



Board of Zoning Appeals Board of Zoning Appeals Division III (October 21, 2025) Meeting Agenda

Meeting Details

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

Date: Tuesday, October 21, 2025

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2025-DV3-020 (Amended) | 4102 Madison Avenue**
Perry Township, Council District #23, zoned C-4 (TOD)
Sanchez Family Inc., by Kevin Lawrence

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishment with a covered porch within the right-of-way of Castle Avenue (not permitted), deficient landscaping, reduced off-street parking, with parking spaces and maneuverability within the right-of-way of Madison Avenue (15 spaces required, parking spaces and maneuverability within street rights-of-way not permitted).

****Automatic Continuance filed by a Registered Neighborhood Organization, continuing this case to the November 25, 2025 hearing of Division III**

- 2. 2025-DV3-029 | 8600 Madison Avenue**
Perry Township, Council District #23, zoned C-3 / C-1 (TOD)
Francis Michael Laux, by Justin & David Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building encroaching 35 feet within a Category Two Stream Protection Corridor and a parking area within an easement (encroachment of stream protection corridors and easements not permitted).

****Petitioner requesting a continuance to the November 25, 2025 hearing of Division III**

- 3. 2025-UV3-028 | 1255 Roosevelt Avenue**
Center Township, Council District #13, zoned I-4 / C-S
1255 Roosevelt Partners LLC, by Tyler Ochs

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

****Staff requesting a continuance to the November 25, 2025 hearing of Division III**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

4. 2025-DV3-025 | 980 South Kitley Avenue

Warren Township, Council District #20, zoned I-4 / I-3
980 Kitley LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding building with a two-foot front yard setback from Kitley Avenue (60 feet required), without required landscaping and sidewalk installation.

5. 2025-UV3-029 | 5950 South Belmont Avenue

Perry Township, Council District #22, zoned I-3 / I-2 / SU-23 (GSB) (FF)
Milestone Contractors LP, by Misha Rabinowitch

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building resulting in a 60-foot front yard setback from Belmont Avenue (150 feet required), a zero-foot landscape buffer yard (50 feet required), deficient landscaping and screening, and an exemption from conformity with the General Regulations, including fencing, gates and signage, topsoil management, as well as subsections F-M of the Gravel Sand Borrow overlay District (conformity with General Regulations, Operating Regulations, Blasting, Operations plan, Reclamation plan, Reclamation standards, Assurance of completion reclamation and maintenance, Annual reports, and License permit required).

6. 2025-UV3-030 | 2602 North Harding Street

Center Township, Council District #12, zoned D-5 (W-5)
Earl Dixon

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operating of a catering facility / commercial kitchen (not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

7. 2025-SE2-003 | 21 Virginia Avenue, 122 & 130 East Maryland Street

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

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

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

8. 2025-DV3-016 | 2360 Prospect Street

Center Township, Council District #18, zoned C-4
Linda Thompson, by Daniel Newton

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall perimeter chain link fence within the required clear-sight triangular area (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, encroachment into the clear-sight triangle not permitted).

9. 2025-DV3-028 | 1305 Lichtenburg Road (Amended)

Warren Township, Council District #20, zoned D-A
Lisa Latham, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 19-foot tall detached accessory structure (accessory structures cannot be taller than the primary building).

10. 2025-DV3-031 (Amended) | 143 Washington Pointe Drive

Warren Township, Council District #20, zoned C-4 (TOD)
Net Lease Properties, by Timothy Ochs and Jennifer Milliken, Ice Miller LLP

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishing and associated drive-through with a front building line of 17% along Washington Street (80 percent required) and a parking area containing 10 vehicle spaces (maximum 5 spaces permitted).

11. 2025-UV3-026 | 2901 North Post Road

Warren Township, Council District #15, zoned SU-1 / D-7 / D-4
Calvary Temple Assembly of God, by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor storage of modular homes, with temporary perimeter fencing of the proposed outdoor storage area (not permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

12. 2025-DV3-032 (Amended) | 455 Rawles Court

Warren Township, Council District #20, zoned I-2
Watson Properties LLC, by David Gilman

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition and parking lot expansion resulting in a building height of 29 feet (maximum 22 feet permitted), a 40-foot front transitional yard (100 feet required), 30 vehicle parking spaces (minimum 49 spaces required), and zero bicycle parking spaces (three required).

13. 2025-DV3-033 (Amended) | 7857 East 88th Street

Lawrence Township, Council District #4, zoned I-2
Yanjing Liu, by Roger Upchurch

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building expansion resulting in a 38-foot rear transitional yard setback (50 feet required), without installation of the required frontage sidewalk.

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
Joanna Taft, Chair	Metropolitan Development Commission	January 1, 2025 – December 21, 2025
Bryan Hannon, Vice-Chair	Mayor's Office	January 1, 2025 – December 21, 2025
Rayanna Binder, Secretary	Mayor's Office	January 1, 2025 – December 21, 2025

Rod Bohannon	City-County Council	January 1, 2025 – December 21, 2025
Percy Bland	City-County Council	January 1, 2025 – December 21, 2025



Department of Metropolitan Development
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BOARD OF ZONING APPEALS DIVISION III

October 21, 2025

Case Number: 2025-DV3-020 (Amended)

Property Address: 4102 Madison Avenue (approximate address)

Location: Perry Township, Council District #23

Petitioner: Sanchez Family Inc., by Kevin Lawrence

Current Zoning: C-4 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishment with a covered porch within the right-of-way of Castle Avenue (not permitted), deficient landscaping, reduced off-street parking, with parking spaces and maneuverability within the right-of-way of Madison Avenue (15 spaces required, parking spaces and maneuverability within street rights-of-way not permitted).

Current Land Use: Commercial

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was automatically continued by the petitioner from the June 17, 2025 hearing to the July 15, 2025 BZA Division III hearing.
- The petition was required to be continued due to insufficient notice to the August 19, 2025 BZA Division III hearing.
- This petition was continued to the September 16, 2025 BZA Division III hearing with new notice.
- The petitioner and Staff agreed to a continuance to the October 21, 2025 hearing to allow for additional revisions to be made.
- A timely automatic continuance was filed by a registered neighborhood organization, continuing this petition to the November 25, 2025 BZA Division III hearing date, which requires the Board's acknowledgement.



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BOARD OF ZONING APPEALS DIVISION III

October 21, 2025

Case Number: 2025-DV3-029

Property Address: 8600 Madison Avenue (approximate address)

Location: Perry Township, Council District #23

Petitioner: Francis Michael Laux, by Justin and David Kingen

Current Zoning: C-3 / C-1 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building encroaching 35 feet within a Category Two Stream Protection Corridor and a parking area within an easement (encroachment of stream protection corridors and easements not permitted).

Current Land Use: Vacant

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued to the October 21, 2025 BZA Division III hearing.
- The petitioner is requesting a continuance to the November 25, 2025 Division III hearing.



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BOARD OF ZONING APPEALS DIVISION III

October 21, 2025

Case Number: 2025-UV3-028
Address: 1255 Roosevelt Avenue (approximate address)
Location: Center Township, Council District #13
Zoning: I-4 / C-S
Petitioner: 1255 Roosevelt Partners LLC, by Tyler Ochs
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a pickleball facility (not permitted).

Current Land Use: Industrial Building

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

The petitioner has indicated that they plan to refile this petition as a rezoning petition. Therefore, this petition should be **continued for cause to the November 25, 2025**, hearing to allow time for the refiling petition.



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BOARD OF ZONING APPEALS DIVISION III

October 21, 2025

Case Number: 2025-DV3-025

Property Address: 980 South Kitley Avenue (approximate address)

Location: Warren Township, Council District #20

Petitioner: 980 Kitley LLC, by David Gilman

Current Zoning: I-4 / I-3

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding building with a two-foot front yard setback from Kitley Avenue (60 feet required), without required landscaping and sidewalk installation.

Current Land Use: Industrial

Staff Recommendations: Staff **recommends approval** of the deficient landscaping, subject to the submitted landscape plan file-dated September 29, 2025, and **recommends approval** of a 25-foot front yard setback from Kitley Avenue

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued from the September 16, 2025 BZA Division III hearing to the October 21, 2025 BZA Division III hearing.

STAFF RECOMMENDATION

- Staff **recommends approval** of the deficient landscaping, subject to the submitted landscape plan file-dated September 29, 2025 and **recommends approval** of a 25-foot front yard setback from Kitley Avenue

PETITION OVERVIEW

- The revised site plan, file-dated September 29, 2025, indicated sidewalks being placed along the Brookville Road frontage, which is a sufficient linear distance to meet the required sidewalk installation. Therefore, that variance is to be removed from the request. Additionally, the revised site plan indicates the proposed building being located 25 feet from Kitley Avenue, which means that the front yard setback request is to be revised from the original 2-foot front yard setback to the revised 25-foot front yard setback.
- With regards to the landscaping, interior landscaping is required as a part of construction of new freestanding building (as being requested here), per Table 744-502-1 of the Zoning Ordinance. With



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the subject site being almost entirely hardscaped and used for industrial uses, Staff and the petitioner have agreed to provide for landscaping along the frontages of Brookville Road and Kitley Avenue, per the landscaping plan. This would exceed the frontage landscaping requirement for number of trees per linear distance of frontage. While this would not meet the landscaping requirements for interior landscaping, Staff finds this to be a significant improvement to the site and to represent a reasonable replacement for the landscaping required by the Ordinance. Further, Staff finds providing frontage landscaping to be more appropriate and necessary for this site, to allow for additional screening of the existing outdoor storage. Being in the public right-of-way, this landscaping would require a flora permit, which has been obtained by the petitioner via FLR25-00094. Therefore, Staff is supportive of the request for deficient landscaping, subject to the filed landscape plan, which indicates that a total of 30 trees be planted along the Brookville Road and Kitley Avenue frontages.

- With regards to the request for the 25-foot front yard setback of the proposed new building, the standard is in place to allow for sufficient distance and buffer of industrial uses from adjacent properties and public rights-of-way. With the petitioner agreeing to alter the proposed plans from the original 2-foot setback to the revised 25-foot setback, Staff finds this to represent a reasonable request and compromise that would provide for a significant amount of setback from Kitley Avenue. The revised site plan has eased Staff's concerns on these points and is less concerned about a small reduction in setback at this location given that this is not a transitional yard. Therefore, Staff is unopposed to a 25-foot front yard setback along Kitley Avenue.
- Staff continues to recommend denial of the original 2-foot front yard setback request.

GENERAL INFORMATION

Existing Zoning	I-4 / I-3	
Existing Land Use	Industrial	
Comprehensive Plan	Heavy Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: C-S	North: Commercial Special
	South: I-2	South: Industrial
	East: I-3	East: Industrial
	West: I-3	West: Industrial
Thoroughfare Plan		
Brookville Road	Primary Arterial	98 feet of right-of-way existing and 112feet proposed
South Kitley Avenue	Primary Collector	70 feet of right-of-way existing and 80 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	



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Site Plan	5/30/25
Site Plan (Amended)	8/11/25
Elevations	5/30/35
Elevations (Amended)	N/A
Landscape Plan	7/10/25
Findings of Fact	5/30/25
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE



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78-Z-70, Rezoning of 5.6 acres, being in the I-3-U district, to the I-5-U classification to permit industrial development, **approved**.

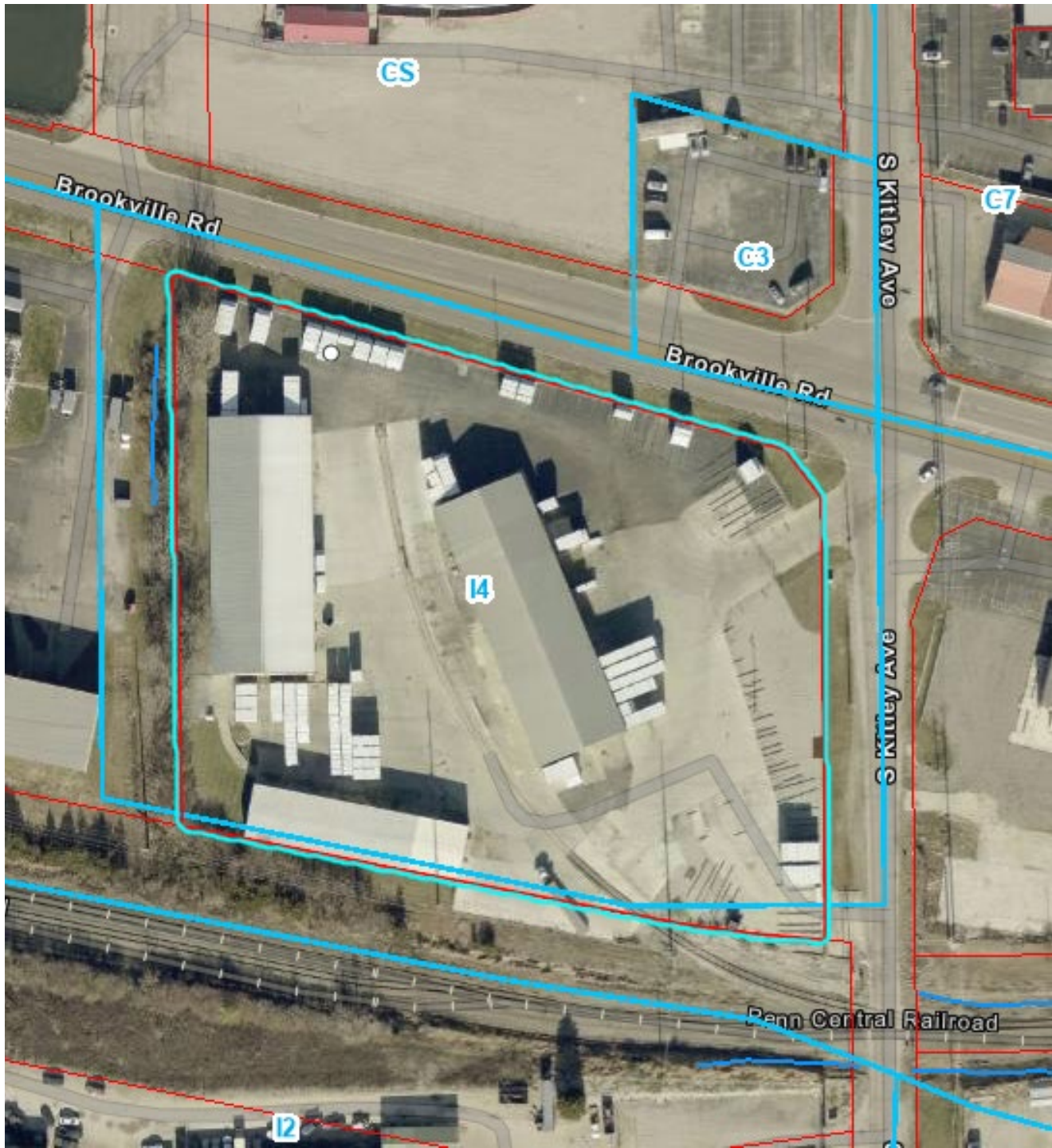
ZONING HISTORY – VICINITY

2023ZON026; 6501 Brookville Road (east of site), Rezoning of 2.9 acres from the I-3 district to the C-4 district to provide for a gas station and convenience store, **dismissed**.

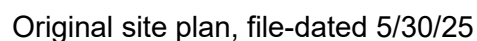
2016UV3014; 805 S Kitley Ave (north of site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for up to two dwelling units (not permitted) on the second floor of the existing building, including residential accessory uses and structures (not permitted), **approved**.

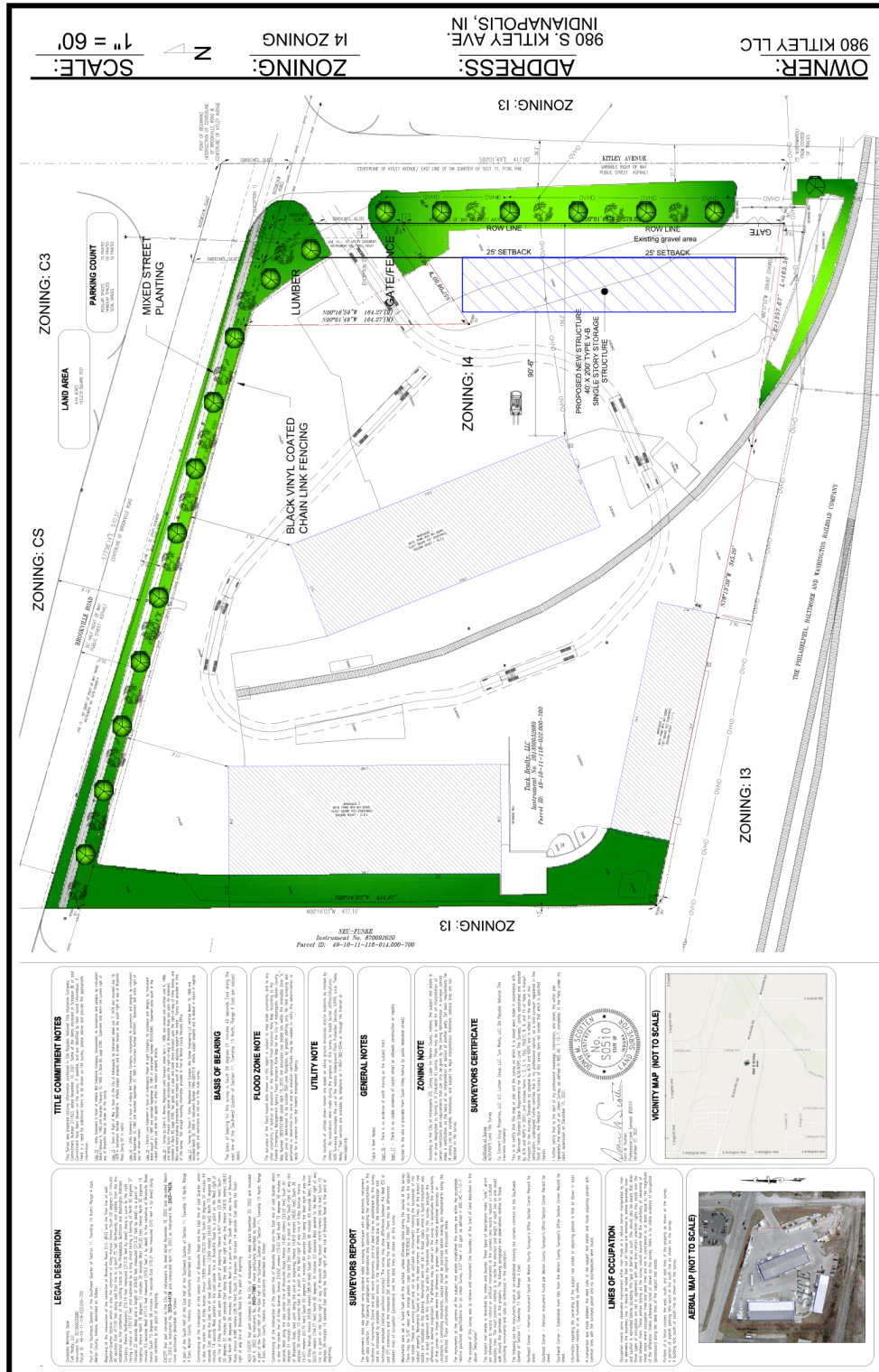
2001DV3021 / 2001SE3006; 1000 S Kitley Ave (south of site), Special Exception of the Industrial Zoning to provide for the construction of a 6120 square foot building for an automobile salvaging operation, Variance of Development Standards of the Industrial Zoning Ordinance to provide for the construction of a 6120 square foot building, with an 11-foot front yard setback and an 11-foot side yard setback (minimum 30-foot side yard setback required), **approved, subject to conditions**.

EXHIBITS

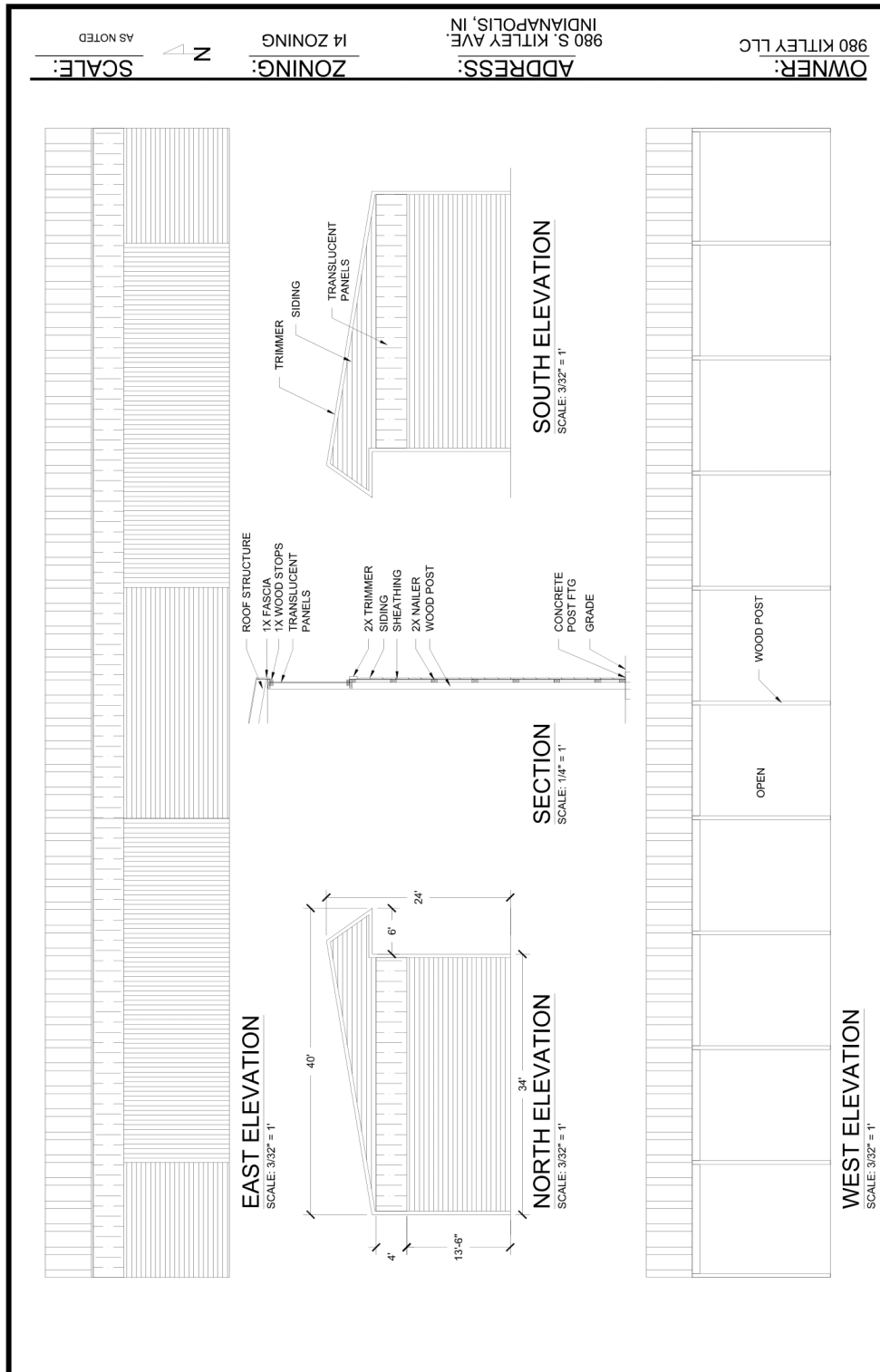


Aerial Photo





Revised site plan and landscape plan, file-dated 9/29/25



Building elevations, file-dated 5/30/25



Department of Metropolitan Development
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City of Indianapolis
 Department of Business and Neighborhood Services

Flora Permit

200 E. Washington St., Suite 107
 Indianapolis, IN 46204

Permit No.: **FLR25-00094**
 Location: **980 S KITLEY AVE**
 Township:

Issued: **07/23/2025**

Start Date: **10/01/2025**

Expired: **11/30/2025**

CONTRACTOR
 TBD
 IN

OWNER
 980 Kitley Llc
 53 S Union St
 Brazil, IN 47834

APPLICANT
 David Gilman
 Timberland Lumber Company
 211 S Ritter Avenue, SUITE H
 Indianapolis, IN 46219
 3178336331

PROJECT DESCRIPTION: **Tree planting for private development.**
Provisional permit upon determination of landscape contractor.
30 trees planted; species chosen to accommodate overhead utility lines
Redbud; Arbor vitae; Yew; Chokecherry

CITY CONTACT: BNS Forestry, 317-327-2236.

CONDITION(S):

1. ANSI 60.1 – American Standard for Nursery Stock shall be adhered to.
2. Chapter 701 of the Revised Code of the Consolidated City of Indianapolis and Marion County shall be adhered.
3. Permit applicant is required to contact Indiana Underground Plant Protection Service (IUPPS) at 1-800-382-5544 to have Utilities Located prior to excavation/installation.
4. Occupational Safety and Health Administration Standards 29 CFR 1910 and 1926 shall be adhered
5. Changes to plant material or location must be submitted and approved prior to installation.
6. ANSI A300 – American National Standards for Tree Care Operations – Standard Practices Series shall be adhered to.
7. ANSI Z133.1 – American National Standards for Arboricultural Operations – Safety Requirements shall be adhered to.
8. City of Indianapolis Department of Public Works Forestry Planting Detail shall be adhered.
9. Must be planted on public lands under jurisdiction of the City of Indianapolis
10. Trees shall be a minimum of 1 ½" -2½" caliper at installation.
11. There will be a two-year warranty period on each tree. If the City finds a tree unacceptable during this period, the applicant will remove the tree and stump and plant a new tree to replace that tree at the applicant's expense.
12. Applicant will commit to two (2) years of watering at fifteen (15) gallons of water per week from April 1st to October 31st each year.



Subject site looking southwest



Looking northwest along Brookville Road



Looking south down Kitley Avenue



Looking west towards subject site



Looking southeast



Looking northwest



Looking east across Kitley Avenue towards adjacent site



Looking northeast at adjacent site



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BOARD OF ZONING APPEALS DIVISION III

October 21, 2025

Case Number: 2025-UV3-029

Property Address: 5950 South Belmont Avenue (approximate address)

Location: Perry Township, Council District #22

Petitioner: Milestone Contractors LP, by Misha Rabinowitch

Current Zoning: I-3 / I-2 / SU-23 (GSB) (FF)

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building resulting in a 60-foot front yard setback from Belmont Avenue (150 feet required), a zero-foot landscape buffer yard (50 feet required), deficient landscaping and screening, and an exemption from conformity with the General Regulations, including fencing, gates and signage, topsoil management, as well as subsections F-M of the Gravel Sand Borrow overlay District (conformity with General Regulations, Operating Regulations, Blasting, Operations plan, Reclamation plan, Reclamation standards, Assurance of completion reclamation and maintenance, Annual reports, and License permit required).

Current Land Use: Industrial

Staff

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the petition.

PETITION OVERVIEW

- 5950 South Belmont Avenue is an industrial parcel that is currently improved with three storage building and extensive outdoor storage areas that are associated with a construction contractor that has been active at the site since the grant of the Special Exception 95-HSE-2. A larger structure on the site was removed around 2021 because of the expansion of State Road 37. Surrounding land uses include a building materials supplier to the south, the expanded highway to the east, and what appear to be uses related to mining, gravel extraction and concrete processing on land to the north and west of the property.



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- Although the subject site does not contain any operations related to mining, it is located within the Gravel, Sand and Borrow Secondary Zoning District which is intended for areas prime for the mining, quarrying, or excavating of sand, gravel, borrow or other earthen materials. This Secondary District also permits temporary processing plants for those materials which are subject to numerous added dimensional and compliance standards beyond what would be required by the primary zoning district. Since this designation is based on geographic factors, it could not be removed from the site via a rezoning petition.
- The current contractor use is seeking to add a new storage building onto the property in a similar location to the previously removed structure with an area of 9,600 square feet, per the below site plan. Since the property has a GSB zoning designation, it would be subject to a front setback of 150 feet (instead of 60 feet), would require a landscape buffer and fencing beyond standard I-3 requirements, and would be subject to subsections F through M from the GSB regulations found within 742-206 of the Ordinance. These exemptions are extensive and would involve regulations related to blasting, which is why this request includes a Variance of Use in addition to Variances of Development Standards.
- Approval of this variance petition would also allow for relief for standard landscaping rules that would be applicable for development within I-3 zoning but *not* within the GSB district: this would include the placement of frontage trees along Belmont Avenue. Additionally, although the construction of a new building would typically trigger the need for the installation of sidewalk along the frontage in the amount of 5 (five) linear feet per 100 square feet of new building, the Administrator has previously approved a waiver of that requirement for this project on the condition that a contribution to the City's sidewalk fund be made in lieu of that installation.
- Although small portions of the site are zoned I-2 and SU-23, most of the parcel (including the location of the proposed building) is zoned I-3 (Medium Industrial District) to allow for industries that present moderate risks to the public and that should be isolated from protected districts and buffered by intervening lighter industrial districts. As described above, it also falls within the Gravel, Sand and Borrow secondary zoning district for mining operations. The Comprehensive Plan recommends this site for Office Commercial uses (which does not appear to match surrounding land use patterns), and small portions of the site along the western boundary are located within the Floodway Fringe and within an Environmentally Sensitive overlay per the Comprehensive Plan.
- Given that the proposed front setback would comply with requirement for standard I-3 zoning and that the proposed building and use don't involve mining activity, staff finds the requested reduction reasonable and recommend approval of the setback request. For similar reasons, relief from the specific landscaping and fencing requirements that would be applicable for GSB operations would be supportable. Additionally, staff would support exemptions from the subsections listed within the variance request language with the understanding that this would not allow for the conducting of any mining uses or operations at the site in the future that didn't comply with these standards, and that any work at the site involving blasting or explosives would likely require a variance.



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- Findings of Fact provided by the applicant related to the request for relief from landscaping rules generally applicable for I-3 zoning mention the surrounding context of heavy industrial uses lacking any sort of plantings, the impact of the interstate relocation on site functionality, and other site-specific restrictions that result from the placement of existing gas lines and other utilities along the frontage. Staff feels that these findings have established adequate practical difficulty to recommend approval of this variance as well.

GENERAL INFORMATION

Existing Zoning	I-3 / I-2 / SU-23 (GSB) (FF)	
Existing Land Use	Industrial	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	SU-23 GSB	North: Mining / SR 37
South:	I-3	South: Industrial
East:	I-3 GSB	East: SR 37
West:	I-3 GSB	West: Mining
Thoroughfare Plan		
Belmont Avenue	Local Street	Recently Relocated from SR37 Expansion
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	09/15/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	09/15/2025	
Findings of Fact (Amended)	10/7/2025	



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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Land Use Plan Pattern Book recommends this site to the Office Commercial working typology to allow for single and multi-tenant office buildings. It is often a buffer between land uses of differing intensities and can range from a small freestanding office to a major employment center. Intended uses might include medical and dental facilities, insurance, real estate, financial institutions, , legal services, or hair and body care salons. Industrial uses are not contemplated for this typology.
- A portion of this site also falls within an Environmentally Sensitive overlay to allow for areas containing high quality woodlands, wetlands, or other natural resources that should be protected from potential damage by 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

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

95-HSE-2, special exception of the Wellfield Protection Zoning Ordinance to provide for the construction of the Wellfield Protection Zoning Ordinance to provide for the construction and operation of a facility to service, store, repair and maintain vehicles and equipment associated with a construction/contractor use, including an above ground fueling island; a waiver of the provision requiring construction to prevent potential containment release (specifically to provide for a gravel or stone surface on the portion of the site used for tracked equipment storage and travel; and a waiver of the provision requiring that all vehicle or equipment repair be conducted in enclosed buildings (specifically to provide for occasional minor service and repair outside on a hardsurfaced area), **approved**.

72-Z-233, rezoning of 281 acres from the A-2, I-3-S, and I-2-S districts to the Gravel, Sand and Borrow (Secondary) district to permit extraction of mineral, gravel and sand, **approved**.

ZONING HISTORY – VICINITY

2022CVR807 ; 5540 S Belmont Avenue (west of site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of two concrete plants (not permitted), **approved**.

2022CZN807 ; 5540 S Belmont Avenue (west of site), Rezoning of 10 acres from the D-A (GSB) (FF) to the SU-23 (GSB) (FF) district to provide for sand and gravel extraction and concrete processing plant, **approved**.

2008UV2012 ; 5540 S Belmont Avenue (north of site), VARIANCE OF USE of the Special Districts Zoning Ordinance to provide for the location of a 10,000 gallon above-ground, outdoor storage tank for diesel fuel storage (not permitted), **approved**.

2005ZON089 ; 5950 S Belmont Avenue (south of site), rezoning of 14.653 acres from I-2-S to I-3-S to allow for a building supply business with outdoor storage of galvanized building studs, **approved**.

2000UV2004 ; 5320 S Belmont Avenue (north of site), variance of use of the Special Districts Zoning Ordinance to provide for a temporary concrete plant (not permitted), **approved**.

99-Z-199 ; 5719 S Concord Street (west of site), rezone 30.0 acres from D-A to SU-23 to provide for a permanent sand and gravel processing facility and associated accessory uses, **approved**.

98-UV1-41 ; 5504 S Belmont Avenue (north of site), variance of use of the Special Districts Zoning Ordinance to provide for a concrete processing facility (not permitted), **approved**.

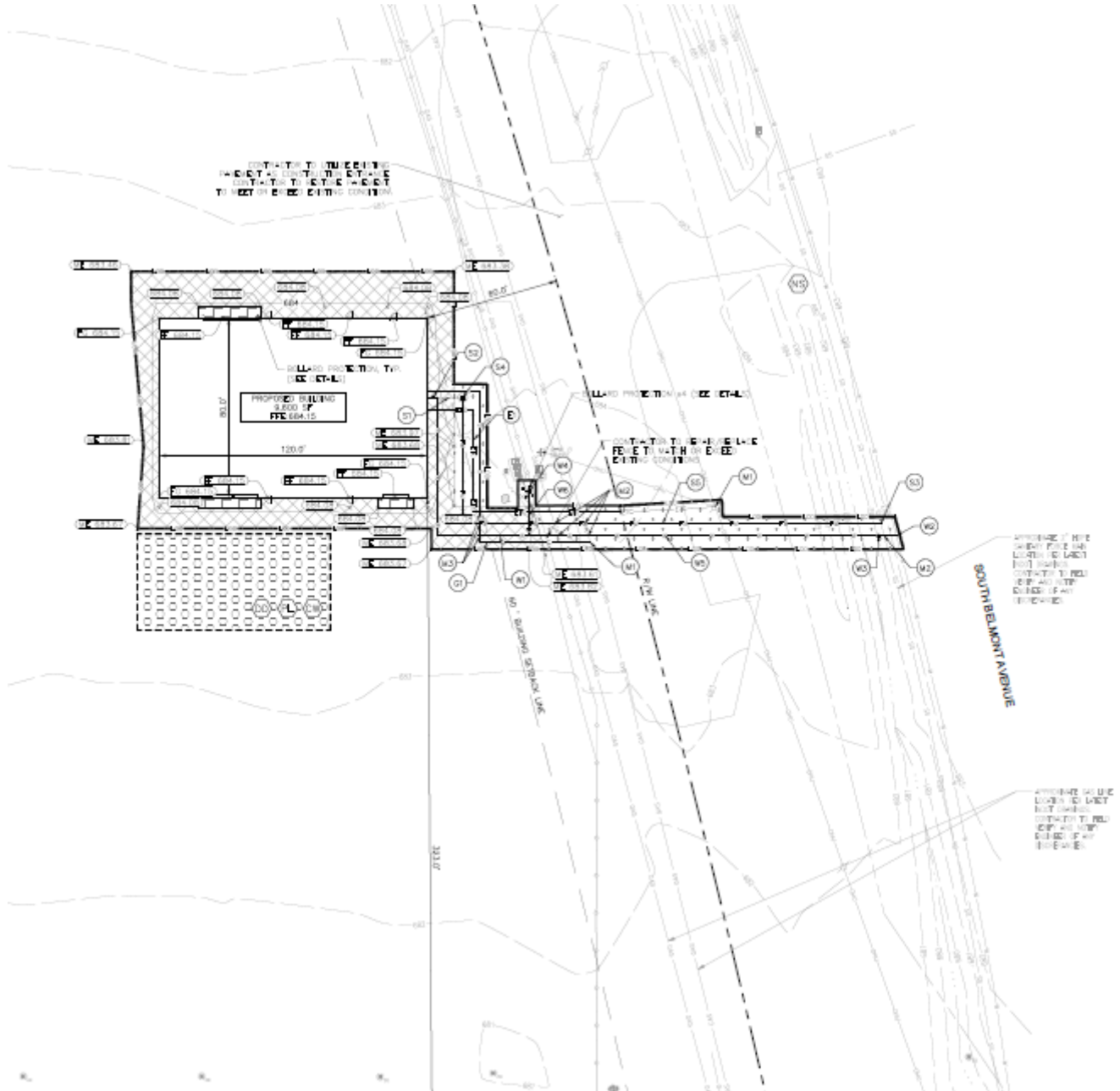
87-Z-91 ; 5100 S Concord Street (north of site), rezoning of approximately 25 acres to the SU-23 (GSB) district to provide for the location of permanent processing plants for aggregate materials, **approved**.

EXHIBITS

2025UV3029 ; Aerial Map



2025UV3029 ; Site Plan





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2025UV3029 ; Findings of Fact (Front Setback)

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

the reduced front yard setback is consistent with what would otherwise be required in the I-3 District where no mining activities are occurring.

Also, the property fronts along a high traffic interstate such that the reduced front yard setback, which is necessitated by relocation of the interstate by condemnation, will not negatively impact 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 reduced front yard setback is consistent with what would otherwise be required in the I-3 District where no mining activities are occurring.

Also, the property fronts along a high traffic interstate such that the reduced front yard setback, which is necessitated by relocation of the interstate by condemnation, will not negatively impact adjacent properties.

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

the 150 ft. front setback is based upon the Gravel, Sand, and Borrow ordinance, however, the property is not being used for mining activities.

2025UV3029 ; Findings of Fact (GSB Sections)

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

The sections of the Gravel, Sand, and Borrow Ordinance sought to be avoided by this variance request relates to controls in mining activities, so because mining activities will not be conducted on the property, such provisions are not applicable.

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 sections of the Gravel, Sand, and Borrow Ordinance sought to be avoided by this variance request relates to controls in mining activities, so because mining activities will not be conducted on the property, such provisions are not applicable.

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

The sections of the Gravel, Sand, and Borrow Ordinance sought to be avoided do not have any relevance or applicability, where, as here, the property is not being used for mining activities.



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2025UV3029 ; Findings of Fact (GSB Landscaping & Screening)

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

the property is surrounded by other heavy industrial uses and properties that have been assigned the Gravel, Sand, and Borrow secondary zoning classification where there is little to no landscaping and screening. Deficient landscaping on the subject property will not negatively impact 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 adjacent properties are also occupied by similarly heavy industrial uses with little to no landscaping and screening.

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, and all adjacent properties, are zoned and used for heavy industrial uses, where landscaping is neither appropriate nor is it sustainable. Moreover, the available landscape area within the subject property is already significantly restricted due to the reduction of original front yard area resulting from the relocation of the adjacent interstate by condemnation. The grassed area within the remaining front yard is further encumbered by relocated gas lines and associated utility provider restrictions that were installed by the aforementioned interstate relocation project.

2025UV3029 ; Findings of Fact (Landscape Buffering)

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

the property is located in the context of other heavy industrial uses that do not support landscape buffer areas due to the intensity of use.

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 adjacent uses also are intense industrial uses, including properties that have been assigned the Gravel, Sand, and Borrow secondary zoning classification.

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

the lack of area conducive to landscape bufferyard is, in large part, due to relocation of the adjacent interstate by condemnation, which significantly impacted the functionality of the property. Area conducive to landscape buffering is further restricted by existing gas line and other utility restrictions resulting from the aforementioned interstate improvements. These restrictions establish the required practical difficulty.



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2025UV3029 ; Findings of Fact (Use)

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

The property will not be used for mining activities, therefore, the ordinance regulations specific to gravel, sand, and borrow activities do not apply. Moreover, the industrial storage activities to be conducted on site will be less impactful to the surrounding community than what would otherwise be permitted under the GSB Ordinance.

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 will not be used for mining activities, therefore, the ordinance regulations specific to gravel, sand, and borrow activities do not apply. Moreover, the industrial storage activities to be conducted on site will be less impactful to the surrounding community than what would otherwise be permitted under the GSB Ordinance.

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

Due to the relocation of the highway by condemnation, the property is not large enough, or properly configured for, GSB uses.

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

None of the GSB Ordinance provisions for which a variance is sought apply to the industrial storage activities that will be occurring.

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

The property is designated office commercial so the current and proposed use (industrial storage) is more compatible with the current designation than mining activities permitted under the GSB Ordinance.

2025UV3029 ; Photographs



Photo 1: Approximate Location of Proposed Structure



Photo 2: Subject Site Viewed from Southeast

2025UV3029 ; Photographs (continued)



Photo 3: Subject Site Viewed from East



Photo 4: Subject Site Viewed from East (further north)

2025UV3029 ; Photographs (continued)



Photo 5: Subject Site Viewed from East (further north)



Photo 6: Subject Site Viewed from Northeast

2025UV3029 ; Photographs (continued)



Photo 7: Existing Access Drive to North of Site



Photo 8: Mining Operation to North Viewed from Belmont (April 2025)

2025UV3029 ; Photographs (continued)



Photo 9: Belmont Frontage Looking North



Photo 10: Belmont Frontage Looking South

2025UV3029 ; Photographs (continued)



Photo 11: Adjacent Property to South



Photo 12: Adjacent Property to East



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BOARD OF ZONING APPEALS DIVISION III

October 21, 2025

Case Number: 2025-UV3-030
Address: 2602 North Harding Street (approximate address)
Location: Center Township, Council District #12
Zoning: D-5 (W-5)
Petitioner: Earl Dixon
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operating of a catering facility / commercial kitchen (not permitted).

Current Land Use: Vacant commercial building

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ The requested variance of use would provide for the operating of a catering facility / commercial kitchen in an existing commercial building. Catering facilities and commercial kitchens are permitted by right as a food preparation use in the C-3, C-4, C-5, and C-7 districts, and the MU-2, MU-3, MU-4, CBD-1, CBD-2, and CBD-3 districts.
- ◇ It is believed that the site was originally developed for a barbeque restaurant, receiving a variance in 1966. That restaurant vacated after some time. Based on aerial photos, the building and subsequent additions, may have been used as a single-family dwelling for several years before being vacated again.
- ◇ The size of the building and the intended proposed use would limit its impact and intensity on the surrounding properties.
- ◇ In Staff's opinion, the scale of the proposed use as described in the site plan and plan of operation would not have a negative impact on other surrounding properties and would be similar to other corner commercial nodes along this stretch of Harding Street.



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GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Vacant Single-Family Dwelling / Commercial Restaurant	
Comprehensive Plan	3.5 to 5.0 Dwelling Units Per Acre.	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	Single-family dwelling
South:	D-5	Vacant
East:	D-5	Single-family dwelling
West:	D-5	Single-family dwelling
Thoroughfare Plan		
Harding Street	Primary Collector	72-foot existing right-of-way, and 78-foot proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	Yes, 5 year	
Site Plan	September 23, 2025	
Plan of Operation	September 23, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	September 23, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Comprehensive Plan recommends 3.5 to 5.0 Dwelling Units Per Acre.

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

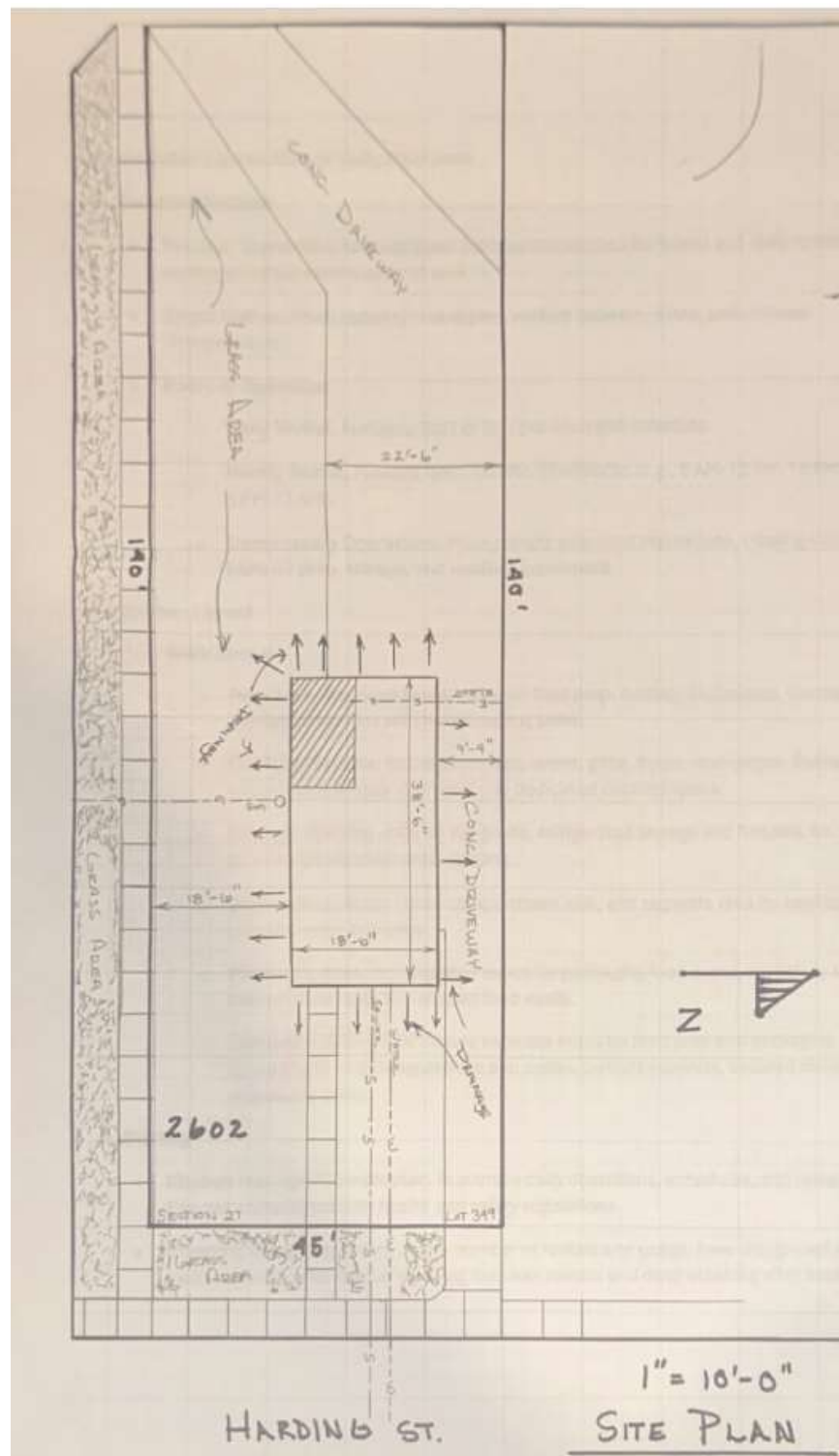
None
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EXHIBITS

Location Map



Site Plan (File-dated September 23, 2025)



Plan of Operation file-dated September 23, 2025

Kommunity Kitchen Plan of Daily Operation

1. General Overview

- **Mission:** To provide a fully equipped commercial kitchen for hourly and daily rentals, serving as a food commissary as well.
- **Target Market:** Small catering businesses, mobile caterers, chefs, and culinary entrepreneurs.
- **Hours of Operation:**
 - **Daily Rental:** Available 24/7 or by a pre-arranged schedule.
 - **Hourly Rental:** Flexible, with specific time blocks (e.g., 6 AM–12 PM, 12 PM–6 PM, or 6 PM–12 AM).
 - **Commissary Operations:** Must comply with local regulations, offering caterers a base for prep, storage, and washing equipment.

2. Kitchen Layout

- **Work Zones:**
 - **Prep Area:** Spacious countertops for food prep, cutting, and mixing. Ensure proper sanitation stations with handwashing sinks.
 - **Cooking Stations:** Industrial stoves, ovens, grills, fryers, and ranges. Rental client should have access to at least one dedicated cooking space.
 - **Storage:** Shelving units for dry goods, refrigerated storage and freezers, for clients exercising extended rental options.
 - **Dishwashing Area:** Three-compartment sink, and separate area for sanitizing utensils, pots, and pans.
 - **Packaging Area:** A designated space for packaging food items, especially for catering that need to transport food easily.
 - **Commissary Section:** Ensure separate areas for food prep and packaging according to health regulations and codes. Include separate, secured storage for perishable items.

3. Staffing

- **Kitchen Manager/Coordinator:** To oversee daily operations, schedules, and rentals. Ensures compliance with health and safety regulations.
- **Cleaning Crew:** Depending on the number of rentals and usage, have designated cleaning staff responsible for regular cleaning between rentals and deep cleaning after hours.

4. Rental Process

- **Booking System:**
 - Online or phone-based reservation system to manage daily/hourly bookings. Integrate with a calendar to avoid double bookings.
 - Tiered pricing based on hours, kitchen space, and specific services (e.g., refrigeration, dishwashing).
- **Contract/Agreement:** Clear rental agreements outlining terms, responsibilities, insurance requirements, and usage policies.
- **Payment System:** Flexible payment options with hourly/daily rates. Implement a deposit system to ensure commitment.

5. Operations & Daily Tasks

- **Start of Day:**
 - **Opening Inspection:** Kitchen staff or manager checks all equipment, verifies cleanliness, and ensures that all supplies are stocked (e.g., soap, paper towels, cleaning products).
 - **Rental Check-In:** Greet each rental client, give a tour if needed, and go over the policies and procedures.
 - **Commissary Check-In:** Verify which mobile caterers are using the space, ensuring they've properly stocked their ingredients and have their necessary permits.
- **During Operation:**
 - **Inventory Control:** Ensure that equipment, tools, and ingredients are organized and available. Track inventory for any communal supplies (e.g., oil, cleaning supplies).
 - **Safety Monitoring:** Regularly check that staff and renters are following safety protocols (e.g., fire safety, cleanliness, temperature control).
 - **Cleaning Between Rentals:** Sanitize cooking areas, clean surfaces, and remove trash between each use. Regularly sanitize high-touch areas (door handles, sink faucets).
- **End of Day:**
 - **Rental Check-Out:** Ensure clients clean up, return equipment, and dispose of trash properly.
 - **Deep Cleaning:** Perform a full cleaning of the kitchen spaces, equipment, and utensils used during the day. Focus on hard-to-reach areas and high-traffic zones.

6. Health & Safety Compliance

- **Food Safety:**
 - Ensure the kitchen complies with all local health department regulations regarding food handling, temperature control, and sanitation.
 - Have temperature logs for refrigerators/freezers and cleaning logs.
- **PPE Requirements:**
 - Ensure that all renters and staff are equipped with the necessary personal protective equipment (e.g., gloves, aprons, hairnets).
- **Fire Safety:**
 - Maintain fire extinguishers, fire blankets, and proper ventilation.
 - Ensure fire safety protocols are in place for cooking equipment.

7. Equipment & Inventory Management

- **Kitchen Equipment:**
 - Regularly inspect and maintain cooking equipment (stoves, ovens, fryers, etc.) to ensure everything is working properly.
 - Track any shared or communal equipment and keep a maintenance schedule for those items.
- **Supplies Inventory:**
 - Stock essential kitchen supplies (e.g., gloves, sanitizers, cleaning chemicals) and track inventory to prevent shortages.

8. Marketing & Client Retention

- **Targeted Marketing:**
 - Market your kitchen's rental services to local food entrepreneurs, catering businesses, and private chefs.
 - Promote via social media, local directories, and word-of-mouth referrals from past clients.
- **Client Retention:**
 - Offer loyalty discounts for repeat customers or long-term bookings.
 - Gather feedback from clients and continually improve your services.

9. Emergency Protocols

- In Case of Equipment Failure:

- Maintain a list of emergency contacts for repair services and ensure backup equipment is available if needed.

- Accident Protocols:

- Have a first aid kit available and train staff on how to handle kitchen-related injuries.
- Have fire escape routes clearly posted.



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Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE
It will be a public facility for use by both local and surrounding areas as a resource used to promote the growth of smaller businesses without adversely affecting any of the above mentioned

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
There are similar buildings and structures located in adjacent areas and nearby areas. The totally renovated building will add value to the area as well as provide a useful resource to community.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE
The current D-5 zoning doesn't allow the operation of a commercial kitchen and business likewise associated with it.

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
It prevents and restricts planned business operations.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE
It's community oriented and supported and doesn't disrupt the current comprehensive plan.

Photographs



Photo of subject site, looking west.



Photo of subject site, looking east.



Photo of adjacent single family dwelling to the north, looking west.



Photo of adjacent single family dwellings to the west, looking north.



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BOARD OF ZONING APPEALS DIVISION III

October 21, 2025

Case Number: 2025-SE2-003

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

Location: Center Township, Council District #18

Petitioner: Virginia Street Capital LLC, by Brian Schubert

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

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

Current Land Use: Office Building / Commercial Parking Lot

Staff Recommendations: Staff **recommends approval** of the parking garage within the CBD-1 District, and for vehicular access from one (1) street (Maryland Street) within the CBD-1 District, subject to commitments.

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued and transferred from the September 9, 2025 BZA Division II hearing to the September 16, 2025 BZA Division III hearing.
- The petition was continued to the October 21, 2025 Division III hearing to allow for revisions to be made to the request.

STAFF RECOMMENDATION

- Staff **recommends approval** of the parking garage within the CBD-1 District, and for vehicular access from one (1) street (Maryland Street) within the CBD-1 District, subject to commitments.
- Staff's approval recommendation is subject to the following commitments being reduced to writing on the BZA's Exhibit "A" forms, prior to the issuance of any decision letter related to any action of the Regional Center Hearing Examiner:
 - The Special Exception grant providing for a parking garage, as a primary use within the CBD-1, shall be conditioned upon architectural treatments or artistic screening in areas of the façade where the garage would be visible.
 - The Special Exception grant shall be conditioned upon incorporating recommended commitments from the Indianapolis Cultural Trail, including: a minimum two-foot setback of the entrance along Virginia Avenue, a minimum of one pedestrian entrance



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to the retail space along Maryland Street, a minimum of one pedestrian entrance along Maryland Street to the parking garage, a prohibition of sidewalk cafes on the Cultural Trail (café's on the sidewalk would be permitted, subject to Regional Center Approval), any planter boxes shall be within the proposed arcade along Virginia Avenue, any rebuilding of any portion of the Cultural Trail shall be coordinated with the Indianapolis Cultural Trail and shall follow the Cultural Trail standards, any plaza construction shall be coordinated with the Indianapolis Cultural Trail, there shall be coordination with the Indianapolis Cultural Trail during construction, with the petitioner responsible for repairing and restoring any damage, including lighting and landscaping, and there shall be a minimum of eight feet width for pedestrian use shall be retained during construction.

- The primary proposed use of this petition is a parking garage. A parking garage in the CBD-1 district is not required, thus the need for this special exception request.
 - The CBD-1 district was created in 1964 and has the general boundaries of Maryland Street, Capitol Avenue, New York Street, and Delaware Street.
 - The goals of CBD-1 include to encourage pedestrian activity in a dense commercial area that establishes the image of Indianapolis, while limiting vehicle accommodations.

PETITION OVERVIEW

- The petitioner has revised the proposed site plan and floor plans to indicate a removal of the curb cut for vehicular access from Virginia Avenue so that portion of the request is now only for vehicular access from one (1) street within the CBD-1 District, being Maryland Street.
- Additionally, the revised floor plans indicate an additional floor of residential uses, bringing the total of residential units from 78 to 90. The revised floor plans also indicate a reduction of the proposed number of parking spaces from 306 to 290 plus 3 van spaces for loading. The revised proposal calls for the demolition of the existing office building to allow for a 11-story structure with an additional subterranean level. Six (6) levels, including the subterranean level, would be solely used for vehicular parking, the ground floor would contain retail space, and the top five (5) stories would be residential units. These changes will result in the proposed floor area dedicated to vehicular parking being reduced from just over 70% of the proposed building's total floor area to approximately 59% of the total floor area.
- With these revisions to the request, Staff finds the proposal to be far more in line with the goals of the CBD-1 District, Mile Square, and the Regional Center Secondary Zoning District. The proposal will no longer call for vehicular access from Virginia Avenue, and thus will result in the removal of the current curb cut that crosses over the Cultural Trail. The elimination of this conflict point with pedestrians and cyclists will improve safety, walkability, and bikeability along the heavily-used walk/bike path. Further, with the proposal now calling for only one point of vehicular access to the site, being from Maryland Street, Staff finds the Special Exception request to be reasonable as this



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will provide for vehicular access to the site that is not excessive and does not conflict with one of the foremost amenities of the Downtown core.

- Additionally, with the addition of a fifth floor of residential units, and a modest reduction in the number of proposed vehicular spaces, Staff finds the proposed use to be more productive and appropriate for the site's context and does more to achieve a quality pedestrian environment. While the Special Exception is still needed, the revised proposal represents a substantial improvement from the original plans and would provide much-needed residential units in the downtown core within close proximity to various amenities. Further, with the proposed parking garage to serve not only the proposed residential and commercial space but also the existing office, retail, and residential uses adjacent to the subject site, Staff finds the Special Exception request for the parking garage to be reasonable in nature.
- Finally, Staff would emphasize that the design, façade treatment, and site plan are subject to change based on the outcomes of the Regional Center Hearing Examiner and that the design shown in this Staff Report is not necessarily the final design of the structure.

BACKGROUND INFORMATION

- The subject site is zoned CBD-1 (Central Business District One) and is located within both the Regional Center secondary zoning overlay, and the TOD (Transit Oriented Development) secondary zoning overlay. The site is also located within the Mile Square and directly abuts the Indianapolis Cultural Trail along Virginia Avenue. The site is currently improved with a medium-rise office building and a surface parking lot. The site's location is within a highly walkable portion of downtown, as well as directly along the highly used Cultural Trail, and one block away from the Julia Carson Transit Center.
- With the primary use of the structure being the parking garage, the structure would be defined as a commercial parking garage, which requires the approval of a Special Exception petition within the CBD-1 zoning district. Additionally, the proposal requests vehicular access from East Maryland Street, which also requires a Special Exception per Chapter 743. Article III. Section 5. DD.2. which states:
 - A. ...off-street parking facilities obtaining access from any street within the CBD-1 District shall only be permitted upon the approval of a Special Exception by the Board of Zoning Appeals in accordance with 740-705 and upon the Board's determination that: a. The parking facility and the location of entrances and exits will not unduly inhibit traffic; and
 - B. The parking facility and the location of entrances and exits will not hinder or compromise the pedestrian traffic or walkability.
- Per Chapter 742. Article I. Section 6B the CBD-1 district is:



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- “Designed to protect the ambience and spectacular view of the (Soldiers and Sailors) Monument, the district also provides for a robust and diverse accumulation of business in the city’s highest-density development pattern. It is a pedestrian oriented environment and establishes much of the image of Indianapolis. To foster the highly pedestrian environment and maximize land efficiency, off-street parking is not required, vehicle accommodations are strictly limited, and surface parking is prohibited.
- Staff would note that there is no minimum parking requirement within the Mile Square in effort to advance the goal of fostering a highly pedestrian-oriented environment.
- Staff finds the revised proposal to be broadly in accordance with the goals of Mile Square and the CBD-1 district, due to the mixed-use component beyond just the parking garage use, the high amount of residential units proposed, and due to the proposed garage being to serve the adjacent properties as well, which do not currently have dedicated parking.
- Staff would note that this approval recommendation is not an indication that Staff would necessarily be supportive of other Special Exception requests for parking garages as a primary use in the CBD-1 district, especially proposals that are seen by Staff to request an excessive amount of parking in relation to the uses that would be served.

REGIONAL CENTER

- The site is within the Regional Center secondary zoning district. Proposed development within the Regional Center is required to obtain design review approval, through the submittal of a Regional Center Approval petition. Furthermore, the proposed development is considered a High Impact project, which would require a public hearing, review, and recommendation by the Regional Center Hearing Examiner. The Metropolitan Development Commission is the final authority on Regional Center Approval petitions.
- The final design, façade treatment, and site plan are subject to change based on the outcomes of the Regional Center Hearing Examiner and the design shown in the renderings in this Staff Report is not necessarily the final design of the structure.

GENERAL INFORMATION

Existing Zoning	CBD-1 (RC) (TOD)	
Existing Land Use	Office Building / Commercial Parking Lot	
Comprehensive Plan	Core Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	CBD-1 (RC) (TOD)	North: Mixed-Use
South:	CBD-2 (Wholesale District - IHPC) (TOD)	South: Mixed-Use
East:	CBD-2 (RC) (TOD)	East: Mixed-Use

West:	CBD-1 (RC) (TOD)	West: Mixed-Use
Thoroughfare Plan		
Virginia Avenue	Local Street	90 feet of right-of-way existing and 48 feet proposed
East Maryland Street	Primary Arterial	90 feet of right-of-way existing and 78 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Regional Center overlay, Transit-Oriented Development overlay	
Wellfield Protection Area	No	
Site Plan	8/7/25	
Site Plan (Amended)	10/7/25	
Elevations	8/7/25	
Elevations (Amended)	10/9/25	
Landscape Plan	8/21/25	
Findings of Fact	8/7/25	
Findings of Fact (Amended)	10/14/25	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Indy Moves
- Transit-Oriented Development Strategic Plans (Red Line, Purple Line, Blue Line)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located approximately 250 feet from the Julia Carson Downtown Transit Center, which serves all IndyGo bus lines including all three of the Bus Rapid Transit lines.



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

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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

ZONING HISTORY

ZONING HISTORY – SITE

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

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

ZONING HISTORY – VICINITY

2021-HOV-024; 141 E Washington Street (north of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 79-square foot projecting sign



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(maximum 54 square feet permitted) and a canopy sign extending more than 18 inches from the wall, **approved.**

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

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

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

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

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

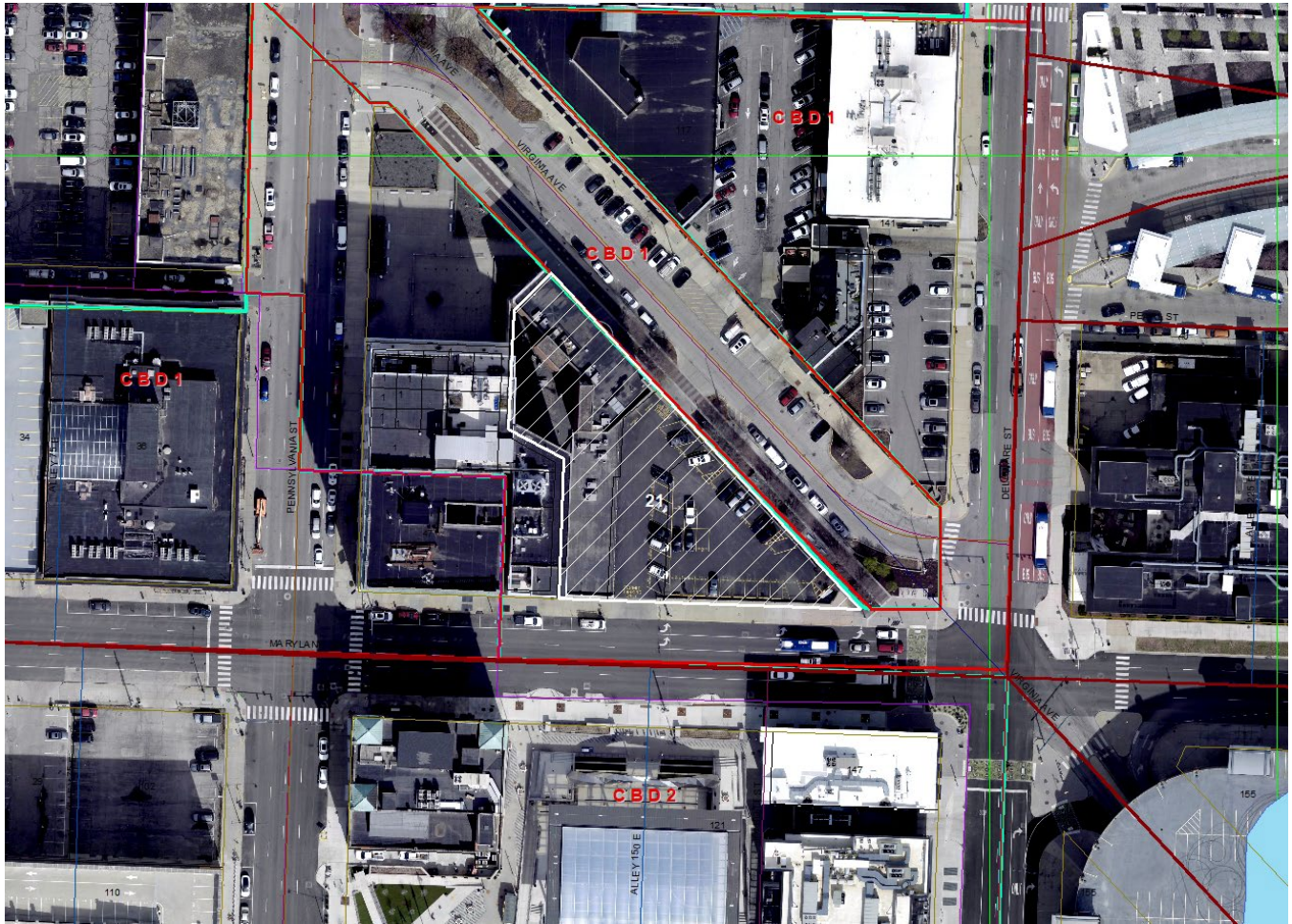
2009-DV3-042; 41 E Washington Street (west of site), Variance of Development Standards of the Sign Regulations to provide for an electronic variable message sign (not permitted), within 70 feet of a signalized intersection (minimum separation distance of 125 feet required), **denied.**

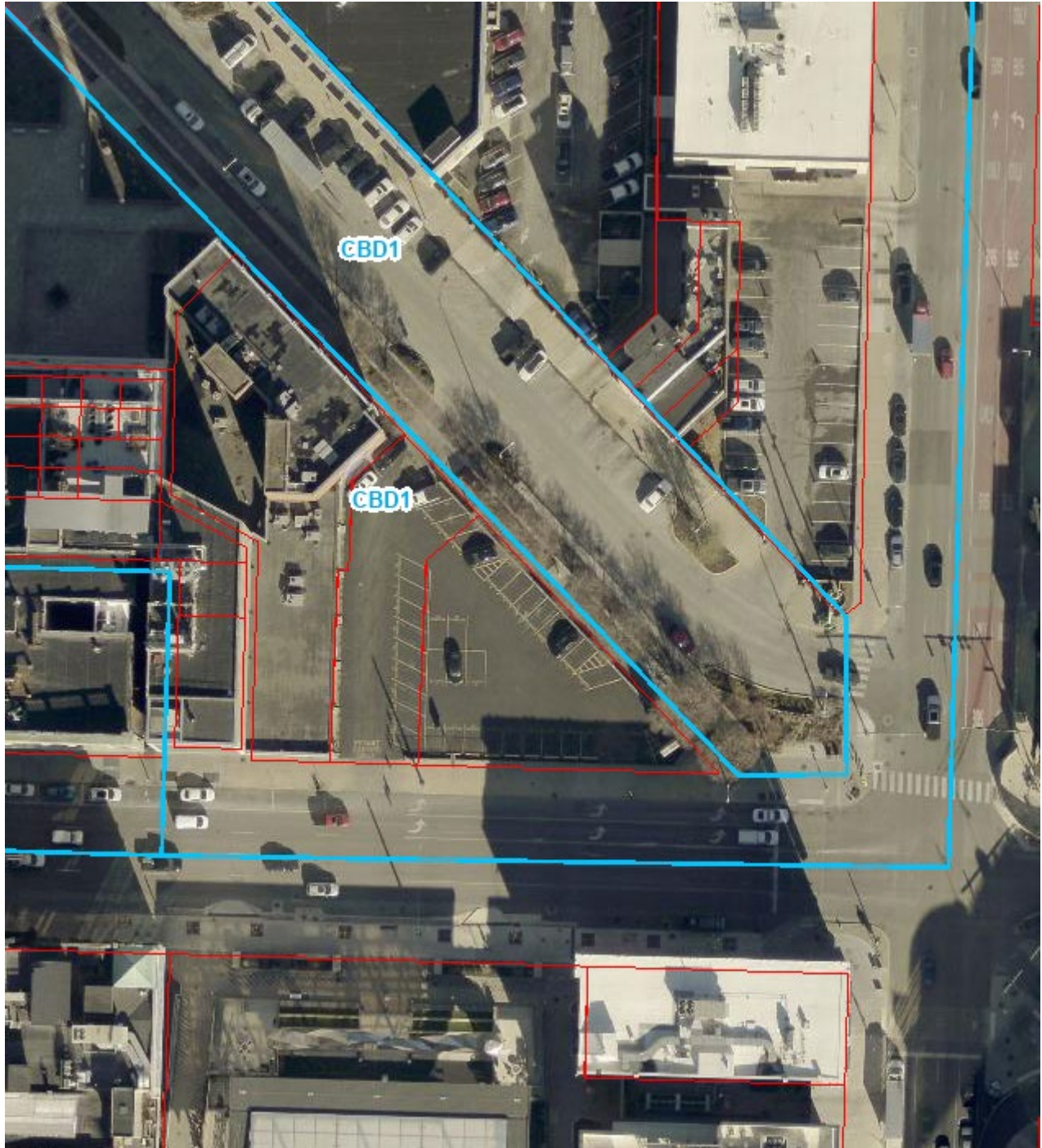
2008-DV2-035; 1 Virginia Ave (northwest of site), Variance of Development Standards of the Central Business Districts Zoning Ordinance to provide for: a) an approximately 3,500-square foot outdoor bar and dining area, with 176 outdoor seats, a fire pit, and a four sided, digital television display (not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

EXHIBITS

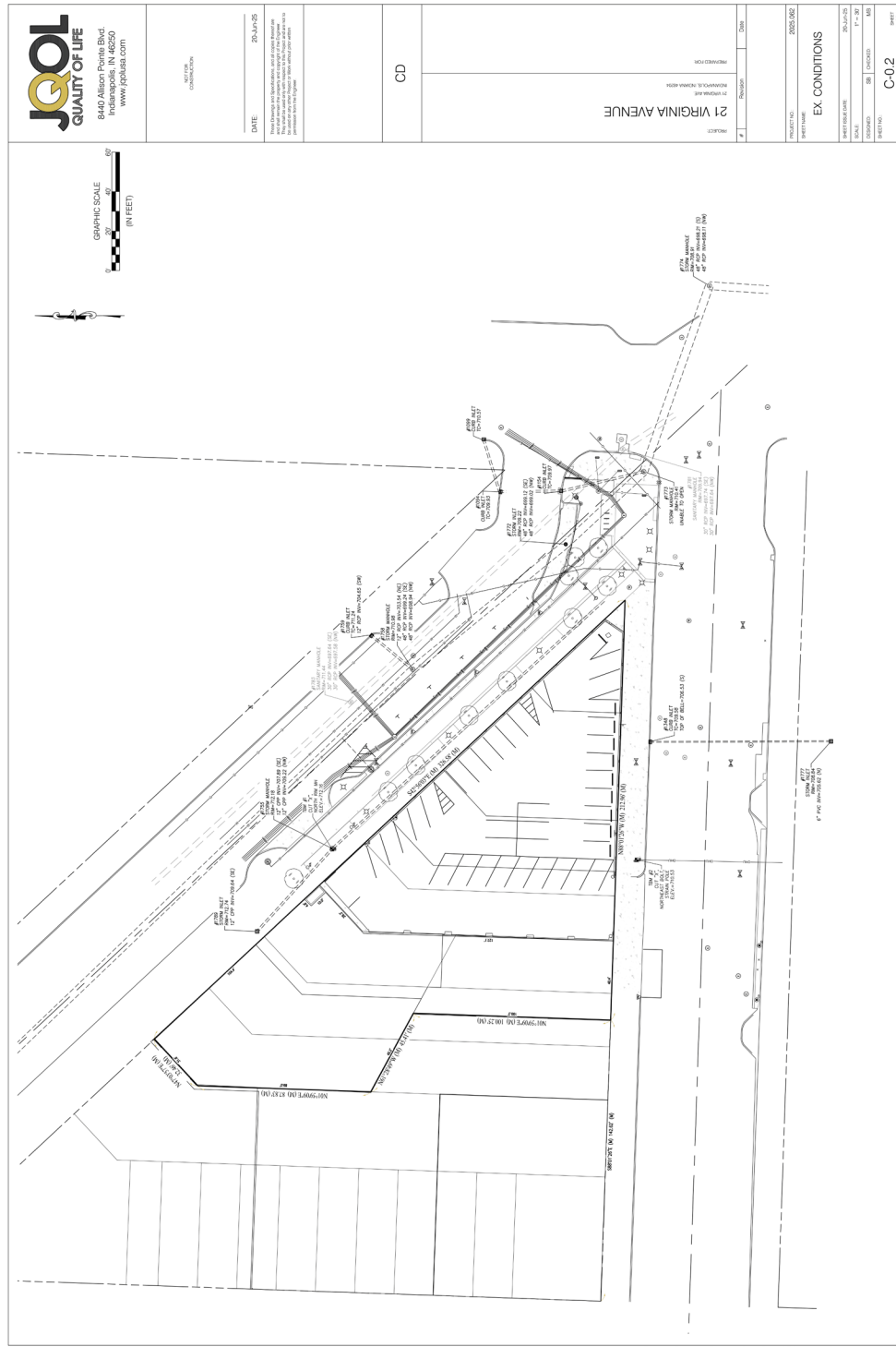
- An historical photograph that includes the site and development along Maryland Street and Virginia Avenue was submitted with the petition. That photograph is below:



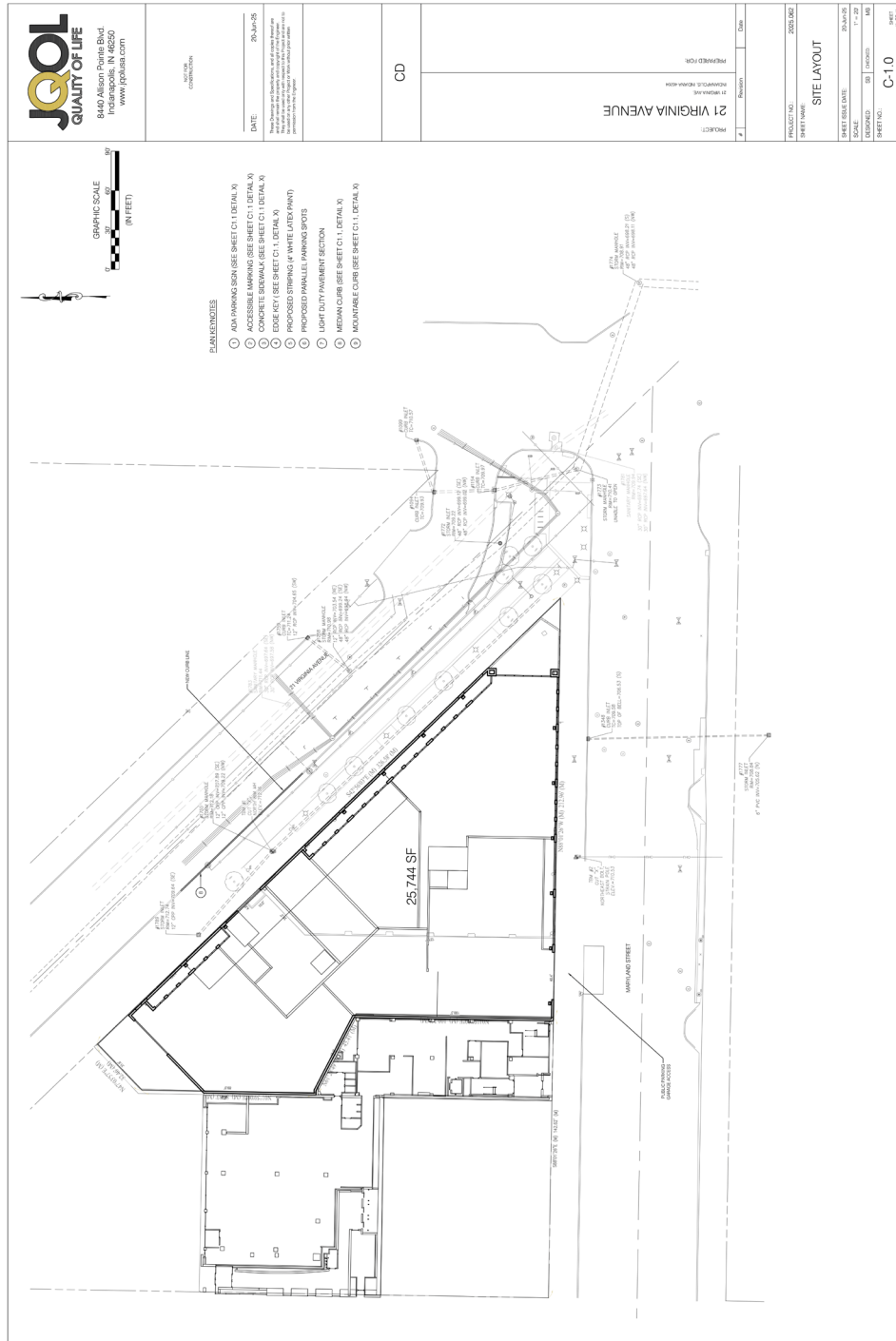




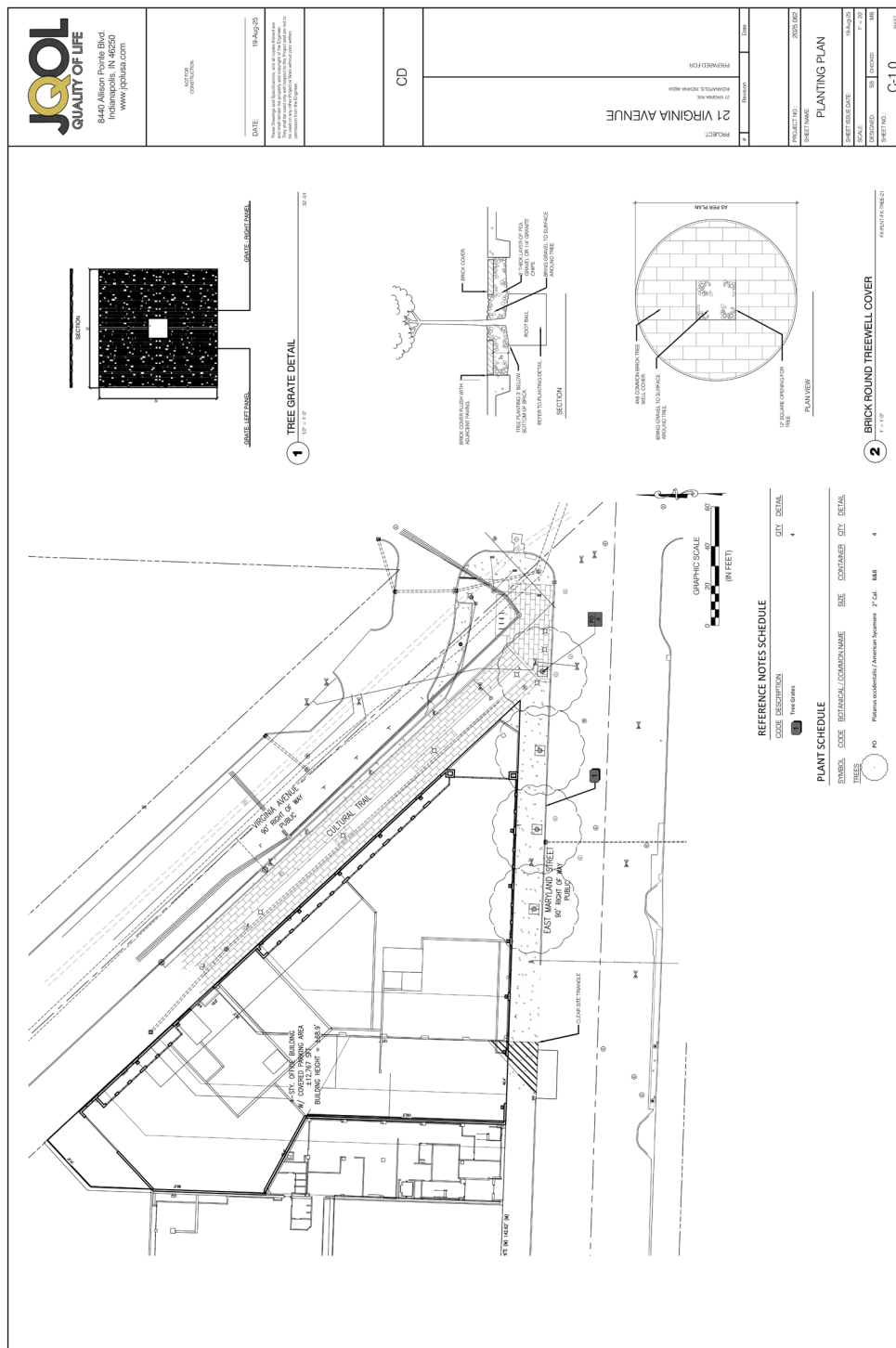
Aerial Photos



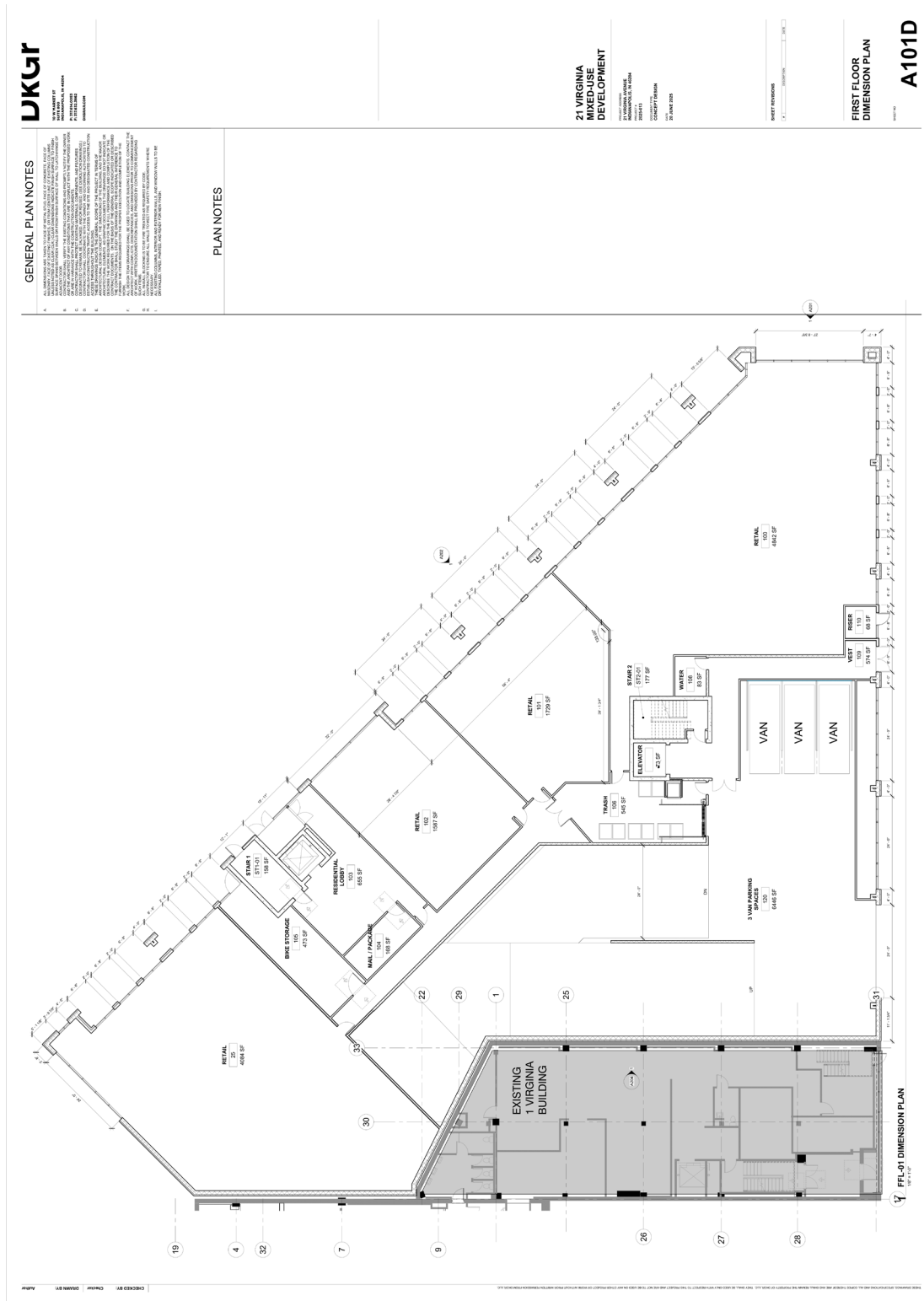
Existing conditions



Updated floor plans, file-dated 10/7/25



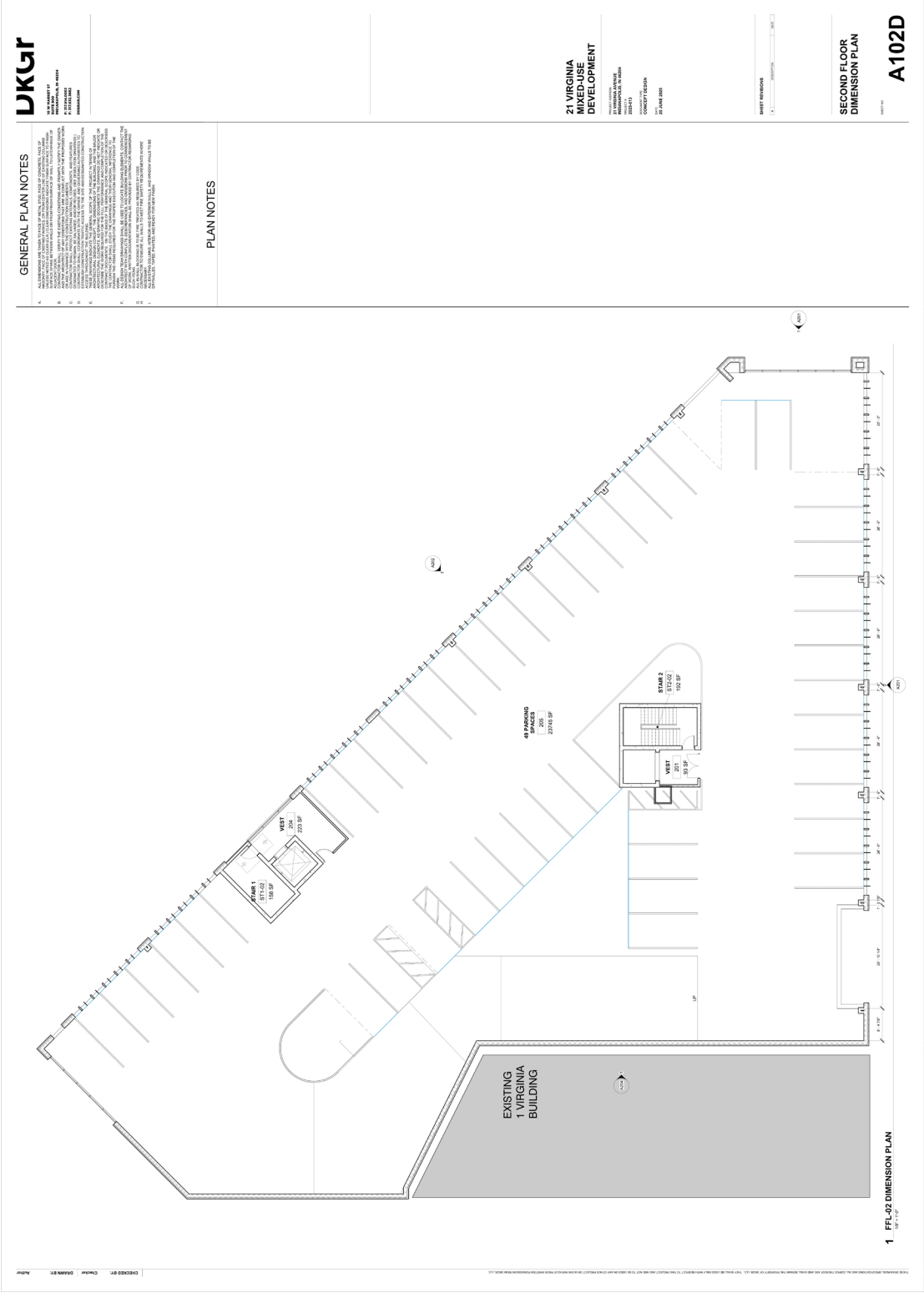
Planting plan



Updated floor plans, file-dated 10/7/25



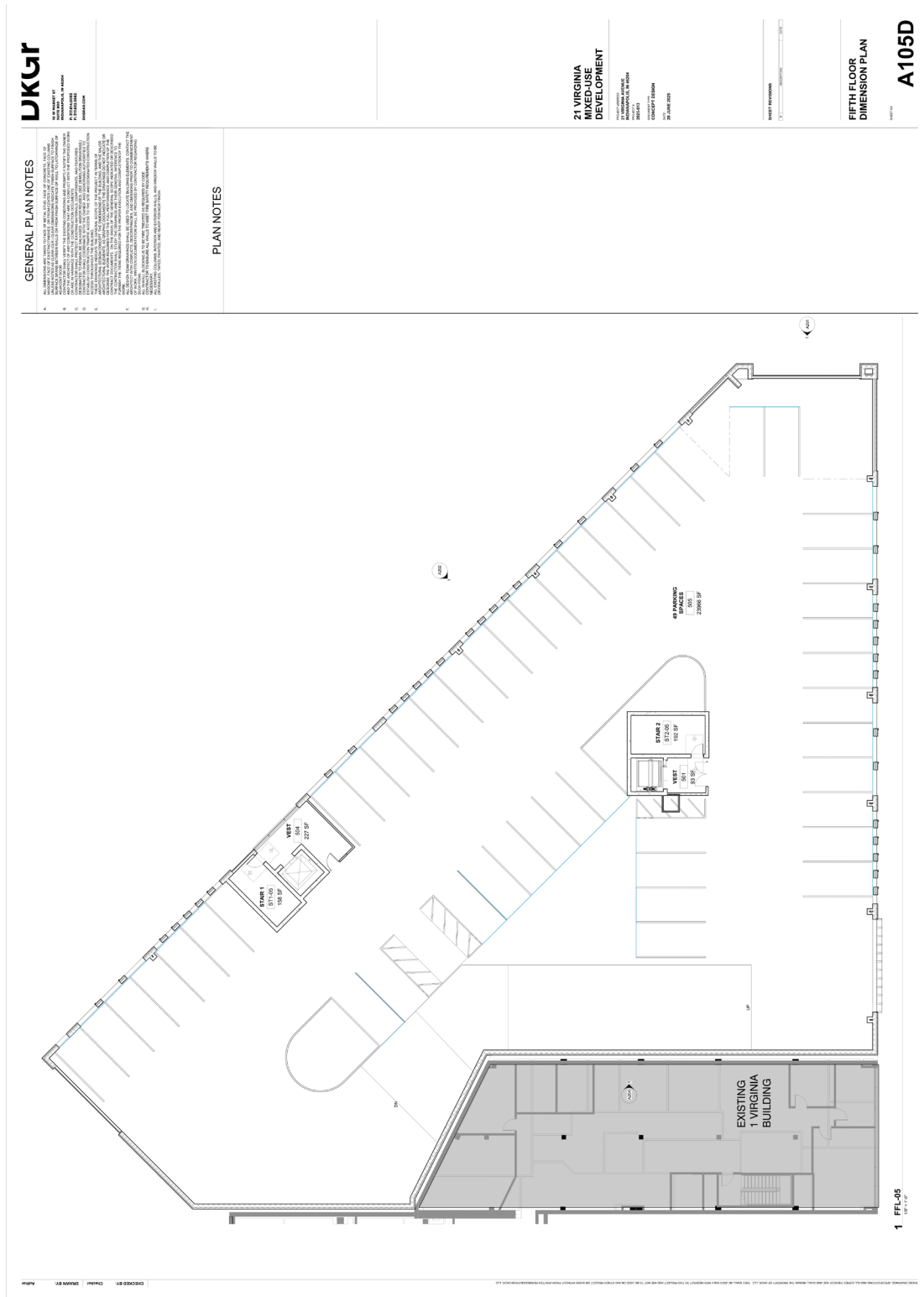
Department of Metropolitan Development
Division of Planning
Current Planning



Updated floor plans, file-dated 10/7/25

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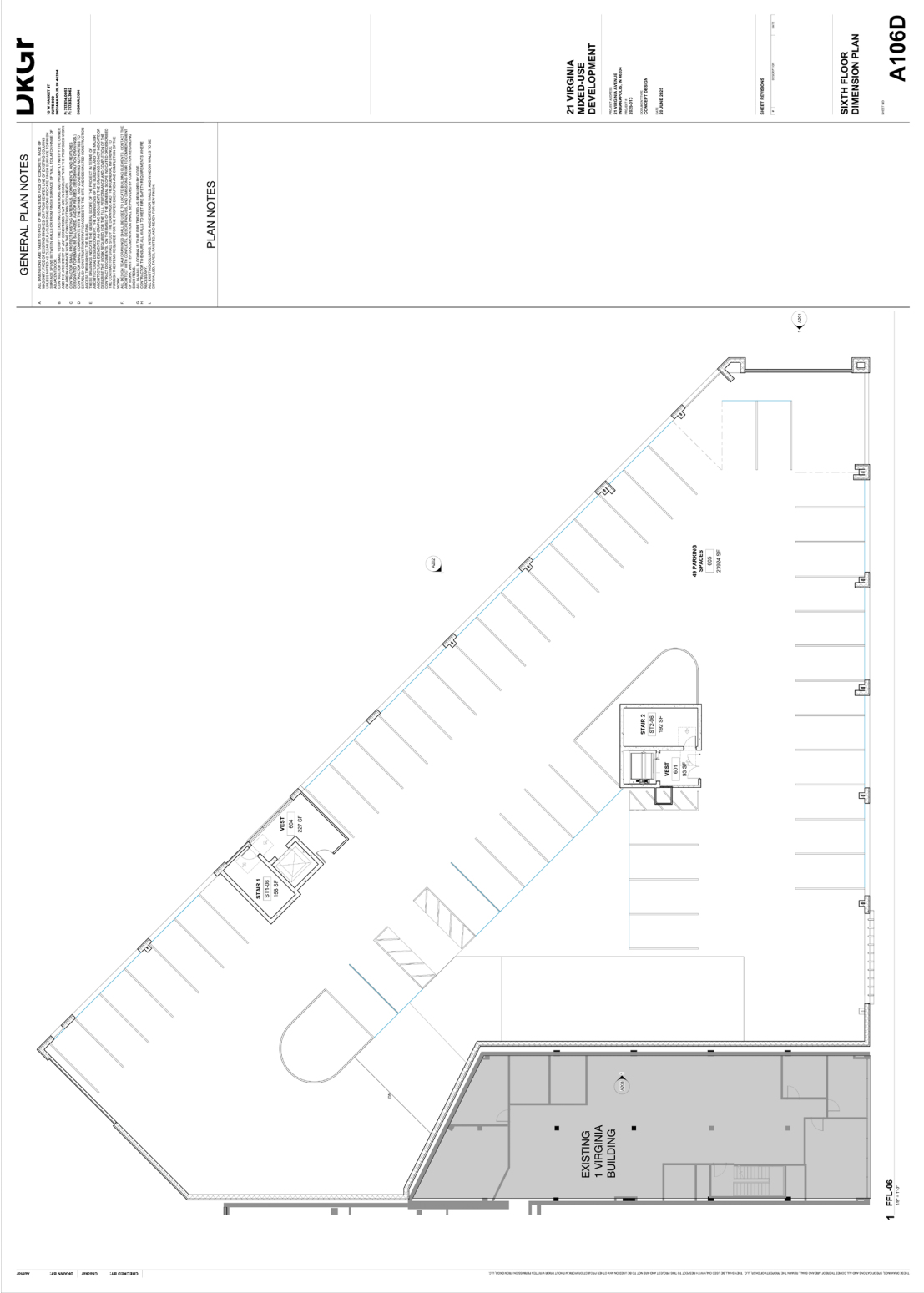
**Department of Metropolitan Development
Division of Planning
Current Planning**



Updated floor plans, file-dated 10/7/25



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Updated floor plans, file-dated 10/7/25

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70

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UKGf

10/07/2025
TO: City of Indianapolis Planning + Board of Zoning Appeals
RE: 21 Virginia Development Statement

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

DEVELOPMENT PROJECT OVERVIEW

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

1 + 21 VIRGINIA AVENUE DEVELOPMENT PROJECT					% OF PROGRAM
USE	UNITS PROVIDED	AREA	PARKING RATIO	PARKING SPACES	
Restaurant/Bar Space (Existing)		11,210	1 per 200 SF	56	2.79%
Office Space (Existing)		49,560	1 per 350 SF	142	12.31%
Residential Condominiums (Existing)	23	49,960	.75 Per Unit	17	12.41%
Building Common Area (Existing)		19,783	0	0	4.92%
Retail (New)		12,231	1 per 200 SF	61	3.04%
Residential Apartments (New)	90	83,604	.75 Per Unit	68	20.77%
Building Common Area (New)		13,896	0	0	3.45%
Parking (290 Spaces)		162,200	0	0	40.30%
TOTALS		402,444		344	100%
TOTAL PARKING SPACE	290				
PROPOSED:	3				
TOTAL VAN SPACES					

10 W MARKET ST
SUITE 800
INDIANAPOLIS, IN 46204
DNH@AECOM

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

10 W MARKET ST
SUITE 800
INDIANAPOLIS, IN 46204
DNH@AECOM

JCOL
UKGf

UNIT MATRIX	2 BEDROOM	1 BEDROOM W/ DEN	STUDIO	TOTAL
FLOOR 7	4	9	2	15
FLOOR 8	4	9	3	16
FLOOR 9	4	9	3	16
FLOOR 10	4	9	3	16
FLOOR 11	4	9	3	16
TOTAL PROPOSED IN NEW BUILDING	20	45	11	76

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

DESIGN

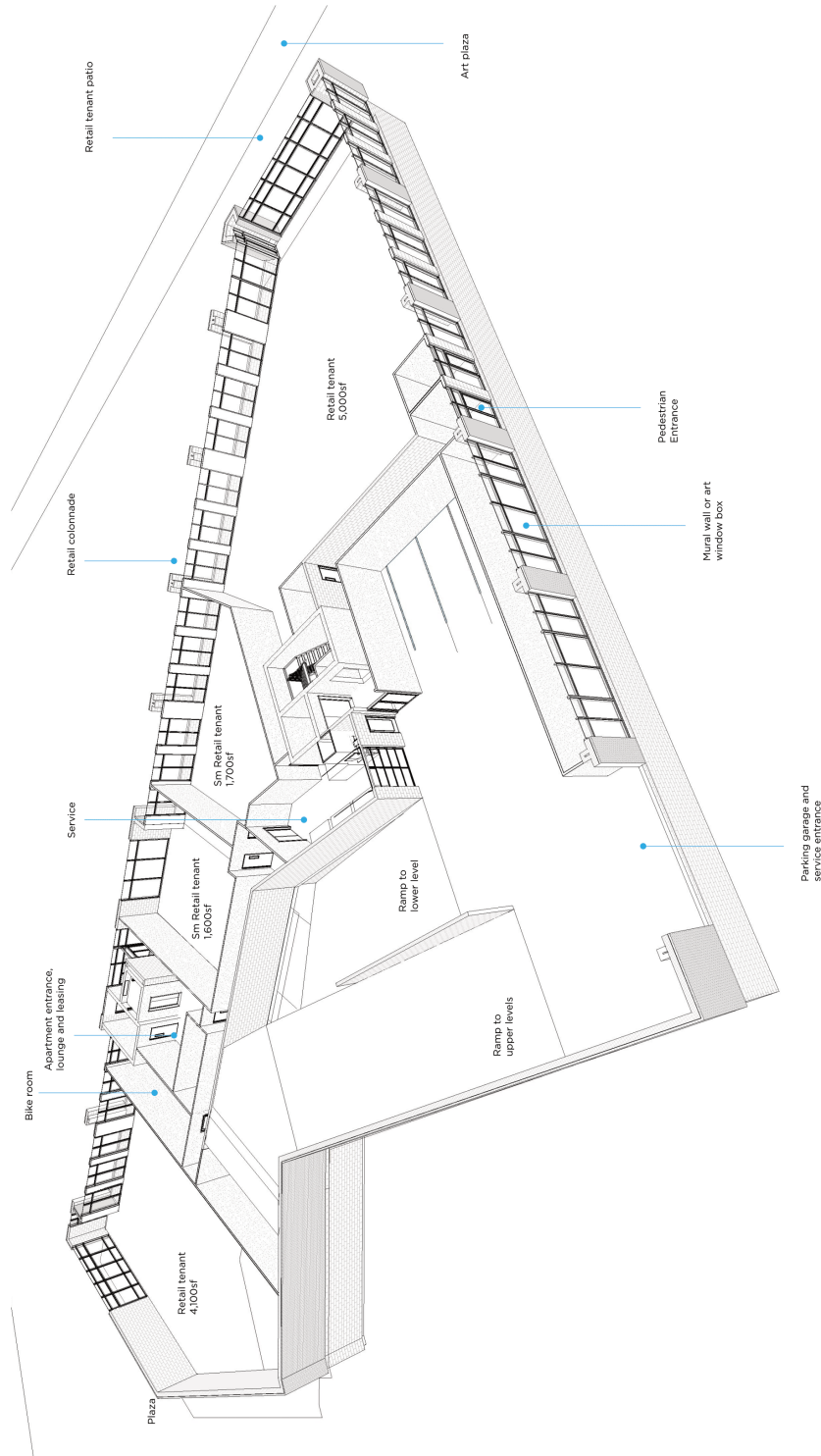
The proposed design aims to achieve an appealing view for pedestrians and vehicular traffic along Maryland Street and Virginia Avenue. The intent of the design is to create a vibrant environment at street level with the proposed restaurant and retail spaces provided. The new addition will have a 7th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

21 VIRGINIA RESIDENTIAL MULTI-UNIT HOUSING

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

21 VIRGINIA STRUCTURED PARKING

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

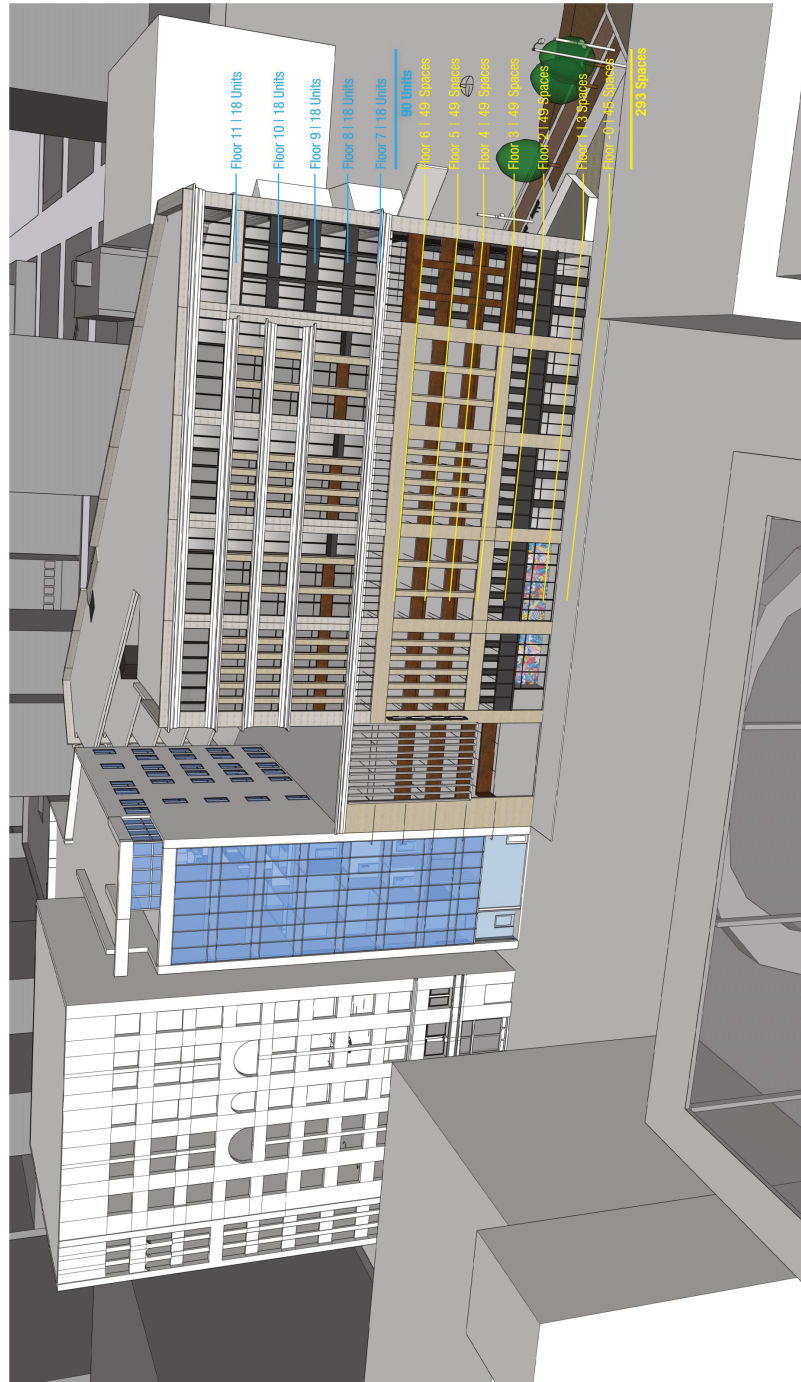


JQOL **UKG**
JOINT FOR THE

10

GROUND FLOOR
21 VIRGINIA MIXED-USE REGIONAL CENTER FILING
8 OCTOBER 2025

21V



MASSING STUDY
21 VIRGINIA MIXED-USE REGIONAL CENTER FILING
5 OCTOBER 2025

21V

JQOL QUALITY OF LIFE
DKGK

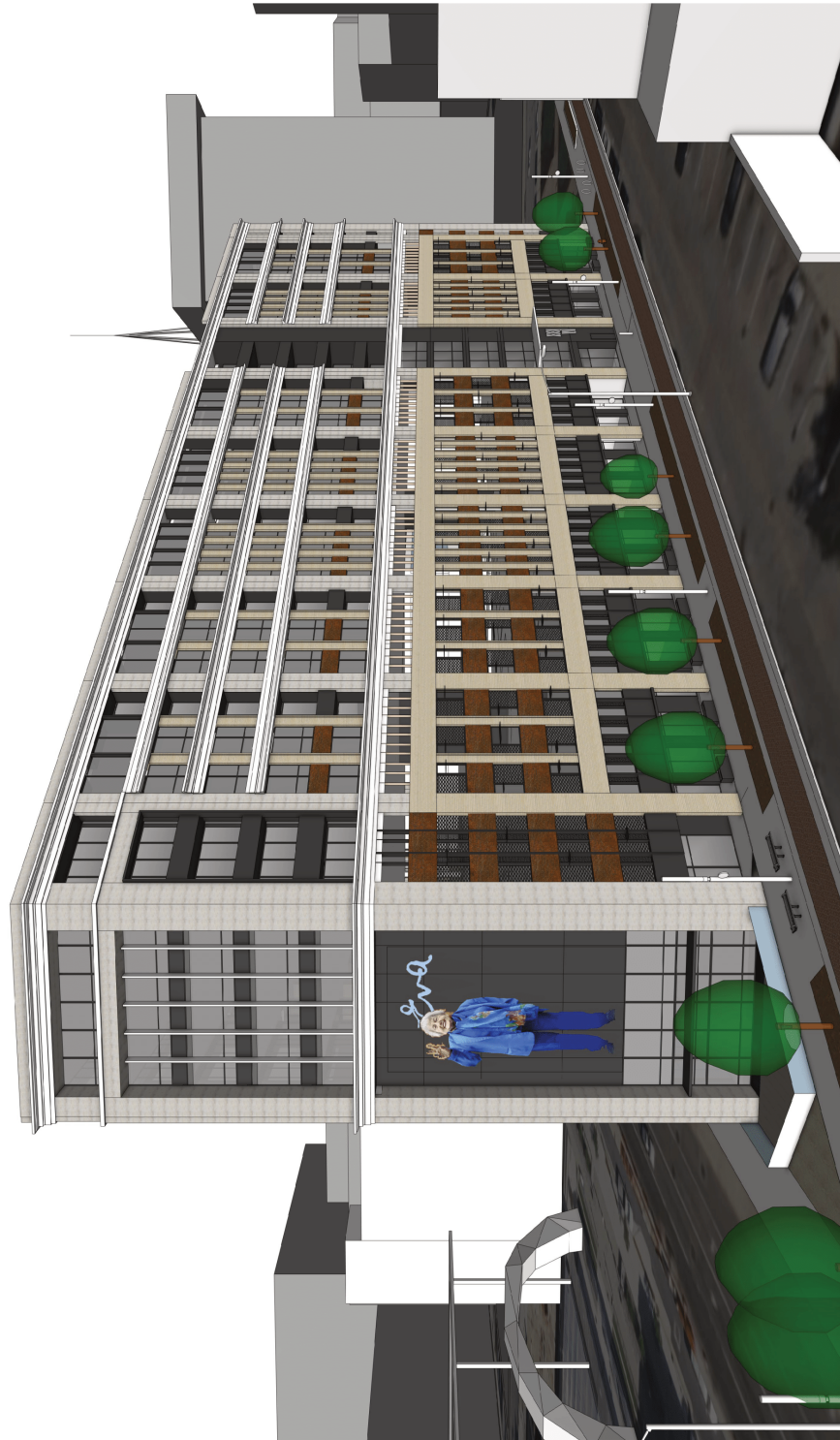
11



21V CONCEPTUAL SOUTH FACADE / E MARYLAND ST
21 VIRGINIA MIXED-USE REGIONAL CENTER FILING
3 OCTOBER 2025

JQOL QUALITY OF LIFE
DKGr

12

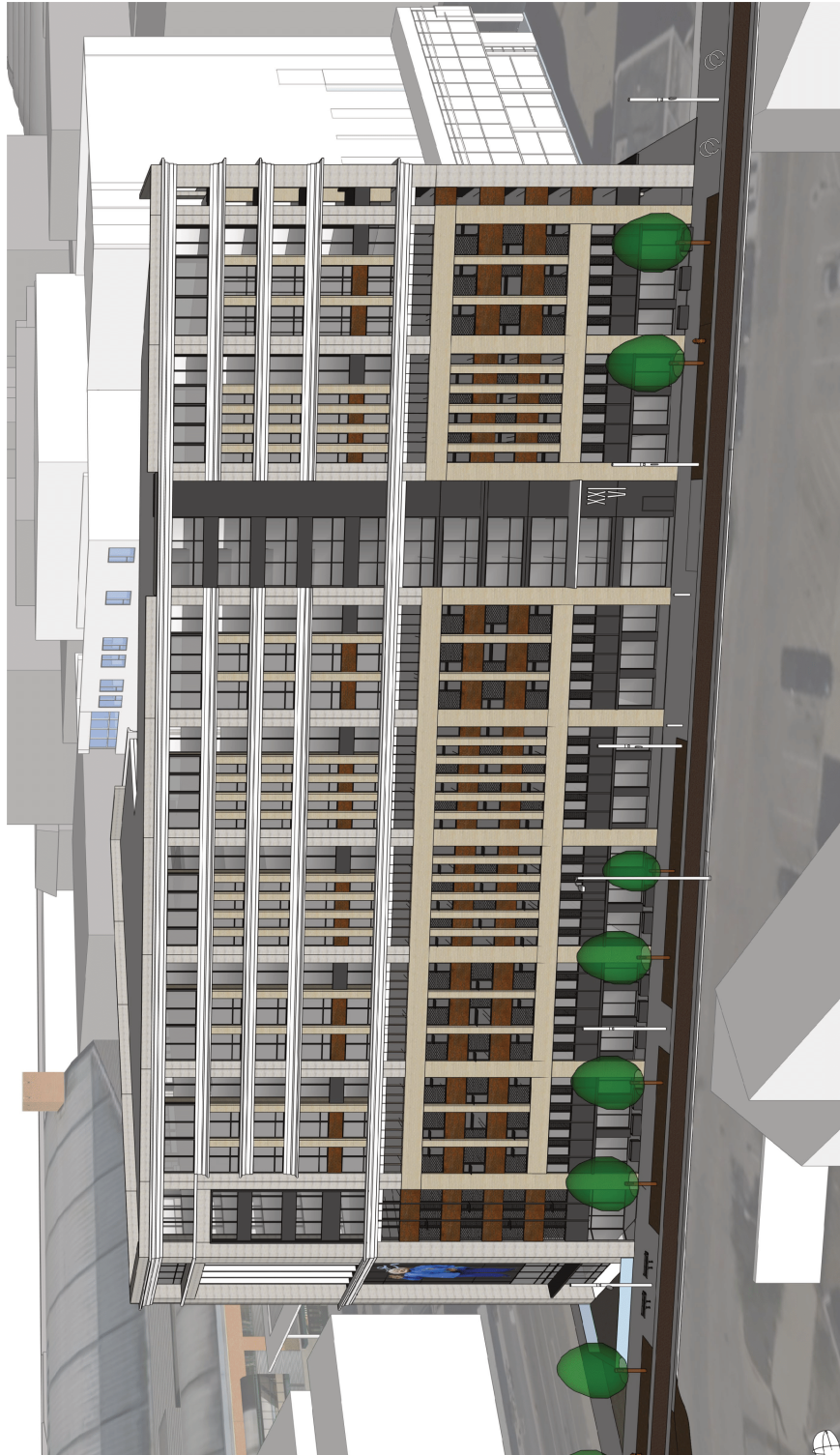


JQOL
QUALITY OF LIFE

CONCEPTUAL FACADE
21 VIRGINIA MIXED-USE REGIONAL CENTER FILING
3 OCTOBER 2025

21V

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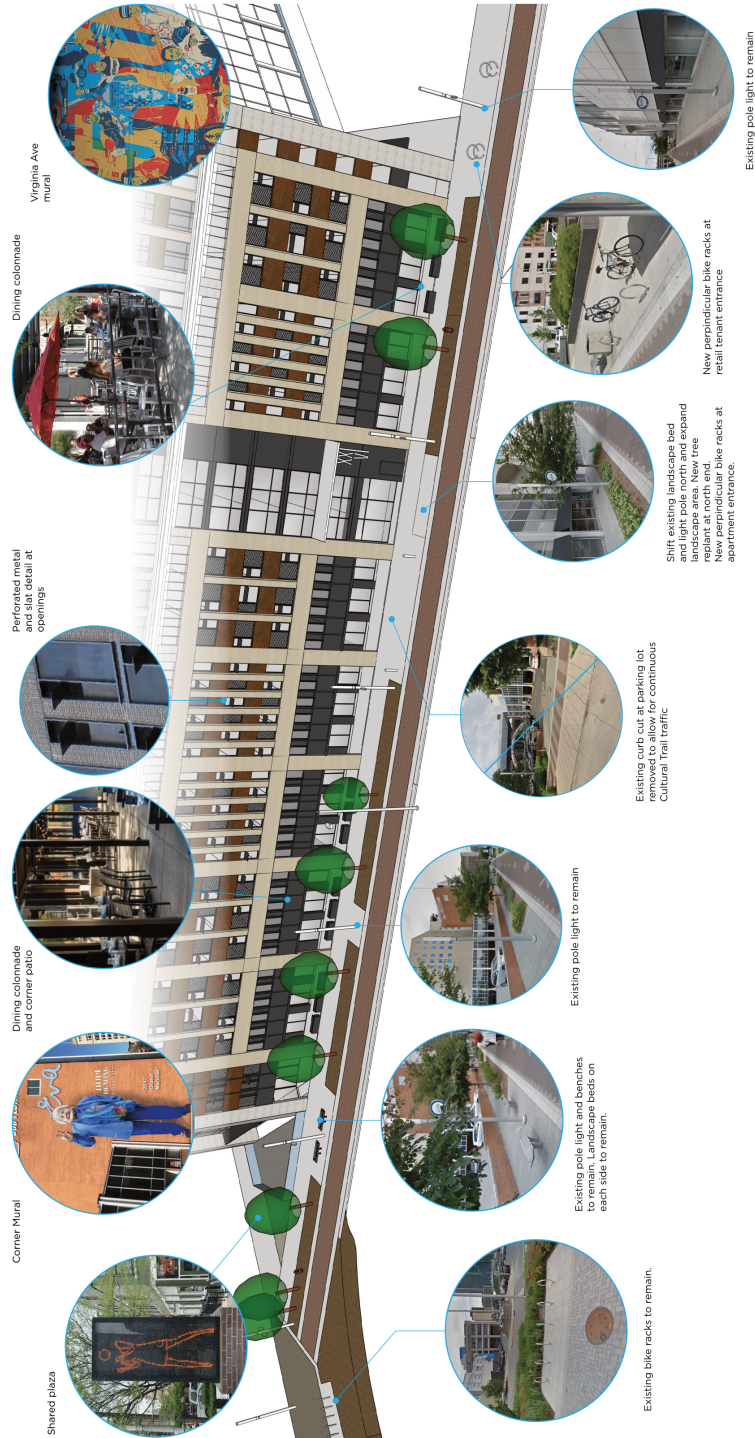
JGOL **DKGR**
QUALITY DESIGN

21V CONCEPTUAL FACADE / VIRGINIA AVENUE
21 VIRGINIA MIXED-USE REGIONAL CENTER FILING
3 OCTOBER 2025

21V



21V CONCEPTUAL FACADE / E MARYLAND AND VIRGINIA
21 VIRGINIA MIXED-USE REGIONAL CENTER FILING
3 OCTOBER 2025

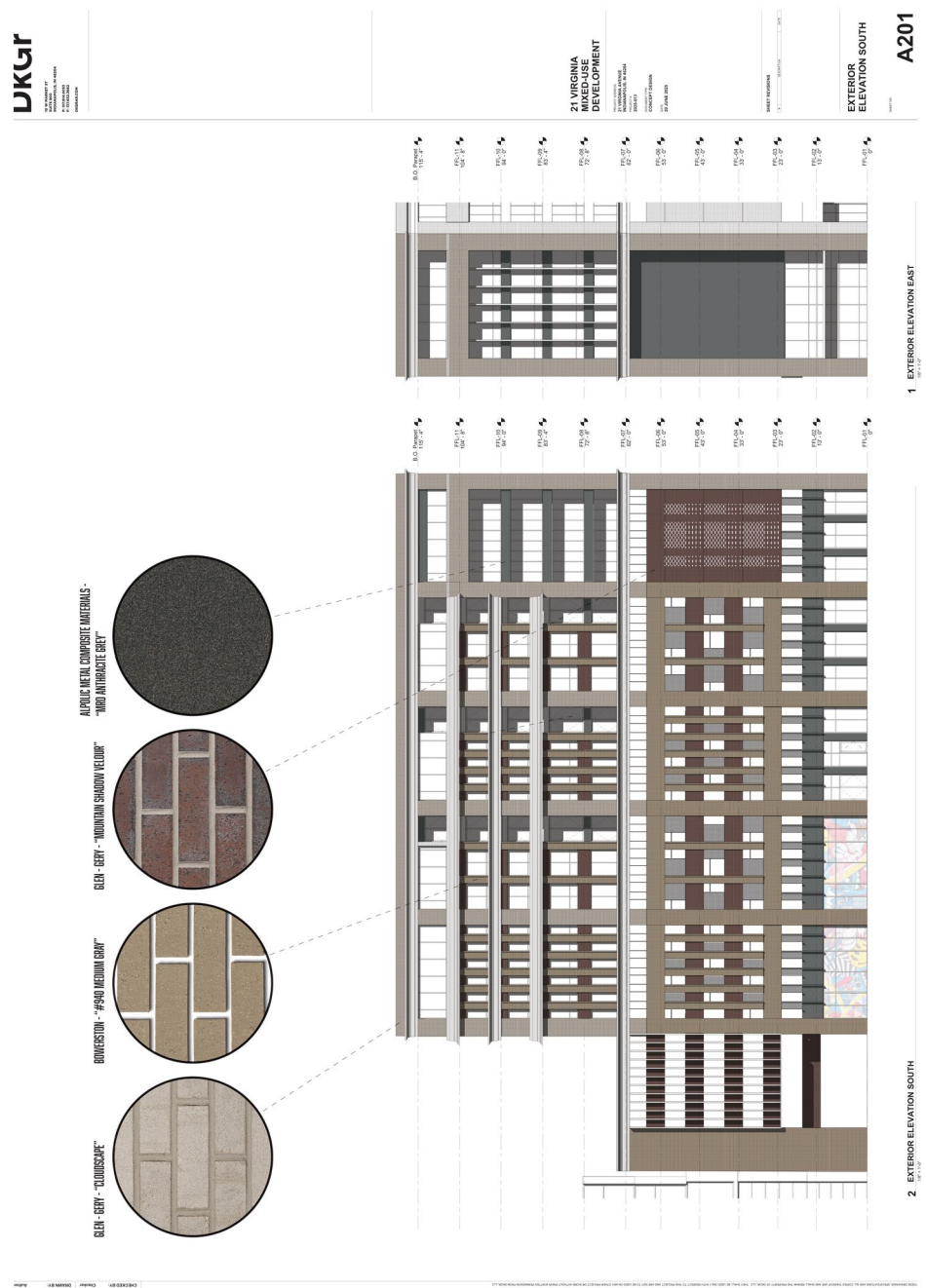




21W
OPENING ARTICULATION
21 VIRGINIA MIXED-USE REGIONAL CENTER FILING
9 SEPTEMBER 2025



PROPOSED CULTURAL TRAIL VIEW
21 VIRGINIA MIXED-USE REGIONAL CENTER FILING
29 JULY 2023



Proposed elevations, file-dated 10/9/25

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

Petition Number _____

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

**PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because
the proposed new construction is comprised, in part, of a structure used primarily for the housing,
parking, or temporary short-term placement of motor vehicles including parking spaces, and the area of
access for the egress/ingress of automotive vehicles to and from the actual parking space.

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



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

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

DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____
_____	_____



Subject site looking north from Maryland Street



Subject site looking northwest along the Cultural Trail



Subject site looking west



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



Looking west with the Maryland Street curb cut in the foreground



Looking west along Maryland Street



Looking south with the Bicentennial Unity Plaza in the background



Looking south



Looking north



Looking north



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

October 21, 2025

Case Number: 2025-DV3-016

Property Address: 2360 Prospect Street (*approximate address*)

Location: Center Township, Council District #18

Petitioner: Linda Thompson, by Daniel Newton

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall perimeter chain link fence within the required clear-sight triangular area (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, encroachment into the clear-sight triangle not permitted).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

10/21: The petitioner retained legal counsel to represent them in this matter, and made a one-month continuance request from the September 16th hearing date. Staff supported this request but would not be supportive of additional continuance requests by the petitioner.

9/16: The petitioner requested a two-month continuance at the 7/15 hearing to allow them time to consult with potential legal counsel and since they were unavailable on the August 19th hearing date.

7/15: This petition received an indecisive 1-2 vote at the June 17th hearing of Division III, and was therefore automatically continued to the July 15th hearing date. Staff has not changed their recommendation and would clarify that (a) available photography provided by Google Street View seems to show that no fence existed along the eastern or southern property lines between 2007 and 2023, and (b) that the site plan submitted along with the 1995 variance only showed placement of fencing along the northern yard (signified by X's) and the western property line (shorter chain link fence removed between 2011 and 2015 per Google Street View).

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW



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- 2360 Prospect Street is a corner lot site currently developed with an automobile sales operation on the eastern half of the site closest to the intersection of Prospect Street and Keystone Avenue. Surrounding land uses include residences to the north, commercial uses on other sides, and a connector to the Pleasant Run Greenway to the east. The vehicle sales use was allowed by the petition 95-UV3-65, subject to a site plan which only showed fencing within the northern yard.
- Between August 2022 and July 2023, new fencing was added to the western, eastern, and southern yards of the property. The property is now fully enclosed by fencing except for two (2) electric gates to allow for vehicle access from the southern and eastern front yards. The new portions of fence are around 6-feet in height and are constructed from chain link material. Per the applicant, the previously existing portions of fence to the north are 8-feet in height (maximum of 10 feet allowed within the northern side yard).
- The recently installed sections of fence would require several variances in order to be legally established: (a) the fence height of six (6) feet exceeds the maximum of 3.5 feet allowed for fences within front yards in C-4 zoning; (b) the Ordinance prohibits chain link fencing within front yards for commercial districts; and (c) the fence encroaches into multiple clear-sight triangles created by the intersection of two primary arterials, the intersection of the northern alley and Keystone Avenue, and the intersection of the southern driveway and Prospect Street (see diagram within Exhibits).
- VIO23-005132 was opened at this property in July of 2023, and lists nine separate zoning violations (see full text within Exhibits). Approval of this variance is limited just to the height and material of the recent fencing and its encroachment into required clear-sight triangles. This variance request would not allow from relief from the other standards mentioned within the Notice of Violation (i.e. placement of banner signage, required dumpster enclosure, clearly painted lines for parking areas, outdoor storage of vehicle parts, etc.).
- Additionally, the 1995 Use Variance petition allowing the site to function as an automobile sales operation was subject to a submitted site and landscape plan which indicated placement of landscape strips with widths of 10 feet along both the Prospect and Keystone frontages as well as placement of trees along each frontage. The current site does not match this layout, and regardless of the result of the request for additional fencing, the owner would need to either bring the site into compliance or have a modification petition approved for the use to legally continue.
- This site is zoned C-4 (Community-Regional) to allow for the development of major business grouping 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 ordinance specifies that even small freestanding uses within C-4 should have excellent access from major thoroughfares. The portion of the site containing the auto sales use and fence is also recommended for Community Commercial uses by the Marion County Land Use Plan Pattern Book.
- The Indianapolis Zoning Ordinance prescribes height and material limitations for fences to maintain visibility, orderly development, and the appearance of open space while also allowing

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Current Planning**

for reasonable privacy. Additionally, restrictions on visual obstructions within required clear-sight triangle areas allow for pedestrians and motorists to safely navigate around street corners.

- Staff does not feel that the Findings of Fact provided by the applicant identify any site-specific practical difficulty to justify a 71% increase in height over Ordinance requirements. Additionally, this property is directly bordered by both a bike lane to the south and a greenway connection to the east, and is within a mile of a Cultural Trail connection within the Fountain Square neighborhood to the west. Placement of fencing that would impede the view of pedestrians or cyclists attempting to navigate in an area with increasing walkability would be inappropriate both for the existing context at this intersection and for the Ordinance vision of vibrant and welcoming storefronts that don't impede site access for customers. Staff recommends denial of each request.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial / Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5 / I-3	North: Residential
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	D-8	West: Residential
Thoroughfare Plan		
Prospect Street	Primary Arterial	56-foot right-of-way existing and 56-foot right-of-way proposed
Keystone Avenue	Primary Arterial	50-foot right-of-way existing and 56-foot right-of-way proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/05/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	04/05/2025	
Findings of Fact (Amended)	N/A	



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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 eastern portion of this property where the fence is placed for the Community Commercial working typology to allow for low-intensity commercial and office uses that serve nearby neighborhoods. The western portion of the property is recommended for the Traditional Neighborhood living typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

2024DV3005, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall perimeter chain link fence within the required clear-sight triangular area (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, encroachment into the clear-sight triangle not permitted), **dismissed for lack of payment**.

95-UV3-65, variance of use of the Commercial Zoning Ordinance to legally establish a used automobile sales operation (not permitted), with a 10 foot landscape strip along both Prospect Street and Keystone Avenue, **approved**.

ZONING HISTORY – VICINITY

2021CVR807 ; 2326 Prospect Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with an 18-foot front setback from Prospect Street (25-foot front setback required), **approved**.

2011CVR815 ; 2401 Prospect Street (southeast of site), Variance of development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for the construction of a 3,502-square foot convenience store / gasoline station, (a) with a 10-foot east side transitional setback for the building and parking lot (20-foot transitional setback required), (b) with a canopy having a 64-foot setback from the centerline of Prospect Street and a 55.5-foot setback from the centerline of Keystone Avenue (70-foot setback from the centerline required), (c) with carryout food service within ten feet of a protected district (100-foot separation required), and (d) with two pylons signs within eight feet of a protected district to the east and south (50-foot side setback required for freestanding signs), **approved**.

2010CVR805 ; 1035 S Keystone Avenue (northeast of site), Special Exception and variance of development standards of the Industrial Zoning Ordinance to provide for an automobile crushing business, (a) with a 10-foot tall wood privacy fence, a storage area for crushed automobiles and vehicle parking, with a one-foot setback, without landscaping, from Keystone Avenue (100-foot front setback from the centerline of Keystone Avenue, with landscaping, required), and (b) with existing buildings with one and five-foot south side setbacks, without landscaping (20-foot side setback, with landscaping required), **approved**.

2004UV3036 ; 2347 Prospect Street (south of site), variance of use of the Commercial Zoning Ordinance to legally establish a 1,082-square foot single-family dwelling with a 72-square foot front porch (not permitted), **approved**.

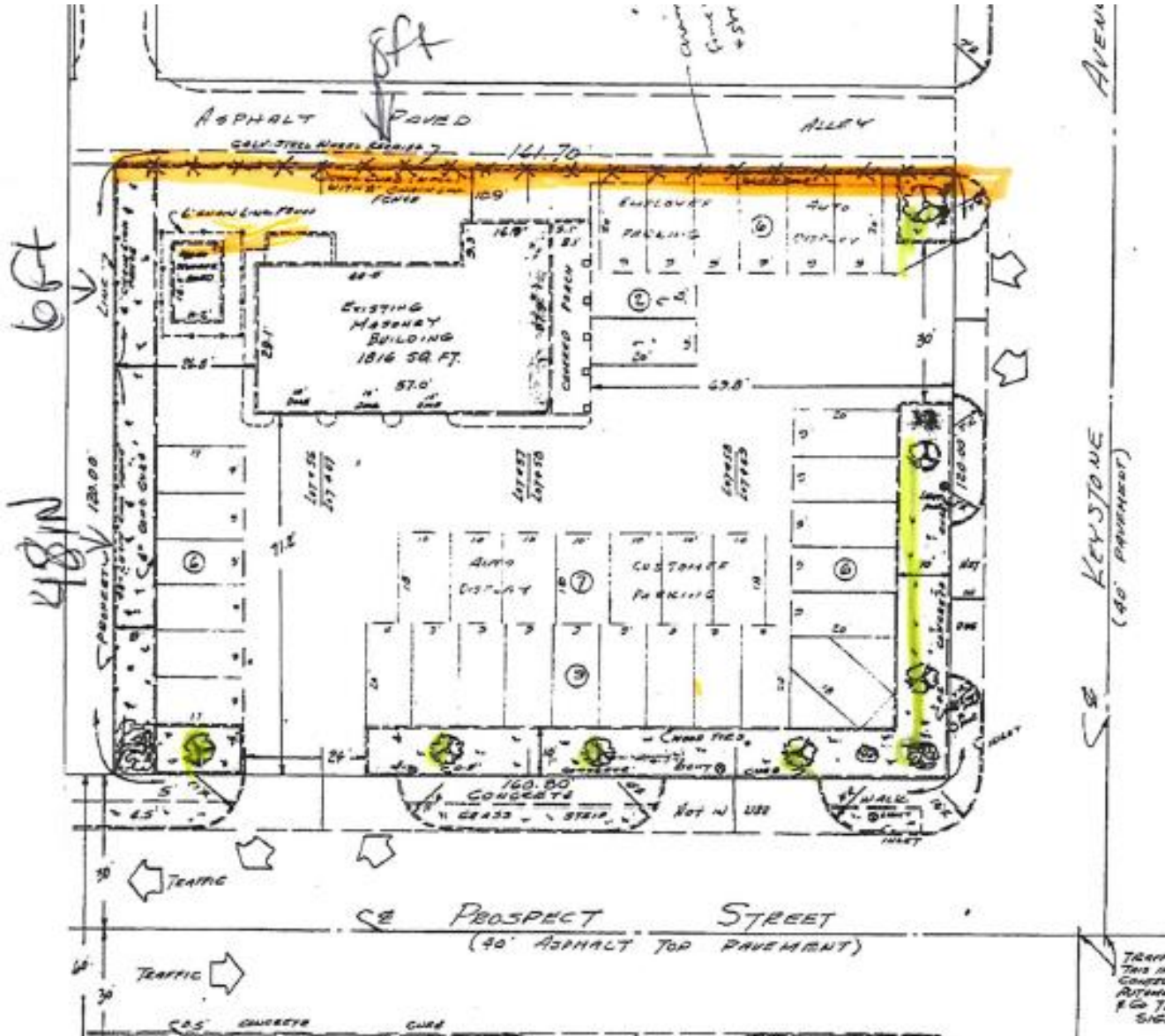
98-NC-25 ; 2332 Prospect Street (west of site), legally establish nonconforming use of 5 apartments within C-4 zoning, **denied**.

EXHIBITS

2025DV3016 ; Aerial Map

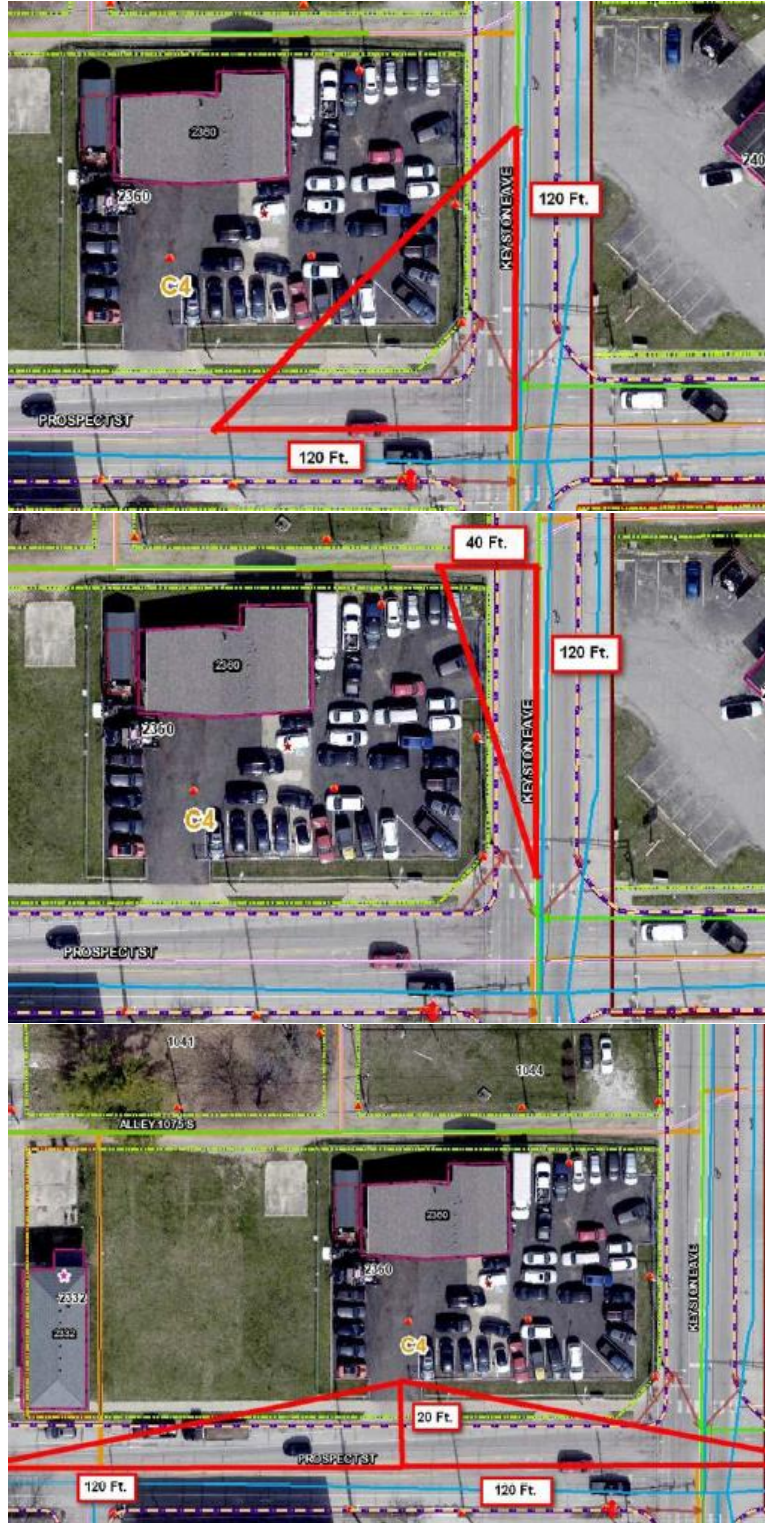


2025DV3016 ; Site Plan



(note: all portions of the current front-yard fence appear to have been installed at a height of around 6 feet or 72 inches; not 48 inches as the site plan indicates. Additionally, landscape plantings shown on this site plan that were a condition for approval of 95-UV3-65 do not currently exist)

2025DV3016 ; Clear Sight Triangle Encroachments





**Department of Metropolitan Development
Division of Planning
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2025DV3016 ; Notice of Violation (VIO23-005132)

Section 740 -1005.A.1. Civil Zoning Violation

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-903.G.5. - Portable signs are prohibited...banners).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of vehicle parts in any zoning district, the provisions of which do not specifically permit such a use; (Vehicle tires, brake parts, and other miscellaneous vehicle parts throughout the property).

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

Specific Violation: Failure to comply with the use-specific standards and zoning district development standards for the C-4 district; (740-304. - No obstructions shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5ft. and 8ft. above grade level of the adjoining right-of-way within a Clear Sight Triangular Area...chain link fence).

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

Specific Violation: Failure to comply with the use-specific standards and zoning district development standards for the C-4 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-404.D.7.a. - The parking spaces lack 4 inch durable painted lines, curbs or signage).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-508.B.1.a. - Failure to enclose dumpster with a solid wall at least the height of the service area on 3 sides with the 4th side having a solid gate).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (Table 744-402-2: - Failure to provide the required ADA parking... 1 handicap parking space is required).

Section 740 -1005.A.9. Civil Zoning Violation

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (740-1005.A.9 - The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant #95-UV3-65 decision letter; specifically, a 10 foot landscaping strip along both Prospect Street and Keystone Avenue).

Section 740 -1005.A.9. Civil Zoning Violation

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (740-1005.A.9 - The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant #95-UV3-65 site plan; specifically, the parking spaces lack durable painted lines, curbs or signage indicated in the approved site plan and missing landscaping).



Department of Metropolitan Development
Division of Planning
Current Planning

2025DV3016 ; Findings of Fact

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

it was already approved for a fence at 48" and a 60" will be better for the line of site than a 4' fence

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:

they are empty lots which i own and there is asn alley behind me whitch was already approved for an 8' fence

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

i can not keep my lot secure with the 4' fence there are homeless all around me resulting in many problems with keeping my lot secure

2025DV3016 ; Photographs



Photo 1: Subject Site Viewed from South (March 2024)



Photo 2: Subject Site Viewed from South (August 2019)

2025DV3016 ; Photographs (continued)



Photo 3: Subject Site Viewed from East (March 2024)



Photo 4: Subject Site Viewed from East (August 2019)

2025DV3016 ; Photographs (continued)



Photo 5: Subject Site Viewed from Southeast (March 2025)



Photo 6: Subject Site Viewed from West (March 2024)

2025DV3016 ; Photographs (continued)



Photo 7: Prospect/Keystone Clear-Sight Area Viewed from Southwest (January 2025)



Photo 8: Prospect/Keystone Clear-Sight Area Viewed from Northeast (January 2025)

2025DV3016 ; Photographs (continued)



Photo 9: Fence from Prospect Driveway Looking East (January 2025)



Photo 10: Fence from Prospect Driveway Looking West (January 2025)

2025DV3016 ; Photographs (continued)



Photo 11: Northern Alley and Older Fence (March 2024)



Photo 12: Adjacent Property to East (March 2024)



BOARD OF ZONING APPEALS DIVISION III

October 21, 2025

Case Number: 2025-DV3-028 (Amended)
Address: 1305 Lichtenburg Road (approximate address)
Location: Warren Township, Council District #20
Zoning: D-A
Petitioner: Lisa Latham, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 19-foot tall detached accessory structure (accessory structures cannot be taller than the primary building).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends approval of this amended petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued at the request of Staff from the September 16, 2025, hearing to the October 21, 2025, hearing.

The petitioner amended this petition by withdrawing the request for the accessory structure to have a footprint larger than the primary building. No new notice was required as the remaining request is less intense than the original published request.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition as amended.

PETITION OVERVIEW

- Development Standards of the Consolidated Zoning and Subdivision Zoning Ordinance, specifically those relating to accessory building use, are intended to ensure the dwelling remains the primary use of the property. Additionally, limiting the size of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.
- ◇ Staff would note that the site is zoned D-A, consistent with agricultural districts, in which large agricultural accessory structures are not out of character. The proposed accessory structure height, in Staff's opinion, would not be out of scale, or character, with surrounding uses, and would be located approximately 315 feet from Lichtenburg Road, within an area that is partially wooded, further limiting any negative impacts to adjacent properties.



Department of Metropolitan Development
Division of Planning
Current Planning

- ◇ In Staff's opinion, the size of the subject site and the proposed location of the accessory structure would ensure that the dwelling remains the primary use on the subject site. Any potential negative impact resulting from the height of the proposed accessory structure, while taller than the primary structure, would be minimized by the separation between the two structures, and its distance from Lichtenburg Road.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Recommends Rural or Estate Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
North:	D-A	Single Family Dwelling
South:	D-A	Single Family Dwelling
East:	D-A	Agriculture / undeveloped
West:	PK-1	Regional Park
Thoroughfare Plan		
Lichtenburg Road	Local Street	28-foot existing right-of-way and 50-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan - Amended	September 29, 2025	
Findings of Fact	July 29, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends rural, or estate neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Rural or Estate Neighborhood uses typology which includes both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.



Department of Metropolitan Development
Division of Planning
Current Planning

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

2023-DV3-007; 9539 E. Prospect Street (north of site), requested a Variance of Use and Development Standards to provide for the storage of three commercial vehicles, and the construction of a detached garage with a four-foot west side yard setback, **granted**.

2014-DV2-034; 9277 Prospect Street (northwest of site), requested a Variance of Development Standards to provide for the construction of a 15.5-foot tall, 1,200-square foot detached garage, with a 12-foot west side setback, creating an accessory building area of 1,320 square feet of 96.6% of the main floor area of the primary dwelling and 2,076 square feet of accessory use area or 151% of the total floor area of the primary dwelling, **granted**.

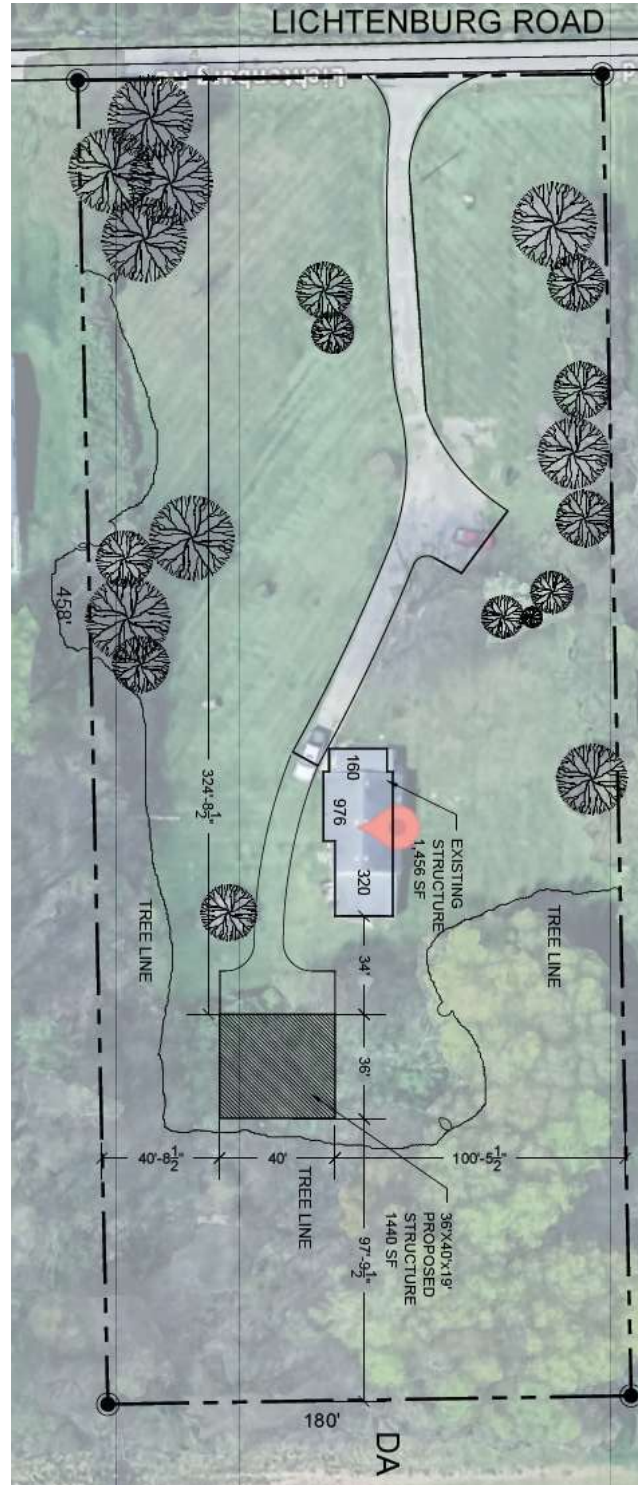
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EXHIBITS

Location Map



Site Plan – Amended 9-29-2025.





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 accessory building will be constructed to meet the applicable building codes and will be on private property and not available to the public.

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

The subject site is a large rural estate lot and the accessory building will be place near the wooded area and several hundred feet from the street. The other properties in the immediate area have larger accessory buildings

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

The petitioner's home was constructed in 1939 and is very small and only 12 feet to the eaves. The parcel is a large woodland site that requires more maintenance equipment and storage.

The proposed accessory building is in alignment with the other properties with a newer residential homes and the overall height is still less than 20 feet.

Photographs



Subject property looking east.



Subject property existing dwelling with 14 foot high roof line, looking northeast.



Proposed location of 19-foot tall accessory building, looking east.



Proposed location of 19-foot tall accessory structure, looking west.

BOARD OF ZONING APPEALS DIVISION III

October 21, 2025

Case Number: 2025-DV3-031 (Amended)
Property Address: 143 Washington Pointe Drive (approximate address)
Location: Warren Township, Council District #20
Petitioner: Net Lease Properties, by Timothy Ochs and Jennifer Milliken, Ice Miller LLP
Current Zoning: C-4 (TOD)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishing and associated drive-through with a front building line of 17% along Washington Street (80 percent required) and a parking area containing 10 vehicle spaces (maximum 5 spaces permitted).
Current Land Use: Vacant Commercial
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This petition was continued from the September 16th hearing to allow for an amendment to the request language requiring new notice.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 143 Washington Pointe Drive is a commercial parcel at the intersection of Washington Street and Washington Pointe Drive that is currently improved with a vacant building. Surrounding land uses are commercial, and the property is near Washington Square Mall to the northwest. The site is near a current IndyGo bus stop and is around 395 feet from a proposed Blue Line BRT stop.
- Approval of this petition would allow for demolition of the existing vacant structure and construction of a new drive-through coffee shop building with an area of 510 square feet that would be connected to a walk-in cooler by a southern-facing wall and canopy. The proposed site plan also shows the placement of a walk-up patio to the southeast of the building, an accessory parking lot with 10 parking spaces, and two (2) drive-through lanes accessed from the rear of the site for which 21 stacking spaces are marked on the site plan.

- Two (2) Variances of Development Standards would be required to allow for the proposed layout:
 - The proposed width of the primary building (34 feet) would only comprise 17% of the Washington Street frontage (199.83 feet). A minimum front building line width to frontage width ratio of 80% would be required per the standards related to the Transit-Oriented Development Secondary District.
 - The 10 proposed accessory parking spaces would exceed the five (5) maximum spaces allowed for the proposed use and square footage of the building (maximum 1 space per 100 square feet of building area).
- The original application submitted by the applicant requested additional variances related to the front building line width, lack of primary entry feature, and front setback of surface parking near Washington Pointe Drive (per TOD design standards). Staff noted that these variances would not be required due to language about corner lots within 744-702.E.3 of the Ordinance. Revisions were also provided on September 4th to place transparent materials on the western portion of the accessory cooler to meet standards for building transparency near the Washington Pointe right-of-way. However, staff would also note that the provided landscape plan may require revisions to meet frontage landscaping and screening of parking standards along Washington Pointe Drive.
- This property is zoned C-4 to allow for the development of major business groupings and regional-size shopping centers to serve populations ranging from neighborhoods to major segments of the total metropolitan area, and the Comprehensive Plan recommends it to the Community Commercial typology to allow for low-intensity commercial and offices uses that serve nearby neighborhoods. Additionally, the proximity of this site to the proposed BRT Station means that recommendations from the Blue Line TOD Strategic Plan would be highly relevant. This plan recommends the site for a mix of retail, entertainment, office, and residential uses with vehicle areas placed behind buildings to allow for pedestrian orientation at the street level and to encourage transit ridership and associated economic growth.
- Findings of Fact submitted by the applicant indicate that strict application of the zoning ordinance would result in practical difficulties in the use of the property because the site is located within a suburban context and the proposed user desires a smaller building. Staff would note that redevelopment of any neighboring sites would also require TOD compliance (neighboring context is not a site-specific difficulty) and that the adjacent property to the east appears to have an FBL width of 72% of the frontage, which comes much closer to Ordinance compliance than 17%.
- Additionally, the Blue Line TOD Strategic Plan envisions that buildings within the zoning layer would be constructed both close to front property lines and with front building line widths comprising much of the parcel width. These design standards are meant to facilitate walkable streetscapes with slow traffic speeds and well-connected sidewalks serving activated streetscapes and human-scale buildings. It appears that a significant motivating factor for having a primary building of only 510 square feet at this site (829 square feet including the cooler) would stem from the desire to maintain 21 stacking spaces at the site. No practical difficulty exists at the site requiring a primary building with only 34 feet in width, and the proposed ratio of building area to paved vehicle area runs counter to Ordinance and Plan guidance for TOD areas.

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

- Extensive research was conducted by the Indianapolis MPO to establish that (a) consumer preference for transit access and walkable mixed-use communities exists within several Indianapolis communities (transit-dependent households, seniors with limited mobility, millennials, etc.); and (b) based on analysis of nineteen separate variables (including employment density, proximity to retail, average income, rent, home values, etc.), this node was determined to have high TOD potential. A failure to maintain TOD design standards, especially for a property so close to a proposed station, would jeopardize that potential.
- Staff does not object to the proposed primary use but does not feel that the sale of beverages would intrinsically require placement of a building and accessory drive-through with this substantial of a deviation from ordinance requirements: staff feels that the proposed drive-thru would be an *accessory* use but would not be *subordinate* in nature and that TOD design standards intend to place reasonable limitations on auto-oriented uses instead of elevating them. The proposed design would require two (2) variances of development standards to facilitate the drive lanes (one of them extreme), and the C-4 zoning district allows for high levels of flexibility in site design and allowed use categories. No practical difficulty exists to justify the deviation from ordinance standards and Plan intent; therefore, staff recommends denial of the variances.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Commercial
South:	C-4 / C-5	South: Commercial
East:	C-4	East: Commercial
West:	C-4	West: Commercial
Thoroughfare Plan		
Washington Street	Primary Arterial	125-foot existing right-of-way and 102-foot proposed right-of-way
Washington Pointe Drive	Primary Collector	60-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	08/14/2025	
Site Plan (Amended)	09/04/2025	
Elevations	08/14/2025	
Elevations (Amended)	09/04/2025	
Landscape Plan	09/04/2025	
Findings of Fact	08/14/2025	

**Findings of Fact
(Amended)**

09/04/2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Pattern Book recommends this site to the Community Commercial working typology to allow for low-intensity commercial and offices uses that serve nearby neighborhoods within freestanding buildings or small integrated centers. Restaurants are a contemplated land use type.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Blue Line TOD Strategic Plan recommends this site to the Community Center typology which allows for a mix of retail, entertainment, office, and residential uses with surface parking placed behind buildings to allow for pedestrian orientation at the street while still supporting drive-to businesses.

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

2024DV3024 ; 10220 E Washington Street (west of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive through without an exclusive bypass aisle (bypass aisle required) and the construction of freestanding buildings with front building line setbacks of up to 33 feet (maximum 20-feet permitted per 2023-DV3-004), a front building line width of 33.5 percent (46 percent required per 2023-DV3-004), and deficient first-story transparency on the front façade of the westernmost building (60% transparency required), **denied**.

2023CVR808 ; 10435 E Washington Street (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business with a 30-foot front building line or 22% of the building line (60% front building line required), **approved**.

2022UV3031 ; 10435 E Washington Street (southwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business (not permitted on lots greater than 0.5-acres) with a 23.5-foot front building line, 4% of the building line (60% front building line required), **withdrawn**.

2018UV2008 ; 10501 E Washington Street (south of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a contractor with outdoor storage (only storage of inoperable vehicles permitted at no more than 25% of gross floor area), **approved**.

2002UV3001 ; 10520 E Washington Street (east of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for the retail sales of portable backyard storage buildings and related accessory items (not permitted), with 11,550 square feet of outdoor retail display and sales (outdoor display required to be accessory to the primary use, be located adjacent to the primary structure, and not exceed 1% of the gross floor area of the establishment), **approved**.

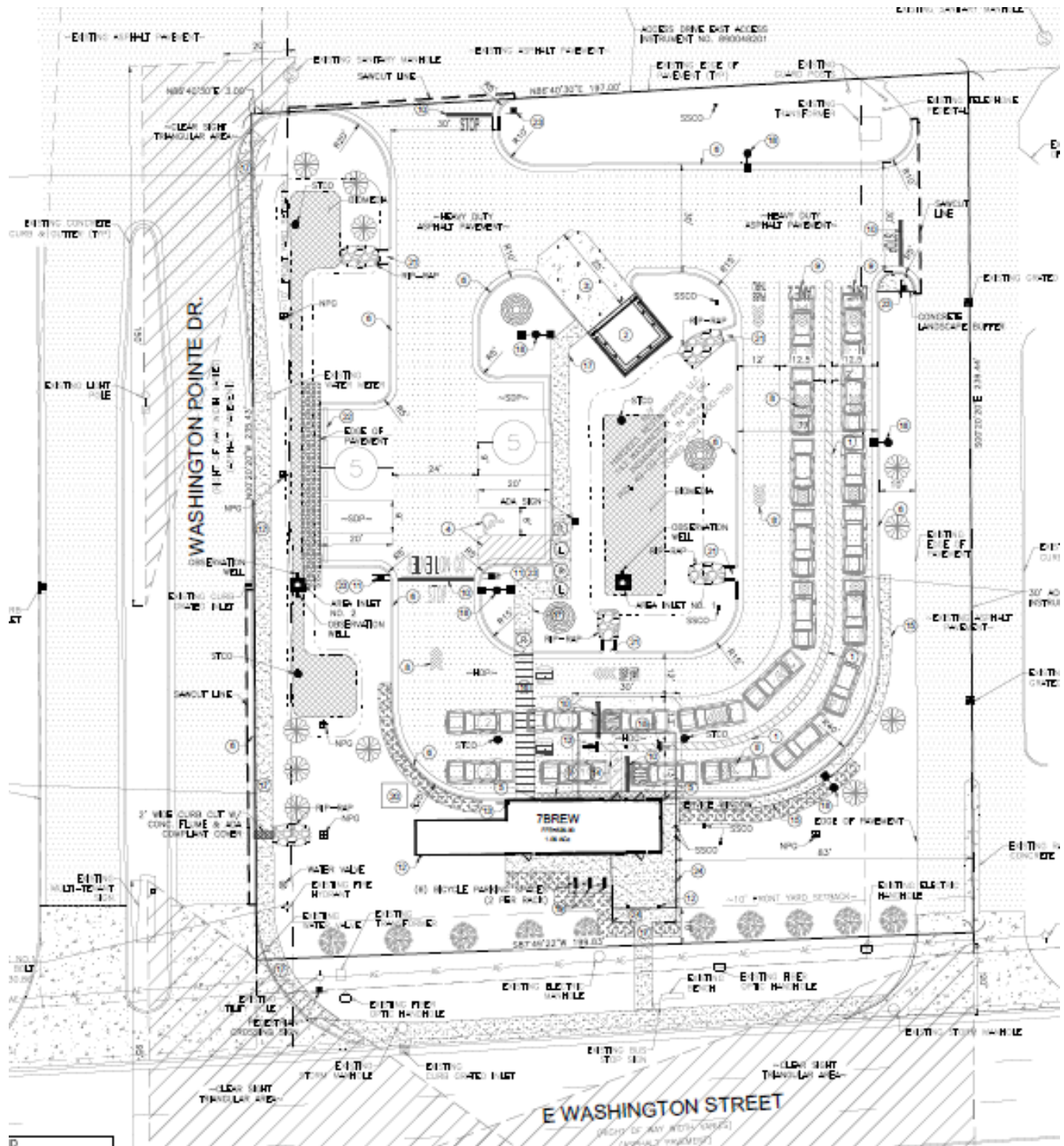
99-V2-88 ; 10617 E Washington Street (southeast of site), variance of development standards of the Commercial Zoning Ordinance to provide for 27,666 square feet of outdoor display and sale of merchandise (maximum 1% of gross floor area, or 2,118 square feet permitted), **approved**.

EXHIBITS

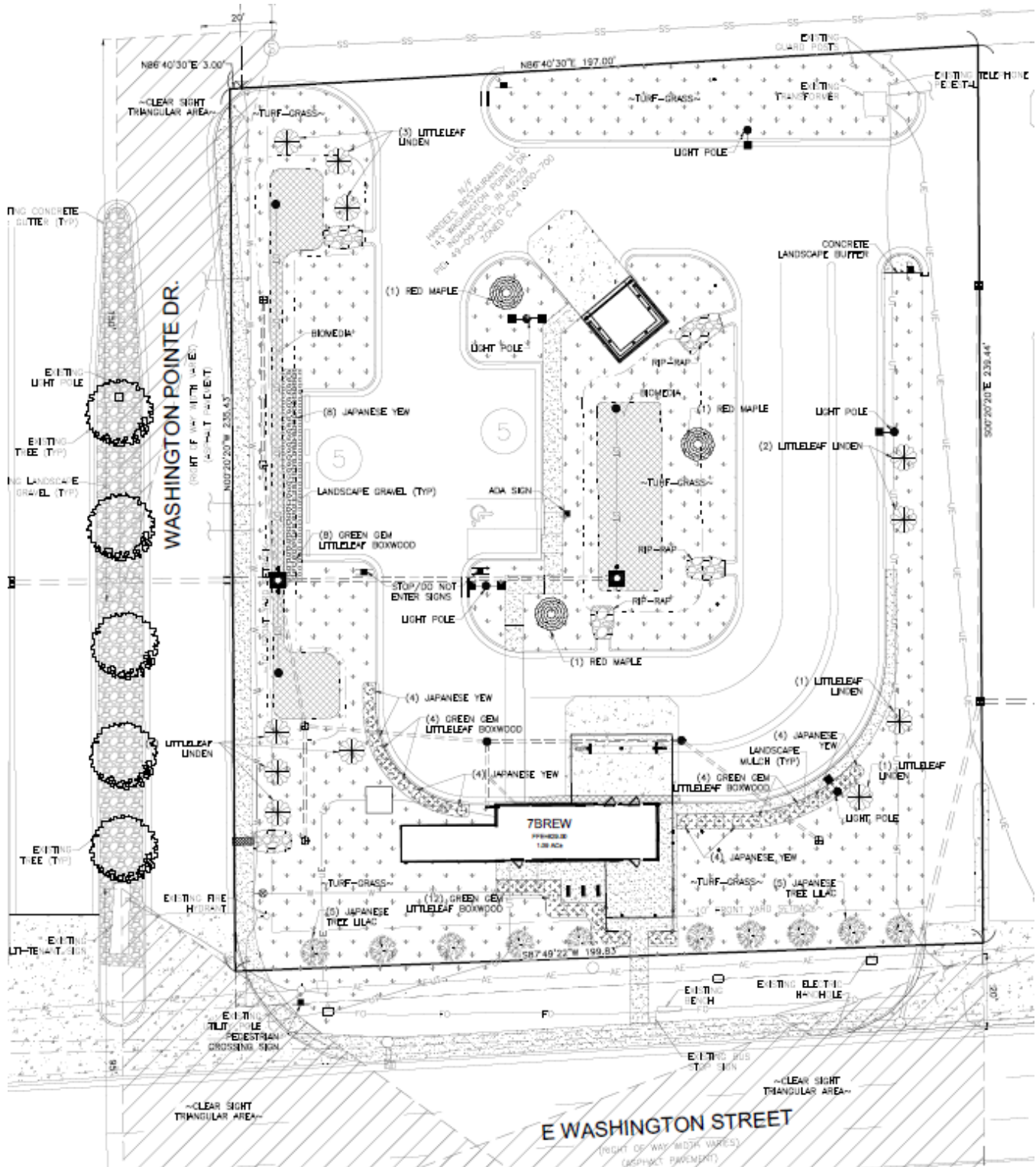
2025DV3031 ; Aerial Map



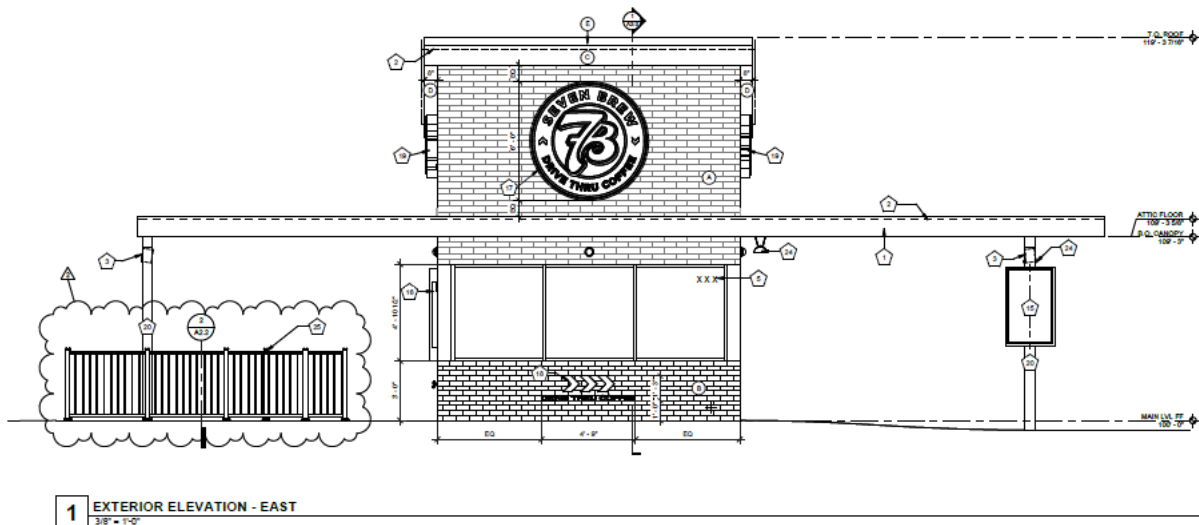
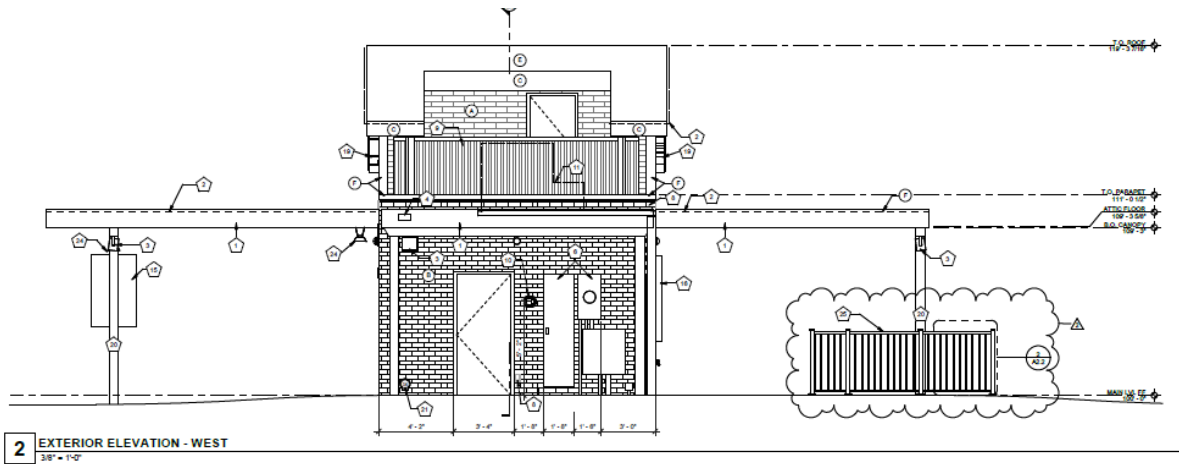
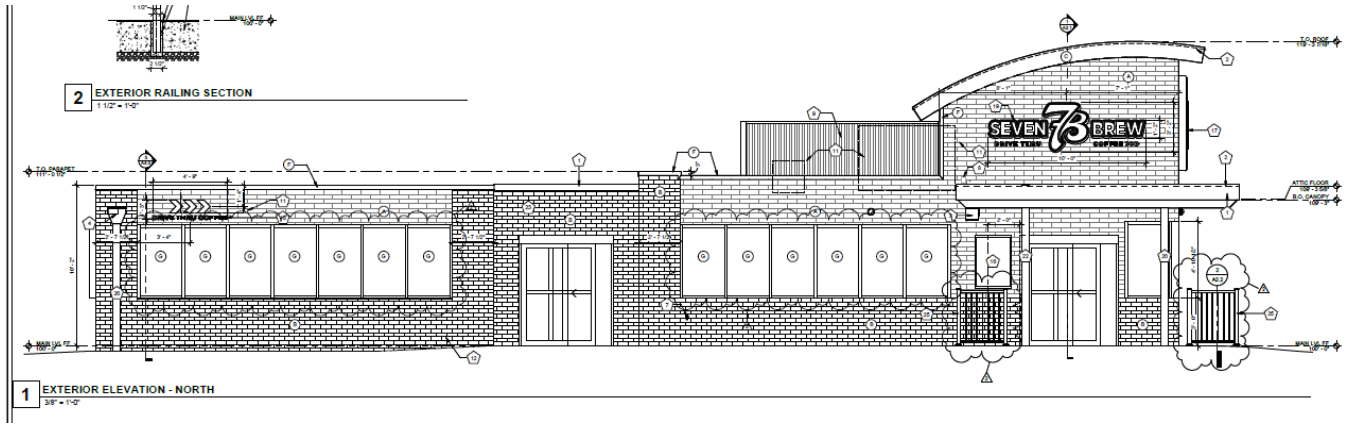
2025DV3031 ; Site Plan



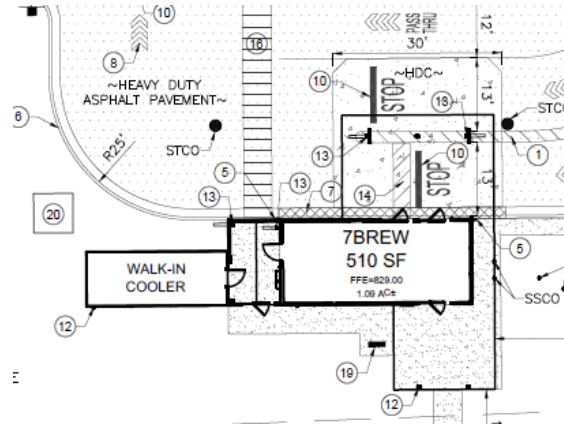
2025DV3031 ; Landscape Plan



2025DV3031 ; Elevations (south, west without cooler, and east)



2025DV3031 ; Site Detail (STR25-01988)



2025DV3031 ; Findings of Fact

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

The user is a coffee shop with drive-through and walk-up service only - there is no interior service provided. Therefore the building has a very small footprint. This site is in a TOD Overlay District and within 600 feet of a planned transit stop and therefore subject to Private Frontage Design Standards, Pedestrian/Urban Category, along East Washington Street. The Petitioner has been able to meet most of those requirements, except that the front building line only extends across 34.4% of the lot width, versus the 80% required. The client's landscape plan will help to mitigate this and add interest to the streetscape. In addition, the small size (829 sq ft) of the building would result in 8 maximum parking spaces by ordinance, whereas the user needs 10 for employee parking. Nothing about their proposal is injurious to public health, safety, morals or welfare. In fact, they are installing private and public sidewalks to safely connect to the transit stop, a mutual benefit. The reduction of some UDO requirements does not negate the overall positive contribution this project will make to 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 petitioner has attempted to meet the UDO requirements as much as possible, and the resulting plans will be attractive and functional. They include a walk-up window and patio accessed by private and public sidewalks. There is an entry feature, and 71% of the storefront is made up of windows. All of the parking and all of the drive through components are located behind the building. The two requested variances, a narrower front building line and two additional parking spaces, will not affect the use or value of the area adjacent to the property be affected in a substantially adverse manner. The area will get a completely new building of quality design and construction and which will serve pedestrian and auto users with a valued product and service.

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

The applicable Frontage Design Standards, Pedestrian/Urban Category, attempt to produce development that is urban in form, but this is a suburban location. The requirement that the front building line take up 80% of the lot frontage means that this 160-foot-wide lot would require a 128-foot-wide building. The user only requires a building that is 55 feet wide. The maximum parking requirements of 1 space per 100 sq ft would mean that this user would only get 8 parking spaces, whereas they need 10 parking spaces for their employees. For these reasons, the strict application of the UDO results in practical difficulties for the use of this property.

2025DV3031 ; Photographs



Photo 1: Subject Site Viewed from South



Photo 2: Subject Site Viewed from West

2025DV3031 ; Photographs (continued)



Photo 3: Washington Frontage Looking East (October 2024)



Photo 4: Washington Frontage Looking West (October 2024)

2025DV3031 ; Photographs (continued)



Photo 5: Washington Pointe Frontage Viewed from North



Photo 6: Subject Site Viewed from North

2025DV3031 ; Photographs (continued)



Photo 7: Subject Site Viewed from Northeast



Photo 8: Subject Site Viewed from Southeast

2025DV3031 ; Photographs (continued)



Photo 9: Adjacent Property to Southeast



Photo 10: Adjacent Property to Southwest

2025DV3031 ; Photographs (continued)



Photo 11: Adjacent Property to West



Photo 12: Adjacent Property to East

BOARD OF ZONING APPEALS DIVISION III

October 21, 2025

Case Number: 2025-UV3-026
Property Address: 2901 North Post Road (approximate address)
Location: Warren Township, Council District #15
Petitioner: Calvary Temple Assembly of God, by David Gilman
Current Zoning: SU-1 / D-7 / D-4
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor storage of modular homes, with temporary perimeter fencing of the proposed outdoor storage area (not permitted).
Current Land Use: Religious Uses
Staff Recommendations: Staff recommends denial of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued from September 16, 2025 to the October 21, 2025 BZA Division III hearing at the request of the petitioner.

STAFF RECOMMENDATION

- Staff recommends denial of this petition

PETITION OVERVIEW

- This petition would for the outdoor storage of modular homes, with temporary perimeter fencing of the proposed outdoor storage area (not permitted).
- The site is primarily zoned SU-1 (religious uses), contains small portions of D-4 and D-7, and is approximately 16.21 acres. The site is currently improved with a church and an associated parking lot. The request is to allow to store modular homes (up to 100 according to the plan of operation) on the eastern parking lot. The plan of operation also indicates that the modular homes that would be stored on site would not be in association with the church, but for a home builder on the north side of East 30th Street.
- Religious use is defined in the Zoning Ordinance as “A land use and all related buildings and structures devoted primarily to the purpose of divine worship, together with reasonably related accessory uses including but not limited to, educational, instructional, social, or residential activities.”

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

- Outdoor storage of materials is not permitted in any residential zoning district, nor the SU-1 district. This standard is in place to preserve quality aesthetics, to protect sensitive districts from intense uses, and to limit the intermixing of incompatible land uses. Staff generally finds the request to be entirely out of line with typical uses and aesthetics of the SU-1 district which is reserved solely for religious uses.
- Staff finds the proposed use to be inappropriate and is concerned about the impact that this would have on the subject site. The subject site itself is a Protected District and is entirely incompatible with outdoor storage uses, particularly outdoor storage occurring on its own associated parking lot. Staff believes that the storage of large modular home structures would significantly alter the character of the property and represents a detrimental precedent for the SU-1 district. Special Use Districts have been in place since 1966 and are in place to contemplate specific land uses that are highly individualized and require more specific standards and review regarding the scope and scale of their existence. Intense outdoor storage in SU-1 districts is without precedent in Marion County and is not contemplated by the SU-1 district as it is not a compatible nor a typical feature of religious uses.
- Staff does not find that the Findings of Fact meet the burden of proof, as Staff does not believe there to be any hardship on the owner for needing the requested variance; Staff does not believe the parking lot needs to be used for outdoor storage and, likewise, could be used for permitted accessory uses to the church. Therefore, Staff is opposed to the request and recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	SU-1 / D-7 / D-4	
Existing Land Use	Religious Uses	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	C-3 / I-3	North: Commercial / Industrial
South:	D-4	South: Multi-family residential
East:	D-7	East: Multi-family residential
West:	SU-2	West: School
Thoroughfare Plan		
North Post Road	Primary Arterial	108 feet of right-of-way existing and 134 feet proposed
East 30 th Street	Secondary Arterial	108 feet of right-of-way existing and 80 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/4/25	
Site Plan (Amended)	N/A	

Elevations	N/A
Elevations (Amended)	N.A
Landscape Plan	N/A
Findings of Fact	8/4/25
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

91-HOV-86, Variance of Development Standards of the Sign Regulations of Marion County to permit the placement of a second sign for an existing church (one sign structure permitted), **approved subject to conditions.**

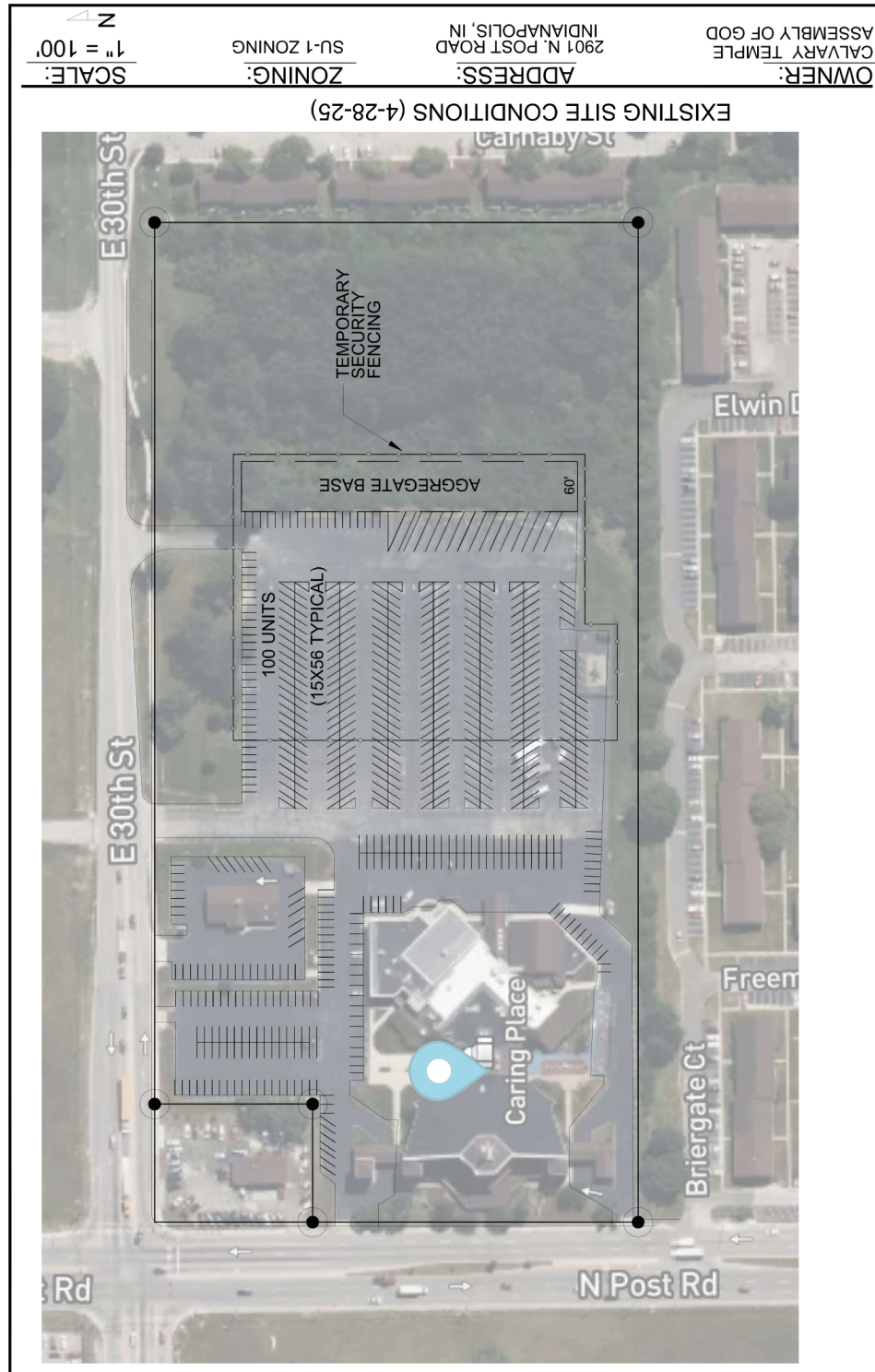
ZONING HISTORY – VICINITY

2025UV3013; 9045 E 30th Street (north of site); Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for commercial offices within an existing building (not permitted), **approved.**

EXHIBITS



Aerial Photo



Site plan, file-dated 8/4/25

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

**Plan of Operation
2901 N Post Road
5/6/2025**

BACKGROUND

The subject site is located just east of Post Road on the south side of East 30th Street. The site consists of 16.04 acres and is zoned SU-1 (Religious Use). The site is developed with religious use and accessory administrative building. The church no longer needs the overflow parking area east of the church and would like to lease it to an adjacent modular home builder to store shrink-wrapped modular residential units until they are shipped to a remote development site.

Business Use

The petitioner seeks to lease a portion of an unused parking lot to an adjacent business for temporary storage of modular residential units. The area is ideal for this type of storage since it will be on within a paved parking area that has security lights and will have a perimeter fence.

Workforce

There will be a temporary security guard patrolling the site, as needed.

Hours of Operation

The modular units will be moved to the site and removed from the site during hours of the least amount of daily traffic. This is typically Saturday mornings.

Off-Street Parking

There will be a maximum of 100 units stored on the subject parking area.

Signage

No signage is proposed.

Clients and Customers

Only company employees will be permitted in the storage area.

Lights

Several tall two-headed pole lights are in the parking area to provide a well-secured environment.

Shipping and Receiving

All shipping and receiving will occur during hours to be the least disruptive to daily traffic.

Drainage

The stormwater drainage system is in place with the development of the church and parent property. There are no new improvements proposed that would impact the existing drainage system.

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

Waste

All waste would be picked up by utilizing a private or City waste disposal service. There will be no storage of hazardous materials on site.

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

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The proposed storage area will be secured by a perimeter fence and will only be used as need to full fill an order to serve new residential developments. The transportation of the units will be loaded on site and will be able to safely maneuver in and out of the site during times with the least amount of vehicular traffic.

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 adjacent uses are either owned by the petitioner or the end user of the variance request. The only adjacent use not owned by the petitioner or end user is well protected with a large, wooded area.

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

The petitioner has a significant amount of un-used paved parking spaces that could be re-purposed to help an adjacent business.

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

The additional parking is not required and will continue to need maintenance and become a burden of the owners.

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

The variance is for a temporary/as needed use and will not change the underlying zoning classification.

DECISION

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

Adopted this _____ day of _____, 20 ____

Department of Metropolitan Development
Division of Planning
Current Planning



Looking west at the parking lot and Church in background



Looking north

Department of Metropolitan Development
Division of Planning
Current Planning



Looking east



Looking south

Department of Metropolitan Development
Division of Planning
Current Planning



Looking southwest at Church



Looking south

BOARD OF ZONING APPEALS DIVISION III

October 21, 2025

Case Number: 2025-DV3-032 (Amended)
Property Address: 455 Rawles Court (approximate address)
Location: Warren Township, Council District #20
Petitioner: Watson Properties LLC, by David Gilman
Current Zoning: I-2
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition and parking lot expansion resulting in a building height of 29 feet (maximum 22 feet permitted), a 40-foot front transitional yard (100 feet required), 30 vehicle parking spaces (minimum 49 spaces required), and zero bicycle parking spaces (three required).
Current Land Use: Industrial
Staff Recommendations: Staff recommends **approval** of the variances related to height and parking and **denial** of the 40-foot setback request.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the height and parking variances and **denial** of the setback variance.

PETITION OVERVIEW

- 455 Rawles Court is currently developed with an industrial structure that was built in 2007 and expanded to its current size of 32,400 square feet by an eastern building addition in 2016 that did not require a variance. The current use appears to be a manufacturing facility related to the sheet metal contractor Coated Metals Group. Surrounding land uses include a gymnastics facility to the west, other light industrial uses to the north, residences to the south and a parcel to the east that is zoned for industrial use but that appears to contain a residential structure.
- Approval of this petition would allow for a second building addition onto the site with a size of 16,680 square feet (the 2016 addition was 9,900 square feet). It would also result in the partial removal of existing parking and landscaping, but with new parking facilities to the southwest of the site. The building and parking additions would be 40 feet from the southern property line.

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

- Three different Variances of Development Standards would be required to allow for the building addition as shown on plans: (a) the proposed front setback would be 40 feet when the context area and residential zoning district to the south would require a front setback of 100 feet; (b) a building height of 29 feet when industrial development along (or within) a required transitional setback would allow a maximum height of 22 feet; and (c) levels of vehicle and bicycle parking below the minimum required for the proposed use and square footage (1 parking space per 1000 square feet of manufacturing use and 3 bicycle spaces required).
- The original legal notice mailed for this variance also listed variances related to deficient site landscaping and the requirement for the addition of 5 linear feet of sidewalk per 100 feet of building addition (which would require sidewalk along the entirety of the Rawles Avenue frontage to the south of the site). The applicant indicated in writing that they would amend plans to comply with these requests, which were subsequently removed from the variance request. Amended site and landscape plans (absent a Green Factor checklist) were received on October 14th and are reflected within the Exhibits below.
- This property is zoned I-2 (Light Industrial) to allow for industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines; this district is often a buffer between protected districts and heavier industrial areas. Similarly, the Comprehensive Plan recommends it to the Light Industrial working typology to allow for industrial production, distribution, and repair uses conducted within enclosed structures and places it within an Industrial Reserve overlay given its proximity to compatible uses. However, the Comprehensive Plan also indicates that light industrial uses would not be recommended land use types when adjacent to a living or mixed-use typology.
- Findings provided by the applicant indicate that the development would maintain a row of mature trees, that the presence of underground utilities and windows on the second floor of the existing structure would preclude a building addition to the southwest, and that several of the homes within the residential zoning areas to the south have large setbacks from Rawles Avenue. Staff would note that property to the east of the subject site appears to be improved with a residential structure that is much closer than properties to the south, and that the site would still support an extension of the building to the south by 80 feet without the need for a front setback variance.
- The proposed industrial manufacturing use would not be likely to be an intense generator of traffic from either personal vehicles or trucks, and the requested height variance would be minor in nature and would match the existing height and architectural design of the existing facility. Therefore, staff would be able to recommend approval of those requested variances.
- However, staff feels that a request for a 60-foot deviation from setback requirements (in addition to the height and parking minimum variances requested) would lead to overdevelopment of the site beyond the size contemplated by the Ordinance. However, given the separation between the subject site and residential areas to the south, staff *would* be supportive of a front setback of 70 feet at the site for the building and parking areas (which would still allow for 150 feet of building expansion while preserving more green spaces and better approximating the requirement).

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

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Industrial	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	I-2	North: Industrial
South:	D-1	South: Residential
East:	I-4	East: Residential / Undeveloped
West:	C-S	West: Commercial
Thoroughfare Plan		
Rawles Avenue	Primary Collector	83-foot existing right-of-way and 80-foot proposed right-of-way
Rawles Court	Local Street	70-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	08/13/2025	
Site Plan (Amended)	10/14/2025	
Elevations	10/14/2025	
Elevations (Amended)	N/A	
Landscape Plan	10/14/2025	
Findings of Fact	08/13/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Pattern Book recommends this site to the Light Industrial working typology to allow for industrial production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. These typologies are often within industrial parks, and truck traffic should be separated from local or residential traffic. Light industrial land uses are contemplated but removed as recommended land uses when adjacent to living typologies.

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

- The property is also within an Industrial Reserve overlay intended for area that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.

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

95-Z-109, rezoning of 40.0 acres from the I-2-S zoning designation to the D-P zoning designation for 120 single-family residential lots, **withdrawn**.

ZONING HISTORY – VICINITY

2020DV1002 ; 405 Rawles Court (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for industrial development, with a 15-foot west yard and 10-foot south side yard, a five-foot east side yard and a 10-foot rear yard and to provide for outdoor storage of 148% of the gross floor area of the primary building (30-foot side and rear yards required, maximum 25% of gross floor area permitted), **approved**.

2008DV1066 ; 405 Rawles Court (north of site), VARIANCE OF DEVELOPMENT STANDARDS of the Industrial Zoning Ordinance to provide for a 24,000-square foot building with four loading spaces in front of the established front building line (not permitted), with maneuvering for truck loading and unloading within the right-of-way of Rawles Court (not permitted), and with an outdoor storage area of 1,740 square feet or 28 percent of the building within the I-2-S portion of the property (maximum 1,569.75-square feet or 25 percent of the building area permitted in the I-2-S district), **approved**.

2007DV3014 ; 9351 Rawles Avenue (southeast of site), variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish (a) the operation of a guttering contractor with the outdoor storage of four commercial vehicles; (b) a 40-foot tall, 5.786 square foot detached garage; (c) with a seven-foot east side yard setback; (d) being in front of the established front building line set the primary structure; (e) resulting in an accessory building area of 5.785 square feet or 371 percent of the main floor area of the primary dwelling; (f) resulting in an accessory use area of 6.086 square feet or 195.3 percent of the total living area of the primary dwelling; and (g) an approximately 10,000-square foot gravel parking lot and vehicular turn-around in the front yard, **approved**.

2004DV1022 ; 402 Rawles Court (northwest of site), variance of development standards of the Industrial Zoning Ordinance to provide for a 24,960-square foot outdoor storage area equal to 100-percent of the total gross floor area of all enclosed structures and buildings (maximum 25-percent of the total gross floor area of all enclosed buildings and structures permitted for an outdoor storage area, **approved**.

2003ZON006 ; 9340 Rawles Avenue (west of site), rezone from I-2-S to C-S to provide for a gymnastics facility, **approved**.

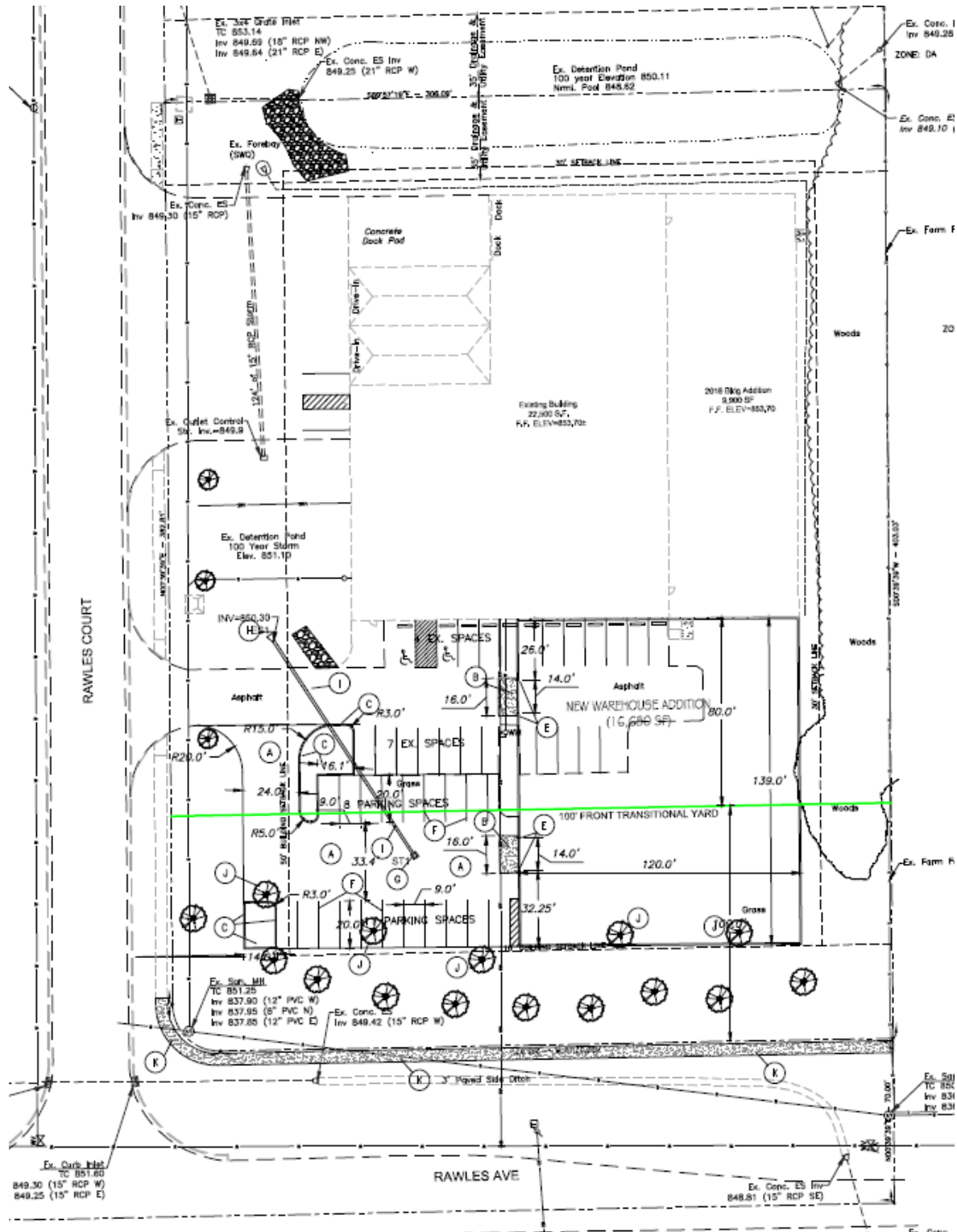
2000ZON166 ; 9150 Rawles Avenue (west of site), rezoning of 20 acres, being in the I-2-S District to the SU-9 District classification, to provide for a multi-purpose education support complex, containing a transportation center and maintenance facility, a building maintenance shop, warehousing, a laundry facility, meeting rooms and office space, **approved**.

EXHIBITS

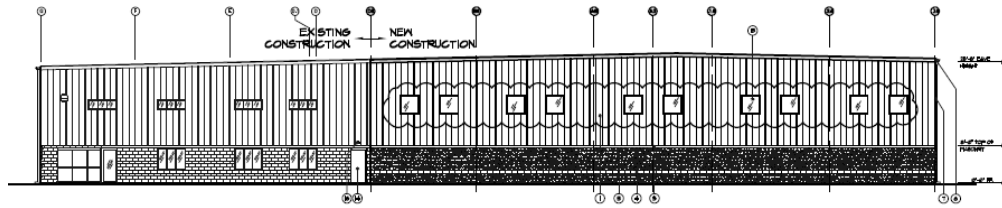
2025DV3032 ; Aerial Map



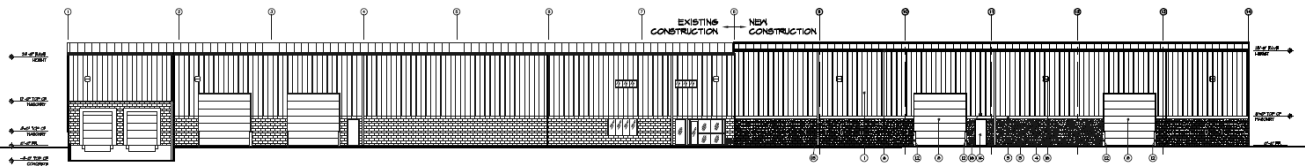
2025DV3032 ; Site Plan (10/14/25)



2025DV3032 ; Southern + Western Elevations



2 South Elevation
 SCALE = 1/16" = 1'-0"



3 West Elevation
 SCALE = 1/16" = 1'-0"

2025DV3032 ; Findings of Fact

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

The reduced front transitional yard will maintain a row of mature trees to screen the building expansion and parking area and additional evergreen trees will be planted to mitigate any visual impact on the general public.

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 residential uses directly across from the subject site have front yard setbacks hundreds of feet from the roadway and will not be affected in a negative manner. Additional residential homes cannot be constructed on these lots without a grant of a variance and subdivision plat.

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

The subject site has underground utilities and 2nd story office windows that prevent the expansion along the required 100-ft setback line.

The interior assembly line for the manufacturing of the facility's end product requires the expansion to be in the area as proposed so as not to disrupt the entire building layout.

The expansion is needed to keep the business operating at the current location in Warren Township for the long-term.

2025DV3032 ; Photographs



Photo 1: Subject Site Viewed from Southwest



Photo 2: Subject Site Viewed from South (without existing tree buffer)

2025DV3032 ; Photographs (continued)



Photo 3: Subject Site Viewed from West



Photo 4: Subject Site Viewed from South (with existing tree buffer)

2025DV3032 ; Photographs (continued)



Photo 5: Adjacent Property to South + Existing Sidewalk on Rawles Court



Photo 6: Rawles Avenue Frontage (no sidewalk)

2025DV3032 ; Photographs (continued)



Photo 7: Existing Tree Buffer + Project Area Viewed from Southwest



Photo 8: Adjacent Property + Buffer to East of Subject Site

2025DV3032 ; Photographs (continued)



Photo 9: Adjacent Property to Southeast



Photo 10: Adjacent Property to West

BOARD OF ZONING APPEALS DIVISION III

October 21, 2025

Case Number: 2025-DV3-033 (Amended)
Property Address: 7857 East 88th Street (approximate address)
Location: Lawrence Township, Council District #4
Petitioner: Yaijing Liu, by Roger Upchurch
Current Zoning: I-2
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building expansion resulting in a 38-foot rear transitional yard setback (50 feet required), without installation of the required frontage sidewalk.
Current Land Use: Industrial
Staff Recommendations: **Approval** of the rear setback variance and **denial** of the sidewalk variance.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the rear setback variance and **denial** of the sidewalk variance.

PETITION OVERVIEW

- 7857 East 88th Street is a property currently improved with an industrial building 5290 square feet in size and with accessory parking and loading areas within the eastern side yard. The previous use of this structure was for a handicapped therapy center with accessory outdoor recreation area (permitted by Use Variance), and the current tenant operates a cabinet and flooring store. Adjacent land uses include a roofing contractor to the north, a food broker office to the east, a physical therapy clinic to the west, and sport fields associated with a religious use to the south of the property (buffered by landscaping).
- Approval of this petition would allow for a building addition of 7824 square feet at the same height as the current structure which would expand the building's footprint to the west and to the south for additional storage space. Compliant parking and loading facilities and a screened service area would remain on the eastern portion of the property, and the new addition would result in a building size of 13,114 square feet (a 148% increase). Although a version of the site plan showing the installation of compliant sidewalks was submitted, the applicant ultimately has decided to pursue a variance to be exempt from those standards.

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

- Although the new western side yard setback of 30 feet would comply with Ordinance standards, the proposed rear yard setback of 38 feet is deficient and would require a Variance of Development Standards to be permitted since the required rear transitional yard for I-2 zoning in the Metro context area is 50 feet. An additional variance would be required for this layout given the Ordinance requirement for the installation of 5 linear feet of sidewalk per 100 square feet of building addition along eligible frontages abutting public rights-of-way.
- The property is zoned I-2 to allow for industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines; this district is often a buffer between protected districts and heavier industrial areas. Similarly, the Comprehensive Plan recommends it to the Office/Industrial Mixed-Use typology to allow for light industrial, distribution, and office uses conducted within enclosed structures.
- Findings of Fact provided by the applicant cite the wooded area to the south of the site buffering the lot from the church's sports fields and the lack of exterior storage or operations at the site as supporting arguments for approval of the setback variance. Staff would also note that the proposed setback is comparable to the 43-foot rear setback of the property to the east, and that while the addition itself is substantial the 12-foot encroachment into the required yard is relatively minor and would not be visible from the protected district to the south. Staff recommends approval of the variance related to the southern setback.
- However, no site-specific practical difficulty has been cited by the applicant to justify a variance from requirements for the installation of sidewalks. Correspondence with staff mentioned concerns about the price involved as well as the lack of sidewalks along 88th Street on neighboring sites. Staff would note that the provision of a well-connected and comprehensive pedestrian sidewalk network is a key component of the City's Vision Zero framework for the reduction of traffic fatalities, and that for areas where development has already occurred, this Ordinance provision would be one of the only ways to fill in gaps within that sidewalk network. Any building additions for neighboring properties would trigger similar requirements, and upholding the sidewalk provision in this regard would be the first step in a medium- to long-term iterative process whereby pedestrian connectivity for the office/industrial uses along this corridor could be achieved. Staff recommends denial of the variance related to the sidewalk installation.

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

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Industrial	
Comprehensive Plan	Office/Industrial Mixed-Use	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	I-2	North: Light Industrial
South:	SU-1	South: Sports Fields
East:	I-2	East: Light Industrial
West:	I-2	West: Light Industrial
Thoroughfare Plan		
88 th Street	Local Street	46-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	08/27/2025	
Site Plan (Amended)	10/08/2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	08/27/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Pattern Book

Pattern Book / Land Use Plan

- The Land Use Plan Pattern Book recommends this site to the Office/Industrial Mixed-Use (Business Park) working typology to allow for light industrial, distribution, and office uses conducted within enclosed structures within office/warehouse parks that are unlikely to create emissions of light, odor, noise, or vibrations. Light industrial uses are not recommended when adjacent to living or mixed-use typologies, and truck traffic should remain separate from local or residential traffic.

Red Line / Blue Line / Purple Line TOD Strategic Plan



Department of Metropolitan Development
Division of Planning
Current Planning

- 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

2014UV2001, Variance of use of the Industrial Zoning Ordinance to provide for an expansion to a handicapped therapy center, with an accessory outdoor recreation area (not permitted), **approved**.

2013UV2009, Variance of use of the Industrial Zoning Ordinance to provide for a handicapped therapy center, with an accessory outdoor recreation area (not permitted), **approved**.

ZONING HISTORY – VICINITY

2016DV1029 ; 7802 E 88th Street (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance, to provide for a parking lot, with a zero-foot front setback (30-foot front setback required, parking may not occupy more than 10% of the parking area) and an outdoor storage area comprising 205% of the building (maximum 25% permitted), **denied**.

2015UV2040 ; 7801 E 88th Street (west of site), Variance of use of the Industrial Zoning Ordinance to provide for general office uses (not permitted), **approved**.

2012UV1027 ; 7739 E 88th Street (west of site), Variance of use of the Industrial Zoning Ordinance to provide for a vocational training café for individuals with autism and neurodevelopmental disorders (not permitted), **approved**.

2010UV1013 ; 7901 E 88th Street (east of site), Variance of use of the Industrial Zoning Ordinance to provide for a handicapped / special needs therapy center (not permitted), **approved**.

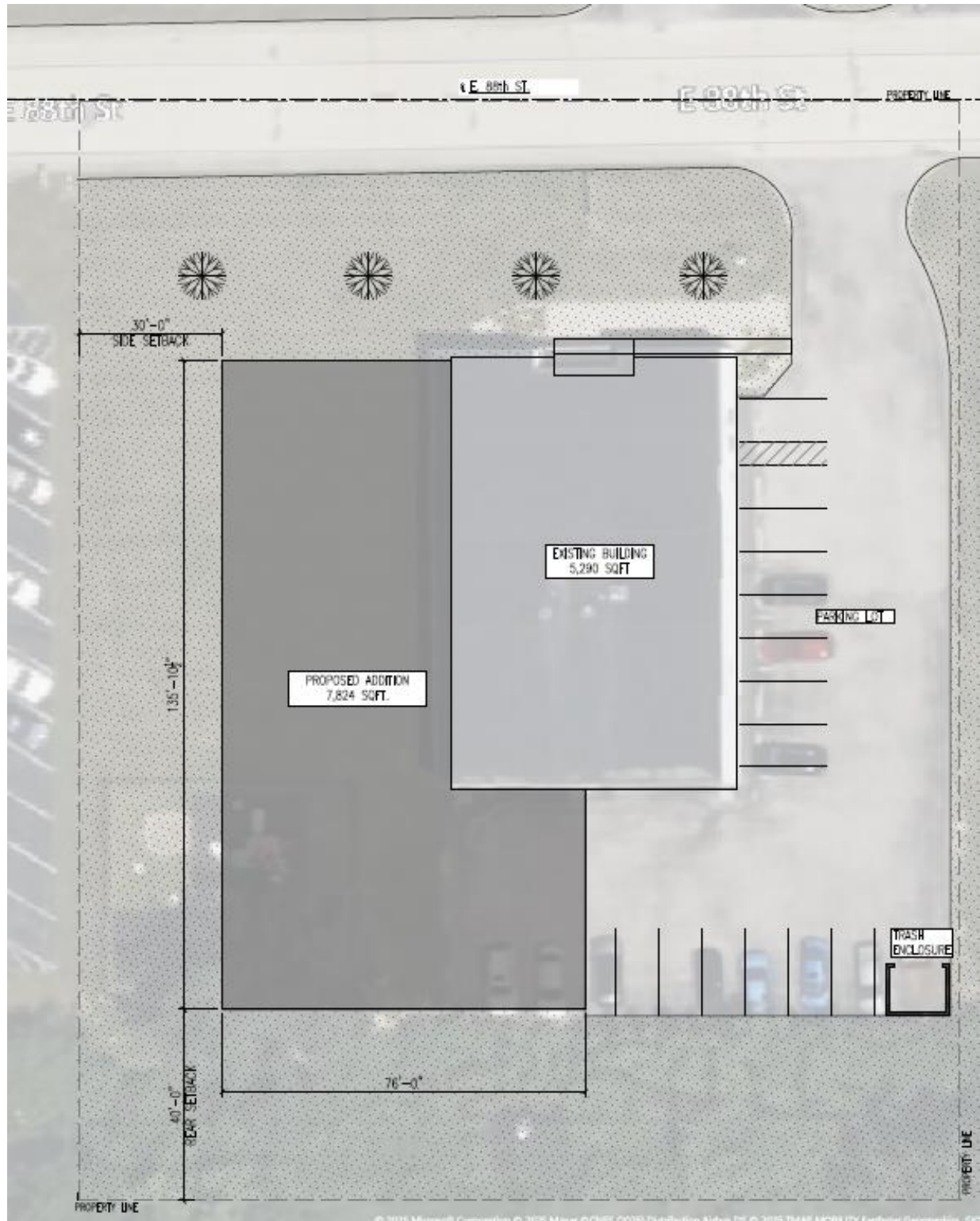
2007DV1005 ; 7802 E 88th Street (northwest of site), variance of development standards of the Industrial Zoning Ordinance to provide for a 2800 square foot building expansions with a 1050 square foot loading dock resulting in a 15-foot east side yard setback (minimum 30-foot side yard setback required) ad to provide for a parking lot expansions resulting in 42% of the required front setback being utilized for parking and maneuvering area (maximum 10% of the required front setback may be utilized for parking and maneuvering area), and to provide for truck maneuvering in the right-of-way of 88th Street (maneuvering not permitted in the right-of-way), **withdrawn**.

EXHIBITS

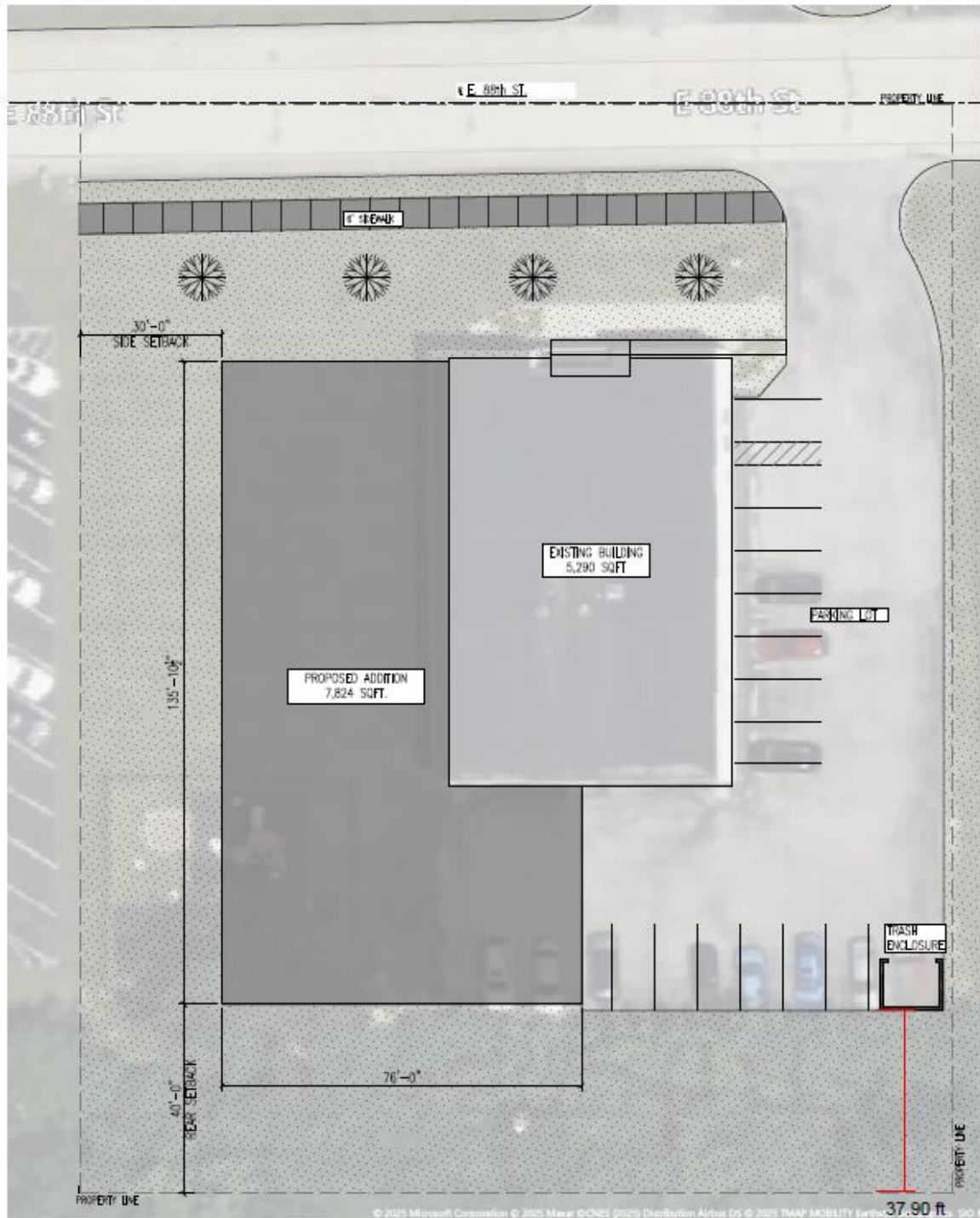
2025DV3033 ; Aerial Map



2025DV3033 ; Site Plan (without sidewalk; 10/8/2025)



2025DV3033 ; Site Plan (with sidewalk; 10/7/2025)



1 SITE PLAN
 SCALE: 1:30

2025DV3033 ; Findings of Fact

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

This addition is for Cabinet and flooring inventory and storage and the exterior will match existing commercial structures.

Nothing manufactured to affect the health and safety of the general welfare.

The proposed use or development will adhere to all applicable building codes, fire safety regulations, and environmental protections, health or safety.

ensuring no risk to public health or safety.

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

No exterior storage or items on exterior to affect the exterior image. The decor will match the existing commercial building.

There will be no traffic to the west and only loading and unloading in the rear.

The proposed variance aligns with the character and use of neighboring properties,

maintaining the overall aesthetic and functional integrity of the commercial area.

The rear is lined with a wooded area blocking the view of church land in rear.

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

The current 50 foot set back in the rear will not allow to build the addition as we need for the proper size for storage.

This is why we need the setback to be 30 foot and will not have any adverse effect on adjacent properties.

2025DV3033 ; Photographs



Photo 1: Subject Site Viewed from North (September 2024)



Photo 2: Subject Site Viewed from East

2025DV3033 ; Photographs (continued)



Photo 3: Subject Site Viewed from Southwest



Photo 4: Current Rear Parking Area + Adjacent Property to South/Southeast

2025DV3033 ; Photographs (continued)



Photo 5: Adjacent Property to Northwest



Photo 6: Adjacent Property to Northeast

2025DV3033 ; Photographs (continued)



Photo 7: Adjacent Property to West



Photo 8: Adjacent Property to East