



Board of Zoning Appeals Board of Zoning Appeals Division I (October 6, 2026) Meeting Agenda

Meeting Details

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

Date: Tuesday, October 06, 2026

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

[2026-DV1-035](#) | 7485 Central Avenue (Town of Meridian Hills)

Washington Township, Council District #2, zoned D-1

Chris Duke & Timothy Moffit by Matt Petyon/Chris Duke

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the construction of a 6-foot fence in the front yard (fence height in the front yard limited to 3.5 feet or 4 feet when 30% or less opaque).

****Petitioner to request withdrawal of petition.**

[2026DV1042](#) | 1039 Kessler Blvd East Drive

Washington Township, Council District #7, zoned D-4

Eric West

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 23-foot, 3-inch detached garage with a pitched roof to accommodate an overhead attic storage space for residential household items (accessory structures not permitted to be taller than the primary dwelling).

****Petitioner has requested withdrawal of petition.**

PETITIONS REQUESTING TO BE CONTINUED:

[1.](#) 2026-DV1-036 | 6317 Askin Drive

Franklin Township, Council District #25, zoned D-P

John L. Hudson Jr. & Kimberly Hudson

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

****Staff on behalf of petitioner to request continuance to December 1, 2026.**

[2.](#) 2026-UV1-002 | 5301 West 56th Street

Pike Township, Council District #6, zoned D-A (FF) (FW)

Mirza W. A. Baig, by David Kingen and Justin Kingen

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to legally establish a four-unit apartment building as a second primary structure on a lot (not permitted).

****Staff to recommend dismissal of petition.**

- 3.** **2026-UV1-020 | 3503 North College Avenue**
Center Township, Council District #8, zoned D-5 / C-3
Duelin Transports LLC, by Sean Mastain

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a vehicle storage and commercial parking lot (not permitted) with 0-foot setbacks (10-foot front setback, 7-foot side setback, and 20-foot rear setback required), deficient landscaping (required), and without striping of parking stalls (required), enclosed by a six-foot-tall perimeter chain link fence utilizing barbed wire and within the clear-sight triangle (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, barbed wire not permitted, encroachment into clear-sight triangle not permitted).

****Staff on behalf of petitioner to request continuance to November 10, 2026.**

- 4.** **2026-UV1-026 | 3434 Garden Avenue**
Wayne Township, Council District #16, zoned D-5
Pat Rooney

Variance of Use and Development Standards of the Consolidated Zoning Ordinance to permit vehicle repair in a D-5 zone (not permitted), 13-foot front corner setback on Garden Ave (20-foot required), seven-foot front corner setback on Tibbs Ave (20-foot required), seven-foot side setback (10-foot required).

****Staff to request continuance to November 10, 2026.**

- 5.** **2026-UV1-027 | 2450 Lafayette Road**
Wayne Township, Council District #11, zoned C-4
Jorge Gonzales

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an existing automobile repair shop under its current condition and allow the existing security fence to remain at its current height and within the front location (maximum height in front yard is 5-feet).

****Petitioner to request continuance to November 10, 2026 hearing.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 6.** **2026-DV1-031 (Amended) | 4850 West 78th Street**
Pike Township, Council District #6, zoned I-2 (FF) / I-3
West 78th Street LLC, by Russell Webster

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for placement of 6-foot tall fence in front yards (maximum 3.5-foot fence permitted in I-2 areas), partially within the required clear-sight triangular area of 78th and Georgetown (not permitted), and partially within easements (not permitted).

- 7.** **2026-DV1-043 | 820 West 54th Street**
Washington Township, Council District #7, zoned D-5
Caroline Kirk by Hannah Able

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit a detached garage in the front yard of an existing single-family detached residence (not permitted).

- 8.** **2026-DV1-044 | 2674 Shirley Drive**
Wayne Township, Council District #11, zoned D-5
Jesse Martinez

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a new carport to replace the existing old carport in the same location with a 1-foot side yard setback (required 7 feet side yard setback).

9. 2026-DV1-046 | 6145 North Ewing Street

Washington Township, Council District #3, zoned D-S
Jonathan L. Mayes

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the construction of a detached accessory structure (detached garage and secondary dwelling unit) with an 8-foot side-yard setback (15-feet required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

10. 2026-DV3-011 | 3603 South Meridian Street

Perry Township, Council District #18, zoned SU-1 (FF)
Roman Catholic Archdiocese of Indianapolis, Properties Inc as Trustee for St Roch, Catholic Church Indianapolis Inc., by Wooton Hoy (John Cross)

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an 8-foot fence in the front yard (fences taller than 4 feet not permitted in front yards) and located within the clear sight triangle (not permitted).

11. 2026-UV1-022 | 3441 West Washington Street

Wayne Township, Council District #17, zoned I-3 (FF) (TOD)
Jesus Ivan Ibarra Tamayo

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an Automobile, Motorcycle and Light Vehicle Sales or Rental facility, (not permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

12. 2026-DV1-045 | 4634 West Naomi Street

Wayne Township, Council District #17, zoned D-5
Vicki McClain and Heather Rashel

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an 8-foot fence (maximum permitted 6-foot) Variance of Development Standards of the Consolidated Zoning and a 1-foot side setback (7-foot required).

13. 2026-DV1-047 | 2502 N. Delaware Avenue

Center Township, Council District #12, zoned MU-2
Shawn Jones

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

14. 2026-UV1-024 | 5699 East 71st Street (5701 East 71st Street)

Washington Township, Council District #3, zoned C-3
Ivy Way LLC, by Jason P. Lueking and Stoll Keenon Ogden PLLC

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for a 200 square foot (20x10) 8-foot-tall outdoor portable storage unit (outdoor storage and operations not permitted in C-3).

15. 2026-UV1-028 | 625 Foltz Street

Wayne Township, Council District #17, zoned D-4
Ruby Ramirez

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

Additional Business:

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

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

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

BOARD OF ZONING APPEALS DIVISION I

October 6, 2026

Case Number: 2026-DV1-035

Property Address: 7485 Central Avenue (Town of Meridian Hills) (approximate address)

Location: Washington Township, Council District #2

Petitioner: Chris Duke & Timothy Moffit, by Matt Petyon & Chris Duke

Current Zoning: D-1

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the construction of a 6-foot fence in the front yard (fence height in the front yard limited to 3.5 feet or 4 feet when 30% or less opaque).

Current Land Use: Single-family residence

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

Multiple parties requested a 2-month continuance from the August 4, 2026, BZA I hearing to the October 6th, 2026, BZA I hearing.

PETITION OVERVIEW

- The petitioner has indicated that they intend to bring the fences into compliance with the Ordinance and, as such, are withdrawing their petition. This merely requires acknowledgment from the board.

Case Number: 2026-DV1-042

Property Address: 1039 Kessler Blvd. EDR

Location: Washington Township, Council District #7

Petitioner: Eric West, by Indigo Reno

Current Zoning: D-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 23-foot, 3-inch detached garage with a pitched roof to accommodate an overhead attic storage space for residential household items (accessory structures not permitted to be taller than the primary dwelling).

Current Land Use: Residential

Staff Reviewer: Jasmine Dillard Nikolich, Senior Planner

PETITION OVERVIEW

The petitioner indicated in writing their intent to have this petition withdrawn from consideration and to work with the Department of Business and Neighborhood Services (BNS) to build the addition according to approved plans. Staff confirmed that the garage is currently completed according to approved plans as an attached addition to the primary structure and meets all zoning regulations. Staff expect a letter of withdrawal to be submitted by the petitioner. This would require acknowledgement from the Board.



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BOARD OF ZONING APPEALS DIVISION I

October 6, 2026

Case Number: 2026-DV1-036

Property Address: 6317 Askin Drive (approximate address)

Location: Franklin Township, Council District #25

Petitioner: John L. Hudson Jr. & Kimberly Hudson

Current Zoning: D-P

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

Current Land Use: Residential

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

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

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



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Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

October 6, 2026

Case Number: 2026-UV1-002

Property Address: 5301 West 56th Street (approximate address)

Location: Pike Township, Council District #6

Petitioner: Mirza W.A. Baig, by David Kingen and Justin Kingen

Current Zoning: D-A (FF) (FW)

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to legally establish a four-unit apartment building as a second primary structure on a lot (not permitted).

Current Land Use: Residential

Staff Recommendations: Staff recommends that this petition be either **withdrawn** or **dismissed**.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

7/7/26: Given the length of time the petitioner anticipated it would take to apply for variances from relevant areas of Fire Code, the petitioner was granted a 3-month continuance to the October 6, 2026 hearing date with the stipulation that **(a)** new notice would need to be mailed to surrounding property owners and **(b)** that additional continuances would not be supported. At the time of publication of this report, new notice had not yet been mailed and the State-level variance from a Fire Code standard had also not yet been filed. Staff would contend that the Fire Code issues should be resolved prior to the hearing of a zoning variance, and would not be supportive of additional continuance requests given the petitioner has been granted multiple continuances previously and the petition was originally scheduled for hearing in March. Staff recommends that this petition be either **withdrawn** or **dismissed**, with the potential to refile the application once Fire Code issues have been resolved.

6/9/26: The initial fire inspection found 10 violations at the site. Several of those violations were resolved, but the petitioner is continuing to explore options related to the width of the access road and lack of fire hydrant. An additional continuance was requested to the July 7th hearing date.

4/7/26: The petitioner was granted a continuance to the May 12, 2026 hearing date in order to allow time for a fire inspection of the unpermitted multifamily dwelling on the property.

3/3/26: A timely automatic continuance request was filed by a registered neighborhood organization to move the hearing to the April 7, 2026 hearing date of Division I.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition, but would recommend approval if refiled as a rezoning and plat combination petition and if all Fire Code issues were to be rectified.

PETITION OVERVIEW

- 5301 West 56th Street is a residential parcel with a size of 3.26 acres. It is currently improved with two (2) structures. The property card for the site lists the northwest building as being a single-family residence built in 1950, and the southeast building as being a “main garage” built in 1963. Surrounding land uses are residential in nature, and the undeveloped southern portion of this property is comprised of floodway due to proximity to Little Eagle Creek to the southeast.
- At some point, internal conversion work was conducted within the southeast building to convert it from a detached garage into an apartment building with four (4) separate dwelling units. No permits appear to have been pulled to allow for this conversion, and the conversion is not reflected on the property card. Multifamily uses are not a legal use within the D-A zoning district, and have never been a legal land use within the D-A or equivalent districts.
- A complaint was filed with the Mayor’s Action Center in 2025 related to the unpermitted apartment use, which resulted in the opening of the violation case VIO25-005356. That enforcement case cited the property for the multifamily use as well as for the parking of an unlicensed vehicle on the site (to be resolved outside of the scope of this petition). Petition approval would allow for the illegal and unpermitted use to remain within the building to the southeast. No new construction or expansion of the apartment use is contemplated as a part of this petition.
- The rezoning petition 2025ZON089 was applied for in August 2025 in response to the violation case opened in June. That petition would have rezoned the full property to the D-6 zoning designation. At that time, staff indicated to the petitioner that while the straight rezoning to D-6 would not have been supportable, staff *could* support a combination petition to **(a)** have the site platted into two separate lots (one containing the single-family home and the other containing the unpermitted apartment) and **(b)** rezone solely the parcel containing the apartment to an appropriate multifamily residential district. The petitioner withdrew the rezoning petition and instead decided to file for a Variance of Use.
- 5301 West 56th is currently zoned D-A (Dwelling-Agricultural) to allow for agricultural uses as well as large estate development of single-family dwellings. Portions of the lot to the south fall within the Floodway and Floodway Fringe, although current residences at the site does not intersect with those secondary zoning areas. The Comprehensive Plan recommends the developed portions of the property to the Suburban Neighborhood typology to allow for predominantly single-family housing but with limited attached and multifamily housing where appropriate. The property also partially falls within the Environmentally Sensitive and Residential Corridor Reserve overlays.
- Staff would note that since the conversion of the garage to multifamily uses appears to have been completed without permits, it’s entirely possible that the internal work does not fully meet relevant building or residential codes to ensure the health, safety, and welfare of occupants. Additional applications should be made to **(a)** have a structural review of the illegal conversion work completed and **(b)** verify if the property is adequately connected to either city sewer or septic.

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- Additionally, a fire marshal with the Pike Township Fire Department noted that when viewing the site externally at least one violation of relevant fire code exists (fire apparatus access would be blocked by fences, trees, and branches). A later inspection conducted in early April noted 10 total Fire Code violations at the site (see Exhibits below). Staff would not be supportive of any petition to allow for the unpermitted multifamily use to remain in place absent evidence that no violations related to fire code existed at the property.
- It does not appear that the burden of undue hardship has been met to justify approval of a use variance at this property. No barriers would exist to have the site operate in a compliant fashion, and any hardship related to the illegal use would be self-imposed, even if by a previous owner. Additionally, the layout of the residential buildings at the site does not match Comprehensive Plan recommendations for when multi-family development might be appropriate in this typology.
- Although a Variance of Use would not be supportable, staff maintains their position that having the property replatted to allow for a distinct lot for each building, accompanied by a rezoning to an appropriate multifamily district, would be supportable. Although still seeking forgiveness instead of permission, this would be a more appropriate zoning tool both in terms of property valuation for tax purposes (the property card still lists the multifamily structure as a “main garage”) while also allowing for existing tenants to remain in the building with an accurate zone to ensure any future development meets multifamily standards. Staff recommends denial of the variance as proposed, but would be supportive of a request for a replat and rezone of the site (with the caveat that any violations related to fire code/access be resolved).

GENERAL INFORMATION

Existing Zoning	D-A (FF) (FW)	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood / Floodway	
Surrounding Context	Zoning	Surrounding Context
North:	D-A	North: Residential
South:	D-A	South: Residential
East:	D-3	East: Undeveloped
West:	D-A	West: Residential
Thoroughfare Plan		
56 th Street	Primary Arterial	100-foot existing right-of-way and 102-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	01/07/2026	
Site Plan (Amended)	N/A	



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Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	01/07/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. Natural corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. This typology typically has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
 - Multifamily Housing should be located along arterial or collector streets, with parking either behind or interior to the development with a gradual transition of building height and massing from adjacent developments.
- The Floodway category delineates areas that exhibit a great potential for property loss and damage from severe flooding, or from water quality degradation. No development should occur within the floodway, and none would be proposed as a part of this petition.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. Development should preserve at least 30% of the parcel as tree canopy of naturalized areas for single-family development, or 20% for small-scale multifamily housing.
- The Residential Corridor Reserve (RR) Overlay is intended for areas where the residential nature of a corridor is at risk due to encroachment from other land uses.

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



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- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2025ZON089, Rezoning of 3.5 acres from the D-A (FF) (FW) district to the D-6 (FF) (FW) district to provide for a small apartment use, **pending**.

ZONING HISTORY – VICINITY

2025ZON079 ; 5451 Moller Road (southwest of site), Rezoning of 0.733-acre from the D-A and D-P districts to the D-A district to legally establish a detached single-family dwelling, **withdrawn**.

2025UV1006 ; 5451 Moller Road (southwest of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the storage of two food trucks (prohibited) with a gravel parking area (parking areas must be paved), **withdrawn**.

2024UV2013 ; 5455 West 56th Street (west of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign with digital display (digital display not permitted), **approved**.

2014DV3059 ; 5455 West 56th Street (west of site), Variance of development standards of the Sign Regulations to provide for a 7.33-foot tall, 52-square foot freestanding sign within approximately 70 feet of the nearest dwelling district (maximum four-foot tall sign permitted within 600 feet of a dwelling district), **approved**.

92-Z-62 ; 5333 West 56th Street (west of site), Rezoning of 3.7692 acres, being in the D-A district, to the SU-1 classification to provide for the construction of a church, **approved**.

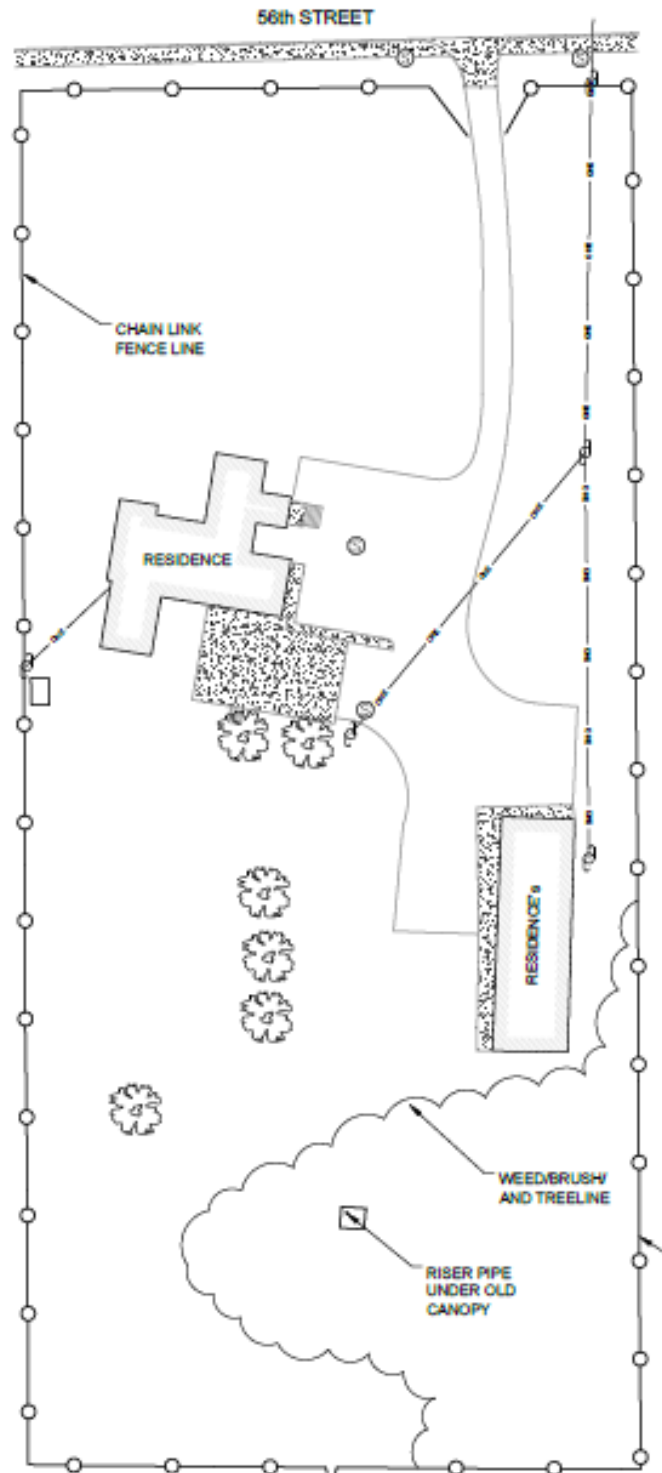
85-UV1-119 ; 5412 West 56th Street (northwest of site), variance of use of the Marion County Master Plan Permanent Zoning Ordinance to provide for a dentist's office in a single-family residence, **approved**.

EXHIBITS

2026UV1002 ; Aerial Map



2026UV1002 ; Site Plan



2026UV1002 ; Aerial Map (zoomed, 2024)



2026UV1002 ; Notice of Violation (VIO25-005356)

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of inoperable vehicles in any zoning district, the provisions of which do not specifically permit such a use; (Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate, or flat tires; or that is otherwise partially dismantled or mechanically inoperable...Chrysler town & country).

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

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Multi-family units are not a permitted use in a D-A zoning district)



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2026UV1002 ; Findings of Fact

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

The property has long contained two primary buildings, and this request does not involve new construction or an expansion of use. The site is large enough to safely and appropriately support both buildings, and continuing their use will not create safety issues or negatively impact the surrounding 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 existing buildings have been in place for many years without causing problems for neighboring properties. Granting the variance will not change the appearance or intensity of the site and will simply bring the property into compliance, which supports stability and protects nearby property values.

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

The property is unusually large and was historically developed with two primary buildings under prior approvals. These conditions are unique to this site and are not common to other properties in the zoning district. The situation was not created by the current owner.

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

Enforcing the ordinance as written would require eliminating or vacating an existing building that the site can reasonably support. This would place an unnecessary burden on the property owner without providing a meaningful benefit to the public.

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

The request supports continued use of an existing property without increasing density or introducing an incompatible use. Legalizing the existing site condition aligns with the Comprehensive Plan's goals of stability and responsible use of developed land.

2026UV1002 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: 56th Street Frontage Viewed from Subject Site Parkign Area

2026UV1002 ; Photographs (continued)



Photo 3: Single-Family Residence (Northwest Building) Viewed from East



Photo 4: Multi-Family Building (Southeast Building) Viewed from Northwest

2026UV1002 ; Photographs (continued)



Photo 5: Multi-Family Building (Southeast Building) Viewed from North



Photo 6: Multiple Power Meters on Multi-Family Building

2026UV1002 ; Photographs (continued)



Photo 7: Entrances to Units A and C of Multi-Family Building Viewed from East

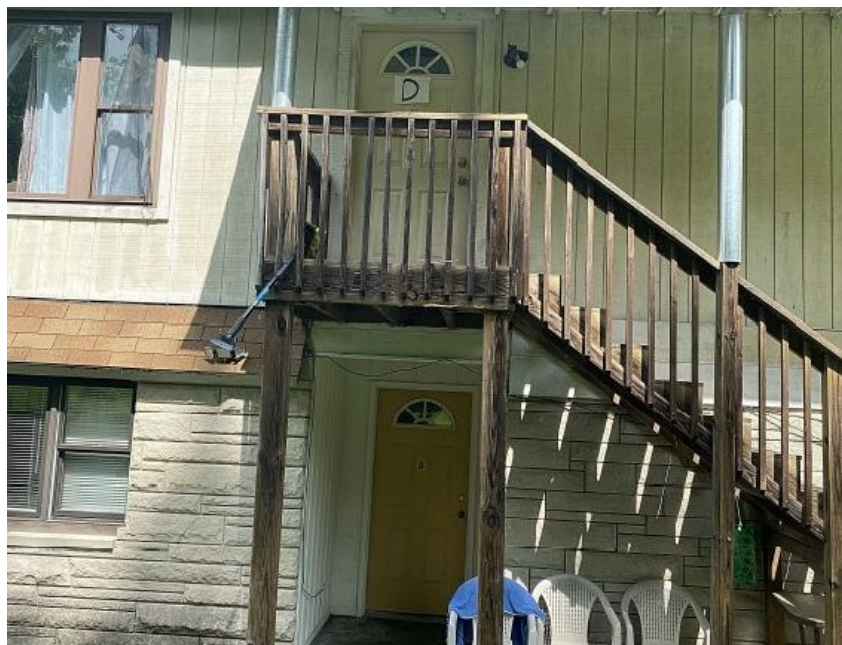


Photo 8: Entrances to Units B and D of Multi-Family Building Viewed from East



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BOARD OF ZONING APPEALS DIVISION I

October 6, 2026

Case Number: 2026-UV1-020

Property Address: 3503 North College Avenue (approximate address)

Location: Center Township, Council District #8

Petitioner: Duelin Transports LLC, by Sean Mastain

Current Zoning: D-5 / C-3

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a vehicle storage and commercial parking lot (not permitted) with 0-foot setbacks (10-foot front setback, 7-foot side setback, and 20-foot rear setback required), deficient landscaping (required), and without striping of parking stalls (required), enclosed by a six-foot-tall perimeter chain link fence utilizing barbed wire and within the clear-sight triangle (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, barbed wire not permitted, encroachment into clear-sight triangle not permitted).

Current Land Use: Vacant Paved Lot

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

10/6/26: The petitioner indicated to staff that they would not be available to attend this hearing date. Staff will request a continuance to the November 10th hearing date on their behalf.

9/1/26: A timely automatic continuance request was filed by a registered neighborhood organization. This petition will be automatically continued to the October 6, 2026 hearing date of Division I and a full staff report will be published in advance of that hearing date.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

October 06, 2026

Case Number: 2026UV1026
Property Address: 3434 Garden Ave
Location: Wayne Township, Council District #16
Petitioner: Pat Rooney
Current Zoning: D-5
Request: Variance of Use and Development Standards of the Consolidated Zoning Ordinance to permit vehicle repair in a D-5 zone (not permitted), 13-foot front corner setback on Garden Ave (20-foot required), seven-foot front corner setback on Tibbs Ave (20-foot required), seven-foot side setback (10-foot required).
Current Land Use: Residential
Staff Recommendations: TBD
Staff Reviewer: Adrienne Baker, Principal Planner I

PETITION HISTORY

Staff requests a **continuance** to the **November 10, 2026**, hearing to continue discussions with the petitioner.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Commercial	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	I-2	North: Industrial
South:	D-5	South: Residential
East:	I-3	East: Commercial
West:	D-5	West: Residential
Thoroughfare Plan		
Tibbs Ave	Primary Collector	Proposed ROW: 56 Existing ROW: 67
Garden Ave	Local Street	Proposed ROW: 48 Existing ROW: 48
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	



**Department of Metropolitan Development
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Wellfield Protection Area	No
Site Plan	August 10, 2026
Site Plan (Amended)	N/A
Elevations	August 10, 2026
Elevations (Amended)	N/A
Landscape Plan	August 10, 2026
Findings of Fact	August 10, 2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Front Setback Exceptions: The minimum required front setback for a site may be reduced to the average setback derived from the established front setbacks of the nearest lot on each side of the site that is improved with an existing primary building facing the same street and is within 200 feet of the site. In the case of a corner lot, the average is derived from the established front setback of the nearest improved lot and the setback established by ordinance.

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

Fences incorporating barbed wire or razor-wire are prohibited except:

- When used to enclose livestock on a site where the primary property use is agricultural uses, buildings, or structures; or
- When used for public safety or security purposes for a public facility or correctional or penal institution.

All outdoor storage and operations within 500 feet of a protected district must be effectively contained by a chain link, solid, lattice or similar type fence or wall and gate. The height of such fence or wall shall be at least 6 feet and shall not exceed 10 feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the



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provisions for landscaping and screening of required transitional yards. The storage of materials or products within the enclosure may not exceed the height of the fence.

Outdoor Storage, Heavy: The keeping of any goods, material, or merchandise outdoors and typically weighing more than 75 pounds for the long-term deposit (more than 24 hours) and does not meet the definition of Automobile and Vehicle Storage or Auction. This definition includes uses such as storage of heavy equipment; railroad equipment; rail yard and terminal; and utility pole yards and pipe yards.

- Outdoor storage and operations shall not be located in any transitional yard or edge buffering area or required landscape area.
- Maximum height of outdoor storage shall be 10 feet with solid screening required and no storage higher than the screening if located within 300 feet of a protected district in the Compact Context area.

Automobile, Motorcycle, and Light Vehicle Service or Repair: The major or minor repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar vehicles under 14,000 pounds gross vehicle weight rating (GVWR). This definition includes uses such as automobile oil change or lubrication shop; automobile tune up shop; engine repair shop; air conditioning equipment repair; automobile body repair/paint shop; brake system repair or service; detailing/trim shop; exhaust system (muffler) repair shop; glass replacement shop; rust proofing; speed/tuning shop; parts and supply store; tire alignment, retreading, or repair shop; tire dealers; motorcycle paint shop; motorcycle repair shop; and transmission repair and service shop.

Other Vehicle Sales, Rental, or Repair: Sales, rental, or repair of vehicles not included in Automobile, Motorcycle, and Light Vehicle Sales or Rental; or Truck or Heavy Vehicle Sales, Rental, or Repair. This definition includes uses such as boat dealers; recreational vehicle dealers; mobile home dealers, and manufactured home dealers. An inherent characteristic of this use is the outside display of vehicles offered for sale which is considered a primary facet of the use; as a primary use, this display must meet the development standards as a primary use and not the standards associated with an accessory use.

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

Pattern Book / Land Use Plan

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



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Development should be supportive of pedestrian activity (e.g., compact, connected to a pedestrian system, no more than one third of the frontage used for parking.) Only small-scale light industrial uses are appropriate in this overlay.

Light Industrial Uses should be removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

- **Heavy Commercial Uses** should be removed as a recommended land use where they would be adjacent to a living typology.
- The **Heavy Commercial** typology provides for consumer-oriented general commercial and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of goods. Examples include vehicle sales and commercial lumber yards.

The **Heavy Industrial** typology provides for industrial; production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common.

- **Heavy Industrial Uses** should be removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

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

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

Development should always be **sensitive to its context** and respond with similar development patterns and appropriate transitions in scale and intensity.

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



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Not Applicable to the Site.

Indy Moves

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

Not Applicable to the Site.

ZONING HISTORY

Zoning History – Site

76-UV2-129; 3434 Garden Ave; Request for variance of use and Development Standards to permit erection of a building for repair of autos and trucks, with sign on building, as per plans filed, off-street parking provided; **approved**, provided that final site plans be submitted to the Administrator of the Division of Planning and Zoning for approval prior to the issuance of an Improvement Location Permit, with landscaping along Tibbs Avenue shown. Unless an Improvement Location Permit is obtained within one year this variance is void.

Zoning History – Vicinity

98-Z-93; 3306 W St Clair St; The present zoning of the five lots fronting St. Clair Street is I2U (Light Industrial Urban District) and of the two lots with frontage on Centennial Street is D-5 (Dwelling District 5). A change in the zoning classification to D-P (Planned Unit Development District) is being requested in order to redevelop the parcels under the Indianapolis Housing Agency's "Hope VI/Urban Revitalization Demonstration (URD) Program. The change in zoning classification is being requested to convert the St. Clair Street Parcel from a light industrial to a residential use and to allow a more creative approach in land planning with regards to setbacks, yard requirements, and the provision of off-street parking for the Centennial Street Parcel; **approved**.

97-Z-211; 3445 W 10th St; A change of zoning for the property known as 3445 West 10th Street for the past 11 years. The petitioner has maintained a Pallet Recycling business at this address. The Zoning Ordinance for Marion County was rewritten in June of 1996. The property in question is currently zoned I-2-U. The pallet re-cycling operation that the petitioner has enjoyed for the past 11 years; **withdrawn**.

96-Z-190; 792 N Centennial St; A change in zoning from D-7 to D-P to allow for multi-family housing: two-story apartment buildings, parking facilities, walks, and infrastructure improvements; **approved**.

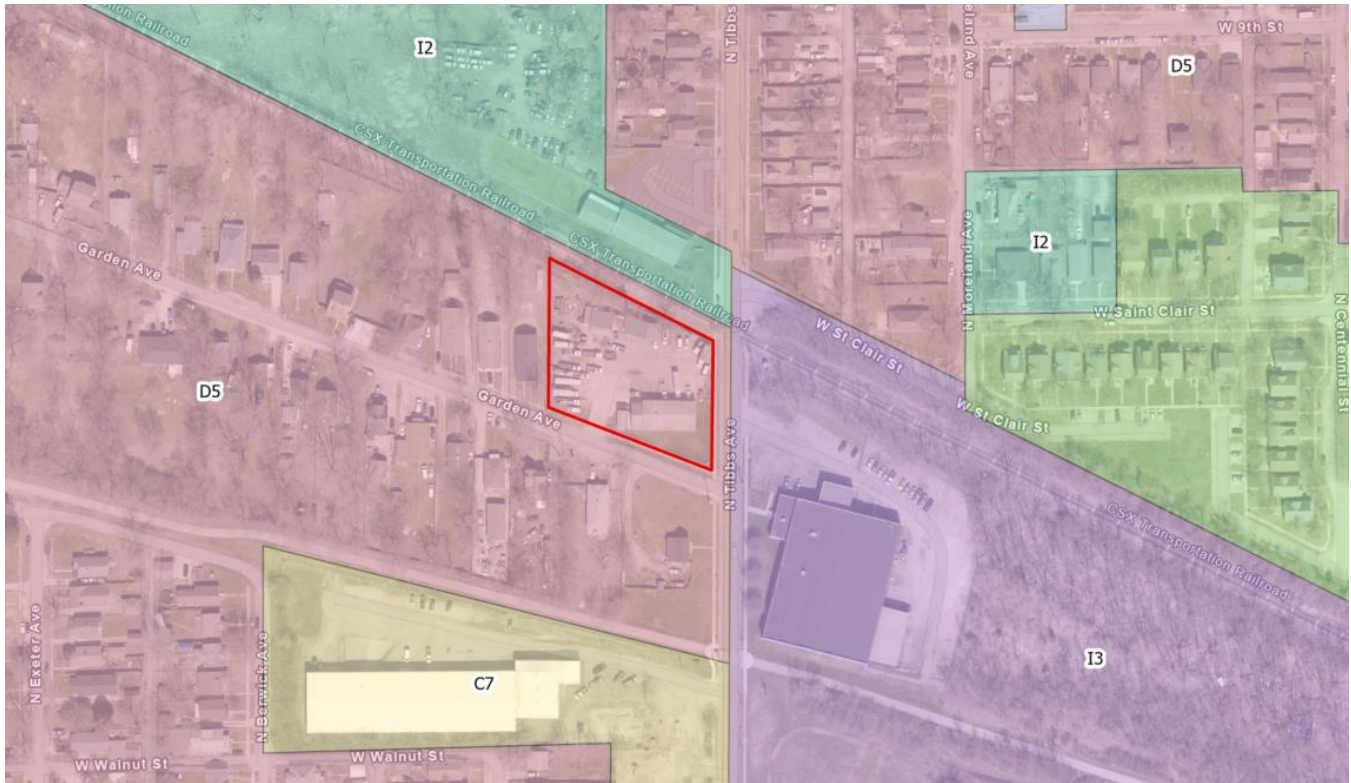
85-Z-111A; 3125 Concord Ct/ 2857 W Walnut St; Metropolitan Development Commission requests the rezoning of 15.9 acres from I-2-U and I-3-U districts to the D-7 classification to conform zoning to its use by the Indianapolis Building Authority. The housing development that exists on the site is known as Concord Village; **approved**.

EXHIBITS

Aerial View:

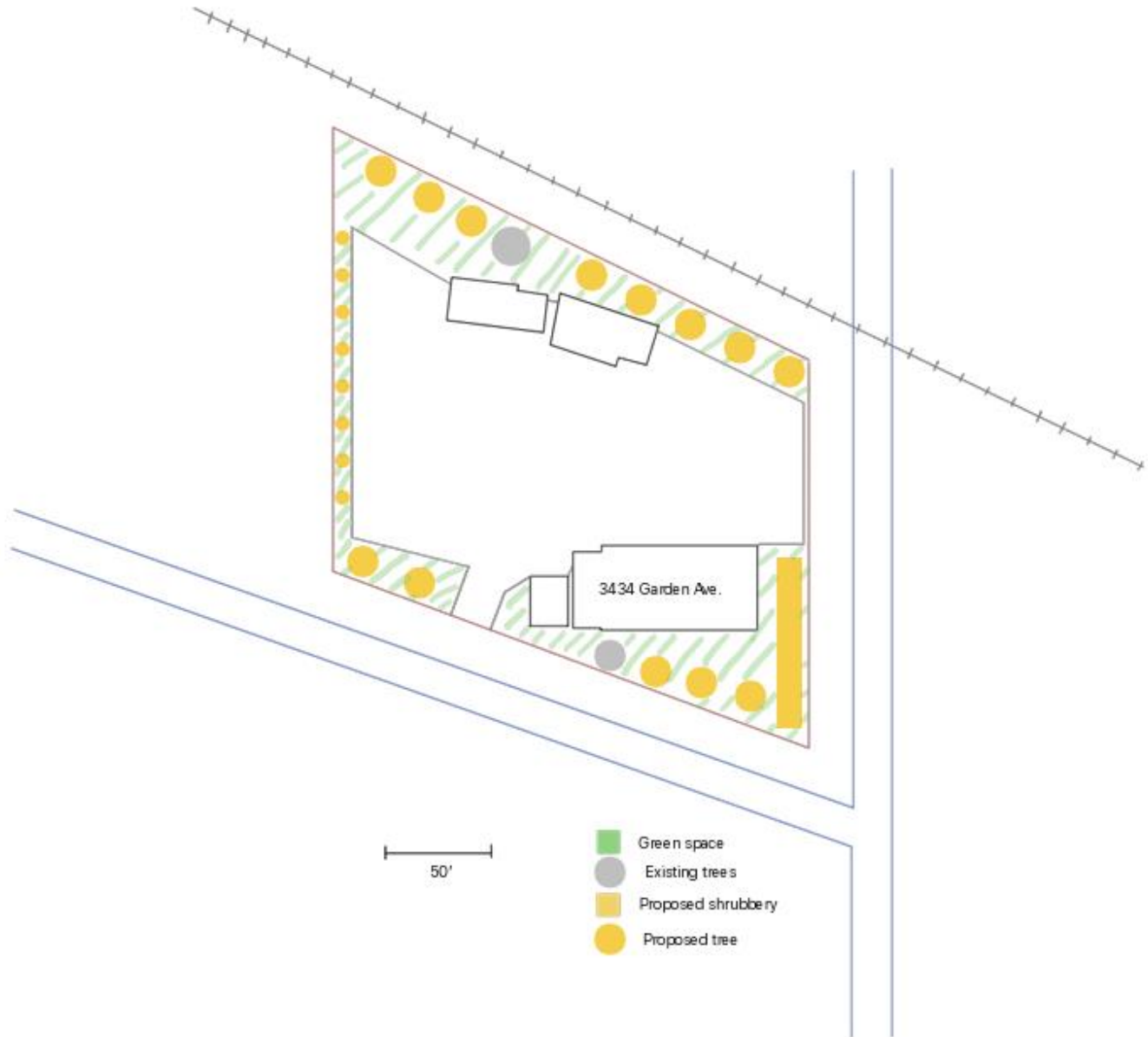


Zoning:





Landscape Plan:





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Findings Of Fact (Variance Of Development Standards):

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

The grant will not alter the property. The grant will only allow petitioners to avoid the strict setback requirement with respect to the pre-existing building on the property so that its existing use is fully in compliance. Petitioners would prefer not to rely solely on the 50 year old variance. The operation of the property and the improvements located on the property will not be altered following this grant. The Property shall remain as it was prior to the grant.

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 grant will not alter the property. The use or value of the area will remain the same after the grant as it was before the grant. Thus, the grant will not affect the adjacent area in a substantially adverse way. There are other commercial and light industrial business in the adjacent area that conduct a similar class of operations, and the grant would allow Petitioners to continue to operate pursuant to the long-standing use of the Property.

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

As it stands, there is a building on the Property that has existed prior to Petitioners owning the property, and it does not strictly comply with the setback requirements. A denial of this petition would force Petitioners to demolish the existing building, which has been on the Property for nearly 50 years. Petitioners are also unsure as to whether the prior variance, 76-UV2-129, is actually in effect as a result of delays Petitioners predecessor-in-interest had in obtaining the ILP.



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Findings Of Fact (Variance Of Use):

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

The grant will not alter the property. The grant will only allow petitioners to avoid the strict setback requirement to the pre-existing building on the property so that its existing use is fully in compliance. Petitioners would prefer not to rely solely on the 50 year old variance. The operation of the property and the improvements located on the property will not be altered following this grant. The Property shall remain as it was prior to

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 grant will not alter the property. The use or value of the area will remain the same after the grant as was before the grant. Thus, the grant will not affect the adjacent area in a substantially adverse way. The other commercial and light industrial business in the adjacent area that conduct a similar class of operation and the grant would allow Petitioners to continue to operate pursuant to the long-standing use of the Property.

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

Petitioners' predecessor-in-interest constructed the existing buildings on the property without complying with the setback requirements. The predecessor sought and was granted a variance under 76-UV2-129, but that variance may have lapsed due to delay in the predecessor obtaining the needed ILP. Without a variance, Petitioners will be forced to demolish the existing improvements to strictly comply with the ordinance.

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

It would necessitate the Petitioners demolishing the improvements currently located on the Property. However, if the variance is granted, Petitioners will be able to continue to operate the Property in the manner in which it has operated for the previous 50 years. Granting the variance will allow the Property, and surrounding area, to continue to exist as it has, and is the course of action that requires the least dramatic change.

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

The current comprehensive plan recommendation includes light-industrial use, which is how Petitioners are currently operated, and plan to continue operating, the Property. The Property meshes well with the surrounding area, which includes other light-industrial properties used for commercial or industrial purposes.

Plan Of Operations:

Petitioners plan to have the Property continue with its operation as an existing repair shop. All repairs shall continue to be completed inside of the building during normal business hours. The repair shop only performs work on everyday cars and trucks, and does not perform work on semi-trucks, tractor-trailers, and heavy industrial vehicles. Some vehicles, either before they are repaired or after they are repaired and are awaiting retrieval, will be parked on the parking lot located on the Property. These parked vehicles will not be visible from the road or adjacent properties as a result of the planned landscaping improvements to be made by Petitioners, namely additional hedges, shrubs, and trees, depicted in the “Landscaping Plan” submitted with this application. The continued operation of the Property in accordance with its existing use will not provide any disruption to the community or adjacent area.

Site Photos:













BOARD OF ZONING APPEALS DIVISION I

October 06, 2026

Case Number: 2026-UV1-027

Property Address: 2450 Lafayette Road

Location: Wayne Township, Council District #11

Petitioner: Jorge Gonzales

Current Zoning: C-4

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an existing automobile repair shop under its current condition and allow the existing security fence to remain at its current height of 6-foot and within the front location (maximum height in front yard is 5-feet).

Current Land Use: Commercial

Staff Reviewer: Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

The petitioner is requesting a one-month continuance from the October 6th, 2026, BZA 1 hearing to the November 10th, 2026, BZA I hearing to allow time to amend the petition and provide new notice.



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BOARD OF ZONING APPEALS DIVISION I

October 6, 2026

Case Number:	2026-DV1-031 (Amended)
Property Address:	4850 West 78 th Street and 7750 Georgetown Road (approximate addresses)
Location:	Pike Township, Council District #6
Petitioner:	Lilly Indy RLT, by Russell Webster
Current Zoning:	I-2 (FF) / I-3
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for placement of 6-foot tall fence in front yards (maximum 3.5-foot fence permitted in I-2 areas), partially within the required clear-sight triangular area of 78 th and Georgetown (not permitted), and partially within easements (not permitted).
Current Land Use:	Industrial
Staff Recommendations:	Staff recommends approval of the height and clear-sight triangle requests. Staff also recommends approval of the easement request, subject to a commitment (below).
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

9/1/26: A continuance was requested by the petitioner to allow for time to them to evaluate the request. Per coordination with staff, they agreed to amend the request to have a 6-foot fence within front-yard areas (with side and rear yards still to contain the originally requested 8-foot fence).

8/4/26: A timely automatic continuance request was filed by a registered neighborhood organization.

STAFF RECOMMENDATION

Staff recommends **approval** of the height and clear-sight triangle requests, and recommends **approval** of the easement request subject to the below commitments:

1. The property owner shall obtain a written consent of encroachment from the owner of the private railroad easement located on the 4850 West 78th Street parcel (currently owner by "Park 4910 LLC") prior to construction of portions of the fence that fall within the railroad easement.
2. The formal consent of encroachment from the owner of the private railroad easement shall also be submitted for administrative approval from the Department of Metropolitan Development prior to construction of portions of the fence that fall within the railroad easement.



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PETITION OVERVIEW

4850 West 78th Street and 7750 Georgetown Road are two parcels with sizes of 4.53 and 10.45 acres that border Georgetown Road to the east. The private drive 78th Street runs between the parcels, and a railroad line runs to the northeast of the northern parcel. Both lots are improved with industrial buildings and accessory parking areas, and the properties are at the eastern edge of the Park 100 industrial park. Surrounding land uses are industrial, except for apartments across Georgetown Road to the east.

The current user of both buildings is a pharmaceutical company that utilizes the properties for the manufacture and delivery of radioligand therapy products directly from the facility to patients, given the short shelf life of the cancer treatment products (full description of facility activities within Exhibits below). The petitioner is seeking permission to install perimeter fencing around the buildings and parking areas, per plans below. Each site would be accessed by the scanning of a key-card, and 78th Street would remain publicly accessible (two total fenced areas around the two parcels).

Placement of the fencing as proposed would require three (3) variances of development standards:

- The areas of fence placed in the front yards of the properties would have a height of 6 feet. Although the portions of the site zoned I-3 would allow for a 6-foot fence in the front yard, the northern portions zoned I-2 would only allow for a maximum fence height of 3.5 feet.
- A portion of the fence that would be placed on the northern parcel would fall within the required clear-sight triangular area created by the intersection of 78th and Georgetown, to the north (see diagram within Exhibits below showing the level of encroachment).
 - No fencing would fall within the clear-sight triangular areas to the south of the street intersection, or within the CST for the intersection of the rail line and Georgetown Road.
- A portion of the fence on the 4850 West 78th Street parcel would fall within a railroad easement related to the rail line to the northeast, as marked on the site plan provided. Encroachment of the fence into this easement would also require a variance.

The original request sought to have fencing with a uniform height of 8 feet in all yards, which would have required an additional variance for exceeding the allowable front-yard height for fences in both the I-2 and I-3 portions of the property. However, in consultation with staff the petitioner agreed to reduce the height of fencing in the front yards to 6 feet while keeping an 8-foot height in side and rear yards (which would be permitted by-right since Ordinance allows 10-foot fencing in side and rear yards for both zones). The “Maximum Fence Heights for Properties” diagram below shows applicable height maximums; only the light blue section of front yard would exceed requirements and require grant of a variance.

The northern section of the property is zoned I-2 to allow for light industrial development with minimal risk or objectionable characteristics that extend beyond the lot lines, and the southern portion is I-3 to allow for medium industrial development with moderate risk to the public with a requirement for buffering and large setbacks when adjacent to protected districts. The Comprehensive Plan recommends both sites to the Light Industrial typology, and places portions of the sites within the Environmentally Sensitive and Industrial Reserve overlays (see Comprehensive Plan Analysis below). The zoning and plan recommendation are consistent with the proposed land use, and the Pattern Book offers no specific guidance on fence height or placement for this typology.



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Findings of Fact provided by the petitioner cite the unique security needs of a facility that produces sensitive cancer drugs as justification for a variance to allow for a fence exceeding maximum height requirements. Staff would note that given the petitioner's openness to a reduction of the height of the fence from 8 feet to 6 feet in the front yards, **(a)** only a small overall portion of the proposed fence on the northern parcel would require relief from Ordinance standards and **(b)** the majority of the 6-foot fence on the southern parcel would also meet Ordinance standards. Given the context of the use and the overall ratios of fenced area that *would* be compliant (approximately 93.8% of the northern site and 94.9% of the southern site), staff recommends **approval** of the request to allow for 6-foot fencing in front yards.

With regards to the clear-sight triangle variance requested, staff would note the overall minor level of encroachment into the required space, that the fence doesn't fall within the traffic engineering clear-sight triangle utilized by the Department of Public Works, and that the odd configuration of the intersection (not at a 90-degree angle, Georgetown Road also intersected by a rail line) would mean that vehicles turning onto either street would not have an obstructed line of sight (see Photo 5 in Exhibits below). Staff recommends **approval** of the clear-sight triangle variance request.

At the time of publication of this report, the petitioner had not yet managed to obtain a written letter of consent from the railroad easement holder indicating their permission for the fence to encroach into the small railroad easement area that had been marked on their site plan. It appears that internal sidewalk already exists in the easement area of the site (see Photo 7 in Exhibits). Staff contends that having that written consent from the easement holder in place prior to the installation of the fence would be prudent, and therefore recommends **approval** of the easement request subject to two (2) commitments:

1. The property owner shall obtain a written consent of encroachment from the owner of the private railroad easement located on the 4850 West 78th Street parcel (currently owner by "Park 4910 LLC") prior to construction of portions of the fence that fall within the railroad easement.
2. The formal consent of encroachment from the owner of the private railroad easement shall also be submitted for administrative approval from the Department of Metropolitan Development prior to construction of portions of the fence that fall within the railroad easement.

These commitments would allow for installation of most of the proposed fence, while ensuring that the small portions of the fence that would require encroachment into the railroad easement would not be installed until permission was granted in writing and reviewed by staff.



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GENERAL INFORMATION

Existing Zoning	I-2 (FF) / I-3	
Existing Land Use	Industrial	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	I-2 / C-S	North: Railroad / Industrial
South:	I-2	South: Industrial
East:	C-S / D-6II / I-3	East: Industrial / Apartments
West:	I-2	West: Industrial
Thoroughfare Plan		
Georgetown Road	Primary Arterial	102-foot existing right-of-way and 119-foot proposed right-of-way
78 th Street	Private Street	60-foot existing right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	05/29/2026	
Site Plan (Amended)	06/24/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	05/29/2026	
Findings of Fact (Amended)	06/24/2026	



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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- The Industrial Reserve (IR) overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.
- The Pattern Book offers no specific guidance related to fence height.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

2011DV3030 ; 4850 West 78th Street, Variance of development standards of the Industrial Zoning Ordinance to provide for parking, with a minimum 2.9-foot setback, within 37.3% of the front yard of Georgetown Road (35% permitted by 2000-UV1-017, 30-foot setback from the proposed 70-foot half right-of-way or 100 feet from the centerline, whichever is greater) and parking, with a minimum six-foot setback, within 36% of the front yard of 78th Street (maximum 10% permitted in front yard, 50-foot front setback required), **approved**.

2000DV1017 ; 4850 West 78th Street, Variance of development standards of the Industrial Zoning Ordinance to provide for construction of an industrial building with 3634.5-square feet of parking area within the required front yard of Georgetown Road (maximum 1039.4-square feet or 10% of the total area of the required front yard permitted for parking), **approved**.

85-Z-32B ; Rezoning of approximately 25 acres, being in the A-2 district, to the I-3-S classification, to provide for industrial development, **approved**.

80-Z-111 ; Rezoning of approximately 317 acres to an I-2-S zoning classification for use in development of an industrial park, **approved**.

ZONING HISTORY – VICINITY

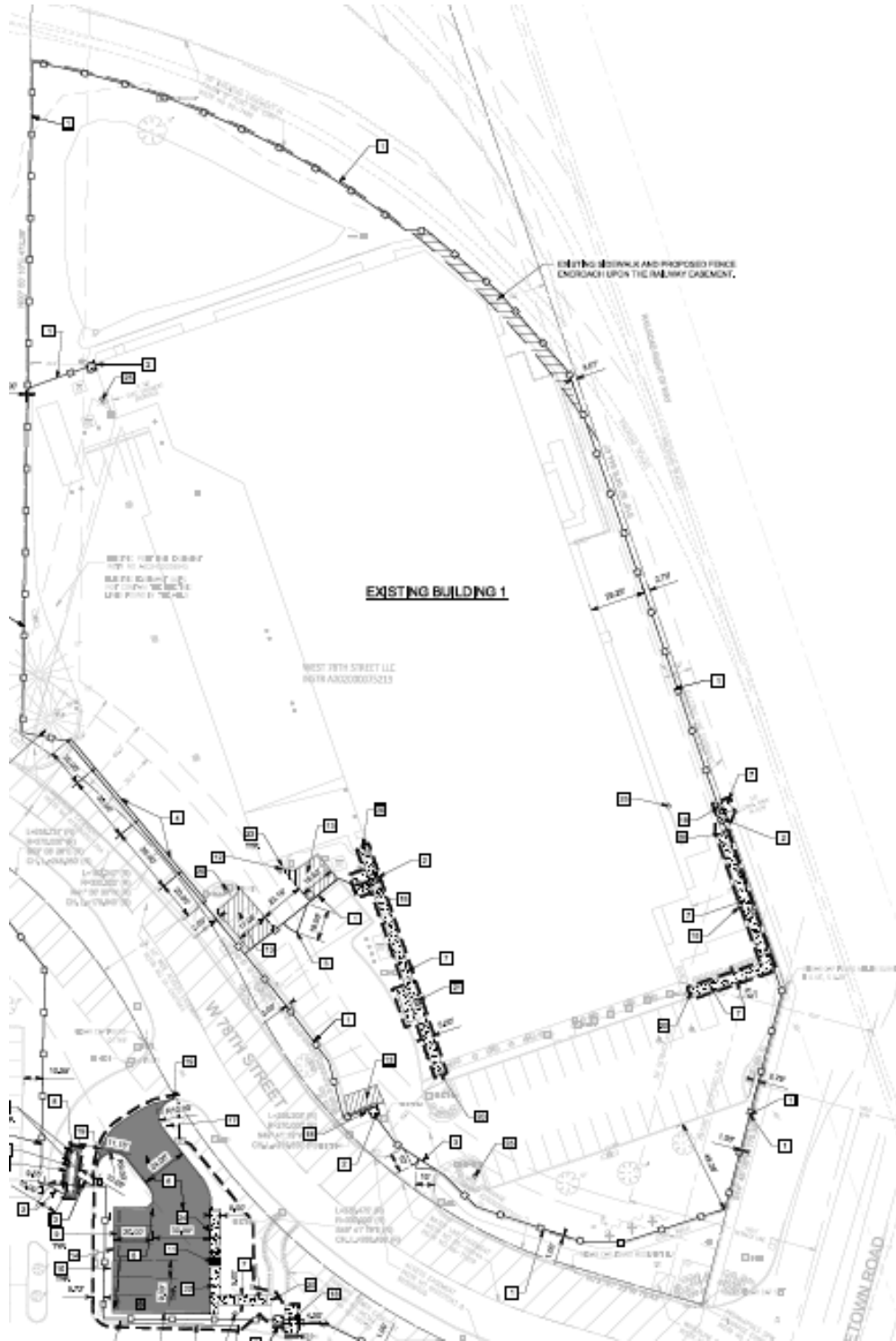
97-UV2-68 ; 7651 Georgetown Road (southeast of site), Variance of Use of the Industrial Zoning Ordinance to provide for the retail sales and distributions of bread and bakery projects (retail sales not permitted) in an existing industrial building, **approved**.

EXHIBITS

2026DV1031 ; Aerial Map

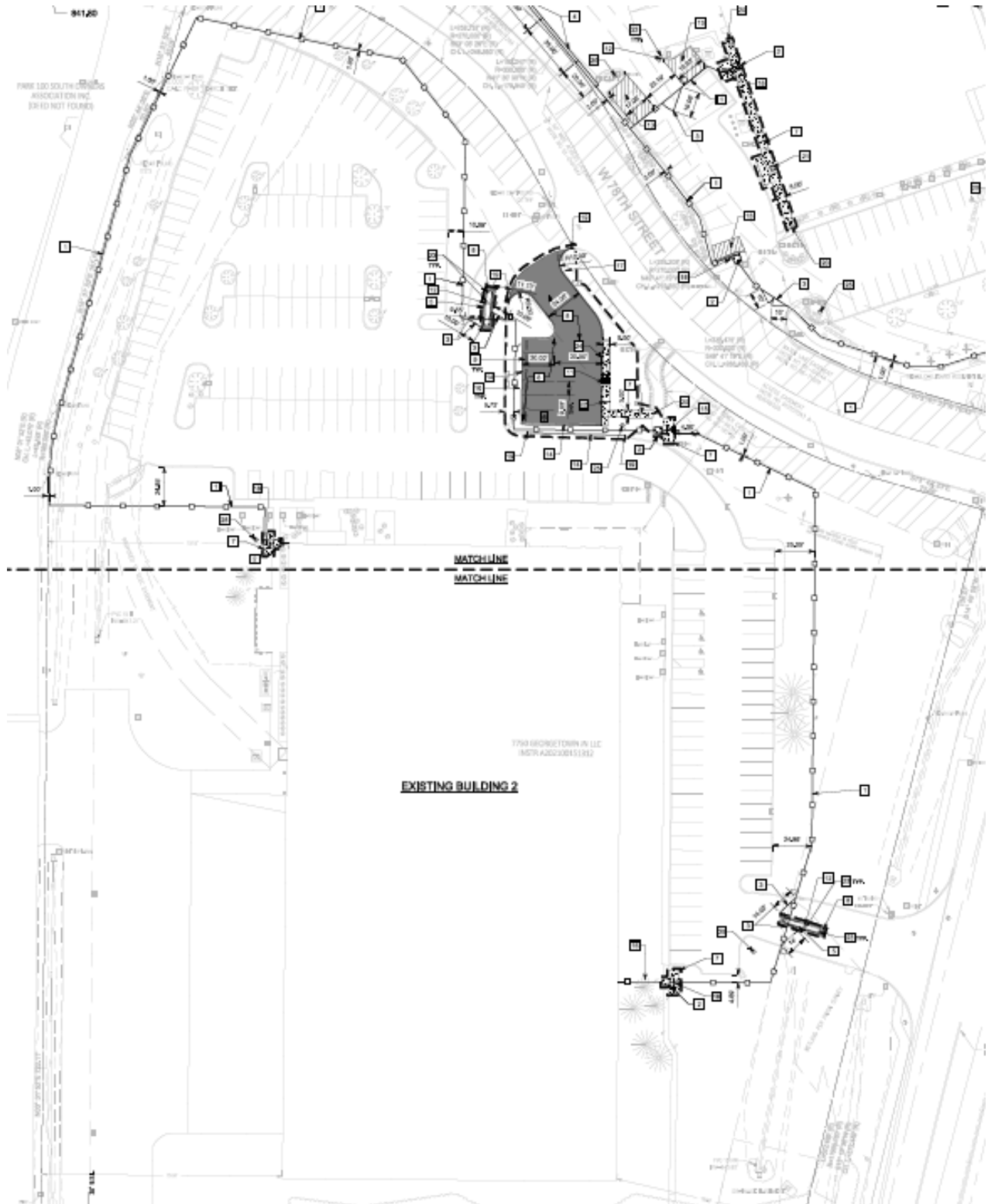


2026DV1031 ; Site Plan (4850 W 78th)



Note: railroad easement shown in hashed area to northeast of building

2026DV1031 ; Site Plan (7750 Georgetown)





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2026DV1031 ; Description of Facility Activities

At Lilly, we unite caring with discovery to create medicines that make life better for people around the world. In M&Q, we make these medicines possible by moving our products to market with safety first and quality always. Our investment in manufacturing capabilities demonstrates our commitment to delivering innovative medicines to patients around the world.

Our Indy RLT site exists to deliver life-changing radioligand therapies to patients who need them, without delay, by combining scientific innovation with operational excellence. It's about more than just manufacturing products — it's about advancing personalized cancer care, not just making medicine, but making the right medicine for the right patient at the right time.

Manufacturing radioligand therapy products occurs just-in-time, meaning there is no stock or inventory of products or radioisotope starting material. Because RLTs have an exceptionally short shelf life — only a few days — they must be produced and delivered to patients within hours of administration. This makes RLT manufacturing a uniquely fast-paced process where right-first-time is critical for success.

2026DV1031 ; Findings of Fact

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

The petitioner simply requests permission to install a taller than allowed security fence. If anything, this will enhance community health and safety by keeping unwanted trespassers from entering a secure facility.

Additionally, the sight triangle is only impeded slightly and in one direction at one entrance. The other 3 directions between the 2 existing entrances are not impacted by this fence.

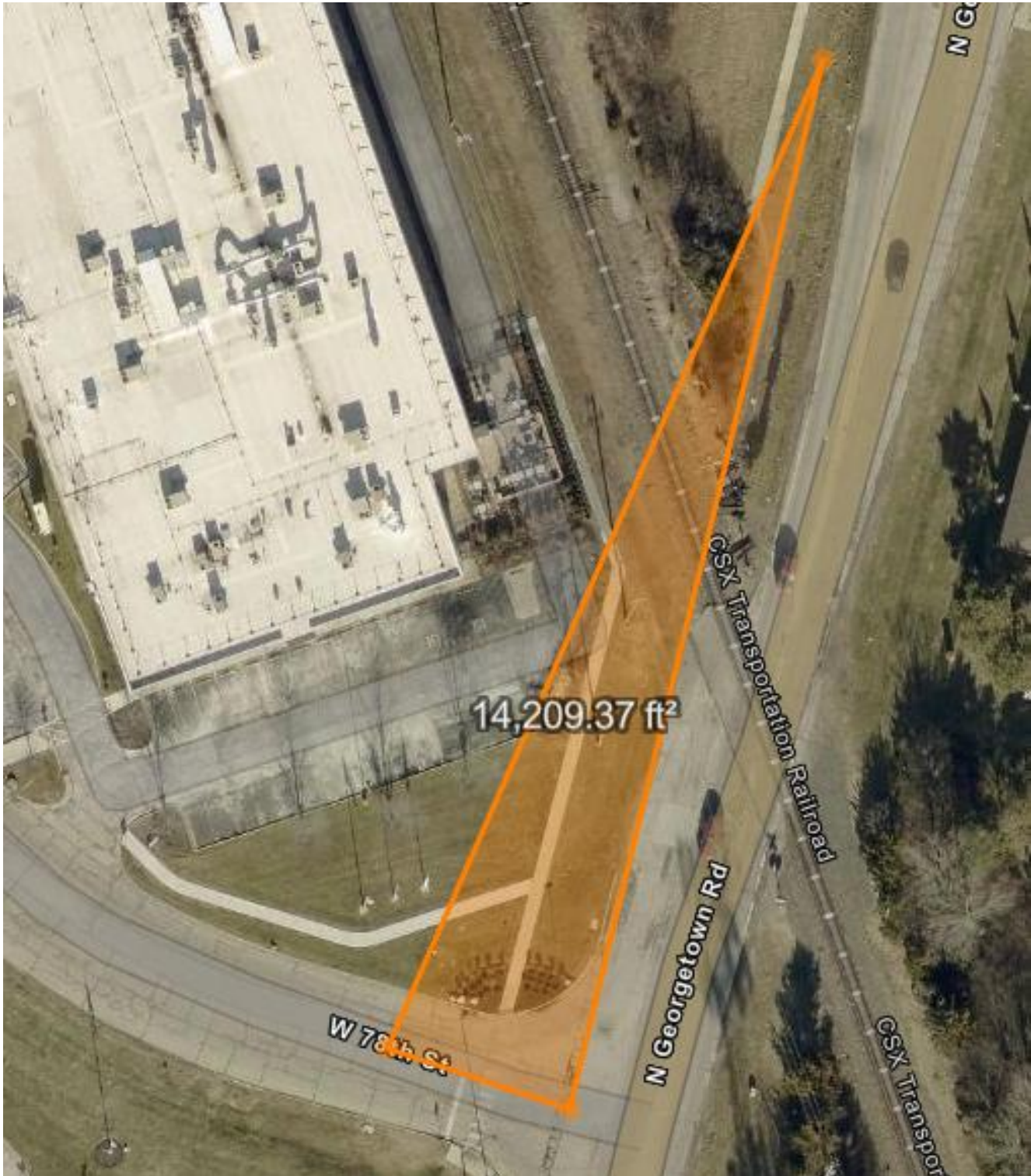
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

the request does not in any way impact adjacent property owners. The petitioner simply aims to install a fence that is 8' rather than 3.5' and the fence will face a roadway, and on the other side of the roadway is an apartment complex that, at present, has a similar 8' fence.

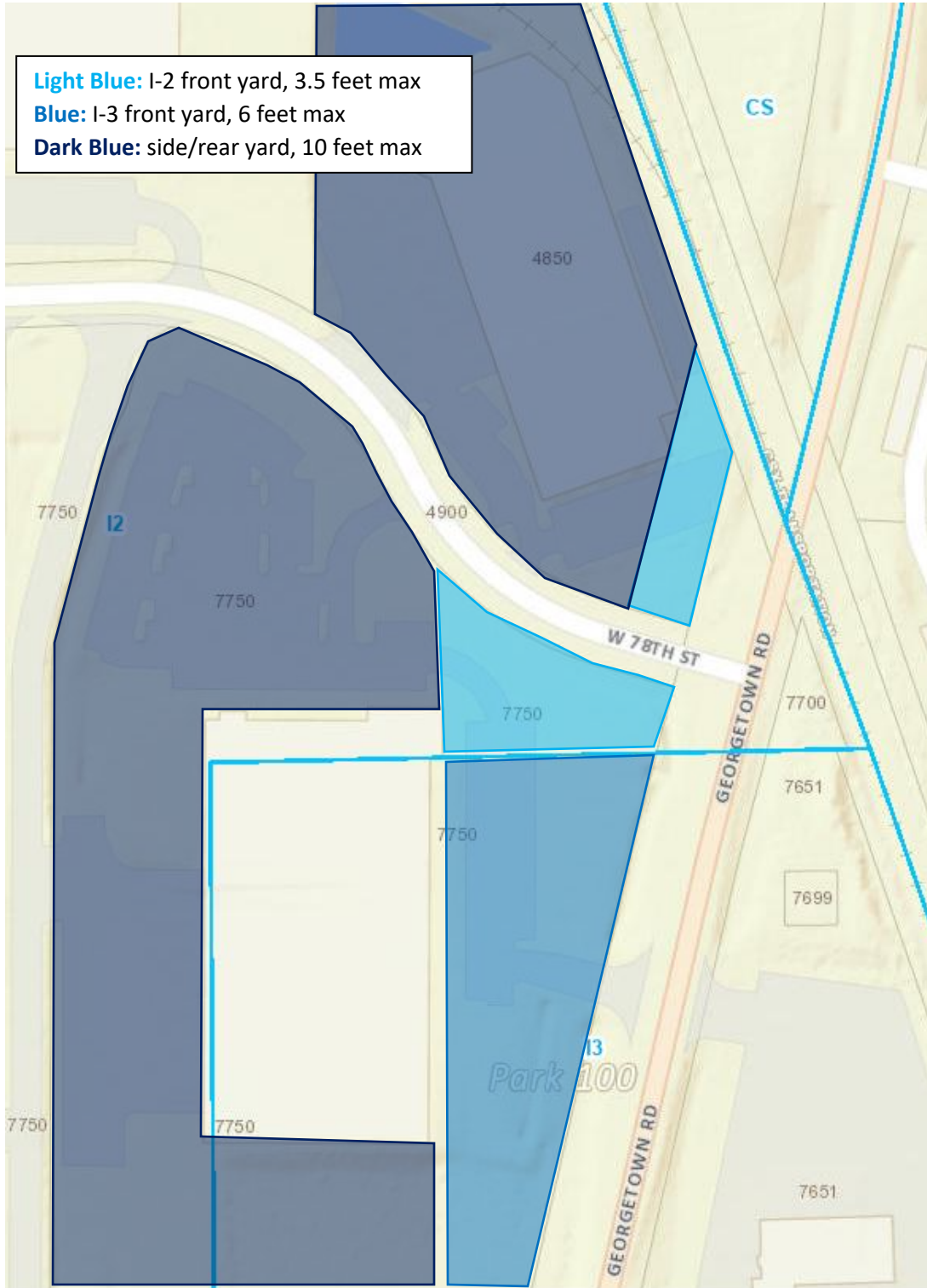
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

the only adjoining property across Georgetown Road presently has an existing 8' fence, and the owner requires a security facility, and a 3.5' fence is not secure.

2026DV1031 ; Clear-Sight Triangle for 78th and Georgetown (north)



2026DV1031 ; Maximum Fence Heights for Properties



2026DV1031 ; Photographs



Photo 1: Northern Building Viewed from Southeast



Photo 2: Northern Building Viewed from South

2026DV1031 ; Photographs (continued)



Photo 3: Southern Building Viewed from Northeast



Photo 4: Southern Building Viewed from East

2026DV1031 ; Photographs (continued)



Photo 5: Portion of Clear-Sight Triangle Viewed from Georgetown (looking south)



Photo 6: 78th Street Frontage Viewed from East

2026DV1031 ; Photographs (continued)



Photo 7: Existing Railroad Easement Area to Northeast of Northern Building



Photo 8: Northern Building Viewed from Southwest

2026DV1031 ; Photographs (continued)



Photo 9: Adjacent Property to East of Northern Building



Photo 10: Adjacent Property to Southeast of Southern Building



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Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

October 6, 2026

Case Number:	2026-DV1-043
Property Address:	820 West 54 th Street
Location:	Washington Township, Council District #7
Petitioner:	Hannah Able, Pad Architecture
Current Zoning:	D-5 (FW)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit a detached garage in the front yard of an existing single-family detached residence (not permitted).
Current Land Use:	Single-Family Residential Dwelling
Staff Recommendations:	Staff recommends approval
Staff Reviewer:	Sam Sparzo, Senior Planner

PETITION HISTORY

First public hearing on this petition

STAFF RECOMMENDATION

Staff recommends **approval** of the request as proposed

PETITION OVERVIEW

- The subject site is zoned D-5 intended for medium- and large-lot housing, primarily single-family detached homes. The D-5 district is part of the Walkable Neighborhood District to advance the Livability Principles and is designed to implement walkable, compact neighborhoods, and well-connected, multi-mode street connectivity.
- The D-5 district follows the form-based development standards listed in Table 742.103.03
 - The petitioner site is a lot that is ~15,000 Square Feet. It is considered a medium Lot with a Detached House.
 - The development standards for a medium lot detached house include setbacks of 7-foot side and 20-foot rear.
- The proposed detached garage, a minor residential structure, shall not be permitted in the front yard (743.306.A.4a). This development meets the side setback requirements (7-feet) that are listed in the development standards for the D5 and walkable neighborhood districts (742.103.03).
- The subject site's rear yard (North) abuts the White River
 - Site is within the 100-year floodway
 - Minor residential structures are permitted within the floodway



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- The current site and location of the primary residence prevent a detached garage from being placed behind the home. A compliant location behind the primary residence would not meet the D5 rear setbacks (20-feet), would place a structure closer to the floodplain and the floodway, and the existing structures on the site (primary residence and utility storage shed) would limit maneuverability on the lot and create difficulties entering and exiting the detached garage with vehicles.
- The detached garage would also match the character of the surrounding properties and the larger context area. The neighbors to the east of the petition site have an existing detached garage in the front yard. While the detached garage would be in the front yard, the new structure would have a greater front setback than the neighbor's residence to the west and the neighbor's detached garage to the east.
- The larger context area includes detached garages in the front yard due to their rear yards abutting the White River, floodway, and floodplain.
- The proposed development will match the character of the neighborhood, meet all required sides, rear, and front setbacks, and will be located farther from the White River. The current residences and accessory structures prevent locating the detached garage in any area behind the current single-family home. Therefore, staff recommend **approval** of this variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Residential Dwelling	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	SU-16	North: White River
South:	D-5	South: Single-Family Residential
East:	D-5	East: Single-Family Residential
West:	D-5	West: Single-Family Residential
Thoroughfare Plan		
West 54 th Street	Local Street	50 Feet ROW
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/31/2026	
Site Plan (Amended)	9/21/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	7/31/2026	
Findings of Fact (Amended)	N/A	



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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Marion County Land Use Pattern Book recommends the Suburban Neighborhood.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

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

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

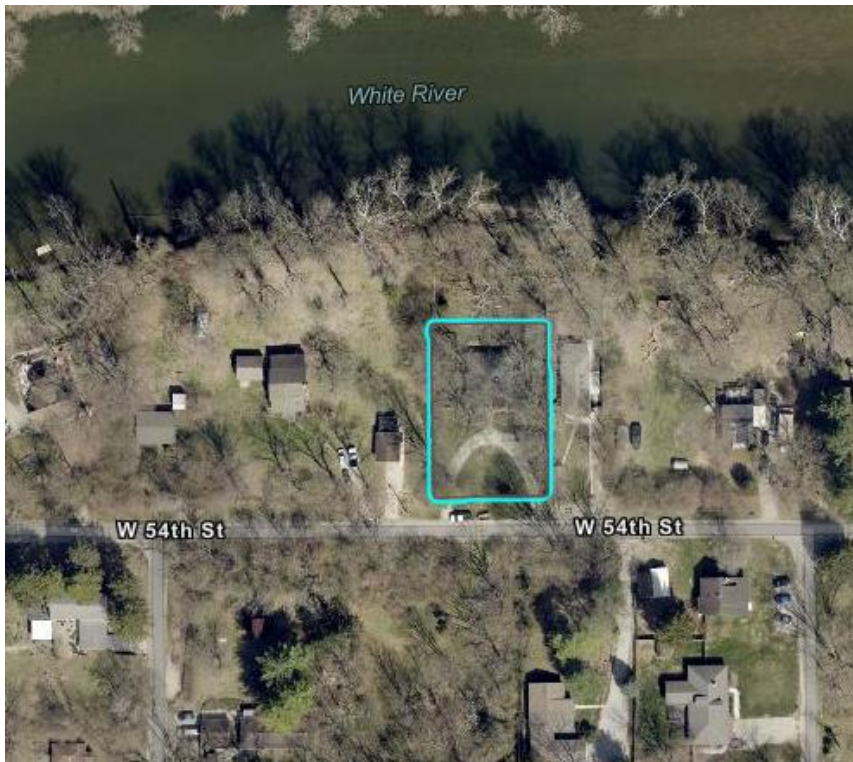
N/A

ZONING HISTORY – VICINITY

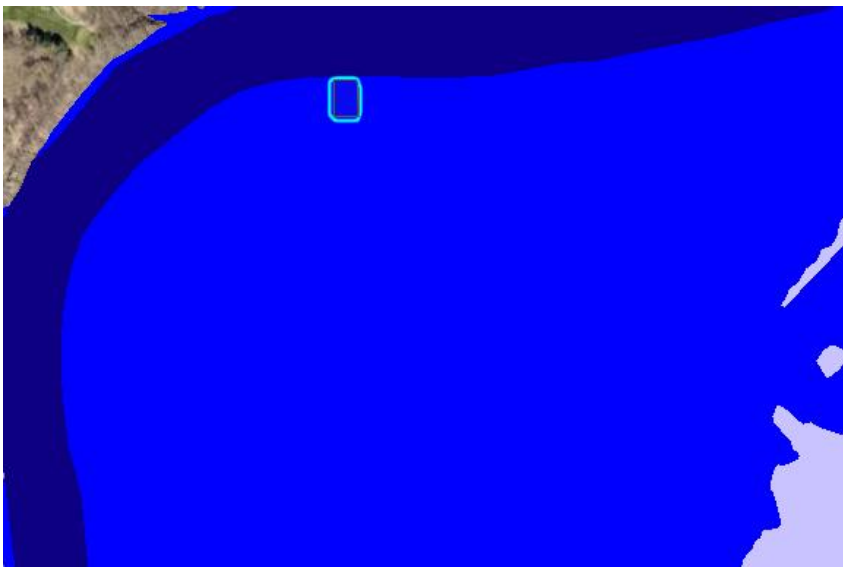
2023DV1055; Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage and secondary dwelling unit, within the front yard (accessory structures not permitted forward of primary building) **approved**

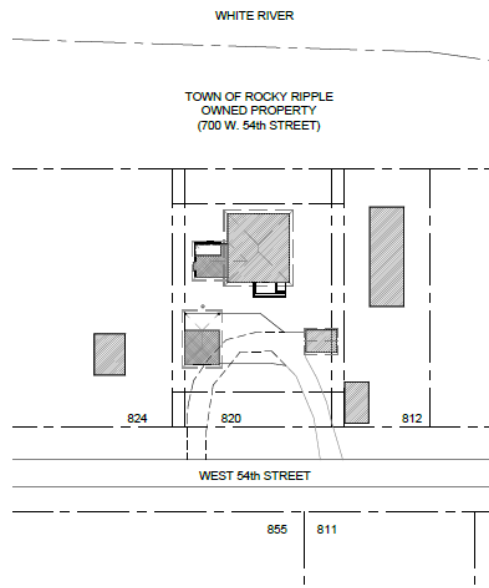
EXHIBITS

2026DV1043; Aerial Map



2026DV1043; Aerial Map with Flood Zones





2026DV1043; Site Photos



Subject Site: Facing North from W 54th Street



Subject Site: West side of property, facing north. Location of proposed detached garage



Subject Site: Eastern side of property, facing Northwest. Location of proposed detached garage



Subject Site: Facing north. Existing utility shed and driveway. Limited access to rear yard



Subject Site: Facing East on W 54th Street



Subject Site: Facing West on W 54th Street



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

October 6, 2026

Case Number: 2026-DV1-044
Property Address: 2674 Shirley Drive
Location: Wayne Township, Council District #11
Petitioner: Jesse Martinez
Current Zoning: D-5
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a new carport to replace the existing old carport in the same location with a 1-foot side yard setback (required 7 feet side yard setback).
Current Land Use: Single-Family Residential
Staff Recommendations: Staff recommend **approval** of this petition.
Staff Reviewer: Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

This is the first public hearing of this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

2674 Shirley Drive is a residential parcel within the Eagledale 2nd Section Part 3 subdivision currently improved with a single-family residence originally constructed in 1956 with a utility shed and carport addition built in 1960 per the Assessor's property card. The property is accessed by driveway from Shirley Drive to the northwest and surrounding land-uses are single-family residential in nature. The closest road of a non-local classification is 30th Street to the west.

The violation case VIO26-004476 was opened June 2026 based on an anonymous complaint filed with the Mayor's Action Center related to issuing a stop-work order due to failure of obtaining a wrecking permit prior to demolishing the carport attached to the side of the single-family residence. The Notice of Violation (within Exhibits below) cites the property for demolishing the carport without proper wrecking permit and zoning approval. The petitioner applied for a wrecking permit under case WRK26-00196 shortly after receiving the violation.

Approval of this variance would allow for the replacement of the carport in the same location with a deficient 1-foot side yard setback to the west. Since the carport is demolished and then rebuilt, the side



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setback would not be considered legally non-conforming and would not be eligible for the side setback exception found within 744-202. E. of the Indianapolis Zoning Ordinance.

The required side yard setback for the D-5 zoning district is 7 feet. Although the proposed carport would not meet the D-5 district side yard setback requirements, all other D-5 requirements including lot width, rear yard, front yard, and open space would be met. The current lot width is 60 feet, which meets the minimum lot width requirement of 60 feet. The rear yard setback is 25 feet, which meets the 20 feet minimum standard. The front yard setback is 36 feet, which meets the minimum front yard setback of 35 feet. Finally, 69.75% of open space meets the minimum requirement of 60%.

The Comprehensive Plan recommends that this property be developed for Suburban Neighborhood uses (additional information within the Comprehensive Plan Analysis section below). Additionally, Infill Housing Guidelines indicate that side setbacks should both reflect the existing context of the block and should leave adequate space for maintenance.

Staff would note that a 1-foot side yard setback would not be out of context with the neighborhood as multiple homes on the block have as little as a one to zero feet side yard setbacks per aerial imagery (2731 Shirley Drive, 4111 Beauport Road, 4020 Corwyn Road, 4007 Red Bird Drive, and 2520 Falcon Drive). Additionally, the carports in the surrounding areas were built in the early 1960's per arterial street without the issuance of permits at that time.

Staff would note that the original carport was built in 1960 with a 1-foot side yard setback. Practical hardship has been demonstrated as a result of the inability to preserve the carport's original structure due to weather deterioration and age-related wear and tear. Demolishing and rebuilding the carport on its original foundation will substantially improve the value of the neighborhood.

Findings of Fact provided by the petition indicate that the carport will be rebuilt on the same foundation and the footprint of the structure will not change. The carport will be replaced with new metal material according to the updated Indianapolis Housing Code, and the pitch of the roof will be the only minor changes made.

Based on the established precedent of the carport and the surrounding properties on the block having carports with as low as one to zero feet side yard setbacks, staff recommend **approval** of this petition.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: D-5	North: Single-Family Residential
	South: D-5	South: Single-Family Residential
	East: D-5	East: Single-Family Residential
	West: D-5	West: Single-Family Residential
Thoroughfare Plan		
Shirley Drive	Primary Arterial	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/9/2026	
Site Plan (Amended)	9/8/2026	
Elevations	7/9/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	7/9/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominately made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities (Page 26).



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Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that the spacing between buildings should reinforce spacing on the existing block, and that insufficient spacing can create maintenance problems and increase the risk of fire spreading across buildings (Page 12).

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2015-DV1-067: 2656 Shirley Dr (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a room addition to an existing dwelling and detached garage, with a three-foot north side setback and an eight-foot rear setback (minimum four-foot side setback and 20-foot rear setback required), **approved**.

EXHIBITS

2026-DV1-044 ; Aerial Map



2026-DV1-044 ; MapIndy Street View w/ Carport (October 2024)



2026-DV1-044 ; Assessor's Property Card with Carport (CP) included

SKETCH/AREA TABLE ADDENDUM		AREA CALCULATIONS SUMMARY		
		Name	Description	Size (Sqft)
		Mstp	Mstp	16
		1-Story	1s-1f	975
		OFP	OFP	294
		Cp (Shed)	CPS	546
		Total Sqft.		1831



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Division of Planning
Current Planning**

2026-DV1-044 ; Findings of Fact

FINDINGS OF FACT

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

The structure is being replaced with new material of updated code. It was built to standards of the city decades ago when the building was new and did not cause concern for the duration of it's standing.

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 property is open grass for a lawn and has been this way for decades. The car port was built with the property.

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

The code variance is required to build on existing foundation.

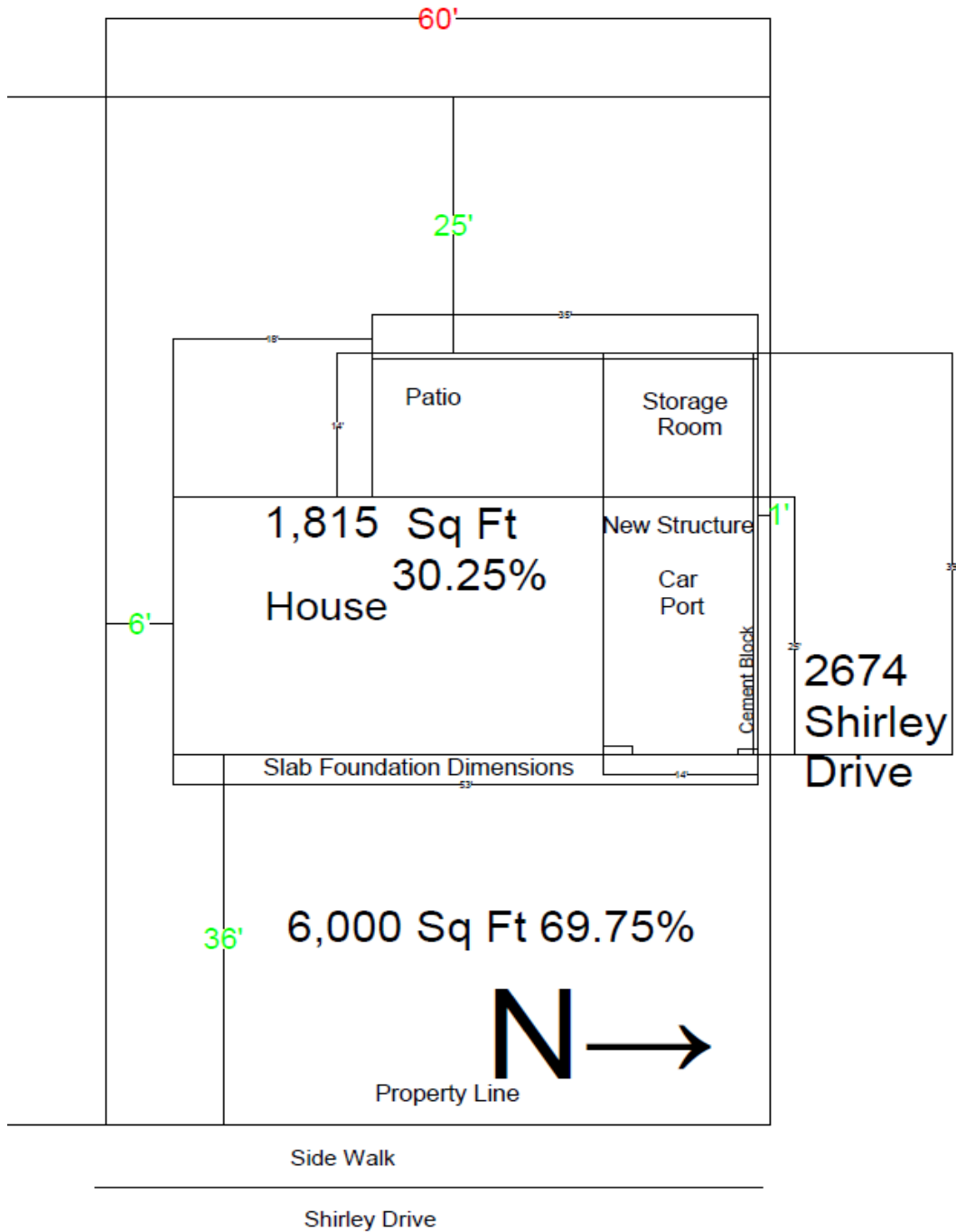
4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

The structure has been partially demolished to be rebuilt. The work has not been completed. Undue hardship would be had, if the open wooden structures could not be completed on their original foundations.

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

It does not change the footprint of the structures in the plan. It also does not add any square footage of livable or non-livable space.

2026-DV1-044 ; Site Plan





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2026-DV1-044 ; Notice of Violation (VIO26-004476)

ORDER TO STOP WORK

BUILDING IS IN VIOLATION OF STATE OR LOCAL CODES



Mail To:

MARTINEZ, CLAIRE ANITA & JESSE DAVID
2674 SHIRLEY DR
INDIANAPOLIS, IN 46222

Case Number: VIO26-004476

Date: 06/01/2026

Time: 1:00 pm

Location of Work: 2674 SHIRLEY DR

Reason for issuance: Indianapolis Building Standards and Procedures: Section(s) 536-201; 536-705; 536-709. This Stop Work-Order has been issued for failure to obtain a wrecking permit prior to the demolition of a car port/garage attached to the side of a 1 story single family home.

This Stop Order shall expire and applicable construction activity may resume when: Obtain and post wrecking permit

Corrections must be made within 15 days of this Violation. For information on obtaining permits, please call (317) 327-8700 or email PermitQuestions@indy.gov

Any person, partnership or corporation violating this Stop Work may be subject to a fine in any sum not exceeding two thousand five hundred dollars (\$2,500.00).

Construction Type:

Wrecking

City of Indianapolis
Department of Business and
Neighborhood Services
200 E. Washington St., Suite 107
Indianapolis, IN 46204
Phone: (317) 327-8700

Do Not Remove

Inspector Signature:

Inspector Name: Kevin Swails

Phone: 317-775-2194

Fax: (317) 327-2621

Inspector Email: Kevin.Swails2@Indy.Gov

2026-DV1-044 ; Photographs

Photo 1: Subject Site View from Front



Photo 2: Subject Site View from the West During Demolition of Carport



Photo 3: Subject Site View from the West After Demolition of Carport



Photo 4: Surrounding Homes w/ As Little as 1 to 0-Foot Side Yard Carports

2731 Shirley Drive



4111 Beauport Road



4020 Corwyn Road



4007 Red Bird Drive



2520 Falcon Drive





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BOARD OF ZONING APPEALS DIVISION I

October 6th, 2026

Case Number:	2026-DV1-046
Property Address:	6145 North Ewing Street (approximate address)
Location:	Washington Township, Council District #3
Petitioner:	Jonathan L. Mayes and Janna Mayes
Current Zoning:	D-S
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the construction of a detached accessory structure (detached garage and secondary dwelling unit) with an 8-foot side-yard setback (15-feet required).
Current Land Use:	Single-family residence
Staff Recommendations:	Staff recommends approval of this petition
Staff Reviewer:	Adam Skrzyszewski, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff recommends **approval** of this petition

PETITION OVERVIEW

- The petitioner is requesting to permit the construction of a detached 1.5-story 1,152 square-foot accessory structure that will include a garage and secondary dwelling unit. This will be located in the northeastern portion of the yard, and will be connected to the existing driveway. Accessory structures in D-S require a 15-foot side-yard setback, the petitioner is proposing a reduced side-yard setback of 8-feet.
- There is practical difficulty on-site in meeting the 15-foot side-yard setback to the north. If the accessory structure were placed 7-feet further to the south to meet the setback requirement, the location of the proposed structure would be within the septic field. There is no other location on-site for the carriage house to be connected to the driveway, be out of the septic field, meet setback requirements, and be within the rear-yard of the site. The proposed location is the best location possible to meet as many Ordinance and Marion County health code requirements as possible and have ease of access to the proposed structure.



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- Per the Infill Housing Guidelines and the Ordinance, Accessory structures and secondary dwelling units should be placed in the rear yard and should be smaller in height and area than the primary home. The proposed carriage house is placed in the rear yard, is 1,152 square-feet compared to the primary dwelling's area of 2,290 square-feet, and is 1.5 stories in height compared to the 2 stories in height of the primary dwelling. The petitioner has indicated that they will meet all other Ordinance requirements pertaining to secondary dwelling units as well:
 - The living space of the secondary dwelling unit will remain 720 square-feet and under per the Ordinance.
 - The petitioner has indicated it will meet the Ordinance requirement of having a maximum height of 24-feet for accessory structures in D-S.
 - The petitioner has also indicated the proposed carriage house's entrance will be visible from the public right-of-way, meeting the Ordinance requirement that secondary dwelling units' entrances must be visible from the public right-of-way.
- The proposed accessory structure's deficient setback would not be out of context in the area. The adjacent properties to the east and south have accessory structures with higher deficiency in setbacks than what the petitioner is requesting. The neighbors of the petitioner to the east and south have what seems to be approximately between a 0- and 5-foot setback from their accessory structures to the petitioner's parcel. This was determined by the site visit and aerial photography, which is attached to the staff report.
- The petitioner's proposed structure will have no adverse effect to the surrounding neighborhood as the proposed structure is consistent with the surrounding context of the neighborhood, and is less deficient in dimensions to surrounding accessory structures. Land values will not be affected by the proposed carriage house as well.
- There are power lines that run on the northern boundary of parcel, above the petitioner's fence. These power lines are 240V, and per AES electrical service standards, the proposed accessory structure must maintain a 5.5-foot setback to the closest wire pole of these power lines. The proposed accessory structure, being 8-feet away from the fence, meets this requirement.
- If the proposed accessory structure were moved south to meet the required side-yard setback of 15-feet, The proposed structure would be within the septic field on-site. The proposed location for the accessory structure is the best location on-site to meet as many Ordinance and County health requirements as possible, while maintaining practical use of the proposed accessory structure; therefore, staff recommends **approval** of 2026-DV1-046.



Department of Metropolitan Development
Division of Planning
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GENERAL INFORMATION

Existing Zoning	D-S	
Existing Land Use	Single-family residence	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-S	North: Single-family residential
South:	D-S	South: Single-family residential
East:	D-S	East: Single-family residential
West:	D-S	West: Single-family residential
Thoroughfare Plan		
North Ewing Street	Local Street	50-foot existing and proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August 10 th	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	August 10 th	
Findings of Fact (Amended)	N/A	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood; the proposed accessory structure matches the recommendation of Suburban Neighborhood and has no conflicts with its intended use.

Pattern Book / Land Use Plan

- Accessory Dwelling Units with garages within the Suburban Neighborhood Typology are permitted and are commonly seen throughout the Suburban Neighborhood 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

- Per the Infill Housing Guidelines, accessory structures should be located behind the primary building, should not overshadow primary buildings, and accessory structures should be coordinated with the primary structure. The proposed accessory structure is accessory in nature, placed behind the primary dwelling, and is coordinated with the driveway and primary dwelling for ease of access.

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
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ZONING HISTORY

2023-CVR-813 ; 6206 North Olney Street (North of proposed site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached accessory structure in the established front yard along 62nd Street (not permitted). **Approved**

2001-HOV-020 ; 3660 East 62nd Street (North of proposed site), Variance of Development Standards of the Sign Regulations to provide for the construction of a 6.9-foot-tall, 47.2 square foot pylon sign located within 40-feet of a dwelling district (pylon signs required to be 600-feet from a dwelling district). **Approved**

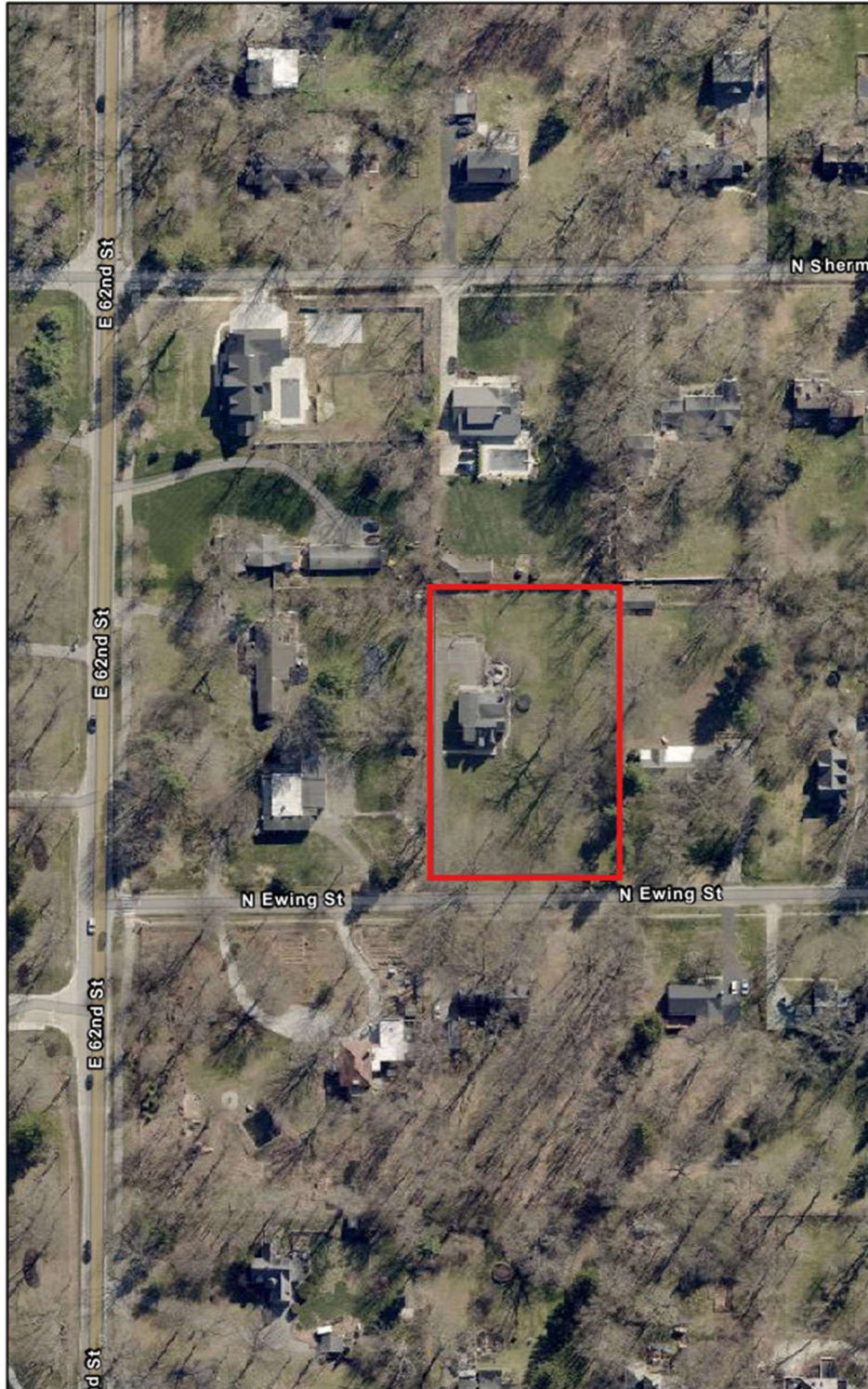
87-HOV-102 ; 6237 North Ewing Street (North of proposed site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family residence on a property that does not have frontage on an improved public street. **Approved**

2008-DV3-011 ; 3778 East 62nd Street (North of proposed site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 264-square foot detached accessory structure with a six-foot east side setback (minimum fifteen-foot side setback required). **Approved**

2000-DV2-003 ; 6109 North Chester Avenue (Southeast of proposed site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 30 by 21.5 foot addition to an exiting single-family residence, with a front-yard setback of 5-feet (minimum 25-feet required), and an aggregate side-yard setback of 30-feet (minimum 35-feet required). **Approved**

EXHIBITS

6145 N Ewing St current aerial

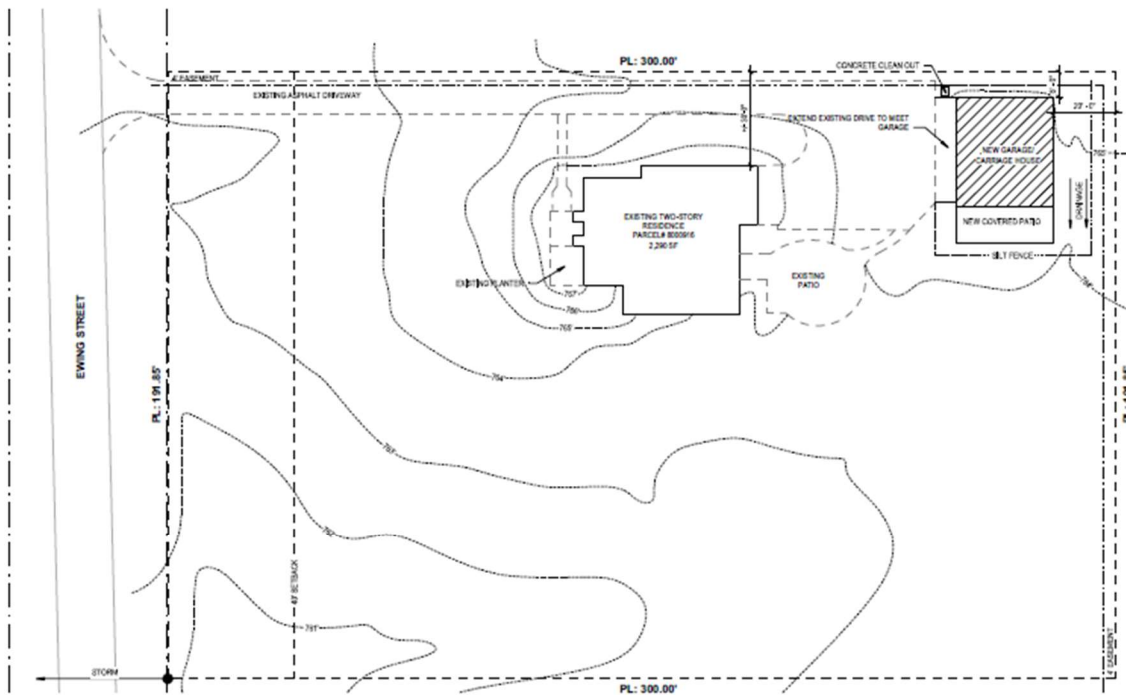


1:2,257
0 0.01 0.02 0.03 0.04 0.05 mi
0 0.02 0.04 0.08 km
IGIO, Microsoft, Vantor, Esri Community Maps Contributors, City of Indianapolis Marion Co. © OpenStreetMap, Microsoft, Esri, TomTom, Garmin.

9/11/2026

SITE PLAN LEGEND

- PROPERTY LINE
- - - SETBACK
- TOPOGRAPHY
- S&T FENCE
- RIGHT OF WAY EASEMENT



SITE PLAN

1" = 20'-0"

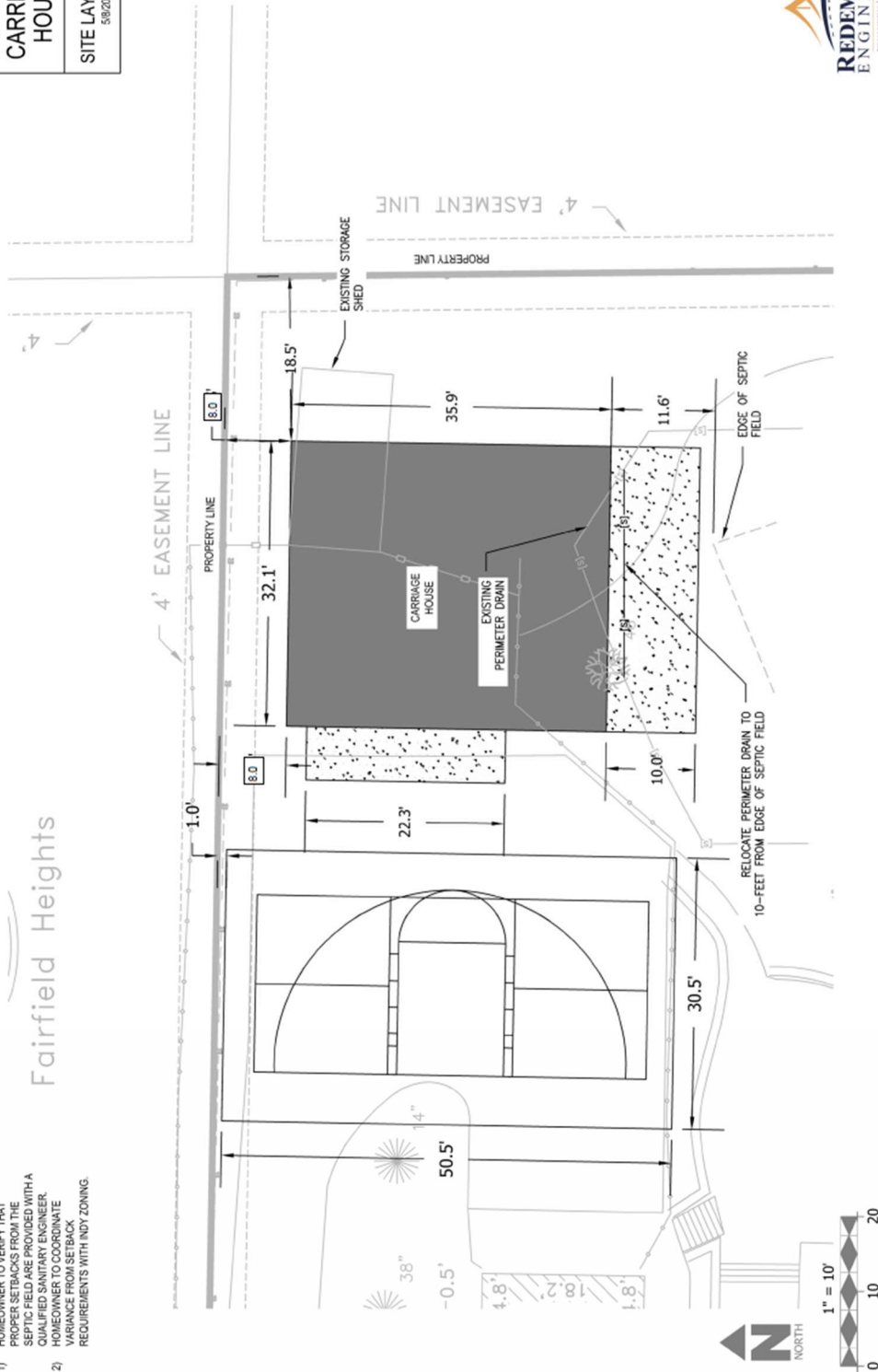
NOTE: DIMENSIONS ARE APPROXIMATE AND SHOULD BE CONFIRMED ON SITE OR WITH A SURVEY.

MAYES
CARRIAGE
HOUSE

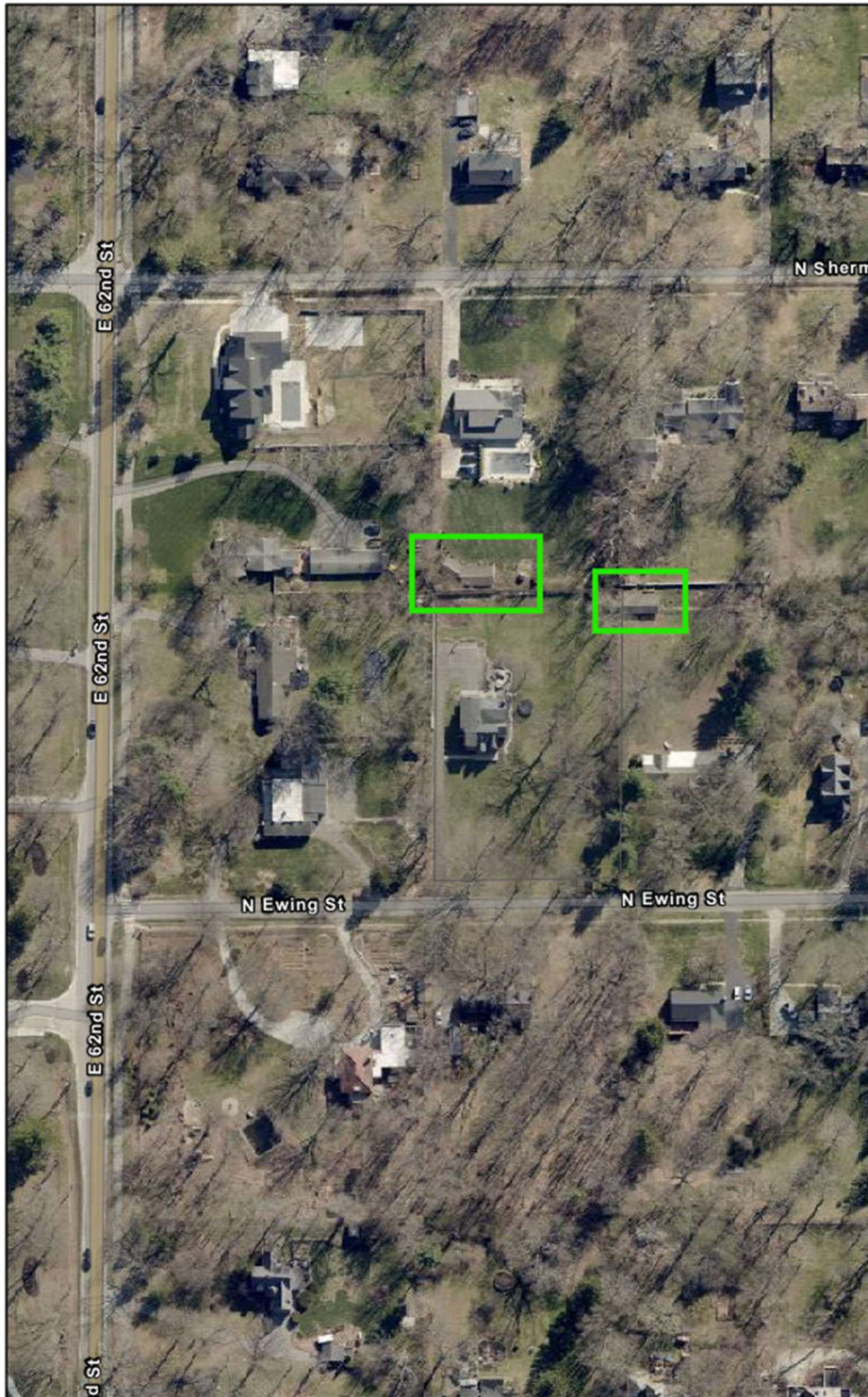
SITE LAYOUT B

Fairfield Heights

- 1) HOMEOWNER TO VERIFY THAT PROPER SETBACKS FROM THE SEPTIC FIELD ARE PROVIDED WITH A QUALIFIED SANITARY ENGINEER.
- 2) HOMEOWNER TO COORDINATE VARIANCE FROM SETBACK REQUIREMENTS WITH INDY ZONING.



6145 N Ewing St current aerial



1 - adjacent accessory structures with deficient setbacks



Department of Metropolitan Development
Division of Planning
Current Planning

Skrzeszewski, Adam

From: Jon Mayes <jlmayes@gmail.com>
Sent: Monday, August 31, 2026 8:11 AM
To: Skrzeszewski, Adam
Subject: Fwd: Mayes Project - 6145 N. Ewing St.

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization and contains an attachment. Unless you recognize the sender and know the contents are safe, do not open the attachment.

Hi Adam -- Please see the email below with Sam Oskins from AES. As you can see, we have 2.5 feet of clearance above and beyond the necessary 5.5 feet because the line along the northern boundary is a secondary line. I welcome questions you may have. Thanks - Jon

----- Forwarded message -----

From: Samuel Oskins <samuel.oskins@aes.com>
Date: Mon, Aug 31, 2026 at 7:44 AM
Subject: RE: Mayes Project - 6145 N. Ewing St.
To: Jon Mayes <jlmayes@gmail.com>

Sorry, I was mainly focused on the distribution line (7.62kV) along the eastern property line which we need to maintain at least 7.5' from.

The line running along the north side of your property is the "secondary" (240V) that services your home. We only need to maintain 5.5' from that line. Your plans show 8' from that line which satisfies the required 5.5' of horizontal clearance.

2 - Correspondence with AES



Department of Metropolitan Development
Division of Planning
Current Planning



Metropolitan Development Commission
Division of Planning - Board of Zoning Appeals
200 East Washington Street
Indianapolis, IN 46204

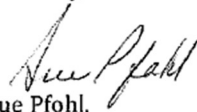
Re: 2026-DV1-046
6145 N Ewing Street
Indianapolis, In

September 9, 2026

Metropolitan Development Commission,

The Greater Allisonville Community Council voted unanimously to support this petition after meeting with Jon Mayes at our monthly GACC meeting last night..

Sincerely,



Sue Pfohl,
President GACC

3 - approval from local MDC

Site Visit August 17th



4 - Looking East at home on public right-of-way



5 - Looking North on public right-of-way



6 - Looking South on public right-of-way



7 - Looking up through the driveway from public right-of-way



8 - septic field in backyard and neighboring shed with deficient setback on property line



9 - looking at proposed site of backyard



10 - power lines on northern property line above fence



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

**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 proposal and proposed use is consistent with other detached outbuildings in not only adjacent properties (6143 N. Ewing St., 6182 N. Sherman Dr., 3775 E. 62nd St.) but also consistent with other similar detached garages and living spaces within the Fairfield Heights subdivision (6161 N. Sherman Dr., 6141 N. Sherman Dr., & 6038 N. Olney St.). Furthermore, the property owners closest to the variance—Steve and Shelia Pluckebaum (3773 E. 62nd St.) have no concerns with the proposed project.

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 design will be consistent with design standards and will enhance the value of neighboring property. The value of neighboring properties will be enhanced through the addition of an outbuilding.

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

the location of the detached garage, in proximity to the driveway servicing access to the garage, runs along the northern boundary. Along the eastern boundary was the location of a new septic system, its location required by the Marion County Health Department consistent with code applicable to septic systems. But to comply with the setback requirement pushes the location of the detached garage away from the driveway and into the existing septic field.

Board of Zoning Appeals Division III

October 6, 2026

Case Number: 2026-DV3-011

Property Address: 3603 South Meridian Street (*approximate address*)

Location: Perry Township, Council District #18

Petitioner: Roman Catholic Archdiocese of Indianapolis, Properties Inc as Trustee for St Roch, Catholic Church Indianapolis Inc., by Wooton Hoy (John Cross)

Current Zoning: SU-1 / D-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an 8-foot fence in the front yard (fences taller than 4 feet not permitted in front yards) and located within the clear sight triangle (not permitted).

Current Land Use: Developed, School

Staff Recommendations: Staff recommends **approval** of the variance for fence height.
Staff recommends **denial** of the variance for obstruction of the clear sight triangle.

Staff Reviewer: Josh Levesque, Manager

PETITION HISTORY

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

STAFF RECOMMENDATION

Staff recommends **approval** of the variance for fence height.

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

PETITION OVERVIEW

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

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parcels across the Sumner Avenue to the north are zoned D-3 and are undeveloped. To the west is a parcel zoned D-A and containing a gas station. To the south is a church center.

- The petitioner's request is to establish a fence/wall in the front yard that is, in parts, 8 feet tall (which is taller than the 3.5 feet allowed by 4.5 feet) with an opacity of greater than 30%. Portions of the fence/wall on Meridian Street would rise above 7 feet within the clear sight triangle.
- 744-503.H of the Ordinance indicates that "no obstructions shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5 feet [30 inches] and 8 feet above grade level." The Department of Public Works also relies on sight triangles (an engineering sight triangle) to determine the safety of intersections. The clear sight triangle used by DPW represents the area a driver needs visibility in order to react and stop in case of an oncoming hazard. It also represents the distance the driver needs to see oncoming traffic from the left and right so they can safely pull into traffic. Furthermore, an obstruction into the clear sight triangle impedes a driver's ability to see pedestrians. Pedestrians, whether waiting at the corner or attempting to cross the street would be in particular danger. The diagrams below (see "Clear Sight Diagrams" in "Exhibits") show the extent to which the fence/wall encroach into the clear sight triangle.
- The Ordinance regulates fence height and opacity to encourage walkable streetscapes and to prevent massing. On corners, the massing is particularly important as it can also play into the clear sight matters mentioned above. Staff will note that the ordinance does not distinguish between fence or wall height in the front yard. According to 744-510B, the maximum height of a fence or wall shall be in accordance with Table 744-510-2. The aforementioned table indicates that the maximum height of a fence or wall in the front yard of all other districts (special use in this case) should be 3.5 feet. This makes no mention of an exception to rise to four (4) feet with lower opacity. However, in dwelling districts, a fence or wall may rise to four (4) feet when the opacity is 30% or less. As part of the parcel is in the D-4 zoning district and, in an effort to compromise, Staff's analysis led to a determination to apply the less restrictive 4-foot standard if opacity could be met. Staff understands that, along with being used for parking, the area within the fence is used for kickball. A taller fence here, provided it remains outside of the clear sight triangle, can help keep kickballs from being kicked into the street and disrupting traffic.
- Petitioner's updated plans propose to clip the fence on the northwest corner and bring it partially within the clear sight triangle. However, the petitioner's own diagram shows that the fence/wall will still partially encroach into the clear sight triangle. The clear sight triangle is intended to promote safety and to reduce traffic conflicts—a chief concern near schools.
- A variance of development standards may only be approved if the following three criteria are met:
 - The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - Staff will note that one party cannot be made safe at the expense of another party, especially when other design solutions exist. Within the clear sight triangle there

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- are sidewalks, traffic stop bars, and turn lanes. Obstructing these presents potential hazardous conditions for area pedestrians and drivers. The petitioner can keep students AND the public safe by lessening the amount of lot they used and moving the fence/wall outside the clear sight triangle. Such an action would also create greater separation from the pay area and the street, further helping to increase safety.
- The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - The safety hazards created by encroachment into the clear sight triangle would impact the safe use of the public right of way in a substantially adverse manner.
 - The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
 - The parking lot/play area is over 36,000 square feet. The amount of area lost would to bring the fence into compliance is roughly 3% of the entire area. Compliance with the Ordinance would not prevent the rest of the parking lot from being used and would not prevent other parts of the property from being devoted to play areas.
 - The Ordinance is intended to promote public. Staff's analysis indicates the presence of public safety hazards. As such, staff recommends **denial** of the clear sight variance. The fence, while well beyond the height allowed in the Ordinance, keeps those on school grounds safe from traffic on two busy streets. Furthermore, the height will prevent balls and other objects from entering the streets and disrupting traffic. Provided that the fence and any associated guardrails are kept out of the clear sight triangle, staff recommends **approval** of the variance for fence height.

GENERAL INFORMATION

Existing Zoning	SU-1	
Existing Land Use	Developed; School	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-3	North: Undeveloped
South:	SU-1	South: Religious Use / Community Center
East:	D-4	East: Religious Use / Church
West:	D-A	West: Gas Station
Thoroughfare Plan		
South Meridian Street	Primary Arterial	50-foot existing right-of-way and 95-foot proposed right-of-way
Sumner Avenue	Primary Collector	60-foot existing right-of-way and 56-foot proposed right-of-way

Context Area	Compact
Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	3/09/2026
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	3/10/2026
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing, 3603but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

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

ZONING HISTORY – VICINITY

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

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

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

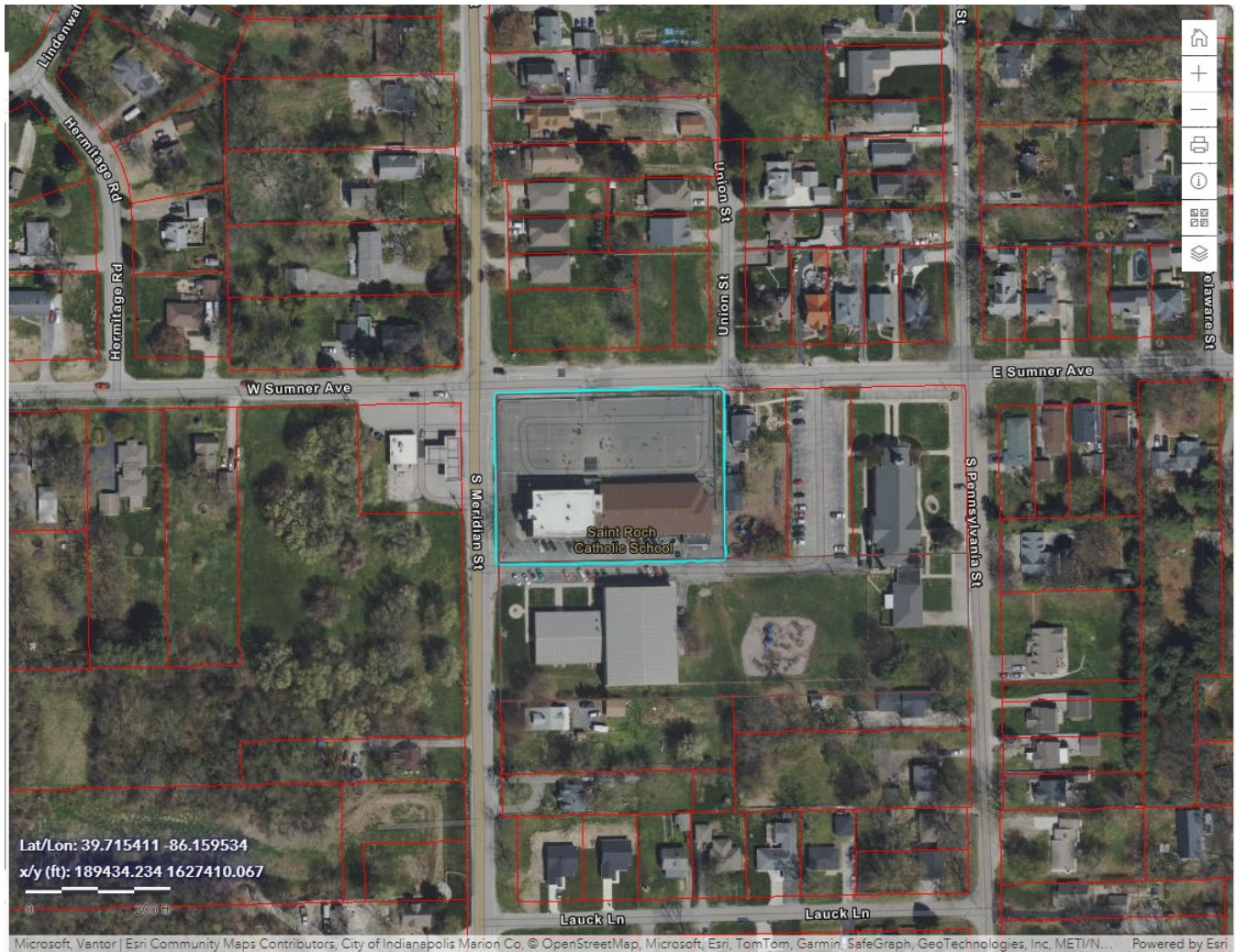
2005DV1031; 18 East Sumner Avenue, Variance of Development Standards of the Dwelling District Zoning Ordinance to provide for the construction of a single-family dwelling with a ten-foot front yard setback along Union Street, **approved**.

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

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

EXHIBITS

2026DV3011; Aerial Map



2026DV3011; Site Plan (1)



Proposed fence location

2026DV3011; Site Plan (2)

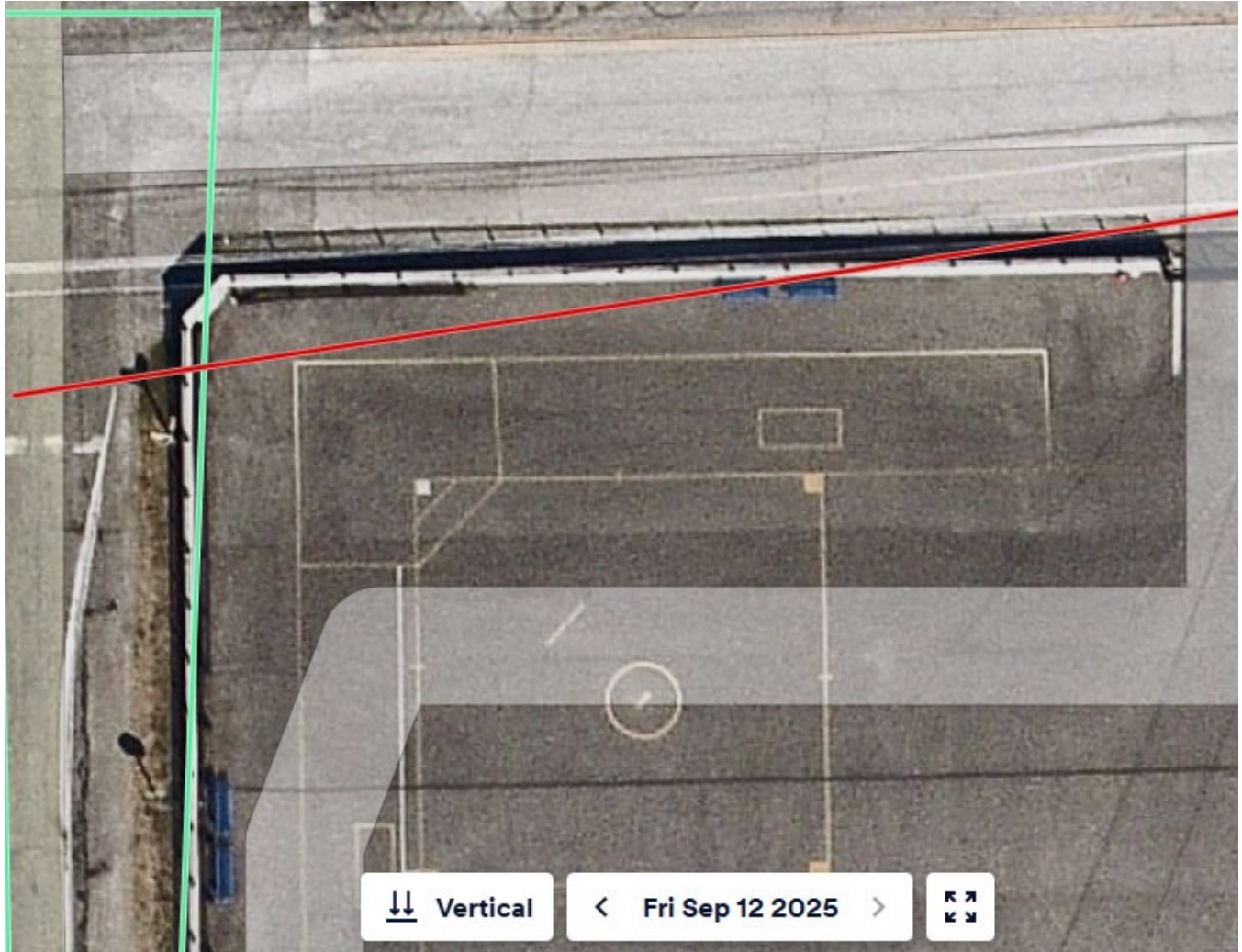


Site plan showing fence moved in roughly 16 feet from its current location

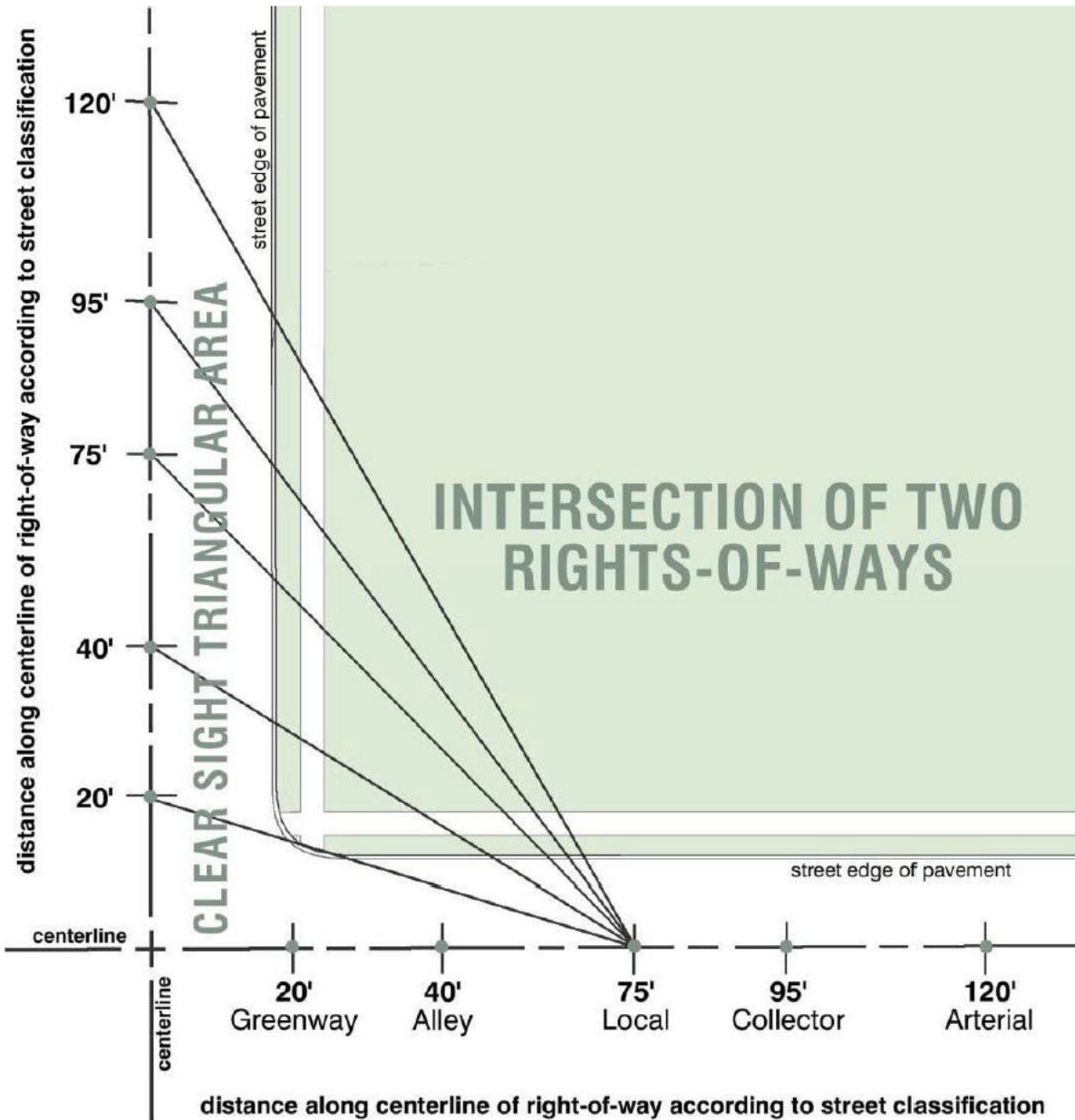
2026DV3011; DPW Clear Sight Diagrams (1)



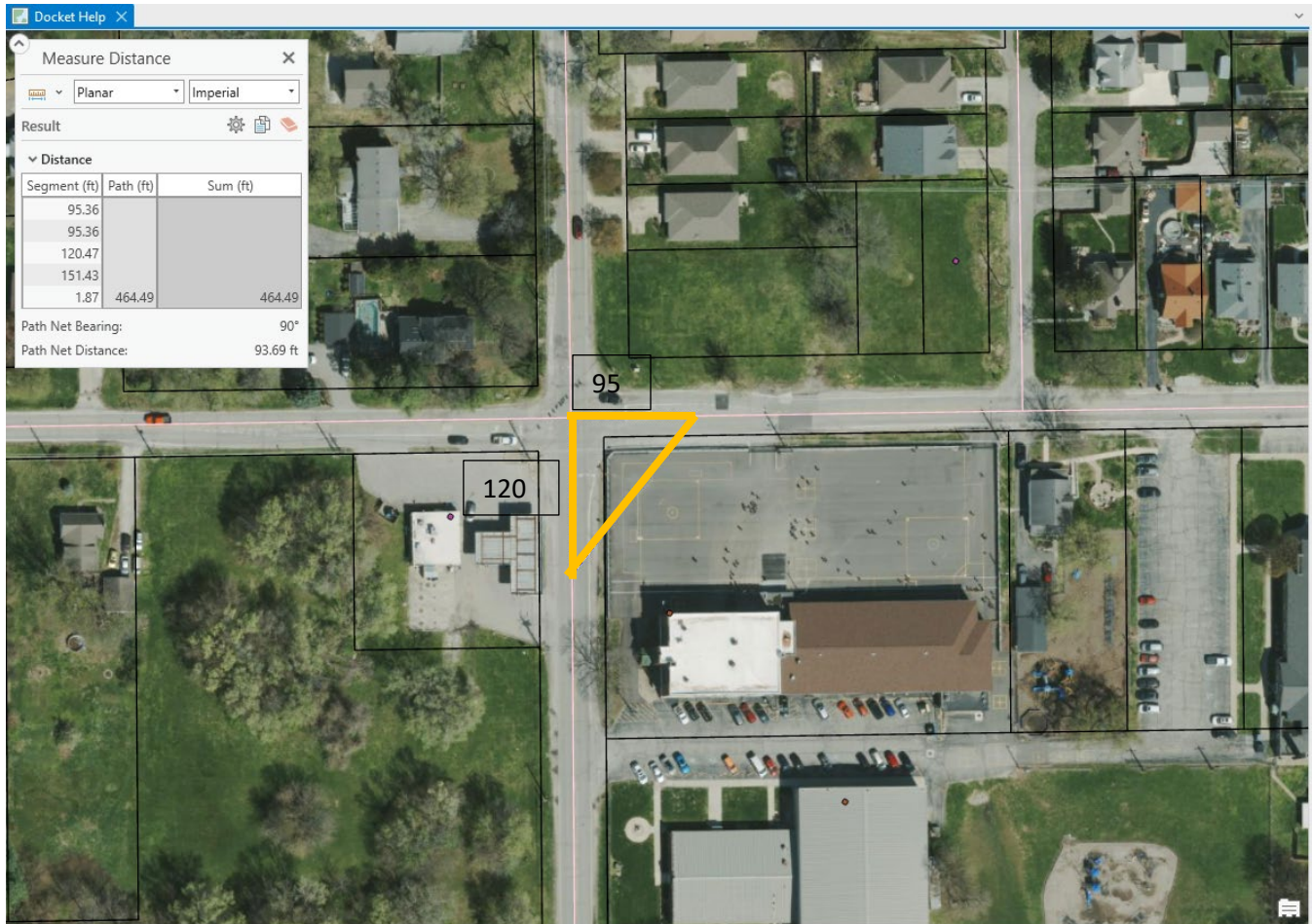
2026DV3011; DPW Clear Sight Diagrams (2)



2026DV3011; DMD Clear Sight Diagrams (1)



2026DV3011; DMD Clear Sight Diagrams (2)



2026DV3011; Photographs



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

2026DV3011; Photographs (continued)



Photo 2: On South Meridian at corner with Sumner

2026DV3011; Photographs (continued)



Photo 3: On Sumner at corner with Meridian

2026DV3011; Photographs (continued)



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

BOARD OF ZONING APPEALS DIVISION I

October 6, 2026

Case Number: 2026-UV1-022
Property Address: 3441 West Washington Street
Location: Wayne Township, Council District #17
Petitioner: Jesus Ivan Ibarra Tamayo
Current Zoning: I-3 (FW) (TOD)
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an Automobile, Motorcycle and Light Vehicle Sales or Rental facility (not permitted).
Current Land Use: Automobile, Motorcycle and light Vehicle Repair
Staff Recommendations: Denial.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Board of Zoning Appeals continued this petition, with notice, from the September 1, 2026 hearing, to the October 6, 2026 hearing, due to deficient notice.

STAFF RECOMMENDATION

Staff strongly recommends denial. If approved, staff would request that approval be subject to the following commitments being reduced to writing on the BZA's Exhibit "A" form prior to the issuance of the letter of grant:

1. The grant of this variance shall be limited to the petitioner. Future tenants, leasees or property owners and their family members shall be prohibited from conducting an automobile, motorcycle or light vehicle sales or rental facility business on this site.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

LAND USE

This 0.76-acre site is comprised of three (3) parcels and developed with a commercial building and associated parking areas. It is surrounded by the public right-of-way of West Washington Street and commercial uses to the north, zoned C-5; railroad right-of-way to the south, zoned I-3; an auto repair business to the east, zoned I-3; and Big Eagle Creek to the west, zoned I-3 and D-5.

Petition 2025-ZON-126 requested rezoning to the C-5 district but the request was withdrawn.

VARIANCE OF USE

This request would provide for the operation of an automobile, motorcycle and light vehicle sales or rental facility, which is not permitted in the I-3 district.

Variance of Use Criteria Analysis

The petitioner seeks a variance of use to allow automobile, motorcycle and light vehicle sales or rental facility property zoned I-3, the petitioner must demonstrate compliance with the variance criteria under Indiana Code 36-7-4-918.4, including but not limited to:

- That the approval will not be injurious to public health, safety, morals, or general welfare;
- That the use and value of adjacent property will not be substantially adversely affected;
- That the need for the variance arises from conditions unique to the property;
- That the strict application of the ordinance results in unnecessary hardship;
- That the variance does not interfere substantially with the comprehensive plan.

Public Health, Safety, Morals, and General Welfare

- The introduction of automobile, motorcycle and light vehicle sales or rental on this property would compromise and negatively impact the purpose and current construction of Transit-Oriented Development (TOD) Blue Line that would also negatively impact the public health, safety, morals and general welfare of the community.

Adjacent Property Impacts

- Additional vehicular operations in this area would detrimentally impact the Big Eagle Creek corridor and increase safety and environmental concerns of pedestrians and customers in the area. The TOD overlay limits automobile dealerships to lots no larger than 0.50 acres.

Uniqueness of the Property

- Permitted vehicular operations currently exist on the property. There is nothing unique about the property that would prohibit other permitted uses, rather than allowing the proposed use.

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Unnecessary Hardship

- The current I-3 district permits 45 uses and 23 accessory uses. Staff finds that the use options under the current zoning eliminates an unnecessary hardship in the use of the property.

Comprehensive Plan

- This proposed use for vehicular sales does not align with Plan recommendation of community commercial. The proposed use is only permitted in C-5 or C-7 districts, which are more intense and detrimental to surrounding land uses.

Overlays

This site is also located within an overlay, specifically the Transit Oriented Development (TOD). "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area. As such, there are certain limitations on uses within this overlay that would negatively impact the purpose to promote pedestrian connectivity. See Exhibit A that limits the proposed use on lots no larger than 0.5-acre.

Stream Protection Corridor

A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.

Construction projects over one (1) acre are subject to the requirements of the Environmental Protection Agency (EPA) General Permit and Indiana Department of Environmental Management (IDEM) Construction Stormwater General Permit (CSGP).

The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.

The Stream Protection Corridor is defined as:

“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”

Stream is defined as “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”

Stream Bank is defined as “the sloping land that contains the stream channel and the normal flows of the stream.”

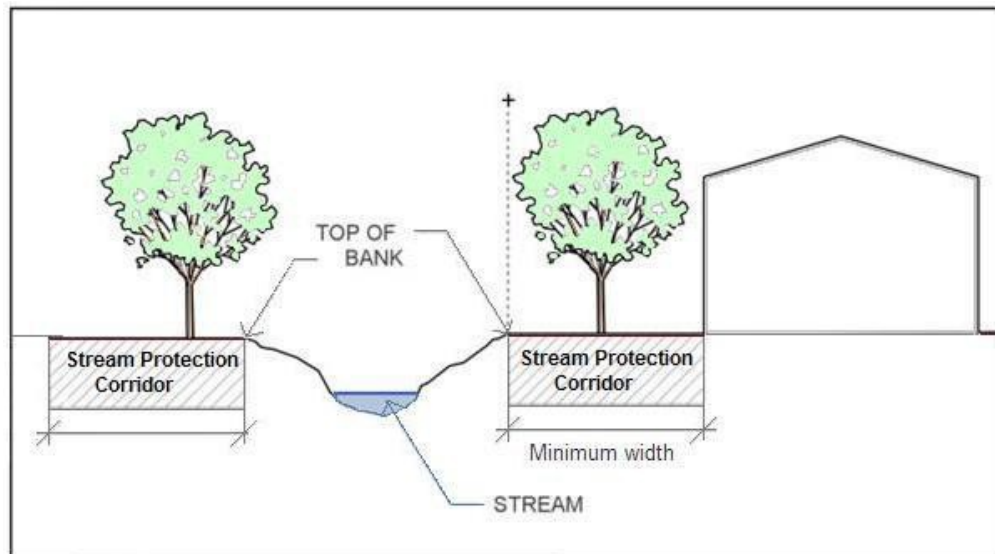
Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”

There are two types of categories of Streams: Category One Streams and Category Two Streams. Category One Stream is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.”

A Category Two Stream is defined as: “An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.”

There are 34 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.

As a Category One Stream within the Compact Context Area, Big Eagle Creek is required to have a 60-foot stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



Stream Protection Corridor

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Planning Analysis

The site falls within the Transit Oriented Development (TOD) Secondary District which is intended to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:

1. Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
2. Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
3. Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

The Ordinance notes that Automobile, Motorcycle, and Light Vehicle Sales or Rental use in its typical form as well as other vehicular related uses when concentrated in areas have a detrimental effect on the intent and design objectives of the Transit Oriented Development Secondary District. Where these uses are enabled by the primary zoning district, they shall be further limited in the TOD Secondary District as stated in Table 742- 707-2 Location and Limitation of Specific Uses.

To allow for general commercial uses to be permitted on site, staff would support a rezoning to the C-3 district which would align with the Community Commercial Uses recommendation of the West Washington Street Corridor Plan (2012).

Staff finds that the proposed use variance at this location within the newly proposed (under construction) Blue Line Bus Rapid Transit Corridor would be counterintuitive to the purpose of the Transit Oriented Secondary District which promotes walkable development with a variety of services for the community.

One final item to note is that the dumpster on site would need to be enclosed per the Ordinance standards that provides for walls on three sides with a fourth side consisting of a gate to service the trash container.

Staff finds that the viability of the Transit Oriented Development Secondary District and overall success of the Blue Line Transit-Oriented Development Strategic Plan (2024) proposed along Washington Street is directly affected by how the City promotes the highest and best use of the small percentage of valuable land at its disposal.

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Opportunities to promote safe and walkable neighborhoods, smart economic growth, and job generating uses along these heavily established corridors are far and few between.

For all these reasons, **staff strongly recommends denial** of this request.

GENERAL INFORMATION

Existing Zoning	I-3 (FW)	
Existing Land Use	Automotive repair	
Comprehensive Plan	Community Commercial / Park	
Surrounding Context	Zoning	Surrounding Context
North:	C-5	Automobile used car dealer
South:	I-3 (FW)	Railroad right-of-way
East:	I-3	Automobile repair shop
West:	I-3 (FW)	Big Eagle Creek
Thoroughfare Plan		
West Washington Street	Primary Arterial	Existing 73-foot right-of-way and proposed 88-foot right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	Yes – Big Eagle Creek	
Overlay	Yes – Transit Oriented Development (TOD)	
Wellfield Protection Area	No	
Site Plan	July 17, 2026	
Site Plan (Amended)	August 4, 2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	June 22, 2026	
Findings of Fact (Amended)	September 1, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

Not Applicable to the Site.

Pattern Book / Land Use Plan

Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Blue Line Transit-Oriented Development Strategic Plan (2024).

This site is located within a ½ mile from the proposed Holt Road and Washington Street station to the west and proposed Central Greens Boulevard station to the east.

The Community Center station typology to the west recommends the following:

- A dense mixed-use neighborhood center
- Minimum of 2 stories at core
- No front or side setbacks at core; 0-10 ft. front setbacks and 0-10 ft. side setbacks at the periphery
- Multi-family housing with a minimum of 3 units
- Structured parking at the core and attractive surface parking at the periphery

This typology would have varying types of commercial developments, from large strip centers to shopping malls, along arterial corridors. Development opportunities vary from redevelopment into mixed-use, walkable patterns to multi-family residential infill development.

The District Center station typology to the east recommends the following:

- A dense mixed-use hub for multiple neighborhoods with tall buildings
- Minimum of 3 stories at core with no front or side setbacks
- Multi-family housing with a minimum of 5 units
- Structured parking only with active first floor

District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

Neighborhood / Area Specific Plan

West Washington Street Corridor Plan (2012) recommends Community Commercial Uses along the eastern two-thirds of the site and Park development on the western third.

The Community Commercial Uses land use category is for low-intensity retail commercial and office uses, which serve a predominantly residential market adjacent to or very near, the location of the use. The uses in this land use category are designed to fulfill a broad range of retail, personal, professional and business services and are either freestanding or part of a small integrated center typically anchored by a grocery store. These centers contain no, or extremely limited, outdoor display of merchandise. Generally, these uses are consistent with the following characteristics:

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- Maximum Gross Floor Area: 125,000 square feet
- Maximum Acreage: 25 acres
- Service Area Radius: 2 miles
- Location: On an arterial or at the intersection of an arterial with a collector.
- Maximum out lots: 3

The Park land use category consists of public or private property designated for active and/or passive recreational amenities. It also includes publicly and privately held conservation and preservation areas.

The plan anticipated that the future needs of the pedestrian will reverse the proliferation of automotive uses and continue to increase the need for transit and pedestrian connections to transit facilities.

For the West Washington Street corridor, Bus Rapid Transit is proposed for the length of West Washington Street, connecting from downtown to the airport.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

Indy Moves Transportation Integration Plan (2018) proposes a Complete Streets Upgrade of an off-street multi-use path along Washington Street from Eagle Creek to Koehne Street.

Right-of-way dedication would ensure that these projects would be possible to complete.

ZONING HISTORY

2025-ZON-126; 3441 West Washington Street, requested rezoning of 0.76-acre from the I-3 (FW) (TOD) district to the C-5 (FW) (TOD), **withdrawn**.

VICINITY

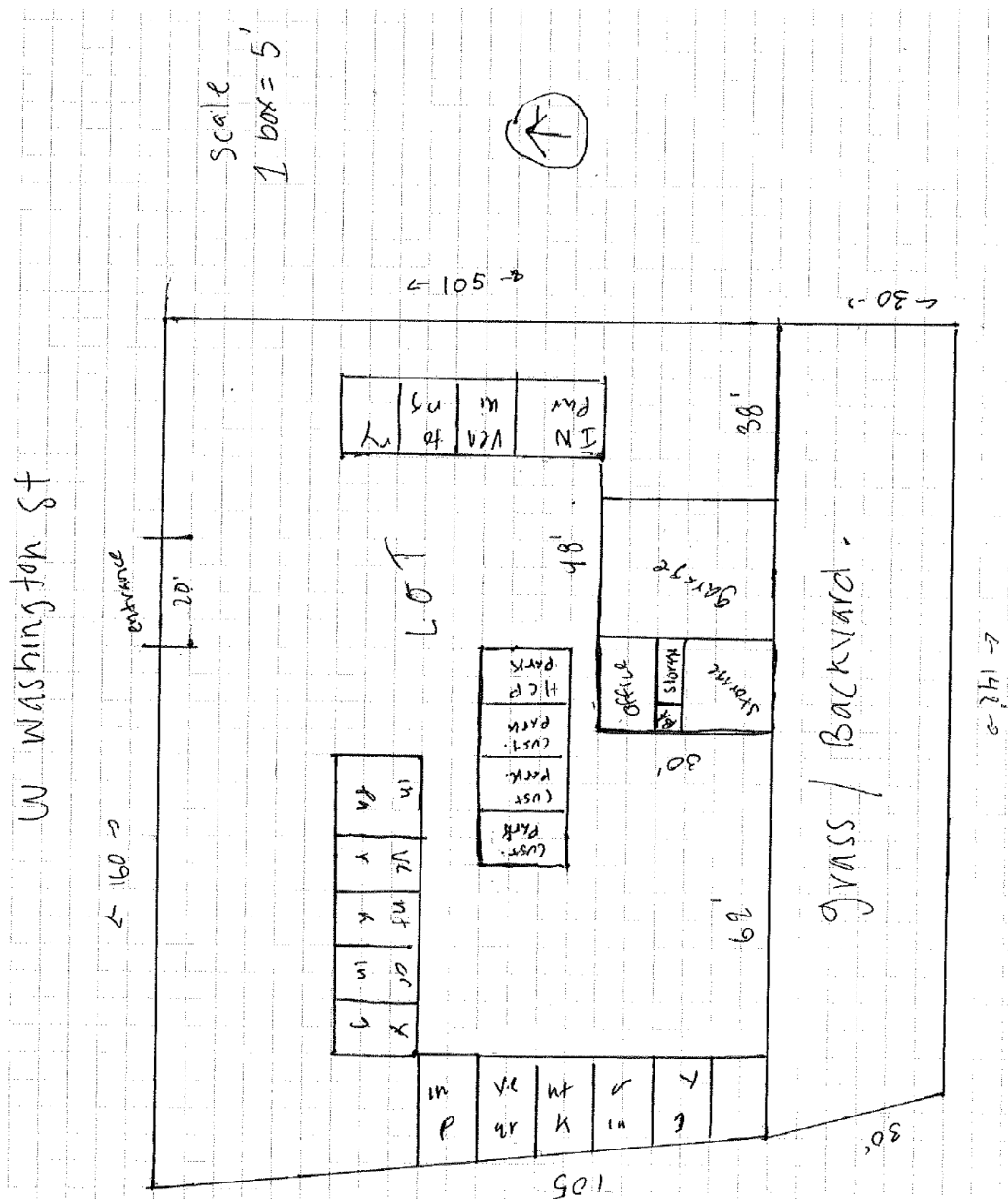
2004-ZON-164; 3409-3415 West Washington Street (east of site), requested rezoning of 1.2 acres, being in the I-3-U District, to the C-5 classification to provide for commercial uses, **approved**.

93-UV1-31; 3421- 3429 West Washington Street (east of site), requested a variance of Use of the Industrial Zoning Ordinance to provide for the expansion of an existing automobile sales lot with parking in the front yard (10% permitted only), **granted**.

90-UV1-91; 3241 West Washington Street (east of site), requested a variance of Use and Development Standards to permit the outdoor display and sales of automobiles with parking in the front yard, **granted**.

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Site Plan - August 4, 2026



Plan of Operation – August 4, 2026

1. Daily Opening

- Unlock office and lot.
- Walk the lot and inspect all vehicles.
- Make sure keys are accounted for.
- Start and move vehicles if needed.
- Check fuel levels and battery condition.
- Clean windshields and interiors.
- Turn on computers, internet, and printer.
- Review appointments and leads.

2. Vehicle Acquisition

- Buy from dealer auctions.
- Purchase from private sellers.
- Accept trade-ins.
- Inspect every vehicle before buying.
- Estimate repair costs before purchasing.

3. Reconditioning

- Mechanical inspection.
- Oil change and fluids.
- Safety inspection.
- Detail inside and out.
- Repair cosmetic issues.
- Professional photos after detailing.

4. Pricing

- Research market value.
- Include repair costs and transport.
- Set asking price.
- Determine selling price.
- Update pricing every few weeks if necessary.

5. Marketing

- Post on Facebook Marketplace.
- Use Instagram and TikTok.
- Take high-quality photos and videos.
- Respond to inquiries quickly.

6. Sales Process

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- Greet customer.
- Learn customer's budget.
- Walk around vehicle.
- Test drive.
- Explain financing (if offered).
- Complete paperwork.
- Deliver vehicle clean and with a full tank if possible.

EXHIBIT A

TABLE 742-207-2 Location and Limitation of Specific Uses

Automobile, Motorcycle, and Light Vehicle Sales or Rental	• Within 600' of a Transit Station and on Pedestrian Frontages—Prohibited • Where otherwise permitted—Limited to lots no larger than 0.5 acres.
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FINDINGS OF FACT – September 1, 2026

Petition Number 2026-UVI-022

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

See Attachment

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

See Attachment

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

See Attachment

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

See Attachment

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

See Attachment

DECISION

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

Adopted this _____ day of _____, 20____

The proposed dealership is consistent with the property's existing commercial character.

A professionally operated used-car dealership is a legitimate commercial activity that can be operated without creating a threat to public health or safety.

- Vehicles will be parked in designated areas rather than obstructing streets, sidewalks, driveways, or neighboring properties.
- The property will be maintained, kept clean, and free
- Customer and employee traffic will enter and exit through established access points.
- Business hours can be controlled to minimize noise and disturbance to surrounding properties
- Proper lighting can be used for security without unnecessarily shining onto neighboring properties.
- The operation can actually improve the condition and appearance of the property if it replaces an underutilized or deteriorated use.

2. Impact on adjacent properties

The dealership will operate entirely within the subject property.

- Vehicles will not be stored on neighboring property.
- No customer parking will be directed onto neighboring properties.
- The property will be maintained and kept orderly.
- No excessive noise, outdoor repair work, or nuisance activity is proposed.
- Lighting will be designed to minimize spillover onto adjacent properties.
- Signage will be professional and appropriately sized.
- The dealership will maintain adequate circulation for customers and emergency vehicles.
- The proposed use will not substantially change the character or value of neighboring properties.
- If appropriate, landscaping, fencing, screening, or other conditions can be offered to further protect adjacent property owners.

3. Uniqueness / conditions peculiar to the property

- The property's location along a major roadway makes it particularly suitable for automobile-related commercial activity.
- Existing access to the property can accommodate customer and vehicle traffic.
- The surrounding development already contains commercial, automotive, or other nonresidential uses
- The property's existing improvements and investment make it particularly suited for the proposed dealership.

4. Unnecessary hardship

Significant personal/family investment has already been made into the property.

Money has already been invested into improvements, buildings, parking, equipment, or preparing the site.

The requested variance is the minimum relief necessary to make reasonable use of the property

5. Comprehensive Plan

The proposed dealership is consistent with the property's existing commercial character.

- The property is located in an area where commercial activity is already established.
- The proposed use would put an existing property to productive economic use.
- The dealership would provide employment and generate economic activity.
- The proposal would maintain the property's existing commercial character rather than introducing an incompatible use.
- The proposed operation can be designed to respect surrounding residential or commercial uses.
- The request does not require changing the overall character of the neighborhood.

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View of site looking south across West Washington Street



View of site looking southwest across West Washington Street



View looking southwest at the wooded area along Big Eagle Creek abutting western boundary of site



View of adjacent repair shop east of the site looking southeast across West Washington Street



View of used car dealer looking northeast across West Washington Street



View of rear yard of site looking north

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View of site looking west along West Washington Street frontage



View of site looking south along western side yard



View looking west along West Washington Street

BOARD OF ZONING APPEALS DIVISION I

October 06, 2026

Case Number: 2026DV1045
Property Address: 4634 W Naomi St (*approximate address*)
Location: Wayne Township, Council District #17
Petitioner: Vicki McClain and Heather Rashel
Current Zoning: D-5, Airspace
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an 8-foot fence (maximum permitted 6-foot) and a 4-foot side setback (7-foot required).
Current Land Use: Residential
Staff Recommendations: Staff recommends denial
Staff Reviewer: Adrienne Baker, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends denial of this petition.

PETITION OVERVIEW

The petitioners requested a variance of development standards to permit the installation of an eight-foot fence and to allow a four-foot side yard setback on a residential property zoned D-5. The zoning ordinance limits fence height in this district to six feet and requires a minimum side yard setback of seven feet for minor residential structures. Staff reviewed the proposal in the context of the applicable zoning regulations, the surrounding residential environment, the Comprehensive Plan, and the Traditional Neighborhood typology that guides development in this area. This review concluded that the requested changes represent substantial departures from both the ordinance and the established neighborhood pattern. The petition did not demonstrate the type of practical difficulty or unique site condition needed to justify a variance.

Staff recommended denial as the requested variances conflict with development standards intended to maintain consistency, compatibility, and neighborhood character within the D-5 district. The proposed eight-foot fence exceeds the maximum height permitted for residential properties and is not supported by Comprehensive Plan guidance, which emphasizes maintaining visual openness, reinforcing neighborhood cohesion, and ensuring that accessory structures complement rather than disrupt existing development patterns. Excessively tall fencing can create a sense of enclosure that is inconsistent with

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the Traditional Neighborhood typology, which values walkability, permeability, and a defined yet visually connected arrangement of private and semi-private spaces.

The requested reduction in side yard setback from seven feet to four feet presents similar concerns. The D-5 district requires minor residential structures to comply independently with required side setbacks in order to preserve adequate spacing between structures, to protect privacy and access to light and air, and to maintain a predictable spatial pattern across the block. Staff found that the property does not exhibit any unusual physical characteristics such as irregular lot configuration, environmental constraints, or easement limitations that would prevent compliance with standard requirements. In the absence of such conditions, the petition does not demonstrate a hardship or practical difficulty sufficient to support a variance. Staff also determined that approval could negatively affect the established pattern of the neighborhood by introducing an incompatible setback and visually dominant fence height, both of which would alter the character of a residential area defined by consistent spacing and modest accessory elements. Granting such a variance would constitute a special privilege rather than appropriately justified accommodation tied to the physical circumstances of the site. For these reasons, and because the findings of fact did not show that the variance would maintain public welfare or align with adopted planning policies, staff concluded that the request could not be supported.

GENERAL INFORMATION

Existing Zoning	D-5, Airspace	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
N Naomi St	Local Street	Proposed ROW: 48 feet Existing ROW: 48 feet
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	July 21, 2026	
Site Plan (Amended)	N/A	
Elevations	July 21, 2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	July 21, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Fences or fences combined with a wall shall be constructed of wood, stone, brick, decorative concrete block, wrought iron, (or products created to resemble these materials), vegetated cellular confinement system, or other material compatible with the primary building materials; or a combination of any of these materials. Chain link fencing or wire fencing is allowed in accordance with Table 744-510-1.

Minor Residential Structures: Structures that are subordinate and secondary to the primary residential use of a property, such as garages, carports, porches, decks or patios 18 inches or greater in height, mini-barns, sheds, workshops, swimming pools, hot tubs, porte-cocheres, bathhouses, cabanas, secondary dwelling unit, shelters for personal livestock, greenhouses, and other accessory buildings or structures similar and comparable in character to these uses. This definition does not include minor mobile home structures or residential support facility or amenity.

On lots in the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8 dwelling districts improved with a Single-family detached dwelling, Single-family attached dwelling, or Two-family dwelling, minor residential structures:

- Shall not be located closer to any front or side lot line than the required minimum front and side yard setbacks of the dwelling district, or, in the case of a front yard, the established front yard setback on the lot, whichever is greater.
- Shall not be located closer to any rear lot line than 5 feet.
- Shall comply with the minimum side yard requirements of the district independently of the side yards established by the primary building.
- Shall not encroach upon, as the primary building shall not encroach upon, any platted easement.

Minimum building setback lines are regulated by the zoning district in which the property is located. Larger setbacks may be platted at the subdivider's discretion; however, such excessive platted setbacks will not be enforced by the Commission unless such setbacks were required as a part of a commitment, condition, approval, or site plan tied to an approved land use petition.

Pattern Book / Land Use Plan

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

A mix of housing types is encouraged, and developments should be located within one mile, using streets, sidewalks, or off-street paths, of a school, playground, library, public greenway, or similar free public recreational or cultural amenity. Primary structures should be no more than one and a half times the height of adjacent primary structures and should be oriented toward the street with a clear pedestrian connection from the front door to the sidewalk, excluding driveways or parking areas. Developments with densities higher than 15 dwelling units per acre should maintain a design character compatible with nearby properties, and increases in density should occur incrementally, with higher-density housing types located closer to frequent transit lines, greenways, or parks.

The house should extend beyond the front of the garage, and whenever possible, garages should be accessed from an alley or side street. If a garage is located on the side of the house, it should be detached. Secondary units are encouraged, and lot sizes should be limited to no more than one and a half times the size of adjacent lots.

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

Fencing around dwellings should be carefully placed. See-through fencing is the safest. In the front, fences should be ornamental in style. Do not install privacy fences in front yard.

Over time, individual lots may have been combined with neighboring lots. This creates lots that are larger than others in their surrounding context.

Consider both how additions and improvements meet the Comprehensive Plan goals and ways to mitigate impacts, particularly for accessory structures.

At the street setback, new infill housing should not be taller than adjacent houses by more than a story, providing the existing block context lends itself to homes that vary in height.

Indy Moves

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

Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2023DV1020; 4505, 4506, 4509, 4510, 4605, 4609, 4613, 4617, 4621, 4622, and 4625 W Caven Street; Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings on each lot with front-loaded garages in excess of 30% of the façade at the building line (garages limited to 30% of the width of the front façade when located 0-12 feet behind front building line) and allow for a three-foot corner side yard setback at 4622 West Caven Street (eight-foot corner side setback required), 16-foot front setbacks at 4505, 4605, 4613, and 4621 Caven Street, 17-foot front setback at 4510 Caven Street (20 to 50-foot front setback required for neighborhood yard frontages), and a six-foot corner side yard setback at 4625 Caven Street (eight-foot corner side setback required); approved.

2000HOV021; 4602 W Naomi Street; Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 640-square foot addition to a single-family dwelling, expanding 16-feet along a legally nonconforming 14.5-foot front setback or 72.7 percent of the linear frontage of the original dwelling (maximum 11-foot expansion along a legally nonconforming 14.5-foot front setback or 50 percent of the linear frontage of the original dwelling permitted); approved.

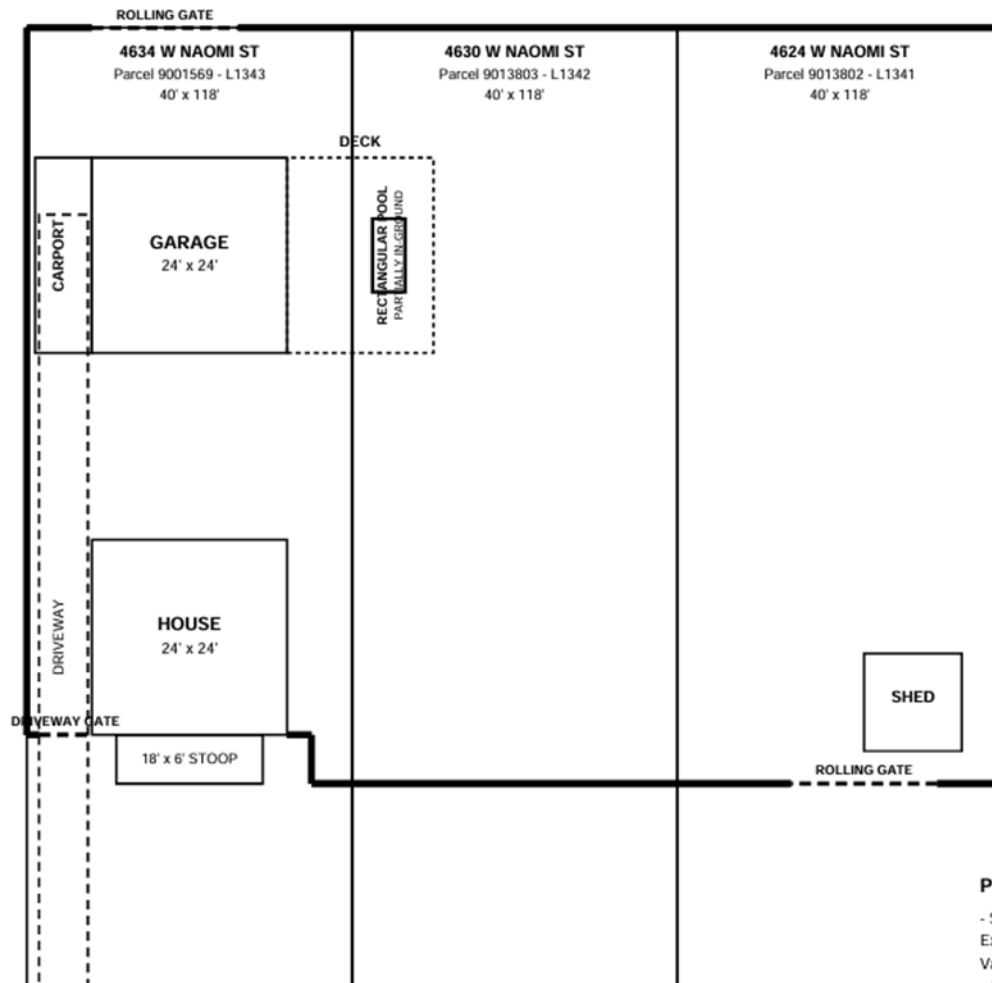
99-SE1-1; 2601 S Denison Street; Variance of Development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 640-square foot addition to a single-family dwelling, expanding 16-feet along a legally nonconforming 14.5-foot front setback or 72.7 percent of the linear frontage of the original dwelling (maximum 11-foot expansion along a legally nonconforming 14.5-foot front setback or 50 percent of the linear frontage of the original dwelling permitted); approved.

EXHIBITS

SITE PLAN:

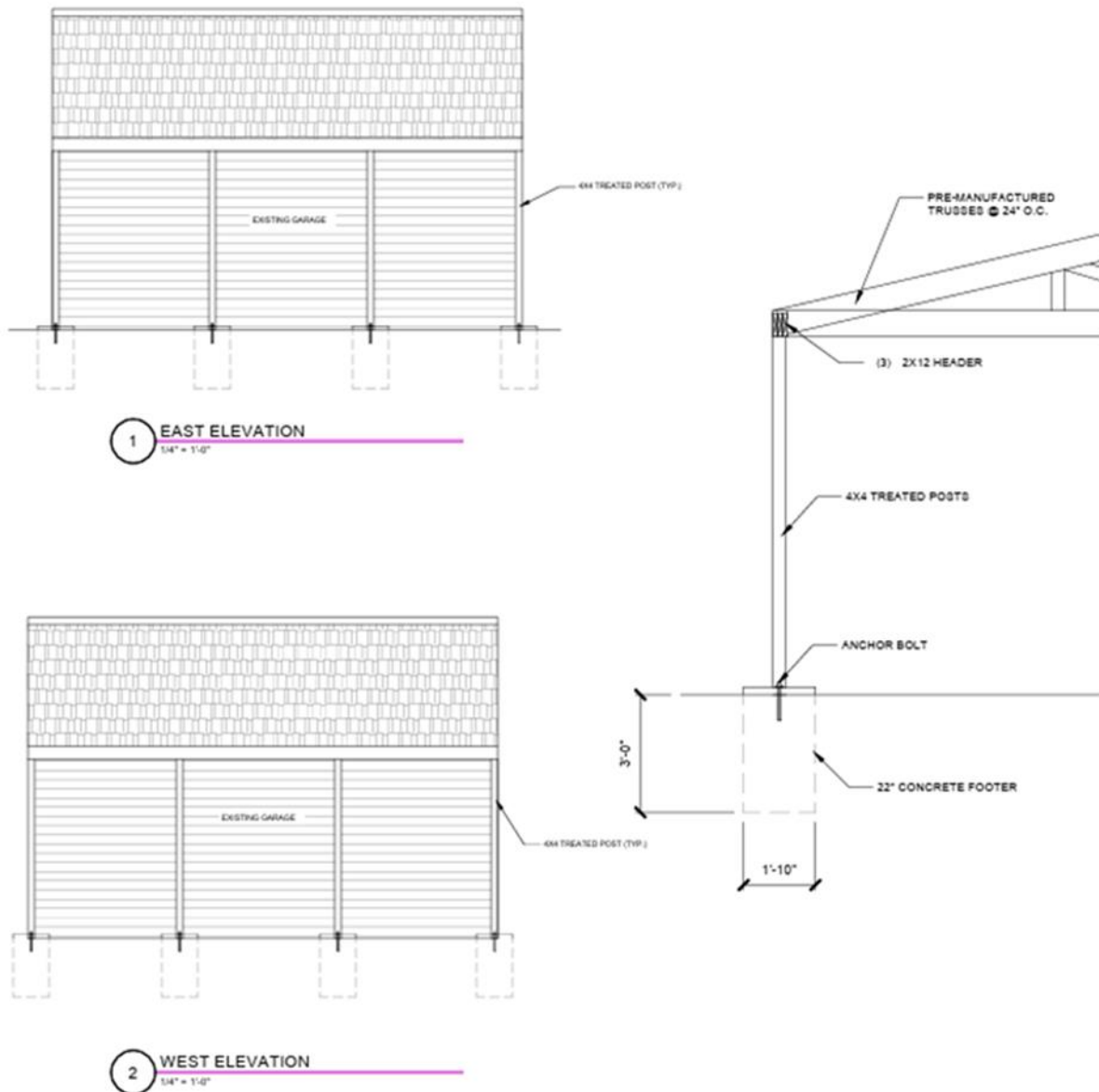
SITE PLAN - FENCE VARIANCE

4624 / 4630 / 4634 W. Naomi Street, Indianapolis, Indiana

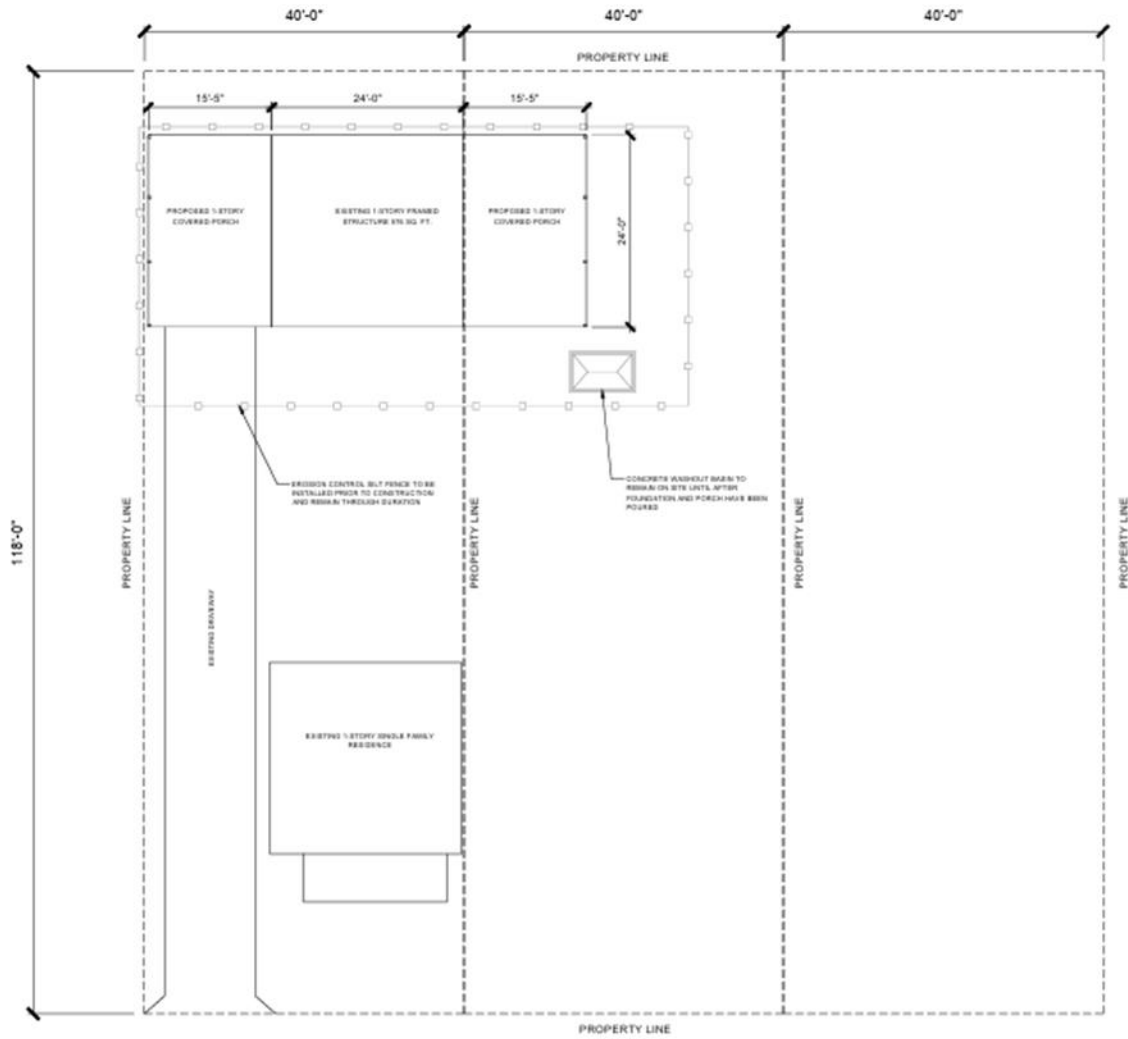


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SITE PLAN:



SITE PLAN:

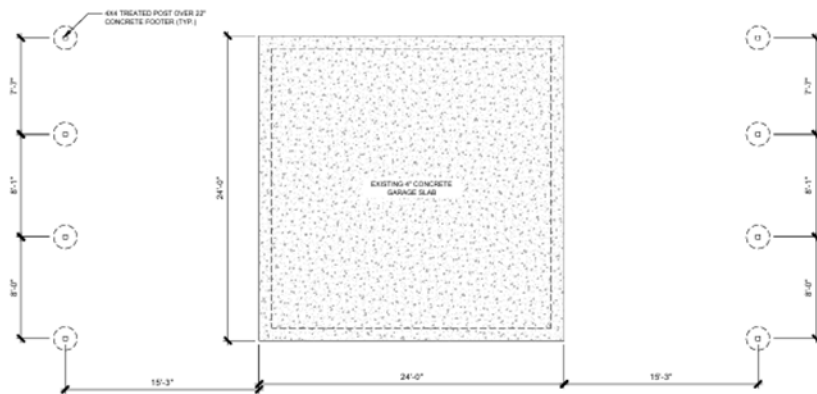


1 SITE PLAN
 SCALE: 3/32" = 1'-0"

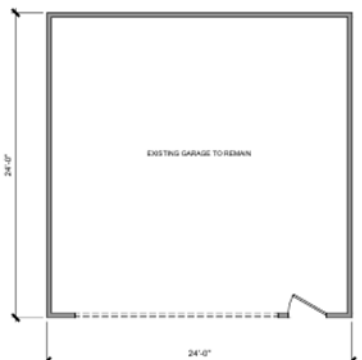


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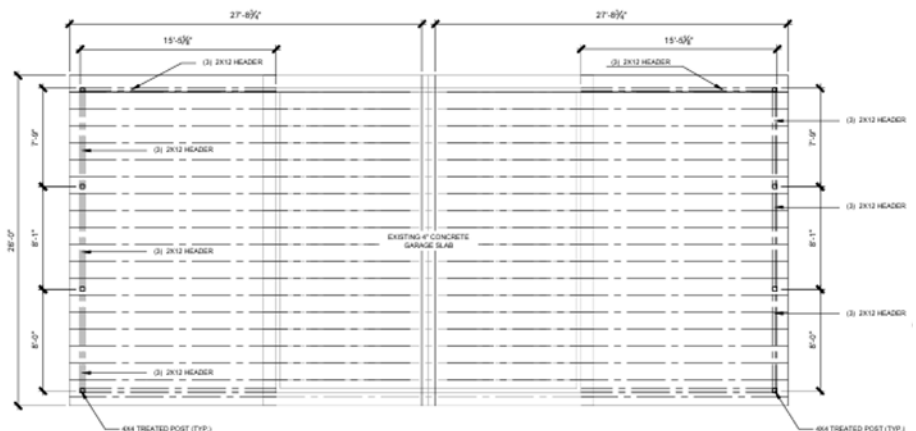
SITE PLAN:



1 FOUNDATION PLAN
 3/16" = 1'-0"

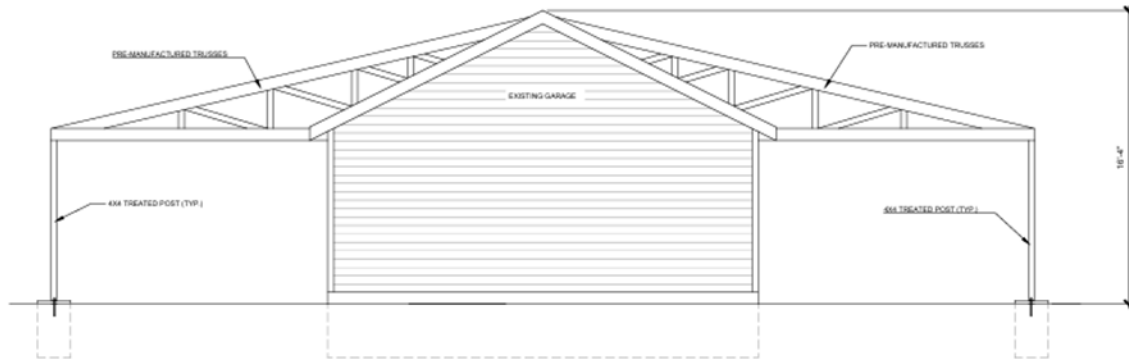


2 FIRST FLOOR PLAN
 3/16" = 1'-0"

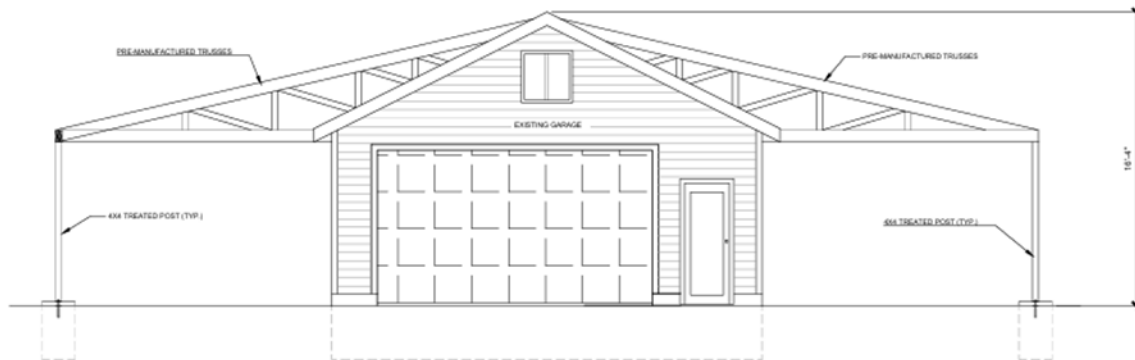


1 ROOF PLAN
 3/16" = 1'-0"

SITE PLAN:



1 NORTH ELEVATION
 3/4" = 1'-0"



2 SOUTH ELEVATION
 3/4" = 1'-0"

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 eight-foot privacy fence is located on my property and was installed for privacy, safety, security, and the reasonable enjoyment of my residential property. The fence does not obstruct vehicular or pedestrian visibility at an intersection or driveway and does not create a public safety hazard. The property is not a corner lot, and the fence does not extend across the front of the residence. The additional fence height provides needed screening and security due to the property's surroundings, including nearby roadway/highway activity, neighboring properties, pets, and the need for reasonable residential privacy. The fence also allows me to maintain privacy while respecting the privacy and differing cultural and religious practices of surrounding neighbors.

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

The fence is a residential privacy improvement that does not change the use of my property or prevent adjacent properties from being used for their existing residential purposes. The neighboring property already has substantial fencing, including a tall chain-link fence with screening/tarp material. The owner of the adjacent rental property was aware of my fence installation and did not object to it. In addition, the neighboring occupants have attached and hung numerous items on my fence from their side, demonstrating that the fence itself does not prevent their continued use and enjoyment of their property. The fence is maintained on my property and provides separation, privacy, and screening between neighboring residential uses rather than creating a substantially adverse effect on surrounding property.

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

Strict application of the fence height and opacity requirements would require removal or substantial alteration of an existing eight-foot privacy fence that was installed to address the actual privacy, safety, security, and screening needs of this property. The configuration of my property, its relationship to the roadway and surrounding properties, and the existing conditions on the adjacent property make a lower or substantially more open fence inadequate for its intended purpose. The fence also replaced an existing chain-link fence that was damaged during a plumbing-related incident involving the adjacent property in September 2025. Requiring the fence to be substantially reduced in height or opacity would eliminate much of the privacy and screening the replacement fence was specifically intended to provide while imposing significant expense and disruption. Granting the variance would allow the existing residential fence to remain while preserving the reasonable use, privacy, safety, and enjoyment of my property.

DEVELOPMENT STATEMENT:

The proposed development consists solely of the existing eight-foot privacy fence that is the subject of this Variance of Development Standards petition. The fence has already been constructed; therefore, there are no proposed phases of construction or development associated with this request.

No additional buildings, structures, changes in land use, or other major project elements are proposed as part of this variance request. The property will continue to be used for its existing residential purpose.

There are no proposed covenants associated with this request. The owner will comply with the commitments submitted in connection with the variance petition and will maintain the fence in a safe and structurally sound condition in accordance with the variance as approved.

PHOTOS:



Photo 1: Carport



Photo 2: Interstate 70



Photo 3: Looking Northeast



Photo 4: Looking Northeast towards fence and carport



Photo 5: Looking Northwest



Photo 6: Looking East



Photo 7: Neighboring houses



Photo 8: Neighboring houses



Photo 9: Neighboring houses



Photo 10: Neighboring houses

PETITIONER PHOTOS:

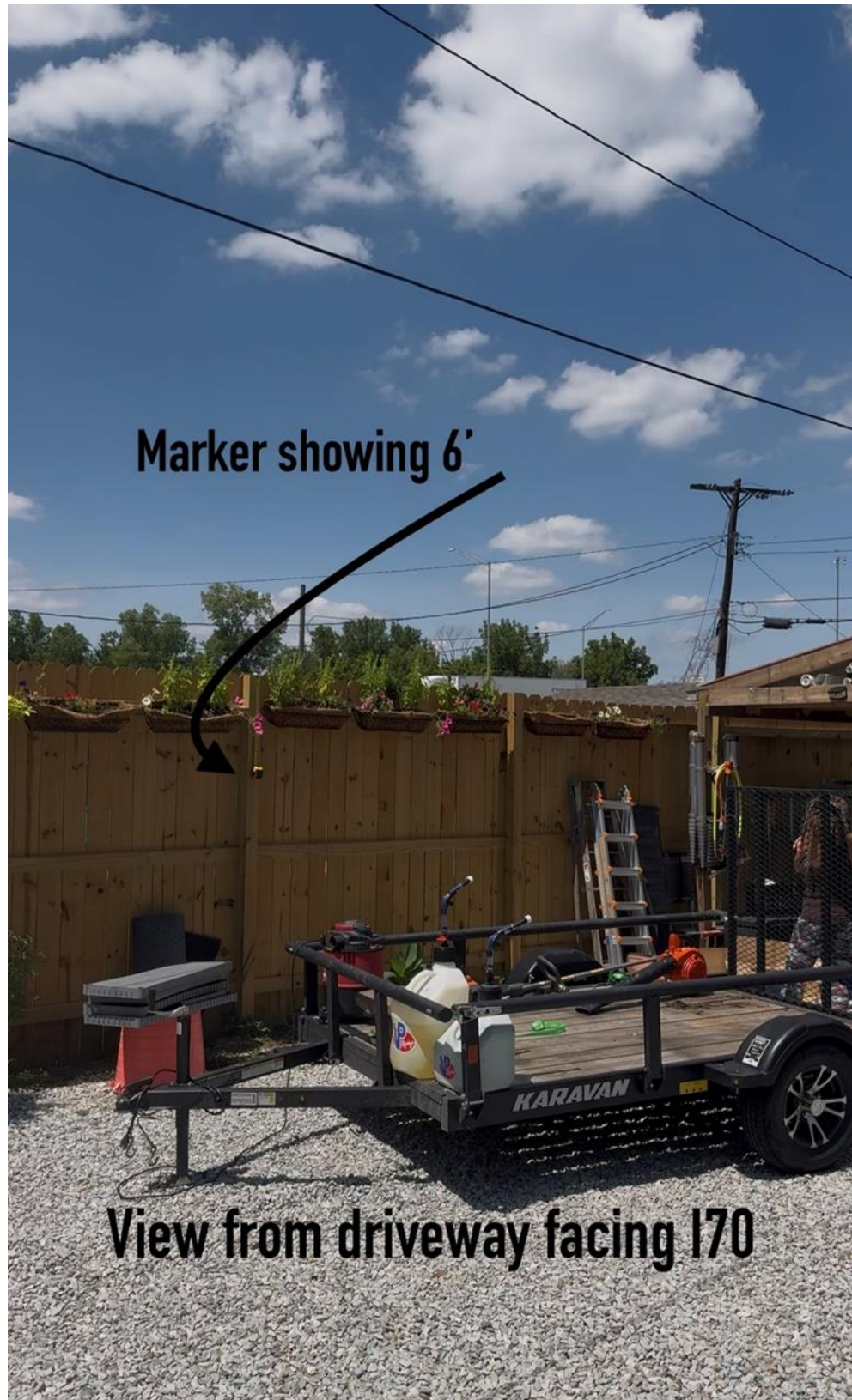






Further back side yard facing I70 (2)











Offender Search: Results

[Print Page](#)

Found 13 offenders in 10 locations

Search Address: 4634 w naomi Indianapolis, IN 46241

Radius: 1 mile



Found 13 offenders in 10 locations

Radius: 1 mile

Next

Displaying: ☒ Home Addresses ☐ Work/Volunteer Addresses ☐ School Addresses ☐ Secondary Addresses [Update](#)

#	Alert	Name	Address	City	Zip	Type	View Details
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BOARD OF ZONING APPEALS DIVISION I

October 06, 2026

Case Number: 2026-DV1-047

Property Address: 2502 North Delaware Street

Location: Center Township, Council District #12

Petitioner: Shawn Jones

Current Zoning: D-8

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

Current Land Use: Commercial

Staff Recommendations: Staff recommend **denial** of this petition

Staff Reviewer: Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

This is the first public hearing of this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

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

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

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

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

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

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

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

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

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Division of Planning
Current Planning**

GENERAL INFORMATION

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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

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

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

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

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

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

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

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

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

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

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

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

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

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

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

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

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

ZONING HISTORY – VICINITY

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

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

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

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

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

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

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

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

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



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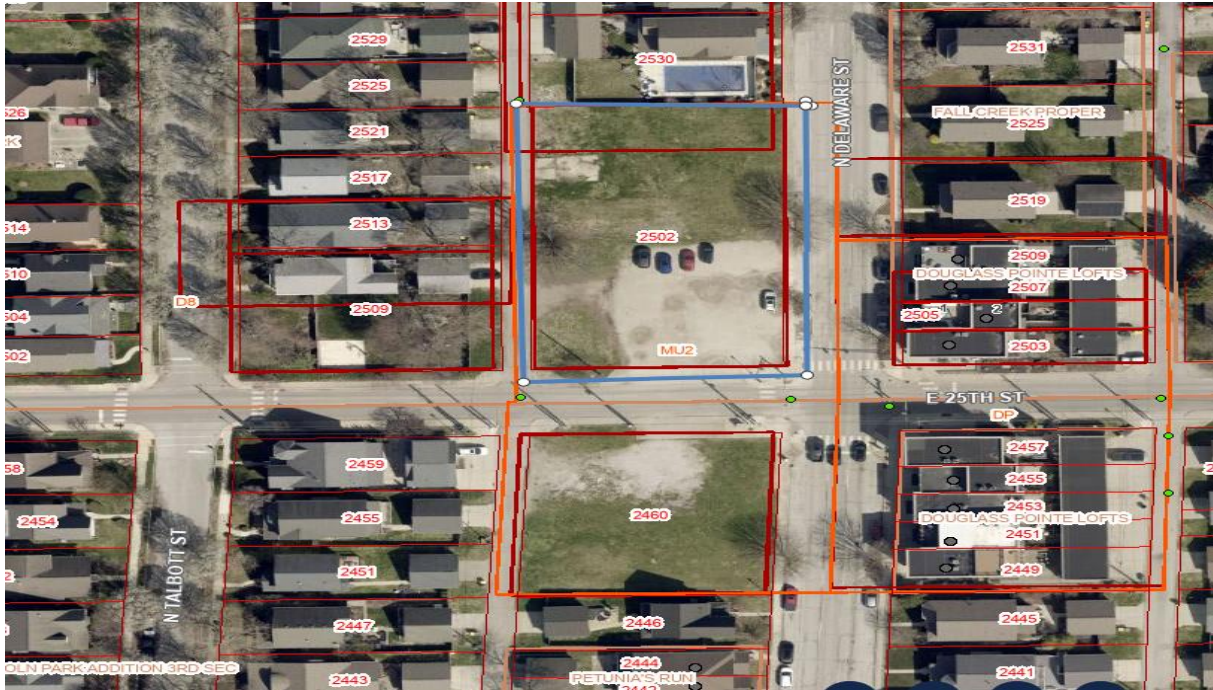
85-Z-53; 2452 North Delaware Street (west and north of site), Rezoning of 1.8 acres from D-8 to SU-7 to provide for non-profit Christian treatment facility and to permit the construction of a small shed, **approved.**

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

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

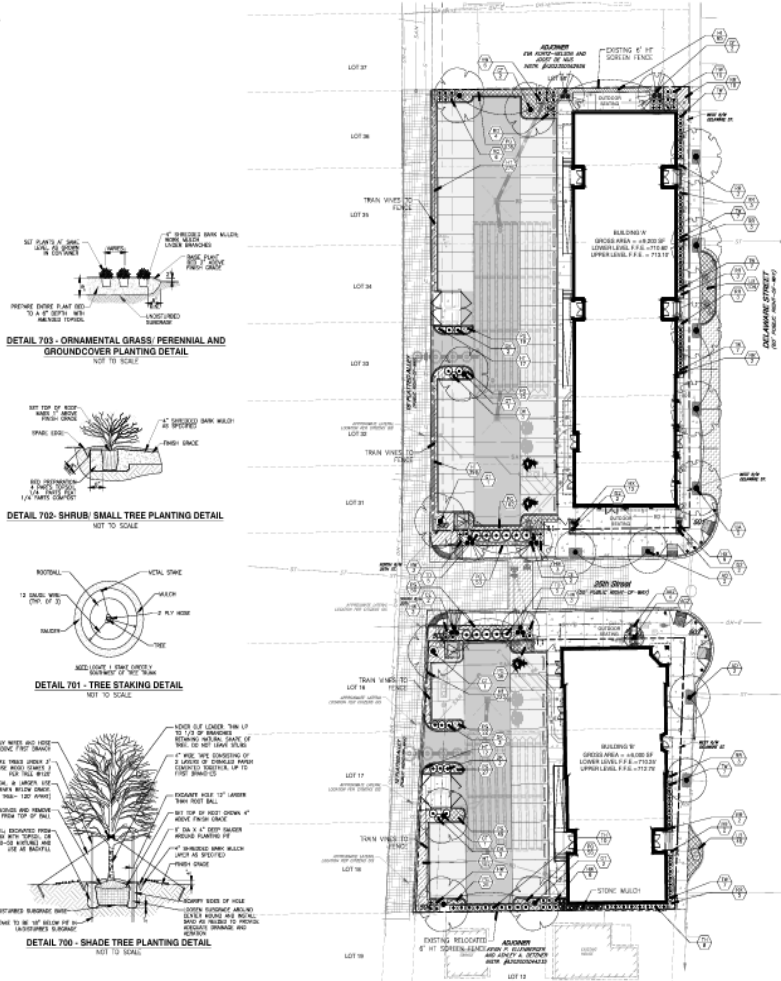
EXHIBITS

2026-DV1-047; Aerial Map



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



[illegible][illegible]

CODE	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING
SHRUBS				
01	10	DESMOND'S COBBLEBA DESMOND'S COBBLEBA	10 L 5 COMP.	18" x 24" FT.
19	28	LEUCOPHYLLUS DEXFLE LEUCOPHYLLUS DEXFLE	10 L 5 COMP.	36" E.G.
20	4	LYRAE TONGUE TREE LYRAE TONGUE TREE	10 L 5 COMP.	36" FT.
20	13	WIND ANEMONE WIND ANEMONE	10 L 5 COMP.	6" D.G.
20	11	YALOW & WHITE SPIDER YALOW & WHITE SPIDER	8 1/2 L 5 COMP.	24" 8 1/2 D.G.
21	16	YALOW & WHITE SPIDER YALOW & WHITE SPIDER	8 1/2 L 5 COMP.	6" 1/2 8 1/2 D.G.
24	12	YALOW & WHITE SPIDER YALOW & WHITE SPIDER	8 1/2 L 5 COMP.	2" D.G.

[illegible][illegible]

CEC
510 E. Ohio Street • Suite G • Indianapolis, IN 46204
317-655-7777 • 317-744-0749
www.cecinc.com

STUDIO M ARCHITECTS
OXFORD ROW
460 & 2502 N DELAWARE STREET
INDIANAPOLIS, INDIANA 46202

PLANTING PLAN	NUMBER, 2024	DATE, 1/1/24
	1" = 20'	SCALE, 1/1/24

C700

2026-DV1-047; Findings of Fact

FINDINGS OF FACT

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

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

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

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

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

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

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

Statement of COMMITMENTS:

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

MDC's Exhibit B - - page 1 of 6



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2. A final landscape plan shall be submitted for Administrator's Approval showing the street frontage landscaping and screening for transformers and relocation of the dumpster at 2460 Delaware Street prior to the issuance of an Improvement Location Permit.

3. Final building elevations shall be submitted for review and approval by the City Architect.

4. _____
5. _____

2026-DV1-047; Photographs

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



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



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



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



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



BOARD OF ZONING APPEALS DIVISION I

October 6, 2026

Case Number: 2026-UV1-024

Property Address: 5699 East 71st Street (aka 5701 East 71st Street) (approximate address)

Location: Washington Township, Council District #3

Petitioner: Ivy Way LLC, by Stoll Keenon Ogden PLLC (Jason Leuking)

Current Zoning: C-3

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for a 200 square foot (20x10) 8-foot-tall outdoor portable storage unit (outdoor storage and operations not permitted in C-3)

Current Land Use: Commercial Strip

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

Staff Reviewer: Josh Levesque, Manager

PETITION HISTORY

N/A

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 5699 East 71st Street is a parcel totaling roughly 1.8 acres. The parcel contains a restaurant strip. Parcels to the north, east, and south are zoned C-3. The parcel to the west is zoned I-2.
- The petitioner is seeking a variance to allow for a 200-square-foot (20x10) 8-foot-tall portable storage unit to remain outdoors at the rear of their property. This storage unit is intended to house various tools and materials related to the maintenance and upkeep of the property. Outdoor storage and operations are not a permitted use within C-3. Furthermore, portable storage units are only contemplated as a temporary use under the Ordinance and are limited to 30 consecutive days per calendar year.
- As defined by the Ordinance, the C-3 district is for the “development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size.” The Ordinance goes on to say that C-3 “does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations.”

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- The Land Use Pattern Book prescribes the Community Commercial typology to this site. This typology “provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.” This typology calls for limits to the outdoor display merchandise.
- Both the Ordinance and the land use plan discourage outdoor operations for this site. The intent of the Ordinance is to limit higher intensity uses that often come with outdoor storage and operations. While a portable storage unit could be placed on this site for 30 days to allow, for example, tenants to move in/out, the long-term storage of this unit is not contemplated for C-3. Allowing for outdoor storage and operations would undermine the intent of C-3 as a lower intensity commercial use.
- While one may argue that a permanent portable storage container is similar to a storage shed or garage, it is important to consider what such units were designed for. A container like this is designed to either be attached to a trailer with wheels and an axle or stacked on some sort of flat bed for storage and transportation. While a shed can be stacked on a flat bed for transport, that is not the primary use it is envisioned for. In short, while the container is intended to prevent the outdoor storage of maintenance materials for the property, the allowance for the container itself would be considered outdoor storage itself as this cannot be considered an accessory structure.
- For a use variance to be granted, the Board must find that ALL of the following conditions have been met:
 - The grant will not be injurious to the public health, safety, morals, and general welfare of the community
 - The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner
 - The need for the variance arises from some condition peculiar to the property involved
 - The strict application of the terms of the zoning ordinance constitutes an unusual and unnecessary hardship if applied to the property for which the variance is sought
 - The grant does not interfere substantially with the comprehensive plan
- Staff will focus on two of these findings. First, the property does not have a peculiar condition that prevents it from having other forms of acceptable accessory structures for storage. While the layout of the lot and the existing buildings likely prevents the construction of a building addition for storage, a pre-fabricated shed could achieve the same purpose. Second, the strict application of the Ordinance does not prevent the indoor storage of maintenance materials. It prohibits outdoor storage in C-3, of which a permanent portable storage unit would fall under. The strict application of the Ordinance does not prevent a shed being placed on site for the storage of maintenance materials.
- Staff will also note that the cost or any other hardship incurred in moving the storage unit is a self-imposed hardship and not one stemming from the Ordinance.
- Given that outdoor storage is not compatible with either the C-3 district or the Community Commercial typology and the existence of alternative accessory structures that would allow for Ordinance compliance, staff recommends **denial** of this variance.

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GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	C-3	North: Commercial
South:	C-3	South: Commercial
East:	C-3	East: Commercial
West:	I-2	West: Industrial
Thoroughfare Plan		
71st Street	Primary Arterial	105-foot existing right-of-way and 80-foot proposed right-of-way
Hawthorn Park Drive	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/9/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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- The Marion County Land Use Plan Pattern Book assigns this property the “Community Commercial” typology. This typology “provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- N/A

ZONING HISTORY

ZONING HISTORY – SITE

73-Z-242; 7002 Graham Road, Rezoning of 4.619 acres from I2S to C-3, **approved**.

2002-UV1-044; 5699 East 71st Street, Variance of Use of the Commercial Zoning Ordinance to provide for seven amusement machines and live entertainment including bands and karaoke, **approved subject to conditions**.

ZONING HISTORY – VICINITY

85-HOV-52; 5611 East 71st Street (west of site), Variance of Development Standards of the Industrial Zoning Ordinance to provide for an addition to a warehouse within the required side yard setback, with parking and loading facilities in the required front yard, and to allow a 41-foot-wide access drive, **approved subject to conditions**.

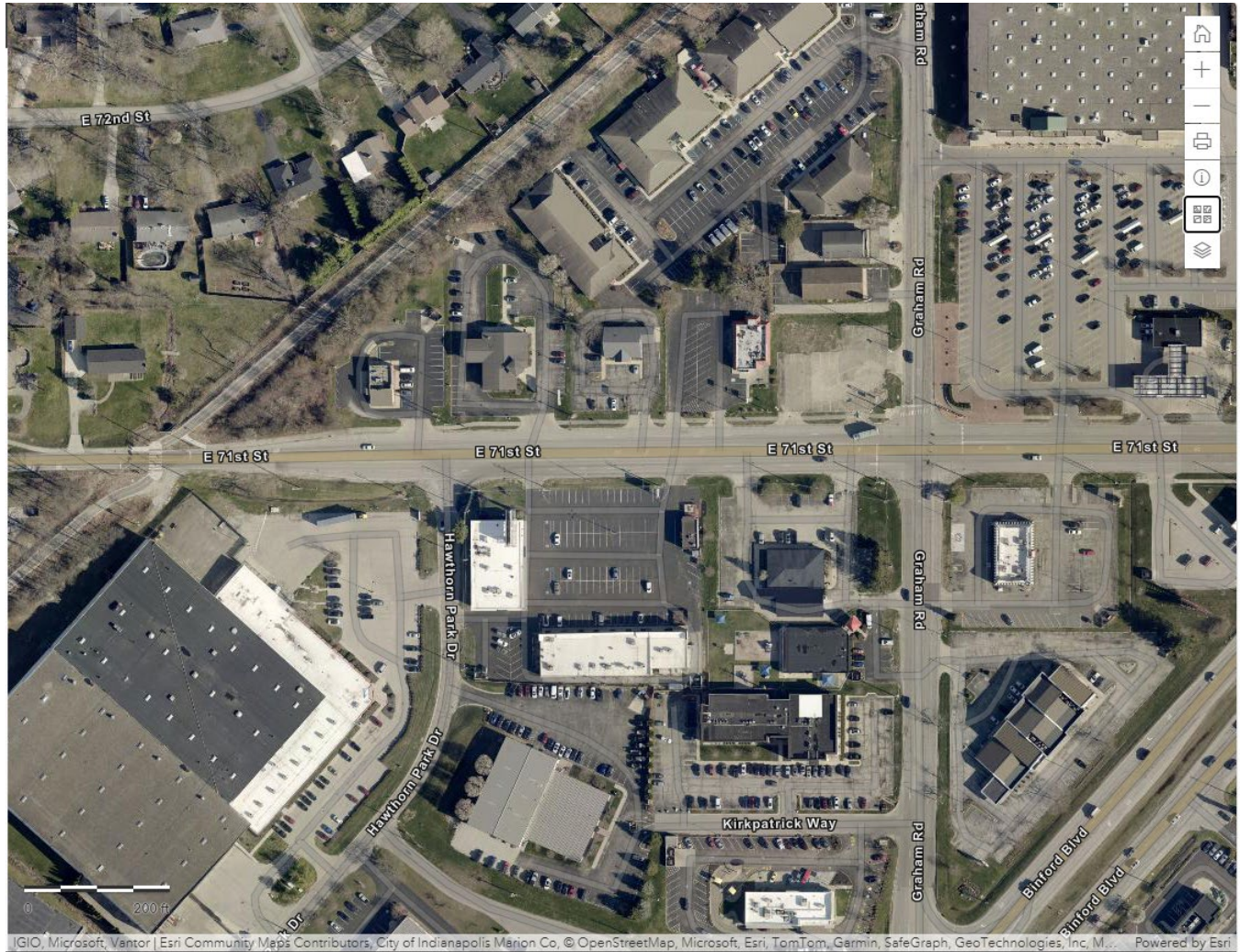
88-V3-115 (northeast of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the erection of a rotating pole sign with product and pricing information and with setbacks of zero feet from a corner-cut right-of-way, seven feet from the right-of-way of Graham Road, and eleven feet from the right-of-way of 71st Street, **approved subject to conditions**.

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2013-DV1-029; 7102 Graham Road (northeast of site), Variance of Development Standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for a commercial building with retail and a fast-foot restaurant with; 1) 22 parking spaces; 2) outdoor seating; and 3) a sign with a four-foot front setback, **approved subject to conditions.**

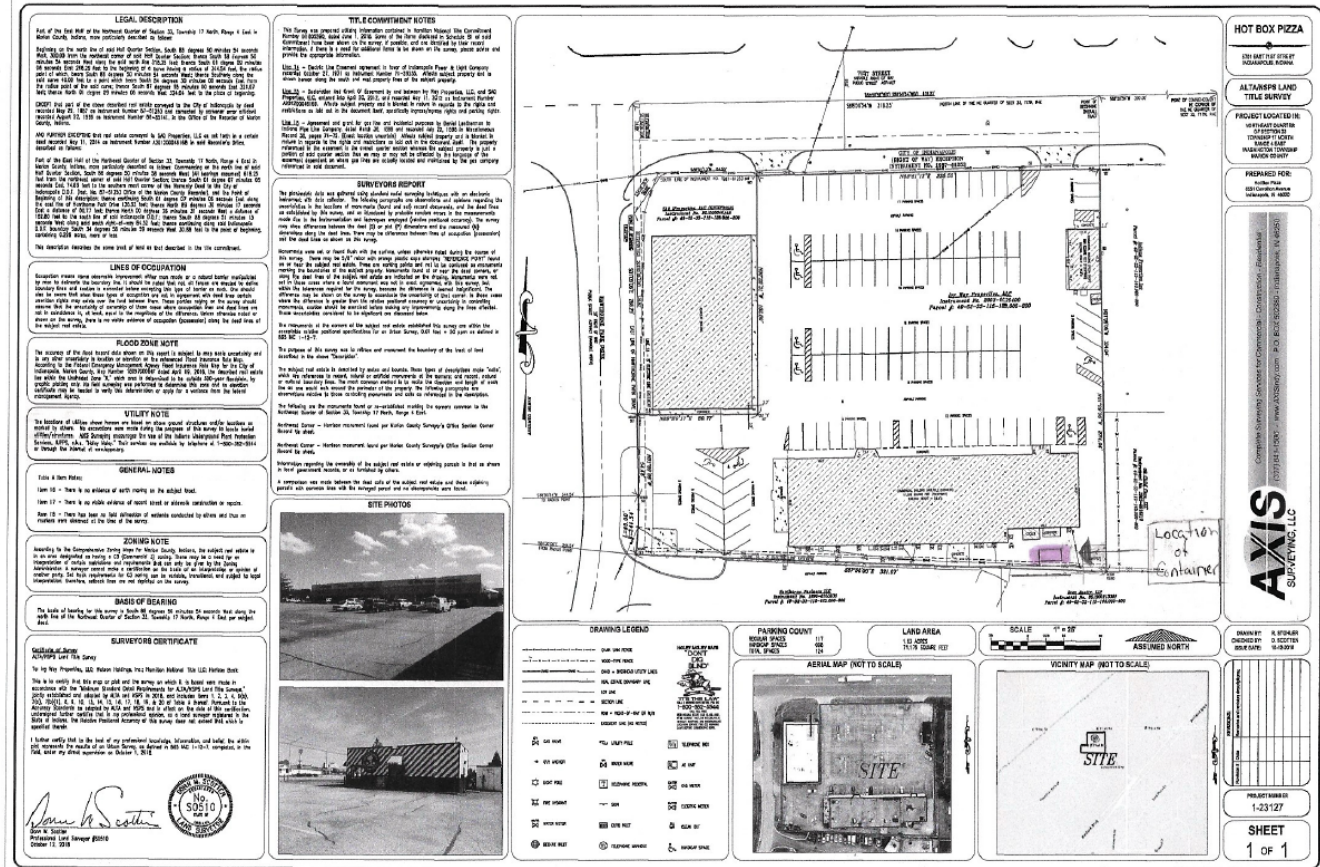
EXHIBITS

2026UV1024; Aerial Map



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2026UV1024; Site Plan



2026UV1024; Findings of Fact

FINDINGS OF FACT

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

The portable storage unit is located in the rear of the main building on the property, will not have any hazardous materials located therein and is secured from access by others. The unit has been on the property for several years prior to the application for a variance and has not caused any prior injuries to public health, safety, morals or general welfare of the community.

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

The portable storage unit is screened from view by most persons in or near the property. Storage of materials inside of the portable storage unit will assist with proper management of the property which enhances the value of adjacent properties.

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

The property is fully leased and no storage areas for the property owner are currently located inside of the buildings on the property.

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

The property owner will be required to transport property management materials, equipment and supplies to and from the property if the storage unit cannot remain on site. The lack of onsite storage may result in failure to properly maintain the property.

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

The Comprehensive Plan calls for this property to remain Neighborhood Commercial which is consistent with current and future uses for the site.

2026UV1024; Photographs



Photo 1: View of subject site looking in from Hawthorn Park Drive

2026UV1024; Photographs (continued)



Photo 2: View behind building. Storage unit can be seen in background.

2026UV1024; Photographs (continued)



Photo 3: View of storage container looking east. Southern (right) side of container can be seen over the fence by the neighboring property

2026UV1024; Photographs (continued)



Photo 4: Looking towards adjacent property to the south with storage container on the left. Container visible over fence.

2026UV1024; Photographs (continued)



Photo 5: Full view of storage container

2026UV1024; Photographs (continued)



Photo 6: On eastern side of parcel looking southwest at storage unit

BOARD OF ZONING APPEALS DIVISION I

October 06, 2026

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

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends denial of this petition.

PETITION OVERVIEW

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

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

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

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

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

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

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

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

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

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

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

GENERAL INFORMATION

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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

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

The intent of the Transit Oriented Development {TOD} Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, 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.

TRANSIT ORIENTED DEVELOPMENT SECONDARY ZONING DISTRICT (TOD)

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

1. Any property with D- district zoning.
2. Any property with CBD- district zoning.
3. Any property with I- district zoning.
4. All lots located within any locally designated historic preservation areas as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC).

The intent of the Transit Oriented Development {TOD} Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These

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development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:

1. Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
2. Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
3. Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

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

1. Projects that meet all development and design standards may apply for permits unless Administrative Approval is required by this code.
2. Projects requesting relief from the use or development standards require approval by the Board of Zoning Appeals, in addition to all other approvals that may otherwise apply, including but not limited to approval by the Indianapolis Historic Preservation Commission or Regional Center Hearing Examiner.

AIRSPACE SECONDARY ZONING DISTRICT

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

GENERAL REGULATIONS APPLICABLE TO ALL FLOOD CONTROL ZONING DISTRICTS

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

From and after October 4, 1971:

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

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

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard. Ordinary maintenance and repair conducted under Department of Public Works maintenance programs is excluded, such as mowing and activities required as part of necessary maintenance of drainage or flood control facilities so that the facilities will perform the function for which it was designed and constructed, provided that the maintenance of drainage or flood control facilities does not include any activities identified in subparagraphs 1 through 8 of the definition of “development” in Sec. 740-202.

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

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

- The nonbuilding structure is designed, located, and constructed such that it is protected from potential damage resulting from flooding up to and including the flood protection grade.
- The nonbuilding structure is designed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the flood protection grade.
- The nonbuilding structure is designed to minimize potential contamination or infiltration of floodwaters or other potential environmental health or safety hazards associated with flooding up to and including the flood protection grade.
- The nonbuilding structure is designed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross-section

area perpendicular to the flow path, and placement of the nonbuilding structure away from areas of greater depth or velocities.

- The IDNR first issued a certificate of approval of construction in a floodway, if applicable pursuant of IC 14-28-1; and
- The nonbuilding structure must meet the applicable flood protection grade required by IDNR and FEMA rules.

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

- Truck, train, or bus terminal, storage, or maintenance facility.
- Other public equipment storage facilities.

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

- The nonbuilding structure is designed, located, and constructed such that it is protected from potential damage resulting from flooding up to and including the flood protection grade.
- The nonbuilding structure is designed and constructed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the flood protection grade.
- The nonbuilding structure is designed and constructed to minimize potential contamination or infiltration of floodwaters or other potential environmental or safety hazards associated with flooding up to and including the flood protection grade.
- The nonbuilding structure is designed and constructed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross-section perpendicular to the flow path, and placement of the nonbuilding structure away from areas of greater depth or velocities; and
- The nonbuilding structure shall meet the applicable flood protection grade required by IDNR and FEMA rules.

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

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

- No variance for the construction of a new residential structure in a Floodway (FW) district may be granted.
- All variances granted for an associated use in a Floodway (FW) district shall first require a permit from IDNR if such permit is required by IDNR rules and procedures.
- Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
- All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction.

Pattern Book / Land Use Plan

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

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

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

The Washington Street corridor is one of the main east-west travel routes across Marion County. The corridor encompasses some of the region's largest trip generators, including the Indianapolis

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

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

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

Additionally, new crosswalk pavement markings, consisting of continental-type crosswalk pavement markings, would be installed at station locations and signalized intersections within the project limits. Where practical, median pedestrian refuges that are a minimum of eight-feet wide and curb extensions would be added to reduce pedestrian crossing distance. Pedestrian refuges would occur through either Rectangular Rapid Flashing Beacons (RRFB) or High-Intensity Activated Crosswalk Beacons (HAWK). Existing refuges near Randolph Street, Oxford Street, Layman Street, Audubon Road, Bolton Avenue and Woodlark Drive would become either HAWKs or RRFB. New pedestrian refuges would occur between Traub and Elder (RRFB), Keystone (HAWK), near the Fenton Station and at the Mitthoeffer traffic signal. All corners of intersections, with or without stations, would include new ADA curb ramps, unless the existing curb ramps are in good condition and within ADA standards.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

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

ZONING HISTORY – VICINITY

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

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

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

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

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

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

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

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

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

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

ZONING VIOLATIONS

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

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

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

1. The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Trash, cardboard, milk crates, coolers, and other miscellaneous items throughout the property).
2. The outdoor storage of inoperable vehicles or vehicle parts in any zoning district, the provisions of which do not specifically permit such a use; (Multiple inoperable vehicles, vehicle tires, and bumpers).
3. The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, with a cargo holder exceeding 12ft. in length, multiple trailers, and reefer trailer).
4. The conduct of any activity in a zoning district, not specifically enumerated as permitted primary or accessory use in that zoning district.
5. The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (An agricultural enterprise is not a permitted use in a D-4 zoning district- poultry and cattle farm), (Vehicle repair is not a permitted use in a D-4 zoning district), and (Outdoor storage and operations is not a permitted accessory use in a D-4 zoning district).

VIO18-007372; VIO-CLOSED.

1. The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (washer, dryer, pallets, and miscellaneous items).
2. The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (semi-trailer, trailers with cargo holders measuring more than 12 feet in length).

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3. Failure to comply with use-specific standards and zoning district development standards for the D-4 district; (approved safety cover or fencing not installed for pool).

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

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

EXHIBITS

AERIAL VIEW:



ZONING:



OVERLAY:

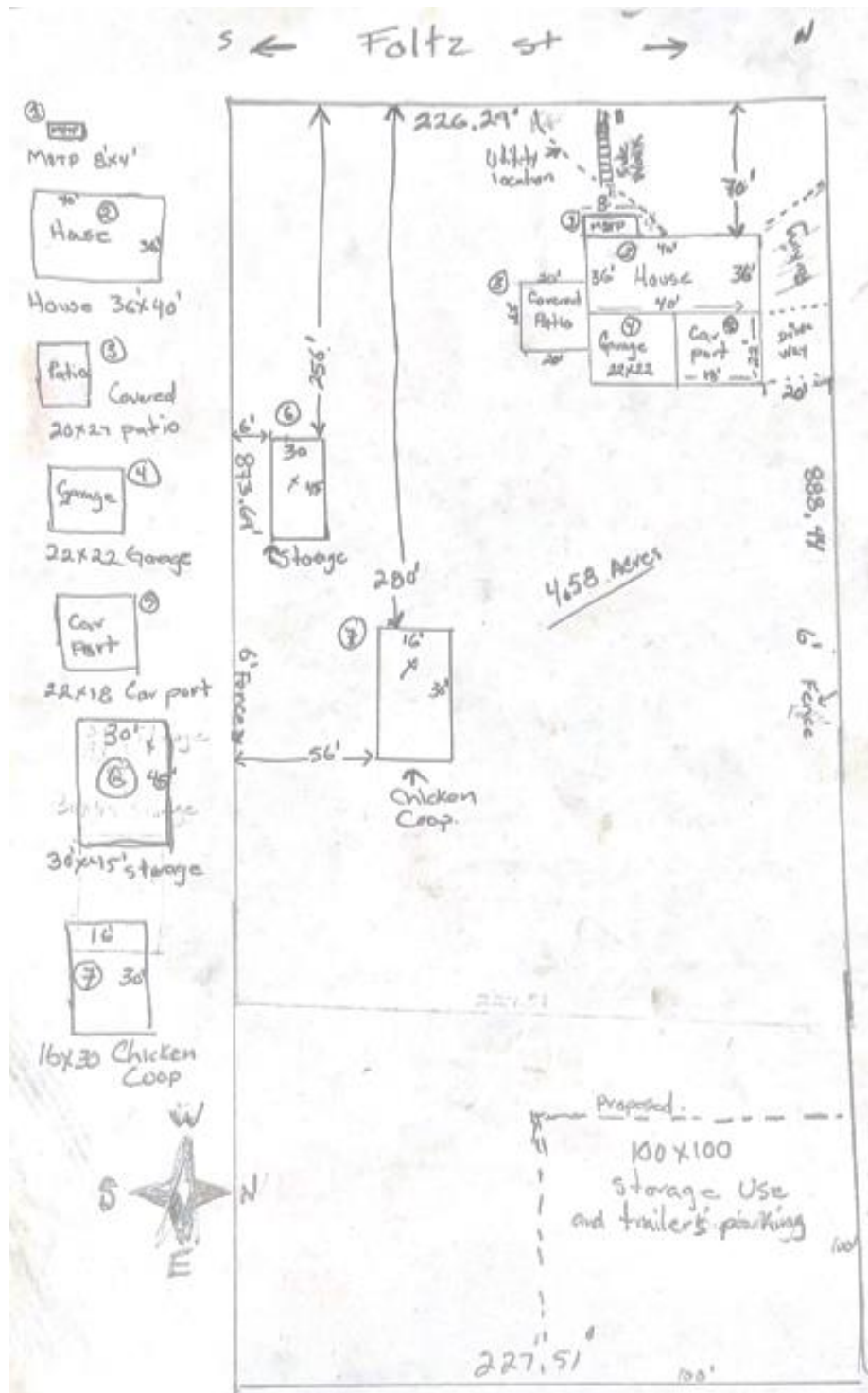


100 yr flood



TOD

SITE PLANS:



PLAN OF OPERATION:

Plan of Operation

Proposed Use

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

Proposed Facilities

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

Employees

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

Security

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

Hazardous or Explosive Materials

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

Hours of Operation

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

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

FINDINGS OF FACT:

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

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

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

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

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

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

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

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

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

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



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LETTERS OF REMONSTRANCE:

From: [JERRY CLEVINGER](#)
To: [Baker, Adrienne](#)
Subject: Case# 2026UV1-028
Date: Thursday, September 17, 2026 12:14:30 PM

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

My name is Jerry Clevenger and my wife is Judy Clevenger. We live at 3830 W. McCarty St. Indianapolis, IN 46241.

We are writing this letter to "OPPOSE" the variance request at 625 Foltz St.

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

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

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

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

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

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

Thank You



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

You don't often get email from indybev1234@gmail.com. [Learn why this is important](#)

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

SITE PHOTOGRAPHS:



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