



Board of Zoning Appeals Division II (May 19, 2026) Meeting Agenda

Meeting Details

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

Date: Tuesday, May 19, 2026

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

2025-DV2-035 (Amended) | 5100 Knollton Road

Washington Township, Council District #2, zoned D-S (FW) (FF)

John & Jane Murphy, by Justin and David Kingen

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a second primary dwelling (not permitted) on a lot with 50 feet of street frontage (75 feet required), a driveway with a front yard setback of 12 feet from Roland Drive (15-foot setback required) and a 150-foot width between the primary dwelling and Roland Drive (maximum 30-foot width permitted), an accessory structure within the front yard of Roland Drive (not permitted), and the removal of heritage trees without prior authorization (not permitted).

****This petition will be withdrawn.**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2026-DV2-017 | 921 East 66th Street

Washington Township, Council District #7, zoned MU-2 (FF) (TOD)

KMK Cornell LLC, by Joe Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing daycare/preschool with 21 parking spaces (23 parking spaces required), with 21 parking spaces at 8' 6" (maximum of 7 parking spaces can be sized for small cars), and with parking in portions of the west transitional yard (not permitted).

****Staff to request continuance to June 9, 2026 to allow for proper legal notice.**

2. 2026-DV3-010 (Amended) | 102 Jonquil Drive

Perry Township, Council District #23, zoned D-3

Kenneth and Josephine Busald, by Daniel Russello

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

****Petitioner to request continuance and transfer to May 26, 2026 BZA Division 3 hearing.**

3. 2026-UV2-007 | 1375 West 16th Street

Center Township, Council District #12, zoned I-2 (RC) (W-1)

Pine Street Properties LLC, by Justin Kingen

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the following primary uses: Community Centers (not permitted); Offices, Art Galleries, Medical or Dental Offices, Artisan Food and Beverage, Indoor Recreation (permitted only when vacant for 5 or more years); Eating Establishments, Hair and Body Care Services (permitted only as accessory use); and Printing Services (not permitted within Wellfield), and to legally establish parking and maneuvering areas within the right-of-way of Harding Street (not permitted).

****Petitioner to request continuance to June 9, 2026.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 4. 2026-DV2-014 | 1618 East Market Street**
Center Township, Council District #13, zoned D-8 (TOD)
Infinite Batteries Inc., by Josh Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on a 3,449-square foot, 32-foot wide lot (7,200 square foot lot size required, 60-foot lot width required), with a parking pad having four-foot side setbacks (five-foot side setbacks required).

- 5. 2026-DV2-015 | 5662 Georgetown Road**
Pike Township, Council District #6, zoned C-3
KFC Corporation, by Kendra Morton

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an internally illuminated monument sign (internal illumination not permitted in C-3), being the second primary freestanding sign along the Georgetown Road frontage with a separation of 230 feet from another primary freestanding sign (300-foot separation required).

- 6. 2026-UV2-006 | 1527 South East Street**
Center Township, Council District #18, zoned C-1/C-3
John Hoyt, by Ashley Hummer-Holmes/Hummer Homes

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit a secondary dwelling unit in a C-1/C-3 district (residential uses not permitted in C-1 or C-3) and to permit a secondary dwelling unit when the primary dwelling is not a single-family detached dwelling (not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

- 7. 2026-DV1-014 | 9200 Keystone Crossing**
Washington Township, Council District #4, zoned C-4
KATC Property LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a second skyline sign on a building elevation (one skyline sign per elevation).

- 8. 2026-UV3-005 | 2525 East 38th Street**
Center Township, Council District #8, zoned C-3 (TOD) (W5)
Garcia's Heating & Cooling INC, by Donald Fisher

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

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

PETITIONS FOR PUBLIC HEARING (New Petitions):

9. 2026-DV2-013 | 2001 North Olney Street
 Center Township, Council District #13, zoned I-3
 DMC Real Estate Holding, LLC, by Chisholm Millworks

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for the outdoor storage of materials within the transitional yard (not permitted) and to allow for a fence with barbed wire (not permitted).

10. 2026-UV2-008 | 327 South Randolph Street
 Center Township, Council District #18, zoned D-5
 Michael J. Mitchell Jr. and Pedro Guerrero Godinez, by Angela Guerrero

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit the use of three (3) myotonic goats to reside on a lot that is less than 1 acre (not permitted) and a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for 0-foot side setbacks.

Additional Business:

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

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

Member	Appointed By	Term
Craig Von Deylen, Chair	City-County Council	January 1, 2025 – December 31, 2025
James Duke, Vice-Chair	Mayor’s Office	January 1, 2025 – December 31, 2025
Patrice Duckett-Brown, Secretary	City-County Council	January 1, 2025 – December 31, 2025
Beth Brandon	Mayor’s Office	January 1, 2025 – December 31, 2025
Tom Barnes	Metropolitan Development Commission	January 1, 2025 – December 31, 2025



BOARD OF ZONING APPEALS DIVISION II

May 19, 2026

Case Number: 2025-DV2-035 (Amended)
Property Address: 5100 Knollton Road (approximate address)
Location: Washington Township, Council District #2
Petitioner: John & Jane Murphy, by Justin and David Kingen
Current Zoning: D-2 (FW) (FF)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on a lot with 50 feet of street frontage (75 feet required) and a driveway with a front yard setback of 12 feet from Roland Drive, with an accessory structure within the front yard of Roland Drive (accessory structures may not be within front yards).
Current Land Use: Vacant
Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

5/19/26: The petitioner has elected to file for a combination petition to have both their requested variances and plat petition heard jointly by the Hearing Examiner, likely on June the 11th. They indicated that the 2025-DV2-035 petition will be withdrawn at the May 19th hearing date.

4/14/26: The petitioner was unable to obtain permission for the recording of the extension of right-of-way. Staff review also indicated the need for several variances of development standards not included with the original filing. A continuance to the May 19th hearing date of Division II would be required to allow for the mailing of amended legal notice.

1/13/26: The petitioner has indicated their intention to file a replat petition and apply for recording of an extension of right-of-way, which would result in their ability to develop the site without the need for variances. The petitioner will plan to ask for a continuance to the April 14th, 2026 hearing date to allow for them to have a plat petition filed and approved which may obviate the need for variances.

11/18/25: The petition was continued from the October 14th, 2025 hearing to the November 18, 2025 BZA Division II hearing, as well as from the November hearing date to the January 13, 2026 BZA Division II hearing.



BOARD OF ZONING APPEALS DIVISION II

May 19, 2026

Case Number: 2026-DV2-017
Address: 921 East 66th Street (approximate address)
Location: Washington Township, Council District #7
Zoning: MU-2 (FF) (TOD)
Petitioner: KMK Cornell LLC, by Joe Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing daycare/preschool with 21 parking spaces (23 parking spaces required), with 21 parking spaces at 8' 6" (maximum of 7 parking spaces can be sized for small cars), and with parking in portions of the west transitional yard (not permitted).

Current Land Use: Pre-School

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition will need to be continued for cause, from the May 19, 2026, hearing, to the June 9, 2026, hearing, to allow time to provide new notice for the amended request.



BOARD OF ZONING APPEALS DIVISION II

May 19, 2026

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

Current Land Use: Single-Family Dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the April 21, 2026, Board III hearing due to a lack of quorum, and transferred to the May 19, 2026, Board II hearing.

The petitioner has requested this petition be continued and transferred to the May 26, 2026, Board III hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- Construction of buildings within utility easements is not permitted. This is both to allow for easy access to those utilities if needed, and to ensure that there is no potential for interference with the utilities. With the drainage and utility easement being located parallel to the west side lot line, the accessory structure encroaches into the easement by approximately one foot and the side setback by approximately three feet.
- The structure in question is smaller than 200 square feet and does not appear to be on a foundation. Therefore, an Improvement Location Permit was not required to be issued for the installation of the structure. Staff will acknowledge that aerial photos approximately indicate the structure has been in its current location since 1986. Staff would point out that the structure has also been non-compliant since 1986.



- Construction within Ordinance required setbacks is also not permitted. This is to allow for sufficient light and airflow between structures, and adequate public safety access in times of an emergency. With the subject site being of sufficient sizing for D-3 zoning standards, Staff finds no practical difficulty for the petitioner to not meet the side setback standards.
- Staff would note that the structure does not appear to be on a permanent foundation and can be more easily relocated than enclosed structures on a permanent foundation.
- Staff generally views any related practical difficulty to be self-imposed, and insufficient in obtaining a favorable Staff recommendation. Further, Staff has concerns that recommending approval of such requests may promote similar deviations from the Ordinance from surrounding property owners.
- Finally, Staff would note that any structure located within an easement may be lawfully removed by any party with rights to that easement. To avoid any such instance, Staff strongly requests that the plans be modified to relocate the structure wholly outside of the easement.

GENERAL INFORMATION

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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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



Pattern Book / Land Use Plan

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

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

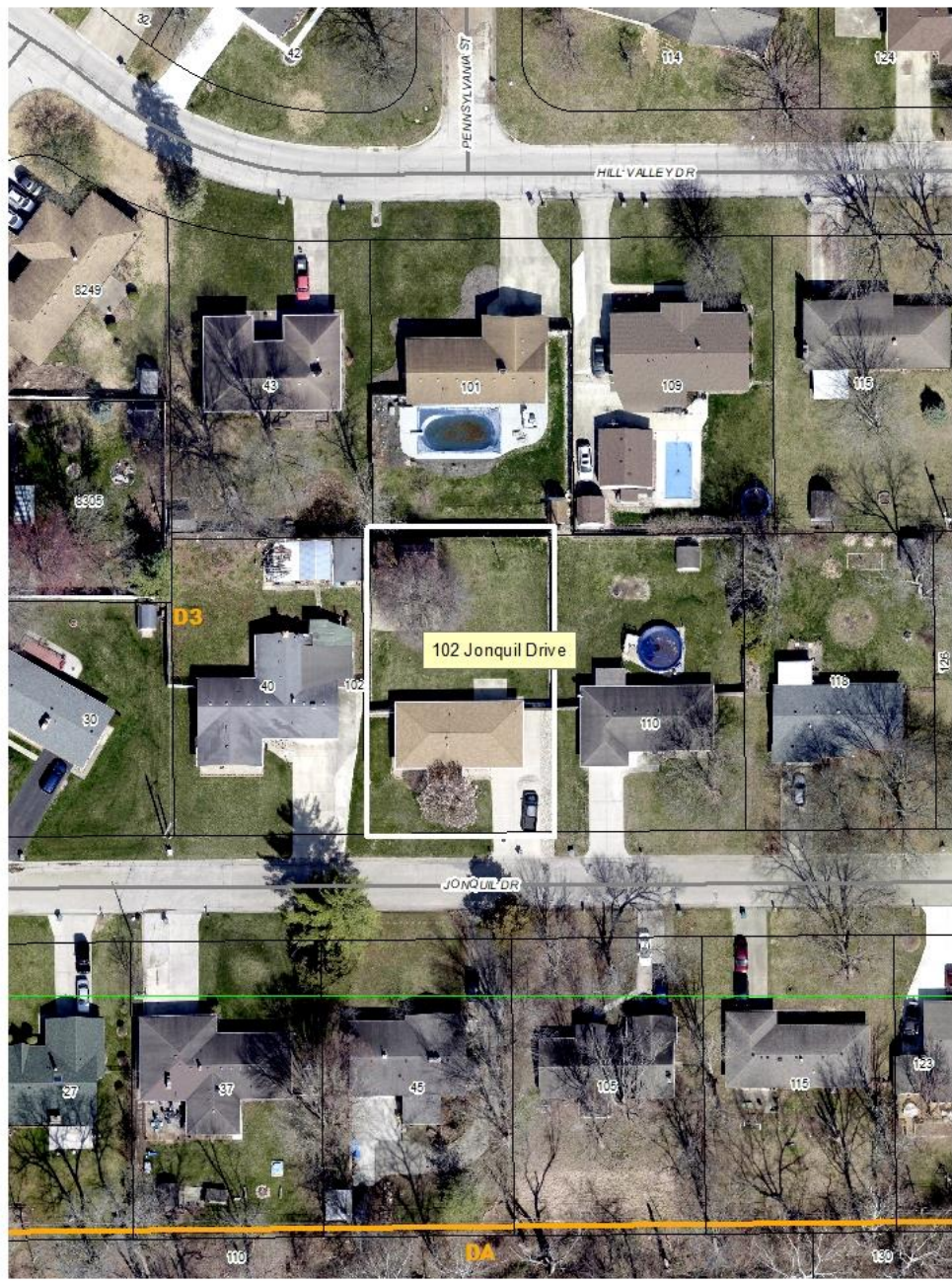
ZONING HISTORY

None

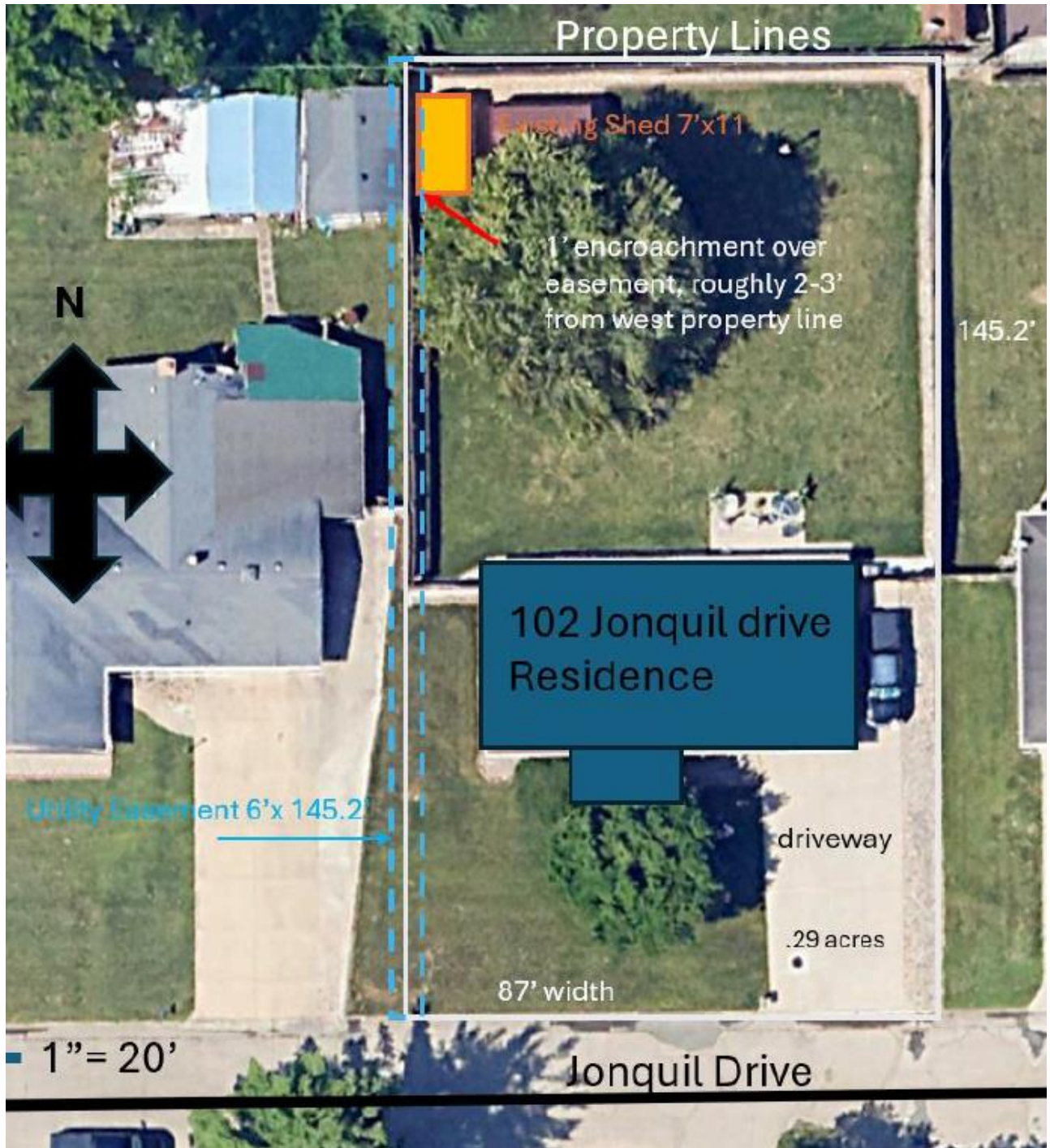
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EXHIBITS

Location Map



Submitted Site Plan





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

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

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

The shed is within the fence that separates the two properties and the utility easement in question will remain.

Nothing about the value or use of the property will change with the granting of this variance as everything remains the same.

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

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

Photographs



Subject property primary dwelling looking north.



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



BOARD OF ZONING APPEALS DIVISION II **May 19, 2026**

Case Number: 2026-UV2-007
Property Address: 1375 West 16th Street (approximate address)
Location: Center Township, Council District #12
Petitioner: Pine Street Properties LLC, by Justin Kingen
Current Zoning: I-2 (RC) (W-1)

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the following primary uses: Community Centers (not permitted); Offices, Art Galleries, Medical or Dental Offices, Artisan Food and Beverage, Indoor Recreation (permitted only when vacant for 5 or more years); Eating Establishments, Hair and Body Care Services (permitted only as accessory use); and Printing Services (not permitted within Wellfield), and to legally establish parking and maneuvering areas within the right-of-way of Harding Street (not permitted).

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

A continuance will be requested by the petitioner to the June 9th hearing date to both allow for both (a) discussion of the petition with staff and finalization of the request language and (b) the mailing of legal notice reflecting that final request language. A full staff report will be made available in advance of the 6/9/26 hearing date.



BOARD OF ZONING APPEALS DIVISION II

May 19, 2026

Case Number: 2026-DV2-014
Address: 1618 East Market Street (approximate address)
Location: Center Township, Council District #13
Zoning: D-8 (TOD)
Petitioner: Infinite Batteries Inc., by Josh Smith
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on a 3,449-square foot, 32-foot wide lot (7,200 square foot lot size required, 60-foot lot width required), with a parking pad having four-foot side setbacks (five-foot side setbacks required).

Current Land Use: Undeveloped.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The Ordinance intentionally establishes standards in the D-8 district for lot size and lot width. These standards apply broadly to all Dwelling Districts where single family and duplex dwellings are permitted, and serve several purposes:
 - Access for maintaining building exteriors without trespassing into adjacent properties.
 - Storm water runoff management.
 - Areas for landscaping/green space.
 - Access for emergency responders.
 - Separation between buildings to reduce risk of fires spreading.
- ◇ The proposed duplex will meet the side setback and open space requirements and have a similar footprint as several nearby existing duplex dwellings. It would also be similar to a multi-unit house, which would be permitted on this size of lot.
- ◇ The proposed duplex would be consistent with many of the existing dwellings within the immediate area. Therefore, providing for the proposed duplex with a 3,449-square foot lot size, and 32-foot lot width, would be supportable.



- ◇ The proposed parking side setbacks would be generally consistent with other rear parking areas off the adjacent alley. The parking area would be separated from the property to the east by a 15-foot wide north-south alley right-of-way, and the parking pad on the adjacent parcel to the west has a 15-foot east side setback from the subject site.
- ◇ Given the close proximity of other similarly developed properties, staff does not believe this request would be a significant deviation from the Ordinance or negatively impact the character of development within the surrounding area and therefore would be supportive of the request.

GENERAL INFORMATION

Existing Zoning	D-8		
Existing Land Use	Undeveloped		
Comprehensive Plan	Traditional Neighborhood Uses		
Surrounding Context	Zoning	Surrounding Context	
	North:	D-8	Single-family dwelling
	South:	D-8	Single-family dwelling
	East:	D-8	Single-family dwelling
	West:	D-8	Single-family dwelling
Thoroughfare Plan			
	Market Street	Local Street	48-foot existing and proposed right-of-way.
Context Area	Compact area		
Floodway / Floodway Fringe	No		
Overlay	TOD		
Wellfield Protection Area	No		
Site Plan - revised	April 24, 2026		
Elevations	April 24, 2026		
Landscape Plan	N/A		
Findings of Fact	March 31, 2026		

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Blue Line Transit Oriented Development Strategic Plan (2018).
- The subject site is located approximately 1,000 feet from the Arsenal Avenue Blue Line transit station.
- The Arsenal Drive transit station has been categorized as a District Center typology.
- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
 - Characteristics of the District Center typology are:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”
- These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:
 - Site Configuration
 - Front Setbacks
 - Building Orientation
 - Building Spacing
 - Open Space
 - Trees, Landscaping, and the Outdoors
 - Aesthetic Considerations
 - Building Massing
 - Building Height
 - Building Elevations and Architectural Elements



Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

“As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.

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

- Not Applicable to the Site.

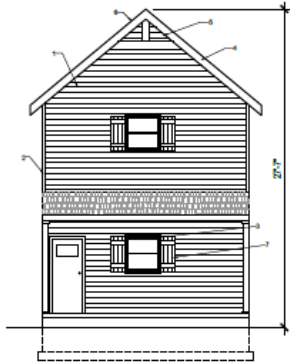
ZONING HISTORY

2018-HOV-026; 1537 East Ohio Street (west of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage, with a 12-foot front setback, a two-foot side setback, a one-foot rear setback, two feet between dwellings and 42% open space, **granted**.

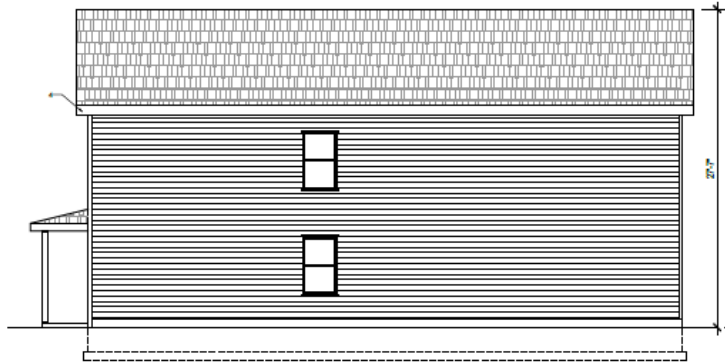
2015-UV2-027; 201 North Walcott Street (east of site), requested a Variance of Use to legally establish a two-family dwelling and a single-family dwelling on one lot, **granted**.

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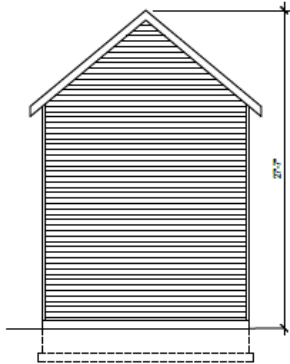
Elevations



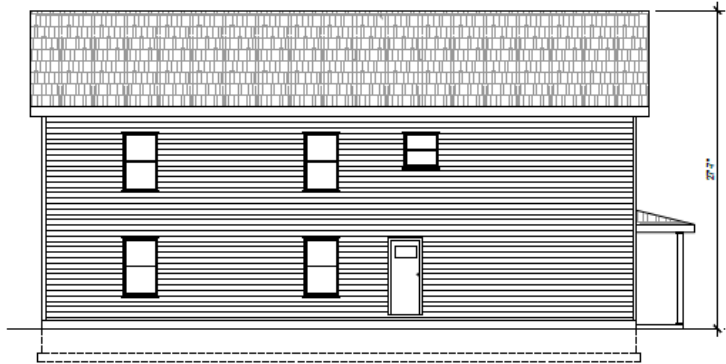
PROPOSED FRONT ELEVATION



PROPOSED RIGHT ELEVATION



PROPOSED BACK ELEVATION



PROPOSED LEFT ELEVATION



Findings of Fact

Petition Number

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

This proposed plan is consistent with D5 zoning in building a new home.

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

By Granting this variance a new 2-unit multi-unit house will be built in line with the approved D5 uses.

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

Due the narrow dimension of this lot, it is 2 feet narrower than the standard for a multi-unit house. With the smaller width of the proposed home all other development standrds will be met including the required setbacks, lot area, and open space.

Photographs



Subject site, looking north.



Subject site, looking south.



Adjacent dwellings to the west, looking northwest.



Adjacent dwellings to the east, looking northeast.



BOARD OF ZONING APPEALS DIVISION II

May 19, 2026

Case Number:	2026-DV2-015 (Amended)
Property Address:	5662 Georgetown Road (approximate address)
Location:	Pike Township, Council District #6
Petitioner:	KFC Corporation, by Kendra Morton
Current Zoning:	C-3
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an internally illuminated monument sign (internal illumination not permitted in C-3), being the second primary freestanding sign along the Georgetown Road frontage with a separation of 230 feet from another primary freestanding sign (300-foot separation required).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends approval of this petition.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

5662 Georgetown Road is a commercial outlot parcel within the Cross Creek Shopping Centre near the intersection of 56th Street and Georgetown. It is currently improved with a quick-service restaurant building (internal improvements recently removed one of the two restaurants occupying that space), and surrounding land use is also commercial in nature. The property is part of a shared integrated center frontage with one additional multitenant sign to the south (see photo 2 within Exhibits).

Approval of this petition would allow for placement of an illuminated monument sign at the northeastern portion of the site, per the below site plan and elevation. The original filing had included renderings for a pole sign, but at staff's recommendation the petitioner modified to a monument sign since this would be less intense and would better approximate Ordinance intent (which doesn't allow pole signs in C-3).

Two (2) variances would be required to allow for placement of the proposed sign: (a) the sign would be 230 feet from the multitenant sign to the south (300' required); and (b) the sign would be illuminated (internal illumination is not allowed within the C-3 zoning district).



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

Additional applications related to signage have been made SGN25-00801 (a sign permit) and 2026ADM042 (an application for administrative approval related to prior rezoning commits). Both of those applications could be approved if this variance were to be approved; however, staff would note that this variance would not grant relief from other dimensional standards noted on the Notice of Review generated for that sign permit related to the height and size of drive-thru signage.

This property is zoned C-3 to allow for an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood. Additionally, it is recommended to the Village Mixed-Use typology by the Pattern Book of the Comprehensive Plan (additional information within the Comprehensive Plan Analysis section of this report). The Plan provides no specific recommendations related to signage, although public input is utilized in crafting Ordinance regulations related to sign placement, size, etc.

Findings of Fact provided by the applicant indicate that their proposed freestanding sign is placed as far as possible from the existing multitenant sign to the south of the site. Staff notes that this proximity wouldn't allow for placement of *any* primary freestanding sign by-right, and that the proposed signage would conform with all other regulations related to size and proximity to other signs. Additionally, the subject property does not have any close proximity to residential areas (the primary reason why limitations on illumination of primary freestanding signage exists). Staff feels the requested monument sign with internal illumination would constitute minimal relief and recommends **approval** of the two (2) requested variances.

GENERAL INFORMATION

Existing Zoning	C-3		
Existing Land Use	Commercial		
Comprehensive Plan	Village Mixed-Use		
Surrounding Context	Zoning	Surrounding Context	
	North:	C-3	North: Commercial
	South:	C-3	South: Commercial
	East:	C-3	East: Commercial
	West:	C-3	West: Commercial
Thoroughfare Plan			
Georgetown Road	Primary Arterial	114-foot existing right-of-way and 102-foot proposed right-of-way	
Context Area	Metro		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	03/30/2026		
Elevations	03/30/2026		
Elevations (Amended)	N/A		
Findings of Fact	03/30/2026		



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Village Mixed-Use typology 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 neighborhood, 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 contribute 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.

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

2001DV1002, variance of development standards of the Sign Regulations to provide for a 26-foot tall, 152.95 square foot pole sign located 120 feet from an existing integrated center sign (minimum 300 feet of separation between free standing identification signs within an integrated center required), **withdrawn**.

87-Z-178, rezoning to permit development of neighborhood shopping center and unrelated C-3 outlot development, **approved**.

ZONING HISTORY – VICINITY

2013DV1013 ; 5602 Georgetown Road (south of site), Variance of development standards of the Commercial Zoning Ordinance to provide for four stacking spaces before the drive-thru unit (six stacking spaces required, stacking spaces shall not conflict with circulation lanes or maneuvering areas), **approved**.

2006UV2020 ; 5624 Georgetown Road (south of site), Variance of Use of the Commercial Zoning Ordinance to provide for live entertainment and twelve amusement machines (not permitted), **approved**.

2004DV1026 ; 5611 Georgetown Road (southeast of site), Variance of Development Standards of the Sign Regulations to provide for a 24-square foot electronic variable message component (not permitted) on an existing 24.25-foot tall, 97-square foot, pole sign, **approved**.

2002UV3032 ; 4720 West 56th Street (south of site), variance of use of the Commercial Zoning Ordinance to provide for an automatic car wash (not permitted), **approved**.

98-HOV-96 ; 4720 W 56th Street (southeast of site), variance of development standards of the Sign Regulations to provide for placement of an illuminated pole sign 10 feet from the existing right-of-way (minimum 15 feet required), **approved**.

EXHIBITS

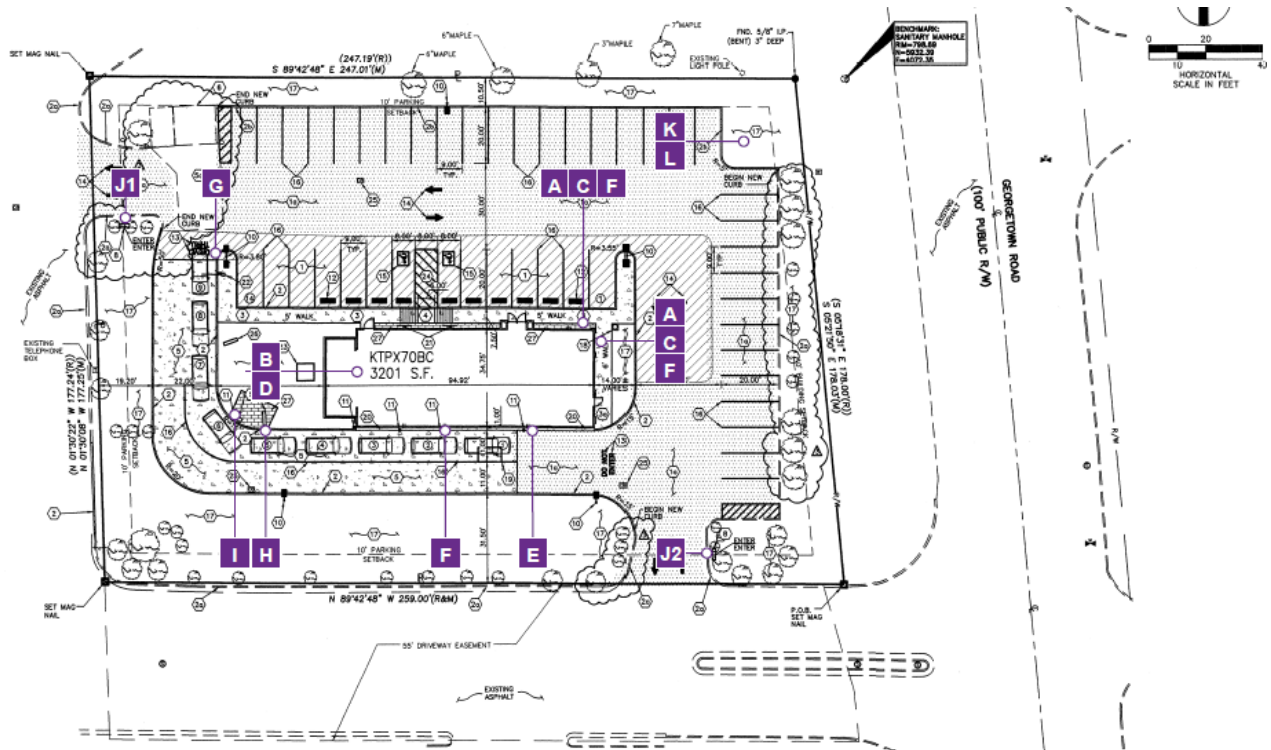
2026DV2015 ; Aerial Map



2026DV2015 ; Aerial Map (Zoomed, Existing Signs Cirled)

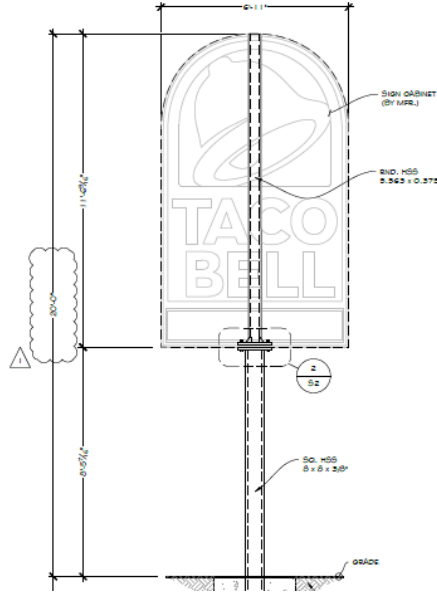


2026DV2015 ; Site Plan



Note: sign location marked as 'K' and 'L' on above site plan

2026DV2015 ; Elevation



Note: rendering of monument sign with reduced height not provided prior to publication deadline

2026DV2015 ; 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 FREE-STANDING POLE SIGN IS AN ON-PREMISE SIGN, IT IS CONSIDERED TO BE BRAND-STANDARD FOR TACO BELL.
 THE SIGN IS ON IT'S OWN OUT-PARCEL, AND IS PLACED AS FAR AWAY POSSIBLE FROM THE OTHER MULTI-TENANT SIGN ON THE OTHER SIDE OF THE CURB CUT ENTRANCE. IT IS 230 AWAY, JUST 70 FEET SHY OF THE REQUIRED 300 FEET REQUIRED BY TABLE 744-906-1. WE HAVE REDUCED THE OVER-ALL-HEIGHT OF THE SIGN FROM 25' TO 20' TO MEET THE TABLE REQUIREMENTS.
 THE PROPOSED POLE SIGN IS INTERNALLY ILLUMINATED, VERY MUCH LIKE MOST ALL OTHER COMMERCIAL SIGNS ABUTTING TO THIS PROPERTY. THIS SIGN WILL NOT BE INJURIOUS TO PUBLIC HEATH, SAFETY, & MORALS 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:
 THE PROPOSED POLE SIGN IS VERY SIMILAR TO OTHER COMMERCIAL SIGNS IN THE ADJACENT AREA, AND MUCH SMALLER.
 THE PROPOSED SIGN WILL NOT IN ANY WAY EFFECT SURROUNDING BUSINESS IN ANY WAY BUT PROVIDE TACO BELL A WAY OF BEING IDENTIFIED TO ATTRACT CUSTOMERS TO INSURE A REASONABLE RETURN ON INVESTMENT.
 WE HAVE DONE ALL WE CAN TO COMPLY WITH TABLE 744-906-1 REGARDING THE OVER-ALL-HEIGHT OF THE PROPOSED SIGN TO COMPLY WITH THE 20' LIMITS. THE REFRESH OF THIS SITE FROM KFC TO TACO BELL IS AN IMPROVEMENT TO THE BUILDING AND NEW WALL SIGNAGE WHICH HAS BEEN APPLIED FOR VIA GRAPHIC PERMITS.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
 IN THIS CASE, THE STRICT APPLICATION OF THE ZONING ORDINANCE WOULD DEPRIVE THE OWNER OF THIS BUSINESS A POLE SIGN THAT IS NEEDED FOR IDENTITY AND RECOGNITION , THEREBY REDUCING RETURN ON INVESTMENT FOR THE COST OF CONVERSION TO IMPROVE AND PROVIDE ADDITIONAL DINING CHOICES FOR THE COMMUNITY.
 WE THEREFORE, ASK FOR YOUR CONSIDERATION TO: 1: PERMIT A POLE SIGN IN C-3 ZONING DISTRICT, 2: PERMIT THE SIGN TO BE 230' FROM THE CLOSEST MULTI-TENANT SIGN IN LIEU OF 300'. 3: PERMIT THE SIGN CABINET TO BE INTERNALLY ILLUMINATED IN LIEU OF EXTERNAL ILLUMINATION, OR HALO LIT, PER TABLE:744-906-1

2026DV2015 ; Photographs



Photo 1: Subject Frontage Looking North



Photo 2: Subject Frontage Looking South

2026DV2015 ; Photographs (continued)



Photo 3: Subject Site Viewed from East

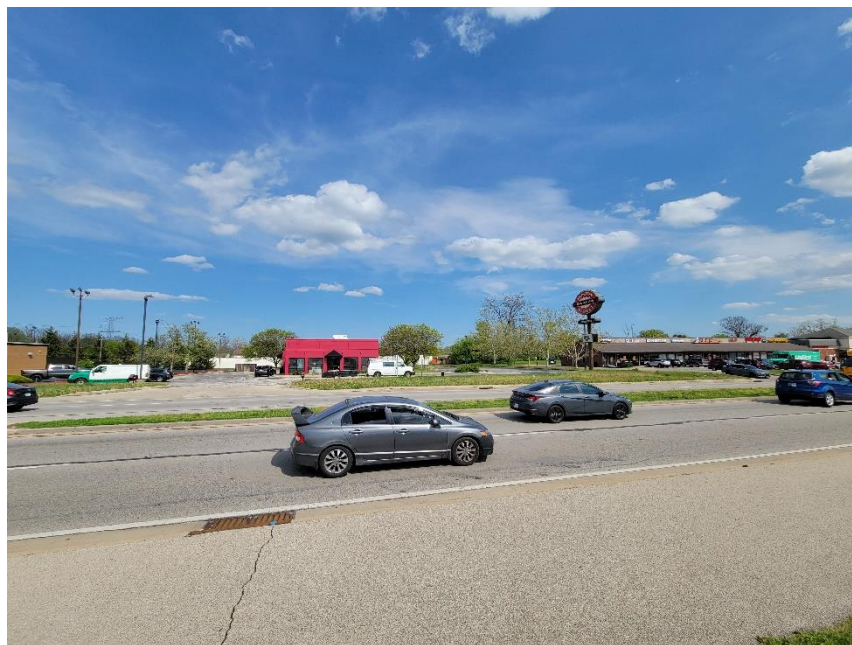


Photo 4: Adjacent Property to East

2026DV2015 ; Photographs (continued)



Photo 5: Adjacent Property to Northeast



Photo 6: Adjacent Property to Southeast



BOARD OF ZONING APPEALS DIVISION II **May 19, 2026**

Case Number: 2026-UV2-006

Property Address: 1527 South East Street (approximate address)

Location: Center Township, Council District #18

Petitioner: John Hoyt by Ashley Hummer-Holmes / Hummer Homes

Current Zoning: C-1 & C-3

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit a secondary dwelling unit in a C-1 district (residential uses not permitted in C-1) and to permit a secondary dwelling unit when the primary dwelling is not a single-family detached dwelling (not permitted).

Current Land Use: Residential

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This petition will require a four-day waiver of notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 1527 South East Street is a top-bottom duplex on South East Street between Lincoln and Weghorst Streets. Properties immediately to the North and South are residential in nature. Properties across the street and further to the south provide a variety of low-intensity commercial uses.
- The property record card for this property shows a dwelling existing on this location since 1910. This residential use long predates any zoning classifications for the City of Indianapolis. It is not clear when this property was converted to a duplex, but a structural permit from a 2016 remodel (STR16-04080) approved plans showing a dwelling unit on the second floor. Based on staff's analysis of this permit, the duplex is legally established. The property is currently split zoned between C-1 and C-3, with the majority of the property falling under the C-1 classification. The land use plan contemplates this as village mixed use.
- The petitioner seeks to build a detached garage with a carriage house on the property. As this property is zoned C-1, any expansion of a residential use would expand a nonconformity--



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

requiring a variance. Furthermore, the ordinance only contemplates accessory dwelling units as accessories to single-family detached homes. As this property is property is a duplex, a variance is also required in this instance.

- A Variance of Use is a tool that can be used to provide a remedy when a use is not contemplated in the Ordinance and/or when a rezoning may not make sense from a long-range planning perspective. Rezoning to a straight dwelling district could hamper possible future mixed-use development.
- According to the Land Use Pattern Book, the Village Mixed-Use typology “creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities” and “has a residential density of 6 to 25 dwelling units per acre.” This petition would conform to the typology by supporting various types of housing and encouraging the contemplated density. Furthermore, this would allow the property to continue its residential use. In staff’s analysis, this petition is seeking minimal relief based on the existing structures. As such, staff recommends approval of this petition.

GENERAL INFORMATION

Existing Zoning	C-1 & C-3	
Existing Land Use	Residential	
Comprehensive Plan	Village Mixed Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-1	North: Residential
South:	C-3	South: Residential/Commercial
East:	D-5	East: Residential
West:	C-1 & C-3	West: Residential / Commercial
Thoroughfare Plan		
South East Street	Local Street	50-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	03/17/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/17/2026	
Findings of Fact (Amended)	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- “The Village Mixed-Use typology 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 the 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 asl 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.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

96-HOV-64; 1521 South East Street (north of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the construction of a 24' x 24' detached garage (not permitted in a C-1 classification), **approved**.

2018-DV1-025; 1531 South East Street (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a retail building, with four parking spaces (nine parking spaces required), and a zero-foot east transitional yard without landscaping (eight-foot transitional yard with landscaping required), **approved**.

2018-UV1-017; 1529 South East Street (south of site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses, including a single-family dwelling and a detached garage (not permitted), **approved**.

2026UV2006; Photographs



Photo 1: Looking east on South East Street at front of property

2026UV2006; Photographs (continued)



Photo 2: Looking north on East Street

2026UV2006; Photographs (continued)



Photo 2: Neighboring property to the east

2026UV2006; Photographs (continued)



Photo 3: View of South East Street looking south.

2026UV2006; Photographs (continued)



Photo 4: Looking across South East Street from subject site

2026UV2006; Photographs (continued)



Photo 5: Further images across South East Street

2026UV2006; Photographs (continued)



Photo 6: View from rear of property

2026UV2006; Photographs (continued)



Photo 7: View from alley looking north

2026UV2006; Photographs (continued)



Photo 8: View from alley looking south



BOARD OF ZONING APPEALS DIVISION II

May 19, 2026

Case Number: 2026-DV1-014
Address: 9200 Keystone Crossing (approximate address)
Location: Washington Township, Council District #4
Zoning: C-4
Petitioner: KATC Property LLC, by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a second skyline sign on a building elevation (one skyline sign per elevation).

Current Land Use: Commercial office building

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the May 12, 2026, BZA I hearing, and transferred to the May 19, 2026, BZA II hearing, at the request of the petitioner.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition as proposed.

PETITION OVERVIEW

- ◇ Standards of the Sign Regulations are intended to promote quality sign displays that are integrated with developments and reduce potential hazards to pedestrians and motorists. These standards include limits on the number of signs, lighting, size, and setback limitations.
- ◇ A Skyline Sign is defined as “a building sign, located in its entirety, on a building façade above 26 feet in height, measured from grade level”.
- ◇ The maximum one skyline sign per elevation is designed to mitigate the proliferation of signage and the visual conflicts and negative aesthetics associated with multiple signs on a single building elevation. Increasing sign proliferation along the north building elevation inhibits the ability of motorists to properly read and react to sign messages in a safe and efficient manner.
- ◇ The strict application of the Sign Regulations would not prohibit the use of the property for its intended office use or limit the site’s ability to provide signage on other elevations or within the 26-foot building elevation from grade. Instead, the approval of more than the allotted number of signs would only create a precedent for other tenants to request the same allowance rendering the regulation futile.



- ◇ In regard to the proposed signage, making it easier to locate the business, the proposed sign elevations indicate the sign would be placed on the north side of the building, away from traffic entering and arriving at the office complex. Which is not conducive for arriving tenants in locating the business location. Instead, the sign appears to be oriented towards Interstate I-465 to the north.
- ◇ The submitted Findings fails to address that the site has a freestanding monument sign where signage for the tenants already exists and is visible at vehicle and eye level to arriving motorists in Keystone Crossing. Additionally, the business or tenant locations are easily accessed via addresses on the tenant’s websites, and electronic GPS and mapping systems that are widely available and provide directions to the business locations. Therefore, the additional sign is not needed for the locating of the tenants but appears to be oriented for advertising purposes in an area that has a high level of interstate traffic that could easily be distracted by the additional signage.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial Office	
Comprehensive Plan	Office Commercial uses	
Surrounding Context	Zoning	Surrounding Context
	North:	C-S I-465 Interstate / Commercial Office
	South:	C-S Commercial Office
	East:	C-S Commercial Office
	West:	C-4 Commercial Office
Thoroughfare Plan		
Keystone Crossing	Private Street	
Context Area	Metro area	
Floodway / Floodway Fringe	N/A	
Overlay	N/A	
Wellfield Protection Area	No	
Elevations	March 4, 2026	
Landscape Plan	N/A	
Site Plan	March 4, 2026	
Findings of Fact	March 4, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Office Commercial uses for the site.



Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Office Commercial typology which provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

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

2025-DV1-050; 8888 Keystone Crossing (south of site), requested a Variance of user to provide for the installation of a fifth skyline sign on a façade, being the sixth on a building, **granted**

98-UV2-37; 8888 Keystone Crossing (south of site), requested a Variance of user to provide for a telecommunications facility with 3 roof-mounted sets of three 8-foot tall antenna and 1 building-mounted set of three 8-foot tall antenna and a 5.5 by 14-foot equipment building mounted on the roof, **granted**.

88-HOV-87; 8888 Keystone Crossing (south of site), requested a Variance of Development Standards for an additional identification sign within an integrated center and with an overall height of eight feet, **granted**.

RU

EXHIBITS

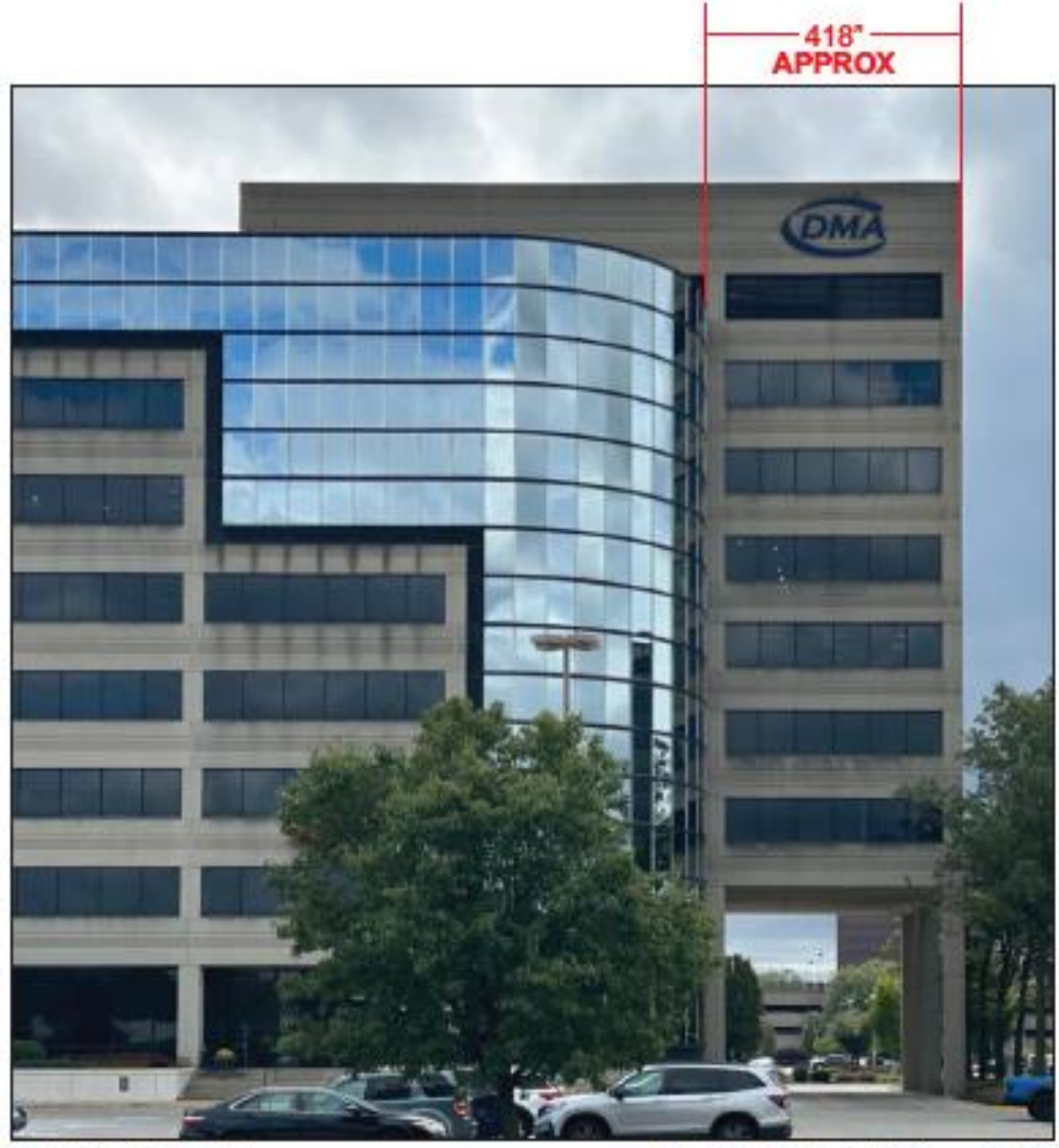
Location Map



Site Plan



Sign Elevation



NORTH ELEVATION

PHOTO SCALE: 1/32" = 1' - 0"



Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the sign will not interfere with any vehicular or pedestrian traffic pattern and will only help better identify a tenant, which will support the public health, safety, morals and general welfare.

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

the subject property features a large multi-tenant office building in the middle of a commercial office park, with other buildings featuring a significant number of skyline signs.

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

the sign regulations do not allow for any extra allowance of skyline signs, on a facade, even if the total square footage of building identification signs is under the maximum square footage allowed, as is the case with the proposed sign.

Photographs



8888 Keystone Crossing building north facade, looking south (proposed sign façade).



8888 Keystone Crossing building south façade, looking north.



Freestanding monument sign for 9200 Keystone Crossing tenants, easily visible at vehicular / eye level for arriving motorists from the south, looking north.



BOARD OF ZONING APPEALS DIVISION III

May 19, 2026

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

Current Land Use: Undeveloped parcel

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the April 21, 2026, Board III hearing due to a lack of quorum, and transferred to the May 19, 2026, hearing of Board II.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

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



Department of Metropolitan Development
Division of Planning
Current Planning

- ◇ The proposed use would be permitted in the C-5, General Commercial Zoning District. The C-5 district is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.
- ◇ Given the increase in intensity between the existing zoning and the proposed use, including the number of commercial vehicles as outdoor storage, approval of this request would over-develop the site and facilitate the intrusion of heavy commercial uses into an established neighborhood commercial corridor, adjacent to an existing residential neighborhood. The request would encourage additional heavy commercial encroachment, in a manner violating the development norms and residential aesthetics of the street, and squarely deviating from the recommendations of the Comprehensive Plan.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned C-3 and could be used by any number of uses permitted, by right, in the C-3 zoning classification. Any practical difficulty is self-imposed by the desire to use the site for operation of a construction contractor, including the on-site storage of 12 commercial vehicles associated with the use.
- ◇ The subject site is similar to other nearby properties that share the same zoning and parcel size and are able to follow the comprehensive plan and zoning ordinance without the need for variances. Therefore, the Comprehensive Plan recommendation should not be disregarded, nor of the clear neighborhood commercial nature of the surrounding area. For these reasons, staff recommends its denial.

Wellfield Protection Secondary Zoning

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



nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

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

GENERAL INFORMATION

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



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial uses.

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

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



Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

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

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

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

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

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

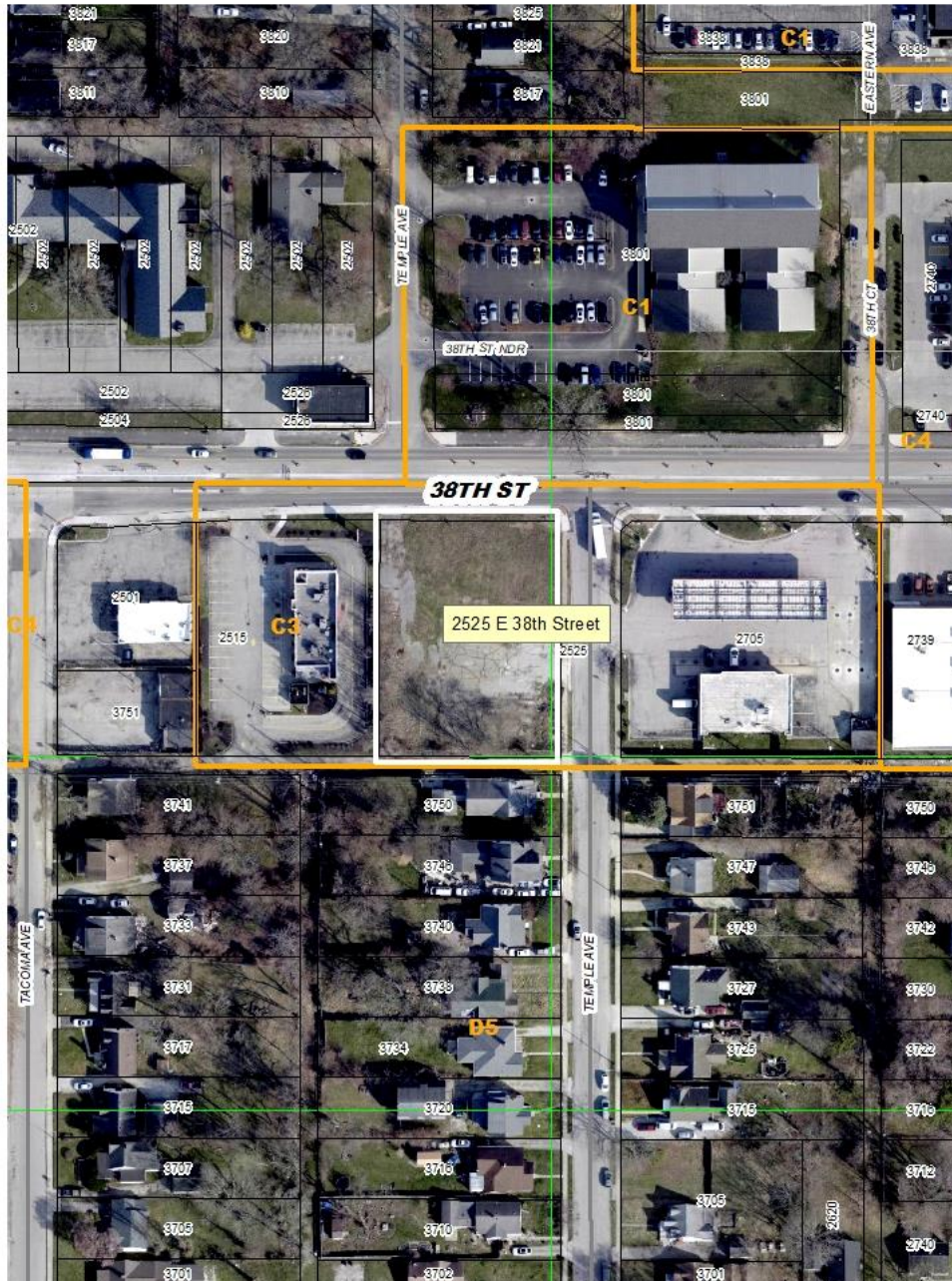
91-Z-114; 2609 East 38th Street (east of site), requested the Rezoning of 0.99 acre being in the C-1 District to the C-3 classification to provide for commercial development, **approved**.

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

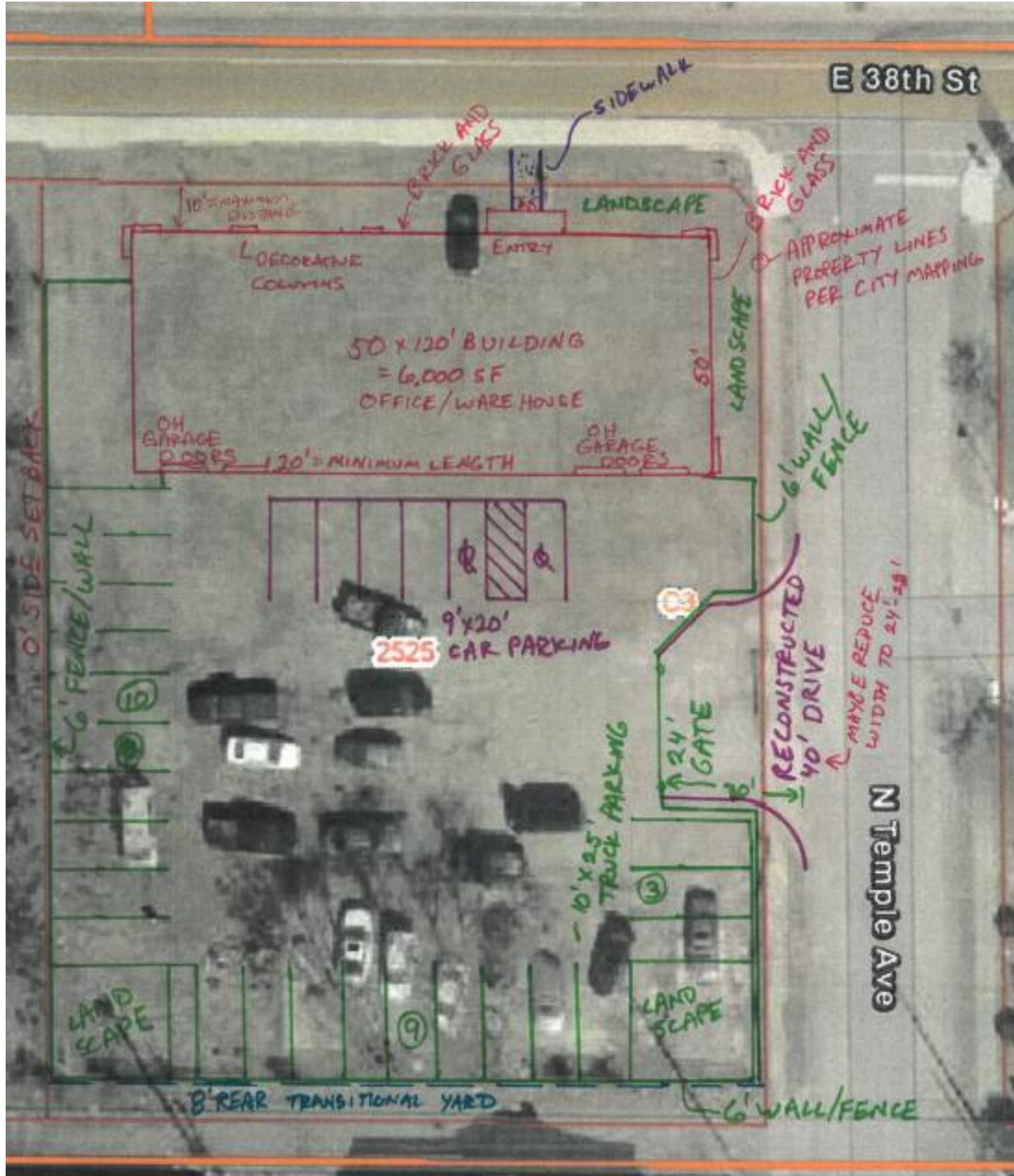
RU

EXHIBITS

Location Map



Site Plan





Plan Of Operation – file dated February 23, 2026

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

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

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

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

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

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

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

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



Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

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

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

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

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

Photographs



Subject site undeveloped, looking south from East 38th Street



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



Adjacent commercial gas station to the east, looking south.



Adjacent vacant commercial restaurant to the west, looking south.



BOARD OF ZONING APPEALS DIVISION II

May 19, 2026

Case Number: 2026-DV2-013

Property Address: 2001 North Olney Street (approximate address)

Location: Center Township, Council District #13

Petitioner: DMC Real Estate Holding, LLC, by Mike Chisholm

Current Zoning: I-3

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for the outdoor storage of materials within the transitional yard (not permitted) and to allow for a fence with barbed wire (not permitted).

Current Land Use: Industrial

Staff Recommendations: Staff recommends **approval** of the outdoor storage variance and offers **no recommendation** for the barbed wire fence, subject to commitments.

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

N/A

STAFF RECOMMENDATION

Staff recommends **approval** of the outdoor storage variance and offers **no recommendation** for the barbed wire fence variance, subject to commitments.

PETITION OVERVIEW

- 2001 North Olney is an industrial site running along Olney Street starting from just north of 20th Street to the entrance of Brookside Park. The property is home to a lumber mill and is bordered by another industrial use to the east and north and a mix of residential and other uses across Olney to the east.
- The petitioner is requesting two (2) variances. The first variance will allow them to store materials within their front transitional yard. The second variance would permit the installation of barbed wire along the top of a 6-foot-tall chain link fence running along Olney Street and the southern property line adjacent to Brookside Park.
- In the Compact Context Area, the Ordinance requires a 40-foot transitional yard that is intended to be kept clear to buffer higher intensity districts from dwelling districts. In other words, starting at the front lot line and going 40 feet deep, the area must be kept clear of structures and items related to the operations on-site. Google Street View images from 2022 show materials being



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

stored right up to the fence line and well within the transitional yard. Recent photos from a site visit show this continues to be the case.

- As part of the Pogue’s Run Trail project, the City of Indianapolis acquired additional right-of-way where the fence previously stood. The petitioner states the fence had to be moved in roughly nine (9) feet. This limited the available area for storage and limited maneuverability in the parking lot. Storing items closer to the building would cause issues with trucks and forklifts maneuvering between the various bay doors. This creates a practical difficulty for the petitioner. As the petitioner has committed to beautifying this stretch of fence in coordination with the Indy Arts Council and the community, staff recommends approval of this first variance. Staff will note that all other development standards must be met, notably that stored materials cannot exceed the height of the fence.
- The second variance request is to allow barbed wire along the top of the chain link fence. The use of barbed wire has long been strictly regulated in the Ordinance. Currently, barbed wire is only permitted:
 - “When used to enclose livestock on a site where the primary property use is agricultural uses, buildings or structures; or
 - When used for public safety or security purposes for a public facility or correctional or penal institution.”
- Staff has found no record of a variance that would have previously permitted the use of a barbed wire fence at this site. By all appearances, the previous barbed wire fence was not compliant with the Ordinance before being removed to make way for the trail. However, staff will note that the fence has long existed in this location and is consistent with other industrial fencing in the area. With commitments to also turn the barbed wire inwards and to use flat barbed wire as opposed to coiled (concertina) wire, along with the commitment to beautify the fence, staff will note limited a lessened impact on the viewshed of the surrounding community and trail users. Staff has heard of no remonstrance in this case and the councilor for this district has offered no objection. Without a site-specific practical difficulty, staff has no recommendation on this matter.
- Staff will note that the commitment will require the petitioner to seek Administrative Approval for the fence screen.

GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Industrial	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	C-S	North: Industrial
South:	PK-1	South: Park
East:	C-S	East: Industrial
West:	D-5, MU-1, C-1	West: Residential / Religious Use
Thoroughfare Plan		
Olney Street	Local Street	50-foot existing right-of-way and 58-foot proposed right-of-way



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20 th Street	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Brookside Parkway North Drive	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	01/30/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	1/30/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.



Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

94-Z-147; 3721 East 21st Street (northeast of site), Rezoning of 1.75 acres from I-3_U to C-5 to provide for automobile sales, service, and repair, **withdrawn**.

2002-ZON-166; 3500 East 20th Street (east and north of site), Rezoning of 30 acres from I-3-U to C-S to provide for commercial and industrial uses, including uses within the C-1, C-2, C-3, C-4, I-1-U, I-2-U, I-3-U, and I-4-U districts, **approved**.

2015-ZON-025; 2044 Olney Street (northwest of site), Rezoning of 0.84-acre from the C-2 district to the SU-1 classification to provide for a church and fellowship hall, with reduced setbacks, including a zero-foot setback along Olney Street, **approved**.

2025-ZON-023; 3418 East 20th Street (west of site), Rezoning of .12-acre from the SU-1 district to the C-1 district to provide for an office and a child daycare facility, **approved**.

EXHIBITS
2026DV2013; Aerial Map





2026DV2013; Findings of Fact

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

Granting the requested variances will not be injurious to the public health, safety, morals, or general welfare of the community because the property has a long standing industrial use, including warehousing, distribution, and light manufacturing, without adverse impacts. Outdoor material storage will be managed in an organized and safe manner, and the existing barbed wire fencing enhances security, from unauthorized access. These uses are consistent with neighboring industrial properties and will not introduce new hazards or disturbances, hereby protecting the community's health, safety, and general welfare.

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

The area adjacent to the property will not be affected in a substantially adverse manner because the surrounding properties are industrial in nature and already utilize outdoor storage and barbed-wire fencing for security. Neighboring facilities, maintain similar practices, establishing a consistent industrial character. The proposed material storage will be safely and orderly managed, and the existing barbed-wire fencing will continue to provide necessary security without creating visual or safety impacts, ensuring that adjacent properties are not negatively impacted.

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

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because it would prevent necessary outdoor storage of materials and the retention of existing security fencing essential to the safe and efficient operation of the industrial facility.



2026DV2013; Photographs



Photo 1: Google Street View image from 2022 showing material stored along fence and in transitional yard

2026DV2013; Photographs (continued)



Photo 1: From subject site parking lot looking west towards fence and neighboring residential properties. Notice gravel in front of fence where the trail is planned.

2026DV2013; Photographs (continued)



Photo 2: Close up of fence showing where barbed wire will be installed

2026DV2013; Photographs (continued)



Photo 3: View of property including some of the materials currently stored and trucks used on site.

2026DV2013; Photographs (continued)



Photo 4: Looking north on Olney from subject parcel driveway

2026DV2013; Photographs (continued)



Photo 5: Showing additional material stored along fence line. Materials in far back will need to be stepped down remain below fence height.



BOARD OF ZONING APPEALS DIVISION II **May 19, 2026**

Case Number: 2026-UV2-008

Property Address: 327 South Randolph Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Michael J. Mitchell Jr. and Pedro Guerrero Godinez, by Angela Guerrero

Current Zoning: D-5

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit the use of three (3) myotonic goats to reside on a lot that is less than 1 acre (not permitted) and a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for 0-foot side setbacks (5-foot side setbacks required).

Current Land Use: Residential

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

There is no previous history for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of the variance.

PETITION OVERVIEW

- 327 South Randolph Street is a single-family residence mid-block on South Randolph between Southeastern Avenue and English Avenue. The parcel, along with much of the surrounding neighborhood, is zoned D-5. The land use plan contemplates this parcel as “Traditional Neighborhood”.
- The petitioner’s request comes in two parts. The first request is to permit three (3) myotonic (or fainting goats) on a lot that is less than 1-acre. Table 743-306-3 of the Ordinance permits up to three (3) miniature, dwarf, or pygmy goats on a lot size of at least one-quarter (1/4) of an acre. Myotonic goats are not considered to be a miniature/dwarf/pygmy breed. For full-sized goats, the minimum lot size required is one (1) acre.
- The second part of the request pertains to a shed within the side-yard setback. The Department of Business and Neighborhood Services (BNS) cited this encroachment in VIO25-006505. A supervisor within BNS indicated that they have been unable to obtain exact measurements of the



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encroachment due to the presence of a “No Trespassing” signs and difficulty in reaching an agreement with the petitioner about accessing the property. Furthermore, site plans do not indicate the degree to which the shed encroaches into the side yard. The rationale for the zero (0)-foot setback request stems from this uncertainty. If a variance were to be granted for a four (4)-foot setback, but the shed in fact encroaches two (2) feet into the side yard, the shed would immediately be in violation. This request gives the greatest latitude for such setbacks. Should the board deny this variance, the petitioner will be required to maintain a five (5)-foot setback. Should the board agree to a reduced setback between zero (0) and five (5) feet, the petitioner will be required to comply with the agreed upon distance or potentially be subject to enforcement action by BNS.

- The petitioner is requesting to house/board 3 full-sized goats on the property during various days of the week. The intent of these goats is to provide emotional support to the petitioner’s mother who lives on site.
- Under the federal Fair Housing Act, individuals may request reasonable accommodations to zoning laws to permit the use of emotional support animals (ESAs).¹² To deny a request of a reasonable accommodation, a local government must show that such an accommodation “would fundamentally alter the local government’s zoning scheme”.³ The Consolidated Subdivision and Zoning Ordinance defines “personal livestock” as an “accessory activity of raising domesticated poultry, rabbits, sheep, donkeys, mules, alpacas, llamas, horses, and goats, of which may be standard-sized or miniature, pygmy or dwarf for use by the resident or occupant of the property.” As indicated above, standard-sized goats are only permitted on parcels with a minimum lot size of one-acre.
- HUD guidance acknowledges that “while most requests for reasonable accommodations involve one animal, requests sometimes involve more than one animal [...] the decision-making process in this guidance can be used for all requests [...]”. In its guidance on analyzing reasonable requests, HUD indicates that a body does not have to grant an accommodation if information cannot be provided which reasonably supports how each animal provides therapeutic emotional support. The petitioner has received a letter from Damar Services requesting that three goats, three dogs, and four cats, be permitted at this site. While the letter broadly indicates that such emotional support animals will alleviate the client’s symptoms, it does not indicate the specific symptom each animal helps to alleviate or why 10 animals are needed. Furthermore, HUD defines animals commonly kept in households as: dogs, cats, small birds, rabbits, hamster, gerbil, other rodents, fish, turtle, or other small, domesticated animals that are traditionally kept in the home for pleasure. It goes on to say “reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered household animals.”⁴ HUD guidance further states that “if the individual is requesting to keep a unique type of animal that is not commonly kept in households [...], then the requestor has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of

¹ [Joint Statement of the Department of Housing and Urban Developments and of the Department of Justice](#)

² [HUD FHEO Assistance Animals Notice 2020.pdf](#)

³ [Joint Statement of the Department of Housing and Urban Developments and of the Department of Justice](#)

⁴ [HUD FHEO Assistance Animals Notice 2020.pdf](#)



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animal.”⁵ The Ordinance does not have a minimum lot size for rabbits, chickens, quails, pigeons, or ducks. The Ordinance does not prevent individuals from having emotional support animals. What the Ordinance does do is lay out the maximum number of adult animals permitted on a lot and the minimum lot size required for certain animals. As these goats qualify as barnyard animals under HUD’s guidance, the substantial burden is on the petitioner to indicate why the animals permitted by right under the Ordinance cannot serve the needed therapeutic purposes. In staff’s analysis, that burden for reasonable accommodation has not been met.

- In regard to the shed, the site photos show that there are no obstructions preventing the shed from being placed outside of the setbacks. Indiana Code 36-7-4-918.4 highlights *all five (5)* criteria that must be met for a variance to be granted:
 1. the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 2. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 3. the need for the variance arises from some condition peculiar to the property involved;
 4. the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 5. the approval does not interfere substantially with the comprehensive plan adopted under the 500 series of this chapter.
- In staff’s analysis, no condition peculiar to the property exists. Based on the analysis shown above for both the variance of use and variance of development standards requests, staff recommends denial of the variance petition.

⁵ [HUD FHEO Assistance Animals Notice 2020.pdf](#)

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Residential
	South:	South: Residential
	East:	East: Residential
	West:	West: Residential
Thoroughfare Plan		
South Randolph 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	03/10/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/10/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The 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 units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

N/A



EXHIBITS
2026UV2008; Aerial Map

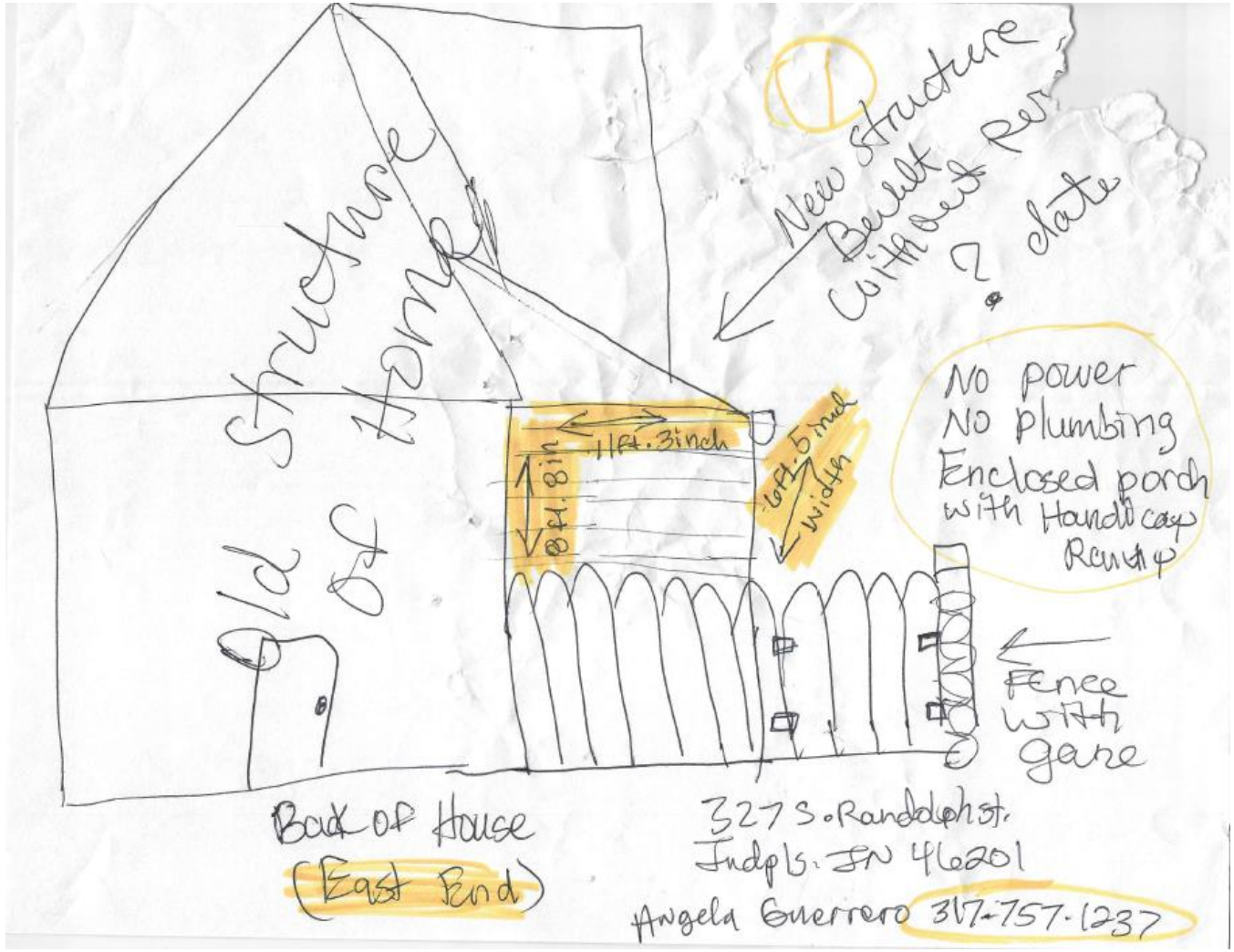
Map interface showing a residential neighborhood. A red box highlights a specific property. The map includes street names: S State Ave, S Wilcox St, S Randolph St, Villa Ave, and Hardan St. A scale bar and coordinates are visible at the bottom left.

Map controls: Home, Zoom In (+), Zoom Out (-), Full Screen, Layers, and a search icon.

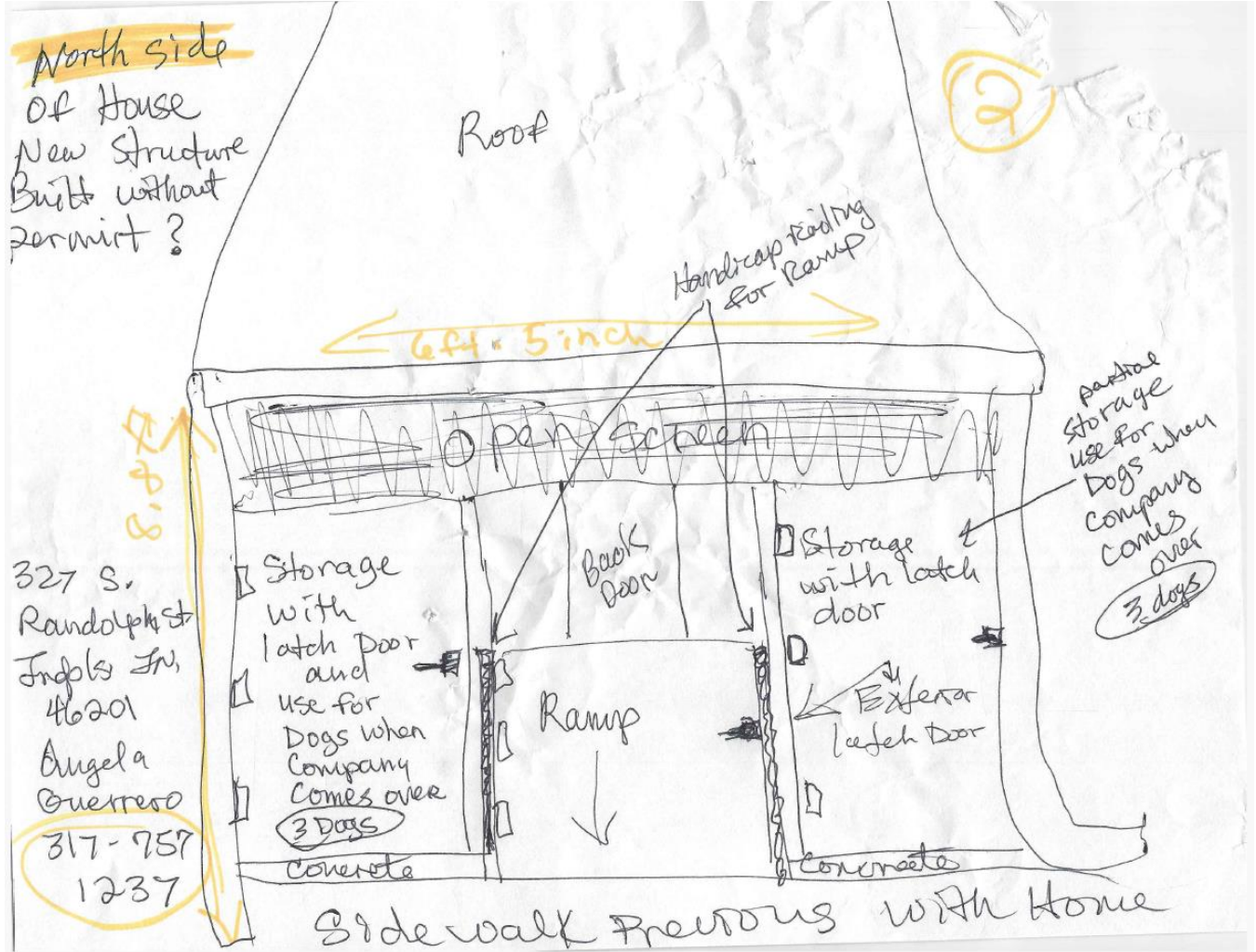
Map data: MapIndy, Zoning, Stormwater Impervious Area, Mapping Application for Public Safety.

Map metadata: Lat/Lon: 39.762015, -86.179652; x/y (ft): 197928.377, 1644341.176. Powered by Esri.

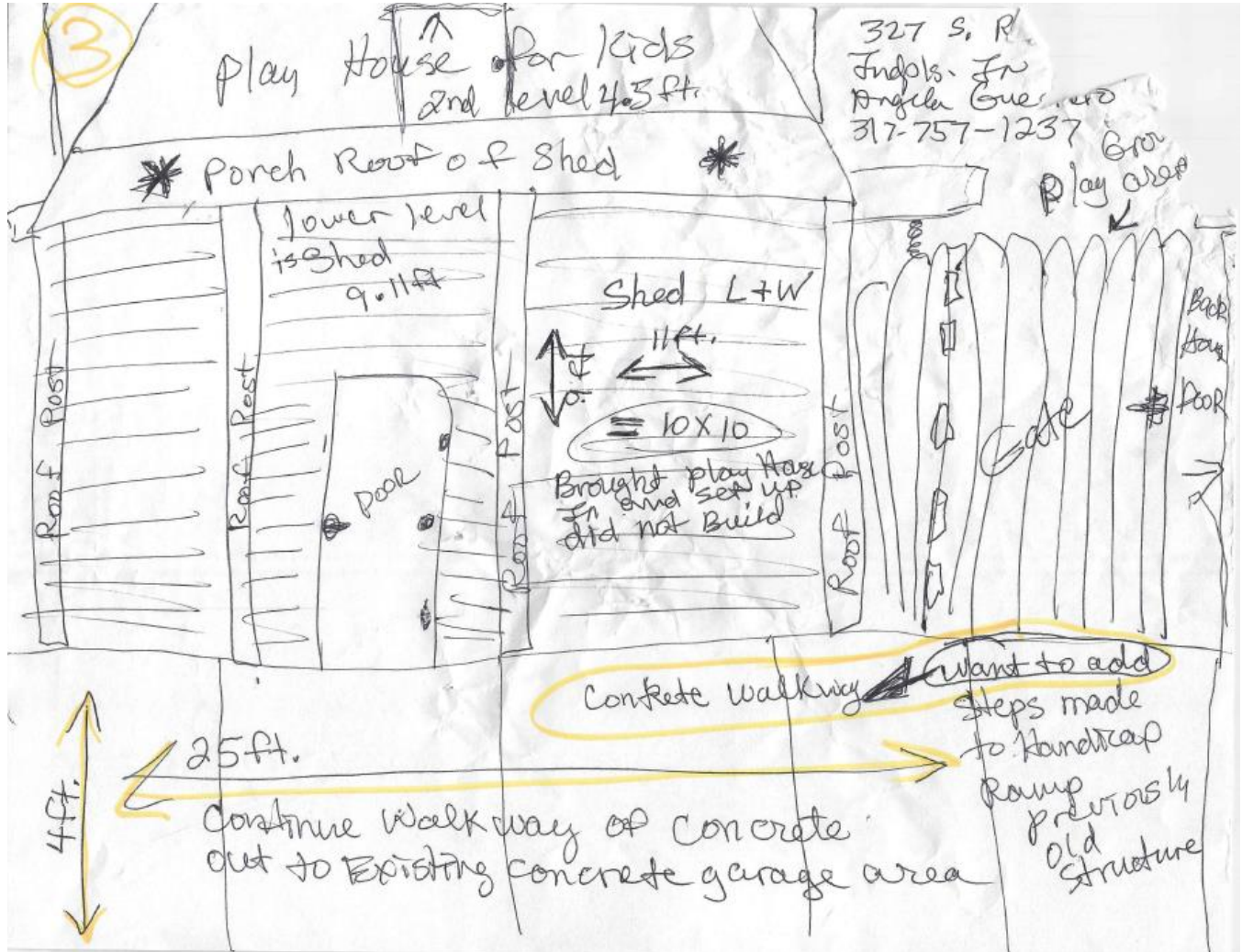
2026UV2008; Site Plan



2026UV2008; Site Plan (continued)



2026UV2008; Site Plan (continued)





2026UV2008; Findings of Fact

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

The are prescribed Emotional support goats and are kept on leashes or contained on the property and no contact with any community members

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

No additions or changes are to be made in any way

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

As a landlord I am required to petition for the variance for my tenant as they are protected under the Indiana Americans disability act laws and they are prescribed to them as an emotional support animal it is three miniature male toric goats a white one named Billy a red one named Rose and a red and white or

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 renter is disabled and qualifies under state and federal laws to be allowed to have their emotional support animals present at the property and it will cause a great hardship on the tenant as per the doctor

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

There is no changes in or additions to any existing structure the goats are provided as emotional support therapy during the daytime hours from 8:00 a.m. to 8:00 p.m. for the ten




2026UV2008; Permitted Personal Livestock Table

Table 743-306-3: Permitted Personal Livestock			
Domesticated Animal	Category	Maximum Number of Adult Animals on a Lot [1]	Minimum Lot Size
Rabbits	One	8	No minimum
Chickens, Quail, Pigeons and Ducks	One	12	No minimum
Miniature / Dwarf / Pygmy Goats that are female, or neutered male goats	One	3	1/4 acre
Sheep and Goats that are female or neutered male goats	Two	4	1 acre
Miniature Equine (horses, donkeys, mules) and Lamoids (alpacas, llamas)	Two	2	1 acre
Equine (horses, donkeys, mules)	Two	2	2 acres
Note: [1] Adult animals are those animals 8-months of age and older.			




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2026UV2008; Myotonic Goat Paperwork



Myotonic Goat Registry

P.O. Box 141, Adger, AL 35006
Email: myotonicgoatregistry@yahoo.com
www.myotonicgoatregistry.net
Phone: 205-425-5954



Purebred Registration Application

Standard Registration Fee: Bucks & Does \$10.00 ea Wethers \$8.00 ea Electronic Registration Fee: \$15.00 ea

Current Owner's Name:		MGR Breeder's ID number:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	Email:

I certify, with my signature, I have read the Registration Rules and all information given by me on this application is true and correct according to those rules. I hold myself responsible for such. Questions - review rules / call MGR.

Signature of Current Owner: _____ Date: _____

Breeder's Herd Name: Sycamore Hill Farm		This is Herd Name of Owner of Dam at time of breeding. Questions - review rules / call MGR.	
Animal's Name:		Current Owner's Herd Suffix:	
No. in Birth: 1	No. of Does: 0	No. of Bucks: 1	Date of Birth: 2/15/2025
Percent Myotonic: 100 %		Sex: Doe <input type="checkbox"/>	Buck <input checked="" type="checkbox"/> Wether <input type="checkbox"/>
USDA Scrapie Tag #:	Microchip #: 840003285124923	Horns: Horned <input type="checkbox"/>	Polled <input type="checkbox"/> Disbud <input checked="" type="checkbox"/>
Tattoo: Right Ear _____ Left Ear _____	Degree of Myotonia: 5 (Use number 1 thru 6 as per instruction sheet.)	Eye Color:	
Myotonic Line: (optional) Tennessee <input checked="" type="checkbox"/> Texas <input type="checkbox"/> Mini <input type="checkbox"/>	Hair Length: (optional) Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Skirted <input type="checkbox"/>		
Color and Description:			

Sire's Registered Name: Handley Showstock Solomon JCL	Sire's Registration #: F8826
Name of Owner of Sire at time of service: Michael and Sadie Arney and Bill Reynolds	MGR Breeder's #: 2294

If Sire is not owned by Owner of Dam, a Service Memo signed by Owner of Sire shall be attached.

Dam's Registered Name: Arney Family Farms Kathleen JCL	Dam's Registration #: F5504
Name of Owner of Dam at time of breeding: Michael and Sadie Arney and Bill Reynolds	MGR Breeder's #: 2294

If animal being registered is bred, a Breeding Memo signed by Breeder shall be attached. A copy should be kept to attach to offspring's registration, if the offspring is to be registered at a later date. If AI is the type of breeding a signed AI Memo should be attached.

If this animal is registered with another organization, please list: Organization, Animal's Full Name and Registration #.

You must have an active Myotonic Goat Registry Breeder Number to register a goat or obtain a replacement certificate.

Myotonic Goat Registry, P.O. Box 141, Adger, AL 35006

When providing a check as payment, you authorize MGR to use information from the check to make an electronic fund transfer from your account or to process as a check transaction. Non-sufficient fund (NSF) checks will be processed using FARS (Federal Automated Recovery System). FARS utilizes federal and state laws allowing an electronic fund transfer of a fee from your account if your payment is returned unpaid. Checks must include: Drivers License #, Full Name, Street Address and Phone Numbers.

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2026UV2008; Photographs



Photo 1: A BNS inspector's photo of the front of the front of the property.

2026UV2008; Photographs (continued)



Photo 2: A BNS inspector's photo of a play structure seemingly encroaching into the side yard setback. Play structures are permitted to encroach into side yard setbacks.

2026UV2008; Photographs (continued)



Photo 3: A BNS inspector's photo of the parcel from the rear alley.

2026UV2008; Photographs (continued)



Photo 4: A BNS inspector's photo showing the shed encroaching into the side yard setback. Notice the open space where the shed could be moved to comply with setback standards. A goat can be seen in the photograph as well.

2026UV2008; Photographs (continued)



Photo 5: A BNS inspector's photo showing another goat on the property.