



# Board of Zoning Appeals Board of Zoning Appeals Division I (August 5th, 2025) Meeting Agenda

## Meeting Details

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

**Date:** Tuesday, August 05, 2025

**Time:** 1:00 PM

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

## Business:

### Adoption of Meeting Minutes

### Special Requests

#### 2025-DV1-026 | 29 West Arizona Street

Center Township, Council District #18, zoned D-5  
Ana Pereira, by Daniel Salazar

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of primary and accessory structures with three-foot side yard setbacks (five feet required).

### \*\*Withdrawn

## PETITIONS REQUESTING TO BE CONTINUED:

### 1. 2025-DV1-035 (Amended) | 6280 North College Avenue

Washington Township, Council District #7, zoned MU-2 (TOD) (FF)  
City of Indianapolis, Department of Public Utilities, Board of Directors for Utilities Trustee, Public Charitable Trust for Water System by Mark Demerly,

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 30-foot tall steel sculpture on top of a 2.5-foot tall concrete base with a zero-foot front yard setback and within the clear sight triangle of the intersection of College Avenue and Westfield Boulevard, and encroaching within the right-of-way of Westfield Boulevard (encroachments not permitted).

### \*\*Automatic Continuance filed by a Registered Neighborhood Organization

### 2. 2025-UV1-009 | 5330 West Morris Street

Wayne Township, Council District #17, zoned C-3 (TOD)  
Adriano Montas, by Arnoldo Gonzalez Vasquez

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an Automobile, Motorcycle, and Light Vehicle Service or Repair facility, with outdoor storage of vehicles awaiting repair (not permitted), with eight parking spaces and zero bicycle parking spaces provided.

### \*\*Petitioner to request a continuance to September 2, 2025 hearing of Division I

### 3. 2025-UV1-013 | 11150 Maze Road

Franklin Township, Council District #25, zoned D-A  
Michael & Nicole Cole, by Ray Basile

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 350-gallon gasoline above ground storage tank and a 550-gallon diesel fuel above ground storage tank (not permitted), in addition to uses permitted by the grant of 2023-UV1-025.

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

**4. 2025-DV1-030 (Amended) | 2110 Bloyd Avenue**

Center Township, Council District #8, zoned I-3  
Covenant Commercial Investments 1 LLC, by Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building with a two-foot front transitional yard from Bloyd Avenue, a ten-foot front yard setback from Jefferson Avenue and a three-foot north side yard setback (40-foot front transitional yard, 30-foot front yard setback, 10-foot side yard setbacks required), encroaching within the clear sight triangle of Bloyd Avenue and Jefferson Street (encroachment not permitted), and with 21 parking spaces provided (71 parking spaces required).

**5. 2025-DV1-033 | 5600 West Raymond Street**

Wayne Township, Council District #17, zoned I-3  
ININDI02 GOOD 5600 W RAYMOND LLC, by Devin Cook

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an unenclosed service area with a 19-foot western side yard setback (enclosure of service areas, 30-foot side yard setback required).

**6. 2025-DV1-037 | 8310 Rockville Road**

Wayne Township, Council District #17, zoned C-3 (FF)  
Menaal Holdings LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to an existing convenience market, resulting in a front setback of 148 feet from Rockville Road (maximum setback of 85 feet permitted).

**7. 2025-UV1-012 | 709 North Holmes Avenue**

Wayne Township, Council District #12, zoned C-1  
Marie Solano, by Victor Solano

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a residential building addition (not permitted) resulting in a 70-foot front yard setback from Walnut Street (maximum 65-foot front yard setback permitted).

### PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

### PETITIONS FOR PUBLIC HEARING (Continued Petitions):

**8. 2025-DV1-029 (Amended) | 2062 Carrollton Avenue**

Center Township, Council District #13, zoned D-8  
Breedy B LLC, by Jamilah Mintze

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a five-foot rear yard setback (fifteen feet required) and a three-foot corner side yard setback from 21st Street (eight feet required).

**9. 2025-DV1-032 | 7986 North College Avenue, Town of Williams Creek**

Washington Township, Council District #2, zoned D-8 (TOD)  
Brian Maire and Lauren Riley, by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a garage addition with a two-foot south side yard setback (15 feet required), resulting in an open space of 81 percent (85 percent required) and encroachment into an easement (encroachment of easements not permitted).

#### PETITIONS FOR PUBLIC HEARING (New Petitions):

**10. 2025-DV1-034 | 8760 Crown Point Road**

Pike Township, Council District #1, zoned D-A (FW)  
Scott & April Willy, by Brent Bennett

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage within the front yard of Crown Point Road (accessory structures not permitted within the front yard).

**11. 2025-DV1-036 | 8849 New Heritage Courth**

Franklin Township, Council District #25, zoned D-3  
Heather Jo Douglas

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fence within a platted easement (encroachments not permitted).

#### 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](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [planneroncall@indy.gov](mailto: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
Peter Nelson, Chair	Mayor's Office	January 1, 2025 – December 21, 2025
David Duncan, Secretary	Mayor's Office	January 1, 2025 – December 21, 2025
Jennifer Whitt	City-County Council	January 1, 2025 – December 21, 2025
Andrew Katona	Metropolitan Development Commissions	January 1, 2025 – December 21, 2025
VACANT	City-County Council	N/A

**BOARD OF ZONING APPEALS DIVISION I**

**August 5, 2025**

**Case Number:** 2025-DV1-026

**Property Address:** 29 West Arizona Street (approximate address)

**Location:** Center Township, Council District #18

**Petitioner:** Ana Pereira, by Daniel Salazar

**Current Zoning:** D-5

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of primary and accessory structures with three-foot side yard setbacks (five feet required).

**Current Land Use:** Vacant

**Staff Recommendations:** N/A

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- This petition was continued from the June 3, 2025 hearing date to the July 1, 2025 hearing date to allow for the petitioner and registered neighborhood organization to discuss the petition further.
- The petitioner automatically continued this petition to the August 5, 2025 hearing date.
- The petitioner has indicated that this petition is to be withdrawn, which requires the Board's acknowledgement.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**BOARD OF ZONING APPEALS DIVISION I**

**August 05, 2025**

**Case Number:** 2025-DV1-035 (Amended)

**Property Address:** 0 Canal (northwest quadrant of intersection of College Avenue and Westfield Boulevard)

**Location:** Washington Township, Council District #7

**Petitioner:** City of Indianapolis, Department of Public Utilities, Board of Directors for Utilities Trustee, Public Charitable Trust for Water System, by Mark Demerly

**Current Zoning:** MU-2 (TOD) (FF)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 30-foot tall steel sculpture on top of a 2.5-foot tall concrete base with a zero-foot front yard setback and within the clear sight triangle of the intersection of College Avenue and Westfield Boulevard, and encroaching within the right-of-way of Westfield Boulevard (encroachments not permitted).

**Current Land Use:** Public Right-of-Way

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

A timely automatic continuance was filed by a registered neighborhood organization continuing this petition to the September 2<sup>nd</sup>, 2025 hearing date of Division I.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**BOARD OF ZONING APPEALS DIVISION I**

**August 5, 2025**

**Case Number:** 2025-UV1-009

**Property Address:** 5330 West Morris Street (approximate address)

**Location:** Wayne Township, Council District #17

**Petitioner:** Adriano Montas, by Arnoldo Gonzalez Vasquez

**Current Zoning:** C-3 (TOD)

**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an Automobile, Motorcycle, and Light Vehicle Service or Repair facility, with outdoor storage of vehicles awaiting repair (not permitted), with eight parking spaces and zero bicycle parking spaces provided.

**Current Land Use:** Residential

**Staff Recommendations:** N/A

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- The petitioner automatically continued this petition from the July 1, 2025 hearing to the August 5, 2025 hearing date.
- The petitioner is requesting a continuance to the September 2, 2025 hearing due to insufficient notice.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**BOARD OF ZONING APPEALS DIVISION I****August 6, 2025**

**Case Number:** 2025-UV1-013  
**Address:** 11150 Maze Road (approximate address)  
**Location:** Franklin Township, Council District #25  
**Zoning:** D-A  
**Petitioner:** Michael & Nicole Cole, by Ray Basile  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 350-gallon gasoline above ground storage tank and a 550-gallon diesel fuel above ground storage tank (not permitted), in addition to uses permitted by the grant of 2023-UV1-025.

**Current Land Use:** Construction Contractor

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This petition was **automatically continued from the August 6, 2025 hearing, to the September 2, 2025, hearing**, at the request of a Registered Neighborhood Organization. This would require the Board's acknowledgement.



## BOARD OF ZONING APPEALS DIVISION I

August 5, 2025

**Case Number:** 2025-DV1-030 (Amended)  
**Address:** 2110 Bloyd Avenue (approximate address)  
**Location:** Center Township, Council District #8  
**Zoning:** I-3  
**Petitioner:** Covenant Commercial Investments 1 LLC, by Justin Kingen  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building with a two-foot front transitional yard from Bloyd Avenue, a ten-foot front yard setback from Jefferson Avenue and a three-foot north side yard setback (40-foot front transitional yard, 30-foot front yard setback, 10-foot side yard setbacks required), encroaching within the clear sight triangle of Bloyd Avenue and Jefferson Street (encroachment not permitted), and with 21 parking spaces provided (71 parking spaces required).

**Current Land Use:** Pet Crematorium.

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

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

## PETITION HISTORY

This petition was continued from the July 1, 2025, hearing, to the August 5, 2025, hearing, in order to amend the petition, and provide new notice.

## STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

## PETITION OVERVIEW

- ◇ The subject site was previously granted a Special Exception (2019-SE2-002), to provide for a crematory, and a Variance of Use (2019-UV2-008) to provide for funeral home/mortuary.
- ◇ The subject site is zoned I-3 and is currently improved with a pet crematory operation. Other light to medium industrial uses surround the property to the East, North and West. Single family dwellings are adjacent to the South. The Comprehensive Plan recommends light industrial uses for the site.
- ◇ The petitioner proposes to construct a building on the southeast corner of the subject site, with a two-foot front transitional yard from Bloyd Avenue, a ten-foot front yard setback from Jefferson Avenue and a three-foot north side yard setback, encroaching within the clear sight triangle of Bloyd Avenue and Jefferson Street, with 21 parking spaces provided.



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

- ◇ The subject site is situated adjacent to four (4) street rights-of-way as well as a vacated Conrail railroad, which makes it difficult in locating new development on the limited-area site.
- ◇ As the immediate area developed, the adjacent streets were reconfigured or vacated. Jefferson Avenue, east of the subject site was vacated north of the railroad tracks and currently dead ends at the right of way for a proposed greenway, north of the subject site. Greenbriar Lane, a platted right-of-way, was never extended beyond the railroad tracks west of the subject site.
- ◇ Therefore, in Staff's opinion, as this portion of Jefferson Avenue is a dead-end street that is likely to be vacated sometime in the future, the request for the reduced setbacks and encroachment into the clear sight triangle as proposed, would have minimal impact on surrounding properties, due to the non-existent use of Jefferson Street, and the similar setback of the existing building on site. The proposed location for the new structure would not be out of context with the existing surrounding area.
- ◇ This request would also provide for 21 parking spaces where 71 parking spaces are required. The Plan of Operation from the previously granted Special Exception, indicates that the majority of clients are not expected to come to the site, as the facility will provide transportation to and from their facility in conjunction with other agencies such as hospitals, funeral homes, and veterinarians.
- ◇ Therefore, Staff is supportive of the reduced parking request as the need for the required parking is diminished by the type of operation having limited public contact and no walk-up facilities.

#### GENERAL INFORMATION

<b>Existing Zoning</b>	I-3	
<b>Existing Land Use</b>	Pet Crematorium Facility	
<b>Comprehensive Plan</b>	Light Industrial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: I-3 / C-S	Proposed Greenway / Warehouse distribution
	South: D-5	Single-Family Dwellings
	East: I-3	Industrial Warehouse
	West: I-3	Industrial Warehouse
<b>Thoroughfare Plan</b>		
	Bloyd Avenue	Local Street 68-foot existing and proposed right-of-way.
	Jefferson Avenue	Local Street 50-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	May 29, 2025	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact - Amended</b>	July 30, 2025	



## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Light Industrial development of the site.
- 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

**2019-UV2-008; 2110 Bloyd Avenue (subject site),** requested a Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a funeral home/mortuary, **granted.**

**2019-SE2-002; 2110 Bloyd Avenue (subject site),** requested a Special Exception to provide for a crematory, **granted.**



Department of Metropolitan Development  
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Current Planning

**2013-UV3-016; 2110 Bloyd Avenue (subject site),** requested a Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for automobile sales and display, with an office, all associated with automobile detailing, automobile repair and automobile restoration, with a paint booth and enclosed storage area, with zero-foot front and side setbacks, and with a trash enclosure in front of the established building line along Jefferson Avenue, **granted.**

**2003-ZON-840; Keystone Enterprise Park, (north of site),** requested the rezoning of approximately 44.46 acres from the D-5 and SU-1 Districts to the C-S District to provide for an integrated business park with retail, office, and industrial uses, **granted.**

**88-V2-133; 2102 Greenbriar Lane, (northwest of site),** requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 21.5-foot transitional setback, **granted.**

**69-Z-245; 2020 Darwin Street, (northwest of site).** Rezoning of approximately 1.44 acres from the D-5 and I-3-U Districts to the I-3-U District to provide for chemical distributors and warehousing, **approved.**

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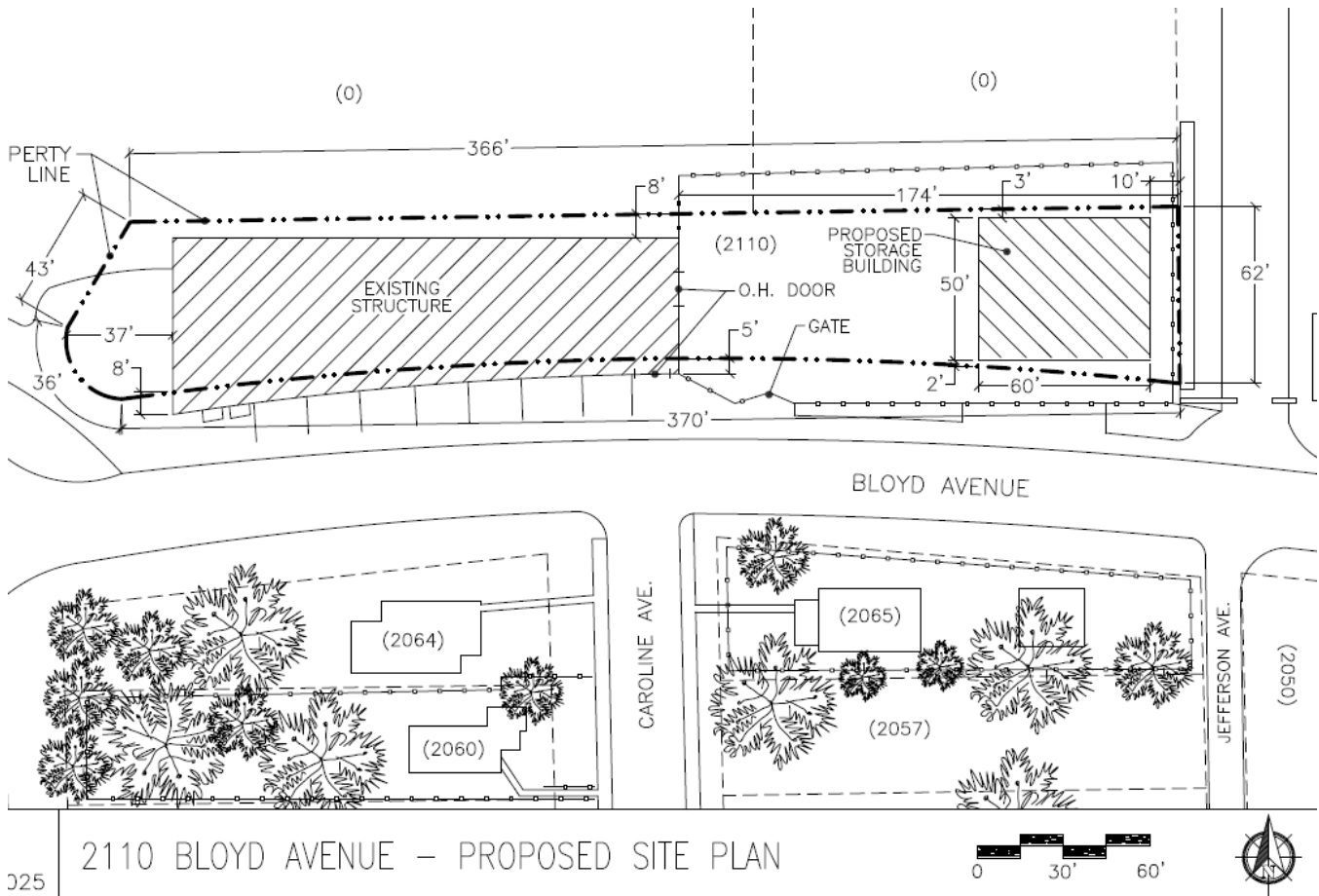
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## EXHIBITS

### Location Map



**Site Plan**





Department of Metropolitan Development  
Division of Planning  
Current Planning

**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 proposed industrial structure contains a similar front transitional yard, front-yard setback, and side-yard setback as the existing industrial structure on the subject site along with other industrial structures in this section of the Martindale-Brightwood neighborhood. This newly proposed structure will allow for the repair of the existing business' vehicles along with providing additional indoor storage space. The variance for the clear sight triangle involves an unused street that dead ends at the northeast corner of the subject site. Given that, the proposed industrial structure will not block any sight lines from and to vehicles entering and existing the site. There are no crematorium services for the public that take place on the site, therefore the existing parking spaces are more than capable of handling the necessary parking needs of the site.

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

The use of the property is consistent with the Marion County Land Use Plan Pattern Book and the value of the nearby residences won't affected in an adverse manner given that this is an existing industrial use (permitted by a previously approved variance of use and special exception).

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

This variance request for the reduction of the front-yard transitional yard setback, front-yard setback, side-yard setback, required parking, and to allow for a building to be constructed partially within the site's clear sight triangle, is necessary given the shallow depth of the subject site. It is practically difficult to construct a structure of any size given the existing lot's dimensions.

**Photographs**



Subject site, existing building, looking east.



Subject site proposed building location, looking north.



Jefferson Avenue at the east of proposed building location Proposed canopy location with 17-foot side setback, looking north east.



Adjacent warehouse to the east of Jefferson Avenue, looking northeast.



Department of Metropolitan Development  
Division of Planning  
Current Planning

## BOARD OF ZONING APPEALS DIVISION I

August 5, 2025

**Case Number:** 2025-DV1-033  
**Address:** 5600 West Raymond Street (approximate address)  
**Location:** Wayne Township, Council District #17  
**Zoning:** I-3  
**Petitioner:** ININDI02 GOOD 5600 W RAYMOND LLC, by Devin Cook  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an unenclosed service area with a 19-foot western side yard setback (enclosure of service areas, 30-foot side yard setback required).

**Current Land Use:** Industrial beverage manufacturing facility.

**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 subject site is zoned I-3 and is currently improved with a beverage manufacturing facility. Other manufacturing and light to medium industrial uses surround the property. The Comprehensive Plan recommends light industrial uses for the site.
- ◇ The petitioner proposes to install an unenclosed, or open sided service area with a 19-foot west side setback, that will have a canopy to cover dumpsters.
- ◇ The dumpsters will contain tea waste from the tea manufacturing process. The waste is a moist, organic, compostable material, that will not create any dust plumes during collection or transport. The canopy is primarily needed to help limit rainwater from also collecting in the dumpsters.
- ◇ The proposed building site is currently buffered from the adjacent use to the west by an existing outdoor storage yard and parking lot, which creates separation between the adjoining uses.
- ◇ The request will have minimal impact because of its relative proposed location to adjacent structures and would not be out of context with the existing surrounding area. Adequate space would still be provided to mitigate any adverse impacts and provide the minimum area necessary for maintenance and emergency response.

## GENERAL INFORMATION

<b>Existing Zoning</b>	I-3	
<b>Existing Land Use</b>	Beverage manufacturing facility	
<b>Comprehensive Plan</b>	Light Industrial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	I-3	Warehouse distribution
South:	I-3	Lite Industrial Warehouse
East:	I-3	Lite Industrial Warehouse
West:	I-3	Warehouse supplier
<b>Thoroughfare Plan</b>		
West Raymond Street	Local Street	80-foot existing and proposed right-of-way.
<b>Context Area</b>	Metro area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	June 1, 2025	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	June 1, 2025	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Light Industrial development of the site.
- 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

**2018-UV3-022; 2441 Production Drive (south of site)**, requested a Variance of Use and Development Standards to provide for an accessory apartment and to provide for a warehouse addition with an 11-foot side setback, **granted**.

**2012-DV1-012; 2020 Production Drive (west of site)**, requested a Variance of Development Standards to provide for a 4,400-square foot addition to an existing industrial building, creating a 20-foot front setback from Production Drive, **granted**.

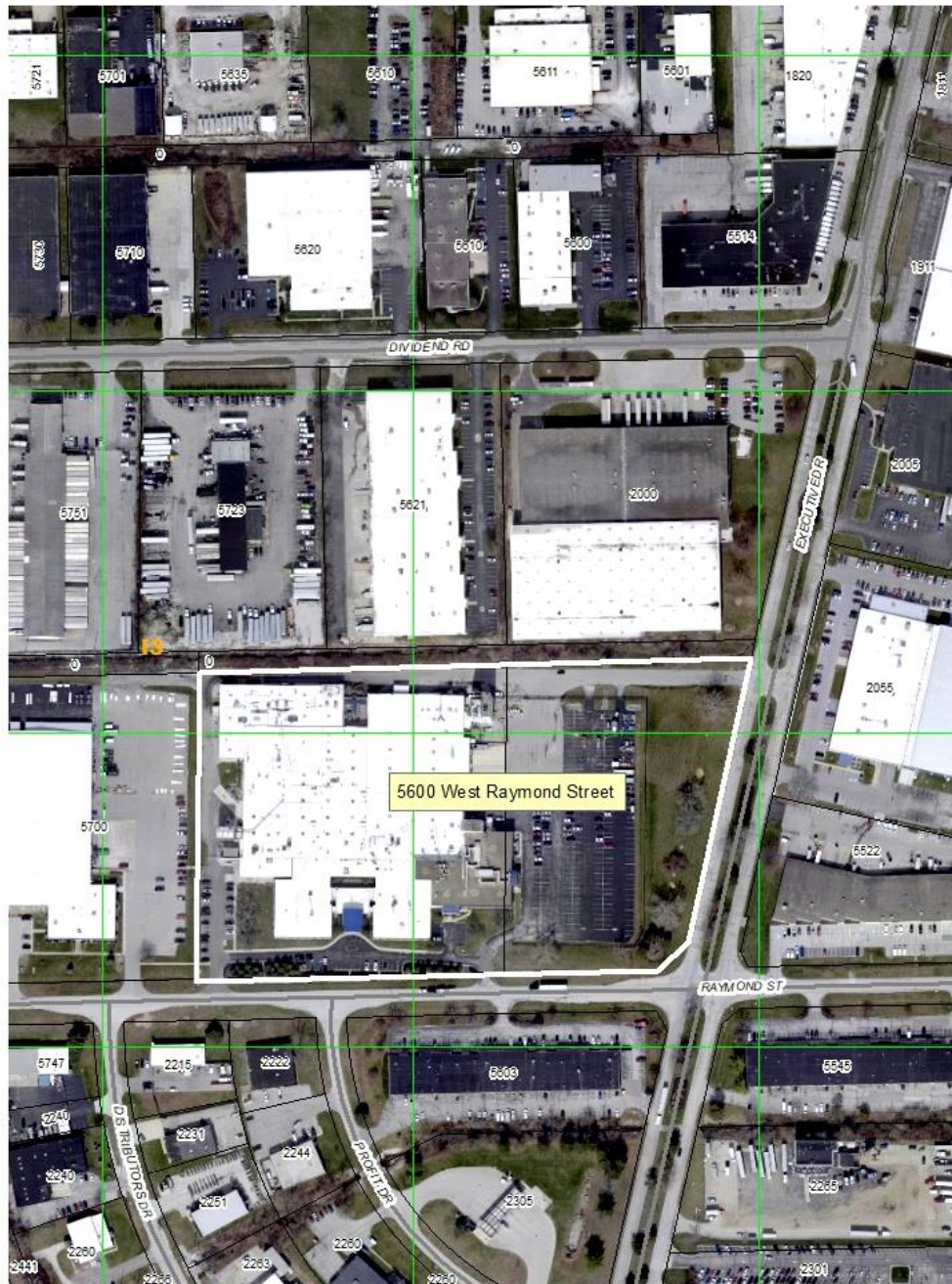
**2001-UV3-002; 5350 West Raymond Street (east of site)**, requested a Variance of Use to provide for the construction of a 7, 700 square foot warehouse for industrial uses and a variance of development standards to provide for the construction of 7, 700 square foot warehouse, with a ten-foot side yard setback, **granted**

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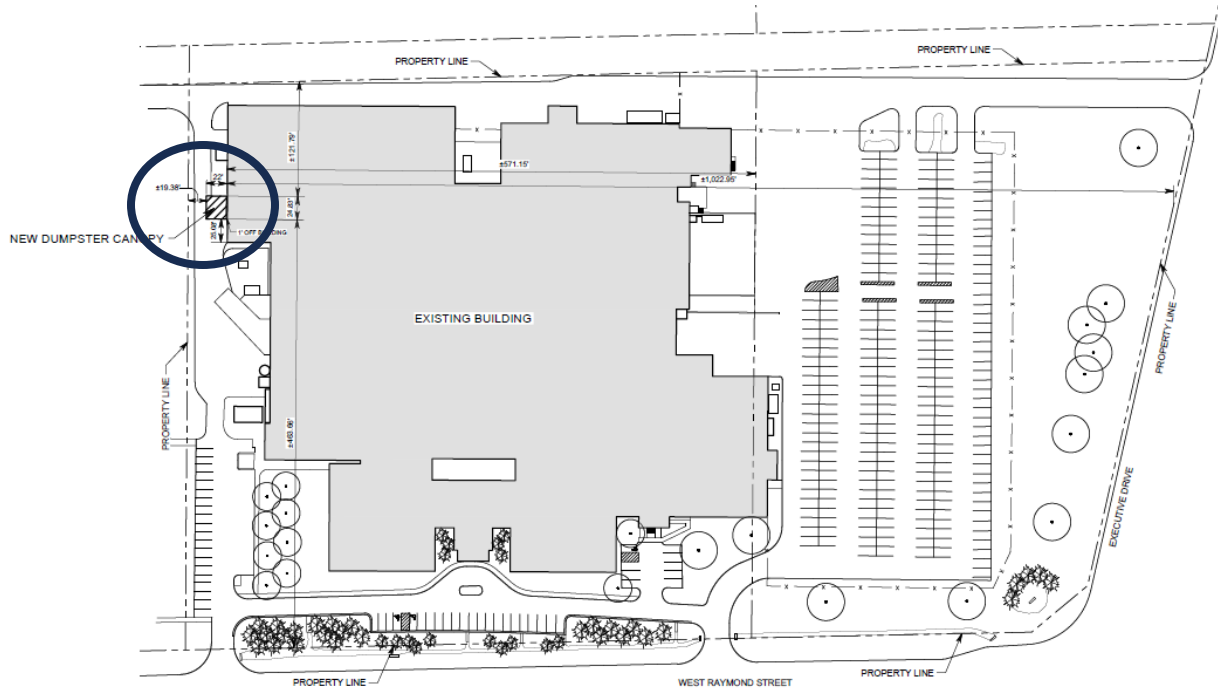
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## EXHIBITS

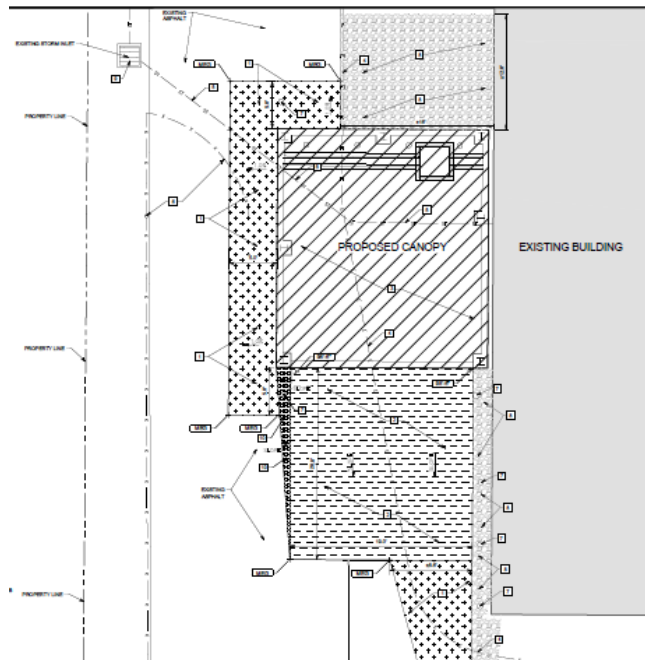
### Location Map



**Site Plan**



OVERALL SITE PLAN



Close up site plan



Department of Metropolitan Development  
Division of Planning  
Current Planning

**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 proposed canopy will be wholly contained within the owner's property and will not introduce injurious entities or conditions to the adjacent property.


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 is also a light industrial facility, and the canopy addition to the owner's property will remain wholly contained within the owner's property lines.


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

The canopy will contain waste dumpsters integral to the function of the owner's plant, which if not installed, will prevent the plant from operating at full capacity and having a proper waste disposal area.


**Photographs**



Subject site, front office portion of facility, looking northeast.



Subject site west side of facility, looking north from front parking area.



Proposed canopy location with 17-foot side setback, looking north east.



Adjacent business to the west, outdoor storage yard, looking north.



Department of Metropolitan Development  
Division of Planning  
Current Planning

## BOARD OF ZONING APPEALS DIVISION I

August 5<sup>th</sup>, 2025

**Case Number:** 2025-DV1-037

**Property Address:** 8310 Rockville Road

**Location:** Wayne Township, Council District #17

**Petitioner:** Menaal Holdings LLC, by David Gilman

**Current Zoning:** C-3 (FF)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to an existing convenience market, resulting in a front setback of 148 feet from Rockville Road (maximum setback of 85 feet permitted).

**Current Land Use:** Commercial

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

**Staff Reviewer:** Kiya Mullins, Associate Planner

## PETITION HISTORY

This is the first public hearing of this variance petition.

## STAFF RECOMMENDATION

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

## PETITION OVERVIEW

- The petitioner is requesting to maintain a front setback of 148 feet from Rockville Road.
- The property is currently proposing to add an addition to the Kwikmart on the subject site to allow space for a beauty supply shop. However, upon applying for permits, an oversized front setback was discovered.
- This property is 1.04 acres in a C-3 zoning district.
- Historical Aerials show that a gas station has been on this site, with the large front setback, since 1995.
- Per the Ordinance, a C-3 zoned property in the metro context area is permitted to have a front setback ranging from 10 to 85 feet.
- Due to the age of the site, staff believes the larger front yard setback will not affect the site and the surrounding area. The Kwikmart on the property is still visible from both Rockville Road and County Club Road, and with the traffic light at the intersection of this corner lot, provides drivers with time to get to the correct lanes to pull onto the site.



Department of Metropolitan Development  
Division of Planning  
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- Staff is recommending **approval** of this variance petition with two commitments:
  - Sidewalks shall be installed along County Club Road by the petitioner and connect to the sidewalks to be installed by INDOT along Rockville Road, project number R-41781, 1800037
  - A landscape plan for the frontages along Rockville Road and County Club Road shall be provided for Administrator's approval, prior to obtaining an Improvement Location Permit (ILP).

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-3 (FF)	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	SU-1	North: Suburban Neighborhood
South:	C-1	South: Office Commercial
East:	C-3	East: Community Commercial
West:	C-3	West: Community Commercial
<b>Thoroughfare Plan</b>		
Rockville Road	Primary Arterial	183 feet of right-of-way existing and 112 feet proposed.
County Club Road	Secondary Arterial	138 feet of right-of-way existing and 90 feet proposed.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	7/6/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	7/6/2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	7/6/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book



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**Pattern Book / Land Use Plan**

- The Community Commercial typology provides for low intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

**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.



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## **ZONING HISTORY**

### **ZONING HISTORY – SITE**

- 93-Z-37 (Amended): 8424 Rockville Road
  - Rezoning of 8.68 acres, being in the D-A, SU-43, and SU-34/FF District to the C-3/FF classification to provide for commercial development.
    - Approved

### **ZONING HISTORY – SURROUNDING AREA**

- 2007-ZON-053: 220 North Country Club Road
  - Rezoning of 23.854 acres, from the SU-34 (FW)(FF), D-5II (FW)(FF), and SU-43 (FW)(FF) District, to the SU-1 (FW)(FF) classification to provide for religious uses.
    - Approved
- 2007-ZON-136: 8121 Frito Lay Drive
  - Rezoning of 9.058 acres, from the I-3-S (FF) District to the C-4 (FF) classification to provide for community-regional commercial uses.
    - Approved
- 2009-DV3-007: 8150 Rockville Road
  - Variance of Development Standards of the Sign Regulations to provide for a 52-square foot electronic variable message sign component (not permitted), on an existing 25.5-foot tall, 215-square foot pole sign within 20 feet of a signalized intersection (minimum 125-foot separation from a signalized intersection required).
    - Denied
- 2009-ZON-034: 7400 Acton Road, 5706 North Meridian Street, 2605 Kentucky Avenue, 9501 East 36<sup>th</sup> Place, 5335 & 5353 South High School Road, and 6038-6240 Valley Lane, 8401 Rockville Road, 1934 North DeQuincy Street, 5398 Millhouse Road, 750 Greer Street, 4241 Fairview Road, 7425 Mendenhall Road, 1313 Madison Avenue, 254 East Beecher Street, 5624 South Carroll Road, 4900 West Southport Road, 1616 East 71<sup>st</sup> Street, 1603 and 1625 West Ohio Street, 1618 Everett Street, 120 North Reisner Street, and 135 North Richland Street, 4459 Shelbyville Road, 5700 East 23<sup>rd</sup> Street, and 1701 East Washington Street
  - Rezoning of 463.544 acres from multiple zoning classification to the PK-1 classification to provide for park and recreational uses.
    - Approved
- 2012-DV1-037: 8301 Rockville Road
  - Variance of Development Standards of the Commercial Zoning Ordinance to provide for outdoor kennels and play areas (not permitted) for a pet hotel, pet daycare, dog grooming and training facility, with overnight boarding, with 44 parking spaces.
    - Approved
- 2016-DV3-031: 8301 Rockville Road
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant, with 75 parking spaces (maximum 43 parking



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- spaces permitted), and to provide for a transparencies of 15% and nine percent on the two building facades, with public entrances (40% transparency required).
- Approved
  - 2019-CZN-840 / 2019-CVR-840: 8150 Rockville Road
    - Rezoning of 8.86 acres from the C-3 district to the C-4 district.
    - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 120 parking spaces for a plasma center (maximum 96 permitted).
    - Approved
  - 2020-ZON-017: 8531 Rockville Road
    - Rezoning of 27.89 acres from the D-A, D-4, C-3 and C-S districts to the MU-2 classification.
    - Approved
  - 2025-DV1-012: 8130 Rockville Road
    - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the alteration of an existing freestanding sign requiring compliance with the sign regulations, including being the third freestanding sign along Rockville Road and being within 210 feet of an existing sign to the east (maximum two signs permitted along a frontage, 300 feet of separation required).
    - Approved

## EXHIBITS

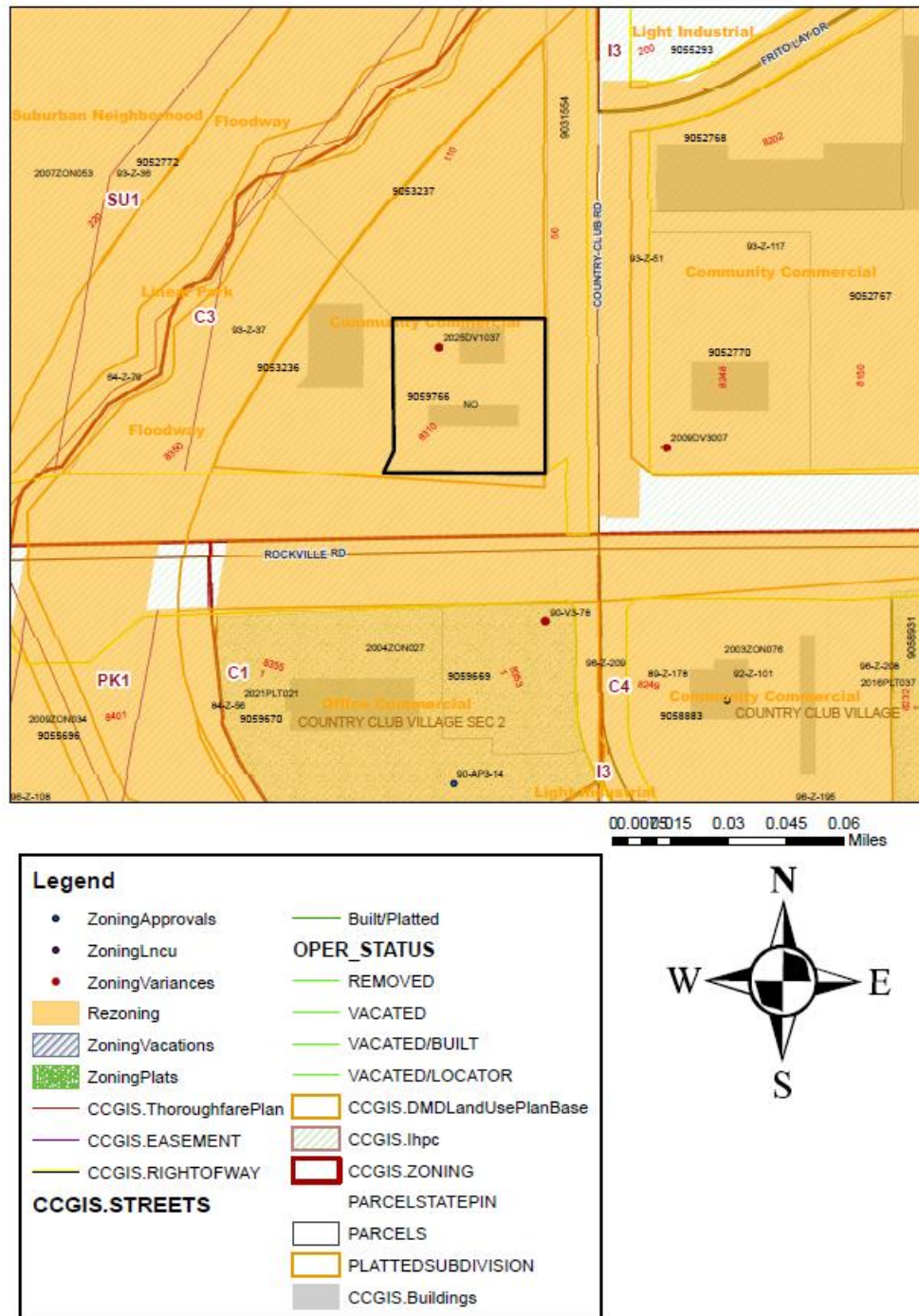


Exhibit 1: ArcGIS map of the subject site and the surrounding area.



Exhibit 2: Aerial of the subject site.



Exhibit 3: Elevation rendering of the subject site.

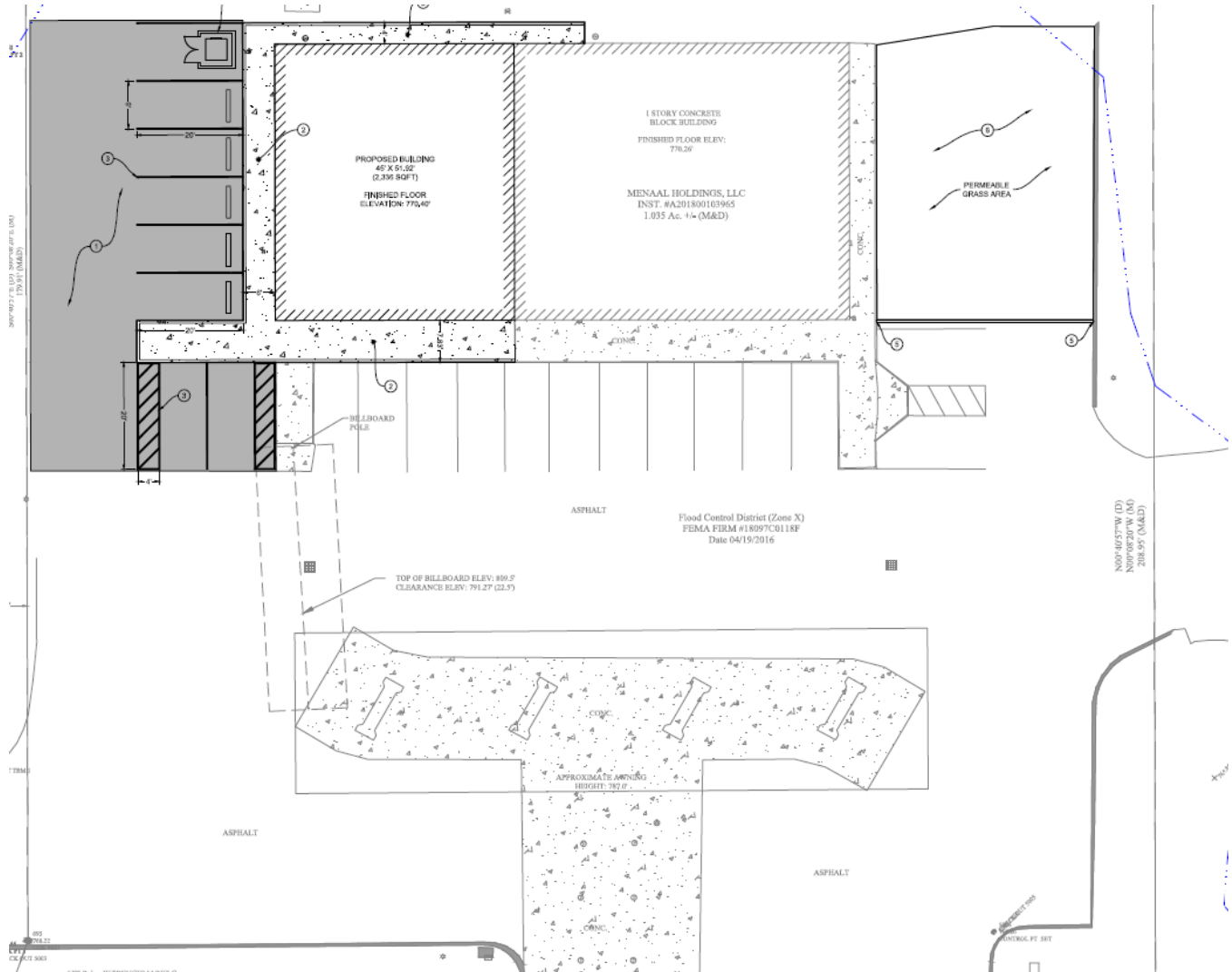


Exhibit 4: Site plan of the subject site.



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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

The petitioner seeks to add a beauty supply shop, an allowable C-3 use. The addition of 2,336 of additional retail sales will only nominally change the existing nature of the site. Ample parking and site amenities will be provided and all ordinance standards will be met with the exception of the maximum setback. The retail shop will be open during traditional store hours.

**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 site has functioned as a filling station for over 30 years. The addition of ~2,336 of retail sales will only nominally change the nature of the existing site. Ample parking and other site amenities will be provided in accord with the zoning ordinance. The site will maintain the existing front and rear setbacks from Rockville Road. A side setback of approx 45' will be provided along the west side of the addition, continuing to provide an ample buffer to the adjacent auto parts store.

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

In order to meet the 85'-foot front setback standard, a separate structure would need to be built. This would not be feasible considering the nature of the site and existing structures including the gas station canopy. When the site was re-zoned to C-3 in 1993 via petition 93-Z-37, a maximum setback was not a C-3 requirement, so it would not have been contemplated at that time. The only way practical way in which to develop the property is the manner the petitioner is seeking.

Exhibit 5: The submitted Findings of Fact.



Exhibit 6: The subject site.



Exhibit 7: Looking to Rockville Road from the front of the Kwik mart.



Exhibit 8: Looking at the subject site from Rockville Road.



Exhibit 9: Looking east down Rockville Road.



Exhibit 10: Looking west down Rockville Road.



Exhibit 11: Looking north up County Club Road.



Exhibit 12: Looking south down County Club Road.

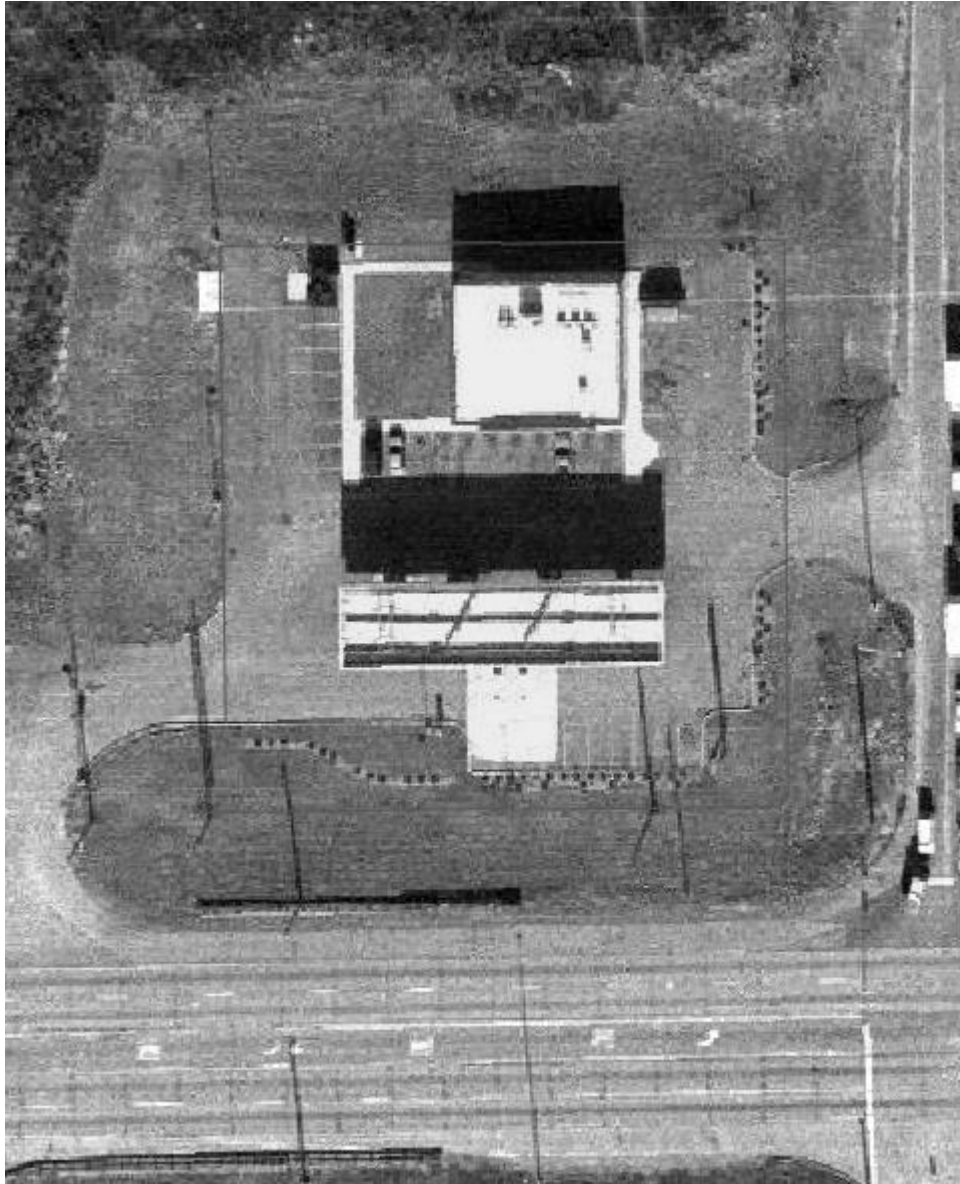


Exhibit 13: Historical Aerial of the subject site from 1995 (pulled from MapIndy).



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## BOARD OF ZONING APPEALS DIVISION I

August 5<sup>th</sup>, 2025

**Case Number:** 2025-UV1-012

**Property Address:** 709 North Holmes Avenue

**Location:** Wayne Township, Council District #12

**Petitioner:** Marie Solano, by Victor Solano

**Current Zoning:** C-1

**Request:** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a residential building addition (not permitted) resulting in a 70-foot front yard setback from Walnut Street (maximum 65-foot front yard setback permitted).

**Current Land Use:** Residential

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

**Staff Reviewer:** Kiya Mullins, Associate Planner

## PETITION HISTORY

This is the first public hearing of this variance petition.

## STAFF RECOMMENDATION

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

## PETITION OVERVIEW

- The petitioner of the variance petition is requesting to maintain a 70-foot front yard setback that is over the permitted maximum of 65 feet.
- This property is 0.4 acre in the C-1 zoning district. The land use plan suggests 5-8 residential units per acre in this area.
- The C-1 is typically classified as areas for office uses, as well as compatible office-type uses such as medical and dental facilities, educational services, and certain public and semi-public uses.
- According to historical Sanborn maps, this location has had residential homes on the property since 1898 and could be considered legally nonconforming due to its residential use in a C-1 district.
- The Ordinance does not have maximum front yard setback standards for dwelling districts.
- Staff recommends **approval** of this variance petition, as this property has had a residential use in this location for over a century. The increased front yard space provides green space and does not negatively affect the surrounding uses.

## GENERAL INFORMATION

Existing Zoning	C-1		
Existing Land Use	Residential		
Comprehensive Plan	5-8 Residential Units per Acre		
Surrounding Context	<b>Zoning</b>	<b>Surrounding Context</b>	
	North:	C-1	North: 5-8 Residential Units per Acre
	South:	I-3	South: Village Mixed-Use
	East:	D-5	East: 5-8 Residential Units per Acre
	West:	I-2	West: Special Use
Thoroughfare Plan			
Holmes Avenue	Local Street	56 feet of right-of-way existing and 48 feet proposed.	
Walnut Street	Local Street	60 feet of right-of-way existing and 48 feet proposed.	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	6/11/2025		
Site Plan (Amended)	N/A		
Elevations	6/11/2025		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	6/11/2025		
Findings of Fact (Amended)	N/A		

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

### Pattern Book / Land Use Plan

The 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



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public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- If setbacks are varied, new construction should fall in range between the shortest and longest distances from the right-of-way (i.e. streets or sidewalks) to houses.
- In some neighborhoods, houses were designed to be situated along a street in a nearly straight line. If setbacks are uniform, the setbacks for new construction should also be uniform.
- On conforming corner sites where two streets meet, building setbacks should reflect context from both streets.

**Indy Moves**

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

- Not Applicable to the Site.



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## **ZONING HISTORY**

### **ZONING HISTORY – SITE**

- N/A

### **ZONING HISTORY – SURROUNDING AREA**

- 2010-ZON-027: 2860 North Talbott Street
  - Rezoning of 355.42 acres, from the D-A, D-A (FF), D-A (FF) (FW), D-2 (FF), D-3 (FW), D-4 (FF), D-5, D-5 (RC), D-5 (RC) (W-1), C-1 (RC), SU-2, SU-9 (W-5), PK-1, PK-1 (FF), PK-1 (FF) (FW), PK-1 (FW), PK-1 (W-5), I-3-U (FF) and I-4-U, and I-4-U (FW) (FF), I-4-U (FW) Districts, to the PK-1, PK-1 (FF), PK-1 (FF) (FW), PK-1 (FW), PK-1 (RC), PK-1 (W-1), PK-1 (W-5) classification to provide for park uses.
    - Approved
- 2011-CZN-811 / 2011-CVR-811: 2732 West Michigan Street
  - Rezoning of 2.63 acres, from the C-3 (W-5) and D-P (W-5) Districts to the C-3C (W-5) classification to provide for commercial uses.
  - Variance of Development Standards of the Commercial Zoning Ordinance to provide for 47 parking spaces (113 parking spaces required).
    - Approved
- 2012-HOV-033: 530 North Holmes Avenue
  - Variance of Development Standards of the Commercial Zoning Ordinance to provide for 47 parking spaces related to a multi-family development (114 parking spaces required).
    - Approved
- 2013-HOV-053: 530 North Holmes Avenue
  - Variance of Development Standards of the Sign Regulations to provide for a 5.12-foot tall freestanding pylon sign within approximately 220 feet of a D-P zoned protected district (maximum four-foot tall ground sign permitted within 600 feet of a protected district).
    - Approved
- 2015-UV2-006: 701 North Warman Avenue
  - Variance of Use of the Industrial Zoning Ordinance to provide for a laundromat, per plans filed.
    - Approved
- 2018-HOV-051: 725 North Belleview Place
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a 16-foot front setback and five feet between primary dwellings (18-foot front setback and ten feet between dwellings required).
    - Approved
- 2018-UV2-026: 2508 West Michigan Street
  - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a theatre (not permitted), with five parking spaces with deficient



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- maneuvering, within the north rear transitional yard (18.5 spaces with adequate maneuvering required, eight-foot transitional yard required).
- Approved
  - 2021-ZON-027: 712 Haugh Street
    - Rezoning of 0.20 acre from the I-2 district to the D-5 district.
    - Approved
  - 2025-ZON-034: 2508 West Michigan Street
    - Rezoning of 0.14-acre from the C-3 district to the MU-2 district to provide for a mixed-use development with two commercial retail spaces at ground level and three dwelling units on the second level.
    - Approved

## EXHIBITS

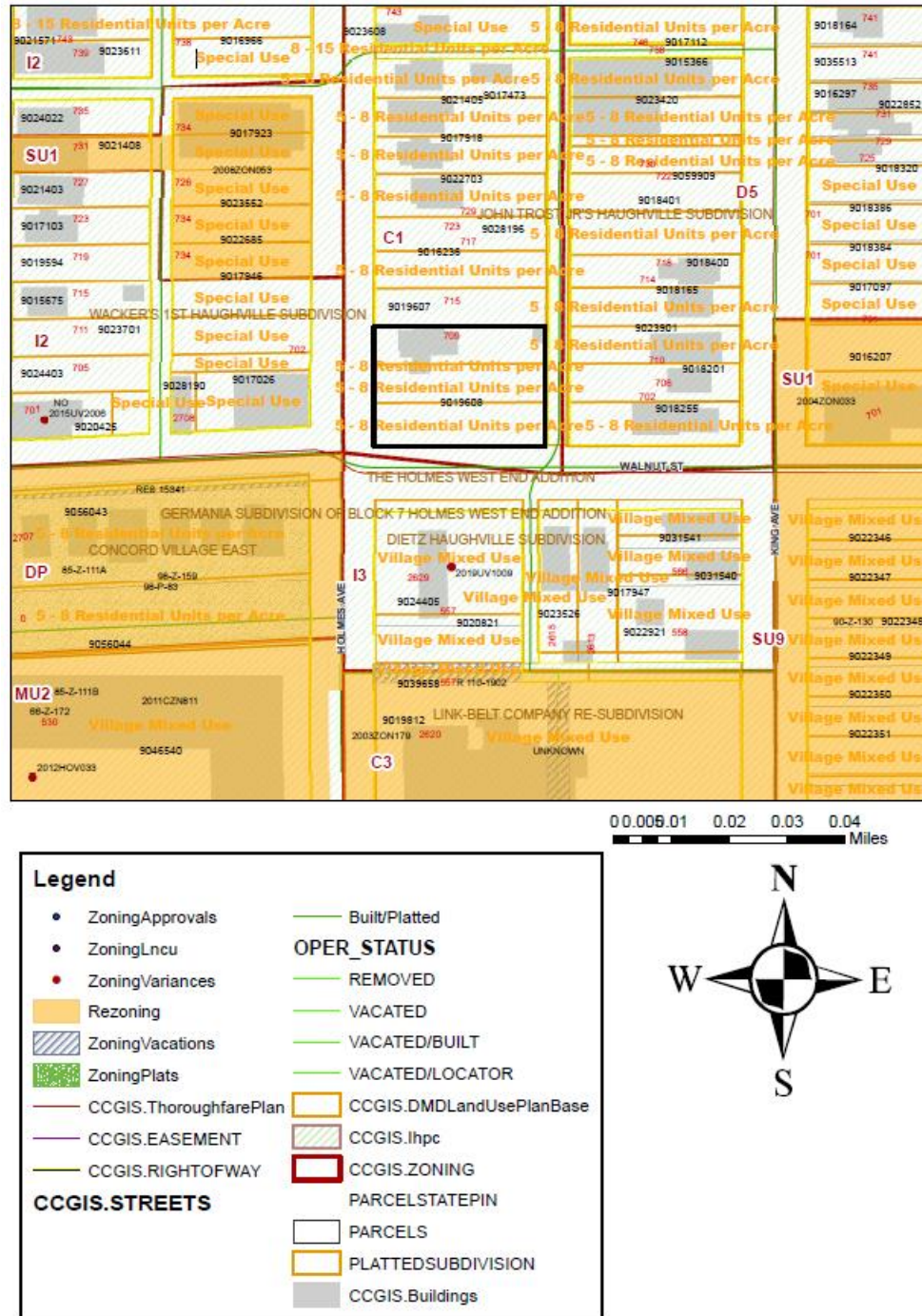


Exhibit 1: ArcGIS map of the subject site and surrounding area.



Exhibit 2: Aerial of the subject site.

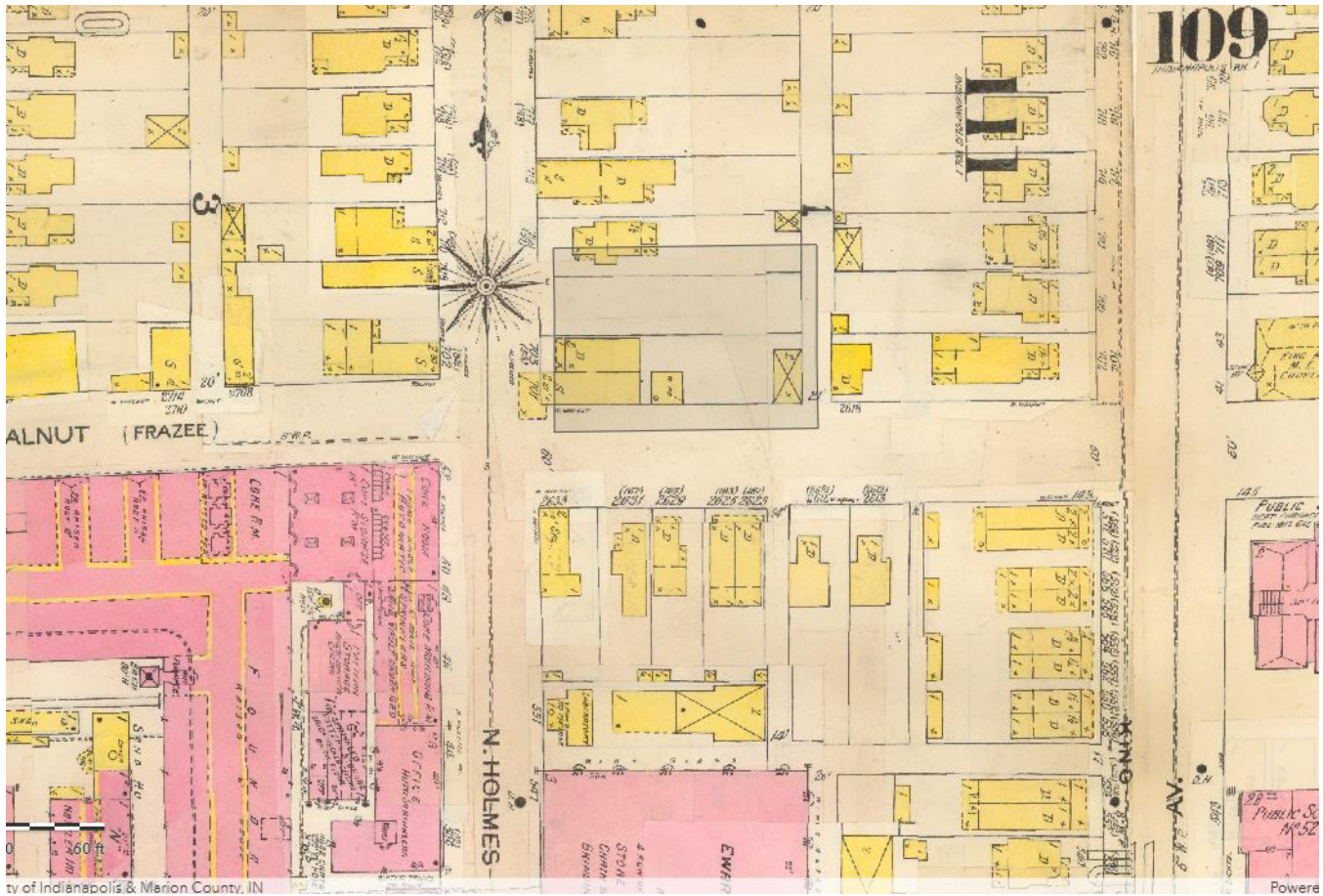


Exhibit 3: 1898 historical Sanborn map of residential uses on the subject site.

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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 development would enhance the property and the neighborhood all whilst maintaining the public health, safety, morals and general welfare of the community above while complying with building codes.

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

the proposed development would positively impact the overall aesthetic and enjoyment of the property itself as well as the neighborhood.

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

compliance with zoning ordinances peculiar to the property involved are generally not shared by other similar properties.

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 current zoning rules would not allow for the building of proposed addition, making it difficult to use the property in a consistent way with surrounding properties.

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

while the current comprehensive plan includes ordinances for which C-1 properties would not allow residential structures to be allowed, the property is located within a residential area. The development of the proposed addition would go in accordance with the community as it is currently under a comprehensive plan that is a low-density residential neighborhood.

Exhibit 5: The submitted Findings of Fact.

## EXHIBIT A

Although currently zoned primarily as a C-1, this residential structure has been an existing residential occurrence. Petitioner asks for modification for porch addition to be approved to add to existing structure. Addition will not modify, impair or cause any distraction to neighboring businesses or residents.

## EXHIBIT A

## SECTION 2.01 C-1 OFFICE DISTRICT

## PURPOSE OF C-1 DISTRICT:

The C-1 DISTRICT is designed to provide specific areas where office functions, Since these office

and punaction come ive spin of the petited me sine omen if e appearance and architecturally more harmonious with residential structures, this DISTRICT can serve as a buffer between residential areas and shopping districts. this DISTRICT with its offices and other buffer-tupe functions is designed for use along certain thoroughfares where a gradual transition from existing residential use to commercial use is occuring or should occur.

## A. PERMITTED C-1 DISTRICT USES

The following uses shall be permitted in the C-1 DISTRICT. All uses in the C-1 DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-1 DISTRICT development standards of section 2.01, B and to any additional and/or more restrictive requirements specified in this section. ANY OFFICE USE OR COMPLEX, INCLUDING BUT NOT LIMITED TO PROFESSIONAL, BUSINESS, AND GOVERNMENTAL OFFICES, BANKS, SAVINGS AND LOAN OFFICES.

PUBLIC AND SEMI-PUBLIC USES such as LIBRARIES, MUSEUMS, CHURCHES, CIVIC OR COMMUNITY CENTERS, EXHIBITION HALLS, CALLERIES, CIVIC CLUBS, PHILANTHROPIC INSTITUTIONS, AUDITORIUMS AND ASSEMBLY HALLS, FIRE STATIONS AND POLICE STATIONS.

3. EDUCATIONAL INSTITUTION, CAMPUS OR COMPLEX, including but not limited to COLLEGE OR UNIVERSITY, PROFESSIONAL, TECHNICAL, BUSINESS OR CLERICAL SCHOOL, OR OTHER PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION, SCHOOL OR KINDERGARTEN.

AND LABORATORIES, SAY NURINAND CONVALESCENT HONES, MEDICAL OR DENTAL CLINICS

PUBLIC AND SEMI-PUBLIC PARKS AND OPEN SPACE USES, including but not limited to PUBLIC PARKS (subject to all standards, requirements and regulations of Ordinance 68-40-2, the PARK DISTRICT ZONING ORDINANCE OF Marion County, Indiana), MALLS, PLAZAS, PEDESTRIAN AREAS, GREENWAYS and other similar open space uses.

6. COMMERCIAL PARKING LOTS AND STRUCTURES.

OTHER PUBLIC AND SEMI-PUBLIC USES, OFFICES AND USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.

ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses.

including but not limited to: ACCESSORY UTILITY STRUCTURES AND FACILITIES.

9. TEMPORARY STRUCTURES incidental to the development of land during construction.

-6-

Exhibit 6: Submitted Plan of Operation.



Exhibit 7: The residence on the subject site.



Exhibit 8: The front yard between the residence and Walnut Street.



Exhibit 9: Another view of the front yard.



Exhibit 10: Patio that will be covered with the addition.



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## BOARD OF ZONING APPEALS DIVISION I

August 5, 2025

**Case Number:** 2025-DV1-029 (Amended)  
**Property Address:** 2062 Carrollton Avenue (approximate address)  
**Location:** Center Township, Council District #13  
**Petitioner:** Breedy B LLC, by Jamilah Mintze  
**Current Zoning:** D-8  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a five-foot rear yard setback (fifteen feet required) and a three-foot corner side yard setback from 21<sup>st</sup> Street (eight feet required).  
**Current Land Use:** Single-family residential  
**Staff Recommendations:** N/A  
**Staff Reviewer:** Noah Stern, Senior Planner

## PETITION HISTORY

- This petition was continued from the July 1, 2025 to the August 5<sup>th</sup> 2025 hearing due to Staff error.

## STAFF RECOMMENDATION

- Staff **recommends denial** of this petition

## PETITION OVERVIEW

- This petition would allow for a building addition resulting in a five-foot rear yard setback (fifteen feet required) and a three-foot corner side yard setback from 21st Street (eight feet required).
- The subject site is zoned D-8 and is improved with a single-family residence. The subject site is approximately 33 feet wide, 2650 square feet, and is of sufficient lot width and lot area for the D-8 Compact Lot standards.
- Residential setback standards are in place to allow for sufficient spacing in between buildings, to limit overdevelopment, preserve open space and natural features, and to ensure sufficient room for natural light and maintenance. Likewise, the Infill Housing Guidelines recommends reinforcing the existing spacing on the block, leaving room for maintenance, and matching the existing context.
- Staff finds the proposed addition to be overdevelopment of the site that would significantly alter the site and overwhelm the adjacent property to the west, which is a small single-story house. Staff does

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not find the proposed request to be in line with the surrounding context, as reduced rear yard setbacks for the primary structure is not common for the immediate vicinity. Finally, with the site being of sufficient lot size, and with the site already being used residentially, Staff does not find there to be any practical difficulty for needing the requested variances for the expansion of the primary structure. Therefore, Staff recommends denial of the petition.

- Staff is aware that the site does not contain an alley and that the only location for vehicular access would be from East 21 Street, and would note that detached garage accessory structures can be located up to five feet from the rear lot line and would not require the rear yard setback variance requested for the primary structure.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-8	
<b>Existing Land Use</b>	Single-family residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
North:	D-8	North: Single-family residential
South:	D-8	South: Single-family residential
East:	D-8	East: Two-family residential
West:	D-8	West: Multi-family residential
<b>Thoroughfare Plan</b>		
East 21 <sup>st</sup> Street	Local Street	70 feet of right-of-way existing and 48 feet proposed
Carrollton Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	5/28/25	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	5/28/25	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	5/28/25	
<b>Findings of Fact (Amended)</b>	N/A	



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## **COMPREHENSIVE PLAN ANALYSIS**

### **Comprehensive Plan**

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

### **Pattern Book / Land Use Plan**

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

### **Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

### **Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

### **Infill Housing Guidelines**

- With regards to building spacing, the Infill Housing Guidelines recommends:
  - Reinforce existing spacing on the block
  - Leave room for maintenance
  - Match existing context

### **Indy Moves**

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

- Not Applicable to the Site.



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## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2010DV2027; 2009 Bellefontaine Street (east of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a two-family dwelling with a 7.42-foot setback from the right-of-way of East 20th Street, and a parking pad with a 5.625-foot front yard setback, **approved**.

**2017DV2039; 2001 Carrollton Avenue (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an eight-foot tall fence (maximum six-foot tall fence permitted), **denied**.

**2018DV2028; 2029 N College Ave (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a multi-family building with a four-foot front setback from the proposed right-of-way, with a one-foot north side setback and 17 feet between multi-family buildings and to provide for a multi-family building with a five-foot front setback from the proposed right-of-way and a 20-foot south side setback (30 feet from proposed right-of-way required, 27-foot side setback required and 20 feet between buildings required), and to permit a 0.95 floor area ratio for the project (maximum 0.60 required), **approved**.

**2020DV1040; 2040 Cornell Avenue (east of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling with a five-foot front setback and a detached garage, both with three-foot side setbacks and 44% open space (18-foot front setback or average, four-foot side setbacks and 55% open space required), **approved**.

**2021DV2021; 823 S 21<sup>st</sup> Street (east of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a one-foot setback from the right-of-way of 21st Street, a five-foot rear setback and 48% open space (18-foot front setback or average, 15-foot rear setback and 55% open space required), **approved**.

**97UV129; 701 E 21st Street 9 (west of site)**, Variance of use of the Dwelling Districts Zoning Ordinance to provide for the operation of a counseling service within one of the dwelling units of an existing multi-family building (not permitted). The property is located at 701 e 21st Street, Center Township, in a D-8 zoning district, **approved**.

**2021ZON021; 2151 N College Avenue (north of site)**, Rezoning of 1.1 acres from D-8 and C-3 districts to the D-P classification to provide for 36 townhome units at a density of 25 units per acre, **approved**.

**2022ZON073; 3415 N Sherman Drive (north of site)**, Rezoning of 0.16 acre from the C-4 district to the D-5 district to provide for residential uses, **approved**.



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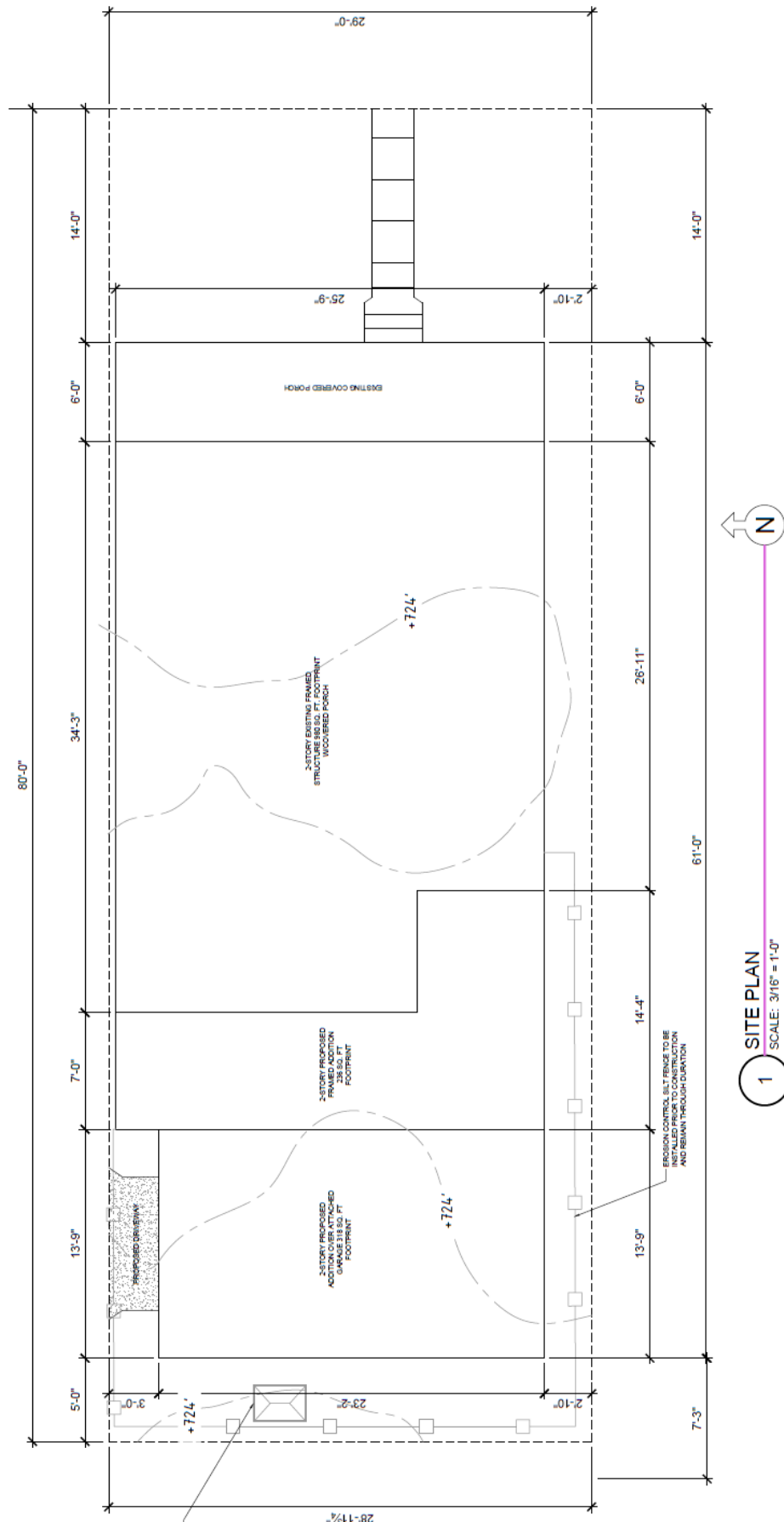
**2023DV2018; 2050 Carrollton Avenue (south of site),** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eight-foot-tall fence within the rear yard (maximum fence height of six-foot permitted), **approved.**

EXHIBITS

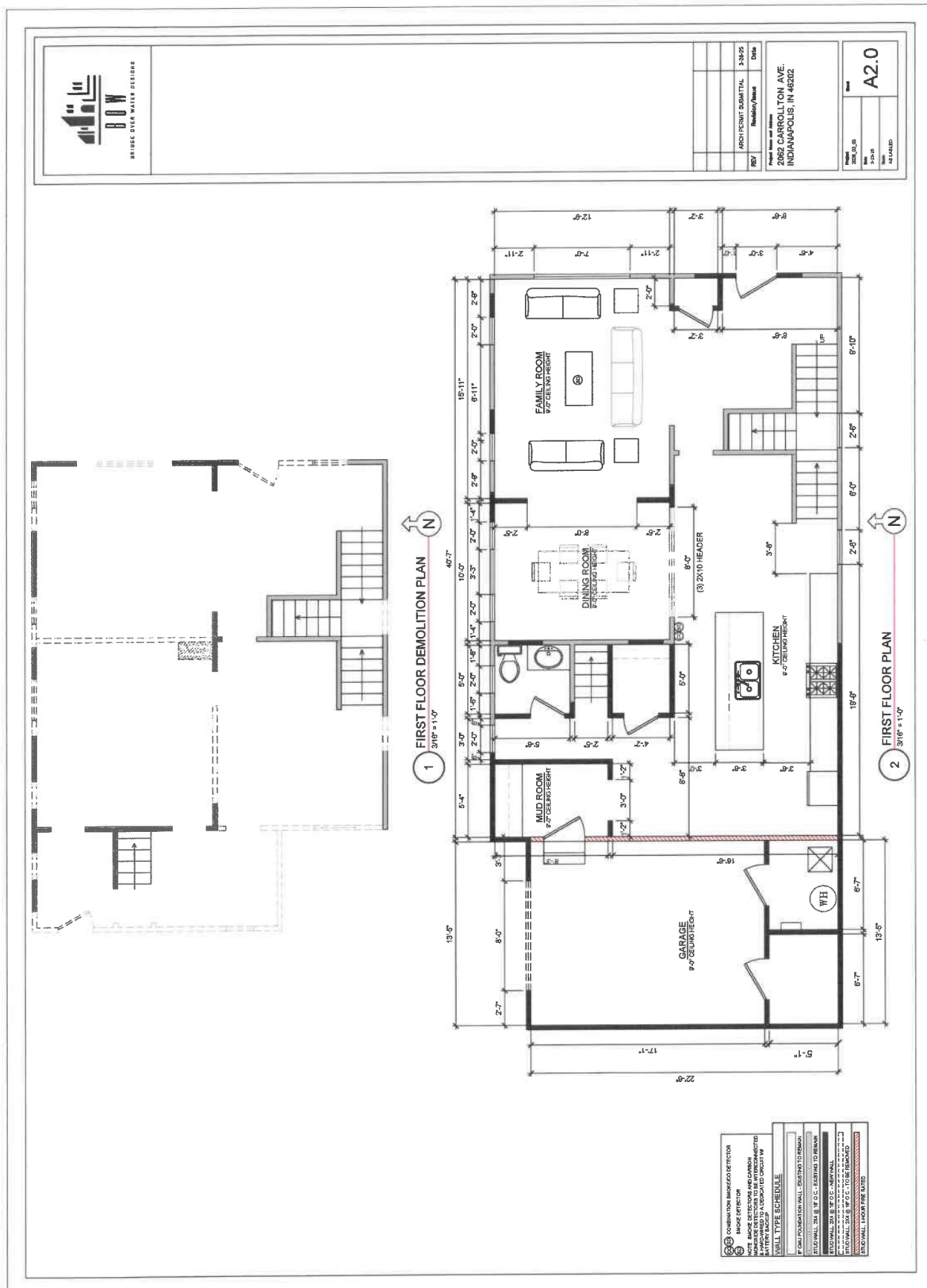


Present day aerial

59





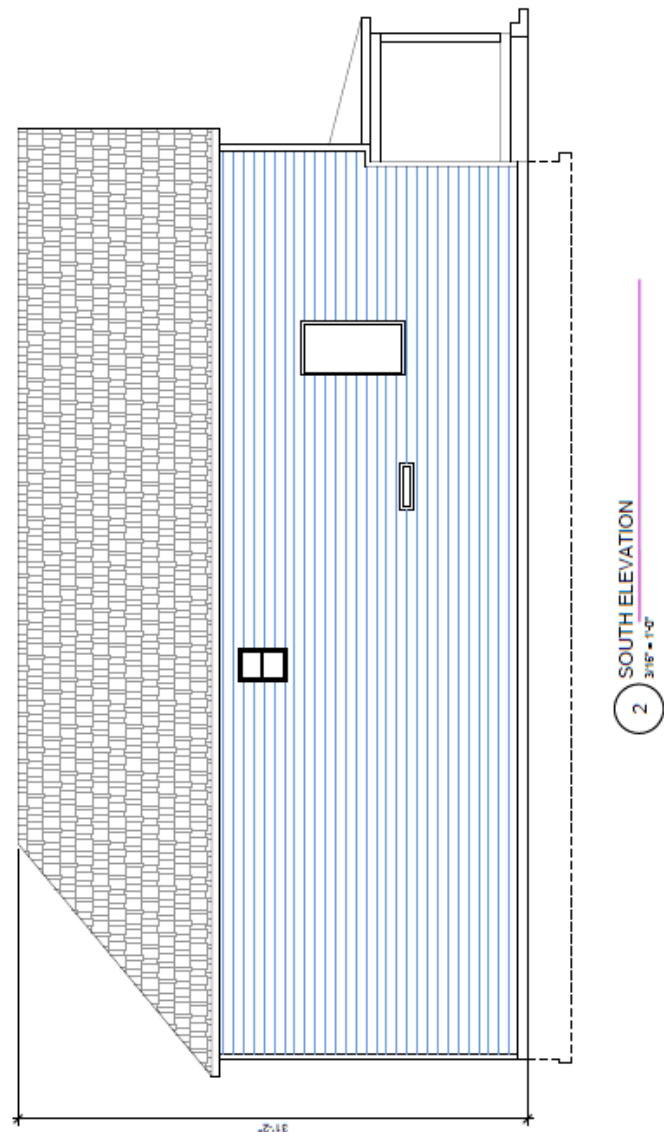
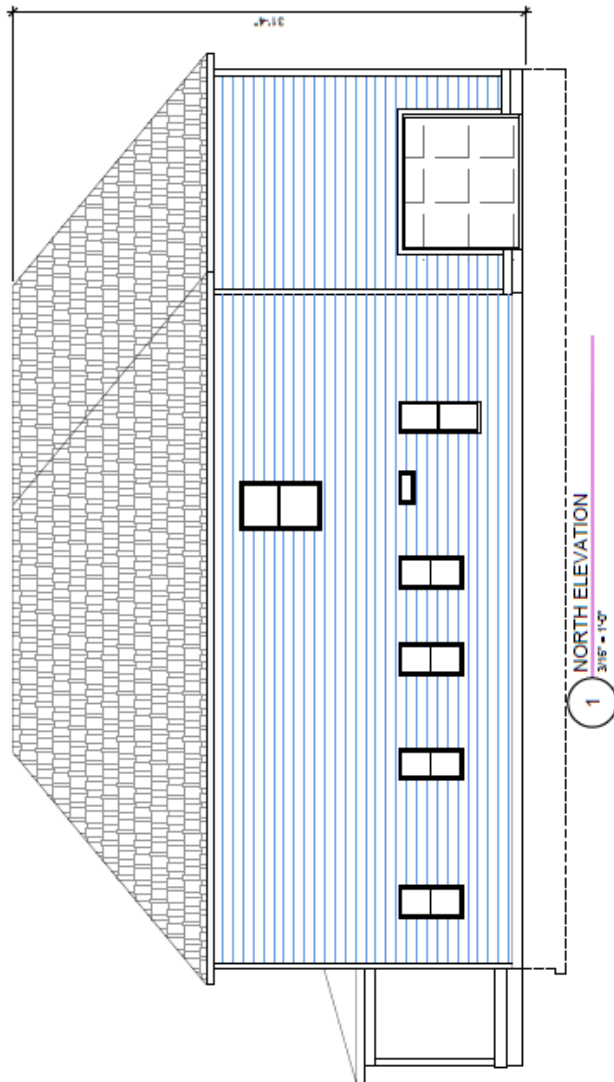


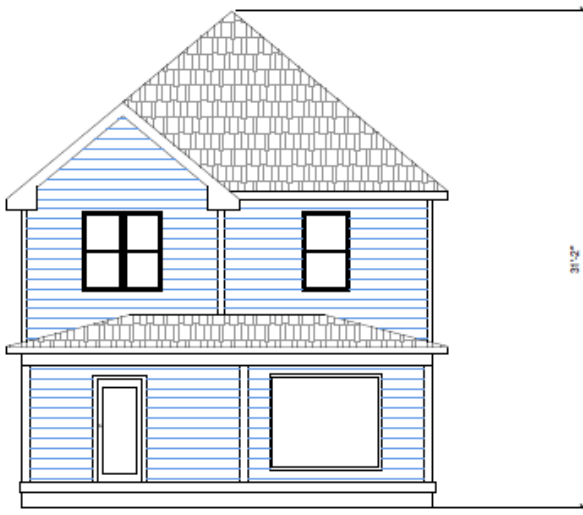




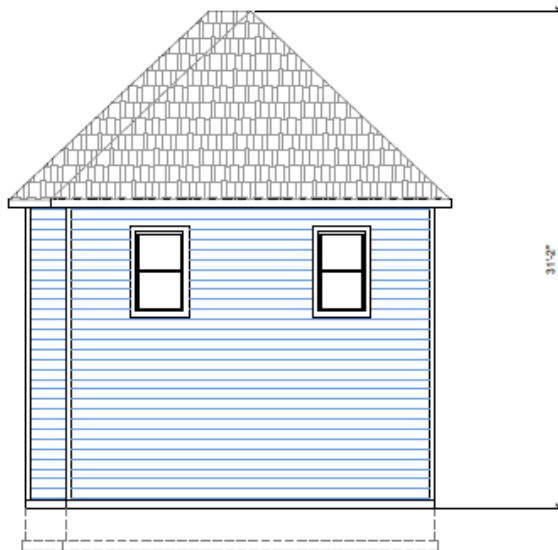


BRIDGE OVER WATER DESIGNS

[illegible]



1 EAST ELEVATION  
3/16" = 1'-0"



2 WEST ELEVATION  
3/16" = 1'-0"



	ARCH PERMIT SUBMITTAL	3-28-25
10	Revised/Issued	0/0/0

PROJECT NAME & ADDRESS  
2062 CARROLLTON AVE.  
INDIANAPOLIS, IN 46202

PROJECT 2024_01_01	DATE 3-28-25	SCALE AS SHOWN
A4.1		



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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 proposed plan supports the current ordinance to allow for a one car space on property with a single family residence. The proposal will contribute to providing a designated parking ability to the residents of the property, therefore eliminating additional vehicles to park along the side streets.

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

The use and value adjacent is similar to one of the proposed parcel, the intent is to complete this SFR project and offer a single parking option which aligns with other properties within 200 feet of the proposed project.

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

The zoning ordinance allows for a "detached" one car garage for D5 properties in this area, however, the proposed plans indicate a more modern design while also providing additional square footage for the single residence. By accommodating the limited open space, the plans intend to beautify the property and enhance the appearance of entering the residential street.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Subject site looking southwest



Rear yard where the proposed addition would be located



Subject site with adjacent houses in background



Subject site looking southeast



Looking west down East 21<sup>st</sup> Street



Property directly west of subject site



Subject site on the left and the adjacent property on the right



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## BOARD OF ZONING APPEALS DIVISION I

August 5, 2025

**Case Number:** 2025-DV1-032

**Property Address:** 7986 North College Avenue (*approximate address*), Town of Williams Creek

**Location:** Washington Township, Council District #2

**Petitioner:** Brian Marie and Lauren Riley, by Mark and Kim Crouch

**Current Zoning:** D-S (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a garage addition with a two-foot south side yard setback (15 feet required), resulting in an open space of 81 percent (85 percent required) and encroachment into an easement (encroachment of easements not permitted).

**Current Land Use:** Residential

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

**Staff Reviewer:** Michael Weigel, Senior Planner

## PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization to continue this petition from the July 1<sup>st</sup> hearing date.

## STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

## PETITION OVERVIEW

- 7986 North College Avenue is currently improved with a single-family home that is largely screened from public view, a half-moon drive that creates two (2) vehicles access points from College Avenue, and an existing two-car garage on the southern portion of the property. Surrounding land uses are also residential, and the site is located within the included town of Williams Creek. This lot and surrounding properties were platted in 1925.
- The permit application ILP25-00431 was made in February to allow for an addition to the existing residence. After demolition of the existing two-car attached garage was completed, the building's footprint would be expanded and a two-story addition incorporating a new two-car attached garage would be constructed per the site plan and elevation below within the Exhibits. This work would require issuance of both the ILP and a wrecking permit.



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- For this work to be legally allowed, a Variance of Development Standards would need to be granted for the following reasons: (a) the resulting side setback would be 2 feet from the southern property line and the existing non-conforming setback would be extended by over 50%; (b) the resulting open space at the site would be 81% and the minimum for the D-S zoning district is 85%; and (c) the building addition would partially encroach into the existing southern-yard easement. Staff would also note that residential building code would require fire-rating of the southern walls and would place limits on the placement of windows within two feet of the southern property line.
- The property is zoned D-S to allow for suburban areas of extreme topography, conducive to estate development, or desirable to permit only low-density development. Generous front yards with trees along roadways are typical for the district. It also falls within the Transit-Oriented Development Secondary District due to its proximity to the proposed College and 91<sup>st</sup> station of the Red Line. Finally, the Marion County Land Use Plan Pattern Book assigns it the Rural or Estate Neighborhood typology and places it within an Environmentally Sensitive overlay, which indicates that development should minimize impact on the natural environment and should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area.
- During the review process, staff indicated to the petitioner that since the proposed development would involve construction inside of a platted easement, a vacation petition to allow for encroachment would be a more appropriate zoning remedy than a variance since neither variances nor consent of encroachment agreements would offer protection to license-holders against damages to what they build there. Although staff could not compel an application for any zoning petition to be made, a vacation petition would require notification of relevant agencies that utilize easements, and a zoning variance (a) might not offer recourse if access to the easement were needed in the future and (b) would not guarantee issuance of an encroachment license from DBNS. The applicant chose to proceed with this variance.
- Findings of Fact provided by the applicant indicate that the proposed addition would be consistent with development on surrounding properties and that the existing lot is undersized. The applicant is correct that the D-S zoning district currently requires a minimum lot size of 43560 square feet (1 acre) and the subject lot is only 18204 square feet (0.42 acres). However, despite the existence of some practical difficulty from the size of the existing lot, staff does not feel that this should justify relief from any and all ordinance standards and would note that (a) the proposed setback of 2 feet would be only 13% of the 15-foot setback required by the district and (b) the existing northern setback of 30 feet might allow for some room for expansion within Ordinance constraints.
- To conclude, staff does not feel that adequate site-specific practical difficulty has been established since the need for a variance is self-imposed from the applicant's desire to expand the existing property, which could either continue to operate as a legal non-conformity without the need for petition relief or expand into the northern yard without additional easement encroachment or setback violation. Additionally, despite the issuance of an encroachment consent from AES Indiana on June 24<sup>th</sup>, staff still feels that legalization of a building addition via a vacation of a platted easement petition would be more appropriate and legally binding than having it approved via variance. Staff recommends denial of the requested variances.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-S (TOD)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-S	North: Residential
South:	D-S	South: Residential
East:	D-2	East: Residential
West:	D-S	West: Residential
<b>Thoroughfare Plan</b>		
North College Avenue	Primary Arterial	90-foot existing right-of-way and 80-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	06/02/2025	
<b>Site Plan (Amended)</b>	06/11/2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	05/15/2025	
<b>Findings of Fact (Amended)</b>	06/11/2025	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line Transit-Oriented Development Strategic Plan

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Rural or Estate Neighborhood living typology to allow for both rural or agricultural and historic, urban areas with estate-style homes on large lots. Development should work with existing topography as possible, and detached housing should preserve open space on deep and narrow lots with deep setbacks.
- The property is also within an environmentally sensitive area overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. Development



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should minimize impact on the natural environment and should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Given the site's proximity to the proposed College & 91<sup>st</sup> station, the Red Line Transit-Oriented Development Strategic Plan recommends this site to the Walkable Neighborhood typology to allow for walkable areas that are primarily residential but may have a commercial node of one to two city blocks. This typology contemplates building heights of 2-4 stories and discourages off-street parking (should be limited to garages).

**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.



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## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2025DV2005 ; 8063 Broadway Street (northwest of site)**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the addition of a covered porch and detached garage, resulting in an open space of 76 percent (85 percent required), a ten-foot north side yard setback and an aggregate setback of 23.33 feet (15-foot minimum side yard, 35-foot aggregate side yard setback required), **approved**.

**2010HOV044 ; 710 Forest Boulevard (southeast of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a storage barn with a 10-foot front setback from Forest Boulevard and a pool/deck with a 24-foot front setback from Forest Boulevard, both being within the established front yard of Forest Boulevard and with the storage barn being within the established front yard of North College Avenue (25-foot front setback from Forest Boulevard, 40-foot front setback from College Avenue, accessory structures not permitted in front of the established building line), with the dwelling having a 3.7-foot north side setback and a brick patio with a zero-foot north side setback (minimum seven-foot north side setback required), **approved**.

**2009DV1028 ; 641 E 80<sup>th</sup> Street (west of site)**, Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for an addition to a single-family dwelling with a 7.5-foot west side setback (minimum fifteen-foot side setback required), **approved**.

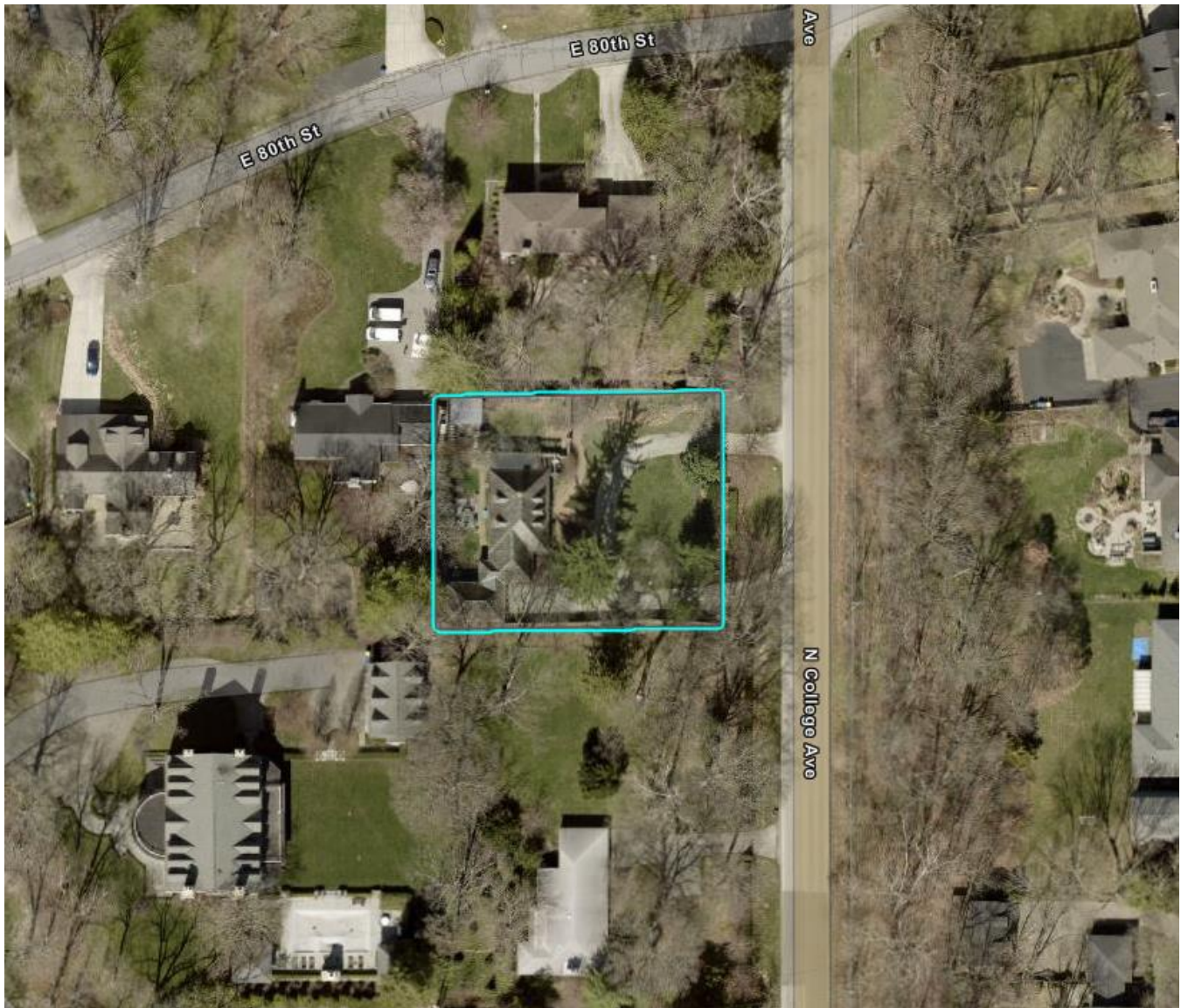
**2005DV1062 ; 8028 Morningside Drive (west of site)**, provide for the construction of an addition to an existing single-family dwelling with an 8.7-foot west side yard setback (minimum fifteen-foot side yard setback required), resulting in a 24.4-foot aggregate side yard setback (minimum 35-foot aggregate side yard setback required), and to legally establish a storage shed with a 0.6-foot rear yard setback (minimum five-foot rear yard setback for accessory buildings required) in D-S, **approved**.

**2005DV3043 ; 636 E 80<sup>th</sup> Street (northwest of site)**, provide a building reconstruction and expansion along an existing non-conforming 7.5-ft. east side yard setback in D-S (min. 15-ft. side setback req.), and legally establish a 28-ft. aggregate side setback and a 21.5-ft. rear setback (min. 35-ft. aggregate side yard; min. 25-ft. rear yard req.), **approved**.

**2000VAR827 ; 8008 Morningside Drive (northwest of site)**, Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 3,380 square-foot single-family dwelling on a lot containing 80% of open space, **approved**.

EXHIBITS

2025DV1032 ; Aerial Map



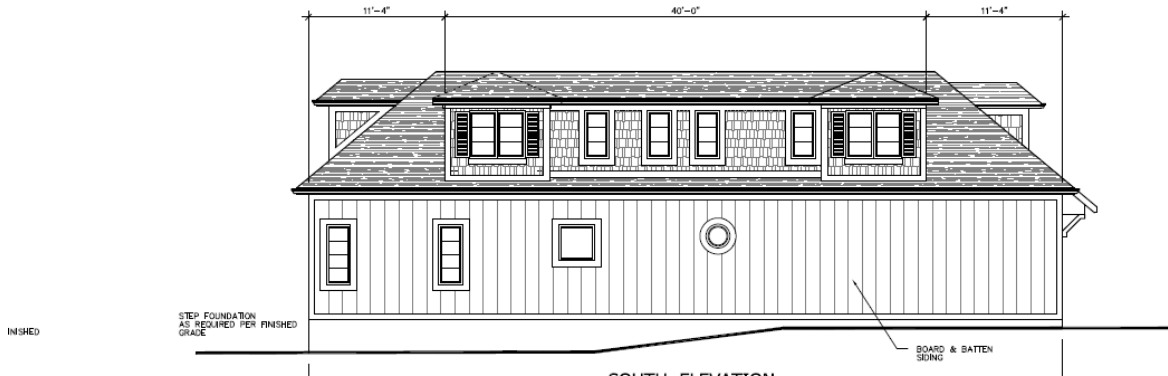


**2025DV1032 ; Elevations (submitted with ILP25-00431)**



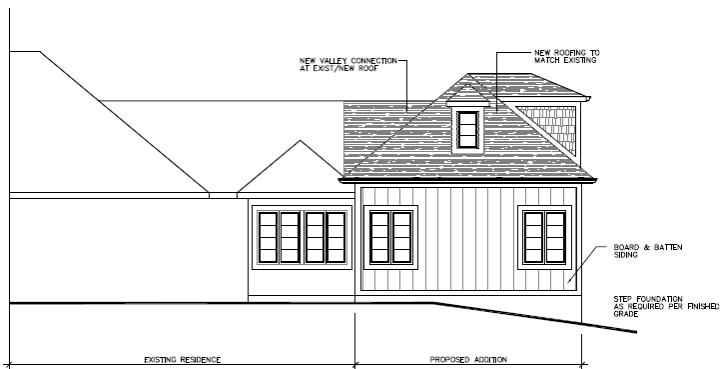
**EAST ELEVATION**

SCALE: 1/8"=1'-0" (11x17 PRINTS)  
SCALE: 1/4"=1'-0" (24x36 PRINTS)



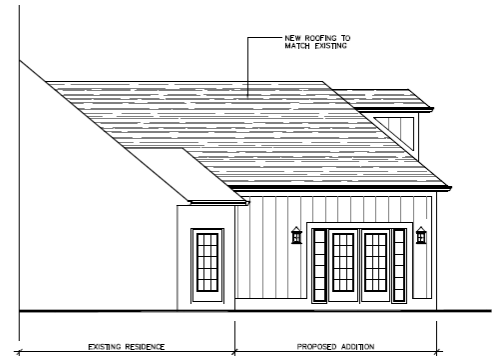
**SOUTH ELEVATION**

SCALE: 1/8"=1'-0" (11x17 PRINTS)  
SCALE: 1/4"=1'-0" (24x36 PRINTS)



**WEST ELEVATION**

SCALE: 1/8"=1'-0" (11x17 PRINTS)  
SCALE: 1/4"=1'-0" (24x36 PRINTS)



**NORTH ELEVATION**

SCALE: 1/8"=1'-0" (11x17 PRINTS)  
SCALE: 1/4"=1'-0" (24x36 PRINTS)

### **2025DV1032 ; Findings of Fact**

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

the grant will legalize the footprint of the existing residence and allow for the construction of proposed attached garage and addition for private residential use.

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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 residence is existing and proposed attached garage and addition will be consistent with development in the area and adjacent area.

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

lot is smaller than zoning minimum requirements and existing residence is within the AES easement resulting in a need for easement encroachment approval, a reduction of open space requirement & side setback to allow for the construction of proposed attached garage and addition. Without variance approval, proposed attached garage and addition will not be built.

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### **2025DV1032 ; Easement Location (yellow dashes)**





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## 2025DV1032 ; AES Consent to Encroachment

MARION COUNTY

MAP 237--

WASHINGTON TOWNSHIP

### CONSENT TO ENCROACHMENT

THIS INDENTURE WITNESSETH:

WHEREAS, Indianapolis Power & Light Company d/b/a AES Indiana (hereinafter referred to as the "Company"), has an interest in the following described real estate located in Marion County, Indiana, to-wit:

Lot 12 in Williams Creek Estates, Meridian Hills, an addition to the City of Indianapolis,  
Now in the town of Williams Creek, as per Instrument Number A202200038798 in the  
Office of the Recorder of Marion County, Indiana

Parcel #8024473  
State ID # 49-03-23-122-107.000-817

Commonly known as:  
7986 North College Avenue, Indianapolis, IN, 46240

because of the existence of a platted Utility Strip (hereinafter referred to as "easement") adjoining  
the east side of said Lot 12, and

WHEREAS, a room addition to be built upon said real estate and extending into and encroaching  
upon said easement, as shown on the drawing attached hereto, made a part hereof and marked  
"Exhibit A" (hereinafter referred to as the "encroachment"), and

WHEREAS, the encroachment does not interfere with the operation of the Company insofar as  
such operations involve the use of said easement;

NOW, THEREFORE, in consideration of the premises and other valuable consideration, receipt of  
which is hereby acknowledged, the Company, by and through its duly authorized officials, does  
hereby grant unto Brian J. Maire and Lauren Riley, husband and wife, the present owners of record  
of said real estate per Warranty Deed recorded as Instrument Number A202200038798, in the  
Office of the Recorder of Marion County, Indiana, their successors and assigns, its consent to the  
encroachment; provided, that the encroachment shall be limited to that as described above and on  
Exhibit A, attached hereto and made a part hereof, except that repairs and maintenance may be  
performed so long as the height and area thereof within said easement is not increased or otherwise  
extended; that such limitation shall be construed also as a condition upon which this grant is made  
and accepted, for breach of which the Company may recover damages and, without prejudice  
thereto, may compel by injunction or otherwise the removal of all or any part of the  
encroachment.

The owners of said real estate, by acceptance of this instrument hereby agree for themselves, their  
successors and assigns, to indemnify and save harmless the Company, its successors and assigns,  
from and against any and all damages and loss that may result to the facilities and equipment or  
any property owned or used by the Company upon said easement, and from and against any and all  
legal and other expenses, claims, costs, losses, suits and judgment for damages or injuries resulting  
to persons or property by reason of the encroachment.

This instrument shall not be construed as a release or waiver of any rights of the Company in the  
aforesaid easement other than the right to object to the encroachment as proposed to be built and  
described.

IN WITNESS WHEREOF, Indianapolis Power & Light Company d/b/a AES Indiana, has caused  
this indenture to be executed by its duly authorized officials this 24<sup>th</sup> day of  
June, 2025.

Indianapolis Power & Light Company,  
d/b/a AES Indiana



Blane E. Boyd  
Manager, T&D Real Estate

**2025DV1032 ; Photographs**



Photo 1: Subject Site Viewed from West (July 2023)

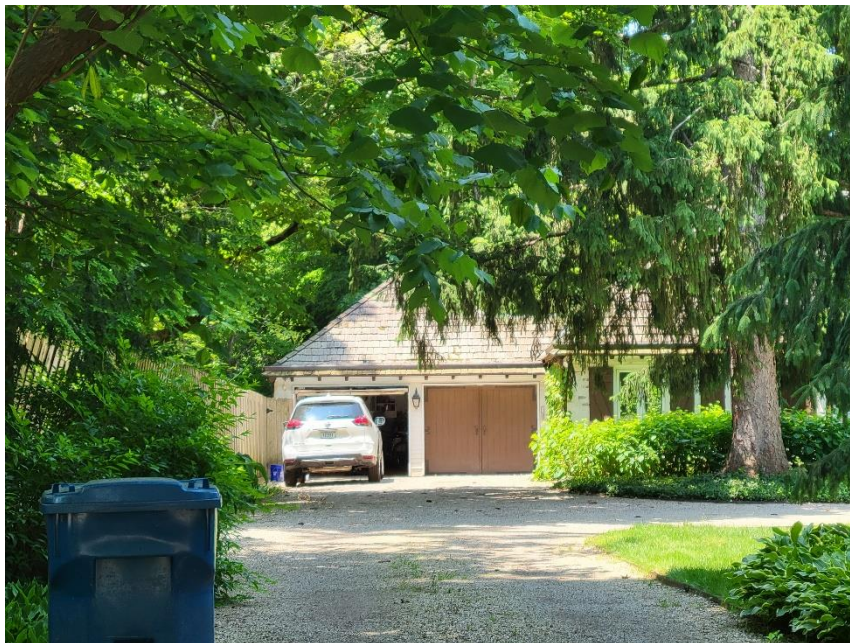


Photo 2: Existing Attached Garage

**2025DV1032 ; Photographs (continued)**



Photo 3: Existing Residence Viewed from Southern Vehicle Access Point



Photo 4: Easement Area Viewed from West (July 2023)

**2025DV1032 ; Photographs (continued)**



Photo 5: Adjacent Property to North (viewed from west)



Photo 6: Adjacent Property to South (viewed from west)

## BOARD OF ZONING APPEALS DIVISION I

August 05, 2025

**Case Number:** 2025-DV1-034

**Property Address:** 8760 Crown Point Road (*approximate address*)

**Location:** Pike Township, Council District #1

**Petitioner:** Scott & April Willy, by Brent Bennett

**Current Zoning:** D-A (FW)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage within the front yard of Crown Point Road (accessory structures not permitted within the front yard).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends **approval** of this petition subject to a commitment.

**Staff Reviewer:** Michael Weigel, Senior Planner

## PETITION HISTORY

This is the first public hearing for this petition.

## STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to a commitment that development shall comply with what's shown on the site plan submitted with the application and file-dated June 4, 2025.

## PETITION OVERVIEW

- 8760 Crown Point Road is a residential property comprised of approximately 19 acres that is currently improved with a single-family residence, accessory structure, and swimming pool. The location of the current accessory structure and rear pool were permitted with the property's front yard by grant of the variance 2020-DV1-025. Surrounding land uses include a subdivision to the east of the site and low-density residential land uses in other directions.
- Approval of this variance would allow for the construction of a new three-car detached garage in the location designated on the provided site plan. It would be placed within the front yard to the south of the currently existing accessory structure (utilizing the same existing driveway). Construction of additional structures (beyond those approved by the 2020 variance) between the main residence and Crown Point Road would require the approval of a separate and distinct variance. It appears that the garage would conform with other applicable zoning standards.

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Division of Planning  
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- This property is zoned D-A (Dwelling Agricultural) to allow for a variety of agricultural uses as well as large estate development of single-family dwellings as a secondary provision. The Comprehensive Plan recommends it to the Rural & Estate Neighborhood living typology to allow for agricultural use or estate-style homes on large lots. The property is also partially located within a floodplain (areas to the west near the Fishback Creek) and an environmentally sensitive overlay where 30% of the parcel should be maintained with tree canopy or other naturalized area.
- Staff notes that there is a substantial change in topography for this property (see contour map and Photos 5 and 6 within Exhibits) that would make placement of any accessory structures within the rear yard of the site a practical difficulty and would result in removal of natural wooded areas counter to Comprehensive Plan guidance. The site is also well-screened and isolated from the right-of-way of Crown Point (around 1500 feet) and has an eastern side yard setback that is ten times larger than the requirement (15 feet required; 150 feet proposed) which would minimize visual impacts of placement of an accessory structure within the front yard. For these reasons, staff recommends approval of the variance request subject to a commitment limiting development to what's shown on the proposed site plan.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A (FW)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood / Linear Park	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	Enter Zoning	North: Residential
South:	Enter Zoning	South: Residential
East:	D-P	East: Residential
West:	D-A	West: Residential / Creek
<b>Thoroughfare Plan</b>		
Crown Point Road	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	06/04/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	06/04/2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	06/04/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Rural or Estate Neighborhood living typology to allow for rural or agricultural areas and historic, urban areas with estate-style homes on large lots. This typology prioritizes exceptional natural features, and development should work with the existing topography as much as possible.
- The site is also located within an Environmentally Sensitive overlay for areas with high-quality woodlands or other natural resources. Development within these secondary overlays should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area.

### 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

**2020DV1025**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an accessory building and to provide for a pool in the front yard of an existing single-family dwelling (not permitted), **approved**.

### ZONING HISTORY – VICINITY

**2004DV1013 ; 7915 Fishback Road (west of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an accessory structure in front of the established building line of the primary structure (accessory structures not permitted in front of the established building line of the primary structure), **approved**.

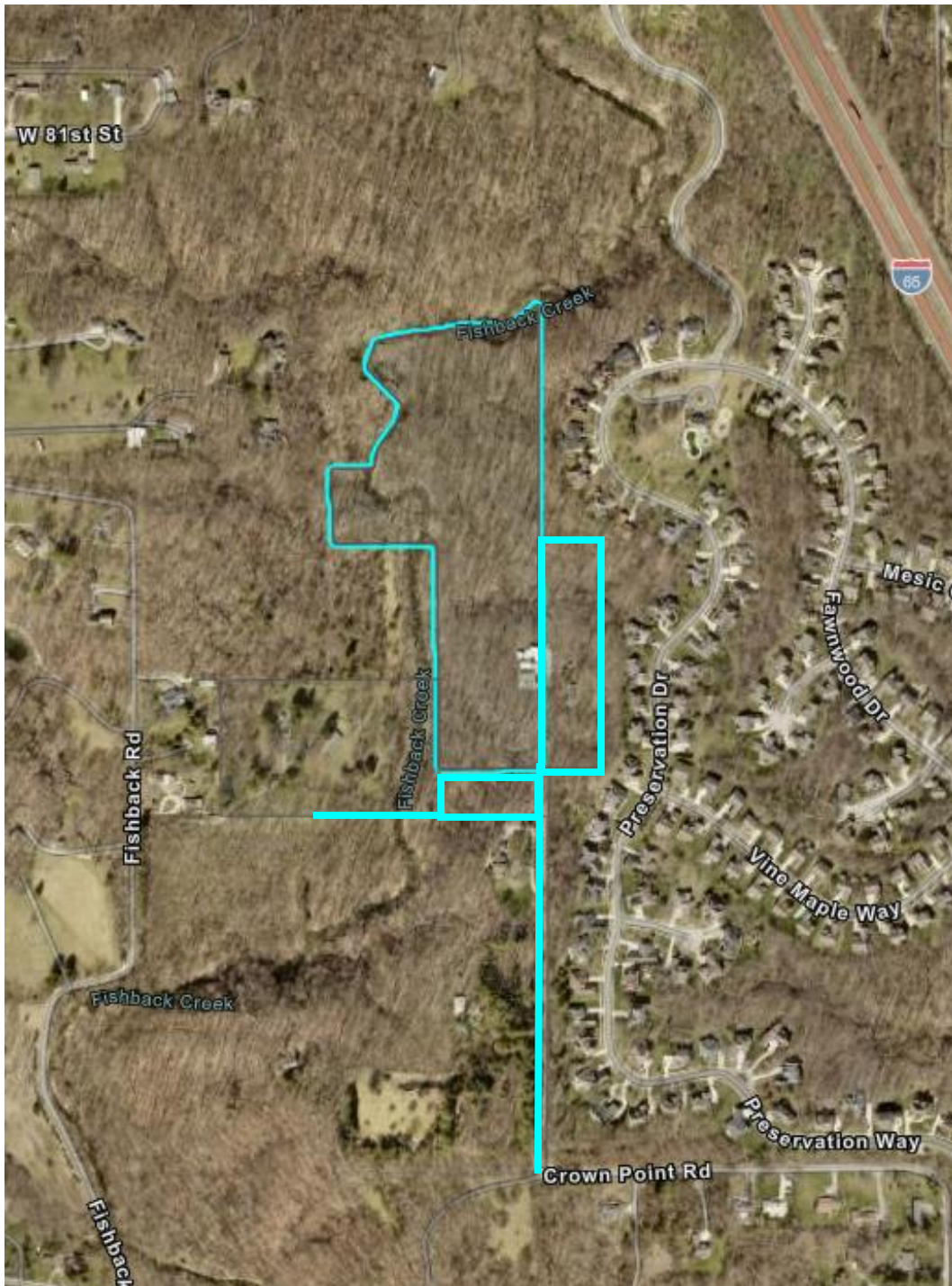
**2000ZON147 ; 8649 W 82<sup>nd</sup> Street (east of site)**, rezoning of 177 acres from D-A zoning to the D-P zoning designation to allow residential development per the development plan, **approved**.

**98-V1-112 ; 8009 Fishback Road (northwest of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an accessory building in front of the established front setback (not permitted), **approved**.

**90-V1-127 ; 8750 Crown Point Road (south of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to permit the construction of a 24 x 40 foot detached garage without public street frontage and a side yard setback of 4 feet (12 feet required), **approved**.

EXHIBITS

2025DV1034 ; Aerial Map



**2025DV1034 ; Aerial Photograph (Zoomed to House)**



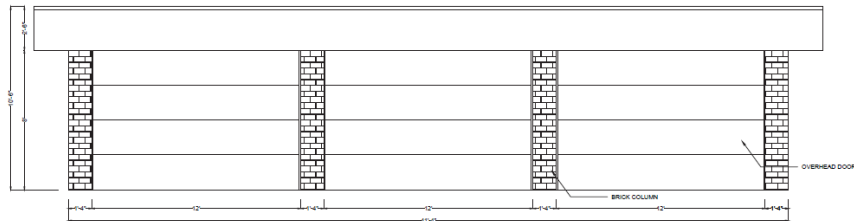
**2025DV1034 ; Contour Map (green lines indicate changes in grade)**



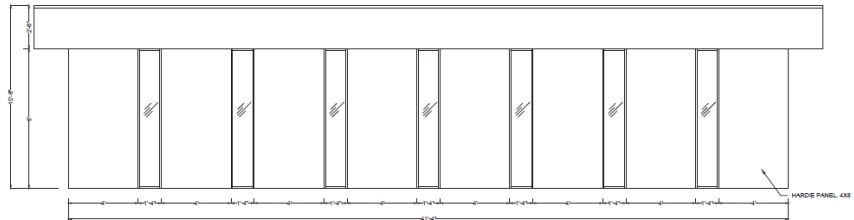


## 2025DV1034 ; Elevations (Northern and Southern)

### ELEVATIONS



1 ELEVATION  
Scale: 1/4"=1'



2 ELEVATION  
Scale: 1/4"=1'

## 2025DV1034 ; Findings of Fact

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

Granting this approval will not be injurious to the public health, safety or general welfare of the community. We are attempting to adding a detached garage to a residential property that has over 14 Acres.

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:

Granting this petition would not have any adverse affects to the value of the adjacent properties. The continued developement of this property could only lead to increasing the values of the adjacent homes.

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

The pratictal difficulties to this property are easy to see. Technically the back of the house faces the street. The front facade faces out over the property with a great view. We are asking to allow a detached garage in on the backside of this house which is closer to the street

**2025DV1034 ; Photographs**



Photo 1: Primary Residence Viewed from Southwest (provided by applicant)



Photo 2: Primary Residence Viewed from Southeast (taken in 2020 prior to pool installation)

**2025DV1034 ; Photographs (continued)**



Photo 3: Existing Accessory Structure Viewed from East (provided by applicant)



Photo 4: Existing Accessory Structure Viewed from South (provided by applicant)

**2025DV1034 ; Photographs (continued)**



Photo 5: Site Terrain to West/Northwest of Primary Residence (taken in 2020)



Photo 6: Site Terrain to North/Northeast of Primary Residence (taken in 2020)

**2025DV1034 ; Photographs (continued)**



Photo 7: Adjacent Property to East from Building Location (provided by applicant)



Photo 8: Private Access Drive viewed from Crown Point ROW to South (taken July 2024)

## BOARD OF ZONING APPEALS DIVISION I

August 5, 2025

**Case Number:** 2025-DV1-036  
**Property Address:** 8849 New Heritage Court (approximate address)  
**Location:** Franklin Township, Council District #25  
**Petitioner:** Heather Jo Douglas  
**Current Zoning:** D-3  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fence within a platted easement (encroachments not permitted).  
**Current Land Use:** Single-family residential  
**Staff Recommendations:** Staff recommends denial of this petition  
**Staff Reviewer:** Noah Stern, Senior Planner

## PETITION HISTORY

- This is the first public hearing for this petition.

## STAFF RECOMMENDATION

- Staff recommends denial of this petition

## PETITION OVERVIEW

- This petition would allow for the installation of a fence within a platted easement (encroachments not permitted).
- The subject site is improved with a single-family residence and is zoned D-3. The lot was platted as a part of a companion petition (2002ZON817 / 2002PLT817 / 2002VAR817) that established 69-lot subdivision. As a part of the subdivision, numerous easements were created including a drainage and utility easement located in the rear yard of the subject property. The proposed fence would be located well within the easement area, per the submitted site plan (see below).
- The petitioner originally applied for an encroachment license (ENC24-00087) which was denied by the Department of Business and Neighborhood Services (BNS). BNS has stated that proposed fences or any minor residential structures that would be located within a platted easement are to be denied, based on the language in Chapter 743, Article III, Section 6.A.4.D. which states;

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

- “On lots in the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8 dwelling districts improved with a Single-family detached dwelling, Single-family attached dwelling, or Two-family dwelling, minor residential structures...Shall not encroach upon, as the primary building shall not encroach upon, any platted easement.”
- Staff would note that the approval of this variance would not guarantee that a future encroachment license would be approved, nor would it prohibit any parties that have rights to the easement from removing the proposed fence, if desired.
- Staff does not find the proposed fence to represent good development practice, and see the approval of fences within platted easements to be a poor precedent that is likely to lead to future conflicts between the involved parties. Further, Staff does not find there to be any practical difficulty that necessitates the approval of this request, as the property has been and can continue to be used for residential purposes. Likewise, the platted easement does not prohibit the property owner from utilizing the area within the easement for leisurely or recreational purposes, it simply prohibits structures and barriers from being built within the easement area. This is standard practice for platted easements that is in place for the safety and ease of access for all parties that have rights to the easement. Therefore, Staff does not support the request and recommends denial of the petition.
- Additionally, Staff is aware that several adjacent properties presently have rear-yard fences that are located within the same drainage and utility easement, and Staff would note that those properties did not receive the necessary variance approval to construct said fences.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-3	
<b>Existing Land Use</b>	Single-family residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-3	North: Single-family residential
	South: D-3	South: Single-family residential
	East: D-3	East: Single-family residential
	West: D-3	West: Single-family residential
<b>Thoroughfare Plan</b>		
New Heritage Court	Local Street	50 feet of right-of-way existing and _ 50 feet proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	6/30/25	
<b>Site Plan (Amended)</b>	N/A	

Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	6/30/25
Findings of Fact (Amended)	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

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

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- 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

**2002ZON817**, rezoning of 110 acres, from the D-P, to the D-3 to provide for single-family residential development, **approved, subject to commitments.**

**2002VAR817**, variance of development standards of the Dwelling District Zoning Ordinance to provide for 69 lots with a 13-foot side yard aggregate (minimum 16-foot side aggregate required), **approved.**

### ZONING HISTORY – VICINITY

N/A

EXHIBITS

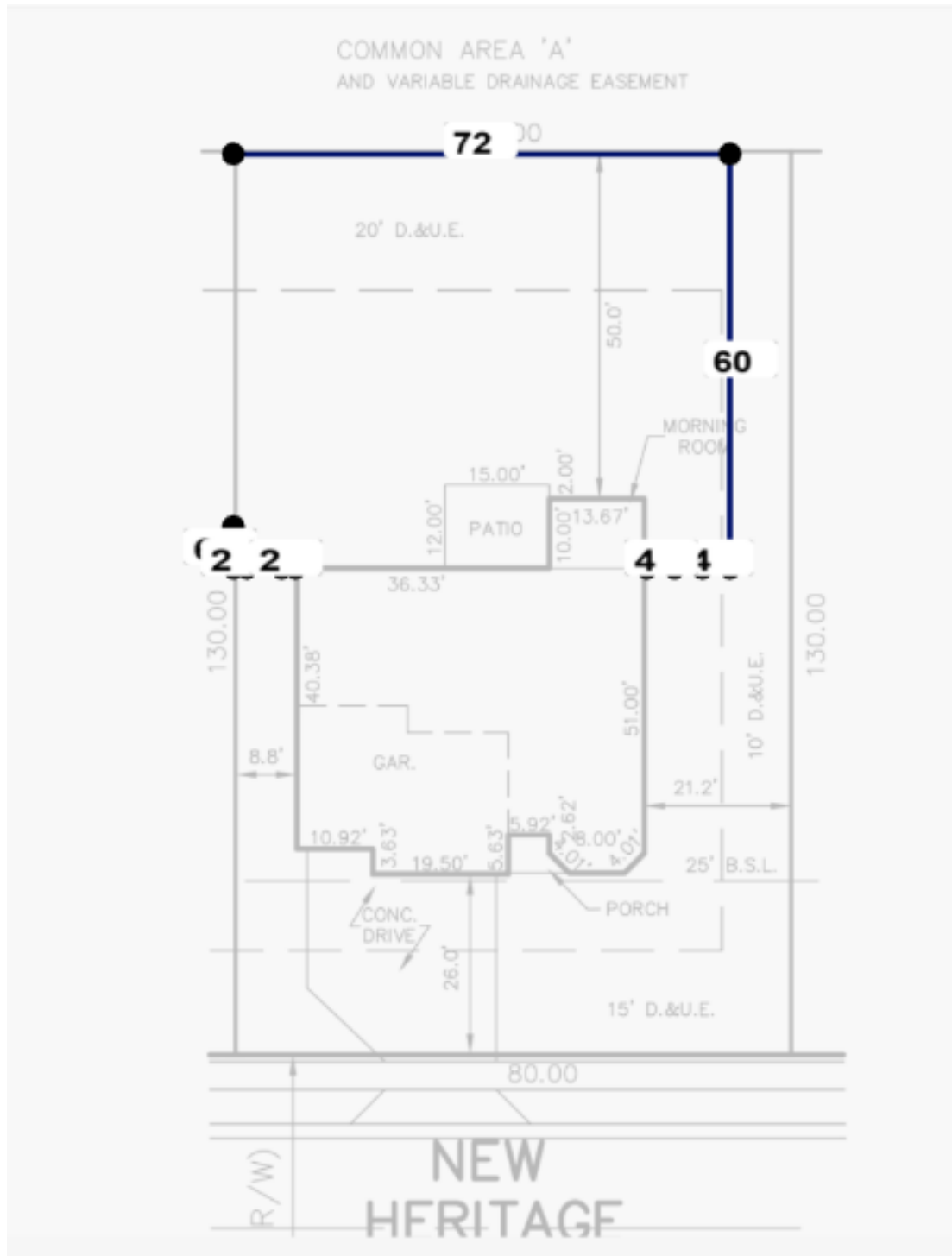


Aerial photo

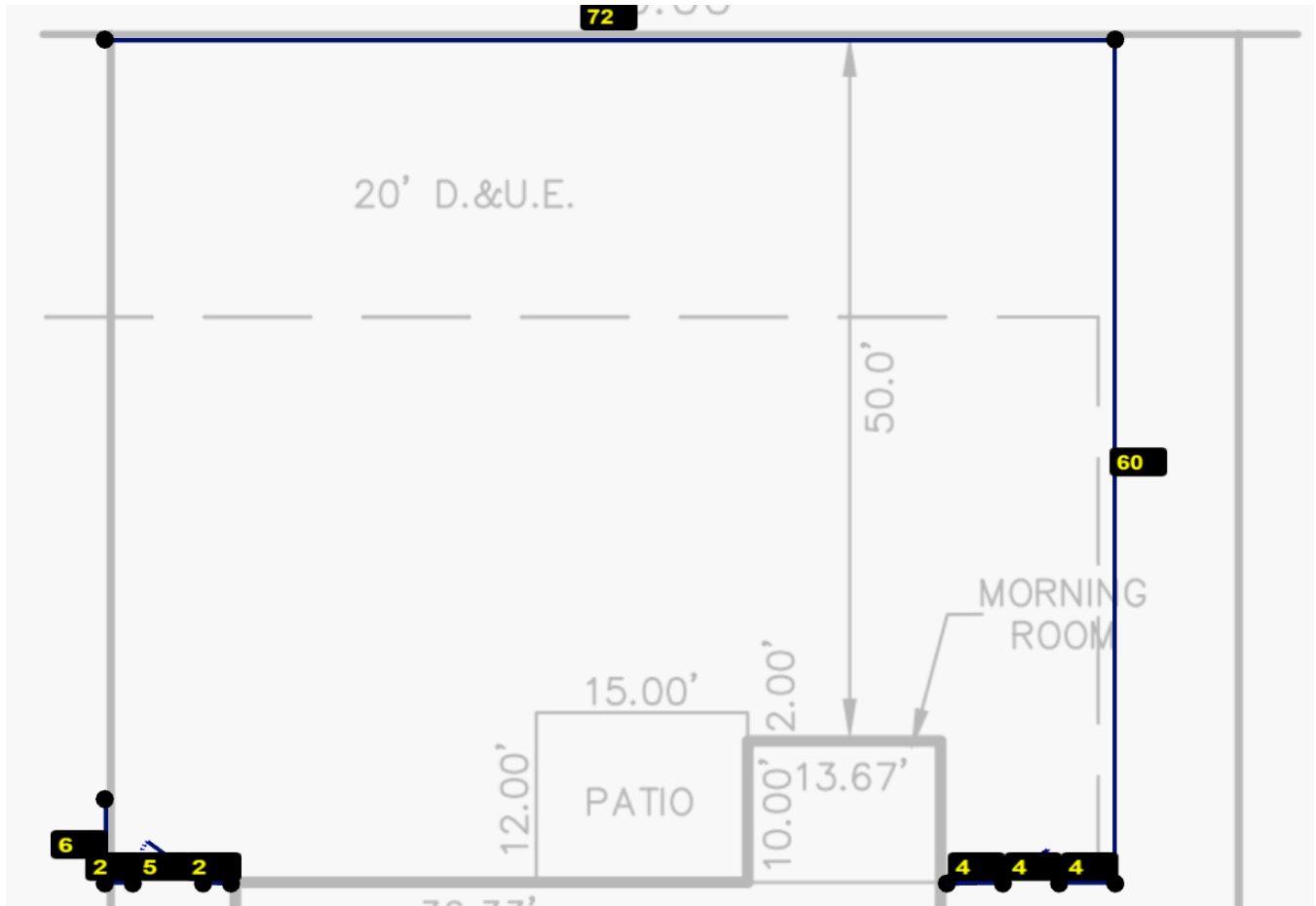




Aerial showing the platted drainage and utility easement in light blue



Site Plan



Zoomed-in site plan



Residence with the back yard in the background



Residence with the back yard in the background

Department of Metropolitan Development  
Division of Planning  
Current Planning



Residence with the back yard in the background



View of front yard



View of front yard



View of new Heritage Court looking West |