Board of Zoning Appeals
Board of Zoning Appeals Division II
(November 17, 2026)
Meeting Agenda

Meeting Details

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

Date: Tuesday, November 17, 2026 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

2026-DV2-027 **| 7009 West Thompson Road**
Decatur Township, Council District #21, zoned C-S (Airspace)
Indy's Finest Fence, by Rocky Morton

Variance of Development Standards to allow for a lot with asphalt millings (asphalt pavement required), an 8-foot privacy fence (maximum 3 ½ foot required), 0-foot transitional yard (15-foot required), exceeding the maximum outdoor storage (limited to 25% of outdoor building area), no landscaping (landscaping and trees required).

****This petition will be withdrawn.**

PETITIONS REQUESTING TO BE CONTINUED:

1. **2026-DV2-037 (amended) | 1506 Churchman Ave**
Center Township, Council District #19, zoned D-5
Homes Constructions RMP LLC, by Jorge Gonzales

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a corner side yard setback of 3 feet (8-foot required) for the construction of a residential dwelling.

****This petition will be continued to the December 8, 2026 hearing.**

2. **2026-DV2-042 | 2110 N Illinois Street**
Center Township, Council District #12, zoned C-4, HD-1, MU-1 (TOD) (RC)
Wardney Snarr

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an enclosed dumpster / service area in the front yard of 21st Street (Service area not permitted in front yards).

****This petition will be continued to the December 8, 2026 hearing.**

3. **2026-DV2-043 | 1225 North Colorado Avenue**
Center Township, Council District #13, zoned D-5
Julia Kellams

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish porch entrances to a multi-unit house with deficient side yard setbacks (3-feet required).

****This petition has been automatically continued to the December 8, 2026 hearing.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

4. **2026-DV2-036 | 5205 Byram Avenue**
Washington Township, Council District #7, zoned D-5
Jason Burk

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for the construction of an accessory structure in the front yard of Byram Avenue (accessory structures located closer to any front yard lot line not allowed).

5. **2026-DV2-038 | 1305 Meadowbrook Drive**
Washington Township, Council District #2, zoned D-S
Glenn Riley

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 5-foot side yard setback (15 feet required) and a 50-foot front yard setback (110 feet required) for the expansion of an attached garage.

6. **2026-DV2-039 | 48 W 65th Street**
Washington Township, Council District #2, zoned D-1
Andrea Merz

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the building of a minor residential structure with a 12.11-foot rear setback (23-feet required).

7. **2026-DV2-041 | 8888 Keystone Crossing**
Washington Township, Council District #4, zoned C-4
KATC Property LLC, by J.R. Knight

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

8. **2026-UV2-015 | 2431 Central Avenue**
Center Township, Council District #13, zoned C-1
Truth in Christ Church, by Lohman & Lohman Properties, LLC

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a consumer services use (recording studio) in an existing building (consumer services not permitted in C-1).

9. **2026-UV2-016 | 6570 Carrollton Avenue**
Washington Township, Council District #7, zoned D-9 (FF) (TOD)
Dearing Law Firm, by David Dearing

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a medical office (not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

10. **2026-DV2-030 | 7380 New Augusta Road**
Pike Township, Council District #1, zoned I-2 (FF) (FW)
Henry Hernandez by Brian Burtch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit a 6-foot-tall fence in front yard (3.5-foot-tall permitted).

11. 2026-DV2-034 | 2005 North Sherman Drive
Center Township, Council District #8, zoned I-3
Dhaliwal LLC, by Thomas Pottschmidt

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a gravel surface parking lot (not permitted unless for agricultural, animal-related, or food-production uses in the D-A district), to allow for a 0-foot rear transitional yard (40-foot rear transitional yard required), and to allow for the omission of required screening/buffering (industrial districts abutting parks districts are required to provide a landscape buffer).

12. 2026-UV2-012 | 1701 East New York Street
Center Township, Council District #13, zoned C-3
Sheref Nessem, by Justin Kingen

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to legally establish an auto repair use (tire sales and installation business), which is not permitted in C-3.

13. 2026-UV2-013 | 6201 Coffman Road
Pike Township, Council District #6, zoned I-2
Sandra Oatts

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation and installation of a kitchen, to prepare and deliver lunches to surrounding warehouses via personal vans (not permitted).

14. 2026-UV2-014 | 4201 Boulevard Place
Washington Township, Council District #7, zoned D-5
Steven Savoie

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the use of an existing single-family residence to create a small-scale mixed-use development that serves a coffee shop on the ground floor while occupying a single-family residential rental unit on the upper level (mixed-use development not permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

15. 2026-DV2-040 | 6970 North College Avenue
Washington Township, Council District #2, zoned D-4 (TOD)
Paul Mackowiak, by Giles Law Group LLC

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 6-foot-tall fence with an opacity of less than 30% in a front yard (4-foot maximum height permitted when 30% or less opacity).

Additional Business:

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

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

Member	Appointed By	Term
Craig Von Deylen, Chair	City-County Council	January 1, 2025 – December 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 — November 17, 2026

Case Number:	2026DV2027
Property Address:	7009 W Thompson Rd
Location:	Decatur Township, Council District #21
Petitioner:	Indy's Finest Fence, by Steven Brown
Current Zoning:	D3, A
Request:	Variance of Development Standards to allow for a lot with asphalt millings (asphalt pavement required), an 8-foot privacy fence (maximum 3 ½ foot required), 0-foot transitional yard (15-foot required), exceeding the maximum outdoor storage (limited to 25% of outdoor building area), no landscaping (landscaping and trees required).
Current Land Use:	Residential
Staff Reviewer:	Adrienne Baker, Principal Planner I

PETITION HISTORY

The petition is being withdrawn.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II — November 17, 2026

Case Number:	2026-DV2-037 (amended)
Property Address:	1506 Churchman Ave (approximate address)
Location:	Center Township, Council District #19, zoned D-5
Petitioner:	Home Constructions RMP LLC, by Jorge Gonzales
Current Zoning:	D-5
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 5-foot side yard setback (15 feet required) and a 50-foot front yard setback (110 feet required) for the expansion of an attached garage.
Staff Reviewer:	David Arrom Garza, AICP Senior Planner

CONTINUANCE

Case initially docketed for BZA II November 17, 2026 Hearing. Variance amended requiring new legal notice for December 8, 2026 Hearing date.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II — NOVEMBER 17, 2026

Case Number:	2026-DV2-042
Property Address:	2110 N Illinois Street (approximate address)
Location:	Center Township, Council District #12
Petitioner:	Wardney Snarr
Current Zoning:	C-4, HD-1, MU-1 (TOD) (Regional Center)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an enclosed dumpster / service area in the front yard of 21st Street (Service area not permitted in front yards).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends **denial** of this petition.
Staff Reviewer:	Drew Haynes, Senior Planner

PETITION HISTORY

This petition will be continued to the December 8th hearing due to additional time needed for discussions about alternative locations for the proposed dumpster.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II — November 17th, 2026

Case Number:	2026-DV2-043
Property Address:	1225 North Colorado Avenue (approximate address)
Location:	Center Township, Council District #13
Petitioner:	Julia Kellams
Current Zoning:	D-5
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish porch entrances to a multi-unit house with deficient side yard setbacks (3-feet required).
Current Land Use:	Single-family home
Staff Reviewer:	Adam Skrzeszewski, Senior Planner

PETITION HISTORY

A timely automatic continuance was filed by a registered neighborhood organization, automatically continuing this petition to the December 8th, 2026 hearing date. A full staff report will be made available in advance of that hearing.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II — NOVEMBER 17, 2026

Case Number:	2026-DV2-036
Property Address:	5205 Byram Avenue (approximate address)
Location:	Washington Township, Council District #7
Petitioner:	Jason Burk
Current Zoning:	D-5
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for the construction of an accessory structure in the front yard of Byram Avenue (accessory structures located closer to any front yard lot line not allowed).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends **approval** of this petition.
Staff Reviewer:	Drew Haynes, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

The Request: The petitioner is requesting a variance of development standards to allow for the construction of an accessory structure to sit in the front yard of the property along Byram Avenue.

Context: 5205 Byram Avenue is a single-family residential site at the corner of Byram Avenue and 53rd Street. The site is in the compact area of city and sits in a 100-year flood plain. Single-family residences border the site directly to the east and directly to the south. The Central Canal towpath borders the site to the southeast. The primary single-family residence sits at the southeast corner on the site. The proposed carriage house will sit to the west of the primary residence.

Zoning: The site is zoned D-5. The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods.

Recommendation: Staff recommends approval of this request citing practical difficulties of the site being the driving force for the decision.

The petitioner's findings state that it's not physically possible to build an accessory structure on the property without it being closer to the frontage than the existing primary structure. Also, the primary structure has already used the one-time improvement allowed by the flood ordinance.

Staff is in agreement with the findings because the grade changes do exist in the northern yard, making it impractical for the accessory structure to be built there. Moving the proposed accessory structure slightly north Also, since the primary residence sits to the southeast corner of the site, the accessory structure cannot be built behind the primary.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood, Linear Park	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	PK-1	North: Park
South:	D-5	South: Single Family Residence
East:	D-5	East: Single Family Residence
West:	D-5	West: Single Family Residences
Thoroughfare Plan		
Byram Avenue	Local Street	48-foot existing and proposed right of way.
West 53rd Street	Local Street	48-foot existing and proposed right of way.
Canal Blvd	Local Street	48-foot existing and proposed right of way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/30/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/30/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood for this site.
- Infill Housing Guidelines.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development.

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

- IHG recommends:
    - Accessory Buildings don't overshadow Primary Buildings.
    - Coordinate Primary and Accessory Structures.
    - Consider Options when adding space, especially for Secondary Dwelling Units.

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

- The Marion County Thoroughfare Plan (2019) – "is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area."
- The Greenways Master Plan (2014) – The Central Canal Towpath is a scenic, waterside multi-use path that provides connection from Broad Ripple to Downtown along the historic Indianapolis Water Company Canal. The towpath is approximately 7.7. miles long and connects to several other trails and greenways that include the Monon Trail, White River Greenway, Fall Creek Greenway, White River Connector, and the Indianapolis Cultural Trail.

- For context the Central Canal Towpath directly impacts the property of 5205 Byram Ave bordering the site along its eastern side. See photos for more context.

ZONING HISTORY

ZONING HISTORY – SITE

There are no previous zoning cases at this site.

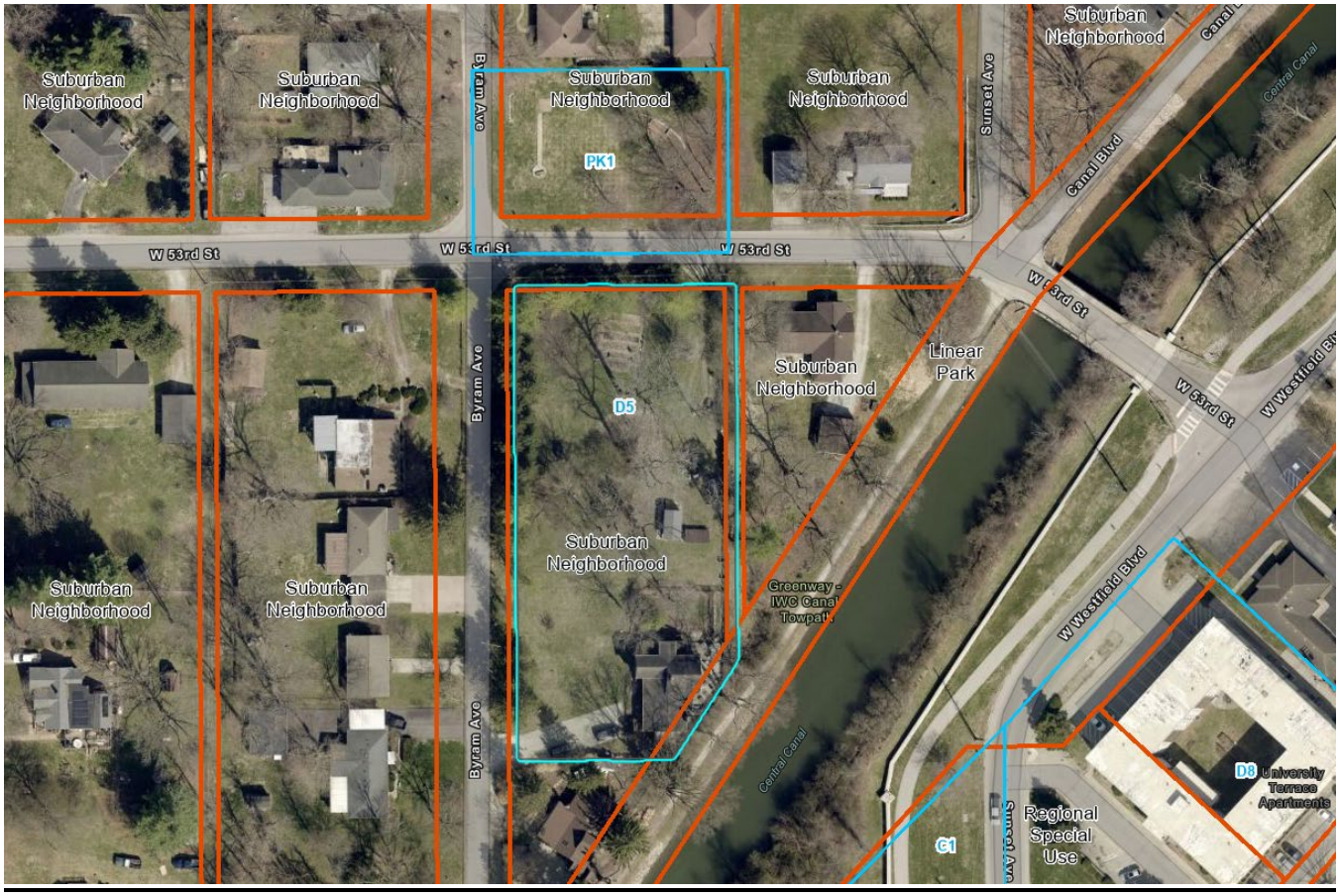
ZONING HISTORY – VICINITY

2009-ZON-075; 5303 Byram Avenue (North of site), requests the rezoning of 0.34 acre, from the D-5 (FF) District, to the PK-1 (FF) classification to provide for park uses, **approved.**

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

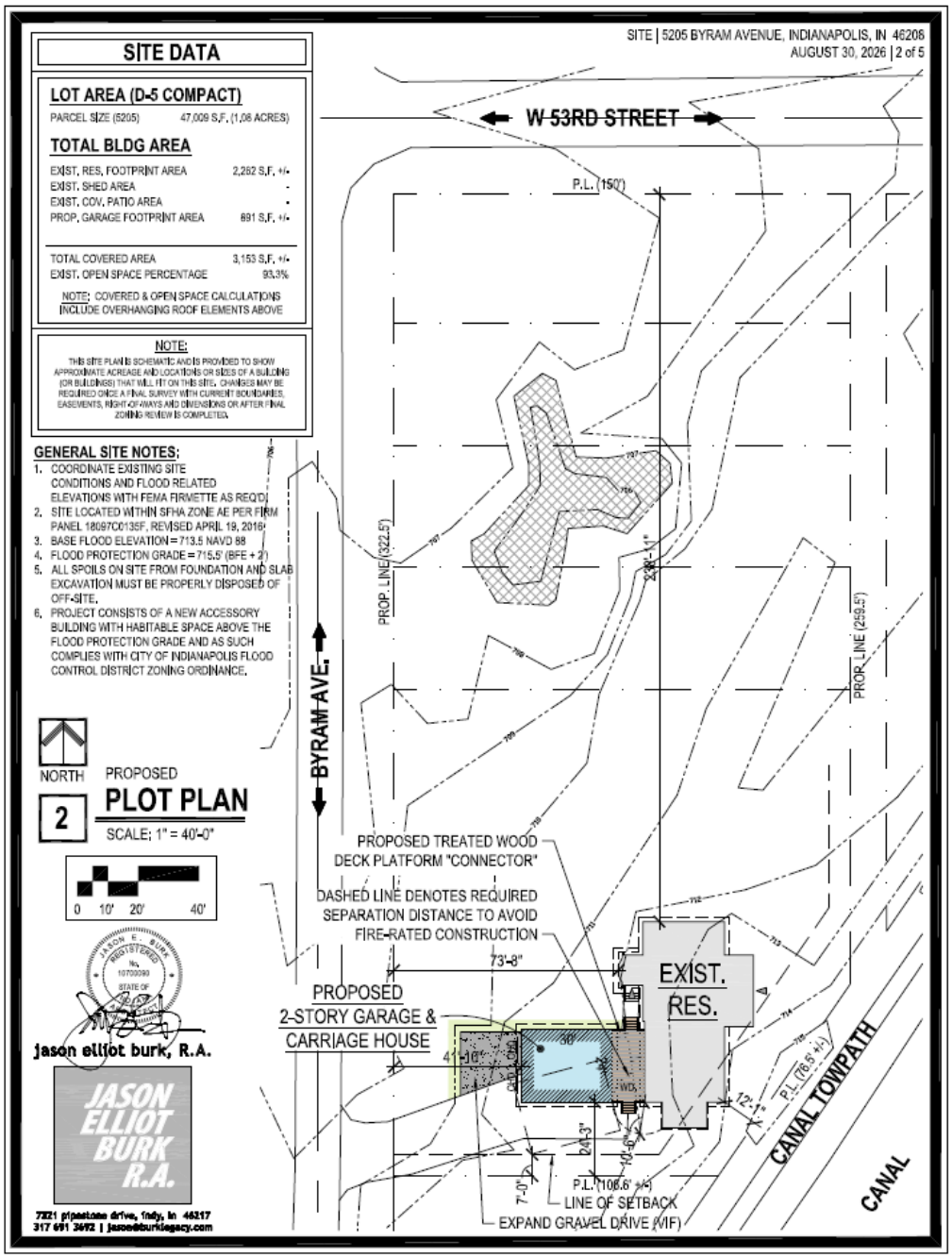
Aerial Map



DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

Site Plan



Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The grant will allow for the petitioner to build a garage for private residential use, whereas the ordinance(s) as written do not allow for such development.

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 new accessory structure will maintain consistency with the existing improvements on the property as well as maintain the highest design and development standards. The project will also be in compliance with the current flood ordinance requirements, which will further enhance the safety of the property in question as well as protect surrounding and adjacent properties from adverse effects related to any flood events.

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

It is not physically possible to build an accessory structure on the property without it being closer to the frontage than the existing primary structure. Also, the primary structure has already use the one-time improvement allowed by the flood ordinance.

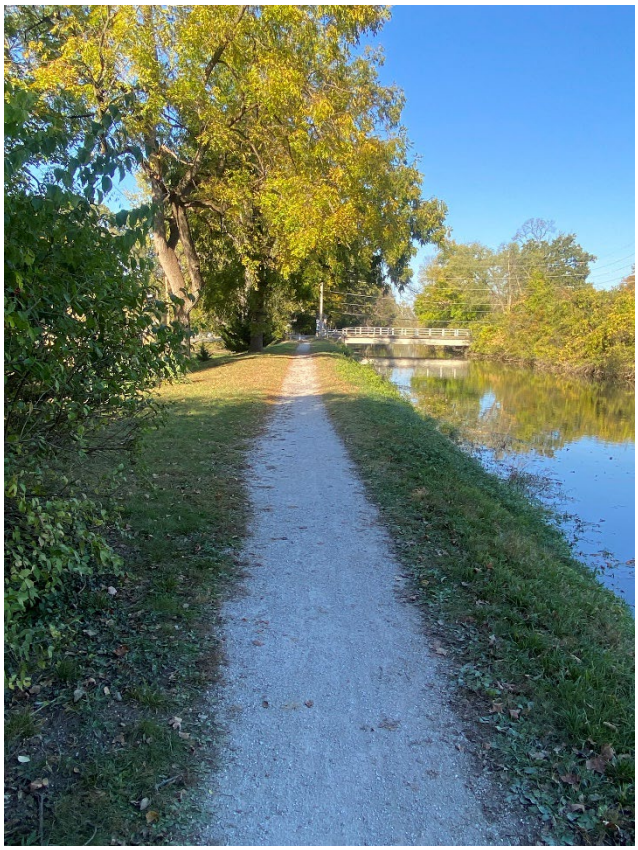
DECISION

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

Site Photos









DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II — November 17, 2026

Case Number:	2026-DV2-038
Property Address:	1305 Meadowbrook Dr (approximate address)
Location:	Washington Township, Council District #2
Petitioner:	Glenn Riley
Current Zoning:	D-S
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 5-foot side yard setback (15 feet required) and a 50-foot front yard setback (110 feet required) for the expansion of an attached garage.
Current Land Use:	Residential
Staff Recommendations:	Staff recommends **approval**
Staff Reviewer:	David Arrom Garza, AICP Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval.

PETITION OVERVIEW

The petition would allow for a 5-foot side yard setback (15 feet required) and a 50-foot front yard setback (110 feet required) for the expansion of an attached garage structure.

SITE PLAN

The site plan, file-dated May 26, 2026, depicts an approximately 785-square foot standard residential 3-car garage structure proposed for construction.

STAFF ANALYSIS

DWELLING DISTRICT

The subject lot is zoned D-S intended for suburban areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low-density development. Generous front yards with trees along roadway that follow the natural terrain of the land are envisioned in the D-S in the Comprehensive Plan.

D-S development standards require lot area minimum of 1 acre, a lot width minimum of 150 feet and side yard and aggregate yard minimum setbacks of 15 feet and 35 feet respectively for the Metro context (Table 742-103-2 D-S District Dimensional Standards).

SITE CHARACTERISTICS

The subject lot is approximately 34,051 square feet, less than the 1 acre required for a D-S lot, with a lot width of approximately 80 feet, less than the 150-foot minimum required for a D-S lot. Insufficient site dimensions limit the available side yard and front yard setback area which currently does not meet the 35 feet aggregate side yard setback requirement and the 110 feet front yard requirement calculated as Fronts Along Local Streets “greater of 40 from proposed ROW or average setback” for a D-S. Table 744-201-1: Dimensional Standards for Districts D-A through D-5II. Residences at 1303 Meadowbrook Dr (at the western property line) and 1357 Meadowbrook Dr (at the eastern property line) maintain approximately 110’ linear feet between the front building line and ROW.

A 5’ side yard setback between the existing residence and property line provides insufficient dimensional width area to support a side loaded parking garage of similar or lesser square footage or a driveway aisle for rear parking garage access. A driveway leading to a garage typically requires a lane width of 10’ or greater.

Practical site difficult exists with dimensional relief required to allow the construction of a residential garage structure in a D-S, permitted by right. For these reasons, staff recommends approval for the petition.

GENERAL INFORMATION

Existing Zoning	D-S	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	SU-38	North: Special District
South:	D-S	South: Residential
East:	D-S	East: Residential
West:	D-S	West: Residential
Thoroughfare Plan		
Meadowbrook Dr	Local Street	21’ R/W existing (no curb)
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 26, 2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	September 13, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan (“Pattern Book”) recommends the Suburban Neighborhood living typology for this site. The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should support a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but

a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Not Applicable to the Site

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

- Subject site with ¼ mile of Monon Trail, an existing greenway.

ZONING HISTORY

VICINITY

2004DV3050; 1303 Meadowbrook Dr, Washington Township, 14.2 ft aggregate side yard (35 ft. required), **approved**.

Department of Metropolitan Development
Division of Planning
Current Planning

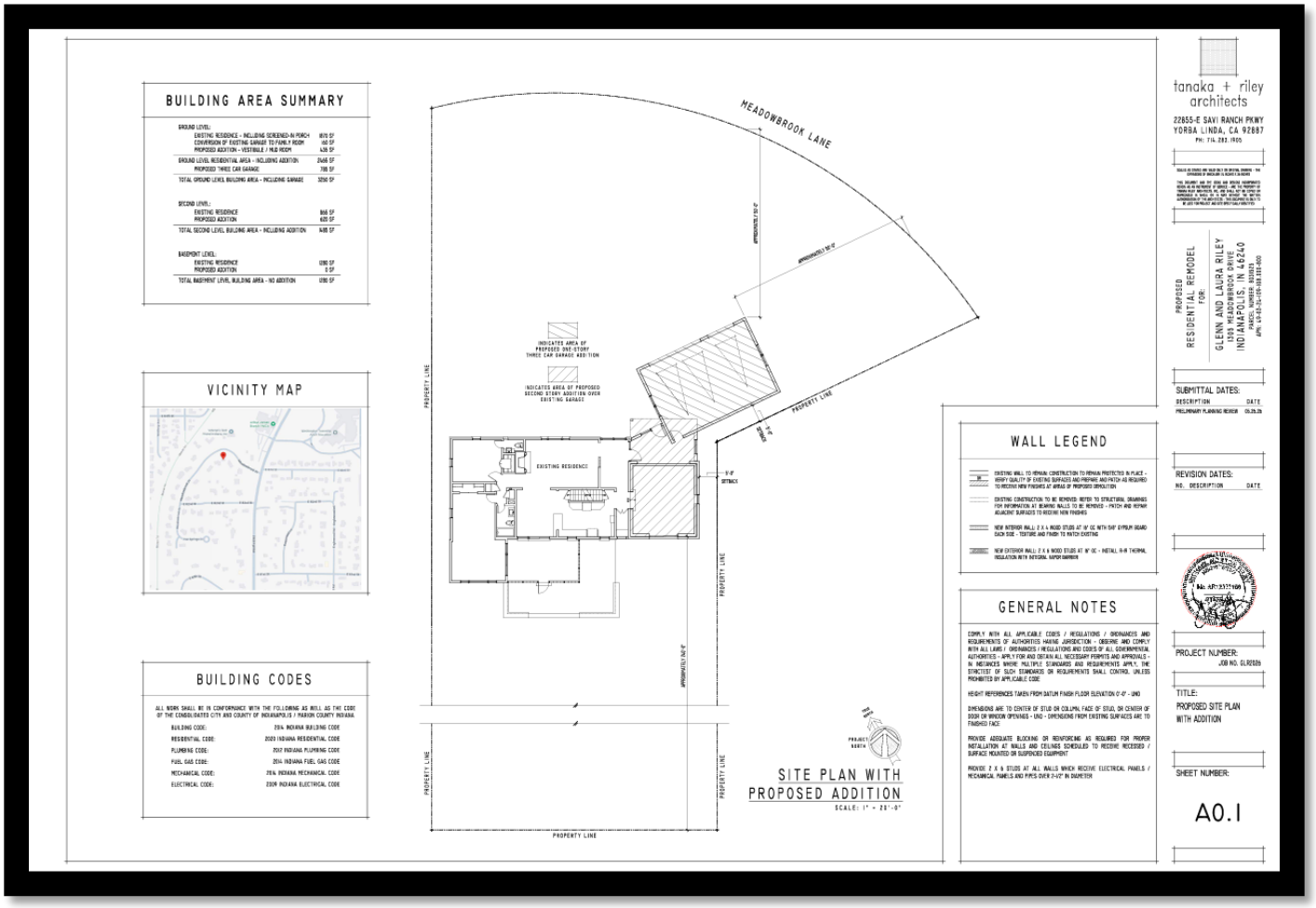
EXHIBITS

Location Map



Department of Metropolitan Development
Division of Planning
Current Planning

Site Plan



DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The garage addition will be approximately 50 feet from the front property line and the road if given an extension of the existing 5 foot setback that the current garage adheres to.

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 garage addition is an extension of the existing setback and follows the natural property line, which extends towards the street at an angle.

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

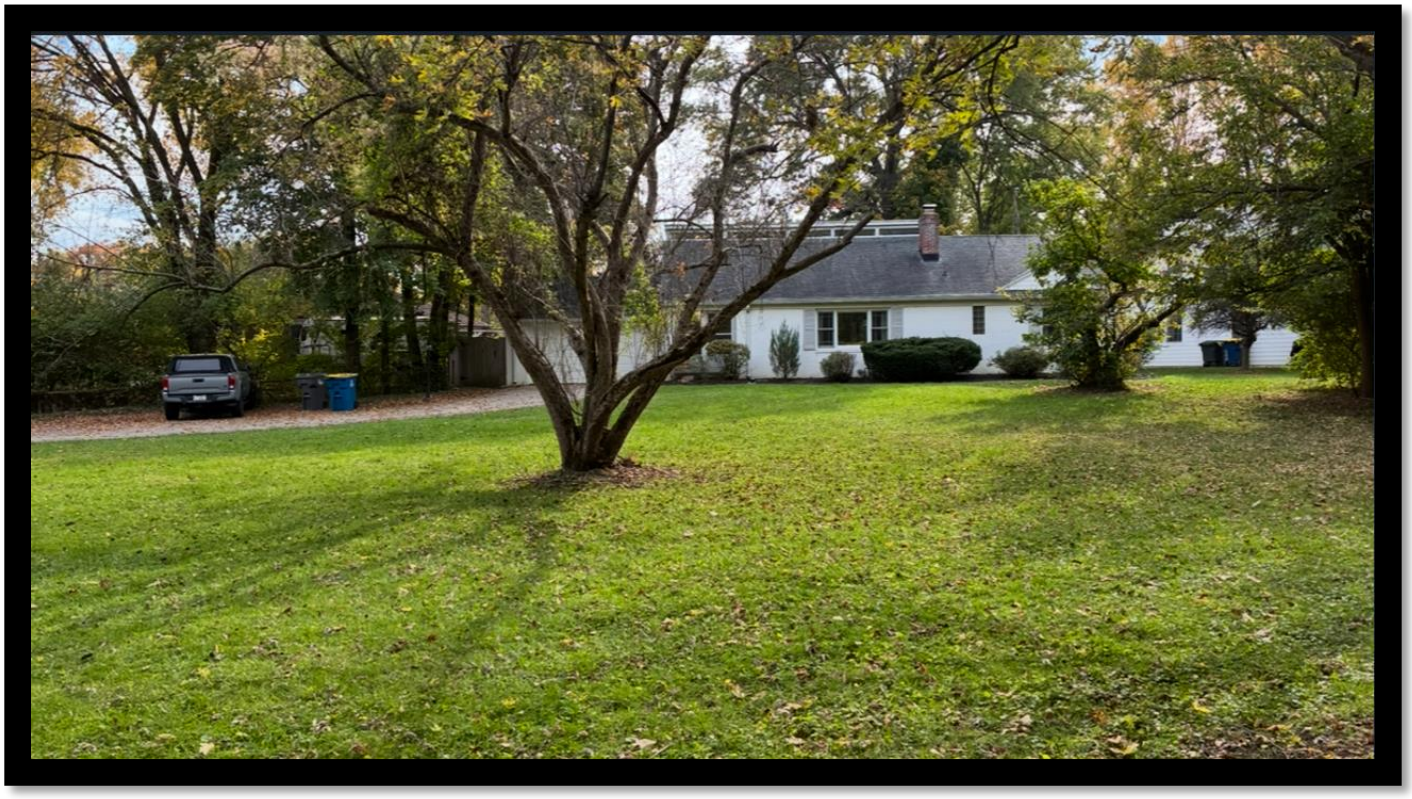
Extending the sideyard setback to 15 feet will reduce the setback from the street by 10 feet and creates an area of limited use behind the garage.

DECISION

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

Adopted this _____ day of _____, 20 ____

2026DV2038 Site Photographs



Street frontage at 1305 Meadowbrook Dr.



View looking onto eastern property line at driveway.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II — November 17, 2026

Case Number:	2026-DV2-039
Property Address:	48 W 65th Street (*approximate address)*
Location:	Town of Meridian Hills, Washington Township, Council District #2
Petitioner:	Andrea Merz
Current Zoning:	D-1
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the building of a minor residential structure with a 12.11-foot rear setback (23 feet required).
Current Land Use:	Single-family residential
Staff Recommendations:	Staff recommends **approval**
Staff Reviewer:	Sam Sparzo, Senior Planner

PETITION HISTORY

First public hearing on this petition

STAFF RECOMMENDATION

Staff recommend **approval** of the requested variance

PETITION OVERVIEW

- The subject site is located within the Town of Meridian Hills. In addition to the development standards in Section 744-201, proposed development must meet the development standards found in Section 744-203, Special Dimensional Standards. The setback requirements for the Town of Meridian Hills are found in Table 744-203-1.
- The proposed minor residential structure meets all the development standards found in Section 744-203, with the exception of the rear setback, which requires a setback equal to 15% of the depth of the lot, with a maximum required setback of 30 feet. The lot has a depth of 121 feet and 8 inches, meaning a rear setback of 23 feet is required. The proposed minor residential structure will have a rear setback of 12.11 feet.
- The zoning of the subject site is D-1, which is intended for suburban areas and provides for estate-style development with generous front yards for trees and a bucolic atmosphere. Development within the D-1 district should incorporate and promote environmental and aesthetic considerations, while working within the existing site conditions, including vegetation, topography, drainage, and wildlife. Similarly, the subject site is within the Suburban Neighborhood typology, which is characterized by single-family housing, well-connected streets and amenities, and

development should be organized around natural features. Lastly, the Infill Housing Guidelines indicate that building spacing should reflect the existing spacing along the block while allowing for the maintenance of buildings.

- The proposed gazebo, a minor residential structure, is proposed to be located in the northwest corner of the lot, on an existing patio paver area approved and legally established through 2021DV1074. The subject site is directly south of the Meridian Hills Country Club, with the nearest structure to the north of the site being over 2,000 feet from the proposed gazebo.
- The Finding of Facts indicates that the proposed structure would be located on existing patio pavers and would be screened by vegetation from neighboring properties to the west and from the right-of-way, leaving sightlines unobstructed and unchanged.
- The proposed development will match the character of the neighborhood and meet front and side setback requirements. Staff deems the requested rear setback of 12.11 feet (23 feet required) reasonable. Staff recommends **approval** of this variance.

GENERAL INFORMATION

Existing Zoning	D-1	
Existing Land Use	Single-family residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	SU-34	North: Golf course/Country club
South:	D-1	South: Single-family residential
East:	D-1	East: Single-family residential
West:	D-1	West: Single-family residential
Thoroughfare Plan		
W 65th Street	Local Street	50-foot existing feet right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	9/15/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	9/15/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Suburban Neighborhood 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

- The Infill Housing Guidelines recommend the following when adding onto an existing structure.
  - Consider the context of the block/neighborhoods to help guide the
    - Size,
    - Height,
  - Leave room for maintenance
  - Reinforce the spacing of the existing lots
- The proposal follows the above recommendation and matches the context of the surrounding blocks/neighborhood; therefore, the staff support the variance request.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2021DV1074; 48 W 65th Street, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a primary building addition with a four-foot rear setback and legally establish a patio with a 10-foot rear setback (15% of the depth of the lot, but no more than 30-feet required), **approved.**

ZONING HISTORY – VICINITY

2025DV1011; 6445 N Illinois Street (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition, including the replacement of an attached garage, resulting in a 12-foot north side yard setback (15 feet required), **approved.**

2023DV2003; 231 Wellington Road, (southwest 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**.

2012HOV044; 95 Wellington Road (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a rear yard setback of 17.45 feet (21-foot rear setback required in the R-1 district), **approved.**

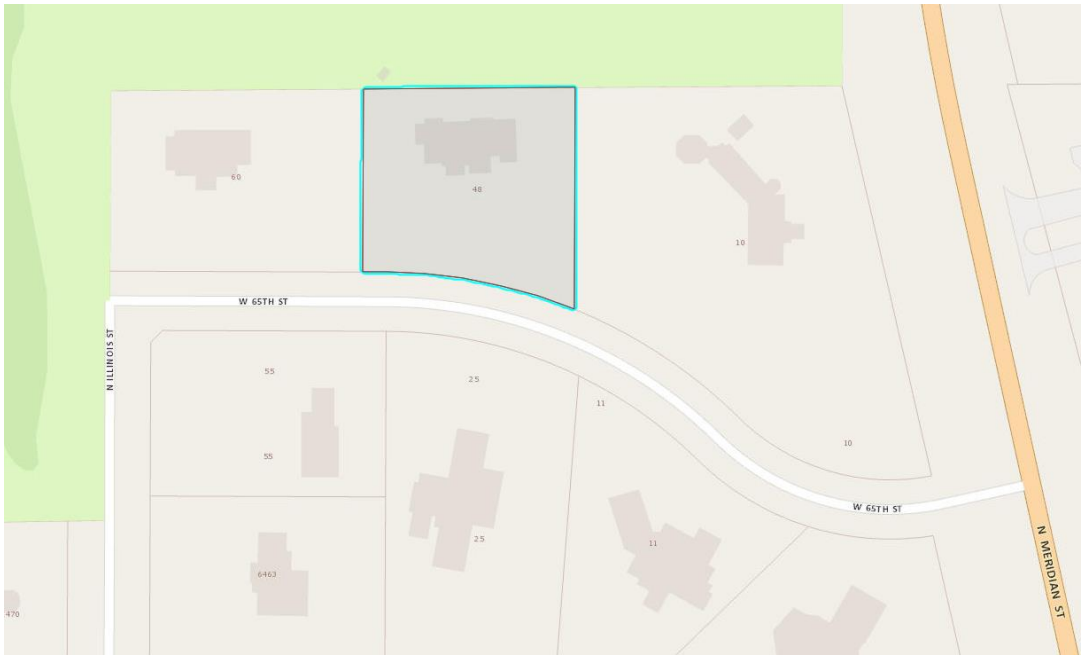
2010HOV001; 100 W 64th Stret (southwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 10.917-foot side setback (12-foot side setback required), **approved.**

2006DV3009; 6470 N Illinois Street (southwest of site), Variance 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.**

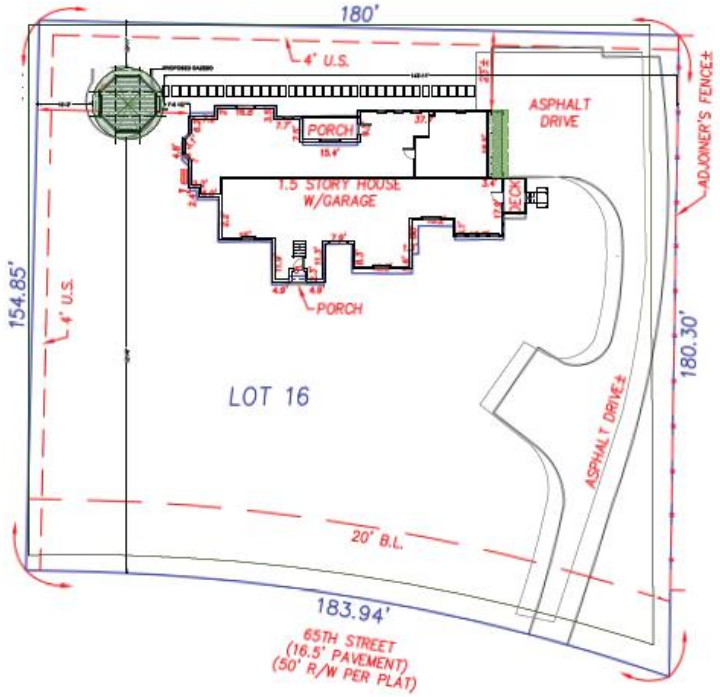
EXHIBITS

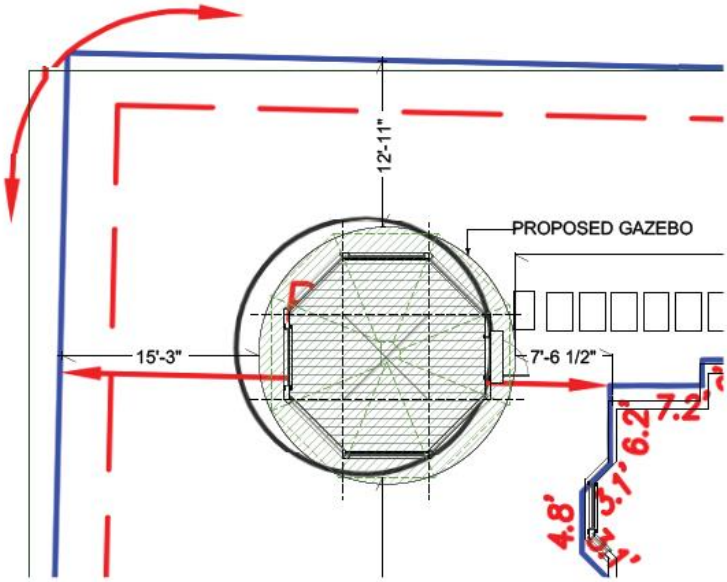
2026DV2039; Aerial Map





2026DV2039; Site Plan





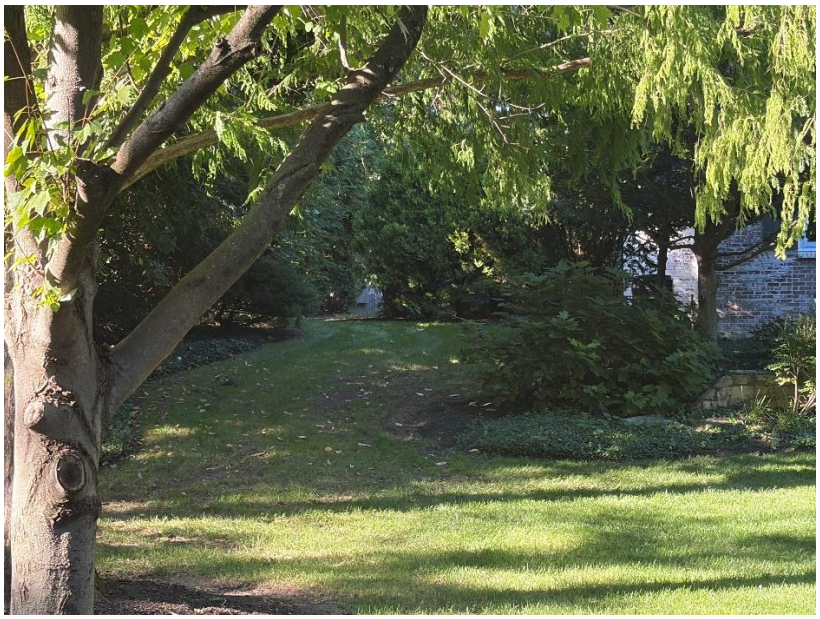
2026DV2039; Site Photos



Subject Site; From W 65th Street; Facing North



Subject Stie; From W 65th Street; Facing North; Proposed gazebo would be placed at end of yard/grass



Subject Site; From W 65th Street; Facing North; Proposed gazebo would be placed behind the trees at end of grass/yard.



Subject Site; From W 65th Street; Facing North; Vegetation towards west of site blocking the gazebo from neighbors



Subject site; From W 65th Street; Facing west on W 65th Street



Subject Site; From W 65th Street; Facing east on W 65th Street

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 17, 2026

Case Number:	2026-DV2-041
Property Address:	8888 Keystone Crossing (approximate address)
Location:	Washington Township, Council District #4
Petitioner:	KATC Property LLC, by J.R. Knight
Current Zoning:	C-4
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a sixth skyline sign on a façade, being the seventh on a building (one skyline sign per elevation, maximum of four permitted per building).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends **approval** of the requested variance.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the variance.

PETITION OVERVIEW

8888 Keystone Crossing is a commercial parcel with a size of 2.81 acres that is currently improved with a 17-story commercial office building with an overall height of 236 feet that was constructed in the late 1980s. The property is located within the Keystone at the Crossing commercial center, and the office building contains multiple tenants. Surrounding land uses are also multi-story office commercial in nature, and the property is near Interstate-465 to the north.

There are currently seven building sign installed on the subject building: one sign is located on the southeastern façade (see photo 6 within Exhibits), and the other six are located on the building's northwestern façade (photos 3 and 4). Each of these signs are over 26 feet from grade, and are used to advertise the tenants CBRE, Wells Fargo, SEI, Oak Street Funding, Ambrose, Ren, and MassMutual.

In 2019, signage regulations within the Ordinance were amended to create the designation of a skyline sign, which would be any wall sign that is fully over 26 feet from grade. This designation would be retroactively applicable for signs installed before 2019, and all 6 signs on the subject building would be classified as skyline signs (the most recent of which was approved by the variance petition 2025DV1050).

Approval of this petition would allow for placement of an additional skyline sign onto the existing building. The sign would be placed 40.58 feet from grade, would have a size of 91.63 square feet, and would be placed on the northwestern portion of the building per the site plan and building elevation diagrams within the Exhibits. This would require a variance because:

- The Ordinance limits the placement of skyline signage to one sign per building façade, and there are currently five skyline signs on the northwestern building façade.
- The Ordinance limits the placement of skyline signage to four signs per building, and there are currently six skyline signs on the full building.

This property is zoned C-4 to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. The Comprehensive Plan recommends it to the Office Commercial typology to allow for single and multi-tenant office buildings. The Comprehensive Plan Pattern Book offers no specific guidance related to signage for this site.

Findings of Fact provided by the petitioner indicate that applicable practical difficulties that would limit the placement of compliant signage would include the existence of trees along Keystone Crossing to the west that would block placement of building signage from the view of motorists, as well as the height of the building entry not allowing for installation of a sign with a height below 26 feet. Staff would note that the design of the building predates the existence of the skyline signage rule, and that per scaled elevation renderings provided by the petitioner, the lowest point of the existing building entry where the sign could be placed is around 28.75 feet (below that would be windows).

Additionally, the sign would only be visible for traffic internal to the existing community center and would not be visible from the Interstate to the north, which would align with the intent of skyline sign rules to prevent visual clutter visible from skylines or from nearby major thoroughfares. Given the difficulty that results from the existing building's construction, staff recommends **approval** of the requested variance.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Office Commercial	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	C-4	North: Commercial
South:	C-S	South: Commercial
East:	C-S	East: Commercial
West:	C-4	West: Commercial
Thoroughfare Plan		
Keystone Crossing	Private Street	66-foot existing right-of-way
88th Place	Private Street	70-foot existing right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	

Wellfield Protection Area	No
Site Plan	08/04/2026 (SGN26-00535)
Site Plan (Amended)	N/A
Elevations	09/23/2026
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	09/23/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2025DV1050, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fifth skyline sign on a façade, being the sixth on a building (one skyline sign per elevation, maximum of four permitted per building), **approved.**

98-UV2-37, Variance of Use of the Commercial Zoning Ordinance to provide for a telecommunications facility (not permitted) with 3 roof-mounted sets of three 8 foot tall antenna and 1 building-mounted set of three 8 foot tall antenna and a 5.5 by 14 foot equipment building mounted on the roof, **approved.**

88-HOV-87, Variance of development standards of the Sign Regulations to provide for an additional identification sign within an integrated center and with an overall height of eight feet (four feet permitted), **approved.**

87-HOV-133, Variance of development standards of the Sign Regulations to provide the erection of a ground sign without the required setback and within an integrated center, **approved.**

87-HOV-8, Variance of development standards of the Commercial Zoning Ordinance to provide for a 17-story, 236 foot tall, office building (65 feet maximum height permitted), **approved.**

ZONING HISTORY – VICINITY

2026DV1014 ; 9200 Keystone Crossing (northeast of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a second skyline sign on a building elevation (one skyline sign per elevation), **approved.**

2026HOV003 ; 9200 Keystone Crossing (east of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide a sixteenth (16) free-standing sign along River Crossing Blvd (maximum 2 permitted), **approved.**

2020DV3051 ; 8900 Keystone Crossing (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 35-foot tall pylon sign (25-foot tall pylon permitted), **approved.**

2018DV3061 ; 8800 Keystone Crossing (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 15 by 60-foot banner sign as an outdoor advertising off-premise sign on a parking garage, within 150 feet of a protected district and withn 25 feet of an entrance roadway (14 by 48-foot maximum, not permitted on a building, 300-foot separation from protected district, and 500-foot separation from an entrance roadway), **approved.**

EXHIBITS

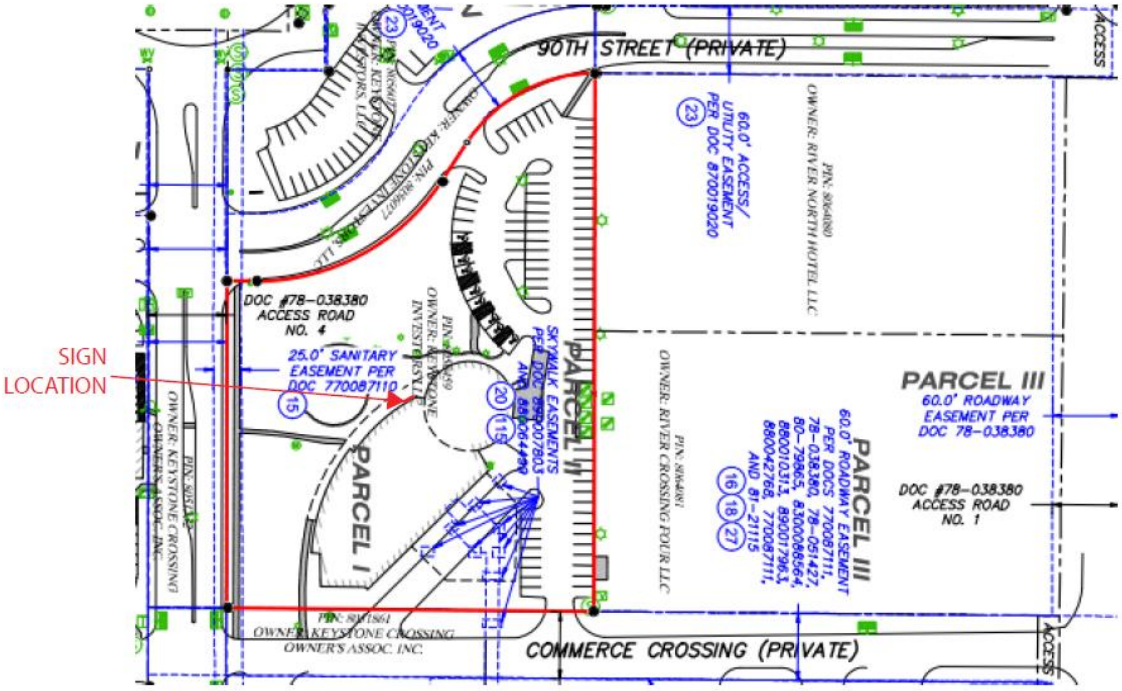
2026DV2041 ; Aerial Map



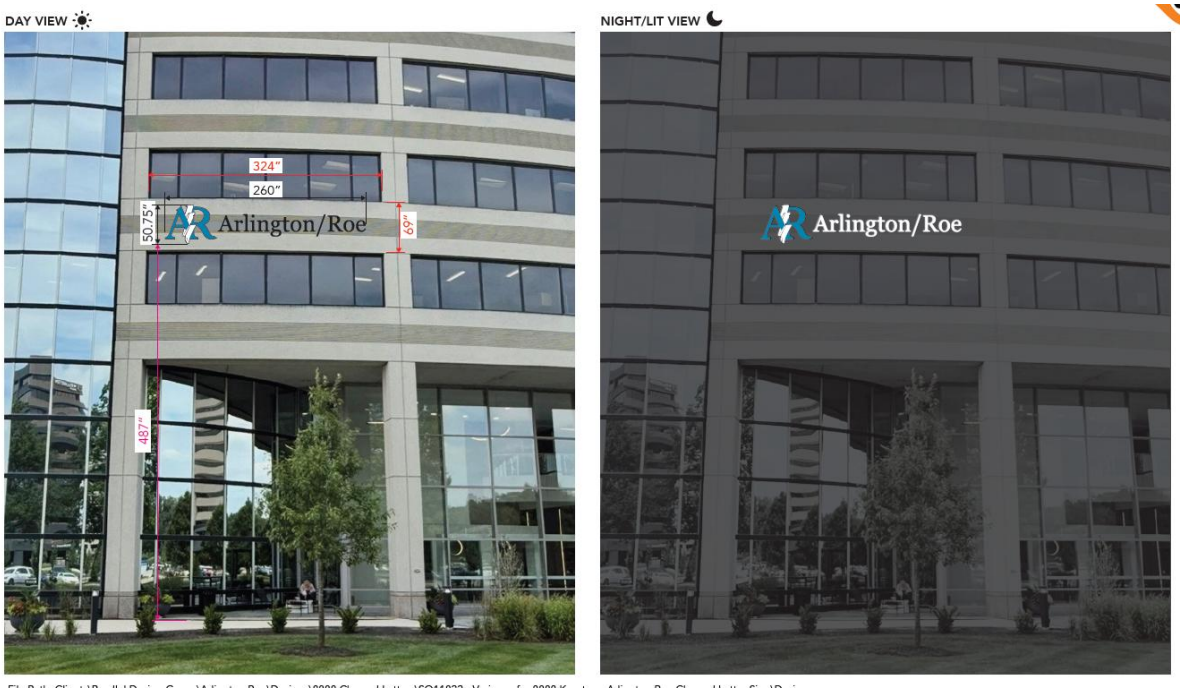
DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

2026DV2041 ; Site Plan



2026DV2041 ; Building Elevation (Detail)



DEPARTMENT OF METROPOLITAN DEVELOPMENT
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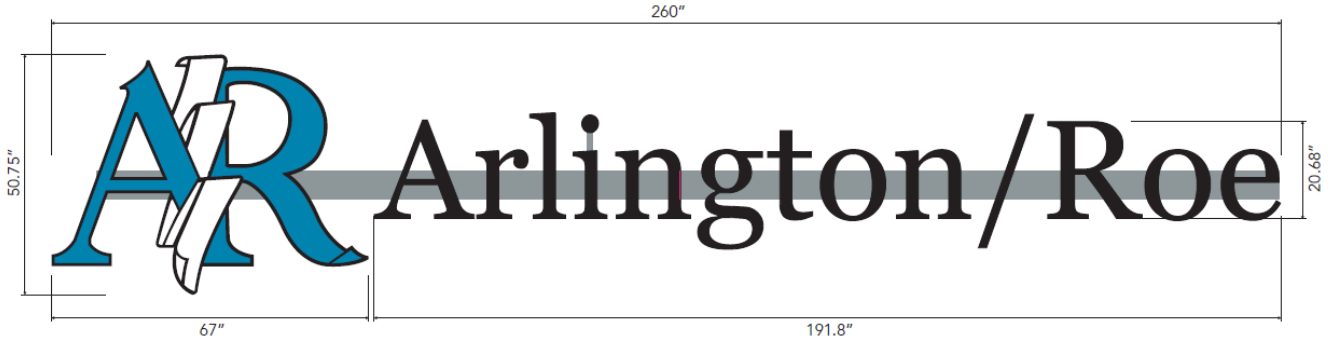
2026DV2041 ; Building Elevation



Department of Metropolitan Development
Division of Planning
Current Planning

2026DV2041 ; Sign Detail

CHANNEL LETTERS
Qty: 1 - 260" x 50.75"
3" Deep, Front-lit Channel Letters
Letters: White Acrylic faces with Day/Night Perforated Vinyl
Logo: White Acrylic with Translucent Vinyl
Black Returns and Trimcap
Mounted to 6x3 Raceway to Building with RW Mounting Tabs
Painted to match Building



2026DV2041 ; Findings of Fact

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

This is a petition to get a sign located higher on the building than the standard height of 23 some odd feet

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:

signs similar to this are placed all around the park (keystone crossing) this is no residental so the height of this sign should not abstruct or cause any issues

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

We are looking for better visibility for the sign. Currently the Landscape Tree Line and height of entry does not allow for the sign to be seen at a lower level. Primary and only reason to request a skyline sign location

2026DV2041 ; Photographs



Photo 1: Subject Building Viewed from Northwest (Full Building)



Photo 2: Subject Building Viewed from Northwest (Proposed Sign Location)

2026DV2041 ; Photographs (continued)



Photo 3: Subject Building Viewed from Northwest (Existing Skyline Signs)



Photo 4: Subject Building Viewed from Northwest (Existing Skyline Signs)

2026DV2041 ; Photographs (continued)



Photo 5: Subject Building Viewed from Northeast

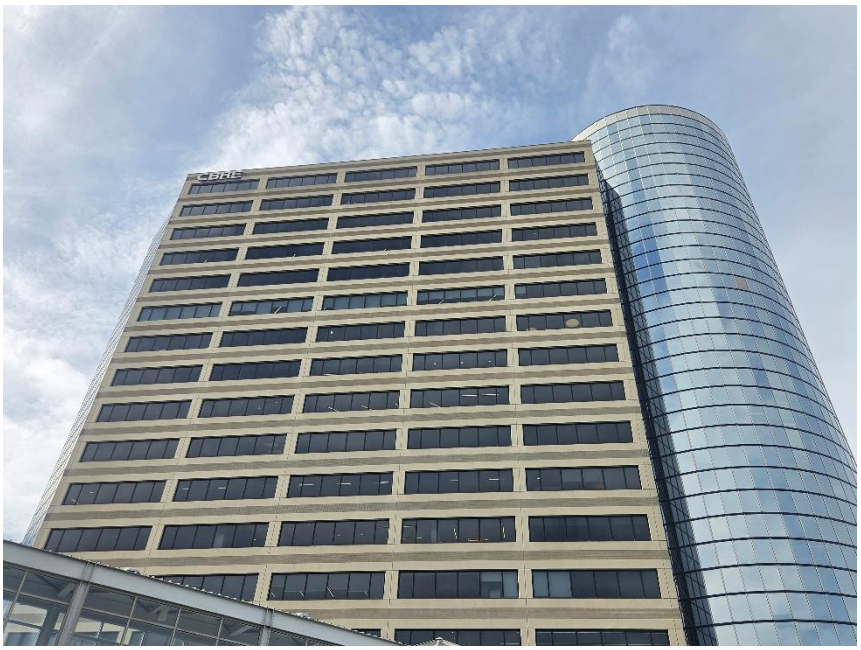


Photo 6: Subject Building Viewed from Southeast

2026DV2041 ; Photographs (continued)



Photo 7: Adjacent Property to West



Photo 8: Adjacent Property to North

2026DV2041 ; Photographs (continued)



Photo 9: Adjacent Property to Northeast



Photo 10: Adjacent Property to East

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II — November 17, 2026

Case Number:	2026-UV2-015
Property Address:	2431 Central Avenue (approximate address)
Location:	Center Township, Council District #13
Petitioner:	Truth in Christ Church, by Lohman & Lohman Properties, LLC
Current Zoning:	C-1
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a consumer services use (recording studio) in an existing building (consumer services not permitted in C-1).
Current Land Use:	Religious uses
Staff Recommendations:	Staff recommends **approval** of this petition, subject to the plan of operations.
Staff Reviewer:	Josh Levesque, Manager—Code Revision and Compliance

PETITION HISTORY

N/A

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to the plan of operations and the commitments provided by the petitioner. Those commitments can be seen in the exhibits below.

PETITION OVERVIEW

1701 East New York Street is a roughly 0.334 acre parcel on Central Avenue between 22nd Street and 25th Street. The parcel is zoned C-1. Parcels to the north are zoned C-3 and C-S. Parcels to the south are zoned C-1. Parcels to the west are zoned D-8 and MU-2. Parcels to the east are zoned D-8. The land use plan calls for a Traditional Neighborhood typology for this site.

The petitioner is requesting a variance of use to set up a recording studio in the existing church building.

The Ordinance defines the C-1 district as the “Office-Buffer” district. The C-1 district is designed for two purposes: 1) to act as a buffer between uses; and 2) to provide for office uses and compatible office-type uses. The Ordinance notes that certain public and semi-public uses may be developed with the assurance that retail will not impede or disrupt (742-104-B).

While a recording studio as a use is not explicitly referenced in the Ordinance, staff has determined that this use straddles between C-1 and C-3 uses. The C-3 district is intended for an extensive range of retail

sales and personal, professional and business services. Much of the use, including editing performances via recording software, producing, mixing, and mastering fits within an office-type environment. The recording of voice and instruments, however, closely aligns with the "Consumer Services or Repair of Consumer Goods" use category, a use permitted by-right starting at the C-3 district. This category also includes photography studios and photo finishing. This is not a recording studio to be used solely by the petitioner but will allow clients (consumers) access to services like recording and editing of performances.

While Staff contends that this use does not fit neatly into the C-1 use, Staff will highlight that C-1 allows for minor retail uses provided that they do not impede or disrupt the surrounding neighborhood. Furthermore, the Traditional Neighborhood typology calls for public, semi-public, and private spaces and makes provisions for neighborhood-serving businesses, institutions, and amenities.

The petitioner intends to use the existing vacant church on site for the recording studio. Site plans do not show any intention to expand the site and the plan of operations indicate that an average of one (1) to five (5) clients per day will visit the site. Clients would either park in the existing parking lot to the rear of the building or utilize legal on-street parking. The parking lot appears to have nine (9) spaces. With one current employee and an average of one (1) to five (5) clients per day, the existing site should be able to support this business without any spillover into the neighborhood. Furthermore, all recording and editing will occur within the acoustically isolated control room and booths. This would prevent noise pollution from disrupting neighborhood; following a key C-1 provision. Based on Staff's analysis, the expected intensity of the site would be similar to that of the church that was previously there.

Based on the analysis above, staff recommends **approval** of this petition, subject to the plan of operations and the commitments provided by the petitioner.

GENERAL INFORMATION

Existing Zoning	C-1	
Existing Land Use	Religious Use; Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	C-3 / C-S	North: Vacant Commercial / Storage Units
South:	D-8	South: Residential
East:	D-8	East: Residential
West:	D-8 / MU-2	West: Residential / Commercial
Thoroughfare Plan		
Central Avenue	Primary Arterial	50-foot existing right-of-way and 78-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	

Wellfield Protection Area	No
Site Plan	9/14/2026
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	9/14/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

93-Z-56; 2437 Central Avenue, Rezoning of 1.1 acres from C-3 to C-4, **dismissed.**

2006-ZON-820; 2442 Central Avenue, Rezoning of .779 acre from C-3 to C-3C

2018-UV3-010; 2427 Central Avenue, Variance of Use of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for primary and accessory single-family residential uses, including but not limited to a single-family dwelling, **approved.**

2019-ZON-076; 2455 Central Avenue, Rezoning of 0.79 acres from C3/C7 to C-S, **withdrawn.**

2019-CZN-841; 2455 Central Avenue, Rezoning of 0.79 acres from C3/C7 to C-S, **approved.**

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

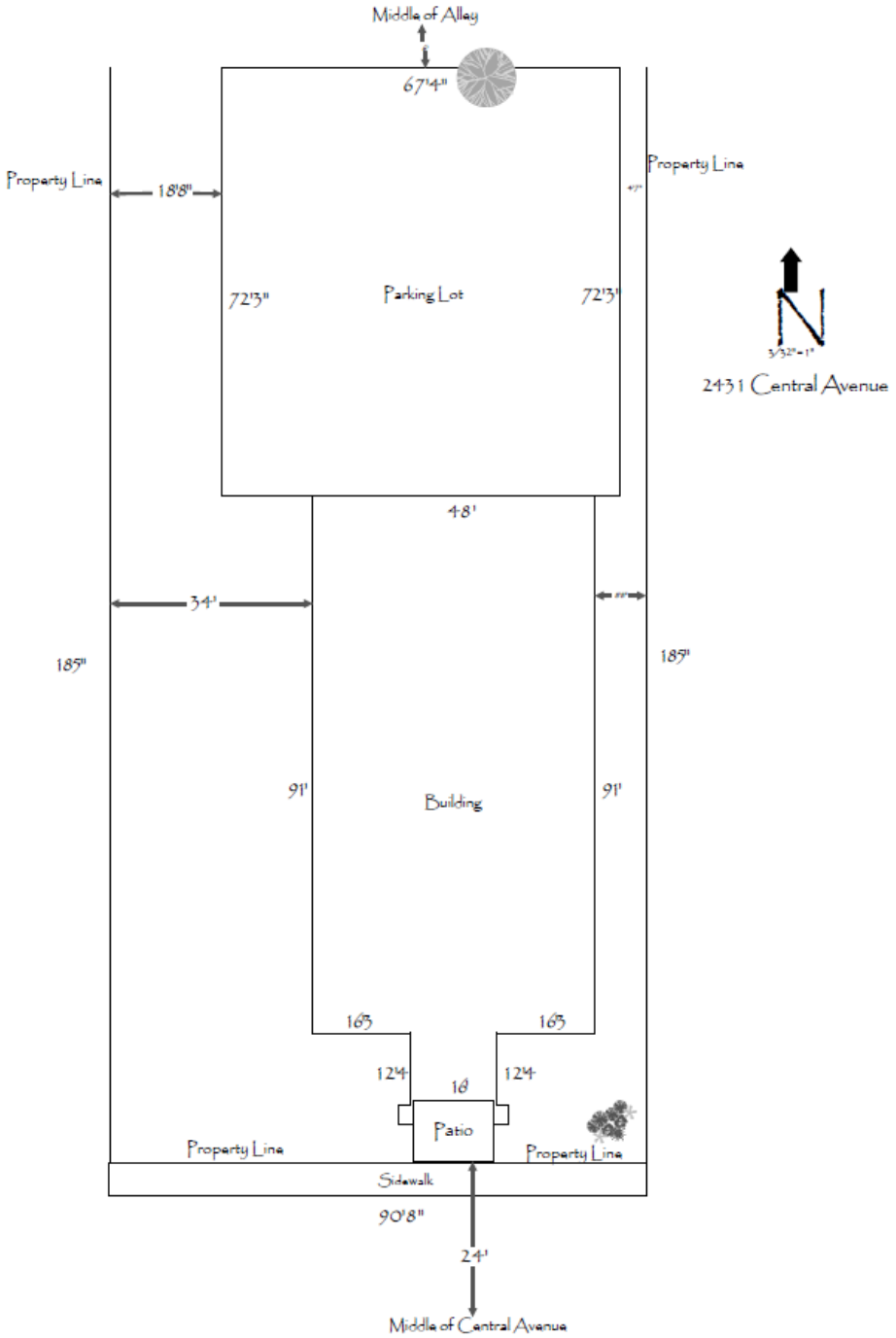
Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

2026UV2015; Aerial Map



2026UV2015; Site Plan



2026UV2015; Findings of Fact

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

This business will have a very low impact on the surrounding neighborhood. It is a single employee, app only, low-traffic business with normal operating hours. The external structure will remain unchanged and interior will be completely and professionally sound proofed with desgins by a renowned acoustic archit engineer. There will be no concerts, no food, no alcohol, no events, no outdoor performances, no heavy equipment, no industrial activity, and no crowds.

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

This business will be entirely self-contained within the acoustically isolated building with no external sto On average, the business will see 5 or fewer customers per day leading to a very small parking and pedestrian footprint. There will be no regular commercial deliveries or equipment. From the outside, this business will look, sound, and operate exactly like a small, professional, appointment-only office.

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

This business fits particularly within the parameters of the current C1 zoning regarding a buffer-zone bet retail and residential uses. Additionally, the business has a compatible office-type use in conjunction wit having a much less commercial appearance. Furthermore, the business will be fully landscaped and architecturally harmonious with the surrounding residential structures.

2026UV2015; Commitments Offered by Petitioner

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A VARIANCE, SPECIAL EXCEPTION OR APPROVAL GRANT.

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the parcel of real estate:

Legal Description:

Statement of COMMITMENTS:

1. *All recording, editing, mixing, mastering, producing, rehearsing, and similar sound producing activities shall occur within the confines of the sound isolated building.*

2. *There will be no outdoor amplified entertainment, performances, music, or concerts that take place on the property.*

3. *The property will not operate as a bar, nightclub, tavern, or entertainment venue.*

4.

These COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest in the real estate. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Board of Zoning Appeals made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the grant of variance, special exception or approval petition # _____ by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and,

BZA's Exhibit A - - Page 1 of 3

2026UV2012; Commitments from 2011DV1045A (cont'd)

2026UV2015; Photographs



Photo 1: On Central Avenue looking south at subject site

2026UV2015; Photographs (continued)



Photo 2: Front entrance of subject site

2026UV2015; Photographs (continued)



Photo 3: Looking north along Central Avenue

2026UV2015; Photographs (continued)



Photo 4: Looking south along Central Avenue

2026UV2015; Photographs (continued)



Photo 5: Looking west across Central Avenue

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II — November 17, 2026

Case Number:	2026-UV2-016
Property Address:	6570 Carrollton Avenue (approximate address)
Location:	Washington Township, Council District #7
Petitioner:	Bottom Line Advisors LLC, by David Dearing
Current Zoning:	D-9
Request:	Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a medical office (not permitted)
Current Land Use:	Village Mixed Use
Staff Reviewer:	Jasmine Dillard Nikolich, Senior Planner

PETITION OVERVIEW

Staff is requesting a continuance from the November 17, 2026, BZA II Hearing to the December 8, 2026 BZA II Hearing to allow the petitioner time to submit the required Affidavit.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II — November 17, 2026

Case Number:	2026-DV2-030
Property Address:	7380 New Augusta Road
Location:	Pike Township, Council District #1
Petitioner:	Brian Burtch, NEON Architecture
Current Zoning:	I-2 (FW) (FF)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit a 6-foot-tall fence in front yard (3.5-foot-tall permitted).
Current Land Use:	Event Center
Staff Recommendations:	Staff recommends **denial**
Staff Reviewer:	Sam Sparzo, Senior Planner

PETITION HISTORY

An automatic continuance was filed by a registered neighborhood group at the October 13th BZA II meeting

STAFF RECOMMENDATION

Staff recommend **denial** of the requested variance

PETITION OVERVIEW

- The subject site is zoned I-2 which is intended for industries that present minimal risk and typically do not create objectionable nuisance characteristics (dirt, noise, glare, heat, odor) that go beyond the lot lines. When possible, the I-2 district is located between heavier industrial areas and protected districts. The subject site serves as a buffer between an I-3 district and railroad to the west and the protected Dwelling Districts to the east.
- Table 744-510-2 lists the development standards, Maximum Fence and Wall Height, for the I-2 district.
    - Front yard: 3.5 feet
    - Side and rear yards: 10 feet
    - Transitional yard: 10 feet
- The subject site's current fence is 6 feet tall and made of chain-link. The 6-foot fence is not permitted in the front yard (3.5 feet permitted). The same fence does not extend to the southern side yard or the rear yard of the subject site. The subject site's rear yard (west yard) abuts a CSX railroad and DA and CS district further west beyond the railroad.

- In 2024, VIO24-007448 indicated that the fence was not compliant with the development standards within the ordinance.
- The petitioner's Findings of Facts has indicated that historically there has been dumping on their property stemming from the proximity to the railroad, warranting their need for a fence on their property and that a 3.5-foot fence would not prevent the continued dumping. The petitioner has highlighted that their property being on land with significant grade change on the western portion of their property (towards the railroad) has made illegal dumping easier. The GIS site map and site photos do not show any significant land grade changes.
- The current 6-foot fence is located within the front yard (East) and northern side-yard of the property, far from the CSX railroad and the area of change in elevation on the site.
- Staff would note that a fence could remain in the current location with a height reduced to 3.5 feet instead of 6 feet, as indicated during the inspector's violation. The property to the west of the subject site has a fence that is 3.5 feet tall.
- Given the subject sites lack of site-specific practical difficulties justifying the grant of the petition, staff recommend **denial** of the request.

GENERAL INFORMATION

Existing Zoning	I-2 (FW) (FF)	
Existing Land Use	Event Center	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-6II	North: Multi-Family Dwelling
South:	I-3	South: Auto repair (Railroad)
East:	D-5II	East: Single-Family Dwelling
West:	D-A	West: Landscaping Contractor (Railroad)
Thoroughfare Plan		
New Augusta	Primary Collector	55-foot ROW
Context Area	Metro	
Floodway / Floodway Fringe	Yes (FW) (FF)	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/11/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/11/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Village Mixed-Use for this site

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

93-UV3-46; 7380 New Augusta Road: Variance of use to provide for automobile repair (not permitted) with outdoor storage of automobiles, **approved**.

ZONING HISTORY – VICINITY

88-Z-184; 8505 New Augusta Road (north of site): Rezoning of 76.94 acres, being in the D-A District, to the D-3 classification to provide for residential development, **approved.**

89-Z-206; 7567 New Augusta Road (north of site)**:** Request rezoning of 143 acres, being in the D-3 and D-A Districts, to the DP classification to provide for the development of a single-family residential community, public golf course and driving range, **denied.**

90-Z-73; 7376 New Augusta Road (east of site): Rezoning of 143.13 acres, being in the D-A and D-3 Districts, to the D-P classification to provide for a golf course, volleyball courts, and residential development, **approved**.

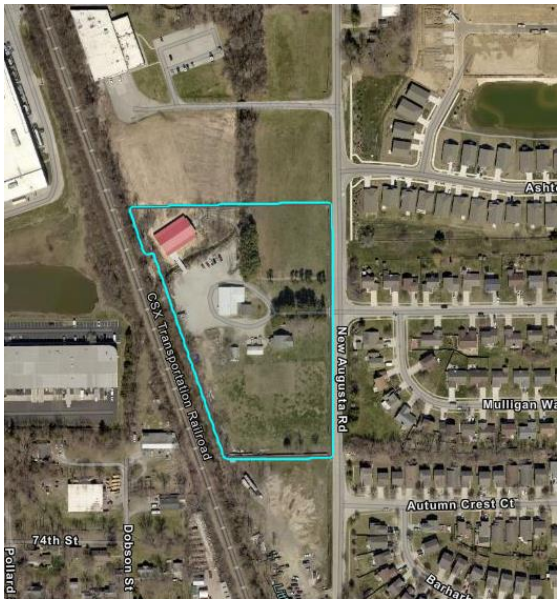
91-HOV-34; 7509 New Augusta Road (north of site): Variance of development standards to provide for a 4-foot-tall free standing identification sign in D-P, **granted.**

93-Z-153; 7450 New Augusta Road (east of site): Rezoning of 37.8 acres, being in the D-A District, to the D-3 classification to provide for residential development, **approved.**

96-V3-84; 7385 New Augusta Road (south of site): Variance of development standards to provide for the construction of six single-family dwelling built with a Flood Protection Grade at the Base Flood Elevation (BFE), rather than the required elevation of two feet above BFE, **granted**.

EXHIBITS

2026DV2030; Aerial Map

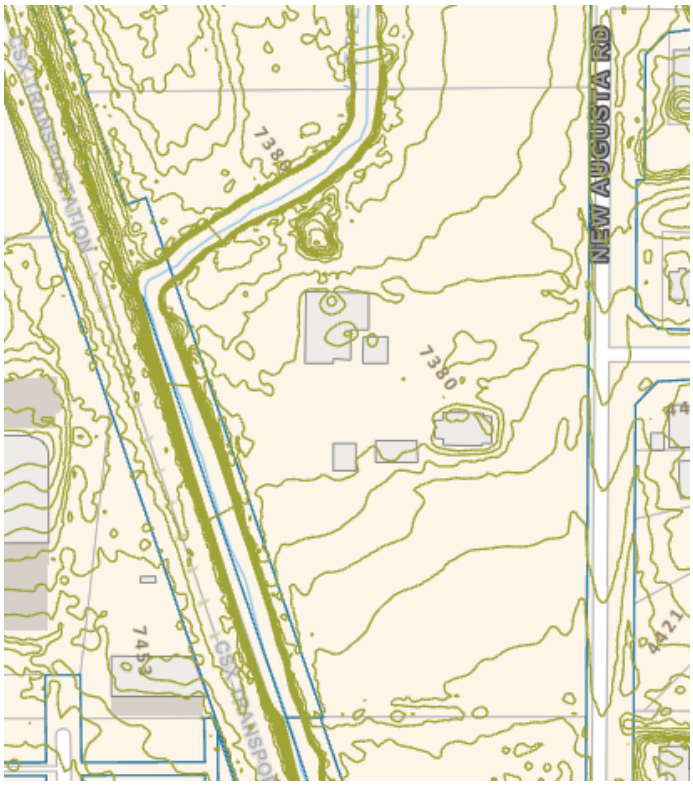


2026DV2030; Aerial Map with Flood Zones



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2026DV2030; Aerial GIS Map with Topographic Layer



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2026DV2030; Site Plan



2026DV2030; Site Photos



Subject Site: Facing West from New Augusta Road; 6-foot chain link fence; Lack of grade change



Subject Site: Facing West from New Augusta Road; 6-foot chain link fence along vehicle entrance; Lack of grade change



Subject Site: Facing Northwest from New Augusta Road; 6-foot chain link fence along front property line; Lack of grade change



Subject Site: Southern property line from New Augusta Road; 6-foot fence abutting neighbor's shorter fence

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II — November 17, 2026

Case Number:	2026-DV2-034
Property Address:	2005 North Sherman Drive (approximate address)
Location:	Center Township, Council District #8
Petitioner:	Dhaliwal LLC, by Thomas Pottschmidt
Current Zoning:	I-3
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a gravel surface parking lot (not permitted unless for agricultural, animal-related, or food production uses in the D-A district), to allow for a 0-foot transitional yard (40-foot rear transitional yard required), and to allow for the omission of required screening/buffering (industrial districts abutting parks are required to provide a landscape buffer).
Current Land Use:	Fleet Terminal
Staff Recommendations:	Staff recommends **denial** of this petition
Staff Reviewer:	Josh Levesque, Manager—Code Revision and Compliance

PETITION HISTORY

This case was automatically continued from the October 13, 2026, BZA II hearing to the November 17, 2026, BZA II hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition

PETITION OVERVIEW

2005 North Sherman Drive is a 5.274 acre lot that currently operates as a fleet terminal for a semi-trailer company. The property was rezoned from SU-16 to I-3 in 2018 as part of 2018ZON055. Prior to this fleet terminal use, it appears that the parcel served as the Metro Sports Complex and included some baseball and/or softball diamonds. Properties to the north and south are also zoned I-3. The property to the west across Sherman Drive is zoned C-S. To the east, the property is zoned PK-1 and is home to Forest Manor Park.

The petitioner is requesting three (3) variances:

- First, they are seeking a variance to allow for a gravel surface parking lot. 744-404-6 lays out the standards required for a surface parking lot. It requires parking lots to either: 1) be paved with

bricks or concrete; or 2) be improved with a compacted aggregate base & surfaced with asphaltic pavement; or 3) be improved with a compacted aggregate base and surfaced with permeable pavers. This is especially important in areas where heavy vehicles are often used as heavy vehicles could create large plumes of dust in dry conditions.

- Second, they are seeking a variance to allow for a 0-foot transitional yard in lieu of the required 40 feet for I-3 in the Compact Context area. A foot transitional yard is required when a higher intensity use abuts a protected district (PK-1 is a protected district). A transitional yard is intended to act as a buffer between the different uses.
- Third, they are seeking a variance to allow for the omission of required screening/buffering. Similar to a transitional yard, certain uses are required to either provide screening or buffering along a protected district to minimize the visual impact of the use. An industrial district abutting a park must either provide a landscape buffer area 10 feet in width along the shared border or they must provide an opaque wall, berm, fence or dense vegetative screen at least 6 feet tall with one shade tree provided for every 50 linear feet of lot line.

A gravel driveway is only permitted as a temporary measure (not to exceed one year) under the aforementioned 744-404-6. Gravel would also raise concerns about the possibility of oils and other chemicals from the trucks leaching into the ground. This is particularly salient as Pogue's Run Creek is directly to the east along Forest Manor Park's borders. A paved lot would be subject to permit review ensure that proper drainage would be installed, helping to mitigate runoff to the creek. Furthermore, the installation of landscaping or even bioswales would also help to mitigate runoff of the creek.

While a 40-foot transitional yard will lessen the amount of usable area for this site, it is important to note that is does not preclude this site from being used for I-3 purposes or even as a fleet terminal. Rather, it defines what the appropriate usable area for this site is given the context of the surrounding uses. The I-3 district does have strict standards as it allows for some of the most intense uses contemplated in the Ordinance.

While the western border of Forest Manor Park along the creek has numerous trees and a variety of landscaping, staff must consider the site at hand. The requirements that one parcel must meet cannot be displaced or waived due to the existence of those requirements on a separate parcel. It is the responsibility of the I-3 parcel to meet the transitional yard and buffering standards, not the park's. Additionally, if the park were to remove the trees, the buffering that currently exists no longer would. Therefore, the buffering must remain on the parcel of the subject property.

For a variance of development standards to be granted, it must meet the following three (3) findings of fact:

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community
2. The use or value of the area adjacent to the property included in the variance will not be affected in an adverse manner
3. The strict application of these terms of the zoning ordinance will result in practical difficulties in the use of the property.

Regarding the first finding, gravel is a permeable surface and can allow chemicals to leach into the ground potentially contaminating groundwater and running off into Pogue's Run Creek, causing concerns for public health. Lack of landscaping to mitigate this runoff can exacerbate this issue. DPW's Stormwater Department indicated that gravel stains and direct discharge into Pogue's Run represents a big environmental concern and suggested that a best management practice be a condition of the variance.

Regarding the second finding, I-3 uses are contemplated by the Ordinance as intense uses, hence the requirement for transitional yards and buffering. The Ordinance indicates that I-3 districts is for "industries that present moderate risks to the public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts" (742-107-D.1). Lack of buffering and a transitional yard would cause adverse effects to the neighboring protected park district by increasing the visual intensity as well as the sound of the semis coming and going.

Regarding the third finding, the Ordinance does not prohibit an I-3 use next to a park district. Rather, it sets the standards under which such a district can exist. I-3 allows for uses such as: Agricultural Machinery and Equipment Sales, Rental or Repair; Processing, and Packaging of Food and Beverages; Auctioneering and Liquidating Services; Consumer Services or Repair of Consumer Goods; Printing Services; Commercial and Building Contractors; Artisan Manufacturing, Light and Medium Manufacturing; Various types of R&D; and more. Fleet Terminals are also allowed within the I-3 district. The size of the parcel can help dictate development. In this matter, the size of the parcel and the Ordinance standards guide us toward an I-3 development that has a smaller footprint so that the standards can be met.

GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Fleet Terminal	
Comprehensive Plan	Light Industrial	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	I-3	North: Industrial
South:	I-3	South: Industrial
East:	PK-1	East: Park
West:	C-S	West: Heavy Commercial / Industrial
Thoroughfare Plan		
Sherman Drive	Primary Arterial	82-foot existing right-of-way and 88-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/14/2026	

Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	7/14/2026
Findings of Fact (Amended)	9/11/2026

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

80-AP-49; 2005 North Sherman Drive, PK-1 approval to build a second softball diamond at a park, **approved.**

91-Z-53; 2005 North Sherman Drive, Rezoning of 5.38 acres from PK-1 to SU-16, **approved.**

2018-ZON-055; 2005 North Sherman Drive, Rezoning of 5.22 acres from SU-16 to I-3, **approved.**

ZONING HISTORY – VICINITY

86-Z-186; 1901 North Sherman Drive, Rezoning of 1.99 acres from I-3-U/PK-1 to I-3-U**, approved.**

87-HOV-10; 1901 North Sherman Drive, Variance of Development Standards of the Industrial Zoning Ordinance to provide for a building located within the required setback and with parking in the required front yard, **approved.**

88-Z-123; 1901 North Sherman Drive, Rezoning of 0.031 acre from PK-1 to I-3-U, **approved.**

2002-ZON-166; 3500 East 20th Street, Requesting rezoning of 29.39 acres from I-3-U to C-S, **approved.**

2023-CZN-825; 1940 Forest Manor Avenue, Requesting rezoning of 12.77 acres from D-5/I-3 to PK-1, **approved.**

2024-MOD-015; 3500 East 20th Street, Modification of Commitments #6 and #7 related to petition 2002-ZON-166 to allow for a Security/Scale House, Maintenance/Repair Shop, Drywall Recycling Facilities, Construction Equipment Storage, Contractor Yard, and Concrete Recycling Operation, **approved.**

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EXHIBITS

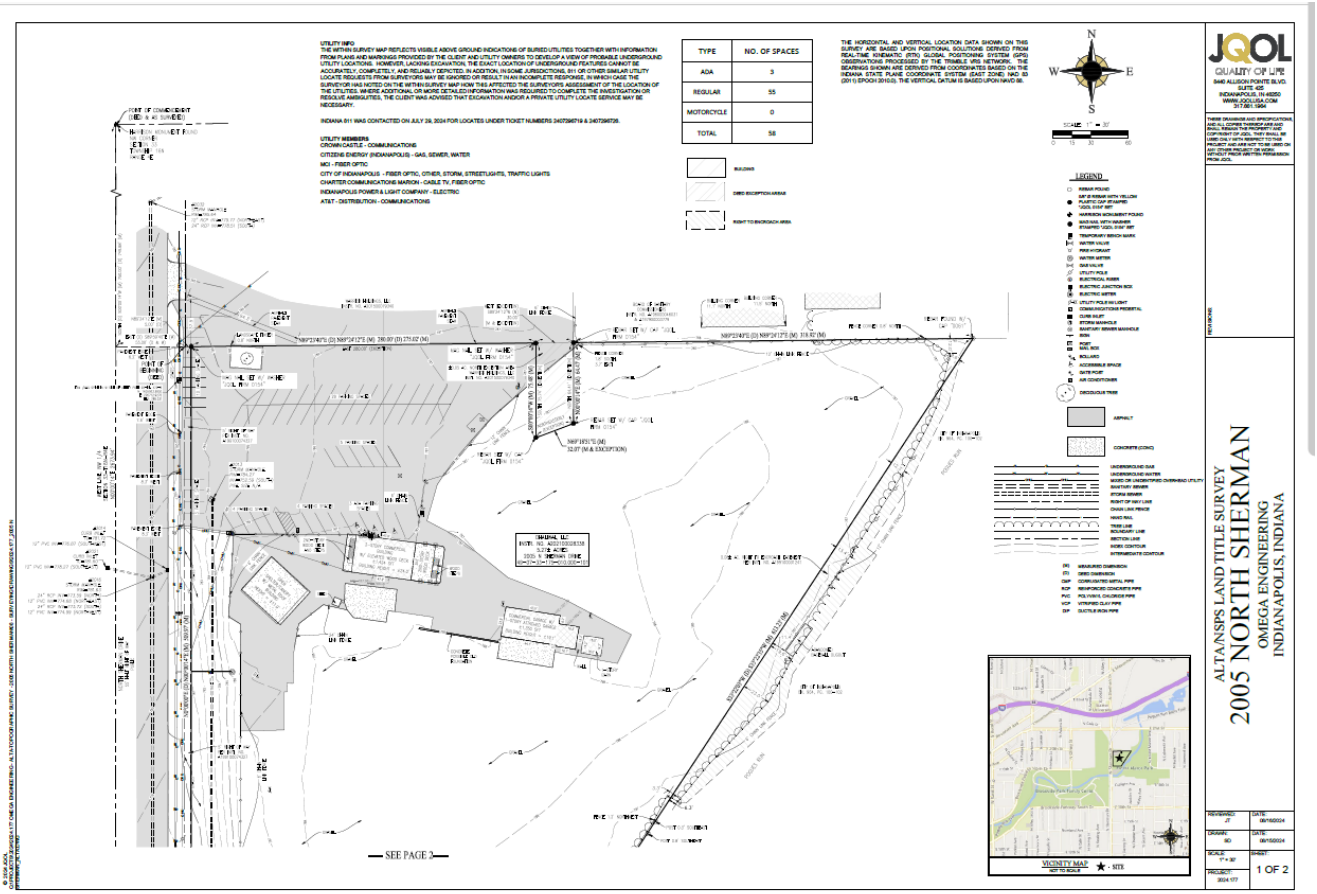
2026DV2034; Aerial Map



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2026DV2034; Site Plan



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2026DV2034; Findings of Fact

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

If the parking lot is to remain a gravel lot and if the transition yard with landscape buffer is not installed, it will not be injurious to the public health, safety, morals, and general welfare of the community because gravel is an inert material and does not react to other substances. It will not have any health effect to the environment, as a matter of fact, it will be less injurious to the environment than asphalt which consists of oil. Plus, if it were asphalt it would eventually break up due to heavy truck traffic and become an even more of an environmental issue. The transition yard with landscape buffer has no effect on the general welfare of the community as it will not be seen by anyone.

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

The area around this property will certainly not be affected as this is an industrial area and this parcel is "hidden" by trees and/or fencing and will not be noticed by neighbors.

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

This area is used for parking semi-truck parking and if asphalt surfaced would dilapidate quickly due to the heavy vehicular traffic causing constant maintenance and repair issues. Using concrete would help with this issue; however, that would be an exorbitant cost and cannot be considered. If a transition yard was installed it would be detrimental to the space requirements for the truck parking. There simply would not be enough space to parking trucks and would prohibit the use of the property for which it was intended. A landscape buffer cannot be seen anyone as the large trees to the east block any view from the adjoining parcel

2026DV2034; Photographs



Photo 1: View of subject site with semis parked on gravel lot

2026DV2034; Photographs (continued)



Photo 2: Additional view of semis parked on gravel. Ruts in gravel can already be seen and some are filled with water

2026UV2034; Photographs (continued)



Photo 3: Material being used for surface lot

2026DV2034; Photographs (continued)



Photo 4: Additional view showing material being used for surface lot

2026DV2034; Photographs (continued)



Photo 5: Looking towards Sherman Drive from subject property

2026UV2034; Photographs (continued)



Photo 6: Landscaping shown is from adjacent park property

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II — November 17, 2026

Case Number:	2026-UV2-012
Property Address:	1701 East New York Street (approximate address)
Location:	Center Township, Council District #13
Petitioner:	Sheref Nessem, by Justin Kingen
Current Zoning:	C-3
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to legally establish an auto repair use (tire sales and installation business), which is not permitted in C-3.
Current Land Use:	Commercial; auto repair
Staff Recommendations:	Staff recommends **denial** of this petition.
Staff Reviewer:	Josh Levesque, Manager—Code Revision and Compliance

PETITION HISTORY

This petition was continued from the September 8, 2026, BZA II hearing to the October 13, 2026, BZA II hearing to allow for further discussion between the petitioner and the community. The petition was subsequently continued to the November 17, 2026 hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

1701 East New York Street is a roughly 0.2-acre parcel at the southeast corner of New York Street and State Avenue. The parcel is zoned C-3. Parcels to the north and east are also zoned C-3 while parcels to the south and west are zoned D-8.

The petitioner is requesting a variance of use to legally establish an automobile repair use (tire sales and installation) which is not permitted in C-3. This variance request seeks to correct the use-specific issue the petitioner was cited for in VIO26-001598. This violation case cited thirteen separate violations on site, including those tied to commitments and conditions of a previous land-use petition (2011DV1045).

The Ordinance defines the C-3 district as the “Neighborhood Commercial District”. This district is “for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed and residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or

durable goods, shopping establishments, retail and personal and professional service establishments." The Ordinance goes on to state that C-3 "does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations."

The Comprehensive Plan identifies this parcel as Urban Mixed-Use. The Marion County Land Use Plan Pattern Book defines Urban Mixed-Use as "provid[ing] dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut-through's. This typology typically has a residential density of at least 25 to 75 units per acre."

The Ordinance definition of "Automobile, Motorcycle, and Light Vehicle Service or Repair" includdes uses such as: automobile oil change or lubrication shop; automobile tune up shop; engine repair shop; air conditioning equipment repair; automobile body repair/paint shop; brake system repair or service; detailing/trim shop; exhaust system (muffler) repair shop; glass replacement shop; rust proofing; speed/tuning shop; parts and supply store; tire alignment, retreading, or repair shop; tire dealers; motorcycle paint shop; motorcycle repair shop; and transmission repair and service shop. An "Automobile, Motorcycle, and Light Vehicle Service or Repair" (and more specifically a tire shop) use, permitted by right starting in C-4, does not match the lower intensity of the C-3 district, nor does it match the call for pedestrian-oriented development within the Urban Mixed-Use typology.

A variance of use is intended for scenarios in which: 1) a use is not contemplated in the Ordinance; or 2) due to some peculiar condition that would otherwise make the property undevelopable for the best and highest use. In this case, auto repair is a contemplated use within the Ordinance. Furthermore, there does not appear to be any peculiar condition preventing the lot from being used in conformance with designated C-3 uses or uses that are compatible with the Urban Mixed-Use typology. Provided that development standards were met, the C-3 site would allow for uses including consumer services, hair and body care salons, restaurants, convenience stores, office space, grocery stores, and light retail.

C-3 does not permit outdoor storage. While C-3 does allow for accessory parking, it does not permit the parking of inoperable vehicles or vehicles awaiting repair. Nor does it permit the repair of vehicles outdoors.

A previous rezone petition from 2010 (2010-ZON-034) attempted to rezone this property from C-3 to C-5 to provide for an automobile sales lot. Additionally, while a variance petition was approved for this site in 2011 (2011-DV1-045A) to allow for a convenience store with a number of development standards variances for this site the petitioner agreed to exclude an oil change or lubrication shop from the permitted uses. While a tire installation and sales store is a different type of auto repair, this reinforces that auto repair in general has previously been agreed upon as being inappropriate for this site.

For a use variance to be granted, all five criteria must be met:

- The grant will not be injurious to the public health, safety, morals, and general welfare of the community.
- The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- The need for the variance arises from some petition peculiar to the property involved.
- The strict application of the terms of the zoning ordinance constitutes an unusual and unnecessary hardship if applied to the property for which the variance is sought.
- The grant does not substantially interfere with the comprehensive plan.

Given the lack of conformance this use would have with the Comprehensive Plan, the allowance for other uses at this site, and the incompatibility the intensity of this use would have, staff recommends **denial** of the variance.

The petitioner has offered a commitment to sunset this variance after two years. While such a commitment would appear to lessen the length of the more intense use, the fact is that such a commitment could serve to hamper development on this site that more closely aligns with the Ordinance and the Comprehensive Plan. As such, even with the commitment, staff recommends **denial** of this petition.

Staff will note that the variance requested is solely for the use of the property as an auto repair use. Should this petition be approved, all other violations highlighted in VIO26-001598 will either need to be brought into compliance or cured through future land-use petitions.

Staff will also note that, should this variance be granted, the conditions and commitments applied to this property through 2011-DV1-045A would still be in effect. Modifying or terminating previous conditions or commitments would require a modification petition.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial	
Comprehensive Plan	Urban Mixed Use	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	C-3	North: Commercial
South:	D-8	South: Residential
East:	C-3	East: Commercial
West:	D-8	West: Residential / Commercial
Thoroughfare Plan		
New York Street	Primary Arterial	80-foot existing right-of-way and 78-foot proposed right-of-way
State Avenue	Primary Collector	72-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	

Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	6/29/2026
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	6/29/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- “The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut-through’s. This typology has a residential density of at least 25 to 75 units per acre.”

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

87-UV1-1; 1701 East New York Street, Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the continued outside display and sales of automobiles, **approved subject to conditions.**

90-UV1-65; 1701 East New York Street, Variance of Use of the Dwelling Districts Zoning Ordinance to permit the construction of a 65 x 75-foot storage building for the personal storage of collectible cars, **denied.**

96-Z-168; 1701 East New York Street, Rezoning of 0.2 acre from the D-8 to the C-3 district, **approved.**

2010-ZON-034; 1701 East New York Street, Rezoning of 0.22 acre from the C-3 to the C-5 district to provide for an automobile sales lot, **denied.**

2011-DV1-045A; 1701 East New York Street, Variance of Development Standards of the Commercial Zoning Ordinance to provide for a convenience store, with a parking area with an eight-foot setback from State Avenue, with access aisles, with a zero-foot setback from the existing right-of-way of New York Street, with a two-foot east side transitional setback, with a trash container having an eight-foot east side transitional setback and a trash container, building and parking area having a 13-foot south side transitional setback, and to provide for carryout food service within 13 feet of a protected district, **approved subject to commitments.**

2011-DV1-045B; 1701 East New York Street, Variance of Development Standards of the Commercial Zoning Ordinance to provide for a convenience store/gas station with a canopy with a 42-foot setback from the centerline of New York Street and a 66-foot setback from State Avenue and with pump islands with a 51-foot setback from the centerline of New York Street, **withdrawn.**

ZONING HISTORY – VICINITY

73-Z-251; 1728 East New York Street (northeast of site), Rezoning of .623 acre from the D-8 to the C-3 district, **approved subject to Administrator's approval of site plan, landscaping, & fencing.**

88-Z-185; 326 North State Avenue (northwest of site), Rezoning of .30 acre from the D-8 to the C-3 district, **approved subject to commitments.**

95-UV3-119; 1728 East New York Street (northeast of site), Variance of Use of the Commercial Zoning Ordinance to provide for the storage of tape and plastic materials and light assembly associated with an existing industrial facility, **approved subject to conditions.**

98-UV3-9; 1728 East New York Street (northeast of site), Variance of Use of the Commercial Zoning Ordinance to provide for the retail storage and sales of sandpaper, and for the conversion of sandpaper into various sizes, shapes, and combinations, **approved subject to conditions.**

99-UV2-94; 302 North State Avenue (southwest of site), Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide for the replacement of a previously established building, being the 5th dwelling unit on one lot, with a front setback of 8.8 feet along Marlowe Avenue, being detached from another 4-dwelling unit building on the same lot, **approved subject to conditions.**

2018-DV1-042; 314 North State Avenue (west of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a 15-foot front setback, and with a secondary dwelling in a detached garage, **approved.**

2021-DV1-010; 302 North Walcott Street (southeast of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation of a two-family dwelling, with balconies with zero-foot front and side setbacks from Walcott Street and Marlowe Avenue, respectively, with concrete stairs/steps/railings and retaining walls within the rights-of-way of Marlow Avenue and Walcott Street, with a deck with a zero-foot north side setback, 28% open space, a three-foot building separation, and structures within the clear sight triangle of abutting streets, **approved.**

2023-ZON-008; 1717 East New York Street (east of site), Rezoning of 0.20 acre from the D-8 to the C-3 district, **approved subject to commitments.**

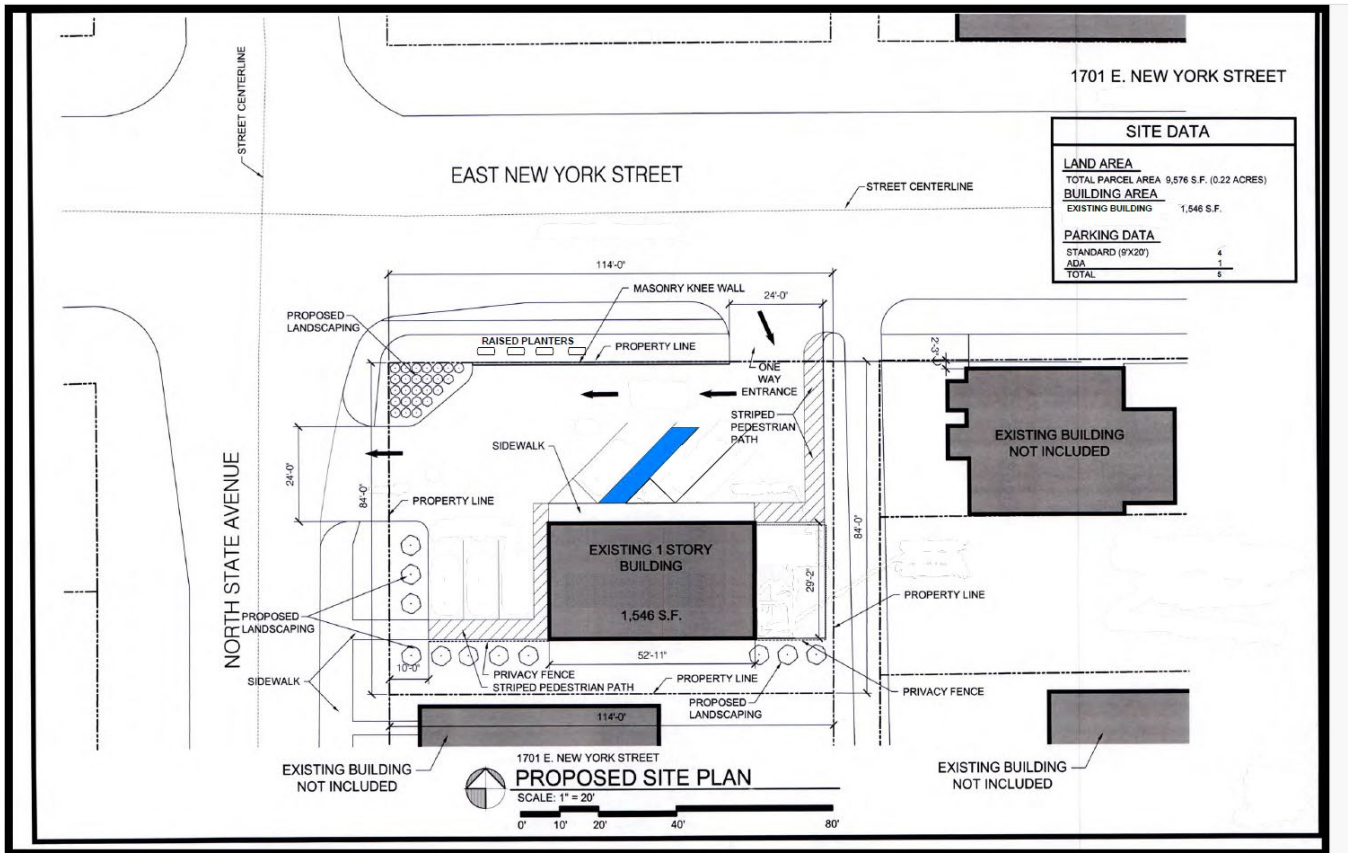
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Division of Planning
Current Planning

EXHIBITS

2026UV2012; Aerial Map



2026UV2012; Site Plan



2026UV2012; Findings of Fact

FINDINGS OF FACT

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

The use is a low-intensity commercial activity within the existing building, producing no noxious activity or odors. Since purchasing the property in October 2025, the owner has invested in and significantly improved a site and immediate area that had been in rough condition. The one-year term allows a tenant to occupy the building while redevelopment of the area continues.

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

The property is a commercial corner adjoined by a parking lot, a tavern, and other commercial uses, with two-family residential to the south. The area has long supported commercial use, including prior approvals on this site. A privacy fencing & landscaping \will buffer the residential use, so adjacent value will not be adversely affected.

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

The site is a long-established, small commercial building on an arterial corner whose limited size and constrained parking and clear-sight-triangle geometry narrow the conforming uses that can practically occupy it. A conforming tenant cannot be secured immediately, and the variance allows the existing building to remain occupied for a period of one year during that transition.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

Strict application of the C-3 use restrictions would force the existing building to sit vacant until a fully conforming tenant is secured. Given the building's size and the site's parking and sight-triangle limitations, documented in the City's own prior staff analysis, immediate vacancy would impose an unusual and unnecessary hardship with no offsetting public benefit.

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

The Comprehensive Plan recommends an urban mixed-use future for this site, which is already zoned C-3. The variance does not rezone the land or alter its long-term trajectory; it permits only a temporary, one-year use while a conforming tenant is secured. Being time-limited and leaving the underlying zoning intact, it does not substantially interfere with the plan.

2026UV2012; Commitments from 2011DV1045A

ATTACHMENT "D":

Petitioner agrees to the following commitments:

1. Landscaping shall be completed in accordance with the site plan within six months of the grant of this variance and maintained at all times thereafter. Such landscaping shall meet the provisions of the Marion County Commercial zoning Ordinance. Landscaping in the clear sight triangle will meet the requirements of the city ordinance at all times.
2. The trash from the dumpster shall only be picked up by the refuse company between the hours of 7 am and 9 pm.
3. No alcohol sales shall be permitted on the property.
4. "No loitering" signs will be posted on the property and enforced.
5. Security cameras on the four corners of the building shall be erected on the site and maintained, prior to occupancy of the building.
6. No off site advertising signs will be permitted on the premises
7. No banners, streamers or temporary signs will be permitted on the premises
8. No outdoor speakers will be permitted on the premises
9. Any new exterior lights on the premises will be of the designed and directed towards the interior of the site and downward to eliminate light spillage off of the subject property onto neighbors property or adjacent streets. The areas of new landscaping to the south and east will be lighted with soft pack lights so as not to create dark areas to the south of the privacy fence and the remodeled building on the site.
10. Any new employees to be hired at the facility will be advertised to the Willard Park Neighborhood Association prior to distribution to the public in general.
11. No drug paraphernalia or tobacco pipes shall be sold on the premises.
12. No sex toys, novelties, adult magazines or adult videos or dvds shall be sold on the premises.

2026UV2012; Commitments from 2011DV1045A (cont'd)

ATTACHMENT "E":

Owner commits to exclude the following uses from the site:

1. Check cashing facility
2. Emergency shelter
3. Outdoor advertising signs (billboards)
4. Bait and Tackle shop
5. Liquor Store
6. Pawn shop
7. Tobacco store
8. Oil change or lubrication shop
9. Social club
10. Fireworks sales
11. Second hand store

2026UV2012; Commitments offered by petitioner

1701 East New York Street – Commitments

1. Tires only. The shop will only do tire sales and tire repair. No body work, painting, brake work, air conditioning work, or engine or other mechanical repair.

2. Two years. The tire shop can operate for two years from the date the variance is approved. After that, it stops.

3. Where tire repair happens. All tire repairs will be done inside the building or in designated areas in the parking lot.

4. Hours. Monday through Friday, 8:00 a.m. to 8:00 p.m. Saturday, 9:00 a.m. to 5:00 p.m. Closed on Sunday.

5. Parking. No customer cars left overnight. No more than five cars on the property while the shop is open. No cars parked in the alley. No cars parked in the handicap space.

6. Signs. The existing wavy signs will be taken down and removed from the property. No banners, streamers, or temporary signs. No off-site advertising signs.

7. Landscaping. A raised planter bed will be installed at the corner within six months of approval. All landscaping shown on the site plan will be completed within six months of approval and kept up after that, and will meet the city's landscaping requirements, including at the clear sight triangle.

8. Sign or mural. A sign or a Willard Park mural will be put on the property within six months of approval.

9. No alcohol. No alcohol will be sold on the property.

10. No loitering. "No loitering" signs will be posted on the property and enforced.

11. Security cameras. Security cameras on the four corners of the building will be kept in place and maintained.

12. No outdoor speakers. No outdoor speakers on the property.

13. Lighting. Any new outdoor lights will be aimed down and toward the inside of the site so light does not spill onto neighbors' property or the street. New landscaped areas to the south and east will have soft lighting so there are no dark areas south of the privacy fence and the building.

14. Trash pickup. Trash pickup from any dumpster will only happen between 7:00 a.m. and 9:00 p.m.

15. No drug paraphernalia. No drug paraphernalia or tobacco pipes will be sold on the property.

16. No adult items. No sex toys, novelties, adult magazines, or adult videos or DVDs will be sold on the property.

11.5.26

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2026UV2012; Photographs



Photo 1: Looking at property from State Avenue

2026UV2012; Photographs (continued)



Photo 2: Another view of property from State Avenue

2026UV2012; Photographs (continued)



Photo 3: Viewing western side of property with residences beyond

2026UV2012; Photographs (continued)



Photo 4: View of property from State Avenue looking west

2026UV2012; Photographs (continued)



Photo 5: View of subject site along New York Street

2026UV2012; Photographs (continued)



Photo 6: West side of property

2026UV2012; Photographs (continued)



Photo 7: Looking west down New York Street

2026UV2012; Photographs (continued)



Photo 8: Looking north across New York Street

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

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Current Planning

BOARD OF ZONING APPEALS DIVISION II — November 17, 2026

Case Number:	2026-UV2-013
Property Address:	6201 Coffman Road
Location:	Pike Township, Council District #6
Petitioner:	Sandra Oatts
Current Zoning:	I-2
Request:	Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation and installation of a kitchen, to prepare and deliver lunches to surrounding warehouses via personal vans (not permitted).
Current Land Use:	Industrial Office Structure
Staff Recommendations:	Staff recommends **approval**
Staff Reviewer:	Sam Sparzo, Senior Planner

PETITION HISTORY

An automatic continuance was filed by a registered neighborhood group at the October 13th BZA II meeting

STAFF RECOMMENDATION

Staff recommends **approval** of the request as proposed

PETITION OVERVIEW

- The subject site is zoned I-2 for industries that present minimal risk and typically do not create objectionable characteristics (dirt, noise, glare, heat, odor, and other nuisances) that extend beyond the lot lines within the district.
- The Marion County pattern books classify the subject site and surrounding area as light industrial. Which supports industrial, production, distribution, and repair within enclosed structures and that are unlikely to create nuisance beyond the lot lines and characterized by freestanding or group buildings within larger industrial parks. The typologies suggest that traffic from uses should be kept separate from local and neighborhood traffic.
- The subject site is located within an integrated center with a variety of commercial uses including a tea house, hair and beauty salons, a Zumba studio, and individual personal trainers.
- The proposed use, an easting establishment and food preparation, is not permitted in the I-2 district as a primary use (743-1). It is permitted in the I-2 district as an accessory use. The

proposed use would not function as a typical restaurant and would have significantly less traffic. The restaurant will not have traditional seating or to-go operations, instead it will consist of lunches being prepared within the building and then delivered to warehouses in the surrounding area. The restaurant will employ 3-4 individuals to prepare the lunches and drive the delivery vans; it will be open Tuesday through Friday from 6:30 am to 11:00 am, closing after the traditional workday lunch period.

- Staff would note that the design of the existing structure is similar to the multi-tenant commercial buildings often found within the C-3 and C-4 districts, where the use would be permitted. While customer and worker access is provided from the front of the structure, loading and delivery services are limited to the internal portion of the site and within the rear of the buildings along the shared private road.
- Staff find the proposed use to be reasonable as it matches the character of the area, and the uses of surrounding properties will not negatively impact on the surrounding properties. Therefore, staff recommend **approval** of the variance.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Industrial	
Comprehensive Plan	Light Industrial	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	I-2	North: Light Industrial
South:	I-2	South: Light Industrial
East:	I-2	East: Light Industrial
West:	D-6II	West: Single-family attached
Thoroughfare Plan		
La Pas Trail and W 62nd	Private and Primary Collector	40 Feet and 90 Feet of ROWs
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	07/26/2026	
Site Plan (Amended)	07/30/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	07/23/2026	
Findings of Fact (Amended)	9/22/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Pattern Book

Pattern Book / Land Use Plan

- The Marion County Pattern Book recommends Light Industrial

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

73-Z-129; 4654 West 62nd Street, (including site). Rezoning of 55.10 acres from the A-2 district to the I-2-S district to provide for the development of an industrial park, **granted**.

2014UV3024; Variance of use of the Industrial Zoning Ordinance to provide for the kenneling and training of service dogs (not permitted). **granted**

ZONING HISTORY – VICINITY

86-UV1-19; 6269 Coffman Road, (north of site). Variance of use of the Industrial Zoning Ordinance to provide for outside storage of rental vehicles, **granted.**

90-UV3-45, 6321 La Pas Trail, (northeast of site). Variance of use of the Industrial Zoning Ordinance to allow for religious uses and offices, **granted.**

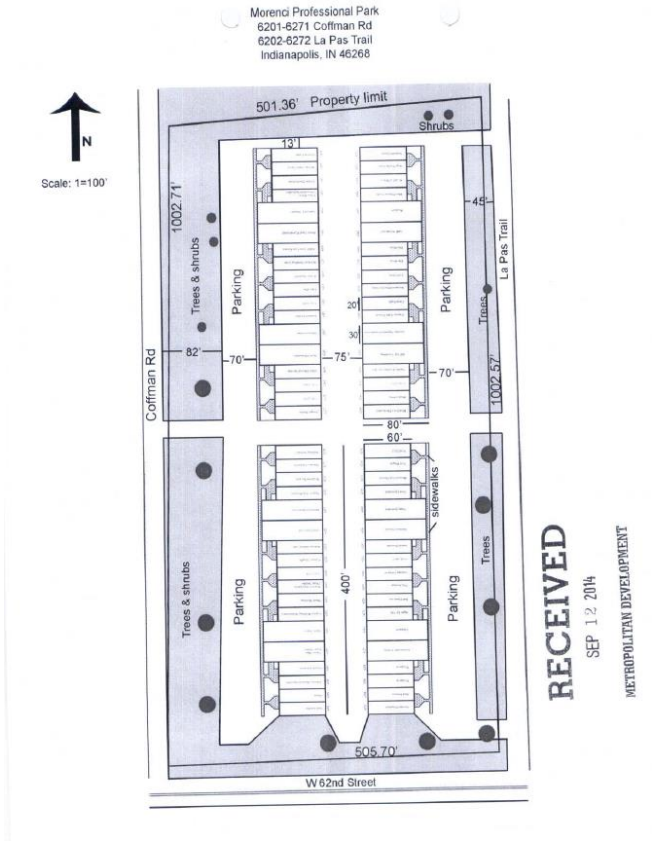
2014-UV3-015, 6202 Morenci Trail, (east of site). Variance of use of the Industrial Zoning Ordinance to provide for religious uses and related offices**, granted.**

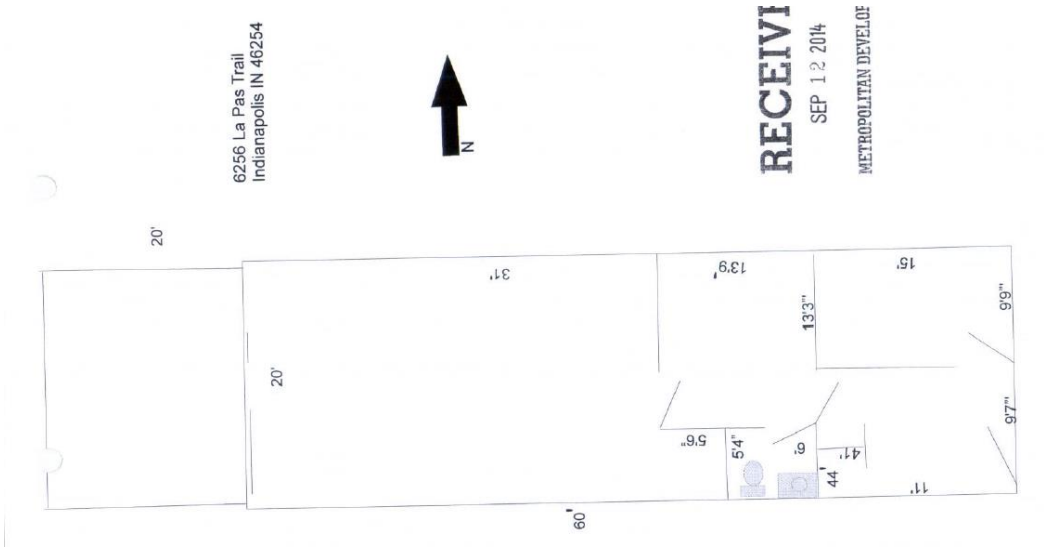
EXHIBITS

2026UV2013; Aerial Map



2026UV2013; Site Plans





2026UV2013; Site Photos



Subject Site; Facing west from parking lot; entrance to proposed café



Subject Site; Facing north in parking lot; from entrance to proposed café



Subject Site; Facing south in parking lot; from entrance to proposed café



Subject Site; Facing east in parking lot; from entrance to proposed café; facing La Pas Trail



Subject Site; Facing west; from vehicle entrance to parking lot; entrance from La Pas Trail



Subject Site; Facing south; from vehicle entrance to parking lot; facing south on La Pas Trail

Department of Metropolitan Development
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Current Planning

BOARD OF ZONING APPEALS DIVISION II — October ~~13~~, 2026

Case Number:	2026-UV2-014
Property Address:	4201 Boulevard Place
Location:	Washington Township, Council District #7
Petitioner:	Steven Savoie
Current Zoning:	D-5
Request:	Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the use of an existing single-family residence to create a small-scale mixed-use development that serves a coffee shop on the ground floor while occupying a single-family residential rental unit on the upper level (mixed-use development not permitted).
Current Land Use:	Residential
Staff Recommendations:	Staff recommend **approval** of this petition.
Staff Reviewer:	Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

There is no history of this petition.

STAFF RECOMMENDATION

Staff recommend **approval** of this petition, subject to the commitments that being reduced to writing on the BZA's Exhibit "A" forms at least three days prior to the BZA hearing:

1. Variance of Use for the mixed-use development shall substantially comply with the site plan filed-dated July 27, 2026.
2. Additions or expansions would require a rezone or another variance of use petition.

PETITION OVERVIEW

4201 Boulevard Place is a residential corner lot within the Bossons Senate Avenue Subdivision near the intersection of 42nd Street and Boulevard Place. The parcel is currently improved with a single-family residential structure originally constructed in 1930 per Assessor's property card. The property is accessed by driveway from 42nd Street to the west with a nearby public alley to the south. There is no direct accessibility from the parcel to the public alley due to the blockage of an existing residential structure on the parcel directly to the southwest. Surrounding land uses include community commercial to the north and west and residential to the south and east.

Approval of this petition would allow for the existing single-family residence to create a small-scale mixed-use development that serves a coffee shop on the ground floor while occupying a single-family residential rental unit on the upper level (mixed-use development not permitted).

This property is zoned D-5 to allow for a medium and large-lot housing format, primarily for detached houses, that can be used for new walkable suburban neighborhoods for infill situations in urban areas, including low density and medium density residential recommendations for the Comprehensive Plan and Traditional Neighborhood Typologies of the Land Use Pattern Book.

The Comprehensive Plan recommends that this property be developed for Traditional Neighborhood uses (additional information within the Comprehensive Plan Analysis section below). Also, Infill Housing Guidelines indicate that when determining whether a new use or building type is appropriate, look at existing plans for the neighborhood.

Staff would note that a mixed-use development would not be out of context with the neighborhood as the property directly to the west is of mixed-use development per aerial imagery (4144 Boulevard Place). Additionally, the district is characterized by commercial buildings adjoining the pedestrian walkway and vehicular traffic.

Findings of Fact provided by the applicant indicate that the mixed-use development would stabilize and enhance the surrounding property values. The mixed-use concept also creates activity throughout the day while maintaining residential occupancy, contributing to neighborhood viability without altering the residential character of adjacent properties. Additionally, the parcel is placed on the highly visible corner at the intersection of Boulevard Place and 42nd Street that experiences substantially greater traffic volumes than a typical residential street. The coffee shop will enhance public safety while creating a neighborhood amenity that encourages walkability and investment. The coffee shop will operate during daytime hours while serving neighborhood residents, cyclists, pedestrians, and nearby employees. No late-night operations will be offered. The plan of operation is displayed under the Exhibit section which provides additional details about the mixed-use development.

Staff would note that this request would legally establish commercial and residential use without any required off-street parking. The proposed mixed-use district is intended to be within walking distance of residential districts and have uses that do not generate an increase in traffic. There will be limited on-site parking for visitors without any drive-thru accessibility. Additionally, the proposed mixed-use development tends to be located within an older urban neighborhood, which typically have limited areas for off-street parking. Walking and cycling will be highly encouraged. For these reasons, the deviation from the required amount of parking would be acceptable.

The Variance of Use would be restricted to the current square foot of 1,888 of the existing building structure. Further additions will require a rezone or a new variance of use. This means that further expansion of this incompatible use will be subject to further petitions and public hearings. Staff recommend **approval** of this petition with the proposed commitments.

Department of Metropolitan Development
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Current Planning

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	SU-7	North: Community Commercial
South:	Enter D-5	South: Residential
East:	Enter D-5	East: Residential
West:	Enter MU-2	West: Community Commercial
Thoroughfare Plan		
Boulevard Place	Primary Arterial Street	56-foot proposed right-of-way and 56-foot existing right-of-way
42nd Street	Secondary Arterial Street	56-foot proposed right-of-way and 56-foot existing right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/27/2026	
Site Plan (Amended)	N/A	
Elevations	7/27/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	7/28/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Pattern Book (2019).
- Infill Housing Guidelines
- Indy Moves

Pattern Book / Land Use Plan

- **Traditional Neighborhood** typology includes a full spectrum of housing types, ranging from single-family homes to large-scale multifamily housing. The development pattern of this typology should

be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park (Page 33).

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

- When determining whether a new use or building type is appropriate for a mature neighborhood, look at existing plans for the neighborhood. This includes elements of the Comprehensive Plan, neighborhood plans, and certified plans. For example, the Marion County Land Use Map and Pattern Book provide recommendations on uses and basic forms that fit into different types of neighborhoods (Page, 29).

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

- Although the car is the most common mode of transportation in Indy today, many people said that they also walk, bike, and take transit. There was strong support for making non-driving modes more comfortable and attractive (Page, 16).

- Transportation Demand Management (TDM) programs encourage and incentivize people to travel by walking, bicycling, taking transit, or using shared mobility services rather than by driving alone. The city should work with partners, such as employment centers, shopping districts, and stadiums or large event venues, to establish targets for mode share and new education and encouragement about alternative ways to travel (Page, 35).

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2023-APP-023; 314 West 42nd Street (north of subject site), 2019-CZN-848; Park District One Approval to provide a new spray ground, **approved.**

2019-CZN-848; 227 West 42nd Street (southwest of subject site), Rezoning of 0.105 acre from the D-5 district to the D-8 classification, **approved.**

2019-CVR-848; 227 West 42nd Street (southwest of subject site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four dwelling units and to legally establish the existing front, side and rear yards and deficient primary dwelling separation, to legally establish encroachment into the clear sight triangle of the abutting streets and alleys, to legally establish zero parking spaces and to legally establish an open space of 32% (minimum 18-foot front setback or average, four-foot side setbacks, 15-foot rear setback, 10 feet between buildings, structures not permitted within the clear sight triangle, three parking spaces and 55% open space), **approved.**

2019-ADM-168; 4202 Boulevard Place (north of subject site), Expansion of food pantry in SU7 district, **approved.**

2012-ZON-004; 4202 Boulevard Place (north of subject site), Rezoning of 0.29 acre, from the D-5 District to the SU-7 class; 41ification to provide for a food pantry, **approved.**

2011-ADM-007; 314 West 42nd Street (north of subject site), Administrative approval for a restroom (comfort station), **approved.**

2003-VAR-808; 4149-4153 Boulevard Place (northwest of subject site), Variance of Development Standards of the Commercial Zoning Ordinance to legally establish a zero-foot transitional yard along 42nd Street (20-foot transitional yard required), a south side transitional setback of four feet and an east side yard setback of eleven feet (minimum side transitional setback of 15 feet required), and zero off street parking spaces (20 parking spaces required), **approved.**

81-UV2-31; 4202 Boulevard Place (north of subject site), Variance of Use to permit an office in existing building, along with automobile washing and cleaning services, with sign painted on window, **approved.**

72-Z-275; 314 West 42nd Street, formally known as 7833 Traders Cove Lane (north of subject site), rezone to PK1, **approved.**

64-V-367; 4140 Boulevard Place (northwest of subject site), Historical case, **approved.**

48-V-332; 4147 Boulevard Place (west of subject site), Historical case, **temporary.**

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EXHIBITS

2026-UV2-014; Aerial Map



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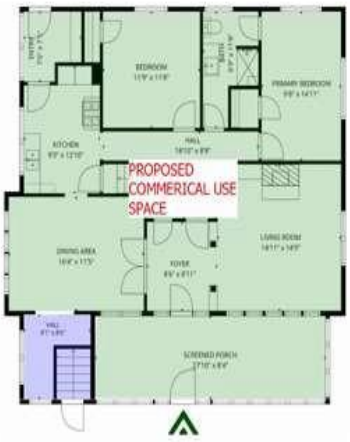
2026-UV2-014; Site Plan



EXISTING SITE PLAN EXHIBIT



EXISTING UPPER LEVEL



EXISTING MAIN LEVEL

REMAINS RENTAL UNIT

PROPOSED COMMERCIAL TENANT SPACE

RE-ZONING APPLICATION
07.27.26

4201 Boulevarde Place
Indianapolis, IN 46208

DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

2026-UV2-014; Findings of Fact

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 use represents a low-intensity, pedestrian-oriented neighborhood business designed to serve nearby residents rather than function as a regional commercial destination. The coffee shop will operate primarily during daytime hours and is expected to generate minimal traffic, noise, and outdoor activity compared to many permitted commercial uses.

The redevelopment will replace an underutilized property with a professionally designed mixed-use building meeting all applicable requirements of the Indiana Building Code, Marion County Health Department, Indianapolis Fire Department, ADA accessibility standards, stormwater regulations, and applicable site development requirements.

The project will include:

- improved landscaping
- upgraded lighting
- enhanced pedestrian accessibility
- modern life-safety systems
- quality architectural materials
- professionally designed site circulation

These improvements will enhance public safety while creating a neighborhood amenity that encourages walkability and investment.

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

The proposed development has been intentionally designed to complement the surrounding neighborhood through architecture, scale, landscaping, and building materials consistent with nearby development.

Unlike higher-intensity commercial uses, the proposed coffee shop will primarily serve neighborhood residents, cyclists, pedestrians, and nearby employees.

The project introduces:

- façade improvements
- streetscape enhancements
- landscaping
- additional lighting
- long-term investment
- improved property maintenance

These improvements are expected to stabilize and enhance surrounding property values. The mixed-use concept also creates activity throughout the day while maintaining residential occupancy, contributing to neighborhood vitality without altering the residential character of adjacent properties.

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

The subject property occupies a highly visible corner at the intersection of Boulevard Place and 42nd Street, an arterial corridor that experiences substantially greater traffic volumes than a typical residential street. Its unique corner location, visibility, accessibility, and relationship to surrounding commercial and institutional development distinguish it from interior residential parcels. The property's physical characteristics make it particularly well suited for a small neighborhood commercial use while remaining compatible with nearby residences.

Because of these unique site conditions, the property presents redevelopment opportunities not shared by surrounding residential lots.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

Limiting this uniquely situated corner property exclusively to residential use significantly restricts its reasonable economic use and prevents redevelopment consistent with its physical context.

The property is influenced by adjacent traffic volumes, visibility, and surrounding commercial activity that diminish its desirability as a traditional single-family residence while simultaneously making it ideally suited for neighborhood-scale mixed-use redevelopment.

Without the requested variance:

- reinvestment becomes significantly more difficult
- adaptive reuse opportunities are limited
- the property remains underutilized
- an important neighborhood corner cannot realize its highest and best use

Granting the variance allows productive reinvestment while preserving neighborhood compatibility.

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

The proposed project advances numerous planning objectives promoted by the City of Indianapolis, including:

- adaptive reuse of existing buildings
- neighborhood reinvestment
- walkable commercial services
- context-sensitive infill development
- mixed-use development
- reduction of automobile dependency
- enhancement of neighborhood identity
- economic revitalization

Rather than introducing an incompatible commercial use, the proposal creates a small-scale neighborhood destination integrated with residential occupancy. The development strengthens the surrounding community while maintaining the architectural scale and character expected along the Boulevard Place corridor. Accordingly, the requested variance is consistent with the long-term planning objectives of the City of Indianapolis.

2026-UV2-014; Plan of Operation

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PLAN OF OPERATION

Variance of Use

4201 Boulevard Place

Indianapolis, Indiana

Applicant

Tarkington House LLC

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1. Project Description

The applicant proposes the adaptive reuse and redevelopment of the existing property located at 4201 Boulevard Place into a neighborhood-oriented mixed-use development consisting of:

- A small artisan coffee shop located on the ground floor.
- Flexible community gathering and co-working space available to neighborhood residents and patrons.
- One residential apartment located on the upper level.
- Outdoor landscaping and streetscape improvements.
- Off-street parking for customers and residents.
- Enhanced pedestrian accessibility.

The vision is to create a welcoming neighborhood gathering place that serves the surrounding Butler-Tarkington and Meridian-Kessler communities while preserving the residential character of the property.

The coffee shop is intended to function as a neighborhood amenity rather than a destination retail establishment.

---

2. Proposed Operations

The primary business will provide:

- Specialty coffee
- Espresso beverages
- Tea

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- Pastries
- Light breakfast items
- Light lunch offerings
- Grab-and-go food items

No drive-through service is proposed.

No outdoor amplified music is proposed.

No late-night operations are proposed.

No alcohol sales are proposed without separate governmental approvals.

---

3. Building Occupancy

Ground Floor

Approximately 1,500–2,000 square feet consisting of:

- Coffee service counter
- Indoor seating
- Small community meeting area
- Flexible co-working space
- ADA restroom
- Storage
- Employee support area

Second Floor

One residential apartment occupied by a long-term tenant or owner.

---

4. Employees

Typical Staffing:

- 2–4 employees during normal operating hours
- Maximum of 6 employees during peak periods

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Management will generally be present during business hours.

---

5. Hours of Operation

Coffee Shop

Monday – Friday

6:30 AM – 6:00 PM

Saturday

7:00 AM – 6:00 PM

Sunday

7:00 AM – 4:00 PM

Residential occupancy will occur twenty-four (24) hours per day.

These hours are intentionally limited to maintain compatibility with the surrounding residential neighborhood.

---

6. Parking

Parking will be provided on-site in accordance with approved development plans.

The project encourages:

- Walking
- Cycling
- Neighborhood access
- Limited-duration customer visits

Parking areas will be professionally landscaped and appropriately illuminated.

---

7. Security

Security measures will include:

- Exterior LED building lighting

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- Security cameras covering entrances and parking areas
- Alarm monitoring system
- Automatic door locking after business hours
- Well-lit pedestrian entrances
- Clear visibility throughout the site
- Regular employee supervision

The residential apartment provides additional after-hours occupancy, contributing to natural surveillance of the property.

---

8. Hazardous Materials

No hazardous, explosive, flammable, toxic, or industrial materials will be stored or utilized on-site beyond ordinary commercial cleaning supplies and small quantities of food preparation products customarily associated with a neighborhood coffee shop.

No manufacturing or industrial processes are proposed.

---

9. Deliveries

Deliveries will generally occur:

Monday through Friday

Between 8:00 AM and 3:00 PM

Delivery vehicles will consist primarily of standard commercial vans or small box trucks.

No semi-trailer loading facilities are proposed.

---

10. Waste Management

Refuse and recycling will be stored within screened enclosures or designated service areas.

Trash collection will occur during normal business hours.

Grease disposal is not anticipated due to the limited food service operation.

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11. Outdoor Areas

Outdoor improvements may include:

- Decorative landscaping
- Native plantings
- Outdoor seating
- Bicycle parking
- Sidewalk enhancements
- Decorative lighting
- Seasonal planters

Outdoor seating will remain accessory to the coffee shop and will not be used for organized entertainment or amplified events.

---

12. Community Compatibility

The project has been intentionally designed to respect the surrounding neighborhood by:

- Maintaining residential-scale architecture
- Utilizing high-quality building materials
- Providing extensive landscaping
- Limiting operating hours
- Eliminating drive-through traffic
- Providing pedestrian-oriented design
- Minimizing lighting impacts
- Maintaining low noise levels

The goal is to create a neighborhood gathering place that complements the existing character of Boulevard Place while encouraging reinvestment and walkability.

---

13. Public Assembly

The proposed use is **not** considered a public assembly occupancy.

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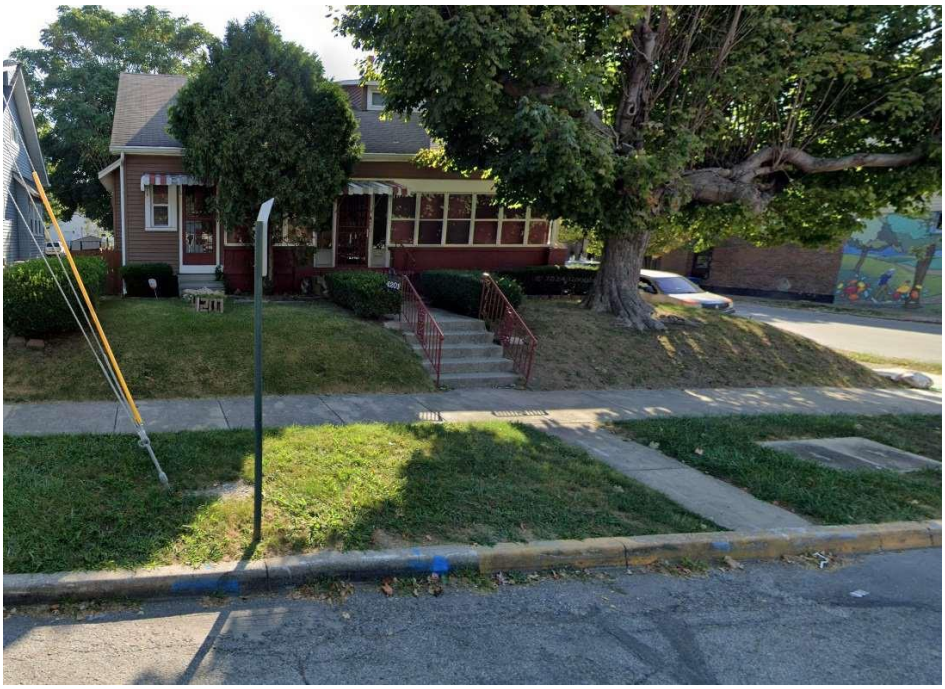
The coffee shop will provide approximately **20–30 indoor seats** and **8–12 seasonal outdoor seats** for customers. Seating is intended for normal café use and informal meetings only.

No worship services, organized assemblies, banquet facilities, or entertainment venues are proposed.

No ticketed events or large public gatherings are anticipated.

2026-UV2-014; Photographs

Photograph 1: Subject Site to the North



Photograph 2: Subject Site to the East



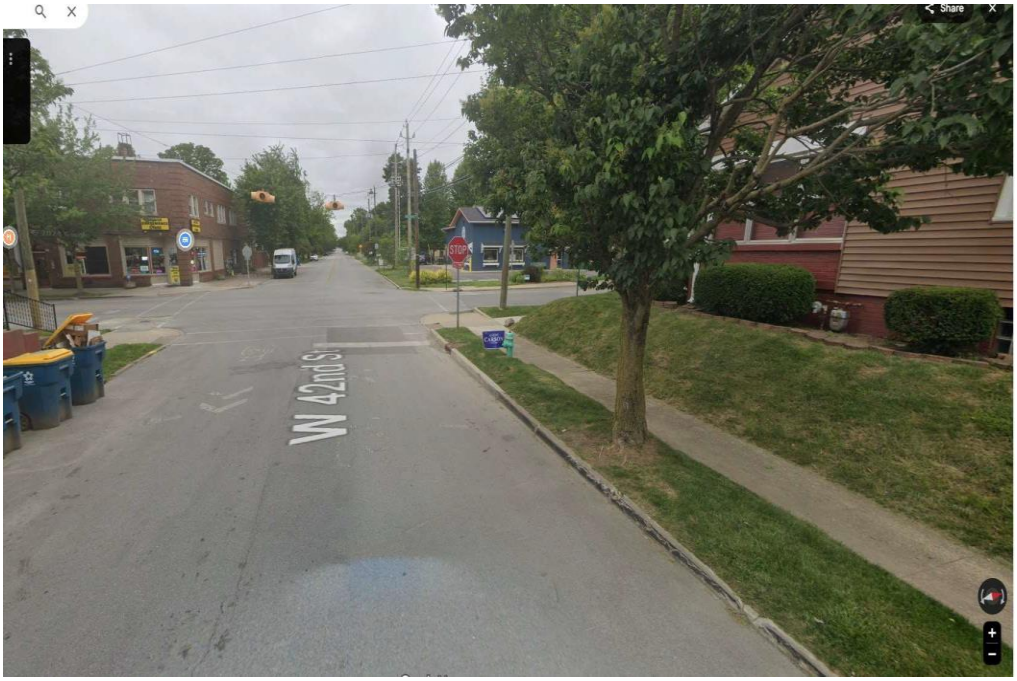
Photograph 3: Subject Site to the South



Photograph 4: Subject Site to the West



Photograph 5: Intersection of 42nd Street and Boulevard Place



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II — November 17th, 2026

Case Number:	2026-DV2-040
Property Address:	6970 North College Avenue (approximate address)
Location:	Washington Township, Council District #2
Petitioner:	Paul Mackowiak, Giles Law Group LLC
Current Zoning:	D-4 (TOD)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 6-foot-tall fence with an opacity of less than 30% in a front yard (4-foot maximum height permitted when 30% or less opacity).
Current Land Use:	Single-family home
Staff Recommendations:	Staff is recommending **denial** of this petition
Staff Reviewer:	Adam Skrzeszewski, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff is recommending **denial** of this petition

PETITION OVERVIEW

The petitioner is requesting to legally establish an already existing 6-foot-tall fence with an opacity of 30% or less in the petitioner's northern front yard on their driveway. A violation was issued for the height of the fence on May 20th, 2026, per Violation Case number: VIO26-004128. The initial inspection was initiated through a Mayor's Action Center request. Per Chapter 744, Article V, Section 10 of the Ordinance, the maximum height of a fence in a front yard of 30% opacity or less is 4 feet. Therefore, the petitioner is requesting to legally establish a fence that is 2-feet taller than what is permitted in a front yard.

- The petitioner's lot is a corner lot in the Metro Context. Per page 44 of the Ordinance, the lot has two front yards, one facing each frontage of public right-of-way on both East 70th Street where the driveway is located, and on North College Avenue.

- The petitioner built the non-conforming fence on the northern front yard facing East 70th Street, along the existing driveway, with a gate for the entrance of the driveway. This fence encroaches into the public right-of-way from being built parallel to the sides of the driveway. Per the Department of Business and Neighborhood Services, any encroachment for a structure including

a fence, into a public right-of-way requires an encroachment license to be obtained before construction. The petitioner did not obtain an encroachment license, and the fence is built on the public right-of-way.

- Per item #3 provided by the petitioner in the Findings of Fact, the petitioner states that the need for the height of the fence within the front yard is required due to petitioner's dog, to enclose the yard for the safety of the child, and to prevent intrusions for safety. Staff does acknowledge that two front yards does create limitations for the height of fences. There is still space on the lot for the petitioner to have a fence at 6-feet in height for the petitioner's child and dog. Fence can be built within the side yard to the south of the driveway and behind the front building line, it would accomplish similar goals the petitioner is aiming to achieve with the fence being placed on the driveway. Therefore, the petitioner's placement of the fence is by choice for enclosure of the driveway and there is adequate space for a fence of this height that would provide the same intended effects that would be permitted.

- If this petition were to be approved, the petitioner is still required to obtain an encroachment license. The criteria for an encroachment license is that the encroachment into the public right-of-way has to be within the interest of the public. Per correspondence with the Multi-Modal Program Manager, the fence encroaching into the public right-of-way may not be within the public's interest to do so. This correspondence is below within the exhibits section of this staff report. If this petition is approved, and the encroachment license is denied due to the fence not being within the public's interest, the fence would be required to be moved onto the petitioner's owned property. This petition is solely pertaining to the height of the fence and its location, but the non-conformity in question is within the public right-of-way as such should be addressed.

- Staff initially had concerns over the fence interfering with AES maintenance personnel for the electrical box and wires adjacent to the fence. AES staff has confirmed they see no issue with the subject fence and its adjacency to the electrical box and wires. This confirmation through correspondence is below within the exhibits section of this staff report.

- There is no sufficient practical difficulty on-site to warrant a fence that is at 6-feet in height within the petitioner's front yard that encroaches into the pubic right-of-way. Therefore, staff recommends **denial** of 2026-DV2-040

GENERAL INFORMATION

Existing Zoning	D-4 (TOD)	
Existing Land Use	Single-family home	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-4	North: Single-family homes
South:	D-4	South: Single-family homes
East:	D-3	East: Single-family homes
West:	D-4	West: Single-family homes
Thoroughfare Plan		
East 70th Street	Local Street	50-foot existing and proposed ROW
North College Avenue	Primary Arterial	112-foot existing and proposed ROW
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	TOD	
Wellfield Protection Area	No	
Site Plan	September 15th	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	September 15th	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood.

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

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines state that fencing should be carefully placed, that see-through fences are the safest, and fences in the front-yard should be ornamental in style and not intended for privacy. The proposed fence to be legalized is see-through and not for privacy; but the fence is within the public ROW outside of the petitioner's parcel, and it is not ornamental in style.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

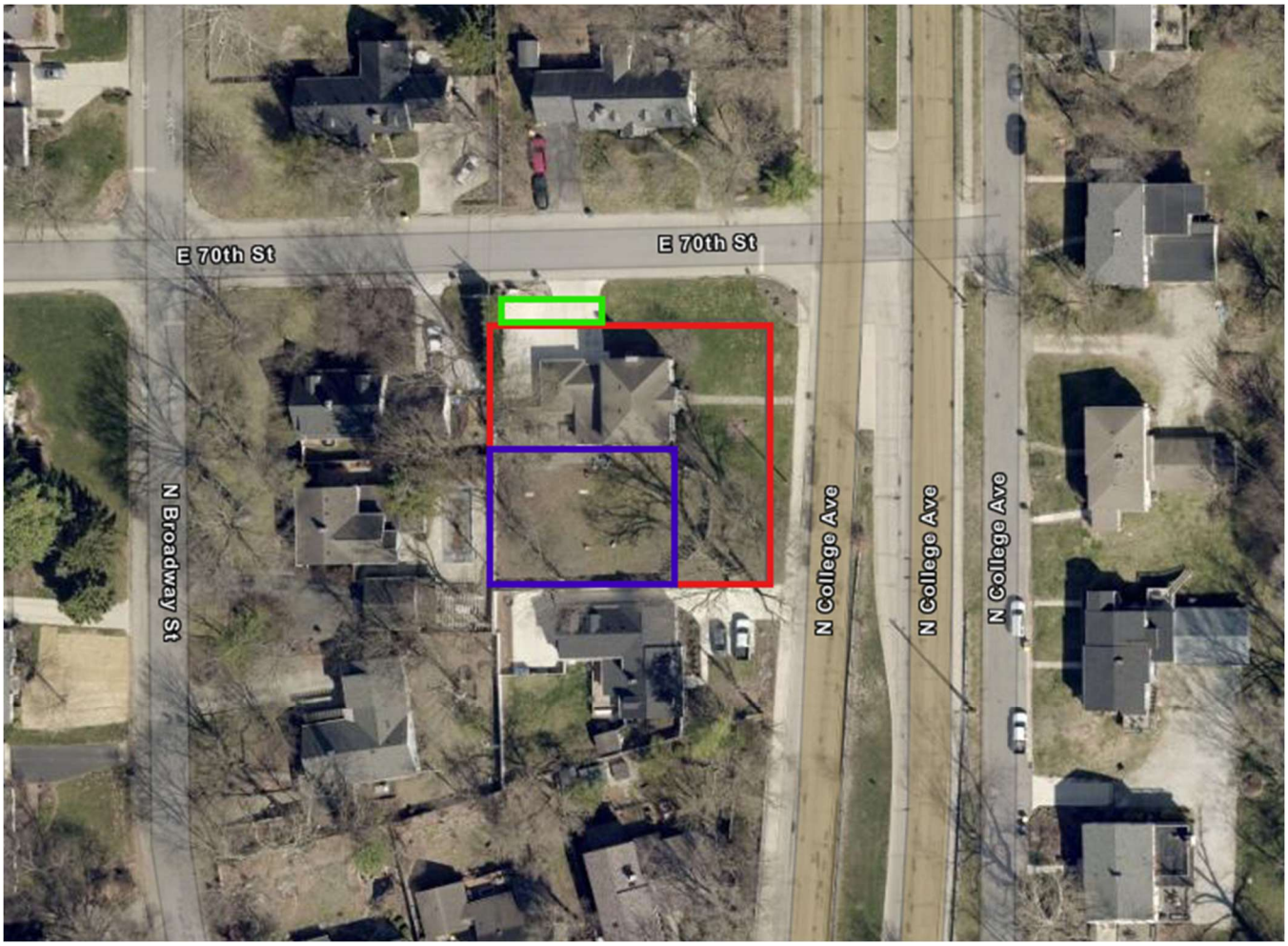
ZONING HISTORY – VICINITY

96-V3-31 ; 6915 Broadway Street (southwest of subject site), 24-foot by 26-foot garage addition with deficient setbacks. **Approved**

2013-DV1-042 ; 715 70th Place (northeast of subject site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 384.75-square-foot garage addition, creating a 3-foot west-side setback and a 14-foot aggregate side setback (minimum 6-foot side setback and 16-foot aggregate side setback required). **Approved**

2007-DV1-046 ; 7064 Broadway Street (northwest of subject site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a six-foot tall fence in the required front yard (not permitted). **Withdrawn, staff recommendation denial**

EXHIBITS



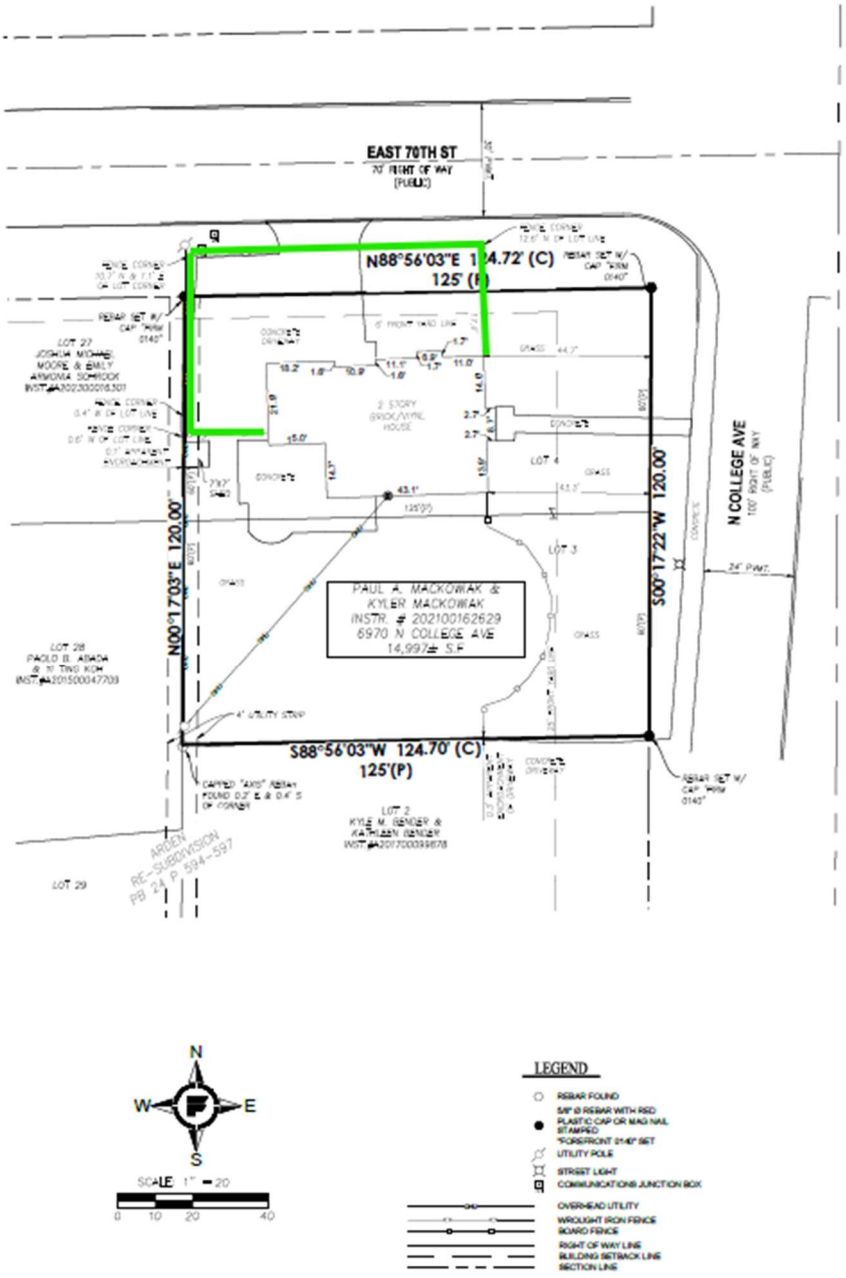
Red—petitioner's owned parcel

Green—approximate area of encroachment for fence into public right-of-way

Blue—approximate area of petitioner's side yard where the subject fence would be permitted

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Green—approximate location of fence

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Skrzeszewski, Adam

From: Palmer, Jill
Sent: Wednesday, October 28, 2026 3:36 PM
To: Skrzeszewski, Adam
Cc: Sheets, Nathan
Subject: Re: 6970 North College Ave fence in public ROW

Follow Up Flag: Follow up
Flag Status: Flagged

Being in the ROW would require an encroachment license . This is in the ROW by quite a lot. I don't think we'd find it in the public interest for the public to be cordoned off from the public right of way. Nor is it appropriate for this property owner to claim untaxed public land for their private use.

Jill Palmer, PE
Program Manager – Multi-Modal
Department of Public Works – Engineering
200 E. Washington St., Suite 1401
Indianapolis, IN 46204

From: Skrzeszewski, Adam <Adam.Skrzeszewski@indy.gov>
Sent: Wednesday, 28 October 2026 13:56:53
To: Palmer, Jill <Jill.Palmer@Indy.Gov>
Subject: 6970 North College Ave fence in public ROW

Hi Jill,

I have a variance petition at 6970 N College Ave for the fence in the picture attached, it is beyond the parcel boundary and within the public ROW, I was asked to know if you had any concerns with this. For context the petition is to legally establish the height of the fence but it's just that it's within the public ROW past the parcel.

Thanks,
Adam Skrzeszewski | Senior Planner
Current Planning | Department of Metropolitan Development | City of Indianapolis
adam.skrzeszewski@indy.gov | 317-327-5123
DMD Website | DMD MuniCode Meetings & Agendas | Submit a Petition | Talk to a Planner | Land Use Petitions Forms & Fees
Citizen Access Portal

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

Skrzeszewski, Adam

From: Jordan Watkins <jordan.watkins@aes.com>
Sent: Tuesday, November 10, 2026 2:36 PM
To: Blane Boyd; Skrzeszewski, Adam
Cc: Kevin Walker
Subject: Re: potential obstruction of aes maintenance from fence in public ROW 6970 N College Ave

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization and contains an attachment. Unless you recognize the sender and know the contents are safe, do not open the attachment.

It appears to me the red lines are indicating the fence is essentially hugging the driveway around the northwest corner and the utility equipment is outside of the fence. If that's true, I would not expect that to interfere with our ability to maintain our facilities.

Jordan Watkins
Team Leader
Customer Projects Engineering
Office: 317-261-6196

aes Indiana

From: Blane Boyd <blane.boyd@aes.com>
Sent: Tuesday, November 10, 2026 2:04 PM
To: Skrzeszewski, Adam <Adam.Skrzeszewski@indy.gov>; Kevin Walker <kevin.walker@aes.com>; Jordan Watkins <jordan.watkins@aes.com>
Subject: Re: potential obstruction of aes maintenance from fence in public ROW 6970 N College Ave

Hi Adam,

I am going to add Jordan Watkins to the email. Jordan helps make these decisions when we have encroachment requests from landowners. Jordan, our facilities are within the City ROW and so is the fence. Do you believe the fence will interfere with our maintenance of the electrical facilities?

Thanks,
Blane

From: Skrzeszewski, Adam <Adam.Skrzeszewski@indy.gov>
Sent: Wednesday, November 4, 2026 2:42 PM
To: Blane Boyd <blane.boyd@aes.com>
Subject: potential obstruction of aes maintenance from fence in public ROW 6970 N College Ave

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FINDINGS OF FACT

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

The fence is an open, decoratie wrought-iron fence that does not obstruct drainage, utilities, or emergency access, and does not impair driver sight lines at the driveway or the College Avenue/70th Street corner. The property is a corner double lot whose principal frontage and entrance face College Avenue; the fence runs along the 70th street side, which functions as a side yard for the property. The fence advances public safety rather than harming it: it provides a needed barrier near a busy arterial (College Avenue), preventing the petitioner's young child and dog from reaching the roadway and deterring the repeated incidents in which individuals have entered the property and attempted to enter the home. Granting the variance therefore posses no threat to the health, safety, morals, or general welfare of the community.

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

The fence is a well-constructed, attractive black wrought iron fence that is consistent with the residential character of the neighborhood and enhances, rather than detracts from, the apperance and value of the property and the surrounding area. Adjacent and nearby property owners have expressed support for the fence, and the petitioner is prepared to submit letters of support. The fence is confined to the petitioner's own lot along the 70th Street frontage, does not encroach on neighboring property, and imposes no adverse impact on the use or enjoyment of adjacent parcels.

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

The property is a corner double lot, created when the prior owner combined two lots, that has two street frontages (College Avenue & East 70th Street). By operation of the ordinance's yard definitions, the 70th Street side is treated as a second front yard, even though it functions as the side of the residence and contains the driveway. This condition is peculiar to the property and was not created by the petitioner. Strict application of the front-yard limit to the 70th Street frontage preents the petitioner from enclosing the driveway of the hom with a fence adequate to contain a dog capable of clearing a lower fence, to protect a young child from the adjacent areterial, and to secure the property against repeated intrusions the household has experienced. A fence ilmited to the permitted front-yard height would not reasonably serve these needs, imposing a practical difficulty in the use of the property.