



**Board of Zoning Appeals
Board of Zoning Appeals Division II (April
14, 2026)
Meeting Agenda**

Meeting Details

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

Date: Tuesday, April 14, 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-DV2-035 (Amended) | 5100 Knollton Road**
Washington Township, Council District #2, zoned D-S (FW) (FF)
John & Jane Murphy, by Justin and David Kingen

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a second primary dwelling (not permitted) on a lot with 50 feet of street frontage (75 feet required), a driveway with a front yard setback of 12 feet from Roland Drive (15-foot setback required) and a 150-foot width between the primary dwelling and Roland Drive (maximum 30-foot width permitted), an accessory structure within the front yard of Roland Drive (not permitted), and the removal of heritage trees without prior authorization (not permitted).

****Requires continuance to May 19, 2026 to allow for proper notice****

- 2. 2026-DV2-009 | 5360 Central Avenue**
Washington Township, Council District #7, zoned D-4
Andrea Jain and Vincent Manganello, by David B. Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 14-foot rear setback (minimum of 20 feet required).

****Staff to request continuance to May 19, 2026 to allow amended notice****

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 3. 2026-MO2-001 | 6417 Carrollton Avenue**
Washington Township, Council District #7, zoned MU-1 (FF)
Kickshaw Tattoo, LLC, by Patrick Rooney

Modification of Commitments 1, 2, and 3, related to 87-UV2-85, to permit a tattoo parlor, as described in the Plan of Operation (Commitment 1 permitted only for the preparation and delivery of cakes and desserts), to provide for standard deliveries by USPS, FedEx, UPS and Amazon, with standard deliveries of supplies and inventory and no more than two vehicles at any time (Commitment 2 permitted deliveries with a station wagon and van with no more than two vehicles at any time), to provide for up to ten part-time employees with said

employees working on alternate days, with a maximum of five employees on any given day (Commitment 3 limited the number of employees to the owner and two full-time employees, with occasional seasonal part-time employees) and to provide for a tattoo parlor (not permitted), with a 3.75-foot south side yard setback and a three-foot rear setback (minimum 10-foot side and rear setbacks required).

4. 2026-DV2-005 | 1316 E Minnesota Street

Center Township, Council District #9, zoned D-5 (TOD)
Jaime Cruz and Victor Manuel Rodas Navarro, by Samuel Salzar

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to construct a single-family detached dwelling with side setbacks of 3 feet (minimum 5 feet required).

5. 2026-DV2-008 | 2405, 2407, and 2409 Massachusetts Avenue

Center Township, Council District #8, zoned C-7 / D-8
Braun Investments LLC, by Joseph Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a commercial building, without exclusive access from an improved alley (required).

6. 2026-DV2-012 | 239 East Caven Street

Center Township, Council District #18, zoned D-5
Cohen Property Group LLC, by Mark Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-unit house with a 32-foot wide lot (35-foot wide lot required for multi-unit dwellings).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

7. 2026-DV2-004 | 5935 West 86th Street

Pike Township, Council District #1, zoned C-4
Standard Traders Point LLC, by Mark Bastin

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a monument sign, being the third freestanding sign along the West 86th frontage (maximum two freestanding signs per frontage), and with a separation of 130 and 140 feet from other primary freestanding signs (300-foot separation required).

8. 2026-UV2-003 | 5675 Michigan Road

Washington Township, Council District #2, zoned C-3 (FW) (FF) / D-2 (FF)
5675 Michigan Road LLC, by Joseph D. Calderon

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile parts and supply store utilizing the existing structure and parking facilities (not permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

9. 2026-DV2-006 | 2305 Central Avenue

Center Township, Council District #13, zoned D-8
Becky Drews and Mike Ledbetter, by Arie Lipinski

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 949-square foot secondary dwelling unit, in an existing detached accessory structure (secondary dwelling unit limited to 720 square feet).

10. 2026-DV2-007 | 229 McKim Avenue

Center Township, Council District #18, zoned D-8
Ana Pereira, by Samuel Salazar

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 2.5-story single-family dwelling with the top floor having a 9.5-foot exterior wall face (maximum 2-foot wall face above floor level permitted).

11. 2026-DV2-010 | 1346 West 23rd Street

Center Township, Council District #12, zoned D-5 (W-5)
Michael Caldwell, Jr., by Jonathan Howe

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 1-foot side yard setbacks (5-foot side setbacks required).

12. 2026-DV2-011 | 215 East 33rd Street

Center Township, Council District #8, zoned D-5
Ricky Woolridge

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit a 6-foot fence that is greater than 30% opaque in the front yard (fence height greater than 3.5-feet with opacity greater than 30% not permitted) and located within the clear sight triangle (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
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 II **April 14, 2026**

Case Number: 2025-DV2-035 (Amended)
Property Address: 5100 Knollton Road (approximate address)
Location: Washington Township, Council District #2
Petitioner: John & Jane Murphy, by Justin and David Kingen
Current Zoning: D-2 (FW) (FF)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on a lot with 50 feet of street frontage (75 feet required) and a driveway with a front yard setback of 12 feet from Roland Drive, with an accessory structure within the front yard of Roland Drive (accessory structures may not be within front yards).
Current Land Use: Vacant
Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

4/14/26: The petitioner was unable to obtain permission for the recording of the extension of right-of-way. Staff review also indicated the need for several variances of development standards not included with the original filing. A continuance to the May 19th hearing date of Division II would be required to allow for the mailing of amended legal notice.

1/13/26: The petitioner has indicated their intention to file a replat petition and apply for recording of an extension of right-of-way, which would result in their ability to develop the site without the need for variances. The petitioner will plan to ask for a continuance to the April 14th, 2026 hearing date to allow for them to have a plat petition filed and approved which may obviate the need for variances.

11/18/25: The petition was continued from the October 14th, 2025 hearing to the November 18, 2025 BZA Division II hearing, as well as from the November hearing date to the January 13, 2026 BZA Division II hearing.



Board of Zoning Appeals Division II **April 14, 2026**

Case Number: 2026-DV2-009

Property Address: 5360 Central Avenue (*approximate address*)

Location: Washington Township, Council District #7

Petitioner: Andrea Jain and Vincent Manganello by David Smith

Current Zoning: D-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 14-foot rear setback (minimum of 20 feet required).

Current Land Use: Single-family home with attached garage

Staff Reviewer: Josh Levesque, Senior Planner

PETITION OVERVIEW

Staff requests a continuance from the April 14th, 2026, BZA II hearing to the May 19th, 2026, BZA II hearing due to errors in addressing on the first round of legal notice. This will require new notice.



BOARD OF ZONING APPEALS DIVISION II **April 14, 2026**

Case Number: 2026-MO2-001
Address: 6417 Carrollton Avenue (approximate address)
Location: Washington Township, Council District #7
Zoning: MU-1 (FF)
Petitioner: Kickshaw Tattoo, LLC, by Patrick Rooney
Request: Modification of Commitments 1, 2, and 3, related to 87-UV2-85, to permit a tattoo parlor, as described in the Plan of Operation (Commitment 1 permitted only for the preparation and delivery of cakes and desserts), to provide for standard deliveries by USPS, FedEx, UPS and Amazon, with standard deliveries of supplies and inventory and no more than two vehicles at any time (Commitment 2 permitted deliveries with a station wagon and van with no more than two vehicles at any time), to provide for up to ten part-time employees with said employees working on alternate days, with a maximum of five employees on any given day (Commitment 3 limited the number of employees to the owner and two full-time employees, with occasional seasonal part-time employees) and to provide for a tattoo parlor (not permitted), with a 3.75-foot south side yard setback and a three-foot rear setback (minimum 10-foot side and rear setbacks required).

Current Land Use: Vacant commercial building
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff makes **no recommendation** for the modification of commitments.
 Staff **recommends approval** of the request for the Tattoo parlor use, and the reduced setbacks as requested, subject to the following commitment:

1. The Variance of Use grant for a tattoo parlor, shall be subject to the Plan of Operation, file-dated November 17, 2025.

PETITION OVERVIEW

SITE HISTORY

- ◇ On September 15, 1987, petition 87-UV2-85, was granted approval for a Variance of Use to provide for the use of the existing building for the preparation and display of custom wedding cakes. Approval was subject to 10 conditions listed in the approval letter, and 4 commitments.



MODIFICATION REQUEST

- ◇ Commitment 1 limited business to the preparation and delivery of wedding cakes and desserts only. Commitment 2 limited the type and number of delivery vehicles. Commitment 3 limited the number of employees working on site.
- ◇ The commitments restricting site development and layout were the result of negotiation between a previous petitioner and interested parties during the 1987 variance process. Staff played no role in the negotiation of the subject commitments, and ordinarily provides no recommendation under such circumstances. Staff would note, however, that the commitments were negotiated in good faith between interested parties during the petition process, and their agreement was contingent upon all commitments being included with the variance petition.

VARIANCE OF USE

- ◇ The requested variance of use would provide for a tattoo parlor in the existing commercial building. Tattoo Parlors are permitted by right in the C-4, C-5, and C-7 districts, with a 1,000-foot separation from any protected district, or with a Special Exception in the C-3, MU-3, or MU-4 districts, with a 500-foot separation from any protected district.
- ◇ The proposed use would be located in a commercial corridor directly across the street from a MU-2 district. Tattoo parlors, if not properly operated can impact the public health and safety of customers and the general public. It is important to note that tattoo parlors generate infectious waste, which must be properly treated, stored, and disposed.
- ◇ A plan of operation has been submitted that limits the hours of operation by appointment only from 11:00am to 7:00pm daily. Staff believes this plan of operation 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 zoning district. Therefore, Staff is requesting that approval of this petition shall be subject to the plan of operation as a new commitment.
- ◇ In Staff's opinion, the proposed tattoo parlor would not be dissimilar from other professional services permitted in the surrounding districts. The process of creating a tattoo requires time, ensuring that turnover at the subject site would be limited. Additionally, Staff would also note that the limitations within the plan of operation, including hours of operation, would further reduce the number of customers using the service at any one time.

TATOO PARLOR REGULATION

- ◇ Tattoo parlors are regulated by Title 16, Article 19, Chapter 3, Section 4.1 of the Indiana Code (IC 16-19-3-4.1), which directs the State Department of Health to establish rules related to tattoo parlors, resulting in the adoption of Title 410 of the Indiana Administrative Code, Article 1, Rule 5 (410 IAC 1-5, Sanitary Operation of Tattoo Parlors). These rules also apply to body piercing facilities.



- ◇ The Marion County Health Department (MCHD) in Chapter 19, Article Seven, of the Marion County Health and Hospital Code (19-701 to 19-712) requires tattoo parlors to be licensed, with annual renewals. Disinfection and sterilization equipment must be tested by an approved independent laboratory on a monthly basis. The MCHD has the authority to close a facility or suspend a license if tests results are not submitted in a timely manner, if proper hand-washing facilities are not provided at each station or if general conditions of the operation present an imminent threat to public health or transmission of communicable disease.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The requested variance of development standards for a 3.75-foot south side yard setback and a three-foot rear setback would legally establish an existing building and detached garage that has been on site since 1902.
- ◇ Given the close proximity of other similarly developed properties, staff does not believe these setbacks 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	MU-1	
Existing Land Use	Commercial building	
Comprehensive Plan	Village Mixed Use	
Overlay	Red Line TOD	
Surrounding Context	Zoning	Surrounding Context
	North: MU-1	Mixed Use commercial
	South: MU-1	Commercial office
	East: MU-1	Commercial retail
	West: MU-2	Commercial office
Thoroughfare Plan		
Carrollton Avenue	Local Street	48-foot existing and proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	100-year floodplain	
Wellfield Protection Area	No	
Site Plan	November 17, 2025	
Elevations	N/A	
Commitments	November 17, 2025	
Landscape Plan	N/A	
Findings of Fact	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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



Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
 - Added Uses
 - No uses are added.
 - Modified Uses
 - Small Scale Offices, Retailing, and Personal or Professional Services - Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
 - Light Industrial Uses
 - Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.) Only small-scale light industrial uses are appropriate in this overlay.
 - Removed Uses
 - Heavy Commercial Uses

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

2020-DV1-021; 6407-6419 Ferguson Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an office building located within the clear sight triangle of a driveway and alley, with 68 parking spaces, and parking within the right-of-way of 65th Street, **approved.**

2017-DV1-039; 838 East 65th Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a five-foot tall freestanding sign and 42-inch tall aluminum picket fence within the right-of-way of 65th Street, **granted.**

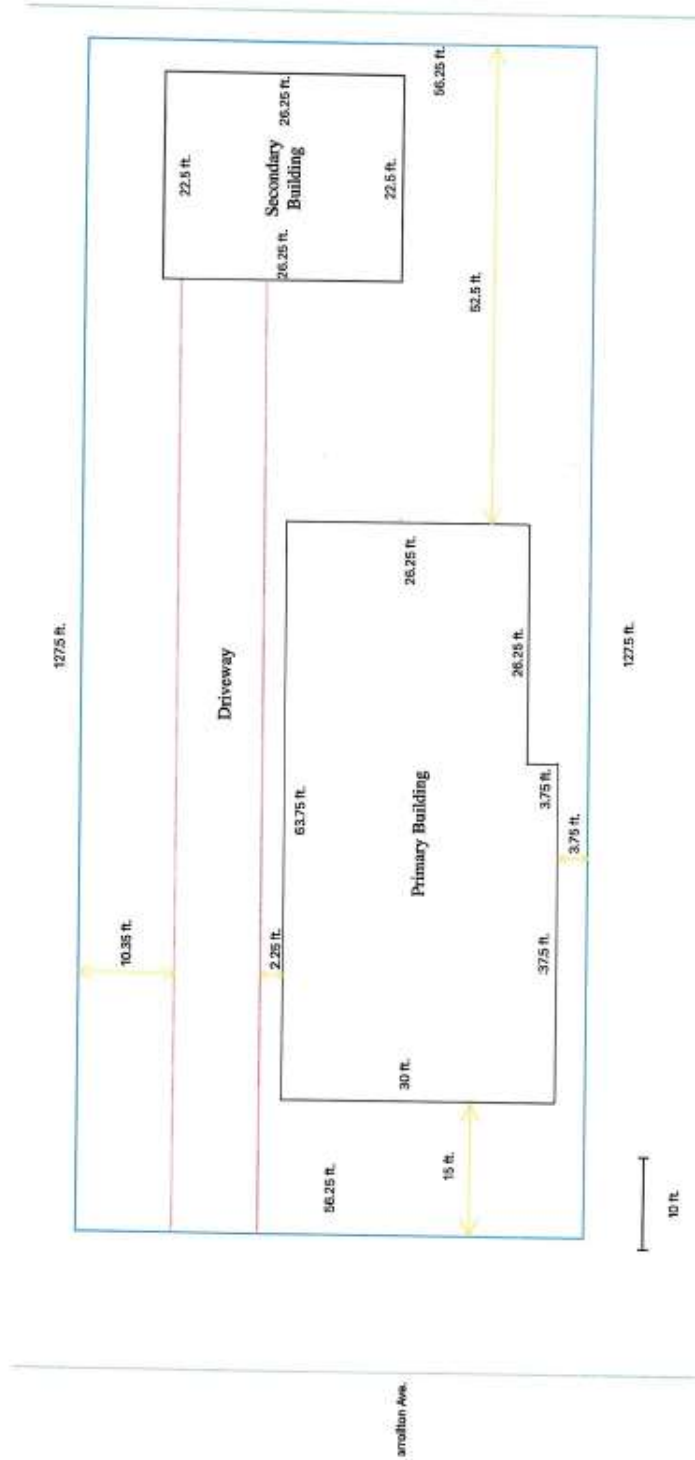
2016-CZN-843; 6361, 6367 and 6371 Guildford Avenue (southeast of site), Rezoning of 0.47 acre from the C-4 (FF) District to the MU-2 (FF) classification, **approved.**

87-UV2-085; 6417 Carrolton Avenue (subject site), requested a Variance of Use to provide for the use of the existing building for the preparation and display of custom wedding cakes, granted subject to commitments.

RU



Site Plan





Conditions - Current

87-UV2-85



CITY OF INDIANAPOLIS

WILLIAM H. HUDNUT, III
MAYOR

JON A. MEEKS
ADMINISTRATOR

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF DEVELOPMENT SERVICES
2101 CITY-COUNTY BUILDING
INDIANAPOLIS, INDIANA 46204
(317) 228-5155

September 15, 1987

Stephen D. Mears
Attorney At Law
50 South Meridian Street
Indianapolis, Indiana 46204

Re: 87-UV2-85 - Madelyn C. Bennett

Dear Sir:

The Metropolitan Board of Zoning Appeals, at its regular meeting on September 15, 1987, heard your petition for variance of use of the Commercial Zoning Ordinance to provide for the use of the existing building for the preparation and display of custom wedding cakes. The property is located at 6417 Carrollton Avenue in Indianapolis, Washington Township, in a C-2/FP zoning district.

The Board, being fully advised in the matter, granted the variance, and its findings are of record in the office of the Board. The variance is subject to the following conditions:

1. All use shall comply with the Commercial Zoning Ordinance or that use specifically requested and described in this grant.
2. All development shall comply with the Commercial Zoning Ordinance development standards, except those standards (shown on the plans file-dated June 25, 1987) specifically modified by this variance.
3. All loading, parking and driving areas shall be hardsurfaced as required by Sections 2.09 and 2.10 of the Commercial Zoning Ordinance.
4. There shall be no outside storage of delivery vehicles except during daytime hours and then only while loading activities are being conducted.
5. A final landscaping and fencing plan shall be submitted to the Administrator for review and approval prior to applying for an Improvement Location Permit. Such plans shall be submitted to the Division of Development Services, Room 2101, City-County Building.



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- 6. Signs shall be limited to one wall sign not exceeding thirty square feet.
- 7. The grant of this variance shall be limited to the present petitioner, Madelyn C. Bennett, and shall be void if petitioner no longer owns and operates the subject business.
- 8. The hours of operation for the business shall be limited to 8:00 a.m to 6:00 p.m.
- 9. All commitments recorded under Instrument Number 87013574 shall become a part of this grant.
- 10. Unless an Improvement Location Permit is obtained within one year or prior to the commencement of the use, this variance is void.

Under the Board's rules of procedure, a completion affidavit, showing compliance with the approved plan, must be filed with the Board within thirty days after completion.

Very truly yours,

METROPOLITAN BOARD OF ZONING APPEALS

Joan Gibbs
Joan Gibbs
Secretary

JG:bg

87-WA-85



Commitments – Current continued

870135074 550
#300

NOTE: Article VI, Section 6(b) of the rules of the Metropolitan Board of Zoning Appeals and Article VI, Section 7(b) of the rules of the Hearing Officer require use of this form in recording commitments made with respect to variance or special exception cases in accordance with I.C. 36-7-4-921.

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH VARIANCE OR SPECIAL EXCEPTION GRANT.

In accordance with I.C. 36-7-4-921, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning to the use and development of that parcel of real estate:

Legal Description: Lot 37 in Lights Broad Ripple Subdivision as recorded in Plat Book 9, Page 20 in the Office of the Recorder of Marion County, Indiana.

Statement of COMMITMENTS:

1. Owner shall limit her business to the preparation and delivery of wedding cakes and desserts only.
2. Owner shall limit the type and number of delivery vehicles to the following: a station wagon and van, with no more than two (2) vehicles at any time.
3. The number of employees working on premises shall be limited to the owner and two (2) full time employees, with occasional seasonal part time employees.
4. All employee parking shall be on site.
5. Nov 23 1 54 PM '87

These COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest in the real estate. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Board of Zoning Appeals made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the grant of variance or special exception petition # 87-1112-85 by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and

MD-171e, 2/83

FILED
 NOV 23 1987
 DEPT. METRO DEVELOPMENT
 BY _____



Commitments - Proposed

**COMMITMENTS MODIFYING OR TERMINATING EXISTING COMMITMENTS
CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN
CONNECTION WITH VARIANCE OR SPECIAL EXCEPTION GRANT.**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of commitment(s) concerning the use and development of the parcel of real estate:

Legal Description:

Lot Numbered 37 in Light's Broad Ripple Subdivision, now in the City of Indianapolis, Marion County, Indiana, as per plat thereof recorded in Plat Book 9, page 20, in the Office of the Recorder of Marion County, Indiana. (commonly known as 6417 Carrollton Avenue, Indianapolis, IN 46220)

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Modification of Commitment # 1 related to the Variance or Special Exception Grant dated November 20, 1987, recorded November 23, 1987 (Instrument No. 870135074), so that Commitment # 1 shall now read as follows:

Owner shall limit its business to a tattoo parlor which provides high end tattoos as further described in the Plan of Operations submitted with Variance of Use request submitted simultaneously herewith.

2. Modification of Commitment # 2 related to the Variance or Special Exception Grant dated November 20, 1987, recorded November 23, 1987 (Instrument No. 870135074), so that Commitment # 2 shall now read as follows:

Owner shall limit the type and number of delivery vehicles to the following: Standard deliveries by USPS, FedEx, UPS, and amazon, together with standard deliveries of supplies and inventory with no more than two (2) vehicles at any time.

3. Modification of Commitment # 3 related to the Variance or Special Exception Grant dated November 20, 1987, recorded November 23, 1987 (Instrument No. 870135074), so that Commitment # 3 shall now read as follows:

The number of employees working on premises shall be limited to the Owner and up to ten (10) part-time employees with said employees working on alternating days so that there will be a maximum of five (5) employees on any given day.



Plan of Operation

Plan of Operations

If the Variance of Use and Development Standards and Modification of Commitments for the subject property being commonly known as 6417 Carrollton Avenue, Indianapolis, IN 46220 is approved, then Kickshaw Tattoo LLC ("Petitioner"), Petitioner will have approximately ten (10) artists with the finest quality Body Art Tattooing by using imagery and design for tattooing that is placed as art all over the body. As a destination business, the majority of clients will have scheduled appointments and shall not exceed more than one client per employee during tattooing with all appointments to occur during the normal hours of operation which shall be 11 am to 7 pm daily.

Petitioner shall meet all Health Department regulations and licensing requirements and shall follow standard procedures with sharps containers, and disposal of biohazard materials as well as do its implementing additional safety measures to help the community flatten the curve with respect to the current pandemic, including, without limitation, the following:

- Per Petitioner policy, no patron under the age of 18 years will be permitted to receive body tattooing;
- All patrons MUST bring valid state I.D. or Driver's License;
- All patrons will be required to fill out a release form which will be held and maintained as a personal patron record by the studio for the at least two years;
- Release form list will include: Patrons name, address, age, date tattooed, design of the tattoo, the location of the tattoo on the patrons body, and the name of the artist who performed the work;
- Upon entering the studio, patrons will be required to immediately wash their hands and will be required to complete a Covid-19 checklist;
- Covid-19 Checklist shall include: If patron has had any flu-like symptoms in the last 14 days, and, if so, they will be required to reschedule their appointment;
- Tattoo artists who have experienced any flu-like symptoms will be required to take leave immediately and will refrain from providing any services to patrons for 14 days or until a negative Covid-19 test is taken and proven with documentation;
- Tattoo artists who are experiencing symptoms of acute disease, including, but not limited to: jaundice, draining, open skin infections, boils, impetigo, or scabies, shall refrain from providing any services to patrons;
- All clients who receive a tattoo at Petitioner are sent home with in-depth aftercare instructions that are easy to read and straight forward in order to achieve ultimate success for healing newly tattooed areas; and
- A state of the art security system shall be installed.

It is very important to maintain the integrity and safety of Petitioner and great measures will be taken to ensure that patrons come into a very clean and sterile environment to maintain protection for all parties involved. The safety of the community and all employees is to be taken very seriously and it is certain that Petitioner will work diligently to follow any and all safety protocols, demands and recommendations made by the Marion County Health Department. Hand washing facilities shall be readily accessible where tattooing is provided. All artists' hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment. Only single use disposable towels will be used for drying. All artists will have individual and designated stations with sinks for hand washing.



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PPE is to be worn by the artist during all appointments. A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or other possible infectious materials. Disposable gloves such as surgical or examination, shall be worn during the tattooing process. Gloves will be changed and properly disposed of each time there is an interruption in the application of the tattoo, when gloves become torn or punctured or whenever the ability to function as a barrier is compromised. Disposable gloves will not be reused. Gloves will also be worn during decontamination of surfaces and equipment. To prevent any cross contamination, gloves will be removed and thrown away whenever the artist leaves designated tattooing set up and work area. Gloves shall be changed if they are compromised in any way. All gloves are disposable and single use only.

Petitioner will operate using all single use disposable equipment, which is the safest and easiest way to achieve a sterile environment with zero error. There will be no reusable equipment that comes in direct contact with open skin. This eliminates the need for a sterilization/clean room, which can be problematic in itself. To start, all tables and chairs used during tattooing are sterilized after each client with a hospital grade tuberculocidal EPA registered disinfectant spray that also kills HIV, Hepatitis B, Hepatitis C and Covid-19 viruses. All tables are lined with disposable, single use drape cloth. All tattooing set ups consist of: saran wrap covered work surface areas which acts as an additional non-porous barrier, which is then covered in a single use three-ply drape cloth. This is standard for all workstations and any arm rest support that may be used. Pre-packaged, pre-sterilized disposable instruments and needles. Single use cotton rounds, disposable paper towels, disposable q-tips, disposable applicators, disposable single use micro cups that hold a serving size for each different pigment used during tattooing. Single use razors that shall be used to shave the area to be tattooed for body art tattooing. All stencils will be properly disposed of after a single use. If designs are drawn directly onto skin, it shall be applied with a single-use article only. All machines, cords, and power supplies are covered and protected by health department approved tattoo grade barrier tape and sleeves. After finishing, the tattooed area is wiped down with a surgical grade soap to cleanse the area. The tattooed area is bandaged after completion for protection. All of our needles, pigments and inks used in tattooing will be from professional suppliers made specifically for the tattooing of human skin. In preparation of use of pigments and inks, all pigments and inks shall be placed in a clean one-time single use container for each individual client, as stated above. After tattooing, the remaining unused pigment in single use containers shall be discarded. All needles and instruments will be discarded in sharps containers immediately after use. All sharp items containers are leak resistant and puncture resistant containers that are tightly sealed to prevent expulsion. They are labeled with the biohazard symbol and are always effectively treated in accordance with this rule. Sharps containers will have safe proof lids and will be stored out of sight and away from patrons. Infectious wastes that are not contaminated sharps or objects that could potentially become contaminated sharps shall be placed in a lined container that is impervious to moisture and that has sufficient strength and thickness to prevent expulsion and will be fully secured to prevent any leakage.

All work surfaces will be nonabsorbent, easily cleanable, non-porous, smooth and free of any breaks, open seams, cracks, chips, pits and similar imperfections. Our hospital grade disinfectant will be used to clean all surfaces immediately after tattooing. For maximum strength and eradication of harmful infectious waste, disinfectant will be sprayed on all surfaces after being used during tattooing and will sit for a minimum of 3 minutes before wiping down with disposable



Department of Metropolitan Development
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Current Planning

paper towels. All cleanup is to always be handled with gloves and those gloves are to be disposed of immediately after to prevent cross contamination. All non-sharps contaminates will be disposed of at the end of the day on every work day. Once sharps containers have reached maximum capacity, a third party by the name of Stericycle will transport sharps to a designated off-site location for safe disposal. Full capacity sharps containers will then be replaced by new, empty containers.

All tattoo artists and anyone employed at Petitioner, acting on behalf of Petitioner, who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or other possible infectious materials shall complete the Blood Borne Pathogens training program that is required under the requirements of the Indiana occupation safety and health administrations BBP standard. All Tattoo artists, anyone employed by Petitioner and anyone acting on behalf of Petitioner, who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials must be trained in the facility's policies on handling infectious waste. We will ensure that a record of training described is maintained for each employee, as required under the Indiana occupational safety and health administrations blood borne pathogens standard. The record shall be made available to the department of health for inspection upon request. All records of training shall be maintained and updated annually. Training will be required for retest annually for every artist employed by Petitioner.



Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE
the grant will allow Petitioner to provide high end tattoos to bolster the already vibrant arts scene in the Broad Ripple area, and most of the nearby properties have already been converted to commercial uses.

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
Petitioner will bring more customers, foot traffic, and like-minded individuals to the area, which will impact the community and raise the value of the area and adjacent properties.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE
the subject property was originally zoned and developed for residential uses; however, the surrounding properties have been converted to commercial uses and rezoned to MU-1 or MU-2 resulting in this variance being necessary for the property to have the highest and best use.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE
it would result in the subject property remaining vacant and unusable, instead of allowing the Petitioner to engage with the community and provide a valuable service.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE
it will conform with planned mixed use and further the artistic nature of the area by providing a new commercial use while maintaining the historic aesthetics of the subject property.



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 Petitioner is just repurposing the subject property by remodeling the interior of the existing house and garage, which were both previously converted to a different commercial use, so Petitioner is not furthering any setback encroachments; instead, Petitioner is merely ratifying the existing location of improvements within the setbacks.

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 exterior aesthetics and the locations of the existing improvements on the property will not change, so granting the variance will just allow the property to be used instead of remaining vacant, which will increase the value of the subject property and the surrounding properties.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
it would result in the subject property sitting vacant and unused, instead of allowing Petitioner to begin operating its business and increase the value of the subject property. The property is already not in compliance with the setback requirements and Petitioner is not seeking to increase any encroachment into the setback areas. Due to the small size of the subject property and the immense cost to redevelop the property, which would require demolishing the existing structures and then constructing a new building, it is impractical to require the Petitioner to cure the pre-existing non-compliance.

Photographs



Subject site existing building, looking east.



Subject site, rear of parcel looking west.



Adjacent commercial uses to the north, looking east



Adjacent commercial uses to the south, looking east.



Board of Zoning Appeals Division II

April 14, 2026

Case Number:	2026-DV2-005
Property Address:	1316 East Minnesota Street (<i>approximate address</i>)
Location:	Center Township, Council District #19
Petitioner:	Victor Manuel Rodas Navarro and Jaime Cruz by Samuel Salazar
Current Zoning:	D-5
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to construct a single-family home with side setbacks of 3 feet (minimum 5 feet required).
Current Land Use:	Undeveloped
Staff Recommendations:	Staff recommends approval of this petition.
Staff Reviewer:	Josh Levesque, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 1316 East Minnesota Street is a vacant parcel bordered by two (2) single-family homes. Aerial images indicate that this parcel has been vacant since at least 1990. Aerial images from 1979 show that the parcel previously contained part of a house spread between 1316 and 1320 East Minnesota Street. While the house at 1320 was subsequently replaced, the parcel at 1316 appears to have been left undeveloped since then.
- The parcel is zoned D-5 and is approximately 4,000 square feet with a lot width of roughly 31 feet. The smallest lot size for a single-family detached home for D-5 is a small lot. This generally has a minimum lot size of 5,000 square feet and a minimum lot width of 40 feet. In staff's analysis, this constitutes a site-specific practical difficulty as it limits the land area available for development and setbacks.
- Infill housing guidelines recommend that new construction "reflect and reinforce the character of spacing found in its block" to establish "a rhythm and pattern along a street." Many lots along this street appear narrow with side setbacks of a few feet.
- Approval of this variance would allow the petitioner to build a single-family home on an otherwise vacant lot that follows the character of the neighborhood and achieves infill housing guidelines. Staff recommends approval of this petition.



GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped; Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	Northeast:	SU-1
	South:	D-5
	East:	D-5
	West:	D-5
Thoroughfare Plan		
Minnesota Street	Primary Collector	50-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	TOD	
Wellfield Protection Area	No	
Site Plan	11/18/2025	
Site Plan (Amended)	N/A	
Elevations	2/5/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	2/19/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Traditional Neighborhood Typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily



needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The property is within 1,000 feet of the Red Line Bus Rapid Transit stop at Shelby Street and Pleasant Run Parkway South Drive. The Red Line

Neighborhood / Area Specific Plan

- The West Indianapolis Neighborhood Land Use Plan recommends this property for residential with a density of 5.00 to 8.00 units per acre. The Red Line Strategic Plan identifies the area around this station as a “Walkable Neighborhood”. Characteristics of this typology include “no front or side setbacks at core; 0-15ft. front setbacks and 0-20ft side setbacks at periphery”.

Infill Housing Guidelines

- Infill guidelines on building spacing recommends reinforcing spacing on the existing block with new construction reflecting and reinforcing the character of spacing found on its block.

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

N/A

EXHIBITS
2026DV2005; Aerial Map



2026DV2005; Site Plan Map Overlay



2026DV2005; Photographs



Photo 1: Subject parcel looking from Minnesota Street looking north

2026DV2005; Photographs



Photo 2: Surrounding properties on Minnesota Street looking east

2026DV2005; Photographs



Photo 3: Looking across Minnesota Street to the south

2026DV2005; Photographs



Photo 4: Surrounding properties on Minnesota Street looking west

2026DV2005; Photographs



Photo 6: Rear of parcel from alley looking north towards Minnesota Street



BOARD OF ZONING APPEALS DIVISION II

April 14, 2026

Case Number: 2026-DV2-008
Address: 2405, 2407, and 2409 Massachusetts Avenue (approximate address)
Location: Center Township, Council District #8
Zoning: C-7 / D-8
Petitioner: Braun Investments LLC, by Joseph Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a commercial building, without exclusive access from an improved alley (required).

Current Land Use: Commercial Contractor

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The Ordinance was amended in April of 2016, to regulate access and connectivity for the zoning districts. This property is required to gain exclusive access from the existing improved alley, per Section 744-301 of the Ordinance. The “Access to accessory parking areas” provision states that “... if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley.” In addition, per Section 744-401 of the Ordinance. The “Access to and from parking lots and garages” provision states that “... no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line.”
- ◇ Alley access where available, helps the pedestrian environment by reducing the number of new curb cuts across sidewalks and preserves valuable curbside parking, along with reducing the amount of pavement needed for driveways, which causes significant storm water runoff into city drainage systems.
- ◇ The proposed request would be an expansion of an existing curb cut on Massachusetts Avenue. This curb cut will allow for greater ease of finding the business, instead of driving through a residential alley to a mid-block location to access the subject site. In addition, the alley is “L” shaped and would provide difficulty in coordinating deliveries and customer access.



- ◇ This portion of Massachusetts Avenue is a low pedestrian traffic generator, and the design of the street does not allow for on street parking.
- ◇ The alley right-of-way to Brookside Avenue does exist on paper, however, the physical alley has deteriorated to a point where gravel has been placed down by adjoining neighbors for its limited use.
- ◇ Since the alley to the rear of the subject site, is difficult to orientate due to its “L” shape configuration, and the existence of an existing curb cut on Massachusetts Avenue, in Staff’s opinion, the request would be a minor deviation from the Ordinance, and consistent with surrounding properties.
- ◇ 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. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	C-7 / D-8	
Existing Land Use	Commercial Contractor	
Comprehensive Plan	Recommends Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
	North: C-7	Undeveloped
	South: C-7	Commercial Contractor
	East: D-8	Single-Family dwellings
	West: I-3	Light Industrial uses
Thoroughfare Plan		
Massachusetts Avenue	Primary Collector	44-foot existing right-of-way and 56-foot proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	March 4, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	March 4, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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



Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2025-DV2-047; 2402 Brookside Avenue (east of site), requested a Variance of Development Standards to provide for a single-family dwelling with a two-foot front setback, **granted**.

2025-DV2-046; 2346 Brookside Avenue (east of site), requested a Variance of Development Standards to provide for a single-family dwelling with a three-foot east side setback, **granted**.

2024-UV1-018; 2243 Massachusetts Avenue (south of site); requested a Variance of Use and Development Standards to provide for the construction of a freestanding surface parking lot, **granted**.

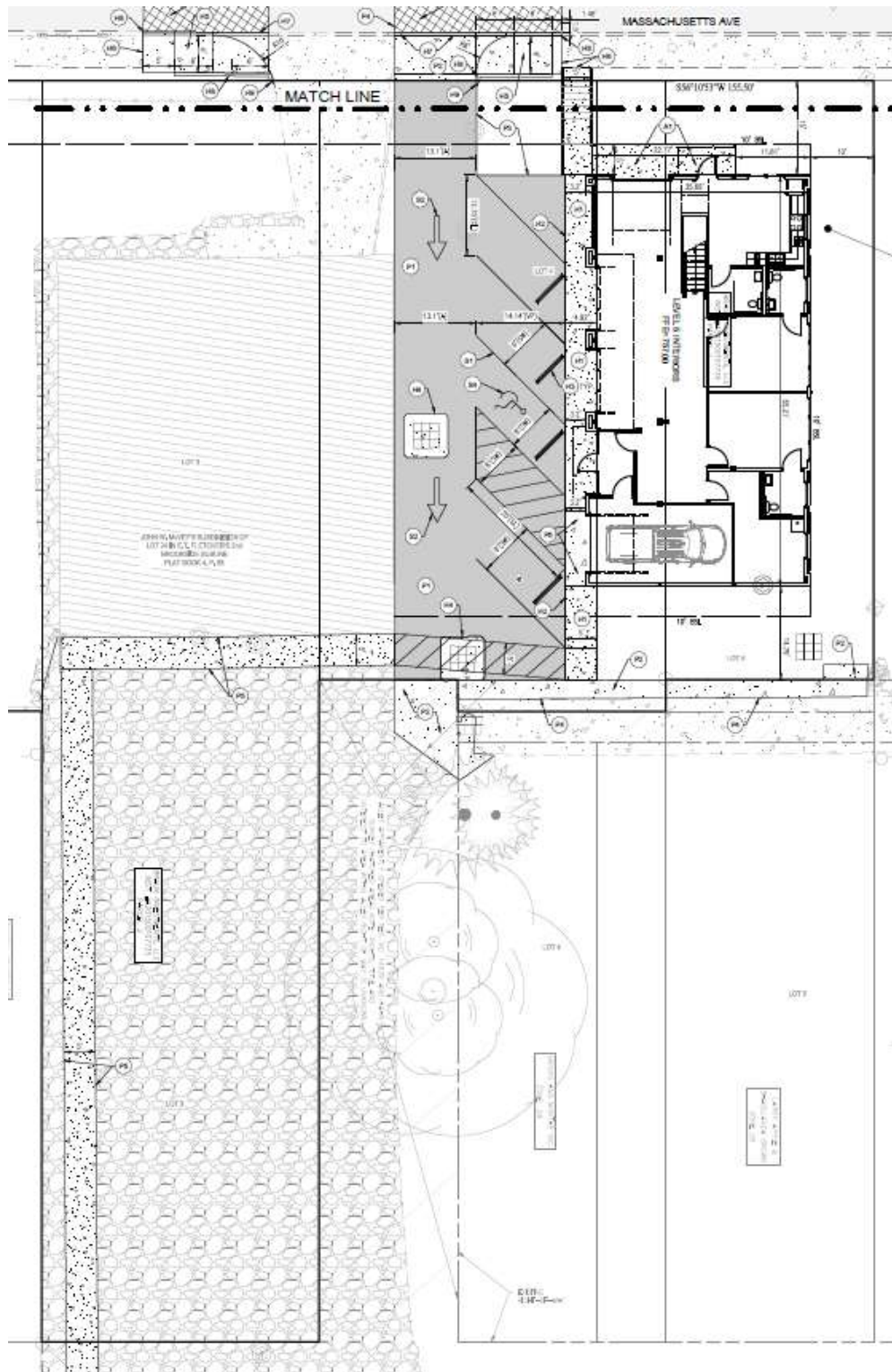
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EXHIBITS

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 access to the Subject Property from Massachusetts Avenue is wider than a access from the existing alley, which improves public safety.

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

The Petitioner owns the 2405 parcel to the west, and the east adjoiner is completely segregated by fencing and its own driveway on Massachusetts Avenue.

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

The ordinance simply refers to improved alley and does not impose a standard of actual usability, resulting in a mandate that is not always achievable.

Photographs



Photo of Subject Site with existing driveway and curbcut on Massachusetts Avenue, looking east



Photo of Subject Site proposed location for curbcut and driveway expansion on Massachusetts Avenue, looking east.



Photo of existing alley right-of-way, improved with gravel, looking west.



Photo of existing alley right-of-way, looking north.



BOARD OF ZONING APPEALS DIVISION II

April 14, 2026

Case Number: 2026-DV2-012
Address: 239 East Caven Street (approximate address)
Location: Center Township, Council District #18
Zoning: D-5
Petitioner: Cohen Property Group LLC, by Mark Crouch
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-unit house with a 32-foot wide lot (35-foot wide lot required for multi-unit dwellings).

Current Land Use: Undeveloped.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance states that a D-5 zoned parcel with a multi-unit house is required to have a minimum lot width of 35 feet. This property was platted sometime during or around 1892, so it is smaller than the modern D-5 zoned property as defined in the most current version of the Ordinance.
- ◇ According to the Ordinance, a D-5 zoned parcel with any dwelling, must be at least 35 feet in width. Again, due to the parcel's age, this parcel is smaller than the typical D-5 zoned property in the most current version of the Ordinance, similar to the lot width minimum requirement.
- ◇ The requested variance is largely a result of the deficient size and width of the lot. The lot, at 3,530 square feet, is suitable for a Detached house – Compact Lot, however, that use is not permitted in the D-5 district. To develop the lot as a Multi-Unit house – Compact Lot as permitted in the D-5 district, would require a 35-foot wide lot. All other permitted uses in the D-5 district require larger lot sizes or larger lot widths. Therefore, there is a practical difficulty in complying with development standards for the minimum lot width, as the lot is undevelopable without a Variance.



- ◇ With the size of this lot, surrounding context, and orientation, it would not be possible for the owner to build a residential home on this property without a variance. The proposed multi-unit house and the lot size will still allow sufficient space for the required setbacks, so approving the smaller lot width will not affect the surrounding area.
- ◇ Generally, staff supports legally establishing property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request; additionally, no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Traditional Neighborhood Uses	
Surrounding Context	Zoning	Surrounding Context
	North: I-4	Industrial Use
	South: PK-1	Neighborhood Park
	East: D-5	Single-Family Dwelling
	West: D-5	Undeveloped
Thoroughfare Plan		
Caven Street	Local Street	40-foot existing right-of-way, and 48-foot proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	March 10, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	March 10, 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 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

- 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.

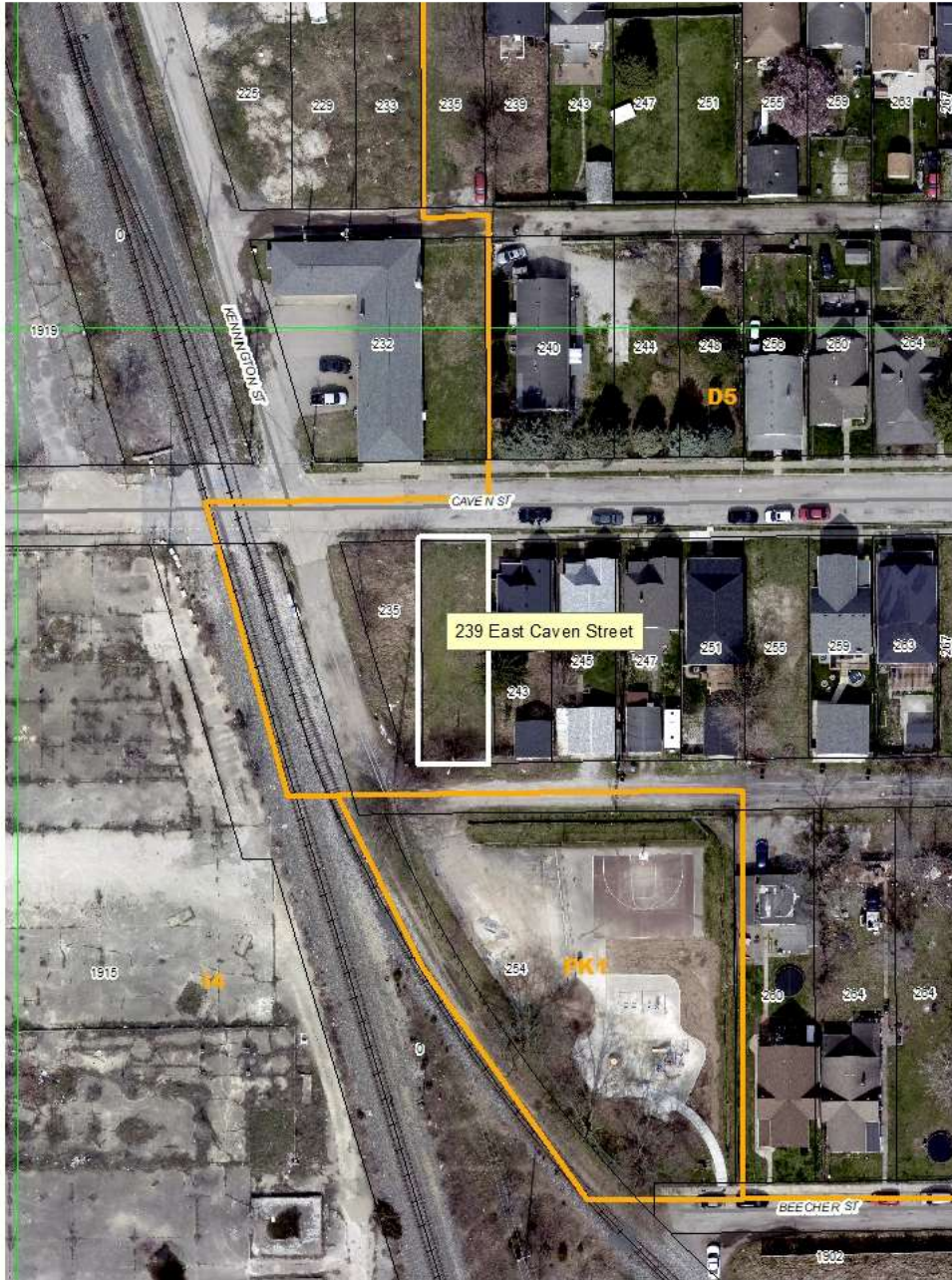
ZONING HISTORY

2005-DV1-036; 239 Caven Street (subject site), requested a Variance of Development Standards to legally establish a six-foot tall front yard fence, **granted**.

RU *****

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 proposed two-unit residence is a residential use consistent with the surrounding neighborhood. The 3-foot deficiency in lot width is minor and does not impact public safety or utility access. The project will adhere to all other development standards, including the required 5-foot side setbacks, ensuring adequate building separation, fire safety, and light/air for adjacent properties. The development will replace an underutilized lot with a high-quality housing option that meets modern building codes.

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 two-unit residence maintains the required 5-foot side yard setbacks on both the east and west property lines.
This ensures that the building separation, privacy, and access to light and air for neighboring residents are identical to what would be provided on a conforming 35-foot lot.
Furthermore, the subdivision (Hildebrand's Addition) is comprised of historically platted lots; by constructing a modern, code-compliant home on this vacant parcel, the project will increase the neighborhood's density in an appropriate manner and improve the overall valuation of the immediate block.

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

the property is a legally established 'Lot of Record' (Lot 36 in Hildebrand's Addition), platted in 1901 per Plat Book 10, Page 102.
The lot is physically fixed at 32 feet in width, making it mathematically impossible to comply with the modern 35-foot minimum width requirement.
This 3-foot deficiency is a pre-existing condition of the land that the owner cannot remedy, as there is no adjacent land available for purchase to widen the parcel.
Denying this variance would unfairly deprive the owner of the right to develop a standard two-unit dwelling—a use that is otherwise permitted in this district—simply because of a historic platting dimension that predates current zoning standards."

Photographs



Subject site, looking south.



Adjacent vacant lot to the west, looking south.



Adjancet Industrial use to the north.



Adjacent dwellings to the east, looking southeast.



BOARD OF ZONING APPEALS DIVISION II **April 14, 2026**

Case Number: 2026-DV2-004

Property Address: 5935 West 86th Street (approximate address)

Location: Pike Township, Council District #1

Petitioner: Standard Traders Point LLC, by Mark Bastin

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a monument sign, being the third freestanding sign along the West 86th frontage (maximum two freestanding signs per frontage), and with a separation of 130 and 140 feet from other primary freestanding signs (300-foot separation required).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

3/10/26: After testimony was presented, the petition was continued by applicant request to allow them additional time to confirm their ability to utilize the multitenant pylon sign also on the subject site. Per communication with staff after the March 10th hearing, the restaurant user would have rights to the topmost tenant panel on the nearby freestanding sign.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 5935 West 86th Street is a 1.34-acre parcel at the southeast corner of the intersection of 86th Street and Northwest Boulevard that is improved with a vacant commercial structure (previous use was a bank). Surrounding land uses include a fueling station to the west, hotel to the east, and additional commercial uses to the south and north. The permit ILP25-02154 was approved in 2025 to allow for the conversion of the existing building into a Taco Bell restaurant.
- The property is part of a small integrated center along with the parcel to the east, and this shared frontage is currently improved with two (2) primary freestanding signs: one is for the Fairfield hotel at 5905 West 86th, and the other is a multitenant freestanding sign located at the northwest corner of the subject site. The previous bank use utilized that existing multitenant and did not have their



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own primary freestanding sign. Various freestanding sign are also along the 86th Street frontage to the west and east of this integrated center (see Photos 3, 5, and 8 of the Exhibits).

- The sign permit SGN25-00780 was issued in 2025 to allow for the placement of wall signs and secondary freestanding signs (vehicle entry point and drive-thru) related to the proposed use. An additional permit application SGN25-00812 sought to allow for a monument sign per the below site plan. Approval of this variance would allow for the installation of that sign with relief from Ordinance standards related to **(a)** the number of primary freestanding signs along the shared frontage (maximum two allowed) and **(b)** the sign being within 130 feet of the multitenant sign to the west and 140 feet from the hotel sign to the east (minimum 300-foot separation required).
- This property is zoned C-4 (Community-Regional District) to allow for major businesses and regional-size shopping centers. Similarly, the Comprehensive Plan Pattern Book recommends it to the Community Commercial typology to allow for low-intensity commercial and office uses that serve nearby neighborhoods. The Comprehensive Plan does not make specific recommendations related to signage.
- Ordinance regulations limiting the placement of primary freestanding signage along shared frontages is designed to reduce visual clutter and potential distractions for motorists navigating busy multi-lane streets. Placement of large multitenant signs within integrated centers is a common solution to allow for promotion of multiple businesses, and the subject site contains a freestanding sign with an area of 168 square feet and several empty tenant panels that is on the same parcel and would be only 130 linear feet from the proposed location.
- Staff would point out that the previous tenant was able to join the existing multi-tenant sign and not seek a variance. That use was also a traffic generating use with a drive-thru. The statutory criteria do not contemplate financial loss or gain as a hardship. Additionally, the C-4 zoning district allows for a unique flexibility of signage types and sizes to be installed (including but not limited to wall signage). Given the wide variety of promotional opportunities that legally placed signage would provide and ordinance rules specifically designed to prevent the sort of visual clutter toward which this sign would contribute, staff would recommend denial of the variance to legalize a third primary freestanding sign along the frontage without compliant separation from other signs.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-S	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	C-4	West: Commercial
Thoroughfare Plan		



Department of Metropolitan Development
 Division of Planning
 Current Planning

West 86 th Street	Primary Arterial	206-foot existing right-of-way and 134-foot proposed right-of-way 100-foot existing right-of-way and 50-foot proposed right-of-way
Northwest Boulevard	Local Street	
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	01/21/2026	
Site Plan (Amended)	N/A	
Elevations	02/06/2026 (via SGN25-00812)	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	01/21/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2023ZON105, Rezoning of 1.345 acres from the C-3 to the C-4 district to provide for a car wash, **approved**.

94-V3-27, Variance of development standards of the Sign Regulations to provide the placement of a 40 square foot ground sign with a setback of 6 feet from 86th Street (minimum 15 feet required), **approved**.

89-Z-135B, Rezoning of 7.2 acres (Parcel 2), being in the I-2-S district, to the C-3 classification, to provide for a commercial retail center, **approved**.

ZONING HISTORY – VICINITY

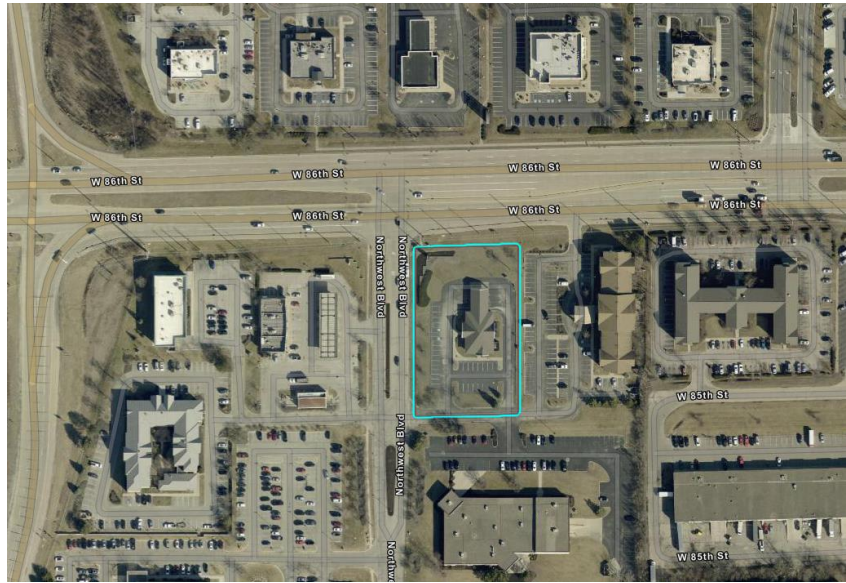
2000DV2049 ; 5905 West 86th Street (east of site), Variance of development standards of the Sign Regulations to provide for an 8.5-foot tall, 48.27 square foot pylon sign, with a 0.583-foot front setback (minimum 15-foot front setback required), **approved**.

93-UV3-7 ; 6055 West 86th Street (west of site), Variance of use of the Commercial Zoning Ordinance to permit the development of a gasoline service station with an accessory convenience market and automatic car wash and a variance of the Sign Regulations of Marion County to permit the placement of two ground pricing signs with an overall area of 38 square feet (20 square feet permitted) and spandrel signs above pump island containing 18.8 square feet per pump island (12 square feet permitted), **approved**.

85-HOV-48 ; 6119 West 86th Street (west of site), Variance of development standards of the Sign Regulations of Marion County to provide for a 6 foot tall ground sign located at 5 feet from the I-465 right-of-way, **approved**.

EXHIBITS

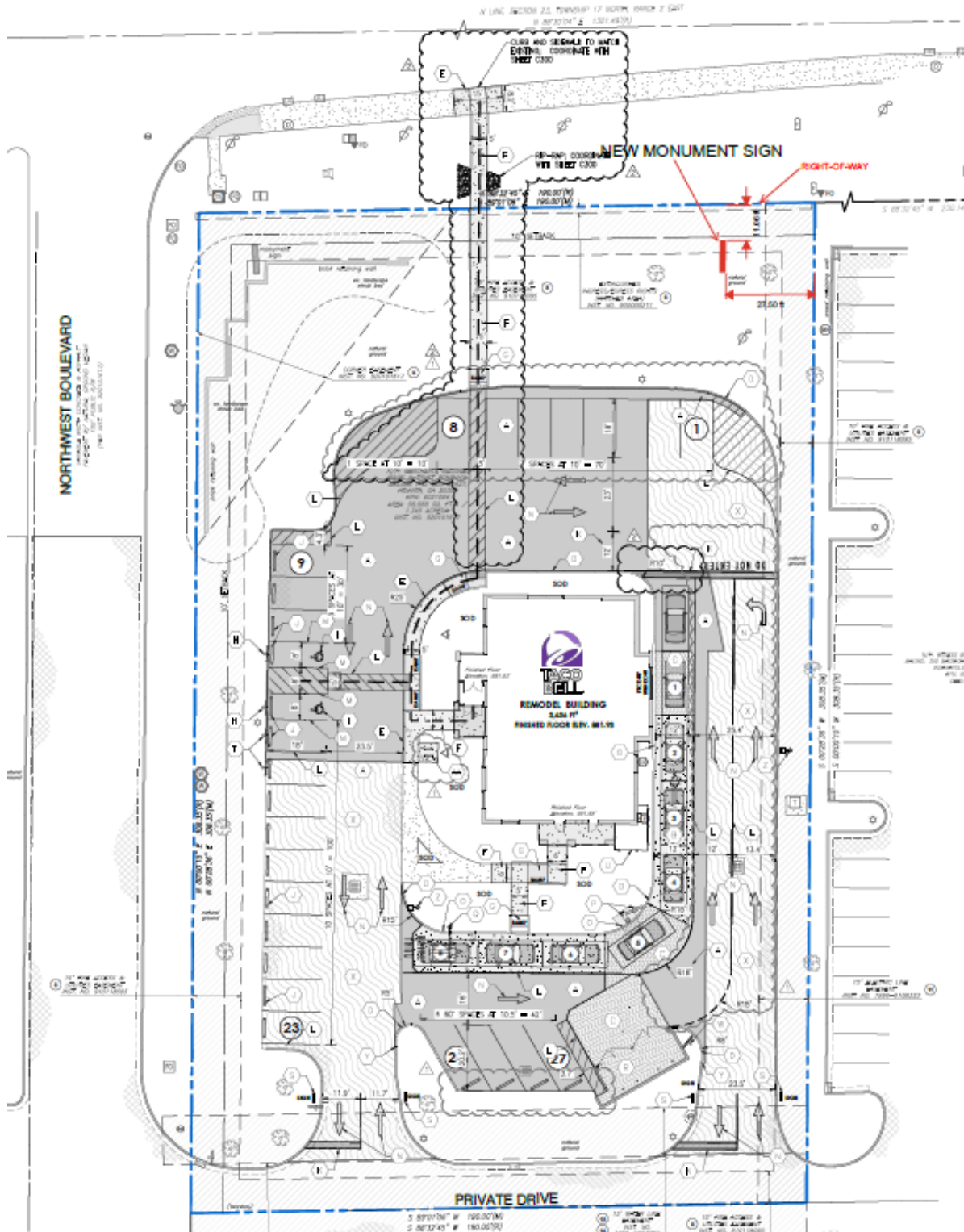
2026DV2004 ; Aerial Map



2026DV2004 ; Aerial Map (Zoomed, Existing Signs Circled)



2026DV2004 ; Site Plan



2026DV2004 ; Elevations



2026DV2004 ; 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 50 sq. ft. double-sided, backlit monument sign is modest in scale, professionally designed, and safely positioned on the new corner lot at 5935 W. 86th St. and the adjoining side road. It's low monument profile improves safety by maintaining clear sightlines for vehicles and pedestrians. The controlled internal illumination prevents glare and ensures safe night time visibility. Because the business is relocating from an older building down the street, the sign provides clear identification of the new site, reducing confusion and improving traffic flow, which enhances overall public safety.

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

The sign is consistent with the commercial character of the W. 86th St. corridor and complements nearby business signage. Its modern materials and clean design enhance the appearance of the newly developed site without creating visual clutter or obstructing views. The sign does not cast intrusive light, block visibility at the intersection, or negatively impact neighboring properties. The relocation of Taco Bell to a newly renovated building improves the corridor's appearance, and the monument sign supports that investment without diminishing adjacent property values.

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

The new site is located on a corner lot where visibility from two directions is essential for safe ingress and egress. A smaller sign permitted by ordinance would not provide adequate visibility for motorists approaching from both W. 86th St. and the side road. Because the business is moving from an older location down the street, customers must adjust to the new entrance; insufficient signage could cause missed turns and unsafe last-second maneuvers. The building's placement and setbacks limit the effectiveness of wall signage alone, making a monument sign necessary for proper wayfinding. The requested 50 sq. ft. size is proportionate to the site's geometry, traffic speeds, and viewing distances, and the strict adherence to the ordinance would create practical difficulties in safely identifying the new location.

2026DV2004 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from West

2026DV2004 ; Photographs (continued)



Photo 3: Existing Signage on Subject Property



Photo 4: Integrated Center Frontage Viewed from East

2026DV2004 ; Photographs (continued)



Photo 5: Adjacent Property to East



Photo 6: Adjacent Property to West

2026DV2004 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Signage to East of Integrated Center



BOARD OF ZONING APPEALS DIVISION II **April 14, 2026**

Case Number: 2026-UV2-003

Property Address: 5675 Michigan Road (approximate address)

Location: Washington Township, Council District #2

Petitioner: 5675 Michigan Road LLC, by Joseph D. Calderon

Current Zoning: C-3 (FW) (FF) / D-2 (FF)

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile parts and supply store utilizing the existing structure and parking facilities (not permitted).

Current Land Use: Vacant Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

3/10/26: A joint continuance request was made by the petitioner and a neighborhood group to allow for additional time to discuss the filing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 5675 Michigan Road is an irregularly shaped parcel with a size of 2.26 acres and with frontage on Michigan Road to the west, Kessler Boulevard West Drive to the south, and 57th Street to the north. The property is currently developed with a commercial structure and accessory parking areas and has access points from the west and south. Previous tenants of the subject building included a pharmacy and a discount store that appears to have ceased operations in 2024. Surrounding land uses include residences to the north and east, the Crooked Creek to the north, and a small multitenant commercial center to the south.
- Approval of this petition would allow for the operation of an automobile parts retail store at the property. The Indianapolis Zoning Ordinance would consider the proposed use to be classified as an automotive repair use which would not be allowed within either the portions of the site that are zoned C-3 (containing the current structure) or the southeastern section that is zoned D-2 (contains part of the accessory parking area). A variance of use would be required to allow for legal operation of the proposed use, which would utilize the existing building and parking areas.



Department of Metropolitan Development
Division of Planning
Current Planning

- Although the proposed use does share some similarities with a traditional light retail establishment, staff would note that (a) the sale of automotive parts is not explicitly listed within the definition of that use category despite 34 other types of retail uses being enumerated; and (b) that “parts and supply stores” are listed as a potential use component within the definition for automobile repair uses. For this reason and given the likelihood of minor automobile work being conducted on-site by either customers or employees, staff has traditionally considered this use to be most accurately classified as an automobile repair use.
- This property is zoned C-3 (Neighborhood Commercial District) to allow for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood. Similarly, the Michigan Road Corridor Plan recommends this site for C-3 zoning and for commercial uses. Uses that would require outdoor operations are not allowed within C-3, and automobile repair uses are generally considered to be a heavy commercial land use not contemplated for this typology.
- The subject property is also located within the floodway and floodway fringe. Development within the floodway would not be permitted, and there would be limits on allowable uses within the floodway fringe. No new development is proposed as a part of this petition. Staff would note that although the floodway fringe does not disallow automobile repair, it *does* disallow truck repair uses given the risk of having liquids associated with those repairs and maintenance infiltrating areas near waterways.
- The Plan of Operation provided by the applicant indicates that the proposed use would operate within the existing building at the site (which contains approximately 15,000 square feet) to operate a retail store selling a wide assortment of automobile parts and accessories as well as employees that would “help [to] diagnose certain issues faced by customers”. The business would have 7-10 employees on-site at any given time. The full operation plan is within Exhibits below. It is likely that the property would contain some aerosolized, combustible, or flammable materials for sale that would need to be stored per Fire Code and applicable building standards.
- Staff would note the potential for accessory parking spaces to be utilized by employees and customers for minor auto repairs, and that it does not appear that any undue hardship has been identified within the Findings of Fact provided that would prevent the operation of a compliant use.
- Given **(a)** the C-3 commercial zoning recommendation from the Comprehensive Plan; **(b)** the fact that the current C-3 zoning district would allow for 41 different primary uses without the need for variance relief (including the current uses within the multitenant center to the south); and **(c)** the proximity of the auto repair use to residential areas to the east as well as to the Crooked Creek floodway and flood fringe to the north, staff would recommend denial of the requested variance.



GENERAL INFORMATION

Existing Zoning	C-3 (FW) (FF) / D-2 (FF)		
Existing Land Use	Vacant Commercial		
Comprehensive Plan	Commercial, per Michigan Road Corridor Plan		
Surrounding Context	Zoning	Surrounding Context	
	North:	D-2 / D-5	North: Creek / Residential
	South:	C-3	South: Commercial
	East:	D-2	East: Residential
	West:	D-2 / SU-2 / C-3	West: Creek / School / Commercial
Thoroughfare Plan			
Michigan Road	Primary Arterial	118-foot right-of-way existing and 102-foot right-of-way proposed	
Context Area	Metro		
Floodway / Floodway Fringe	Yes		
Overlay	Yes, Environmentally Sensitive		
Wellfield Protection Area	No		
Site Plan	12/30/2025		
Site Plan (Amended)	N/A		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	12/30/2025		
Findings of Fact (Amended)	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Michigan Road Corridor Plan (1998)

Pattern Book / Land Use Plan

- Portions of the site fall within the Floodway typology for areas that exhibit a great potential for property loss and damage from severe flooding, as well as the Environmentally Sensitive Areas (ES) overlay for areas containing high quality woodlands, wetlands, or other natural resources that should be protected.
- Additionally, please see Neighborhood / Area Specific Plan below.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Michigan Road Corridor Plan recommends this site for C-3 zoning and for commercial uses. It also designates the site as being within Critical Area 11 and advises against encroachment of existing commercial uses at the intersection of Michigan and Kessler past Crooked Creek or into existing residential or institutional areas.

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

2010DV3025, variance of development standards of the Commercial Zoning Ordinance to provide for the sale of alcohol within 25 feet of a D-2 zoned protected district (100-foot separation required), **withdrawn**.

94-HOV-18, variance of development standards of the Sign Regulations Zoning Ordinance to provide for the placement of a 12 square foot ground sign (maximum 1 square foot allowed), **approved**.

93-V1-66, variance of development standards of the Commercial and Flood Control District Zoning Ordinances to permit the construction of a drug store with a total of 74 parking spaces (87 spaces required), **approved**.

86-Z-219, rezoning of 1.3 acres from D-2 to the C-3 zoning classification for a 1-story restaurant and drive-through use, **approved**.

86-UV1-26, variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a front yard driveway to an existing restaurant, **approved**.

ZONING HISTORY – VICINITY

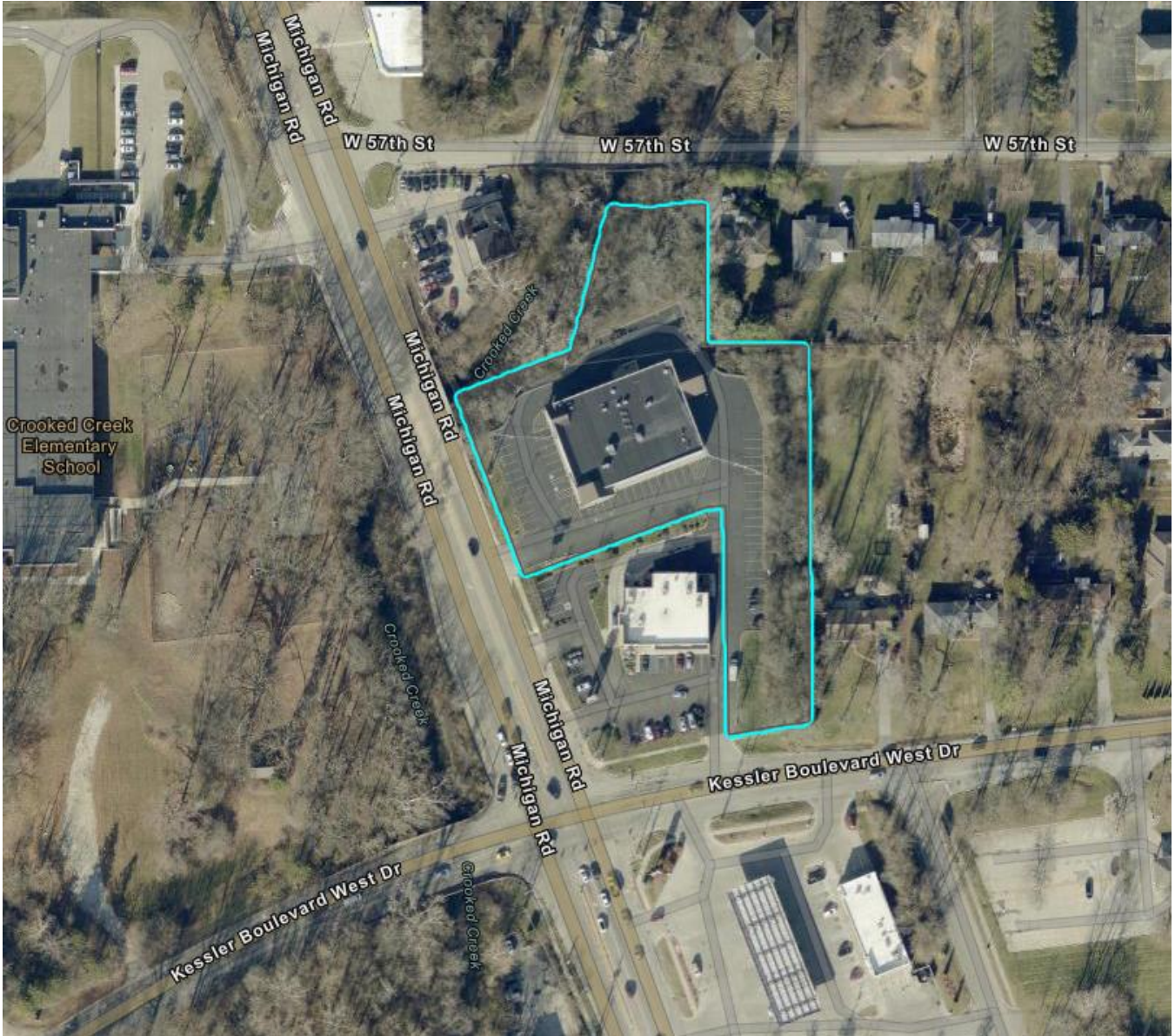
2006ZON129 ; 1950 Kessler Blvd (south of site), Rezoning of 0.805 acre, from the D-2 and C-3 Districts to the C-3 classification to provide for neighborhood commercial uses, **approved**.

2006UV1035 ; 1950 Kessler Blvd (south of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for an integrated center with C-3 uses and a drive-through facility (not permitted). Variance of Development Standards to provide for a 300-square foot outdoor seating area for a restaurant (not permitted), with carry-out food and a drive-through within twenty feet of a protected district (minimum 100-foot separation required), provide for a dumpster enclosure with the open side facing the protected district to the east (not permitted), and to provide for seven-foot front landscape strips along Michigan Road (minimum ten-foot front landscape strips required), **approved**.

96-UV1-113 ; 5681 N Michigan Road (north of site), variance of use of the Commercial Zoning Ordinance to provide for the operation of a minor automobile repair and hand automobile wash (not permitted), **approved**.

EXHIBITS

2026UV2003 ; Aerial Map





Department of Metropolitan Development
 Division of Planning
 Current Planning

2026UV2003 ; Site Plan





2026UV2003 ; 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 use will generate no more traffic than did the prior use of the subject property.

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

the use will be conducted in substantially the same manner as the prior use, and may, in fact, have lesser hours of operation than the prior pharmacy use.

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

the property has one buildable area which is where the current building is located, resulting in the need to re-use the existing building, which limits the types of uses that can occupy the existing space.

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 proposed use has more in common with typical retail uses permitted in the C-3 zoning district, and does not have service bays which are typical in auto-repair facilities.

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

the actual use will be consistent with the retail uses contemplated in the "Community Commercial" category.

2026UV2003 ; Plan of Operation

THE BUSINESS

AutoZone Development LLC is under contract to purchase Walgreens Pharmacy located on property commonly known as 5675 Michigan Road (the "Subject Property"), where it intends to occupy the existing building which contains approximately 15,000 square feet in which it will operate a typical AutoZone retail store.

ZONING

The Subject Property is zoned C-3, which contemplates a wide variety of commercial uses, focused principally with retail uses. The proposed business will sell a wide assortment of automotive parts and accessories, but does not perform automobile service or repair. Employees will help diagnose certain issues faced by customers.

HOURS OF OPERATION

AutoZone is planning to operate the facility between 7:30 a.m. to 10:00 p.m. on Monday, Tuesday, and Friday, 9 a.m. to 10 p.m. on Thursday, 7:30 a.m. – 8:00 p.m. on Saturday, and 8:30 a.m. – 8:00 p.m. on Sunday and Wednesday.

NUMBER OF EMPLOYEES

7-10 employees are expected to be working at the facility on the Subject Property at any given time.

2026UV2003 ; Photographs



Photo 1: Current Structure Viewed from Southwest



Photo 2: Current Structure Viewed from Southeast

2026UV2003 ; Photographs (continued)



Photo 3: Existing Parking Area to West of Structure



Photo 4: Existing Parking Area to South of Structure

2026UV2003 ; Photographs (continued)



Photo 5: Adjacent Property to South of Structure From East



Photo 6: Adjacent Property to South of Structure From West

2026UV2003 ; Photographs (continued)



Photo 7: Adjacent Property to East



Photo 8: Adjacent Property to North

2026UV2003 ; Photographs (continued)



Photo 9: Adjacent Property to West



Photo 10: Adjacent Property to South of Intersection



BOARD OF ZONING APPEALS DIVISION II **April 14, 2026**

Case Number: 2026-DV2-006
Address: 2305 Central Avenue (approximate address)
Location: Center Township, Council District #13
Zoning: D-8
Petitioner: Becky Drews and Mike Ledbetter, by Arie Lipinski
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 949-square foot secondary dwelling unit, in an existing detached accessory structure (secondary dwelling unit limited to 720 square feet).

Current Land Use: Single-family dwelling
Staff Recommendation: Staff recommends denial of the request.
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

Variance of Development Standards

- ◇ The need for a Variance is due to the conversion of the original built garage, along with a non-permitted conversion for residential purposes.
- ◇ The Ordinance does allow Secondary Dwelling Units in certain dwelling districts and mixed-use districts within the Compact Context Area, as long as certain use-specific standards are met. In this instance the secondary dwelling unit size limited to 720 square feet is exceeded.
- ◇ Staff believes that the regulations for Secondary Dwelling Units located above a garage should be followed. There is no practical difficulty on the site that necessitates a larger secondary dwelling unit structure than what is allowed by these standards. The proposed secondary dwelling unit could be reduced in size, and still provide for a secondary dwelling unit.



- ◇ Any deviation from the minimum standards should be related to the property, and not to the individual’s needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site. This proposed use would consist of new construction that could be designed to meet the terms of the Ordinance.
- ◇ No peculiar condition exists on site for staff to be supportive of the request. Instead, this is a self-imposed difficulty since the proposed structure could be designed in a way to meet the required maximum size for a secondary dwelling unit without the need for a variance.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Single-family dwelling	
Comprehensive Plan	Recommends Traditional Neighborhood uses for the site.	
Surrounding Context	Zoning	Surrounding Context
	North:	D-8 Single-Family dwelling
	South:	D-8 Single-Family dwelling
	East:	SU-1 Religious Use parking lot
	West:	D-8 Single-Family dwelling
Thoroughfare Plan		
Central Avenue	Primary Arterial	50-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	N/A	
Site Plan	February 13, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	February 13, 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 Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

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.

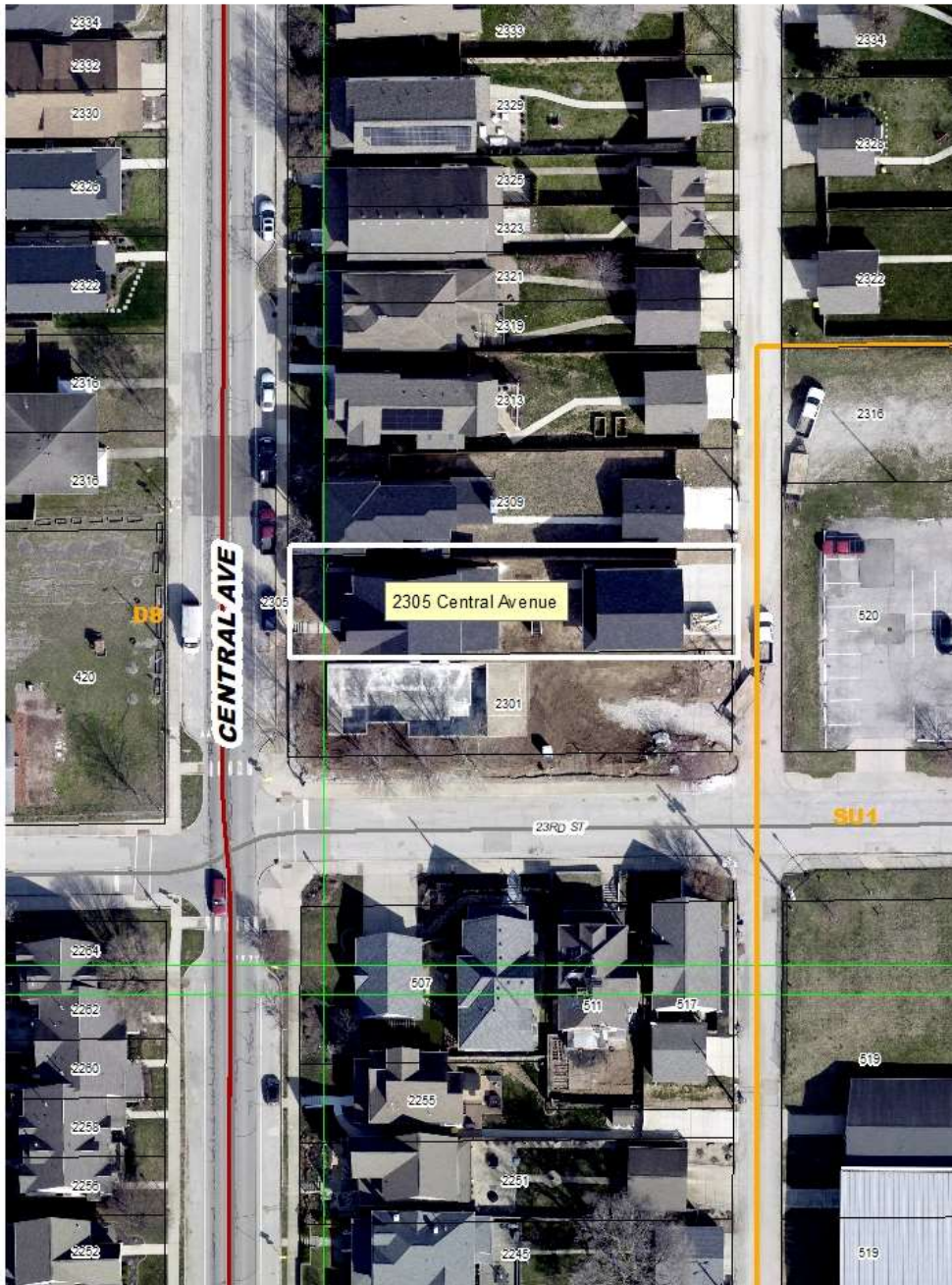
ZONING HISTORY

2015-HOV-015; (28 property addresses in area), requested a Variance of Development Standards to provide for off-site accessory structures, with zero-foot side and aggregate side yards on multiple sites, **granted.**

RU

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:

there will be no change to the exterior of the existing garage or parking, and the proposed changes will have no impact on neighbors. The only impact will be to the size of the detached garage/secondary dwelling unit.

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:

there will be no changes to the appearance, size, parking, landscaping or exterior of structure. The proposed project will have no impact on neighbors.

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

The size of the detached garage/accessory dwelling unit matches the footprint of the garage that has already been approved and constructed. The detached garage would need to be cut down or reduced in size by approximately 200 feet to meet the standard of 720 square feet maximum size for a secondary dwelling unit, which would leave dead space that is not beneficial to the neighborhood or area.

Photographs



Photo 1 - Subject property looking east.



Photo 2 - Subject property existing garage with secondary dwellign unit, looking west.



BOARD OF ZONING APPEALS DIVISION II **April 14, 2026**

Case Number: 2026-DV2-007
Address: 229 McKim Avenue (approximate address)
Location: Center Township, Council District #18
Zoning: D-8
Petitioner: Ana Pereira, by Samuel Salazar
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 2.5-story single-family dwelling with the top floor having a 9.5-foot exterior wall face (maximum 2-foot wall face above floor level permitted).

Current Land Use: Undeveloped

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The D-8 district is intended for areas of medium-intensity single-family residential development. This district is designed for urban, built-up areas of the community, and two-family dwellings are permitted on any lot in this district. The district has a typical density of 4.5 units per acre. The subject site’s neighborhood has historically had smaller lots with small setbacks between houses. The variance requests would not be out of character for this area.
- ◇ The proposed dwelling would be 2.5 stories tall, as the top floor would be less than 60% in area than the floor below, which defines a ½ story. The request would allow for the side walls on the top ½ floor have a 9.5-foot exterior wall face, where a 2-foot maximum wall face above floor level is permitted. This will provide for a taller and flatter roof line, which is contrary to surrounding properties.



- ◇ The required 2-foot tall maximum side wall is to prevent dwellings from towering over adjacent dwellings that are typically smaller in height and stature. In addition, the 2-foot knee wall results in a sloped roof, allowing a greater amount of sunlight and air to reach between dwellings, where a taller wall face as requested would prevent more sunlight and air from reaching between dwellings.
- ◇ The findings indicate the taller exterior wall face is needed due to the limitation of a 30-foot wide lot. The lot is wide enough to provide the minimum ground floor square foot requirement for either a single-story dwelling or a two-story dwelling. In addition, the site provides for up to 80% lot coverage, which allows for an additional 1,300 in lot area to be used instead of providing a non-compliant ½ story level.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned D-8 and could construct an appropriate 2 1/2 story dwelling design by right, in the D-8 zoning classification without any variances. The need for the requested variance is self-imposed and could be addressed without a variance, by designing an appropriate dwelling that fits the Ordinance standards. Any practical difficulty is self-imposed by the petitioner's desire to choose to not follow the ordinance and design the dwelling with a taller roofline instead.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North: D-8	Single Family Dwelling
	South: D-8	Single Family Dwelling
	East: I-3	Industrial Contractor
	West: I-3	Industrial Contractor
Thoroughfare Plan		
McKim Avenue	Local Street	40-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact area	
Floodway / Floodway Fringe	N/A	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	February 20, 2026	
Landscape Plan	N/A	
Findings of Fact	February 20, 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 Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

The Infill Housing Guidelines 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

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)

- Not Applicable to the Site.

ZONING HISTORY

2021DV2052; 1460 Bates Street (south of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage accessory to a single-family dwelling with a zero-foot east side setback and two-foot west side setback and with 2.5 and 3.5 feet between dwellings and with a six-foot front setback, resulting in 40% open space, **granted**.

2019-DV1-015; 225 McKim Avenue (north of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling, with a 12-foot front setback, a one-foot north side setback, one-foot separation between dwellings and to provide for the re-construction of a rear addition with a three-foot north side setback, and a detached garage, with 45% open space, **granted**.

2008-ZON-031; 130-237 Mckim Avenue, 1448-1468 & 1502-1536 Bates Street, et al., South Arsenal Avenue, Detroit Street, Southeastern Avenue & South Summit Street (includes subject site), requested the Rezoning of 8.394 acres, from the I-3-U District to the D-8 classification to legally establish single-family and two-family dwellings, **approved**.

2007-UV2-004; 1523 Southeastern Avenue (east of site), requested a Variance of Use and Development Standards to legally establish a single-family dwelling, reduced setbacks, fence height, and detached accessory structure size in an I3U district, **granted**.

2007-HOV-040; 214 Summit Street (east of site), requested a Variance of Development Standards to legally establish a single-family dwelling, **granted**.

2000-HOV-016; 1514 Bates Street (south of site), requested a Variance of Use and Development Standards to legally establish a single-family dwelling with reduced side yard setback and construction of a detached garage with reduced side yard setback in an I3U district, **granted**.

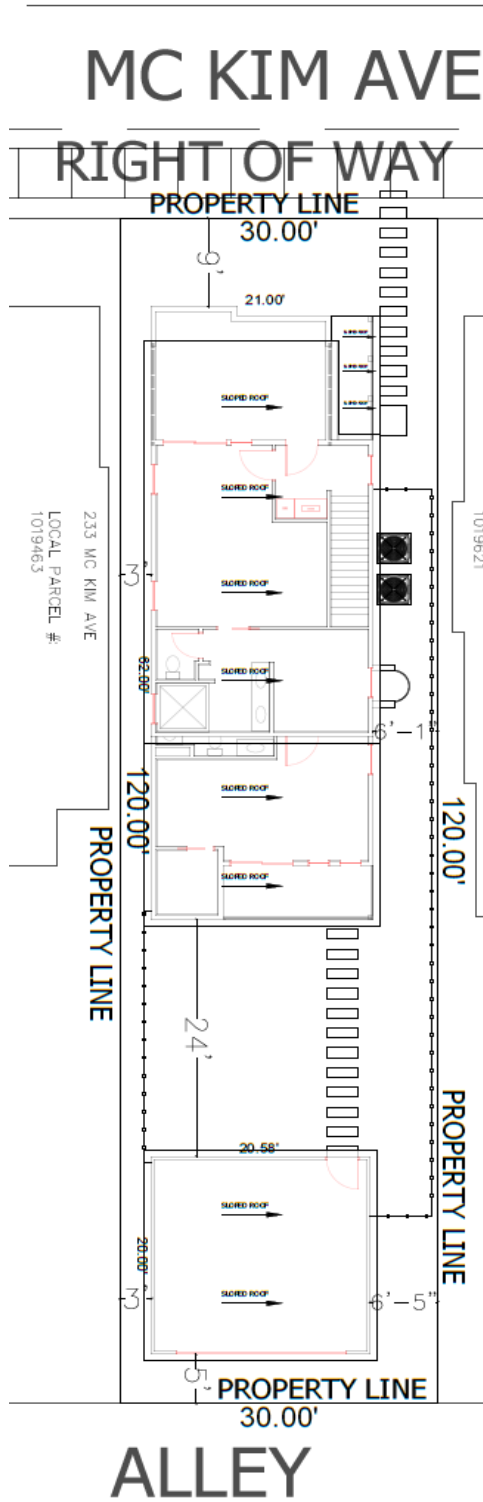
RU

EXHIBITS

Location Map



Site Plan



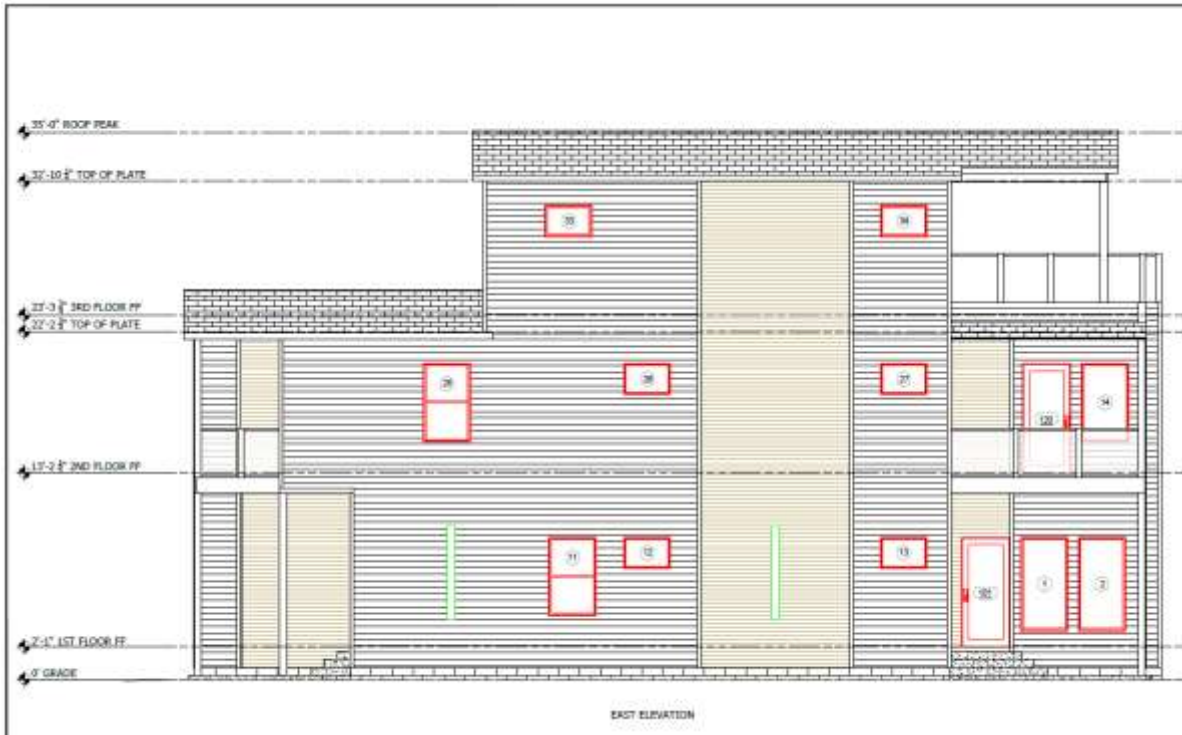
Elevations



(West Elevation)



(East Elevation)



(North Elevation)



(South Elevation)



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 single-family residence complies with the 35-foot maximum height requirement, does not increase residential density, and maintains adequate light, air, and access for neighboring properties. The partial third story is set back approximately 13.5 ft from the front facade, significantly reducing its visual impact from the public right-of-way. The development is consistent with the character and scale of surrounding properties within the D8 zoning district and will not create unsafe or hazardous conditions.

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 structure remains consistent in scale, height, and form with nearby residential developments, including homes in the immediate vicinity that approach the maximum permitted height. The reduced footprint of the partial third story minimizes perceived massing, and the project will not introduce additional traffic, noise, or intensity of use. The proposed variance will not negatively affect neighboring property values or interfere with the reasonable use and enjoyment 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:

The subject property is a 30-foot-wide lot, which creates practical limitations on building design and roof configuration. Strict enforcement of the story limitation and roof intersection standard would require significant reduction in suitable upper-level floor area or force an increase in the building footprint. Either alternative would result in a wider and bulkier structure, increased lot coverage, and greater visual mass than the proposed design. Granting the variance allows for a design that concentrates mass vertically while remaining within the 35-foot height limit and better achieves the intent of the zoning ordinance to reduce massing on narrow urban lots.

Photographs



Subject site, looking east.



Adjacent dwellings to the north, looking northeast.



Adjacent dwelling to the south of site, looking east.



Adjacent dwellings to the northwest of site.



BOARD OF ZONING APPEALS DIVISION II

April 14, 2026

Case Number:	2026-DV2-010
Property Address:	1346 West 23 rd Street (approximate address)
Location:	Center Township, Council District #12
Petitioner:	Michael Caldwell, Jr., by Jonathan Howe
Current Zoning:	D-5 (W-5)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 1-foot side yard setbacks (5-foot side setback required).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends denial of this petition.
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 1346 West 23rd Street is a residentially zoned parcel with a lot width of 40 feet and a lot depth of 248 feet. Until 2024, it was improved with a single-family residence with a size of 907.5 square feet as well as a detached garage accessed from the alley to the west of the site (see aerial photography within Exhibits). Surrounding land uses are also residential in nature. The established residence at the site has an eastern side yard setback of 12.1 feet and a legally non-conforming setback of 3.7 feet to the west.
- In 2024, the detached garage was demolished and partial construction commenced on a substantial residential addition onto the rear of the existing residence. Per submitted plans, the addition would have a size of 2705.5 square feet and would contain two (2) bedrooms and one (1) bathroom. No permits appear to have been obtained and sought for this work, and as a result of a complaint, violations were issued by the Department of Business and Neighborhood Services for the lack of a wrecking or structural permit to allow for the demolition and addition, respectively.



Department of Metropolitan Development
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Current Planning

- Although no zoning violation case has been opened at the site citing the property for side setback violations, the survey provided by the applicant and measurements taken by staff indicate that the addition would encroach into both required side yard setbacks by 3.5-4 feet on each side.
- Approval of this petition would allow for construction to be completed on the unpermitted addition with side setbacks of around one foot to both the west (bordering the alley) and the east (bordering a different residential property). The survey provided indicates a separation of 1.2 feet to the west and 1.5 feet to the east; staff wrote the request to reflect 1-foot setbacks to allow a small margin of error in those measurements.
- During staff's site visit, the presence of several inoperable vehicles was noted within the rear yard (photo 5 within Exhibits). Although no zoning violation case is open at the property, it is likely that these vehicles would constitute a zoning violation, and approval of this petition would not constitute permission for the outdoor storage of inoperable vehicles at the site.
- The subject site is zoned D-5 to allow for medium and large-lot housing formats, primarily for detached houses. It also falls within a Wellhead Protection Area, which would not have an impact on applicable residential development standards. Similarly, the United Northwest Neighborhood Plan recommends it for low-density residential development of 3.5-5 dwelling units per acre.
- Infill Housing Guidelines indicate that side yard setbacks should reinforce the spacing and context of the block while leaving room for building maintenance with basic tools such as ladders. Additionally, those Guidelines indicate that building massing and size should consider the context of surrounding homes. The proposed addition would not comply with this section of the Plan, given that there doesn't appear to be similarly narrow non-conforming setbacks or residences close to the proposed size (approximately 3x the size of the previously existing house) either on the block or in the immediate vicinity.
- Findings of Fact provided by the applicant claim that the development would meet relevant building code and that the dimensions of the lot would limit options for compliant development. Staff would disagree with each assertion: no permits were secured to confirm compliance with applicable standards, and Table R302.1(1) of the Indiana Residential Code indicates that openings in walls (i.e. windows) would not be allowed within 3 feet of property lines, in addition to adequate fire-resistant wall materials. Construction in the field and submitted plans show that this standard would not be met, which would prevent the applicant from obtaining a structural permit regardless of the result of the variance request.
- Per aerial photography, it also doesn't appear that neighboring lots of a similar size have setbacks this close to property lines (either legally established or via petition), and the lot width is a standard 40 feet that would meet size requirements for the D-5 zoning district. Substantial room would exist to the north of the established residence (30 feet of buildable width and 165 feet of buildable depth) which would allow room for building additions that would comply with Ordinance requirements for side setbacks.



Department of Metropolitan Development
 Division of Planning
 Current Planning

- Staff feels that options for compliant development could have been explored if permits had been sought prior to partial construction of the unpermitted structure and would want to avoid the negative precedent of allowing for building that substantially deviate from Ordinance and Plan guidance by “asking for forgiveness instead of permission”. Additionally, the difficulty at the site is self-imposed by the owner rather than based in any site-specific condition, and staff feels that the cost of the mistake of building without permits should be borne by the owner instead of by neighboring properties. Staff recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	D-5 (W-5)	
Existing Land Use	Residential	
Comprehensive Plan	Dwellings 3.5-5 Units per Acre	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
23 rd Street	Local Street	40-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	02/27/2026	
Site Plan (Amended)	03/13/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	02/27/2026	
Findings of Fact (Amended)	03/11/2026	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- United Northwest Neighborhood Plan
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The United Northwest Neighborhood Plan recommends this property for residential development with a density of 3.5-5 dwelling units per acre (Low Density Residential; single-family dwellings).

Infill Housing Guidelines

- Infill Housing Guidelines indicate that building setbacks should reinforce spacing on the block while leaving room for building maintenance with basic tools. Additionally, building massing and size should consider the context of surrounding homes.

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

2025DV2004 ; 2328 N Harding Street (west of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with one-foot side yard setbacks on a lot with an existing duplex (five feet required), **withdrawn**.

2011ZON080 ; 1349 Burdsal Parkway (north of site), Rezoning of 0.50 acre, from the D-5 (W-1) District, to the C-3C (W-1) classification to provide for commercial development, **withdrawn**.

2011VAR015 ; 1349 Burdsal Parkway (north of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a 6.75-foot south transitional setback (10-foot transitional setback required along alleys) and a three-foot east side transitional setback (20-foot east side transitional yard) and to provide for carryout food service within three feet of a D-5 zoned protected district to the east (100-foot separation required), **withdrawn**.

2003SE1008 ; 2320 Sugar Grove Avenue (east of site), Special Exception of the Dwelling Districts Zoning Ordinance to provide for religious uses, **approved**.

EXHIBITS

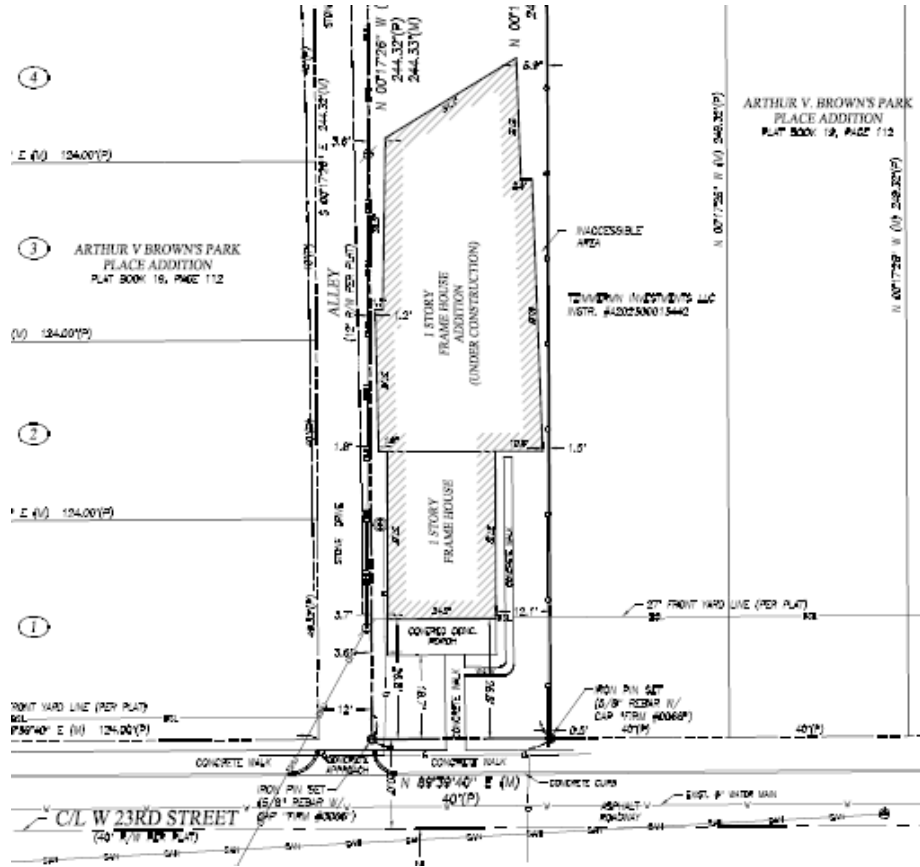
2025DV2010 ; Aerial Map





Department of Metropolitan Development
 Division of Planning
 Current Planning

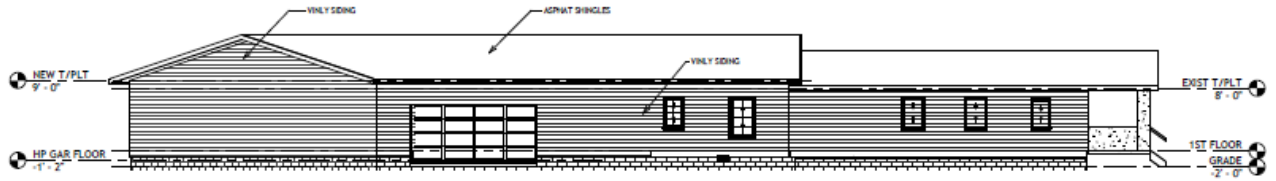
2025DV2010 ; Site Plan (partial)



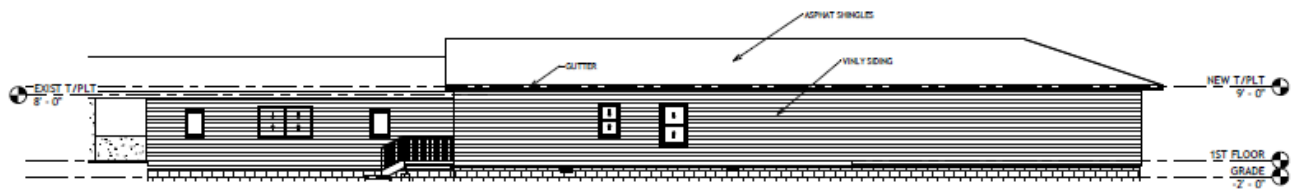
2025DV2010 ; Aerial Photo (early 2024)



2025DV2010 ; Elevations (STR25-01621)



4 West Architectural Building Elevation
1/8" = 1'-0"



3 East Architectural Building Elevation
1/8" = 1'-0"

2025DV2010 ; Findings of Fact

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

- The variance allows a 3.5-foot side setback for a detached accessory structure where 5 feet is required
- The structure is accessory to an existing single-family dwelling and does not introduce a new use or increase density.
- The improvement will comply with applicable building and fire codes.
- The requested variance will not negatively affect public health, safety, or welfare.

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 property is located in an established residential neighborhood consisting primarily of single-family homes and detached garages.
- The requested setback reduction is minimal and consistent with similar accessory structures in the area.
- The structure remains residential in scale and character. The variance will not adversely affect neighboring properties or property values.

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

- The property is a platted residential lot with an existing home and limited placement options for accessory structures.
- Strict application of the 5-foot setback would significantly limit reasonable use of the rear yard area.
- The requested 1.5-foot reduction is the minimum relief necessary to allow normal residential improvements.

2025DV2010 ; Photographs



Photo 1: Subject Site Viewed from South



Photo 2: Subject Site Viewed from Southwest

2025DV2010 ; Photographs (continued)



Photo 3: Subject Site Viewed from West



Photo 4: Subject Site Viewed from Northwest

2025DV2010 ; Photographs (continued)

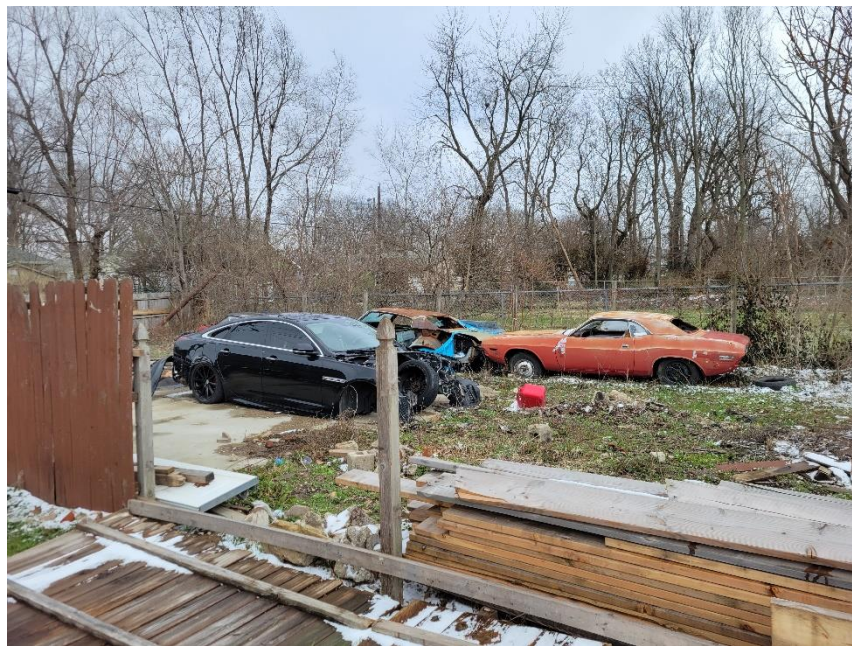


Photo 5: Rear Yard of Subject Site Viewed from West

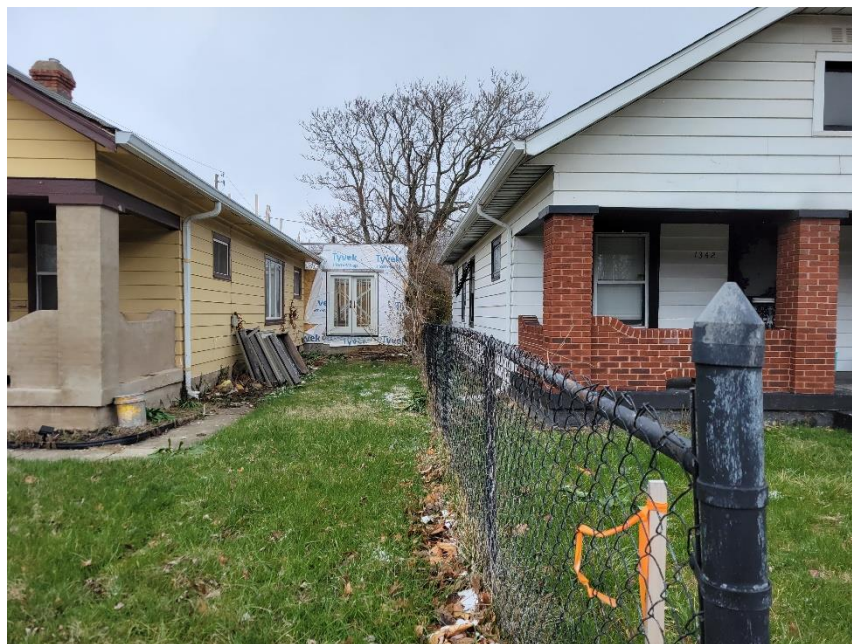


Photo 6: Addition Viewed from Eastern Property Line

2025DV2010 ; Photographs (continued)



Photo 7: Adjacent Property to West



Photo 8: Adjacent Property to Southwest

2025DV2010 ; Photographs (continued)



Photo 9: Adjacent Property to Southeast



Photo 10: Adjacent Property to East



Department of Metropolitan Development
Division of Planning
Current Planning

Board of Zoning Appeals Division II

April 14, 2026

Case Number:	2026-DV2-011
Property Address:	215 East 33 rd Street (<i>approximate address</i>)
Location:	Center Township, Council District #8
Petitioner:	Ricky Woolridge
Current Zoning:	D-5
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit a 6-foot fence that is greater than 30% opaque in the front yard (fence height greater than 3.5 feet with opacity greater than 30% not permitted) and located within the clear sight triangle (not permitted).
Current Land Use:	Single-family home
Staff Recommendations:	Staff recommends denial of this petition.
Staff Reviewer:	Josh Levesque, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 215 East 33rd Street is a mid-block parcel on 33rd Street between North Washington Boulevard and North Pennsylvania Street. Property record cards indicate the presence of a property at this location since around 1910. This parcel is zoned D-5 and the Mapleton-Fall Creek Land Use plan contemplates a density of 5-8 residential units per acre.
- The petitioner's request is to permit a 6-foot fence in their front yard that is greater than 30% opaque. While the fence runs perpendicular to the front door of the house, a front yard is considered to be the area in front of the front building line (see Exhibit 1). This means that approximately the first two (2) to three (3) panels of the fence are considered to be in the front yard.
- Fences in side yards are permitted to be 6 feet tall. The rest of the fence behind the front building line would appear to be in compliance. Staff indicated to the petitioner that they could remove the first three panels or step them down to comply with front yard regulations. The petitioner indicated the fence height is required to contain a large dog. Staff will note that the rest of the front yard (see Photos 1 and 5) is not fenced in or contained.



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

- A clear sight triangular area is an area in which (per Ordinance) no buildings, structures, landscaping or other elements may be located within, unless otherwise exempted. This is intended to prevent potential pedestrian and vehicular conflicts. A solid, 6-foot tall fence prevents proper viewsheds, posing public safety risks. Photos 5 and 6 emphasize this point. The signs in this photo caution pedestrians about the possibility of vehicles exiting. Instructions on calculating clear sight triangles and staff's subsequent calculations can be found in Exhibit 2.
- In staff's analysis, there appear to be no site-specific practical difficulties that would prevent the fence from being stepped down or constructed with different materials beyond the front building line. This is exhibited in Photo 2 which shows the presence of a shorter chain link fence in the front yard in 2019. Given the lack of site-specific practical difficulties, the risks posed by clear site obstructions, and the available remedies, staff recommends denial of this petition.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Developed; Residential	
Comprehensive Plan	5-8 Residential Units per Acre	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
East 33 rd Street	Local Street	55-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	2/13/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	2/9/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Mapleton-Fall Creek Neighborhood Land Use Plan (2013)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Areas Specific Plan (etc.) below

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- The Mapleton-Fall Creek Neighborhood Land Use Plan recommends this site for “Residential Development greater than 5.00 and equal to or less than 8.00 units per acre.” It goes on to say “in suburban and rural areas, this is a common multi-family density and typically the highest density single-family category in suburban areas. In urban areas, it is common for both single-family and multi-family development. Development at this density is appropriate along bus corridors but should not take place in proximity to planned light rail transit stops.”

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

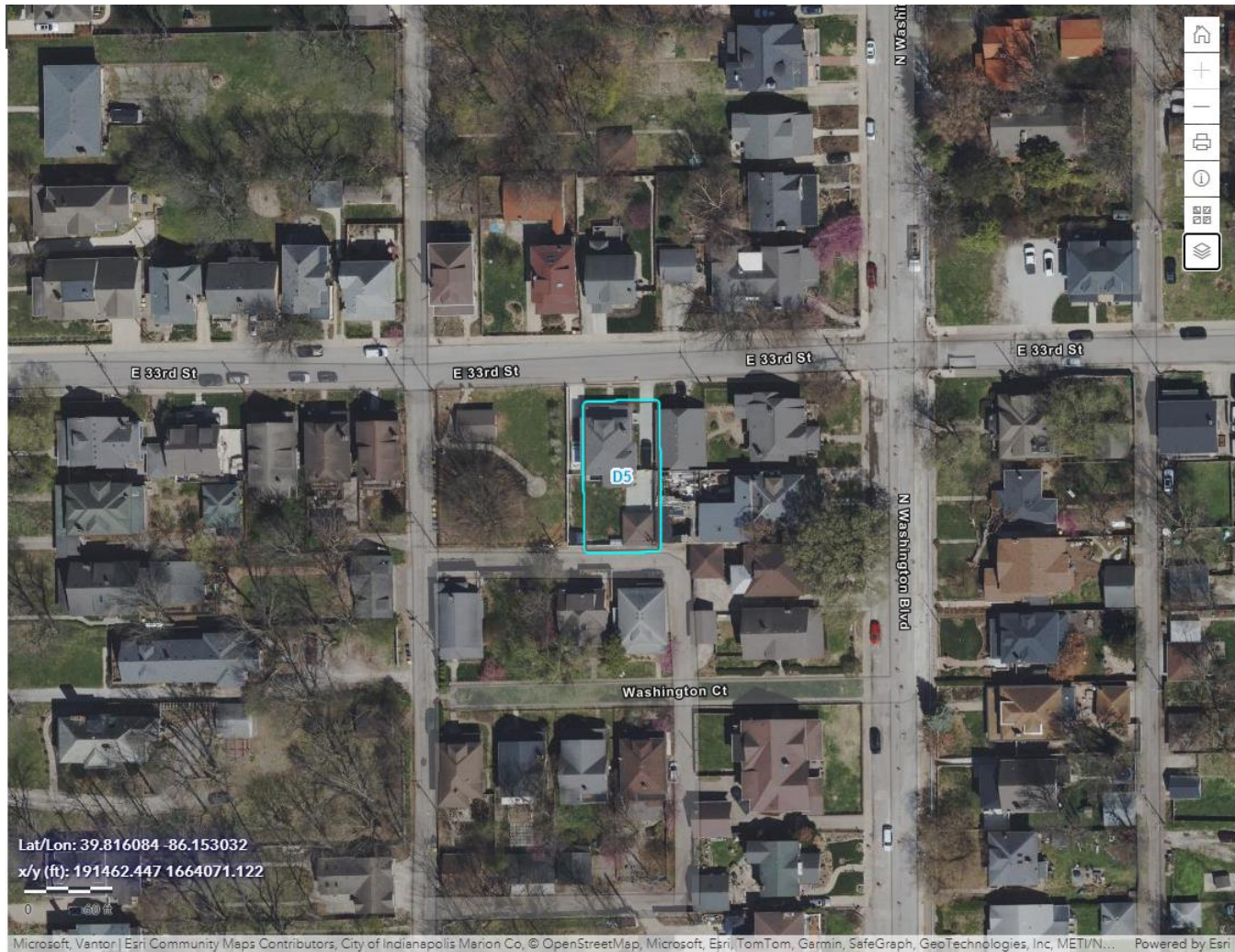
N/A

ZONING HISTORY – VICINITY

N/A

EXHIBITS

2026DV2011; Aerial Map



2026DV2011; Exhibit 1: Front Yard Diagram

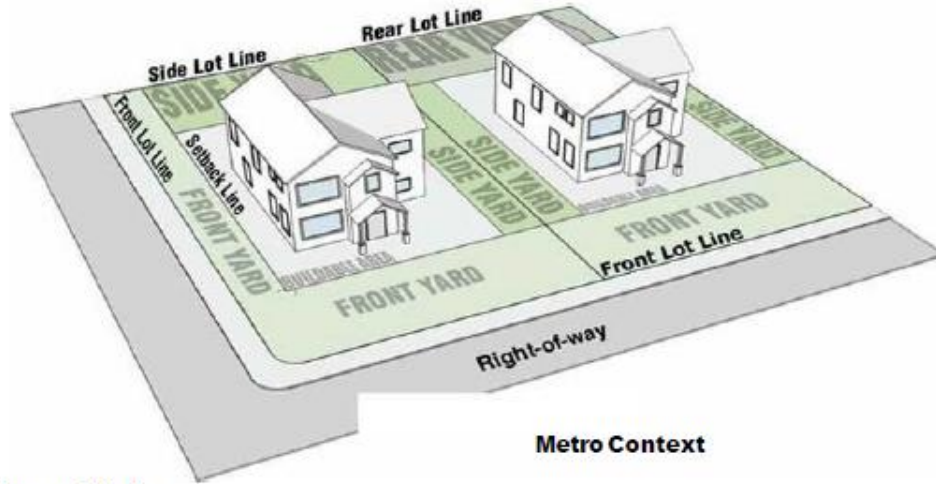
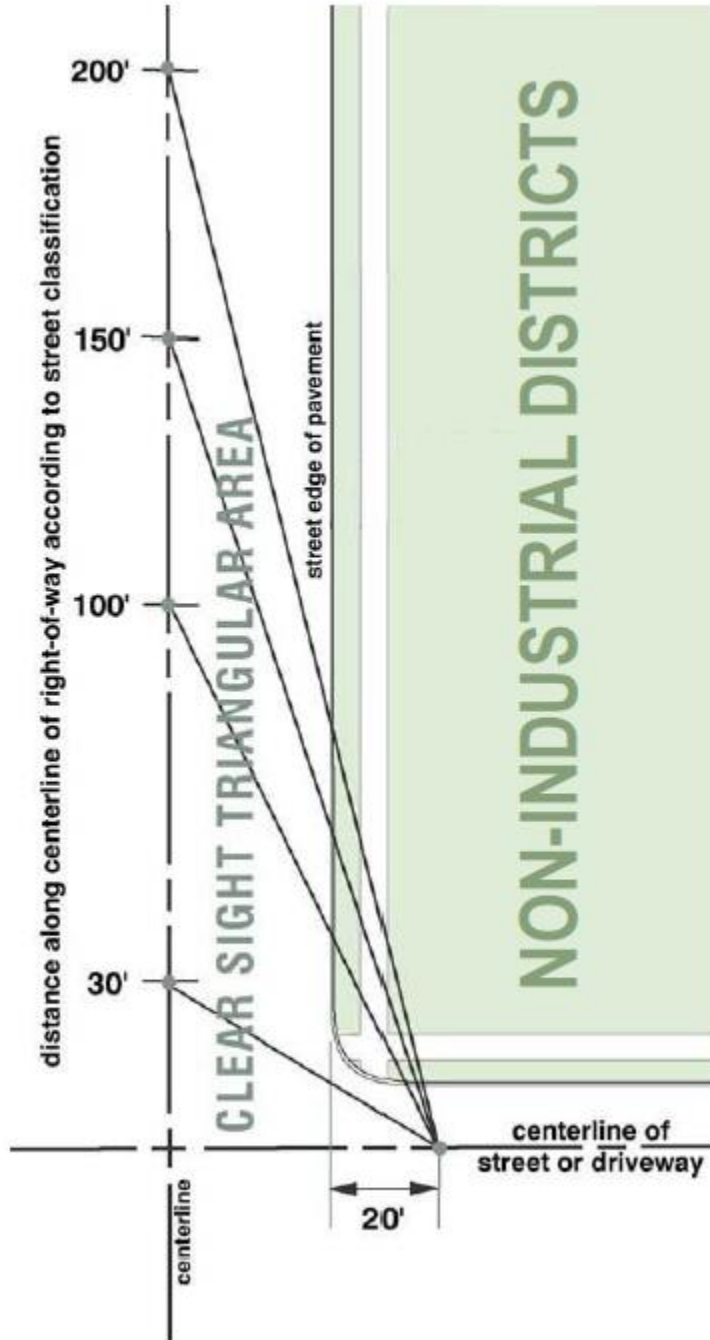


Diagram J Yards

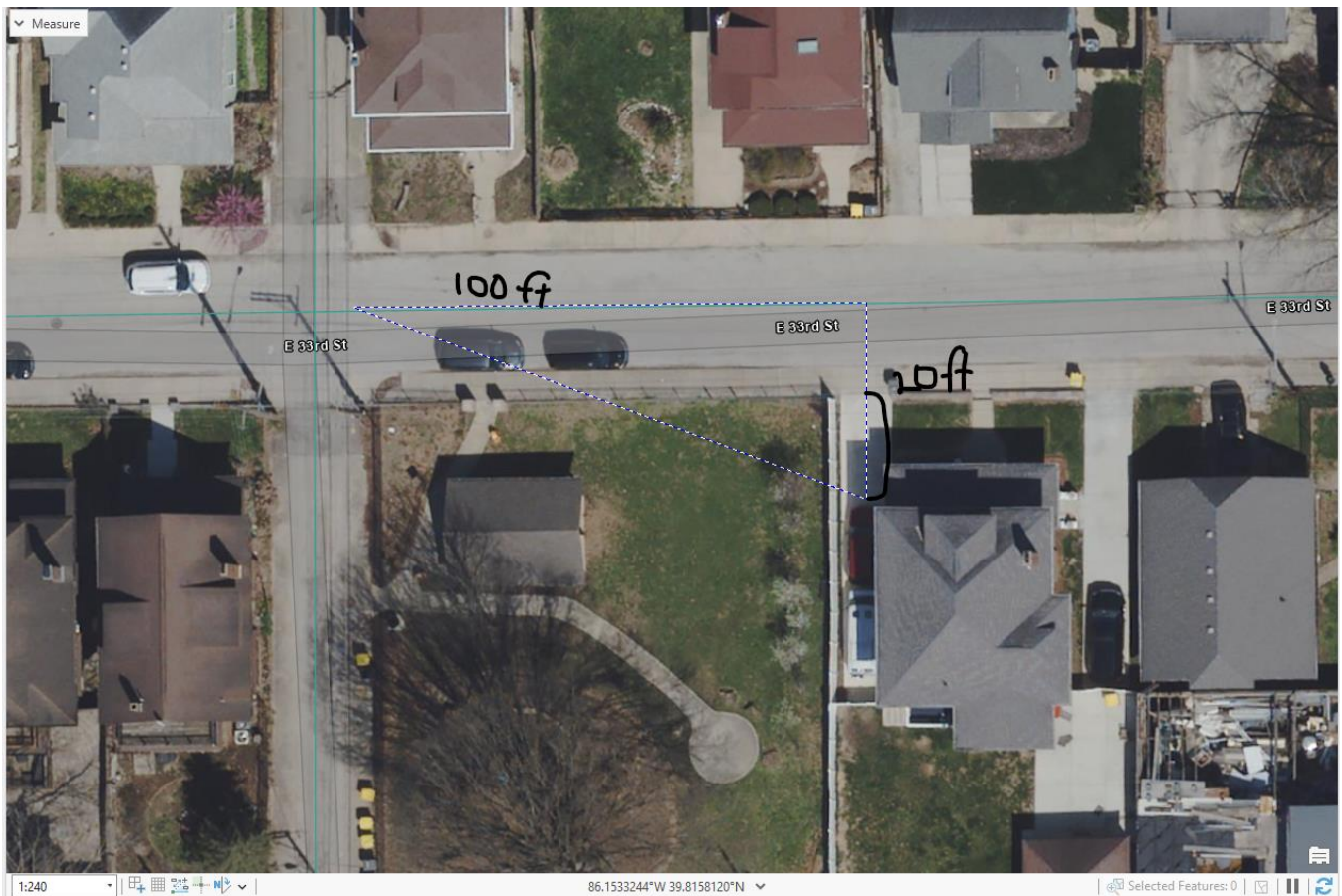
2026DV2011; Exhibit 2A: Clear Sight Triangle Calculations



2026DV2011; Exhibit 2B: Clear Sight Triangle Calculations

Table 740-304-A: Clear Sight distances for non-industrial districts	
Street classification	Distance along the right-of-way centerline
Expressway	Direct access not permitted
Arterials, Highways, or State Roads	200 feet
Collector	150 feet
Local	100 feet
Alley	30 feet
Railroad	75 feet
Greenway	20 feet

2026DV2011; Exhibit 2C: Clear Sight Triangle Calculations



Clear sight calculations 20 feet in from centerline of driveway with 100 feet of distance along right of way required for local roads.



2026DV2011; Photographs

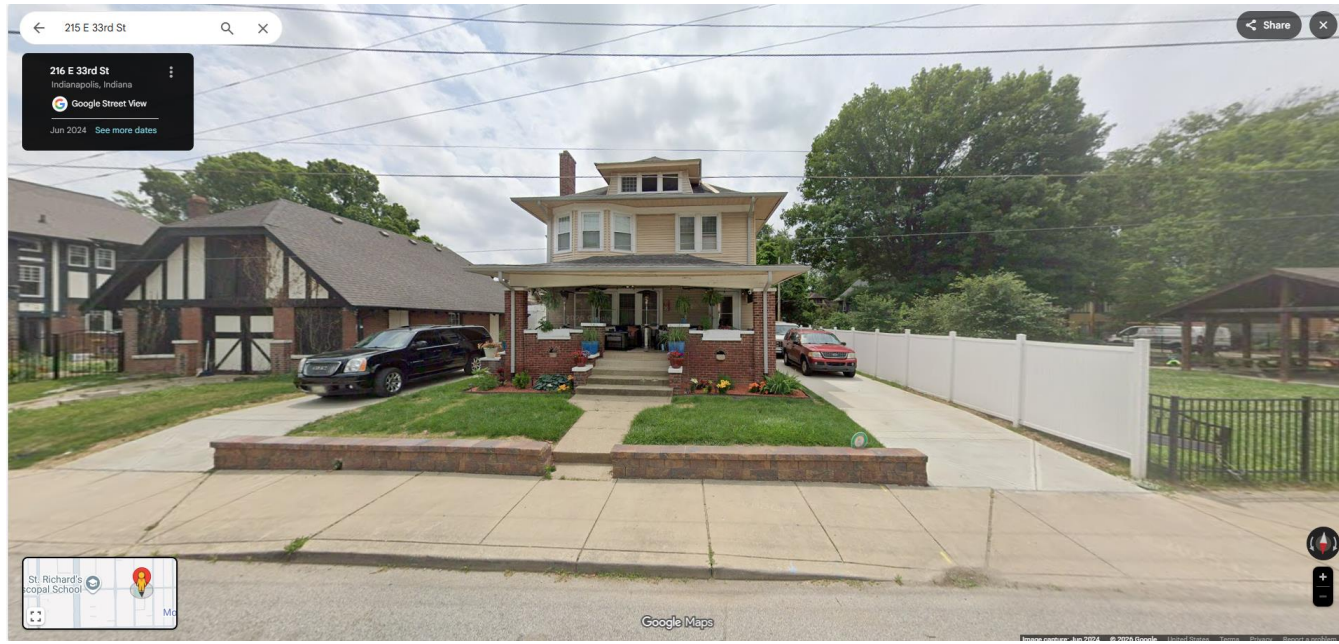


Photo 1: Google Image of front of house



2026DV2011; Photographs (cont'd)



Photo 2: Google Image of subject site in 2019

2026DV2011; Photographs (cont'd)



Photo 3: Looking at fence bordering western driveway

2026DV2011; Photographs (cont'd)



Photo 4: Showing fence bordering western driveway and the fence of the neighboring yard

2026DV2011; Photographs (cont'd)



Photo 5: Looking east at both fences

2026DV2011; Photographs (cont'd)



Photo 6: Fence along eastern driveway; notice sign cautioning about vehicles

2026DV2011; Photographs (cont'd)



Photo 7: Fence of property northeast across the street from subject site

2026DV2011; Photographs (cont'd)



Photo 8: Rear yard fence of adjacent property

2026DV2011; Photographs (cont'd)



Photo 9: Front yard fence of property northwest across the street