



Board of Zoning Appeals Board of Zoning Appeals Division II (June 10, 2025) Meeting Agenda

Meeting Details

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

Date: Tuesday, June 10, 2025

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

2025-DV2-009 (Amended) | 4925 Decatur Boulevard

Decatur Township, Council District #21, zoned C-S
Meritex Decatur LLC, by Ed Williams

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of four skyline signs on the front façade (one skyline sign per elevation permitted).

**Petitioner requests withdrawal

2025-DV2-017 | 341 West 25th Street

Center Township, Council District #12, zoned D-8
Temple Group LLC, by Jamilah Mintze

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a three-foot west and 4.5-foot east side yard setback (five feet required).

**Petitioner requests withdrawal

2025-UV2-008 | 801 West 73rd Street

Washington Township, Council District #2, zoned SU-1
Pleasant View Evangelical Lutheran Church, by Russell Brown

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

**Petitioner requests withdrawal

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-MO2-001 | 5510 Millersville Road

Washington Township, Council District #3, zoned C-4
R. Michael Thomas, by Ted W. Nolting

Modification of Commitments related to 2021-DV2-019 and 2023-MO2-001, which provided for the location of a temporary modular building with a three-foot south side transitional setback, which expired two years from the date of their approval, being May 11, 2021 and May 11, 2025, respectively. The request is to extend this expiration date to May 11, 2027.

**Petitioner requests continuance to the July 8, 2025 hearing of Division II

- 2. 2025-DV2-013 (Amended) | 3524 North Meridian Street**
Center Township, Council District #8, zoned D-9 (TOD)
Meridian Radiology LLC 401K Trust, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a four-foot tall, 12-square-foot vehicle entry point sign (maximum 2.5-foot height, area of six square-feet permitted).

****Staff requests continuance to the July 8, 2025 hearing of Division II**

- 3. 2025-DV2-018 | 5469 North Capitol Avenue**
Washington Township, Council District #7, zoned D-5 (FF)
Patrick & Jennifer Mikusky

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a five-foot rear yard setback (20 feet required).

****Staff requests a continuance to the July 8, 2025 hearing of Division II**

- 4. 2025-DV2-019 | 3870 Broadway Street**
Washington Township, Council District #7, zoned D-5 (TOD)
Carlos Garcia and Martha Rivas

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 6.5-foot tall fence within the front yards and clear sight triangles of Broadway Street and 39th Street, with 9.5-foot tall fence posted (maximum height 3.5-foot-tall fence permitted, fence posts limited to one-foot taller than maximum fence height, encroachment of clear sight triangles not permitted).

****Staff to request continuance to the July 8, 2025 hearing of Division II**

- 5. 2025-DV2-020 | 727 Fairfield Avenue**
Washington Township, Council District #8, zoned D-8
Fairfield Lofts LLC, by Josh Compton

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an eight-foot tall fence within the western side yard (maximum six-foot tall fence permitted).

****Staff requests continuance to the July 8, 2025 hearing of Division II**

- 6. 2025-UV2-006 | 5060 East 62nd Street**
Washington Township, Council District #3, zoned C-3
GSR Ventures II LLC, by Lester Wiley Carver

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an indoor event center (not permitted).

****Automatic Continuance filed by City-County Councilor, continuing this petition to the July 8, 2025 hearing of Division II**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 7. 2025-DV1-027 | 8104 Englewood Road**
Washington Township, Council District #2, zoned D-S (TOD)
Patrick & Katheryn Thompson, by Chris Schmidt

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in an 11-foot north side yard setback (15 feet required).

- 8. 2025-DV2-012 | 3421 North Keystone Avenue**
Center Township, Council District #8, zoned SU-2
Indianapolis Public Schools, by Russell McClure

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a parking area within the front yards of 35th Street and Tacoma Avenue containing two double-loaded rows of parking and three single-loaded rows of parking (limited to one single-loaded row) and a six-foot tall fence within the front yards of 34th Street and Tacoma Avenue (maximum 3.5-foot tall fence permitted).

9. 2025-DV2-015 | 5364 North New Jersey Street

Washington Township, Council District #7, zoned D-4
David & Courtney Reinkemeyer, by David and Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for location of a six-foot tall fence within the northern yard of 54th Street (maximum 3.5-foot tall fence permitted).

10. 2025-UV2-007 | 6248 Allisonville Road

Washington Township, Council District #3, zoned C-3 / D-S
Vantage Point LLC, by Brian J. Tuohy

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a fitness center (not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

11. 2025-DV1-017 | 1421 East Michigan Street

Center Township, Council District #13, zoned D-8
Indy Real Estate Consulting LLC, by David and Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for subdivision of a lot for construction of a duplex resulting in lot widths of 19.98 feet (60-foot lot widths required) and a total lot area of 6,240 square feet (7,200 square feet of lot area required), with a two-foot western side yard setback (five feet required).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

12. 2025-DV2-014 | 412 Pine Drive

Washington Township, Council District #1, zoned D-S
Matthew Vogt, by Kale Carlson

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 1,040-square foot detached garage within the front yards of Pine Drive and Spring Mill Road (accessory structures not permitted within the front yard) and proposed front yard setbacks of 30 feet from Pine Drive Road and 20 feet from Spring Mill Road (40 feet or average required).

13. 2025-UV2-001 (Amended) | 2454 North Illinois Street

Center Township, Council District #12, zoned D-8 (TOD) (RC)
Sheref Nessem, by Justin Kingen

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of either an HVAC commercial contractor (not permitted) or C-1 uses (not permitted), a parking area with a zero-foot side yard setback (four-feet required) and being greater than 30-foot wide within the front yards of Fall Creek Parkway Drive S and Illinois Street (not permitted), and a 12 square foot wall sign to be located on the eastern elevation (maximum sign area of 3% of the front elevation required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

14. 2025-DV2-016 | 1507, 1501, and 1533 West New York Street

Center Township, Council District #18, zoned D-8 (RC)
Lurvey Loft Townhomes LLC, by Adam DeHart

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 45-foot tall, four story four-unit townhome development with 27 percent living material comprising the front yard (maximum 40-foot tall, three story building permitted, 50 percent living material 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.

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-DV2-009 (Amended)
Property Address: 4925 Decatur Boulevard (approximate address)
Location: Decatur Township, Council District #21
Petitioner: Meritex Decatur LLC, by Ed Williams
Current Zoning: C-S
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of four skyline signs on the front façade (one skyline sign per elevation permitted).
Current Land Use: Commercial
Staff Recommendations: N/A
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- The petitioner has indicated that they wish to withdraw this petition, which would require the Board's acknowledgement.

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-DV2-017
Address: 341 West 25th Street (approximate address)
Location: Center Township, Council District #12
Zoning: D-8
Petitioner: Temple Group LLC, by Jamilah Mintze
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a three-foot west and 4.5-foot east side yard setback (five feet required).

Current Land Use: Undeveloped

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

The petitioner has requested that this petition be withdrawn. This would require the Board's acknowledgement.

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-UV2-008
Property Address: 801 West 73rd Street (approximate address)
Location: Washington Township, Council District #2
Petitioner: Pleasant View Evangelical Lutheran Church, by Russell Brown
Current Zoning: SU-1
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a school (not permitted).
Current Land Use: Religious Use / School

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

After this petition was filed, it was noted by staff that due to the recent passage of HEA 1515-2025, a variance of use would not be required within the State of Indiana to allow for the operation of a school as the primary use. This petition will be withdrawn at the June 10th hearing date.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-MO2-001
Address: 5510 Millersville Road (approximate address)
Location: Washington Township, Council District #3
Zoning: C-4
Petitioner: R. Michael Thomas, by Ted W. Nolting
Request: Modification of Commitments related to 2021-DV2-019 and 2023-MO2- 001, which provided for the location of a temporary modular building with a three-foot south side transitional setback, which expired two years from the date of their approval, being May 11, 2021 and May 11, 2025, respectively. The request is to extend this expiration date to May 11, 2027.

Current Land Use: Veterinarian Services Office

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

Staff is requesting that this petition be **continued for cause to the July 8, 2025, hearing with notice, due to insufficient legal notice.** Staff was delayed in providing legal notice to the petitioner. Therefore, this petition should be continued to the July 8 hearing, to allow time for proper legal notice. This will require a motion by the Board.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

June 10th, 2025

Case Number: 2025-DV2-013 (Amended)
Property Address: 3524 North Meridian Street
Location: Center Township, Council District #8
Petitioner: Meridian Radiology LLC 401K Trust, by Joseph D. Calderon
Zoning: D-9 (TOD)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a four-foot tall, 12-square-foot vehicle entry point sign (maximum 2.5-foot height, area of six square-feet permitted).
Current Land Use: Commercial
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

Staff is requesting to continue this variance petition to the **July 18th, 2025**, Division II Hearing to continue talks between staff and the petitioner. A full staff report will be available in advance of that hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

June 10th, 2025

Case Number: 2025-DV2-018
Property Address: 5469 North Capitol Avenue
Location: Washington Township, Council District #7
Petitioner: Patrick & Jennifer Mikusky
Zoning: D-5 (FF)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall fence within the front yards and clear sight triangle of Balmoral Road and Haymount Drive (3.5-foot-tall fence permitted, encroachment of clear sight triangle prohibited).
Current Land Use: Residential
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

Staff is requesting that this variance petition be continued to the July 8, 2025, Division I Hearing, to provide time for the petitioner to contact a Certified Arborist to assess the trees currently on the subject site and verify compliance with Heritage Tree Conservation regulation. A full staff report will be available in advance of that hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

June 10th, 2025

Case Number: 2025-DV2-019

Property Address: 3870 Broadway Street

Location: Washington Township, Council District #7

Petitioner: Carlos Garcia and Martha Rivas

Zoning: D-5 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 6.5-foot tall fence within the front yards and clear sight triangles of Broadway Street and 39th Street, with 9.5-foot tall fence posted (maximum height 3.5-foot-tall fence permitted, fence posts limited to one-foot taller than maximum fence height, encroachment of clear sight triangles not permitted).

Current Land Use: Residential

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This petition is required to be renoticed and continued to the **July 8th, 2025**, Division II Hearing due to an issue found on the legal notice. A full staff report will be available in advance of that hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-DV2-020

Property Address: 727 Fairfield Avenue (approximate address)

Location: Center Township, Council District #8

Petitioner: Fairfield Lofts LLC, by Josh Compton

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an eight-foot tall fence within the western side yard (maximum six-foot tall fence permitted).

Current Land Use: Multi-family residential

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition is required to be amended and renoticed due to an error on the legal notice. Therefore, Staff is requesting a continuance to the July 8, 2025 BZA Division II hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-UV2-006
Address: 5060 East 62nd Street (approximate address)
Location: Washington Township, Council District #3
Zoning: C-3
Petitioner: GSR Ventures II LLC, by Lester Wiley Carver
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an indoor event center (not permitted).

Current Land Use: Commercial Shopping Center

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued by Staff, to the June 10, 2025, hearing due to insufficient legal notice.

City Councilor Boots has filed an Automatic Continuance, **continuing this petition to the July 8, 2025, hearing**, from the June 10, 2025, hearing. This will require the Board's acknowledgement.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-DV1-027

Property Address: 8104 Englewood Road (approximate address)

Location: Washington Township, Council District #2

Petitioner: Patrick & Katheryn Thompson, by Chris Schmidt

Current Zoning: D-S (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in an 11-foot north side yard setback (15 feet required).

Current Land Use: Single-family residential

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

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued from the June 3, 2025 BZA Division I hearing due to insufficient notice and was transferred to the June 10, 2025 BZA Division II hearing upon the petitioner's request.

STAFF RECOMMENDATION

- Staff **recommends approval** of this petition.

PETITION OVERVIEW

- This petition would allow for a building addition resulting in an 11-foot north side yard setback (15 feet required).
- The subject site is zoned D-S and is improved with a single-family residence. The proposal calls for the addition for an attached garage structure on the north side of the existing residence.
- Setback standards are in place to provide for ample spacing in between structures, leave room for maintenance, and to limit overdevelopment. The property has a lot width of approximately 130 feet, while the standard for the D-S zoning district is 150 feet. Staff finds this to represent a reasonable practical difficulty with regards to meeting side setback requirements. Further, Staff finds the request for 11 feet to be minor and reasonable in nature, especially given the reduced lot width. Additionally, with reduced setbacks being present in the surrounding neighborhood, Staff does not find the proposed development to be out of character for the area and, therefore, to be in accordance with the Infill Housing Guidelines. For these reasons, Staff is unopposed to the request.



Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	D-S (TOD)	
Existing Land Use	Single-family residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-S (TOD)	North: Single-family residential
South:	D-S (TOD)	South: Single-family residential
East:	D-S (TOD)	East: Single-family residential
West:	D-S (TOD)	West: Single-family residential
Thoroughfare Plan		
Englewood Road	Local Street	50 feet of right-of-way existing and 50 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit-Oriented Development	
Wellfield Protection Area	No	
Site Plan	5/14/25	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/8/25	
Findings of Fact (Amended)	N/A	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- With regards to setbacks, the Infill Housing Guidelines recommends:
 - Reinforce spacing on the block
 - Leave room for maintenance
 - Limit uncharacteristically large gaps between houses

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

N/A

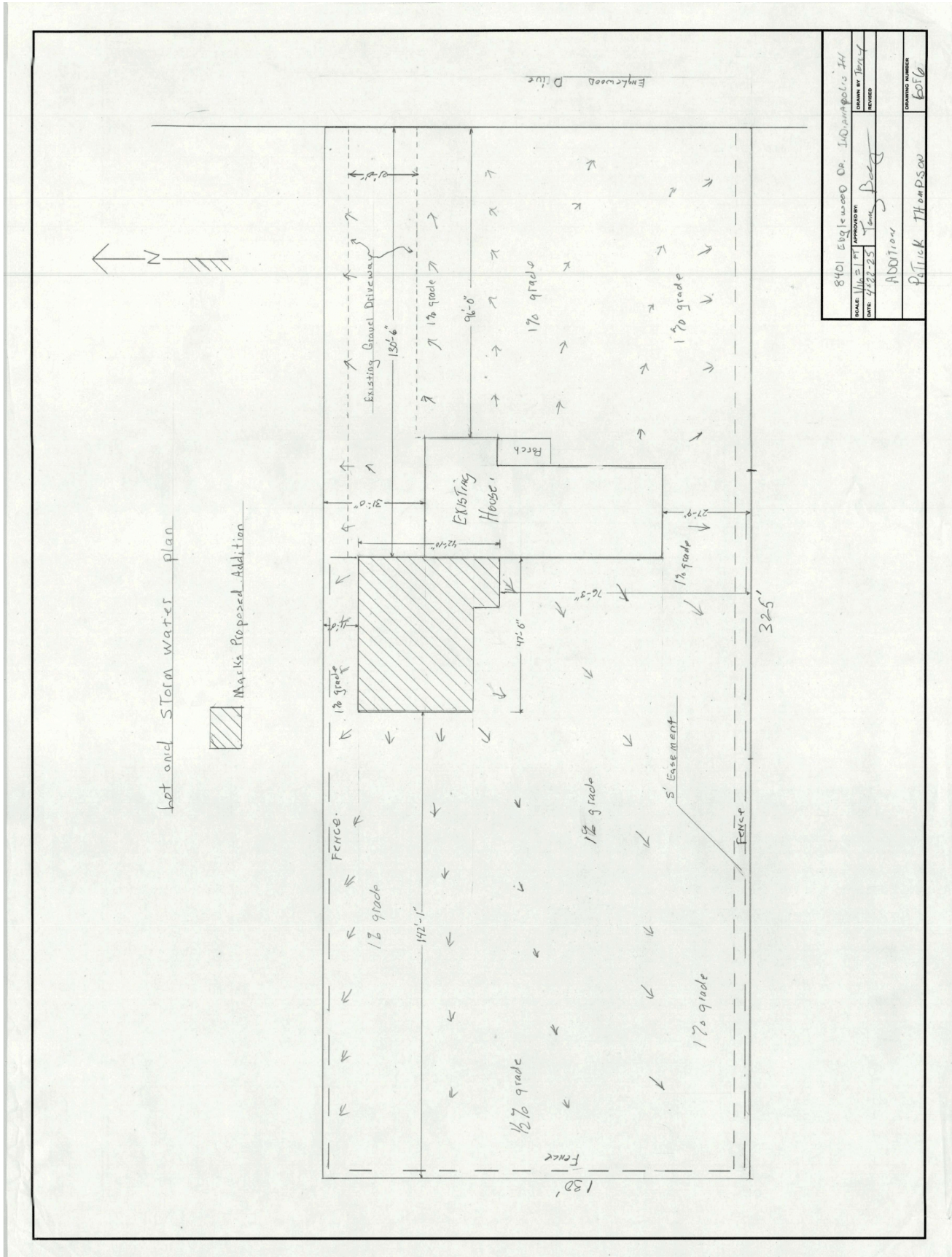
ZONING HISTORY – VICINITY

2025DV2006; 8201 Englewood Road (north of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a seven-foot north side yard setback and 14-foot aggregate side yard setback (minimum 15-foot, aggregate 35-foot side yard setback required) with a 51-foot front yard setback from Englewood Road (60-feet required) and a parking area within the front yard exceeding 30-feet in width (not permitted), **granted**.

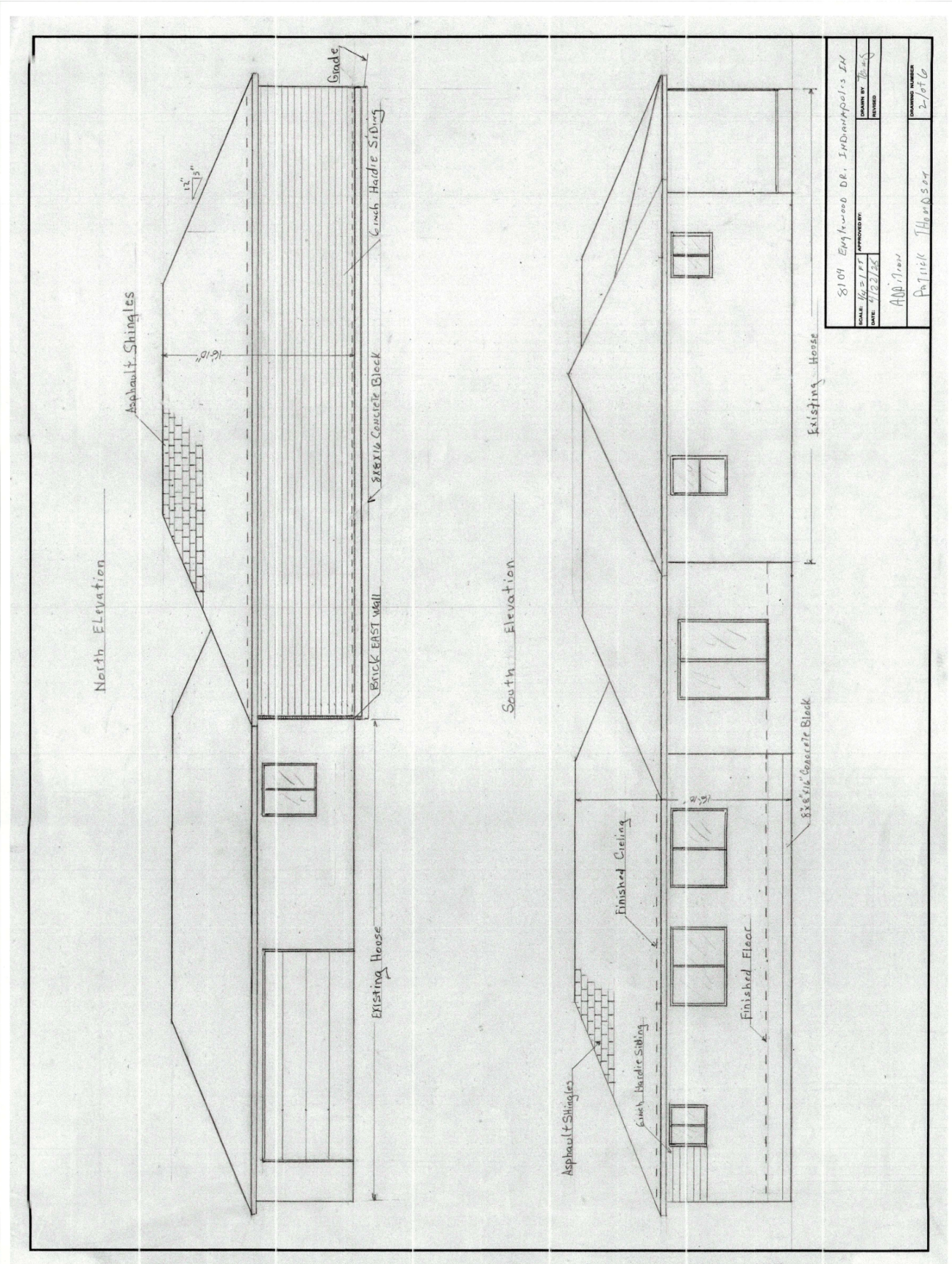
2024DV1013; 1801 East 86th Street (north of subject site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of two wall signs on elevations that do not face a street (required), **approved**.

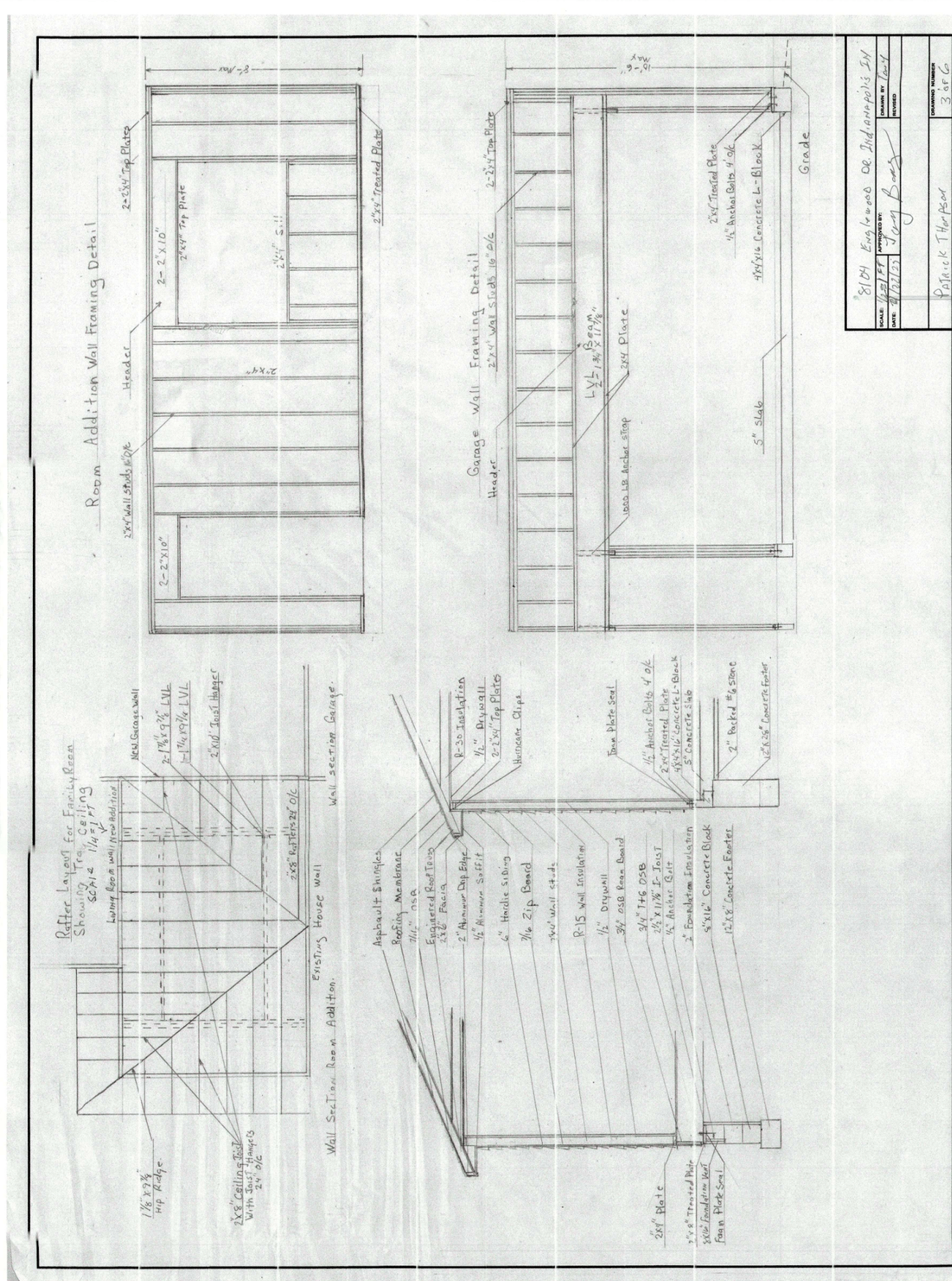
EXHIBITS

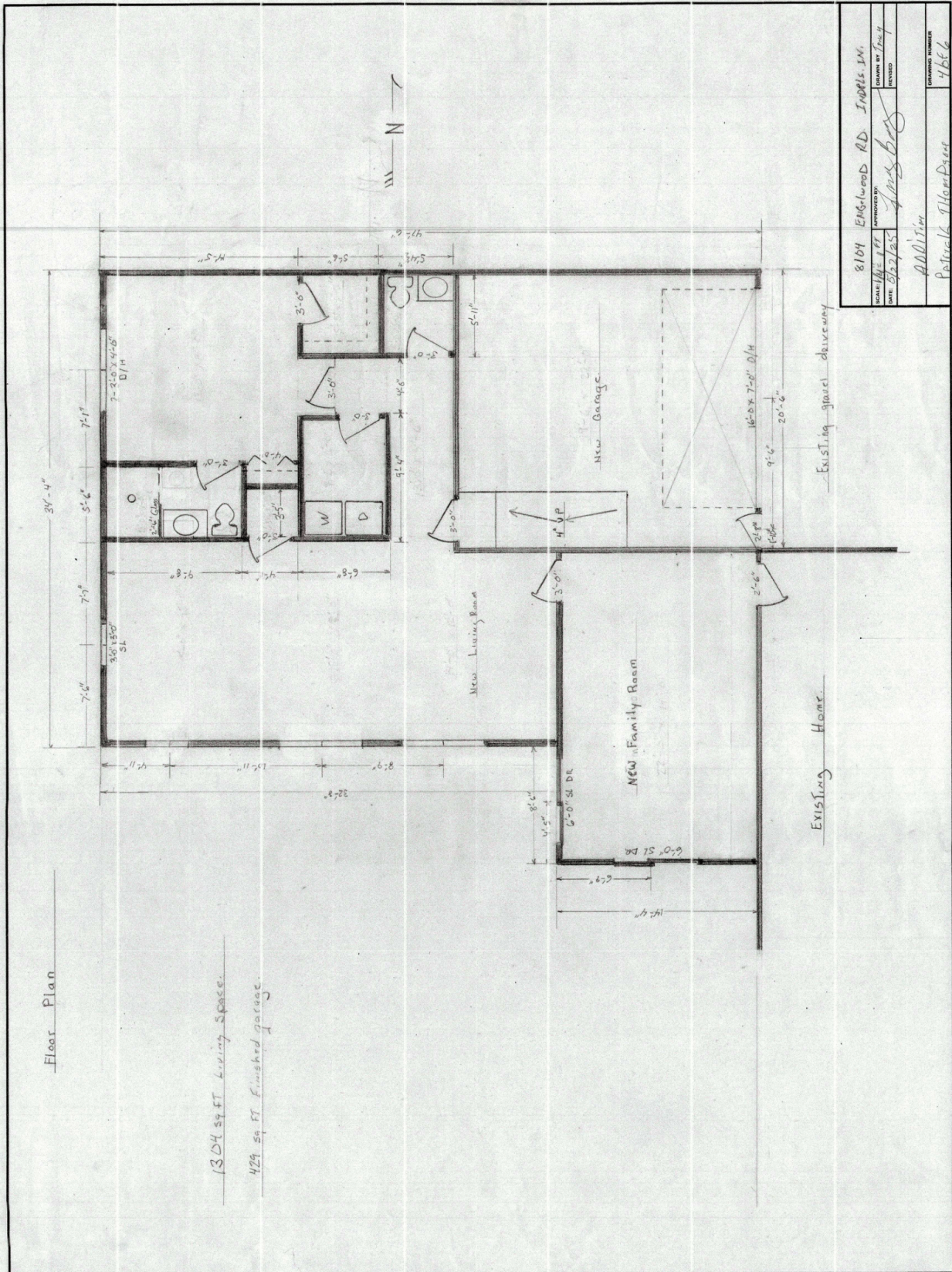




















Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

June 10th, 2025

Case Number: 2025-DV2-012

Property Address: 3421 North Keystone Avenue

Location: Center Township, Council District #8

Petitioner: Indianapolis Public Schools, by Russell McClure

Current Zoning: SU-2

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a parking area within the front yards of 35th Street and Tacoma Avenue containing two double-loaded rows of parking and three single-loaded rows of parking (limited to one single-loaded row) and a six-foot tall fence within the front yards of 34th Street and Tacoma Avenue (maximum 3.5-foot tall fence permitted).

Current Land Use: Elementary School

Staff Recommendations: Staff is recommending **approval** of this variance petition.

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the second public hearing for this variance petition.

The first public hearing occurred on May 13th, 2026 and was continued due to a no quorum, continuing the case to the BZA I Hearing on June 10th, 2025.

STAFF RECOMMENDATION

Staff is recommending **approval** of this variance petition.

PETITION OVERVIEW

- The petitioner for this variance request is asking for two (2) items: 1) a parking area within the north front yard with two (2) double-loaded rows of parking and three (3) single-loaded rows of parking within that parking lot, and 2) a six (6) foot-tall fence in the southern front yard of the school property.
- This property is within the SU-2 zoning district and is 5.8 acres in size.
- This is the location of Kindezi Academy Elementary School, Indianapolis Public School #69. The original school building has already been demolished.
- The subject site is surrounded by four (4) rights-of-way (35th Street, Tacoma Avenue, 34th Street, and Keystone Avenue), which make all four (4) sides of the property front yards.

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

- A SU-2 zoned property within the Compact Context area is limited to having one (1) single-loaded row of parking in the front of the building.
- Since the subject site has only front yards on the property and due to the size and scale of the school, one (1) single-loaded row of parking would not provide enough space to allow parking for teachers, parents, visitors, and potential school busses or emergency service vehicles that would be necessary for an elementary school.
- Fences are only permitted to be 3.5 feet in height within the front yard.
- South of the subject site is a liquor store (commercial business).
- A six-foot fence at the southern end of the site by the playground would more effectively provide screening and separation for future students at the proposed school from traffic and surrounding uses.
- Staff recommends **approval** of this variance petition because, due to its location, this property has multiple front yards. This limits the site's ability to be used for its permitted use and would make it difficult to function without the approval of variances.

GENERAL INFORMATION

Existing Zoning	SU-2	
Existing Land Use	Special Use	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Traditional Neighborhood
South:	C-3	South: Community Commercial
East:	D-5	East: Traditional Neighborhood
West:	D-5	West: Traditional Neighborhood
Thoroughfare Plan		
35 th Street	Local Street	50 feet of right-of-way existing and 48 feet proposed.
Keystone Avenue	Primary Arterial	70 feet of right-of-way existing and 78 feet proposed.
Tacoma Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed.
34 th Street	Secondary Arterial	50 feet of right-of-way existing and 78 feet proposed.
Context Area	Compact or Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	4/7/2025	
Site Plan (Amended)	N/A	



**Department of Metropolitan Development
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Elevations	4/7/2025
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	4/7/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park

Red Line / Blue Line / Purple Line TOD Strategic Plan

- 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

- 97-Z-41: 3421 North Keystone Avenue
 - Metropolitan Development Commission requests rezoning of 5.53 acres, being in the C-3 and D-5 Districts, to the SU-2 classification to conform the zoning to the exiting school use.
 - AP

ZONING HISTORY – SURROUNDING AREA

- 2000-UV1-028: 3363 North Brouse Avenue
 - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,280 square-foot carry out restaurant, (not permitted) with four parking spaces.
 - AP
- 2000-UV3-035: 4916 South State Avenue
 - Variance of Use and Development standards of the Dwelling Districts Zoning Ordinance to legally establish two detached single-family dwellings on one lot (not permitted), with one unit having 750.3-square foot of main floor area (minimum 1,200-square feet of main floor area required), with one unit having a one foot side yard setback and a detached garage with a 1.5-foot side yard setback (minimum six foot side yard setbacks required).
 - AP
- 2004-DV2-036: 3360 – 3364 North Keystone Avenue
 - Variance of Development Standards of the Commercial Zoning Ordinance to provide for parking spaces and circulation drives within the required setback without ten-foot-wide landscaped yards abutting the public right-of-way (landscaped yards required where parking spaces and circulation drives are located within the required setback).
 - AP
- 2005-DV2-006: 3360 North Keystone Avenue
 - Variance of Development Standards of the Commercial Zoning Ordinance to legally establish a 12,000 gallon underground fuel storage tank located zero feet from the existing right-of-way line, and 45 feet from the centerline, of East 34th Street, and located 59 feet from the centerline of North Keystone Avenue (minimum 70-foot setback from the centerline required), and to legally establish an 8,000 gallon underground fuel storage tank located one-foot from the existing right-of-way line of East 34th Street (minimum 70-footsetback from the centerline required).
 - AP
- 2009-UV1-010: 3532 North Keystone Avenue
 - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a daycare (not permitted), with an outdoor play area and associated off-street parking.
 - Approved
- 2014-SE1-002: 3501 North Keystone Avenue



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

- Special exception of the Dwelling Districts Zoning Ordinance to provide for a religious use, with off-street parking and identification signs.
 - Approved





Exhibit 2: Aerial of the subject site before the school building was demolished.



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 parking in the front yard area of the school and the proposed fence height is a common development pattern in the neighborhood.

The development will be carefully executed and has been carefully designed to be an asset to the Neighborhood.

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 parking in the front yard area of the school is currently existing on the south side of the site and exists on other areas immediately adjacent to the site. Several areas along Keystone Avenue have 6' tall fences, and in this case, the fence will be an aluminum picket fence and will be screened by vegetation. The development will be carefully executed and will be an asset to the neighborhood.

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

This property has four front yards which severely limit our ability to develop the site in accordance with the current zoning ordinance. If we were to comply with the ordinance, parking would be limited on the site and would not be adequate. Also, limiting the fence height would pose risks to the students.

Exhibit 3: The submitted Findings of Fact.

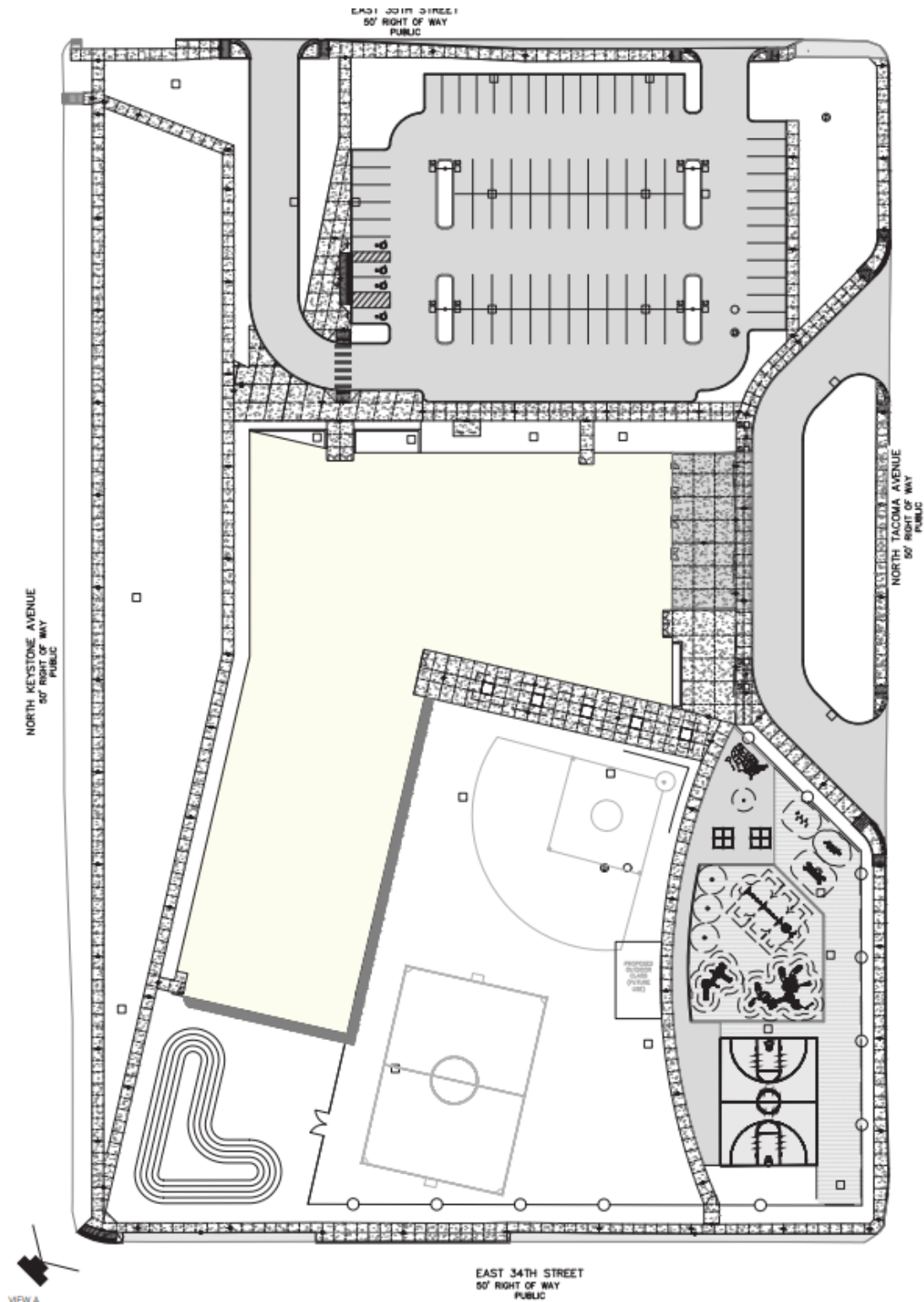


Exhibit 4: Site plan for the subject site.

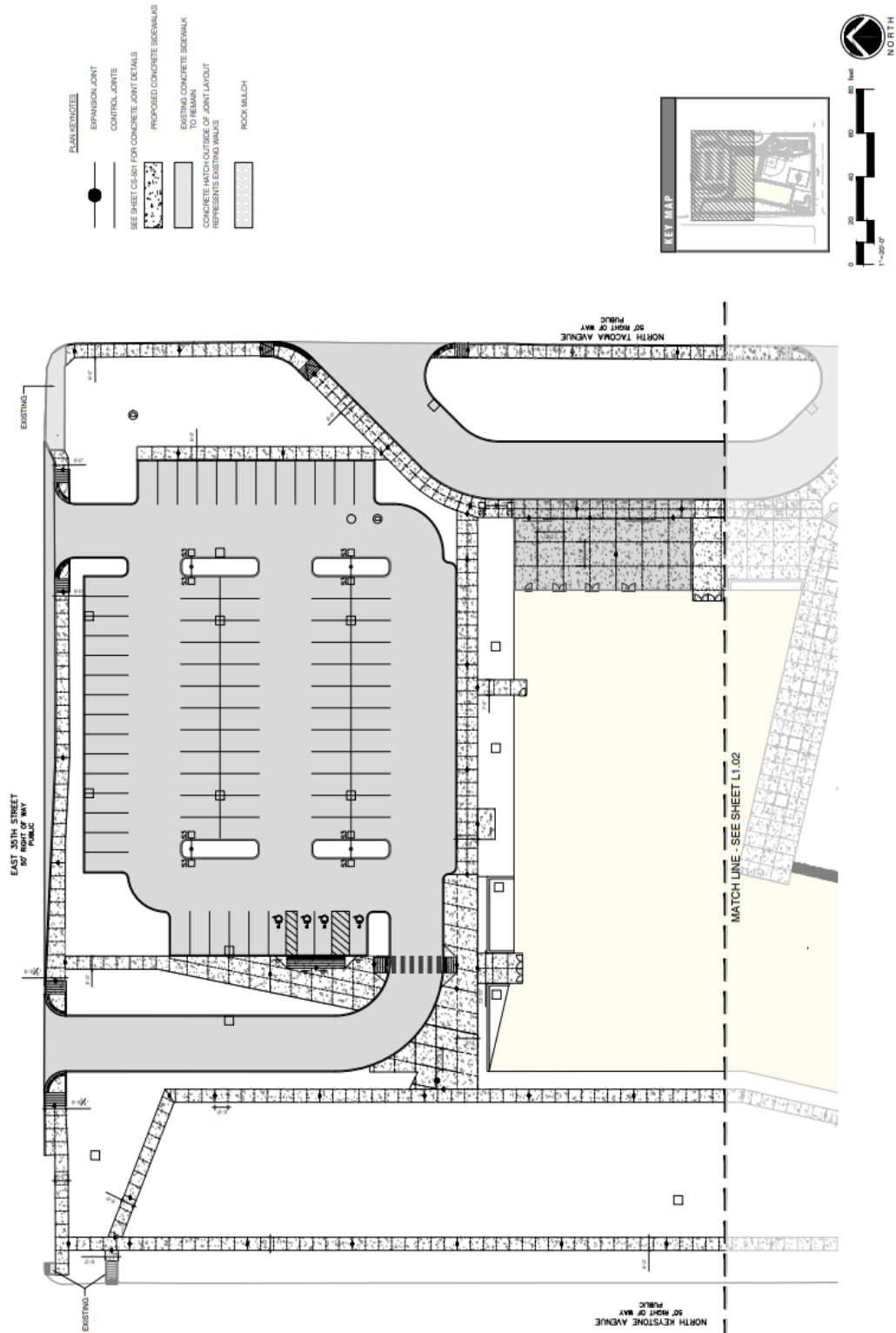


Exhibit 5: Enlarged view of the proposed north side parking lot.

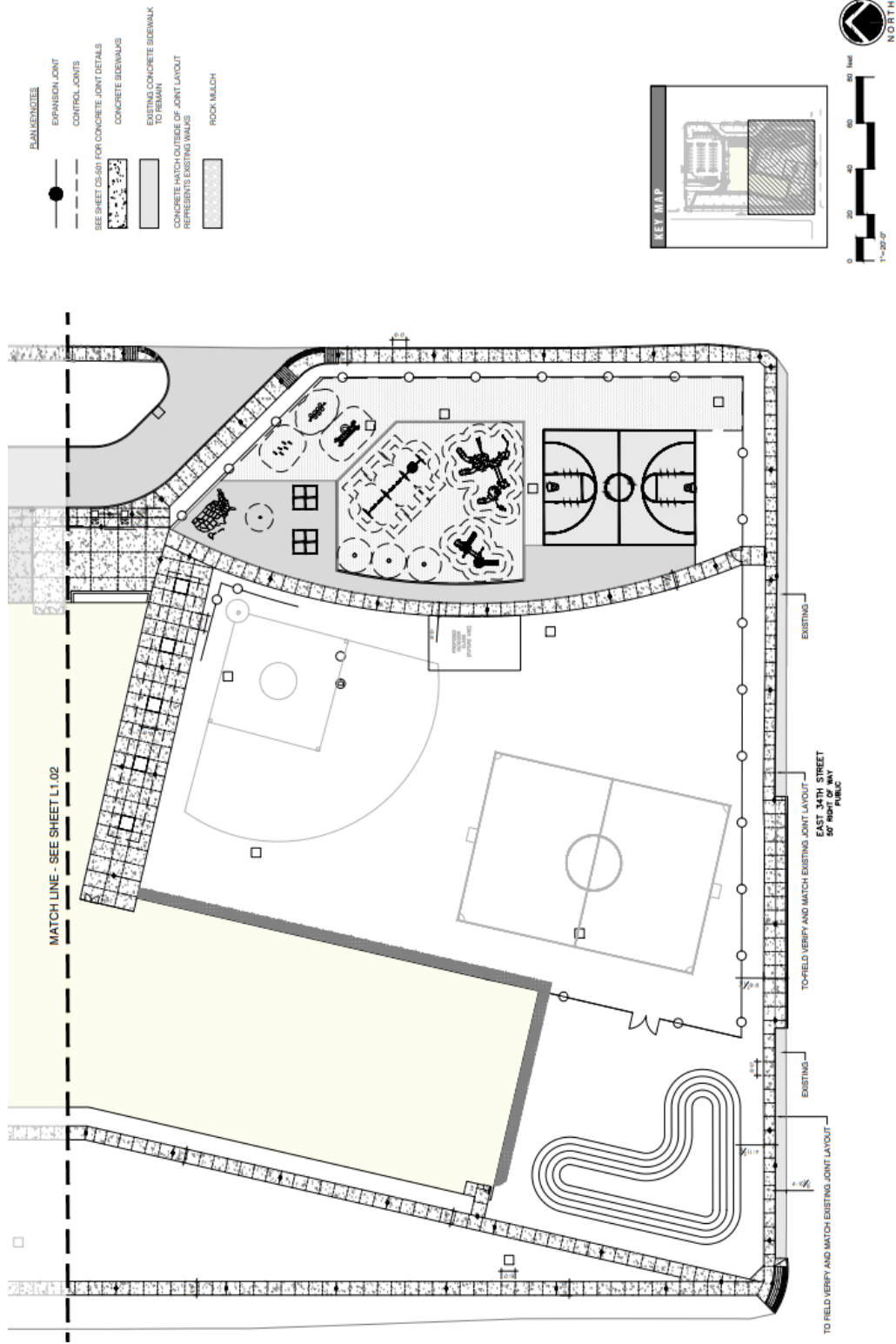


Exhibit 6: Enlarged view of the proposed playground and fence on the south side of subject site.



A VIEW FROM KEYSTONE AND EAST 34TH
NOT TO SCALE



B VIEW FROM TACOMA AND EAST 34TH
NOT TO SCALE

Exhibit 7: Architectural renderings showing what the fence and other features will look like on south side of site.



Exhibit 8: Looking north from south side of the subject site.



Exhibit 9: Looking south from north side of the subject site.



Exhibit 10: Looking west down 34th Street.



Exhibit 11: Looking east down 34th Street.



Exhibit 12: Liquor Store off of 34th Street.



Exhibit 13: Looking north up Tacoma Avenue.



Exhibit 14: Looking south down Tacoma Avenue.



Exhibit 15: Looking west down 35th Street (parking area will be on the left).



Exhibit 16: Looking south down Keystone Avenue from 35th Street.



Exhibit 17: Looking north Keystone Avenue from 35th Street.



Exhibit 18: Looking south down Keystone Avenue from 35th Street.



Exhibit 19: Looking north up Keystone Avenue from 35th Street.



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BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-DV2-015

Property Address: 5364 North New Jersey Street (*approximate address*)

Location: Washington Township, Council District #7

Petitioner: David & Courtney Reinkemeyer, by David and Justin Kingen

Current Zoning: D-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for location of a six-foot tall fence within the northern yard of 54th Street (maximum 3.5-foot tall fence permitted).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** subject to two commitments.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

Due to a lack of quorum, this petition was continued from the May 13th hearing date of Division II.

STAFF RECOMMENDATION

Staff recommends **approval** subject to commitments that landscaping/green area be installed along the northern edge of the fence closest to 54th Street, and that the fence height be reduced to six feet.

PETITION OVERVIEW

- 5364 North New Jersey is a residential parcel that is currently improved with a single-family residence and detached garage that both face 54th Street to the north. The property was historically improved with a fenced area that partially extended past the northern building line. Surrounding land uses are also residential.
- VIO24-004885 is a violation case that was opened in 2024 in relation to the placement of a new fence in the same location as the previous fence that was removed (any legally established status was lost when the fence was removed). Violation photography indicates that the newly installed fence is 6.17 feet in height. Although the initial variance application was solely made in relation to the area of fence with 32 feet in width to the west of the primary residence that encroaches out 23 feet past the northern property line, Staff noted that variances for a fence height exceeding 6 feet would also be required for portions of the fence within the side yard to the south of the home as well as fence within the rear yard to the south of the 54th Street building line.



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Current Planning**

- When informed of the fact that an amendment to the variance would be required to allow for the currently installed fence to remain at a height of 6.17, the petitioner's agent indicated to Staff that the property owner would slightly reduce the height of the existing fence to match the height of 6 feet indicated within the initial request. Approval of this variance petition would not allow for the currently installed fence to remain unaltered.
- The Zoning Ordinance requires a maximum height of 6 feet for fences within side and rear yards within residential zoning contexts. Although the northern yard nearest 54th Street is technically a corner side yard (not a front yard), the Ordinance also indicates that for fences located in any yard that (a) serves as the primary entrance for the dwelling unit or (b) faces the primary entrance of a dwelling unit across the street, the maximum height allowed would be 3.5 feet (more comparable to a front yard). Since the installed fence was field-verified to have a height over 6 feet, a variance would have been required for all of the fence if the owner had not indicated their willingness to reduce the current height. A 6-foot fence would only require a variance for the portions within the 54th Street yard. Additionally, staff confirmed that the reconstructed fence does *not* fall into the clear-sight triangular area created by the intersection of 54th Street and the alleyway to the west.
- This property is zoned D-4 to allow for low or medium intensity single-family and two-family residential development in areas with good thoroughfare and pedestrian access, relatively flat topography, and nearby community services. The Meridian Kessler Neighborhood Plan similarly recommends it to the Traditional Neighborhood typology to allow for a variety of housing and associated neighborhood-oriented uses. Although the Meridian Kessler Plan doesn't make specific reference to fences, Infill Housing Guidelines indicate that fences should be placed thoughtfully, and that front-yard fences should be ornamental in style instead of privacy fences.
- Six-foot fences are typically allowed by-right within a D-4 corner side yard, and this fence (if reduced to a six-foot height) would only require a variance due to the exception language about primary entrances within 744-510.C of the Ordinance. Given this context, staff feels that the requested variance is reasonable and would recommend approval subject to commitments that minor landscaping be installed along the northern edge of the fence similar to what had existed prior to placement of the new fence (see Photo 1 within Exhibits) and that the fence be reduced in height to six feet.



Department of Metropolitan Development
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GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-4	North: Residential
South:	D-4	South: Residential
East:	D-4	East: Residential
West:	D-4	West: Residential
Thoroughfare Plan		
N New Jersey Street	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
54 th Street	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/11/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	04/11/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Meridian Kessler Neighborhood Plan
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- See Neighborhood Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan



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- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Meridian Kessler Neighborhood Plan recommends this site for Traditional Neighborhood uses to provide a variety of housing and associated neighborhood-oriented uses typically supportive of daily living needs. It includes a mix of housing and neighborhood-oriented commercial, recreation, and institutional uses. The Plan makes no specific reference to fences.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that fences should be placed thoughtfully, and that front-yard fences should be ornamental in style (not privacy fences).

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

N/A

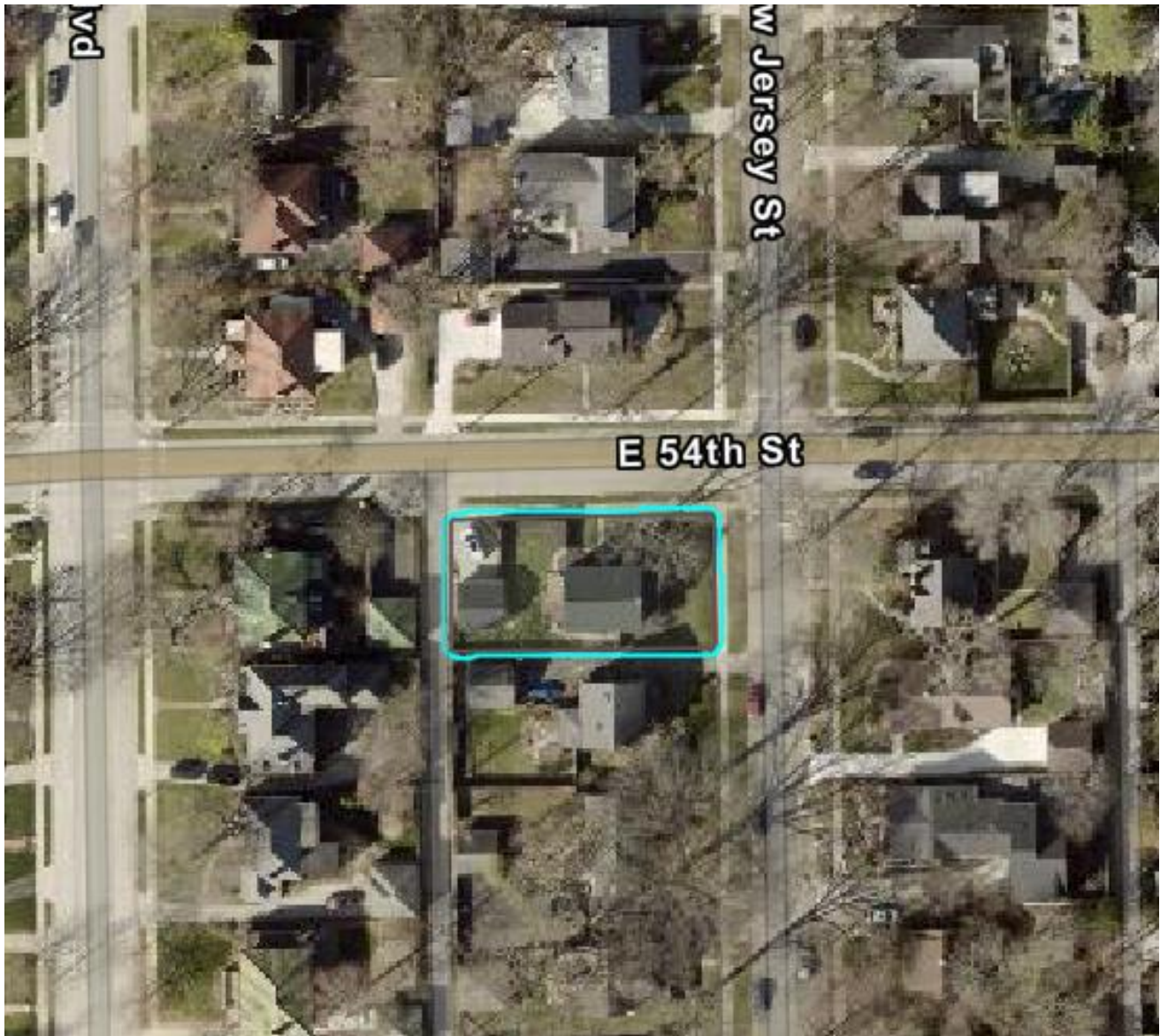
ZONING HISTORY – VICINITY

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

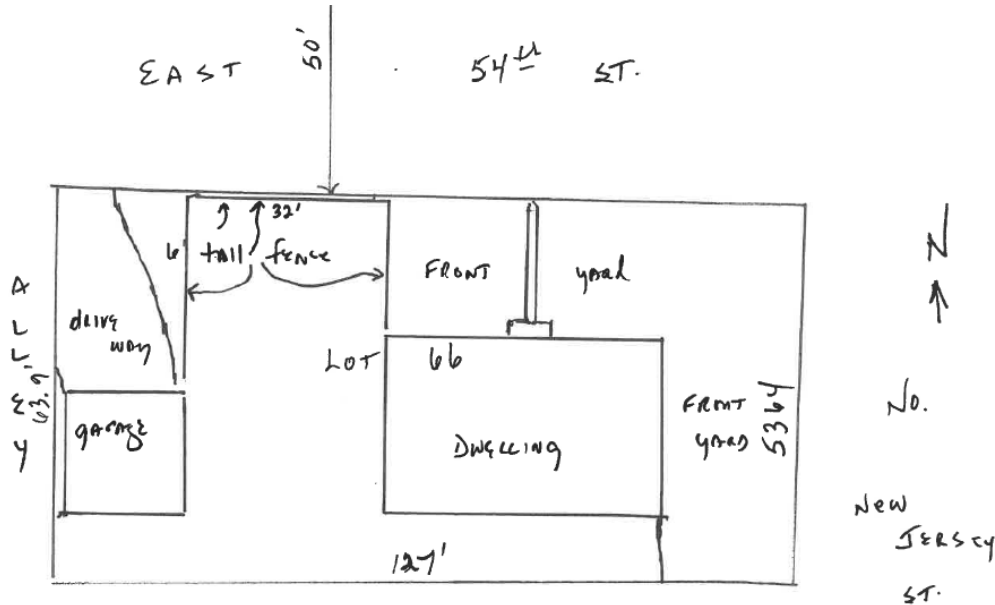
2004DV1050 ; 5365 Washington Boulevard (west of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 7.84-foot tall fence in the front yard of East 54th Street and to provide for a 7.84-foot tall, 34-foot extension to the fence in the front yard of East 54th Street, **approved**.

EXHIBITS

2025DV2015 ; Aerial Map



2025DV2015 ; Site Plan



2025DV2015 ; Findings of Fact

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

The fence replaced a old fence in deterioration at the same location. The property is addressed off No New Jersey Street; although the front door is off of East 54th Street. The fence is only 32 feet in lenght along East 54th Street (along the frontage). The fence is used to enclose the used side/ rear yard). This type of privacy fence is characteristic along this portion of East 54th Street in the Meridian Kessler neighborhood,

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

There are several residential properties that front on East 54th Street that have constructed six foot privacy fences in their front yards, all of them greater in length that the subject fence.

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

The property is longer east to west than north to south and thus if the replacement fence were removed from the frnto yard, there would remain a very small side/ rear yard to the west of the dwelling.



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2025DV2015 ; Violation Notice & Photographs (VIO24-004885, photos taken 4/14)



July 29, 2024

Case #: VIO24-004885

REINKEMEYER, DAVID & COURTNEY REINKEMEYER
5364 N NEW JERSEY ST
INDIANAPOLIS, IN 46220

RE: 5364 N NEW JERSEY ST

Dear REINKEMEYER, DAVID & COURTNEY REINKEMEYER:

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

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-4 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard with more than 30% opacity...privacy fence).



2025DV2015 ; Photographs



Photo 1: Subject Site Viewed from North (October 2023 vs. April 2025)



Photo 2: Fence Viewed from East (54th St Sidewalk)

2025DV2015 ; Photographs (continued)



Photo 3: Adjacent Property to North



Photo 4: Subject Site Viewed from West

2025DV2015 ; Photographs (continued)



Photo 5: Subject Site Viewed from East



Photo 6: Adjacent Property to East

2025DV2015 ; Photographs (continued)



Photo 7: Adjacent Property to Northeast



Photo 8: Adjacent Property to West

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-UV2-007
Address: 6248 Allisonville Road (approximate address)
Location: Washington Township, Council District #3
Zoning: C-3 / D-S
Petitioner: Vantage Point LLC, by Brian J. Tuohy
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a fitness center (not permitted).

Current Land Use: Commercial Retail Shopping Center

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued by a Registered Neighborhood Organization from the May 13, 2025, hearing, to the June 10, 2025, hearing.

STAFF RECOMMENDATION

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

1. The Variance grant allowing for operation of a Fitness/Exercise/Crossfit Business (Fitness Business) shall be conditioned upon the Fitness Business operating in substantial compliance with the Plan of Operation file dated April 2, 2025. Any future significant changes to the Plan of Operation shall be submitted for Administrator's Approval, which approval shall not be unreasonably withheld.
2. The Variance grant allowing for operation of the Fitness Business shall apply only to the portion of the premises identified as "Tenant Space for Fitness" on the survey file dated April 2, 2025, and immediately adjoining space in the event the Fitness Business desires to expand; provided, that any such expansion shall not exceed more than 2,000 additional square feet of space within the existing building.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ The requested variance of use would provide for a fitness center in an existing commercial building. Fitness centers are permitted by right as an indoor recreation and entertainment use in the C-4, C-5, and C-7 districts, and the MU-3, MU-4, CBD-1, CBD-2, and CBD-3 districts.

- ◇ The proposed use would be located in a specific tenant bay, limiting its impact and intensity on the surrounding properties. In addition, a plan of operation has been submitted that limits the hours of operation from 6:00am to 8:00pm Monday through Friday, and 8:00am to 12:00pm noon on Saturday, also limiting its impact and intensity on the surrounding properties.
- ◇ The adjacent parcel to the north on Allisonville Road, is owned by the subject site property owner. It is undeveloped with a Category Two stream, having heavy vegetation and growth in the stream corridor, that provides screening of the existing commercial site, from the D-S dwelling district to the north.
- ◇ Staff believes having the approval subject to the site plan and plan of operation would limit the scope of operation, and its intensity, providing for the requested use to be an acceptable use at this location despite the non-permitted zoning district.
- ◇ In Staff's opinion, the scale of the proposed use as described in the site plan and plan of operation would not be dissimilar from other commercial services permitted in the surrounding districts, and under the Village Mixed-Use Comprehensive Plan recommendation.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial retail shopping center	
Comprehensive Plan	Village Mixed Use	
Surrounding Context	Zoning	Surrounding Context
	North: D-S	Vacant / Single-family dwellings
	South: C-3	Commercial retail uses
	East: C-3	Commercial retail shopping center
	West: D-S	Single-family dwellings
Thoroughfare Plan		
Allisonville Road	Secondary Arterial	50-foot existing right-of-way, and 63-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	April 11, 2025	
Plan of Operation	April 11, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	April 11, 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 the Village Mixed Use typology that creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street.
- Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2022-UV2-001; 6248 Allisonville Road (subject site), requested a variance of use to allow accessory outdoor display and sales, on-going, **granted**.

2020-UV1-002; 6120-6130 Allisonville Road (south of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the training and housing of service dogs, **withdrawn**.

94-UV2-100; 6160 Allisonville Road (south of site), requested a variance of use to provide for automobile leasing operation, **granted**.

90-UV1-92; 6165 Allisonville Road (south of site), requested a variance of use and development standards to provide for the continued operation of the seasonal produce stand with a front setback of 35 feet from the center line of the Norfolk Southern Railroad right-of-way, **granted with conditions**.

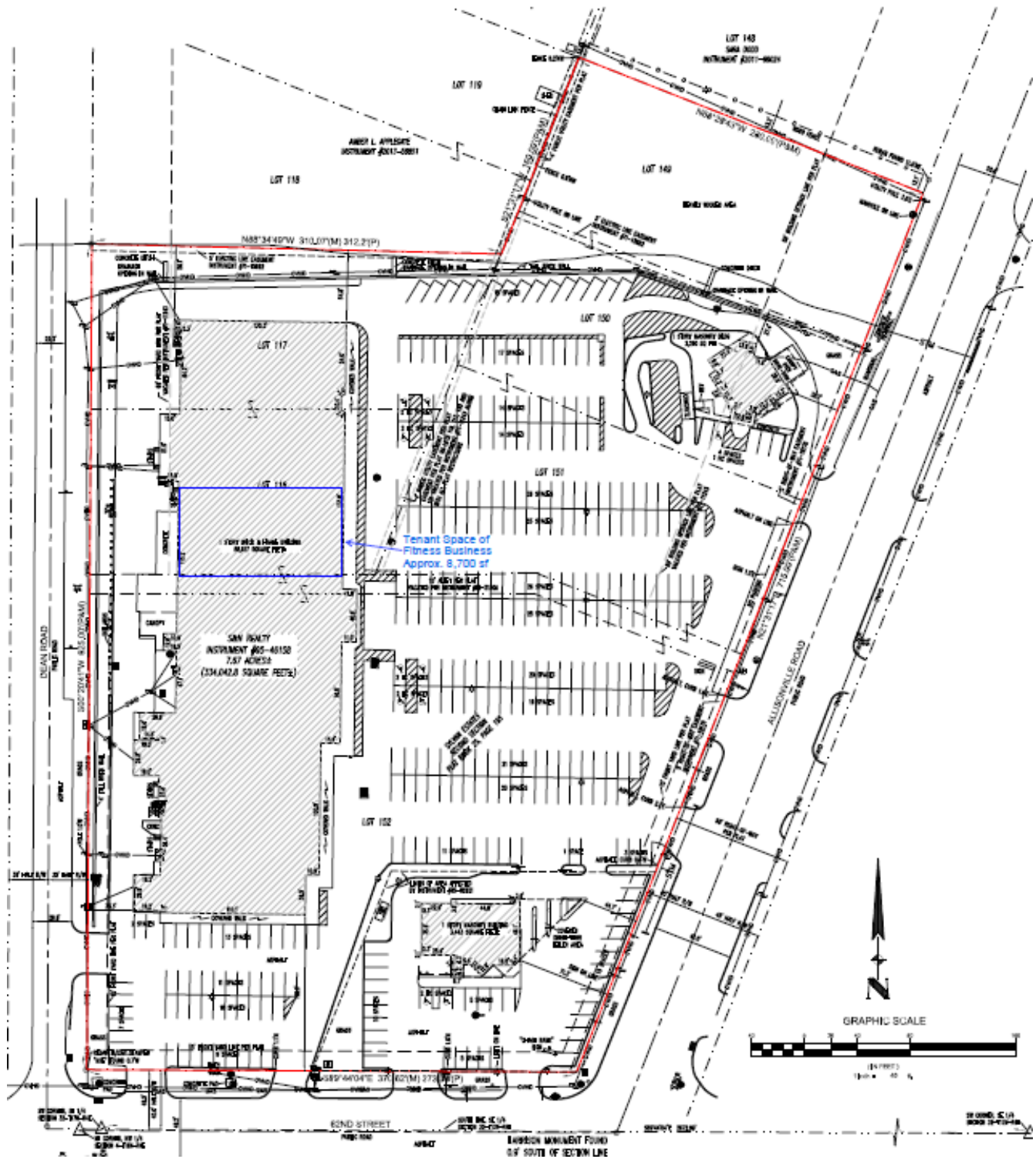
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EXHIBITS

Location Map



Site Plan (File-dated April 11, 2025)



Plan of Operation (File-dated April 11, 2025)

**Plan of Operation for Fitness / Exercise / CrossFit Business
at 6248 Allisonville Road (“Site”)**

The fitness / exercise / crossfit business (“Business”) is one tenant within the existing multi-tenant commercial retail building on the Site. The Business occupies and operates within approximately 8,700 sf of the existing approximately 56,640 sf multi-tenant building.

The hours of operation of the Business are approximately 6:00 a.m. to 8:00 p.m. Monday through Friday and approximately 8:00 a.m. to 12:00 p.m. Saturday. The Business offers individual training sessions, along with exercise / fitness classes (with the number of people attending each class to vary depending on the time of day and the day of the week). Class sizes are limited to twenty people or less. The Business also offers open facility times when individuals may use the various types of personal exercise equipment such as weights, stationary bikes, treadmills and rowing machines offered by the Business. Approximately one full-time and five part-time employees work at the Business.

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 variance will allow for a fitness/exercise/crossfit business ("Business") to continue to operate on the site. The site is located within the northwest quadrant of Allisonville Rd & 62nd St, which intersection includes commercial uses on each corner. The Business is commercial in nature and compatible with nearby commercial uses and commercial zoning districts. A fitness / exercise facility is classified as "Indoor Recreation & Entertainment". "Indoor Recreation & Entertainment" uses are permitted accessory uses within the site's C-3 zoning classification. The business only occupies a small portion of the Site's existing multi-tenant building and has not been injurious to the general welfare of the community.

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

Nearby zoning districts and uses located at the intersection of Allisonville Rd & 62nd St are commercial in nature. Similarly, the Business is commercial and compatible to such nearby uses. The Business only occupies approximately 15% of the existing multi-tenant building on the site. The variance will allow for the continued use of the tenant space by the Business (thereby precluding an empty store front), which Business has not caused any adverse affects to the use or value of the adjacent areas.

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

The site is nearby commercial uses and zoning districts. The Business, which is classified as "Indoor Recreation & Entertainment" is permitted as an accessory use in the site's zoning classification. The Business is not the only use on the site, and it only occupies approximately 15% of the existing multi-tenant building. The Business is comparable to an accessory use on the site, due to its small size and location in a small portion of a multi-tenant building. The existing C-3 zoning classification allows for "Neighborhood Commercial" and "retail and personal and professional service establishments." The Business provides fitness training, but because of its mis-classification as "Indoor Recreation & Entertainment" the use is not permitted on the property.

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 strict application of the terms of the zoning ordinance would prevent the continued operation of the Business on the site, which is a permitted accessory use in the site's C-3 zoning classification. A fitness / exercise facility is classified as "Indoor Recreation & Entertainment" which category of uses includes more intense, typically larger commercial uses, such as bowling alley, ballroom & roller skating rink. The Business is less than 9,000 sf and is one of approximately seven tenants within the existing multi-tenant building. The characteristics of the Business are similar to the characteristics of other C-3 permitted uses, which are uses that are permitted on the site.

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

The Comprehensive Plan recommends "Village Mixed Use" uses for the site, which is described as including a "wide range of small businesses". The grant of the variance does not interfere substantially with the Comprehensive Plan. The small fitness / exercise / crossfit Business is compatible with other commercial uses in the area and the Business operates as a small business providing personal fitness training to its customers.

DECISION

Photographs



Photo of subject site tenant bay, looking west.



Photo of adjacent commercial use to the north within shopping center, looking west.



Photo of adjacent commercial uses to the south within shopping center, looking southwest.



Photo of adjacent commercial shopping center to the east.

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-DV1-017

Property Address: 1421 East Michigan Street (approximate address)

Location: Center Township, Council District #13

Petitioner: Indy Real Estate Consulting LLC, by David and Justin Kingen

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for subdivision of a lot for construction of a duplex resulting in lot widths of 19.98 feet (60-foot lot widths required) and a total lot area of 6,240 square feet (7,200 square feet of lot area required), with a two-foot western side yard setback (five feet required).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

6/3/25: Since the petitioner was unable to attend the June 3rd hearing date, staff requested a continuance and transfer on their behalf to have this petition moved to the June 10th hearing date of Division II.

5/6/25: A timely automatic continuance request was filed by a registered neighborhood organization, continuing this petition from the May 6th hearing date to the June 3rd hearing date.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 1421 East Michigan Street is currently zoned D-8 and is improved with a two-family structure and detached garage. It is located within the Holy Cross neighborhood and is directly to the south of Arsenal Technical High School. Other directly adjacent land uses are residential in nature, and most properties on the block are also zoned D-8 and improved with two-family structures.
- The permits to allow for construction of the two-family structure currently existing on the site were issued in 2023 via ILP23-02890. Plans associated with those approvals indicated a 5-foot setback from both side property lines. A two-family structure was constructed on the site; however, it does not meet the setbacks that were represented on the site plan associated with the permits that

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Current Planning**

were issued. The plans submitted for this variance show a building with the same dimensions but with a 2.2-foot western setback and 7.8-foot eastern setback. It appears that the building was constructed in a location approximately 3 feet to the west of what had been proposed.

- In early 2025, the plat petition 2025PLT010 was filed to allow for the replat of 1421 E Michigan into two lots for individual sale of duplex units (the planned subdivision had not been shown on plans submitted for the ILP, and the result of the plat petition is pending the result of this variance). Per ordinance regulations related to duplexes within D-8 zoning instituted in November of 2021, variances would be required for the lot area and lot widths proposed by the replat. Additionally, this variance petition would legally establish the structure with a deficient 2-foot western side setback (a new or amended ILP would also be required should this variance be approved).
- The existing detached garage on the property is not a part of the variance request: its placement on the site predates the construction of the two-family dwelling. Permits approved in 2023 indicated construction of a new garage with 8-foot side yard setbacks, and the option to utilize the existing garage (or footprint of that garage per 744-202.E of the Ordinance) as an accessory structure for the primary use would also exist.
- This property is zoned D-8 to allow for a variety of housing formats, with a mix of small-scale multi-unit building types. Similarly, the Comprehensive Plan Pattern Book recommends it to the Traditional Neighborhood typology to allow for a full spectrum of housing types, ranging from single-family homes to large-scale multifamily development. Infill Housing Guidelines indicate that new construction should avoid irregular spacing and uncharacteristically large gaps between houses on established residential blocks, and that insufficient spacing can create maintenance issues and increase the risk of fires spreading between buildings.
- Findings of Fact provided by the applicant indicate that some properties on this block have similarly narrow setbacks and that denial of this variance would require them to demolish the structure recently constructed at the site. Staff would note that there does not appear to be a site-specific practical difficulty requiring development of the site in such a manner, and that the difficulty of having previously constructed the duplex in the incorrect location would be a fully self-imposed hardship. Additionally, it does not appear that any of the previous setbacks for neighboring sites were established by petition, and the neighboring property to the west appears to have a 0-foot side setback which results in a narrow separation of about 2 feet between the two structures. Given the lack of practical difficulty, lack of accordance with Infill Housing Guidelines, and potential maintenance and safety issues given the narrow space between the subject site and property to the west, staff recommends denial of this request.

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GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	SU-2	North: High School
South:	D-8	South: Residential
East:	MU-1	East: Residential
West:	D-8	West: Residential
Thoroughfare Plan		
Michigan Street	Primary Arterial	60-foot existing right-of-way and 78-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	03/11/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/11/2025	
Findings of Fact (Amended)	04/24/2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- This Marion County Land Use Plan Pattern Book recommends this site to the Traditional Neighborhood typology to allow for a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. Development should be compact and well-connected, with access to individual parcels via alleys and building forms that promote social connectivity and continue the existing visual pattern, rhythm, and orientation of surrounding buildings when possible.

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

- Spacing between houses establishes a rhythm and pattern along a street, and insufficient spacing can create maintenance issues and increase the risk of fire spreading across buildings. New construction should reflect and reinforce the regular or irregular spacing on the block, and uncharacteristically large gaps between houses should be avoided.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2025PLT010, Approval of a Subdivision Plat to be known as Replat of Lot 6 of North Arsenal Park Addition, dividing 0.14-acre into two lots, **pending**.

2021ZON102, Rezoning of 0.72 acre from the MU-1 district to the D-8 district, **approved**.

ZONING HISTORY – VICINITY

2021UV3009 ; 1429 E Michigan Street (east of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a wood deck with a 7.5-foot west side setback and a detached garage with a five-foot west side setback and a 10-foot south transitional rear setback, accessory to a single-family dwelling (single-family development not permitted, 10-foot side setback and 15-foot rear transitional setback required), **approved**.

2005HOV026 ; 1417 E Michigan Street (west of site), Variance of use of the Commercial Zoning Ordinance to legally establish a two-story, 1,802-square foot single-family dwelling, and to provide for the construction of a 720-square foot detached garage (single-family dwellings and related accessory uses and buildings not permitted), **approved**.

92-Z-99 ; 1401 East 10th Street (north of site), rezoning of 80 acres to the SU-2 district, **approved**.

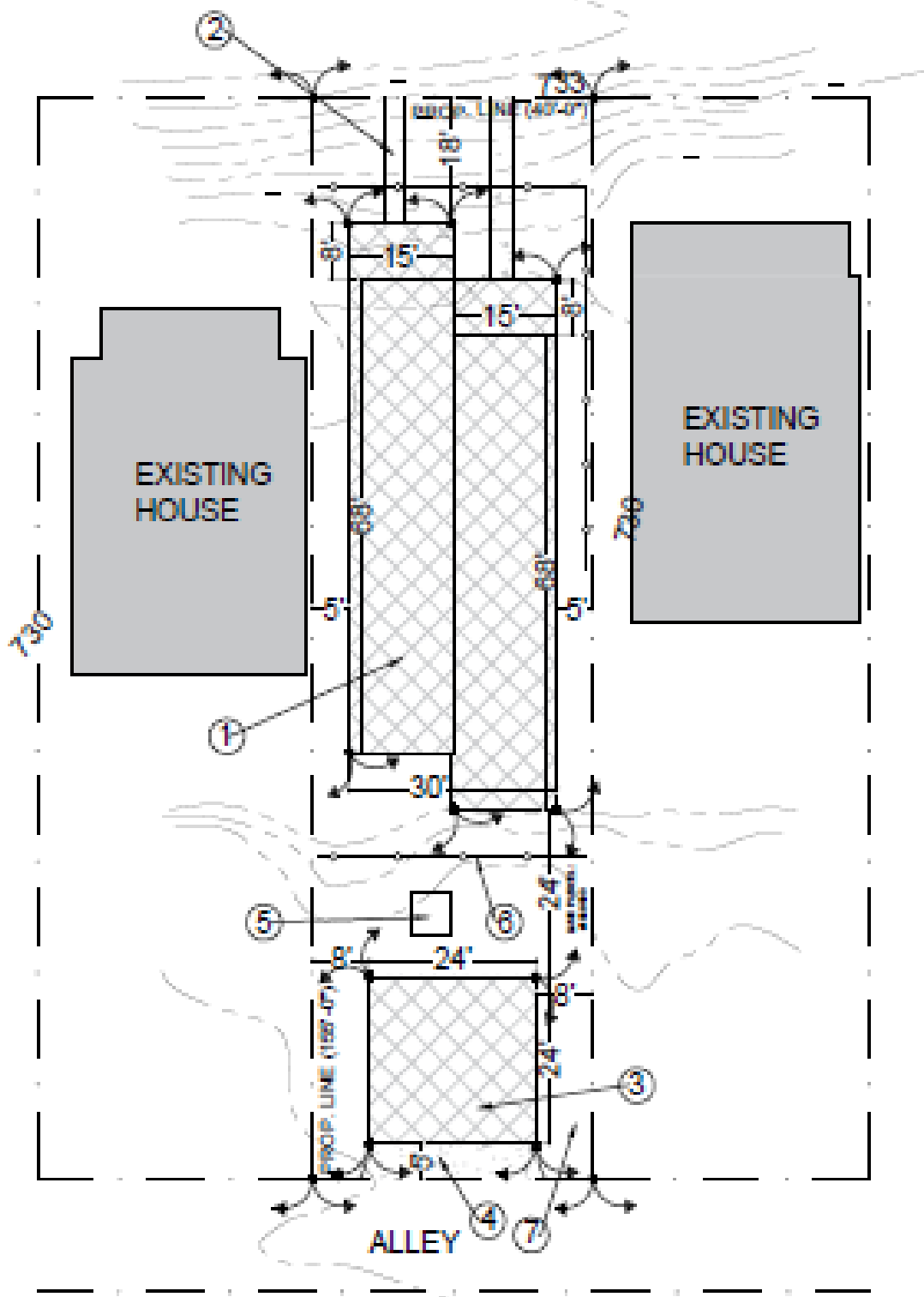
EXHIBITS

2025DV1017 ; Aerial Map

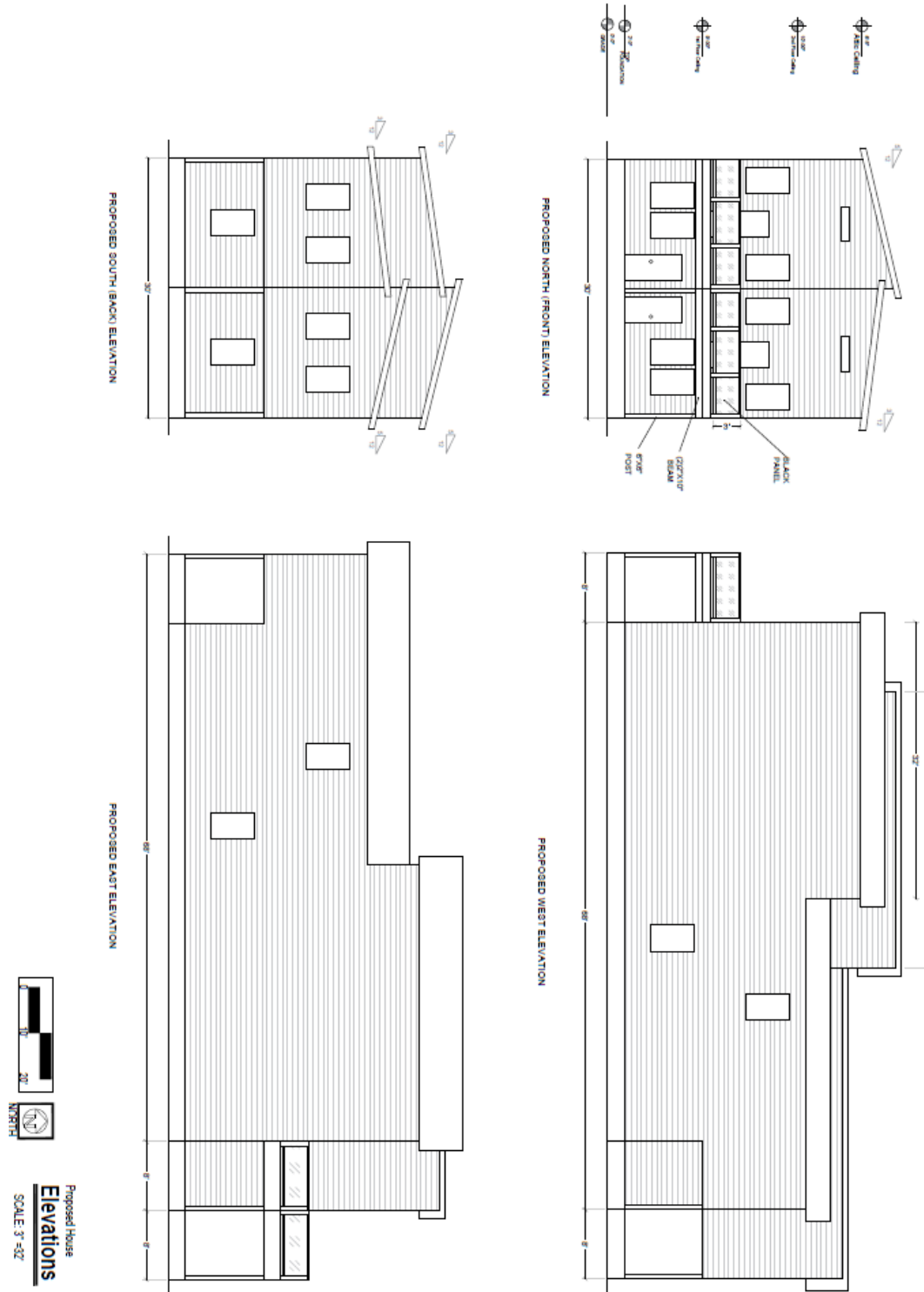




2025DV1017 ; Site Plan Approved for Permits (ILP23-02890)



2025DV1017 ; Building Elevations Approved for Permits (ILP23-02890)



2025DV1017 ; 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 residential structure contains a similar side-yard setbacks to the other residences along this block of East Michigan Street as well a significant amount of residential properties in the Holy Cross Neighborhood. There are two existing duplexes to the west of the subject along East Michigan Street that have similar lot widths and lot areas. Thus, granting this variance request will not be injurious to the public health as the existing residential structure and its setbacks, lot width and lot area are consistent with the character of this neighborhood.

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

The use of the property is consistent with the Marion County Land Use Plan Pattern Book and the value of the nearby residences won't affected in an adverse manner given that this is an existing residential structure that contains side-yard setbacks, lot width and lot area that are consistent with the residential properties in the immediate vicinity.

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

This variance request for the reduction of the side-yard setback, reduction of the lot width and reduction of the lot area will will legally establish the existing duplex. The practical difficulty exists due to the fact that this structure would be required to be razed if the variance request is not granted.

2025DV1017 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from Across Michigan St

2025DV1017 ; Photographs (continued)



Photo 3: Separation from Western Neighbor Viewed from North

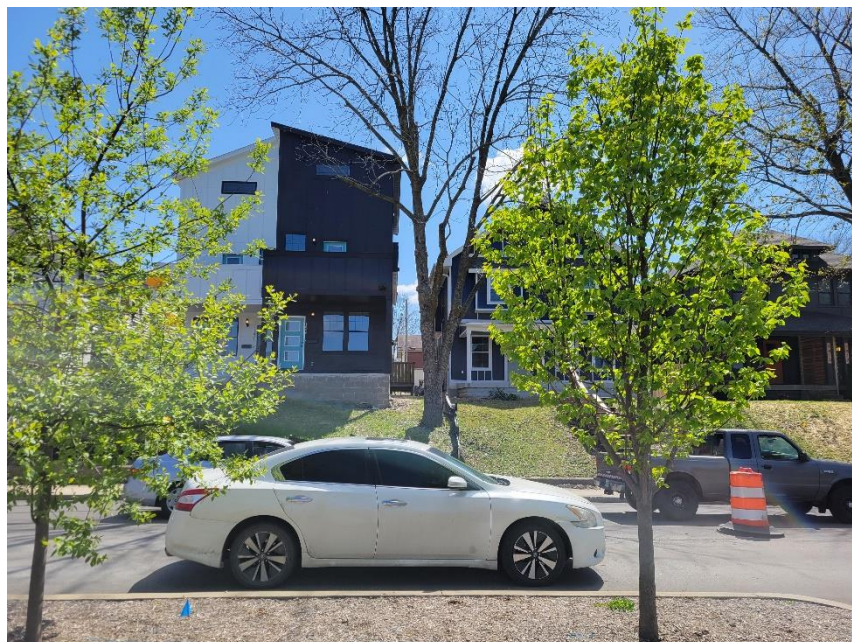


Photo 4: Separation from Western Neighbor Viewed from Across Michigan St

2025DV1017 ; Photographs (continued)



Photo 5: Adjacent Property to North



Photo 6: Subject Site + Separation from Western Neighbor Viewed from South

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-DV2-014

Property Address: 412 Pine Drive (*approximate address*)

Location: Washington Township, Council District #1

Petitioner: Matthew Vogt, by Kale Carlson

Current Zoning: D-S

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 1,040-square foot detached garage within the front yards of Pine Drive and Spring Mill Road (accessory structures not permitted within the front yard) and proposed front yard setbacks of 30 feet from Pine Drive and 20 feet from Spring Mill Road (40 feet or average required).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by the petitioner in advance of the May 13th hearing date. This petition was continued to the June 10th date at that point in time.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 412 Pine Drive is a residential property and corner lot located at the intersection of Pine Drive and Spring Mill Road. It is currently developed with a primary residence (initially constructed in 1957), pool (added in 1994), and driveway leading to the attached 3-car garage. Surrounding land uses are also single-family residences, and the property is screened by trees from both rights-of-way.
- Approval of this variance petition would allow for construction of a 40'x26' detached garage structure within both front yards of the property. In addition to the broad prohibition on placement of accessory structures within front yards in residential contexts, the proposed garage would also not meet the required front-yard setback from either frontage. The Ordinance requires the *greater* or 40 feet of separation or the average front setback of neighboring properties (in this instance, about 56 feet from Pine Drive and about 83.5 feet from Spring Mill Road).

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- This property is zoned to the D-S (Dwelling Suburban) district to allow for suburban areas of extreme topography desirable for low density, estate-style development. Generous front yards with trees along roadways that follow the natural terrain of the land are envisioned for the D-S district. Similarly, the Pattern Book recommends this site to the Suburban Neighborhood living typology. Additionally, Infill Housing Guidelines indicate that, when possible, accessory structures should be located behind existing buildings.
- Findings of Fact provided by the applicant in support of this petition were minimal, but mentioned the need for a parking space that could house “a large SUV” and that any alternate parking options would require the placement of additional driveway within naturalized areas. Staff disagrees that ownership of a large personal automobile rises to the level of a site-specific practical difficulty and feels that several alternate options would be preferable. Potential remedies might include remodeling the existing 3-car garage to be comprised of a double-width door and single-width door instead of three single-width ones or utilizing the existing driveway to park the SUV.
- The Indianapolis Zoning Ordinance only requires one parking space per dwelling unit, and it is unclear why the existing garage, which appears to be around 1100 square feet in size, would be unable to allow for parking of personal vehicles as well as typical accessory storage. Staff feels that placement of a front-yard accessory structure that does not comply with setback standards or Infill Housing Guidelines would not be appropriate within this residential context where it doesn’t appear that accessory structures within front yards are common. Additionally, although a landscape buffer does currently exist to the south and east of the proposed location, this is not a guarantee that such buffering would exist in the future. Given the lack of site-specific practical difficulty to justify the deviation and ample space to allow for vehicle parking at the property, staff recommends denial of this variance.

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Division of Planning
Current Planning**

GENERAL INFORMATION

Existing Zoning	D-S	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-S	North: Residential
South:	D-S	South: Residential
East:	D-2	East: Residential
West:	D-S	West: Residential
Thoroughfare Plan		
Pine Drive	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Spring Mill Road	Primary Collector	71-foot existing right-of-way and 90-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/08/2025	
Site Plan (Amended)	N/A	
Elevations	04/08/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	04/08/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Pattern Book recommends this site to the Suburban Neighborhood typology to allow for predominantly single-family housing interspersed with attached and multifamily housing and with natural corridors and features treated as focal points or organizing systems for development.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that accessory structures should be located behind the existing building unless there is a precedent otherwise, and that the scale, height, size and mass should not overshadow primary residences.

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

2021HOV005 ; 235 Willowgate Lane (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a pool and related uses in the front yard of Willowgate Drive (accessory structures not permitted in the front yard), **approved**.

2008DV2034 ; 316 Willowgate Drive (southeast of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for each lot to have a minimum open space ratio of 60 percent (minimum lot open space ratio of 75 percent required), **approved**.

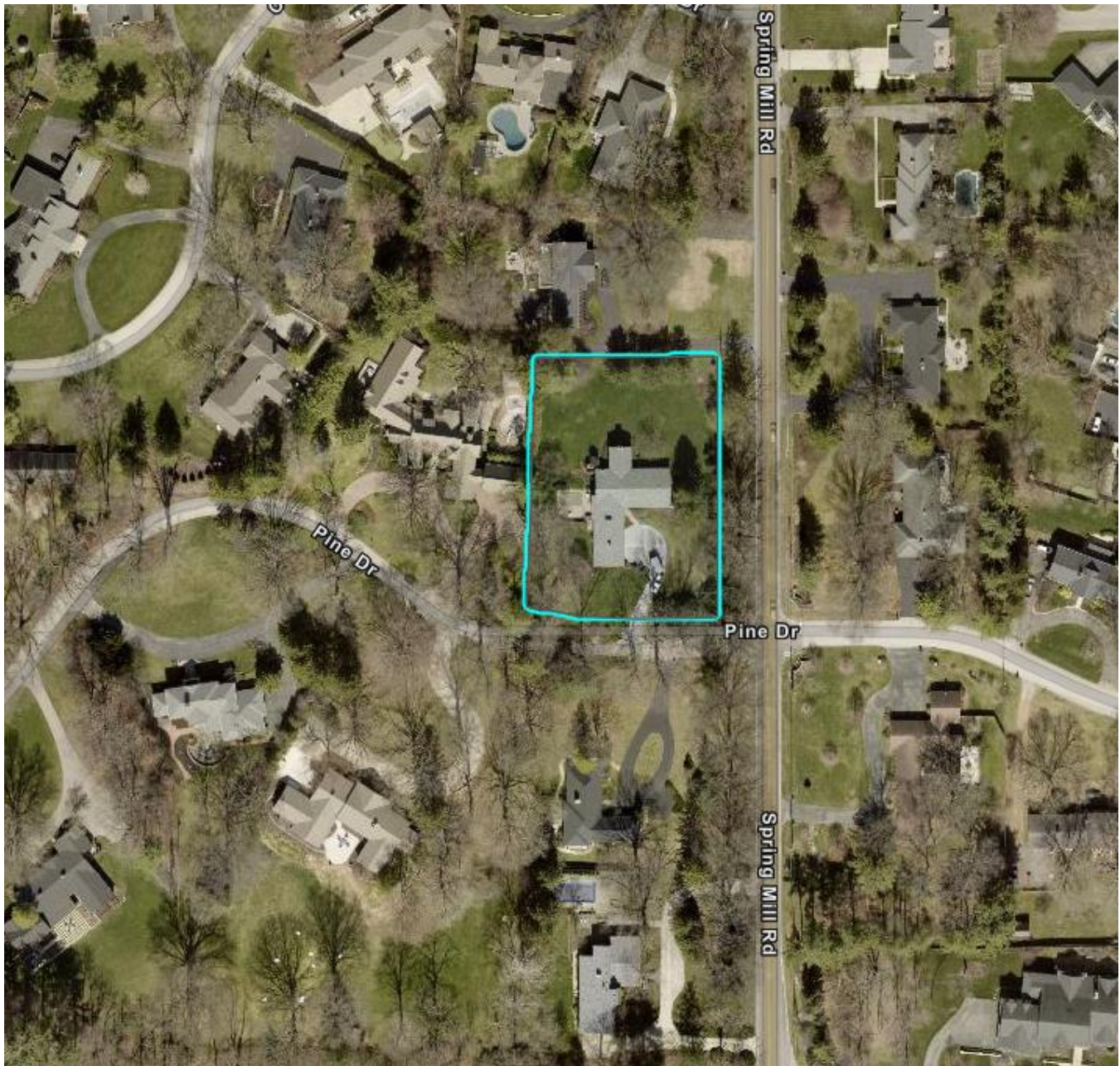
2007VAR838 ; 501 W 93rd Street (southwest of site), VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to provide for a lot with a lot width of 120 feet at the required setback line (minimum 150-foot lot width required), **approved**.

2006HOV037 ; 535 W 96th Street (southwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 1,200 square foot addition between the existing single-family dwelling and the existing detached garage with an 11.9-foot east side setback (minimum fifteen-foot setback required), and resulting in a 28.9-foot side yard aggregate (minimum 35-foot side yard aggregate required), **approved**.

2005DV3001 ; 526 W 93rd Street (southwest of site), legally establish a six-foot tall front yard fence in D-S (FW)(FF), **denied**.

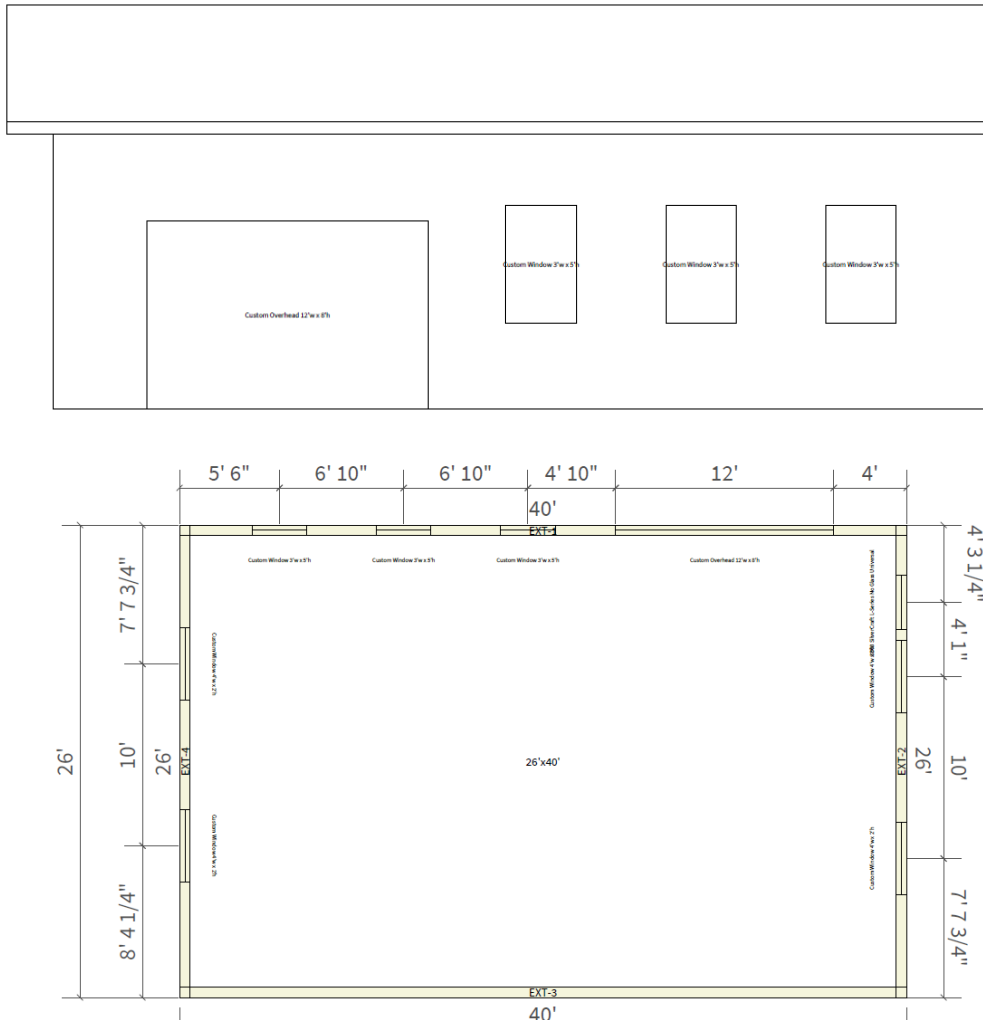
EXHIBITS

2025DV2014 ; Aerial Map





2025DV2014 ; Western Elevation & Floorplan



2025DV2014 ; 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 structure will have no effect on public health, safety, morals or general welfare.

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

Proposed building will not be visible from road.

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

Proposed building is a detached garage needed in order to fit a large SUV.

Locating the building anywhere else on the property would require the owner to install a separate drive and ruin the aesthetics of his natural yard.

2025DV2014 ; Photographs



Photo 1: Subject Site Viewed from South



Photo 2: Existing Attached Garage on Primary Structure

2025DV2014 ; Photographs (continued)



Photo 3: Location of Proposed Garage (Viewed from South)



Photo 4: Location of Proposed Garage (Viewed from East)

2025DV2014 ; Photographs (continued)



Photo 5: Location of Proposed Garage (Viewed from Southwest)



Photo 6: Adjacent Property to South

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025UV2001 (Amended)

Property Address: 2454 North Illinois Street (*approximate address*)

Location: Center Township, Council District #12

Petitioner: Sheref Nessem, by Justin Kingen

Current Zoning: D-8 (TOD) (RC)

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of either an HVAC commercial contractor (not permitted) or C-1 uses (not permitted), with a zero-foot side yard setback (four-feet required), and being greater than 30-foot wide within the front yards of Fall Creek Parkway Drive S and Illinois Street (not permitted), and a 12 square foot wall sign to be located on the eastern elevation (maximum sign area of 3% of the front elevation required).

Current Land Use: Commercial

Staff Recommendations: Staff recommends **denial** of the variance requests.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

5/13/25: Due to a lack of quorum, this petition was continued by staff on behalf of the petitioner to the June 10th Division II hearing date.

4/8/25: The petitioner indicated their intention to make a for-cause continuance request to allow for them to meet with the Near North Development Corporation neighborhood group on April 10th. Staff does not oppose their request to have the petition continued to the May 13th hearing date to facilitate that meeting but would not support additional continuance requests. An updated site plan was provided on May 8th that made small changes to parking layout and revised the fence location to be solely placed within side and rear yards and outside of the clear-sight triangle. The request has been amended to remove reference to the fence variances requested, but staff's overall position remains a **denial** recommendation.

3/11/25: The petitioner indicated that they will make a for-cause continuance request to the April 8, 2025 hearing date to allow additional time for discussion of the petition with relevant neighborhood associations and with staff. An updated plan of operation was provided that gave additional context on the shipping and storage of HVAC parts. No changes were made either to staff's recommendation or to how the existing use at the site would be classified per the city's zoning ordinance.

2/11/25: The petitioner made a for-cause continuance request at the February 11, 2025 Division II hearing to allow sufficient time for legal notice to be sent. In the intervening period, the petitioner amended the request to (a) remove the unscreened dumpster request (b) replace the monument sign with a wall

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sign and (c) added a request for C-1 uses to function at the site (a separate and distinct category from the requested contractor use). The petitioner also provided a set of proposed commitments and made minor changes to the site plan.

STAFF RECOMMENDATION

Staff recommends **denial** of the variance requests.

PETITION OVERVIEW

- 2454 Illinois is a corner lot currently improved with two (2) small commercial structures (one primary office and one garage) despite being zoned D-8 for residential uses. The site currently appears to be functioning as a commercial contractor despite no zoning petition allowing for the unpermitted use. The violation case VIO24-007484 cited this use as well as multiple other non-conformities. Surrounding land uses include residential uses to the west, east, and south as well as the Fall Creek (and Fall Creek Greenway) to the north. Kessler Park is located near the property to the northeast. The property is also located within the Regional Center and Transit-Oriented Development Secondary Zoning District given its proximity to the North Meridian Street corridor and IndyGo's BRT Red Line respectively.
- Prior to the unpermitted contractor use, the subject site had been granted a Use Variance in 1997 (97-UV1-62) to allow for the property to be used as a beauty parlor, after previously functioning as an ice cream shop per approval of 48-V-188 in 1948 and a fueling station before that point in time. This approval was subject to a landscape plan (see Exhibits) for which the approved landscaping appears to have never been installed. A lack of compliance with several elements of the 1997 variance was cited within VIO24-007484. If this variance were to be approved, the commitments associated with the older petition would no longer be applicable for the contractor use and new commitments would need to be imposed if desired by the Board.
- Application documents provided by the applicant indicate that the use proposed at their site would be a "C-1 office use" distinct from the HVAC contractor use mentioned within the text of this variance. The petitioner also later amended the notice to request permission for either (a) a HVAC contractor use or (b) all C-1 uses at the site, and suggested commitments indicating that no contractor work or outdoor operations would take place at the property. It is staff's determination that the HVAC contractor use would be most appropriately classified as a 'commercial and building contractor' use given the parking of commercial vehicles at the site (per the operation plan as well as site and aerial photos). The mention of outdoor operations within the violation and additional correspondence with the applicant indicated that both delivery and storage of some HVAC tools and equipment would take place at the subject site. Unless all service vehicles and storage of tools/parts related to the contractor use were housed at a separate facility, the scope at this site would exceed solely office functions (allowed in C-1) and would only be allowed within heavy commercial or industrial districts.

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- Additionally, several variances of development standards would be required based on the provided site plan, site conditions and context provided from the notice of violation (see Exhibits for full VIO text): (a) paved vehicle areas and parking stalls would be placed within both front yards and within 0 feet of side property lines respectively; and (b) a wall sign with an area of 12 square feet would be placed (limited to a maximum sign area of 3% of the front elevation's square footage given the residential zoning designation). The petitioner indicated via written confirmation and an updated site plan that all six-foot fencing would be removed from front-yard areas.
- If the existing structures and curb cuts at this site didn't currently exist, several additional variances would be likely required for setbacks and exclusive vehicle access from the western alley. However, since these improvements already exist at the site, required variances would be limited to the new use and development standards introduced by changes to the currently existing layout. Staff also notes that while TOD standards for frontage design and building placement/form would only be enforceable if this property had a commercial zoning, the site layout would not conform with design requirements for commercial areas near transit lines. Additionally, the Ordinance would require that the curb and sidewalk on the eastern property line be *restored* in addition to the entry and curb cut being removed should the petition be approved.
- Any non-conformities cited within VIO24-007484 that are *not* included within this variance request (i.e. full paving of the site, parking of commercial vehicles and trailers, any outdoor storage and operations, etc.) would need to be resolved outside of the variance process in order for the site to be brought into compliance, and approval of this variance over staff's recommendation should not be construed as allowance for those non-conformities to remain.
- The D-8 zoning district is intended for a variety of housing formats, with a mix of small-scale multi-unit buildings. Heavy commercial and industrial land uses are not contemplated for this zoning or recommended by relevant Comprehensive Plans (Pattern Book, Regional Center Guidelines) which indicate Residential Neighborhood uses of 6 to 15 dwelling units per acre would be most appropriate. Similarly, the TOD Red Line Strategic Plan indicates that surface parking should be consolidated and placed behind buildings to allow for a pedestrian orientation at the street.
- Given that it is unlikely that this property would revert to primarily residential uses in the future, staff does not feel that a Use Variance would be the most appropriate remedy to establish a new commercial enterprise at this site and would want to avoid the need for new petitions to be filed with each successive use change in the future. Independent of the specifics of this proposal for a commercial contractor requiring several variances of development standards, staff would recommend denial for process reasons and would instead recommend that the property be rezoned to a more appropriate commercial designation if low-intensity commercial use was desired. Rezoning of this parcel to the C-1 designation (without a commercial contractor use) could potentially be supportable by staff if reasonable commitments were also included.
- Staff does not feel that the previous placement of light commercial uses at this property should serve as justification for placement of a more intense heavy commercial use and would note the historically residential character of surrounding properties as well as the Comprehensive Plan

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recommendation for residential uses. Similarly, placement of a tall fence around parking areas and a portion of the northern façade, commercial signage, and the parking of commercial vehicles within feet of nearby residences would each reduce the residential character of the surrounding area and could result in negative externalities of light, noise, damage to local streets, and the potential for continued outdoor storage or operations at the property. The proposed use of an HVAC contractor also does not comport with the City's vision for transit-oriented development or for areas so close to parks, greenways, and related amenities. For these reasons, staff recommends denial of the requested variances.

GENERAL INFORMATION

Existing Zoning	D-8 (TOD) (RC)	
Existing Land Use	Commercial	
Comprehensive Plan	Residential 6-15 Dwelling Units per Acre	
Surrounding Context	Zoning	Surrounding Context
	North: PK-1	North: Greenway/Fall Creek
	South: D-8	South: Residential
	East: D-8	East: Residential
	West: D-8	West: Residential
Thoroughfare Plan		
Illinois Street	Primary Arterial	66-foot existing right-of-way and 78-foot proposed right-of-way
Fall Creek Parkway SDR	Local Street	75-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	01/22/2025	
Site Plan (Amended)	05/08/2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	01/22/2025	
Findings of Fact	01/22/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

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- Red Line TOD Strategic Plan
- Regional Center Design Guidelines

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to be developed for Traditional Neighborhood uses with a density between 6 and 15 dwelling units per acre. Although some commercial uses could be recommendable at corner nodes, industrial or heavy commercial uses are not a contemplated land use category for this typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Given this property's proximity to the Meridian & Fall Creek Red Line Stop, the TOD Strategic Plan recommends this site to the Community Center typology to allow for walkable commercial centers with a range of retail, entertainment, office, and residential uses. Surface parking should be consolidated and placed behind buildings to allow for a pedestrian orientation at the street while still supporting drive-to businesses. The scope of commercial activity at this site appears to exceed the intensity of office uses contemplated by the TOD Plan.

Neighborhood / Area Specific Plan

- The Regional Center Design Guidelines recommend this site to the Neighborhood Residential typology to allow for homes in single-family, townhome or apartment configurations. Parcels are typically deep with narrow street frontages, homes have small setbacks and front yards, and the environment is pedestrian in nature.

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

97-UV1-62, variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation and expansions of a beauty salon (not permitted), **approved**.

94-UV2-38, variance of use of the Dwelling Districts Zoning Ordinance to provide for a carry-out restaurant business (not permitted), **withdrawn**.

ZONING HISTORY – VICINITY

2019DV2016 ; 2434 N Illinois Street (south of site), variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with an attached garage with eight-foot (2438) and nine-foot (2434) separations between dwellings (10-foot separation required), **withdrawn**.

2017LNU007 ; 2442 N Illinois Street (south of site), legally establish an eight-unit apartment building with zero parking spaces, on parcel #1073915, associated with 2442 North Illinois Street, in a Dwelling District, **approved**.

90-HOV-91 ; 2332 N Illinois Street (south of site), variance of development standards of the Dwelling District Zoning Ordinance to permit the construction of a three-story multi-family structure 40 feet in height (35 feet permitted), **approved**.

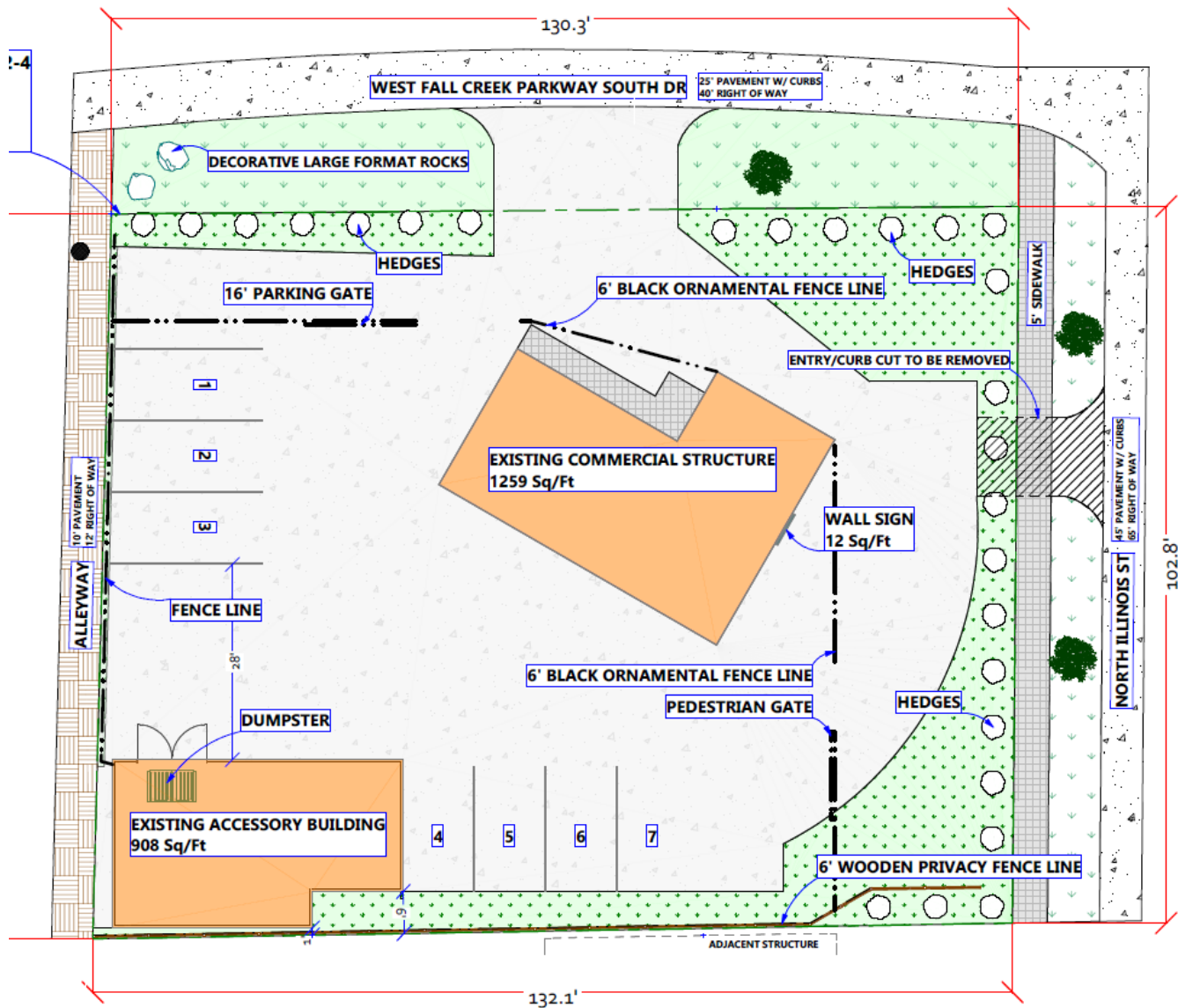
85-UV3-62 ; 126 W 24th Street (south of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for an existing building as a variety store, **withdrawn**.

EXHIBITS

2025UV2001 ; Aerial Map (approximate clear-sight triangle added in yellow)

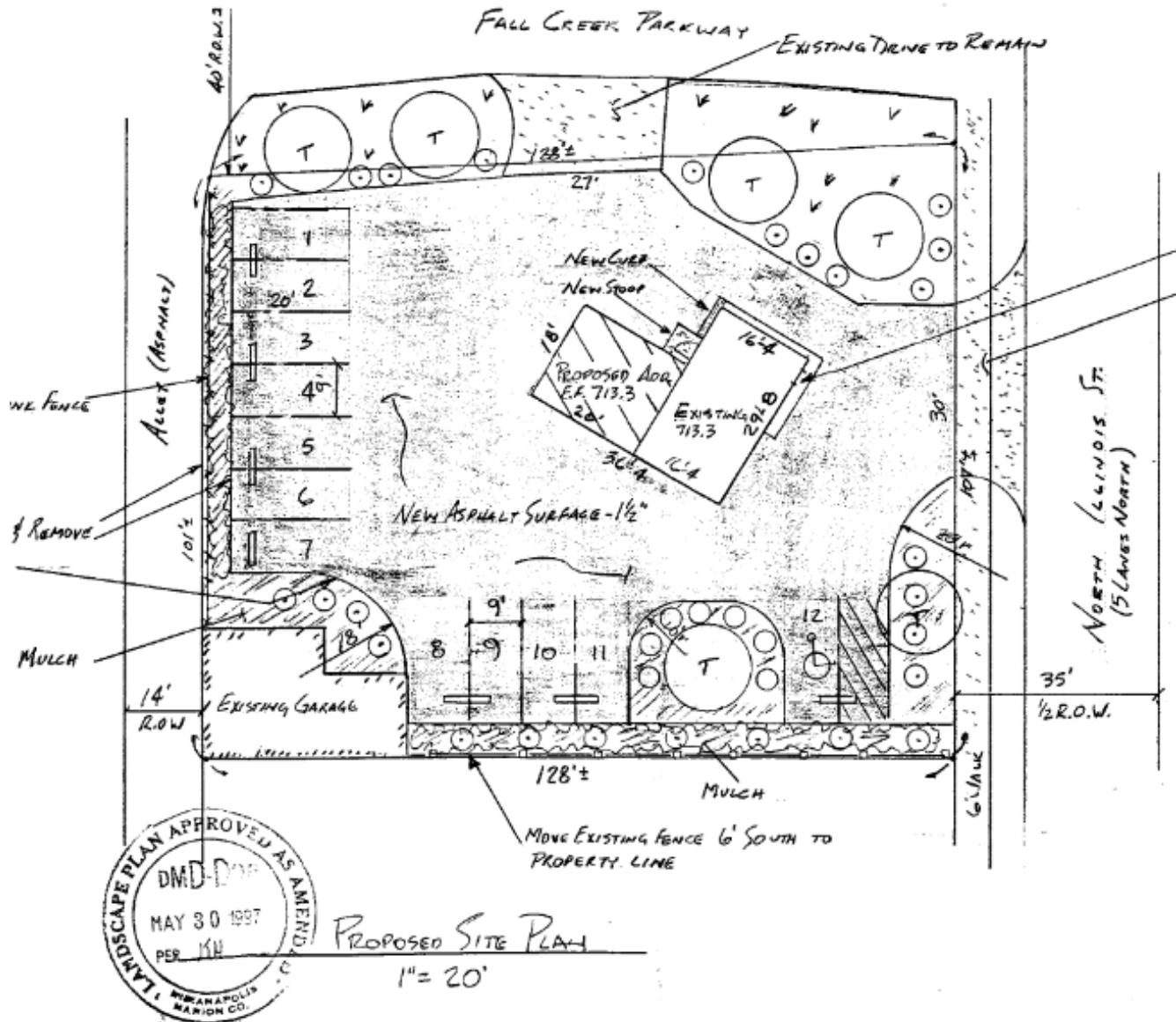


2025UV2001 ; Site Plan (proposed for 2025)



Notes: (1) Ordinance would require that the eastern entry/curb cut area have curb and sidewalk *restored* in addition to the removal marked on this site plan. (2) The petitioner has indicated that the portion of wooden privacy fence to the east of the establishing front building line will be removed.

2025UV2001 ; Site/Landscape Plan (approved in 1997)



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2025UV2001 ; Notice of Violation (VIO24-007484)

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 wall 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; (Wood scrap, appliances, scrap metal, and other miscellaneous items throughout the property).

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

Specific Violation: The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, with a cargo holder exceeding 12ft. in length...15 ft. trailer).

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

Specific Violation: The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Vehicle, regardless of weight, used or designed to be used as a box truck).

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

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - An HVAC company is not a permitted use in a D-8 zoning district... SMART HVAC,LLC).

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

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Outdoor storage and operations is not a permitted accessory use in a D-8 zoning district...air conditioner units, ducts and other HVAC equipment/parts).

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

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Storage of a commercial dumpster is not a permitted accessory use in a D-8 zoning district).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-8 district; (744-404.D.6.a. - Parking areas in front yards shall be paved with bricks, concrete, asphalt, permeable pavers or pavement, or a gravel surface with a distinct edge boundary to retain the gravel; the parking of vehicles on grass in the front yard is prohibited).

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 #97-UV1-62; specifically, commitment #2..."landscaping (combination of trees and shrubs at a minimum) shall be planted along Fall Creek Parkway South Drive, North Illinois Street, and the western (along the north-south alley) frontages of the site. A landscaping plan, indicating spacing, species, and the size of the landscape elements, shall be submitted for and subject to Administrator's Approval...Landscaping shall be completed in accordance with said approved plan by December 3, 1997, and maintained at all times thereafter). 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 #97-UV1-62; specifically, commitment #3..."The parking and maneuverability areas shall be hard-surfaced by June 3, 1998, and shall be striped at all times"). 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; 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 #97-UV1-62; specifically, failure to comply with the approved site plan).

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2025UV2001 ; Plan of Operation (updated 3/14/25)

- Use:
 - Office use for Smart HVAC home office
- Staff:
 - Three (3) full-time employees (off-site)
- Hours of Operation:
 - 7:30am – 6:00pm (Monday – Friday)
 - Staff is able to access the building outside of those hours to utilize resources
- Building:
 - 1,100 square foot office building
 - Detached garage for storage of office equipment and commercial dumpster
- Clients & Customers:
 - Off-site (e.g., in their homes)
 - All of Smart HVAC work will be done at the homes of their customers. None of the operations will take place at the subject site.
- Safety & Security Measures:
 - The office building has security cameras, and an alarm installed. A six-foot chain-link fence, which is locked outside of office hours, surrounds the entire property, per the site plan on file.
- Materials Used:
 - No hazardous waste is used on site.
- Shipping, Receiving & Storage:
 - Equipment (HVAC systems) are delivered directly to the job site, not Smart HVAC office, for commercial jobs. Equipment for residential jobs is picked up at a local supply house and taken directly to the client's residence for work.
 - The accessory garage is used to house tools and the odd, small part (i.e. a HVAC relay switch). The delivery of these small parts are made by USPS, UPS, or Amazon and occur 2-3 times per month.
- Waste:
 - Commercial Dumpster will be located in the accessory structure and will be set out in the parking lot on the weekly pick-up day. Disposal off trash will occur between the hours of 8am and 6pm, Monday through Friday.
- Parking
 - There are currently six (6) parking spaces, all of which are paved, as indicated on the site plan on file.
 - There are three (3) commercial vehicles* that visit the site, typically 1-2 times a week and during office hours only, in order to obtain daily assignments, customer paperwork, and the odd tool and/or spare part. The commercial vehicles are parked off-site overnight.
 - Customers do not visit/park at the site.



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2025UV2001 ; Findings of Fact (Use)

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

The site has been used and developed commercially over the past several decades. It was approved to be used as a beauty salon back in 1997. The proposed use is that of a C-1 office use for a HVAC business. There will be no outdoor storage on the site.

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

The use and value of the area adjacent to the property will not be adversely affected due to the fact that the subject site has been developed and used commercially, historically. Thus, granting the proposed use will not adversely affect the area.

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

The strict application of the Ordinance would constitute a hardship, as it would disallow the historic commercial use of the site.

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

According to historical maps, a number of commercial uses have existed on the site dating back as far as the 1990s.

The strict application of the Ordinance would constitute a hardship, as it would disallow the historic commercial use of the site.

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

Granting the variance of use allows for the historical commercial uses as well as the proposed commercial use to be compliant, and therefore does not interfere substantially with the comprehensive plan.

2025UV2001 ; Findings of Fact (Development Standards)

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

This property has been developed and used historically for commercial uses and the granting of the reduced setbacks would bring the site into compliance and would not be injurious to the community.

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

This property has been developed and used historically for commercial uses and the granting of the reduced setbacks would not affect the area adjacent to the subject site in an adverse manner.

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

This property has been developed and used historically for commercial uses and the granting of the reduced setbacks would bring the site into compliance.

2025UV2001 ; Photographs



Photo 1: Subject Site Viewed from East



Photo 2: Subject Site Viewed from North

2025UV2001 ; Photographs (continued)



Photo 3: Existing Rear Garage and Dumpster



Photo 4: Fall Creek Frontage/Possible Sign Location

2025UV2001 ; Photographs (continued)



Photo 5: Adjacent Property to the North



Photo 6: Adjacent Property to the West

2025UV2001 ; Photographs (continued)



Photo 7: Adjacent Property to the South



Photo 8: Adjacent Property to the East

2025UV2001 ; Photographs (continued)



Photo 9: Primary Building Interior (provided by applicant)



Photo 10: Primary Building Interior (provided by applicant)

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-DV2-016

Property Address: 1507, 1501 and 1533 West New York Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Lurvey Loft Townhomes LLC, by Adam DeHart

Current Zoning: D-8 (RC)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 45-foot tall, four story four-unit townhome development with 27 percent living material comprising the front yard (maximum 40-foot tall, three story building permitted, 50 percent living material required).

Current Land Use: Vacant

Staff Recommendations: Staff recommends approval for this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends approval of this petition

PETITION OVERVIEW

- This petition would allow for the construction of a 45-foot tall, four story four-unit townhome development with 27 percent living material comprising the front yard (maximum 40-foot tall, three-story building permitted, 50 percent living material required).
- The subject site is zoned D-8, is located within the Regional Center Secondary Zoning district, and has been vacant since the late 1970s according to aerial imagery. The proposal calls for two separate two-family townhome structures, for a total of four (4) units on the site.
- The standards limiting height to 40 feet and to three (3) stories are in place to maintain an appropriate and consistent development pattern, to limit overdevelopment, and to limit overshadowing of adjacent residences. Staff generally finds the request for increased height and number of floors to be reasonable given the site's location on the corner, along White River Parkway Drive, and within the Regional Center. Staff believes that a slight increase in height would create a strong edge at this intersection and along White River Parkway which is a primary arterial. Further, Staff believes that a

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reasonable increase in height and intensity can be appropriate within the Regional Center, in effort to promote further growth and redevelopment of the central core of the City.

- While Staff is generally supportive of the variance for height increase, Staff did have initial concerns about the adjacent property directly to the west and the potential for the proposed development to overshadow the existing residence. The initial site plan called for a setback of approximately 5 feet from the west side lot line. The petitioner agreed to move the western structure east by an additional foot, with the revised 6-foot side setback shown in the revised site plan below, file-dated 6/4/25. Further, the petitioner indicated that while the request for increased height is for 45 feet, the structure itself is only 42 feet in height and that the request for 45 feet is to account for grade change issues on the site. Given these two points, Staff finds the height request to be reasonable and appropriate.
- Staff would note that the request for an increase in height is seen as reasonable first and foremost because of the site's location on the edge of the neighborhood and along White River Parkway. A similar request for an increase in height in the middle of the neighborhood or at a mid-block location would be seen as less appropriate.
- With regards to the variance for reduced living materials in the front yard- the standard requiring at least 50% of the front yard being comprised of living material is to promote landscaping and natural materials on site, to limit the amount of hardscaping on site, and to enhance aesthetics and beautification of the City's neighborhoods. The request for 27% living materials stems from practical difficulty related to the site's existing conditions and shape; with the site containing an irregular, angled shape and with significant grade change towards the rear of the site, the ability to provide sufficient landscaping in the front yard is impeded. Further, Staff would note that despite the request for reduced living materials in the front yard, the submitted landscape plan (file-dated 6/4/25) indicates that much of the site will be comprised of living materials and landscaping, and specifically calls for the placement of 31 trees including 4 large trees, and therefore represents a significant improvement to the site, which currently does not contain any finished landscaping.
- Given that Staff sees the increase in height to be reasonable for the site's context, that practical difficulty exists for front yard living materials, and that the proposal represents a substantial improvement to vacant the site, Staff is unopposed to the request.

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GENERAL INFORMATION

Existing Zoning	D-8 (RC)	
Existing Land Use	Vacant	
Comprehensive Plan	8-15 residential units per acre	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-8	North: Utilities
South:	D-8	South: Single-family residential
East:	CBD-S	East: White River
West:	D-8	West: Single-family residential
Thoroughfare Plan		
West New York Street	Local Street	40 feet of right-of-way existing and 48 feet proposed
North White River Parkway West Drive	Primary Arterial	98 feet of right-of-way existing and 78 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/5/25	
Site Plan (Amended)	6/4/25	
Elevations	5/5/25	
Elevations (Amended)	N/A	
Landscape Plan	5/5/25	
Findings of Fact	6/4/25	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Near West Neighborhood Land Use Plan (2014)
- Infill Housing Guidelines
- Indy Moves

Pattern Book / Land Use Plan

- Not applicable to the site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Near West Neighborhood Land Use Plan recommends 8-15 residential units per acre for this site.

Infill Housing Guidelines

- With regards to building height, and landscaping the Infill Housing Guidelines recommends:
 - Look to surrounding context for appropriate housing sizes
 - Thoughtfully design landscaping
 - Maintain landscaping to retain visibility

Indy Moves

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

- The Central White River Trail is approximately 115 feet from the subject site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

85-Z-48 801; West Washington Street (east of site), rezoning of 253 acres to the CBD-S district for the creation of White River Park, **approved**.

EXHIBITS

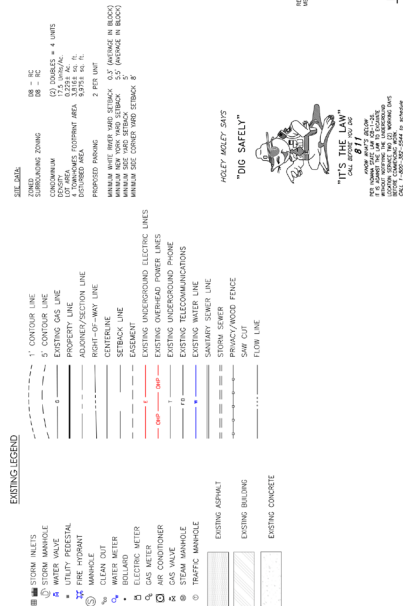
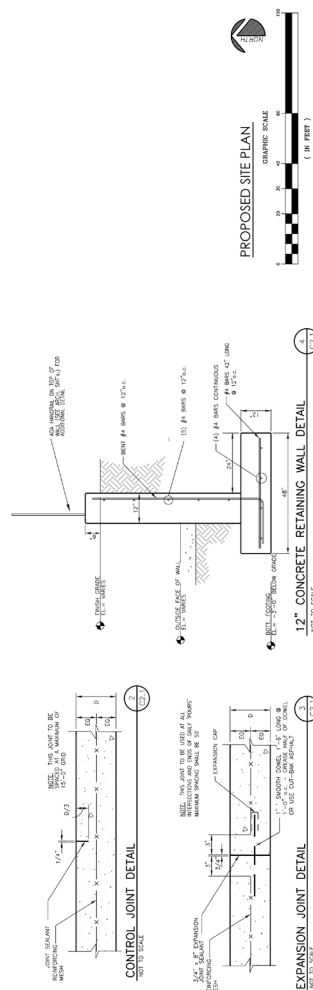
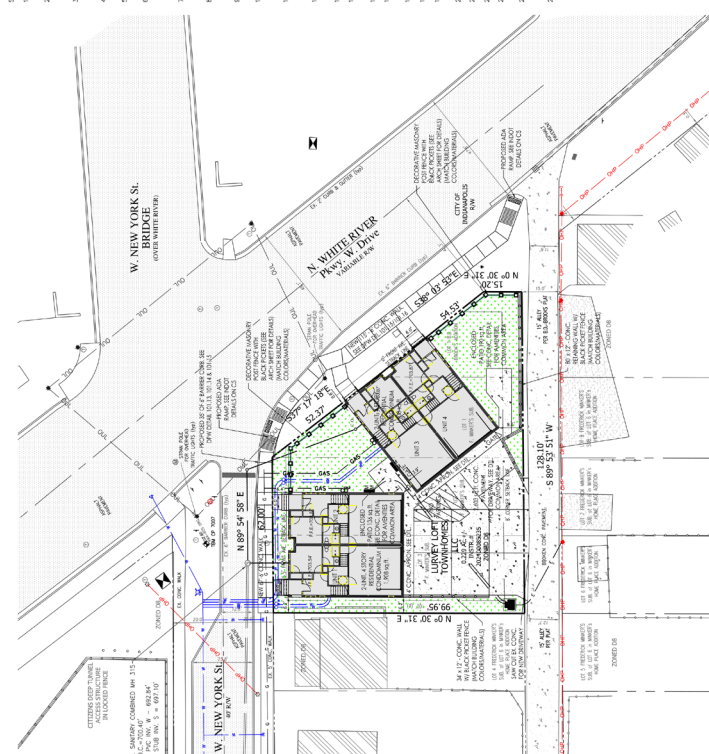


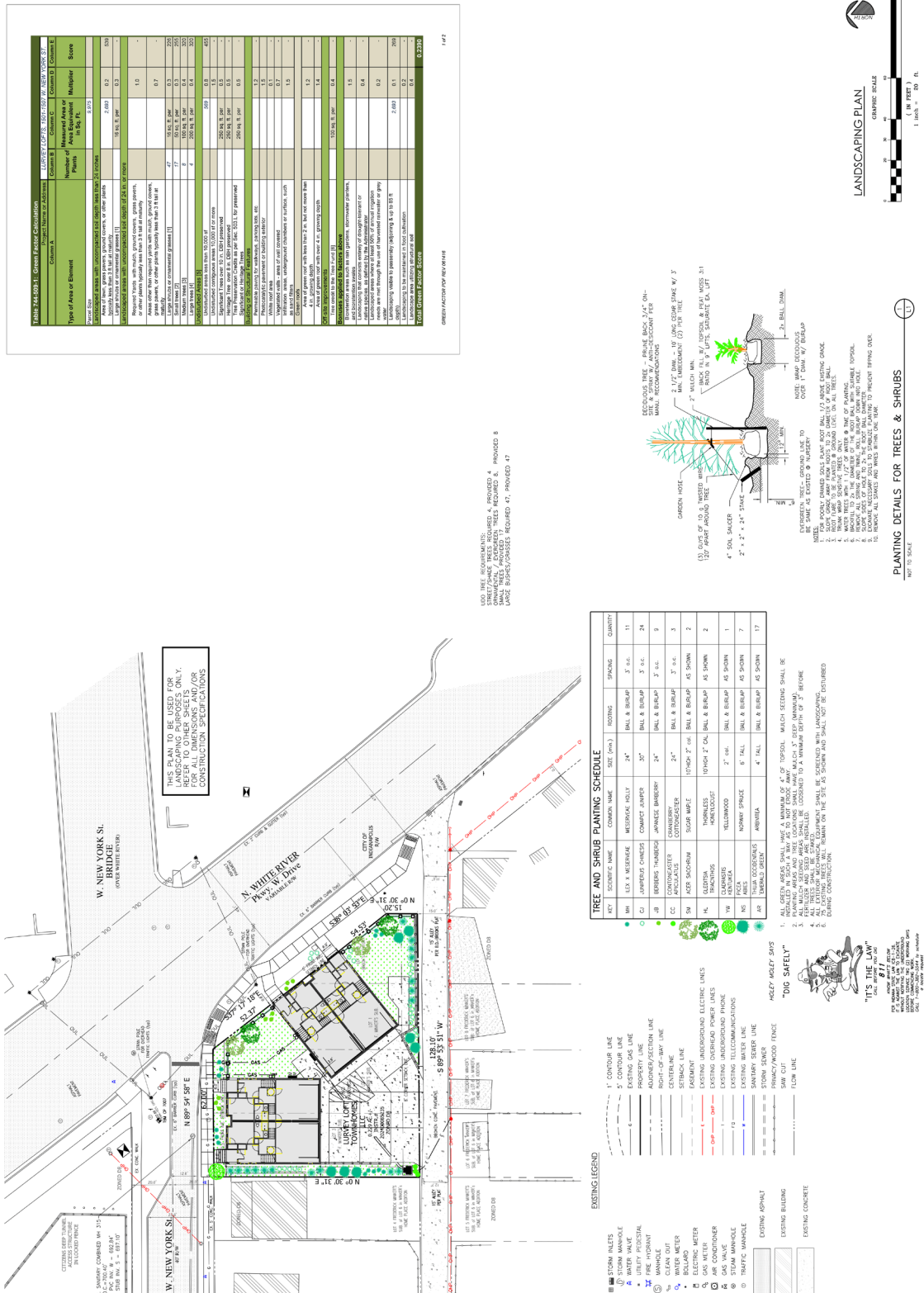
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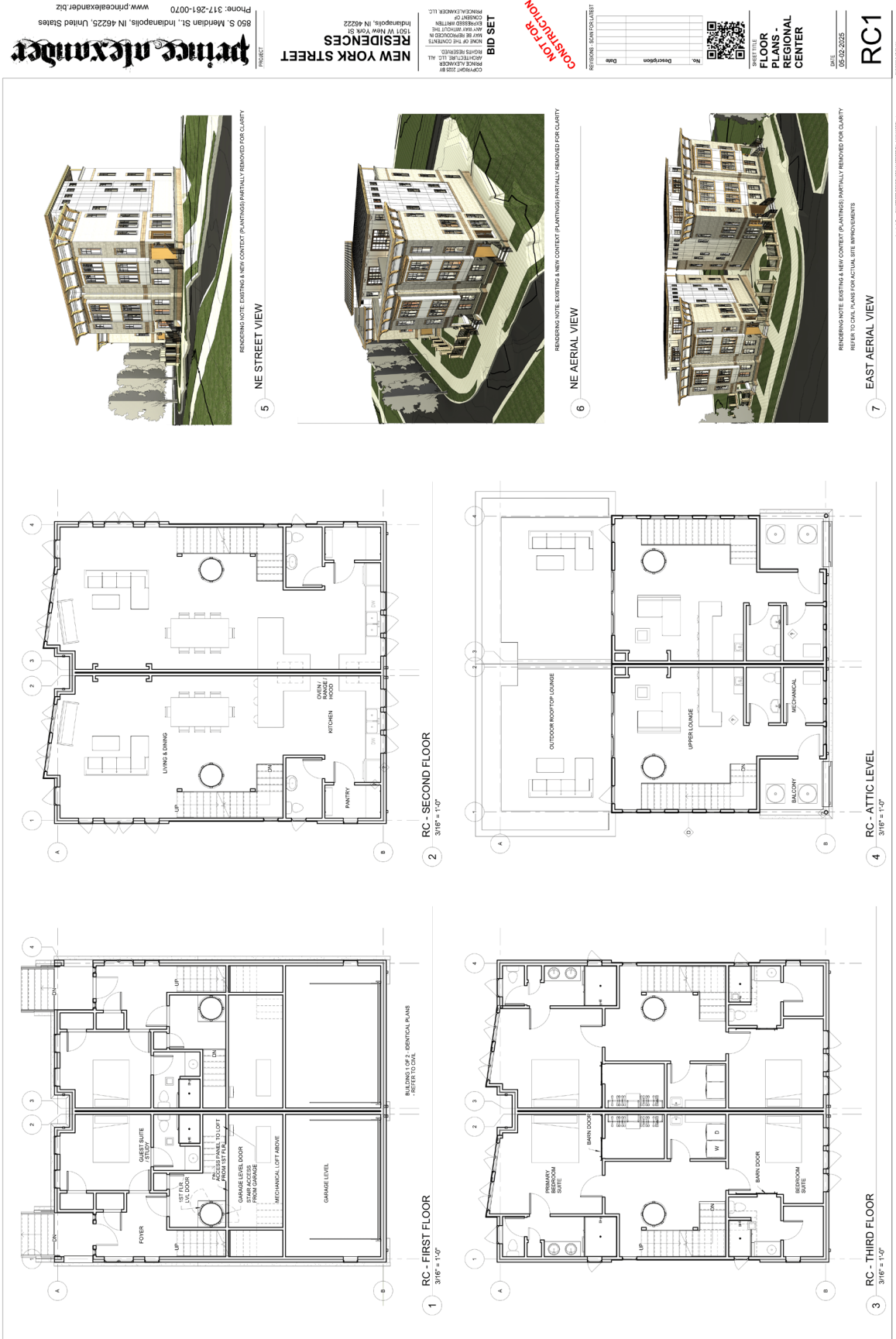


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**MULTIPLE DWELLING PROJECT ANALYSIS
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING**

Property Address: 1501-1507 W. NEW YORK ST. Date: 4/17/2025
Project Name: LURVEY LOFT TOWNHOMES Date of Plans: 4/17/2025
Zoning Classification: D8-RC

	Required Ratios by Ordinance	Computed Ratios
Floor Area Ratio	FAR =	1.40
Open Space Ratio	OSR =	0.63
Livability Space Ratio	LSR=	0.34
Major Livability Space Ratio	MLSR=	0.28
Total Car Ratio	TCR=	2
What to Determine	How to determine it	Determination
Floor Area – FA	From Plans	FA
Land Area – LA	From Plans in square feet	LA
Floor Area Ratio – FAR	FA / LA	FAR
Building Area – BA	From Plans	BA
Usable Roof Areas – URA	From Plans	URA
Uncovered Open Space – UOS	LA-BA+URA	UOS
Covered Open Space – COS	From Plans	COS
Open Space – OS	UOS + ½ COS	OS
Open Space Ratio – OSR	OS / FA	OSR
Car Area – CA	From Plans	CA
Livability Space – LS	OS – CA	LS
Livability Space Ratio – LSR	LS / FA	LSR
Major Livability Space – MLS	From Plans	MLS
Major Livability Space Ratio – MLSR	MLS / FA	MLSR
Number of Dwelling Units – DU	From Plans	DU
Number of Parking Spaces – PS	From Plans	PS
Total Car Ratio – TCR	PS / DU	TCR
Gross Density – GD	DU / (LA / 43,560)	GD

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