



# Board of Zoning Appeals Board of Zoning Appeals Division II (September 9th, 2025) Meeting Agenda

## Meeting Details

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

**Date:** Tuesday, September 09, 2025      **Time:** 1:00 PM

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

## Business:

### Adoption of Meeting Minutes

### Special Requests

#### 2025-SE2-002 | 8540 and 8520 Michigan Road

Pike Township, Council District #1, zoned C-4  
BFC Property Group LLC, by Jennifer Milliken

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a flooring commercial contractor.

**\*\*An automatic continuance was filed by a registered neighborhood organization, continuing this petition to the October 14, 2025 hearing of Division II**

## PETITIONS REQUESTING TO BE CONTINUED:

### 1. 2025-DV2-034 | 5420 Rock Hampton Court

Pike Township, Council District #1, zoned I-4  
Christopher Thomas

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding accessory building with a 10-foot west side yard and 15-foot rear yard setback (30-foot side and rear yard setback required).

**\*\*Staff to request continuance to the October 14, 2025 hearing of Division II in order to allow for sufficient notice**

## Petitions for Public Hearing

## PETITIONS TO BE EXPEDITED:

### 2. 2025-DV2-029 | 5907 Birchwood Avenue

Washington Township, Council District #7, zoned D-5  
Drew & Taylor Gaynor, by David and Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the a building addition with an eight-foot rear yard setback (20 feet required) and a mini-barn with a 1.5-foot north side yard setback (five feet required).

**3. 2025-DV2-030 | 157 East 61st Street**

Washington Township, Council District #7, zoned D-3 (FF)  
Julie Moeller

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in an 11-foot rear yard setback (20 feet required).

**4. 2025-DV2-031 | 55 Williams Creek Boulevard, Town of Meridian Hills**

Washington Township, Council District #2, zoned D-S / D-1 (R-1)  
Mary Elizabeth Seger Revocable Trust, by Brian J. Tuohy

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a 51-foot front yard setback from Williams Creek Boulevard (average setback of the block establishes 67-foot setback as requirement).

**5. 2025-DV2-032 | 501 East 75th Street, Town of Meridian Hills**

Washington Township, Council District #2, zoned D-1 (R-3)  
BTC Acquisitions LLC, by Matthew Peyton

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with 33.5-foot front yard setback from 75th Street and a 50-foot front yard setback from Central Avenue (average of the block establishes 84 feet and 59.2 feet as the requirements from 75th Street and Central Avenue, respectively).

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

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

**6. 2025-DV2-016 | 1507, 1501 and 1533 West New York Street**

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

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

**7. 2025-DV2-022 | 1337 Olive Street**

Center Township, Council District #18, zoned D-5 (TOD)  
Brandon Spitz and Christina Presley, by Sharmin Frye

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 23.624-foot tall carriage house where the primary dwelling is 22-foot-tall (accessory structures may not be taller than primary buildings), with a three-foot northern side yard setback (five feet required).

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

**8. 2025-SE2-003 | 21 Virginia Avenue, 122 & 130 East Maryland Street**

Center Township, Council District #18, zoned CBD-1 (RC) (TOD)  
Virginia Street Capital LLC, by Brian Schubert

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for 1). a parking garage within the CBD-1 District (special exception required), and 2). vehicular access for the parking garage from two streets within the CBD-1 District (special exception required).

**9. 2025-DV2-033 | 6445 Spring Mill Road, Town of Meridian Hills**

Washington Township, Council District #2, zoned D-2 (R-2)  
Patrick & Laura Steele

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pool house with a three-foot east side yard setback and 27.33-foot aggregate side yard that

would encroach into a platted easement (12-foot minimum and 30-foot aggregate side yard setbacks required, encroachment of easements not permitted).

## Additional Business:

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

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

Member	Appointed By	Term
Craig Von Deylen, Chair	City-County Council	January 1, 2025 – December 21, 2025
James Duke, Vice-Chair	Mayor's Office	January 1, 2025 – December 21, 2025
Patrice Duckett-Brown, Secretary	City-County Council	January 1, 2025 – December 21, 2025
Beth Brandon	Mayor's Office	January 1, 2025 – December 21, 2025
Tom Barnes	Metropolitan Development Commission	January 1, 2025 – December 21, 2025



BOARD OF ZONING APPEALS DIVISION II

September 9, 2025

Case Number: 2025-SE2-002  
Address: 8540 and 8520 Michigan Road (approximate address)  
Location: Pike Township, Council District #1  
Zoning: C-4  
Petitioner: BFC Property Group LLC, by Jennifer Milliken  
Request: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a flooring commercial contractor.

Current Land Use: Commercial Retail Contractor

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

This petition was automatically **continued** from the September 9, 2025, hearing, **to the October 14, 2025**, hearing, at the request of a Registered Neighborhood Organization. This would require the Board's acknowledgement.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**BOARD OF ZONING APPEALS DIVISION II****September 9, 2025**

**Case Number:** 2025-DV2-034  
**Address:** 5420 Rock Hampton Court (approximate address)  
**Location:** Pike Township, Council District #1  
**Zoning:** I-4  
**Petitioner:** Christopher Thomas  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding accessory building with a 10-foot west side yard and 15-foot rear yard setback (30-foot side and rear yard setback required).

**Current Land Use:** Commercial Contractor

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

**PETITION HISTORY**

Due to deficient legal notice, this petition will need to be **continued to the October 14, 2025**, hearing, in order to provide the required legal notice. Staff can answer any questions the Board may have.



Department of Metropolitan Development  
Division of Planning  
Current Planning

## BOARD OF ZONING APPEALS DIVISION II

September 9, 2025

**Case Number:** 2025-DV2-029

**Property Address:** 5907 Birchwood Avenue (approximate address)

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

**Petitioner:** Drew & Taylor Gaynor, by David and Justin Kingen

**Current Zoning:** D-5

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with an eight-foot rear yard setback (20 feet required) and a mini-barn with a 1.5-foot north side yard setback (five feet required).

**Current Land Use:** Single-family residential

**Staff Recommendations:** Staff **recommends approval** of the eight-foot rear yard setback for the building addition

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

## PETITION HISTORY

- A Registered Neighborhood Organization automatically continued this petition from the August 12, 2025 hearing to the September 9, 2025 BZA Division II hearing.

## STAFF RECOMMENDATION

- Staff **recommends approval** of the 8-foot rear yard setback for the building addition

## PETITION OVERVIEW

- This petition would allow for a building addition with an eight-foot rear yard setback (20 feet required).
- The petitioner has agreed to remove the shed from the request, which is reflected in the revised site plan, file-dated August 11, 2025. Therefore, the request for the reduced north side yard setback is to be removed from the petition.
- The subject site is zoned D-5 and is improved with a single-family residence. The subject site is of abnormal shape compared to typical D-5 lots, as the lot is wider than it is deep, being approximately 107 feet wide and 47 feet deep. The existing residence was constructed in approximately 1951 meaning that the setbacks for the structure are legally non-conforming. With the house being 36 feet in width, and the proposed expansion being 21 feet in width, the proposal is not eligible for the one-time expansion of a legally non-conforming setback since the proposed width is more than 50% of linear footage of the width of the existing structure.

- With the lot being wider than it is deep, Staff finds that there is a degree of practical difficulty for meeting the rear setbacks, given that most D-5 lots provide for far more depth than 47 feet. Further, with the proposed addition to match the existing rear setback of the primary residence, and with the plan showing that the south side yard setback would still be met, Staff finds the proposal to be reasonable in nature and is, therefore, unopposed to the request for the 8-foot rear yard setback.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Single-family residential	
<b>Comprehensive Plan</b>	5-8 residential units per acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-5	North: Single-family residential
South:	D-5	South: Single-family residential
East:	D-P	East: Multi-family residential
West:	D-5	West: Single-family residential
<b>Thoroughfare Plan</b>		
Birchwood Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	7/17/25	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	7/17/25	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Envision Broad Ripple Plan (2012)
- Infill Housing Guidelines



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

**Pattern Book / Land Use Plan**

- Not applicable for this site.

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- The Envision Broad Ripple Plan recommends 5-8 residential units per acre for this site.

**Infill Housing Guidelines**

- With regards to building additions, the Infill Housing Guidelines recommends:
  - Consider the size of surrounding houses
  - Reinforce massing
  - Minimize significant increases in height
- With regards to accessory structures and setbacks, the Infill Housing Guidelines recommends:
  - Locate accessory structures behind primary structure
  - Meet building setbacks when possible

**Indy Moves**

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

- The subject site abuts the Monon Trail to the east.



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## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2022DV2041; 5939 Winthrop Avenue (west 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 setback (five-foot side setback required), **granted**.

**2022DV2005; 1039 Kessler Boulevard East Drive (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 22.17-foot tall detached garage (accessory structures not permitted to be taller than the primary dwelling), **withdrawn**.

**2013DV3006; 1030 Kessler Boulevard East Drive (south of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling, with a 16.4-foot front setback from Kessler Boulevard, a 8.5-foot front setback from Birchwood Avenue, and 59.9% open space (40 and 25-foot front setbacks required, respectively, 65% open space required), **granted**.

**2009ZON027; 1030 Kessler Boulevard East Drive (south of site)**, (Amended) Rezoning of 0.118 acre, from the D-5 District, to the D-P classification to provide for two detached single-family dwellings at a net density of 16.9 dwelling units per acre (a gross density of 8.6 units per acre including one-half of abutting public rights-of-way), **denied**.

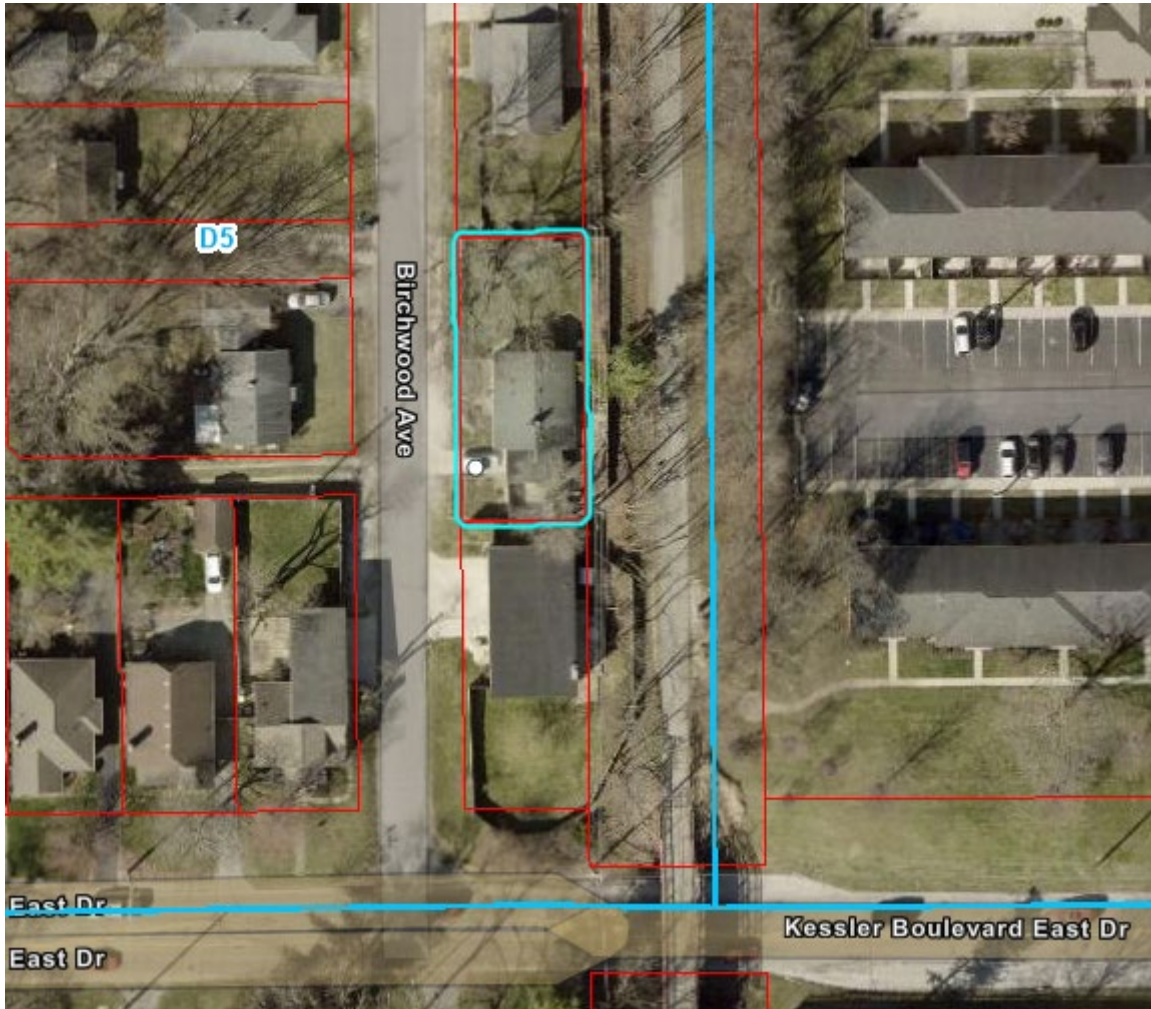
**2007ZON129; 5900 Central Avenue and 1111 East 61<sup>st</sup> Street (east of site)**, rezoning of 13.67 acres from the D-7 and C-1 to D-7 to provide for a total of 286 apartment dwellings units and 12,450 square feet of commercial space for C-1 and C-3 uses, **approved**.

**2002ZON008; 1111 East 61<sup>st</sup> Street (east of site)**, rezone of 13.67 acres from the C-1 and D-7, to the D-P to provide for a mixed office, retail and multi-family residential development, with 48,000 square feet of commercial/retail space and 236 multi-family residential units, or 17.26 units per acre, **denied**.

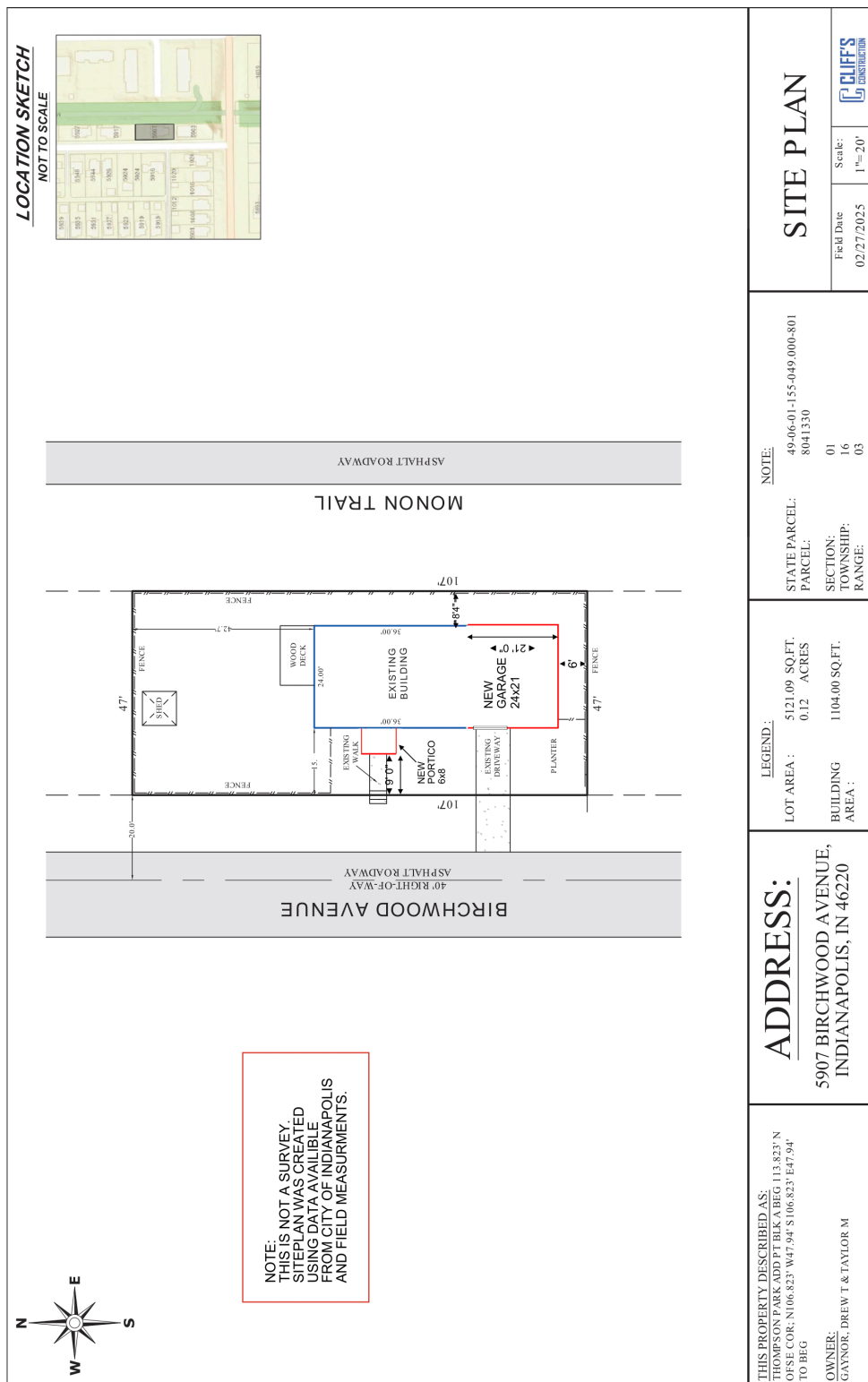
**96-Z-104; 1111 East 61<sup>st</sup> Street (north of site)**, rezoning of 3.396 acres, being in the D-7 district to the C-1 classification, to provide for office uses in addition to the existing flower shop authorize by previous variance, **approved**.

**91-UV3-24; 1111 East 61<sup>st</sup> Street (north of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to provide for the storage of two refrigerated semi-trailers for storing flowers prior to the peak business period around the following holidays; Easter; Mother's Day; Valentine's Day; Thanksgiving; and Christmas, **denied**.

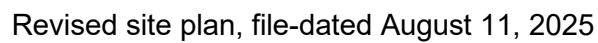
EXHIBITS



Aerial Photo



Site plan, file-dated July 17, 2025





Department of Metropolitan Development  
Division of Planning  
Current Planning

Petition Number \_\_\_\_\_

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The existing residential structure contains a similar rear-yard setback and the minor residential structure contains a similar side-yard setback to other existing residential properties in the Broad Ripple Village. The current residential structure would need a variance of development standards for a reduction to the required rear-yard setback, if it were built today. Therefore, granting this variance request shall not be injurious to the public health, safety, morals, and general welfare.

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

The use of the property is consistent with the Marion County Land Use Plan Pattern Book and the value of the nearby residences will benefit from the renovation to the existing residential structure on the subject site, should this variance request be granted.

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

This variance request for the reduction of the rear-yard & side-yard setback is necessary given the shallow depth of the subject site. It is practically difficult to construct a structure of any size given the existing lot's dimensions.

DECISION

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

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



Subject site looking east



North side fence of the subject site



Subject site looking east



South side fence of subject site and adjacent property



Department of Metropolitan Development  
Division of Planning  
Current Planning

## BOARD OF ZONING APPEALS DIVISION II

September 9, 2025

**Case Number:** 2025-DV2-030

**Property Address:** 157 East 61<sup>st</sup> Street (approximate address)

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

**Petitioner:** Julie Moeller

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

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in an 11-foot rear yard setback (20 feet required).

**Current Land Use:** Residential

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

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

## PETITION HISTORY

This is the first public hearing for this petition.

## STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

## PETITION OVERVIEW

- 157 East 61<sup>st</sup> Street is a residential parcel currently developed with a single-family residence that has a 2-car attached garage with access from 61<sup>st</sup> Street. The property is located within the Broad Ripple neighborhood and is bordered by the Central Canal to the southeast and other residential development on each side. The property is also within a floodplain.
- Approval of this variance would allow for a building addition onto the southwestern façade of the existing building with a total square footage of 1029 square feet that would replace the existing deck along that portion of the structure. The addition would allow for two (2) bedrooms and additional space for bathrooms and an expanded kitchen. However, the addition would result in an 11-foot rear yard setback when the Zoning Ordinance would require a minimum rear setback of 20 feet for the zoning district. No other variances of development standards would be required to allow for the proposed development (open space, height, encroachment into stream protection corridor, etc.).



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- This property is zoned D-3 (Dwelling District Three) to allow for low or medium intensity residential development with good thoroughfare access, relatively flat topography, and pedestrian linkages. The Envision Broad Ripple neighborhood plan also recommends it for residential development with a density between 1.75 and 3.5 units per acre. The site also falls within the floodway fringe which indicates a 1% chance for significant or shallow flooding in any given year.
- Staff would note that the proposed location of the residential addition would be in a location with significant visual buffering from surrounding properties (see Photos 5 and 6 in Exhibits), and that the irregular shape of the lot would create difficulty in the placement of a building addition that wouldn't require some form of variance relief. The addition location also would not violate relevant recommendations from the Infill Housing Guidelines related to building spacing. Staff recommends approval of the variance request.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-3 (FF)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	1.75 – 3.5 Residential Units per Acre	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
	North: D-3	North: Residential
	South: D-3	South: Residential
	East: D-3	East: Canal
	West: D-3	West: Residential
<b>Thoroughfare Plan</b>		
East 61 <sup>st</sup> Street	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	08/01/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	08/01/2025	
<b>Findings of Fact (Amended)</b>	N/A	



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

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Envision Broad Ripple (2012)
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

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

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- The Envision Broad Ripple neighborhood plan recommends that this property and surrounding area be developed with 1.75-3.5 dwelling units per acre. It is not within any Critical Areas as defined by the Plan.

### Infill Housing Guidelines

- Infill Housing Guidelines indicate that building spacing should reinforce spacing on the existing block and limit uncharacteristically small or large gaps between houses to allow for maintenance and limit the creation of abnormally wide open spaces.

### 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

**2004DV2013 ; 6027 Gladden Drive (southwest of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 491.75-square foot room addition to an existing 2,108-square foot single-family dwelling, resulting in a twelve-foot rear yard setback (minimum twenty-foot rear yard setback required), **approved**.

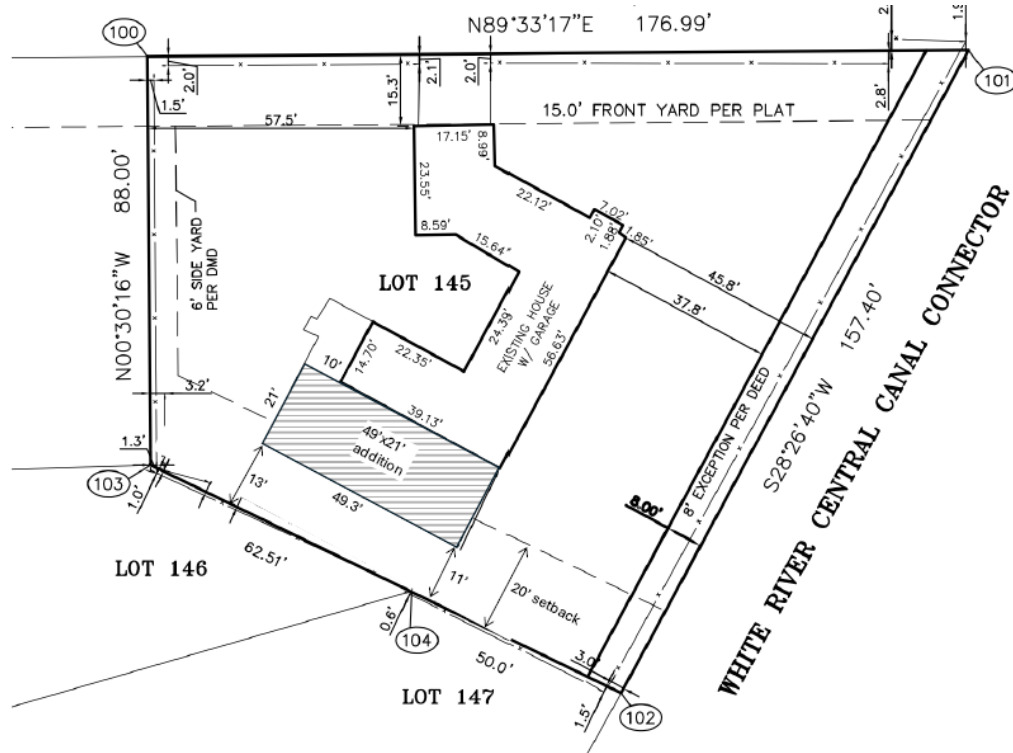
**98-V1-45 ; 5914 Washington Boulevard (southeast of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 15 by 8 foot room addition to a single-family residence with a side yard setback of 2 feet (minimum 5 feet required), **approved**.

## EXHIBITS

### 2025DV2030 ; Aerial Map



## 2025DV2030 ; Site Plan



## 2025DV2030 ; Findings of Fact

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

Granting the requested setback variance will not be injurious to public health, safety, morals, or general welfare of the community. The minimal difference in the layout and structure size will not have any impact on these concerns. Going over the existing setback of approx. 7-9 feet in the rear yard will not impact these concerns.

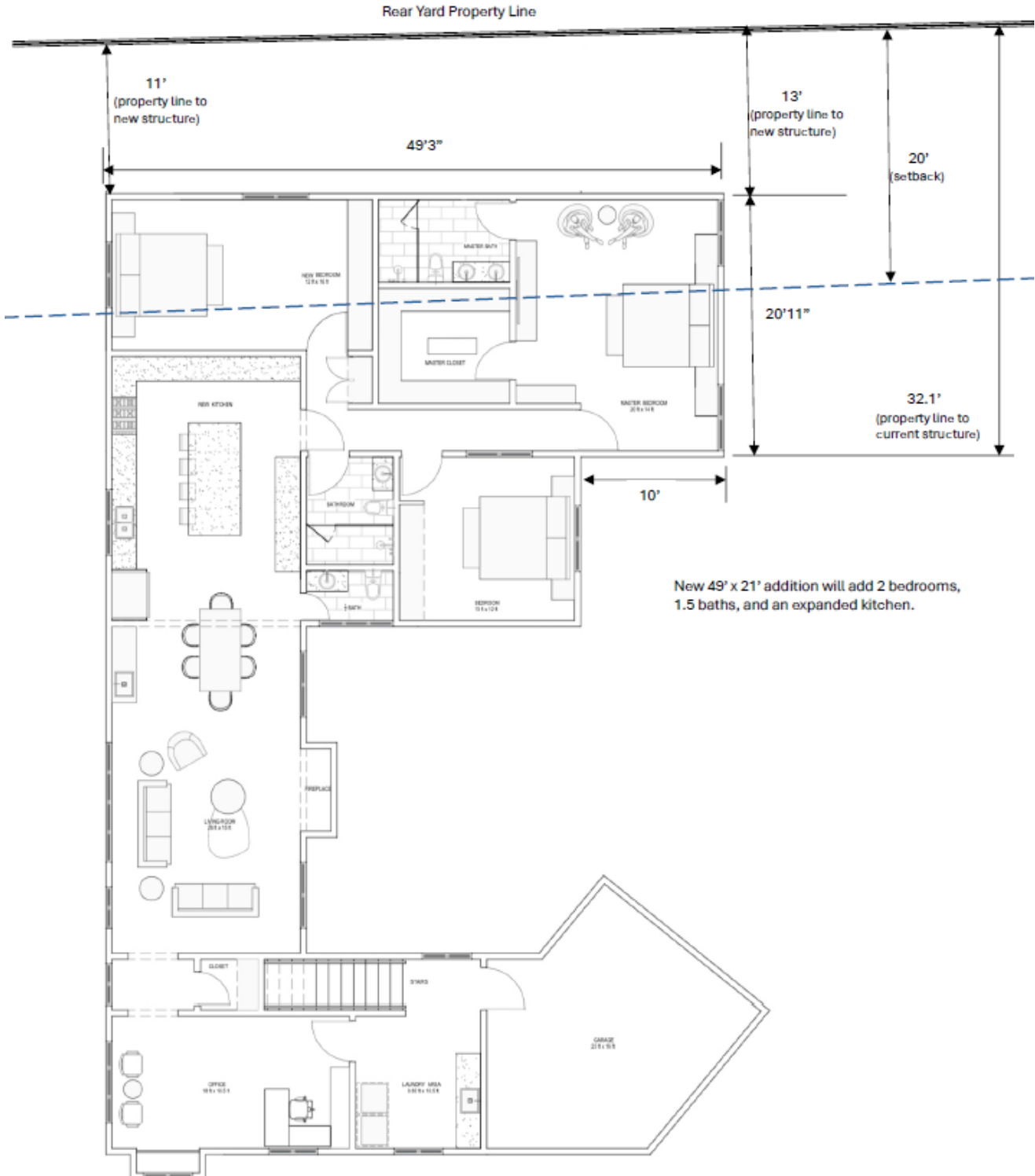
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The use or value of the area adjacent to the property will not be affected in a substantially adverse manner. Lots #146 and #147 are adjacent to the property and the rear of their lots would face the proposed addition. The addition will be marginally visible to adjacent property owners. The addition will also be marginally visible to 61st Street and the Canal. The addition will be designed and all materials will be selected to create seamless integration to the existing home. The values of adjacent properties may be positively affected by the proposed improvement.

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 property has only 2 bedrooms and 1 bath on the main floor living area. As-is, the property is challenged to maintain its value due to the existing space limitations. There are numerous repairs and upgrades that need to be made as well, further challenging the ability to hold value as a primarily 2 BR/1 BA home. The rear facade of the home is the ideal location for an addition. It is the least visible from any public view; also, it is currently in poor condition and has some 'eyesore' features (a deck and retaining walls in disrepair, unfinished concrete walls). The other elevations of the home have beautiful, important features of the property, including outdoor spaces and large trees. Building in the rear yard does not interfere with any useful patio space and does not require any substantial tree removal.

**2025DV2030 ; Floor Plan**



**2025DV2030 ; Photographs**



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from Northeast (provided by applicant)

**2025DV2030 ; Photographs (continued)**



Photo 3: Subject Site from Southwest (provided by applicant)



Photo 4: Subject Site from Southeast (provided by applicant)

**2025DV2030 ; Photographs (continued)**



Photo 5: Project Area Viewed from 61<sup>st</sup> Street ROW to North



Photo 6: Photo 5: Project Area Viewed from 61<sup>st</sup> Street ROW to Northwest

**2025DV2030 ; Photographs (continued)**



Photo 7: Adjacent Property to West

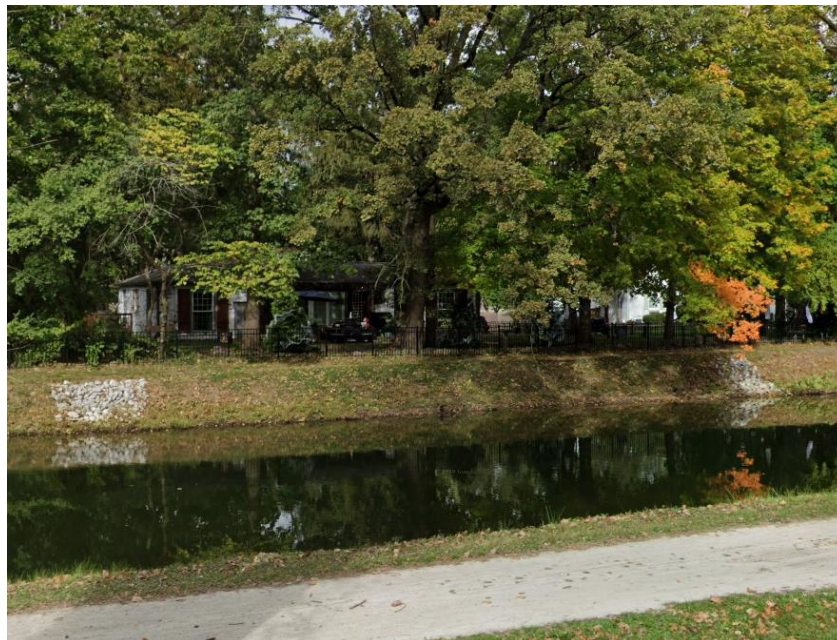


Photo 8: Subject Site Viewed from Canal (taken October 2024)



Department of Metropolitan Development  
Division of Planning  
Current Planning

## BOARD OF ZONING APPEALS DIVISION II

September 9, 2025

**Case Number:** 2025-DV2-031

**Property Address:** 55 Williams Creek Boulevard (approximate address), Town of Meridian Hills

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

**Petitioner:** Mary Elizabeth Seger Revocable Trust, by Brian J. Tuohy

**Current Zoning:** D-S / D-1 (FW) (FF) (R-1)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a 51-foot front yard setback from Williams Creek Boulevard (average setback of the block establishes 67-foot setback as requirement).

**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

- 55 Williams Creek Boulevard is a residential property within the Town of Meridian Hills and situated at the southwestern corner of the intersection of Williams Creek Boulevard and Pennsylvania Street. The property is currently improved with a single-family home on the northern portion of the site, and the site also contains a high volume of trees, a portion of the Williams Creek, and a pond shared with the property to the west within its southern portion.
- Approval of this variance would allow for a small building addition to be placed onto the existing home with a northern front yard setback of 51 feet per the site plan within the Exhibits. Within the D-S zoning district, the applicable front yard setback would be the *larger* of either 40 feet or the average setback established by homes on the block. Since there are only two lots along this block, the applicable average setback would be 67 feet (the average of the 72-foot setback of the adjacent property to the west and the 62-foot setback of the current structure).

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Current Planning**

- The subject site is primarily zoned D-S to allow for low-density suburban areas of extreme topography conducive for estate development. It also partially falls within the Floodway and Floodway Fringe as well as the Class R-1 Residence District of Meridian Hills. The Comprehensive Plan recommends it to the Rural or Estate Neighborhood typology to allow for estate style homes on large lots with exceptional natural features, and places it within the Environmentally Sensitive overlay which recommends that at least 30% of the site should be preserved or added as tree canopy or naturalized area.
- Findings of Fact submitted by the applicant indicate that the proposed front setback would comply with the *smaller* of the two D-S restrictions (40 feet) and the addition would be placed in an area where substantial natural buffering from landscaping already exists and that the development would result in minimal removal of trees. Staff agrees and would also note that compliant development within side yards to the west or south would likely result in issues related either to the floodplain, changes in grade, or the required 100-foot Stream Protection Corridor.
- The proposed location of the addition would only result in the removal of one tree in accordance with the recommendation of the Environmentally Sensitive overlay. The subject site also has practical difficulties created by its topography and natural features, and natural buffering that would severely reduce or eliminate any negative visual effects of a front yard setback beyond the average setback established by the neighboring home approximately 180 feet to the west. Staff recommends approval of the requested variance.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-S / D-1 (R-1)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood / Floodway	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-S	North: Residential
South:	D-S	South: Residential
East:	D-S	East: Residential
West:	D-1	West: Residential
<b>Thoroughfare Plan</b>		
Williams Creek Boulevard	Local Street	100-foot existing right-of-way and 50-foot proposed right-of-way
Pennsylvania Street	Local Street	88-foot existing right-of-way and 50-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	Yes or No	
<b>Site Plan</b>	8/4/2025	



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<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	8/4/25
<b>Findings of Fact (Amended)</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Comprehensive Plan recommends it to the Rural or Estate Neighborhood typology to allow for estate style homes on large lots with exceptional natural features, and places it within the Environmentally Sensitive overlay which recommends that at least 30% of the site should be preserved or added as tree canopy or naturalized area.

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

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

- Not Applicable to the Site.



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## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2024DV1042 ; 8002 N Pennsylvania Street (north of site)**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the addition of a covered rear porch resulting in an open space of 83 percent (85 percent required), **approved**.

**2020DV3019 ; 7960 N Pennsylvania Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pergola creating 79% open space (85% open space required), **approved**.

**2018DV1006 ; 7801 N Pennsylvania Street (southeast of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway entry gate, with a six-foot tall gate and 6.7-foot tall columns in the front yard (maximum 42-inch tall fence permitted in the front yard), **approved**.

**2017DV2042 ; 7900 N Pennsylvania Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a 37-foot front setback from Williams Creek Boulevard and a 70-foot setback from North Pennsylvania Street (average setback required), **approved**.

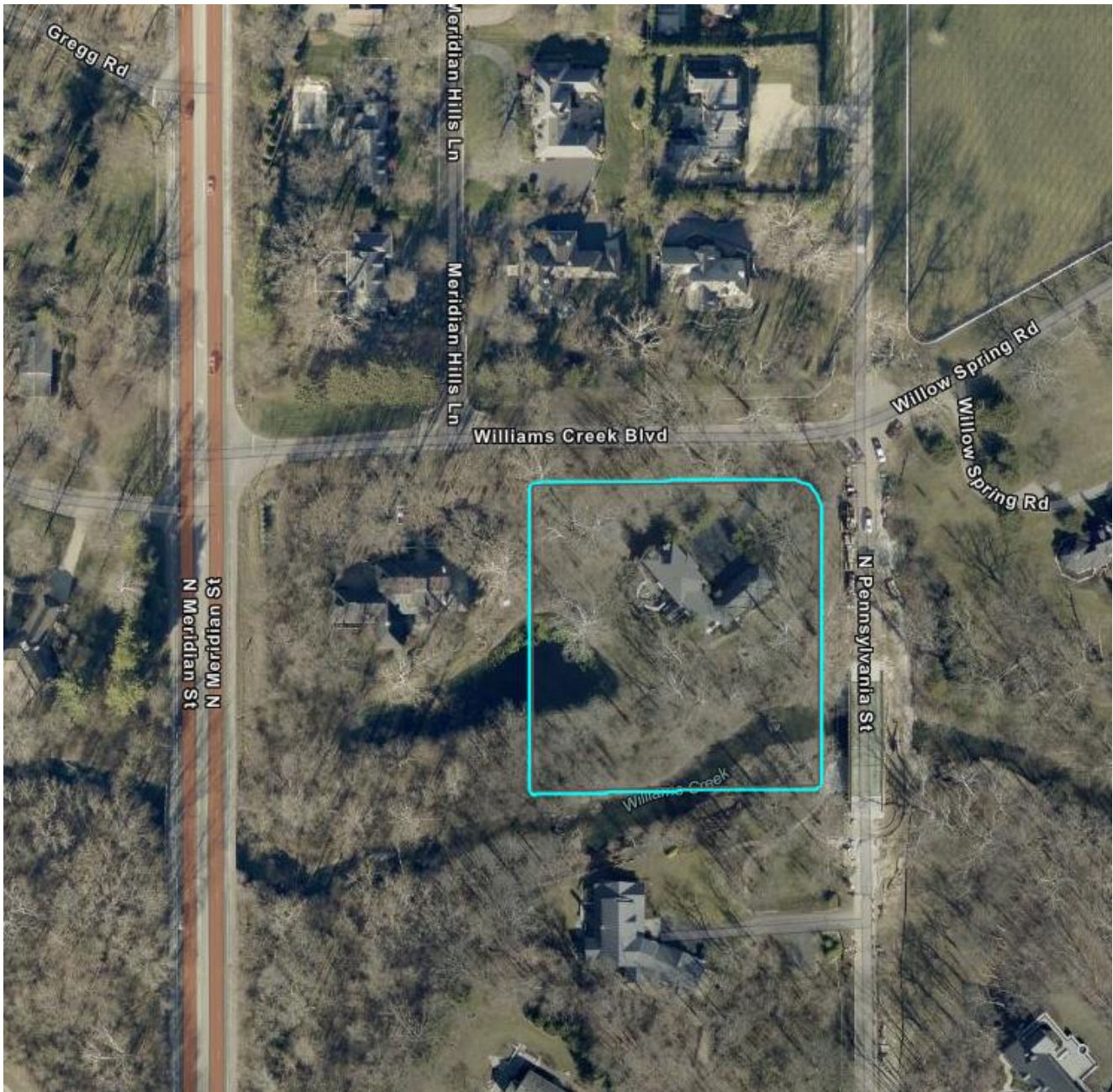
**2017DV3039 ; 7940 N Pennsylvania Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 10-foot south side setback (minimum 15-foot side setback required), **approved**.

**2016DV1059 ; 7801 N Pennsylvania Street (southeast of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to an existing detached garage, within the established front setback of the primary dwelling (not permitted), with a 30.5-foot front setback (40 feet from proposed right-of-way or average setback, whichever is greater, required), **approved**.

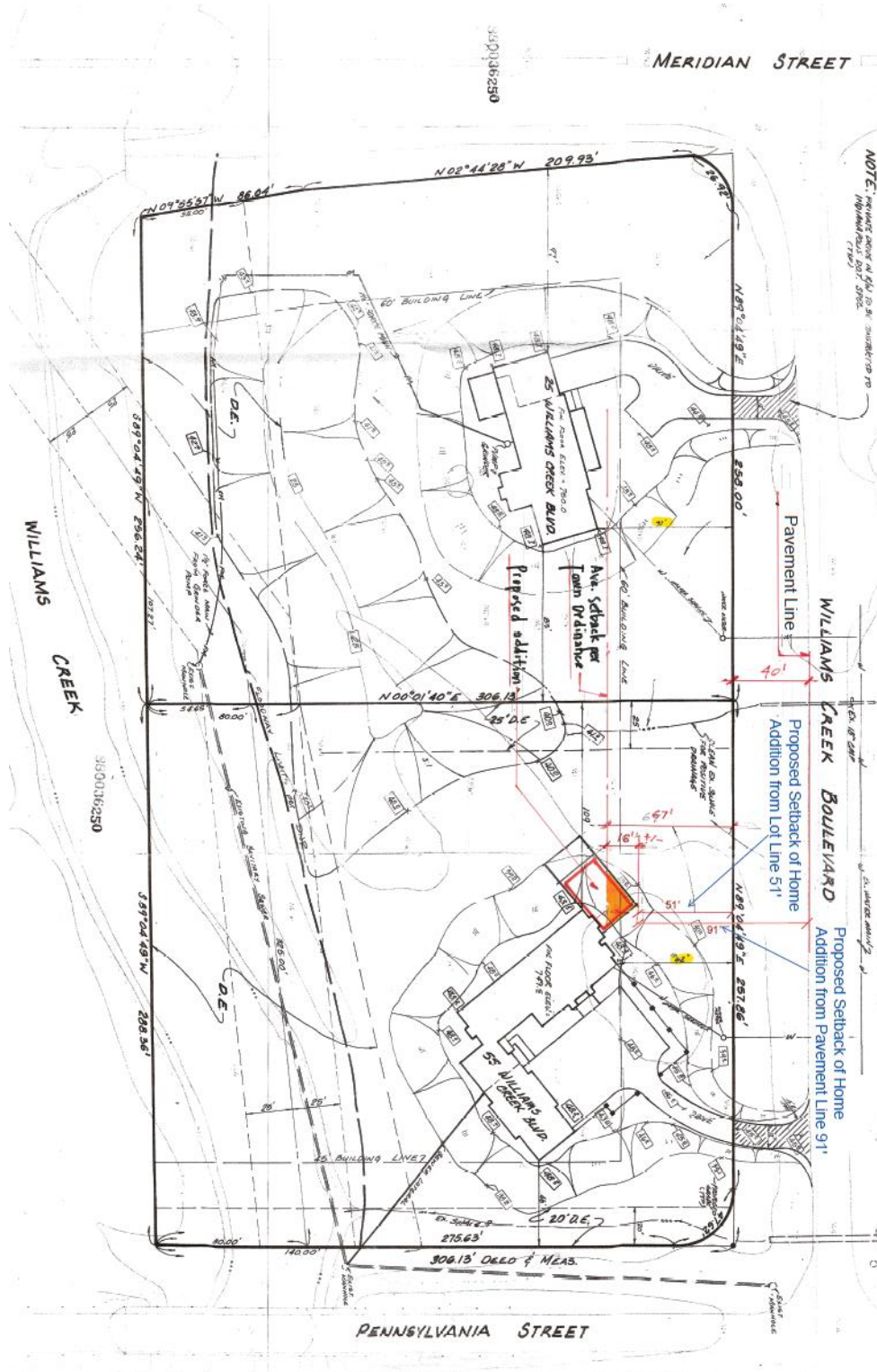
**2016DV3040 ; 7940 N Pennsylvania Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an in-ground pool and pool pavilion, with an 11.75-foot rear setback (26.31-foot rear setback required), **approved**.

EXHIBITS

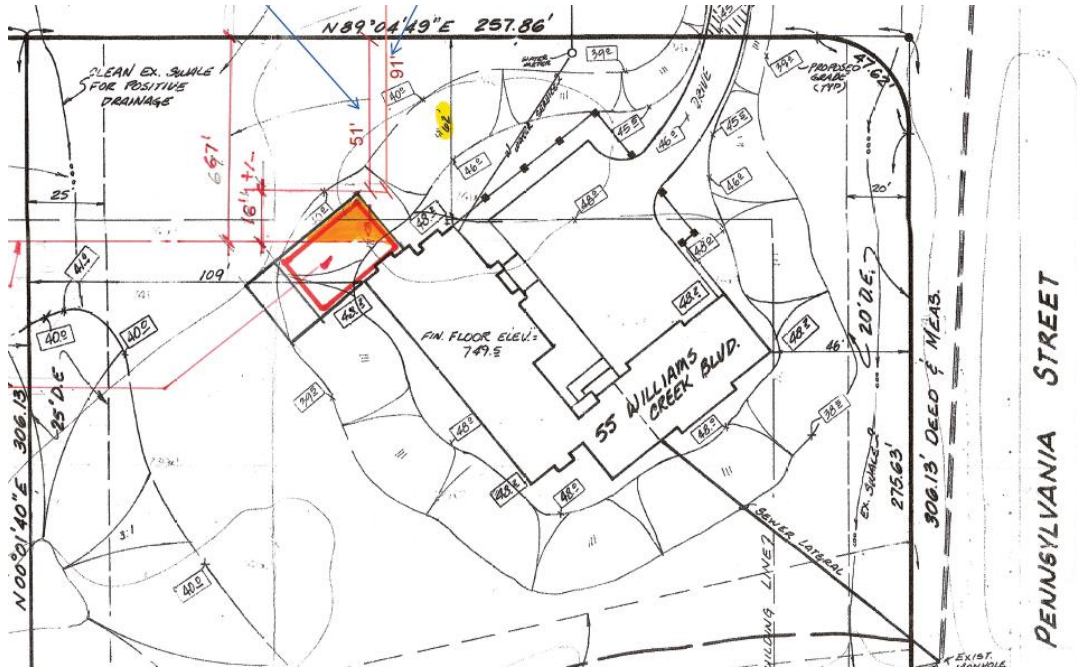
2025DV2031 ; Aerial Map



**2025DV2031 ; Site Plan (Subject Site + Neighbor to West)**



### 2025DV2031 ; Site Plan (subject site only)



### 2025DV2031 ; Findings of Fact

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

The site is zoned D-S, is within the Metro Context Area and is in the R-1 District of the Town of Meridian Hills. Petitioner proposes to construct a new room addition ("New Addition") to the existing home ("Existing Home") on the site. The New Addition will have a front setback slightly closer to Williams Creek Boulevard than the Existing Home's setback. Per the Zoning Ordinance, some structures within the D-S District may have a setback that is only 40'. The setback of the New Addition will be greater than 40' (as permitted in a D-S District) and will not be injurious to the 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:

Existing, mature trees on the site located between Williams Creek Boulevard and the proposed location of the New Addition will provide a buffer between the New Addition and Williams Creek Boulevard and will assist in screening the view of the New Addition from Williams Creek Boulevard. The New Addition will include brick that matches the brick on the Existing Home and will be in character with the homes in the area. The use or value of the area adjacent to the site will not be affected in a substantially adverse manner. In fact, the room addition will increase the value of the improvements on the site.

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

The proposed location of the New Addition is on the northwest side of the Existing Home due to the interior layout of the Existing Home. Because the Existing Home is positioned at an angle on the Site, the New Addition is slightly closer to Williams Creek Blvd, even though it is to the side of the Existing Home. Relocating the New Addition would require the removal of several existing, mature trees located on the site and place the New Addition closer to Williams Creek. The strict application of the terms of the zoning ordinance will prevent the construction of a New Addition that is compatible and in character with homes in the area and which is screened from Williams Creek Blvd by existing, mature trees on the site.

**2025DV2031 ; Photographs**



Photo 1: Subject Site Viewed from North

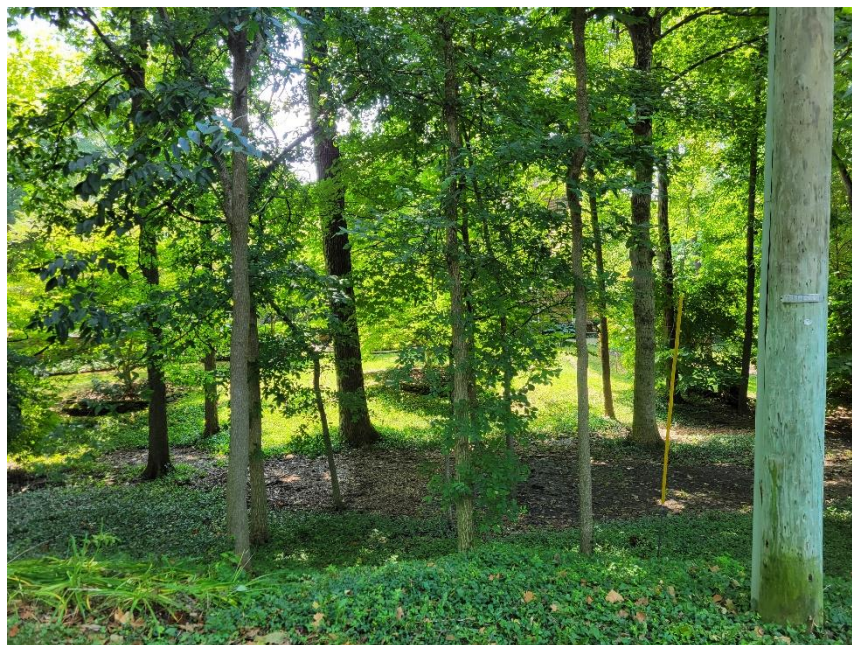


Photo 2: Subject Site Viewed from Northwest

**2025DV2031 ; Photographs (continued)**



Photo 3: Subject Site Viewed from Southeast (Pennsylvania)

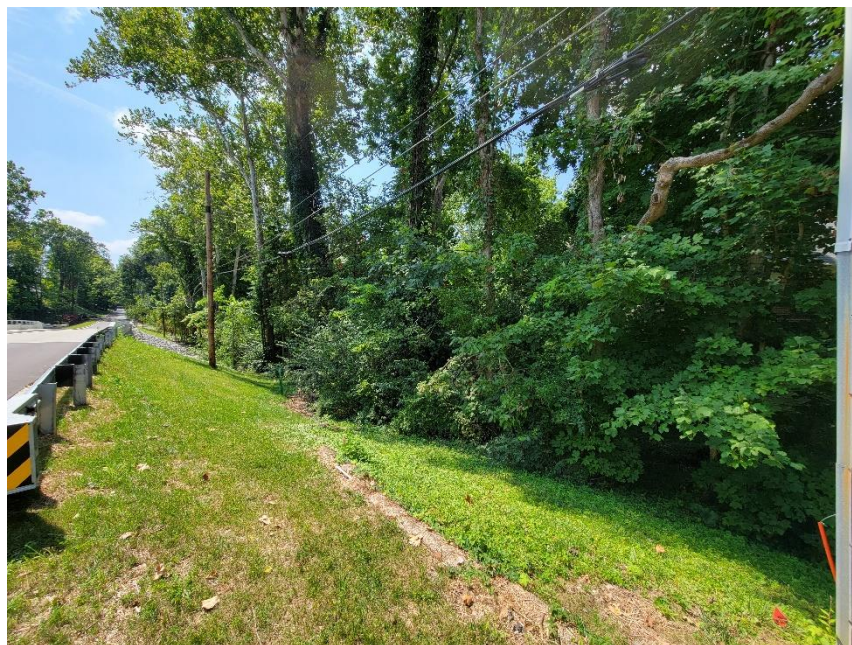


Photo 4: Eastern Property Line and Williams Creek Viewed from North

**2025DV2031 ; Photographs (continued)**



Photo 5: Adjacent Residence to West



Photo 6: Adjacent Residence to North



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## BOARD OF ZONING APPEALS DIVISION II

September 9, 2025

**Case Number:** 2025-DV2-032

**Property Address:** 501 East 75<sup>th</sup> Street (approximate address)

**Location:** Washington Township, Council District #2  
Town of Meridian Hills

**Petitioner:** BTC Acquisitions LLC, by Matthew Peyton

**Current Zoning:** D-1 (R-3)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with 33.5-foot front yard setback from 75<sup>th</sup> Street and a 50-foot front yard setback from Central Avenue (average of the block establishes 84 feet and 59.2 feet as the requirements from 75<sup>th</sup> Street and Central Avenue, respectively).

**Current Land Use:** Residential

**Staff Recommendations:** Staff **recommends approval** of the 33.5-foot front yard setback from 75<sup>th</sup> Street

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

## PETITION HISTORY

- This is the first public hearing for this petition.

## STAFF RECOMMENDATION

- Staff **recommends approval** of the 33.5-foot front yard setback from 75<sup>th</sup> Street

## PETITION OVERVIEW

- This petition would for the construction of a single-family dwelling with 33.5-foot front yard setback from 75th Street (average of the block establishes 84 feet as the requirement from 75th Street).
- The petitioner has agreed to revise the site plan and bring the Central Avenue front setback of the proposed structure into compliance (see updated site plan, file-dated 8/26/25), which means that that portion of the request is to be removed from the request.
- The subject site is zoned D-1 (R-3) and is currently improved with a single-family residence. The proposal would demolish the existing house and replace it with the structure illustrated in the submitted site plan.



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- The Town of Meridian Hills uses the average setback on the same block as the subject site to determine the front setback of the primary structure. With this site being a corner lot, this provision applies to both frontages (East 75<sup>th</sup> Street and Central Avenue). The average front setback of the houses along Central Avenue is approximately 59.2 feet- with the petitioner agreeing to meet this setback amount, the request for a reduced front setback along Central Avenue is no longer required.
- With regards to the front setback on East 75<sup>th</sup> Street, the block only contains two lots, the subject site and the site directly to the east (addressed as 7484 N Park Avenue). 7484 N Park Avenue has a front setback from East 75<sup>th</sup> Street of 84 feet. This site contains a different lot configuration than the subject site, containing approximately 225 feet of depth from East 75<sup>th</sup> Street whereas the subject site contains 150 feet of depth. The additional depth of 7484 N Park Avenue has allowed the residence of that site to have a much deeper setback than what is reasonable for the subject site. Staff finds that this creates a degree of practical difficulty for meeting the average front setback along this block of East 75<sup>th</sup> Street. Further, given that the proposal will still allow for a significant amount of setback from East 75<sup>th</sup> Street, and does not result in any structures being located within the Clear Sight Triangles of this intersection, Staff finds this variance request to be reasonable in nature, and with minimal impact on the subject site and surrounding area. Therefore, Staff is unopposed to the request for reduced a front yard setback from East 75<sup>th</sup> Street.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-1 (R-3)	
<b>Existing Land Use</b>	Single-family residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-S	North: Single-family residential
South:	D-1	South: Single-family residential
East:	D-1	East: Single-family residential
West:	D-1	West: Single-family residential
<b>Thoroughfare Plan</b>		
East 75 <sup>th</sup> Street	Primary Collector	90 feet of right-of-way existing and 90 feet proposed
Central Avenue	Local Street	30 feet of right-of-way existing and 50 feet proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	8/8/25	
<b>Site Plan (Amended)</b>		
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	



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<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	8/8/25
<b>Findings of Fact (Amended)</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

### Pattern Book / Land Use Plan

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

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- With regards the building spacing, the Infill Housing Guidelines recommends:
  - Reinforce the existing spacing on the block

### 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

**2020DV3053; 7445 Central Avenue (south of site)**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dwelling addition with a 53-foot front setback (61-foot average setback required), **approved**.

**2019-DV3-023; 7474 Central Avenue (west of site)**, requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dwelling addition with two-foot overhangs with a six-foot side setback and an eight-foot aggregate side setback, **granted**.

**2016DV1045; 475 E 75<sup>th</sup> Street (west of site)**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, with a 40-foot setback from 75th Street and 67-foot setback from Central Avenue (average setback required) with a portion of a 48-inch tall wrought iron fence, with gates, within the clear sight triangles of the lot, **granted**.

**2013-HOV-060; 7425 Central Avenue (south of site)**, requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 130-square foot addition, with a 13.3-foot south side setback, creating an aggregate side setback of 24 feet; **granted**.

**2009-DV3-004; 7474 Central Avenue (west of site)**, requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a 266-square foot deck with a two-foot south side setback and to provide for a 224-square foot screened porch addition with a two-foot south side setback; **granted**.

**2008-DV1-069; 464 East 75th Street (west of site)**, requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a single-family dwelling with an 11.08-foot east side yard setback, and a 29.5-foot side yard setback aggregate; a 5.33-foot tall wrought iron fence with up to 8.5-foot tall posts, and eight-foot tall, wrought iron gates within the required front yard along 75th Street; a portion of a four-foot tall wire mesh fence along the east property line within the required front yard; and a 6.25-foot tall wood privacy fence along the north property line, **granted**.

**2007-DV3-038; 7455 Central Avenue (south of site)**, requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 95-square-foot building addition to the front of an existing single-family dwelling with a 55.1-foot front setback, **granted**.

**2003-HOV-032; 160 East 75th Street (west of site)**, requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 500-square foot garage with an eight-foot north

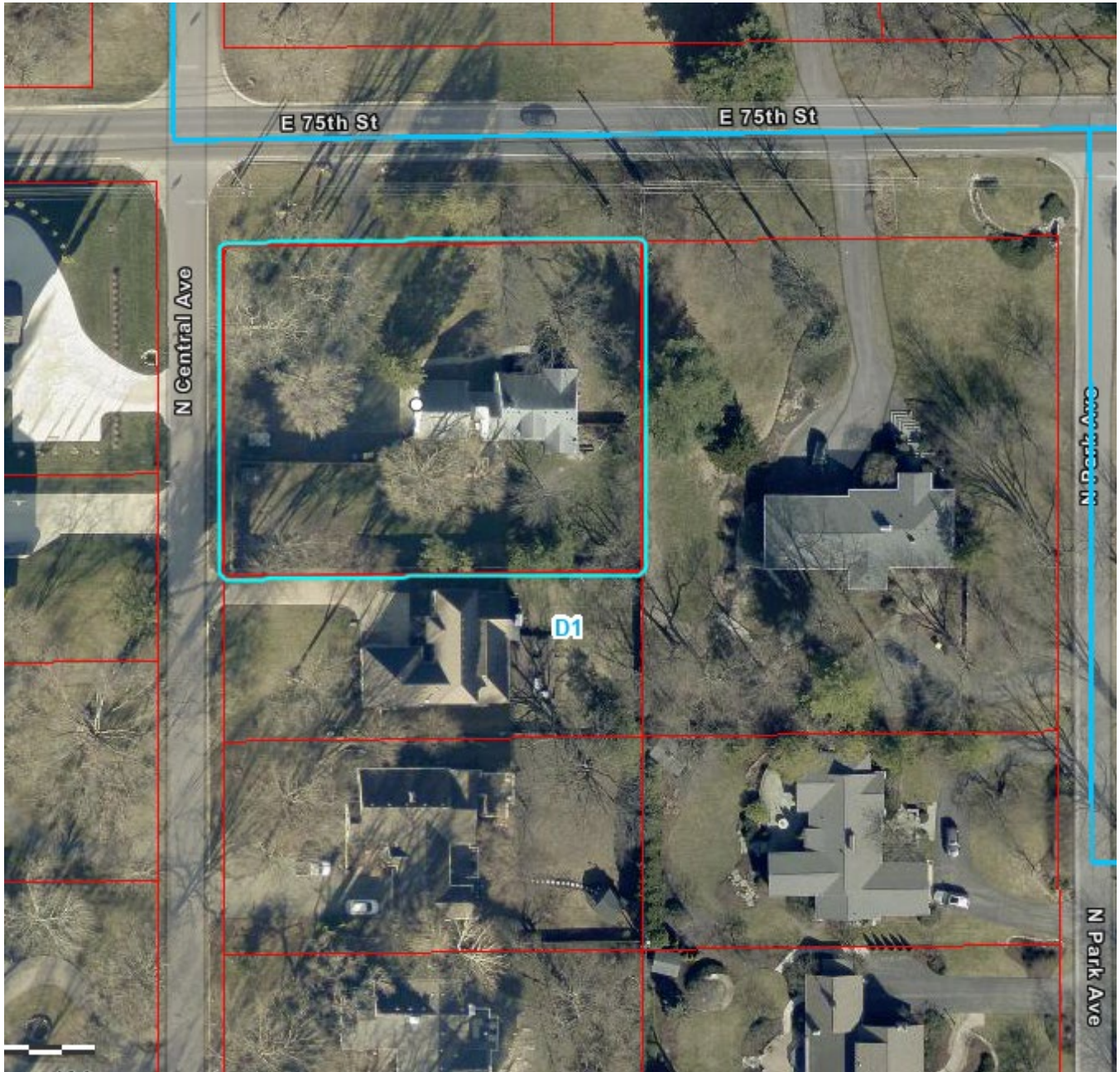


**Department of Metropolitan Development  
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side yard setback and a 7.5-foot west side yard setback, resulting in a 15.5-foot aggregate side yard setback, in D-1, **granted**.

**2001-DV2-002; 7555 North Central Avenue (north of site)**, requested a Variance of Development Standards to provide for a 161-square foot addition to an attached garage creating a 10-foot side yard setback, and a 25.1 aggregate side yard setback; **granted**.

EXHIBITS



Aerial Photo

**Architect:** Pad Architecture  
6219 Guilford Avenue  
Indianapolis, IN 46220

GENERAL NOTES:

- THE OWNER WILL NOT BE OCCUPYING THE RESIDENCE DURING CONSTRUCTION.
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2002 MINNAPARC RESIDENCE CODE AND ALL OTHER APPLICABLE CODES AND REGULATIONS.
- ONLY WRITTEN DIMENSIONS SHALL BE USED. DO NOT SCALE THE DRAWINGS. DIMENSIONS SHALL BE GIVEN IN THE JOB ORDER BY THE CONTRACTOR AND SUBCONTRACTORS. THEY SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.
- DIMENSIONS ARE TO FACE OF EXISTING CONSTRUCTION. NEW FINISH OF MAJOR CONSTRUCTION, DETAILS, UNLESS NOTED.

**SHEET SCHEDULE**

- [illegible]

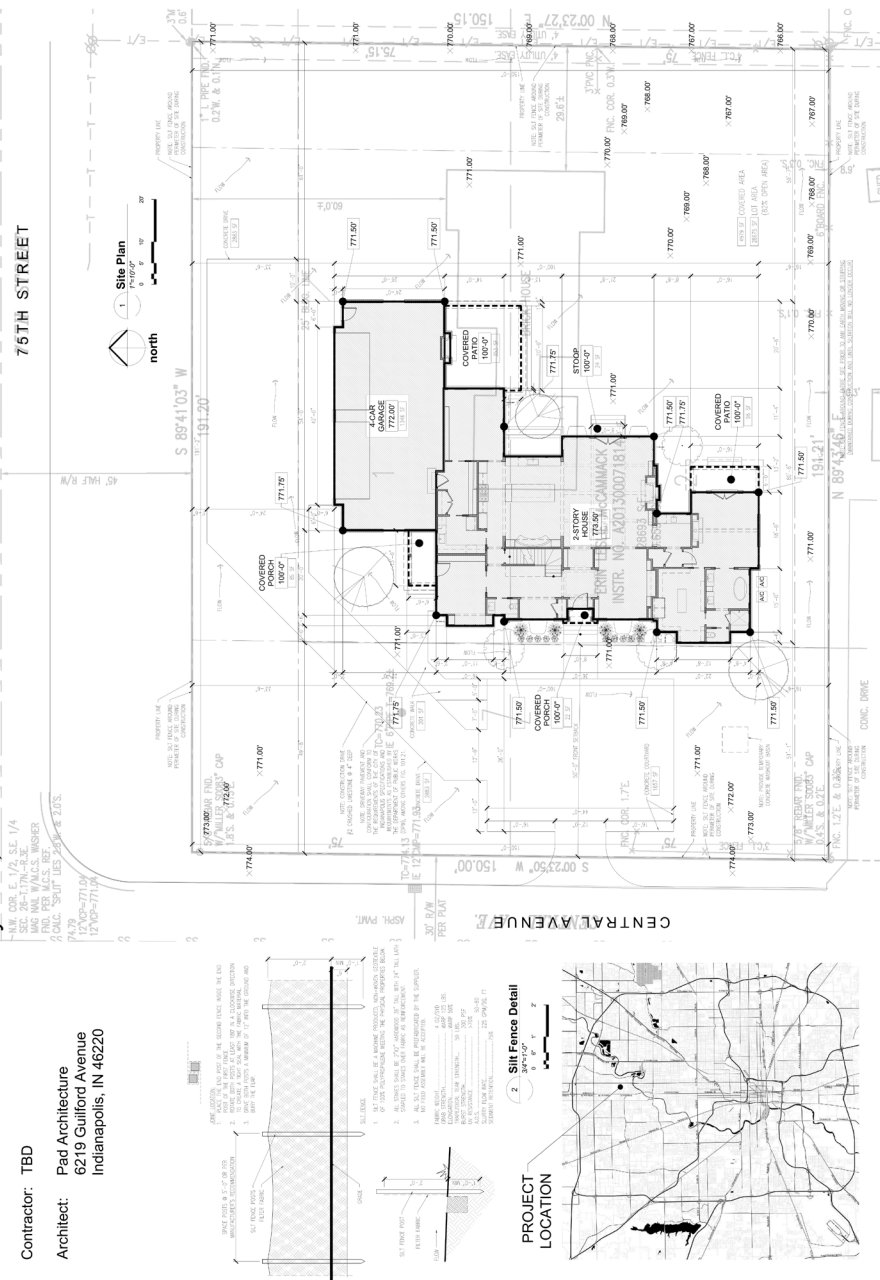
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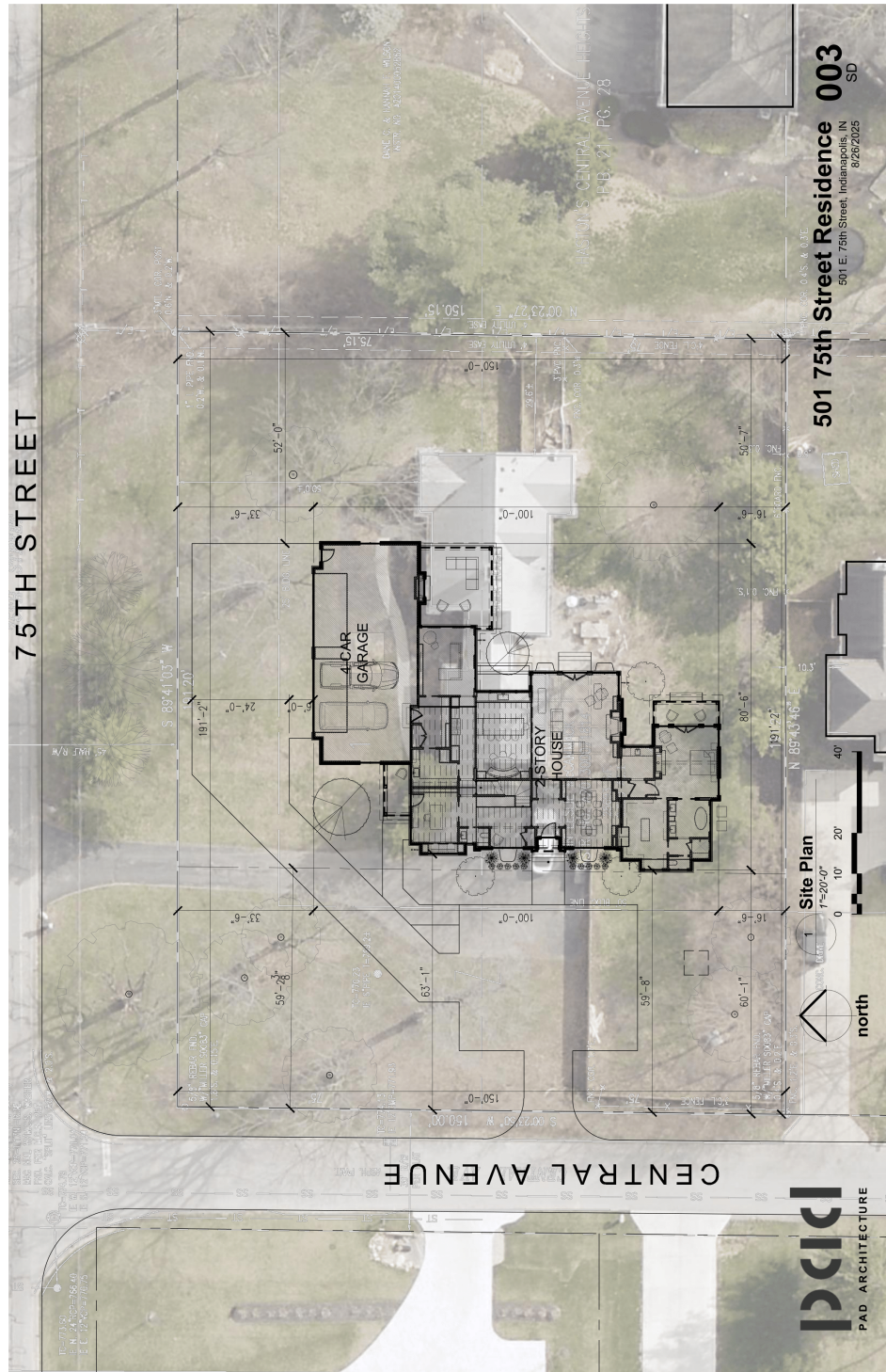
**PPd**  
501 E. 75th Street, Indianapolis, IN 46220  
PAD ARCHITECTURE  
6219 Oaklawn Ave., Indianapolis, IN 46220-1028

07.10.2005  
Cover Sheet

**A001**  
Sheet: 1 of 20



Original Site Plan, file-dated 8/8/25





Subject site looking east at existing house



Looking northeast towards corner of Central and East 75<sup>th</sup>



Looking south down Central Ave at existing setback context



Looking east at subject site



Looking west from Park Ave at parcel to the east of the subject site



Adjacent house to the east of subject site



Department of Metropolitan Development  
Division of Planning  
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## BOARD OF ZONING APPEALS DIVISION II

September 9, 2025

**Case Number:** 2025-DV2-016

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

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

**Petitioner:** Lurvey Loft Townhomes LLC, by Adam DeHart

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

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

**Current Land Use:** Vacant

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

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

## PETITION HISTORY

- This petition was continued from the June 10, 2025 hearing due to insufficient mailed notice.
- A remonstrator automatically continued this case to the August 12, 2025 BZA Division II hearing.
- The petition was continued to the September 9, 2025 hearing to allow for further discussions between the petitioner and remonstrators.

## STAFF RECOMMENDATION

- Staff **recommends approval** of this petition

## PETITION OVERVIEW

- This petition would allow for the construction of a 45-foot tall, four story four-unit townhome development with 27 percent living material comprising the front yard (maximum 40-foot tall, three-story building permitted, 50 percent living material required).
- The subject site is zoned D-8, is located within the Regional Center Secondary Zoning district, and has been vacant since the late 1970s according to aerial imagery. The proposal calls for two separate two-family townhome structures, for a total of four (4) units on the site.
- The standards limiting height to 40 feet and to three (3) stories are in place to maintain an appropriate and consistent development pattern, to limit overdevelopment, and to limit overshadowing of adjacent

residences. Staff generally finds the request for increased height and number of floors to be reasonable given the site's location on the corner, along White River Parkway Drive, and within the Regional Center. Staff believes that a slight increase in height would create a strong edge at this intersection and along White River Parkway which is a primary arterial. Further, Staff believes that a reasonable increase in height and intensity can be appropriate within the Regional Center, in effort to promote further growth and redevelopment of the central core of the City.

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

## GENERAL INFORMATION

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



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## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

### Pattern Book / Land Use Plan

- Not applicable to the site.

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

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

### Infill Housing Guidelines

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

### Indy Moves

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

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



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## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

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

EXHIBITS

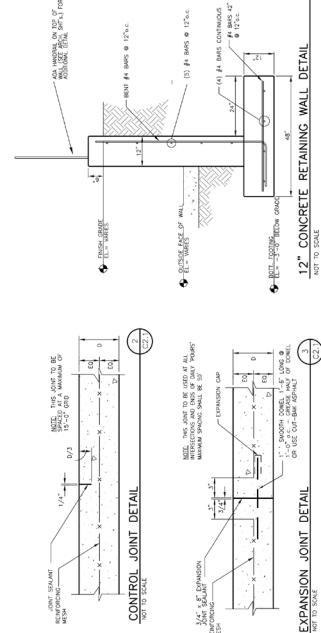
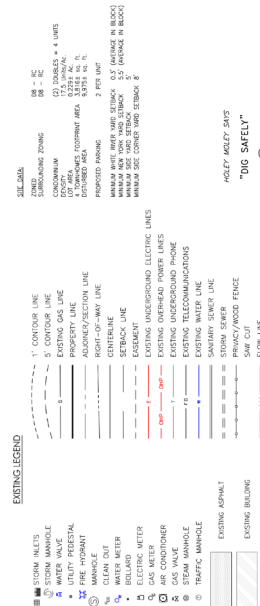
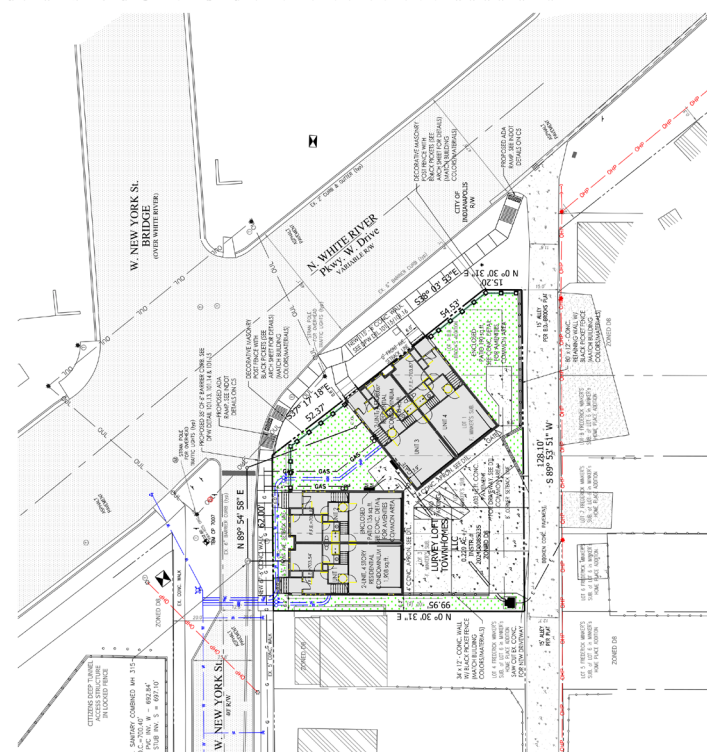


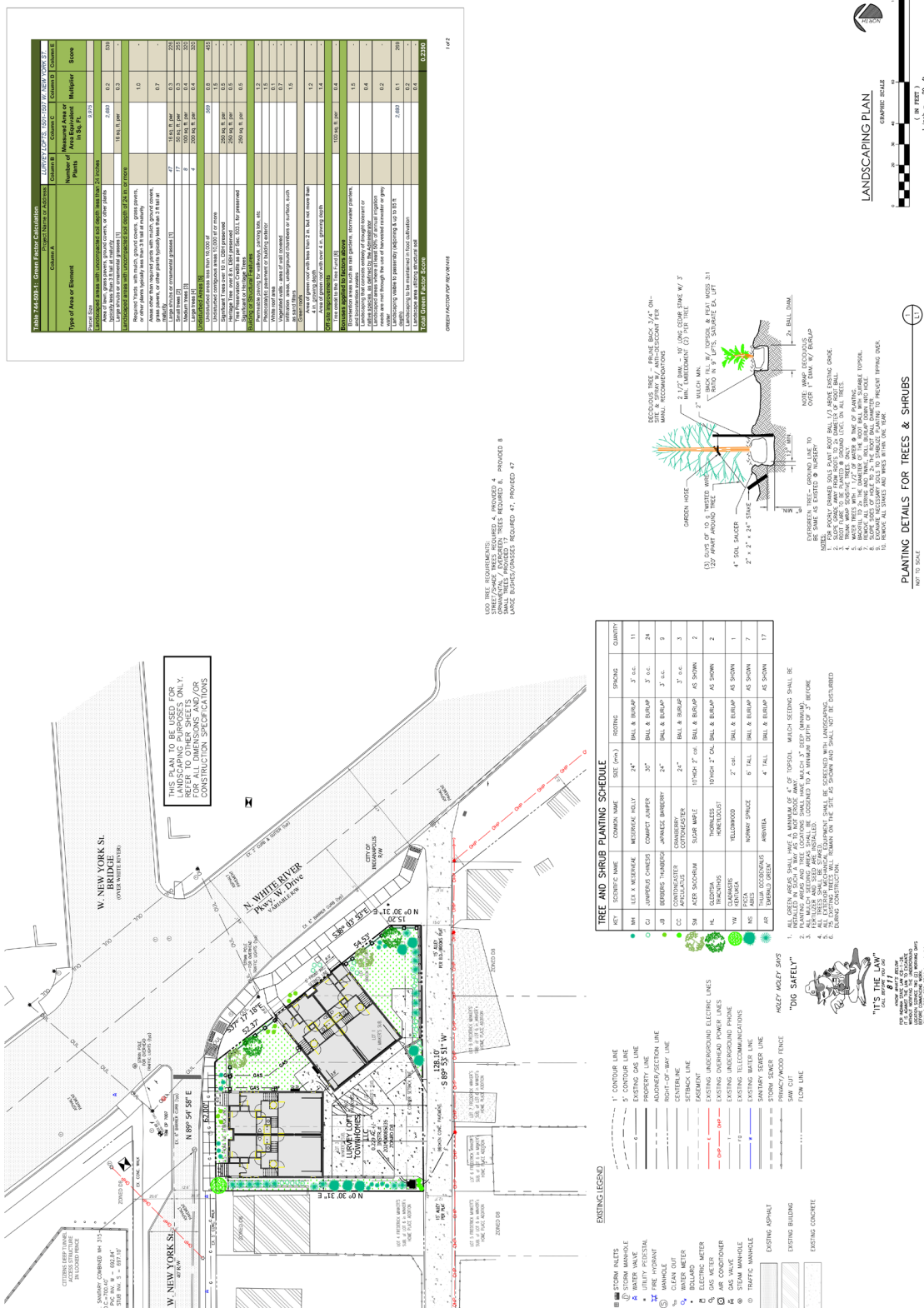
**Department of Metropolitan Development  
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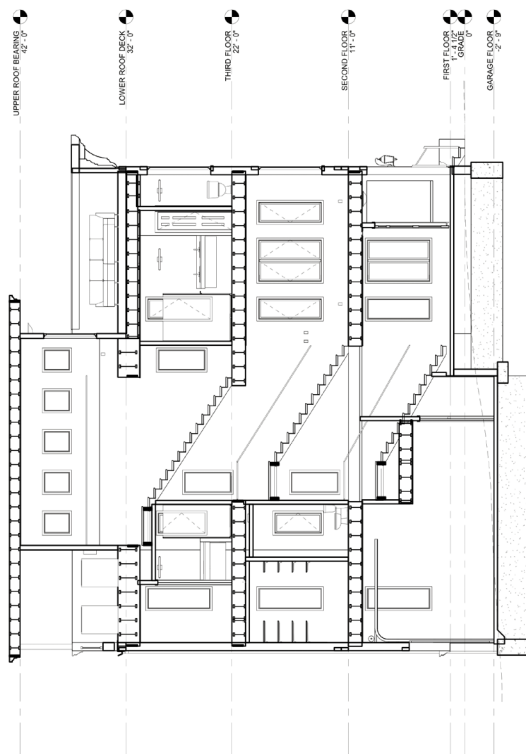








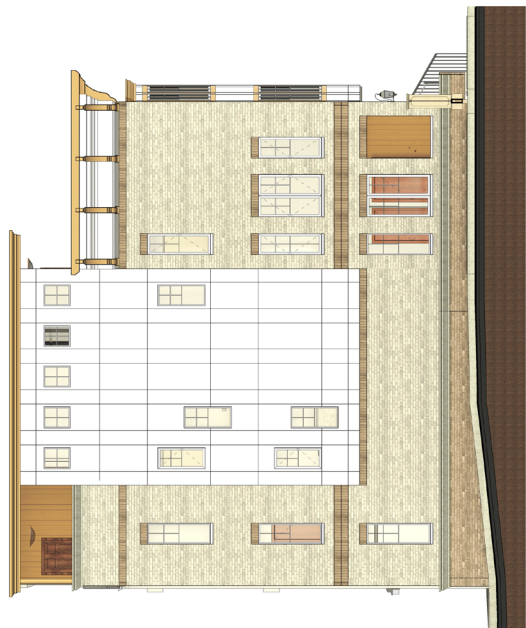
02 ELEVATION - REAR  
3/16" = 1'-0"



04 STAIR SECTION  
3/16" = 1'-0"



01 ELEVATION - FRONT  
3/16" = 1'-0"



03 ELEVATION - SIDE  
3/16" = 1'-0"



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

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

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



Subject site looking north



Rear alley looking east



Looking south



Looking southeast



Looking southwest



Looking north



Looking northwest at topographic change along alley



Looking west down the alley



Looking south past the alley



Looking east towards the White River



Looking west down New York Street at adjacent properties



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## BOARD OF ZONING APPEALS DIVISION II

September 9, 2025

**Case Number:** 2025-DV2-022

**Property Address:** 1337 Olive Street (approximate address)

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

**Petitioner:** Brandon Spitz and Christina Presley, by Sharmin Frye

**Current Zoning:** D-5 (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 23.624-foot tall carriage house where the primary dwelling is 22-foot-tall (accessory structures may not be taller than primary buildings), with a three-foot northern side yard setback (five feet required).

**Current Land Use:** Single-family residential

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

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

## PETITION HISTORY

- A Registered Neighborhood Organization automatically continued this petition to the August 12, 2025 BZA Division II hearing date.
- This petition was continued to the September 9, 2025 BZA Division II hearing to allow for more information to be determined.

## STAFF RECOMMENDATION

- Staff **recommends denial** of this petition

## PETITION OVERVIEW

- This petition would allow for the construction of a 23.624-foot-tall carriage house where the primary dwelling is 22-foot-tall (accessory structures may not be taller than primary buildings), with a 3-foot northern side yard setback (5 feet required).
- The subject site is zoned D-5 (TOD) and is improved with a single-family residence. The site contained an accessory garage structure that was demolished (prior to the issuance of a wrecking permit) to allow for the proposed detached garage and secondary dwelling unit accessory structure. The site is approximately 36 feet wide, 6,540 square feet, and is therefore of sufficient lot area and width.



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- The submitted site plan and elevations indicate that the structure would be approximately 23.7 feet in height while the existing primary structure is 22 feet in height. The height standard for accessory structures is in place to maintain residential characteristics, limit overdevelopment, and promote quality design. Staff finds the proposed height of the accessory structure to be out of character for the area that represents an unnecessary deviation from the Ordinance and the typical development pattern of the City's neighborhoods. Further, Staff does not find there to be any practical difficulty for needing the height variance, as Staff believes that a height-compliant structure is able to be built on the property. Additionally, Staff finds that the approval of such a request to be a potentially detrimental precedent that may lead to similar requests in the future.
- With regards to the north side yard setback request, the proposed location of the accessory structure, which is to contain a two-car garage, would be three (3) feet from the northern side lot line. Staff would note that the lot is of sufficient width, and that the proposed structure is far wider than what is needed for the storage of two vehicles. With the standard width for residential parking spaces being 8.5 feet, Staff believes that the storage of two vehicles can occur on site without needing side setback variances. Further, Staff has significant concerns of the potential overwhelming nature that this structure would have on adjacent properties, particularly the lot to the north. With this structure to be both taller than permitted and closer to the lot line than permitted, Staff finds this proposal to be poor development that goes directly against the Infill Housing Guidelines. Therefore, Staff recommends denial of the petition in its entirety.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5 (TOD)	
<b>Existing Land Use</b>	Single-family residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-5 (TOD)	North: Single-family residential
South:	D-5 (TOD)	South: Single-family residential
East:	D-5 (TOD)	East: Single-family residential
West:	D-5 (TOD)	West: Single-family residential
<b>Thoroughfare Plan</b>		
Olive Street	Local Street	60 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes, Transit-Oriented Development	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	6/1/25	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	6/1/25	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	



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<b>Findings of Fact</b>	6/1/25
<b>Findings of Fact (Amended)</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines
- Red Line TOD Strategic Plan (2021)
- Indy Moves

### Pattern Book / Land Use Plan

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

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

- The subject site is located within a ½ mile walk of the Fountain Square Red Line Station. The Fountain Square station is categorized as a district center. The district center typology is characterized as a dense mixed-use hub for multiple neighborhoods with a minimum of 3 stories and no setbacks at the core and multi-family housing with 5 or more units throughout the area.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- With regards to building size and spacing of accessory structures, the Infill Housing Guidelines recommends:
  - The primary structure sets the context for accessory structures
  - Do not overshadow the primary structure
  - Leave room for maintenance



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**Indy Moves**

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

- The subject site is located with ¼ mile of the Cultural Trail and the Shelby Street two-way bike lane.



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## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2021HOV015; 1401 Olive Street (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage with 5.5 feet and nine feet between dwellings (10-foot separation required), **granted**.

**2020ZON084; 1325 Shelby Street (west of site)**, Rezoning of 0.08 acre from the MU-1 district to the MU-2 district, **approved**.

**2018HOV029; 1321 Olive Street (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, with a 16-foot front setback, eight feet between primary dwellings and 57% open space (18-foot front setback, 10 feet between buildings and 60% open space required), **approved**.

**2018HOV072; 1406 Linden Street (east of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with five feet between dwellings (10 feet required) and a detached garage, **approved**.

**2017DV1064; 1430 Olive Street (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a 10-foot front setback (18-foot front setback or average required) and a detached garage, creating 50% open space, with the dwelling having a one-foot side setback and two feet separation between primary dwellings (minimum three-foot side setback, 60% open space, 10 feet between primary buildings required), **approved**.

**2017DV1036; 1426 Olive Street (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dwelling (1426) and garage, creating an open space of 58% (minimum 60% required), and with a 10-foot front yard, a one-foot south side yard, and with two feet and seven feet between dwellings (18-foot front yard, three-foot side yard and 10 feet between dwellings required), and to legally establish a dwelling (1430), with a 10-foot front setback, a one-foot north side setback and two feet between dwellings (18-foot front setback, three-foot side yard and ten feet between dwellings required), **approved**.

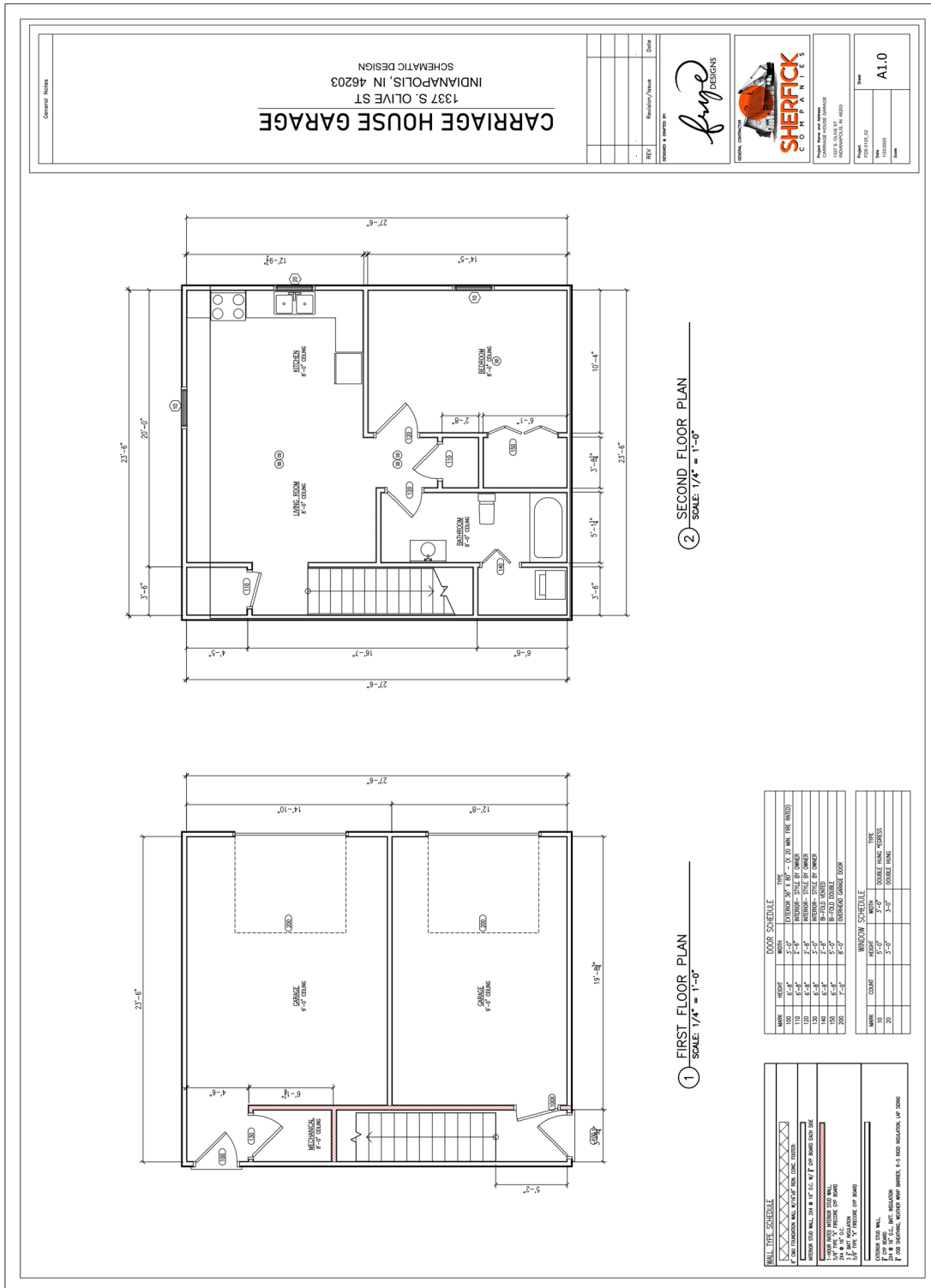
**88-UV1-117, 1345 Olive Street (south of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for the conversion of a single-family residence to a double-family residence (permitted on corner lots only), **denied**.

EXHIBITS

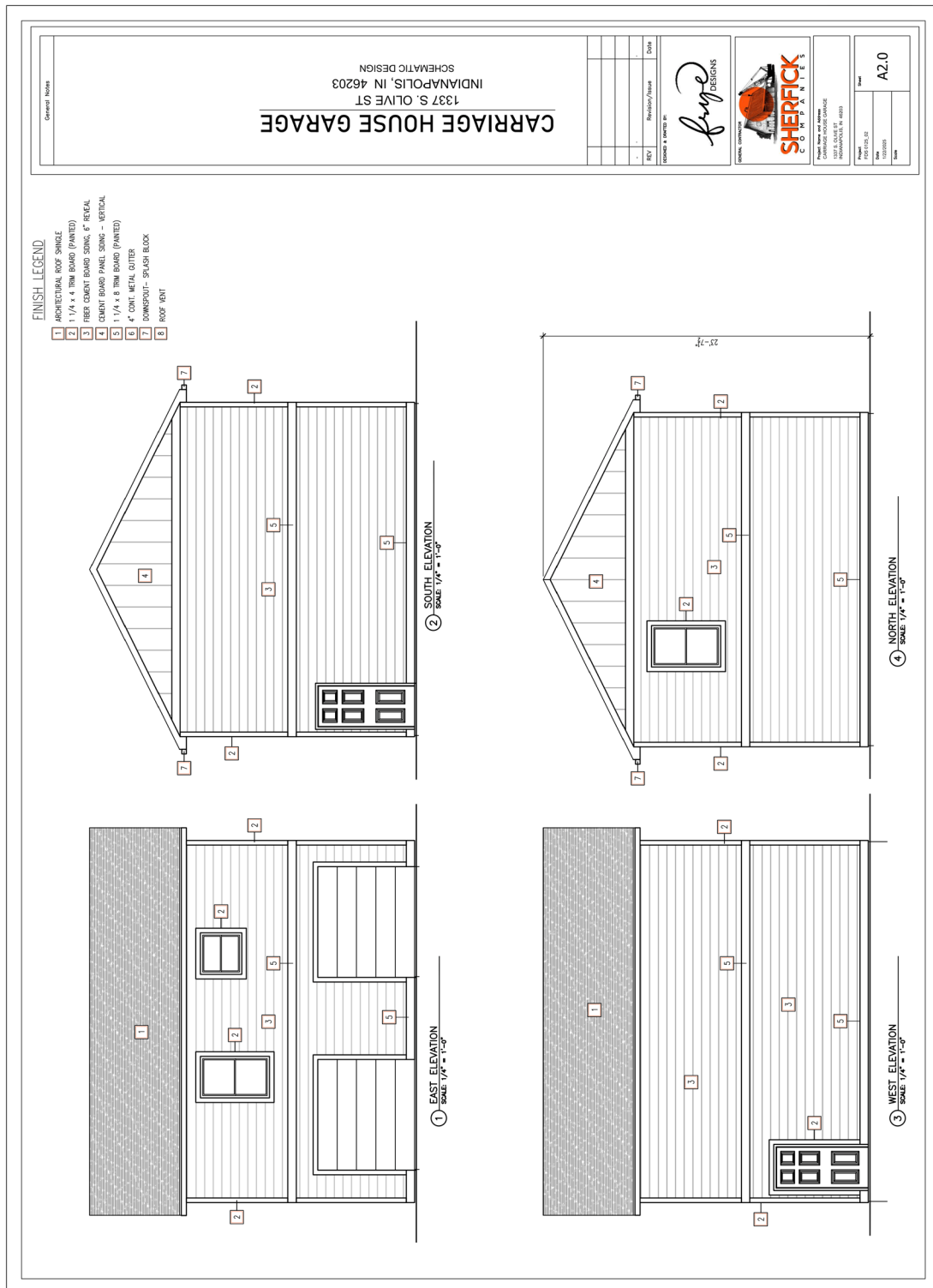


Aerial Photo





Floor plans



Elevations, file-dated June 1, 2025



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Petition Number \_\_\_\_\_

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The construction of the garage will not create a nuisance to the surrounding community. No safety or health risk would come from granting the variance of development standards request. The current garage is unusable and an eyesore to the neighborhood. Granting this request would go along development of the fountain square neighborhood.

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

The variance would allow for the development and beautification of the dilapidated garage that currently adversely effects the neighborhood.

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

Height - accessory structure is taller than main house. But under the standard height requirements.  
Side setbacks -

DECISION

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

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

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



Subject site from Olive Street



Rear yard from alley



View of the alley



View of subject site and adjacent garage



View of Olive Street looking south



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BOARD OF ZONING APPEALS DIVISION II

September 9, 2025

**Case Number:** 2025-SE2-003

**Property Address:** 21 Virginia Avenue, 122 & 130 East Maryland Street (approximate addresses)

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

**Petitioner:** Virginia Street Capital LLC, by Brian Schubert

**Current Zoning:** CBD-1 (RC) (TOD)

**Request:** Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for 1). a parking garage within the CBD-1 District (special exception required), and 2). vehicular access for the parking garage from two streets within the CBD-1 District (special exception required).

**Current Land Use:** Office Building / Commercial Parking Lot

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

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

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends denial of this petition
- Staff **would recommend approval** of this request, subject to the following commitments being reduced to writing on the BZA's Exhibit "A" forms, at least three days prior to the Regional Center Hearing Examiner:
  - The Special Exception grant providing for a parking garage, as a primary use within the CBD-1, shall be conditioned upon the garage floors should be lined with active uses, including residential, offices, and / or retail uses on floors two, three, four, five, and six, along Virginia Avenue.
  - The Special Exception grant providing for a parking garage, as a primary use within the CBD-1, shall be conditioned upon architectural treatments or artistic screening in areas of the façade where the garage would be visible.
  - The Special Exception grant providing for vehicular access from two streets within the CBD-1, shall be conditioned upon the removal of the proposed vehicular access along Virginia Avenue.

- The Special Exception grant shall be conditioned upon incorporating recommended commitments from the Indianapolis Cultural Trail, including: a minimum two-foot setback of the entrance along Virginia Avenue, a minimum of one pedestrian entrance to the retail space along Maryland Street, a minimum of one pedestrian entrance along Maryland Street to the parking garage, a prohibition of sidewalk cafes on the Cultural Trail (café's on the sidewalk would be permitted, subject to Regional Center Approval), any planter boxes shall be within the proposed arcade along Virginia Avenue, any rebuilding of any portion the Cultural Trail shall be coordinated with the Indianapolis Cultural Trail and shall follow the Cultural Trail standards, any plaza construction shall be coordinated with the Indianapolis Cultural Trail, there shall be coordination with the Indianapolis Cultural Trail during construction, with the petitioner responsible for repairing and restoring any damage, including lighting and landscaping, and there shall be a minimum of eight feet width for pedestrian use shall be retained during construction.
- The primary proposed use of this petition is a parking garage. A parking garage in the CBD-1 district is not required, thus the need for this special exception request.
  - The CBD-1 district was created in 1964 and has the general boundaries of Maryland Street, Capitol Avenue, New York Street, and Delaware Street.
  - The goals of CBD-1 include to encourage pedestrian activity in a dense commercial area that establishes the image of Indianapolis, while limiting vehicle accommodations.

The request does not meet the purpose of the CBD-1 district due to the structure calling for approximately 70% of the total square footage to be dedicated toward vehicular parking. The proposed total number of spaces would be 306. Staff would note that parking is not required in any capacity within the Mile Square in effort to advance the goal of fostering a highly pedestrian oriented environment.

## PETITION OVERVIEW

- This petition would allow for 1) a parking garage within the CBD-1 District (Special Exception required), and 2) vehicular access for the parking garage from two streets within the CBD-1 District (Special Exception required).
- The subject site is zoned CBD-1 (Central Business District One) and is located within both the Regional Center secondary zoning overlay, and the TOD (Transit Oriented Development) secondary zoning overlay. The site is also located within the Mile Square and directly abuts the Indianapolis Cultural Trail along Virginia Avenue. The site is currently improved with a medium-rise office building and a surface parking lot
- The proposal calls for the demolition of the existing office building to allow for a 10-story structure with an additional subterranean level. Six (6) levels, including the subterranean level, would be solely used for vehicular parking, the ground floor would contain both vehicular parking and retail space,



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and the top four (4) stories would be residential units. Due to the proposed floor area dedicated to vehicular parking exceeding 50%, the parking garage would be the primary use of the development.

- With the primary use of the structure being the parking garage, the structure would be defined as a commercial parking garage, which requires the approval of a Special Exception petition within the CBD-1 zoning district. Additionally, the proposal requests vehicular access from East Maryland Street and Virginia Avenue, which also requires a Special Exception per Chapter 743. Article III. Section 5. DD.2. which states:
  - A. ...off-street parking facilities obtaining access from any street within the CBD-1 District shall only be permitted upon the approval of a Special Exception by the Board of Zoning Appeals in accordance with 740-705 and upon the Board's determination that: a. The parking facility and the location of entrances and exits will not unduly inhibit traffic; and
  - B. The parking facility and the location of entrances and exits will not hinder or compromise the pedestrian traffic or walkability.
- Staff has significant concerns regarding the Special Exception for the commercial parking garage within the CBD-1 district. Per Chapter 742. Article I. Section 6B the CBD-1 district is:
  - "Designed to protect the ambience and spectacular view of the (Soldiers and Sailors) Monument, the district also provides for a robust and diverse accumulation of business in the city's highest-density development pattern. It is a pedestrian oriented environment and establishes much of the image of Indianapolis. To foster the highly pedestrian environment and maximize land efficiency, off-street parking is not required, vehicle accommodations are strictly limited, and surface parking is prohibited.
- Staff does not believe that the request meets the intent and purpose of the CBD-1 district due to the structure calling for approximately 70% of the total square footage to be dedicated toward vehicular parking. Staff would note that there is no minimum parking requirement within the Mile Square in effort to advance the goal of fostering a highly pedestrian-oriented environment.
- Further, Staff does not find that the proposal to be appropriate given that the site's location is within a highly walkable portion of downtown, as well as directly along the highly used Cultural Trail, and one block away from the Julia Carson Transit Center. The surrounding context is among the most walkable areas within the City and offers a range of transportation options for navigating the area. Additionally, Staff would note that the subject site is located one block away from a variety of vehicular parking options including the Virginia Avenue Garage which contains over 2500 spaces. More broadly, Downtown Indy has determined there to be over 73,000 public parking spaces located within the downtown area. With the immediate context and the larger downtown area containing a large amount of parking, as well as the area being highly walkable and pedestrian-oriented, and with the presence of various methods of movement around the downtown, Staff not only finds the proposal to be inappropriate and unnecessary, but also detrimental to the overall pedestrian experience of the area. While Staff understands the desire to provide parking to serve new developments, Staff does

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not find the amount of parking proposed to be sensitive to the surrounding context, which is highly urban and not designed or meant to prioritize vehicular accommodations above all else.

Furthermore, if this site were located outside of the Mile Square (where required parking minimums and maximums are in effect), the parking ratio stated for the proposed 12,841 square feet of new retail space calls for more parking than what would otherwise be permitted. Outside of the Mile Square, the minimum amount of parking required by the Ordinance would be 36 spaces and the maximum amount permitted would be 64 spaces. The proposal calls for 86 spaces for the new retail space. With this amount being more than what would even be permitted in areas of the City that are far less walkable and more auto-oriented, Staff firmly believes the proposed amount of parking to be unfitting and out of character for this location.

- Staff also has significant concerns about the Special Exception request for vehicular access of the garage, particularly along Virginia Avenue. The proposed vehicular access point would cross over the Cultural Trail, which is one of the premier amenities and mobility corridors of downtown and is heavily used by pedestrians and cyclists alike. Staff would note that the proposed vehicular access on Virginia Avenue would only serve the below-ground level of the proposed parking garage which would hold 40 spaces and would not be used to access the main portion of the garage. With proposed garage already calling for access off East Maryland Street, Staff finds the Virginia Avenue to be an entirely unnecessary conflict point between pedestrians/cyclists and motorists that would increase the likelihood of crashes along the Cultural Trail corridor. Staff believes this to be in direct conflict with one of the requirements for grant of the Special Exception, being “The parking facility and the location of entrances and exits will not hinder or compromise the pedestrian traffic or walkability.” Moreover, Staff does not find the proposed vehicular access on Virginia Avenue to be in line with the City’s Vision Zero goals of eliminating roadway fatalities in Marion County.
- The petitioner’s Findings of Fact state that the parking garage would be in compliance with the use-specific standards because the facility would not unduly inhibit pedestrian traffic or walkability because the vehicular access points would be the same as the existing parking lot. Staff finds this statement to insufficient and inaccurate as firstly, the simple fact that there is currently vehicular access does not mean it is without issue or result in conflict. Additionally, the existing parking lot is legally non-conforming and was built prior to the relevant standards and prior to the development of the Cultural Trail. Furthermore, with the proposal calling for increased intensity on site, the existing curb cuts would see heavier and more frequent use than the site currently does, resulting in even more conflict than there is now.
- The petitioner’s Findings also state that the proposal would conform to use-specific standards because a parking garage more than twice the size of the proposal used to exist on a different site south of the subject site. Staff finds this statement to be irrelevant to the case and insufficient in addressing the prompt.
- To summarize, Staff finds the request to use the site primarily as a parking garage to be inappropriate given the surrounding context that would be a detriment to achieving the goal of fostering a pedestrian-oriented development and, likewise, unnecessary given the ample amount of parking options and alternative transportation options available in the immediate area. Staff finds the request



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to have vehicular access from Virginia Avenue to be highly problematic given the heavily used Cultural Trail and the increase in vehicular traffic this development would generate, thus increasing the chances of crashes at this location. Lastly, Staff does not believe the proposal meets the requirements for grant of the Special Exception and, therefore, recommends denial of the petition.

## REGIONAL CENTER

- The site is within the Regional Center secondary zoning district. Proposed development within the Regional Center is required to obtain design review approval, through the submittal of a Regional Center Approval petition. Furthermore, the proposed development is considered a High Impact project, which would require a public hearing, review, and recommendation by the Regional Center Hearing Examiner. The Metropolitan Development Commission is the final authority on Regional Center Approval petitions.
- To expand on the alternate staff recommendation above, the site is within the most densely developed area of the downtown, which can be referred to as the downtown 'core'. The CBD-1 zone provides for the tallest structures allowed by the Ordinance but is a pedestrian-oriented zone. The CBD-1 purpose states, in part: "To foster the highly pedestrian environment and maximize land efficiency, off-street parking is not required, vehicle accommodations are strictly limited, and surface parking is prohibited".

## GENERAL INFORMATION

<b>Existing Zoning</b>	CBD-1 (RC) (TOD)	
<b>Existing Land Use</b>	Office Building / Commercial Parking Lot	
<b>Comprehensive Plan</b>	Core Mixed-Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	CBD-1 (RC) (TOD)	North: Mixed-Use
South:	CBD-2 (Wholesale District - IHPC) (TOD)	South: Mixed-Use
East:	CBD-2 (RC) (TOD)	East: Mixed-Use
West:	CBD-1 (RC) (TOD)	West: Mixed-Use
<b>Thoroughfare Plan</b>		
Virginia Avenue	Local Street	90 feet of right-of-way existing and 48 feet proposed
East Maryland Street	Primary Arterial	90 feet of right-of-way existing and 78 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes, Regional Center overlay, Transit-Oriented Development overlay	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	8/7/25	



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<b>Site Plan (Amended)</b>	9/2/25
<b>Elevations</b>	8/7/25
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	8/7/25
<b>Findings of Fact (Amended)</b>	N/A

## CITY ARCHITECT COMMENTS

The proposed development at 21 Virginia Avenue is inconsistent with the goals and vision of the CBD-1 zoning district, which is designed to foster pedestrian-oriented development and enhance the character of our most iconic downtown spaces. This site represents a rare and valuable opportunity for high-density development that contributes to a walkable, vibrant, and visually engaging urban environment.

As proposed, the parking garage reflects an inefficient use of land in the heart of our City and Regional Center. Its scale and design do not align with the principles of urban placemaking. The garage floors should be lined with active uses to animate the street edge, enhance pedestrian engagement, and contribute to a more dynamic public realm. The proposed design is utilitarian, with blank walls spanning floors two through six with limited articulation. This lack of visual interest undermines the pedestrian experience and detracts from the surrounding context. Where the garage is visible, it should incorporate artistic screening or architectural treatments to conceal the parking and transform the structure into a positive visual element that adds vitality to the streetscape.

New construction presents a real opportunity to assess and address existing site conditions and improve upon them. The Indianapolis Cultural Trail, which runs along the Virginia Avenue frontage of the subject site, is one of the most celebrated urban assets of our City. The proposed garage entrance along Virginia Avenue would significantly disrupt the Trail's continuity and increase conflict points between vehicles and trail users. The existing surface lot's impact on the Trail is not comparable to the heightened impact that seven floors of a parking garage will have. Alternative access from Maryland Street would provide sufficient vehicular entry without compromising the integrity of the Trail or the pedestrian experience along Virginia Avenue.

New construction on this site presents a critical opportunity to address existing conditions and elevate the urban design quality of this corridor. We recommend denial of the Special Exceptions requested and a reconsideration of the development's design to better align with the goals of the CBD-1 district and the broader aspirations for downtown Indianapolis.

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Indy Moves



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- Transit-Oriented Development Strategic Plans (Red Line, Purple Line, Blue Line) |

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan pattern Book recommends the Core Mixed-Use typology for this site., which is characterized by “Dense, compact, tall building patterns, ... buildings are a least six stories in height and all off-street parking should be in garages. While buildings in this typology are larger than in other mixed-use typologies, they should still be designed with the pedestrian in mind, with entrances and large windows facing the street. This typology has a residential density in excess of 50 units per acre.” |

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

- The subject site is located approximately 250 feet from the Julia Carson Downtown Transit Center, which serves all IndyGo bus lines including all three of the Bus Rapid Transit lines.
- The Downtown Transit Center is located in the Central Business District typology, which is characterized as the densest core of the city containing a mix of office, entertainment, civic, retail, public space, and residential uses. Buildings should contain a minimum of 5 stories with structured parking only with an activated first floor.
- The investment framework strategy selected for this location is “Infill and Enhance”, which is described as: these stations are the most TOD Ready, generally characterized by good urban form, pedestrian and bicycle connectivity, and medium to strong market strength. TOD investments here should leverage significantly higher residential and employment densities, demonstration projects, urban living amenities and workforce housing. These are the most appropriate locations for significant infill development. The primary focus is on the private sector.
- The Transit Center scored among the highest of all TOD stations on the TOD Readiness scale and the highest on the Market Strength scale. |

**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)

| The subject site abuts the Indianapolis Cultural Trail along Virginia Avenue. |



## ZONING HISTORY

### ZONING HISTORY – SITE

**2016-HOV-016**, Variance of Development Standards of the Consolidated Zoning / Subdivision Ordinance to provide for a 459-square foot upper-level sign, being the sixth upper-level sign (maximum one upper level sign permitted), exceeding more than 10% of upper-level sign area, **approved**.

**2013-HOV-071**, Variance of Development Standards of the Sign Regulations to provide for a 12.5-foot projecting sign and a 56.5-square foot wall sign, being the third and fourth upper-level signs on the northwest elevation (one upper-level sign permitted), **approved**.

### ZONING HISTORY – VICINITY

**2021-HOV-024; 141 E Washington Street (north of site)**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 79-square foot projecting sign (maximum 54 square feet permitted) and a canopy sign extending more than 18 inches from the wall, **approved**.

**2019-DV1-056; 155 S Delaware Street (southeast of site)**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 13-square foot illuminated vehicle entry point parking sign and a 16-square foot vehicle entry point electronic variable message sign, within approximately 500 feet of a local historic district (six square feet permitted, 600-foot separation from a protected district required), **approved**.

**2016-DV3-004; 201 E Washington Street (east of site)**, Variance of Development Standards of the Sign Regulations and Regional Center Zoning Ordinance to provide for a four-foot tall, 33-square foot freestanding sign (not permitted), encroaching approximately 19 feet into the right-of-way of East Washington Street (not permitted), **approved**.

**2015-DV3-040; 201 E Washington Street (east of site)**, Variance of Development Standards of the Sign Regulations to provide for an identity and wayfinding sign program, to provide for multiple signs, including electronic variable message signs (EVMS) not permitted) and generally including the following types of signs: Wall signs, informational signs, internal suspended digital (EVMS) bus stop identification signs, external suspended digital (EVMS) bus stop identification signs within the right-of-way, seven-foot tall freestanding digital (EVMS) information kiosk within the right-of-way, egress identification signs, room identification signs, projecting signs, parking signs, etiquette signs and building dedication panel signs, **approved**.

**2014-HOV-034; 201 E Washington Street (east of site)**, Variance of Development Standards of the Central Business Districts Zoning Ordinance to provide for a transit center building within the Sky Exposure Plane Two of Alabama Street and to provide for structural and miscellaneous encroachments within the rights-of-way of Alabama Street, Washington Street and Delaware Streets, including the roof encroaching approximately 32.33-foot into the Alabama Street right-of-way (not permitted), **approved**.



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**2011-DV1-049; 41 E Washington Street (west of site)**, Variance of Development Standards of the Sign Regulations and the Regional Center Zoning Ordinance to provide for a 63.94-square foot projecting sign, (maximum size of 54 square feet permitted), **approved**.

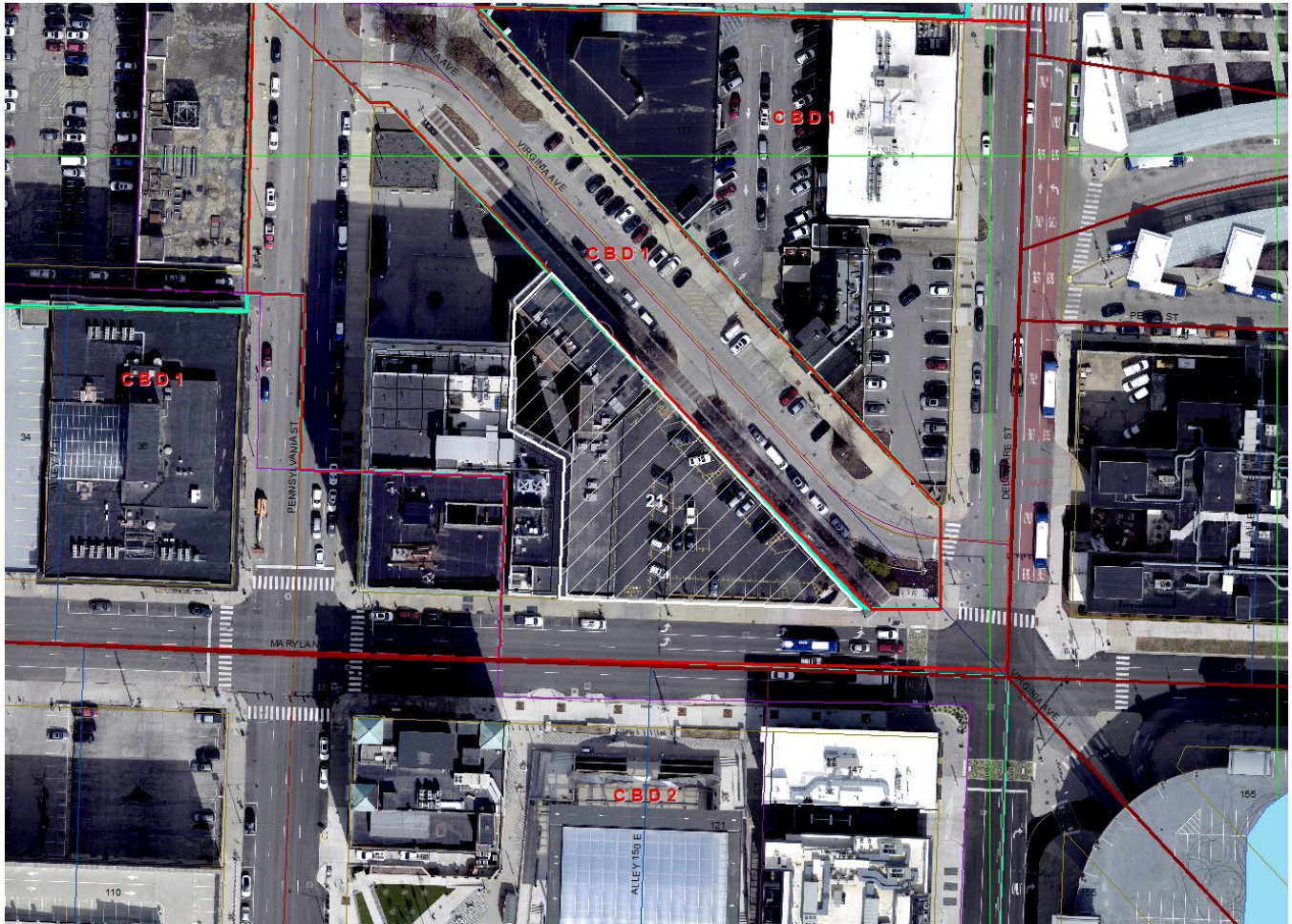
**2009-DV3-042; 41 E Washington Street (west of site)**, Variance of Development Standards of the Sign Regulations to provide for an electronic variable message sign (not permitted), within 70 feet of a signalized intersection (minimum separation distance of 125 feet required), **denied**.

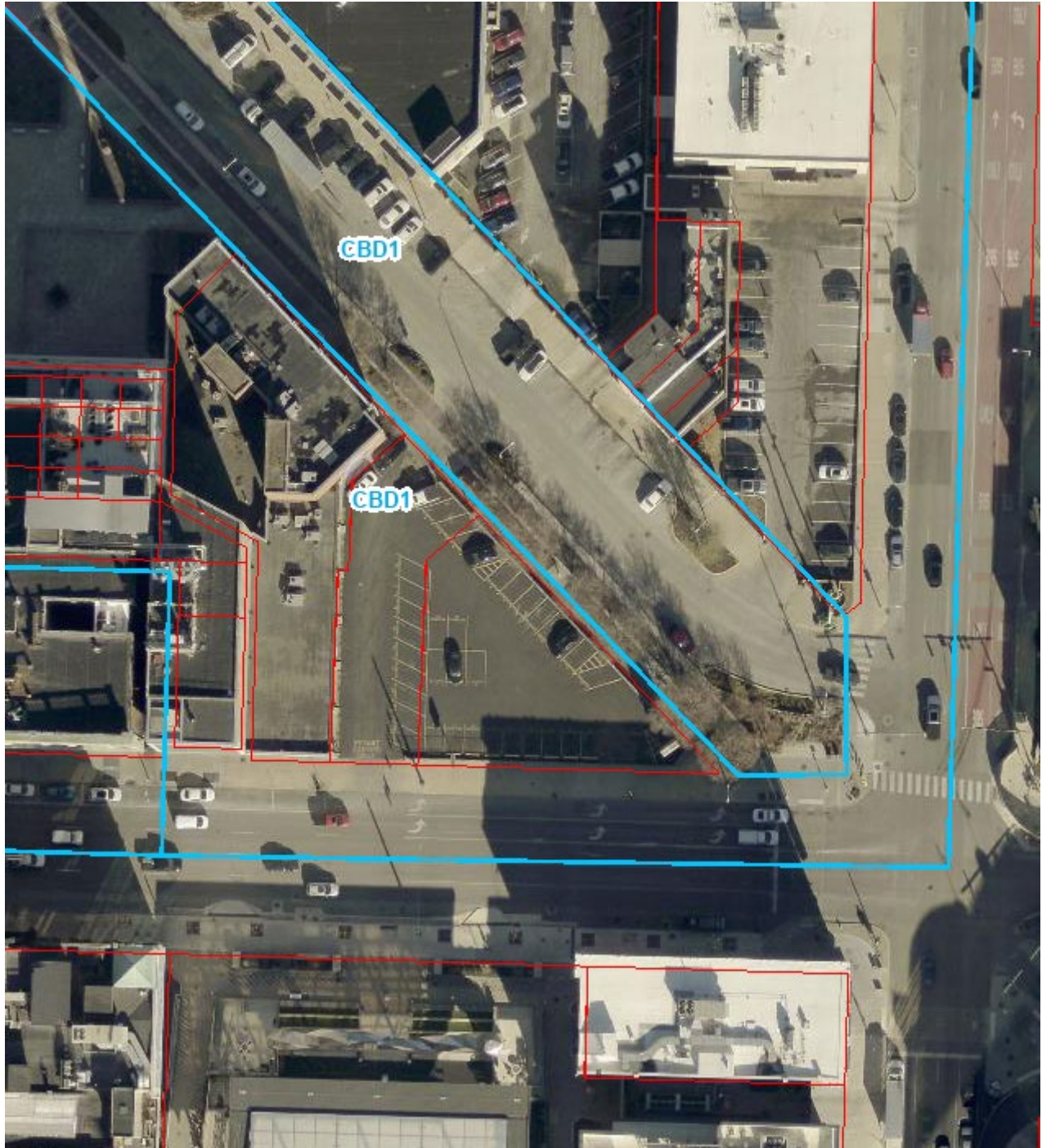
**2008-DV2-035; 1 Virginia Ave (northwest of site)**, Variance of Development Standards of the Central Business Districts Zoning Ordinance to provide for: a) an approximately 3,500-square foot outdoor bar and dining area, with 176 outdoor seats, a fire pit, and a four sided, digital television display (not permitted), b) outdoor live entertainment (not permitted) on a 216-square foot stage, **approved**.

## EXHIBITS

- An historical photograph that includes the site and development along Maryland Street and Virginia Avenue was submitted with the petition. That photograph is below:







Aerial Photos

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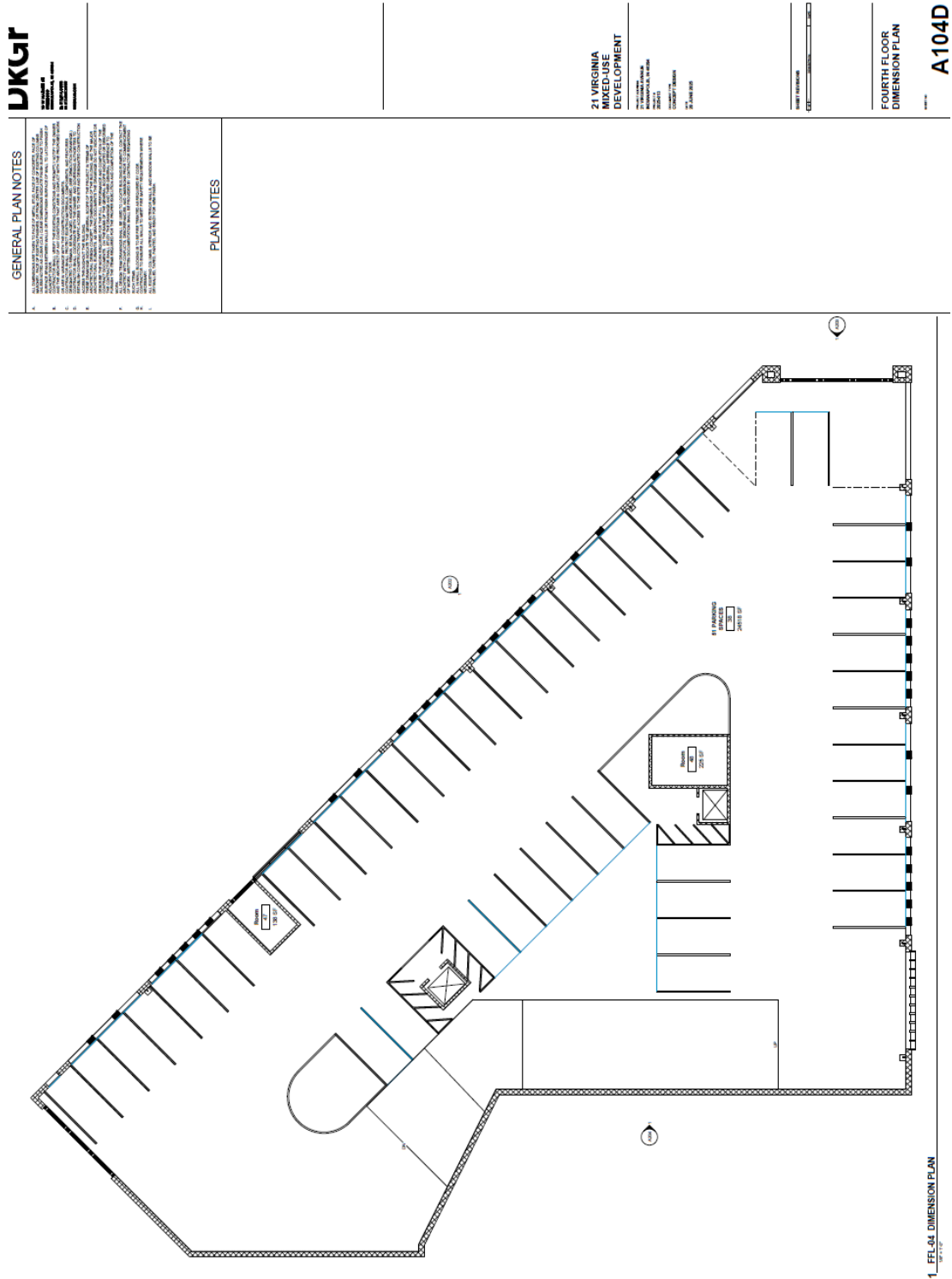


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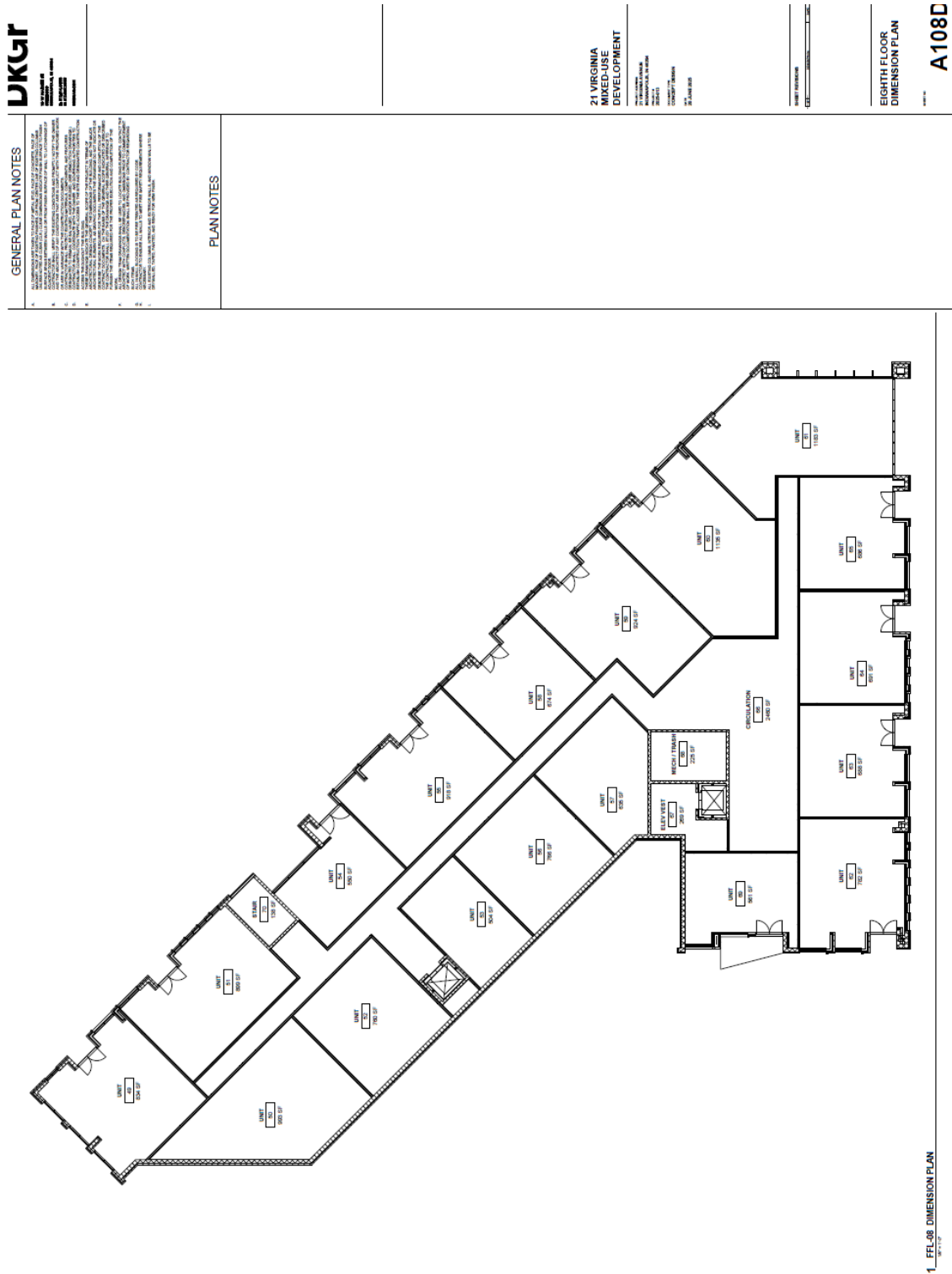




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UKGf

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07/20/2025

TO: City of Indianapolis Planning + Board of Zoning Appeals  
RE: 21 Virginia Development Statement

21 Virginia is a proposed mixed-use development that includes retail, multi-unit housing, and structured parking in downtown Indianapolis. The site is at the intersection of Maryland Street, Delaware Street, and Virginia Avenue to the southeast and Pennsylvania Street and Virginia Avenue to the northwest. The site is zoned CBD-1 and is the Regional Center District.

DEVELOPMENT PROJECT OVERVIEW

The proposed project will link the current 1 Virginia (formerly Jefferson Plaza and Allen Plaza) and the proposed 21 Virginia mixed-use development into one interconnected campus consisting of bar/restaurant space, retail, for rent and for sale housing, office space, and structured parking. The expansion project will provide dedicated outdoor space along the Cultural Trail to serve both the tenants of 1 + 21 Virginia, as well as the public along the Cultural Trail. The expansion includes 72 new market-rate rental apartments, 12,842 square feet of retail, and 306 parking spaces in a structured parking garage, with an additional freight elevator that will serve 1 + 21 Virginia at the lower level for dedicated internal refuse, deliveries, move-ins/outs, etc. within the garage space. The new construction will also have a pedestrian connection to the current 1 Virginia building. The current 1 Virginia building contains twenty-three (23) market-rate for-sale condominiums, 49,560 square feet of office space, and 11,210 square feet of retail (restaurant/bar) space. The comprehensive project will provide outdoor amenity spaces along the Cultural Trail, as well as elevated common space for occupants of the project. Please reference the table below, the attached civil and architectural drawings, and the attached design presentation deck which are also part of this overall submission.

1+21 VIRGINIA AVENUE DEVELOPMENT PROJECT					
USE	UNITS PROVIDED	AREA	PARKING RATIO	PARKING SPACES	% OF PROGRAM
Restaurant/Bar Space (Existing)		11,210	1 per 150 SF	75	3.16%
Office Space (Existing)		49,560	1 per 350 SF	142	13.96%
Residential Condominiums (Existing)	23	49,960	.75 Per Unit	17	14.07%
Building Common Area (Existing)		19,783	0	0	5.57%
Retail (New)		12,841	1 per 150 SF	86	3.62%
Residential Apartments (New)	72	42,570	.75 Per Unit	54	11.99%
Building Common Area (New)		12,600	0	0	3.55%
Parking (306 Spaces)		156,557	0	0	44.09%
TOTALS		355,081		373	100%

The above "Parking Spaces" column illustrates what parking expectations would be based on the uses and ignoring that Regional Center does not require parking. Parking is, however, important for marketing and business reasons.)

DESIGN

The proposed design aims to achieve an appealing view for pedestrians and vehicular traffic along Maryland Street and Virginia Avenue. The intent of the design is to create a vibrant

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DEVELOPMENT STATEMENT  
21 VIRGINIA MIXED-USE REGIONAL CENTER FILING  
20 JULY 2025

21V

environment at street level with the proposed restaurant and retail spaces provided. The new addition will have a 7<sup>th</sup> floor roof terrace for development use that overlooks the Morris Bicentennial Plaza at Gainbridge Fieldhouse. Please reference the design presentation and drawings for further detail. We drew design inspiration from the Gainbridge Fieldhouse and the proposed Indiana Fever practice facility. The proposed addition is brick masonry and cast stone with limited ACM Panel accents and large glazed openings to allow natural light into the spaces. The proposed building has relief along the Maryland Street, Delaware Street, and Virginia Avenue facades with balconies at the residences. The design cohesively blends into the urban nature of the site and the surrounding structures.

21 VIRGINIA RESIDENTIAL MULTI-UNIT HOUSING

The seventy-two (72) proposed residential units will be a mix of one- and two-bedroom units that are market rate rentals. Each unit has dedicated outdoor space via private balconies. The units will also have access to common amenities such as a fitness center, lounge, outdoor space, off-street parking, and direct access to the retail tenants.

21 VIRGINIA STRUCTURED PARKING

The proposed addition will include a 306-space parking structure with one (1) level below grade and six (6) levels above grade. The structure will be brick masonry along the facades along the public streets, and the openings required for the natural ventilation will be framed in aluminum to blend in with the storefront openings at the retail spaces below and punctuated openings above. The parking structure will have its main entry and exit point on Maryland Street with a secondary entry and exit on Virginia Avenue – each at the existing curb cut locations. The garage also provides entry for deliveries from Maryland so that trucks do not have to double park or use public street parking. The water and trash service areas will be located in the parking structure as well. Please refer to the table on the previous page, the attached civil and architectural drawings, and the attached design presentation deck for further detail and information.

21 VIRGINIA RETAIL

The proposed addition provides retail space along Virginia Avenue at street level to engage the Cultural Trail and at the corner of Maryland Street and Virginia Avenue to engage with the new Indiana Fever practice facility and the Morris Bicentennial Plaza. The retail space totals 23,842 square feet when including the associated outdoor space dedicated to the retail tenants and users. Please refer to the table on the previous page, the attached civil and architectural drawings, and the attached design presentation deck for further detail and information.

21 VIRGINIA OUTDOOR AMENITY

The proposed project will provide both private and public outdoor amenity space as part of the building and site program. The retail space will provide inset outdoor dining space along Virginia Avenue that is outside the boundaries of the Cultural Trail. This accomplished with a Colonnade along the Virginia Avenue facade, which also helps to provide relief in the overall elevation. The project will also include a larger outdoor amenity space for the retail space at the corner of Delaware Street and Maryland Street. A 7<sup>th</sup> floor roof terrace and private balconies will serve the residents of 1 + 21 Virginia. A public art space will be dedicated at the furthest corner of the site at Maryland Street and Delaware Street. The street level outdoor

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space has, as its primary goal, to provide a vibrant area along the Cultural Trail. Please refer to the table on the previous page, the attached civil and architectural drawings, and the attached design presentation deck for further detail and information.

1 VIRGINIA RESIDENTIAL

The new construction will link to the existing for-sale residential condominiums at 1 Virginia. The existing 1 Virginia building contains twenty-three (23) high end condominium units. The residents currently do not have dedicated parking due to the garage at Maryland Street and Delaware Street being demolished for the Morris Bicentennial Plaza. The parking structure that is part of our expansion will provide dedicated parking for those residents, as well as freight and delivery access and vertical transportation which do not current exist for the 1 Virginia restaurant/bar space, the office users, or the residential owners. Please refer to the table on the previous page, the attached civil and architectural drawings, and the attached design presentation deck for further detail and information.

1 VIRGINIA OFFICE

The proposed development will link to the existing office tenant space at the 1 Virginia location. This space currently contains 49,560 square feet dedicated to this use. The office tenants currently do not have dedicated parking due to the garage at Maryland Street and Delaware Street being demolished for the stadium Bi-Centennial Plaza. This has proved to be a challenge in the market to release this space which is at a great location to serve the needs of prospective users except for the parking conditions.

1 VIRGINIA RETAIL

The new construction will link to the existing retail space at 1 Virginia. This space currently contains 11,210 square feet dedicated to this use.

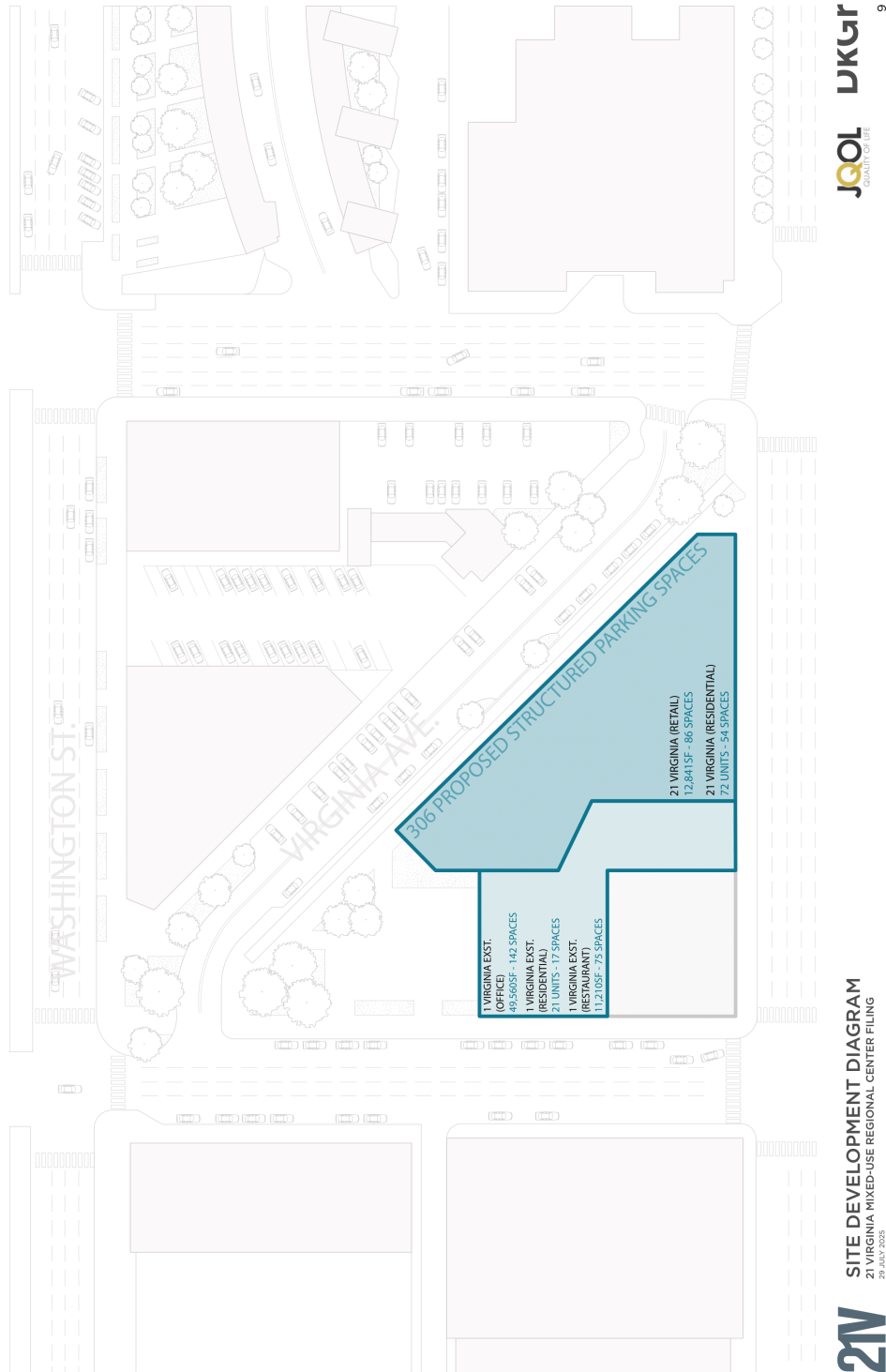
1 VIRGINIA OUTDOOR AMENITY

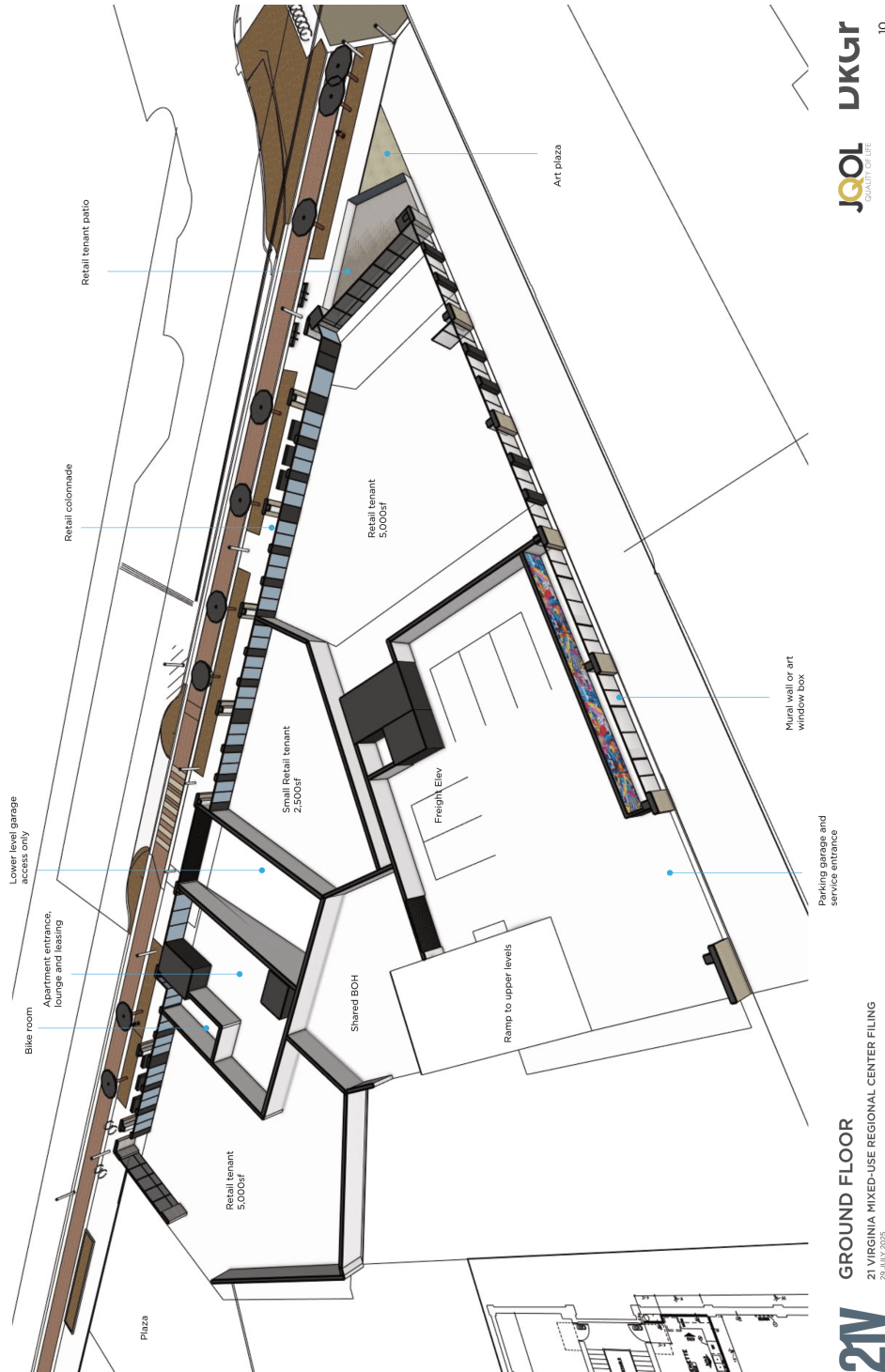
The 1 Virginia building has dedicated outdoor space attached to the retail space of the building at Pennsylvania Street and Virginia Avenue. The proposed re-development will renovate this area to be landscaped to match the new development. Some space will be dedicated to public art in this area as well.

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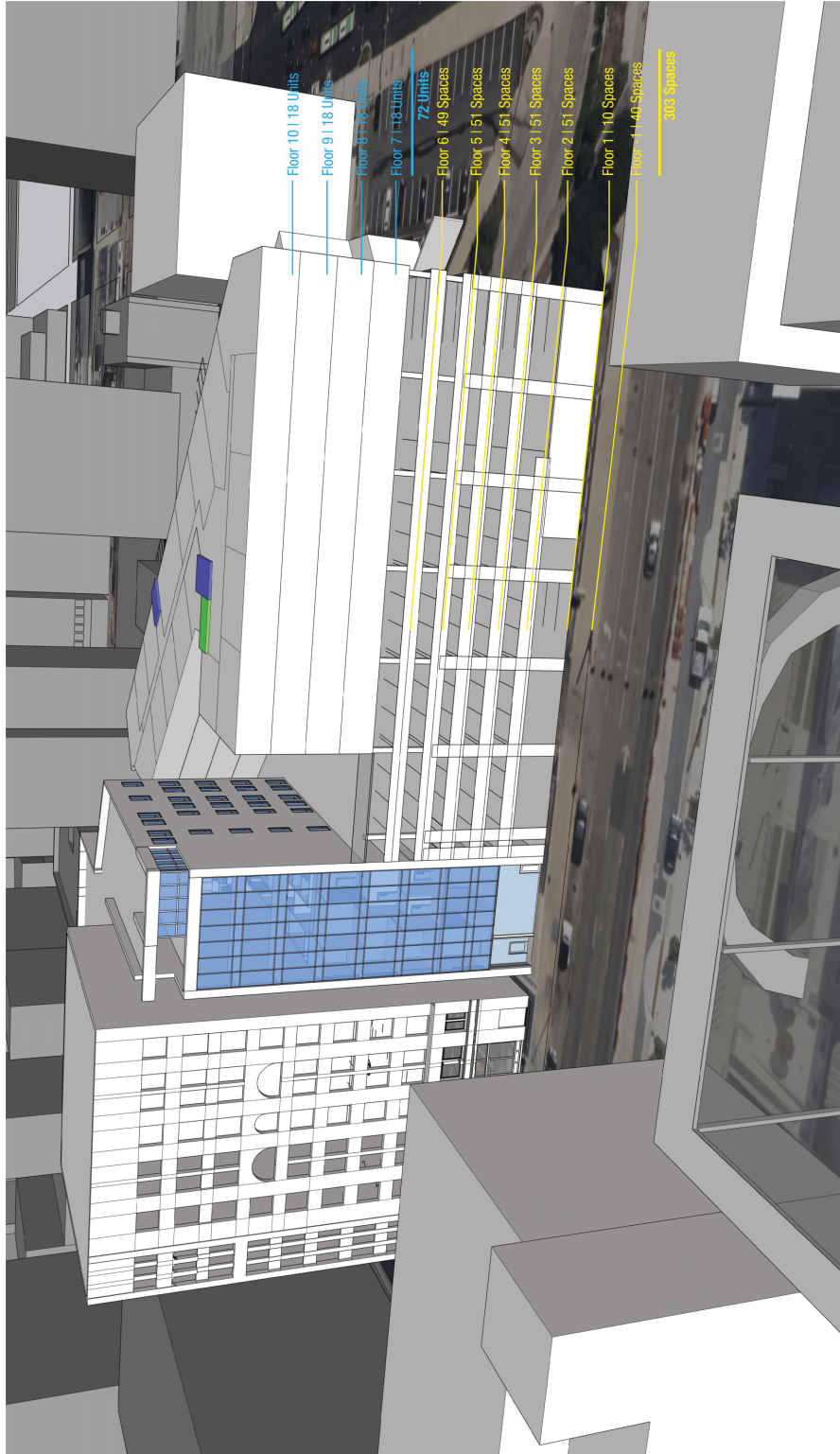
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GROUND FLOOR  
21 VIRGINIA MIXED-USE REGIONAL CENTER FILING  
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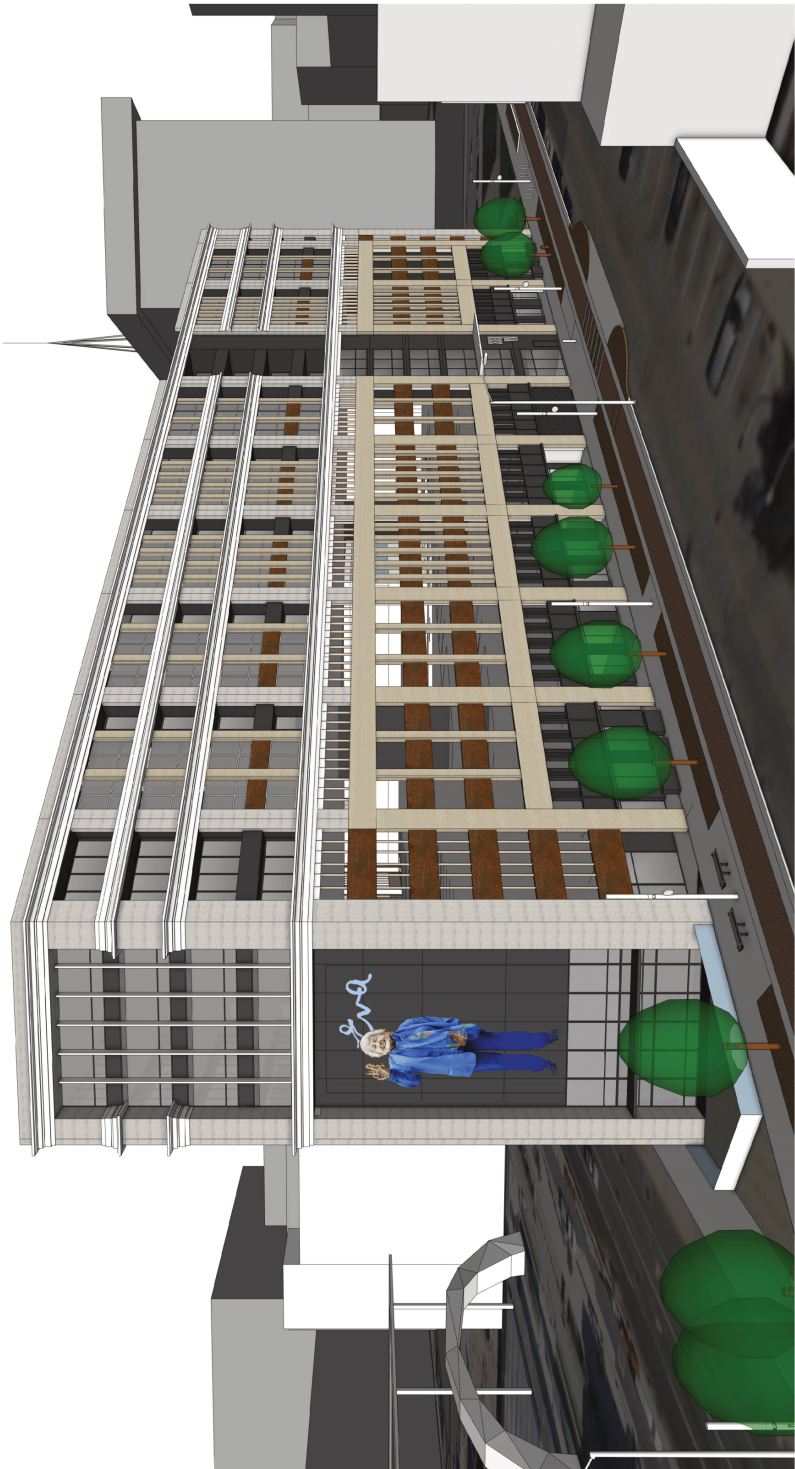


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12

CONCEPTUAL SOUTH FACADE / E MARYLAND ST  
21 VIRGINIA MIXED-USE REGIONAL CENTER FILING  
29 JULY 2025

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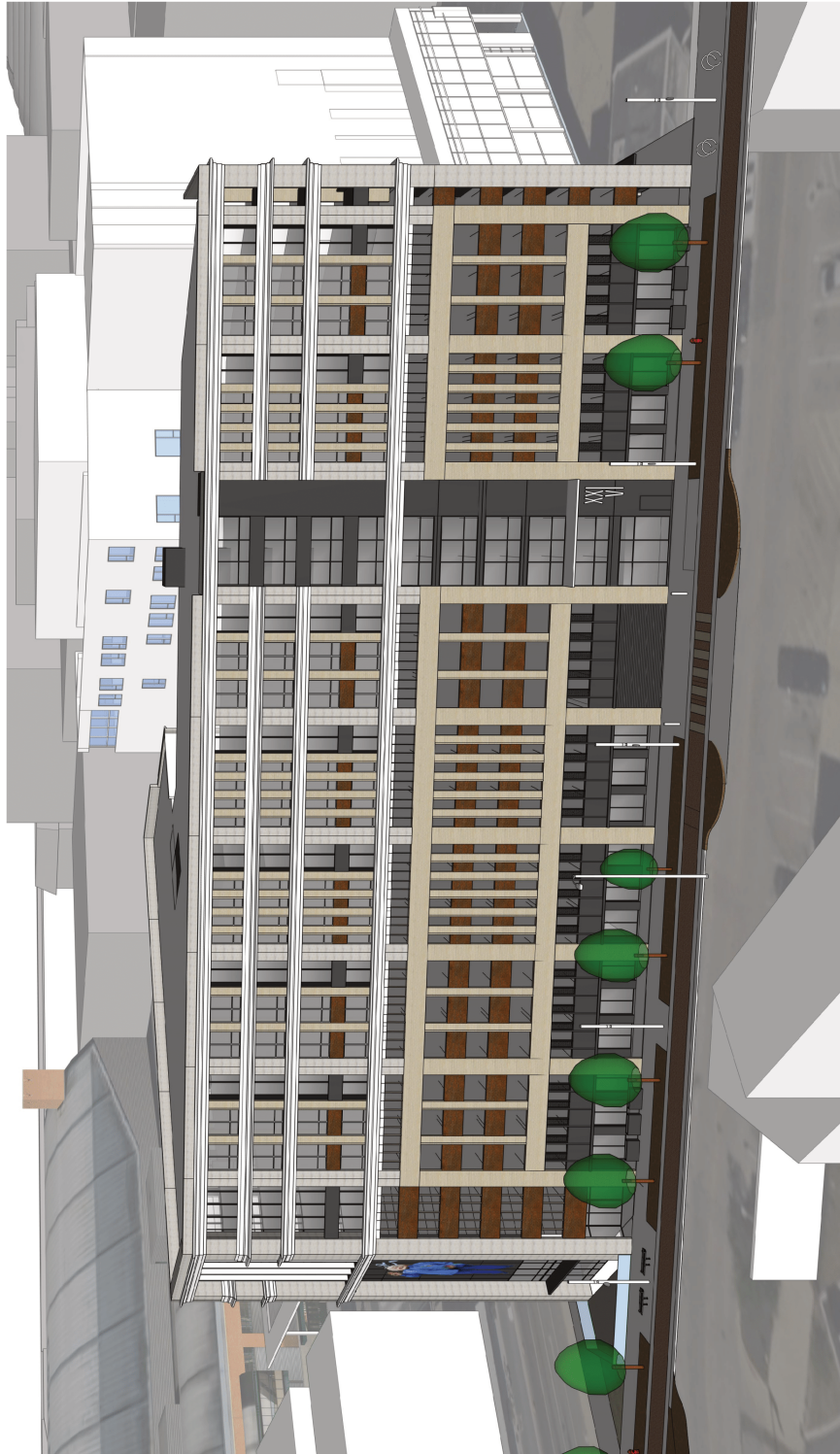


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QUALITY URBAN GROWTH

13

**CONCEPTUAL FACADE**  
21 VIRGINIA MIXED-USE REGIONAL CENTER FILING  
29 JULY 2023

**21V**



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**DKGR**

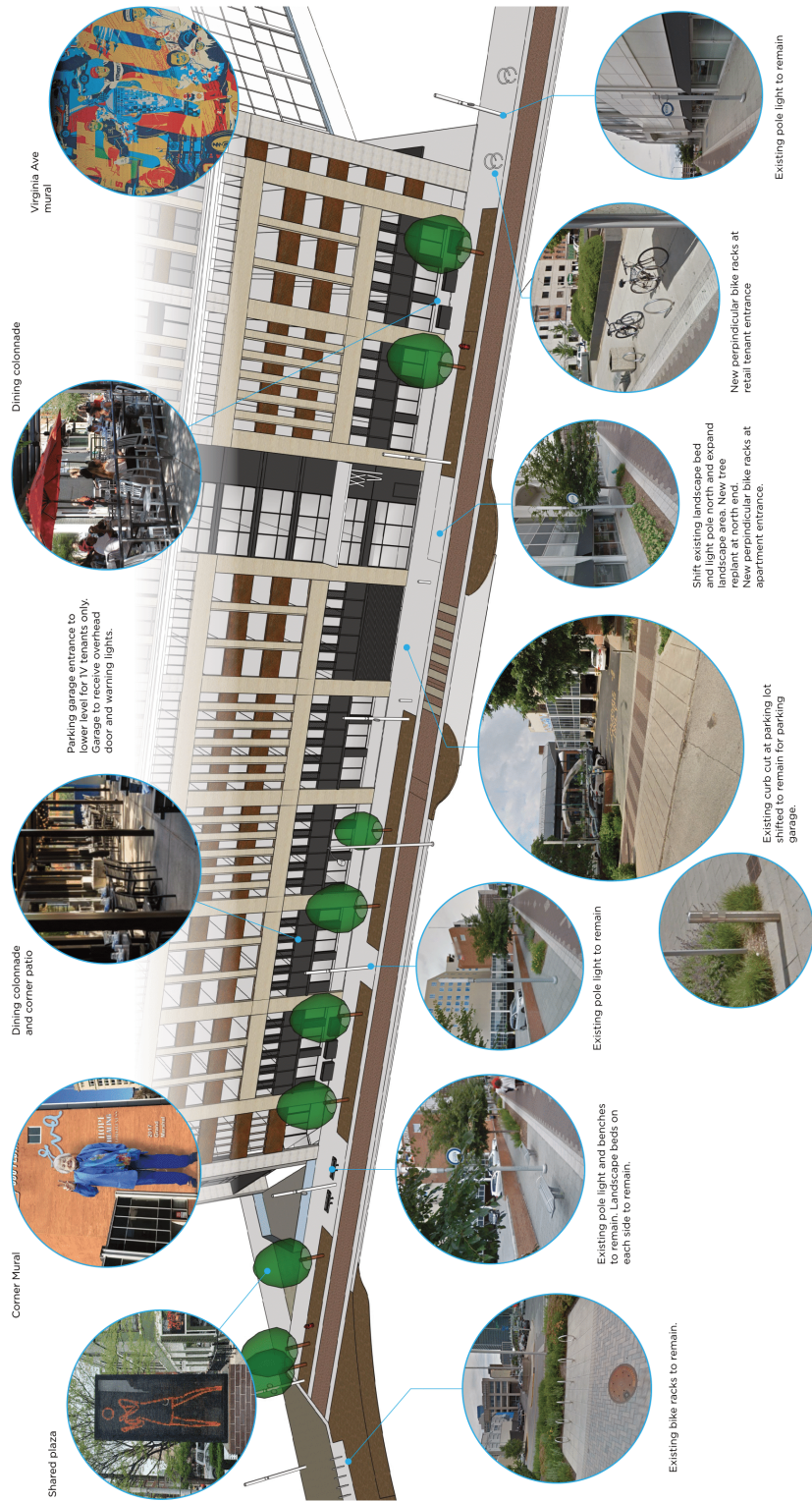
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CONCEPTUAL FACADE / VIRGINIA AVENUE  
21 VIRGINIA MIXED-USE REGIONAL CENTER FILING  
29 JULY 2025

**21V**



**21V** CONCEPTUAL FACADE / E MARYLAND AND VIRGINIA  
21 VIRGINIA MIXED-USE REGIONAL CENTER FILING  
29 JULY 2023





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

Petition Number \_\_\_\_\_

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

**PETITION FOR SPECIAL EXCEPTION  
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because  
the proposed new construction is comprised, in part, of a structure used primarily for the housing,  
parking, or temporary short-term placement of motor vehicles including parking spaces, and the area of  
access for the egress/ingress of automotive vehicles to and from the actual parking space.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
2. The proposed use will not injure or adversely affect the adjacent area or property values in that  
 area because  
the proposed new construction will replace an inferior and CBD-1-prohibited surface parking lot that was  
grandfathered in due to its long history as a surface parking lot, as well as an outdated commercial office  
building that is non-contributing. The current conditions actually inhibit property values from improving  
while the proposed new construction will immediately cause property values to improve materially by  
providing new Cultural-trail facing retail along an otherwise dormant stretch, new residential units, and  
dedicated parking for office employees and visitors, condominium owners, and restaurant staff and  
visitors.  
 \_\_\_\_\_
  
3. The grant will not materially and substantially interfere with the lawful use and enjoyment of  
 adjoining property because  
the proposed new construction will enhance the lawful use and enjoyment of adjoining property by  
introducing complimentary retail uses, dedicated off-street parking, and additional residents to this area  
of the Mile Square. The proposed new construction will replace uses that breed unlawful loitering and  
related activities. The adjoining properties desire for this new project to both remove such unlawful  
activity opportunities and provide new, safe, lawful uses that will bring vibrancy to an otherwise  
underwhelming block of the Mile Square.  
 \_\_\_\_\_
  
4. The proposed use will be compatible with the character of the district, land use authorized therein  
 and the Comprehensive Plan for Marion County because  
the proposed use is an expansion of the property located at 1 Virginia Avenue. 1 Virginia Avenue  
features restaurant and bar space (including outdoor patio seating), office space, and for-sale  
condominium units. It is truly a mixed-use project. The proposed new construction will expand upon  
those offerings by providing additional street-level retail (which is encouraged in a walkable environment  
such as the Mile Square), new residential housing (which brings vibrancy to the Mile Square with those  
residents living and playing in the Mile Square), and dedicated parking options to serve all of the above.  
The uses for the new project will be a harmonious fit with the adjacent and nearby uses and will engage  
the streetscape along the sidewalks and Cultural Trail and provide ADA accessibility.  
 \_\_\_\_\_
5. The proposed use conforms to the development standards in Chapter 744 applicable to the  
 zoning district in which it is located because  
the proposed new project utilizes the entirety of the lot(s) without setbacks, which is to promote a  
vibrant, urban walk-ability. The proposed new project is also in compliance with the Sky Exposure  
Planes.  
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 \_\_\_\_\_  
 \_\_\_\_\_



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6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because the proposed new project will not introduce uses that emit vibrations, smoke/dust/particular matter, noxious matter, odor, noise, heat/glare, waste matter, or storm water drainage in violation of Chapter 740. All new improvements and related items will be maintained by private parties in compliance with Chapter 740. The project will conform with all development standards in Chapter 744 for CBD-1, including the Sky Exposure Planes.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because the proposed new project will comply with the Chapter 743 use-specific standards for multifamily dwellings as there are none, and it will comply with the Chapter 743 use-specific standards for retail because no single retail use will exceed 25,000 square feet (nor will the aggregate retail space exceed such amount). The parking garage component of the project will be in compliance with the use-specific standards in Chapter 743 because (1) there is no access from Monument Circle, and (2) the parking facility and its entrances/exits will not unduly inhibit traffic or pedestrian traffic because the project is using the same curb cuts as exist for the current parking and a parking garage more than twice this size formerly existed directly south without issue.

**DECISION**

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

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

_____	_____
_____	_____
_____	_____
_____	_____



Subject site looking north from Maryland Street



Subject site looking northwest along the Cultural Trail



Subject site looking west



Subject site looking southwest along the Cultural Trail with the existing  
Virginia Avenue curb cut in the foreground



Looking west with the Maryland Street curb cut in the foreground



Looking west along Maryland Street



Looking south with the Bicentennial Unity Plaza in the background



Looking south



Looking north



Looking north



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**BOARD OF ZONING APPEALS DIVISION II**

September 9, 2025

**Case Number:** 2025-DV2-033

**Property Address:** 6445 Spring Mill Road (approximate address), Town of Meridian Hills

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

**Petitioner:** Patrick & Laura Steele, by Misha Rabinowitch

**Current Zoning:** D-2 (R-2)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pool house with a three-foot east side yard setback and 27.33-foot aggregate side yard that would encroach into a platted easement (12-foot minimum and 30-foot aggregate side yard setbacks required, encroachment of easements not permitted).

**Current Land Use:** Residential

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

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- 6445 Spring Mill Road is a residential property located at the southeast corner of the intersection of Spring Mill Road and Wellington Road and within the Town of Meridian Hills. The site is currently improved with a single-family residence that was expanded to the south by permits issued in 2023, as well as an accessory pool and partially constructed pool house. Power lines run along the eastern portion of the property, with a related utility easement of four (4) feet.
- In 2025, permits were issued for the renovation and reconstruction of the swimming pool in the same size and location as well as for a pool house structure that would be open on 3 of 4 sides. The site plan approved by Permitting indicated a 13-foot side setback for the pool house structure; however, that site plan incorrectly showed all site improvements shifted 10 feet to the west. The pool house structure is partially built, with a 3-foot eastern side setback not matching the permit.

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- Construction of the pool house in its current location would require the approval of three (3) separate variances: **(a)** the required side setback for residential development within the R-2 district of Meridian Hills is 12 feet; **(b)** Meridian Hills also requires an aggregate side yard setback of 30 feet (the eastern and southern yards would combine for 27.33 feet); and **(c)** encroachment into the platted easement related to the overhead power lines (the easement is 4-feet in width and the setback is three feet). If the site plan provided for permit review had been accurate, the issuance of permits would have been delayed allowing for either plan revision or for required variances to be obtained.
- At the time of the publication of this staff report, it does not appear that AES (the easement holder) had provided the applicant with a Consent to Encroachment letter. This letter would be a requirement to allow for the improvement to remain, in addition to this zoning variance and an encroachment license from the Department of Business and Neighborhood Services. Staff would emphasize that approval of the ENC would not be guaranteed even if the AES consent was provided and the variance was granted, and that the City would not be held liable for any damages to improvements within the platted easement. Staff indicated to the applicant that applying for a “Vacation of a Platted Easement” petition with the Plat Committee would be a more appropriate remedy, but they indicated their desire to proceed with a Variance of Development Standards.
- This site is zoned D-2 (Dwelling District Two) to allow for suburban development with ample yards, trees, and open space. It also falls within the R-2 designation of the Town of Meridian Hills and is recommended to the Suburban Neighborhood typology by the Comprehensive Plan.
- Findings of Fact provided by the applicant indicate that the pool house would be adequately screened from surrounding properties and that flexibility wouldn’t exist to place it in an alternate location. Staff would note that this site appears to have housed a pool without a pool house since the late 1980s without incident, and that the sunroom addition constructed in 2023 could potentially fulfill some pool house functions without the need for variance relief. Any difficulty that exists in relation to the partially constructed pool house would be self-imposed since the construction was based on an inaccurate site plan provided for permitting.
- Staff would also note that this easement could be needed in the future to allow for either regular maintenance of nearby power lines or emergency repairs in the event of damage or inclement weather (see proximity of the lines to the structure in Photos 7 and 8). Although there might be residential building code issues related to this proximity, the primary zoning issue is encroachment into the easement seemingly without AES consent or a vacation of the platted easement. Given this context and the fact that no practical difficulty tied to the site exists to justify a deviation of this extent, staff recommends denial of the variances.



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## GENERAL INFORMATION

<b>Existing Zoning</b>	D-2 (R-2)	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
North:	D-2	North: Residential
South:	D-2	South: Residential
East:	D-2	East: Residential
West:	D-1	West: Residential
<b>Thoroughfare Plan</b>		
Spring Mill Road	Primary Collector	70-foot existing right-of-way and 80-foot proposed right-of-way
Wellington Road	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	08/05/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	08/05/2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	08/05/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood typology to allow for predominantly single-family housing supported by a variety of neighborhood-serving businesses and amenities.

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



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- 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

**2023DV2003 ; 231 Wellington Boulevard (east of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with an eight-foot east side yard setback and a 25.08-foot rear yard setback (12-foot side yard and 28.5-foot rear yard setbacks required), **approved**.

**2010HOV001 ; 100 W 64<sup>th</sup> Street (southeast of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 10.917-foot side setback (12-foot side setback required), **approved**.

**2006DV3009 ; 6470 N Illinois Street (northeast of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single family dwelling with a 25-foot front setback (minimum 38-foot front setback required), **approved**.

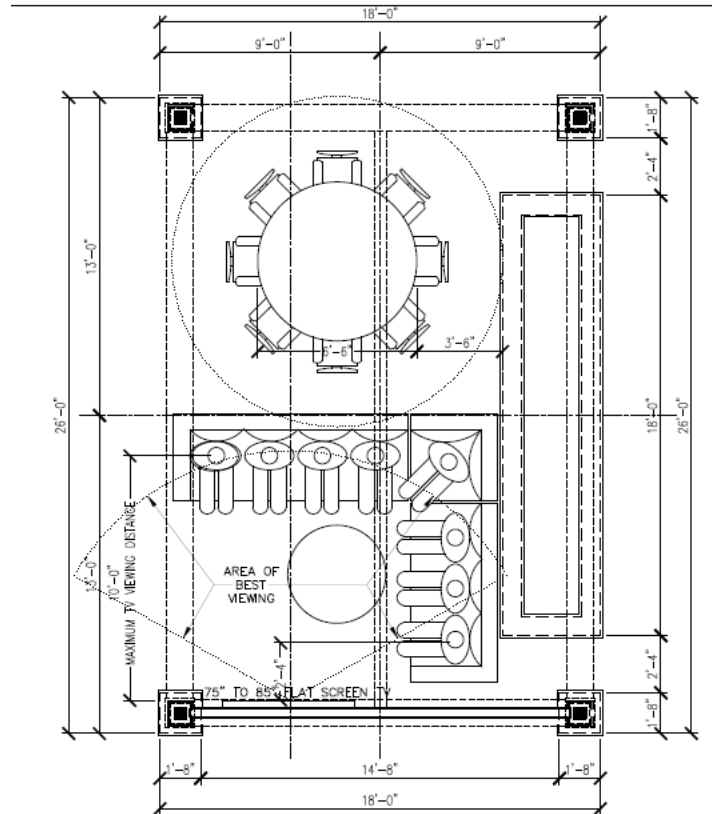
EXHIBITS

2025DV2023 ; Aerial Map





**2025DV2023 ; Floorplan Layout (from ILP25-00823)**



**2025DV2023 ; Findings of Fact**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:  
the proposed accessory pool house is screened by a fence and landscaping and is located behind the house and the garage. The pool house is tastefully designed to fit in context with the neighborhood.  

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2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:  
the proposed pool house is screened by a fence and landscaping and is located behind the house and the garage such that adjacent properties will not be impacted in a substantially adverse manner.  

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3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:  
due to the existing location of the home, setback over 110' feet from Spring Mill Rd., the area for enjoyment of the backyard, and to construct improvements, behind the home is narrow and there is insufficient area to the south of the home and pool to locate the accessory pool house structure.  

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**2025DV2023 ; Photographs**



Photo 1: Subject Site Viewed from Northwest



Photo 2: Subject Site Viewed from North

**2025DV2023 ; Photographs (continued)**



Photo 3: Existing Power Lines/Easement Along Eastern Property Line

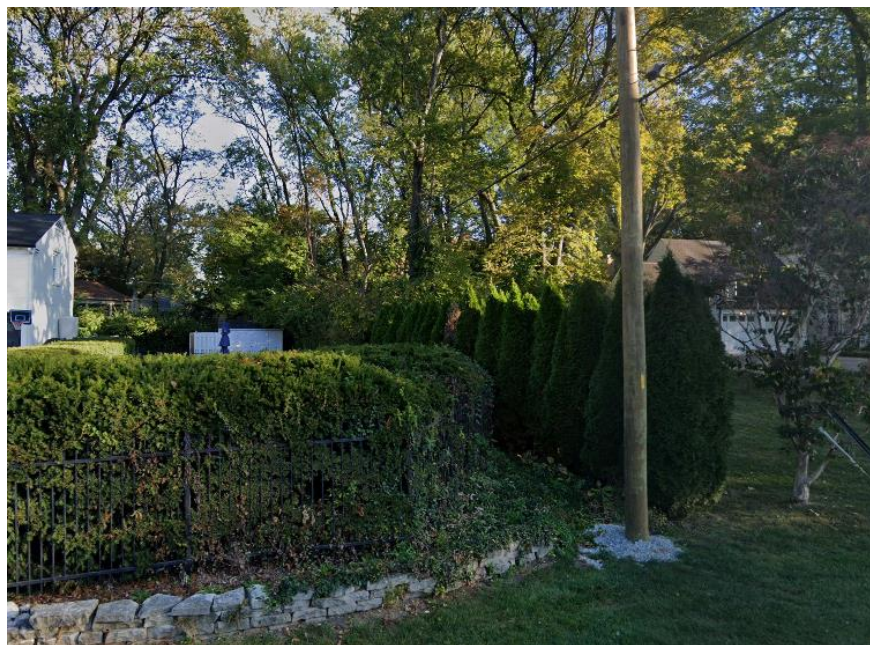


Photo 4: Existing Power Lines/Easement to North of Subject Site (October 2024)

**2025DV2023 ; Photographs (continued)**



Photo 5: Pool House Viewed from North

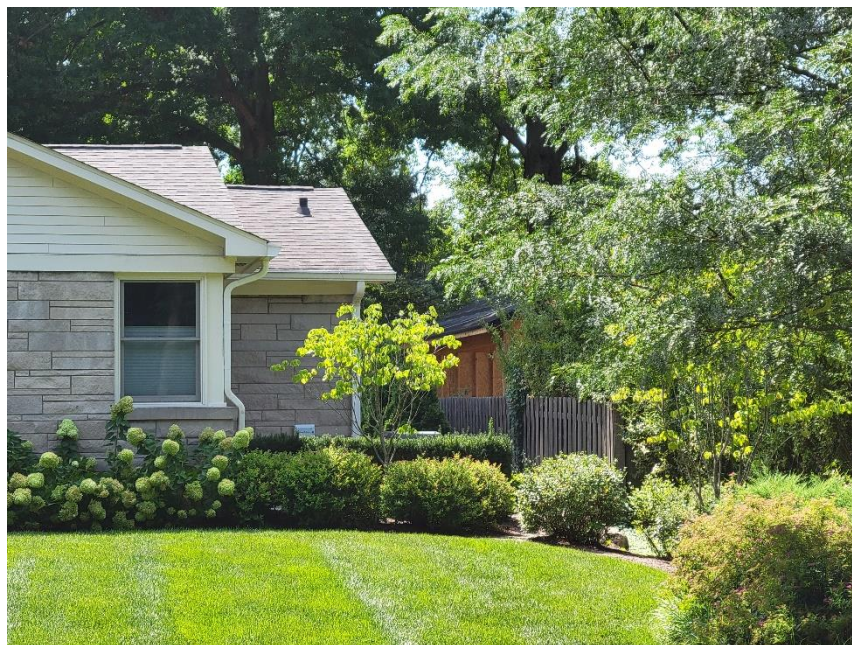


Photo 6: Pool House Viewed from Northeast

**2025DV2023 ; Photographs (continued)**



Photo 7: Pool House and Eastern Property Line Fence



Photo 8: Pool House and Power Lines/Easement Looking North