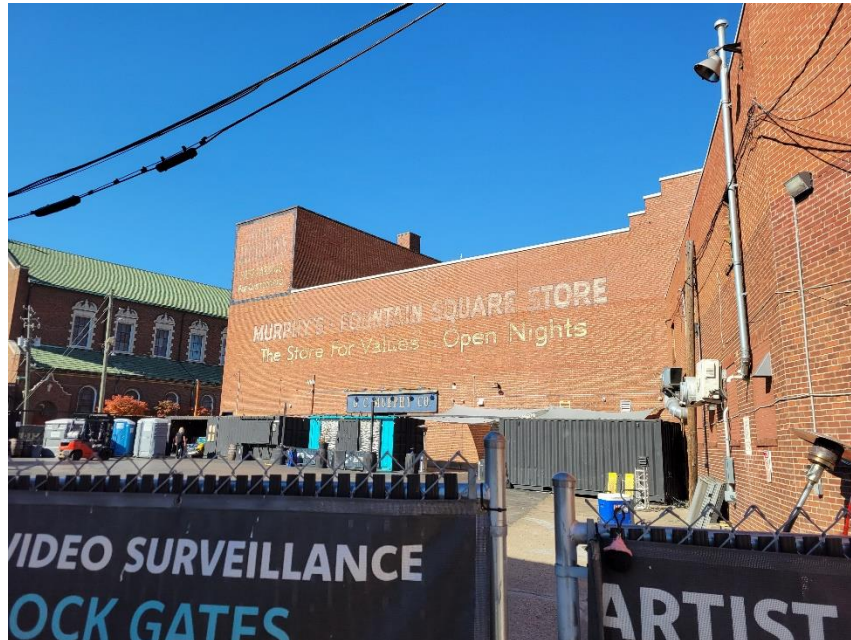


Photo 13: Improvements Encroaching Into Alley Viewed from Southeast



Photo 14: Space Between Property and Adjacent Buildings to South (February 2025)

BOARD OF ZONING APPEALS DIVISION III

November 25, 2025

Case Number: 2025-UV3-033
Address: 5900 South East Street (approximate address)
Location: Perry Township, Council District #22
Zoning: C-1 / D-A
Petitioner: David & Melissa Stehlik, by Rachael Sloop and Eric Prime
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an expansion of a musical instrument manufacturing and repair facility, subject to the filed site plan and plan of operation (not permitted).

Current Land Use: Musical instrument manufacturing and repair facility

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to the following two (2) commitments:

1. All development shall be in compliance with the Site Plan, file-dated August 27, 2025, and the plan of Operation, file dated August 5, 2025.
2. The conditions for Petition 96-UV1-117 shall be terminated.

PETITION OVERVIEW

HISTORY

- ◇ On October 8, 1996, petition 96-UV1-117, was granted approval for a Variance of Use to provide for the remodeling of existing buildings and the construction of a 24.6 by 24.6-foot building addition for the handcrafting of musical instruments. Approval was subject to the following two conditions:
 1. All development shall be in compliance with the plans, file-dated August 16, 1996, and the plan of Operation, file dated September 25, 1996.
 2. The maximum number of employees on the site at any time shall not exceed eight.

VARIANCE OF USE REQUEST

- ◇ The petitioner requests to update the previous variance of use petition with a new site plan, to allow a 240 square foot building addition for indoor storage purposes.

- ◇ The proposed use would continue to remain the same as previously permitted under 96-UV1-117. The proposed building addition would change the previously approved site plan file-dated August 16, 1996, with a 240-square foot addition.
- ◇ The updated proposed operations would reduce the number of employees on site and would be similar to a home-based occupation as permitted under the current Ordinance, other than the permitted use size, in that all operations would occur inside the previous permitted building, including the requested addition.
- ◇ While there will be no change to the use, the grant of the variance will increase the size of the building. Staff finds that this building increase should not have an effect on surrounding property owners, or the original variance. Therefore, Staff does recommend approval of the request.

GENERAL INFORMATION

Existing Zoning	C-1 / D-A	
Existing Land Use	Single-Family Dwelling / Musical instrument facility	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Surrounding Context
	North: SU-1	Religious Use
	South: D-A	Undeveloped
	East: D-1	Veterinary Clinic
	West: D-A	Single-Family Dwellings
Thoroughfare Plan		
South East Street	Primary Arterial	115-foot existing right-of-way and 134-foot proposed right-of-way
Context Area	Metro Area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	August 27, 2025	
Plan of Operation	August 5, 2025	
Landscape Plan	N/A	
Findings of Fact - Amended	November 18, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Office Commercial uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Office Commercial typology which provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

96-UV1-117; 5900 South East Street (subject site), requested a Variance of Use to provide for the remodel of existing buildings and the construction of a 24.6x24.6-foot building addition for the handcrafting of musical instruments, **granted**.

70-Z-252; 5900 South East Street (subject site), requested the Rezoning of 1 .49 acres, being in the A-2 District, to the C-1 classification to provide for a doctor's office, **approved**.

2008-DV2-045; 5864 South East Street (north of site), requested a Variance of Development Standards to provide for twelve off-street parking spaces with a zero-foot front setback from the existing right-of-way of South East Street, **granted**.

92-2-46; 6047 South East Street (north of site), requested the Rezoning of 2.37 acres, being in the D-A District, to the SU-1 classification to provide for church related activities, **approved**.

78-UV1-113; 5960 South East Street (south of site), requested a Variance of Use of the A-2 zoning classification to permit the redevelopment of an existing service station, **approved**.

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EXHIBITS

Location Map







Plan of Operation file-dated August 5, 2025

Straubinger Flutes Variance request Plan of Operation, August 5th, 2025

- The business will need to add an addition to existing building for storage space.
- The additional storage space will be constructed per original addition to contain any undue noise from the business.
- The hours of operation will remain from 9:00 am to 5:30 pm
- The company only has one full-time employee, Joel Straubinger. The owner/President is David Straubinger. All others are offsite contract people with the exception of two, whom facilitate cutting and shipping parts as needed to the offsite people and customers.
- There will be no additional signs added to identify the business.
- The majority of the customer business will still be conducted via via U,S, mail, email, and phone, and fax.
- Shipping and receiving materials and instruments will continue as it has in the past.

Findings of Fact

Petition Number 2025-UV3-033

**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 approval of this request will not affect the public health, safety, morals, and general welfare of the community because the Real Estate has been utilized for the purpose of handcrafting musical instruments for almost 30 years. The original Plan of Operation for the business, Straubinger Flutes, Inc. (the "Company"), remains largely unchanged since the original Use Variance was approved in 1996. No adverse environmental impacts have occurred and are not anticipated with the proposed use of the Real Estate. The business will not generate any odors or smoke and does not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or person.

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 Real Estate has been utilized for the purpose of handcrafting musical instruments for almost 30 years. The use and value of the area adjacent to the Real Estate has not been affected in a substantially adverse manner since the original Use Variance was approved. The addition of an attached storage area 240 square feet in size will not create a more intense use.

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

Upon petitioning for the Use Variance for the Real Estate in 1996, Petitioner did not adequately anticipate and provide for the future growth of the Company. The 1996 petition was approved as to a specific set of site development and construction plans. The Proposed storage area was not incorporated into those plans therefore, Petitioner must seek an additional use variance for the Real Estate.

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 use of the Real Estate by the Company is currently permitted pursuant to a use variance approved in 1996. The use of the Real Estate for the purpose of handcrafting musical instruments is a very specialized and unique use which is not and likely has never been an anticipated use outlined in the use tables within the prior zoning ordinances. Petitioners desire to add an attached storage area to the previously approved existing structure. Since the use variance was approved based on a specific set of site development and construction plans, the proposed addition requires approval of a new use variance. If Petitioner is unable to expand at the existing location, economic opportunities would be limited, and they may be forced to move. After 30 years in the same location, a move would be very disruptive and expensive.

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

The comprehensive plan provides for a future land use preference for the Real Estate of office/commercial; therefore, Petitioners intended, and long-standing use does not interfere.

Photographs



Subject site, looking northeast.



Subject site proposed building addition area, looking east.

BOARD OF ZONING APPEALS DIVISION III

November 25, 2025

Case Number: 2025-UV3-034
Address: 1147 East Troy Avenue (approximate address)
Location: Perry Township, Council District #19
Zoning: C-5 (TOD)
Petitioner: ARA Investments LLC, by Raymond A. Basile
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of two shipping containers for permanent storage (not permitted).

Current Land Use: Automobile, Motorcycle, and Light Vehicle Sales or Rental

Staff Recommendation: Staff recommends Denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- ◇ The two (2) portable shipping containers located on the subject site are not considered as or intended to be used as permanent storage buildings. Shipping containers, by definition, are commercial vehicles. Permanent accessory structures which are built and have a commercial building form, are regulated by the Commercial Building Code, where portable shipping containers do not.
- ◇ Although the proposed portable storage containers meet the needs of the existing commercial use, staff has concerns if this petition were to be approved, that the use of portable shipping containers for accessory storage could potentially expand on other surrounding lots based on the availability of land.
- ◇ Additional storage could be provided through a permitted accessory structure, such as a stick built or manufactured building that conforms to the Commercial Building Code, without the need for a Use Variance.

- ◇ The strict application of the terms of the Zoning Ordinance does not constitute a practical difficulty for the property, since the site is zoned C-5 and could be used by any number of uses permitted, by right, in the C-5 zoning classification without any variances. The need for the additional storage is self-imposed and could be addressed without a variance, by constructing an addition to the existing building, or using zoning compliant accessory structures. Any practical difficulty is self-imposed by the petitioner's desire to choose to not follow the ordinance and use the site with two portable shipping containers as storage buildings.

GENERAL INFORMATION

Existing Zoning	C-5										
Existing Land Use	Automobile, Motorcycle, and Light Vehicle Sales or Rental										
Comprehensive Plan	Village Mixed Use										
Surrounding Context	<table> <tr> <th><u>Zoning</u></th><th><u>Surrounding Context</u></th></tr> <tr> <td>North: C-5</td><td>Commercial Automobile Sales</td></tr> <tr> <td>South: D-5</td><td>Single Family Dwellings</td></tr> <tr> <td>East: C-5</td><td>Commercial Automobile Sales / Automotive Fueling Station</td></tr> <tr> <td>West: C-5</td><td>Commercial Restaurant</td></tr> </table>	<u>Zoning</u>	<u>Surrounding Context</u>	North: C-5	Commercial Automobile Sales	South: D-5	Single Family Dwellings	East: C-5	Commercial Automobile Sales / Automotive Fueling Station	West: C-5	Commercial Restaurant
<u>Zoning</u>	<u>Surrounding Context</u>										
North: C-5	Commercial Automobile Sales										
South: D-5	Single Family Dwellings										
East: C-5	Commercial Automobile Sales / Automotive Fueling Station										
West: C-5	Commercial Restaurant										
Thoroughfare Plan											
East Troy Avenue	Primary Arterial 50-foot existing right-of-way and 78-foot proposed right-of-way										
Context Area	Compact area										
Floodway / Floodway Fringe	N/A										
Overlay	Red Line TOD										
Wellfield Protection Area	N/A										
Site Plan	September 25, 2025										
Landscape Plan	N/A										
Findings of Fact	September 25, 2025										

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Village Mixed Uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends 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

- 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

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2025-UV3-025; 3005 Carson Avenue (east of site), requested a Variance of Use and Development Standards to provide for the erection of a monument sign and canopy sign, both containing digital display within 100 feet and 40 feet from a protected district, respectively, with the monument sign maintaining a 2.5-foot setback from Troy Avenue, **granted**.

98-DV1-5; 1202 East Troy Avenue (north of site), requested a Variance of Development Standards of the Sign Regulations to provide for the placement of an illuminated pylon sign with a reader board, being nine-feet in height, and being five by ten feet in size, **granted**.

85-UV1-120; 1147 East Troy Avenue (subject site), requested a Variance of Use to provide for a mobile trailer to be used as an office for an existing auto sales lot, **granted for one year, expiring November 5, 1986**.

84-UV1-119; 2958 Carson Avenue (north of site), requested a Variance of Use to provide for a 14 x 39-foot addition to an existing manufacturing facility, **granted**.

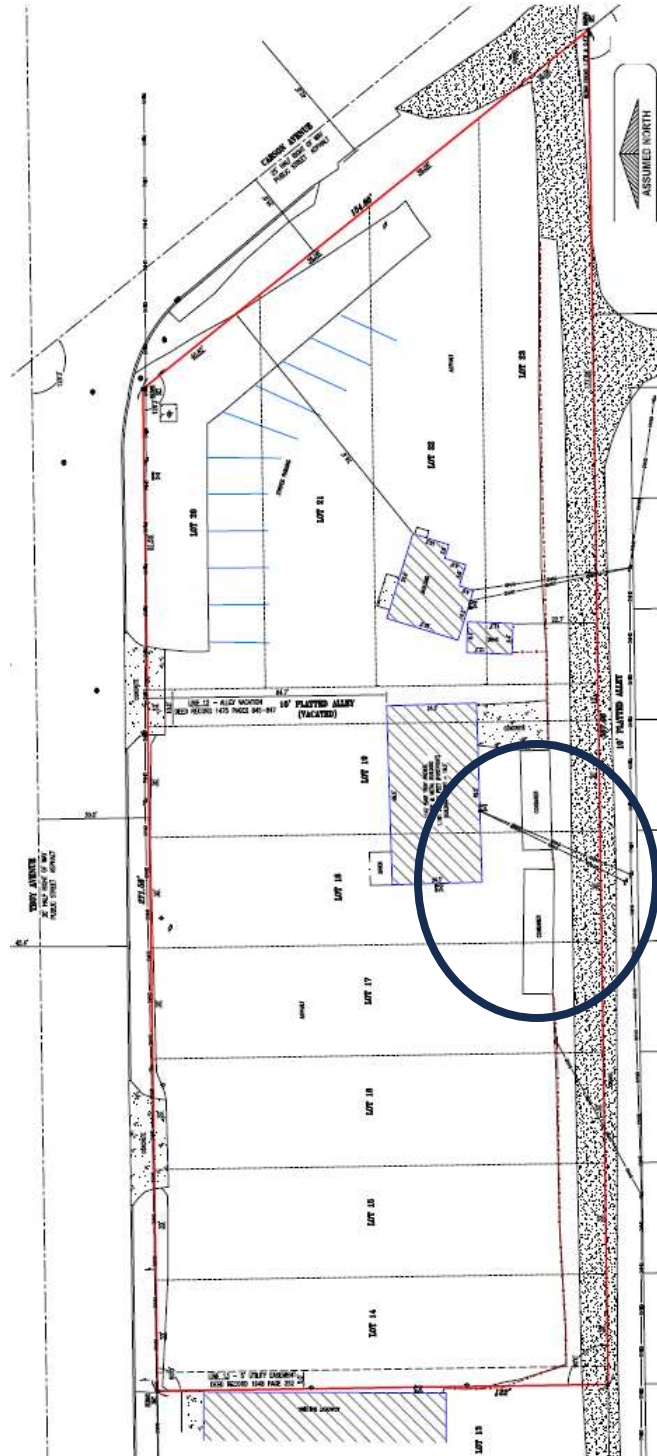
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EXHIBITS

Location Map Subject Site



Site Plan



Plan Of Operation

PLAN OF OPERATION

Operation of Exiting Used Automobile Sales Business

The petitioner is the owner of a C-5 zoned commercial real estate parcel which is leased to two separate used vehicle dealership tenants. The first tenant is Eclipse Auto Sales which operates on the western portion of the property. The business averages approximately 30-40 cars for sale on the parcel at any given time. There is one office building with 2-car garage.

A second automobile dealership is located on the eastern end of the parcel named Petromac Auto Sales which averages approximately 20 cars for sale at any given time. This second dealer utilizes one larger pole barn for detailing vehicles and one smaller barn for storage.

All of these buildings used by the dealerships are permitted and allowed on the property. There are also two connex storage containers located on the far south side of the property which is the subject of this petition.

At peak hours, there are typically two (2) employees on-site. Both dealerships open at 10:00 a.m. and Eclipse closes at 8:00 p.m., while Petromac typically closes at 5:00 p.m. There is ample lighting on and around the property for security at night as well as an alarm system for the buildings.

No hazardous chemicals are present or stored on the parcel with the exception of the gasoline within the fuel tanks of the vehicles awaiting sales.

Findings of Fact

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

**FINDINGS OF FACT FOR PETITION FOR
VARIANCE OF DEVELOPMENT AT 1147 E. TROY AVENUE**

General Welfare: The grant will not be injurious to the public health, safety, morals and general welfare of the community. The petition seeks only for approval to continue using two 40' x 8' connex storage containers on the property that have been in place for at least 20 years without complaint from any neighbors or the City of Indianapolis. The containers are not rusty and are in good condition. They are located on the far south side of the property, partially obscured from Troy Avenue by the used cars and existing buildings. Moreover, there is a 6' privacy fence on the far south boundary of the property that obscures the storage containers from the homes to the south except for their very top edges.

Typically, the only items stored in the containers are car parts that will be used in the future to make the used vehicles more presentable for sale. No hazardous chemicals or other items that could contaminate the ground or air are ever stored in the containers. They are silent and create no noise or light pollution. Finally, they do not attract crime. In the years since the current owner has owned the property, the containers have never been broken into or vandalized.

Use, Value and Compatibility: 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 these are only two clean, well-maintained connex containers that are painted to match the fence and building adjacent to it and blend in with the commercial/retail nature of the business and other structures located along Troy Avenue. They are obscured from vision both from Troy Road and the homes to the south. In fact, the presence and use of these containers enhances the visual appeal of the property as smaller items that might otherwise not be properly stored are neatly contained.

Need: The need for the variance arises from some condition peculiar to the property involved because of the size limitations of the parcel. In order to store and showcase sufficient vehicles to make the property economically viable, there is not sufficient room to build another permanent building which would displace vehicles. The blended connex storage trailers are critical to the operation of the business on this site.

Photographs



Subject site, looking southeast.



Subject site, looking south.



Existing storage container's location on site, along south side alley, looking east.



Existing storage container's location on site, along south side alley, looking west.



Adjacent single family residential, to the south of site and shipping containers.



Adjacent single family residential, to the south of site and shipping containers.