



**Board of Zoning Appeals
Board of Zoning Appeals Division III
(March 18, 2025)
Meeting Agenda**

Meeting Details

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

Date: Tuesday, March 18, 2025

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 1. 2024-DV3-037 (Amended) | 1625 Shelby Street**
Center Township, Council District #18, zoned C-3 (TOD)
Jugaad LLC, by David Retherford

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience store with a front building line width ratio of 10.64 (80 percent required) and deficient transparency along Shelby Street (40 percent required), and with deficient landscaping.

- 2. 2025-DV3-001 | 8420 US 31**
Perry Township, Council District #23, zoned C-5 (FW)
Skillman Realty LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a pylon sign, being the third freestanding sign along US 31 (maximum two freestanding signs permitted).

- 3. 2025-DV3-004 (Amended) | 5930 East 82nd Street**
Lawrence Township, Council District #4, zoned C-4
GMX Real Estate Group LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an eating establishment with two stacking spaces within the front yard of East 82nd Street (not permitted), and 21 parking spaces (maximum nine permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

4. 2025-DV3-005 | 4475 Carson Avenue
Perry Township, Council District #24, zoned D-2
Megan Kloeker (Komlanc)

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a 17-foot front yard setback from Lindbergh Drive (25-feet required) and being larger than the primary building (not permitted).

5. 2025-DV3-006 | 720 East 25th Street
Center Township, Council District #18, zoned D-8
Indianapolis Neighborhood Housing Partnership, Inc., by Jeff Hasser

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a three-foot east side yard setback (seven feet required) and a 15-foot rear yard setback (20 feet required) with an open space of 53 percent open space (60 percent required).

Additional Business:

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



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

March 18, 2025

Case Number: 2024DV3037 (Amended)
Property Address: 1625 Shelby Street (*approximate address*)
Location: Center Township, Council District #18
Petitioner: Jugaad LLC, by David Retherford
Current Zoning: C-3 (TOD)
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience store with a front building line width ratio of 10.64 (80 percent required) and deficient transparency along Shelby Street (40 percent required), and with deficient landscaping.
Current Land Use: Vacant Commercial
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

2/18/25: This petition received an indecisive 1-2 vote at the January 21st hearing of Division III and was therefore automatically continued to the February 18th hearing date. The petitioner was not available to provide testimony on this date, and staff requested a continuance to the March 18th date on their behalf.

1/21/25: This petition was continued from the December 17th, 2024 hearing date by petitioner request to allow for additional discussion with staff and relevant neighborhood stakeholders. In the intervening period, updated plans were provided that incorporated the following amendments: (a) closure of the southernmost curb cut and addition of new curb island along Shelby, (b) an alternate location for placement of a new sign that would comply with current standards, (c) placement of a new window on the western elevation, and (d) addition of small landscaped areas along Pleasant Run and at the southwest corner of the property. These new plans and updated Findings of Fact documents have been added to the report, which otherwise was written to reflect the initial site plan submitted. Staff is appreciative of the changes made because of these discussions, but core objections related to how little the proposed layout comports with relevant Transit-Oriented Development standards remain. Therefore, staff continues to recommend **denial** of the petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 1625 Shelby Street is a triangular lot which has historically contained a fueling station use that was initially constructed between 1972 and 1978. The property contained two fuel canopies, three accessory structures, a pole sign, and four existing curb cuts. In late 2023 or early 2024, the fueling station use ceased operations and the accessory buildings were demolished without issuance of a wrecking permit (which resulted in the violation case VIO24-001821 being opened); fuel pumps and two canopies remain at the site. Surrounding land uses and improvements include the I-65 interstate to the east, the Pleasant Run Creek and greenway to the south, a fueling station and retail uses to the southwest, and a thrift store use to the northwest. The site is located near the Fountain Square neighborhood to the north.
- A Red Line BRT bus stop exists at the intersection of Shelby Street and Pleasant Run Parkway SDR to the south of the property, and there is approximately 485 feet separating the edge of the transit station from the edge of this parcel. Given this proximity, TOD restrictions on uses and development standards would apply. The addition of any new or relocated fuel pumps beyond the three currently existing underneath the remaining canopies would require a variance of use for legal operation. However, since (a) the pumps and canopies predate ordinance rules disallowing fueling station uses within C-3 zoning and the TOD overlay, and (b) the zoning ordinance allows for five years of vacancy before a nonconforming use would be considered discontinued (740-603), no use variance would be required for the addition of a new convenience store structure.
- However, the proposed convenience store shown on submitted plans would require multiple variances of development standards related to the TOD overlay guidelines introduced in 2021 to allow for pedestrian-friendly development along activated streetscapes. Required variances relate to: (a) the width of the building as a ratio of the width of the Shelby frontage (80% required and only 10.64% proposed), (b) the percentage of transparent materials comprising the western building façade closest to the Shelby frontage (40% required and 0% proposed), (c) the required setback for parking areas from the Pleasant Run frontage (25 feet required and 17 feet proposed), and (d) deficient landscaping at the site (both width of landscape strip along Shelby and required screening of parking areas from rights-of-way per 744-702.D.3.d of the Ordinance).
- Review of the Improvement Location Permit application for this project was initially conducted earlier this year and noted similar dimensional standards issues. That reviewer also noted issues with light-level standards exceeding maximum allowable limits. Lighting details were not provided for DMD review, and any outstanding issues related to lighting would need to be addressed separately should the petition be approved. Additionally, the number of curb cuts and driveway widths at the site would not meet current standards and, regardless of approved land use, staff would be generally supportive of efforts to close off some of those access points.
- This property is zoned C-3 (Neighborhood Commercial District) to allow for the development of an extensive range of retail sales and personal/professional services with accessibility for all modes of travel being provided and maintained. This zoning district previously allowed for the



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placement of fueling stations by-right but this is no longer a permitted use. The Pattern Book recommends this site to the Village Mixed-Use typology to allow for neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. Development in this typology should be compact and walkable with parking at the rear of buildings, entrances and large windows facing streetways, and with pedestrian-scale amenities such as landscaping contributing to the walkable environment. Mixed-use structures are preferred, and automotive uses (such as gas stations and auto repair) are not a contemplated land use. Similarly, the Red Line TOD Plan envisions mixed-use commercial nodes placed near BRT stops and discourages both automotive uses and parking within surface lots near stations.

- Findings of Fact submitted by the applicant indicate that the primary hardships preventing them from full ordinance compliance are the unusual parcel shape and the existing fuel canopies limiting options for placement of buildings on the site. Staff would note that the legally non-conforming pumps and canopies are not required to be placed at the site, and that their existence would not constitute a site-specific practical difficulty. Additionally, their removal could facilitate development of a convenience store that conforms much more closely with TOD requirements for building placement/width and parking similar to the recent pedestrian-oriented development to the northwest of the site (see Photo 6 within Exhibits).
- In addition to the close proximity between this site and the Pleasant Run Red Line stop, staff would note that this property sits between the Pleasant Run Greenway to the south and the Fountain Square station to the north (which has direct access to the Cultural Trail and a Pacers Bikeshare kiosk) and is bordered by a protected bike lane to the west. Given the high visibility of this area and proximity to several multi-modal travel options, staff contends that development and land uses should maximize the potential offered by the TOD overlay by meeting ordinance and Plan guidance as closely as possible. The proposed use of a convenience store is not incongruous with this vision, but the proposed building layout offers zero pedestrian activation along the Shelby frontage through a building width that is around one-eighth of ordinance requirements and a building façade with no windows or architectural features.
- Since the presence of multiple fueling canopies is neither required by the property's primary and secondary zonings nor a prerequisite for the successful operation of a convenience store, staff does not feel that their existence constitutes a site-specific practical difficulty. Their presence (and related fueling station use) would not be permitted by current ordinance standards and constitutes a direct impediment to development of the property in a manner compliant with ordinance and Plan guidance that envisions a vibrant and pedestrian-friendly streetscape. Removal of one or more of the canopies could allow for placement of a building that comprises a much larger portion of the Shelby frontage with additional windows and pedestrian features (and fewer extraneous curb cuts). Additionally, it could allow for reconfiguration of the proposed parking area further from property lines and for the installation of the required landscaping strip along Shelby. Staff feels that even accounting for the irregular lot shape, the proposed layout deviates substantially from both compliance and intent of relevant guidelines and recommends denial of the variances.



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GENERAL INFORMATION

Existing Zoning	C-3 (TOD)	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
	North: C-3	North: Interstate
	South: PK-1	South: Pleasant Run Creek
	East: C-3	East: Interstate
	West: C-3 / I-3	West: Commercial
Thoroughfare Plan		
Shelby Street	Primary Arterial	62-foot existing right-of-way and 56-foot proposed right-of-way
Pleasant Run Pkwy NDR	Primary Collector	90-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	11/21/2024	
Site Plan (Amended)	01/10/2025	
Elevations	11/21/2024	
Elevations (Amended)	12/23/2024	
Landscape Plan	11/21/2024	
Findings of Fact	11/21/2024	
Findings of Fact (Amended)	01/10/2025	



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 Village Mixed-Use typology to allow for neighborhood gathering places (either in historically small neighborhood centers or newly created ones) with a wide range of small businesses, housing types, and public facilities. Development in this typology should be compact and walkable with parking at the rear of buildings, entrances and large windows facing streetways, and with pedestrian-scale amenities such as landscaping contributing to the walkable environment. Mixed-use structures are preferred, and automotive uses (such as gas stations and auto repair) are not a contemplated land use.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line Transit-Oriented Development Strategic Plan recommends this site to the Walkable Neighborhood TOD typology given its proximity to the Pleasant Run Red Line stop. The desired land-use mix for these areas is primary residential but with a commercial node of mixed-use development near transit stops. Off-street parking within surface lots and “car-only uses” are discouraged.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2018ZON129 ; 1618 Shelby Street (west of site), Rezoning of 0.55 acre from the I-3 district to the C-3 classification, **approved**.

2001VAR830 ; 1638 Shelby Street (southwest of site), variance of development standards of the Commercial Zoning Ordinance to legally establish eleven off-street parking spaces, for the storage of trucks and trailers, located within the side transitional yard (off-street parking not permitted within the side transitional yard), **approved**.

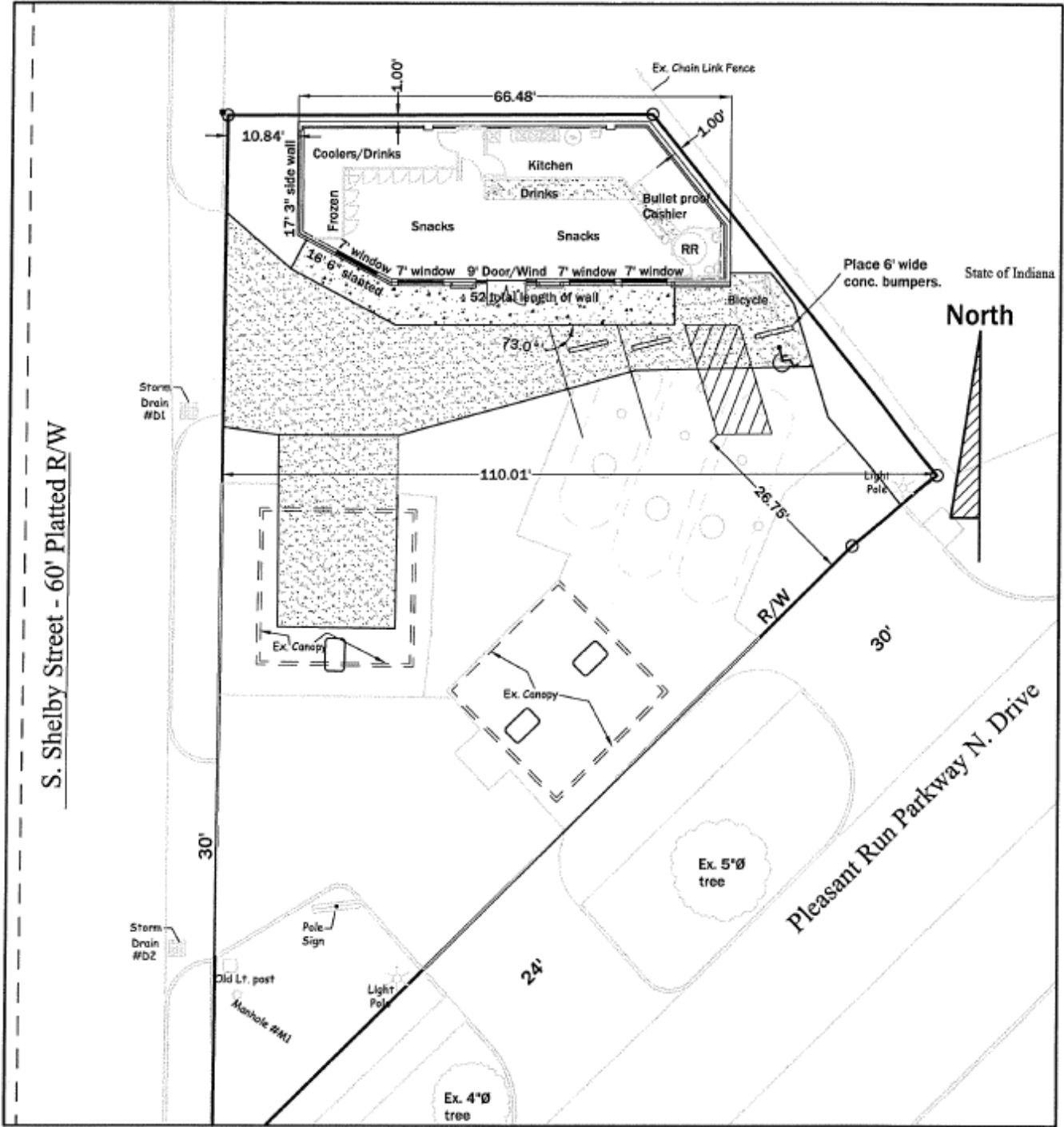
2001ZON830 SW ; 1638 Shelby Street (southwest of site), rezoning of 0.566 acres from the I-3-U district to the C-3 classification, **approved**.

EXHIBITS

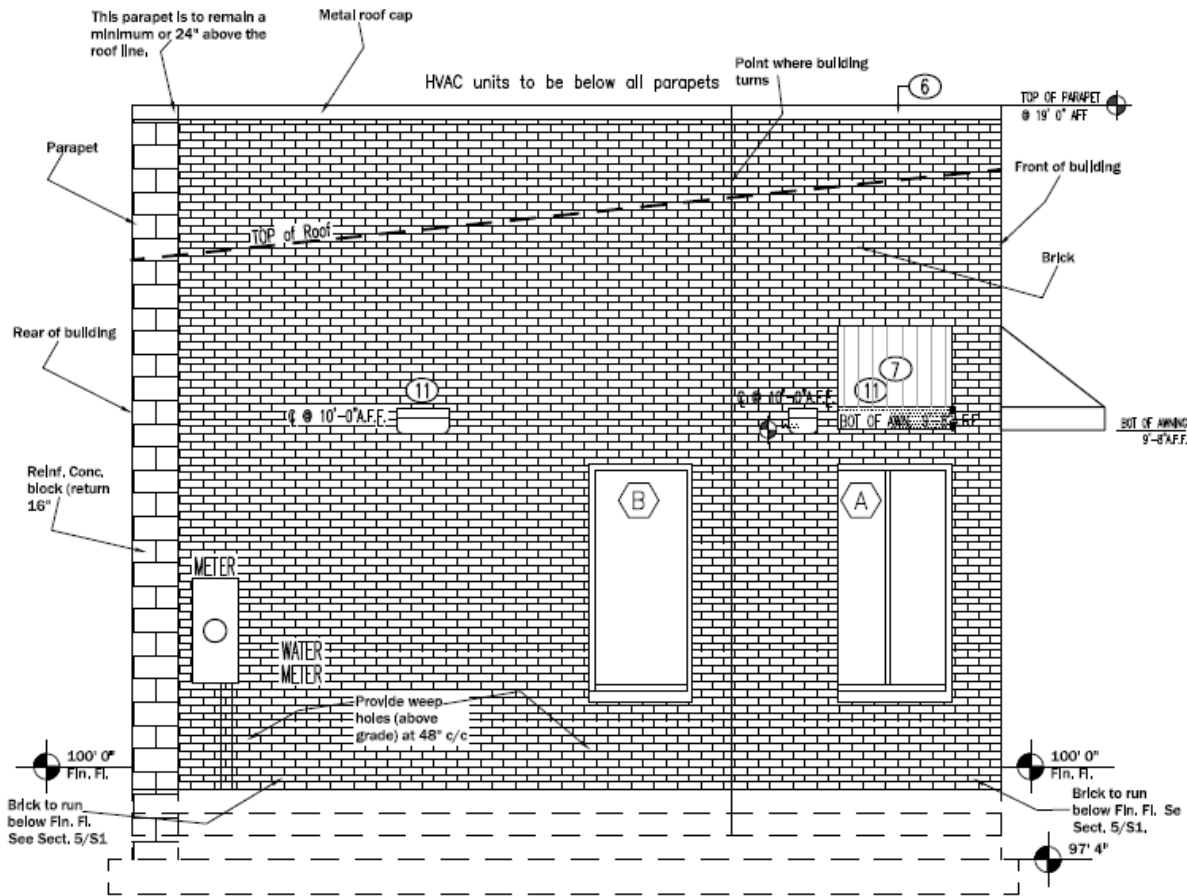
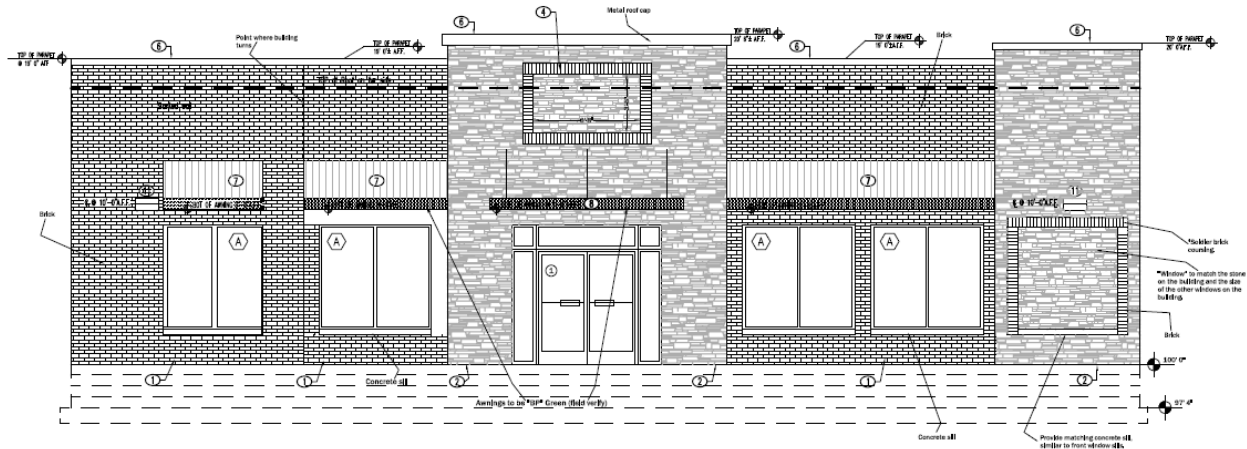
2024DV3037 ; Aerial Map



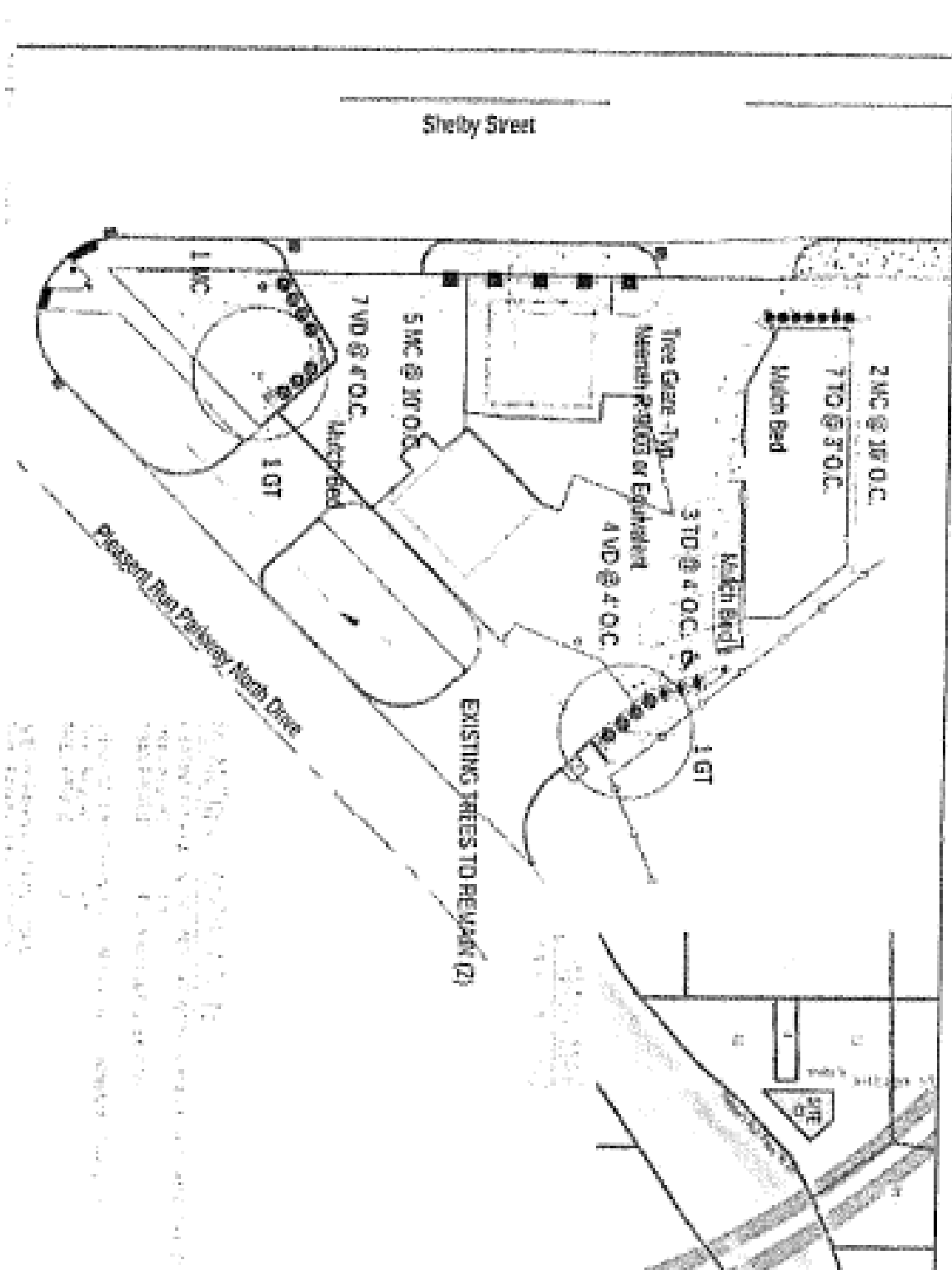
2024DV3037 ; Site Plan (initial 11/21/24 submittal)



2024DV3037 ; Elevations (South and West/Southwest)



2024DV3037 ; Landscape Plan (preliminary)





2024DV3037 ; Findings of Fact (Transparency)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Approving the exterior design of the building with the 17' foot long west facing wall only containing 17.5% transparency instead of the required 40% is not likely to create such injury. This wall does not contain a public entrance. The desired visibility into the building is provided in a reasonable fashion by the 3' X 5" window in the south portion of that wall, which allows direct view of the cash register location. In addition, the true front facing wall of the building contains 58% transparency, and the angled wall between the front wall and the west wall contains 42% transparency. In addition, if the three walls were measured as one no variance would be required as the overall transparency would exceed 40%. To resolve any potential security concerns the cash register location is also located within a transparent bullet proof enclosure for safety.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The subject property has been developed and utilized continually as a gasoline service station with a small associated store and public restrooms for at least four decades, and while the gas station use is integral to the success of the convenience store operation, the gas station is legally permitted and established and is not being expanded. The site sits at the intersection of Shelby Street and the sharply angled Pleasant Run North Drive, so it is a very small triangular parcel. The two rear yards of the site abut I-65 to the North and northeast. Across Pleasant Run to the East and Southeast is the heavily wooded Greenways corridor and then South drive, before any residential lots even exist. Across Shelby Street to the West are three properties. Two are zoned C-3. The north parcel contains a commercial building owned by the Archdiocese, and the south parcel contains Nelson's Marathon gas station. The middle parcel appears to contain a residential rental. Installing a new attractive masonry building with canopies, and adding a new landscaping area directly west of the west facing wall with the 17.5 % transparency, when combined with the elimination of the former public restrooms that had created a well-known homeless population immediately to the North which is blamed for a history of vandalism and police calls, is actually likely to positively impact the use or value of the adjacent properties if the request is approved.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: Although Shelby Street is the front yard of the site per the ordinance, the front of this building actually faces the intersection, so the 17' long west wall is a side wall. This wall does not contain a public entrance, and the only area inside the store where the full height coolers can practically be located is along this same west wall. Since the original petition was filed, the Petitioner has added a window in this west wall which eliminates three of the originally designed coolers, and there is no practical way to replace any additional coolers if the full 40% is required for this wall.



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2024DV3037 ; Findings of Fact (Landscaping)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Permitting the landscaping required along the approximately 20' of the frontage along Shelby Street which abuts the short term parking space used when refueling at the single pump station along that frontage, does not present any risk of such injury in this case where the Petitioner is adding significant landscaping to the site at each end of the Shelby Street frontage per the Site Plan; and it also willing to close the existing southernmost entrance onto Shelby Street, and to solve a long-time existing risk by installing a new curb separating the pedestrian traffic on the existing sidewalk along Shelby Street from the internal vehicular traffic on 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 site sits at the intersection of Shelby Street and the sharply angled Pleasant Run North Drive, so it is a very small triangular parcel. The two rear yards of the site abut I-65 to the North and northeast. Across Pleasant Run to the East and Southeast is the heavily wooded Greenways corridor and then South drive, before any residential lots exist. Across Shelby Street to the West are three properties. Two are zoned C-3. The north parcel contains a commercial building owned by the Archdioces, and the south parcel contains Nelson's Marathon gas station. The middle parcel appears to contain a residential rental. The subject property has been utilized in the past as a gasoline service station with a very small associated C-store and also public restrooms, for at least four decades. If the variance is approved, the legally permitted gas station use would be refreshed and modernized, a new and attractive C-store built, and the entire site landscaped along with several significant improvements to the safety and appearance of the site. Permitting these upgrades to be made by approving this variance is preferable to denying it based on the minor variance being requested which abuts only the side of one parking space, as opposed to the front or back of said space.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: This is a very small site, triangular in shape. In addition to parking space adjacent to the pump for a vehicle that is being refueled, a traffic lane to pass the parked vehicle is required for public safety and emergency access. This access is especially important on the Shelby Street side due to the impact of the agreement by the Petitioner to close the southernmost entrance onto Shelby Street. The proposed new curb will be installed on the existing right of way line, which is also the east edge of the existing sidewalk. This presents a practical difficulty in that there is no room between the right of way line/existing sidewalk and the access around this fuel island for the typical landscape island along this short length of frontage. The legally existing pump and fuel island cannot practically be relocated due to the other improvements on the site, and it is not required to be removed. A site specific practical difficulty exists here; and the solution proposed by the Petitioner to landscape at the intersection and west of the building as shown on Site Plan, and also to add additional landscaping within the new island/areas along Pleasant is a satisfactory solution in this unique situation.



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2024DV3037 ; Findings of Fact (Building Width)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Locating the proposed new building as far off the intersection as possible, and also aligning it so the attractive front of the building actually faces the intersection as proposed by the Petitioner, is a better option than waiting for an unknown future owner who would possibly be willing to remove the existing pumps, tanks and gas station improvements and completely redevelop the site with a small office building facing Shelby Street that would most likely still require multiple variances due to the small size and shape of the subject site. The Petitioner's proposal includes locating the building and the associated parking and related pedestrian store activity as far from the intersection as possible, which is likely safer than a location closer to the intersection, or even with the back of the building exposed to Pleasant Run. The Petitioner is willing to close the existing southernmost entrance onto Shelby Street, which would not be required by a different proposed use that did not require a rezoning. The Petitioner is also willing to solve a long-time existing risk by installing a new curb separating the pedestrian traffic on the existing sidewalk along Shelby Street from the internal vehicular traffic on the site. The Petitioner is willing and ready to invest hundreds of thousands of dollars in the proposed redevelopment of this decayed site, one which has a history under prior owners of being a haven for homeless people and associated crime. For all these reasons it is likely that the approval of this request would benefit public safety, morals and general welfare more than denying it and then waiting on an unknown future user and their plans.

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 sits at the intersection of Shelby Street and the sharply angled Pleasant Run North Drive, so it is a very small triangular parcel. The two rear yards of the site about I-65 to the North and northeast. Across Pleasant Run to the East and Southeast is the heavily wooded Greenways corridor and then South drive, before any residential lots exist. Across Shelby Street to the West are three properties. Two are zoned C-3. The north parcel contains a commercial building owned by the Archdioces, and the south parcel contains Nelson's Marathon gas station. The middle parcel appears to contain a residential rental. The subject property has been utilized in the past as a gasoline service station with a very small associated C-store and also public restrooms, for at least four decades. If the variance is approved, the legally permitted gas station use would be refreshed and modernized, a new and attractive C-store built, and the entire site landscaped along with several significant improvements to the safety and appearance of the site. Denying this request based on the proposed orientation of the building likely just results in it staying vacant and an eyesore for the foreseeable future, and the current opportunity to actually have a positive impact on the adjacent properties and this area would be lost.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: Even though it is a sharp cornered lot, the ordinance requires a new building to face Shelby Street, and also for the width of that building to cover at least 60% of the length of that frontage. The site is not likely large enough to accommodate a flatiron style building with the associated parking and accesses, setbacks, landscaping, etc. Any typical rectangular building would likely require similar variances to be granted due to the practical difficulty that complying with the TCO ordinance presents on this particular site. By orienting the building towards the intersection, thereby providing views of the front of the building from the intersection also from both of the abutting streets, the Petitioner presents a reasonable solution to the practical difficulty this site presents. This proposal is likely to get this vacant site cleaned up and back on the tax rolls soon, and it makes practical sense here to approve the building as oriented as it actually does cover more than the required 60% of the lot width if that measurement is simply taken at the most practical location on this triangular site, which is across the back portion of the lot and immediately in front of the proposed building. It is also likely that the costs and delays which would result from any effort to remove the existing tanks, pumps and lines in compliance with the regulations of IDEM and the EPA are a significant practical difficulty which was not self-imposed, which would make it difficult at best to justify changing the use to anything different than a remodel of the existing gas station use on this unique site.

2024DV3037 ; Photographs



Photo 1: Subject Site from Southwest



Photo 2: Subject Site from Pleasant Run Pkwy NDR

2024DV3037 ; Photographs (continued)



Photo 3: Subject Site from Shelby Street



Photo 4: Subject Site from West (taken August 2023)

2024DV3037 ; Photographs (continued)



Photo 5: Adjacent Property to the Southwest



Photo 6: Adjacent Property & Bike Plane to the Northwest (September 2024)

2024DV3037 ; Photographs (continued)



Photo 7: Existing Curb Cuts along Shelby Street



Photo 8: Existing Curb Cuts along Pleasant Run Pkwy NDR



BOARD OF ZONING APPEALS DIVISION III

March 18, 2025

Case Number: 2025-DV3-001
Address: 8420 US 31 (approximate address)
Location: Perry Township, Council District #23
Zoning: C-5 (FW)
Petitioner: Skillman Realty LLC, by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a pylon sign, being the third freestanding sign along US 31 (maximum two freestanding signs permitted).

Current Land Use: Automotive Dealership Integrated Center

Staff Recommendation: Staff recommends Denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued by the petitioner from the January 21, 2025, hearing to the February 18, 2025, hearing, due to the lack of a full Board.

This petition was automatically continued from the February 18, 2025, hearing, to the March 18, 2025, hearing, as a result of an indecisive vote by the Board.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ This 7.14-acre site is part of a larger 14.84-acre integrated center improved with two automobile dealerships, having different ownership names, but having the governing person and registered agent. The integrated center has frontage along US 31 and Stop 12 Road, and vehicular access from both streets.
- ◇ The purpose of the Sign Regulations is to eliminate potential hazards to motorists and pedestrians and encourage well-designed signs that are compatible with the surroundings, while eliminating excessive and confusing sign displays. Proliferation of signs causes those signs that are permitted and legal to become less effective and reduces their value. Additionally, the Sign Regulations preserve and improve the appearance of the City as a place in which to live and work.



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- ◇ The Sign Regulations allow one sign for any commercial development with less than 300 feet of public street frontage. For sites with at least 600 feet of frontage, two freestanding signs are permitted. Sites with at least 900 feet of frontage may utilize three freestanding signs. A 300-foot of separation is also required between signs.
- ◇ This site has a 796-foot frontage and is developed with two automobile sales dealerships. Therefore, one or two signs are permitted along the US 31 frontage and would adequately identify the site and comply with the provisions of the Sign Regulations. This requirement is designed to mitigate the proliferation of freestanding signs and the visual conflicts and negative aesthetics associated with multiple signs in close proximity to one another.
- ◇ This request would provide for the relocation of an existing third sign along this site's 796 feet of frontage along US 31. The denial of this request would not create a practical difficulty in the use of the property, as two signs would be allowed to be placed on the site by Ordinance.
- ◇ The US 31 corridor is heavily developed with retail commercial uses. As the area developed more recently than other commercial corridors in the county, the majority of these commercial developments have been in the form of integrated retail centers, rather than single site uses. This development pattern has limited the proliferation of free-standing signage in the corridor.
- ◇ Sign permits have been issued to provide for many different iterations of free-standing signage at this site and integrated center. While the accompanying documents in the permit files are difficult to read, it is staff's opinion that several of these permits should not have been issued without statements or conditions requiring the removal of previously permitted signage.
- ◇ In 2010, a variance to allow for an existing third sign at this location was denied, yet the sign remained. Aerial photos indicate the sign arrived on site sometime between 1990 and 1995, which would not allow for it to be considered legally non-conforming as the Ordinance requires for it to have been on site since 1969. The sign ordinance at that time would have required the 300-foot separation from the existing sign approximately 80 feet to the south, although there is no variance on record for that lack of separation. Therefore, the basis for approving the sign cannot be because it is a legal non-conforming use. Staff has based its recommendation on the current Ordinance requirements.



- ◇ Staff also determined that the existing signage on the site does not conform with the drawings and applications filed with prior permits. For example, the southernmost sign on the site is located near the intersection and contains an electric variable message component (EVMS) less than 125 feet from a signalized intersection and less than 600 feet from a protected district. The sign permit for that sign indicated it would be placed at the US 31 entrance to the site, approximately 400 feet to the north of the actual sign location, with another sign to be located at this site. No granted variance could be found for the EVMS sign’s proximity to the signalized intersection or the protected district to the south. The approval of this variance would not address these non-conformities.
- ◇ The practical difficulty noted in the findings of fact for the requested third freestanding sign is that the dealership would be out of compliance with the franchise requirement for signs. Therefore, the variance request if granted, is to allow for the dealership to be out of compliance with the Zoning Ordinance, instead of out of compliance with the franchise requirement, which is a private contractual agreement, and could also be easily remedied by the relocation of the southernmost sign to the Stop 12 Road frontage.

GENERAL INFORMATION

Existing Zoning	C-5		
Existing Land Use	Automobile Dealership		
Comprehensive Plan	Heavy Commercial uses		
Surrounding Context	Zoning	Surrounding Context	
	North:	C-5	Car Wash / Automobile Dealerships
	South:	D-P/SU-1	Multi-Family dwellings / Religious Use
	East:	C-5	Automobile Dealerships
	West:	C-5	Automobile repair / bodywork
Thoroughfare Plan			
	US 31 South	Primary Arterial	153-foot existing and proposed right-of-way.
	East Stop 12 Road	Local Street	55-foot existing and proposed right-of-way
Context Area	Metro area		
Floodway / Floodway Fringe	Yes		
Overlay	N/A		
Wellfield Protection Area	No		
Site Plan	November 4, 2024		
Sign Elevations	November 4, 2024		
Landscape Plan	N/A		
Findings of Fact	November 4, 2024		



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Heavy Commercial typology which provides for consumer oriented general commercial, and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of goods. Examples include vehicle sales and commercial lumber yards.

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

2024-UV3-003A; 8540 US 31 (south of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing pole sign (not permitted), and include a 37.28-square-foot digital display component (prohibited), **granted**.

2024-UV3-003B; 8540 US 31 (south of site), requested a variance of use to legally establish an existing pole and monument sign, **withdrawn**.

2019-DV1-026; 8320 US 31 South (north of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an electronic variable message sign within 250 feet of the nearest protected district, **granted, subject to commitments**.



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2014-DV3-017; 8455 US 31 South (southeast of site), requested a variance of development standards of the Sign Regulations to provide for a 30-foot tall, 100-square foot freestanding sign, being approximately 200 feet from a freestanding sign to the north and being the fifth sign within an integrated center, along the approximately 1,300-foot frontage of US 31 South and to legally establish an approximately five-foot tall, 11-square foot directional sign, interior to the site, facing US 31 South, **granted**.

2014-DV2-004A; 8202 US 31 South (north of site), requested a variance of development standards of the Sign Regulations to provide for two additional non-illuminated freestanding signs, for a total of three signs along the frontage of Shelby Street; with a 6.33-foot tall, 42-square foot freestanding sign and a five-foot tall, 18-square foot freestanding sign being located approximately 100 feet and 190 feet south of the existing freestanding sign; with the 6.33-foot tall, 42-square foot freestanding sign encroaching approximately 18 feet into the existing right-of-way of Shelby Street; and with the five-foot tall 18-square foot freestanding sign encroaching approximately two feet into the right-of-way of Shelby Street, **denied**.

2014-DV2-004B; 8202 US 31 South (north of site), requested a variance of development standards of the Sign Regulations to provide for an approximately four-foot tall, 18-square foot non-illuminated directional entrance sign, **granted**.

2012-DV2-005; 8202 US 31 South (north of site), requested a variance of development standards of the Sign Regulations to provide for an approximately 72-square foot electronic variable message wall sign on the north façade of a building within an integrated center and within 175 feet of a protected district, **granted**.

2010-DV1-017; 8420 US 31 (subject site); requested a variance of development standards of the Sign Regulations to provide for a 25-foot tall, 93-square foot freestanding sign within 76 feet of an existing sign, being the third sign along an approximately 705-foot frontage, **denied**.

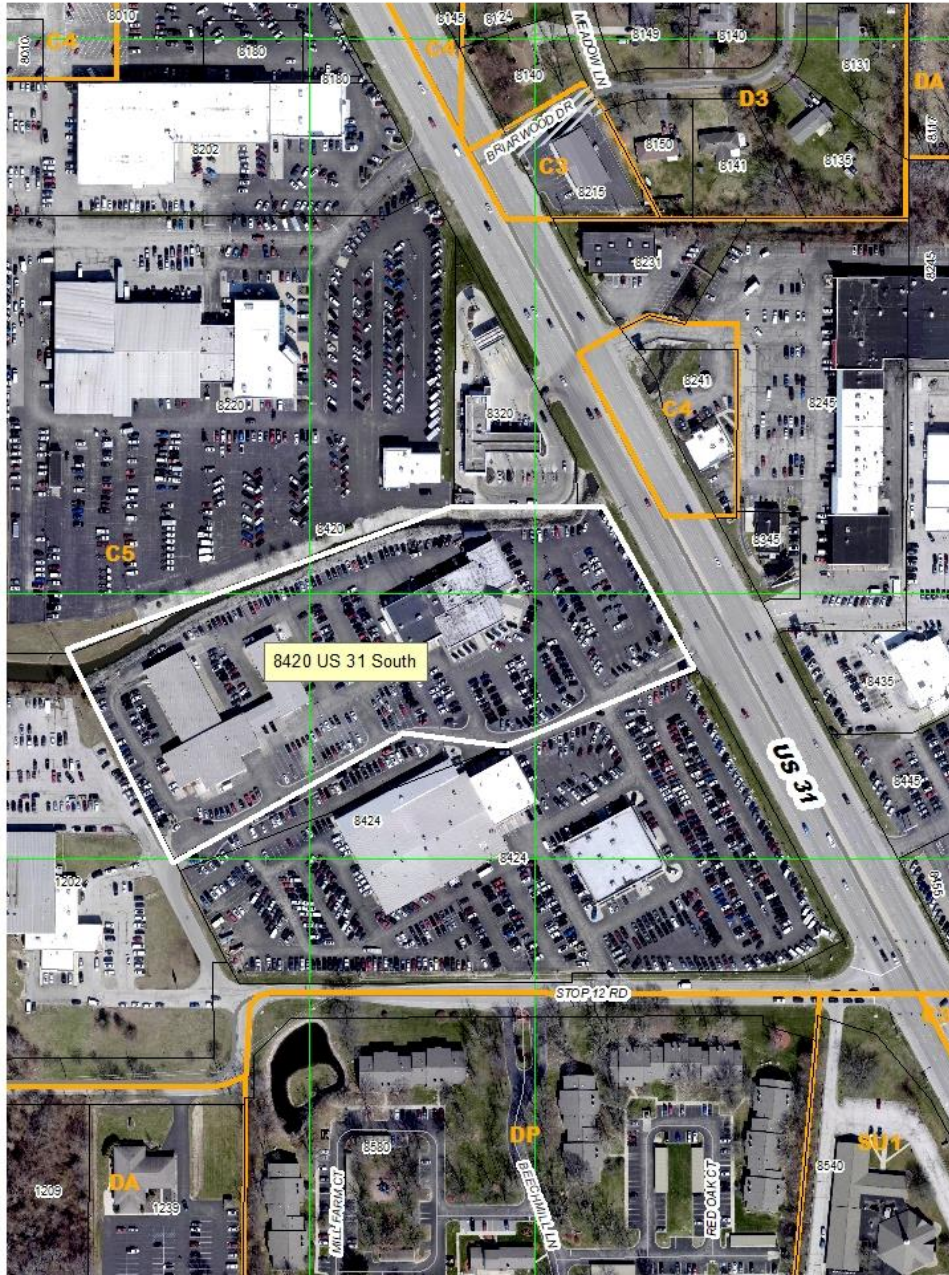
2010-DV1-017; 8420 US 31 South (subject site), requested a variance of development standards of the Sign Regulations to provide for a 25-foot tall, 93-square foot freestanding sign within 76 feet of an existing sign, being the third sign along an approximately 705-foot frontage, **denied**.

2008-DV1-051; 8215 US 31 South (north of site), requested a variance of development standards of the Sign Regulations, to provide for 5.833-foot tall, nine-square foot freestanding sign with a five-foot front setback from US 31 South, **granted**.

RU

EXHIBITS

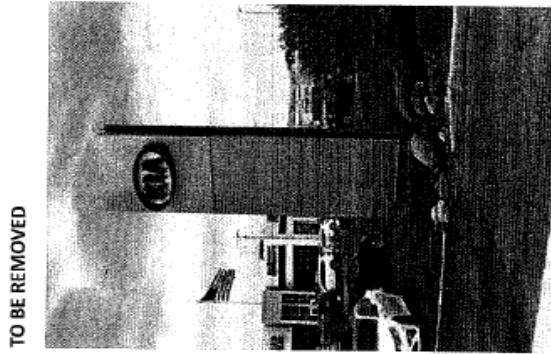
Location Map Subject Site



Site Plan



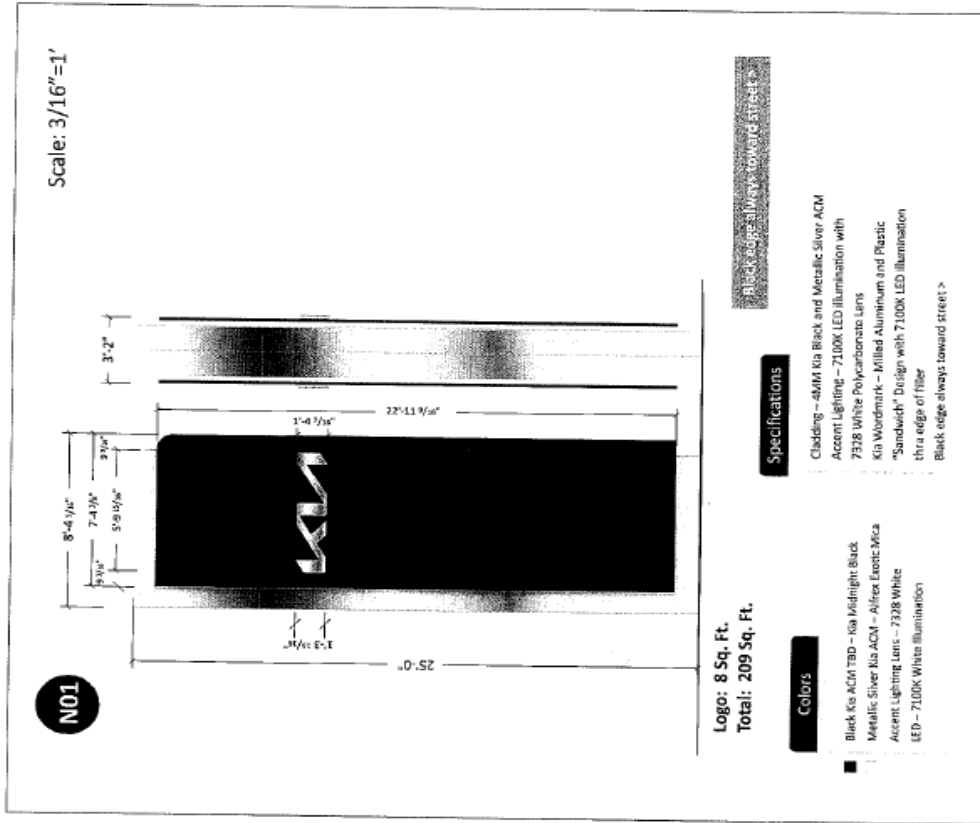
Sign Elevation



*NOTE: Pattison ID to remove & scrap Kia emblems only.
Dealer to remove & scrap existing non-program pylon.*

NOTE: Will not reuse existing foundation, a new foundation will be required. Dealer to provide electrical prior to installation.

KIA NEW LOGO MONOLITH KUSPS25





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the sign will properly identify the dealership on the Subject Property without interfering with vehicular or pedestrian traffic.

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 adjoining properties are commercial properties with freestanding signs identifying their respective businesses.

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

there are two separate parcels with almost 800 feet of frontage and to deny the variance would put the dealership on the Subject Property out of compliance with its franchise requirement for signs.

Photographs



Subject site frontage showing all three existing signs, looking northwest.



Subject site frontage showing the KIA sign to be relocated further north, looking west.



Subject site frontage showing existing pole sign with EVMS component, not specific to any franchise brand.



Subject site integrated center frontage on Stop 12 Road without any signage.



Adjacent commercial use signage to the north.



Adjacent commercial use signage to the east, looking north.



BOARD OF ZONING APPEALS DIVISION III **March 18th, 2025**

Case Number: 2025-DV3-004 (Amended)

Property Address: 5930 East 82nd Street (Approximate Address)

Location: Lawrence Township, Council District #4

Petitioner: GMX Real Estate Group LLC, by Joseph D. Calderon

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an eating establishment with two stacking spaces within the front yard of East 82nd Street (not permitted), and 21 parking spaces (maximum nine (9) permitted).

Current Land Use: Commercial

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

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the second public hearing for this variance petition.

The first public hearing for this variance petition was continued due to allow additional time for discussion of the petition with relevant neighborhood associations and make changes to the variance request.

STAFF RECOMMENDATION

Staff recommends denial of this variance petition.

PETITION OVERVIEW

- This variance petitioner is requesting two items: 1) a Development Standards Variance for two (2) staking spaces within the front yard of East 82nd Street, and 2) a Development Standards Variance to allow 21 parking spaces.
- This property is 1.046 acres in a C-4 zoning district.
- There are plans to construct a Dutch Bros coffee shop with two (2) drive thru lanes on this property.
- This parcel was once conjoined with the parcel to the east (Krispy Kreme's current location), but in 2020, it was split into two (2) parcels through a plat petition case 2020-PLT-103.
- In 2021, the owners of the two (2) parcels established a private, reciprocal easement agreement, stating that the northern portion of the subject site's property would be non-curbed parking and



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Division of Planning
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shared with the Krispy Kreme located to the east. This was not a commitment required or requested by the City.

- Stacking spaces permit customers to receive services or obtain goods in or on a motor vehicle. For a one-service unit eating establishment or food preparation location, such as Dutch Bro's, in a Metro context area, two (2) stacking spaces are required to be at the exit of the service unit.
- These stacking spaces are not permitted in the front yard along the right-of-way, which exceeds 30 feet in width. East 82nd Street is roughly 145 feet in width.
- The proposed development on the subject site has 21 parking spaces: two (2) stacking spaces in the south, nine (9) spaces beside the service unit (including two (2) ADA-compliant spaces), and ten (10) in the north area of the property.
- For a food preparation establishment, the maximum number of parking spaces is determined by calculating one (1) space per 100 sqft of the total floor area. The proposed Dutch Bro's building is planned to be 950 sqft in size, meaning that with the current Ordinance standards, the property can have a maximum of nine (9) off-street parking spaces.
- We are aware that ten of these spaces are to be shared with the adjacent property, two (2) are for the stacking spaces, and two (2) for ADA compliance. However, this still leaves seven spaces that are not permitted nor required to have on the property. These spaces are unnecessary because Dutch Bro's is primarily a drive-thru business, and the shared parking area to the north will provide parking locations for those who do take advantage of the outdoor seating area.
- An argument can be made that employees would be the primary purpose of these seven (7) spaces, but it must be kept in mind that this property shares a space with a mall with a large amount of parking and/or the ten that are planned to be shared with Krispy Kreme can be used since the business already has a large amount of parking on their property due to their larger size.
- Staff recommends **denial** of this variance petition. The 21 spaces are over the maximum number of spaces permitted by the Ordinance despite the agreement with Krispy Kreme, which may not always be a neighboring business to the proposed Dutch Bro's.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Regional Commercial
South:	C-3	South: Community Commercial
East:	C-4	East: Regional Commercial
West:	C-4	West: Regional Commercial
Thoroughfare Plan		
82 nd Street	Primary Arterial	145 feet of right-of-way existing and 134 feet proposed.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	



Wellfield Protection Area	Yes
Site Plan	1/23/2025
Site Plan (Amended)	N/A
Elevations	1/23/2025
Elevations (Amended)	N/A
Landscape Plan	3/4/2025
Findings of Fact	1/23/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers (pg 20).

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

- 2020-PLT-103: 6022 East 82nd Street
 - Approval of a Subdivision Plat to be known as 6022 East 82nd Street Subdivision, dividing 1.759 acres into two lots.
 - Approved
- 2021-DV3-025: 6022 East 82nd Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall, 71-square foot monument sign within 289 feet of an existing sign to the west and 172 feet of an existing sign to the east, being the eighth sign along the 82nd Street frontage (300-foot separation required, maximum sign area of 300 square feet per site and maximum two freestanding signs permitted).
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2000-UV3-057: 6070 East 82nd Street
 - Auto glass replacement shop.
 - AP
- 2001-DV1-040: 6161 East 82nd Street
 - 58.5 sqft advertising sign.
 - D
- 2001-ZON-031: 6081 East 82nd Street
 - 122.13 acres from C-2, C-7 & I2S to CS office-commercial industrial business park with an emphasis on office, light warehousing and related commercial uses.
 - WD
- 2003-ZON-099: 5920 Castleway W Drive
 - To be used for adult/secondary educational purposes only.
 - AP
- 2005-DV2-053: 6110 East 82nd Street
 - Provide for a forty-foot tall, 153.75-square foot pole sign located 196.1 feet from an existing freestanding sign within an integrated center (minimum 300-foot separation required between freestanding signs in an integrated center) in C-4.
 - AP
- 2007-DV3-030: 6020 East 82nd Street
 - Variance of Development Standards of the Sign Regulations provide for the construction of a 56.75-foot tall, 635.82-square foot pole sign (maximum 40-foot height permitted), with a 368 square foot electronic variable message sign component or 57.8 percent of the total sign area (maximum 254-square feet or 40 percent of the total sign area permitted), being within fifteen feet of a signalized traffic intersection (minimum 125-foot separation required).
 - AP

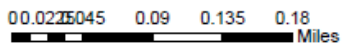
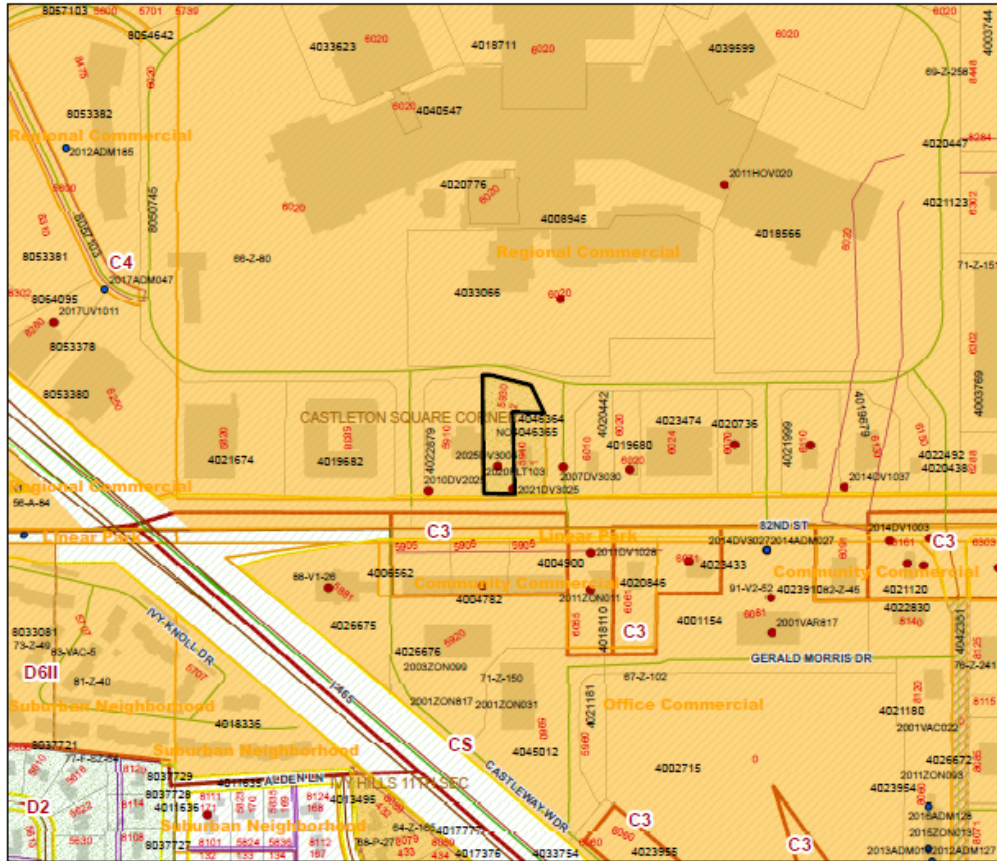
- 2007-DV3-054: 6020 East 82nd Street
 - Variance of Development Standards of the Sign Regulations to provide for a 34-foot tall, 228.67-square foot pole sign with an approximately 740-foot front setback from East 82nd Street, resulting in a total sign area of 1,558.67 square feet within an integrated center (maximum 900-square feet permitted).
 - AP
- 2008-HOV-004: 6055 East 82nd Street
 - Outdoor seating variance.
 - WD
- 2010-DV2-025: 5910 East 82nd Street
 - Variance of Development Standards of the Sign Regulations to provide for a 22-foot tall, 148.5-square foot free-standing sign, with a 11.5-foot setback from 82nd Street (15-foot front setback required) and an 11.17-foot setback from Castleway Drive
 - Approved
- 2011-DV1-028: 6055 East 82nd Street
 - Variance of Development Standards of the Sign Regulations to provide for a freestanding sign 133 feet from a freestanding sign (600 feet of separation required).
 - Approved
- 2011-ZON-011: 6055 East 82nd Street
 - Rezoning of 1.52 acres, from the C-3 District, to the C-4 classification to provide for commercial uses.
 - Approved
- 2011-ZON-093: 8060 Knue Road
 - Rezoning of 4.19 acres, from the C-S District, to the C-S classification, with a modification of Commitment Two of 2001-ZON-817 (Instrument # 2001-0152908) to provide for hospital uses, including acute care services.
 - Approved
- 2012-HOV-020: 595 East 82nd Street
 - Variance of Development Standards of the Commercial Zoning Ordinance to provide for a 486-square foot outdoor seating area (not permitted).
 - Approved
- 2014-DV1-003: 6161 East 82nd Street
 - Variance of Development Standards of the Sign Regulations to provide for a six-foot tall (ground signs cannot exceed four feet in height, minimum clearance of nine feet required), off-site business park advertising sign located in the right-of-way of 86th Street (signs not permitted within the right-of-way, 10-foot setback from proposed right-of-way required), approximately 215 feet from an existing advertising sign to the west (1,000 feet radial separation required).
 - Approved
- 2014-DV1-037: 6130 East 82nd Street
 - Variance of Development Standards of the Sign Regulations to provide for a 40-foot tall, 150-square foot pylon sign within approximately 195 feet of an existing freestanding sign to the west (minimum 300 feet of separation required), with an 11.25-foot front setback (minimum 15-foot setback required).



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- Approved
- 2014-DV2-046: 6161 East 82nd Street
 - Variance of Development Standards of the Sign Regulations to provide for a 25-foot tall, approximately 150-square foot freestanding sign, exceeding the maximum integrated center sign area, being the ninth sign along this approximately 2300-foot frontage, within 105 feet of an existing freestanding sign (maximum 900 square feet of sign area permitted, maximum seven signs permitted, minimum 300 feet of separation).
 - Approved
- 2014-DV3-027: 6081 East 82nd Street
 - Variance of Development Standards of the Sign Regulations to provide for two signs within two feet of each other (300 feet of separation required).
 - Approved
- 2022-DV3-048: 6303 East 82nd Street
 - (Amended) Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dumpster within the front yard of Knue Road (not permitted).
 - Approved
- 2024-DV3-002: 6161 East 82nd Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a drive-through and stacking space within the front yard of Knue Road, without the required service unit screening (not permitted within front yards along rights-of-way greater than 30 feet wide, and screening required).
 - Approved

EXHIBITS



Legend

• ZoningApprovals	— Built/Platted
• ZoningLncu	OPER_STATUS
• ZoningVariances	— REMOVED
■ Rezoning	— VACATED
▨ Zoning/Vacations	— VACATED/BUILT
■ ZoningPlats	— VACATED/LOCATOR
— CCGIS.ThoroughfarePlan	■ CCGIS.DMDLandUsePlanBase
— CCGIS.EASEMENT	▨ CCGIS.lhpc
— CCGIS.RIGHTOFWAY	■ CCGIS.ZONING
CCGIS.STREETS	□ PARCELSTATEPIN
	□ PARCELS
	■ PLATTEDSUBDIVISION
	■ CCGIS.Buildings



Exhibit 1: Area map of surrounding context around 5930 East 82nd Street.



**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 two stacking spaces at the end of the pick up window would meet applicable front setbacks and will rarely be used, and the proposed sign meets the required front setback and will not be located in any clear sight triangle.

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:

neither the two stacking spaces in front of the building, nor the proposed sign will interfere with access or visibility to or from any adjacent property.

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

the shape of the property being narrow but deep, dictates the drive through stacking, resulting in the spaces located of the pick up window being located in the front yard. The monument sign proposed is one sign on an independently owned lot and has one user.

Exhibit 2: The submitted Findings of Fact.

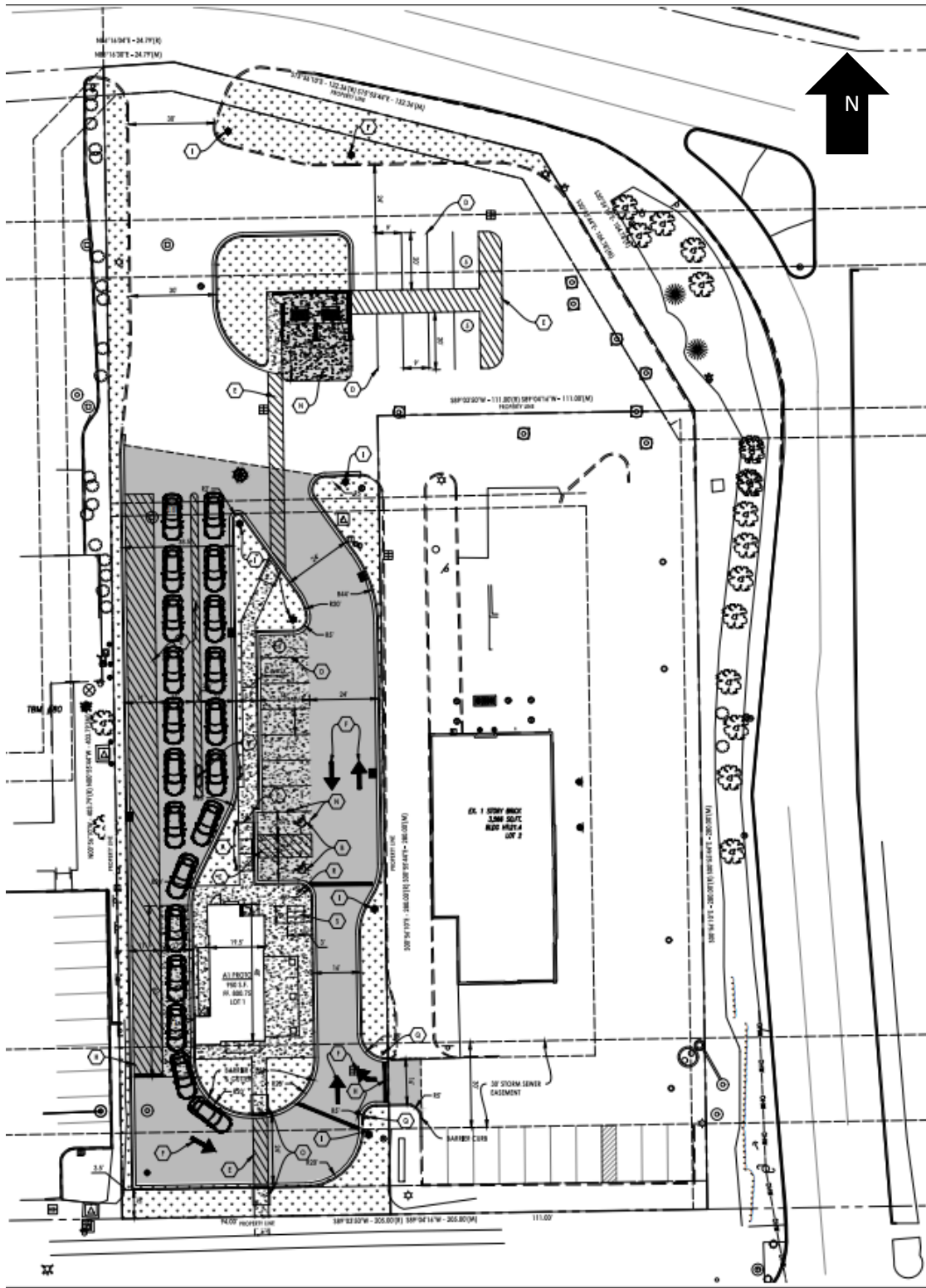


Exhibit 3: Proposed site plan.

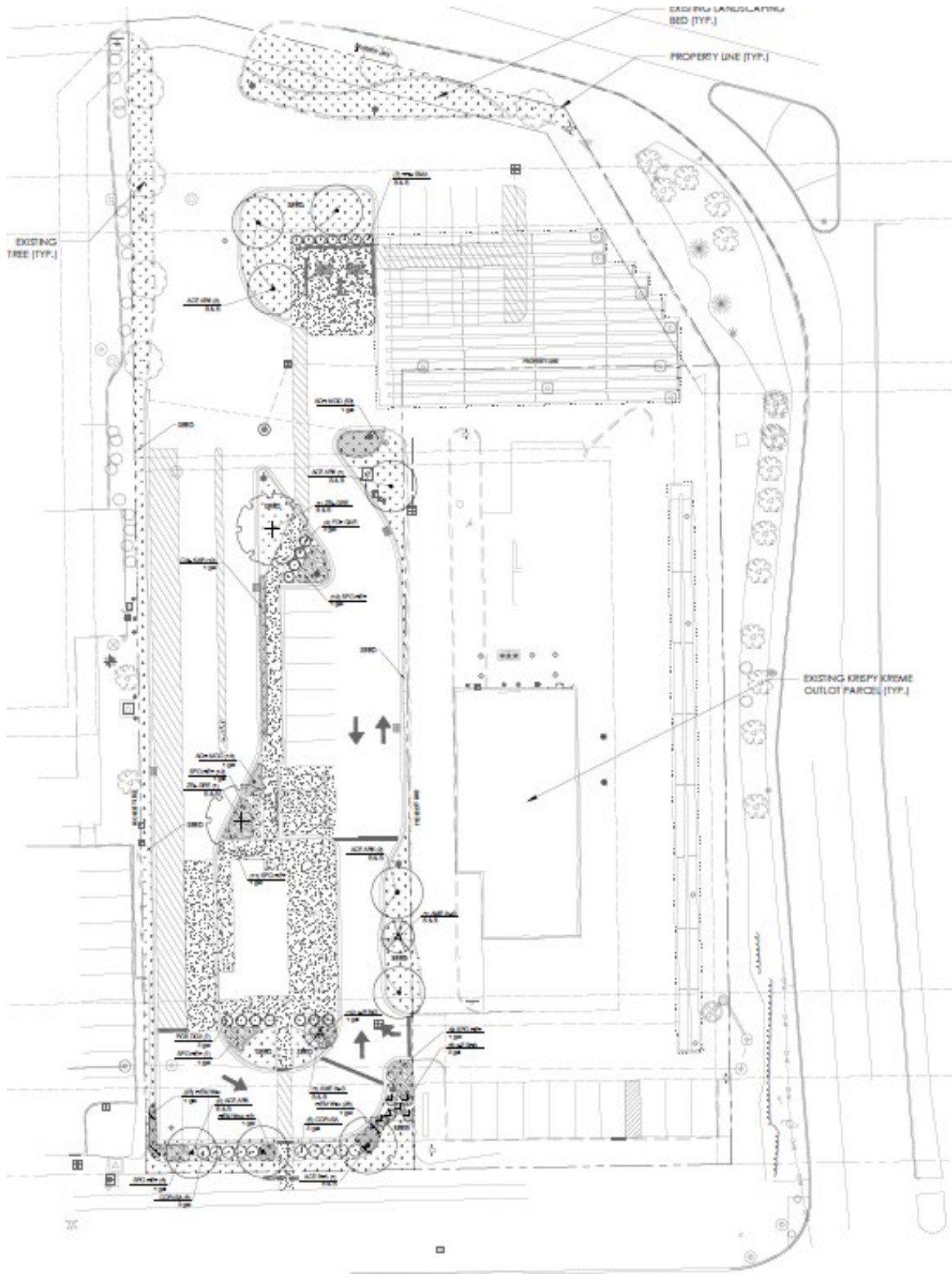
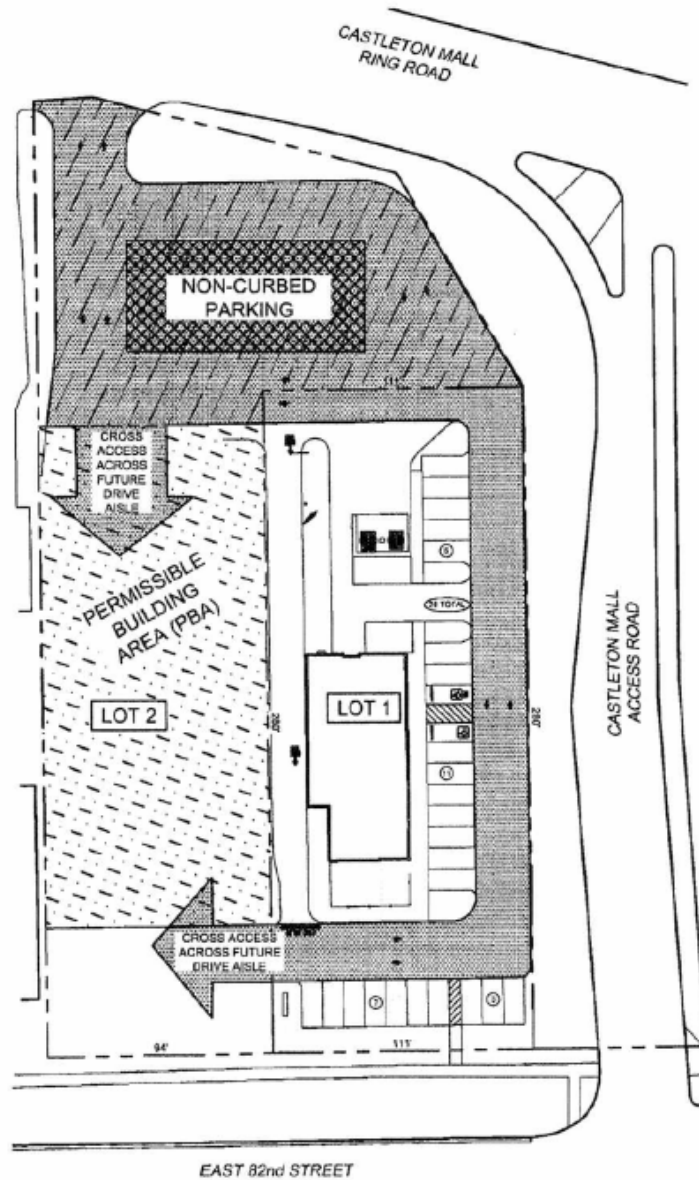


Exhibit 4: Proposed landscape plan.



-  CROSS ACCESS
-  PERMISSIBLE BUILDING AREA
-  PROTECTED TRUCK DELIVERY AREA
-  NON-CURBED PARKING, PER MUNICIPAL APPROVAL

Exhibit 5: Reciprocal Easement Agreement map between the subject property and the Krispy Kreme next door.



Exhibit 6: Proposed site for the Dutch Bros looking north.



Exhibit 7: Proposed site for the Dutch Bros looking south.



Exhibit 8: Longhorn Steakhouse to the west of the subject property (sign is 185 feet from the proposed Dutch Bro's sign location).



Exhibit 9: Krispy Kreme and Castleton square sign to the east of the subject property (Krispy Kreme sign is 104 feet from the proposed Dutch Bro's sign location).



Exhibit 10: The shared non-curbed parking area looking east.



Exhibit 11: The shared non-curbed parking area looking north.



Exhibit 12: Looking east down East 82nd Street.



Exhibit 13: Looking west down East 82nd Street.



Exhibit 14: Looking across East 82nd Street.



Exhibit 15: Castleton Square behind the subject site.



Exhibit 16: Aerial of the subject site and surrounding area.



BOARD OF ZONING APPEALS DIVISION III **March 18th, 2025**

Case Number: 2025-DV3-005

Property Address: 4475 Carson Avenue

Location: Perry Township, Council District #24

Petitioner: Megan Kloeker (Komlanc)

Current Zoning: D-2

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a 17-foot front yard setback from Lindbergh Drive (25-feet required) and being larger than the primary building (not permitted).

Current Land Use: Residential

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

PETITION OVERVIEW

- This variance petition is requesting for a garage to be larger than the primary structure and to be constructed within the 25-foot front yard setback.
- This property is 0.39-acre in a D-2 zoning district. A smaller garage is currently on the property and is planned to be demolished for the proposed garage in this variance petition.
- According to the petitioner the garage will temporarily be a larger square footage than the primary structure until the planned remodel is completed, but the garage will remain taller than the primary structure. The remodel is currently not scheduled.
- The Infill Housing Guidelines does not recommend that an accessory structure, such as a garage, to overshadow a primary structure in scale, height, scale, and mass.
- The proposed garage is estimated to be 1,910 sqft in size and to be used for boat storage, vehicle storage, property storage, and as a workspace.
- The subject site is a corner lot and so the property has required two front yards.



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 Current Planning

- In a D-2 zoning district within the Metro context area the front yard setback for a local street (Lindbergh Drive) is 25 feet while along a secondary arterial (Carson Avenue) is 35 feet.
- Staff is recommending **denial** because there is no practical difficulty. The size of the garage and its extension into the setback is a design choice on a property that has sufficient space for an accessory structure. The garage being a larger size than the primary structure is not permitted by the Ordinance, nor recommended by the Infill Housing Guidelines. The goal of the Infill Housing guidelines is to prevent large accessory structures from overshadowing the primary structure. The needs for the garage, such as the vehicle and boat storage, can be accomplished by making use of the proposed new driveway on the property or other off site permitted locations for recreation vehicles.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	D-A North: Suburban Neighborhood
	South:	D-2 South: Suburban Neighborhood
	East:	D-2 East: Suburban Neighborhood
	West:	D-2 West: Suburban Neighborhood
Thoroughfare Plan		
Lindbergh Drive	Local Street	50 feet of right-of-way existing and 50 feet proposed
Carson Avenue	Secondary Arterial	65 feet of right-of-way existing and 80 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	2/20/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	2/10/2025	
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 Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park (pg. 17).

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

- In addition to traditional accessory structures like garages and sheds, there has also been growth in secondary dwelling units. These dwellings units offer many benefits, including the potential to increase adorability, to increase the diversity of housing options in the neighborhoods, and to enable seniors to stay near families.
- Accessory buildings should be located behind the existing building unless there is a precedent otherwise.
- The scale, height, sized and mass should relate to the primary building and should not overshadow it.
- Coordinate roof lines, window openings, and key architectural styles on accessory buildings with existing primary buildings.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

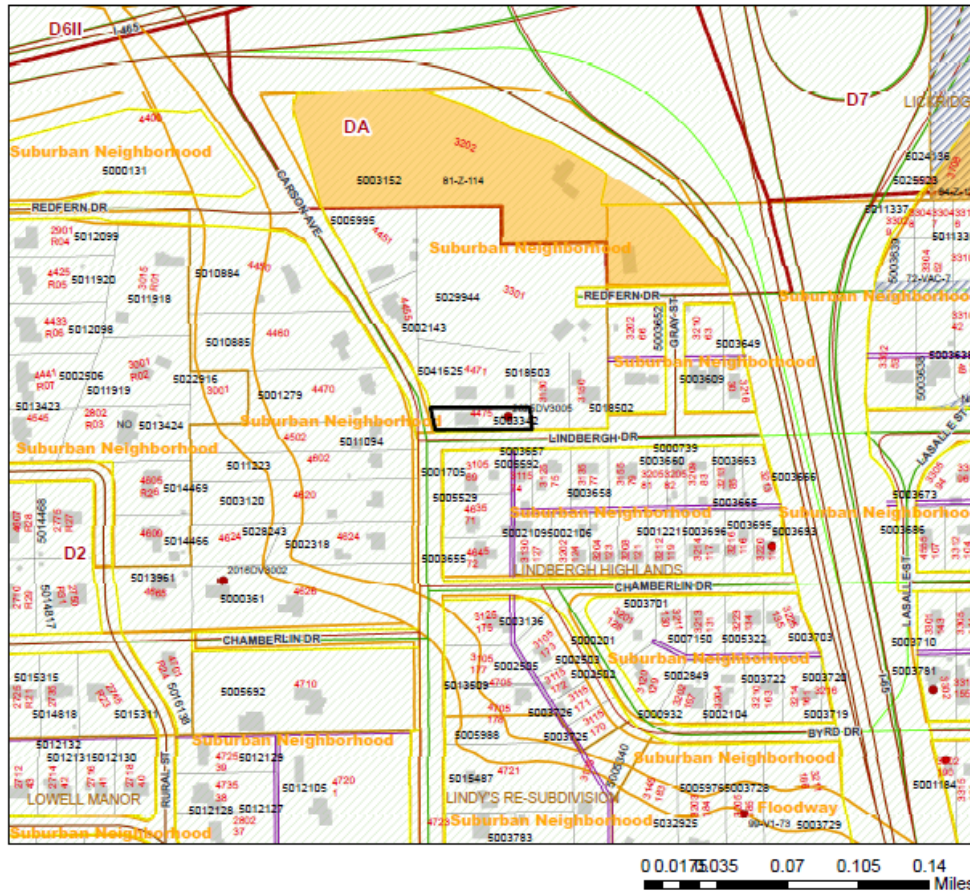
ZONING HISTORY – SITE

- N/A

ZONING HISTORY – SURROUNDING AREA

- 2006-DV1-010: 3302 Byrd Drive
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of pergolas with a zero-foot rear yard setback (minimum 25-foot rear setback required) and a zero-foot east side yard setback (minimum seven-foot side setback required).
 - AP
- 2008-UV1-032: 3302 Byrd Drive
 - Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 320-square foot accessory structure as a primary use (not permitted), with a zero-foot front setback from the proposed (existing) right-of-way of Byrd Street (minimum 25-foot front setback required) and a nine-foot side setback from the right-of-way of Interstate 65 (minimum twenty-foot setback from an interstate right-of-way required).
 - Approved
- 2016-DV3-002: 4626 Carson Avenue
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 1,920-square foot pole barn, creating an accessory building area of 2,040 square feet, or 107.5% of the main floor area of the primary dwelling (maximum 75% permitted).
 - Approved
- 2018-DV1-058: 4555 Earlham Drive
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 24.33-foot tall, 1728-square foot garage taller than the primary dwelling (not permitted).
 - Withdrawn

EXHIBITS



Legend

- ZoningApprovals
- ZoningLncu
- ZoningVariances
- Rezoning
- ZoningVacations
- ZoningPlats
- CCGIS.ThoroughfarePlan
- CCGIS.EASEMENT
- CCGIS.RIGHTOFWAY
- CCGIS.STREETS
- Built/Platted
- OPER_STATUS**
- REMOVED
- VACATED
- VACATED/BUILT
- VACATED/LOCATOR
- CCGIS.DMDLandUsePlanBase
- CCGIS.lhpc
- CCGIS.ZONING
- PARCELSTATEPIN
- PARCELS
- PLATTEDSUBDIVISION
- CCGIS.Buildings



Exhibit 1: ArcGIS area map around subject site.



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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The Proposed Accessory Structure will be utilized by the Petitioner for vehicular storage, light property storage, boat storage, and as a workshop area for improvement projects pertaining to the Petitioner's Primary Structure. The line of sight for adjacent properties will not be affected by modification of the setback variance. A grant will not be injurious to the public health, safety, morals, and general welfare of the community.

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

The Proposed Accessory Structure will be entirely replacing the Existing Accessory Structure, which has inadequate storage space, on the Petitioner's Property. The Proposed Accessory Structure will be constructed to the standards and style of the existing Primary Structure and surrounding properties within the neighborhood.

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

The Proposed modifications to the width, height, and South setback are required to meet the Petitioner's needs for vehicular, property, and boat storage. The Primary Structure does not have adequate storage space, due to the age and layout of the Structure. The limited access to and temperature fluctuations in the attic space within the Primary Structure are not suitable for storage of property. The Proposed Accessory Structure will not exceed 4' above the Primary Structure's height. The Corner Lot restrictions limit the ability to construct an adequately sized structure to meet the Petitioner's needs without approval of requested variances to the zoning ordinances.

Exhibit 2: Findings of Fact submitted by the petitioner.

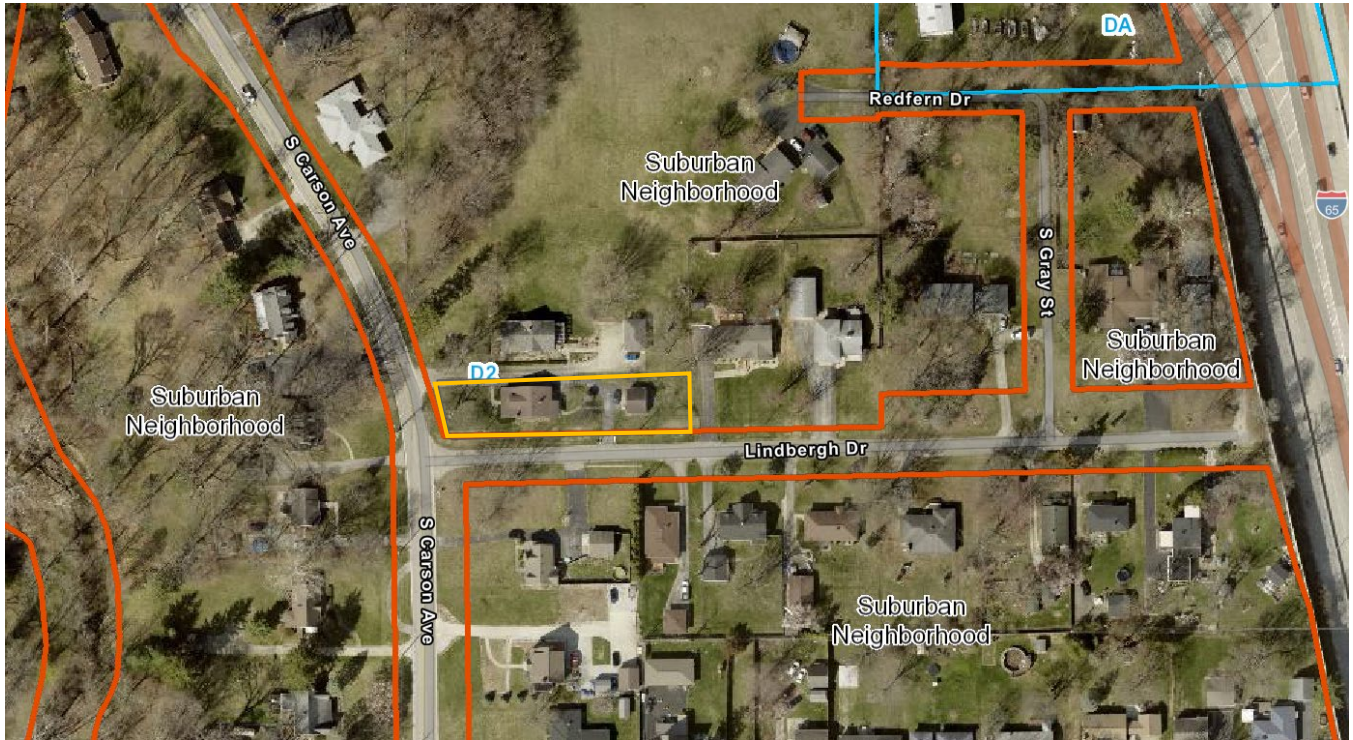


Exhibit 3: Aerial of subject site.



Exhibit 5: The front of the primary structure on the subject site.



Exhibit 6: The back of the primary structure on the subject site.



Exhibit 7: The garage that is currently on the subject site looking northeast.



Exhibit 8: The garage that is currently on the subject site looking southwest.



Exhibit 9: Looking east down Lindbergh Drive where proposed garage will go into the setback.



Exhibit 10: Looking west down Lindbergh Drive.



Exhibit 11: Subject sites driveway off of Carson Avenue.



Exhibit 12: Subject sites driveway off Lindbergh Drive (Pulled from Google maps).



BOARD OF ZONING APPEALS DIVISION III

March 18, 2025

Case Number: 2025-DV3-006

Property Address: 720 East 25th Street (approximate address)

Location: Center Township, Council District #8

Petitioner: Indianapolis Neighborhood Housing Partnership, Inc., by Jeff Hasser

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a three-foot east side yard setback (seven feet required) and a 15-foot rear yard setback (20 feet required) with an open space of 53 percent open space (60 percent required).

Current Land Use: Vacant

Staff Recommendations: Staff recommends approval for this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends approval of this petition

PETITION OVERVIEW

- This petition would allow for the construction of a single-family dwelling with a three-foot east side yard setback (seven feet required) and a 15-foot rear yard setback (20 feet required) with an open space of 53 percent open space (60 percent required).
- The subject site is zoned D-8, the Comprehensive Plan recommends Traditional Neighborhood, and is currently vacant. The site is classified as a small lot due to the lot’s width of approximately 52 feet. However, the lot is only 4,160 square feet, which is smaller in area than the D-8 small lot standard of 5,000 square feet. Additionally, the lot depth of 80 feet is less than typical D-8 lots which tend to range from 100 to 160 feet in depth. Further, being located on the corner of an alley and a secondary arterial (25th Street), the general character of this lot is unique compared to standard D-8 lots which typically have 20-40 feet of frontage along a local street with an alley in the rear.
- Staff finds the nature of the site to represent practical difficulties for developing the lot in a compliant manner. Therefore, Staff finds the requests for reduced open space, and reduced rear and east side



**Department of Metropolitan Development
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Current Planning**

setbacks to be reasonable. Likewise, despite these practical difficulties, Staff finds the requests to be minor deviations from each of the three respective standards.

- Further, Staff finds that this development would be in line with the Infill Housing Guidelines, as the proposed house would be of similar size to surrounding residences, and would contain similar setbacks to many of the nearby D-8 lots that also contain reduced lot size. For these reasons, Staff is not opposed to the petition.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: D-8	North: Single-family residential
	South: D-8	South: Vacant
	East: D-8	East: Single-family residential
	West: C-3	West: Automobile fuel station
Thoroughfare Plan		
East 25 Street	Secondary Arterial	51 feet of right-of-way existing and 56 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	2/18/25	
Site Plan (Amended)	2/26/25	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	2/18/25	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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



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Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Traditional Neighborhood living 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 open space and setback standards, the Infill Housing Guidelines document recommends:
 - Reinforce spacing on the block
 - For undersized lots, look at the surrounding context for appropriate housing sizes
 - Match existing context

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

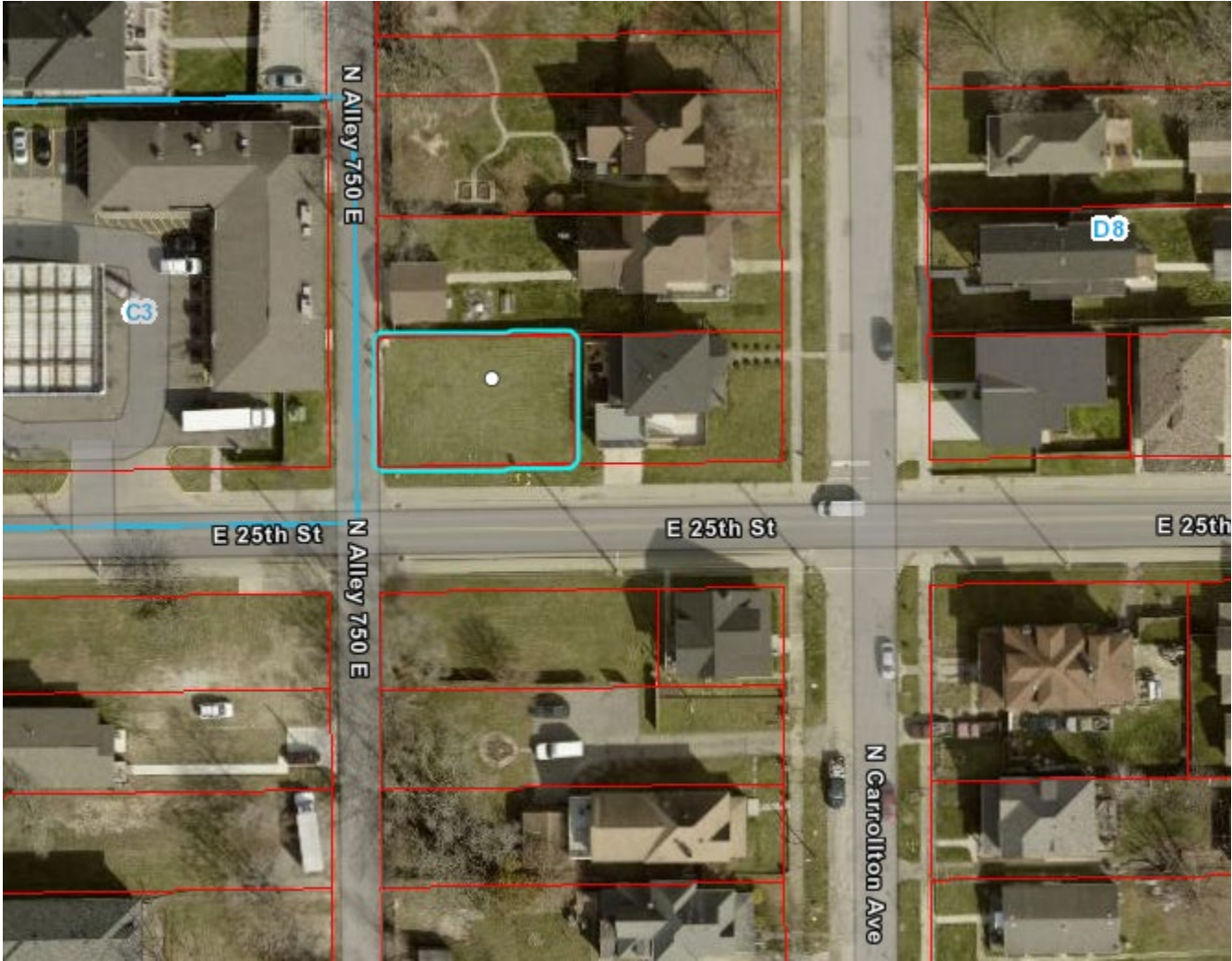
2018HOV030; 2502 North Carrollton Avenue (east of site),

2005DV2050; 2501 N College Avenue (west of site), provide for the construction of a 5,994-square foot commercial building, with a ten-foot front transitional yard along 25th Street (minimum twenty-foot front transitional yard required), with a ten-foot north side transitional yard (minimum twenty-foot north side transitional yard required), with a five-foot east side transitional yard (minimum ten-foot east side transitional yard required), with carryout food sales located ten feet from a protected district (carryout food sales not permitted within 100 feet of a protected district), with reduced vehicular maneuvering area (proper vehicular maneuvering area required) in C-3, **approved.**

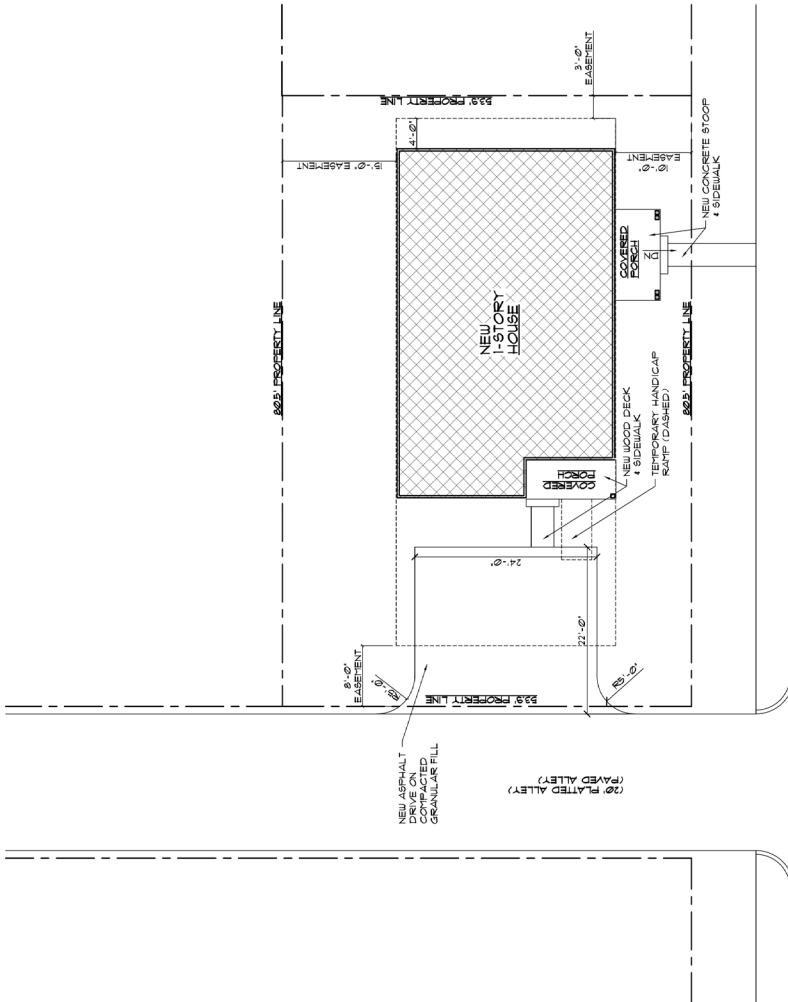
2004ZON063; 2501 N College Avenue (west of site), requests a rezoning of 0.58 acres, being in the D-S district, to the C-3 classification to provide for neighborhood commercial uses, **approved.**

93-UV3-4; 2501 N College Avenue (west of site), request a variance of use of the dwelling districts zoning ordinance to provide for a fish market and variety store, **approved.**

EXHIBITS



PROJECT NO: 1	720 EAST 25TH STREET INDIANAPOLIS, INDIANA 46205	DATE: SEPTEMBER 16, 2024	C-1 SHEET NO.
		REVISIONS: OCTOBER 29, 2024	



SITE DEVELOPMENT PLAN
 SCALE: 1" = 10'-0"



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed house would not be injurious to health, safety, or morals as it would be making use of vacant land.

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:

A vacant lot that can be used for nefarious purposes would be more detrimental to property values than a house occupied by a family.

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

The lot is too small to fit a house on because of the setback requirements and therefore will remain undeveloped without a variance.
Reducing the size of the home would create a home that is out of character with the neighborhood.

DECISION

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

Adopted this _____ day of _____, 20 ____





