



**Board of Zoning Appeals
Board of Zoning Appeals Division I
(March 3, 2026)
Meeting Agenda**

Meeting Details

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

Date: Tuesday, March 03, 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

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2025-DV1-052 (Amended) | 4105 West 93rd Street**
Pike Township, Council District #1, zoned I-2 / MU-1
V 465 LLC, by John B. Gregg

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a warehouse exceeding one double-loaded row of parking in front of a building (not permitted) and the removal of heritage trees without prior authorization (not permitted).

**** Staff requests a continuance to the April 7, 2026, hearing**

- 2. 2025-DV1-065 | 2929 Eagledale Drive**
Wayne Township, Council District #11, zoned D-5
Grise Home & Property Group LLC, by Martin Jimenez

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a carport with a 0-foot side yard setback (5-foot setback required).

**** Staff requests a continuance to the April 7, 2026, hearing**

- 3. 2026-DV1-001 | 445 Sanders Street**
Center Township, Council District #18, zoned D-8
NP Financial Services LLC, by Josh Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling with a 29-foot front setback (19.9-foot maximum front setback required), and encroaching within the clear sight triangle of Sanders Street and South East Street (not permitted).

*** An automatic continuance has been submitted by a Registered Neighborhood Ordinance, continuing this petition to the April 7, 2026, hearing**

- 4. 2026-DV1-003 | 602 Prospect Street**
Center Township, Council District #18, zoned D-8
NP Financial Services LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling with a 10-foot rear setback (20-foot rear setback required), and to permit an off-street parking pad within the front yard with a zero-foot west side setback (parking pad not permitted, five-foot side setback required).

*** A Registered Neighborhood organization has submitted a timely request for an Automatic Continuance, continuing this petition to the April 7, 2026, hearing**

5. 2026-DV1-004 | 6535 North Olney Street

Washington Township, Council District #3, zoned D-2
Chris Schmidt

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a privacy fence not to exceed twelve (12) feet in height in the rear yard (maximum height six feet permitted in rear yards).

**** Staff requests a continuance, with notice, to the April 7, 2026, hearing due to legal notice requirements**

6. 2026-DV1-006 | 7575 Central Avenue, Town of Meridian Hills

Washington Township, Council District #2, zoned D-S
Rebecca Boyle, by Todd Williams

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the construction of a single-family dwelling with a rear yard setback of 15 feet (minimum of 30 feet required).

**** Staff requests a continuance to the April 7, 2026, with notice, due to legal notice requirements**

7. 2026-UV1-001 | 3919 Moller Road

Pike Township, Council District #5, zoned MU-1 / C-4
Hodges Commons Limited Partnership, by Alex Keller

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 98-unit apartment building and accessory daycare building with a 14-foot front transitional yard (20 feet required), a 47-foot height (45 feet required), deficient transparency (40% required along western and southern facades), deficient primary entry features (1 per 100 feet required along frontages), excess wall plane along frontage (maximum 100 linear feet and 1000 square feet permitted), first-story elevation at street level (2-feet above street level required), removal of heritage trees without prior authorization (not permitted), a deficient Green Factor score (0.22 required), and deficient transitional yard landscaping.

**** This petition will be withdrawn**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

8. 2025-DV1-064 (Amended) | 3155 Arbor Street

Perry Township, Council District #22, zoned D-4 (FF)
Jose Moreno, by Samuel Salazar

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a detached accessory garage within the front yard of Arbor Street (accessory structures must be behind primary buildings).

9. 2026-DV1-002 | 101 West Georgia Street

Center Township, Council District #18, zoned CBD-2 (RC) (TOD)
Capital Improvement Board of Managers of Marion County, by Sarah Peters

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the placement of a primary freestanding sign within the Mile Square (not permitted) and within public-right-of-way (not permitted).

10. 2026-UV1-003 | 2407 and 2409 English Avenue
Center Township, Council District #18, zoned C-4 / C-7
Joseph Csikos

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation and expansion of a bar / tavern within an existing building approximately five-feet from a protected district (100-foot separation required), and with 15 parking spaces provided (22 parking spaces minimum required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

11. 2025-DV1-059 | 5217 Broadway Street
Washington Township, Council District #7, zoned D-5 (TOD) (W-5)
John Rising-Moore

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the addition to a single-family dwelling with a four-foot north side setback and a 3.5-foot south side setback (five-foot side setbacks required).

12. 2025-DV1-063 (Amended) | 6690 Jackson Street
Wayne Township, Council District #16, zoned D-2
Ramon Ibanez

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall fence with posts exceeding the height of the fence by more than a foot, within the front yard of Bauman Street, and encroaching within right-of-way, the clear-sight triangle of a driveway, and an easement (maximum 3.5-foot tall fence permitted, posts maximum one foot taller than fence, encroachment of rights-of-way, clear-sight triangles and easements prohibited).

PETITIONS FOR PUBLIC HEARING (New Petitions):

13. 2026-DV1-005 | 6617 Stearns Hill Drive
Franklin Township, Council District #25, zoned D-2
Tabatha Viewegh

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached accessory structure with a three-foot north side yard setback (seven feet required).

14. 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).

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

February 3, 2026

Case Number: 2025-DV1-052 (Amended)

Property Address: 4105 West 93rd Street (approximate address)

Location: Pike Township, Council District #1

Petitioner: V 465 LLC, by John B. Gregg

Current Zoning: I-2 / MU-1

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a warehouse exceeding one double-loaded row of parking in front of a building (not permitted) and the removal of heritage trees without prior authorization (not permitted).

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

3/3/2026: To allow for additional time to generate supporting documents related to the heritage tree variance as well as for commitments related to the property to the east, staff will request an additional continuance to the April 7, 2026 hearing. A full staff report will be made available in advance of that date.

2/3/26: Per amended documentation, the petition was amended to remove one previously requested variance and to add another one related to parking within a front yard. In order to allow time for the amended notice to be sent, as well as to allow time for additional discussion and generation of supporting documents, staff will plan to request a continuance to the March 3, 2026 hearing date.

1/6/26: The petitioner indicated their intent to request a continuance to the February 3, 2026 hearing date to allow additional time to submit a landscaping plan related to the proposal.

12/2/25: A timely automatic continuance request was filed by a registered neighborhood organization, automatically continuing this petition to the January 6, 2026 hearing date.



BOARD OF ZONING APPEALS DIVISION I **March 3, 2026**

Case Number: 2025-DV1-065

Property Address: 2929 Eagledale Drive (approximate address)

Location: Wayne Township, Council District #11

Petitioner: Grise Home & Property Group LLC, by Martin Jimenez

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a carport with a 0-foot side yard setback (5-foot setback required).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

3/3/26: During the period between hearings, staff became aware that legal notice requirements had not fully been met. To allow for 23 days between posting of the legal notice sign and the hearing, staff will request a continuance on the petitioner’s behalf to the April 7th, 2026 hearing date of Division I.

2/3/26: The petition was continued by the Board to the March 3rd, 2026 hearing date to allow for staff to make arrangements for a live translator to be present.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 2929 Eagledale Drive is a residential property currently improved with a single-family residence originally constructed in 1956 per the Assessor’s property card. The site is midblock, along a curvilinear street, and is around 4973 square feet in size. Surrounding properties are also residential in nature, and the closest road of a non-local classification is 30th Street to the north. Per aerial photography, a carport with a width of 16 feet, supported by three (3) posts and with open walls was added onto the southeastern portion of the property in 2024.
- The violation case VIO24-005040 was opened June 2024 based on an anonymous complaint filed with the Mayor’s Action Center related to the parking of unlicensed cars. The Notice of Violation (within Exhibits below) cites the property for those vehicles, as well as for both a lack of



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distinct edging for gravel parking and areas and the lack of a zoning permit for the carport addition. Grant of this variance would not allow for relief from those Ordinance standards, and the site would need to be brought into compliance regardless of the disposition of this petition.

- Approval of this variance would relate to the setback encroachment that has resulted from placement of the carport without having permits in place. Although neither the notice of violation nor documentation provided by the applicant specified the precise setback of this improvement, aerial photography and staff’s visit seem to indicate that the carport would be directly adjacent to the border fence comprising the property boundary (resulting in a 0-foot setback where a 5-foot setback would be required).
- Staff would note that it doesn’t appear that the carport improvement is utilized for the parking of vehicles; instead, vehicles park on the driveway within the site’s front yard and the portion of the carport nearest the front property line is blocked by an opaque fence that appears to have been installed between 2019 and 2022. This fence and outdoor patio area predate the carport, and although the height of the fence was not cited within the violation staff notes that the maximum allowable height for this fence within a side yard would be 6 feet in height and that a fence exceeding that height could be citable.
- The property is zoned D-5 to allow for medium and large-lot housing formats, primarily for detached houses within either suburban neighborhoods or infill of established urban areas. Similarly, the Comprehensive Plan recommends the site to the Suburban Neighborhood typology to allow for development of predominantly single-family housing. Infill Housing Guidelines indicate that side setbacks and building spacing should reinforce spacing on the existing block, and that minimum spacing is needed to allow for maintenance and reduce the risk of fire spreading.
- Findings of Fact provided by the applicant indicate that grant of the variance would be justified since the carport covering the patio would be placed on their private property, and that the additional covered area wouldn’t result in difficulties related to rainfall runoff or site drainage. Staff would note that the Findings fail to identify any site-specific practical difficulty requiring placement of a carport with this width and proximity to the property line: the fact that the structure was placed without permits to verify ordinance compliance is a self-imposed difficulty, and staff would want to avoid the precedent of ‘asking for forgiveness instead of permission’.
- It also is unclear that placement of the roofed structure wouldn’t have a drainage impact on the adjacent property to the south, and the setback being reduced to 0 feet would fail to conform with relevant Infill Housing Guidelines. For these reasons, staff recommends denial of the variance.

GENERAL INFORMATION

Existing Zoning	D-5
Existing Land Use	Residential
Comprehensive Plan	Suburban Neighborhood
Surrounding Context	Zoning Surrounding Context



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North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
Eagledale Drive	Local Street	70-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	12/10/2025	
Site Plan (Amended)	N/A	
Elevations	12/20/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/20/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of 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.

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.

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

2008UV1033 ; 3901 W 30th Street (northwest of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a preschool (not permitted), **approved**.

83-V1-52 ; 2919 Corvallis Crescent (west of site), Variance of development standards to permit construction of an attached garage to within seventeen feet of the corner front building line, **approved**.

EXHIBITS

2025DV1065 ; Aerial Map



2025DV1065 ; Aerial Map (zoomed, prior to carport placement)





2025DV1065 ; Findings of Fact

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

IT IS NOT FOR THE PUBLIC AT ALL, ITS SOMETHING PERSONAL

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:

NO, BECAUSE IT IS NOT CLOSE TO THE PROPERTY AND IT WAS CHECKED BEFORE WATER SLIDING OFF WONT TOUCH OR BOTHER IT

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

THERE WILL BE NO DIFICULTIES IT IS A SIMPLE ROOF FOR SHADE

2025DV1065 ; Notice of Violation (VIO24-005040)

Section 740 -1005.A.2. Civil Zoning Violation

Specific Violation: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for a change in the roofline configuration of the structure...carport addition).

Section 740 -1005.A.2. Civil Zoning Violation

Specific Violation: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for increasing the height, size or lateral bulk of the structure...carport addition).

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...unlicensed Honda Pilot and Chevy Cruze).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (744-404.D.6.a. - Parking areas in front yards shall be paved with bricks, concrete, asphalt, permeable pavers or pavement, or a gravel surface with a distinct edge boundary to retain the gravel; the parking of vehicles on grass in the front yard is prohibited).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (Table 744-201-1: - Carport located in the 5ft. side yard setback).

2025DV1065 ; Photographs



Photo 1: Subject Site Viewed from Southwest



Photo 2: Subject Site Viewed from Southwest (October 2022)

2025DV1065 ; Photographs (continued)



Photo 3: Carport Viewed from Southwest



Photo 4: Carport Viewed from South

2025DV1065 ; Photographs (continued)



Photo 5: Adjacent Property to West



Photo 6: Adjacent Property to North (October 2024)



BOARD OF ZONING APPEALS DIVISION I **March 3, 2026**

Case Number: 2026-DV1-001
Address: 445 Sanders Street (approximate address)
Location: Center Township, Council District #18
Zoning: D-8
Petitioner: NP Financial Services LLC, by Josh Smith
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling with a 29-foot front setback (19.9-foot maximum front setback required), and encroaching within the clear sight triangle of Sanders Street and South East Street (not permitted).

Current Land Use: Undeveloped lot

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

A Registered Neighborhood Organization has filed an automatic continuance, continuing this petition from the March 3, 2026, to the April 7, 2026, hearing. This would require the Board's acknowledgement.



BOARD OF ZONING APPEALS DIVISION I **March 3, 2026**

Case Number: 2026-DV1-003
Address: 602 Prospect Street (approximate address)
Location: Center Township, Council District #18
Zoning: D-8
Petitioner: NP Financial Services LLC, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling with a 10-foot rear setback (20-foot rear setback required), and to permit an off-street parking pad within the front yard with a zero-foot west side setback (parking pad not permitted, five-foot side setback required).

Current Land Use: Undeveloped
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

A Registered Neighborhood Organization has filed an automatic continuance, continuing this petition from the March 3, 2026, hearing, to the April 7, 2026, hearing. This would require the Board’s acknowledgement.



BOARD OF ZONING APPEALS DIVISION I

March 3, 2026

Case Number: 2026-DV1-004
Address: 6535 North Olney Street (approximate address)
Location: Washington Township, Council District #3
Zoning: D-2
Petitioner: Chris Schmidt
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a privacy fence not to exceed twelve (12) feet in height in the rear yard (maximum height six-feet permitted in rear yards).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition will need to be continued for cause to the April 7, 2026, hearing, in order to meet the legal notice requirements. This would require a motion from the Board.



BOARD OF ZONING APPEALS DIVISION I **March 3, 2026**

Case Number: 2026-DV1-006

Property Address: 7575 Central Avenue (approximate address), Town of Meridian Hills

Location: Washington Township, Council District #2

Petitioner: Rebecca Boyle, by Todd Carrington

Current Zoning: D-S

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the construction of a single-family dwelling with a rear yard setback of 15 feet (minimum of 30 feet required)

Current Land Use: Residential

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

A for cause continuance has been requested by staff from the March 3, 2026 hearing, to the April 7th, 2026 hearing. New notice was required and has been sent



BOARD OF ZONING APPEALS DIVISION I **March 3, 2026**

Case Number: 2026-UV1-001
Property Address: 3919 Moller Road (*approximate address*)
Location: Pike Township, Council District #5
Petitioner: Hodges Commons Limited Partnership, by Alex Keller
Current Zoning: MU-1 / C-4

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 98-unit apartment building and accessory daycare building with a 14-foot front transitional yard (20 feet required), a 47-foot height (45 feet required), deficient transparency (40% required along western and southern facades), deficient primary entry features (1 per 100 feet required along frontages), excess wall plane along frontage (maximum 100 linear feet and 1000 square feet permitted), first-story elevation at street level (2-feet above street level required), removal of heritage trees without prior authorization (not permitted), a deficient Green Factor score (0.22 required), and deficient transitional yard landscaping.

Current Land Use: Undeveloped
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

The development group associated with this petition has since filed the combination petition 2025-CZN-801 and 2025-CVR-801 to allow for this proposed development with fewer variances within the D-10 zoning district. They indicated their desire to have this petition withdrawn, which staff will relay to the Board on their behalf at the March 3rd hearing.



BOARD OF ZONING APPEALS DIVISION I

March 3, 2026

Case Number:	2025-DV1-064 (Amended)
Property Address:	3155 Arbor Street (<i>approximate address</i>)
Location:	Perry Township, Council District #22
Petitioner:	Jose Moreno, by Samuel Salazar
Current Zoning:	D-4 (FF)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a detached accessory garage within the front yard of Arbor Street (accessory structures must be behind primary buildings).
Current Land Use:	Undeveloped
Staff Recommendations:	Staff recommends approval of the accessory garage request.
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

3/3/26: The petitioner indicated that they would plan to withdraw the request related to the parking area width and proceed solely with the first requested variance related to placement of the detached accessory garage. The site would be developed in a manner roughly matching the sketch provided within the Exhibits below. Staff recommends **approval** of the remaining variance request.

2/3/26: The remonstrator and petitioner agreed to an additional month's continuance to allow for the case to be presented to the Northwest Perry Neighborhood Association. Staff made the continuance request on the remonstrator's behalf to continue the petition to the March 3rd hearing date.

1/6/26: A timely automatic continuance was filed by a registered neighborhood organization to automatically continue this petition to the February 3, 2026 hearing. The petitioner provided an amended site plan, which is reflected within the below report. Staff's recommendation remains unchanged.

STAFF RECOMMENDATION

Staff recommends **approval** of the accessory garage request.

PETITION OVERVIEW

- 3155 Arbor Street is a lot comprised of six (6) different residential parcels with a width of 150 feet total. A residence that had been constructed on the westernmost two (2) parcels was demolished in the 1970s, and the property has been undeveloped since. Surrounding land uses include undeveloped land to the south, residences to the north and west, and a lake and operation for



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excavation of sand and gravel to the east. Due to its low elevation and proximity to the Highland Creek to the south, the property is fully located within the floodway fringe.

- The applicant is seeking to develop this site with a single-family residence. A flood permit was issued in 2024 to allow for that development with the primary and accessory structure in the locations shown below.
- Two (2) variances of development standards would be required to allow for the proposed design. The first would be to allow for a detached accessory structure within the front yard between the proposed building location and the front property line. The second would be to allow for a parking area width of 72 feet within the front yard of the site (maximum of 30 feet permitted). It appears that no variance would be needed related to the Flood Control Ordinance given the previous issuance of a flood permit, and the applicant has indicated that gravel parking areas would have distinct edge buffering as required by Ordinance.
- The violation case VIO24-010173 was opened in 2024 in relation to vehicle storage of a dump truck and trailer at the site and a lack of ILP for a parking lot area. This variance would not allow for commercial parking at this property, although staff would note that those vehicles did not appear to be present when conducting a site visit in late 2025. Additionally, approval of this petition would not allow for relief from regulations related to the placement of multiple curb cuts for a residence imposed by the Department of Public Works during the driveway permit process. A representative from DPW indicated that approval of two driveway access points would be unlikely to be approved regardless of the outcome of this petition.
- This property is zoned D-4 to allow for low or medium intensity single-family and two-family residential development, and similarly the Comprehensive Plan recommends the site to the Suburban Neighborhood typology and places it within an Environmentally Sensitive overlay (additional information below). The site is also located within the Floodway Fringe, which is a Secondary Zoning District and indicates a 1% chance for significant flooding as well as shallow flooding in any given year. Additionally, Infill Housing Guidelines indicate that accessory structures should be placed behind primary structures without overshadowing them in size, and that front yards should contain shaded green space.
- Due to site-specific constraints related to the location of the property within the Floodway Fringe and the limited amount of undisturbed soil at the site, the proposed location of the primary structure at the rear of the site would be the only feasible location for development to occur. Staff would note that in addition to there being no feasible way to have an accessory structure placed behind the primary building, the proposed detached garage would be offset to the north from the primary residence in a manner that wouldn't directly impede visual access from Arbor Street (approximating the intent of Infill Housing Guidelines). For these reasons, staff recommends approval of the requested variance for an accessory structure within the front yard.
- However, no such site-specific practical difficulty exists to justify approval of the requested variance for the parking area width of 72 feet. The limitation on front-yard parking area width for



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residential areas within the Ordinance exists to allow for vibrant front-yard areas primarily defined by green space (echoed within the Environmentally Sensitive overlay guidance from the Comprehensive Plan) while still allowing adequate space for vehicle maneuverability. Placement of a parking area over twice the maximum amount allowed would run counter to these goals, and may also negatively impact the property within floodway fringe by reducing space for front-yard compensatory storage and drainage retention and resulting in additional areas of mud and chuckholes for the gravel drive. Staff recommends denial of the driveway width variance.

GENERAL INFORMATION

Existing Zoning	D-4 (FF)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	D-4 North: Residential
	South:	D-4 South: Undeveloped
	East:	D-A East: Mining Operations
	West:	D-4 West: Residential
Thoroughfare Plan		
Arbor Street	Local Street	51-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	Yes or No	
Site Plan	11/27/2025	
Site Plan (Amended)	01/07/2026	
Elevations	10/23/2024 (ILP24-02180)	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/27/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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



Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood typology to allow for predominantly single-family housing interspersed with attached and multifamily housing where appropriate. The property is also located within the Environmentally Sensitive overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected through development that prevents or mitigates damage.

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 accessory structures should be located behind existing buildings unless there is a precedent otherwise, and that they shouldn't overshadow primary buildings in terms of scale, height, size or mass. Additionally, front yards should provide shade trees.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

56-A-159, rezoning of Lots 167 & 184 in Richland Addition being in an R-4 (Residential) district to Special Uses (15) classification to provide for the raising of fur bearing animal in existing hutches, **approved**.

ZONING HISTORY – VICINITY

2023UV3003 ; 3202 Arbor Street (southwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a commercial contractor with outdoor storage and multiple commercial vehicles (not permitted, prohibited within the Floodway Fringe) with a parking area in the front yard greater than 30 feet in width (maximum 30-foot wide parking area permitted) and a six-foot fence within the front yard of Arbor Street and a four-foot fence in the front yard of Arbor Street and Murray Street, encroaching within the clear sight triangle of these intersecting streets (maximum 3.5-foot tall fence permitted in front yards, encroachment of clear sight triangle not permitted) and a 336 square-foot garage with a three-foot rear setback (accessory structure not permitted without a primary structure and five-foot rear setback required), **denied**.

2005ZON121 ; 1135 W Troy Avenue (east of site), rezoning of 36.135 acres, being in the D-A (GSB) (FF) and D-A (FF) Districts, to the I-3-U district to provide for a mulch manufacturing operation, **denied**.

2004VAR001 ; 1135 W Troy Avenue (east of site), variance of development standards of the Industrial Zoning Ordinance to provide a maximum total area of outside operations and storage not to exceed 75 percent of the lot area (maximum 50 percent of the total floor area of enclosed structures and building permitted), **denied**.

2002LNU009 ; 3014 Arbor Street (northwest of site), legally establish use of a church, **approved**.

88-V3-31 ; 1103 W Troy Avenue (northeast of site), variance of development standards of the Marion County Master Plan Permanent Zoning Ordinance to provide for a setback of fifty feet for a sand and gravel excavating pit, **denied**.

87-UV2-83 ; 3126 Arbor Street (northwest of site), variance of use of the Flood Control Districts Zoning Ordinance and of development standards of the Dwelling Districts Zoning Ordinance to provide for a single-family residence constructed below the one-hundred year flood elevation (two feet above required) and at fifteen feet from the rear property line (twenty feet required), **denied**.

86-Z-193 ; 1103 W Troy Avenue (east of site), rezoning of 47.23 acres to the secondary GSB district to permit the excavation of sand and gravel, **approved**.

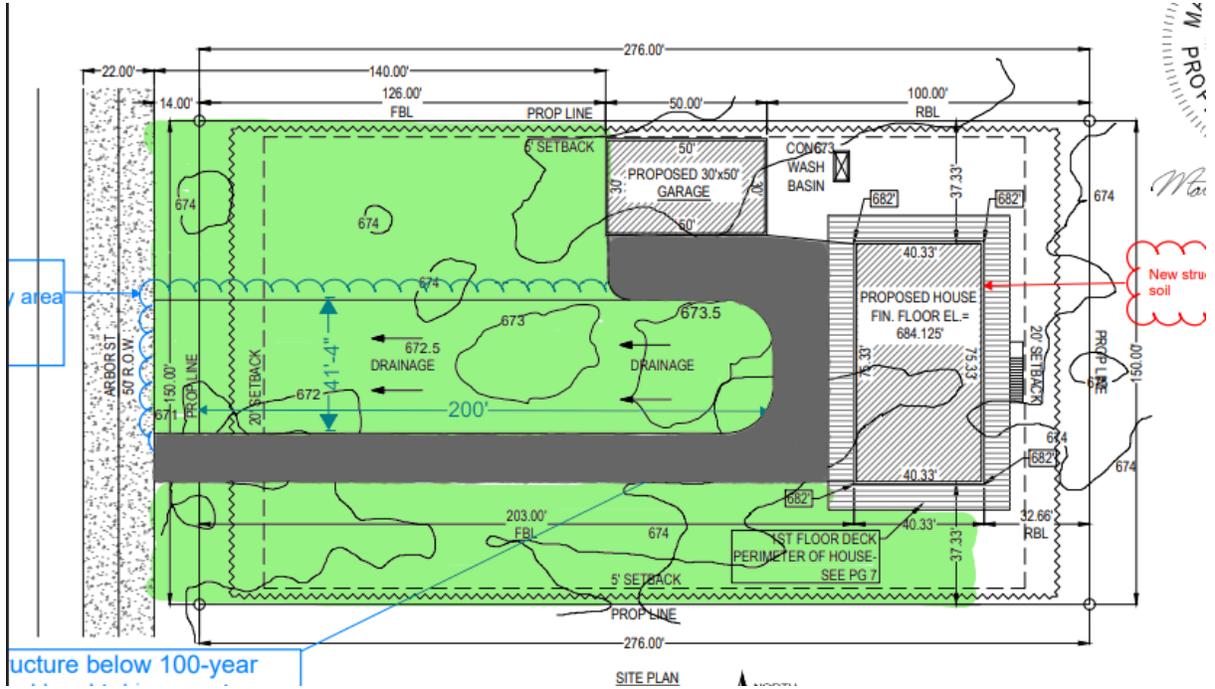
85-UV1-84 ; 3331 Arbor Street (south of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a 3200 square foot building to be used for storage of commercial trucks, **approved**.

EXHIBITS

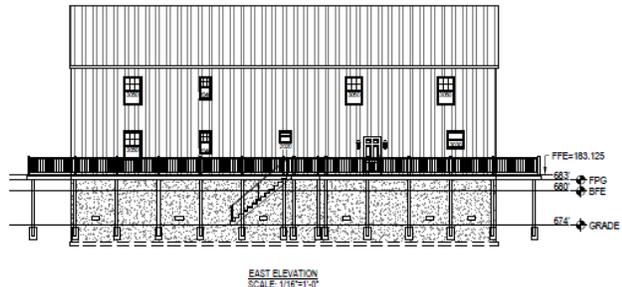
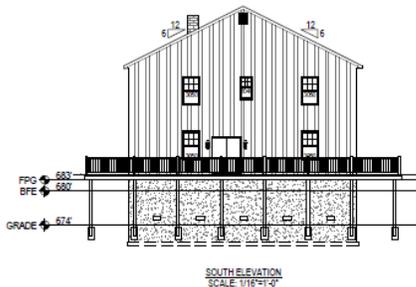
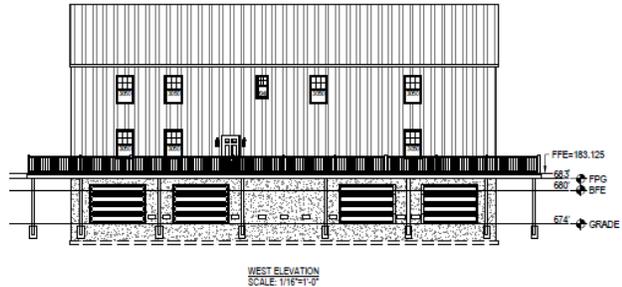
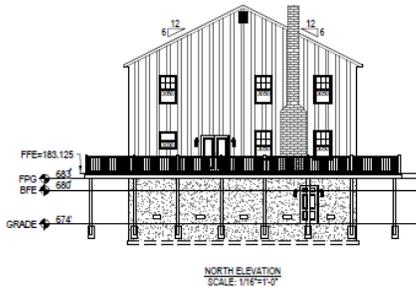
2025DV1064 ; Aerial Map



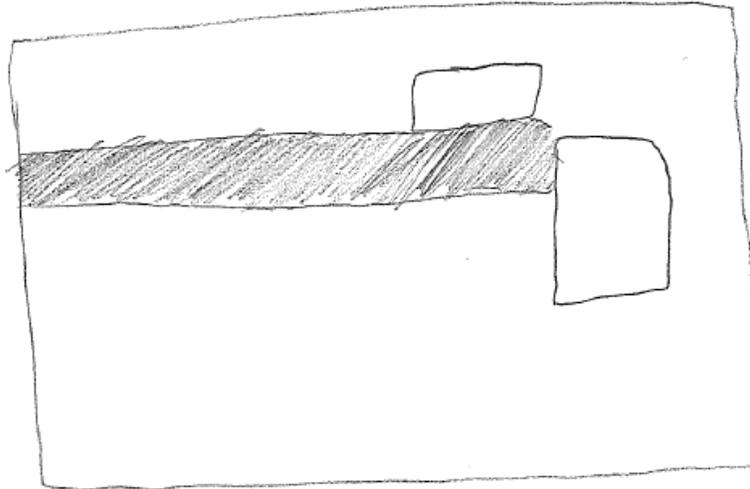
2025DV1064 ; Site Plan (01/07/2026)



2025DV1064 ; Elevations (ILP24-02180)



2025DV1064 ; Sketch showing 30-foot Width (generated by Staff)



2025DV1064 ; 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 location of the detached garage allows the installation of the excavated area mandated by flood control regulations. In a flood event it will prevent a higher base flood elevation in order to protect surrounding properties and homes. The proposed circular driveway will prevent unnecessary 3-point turns or backing maneuvers to ease traffic flow and reduce accidents.

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

The proposed location of the detached garage will not reduce or impede visibility of the home. This maintains the Municiple Code's intent to maintain accessory structures as subordinate to the primary structure also maintiain consistency with surrounding properties. Circular driveways typically elevate curb appeal and the proposed circular driveway will help integrate the excavated area into the lot as to create an asthetically pleasing view from the street.

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

The proposed home must be located at the rear of the property to make space for excavated area mandated by flood control regulations. This forces any detached garage or accessory to be located in front off to and to the side of the primary structure.

2025DV1064 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Adjacent Property to North

2025DV1064 ; Photographs (continued)



Photo 3: Adjacent Property to South



Photo 4: Adjacent Property to West



BOARD OF ZONING APPEALS DIVISION I **March 3, 2026**

Case Number: 2026-DV1-002

Property Address: 101 West Georgia Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Capital Improvement Board of Manager of Marion County, by Sarah Peters

Current Zoning: CBD-2 (RC) (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the placement of a primary freestanding sign within the Mile Square (not permitted) and within public-right-of-way (not permitted).

Current Land Use: Hotel Under Construction / Right-of-Way

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the petition.

PETITION OVERVIEW

- 101 West Georgia Street is a parcel located at the southwest corner of Georgia Street to the north and Illinois Street to the east; it is located within the Mile Square and close to both the Convention Center to the west as well as Union Station to the south. The site falls within both the Regional Center as well as the Transit-Oriented Development Secondary Zoning district. The portion of Georgia Street to the north of the property was vacated by the petition 2024-VAC-009.
- Additionally, in 2024 approval was granted to both a Regional Center petition (2024-REG-075) and variance petition (2023-CVR-840) to allow for the construction of a 40-story tall hotel, ballroom, and parking garage structure at this site. Construction on that hotel is currently ongoing and would incorporate both outdoor seating and dining areas along Illinois Street to the east as well as a pull-through area accessed from northbound traffic on Illinois Street that would allow for vehicle access on the first floor underneath the hotel itself (see site plan exhibits below).



Department of Metropolitan Development
Division of Planning
Current Planning

- An application for a sign permit was made with the Department of Business and Neighborhood Services in late 2025 to allow for placement of a monument sign oriented toward northbound traffic on Illinois, per below plans. This sign would be mounted onto a granite base wall, would have a height of seven (7) feet from grade (amended from the initially proposed height of 10 feet in response to a staff request), an area of 63 square feet, and internal illumination for some of the lettering as well as an LED strip on the eastern side oriented to pedestrian and vehicular traffic.
- In addition to requiring the approval of a Regional Center petition (already filed under 2026-REG-004), legal placement of the sign as shown below would require two (2) Variances of Development Standards: **(a)** primary freestanding signs are not an allowed sign type within the Mile Square (Ordinance specifies only wall signs, awning, signs, marquee signs, suspended signs, and projecting signs are allowed); and **(b)** the proposed sign would partially encroach past the established property line of the parcel into public right-of-way (not permitted). Staff review has confirmed that no variance would be needed related to any digital display or EVMS for the LED portions of the sign, and that it would not encroach into the required clear-sight triangle that would result from the proposed private driveway to the south of the sign.
- This property is zoned CBD-2 (Central Business District Two) to allow for high-density, urban core development of the general downtown area of Indianapolis with an emphasis on pedestrian and transit accessibility and uses such as residential, retail, restaurants, entertainment, major public and convention facilities, sports venues, hotels, and memorials. Additionally, the Pattern Book and Red/Purple Line TOD Strategic Plans recommend it to the Core Mixed-Use and Central Business District typologies respectively (additional information below).
- Applicable Regional Center Guidelines for signage indicate that signs should be designed creatively and incorporated into façade designs to promote a legible Regional Center that helps people easily locate destinations with addresses clearly visible and contrast ratios of at least 80 percent. Freestanding signage is not explicitly contemplated within the Guidelines.
- Findings of Fact provided by the applicant indicate that the proposed sign would proportionate to the scale and character of downtown, Additional correspondence also indicates that the manner of construction of the hotel façade would not easily allow for the incorporation of any additional wall or projecting signage.
- Although primary freestanding signage is not typically contemplated for the Mile Square, staff would note that the petitioner was open to reducing the height of the sign by three (3) feet to address this staff concern. Additionally, the proposed sign would be mounted onto a granite base wall which would fully remove it from the path of pedestrian or bicycles and would only result in a sign extending 3.25 feet above the wall itself. The encroachment of the sign would also only be partial and would align with the proposed outdoor dining area to the north of the sign location. For these reasons, staff recommend approval of the requested variances.



Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	CBD-2 (RC) (TOD)	
Existing Land Use	Hotel Under Construction / Right-of-Way	
Comprehensive Plan	Core Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	CBD-2	North: Parking Garage / Restaurant
South:	CBD-2	South: Union Station
East:	CBD-2	East: Commercial / Union Station
West:	CBD-2	West: Convention Center / Greenway
Thoroughfare Plan		
Illinois Street	Primary Arterial	88-foot existing right-of-way and 78-foot proposed right-of-way
Georgia Street	Primary Collector	94-foot existing right-of-way and 56-foot proposed right-of-way
Capitol Avenue	Primary Arterial	99-foot existing right-of-way and 78-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	01/19/2026	
Site Plan (Amended)	01/27/2026	
Elevations	01/19/2026	
Elevations (Amended)	02/12/2026	
Landscape Plan	N/A	
Findings of Fact	01/19/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red/Purple Line TOD Strategic Plans
- Regional Center Design Guidelines

Pattern Book / Land Use Plan

- The Core Mixed-Use typology is intended for the core of the City's Central Business District and along logical extensions from the core. It is characterized by dense, compact, and tall building patterns and a substantial degree of activity. There is a wide range of public spaces, with some designed to accommodate events and festivals. Buildings should be designed with the pedestrian in mind, with entrances and large windows facing the street. Signage is not explicitly contemplated within the Pattern Book.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red and Purple Line Strategic Plans recommend this site to the Central Business District TOD typology for the densest core of the city with high-rise building and active public spaces. A high-density mix of office, entertainment, civic, retail, residential, and public space is contemplated within tall buildings, and off-street parking should be avoided. Signage is not explicitly contemplated within the TOD Strategic Plans.

Neighborhood / Area Specific Plan

- Regional Center Design Guidelines indicate that signage should be designed to promote a legible Regional Center that helps people easily locate destinations. Signs should be incorporated into façade designs with projecting signs only permitted when contextual relationships are compatible and with a maximum projection of four feet into right-of-way. Signs should be designed creatively and artistically with contrast ratios of at least 80 percent and with street addresses clearly visible. Freestanding signage is not explicitly contemplated within the Guidelines.

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

2023CVR840, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 40-story tall hotel, ballroom and parking garage encroaching into the Sky-Exposure Plane Two for Illinois Street, Georgia Street and Capitol Avenue, **approved**.

87-HOV-147, variance of development standards of the Sign Regulations to provide size of building name sign, sign location, number of signs and height of sign for wall signs identifying the Pan American Plaza development, **approved**.

87-HOV-28, variance of development standards of the Sign Regulations to provide for two, 7-foot tall, 30-square-foot signs identifying the entrance to an underground parking area, **approved**.

86-HOV-46, variance of development standards of the Sign Regulations of Marion County to provide for a ground sign which serves as a construction barricade, 10 feet tall, located within the required setback and in excess of the maximum size permitted, **approved**.

ZONING HISTORY – VICINITY

2024DV2044, 140 S Illinois Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of two buildings signs on an existing silo within the right-of-way (not permitted), **approved**.

2017DV3007, 49 W Maryland Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for on-premise and off-premise changeable temporary advertising signs on 100% of the north and south sides of the Illinois Street skywalk, and to provide for an on-premise and off-premise 25 by 85-foot changeable temporary advertising sign on a south façade fronting on Maryland Street, east of Illinois Street (not permitted), **approved**.

2016DV1002 ; 49 W Maryland Street (northeast of site), Variance of development standards of the Sign Regulations and the Regional Center Zoning Ordinance to provide for: (a) a 63-square foot projecting sign, with an upper-level rotating element (maximum 54-square feet permitted, upper-level projecting signs not permitted, rotating signs not permitted on projecting signs), (b) two canopy signs, with one 11.91-square foot canopy sign being 65% of the canopy (maximum 45% permitted), (c) with the second 32.55-square foot canopy sign, being attached to the columns of the canopy (not permitted), being 81.4% of the canopy, and overlapping another canopy (canopies must be separated by a minimum of 20 feet), (d) with a second 24.31-square foot lower-level sign (maximum one lower-level sign permitted), **approved**.

2015VHP051 ; 230 S Meridian Street (east of site), Variances of Development Standards of the CBD-2 Zoning Ordinance to allow less setback from the north lot line than required, and encroachment of the required Sky Exposure Plane, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

2015DV3001 ; 49 W Maryland Street (north of site), Variance of development standards of the Sign Regulations to provide for a 25- by 85-foot temporary on-site and off-site advertising sign (not permitted) on the south façade fronting on Maryland Street, east of Illinois Street, and to provide for on-site and off-site temporary advertising signs on 100% of the north and south sides of the Illinois Street skywalk (not permitted), with both signs including signage for various events, public and semi-public institutions and non-profit organizations, and similar entities, **approved**.

2014HOV018 ; 100 S Capitol Avenue (northwest of site), Variance of development standards of the Sign Regulations to provide for temporary banners on three skywalks connecting to the Indiana Convention Center on a periodic basis (signs not permitted in the right-of-way), covering approximately 100% of the skywalk (maximum 20% permitted), **approved**.

2012HOV028 ; 49 W Maryland Street (northeast of site), Variance of development standards of the Sign Regulations to provide for a 20.25-square foot awning sign (only one lower-level sign permitted per tenant per façade), on a 16.5-foot wide awning, with a 6.42-foot horizontal projection (maximum four foot projection for an awning exceeded 10 feet in width), **approved**.

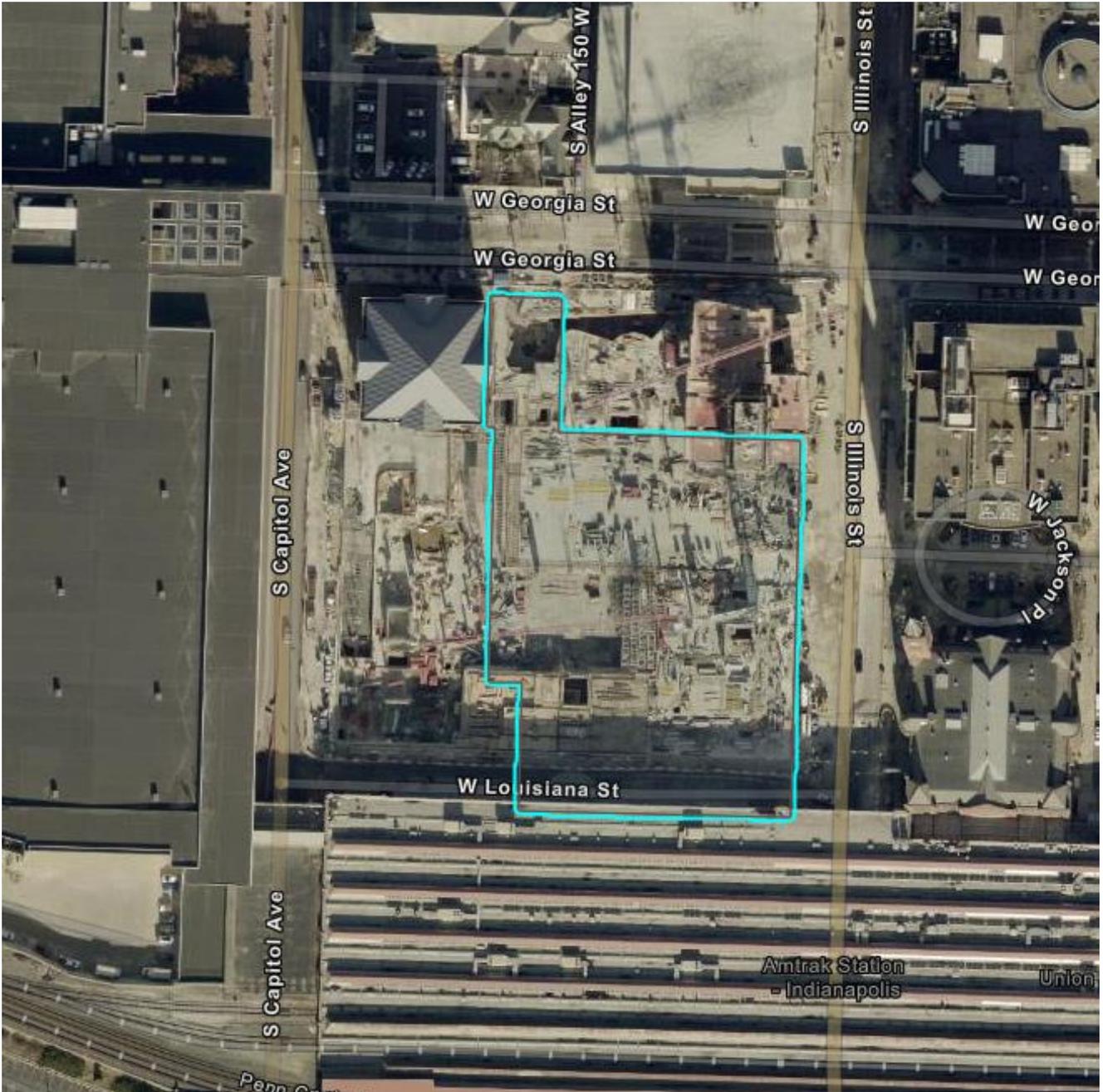
2012DV3018 ; 111 W Maryland Street (north of site), Variance of development standards of the Sign Regulations and the Regional Center Ordinance to provide for (a) a 54.925-square foot projecting sign located partially on the upper level and partially on the lower level of the building façade (maximum 54-square sign permitted, projecting signs permitted only as lower level signs, only one lower level sign per tenant permitted); (b) a 114.5-square foot projecting sign (maximum 54-square sign permitted, only one lower level sign per tenant permitted); (c) two awnings with a vertical distance of 6.5 feet (awnings greater than 10-feet in width cannot exceed a vertical distance of four feet); (d) a twelve-foot wide canopy with the highest point of the canopy being greater than four feet above the door opening (maximum ten-foot wide canopy permitted, highest point not permitted more than four-feet above the door opening); and (e) five total lower level signs (only one lower level sign permitted per tenant), **approved**.

2006VHP006 ; 202 S Meridian Street (east of site), painting of an off-premises advertising sign directly on the masonry surface on the south sidewall of the historic structure, **withdrawn**.

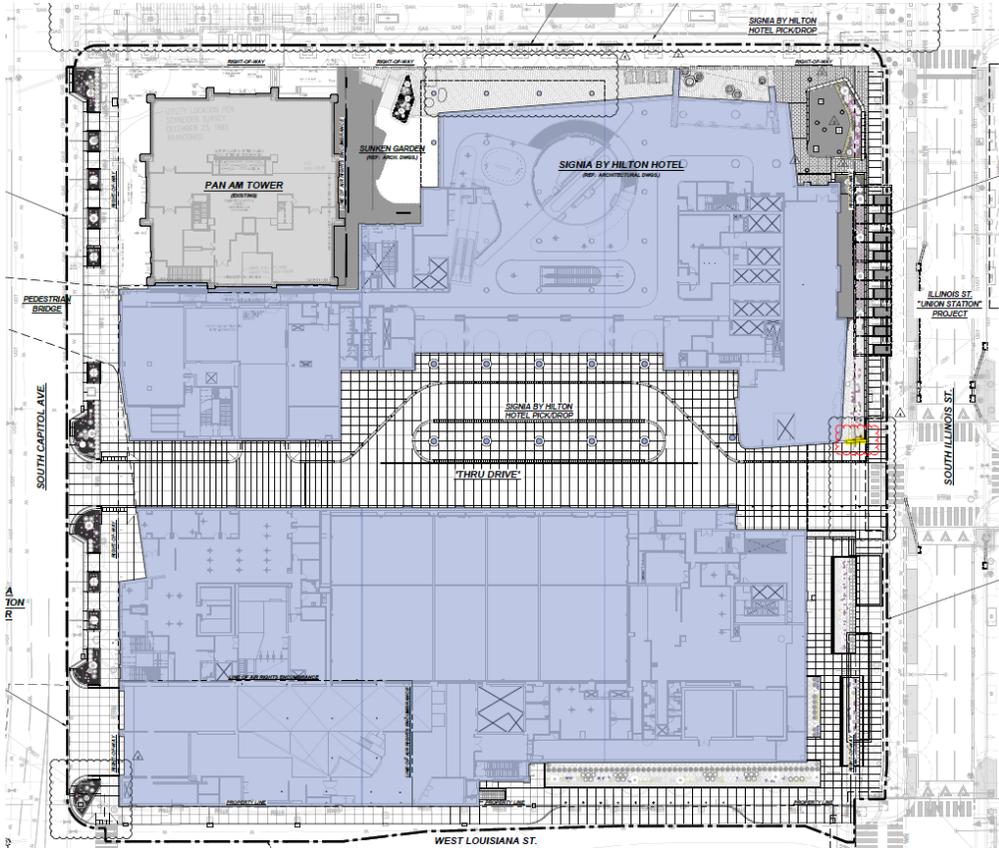
2000DV2033 ; 140 S Illinois Street (north of site), Variance of Development Standards of the Sign Regulations to provide for a 54-square foot projecting sign (maximum 24-square foot projecting sign permitted), **approved**.

EXHIBITS

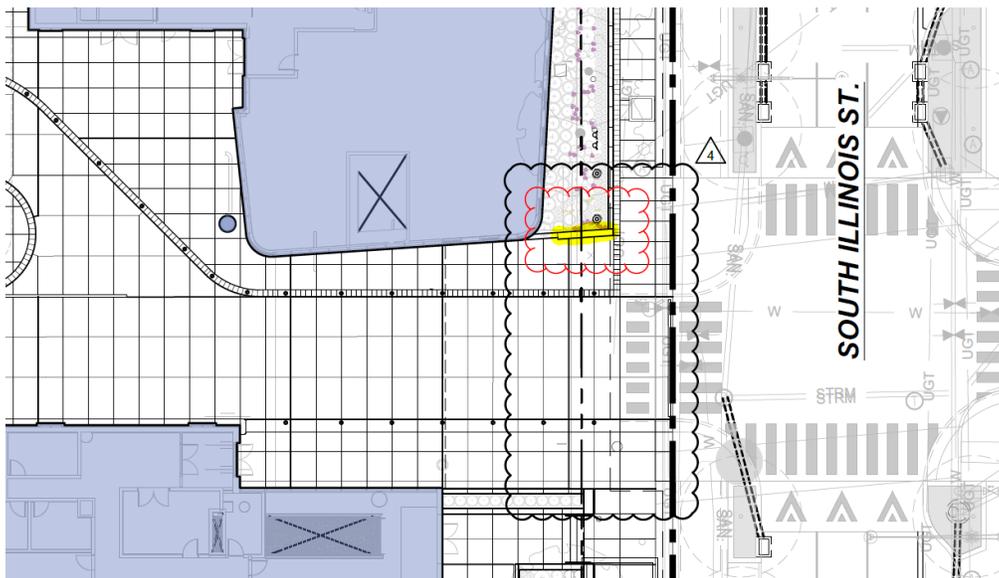
2026DV1002 ; Aerial Map



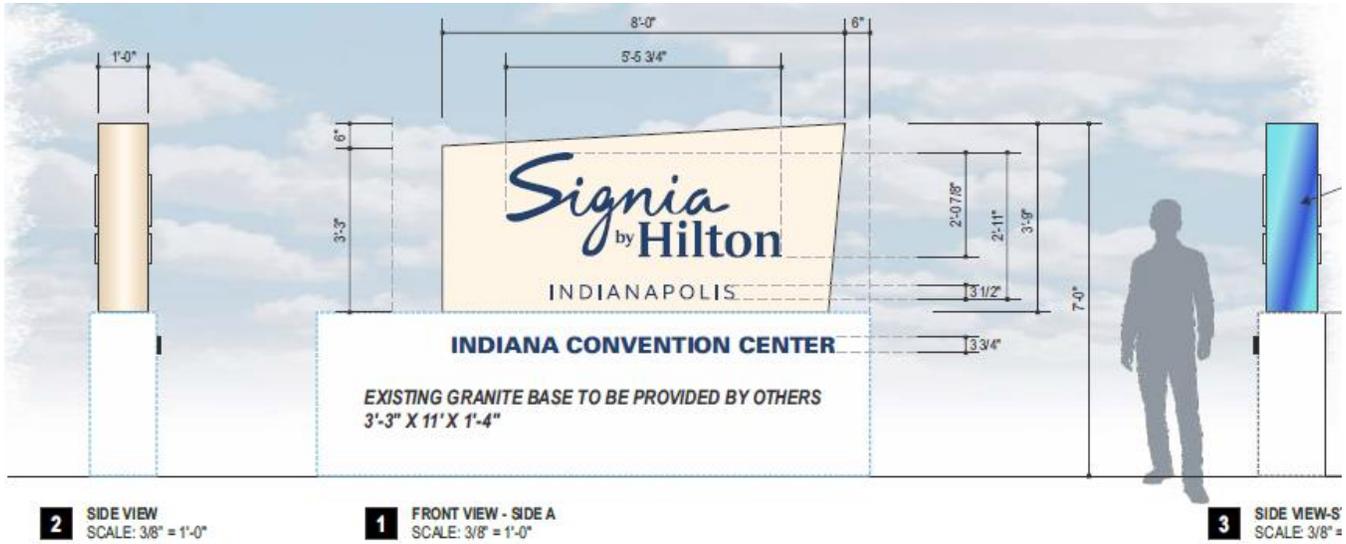
2026DV1002 ; Site Plan



2026DV1002 ; Site Plan (zoomed)



2026DV1002 ; Elevations (02/12/2026)



2026DV1002 ; 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 ground sign is designed and located to ensure clear visibility without obstructing traffic sightlines or pedestrian pathways. It complies with illumination standards to prevent glare and distraction for motorists and pedestrians. The sign enhances wayfinding and identification for visitors, contributing to a safe and organized streetscape. No adverse impacts on public health or safety are anticipated.

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 sign is proportionate to the scale and character of the surrounding downtown environment and complements existing architectural and signage elements. It will not obstruct views, diminish aesthetic appeal, or interfere with neighboring properties. Instead, it supports the vibrancy and economic activity of the area by improving visibility for the business, which benefits adjacent properties.

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

Due to the building's location and orientation, wall signage alone does not provide adequate visibility for vehicular and pedestrian traffic along Georgia Street. Strict adherence to the ordinance would limit effective identification and wayfinding for the property, creating operational challenges for the business and its patrons. A ground sign is necessary to ensure reasonable and practical use of the property for its intended purpose.

2026DV1002 ; Photographs



Photo 1: Subject Site from Southeast

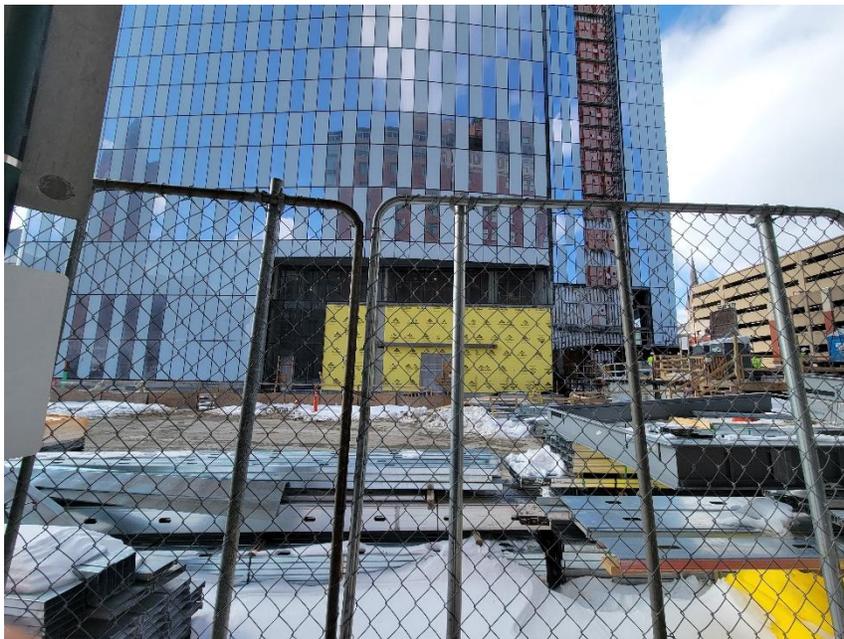


Photo 2: Subject Site from East

2026DV1002 ; Photographs (continued)



Photo 3: Subject Site from Northeast

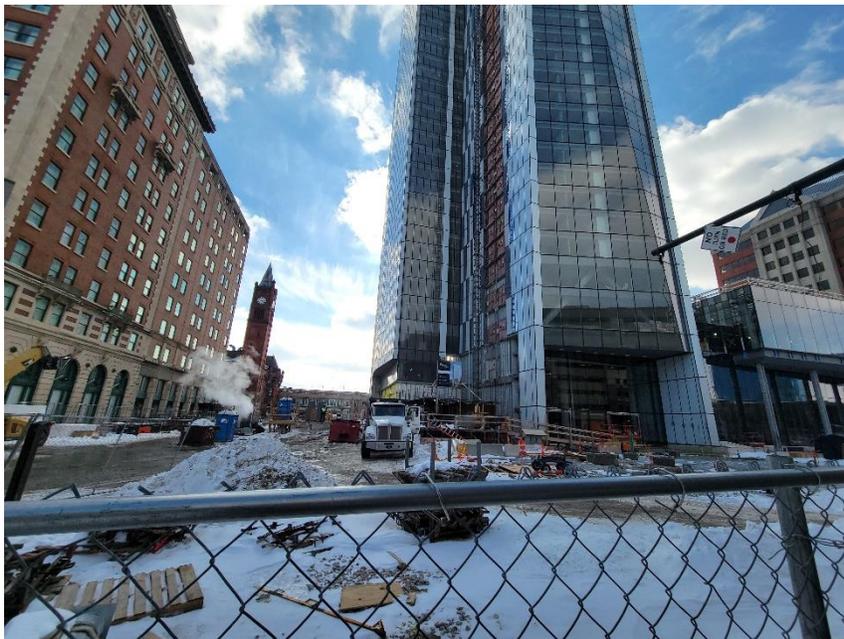


Photo 4: Subject Site from North

2026DV1002 ; Photographs (continued)



Photo 5: Subject Site Viewed from Northwest

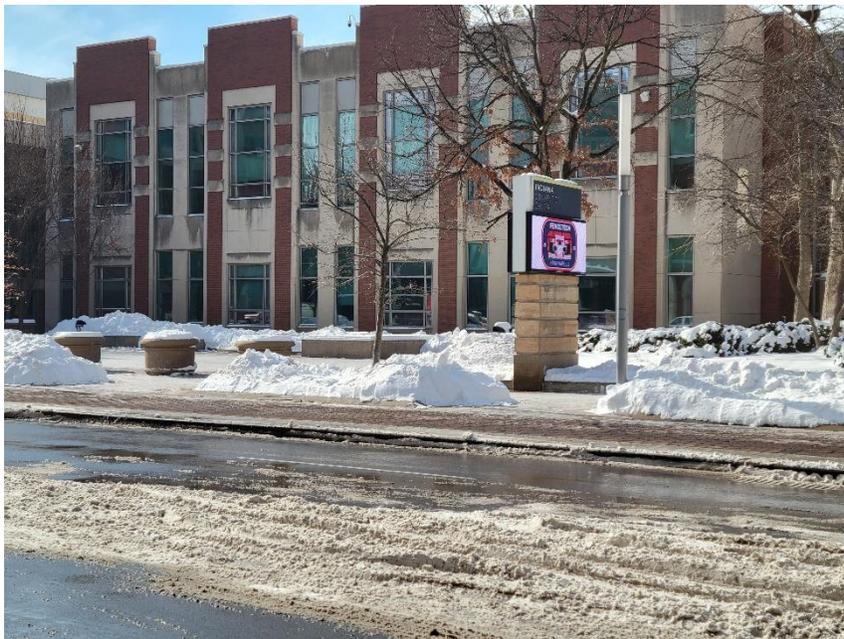


Photo 6: Existing Convention Center Signage to Northwest of Site

2026DV1002 ; Photographs (continued)



Photo 7: Adjacent Property to Northeast of Site



Photo 8: Georgia Street ROW to Northeast of Site

2026DV1002 ; Photographs (continued)



Photo 9: Adjacent Property to East of Site



Photo 10: Adjacent Property to Southeast of Site



BOARD OF ZONING APPEALS DIVISION I **March 3, 2026**

Case Number: 2026-UV1-003
Address: 2407 and 2409 English Avenue (approximate address)
Location: Center Township, Council District #18
Zoning: C-4 / C-7
Petitioner: Joseph Csikos
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation and expansion of a bar / tavern within an existing building approximately five-feet from a protected district (100-foot separation required), and with 15 parking spaces provided (22 parking spaces minimum required).

Current Land Use: Existing Bar / Tavern and Commercial Building

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to the submitted site plan and plan of operation.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ Bars and Taverns are permitted by right in the C-3, C-4, C-5, C-7, MU-2, and MU-3 districts, with a 100-foot separation from any protected district.
- ◇ The purpose of the separation requirement is to provide a buffer between land uses, when one land use is more intense and more impactful. Without the required 100-foot buffer, the impact upon the less intense uses, such as the residential neighborhood uses to the north and south, would be detrimental and injurious to the overall community.
- ◇ This requested variance of use would legally establish a legally non-conforming bar/tavern that was existing prior to the 100-foot separation requirement and provide for the expansion of the existing bar/tavern, into an adjacent storefront within the same building. The expanded bar/tavern would be located within 5 feet of an adjacent protected district.



- ◇ The adjacent protected district to the south would be across an alley from the subject site, which has a 6-foot tall privacy fence with no access to the alley, that helps buffer and regulate any litter, noise, or spill-over of automobile headlights associated with the use. The distance from the building to the closest dwelling would be approximately 25 feet.
- ◇ The proposed use would be located in a community commercial node directly across the alley from a D-5 district, and an abutting protected district to the north across English Avenue.
- ◇ A plan of operation has been submitted that limits the hours of operation from 9:00 AM – 10:00 PM (Monday thru Thursday), 9:00 AM – 12:00 AM (Friday and Saturday), and 12:00 PM – 11:00 PM (Sunday). A site plan has also been submitted that limits the operation to the existing and proposed building. Staff believes having the variance subject to these would limit the scope of operation, and its intensity, providing for the requested use to be an acceptable use at this location despite the non-permitted separation. Therefore, Staff is requesting that approval of this petition shall be subject to the plan of operation and the site plan.
- ◇ In Staff’s opinion, the proposed bar/tavern would not be dissimilar from other commercial uses permitted in the surrounding districts.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The requested variance of development standards would provide for fifteen (15) on-site parking spaces, where a minimum of 22 parking spaces is required.
- ◇ The subject site is within walking distance from surrounding residences, and is also on a well-travelled bus line, that can provide access to the site without the need for a parking space if the need arises or the clients choose to do so.
- ◇ Therefore, given the close proximity of other public on street parking, and similarly developed properties, staff does not believe this reduction in parking would be a significant deviation from the Ordinance or negatively impact the character of development within the surrounding area, and would therefore, be supportable.

GENERAL INFORMATION

Existing Zoning	C-4 / C-7	
Existing Land Use	Bar/Tavern - Vacant building	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-3 / D-5	Community Commercial / Single-family dwellings
South:	D-5	Single-family dwellings
East:	C-4	Parking lot
West:	C-7	Automotive repair and sales
Thoroughfare Plan		



English Avenue	Primary Arterial	60-foot existing right-of-way and 78-foot proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	January 7, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	January 7, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends the Community Commercial typology 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.

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

- Not Applicable to the Site.

ZONING HISTORY

95-Z-157; 2409 and 2411 English Avenue (includes subject site), requested the rezoning of 0.6 acre, being in the C-7 District, to the C-4 classification to conform existing commercial uses, **approved**.

RU *****

EXHIBITS

Location Map



Site Plan (File-dated January 7, 0226)



**Plan of Operation (File-dated January 7, 2026)*****RIFF RAFF'S OF INDY******VARIANCE OF USE (BAR / TAVERN WITHIN 100' OF PROTECTED DISTRICT)******VARIANCE OF DEVELOPMENT STANDARDS (MINIMUM OFF-STREET PARKING)***

Riff Raff's Bar and Grill operates as a neighborhood gathering place serving drinks and a full food menu at 2409 English Avenue. The bar and grill is open daily from 9:00 AM – 10:00 PM (Monday thru Thursday), 9:00 AM – 12:00 AM (Friday and Saturday), and 12:00 PM – 11:00 PM (Sunday).

The venue has become popular within the community over the years, earning a 4.4 rating on Yelp. The existing facility operates a +/- 1,300 square foot bar and grill with available outdoor seating via a covered patio in the rear of the building. Associated paved parking is provided on site. The existing bar, located at 2049 English Ave, is zoned C4, while the area of proposed expansion at 2407 English Ave is zoned C7.

As the facility has enjoyed success in the neighborhood, ownership has acquired interest in the adjoining commercial structures. Riff Raff's is proposing to expand its existing operations into the structure located at 2407 English Avenue. This portion of the structure has, most recently, operated as an accounting office; however, this space has operated as a neighborhood tavern and restaurant in the past. The expansion would offer an additional +/- 2,000 square feet of operational space including additional restrooms and entertainment options. With the expansion, the owners are proposing to improve the adjacent parking area with code compliant striping and ADA parking providing 14 parking spaces with 1 ADA compliant, van accessible, space.

As a neighborhood bar and grill, the buildings are near residential zoning districts which necessitates the variance of use permitting a bar / tavern within 100 feet of a protected district. The relationship to residential areas is important to the identity of the neighborhood bar, providing a "third place" for gathering and entertainment in the community. The location within the neighborhood, at the edge of a larger commercial node, does not afford an abundance of off-street parking. As the facility is within a walkable area, with access to public transportation, and is located within the compact context area, the provision of excess parking would not fit the character and identity of the area.

The proposed operation would mirror the hours and operations of the existing Riff Raff's providing refreshments, food, and entertainment to the neighborhood.



Findings of Fact

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The use of a bar / tavern with food sales is currently taking place immediately adjacent to the site and has operated as a bar / tavern for many years. The proposed use would be located in a portion of an existing commercial structure with adjoining on street and off street parking. The area of proposed expansion has been in operation as a bar / tavern until approximately 2014 with a bar / tavern operating in the adjacent space continually. The re-establishment of a bar / tavern in the space would not be injurious to the public health, safety, morals, and 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 proposed use is consistent with the surrounding businesses as well as the character and intent of the underlying zoning districts. The owner has shown to be a community asset and has demonstrated compliance with Indiana's alcoholic beverage laws. The plan of operations in place reflects respect for the community. The existing establishment has integrated well into the fabric of the community and has caused no negative impacts on the area.

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

The property is situated in an established neighborhood and sits at the edge of a commercial node. The existing bar / tavern serves as a neighborhood gathering place. The positioning of the use within the neighborhood is essential to its function as a neighborhood "third place".

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 area of the expansion is zoned C7 and is intended to occupy a vacant portion of the existing commercial structure, while the existing bar is zoned C4. Strict application of the terms of the Zoning Ordinance would serve to maintain a vacant space in the neighborhood node as well as prohibit walkable neighborhood bars.

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

The Comprehensive Plan recommends the area for community, regional, or heavy commercial use. The use of the space as a bar / tavern complies with the land use recommendations of the Comprehensive Plan while integrating into the neighborhood. The proposed use also establishes an appropriate community use at the edge of a larger commercial node.



Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposal is located in a historic, walkable neighborhood with access to public transportation. The location is not dependent on vehicular access for patrons and supports the creation of a third place, serving as a neighborhood gathering place. IndyGo also provides a stop approximately 4 blocks east, at a 10 minute walk. The establishment of excess surface parking in the neighborhood would be detrimental to the overall health, safety, and general welfare of the community.

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

The expansion of the bar / tavern into adjacent, vacant, space will not visually alter the structure or existing lot. Ownership is proposing to improve the existing surface parking located adjacent to the current space. The expansion also provides new investment into the neighborhood that is exhibiting a number of abandoned and vacant properties turning this vacant space into a productive asset to the community. The new investment along with the walkability and access to public transportation shows that a reduction in off street parking will not be affected in a substantially adverse manner.

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

The proposal is located in a historically urban neighborhood that was developed without today's focus on passenger vehicles. The density of the area, along with the character of large surface parking facilities would be contrary to the character of the neighborhood and the City's classification of the property in the compact context area. These factors serve as a practical difficulty when strictly applying the terms of the Zoning Ordinance for parking at this location.

Photographs



Photo of subject site, existing bar/tavern, looking south.



Photo of existing and proposed bar/tavern space, looking south.



Photo of existing parking lot, looking south.



Photo of adjacent protected district to the south, with existing on-site 6-foot tall fence buffer adjacent to alley on the south, looking south.



BOARD OF ZONING APPEALS DIVISION I **March 3, 2026**

Case Number: 2025-DV1-059
Address: 5217 Broadway Street (approximate address)
Location: Washington Township, Council District #7
Zoning: D-5 (TOD) (W-5)
Petitioner: John Rising-Moore
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the addition to a single-family dwelling with a four-foot north side setback and a 3.5-foot south side setback (five-foot side setbacks required).

Current Land Use: Single-Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued at the request of a Registered Neighborhood Organization, from the January 6, 2026, hearing, to the February 3, 2026, hearing.

The petition was continued from the February 3, 2026, hearing to the March 3, 2026, hearing at the request of the petitioner.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would also provide for an addition to an existing single-family dwelling, with a four-foot north side setback and a 3.5-foot south side setback.
- ◇ The petitioner was granted a permit (ILP25-01021) on September 11, 2025, from the Department of Business and Neighborhood Services (DBNS), to allow for a rear and second story addition to the primary dwelling with the proposed side setbacks being a one-time 12-foot expansion of the existing legally nonconforming side setbacks.
- ◇ Per 744-202-E.1, in the D-S, D-1, D-2, D-3, D-4, D-5, D-5II, and D-8 zoning districts, the minimum side and rear yard setback requirements for a lot containing a single-family detached dwelling or a two-family dwelling shall be subject to the following:



a. The primary building may be enlarged or extended along a legally established nonconforming side yard between the established front setback line and the established rear yard setback line of the primary building provided that the linear footage of such enlargement or extension:

1. Does not exceed 50% of the linear footage of the primary building along that side yard setback line, and
2. Is a one-time only expansion along the legally established setback line.

- ◇ On November 11, 2025, revised site plans, indicating a revision to the rear addition and expansion were submitted to DBNA for an updated ILP permit (ILP25-3006). Those plans were not zoning compliant as they now exceeded the one-time 50% expansion rule. Therefore, that ILP permit was placed on hold as the applicant was informed by DBNS on November 12, 2025, that they would now need a zoning variance for the deficient side setbacks.
- ◇ On December 1, 2025, this petition for a Variance of Development Standards was submitted.
- ◇ On December 12, 2025, a Stop Work order (VIO25-011117) was issued due to apparent ongoing work, and the failure to amend the existing structural permit prior to the construction of a covered deck at the back of a new addition.
- ◇ By all appearances, work continued on the revised non-permitted addition after notification was given, and after the variance petition was filed. This resulted in the Stop Work order issued on December 12, 2025.
- ◇ The proposed two story 26-foot addition with reduced side setbacks would be too intense for the subject site, would block additional sunlight and cast shadows on the adjacent residential structure to the north. The larger addition area with reduced side setback, would also make it difficult for public safety emergency responders to access between the adjacent dwellings.
- ◇ The need for the reduction in the required side setbacks beyond the onetime 50% expansion is a self-imposed hardship and not a result of the Ordinance requirements. Staff believes that the lot is deep enough to accommodate any further rear expansion and therefore meeting the 20-foot rear setback. Any existing work completed with that non-compliant expansion is believed to be non-permitted, per DBNS.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Traditional Neighborhood	
Overlay	TOD, W-5	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 Single-family dwelling
	South:	D-5 Single-family dwelling
	East:	D-5 Commercial accessory parking lot
	West:	D-4 Single-family dwelling

Thoroughfare Plan		
Broadway Street	Local Street	50-foot existing and proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	N/A	
Wellfield Protection Area	5-year	
Site Plan	December 1, 2025	
Elevations	N/A	
Plan of Operation	N/A	
Commitments	N/A	
Landscape Plan	N/A	
Findings of Fact	December 10, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan has recommended Traditional Neighborhood uses for this site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood typology, which 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.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Red Line Transit-Oriented Development Strategic Plan (2021)
 - The subject site is located approximately 775 feet from the 52nd and College Red Line transit station.
 - The 52nd and College transit station has been categorized as the walkable neighborhood typology, which is characterized as primarily residential, but may have a commercial node of one to two city blocks, with a Mix of uses at station with stabilized residential beyond, and off-street parking is discouraged and should be limited to garages.

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

2022-DV2-034; 5210 Broadway Avenue (west of site), requested a Variance of Development Standards to provide for the construction of a detached garage and secondary dwelling with a height of 23.75 feet, which is taller than the primary dwelling, **granted**.

2015-DV2-033; 5140 Broadway Street (south of site), requested a Variance of Development Standards to legally establish a two-story dwelling with a 3.8-foot north side setback, to provide for a 576-square foot detached garage with a three-foot north side setback, and a 3.6-foot rear setback, and to provide for a 1,260-square foot, two-story building addition with a five-foot south side setback resulting in an eight-foot aggregate side setback, **granted**.

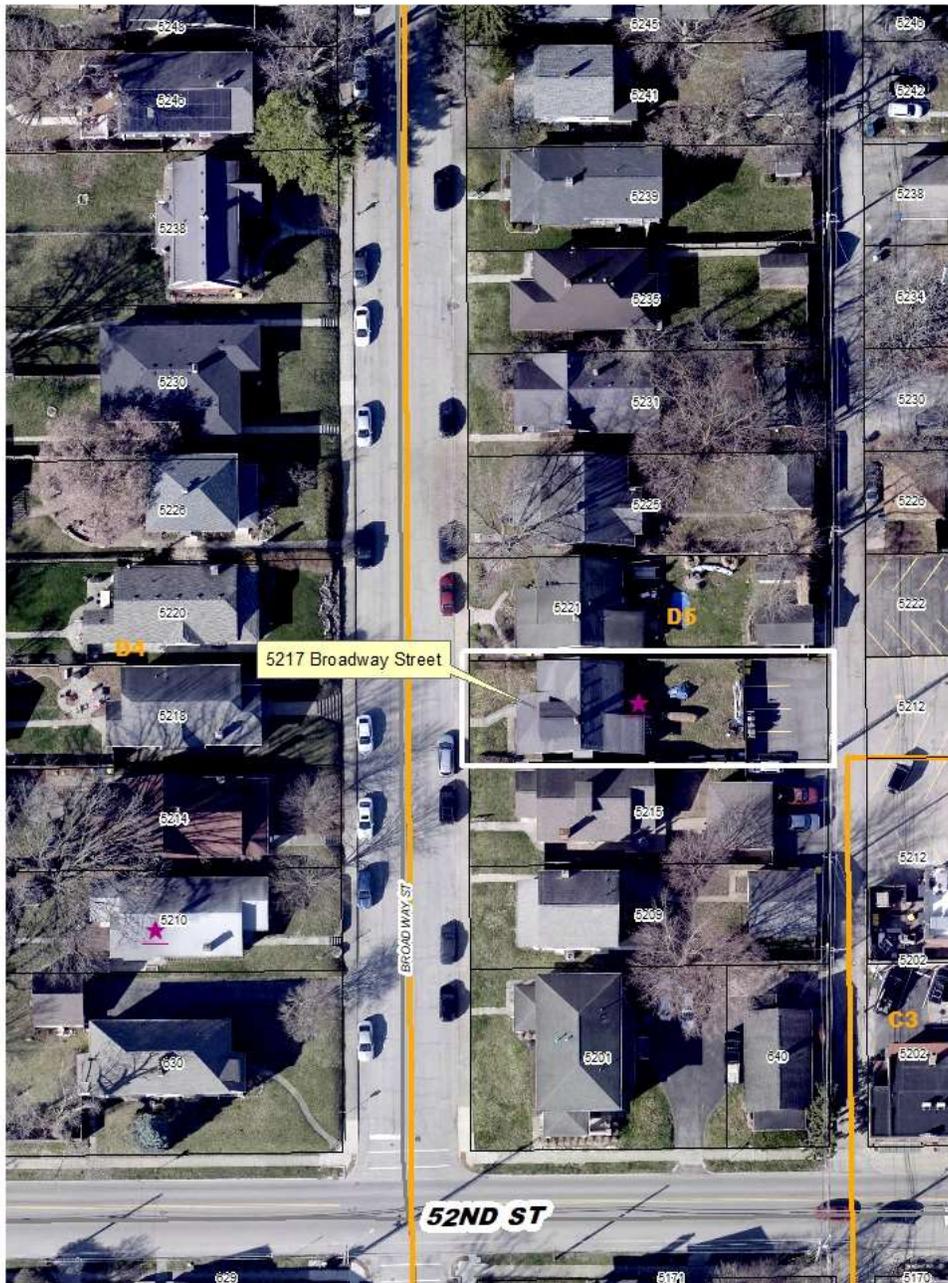
2012-HOV-035; 5108 Broadway Street (south of site), requested a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a two-family dwelling on a 9,314.75-square foot lot, with 53 feet of lot width, **granted**.

2001-HOV-049; 614 East 52nd Street (west of site), requested a Variance of Development Standards to provide for the construction of an 18.5 by 18-foot attached garage on an existing foundation with a rear setback of 2 feet, **granted**.

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EXHIBITS

Location Map





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the grant will allow for the extension of an approved addition for private residential use.

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

the proposed addition will be consistent with development in the area and adjacent area.

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

existing residence was built prior to building code and extending along the existing side is not allowed past 50% resulting in a need for a reduction of required north side setback to 4' and south side setback to 3.5'.

Photographs



Subject site front, looking east from Broadway Street.



Subject site rear, looking west from adjacent rear alley.



Subject site proposed north side setback under construction, looking west.



Subject site proposed south side setback under construction, looking west.



Adjacent dwellings to the north, looking northeast



Adjacent dwellings to the south, looking southeast



BOARD OF ZONING APPEALS DIVISION I

March 3, 2026

Case Number:	2025-DV1-063 (Amended)
Property Address:	6690 Jackson Street (approximate address)
Location:	Wayne Township, Council District #16
Petitioner:	Ramon Ibanez
Current Zoning:	D-2
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall fence with posts exceeding the height of the fence by more than a foot, within the front yard of Bauman Street, and encroaching within right-of-way, the clear-sight triangle of a driveway, and an easement (maximum 3.5-foot tall fence permitted, posts maximum one foot taller than fence, encroachment of rights-of-way, clear-sight triangles and easements prohibited).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends denial of this petition.
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

2/3/26: A timely automatic continuance request was filed by a registered neighborhood organization, continuing this petition to the March 3rd, 2026 hearing date.

1/6/26: This petition was continued to allow for amended notice to be mailed reflecting the need for a variance related to placement of the fence within a drainage and electrical easement.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 6690 Jackson Street is a residential parcel at the northeast corner of Jackson Street and Bauman Street that is currently developed with a single-family home. Surrounding land uses are also residential in nature, and driveway access is provided from both Jackson Street to the south and from Bauman Street to the west (although it is unclear if that access comes from a legal curb cut).
- Aerial photography indicates installation of a fence and gate to the north of the subject property at some point between 1986 and 1990. No site plan was provided for staff review, but per aerial photography the fence is located within the front yard of Bauman Avenue, encroaches



Department of Metropolitan Development
Division of Planning
Current Planning

approximately 12 feet into public right-of-way, narrowly falls within the required clear-sight triangular area for the existing driveway from Bauman (see diagram within Exhibits), and is within a drainage and electrical easement that comprises the northern eight (8) feet of the property.

- Two complaints were filed with the Mayor's Action Center in relation to this property in 2024 and 2025; both complaints mentioned the height of the fence within the front-yard area as well as the parking of inoperable vehicles at the property. In response to those complaints, the violation case VIO25-001049 was opened in February of 2025 and cited the property for eight (8) different zoning violations. The full text of that violation is within the Exhibits below and mentions several items unrelated to the existing fence. The applicant has indicated that violations related to **(a)** the commercial uses of vehicle repair, sales, and accessory storage; **(b)** the parking of vehicles in front yard areas without paving or distinct gravel edges; and **(c)** placement of inoperable vehicles and other miscellaneous debris would be addressed outside of the scope of this variance request. Approval of this variance would not allow for commercial automobile operations at the site.
- Approval of this variance would be limited to preservation of the existing front-yard fence, which would require five (5) separate Variances of Development Standards to remain: **(a)** encroachment of the fence into public right-of-way; **(b)** the 6-foot height of the fence within the property's front yard (max height 3.5 feet permitted); **(c)** small portions of the fence placed within the clear-sight triangle required for the intersection of driveways and local streets; **(d)** the placement of the fence within the existing easement; and **(e)** the height of two of the fence posts for the section of fence bounding the driveway being over a foot taller than the height of the fence itself (max post height one foot taller than fence). Approval of this petition would also not replace the need for an Encroachment License from the Department of Business and Neighborhood Services to allow for improvements within public ROW or any approvals from AES Indiana related to the easement.
- The subject site is zoned D-2 to allow for suburban development with ample yards, trees, and passive open spaces to serve each individual lot. Similarly, the Comprehensive Plan Pattern Book recommends the site to Suburban Neighborhood uses (such as single-family homes). Infill Housing Guidelines also recommend that see-through fencing is safest, and that within residential front yards fences should be ornamental in nature as opposed to privacy fences such as the one installed at the subject site.
- Findings of Fact provided by the applicant claim that grant of the variance would be justified since the site is a corner lot adjacent to roadways which result in noise and a lack of privacy. Staff does not feel that the placement of the fence by a previous property owner or the fact that the site is a corner lot constitutes a site-specific practical difficulty that would prevent compliance with Ordinance standards. A fence is allowed, just not at the dimensions desired by the applicant.
- Continued placement of this fence that encroaches extensively into public right-of-way and an easement (and partially within required clear-sight triangle) creates a safety risk of cars entering and exiting the fenced area via the gate to the west of the subject site. Additionally, current fence regulations are designed to balance privacy concerns with placement of vibrant and pedestrian-friendly streetscapes. The rules as constituted would allow for both a shorter fence with compliant



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

height (up to 4 feet if chain link and moved out of public ROW/easement) or placement of a 6-foot fence parallel to the western front building line (which would still allow for about 7700 square feet of fenced yard space north of the existing residence). For these reasons, staff recommends denial of the requested variance to preserve the fence requiring five (5) separate variances.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-2	North: Residential
South:	D-2	South: Residential
East:	D-2	East: Residential
West:	D-2	West: Residential
Thoroughfare Plan		
Jackson Street	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Bauman Street	Local Street	50-foot existing right-of-way and x-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	Requested but not provided	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	09/25/2025	
Findings of Fact (Amended)	12/16/2025	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Pattern Book recommends this site to the Suburban Neighborhood typology for predominantly single-family housing interspersed with attached and multifamily housing where appropriate. The property is also partially located within an Environmentally Sensitive overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected.

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 fencing around dwellings should be carefully placed, that see-through fencing is safest, and that in front yards fences should be ornamental in style instead of privacy fences.

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

2020DV3046 ; 6419 Jackson Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 47-foot tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973), **withdrawn**.

2005DV2064 ; 6706 Jackson Street (west of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to the legally establish the storage of a commercial box truck vehicle (not permitted), **approved**.

2002VAR828 ; 6575 Walton Street (north of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 914 square foot addition located 23 feet from the right-of-way of Bauman Street (minimum 25-foot front setback required), **approved**.

98-SE1-13 ; 6704 Jackson Street (west of site), special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured dwelling with the dimensions of 28 by 76 feet, **approved**.

EXHIBITS

2025DV1063 ; Aerial Map



2025DV1063 ; 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 is requesting the existing privacy fence in the rear yard along Bowman Street to remain as is. The fence was installed on the property before petitioner purchased property in 2008. The increased height will not block sight lines for traffic or pedestrians and will not create a safety hazard.

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

The proposed variance to keep the existing solid fence in the rear yard setback, where 4 feet is permitted by Section 744-510.C.3, will not affect the use and value of the area adjacent to the property in a substantially adverse manner. The property is a corner lot situated on Bowman Street and Jackson Street. The existing fence will create a necessary noise buffer and provide a reasonable level of privacy for both the petitioner’s property and the adjacent residential property, improving the quality of life for both households. The surrounding neighborhood includes a mix of fence heights due to various lot characteristics. The proposed fence is similar in material and style to other fences in the vicinity and is well-maintained, thus it will not alter the essential character of the locality.

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

This property is uniquely situated as a corner lot that directly abuts a high-traffic road. This specific physical condition creates an exceptional amount of noise and a lack of privacy compared to interior residential lots in the neighborhood. The current zoning ordinance (Section 744-510.C.3) restricts the yard fence to 4 feet in height. This height is insufficient to provide a reasonable sound buffer or privacy barrier from the adjacent traffic noise. The 4-foot height effectively prevents the reasonable enjoyment and use of the rear yard areas for typical residential activities. A variance allowing a 6-foot fence is necessary to mitigate this unique difficulty, enabling the property owner to use their yard space reasonable without diminishing the property’s essential residential use.

2025DV1063 ; Clear-Sight Triangular Area (estimated)



2025DV1063 ; Notice of Violation (VIO25-001049)

Section 740 -1005.A.3. Civil Zoning Violation

Specific Violation: The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Tree logs & debris, and other miscellaneous items throughout the property).

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...multiple vehicles).

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: - Outdoor storage and operations is not a permitted accessory use in a D-2 zoning district...floor jacks).

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

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle repair is not a permitted use in a D-2 zoning district).

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

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle sales is not a permitted use in a D-2 zoning district).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-2 district; (744-404.D.6.a. - Parking areas in front yards shall be paved with bricks, concrete, asphalt, permeable pavers or pavement, or a gravel surface with a distinct edge boundary to retain the gravel; the parking of vehicles on grass in the front yard is prohibited).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-2 district; (744-510.C.3. - Fence post height exceeding 1ft. above the permitted height of the fence).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-2 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard with more than 30% opacity...privacy fence).

2025DV1063 ; Photographs



Photo 1: Subject Property and Fence Viewed from South (October 2025)



Photo 2: Subject Property Viewed from West

2025DV1063 ; Photographs (continued)



Photo 3: Subject Site Viewed from Northwest



Photo 4: Space Between Fence and Bauman Drive

2025DV1063 ; Photographs (continued)



Photo 5: Area Inside of Existing Fence (October 2025)



Photo 6: Adjacent Property and Fence to West



BOARD OF ZONING APPEALS DIVISION I **March 3, 2026**

Case Number: 2026-DV1-005
Address: 6617 Sterns Hill Drive (approximate address)
Location: Franklin Township, Council District #25
Zoning: D-2
Petitioner: Tabatha Viewegh
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached accessory structure with a three-foot north side yard setback (seven feet required).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to provide for adequate separation and ventilation between structures and use areas and provide for a continuous pattern of development through the block.
- ◇ The request would provide for a detached shed with a three-foot north side setback, where a seven-foot setback is required.
- ◇ The petitioner indicated to Staff that the shed is located on a concrete foundation and was placed on site by the previous owners. It was in its current location when the home was purchased.
- ◇ No practical difficulty exists for the property since the site has sufficient space to locate the detached shed by right without the need for a variance. Adjacent properties have demonstrated their ability to meet the required setbacks. Any practical difficulty related to the requested reduced setback would be self-imposed.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Recommends Suburban Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North:	D-2 Single-Family dwelling
	South:	D-2 Single-Family dwelling
	East:	D-2 Single-Family dwelling
	West:	D-2 Single-Family dwelling
Thoroughfare Plan		
	Sterns Hill Drive	Local Street 50-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	January 20, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact Updated	February 26, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood uses for the site.

Pattern Book / Land Use Plan

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

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.

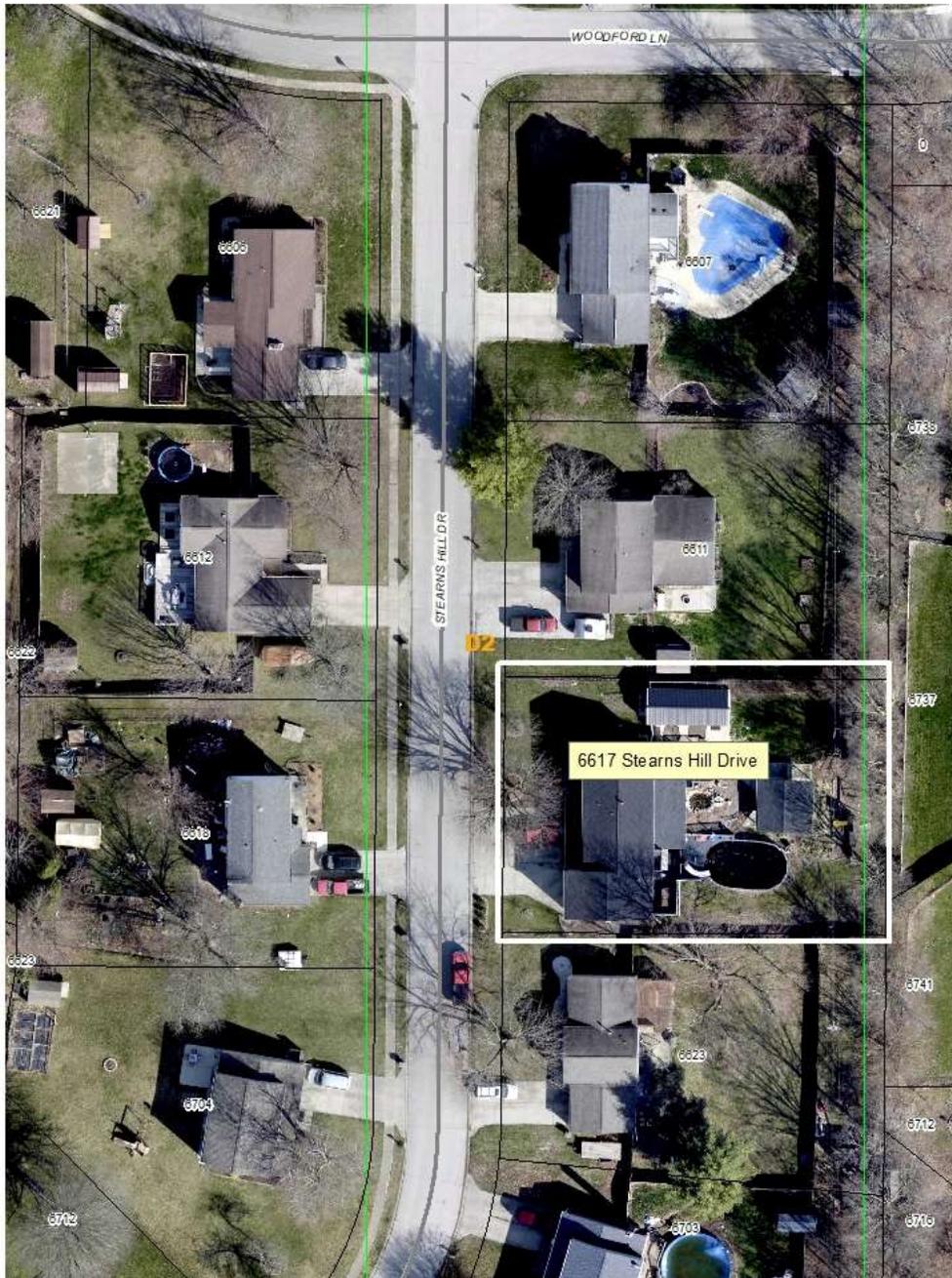
ZONING HISTORY

None

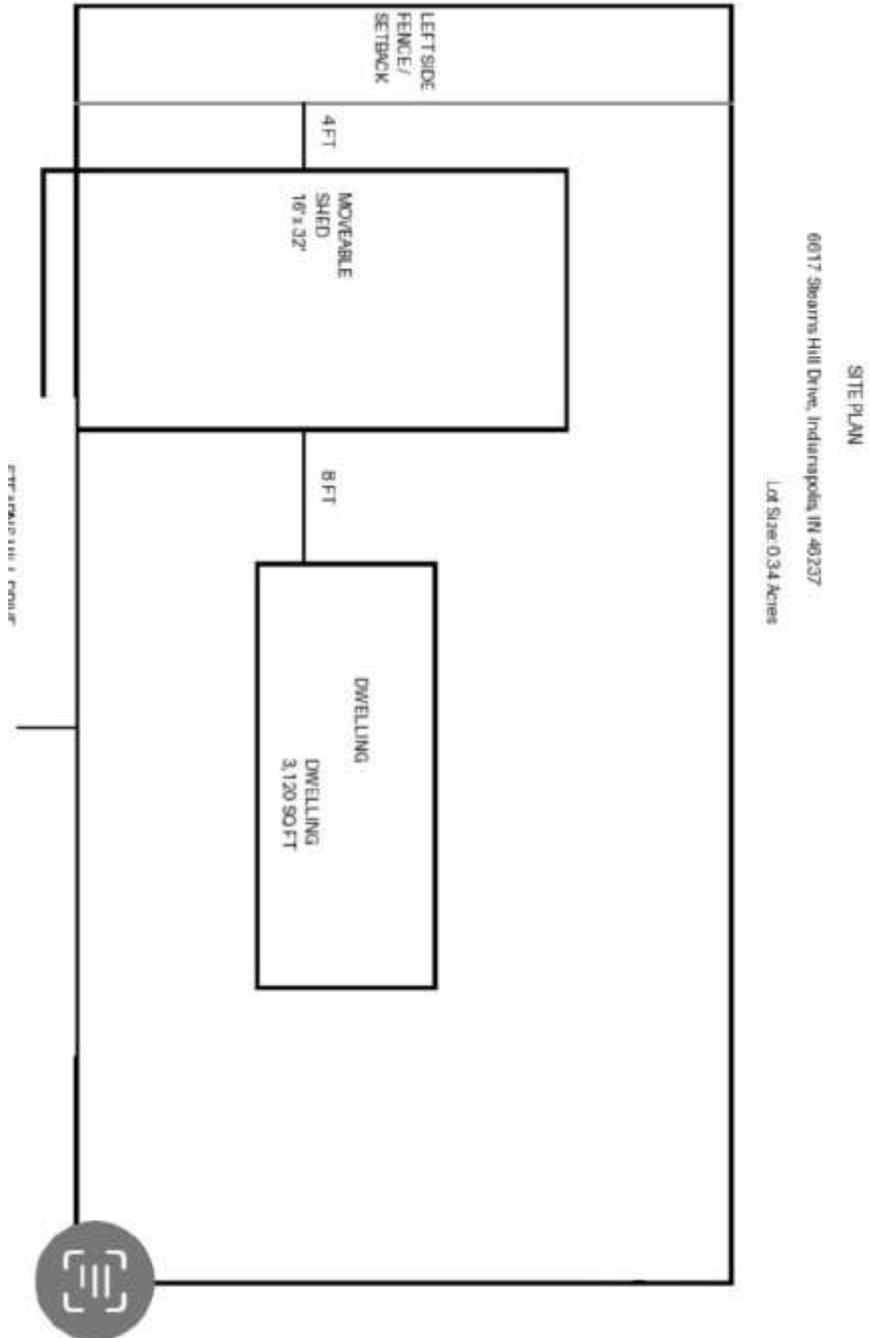
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EXHIBITS

Location Map



Site Plan





Findings of Fact

Petition Number

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed moveable shed is located entirely on private property, maintains adequate separation from primary dwelling and neighboring properties, does not obstruct access, drainage, or visibility, and will be used for customary residential storage purposes.

The placement of the structure is consistent with the character of the surrounding neighborhood and will not create adverse impacts related to traffic, noise, safety, or public services.

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

The proposed moveable shed is located next to the primary dwelling, maintains separation from adjacent properties, and is consistent in size, placement, and use with accessory structures commonly found in the neighborhood.

The structure will not generate additional traffic, noise, or visual impacts that would negatively affect neighboring properties.

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

The existing configuration of the lot, established fence line along the side property boundary, and placement of the primary dwelling limit reasonable locations for a moveable accessory structure. Requiring full compliance with the side setback standard would unnecessarily restrict functional use of the rear yard and prevent reasonable placement of the shed without improving public safety or neighborhood character.

Photographs



Photo 1 - Subject property looking east.



Photo 2 - Subject property proposed shed location, looking east.



Photo 3 - Subject property proposed shed setback, looking east.



BOARD OF ZONING APPEALS DIVISION II

March 3, 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 Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization. This petition will be automatically continued to the April 7, 2026 hearing date of Division I, and a full staff report will be made available at that point in time.