Board of Zoning Appeals
Board of Zoning Appeals Division III
(October 20, 2026)
Meeting Agenda

Meeting Details

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

Date: Tuesday, October 20, 2026 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes:

Special Requests

2026-DV2-026 | 215 Leeds Avenue
Center Township, Council District #18, zoned I-3
Jose Matias Muñiz, by Jynell Berkshire

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit outdoor storage for commercial contracting within the clear-site-triangle and within the required 40-foot transitional yard (not permitted), utilizing gravel and grass for vehicle maneuvering and outdoor storage (paved surface required), and without screening and landscaping around outdoor storage (not permitted).

****This petition has been withdrawn.**

PETITIONS REQUESTING TO BE CONTINUED:

1. **2026-SE3-004 | 1735 W. Edgewood Ave.**
Perry Township, Council District #22, zoned I-3, (FF)
David Gilman

Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for a commercial parking lot (special exception required) and a variance and use of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for truck storage (not permitted within a flood zone).

****Petitioner to request continuance to the November 24, 2026 hearing.**

2. **2026-UV3-018 | 5135 East 10th Street**
Warren Township, Council District #14, zoned C-4
Bhatti Brothers, Inc, by Joseph Csikos

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 160-square foot accessory storage container (not permitted), with a one-foot south side transitional yard setback (10-foot transitional yard setback required).

****This petition has been automatically continued to the November 24, 2026 hearing.**

3. **2026-UV3-019 | 11650 East 30th Street**
Warren Township, Council District #15, zoned D-A
Kadeem Aman Brogan, by Clark, Quinn, Moses, Scott, & Grahn, LLP

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for indoor/outdoor recreation and entertainment (not permitted in D-A) and to allow for the parking of commercial vehicles not intended for agricultural purposes (parking of commercial vehicles and equipment only permitted in D-A if related to agricultural uses).

Variance of Development Standards to allow for an unpaved surface parking area (only permitted in D-A if related to agricultural, animal-related, and food production uses).

****This petition has been automatically continued to the November 24, 2026 hearing.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

4. 2026-DV3-038 | 4033 Bowman Avenue
Perry Township, Council District #23, zoned D-4 (TOD)
Brendan Perkins

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a privacy fence encroaching within the clear sight triangle of the rear driveway and alley intersection (encroachment prohibited).

5. 2026-DV3-039 | 4909 & 4941 Knights Way
Perry Township, Council District #22, zoned C-4 (FF)
McDonald's Real Estate Company, by Lauren Love

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pole sign with a height of 40 feet (maximum 20 feet permitted) and a 0-foot setback (5 feet required).

6. 2026-DV3-040 | 808 South Post Road
Warren Township, Council District #20, zoned I-2
CTC02, LLC, by Anna Kuhn

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 27-foot north side setback (30-foot side setback required).

7. 2026-DV3-041 (Amended) | 370, 430, and 450 South Franklin Road
Warren Township, Council District #20, zoned I-2
M&K Warehouse Services LLC, by Robert V. Clutter & Elizabeth Bentz Williams

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with a height of 30 feet (maximum 22 feet permitted), a 62-foot front transitional setback from Franklin Road (minimum 100 feet required), and a 3-foot front transitional setback from English Avenue (100 feet required).

8. 2026-DV3-042 | 240 South Pennsylvania Street
Center Township, Council District #18, zoned CBD-2 (FF) (RC) (TOD)
Boxcar Development, LLC, by Jennifer Milliken

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for permanent banner signs on the east façade of a proposed entertainment facility and projecting into the right-of-way of Pennsylvania Street (only temporary banner signs permitted and banner signs not permitted in the right-of-way).

9. 2026-DV3-043 | 2370 North Shadeland Avenue
Warren Township, Council District #9, zoned C-4 / I-3
Indiana Retail Stores LLC, by Chris Hyink of Universal Sign Systems

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pylon sign with a separation of 65-feet from the nearest primary freestanding sign (300-foot separation required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

10. **2026-DV3-027 | 1633 East Thompson Road**
Perry Township, Council District #23, zoned D-3
Justin Myers

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a detached garage within the established front yard setback (not permitted) and to allow for a parking area in the front yard to exceed the lesser of 30 feet in width or 50% of the lot width (not permitted).

11. **2026-DV3-031 | 10401 East Washington Street**
Warren Township, Council District #20, zoned C-4 (TOD)
Washington Market Realty, LLC, % Sander Development Company, by Matt Yanda

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a restaurant with a three-foot west side transitional yard (20-foot side transitional yard required), and a 29% front building line (40% front building line in buffer/suburban frontage required).

12. **2026-DV3-037 | 3080 East Midland Road**
Perry Township, Council District #23, zoned D-1
Mark Adams, by Kris Holeyfield

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit the permanent use of a shipping container as a detached accessory structure (portable storage containers limited to 30 consecutive days of use).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the proposed detached accessory structure in the front yard (minor residential structures shall not be located closer to any front lot line than the requirement minimum front setback or the established front yard setback, whichever is greater).

PETITIONS FOR PUBLIC HEARING (New Petitions):

Additional Business:

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

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

Member	Appointed By	Term
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

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III — October 20, 2026

Case Number:	2026-SE-3004
Property Address:	1735 West Edgewood Avenue
Location:	Perry Township, Council District #22
Petitioner:	David Gilman
Current Zoning:	I-3, (FF)
Request:	Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for a commercial parking lot (special exception required) and a variance and use of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for truck storage (not permitted within a flood zone).
Current Land Use:	Industrial
Staff Reviewer:	Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

The petitioner is requesting a one-month continuance from the October 20, 2026, BZA III hearing to the November 24, 2026, BZA III hearing to allow time to obtain further information about flood fringe requirements, amend the petition, and provide new notice.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 24, 2026

Case Number:	2026-UV3-018
Property Address:	5135 East 10th Street (approximate addressees)
Location:	Warren Township, Council District #14
Petitioner:	Bhatti Brothers, Inc, by Joseph Csikos
Current Zoning:	C-4
Request:	Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 160-square foot accessory storage container (not permitted), with a one-foot south side transitional yard setback (10-foot transitional yard setback required).
Current Land Use:	Commercial
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

A timely automatic continuance was filed by a registered neighborhood organization to continue this petition to the November 24, 2026 hearing date of Division III. A full staff report will be made available in advance of that hearing date.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III — October 20, 2026

Case Number:	2026-UV3-019
Property Address:	11650 E. 30th Street
Location:	Warren Township, Council District #15
Petitioner:	Joseph Csikos
Current Zoning:	D-A
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for indoor/outdoor recreation and entertainment (not permitted in D-A) and to allow for the parking of commercial vehicles not intended for agricultural purposes (parking of commercial vehicles and equipment only permitted in D-A if related to agricultural uses. Variance of Development Standards to allow for an unpaved surface parking area (only permitted in D-A if related to agricultural, animal-related, and food production uses).
Current Land Use:	Agricultural
Staff Reviewer:	Jasmine Dillard Nikolich, Senior Planner

PETITION OVERVIEW

A timely automatic continuance request was filed by a registered neighborhood organization, continuing this petition from the October 20, 2026, BZA III hearing to the November 24, 2026, BZA III hearing. This would require acknowledgement from the BZA III Board.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III — October 20th, 2026

Case Number:	2026-DV3-038
Property Address:	4033 Bowman Avenue (approximate Address)
Location:	Perry Township, Council District #23
Petitioner:	Brenden Perkins
Current Zoning:	D-4 (TOD)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a privacy fence encroaching within the clear sight triangle of the rear driveway and alley intersection (encroachment prohibited).
Current Land Use:	Single-family home
Staff Recommendations:	Staff recommends **approval** of this petition
Staff Reviewer:	Adam Skrzeszewski, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff recommends **approval** of this petition

PETITION OVERVIEW

- There is an existing fence and gate in front of the petitioner's car port in the rear-yard of the petitioner's lot; therefore, the petitioner's fence and gate encroach into the Clear Site Triangle (CST) of the rear driveway and alley intersection. This variance petition is for the purpose of legally establishing the encroachment into the CST from the fence and gate.

- The petitioner has stated that the carport does not provide necessary coverage to fully enclose any vehicles. For privacy and increased crime concerns the petitioner chose to place the fence with a gate in front of the carport, on the driveway, instead of in-line with the front face of the carport. The fence is as close to the carport as possible without being flush with the carport and therefore offering minimal encroachment in the CST. This placement only affects the petitioner's own CST.

- Corner lots in the compact context area, have side yards and rear yards. As opposed to the metro context area, where corner lots have two front yards where the parcel fronts the public rights-of-way. The maximum height of a fence in the side and rear yards of a parcel, per the Ordinance, is

6-feet. Therefore, the petitioner is permitted to have a 6-foot tall fence on the side and rear yards of the property. The fence is permitted in terms of height and its placement in the rear and side yards of the property.

- The fence will not encroach into any other public CST's that would affect the public. The petitioner has cut back the fence on the intersection of the alley and the public right-of-way to the north to meet all other CST requirements. The petitioner blocking the CST of his own driveway creates no harm to the public or anyone within the neighborhood who uses the alley. The fence leaves adequate space for driving through the alley, and will not impede traffic in any way for users of the shared alley.

- Even though the fence blocks the CST of the intersection of the driveway and the alley, there will be no decrease in space for navigation through the alley if the fence stays in its current state and is legally established. The fence's gate will only be opened for ingress and egress to the petitioner's carport behind the fence and gate and will be closed at all other times of day and night.

- The fence is not out of character for the neighborhood and how the neighborhood interacts with the shared alley. Multiple neighbors of the petitioner have fences and garages that front the shared alley. The petitioner's fence is in line with the southern neighbor's garage that fronts the shared alley. The fence and gate do not encroach into the space allocated for the alley any more than fellow users of the alley. The fence and gate conform to the neighborhood and match its context. A gate in front of a car port is not common, but it currently has and will have no effect on the neighbors, the public rights-of-way, and any users of the alley.

- There is no way for the petitioner to have a fence that provides for its intended use of coverage and safety of the site without blocking the CST of the driveway and alley intersection. The petitioner by choosing to block his own CST creates no negative effect to the traffic and or any users of the shared alley, and it will have no adverse effect to the health, safety, and welfare of the community. Therefore, staff recommends **approval** of 2026-DV3-038.

GENERAL INFORMATION

Existing Zoning	D-4 (TOD)	
Existing Land Use	Single-family home	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-4	North: Single-family homes
South:	D-4	South: Single-family homes
East:	D-4	East: Single-family homes
West:	D-4	West: Single-family homes
Thoroughfare Plan		
Bowman Avenue	Local Street	48-foot existing and proposed ROW
Windermire Street	Local Street	48-foot existing and proposed ROW
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	TOD	
Wellfield Protection Area	No	
Site Plan	August 18th	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	August 18th	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood. The proposed fence within the CST of the petitioner's rear driveway aligns with the Comprehensive Plan recommendation.

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The petitioner's home is within the TOD secondary layer of the Red Line. The petitioner's proposal aligns with the TOD Strategic Plan.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The petitioner's proposed fence aligns with the Infill Housing Guidelines through the use of a fence within the rear and side yard of the parcel. The fence does encroach into the CST, but aligns with the Infill Housing Guidelines and placements and location of fencing within the parcel.

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

2017CVR838 ; 4018 Bowman Avenue (North of proposed site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the shared use by the Criminal Justice Education Lab of the University of Indianapolis and the Indianapolis-Marion County Forensic Services Agency to allow for combined training, simulation and testing purposes (non-university uses not permitted). **Approved**

2025UV3021 ; 4038 Otterbein Avenue (East of proposed site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,172 square foot second primary building with a 3.5-foot western side yard setback and a six-foot rear yard setback (one primary building permitted per lot, four-foot side, 20-foot rear yard setbacks required). **Approved**

2026UV3014 ; 4038 Otterbein Avenue (East of proposed site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for a secondary dwelling unit with a size of 727 square feet (maximum 720 feet permitted) and to allow for a primary and secondary dwelling unit without permanent occupancy by the owner (occupancy of either the primary or secondary dwelling unit by the owner required). **In progress**

2005DV3015 ; 4037 Weaver Avenue (West of proposed site), provide for a delicatessen located 3.5 feet from a protected district (min. 100 ft. req.), with four off-street parking spaces (min. 10 req.). **Denied**

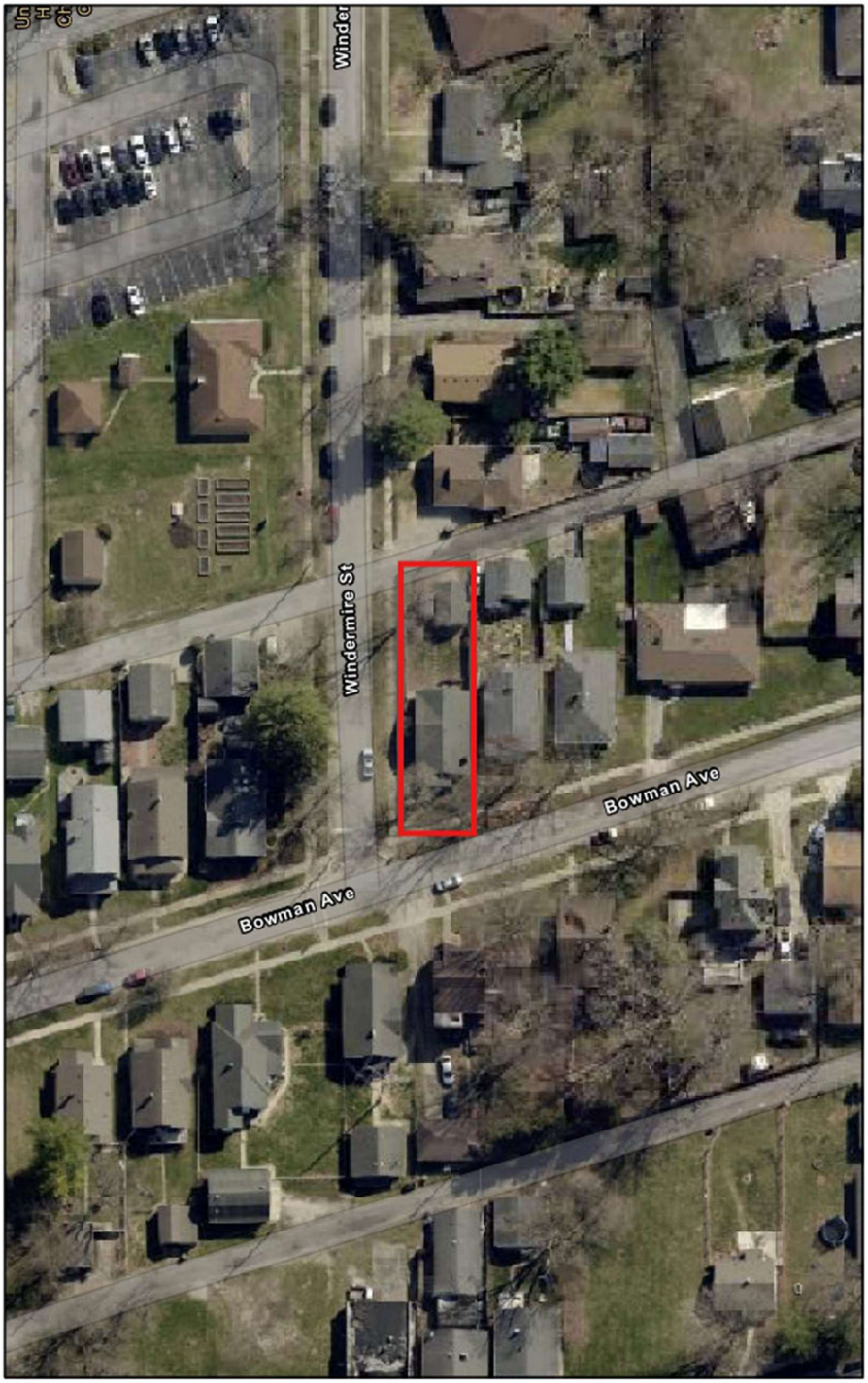
89-HOV-21 ; 4125 South Bowman Road (South of proposed site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a room addition connecting a single-family residence to a detached garage, resulting in a 17-foot rear setback for the principal structure (20-feet required). **Approved**

DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

current aerial of 4033 Bowman Ave



1:1,128
0 0.01 0.01 0.02 0.02 mi
0 0.01 0.02 0.04 km

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10/14/2026

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DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

INDIANAPOLIS

July 28, 2026

Case #: VIO26-006033

PERKINS, BRENDEN & CAROLINE ROSE CROSS
4033 BOWMAN AVE
INDIANAPOLIS, IN 46227

RE: 4033 BOWMAN AVE

Dear PERKINS, BRENDEN & CAROLINE ROSE CROSS:

A recent inspection of the above referenced property indicated violation(s) of the Revised Code of Indianapolis and Marion County as follows:

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-4 district; (744-503.H -- No obstructions shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5ft. and 8ft. above grade level of the adjoining right-of-way within a Clear Sight Triangular Area...Privacy fence along alley).

The City of Indianapolis requests your cooperation in correcting the violation(s). If the violation(s) have not been abated before August 27, 2026, this will result in further enforcement action, which could include:

1.) Issuance of a citation for each violation (Section 103-3) and / or

2.) Assessment of an administrative fee in the amount of two hundred fifteen dollars ($215.00) for each scheduled visit to the property and the violation is not abated (Section 536-609) and / or

3.) Lawsuit with fines up to $2,500 for each violation plus court costs (Section 103-3)

*** If you are the property owner and have leased / rented the property noted above, please notify the undersigned immediately with tenant information.**

To further research the Marion County code section mentioned above, please visit www.municode.com.

If you have any questions, please contact me at the number listed below.

Sincerely,

Department of Business & Neighborhood Services
200 E. Washington Street, Suite 107 | Indianapolis, IN 46204 | Phone: (317) 327-8700 | www.indy.gov/bns
Fax Numbers: Building - 327-8475 | Business Licensing - 327-0817 | Contractor Licensing - 327-8401
Grafts - 327-5307 | Infrastructure/Right of Way - 327-3825 | Permits - 327-5174 | Zoning - 327-8606

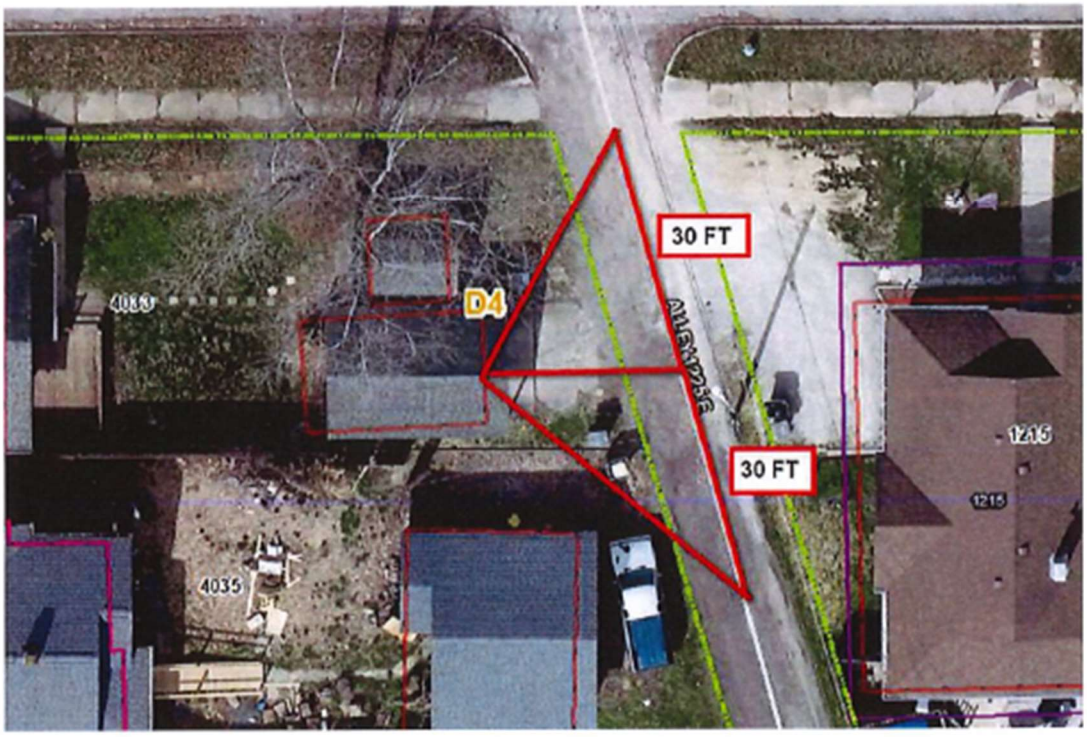
1 - initial violation letter

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
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Current Planning

VIO26-006033, 4033 BOWMAN AVE, 7/27/2026 @ 3:00 PM –BD





Statement from the petitioner

Variance Petition 2026-DV3-038 — 4033 Bowman Avenue

Hardship Statement

October 4, 2026

Metropolitan Board of Zoning Appeals
City of Indianapolis

Re: Variance Petition 2026-DV3-038 — 4033 Bowman Avenue

Dear Members of the Board:

I, Brenden Perkins, am the owner of the property at 4033 Bowman Avenue, Indianapolis. I am requesting a variance to allow my privacy fence, which sits within the clear sight triangle at the rear driveway/alley intersection, to remain as built.

I built this fence to make my property safer. My neighbor was broken into a couple of years ago, and my girlfriend's car was stolen. I spent all of my savings on this fence to secure my property and to keep my large dogs — who bark often — safely contained, which is better for my neighbors as well.

I have already complied once, at significant personal expense. After the original citation, I spent $1,500 to cut back the corner of the fence and clear the line of sight. Before building, I could not find any code online addressing the sight triangle or the gate, so I built in good faith and corrected the issue as soon as the city raised it.

Moving the fence again would be a genuine hardship. The fence posts are set in large holes cut into the concrete driveway — relocating them would mean more demolition and rebuilding that I cannot afford, on top of what I have already spent.

Finally, the fence is consistent with the surrounding area. Neighboring properties have garages and fences that sit closer to the alley than mine does, and the fence creates no safety problem for anyone using the alley.

I respectfully ask the Board to grant this variance so the fence may remain in place.

Site Visit October 5th, 2026





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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The requested variance is limited to the existing residential privacy fence and alley-access gate at 4033 Bowman Ave. The applicant has already modified the fence angle at personal expense to improve visibility and address the City's line-of-sight concern. The fence and gate do not obstruct the alley, introduce a commercial use, or change the residential use of the property. The requested configuration therefore does not create a condition injurious to public health, safety, or general welfare.

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

The existing fence and gate will not substantially adversely affect neighboring property. The surrounding area already contains garages, privacy fences, and gated access points along and near the alley, including a neighboring garage that is closer to the alley and opens directly onto it. The applicant has also changed the fence angle to improve visibility. The proposal remains consistent with the established residential character and conditions of the surrounding area.

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

Strict application of the zoning requirement would create practical difficulties because it could require the existing fence and gate to be moved farther from the alley even though the applicant has already modified the fence at personal expense to address the identified visibility concern. Mature trees, a shed, and a long-standing carport also affect existing sight lines. Moving the fence farther back would require additional alteration and expense while providing limited additional benefit. The requested relief is narrowly limited to allowing the existing fence and gate to remain in their modified location.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — October 20, 2026

Case Number:	2026-DV3-039
Property Address:	4909 & 4941 Knights Way (approximate addresses)
Location:	Perry Township, Council District #22
Petitioner:	McDonald's Real Estate Company, by Lauren Love
Current Zoning:	C-4 (FF)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pole sign with a height of 40 feet (maximum 20 feet permitted) and a 0-foot setback (5 feet required).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends **approval** of the requested variances.
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 variances.

PETITION OVERVIEW

This variance request is related to a primary freestanding sign for an existing restaurant within an integrated center. The restaurant is at 4941 Knights Way (parcel # 5031873), while the sign is located at 4909 Knights Way to the north of the restaurant (parcel #5031638). The integrated center was developed in the 1980s per aerial photography and is bordered by Thompson Road to the south, State Road 37 to the east, and an I-465 exit ramp to the north. Surrounding land uses are heavy commercial and industrial in nature.

A pole sign with a height of 40 feet and an area of 275 square feet was installed at the 4909 Knights Way property per approval of the variance petition 85-HOV-42. That sign contained two logos for both the restaurant use and a hotel use and was oriented toward the interstate (see photo 2 within Exhibits). The petition 85-HOV-42 also allowed for a second primary freestanding sign oriented to State Road 37 (this sign has since been removed from the property). Current Ordinance would not allow for a pole sign with a height of 40 feet, although that height limitation did not exist at the time of the previous variance approval in 1985.

Between May 2024 and April 2025, the two logos on the existing sign were removed were replaced with solely one logo utilizing the remaining pole (see elevation and photos 1, 3 and 4 within the Exhibits). Since this change to the signage would go beyond the description of the “changing of a sign face” from 744-903.B of the Indianapolis Zoning Ordinance, the installation of the new logo and layout would be considered a new sign subject to current Ordinance standards.

The zoning enforcement case VIO25-003883 was opened in May 2025 on the northern 4909 Knights Way parcel owned by the hotel. 6 of those 7 violations were not related to the restaurant or to the subject sign, and would need to be addressed by the 4909 property owners outside of this variance process. However, one citation related to the change of the sign size/layout without a permit (see partial Notice of Violation within the Exhibits below).

Approval of this variance would allow for the new/altered sign to remain in its current form, and would require relief from two different applicable dimensional standards:

- The height of the pole sign is 40 feet, and current Ordinance would limit the height of pole signs to a height of 20 feet.
- The leading edge of the sign would have a 0-foot front yard setback from the property line to the north, and current Ordinance would require a separation of at least 5 feet.

Staff would note that the off-premises advertising sign located within this integrated center would not count towards the total number of signs along the shared frontage: this, coupled with the prior removal of the second primary freestanding sign initially installed per 85-HOV-42 would be why no variance for the number of signs along the frontage would be required.

Additionally, the restaurant property owner maintains a private easement related to the signage on the 4909 parcel, which both allows them to file for this variance as the sole applicant and allows for on-premises signage standards to be applicable for this sign (as opposed to off-premises billboard regulations). A portion of that previous easement agreement is within the Exhibits below.

Findings of Fact provided by the applicant indicate that reinstallation of the sign at a compliant height would not allow for it to be placed in a manner visible to interstate traffic, and that the previous sign at the location was of a similar height and larger size. Staff would concur that the new signage would be an overall reduction of intensity from the sign that previously existed on the existing pole and that the new sign would be a reduction in the overall level of non-conformity with current Ordinance. For this reason, staff recommends **approval** of the variance requests.

GENERAL INFORMATION

Existing Zoning	C-4 (FF)	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	C-4	North: Interstate
South:	C-4	South: Commercial
East:	D-P	East: Residential
West:	D-P	West: Residential
Thoroughfare Plan		
Knights Way	Private Drive	50-foot existing right-of-way
Thompson Road	Local Street	104-foot existing right-of-way and 50-foot proposed right-of-way
State Road 37	Primary Arterial	232-foot existing right-of-way and 102-foot proposed right-of-way
I-465 004 Ramp C	Interstate Ramp	
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	08/13/2026	
Site Plan (Amended)	N/A	
Elevations	06/01/2026 (via 2026ADM114)	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	08/13/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- 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. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of 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

ZONING HISTORY – SITE

2001DV2004, 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 two signs per mile permitted), with 50 feet 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 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.**

85-HOV-42, Variance of Development Standards of the Sign Regulations of Marion County to provide for a 275 square foot tall sign (240 feet permitted), and to provide for a second pole sign in an integrated center without frontage on two primary or secondary thoroughfares, **approved with conditions.**

84-Z-141, Rezoning of 10.74 acres, being in the I-3-S district, to the C-6 classification, to provide for the construction of a motel, restaurant and service station, **approved.**

ZONING HISTORY – VICINITY

2024DV3036 ; 1541 W Thompson Road (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 25-foot tall pole sign (maximum 20-foot height permitted), **denied.**

2022ZON045 ; 1600 W Thompson Road (southwest of site), Rezoning of 3.22 acres from the C-4 (FF) district to the I-3 (FF) district to provide for semi-truck/trailer parking, **approved.**

2014ZON074 ; 1600 W Thompson Road (southwest of site), Rezoning of 3.22 acres from the I-3-S district to the C-4 district, **approved.**

2005ZON060 ; 1720 W Thompson Road (west of site), Rezoning 21.43 acres, being in the C-S (FF) District, to the C-S (FF) classification to provide for truck sales in addition to the existing permitted uses, **approved.**

EXHIBITS

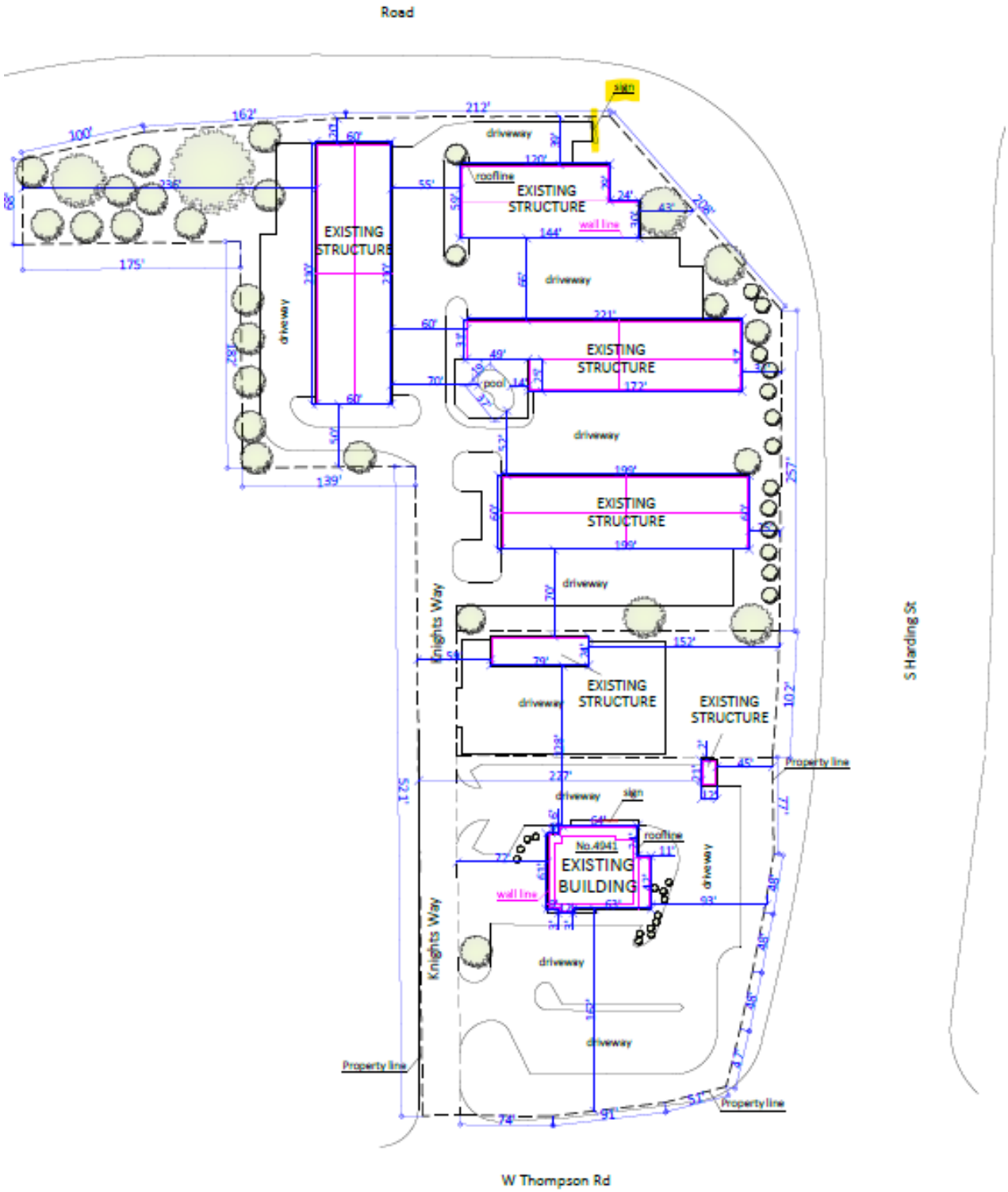
2026DV3039 ; Aerial Map



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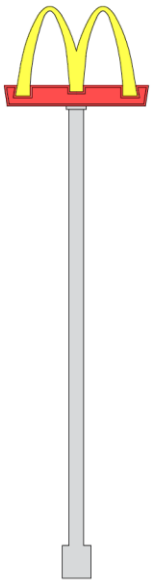
2026DV3039 ; Site Plan



2026DV3039 ; Sign Elevation

ELEVATION - FRONT VIEW
4941 Knights Way
Indianapolis, IN 46217
Parcel ID: 49-11-34-100-005.000-500
Lot area: 1.54 Acres
Paper Size: 11"x17"

scale 1/4"=1'



2026DV3039 ; 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 sign will be professionally designed, constructed, and installed in accordance with applicable safety requirements. The increased size and height will not create a hazard to motorists or pedestrians, obstruct traffic visibility, or interfere withaccess to surrounding properties. The sign will be located in the same location as the current sign, adjacent to the interstate.

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

The sign is intended to provide identification and visibility for the business and will be in the same location as the previous sign, not interfering neighboring property access, parking, or normal use of surrounding properties. Its location and purpose are consistent with the commercial nature of the area.

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

it limits the visibility and identification of the business. The property is located adjacent to an interstate, where traffic travels at higher speeds and motorists have a limited amount of time to identify businesses. The size and height limitations would significantly reduce the visibility to interstate traffic. The previous sign at this location was taller than the proposed revision, demonstrating the need for adequate height and visibility at this location. The requested increase will allow the business to be reasonably visible to passing traffic while remaining appropriate for the property and surrounding area.

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2026DV3039 ; Notice of Violation (VIO25-003883 ; partial)

May 6, 2025 Case #: VIO25-003883

PETRO HOTELS INC
4909 KNIGHTS WAY
INDIANAPOLIS, IN 46217

RE: 4909 KNIGHTS WAY

Dear PETRO HOTELS INC:

A recent inspection of the above referenced property indicated violation (s) of the Revised Code of Indianapolis and Marion County as follows:

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

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-903.B. - Failure to obtain a sign permit for the display of pole sign... change of sign size/layout without permit).

Note: the above violation contains six (6) other items related solely to the Petro Hotels property at 4909 Knights Way. The only portion of this violation that appears to be relevant for 4941 Knights is for alterations to the sign to which they have easement rights for access

2026DV3039 ; Easement Agreement (Portions)

EASEMENT AGREEMENT 860036348

THIS EASEMENT AGREEMENT dated March 28, 1986, is between CARDINAL INDUSTRIES DEVELOPMENT CORPORATION, an Ohio corporation with offices at 2040 South Hamilton Road, Columbus, Ohio 43232 ("Cardinal"); THE INDIANAPOLIS - SOUTH MOTEL, a Limited Partnership, an Ohio limited partnership, with offices at 2040 South Hamilton Road, Columbus, Ohio 43232 ("Indianapolis"); and McDONALD'S CORPORATION, a Delaware corporation with offices at One McDonald's Plaza, Oak Brook, Illinois 60521 ("McDonald's"). The following recitals of fact are a material part of this instrument:

A. McDonald's is, or will be at the time of recording of this document, the owner of Parcel 1, Parcel 7 and Parcel 8 as the same are described in Exhibit A hereto annexed.

Indianapolis is now Kights Inn.

B. Indianapolis is the owner of Parcel 2, Parcel 4 and Parcel 5 which are described in Exhibit B.

6. HI-RISE SIGN EASEMENT TO McDONALD'S

Indianapolis grants to McDonald's an exclusive, perpetual easement, appurtenant to Parcel 1, for the installation, repair, maintenance and renewal of a hi-rise sign and electrical conduit in, or under and upon, Parcel 5.

2026DV3039 ; Photographs



Photo 1: Subject Sign from Interstate (August 2025)



Photo 2: Previous Subject Sign from Interstate (June 2023)

2026DV3039 ; Photographs (continued)



Photo 3: Subject Sign from West



Photo 4: Adjacent Property to North of Restaurant + Subject Sign

2026DV3039 ; Photographs (continued)



Photo 5: Subject Restaurant Viewed from Northwest



Photo 6: Billboard + Removed Second Pole Sign along SR 37

Department of Metropolitan Development
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Current Planning

BOARD OF ZONING APPEALS DIVISION III — October 20th, 2026

Case Number:	2026-DV3-040
Property Address:	808 South Post Road (approximate address)
Location:	Warren Township, Council District #20
Petitioner:	CTC02, LLC, by Anna Kuhn
Current Zoning:	I-2
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 27-foot north side setback (30-foot side setback required).
Current Land Use:	Industrial Warehouse
Staff Recommendations:	Staff is recommending **approval** of this petition
Staff Reviewer:	Adam Skrzeszewski, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff recommends **approval** of this petition

PETITION OVERVIEW

- The petitioner is requesting to legally establish a deficient side-yard setback of 27-feet for a 31,500 square-foot industrial warehouse. For the subject site, a side-yard setback of 30-feet is required from the building to the northern edge of the parcel. The subject site is I-2 zoning within the Metro Context Area. Per table 744-201-6 of the Ordinance, I-2 districts in the Metro Context area are required to have a side-yard setback of 30-feet. The side-yard setback that is deficient is the setback on the northwest side of the building, per exhibits 2 and 3.

- The structure was legally built per the release of Improvement Location Permit ILP24-00176. The building plans were permitted and permits were released with the deficient setback of 27-feet. The building was built following the approved plans with the deficient setback.

- The northern side-yard setback changes from the northeast side of the building to the northwest side of the building due to the parcel sloping downward at a slight angle to create the 3-foot difference in distance from building to the parcel line. Therefore, the building is 3-feet closer to the parcel at the northwest corner, than the northeast corner. This difference was missed during ILP review, and the permits for the development were released with this non-conformity.

- The building being approved with the non-conforming setback, and being built per the approved plans, creates practical difficulty for the petitioner, as the structure was built consistent with those plans, but would need a variance to become fully conforming to the development standards of the Ordinance. Therefore, the City of Indianapolis has created practical difficulty, causing the non-conformity for the petitioner; that they are now applying to correct.

- If this petition were approved to legalize the non-conformity initially approved through the release of ILP's, it would have no negative effect to the integrated center the structure is upon, or for any neighboring structures or tenants that also reside within the integrated center. This includes all neighboring uses to the north, west, east, and south of the subject site.

- The building was approved with a deficient setback, the building was built with the non-conformity according to the approved plans, and the non-conformity exists due to practical difficulty created from the City of Indianapolis failing to cite the non-conformity beforehand. Therefore, staff recommends **approval** of 2026-DV3-040.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Industrial Warehouse	
Comprehensive Plan	Light Industrial	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	I-2	North: Light Industrial uses
South:	I-2	South: Industrial warehouse
East:	D-3/SU-5	East: single-family homes
West:	D-A	West: Rural Estate
Thoroughfare Plan		
South Post Road	Primary Arterial	119-foot existing and proposed ROW
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August 20th	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	August 20th	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial. Legally Establishing this deficient setback aligns with the recommendation of the Comprehensive Plan.

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- 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

2018-CVR-856 ; 8745 Rawles Avenue (South of proposed site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor testing and demonstration of completed jetways (not permitted) and seven acres of outdoor storage at a maximum height of 13 feet (maximum 25% of building area and maximum 10-foot height permitted). **Approved**

93-V3-48 ; 820 South Post Road (West of proposed site), Variance of Development Standards of the Industrial Zoning Ordinance to provide for building additions, with a stone-surfaced loading area for a temporary period of five years (loading areas required to be paved within one year of obtaining an Improvement Location Permit). **Approved**

2019-DV2-026 ; 8641 Rawles Avenue (South of proposed site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for more than five double-loaded rows of parking in the front yard (one double-loaded row permitted). **Approved**

98-UV1-68 ; 1014 South Post Road (South of proposed site), Variance of use of the Industrial Zoning Ordinance to provide for the operation of a radio-controlled model airplane club (not permitted), **denied**

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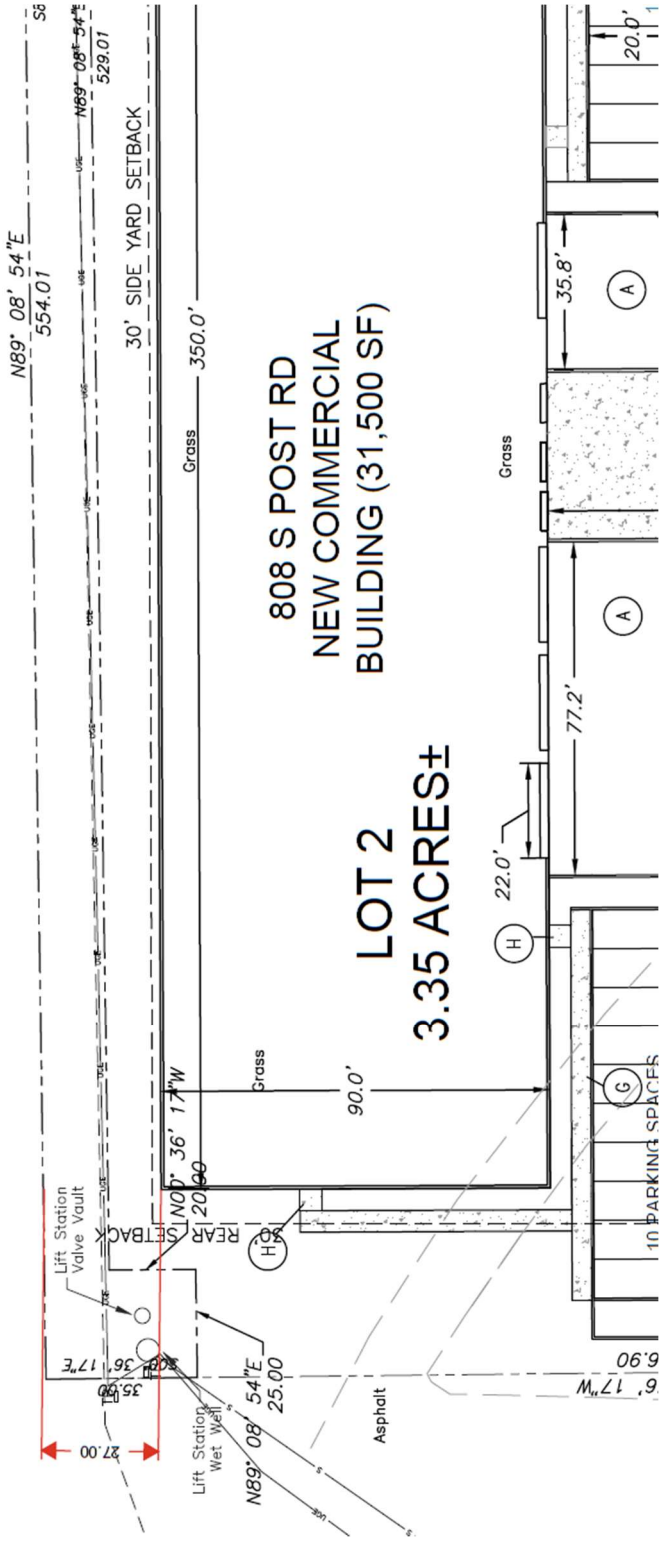
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EXHIBITS

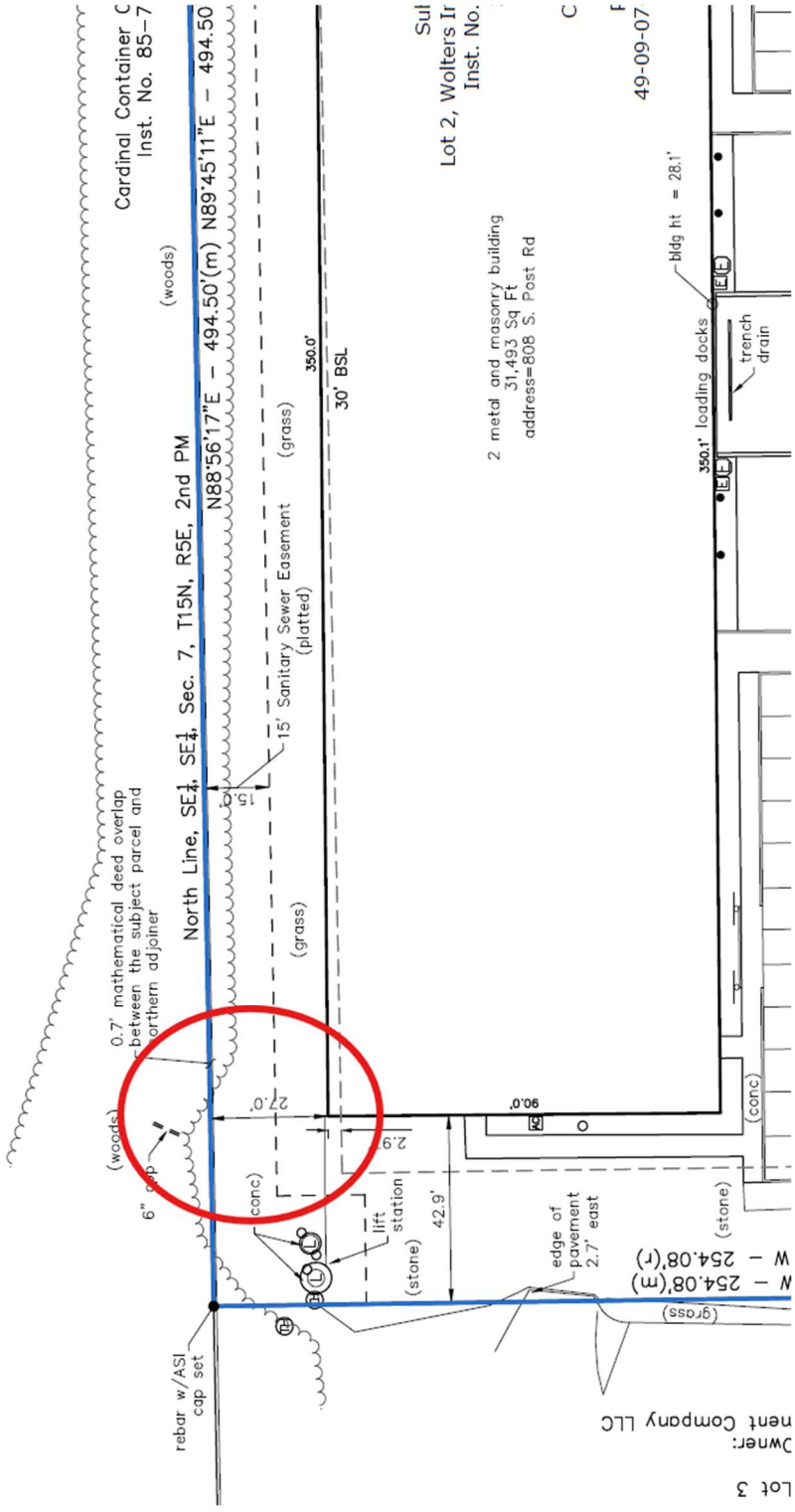
808 s post rd current aerial



Deficient 27’ setback approved with ILP

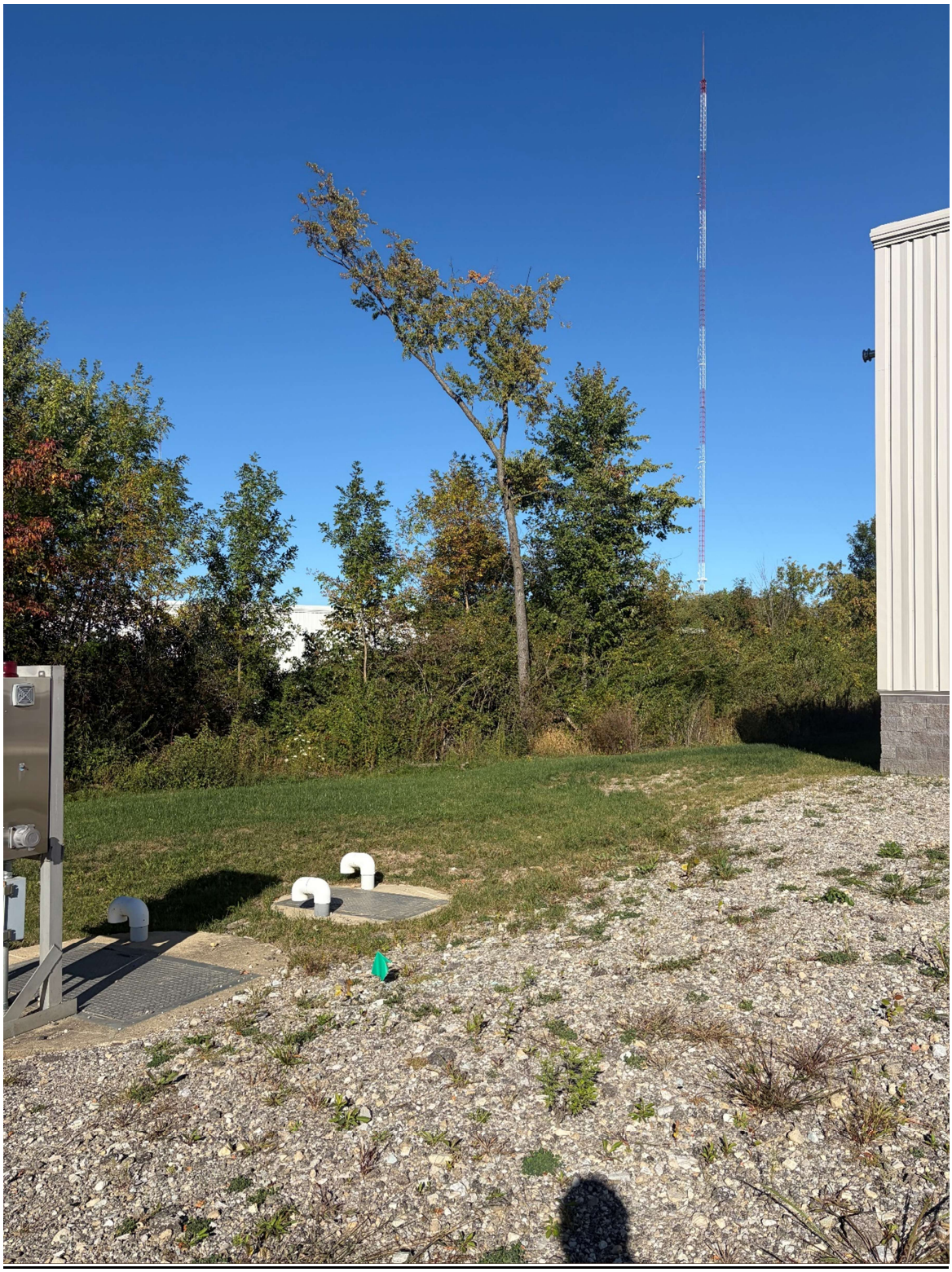


Setback that will be legally established



Site Visit October 5th, 2026





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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the variance sought is minor in scale and the result of permitted existing construction with a minor encroachment of the northwest corner of the improvements

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 permitted construction has improved unimproved land, outside of any existing easements, and has improved the value of the subject and surrounding land.

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

strict application of the terms of the zoning ordinance will result in economic waste and significant prejudice to the owner of the improvements and a resulting mishapen building.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — October 20, 2026

Case Number:	2026-DV3-041 (Amended)
Property Address:	370, 430 and 450 South Franklin Road (approximate addressees)
Location:	Warren Township, Council District #20
Petitioner:	M&K Warehouse Services LLC, by Robert V. Clutter & Elizabeth Bentz Williams
Current Zoning:	I-2
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with a height of 30 feet (maximum 22 feet permitted), a 62-foot front transitional setback from Franklin Road (minimum 100 feet required), and a 3-foot front transitional setback from English Avenue (100 feet required).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends **approval** of the variances, subject to a commitment.
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 variances, subject to the below commitment:

1. Existing landscaping within public right-of-way shall be either maintained (if a healthy and non-invasive tree species) or removed and replaced at a rate that would result in the placement and maintenance of at least 9 trees with maximum 25-foot spacing to buffer the proposed building extension along English Avenue (in line with transitional landscaping rules from 744-506.C of the Ordinance). These landscaping improvements may also include the removal of brush, and permission from the Department of Public Works shall be granted to allow for any landscaping installation done within the right-of-way.

PETITION OVERVIEW

The subject property is currently developed with a furniture wholesaler building with a size of around 166,650 square feet. The property also contains accessory personal vehicle and truck parking areas primarily to the north of the existing building (approximately 104 vehicle spaces and 56 truck parking spaces in total). The parcel 370 S Franklin Road is currently undeveloped. The parcels addressed 430 and 350 S Franklin Road contain the building, which has access from Franklin to the east and lacks access from English Avenue to the south.

Adjacent land uses include the I-465 interstate to the west, apartments to the south (on the other side of English Avenue), a boat storage facility to the north, residences and industrial uses to the east, and a window installation service at 410 S Franklin Road that is also along the western frontage.

The furniture wholesaler building was originally constructed in 1998 (per the grant of the variance 97-V2-108). The property was expanded by a building and parking addition around 2003 (per the variance 2002DV2016) and a second building and parking addition around 2014 (per the variance 2012CVR815). More recently, the 370 S Franklin parcel was rezoned to the I-2 designation by the petition 2022CZN864B and two accessory structures on the 450 S Franklin parcel were demolished. Additional information on each of those zoning petitions is within the Zoning History section below.

Approval of this variance petition would allow for an additional expansion of the existing warehouse facility at the site. The building addition would consist of 22,288 square feet of new building footprint on the southeastern portion of the property closest to the intersection of Franklin and English. The initial petition filing also included variance requests related to an expansion of existing truck parking areas on the 370 N Franklin parcel, but those variances were withdrawn by petitioner request. The scope of work for this petition would be limited solely to the proposed building addition.

The following variances would be required to allow for the proposed addition:

- The height of the building addition would be 30 feet, and the maximum permitted primary building height along a transitional yard would be 22 feet for this zoning district (Table 744-201-6).
- The eastern front setback of the building addition would be 62 feet, and the minimum required front transitional yard would be 100 feet for this zoning district (Table 744-201-6).
- The southern front setback of the building addition would be 3 feet at its closest point, and the minimum required front transitional yard would be 100 feet (Table 744-201-6).

Staff would note that new parking areas for personal vehicles are being added to the property to allow for the site to meet the required parking minimum (125 spaces) for the proposed use and square footage of the building. Additionally, staff would note that per Table 744-502-1 of the Ordinance (exceptions to landscaping and screening for nonconformities), the building addition would have several exemptions from applicable landscaping standards that might apply for a larger addition resulting in a new overall building size 125% or more of the original square footage.

The property is zoned I-2 (Light Industrial). Per Ordinance, this district is designed to allow for industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. These districts should have limited outdoor storage and operations, and should be placed as a buffer between protected districts and heavier industrial areas when possible. Similarly, the Comprehensive Plan Pattern Book recommends the site to the Light Industrial typology and the Industrial Reserve secondary overlay (see additional information within Comprehensive Plan Analysis below).

With regards to the height variance, staff would note that the variance approved for this site in 2012 allowed for a building height of 31 feet (the 22-foot standard for transitional yard height was not in effect at the time previous variances were filed). Additionally, the proposed addition would not result in the structure being placed any closer to residences on the other side of Franklin to the east and would be

buffered from view of the apartments to the south by landscaping and by the raised right-of-way to the south along English. The placement of the existing building and internal showroom areas would also constitute a hardship in that there would not be adequate space for the extension of existing internal operations and storage. Staff therefore recommends **approval** of the height variance.

Previous variances were approved for this property to allow for separations from Franklin Road of 45 feet (2012CVR815) and 14.5 feet (2002DV2016), though both of those were limited in scope to the specific additions contemplated at the time. Also, staff would note that the Ordinance does have an allowance to allow for one-time expansions along legally established setback lines if the linear footage of that expansion would not exceed 50% of the existing building width along the setback: this proposed addition would result in a 66% expansion which is just above the amount contemplated by the exception. For these reasons, as well as for both the separation between the building and residential development afforded by Franklin Road and for the hardship of previously existing interior layout and northern loading area placement that would prevent alternate building addition locations, staff recommends **approval** of the variance request for a 62-foot eastern front transitional setback.

The proposed southern front setback along English Avenue would range from six feet (where the building currently exists) to a minimum of 3 feet resulting from how the building is oriented compared to the existing right-of-way of the street. Staff would note that although the requested deviation is extreme (the district requires 100 feet given the apartments on the south side of English), there would be no method by which a compliant addition could be constructed in this area given the existing setbacks. Staff would also note that the building addition would be screened from view both by the raised right-of-way of the road as well as from extensive existing landscaping to the south of the building's property line. The petitioner has agreed to a commitment to maintain or plant landscaping along the southern property line to provide sufficient visual buffering, and staff therefore recommends **approval** of the request for a 3-foot southern front transitional setback as well.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Industrial	
Comprehensive Plan	Light Industrial	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-A / C-7	North: Industrial / Heavy Commercial
South:	D-6II	South: Multifamily Residential
East:	I-2 / D-2	East: Undeveloped / Residential
West:	D-A	West: Interstate
Thoroughfare Plan		
Franklin Road	Road	90-foot existing right-of-way and 50-foot proposed right-of-way
English Avenue	Primary Collector	145-foot existing right-of-way and 80-foot proposed right-of-way
Interstate 465	Expressway	
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes ; Industrial Reserve	
Wellfield Protection Area	No	
Site Plan	08/12/2026	
Site Plan (Amended)	09/28/2026	
Elevations	08/12/2026	
Elevations (Amended)	N/A	
Landscape Plan	09/28/2026	
Findings of Fact	08/13/2026	
Findings of Fact (Amended)	09/28/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.
- The Industrial Reserve (IR) overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.

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

2022CZN864B, Rezoning of 3.45 acres from the D-A district to the I-2 district, **approved.**

2012CVR815, Variance of development standards of the Industrial Zoning Ordinance to provide for a 31-foot tall building addition (maximum 22-foot tall building height permitted), with a 45-foot front building setback and a zero-foot parking and access drive setback (minimum 100-foot setback required), with 45,000 square-feet of outdoor truck/trailer storage (maximum 41,058 square feet or 25% of the total gross floor area of enclosed buildings permitted), **approved.**

2012CZN815, Rezoning of 12.41 acres from the I-2-S and D-A Districts to the I-2-S classification to provide for industrial uses, **approved.**

2012ZON025, Rezoning of 3.9 acres, from the D-A District, to the I-2-S classification, **approved.**

2006ZON002, Rezoning of 1.37 acres, being in the D-A district, to the I-2-S classification to provide for light industrial uses, **approved.**

2002DV2016, Variance of Development Standards of the Industrial Zoning Ordinance to (1) provide for the construction of a 140 by 175-foot, or 24,500 square feet building addition located six feet from the existing right-of-way of English Avenue (minimum 100 feet from proposed right-of-way required for front transitional yard), (2) provide for said addition located 14.5 feet from east property line (minimum 30-foot side yard setback required), and (3) legally establish a parking, loading, and maneuvering area located 5.5 feet from the north property line (parking, loading, and maneuvering areas not permitted in required 50-foot side transitional yards), **approved.**

97-V2-108, Variance of Development Standards of the Industrial Zoning Ordinance to provide for the construction of a warehouse/storage and office building, being 50 by 100 feet with a front setback along English Avenue of 20 feet (minimum setback of 30 feet from the proposed right-of-way or 100 feet from the center line, whichever is greater, required), **approved.**

96-Z-229, Rezoning of 2.562 acre, being in the C-1 district, to the I-2-S classification to provide for light industrial development including a wholesale furniture warehouse and corporate office, **approved.**

96-Z-219, Rezoning of 7.44 acres, being in the D-A district, to the I-2-S classification to provide for light industrial including a wholesale furniture warehouse/corporate office, **approved.**

85-UV1-23, Variance of use and a variance of size, spacing and height development standards of the Sign Regulations to provide for a 14 x 48 foot advertising pole sign at 60 feet from the interstate right-of-way, **approved.**

84-Z-195, Rezoning of 2.56 acres, being in the A-2 district, to the I-2-S classification, to provide for light industrial development, **approved.**

ZONING HISTORY – VICINITY

2025UV3001 ; 385 S Franklin Road (east of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tree and vegetation removal contractor with the outdoor storage of commercial vehicles and equipment (not permitted) and the storage of a recreational vehicle in a non-permitted location, **approved.**

2025HOV001 ; 365 S Franklin Road (east of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 26.5-foot tall storage building (transitional height limited to 22-foot tall), **approved.**

2024ZON036 ; 365 S Franklin Road (northeast of site), Rezoning of three acres from the D-2 district to the I-2 district to provide for light industrial uses including indoor storage of boats, trailers, and other recreational vehicles within a proposed 11,760-square foot storage building, **approved.**

2024VAR006 ; 365 S Franklin Road (northeast of site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a caretaker or on-site employee within the existing single-family dwelling and a 15-foot south transitional yard for the storage building (50-foot south transitional yard required), **approved.**

2022CZN864A ; 370 S Franklin Road (north of site), Rezoning of 3.543 acres from the D-A district to the C-7 district, **approved.**

2015UV1041 ; 370 S Franklin Road (north of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 5,000-square foot maintenance storage building (not permitted) for an adjacent boat sales business, with paved off-street parking and gravel storage areas (not permitted), per plans filed, **approved.**

2020DV3012 ; 375 S Franklin Road (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to an existing single-family dwelling and garage with a 0.5-foot north side setback (seven-foot side setback required), **approved.**

2018UV1028 ; 370 S Franklin Road (north of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of a maintenance / storage building for an adjacent boat sales business (not permitted) with a 28-foot south side setback (30-foot side setback required), **approved.**

DEPARTMENT OF METROPOLITAN DEVELOPMENT
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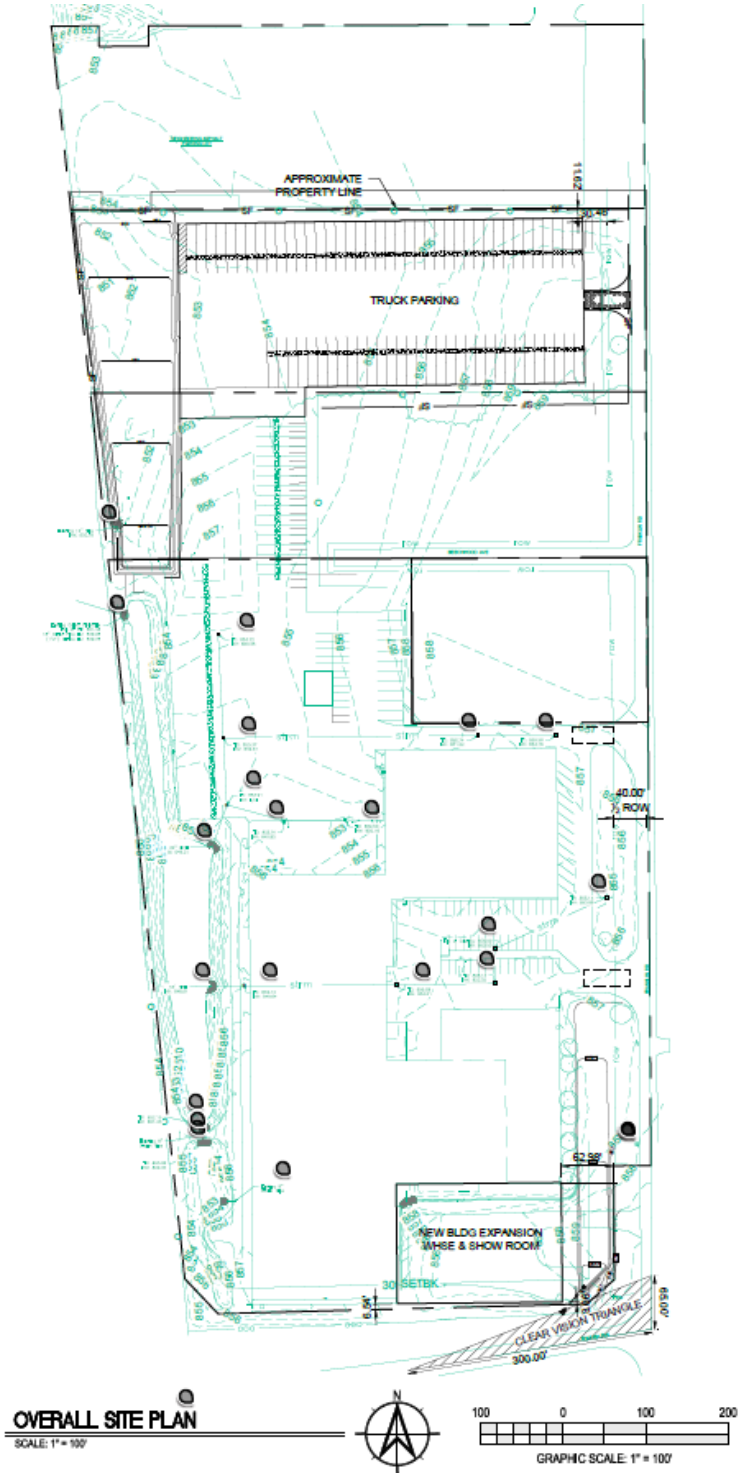
Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

2026DV3041 ; Aerial Map

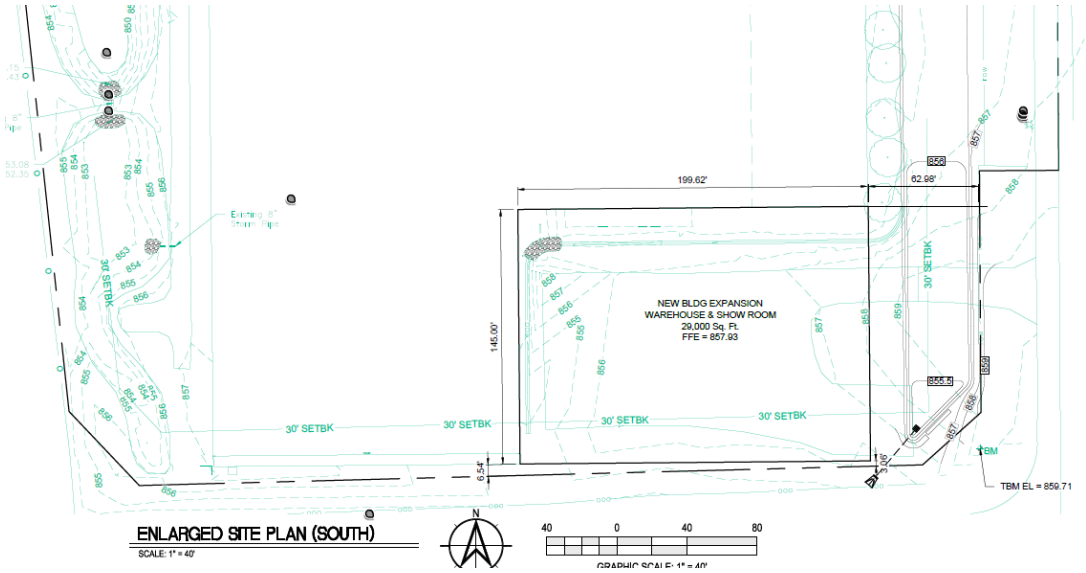


2026DV3041 ; Site Plan (Full)

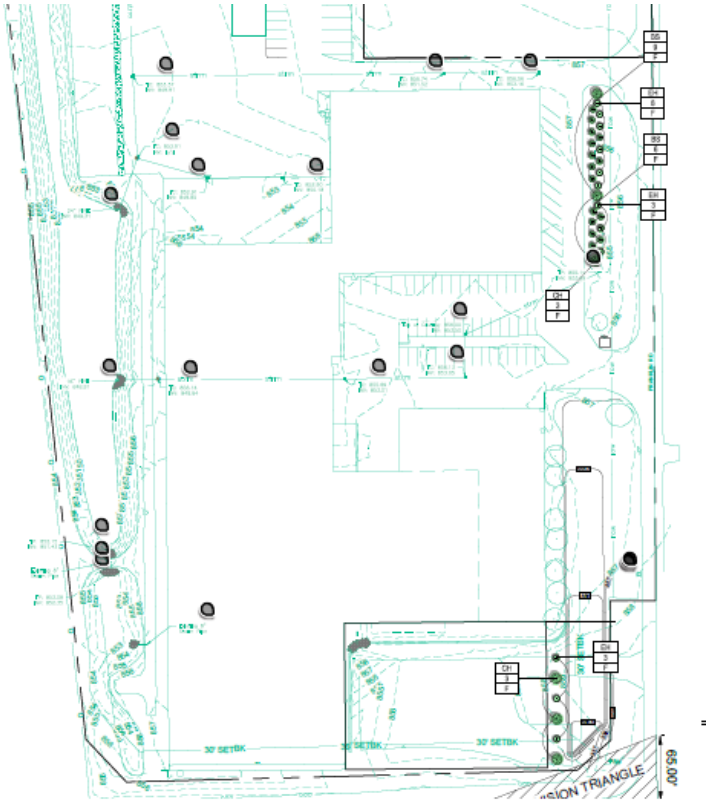


Note: truck parking shown on 370 N Franklin parcel would be part of a future phase of development

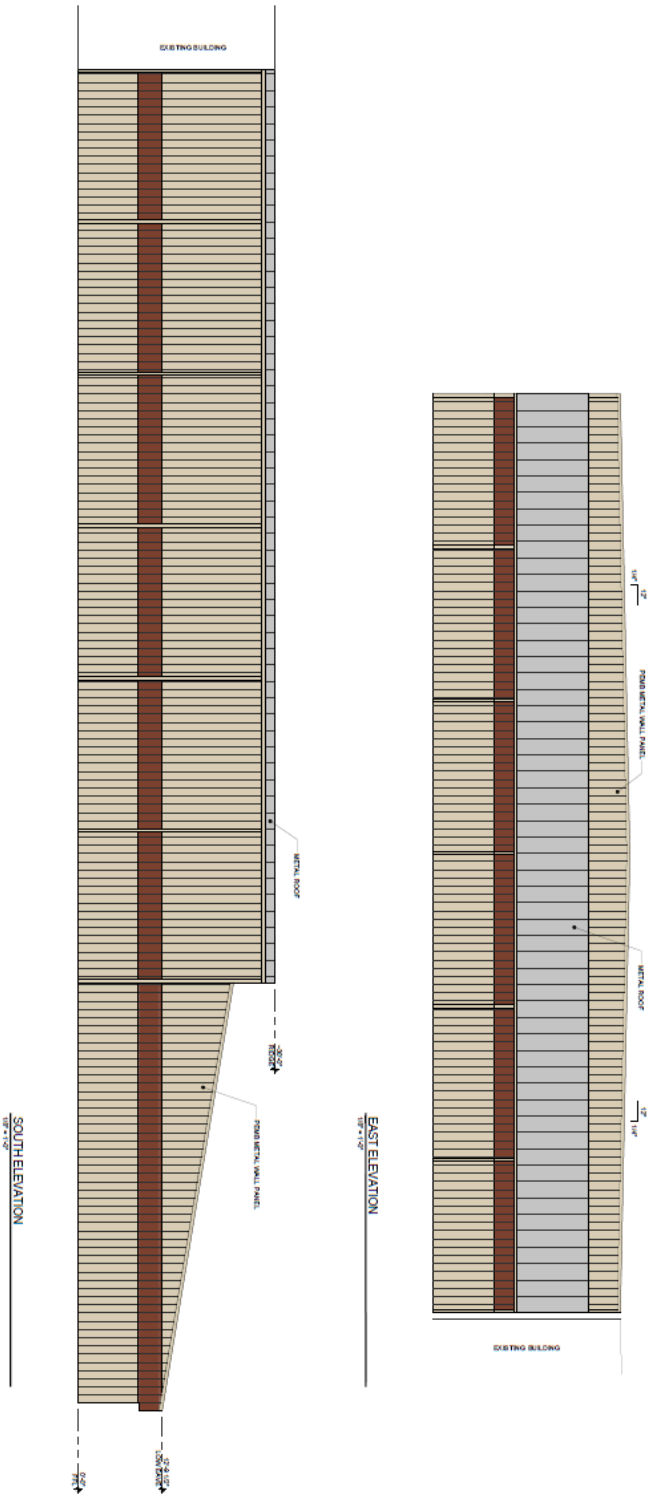
2026DV3041 ; Site Plan (Southern Section)



2026DV3041 ; Landscape Plan (partial)



2026DV3041 ; Elevations



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2026DV3041 ; Findings of Fact (Building Height)

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

The height of the building measured from Franklin Road is 12.79' at the Low Eave (See Elevations) and increases to 30', at 64.5' from Franklin Road (see Floor Plan) The building height measured from English Avenue is 30' measured at approximately 6' from the right of way (variance of setback also requested). The elevation on English Avenue raises along this side yard setback and increases to provide for the overpass for I-465. There is also a heavy tree line between the right of way and the proposed building. The proposal extends the existing building line to provide for this addition matching the setbacks and the building height. There is nothing about the request that would be injurious to the public health, safety and general welfare of the community.

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

Neighboring properties will experience no loss of privacy or sight-line obstruction because of the increased height. The height at 30' is also less than the 35' permitted height in a residential district.

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 height of 22' would not provide the interior space for the operations necessary and would not match the existing building. There is low visibily of the 30' height of the building due to the elevation of English Avenue and the existing treeline. The applicant has been located at this location for many years and request the variance in order to continue to be viable and successful.

2026DV3041 ; Findings of Fact (Building Setbacks)

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

The approval will not be injurious to the public health, safety,morals, and general welfare of the community because the reducing the front setback setback from 100 feet to 62 feet along Franklin Road and 100 feet to a varying width of 3 to 6 feet along English Avenue, extends the existing building line to provide for the proposed addition and remains far enough from the public right-of-way to maintain the clear vision triangle (See Site Plans, page 3), does not impede emergency vehicle access, and matches open-space patterns of the existing development.

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

The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed setbacks match the existing, it eliminates an existing curb cut and access to the addition is from the existing interior only, with no new exterior entrances. The proposed addition/structure is architecturally consistent with the existing building on 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 will result in practical difficulties in the use of the property because the lot possesses unique physical characteristics including the adjacent interstate highway, the raised right of way of English Avenue and the proposal represents the only logistical place to construct the addition due to the existing floor plan and interior operations.

2026DV3041 ; Photographs



Photo 1: Proposed Addition Area from Southeast



Photo 2: Proposed Addition Area from East

2026DV3041 ; Photographs (continued)



Photo 3: Adjacent Buffering to South of Proposed Building Addition



Photo 4: Adjacent Property to East of Proposed Building Addition

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III — October 20, 2026

Case Number:	2026-DV3-042
Property Address:	240 South Pennsylvania Street (approximate address)
Location:	Center Township, Council District #18
Petitioner:	Boxcar Development, LLC, by Jennifer Milliken
Current Zoning:	CBD-2 (FF) (RC) (TOD)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for permanent banner signs on the east façade of a proposed entertainment facility and projecting into the right-of-way of Pennsylvania Street (only temporary banner signs permitted and banner signs not permitted in the right-of-way).
Current Land Use:	Entertainment Facility Under Construction
Staff Recommendations:	Staff recommends **approval** of this petition.
Staff Reviewer:	Jeffrey York, Manager

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

240 South Pennsylvania Street is currently under development for an entertainment facility, immediately south of a proposed hotel and mixed-use development. The hotel and mixed-use development are within the Wholesale District and is under the jurisdiction of the Indianapolis Historic Preservation Commission (MDC).

The subject site was rezoned from I-3 (FF) (RC) (TOD) district to the CBD-2(FF) (RC) (TOD) in 2024, per 2024-ZON-095. In 2025, a Regional Center Approval petition was approved for the proposed entertainment facility, per 2025-REG-046. Later, in 2025, a Regional Center Approval petition was approved for updated plans for the proposed entertainment facility, per 2025-REG-095.

Construction began earlier this year on the facility. Signage was not specifically reviewed during the Regional Center Approval process, which is normal. This request would provide for four banner signs to extend from the building's east façade within the right-of-way of Pennsylvania Street. The banners would be 3-foot by 17.25 foot in size and would be placed above the 20-foot level of the building. The building is approximately 38 feet in height.

The following variances of development standards would be required to allow for placement of the banners as shown within the below renderings:

- Ordinance does not permit banners to extend from the building. They are required to be affixed entirely on the building's façade.
- Ordinance does not permit banners within the public right-of-way.

Staff would note that the proposed banners would provide for quick change of the signage to promote upcoming events within the facility. It should be noted that the banners cannot advertise a business, profession, commodity, or service offered at another site. That type of sign would be an off-premises sign and is not permitted.

This site is zoned CBD-2, which is a district for the general downtown area of Indianapolis representing the typical urban core of the city to be developed at a very high density. It is a pedestrian oriented environment that is also the focus of the City's transit system providing excellent accessibility. The Comprehensive Plan recommends the site to the Regional Special Use typology given its proximity to Gainbridge Fieldhouse (additional information within Comprehensive Plan Analysis below). Additionally, the property is within the Regional Center (RC) and Transit-Oriented Development (TOD) secondary zoning overlays, given its location downtown and near an IndyGo BRT stop, respectively.

Findings of Fact provided by the applicant indicate that the type of signage would provide visual interest to the building and upcoming events. The Findings state that the signage would not negatively affect the property values of adjacent properties. Staff agrees recommends **approval** of the petition.

GENERAL INFORMATION

Existing Zoning	CBD-2 (FF) (RC) (TOD)	
Existing Land Use	Entertainment Facility Under Construction	
Comprehensive Plan	Regional Special Use	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	CBD-2 (FF) (RC) (TOD)	North: Mixed-use development (under construction)
South:	CBD-2 (FF) (RC) (TOD)	South: Active railroad
East:	CBD-2 (FF) (RC) (TOD)	East: Gainbridge Fieldhouse
West:	CBD-2 (FF) (RC) (TOD)	West: Commercial
Thoroughfare Plan		
Pennsylvania Street	Primary Arterial	90-foot existing right-of-way and 78-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	

Wellfield Protection Area	No
Site Plan	09/01/2026
Site Plan (Amended)	N/A
Elevations	09/1/2026; amended 10/14/2026
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	00/01/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Regional Special Use non-typology land use category provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.

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

2025-REG-016, Regional Center Approval to provide for updated plans for a three-story entertainment venue previously approved through 2024-REG-046, **approved.**

2024-ZON-095, Rezoning of 1.89 acres from the I-3 (FF) (RC) (TOD) district to the CBD-2(FF) (RC) (TOD) district for a mixed-use development, **approved.**

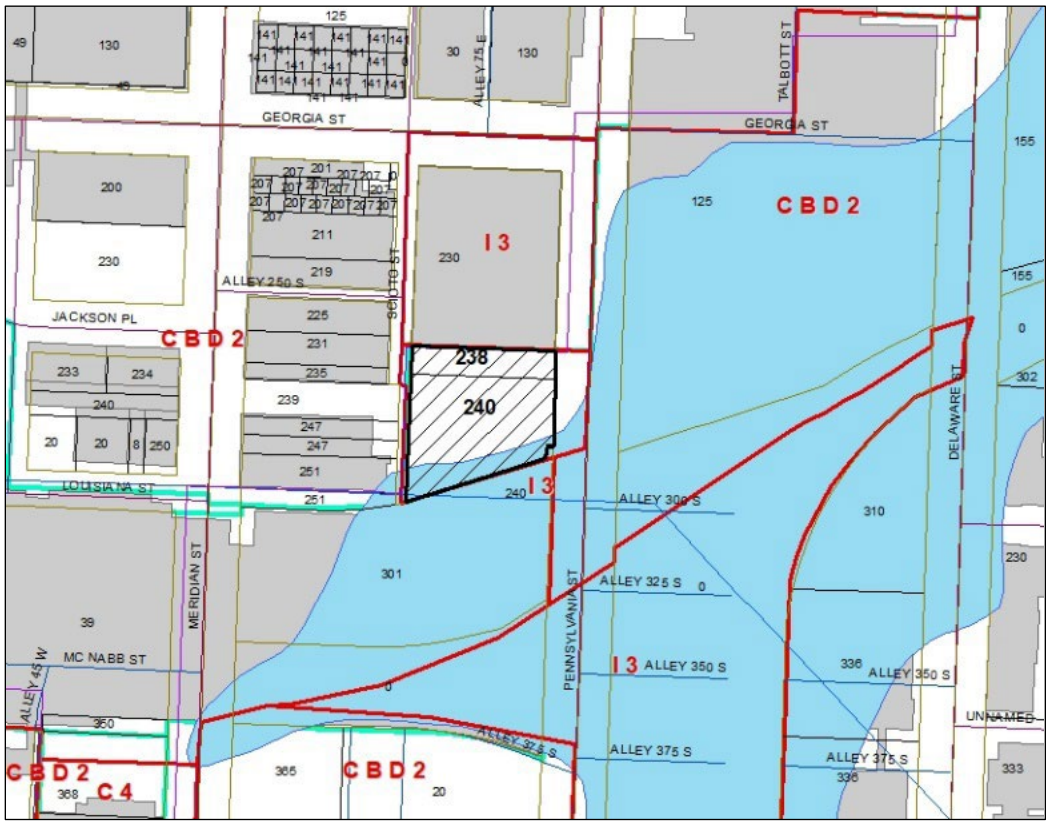
2024-REG-046, Regional Center Approval to provide for a three-story entertainment venue, **approved.**

ZONING HISTORY – VICINITY

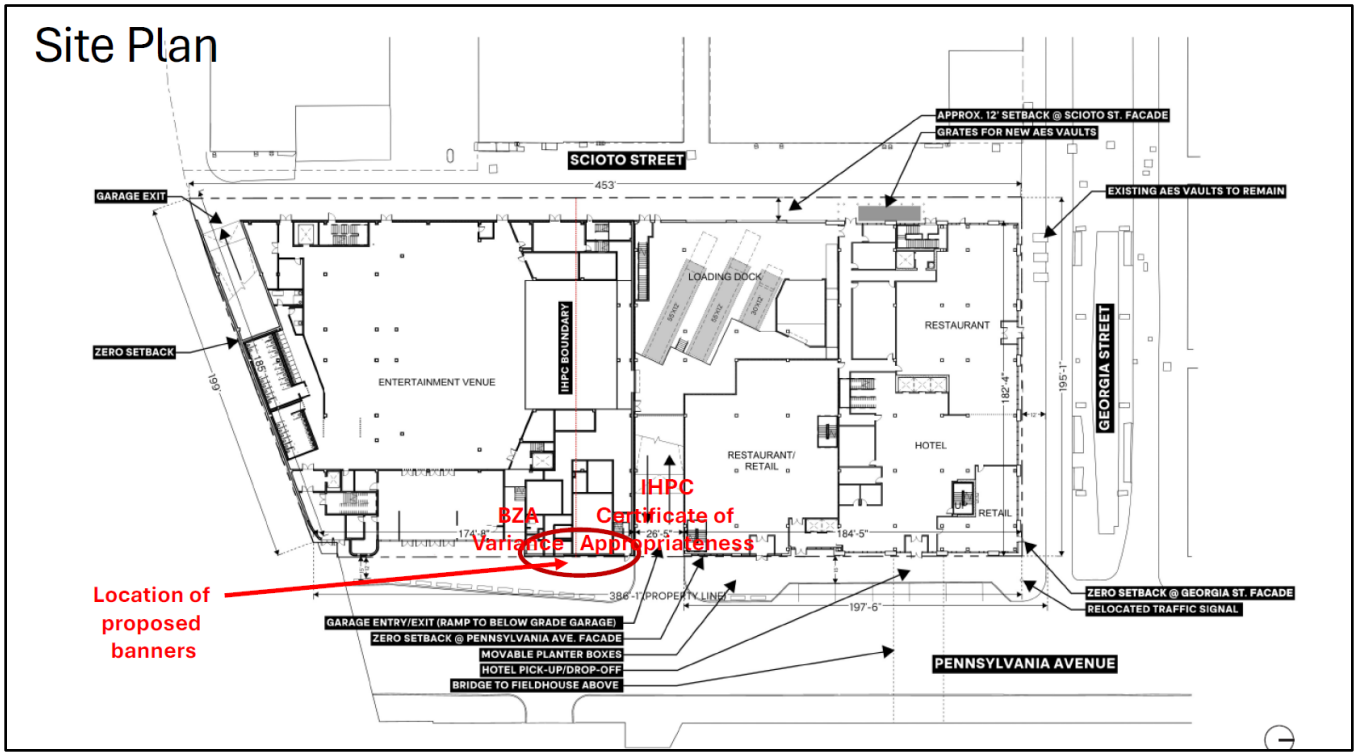
None.

EXHIBITS

2026-DV3-042; Map

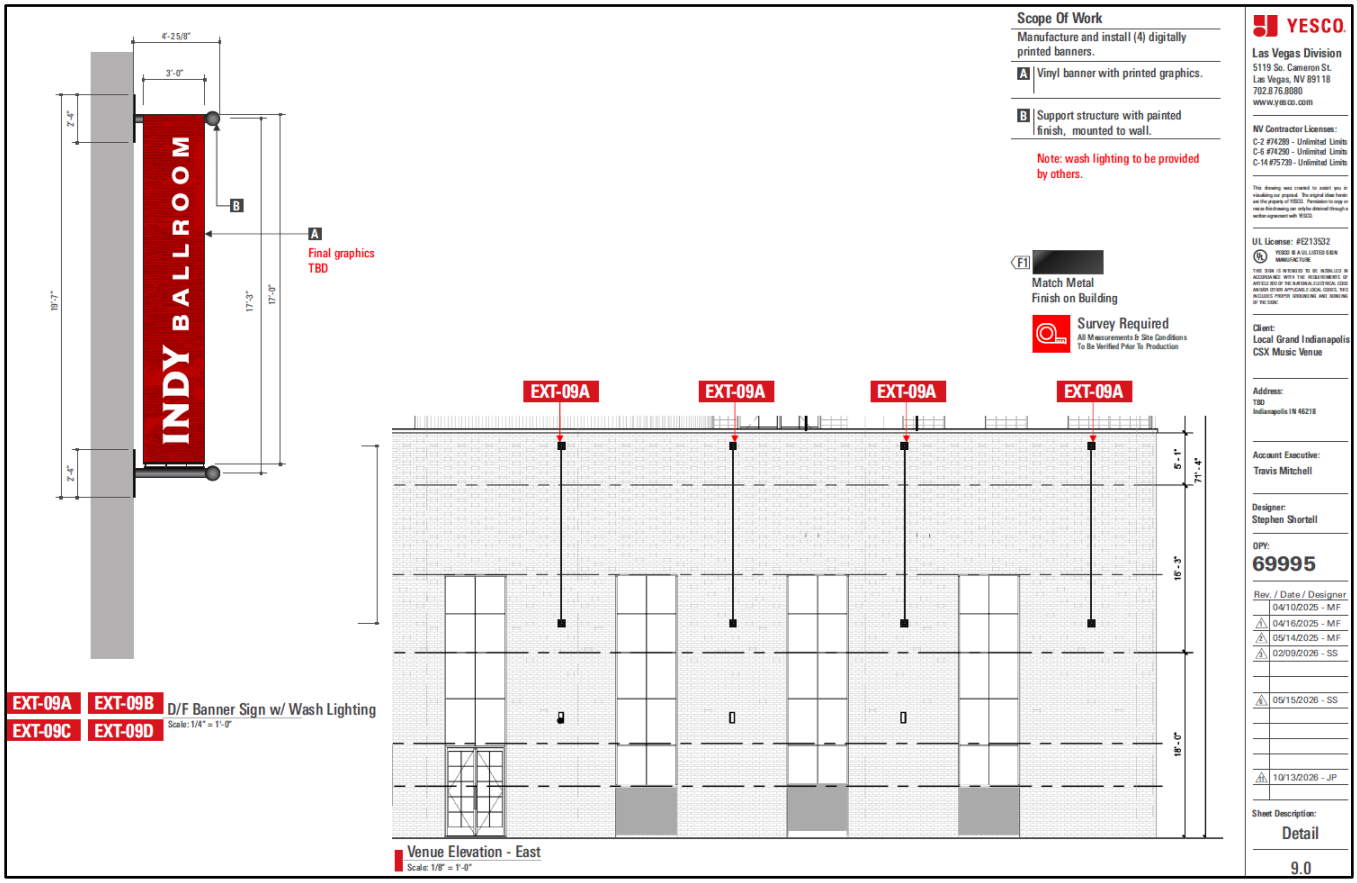


2026-DV3-042; Site Plan



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2026-DV3-042; Building Elevations and Sign Elevation



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2026-DV3-042; Building Rendering



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2026-DV3-042; Findings of Fact

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 banners and their hardware supporting mechanism are being professionally designed and installed by an expert national sign company.
The lowest part of the banners will be 14 feet above grade, out of reach of pedestrians on the sidewalk.
They will extend only 6' 5.5" from the building face, which is narrower than the sidewalk in front of the building - i.e., they are well outside of the street.
Their design is subtle and will not be a distraction to drivers.

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 area is an entertainment district with a variety of signage appropriate to their use.
The proposed banners are appropriate to the current and planned character of this area.
Therefore, they will not adversely affect the use or value of the area.

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

The proposed banners will serve an important role as a part of the Live Nation streetscape, adding visual interest by breaking up the large brick wall planes with a three dimensional element. The fact that these are banners, specifically, adds a missing element, in that they are of a softer material that will provide a welcome contrast against the brick walls and the other, hard-surfaced signage.

2026-DV3-042; Photograph



Subject Site from Pennsylvania Street (site under construction)

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III — October 20th, 2026

Case Number:	2026-DV3-043
Property Address:	2370 North Shadeland Avenue (approximate address)
Location:	Warren Township, Council District #9
Petitioner:	Indiana Retail Stores LLC, by Chris Hyink of Universal Sign Systems
Current Zoning:	C-4 / I-3
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pylon sign with a separation of 65-feet from the nearest primary freestanding sign (300-foot separation required).
Current Land Use:	Wholesale food supply store
Staff Recommendations:	Staff recommends **approval** of this petition
Staff Reviewer:	Adam Skrzeszewski, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff recommends **approval** of this petition

PETITION OVERVIEW

- The petitioner is requesting to construct a new 25-foot-tall pylon sign, with a sign face of approximately 162 square-feet, in the current location of the existing pylon sign on-site. The new construction would be approximately 65-feet away from an existing pylon sign to the north outside of the subject parcel. The proposed pylon sign meets all dimensional standards for pylon signs in the C-4 district. Per Ordinance table 744-906-1, number of pylon signs permitted per frontage is 2 with a minimum separation of 300-feet between pylon signs. Therefore, the petitioner is requesting to permit a pylon sign within the 300-foot separation requirement of pylon signs.

- The existing pylon sign is legally non-conforming, as it was built before the 300-foot separation requirement between pylon signs was adopted in the Ordinance. This sign will be demolished to make way for a new pylon sign in the same location, and therefore needs to follow the current standards outlined in the modern-day Ordinance.

- There is adequate site created practical difficulty to not be able to meet the full extent of the Ordinance. There is no other location on-site to meet the 300-foot separation requirement, and have the sign be on the eastern side of the parcel, closest to the public right-of-way. The petitioner is taking the simplest and least complex route of development by replacing the current sign in the same location that has been longstanding. Per the Ordinance table 744-906-1, there are two pylon signs permitted per public right-of-way frontage. There is not enough space on-site to place a second pylon sign on-site, and also keep the current pylon sign. If the petitioner were to replace the current sign or build a new pylon sign, it would be impossible to meet the 300-foot pylon sign distance requirement either way.

- The current pylon sign on-site has a height of 339-inches (28.25-feet), and the proposed pylon sign has a height of 300-inches (25-feet). The current pylon sign on-site has a sign face area of approximately 188 square-feet, and the proposed pylon sign has a sign face area of approximately 162 square-feet. The new sign will conform to the size of the current pylon sign on-site, and will be smaller in both height and sign face area. The petitioner's stated purpose of replacing the sign is to modernize design, and increase the amount of effective advertising space available on the sign. The pylon sign, if this petition is approved, will become approximately 7-feet shorter in width, and the sign face will become 4-feet longer in height.

- Replacing the current pylon sign on-site with a new pylon sign that is smaller in height and sign face area, that is within 300-feet of an existing pylon sign to the north outside of the parcel, will not create any adverse effects to surrounding parcels or the welfare of the surrounding area. It also meets all development standards, and there is site created practical difficulty to meet the 300-foot separation requirement of pylon signs; therefore, staff recommends **approval** of 2026-DV3-043.

GENERAL INFORMATION

Existing Zoning	C-4/I-3	
Existing Land Use	Wholesale food supply store	
Comprehensive Plan	Light Industrial	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	C-5	North: Car sales and rental
South:	I-3	South: Heavy Industrial
East:	C-S	East: Heavy Commercial
West:	I-3	West: Heavy Industrial
Thoroughfare Plan		
Shadeland Avenue	Primary Arterial	104-foot existing and proposed ROW
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August 24th	
Site Plan (Amended)	N/A	
Elevations	August 24th	
Elevations (Amended)	September 15th	
Landscape Plan	N/A	
Findings of Fact	August 24th	
Findings of Fact (Amended)	September 15th	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial. The addition of this sign aligns with the Comprehensive Plan recommendation.

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- 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

2003-UV1-040 ; 2370 North Shadeland Avenue, Variance of Use of the Industrial Zoning Ordinance and a Variance of Development Standards of the Commercial Zoning Ordinance to provide for a wholesale foods warehouse, with a retail store with 75 parking spaces. **Approved**

ZONING HISTORY – VICINITY

2015-DV1-033 ; 2350 North Shadeland Avenue (South of subject site), Variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a 20,000-square foot warehouse building, with 15-foot east and west side yards and a 20-foot north rear yard (30-foot side and rear yards required). **Approved**

2003-SE2-002 ; 2350 North Shadeland Avenue (South of subject site), Special Exception and Variance of Development Standards of the Industrial Zoning Ordinance to provide for factory direct sales with operations, storage and processing within 325-feet of a protected district (minimum 500-foot separation required). **Approved**

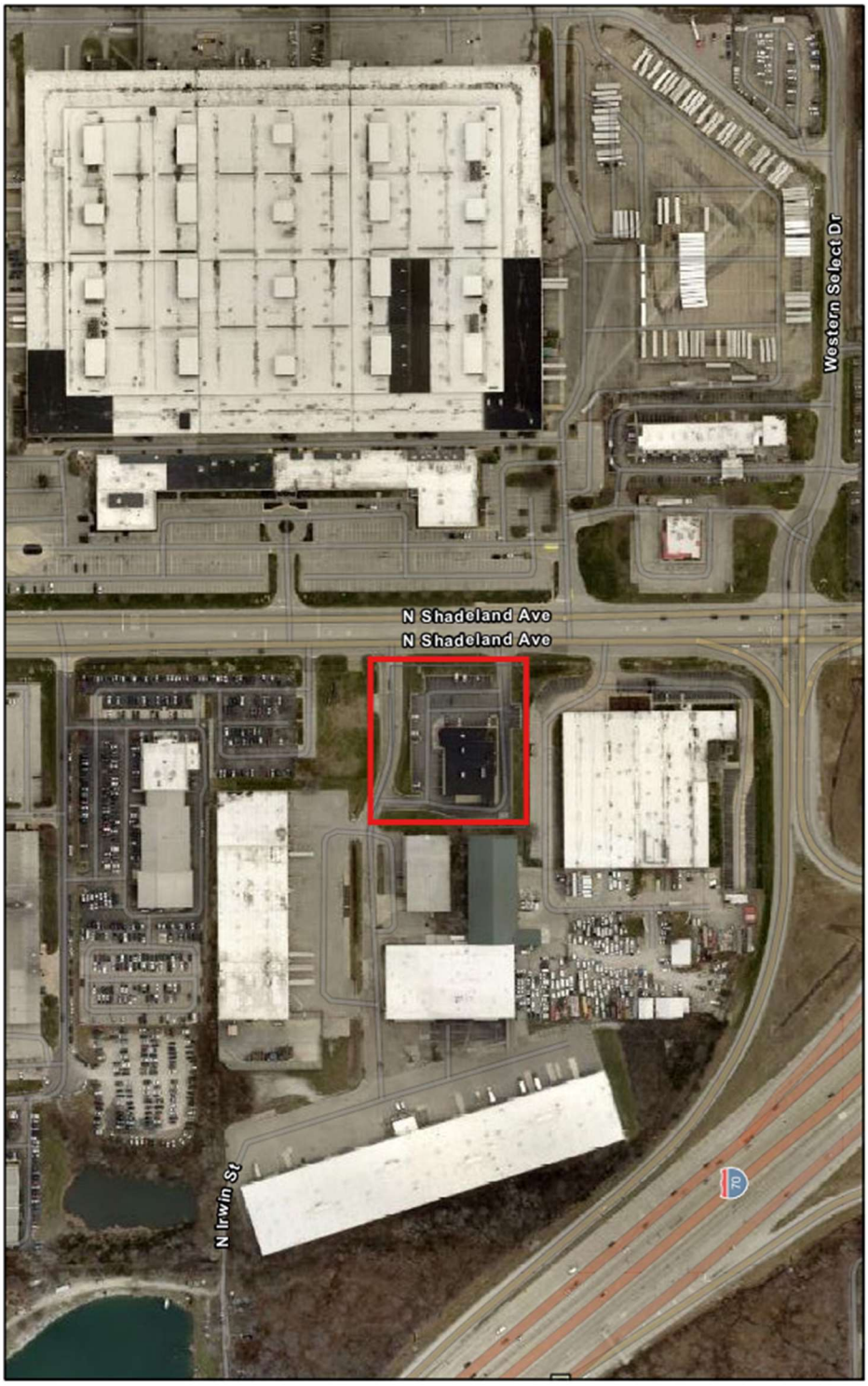
2010-VAR-001 ; 2525 North Shadeland Avenue (East of subject site), Variance of development standards of the Sign Regulations to provide for: an eight-foot tall, 52-square foot freestanding sign (Sign One), with a three-foot front setback from the right-of-way of Shadeland Avenue (15-foot front setback required), a five-foot tall, 32.5-square foot freestanding sign (Sign Two), encroaching four feet into the right-of-way of Shadeland Avenue (15-foot front setback required), and a seven-foot tall, 45.5-square-foot freestanding sign (Sign Three), with a four-foot front setback from the right-of-way of Shadeland Avenue (15-foot front setback required). **Approved**

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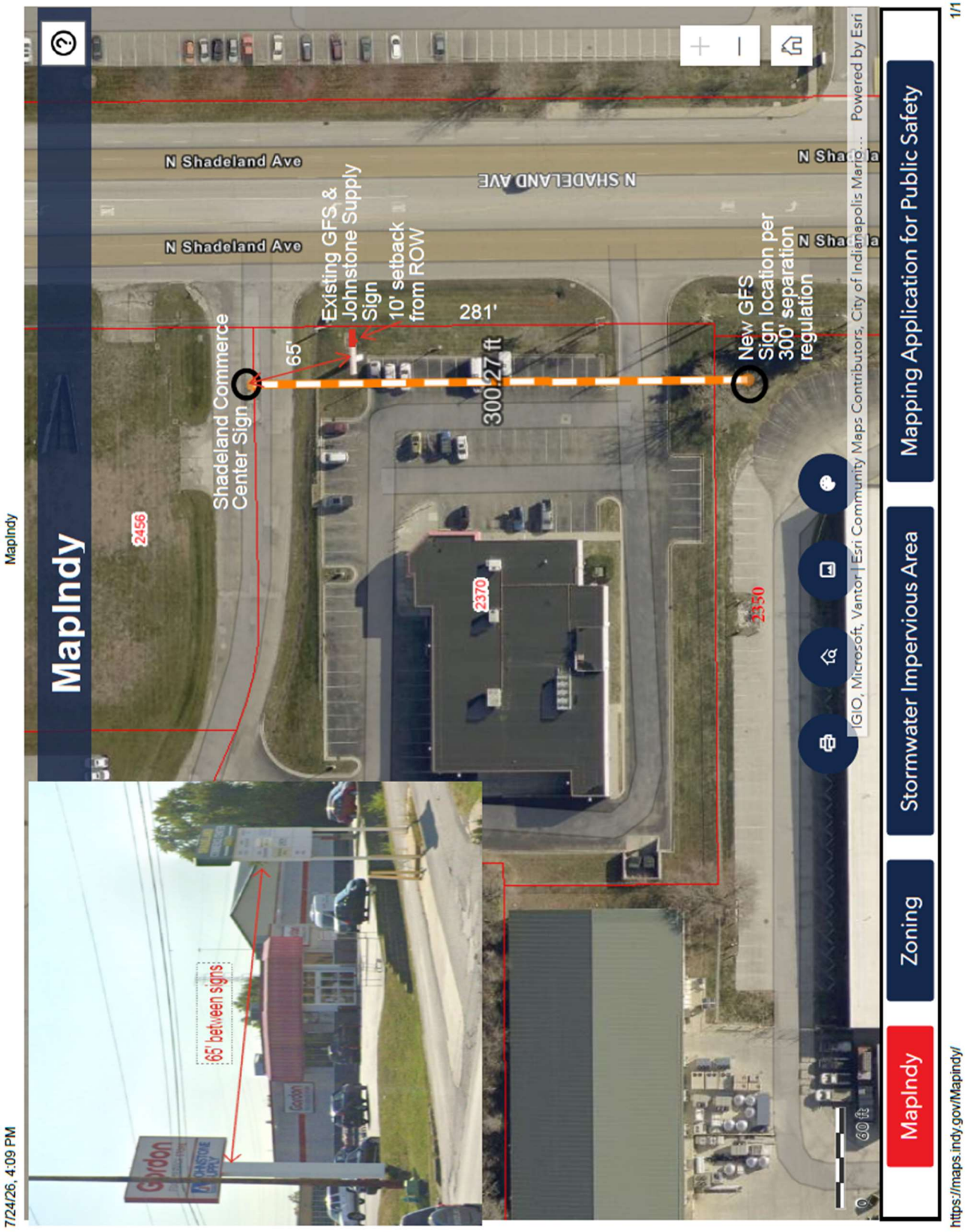
EXHIBITS

2370 N Shadeland Ave current aerial



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WARREN TOWNSHIP DEVELOPMENT ASSOCIATION

2026-DV3-040 October 10, 2026

808 South Past Road

Dear MBZA President and Board and Staff Planner,

The Warren Township Development Association met via zoom on October 4, 2026. We discussed and reviewed the above petition.

WTDA approves and supports this petition unanimously.

We approve the Variance of Development Standards of Consolidated Zoning and Subdivision Ordinance providing only 27 feet setback instead of the required 30 feet.

I spoke with the neighboring business to the north, and the owner has no negative issues with this setback. He is supportive.

We support this petition, and ask the Metropolitan Board of Zoning Appeals to support the above petition.

Respectfully submitted,

Ron Phillips, President
Warren Township Development Association

Site Visit September 18th, 2026



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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:

Gordon Food Service & Johnstone Supply currently have a 186.2 sf pylon sign that is 28.25' tall. The sign is located on the north east corner of the Gordon Food Service Store site and is approximately 65' from the existing Shadeland Commerce Center sign. The signs have been this way for over 20 years. The signs have not been a public health or safety issue. The signs have helped customers to safely egress the stores.

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

The proposed new sign that will replace the existing Gordon Food Service Store/Johnstone Supply sign is 161.63 sf which is 24.57 sf less than the existing sign and is 25' tall which is 3.25' less tall than the existing sign. The approval to allow the existing sign to be removed and replaced with a smaller sign will not create an adverse effect as the existing sign has not had an adverse effect for 20 years and the reduction in size to meet the new sign size & height standards will have a positive effect as the sign will comply with the new standards. - see attached sign specifications.

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 that requires the signs to have at least 300' of separation will result in a practical difficulty because the proposed new sign could not be located on the GFS parcel. The GFS parcel has 281' of property frontage. The 300' of separation from the Shadeland Commerce Center sign and the Gordon Food Service Store/Johnstone Supply would put the sign on the 2350 parcel next to the GFS property.

Department of Metropolitan Development
Division of Planning
Current Planning

Board of Zoning Appeals Division III — October 20, 2026

Case Number:	2026-DV3-027
Property Address:	1633 East Thompson Road *(approximate address)*
Location:	Perry Township, Council District #23
Petitioner:	Justin Myers
Current Zoning:	D-3
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a detached garage within the established front yard setback (not permitted)
Current Land Use:	Single-Family Residential
Staff Recommendations:	Staff recommends **denial** of this petition. Should this petition be granted over staff's recommendation, staff would request a commitment.
Staff Reviewer:	Josh Levesque, Manager--Current Planning

PETITION HISTORY

This petition was continued from the September 15th BZA III hearing to allow for the petitioner to bring their driveway into compliance with 744-404-1.

This leaves the one variance for the detached garage in the front yard.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition. Should this petition be granted over staff's recommendation, staff would request the following commitment:

- No further encroachments into the front yard or front yard setback be permitted

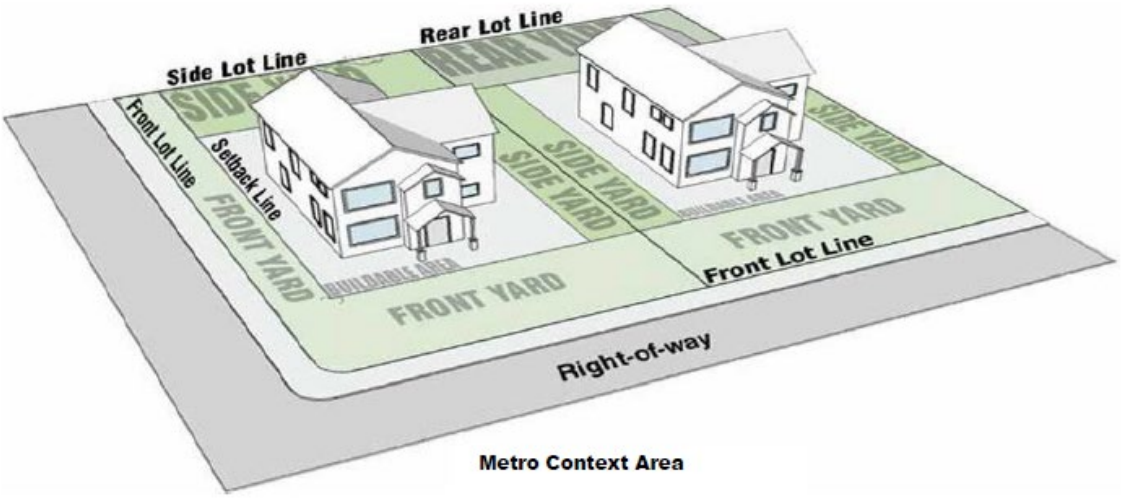
PETITION OVERVIEW

- 1633 East Thompson Road is a parcel totaling roughly 0.47 acre. The parcel is on the southwest corner of Thompson Road and State Avenue. The property is zoned D-3. Properties to the north are zoned D-3 and SU-1. Properties to the south, east, and west are all zoned D-3. This parcel is in the Metro Context Area.

- The petitioner is requesting a variance of development standards to legally establish a 24-foot by 29-foot (696 square foot) detached garage within the established front yard setback. An existing 16-foot by 23-foot (368 square foot) garage also sits in the established yard front yard setback.

Property record cards indicate that this garage was built in 1950, pre-dating the Ordinance. This garage constitutes a legal nonconformity and is not a part of this variance request.

- The Ordinance defines the front lot line as "the lot line separating the lot from street rights-of-way; in the case of a corner lot, both lot lines separating the lot from the street rights-of-way are considered lot lines […]" (740-200). While the Ordinance does provide certain exceptions to this definition for some dwelling districts in the Compact Context Area, the Metro Context Area makes no such exception. Below is a diagram of a corner lot with two front yards in the Metro Context Area from 744-200 of the Ordinance.



- The Ordinance defines garages as minor residential structures. Such structures must meet minimum setbacks and cannot be located closer to the street than the primary dwelling or the front yard setback on the lot, whichever is greater.

- The front setback off of State Avenue is 25 feet while the established front yard off of State Avenue is approximately 50 feet, limiting the buildable area. The legally nonconforming garage extends into the front yard setback by approximately 20 feet. The new garage, however, represents further encroachment into the front yard setback, encroaching up to 40 feet into the front yard setback. Based on the provided site plans, this represents a 2.6-foot side setback.

- An alternative option to expand the garage exists that would not have required a variance. The old garage could be attached to the primary dwelling unit, therefore becoming part of the primary dwelling unit. Provided that it met the 25-foot front setback, this could have been further expanded towards State Avenue as an attached accessory structure. GIS estimates indicate that, if the legally nonconforming garage were to be attached, it could be expanded by another 7-8 feet and still be within the 25-foot side setback.

- Given that the new garage further encroaches into the established front yard and the presence of an alternative option for expanding the garage, staff recommends **denial** of this petition. Should this petition be granted over staff's recommendation, staff would request the following commitment:

    - No further encroachments into the front yard or front yard setback be permitted

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-3 / SU-1	North: Residential / Religious
South:	D-3	South: Residential
East:	D-3	East: Residential
West:	D-3	West: Residential
Thoroughfare Plan		
Thompson Road	Primary Arterial	50-foot existing right-of-way and 80-foot proposed right-of-way
State Avenue	Local Street	50-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	6/25/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	7/22/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

N/A

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Division of Planning
Current Planning

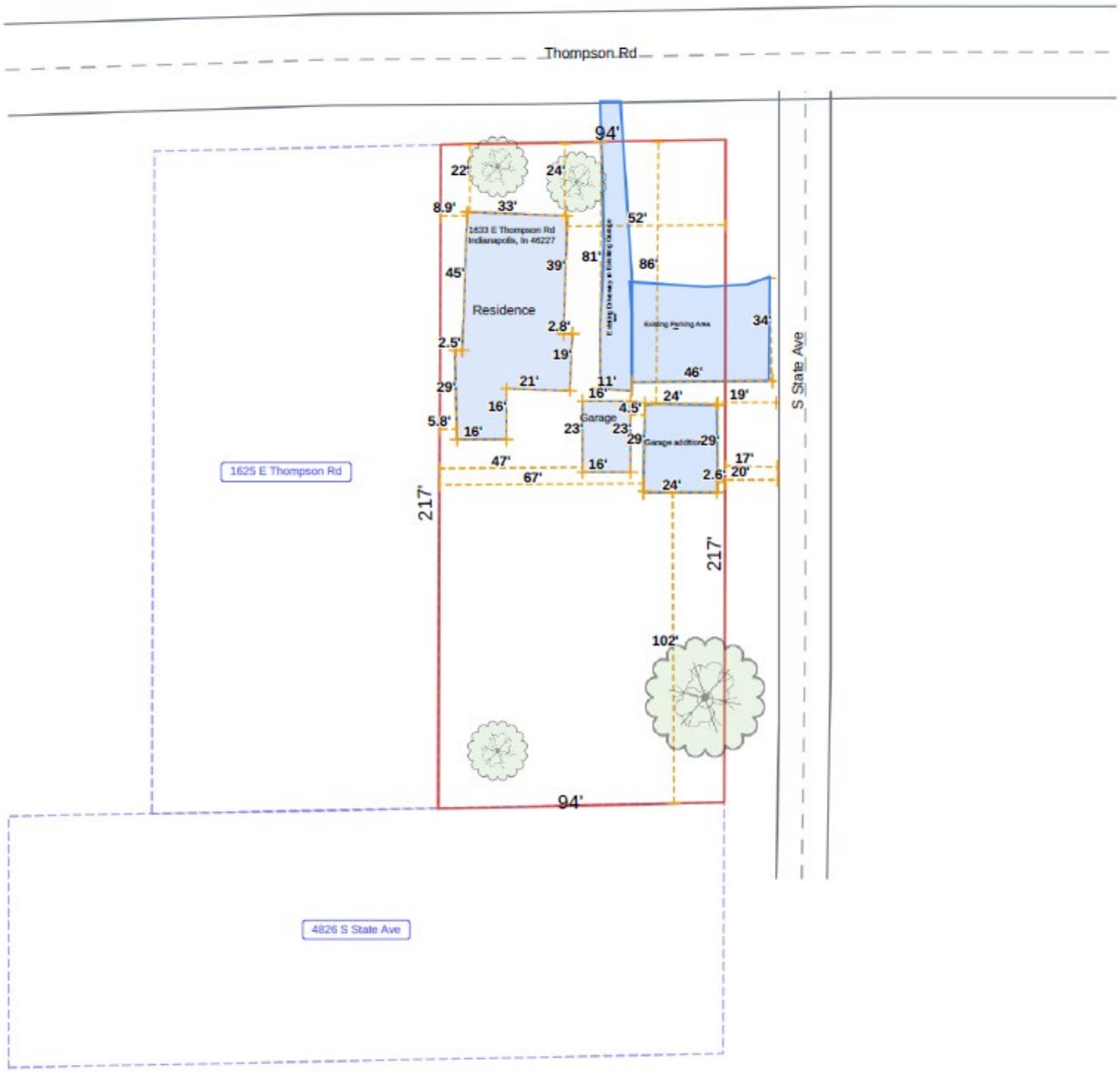
EXHIBITS

2026DV3027; Aerial Map



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2026DV3027; Site Plan



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Department of Metropolitan Development
Division of Planning
Current Planning

2026DV3027; Findings of Fact

FINDINGS OF FACT

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

The garage is inside the easement area of the property, and it is located 20 feet from the nearest road. It is also a temporary structure not attached to the property in any permanent way. All of this adds up to having no negative effect on 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 garage is located within the limitis of 1633 E Thompson Rd. inside the easement areas. I believe this addition will have zero effect on the surrounding properties. The driveway has not changed in size or location since my purchase.
The driveway is utilized for parking and for access to the garage building structure.

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

As a first time home buyer, I was uneducated on the strict zoning requirements in Marion county. However, meeting the zoning ordinances would create very large practical difficulties for use. The property already contained a single car garage (Est 1950s) that takes the only other place in line with or close to the driveway this structure could be placed.

2026DV3027; Photographs



Photo 1: Newly-placed garage (gray) next to older garage (white)

2026DV3027; Photographs (continued)



Photo 2: Driveway off of State Avenue

2026DV3027; Photographs (continued)



Photo 3: Partial view of backyard showing rear of both garages and house

2026DV3027; Photographs (continued)



Photo 4: Looking north on State Avenue

2026DV3027; Photographs (continued)



Photo 5: Looking south on State Avenue

2026DV3027; Photographs (continued)



Photo 6: Another view of the two garages

2026DV3027; Photographs (continued)



Photo 7: Looking west along Thompson Road

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III — October 20, 2026

Case Number:	**2026-DV3-031**
Address:	**10401 East Washington Street (approximate address)**
Location:	**Warren Township, Council District #20**
Zoning:	**C-4 (TOD)**
Petitioner:	**Washington Market Realty, LLC, % Sander Development Company, by Matt Yanda**
Request:	**Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a restaurant with a three-foot west side transitional yard (20-foot side transitional yard required), and a 29% front building line (40% front building line in buffer/suburban frontage required).**
Current Land Use:	**Parking Lot**
Staff Reviewers:	**Robert Uhlenhake, Senior Planner**
	Josh Levesque, Manager—Current Planning

PETITION HISTORY

This petition was previously automatically continued by a registered neighborhood organization, from the September 16, 2026 hearing, to the October 20, 2026 hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

LAND USE

◊ This 0.494-acre lot is zoned C-4 and is part of an integrated commercial shopping center with an associated parking lot. The site is surrounded by commercial uses to the north, east, and south all zoned C-4. To the west is undeveloped land in the floodway that is zoned D-A.

◊ Previous variances (2025-CVR-862) were granted on this site for a drive-through accessory use for a restaurant within 600 feet of a proposed transit station where it is prohibited, and to provide for 31 parking spaces exceeding the maximum of 27 parking spaces permitted.

VARIANCE OF DEVELOPMENT STANDARDS

◊ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property

values by providing for open buffer areas along lot lines, and to ensure adequate access around buildings.

◊ The petitioner proposes to place some of the associated parking along the western parcel line with a three-foot side setback, where a 20-foot transitional side yard setback is required due to the adjacent property being zoned D-A.

◊ The D-A zoning on the adjacent property is a remnant zoning from the 1960's when this area was still primary agricultural in nature, before the establishment of the surrounding commercial developments.

◊ The Floodway designation prohibits any residential development. The overwhelming majority of the lot is in either the Floodway, or Floodway Fringe designation. This overlay, along with flood permit requirements, severely restrict the potential for development on this site. Given these factors, it is unlikely the adjacent site could ever be developed under the existing D-A zoning.

◊ If the adjacent property was rezoned to a Commercial District, matching the Comprehensive Plan recommendation and surrounding land uses, then there would be no need for the required transitional yards setback, as adjacent commercial properties are not required to have side setbacks. Therefore, the inability of the adjacent parcel to be developed residentially, despite having a D-A District zoning, is a practical difficulty for the subject site in meeting the required setbacks.

◊ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to front building line percentages, are intended to advance the Livability Principles of this code, to promote walkable neighborhoods, and to orient all buildings to the street to activate the streetscape.

◊ The required front building line percentage is 40%. The front building line percentage is defined as the percentage of the lot frontage which must be occupied by at least a portion of the front building (744-702-3).

◊ The reduced front building line is a result of the need to provide for circulation access around the building to access the rear drive through in a Metro Context area. The reduced building line is supplemented with an outdoor dining area that activates the site with pedestrian activity.

GENERAL INFORMATION

Existing Zoning		C-4 (TOD)	
Existing Land Use		Parking lot	
Comprehensive Plan		Regional Commercial Uses	
Surrounding Context		**Zoning**	**Surrounding Context**
	North:	C-4	Commercial
	South:	C-4	Commercial
	East:	C-4	Commercial
	West:	D-A	Undeveloped / Floodway

Thoroughfare Plan		
East Washington Street	Primary Arterial	138-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	Yes – Transit Oriented Development	
Wellfield Protection Area	No	
Site Plan	N/A	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	July 15, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers

Red Line / Blue Line / Purple Line TOD Strategic Plan

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

This site is located within a 1/2-mile walk (approximately 1100 feet) east of the proposed Washington Pointe proposed transit stop located at 10220 East Washington Street, with a District Center typology.

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

Characteristics of the District Center typology are:

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

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

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

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

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

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

ZONING HISTORY

2025-CPL-862 / 2025-CVR-862, 10401 and 10435 East Washington Street (Subject site), requested approval of a Subdivision Plat, to be known as Replat of Block A and Lot 2 of Washington Market Commercial Subdivision, dividing 10.809 acres into one lot and one block, **approved**. Requested a Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through accessory use for a restaurant, within 600 feet of a proposed transit station, and to provide for 31 parking spaces, **granted.**

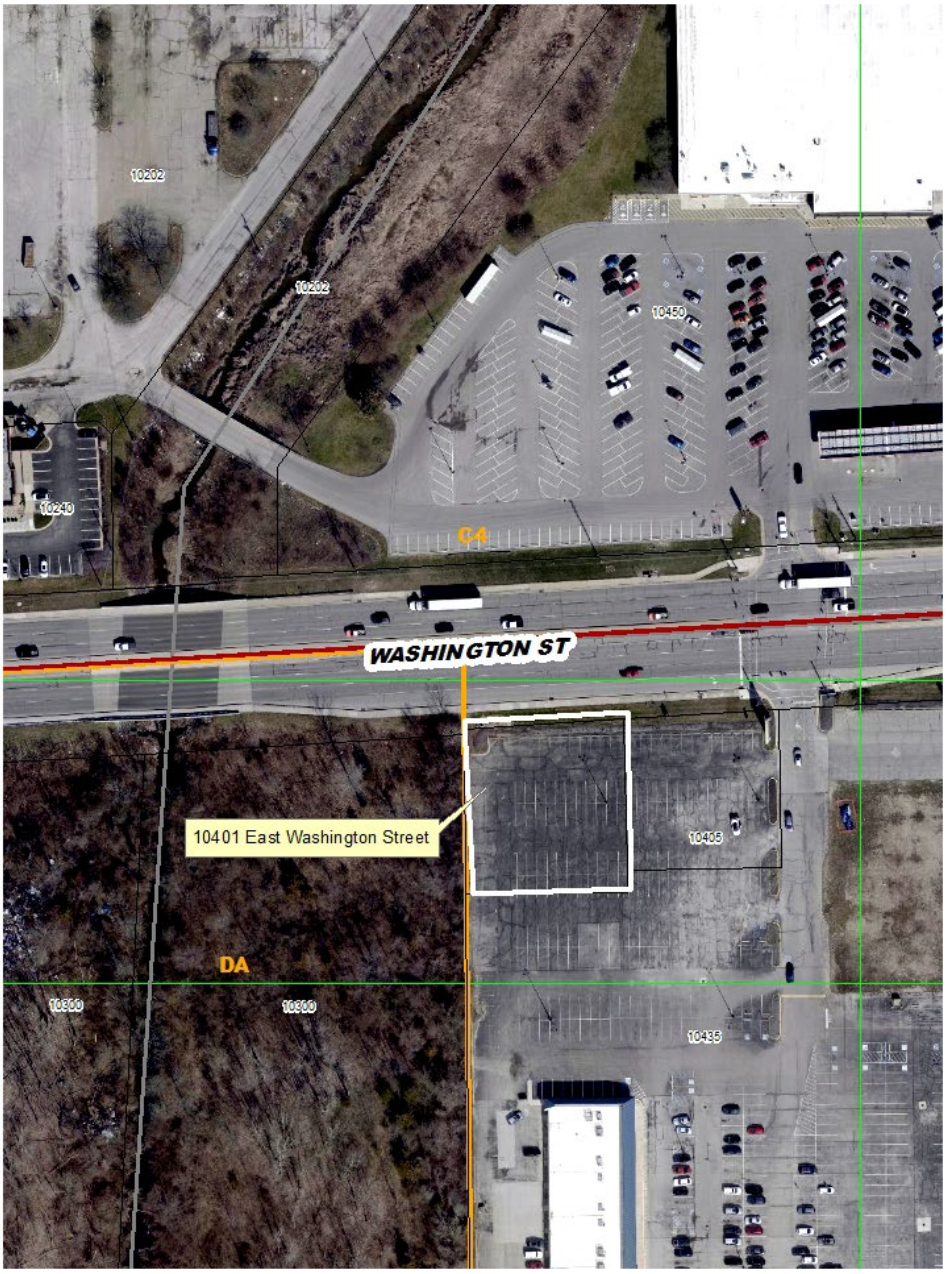
2023-CVR-808 / 2023-CPL-808; 10435 East Washington Street (east of site), requested the approval of Subdivision Plat to be known as Washington Market Commercial Subdivision, dividing 10.90 acres into two lots and one block, **approved**. Requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business with a 30-foot front building line or 22% of the building line (60% front building line required), **granted.**

73-Z-50; 10405 East Washington Street (includes subject site), requested the Rezoning of 3.02 acres, being in the A-2 district to C-4 classification to provide for retail stores, **approved.**

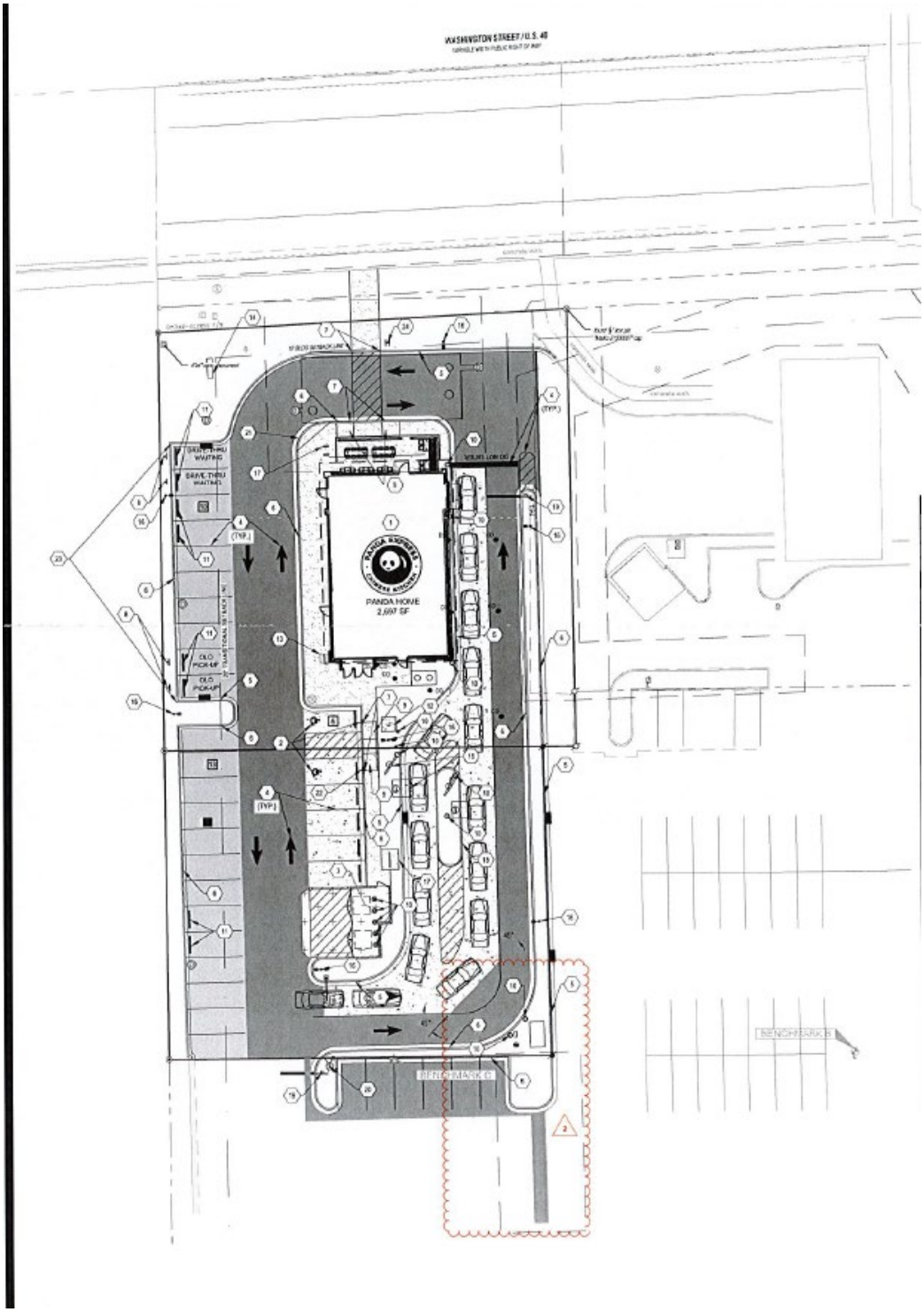
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EXHIBITS

LOCATION MAP



SITE PLAN


WASHINGTON STREET / U.S. 40
PANDA HOME
2,697 SF
DRIVE-THRU WAITING
DRIVE-THRU WAITING
OLO PICK-UP
OLO PICK-UP
(TYP.)
(TYP.)
BENCHMARK
BENCHMARK

PLAN OF OPERATION

Plan of Operation

Project: Panda Express D39727 Indianapolis, IN
Use Type: Quick-Service Restaurant with Drive-Thru

Description of Proposed Facilities
The proposed development consists of a new, approximately 2,700 square-foot Panda Express quick-service restaurant with a single drive-thru lane and dual-order capability. The building will include an indoor dining area, kitchen and food-preparation spaces, restrooms, and an exterior refuse enclosure. The site will provide customer parking, landscaping, stormwater facilities, and pedestrian connections consistent with the approved Washington Market Subdivision standards.

Number of Employees
Typical staffing will include 8 to 10 employees per shift, consisting of kitchen staff, counter staff, and management personnel. Peak operating hours may require up to 12 employees.

Hours of Operation

- **Monday–Sunday:** 10:30 AM – 10:00 PM
  These hours are consistent with other Panda Express restaurants in the region and align with adjacent commercial uses within the development.

Security Provisions
The restaurant will include interior and exterior security cameras, adequate site lighting, and drive-thru lighting designed in compliance with city illumination standards. No security personnel are proposed; however, store management will coordinate with local authorities if required.

Presence of Hazardous or Explosive Materials
No hazardous or explosive materials will be stored or used on-site beyond standard restaurant cleaning supplies and food-service materials. All waste, including used cooking oil, will be stored in approved containers and collected by licensed vendors.

Parking and Traffic Circulation
The site is designed for safe vehicular and pedestrian circulation, with clear separation between customer parking and drive-thru traffic. Adequate on-site queuing is provided to prevent congestion within shared access drives. The drive-thru window is located on the rear of the building to minimize visual impact from E. Washington Street.

Deliveries and Waste Collection
Deliveries will occur during non-peak hours, generally between 6:00 AM and 10:00 AM. Waste collection will occur two to three times per week via the shared service drive, coordinated with other tenants within the Washington Market development.

Compliance and Operations Management
All operations will comply with applicable health, fire, and building codes, as well as the conditions of variance approval. Panda Express will maintain the property in a clean and orderly manner at all times, including regular litter patrol and landscape maintenance.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

FINDINGS OF FACT: Front Building Line Variance

FINDINGS OF FACT

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

The requested variance will allow a 29% front building line where a minimum 40% front building line is required, without adversely affecting public health, safety, morals, or general welfare. The proposed restaurant will be developed on an existing commercial outlot within the Washington Market development and will maintain an orderly relationship with East Washington Street and the surrounding commercial development. The proposed site plan provides defined vehicular circulation, ADA-accessible parking and routes, bicycle/pedestrian connections to Washington St, landscaping, and bicycle parking while maintaining the building's orientation toward East Washington Street. The reduction in the required front building line does not interfere with safe access, visibility, emergency access, or pedestrian circulation and will not create an unsafe condition for the surrounding 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 requested variance will not substantially adversely affect the use or value of adjacent properties. The subject property is zoned C-4 which allows for drive thru restaurants, and is located within an established commercial corridor along the East Washington Street. The proposed restaurant use and associated site improvements are compatible with the surrounding commercial development. The proposed site and building orientation also preserves a direct and seamless cross-access connection with the neighboring Valvoline property to the east, supporting efficient circulation between the two commercial sites. Alternative building orientations intended to increase the percentage of the front building line would disrupt this connection or require a less direct circulation pattern between the properties. Additionally, the building remains oriented toward East Washington Street, and the development includes landscaping, bicycle/pedestrian connections, and bicycle parking. The requested reduction from the required 40% front building line to 29% relates only to the proportion of the frontage occupied by the building and does not increase the intensity of the proposed use or create additional impacts on surrounding properties. Approval of the variance will allow for substantial capital investment which will add significant value to the areas adjacent to the property.

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

Strict application of the minimum 40% front building line requirement would result in practical difficulties in developing the subject property. The site is an infill commercial outlot that must integrate with the existing access, easements, utility infrastructure, and internal circulation system serving the larger Washington Market development. The proposed building and site layout must also accommodate safe drive-through circulation and stacking, required parking and ADA access, bicycle/pedestrian connections, stormwater management, utilities, and emergency access within the approximately 0.85-acre site. Increasing the building frontage to satisfy the 40% requirement would require a substantial modification to the building footprint or overall site configuration and would conflict with the established circulation and operational needs of the development. The proposed 29% front building line allows reasonable redevelopment of the property while maintaining a functional site layout and providing bicycle/pedestrian-oriented access and frontage improvements consistent with the overall objectives of the ordinance.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

FINDINGS OF FACT: Transitional Yard Variance

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 adversely impact public health, safety, or welfare. The western property adjacent to the subject site is zoned DA (Dwelling Agricultural District); however, the area immediately adjacent to the proposed development consists of the Grassy Creek floodway, which serves as a natural buffer between the subject property and any potential future development. The requested relief allows parking within the transitional yard setback while maintaining safe vehicular circulation and site functionality. Furthermore, the proposed parking area does not extend further west than the existing edge of pavement currently serving the site. As a result, the variance does not increase the degree of encroachment toward the adjacent property and will not create adverse impacts to the surrounding area.

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

The requested variance will not negatively affect the use or value of adjacent properties. The property immediately west of the site consists of a floodway area that is subject to significant environmental and development constraints. The floodway provides substantial physical separation between the proposed commercial development and any potential future development on the adjoining parcel. Additionally, the proposed redevelopment generally maintains the existing western limit of pavement and does not expand parking further toward the adjacent DA-zoned property. The requested variance allows development of an existing vacant site which development is compatible with surrounding development patterns along the East Washington Street corridor. The proposed development will increase the value of the area adjacent to the site because of the substantial capital investment in 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:

Strict application of the 20-foot transitional yard setback requirement would significantly reduce the developable area of the narrow site and eliminate parking necessary to support the proposed restaurant use. The subject property is constrained by its narrow width, existing access requirements, site circulation needs, utility infrastructure, easements, and stormwater management requirements. While the adjacent property is zoned DA, the presence of the Grassy Creek floodway creates a unique site condition that limits the practical benefit of the transitional yard setback in this location. The requested variance represents the minimum relief necessary to allow reasonable development of the property while preserving safe circulation, maintaining the existing western pavement limit, and supporting the operational needs of the proposed restaurant. The site's unique location adjacent to a residentially zoned floodway creates a practical difficulty in developing the site without a variance.

PHOTOS



Photo of proposed site looking south from Washington Street.



Photo of proposed west side parking area with three-foot side setback, looking southwest.



Adjacent site to the west with Grassy Creek floodway, looking south



Adjacent commercial uses to the south.



Adjacent commercial use to the east.



Adjacent commercial use to the north.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

Board of Zoning Appeals Division III — October 20, 2026

Case Number:	2026-DV3-037
Property Address:	3080 East Midland Road *(approximate address)*
Location:	Perry Township, Council District #23
Petitioner:	Mark Adams, by Kris Holeyfield
Current Zoning:	D-1
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit the permanent use of a shipping container as a detached accessory structure (portable storage containers limited to 30 consecutive days of use). Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the proposed detached accessory structure in the front yard (minor residential structures shall not be located closer to any front lot line than the required front setback or the established front yard setback, whichever is greater).
Current Land Use:	Single-Family Residential
Staff Recommendations:	Staff recommends **denial** of this petition. Should this petition be granted over staff's recommendation, staff would request a commitment.
Staff Reviewer:	Josh Levesque, Manager—Current Planning

PETITION HISTORY

A similar petition for this site (2025-DV3-015) was denied. The petitioner has waited the required 12 months and has refiled.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition. Should this petition be granted over staff's recommendation, staff would request the following commitments:

- The shipping container shall be well-maintained, rust-free, and screened with ornamental trees or shrubs as listed in the *Indianapolis Selected Plant List.*
- The petitioner shall submit a landscaping plan for Administrative Approval of the screening.

PETITION OVERVIEW

3080 East Midland Road is a parcel totaling roughly 0.91 acre. The property is zoned D-1. Properties to the north, east, and west are zoned D-1 while properties to the south are zoned D-5.

The petitioner is requesting variances that would allow them to keep a 40-foot-long shipping container in their front yard as a storage unit. The first variance would permit the permanent use of a portable storage unit as a detached accessory structure. The Ordinance currently limits the use of such containers to 30 consecutive days (740-200). The second variance would allow the storage unit to be in the established front yard. This is not permitted under 743-306-4.a.

A container like this is designed to either be attached to a trailer with wheels and an axle or stacked on some sort of flat bed for storage and transportation. While a shed can be stacked on a flatbed for transport, that is not the primary use that a shed is envisioned for. Portable storage units, precisely because they do not appear residential in nature, are not intended by the Ordinance to be permanent structures.

The property is zoned D-1. As indicated in the Ordinance (742-103-D), D-1 is intended for suburban areas. This district provides for “estate-style development characterized by generous front yards for trees and a bucolic atmosphere” and that development plans should “incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.” Furthermore, the Comprehensive Plan’s Land Use Pattern Book classifies this parcel as part of the Suburban Neighborhood typology. In this typology, “natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development.” A permanent shipping container, intended for commercial uses or *temporary* residential uses, does not fit in with the character of a residential neighborhood.

For a variance of development standards to be granted, **all** three of the following criteria **must** be met:

- The grant will not be injurious to the public health, safety, morals, and general welfare of the community.
- The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Focusing on this last criteria, the Ordinance does not prevent the petitioner from having other accessory structures. While the petitioner indicates that the presence of underground utilities limits the area of the backyard they are able to place some sort of accessory structure, staff will note the existing shed on site. Staff’s analysis did not reveal any easements on site. While staff did observe an electrical box near the existing shed, a shed of a similar size and footprint would provide clearance from the box. Furthermore, there is a large open area where a fire pit is where an accessory structure can be placed. Finally, there is no limit on the number of accessory structures permitted on a site. If one shed does not provide the necessary storage space, the petitioner could install another shed, provided all dimensional standards were met.

In the past, staff has recommended approval for similar petitions, but that does not serve as precedent for always recommending approval. Specifically, the petitioner’s findings of fact referenced 2024-DV1-003 and 2020-DV1-025 and staff’s recommendation of approval. Staff will note that each case is site

specific and the cases referenced offer their own unique difficulties not found here. In the case of 2024-DV1-003, staff found that 72.3% of the property consisted of front yard, severely limiting the amount of area an accessory structure could be placed. In this case, the front yard (the area in front of the front building line) accounts for roughly 47% of the property. In the case of 2020-DV1-025, staff noted that the accessory structures in the front yard would be 1,500 feet from the proposed right-of-way. Staff's estimation puts the proposed container at 75 feet from the right-of-way.

Based on this analysis, staff's review shows that this petition fails to meet the third criteria required for a variance to be granted. As such, staff recommends **denial** of this petition. Should the board approve this petition over staff's recommendation, staff would request the following commitments:

- The shipping container shall be well-maintained, rust-free, and screened with ornamental trees or shrubs as listed in the *Indianapolis Selected Plant List.*
- The petitioner shall submit a landscaping plan for Administrative Approval of the screening

GENERAL INFORMATION

Existing Zoning	D-1	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-1	North: Residential
South:	D-5	South: Residential
East:	D-1	East: Residential
West:	D-1	West: Residential
Thoroughfare Plan		
Midland Road	Primary Arterial	25-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	8/14/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/14/2026	

Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2025-DV3-015; Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the placement of a shipping container (not permitted) within the front yard (not permitted)

ZONING HISTORY – VICINITY

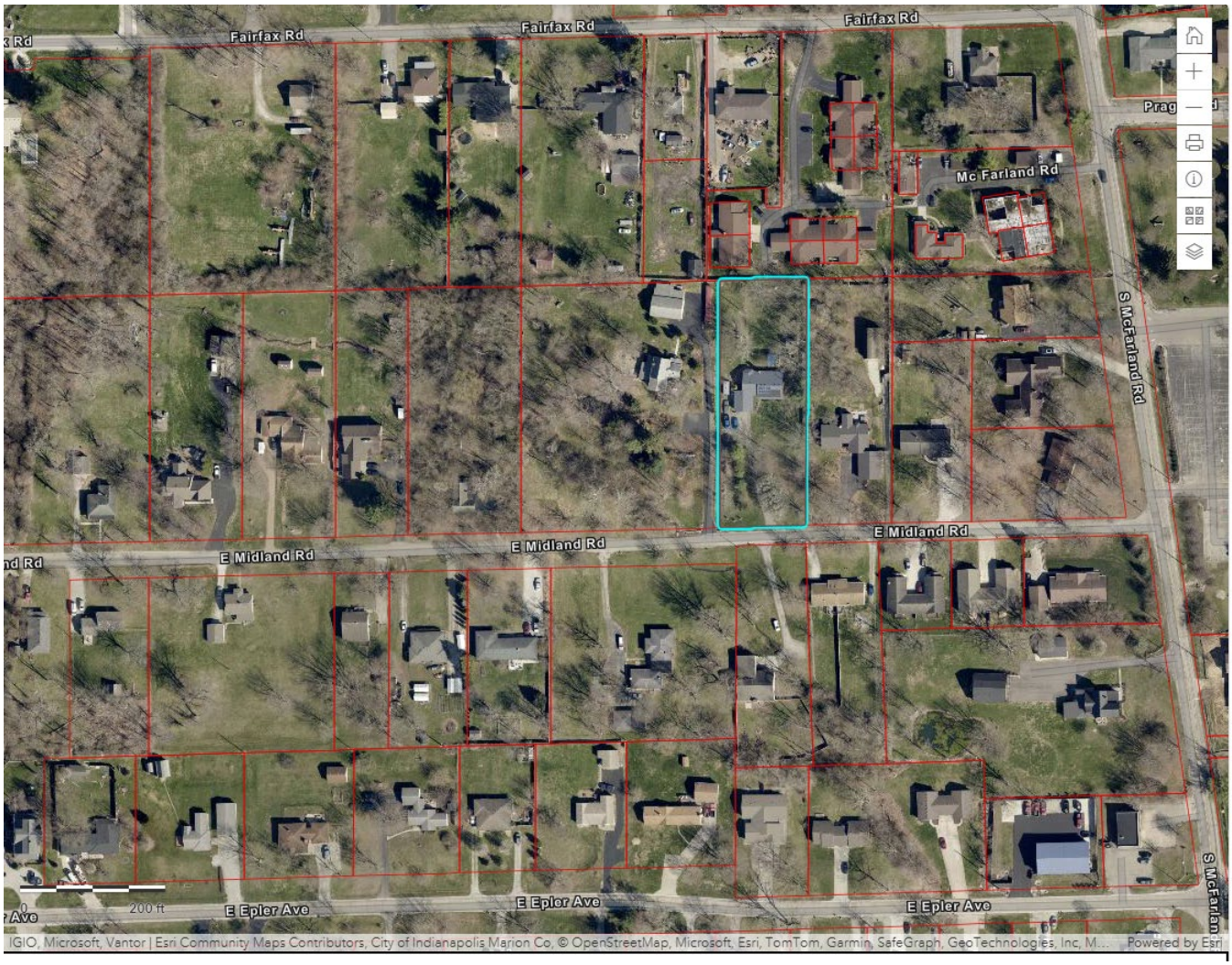
81-Z-89; 3102 East Epler Avenue, Rezoning of 3.89 acres from the D-1 district to the D-12 district to provide for the construction of double-housing units, **approved.**

2023-UV3-017; 5420-5418 McFarland Road, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 19,966 square foot parcel (24,00 square feet required), with a street frontage and width of 43-feet wide (minimum 45-foot-wide street frontage and lot width of 90 feet required), and to provide for a dwelling with a five foot south side setback, and a 16 foot north side setback (eight-foot side yard setback and twenty-two-foot aggregate side yard setback required), **approved.**

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EXHIBITS

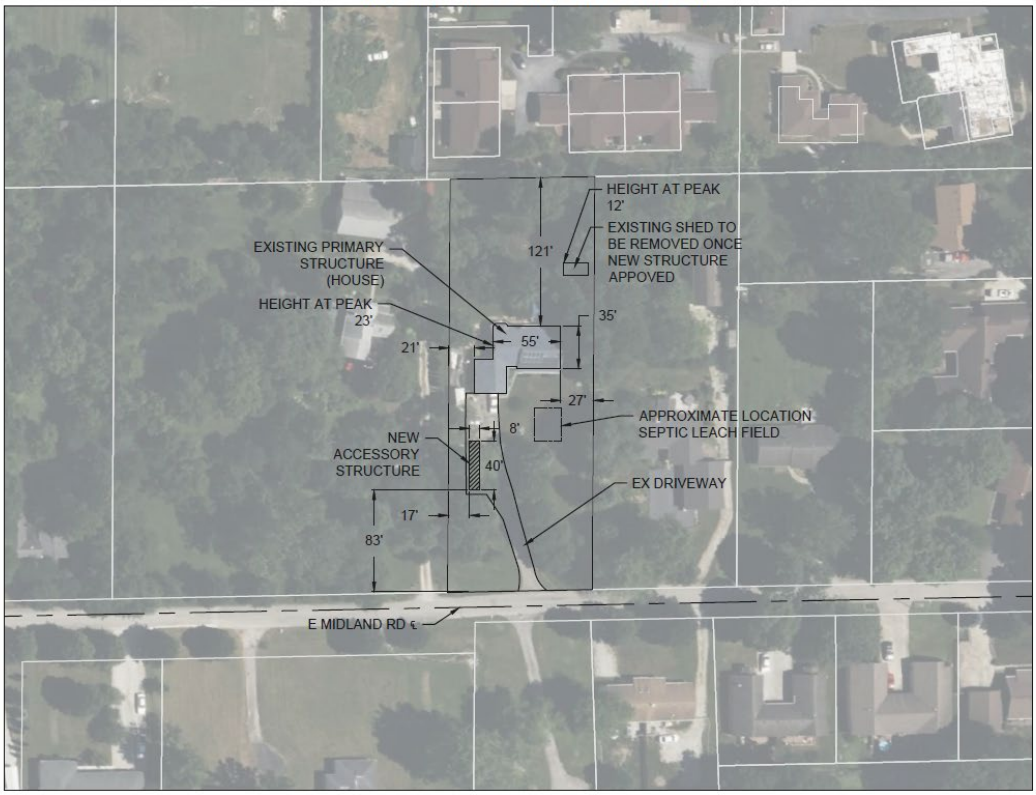
2026DV3037; Aerial Map



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2026DV3037; Site Plan

SITE PLAN
(NOT FOR CONSTRUCTION)



3080 E MIDLAND

0 100 200 Feet

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

2026DV3037; Findings of Fact

FINDINGS OF FACT

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

The garage is inside the easement area of the property, and it is located 20 feet from the nearest road. It is also a temporary structure not attached to the property in any permanent way. All of this adds up to having no negative effect on 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 garage is located within the limitis of 1633 E Thompson Rd. inside the easement areas. I believe this addition will have zero effect on the surrounding properties. The driveway has not changed in size or location since my purchase.
The driveway is utilized for parking and for access to the garage building structure.

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

As a first time home buyer, I was uneducated on the strict zoning requirements in Marion county. However, meeting the zoning ordinances would create very large practical difficulties for use. The property already contained a single car garage (Est 1950s) that takes the only other place in line with or close to the driveway this structure could be placed.

2026DV3037; Petitioner Photographs

Photo 1 – Existing Electric Utility Lines



View of the rear yard showing the location of existing electric utility lines (marked with orange flags). These utilities run through the usable rear yard area and make it difficult and impractical to place a structure over or immediately adjacent to them.

2026DV3037; Petitioner Photographs (continued)

Photo 2 – Existing Grade / Slope



View looking across the rear yard showing the existing grade and slope. The sloping terrain is not suitable for the placement of a flat structure such as a shipping container.

2026DV3037; Petitioner Photographs (continued)

Photo 5 – View from Street



View of property looking from the driveway. The storage container is completely screened by vegetation.

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2026DV3037; Staff Photographs



Existing shed on site

2026DV3037; Staff Photographs (continued)



Additional view of existing shed

2026DV3037; Staff Photographs (continued)



Electric utility box

2026DV3037; Staff Photographs (continued)



Electric utility box with shed in background

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2026DV3037; Staff Photographs (continued)



View of storage container (covered by tarp) in front yard

2026DV3037; Staff Photographs (continued)



View of storage container from edge of neighboring driveway

2026DV3037; Staff Photographs (continued)



Close up of storage container

2026DV3037; Staff Photographs (continued)



View of storage container looking from petitioner's driveway towards street