



Board of Zoning Appeals Board of Zoning Appeals Division II (September 8, 2026) Meeting Agenda

Meeting Details

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

Date: Tuesday, September 08, 2026 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

2026-DV1-025 (Rescheduled) | 7279 North Keystone Avenue

Washington Township, Council District #3, zoned C-4 (FF)

Midland Realty LLC, by Greg Dempsey

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station and convenience store with deficient north side building facade transparency (40 percent required), per plans submitted.

****Petitioner to request withdrawal.**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2026-DV2-027 | 7009 W Thompson Road

Decatur Township, Council District #21, zoned C-S

Indy's Finest Fence, by Rocky Morton

Variance of Development Standards to allow for a lot with asphalt millings (asphalt pavement required), an 8-foot privacy fence (maximum 3 ½ foot required), 0-foot transitional yard (15-foot required), exceeding the maximum outdoor storage (limited to 25% of outdoor building area), no landscaping (landscaping and trees required).

****Staff to request continuance to October 13, 2026 due to deficient notice.**

2. 2026-UV2-011 | 8450 Georgetown Road

Pike Township, Council District #15, zoned I-2

Kyle Davis, J.B. Hunt

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a maintenance shop with associated office space and secure parking, supporting internal company operations with truck and trailing equipment (not permitted).

****This petition has been automatically continued to the October 13, 2026 hearing.**

3. 2026-UV2-012 | 1701 East New York Street

Center Township, Council District #13, zoned C-3

Sheref Nessem, by Justin Kingen

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to legally establish an auto repair use (tire sales and installation business), which is not permitted in C-3.

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

4. 2026-DV2-022 (Amended) | 200 and 206 North Rural Avenue

Center Township, Council District #13, zoned D-9 (TOD)
Englewood Community Development Corporation

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a medium apartment building development with a minimum lot area of 9,422 square feet (minimum lot area 12,000 square feet required), with a minimum lot width of 75 feet (minimum lot width 100 feet required), with five off-site parking spaces provided (19 off-street parking spaces required), and to provide for minimum livability space ratio of 0.34 (minimum 0.75 required), and for a floor area ratio of 1.20 (maximum 0.50 permitted).

5. 2026-DV2-025 | 6160 Evanston Avenue

Washington Township, Council District #7, zoned D-5
James and Tanya Lott

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a detached accessory structure with a 4-foot south side setback (5-foot side setback required), and a 4-foot rear setback (5-foot rear setback required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

PETITIONS FOR PUBLIC HEARING (New Petitions):

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
Craig Von Deylen, Chair	City-County Council	January 1, 2025 – December 21, 2025
James Duke, Vice-Chair	Mayor's Office	January 1, 2025 – December 21, 2025

Patrice Duckett-Brown, Secretary	City-County Council	January 1, 2025 – December 21, 2025
Beth Brandon	Mayor's Office	January 1, 2025 – December 21, 2025
Tom Barnes	Metropolitan Development Commission	January 1, 2025 – December 21, 2025

BOARD OF ZONING APPEALS DIVISION III

September 8, 2026

Case Number: 2026-DV1-025 (Rehearing)
Address: 7279 North Keystone Avenue (approximate address)
Location: Washington Township, Council District #3
Zoning: C-4 (FF)
Petitioner: Midland Realty LLC, by Greg Dempsey
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station and convenience store with deficient north side building facade transparency (40 percent required), per plans submitted.

Current Land Use: Vacant Commercial Restaurant Building
Staff Recommendations: Staff recommends **approval** of this petition subject to plans submitted.
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was originally scheduled for July 7, 2026, Board of Zoning Appeals I hearing. After an automatic continuance was filed and accepted by Staff, the petition was mistakenly listed on the July 7, 2026, docket. Since the automatic continuance had been accepted prior to the docketing, the petition was rescheduled with new notice to the August 11, 2026, hearing. This petition was continued for cause from the August 11, 2025, hearing, to the September 9, 2026 hearing, at the request of a remonstrator.

The petitioner has **requested that this petition be withdrawn** at the September 9, 2026, hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to plans submitted.

PETITION OVERVIEW

- The currently proposed development would allow for placement of a fueling station and convenience store at this site which would include both 12 accessory fuel pumps under a fuel pump canopy.
- This property is zoned C-4 (Community-Regional District) to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. Typical uses might include home improvement stores, department stores, and theaters. Similarly, the Comprehensive Plan Pattern Book recommends this site to the Community Commercial working typology to allow for low intensity commercial and office uses that serve nearby neighborhoods.

- Regulations on building transparency within the Ordinance exist to ensure both public safety and visibility for emergency responders as well as to allow for activation of facades that contain public pedestrian entrances. While the proposed front façade to the south would meet the 40% standard required for C-4 zoning, the rear entrance along the northern façade wouldn't contain any transparency at all (other than the doorway itself which would not count toward the required 40%).
- While Staff is hesitant to recommend approval of such variations, Staff would note that a majority of the area adjacent to the northern façade is associated with bathrooms, limiting the amount of public window transparency. The primary and public retail area is adjacent to the southern façade and has ample windows, therefore, Staff believes that the convenience markets design meets the intent of the Ordinance.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	Commercial
South:	C-4	Commercial
East:	C-4	Commercial
West:	C-4	Commercial
Thoroughfare Plan		
North Keystone Avenue	Primary Arterial	135-foot existing and proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	500-year	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	05/12/2026	
Elevations	05/12/2026	
Landscape Plan	N/A	
Findings of Fact	05/12/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2000-DV1-067; 7279 North Keystone Avenue (subject site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a 2,000 square foot building, with 14 off-street parking spaces located within the proposed right-of-way of Keystone Avenue with a six-foot wide landscape buffer along the existing right-of-way of Keystone Avenue, and without the required decorative fence along the perimeter of the outdoor seating area, **withdrawn**.

RU

EXHIBITS

Aerial Map



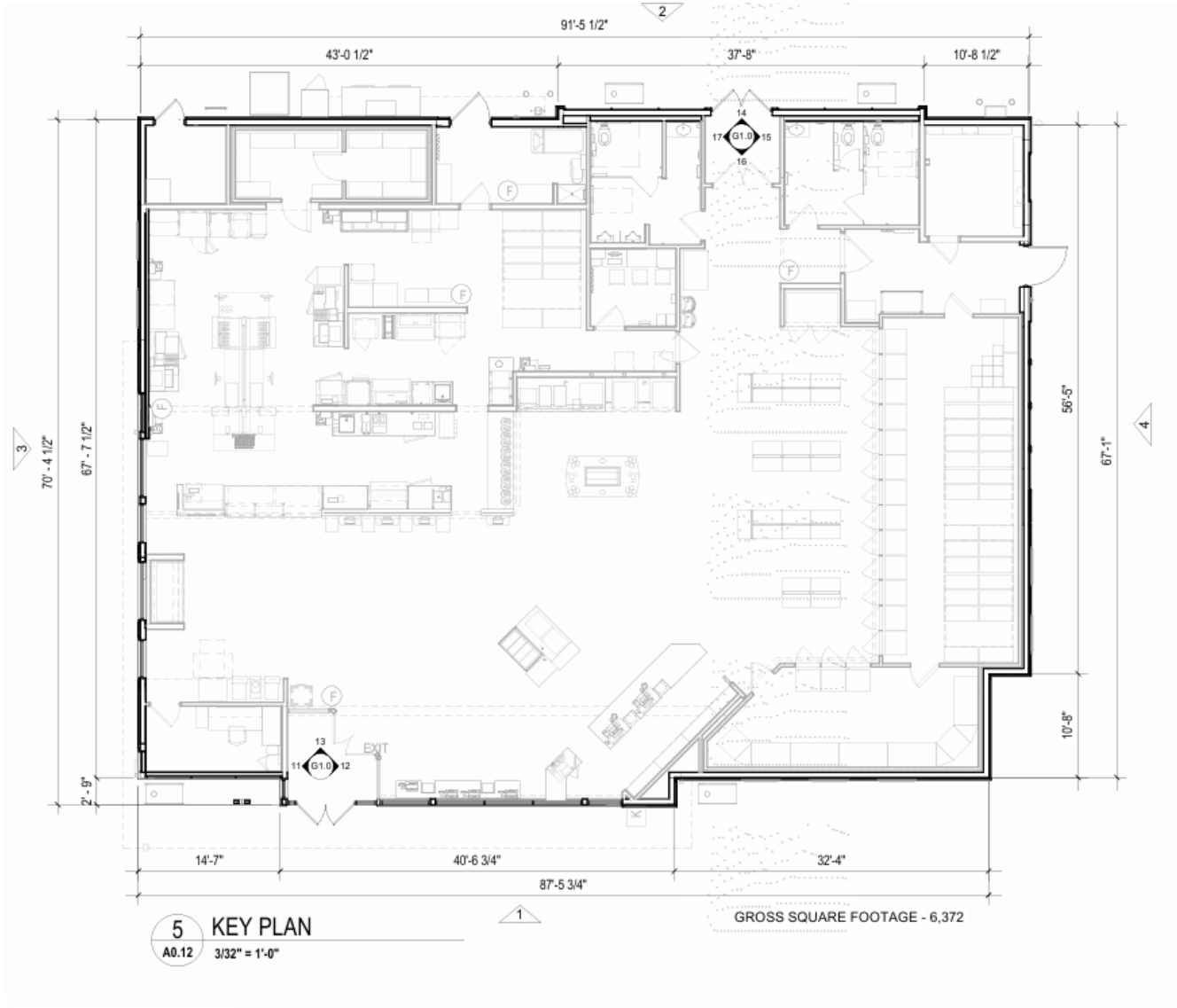
The site plan for Wawa U6.3 shows a building footprint with a central parking area. Key features include:

- Proposed Full Access:** Four yellow callouts with red arrows indicate proposed full access points at the top, right, and bottom-right corners of the site.
- Existing Right-In/Right-Out Access:** A yellow callout with red arrows at the bottom-left corner indicates existing right-in/right-out access.
- Site Dimensions and Layout:** The building footprint is approximately 81'4" wide and 21'1" deep. The parking area is 29' wide and 96' deep. The site is bounded by 3015 Westbound and 3140 Eastbound roads.
- Other Features:** A tall sign, a monument sign, and a MASQ174 sign are located near the top-left corner. A 20' depressed curb and a 12' chairback curb are shown along the right side of the site.
- Access Points:** Access points are numbered 3, 4, 5, and 6, corresponding to the proposed full access locations.

Elevation Plans



Floorplan



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 intent of the variance is to prevent the pedestrians and customers from being able to see into sensitive areas of the building such as, restrooms, kitchen, storage areas, and mechanical rooms. Opaque spandrel glass is being proposed in lieu of full transparent windows to prevent viewing of sensitive areas of the building that would otherwise be injurious to the public health, safety, morals 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 intent of the ordinance is being met. Granting the variance will not result in a visibly obvious from the outside of the building. The sum total of the translucent and opaque spandrel glass will meet the requirements of the ordinance, the adjacent areas will not be adversely affected.

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

Strict adherence to the transparency requirements on the rear, north, facade will result in creating both privacy and security issues by allowing visibility into sensitive areas such as restrooms, storage areas, kitchen and mechanical room. Customers will still have access into the store through the front, south, entrance as well as a secondary public entrance on the rear, north, side of the building.

Photographs



Subject site, existing building to be demolished, looking northeast.



Subject site, existing building to be demolished, looking southwest.



Adjacent commercial to the west of subject site.



Adjacent commercial to the east of subject site.



Adjacent commercial to the north of subject site.



Adjacent commercial to the south of subject site.



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BOARD OF ZONING APPEALS DIVISION II

September 08, 2026

Case Number: 2026DV2027

Property Address: 7009 W Thompson Rd

Location: Decatur Township, Council District #21

Petitioner: Indy's Finest Fence, by Rocky Morton

Current Zoning: CS, (Airspace)

Request: Variance of Development Standards to allow for a lot with asphalt millings (asphalt pavement required), an 8-foot privacy fence (maximum 3 ½ foot required), 0-foot transitional yard (15-foot required), exceeding the maximum outdoor storage (limited to 25% of outdoor building area), no landscaping (landscaping and trees required).

Current Land Use: Single-Family Residential

Staff Recommendations: Staff recommends **denial**.

Staff Reviewer: Adrienne Baker, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial**.

PETITION OVERVIEW

The request proposes several changes to established development standards, including the use of asphalt millings instead of pavement, installation of an 8-foot privacy fence where the maximum allowed height is 3.5 feet, removal of the required 15-foot transitional yard, outdoor storage that exceeds the permitted amount of 25% of the outdoor building area, and elimination of required landscaping. These changes carry added weight given the surrounding context: industrial uses to the north, commercial and residential uses to the south, residential uses to the east, and commercial uses to the west.

The C-S District is intended to support flexible, high-quality development that accounts for access, parking, traffic flow, utilities, and environmental features such as vegetation, topography, drainage, and wildlife. Within AmeriPlex, the C-S District follows I-2 standards for industries with minimal off-site impacts, which require complete screening of outdoor operations near sensitive areas. Under these standards, outdoor storage is not permitted within 500 feet of a protected district. Where storage is allowed farther away, it may not exceed 25 percent of the floor area of enclosed buildings. If storage is located near a protected district, it must be fully screened, kept below 10 feet in height, and remain lower



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than the screening itself. Protected districts include residential zoning, historic preservation areas, hospitals, parks, university districts, and the SU-1 (church) and SU-2 (school) districts.

When an industrial use is adjacent to residential zones or a dwelling, a transitional yard with a landscape buffer is required. This may be provided either as a 15-foot natural buffer with evergreen trees and shrubs to help reduce sound and light, or as an opaque wall, berm, fence, or dense vegetation at least 8 feet tall, along with the required trees and shrubs. Additional rules apply to the design and placement of fencing. For outdoor storage within 500 feet of a protected district, screening may be chain link, solid, lattice, or similar materials between 6 and 10 feet in height and must be surrounded by trees or hedges of equal height. Stored materials may not exceed the height of the fence, and fence height must account for grade changes over 2 feet or mounding.

All construction and site work in Marion County must comply with the Zoning Ordinance, the Official Thoroughfare Plan, and other applicable codes. Sites that are largely built out must also meet minimum green space requirements. Within AmeriPlex, outdoor operations and storage are limited to 25 percent of a building's floor area, and large trash containers near protected districts must be screened, kept behind the front building line, and located outside required yards unless placed within an approved parking area. AmeriPlex zoning also permits legally established single-family homes to continue or expand as nonconforming uses, provided any changes meet D-3 residential standards. The development requires a 45-foot landscape easement along all roads and paved parking areas, although gravel may be used temporarily for up to one year when permanent paving is not immediately feasible.

The Light Industrial classification emphasizes indoor activities such as warehousing, assembly, laboratories, wholesaling, and printing. These uses are generally arranged in standalone buildings or campus style clusters, are designed to avoid direct adjacency to homes or mixed-use areas and rely on direct access to major streets so industrial truck traffic does not move through nearby neighborhoods.

Past approvals in the area include accessory storage buildings, new storage structures with gravel improvements, the AmeriPlex rezoning that established C-S zoning and associated sign variances, a nearby residential rezoning, and an amendment clarifying internal boundaries within AmeriPlex. The site also has a substantial enforcement history, including failure to follow an approved site plan, electrical work without a permit, development without required administrative approvals, unpermitted construction, fire safety and structural issues, and construction of a large storage building without proper permitting. Prior investigations also found commercial or industrial activities not permitted by zoning and required correction of a fence taller than allowed. Most past violations were corrected or closed; one remains open for failure to comply with the approved site plan and is overdue as of August 4, 2026 (**VIO24-009093**).

Taken together, the requested variances, including using asphalt millings instead of pavement, building an 8-foot fence where only 3½ feet is allowed, removing the required buffer yard, expanding outdoor storage beyond what is permitted, and eliminating required landscaping, do not align with the standards for this zoning district or with the Comprehensive Plan's vision for well-screened, high-quality industrial development next to sensitive areas. Because of these inconsistencies and the site's enforcement history, staff recommends denial.

GENERAL INFORMATION

Existing Zoning	CS, (Airspace)	
Existing Land Use	Residential	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	CS	North: Industrial
South:	CS, D-3	South: Commercial, Residential
East:	DA	East: Residential
West:	CS	West: Commercial
Thoroughfare Plan		
Thompson Rd	Local Street	Proposed ROW: 50 Existing ROW: 50
Decatur Blvd	Primary Collector	Proposed ROW: 102 Existing ROW: 106
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	07/24/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	07/24/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design, or function, and can be intermixed, grouped, or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.



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Division of Planning
Current Planning**

- Development site plans should incorporate and promote environmental considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.
- All C-S District uses shall be planned, designed, constructed, and maintained in a manner that ensures superior land development consistent with the Comprehensive Plan. Such uses must promote an efficient, economical, and compatible pattern of land use within the district and in relation to adjacent properties; provide adequately designed and appropriately located access, parking, and loading facilities; incorporate effective traffic control measures and ensure coordinated integration with existing and planned public streets and internal access roads; and fully accommodate required sanitation, drainage, and public utility services. Additionally, all sites shall be allocated and designed with suitable character, grade, location, and orientation that are appropriate for the proposed uses, logically related to existing and anticipated topographical and environmental conditions.
- The AmeriPlex CS district abides by the I-2 development standards.
- The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.
- Outdoor storage is prohibited within 500 feet of a protected district. All outdoor storage and operations are limited to 25% of the total gross floor area of enclosed buildings. Storage located near a protected district may not exceed 10 feet in height and must be fully screened, with no materials extending above the height of the required screening.
 - **Protected District:** Specific classes of zoning districts that, because of their low intensity or the sensitive land uses permitted by them, require buffering and separation when abutted by certain more intense classifications of land use. A protected district does include any dwelling district, historic preservation district, hospital district, parks district, university quarter district, SU-1 (church) district, or SU-2 (school) district.
- Development site plans should incorporate and promote environmental considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.
- That portion of any yard abutting a protected district having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between 2 or more land uses of different intensity. A transitional yard is provided in lieu of the minimum required front, side or rear yard specified for the district in which it is located when an above noted protected district abuts.



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Division of Planning
Current Planning**

- Within Marion County, Indiana, no structure shall be located, erected, altered, or repaired unless the use, character and location of the structure are in conformity with the provisions of the applicable Codes, Official Thoroughfare Plan for Marion County, Indiana, and other ordinances relating to land use, including the Zoning Ordinance.
- All outdoor storage and operations within 500 feet of a protected district must be effectively contained by a chain link, solid, lattice or similar type fence or wall and gate. The height of such fence or wall shall be at least 6 feet and shall not exceed 10 feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards. The storage of materials or products within the enclosure may not exceed the height of the fence.
- The measurement of a fence or wall height must be taken from grade level to the top of the fence, exclusive of fence posts. Changes in grade level over 2 feet must be included in the height calculation of the fence or wall. Mounding that increases the elevation of the fence or wall and is inconsistent with the ground level of the land surrounding the fence or wall must be included in the measurement of the fence height.
- Where an industrial district, building or project abuts a dwelling district or lots used for any use listed as a dwelling use in Table 743-1: Use Table, a landscape buffer shall be provided within the transitional yard using either Option 1 or 2 below:
 - A landscape buffer area at least 15 feet wide shall be provided by the industrial project along the shared border. The buffer area shall consist of natural landscape materials such as grasses, ground cover, shrubs, and trees, and shall not contain impervious surfaces. One evergreen tree shall be provided for every 25-linear foot of lot line and 4 large shrubs per 25 linear feet of lot line, with spacing designed to minimize sound, light and noise impacts on dwelling uses.
 - An opaque wall, berm, fence or dense (100% opacity) vegetative screen at least 8 feet tall shall be provided with one shade tree provided for every 50 linear feet of lot line. If a fence or wall is provided, the side facing away from the industrial use shall be at least as finished in appearance as the side facing the industrial use, the fence shall be placed at least 3 feet inside the property line, and 3 small shrubs per 25 linear feet of lot line shall be provided between the fence and the property line. If a vegetative screen is proposed, it shall be at least 6 feet tall at the time of planting.
- **Green Factor Requirements:** The Green Factor requirement applies to all zoning districts except CBD districts, MU districts, D-A through D-5II districts and portions of the D-8 district occupied by single-family detached dwelling and two-family dwellings.
 - Development occurring on land in which 75% or more of the land area was previously developed for purposes other than residential or agricultural must attain a Green Factor of .22 or higher.



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

- The Green Factor requirement can be met by constructing or modifying the primary building or buildings on-site in a manner that when completed the building or buildings have and maintain an ENERGY STAR rating of 75 or higher. When this alternative is used, all other applicable landscaping standards must be met. For this alternative, Metropolitan Development Commission shall establish additional Improvement Location Permit submission requirements and maintenance requirements.

AmeriPlex:

- **Outside Operations And Storage Area Limitation:**

- 1) In no case shall the total area of outside operations and storage exceed twenty-five (25) percent of the total gross-floor area of enclosed structures and buildings.
- 2) Trash containers. Within one hundred (100) feet, measured in any direction of a Protected District, trash containers exceeding forty-eight (48) cubic feet shall:
 - be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - be located behind the established front building line; and,
 - not be located within a required yard or required transitional yard unless located within a parking area which is permitted in a required yard.

- **Continuation Of Existing Residential Uses:** Any legally established single family residence located within the real estate zoned to the C-S classification by this rezoning petition which would otherwise become a legally established nonconforming use as a result of this rezoning petition shall be permitted to: (i) rebuild if damaged or destroyed, regardless of whether any such damage or destruction is partial or total; or, (ii) continue and expand its otherwise nonconforming residential use; provided, that any such reconstruction, continuation or expansion is in compliance with the use provisions and development standards of the D-3 Dwelling District Zoning Ordinance, 89-A0-2, as amended through and including 95-A0-1.
- **Landscape Easements:** A forty-five (45) foot landscape easement measured from the back of curb shall be maintained along all public and private roadways developed within AmeriPlex. Plantings within this landscape easement area shall be consistent with the standards depicted on the Planting Concept exhibit filed with this rezoning petition.
- **Surface of Parking Area:** All off-street parking area, and access to and from such area, shall be hard surfaced to adequately provide a durable and dust-free surface. A gravel surface may be used for a period not exceeding one (1) year after the commencement of the use for which the parking area is provided, where ground weather conditions are not immediately suitable for permanent surface as specified above.



Department of Metropolitan Development
Division of Planning
Current Planning

- Parking area(s), where abutting a required landscaped yard or area, shall be designed and constructed in such a manner that no part of any parked vehicle shall extend beyond the boundary of the established parking area into the minimum required landscaped yard or area or the adjoining property.
- Outdoor displays shall be on a hard-surfaced area, such as concrete, asphaltic pavement, brick, flagstone, or comparable material, and maintained in good condition.
- **Parking lot and other surface elements:** In order to break up or disconnect the flow of runoff over impervious surfaces, the use of permeable pavement materials is encouraged and includes, but is nonlimited to, pervious asphalt, pervious concrete, grid systems, or block pavers. Surface areas constructed with permeable techniques and materials shall not be counted towards the impervious surface cover calculations.
- In addition, any lot that abuts a lot determined to be an integrated center is also considered a part of the integrated center if the abutting lot shares vehicle access to a public street with that integrated center and does not have its own direct vehicle access to a public street.

Pattern Book / Land Use Plan

- The **Light Industrial** typology provides for industrial, production, distribution, and repair use conducted within enclosed structures and is unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.
- Industrial truck traffic should not utilize local residential streets, and internal streets within industrial developments must connect directly to an arterial street. Additionally, industrial uses are not recommended in locations where they would directly abut living or mixed-use typologies.

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.



Department of Metropolitan Development
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Current Planning

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2024ADM010; The addition of an accessory storage building; **approved.**

2019ADM120; New storage building and refurbishing existing gravel area in CS district; **approved.**

95-Z-149; Ameriplex; rezone 1217.24 acres from D-A, D-3, I-2-S, I-3-S, and I-4-S to C-S and a Variance of Development Standards of the C-S District by waiving the current development standards set forth for each of the proposed light industrial areas, heavy industrial areas, and commercial areas and a Variance of Development Standards of the sign regulations to permit the implementation of an overall sign program which includes project monument signs, boundary markers, commercial area signs, industrial user signs, incidental signs, sign setbacks, building identification signs, construction signs and real estate signs; **approved.**

94-Z-46; rezone D-A to D-3 District for the proposed use of residential; **approved.**

ZONING HISTORY – VICINITY

2013ADM082; Amended land use plan - Ameriplex - to clarify internal land use boundaries; **approved.**

ZONING VIOLATIONS – SITE

VIO24-009093; The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (Failure to comply with petition 2024ADM010; specifically, failure to comply with the approved site plan; **8/04/2026: overdue- OCC Legal.**

VIO24-005857; 2018 Indianapolis Building Standards and Procedures Sec. 536-201; 536-609; 536-705; 536-709 Stop Work Order. Stop work order issued For new electrical wiring on a class one structure without first obtaining and posting an electrical permit; **corrected.**

VIO23-006914; 740-1004(a)(1)- Failure to obtain the required administrative approval for new development, the project is not in accordance with 2019adm120. *Any project, current or future, will require administrative approval;* **corrected.**

INV23-24116; Upon inspection of the property found: unpermitted construction; **closed.**



Department of Metropolitan Development
Division of Planning
Current Planning

VIO19-009060; Indiana Building Code 2014 718.2 Fire blocking. In combustible construction, fire blocking shall be installed to cut off concealed draft openings (both vertical and horizontal) and shall form an effective barrier between floors, between a top story and a roof or attic space. Fire blocking shall be installed in the locations specified in Sections 718.2.2 through 718.2.7. 2303.1 General. joist hangers shall conform to the applicable provisions of this section; **corrected.**

VIO19-005596; SWO Pole Barn: Indianapolis Building Standards and Procedures 2016 : Section(s) 536-201; 536-609; 536-705; 536-709. Stop Work Order. This Stop Work Order has been issued due to the failure to obtain a structural permit for the construction of a 7,812 square foot Class I storage structure; **closed- complied with stop work order.**

INV19-03127; upon inspection found a commercial use not permitted in a c-s zoning district; **closed.**

VIO19-001430; The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (A wood chipping or processing / fence business is not permitted in the C-S district). 95-Z-149 allows for light industrial/commercial retail uses if developed as such, but the single-family dwelling would need to be removed. The existing single-family dwelling is allowable non-conforming use because of 95-z-149 but would have to maintain as a single-family dwelling use without any other uses; **corrected.**

VIO17-006813; failure to comply with use-specific standards and zoning district development standards for the D-A district; (fence height may not exceed 6' in the back yard); **closed.**



Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

Zoning:



Legend

 Area of Interest (AOI)  ZONING

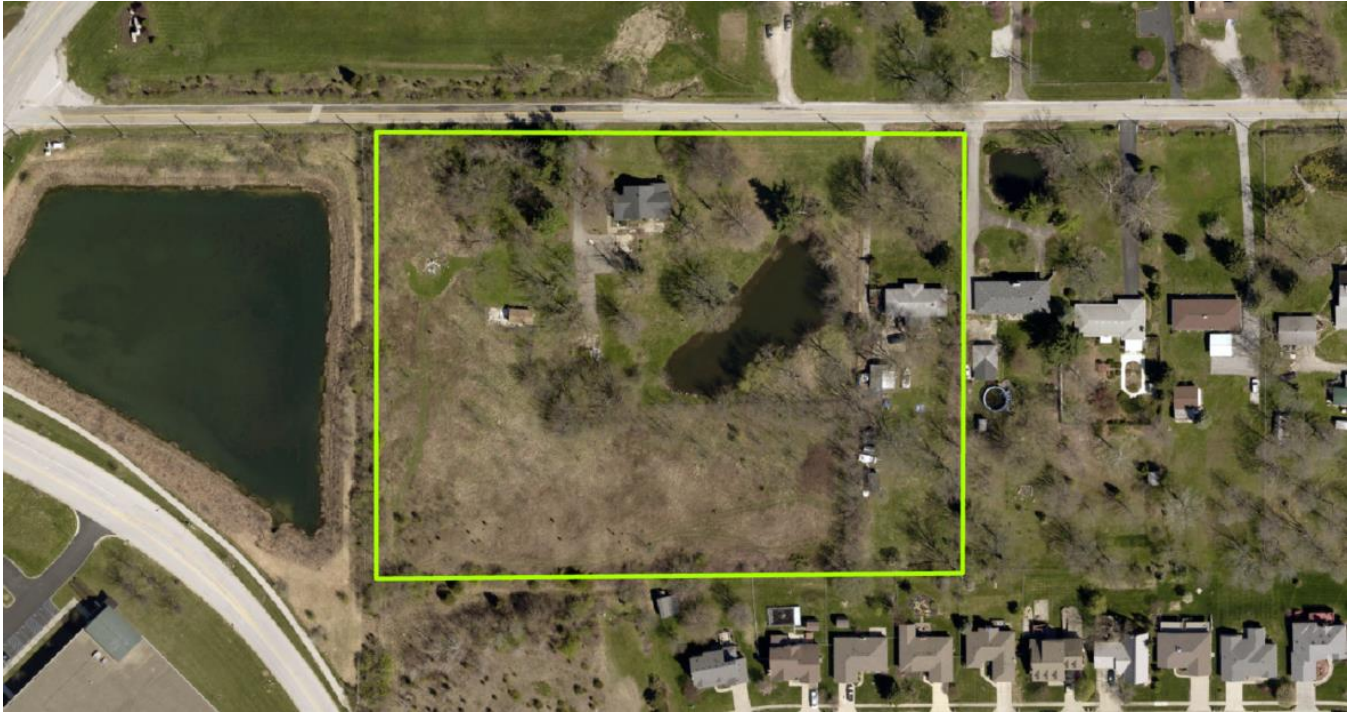
Aerial 2026:



Aerial 2018:



Aerial 2016:

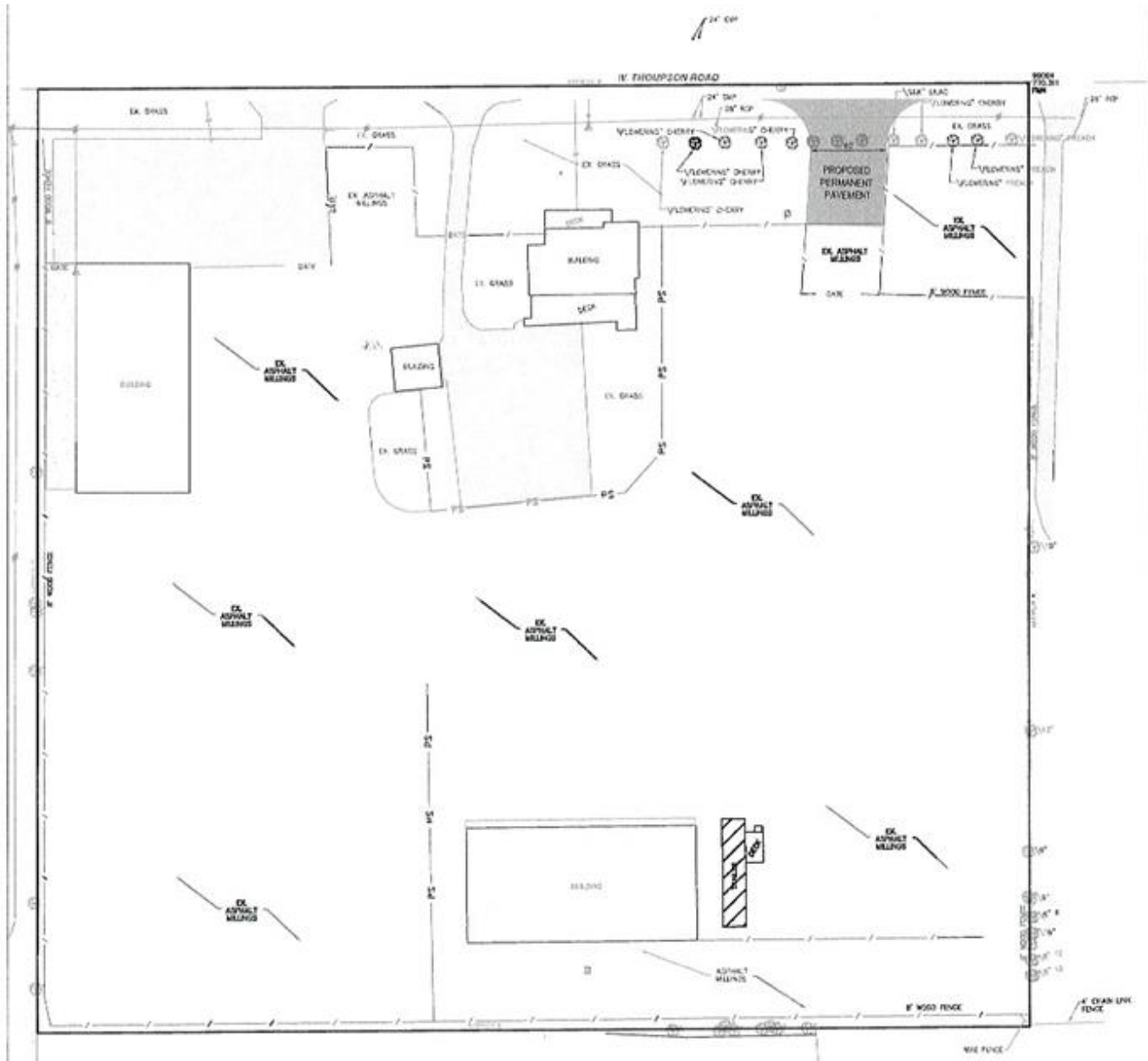


Aerial 1993:



Site Plan:

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



Site Plan:



Findings Of Fact:

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

The requested variance will not be injurious to the public health, safety, morals, or general welfare of the community. The property is an existing commercial property and the requested variance will allow the continued safe and orderly operation of the site. The property is enclosed by an 8 foot Privacy Fence, and the existing improved areas provide adequate access and maneuvering space for vehicles and equipment. Approval will not create additional traffic, drainage, visibility, or public safety concerns.

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

The existing business operations and site improvements are contained within the property and, substantially screened from surrounding properties by an 8 foot Privacy Fence, trees, vegetation. The requested variance does not involve an expansion of the business use onto neighboring property and will not materially change the character or use of the surrounding area.

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

the substantial additional paving and landscape improvements to an existing developed commercial property even though the existing site provides functional vehicle access, parking, maneuvering, drainage, and screening and outdoor storage areas. Requiring removal or replacement of functional existing improvements and extensive additional landscape would impose substantial cost and interfere with the practical operation of the property without benefit to surrounding properties.

DECISION

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

Back side →

the existing privacy fencing (8' tall) and vegetation already provide substantial screening, and the requested variance would allow reasonable continued use of the property while maintaining the overall intent of the ordinance. The existing Asphalt Millings provide functional access and maneuvering areas for business vehicles and equipment, and requiring these areas to be removed or replaced with permanent pavement would require substantially alteration of an already functional site. In addition requiring extensive additional landscaping and trees would reduce useable maneuvering and outdoor storage areas and duplicate screening (8' privacy fence) already provided on the property.

Site Photos:

























Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

September 8, 2026

Case Number: 2026-UV2-011

Property Address: 8450 Georgetown Rd.

Location: Pike Township, Council District #1

Petitioner: Kyle Davis, J.B. Hunt

Current Zoning: I-2

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a maintenance shop with associated office space and secure parking, supporting internal company operations (not permitted).

Current Land Use: Industrial

Staff Recommendations: Staff recommends approval of this petition

Staff Reviewer: Jasmine Dillard Nikolich, Senior Planner

PETITION OVERVIEW

9/8/2026: A timely automatic continuance request was filed by a registered neighborhood organization, continuing this petition from the September 8, 2026, BZA II hearing to the October 13, 2026 BZA II hearing. This would require acknowledgement from the BZA II Board.

8/11/2026: Staff requested a continuance from the August 11, 2026, BZA II hearing to the September 8, 2026, BZA II hearing to allow the petitioner adequate time for mailing and positing of the required legal notice. This request was approved.



Department of Metropolitan Development
Division of Planning
Current Planning

Board of Zoning Appeals Division II

September 8, 2026

Case Number: 2026-UV2-012
Property Address: 1701 East New York Street (*approximate address*)
Location: Center Township, Council District #13
Petitioner: Sheref Nessem, by Justin Kingen
Current Zoning: C-3
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to legally establish an auto repair use (tire sales and installation business), which is not permitted in C-3.
Current Land Use: Auto repair
Staff Reviewer: Josh Levesque, Senior Planner

PETITION OVERVIEW

Petitioner is requesting a one-month continuance to the October 13th, 2026, BZA II hearing to allow for further discussion with the community.



BOARD OF ZONING APPEALS DIVISION II

September 8, 2026

Case Number: 2026-DV2-022 (Amended)
Address: 200 and 206 North Rural Avenue (approximate address)
Location: Center Township, Council District #13
Zoning: D-9 (TOD)
Petitioner: Englewood Community Development Corporation
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a medium apartment building development with a minimum lot area of 9,422 square feet (minimum lot area 12,000 square feet required), with a minimum lot width of 75 feet (minimum lot width 100 feet required), with five off-street parking spaces provided (19 off-street parking spaces required), and to provide for minimum livability space ratio of 0.34 (minimum 0.75 required), and for a floor area ratio of 1.20 (maximum 0.50 permitted).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing of this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The subject site was previously rezoned to the D-9 District (2025-ZON-087), to provide for a medium apartment building.
- ◇ The requested variances will allow for an urban building form that makes use of the existing underutilized site while advancing community goals related to housing affordability, neighborhood reinvestment, and transit-oriented development. The proposed development has been designed to complement the area's evolving residential and institutional character requiring the need for the requested variances.
- ◇ The request does not increase permitted building height or introduce an incompatible land use, and only affects site dimensions and building efficiency. The proposed development will strengthen neighborhood investment, enhance the streetscape, and preserve the use and value of adjacent properties.



VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance states that a D-9 zoned parcel with a multi-unit house is required to have a minimum lot width of 100 feet, and a minimum lot size of 12,000 square feet.
- ◇ The reduced lot size and reduced lot width requested by this petition would provide for a medium size apartment building that will bring additional density to this area that falls within the Transit Oriented Development overlay district.
- ◇ The proposed medium apartment building will contribute to the creation of a “street wall” that is appropriate for an urban arterial such as North Rural Street. The reduced lot size and reduced lot width requested by this petition would help with that development pattern.
- ◇ The site, although conducive to multifamily development, is narrowly configured with small contiguous residential lots. Strict application of the dimensional standards would significantly limit the reasonable development of this urban infill site to a lower density and limit the construction of income-restricted affordable housing development that addresses a documented community need.
- ◇ Therefore, this reduction in lot size and lot width would not be a significant deviation from the Ordinance or negatively impact the character of development within the surrounding area and is supportable.
- ◇ The requested variance of development standards would provide five (5) on-site parking spaces, where a minimum of nineteen (19) parking spaces is required. The petitioner has an agreement with the adjacent property to the east to provide for an additional three (3) off-site parking spaces, along with two (2) on-street parking spaces, for a total of ten (10) parking spaces available to residents.
- ◇ The subject site is within walking distance of the Blue Line bus rapid transit, and other surrounding commercial uses, with an extensive sidewalk system that can provide access to the site without the need for a parking space if the residents choose to do so.
- ◇ Therefore, given the limited lot size and the proximity to available mass transit, other public on street parking, and similarly developed properties, this reduction in parking would not be a significant deviation from the Ordinance or negatively impact the character of development within the surrounding area, and is supportable.
- ◇ As proposed the request would allow residential development using the Medium Apartment Residential Building Type Standards in the D-9 district.
- ◇ The request would provide for a minimum livability space ratio of 0.34, when the Ordinance requires a minimum ratio of 0.75 and a floor area ration of 1.20 when the Ordinance limits the ratio to a maximum of 0.50 ratio.

- ◇ The floor area ratio is the measurement that compares the size of a building's floor area to the size of the land upon which it is built and determines whether the scale and mass of the development is compatible with the surrounding neighborhood.
- ◇ The livability space ratio measures the amount of space dedicated to open, green and recreational areas within a built environment that contributes to the overall quality of life for the residents and users.
- ◇ Staff supports these variances because the application of the Ordinance standards would significantly limit the reasonable development of this urban infill site to smaller density uses, in a designated Transit Oriented Development Area where increased density is being encouraged.
- ◇ The deviation from the Ordinance requirements is minimal and would not impact surrounding land uses, while providing and contributing to the need for affordable housing options for the community residents.
- ◇ Generally, staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. This would be true for this particular request; additionally, no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-9 (TOD)	
Existing Land Use	Single Family Dwelling / Undeveloped	
Comprehensive Plan	Traditional Neighborhood Uses	
Surrounding Context	Zoning	Surrounding Context
	North: D-5	Single-family dwelling
	South: D-5	Single-family dwelling
	East: SU-1	Religious uses
	West: D-5	Single-family dwelling / Undeveloped
Thoroughfare Plan		
North Rural Street	Primary Arterial	60-foot existing right-of-way, and a 78-foot proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	Yes – Transit Oriented Development	
Wellfield Protection Area	No	
Site Plan	July 1, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	July 1, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time. The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types –Traditional Neighborhood Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

Small-Scale Multi-Family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of less than two acres and at a height of less than 40 feet).

- It is preferred that multi-family housing should be organized around intersections of neighborhood collector streets, parks or public squares, or neighborhood-serving retail.
- If the above conditions are not met, individual buildings of small-scale multi-family housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.
- In predominantly platted, single-family neighborhoods, site layouts should be similar in site- and building-orientation as the surrounding single-family homes.
- Parking should be either behind or interior to the development.
- Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Blue Line Transit-Oriented Development Strategic Plan (2018).

This site is located within a ¼ mile walk (approximately 574 feet) north of a proposed transit stop located at the intersection of East Washington Street and Rural Street, with a District Center typology.

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

Characteristics of the District Center typology are:

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

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Infill Housing Guidelines

The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”

These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements



Department of Metropolitan Development
Division of Planning
Current Planning

Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

“As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

Indy Moves

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

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

ZONING HISTORY

2025-ZON-087; 200 North Rural Street (subject site), requested the Rezoning of 0.22-acres from the D-5 (TOD) district to the D-9 (TOD) district to provide for a medium apartment, **approved**.

2010-CZN-804 / 2010-CVR-804; 23 North Rural Street (south of site), requested Rezoning of 1.38 acres, being in the D-5 District, to the C-3-C classification to provide for commercial uses and 25 multi-family residential units and a variance of development standards of the Commercial Zoning Ordinance to provide for a mixed-use development with reduced parking spaces and north and east traditional yard, **approved and granted**.

2008-ZON-046; 16 South Rural Street and 20, 24 and 28 North Rural Street, 2718, 2730 and 2823 East Washington Street, and 27, 33, 35, 39, 43 and 49 Eastern Avenue (south of site), requested Rezoning of 1.64 acres, from the D-5, C-3 and I-3-U Districts, to the SU-7 classification to provide for charitable, philanthropic and not-for-profit institutions, **approved**.

99-Z-165; 2712-2714 East Washington Street (south of site), requested a Rezoning of 0.16 acre, being in the C-3 and D-5 Districts, to the SU-7 classification, to provide for charitable and philanthropic uses, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

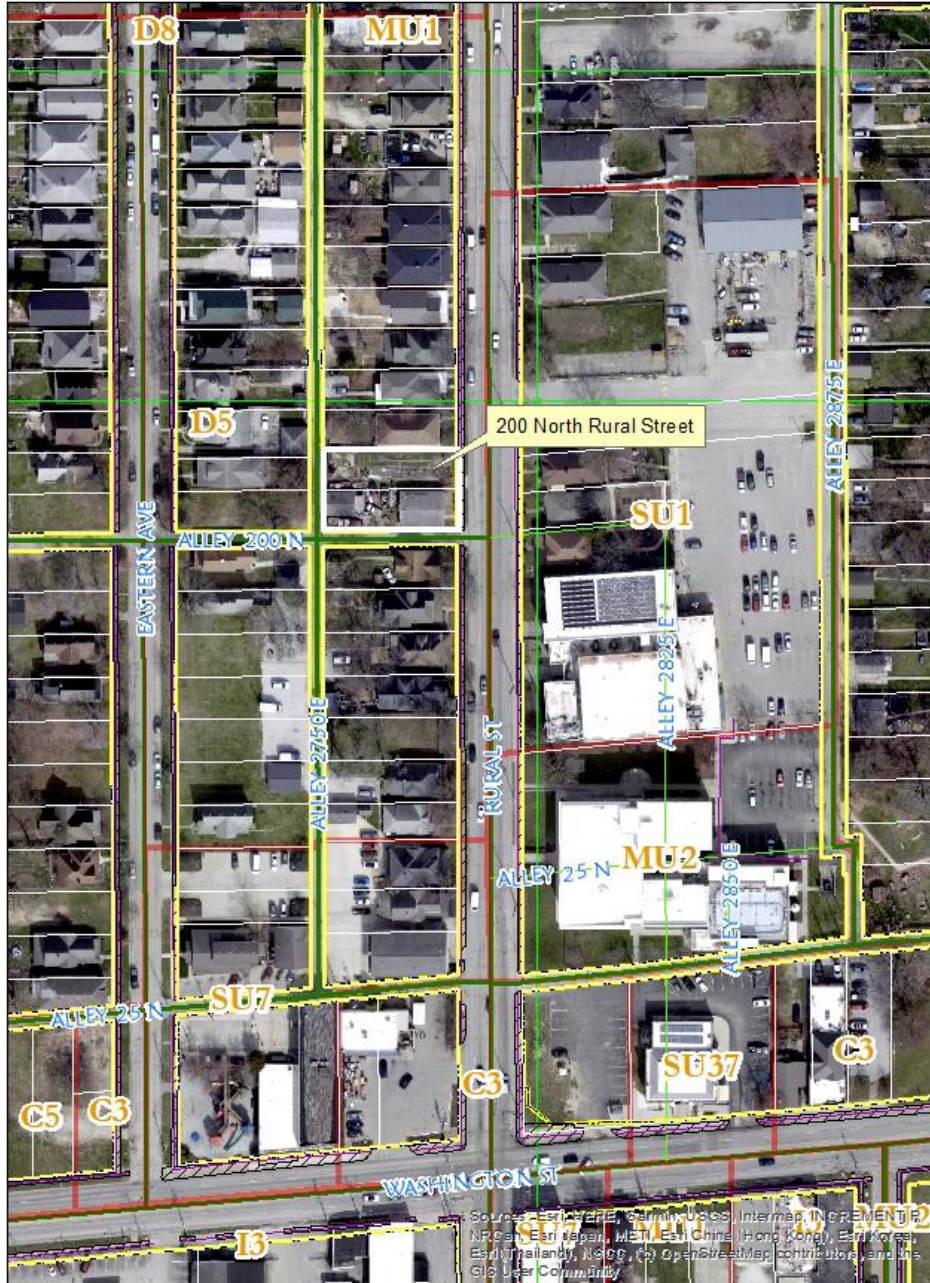
98-Z-106A & B; 2702-2706 East Washington Street, 11 North Eastern Avenue, and 12, & 16-18 North Rural Street (south of site), requested a Rezoning of 1.2 acre, being in the C-3, D-5, I-3-U and SU-7 Districts, to the SU-7 classification, to provide for religious uses including a community park, health clinic, single-family dwelling, offices and a clothing pantry, **approved**.

82-Z-1; 122, 208 through 235 North Rural Street (east of site), requested rezoning of 1.55 acres, being in the D-5 district to the SU-1 classification to provide for church use, **approved**.

RU

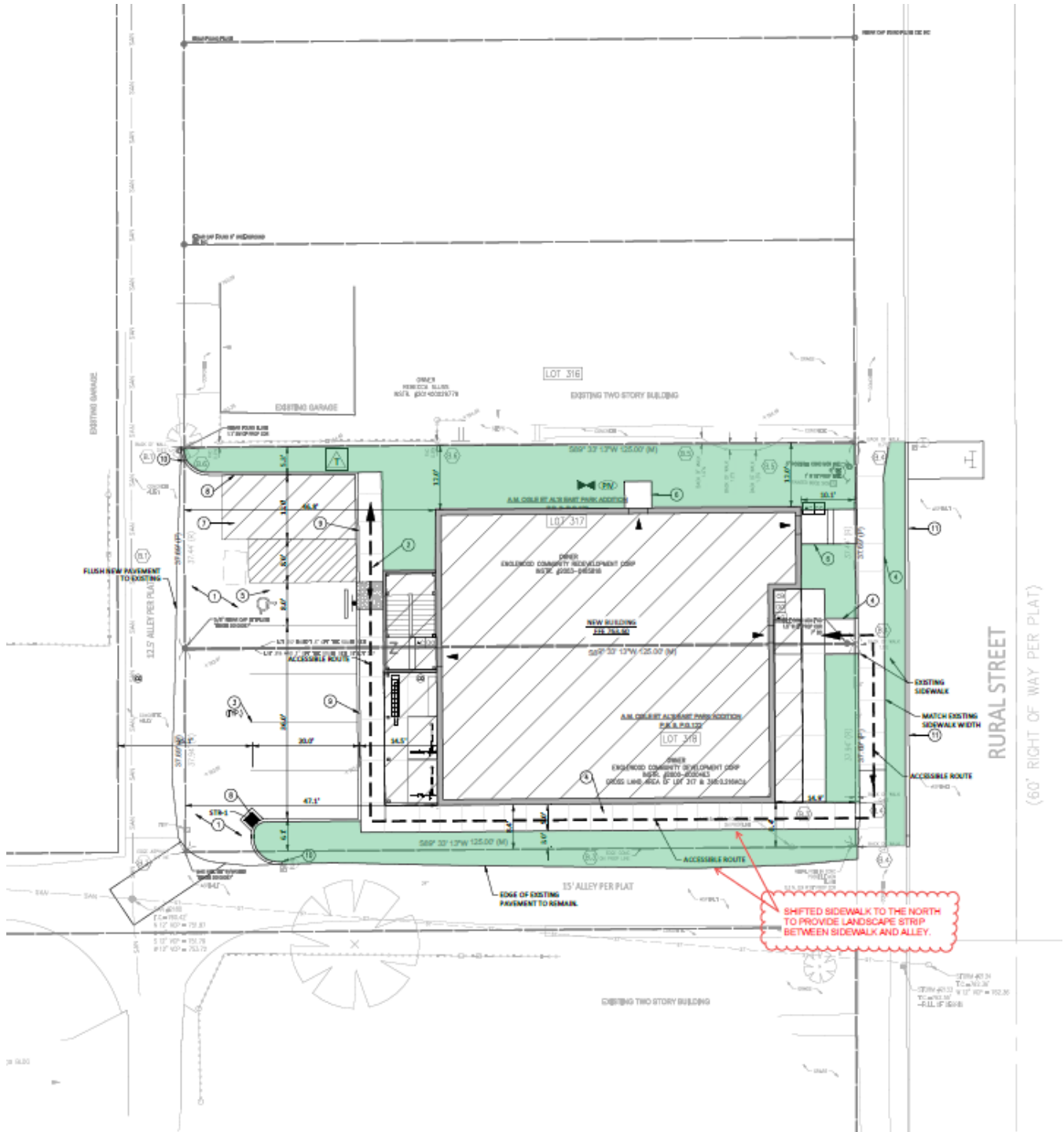
EXHIBITS

Location Map



200 North Rural Street

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 requested variances relate solely to dimensional development standards and will not compromise public health, safety, or welfare. The proposed building will comply with all applicable building, fire, accessibility, and life-safety codes and will be professionally managed as income-restricted affordable housing. The site was intentionally selected for its proximity to employment opportunities, neighborhood services, the East Washington Library, and the IndyGo Blue Line, allowing residents convenient access to daily needs and public transportation. The requested relief supports an efficient urban building form that makes productive use of existing space while advancing community goals related to housing affordability, neighborhood reinvestment, and transit-oriented development. Because the variances do not alter the permitted residential use or create adverse impacts related to traffic, noise, or public safety, granting them will promote the 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 proposed development has been designed to complement the area's evolving residential and institutional character. While contemporary in design, the building is compatible with nearby civic and institutional structures, including Englewood Christian Church across the street, the East Washington Library to the south, and Saint Lucas Lofts to the north. The property immediately adjacent to the site is under common ownership with the applicant, while other neighboring homes are separated by public streets or alleys, limiting potential impacts. The requested variances affect only site dimensions and building efficiency; they do not increase permitted building height or introduce an incompatible land use. Replacing a long underutilized site with a high-quality, professionally managed residential development is expected to strengthen neighborhood investment, enhance the streetscape, and preserve the use and value of 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:

Strict application of the dimensional standards would significantly limit the reasonable development of this urban infill site and hinder construction of a thoughtfully designed income-restricted affordable housing development that addresses a documented community need. The site's size and configuration, together with its proximity to transit and neighborhood amenities, make it well suited for compact residential development. Requiring full compliance with the minimum lot area, lot width, floor area ratio, and livability space ratio standards would substantially reduce the number of homes or require a fundamental redesign, diminishing the project's financial feasibility and efficient use of the site. The requested variances represent the minimum relief necessary to allow reasonable use of the property while maintaining compliance with all applicable safety, accessibility, and construction requirements and preserving compatibility with the surrounding neighborhood.

Photographs



Subject site, looking east.



Adjacent religious use to the east, looking southeast.



Adjacent Residential uses to the south, looking southwest.



Adjacent Residential uses to the north, looking northwest.



BOARD OF ZONING APPEALS DIVISION II

September 8, 2026

Case Number: 2026-DV2-025
Address: 6160 Evanston Avenue (approximate address)
Location: Washington Township, Council District #7
Zoning: D-5
Petitioner: James and Tanya Lott
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a detached accessory structure with a 4-foot south side setback (5-foot side setback required), and a 4-foot rear setback (5-foot rear setback required).

Current Land Use: Single-Family Dwelling
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property values by providing for open buffer areas along lot lines, and to ensure adequate access around buildings.
- ◇ The proposed detached garage would replace a previous garage that existed at the end of the driveway. Moving the proposed garage to meet the five-foot compliant side setback, would place it further behind the dwelling. This would increase the existing maneuverability issue for vehicles in the driveway trying to access the garage. Instead of a straight back rear access the previous garage provided, the new garage with a compliant side setback would have a more difficult degree of turn radius to access the garage further behind the dwelling in the back yard.
- ◇ Staff is supportable of the request as the four foot side and rear setbacks for the proposed detached garage would be compatible with the minimal rear setbacks provided for other detached garages in the immediate vicinity. The proposed detached garage would be comparable with the existing development pattern established in this area. Adjacent to the rear of the subject site is an unimproved alley. Therefore, the required rear setback for alley access and vehicular maneuverability is not a factor in this instance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	5-8 Residential units per acre	
Overlay	N/A	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-5	Single-family dwelling
	South: D-5	Single-family dwelling
	East: D-5	Single-family dwelling
	West: D-5	Single-family dwelling
Thoroughfare Plan		
Evanston Avenue	Local Street	48-foot existing and proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	N/A	
Wellfield Protection Area	N/A	
Site Plan	July 27, 2026	
Elevations	N/A	
Plan of Operation	N/A	
Commitments	N/A	
Landscape Plan	N/A	
Findings of Fact	July 27, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan has recommended 5 – 8 Residential units per acre uses for this site.

Pattern Book / Land Use Plan

- Not Applicable.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable.

Neighborhood / Area Specific Plan

- The Comprehensive Plan has recommended 5-8 Residential units per acre uses for this site.

Infill Housing Guidelines

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

97-V2-42; 6141 Crittenden Avenue (west of site), requested a Variance of Development Standards to provide for the construction of a single-family residence with a detached garage located one foot from the rear lot line, **granted**.

RU

EXHIBITS

Location Map







Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF 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 requested variance seeks relief for a foundation encroachment of 8 3/8" along the west property line and 7 3/16" along the south property line. The structure is a detached accessory residential workshop on a single family residential property. The encroachment does not create a public safety hazard, does not obstruct public access, does not interfere with utilities, and does not alter the residential character of the neighborhood.

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

The requested variance does not change the use of the property, density of development, or character of the neighborhood. The structure remains a permitted accessory residential building serving the existing single family residence. The encroachment is limited to a few inches and does not materially impact adjacent properties or their use and enjoyment. The requested relief is also consistent with the established development pattern of the surrounding neighborhood, where numerous existing accessory structures are located at or near the alley and rear property boundary.

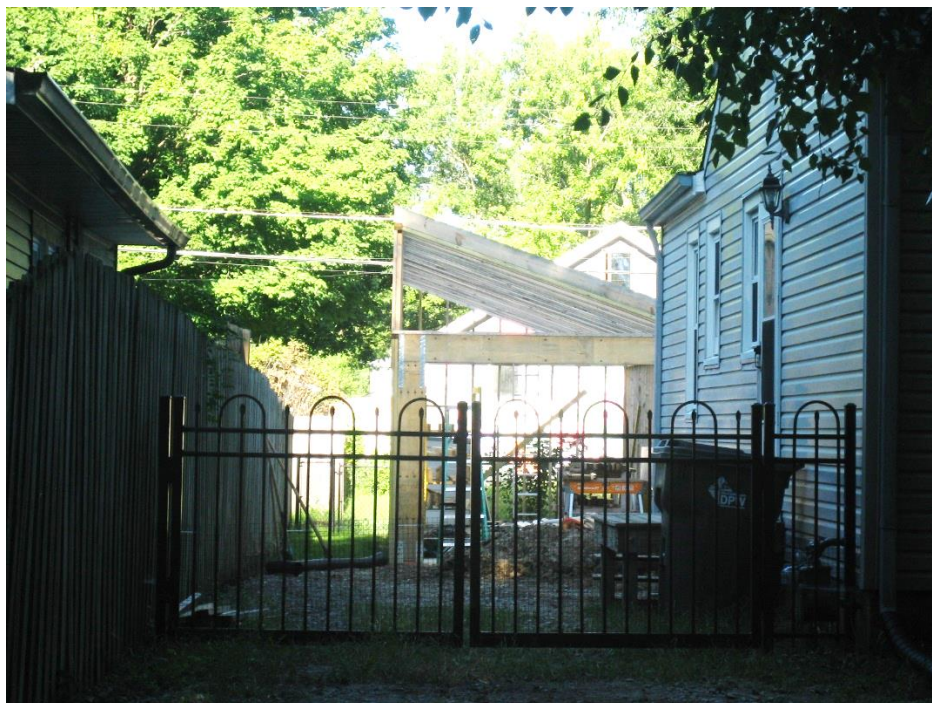
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

A licensed property survey completed during construction determined that the foundation extends 8 3/8" into the required setback along the west property line and 7 3/16" into the required setback along the south property line. Requiring compliance through relocation or reconstruction of the foundation and structure would create substantial cost and hardship that is disproportionate to the minor nature of the encroachment. Granting the variance would allow completion of a permitted accessory structure while maintaining the intended residential use of the property.

Photographs



Subject site, looking west.



Subject site proposed garage location with four foot south side setback, looking west.



Subject site proposed garage location with four foot rear setback, looking south.



Unimproved alley located to the rear of the subject site, looking north.



Adjacent dwelling to the east, with garage having reduced south side setback.



Adjacent dwelling to the north of subject site, looking west.