



Board of Zoning Appeals Board of Zoning Appeals Division III Meeting Agenda

Meeting Details

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

Date: Tuesday, December 16, 2025 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2025-MO3-003 | 3030 North Shadeland Avenue**
Warren Township, Council District #9, zoned C-4
Shadeland Holdings Inc., by Patrick Rooney

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

****Petitioner to request a continuance to the January 20, 2026 hearing of Division III**

- 2. 2025-UV3-035 | 10211 Hidden Meadow Lane**
Warren Township, Council District #20, zoned D-A (TOD)
Sally & Justin Groff

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a landscape contractor, subject to the filed plan of operation (not permitted).

****Petitioner filed an automatic continuance, continuing this petition to the January 20, 2026 hearing of Division III**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 3. 2025-SE3-002 (Amended) | 3620 Developers Road**
Perry Township, Council District #19, zoned C-7
B-Mac Properties LLC, by Patrick B. McIlvenna

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility with a 150-foot-tall monopole tower and a five-foot lightning rod (maximum height limited to 60 feet), within 150 feet of a dwelling district (500-foot separation required), and without the required perimeter landscape screening (minimum 10-foot landscape yard on all sides required).

4. 2025-DV3-034 | 7110, 7200, 7202, and 7304 East 21st Street

Warren Township, Council District #9, zoned C-4 (FW)
7202 East (Indianapolis) Tanford LLC, by Lisa Argue

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of four freestanding signs within an integrated center along East 21st Street, with a minimum of 45 feet of separation (maximum two freestanding signs along a frontage permitted, 300-foot separation required), with setbacks along East 21st Street ranging from two feet to zero-feet and encroaching within the right-of-way (five-foot setback required, encroachments not permitted) and the installation of a new sign cabinet on the existing pole sign along I-465, resulting in a height of 52.17 feet (maximum height of 20 feet permitted).

5. 2025-UV3-031 | 4240 Bluff Road

Perry Township, Council District #22, zoned SU-7
Otis James & Tonya Haimes, by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a three-unit apartment (not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

6. 2025-DV3-016 (Amended) | 2360 Prospect Street

Center Township, Council District #18, zoned C-4
Linda Thompson, by Justin Kingen & David Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall perimeter chain link fence within the required clear-sight triangular area (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, encroachment into the clear-sight triangle not permitted).

7. 2025-DV3-020 (Amended) | 4102 Madison Avenue

Perry Township, Council District #23, zoned C-4 (TOD)
Sanchez Family Inc., by Kevin Lawrence

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishment with a covered porch within the right-of-way of Castle Avenue (not permitted), deficient landscaping, reduced off-street parking, with parking spaces and maneuverability within the right-of-way of Madison Avenue (15 spaces required, parking spaces and maneuverability within street rights-of-way not permitted).

8. 2025-DV3-029 | 8600 Madison Avenue

Perry Township, Council District #23, zoned C-3 / C-1 (TOD)
Francis Michael Laux, by Justin & David Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building encroaching 35 feet within a Category Two Stream Protection Corridor and a parking area within an easement (encroachment of stream protection corridors and easements not permitted).

9. 2025-DV3-035 | 7930 Castleton Road

Lawrence Township, Council District #4, zoned C-5
Outfront Media LLC, by Alan S. Townsend

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to increase the height of a legally established, legally non-conforming outdoor advertising sign to 60 feet (40-foot maximum height per the grant of 2023-SE3-004).

10. 2025-DV3-036 | 2065 Columbia Avenue

Center Township, Council District #13, zoned I-3
River West 3 LLC, by Adam DeHart

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding building with a 12.4-foot southern transitional yard (40 feet required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

11. 2025-MO3-002 | 2719 North Emerson Avenue

Warren Township, Council District #9, zoned I-2
Imagineering Holdco Inc., by Nick Hammer

Modification to terminate Conditions Two and Three of 2005-SE3-003 to allow for outdoor storage and operations outside of the existing building (outdoor storage prohibited and operations required to be within the existing building).

Variance of use and development standards of the Consolidated Zoning/Subdivision Ordinance to allow for outdoor storage within 280 feet of a protected district with a height of 13 feet and without required fencing and landscape screening (500 feet of separation required, maximum 10-foot tall height permitted, screening required).

Additional Business:

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

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

Member	Appointed By	Term
Joanna Taft, Chair	Metropolitan Development Commission	January 1, 2025 – December 21, 2025
Bryan Hannon, Vice-Chair	Mayor's Office	January 1, 2025 – December 21, 2025
Rayanna Binder, Secretary	Mayor's Office	January 1, 2025 – December 21, 2025
Rod Bohannon	City-County Council	January 1, 2025 – December 21, 2025
Percy Bland	City-County Council	January 1, 2025 – December 21, 2025



BOARD OF ZONING APPEALS DIVISION III **December 16, 2025**

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

Current Land Use: Vacant financial services facility
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

The petitioner is requesting that this petition be continued for cause from the December 16, 2025, hearing, to the January 20, 2026, hearing.



BOARD OF ZONING APPEALS DIVISION III

December 16, 2025

Case Number: 2025-UV3-035
Address: 10211 Hidden Meadow Lane (approximate address)
Location: Warren Township, Council District #20
Zoning: D-A (TOD)
Petitioner: Sally & Justin Groff
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a landscape contractor, subject to the filed plan of operation (not permitted).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued by a registered neighborhood organization from the November 25, 2025, hearing, to the December 16, 2025, hearing.

The petitioner has filed an Automatic Continuance, **continuing this petition to the January 20, 2026, hearing**, from the December 16, 2025, hearing. This will require the Board’s acknowledgement.



BOARD OF ZONING APPEALS DIVISION III

December 16, 2025

Case Number: 2025-SE3-002 (Amended)
Address: 3620 Developers Road (approximate address)
Location: Perry Township, Council District #19
Zoning: C-7
Petitioner: B-Mac Properties LLC, by Patrick B. McIlvenna
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility with a 150-foot-tall monopole tower and a five-foot lightening rod (maximum height limited to 60 feet), within 150 feet of a dwelling district (500-foot separation required), and without the required perimeter landscape screening (minimum 10-foot landscape yard on all sides required).

Current Land Use: Commercial Contractor use

Staff Recommendation: Staff recommends approval of this amended petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

This petition was amended by Staff to a Variance of Development Standards to reflect the correct request. It was determined that a Special Exception would not be needed, and the request was actually for a Variance of Development Standards. The petition number remains the same as the petition was not re-docketed. No new notice was required as the amended request is less intense than the original request.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition as amended, subject to the following commitment:

- 1. The Variance grant shall be subject to an Administrator’s Approval of the landscape plan.

PETITION OVERVIEW

- The purpose of the development standards for wireless communications facilities (WCF) is to provide comprehensive service while protecting the community from oversaturation and intrusive design. The Ordinance also encourages the facilities to be as unobtrusive and invisible as reasonably possible by using designs and colors that are compatible with the adjacent land uses.
- As proposed, existing mature trees on the site and surrounding properties would provide a portion of the screening for the equipment area for the surrounding property owners.



- Additionally, the existing mature trees provide enough density to mitigate the negative visual impact of the tower and provide the camouflage and integration with existing structures, as required by the Findings of Fact.
- As a result of the adjacent mature tree screening, deficient perimeter landscaping is proposed to screen the remaining portion of the equipment area along the east side of the proposed site where the mature trees are lacking. Staff is requesting a commitment to Administratively Approve this landscaping area, in conjunction with the surrounding mature trees. This will require the replacement of any adjacent or proposed landscaping if removed, including any of the tall trees on the adjacent property that provide screening. Appropriate landscaping will be required on the subject site at that time to replace the deficient screening.
- The proposed tower location is approximately 150 feet from a dwelling district to the southwest, but the closest dwelling is approximately 240 feet from the tower location. A portion of the previously mentioned mature trees are located in between the tower and this dwelling.

GENERAL INFORMATION

Existing Zoning	C-7	
Existing Land Use	Commercial Contractor	
Comprehensive Plan	Recommends Light Industrial uses	
Surrounding Context	Zoning	Surrounding Context
	North: C-7	Commercial Contractor
	South: C-4	Indoor Recreation
	East: C-7	Commercial Contractor
	West: UQ-1	University uses
Thoroughfare Plan		
Developers Road	Private Street	No existing right-of-way provided.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Elevations	October 22, 2025	
Landscape Plan	October 22, 2025	
Site Plan -	October 22, 0225	
Findings of Fact	October 22, 2025	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial uses for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Light Industrial uses typology which 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.

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

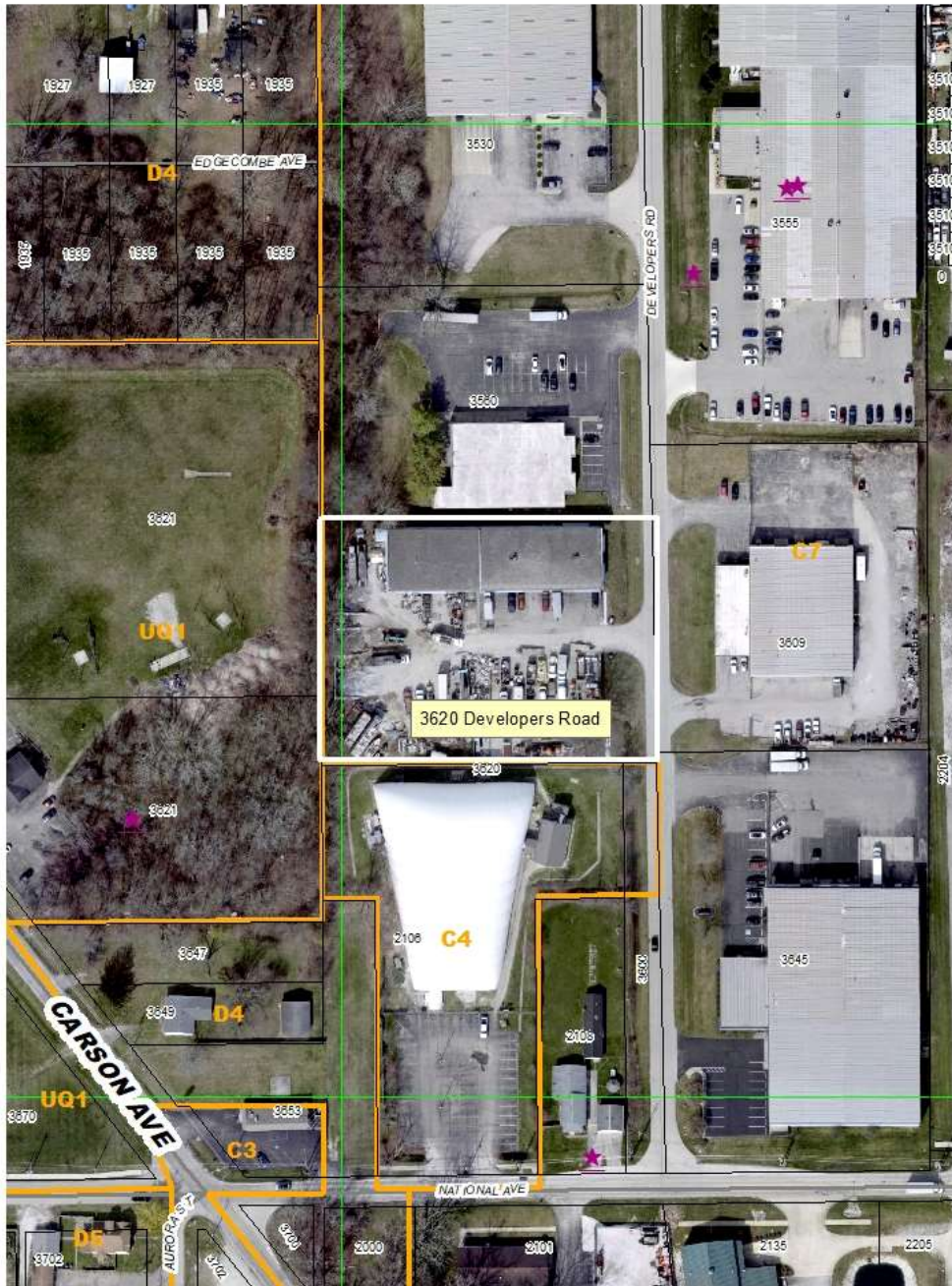
79-Z-75;2120 National Avenue (includes subject site), requested the Rezoning of 15.21 acres, being in the SU-1 district, to the C-ID (C-7) classification, to provide for commercial contractor uses, **approved.**

97-UV2-82; 3601 Carson Avenue (west of site), requested a Variance of Use to provide for the operation of an automobile sales facility in an existing building, with outdoor display and the construction of two, 50 by 100-foot buildings for indoor commercial storage and office use, **granted.**

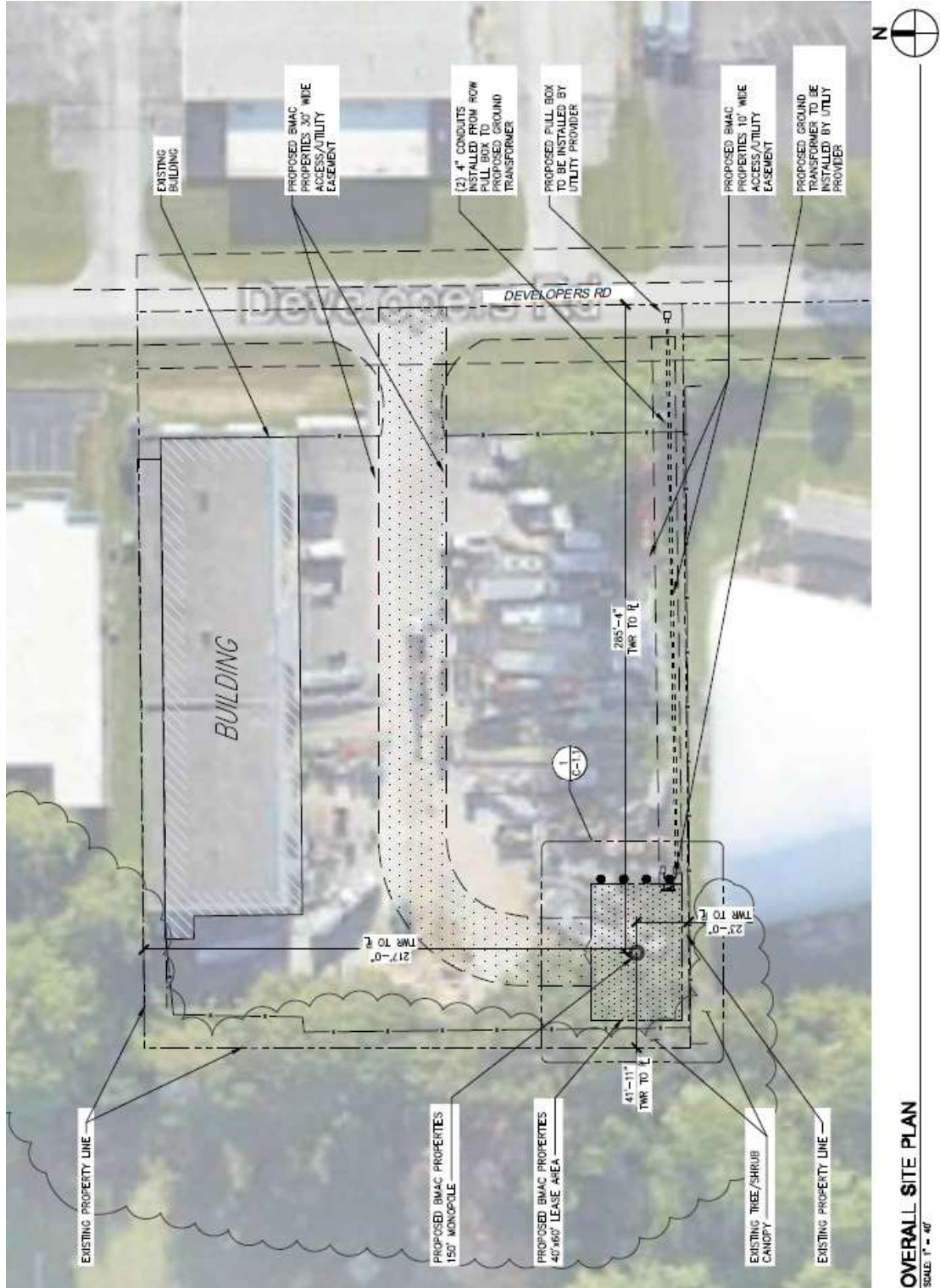
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EXHIBITS

Location Map

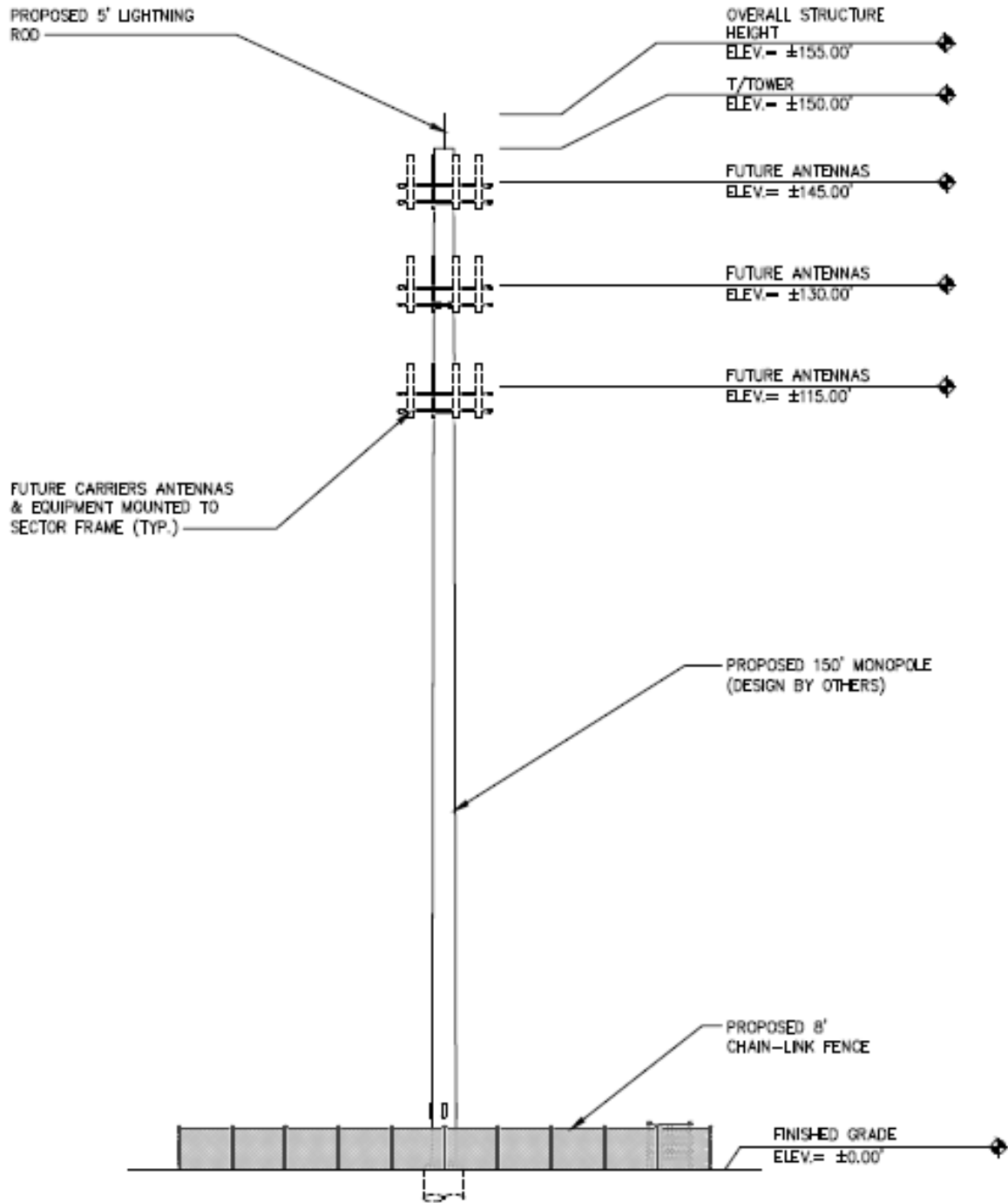


Site Plan.

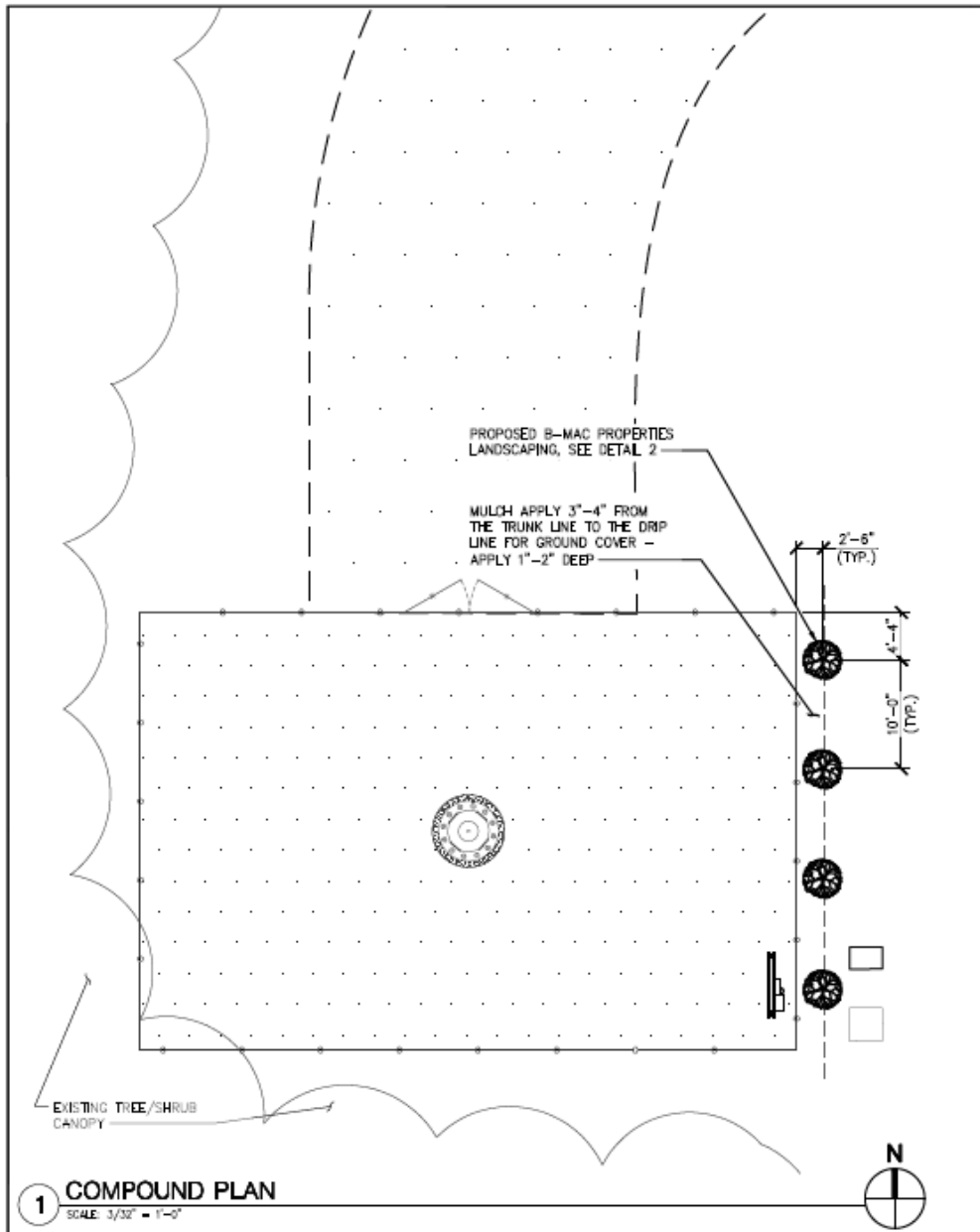


OVERALL SITE PLAN
SCALE: 1" = 40'

Elevation.



Landscape Plan.





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT – HEIGHT

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

The wireless communications facility will not create smoke, dust, noise, odor, surface drainage issues, significant lighting, or demands on the public infrastructure. The facility will not impair visibility for motorists or pedestrians, and will not result in additional traffic along the adjacent Developers Road. The 150' monopole tower and 5' lighting rod are needed to provide reliable coverage and will contribute positively to the public health, safety, morals, and general welfare of the community by providing emergency communication capabilities and enhanced wireless communications infrastructure.

- 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 overall property is 1.8 acres in a heavy commercial business park adjacent to a major corridor of I-65 and South Keystone Avenue. The installation and use of a wireless communications facility at the proposed height will not hinder use or value of the adjacent area in a substantially adverse manner because the subject property is well removed from dwellings and surrounding protected uses and is equipped with existing vegetation to screen the proposed facility from view.

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

Within the context of the subject property being used by a commercial business and zoned C-7, the use of a wireless communications facility is a permitted use. The protected district located west of the subject property limits the height of the proposed tower to an inadequate 60 feet. Limiting the tower height to only 60 feet results in practical difficulty for AT&T Mobility to meet the coverage requirements for this proposed site. Strict application of the ordinance would result in effective prohibition of wireless services to this site and the surrounding area. The protected district is not developed and will not be impacted by the proposed height of the facility. Further, surrounding uses of the protected district and the subject site are existing commercial and industrial, for which wireless communications facilities serve as appropriate adjacent uses.



Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT – LANDSCAPING

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

The wireless communications facility will not create smoke, dust, noise, odor, surface drainage issues, significant lighting, or demands on the public infrastructure. The facility will not impair visibility for motorists or pedestrians, and will not result in additional traffic along the adjacent Developers Road. Further, as it relates to the required landscaping, the site itself has a natural tree line around the site, which provides a better screening than the required landscaping. There will be landscape screening installed on the east side of the site, facing Developers Road.

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 installation and use of a wireless communications facility, while not providing landscaping around three (3) sides of the facility, will not hinder the use or value of the adjacent area in a substantially adverse manner because the subject property already has substantial existing vegetation to screen the proposed facility from view from neighboring uses and properties.

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

There will be landscaping installed on one (1) side of the facility, facing Developers Road, which landscaping will provide adequate screening of the wireless communications facility. The existing tree cover will provide screening for the other three (3) sides of the site. The practical difficulty of having to install the landscaping results because such installation would require removal of the existing substantial vegetation and screening and/or require relocation of the proposed wireless communications facility elsewhere on the site, encroaching onto the existing use of the property.

Photographs



Building on subject property looking northwest.



Outdoor storage yard on subject property, proiosed tower location, looking west.



Adjacent heavy commercial, light industrial to the north of subject site.



Adjacent UQ-1 zoned site, and existign tall tree line screening to the west of subject site, looking east.



BOARD OF ZONING APPEALS DIVISION III **December 16, 2025**

Case Number: 2025-DV3-034
Property Address: 7110, 7200, 7202 and 7304 East 21st Street (approximate address)
Location: Warren Township, Council District #9
Petitioner: 7202 East (Indianapolis) Tanford LLC, by Lisa Argue
Current Zoning: C-4 (FW)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of four freestanding signs within an integrated center along East 21st Street, with a minimum of 45 feet of separation (maximum two freestanding signs along a frontage permitted, 300-foot separation required), with setbacks along East 21st Street ranging from two feet to zero-feet and encroaching within the right-of-way (five-foot setback required, encroachments not permitted) and the installation of a new sign cabinet on the existing pole sign along I-465, resulting in a height of 52.17 feet (maximum height of 20 feet permitted).

Current Land Use: Commercial

Staff

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

11/25: The petition was continued automatically by a registered neighborhood organization.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- The subject site is comprised of four (4) contiguous parcels that are developed with two (2) structures that house three (3) separate hotels with joint ownership. Several previous variances have been approved in relation to the layout and parking for the hotel uses. Surrounding land uses include Interstate 70 to the north, unaffiliated hotels to the east and west, senior living facilities to the southwest, and single-family residential development to the southeast. The subject site is intersected by the Pleasant Run Creek, and the hotel furthest to the west within the development is solely accessible by entering from further east on 21st Street and then by crossing over a small bridge on the hotel property (the other hotels are directly accessed from 21st Street).



Department of Metropolitan Development
Division of Planning
Current Planning

- Several signs related to the hotel use also exist at the subject site. A pole sign was installed along the northwestern portion of the property via the permit SGN04-01137 in 2004, a pole sign for the hotel furthest to the east was allowed by the variance petition 2017-DV2-026 in 2017, and the decorative wall running parallel to 21st Street is also improved with tenant lettering in three (3) separate locations. The Ordinance would currently classify those three (3) signs as monument signs placed along an integrated center frontage shared between each of the hotels.
- As part of a branding update, the hotels are seeking to replace this existing signage with new advertising signs of a similar size. The existing pole sign with a height of 53.17 feet has already had the sign cabinet removed and would be replaced with a new sign cabinet resulting in a height of 52.17 feet. Each of the three (3) monument signs would be replaced with new lettering per the below Exhibits, and the pole sign approved by the 2017 variance would not be altered.
- This scope of work would require variances to allow for **(a)** a pole sign with a height of 52.17 feet when a maximum of 20 feet is permitted by current Ordinance; **(b)** placement of the three (3) monument signs along the shared frontage with inadequate separation (maximum of two signs and 300 feet of separation are required); and **(c)** placement of the monument signs with deficient setbacks and with the sign placed on the wall to the southwest encroaching slightly into public right-of-way (this approval would not replace the need for an Encroachment License).
- The property is zoned C-4 to allow for the development of major business groupings and regional-size shopping center to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. It is also partially within a Floodway district (although none of the proposed signs fall within the floodway area). The Comprehensive Plan recommends it to the Community Commercial typology for low-intensity commercial and office uses.
- Findings of Fact provided by the applicant indicate that their scope of work would solely entail the replacement of existing signage at the site and that, in the case of the pole sign, the new sign would be one (1) foot shorter than the pole sign previously at the site. Staff would note that in addition to none of the signs becoming more non-conforming, the monument signs along 21st Street would be non-illuminated which would reduce negative externalities for nearby residential uses. Additionally, the creek running through the property creates difficulty in accessing the hotel furthest to the west on the subject site and placement of the second monument sign would assist in wayfinding. Staff recommends approval of the requested variances.



Department of Metropolitan Development
 Division of Planning
 Current Planning

GENERAL INFORMATION

Existing Zoning	C-4 (FW)	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
	North:	C-4 North: Interstate
	South:	C-4 / C-1 / D-6 / C-S / D-3 South: Commercial / Residential
	East:	C-4 East: Commercial
	West:	C-4 West: Commercial
Thoroughfare Plan		
21 st Street	Primary Arterial	106-foot existing right-of-way and 88-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	10/16/2025	
Site Plan (Amended)	N/A	
Elevations	10/16/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	10/16/2025	
Findings of Fact (Amended)	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby residents. These uses are usually in freestanding buildings or integrated centers.

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

2017DV2026, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a free-standing sign within 145 feet (300 feet of separation required) of an existing freestanding sign and being the sixth sign within an integrated center (1,800 feet of frontage required for six signs), **approved**.

2010DV3042, Variance of development standards of the Commercial Zoning Ordinance to provide for a hotel expansion, with 741 parking spaces provided (880 parking spaces required), **approved**.

2006DV2034, Variance of Development Standards of the Commercial Zoning Ordinance to provide for the construction of a 75-foot tall, 16,490-square-foot building addition (maximum 65-foot height permitted), and to provide for 741 parking spaces (minimum 805 parking spaces required), with a reconfiguration of the parking lot south of the addition to provide for 20-foot wide one-way aisles and 162-square foot parking spaces (180 square feet required), and without the required interior landscaping (interior landscaping required for parking areas with more than 100 spaces), **approved**.

86-UV3-61, Variance of development standards of the Commercial Zoning Ordinance to allow the reduction of the front transitional yard (10 feet proposed, 20 feet required) to provide for additional parking for an existing hotel, **approved**.

ZONING HISTORY – VICINITY

2021HOV001 ; 7020 E 21st Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through service unit and stacking spaces between the front façades and 21st Street and Shadeland Avenue (not permitted along any right-of-way width of 30 feet or greater), **approved**.

2009HOV012 ; 7040 E 21st Street (west of site), Variance of development standards of the Commercial Zoning Ordinance and Sign Regulations to provide for two hotels with a total of 151 sleeping units, a conference room and a restaurant, with 152 parking spaces (minimum 162 spaces required), legally establish eighteen parking spaces with three foot front setback from Interstate 70 and a trash enclosure with a six-foot front setback from Interstate 70 (minimum twenty-foot setbacks from a federal interstate right-of-way setback required), legally establish a zero-foot front landscape strip along both the north and south sides of Shadeland Road (minimum ten-foot front landscape strips required), provide for a 14.5-foot tall, 36-square foot pole sign with a zero-foot front setback from the existing right-of-way of East 21st Street and a one-foot front setback from Shadeland Road (minimum fifteen-foot front setback required), and provide for approximately 52 parking spaces with insufficient maneuvering area (proper maneuvering area required), **approved**.

EXHIBITS

2025DV3034 ; Aerial Map



2025DV3034 ; Elevation (Pole; Sign #1)

PYLON SIGN

STANDARD SPECS ARE USED FOR THIS PROPOSAL

SCALE: 3/64" = 1'-0"

EXISTING: 11'-2 1/2" X 17'-10"
53'-3" OAH

PROPOSED EST. 52'-2" OAH

NOTE: REUSING EXISTING POLE AND FOUNDATION

2025DV3034 ; Elevation (Monument; Sign #2)

EXISTING 12'-7" X 16'-0" MONUMENT

MONUMENT SCALE: 1/77,64706

PROPOSED

NON ILLUMINATED PIN MOUNT LETTER DETAIL
SCALE: 1/2" = 1'-0"

NON ILLUMINATED LETTER PROFILE NOT TO SCALE

PIN MOUNTED LETTER PROFILE NOT TO SCALE

2025DV3034 ; Elevation (Monument; Sign #3)



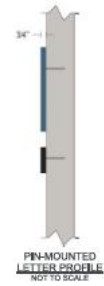
EXISTING:
EST. 6'-0" TALL WALL



TECHNICAL SURVEY TO BE COMPLETED PRIOR TO PRODUCTION
PROPOSED



NON ILLUMINATED PIN-MOUNTED LETTERS
SCALE: 1/2" = 1'-0"



PIN-MOUNTED LETTER PROFILE
NOT TO SCALE

Scope of work:

2025DV3034 ; Elevation (Monument; Sign #4)



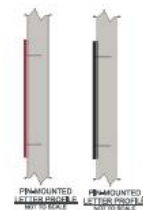
EXISTING



MONUMENT SCALE: 96.1442
SURVEY REQUIRED TO CONFIRM WALL DIMENSIONS
PROPOSED



NON ILLUMINATED PIN MOUNT LETTERS DETAIL
SCALE: 1/2" = 1'-0"



PIN-MOUNTED LETTER PROFILE
NOT TO SCALE



2025DV3034 ; 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 logos for the monument signs are non-illuminated and simply replace existing sign faces, eliminating any additional glare or light pollution

- All work is confined to existing sign structures and footprints, so there's no new excavation or construction hazard introduced.

- Enhanced, consistent branding improves wayfinding for motorists and pedestrians, reducing confusion and the risk of traffic incidents at the shared entrance drive.

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 signs remain exactly where they are now, so there's no change to sight lines or landscaping that would detract from neighboring parcels.
- Updated corporate logos will refresh the appearance of the hotels and contribute positively to the streetscape along 21st Street and Interstate 70.
- All adjacent property owners retain existing views and access; the overall scale and massing of the signs do not increase.

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

- The integrated hotel complex, consisting of three separate parcels and hotels, would be forced to remove or relocate identification and wayfinding signage, causing confusion for guests turning off 21st Street.

- The 300 foot separation requirement cannot be met without demolishing one monument sign, which is neither physically possible nor economically viable. These are long standing existing signs.

- Limiting the pole sign to 20 feet would make the Fairfield Inn virtually invisible from Interstate 70, eliminating vital highway-oriented wayfinding and harming the hotel's ability to attract transient business.

2025DV3034 ; Photographs



Photo 1: Existing Pole from Pole Sign (Cabinet Removed)



Photo 2: Existing Monument Sign to Southwest of Site

2025DV3034 ; Photographs (continued)



Photo 3: Proposed Monument Sign #3



Photo 4: Proposed Monument Sign #4

2025DV3034 ; Photographs (continued)



Photo 5: Existing Western Hotel Viewed from North



Photo 6: Existing Hotel Viewed from Southwest

2025DV3034 ; Photographs (continued)



Photo 7: Existing Freestanding Signage to East of Requested Signage



Photo 8: Previous Pole Sign Viewed from Northwest (July 2024)



BOARD OF ZONING APPEALS DIVISION III

December 16, 2025

Case Number: 2025-UV3-031
Address: 4240 Bluff Road (approximate address)
Location: Perry Township, Council District #22
Zoning: SU-7
Petitioner: Otis James & Tonya Haimes, by David Gilman
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a three-unit apartment (not permitted).

Current Land Use: A three-unit apartment.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause at the request of the petitioner, from the November 25, 2025, hearing, to the December 18, 29025 hearing, to allow time for additional discussion with Staff.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition as filed.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ This site, along with the larger parcel to the rear, was previously rezoned (78-Z-82) on December 20, 1979, to the SU-7 classification. That rezoning was to provide for a meeting hall and social functions for the Southside Fellowship Center. The subject site structure was used as offices for that use.
- ◇ Staff believes the structure was originally developed as a two-family dwelling sometime around 1900, according to Assessor’s records. The petitioner indicates a third apartment was added to the rear of the structure sometime around 1984-1985. This request would legally establish the structure as a three-unit apartment structure and provide for an enclosed patio at the rear of the structure and other improvements.
- ◇ The three-unit apartment structure as proposed would be similar in appearance to a large farmhouse structure and should not have an effect on surrounding property owners.



- ◇ Although not commonly associated with rural or estate land uses, the proposed use would provide housing in an area where large single-family estates, and other large agricultural uses that require staff or employees, would have accessible housing.
- ◇ The submitted site plan indicates an existing wide pavement drive along the side of the structure. This pavement drive area will provide the required three offsite parking spaces. Additional parking is available within the pavement drive.
- ◇ Staff does recommend that any future changes in the structure or use, should then require the parcel to be rezoned to provide zoning compliant development standards for the new structure or proposed use.

GENERAL INFORMATION

Existing Zoning	SU-7		
Existing Land Use	Three-unit apartment		
Comprehensive Plan	Rural or Estate Neighborhood		
Surrounding Context	Zoning		Surrounding Context
	North:	D-A	Automotive repair
	South:	D-A	Single-family dwelling and
	East:	D-1	Single-family dwellings
	West:	SU-7	Horse Barns
Thoroughfare Plan			
	Bluff Road	Primary Arterial	94-foot existing and proposed right-of-way.
Context Area	Metro area		
Floodway / Floodway Fringe	No.		
Overlay	N/A		
Wellfield Protection Area	No		
Site Plan	September 23, 2025		
Elevations	N/A		
Landscape Plan	N/A		
Findings of Fact	September 23, 2025		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Rural or Estate Neighborhood Uses for this site.



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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

78-Z-82; 4240 Bluff Road (subject site), requested the Rezoning of 29.00 acres, being in the A-1 district, to the SU-7 classification, to permit a meeting hall, office, and social functions of Southside Fellowship Center, **approved**.

2018-UV2-009; 4200 Bluff Road (north of site), requested a Variance of Use and Development Standards to provide for an automobile repair business and to legally establish setbacks for the existing parking lot, dwelling and commercial building, per plans filed, **granted**.

2013-CZN-801/2013-CVR-801; 4241 Bluff Road (east of site), requested the rezoning of 2.44 acres from the D-A (FF) District to the D-1 (FF) classification to provide for single-family development, **approved**; requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 4.89-acre parcel (D-A) with 90 feet of frontage, **approved**.

89-UV3-59; 4008 Bluff Road (north of site), requested a variance of the Commercial Zoning Ordinance to permit an automotive repair shop, **approved**.

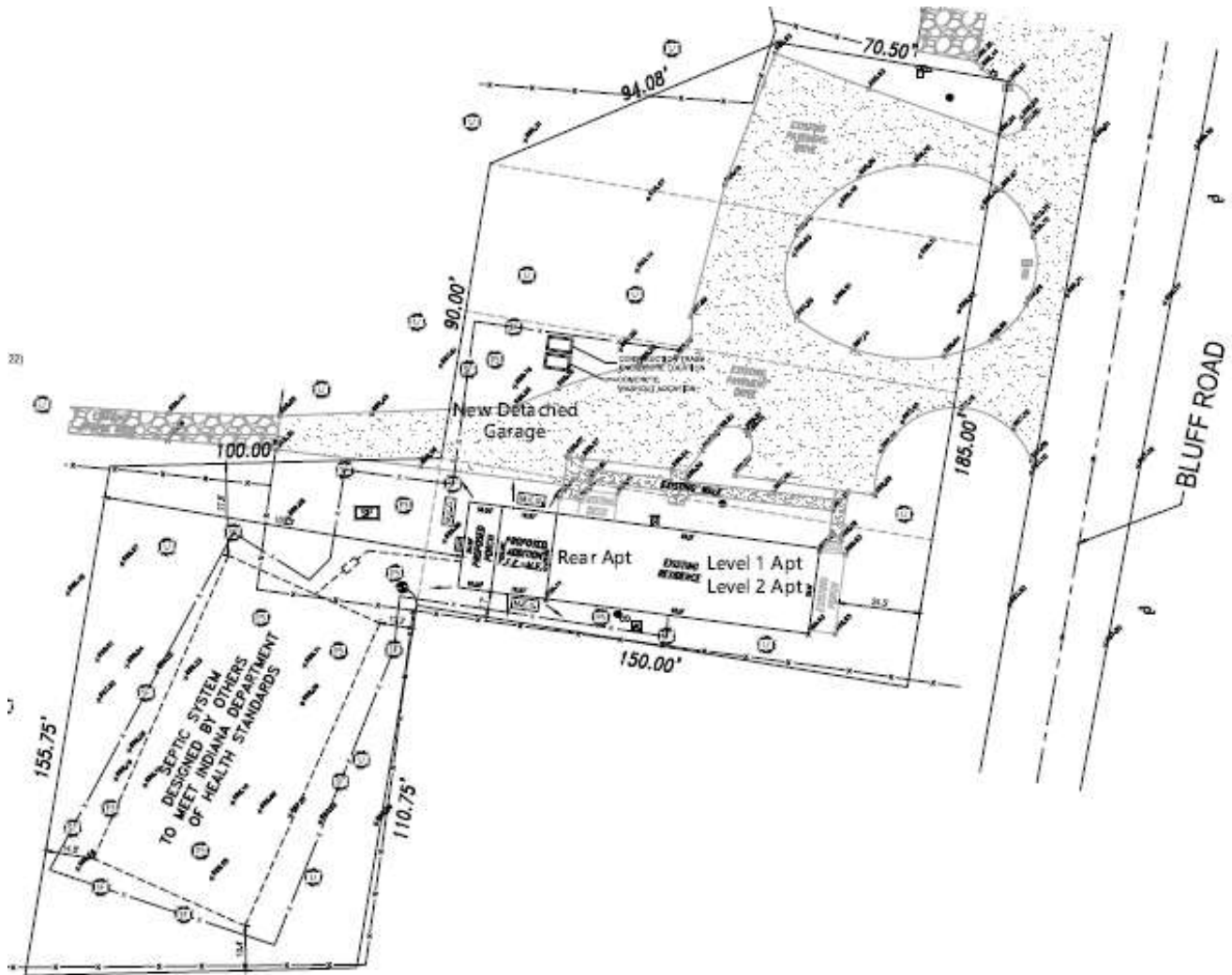
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EXHIBITS

Location Map



Site Plan





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The existing residence has been used for a multi-unit home for over forty (40) years and will be remodeled and permitted to make sure the structure meets the applicable building and health department codes.

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

The existing residence has been used for a multiunit home for over 40 years. The exterior of the residence will maintain the rural estate character of the area.

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

The petitioners applied for a building permit to remodel the residence, meet applicable building code standards and to provide for an enclosed patio to the rear of the building. During the permit review, it was discovered the Special Use zoning designation was not clear on the approval of a 3-unit residence. The variance is necessary to make any improvements to the residence.

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

The Special Use zoning designation is for a specific non-profit use and information to that zoning case was not readily available to determine if the 3-unit residence was a permitted use.

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

The existing 3-unit residence is located on a 23-acre horse farm and is one of the original residences along this segment of Bluff Road. It is in alignment with the Rural Estate Residential land use recommendation.

Photographs



Photo of subject site, looking southwest.



Photo of subject site side yard and pavement drive, looking west.



Photo of single family dwellign and automotive repair to the south, looking west.



Photo of adjacent automotive repair to the north, looking northwest.



BOARD OF ZONING APPEALS DIVISION III

December 16, 2025

Case Number: 2025-DV3-016 (Amended)

Property Address: 2360 Prospect Street (*approximate address*)

Location: Center Township, Council District #18

Petitioner: Linda Thompson, by Justin Kingen & David Kingen

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall perimeter chain link fence within the required clear-sight triangular area (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, encroachment into the clear-sight triangle not permitted).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

12/16: The petitioner's representative was granted a two-month continuance from the October hearing date (over staff objection) to allow time for the drafting of alternate site plans for the property that show both current conditions as well as a version of plans with a reduction in the amount of fence encroaching into the clear-sight triangular area (while still being located within it). Those plans have been added to the Exhibits. Staff's recommendation on the petition is unchanged, and no additional continuance requests would be supported.

10/21: The petitioner retained legal counsel to represent them in this matter, and made a one-month continuance request from the September 16th hearing date. Staff supported this request but would not be supportive of additional continuance requests by the petitioner.

9/16: The petitioner requested a two-month continuance at the 7/15 hearing to allow them time to consult with potential legal counsel and since they were unavailable on the August 19th hearing date.

7/15: This petition received an indecisive 1-2 vote at the June 17th hearing of Division III, and was therefore automatically continued to the July 15th hearing date. Staff has not changed their recommendation and would clarify that (a) available photography provided by Google Street View seems to show that no fence existed along the eastern or southern property lines between 2007 and 2023, and (b) that the site plan submitted along with the 1995 variance only showed placement of fencing along the northern yard (signified by X's) and the western property line (shorter chain link fence removed between 2011 and 2015 per Google Street View).



STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 2360 Prospect Street is a corner lot site currently developed with an automobile sales operation on the eastern half of the site closest to the intersection of Prospect Street and Keystone Avenue. Surrounding land uses include residences to the north, commercial uses on other sides, and a connector to the Pleasant Run Greenway to the east. The vehicle sales use was allowed by the petition 95-UV3-65, subject to a site plan which only showed fencing within the northern yard.
- Between August 2022 and July 2023, new fencing was added to the western, eastern, and southern yards of the property. The property is now fully enclosed by fencing except for two (2) electric gates to allow for vehicle access from the southern and eastern front yards. The new portions of fence are around 6-feet in height and are constructed from chain link material. Per the applicant, the previously existing portions of fence to the north are 8-feet in height (maximum of 10 feet allowed within the northern side yard).
- The recently installed sections of fence would require several variances in order to be legally established: (a) the fence height of six (6) feet exceeds the maximum of 3.5 feet allowed for fences within front yards in C-4 zoning; (b) the Ordinance prohibits chain link fencing within front yards for commercial districts; and (c) the fence encroaches into multiple clear-sight triangles created by the intersection of two primary arterials, the intersection of the northern alley and Keystone Avenue, and the intersection of the southern driveway and Prospect Street (see diagram within Exhibits).
- VIO23-005132 was opened at this property in July of 2023, and lists nine separate zoning violations (see full text within Exhibits). Approval of this variance is limited just to the height and material of the recent fencing and its encroachment into required clear-sight triangles. This variance request would not allow from relief from the other standards mentioned within the Notice of Violation (i.e. placement of banner signage, required dumpster enclosure, clearly painted lines for parking areas, outdoor storage of vehicle parts, etc.).
- Additionally, the 1995 Use Variance petition allowing the site to function as an automobile sales operation was subject to a submitted site and landscape plan which indicated placement of landscape strips with widths of 10 feet along both the Prospect and Keystone frontages as well as placement of trees along each frontage. The current site does not match this layout, and regardless of the result of the request for additional fencing, the owner would need to either bring the site into compliance or have a modification petition approved for the use to legally continue.
- This site is zoned C-4 (Community-Regional) to allow for the development of major business grouping and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. The ordinance specifies that



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Current Planning**

even small freestanding uses within C-4 should have excellent access from major throughfares. The portion of the site containing the auto sales use and fence is also recommended for Community Commercial uses by the Marion County Land Use Plan Pattern Book.

- The Indianapolis Zoning Ordinance prescribes height and material limitations for fences to maintain visibility, orderly development, and the appearance of open space while also allowing for reasonable privacy. Additionally, restrictions on visual obstructions within required clear-sight triangle areas allow for pedestrians and motorists to safely navigate around street corners.
- Staff does not feel that the Findings of Fact provided by the applicant identify any site-specific practical difficulty to justify a 71% increase in height over Ordinance requirements. Additionally, this property is directly bordered by both a bike lane to the south and a greenway connection to the east, and is within a mile of a Cultural Trail connection within the Fountain Square neighborhood to the west. Placement of fencing that would impede the view of pedestrians or cyclists attempting to navigate in an area with increasing walkability would be inappropriate both for the existing context at this intersection and for the Ordinance vision of vibrant and welcoming storefronts that don't impede site access for customers. Staff recommends denial of each request.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial / Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5 / I-3	North: Residential
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	D-8	West: Residential
Thoroughfare Plan		
Prospect Street	Primary Arterial	56-foot right-of-way existing and 56-foot right-of-way proposed
Keystone Avenue	Primary Arterial	50-foot right-of-way existing and 56-foot right-of-way proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/05/2025	
Site Plan (Amended)	12/2/2025	
Elevations	N/A	
Elevations (Amended)	N/A	



Landscape Plan	N/A
Findings of Fact	04/05/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the eastern portion of this property where the fence is placed for the Community Commercial working typology to allow for low-intensity commercial and office uses that serve nearby neighborhoods. The western portion of the property is recommended for the Traditional Neighborhood living typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2024DV3005, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall perimeter chain link fence within the required clear-sight triangular area (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, encroachment into the clear-sight triangle not permitted), **dismissed for lack of payment**.

95-UV3-65, variance of use of the Commercial Zoning Ordinance to legally establish a used automobile sales operation (not permitted), with a 10 foot landscape strip along both Prospect Street and Keystone Avenue, **approved**.

ZONING HISTORY – VICINITY

2021CVR807 ; 2326 Prospect Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with an 18-foot front setback from Prospect Street (25-foot front setback required), **approved**.

2011CVR815 ; 2401 Prospect Street (southeast of site), Variance of development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for the construction of a 3,502-square foot convenience store / gasoline station, (a) with a 10-foot east side transitional setback for the building and parking lot (20-foot transitional setback required), (b) with a canopy having a 64-foot setback from the centerline of Prospect Street and a 55.5-foot setback from the centerline of Keystone Avenue (70-foot setback from the centerline required), (c) with carryout food service within ten feet of a protected district (100-foot separation required), and (d) with two pylons signs within eight feet of a protected district to the east and south (50-foot side setback required for freestanding signs), **approved**.

2010CVR805 ; 1035 S Keystone Avenue (northeast of site), Special Exception and variance of development standards of the Industrial Zoning Ordinance to provide for an automobile crushing business, (a) with a 10-foot tall wood privacy fence, a storage area for crushed automobiles and vehicle parking, with a one-foot setback, without landscaping, from Keystone Avenue (100-foot front setback from the centerline of Keystone Avenue, with landscaping, required), and (b) with existing buildings with one and five-foot south side setbacks, without landscaping (20-foot side setback, with landscaping required), **approved**.

2004UV3036 ; 2347 Prospect Street (south of site), variance of use of the Commercial Zoning Ordinance to legally establish a 1,082-square foot single-family dwelling with a 72-square foot front porch (not permitted), **approved**.

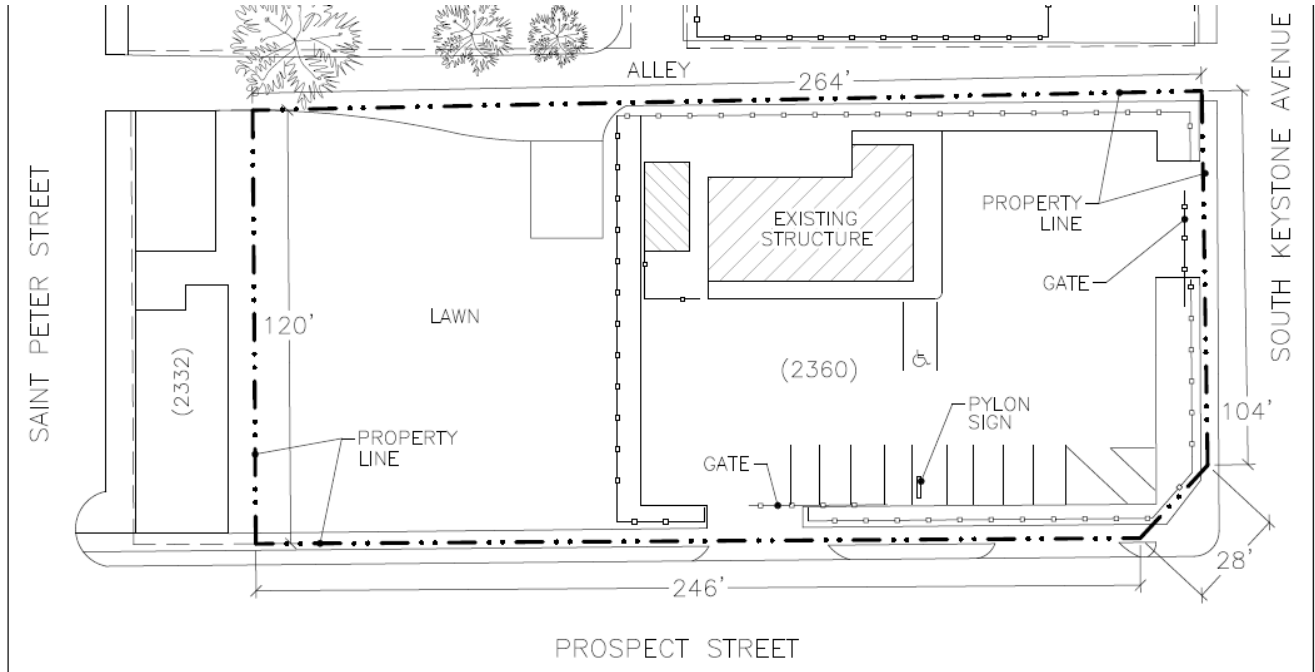
98-NC-25 ; 2332 Prospect Street (west of site), legally establish nonconforming use of 5 apartments within C-4 zoning, **denied**.

EXHIBITS

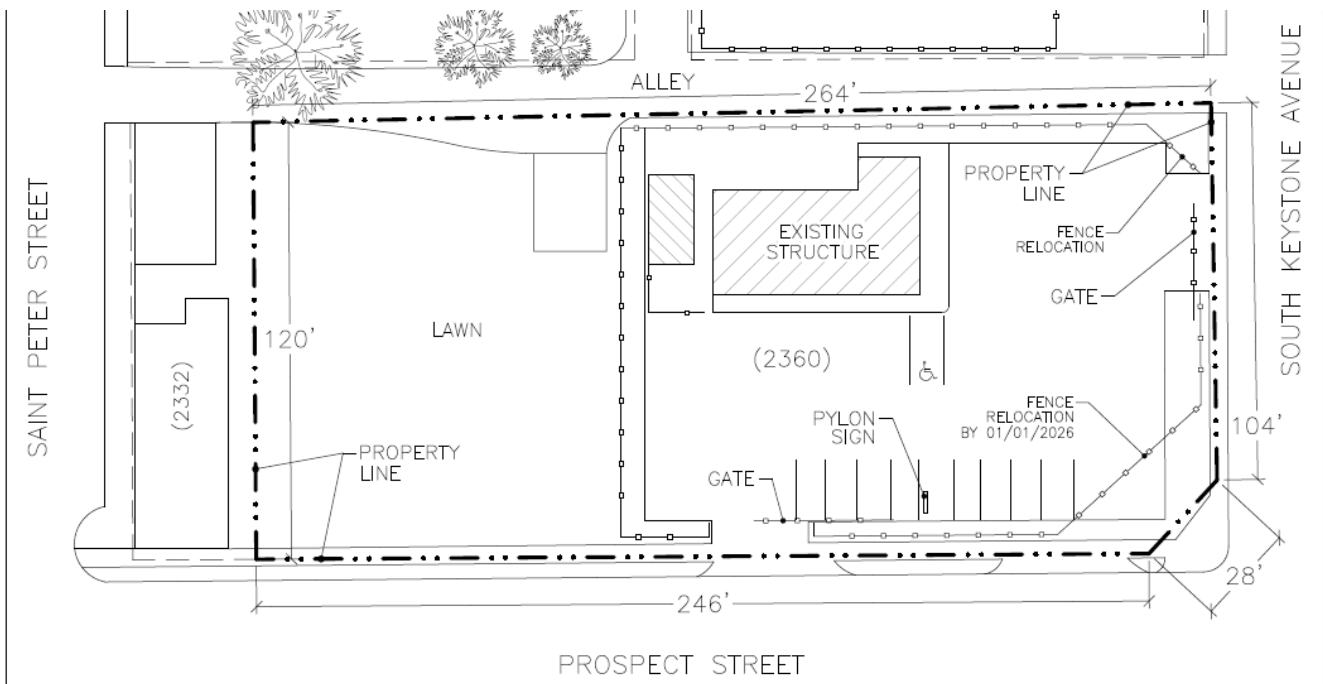
2025DV3016 ; Aerial Map



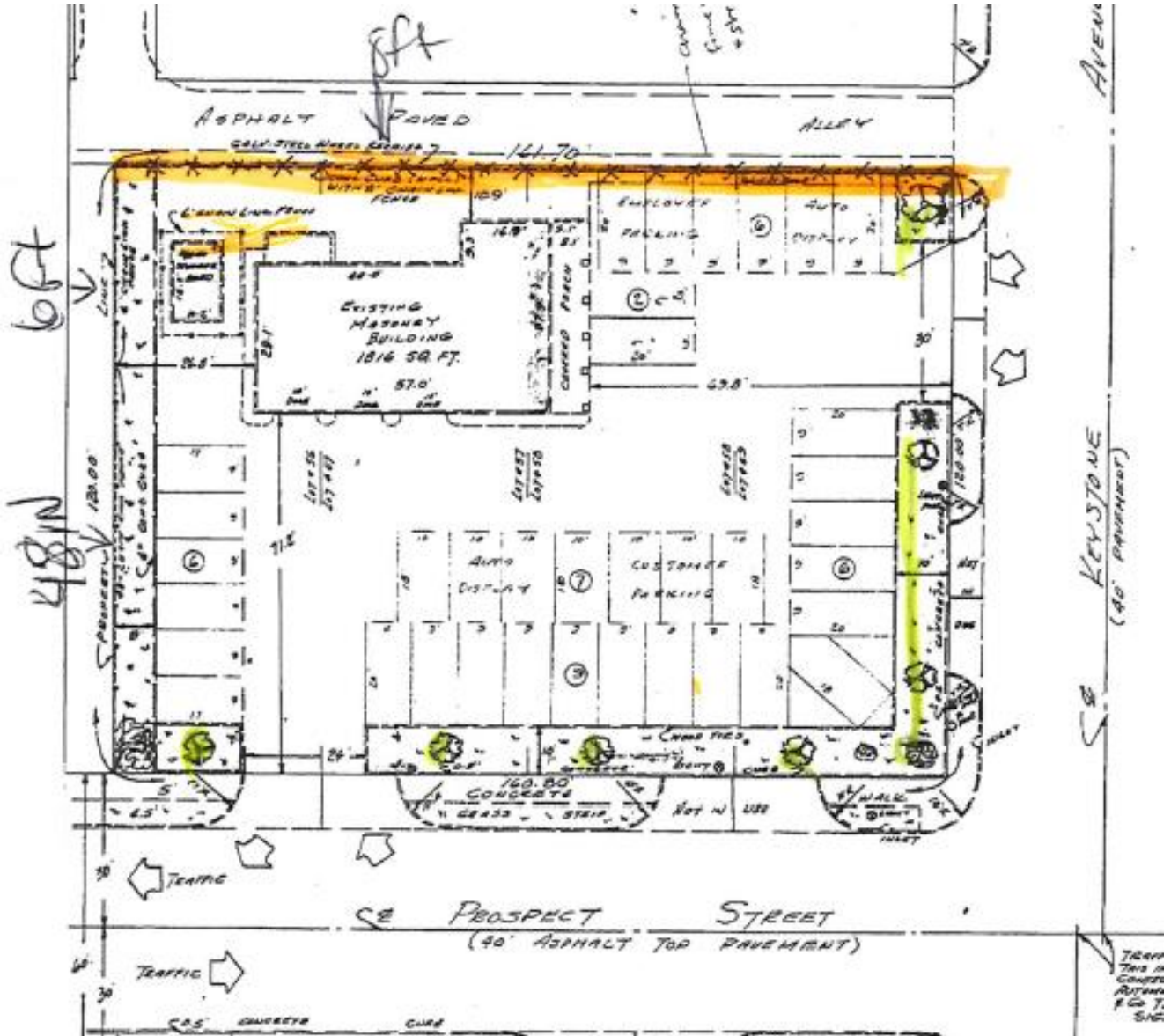
2025DV3016 ; Site Plan (Existing)



2025DV3016 ; Site Plan (Proposed Fence Adjustments; No New Development)

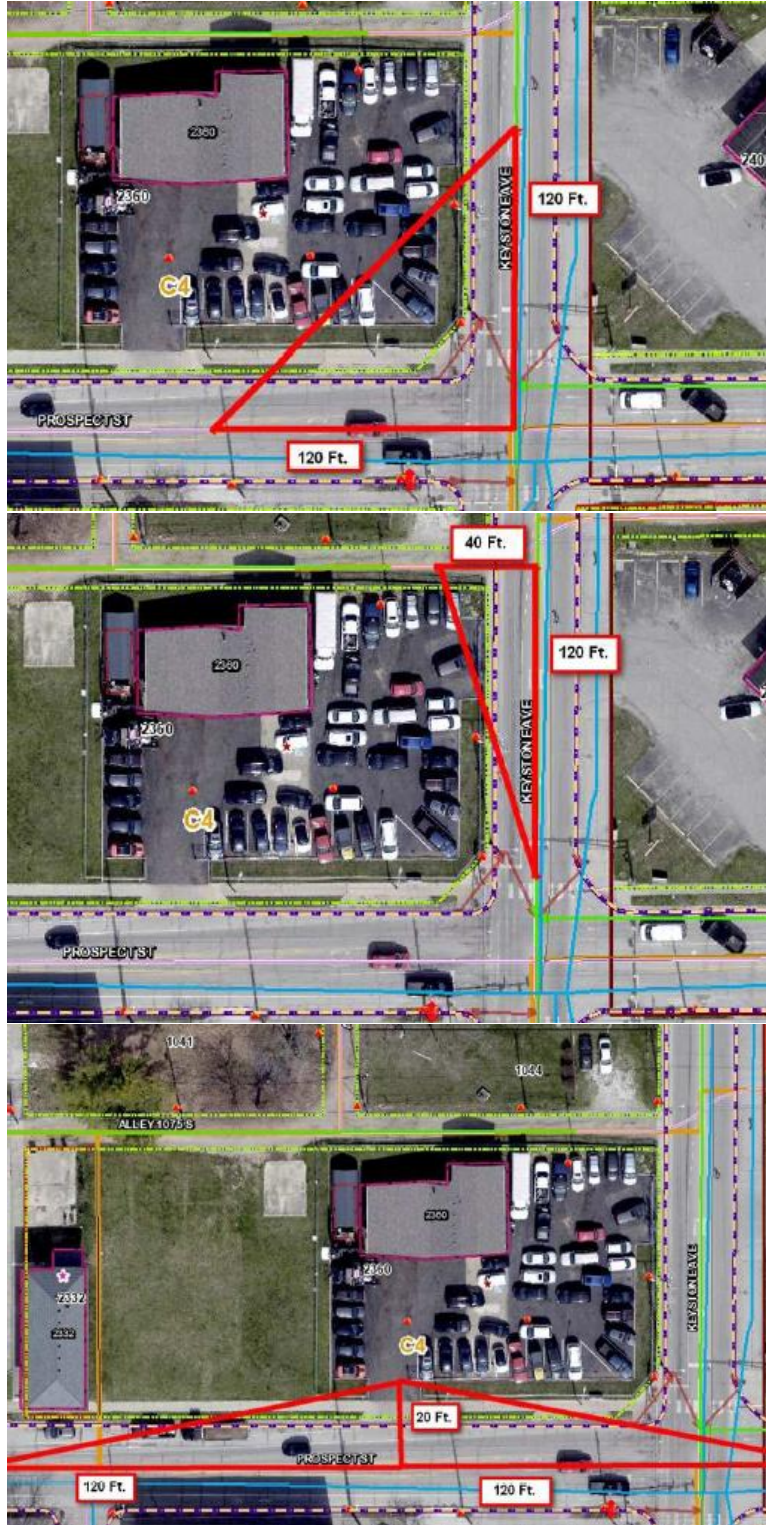


2025DV3016 ; Site Plan (95-UV3-65)



(note: landscape plantings shown on this plan that were a condition for approval were never installed)

2025DV3016 ; Clear Sight Triangle Encroachments





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2025DV3016 ; Notice of Violation (VIO23-005132)

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

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

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

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

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

Specific Violation: Failure to comply with the use-specific standards and zoning district development standards for the C-4 district; (740-304. - 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...chain link fence).

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

Specific Violation: Failure to comply with the use-specific standards and zoning district development standards for the C-4 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-404.D.7.a. - The parking spaces lack 4 inch durable painted lines, curbs or signage).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-508.B.1.a. - Failure to enclose dumpster with a solid wall at least the height of the service area on 3 sides with the 4th side having a solid gate).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (Table 744-402-2: - Failure to provide the required ADA parking... 1 handicap parking space is required).

Section 740 -1005.A.9. Civil Zoning Violation

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (740-1005.A.9 - The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant #95-UV3-65 decision letter; specifically, a 10 foot landscaping strip along both Prospect Street and Keystone Avenue).

Section 740 -1005.A.9. Civil Zoning Violation

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (740-1005.A.9 - The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant #95-UV3-65 site plan; specifically, the parking spaces lack durable painted lines, curbs or signage indicated in the approved site plan and missing landscaping).



2025DV3016 ; Findings of Fact

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

it was already approved for a fence at 48" and a 60" will be better for the line of site than a 4' fence

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:

they are empty lots which i own and there is asn alley behind me witch was already approved for an 8' fence

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

i can not keep my lot secure with the 4' fence there are homeless all around me resulting in many problems with keeping my lot secure

2025DV3016 ; Photographs



Photo 1: Subject Site Viewed from South (March 2024)



Photo 2: Subject Site Viewed from South (August 2019)

2025DV3016 ; Photographs (continued)



Photo 3: Subject Site Viewed from East (March 2024)



Photo 4: Subject Site Viewed from East (August 2019)

2025DV3016 ; Photographs (continued)



Photo 5: Subject Site Viewed from Southeast (March 2025)



Photo 6: Subject Site Viewed from West (March 2024)

2025DV3016 ; Photographs (continued)



Photo 7: Prospect/Keystone Clear-Sight Area Viewed from Southwest (January 2025)



Photo 8: Prospect/Keystone Clear-Sight Area Viewed from Northeast (January 2025)

2025DV3016 ; Photographs (continued)



Photo 9: Fence from Prospect Driveway Looking East (January 2025)



Photo 10: Fence from Prospect Driveway Looking West (January 2025)

2025DV3016 ; Photographs (continued)



Photo 11: Northern Alley and Older Fence (March 2024)



Photo 12: Adjacent Property to East (March 2024)



BOARD OF ZONING APPEALS DIVISION III

December 16, 2025

Case Number: 2025-DV3-020 (Amended)
Property Address: 4102 Madison Avenue (approximate address)
Location: Perry Township, Council District #23
Petitioner: Sanchez Family Inc., by Kevin Lawrence
Current Zoning: C-4 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishment with a covered porch within the right-of-way of Castle Avenue (not permitted), deficient landscaping, reduced off-street parking, with parking spaces and maneuverability within the right-of-way of Madison Avenue (15 spaces required, parking spaces and maneuverability within street rights-of-way not permitted).

Current Land Use: Commercial
Staff Recommendations: Staff recommends denial of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was automatically continued by the petitioner from the June 17, 2025 hearing to the July 15, 2025 BZA Division III hearing.
- The petition was required to be continued due to insufficient notice to the August 19, 2025 BZA Division III hearing.
- This petition was continued to the September 16, 2025 BZA Division III hearing with new notice.
- The petitioner and Staff agreed to a continuance to the October 21, 2025 hearing to allow for additional revisions to be made.
- The petition was automatically continued by a registered neighborhood organization to the November 25, 2025 BZA Division III hearing.
- The petition was continued to the December 16, 2025 Division III hearing to allow for additional information to be submitted.

STAFF RECOMMENDATION

- Staff recommends denial of this petition



PETITION OVERVIEW

- This petition would provide for an eating establishment with a covered porch within the public right-of-way of Castle Avenue, deficient landscaping, and parking spaces with maneuverability within the right-of-way of Madison Avenue, as well as reduced off-street parking.
- The updated site plan is showing a proposed sidewalk to and from a nearby property (4132 Madison Ave) which is owned by the same property owner and would provide up to 13 additional parking spaces in addition to the 5 spaces indicated on the subject site. However, the revised site plan does not indicate specific sidewalk widths, and the specific location of the sidewalk is not clearly indicated. Therefore, Staff does not believe the current site plan contains a valid pedestrian connection from the shared parking which means the proposed shared parking spaces cannot currently be counted towards the required off-street parking spaces.
- Generally, Staff does not find the proposal to constitute orderly and quality development. Firstly, the covered porch in the right-of-way of Castle Avenue was constructed without the necessary permits. Likewise, Staff finds private property located in public rights-of-way to be poor precedent, and a potential hazard to members of the public. Additionally, Staff does not find there to be any practical difficulty for needing the covered porch to be located within the right-of-way. Therefore, Staff recommends denial of the covered porch within the right-of-way.
- Second, while the updated site plan indicates fewer parking spaces having maneuverability in the Madison Avenue right-of-way, the two northern-most spaces would need right-of-way for maneuverability. Staff believes this represents a hazard that increases the chances of collisions or near collisions with passing motorists and, likewise, to be a highly undesired precedent. Further, DPW has indicated that there are future plans for a multi-use path on this side of Madison Avenue- allowing for these parking spaces to have maneuverability within the right-of-way would likely conflict with this future multi-use path and its users. For these reasons, Staff recommends denial of any parking spaces with maneuverability within any right-of-way.
- Additionally, while the updated site plan calls for landscaping on site, there has been no indication of what specific landscaping would be proposed, and there has not been a landscape plan submitted. Therefore, Staff is not in support of the request for deficient landscaping and suggests that the petitioner provide more details on the amount and types of plantings that they are willing to provide.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	D-3 (TOD)	North: Commercial
South:	C-4 (TOD)	South: Residential



Department of Metropolitan Development
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 Current Planning

East:	D-3 (TOD)	East: Residential
West:	D-3 (TOD)	West: Residential
Thoroughfare Plan		
Castle Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
Madison Avenue	Secondary Arterial	158 feet of right-of-way existing and 88 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit-Oriented Development overlay	
Wellfield Protection Area	No	
Site Plan	8/4/25	
Site Plan (Amended)	12/2/25	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/5/25	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within the Red Line TOD overlay, and is approximately 1500 feet from the University of Indianapolis transit station, which is categorized as a district center.
-

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

99-Z-117; rezoning of 0.177 acres from D-3 to C-4 to legally establish an existing commercial structure, **approved**.

73-UV1-13; requests a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide for a new pylon sign on the previous base and a new wall sign, **granted**.

ZONING HISTORY – VICINITY

2005SE1002; 925 E Castle Ave (west of site), provide for religious uses within an existing 1,782-sq.ft. single-family dwelling, with a 12.45-foot rear yard setback, with a proposed 4,464-sq.ft. asphalt parking area in the front yard, and a six-foot tall, fifteen-square foot pylon sign located one-foot from the right-of-way of Castle Avenue in a D-3 zoning district, **withdrawn**.

89-UV1-56; 4030 Madison Ave, requests a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the conversion of an existing single-family residence to an insurance office, **granted**.

87-UV2-95; 4108 Madison Avenue, requests a Variance of Use of the Commercial Zoning Ordinance to provide for the outdoor display and sale of motorcycles, **granted**.

87-UV1-78; 4030 Madison Avenue, requests a Variance of Use of the Commercial Zoning Ordinance to provide for the use of an existing building for a fence contractor with outdoor storage of materials and vehicles, **granted**.

85-UV2-58; 925 E Castle Ave, requests a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the conversion of a single-family residence to a dance-studio, **granted**.

79-UV3-43; 4138 Madison Avenue, requests a Variance of Use and Development Standards to permit a motorcycle repair and sales shop, **granted**.

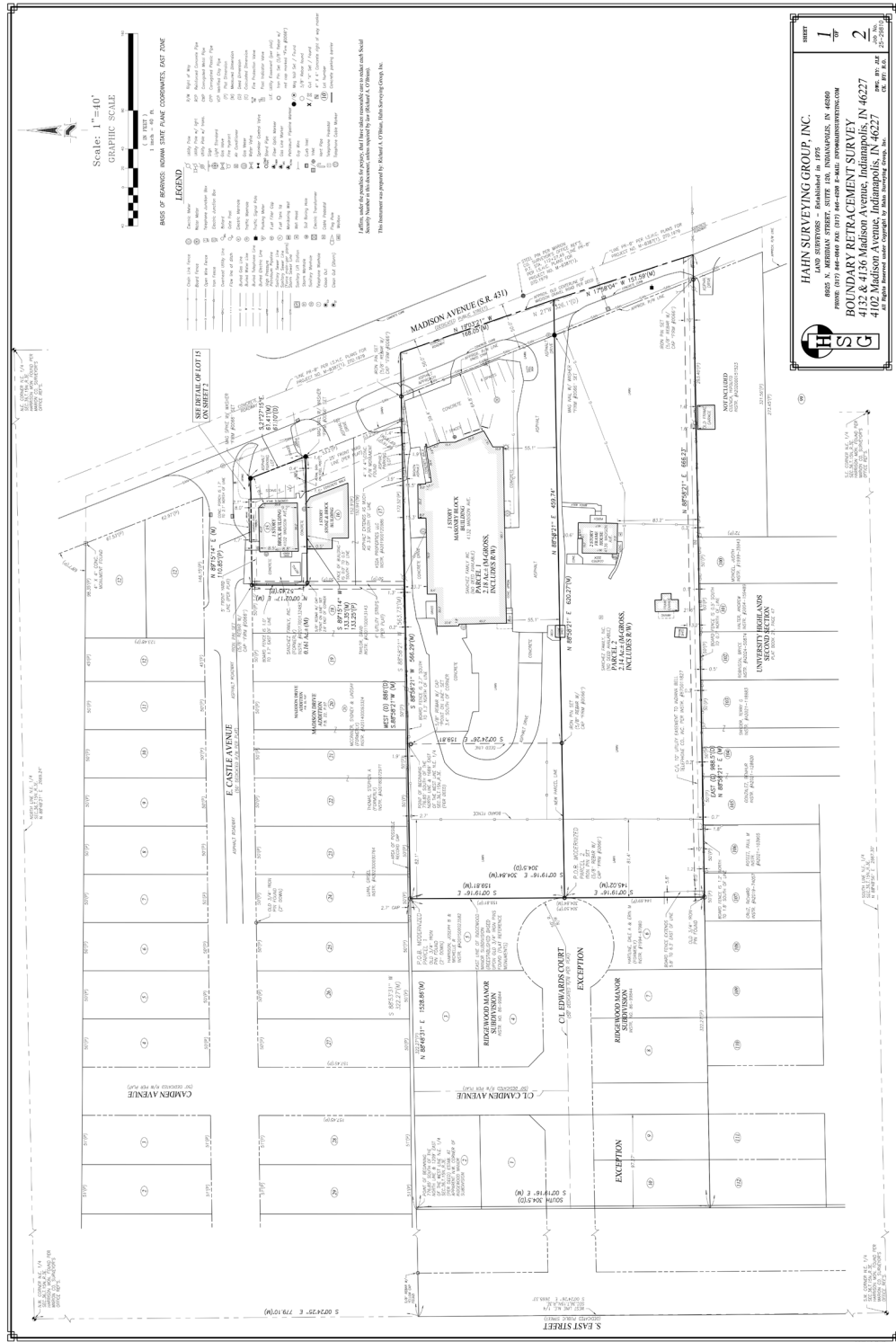
EXHIBITS



Aerial Photo



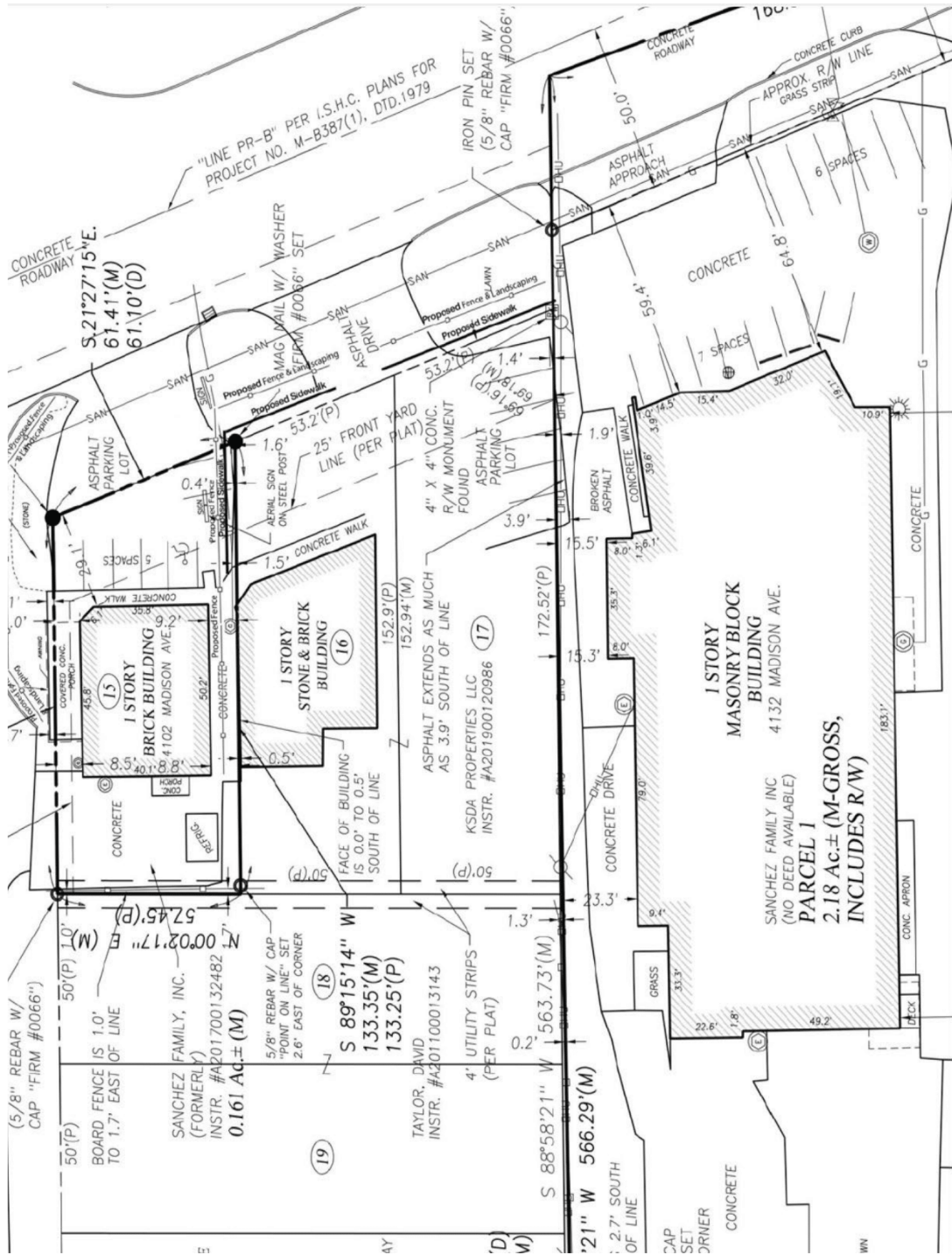
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Original Site Plan, file-dated 8/4/25



Department of Metropolitan Development
 Division of Planning
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Updated Site Plan, file-dated 12/2/25



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The subject property is located in a commercially zoned district along Madison Avenue designed to accommodate mixed-use activity. The site previously operated as a Amazing Cakes cake shop demonstrating a longstanding history of compatible food-service use without generating adverse impacts on the public health, safety, morals, and general welfare of the community. A small reduction in the number of required off-street parking spaces, and the ability for a slight encroachment of the patio will preserve the the site's existing commercial purpose, reinforce neighborhood vitality, and support the community's economic and social welfare without introducing additional risks to public health or safety.

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

This business has previously operated as a customer facing business and is adjacent to other commercial uses along Madison Avenue including a tire shop and a law office. Petitioners rehabilitation of this previously vacant building will foster a vibrant commercial environment, benefit surrounding business and provide fresh opportunities for community connection. By revitalizing the site and enhancing its appeal, the restaurant represents a clear net positive for the use and value of the adjacent properties.

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

The usable space for business invitees is limited to the first floor, which accommodates only 10-11 tables. Accordingly, requiring one parking space per 150 square feet of building area creates a practical difficulty, as the limited parking demand does not align with the calculated parking demand based on total building square footage. The right of way adjacent to the property is unusually large, complicating compliance with setback requirements. The original plat indicates a five-foot distance from the right-of-way, demonstrating the patio's minor encroachment is consistent with historical site design. The existing patio's location, which is buffered by greenery, is constrained by the property's fixed dimensions and existing structures, making relocation impossible without eliminating functional outdoor dining space that was added to allow the business to stay viable during COVID.

DECISION

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

Adopted this _____ day of _____, 20 ____



Subject site looking southwest



Subject site looking west down Castle Ave



Looking south



Looking north up Madison Ave



Looking south down Madison Ave



Looking east down Castle Ave



Looking southeast at the patio addition



Gravel parking lot looking north



BOARD OF ZONING APPEALS DIVISION III

December 16, 2025

Case Number: 2025-DV3-029
Property Address: 8600 Madison Avenue (approximate address)
Location: Perry Township, Council District #23
Petitioner: Francis Michael Laux, by Justin and David Kingen
Current Zoning: C-3 / C-1 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building encroaching 35 feet within a Category Two Stream Protection Corridor and a parking area within an easement (encroachment of stream protection corridors and easements not permitted).

Current Land Use: Vacant

Staff Recommendations: Staff recommends approval of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued to the October 21, 2025 BZA Division III hearing.
- The petition was continued to the November 25, 2025 Division III hearing.
- The petition was continued to the December 16, 2025 Division III hearing.

STAFF RECOMMENDATION

- Staff recommends approval of this petition

PETITION OVERVIEW

- The revised site plan indicates that the proposed building would be encroaching into a Category Two Stream Protection Corridor by approximately 10 feet, as opposed to the originally requested 35-foot encroachment. Therefore, the request is now for a 10-foot encroachment into a Category Two Stream Protection Corridor and a parking area within an easement (encroachment of stream protection corridors and easements not permitted).
- The subject site is primarily zoned C-3, with a small sliver zoned C-1 at the north end of the site. The site is located directly north of Fountain Creek, which is a Category Two Stream, per the Ordinance, and is also located within a large utility easement that runs in a southwest direction from Madison Avenue through the property (shown in site plan below).



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- With this site containing both a large utility easement, and a 50-foot stream protection corridor, the portion of the site that is buildable without variances is significantly reduced. Staff generally is not in support of any development within platted easements, since the parties that have rights to that easement are able to alter / remove said development if desired. The proposed site plan indicates that none of the building and only the parking area would be located within the easement. Staff believes that if any development is to be within the easement, non-vertical developments such as parking areas are far less inhibiting and obstructing than vertical structures. Staff would also note that the petitioner has provided an indication from the relevant utility company that the company does not have an issue with the proposed parking area being located within the easement. This has eased Staff's concerns and Staff finds that this will decrease the chances of future conflict between the relevant parties. Further, Staff would note that there are similar parking areas and a game court located within this easement nearby to the subject site and, therefore, Staff does not find this development to be out of context nor without precedent. Therefore, Staff is not opposed to the parking area being located within this easement.
- Staff had concerns about the originally proposed 35-foot encroachment into the Stream Protection Corridor. The petitioner has revised the proposal to be much closer to compliance with the 50-foot buffer than initially proposed. Staff finds the revised 40-foot distance from the top of bank to the proposed building to be far more reasonable and that this revision would have far less impact on the stream than the original plans. Likewise, Staff's concerns have been further eased by the submitted landscape plan that would provide additional buffer and support for the stream. Additionally, Staff does find there to be a degree of practical difficulty for being able to meet the 50-foot standard given the presence of the utility easement on the other side of the property. Therefore, Staff is not opposed to the 10-foot encroachment into the Stream Protection Corridor.

GENERAL INFORMATION

Existing Zoning	C-3 / C-1 (TOD)	
Existing Land Use	Vacant	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
	North: C-1	North: Commercial
	South: C-3	South: Commercial
	East: C-3	East: Multi-family residential
	West: C-7	West: Multi-family residential
Thoroughfare Plan		
Madison Avenue	Secondary Arterial	85 feet of right-of-way existing and 112 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit-Oriented Development Overlay	
Wellfield Protection Area	No	



Site Plan	8/12/25
Site Plan (Amended)	11/26/26
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	11/26/25
Findings of Fact	N/A
Findings of Fact (Amended)	8/12/25

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within the Red Line TOD overlay, however the Red Line ultimately did not end up servicing this portion of Madison Avenue and therefore the Madison Avenue and County Line Road Station mentioned in the 2020 Red Line Strategic Plan that was to be located less the ¼ mile from the subject site was not built.

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



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ZONING HISTORY – SITE

2024DV3030, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a commercial building with a 15 percent front building line width (40 percent required), **approved**.

98-Z-40, 8602 Madison Avenue; rezone from C-1 to C-3, **approved**.

ZONING HISTORY – VICINITY

2000UV1014; 8610 Madison Avenue (north of site), variance of use to provide for a hair and beauty salon in an existing single-family dwelling (not permitted), **approved, subject to conditions**.

99-Z-30; 8610 Madison Avenue (north of site), rezone from D-3 to C-1, **approved**.

EXHIBITS



Aerial Photo





PLANT SCHEDULE

CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	CALL
EVERGREEN TREES					
Pico-6	6	Picea omorika	Serbian Spruce	B & B	min. 6' ht.
ORNAMENTAL TREES					
Mag-12	12	Magnolia stellata	Star Magnolia	B & B	min. 1.5' cal.
SHADE TREES					
Beln-3	3	Betula nigra	River Birch	B & B	min. 2.5' cal.
Caro-3	3	Carya ovata	Shagbark Hickory	B & B	min. 2' cal.
Figs-5	5	Fagus sylvatica 'Roseomarginata'	Imperial Beech	B & B	min. 2.5' cal.
Blch-1	1	Baccharis trichanthus 'Inermis 'Impole'	Imperial Ironbush	B & B	min. 2.5' cal.
Gym-2	2	Gymnocladus dioica	Kentucky Coffee Tree	B & B	min. 2.5' cal.
Que-1	1	Quercus laevis	Red Oak	B & B	min. 2.5' cal.
DECIDUOUS SHRUBS					
Aesp-29	29	Aesculus parviflora	Bottlebrush Buckeye	5 gal	
Clea-12	12	Ceanothus americanus	New Jersey Tea	3 gal	
Folx-30	30	Fothergilla x intermedia 'Blue Shadow'	Blue Shadow Fothergilla	3 gal	
Hyd-q-8	8	Hydrangea quercifolia 'Alice'	Alice Oakleaf Hydrangea	5 gal	

Landscape plan, file-date 11/26/25



Subject site in the background looking south



Looking north up Madison Ave with the Fountain Creek in the foreground



Looking west viewing the utility power lines



Looking north with Fountain Creek in the foreground



Looking west at the adjacent property south of the subject site



BOARD OF ZONING APPEALS DIVISION III

December 16, 2025

Case Number: 2025-DV3-035

Property Address: 7930 Castleton Road (approximate address)

Location: Lawrence Township, Council District #4

Petitioner: Outfront Media LLC, by Alan S. Townsend

Current Zoning: C-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to increase the height of a legally established, legally non-conforming outdoor advertising sign to 60 feet (40-foot maximum height per the grant of 2023-SE3-004).

Current Land Use: Undeveloped

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

12/16/25: The petitioner indicated their desire for an additional continuance to the January 20th hearing date to attempt to earn staff support for the petition by provision of additional supporting documentation. Staff does not object to this continuance but would likely oppose any extensions beyond January. A full report will be made available in advance of the 1/20 hearing.

11/25/25: Staff will request a continuance on the petitioner’s behalf to the December 16th hearing date given their inability to attend the hearing on the 11/25 hearing date and to allow for a full 23 days between the mailing and posting of notice and the hearing. A full report will be made available in advance of the 12/16 hearing.



BOARD OF ZONING APPEALS DIVISION III **December 16, 2025**

Case Number: 2025-DV3-036

Property Address: 2065 Columbia Avenue (approximate address)

Location: Center Township, Council District #13

Petitioner: River West 3 LLC, by Adam DeHart

Current Zoning: I-3

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding building with a 12.4-foot southern transitional yard (40 feet required).

Current Land Use: Industrial (Demolished)

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

11/25/25: The petitioner requested a for-cause continuance from November to December to allow for additional discussion with staff. The petitioner has also indicated that they will be seeking legal counsel to assist with the petition and that an additional continuance from December to January would be requested to accommodate their schedule. Staff would not object to this second continuance request but would not guarantee support for extensions beyond that point.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 2065 Columbia Avenue is a currently undeveloped parcel that previously contained an accessory structure associated with the sheet metal company that had been housed in a primary structure to the north of the subject site. Adjacent land use is also industrial to the west, undeveloped to the east, and single- and two-family residential to the south and southwest. The site is also near the Monon Trail to the west and is located within a Brownfield as identified by the Indiana Department of Environmental Management.
- Per the applicant, fire damage was sustained by the accessory structure at the site in February of 2025 after the site was purchased by new ownership in April of 2024 (see photos 9-10 in Exhibits). The structure was subsequently demolished via a wrecking permit (WRK25-00117)



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issued in April of 2025. After the demolition of the damaged structure, an application for an Improvement Location Permit was made in June of 2025 to allow for the construction of a new building with a footprint and setbacks matching the previous structure at the site (see site plan within Exhibits). ILP25-01573 has not been issued as of publication of this staff report.

- In some instances, the Indianapolis Zoning Ordinance allows for the restoration of non-conformities per the stipulations of 740-602. In this instance, since the structure was fully demolished before the application for a new zoning permit having been made, the rebuild would *not* be eligible for restoration to the previous dimensions by-right. This is due to the inability of the City to conclusively verify the extent of the site damage or the previously existing setback given that the structure has already been demolished. To be eligible for the exception, an application for an ILP for the rebuild would have needed to have been made with the Department of Business and Neighborhood Services prior to demolition of the structure.
- Since the rebuild would be required to comply with current Ordinance regulations, a variance is being sought to allow for a 12.4-foot transitional yard setback to the south of the subject building given that the parcel to the south was rezoned for residential use via the petition 2024-CZN-803. It appears that the proposed site and landscape plan layout would comply with other relevant dimensional standards. The applicant has also indicated that if approved, their intent would be to sell this property to a new user and that any future use at the site would comply with applicable use- and zone-specific limitations on outdoor storage and operations.
- This property is zoned I-3 to allow for industries that present moderate risks to the general public. Additionally, the Comprehensive Plan Pattern Book recommends it to the Heavy Industrial typology to allow for high-intensity industrial production, distribution, and repair uses. Staff would note that **(a)** I-3 zoning districts typically incorporate larger parcels are recommended to be separated from residential districts wherever practical and **(b)** that the Pattern Book discourages both light and heavy industrial land uses when adjacent to living or mixed-use typologies (as would be the case for the proposed structure).
- Per the applicant, Phase 1 and Phase 2 environmental site assessments have been submitted to IDEM per state requirements for development within Brownfield areas, and that mitigation repairs are underway with IDEM approval of those mitigation systems dependent upon completion of their installation. Approval of this petition would not exempt the subject property from any relevant state or local requirements related to brownfield sites.
- Although it is unfortunate that the previous building at the site was demolished prior to application for an Improvement Location Permit in a manner that may have allowed for reconstruction of the non-conforming structure, this lack of awareness of relevant procedure would not constitute a site-specific practical difficulty to justify granting of a variance. Establishing a side setback of 12.4 feet when the zoning district and context area would require 40 feet would be a substantial reduction of around 70% and could create negative externalities for existing or future residential development along the corridor. Staff recommends denial of the requested variance.

GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Industrial (Demolished)	
Comprehensive Plan	Heavy Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	I-3	North: Industrial
South:	D-8	South: Residential
East:	I-3	East: Undeveloped
West:	I-3	West: Industrial
Thoroughfare Plan		
Columbia Avenue	Local Street	57' existing ROW; 48' proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	09/19/2025	
Site Plan (Amended)	N/A	
Elevations	Enter Date. N/A if not applicable	
Elevations (Amended)	Enter Date. N/A if not applicable	
Landscape Plan	11/11/2025	
Findings of Fact	09/19/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Pattern Book recommends this site to the Heavy Industrial working typology to provide for industrial production, distribution, and repair uses that are intense and may create emissions of light, odor, noise or vibrations. This typology is characterized by freestanding building or groups of buildings, often within industrial parks. Outdoor operations and storage are common, and industrial or truck traffic should be separated from local or residential traffic.
- Both light and heavy industrial uses are removed as recommended land uses for instances in which they would be adjacent to a living or mixed-use typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2024CVR803 ; 2051 Columbia Avenue (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three-foot side setbacks (five feet required), **denied**.

2024CZN803 ; 2051 Columbia Avenue (south of site), Rezoning of 0.26 acres from the I-3 district to the D-8 district to provide for two, two-unit row homes, **approved**.

2023CZN848 ; 2069 Yandes Street (northwest of site), Rezoning of 0.42 acre from the I-3 district to the D-8 district, **approved**.

2022ZON005 ; 2024 Columbia Avenue (southwest of site), Rezoning of 0.129 acre from the I-3 district to the D-8 district to allow for the construction of a single-family house, **approved**.

2021ZON059 ; 2020 Columbia Avenue (southwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.

2021CVR816 ; 2033 Columbia Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 5-foot front yard setback (18 feet required), **approved**.

2021CZN816 ; 2033 Columbia Avenue (south of site), Rezoning of 0.468 acre from the I-3 district to the D-8 district to provide for four single-family dwellings, **approved**.

2020ZON038 ; 2029 Columbia Avenue (southwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 classification, **approved**.

2020CVR835 ; 2005 Columbia Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of three single-family dwellings, with one single-family dwelling within the clear sight triangle of the abutting streets, with three-foot side setbacks and 47% open space (four-foot side setback and 55% open space), **approved**.

2020CZN835 ; 2005 Columbia Avenue (south of site), Rezoning of 0.29 acre from the I-3 district to the D-8 classification, **approved**.

2019ZON029 ; 2007 Columbia Avenue (south of site), Rezoning of 0.1 acre from the I-3 District to the D-8 classification, **approved**.



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2019ZON028 ; 2032 Columbia Avenue (south of site), Rezoning of 0.39 acre from the I-3 District to the D-8 classification, **approved**.

2019HOV020 ; 2015 Columbia Avenue (south of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and secondary single-family residential uses, including, but not limited to a single-family dwelling, with a twelve-foot front setback and two-foot and five-foot side setbacks and a detached garage with eight-foot side setbacks and a 12-foot rear setback (residential uses not permitted, 30-foot front setback and 10-foot side and rear setbacks required), **approved**

2008LNU023 ; 2080 Doctor A.J. Brown Avenue (east of site), Seeking lack of paved parking, lack of handicap spaces, parking access directly from a street, and barbed wire in front setback, **approved**.

2001LNU024 ; 2016 Columbia Avenue (southwest of site), Single-family dwelling zoned I-3-U, **approved**.

85-VAC-39 ; 2067 Columbia Avenue (north of site), vacation petition, **approved**.

EXHIBITS

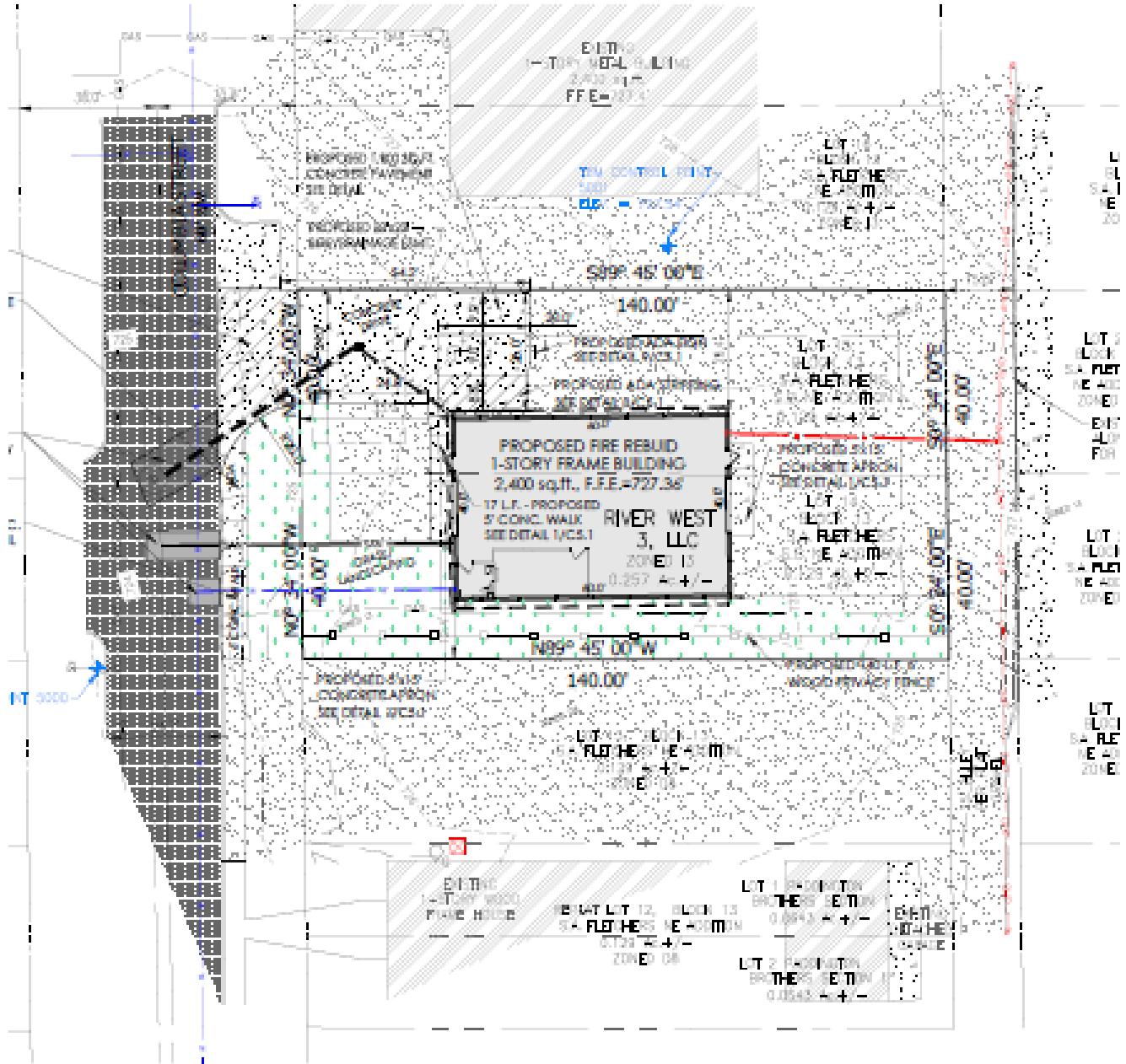
2025DV3036 ; Aerial Map



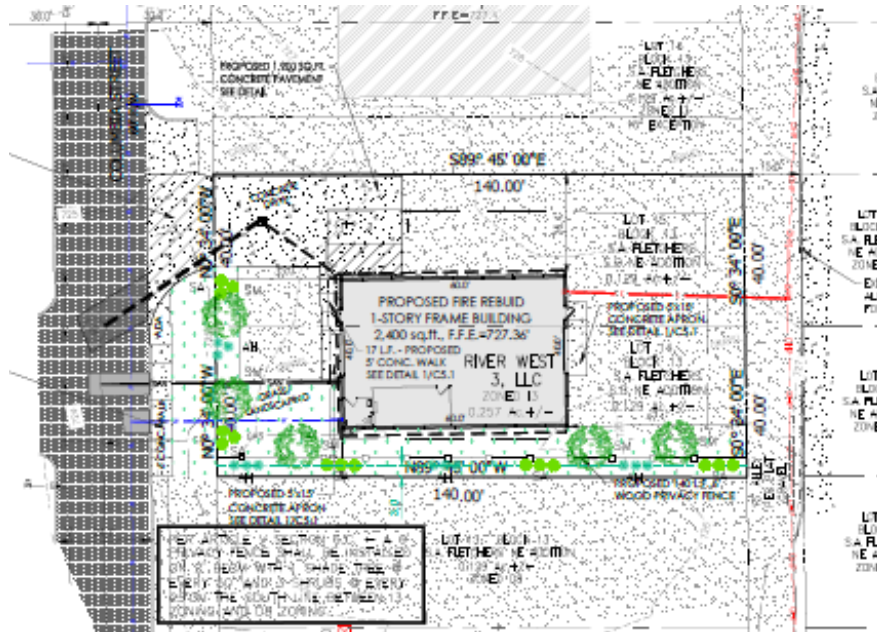


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2025DV3036 ; Site Plan



2025DV3036 ; Landscape Plan



2025DV3036 ; Findings of Fact

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

it is unlikely that the variance request would be injurious to the public health, safety, morals and general welfare of the community as the Emergency Fire Rebuild is consistent with the zoning and use of the real estate prior to the catastrophic fire.

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:

it is unlikely that the use and value of the adjacent undeveloped property will be affected in an adverse manner. The owner and insurance company are investing substantial money in excess of replacement value for the Emergency Fire Rebuild including reconstructing the structure, utility upgrades, site improvements, ADA, buffer yards, increased green space, and fencing.

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 UDO would result in the inability to reconstruct the structure and encumbers the real estate with an additional transition buffer yard requirement as the adjoining southern property was recently rezoned from I3 to R8.

2025DV3036 ; Photographs



Photo 1: Subject Site Viewed from Northwest



Photo 2: Subject Site Viewed from Southwest

2025DV3036 ; Photographs (continued)



Photo 3: Existing Condition of Columbia Frontage



Photo 4: Subject Site Viewed from West (October 2022)

2025DV3036 ; Photographs (continued)



Photo 5: Adjacent Property to South



Photo 6: Adjacent Property to West

2025DV3036 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to Northeast

2025DV3036 ; Photographs (continued)



Photo 9: Damaged Structure Viewed from South (provided by applicant)



Photo 10: Damaged Structure Viewed from West (provided by applicant)



BOARD OF ZONING APPEALS DIVISION III **December 16, 2025**

Case Number: 2025-MO3-002

Property Address: 2719 North Emerson Avenue (*approximate address*)

Location: Warren Township, Council District #9

Petitioner: Imagineering Holdco Inc., by Nick Hammer

Current Zoning: I-2
Modification to terminate Conditions Two and Three of 2005-SE3-003 to allow for outdoor storage and operations outside of the existing building (outdoor storage prohibited and operations required to be within the existing building).

Request: Variance of use and development standards of the Consolidated Zoning/Subdivision Ordinance to allow for outdoor storage within 280 feet of a protected district with a height of 13 feet and without required fencing and landscape screening (500 feet of separation required, maximum 10-foot tall height permitted, screening required).

Current Land Use: Industrial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 2719 North Emerson is a parcel with a size of around 5.55 acres that is currently improved with two (2) industrial buildings on the eastern portion of the property. Both buildings are associated with a metal finishing use (Imagineering Finishing Technologies). Adjacent land uses include contractors to the north and south, a fueling station to the southwest, and residences to the east.
- The metal finishing facility was approved at this site in 2005 via the Special Exception petition 2005-SE3-003. That approval was subject to five (5) separate conditions, including that (a) outside storage would not be permitted; and (b) all operations would occur within the existing building. The full list of conditions is within Exhibits below.



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- The enforcement case VIO25-003522 was opened in April of 2025 at the subject site, which noted the presence of several civil zoning violations. Some of those violations (related to the paving and striping of vehicle areas, signage, miscellaneous scrap metal and wood, etc.) are being addressed by the petitioner outside of the variance process. A full list of violations is within the Exhibits.
- Approval of this petition would allow for three (3) separate outdoor storage areas at the property (per the site plan within the Exhibits) by modifying the conditions of approval from 2005-SE3-003. Specifically, it would terminate the two (2) conditions related to the prohibition of outdoor storage (Condition Two) and the requirement for internal operations (Condition Three).
- Additionally, Variances of Development Standards would be required related to **(a)** the outdoor storage being within 280 feet of residentially zoned parcels to the east (minimum 500 feet of separation required); **(b)** a height of 13 feet for the outdoor storage materials (maximum of 10 feet permitted); and **(c)** a lack of required fencing or landscaping around the outdoor storage areas per 744-508.C of the Ordinance. The proposed outdoor storage areas appear to comprise 24.9% of the building area at the site, which complies with I-2 requirements per Table 743-306-2 (maximum 25% allowed).
- This property is zoned I-2 (Light Industrial District) 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. Within that zoning district, outdoor operations and storage should be completely screened if adjacent to Protected Districts and limited to a percentage of the total operation. Similarly, the Comprehensive Plan recommends the site to the Light Industrial typology to allow for industrial, production, distribution, and repair uses within enclosed structures.
- Ordinance regulations on the height, screening, and size of outdoor storage when near residential areas exist to ensure that potential hazards and negative externalities are mitigated and separated from all neighborhoods and to ensure compatibility and buffering between adjacent land uses. Although the existing building does provide a level of buffering and visual separation from residences to the east of the outdoor storage areas, the limitations on outdoor storage and requirement for internal operations have been in place for the past 20 years and were a requirement for the Special Exception allowing for the metal finishing use. The applicant is seeking not only to exceed the limitations imposed by commitments but also those typically applicable for the I-2 zoning district (height, lack of screening, residential proximity).
- Staff's primary objection with regards to this petition is the lack of fencing or screening around the proposed outdoor storage areas. If some forms of buffering were in place, it would minimize the visual impact of the storage areas further and would also create a specific boundary ensuring that the storage areas wouldn't exceed the 25% of gross building area requirement for I-2 zoning. Staff indicated to the petitioner that provision of some form of fencing or landscaping around the storage areas could lead to an approval recommendation for the remaining requests, but the petitioner did not indicate openness to this compromise. Given this concern of the site exceeding the 25% requirement in addition to the lack of site-specific practical difficulty prevent compliant indoor storage as contemplated for this business in 2005, staff recommends denial of the petition.



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GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Industrial	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	I-2	North:
South:	C-4 / I-2	South: Commercial / Industrial
East:	D-4	East: Residential
West:	D-4 / C-3	West: Undeveloped
Thoroughfare Plan		
Emerson Avenue	Primary Arterial	120-foot existing right-of-way and 104-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	09/13/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	09/13/2025	
Findings of Fact (Amended)	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The 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. Truck traffic should be separated from local or residential.
- Light Industrial land uses are contemplated but removed where they would be adjacent to a living or mixed-use typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2005SE3003, special exception of the Industrial Zoning Ordinance to provide for a metal finishing facility (not permitted), within an existing two-story building, **approved with conditions**.

ZONING HISTORY – VICINITY

2025DV3024 ; 2747 N Emerson Avenue (north of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a waiver of the requirement to install pedestrian connectivity between a freestanding building and the existing sidewalk network along the right-of-way of Emerson Avenue (required), **approved**.

2006VAR809A ; 2553 Emerson Access (south of site), special exception of the Industrial Zoning Ordinance to provide for retail sales of plants and landscaping related products, **withdrawn**.

2006VAR809 ; 2553 Emerson Access (south of site), variance of development standards of the Industrial Zoning Ordinance to provide for 4,900 square feet or 71.3 percent of the enclosed building area of outdoor display area (maximum 1,716 square feet 25 percent of the enclosed building area of outdoor display permitted), to provide for a zero-foot rear transitional yard (minimum 30-foot transitional yard required), without landscaping in the north and south side yards (landscaping required), **withdrawn**.

2004UV2026 ; 2553 Emerson Access (south of site), variance of use of the Industrial Zoning Ordinance to provide for an automobile storage lot for inoperable vehicles (not permitted), **approved**.

87-UV2-2 ; 2642 N Butler Avenue (east of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for storage, **denied**.

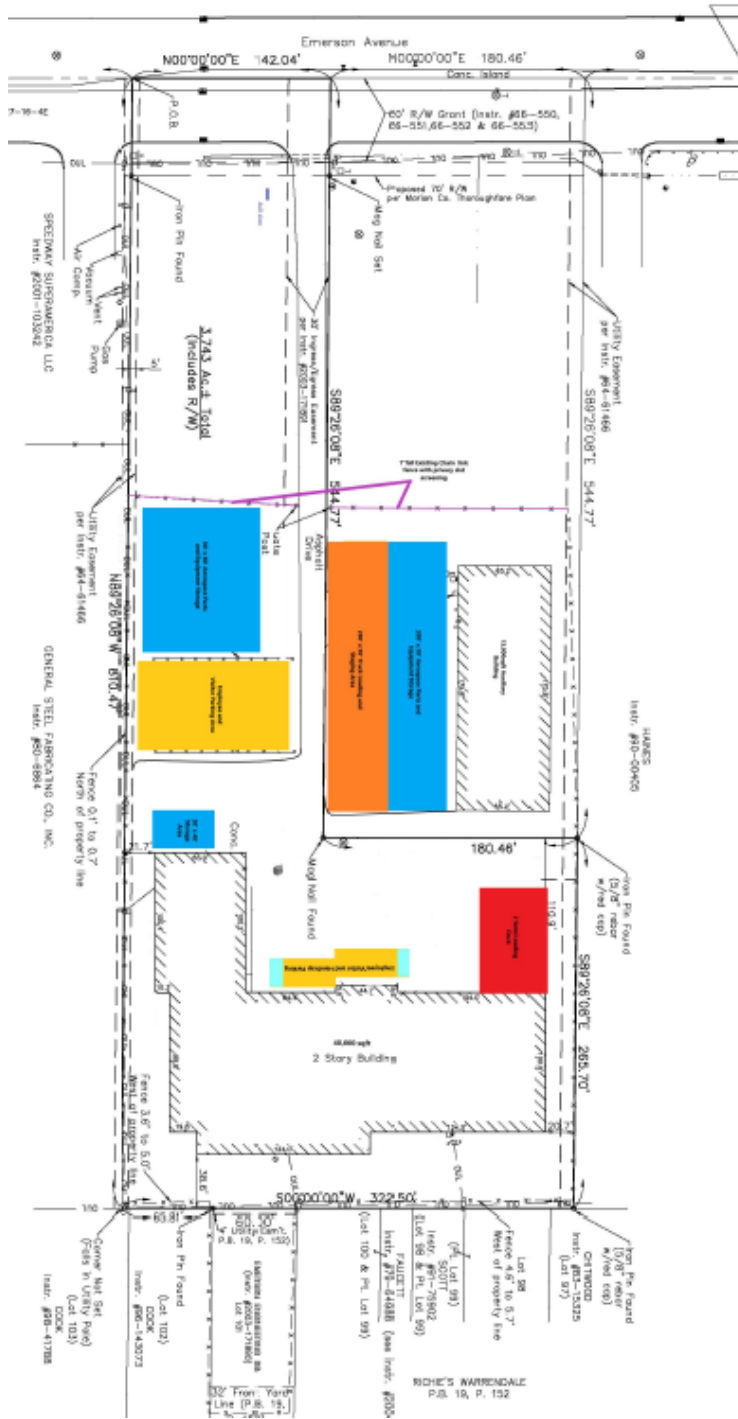
85-UV2-101 ; 2642 N Butler Avenue (east of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for the construction and repair of race cars and the re-building of antique cars, **denied**.

EXHIBITS

2025MO3002 ; Aerial Map



2025MO3002 ; Site Plan



Note: size of outdoor storage areas shown do not match the dimension labels provided. An amended site plan with accurate scaling was requested but not provided prior to publication of this report



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2025MO3002 ; 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 storage involves only non-hazardous, commercially safe goods, eliminating risks of contamination, fire hazards, or other environmental concerns.

Storage areas are clearly defined, orderly, and maintained in a manner that preserves safe circulation for vehicles and emergency responders.

Visual impact will be minimized through fencing, screening, or landscaping, ensuring compatibility with the character of surrounding properties.

The use does not increase traffic hazards, impede public access, or introduce activity inconsistent with community standards. Similar outdoor storage practices already exist within the district without adverse impacts, and this proposal is designed to operate in the same responsible manner.

Accordingly, the request upholds public health and safety while supporting the general welfare and orderly development of the 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:

Storage will be limited to designated areas, organized and maintained in an orderly manner that is compatible with surrounding land uses. Screening, fencing,

or landscaping will be provided where appropriate to reduce visual impacts and preserve the aesthetic quality of the area. The proposed storage will not introduce noise, odor,

or other nuisances that could negatively affect nearby properties. Similar outdoor storage uses exist within the district and have not diminished

surrounding property values, and this proposal is designed to operate in the same responsible and consistent manner. Accordingly, the requested use

will remain harmonious with the character of the community while safeguarding the value and enjoyment of adjacent properties.

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

Strict enforcement of the prohibition on outdoor storage would create an unnecessary hardship by restricting the petitioner's ability to continue transporting and staging

large aerospace components sourced from NASA, Boeing, Lockheed, and Blue Origin for delivery to the Indianapolis market. These components, due to their scale and specialized handling requirements,

cannot feasibly be stored within standard enclosed facilities. Outdoor storage in a controlled, screened, and secure area is essential to the petitioner's ongoing operations and ability to serve a critical and growing

sector of advanced manufacturing and aerospace supply. Denial of this allowance would impair the petitioner's ability to conduct business effectively and competitively, resulting in

a practical difficulty that goes beyond mere inconvenience and instead threatens the viability of a unique and beneficial enterprise within the community. Granting the variance

will relieve this hardship while ensuring storage is conducted in a manner consistent with the public interest.

2025MO3002 ; Previous Special Exception Conditions (2005SE3003)

1. **Subject to the site plan file-dated August 23, 2005, and the following conditions:**
2. **Outside storage shall not be permitted.**
3. **All operations shall occur within the existing building and be subject to the Plan Operation, file-dated September 22, 2005, and identified as Exhibit "A."**
4. **Any sign identifying the business use shall either be non-illuminated or externally illuminated**
5. **Subject to the PPC report submitted as part of the Plan of Operation.**



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2025MO3002 ; Notice of Violation (VIO25-003522)

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 a wall sign and free-standing sign).

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

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

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

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

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

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

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.A.6.e – Parking lots used for access or maneuverability shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.D.6.a. - The parking area lacks hard surface and durability...gravel surface).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.D.7.a. - The parking spaces lack 4 inch durable painted lines, curbs or signage).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (Table 744-402-2: - Failure to provide the required ADA parking...2 handicap parking spaces are required).

Section 740 -1005.A.9. Civil Zoning Violation

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (Failure to comply with petition #2005-SE3-003; specifically, condition #2...outside storage shall not be permitted). Contact Current Planning, 18th Floor of the City/County Building, 200 E Washington St...317-327-5155.

Section 740 -1005.A.9. Civil Zoning Violation

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (Failure to comply with petition #2005-SE3-003; specifically, condition #3...all operations shall occur within the existing building) Contact Current Planning, 18th Floor of the City/County Building, 200 E Washington St...317-327-5155.

2025MO3002 ; Photographs



Photo 1: Primary Building Viewed from West



Photo 2: Accessory Building & Northern Storage Area Viewed from South

2025MO3002 ; Photographs (continued)



Photo 3: Northern Storage Area Viewed from East



Photo 4: Northern Storage Area Viewed from Southwest

2025MO3002 ; Photographs (continued)



Photo 5: Parking Area Viewed from Northeast

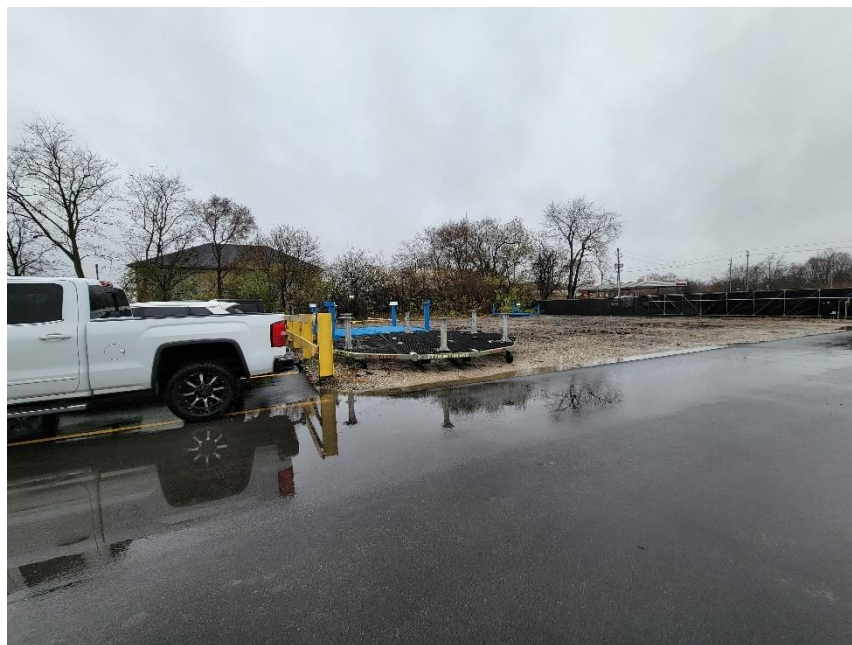


Photo 6: Western Storage Area Viewed from Northeast

2025MO3002 ; Photographs (continued)



Photo 7: Southern Storage Area Viewed from Northwest



Photo 8: Southern Storage Area Viewed from Southeast

2025MO3002 ; Photographs (continued)



Photo 9: Existing Loading Dock for Primary Building



Photo 10: Primary Building Viewed from Southeast

2025MO3002 ; Photographs (continued)



Photo 11: Portion of Primary Building (Southeast)



Photo 12: Adjacent Property to South

2025MO3002 ; Photographs (continued)



Photo 13: Adjacent Property to East



Photo 14: Adjacent Property Line to East

2025MO3002 ; Photographs (continued)



Photo 15: Existing Fence & Adjacent Property to Southwest



Photo 16: Adjacent Property to North

2025MO3002 ; Photographs (continued)



Photo 17: Subject Site Viewed from Emerson (June 2024)



Photo 18: Adjacent Property to West from Emerson (June 2024)