



Board of Zoning Appeals Board of Zoning Appeals Division I (December 2, 2025) Meeting Agenda

Meeting Details

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

Date: Tuesday, December 02, 2025 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2025-DV1-052 | 4105 West 93rd Street**
Pike Township, Council District #1, zoned I-2 / MU-1
V 465 LLC, by John B. Gregg

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a warehouse with its proposed parking areas and access drive to be within the stream protection corridor of a proposed rerouting of Payne Branch Creek and the removal of heritage trees without prior authorization (not permitted).

****Automatic continuance filed by a registered neighborhood organization, continuing this to the January 6, 2025 hearing of Division I**

- 2. 2025-DV1-054 | 8752 Michigan Road**
Pike Township, Council District #1, zoned C-4
Seven 7 Venture, Inc., by Timothy Ochs and Jennifer Milliken

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment with a drive-through without two stacking spaces after the final service unit (required).

****Automatic continuance filed by a registered neighborhood organization, continuing this to the January 6, 2025 hearing of Division I**

- 3. 2025-UV1-019 | 3040 South Kercheval Drive**
Franklin Township, Council District #20, zoned D-5
Harry Hicks, Jr.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a shipping container (prohibited) within the front yard, with a zero-foot north side yard setback (accessory structures not permitted within the front yard, seven-foot side yard setbacks required).

****Petition required to be continued to the January 6, 2025 hearing of Division I, due to insufficient notice**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

4. 2025-DV1-053 | 2716 North Tacoma Avenue (Amended)

Center Township, Council District #8, zoned SU-1
Los Pentecostales De Indianapolis Inc., by Aaron Hurt

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition and parking lot configuration resulting in three single-load rows of parking within the front yard of 27th Street and two rows of parking within the front yard of Tacoma Avenue (limited to one single-loaded row within a front yard), deficient transparency (compliance required).

5. 2025-DV1-055 (Amended) | 1919 South Girls School Road

Wayne Township, Council District #17, zoned I-3
Aerodyn Real Estate LLC, by Charlie Mattox

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building and parking expansion resulting in a 10-foot rear yard setback (30 feet required), a dumpster with a zero-foot north side yard setback and within the front yard of Girls School Road, and a loading area within the front yard (not permitted), with 84 parking spaces provided (103 vehicle spaces required).

6. 2025-DV1-056 | 2822 East Washington Street

Center Township, Council District #13, zoned SU-37 (TOD)
Indianapolis Marion County Public Library, by Russell Brown and Joseph Csikos

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of concrete stairs encroaching within the right-of-way of East Washington Street (not permitted).

7. 2025-DV1-057 | 10 South Mickley Avenue

Wayne Township, Council District #16, zoned C-4 / C-S
Dave & Sons Properties LLC, by Mark Bastin

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign, being the third freestanding sign along the Rockville Road frontage (maximum two freestanding signs per frontage).

8. 2025-UV1-021 | 602 South Emerson Avenue

Center Township, Council District #14, zoned D-5
Wayne Burial Vault Co. Inc., by Mindy Westrick Brown

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for commercial outdoor storage within side and rear transitional yards, without screening (not permitted, screening required) and deficient landscaping and open space (landscaping, 60 percent open space required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

9. 2025-DV1-050 (Amended) | 8888 Keystone Avenue

Washington Township, Council District #4, zoned C-4
MassMutual, by Tyler Ochs

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fifth skyline sign on a façade, being the sixth on a building (one skyline sign per elevation, maximum of four permitted per building).

10. 2025-UV1-014A | 6805 Rockville Road

Wayne Township, Council District #16, zoned D-2
Margarito Mendoza Galindo, by Tasha Roberts

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor and indoor storage of lawn care equipment, machinery and materials (not permitted).

11. 2025-UV1-015 (Amended) | 488 South Rochester Avenue

Wayne Township, Council District #17, zoned D-5 (TOD)
Kandy Salazar & Leonor Medina, by Kandy Salazar

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an entire garage and proposed addition into a second primary dwelling (not permitted) with a zero-foot rear yard setback, a one-foot south side setback, and a 16.75-foot tall building height (five-foot rear yard setback and five-foot side yard setback required, second primary dwelling cannot be taller than the first primary dwelling).

PETITIONS FOR PUBLIC HEARING (New Petitions):

12. 2025-DV1-058 | 5554 North Delaware Street

Washington Township, Council District #7, zoned D-4 (MSPC)
Jeffrey & Lavonne Frank, by Jennifer Milliken

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for exterior improvements resulting in an open space of 62 percent and a 16.97-foot front yard setback from Delaware Street (65 percent open space and 20-foot front yard setback required).

13. 2025-UV1-022 | 4502 East Michigan Street

Center Township, Council District #13, zoned D-5
Jose Luis Tapia Camacho, by Justin Kingen

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 and all C-3 uses (not permitted) and a parking area greater than 30-foot wide within the front yards of Linwood Avenue and Michigan Street (not permitted).

****Petitioner to request a continuance and transfer to the December 9, 2025 hearing of Division II**

Additional Business:

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

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

Member	Appointed By	Term
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



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

December 3, 2025

Case Number: 2025-DV1-052

Property Address: 4105 West 93rd Street (approximate address)

Location: Pike Township, Council District #1

Petitioner: V 465 LLC, by John B. Gregg

Current Zoning: I-2 / MU-1

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a warehouse with its proposed parking areas and access drive to be within the stream protection corridor of a proposed rerouting of Payne Branch Creek and the removal of heritage trees without prior authorization (not permitted).

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization, automatically continuing this petition to the January 6, 2025 hearing date. A full staff report will be made available in advance of that hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

December 2, 2025

Case Number: 2025-DV1-054

Property Address: 8752 Michigan Road (8650 Michigan Road parcel address)

Location: Pike Township, Council District #1

Petitioner: Seven 7 Venture, Inc., by Timothy Ochs and Jennifer Milliken

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment with a drive-through without two stacking spaces after the final service unit (required).

Current Land Use: Commercial

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization, automatically continuing this petition to the January 6, 2025 hearing date. A full staff report will be made available in advance of that hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

December 2, 2025

Case Number: 2025-UV1-019

Property Address: 3040 South Kercheval Drive (approximate address)

Location: Franklin Township, Council District #20

Petitioner: Harry Hicks Jr.

Current Zoning: D-5

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a shipping container (prohibited) within the front yard, with a zero-foot north side yard setback (accessory structures not permitted within the front yard, seven-foot side yard setbacks required).

Current Land Use: Residential

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued to the November 4, 2025 Division I hearing date due to insufficient notice.
- The petition was continued to the December 2, 2025 Division I hearing date due to insufficient notice.
- The petition is required to be continued January 6, 2026 Division I hearing due to insufficient notice.
 - Staff would note that this will be the last continuance Staff would be supportive of and would recommend that the case be dismissed at the January 6, 2026 hearing if the required mailed notice, as well as the notarized affidavit confirming as such, have not been completed at that time.



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BOARD OF ZONING APPEALS DIVISION I

December 2, 2025

Case Number: 2025-DV1-053 (Amended)
Address: 2716 North Tacoma Avenue (approximate address)
Location: Center Township, Council District #8
Zoning: SU-1
Petitioner: Los Pentecostales De Indianapolis Inc., by Aaron Hurt
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition and parking lot configuration resulting in three single-load rows of parking within the front yard of 27th Street and two rows of parking within the front yard of Tacoma Avenue (limited to one single-loaded row within a front yard), deficient transparency (compliance required).

Current Land Use: Religious Use.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

Amended Petition: This petition was amended after the legal notice was provided, to withdraw the request for deficient landscaping. The petitioner provided a landscaping plan to the file, and it is included with this staff report. Therefore, the variance was amended. No new notice is required as the request was less intense than the original legal notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The petitioner proposes to construct a building addition onto the south façade of the existing building on the subject site.
- ◇ A SU-1 zoned property within the Compact Context area is limited to having one (1) single-loaded row of parking in the front of the building.
- ◇ Since the subject site has two front yards on the property and due to the size and scale of the religious use, one (1) single-loaded row of parking would not provide enough space to allow parking to meet the parking space requirement of one (1) space for ever four (4) seats in the sanctuary.



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- ◇ In addition, the two front yards would limit the placement of any addition, and still require a variance for parking in the front yard.
- ◇ The proposed front entrance, and its limitation of transparency, will be reviewed by Staff through the Administrator Approval process. Staff will address that limitation with the additional of some windows or sidelights at the time of the Approval review.
- ◇ Staff recommends **approval** of this variance petition because, due to its location, this property has several front yards. This limits the site's ability to be used for its permitted use and would make it difficult to function without the approval of variances.

GENERAL INFORMATION

Existing Zoning	SU-1		
Existing Land Use	Religious Use		
Comprehensive Plan	Traditional Neighborhood		
Surrounding Context		<u>Zoning</u>	Surrounding Context
	North:	D-5	Single-Family Dwelling
	South:	D-5	Single-Family Dwellings
	East:	D-5	Single-Family Dwellings
	West:	D-5	Single-Family Dwellings
Thoroughfare Plan			
	Tacoma Street	Local Street	48-foot existing and proposed right-of-way.
	27 th Street	Local Street	48-foot existing and proposed right-of-way.
Context Area	Compact area		
Floodway / Floodway Fringe	No		
Overlay	N/A		
Wellfield Protection Area	No		
Site Plan	October 14, 2025		
Elevations	November 14, 2025		
Landscape Plan	October 14, 2025		
Findings of Fact - Amended	October 14, 2025		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)



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Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Traditional Neighborhood uses for the site.
- The Traditional Neighborhood typology provides for typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

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

93-Z-106; 2716 North Tacoma Avenue (subject site), requested the rezoning of 0.382 acre being in the D-8 district, to the SU-1 classification to provide for religious uses, **approved**.

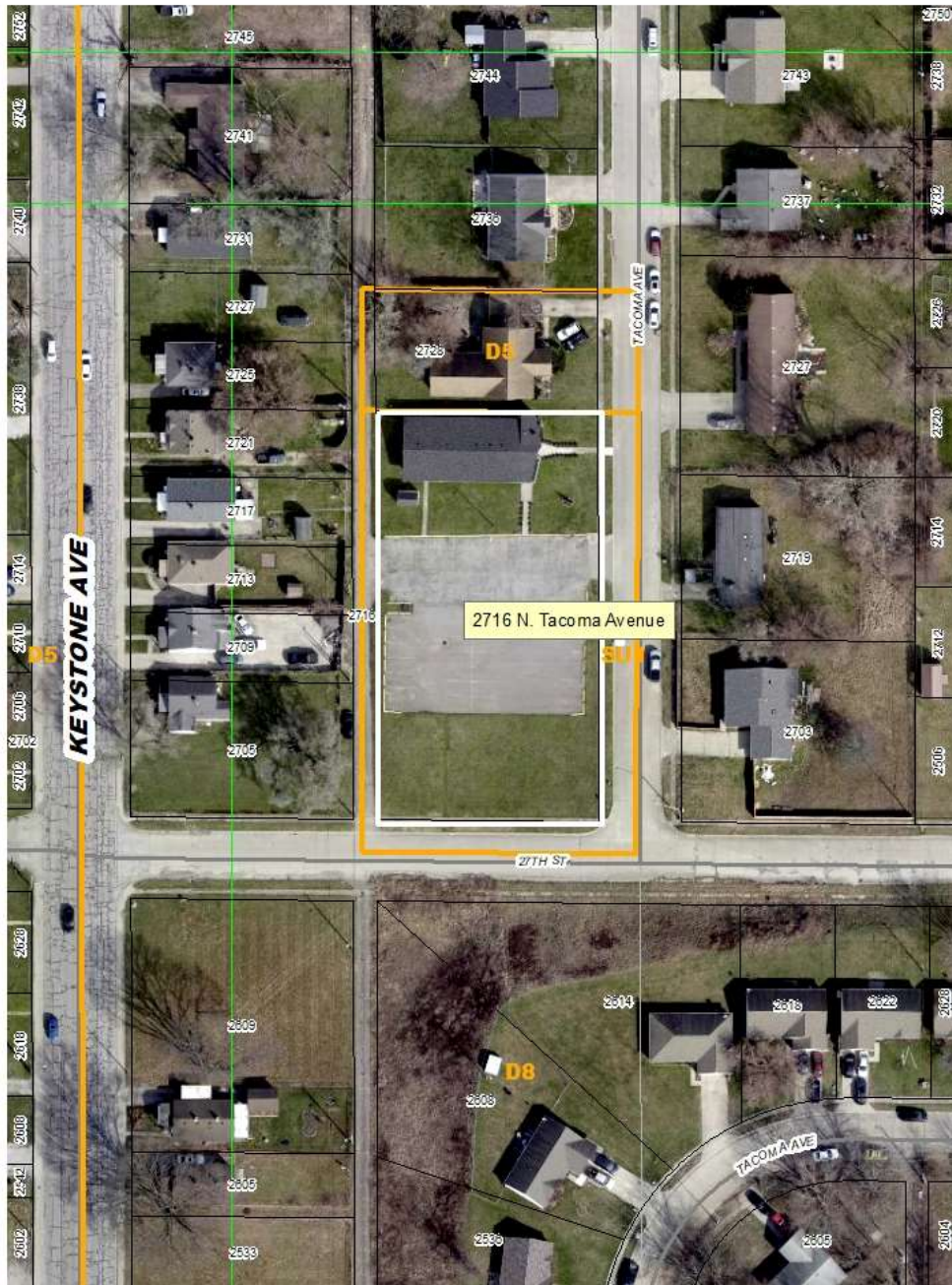
85-Z-87; 2603 Tacoma Avenue (south of site), requested the rezoning of 2.43 acres, being in the PK-1 District, to the D-8 classification to provide for residential development, **approved**.

77-Z-61; 2702-2706 North Tacoma Avenue (subject site), requested the Rezoning of 0.38 acre, being in the D-8 District, to the SU-1 classification to provide for a church parking lot, **approved**.

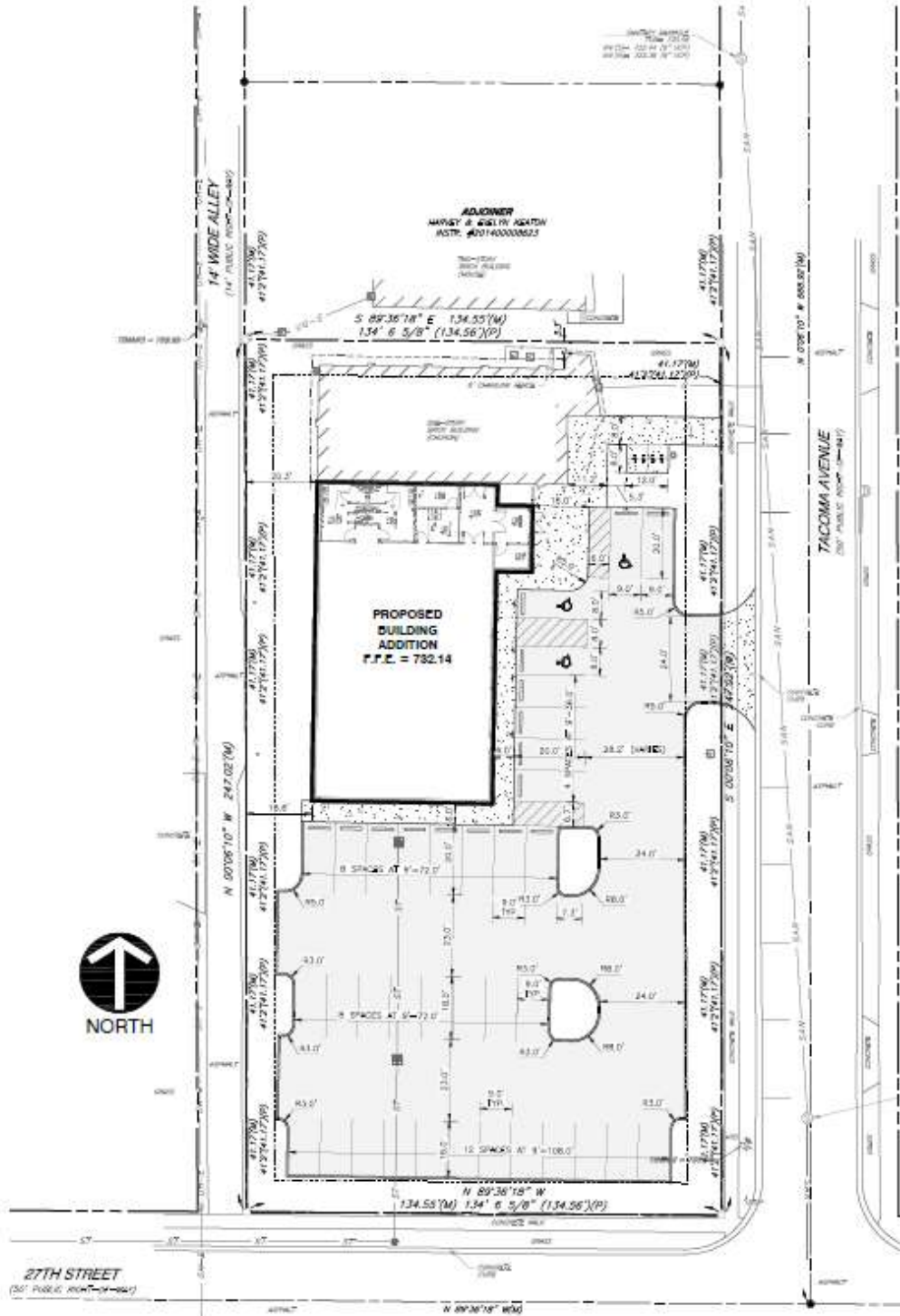
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EXHIBITS

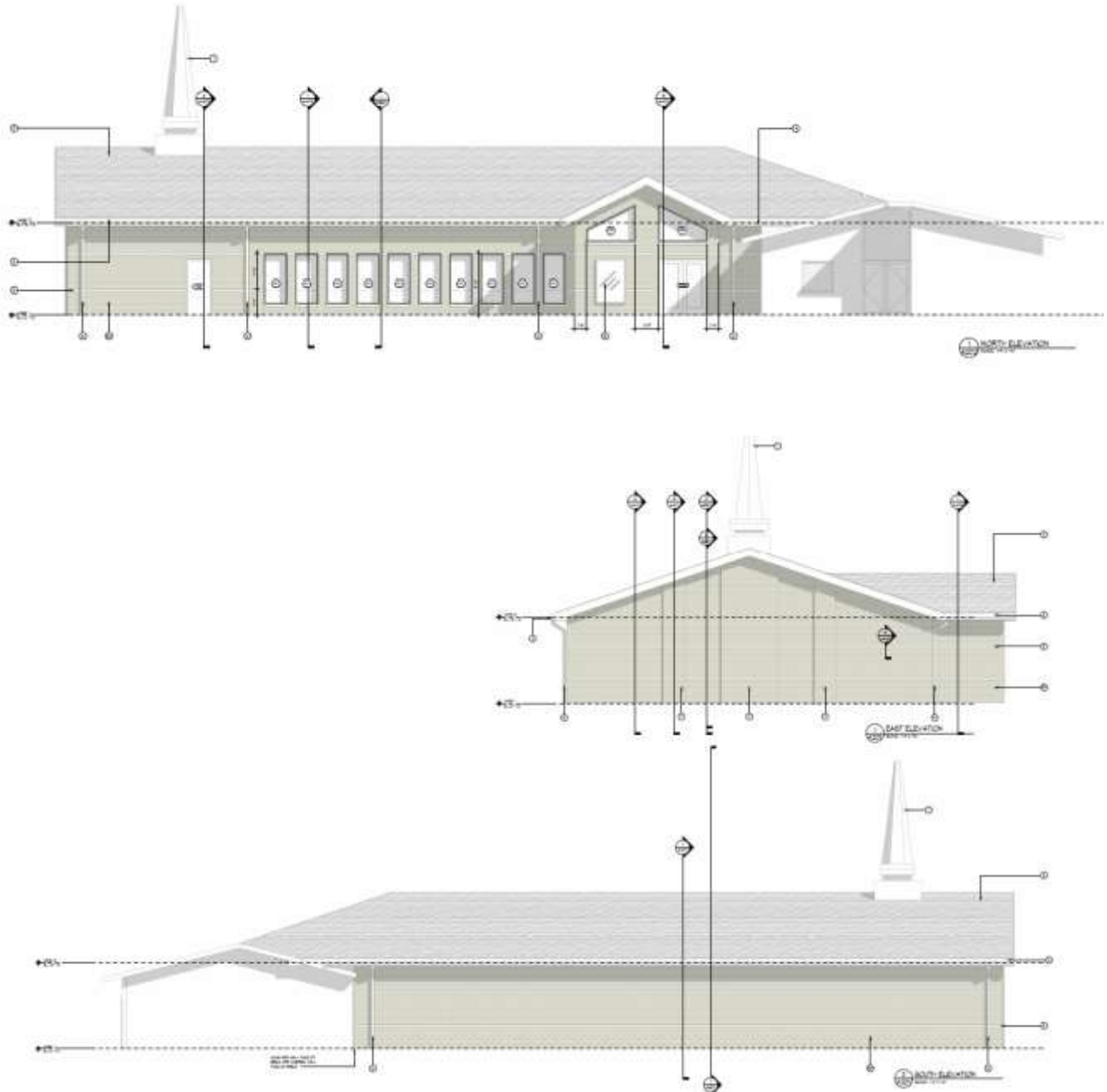
Location Map



Site Plan



Elevations



Landscape Plan



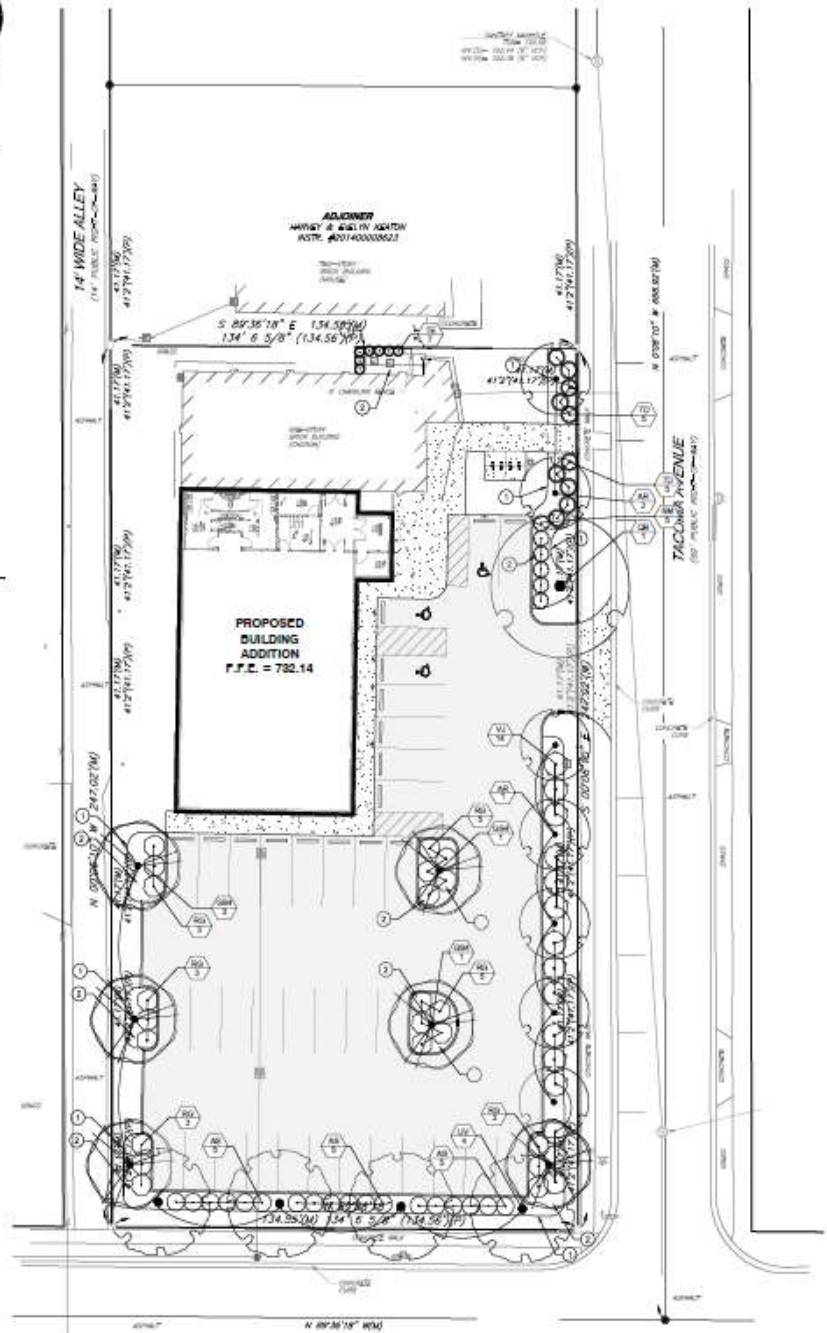
PLANT SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	CALIPER
TREES					
	AR	3	ARIZONA BURROCK 'ARMSTRONG' ARMSTRONG RED WATTLE	B&B	3.0" CAL
	DSH	8	GLENNIA THICANTHOS 'DORIS' 'DORIS' HONEY LOCUST	B&B	3.0" CAL
	GR	1	QUERCUS REGULAR SHARP WHITE OAK	B&B	2.0" CAL
	UX	4	ULMUS AMERIKANA 'VALLEY FORGE' VALLEY FORGE AMERICAN ELM	B&B	2.0" CAL

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	SPACING
SHRUBS					
	AR	18	ARIZONA HEDERA 'CERULEA BEAUTY' 'CERULEA BEAUTY' HEDERA	NO. 7 CONT.	18"-24" HT.
	RC	22	REINER ARIZONICA 'REINER' 'REINER' MAGNOLIA	NO. 7 CONT.	18"-24" HT.
	SM	8	STYRAX MEDIA 'TALIN' 'TALIN' MAGNOLIA	NO. 7 CONT.	24" HT.
	TD	10	TAXUS X MEDIA 'DORIS' 'DORIS' JAPANESE YEW	NO. 7 CONT.	24" HT.
	TE	7	TAXUS X MEDIA 'DORIS' 'DORIS' JAPANESE YEW	NO. 5 CONT.	24" HT.
	VJ	15	VERBENA X JUDEA 'JUDEA' VERBENA	NO. 7 CONT.	24" HT.

LANDSCAPE KEY:

- EDGE OF PLANTING BED (TYPICAL)
- ALL SHRUB BEDS TO RECEIVE MIN. 3" DEPTH OF NATURAL SHREDDED HARDWOOD MULCH.





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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 Improvements are compliant to the C-1 district standards. The property is accessible for pedestrian and vehicular uses.

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 Improvements are consistent with the existing use and C-1 district standards.

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

Article IV; Section 04 of the ordinance requiring parking to be limited to a single-loaded row along lot frontage will limit the parking area to meet requirement for the minimum number parking spaces required for the proposed worship seating or floor area of the building addition.

Photographs



Subject site, existing building, looking west.



Subject site proposed building addition and front yard parking location, looking north.



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BOARD OF ZONING APPEALS DIVISION I

December 2, 2025

Case Number: 2025-DV1-055 (Amended)

Property Address: 1919 South Girls School Road (approximate address)

Location: Wayne Township, Council District #17

Petitioner: Aerodyn Real Estate LLC, by Charlie Mattox

Current Zoning: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building and parking expansion resulting in a 10-foot rear yard setback (30 feet required), a dumpster with a zero-foot north side yard setback and within the front yard of Girls School Road, and a loading area within the front yard (not permitted), with 84 parking spaces provided (103 vehicle spaces required).

Request: I-3

Current Land Use: Industrial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- 1919 South Girls School Road is an industrially zoned parcel at the northeast corner of the intersection of Girls School and the Penn Central Railroad. The current user is an engineering firm with a focus on power generation and aerospace markets that utilizes the property for both offices and for medium-intensity manufacturing of metal parts by way of mechanical reshaping and physical assembly. Surrounding land uses include contractor uses to the north and east and land zoned for airport uses to the south and west.
- Approval of this petition would allow for a building addition of 23,621 square feet to the north of the existing structure (an increase in size of around 64%). This would be an expansion of the manufacturing portions of the property. The proposed site layout would require multiple variances of development standards, one of which would be an expansion along the existing legally non-conforming rear yard setback of 181.8 feet. This would result in a 95% expansion of the building line (maximum of 50% expansion of an existing non-conforming structure would be allowed).



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- Other requested variances for the site development would include the placement of a loading area within the front yard of the site, placement of a dumpster within the front yard and required side setback, and for an expanded building with 84 parking spaces provided when 103 spaces would be required for the proposed size of the building's uses. Elevation and landscaping plans were not provided for review by staff, and compliance with Ordinance requirements of those plans would be verified during the permitting process.
- This property is zoned I-3 (Medium Industrial District) to allow for industries that present moderate risks to the general public and should be away from protected districts when possible. The Comprehensive Plan Pattern Book recommends it to the Office/Industrial Mixed-Use (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and office/industrial parks.
- Findings of Fact provided by the applicant indicate that the requested variances would not have negative impact on the use or value of adjacent properties and provide additional information about the rationale for each minor variance requested. Staff would note that the portions of the building to be added would be primarily manufacturing as opposed to office uses, so the amount of new vehicle traffic generated would be minimal and the provision of parking facilities 18% below the minimum standard would not overdevelop the site. The petitioner also added bicycle parking to their plans at staff's request.
- Additionally, few feasible locations outside of front yards would exist for placement of loading or service areas given the location of the building in the southeast corner of the site, and the addition of internal space along the existing non-conforming setback would be less disruptive to surrounding properties than placement of outdoor operations. Staff recommends approval of the requested variances.

GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Industrial	
Comprehensive Plan	Office/Industrial Mixed-Use	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	I-3	North: Industrial
South:	SU-46	South: Airport-Owned
East:	I-3	East: Industrial
West:	SU-46	West: Airport-Owned
Thoroughfare Plan		
Girls School Road	Local Street	80-foot existing right-of-way and 60-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	



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Overlay	No
Wellfield Protection Area	Yes or No
Site Plan	10/29/2025
Site Plan (Amended)	11/13/2025
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	10/29/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Office/Industrial Mixed-Use (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emission of light, odor, noise or vibrations. The typology is characterized by groups of buildings within office or warehouse parks.

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

N/A

ZONING HISTORY – VICINITY

2021ZON119 ; 7337 W Washington Street (west of site), Rezoning of 8.8 acres from the SU-46 district to the I-3 district, **approved**.

2020ZON007 ; 7337 W Washington Street (northwest of site), Rezoning of 2.975 acres from the SU-46 district to the I-3 district to provide for the relocation of aerospace-related businesses, **approved**.

2009ZON071 ; 7449 W Washington Street (west of site), REZONING of 16.497 acres, from the “A” and I-3-U Districts, to the I-2-U classification to provide for light industrial uses, **approved**.

EXHIBITS

2025DV1055 ; Aerial Map







**Department of Metropolitan Development
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2025DV1055 ; Findings of Fact (Rear Setback)

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

The proposed addition will encroach into the rear yard setback consistent with the existing nonconforming structure.

The addition will comply with applicable building and fire codes to ensure no impact on public health or safety. The required screening and landscaping will be provided to minimize the visual impact.

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 addition will be consistent with the existing building and maintain the character of the surrounding industrial/mixed-use properties.

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

The existing building is used for manufacturing and utilizes an overhead crane rail system inside the building. The addition will need to extend north in line with the existing east wall to expand the crane system into the addition. The shape of the addition is critical to allow for the interior operations to continue unimpeded.

2025DV1055 ; Findings of Fact (Dumpster in Front/Side Yards)

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

The proposed dumpster location will allow for safe access and exit for trash collection. The dumpster screening will meet the minimum requirements to minimize the visual impact and will be regularly serviced.

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 dumpster placement will be minimally intrusive within the industrial park and will be screened appropriately. It will not significantly alter the visual or functional character of surrounding properties.

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

Due to the lot size and configuration, there is little area available to allow a trash collection truck to access the dumpster and exit without driving in reverse a significant distance. The proposed location will allow a truck to access the enclosure directly and leave the site via the proposed driveway without significant risk.



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2025DV1055 ; Findings of Fact (Loading Dock in Front/Side Yard)

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

The proposed loading dock location will allow for safe and efficient access for delivery vehicles without compromising public safety. The dock will be designed to meet all building and safety requirements.

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 loading dock placement is in keeping with the surrounding industrial park use case and will not disrupt the visual or functional character of the adjacent properties.

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

Due to the lot size and configuration, the proposed location for the loading dock is the only location that will allow a full size delivery truck to maneuver and access the building safely.

2025DV1055 ; Findings of Fact (Minimum Parking)

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

The business needs are met with the 84 parking spaces provided based on the owner's assessment of customer and employee demand. The site design will meet the minimum design requirements for drive aisles and parking space dimensions to ensure public health and 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 reduced number of parking spaces provided will not impact any adjacent properties as there will be no parking overflow onto neighboring properties or adjacent street right-of-way.

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

Due to the lot size and configuration, there isn't sufficient space available to provide the required parking spaces per the UDO. The 85 parking spaces provided is sufficient for the business operations. The variance will allow for reasonable use of the property without any impacts to surrounding properties.

2025DV1055 ; Photographs



Photo 1: Subject Site Viewed from Southwest



Photo 2: Subject Site Viewed from West

2025DV1055 ; Photographs (continued)



Photo 3: Proposed Addition Area Viewed from West



Photo 4: Proposed Addition Area Viewed from North

2025DV1055 ; Photographs (continued)



Photo 5: Adjacent Property to Northeast



Photo 6: Adjacent Property to North

2025DV1055 ; Photographs (continued)



Photo 7: Adjacent Property to Northwest



Photo 8: Adjacent Property to West



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

December 2, 2025

Case Number: 2025-DV1-056
Address: 2822 East Washington Street (approximate address)
Location: Center Township, Council District #13
Zoning: SU-37 (TOD)
Petitioner: Indianapolis Marion County Public Library, by Russell Brown and Joseph Csikos
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of concrete stairs encroaching within the right-of-way of East Washington Street (not permitted).

Current Land Use: Public Library.

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 SU-37 and is currently improved with an Indianapolis Public Library branch. The Comprehensive Plan recommends Village Mixed Use for the site.
- ◇ The petitioner proposes a full replacement of the existing front entry stairs that currently encroach into the right-of-way of East Washington Street.
- ◇ The front entry stair replacement will not expand the public stair area or increase the amount of encroachment of the existing front entry stairs.
- ◇ The established front entry stairs currently encroach into the right-of-way of East Washington Street. In Staff's opinion, it would be difficult to locate the necessary entry stairs, with steps to access the primary structure within the existing setback, without significant interior and exterior modifications to the existing building, which is listed on the National Register of Historic Places. Regardless, any similar improvement would likely require a setback variance to some degree.



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- ◇ 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

Existing Zoning	SU-37	
Existing Land Use	Public Library	
Comprehensive Plan	Village Mixed Use	
Surrounding Context	Zoning	Surrounding Context
	North: MU-2	Multi-Family Dwellings
	South: MU-1	Multi-Family Dwelling / parking lot
	East: C-3	Neighborhood commercial
	West: C-3	Accessory Parking Lot / Thrift Store
Thoroughfare Plan		
East Washington Street	Primary Arterial	78-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	Blue Line TOD	
Wellfield Protection Area	No	
Site Plan	October 29, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	October 29, 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 Village Mixed Use development of the site.
- The Village Mixed Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.



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Red Line / Blue Line / Purple Line TOD Strategic Plan

- Blue Line Transit-Oriented Development Strategic Plan (2022).
 - The subject site is located approximately 35 feet from the Rural Street Blue Line transit station.
 - The Rural Street transit station has been categorized as the District Center typology, which is characterized as a dense, mixed-use hub for multiple neighborhoods with tall buildings having a minimum of three (3) stories at the core with no front or side setbacks, multi-family housing with a minimum of five (5) units, and structured parking only with an active first floor.
- The Blue Line Transit-Oriented Development Strategic Plan TOD recommends District Center Typology Characteristics
- District Center
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

96-HOV-59; 2818 East Washington Street (subject site), requested a Variance of Development Standards to allow for a 28 square-foot illuminated ground sign with a 2.5-foot front setback, **granted**.

97-HOV-86; 2822 East Washington Street (subject site), requested a Variance of Development Standards to allow for a nine square foot, four-foot tall incidental sign, **granted**.



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2015-DV1-024; 2802 East Washington Street (west of site), requested a Variance of Development Standards to provide for the construction of a restaurant building, with a three-foot setback from Washington Street and a three-foot front setback from Rural Street, with said building encroaching into the clear sight triangle of Rural and Washington Streets, and with a portion of the parking lot having a six-foot front setback along Washington Street, **granted**.

2012-UV1-022; 2830, 2834, and 2836 East Washington Street (east of site), requested a Variance of Use and Development Standards to provide for a mixed use development, with dwellings, furniture repair, woodworking, small boat building, sculpture, pottery manufacturing and other artistic uses, artist studios and light manufacturing and assembly, and to provide for outdoor dining and carryout food within 35 feet of a D-5 zoned protected district to the north, **granted**.

2010-CZN-804, 2010-CVR-804; 23 North Rural Street (north of site), requests the Rezoning from D-5 to C-3C to allow for a mixed-use building and to reduce the north transitional yard to six feet and the east transitional yard to six feet, **granted**.

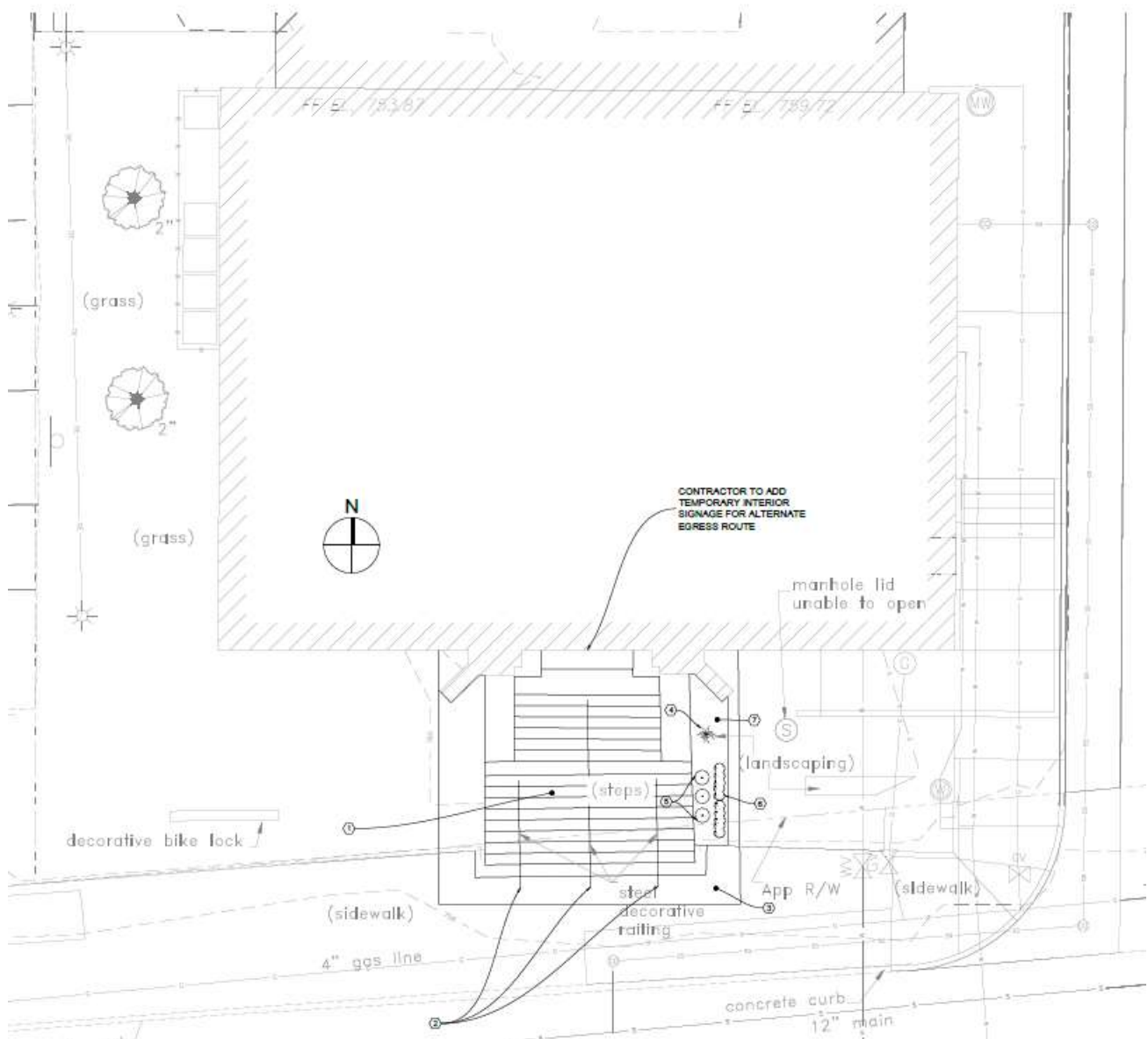
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EXHIBITS

Location Map



Site Plan





Department of Metropolitan Development
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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 existing entry stair from East Washington Street is currently deteriorating. The grant will not be injurious to the public health, safety, morals, and general welfare of the community. The replacement of the entry stairs will protect the public health, safety, morals, and general welfare of the community by providing a safer main entrance into the historic library structure. The encroachment does not create danger to vehicular or pedestrian use of the Washington Street right of way.

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 or value of the area adjacent to the property will not be affected in a substantially adverse manner. The entry stair from East Washington Street has existed, as it sits, for over 110 years with construction taking place between 1909 and 1911. Removal or alteration of the entry stairs would negatively affect the historic facade of the structure as well as the use and value of adjacent properties. The location of the improvements does not interfere with pedestrian access within the right of way along Washington Street.

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

The strict application of the terms of the zoning ordinance would necessitate significant alterations to the property. Constructed with a Carnegie grant between 1909 & 1911 the property is listed in the National Register of Historic Places. Alterations to the historic entry stair that would be required by the ordinance would result in aesthetic changes that would be inappropriate and contrary to the nature of the structure and its history. A portion of the Library's property was taken by IndyGo for construction of infrastructure related to the Blue Line, narrowing the area refurbishment of this historic structure could occur.

Photographs



Subject site, looking north.



Subject site accessory parking lot to the west, looking north.



Subject site existing front steps, looking east.



Subject site existing front steps, looking west.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

December 2, 2025

Case Number: 2025-DV1-057

Property Address: 10 South Mickley Avenue (approximate address)

Location: Wayne Township, Council District #16

Petitioner: Dave & Sons Properties LLC, by Mark Bastin

Current Zoning: C-4 / C-S

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a pylon sign, being the third freestanding sign along the Rockville Road frontage (maximum two freestanding signs per frontage).

Current Land Use: Commercial

Staff Recommendations: Staff recommends **approval** of the variance 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** subject to a commitment that the proposed pylon sign would be the only primary freestanding sign placed on the property related to the fueling station use.

PETITION OVERVIEW

- 10 South Mickley Avenue is a corner lot at the southwest corner of the intersection of Rockville Road and Mickley Avenue. The building was previously utilized as a multitenant office building per the commitments associated with the rezoning petition 90-Z-48, which restricted the site to uses allowed within C-1 zoning. The modification petition 2023-MOD-021 was approved to allow for a fueling station in 2023 (the canopy for this fueling station is currently under construction). The property is within an integrated center located to the east of I-74, and surrounding land uses include a hotel to the south, a funeral home to the north, and undeveloped land to the east.
- The northern shared frontage of the integrated center is currently improved with two (2) primary freestanding signs. One is a multitenant sign for the commercial center, and the other was placed by variance in 2013 for the hotel use at 5801 Rockville Road. A new primary freestanding sign along the Rockville frontage would be the third sign and would therefore require a variance.



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- Three (3) separate permit applications for signage have been made at the subject site. One was for signs mounted on the pump island canopy, which has already been issued. The second was for a monument sign with digital price display along the private drive on the southern portion of the lot. The third sign would be the proposed pylon sign at the northeastern corner of the site, which would be the third primary freestanding sign along the Rockville Road frontage and is the subject of this variance request (see elevation within Exhibits below).
- Other than the variance required for the number of signs along the shared frontage, the subject sign would meet all applicable dimensional standards of the Zoning Ordinance. It appears to have a separation of 300 feet from the multitenant sign to the west and would comply with standards for height, setbacks, clear-sight triangle and the separation of internally illuminated sign elements from residential zoning districts. The proposed digital price displays would be considered as changeable copy with an LED component (permitted) rather than EVMS signs with digital screens.
- The subject property is zoned C-4 (Community-Regional District) to allow for the development of major business grouping and regional-size shopping centers. Similarly, the Comprehensive Plan Pattern Book recommends it to the Regional Commercial typology to allow for general commercial and office uses that serve a significant portion of the county rather than just the surrounding areas.
- Staff felt that the placement of both a pylon sign with digital price displays along the northern frontage and an additional sign with price displays along the southern frontage would be excessive, and confirmed that the petitioner would be open to a commitment removing that southern sign from the scope of work (permit application opened as SGN25-00678; rendering within Exhibits). Given this compromise and the proposed separation of 300 feet and 524 feet from other signs along the shared frontage, staff considers the requested deviation to be minor in nature and recommends approval of the variance.

GENERAL INFORMATION

Existing Zoning	C-4 / C-S	
Existing Land Use	Commercial	
Comprehensive Plan	Regional Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: C-3 / D-6	North: Commercial
	South: C-S	South: Commercial
	East: D-2	East: Undeveloped
	West: C-4	West: Commercial
Thoroughfare Plan		
Rockville Road	Primary Arterial	130-foot existing right-of-way and 112-foot proposed right-of-way
Mickley Avenue	Primary Collector	43.5-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Compact or Metro	



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Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	10/30/2025
Site Plan (Amended)	N/A
Elevations	10/30/2025
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	10/30/2025
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 typically in large freestanding building or integrated centers (i.e. shopping malls, strip centers, etc.).

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

2023MOD021, Modification of Commitments related to 90-Z-48 to terminate Commitment #2.C, which restricts the permitted uses of the subject site to C-1 uses, to provide for a gas station, **approved**.

90-Z-48, rezoning of 20.02 acres from the D-2 and D-7 districts to the C-4 district, **approved**.

ZONING HISTORY – VICINITY

2013DV3030 ; 5815 Rockville Road (west of site), Variance of development standards of the Sign Regulations to legally establish a freestanding sign within 224 feet of another freestanding sign (300-foot separation required), **approved**.

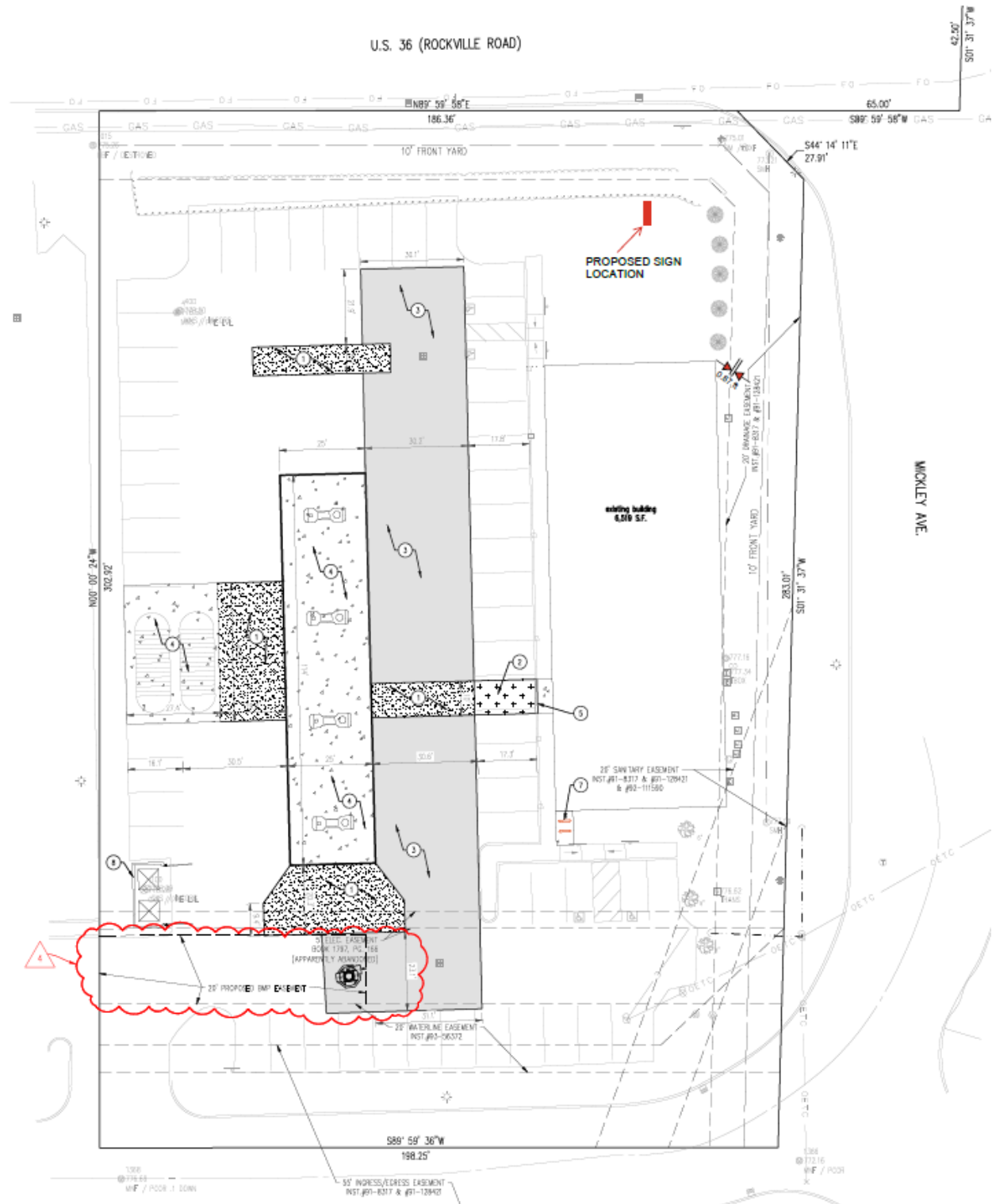
99-Z-91 ; 5797 Rockville Road (south of site), Rezone 3.21 acres from the C-1 classification to the C-S classification to provide for development of a hotel, **approved**.

EXHIBITS

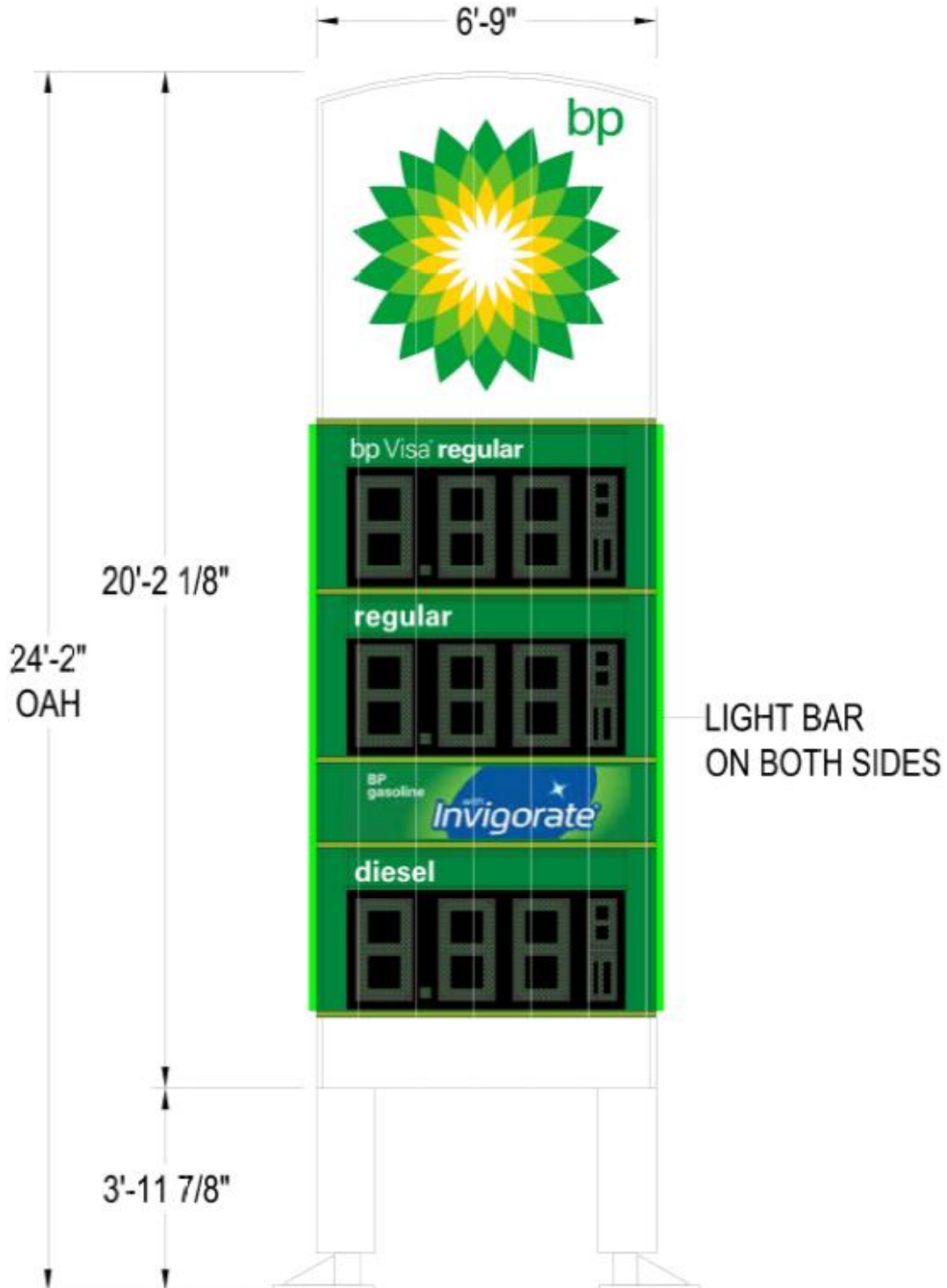
2025DV1057 ; Aerial Map



2025DV1057 ; Site Plan



2025DV1057 ; Pylon Elevation



2025DV1057 ; Findings of Fact

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

the community is accustomed to seeing signage similar to the proposed BP price sign at gas stations all across the city of Indianapolis.

The proposed BP price sign at this location, if approved, will be utilized to display the price of BP gasoline and the price of BP diesel fuel, serving a similar function to the price sign at the Marathon gas station located directly north of this BP location. The proposed BP sign will only display the BP logo, the price of BP gasoline at the Shell Fuel Rewards price, the price of BP gasoline, the BP gasoline with Invigorate message, and the price of BP diesel fuel.

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:

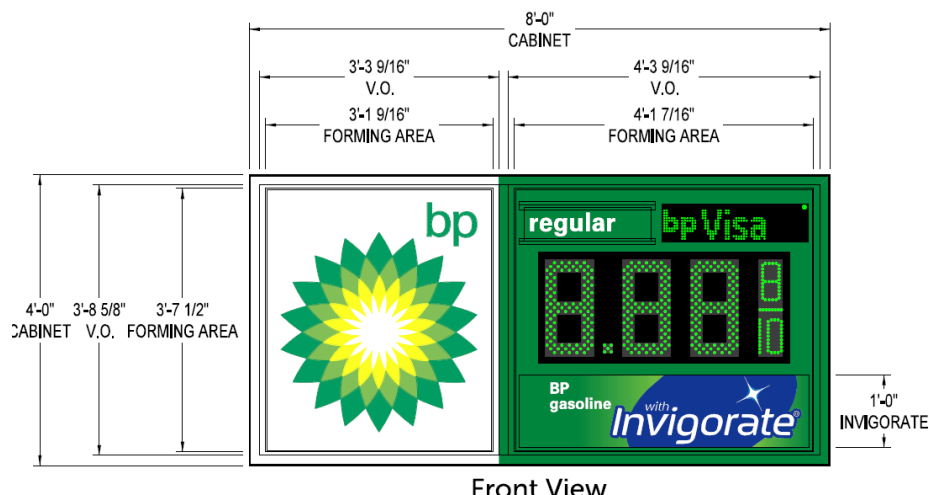
the proposed BP price sign is an integral part of the image of a BP gas station and provides a clean, modern look. The proposed BP price sign is designed to meet BP's Retail Visual Standards. These standards ensure that all branding and signage elements share a common design, which provides for an aesthetically-pleasing look. By approving this petition, the petitioner believes that the proposed BP price sign will not only enhance the appearance of the property located at 10 S Mickley but will enhance the appearance of the surrounding area as a whole.

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

a price sign is an integral part of any gas station. If this location were not part of an integrated center, the proposed pylon sign would be approved/allowed given the current zoning of the location.

By denying the variance petition as presented, the members of the community will have a difficult time identifying the price of gasoline and diesel offered at this gas station in a safe manner without a standard BP price sign due to this gas station being located along a busy road such as Rockville Rd. By denying the variance petition as presented, the property will not be allowed a traditional, standard BP gas station price sign and will not be able to display the price of gasoline and diesel fuel in a clear, and concise manner. This would result in practical difficulties in the use of the property because the price of gasoline and diesel fuel is very important to the public in regards to their decision making process.

2025DV1057 ; Monument Sign (SGN25-00678; removed from scope by commitment)



2025DV1057 ; Photographs



Photo 1: Proposed Pylon Sign Location Viewed from West



Photo 2: Existing Primary Signage Along Integrated Frontage

2025DV1057 ; Photographs (continued)



Photo 3: Subject Site Viewed from Northwest



Photo 4: Subject Site Viewed from Southwest

2025DV1057 ; Photographs (continued)



Photo 5: Proposed Location of SGN25-00678 (removed from scope)



Photo 6: Adjacent Property to South

2025DV1057 ; Photographs (continued)



Photo 7: Adjacent Property to North

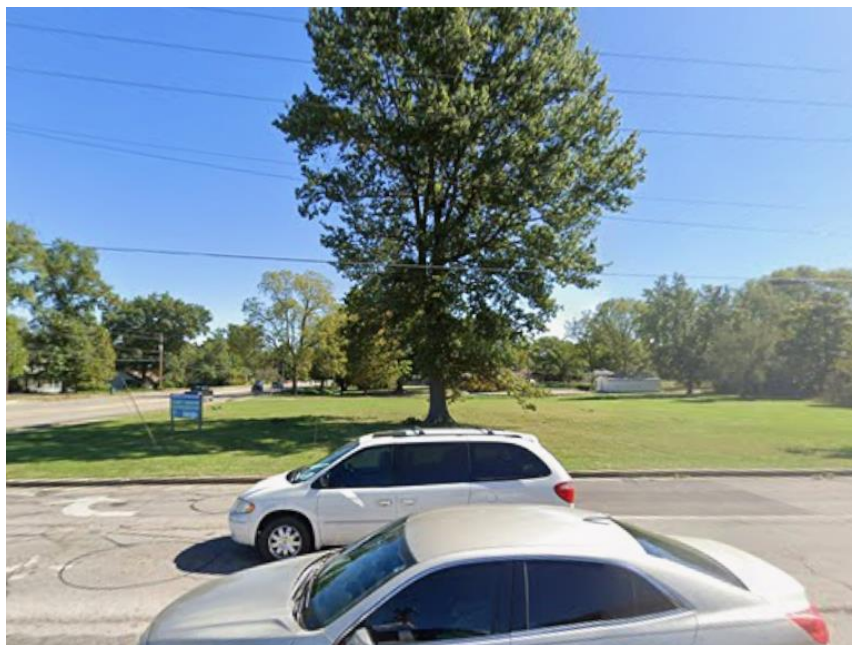


Photo 8: Adjacent Property to East (October 2024)



BOARD OF ZONING APPEALS DIVISION I

December 2, 2025

Case Number: 2025-UV1-021
Address: 602 South Emerson Avenue (approximate address)
Location: Center Township, Council District #14
Zoning: D-5
Petitioner: Wayne Burial Vault Co. Inc., by Mindy Westrick Brown
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for commercial outdoor storage within side and rear transitional yards, without screening (not permitted, screening required) and deficient landscaping and open space (landscaping, 60 percent open space required).

Current Land Use: Burial Vault Company.

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, subject to the following commitment:

- The Variance grant shall be subject to the submitted Site Plan, file dated October 22, 2025.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ This request would provide for and legally establish the current commercial outdoor storage operations of an existing Burial Vault Company that predates the current Consolidated Zoning and Subdivision Ordinance.
- ◇ Aerial photographs and Baist maps indicate that the D-5 portion of the parcel has been used commercially with outdoor storage, since 1941.
- ◇ Due to the size and configuration of the lot, it is not likely that the D-5 portion of the site would ever be used for single family dwellings. Staff would suggest that the nature of the subject structure on the site presents a hardship. The presence of overhead doors would not lend itself easily to a conversion to most D-5 uses. Staff would also suggest that the use would continue to be similar in intensity as previous operations in the last approximate 86 years.



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Current Planning

VARIANCE OF DEVELOPEMNT STANDAERDS

- ◇ The proposed use and existing operations does predate the current Ordinance and surrounding dwelling districts. Staff feels that site would have a practical difficulty in meeting current standards as it was developed prior to the surrounding Dwelling districts, and could not anticipate the need for adequate screening, landscaping, and open space as required by current Ordinance standards.
- ◇ To limit the expansion of any further outdoor storage, Staff is requesting the Variance grant be subject to the submitted site plan, file dated October 22, 2025.
- ◇ Generally, staff supports legally establishing property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request; additionally, no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Burial Vault Company.	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	D-6II / D-5	Multi and Single-Family Dwellings
South:	D-5	Single-Family Dwellings
East:	D-5	Single-Family Dwellings
West:	D-5	Single-Family Dwellings
Thoroughfare Plan		
South Emerson Avenue	Primary Arterial	80-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	October 22, 2025	
Plan of Operation	N/A	
Landscape Plan	N/A	
Findings of Fact	October 22, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)



Department of Metropolitan Development
Division of Planning
Current Planning

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends the Community Commercial typology which provides for low intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- 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

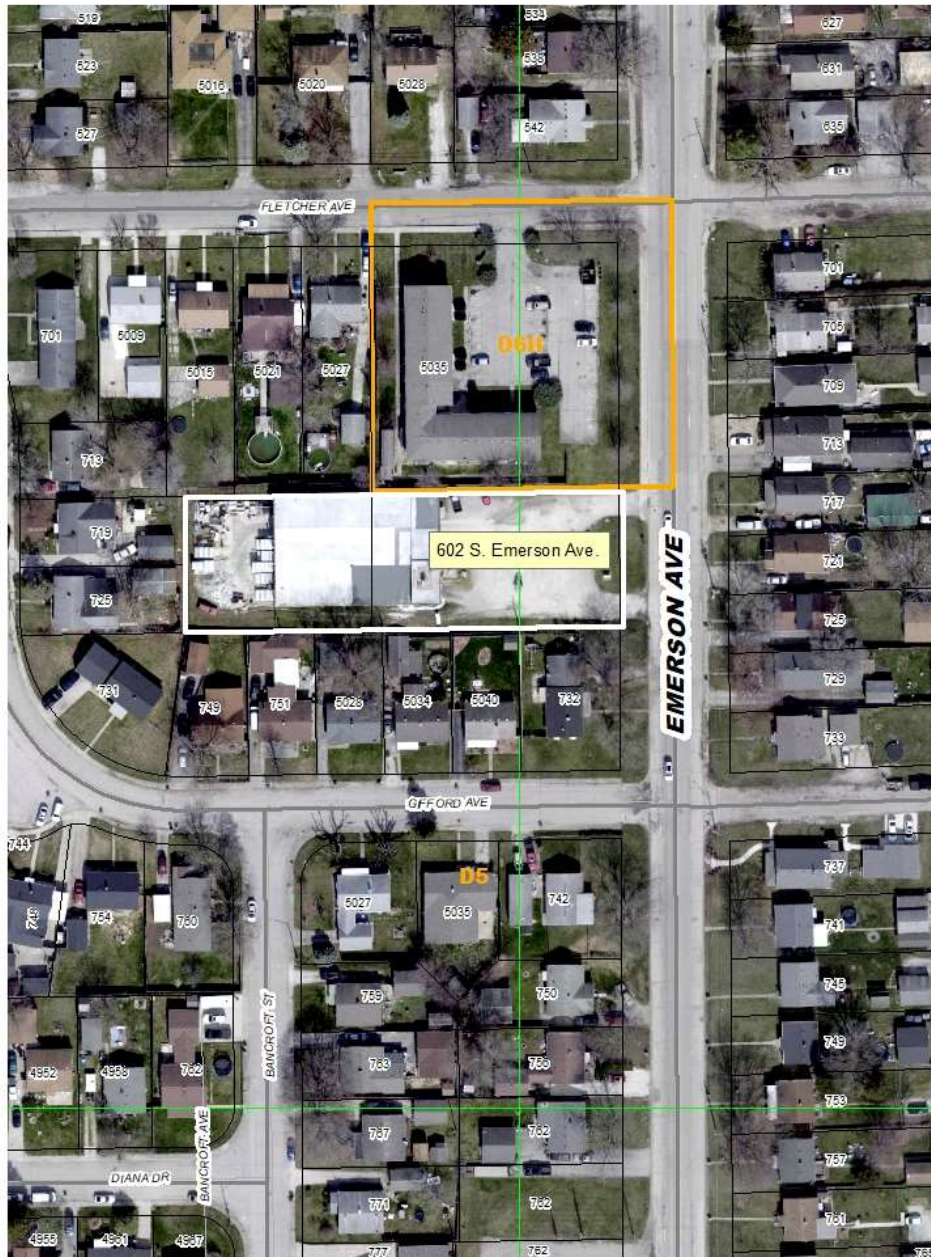
94-V1-131; 1101 South Emerson Avenue (south of site), variance of development standards of the Industrial Zoning Ordinance to provide for the entire acreage behind an existing industrial building to be utilized for outdoor storage exceeding 50% of the total gross floor area of the building, to allow outside storage to abut a residential zoning district, with a fence 8 feet in height along the south property line, **granted**.

61-V-705; 748 South Emerson Avenue (south of site), variance of use and front building line requirements to permit an addition to the front and side of the existing restaurant and tavern, with a sign on the building, and with a pole sign at the front lot line, with off-street parking and loading spaces provided, at 746 South Emerson Avenue, **granted**.

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EXHIBITS

Location Map



Site Plan file-dated October 22, 2025.

Site Plan | 602 S. Emerson Ave.





Findings of Fact

**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 family-owned business use and operations have existed at this location since 1928 (over 97 years), prior to surrounding residential uses. Rear loading operations have been conducted at the site since at least 1956 (over 69 years), and some form of outdoor storage and operations in the rear yard have existed since at least 1972 (over 53 years). The request is for accessory permanent outdoor storage and operations as currently existing, and will not be expanded, and therefore will not harm the community.

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

The family-owned business use and operations have existed at this location since 1928 (over 97 years), prior to surrounding residential uses. Rear loading operations have been conducted at the site since at least 1956 (over 69 years), and some form of outdoor storage and operations in the rear yard have existed since at least 1972 (over 53 years). The request is for accessory permanent outdoor storage and operations as currently existing, and will not be expanded, and therefore will not harm the community.

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

The primary zoning classification of the property is residential dwelling (D-5). A variance of use was obtained in 1956 (56-V-152) to permit the expansion of the building, but the building can no longer be legally expanded, and therefore accessory permanent outdoor storage and operations are needed for business use and operations to continue as currently existing.

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 zoning ordinance does not contemplate a commercial business in this particular primary residential dwelling zoning classification, but this business use and operations have existed at this location since 1928 (over 97 years), prior to surrounding residential uses. The business has existed in harmony with surrounding neighbors and the community. The business needs accessory permanent outdoor storage and operations for business use and operations to continue as currently existing or else it would be a hardship on the business.

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

As the business use and operations have existed at this location since 1928 (over 97 years), prior to surrounding residential uses, the comprehensive plan recommends Community Commercial use of the property. Accessory permanent outdoor storage and operations at the type of small scale as currently existing at the property are typical for Community Commercial uses and therefore the variance grant does not interfere substantially with the comprehensive plan.



**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 family-owned business has existed at this location since 1928 (over 97 years), prior to surrounding residential uses. A previously approved variance from 1956 (over 69 years ago) authorized off-street parking in front of the building and allowed for rear loading operations. Historical records and aerial photography confirm that this layout has remained consistent since that time. Also, an affidavit and historic aerial imagery confirm that the two driveways have been in continuous use since at least 1969 (over 56 years). Additionally, some form of outdoor storage in the rear yard has existed since at least 1972 (over 53 years). Therefore, the general form of the landscaping, screening, and minimum total open space percentage, has existed for many years with no issues. The variance request is to legally establish site development as currently existing, and will not be expanded, and will not harm 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 family-owned business has existed at this location since 1928 (over 97 years), prior to surrounding residential uses. A previously approved variance from 1956 (over 69 years ago) authorized off-street parking in front of the building and allowed for rear loading operations. Historical records and aerial photography confirm that this layout has remained consistent since that time. Also, an affidavit and historic aerial imagery confirm that the two driveways have been in continuous use since at least 1969 (over 56 years). Additionally, some form of outdoor storage in the rear yard has existed since at least 1972 (over 53 years). Therefore, the general form of the landscaping, screening, and minimum total open space percentage, has existed for many years with no issues. The variance request is to legally establish site development as currently existing, and will not be expanded, and will not negatively affect the adjacent neighbors.

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 does not contemplate a commercial business in this particular primary residential dwelling zoning classification, but this family-owned business use and operations have existed at this location since 1928 (over 97 years), prior to surrounding residential uses. The business has existed in harmony with surrounding neighbors and the community. The property needs the requested variances for the landscaping, screening, and minimum total open space percentage in order for business use and operations to continue as currently existing or else it would result in practical difficulties as the property size is too small to meet the zoning ordinance requirements.

Photographs



Subject site, existing building, looking west.



Subject site, existing north side setback and transitional yard, looking west.



Subject site, existing south side setback and transitional yard, looking west.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

December 2, 2025

Case Number: 2025-DV1-050 (Amended)
Address: 8888 Keystone Crossing (approximate address)
Location: Washington Township, Council District #4
Zoning: C-4
Petitioner: MassMutual, by Tyler Ochs
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fifth skyline sign on a façade, being the sixth on a building (one skyline sign per elevation, maximum of four permitted per building).

Current Land Use: Commercial office building

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued from the November 4, 2025, hearing, to the December 2, 2025, hearing, at the request of a Registered Neighborhood Organization.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- ◇ Standards of the Sign Regulations are intended to promote quality sign displays that are integrated with developments and reduce potential hazards to pedestrians and motorists. These standards include limits on the number of signs, lighting, size, and setback limitations.
- ◇ A Skyline Sign is defined as “a building sign, located in its entirety, on a building façade above 26 feet in height, measured from grade level”.
- ◇ The strict application of the Sign Regulations would not prohibit the use of the property for its intended office use or limit the site’s ability to provide signage within the 26-foot building elevation from grade. Instead, the approval of more than the allotted number of signs would only create a precedent for other tenants to request the same allowance rendering the regulation futile.



Department of Metropolitan Development
Division of Planning
Current Planning

- ◇ The maximum one skyline sign per elevation is designed to mitigate the proliferation of signage and the visual conflicts and negative aesthetics associated with multiple signs on a single building elevation. Increasing sign proliferation along the west building elevation inhibits the ability of motorists to properly read and react to sign messages in a safe and efficient manner.
- ◇ In regard to the proposed signage making, it easier to locate the business, the proposed sign elevations indicate the sign would be placed on the north side of the building, away from traffic entering and arriving at the office complex. Which is not conducive for arriving tenants in locating the business location. Instead, the sign appears to be oriented towards Interstate I-465 to the north.
- ◇ The submitted Findings fails to address that the site has a freestanding monument sign where signage for the tenants already exists and is visible to arriving motorists in Keystone Crossing. Additionally, the business or tenant locations are easily accessed via addresses on the tenant's websites, and electronic GPS and mapping systems that are widely available and provide directions to the business locations. Therefore, the additional sign is not needed for the locating of the tenants, but more for advertising purposes in an area that has a high level of interstate traffic that could easily be distracted by the additional signage.

GENERAL INFORMATION

Existing Zoning	C-4										
Existing Land Use	Commercial Office										
Comprehensive Plan	Office Commercial uses										
Surrounding Context	<table> <tr> <th><u>Zoning</u></th><th><u>Surrounding Context</u></th></tr> <tr> <td>North: C-4</td><td>Commercial Office</td></tr> <tr> <td>South: C-S</td><td>Commercial Office</td></tr> <tr> <td>East: C-S</td><td>Commercial Office</td></tr> <tr> <td>West: C-4</td><td>Commercial Office</td></tr> </table>	<u>Zoning</u>	<u>Surrounding Context</u>	North: C-4	Commercial Office	South: C-S	Commercial Office	East: C-S	Commercial Office	West: C-4	Commercial Office
<u>Zoning</u>	<u>Surrounding Context</u>										
North: C-4	Commercial Office										
South: C-S	Commercial Office										
East: C-S	Commercial Office										
West: C-4	Commercial Office										
Thoroughfare Plan											
Keystone Crossing	Private Street										
Context Area	Metro area										
Floodway / Floodway Fringe	N/A										
Overlay	N/A										
Wellfield Protection Area	No										
Elevations	September 9, 2025										
Landscape Plan	N/A										
Site Plan	October 3, 2025										
Findings of Fact	September 9, 2025										

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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



Department of Metropolitan Development
Division of Planning
Current Planning

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

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

88-HOV-87; 888 Keystone Crossing (subject site), requested a Variance of Development Standards for an additional identification sign within an integrated center and with an overall height of eight feet, **granted**.

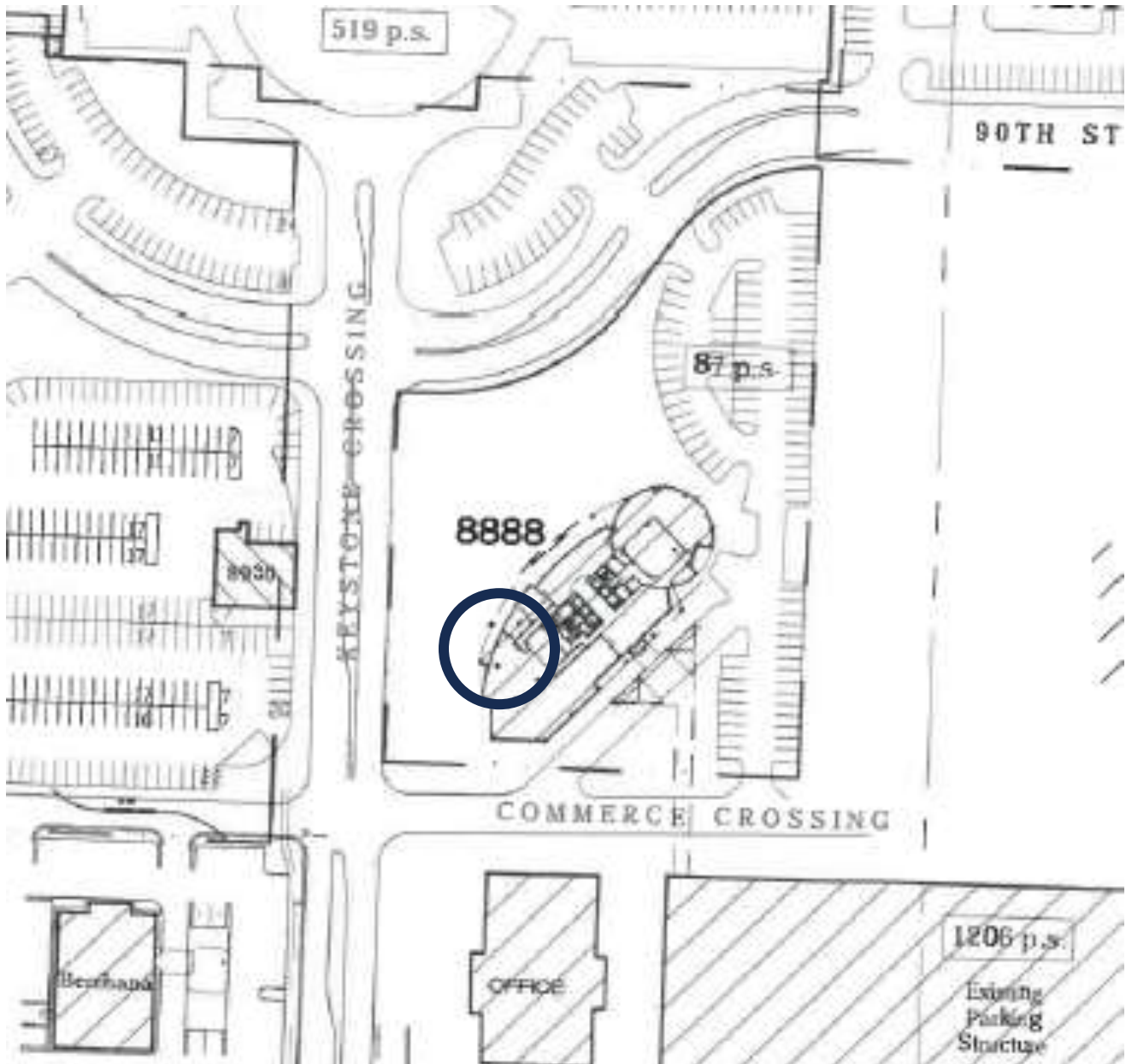
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EXHIBITS

Location Map



Site Plan



Sign Elevation





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 sign helps to alleviate traffic and safety concerns as it will make the business easier to locate from the street.

This is a commercial area with multiple tenants in the building who all have similar signage. The only issue, is given the location of the sign, it is more than the 26 feet above base elevation as noted. This will have no negative impact on safety, health, or 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:

This is a commercial area with multiple tenants in the building who all have similar signage. This will fall in line with the community and similar surrounding buildings.

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

There is no space for signage for the tenant within 26 feet of the ground. There was formerly signage here, but it is being replaced.



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

Photographs



8888 Keystone Crossing building south facade, looking north.



8888 Keystone Crossing building north façade, looking south.



8888 Keystone Crossing building north façade, proposed sign location, looking southeast.



Freestanding monument sign for 8888 Keystone Crossing tenants, easily visible for arriving motorists from the south.

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-UV1-014A
Address: 6805 Rockville Road (approximate address)
Location: Wayne Township, Council District #16
Zoning: D-2
Petitioner: Margarito Mendoza Galindo, by Tasha Roberts
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor and indoor storage of lawn care equipment, machinery, and materials (not permitted).

Current Land Use: Single Family Dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the September 2, 2025, hearing to the October 7, 2025, hearing due to deficient public notice.

This petition was heard on October 7, 2025, resulting in an indecisive vote. Therefore, it was continued to the November 4, 2025, hearing.

The petitioner requested a continuance for cause from the November 4, 2025, hearing, to the December 2, 2025, hearing.

The petitioner has submitted an updated plan of operation, file dated November 20, 2025, that limits the amount of equipment and outdoor storage.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ The petitioner has updated the plan of operation in order to limit the amount of outdoor and indoor storage of lawn care equipment, machinery, and materials.
- ◇ Staff continues to recommend denial, as the proposed equipment, machinery and materials could still be used for a Commercial Contractor use, either by this petitioner, or future property owners.

- ◇ Staff continues to feel that any approval of this request would over-develop the site and facilitate the intrusion of general commercial uses into an established residential neighborhood. The request would encourage additional encroachment, in a manner violating the development norms and residential aesthetics of the street, and squarely deviating from the recommendations of the Comprehensive Plan.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned D-2 and could be used by any number of uses permitted, by right, in the D-2 zoning classification. Any practical difficulty is self-imposed by the desire to use the site to provide for outdoor and indoor storage of lawn care equipment, machinery, and materials.
- ◇ The subject site is similar in size to other nearby properties, that are able to follow the comprehensive plan and zoning ordinance without the need for variances. Therefore, the Comprehensive Plan recommendation should not be disregarded, nor of the clearly residential nature of the surrounding area.

GENERAL INFORMATION

Existing Zoning	D-2		
Existing Land Use	Single Family Dwelling		
Comprehensive Plan	Suburban Neighborhood		
Surrounding Context		Zoning	Surrounding Context
	North:	D-3	Single-Family dwelling
	South:	D-2	Single-Family dwelling
	East:	D-3	Single-Family dwelling
	West:	D-2	Single-Family dwelling
Thoroughfare Plan			
	Rockville Road	Primary Arterial	135-foot existing and proposed right-of-way.
Context Area	Metro area		
Floodway / Floodway Fringe	No		
Overlay	N/A		
Wellfield Protection Area	No		
Site Plan	April 18, 2025		
Elevations	N/A		
Landscape Plan	N/A		
Findings of Fact	April 18, 2025		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.
- 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.

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

2017-UV3-016; 6675 Rockville Road (east of site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a mortgage business, **denied**.

2015-ZON-040; 6250 Rockville Road; requests rezoning of 0.36 acres from the D-2 District to the C-1 classification to provide for office uses; **approved**.

2013-HOV-029; 6696 Rockville Road; requests variance of development standards of the Sign Regulations to provide for a five-foot tall, 35-square foot illuminated ground sign; **granted**.

2011-UV3-005; 6345 Rockville Road; requests variance of use of the Commercial Zoning Ordinance to provide for a tattoo parlor within 500 feet of a protected district without the grant of a special exception; **denied.**

2010-UV2-006; 377 Rockville Road; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a copying, digital color printing, offset printing and related services and to provide for the construction of a 330-square foot carport, with a four-foot west side setback and with a rear graveled parking area with a six-foot west side yard and a zero-foot side east yard and a zero-foot rear south yard, in D-2; **granted.**

2007-DV1-060; 6714 Rockville Road; requests variance of development standards of the Sign Regulations to provide for a six-foot tall, 90-square foot, internally illuminated pylon sign within 56 feet of a protected district, and with a 10-foot front setback from the proposed right-of-way of Rockville Road; **denied.**

2006-HOV-052; 6714 Rockville Road; requests variance of development standards of the Sign Regulations to provide for a 16.375-foot tall 60.525-square foot pole sign within 66 feet of a protected district, in C-1; **withdrawn.**

2006-UV2-028; 6379 and 6383 Rockville Road; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for office uses and to legally establish a 408.8 square foot detached garage with a sixteen-foot front setback from the right-of-way of Mission Street, between the established front building line of the primary structure and the right-of-way of Mission Street, and a variance of development standards of the Sign Regulations to provide for a four-foot tall, twenty-square foot ground sign, in D-2; **denied.**

2004-UV3-035; 6501 Rockville Road; requests variance of use of the Dwelling Districts Zoning Ordinance and a variance of development standards of the Sign Regulations to provide for an insurance agency, and a 32-square foot ground sign; **denied.**

2004-UV3-032; 6502 Rockville Road; requests variance of use of the Dwelling Districts Zoning Ordinance to legally establish a doctor's office; **denied.**

91-UV2-56; 6733 Rockville Road; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit an office for four attorneys and the placement of a 40-square foot animated sign; **denied.** (D intensity and precedent)

83-Z-115; 6710 Rockville Road; requests rezoning of 0.90 acre, being in the C-1 and D-3 Districts, to the C-1 classification to provide for a one-story office building; **denied.**

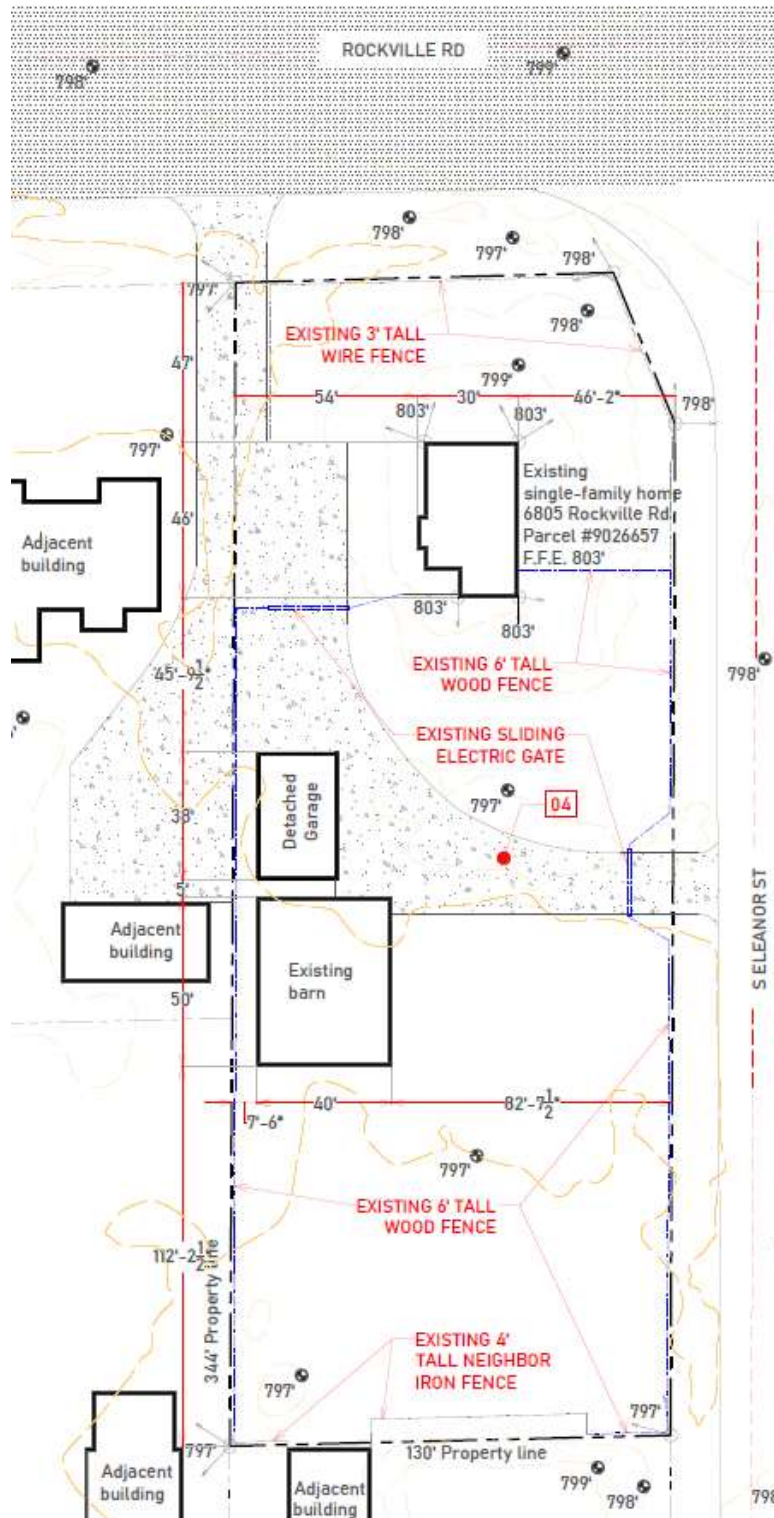
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EXHIBITS

Location Map



Site Plan



Plan Of Operation file-dated November 20, 2025

AMENDED PLAN OF OPERATION

6805 Rockville Road, Indianapolis, IN 46214

Petitioner and his family would like to store the following items and equipment for their personal use at the site:

1. 2012 Ford F250 Truck (or similar vehicle if the truck must be repaired or replaced)
2. Firewood for personal use
3. Ladder
4. Bicycles
5. 2 rakes
6. Handheld snow blower
7. Handheld manual saw
8. Weedwhacker
9. Snowplow blade
10. Hand shovel (petitioner has a small tomato and pepper garden)
11. 2012 GTM Model 6X2 trailer (14 feet, hitch to end) with 2 wheels on each side
12. Lawn mower



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 fence is only a few inches higher than allowed by ordinance. The fence provides ample privacy between the owner and neighbors. The fence does not impair driver/traffic visibility.

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 fence and barn are made of high-quality material and woodwork. The fence and barn increase property values rather than decrease them.

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

The existing fence and barn was constructed with assurances that it met code will have to be removed.

Photographs



Subject property looking south.



Subject property looking north from Eleanor Street.



Subject property looking west from Eleanor Street.



Adjacent Single Family Dwelling to the south of subject site, looking northwest.



Adjacent Single Family Dwelling to the east of subject site, looking north.



Adjacent Single Family Dwelling to the north of subject site.

BOARD OF ZONING APPEALS DIVISION I

December 2, 2025

Case Number: 2025-UV1-015 (Amended)
Address: 488 South Rochester Avenue (approximate address)
Location: Wayne Township, Council District #17
Zoning: D-5 (TOD)
Petitioner: Kandy Salazar & Leonor Medina, by Kandy Salazar
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an entire garage and proposed addition into a second primary dwelling (not permitted) with a zero-foot rear yard setback, a one-foot south side setback, and a 16.75-foot tall building height (five-foot rear yard setback and five-foot side yard setback required, second primary dwelling cannot be taller than the first primary dwelling).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends denial of the amended request.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the September 2, 2025, hearing, to the October 7, 2025, hearing, and from the October 7, 2025, hearing, to the November 7, 2025, hearing, to provide for an amended request and new legal notice.

This petition was continued from the November 7, 2025, hearing, to the December 2, 2025 hearing at the request of the petitioner.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

Variance of use

- ◇ The Ordinance does not permit more than one primary dwelling per parcel in those zoning districts that generally permit single-family detached development. Since the proposed garage conversion into a second dwelling is much larger than a Secondary Dwelling Unit, it is considered a second primary dwelling.

- ◇ The Ordinance does not permit two dwelling units on the same lot for several reasons. First, two units on one single-family lot would increase the density above the acceptable, typical density for the zoning district. The subject site is zoned D-5, which would have a typical density of 4.5 dwelling units per acre. The resulting density, with the proposed second primary dwelling, would be 11.9 dwelling units per acre for the site, or a 250 percent increase in the gross density envisioned by the Ordinance.
- ◇ Health and safety is the second reason the Ordinance prohibits more than one dwelling unit on a lot. A dwelling unit in a detached garage creates two safety hazards. First, emergency personnel may not be able to quickly find the dwelling unit. Even if the dwelling unit were addressed, there may be confusion as to where the emergency is located, because its structural orientation indicates that it is merely a garage.
- ◇ Second, the detached garage would have been constructed to different building codes than the converted dwelling unit which was converted presumably without proper permits prior to the variance request. Residential fire codes, approved construction materials, emergency egress, climate control and insulation, ventilation, required windows in habitable rooms, floor area provided for sleeping quarters, power supply, and sanitary and cooking facilities requirements must meet minimum standards before a dwelling can be occupied. No evidence that the second dwelling unit complies with the requirements of the Health and Hospital Code, or the Indiana Building Code has been submitted by the petitioner.
- ◇ The Ordinance does allow Secondary Dwelling Units in certain dwelling districts and mixed-use districts within the Compact Context Area, as long as certain use-specific standards are met. In this instance none of the use-specific standards have been met.
- ◇ Staff believes that the regulations for Secondary Dwelling Units located above a garage should be followed. There is no practical difficulty on the site that necessitates a larger second primary dwelling structure than what is allowed by these standards.

Variance of Development Standards

- ◇ The reduced setbacks are a result of the conversion of the original built garage, along with a non-permitted addition for residential purposes. The addition also added the zero-foot rear setback. This addition is also very close to the overhead electric utility power lines, which may cause a safety hazard.
- ◇ Staff believes that the proposed second dwelling unit could be reduced in size, and still provide for a secondary dwelling unit, which would also allow the proposed structure to meet the required rear setback, and reduced height limit.
- ◇ Secondary Dwelling Units located above a garage in no instance may exceed the height of the primary building. The maximum size of a Secondary Dwelling Unit is also limited to 720 square feet.

- ◇ The reduced south side setback would be considered legally non-conforming as long as the structure remained a garage as built. Once the use was changed, then the structure is required to be zoning complaint.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the individual's needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site. This proposed use would consist of new construction that could be designed to meet the terms of the Ordinance.
- ◇ No peculiar condition exists on site for staff to be supportive of the request. Instead, this is a self-imposed difficulty since the proposed structure could be designed in a way to meet the required setbacks and limited to the maximum size for a secondary dwelling unit without the need for variances.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-family dwelling	
Comprehensive Plan	Recommends 3.5-5.0 Residential Units per acre	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	Single-Family dwelling
South:	D-5	Single-Family dwelling
East:	D-5	Single-Family dwelling
West:	D-5	Single-Family dwelling
Thoroughfare Plan		
South Rochester Avenue	Local Street	48-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	Blue Line Transit Oriented Development overlay	
Wellfield Protection Area	N/A	
Site Plan (Amended)	September 16, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact Revised	November 19, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 3.5-5.0 Residential Units per acre.

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- This site falls within the Blue Line Bus Rapid Transit Oriented Development (TOD) overlay. The TOD overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

Neighborhood / Area Specific Plan

- Recommends 3.5-5.0 dwelling units per acre.

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

2011-DV2-009; 494 South Luett Street (west of site), requested a Variance of Development Standards to provide for the construction of a 135-square foot addition to an existing 192-square foot garage, with a side setback of two feet and a seven-foot front setback from Henry Street, creating an accessory building area of 714.5 square feet or 76.5% of the main floor area of the primary building, **granted**.

2006-UV1-048; 458 South Livingston Avenue (west of site), requested a Variance of Use to legally establish the conversion of a 720-square foot detached garage into a dwelling unit, being the second dwelling unit on the lot, with a five-foot rear setback with a main floor area of 720 square feet, **granted**.

91-V3-43; 502 South Holt Road (west of site), requests variance of development standards of the Dwelling Districts Zoning Ordinance to permit the continued use of a modular home with 840 square feet of living space, **granted**.

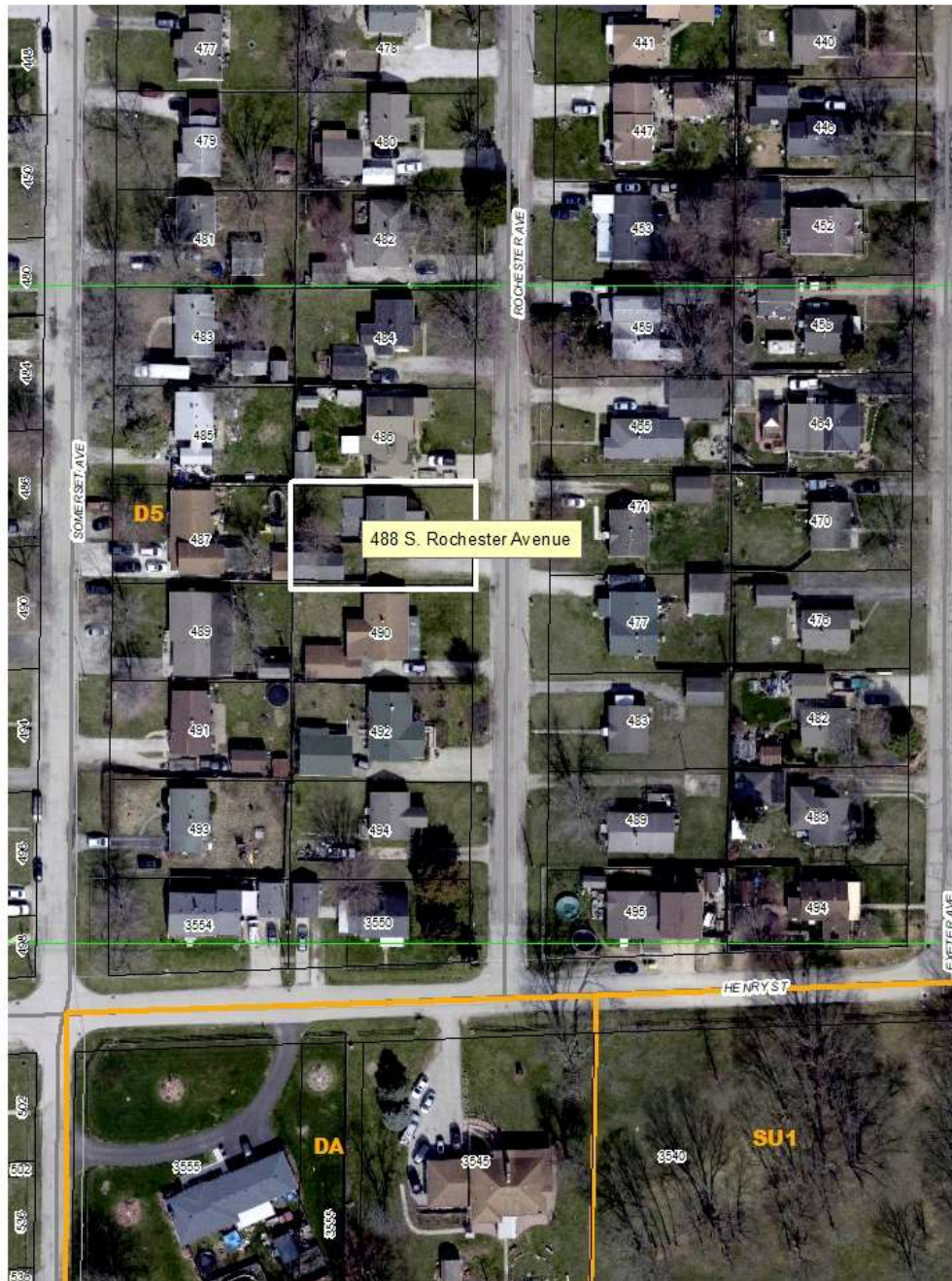
2002-DV2-048; 509 South Luett Avenue (west of site), requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,425-square foot detached garage:

- 1) with a height of 23.5 feet,
- 2) being greater than the height of the primary structure,
- 3) resulting in an accessory structure area of 79.06% of the main floor area of the dwelling, and
- 4) resulting in an accessory use area of 105.45% of the total floor area of the dwelling, **granted**.

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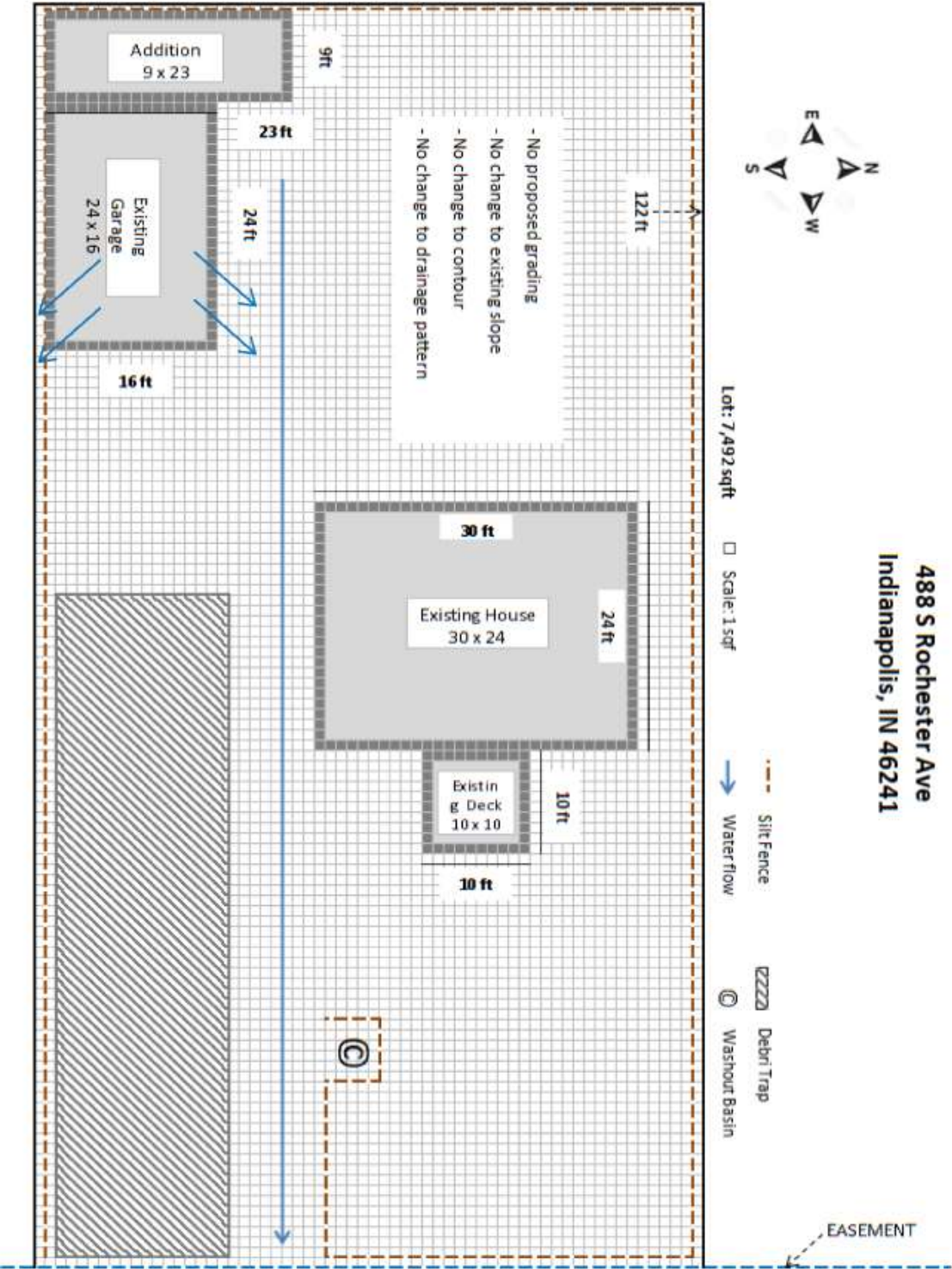
EXHIBITS

Location Map





Site Plan



Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The accessory building extension is not impeding any platted easements impacting the community in general. Though the accessory building is taller than the primary structure it is still within the maximum height limitation of 20' and not the first of its kind in the community.

Zone ordinance: 743-308 (A-4-b.) accessory building shall not be located closer to any rear lot line than five feet

Zone ordinance: 731-202. D-S (b-5-b) no accessory building shall be higher than the primary building

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

This improvement is not the first of its kind in the community. Precedence setting, 495 S Rochester Ave has a secondary structure (garage) has a second story which is taller than the primary structure. Use and value impacts would be limited as a result. However, structural improvement generally add value to the property and community.

Zone ordinance: 743-308 (A-4-b.) Zone ordinance: 731-202. D-S (b-5-b)

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

This would limit adding affordable housing at time when there is a critical shortage. Strict application of the zoning ordinance would force forfeiture of sunk costs requiring abandonment of the project ultimately resulting in the loss of affordable housing.

Zone ordinance: 743-308 (A-4-b.)

Zone ordinance: 731-202. D-S (b-5-b)

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 zoning ordinance would create hardship on an individual and community basis. Individually, the financial loss would be difficult to recover let alone the additional cost to reverse its current state. On a community level, this would limit attempt to provide additional affordable housing which there is a substantial demand.

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

It falls in line with the general goals of the city's comprehensive plan, such as neighborhood revitalization, housing and development.

Additionally, assisting in ensuring adequate, affordable, and diverse housing options across different neighborhoods falling in line with its policies and strategies.



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 accessory building extension is not impeding any platted easements impacting the community in general. Though the accessory building is taller than the primary structure it is still within the maximum height limitation of 20' and not the first of its kind in the community.

Zone ordinance: 743-306 (A-4-b.) accessory building shall not be located closer to any rear lot line than five feet

Zone ordinance: 731-202. D-S (b-5-b) no accessory building shall be higher than the primary building

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

This improvement is not the first of its kind in the community. Precedence setting, 495 S Rochester Ave has a secondary structure (garage) has a second story which is taller than the primary structure. Use and value impacts would be limited as a result. However, structural improvement generally add value to the property and community.

Zone ordinance: 743-306 (A-4-b.)

Zone ordinance: 731-202. D-S (b-5-b)

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

This would limit adding affordable housing at time when there is a critical shortage. Strict application of the zoning ordinance would force forfeiture of sunk costs requiring abandonment of the project ultimately resulting in the loss of affordable housing.

Zone ordinance: 743-306 (A-4-b.)

Zone ordinance: 731-202. D-S (b-5-b)

Photographs



Photo 1 - Subject property looking west.



Photo 2 - Subject property existing garage addition with a zero foot rear setback, looking north.



Photo 3 – Subject property existing garage and addition with a one-foot south side setback, looking west.



Photo 4 - Adjacent property to the south, looking west.



Photo 5 - Adjacent properties to the east.



Photo 6 - Adjacent property to the north, looking west.

BOARD OF ZONING APPEALS DIVISION I

December 2, 2025

Case Number: 2025-DV1-058

Property Address: 5554 North Delaware Street (approximate address)

Location: Washington Township, Council District #7

Petitioner: Jeffrey & Lavonne Frank, by Jennifer Milliken

Current Zoning: D-4 (MSPC)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for exterior improvements resulting in an open space of 62 percent and a 16.97-foot front yard setback from Delaware Street (65 percent open space and 20-foot front yard, setback required).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the petition.

PETITION OVERVIEW

- 5554 North Delaware Street is a residential lot at the southwest corner of Delaware Street to the east and 56th Street to the north. It is currently improved with a single-family residence, and surrounding land uses are similar in nature. Vehicle access comes from 56th Street to the north.
- The violation case VIO25-005617 was opened at the site in June of 2025 citing the property in relation to the construction of a front patio and minor residential structure (freestanding accessory fireplace with a height above 18 inches). This work was undertaken without permits in place and can be seen within the photographs in Exhibits below. An eastern addition to the existing residence is also contemplated but has not yet been constructed at the property. A separate Infrastructure violation was opened at the property related to work done on sidewalk within the right-of-way; approval of this petition would not resolve that violation and an Encroachment License from the Department of Business and Neighborhood Services would likely be required.

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

- Beyond any permitting requirements, two (2) Variances of Development Standards would be required to allow for the existing and proposed patio and fireplace improvements. The first would be for a reduction in the required open space ratio at the site from 65% to 62%. The second would be to allow for a reduction in the required front setback from 20 feet to 16.97 feet.
- The front building addition contemplated for the property would result in the fireplace no longer being placed within the front yard of the property (would be to the west of the proposed front building line). Additionally, the patio and stairway work undertaken on the northern portion of the property wouldn't require a variance related to the 4-foot side setback requirement along 56th.
- This property is zoned D-4 (Dwelling District Four) to allow for low or medium intensity single-family and two-family residential development. Similarly, the Meridian Kessler Neighborhood Plan recommends it to the Traditional Neighborhood typology for a variety of housing and associated neighborhood-oriented uses typically supportive of daily living needs. The site is also within the Secondary Area of the Meridian Street Preservation Corridor, which requires that applications for rezoning or for variances receive approval from the MSPC prior to filing for a City land use petition (these requests were approved by that body on October 21st, 2025).
- Staff is typically reluctant to support petitions in instances where improvements have been installed prior to securing proper permits or when those improvements would violate Ordinance requirements. However, in this specific instance the two (2) requested variances are minor in scope and would not result in substantial negative externalities for surrounding properties. Staff recommends approval of the petition with the caveat that the placement of the patio and fireplace at the site is a self-imposed difficulty (not site-specific) and did not inform staff's recommendation.

GENERAL INFORMATION

Existing Zoning	D-4 (MSPC)	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-4	North: Residential
South:	D-4	South: Residential
East:	D-4	East: Residential
West:	D-4	West: Residential
Thoroughfare Plan		
Delaware Street	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
56 th Street	Local Street	56.5-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	

Wellfield Protection Area	No
Site Plan	11/5/2025
Site Plan (Amended)	N/A
Elevations	10/29/2025
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	10/29/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Meridian Kessler Neighborhood Plan (2016)
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Meridian Kessler Neighborhood Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site."

Neighborhood / Area Specific Plan

- The Meridian Kessler Neighborhood Plan recommends this property to the Traditional Neighborhood living typology to allow for a variety of housing and associated neighborhood-oriented uses typically supportive of daily living needs. The Plan also indicates that the site falls within the Secondary Area of the jurisdiction of the Meridian Street Preservation Commission (MSPC). New homes or additions to existing structures should fall within existing setback ranges and consider characteristics (height, size, materials, etc.) of surrounding properties. Open porches are encouraged as they provide for more interaction between porch-dwellers and passer-by.

Infill Housing Guidelines

- Front setbacks should reflect the existing context of blocks where setbacks are the same, and should reflect the 'setback range' on blocks where they are different (corner lots should reflect the context of both streets). Open space standards should be met for lots that meet open space requirements, and new construction that includes patio areas should consider permanent permeable materials.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2025DV2026 ; 5547 N Delaware Street (southeast of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a three-foot south side and rear yard setback (four and five-feet required, respectively), **approved**.

2020DV1064 ; 5450 Washington Boulevard (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a one-foot rear setback (20-foot rear setback required), **approved**.

2003HOV013 ; 5510 N Delaware Street (south of site), variance of the development standards of the Dwelling Districts Zoning Ordinance to provide for a 459 square foot garage addition resulting in a ten-foot aggregate side yard setback (minimum thirteen-foot aggregate side yard setback required), **approved**.

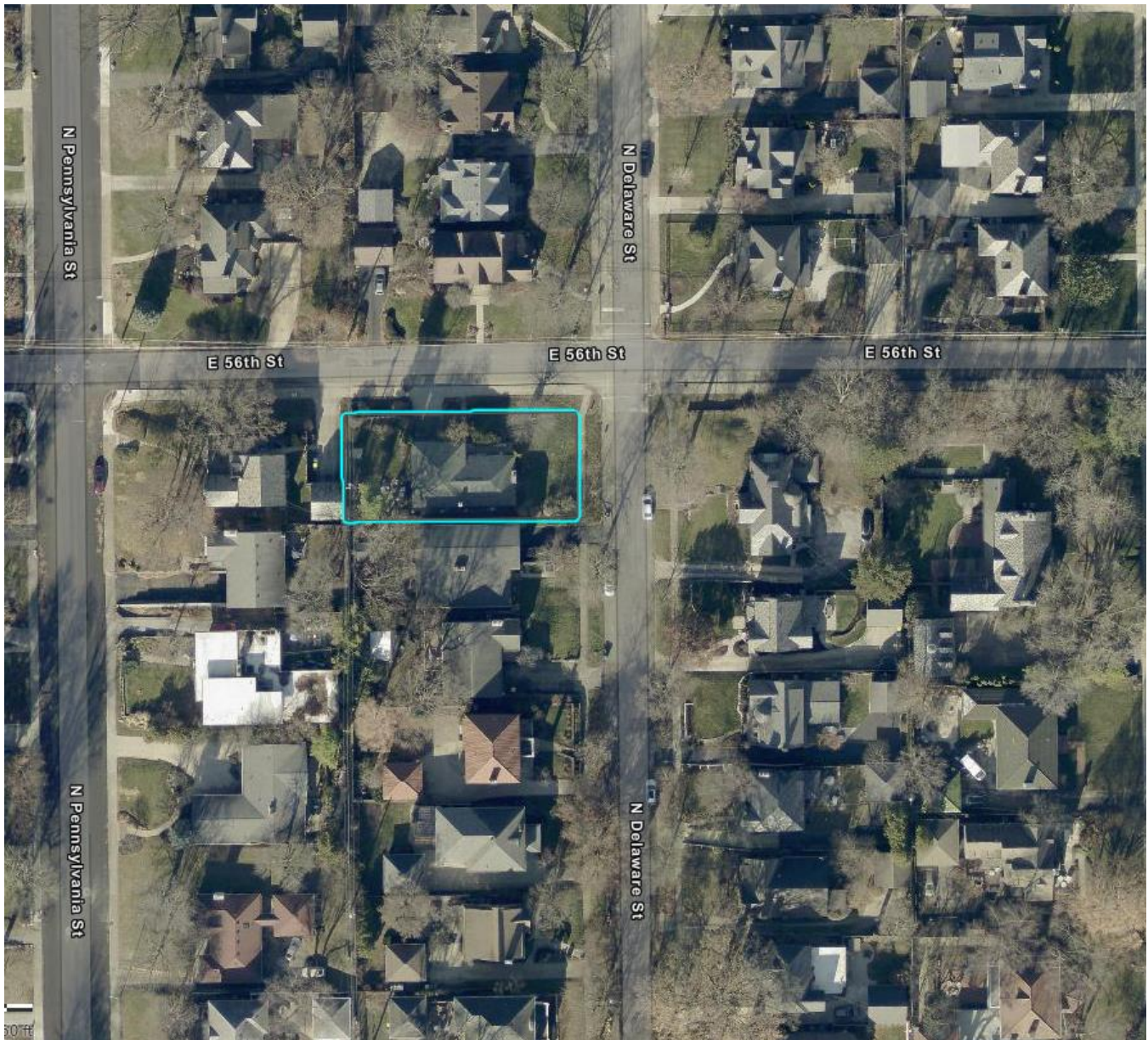
99-HOV-40 ; 5517 N Delaware Street (southeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a detached garage have a 1.7 foot side yard setback (minimum 5 feet required), and to provide for a 4 foot rear yard setback (minimum 5 feet required), **approved**.

96-UV1-22 ; 5445 N Delaware Street (southeast of site), variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a 22'2" by 27'2" second single-family residence on one lot (only one single-family residence per lot permitted), **approved**.

84-HOV-52 ; 5602 N Pennsylvania Street (northwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the erection of a 21 x 17 foot garage addition at 16.9 feet from the rear west property line (25 feet required) and four feet from the side north property line, **approved**.

EXHIBITS

2025DV1058 ; Aerial Map



Note: aerial photograph predates construction of the patio and fireplace at the site



2025DV1058 ; Findings of Fact

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

The reduction in open space is minor (62% versus the 65% required.) The calculation is influenced strongly by the size of the patio, which is 1130 square feet. Since the patio is uncovered, this is less impactful to the appearance of open space on the lot, as compared to coverage by enclosed buildings. The reduction in the front yard setback for the patio is also relatively minor, since the minimum front yard setback for new construction in a D4 district is 20 feet, and the provided setback is 16 feet, 11¼ inches. Since the patio is uncovered, this is less impactful to the apparent setback versus an enclosed building.

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 project overall will greatly increase the value and appearance of the property.
Minor Residential Structures in front yards are very common in the neighborhood.
Similar variances of required open space have been granted to other properties in the vicinity.

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

As a corner lot, the property suffers from a lack of usable open space. The patio expands the functionality of the property, while being consistent with the original home design.

2025DV1058 ; Notice of Violation (VIO25-005617)

RE: 5554 N DELAWARE ST

Dear FRANK JEFFREY D & LAVONNE C:

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

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-4 district; (Table 744-204-1: Minor Residential Features are not permitted to extend more than 6 ft. into the front yard from the façade...paver patio)

2025DV1058 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from North (June 2024)

2025DV1058 ; Photographs



Photo 3: Subject Site Viewed from East



Photo 4: Subject Site Viewed from East (June 2024)

2025DV1058 ; Photographs



Photo 5: Subject Site Viewed from Northwest



Photo 6: Current View from Corner (Provided by Applicant)

2025DV1058 ; Photographs



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to East



BOARD OF ZONING APPEALS DIVISION I

December 2, 2025

Case Number: 2025-UV1-022
Address: 4502 East Michigan Street (approximate address)
Location: Center Township, Council District #13
Zoning: D-5
Petitioner: Jose Luis Tapia Camacho, by Justin Kingen
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 (not permitted) and a parking area greater than 30-foot wide within the front yards of Linwood Avenue and Michigan Street (not permitted).

Current Land Use: Vacant Commercial Building

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

The petitioner has requested this petition be **continued for cause from the December 2, 2025, hearing, and transferred to the December 9, 2025, hearing of Board II**, to allow time to meet with a Registered Neighborhood Organization at their monthly scheduled meeting.