



Board of Zoning Appeals Board of Zoning Appeals Division I (October 7, 2025) Meeting Agenda

Meeting Details

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

Date: Tuesday, October 07, 2025

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

2025-DV1-038 | 954 Traub Avenue

Center Township, Council District #12, zoned D-5 (W-1)
Curtis Smith, by Vince Braun

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 672-square foot detached garage, being larger than the 660-square foot primary building (accessory structures are not permitted to be larger than the primary building).

**Petitioner to withdraw

2025-UV1-018 | 7526 Southeastern Avenue

Franklin Township, Council District #20, zoned D-A / D-5
Kevin Powell, by Thomas R. Steele

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a U-Haul truck rental facility (not permitted) with a gravel parking area with a zero-foot east side yard setback (hard surfaced parking area, 30-foot side yard setback required).

**Petition to be withdrawn

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-DV1-042 | 8415 West Washington Street

Wayne Township, Council District #17, zoned I-1
Greg and Seth Dotson

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of two industrial buildings resulting in a 40-foot eastern transitional yard and a 20-foot west side yard setback (50-foot side transitional yard, 30-foot side yard setbacks required).

**Automatic Continuance filed by a remonstrator

2. 2025-UV1-015 | 488 South Rochester Avenue

Wayne Township, Council District #17, zoned D-5 (TOD)
Kandy Salazar & Leonor Medina, by Kandy Salazar

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an entire garage and proposed addition to a secondary dwelling with a three-foot rear yard

setback, 16.75-foot tall building height and without the property owner living on-site (secondary dwelling required to be connected to an accessory building and the owner must live on-site, five-foot rear yard setback required, accessory buildings cannot be taller than the primary building).

****Staff requesting a continuance to the November 4, 2025 hearing of Division I in order to provide an amendment require new notice**

- 3. 2025-UV1-019 | 3040 South Kercheval Drive**
Franklin Township, Council District #20, zoned D-5
Harry Hicks Jr.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a shipping container (prohibited) within the front yard, with a zero-foot north side yard setback (accessory structures not permitted within the front yard, seven-foot side yard setbacks required).

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 4. 2025-DV1-039 (Amended) | 8600 and 8710 North College Avenue**
Washington Township, Council District #2, zoned SU-1 (TOD)
First Baptist Church of Indianapolis, by Brent Bennett

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of two monument signs and a pylon sign, bringing the total number of freestanding signs to five (maximum of two per frontage), with the pylon sign being located within 400 feet of a protected district (600-foot separation required) and the monument signs possessing heights of 7-foot tall and 5.5-foot tall (maximum height of five feet permitted).

- 5. 2025-DV1-040 (2nd Amended) | 3725 West 21st Street**
Wayne Township, Council District #11, zoned D-5
Maria Del Rocio Cortez-Garcia, by Josh Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a five-foot rear yard setback, and to legally establish an existing detached garage and the two accessory structures within the front yard of Rochester Avenue (20-foot rear yard setback required, accessory buildings within front yards not permitted).

- 6. 2025-DV1-041 | 9229 Walton Avenue**
Wayne Township, Council District #17, zoned D-A
Pamela & Mark Farley

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage and to legally establish detached accessory structures with a five-foot west side yard setback and a three-foot south rear yard setback (15-foot setbacks required) resulting in an open space of 84% (85% required).

- 7. 2025-DV1-045 | 5430 Central Avenue**
Washington Township, Council District #7, zoned D-4
Robert & Christine Broughton, by Randall Green

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition, including an attached garage, resulting in a 9.5-foot rear yard setback (20-foot rear setback required).

- 8. 2025-DV1-047 | 5145 North Keystone Avenue**
Washington Township, Council District #2, zoned C-7 (W-5)
DAST 2 LLC, by Joseph Lese

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation of an existing commercial building resulting in zero percent transparency along the north elevation, 19 percent transparency along the south elevation, a .08 Green Factor, an alternative interior parking landscape

plan and 19 parking spaces (30 percent transparency required for areas of each façade within 50 feet of the right-of-way, 0.22 Green Factor and compliant landscaping required, 36 parking spaces required).

9. 2025-DV1-048 | 8326 Southern Springs Boulevard

Franklin Township, Council District #25, zoned D-3
Diana Allen-Johnson

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in an open space of 67 percent (70 percent open space required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

10. 2025-UV1-009 | 5330 West Morris Street

Wayne Township, Council District #17, zoned C-3 (TOD)
Adriano Montas, by Arnoldo Gonzalez Vasquez

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an Automobile, Motorcycle, and Light Vehicle Service or Repair facility, with outdoor storage of vehicles awaiting repair (not permitted), with eight parking spaces and zero bicycle parking spaces provided.

11. 2025-UV1-014 | 6805 Rockville Road

Wayne Township, Council District #16, zoned D-2
Margarito Mendoza Galindo, by Tasha Roberts

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor and indoor storage of lawn care equipment, machinery and materials (not permitted) and the installation of a six-foot tall fence and electric gate within the front yard of Eleanor Street (maximum 42-inch fence height permitted).

12. 2025-UV1-016 | 9743 Indian Creek Road South

Franklin Township, Council District #25, zoned D-A
David & Margaret Sisk, by David A. Retherford

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a lawnmower repair business with accessory outdoor storage and operations (not permitted), accessory structures with a two-foot western side yard setback and a two-foot rear yard setback (15-foot side and rear yard setbacks required), and a rear deck resulting in an open space of 82.5% (minimum 85% required), and one portable sign with an area of 6 square feet (not permitted), per filed plan of operation.

13. 2025-UV1-017 | 7323 East Hanna Avenue

Franklin Township, Council District #20, zoned D-A
Hanna Haunted Acres Inc., by David A. Retherford

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a seasonal indoor and outdoor commercial recreational use, including the sale of alcoholic beverages, subject to the filed plan of operation (not permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

14. 2025-DV1-043 | 2429 and 2431 North College Avenue

Center Township, Council District #8, zoned D-8
RE Development Group Inc., by John Cross

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-car detached garage, on each lot, with three-foot side yard setbacks (five-foot setbacks required).

15. 2025-DV1-046 | 201 Shelby Street

Center Township, Council District #18, zoned I-3
Progress House Inc., by James Lingenfelter

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for installation of a six-foot-tall chain link fence within the front yard of Bates Street (maximum height of 3.5 feet permitted in front transitional yards).

Additional Business:

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

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

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

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-DV1-038
Address: 954 North Traub Avenue (approximate address)
Location: Center Township, Council District #12
Zoning: D-5
Petitioner: Curtis Smith, by Vince Braun
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 672-square foot detached garage, being larger than the 660-square foot primary building (accessory structures are not permitted to be larger than the primary building).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause at Staff's request, from the September 2, hearing, to the October 7, 2025, hearing, as a result of the legal notice not being published in the Indianapolis Business Journal, as required by State Statute. I.

The petitioner has since amended their site plan to reduce the size of the detached garage to be smaller than the primary dwelling. As a result, the variance is no longer needed, and **the petitioner has submitted a request to withdraw the petition.** The withdrawal will need to be acknowledged by the Board.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the construction of a 672-square foot detached garage, being larger than the primary dwelling.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to accessory buildings, are intended to ensure the dwelling remains the primary use of the property. Limiting the size of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.
- ◇ 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. The proposed garage would consist of new construction that could be designed to meet the terms of the Ordinance.

- ◇ The strict application of the terms of the zoning ordinance does not constitute a hardship, nor does the site possess a practical difficulty, since the site is zoned D-5 and could be used as permitted, by right, in the D-5 zoning classification. Any practical difficulty is self-imposed by the desire to use the site for the construction of a garage, being larger than the primary dwelling.
- ◇ The subject site is similar in size to other nearby properties, that are able to follow the comprehensive plan and zoning ordinance without the need for the requested variances. For these reasons, staff does recommend denial.

GENERAL INFORMATION

Existing Zoning	D-5		
Existing Land Use	Single Family Dwellings		
Comprehensive Plan	5-8 residential units per acre.		
Overlay	No		
Surrounding Context		Zoning	Surrounding Context
	North:	C-3	Undeveloped
	South:	D-5	Undeveloped side yard
	East:	D-5	Single-family dwelling
	West:	D-5	Single-family dwelling
Thoroughfare Plan			
	Traub Avenue	Local Street	48-foot existing and proposed right-of-way.
Context Area	Compact		
Floodway / Floodway Fringe	N/A		
Wellfield Protection Area	No		
Elevations	N/A		
Commitments	N/A		
Landscape Plan	N/A		
Plan of Operations	N/A		
Site Plan	June 5, 2025		
Findings of Fact	June 5, 2025		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 5-8 residential units per acre.

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Recommends 5-8 residential units per acre.

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

2016-UV2-011; 958 North Belmont Avenue (west of site), requested a Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance, to provide for a real estate office, with commercial business signs, **denied**.

2007-UV1-002; 954 North Traub Avenue (subject site), requested a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a beauty salon and a candy store in an existing dwelling, and a Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 6-foot tall fence in the required front yard, **granted**.

2007-ZON-044; 961 North Sheffield Avenue (west of site), requested the Rezoning of 0.13 acre, from the C-3 District, to the D-5 classification to provide for the construction of a single-family dwelling, **granted**.

2005-DV2-052; 937 North Sheffield Avenue (southwest of site), requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a 1,092-square foot single-family dwelling, with a 16.25-foot front yard setback, with a zero-foot north side yard setback and a 3.92-foot south side yard setback, and to provide for the construction of an 84-square foot addition extending 18.08 feet along the existing nonconforming zero-foot north side yard setback, **granted**.

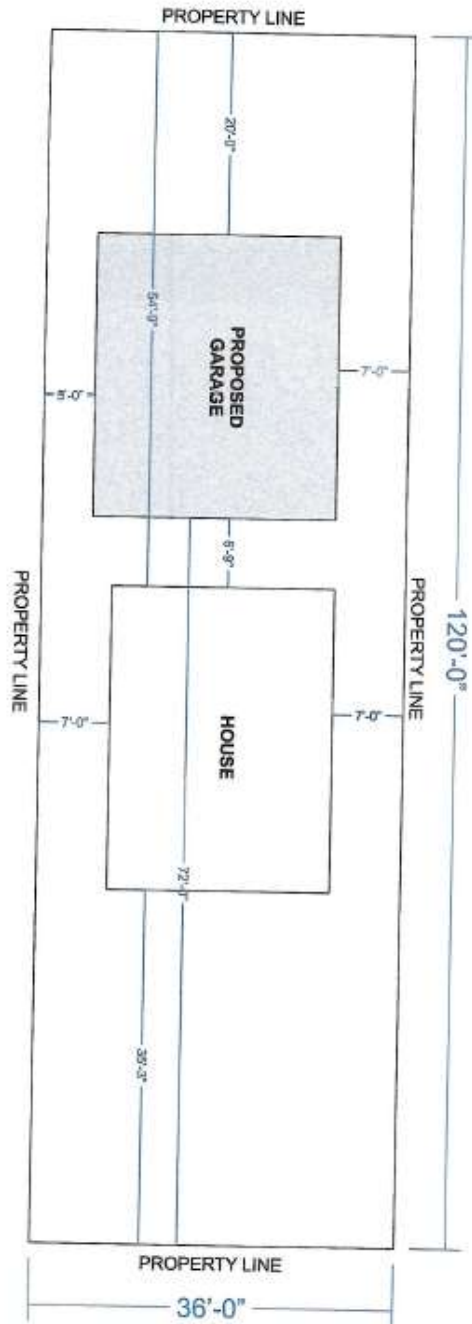
RU

EXHIBITS

Location Map



Site Plans



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:

It is a basic build of a garage structure according to the codes and safety rules and regulations of the State of Indiana and the International Building Code.

It will be located in an area of the owner's property that is well maintained and serviced.

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 garage is being built and constructed of the highest quality by a reputable company, Coach House Garages, and it's respected subcontractors using only the highest quality products that have shown to only increase property values presently and in the past.

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

It limits the storage of the homeowners personal property in such a way that the width restriction prohibits the use of property in a way that neither effects the municipal codes nor the neighbor's line of sight in a negative manner. The width of the building provides only the best use of the property for the home owner while in no way negatively effects the community or neighbors. The current code states that the building cannot exceed the width of the existing residential structure. However the width of the existing structure is less than twenty four inches smaller than the new structure.

Photographs



Subject site single family dwelling, looking west



Subject site rear of dwelling, proposed garage location, looking east



Adjacent single family dwelling with complaint garge, looking west.



Adjacent single family dwelling with complaint garge, looking northwest.

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-UV1-018
Property Address: 7526 Southeastern Avenue (approximate address)
Location: Franklin Township, Council District #20
Petitioner: E Kevin Powell, by Thomas R. Steele
Current Zoning: D-A / D-5
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a U-Haul truck rental facility (not permitted) with a gravel parking area with a zero-foot east side yard setback (hard surfaced parking area, 30-foot side yard setback required).
Current Land Use: Residential
Staff N/A
Recommendations:
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

The petitioner has indicated that this petition is to be withdrawn, which requires the Board's acknowledgment.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

September 2, 2025

Case Number: 2025-DV1-042
Address: 8415 West Washington Street (approximate address)
Location: Wayne Township, Council District #17
Zoning: I-1
Petitioner: Greg and Seth Dotson
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of two industrial buildings resulting in a 40-foot eastern transitional yard and a 20-foot west side yard setback (50-foot side transitional yard, 30-foot side yard setbacks required).

Current Land Use: Vacant Lot

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

This petition was **automatically continued** from the October 7, 2025, hearing, **to the November 4, 2025**, hearing, at the request of a Remonstrator. This would require the Board's acknowledgement.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

September 2, 2025

Case Number: 2025-UV1-015
Address: 488 South Rochester Avenue (approximate address)
Location: Wayne Township, Council District #17
Zoning: D-5 (TOD)
Petitioner: Kandy Salazar & Leonor Medina, by Kandy Salazar
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an entire garage and proposed addition to a secondary dwelling with a three-foot rear yard setback, 16.75-foot tall building height and without the property owner living on-site (secondary dwelling required to be connected to an accessory building and the owner must live on-site, five-foot rear yard setback required, accessory buildings cannot be taller than the primary building).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the September 2, 2025, hearing, to the October 7, 2025, hearing, to allow time for the petitioner to provide an updated site plan.

Staff requesting that this petition be **continued to the November 4, 2025**, hearing, to allow time to amend the request and provide new legal notice.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-UV1-019

Property Address: 3040 South Kercheval Drive (approximate address)

Location: Franklin Township, Council District #20

Petitioner: Harry Hicks Jr.

Current Zoning: D-5

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a shipping container (prohibited) within the front yard, with a zero-foot north side yard setback (accessory structures not permitted within the front yard, seven-foot side yard setbacks required).

Current Land Use: Residential

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition is required to be continued to the November 4, 2025 Division I hearing date due to insufficient notice.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-DV1-039 (Amended)

Property Address: 8600 and 8710 North College Avenue (approximate addresses)

Location: Washington Township, Council District #2

Petitioner: First Baptist Church of Indianapolis, by Brent Bennett

Current Zoning: SU-1 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of two monument signs and a pylon sign, bringing the total number of freestanding signs to five (maximum of two per frontage), with the pylon sign being located within 400 feet of a protected district (600-foot separation required) and the monument signs possessing heights of 7-foot tall and 5.5-foot tall (maximum height of five feet permitted).

Current Land Use: Special Use - Religious

Staff Recommendations: Staff recommends **approval** of the petition subject to a commitment.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance was filed by a Registered Neighborhood Organization to continue this petition from the September 2, 2025 hearing to the October 7th hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of the petition subject to a commitment that the unpermitted banner signage placed on the fencing at the southeastern corner of the site be removed.

PETITION OVERVIEW

- The subject parcels known as 8600 and 8710 North College Avenue currently house a religious use within the eastern portion of the site as well as multiple outdoor athletic fields (primarily baseball/softball and soccer) to the west. The property fronts upon College Avenue to the east and 86th Street to the south: the 86th frontage is approximately 1,245 linear feet. Two (2) primary freestanding signs have been in place along the 86th Street frontage prior to this year: the first is a permanent pylon sign advertising the primary church use, and the second is a small area of fence onto which a series of temporary banners are placed. Staff was unable to locate a sign permit associated with the temporary banner sign.



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

- Approval of this variance petition would allow for the installation of three (3) new, primary freestanding signs that would be associated with the youth athletic league uses on the western portion of the site. The first sign would be placed on an ornamental wall to the southwest of the site with an area of 59.58 square feet and a height of seven (7) feet, and the second sign would be placed near an internal baseball field with an area of 40 square feet and a height of 5.5 feet. The third sign is a pylon sign with an area of 62.63 SF (inclusive of the gateway text as well as the smaller logos) that would be placed at the eastern edge of the game court area approximately 400 feet from a Protected District.
- Variances required would be **(a)** the number of primary freestanding signs fronting along 86th Street (these new signs would bring the overall total to five); **(b)** the proximity of the pylon sign from a Protected District to the south; and **(c)** the height of the two (2) monument signs mounted on walls being seven (7) feet and 5.5 feet from grade (maximum five feet permitted). At staff's requests, plans were amended to reduce the height of the monument signs and remove the need for a variance related to square footage for the sign proposed at the southwest corner of the site.
- Staff would note that the proposed monument sign to the southwest of the site does not appear to fall within the required clear-sight triangular area. Additionally, it appears that the Administrative Approval petition 2024-ADM-226 was granted in January 2025 to allow for placement of the pylon sign shown within plans and site photographs (the sign was installed per that approval). This Administrative Approval appears to have been issued in error, but the grant of this variance would allow for that sign to remain with its current location and dimensions.
- This property is zoned SU-1 to allow for religious uses and for development accessory to the primary religious use (including but not limited to fields for athletic leagues affiliated with the religious use). The property is also within the TOD secondary zoning district given its proximity to a potential future Red Line BRT stop. The Comprehensive Plan Pattern Book recommends it to the Suburban Neighborhood typology (which can accommodate large-scale places of worship) and places it within Critical Area and Environmentally Sensitive overlays.
- Findings of Fact submitted by the applicant indicate that two of the three proposed signs would be internal to the site and not easily viewable from the 86th Street frontage, and that the monument signs would be placed onto freestanding wall structures with heights exceeding five (5) feet in height. Both statements are accurate, and staff would note that the petitioner was open to a modest reduction of the size and height of the monument signs to reduce any negative visual effects and remove/reduce the need for variances related to sign size and height.
- The most visible sign to the southwest would be separated from the legal pylon sign to the east on the 86th frontage by around 1000 feet, and the proposed signage would be in promotion of a separate aspect of the use (athletic leagues vs. religious use for the eastern sign). Additionally, the petitioner was open to staff suggestions on the reduction of sign size and height and has agreed to a commitment to have the banner signage placed along the fence to the southeast of the site removed. For these reasons, staff recommends approval of the petition.

GENERAL INFORMATION

Existing Zoning	SU-1 (TOD)	
Existing Land Use	Special Use - Religious	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	SU-2	North: Educational
South:	D-3 / SU-7	South: Residential
East:	D-2 / C-1	East: Residential / Commercial
West:	D-2	West: Residential
Thoroughfare Plan		
86 th Street	Primary Arterial	106-foot existing right-of-way and 112-foot proposed right-of-way
Central Avenue	Local Street	48-foot existing right-of-way and 50-foot proposed right-of-way
College Avenue	Primary Arterial	90-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	06/04/2025	
Site Plan (Amended)	N/A	
Elevations	06/04/2025	
Elevations (Amended)	08/20/2025	
Landscape Plan	N/A	
Findings of Fact	06/04/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line Transit-Oriented Development Strategic Plan

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood typology to allow for predominantly single-family housing interspersed with attached and multi-family housing where appropriate and supported by a variety of neighborhood-serving



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

businesses, institutions, and amenities. Large-scale places of worship within this typology should be located along arterial streets and should be harmony with the surrounding neighborhood.

- The site is also within a Critical Area overlay intended to preserve existing open space and natural resources with private development as well as partially within an Environmentally Sensitive overlay.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line TOD Strategic Plan recommends this area to the Walkable Neighborhood typology given its proximity to the proposed College and 91st BRT stop. This typology contemplates walkable area that are primarily residential but may have a commercial node of one to two city blocks.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

2005SE1010, special exception of the Wireless Communications Zoning Ordinance to provide for a 137-foot tall monopole tower with related accessory equipment structures.

94-Z-129, rezone 28.53 acres from SU-1 (FF) and D-2 (FF) to SU-1 (FF), **approved**.

ZONING HISTORY – VICINITY

2010DV2031 ; 8716 Central Avenue (west of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a deck with a 2.25-foot north side setback (minimum side setback of seven feet), **approved**.

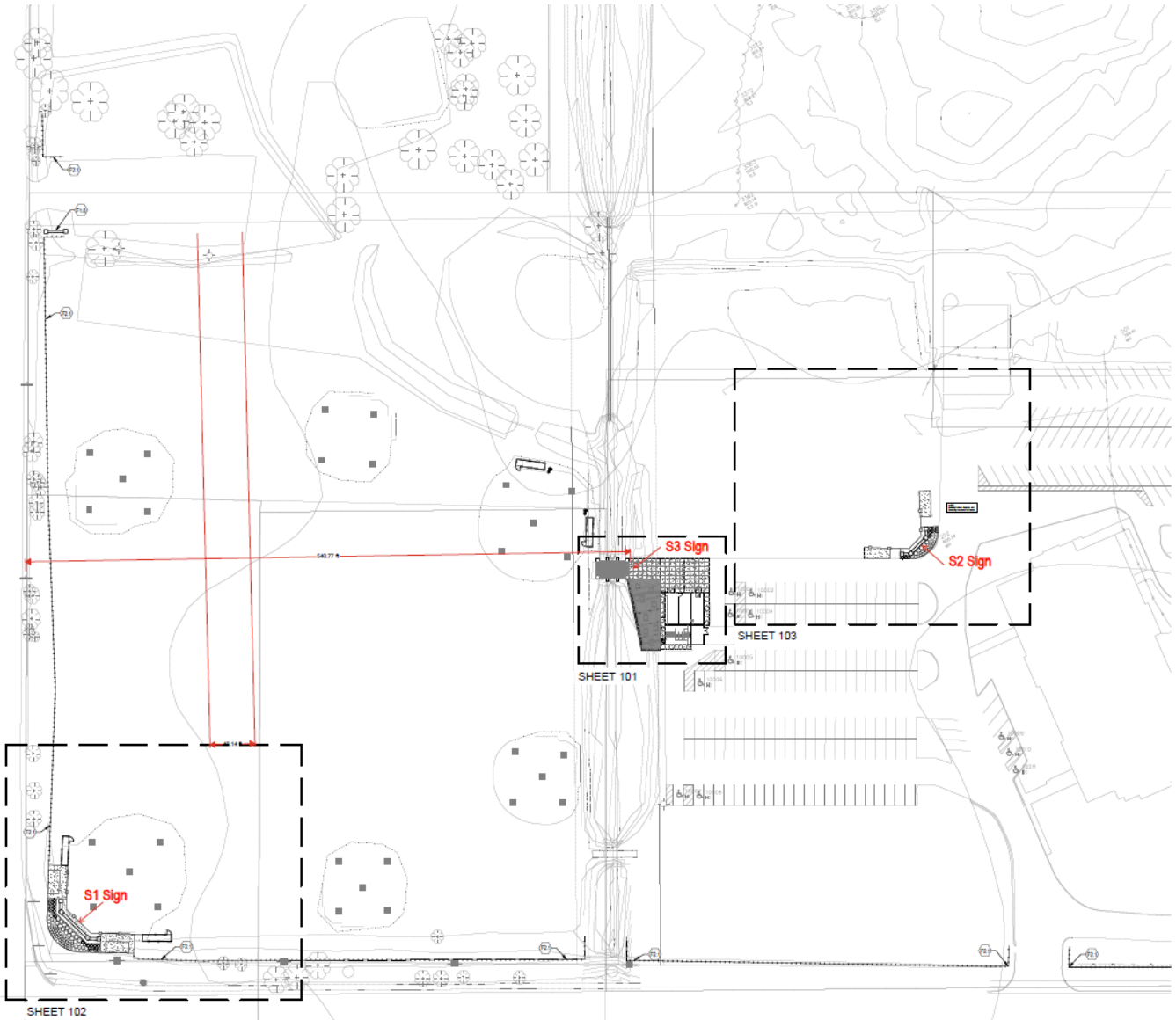
2003HOV048 ; 611 E 86th Street (south of site), variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 680 square foot accessory structure with a 5.5 foot south side yard setback (minimum six foot side yard setback required), **approved**.

EXHIBITS

2025DV1039 ; Aerial Map



2025DV1039 ; Site Plan

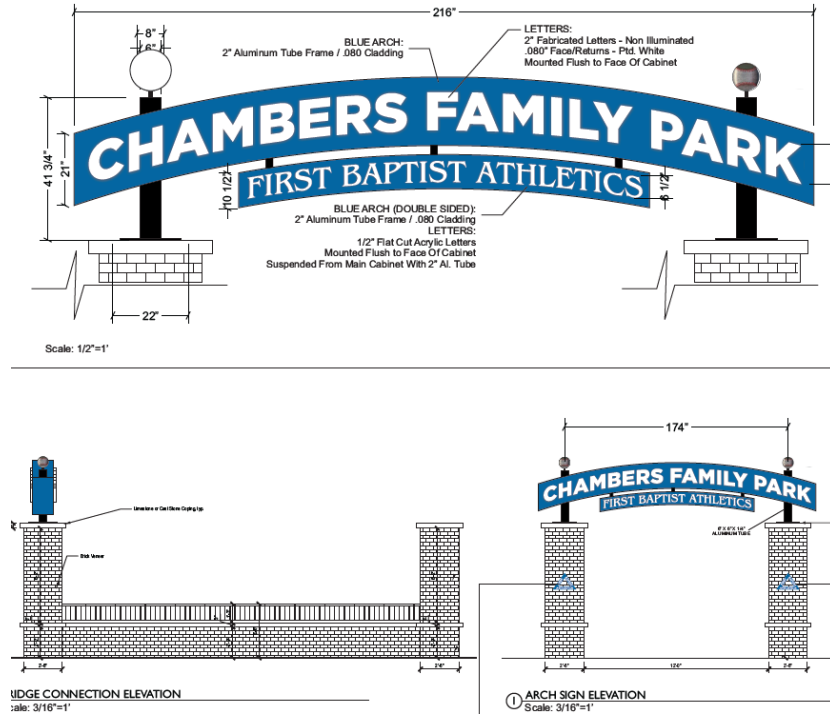




2025DV1039 ; Elevation (Sign 2)



2025DV1039 ; Elevation (Sign 3)



2025DV1039 ; Findings of Fact

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

Granting approval of this petition will not be injurious to the public health or general welfare of the community. We are asking for three signs to be placed in a sport field owned by a church. The Chambers Family Parks signs are to honor the Chambers family for their donation to this sports park facility. The signs will mostly only be seen in the park. these signs are to be placed on walls that are already present at the facility.

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 adverse manner to the adjacent property's. This sports park has been around for years. This revamping of the park should most certainly raise the value of the area and its 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 monument sign height requirement is 5 feet. The existing walls the signs will be placed on is on are already over 6 feet tall. the proposed signs do project 3 feet above the wall. The signs are on a sports park facility owned by a church, and not directly out in the public; we respectfully ask for your approval.

2025DV1039 ; Photographs



Photo 1: Location of Proposed Sign 1 from Southwest

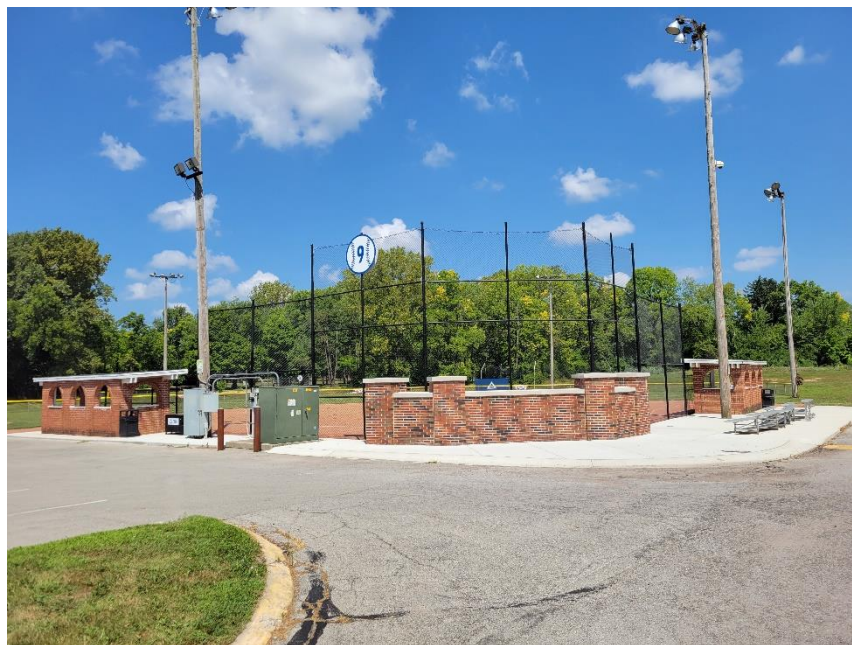


Photo 2: Location of Proposed Sign 2 from Southeast

2025DV1039 ; Photographs (continued)



Photo 3: Location of Sign 3 from West



Photo 4: Signage at Southeastern Corner of Site (viewed from East)

2025DV1039 ; Photographs (continued)



Photo 5: Adjacent Property to West near Proposed Sign 1



Photo 6: Unpermitted Banner Signage Viewed from South



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-DV1-040 (2nd Amended)
Address: 3725 West 21st Street (approximate address)
Location: Wayne Township, Council District #11
Zoning: D-5
Petitioner: Maria Del Rocio Cortez-Garcia, by Josh Smith
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a five-foot rear yard setback, and to legally establish an existing detached garage and two accessory structures within the front yard of Rochester Avenue (20-foot rear yard setback required, accessory buildings within front yards not permitted).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause from the September 2, 2025, hearing, to allow time to amend the request, and provide new notice, as a result of an updated site plan.

The petition was re-noticed as amended to add a request for two accessory structures each with a one-foot south side setback, and within the front yard of Rochester Avenue.

The petitioner has amended the petition a second time to remove the request for the two accessory structures each with a one-foot south side setback.

STAFF RECOMMENDATION

Staff recommends **approval** of the request as amended.

PETITION OVERVIEW

- ◇ Staff recommends approval of the request to provide for a building addition resulting in a five-foot rear yard setback, and to legally establish an existing detached garage and two accessory structures within the front yard of Rochester Avenue.
- ◇ The proposed building addition setback would be in line with the existing dwellings rear setback and would not negatively impact any adjoining property.
- ◇ According to Assessor's records, the existing dwelling was originally constructed in 1946, at the rear of the lot.



Department of Metropolitan Development
Division of Planning
Current Planning

- ◇ Since the primary dwelling is located to the rear of the lot, there is not adequate room to place the proposed garage to the rear of the dwelling, and the petitioner has a practical difficulty in placing the garage and accessory structures in the front yard of Rochester Avenue.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan		
Surrounding Context	Zoning	Surrounding Context
North:	D-6II	Multi-Family dwellings
South:	D-5	Single-Family dwelling
East:	D-5	Single-Family dwelling
West:	D-5	Single-Family dwelling
Thoroughfare Plan		
West 21 st Street	Local street	72-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	N/A	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	July 28, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	July 28, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 3.5 – 5.0 Residential units per acre.

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Recommends 3.5 – 5.0 Residential units per acre.



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

2018-DV3-056; 3615 White Cedar Court (northeast of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front porch addition with a zero-foot side setback from common area used for ingress/egress, **granted**.

2015-DV2-037; 3709 Yellow Popular Court (west of site), requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish the setbacks of a single-family dwelling and accessory structure, with an accessory structure encroaching approximately seven feet into the right-of-way of West 21st Street, **FOF signed but no Approval letter**.

2006-DV3-004; 1958 Berwick Avenue (south of site), requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a 960 square-foot garage, being 134 percent of the main floor area of the primary structure (maximum 540 square feet or 75 percent of the main floor area of the primary structure permitted) and resulting in 1,264 square feet of accessory uses or 175 percent of the total floor area of the primary dwelling (maximum 718.99 square-feet of accessory uses, or 99.99 percent of the total floor area of the primary dwelling permitted), with a twelve-foot front setback from 20th Street, **4 yes ballots, but no approval letter. No FOF**

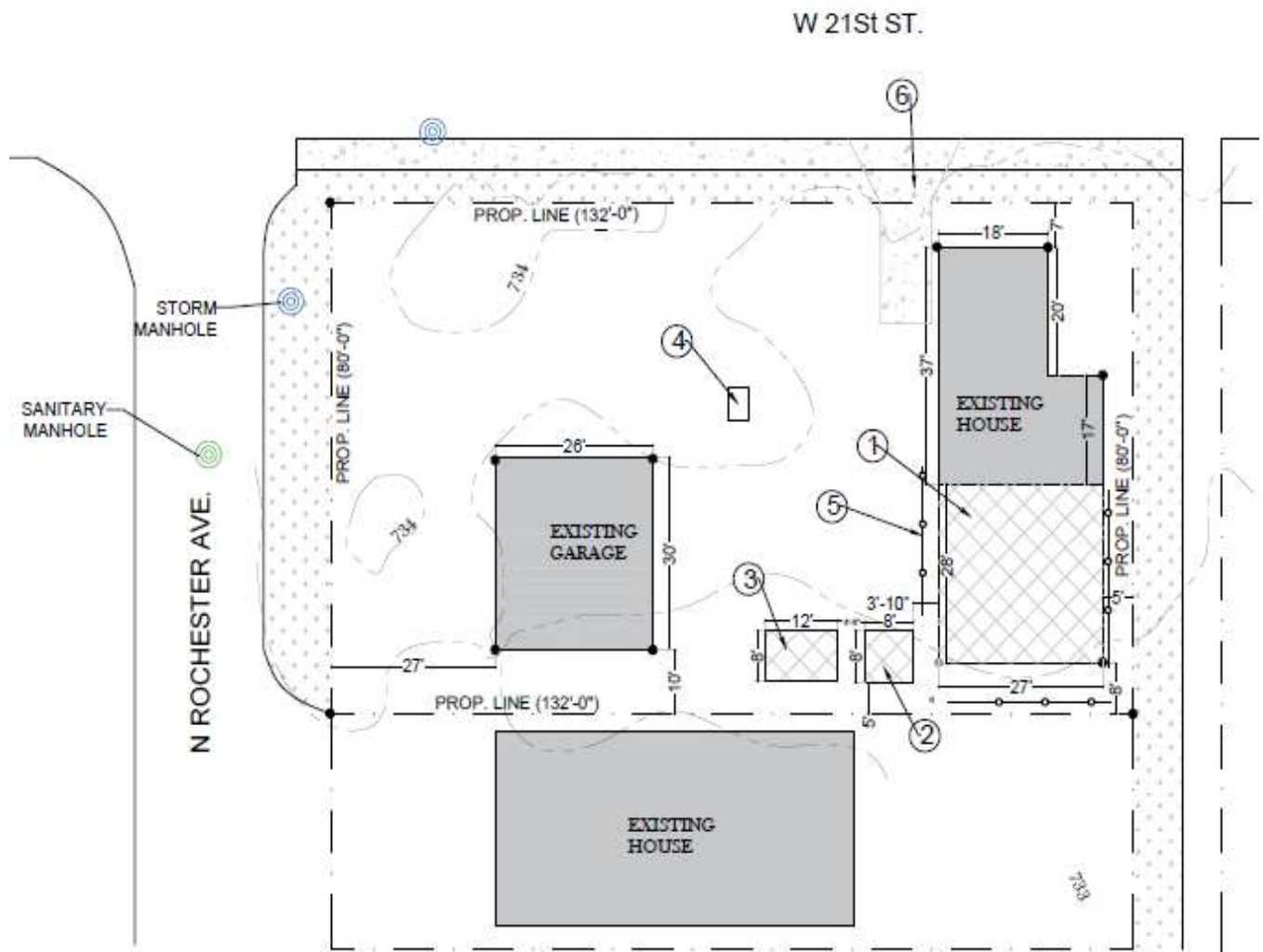
RU

EXHIBITS

Location Map



Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF 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 addition will enlarge the existing single family home into a larger single family home. The use will remain consistent with the existing structure and surrounding neighborhood.

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

The use of the property will remain single family residential and will not change the nature or character of the area.

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

This property, being a corner lot, was developed with the home facing north, the longer side of the property. The other surrounding properties were developed with the house oriented so they are facing the narrower front of the properties. With the existing non-compliant setback, the existing driveway location, the existing orientation of the home, as well as other structures on the lot, there is very minimal opportunity to add-on to the existing home while meeting all current development standards set forth in ordinance.

Photographs



Photo 1 - Subject property existing dwellign looking south from West 21st Street.



Photo 2 - Subject property existing garage in front yard, looking east from Rochester Ave.



Photo 3 - Subject property line, existign dwelling with five foot rear setback, and area for expansion with five foot rear setback, looking south.



Photo 4- Subject property garage and accessory building in front yard of Rochester Ave. looking southwest.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

October 7, 2024

Case Number: 2025-DV1-041

Property Address: 9229 Walton Avenue (approximate address)

Location: Wayne Township, Council District #17

Petitioner: Pamela & Mark Farley

Current Zoning: D-A

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage and to legally establish detached accessory structures with a five-foot west side yard setback and a three-foot south rear yard setback (15-foot setbacks required) resulting in an open space of 84% (85% required).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the variances.

PETITION OVERVIEW

- 9229 Walton Avenue is a residential parcel that is zoned D-A and located near the boundary of Marion County and Hendricks County. Surrounding land uses include a multi-tenant commercial building to the north and residential uses in other directions (homes to the south are zoned D-3 for comparatively denser residential development).
- In 2024, the drainage permit DRN24-02761 was issued to allow for a new concrete slab in the approximate location of the detached garage now proposed. No applications for structural or Improvement Location permits were made concurrently with that drainage approval, and it does not appear that applicable zoning setbacks were consulted by the contractor or as a part of the drainage review. Additionally, two (2) smaller accessory structures exist on the site (one built in the early 90s and the other in the mid-00s) with areas below the threshold for requiring permit approval. However, setback restrictions would still be applicable for smaller accessory structures.



Department of Metropolitan Development
Division of Planning
Current Planning

- Approval of this variance would allow for construction of a 16' x 20' detached garage with a height of 8 feet in the location of the concrete pad already placed. The new garage would require a Variance of Development Standards for its proposed 5-foot setback (the D-A zoning district would require 15 feet). Two (2) additional variances would be needed to **(a)** legally establish the side and rear setbacks of the smaller accessory structures (5-foot to the west and 3-foot to the south) and **(b)** allow for an open space of 84% at the site (85% required by the D-A zoning district).
- This property is zoned D-A to allow for a variety of agricultural uses with a secondary provision for large estate development of single-family dwellings. The Comprehensive Plan recommends the site to the Suburban Neighborhood typology to allow for predominantly single-family housing interspersed with attached or multifamily housing where appropriate. The size and density of this and surrounding lots would seem to match the Suburban Neighborhood recommendation more closely than the D-A zoning of the subject site.
- Findings of Fact provided by the applicant indicate that the variance should be granted given that the concrete pad has already been poured and the similarity between this property and adjacent residential sites to the south and east zoned D-3. Although staff would not agree that having poured a concrete pad before securing all necessary permits for construction would constitute a site-specific practical difficulty, it is true that this lot is substantially undersized compared to the current minimum lot size for the D-A zoning district: the parcel is 15,860 square feet which would be only 12% of the D-A minimum of three (3) acres.
- If this property were zoned D-3 like nearby residential properties, no variances would be required related to open space (70% minimum) and the proposed side setback would only deviate from the D-3 requirement by one foot (6-foot side setback would be applicable). Given the practical difficulty caused by the undersized lot and that the proposed site layout would approximate dimensional standards applicable for nearby properties, staff recommend approval of the requested variances.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	C-3	North: Commercial
South:	D-3	South: Residential
East:	D-A	East: Residential
West:	D-A	West: Residential
Thoroughfare Plan		
Fullen Drive	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	



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

Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	08/10/2025
Site Plan (Amended)	N/A
Elevations	08/10/2025
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	08/10/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood living typology to allow for predominantly single-family housing interspersed with attached or multifamily housing where appropriate and supported by a variety of neighborhood-serving businesses and amenities.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2005ZON168 ; 55 S Raceway Road (north of site), rezoning of 5.46 acres, being in the C-3 and C-1 Districts to the C-3 classification to provide for neighborhood commercial uses, **approved**.

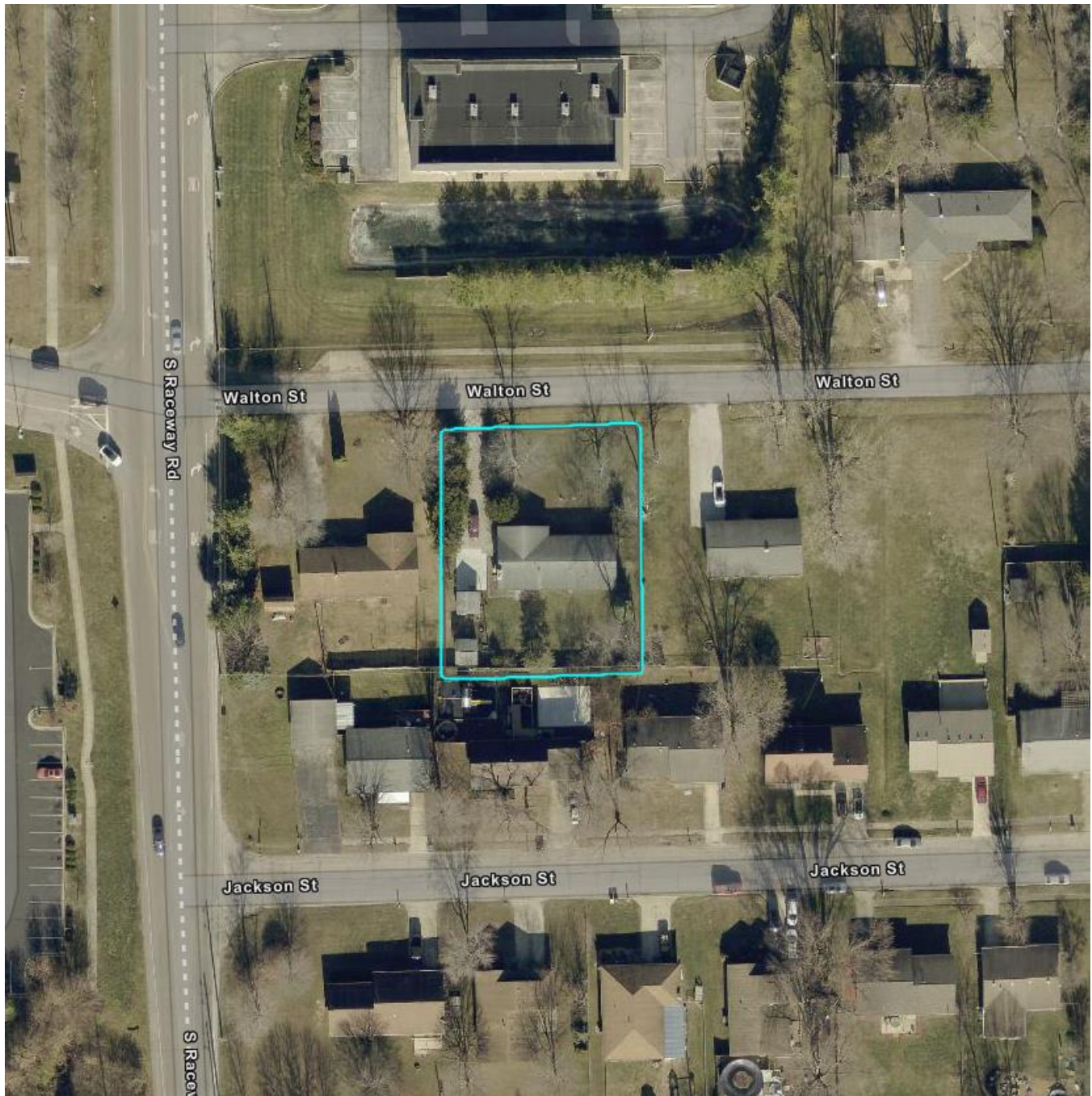
85-Z-76 ; 9213 W Jackson Street (south of site), rezoning of 1.3 acres, being in the A-1 district, to the D-3 classification, to provide for residential use.

85-UV1-8 ; 9213 W Jackson Street (south of site), variance of use of the Marion County Master Plan Permanent Zoning Ordinance to provide for the erection and use of three two-family residences, **withdrawn**.

71-Z-26 ; portions of the 8800-9300 blocks of Fullen Drive (south and east of site), rezoning of 26.51 acres, being in A-2 district to D-3 classification to provide for residential use by platting, **approved**.

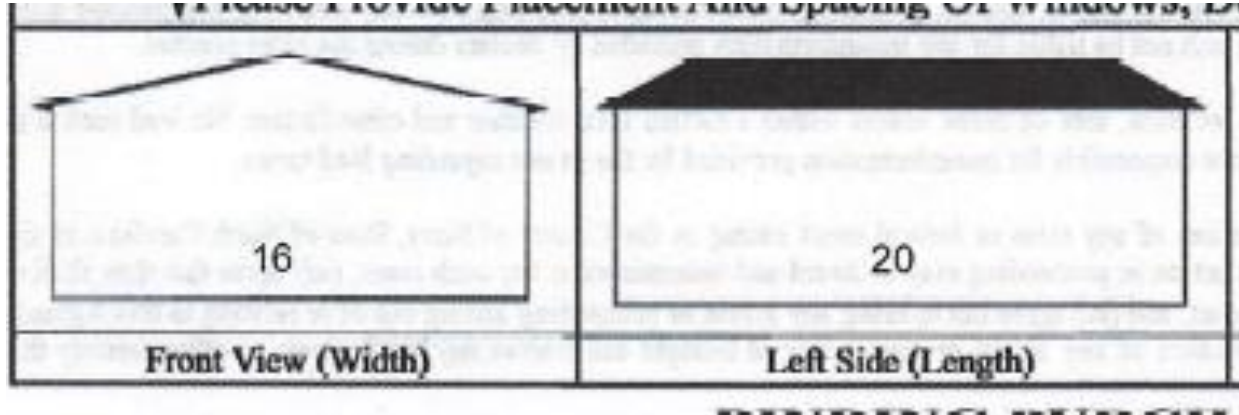
EXHIBITS

2025DV1041 ; Aerial Map





2025DV1041 ; Elevations



2025DV1041 ; Findings of Fact

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

PRIVATE GARAGE TO BE CONSTRUCTED TO ADD VALUE TO THE PROPERTY AND QUALITY TO LIFE.

NO ADDITIONAL TRAFFIC WILL BE GENERATED AS A RESULT OF THIS PROJECT.

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

PROPOSED GARAGE IS IN LINE WITH EXISTING DRIVEWAY ,SO NO VEHICLE WILL BE ANY CLOSER TO THE NEIGHBORS THAN THEY WOULD ALREADY BE WHEN SIMPLY PARKED IN THE GRAVEL DRIVEWAY.

GARAGE WITH WHITE EXTERIOR, ROOF PITCH AND HEIGHT OF SIDE WALLS MATCHING HOUSE WOULD BLOCK STREET VIEW OF "COUNTRY" TYPE SHED, AREA PROPERTIES SOUTH OF WALTON AV. (LIKE MINE) ARE ZONED D3 (6' SIDE OFFSET)

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

CONCRETE COMPANY FAILED TO DO THE RESEARCH OR GET THE PERMITS REQUIRED... YET POURED A PAD ANYWAY.

(POURED FOUNDATION PAD WOULD HAVE BUILDING WALL AT 5'-6" - ONLY 6" DIFFERENCE FROM THE 6' OFFSET OF ADJACENT D3.)
MOVING THE PAD IS NOT POSSIBLE. DESTROYING IT AND RE-POURING IS COST PROHIBITIVE.

2025DV1041 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Location of Proposed Garage

2025DV1041 ; Photographs (continued)



Photo 3: Proposed Garage Location Viewed from Northwest



Photo 4: Proposed Garage Location Viewed from Northeast

2025DV1041 ; Photographs (continued)



Photo 5: Adjacent Property to West



Photo 6: Adjacent Property to East (November 2024)



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

October 7, 2025

Case Number: 2025-DV1-045

Property Address: 5430 Central Avenue (approximate address)

Location: Washington Township, Council District #7

Petitioner: Robert & Christine Broughton, by Randall Green

Current Zoning: D-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition, including an attached garage, resulting in a 9.5-foot rear yard setback (20-foot rear setback required).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 5430 Central Avenue is a residential property within the Meridian Kessler neighborhood that is currently developed with a single-family residence and front-loaded detached garage that is placed within the rear yard (site is bordered by a vacated alley to the west). Surrounding land uses are also residential in nature, with a mix of detached and attached garages.
- Approval of this variance would allow for a building addition to be placed between the currently existing home and garage to create a new breakfast nook and attached garage with similar dimensions and location to the existing detached garage. Although there is a 5-foot rear setback exception within the Ordinance that is applicable for *detached* garages, this addition and connection would result in a new *attached* garage which would be subject to the typical D-4 rear setback of 20 feet. Therefore, a Variance of Development Standards would be required to permit the 9-foot setback that would result from the addition.

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

- This property is zoned D-4 to allow for low- or medium- intensity, single-family and two-family residential development with thoroughfare access, relatively flat topography, and nearby community and neighborhood services. Similarly, the Meridian-Kessler Neighborhood Plan recommends it to the Traditional Neighborhood typology to allow for a full spectrum of housing types within compact and well-connected development patterns. It does not appear that the proposed addition would run counter to relevant Infill Housing Guidelines related to building massing and size or spacing between buildings (the proposed northern setback is compliant).
- Since the proposed addition would maintain the architectural character of the existing residence and would align with surrounding development patterns, wouldn't alter the site's garage access while *increasing* the rear setback compared to the setback of the current detached garage, and would have minimal impact on adjacent property owners, staff recommends approval of the variance request for a minor deviation from the rear setback requirement.

GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-4	North: Residential
South:	D-4	South: Residential
East:	D-3	East: Residential
West:	D-4	West: Residential
Thoroughfare Plan		
Central Avenue	Secondary Arterial	60-foot existing right-of-way and 78-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	08/02/2025	
Site Plan (Amended)	N/A	
Elevations	08/26/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	08/26/2025	
Findings of Fact (Amended)	N/A	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Meridian Kessler Neighborhood Plan (2016)

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 Meridian-Kessler Neighborhood Plan recommends this site to the Traditional Neighborhood typology to allow for a full spectrum of housing types within compact and well-connected development that promotes social connectivity and with infill development continuing the existing visual pattern, rhythm, or orientation of surrounding buildings when possible.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2022DV2026 ; 5425 Central Avenue (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for detached garage with a three-foot north side setback (four feet required), **approved**.

2019DV1055 ; 420 E 55th Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with a three-foot west side setback (seven-foot side setback required), **approved**.

2017DV2023 ; 5401 N New Jersey Street (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a six-foot tall opaque fence, located within the clear sight triangle of the abutting driveway and 54th Street (not permitted), **approved**.

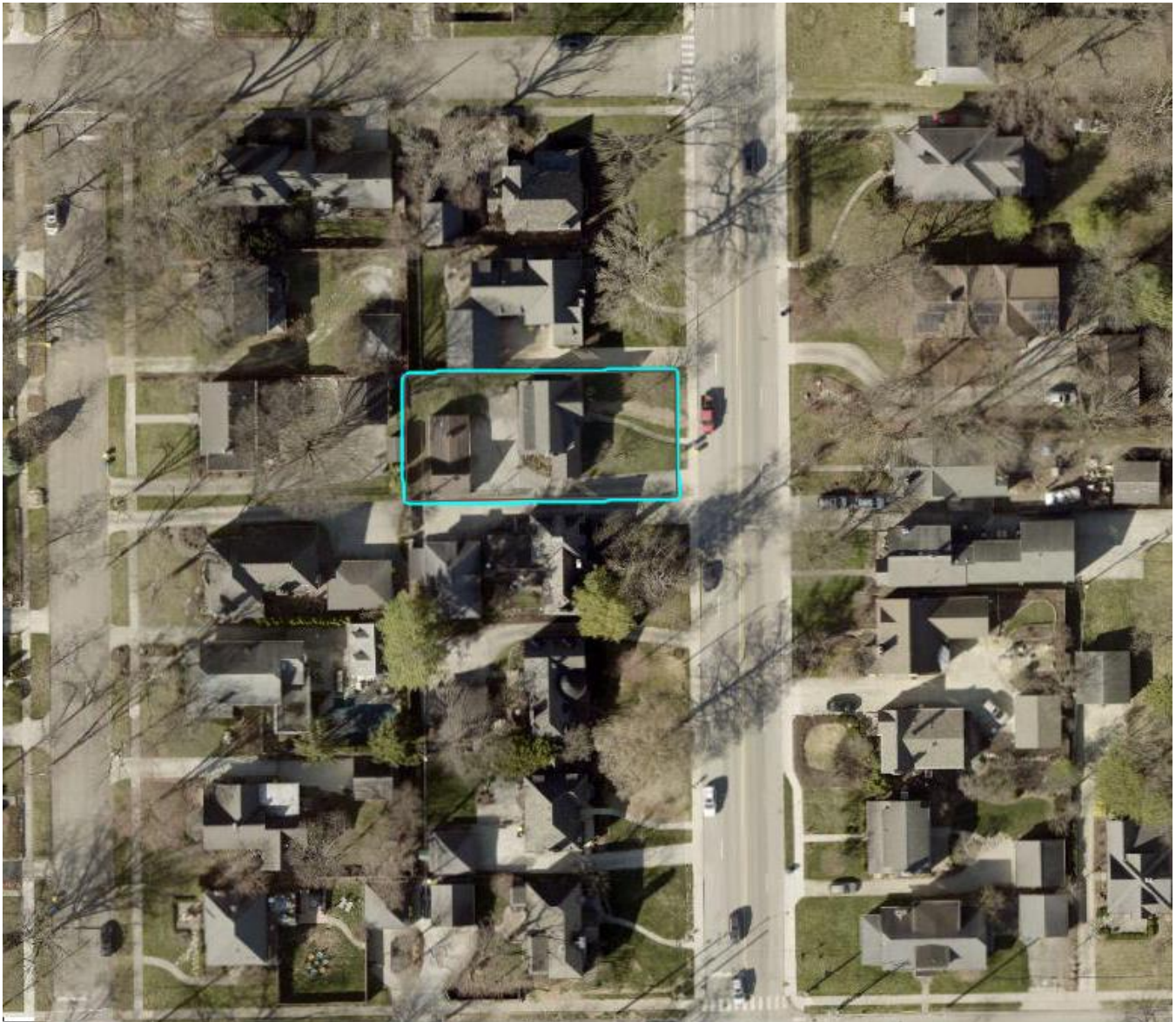
2006DV1028 ; 5427 Central Avenue (southeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 1,884 square foot single-family dwelling with a four-foot south side yard setback and a 13-foot aggregate side setback, and to provide for a 2,586-square foot building addition, with a four-foot south side yard setback, and with an eleven-foot aggregate side yard setback, **approved**.

2005DV1004 ; 5434 Central Avenue (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 2,572.58-square foot addition to an existing 1,990-square foot single-family dwelling, with a 2.5-foot south side yard setback, resulting in a 7.5-foot aggregate side yard setback, and a 12.25-foot rear yard setback, **approved**.

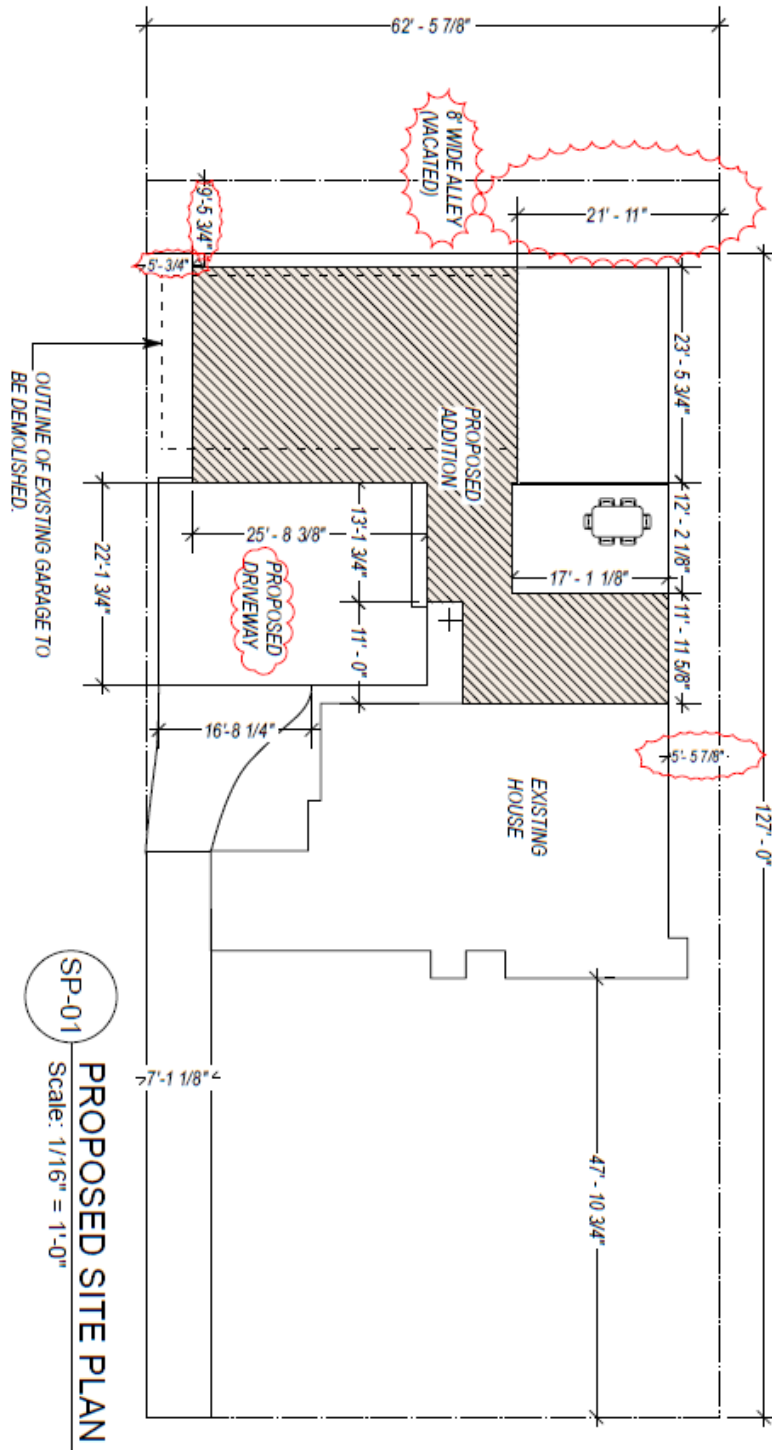
2002HOV043 ; 5411 Central Avenue (southeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 484-square foot detached garage with a three-foot rear and side yard setback, **approved**.

EXHIBITS

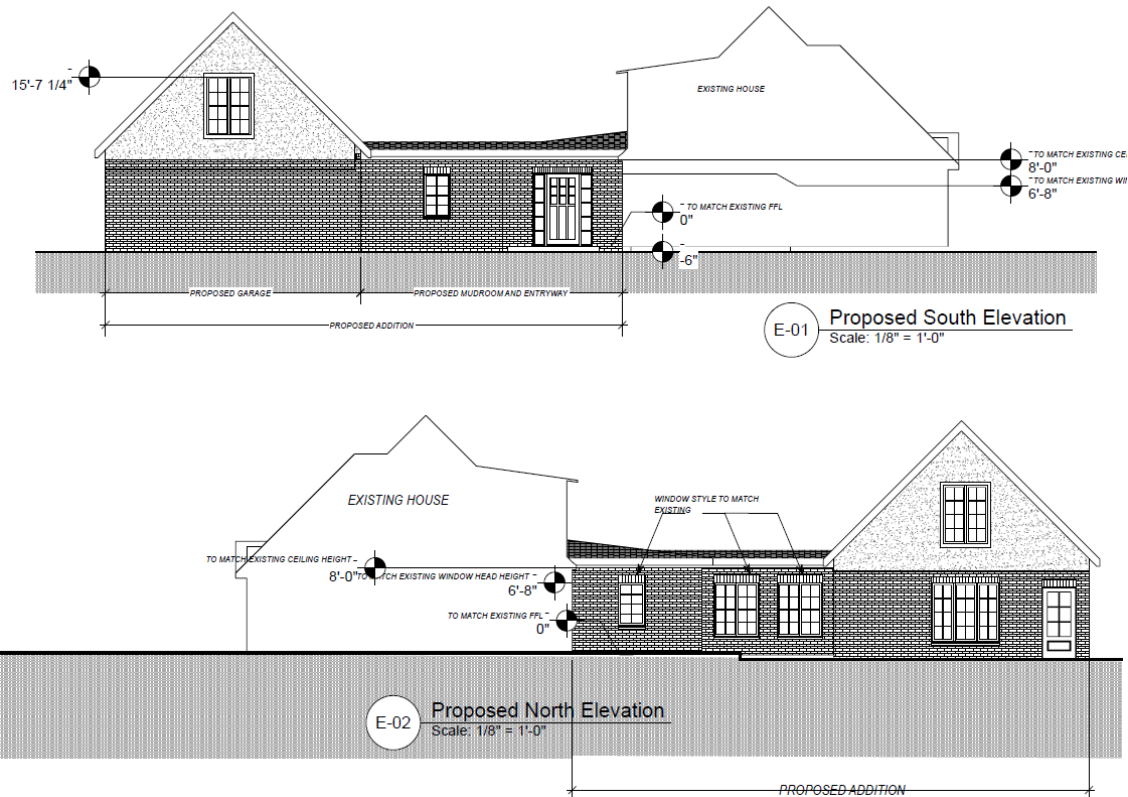
2025DV1045 ; Aerial Map



2025DV1045 ; Site Plan



2025DV1045 ; Elevations (from STR25-01169)



2025DV1045 ; Findings of Fact

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

The improvement to the property will not change the relationship it has to the community.

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

There will be a large investment into this property since the existing garage is derelict.

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

The existing detached garage causes difficulties during inclement weather. Having an attached garage will allow for a safer transition.

--

2025DV1045 ; Photographs



Photo 1: Subject Site Viewed from East



Photo 2: Existing Detached Garage Viewed from Southeast

2025DV1045 ; Photographs (continued)



Photo 3: Proposed Addition Area Viewed from Northeast ROW



Photo 4: Attached Garage for Adjacent Property to North

2025DV1045 ; Photographs (continued)



Photo 5: Adjacent Property to North



Photo 6: Adjacent Property to South

2025DV1045 ; Photographs (continued)



Photo 7: Adjacent Property to East



Photo 8: Adjacent Property to Northeast



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-DV1-047

Property Address: 5145 North Keystone Avenue (approximate address)

Location: Washington Township, Council District #2

Petitioner: DAST 2 LLC, by Joseph Lese

Current Zoning: C-7 (W-5)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation of an existing commercial building resulting in zero percent transparency along the north elevation, 19 percent transparency along the south elevation, a .08 Green Factor, an alternative interior parking landscape plan and 19 parking spaces (30 percent transparency required for areas of each façade within 50 feet of the right-of-way, 0.22 Green Factor and compliant landscaping required, 36 parking spaces required).

Current Land Use: Vacant Commercial

Staff

Recommendations: Staff recommends **approval** of the requested variances.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested variances.

PETITION OVERVIEW

- 5145 North Keystone Avenue is a parcel currently improved with a vacant commercial structure and small paved areas to the north and south accessed from Keystone located near the intersection of Keystone and 52nd Street. The previous use at the site was a furniture company that utilized the existing structure for retail sales with storage areas in the rear; it appears this use was discontinued between 2019 and 2022. The site is bordered by the Nickel Plate Trail to the east, a Dollar General store to the south, offices for a construction company to the north, and a vacant commercial structure to the west (formerly a billiard parlor). The proposed user for the existing space would be the offices for a talent agency (a permitted use within the site's C-7 zoning as well as within commercial zoning districts designated for less intense uses).



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

- The process of remodeling the existing structure for adaptive reuse as offices (primarily internal work) had begun without the issuance of permits, which resulted in a stop-work order associated with the violation case VIO25-005053. Issuance of an Improvement Location Permit would also be required due to minor building additions and the inclusion of marked parking spaces on the northeastern and southern portions of the site. Issuance of relevant permits would still be required regardless of the result of this variance petition.
- Per the most recent plans submitted, the following variances would be required to allow for the remodeling work and change in use to occur legally: **(a)** the portions of the northern and southern building façades furthest to the west would require windows or other transparency given their proximity to the Keystone frontage; **(b)** the proposed Green Factor and interior landscaping within parking areas would not meet current Ordinance requirements; and **(c)** the use would be supported by 19 parking spaces when the building's use and size would require 36 spaces. Although the width of existing access drives to the north and south of the site would remain unaltered and could be considered legally non-conforming, the abandoned sign along the western frontage of the site would not be allowed to remain abandoned by approval of this variance and could be cited if not removed.
- The property is zoned C-7 (High-Intensity Commercial District) to allow for specific areas for commercial uses which have unusually incompatible features relative to other commercial areas, such as major outdoor storage or display of sizable merchandise and trucks. However, the Comprehensive Plan recommends the site for comparatively less intense Community Commercial uses. The proposed adaptive reuse of this structure for offices would align with the comprehensive plan recommendation. The property is also partially within a Wellhead Protection Area.
- Minimum standards on building transparency exist to allow for storefronts that are inviting for pedestrians as well as viewable to law enforcement or emergency personnel responding to calls. Findings provided by the applicant indicate that the existing building utilizes load-bearing concrete blocks that would not be conducive to removal at the corners of the building for reasons of both price and structural integrity, and that additional transparent area would be added further to the east to partially compensate for this deficiency. Staff agrees that practical difficulty would exist to add transparency in these areas and would note that the western façade directly oriented to Keystone *would* meet transparency requirements per provided elevations. Staff recommends approval of the variances related to building transparency.
- Landscaping requirements exist to allow for aesthetically pleasing, environmentally beneficial, and sustainable development. Findings provided by the applicant indicate that existing levels of paving/impervious areas at the site and power lines along the western property line prevent placement of large trees or landscaping areas that would meet Green Factor requirements. Staff agrees that practical difficulty exists at the site given the adaptive reuse constraints, and that additional internal landscaping would likely impact the maneuverability of vehicles. Staff recommends approval of the variances to allow for the landscape plan within Exhibits below.



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

- Parking minimums exist to ensure that land uses within the County provide adequate parking facilities for their operation without the creation of negative externality for adjacent properties or public rights-of-way. Findings provided by the applicant in this regard indicate that their parking layout would help define property boundaries in a manner beneficial to neighboring sites, that internal bicycle parking would be provided to allow for alternate methods of site access from the nearby Nickel Plate Trail, and that the existing site and building layout would not allow for additional parking areas without complicating vehicle maneuverability. Staff agrees with these Findings and would note that in addition to the difficulty that results from the constrained site, the proposed user of a talent agency office would be unlikely to be a large traffic generator. Staff recommends approval of the variance related to parking.

GENERAL INFORMATION

Existing Zoning	C-7 (W-5)	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	C-7	North: Commercial
South:	C-7	South: Commercial
East:	C-3	East: Pennsy Trail
West:	C-5 / D-5	West: Commercial
Thoroughfare Plan		
Keystone Avenue	Primary Arterial	100-feet existing right-of-way and 104-feet proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	08/12/2025	
Site Plan (Amended)	09/11/2025	
Elevations	08/12/2025	
Elevations (Amended)	N/A	
Landscape Plan	09/11/2025	
Findings of Fact	08/12/2025	
Findings of Fact (Amended)	N/A	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Community Commercial typology to allow for low-intensity commercial and offices uses that serve nearby neighborhoods (such as small-scale shops, personal services, business services, groceries, etc.).

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

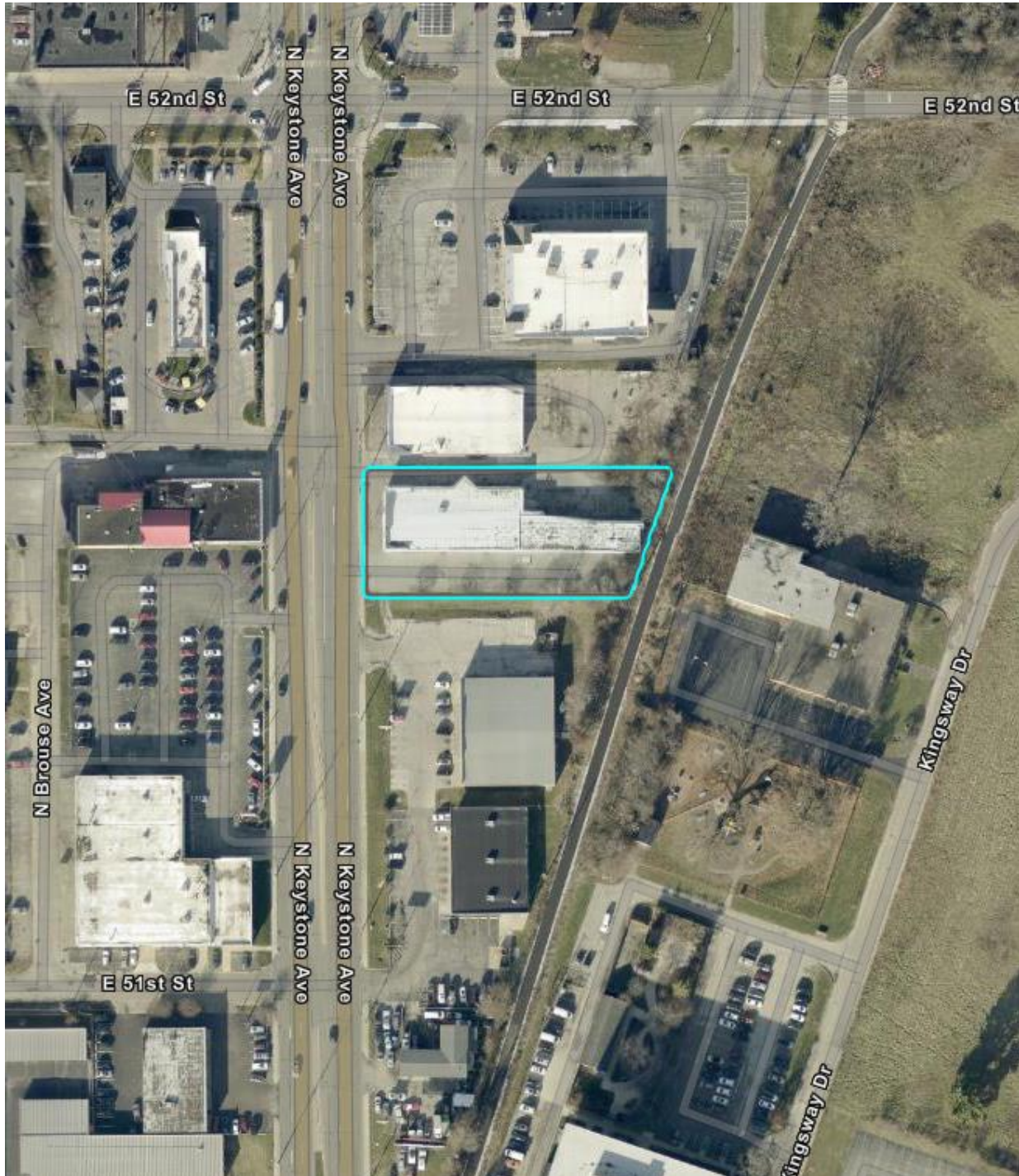
2011HOV024 ; 5198 N Keystone Avenue (northwest of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a building addition to a fast-food restaurant and a drive-through located within 54 feet and 70 feet, respectively of a D-7 zoned protected district (100-foot separation required), and to provide for parking, a storage shed and trash container, in an existing paved area, with a zero-foot west side transitional setback, without landscaping (20-foot transitional setback, with landscaping required), **approved**.

2010LNU005 ; 5102 N Keystone Avenue (southwest of site), Seeking approval for reduced front building setbacks, use of required front yards, and lack of landscaping in required front yards, **approved**.

98-V2-91 ; 5125 N Keystone Avenue (south of site), variance of development standards of the Commercial Zoning Ordinance to provide for the construction of 7,000 square foot commercial building with a rear yard setback of 1 foot (minimum 10 feet required), a northern side yard setback of 5 feet (minimum 10 feet required) and a dumpster within the required rear setback (not permitted), **approved**.

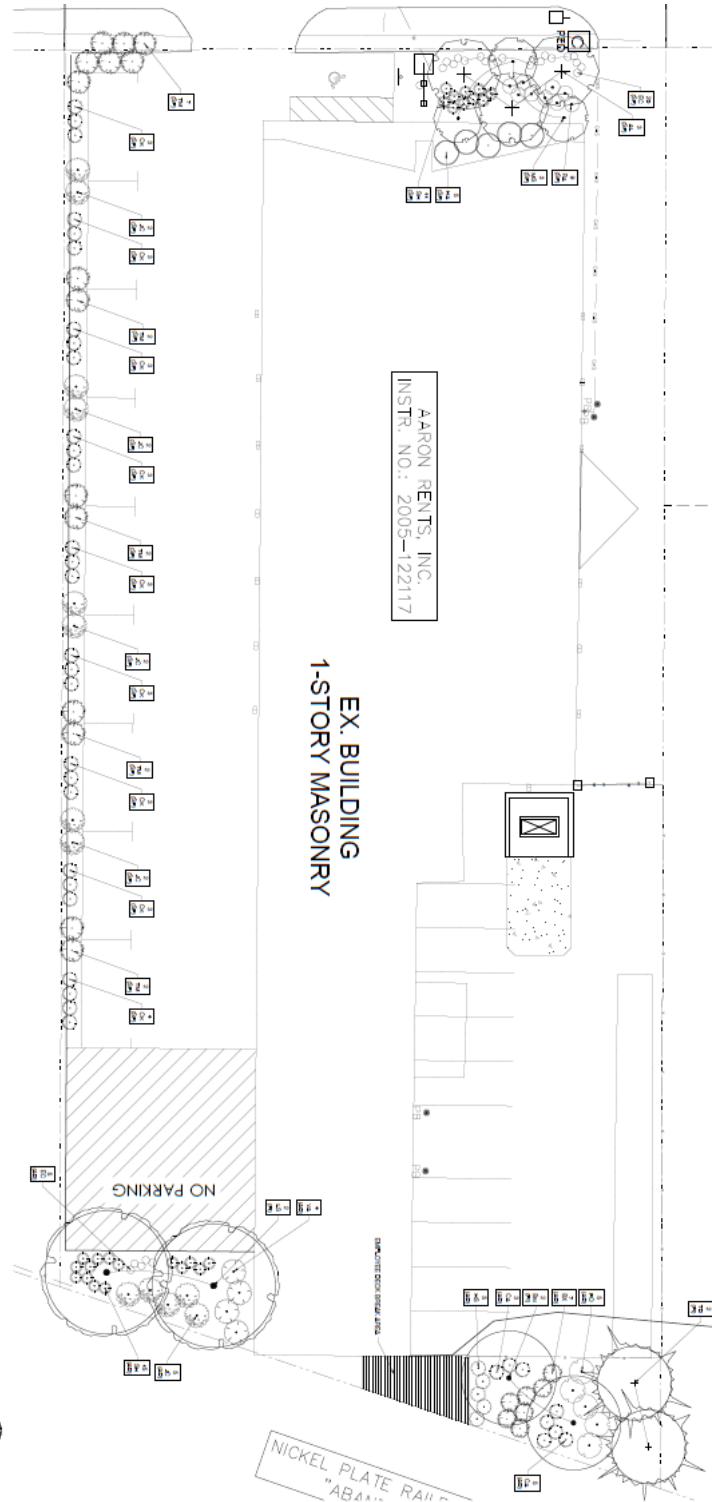
EXHIBITS

2025DV1047 ; Aerial Map

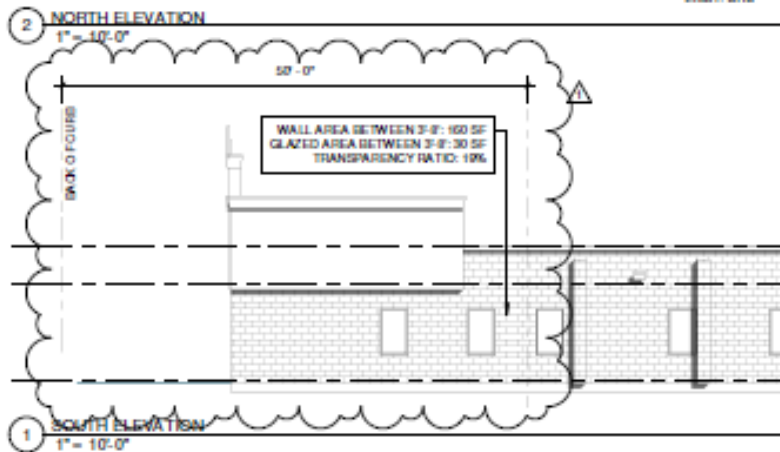
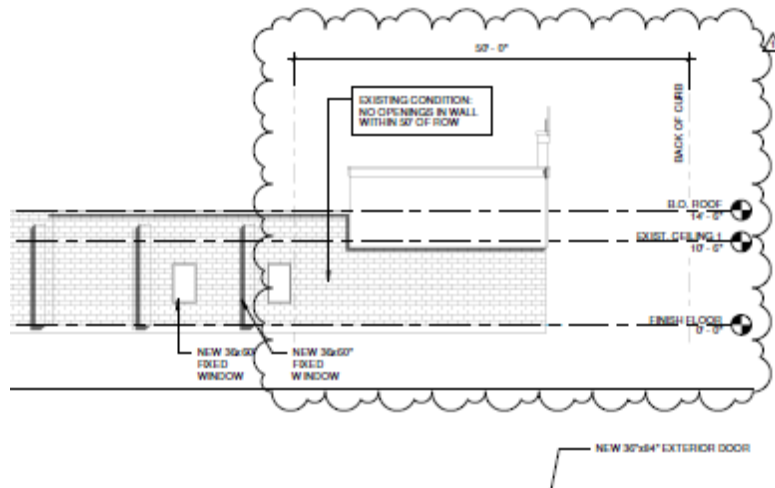
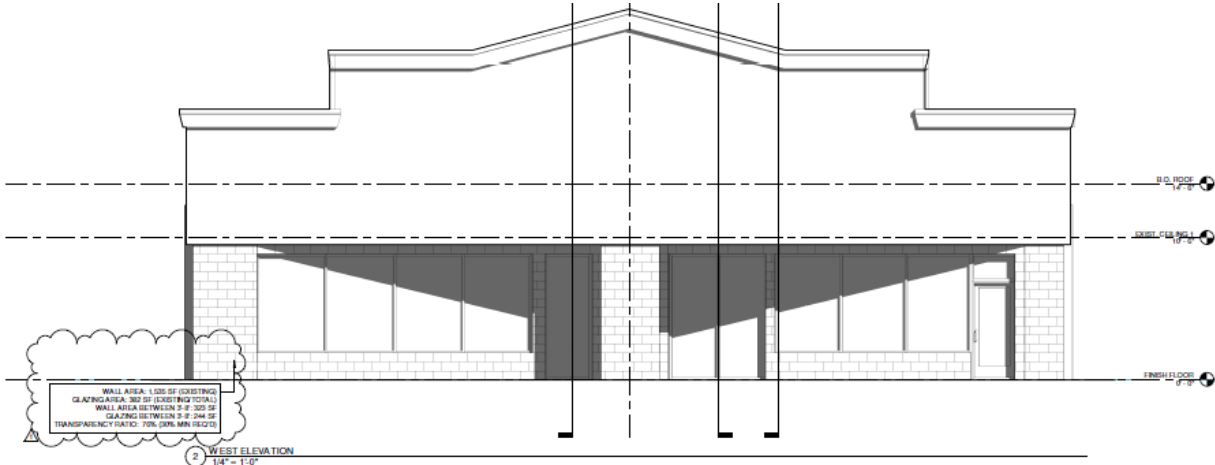


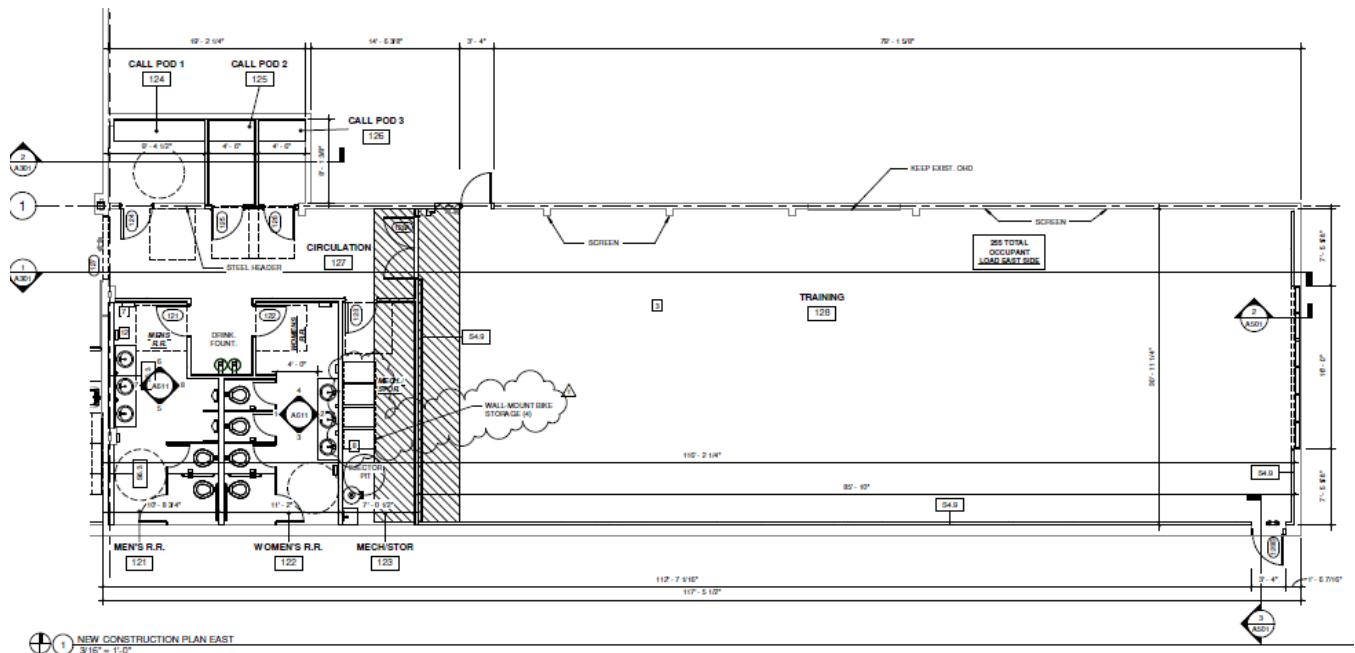


2025DV1047 ; Landscape Plan



2025DV1047 ; Elevations (west, partial north and partial south)







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

2025DV1047 ; Findings of Fact (Transparency)

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

The historical amount of storefront is being maintained in entirety to the west, where the bulk of the frontage view is visible from the street and sidewalk, and by not adding in windows would not change the appearance from what it is today and therefore not harm or injure the public. While new windows are not being placed within 50' of the right of way, new windows are being placed outside of it to bring in daylight to the employees of the business.

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:

not adding in windows in this particular spot has no bearing on the value of adjacent properties, and does not impact the adjacent property uses on either side. The values of adjacent properties will not be negatively affected because of the grant, but will likely realize either a stabilization in value or an increase due to the number of new windows being added along the north and south elevations.

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

of the structural nature of the building being primarily built out of concrete block in a loadbearing manner, creating that much transparency would require expensive structural modifications just to ensure the building's main facade and corners remain structurally sound as the building was not designed to have large gaps at the ends where the bulk of the shear (lateral) load of the building occurs during a westerly wind event. The owner has elected to add windows to the north and south elevations where practical, but it falls outside the 50' right of way boundary for the most part.

2025DV1047 ; Findings of Fact (Parking Space Quantity)

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

the existing paved area is being improved with striping of parking spaces to assist and guide with safe travel within the parcel, which improves the health, safety, morals and welfare of the public.

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 improvements help define the border of the property whereas prior it did not. This will ensure that visitors to the site will remain on the site, and not impact the adjacent properties to the north or south with use of their drive aisles or parking lots. The stabilization of the site will not adversely affect the values of adjacent properties as it will show financial investments into the property which will influence the image in a positive manner.

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

the parcel is constrained to the north and south with physical limitations, and the existing building presents internal physical constraints. By maximizing the number of parking stalls to the extent practical, while maintaining appropriate parking stall dimensions and drive aisles, this ensures ease of maneuverability within the site whereas increasing density to meet the quantity would impact both of those factors in a negative manner. With interior bicycle parking provided and being adjacent to the Nickel Plate Trail, this offers additional transit solutions for visitors to the site that can offset the parking space quantity deficiency presented.



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

2025DV1047 ; Findings of Fact (Internal Landscaping)

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

while interior landscaping is not being provided for the parking, landscaping is being provided where practical at the perimeter where the landscaping is most visible which will provide the most benefit to the public health, safety, morals, and general welfare which will result in the most impactful location when compared to the site layout.

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:

by not providing interior landscaping at the parking spaces, this improves maneuverability within the compact site and does not run the risk of unintended consequences such as drainage impacts to adjacent properties. By pushing the landscaping to the perimeter, the use of each property to the north and south are maintained and the values are either stabilized or improved by the improved streetscape and presence.

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

the site is constrained in the north-south direction between the parcel itself and the existing building, and providing interior landscaping for the parking lot would reduce further the required number of parking spaces needed to support the building. By pushing the landscaping to the perimeter and adding as much as possible, while maximizing parking spaces, this provides the best possible solution to support the functions of the building while enhancing the property's use, value, and appearance.

2025DV1047 ; Findings of Fact (Green Factor)

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

landscaping is being added where practical to a site that is 100% paved or impervious, which improves the public health, safety, morals, and welfare by improving the property's natural environment where possible. Adding in landscaping where possible will provide an improvement to the streetscape, stormwater drainage management, and air quality over what currently exists.

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 improvements are solely on the parcel and do not impact visibility, usability, drainage, and the like from adjacent parcels. The value of adjacent properties will stabilize or improve with the improvements to this property.

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

there is insufficient area of site to comply with the Green Factor without putting other functions of the site out of further compliance, most notably the off-street parking capabilities. The physical limitations of the site also preclude the project from planting large street trees and have forced the landscape design to be placed where practical and offer the best change for plantings to thrive.

2025DV1047 ; Photographs



Photo 1: Subject Site Viewed from Northwest



Photo 2: Subject Site Viewed from Southwest

2025DV1047 ; Photographs (continued)



Photo 3: Parking Area to South of Existing Structure Looking West



Photo 4: Existing Buffer from Nickel Plate Trail

2025DV1047 ; Photographs (continued)



Photo 5: Access Drive to North of Existing Structure Looking West



Photo 6: Parking Area to Northeast of Existing Structure

2025DV1047 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to South

2025DV1047 ; Photographs (continued)



Photo 9: Adjacent Property to Northwest



Photo 10: Adjacent Property to Southwest



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-DV1-048
Address: 8326 Southern Springs Boulevard (approximate address)
Location: Franklin Township, Council District #25
Zoning: D-3
Petitioner: Diana Allen-Johnson
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in an open space of 67 percent (70 percent open space required).

Current Land Use: Single Family Dwelling

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to open space requirements, are intended to maintain a consistent development pattern within residential districts by discouraging the overdevelopment of lots, and the resulting cluttered appearance that would negatively impact adjacent property owners.
- ◇ The development standards for single-family dwellings in the D-3 district are based on a minimum lot size of 10,000 square feet. This site is 7,548 square feet, or approximately 25% smaller than the required minimum lot size.
- ◇ Staff feels the reduced lot size creates a practical difficulty in meeting the minimum required open space requirements. In addition, the proposed addition would have no impact on the character of development within the surrounding area. Therefore, Staff is not opposed to the requested reduced open space.
- ◇ 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.



Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	D-3										
Existing Land Use	Single Family Dwelling										
Comprehensive Plan	1.75-3.5 Residential Units per acre.										
Surrounding Context	<table> <tr> <th><u>Zoning</u></th><th><u>Surrounding Context</u></th></tr> <tr> <td>North: D-3</td><td>Single-Family dwelling</td></tr> <tr> <td>South: D-3</td><td>Single-Family dwelling</td></tr> <tr> <td>East: D-3</td><td>Single-Family dwelling</td></tr> <tr> <td>West: D-3</td><td>Common Space</td></tr> </table>	<u>Zoning</u>	<u>Surrounding Context</u>	North: D-3	Single-Family dwelling	South: D-3	Single-Family dwelling	East: D-3	Single-Family dwelling	West: D-3	Common Space
<u>Zoning</u>	<u>Surrounding Context</u>										
North: D-3	Single-Family dwelling										
South: D-3	Single-Family dwelling										
East: D-3	Single-Family dwelling										
West: D-3	Common Space										
Thoroughfare Plan											
Southern Springs Boulevard	Local Street 52-foot existing and proposed right-of-way.										
Context Area	Metro area										
Floodway / Floodway Fringe	No										
Overlay	N/A										
Wellfield Protection Area	No										
Site Plan	August 20, 2025										
Elevations	N/A										
Landscape Plan	N/A										
Findings of Fact	September 9, 2025										

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 1.75-3.5 Residential Units per acre for the site.

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The I-65 / County Line Road Strategic Plan recommends 1.75-3.5 Residential Units per acre for the site.

Infill Housing Guidelines

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2004-DV1-011; 8417 Southern Springs Way (west of site), requested a Variance of Development Standards of Dwelling Districts Zoning Ordinance to provide for 333.34-square foot room addition resulting in a 11.70-foot rear yard setback, a twelve-foot aggregate side yard setback, and sixty-two percent lot open space, **denied**.

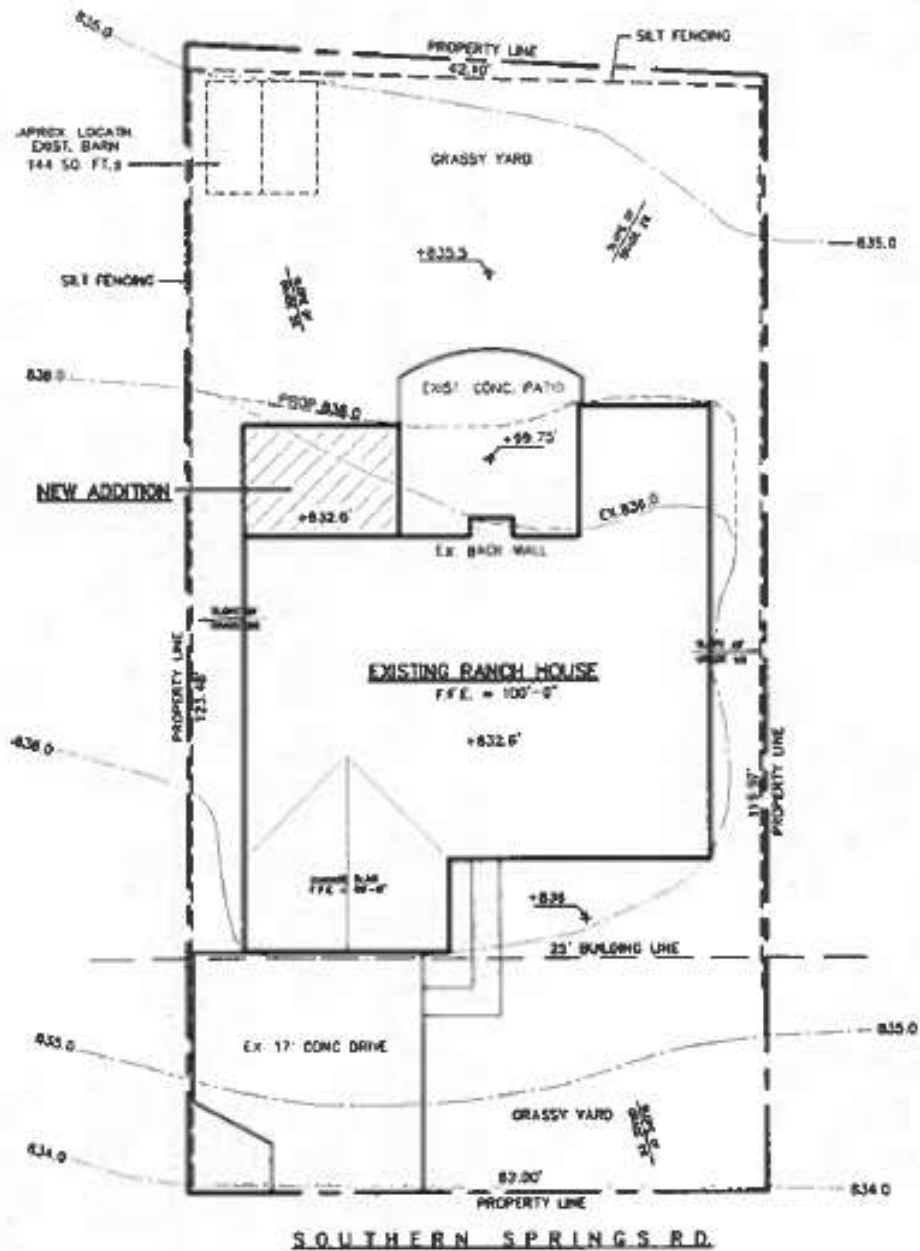
RU

EXHIBITS

Location Map



Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF 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 approval of 149 Sq. Ft. over the allowance for the property would add appeal to this house and the surrounding homes.

The impact will be positive the value and pride of home ownership in the subdivision.

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 205 Sq. Ft. room extension will coordinate with the aesthetics of the existing house and the neighbors houses.

This addition will potentially increase the value of the surrounding houses. The room extension will not change the appearance of the front of the house.

The construction of this extension will be completed by a bonded professional who has been in business for over 15 years.

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 site lot is approximately 7,550sf in size, smaller than the minimum lot size requirement of 10,000sf.

making it difficult to make appropriate improvements on the subject site.

Photographs



Photo of subject site, looking west.



Photo of rear of subject site, looking east.



Photo of proposed addition area, looking east.



Photo of adjacent open space, looking west

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-UV1-009

Property Address: 5330 West Morris Street (approximate address)

Location: Wayne Township, Council District #17

Petitioner: Adriano Montas, by Arnoldo Gonzalez Vasquez

Current Zoning: C-3 (TOD)

Request: Variance of Use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an Automobile, Motorcycle, and Light Vehicle Service or Repair facility, with outdoor storage of vehicles awaiting repair (not permitted), with eight parking spaces and zero bicycle parking spaces provided.

Current Land Use: Residential

Staff Recommendations: Staff recommends denial of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- The petitioner automatically continued this petition from the July 1, 2025 hearing to the August 5, 2025 hearing date.
- The petition was continued to the September 2, 2025 hearing due to insufficient notice.
- The petition was continued to the October 7, 2025 hearing.

STAFF RECOMMENDATION

- Staff **recommends denial** of this petition

PETITION OVERVIEW

- This petition would allow for the operation of an Automobile, Motorcycle, and Light Vehicle Service or Repair facility, with outdoor storage of vehicles awaiting repair (not permitted), with eight (8) parking spaces and zero bicycle parking spaces provided.
- The subject site is zoned C-3 (TOD) and is improved with a single-family residence and accessory garage structure. The site's residential improvements were legally-established via variance (2023UV1022).
- The automobile, motorcycle, and light vehicle service or repair use is classified as a C-4 use, as a natural element of these types of operations is the generation of automobile traffic to the site and

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

vehicular storage on the site. Additionally, the request to have outdoor storage of vehicles awaiting repair is not permitted in C-3 districts, due to the increase of intensity and large amount of space that is typically required for that type of use. With the subject site being historically and currently residential in nature, and smaller than typical C-4 lots, Staff believes that the request and proposed plan of operation to be far too intense for the site. Likewise, Staff finds the proposed uses to be wholly incompatible with the legally established residential uses. The incompatibility of these uses is further exemplified by the fact that Automobile, Motorcycle, and Light Vehicle Service or Repair is not a permitted use in any residential district and, conversely, no residential uses are permitted in any of the zoning districts that do permit Automobile, Motorcycle, and Light Vehicle Service or Repair.

- Further, with this site being mid-block along West Morris Street, which is largely residential at this location, Staff does not believe this to be an appropriate location for the proposed uses given the surrounding context. Likewise, Staff does not find the proposal to be in line with the Comprehensive Plan recommendation of Community Commercial. The Land Use Plan Pattern Book indicates that examples of uses within Community Commercial are small-scale shops, professional and business services, grocery stores, drug stores, restaurants, personal services, and public gathering spaces. Lastly, Staff sees this proposal as further infiltration of heavy commercial uses south of Washington Street into primarily residential areas. Staff believes that the proposal would put further pressure on adjacent residential properties to the east and south. Finally, Staff does not believe there to be any practical difficulty for needing the requested variances, as this site has been used in a compliant manner in the past, and believes that the site can continue to operate in a manner permitted by the Zoning Ordinance without the grant of variances. Therefore, Staff is opposed to the request and recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Residential/Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: SU-9	North: Government Grounds
	South: D-5	South: Single-Family Residential
	East: C-3	East: Single-Family Residential
	West: SU-9	West: Government Grounds
Thoroughfare Plan		
West Morris Street	Primary Arterial	56 feet right-of-way proposed and 56 feet right-of-way existing
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit-Oriented Development	

Wellfield Protection Area	No
Site Plan	1/9/25
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	1/9/25
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial working typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not applicable to the request

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

2023UV1022, Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for primary and accessory single-family uses and structures, including the construction of a detached garage, **approved**.

ZONING HISTORY – VICINITY

83-Z-131; 5401 and 5405 W Washington Street (north of site), requests Rezoning of 2 acres being in a C-5 district to the SU-9 classification to provide for a fire station and Township governmental offices, **approved**.

84-Z-199; 1149 South Lynhurst Drive (east of site), requests Rezoning of 0.99 acres, being in the D-3 district, to the C-3 classification to provide for the removal of existing improvements and the construction of a service station and convenience food market, **approved**.

84-UV2-84; 1130 South Lynhurst Drive (east of site), Variance of Use of the Commercial Zoning Ordinance to provide for the erection of a 26 x 40 foot garage to be used for storage of supplies and equipment for an existing automobile repair service, **approved**.

91-V3-98; 1229 South Biltmore Avenue (south of site), Variance of Development Standards of the Dwelling District Zoning Ordinance to permit the construction of an attached garage with a zero foot side yard setback and a six foot aggregate setback (4 foot side yard setback and a 10 foot aggregate required), **approved**.

92-V2-93; 5331 West Washington Street (north of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish an existing pole sign with a front setback of 6 feet from the right-of-way line of Washington Street (15 foot setback required) and a clear distance of 6 feet from the bottom edge of the sign to the grade (9 feet required), **approved**.

97-Z-60; 1205 South Lynhurst Drive (east of site), requests a Rezoning of the adjacent one-third of an acre D3 property to the C4 District to allow for the redevelopment of the site with a new Speedway convenience store, **approved**.

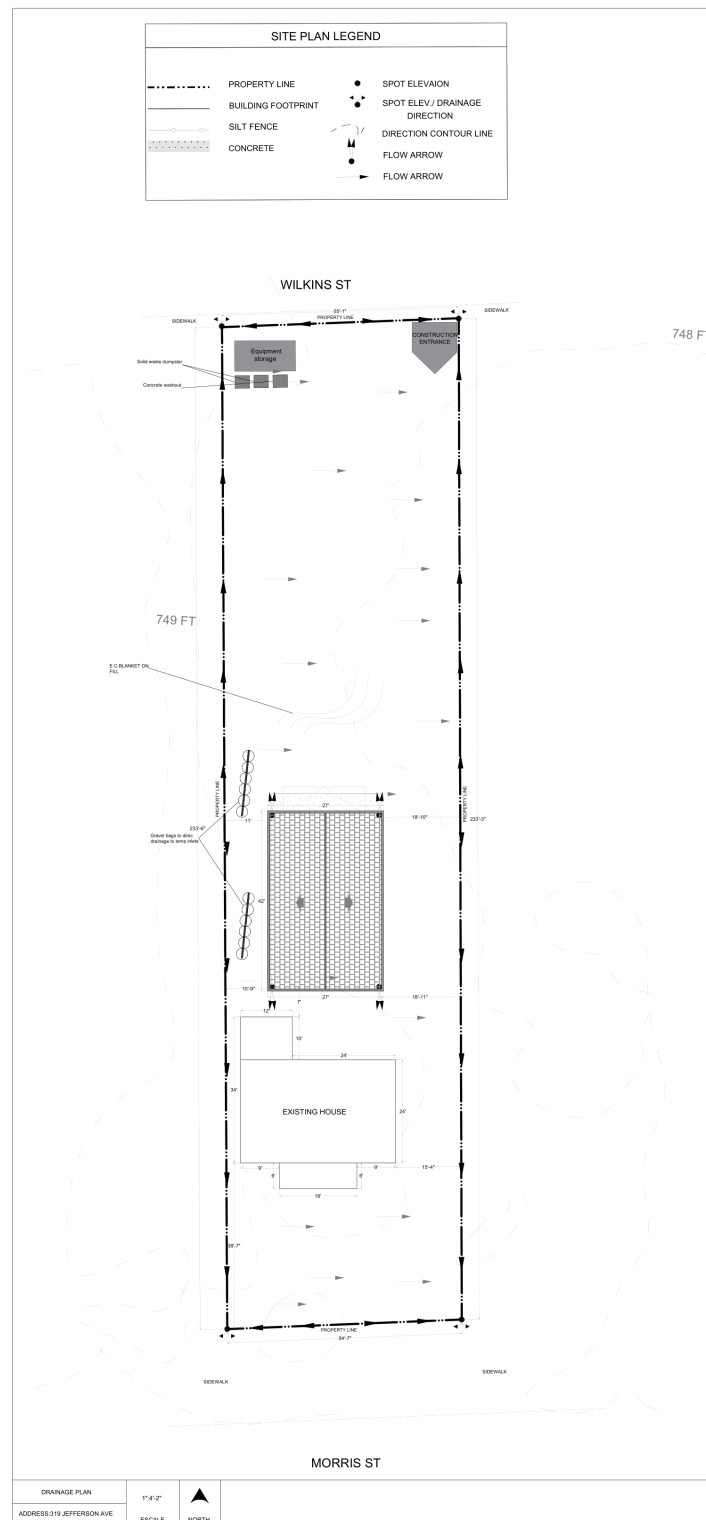
2005SE1004; 5515 West Morris Street (west of site), Special exception of the Dwelling Districts Zoning Ordinance to provide for a 1,144-square foot manufactured home, **approved**.

2011ZON086; 5334 and 5336 West Morris Street (west of site), Rezoning of 0.90 acres, from the C-3 District, to the SU-9 classification to provide for a parking lot for the Wayne Township government center, **approved**.

EXHIBITS



Aerial Photo



5330 W Morris Street Type of Commercial Activity and Plan of Operation.

Operations Plan for Zoning Variance Request: Residential to Commercial Use

Business Description:

The vehicle and truck accessory workshop is dedicated to the sale and installation of new and luxury automotive accessories, including rims and tires. Currently, we operate a fully equipped workshop where all vehicle accessory installations are carried out professionally. There are also plans to expand operations to include mechanical and bodywork services in the near future.

Current Services:

- Sale and installation of luxury rims and tires for vehicles and trucks.
- Installation of new automotive accessories (such as trim kits, spoilers, sound systems, among others).
- Basic preventive maintenance related to the installed accessories.

Future Services:

- Workshop expansion to offer mechanical services.
- Implementation of vehicle bodywork services.

Facility Description:

The workshop currently has 8 parking spaces, which are sufficient for current operations given the nature of services and expected customer volume. Accessory installations are carried out on-site, and the facilities are designed to ensure an efficient and safe workflow.

Facilities Overview:

- Workshop size: [Insert square meters].
- Parking: 8 customer parking spaces available.
- Current number of employees: 2 (with projected hires as the business grows).
- Equipment: Specialized tools for accessory installation, tire diagnostics, alignment and balancing systems, among others.

Future Expansion Plans:

- Expansion of the workshop to incorporate general mechanical services.
- Addition of a vehicle bodywork and paint area.
- Increase in staffing as services expand, including mechanics, bodywork technicians, and administrative personnel.

Impact of Zoning Change:

We are requesting a zoning change from residential to commercial to permit the operation of this automotive accessory workshop and the future expansion into mechanical and bodywork

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

services. The business will comply with all local regulations regarding noise, safety, and traffic, in accordance with zoning and commercial activity standards.

Considerations:

- The workshop will operate during standard business hours to minimize inconvenience to neighbors.
- The level of traffic generated will be moderate, as most customers are expected to arrive in personal vehicles.
- No substantial changes will be made to the existing structures, preserving the residential area's aesthetic.

Safety and Sustainability Plan:

1. **Site Safety:**
 - The workshop will be equipped with a security camera system to ensure the safety of employees and customers.
 - Proper signage will be installed to support traffic safety within the premises.
2. **Waste Management:**
 - An appropriate waste disposal system will be implemented for used tires, oils, and other chemical products.
 - All waste will be managed in accordance with local environmental regulations.
3. **Noise and Vibrations:**
 - All workshop activities will be conducted to minimize noise and vibrations in compliance with local noise restrictions.
4. **Accessibility:**
 - The workshop will provide adequate access for both vehicles and individuals with reduced mobility, in full compliance with accessibility regulations.

Growth Projections:

The business plans for gradual expansion, starting with automotive accessories and luxury tire sales, progressing toward a full-service mechanical and bodywork facility. It is anticipated that the zoning change will allow for greater customer outreach and local job creation.

1-Year Projections:

- Increase to 5 employees.
- Expansion of basic mechanical services.
- Growth in customer base and accessory sales volume.

3-Year Projections:

- Full development of mechanical and bodywork services.
- Greater business presence in the local community.
- Hiring of additional staff to support business expansion.



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

Conclusion:

We kindly request your consideration in approving the zoning change from residential to commercial use, enabling the growth and development of this business, which will contribute valuable to the local community and provide specialized services in the automotive industry.

We remain at your disposal for any questions or additional requirements during the evaluation process.

Sincerely,



Department of Metropolitan Development
Division of Planning
Current Planning

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

Zoning Compatibility: The proposed commercial use is consistent with the surrounding zoning regulations, ensuring it aligns with the area's planned development.

Increased Tax Revenue: The change will likely result in increased property tax revenues, which can be reinvested into public services and infrastructure.

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

Harmonious Integration: The proposed commercial use aligns with existing businesses or mixed-use developments in the area, ensuring a seamless transition from residential to commercial.

Economic Vitality: The presence of a well-maintained commercial property can stimulate local economic activity, making the area more attractive to potential buyers or investors.

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

Converting the property to commercial use would be consistent with the existing character of the area, which is already oriented towards retail and service activities.

Optimal Land Use: Utilizing the property for commercial purposes leverages its location within a commercially designated area, promoting efficient and appropriate land 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

The inability to convert the property to commercial use diminishes its market value and economic viability, especially when the surrounding area is thriving commercially.

Maintaining the property as residential in a commercial zone represents an underutilization of the land, leading to financial losses for the owner and missed opportunities for community development.

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

The comprehensive plan likely emphasizes economic growth. Granting the variance aligns with this objective by facilitating new business opportunities, increasing local employment, and contributing to the area's economic vitality.

By allowing commercial use, the property can offer essential services or retail options, improving residents' access to goods and services, which is often a component of a comprehensive plan's objectives.

DECISION

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

Adopted this _____ day of _____, 20 ____

Department of Metropolitan Development
Division of Planning
Current Planning



Subject site looking north from West Morris Street



Looking south from the alley



Looking south with the adjacent parking lot to the west



Looking north with the adjacent residence to the east



Looking south with the garage structure in the background



Rear gate from the alley



Looking north



Looking west down the alley

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-UV1-014
Address: 6805 Rockville Road (approximate address)
Location: Wayne Township, Council District #16
Zoning: D-2
Petitioner: Margarito Mendoza Galindo, by Tasha Roberts
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor and indoor storage of lawn care equipment, machinery, and materials (not permitted) and the installation of a six-foot tall fence and electric gate within the front yard of Eleanor Street (maximum 42-inch fence height permitted).

Current Land Use: Single Family Dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the September 2, 2025, hearing to the October 7, 2025, hearing due to deficient public notice.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ The Comprehensive Plan recommends Suburban Neighborhood uses for the subject site. The proposed outdoor and indoor storage of lawn care equipment, machinery and materials use would be permitted in the C-5, General Commercial Zoning District. The C-5 district is designed to provide for those retail and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

- ◇ The purpose of the D-2 district is to provide for use in suburban areas. Ample yards, trees and passive open spaces easily serving each individual lot are envisioned for this district. The D-2 district has a typical density of 1.9 units per gross acre. Two-family dwellings are permitted on corner lots in this district. This district fulfills the lowest density recommendation of the Comprehensive General Land Use Plan. Public water and sewer facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.
- ◇ Given the increase in intensity between the existing zoning and the proposed use, including the number of commercial equipment and machinery as outdoor storage, approval of this request would over-develop the site and facilitate the intrusion of general commercial uses into an established residential neighborhood. The request would encourage additional encroachment, in a manner violating the development norms and residential aesthetics of the street, and squarely deviating from the recommendations of the Comprehensive Plan.
- ◇ 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-2 and could be used by any number of uses permitted, by right, in the D-2 zoning classification. Any practical difficulty is self-imposed by the desire to use the site to provide for outdoor and indoor storage of lawn care equipment, machinery, and materials.
- ◇ The subject site is similar in size to other nearby properties, that are able to follow the comprehensive plan and zoning ordinance without the need for variances. Therefore, the Comprehensive Plan recommendation should not be disregarded, nor of the clearly residential nature of the surrounding area.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance permits a maximum fence and gate height of 42 inches within the front yard. The purpose of the height limitation is to create an open appearance along public rights-of-way, prevent blocking views at intersections, limit the negative visual impacts on adjacent properties, and prevent a canyonized effect of the streetscape.
- ◇ This parcel being in the Metro Context, would be consider both frontages along Rockville Road and Eleanor Street as front yard frontages, each having the maximum 42-inch fence height requirement.
- ◇ The height requirements are in place to limit bulk, create a consistent density and intensity, and keep the environment at a human-scale. This regulation limits the number of “walls” or abnormally tall structures that can be built to ensure neighborhood compatibility and to prevent unreasonable blockage of sunlight.
- ◇ The fence could be built as proposed in the front yard with a height of 3.5 feet, and additional supplemental plantings, which do not have a height limit, could be added to increase any needed barrier or security.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-3	Single-Family dwelling
South:	D-2	Single-Family dwelling
East:	D-3	Single-Family dwelling
West:	D-2	Single-Family dwelling
Thoroughfare Plan		
Rockville Road	Primary Arterial	135-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	April 18, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	April 18, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends the Suburban Neighborhood typology for the site.

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2017-UV3-016; 6675 Rockville Road (east of site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a mortgage business, **denied**.

2015-ZON-040; 6250 Rockville Road; requests rezoning of 0.36 acres from the D-2 District to the C-1 classification to provide for office uses; **approved**.

2013-HOV-029; 6696 Rockville Road; requests variance of development standards of the Sign Regulations to provide for a five-foot tall, 35-square foot illuminated ground sign; **granted**.

2011-UV3-005; 6345 Rockville Road; requests variance of use of the Commercial Zoning Ordinance to provide for a tattoo parlor within 500 feet of a protected district without the grant of a special exception; **denied**.

2010-UV2-006; 377 Rockville Road; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a copying, digital color printing, offset printing and related services and to provide for the construction of a 330-square foot carport, with a four-foot west side setback and with a rear graveled parking area with a six-foot west side yard and a zero-foot side east yard and a zero-foot rear south yard, in D-2; **granted**.

2007-DV1-060; 6714 Rockville Road; requests variance of development standards of the Sign Regulations to provide for a six-foot tall, 90-square foot, internally illuminated pylon sign within 56 feet of a protected district, and with a 10-foot front setback from the proposed right-of-way of Rockville Road; **denied**.

2006-HOV-052; 6714 Rockville Road; requests variance of development standards of the Sign Regulations to provide for a 16.375-foot tall 60.525-square foot pole sign within 66 feet of a protected district, in C-1; **withdrawn.**

2006-UV2-028; 6379 and 6383 Rockville Road; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for office uses and to legally establish a 408.8 square foot detached garage with a sixteen-foot front setback from the right-of-way of Mission Street, between the established front building line of the primary structure and the right-of-way of Mission Street, and a variance of development standards of the Sign Regulations to provide for a four-foot tall, twenty-square foot ground sign, in D-2; **denied.**

2004-UV3-035; 6501 Rockville Road; requests variance of use of the Dwelling Districts Zoning Ordinance and a variance of development standards of the Sign Regulations to provide for an insurance agency, and a 32-square foot ground sign; **denied.**

2004-UV3-032; 6502 Rockville Road; requests variance of use of the Dwelling Districts Zoning Ordinance to legally establish a doctor's office; **denied.**

2004-UV1-035; 6451 Rockville Road; requests variance of use of the Dwelling Districts Zoning Ordinance and a variance of development standards of the Sign Regulations to legally establish a religious meeting and counseling facility, with meetings of up to thirty people in the basement of an existing single-family dwelling, and with a seven-foot tall, sixteen square foot pylon sign within the right-of-way of Brandt Street and Rockville Road; **withdrawn.**

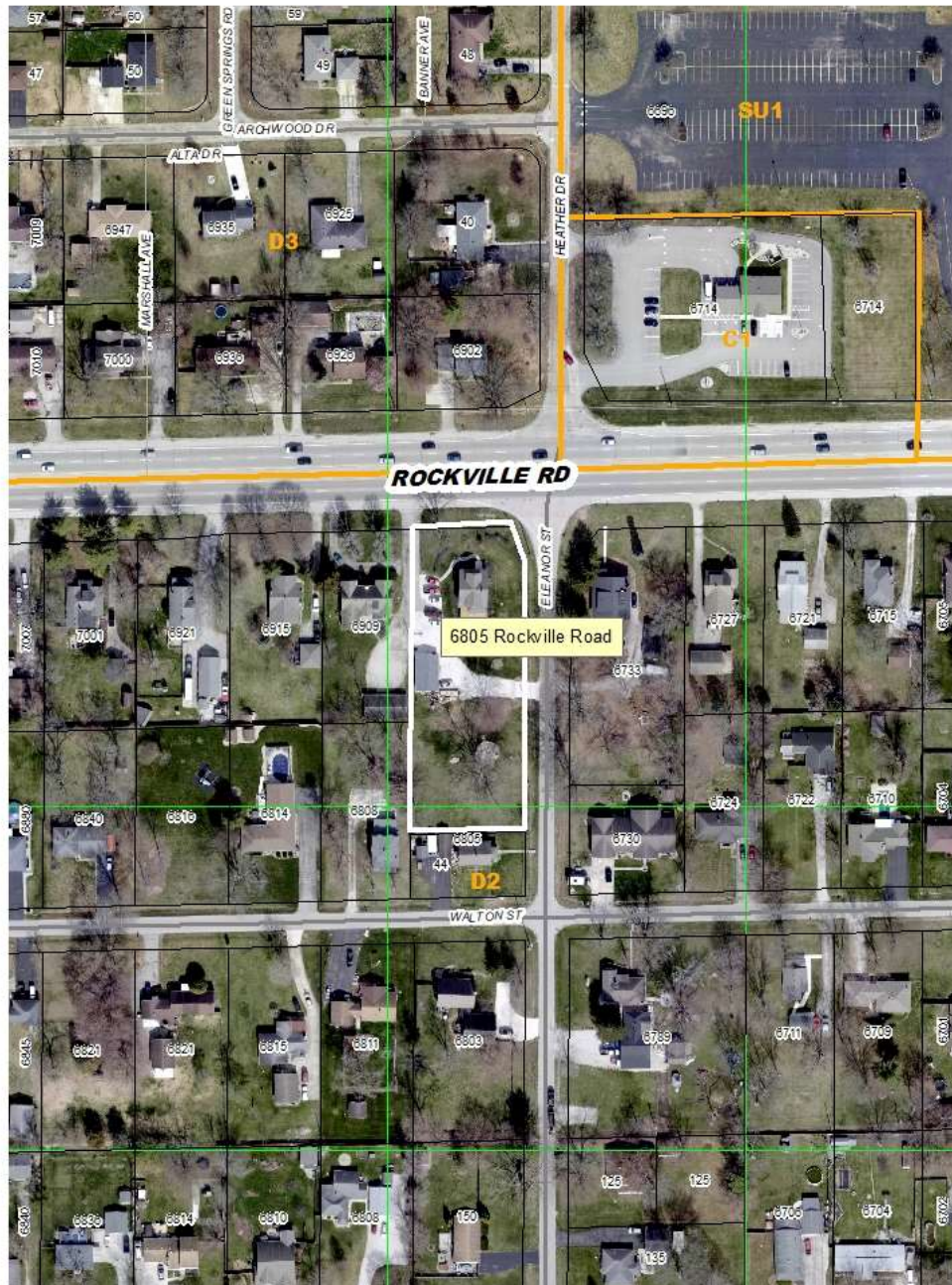
91-UV2-56; 6733 Rockville Road; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit an office for four attorneys and the placement of a 40-square foot animated sign; **denied.** (D intensity and precedent)

83-Z-115; 6710 Rockville Road; requests rezoning of 0.90 acre, being in the C-1 and D-3 Districts, to the C-1 classification to provide for a one-story office building; **denied.**

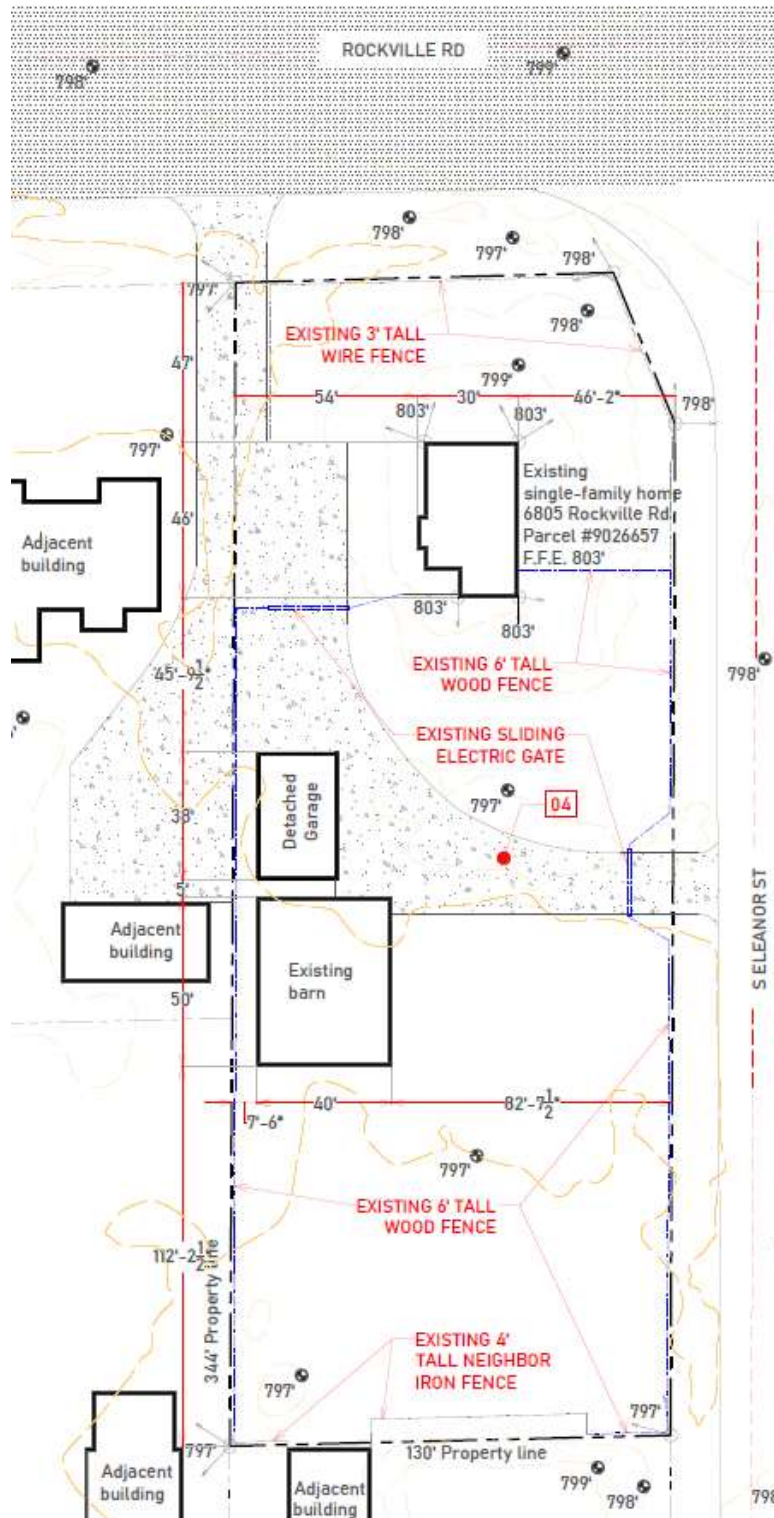
RU

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:

The fence is only a few inches higher than allowed by ordinance. The fence provides ample privacy between the owner and neighbors. The fence does not impair driver/traffic visibility.

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

The fence and barn are made of high-quality material and woodwork. The fence and barn increase property values rather than decrease them.

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

The existing fence and barn was constructed with assurances that it met code will have to be removed.

Photographs



Subject property looking south.



Subject property looking north from Eleanor Street.



Subject property looking west from Eleanor Street.



Adjacent Single Family Dwelling to the south of subject site, looking northwest.



Adjacent Single Family Dwelling to the east of subject site, looking north.



Adjacent Single Family Dwelling to the north of subject site.

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-UV1-016

Property Address: 9743 Indian Creek Road South (*approximate address*)

Location: Franklin Township, Council District #25

Petitioner: David & Margaret Sisk, by David A. Retherford

Current Zoning: D-A

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a lawnmower repair business with accessory outdoor storage and operations (not permitted), accessory structures with a two-foot western side yard setback and a two-foot rear yard setback (15-foot side and rear yard setbacks required), and a rear deck resulting in an open space of 82.5% (minimum 85% required), and one portable sign with an area of 6 square feet (not permitted), per filed plan of operation.

Current Land Use: Residential

Staff

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

Due to a miscommunication by staff, required written notice was not published within the Indianapolis Business Journal prior to the initial hearing scheduled for September 2nd. For this reason, the petition was continued by staff request to the October 7th hearing date of Division I.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 9743 Indian Creek Road South is a residential property that is currently improved with a single-family residence and four (4) accessory structures within the rear yard. Adjacent land uses are residential to the north, west, and south and undeveloped to the east. The four (4) accessory structures range in size from 80 to 192 square feet, and a chain-link fence exists along the southern portion of the site (no buffering exists along the western property line). A wooden deck is also partially constructed along the southern portion of the existing residence.

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

- The accessory structures, placed in the 1990s, are below the square-footage threshold for requiring Improvement Location Permits or permanent foundations but would still be required to comply with Ordinance standards for height, setbacks, and overall open space at the property.
- VIO25-003756 was opened in April 2025 because of an anonymous complaint filed with the Mayor's Action Center. That violation cited the property for various zoning non-conformities, including the operation of a lawnmower repair business with accessory outdoor storage within the D-A zoning district: the outdoor storage in question included lawnmowers and related equipment, vehicle parts (including tires and batteries), an unlicensed trailer, and miscellaneous items such as tarps and plywood. Additionally, the violation mentioned both the partial construction of a deck without the required permits and placement of portable signage (full text within Exhibits).
- Approval of this variance would allow for **(a)** the continued operation of a lawnmower repair business with outdoor storage and operations per the filed Plan of Operation; **(b)** legally establishing the accessory structures at the site with setbacks two (2) feet away from property lines to the west and south (15-foot separation required); **(c)** construction of the deck which, in conjunction with the other primary and accessory structures, would result in an open space of 82.5% (85% required); and **(d)** placement of a portable sign advertising the business.
- The subject site is zoned D-A to allow for a variety of agricultural uses as well as for large estate development of single-family dwellings. The Pattern Book recommends it to the Suburban Neighborhood living typology to allow for predominantly single-family housing supported by a variety of neighborhood-serving businesses, institutions, and amenities. The Plan recommendation is for a greater residential density than the Rural or Estate Neighborhood typology, and no residential zones or typologies contemplate the placement of contractor uses or accessory outdoor storage related to contractor uses (a heavy commercial or industrial use).
- The Plan of Operation filed by the petitioner indicates that their business would be limited to the owner-occupant and would operate from late February to late October with hours from 8 AM to 6:30 PM. Operation of the business would include sharpening, minor welding, and repair of engines both within the accessory buildings as well as within outdoor areas surrounding those buildings near adjacent properties to the west and south (see site plan within Exhibits). Any drop-off and pickup of mowers or equipment would utilize the residential driveway, and that mower engines would be left running at idle "except for short periods of time as necessary".
- Regulations on the placement of heavy commercial primary uses and outdoor accessory uses (and signage advertising those uses) exist to ensure that residential areas remain distinct from areas contemplated for more intense development and to limit negative externalities of noise, dust, odor, etc. on adjacent properties. The continued operation of this use would result in a continuation of those negative externalities with limited buffering and setbacks that have already resulted in three (3) separate complaints about this property. Staff would also note that no undue hardship exists that would preclude this property from alternate use (residential), and that site-specific practical difficulty hasn't been identified for the variances of development standards.

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

- Although the substandard size of the D-A lot (0.36-acre when 3 acres are required) might limit the size of a new residence or addition, staff would note that the current reduction in setbacks that is being requested and the open space variance are only needed based on the desire for an accessory deck *and* four (4) separate buildings associated with the heavy commercial use.
- The proposed contractor use involving outdoor repairs and lawnmower noise and odors would be very near adjacent residences with minimal buffering. Practical enforcement of the noise restrictions within the Plan of Operation would also be difficult, and staff would note that the previous placement of structures without permanent foundations within required setbacks would be a self-imposed difficulty. Staff recommends denial of the proposed variances.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-A	North: Residential
South:	D-A	South: Residential
East:	D-A	East: Undeveloped
West:	D-A	West: Residential
Thoroughfare Plan		
Indian Creek Rd S	Primary Collector	40-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	06/27/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	06/27/2025	
Findings of Fact (Amended)	08/25/2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommend this site to the Suburban Neighborhood living typology to allow for predominantly single-family housing supported by a variety of neighborhood-serving businesses, institutions, and amenities. Heavy commercial uses such as a contractor and outdoor displays and operations are not contemplated for the typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2021HOV012 ; 9755 Indian Creek Road S (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and attached garage with a 30-foot front setback, 19-foot and 20-foot side setbacks, a 43-foot rear setback and 69% open space (35-foot front setback, 35-foot side setback, 75-foot aggregate side setback, 75-foot rear setback and 85% open space required), **approved**.

EXHIBITS

2025UV1016 ; Aerial Map





2025UV1016 ; Notice of Violation (VIO25-003756)

Section 740 -1005.A.1. Civil Zoning Violation

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-903.G.5. - Portable signs are prohibited).

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

Specific Violation: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for a deck exceeding 18 inches in height).

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

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

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

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

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

Specific Violation: The outdoor storage of vehicle parts in any zoning district, the provisions of which do not specifically permit such a use; (Vehicle tires, battery, and other miscellaneous vehicle parts throughout the property).

Section 740 -1005.A.5. Civil Zoning Violation

Specific Violation: The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, holding landscaping or construction equipment...lawnmower and lawncare equipment).

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

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

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

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Outdoor storage and operations is not a permitted accessory use in a D-A zoning district...lawnmowers, lumber, plastic piping, hand dollies, etc.).

2025UV1016 ; Plan of Operation

1). Operation: Petitioner will operate a small seasonal lawn mower repair business, including sharpening, minor welding, and small engine repair and associated uses on the subject property.

2). Details of Operation:

A. The four existing accessory buildings (without foundations) located behind the Petitioner's residence (the "buildings") and also the outdoor concreted, stone covered, or grass covered areas generally abutting those buildings comprise the "Operations Area" shown on the Site Plan. The Operations Area is the only area on the site in which the authorized uses may be performed.

B. The storage of mowers, equipment, the Petitioner's lightweight single axle trailer, tools, parts, and associated material shall be permitted only within the Operations Area.

C. The drop-off and pickup of the mowers/blades/projects worked on will generally occur using the existing driveway in front of the residence. This drop-off and pick-up activity, and transferring the items to and from the driveway and the Operations Area are the only significant activities related to the work authorized by this use variance that are allowed to occur outside of the Operations Area.

D. For clarity, the office related work associated with the permitted uses shall occur in the Petitioner's residence, on the site; and that activity shall not be considered a significant activity.

3). Limits on Days and Hours of Operation: The uses authorized by this variance are a seasonal business, generally commencing when it starts warming up in late February or early March, and slowing down through the Fall until the mowing season generally ends around late October. On the days the work is done, it shall not start any earlier than 8:00 AM and shall not continue any later than 6:30 PM.

4). Owner to Reside On-Site: The business will be owned and managed solely by the Petitioner David Sisk, and in any case the variance of use shall expire at the time David Sisk no longer resides in the residence on the subject property.

5). Sign: During the season in which the business operates, the Petitioner shall be permitted to install a yard sign (not larger than 2' X 3' in the front yard, advertising the services offered and the contact phone number.

6). Limit on Employees: The Petitioner David Sick is the only employee permitted to work for the business authorized hereby.

7). Limit on Growth: The Operations Area shown on the Site Plan shall not be enlarged, and while the existing buildings may be maintained, moved, or even replaced, the total square footage of buildings within the Operations Area shall not be increased.

8). Noise: To reduce the possibility that noise related to the operation of the business could negatively impact the abutting property owners:

i. No equipment being repaired in the business shall be left with the motor running continuously outside for more than a 10 minute long period of time.

ii. Motors being tested outside shall generally have the motor running at idle except for short periods of time as necessary.

9). Trash: No trash generated from the operation of the business shall be allowed to accumulate outside of the residence or the buildings within the Operations Area.

2025UV1016 ; Findings of Fact (Use)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The business has operated from this site for approximately 15 years without creating any such injury, and permitting the property to continue to be used by the owner who also resides on the site, with the restrictions on the business operations as set forth in the Plan of Operation, presents no reasonable risk of any such injury.

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: Several potentially impacted neighbors have signed a Petition in Support of the requested variances stating that they are aware of what is being requested, and that in their opinion the approval of the variances will not create such substantial adverse impact on their property or any others in the area. The property to the South is approximately 45 acres containing an existing power station which is owned by AES. The variance is also temporary. It expires when the Petitioner either moves away or is unable to operate the small business by himself; and he is already past retirement age. The Plan of Operation limits the operations significantly, and the business has already operated at this same site under basically the same rules for over 15 years without creating any such impact. The presence of the petitioner's home directly in front of the area in which the business operates makes it unlikely that the Petitioner would operate the business in a manner that would negatively impact his own property.

3. The need for the variance arises from some condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood because: The subject property is easily large enough to accommodate a seasonal part time business on a small scale such as this one. This type of setup with existing small buildings and a confined space in the backyard is unique in that it allows a low enough overhead to allow these types of services to be provided at a reasonable price. As shown by the support from the community, the need is significant for someone with the Petitioner's knowledge and experience to provide these types of repairs and sharpening; and since the Allied Appliance business in Wanamaker went out of business two years ago the Petitioner is likely the last option available on the far southeast side of Indianapolis.

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 site is large enough to easily and safely support this type of seasonal small business as an accessory use without negatively impacting others, but rezoning it to a commercial classification would not make good planning; both because the primary use remains residential, and adding such a small area of commercial to accommodate the small Operations Area in play here would be spot zoning. Approving the variance permits a small, seasonal temporary use for the Petitioner only. Without a variance the Petitioner would have to stop providing services which supplement his retirement but which also provide a unique and valuable benefit to the citizens in Franklin Township who need the services he provides.

5. The grant does not interfere substantially with the Comprehensive Plan because: The is comp planned for Suburban neighborhood, but the undeveloped property to the East and South is proposed for large lot farm type uses or utility expansion. As limited by the Plan of Operation this short term, seasonal temporary variance is not likely to impact the manner in which the existing large lot homes to the North and West, or the undeveloped areas to the South and East are used or developed.

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

2025UV1016 : Findings of Fact (Setbacks, Open Space & Signage)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Permitting the existing buildings to remain as they have been placed over 15 years present no reasonable likelihood of such and injury, and during the 15 years they have been in these locations not such injury has yet occurred.

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 two abutting neighbors who could be impacted by these buildings remaining in their current location have signed a Petition in Support of the requested variances stating that they are aware of what is being requested, and that in their opinion the approval of the variances will not create such substantial adverse impact on their property or any others in the area. The accessory building on the property to the South is similarly close to the property line without causing any such impact.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The four buildings all packed closely together in this corner of the subject property, plus the related abutting concrete pad and stone covered areas, plus the various associated decorative landscape beds, have all existed at their current locations for at least 15 years without causing problems for anyone. These buildings and the area surrounding them are mostly full of personal items and some parts, tools and equipment related to the small business which the associated use variance addresses. If the two buildings in question have to be moved to comply with the applicable side and rear yard setbacks, the entire associated area which has been created by the Petitioner over a forty year period would have to be rebuilt. In addition, all of the items in the buildings would have to be removed and then placed back in the buildings. The combined burden imposed upon the Petitioner if the ordinance is strictly enforced is not justified by the resulting benefit to the abutting properties or the community at large.

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: A minor reduction in the open space on this site in order to permit the Petitioner to complete the partially completed deck on the back side of the home presents no reasonable likelihood of such injury.

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 only two abutting neighbors who could possibly be impacted by the completion of the deck have signed a Petition in Support of the requested variance stating that they are aware of what is being requested, and that in their opinion the approval will not create such substantial adverse impact on their property or any others in the area. The completion of the deck is more likely to improve property values than reduce them.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The open space ratio for D-A zoned parcels was created based on a 3 acre minimum lot. As a legally established non-conforming lot that only contains .48 acres, a practical difficulty is created if the same ratio is used. Without a variance, the Petitioner would be unable to complete the same proposed deck which would easily be in compliance with the ratio if the lot was even close to the 3 acre lot size assumed by the ordinance.

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Permitting the petitioner to seasonally display the proposed small sign describing the services offered by the seasonal business approved via the companion use variance, which said sign is similar in all dimensions to a typical real estate For Sale sign, presents no reasonable likelihood of such injury.

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 only two abutting neighbors who could possibly be impacted by the display of the sign have signed a Petition in Support of the requested variances stating that they are aware of what is being requested, and that in their opinion the approval will not create such substantial adverse impact on their property or any others in the area.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The ordinance permits temporary yard signage at the same size and location as what the Petitioner is proposing, but letting the public know that "mower repair, sharpening and minor welding" are offered by the Petitioner's seasonal small business approved via the companion use variance is not a purpose for which the existing ordinance permits yard signs on D-A zoned property. Therefore, without a variance the Petitioner would not be able to display the informational sign needed during the periods when his seasonal business is operating, as described in the approved Plan of Operation.

2025UV1016 ; Photographs



Photo 1: Subject Site Viewed from North (July 2024)



Photo 2: Adjacent Property + Subject Site Viewed from Southwest on Hickory Road (May 2025)

2025UV1016 ; Photographs (continued)



Photo 3: Existing Signage at Subject Site (April 2025)



Photo 4: Rear Yard Structures + Work Area (April 2025)

2025UV1016 ; Photographs (continued)



Photo 5: Outdoor Mowers + Proposed Deck (April 2025)



Photo 6: Additional Outdoor Equipment (April 2025)

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-UV1-017

Property Address: 7323 East Hanna Avenue (approximate address)

Location: Franklin Township, Council District #20

Petitioner: Hanna Haunted Acres Inc., by David A. Retherford

Current Zoning: D-A

Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a seasonal indoor and outdoor commercial recreational use, including the sale of alcoholic beverages, subject to the filed plan of operation (not permitted).

Current Land Use: Commercial / Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

Due to a miscommunication by staff, required written notice was not published within the Indianapolis Business Journal prior to the initial hearing scheduled for September 2nd. For this reason, the petition was continued by staff request to the October 7th hearing date of Division I.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 7323 East Hanna Avenue is a residential property that is approximately 78 acres in size and is improved both with a permanent single-family residence as well as various structures, improvements and temporary parking facilities associated with a seasonal indoor and outdoor “haunted” attraction. The indoor and outdoor recreational uses were permitted by the zoning petition 2009-UV2-017, which also allowed gravel parking and a freestanding sign for the use and was subject to the plan of operation and numerous commitments. The site is intersected by the Big Run Creek and is bordered by either undeveloped land or residential subdivisions on all sides.
- Approval of this petition would allow for an expansion of the current seasonal indoor and outdoor recreational use, both in terms of the frequency of the operation and the number of associated structures and outdoor operation areas. Previous variances for the sign and gravel parking would

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

still be applicable, and the previous commitments and operation plan would be substantially amended and replaced by the version shown within the Exhibits of this report.

- Staff has identified the below as the primary areas of change or deviation between the existing commitments and the plan of operation and the new version proposed by the applicant:
 - An expansion of the allowable days of operation throughout the year to both start earlier and end later during peak periods of activity in the fall as well as to allow for operation around other holidays (Christmas, Valentine’s Day, and “Halfway to Halloween”) and for potential haunted attraction conventions at unspecified points in time.
 - Under the 2009 commitments, there would be up to **55 days** during which the outdoor use could be active (based on the 2025 calendar), and 50 of those days would fall in between September 1st and November 7th.
 - Under the proposed commitments, there would be up to **108 days** during which the outdoor use could be active (based on 2025 and 2026 calendars), and 61 of those days would be fall in between September 1st and November 7th (the “in-season” range established by the initial approval). This would not be inclusive of the proposed escape room, which could operate on a year-round basis.
 - There would also be an expansion of the numbers of days on which the site could operate until either 1 AM, 2 AM, or 3 AM in the morning: additional details are within Commitment #13 as provided by the applicant.
 - The addition of a trail area to the west of the current operating area marked as “Farm Festival Pumpkin Light Show Christmas Lights” on the site plan.
 - Addition of an outdoor venue/stage area within the existing primary operations area, facing away from residences to the east.
 - Potential placement of an escape room structure with a maximum size of 10,000 square feet that would maintain internal operations throughout the year.
 - Explicit confirmation that the sale of alcohol on-site would be permitted (previous documents had solely referenced “snack and beverage sales and service”).
- The site plan provided by the applicant indicates that vehicle parking would be provided by a gravel lot as well as two (2) large areas of grass between the primary operations area and the property’s frontage along Hanna Avenue. The primary operations area is currently improved with two (2) large pole barns that house internal attractions as well as several smaller buildings and trailers that appear to be utilized for the sale of tickets, merchandise, refreshment, etc. The property also contains a corn field and woods areas to the southeast that are part of the recreational use. The site plan also shows an approximate location for the stage and three (3) potential locations for the proposed escape room attraction.
- In addition to the recreational uses, the site also operates as a farm that produces hay to the north of the primary operations area, corn and beans to areas west of the legal ditch (as well as the corn maze), and potential for lumber from the forest area to the southeast of the site. A single-family residence also exists at the site, to the west of the primary operations area.

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

- The website associated with the current user (accessed August 22, 2025) indicates the sale of alcoholic beverages at two bars (“Hanna’s Booz” and “Hanna’s Spirits”). Although it is the applicant’s contention that grant of the 2009 variance allowed for alcohol sales, it appears that such sales have not been conducted in the past due to difficulty in obtaining the required permits from the Indiana Alcohol and Tobacco Commission. Approval of this variance would not provide any exemption from State requirements for the sale of alcohol, and the use would also be subject to all applicable noise ordinances or enforceable curfews for unaccompanied minors. Additionally, this variance would not allow for placement of any structures within the required Stream Protection Corridor (one of the potential locations of the “future shop” appears to encroach into the 100-foot boundary) or exempt the proposed stage from any State-level reviews.
- This property is currently zoned D-A to allow for a variety of agricultural uses in addition to large estate development of single-family dwellings. The Comprehensive Plan recommends it to the Suburban Neighborhood living typology to allow for predominantly single-family supported by a variety of neighborhood-serving businesses. Large-scale places of assembly (such as commercial recreational uses) are contemplated for this typology in scenarios where the use is located along arterial streets, contain pedestrian infrastructure if located near residences, near public transit when possible, and developed in harmony with surrounding neighborhoods with screened parking and service areas.
- Many of the protections and limitations on the use instituted by the 2009 Plan of Operation and commitments would remain largely unaltered. Such stipulations include:
 - A maximum of 10 permanent buildings associated with the use, with a maximum aggregate area of 75 thousand square feet between them.
 - Limitations on bonfires within 300 feet of the eastern property line.
 - Requirements for monitoring of noise along the eastern property line, and installation of additional sound absorbing material should the allowed decibel levels be exceeded.
 - Buffering requirements and landscaping preservation for areas near the eastern property line adjacent to the residential subdivision (see Commitments 14-17).
 - Administrative Approval of development plans for new structures at the site.
- Staff expressed preliminary concerns to the applicant about the introduction of alcohol sales into a use that appears to be predominantly targeted at teenagers or young adults that might not be of age to drink. Per information provided by the petitioner, alcohol **sales** would be limited to designated areas within the primary operations area (with IDs checked and State guidelines followed) but that there wouldn’t be specified areas for alcohol **consumption**. Staff feels that without similar precautions in place limiting areas on the site where drinks could be consumed, the risk of underage drinking and related negative externalities of noise or driving while impaired would be increased by the introduction of such sales.
- However, the primary reason for the staff’s recommendation of denial would be that the proposed expansion of both the hours of operation and frequency of both indoor and outdoor operations outside of the primary autumn season would expand the scope of the recreation use to a point where the “haunted” attraction would dominate the site both in terms of public perception and of

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

any revenues generated. Given that the use is well-established at the site, and to avoid the need for additional variances of use whenever operational changes are contemplated, staff feels that this petition would be more appropriately filed as rezoning petition to the SU-16 zoning district (special use for indoor and outdoor recreation).

- The SU-16 zoning **(a)** would be a better match for the proposed intensity of the land use; **(b)** could allow for existing residential, agricultural, and parking improvements to remain; **(c)** would still require administrative approval of new development; **(d)** could incorporate limiting commitments similar to the proposed Use Variance; and **(e)** and would allow for alcohol sales by-right (within other applicable State or commitment guidelines). Although staff could not guarantee a recommendation of approval for a rezoning to the SU-16 zoning district, it would be supportive of a transfer of fees already filed toward this use variance for such a refiling.
- Staff would also contend that there no undue hardship has been identified that would prevent the site from operating within compliance of either the ordinance (residential and agricultural functions) or within the parameters established by the 2009 Use Variance. For this reason, staff feels that this petition would be more properly filed as a rezoning and recommends denial.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Commercial / Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-3	North: Residential (in development)
South:	D-A	South: Residential / Undeveloped
East:	D-A / D-P	East: Residential
West:	D-A / D-3	West: Residential / Undeveloped
Thoroughfare Plan		
Hanna Avenue	Primary Collector	55-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	07/01/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	07/01/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Enter all comprehensive plans applicable to this proposal.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood typology to allow for predominantly single-family supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural corridors and features should be treated as focal points for development.
- Large-scale places of assembly should be located along arterial streets, contain pedestrian infrastructure if located near residences, near public transit when possible, and developed in harmony with surrounding neighborhoods with screened parking and service areas.

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

2009UV2017 ; Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for indoor and outdoor commercial recreation uses (not permitted), a gravel access drive, parking and maneuvering areas (not permitted). Variance of development standards of the Sign Regulations to legally establish a nine-foot tall, 32-square foot sign with a five-foot front setback from the existing right-of-way of Hanna Avenue (freestanding sign not permitted, minimum fifteen-foot front setback required), **approved**.

ZONING HISTORY – VICINITY

2022CZN830 ; 7320 E Hanna Avenue (north of site), Rezoning of five acres from the D-A district to the D-3 district, **approved**.

2021ZON075 ; 7320 E Hanna Avenue (north of site), Rezoning of 73.85 acres from the D-A and SU-43 districts to the D-4 district, **approved**.

2014DV3014 ; 3939 Fisher Road (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for: (a) a 14-foot tall (accessory buildings cannot be taller than the primary dwelling), 1,440-square foot pole barn; (b) with a 10-foot north side setback (minimum 15-foot side setback required); (c) creating 1,440 square feet of accessory building area or 116% of the main floor area of the primary dwelling and 2,040 square feet of accessory use area or 164% of the total floor area of the primary dwelling (maximum 933 square feet or 75% of the main floor area of the primary dwelling permitted, maximum 1,243 square feet or 99.9% of the total floor area of the primary dwelling permitted), **approved**.

2007ZON029 ; 4211 Five Points Road (west of site), Rezoning of 49.56 acres from the D-A district to the D-3 district, **approved**.

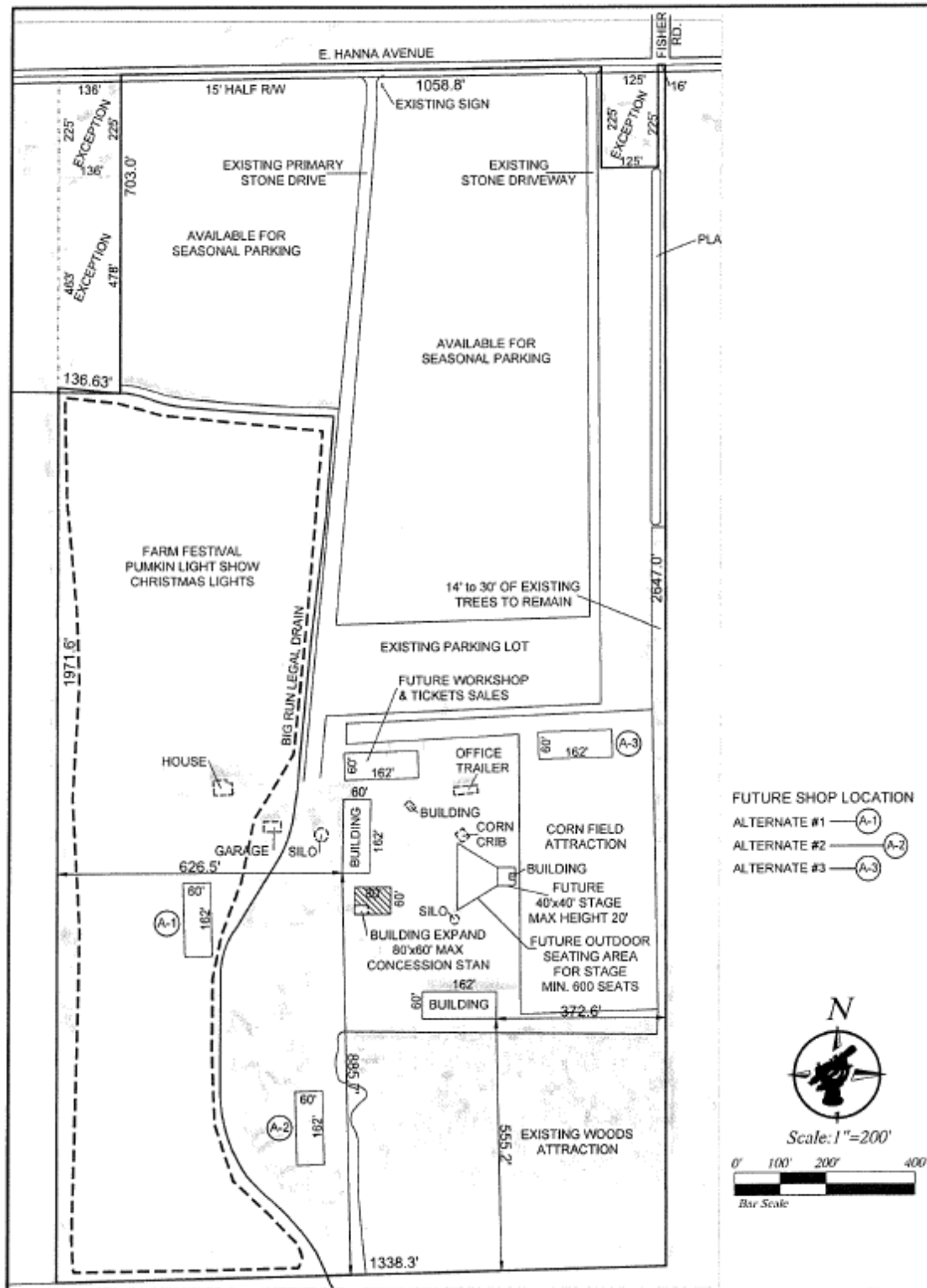
2004ZON803 ; 7913 E Hanna Avenue (east of site), rezoning of 231.80 acres, being in the D-A (FF) (FW) and D-2 (FF) (FW) Districts, to the D-P (FF) (FW) classification to provide for a single-family and two-family residential development, with a maximum density of 2.50 units per acre, **approved**.

EXHIBITS

2025DV1005 ; Aerial Map



2025UV1017 ; Site Plan



2025UV1017 : Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The approval of the continued operation and refocusing of this seasonal outdoor recreational business as proposed presents no reasonable risk of injury to the health, morals or general welfare of the community, as it has operated in this same fashion for several decades without any such injury.
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 to the South is undeveloped farm property and an active railroad track. The former and existing agricultural parcels to the North, East and West have mostly been rezoned for development as residential subdivisions. The subdivision to the East was protected by the Commitments negotiated in 2009 which are being retained. The subdivision under development across Hanna Avenue to the North is well protected by the commitments pushing all the related operational areas to the South portion of the property. Existing buffering and the low intensity of the operations proposed west of the Weise ditch adequately protect the likely future subdivision on the property to the West. At the time of each of the rezonings occurred on the likely future development to the West and development under way to the North, commitments were negotiated and recorded which require that the Plat Covenants for each of those proposed subdivisions must contain a provision clearly notifying all residents that the Hanna Haunted Hayride business was in operation prior to said rezoning, and that the residents shall not oppose the reasonable growth thereof. As a result, these homes were built with prior knowledge of this existing business. The home abutting the Northeast corner of the subject property has been purchased by the Petitioner since the 2009 variance was approved, and the remainder of the homes on lots around the area have existed for decades while this use has been conducted on the site, without substantial impact to the use or value of said parcels.
3. The need for the variance arises from some condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood because: The subject property is uniquely suited to the types of existing and proposed outdoor recreational uses due to the fact that it is still a substantial open area which contains a significant wooded area perfect for the outdoor "Haunted Hayride" attraction that is the cornerstone of the operation. The open and agricultural appearance of the site can likely be preserved for several more years if these seasonal uses are allowed to continue, and the preservation of this site while development takes place over time around it is preferable to leaving its development for housing as the only viable option.
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 recreational uses proposed by the Petitioner could not be conducted under the existing D-A zoning. The uses are only interim uses until the property is eventually developed as housing, and the buildings and related improvements will be easy to remove at that time. While much of what the Petitioner proposes is not inconsistent in intensity or the activity to what typically occurs on a vegetable farming operation or other D-A approved use, it is likely that the seasonal recreational uses requested herein would actually be classified as C-5 and/or C-4 uses under the existing commercial zoning ordinance. Requiring the rezoning of the site to such a heavy commercial classification to legally permit the continued use of this site as a unique community attraction would be considered spot zoning at best.
5. The grant does not interfere substantially with the Comprehensive Plan because: The Comprehensive Plan proposes Suburban Neighborhood. The substantial wooded area and the legal ditch stream corridor are further designated as sensitive environmental areas and marked for future parks or trails. The approval of the updated Plan of Operation for this interim seasonal use increases the likelihood that the woods and this stream corridor will be preserved until the site is eventually ready for redevelopment, and the types of improvements related to these recreational uses have already been approved in 2009 as not being significant enough to hinder the likelihood of the eventual rezoning and development of the site in compliance with the Plan.

2025UV1017 ; Plan of Operation (1 of 2; changes from 2009 Plan notated)

1). **Operation:** Petitioner proposes to continue to operate and expand a seasonal recreational indoor and outdoor “haunted” attraction on the site, which is shared with the long time farming operations on the site and the office/residential use of the home and outbuildings.

2). **Details of Operation:**

A. The existing wooded area in the Southeast corner of the site (as shown on the Site Plan) and the abutting areas North and West of the woods contain multiple existing improvements related to the operation of a seasonal “haunted hayride” attraction. Customers pass through and experience that attraction. The existing uses would continue, and the use could be expanded or intensified within this area. The operations within the woods shall be restricted to an area which is at least thirty (30) feet West of the East property line.

B. A seasonal “Corn Maze” and similar entanglement attractions with various associated “haunted” elements would continue to be operated on the site. This attraction is currently located as shown on the Site Plan, but since its location is based primarily on crops which are planted new every year, it may be moved around on the site year to year. The location of this portion of the operation shall be restricted to an area which is at least 750 feet South of the centerline of Hanna Avenue, is at least 30 feet West of the East property line, and is East of the Wiese ditch which dissects the site.

C. A seasonal attraction containing a variety of “haunted” elements would continue to be operated in the primary operations area. The location of the primary operations area (not to include the accessory operations described in 2A, 2B, 2D and 2E), shall be restricted to an area which is at least 1400 feet South of the centerline of Hanna Avenue, at least 80 feet North of the South line of the property, at least 100 feet away from the East line of the property, and East of the Wiese ditch. The primary operations area shall include various indoor and outdoor operations or attractions, including but not limited to larger individual or grouped recreational attractions, and also related uses such as the staging of customers awaiting entry to the various attractions, ticket sales, ~~snack-and-beverage-service~~, accessory uses, and also various smaller “haunted” attractions which typically connect between the larger “attractions” and the like. The primary operations area shall also include certain “haunted” attractions which are contained within modular buildings/trailers, a stage and associated seating, temporary buildings/tents or the like, and/or permanent buildings as illustrated on the approved Site Plan.

D. A seasonal “pumpkin trail” attraction for customers to walk through, including real and prop pumpkins, related carnival rides, and also the sale of pumpkins may be operated in the area which is West and south of the Weise ditch, as illustrated on the approved Site Plan.

E. A seasonal “Christmas light trail” attraction for customers to walk through, including related carnival rides, may be operated in the area which is West and South of the Weise ditch, as illustrated on the approved Site Plan.

2025UV1017 ; Plan of Operation (2 of 2; changes from 2009 Plan notated)

F. Within the primary operations area, a space not to exceed 10,000 square feet may be operated year round as an indoor escape room type of attraction.

G. Within each of the areas in which an attraction is being operated, the uses permitted shall include snack and beverage sales and service (which shall include alcohol if approved via permit from the Alcohol Beverage Commission).

H. The parking areas associated with the seasonal recreational business authorized by this variance shall be located North of the primary operations area, East (or Northeast, as applicable) of the Wiese ditch, at least 50 feet South of the centerline of Hanna Avenue, and at least 30 feet from the East line of the property.

3). Limits on Days and Hours of Operation: See Variance Conditions:

4). Noise: See Variance Conditions:

5). Signage:

A. Temporary directional signage on site shall be used during the primary periods of operation as reasonably necessary to direct vehicular and pedestrian traffic on the site.

B. The only permanent signage related to the ~~seasonal recreational business~~uses authorized by this variance shall be the existing sign authorized by the existing development standards variance ~~portion of the petition~~ (or a replacement which does not exceed the size and/or height of the existing sign)

6). Workforce: The operation is managed primarily by the owners of the Petitioner. The employees are hired during the short period of operations, and typically are teenagers or young adults living in the area. The employees shall park in the seasonal parking areas used by customers.

7). Customers: Customers are from a wide range of ages and backgrounds. Most live in central Indiana, but many repeat customers travel from out of state to attend.

8). Waste: The only waste generated is minor trash left by the customers. It is collected in trash cans which are emptied into dumpsters on site which when full are picked up by contractors hired by Petitioner.

9). Seasonal Area Surfacing. The areas used for customer and employee parking, maneuvering areas and internal access drives associated with the uses authorized by this variance are not required to be surfaced with paving, stone or gravel pursuant to the existing development standards variance.

2025UV1017 ; Plan of Operation (1 of 6; changes from 2009 Commitments notated)

1. No more than ten (10) separate permanent buildings containing indoor “haunted” attractions (“haunts”) shall be constructed within the Primary Operations Area (as defined in the Plan of Operation); after June 8, 2009, and the total square footage of all of the combined buildings containing the indoor “haunts” and the possible “escape room” attractions built after June 8, 2009 shall not exceed 75,000 square feet.
2. ~~No more than three (3) new~~The total square footage of accessory buildings (for uses such as office, equipment storage, ticket sales, a shop, and the design, fabrication, maintenance, repair, etc of the various attractions) shall be or similar) built after the date of the grant of this variance. These newJune 8, 2009 shall not not exceed 36,000 sq. ft; and all such accessory buildings shall only be constructed within the Primary Operations Area, and the total of new accessory buildings shall not exceed 18,000 sq. ft.,
3. The buildings, trailers and related structures, temporary or permanent, which ~~existed~~exist on the site as of June 8, 2009,the date of approval of this variance shall continue to be permitted for use as a mixture of uses related to the Haunted operations, the farm, and the residential uses on the site; and this variance shall not be interpreted to prevent or limit the construction of future buildings and/or the continued use of the site; which are still used primarily for agricultural and residential uses otherwise permitted by the existing zoning.
4. No bonfires shall be located within 300 feet of the East property line.
- ~~5. Parking shall be prohibited within 150 feet of the West line of the property addressed as 7425 E. Hanna Avenue, and also within 200 feet of the South line of said 7425 E. Hanna Avenue property.~~
5. The approved Site Plan shows the approximate location of a proposed new outdoor entertainment venue/stage within the Primary Operations Area, which is to be considered a permitted accessory use. The associated stage shall not exceed 40’ in width or 40’ in depth, nor shall it exceed 22’ in height. In addition, the venue shall face primarily to the West, and the use of same shall direct any all amplified sound primarily to the West. In addition, the final location of same shall not be any further East than shown on the Site Plan.
6. Any permanent or temporary trailers/buildings used in the seasonal recreational business authorized by this variance shall be located only within the Primary Operations Area, and no closer than 125 feet away from the East property line of the site.
7. Any permanent or temporary trailers/buildings used in the seasonal recreational business authorized by this variance which are located within 300 feet of the East property line of the site shall be installed and utilized so that with the exception of

2025UV1017 : Plan of Operation (2 of 6; changes from 2009 Commitments notated)

possible emergency exits, no exit or entry used by customers of the attraction shall be located on the East facing wall of said building.

8. Any tents, trailers, or similar temporary buildings used in the seasonal recreational business authorized by this variance and which are located within 250 feet of the East property line of the site during the set-up period and/or the period of operations, will be removed or relocated to an area which is at least 250 feet away from the East line within thirty (30) days after the end of each operating season.

9. If the business activities conducted within any permanent buildings or temporary trailers/buildings located within 200 feet of the East property line produce sound(s) which exceed 62 decibels for any more than 2 minutes in any one hour time period, as measured at any point approximately 5 feet above the ground which is also located along the portion of the East property line of the site which is within the Primary Operations Area and which is North of the primary wooded area, then before the following season's operations commence, said building shall be improved via the installation of sound absorbing materials along its interior East wall.

10. ~~The playing of music (defined as live or recorded songs, and not to include With the exception of the soundtracks or similar recorded sounds utilized used in the various haunted attractions, the haunted hayride, corn maze, etc.) during and as a part of the operation of the business, either indoors or outdoors,...~~ the playing of live or recorded music/songs shall not produce sound which exceeds 62 decibels for any more than 2 minutes in any one hour time period, as measured at any point approximately 5 feet above the ground which is located along the portion of the East property line of the site which is within the Primary Operations Area and which is also North of the primary wooded area.

11. For purposes of interpreting and enforcing Conditions 9 and 10 hereinabove, the meter used to measure the sound level of the music at the time this variance was approved (and the 62 decibel figure was approved) was a Radio Shack meter identified as CAT #33-20-55. Upon request, the Petitioner shall purchase another such meter, of the same make and model, for use by Mr. Michael Eagen, who resides at 4350 Viva Lane, Indianapolis, IN – 46239 (or his replacement as selected or approved by the Chessington Grove Homeowners Association) (hereinafter "Mr. Eagen"), to assist in the monitoring the sound levels restricted by Conditions 9 and 10. If the make and model of the meter used by the owner is changed at any time, a comparison test of the new meter with the original meter shall be done utilizing recorded music similar to the measuring process utilized to establish this level initially. If a 62 decibel reading for such music on the original meter at the East property line results in a different level on the new meter, the new comparable decibel level limit shall be set forth in a written instrument signed by Petitioner and provided to Mr. Eagen, and this limit shall be deemed modified thereby for purposes of both Conditions 9 and 10 without need for formal process, other notice or hearing. Upon request at that same time, a new meter of the same make and model of the new meter to be used by the Petitioner shall be provided by the Petitioner to Mr. Eagen. Prior to each operational year commencing, Petitioner shall provide Mr. Eagen contact

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

2025UV1017 ; Plan of Operation (3 of 6; changes from 2009 Commitments notated)

telephone numbers for at least two primary employees of the business, for use during the hours of operation by anyone concerned about possible violations of Conditions 9 or 10.

12. The foregoing Conditions 9, 10, and ~~all~~ 11 shall not be deemed to supersede or otherwise ~~impede~~ impede the enforcement the Marion County Noise Control Ordinance, codified as Section 391-302 of the Marion County Code.

13. ~~The following limits on hours and days of operation shall apply to the business attractions authorized by this variance shall be subject to the following limitations on the annual days and hours of operations:~~

A. ~~With the exception of the special event exception contained Unless otherwise specified in subsection C of this Condition, the seasonal recreational business authorized by this variance will Commitment, the haunted attractions (and the "pumpkin trail" shall not commence operations prior to September 1st August 15th, and will shall not operate any later than November 7th the Sunday of the weekend following Thanksgiving.~~

B. ~~Between September 1st and September 30th, the business August 15th and the first Sunday in October, and also between the last Sunday in October (or Halloween day if later) and Thanksgiving Day, the haunted attractions and the pumpkin trail shall only be permitted to operate on Friday nights, and Saturday nights, and until 1:00 AM of the following morning, and on a maximum of two other nights in each week until 11:00 PM.~~

C. ~~After the first Sunday in October, and until the last Sunday in October (or Halloween Day if later), the haunted attractions and pumpkin trail shall be permitted to operate on any night, with the attractions closing at midnight on all days except Friday and Saturday, on which operations may operate until as later as 2:00 AM of the following day. In addition, during the primary operations period only, on no more than four (4) the attractions may stay open as late as 3:00 AM of the following day.~~

D. ~~The haunted attractions shall also be permitted to operate during the following special event time periods~~

(i) "Krampus" or similar: ~~Between Thanksgiving and Christmas, only on Friday, Saturday and Sunday evenings, ceasing operations no later than 1:00 AM of the following morning on Friday or Saturday nights and 11:00 PM on Sunday night.~~

(ii) "Haunted Valentine" or similar: ~~Only on the Friday, Saturday and Sunday nights on the weekends before and after Valentine's Day; ceasing operations no later than 1:00 AM of the following morning on Friday or Saturday nights and 11:00 PM on Sunday night.~~

(iii) "Halfway to Halloween" or similar: ~~Only on one other night per each week, three day weekend between April 15 and May 31; ceasing operations no later than 1:00 AM of the following morning on midnight on Friday or Saturday nights and 11:00 PM on Sunday night.~~

~~C. The business may be operated for one "special event" outside of the calendar limitations set forth in subsection A of this Condition No. 12, and during such "special event" the business hours shall be as set forth in this section C. In the case of such a "special event", the business may be operated outside of the calendar limitations in subsection A for no more than one seven (7) day time~~

2025UV1017 ; Plan of Operation (4 of 6; changes from 2009 Commitments notated)

period each year; and during such "special event" the business shall be operated on no more than five (5) days out of said seven (7) day time period. During this "special event", all attractions shall cease operations no later than midnight if open. (iv) A "Special Event" or similar, typically due to a special request to host an event related to a convention in Indianapolis or a gathering of operators of similar haunted recreation attractions, in which case the attractions could be operated on no more than 5 days out of the specific seven day Special Event period; with all operations ceasing not later than 11:00 PM on a Sunday, Monday, Tuesday, Wednesday, or Thursday; and no later than 1:00 AM of the following day if operated on a Friday or Saturday.

——— D. If operated on a Sunday, Monday, Tuesday, Wednesday, or Thursday which is also more than 15 days prior to the last Friday or Saturday (whichever is later) upon which the business is operated in that year, then all the attractions shall cease operations no later than 11:00 PM.

——— E. If operated on a Sunday, Monday, Tuesday, Wednesday, or Thursday which is within 15 days of the last Friday or Saturday (whichever is later) upon which the business is operated in that year, then all the attractions shall cease operations no later than midnight, with the exception that on no more than three (3) of these operating days the attractions may stay open as late as 1:00 AM of the following day.

——— F. If operated on any Friday or Saturday night which is not one of the last four Fridays or the last four Saturdays on which the business is operated that year, all the attractions shall cease operations no later than 1:00 AM of the following day.

——— G. For the Friday and/or Saturday nights which are one of the last four Fridays and/or the last four Saturdays on which the business is operated that year, all the attractions shall cease operations no later than 2:00 AM of the following day, with the exception that on no more than four (4) of said days the attractions may stay open as late as 3:00 AM of the following day.

——— H. E. The Christmas Light trail shall only operate between Thanksgiving day and Christmas Day; between only from ½ hour before sunset to 10:30 PM.

——— F. The escape room attraction shall cease operations not later than midnight.

——— G. Ticket sales shall open no earlier than 2 hours prior to sunset, and ticket sales shall close on the earlier of the following: (i) one hour prior to the deadline to close for that night; or (ii) 1:00 AM of the following day.

14. The existing healthy trees and undergrowth located within thirty (30) feet of the portion of the East property line which abuts the heavily wooded portion of the site located in the Southeast corner, shall not be removed or materially damaged by the Petitioner. In addition, the existing trees within ten (10) feet of the portion of the East property line which is North of the heavily wooded area and along the East side of the area which is actually utilized as the Primary Operations Area, shall not be removed or materially damaged by the Petitioner. Any existing healthy trees of a non-nuisance species which are located within the two preservation areas identified herein, and which are larger than 6 inches caliper (as measured 6 feet off the ground) which are removed or materially damaged by the Petitioner shall be replaced by the Petitioner within 1 year of such incident with two (2) trees of a non-nuisance species. This requirement shall be deemed waived if the removal of the subject trees is authorized by the Administrator as a

2025UV1017 ; Plan of Operation (5 of 6; changes from 2009 Commitments notated)

part of an approved landscape plan. If replacement is required, the trees shall be replaced within the same tree preservation area unless otherwise approved by the Administrator.

15. If the North boundary of the Primary Operations Area extends further North than the north edge of the existing trees along its East side (those being preserved pursuant to Condition 14), then ~~starting no earlier than the 2010 operating season, the~~ Petitioner shall install screening within 20 feet of the open portion of said East line of the Primary Operations Area, utilizing one of the following alternatives:

- A. Petitioner shall plant and maintain a natural crop screen, using a seed variety which would typically result in a plant screen at least five (5) feet in height and ten (10) feet in width throughout the period of business operations. For example, the Petitioner could plant 6 rows of corn, sorghum or the like along said border, and then harvest it after the operations ceased for the season.
- B. Petitioner shall plant row of evergreen trees along said open portion, with such trees being at least 5 feet tall at the time of planting, and spaced not more than 25' apart. The Petitioner shall maintain said trees, and shall replace any which die at least annually.
- C. Petitioner shall install an earthen mound not less than 5 feet in height along at least the portions of the East side of the Primary Operations Area which do not contain screening trees within the ten (10) feet of the East property line.

16. If any portion of the parking areas are located within 100 feet of the East property line, then in such case ~~if there are also any residential homes completed on the first row of lots within the proposed subdivision immediately to the East of said parking areas, the~~ Petitioner shall install screening ~~between each said lot containing a completed residencee and said parking area, the~~ Petitioner shall install screening east of said parking areas utilizing one of the following alternatives:

- A. Petitioner shall plant and maintain a natural crop screen, using a seed variety which would typically result in a plant screen at least three (3) feet in height and ten (10) feet in width throughout the period of business operations. For example, the Petitioner could plant 6 rows of soybeans, corn, sorghum or the like along said border and then harvest it after the operating season was over.
- B. Petitioner shall plant a row of evergreen trees along each such area, with such trees being at least three (3) feet tall at the time of planting, and spaced not more than 25' apart. The Petitioner shall maintain said trees, and shall replace any which die at least annually.
- C. Petitioner shall plant a row of shrubs or grasses along each such area, with such plantings being at least three (3) feet tall at the time of planting, and spaced so as cover at least 75% of the open area along said common border. The Petitioner shall maintain said plantings, and shall replace any which die at least annually.
- D. Petitioner shall install an earthen mound not less than 3 feet in height along the applicable portions of the East line of the parking area.

17. The improvements necessary to operate the existing haunted hayride already exist within the wooded area located in the Southeast corner of the site. However, ~~a tree~~

2025UV1017 ; Photographs



Photo 1: Seasonal Parking Areas Viewed From Access Drive Looking East



Photo 2: Seasonal Parking Areas Viewed From Access Drive Looking West

2025UV1017 ; Photographs (continued)



Photo 3: Adjacent Property to Northeast of Site



Photo 4: Existing Residence Viewed from East (June 2019)

2025UV1017 ; Photographs (continued)



Photo 5: Gravel Parking Area Viewed From Northwest



Photo 6: Existing Buffering To East of Gravel Parking Area

2025UV1017 ; Photographs (continued)



Photo 7: Northern Seasonal Parking Areas Viewed From Gravel Parking Area



Photo 8: Proposed Pumpkin + Christmas Light Show Trail Area Viewed From East

2025UV1017 ; Photographs (continued)



Photo 9: Existing Corn Maze Area Viewed From Gravel Parking Area



Photo 10: Existing Pole Barn Building Viewed From Northwest

2025UV1017 ; Photographs (continued)



Photo 11: Operations Area Viewed From Northwest



Photo 12: Operations Area Viewed From West

2025UV1017 ; Photographs (continued)



Photo 13: Proposed Stage Location Viewed From West



Photo 14: Existing Pole Barn Furthest South At Subject Site

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-DV1-043

Property Address: 2429 and 2431 North College Avenue (approximate address)

Location: Center Township, Council District #8

Petitioner: RE Development Group Inc., by John Cross

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-car detached garage, on each lot, with three-foot side yard setbacks (five-foot setbacks required).

Current Land Use: Vacant

Staff Recommendations: Staff recommends denial of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends denial of this petition.

PETITION OVERVIEW

- This petition would allow for the construction of a four-car detached garage, on each lot, with three-foot side yard setbacks (five-foot setbacks required).
- The subject site contains two (2) adjacent parcels, both of which are zoned D-8 and are currently vacant. Both parcels are approximately 46 feet wide and 7,820 square feet. Staff has determined that if proposed duplexes meet the standards for the multi-unit house small-lot typology of the Walkable Neighborhoods Zoning Districts, then the proposal is able to obtain the required permits. With this site meeting the lot width for the small lot typology (40 feet), the lots are of sufficient lot width to build a duplex.
- The proposal calls for a 4-space detached garage on each lot, each being 40 feet in width, or approximately 10 feet per space. The standard width for residential parking spaces is 8.5 feet. Furthermore, the required off-street parking for this proposal is 1 space per unit. With the proposal calling for twice as many vehicular spaces than required, and those spaces being approximately 1.5

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

feet wider than required, Staff believes that a compliant detached garage is able to be built on site. This could be done by either reducing the widths of the spaces or reducing the number of spaces on site. Given this, Staff does not find there to be any practical difficulty related to the site that prohibits compliance. Therefore, Staff recommends denial of the request and suggests revising the plans that meet the side setback standards.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-8	North: Single-family detached residential
South:	D-8	South: Single-family detached residential
East:	D-8	East: Single-family detached residential
West:	D-8	West: Single-family detached residential
Thoroughfare Plan		
North College Avenue	Primary Arterial	78 feet of right-of-way existing and 78 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/12/25	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/12/25	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Traditional Neighborhood typology for this site.

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

- Enter Recommendation by IHG or “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

2006DV3024; Numerous Addresses, Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for ten-foot front yard setbacks (minimum 25-foot front setbacks required), and in the case of a corner lot, to provide for a 10-foot front setback for the elevation of the single-family dwelling with the primary entrance (minimum 25-foot front setback required) and for a five-foot front setback for other elevations (minimum 25-foot front setback required), **approved**.

86-UV3-4; Variance of Development Standards of the Dwelling Districts Ordinance to provide for a second story addition and a detached garage for an existing apartment building without the required off-street parking, **withdrawn**.

ZONING HISTORY – VICINITY

2015DV3020; 2401 N College Ave (south of site), Variance of Development Standards of the Commercial Zoning Ordinance to legally establish a tavern, within approximately 38 feet of the nearest protected district (100-foot separation required), parking with deficient maneuvering (adequate maneuvering required) and a four-foot north side transitional setback (20-foot transitional setback required), and to legally establish the existing building with zero-foot front setbacks along College Avenue

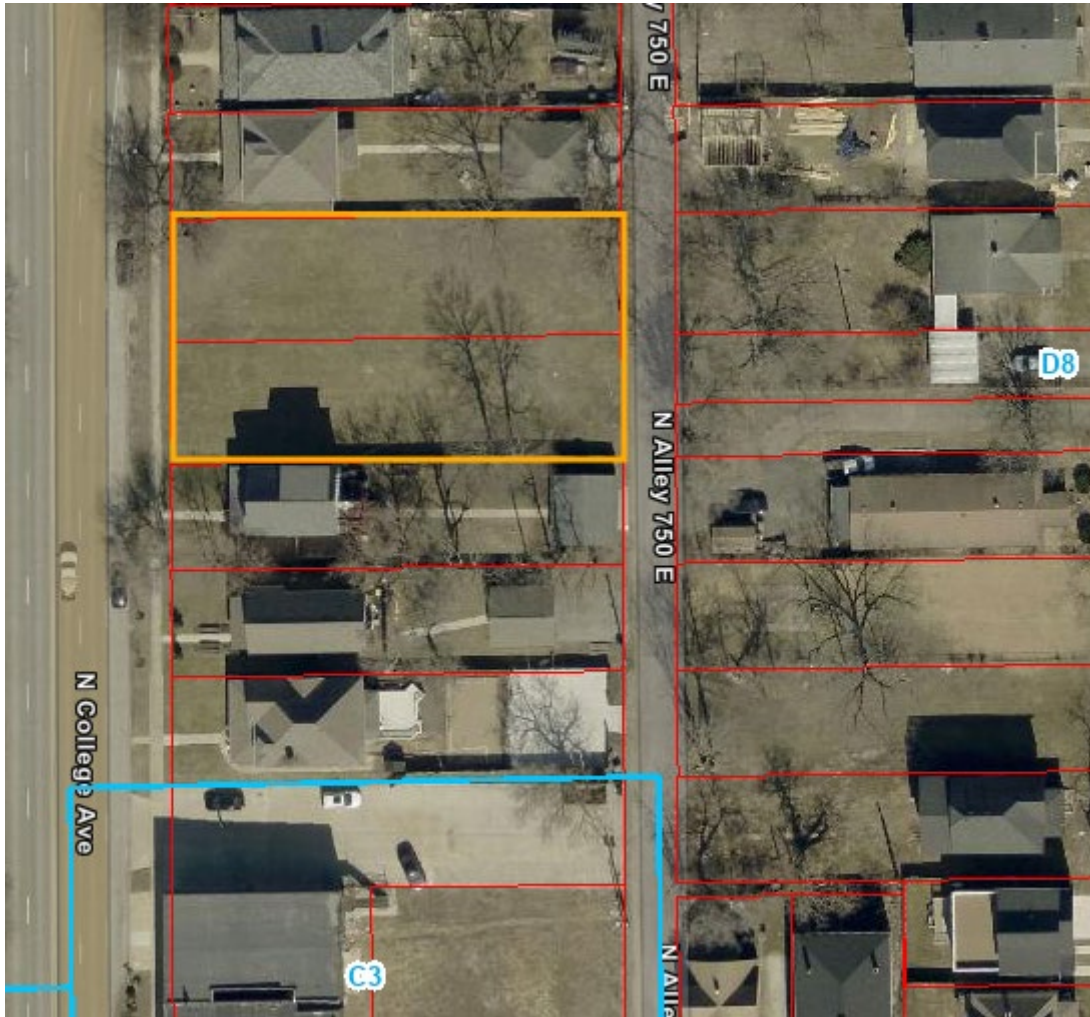
**Department of Metropolitan Development
Division of Planning
Current Planning**

and 24th Street and zero-foot east side transitional setbacks (70-foot setback from the centerline of College Avenue and 20-foot side transitional setback required, and 10-foot setback from 24th Street required), **approved**.

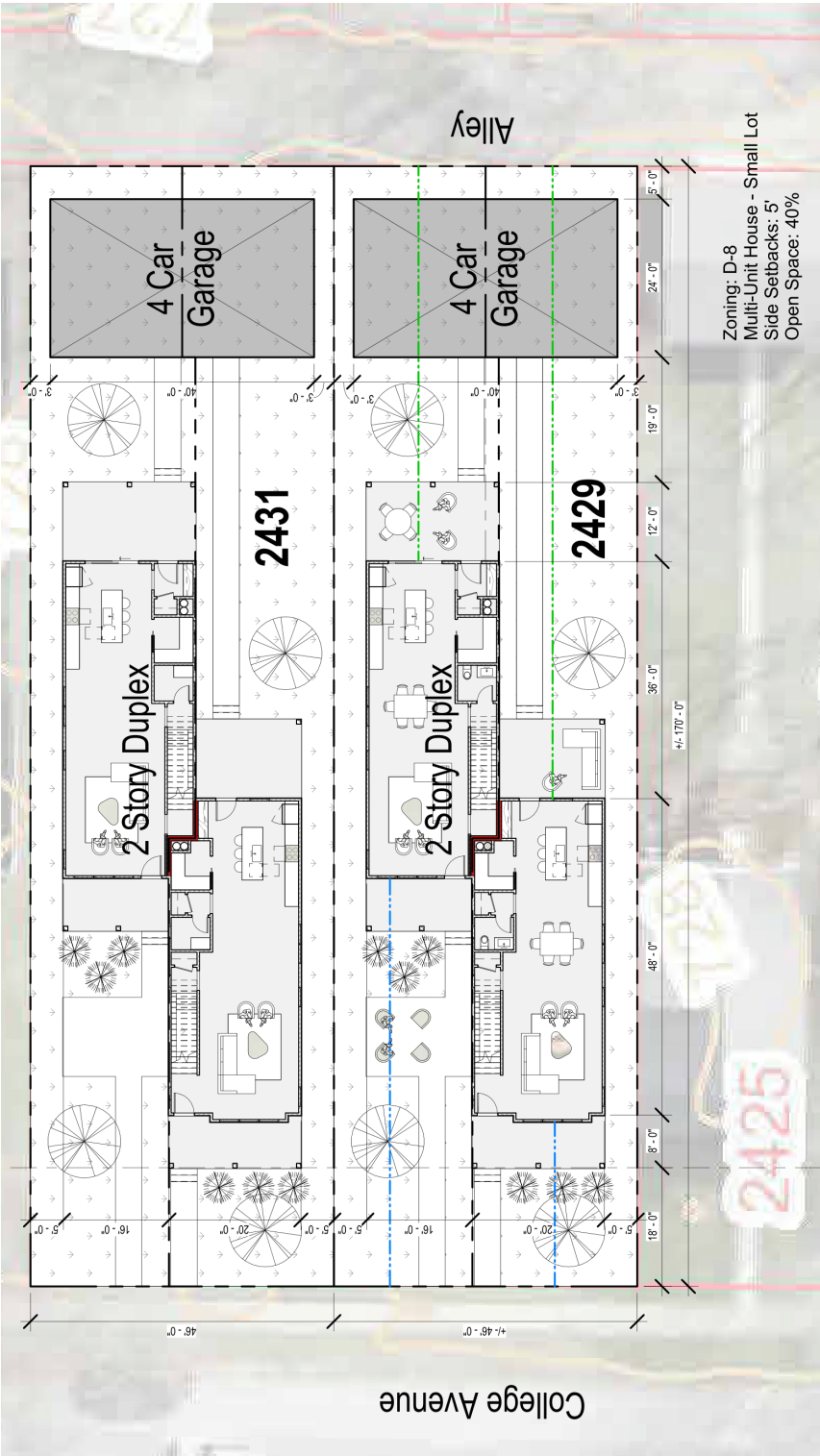
2007ZON803 / 2007VAR803; 655 and 661 East 24th Street (south of site), Rezoning of 0.063 acre from C-1 to D-8 and a Variance of Development Standards to legally establish an existing multi-family dwelling and to provide for construction of a building containing a dwelling unit on the upper floor and parking on the main floor with a deficient rear yard setback and a deficient lot open space ratio, **granted**.

2006ZON859 / 2006VAR859; 670 East 24th Street (south of site), Rezoning of 0.08 acre from the C-1 to D-8 and a Variance of Development Standards to provide for the construction of a single-family dwelling with a five-foot front yard setback, **granted**.

EXHIBITS

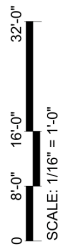


Aerial photo



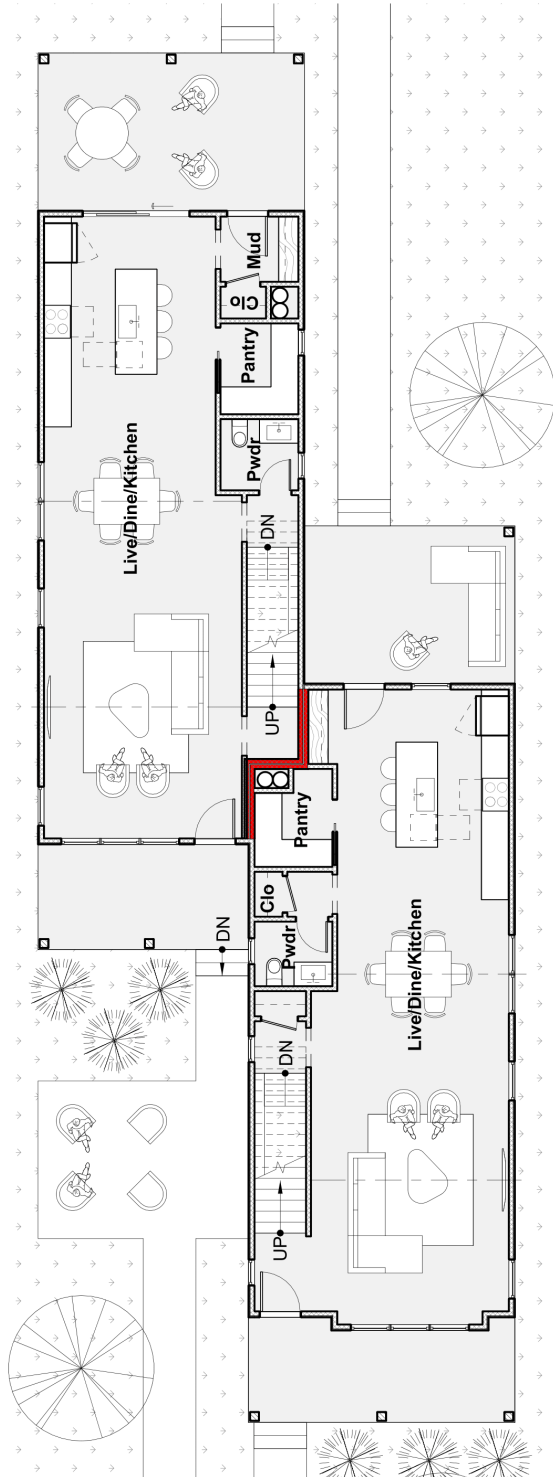
Floor Areas	
Name	Area
First Floor - Front Unit	948 SF
First Floor - Rear Unit	938 SF
Second Floor - Rear Unit	938 SF
Second Floor - Front Unit	948 SF
House	3767 SF
Grand total	3767 SF

Floor Plan
1 Site Plan
1/16" = 1'-0"



2429/2431 Duplexes SD001
2429/2431 College Avenue, Indianapolis
08.07.25

WAVE
ARCHITECTURE + DESIGN



Floor Plan
1 First Floor Plan
1/8" = 1'-0"

Floor Areas	
Name	Area
First Floor - Front Unit	948 SF
First Floor - Rear Unit	936 SF
Second Floor - Rear Unit	936 SF
Second Floor - Front Unit	948 SF
House	3768 SF
Grand total	3768 SF

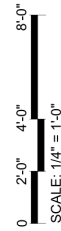


2429/2431 Duplexes SDI01
2429/2431 College Avenue, Indianapolis
08.07.25



Floor Plan
1 Second Floor Plan
1/8" = 1'-0"

Floor Areas	
Name	Area
First Floor - Front Unit	946 SF
First Floor - Rear Unit	936 SF
Second Floor - Rear Unit	936 SF
Second Floor - Front Unit	946 SF
House	3767 SF
Grand total	3767 SF



2429/2431 Duplexes SDI02
2429/2431 College Avenue, Indianapolis
08.07.25



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the variance is specific to the garage and not the primary dwelling. The garage will not increase open space and the garage height and mass do not overshadow the primary building. The variance will benefit the lots by providing a 2-car garage per unit on the lot.

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 setback is minimal and specific to the garage in the rear of the lot. The setback variance is common to smaller lots and will not impede development on neighboring lots and will not negatively impact neighboring lots. The garage will increase the property value of the subject home which will benefit nearby property values as covered garages are more desirable than uncovered garages.

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

Covered garages offer more benefit to owners compared to uncovered garages. Petitioner cannot construct a covered garage providing 2-car garages per unit without the variance.

DECISION

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

Adopted this _____ day of _____, 20 ____

garage. To construct a 4-car garage, side yard setbacks of 3' feet are needed on the north and south side yard

(5' required).

Department of Metropolitan Development
Division of Planning
Current Planning



Subject site looking east



Looking north along College Avenue



Looking south along College Avenue

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-DV1-046
Address: 201 Shelby Street (approximate address)
Location: Center Township, Council District #18
Zoning: I-3
Petitioner: Progress House Inc., by James Lingenfelter
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for installation of a six-foot-tall chain link fence within the front yard of Bates Street (maximum height of 3.5 feet permitted in front transitional yards).

Current Land Use: Alcohol and Drug Treatment Facility

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance permits a maximum fence height of 42 inches within the front yard, and six (6) feet in the rear yard. The purpose of the height limitation is to create an open appearance along public rights-of-way, prevent blocking views at intersections, limit the negative visual impacts on adjacent properties, and prevent a canyonized effect of the streetscape.
- ◇ The height requirements are in place to limit bulk, create a consistent density and intensity, and keep the environment at a human-scale. This regulation limits the number of “walls” or abnormally tall structures that can be built to ensure neighborhood compatibility and to prevent unreasonable blockage of sunlight.
- ◇ The fence could be built as proposed in the front transitional yard with a height of 3.5 feet, and then increasing to six (6) feet behind the adjacent dwelling. In addition, supplemental plantings could be added to increase any needed barrier or security.

GENERAL INFORMATION

Existing Zoning	I-3										
Existing Land Use	Alcohol and Drug Treatment Facility										
Comprehensive Plan	Light Industrial										
Surrounding Context	<table> <tr> <th>Zoning</th><th>Surrounding Context</th></tr> <tr> <td>North: I-4</td><td>Industrial uses</td></tr> <tr> <td>South: I-4</td><td>Industrial uses</td></tr> <tr> <td>East: I-3/I-4</td><td>Undeveloped</td></tr> <tr> <td>West: D-8</td><td>Single-Family dwelling</td></tr> </table>	Zoning	Surrounding Context	North: I-4	Industrial uses	South: I-4	Industrial uses	East: I-3/I-4	Undeveloped	West: D-8	Single-Family dwelling
Zoning	Surrounding Context										
North: I-4	Industrial uses										
South: I-4	Industrial uses										
East: I-3/I-4	Undeveloped										
West: D-8	Single-Family dwelling										
Thoroughfare Plan											
Bates Street	Local Street 62-foot existing and proposed right-of-way.										
Context Area	Compact area										
Floodway / Floodway Fringe	No										
Overlay	Industrial Reserve										
Wellfield Protection Area	No										
Site Plan	July 9, 2025										
Elevations	N/A										
Landscape Plan	N/A										
Findings of Fact	August 11, 2025										

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.
- The following elements of the Pattern Book apply to this site:
 - Light Industrial Uses
 - Industrial truck traffic should not utilize local, residential streets. Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

- Heavy Commercial Uses
 - Removed as a recommended land use where they would be adjacent to a living typology.
- Small-Scale Offices, Retailing, and Personal or Professional Services
 - Should be subordinate to and serving the primary uses of production, warehousing, and offices.
 - Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology.
 - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.
- Wind or Solar Farms
 - Recommended without additional conditions.
- This site is also located within two (2) overlays, specifically the Industrial Reserve (IR) overlay and the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.
- The Industrial Reserve (IR) is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.
 - Added Uses
 - No uses are added.
 - Modified Uses
 - No uses are modified.
 - Removed Uses
 - Small-Scale Offices, Retailing, and Personal or Professional Services
 - Heavy Commercial Uses
- 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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- This site lies within two TOD strategic areas: The Red Line Transit Oriented Development Strategic Plan (2021) and The Blue Line Transit Oriented Development Strategic Plan (2018).
- The Red Line proposed transit station serving this site is identified with a District Center typology.
- The Blue Line proposed transit station serving this site is identified with a Central Business District typology.
 - o Red Line - This site is located within a ½ mile walk of the Fletcher Place transit stop located at the intersection of Virginia Street and Merrill Street with a District Center typology.
 - o Blue Line - This site is located within a ½ mile walk of the proposed transit station located at the intersection of U.S. 40 (Washington Street) and Southeastern Avenue / Shelby Street with a Central Business District typology.
- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
 - o Characteristics of the District Center typology are:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor.
- Central Business Center stations are located in the Regional Center with the region's highest density and largest concentration of employment. Development opportunities include dense infill and redevelopment, office, mixed-use, cultural, and civic institutions, and a focus on enhances placemaking and livability.
 - o Characteristics of the Central Business Center typology are:
 - The densest core of the city with the tallest buildings
 - Mix of office, entertainment, civic retail, active public place and residential
 - Minimum of 5 stories throughout with no front or side setbacks
 - Structure parking only with active first floor

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

2024-ZON-041; 1110 Bates Street (west of site), Rezoning of 0.11-acre from the I-4 (TOD) district to the D-8 (TOD) district to legally establish residential uses, **approved**.

2022-UV1-041; 1110 Bates Street (west of site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a six-foot west side yard setback and a seven-foot east side yard setback and a 10-foot rear yard setback, **granted**.

2003-UV2-043; 1127 Bates Street (south of site), Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for the continued operation of a motor vehicle salvage business, with a zero-foot west side setback, in I-4-U, **granted (later dismissed because conditions were not met)**.

99-UV1-48; 1101-1129 East Georgia Street and 1116-1126 East Bates Street (subject site), Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for an alcohol and drug treatment and recovery center, with a parking lot within the required front yards of Georgia and Shelby Streets, with off-street loading using an adjacent alley for vehicle maneuvering and loading, in I-3-U, **granted**.

99-UV1-19; 1129 -1225 East Georgia Street (subject site), Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for an alcohol treatment and recovery center (not permitted) with 8 parking spaces located within the required front yard of Georgia Street and 1 parking space within the required front yard of Leota Avenue (parking not permitted in the required front yard), **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 adjacent area is primarily industrial in nature with several properties in the area having similar fences. Will provide additional security to the area by removing places to hide and ambush pedestrians.

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 fence is similar to many other fences within the immediate area.

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

The strict application would result in a fence low enough to be easily jumped over and the property entered. the owner wishes to provide a safe place for the residents of their facility separate from the transient community that often currently use the property as a short cut through the area.

Photographs



Subject property looking southeast from Shelby Street.



Adjacent Single Family Dwelling to the west of subject site, looking north.



Subject property, location of proposed fence, looking north from Bates Street.



Subject property, looking south towards Bates Street.