



Board of Zoning Appeals
Board of Zoning Appeals Division III (April
21, 2026)
Meeting Agenda

Meeting Details

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

Date: Tuesday, April 21, 2026

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2026-SE3-001 | 6490 Massachusetts Avenue**
Warren Township, Council District #9, zoned I-2 / I-4 (TOD)
WEB Property Group LLC, by Tyler Ochs

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a Commercial Parking Lot.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the parking of trucks and semi-trailers within the TOD, on 14.878 acres (not permitted, commercial parking lots limited to a maximum of 2 acres).

****Staff to request continuance to May 26, 2026 hearing.**

- 2. 2026-DV3-009 | 6111 & 6215 Lakehaven Lane**
Perry Township, Council District #22, zoned C-7 (FF) / I-2 (FF)
Lakehaven Realty LLC & RH Malin, Inc., by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and rental of heavy construction equipment within 10 feet of the southern property line and of a protected district (30-foot transitional setback and 500-foot separation from protected districts required), utilizing gravel for parking and vehicle maneuvering area (hard surfacing required), and with both a height exceeding 10 feet (not permitted) and with deficient transitional yard landscaping and deficient screening around outdoor storage areas (required).

****Staff to request continuance to May 26, 2026 hearing to allow additional review.**

- 3. 2026-DV3-011 | 3603 South Meridian Street**
Perry Township, Council District #18, zoned SU-1 (FF)
Roman Catholic Archdiocese of Indianapolis, Properties Inc as Trustee for St Roch, Catholic Church Indianapolis Inc., by Wooton Hoy (John Cross)

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

****A Registered Neighborhood Organization has filed an automatic continuance to the May 26, 2026 hearing.**

- 4. 2026-UV3-003 | 3305 North Arlington Avenue**
Warren Township, Council District #9, zoned C-3
Tech Management LLC, by Simranjit Nagra

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit a 120-square-foot expansion of an existing residential use (residential uses not permitted in a commercial district).

****This petition has been automatically continued to the May 26, 2026 hearing.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 5. 2025-SE3-003 (Amended) | 4555 South Harding Street**
Perry Township, Council District #22, zoned I-4 (FF)
Deleitosa Properties LLC, by Marianne McCalip

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 and I-465 by a state agency.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 14-foot by 48-foot off-premise advertising sign, of which the relocated off-premise sign will have a height of 60 feet and be located within 400 feet of another outdoor advertising sign (1,000-foot radial spacing required).

- 6. 2026-DV3-007 | 1930 North Audubon Street**
Warren Township, Council District #14, zoned D-5
Suleima Morales, by Josh Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to the primary dwelling with an 11-foot rear setback (20 feet required).

- 7. 2026-DV3-012 | 4200 South Harding Street**
Perry Township, Council District #22, zoned I-4 (FF)
Hanson Aggregates, Midwest Inc., by Joseph Csikos

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a new building related to the existing extraction use located within the Floodway Fringe (not permitted) and with deficient landscaping (landscaping required).

- 8. 2026-UV3-001 | 11011 Brookville Road**
Warren Township, Council District #25, zoned D-A (FW) (FF)
Kindred Excavating Group LLC, by David Gilman

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an excavation commercial contractor (not permitted).

- 9. 2026-UV3-002 | 7900 Shelby Street**
Perry Township, Council District #22, zoned SU-38
Young Men's Christian Association, by Kevin Buchheit

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a financial services use (not permitted).

- 10. 2026-UV3-004 (Amended) | 2705 Shriver Avenue**
Center Township, Council District #12, zoned D-5
Debbie Spain

Variance of Use and Development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a transitional living quarters use (not permitted) with deficient vehicle parking (5 spaces required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

11. 2025-MO3-003 | 3030 North Shadeland Avenue

Warren Township, Council District #9, zoned C-4
Shadeland Holdings Inc., by Patrick Rooney

Modification of Commitments associated with 2022-UV3-034 to modify Commitment Twelve to read as follows: “The real estate shall be developed as a retail gas station and convenience store pursuant to the site plan prepared by Abonmarche last dated 5/09/2024 and attached hereto.”; and to terminate Commitments Five and Thirteen-M which restricted the days and hours of business operation and prohibited an automobile fueling station.

PETITIONS FOR PUBLIC HEARING (New Petitions):

12. 2026-DV3-010 (Amended) | 102 Jonquil Drive

Perry Township, Council District #23, zoned D-3
Kenneth and Josephine Busald, by Daniel Russello

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a detached accessory structure within a utility easement (not permitted), and with a three-foot west side yard setback (six-foot required).

13. 2026-UV3-005 | 2525 East 38th Street

Center Township, Council District #8, zoned C-3 (TOD) (W5)
Garcia’s Heating & Cooling INC, by Donald Fisher

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an HVAC commercial contractor (not permitted), per plans filed.

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
Joanna Taft, Chair	Metropolitan Development Commission	January 1, 2025 – December 21, 2025
Bryan Hannon, Vice-Chair	Mayor’s Office	January 1, 2025 – December 21, 2025

Rayanna Binder, Secretary	Mayor's Office	January 1, 2025 – December 21, 2025
Rod Bohannon	City-County Council	January 1, 2025 – December 21, 2025
Percy Bland	City-County Council	January 1, 2025 – December 21, 2025



BOARD OF ZONING APPEALS DIVISION III **March 17, 2026**

Case Number: 2026-SE3-001
Address: 6490 Massachusetts Avenue (approximate address)
Location: Warren Township, Council District #9
Zoning: I-2 / I-4 (TOD)
Petitioner: WEB Property Group LLC, by Tyler Ochs
Request: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a Commercial Parking Lot.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the parking of trucks and semi-trailers within the TOD, on 14.878 acres (not permitted, commercial parking lots limited to a maximum of 2 acres).

Current Land Use: Industrial Integrated Center

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

Previously, a Registered Neighborhood Organization requested an automatic continuance, continuing this petition from the March 17, 2026, to the April 21, 2026, hearing.

The petitioner has submitted additional information for Staff to consider. Therefore, Staff will be requesting a continuance to the May 26, 2026, hearing date, to allow time to review the additional submitted information.



BOARD OF ZONING APPEALS DIVISION III **April 21, 2026**

Case Number: 2026-DV3-009
Property Address: 6111 and 6215 Lakehaven Lane (*approximate address*)
Location: Perry Township, Council District #22
Petitioner: Lakehaven Realty LLC & RH Malin, Inc., by David Gilman
Current Zoning: C-7 (FF) / I-2 (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and rental of heavy construction equipment within 10 feet of the southern property line and of a protected district (30-foot transitional setback and 500-foot separation from protected districts required), utilizing gravel for parking and vehicle maneuvering area (hard surfacing required), and with both a height exceeding 10 feet (not permitted) and with deficient transitional yard landscaping and deficient screening around outdoor storage areas (required).

Current Land Use: Industrial / Storage
Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

In order to allow for additional review of case history and potential amendments to the submitted plans, staff will request a continuance for cause to the May 26th, 2026 hearing date of Division III of the BZA. A full staff report will be made available in advance of that hearing date.



Board of Zoning Appeals Division III **April 21, 2026**

Case Number: 2026-DV3-011

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

Location: Perry Township, Council District #18

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

Current Zoning: SU-1 / D-4

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

Current Land Use: Developed, School

Staff Reviewer: Josh Levesque, Senior Planner

PETITION OVERVIEW

A registered neighborhood organization has requested a timely automatic continuance to the May 26th, 2026 BZA Division III hearing.



Board of Zoning Appeals Division III **April 21, 2026**

Case Number: 2026-UV3-003

Property Address: 3305 North Arlington Avenue (*approximate address*)

Location: Warren Township, Council District #9

Petitioner: Simranjit Nagra

Current Zoning: C-3

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit a 120-square-foot expansion of an existing residential use (residential uses not permitted in a commercial district).

Current Land Use: Developed, Single-Family Residence

Staff Reviewer: Josh Levesque, Senior Planner

PETITION OVERVIEW

A timely automatic continuance has been filed by a registered neighborhood organization. This case will be continued to the May 26th, BZA III hearing.



BOARD OF ZONING APPEALS DIVISION III

April 21, 2026

Case Number: 2025-SE3-003 (Amended)

Property Address: 4555 South Harding Street (approximate address)

Location: Perry Township, Council District #22

Petitioner: Deleitosa Properties LLC, by Marianne McCalip

Current Zoning: I-4 (FF)
Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 and I-465 by a state agency.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 14-foot by 48-foot off-premises advertising sign, of which the relocated off-premises sign will have a height of 60 feet and be located within 400 feet of another outdoor advertising sign (1,000-foot radial spacing required).

Current Land Use: Undeveloped / Industrial

Staff Recommendations: Staff recommends **approval** of the special exception and the variance requests.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

3/17/26: Staff requested a final continuance to secure renderings of how the sign would appear at different heights to motorists approaching from the east and west. Those renderings were provided and are within staff’s report. Additionally, the request was amended from a height of 70 feet to 60 feet and information on the road deck height was provided from the petitioner per contact with INDOT.

2/17/26: The petition was continued by staff to allow the petitioner additional time to either submit (a) information about road deck height changes from INDOT or (b) renderings of how the sign might appear from different heights for motorists. This updated documentation was not provided prior to the publication of this report.

1/20/26: This petition was continued by the applicant to allow adequate time for mailing/posting of notice.

STAFF RECOMMENDATION

Staff recommends **approval** of the special exception and the variance requests.



PETITION OVERVIEW

- 4555 South Harding Street is a 29.42-acre parcel that has extensive frontage along I-465/I-74 to the south. The western portion of the site is near industrial and commercial development, and the eastern portion is undeveloped. The property is abutted by industrial use to the north and west, the I-465/I-74 expressway to the south, and a railroad line to the east which passes underneath the interstate. A previous off-premises advertising sign (not affiliated with the current applicant) was installed at the site with a height of 60 feet per grant of the variance 83-HOV-110 in 1983; that billboard was removed between 2021 and 2022 as part of a highway expansion project undertaken by the Indiana Department of Transportation.
- The subject parcel is currently improved with an off-premises billboard sign that was relocated per approval of the petition 2022UV3030. That sign is approximately 1600 feet to the west of the location of the previous billboard that had been removed from the site.
- As a part of the I-69 Finish Line project, a separate billboard at 4202 South Harding Street affiliated with the current applicant was also removed by eminent domain from its location approximately 1.5 miles from the location of the sign removed from this site. The locations of both signs are shown within Exhibits below. That sign was established with a height of 52 feet per grant of the petition 97-V1-49 in 1997. Approval of this petition would allow for both the relocation of that sign from 4202 South Harding Street to the location shown in plans below, as well as an increase in height of the sign from 52 feet to 60 feet.
- In 2017, the Indiana State Legislature adopted I.C. 8-23-20-25.6. This statute imposes new obligations on local municipalities with respect to state highway projects that result in the required removal or relocation of outdoor advertising signs. In cases when an existing outdoor advertising sign must be moved or removed as part of a highway improvement project, the owner of the sign must be allowed to *either* elevate *or* relocate the sign either by-right or by special exception.
- Ordinance amendments adopted by the City of Indianapolis in 2023 (744.904.C) would require the filing of a special exception for circumstances when legally established off-premises signs are required to be relocated from highway widening. Although the elevation or relocation of the sign would need to comply with other applicable developmental standards of the zoning ordinance (regardless of if those standards were enforceable at the initial time of construction), this circumstance matches the context described by the above-referenced statute and ordinance.
- Per staff review of plans and filing documents, two additional variances of development standards would be required in addition to the Special Exception petition: **(a)** the location of the new sign would be within 400 linear feet of another outdoor advertising sign to the southeast on the other side of the expressway (1000 feet of radial scaping is required); and **(b)** the proposed height of 60 feet would exceed the previously established height of 52 feet for the 4202 S Harding sign.



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- Additional variances would *not* be required for the distance between this sign and other signs along the same expressway frontage (there is separation of 3000 feet from the nearest sign to the east and 1600 feet from the nearest sign to the west), for proximity to a protected district (the nearest D-A zoning is approximately 400 feet to the northeast), for proximity to an exit ramp (the sign would be approximately 727 feet away from the beginning of the lane divide), or for the sign setback (it would be over 50 feet from the highway pavement).
- This site is zoned I-4 (Heavy Industrial District) to allow for heavy industrial uses which present an elevated risk to the public and are typically characterized by factors that would be exceedingly difficult, expensive, or impossible to eliminate. A large portion of the site also falls within the Floodway Fringe (though not the proposed location of this sign). The Comprehensive Plan recommends the area where this sign would be placed to the Heavy Commercial typology as well as the Environmentally Sensitive overlay (see Comprehensive Plan Analysis below).
- Findings of Fact provided by the applicant in support of the Special Exception mention the expressway expansion project as well as the proposed proximity of their sign's new location to the previous sign at the property owned by a different company. Staff would note this State-imposed difficulty as well as the compliance with most other applicable dimensional standards. Additionally, the 400-foot separation from another billboard would be buffered by the existing Interstate, and those two signs wouldn't be oriented towards traffic moving in the same direction. For these reasons, staff would recommend **approval** of the Special Exception as well as of the variance related to the proximity to another outdoor advertising sign.
- A variance was also requested by the petition to allow for an increase in height of the billboard sign to 60 feet (amended from 70 feet) as opposed to the 52-foot height of the previous sign at 4202 South Harding. Findings of Fact and correspondence provided by the applicant indicated their need for the increased height would arise from both a raising of the road deck at and around the subject site that would impact sign visibility as well as the fact that the previous sign a mile and a half to the east had been placed on an elevated berm (which would not be the case for the current sign's location).
- Requests were made by staff for documentation indicating either the extent of any changes to the road deck height made by INDOT or for elevation renderings showing the visibility of the proposed sign from the highway at heights of 52 feet, 60 feet, or 72 feet. Documentation in the latter regard was provided in late March and is within the Exhibits below. These renderings appear to show that although the proposed sign would be fully visible for vehicle traffic approaching from the east at the allowed height of 52 feet, the sign with a 52-foot height would be largely obstructed from view for traffic approaching from the west given the increase in road deck height for the bridge leading over the existing railroad line. The height from grade to the road deck itself would be 36 feet per communication between the applicant and INDOT.
- Available street-level photography viewable by staff is unclear if the road deck height would have *increased* because of the Clear Path project. However, the scaled renderings provided the applicant appear to correspond with available photography taken over the past few years



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depicting the height of the previous sign with a height of 60 feet (see photos 1-4 of Exhibits). Photo 4 shows the visibility of a 60-foot sign from a similar location when approaching from the west in a manner consistent with the provided rendering. It appears that a sign in this location would be primarily obstructed with a height of 52 feet for eastbound traffic.

- Since the height of the previous sign at 4202 South Harding was established at 52 feet (a legally established, legally non-conforming sign), the grant of the Special Exception would only allow for placement of a new sign with that same height; any increase in height would require approval of a variance. This is why a variance of development standards would be required, and for such a variance to be approved, a practical difficulty would need to be established. Staff feels that the provided renderings and existing street photography indicate that such a difficulty would exist and would recommend **approval** of the requested height variance for a height of 60 feet. However, this should not be construed as precedent for support of *any* variance related to an increase in height for signs relocated via special exception; the recommendation is specifically based on the minimal relief required for this sign and roadway configuration.

GENERAL INFORMATION

Existing Zoning	I-4 (FF)	
Existing Land Use	Undeveloped / Industrial	
Comprehensive Plan	Heavy Commercial / Community Commercial	
Surrounding Context	Zoning	Surrounding Context
	North: I-3	North: Residential
	South: I-3 / C-7	South: Interstate
	East: C-7	East: Undeveloped / Railroad
	West: C-7	West: Industrial / Commercial
Thoroughfare Plan		
Harding Street	Primary Arterial	212-foot existing right-of-way and 102-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	12/11/2025	
Site Plan (Amended)	N/A	
Elevations	03/24/2026	
Elevations (Amended)	03/25/2026	
Landscape Plan	N/A	
Findings of Fact	12/11/2025	
Findings of Fact (Amended)	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The location of the proposed sign is recommended to the Heavy Commercial Typology to allow for consumer-oriented general commercial and offices uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of good. Examples include vehicle sales and commercial lumber yards.
- The site is also located within an Environmentally Sensitive Areas (ES) Overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset.
- The Pattern Book does not offer explicit guidance related to the placement of signage.

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

2022UV3030, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of a 60-foot tall, 14-foot by 48-foot off premise advertising sign (height limited to 40 feet) with a 20-foot front setback from I-465 and 20-foot western side yard setback (60-foot front setback required along freeways, 30-foot side setback required) within 460 feet of another off-premise advertising sign (1,000-foot radial separation required), and within 460 feet, 880 feet and 1,100 feet of other off-premises signs along I-465, and within 20 feet along the centerline of an interstate exit roadway (1,500-foot separation required along I-465, 500-foot separation required from interstate ramp entries), **approved**.

2012CVR813, Variance of use and development standards of the Industrial Zoning Ordinance to provide for truck and truck-related sales (not permitted) and to provide for a 15-foot north side lot line, a zero-foot front yard, without landscaping, zero-foot side yards lines abutting the parcel shown as an exception (addressed as 4585 (Parcel 5028528) 4603 and 4605 South Harding Street), on the site plan submitted to the file, and a zero-foot south side lot line (30-foot setback from the proposed right-of-way or 100 feet from the centerline, whichever is greater required, 30-foot side setback required), **approved**.

2012CZN813, Rezoning of 37.11 acres from the C-2, C-3, C-5, C-7 and I-3-S Districts to the I-4-S classification to provide for a motor truck terminal, **approved**.

97-V1-49 (4202 Harding Street; original sign location to west), variance of development standards of the Sign Regulations to provide for the placement of an off-premise advertising sign being a) 14 by 48 feet in size (maximum 6 by 12 feet permitted); b) sign height of 52 feet (maximum 40 feet in height permitted); c) resulting in the total number of signs per mile being 6 (maximum 2 signs per mile permitted); and d) located approximately 450 feet away from an existing dwelling unit (minimum separation of 1000 feet required), **approved**.

83-HOV-110, variance of size, setbacks, and spacing development standards of the Sign Regulations to allow the erection of a 14 by 48 foot advertising pole sign at 60 feet from interstate right-of-way and 15 feet from a side property line, **approved**.

ZONING HISTORY – VICINITY

2021DV3045 ; 4640 South Harding Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 54-foot tall, 282-square foot pole sign along Interstate 465 in addition to the existing freestanding sign along Harding Street (only one freestanding identification sign shall be permitted per site within 660 feet of an interstate, maximum 20-foot tall pole sign and maximum 300-square foot sign area permitted), **approved**.

2002DV2024 ; 2200 West Thompson Road (west of site), variance of development standards of the Sign Regulations to provide for an advertising sign (a) being the eighth sign in a one mile portion of I-465 (maximum two signs per mile permitted); (b) with 375 feet of linear separation from an existing advertising



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sign (minimum 1,000 feet of linear separation required); (c) a 40-foot front setback from I-465 (minimum 60-foot front setback from an expressway required); (d) a 20-foot setback from Thompson Road (minimum 50 feet required); (e) being 14 by 48 feet in size (maximum 12 by 25 feet permitted), **denied**.

2001DV1077 ; 4402 Bluff Road (east of site), variance of development standards of the Sign Regulations to provide for the placement of a 14 by 48-foot advertising sign (maximum 12 by 25 foot permitted), located 500 feet from an existing advertising sign (minimum 1,000-foot linear separation required), located 30 feet from I-465 (minimum 60 feet required), being the seventh advertising sign within a one mile portion of I-465 (maximum two advertising signs per mile permitted), **denied**.

2001DV2004 ; 4909 Knights Way (southwest of site), variance of development standards of the Sign Regulations to provide for an advertising sign being the eighth sign in a one mile portion of I-465 (maximum of two signs per mile permitted), with 50 feet of linear of linear separation from an existing advertising sign (minimum 1,000 feet of linear separation required), a 55-foot front setback from I-465 (minimum 60-foot front setback from an expressway required), located adjacent to an exit roadway (advertising signs not permitted in protected areas adjacent to existing roadways), and being 14 by 48 feet in size (maximum 12 by 25 feet permitted), **withdrawn**.

99-V1-161 ; 1415 Harding Court (south of site), variance of development standards of the Sign Regulations to provide for an advertising sign, being 600 and 700 feet from existing advertising signs (minimum separation of 1,000 feet required), the 8th advertising sign within a one-mile portion of I-465 (maximum of 2 advertising signs per mile permitted), adjacent to an entrance and exit roadway (minimum 1,500-foot separation from an exit roadway and 1,000 feet from an entrance roadway required), and 14 by 48 feet in size (maximum 12 by 25 feet permitted), **approved**.

98-V3-66 ; 1415 Harding Court (south of site), variance of development standards of the Sign Regulations to provide for an advertising sign (a) being the 8th such sign within a one mile portion of I-465 (maximum of 2 signs within any one mile distance permitted); (b) adjacent to an entrance and exit roadway (minimum of 1,500 foot separation from an entrance and/or exit roadway required); and (c) being 14 by 48 feet in size (maximum of 12 by 25 feet permitted), **denied**.

98-V2-50 ; 4460 South Harding Street (west of site), variance of development standards of the Sign Regulations to provide for an advertising sign, being (a) 14 by 48 feet in size (maximum of 12 by 25 feet permitted); (b) 800 feet from an entrance/exit roadway (minimum of 1,500 feet from an entrance/exit roadway required); (c) 500 feet from another advertising sign (minimum of 1,000 feet separation required); and (d) resulting in 7 advertising signs within a one mile portion of Interstate 465 (maximum of two advertising signs per mile permitted), **denied**.

98-V2-14 ; 4585 South Harding Street (west of site), variance of development standards of the Sign Reulgations to provide for the placement of an advertising sign (a) being 450 feet from the intersection of the main-traveled way of a Freeway and an exit roadway (minimum 1,500 feet required; (b) being 300 feet from another advertising sign (1,000 foot separation required); (c) with a size of 14x48 feet (maximum 12x25 feet permitted); and (d) being the fifth sign within a one mile distance along Interstate 465 (maximum 2 signs per mile permitted), **approved**.



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96-V3-111 ; 1730 West Thompson Road (west of site), variance of development standards of the Sign Regulations to provide for the placement of an advertising sign, being (a) 12 by 48 feet in size (maximum sign dimensions of 12 by 25 feet permitted); (b) approximately 500 feet from the next advertising sign along I-465 (minimum 1,000 foot spacing between signs required); (c) the third advertising sign located within one mile (maximum two advertising signs per mile permitted); and (d) approximately 1,200 feet from an exit ramp (minimum 1,5000 feet distance from an Interstate entrance or exit ramp required), **approved.**

84-HOV-32 ; 2202 West Thompson Road (west of site), variance of size and spacing development standards of the Sign Regulations and of the transitional yard requirements of the Industrial Zoning Ordinance to allow the erection of a 14' x 48' advertising pole sign at 60 feet from the interstate right-of-way, **approved.**

83-HOV-140 ; 1730 West Thompson Road (west of site), variance of the size, spacing, and setback development standards of the Sign Regulations to allow the erection of a 14 by 48 foot, advertising pole sign within 1500 feet of an exit roadway at 60 feet from interstate right-of-way, **approved.**

83-HOV-139 ; 1930 West Thompson Road (west of site), variance of the size, setback, and spacing development standards of the Sign Regulations to allow the erection of a 14 by 48 foot, advertising pole sign within 1500 feet of an exit roadway at 60 feet from interstate right-of-way, **approved.**

83-V1-40 ; 2902 West Thompson Road (west of site), Variance of the Sign Regulations to permit a double face advertising pole sign to be erected on the premises adjacent to I-465, **withdrawn.**

83-V1-37 ; 3002 West Thompson Road (west of site), variance of the Sign Regulations to permit a double face advertising pole sign to be created on the premises adjacent to I-465, **approved.**

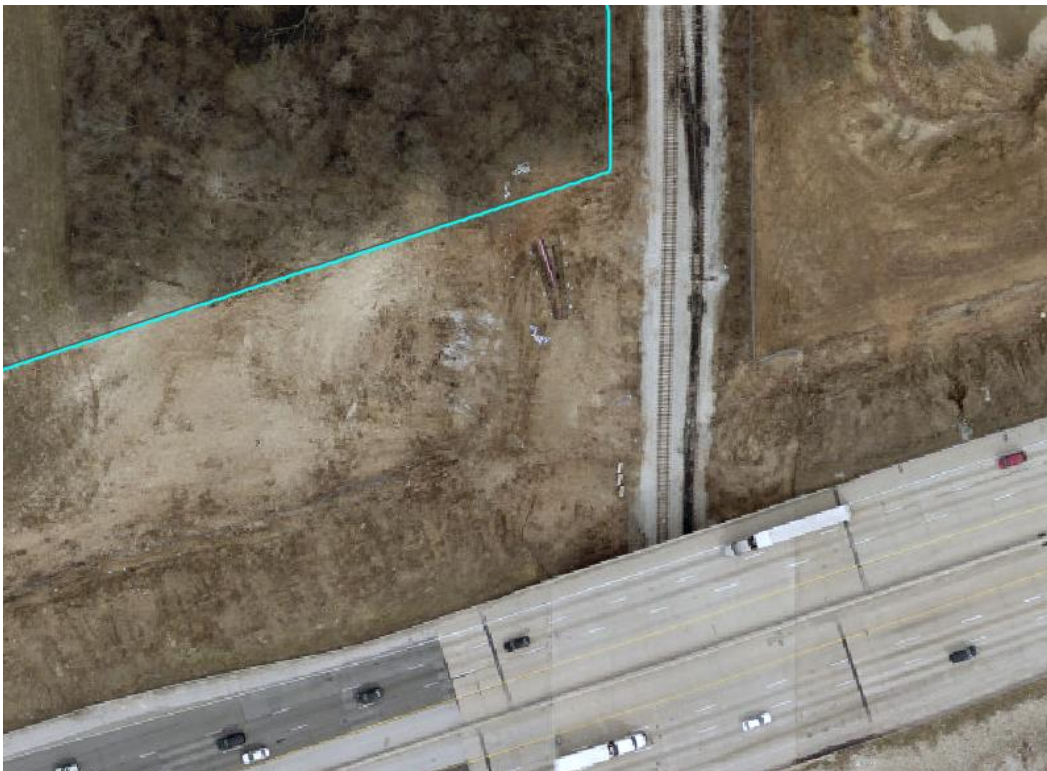
83-V1-19 ; 4712 South Harding Street (west of site), variance of the Sign Regulations to permit a double face advertising pole sign to be erected on the premises adjacent to I-465, **approved.**

EXHIBITS

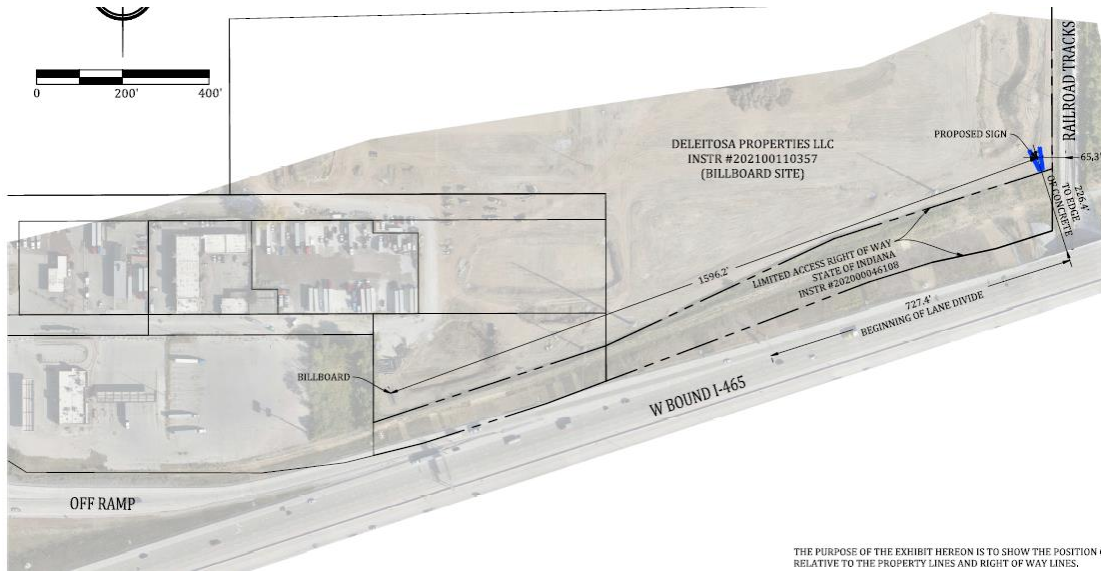
2025SE3003 ; Aerial Map



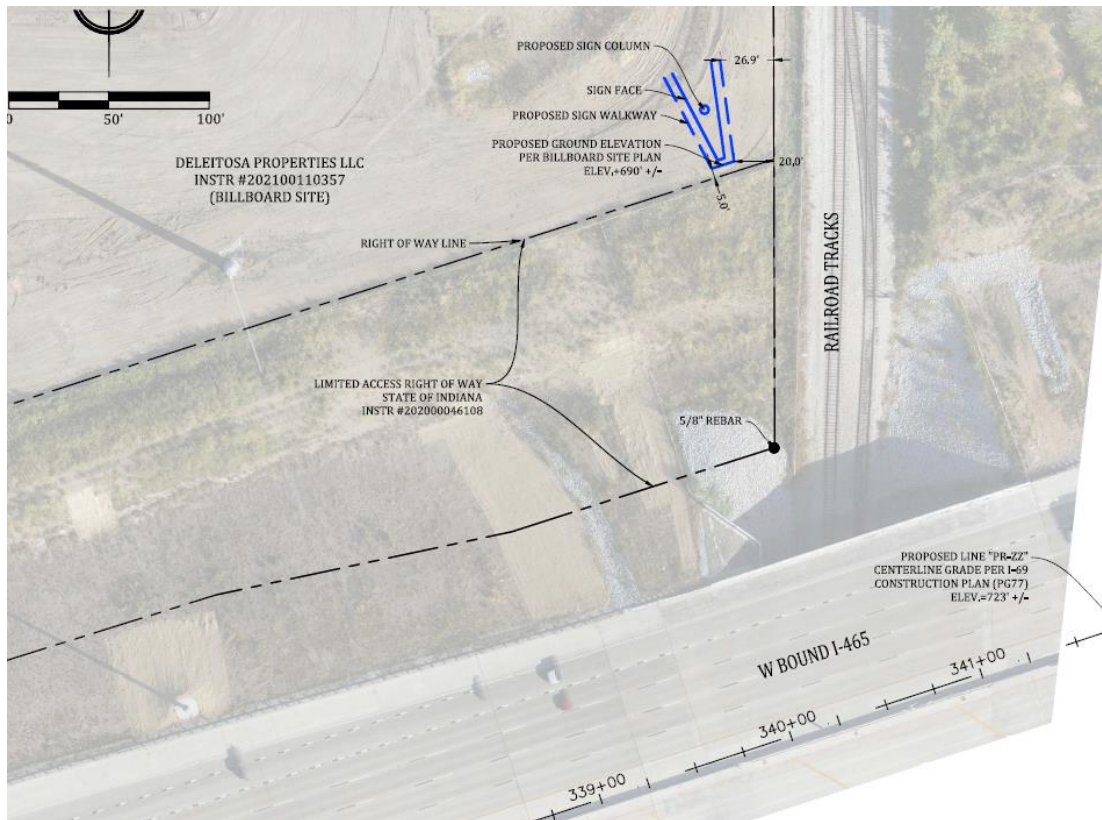
2025SE3003 ; Aerial Map (2021, zoomed)



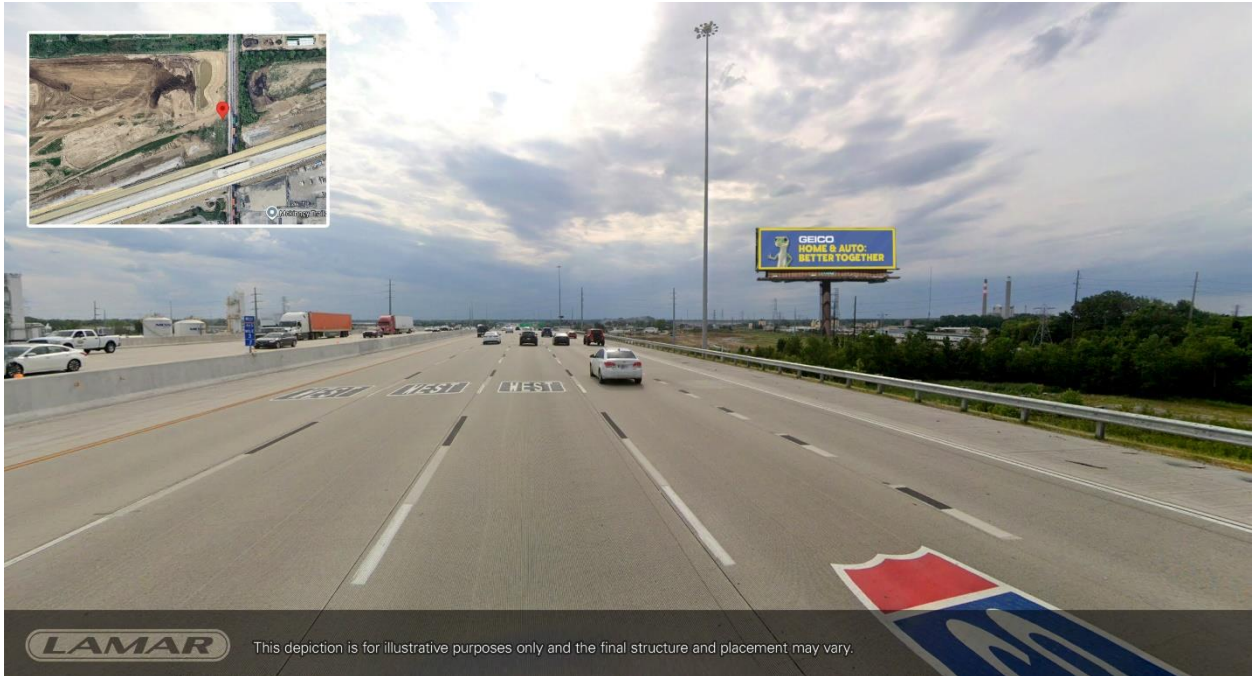
2025SE3003 ; Site Plan



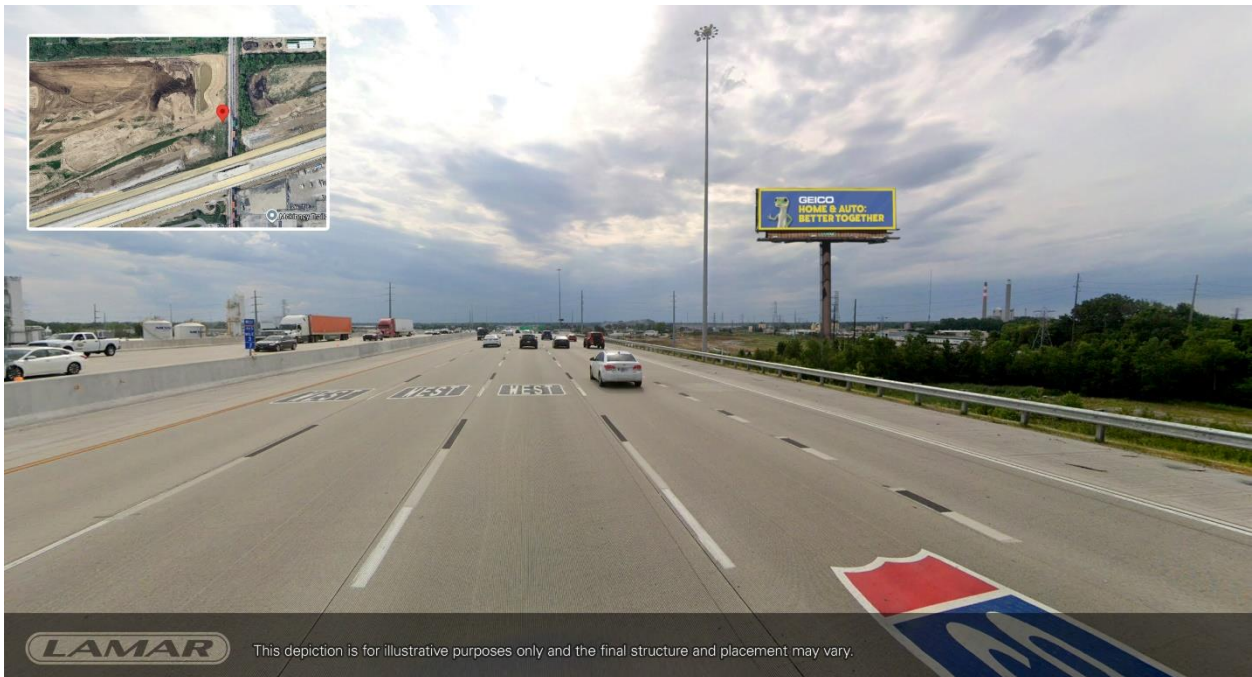
2025SE3003 ; Site Plan (detail)



2025SE3003 ; Height Renderings for Westbound Traffic (provided by applicant)



Height of 52 feet

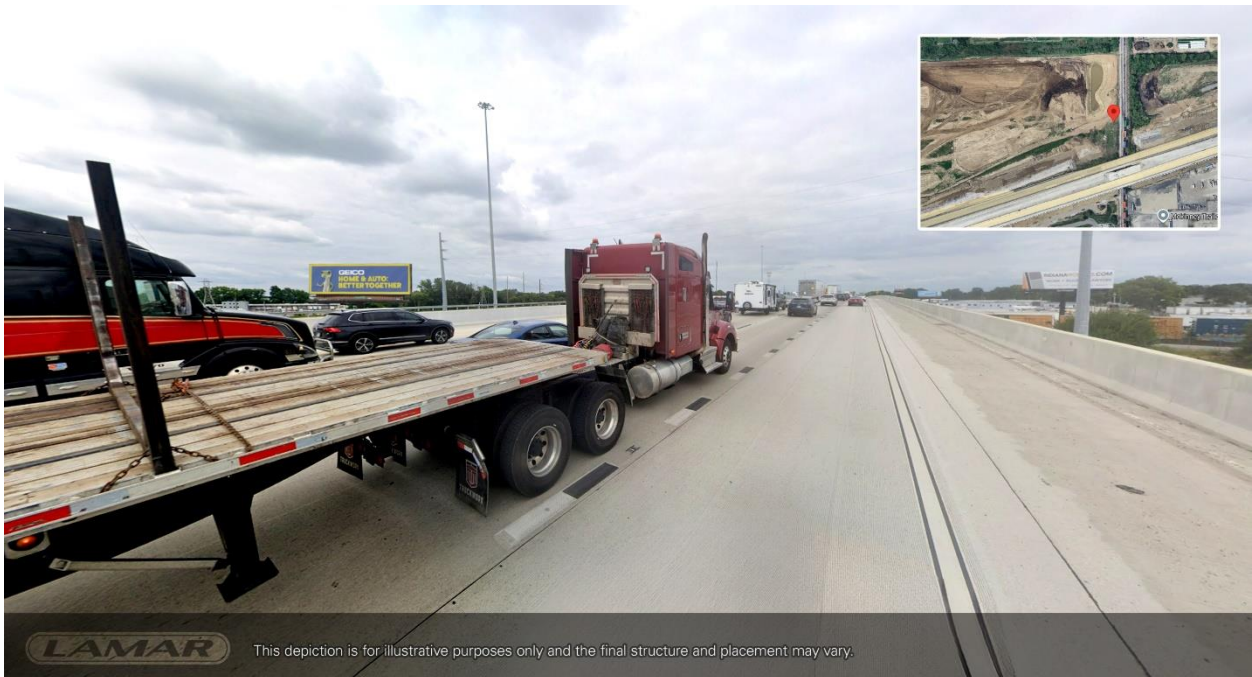


Height of 60 feet

2025SE3003 ; Height Renderings for Eastbound Traffic (provided by applicant)



Height of 52 feet



Height of 60 feet



Department of Metropolitan Development
 Division of Planning
 Current Planning

2025SE3003 ; Previous & Proposed Sign Locations



Note: previous sign in green, proposed location in blue. Approximate placements

2025SE3003 ; INDOT Letter (partial)

Dear Lamar Advantage GP Company, LLC:

We would like to inform you that, on April 6, 2021, the State of Indiana, on behalf of the Indiana Department of Transportation, deposited money with the Marion County Clerk for the above referenced case.

According to IC 32-24-1-10(a), We are permitted to enter upon and take possession of the real estate being acquired in this case, including a base foundation for billboard sign. We have now deemed this property ready for construction.

We appreciate your cooperation during this process. Thank you for allowing us to stay true to our mission of planning, building, maintaining, and operating a superior transportation system.

If you have any question or concerns, please contact Angie Hawley, Property Management Specialist at (317) 234-5612 or ahawley1@indot.IN.gov.

Sincerely,

Angela Hawley
 Property Management
 Real Estate Division

Office of the Indiana Attorney General
 Records



2025SE3003 ; Plan of Operation

Lamar Advertising is requesting to relocate a legally established off-premise billboard that was taken via eminent domain due to the I-69 Finish Line Project (49D05-2101-PL-001883).

The proposed sign is a 14'x48', 70' steel structure that will have back-to-back static faces.

The height is necessary as the railroad overpass to the east has been raised due to recent I-69 Finish Line construction.

The proposed location for the billboard is on property owned by Deleitosa Properties, LLC. If granted, we will apply for an Improvement Location Permit and will order the structure. The sign should be in the ground and operating by the third quarter of 2026, so long as there are no delays in ordering materials or with our contractors/labor.

2025SE3003 ; Findings of Fact (Special Exception)

1. The proposed use meets the definition of that use in Chapter 740, Article II because the sign being relocated pursuant to this special exception has been in place for many years. The new location is zoned I4, and the area is heavy commercial, which is appropriate for both on and off-premise signage.
2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because the sign that is being relocated has been in place since 2003, without adversely affecting the adjacent properties. The new location is appropriate for for off-premise signs. Pursuant to this special exception, the outdoor advertising sign had to be relocated due to an INDOT road improvement project commonly known as I-69 Finish Line.
3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because From 2005 to 2022, the proposed location had a billboard in very near proximity on it to the new location. The new location is appropriate for outdoor advertising and will not adversely affect adjacent properties. Railroad tracks are to the east, Light Industrial is to the north, I-465 is to the south, and to the west is Community Commercial. The sign is located on the edge of the east side of the property, so as to not interfere with development.
4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because the location is in an area of the City (oriented to I-465) that is appropriate for outdoor advertising signs. This area is zoned I-4, and is a heavy commercial and industrial corridor.
5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because The sign will continue to be oriented to I-465 in an area appropriate for outdoor advertising.
6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because the proposed location is is appropriate for outdoor advertising. It will continue to be oriented to I-465. It will continue to have 14'x48' faces, and steel construction.
7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because the outdoor advertising sign is being relocated to a site appropriate for outdoor advertising signs, in a highly developed commercial and industrial area.



2025SE3003 ; Findings of Fact (Variance of Development Standards)

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

the existing outdoor advertising sign that is being relocated pursuant to this grant of variance has been in place for many years without causing any injury to the public health, safety, morals, and general welfare of the community.

There is no evidence that the outdoor advertising sign has caused any injury, in any manner, to the public health, safety, morals, and general welfare of the community.

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

the existing outdoor advertising sign that is being relocated pursuant to this grant of variance has already been in place for many years (2003) without affecting the neighboring properties in a substantially adverse manner. The spot to which this board is moving had a previous billboard located on it for approximately 20 years before it was taken down.

Pursuant to this grant of variance, the outdoor advertising will be relocated due to a road improvement project by the Indiana Department of Transportation ("INDOT"), known as the Finish Line Project.

3. **The need for the variance arises from some condition peculiar to the property involved because:**

The advertising sign that is being relocated pursuant to this grant of variance has been in place for many years without generating any adverse impact. The location of the outdoor advertising sign is in an area of the City of Indianapolis (reading to I-465) that is appropriate for outdoor advertising. Without this variance, the strict application of the ordinance would generate an unfair result as Lamar Advertising would lose an existing outdoor advertising sign through no fault of its own. Indiana law contemplates relocation of outdoor advertising signs in these circumstances.

2025SE3003 ; Photographs



Photo 1: Proposed Billboard Location on Eastern Portion of Subject Site (August 2025)

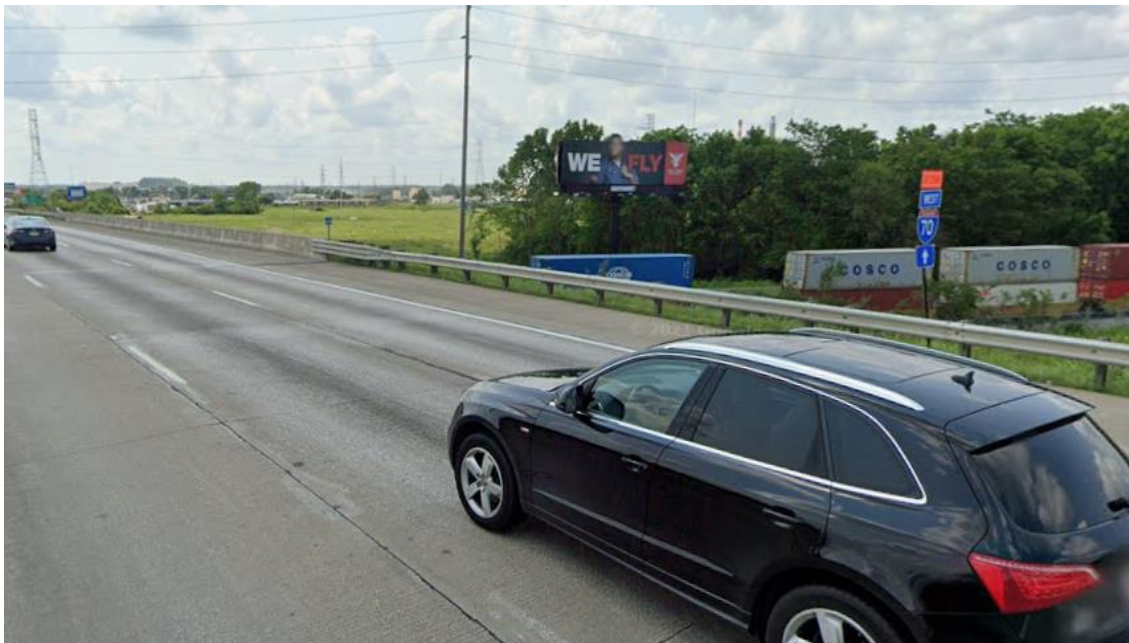


Photo 2: Previous Billboard on Eastern Portion of Subject Site Viewed from East (July 2021)

2025SE3003 ; Photographs



Photo 3: Proposed Billboard Location on Eastern Portion of Subject Site (September 2024)

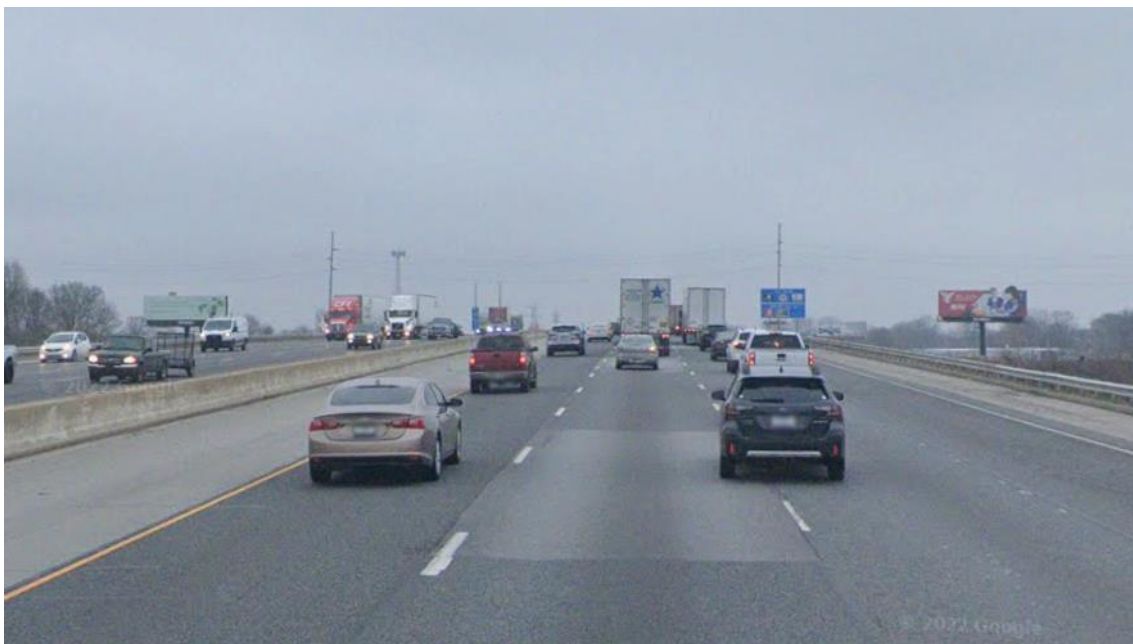


Photo 4: Previous Billboard on Eastern Portion of Subject Site Viewed from West (December 2021)

2025SE3003 ; Photographs (continued)



Photo 5: Existing Billboard on Western Portion of Subject Site (August 2025)



Photo 6: Existing Billboard on Opposite Side of Interstate (August 2025)

2025SE3003 ; Photographs (continued)



Photo 7: Previous Billboard at 4202 Harding to be Relocated (July 2021)



Photo 8: Same Location as Photo 5 but from August 2025 instead of July 2021



BOARD OF ZONING APPEALS DIVISION III

April 21, 2026

Case Number: 2026-DV3-007
Address: 1930 North Audubon Street (approximate address)
Location: Warren Township, Council District #14
Zoning: D-5
Petitioner: Suleima Morales, by Josh Smith
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to the primary dwelling with an 11-foot rear setback (20 feet 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

- ◇ This request would provide for an addition to the existing dwelling that would include an attached garage, creating an approximately 11-foot rear setback for the primary dwelling, when the Ordinance requires a 20-foot rear setback.
- ◇ The Consolidated Zoning and Subdivision Ordinance provides for a five-foot rear yard setback for detached accessory structures but requires a 20-foot rear yard setback for the rear of the primary dwelling.
- ◇ The garage was legally constructed and permitted as a detached accessory structure. With the dwelling expansion, the garage was then attached to the primary dwelling, resulting in the existing garage rear setback not meeting the rear setback for the rear of a primary dwelling.
- ◇ The reduced rear setback would have minimal negative impact upon the use and value of the properties of the abutting neighbors because the development pattern of reduced setbacks is common throughout this older neighborhood. It should also be noted that the new structures will maintain and not negatively impact the required open space.



- ◇ Staff believes that the reduced setback would be reasonable and would be in character with the neighborhood as staff has supported similar setback reductions in this area because the lots were developed before the adoption of the development standards of Consolidated Zoning and Subdivision Ordinance.
- ◇ Generally, Staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 Single-Family dwelling
	South:	D-5 Single-Family dwelling
	East:	D-5 Single-Family dwelling
	West:	D-5 Single-Family dwelling
Thoroughfare Plan		
North Audubon Avenue	Local street	50-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	February 11, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	February 11, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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



Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood typology which includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces.

Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

None

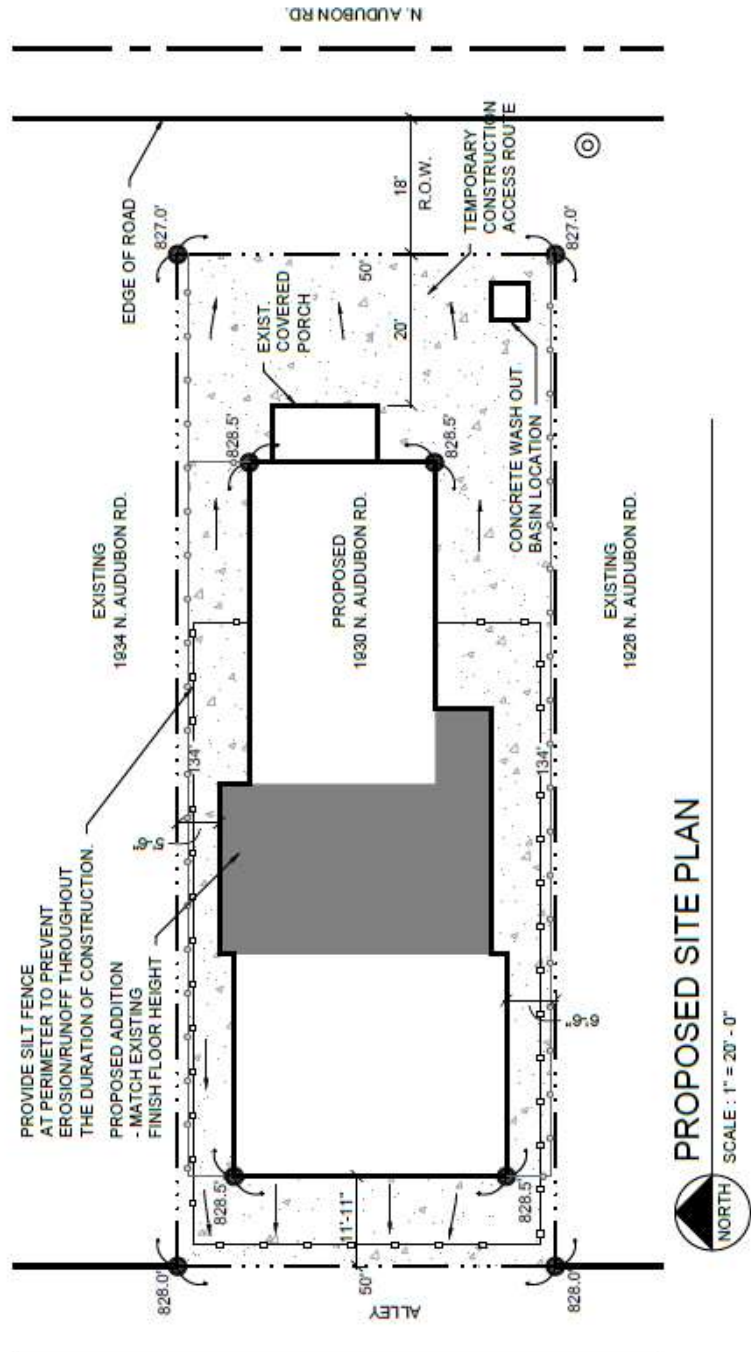
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EXHIBITS

Location Map



Site Plan





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

This variance allows the continued use of the property and structure as a single family home.

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 granting this variance, nothing will change with the proposed and existing use. The home is and will remain a single family property.

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

Prior to the addition there was no logical space to add a reasonable square footage onto the home without connecting the home to the detached garage or demolishing the detached garage. While the demolition was possible it would be unreasonable to demolish the existing asset of the garage. The connection of the home to the garage is the most reasonable way to add usable and valuable room to the home.

Photographs



Photo of subject site, looking west.



Photo of subject site, north elevation, looking southwest.



Photo of attached garage with with an 11-foot rear setback, looking north.



Photo of attached garage with with an 11-foot rear setback, looking south.



BOARD OF ZONING APPEALS DIVISION III

April 21, 2026

Case Number:	2026-DV3-012
Property Address:	4200 South Harding Street (<i>approximate address</i>)
Location:	Perry Township, Council District #22
Petitioner:	Hanson Aggregates, Midwest Inc., by Joseph Csikos
Current Zoning:	I-4 (FF)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a new building related to the existing extraction use located within the Floodway Fringe (not permitted) and with deficient landscaping (landscaping required).
Current Land Use:	Industrial
Staff Recommendations:	Staff recommends approval of the requests.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the requests.

PETITION OVERVIEW

- 4200 South Harding Street is a parcel within a larger industrial area to the west of Harding Street and to the north of I-465. The subject parcel is 9.70 acres in size and is currently improved with three structures in support of an existing use related to the processing of extracted materials. This extraction and processing use has existed at the property for decades, and permission for it was most recently established by the Legally Non-Conforming Use certificate 2004-LNU-026. The property has large piles of extracted materials within the western rear yard as well as a conveyor that runs between the two tallest structures closest to Harding Street.
- Approval of this petition would allow for the demolition of one of the existing structures associated with the concrete use and for it to be replaced by a new structure with a similar size and footprint, per plans within the Exhibits below. The new structure would also be associated with the existing legally established use, and would be utilized for similar functions to the current structure (just incorporating more modern materials and equipment). Since the use would be allowed per 2004-LNU-026, no Use Variance would be required to allow for the new building to be placed in the proposed location.



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

- Even though no Variance of Use would be needed, two (2) Variances of Development Standards would be required. The first would be for the reconstruction of a new building within the Floodway Fringe, and the second would be to allow for the construction of a new building without placement of landscaping in compliance within 744-500 of the Indianapolis Zoning Ordinance.
- The property is zoned I-4 (Heavy Industrial District) to allow for uses which present an elevated risk to the general public and are typically characterized by factors that would be exceedingly difficult, expensive or impossible to eliminate. Similarly, the site is recommended to the Heavy Industrial typology by the Comprehensive Plan (in addition to being within an Environmentally Sensitive overlay). Additional information is located within the ‘Comprehensive Plan Analysis’ portion of this report.
- When provided development plans for their review, the Flood division of the Department of Business and Neighborhood Services did not indicate any objection to the proposed scope of work. Additionally, they indicated that if other Ordinance and Floodplain regulations were met that the rebuilding of this structure within the Floodway Fringe would be able to successfully obtain a flood permit. For this reason, as well as the similarity in size and height of the new structure to the previous one, staff recommends approval of the variance related to the construction within the Floodway Fringe. Similarly, staff would recommend approval of the variance related to deficient frontage and interior landscaping given the lack of substantial change to the layout of the site and the nature of the processing of extracted materials use.

GENERAL INFORMATION

Existing Zoning	I-4 (FF)	
Existing Land Use	Industrial	
Comprehensive Plan	Heavy Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	I-4	North: Industrial
South:	I-4 / SU-23 GSB	South: Industrial
East:	C-7 / I-4	East: Heavy Commercial
West:	I-4	West: Industrial
Thoroughfare Plan		
Harding Street	Primary Arterial	128-foot existing right-of-way and 102-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	02/16/2026	
Site Plan (Amended)	N/A	
Elevations	02/16/2026	



Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	02/16/2026
Findings of Fact (Amended)	04/06/2026

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing.
- The Environmentally Sensitive Areas (ES) overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. Heavy Industrial land uses are removed as a recommended land use within this overlay.

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

2004LNU026, Certificate of Legally Non-Confirming Use for a Gravel/Sand extraction and processing use, **approved**.

ZONING HISTORY – VICINITY

2005SE1001 ; 4200 South Harding Street (southwest of site), special exception of the Industrial Zoning Ordinance to provide for a temporary asphalt plant, **approved**.

99-V3-52 ; 4550 South Harding Street (south of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a truck wash facility with a flood protection grade at the base flood elevation of 680 feet (flood protection grade of 682 feet required, 2 feet above the base flood elevation, **approved**.

97-SE1-5 ; 4602 South Harding Street (south of site), special exception of the Industrial Zoning Ordinance to provide for the temporary placement of facilities for the processing and production of asphalt and concrete, **approved**.

96-V1-33 ; 4530 South Harding Street (south of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for an asphalt and cold mix process facility (not permitted) with zero feet of public street frontage provided with access to be gained by a 60 foot wide access easement (minimum 50 feet of frontage on a street right-of-way required), **approved**.

96-SE1-7 ; 4400 South Harding Street (south of site), special exception of the Industrial Zoning Ordinance to provide for the extraction, aggregate washing and screening process for sand and gravel, **approved**.

EXHIBITS

2026DV3012 ; Aerial Map



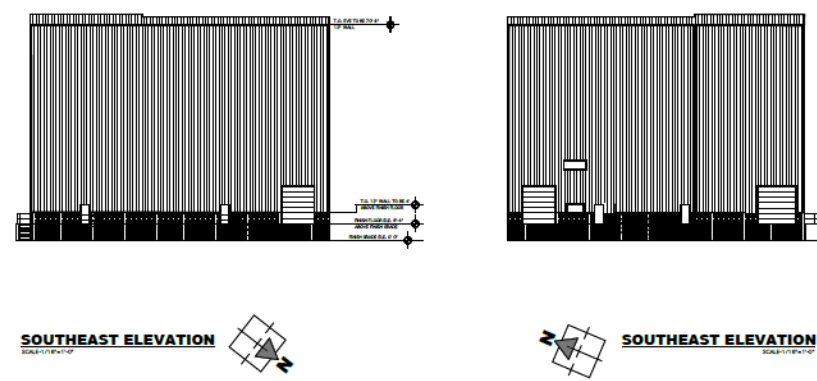
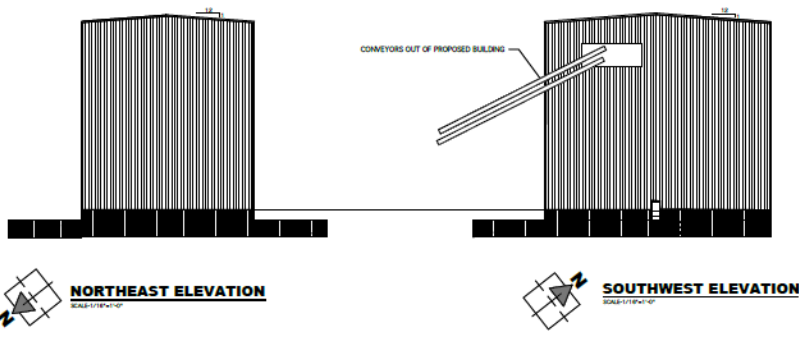
2026DV3012 ; Aerial Map (Zoomed)



2026DV3012 ; Site Plan



2026DV3012 ; Elevations





2026DV3012 ; Findings of Fact (Floodway Fringe)

1. There exists a good and sufficient cause for the requested variance because:

The existing use is permitted within the I4 zoning district, and the use has been established via 2004LNU026. The requested variance allows the petitioner to modernize the existing equipment and processes on site which has historically been operated in the same manner.

2. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant because:

The strict application of the terms of the ordinance would constitute an exceptional hardship as this would prohibit the machinery and process upgrade. The modernization requires updated structures that are sufficient in size and clear area for operations.

3. The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with other applicable laws or ordinances because:

The site is currently predominantly hard surfaced with a number of existing structures in the FF zone. The reconstruction of the structure in question will not serve to increase the impervious surface on the lot and will not produce an increased risk of flooding, threats to public safety, public expense, public nuisances, fraud or victimization of the public, or conflict with any other laws or ordinances. The proposed facility will house machinery and operational devices with no residential components. Stormwater runoff and discharge will not be altered with the construction.

2026DV3012 ; Findings of Fact (Landscaping)

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

The proposed structure will replace an existing, outdated, structure housing the concrete batching facility. The existing facility is removed from the property frontage and is located behind existing security fencing and gates. The modernization and continued operation of the facility absent of the updated landscaping will not change the existing character or appearance of the property and will not be injurious to the public health, safety, morals, or general welfare of the community.

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

The facility is located in an area characterized by heavy industrial uses. The absence of enhanced landscaping in the area is consistent with the character of the surrounding properties as well as the existing operation. The appearance of the property will not be substantially altered and the landscape waver will not affect the use or value of the industrial areas adjacent to the site.

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 of the terms of the zoning ordinance would require significant revisions to the layout and travel patterns on the existing concrete batching facility resulting in practical difficulties for the ongoing operation and optimization of site operations. This location has been utilized in this way for over 40 years, making it unlikely that additional landscaping would have long term viability.

2026DV3012 ; Photographs



Photo 1: Subject Building Viewed from East



Photo 2: Subject Building Viewed from Northeast

2026DV3012 ; Photographs (continued)



Photo 3: Subject Building Viewed from North



Photo 4: Subject Site Viewed from North

2026DV3012 ; Photographs (continued)



Photo 5: Aggregate Piles in Rear Yard of Site, Viewed from East



Photo 6: Adjacent Property to North

2026DV3012 ; Photographs (continued)



Photo 7: Adjacent Property to South



Photo 8: Adjacent Property to East



BOARD OF ZONING APPEALS DIVISION III

April 21, 2026

Case Number: 2026-UV3-001
Address: 11011 Brookville Road (approximate address)
Location: Warren Township, Council District #25
Zoning: D-A (FW) (FF)
Petitioner: Kindred Excavating Group LLC, by David Gilman
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an excavation commercial contractor (not permitted).

Current Land Use: Commercial Contractor

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the operation of an excavation contractor. No excavation would occur on site. The contractor provides excavation services for utility connections to planned subdivisions and other developments.
- ◇ The purpose of the D-A district is to provide for a variety of agricultural enterprises, with a secondary intent for the development of large estate or rural single-family dwellings. Because no agricultural enterprise exists on the subject site, development of the site would be considered a large estate or rural single-family dwelling.
- ◇ A significant portion of the site is designated as Floodway and Floodplain. Therefore, residential development would be limited, and difficult in Staff’s opinion.
- ◇ The Comprehensive Plan recommends rural, or estate neighborhood uses for the subject site. The proposed use, being an excavation contractor, would be similar to agricultural operations that are permitted in the D-A District. Therefore, the request would be a minor deviation from the Ordinance, and the impact would not be an increase in intensity in Staff’s opinion.



GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Commercial Contractor	
Comprehensive Plan	Rural or Estate Neighborhood	
Overlay	No	
Surrounding Context	Zoning	Surrounding Context
	North: D-A	Single-family dwelling
	South: D-A	Undeveloped
	East: D-A	Undeveloped
	West: PK-1	Park
Thoroughfare Plan		
Brookville Road	Primary Arterial	135-foot existing and proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Wellfield Protection Area	No	
Site Plan	January 6, 2026	
Elevations	N/A	
Commitments	N/A	
Landscape Plan	N/A	
Findings of Fact	January 6, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends rural or estate neighborhood development.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Rural or Estate Neighborhood typology for this site. This typology provides for rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

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

2014-DV3-026; 23225 South German Church Road (north of site), requested a Variance of Development Standards to provide for the construction of a 1,500-square foot detached garage, located in front of the established building line of the primary dwelling, with an approximately zero-foot setback from the proposed right-of-way of Brookville Road, with a 10-foot east side setback, creating an accessory building area of 1,500 square feet or 114.7% of the main floor area of the primary building and an accessory use area of 2,798 square feet or 213.9% of the total floor area of the primary dwelling, **granted**.

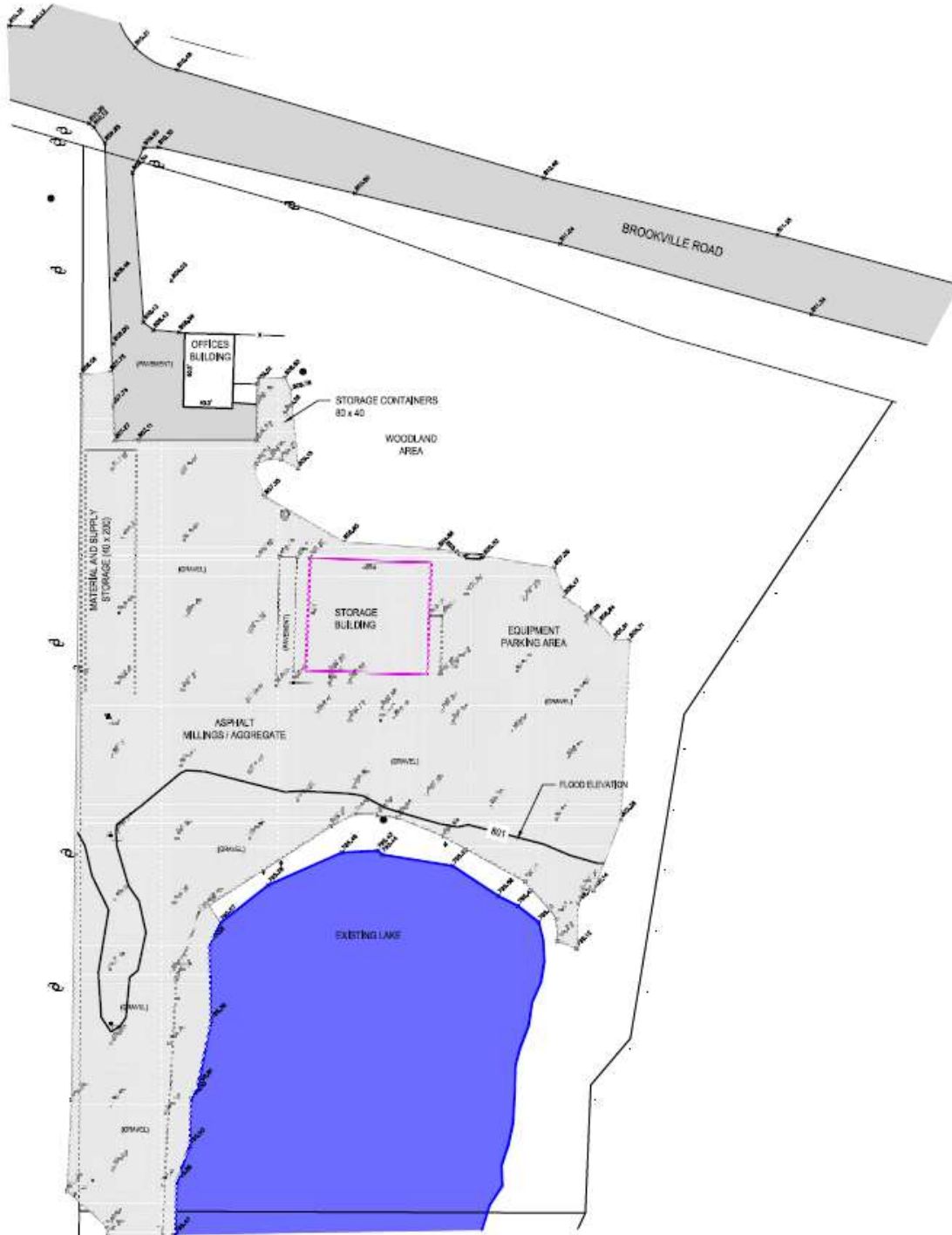
86-UV1-105, 11011 Brookville Road (subject site), requested a Variance of Use to provide for the construction of second story residence above a commercial building, **granted**.

82-UV1-30, 11011 Brookville Road (subject site), requested a Variance of Use to provide for a fishing lake, with two trailers of the property and a turkey shoot, **granted for two-year period**.

76-UV2-143, 11011 Brookville Road (subject site), requested a Variance of Use to provide for retail fished lakes, **granted for five years**.

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Site Plan - File dated November 21, 2025





Plan of Operation - file dated January 6, 2026.

Plan of Operation

BACKGROUND

The site is located at 11011 Brookville Road, at the intersection of S. German Church Road. The site is mostly located in a flood zone and contains 11.5 acres. The site has been a pay lake for several years and is now being used as a small excavating business. The site is located adjacent to the undeveloped DA to the south and east, single family residence to the north and Parks Department property to the west. The Parks Department property was an old City landfill with their test monitoring well along the common property line. The flood zone and the old City landfill limit the potential for the site to be developed.

Business Use

The owners operate a small family-owned excavating business on the site. They have made a substantial investment cleaning up the property and making improvements to the existing and constructing a new building. Their business is small, and this site works perfectly for their current and future needs.

Buildings

There are two (2) existing buildings on the subject property. Building #1 will be used for offices and Building #2 will be used for business storage. There will be no truck storage or maintenance in either building. All maintenance will be done off-site and through a private vendor, as required under the terms of the vehicle or equipment warranty.

Flood Hazard Areas

There are certain portions of the property located with a flood hazard area. There is a Certificate of Elevation on file that certifies Building #2 is constructed at or above the BFE, and no flood permit was required. A structural permit was issued for this building for storage only. All trucks and fuel container storage will be placed outside the flood fringe boundaries.

Workforce

There will be 5 full-time employees at the site, including the 2 owners. There are 10 employees that work remotely and drive directly to the job site.

Hours of Operation

Business hours will be Monday to Friday from 8am to 5pm. The business is closed on Saturday and Sunday.

Traffic

The entrance is located at an intersection with a full operational traffic light.

Off-Street Parking

The business will have 2 semi-trucks and flatbed trailers and 3 dump trucks.

Shipping/Receiving

Shipping and receiving will be conducted through normal delivery services such as Amazon, FedEx, and UPS. There is a minimal amount of materials such as pipe, culverts, sand, gravel, and stone stored on site. Most of the materials are delivered directly from the supplier to the job site.

Waste

All waste products will be removed by a private refuse business.

Self-Imposed Written Commitment:

The site will be developed in substantial compliance with the site plan file dated 11/21/2025.



Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The proposed use will utilize the existing commercial buildings for offices and business storage. The buildings will meet all the applicable IBC requirements.
The site has direct access to an arterial thoroughfare suitable for the proposed use. The site has excellent drainage and all required utilities to serve the proposed use.
The site meets the immediate and future growth needs of the proposed use. The owner's business is a local expert in the installation erosion control measures and have extensive work experience with environmentally sensitive projects.

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

The site is predominately surrounded by floodway and floodplain properties. There is a reclaimed landfill along its entire western boundary with required monitoring wells on the subject property line. There are only 2 residences to the immediate north opposite SR 52 and 1 residence along its entire eastern boundary. The proposed use and the owner's business have local experience working on environmentally sensitive projects to help protect the adjacent uses.

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

The site is mostly floodway and floodplain with 2 large private ponds. As a result, the Land Use Plan has a non-development recommendation for these areas. The limited area available for development contains 2 large commercial buildings that are more suitable for commercial use than a residential use, as recommended by the Land Use Plan for this area.

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 adjacent to a large area of a reclaimed landfill that includes monitoring wells on the subject property. The site is mostly within the floodway and floodplain designations. The area that is suitable for development contains 2 large commercial buildings. These existing conditions on the subject property makes it unlikely that a residential use will be appropriate due to lender restrictions, flood insurance and existing commercial buildings.

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

The variance request is for a single use the best fits the existing conditions and the underlying zoning classification will remain unchanged.

Photographs



Subject site, looking south from Brookville Road



Subject site, existign office and storage building on site, looking east



Subject site, looking south



Subject site, looking southwest.



BOARD OF ZONING APPEALS DIVISION III **April 21, 2026**

Case Number: 2026-UV3-002

Property Address: 7900 Shelby Street (*approximate address*)

Location: Perry Township, Council District #22

Petitioner: Young Men’s Christian Association, by Kevin Buchheit

Current Zoning: SU-38

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a financial services use (not permitted).

Current Land Use: Non-Profit Community Center

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

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 7900 Shelby Street is a 17.43-acre parcel currently improved with the Arthur R. Baxter branch of the YMCA. The existing primary structure and accessory buildings, game courts, and parking areas have been in use since the early 1960s as a non-profit community center. Surrounding land uses include residences to the north and south, a church to the west, and commercial development along US 31 to the east. Existing amenities within the YMCA building include a wellness center and gymnasium childcare area, and both indoor and outdoor sport facilities.
- Approval of this petition would allow for the operation of a financial services use within the existing YMCA, without disruption to established uses in the building. The bank in question would function as a Minority Depository Institution (MDI) that would predominantly serve eligible minority groups and would seek to facilitate economic growth and upward mobility for communities that have historically been “unbanked”. In addition to traditional banking services (checking, savings, loans, etc.), the MDI would also offer financial empowerment education for the surrounding community. The use would occupy approximately 1000 square feet within the existing structure and would not contain a separate entrance directly to the bank office or any drive-thru services. A full Plan of Operation is within the Exhibits below.



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

- The SU-38 zoning district narrowly allows for community center uses. Staff has determined that since the proposed use would be a full bank with FDIC accreditation, etc. that it would be most appropriately considered as an additional primary use within the building (as opposed to an accessory use to the existing non-profit community center). Since financial services uses would not be an allowed primary use within the SU-38 district, a Variance of Use would be required to allow for the proposed MDI.
- The petitioner would also seek to place an exterior building sign onto the eastern façade of the primary structure. Placement of this sign would require administrative approval to be granted (which could be done after the potential approval of the variance), but the rendering provided to staff during this review process did not appear to show any non-conformity with Ordinance requirements (met standards for size as a ratio of the façade width and for height from grade).
- Findings of Fact provided by the applicant indicate that the YMCA and the proposed bank would have substantial alignment in overall goals and mission being oriented toward community development. Staff agrees that the proposed use would be an appropriate complement for existing YMCA programs, that the Plan of Operation involves would involve advancement of equity goals, and that the approval of a Variance of Use would allow for the site to maintain the primary SU-38 zoning designation most appropriate for a community center of this scale. Staff recommends approval of the request.

GENERAL INFORMATION

Existing Zoning	SU-38	
Existing Land Use	Non-Profit Community Center	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: D-2 / C-3	North: Residential / Commercial
	South: D-2	South: Residential
	East: C-3	East: Commercial
	West: D-2 / SU-1	West: Church
Thoroughfare Plan		
Shelby Street	Primary Collector	47-foot existing right-of-way and 90-foot proposed right-of-way
Stop 11 Road	Secondary Arterial	80-foot existing right-of-way and 90-foot proposed right-of-way
Surrey Drive	Local Street	68-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	03/04/2026	



Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	03/04/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities.
- Large-Scale Community-Serving Institutions are a contemplated land use for this typology. Such development should be located along an arterial street, have continuous pedestrian infrastructure when near residences, should not be located near highways, should be located near a bus or rapid transit stop, and should be in harmony with surrounding neighborhoods with screening of parking, service, and emergency vehicle 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

2011DV3048, Variance of development standards of the Sign Regulations to provide for a 22.583-foot tall, 132.7-square foot freestanding sign , with a zero-foot setback from the existing right-of-way of Shelby Street (15-foot setback required), **approved**.

97-UV2-5, Variance of use and development standards of the Special Districts Zoning Ordinance to provide for a monopole antenna, and an associated 12 by 22 foot communications equipment building (not permitted), being 80 feet in height (maximum height 35 feet permitted), **approved**.

83-HOV-124, Variance of development standards of the Sign Regulations of Marion County to provide for the erection of a double-faced pole sign, **approved**.

61-Z-66, rezoning of 19.05 acres from A-2 to Special Uses 7 for a YMCA center, **approved**.

ZONING HISTORY – VICINITY

2023DV3024 ; 7745 Surrey Drive (north of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a wooden privacy fence within the rear yard, with a height ranging between eight and 10 foot tall (maximum six-foot tall fence permitted within rear yard), **approved**.

2023ZON108 ; 1102 East Stop 11 Road (east of site), Rezoning of 2.67 acres from the C-S district to the C-3 district to provide for neighborhood commercial uses, **approved**.

2017ZON039 ; 1102 East Stop 11 Road (east of site), Rezoning of 2.7 acres from the C-S district to the C-S classification to provide for the construction of two additional buildings, and to provide for general retail uses and drive-through uses, in addition to the uses approved by Petition 2003-ZON-133, **approved**.

2003ZON133 ; 1102 East Stop 11 Road (east of site), rezoning of 2.61 acre, from C-1 to S-S to provide C-1 uses and certain C-3, C-4 and C-5 uses, including restaurants, furniture stores, automobile leasing and detailing, motorcycle sales and service and a caterer, **approved**.

EXHIBITS

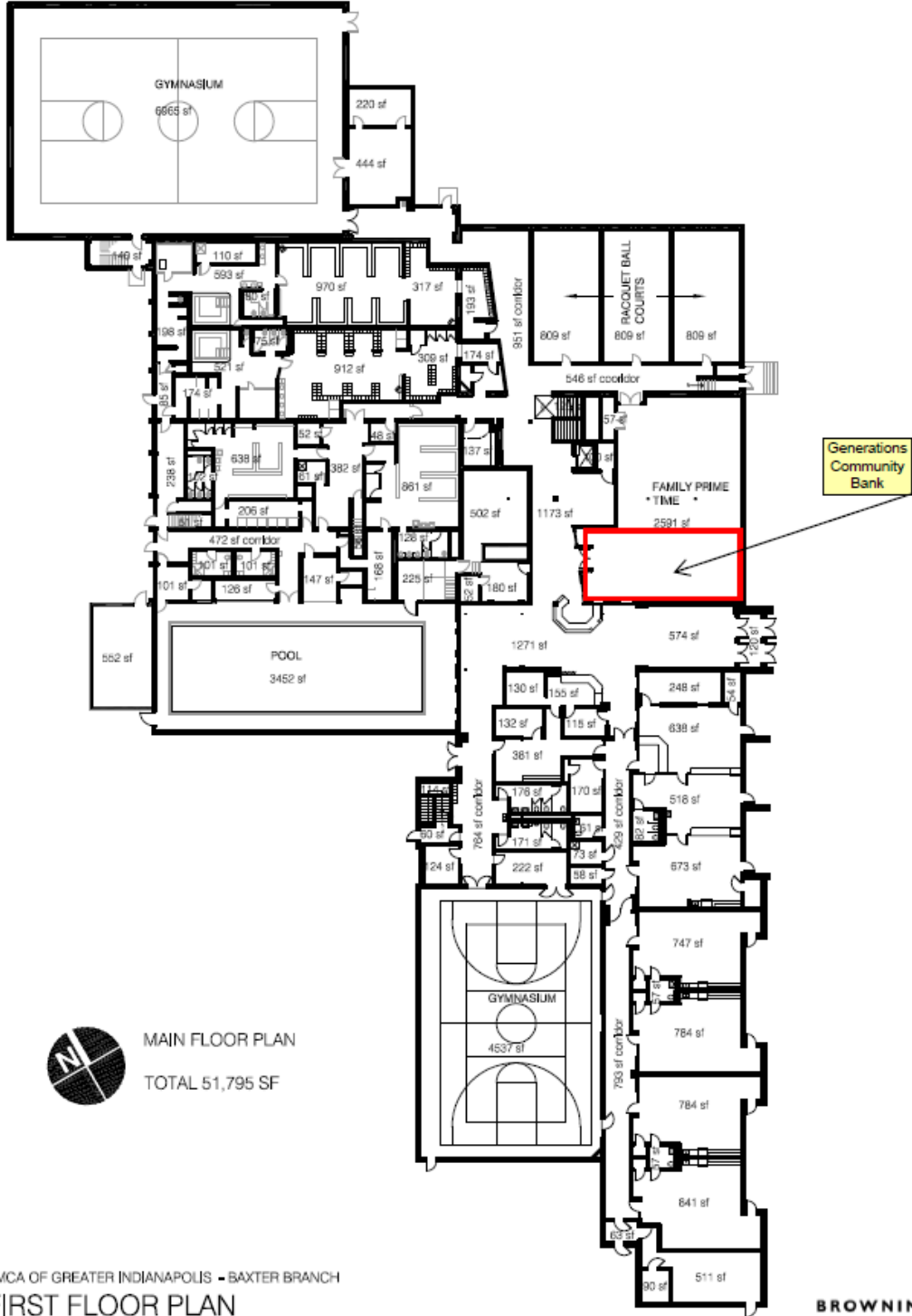
2026UV3002 ; Aerial Map





Department of Metropolitan Development
Division of Planning
Current Planning

2026UV3002 ; Floor Plan



November 20, 2009

Scale 1" = 40'-0"

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**



2026UV3002 ; Plan of Operation

Workforce:

Limited, generally to 3 to 5 employees at the same time, with occasions for more if/as client demand warrants it.

Clients/Customers:

Individuals, entrepreneurs and small business owners seeking to expand knowledge, ability and confidence in the world of banking services and transactions.

Processes Conducted On The Site:

“Traditional” banking services – such as checking, savings, loans – along with learning opportunities about banking services and processes.

Shipping and Receiving:

No large delivery trucks are required for the types of shipping/receiving associated with a bank.

Waste:

Waste (typical office waste) will be minimal and disposed of by the bank.

Other:

The bank is mission-driven to help facilitate economic growth and upward mobility for Indiana communities that have been overlooked and underserved, focusing on wealth creation through home ownership and business loans. The mission is achieved directly and/or in partnership with other community organizations like the YMCA; seeks to fill gaps in financial services for underserved communities and create economic mobility; seeks to provide financial empowerment education; and works closely with individuals and families to ensure they reach their financial dreams. The bank’s operations are compatible with the YMCA’s strategic plan of providing a “healthier, more equitable, more connected community,” adding to the “educational and cultural activities of a neighborhood or community,” and adding to the YMCA as a multi-service community center.

The bank will occupy a small area of space (approximately +/- 1,000 square feet) inside Baxter YMCA.

There will be no separate entrance directly into the bank office. All customers will access the physical bank through YMCA general entrance doors.

The bank’s hours of operation will not extend outside of the YMCA’s hours of operation, but they may be of shorter duration.

The bank will not include drive-through service.



2026UV3002 ; Findings of Fact

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

the YMCA has offered community recreational, educational and other opportunities and activities at this location since the early 1960s, the proposed bank is an FDIC-approved MDI institution whose mandate includes educating and assisting the un-banked and under-banked in growing their confidence in personal and small business banking matters, and the missions of the YMCA and the MDI bank are very much aligned.

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

the MDI bank will be located in a very small area completely within the existing YMCA building space, access to the bank will be limited to YMCA building access points, there will be no drive-through service for the bank, and bank hours of operation will not extend beyond the YMCA hours of operation.

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

just as the YMCA is mission-driven to serve the community, an MDI bank is mission driven to educate, train and serve those in the community who may not have confidence in their own banking knowledge and skills to help them grow their confidence and banking abilities as steps toward brighter economic futures, and, even though the YMCA and the MDI bank community-serving missions align, a "Financial Services" use is not permitted in a SU-38 (Community Center) District.

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 MDI bank mission is very much aligned with the YMCA mission to serve the community in a way that is not otherwise available or offered within the same Community Center facility where target populations may already be served in other ways.

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

the focus and mission of both the YMCA and an MDI bank and the collective services offered to the consumers of both will be uniquely paired under the same roof of a Community Center, which is supported by plan policies.

2026UV3002 ; Photographs



Photo 1: Subject Site Viewed from East



Photo 2: Primary YMCA Entry Viewed from East

2026UV3002 ; Photographs (continued)



Photo 3: Bank Location Viewed Internally



Photo 4: Adjacent Property to East



BOARD OF ZONING APPEALS DIVISION III

April 21, 2026

Case Number:	2026-UV3-004 (Amended)
Property Address:	2705 Shriver Avenue (<i>approximate address</i>)
Location:	Center Township, Council District #12
Petitioner:	Debbie Spain
Current Zoning:	D-5
Request:	Variance of Use and Development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a transitional living quarters use (not permitted) with deficient vehicle parking (5 spaces required).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends approval subject to commitments.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to the following commitments:

1. The maximum occupancy of the transitional living quarters will be 8 residents and 1 live-in manager, per the Plan of Operation.
2. Grant of the variance shall be limited to the subject property and would not apply for building additions or expansions in the future.
3. A 'no-vehicle' policy for residents shall be enforced, per the filed document.
4. Three (3) bicycle parking spaces shall be installed at the site.

PETITION OVERVIEW

2705 Shriver Avenue is a residential lot with a width of 30 feet currently improved with a two-story single-family residence containing four (4) bedrooms. The building was constructed around 1920, has a footprint of approximately 1420 square feet, and utilizes street parking available on Shriver Avenue to the west. The building is on a noticeably higher grade than street level and is accessed by stairs. Adjacent land uses include the I-65 highway to the west and residential uses in all other directions.

Approval of this petition would allow for the establishment of a transitional living quarters use for adult women transitioning from incarceration, treatment facilities, and homelessness within the existing residential structure and utilizing existing bedrooms. This use would not be a daily emergency shelter, diversion center, or residential shelter for those required to leave during the day.



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

Per the filed Plan of Operation, the facility would be supervised 24 hours a day by an on-site House Manager, would typically accommodate a stay of 3-6 months for up to 8 residents, would enforce a curfew with quiet hours, and would provide case management and peer support services for those living on-site. The change in use would not result in the placement of new signage or external changes, and residents would be subject to a 'no-vehicle' policy which would disallow the operation or storage of a personal vehicle at the property. The Plan of Operation and 'no-vehicle' policy are within the Exhibits below.

A transitional living quarters use is not allowed by-right within the D-5 zoning district. Therefore, a Variance of Use would be required to allow for legal operation of the use as described within filed documents. Additionally, the Ordinance would require the provision of one (1) on-site or street vehicle parking space per two (2) beds/residents, meaning that the use would require five (5) parking spaces. The petitioner is also seeking a Variance of Development Standards to allow for deficient on-site parking.

The subject site is zoned D-5 (Dwelling District Five), which is a Walkable Neighborhood District intended for medium- and large-lot housing formats (primarily detached houses, but may incorporate small-scale multi-unit building types in new strategic locations). Similarly, the Comprehensive Plan recommends it to the Traditional Neighborhood typology to allow for a variety of housing types ranging from single family homes to large-scale multifamily housing. Small-scale multifamily uses are contemplated by the Plan in this typology when near intersections, when not comprising over 25% of a block that also contains single-family homes, and when the building size and massing are contextual for the block.

Findings of Fact and supporting documentation provided by the applicant in support of their variance requests indicate that the proposed supervised residential use would be contextually appropriate for surroundings and could accommodate the desired density without the need for expansion, and that the narrow width of the parcel would limit the placement of on-site parking facilities for which the need would be substantially lessened by the implementation of a 'no-vehicle' policy.

Initial staff feedback to the request expressed concerns about the proposed density (11 residents at initial filing) and parking impact on the surrounding neighborhood. To address these concerns, the petitioner engaged with staff and agreed to the following limiting commitments:

1. Limiting the residential occupancy to 8 residents in addition to the 1 on-site manager in a manner more consistent with the maximum occupancy allowed for group home uses (which is a contemplated use type for the D-5 district).
2. Limiting the grant of the variance to the existing building without the allowance for additions that would occupy additional space or bring the development out of harmony with the surrounding neighborhood.
3. Enforcement of a 'no-vehicle' policy for non-managerial residents. Given this policy, the availability of street parking along Shriver Avenue, and the fact that the parcel to the south is undeveloped, staff feels that a reduction in parking could be supportable and that anticipated traffic from the manager and occasional guests would be contextually appropriate.
4. Placement of required bicycle parking at the subject site, which would be of extra importance given the enforceable 'no-vehicle' policy for residents.



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

Staff feels that the requested commitments to which the petitioner has agreed would not result in exterior changes or parking influx that would substantially impact surrounding properties and would keep the residential density at a scale sometimes contemplated for the D-5 zoning district. Staff recommends approval of the requested variance, subject to the four commitments above.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Residential
	South:	South: Undeveloped
	East:	East: Residential
	West:	West: Interstate
Thoroughfare Plan		
Shriver Avenue	Local Street	70-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	03/17/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/17/2025	
Findings of Fact (Amended)	03/18/2026	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The property is recommended to the Traditional Neighborhood living typology to allow for a variety of housing types ranging from single family homes to large-scale multifamily housing. Access to parcels should come from alleys when practical, and building form should promote the social connectivity and continue the visual pattern of the neighborhood. Typical residential density of 5 to 15 dwelling units per acre is recommended.
- Small-scale multifamily housing uses should be placed near intersections or collector streets, should not comprise over 25% of blocks that also contain single-family homes (and should have similar size and orientation to single-family homes when possible), and should have parking either behind or interior to the development.

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

2022DV1001 ; 311 West 26th Street (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached single-family dwelling with a 13-foot rear setback, creating an open space of 22.7% (20-foot rear setback, 40% open space required), **approved**.

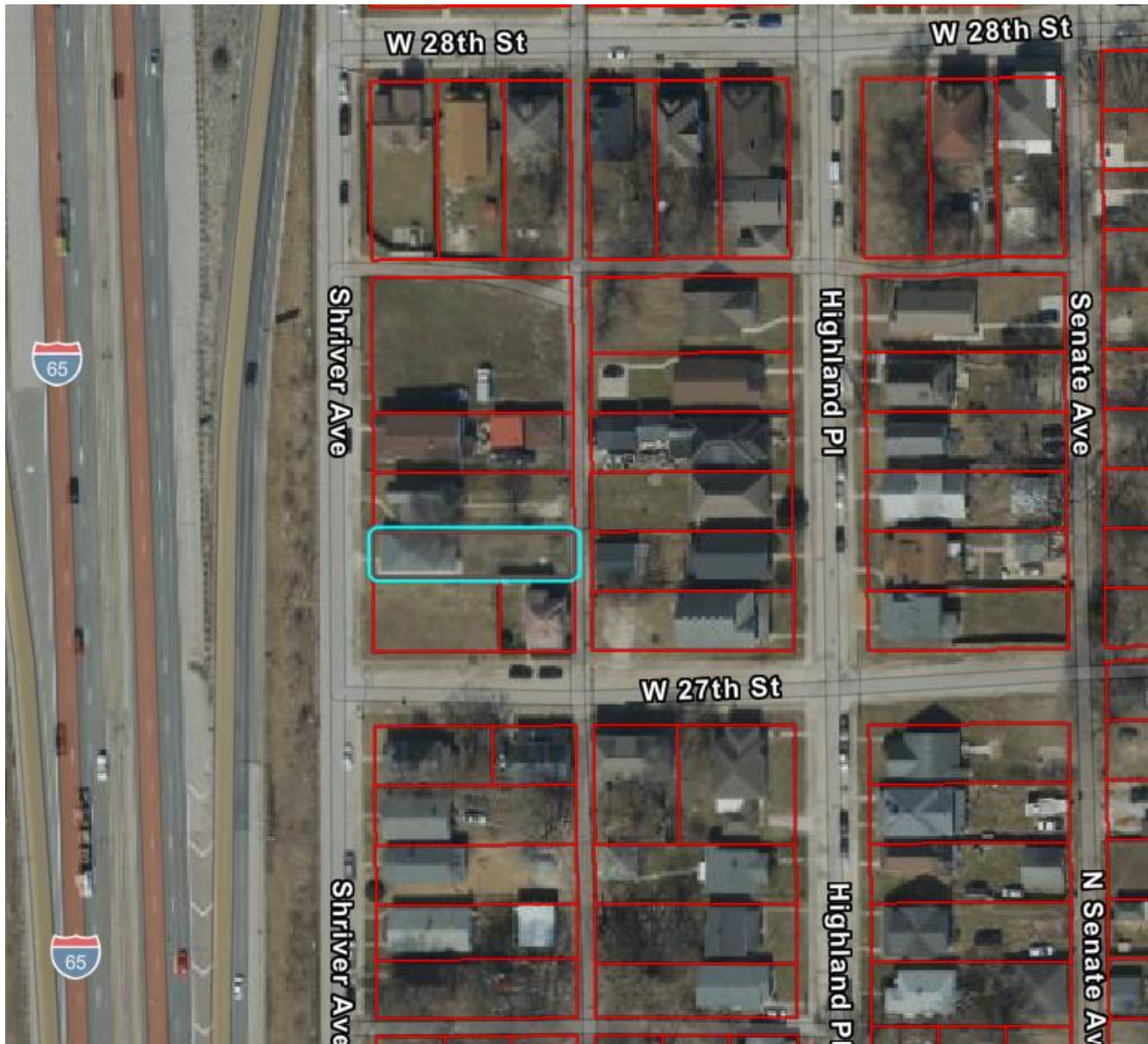
2020DV3020 ; 332 West 28th Street (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 3,090-square foot, 30-foot wide lot, with a dwelling with a one-foot east side setback and to legally establish a 0.7-foot west side setback, 1.6 feet between buildings and a 3.5-foot front setback (50-foot wide lot, 5,000-square foot lot area, three-foot side setback, 10 feet between dwellings and 18-foot front setback or average), **approved**.

2019ZON061 ; 324 W 26th Street (southeast of site), Rezoning of 0.116 acre from the D-5 district to the D-8 district, **approved**.

95-SE3-9 ; 2821 Highland Place (northeast of site), Special Exception of the Dwelling Districts Zoning Ordinance to legally establish a church (not permitted), **approved**.

EXHIBITS

2026UV3004 ; Aerial Map



2026UV3004 ; Aerial Map (Zoomed)



2026UV3004 ; Findings of Fact (Parking)

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

The requested variance will not be injurious to public health, safety, or general welfare. The property will be operated with continuous on-site management to ensure proper oversight and compliance with property rules. Parking demand is expected to be lower than standard ordinance assumptions under Chapter 742, as residents typically have limited vehicle ownership and rely on alternative transportation such as public transit and rideshare services. Additionally, one adjacent parcel does not contain a residential structure, reducing the likelihood of direct impact on neighboring properties.

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 will be professionally managed with continuous on-site supervision, ensuring that operations remain orderly and compatible with the surrounding neighborhood. The variance does not introduce a new or incompatible use but rather allows reasonable utilization of an existing structure within the constraints of the lot. Because parking demand will be managed operationally, there will be no substantial overflow or disruption to nearby 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 strict application of Chapter 742 parking requirements results in practical difficulties due to the physical characteristics of the property. The subject parcel is narrow in width with an existing structure that occupies a substantial portion of the buildable area. These conditions limit the ability to provide the required five (5) vehicle parking spaces and three (3) bicycle parking spaces in a compliant configuration. Achieving full compliance would require significant alteration or removal of existing improvements and the construction of a new vehicular access drive which is not feasible given the site constraints. These conditions are inherent to the property and were not created by the applicant. As such, strict enforcement of the ordinance would result in practical difficulties and unreasonably limit the use of the property given its inherent physical constraints.



2026UV3004 ; 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 proposed use will operate as a supervised transitional living residence within the existing residential structure. The home will be staffed 24 hours per day by a live-in House Manager. No medical or emergency services will be provided onsite. The structure will maintain its residential character with no exterior modifications or signage.

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

The structure will retain its single-family residential appearance. There are no proposed exterior changes, parking lot expansion, or increased building footprint. The supervised residential use is compatible with surrounding residential properties and will not generate commercial traffic or activity.

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

The size and interior configuration of the existing dwelling allow it to accommodate structured residential occupancy without structural expansion. The property's layout uniquely supports supervised residential use while maintaining neighborhood compatibility.

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

Strict application of the D-5 Dwelling District regulations prevents a reasonable residential use of the existing structure despite its compatibility with surrounding residential development. The hardship arises from zoning limitations rather than from any action by the petitioner.

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

The subject property is located within an area designated for residential use under the Comprehensive Plan. The proposed supervised transitional living residence supports housing stability and residential community development while preserving neighborhood character.



Department of Metropolitan Development
Division of Planning
Current Planning

2026UV3004 ; Plan of Operation (Partial)

Program Overview: Spain's Residential Living provides structured transitional housing for adult women for an average stay of 3–6 months.

Occupancy Configuration:

- 4 Bedrooms Total
- Bedrooms configured to support a maximum of 8 residents
- 1 Bedroom reserved for live-in House Manager

Supervision:

- 24/7 Onsite House Manager
- Structured daily schedule
- Enforced curfew
- No unsupervised hours

Services Provided (Non-Clinical):

- Peer recovery support
- Life-skills training
- Case management
- External referrals as needed

Safety Measures:

- Zero tolerance for violence or illegal activity
- Visitor restrictions
- Quiet hours enforced
- Compliance with all city housing codes

Exterior Conditions:

- No signage
- Rear privacy fence / private backyard
- Street parking only (limited use)
- Bicycle parking provided on-site
- No driveway or alley access

Operational Policies:

- No Vehicle Resident Policy (effective April 1, 2026)
- Low turnover with structured residency



Department of Metropolitan Development
Division of Planning
Current Planning

2026UV3004 ; Plan of Operation (Partial; Continued)

Attachment 3 – Staffing & Supervision Plan

House Manager (Live-In, 24/7):

- Program oversight and compliance
- Intake coordination
- Rule enforcement
- Incident response
- Community liaison

Support Roles (as needed):

- Administrative support
- Case coordination assistance

Attachment 4 – House Rules Summary

- Curfew enforced
- No overnight guests
- Chore rotation required
- Respectful conduct required
- Compliance mandatory for continued residency

Attachment 5 – Property Summary

- Existing single-family residential structure
- No structural expansion permitted
- Variance applies to this property and structure only
- Located within residential neighborhood
- Adjacent properties are residential

Attachment 6 – Neighborhood Outreach Statement

Notice provided to applicable neighborhood development corporations including Mapleton-Fall Creek Development Corporation and Near North Development Corporation.

Program operates in a manner consistent with residential character of the neighborhood.



Department of Metropolitan Development
Division of Planning
Current Planning

2026UV3004 ; No-Parking Agreement

Purpose

This policy is established to ensure that the residential program operates in a manner that is fully compatible with the surrounding neighborhood, particularly regarding parking demand and traffic impact.

Existing Policy Status

A no-vehicle policy for residents is already in force and actively enforced as part of the program's operational structure.

Resident Vehicle Restriction

Residents are prohibited from owning, operating, or storing personal vehicles on the property as part of program participation requirements.

Limited Parking Allowance

To align with zoning expectations, total on-site vehicle presence shall not exceed five (5) vehicles at any given time. This includes the house manager, staff, and approved visitors.

Resident Profile

The program serves individuals transitioning from incarceration, treatment facilities, and homelessness. As such, the majority of residents do not possess personal vehicles.

Transportation Management

Transportation for residents is coordinated through structured means, including staff oversight, public transportation, and scheduled movement, minimizing traffic and parking demand.

Compliance & Enforcement

This policy is actively monitored and enforced by program management. Any violations may result in disciplinary action, up to and including removal from the program.

Neighborhood Impact Statement

Due to the existing no-vehicle policy and operational controls, the property generates significantly less parking demand than a typical single-family residence.

Commitment to Compliance

The organization is willing to maintain this policy as a formal condition of approval to ensure continued compliance and neighborhood compatibility.

2026UV3004 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site Viewed from South

2026UV3004 ; Photographs (continued)



Photo 3: Subject Site Viewed from Southwest



Photo 4: Subject Site Viewed from East

2026UV3004 ; Photographs (continued)



Photo 5: Subject Site + Adjacent Property to North



Photo 6: Adjacent Property to South

2026UV3004 ; Photographs (continued)



Photo 7: Alley Access to Southeast of Subject Site

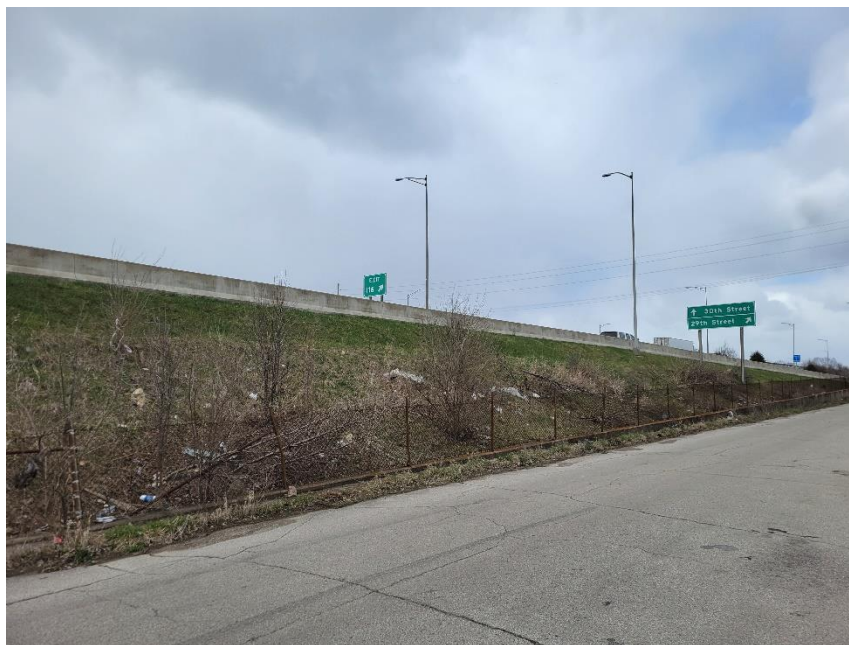


Photo 8: Adjacent Property to West



BOARD OF ZONING APPEALS DIVISION III **March 17, 2026**

Case Number: 2025-MO3-003
Address: 3030 North Shadeland Avenue (approximate address)
Location: Warren Township, Council District #9
Zoning: C-4
Petitioner: Shadeland Holdings Inc., by Patrick Rooney
Request: Modification of Commitments associated with 2022-UV3-034 to modify Commitment Twelve to read as follows: “The real estate shall be developed as a retail gas station and convenience store pursuant to the site plan prepared by Abonmarche last dated 5/09/2024 and attached hereto.”; and to terminate Commitments Five and Thirteen-M which restricted the days and hours of business operation and prohibited an automobile fueling station.

Current Land Use: Vacant commercial bank

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued for cause by the petitioner from the December 16, 2025, hearing, to the January 20, 2026, hearing, and from the January 20, 2026, hearing, to the February 17, 2026, hearing.

A Registered Neighborhood Organization filed an automatic continuance, continuing this petition from the February 17, 2026, hearing, to the March 17, 2026, hearing.

A Registered Neighborhood Organization requested a continuance for cause, from the March 17, 2026, hearing, to the April 21, 2026, hearing.

STAFF RECOMMENDATION

Staff makes **no recommendation** for the modification of commitments.

PETITION OVERVIEW

SITE HISTORY

- ◇ On December 20, 2022, petition 2022-UV3-034, was granted approval for a Variance of Use to provide for the operation of an auto sales lot. Approval was subject to the commitments recorded as Instrument No: A202300016080.



MODIFICATION REQUEST

- ◇ The 2022-UV3-034 variance grant was subject to 13 commitments (attached). The petitioner requests to modify commitments 5, 12, and 13m. Commitment 5 limited business hours from 9am to 7pm Monday through Saturday. Commitment 12 required a secure entrance gate/chain to be installed and kept in good working order. Commitment 13m excluded (prohibited) an Automobile fueling station a C-4 permitted use from the site.
- ◇ The commitments restricting site development and layout were the result of negotiation between a previous petitioner and interested parties during the 2022 variance process. Staff played no role in the negotiation of the subject commitments, and ordinarily provides no recommendation under such circumstances. Staff would note, however, that the commitments were negotiated in good faith between interested parties during the petition process, and their agreement was contingent upon all commitments being included with the variance petition.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant commercial bank	
Comprehensive Plan	Community Commercial	
Overlay	N/A	
Surrounding Context	Zoning	Surrounding Context
	North: C-4	Commercial contractor
	South: C-4	Commercial office / restaurant
	East: C-4 / I-2	Commercial retail / Industrial warehouse
	West: I-3	Industrial warehouse
Thoroughfare Plan		
N. Shadeland Avenue	Primary Arterial	150-foot existing and proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	N/A	
Wellfield Protection Area	No	
Site Plan	December 11, 2025	
Elevations	N/A	
Commitments	December 11, 2025	
Landscape Plan	N/A	
Findings of Fact	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends community commercial uses for the site.



Pattern Book / Land Use Plan

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

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

2022-UV3-034; 3030 North Shadeland Avenue (subject site), requested a Variance of Use to provide for the operation of an auto sales lot, **granted with commitments.**

2017-DV1-053; 3035 and 3169 North Shadeland Avenue (east of site), requested a Variance of Development Standards to provide for loading areas within the front setback and front yard along Shadeland Avenue, **granted.**

2007-ZON-078; 3110 N. Shadeland Avenue (north of site), requested the Rezoning of 2.4 acres, from the I-3-S District to the C-4 classification to provide for community-regional commercial uses, **approved.**

2000-DV3-012; 3005 North Shadeland Avenue (east of site), requested a Variance of Development Standards to provide for the reconstruction of a convenience store/gasoline station, with paving in the required setback of Shadeland Avenue instead of landscaping, **granted, subject to the provision of landscaping.**

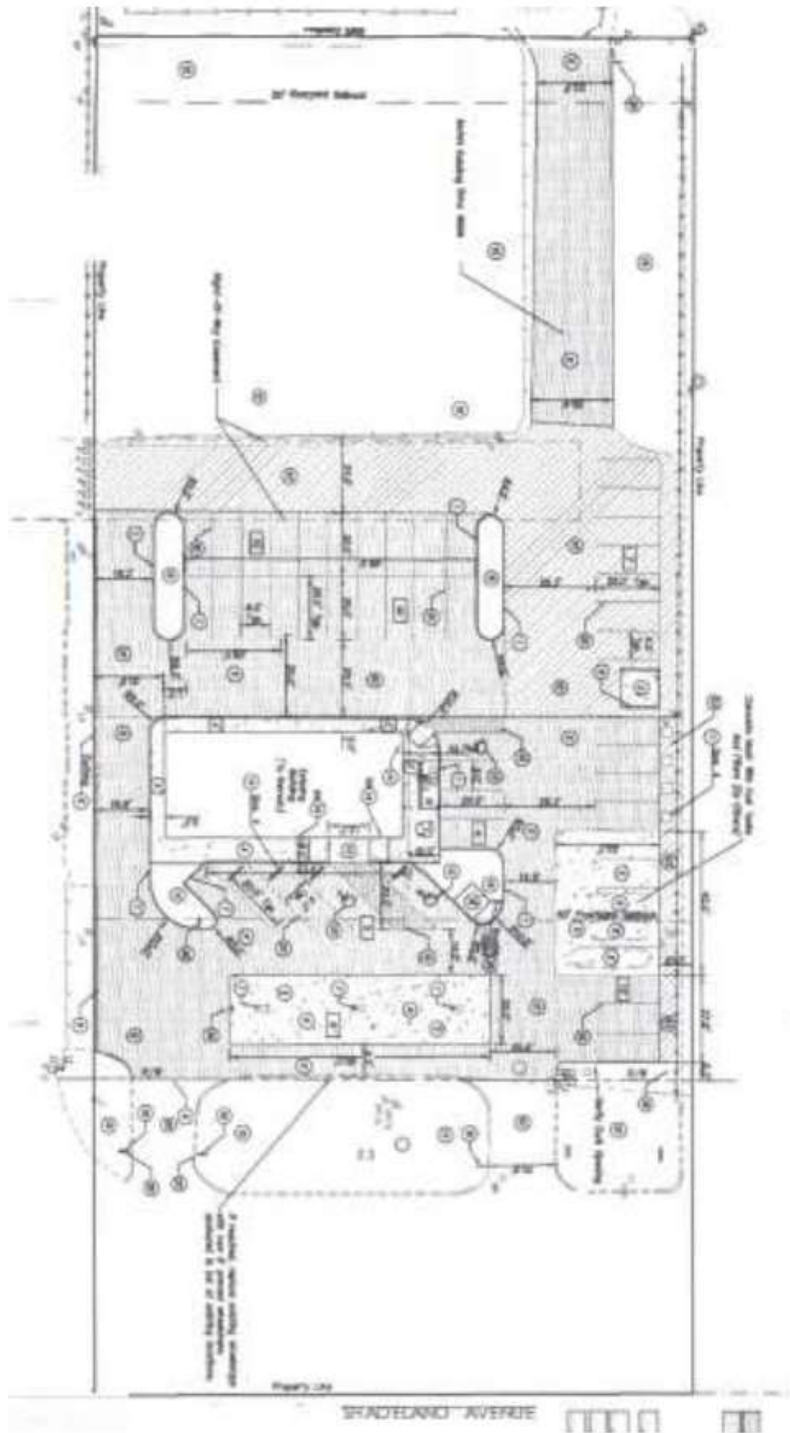
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EXHIBITS

Location Map



Site Plan





Commitments - Current

A202300016080

03/02/2023 10:41 AM

**FAITH KIMBROUGH
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 4

By: JS

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

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

Legal Description: 3030 North Shadeland Avenue (See Attached Exhibit A)

Statement of COMMITMENTS:

1. No "buy here, pay here" operation shall be permitted on the premises.
2. No banners or string lights shall be permitted.
 - a. There shall be only outside lighting for security purposes.
3. No junk, wrecked, or inoperable vehicles or storage of auto parts shall be permitted to be stored on the subject real estate at any time.
4. There shall be no vehicle repair on the subject real estate.
5. Business hours shall be no longer than 9 AM to 7 PM, Monday through Saturday.
6. Only one free standing sign shall be permitted on the property.
 - a. No electronic variable message sign (EVMS) component shall be permitted.
7. All lighting shall be of the shielded type.
8. There shall be no vending machines located on the outside of the building.
9. The maximum number of vehicles will be 40 cars (only).
10. Landscaping will be professionally maintained including plants, shrubs, and trees to be replaced expeditiously if / when they die.
11. Ornamental fencing shall be installed and maintained along the eastern frontage and on the two sides back to a point equal to the front façade of the building.
12. A secure entrance gate/chain arrangement shall be installed and kept in good working order.
13. Petitioner commits to exclude the following C-4 uses from the subject site:
 - a. Emergency shelter
 - b. Adult Entertainment
 - c. Greenway
 - d. Garden as primary use
 - e. Check cashing or validation service
 - f. Outdoor advertising off premise sign (new)
 - g. Night club or cabaret

Commitments – Current continued

- h. Firearm sales or gun sales
- i. Fireworks sales on-going
- j. Pawn shop
- k. Power generating facility
- l. Automobile, motorcycle and light vehicle service or repair
- m. Automobile fueling station
- n. Vape shop, solely
- o. Methadone clinic
- p. Plasma center
- q. Substance abuse treatment facility
- r. Tavern
- s. Motel or Hostel
- t. Gun Store
- u. Liquor Store

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

COMMITMENTS contained in this instrument shall be effective upon the grant of variance, special exception or approval petition #2022-UV3-034 by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and,
2. Owners of all parcels of ground adjoining the real estate depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various township assessors of the Marion County, which the current owners of record at the time the notice shall be sent. (This paragraph defines the category of persons entitled to receive personal notice of the variance, special exception or approval petition under the rules of the Board in force at the time the COMMITMENT was made); and,

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2022-UV3-034.

Commitments - Proposed

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

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

Legal Description: See attached Exhibit A.

Statement of Modification or Termination of COMMITMENTS:

1. Commitment No. 5 is terminated and deleted in its entirety.
2. Commitment No. 12 is amended so that it shall now read as follows:

The real estate shall be developed as a retail gas station and convenience store pursuant to the site plan prepared by Abonmarche last dated 05/09/2024 and attached hereto.

3. Commitment No. 13(m) is terminated and deleted in its entirety.

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

Modified COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Board of Zoning Appeals in petition # _____.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships but not exceeding six hundred sixty (660) feet from the perimeter of the real estate. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various township assessors of Marion County, which list the current owners of record at the time the notice shall be

BZA's Exhibit B -- page 1 of 3

Photographs



Subject site existing building, looking west.



Subject site, rear of existing building looking west.



Adjacent commercial uses to the north, looking northwest



Adjacent commercial uses to the south, looking southwest.



BOARD OF ZONING APPEALS DIVISION III

April 21, 2026

Case Number: 2026-DV3-010 (Amended)
Address: 102 Jonquil Drive (approximate address)
Location: Perry Township, Council District #23
Zoning: D-3
Petitioner: Kenneth and Josephine Busald, by Daniel Russello
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a detached accessory structure within a utility easement (not permitted), and with a three-foot west side yard setback (six-foot required).

Current Land Use: Single-Family Dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- Construction of buildings within utility easements is not permitted. This is both to allow for easy access to those utilities if needed, and to ensure that there is no potential for interference with the utilities. With the drainage and utility easement being located parallel to the west side lot line, the accessory structure encroaches into the easement by approximately one foot and the side setback by approximately three feet.
- The structure in question is smaller than 200 square feet and does not appear to be on a foundation. Therefore, an Improvement Location Permit was not required to be issued for the installation of the structure. Staff will acknowledge that aerial photos approximately indicate the structure has been in its current location since 1986. Staff would point out that the structure has also been non-compliant since 1986.
- Construction within Ordinance required setbacks is also not permitted. This is to allow for sufficient light and airflow between structures, and adequate public safety access in times of an emergency. With the subject site being of sufficient sizing for D-3 zoning standards, Staff finds no practical difficulty for the petitioner to not meet the side setback standards.

- Staff would note that the structure does not appear to be on a permanent foundation and can be more easily relocated than enclosed structures on a permanent foundation.
- Staff generally views any related practical difficulty to be self-imposed, and insufficient in obtaining a favorable Staff recommendation. Further, Staff has concerns that recommending approval of such requests may promote similar deviations from the Ordinance from surrounding property owners.
- Finally, Staff would note that any structure located within an easement may be lawfully removed by any party with rights to that easement. To avoid any such instance, Staff strongly requests that the plans be modified to relocate the structure wholly outside of the easement.

GENERAL INFORMATION

Existing Zoning	D-3		
Existing Land Use	Single-Family Dwelling		
Comprehensive Plan	Suburban Neighborhood		
Surrounding Context	Zoning	Surrounding Context	
	North:	D-3	Single-Family dwelling
	South:	D-3	Single-Family dwelling
	East:	D-3	Single-Family dwelling
	West:	D-3	Single-Family dwelling
Thoroughfare Plan			
	Jonquil Drive	Local Street	50-foot existing and proposed right-of-way.
Context Area	Metro area		
Floodway / Floodway Fringe	No		
Overlay	N/A		
Wellfield Protection Area	No		
Site Plan	February 18, 2026		
Elevations	N/A		
Landscape Plan	N/A		
Findings of Fact	February 18, 2026		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Pattern Book recommends the Suburban Neighborhood typology which is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities.



Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

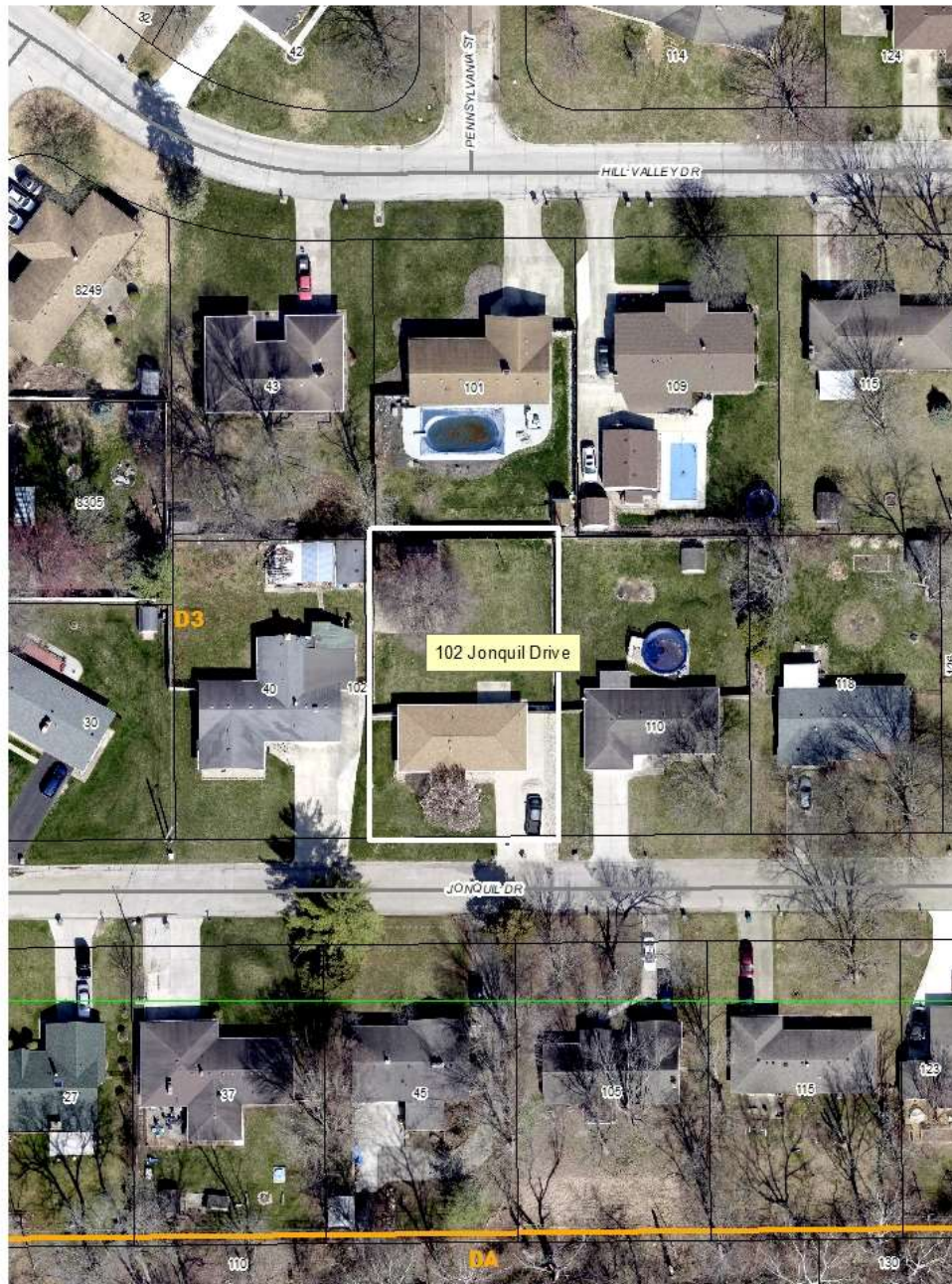
ZONING HISTORY

None

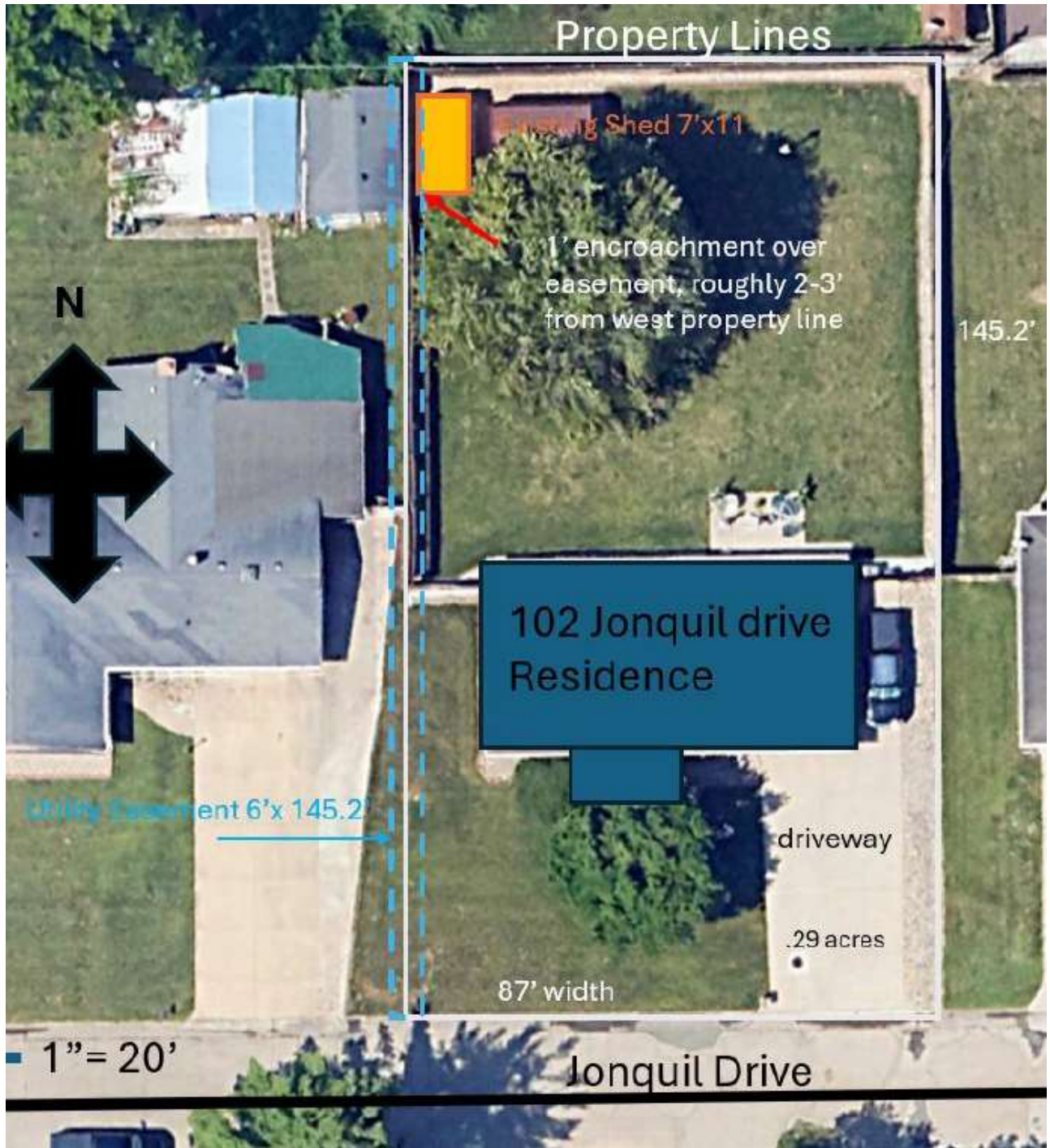
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EXHIBITS

Location Map



Submitted 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 shed has been in this position for several years and homeowners are committing to an encroachment license with the city following variance approval.

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 shed is within the fence that separates the two properties and the utility easement in question will remain. Nothing about the value or use of the property will change with the granting of this variance as everything remains the same.

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

Nothing is changing about the property. This has been this way for 40 years. No practical difficulties have come to light.

Photographs



Subject property primary dwelling looking north.



Subject accessory structure (left) encroaching into easement and west side setback, looking north.



BOARD OF ZONING APPEALS DIVISION III **April 21, 2026**

Case Number: 2026-UV3-005
Address: 2525 East 38th Street (approximate address)
Location: Center Township, Council District #8
Zoning: C-3 (TOD) (W5)
Petitioner: Garcia’s Heating & Cooling INC, by Donald Fisher
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an HVAC commercial contractor (not permitted), per plans filed.

Current Land Use: Undeveloped parcel

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

- ◇ The request would provide for the operation of a heating, ventilation, air conditioning commercial contractor which includes 17 staff and the storage of twelve (12) eight commercial vans/box trucks on site, per the plan of operation.
- ◇ Up to four additional retail spaces for neighborhood commercial uses would also be provided. It is indicated these uses would be zoning complaint with the existing C-3 zoning district. No floor plan or tenant space information has been provided for these uses.
- ◇ The Comprehensive Plan recommends community commercial uses for the subject site which recommends low intensity commercial, and office uses that serve nearby neighborhoods. As proposed, this request would not be consistent with the Comprehensive Plan recommendation of community commercial typology. It is contemplated that the C-3 or C-4 districts would be appropriate for community commercial, depending upon the surrounding land uses. The East 38th Street corridor has a mix of land uses ranging from residential to industrial. This site is located within an area that is primarily commercial. The use as proposed would be impactful to the area.
- ◇ In addition, residential uses are adjacent to this site to the south. For this reason, staff believes that more intense uses should not be allowed because of the impact on the residential uses. This would include the requested use.

- ◇ The proposed use would be permitted in the C-5, General Commercial Zoning District. The C-5 district is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.
- ◇ Given the increase in intensity between the existing zoning and the proposed use, including the number of commercial vehicles as outdoor storage, approval of this request would over-develop the site and facilitate the intrusion of heavy commercial uses into an established neighborhood commercial corridor, adjacent to an existing residential neighborhood. The request would encourage additional heavy commercial 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 C-3 and could be used by any number of uses permitted, by right, in the C-3 zoning classification. Any practical difficulty is self-imposed by the desire to use the site for operation of a construction contractor, including the on-site storage of 12 commercial vehicles associated with the use.
- ◇ The subject site is similar to other nearby properties that share the same zoning and parcel size and 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 clear neighborhood commercial nature of the surrounding area. For these reasons, staff recommends its denial.

Wellfield Protection Secondary Zoning

- ◇ A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.
- ◇ There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts are subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.
- ◇ “Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

- ◇ All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.
- ◇ “No building, structure, premises, or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”
- ◇ The subject site is located within the W-5 Fall Creek wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Community Commercial	
Overlay	TOD, Wellfield	
Surrounding Context	Zoning	Surrounding Context
	North: C-1	Medical Office
	South: D-3	Single-Family Dwelling
	East: C-3	Commercial Gas Station
	West: C-3	Vacant fast-food restaurant
Thoroughfare Plan		
East 38 th Street	Primary Arterial	74-foot existing right-of-way, 88-foot proposed right-of-way.
Temple Avenue	Local Street	50-foot existing and proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	N/A	
Wellfield Protection Area	5 Year	
Elevations	N/A	
Landscape Plan	N/A	

Plan of Operation	February 23, 2026
Site Plan	November 18, 2025
Commitments	N/A
Findings of Fact	November 18, 2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial uses.

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Purple Line Transit-Oriented Development Strategic Plan (2021).
 - The subject site is located approximately 1,000 feet from the Meadows Drive Purple Line transit station.
 - The Meadows Drive transit station has been categorized as the District Center typology, which is characterized located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill, redevelopment, dense residential properties, employment near transit stations, neighborhood retail, and a focus on walkability and placemaking.
- The Purple Line Transit-Oriented Development Strategic Plan TOD recommends District Center Typology Characteristics
- District Center
 - Multiple city blocks servicing as commercial and cultural hub
 - Minimum of 3 stories at core
 - No front or side setbacks at core; 0-10 ft. front setbacks and 0-10 ft. side setbacks at the periphery
 - Multi-family housing with a minimum of 3 units
 - Off-street parking is discouraged and should be limited to garages visually separate from the street.

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

80-Z-9; 2525-2529 East 38th Street (subject site), requested the Rezoning of 0.69 acre being in the D-5 District to the C-3 classification to provide for commercial development, **approved**.

2007-ZON-132; 2740 East 38th Street (east of site), requested the Rezoning of 0.859 acre, being in the D-5 (W-5) District, to the C-4 (W-5) classification to provide for community-regional commercial uses, **approved**.

2002-ZON-102; 2512 and 2600 East 38th Street (north of site), requested the Rezoning of 1.73 acres from the D-5 (W-1) and C-1 (W-1) districts to the C-1 (W-1) classification to provide for a community multi-service center, **approved**.

2000-ZON-825 / 2000-VAR-825; 2515 and 2521 East 38th Street (west of site); requested the Rezoning of 0.69 acre from the D-5 District to the C-3 classification to legally establish a restaurant and to provide for the development of a drive-through restaurant and variance of development standards to provide for a drive-through within 76 feet of a protected district and encroaching 12.25 feet into the west transitional yard, **approved and granted**.

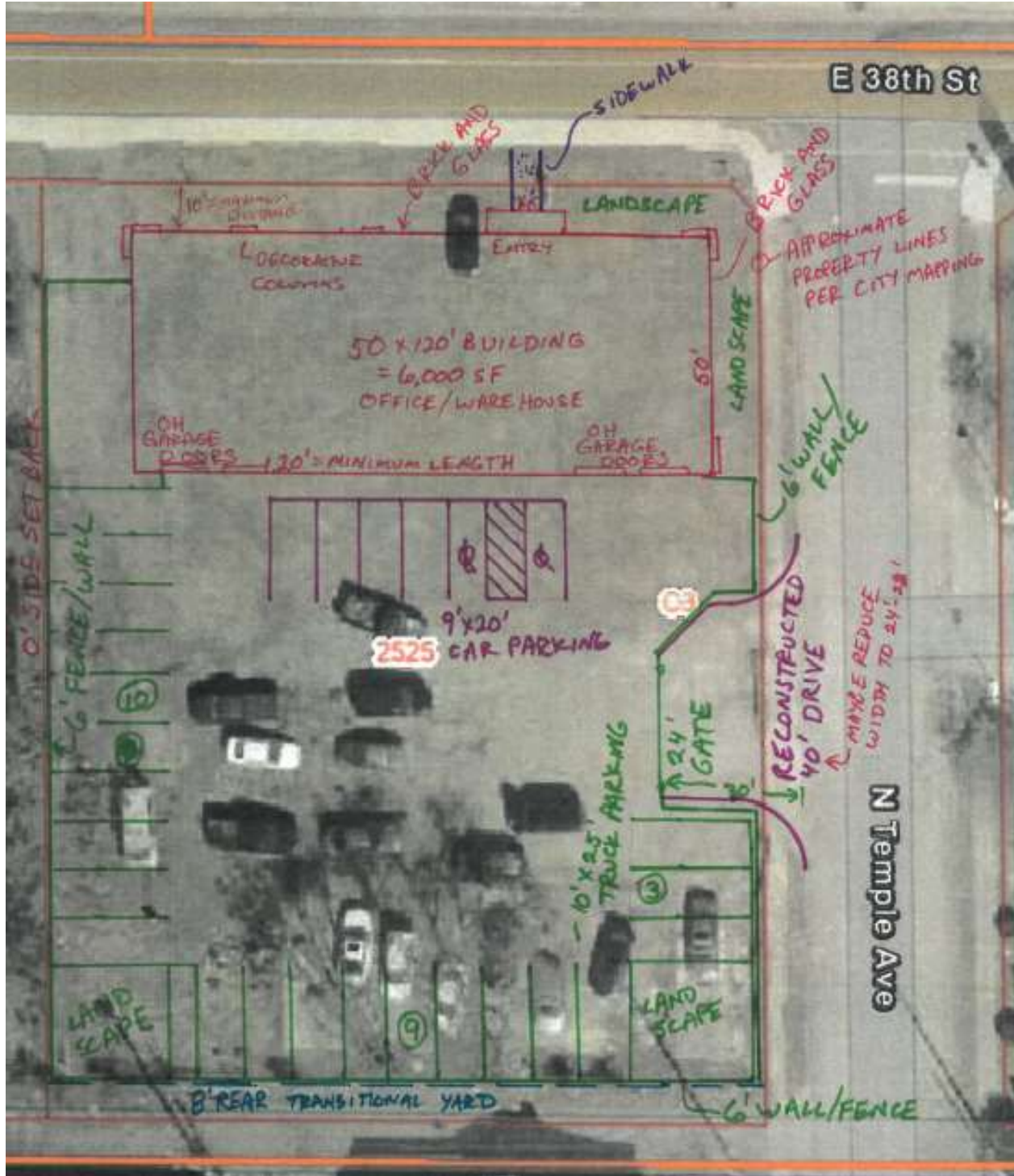
96-Z-189; 3801 North Temple Avenue (north of site), requested the Rezoning of 1.05 acres from the D-5 District to the C-1 classification. **approved**.

91-Z-114; 2609 East 38th Street (east of site), requested the Rezoning of 0.99 acre being in the C-1 District to the C-3 classification to provide for commercial development, **approved**.

80-Z-116; 2705 East 38th Street (east of site). requested the Rezoning 0.66 acre being in the D-5 District to the C-3 classification to provide for commercial development, **approved**.

RU

Site Plan



Plan Of Operation – file dated February 23, 2026

Garcia H&C Commercial Center Plan (IEI#2516) 2-23-26

Garcia H&C proposes to develop a commercial/retail business center located at 2525 East 38th Street, Indianapolis, IN. The site is a vacant lot that is zoned C3, Compact Context and is also within the Transit Overlay District. The lot is on the southwest corner of East 38th Street and North Temple Avenue.

Garcia proposes to develop/construct a building with approximately 9,100 SF that will provide an office and work/warehouse space for Garcia Heating and Cooling, an HVAC Contractor, as well as up to four additional retail spaces for local/ neighborhood service providers. The retail spaces and the office will face 38th Street, the primary street. The storage/small warehouse space within the building will be on the south side of the building. The proposed building will be approximately 70' x 130' and have a flat roof height of about 25 feet, parapets will extend above the roof.

The proposed building will be developed to meet the C3 and TOD required standards for location and appearance. The proposed parking will be on the south side of the building. The parking will be utilized for customer and employee parking. The parking lot will also function as parking for the HVAC service vehicles overnight. Some vehicles may be stored within the building.

It is anticipated that the small retail/office tenants will be primarily focused on local neighborhood services such as insurance agent, accountant, nail salon, hair salon, dentist or a small restaurant.

Garcia Heating and Cooling has two office staff and fifteen service/installation staff using 12 vans/box trucks that are primarily on site at the beginning and end of each day. Deliveries to the site are by box truck. The business hours are 7:00 AM to 5:00 PM.

The business hours for the retail tenants will be dependent on their type of business for example an accountant will generally be on site from about 8:00 AM to 6:00 PM whereas a hair salon hours may be 10:00 AM to 8:00 PM. It is anticipated that each of the tenants will have between one and three employees.

The site is proposed to have a solid wall along the south property line adjacent to the alley, wood privacy fence along the west boundary from the alley to the building along the existing restaurant and either fence or a wall from the alley to the building along the east property line adjoining North Temple Avenue. There will be a gate at the access drive from Temple to the parking area.



Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE
THE PROPOSED PROJECT WILL PROVIDE SERVICES FOR THE NEARBY COMMUNITY IN A FACILITY THAT IS DESIGNED TO THE LATEST DESIGN REQUIREMENTS.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE
THE PROPOSED BUILDING AND SITE DEVELOPMENT WILL MEET THE DESIGN STANDARDS OF THE COMMERCIAL ZONING AS WELL AS THE STRICTER TOD REQUIREMENTS

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE
THE PROPERTY IS LOCATED ON A PRIMARY THOROUGHFARE ON A COMMERCIAL STREET SURROUNDED BY LONG STANDING ESTABLISHED RESIDENCES OF WHICH THE HEATING AND COOLING SERVICE WILL BE WELL LOCATED. THE NEWLY ADDED TOD PROVIDES ACCESS BUT LIMITS NEEDED SERVICES.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE
THE PROPOSED BUILDING WILL BE PRIMARILY UTILIZED FOR NEIGHBORHOOD COMMERCIAL SERVICES. THE LOCATION IS IDEAL FOR EMPLOYEE AND CUSTOER ACCESS WITH THE RED LINE BUS SERVICE AT THE SITE. NOT ALLOWING THE HEATING AND COOLING BUSINESS RESULTS IN A MORE DIFFICULT ACCESS TO WORK AND SERVICES.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE
PROPOSED BUILDING WILL BE CONTRACTED TO MEET THE INTENDED NEIGHBORHOOD COMMERCIAL WITH SUITES TO BE LEASED FOR SERVICE BUSINESSES OF WHICH ONE IS TO BE THE OFFICE.

Photographs



Subject site undeveloped, looking south from East 38th Street



Adjacent single family dwelling residential district to the south, looking west.



Adjacent commercial gas station to the east, looking south.



Adjacent vacant commercial restaurant to the west, looking south.