



Board of Zoning Appeals Board of Zoning Appeals Division I (August 4, 2026) Meeting Agenda

Meeting Details

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

Date: Tuesday, August 04, 2026

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

2026-UV1-015 (Amended) | 1902 East 46th Street

Washington Township, Council District #7, zoned C-3 (W1)
DAST 2 LLC, by Thomas Kervan

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a storage container within the front yard, with a one foot front setback (accessory structures must be located to the rear of the building, 10 foot minimum front setback required), and with an off-premises sign to be posted on the structure (not permitted).

****Petitioner to request withdrawal.**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2026-DV1-028 | 1019 N Beville Avenue

Center Township, Council District #13, zoned D-5
Nickolas Gonzalez

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 7.5-foot tall privacy fence in the side and rear yards (maximum six-foot tall fence permitted in side and rear yards).

****A Registered Neighborhood Organization has automatically continued this petition to September 1, 2026.**

2. 2026-DV1-031 | 4850 West 78th Street

Pike Township, Council District #6, zoned I-2 (FF) / I-3
West 78th Street LLC, by Russell Webster

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for placement of 8-foot tall fence in front yards (maximum 3.5-foot fence permitted in I-2 and maximum 6-foot fence permitted in I-3), partially within the required clear-sight triangular area of 78th and Georgetown (not permitted), and partially within easements (not permitted).

****A timely automatic continuance has continued this petition to the September 1, 2026 hearing.**

3. 2026-DV1-033 | 8006 Meridian Hills Lane

Washington Township, Council District #2, zoned D-S
Christopher and Samantha Julka, by Adam Mears

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in an open space of 80 percent (85 percent open space required).

****An automatic continuance has continued this petition to the September 1, 2026 hearing.**

4. 2026-DV1-035 | 7485 Central Avenue (Town of Meridian Hills)

Washington Township, Council District #2, zoned D-1
Chris Duke & Timothy Moffit by Matt Petyon/Chris Duke

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the construction of a 6-foot fence in the front yard (fence height in the front yard limited to 3.5 feet or 4 feet when 30% or less opaque).

****Multiple parties have continued this petition to the October 6, 2026 hearing.**

5. 2026-UV1-019 | 8185 Sycamore Road

Washington Township, Council District #2, zoned D-2
Rachel M. Simon, by Thomas Kail

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the construction of a 24' x 36' (864 square feet) playhouse in the established front yard (minor residential structures not permitted in the established front yard setback).

****This petition has been continued to the September 1, 2026 hearing.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

6. 2026-DV1-026 | 1814, 1838, 1857, 1859, 1918 & 1941 Tallman Avenue, and 2741 & 2755 Columbia Avenue

Center Township, Council District #8, zoned D-5
City of Indianapolis Department of Metropolitan Development, by Matthew Hostetler

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of duplexes on lots with deficient width (60-foot width required) and 4.5-foot building setbacks and reduced walkway setbacks on lots with a width of 35 feet (5-foot building setbacks and 2-foot walkway setbacks required).

7. 2026-DV1-027 | 330 North Arsenal Avenue

Center Township, Council District #13, zoned D-8
330 N Arsenal Ave LLC, by Alltrue Construction LLC

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a deck and stairs to protrude 4 feet into the required corner side yard setback (8-foot corner side setback required).

8. 2026-DV1-030 | 1406 South Capitol Avenue

Center Township, Council District #18, zoned D-8
Central at Old Southside, LP, by Carl Frey

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 227-unit residential development with parking in front of the front building line (not permitted) and a front building line beyond the allowable front building line range (the front building line must be between 20 and 50 feet in the neighborhood yard frontage type).

9. 2026DV1032 | 3213 Lowry Road

Wayne Township, Council District #11, zoned D-5
Josh Smith

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a garage and master bedroom addition attached to an existing home within a 4ft side yard setback (required 7 ft side yard setback).

10. 2026-DV1-034 | 4907 Rowney Street

Center Township, Council District #19, zoned D-3
Abisai Lopez Jimenez & Roxana E Lopez, by Joe Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1-foot side yard setback for a covered patio (4-foot required).

11. 2026-DV1-037 | 1515 South Drover Street

Center Township, Council District #18, zoned I-4
Ingredion Incorporated, by Jamilah Mintze

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit erection of several accessory structures proposed as part of a co-generation facility within the required 30 feet front setback measured from the right-of-way of White River Parkway (West Drive). The structures vary from 1.5 feet to 29 feet from the right-of-way line, 50-feet required. Without landscaping (landscaping required).

12. 2026-DV1-038 | 1825 Marlowe Avenue

Center Township, Council District #13, zoned D-8
Excelsior LLC, Joe Smoker

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit a 4-foot corner side-yard setback (8-foot corner side-yard setback required), a 5-foot rear-yard setback for the primary residence (15-foot rear-yard setback required), a 1-foot rear-yard setback for the stoop and the sidewalk (5-foot rear-yard setback required), a 4-foot front building line (10-foot front building line required), and a partial encroachment of the covered porch into the clear site triangle (not permitted).

13. 2026-UV1-008 | 1852 Shelby Street

Center Township, Council District #18, zoned MU-1
The 8Forty, LLC, by Justin Kingen

Variance of use to allow for single-family attached dwellings in the MU-1 district (not permitted) and a variance of development standards to allow for a 37.5-foot wide lot (50-foot minimum lot width required), a 12-foot front building line (0-10 feet required), lack of a primary entrance feature on the front façade (not permitted), a front building line encompassing 42.66% of the lot width (minimum 80% required), a trash enclosure within the 15-foot rear yard setback (not permitted), and a 5-foot side yard setback (minimum 10-foot side yard setback required).

14. 2026-UV1-012 | 2355 West Morris Street, and 1211 and 1220 South Tremont Street

Wayne Township, Council District #17, zoned D-5 / C-4
Hurst Properties LLC, by Heath Hurst

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for administrative office space (not permitted in D-5) and for office uses with deficient vehicle and bicycle parking spaces (10 vehicle and 3 bicycle spaces required).

15. 2026-UV1-018 | 5160 E 65th Street

Washington Township, Council District #3, zoned I-2
Daniel Mattingly; Dast V, LLC

Variance of Use and Development Standard of the Consolidated Zoning and Subdivision Ordinance to permit the construction of a 9600 square foot, 1 story, building to be used as a private sports training facility for baseball, softball, volleyball and will include a golf simulator, classified as an Indoor Recreation and Entertainment Use. To allow a lot to be developed with a street frontage of 0 feet, 75 feet less than is required in the metro context. To have a reduced western side setback of 20 feet, which is 10 feet less than the minimum required side setback of 30 feet in the metro context.

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

16. 2026-DV3-011 | 3603 South Meridian Street

Perry Township, Council District #18, zoned SU-1 (FF)
Roman Catholic Archdiocese of Indianapolis, Properties Inc as Trustee for St Roch, Catholic Church Indianapolis Inc., by Wooton Hoy (John Cross)

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an 8-foot fence in the front yard (fences taller than 4 feet not permitted in front yards) and located within the clear sight triangle (not permitted).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

17. 2026-DV1-013 (Amended) | 2440 Lafayette Road

Wayne Township, Council District #11, zoned C-4
Lafayette Center LLC, by Sean Mastain

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall perimeter chain link fence (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards and requires coating in side yards).

18. 2026-DV1-020 (Amended) | 6129 South Emerson Avenue

Franklin Township, Council District #24, zoned D-A
Daniel and Jennifer Taylor, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 4,800-square foot detached accessory structure, with a larger foot-print than the primary dwelling (accessory structures must be smaller than the primary dwelling).

PETITIONS FOR PUBLIC HEARING (New Petitions):

Additional Business:

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

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

Member	Appointed By	Term
Peter Nelson, Chair	Mayor's Office	January 1, 2025 – December 21, 2025
David Duncan, Secretary	Mayor's Office	January 1, 2025 – December 21, 2025
Jennifer Whitt	City-County Council	January 1, 2025 – December 21, 2025
Andrew Katona	Metropolitan Development Commissions	January 1, 2025 – December 21, 2025
VACANT	City-County Council	N/A

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number: 2026-UV1-015 (Amended)
Address: 1902 East 46th Street (approximate address)
Location: Washington Township, Council District #7
Zoning: C-3 (W1)
Petitioner: DAST 2 LLC, by Thomas Kervan
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a storage container within the front yard, with a one foot front setback (accessory structures must be located to the rear of the building, 10 foot minimum front setback required), and with an off-premises sign to be posted on the structure (not permitted).

Current Land Use: Commercial building

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause from the July 7, 2026, hearing, to the August 4, 2026, hearing, to amend the petition and provide new notice.

The petitioner has requested that this petition **be withdrawn**.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number: 2026-DV1-028
Address: 1019 N Beville Avenue (approximate address)
Location: Center Township, Council District #13
Zoning: D-5
Petitioner: Nickolas Gonzalez
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 7.5-foot tall privacy fence in the side and rear yards (maximum six-foot tall fence permitted in side and rear yards).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued for cause to the August 4, 2026, hearing, to allow time for the petitioner to provide legal notice.

A Registered Neighborhood Organization has filed a timely automatic continuance, continuing this petition from the August 4, 2026 hearing to the September 1, 2026 hearing. This would just require the Board's acknowledgement.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number: 2026-DV1-031

Property Address: 4850 West 78th Street and 7750 Georgetown Road (approximate addresses)

Location: Pike Township, Council District #6

Petitioner: Lilly Indy RLT, by Russell Webster

Current Zoning: I-2 (FF) / I-3

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for placement of 8-foot tall fence in front yards (maximum 3.5-foot fence permitted in I-2 and maximum 6-foot fence permitted in I-3), partially within the required clear-sight triangular area of 78th and Georgetown (not permitted), and partially within easements (not permitted).

Current Land Use: Industrial

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization. This petition will be automatically continued for initial hearing at the September 1, 2026 hearing date of Division I. A full staff report will be made available at that point in time.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number: 2026-DV1-033
Address: 8006 Meridian Hills Lane (approximate address)
Location: Washington Township, Council District #2
Zoning: D-S
Petitioner: Christopher and Samantha Julka, by Adam Mears
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in an open space of 80 percent (85 percent open space required).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

A Registered Neighborhood Organization has filed a timely automatic continuance, continuing this petition from the August 4, 2026 hearing to the September 1, 2026 hearing. This would just require the Board's acknowledgement.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number: 2026-DV1-035

Property Address: 7485 Central Avenue (Town of Meridian Hills) (approximate address)

Location: Washington Township, Council District #2

Petitioner: Chris Duke & Timothy Moffit, by Matt Petyon & Chris Duke

Current Zoning: D-1

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the construction of a 6-foot fence in the front yard (fence height in the front yard limited to 3.5 feet or 4 feet when 30% or less opaque).

Current Land Use: Single-family residence

Staff Reviewer: Josh Levesque, Senior Planner

PETITION OVERVIEW

- Staff is supporting a two-month continuance to the October 6th, 2026, BZA I hearing to allow for further discussions with the Town of Meridian Hills.



Department of Metropolitan Development
Division of Planning
Current Planning

Board of Zoning Appeals Division I

August 4, 2026

Case Number: 2026-UV1-019

Property Address: 8185 Sycamore Road (*approximate address*)

Location: Washington Township, Council District #2

Petitioner: Rachel M. Simon, by Thomas Kail and Troy Whitaker

Current Zoning: D-2

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the construction of a 24' x 36' (864 square feet) playhouse in the established front yard (minor residential structures not permitted in the established front yard setback).

Current Land Use: Single-family home

Staff Reviewer: Josh Levesque, Senior Planner

PETITION OVERVIEW

- A registered neighborhood organization has filed a timely automatic continuance for this petition. This petition will be continued to the September 1st, 2026, BZA I hearing. This continuance merely requires the boards acknowledgement.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number:	2026-DV1-026
Property Address:	1814, 1838, 1857, 1859, 1918 & 1941 Tallman Avenue, and 2741 & 2755 Columbia Avenue (<i>approximate addresses</i>)
Location:	Center Township, Council District #8
Petitioner:	City of Indianapolis Department of Metropolitan Development, by Matthew Hostetler
Current Zoning:	D-5
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of duplexes on lots with deficient width (60-foot width required) and 4.5-foot building setbacks and reduced walkway setbacks on lots with a width of 35 feet (5-foot building setbacks and 2-foot walkway setbacks required).
Current Land Use:	Undeveloped
Staff Recommendations:	Staff recommends approval of the requested variances.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

7/7/26: This petition was continued one month to allow time for the posting and mailing of legal notice.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested variances.

PETITION OVERVIEW

This land use request encompasses eight (8) total parcels in the Martindale-Brightwood area: six (6) of the subject lots are located along Tallman Avenue (both east and west) near the intersections of Hillside Avenue, Langley Avenue, and Lawrence Street, while the other two (2) properties front on Columbia Avenue near the 28th Street intersection around 1.5 miles to the north of the Tallman parcels. The lots are owned by the City of Indianapolis, have widths ranging from 35 to 45 feet, and are not developed.

Approval of these variances would allow for the construction of stacked duplexes on each of the subject lots in a manner similar to the site plan, elevations, and floor plans provided within the Exhibits below (with small variations on applicable setbacks and the design of front elevations between each individual building). There would be one (1) dwelling unit on each floor of the proposed buildings, which would have footprints of approximately 1460 square feet and would have a combination of on-street parking and rear yard parking pads to provide vehicle spaces in accordance with Ordinance minimums.



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

These designs would require the grant of three (3) variances of development standards:

- The minimum required lot width for construction of duplexes within the D-5 zoning district is 60 feet. Each of the eight (8) parcels would require a variance to allow for duplex construction on lots ranging from 35 to 45 feet in width.
- The side setbacks proposed for lots with 35 feet of width are marked as being 4.5 feet from side property lines on plans. The minimum requirement would be 5 feet, which would mean that five (5) of the eight (8) properties would require variance relief for building side setbacks.
- The Ordinance classifies internal walkways as minor residential features, which would require a setback of at least 2 feet. Provided site plans indicate encroachment of walkways into this required separation, which would be the third and final variance required.

Findings of Fact provided by the applicant indicate that the construction of duplexes in this area would add affordable housing to the neighborhood (through the Vacant 2 Vibrant program), and that building duplexes on standard-width city lots would be impossible without grant of this variance. Staff notes that lots in this area almost exclusively have widths less than 60 feet, and that although many properties along Tallman and Columbia are single-family homes **(a)** the use of a duplex is permitted by-right in D-5 and **(b)** each block *does* appear to have two-unit structures, meaning that this would not be an introduction of a new typology or inconsistent with Infill Housing Guidelines. Additionally, the setback variances requested are minor in nature (0.5 feet) and the encroachment of walkways into side yards would not create negative externality for surrounding properties. For these reasons, staff recommends **approval** of the requested variances.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
Tallman Avenue	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Columbia Avenue	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	05/20/2026	



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

Site Plan (Amended)	N/A
Elevations	05/20/2026
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	05/20/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. Detached housing is a contemplated land use for this 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

- Spacing between buildings should establish a rhythm and pattern along a street, with existing spacing on the block reinforced, limits on uncharacteristically large gaps between houses, and adequate room for maintenance of homes and buildings.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2026DV1019 ; 1630 East 18th Street (south of Tallman properties), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with a 4.5-foot west side yard setback (five feet side setback required), and a 9-foot rear setback (20-foot rear setback required), **approved.**

2024DV3034 ; 2739 Columbia Avenue (south of Columbia properties), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit-multi-unit-house with walkways and parking areas maintaining zero-foot side yard setbacks (two and five feet required, respectively) with vehicles encroaching within the alley clear sight triangle (not permitted), **withdrawn.**

2024DV3033 ; 2731 Columbia Avenue (south of Columbia properties), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit-multi-unit-house with walkways and parking areas maintaining zero-foot side yard setbacks (two and five feet required, respectively) with vehicles encroaching within the alley clear sight triangle (not permitted), **approved.**

2012HOV004 ; 2734 Columbia Avenue (west of Columbia properties), Special Exception to provide for a religious to add a 484-square foot addition for ADA restrooms, **approved.**

2010SE1003 ; 2748 Doctor A.J. Brown Avenue (east of Columbia properties), Special exception of the Dwelling Districts Zoning Ordinance to provide for a 1,287-square foot building addition for a religious use, with off-street parking with a two-foot rear setback (20-foot setback required) and to provide for a five-foot tall free-standing sign with a eleven-foot front setback (15-foot front setback required), **approved.**

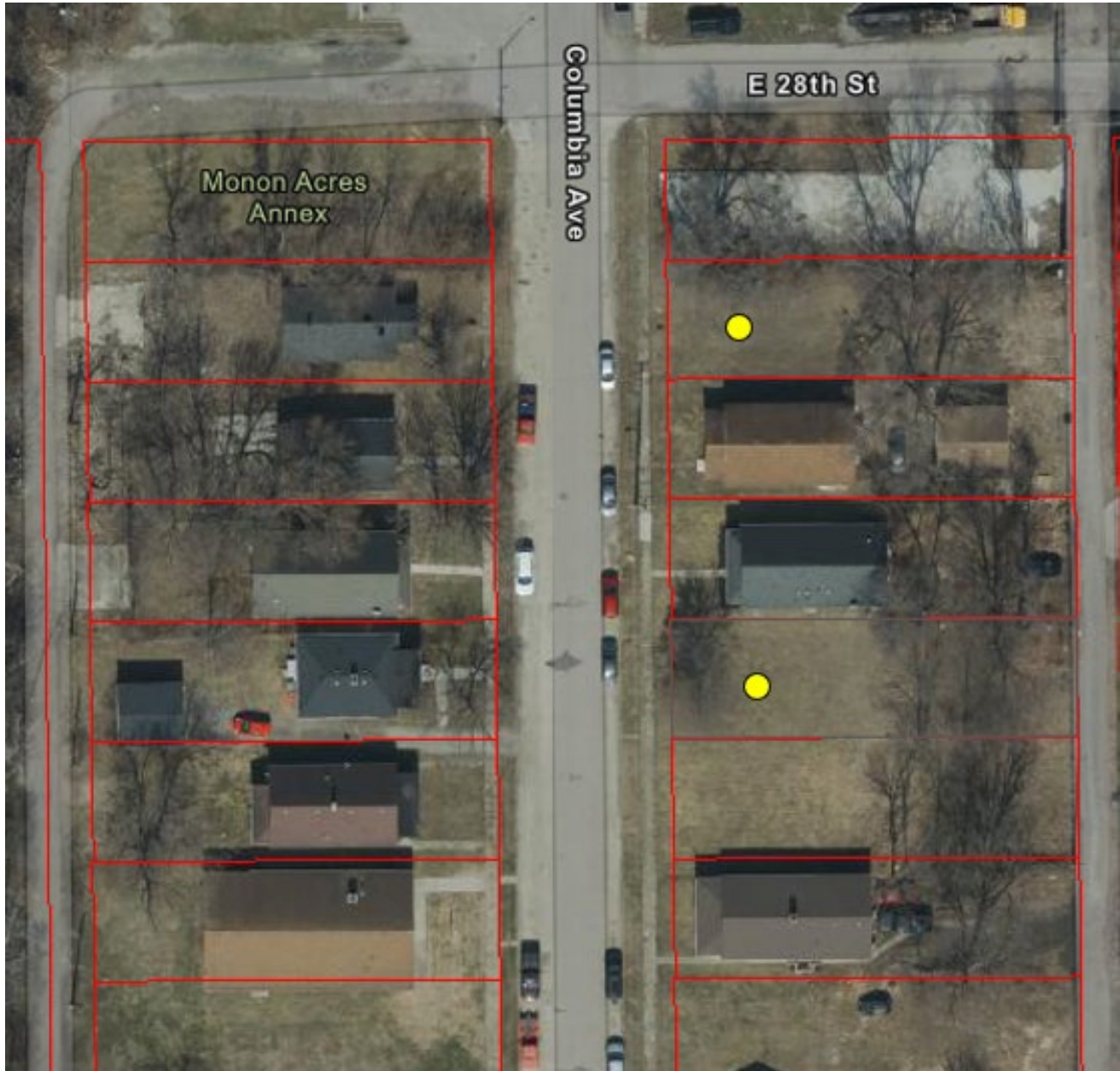
2009SE3004 ; 1802 Tallman Avenue (south of Tallman properties), Special Exception of the Dwelling Districts Zoning Ordinance to provide for the expansion of a religious use, with a 3,200-square foot building addition, with an 8.5-foot front setback from the existing right-of-way line of Roosevelt Drive (minimum 30-foot front setback required), with 30 existing off-street parking spaces, **approved.**

EXHIBITS

2026DV1026 ; Aerial Map with Site Locations (Tallman Addresses)



2026DV1026 ; Aerial Map with Site Locations (Columbia Addresses)





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

2026DV1026 ; Project Description

Bentley Construction LLC is redeveloping Vacant to Vibrant properties in the Martindale Brightwood Neighborhood with stacked duplexes. These properties are being developed for resale. These duplexes will conform with the context of the neighborhood and conform to the infill housing guidelines.

Development is proposed on the following City-owned properties:

Address	Parcel	Current Zoning	Effective Frontage	Effective Depth	Deficient Side Setback	Deficient Lot Width
1941 Tallman Ave.	1035671	D5	35	140	Yes	Yes
1918 Tallman Ave.	1035054	D5	35	140	Yes	Yes
1859 Tallman Ave.	1046931	D5	35	140	Yes	Yes
1857 Tallman Ave.	1033374	D5	35	140	Yes	Yes
1838 Tallman Ave.	1059843	D5	35	140	Yes	Yes
1814 Tallman Ave.	1023532	D5	45	140	No	Yes
2755 Columbia Ave.	1078040	D5	41	140	No	Yes
2741 Columbia Ave.	1066574	D5	40	140	No	Yes

2026DV1026 ; Findings of Fact

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

This stacked duplex will conform to the neighborhood context.

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

This house will fit into the neighborhood and will add new affordable housing to the area.

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

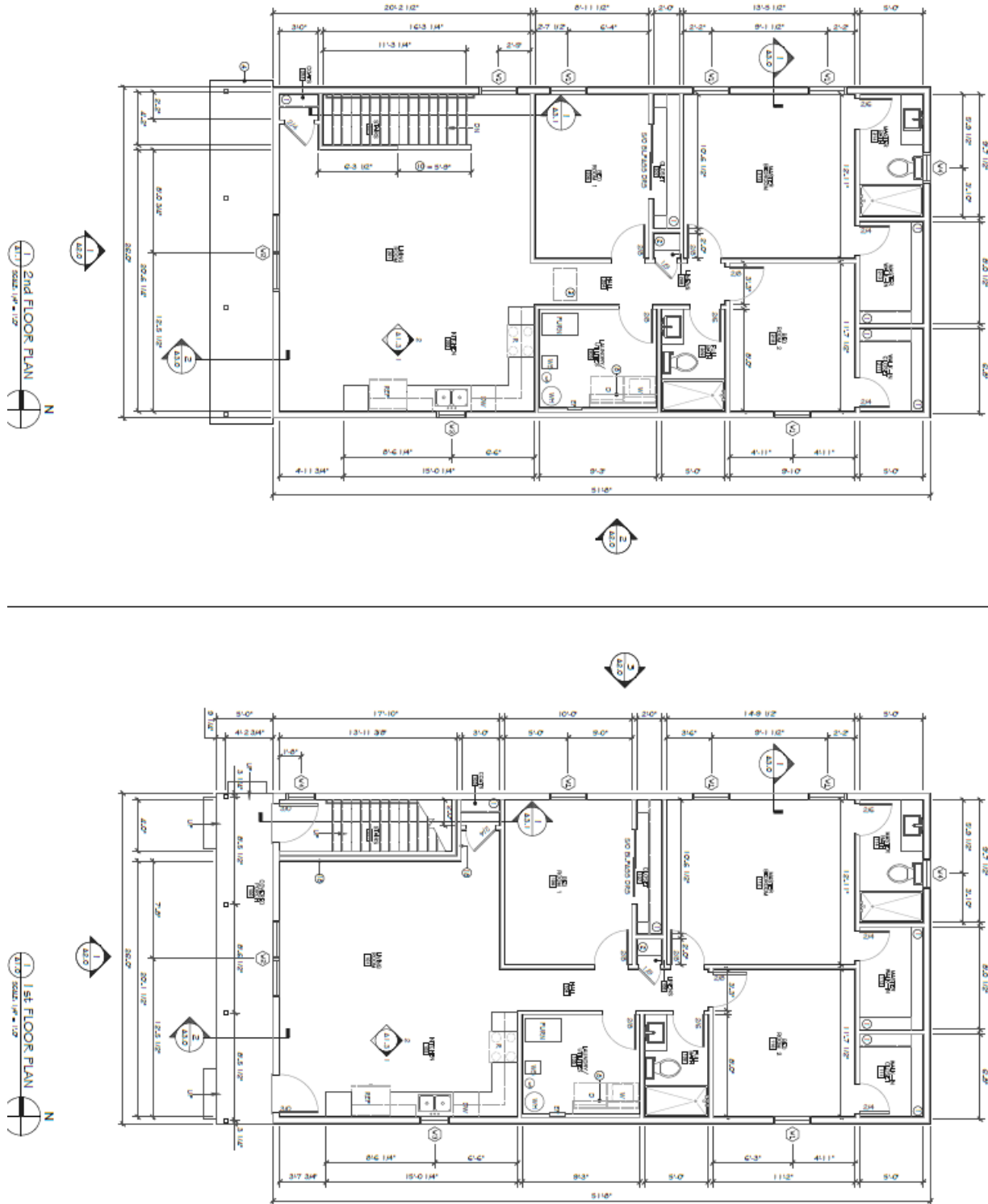
The strict application of the terms of the zoning ordinance would make it impossible to build duplexes in this area on a standard city lot.

--

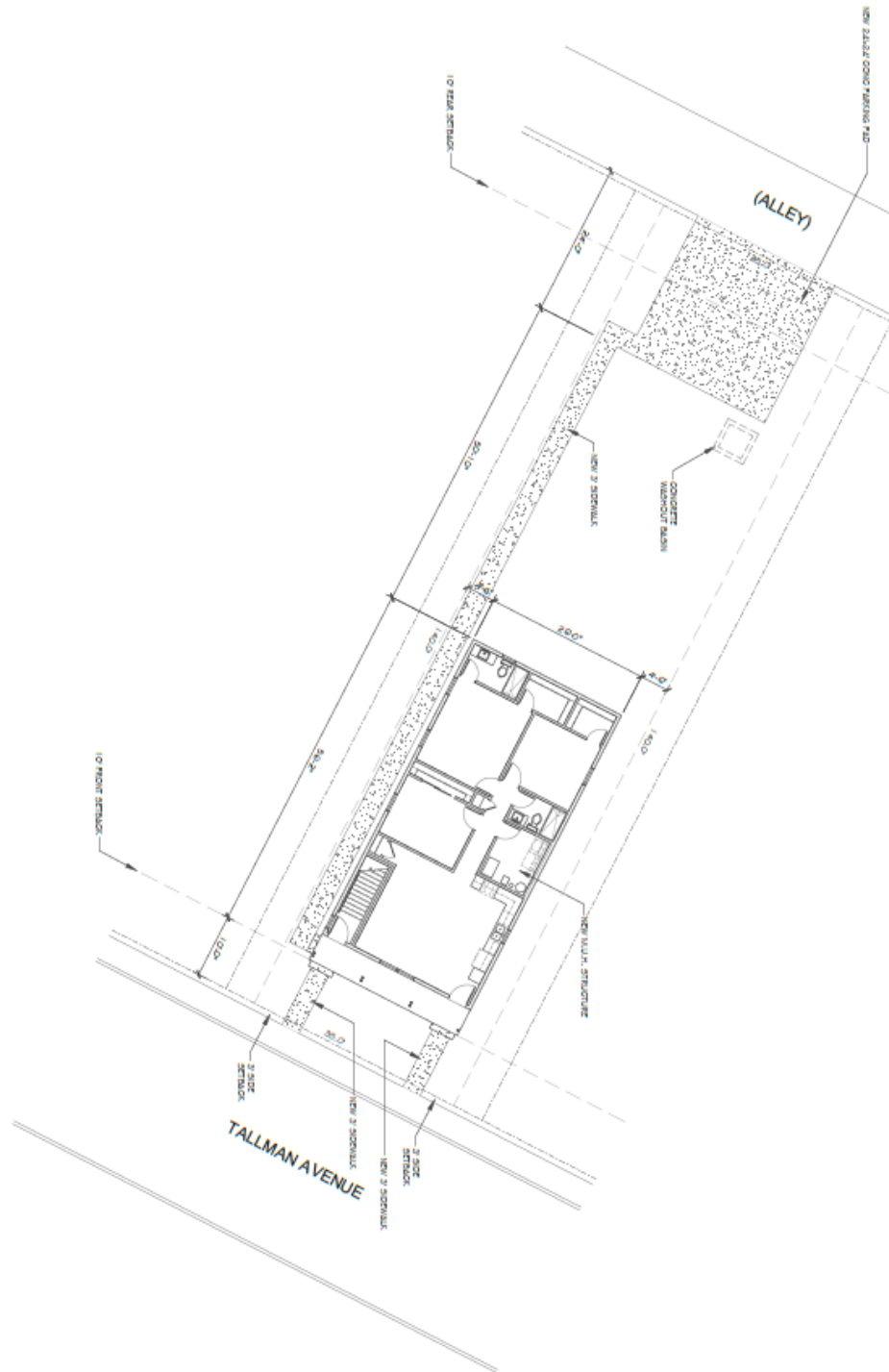
2026DV1026 ; Elevations (1814 Tallman; Similar for Each)



2026DV1026 ; Floorplans (1814 Tallman; Similar for Each)



2026DV1026 ; Site Plan (1814 Tallman; Similar for Each)



2026DV1026 ; Photographs



Photo 1: 1814 Tallman Avenue



Photo 2: 1838 Tallman Avenue

2026DV1026 ; Photographs (continued)



Photo 3: 1857 Tallman Avenue



Photo 4: 1859 Tallman Avenue

2026DV1026 ; Photographs (continued)



Photo 5: 1918 Tallman Avenue

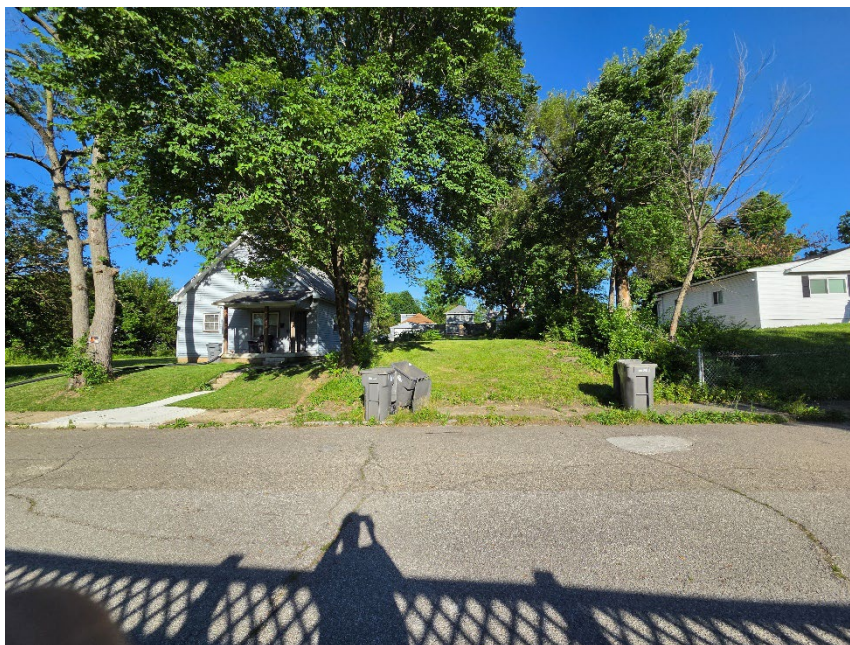


Photo 6: 1941 Tallman Avenue

2026DV1026 ; Photographs (continued)



Photo 7: 2741 Columbia Avenue



Photo 8: 2755 Columbia Avenue



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number: 2026-DV1-027

Property Address: 330 North Arsenal Avenue (approximate address)

Location: Center Township, Council District #13

Petitioner: 330 N Arsenal Ave LLC, by Alltrue Construction LLC

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a deck and stairs to protrude 4 feet into the required corner side yard setback (8-foot corner side setback required).

Current Land Use: Residential

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This case was previously continued from the July 7th, 2026, BZA I hearing to the August 4th, 2026, BZA I hearing due to an affidavit of notice not being on file. Said affidavit is now on file.

STAFF RECOMMENDATION

Staff recommends **approval** of the variance.

PETITION OVERVIEW

- 330 North Arsenal Avenue is a duplex on the southwest corner of Arsenal Avenue and New York Street. While it is unclear as to when exactly this property became a duplex, property record cards indicate the structure has been on the property since around 1900.
- The property is zoned D-8 as are properties to the north and west. Properties to the south and east are zoned D-5.
- The petitioner is requesting a variance to allow for a deck and stairs to encroach into 4 feet into the required 8-foot corner side setback.
- Under current Ordinance standards, the minimum lot width for a duplex is required to be 60 feet. This duplex, which predates those standards, is on a lot roughly 38 feet wide. This deficient lot width limits the amount of buildable space available to the petitioner. The petitioner has 22 feet less space to work with.
- Staff will note that these stairs are an important secondary means of ingress and egress and the stairs, as constructed, still leave room to walk alongside the house if needed. Furthermore, the

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

house is separated from the multi-use path by a retaining wall. The stairs exit into the rear yard as opposed to onto the multi-use path and the retaining wall adds an element of visual separation between the stairs and the path. Staff has also confirmed that the stairs do not impact the clear sight triangle.

- Based on the existing lot's deficient width making it difficult to meet duplex development standards, the fact that the stairs do not cause conflicts with pedestrians and bikers using the multi-use path, and as there are no clear sight triangle concerns, staff recommends approval of this petition.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-8	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-8	West: Residential
Thoroughfare Plan		
New York Street	Primary Arterial	50-foot existing right-of-way and 78-foot proposed right-of-way
Arsenal Avenue	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/11/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/11/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS



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

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY – SITE

N/A

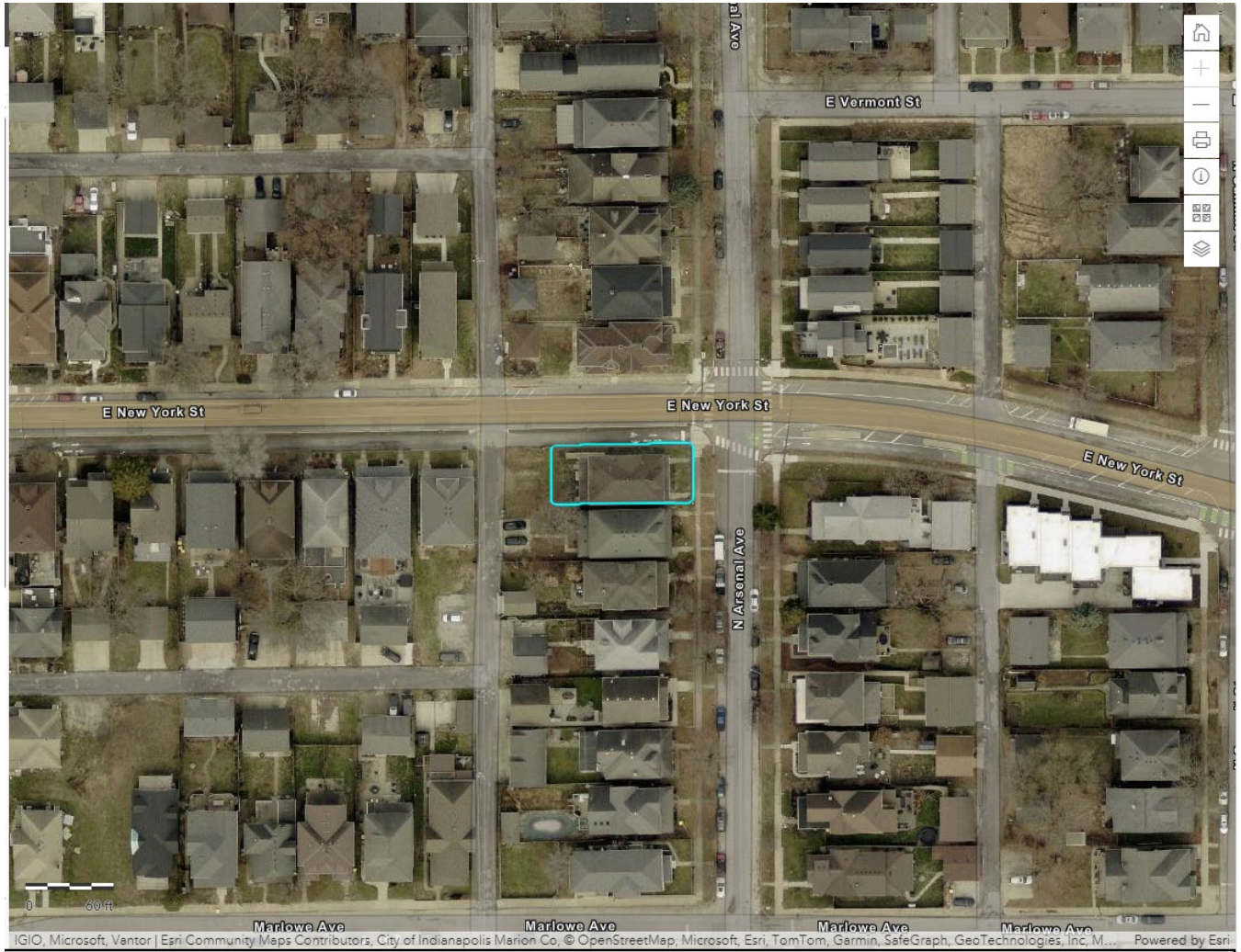
ZONING HISTORY – VICINITY

96-UV2-79; 1421 East New York Street (west of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a staircase with a 1-foot side yard setback, **approved subject to conditions.**

2000-UV2-023; 1430 East New York Street (northwest of site), Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish an off-site parking lot (not permitted) associated with a multi-family dwelling, **denied.**

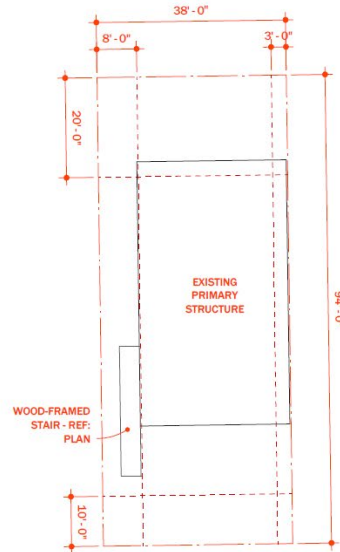
EXHIBITS

2026DV1027; Aerial Map



Department of Metropolitan Development
 Division of Planning
 Current Planning

2026DV1027; Site Plan



ZONING: D-8 DISTRICT
 SETBACKS:
 - FRONT: 20'
 - SIDE: 3'
 - SIDE: 8' (CORNER)
 - REAR: 10'
 MAX HEIGHT:
 - 2.5 STORIES
 - 35 FEET
 OPEN SPACE REQ'D:
 - 20%

1,720 SF LOT COVERAGE
 3,567 SF LOT SIZE
 ~52% OPEN SPACE

NOTE:

- Contractor shall maintain debris removal to the work site.
- Material staging and delivery shall be maintained on work site.
- Existing drainage patterns shall be maintained. No modifications to existing drainage patterns or systems.



2 Site Plan
 SCALE: 1/16" = 1'-0"

1 Vicinity Map
 SCALE: 1" = 160'-0"



Department of Metropolitan Development
Division of Planning
Current Planning

2026DV1027; Findings of Fact

1. There exists a good and sufficient cause for the requested variance because:

It will allow for adequate egress from the second floor. It will improve health and safety of the residence of the subject property.

2. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant because:

It will prevent free enjoyment of the subject property.

3. The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with other applicable laws or ordinances because:

The property sits in an area that has no active flood plane and the variance will not change any drainage from the property.

2026DV1027; Photographs



Photo 1: Subject site (partially obstructed by tree) as seen from Arsenal Avenue

2026DV1027; Photographs (continued)



Photo 2: Close-up subject site from corner of Arsenal Avenue and New York Street

2026DV1027; Photographs (continued)



Photo 3: View of stairs seen from multi-use path on New York Street looking west.

2026DV1027; Photographs (continued)



Photo 4: Another view of stairs from rear of property



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number: 2026-DV1-030

Property Address: 1406 South Capitol Avenue (approximate address)

Location: Center Township, Council District #18

Petitioner: Central at Old Southside, LP, by Carl Frey

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 227-unit residential development with parking in front of the front building line (not permitted) and a front building line beyond the allowable front building line range (the front building line must be between 20 and 50 feet in the neighborhood yard frontage type).

Current Land Use: Undeveloped

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This case was previously continued from the July 7th, 2026, BZA I hearing to the August 4th, 2026, BZA I hearing due to an affidavit of notice not being on file. Said affidavit is now on file. The petitioner has been granted a conditional improvement location permit for this project.

STAFF RECOMMENDATION

Staff recommends **approval** of the variance.

PETITION OVERVIEW

- 1406 and 1419 South Capitol Avenue are two contiguous lots just south of the intersection of South Capitol Avenue and Arizona Street. These parcels comprise roughly 6.28 acres and are set for development of a large apartment complex. The parcels are flanked by D-5 to the north and east. To the south is the I-1 district and to the west is an I-4 district.
- The petitioner is requesting that they be able to build their 227-unit apartment (allowed for under 2025CZN813) with parking in front of the front building line. They are also requesting allowance for their building to be set back beyond the allowable front building range of between 20 and 50 feet. Staff will note that a 227-unit apartment building is already permitted at this site per 2025CMP813. This petition focuses on specific development standards for this apartment building.

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

- The requested variances do not stem from a substantial change to the site plans or a drastic deviation from the site plans shown in 2025CMP813. Rather, these variances represent a corrective measure allowing the project to move forward as intended.
- Staff will note the odd shape of the lot. The applicable frontage and parking placement standards are generally intended for regularly shaped parcels. Requiring the developer to adhere to the strict application of these standards would not only impact the way in which vehicles access the property, it would also impact maneuverability and impair the property's development in a manner consistent with its intended multifamily use. Additionally, as both Capitol Avenue and Illinois Street dead end, the ability of the apartment complex to offer off-street parking will be crucial to limiting competition for on-street parking and disruptions to the neighborhood.
- Given the odd shape of the lot, meeting the necessary frontage standards would create a difficulty functionally impacting the development. It is roughly 150 feet from the front lot line off of Illinois Street to the rear lot lines of the single-family homes fronting on Illinois. The stretch of parcel from Illinois Street to the complementary rear lot lines is too narrow for a building of this size. Forcing this building to wedge itself into this narrow area would: 1) create an awkward massing between the apartment and the single-family homes on the corner of Arizona Street and Illinois Street and 2) cut off a vital access drive for parking. While the D-8 district is intended to be a walkable neighborhood district, the fact that both Capitol and Illinois dead end changes the context as dead-end streets do not contribute significantly to walkability.
- Given the odd shape of the lot, the need to accommodate off-street parking in such a way that it lessens conflict with the neighborhood, and the fact that longer setbacks will help to create a better buffer between the new development and the established character of the neighborhood, staff recommends **approval** of this petition.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Residential	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Residential
South:	I-1 / I-4	South: Undeveloped / Industrial
East:	D-5	East: Residential
West:	I-4	West: Industrial
Thoroughfare Plan		
Capitol Avenue	Local Street	40-foot existing right-of-way and 48-foot proposed right-of-way
Illinois Street	Local Street	48-foot existing right-of-way and 48-foot proposed right-of-way

Arizona Street	Local Street	48-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/15/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/29/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

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

2025-CMP-813: All approved subject commitments/conditions

- Rezoning of 5.17 acres from the I-1 and D-5 district to the D-8 district to provide for multi-family dwellings
- Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family residential development using the Large Apartment Residential Building Type Standards to the subject site, to provide for minimum livability space ratio of 0.57, and for a floor area ratio of 0.83.
- Vacation of numerous streets and alleys with a waiver of the assessment of benefits

ZONING HISTORY – VICINITY

2010-ZON-018; 114 West Arizona Street (current address) (north of site), Rezoning of 0.30-acre, from the D-5 district, to the I-3-U classification to provide for medium industrial uses, **approved subject to commitments**

2015-CMP-837; 1334 South Meridian Street (current address) (north of site): All approved subject to commitments/conditions

- Rezoning of 4.89 acres from the I-3-U, D-8, and C-1 districts to the C-S classification to provide for a 17,500-square foot building addition and the manufacturing of construction equipment, air compressors and electric motor assemblies and I-2U uses, with exceptions, C-3C uses, multi-family dwelling units, and an off-site parking lot
- Variance of Development Standards of the Commercial Zoning Ordinance to legally establish and provide for a building and / or off-site parking lot, with a six-foot transitional north front setback along Orange Street, a six-foot west side setback along Meridian Street and a 10-foot front transitional setback along Charles Street

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

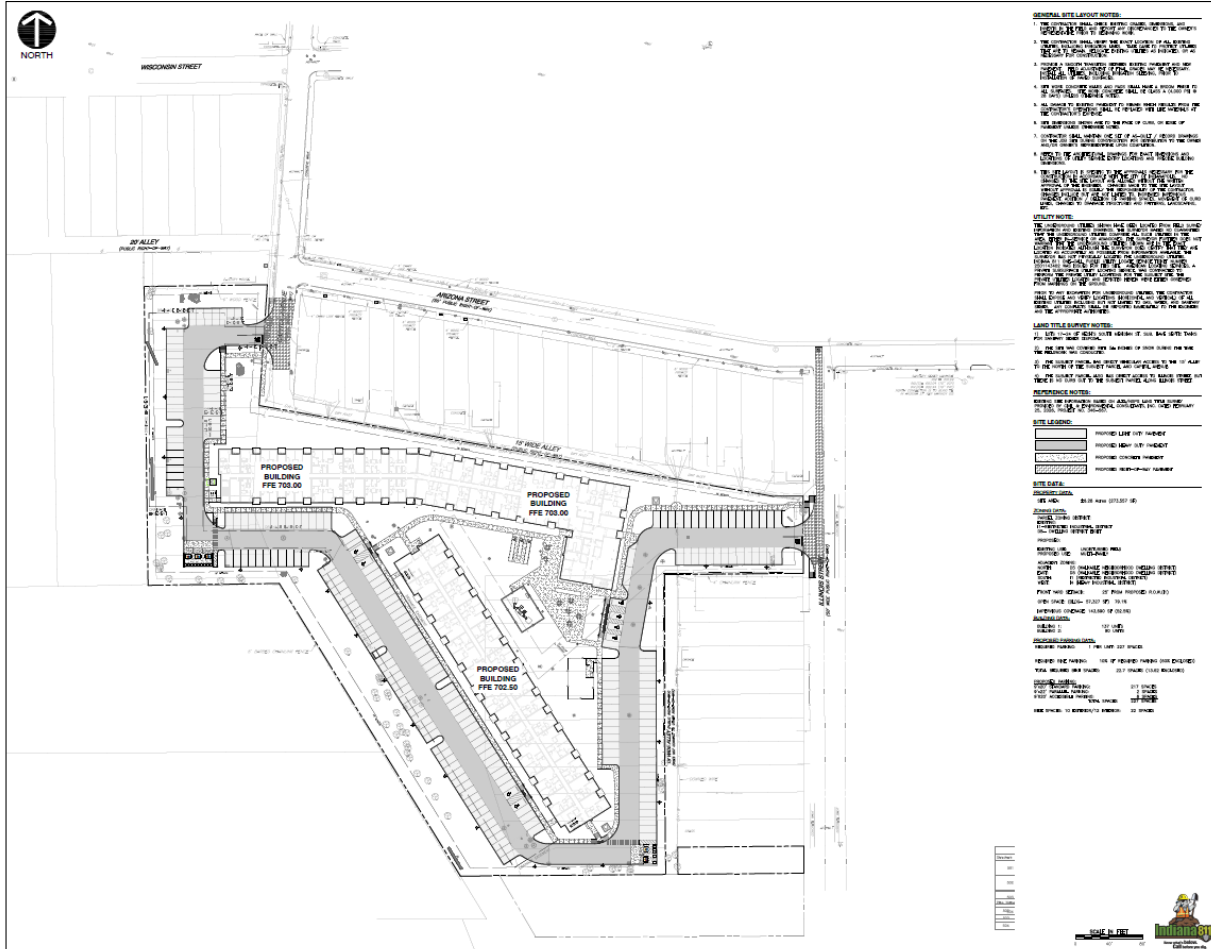
- Variance of Development Standards of the Commercial Zoning Ordinance to provide for a zero-foot front setback along Wisconsin Street, a zero-foot front yard along Meridian Street, and 10-foot south front and west side transitional yards

EXHIBITS

2026DV1030; Aerial Map



2026DV1030; Site Plan



2026DV1030; Findings of Fact (1)

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

The irregular configuration of the subject property and limited street frontages on two dead end roads, do not contribute significantly to walkable streetscapes and the mass of the proposed buildings would be inconsistent with the neighborhood character if similarly setback.

The requested variance allows for a coordinated and coherent site design with clearly defined vehicular access, improved sightlines, and a more appropriate separation between pedestrian and vehicular movements. This results in safer and more efficient site access and internal circulation than would otherwise be achievable under strict compliance.

Further, absent the variance, the site would be unable to reasonably accommodate necessary parking demand in a functional manner. This would shift parking demand to adjacent public streets, creating congestion, limiting parking availability for nearby properties, and potentially interfering with emergency access. The requested variance ensures that parking demand is accommodated on-site in a controlled and designed environment.

Accordingly, the variance facilitates a safer and more orderly development pattern and will not be injurious to the public health, safety, morals, or general welfare of the community.

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

The requested variance is for parking adjacent to an alley on one side and maintains existing open space against adjacent to single family housing. By accommodating parking demand internally, the development avoids adverse off-site impacts such as congestion and competition for on-street parking in the surrounding area. Landscape buffers will be incorporated as required to further enhance the areas adjacent the property.

The resulting site design will be orderly, with clearly defined access and circulation patterns, and will maintain and improve the undeveloped frontages. The development is appropriately situated to function as a transitional use between nearby single-family residential properties and adjacent industrial uses, thereby supporting compatibility within the surrounding context.

The variance does not introduce any impacts that would impair the use or enjoyment of adjacent properties. Rather, it ensures that the site can be developed in a coordinated and functional manner consistent with its zoning classification.

2026DV1030; Findings of Fact (2)

For these reasons, the requested variance will not adversely affect the use or value of adjacent properties in a substantially adverse manner.

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 property is characterized by a unique and irregular configuration.

The applicable frontage and parking placement standards are generally intended for regularly shaped parcels and do not readily accommodate the subject property's atypical geometry. Strict compliance would require the building to be configured in a manner that introduces an artificial and impractical protrusion toward the street solely to meet frontage requirements, resulting in a disjointed building form and compromised site functionality.

Such a configuration would disrupt internal circulation, reduce the efficiency and amount of parking, and impair safe and direct access within the site. As a result, there is no reasonable conforming design alternative that would allow the property to be developed in a functional manner consistent with its intended multifamily residential use while fully complying with the ordinance.

The requested variance represents the minimum necessary relief to accommodate the property's unique physical constraints and to permit a safe, efficient, and coordinated site design. Accordingly, strict application of the ordinance results in practical difficulties in the use of the property.

2026DV1030; Photographs



2026DV1030; Photographs (continued)



2026DV1030; Photographs (continued)



2026DV1030; Photographs (continued)



2026DV1030; Photographs (continued)





Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

August 04, 2026

Case Number: 2026-DV1-032

Property Address: 3213 Lowry Rd. (approximate address)

Location: Wayne Township, Council District #11

Petitioner: Josh Smith

Current Zoning: D-5

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a garage and primary bedroom addition attached to an existing home within a 4-foot east side yard setback (required 7-foot side yard setback).

Current Land Use: Residential - Single Family Dwelling

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

Staff Reviewer: Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

This is the first public hearing of this petition.

STAFF RECOMMENDATION

Staff recommends **approval** for this petition.

PETITION OVERVIEW

3213 Lowry Road is a residential parcel within the suburban subdivision Eagledale 3rd Section Part 2 between West 34th Street and Thrush Drive. The currently improved single-family residence was originally constructed around 1972 and with a garage & master bedroom addition that appears to have been built in Fall 2025 from aerial photography. The property is accessed by driveway from Lowry Rd to the south and surrounding land-uses are single-family residential in nature.

The parcel has a split flood zone with a 100-year flood fringe and a 500-year flood fringe (flood zone X). The garage and master bedroom addition is placed on the 500-year flood fringe (flood zone x). According to FEMA, “a 500-year flood fringe is the portion of the floodplain that lies outside the floodway with 0.2% chance of flood at any given year.” Therefore, adding additions will have a very little to no impact of flood risks. This property is zoned D-5 (Dwelling District Five) to allow for single-family dwelling in the ‘Metro Context Area’ and ‘Medium Lot’. Staff will note that the property complies with all other D-5 regulations which meet the required minimum lot width of 60 feet and rear yard setbacks at 20 feet.

Approval of this petition would allow for an attached garage and master bedroom addition like its surrounding areas with a deficient 4-foot side yard setback (required 7 side yard setback). Estimated measurements of aerial imagery show that multiple homes on this block do not meet the required 7-foot side setbacks. Some seem to have as little as 2 or 3 feet. Staff would note that a separation of less than 5 feet requires firewall to be placed and a recommendation for approval would not exempt the surrounding homes from those standards. Also, a 4-foot side setback would not be out of context with the neighborhood and would still provide enough spacing for egress.



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

Placing the garage in the front yard as an attachment to the existing home would not be unusual, as several homes on this block have garages in the front yard. The home immediately to the south is one with single car garage attached to an existing home (3228 Lowry Rd) facing the street. There are several other homes in the neighborhood with attached garages facing the street (4608 Thrush, 4526 Thrush, 3162 Midvale, 4344 Thrush, 4338 Thrush, 4519 Bertrand).

The Infill Housing Guidelines state that “accessory buildings should be located behind the existing building unless there is a precedent otherwise.” Staff will note that this is not an Infill Housing development, this is an addition to the existing home.

Given that there is no alley access to the rear of the property, it is necessary to place the garage in the front yard with a driveway access connecting to Lowry Road. Estimated measurements of aerial imagery show that the width of the front-loaded garage door is approximately 22.5 feet wide, which would meet the maximum façade requirement of 45% at the front building line. Additionally, estimated measurements of aerial imagery show the original driveway width to be approximately 35 feet wide. The Zoning Ordinance (section 744-404-A-2) allows up to a 30-foot-wide parking area to the front yard. The petitioner has agreed to work with the homeowner to reduce the width of the driveway to 23 feet wide to meet zoning requirements. Staff would note that despite the amendment to the driveway, the aerial imagery shows surrounding homes to have driveways that exceed past the 30 feet wide zoning requirement.

The height of the proposed addition will be 26 feet, and the existing home is 13 feet. According to Zoning Ordinance, the maximum height is 35 feet. Therefore, the height of the proposed addition does not exceed the maximum height standard.

Based on the Zoning Ordinance standards, a D-5 lot is required to have a minimum lot open space of 60%. There is currently 89% of open space. However, most of the open space is located on the northwest side of the lot due to the unusual angle of where the existing home is located on the lot. The open space to the east is limited to where the garage and bedroom addition is built.

Based on the established precedent of properties on this block having garages in the front setback, and the context of existing setbacks for surrounding properties, staff recommends **approval** of this petition.



Department of Metropolitan Development
Division of Planning
Current Planning Section

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5	Single-Family Residential
South:	D-5	Single-Family Residential
East:	D-5	Single-Family Residential
West:	D-5	Single-Family Residential
Thoroughfare Plan		
Lowry Road	Primary Arterial	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes, 500 year and 100-year flood fringe split	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	6-16-2026	
Site Plan (Amended)	Yes, 6-25-2026	
Elevations	6-16-2026	
Elevations (Amended)	N/A	
Landscape Plan		
Findings of Fact	6/16/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate” (pg. 17).

Red Line / Blue Line / Purple Line TOD Strategic Plan



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

- “Not Applicable to the Site.”

Neighborhood / Area Specific Plan

- “Not Applicable to the Site.”

Infill Housing Guidelines

- “Accessory buildings should be located behind the existing building unless there is a precedent otherwise” (pg. 27).

Indy Moves

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

- “Not Applicable to the Site.”



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2021-ZON-038: 3325 Lowry Rd (north of site), request a rezoning of one acre from the SU-37 (FF) district to the C-1 (FF) district, **approved**.

93-UV2-57: 3346 Lowry Rd (northwest of site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for a church, **approved**.

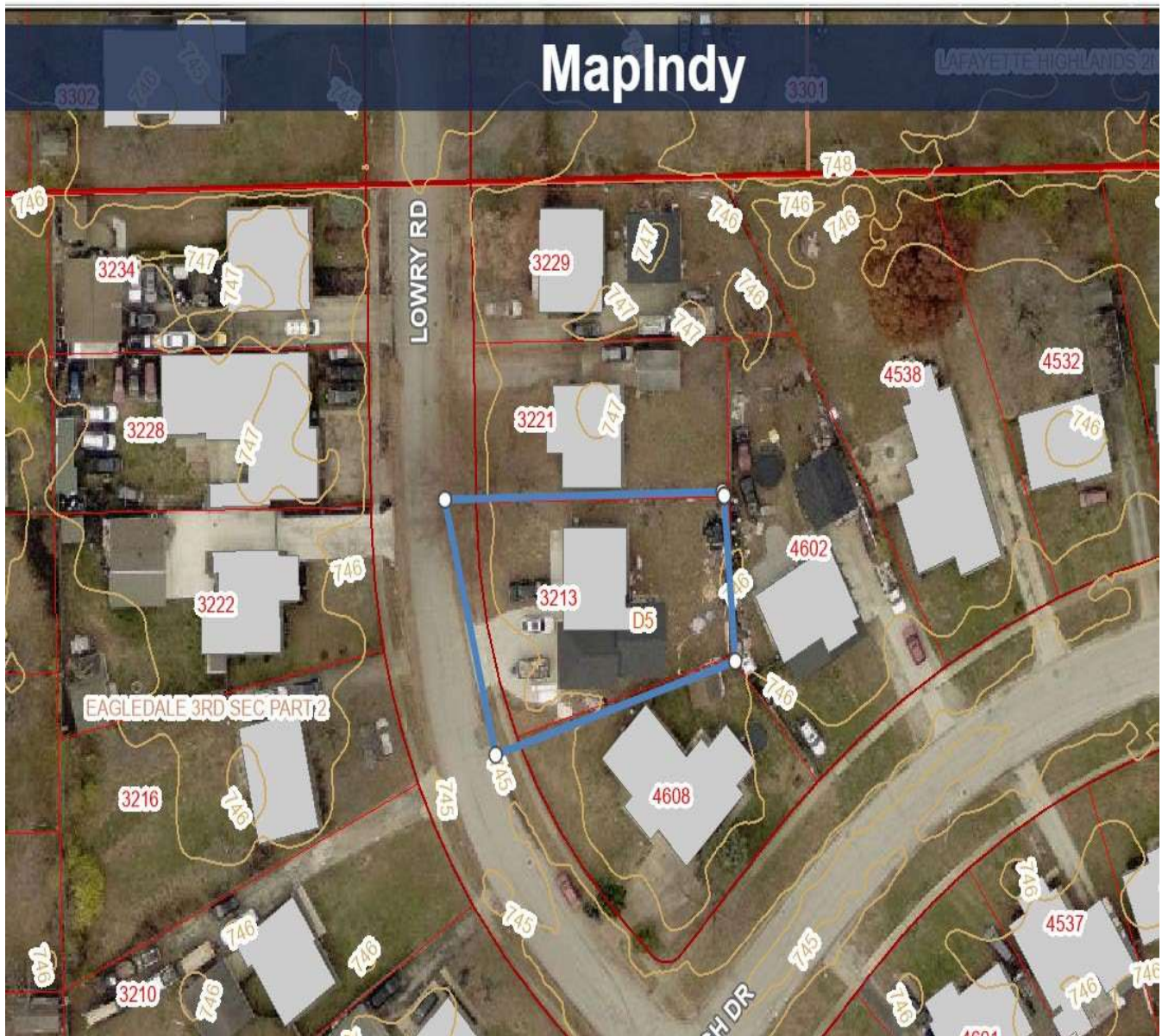
89-V1-45: 3310 Brewer Dr. (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a detached garage, **approved**.

84-V2-95: 4525 W. 34th St (north of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a storage shed, **denied**.

2021-ZON-038 (Rezone), request a rezoning of one acre from the SU-37 (FF) district, **approved**.

EXHIBITS

2026-DV1-032; Aerial Map

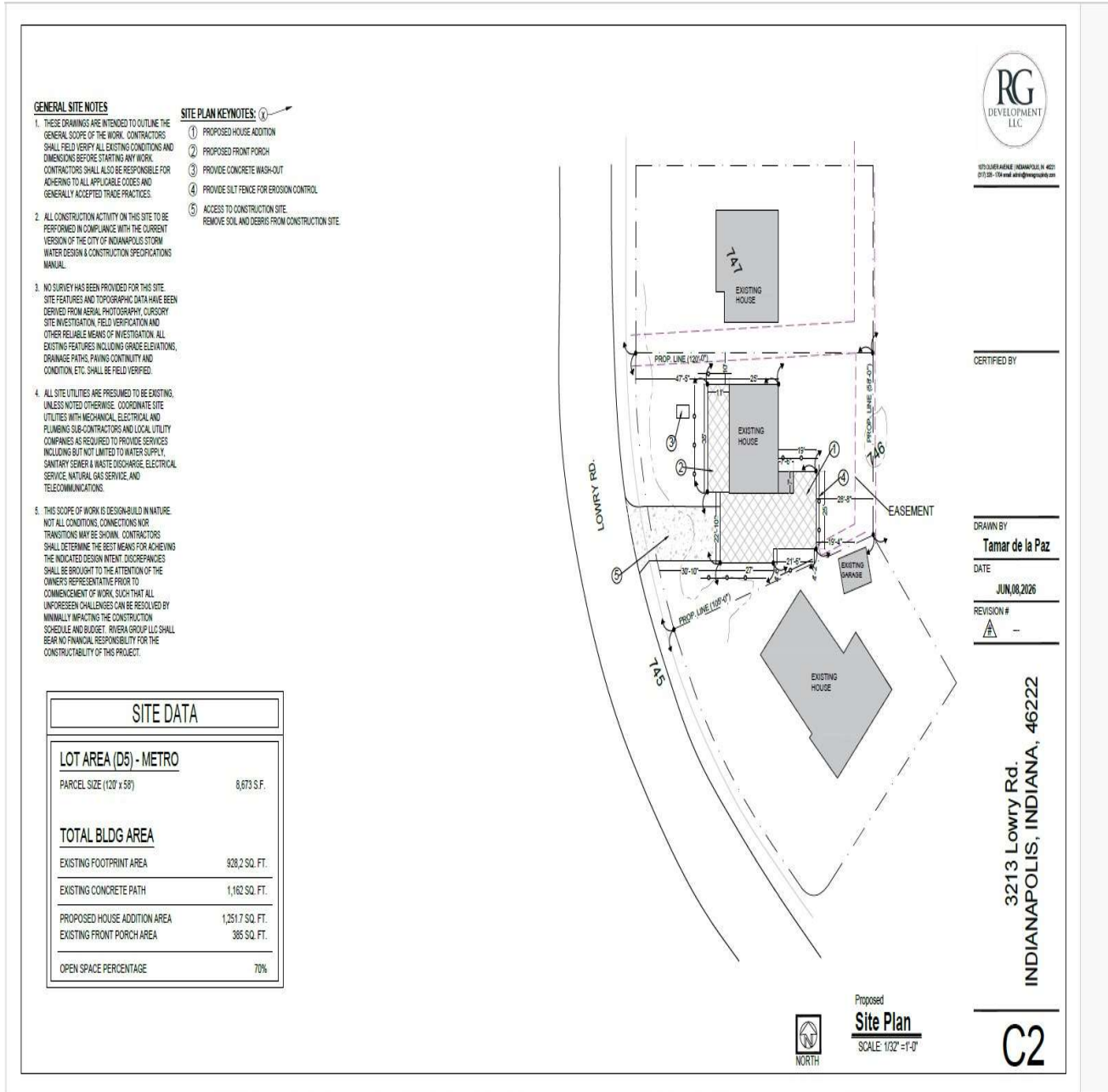


2026-DV1-032 ; Aerial Map of Driveway



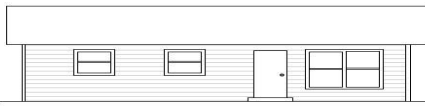
Department of Metropolitan Development
 Division of Planning
 Current Planning Section

2026-DV1-032; Site Plan



2026-DV1-032: Existing & Proposed Elevations

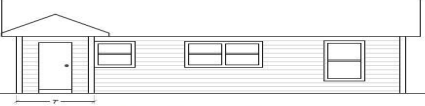
t E-Sign
Find text, tools, or help 🔍



EXISTING WEST ELEVATION



EXISTING NORTH ELEVATION



EXISTING EAST ELEVATION



EXISTING SOUTH ELEVATION

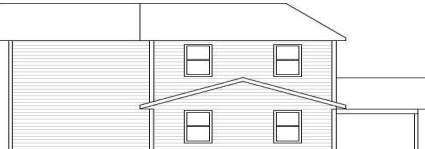


NORTH

Existing
Elevations
SCALE: 1/8" = 1'-0"



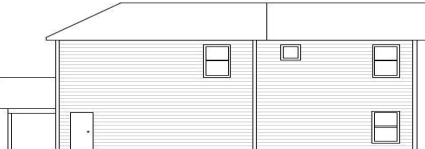
PROPOSED WEST ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION



PROPOSED SOUTH ELEVATION



NORTH

Proposed
Elevations
SCALE: 3/32" = 1'-0"



3213 Southport Road, Indianapolis, IN 46222
317.591.1344 ext. 4000
info@rgdevelopment.com

CERTIFIED BY _____

DRAWN BY
Tamar de la Paz

DATE
JUN 08, 2026

REVISION # _____

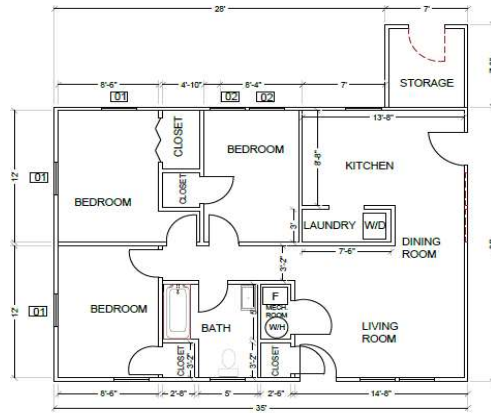
3213 Lowry Rd.
INDIANAPOLIS, INDIANA 46222

A5



Department of Metropolitan Development Division of Planning Current Planning Section

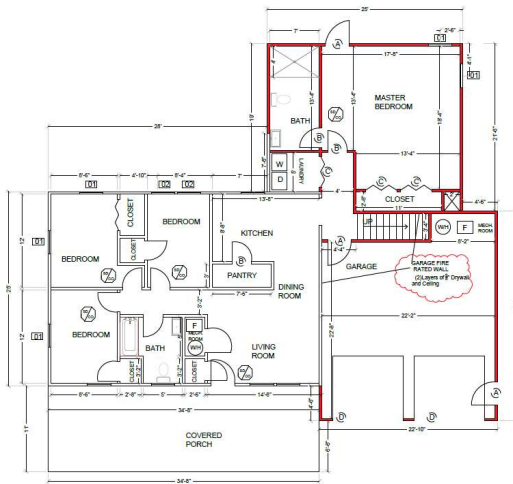
2026-DV1-032; Existing & Proposed Floor Plan



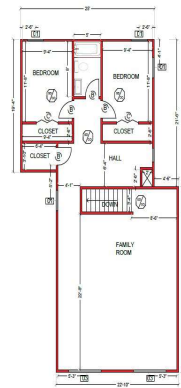
EXISTING WINDOW SCHEDULE				
MARK	COUNT	WIDTH	HEIGHT	TYPE
01	3	3'-0"	5'-0"	EGRESS
02	1	3'-0"	3'-0"	

LEGEND DEMO	
	EXISTING WALL TO REMAIN THE SAME
	EXISTING DOOR TO REMOVE
	EXISTING WINDOW TO REMOVE

EXISTING FLOOR PLAN



PROPOSED 1st FLOOR PLAN



PROPOSED 2nd FLOOR PLAN

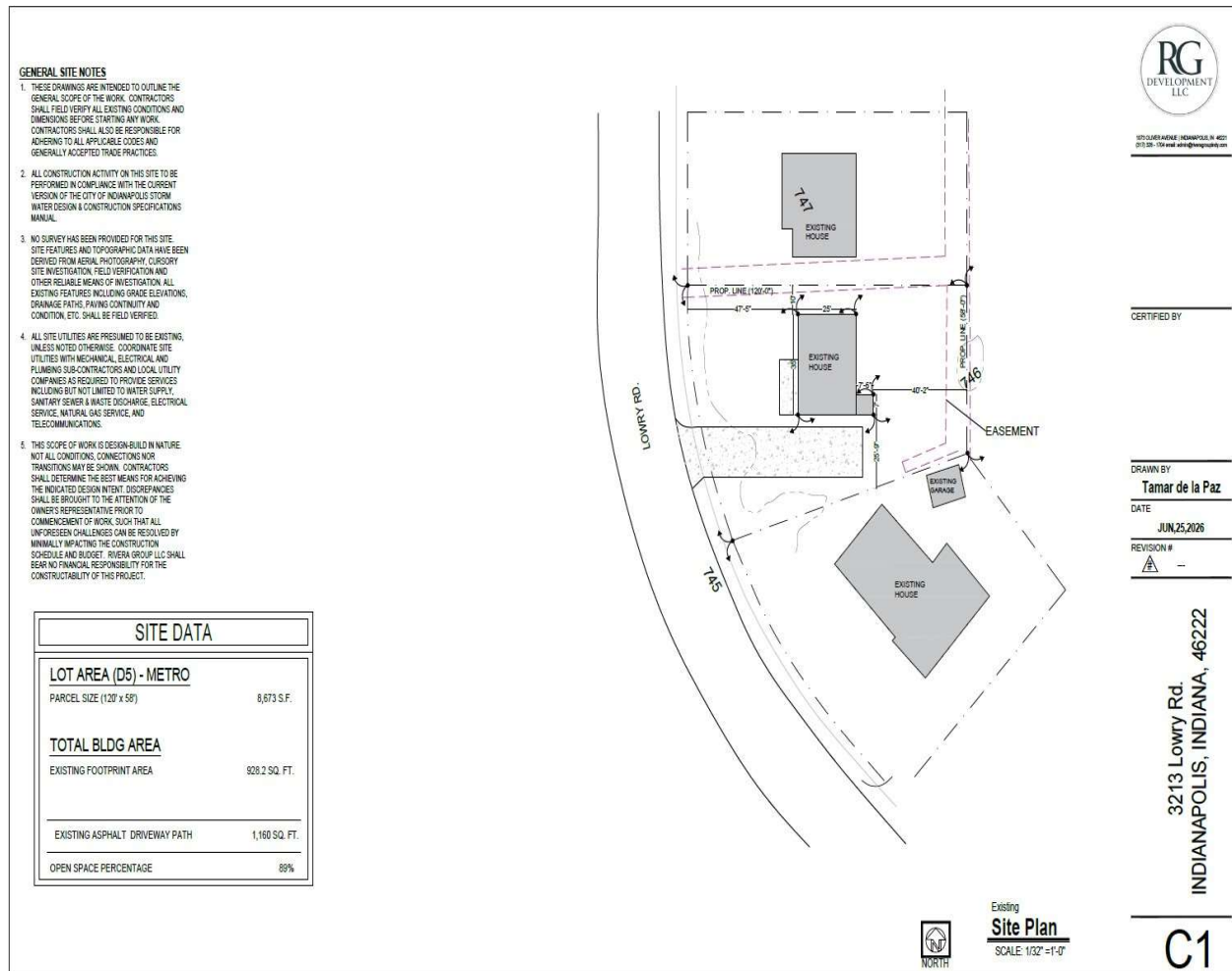
LEGEND					
	SMOKE DETECTORS IN CARBON MONOXIDE DETECTOR				
	NEW WALL				
LEGEND					
	NEW DOORS				
MARK	COUNT	WIDTH	HEIGHT	TYPE	
B	4	2'-8"	6'-8"		
C	2	4'-0"	6'-8"		
NEW WINDOW SCHEDULE					
MARK	COUNT	WIDTH	HEIGHT	TYPE	NOTES
01	4	3'-0"	5'-0"	EGRESS	
02	1	2'-0"	2'-0"		
03	2	6'-0"	4'-0"		GL24107 Header
NOTES					
Add Ven Double hung window. Window size: 30" x 48" Opening Area: 37' x 37.5" Net Opening Area: 2.75 x 37.54 (53)					

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

2026-DV1-032 ; Amended Driveway Plan

Convert E-Sign

Find text, tools, or help





Department of Metropolitan Development
Division of Planning
Current Planning Section

2026-DV1-032; Findings of Fact

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

This property will remain single family residential and in compliance with all other D5 regulations.

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

This variance allows the expansion of the residential use with a garage and master suite behind the garage. The design follows the character of the existing home and surrounding neighborhood.

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

Due the original layout of the home on this lot, and absence of a garage, there is limited room to add onto the house with a functional garage and master suite while maintaining egress windows in existing bedrooms and kitchen window.

2026DV1032; Photographs

Photo 1: Subject Site View from Front



Photo 2: Subject Site View from the Rear



Photo 3: Subject Site View from the East



Photo 4: Subject Site View from the West



Photo 5: Subject Site View of existing driveway



Photo 6: Surrounding Homes w/ front yard garages

4608 Thrush



4526 Thrush



4344 Thrush



4338 Thrush



BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number:	2026-DV1-034
Property Address:	4907 Rowney Street (approximate address)
Location:	Center Township, Council District #19
Petitioner:	Abisai Lopez Jimenez & Roxana E Lopez, by Joe Calderon
Current Zoning:	D-3
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1-foot side yard setback for a covered patio (4-foot required).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends approval of the requested variance.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

4907 Rowney Street is an 0.33-acre residential parcel that is currently developed with a single-family residence and rear-yard accessory garage built in 1930 as well as a larger accessory garage further to the south on the lot built per plans approved by ILP24-02876. Immediately adjacent properties are also residential in nature, and Southeastern Avenue is the nearest arterial street. Although power lines run along the eastern boundary of the property, no utility easement appears to exist for the northeastern portion of the property.

In addition to the detached accessory garage built in 2024, other site improvements were undertaken without the issuance of permits around that point in time: existing front-yard grass on the eastern portion of the front yard was paved over in late 2022 or early 2023, and a rear-yard covered patio addition was placed on the existing single-family home in the middle of 2023 (see aerial photography). The covered patio addition did not receive permits at the time of construction, but was included on the plans stamped by the Department of Business and Neighborhood Services in association with the ILP issued for the newer garage in 2024. An anonymous complaint made to the Mayor's Action Center in early 2026 related to an auto service and towing use at the property led to the enforcement case VIO26-001670 being opened.

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

The full text of the violation is within the Exhibits below. In addition to carport within the required setback, the violation notice mentioned the width of parking areas and lack of landscaped material both within the front yard and throughout the site because of the 2022-2023 work undertaken. The enforcement case did not mention commercial use at this property, and correspondence from the petitioner's representative on June 26th indicated that all vehicles parked on the property are owned by and for the use of the property owner. Staff also notes that the front-yard area mentioned within the violation appears to have been resodded (see Photo 1).

Approval of this variance request would be limited solely to legally establishing the rear-yard covered patio with a deficient side setback from the eastern property line: Ordinance would require a 4-foot side setback for the D-4 zoning district in the Metro Context Area, and plans provided by the petitioner indicate that the currently existing setback would only be 1 foot.

Petition approval would not allow for any relief from the need for a structural permit (to be issued retroactively) for the patio addition, nor would it constitute relief from any relevant residential building code requirements. A 4-foot side yard setback would also be applicable for the rear-yard aboveground pool (although the violation notice didn't mention this as a non-conformity). Additionally, staff would note that the amount of gravel paving and vehicle area at the property would not comply with the Ordinance standard for 60% living materials in areas where landscaping is provided, and would potentially constitute a violation of the City's infrastructure and drainage requirements; this non-conformity would need to be addressed outside of the variance process.

The Comprehensive Plan recommends that this property be developed for Suburban Neighborhood uses (additional information within the Comprehensive Plan Analysis section below). Additionally, Infill Housing Guidelines indicate that side setbacks should both reflect the existing context of the block and should leave adequate space for maintenance.

Findings of Fact provided by the petitioner indicate that **(a)** the side-yard fence between the patio and the property to the east would both provide buffering between the two properties and **(b)** that this reduced side setback would be visually compatible with other accessory structures along the block with reduced side-yard setbacks. Staff would also note the presence of multiple legally non-conforming accessory structures along Rowney Street, as well as the relative narrowness of the lot and placement of the existing house limiting feasible options for patio placement

Additionally, the side-yard fence between this property and 4929 Rowney Street (which is currently owned by the same individual who owns the subject parcel) would provide visual buffering while also meaning that the patio would likely not contribute to any difficulty in maintenance that didn't already exist because of the fence. For these reasons, staff recommends **approval** of the requested variance for a 3-foot reduction in the side yard setback, with the caveat that this approval would not allow for any parking associated with a commercial or towing use at the site.

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

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-3	North: Residential
South:	D-3	South: Residential
East:	D-3	East: Residential
West:	D-3	West: Residential
Thoroughfare Plan		
Lafayette Road	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	06/16/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	06/16/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within 0.25 miles of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Spacing between houses establishes a rhythm and pattern along a street. Development should reinforce spacing on the existing block, should limit uncharacteristically large gaps between houses, and should leave room for maintenance.

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

2015ZON090 ; 4852 Southeastern Avenue (south of site), Rezoning of 0.54 acre from the D-3 district to the C-3 classification, **approved**.

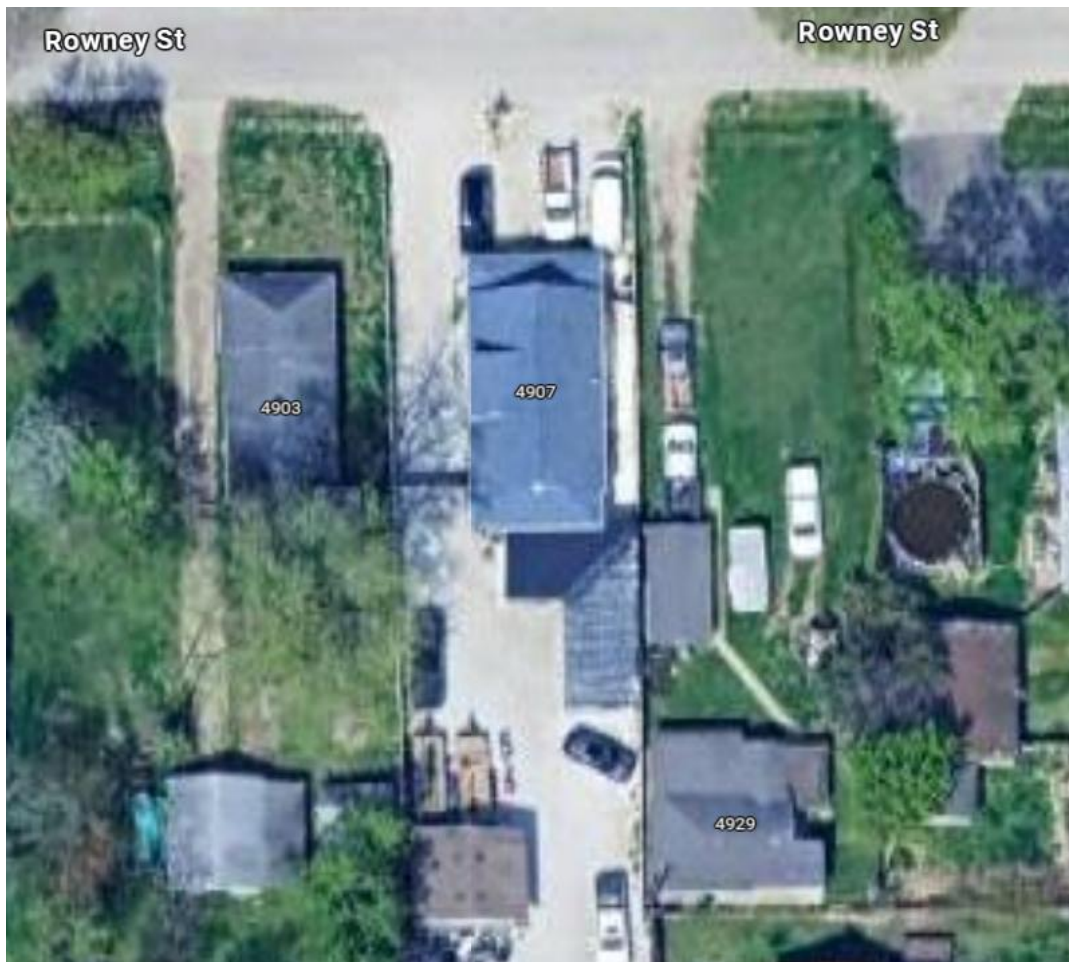
98-Z-99 ; 4970 Rowney Street (northeast of site), Rezone 0.523 acre from D-3 to SU-1 to provide for church use, **approved**.

EXHIBITS

2026DV1034 ; Aerial Map



2026DV1034 ; Aerial Photograph (Zoomed)



Note: photograph taken prior to resodding of front yard area in front of primary residence

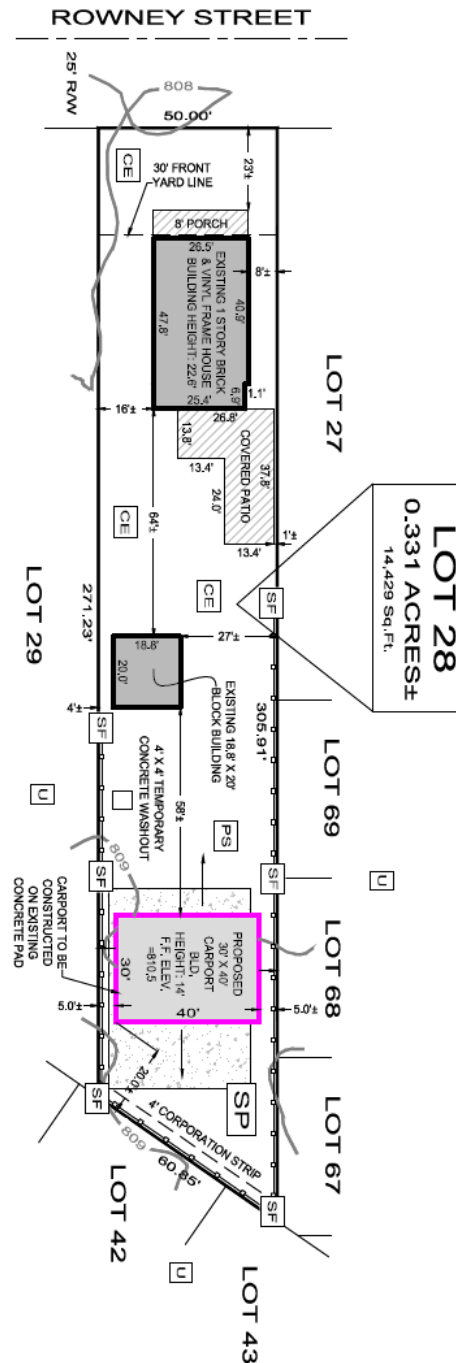
2026DV1034 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
 the covered patio does not interfere with any vehicular or pedestrian traffic pattern, and there is a solid fence which blocks the covered patio from the public view.

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:
 there are accessory structures on both the east and west adjoining properties which are built very close to the property line and there is a solid fence which screens the covered patio from view of the east adjoining property.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
 the property has very little lot width (50 feet) compared to depth, making it difficult to comply with the side setback requirements.

2026DV1034 ; Site Plan



Note: carport to S of property built in 2024 (not 'proposed' as marked on plan)



Department of Metropolitan Development
Division of Planning
Current Planning

2026DV1034 ; Notice of Violation (VIO26-001670)



March 4, 2026

Case #: VIO26-001670

JIMENEZ, ABISAI LOPEZ & ROXANA E LOPEZ
4907 ROWNEY ST
INDIANAPOLIS, IN 46203

RE: 4907 ROWNEY ST

Dear JIMENEZ, ABISAI LOPEZ & ROXANA E LOPEZ:

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

Section 740 -1005.A.2. Civil Zoning Violation

Specific Violation: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for increasing the height, size or lateral bulk of the structure...carport).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (744-404.D.6.a. - Parking areas in front yards shall be paved with bricks, concrete, asphalt, permeable pavers or pavement, or a gravel surface with a distinct edge boundary to retain the gravel; the parking of vehicles on grass in the front yard is prohibited).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (744-503.C. - In all areas where landscaping is required, a minimum of 60% of the surface area shall be covered by living materials, rather than gravel, stone or other non-living materials).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (Table 744-201-1: - Carport located in the 7ft. side yard setback).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (Table 744-404-1 - The parking area in front yards shall not exceed 30 feet in width or 50% of the lot width, whichever is lesser).

2026DV1034 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Fenceline + Subject Shelter Viewed from North

2026DV1034 ; Photographs (continued)



Photo 3: Subject Shelter Viewed from West (Internal to Lot)



Photo 4: Subject Shelter Viewed from Southwest (Internal to Lot)

2026DV1034 ; Photographs (continued)



Photo 5: Subject Shelter and Fenceline Viewed from South (Internal to Lot)



Photo 6: Accessory Structures on Southern Portion of Lot

2026DV1034 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to West

BOARD OF ZONING APPEALS DIVISION I

August 04, 2026

Case Number: 2026DV1037

Property Address: 1515 S Drover St (*approximate address*)

Location: Center Township, Council District 18

Petitioner: Jamilah Mintze, Ingredion Incorporated

Current Zoning: I-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit erection of several accessory structures proposed as part of a co-generation facility within the required 30 feet front setback measured from the right-of-way of White River Parkway (West Drive). The structures vary from 1.5 feet to 29 feet from the right-of-way line, 50-feet required. Without landscaping (landscaping required).

Current Land Use: Industrial

Staff Recommendations: **Approval** With Commitments

Staff Reviewer: Adrienne Baker, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval of the variance request, subject to the following commitment being reduced to writing on the BZA's Exhibit "A" form at least three days prior to the BZA hearing:

A landscape plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

Petitioner requests a Variance of Development Standards to permit several accessory structures associated with a new co-generation facility to encroach into the required 50-foot front setback along White River Parkway, with proposed setbacks ranging from 1.5 feet to 29 feet. The petition also seeks relief from landscaping requirements. The site is subject to an EPA-mandated paving consent decree to reduce dust generated from the site. This eliminated all usable green space that could accommodate required landscaping.

Ingredion has previously planted trees along White River Parkway, but these trees have a shortened lifespan due to poor soil conditions and must be replaced every few years. All other potential planting

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

locations conflict with underground natural gas lines, storm and sanitary sewers, other utility infrastructure, and overhead power and telecommunications lines, making the required landscaping infeasible. The existing right-of-way along White River Parkway already exceeds the Thoroughfare Plan's recommended maximum of 67 feet, further constraining the buildable area and compounding setback difficulties. The surrounding area is entirely industrial, and the site is zoned I-4.

The findings of fact in support of the variance establish that the request will not be injurious to public health, safety, morals, or general welfare because the proposed structures will not interfere with vehicle or pedestrian traffic and will not encroach upon any clear sight triangle. The use and value of adjacent properties will not be adversely affected, as the reduced setback does not impact access or visibility for neighboring industrial parcels.

Practical difficulties arise from the strict application of the setback and landscaping standards because the ordinance does not account for the lack of curb cuts along the frontage and does not consider that the existing right-of-way already exceeds the Thoroughfare Plan standards. Combined with unavoidable conflicts between required landscaping and extensive underground and overhead utilities, these conditions make compliance with the ordinance impractical.

GENERAL INFORMATION

Existing Zoning	I-4	
Existing Land Use	Industrial	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	I-4, SU16	North: Industrial, Indoor, and outdoor recreation and entertainment
South:	I-4, SU18	South: Industrial, Light, and power substation
East:	I-4	East: Industrial
West:	I-4, I-3	West: Industrial
Thoroughfare Plan		
White River Parkway	Primary Collector	67-foot existing right-of-way 56-foot proposed right-of-way
Drover Street	Local Street	48-foot existing right-of-way 48-foot proposed right-of-way
CSX Railroad	Special Corridor	100-foot existing right-of-way 100-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	500-year	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 14, 2026	
Site Plan (Amended)	N/A	

Elevations	May 14, 2026
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	May 14, 2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The I-4 district is for those heavy industrial uses which present an elevated risk to the general public and are typically characterized by factors that would be exceedingly difficult, expensive, or impossible to eliminate. These industries are therefore buffered by a sizeable area to minimize any detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Location of this district should be as far as possible from protected districts and environmentally sensitive areas as practical and never be adjacent to protected districts.
- Front Setback Exceptions: The minimum required front setback for a site may be reduced to the average setback derived from the established front setbacks of the nearest lot on each side of the site that is improved with an existing primary building facing the same street and is within 200 feet of the site. In the case of a corner lot, the average is derived from the established front setback of the nearest improved lot and the setback established by ordinance.
 - Notwithstanding the provisions of subsection 1, no building or structure shall be permitted to encroach upon any proposed right-of-way, as designated in the Official Thoroughfare Plan; upon any existing right-of-way; or within any Clear Sight Triangular Area.
- Development activities associated with facilities that include generators, whether permanent or temporary, must submit a Site and Development Plan to be reviewed for conformity with the standards of Section 742-204 by the Technically Qualified Person.
- Historically Significant Areas- Indianapolis Park & Boulevard System
 - Protected Areas: All areas inside the boundaries of Marion County which are adjacent to and within 660 feet of the edge of the right-of-way of all highways within the county. When a highway terminates at a county boundary that is not perpendicular or normal to the centerline of the highway, the term "protected areas" also refers to all areas inside the boundary of such county which are within 660 feet of the edge of the right-of-way of the highway in the adjoining county.
 - When adjacent to any protected district the transitional yard dimensional standards must be a minimum of 50' and the building height is a maximum of 35'.

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

- All outdoor storage and operations within 500 feet of a protected district must be effectively contained by a chain link, solid, lattice or similar type fence or wall and gate. The height of such fence or wall shall be at least 6 feet and shall not exceed 10 feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards. The storage of materials or products within the enclosure may not exceed the height of the fence.

Pattern Book / Land Use Plan

- The Light Industrial typology accommodates industrial, production, distribution, and repair activities conducted entirely within enclosed structures and unlikely to generate noticeable light, odor, noise, or vibration. This typology is typically composed of freestanding buildings or clusters of buildings, often organized within industrial parks. Representative uses include warehousing, self-storage, parts assembly, laboratories, wholesaling, and printing. Industrial and truck traffic shall be separated from local and residential traffic to maintain safety and minimize conflicts.
- Industrial truck traffic shall not utilize local or residential streets. Streets internal to industrial developments shall be designed to connect directly to an arterial street. Industrial uses shall be removed as a recommended land use in locations where they would be directly adjacent to a living or mixed-use typology.
- Small-Scale Offices, Retailing, and Personal or Professional Services Should be subordinate to and serving the primary uses of production, warehousing, and offices. Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology. Should be located and served in such a way that the use will not interfere with industrial traffic or loading.

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)

Minimum Right-of-Way includes the following components: six-foot sidewalks and the applicable transition/grading/utility, landscape buffer, curb & gutter, and travel lane widths. Maximum Right-of-Way includes all applicable components. Include either a landscape buffer or on-street parking with landscape bump-out. ROW standards do not accommodate both.

ZONING HISTORY

ZONING HISTORY - SITE

97-HOV-63; 1515 S White River PKWY W Dr; Variance of Development Standards of the Industrial Zoning Ordinance to provide for a front setback of thirteen feet and nine inches (13'-9') from the right-of-way of Drover Street (20 feet required) to provide for a building addition for a quality assurance laboratory and offices; **approved.**

ZONING HISTORY - VICINITY

2022ZON078; 8965 Rockville Rd; Rezoning of 0.57 acre from the D-2 district to the C-1 district to provide for retail uses; **withdrawn.**

2008ZON830; 1341-1440 Bridge Street and 1052 York Street; Rezoning of approximately 5.49 acres being in the C-1 & D-5 Districts to the I-3-U classification to provide for the continued growth and development of the Lilly Technology Center; **approved.**

2006DV1041; 1001 Belt Street; Variance Of Development Standards of the Industrial Zoning Ordinance to provide for no landscaping in the required twenty-foot front yard and required fifty-foot front transitional yard along York Street (landscaping required), and to provide for no landscaping within the required 50-foot transitional side yard along the alley extending from York Street to Belt Street (landscaping required); **withdrawn.**

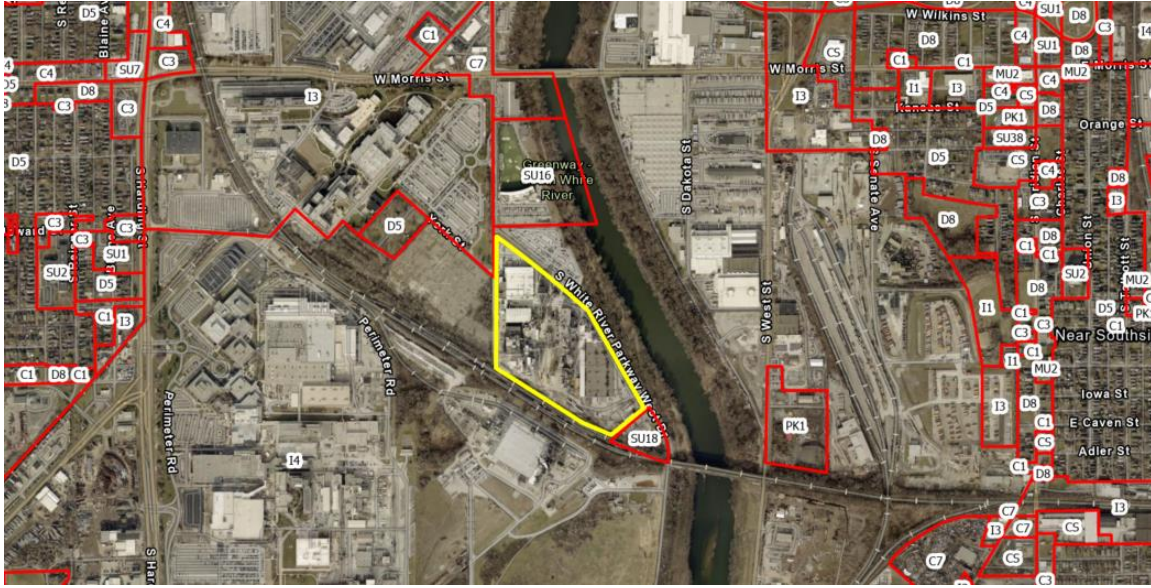
2006ZON011; 1306-1350 Silver Avenue, 1315-1375 Silver Avenue, 1102 York Street, 1233-1339 Bridge Street, 1242-1250 Bridge Street; rezoning of 8.692 acres, being in the C-1 and D-5 Districts, to the I-3-U classification to provide for the expansion of industrial uses; **approved.**

2001DV3050; 1405 Nordyke Avenue; Variance of Use of the Dwelling District Zoning Ordinance to provide for a 5000 square foot material storage and office building to support existing industrial operations on neighboring industrial site (industrial not permitted in a dwelling district); **withdrawn.**

86-V2-123; 1415 Drover Street; Variance of Development Standards of the Industrial Zoning Ordinance to provide for an addition to an existing building with a side yard setback of six (6) inches (20 feet required); **denied.**

EXHIBITS

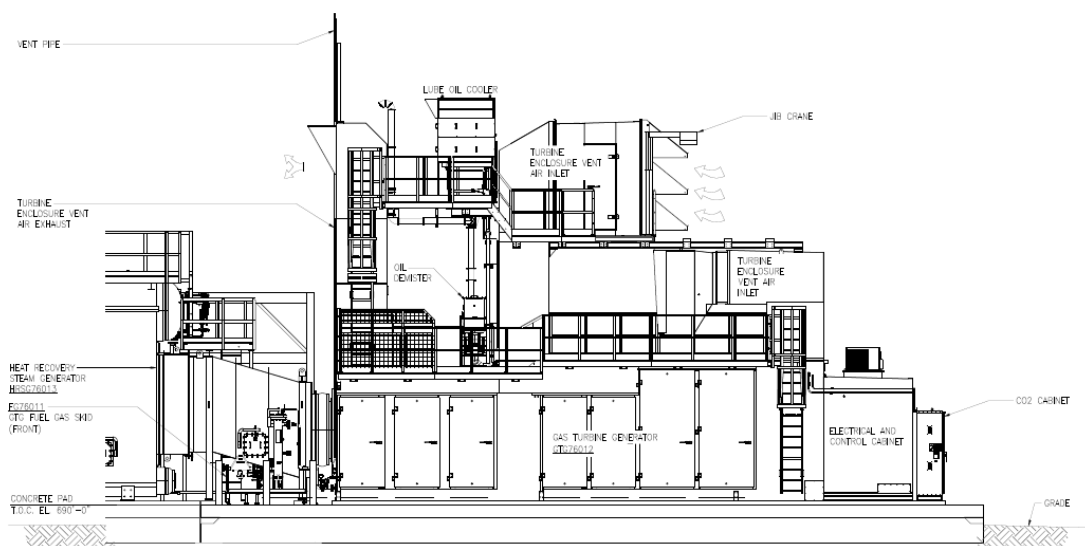
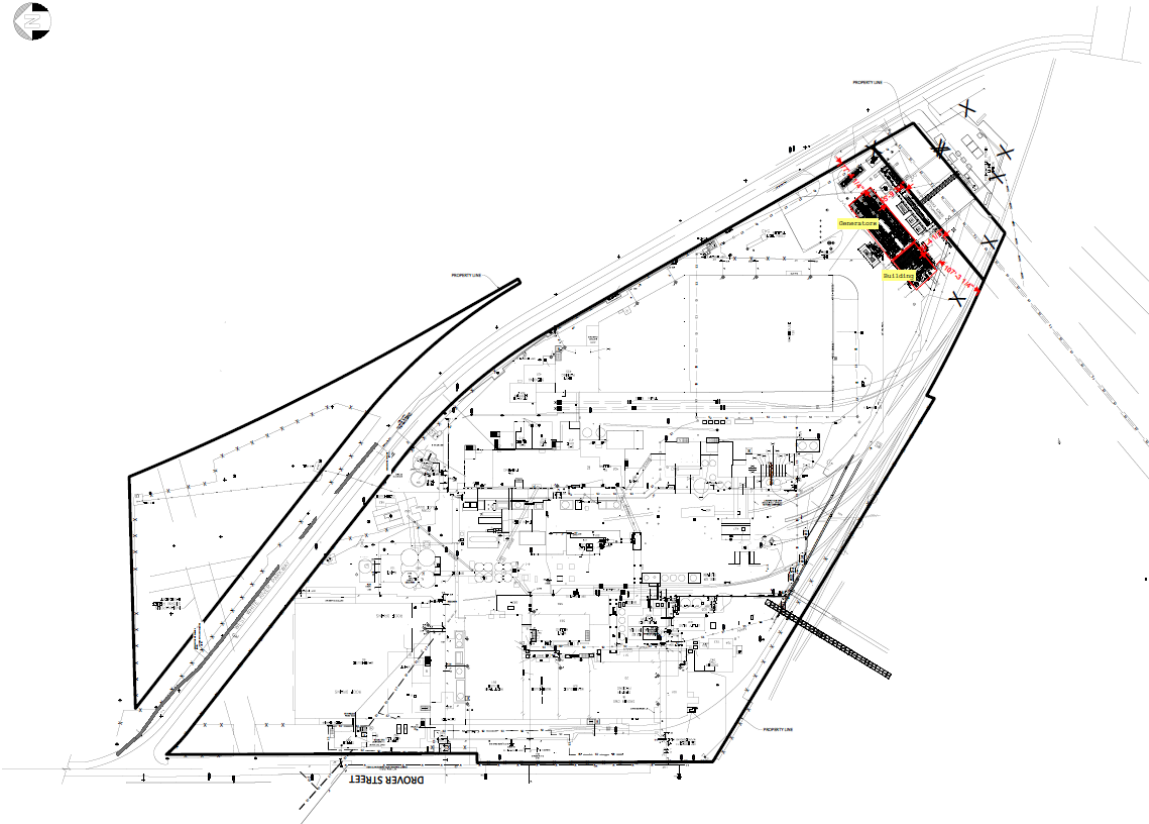
Zoning Map



Aerial Image



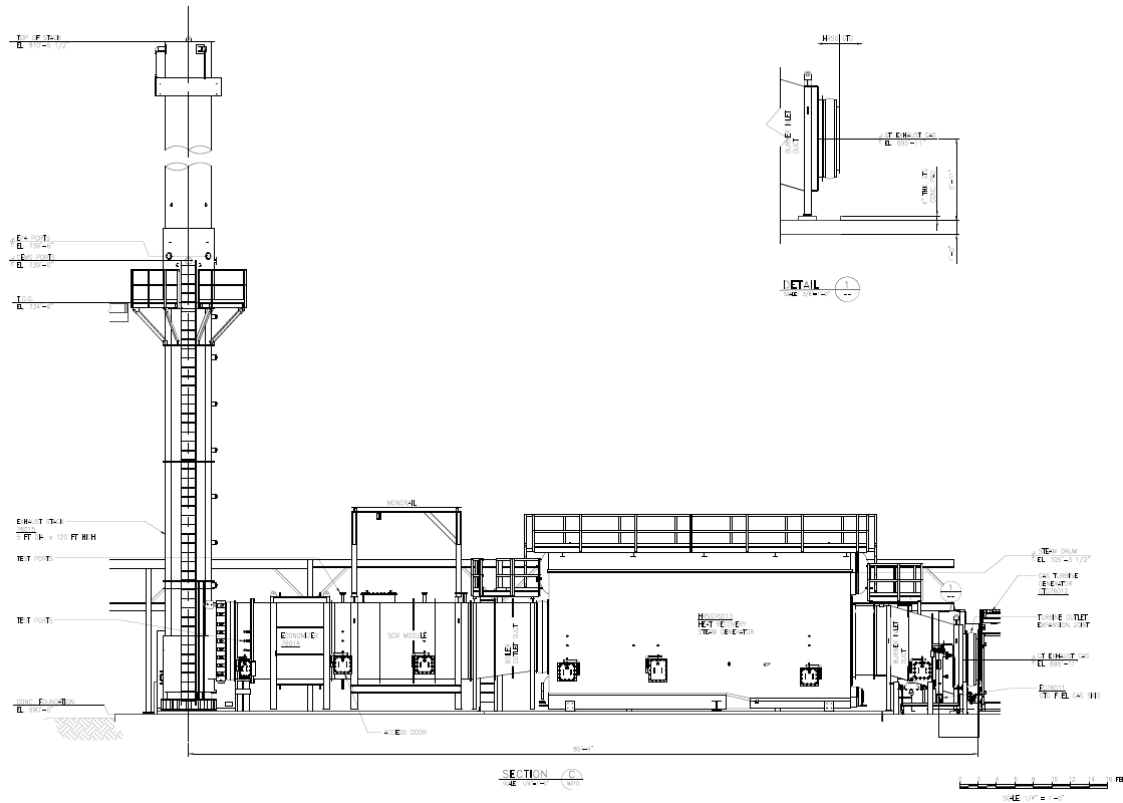
Overall Site Plan:



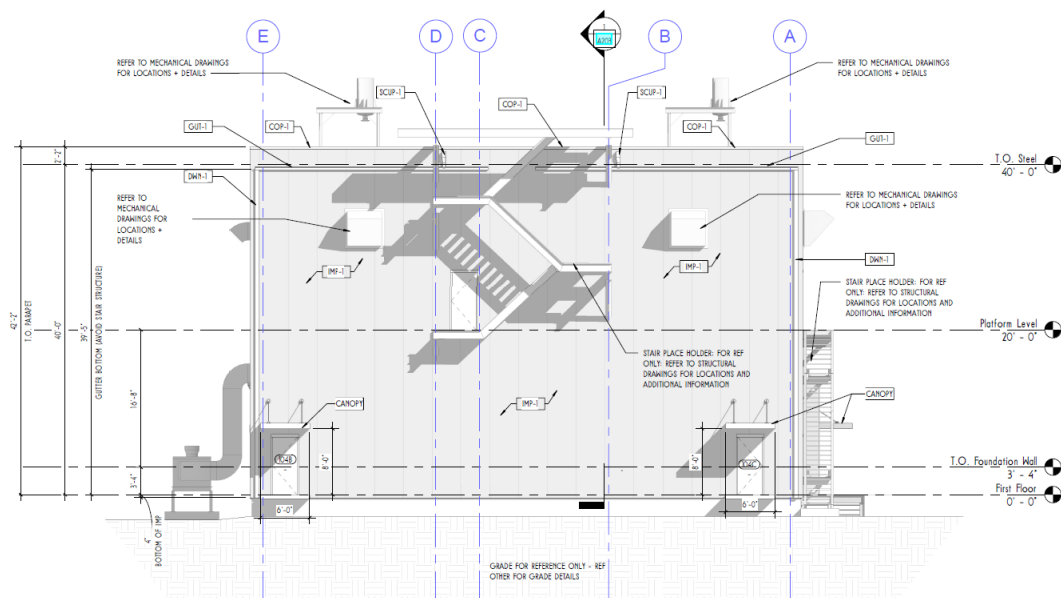
SECTION F
 SCALE 1/4"=1'-0"

Department of Metropolitan Development
 Division of Planning
 Current Planning

Site Plans: Elevations

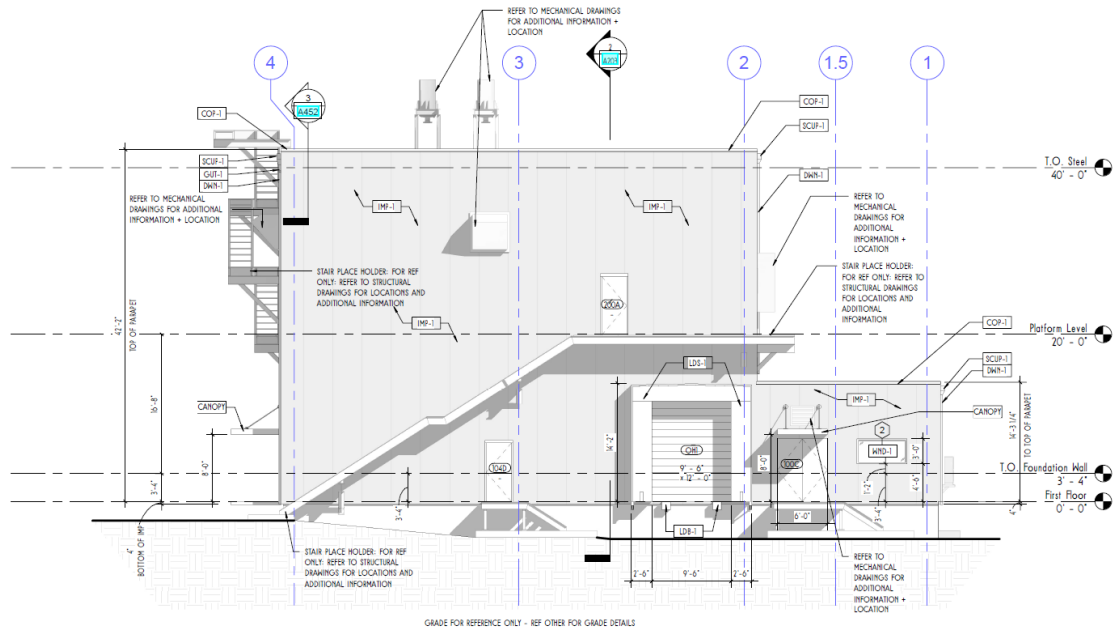


East Elevations:

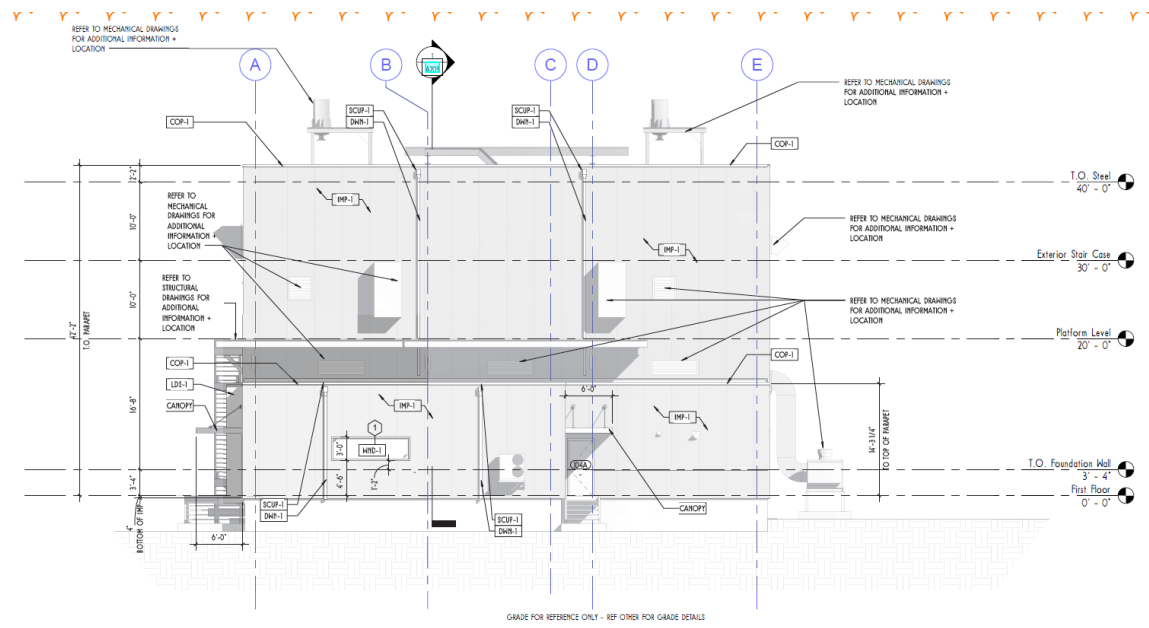


Department of Metropolitan Development
 Division of Planning
 Current Planning

North Elevations:

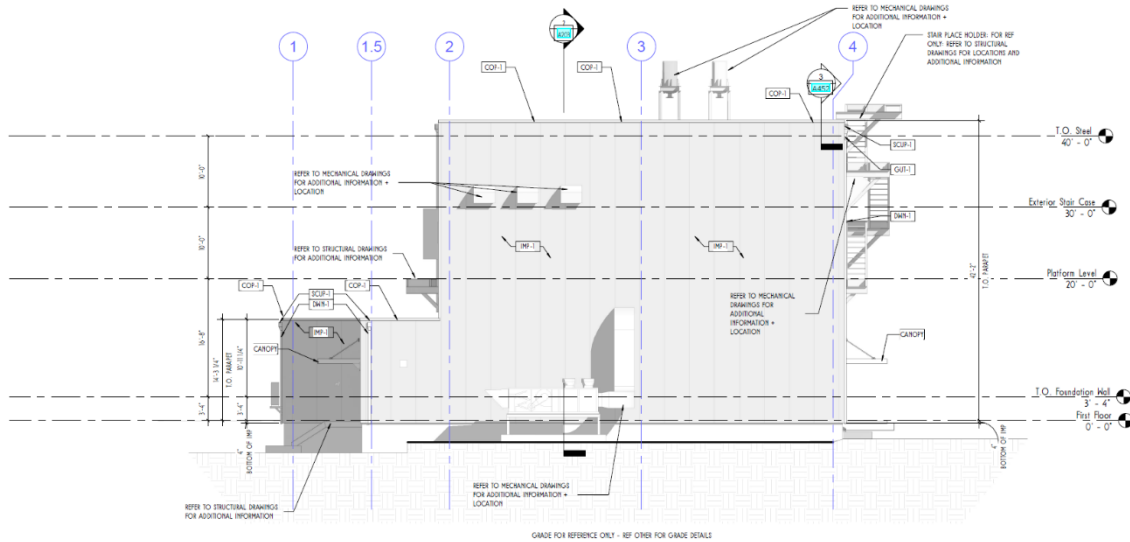


West Elevations:

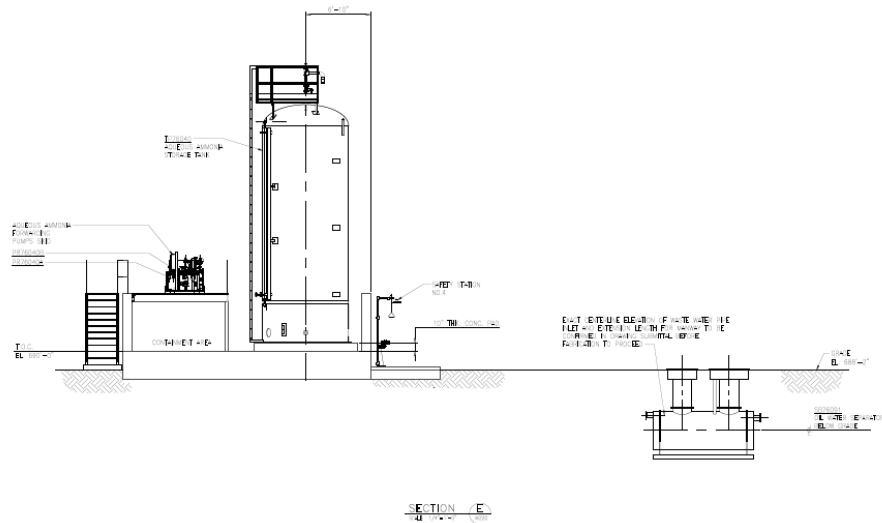


**Department of Metropolitan Development
Division of Planning
Current Planning**

South Elevations:



Site Plans: Ammonia Storage Area



Department of Metropolitan Development
Division of Planning
Current Planning

Petitioner Exhibit

33. Paving Mitigation Project. The goal of the Paving Mitigation Project is to reduce fugitive PM generated by onsite traffic on unpaved or partially paved roads and parking areas, which the Parties estimate will reduce an estimated 10.45 tons per year of airborne PM. By September 15, 2023, Defendant shall complete paving on the following unpaved roadways and parking/yard/staging areas depicted in Appendix A: Employer and Contractor Parking (Drover), Contractor Yard, Gate 6 Entrance, Contractor Pass Through, and Starch Truck Staging. This paving shall be conducted with asphalt or concrete material. Within 60 Days of completing the Paving Mitigation Project, Defendant shall submit for EPA review and approval pursuant to Section IX (Deliverables), a Paving Mitigation Project Completion Report that documents the date that the Paving Mitigation Project was completed. In completing the Paving Mitigation Project, Defendant shall comply with all applicable state and local laws, ordinances, regulations, and permitting requirements.

From: David Williams
Sent: Thursday, April 2, 2026 9:06 AM
To: Barnett, Chase <chasebarnett@fawilhelm.com>
Subject: EPA Consent Decree

<https://www.justice.gov/enrd/media/1326011/dl?inline>

Regards,

David Williams :: Senior Project Engineer
Ingredion Incorporated :: 1515 Drover St. :: Indianapolis, IN 46221 USA
t: 317.440.9369 e: david.williams@ingredion.com w: <http://ingredion.com>

Ingredion
Developing ideas. **Delivering Solutions.™**

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

Findings of Fact:

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

the structures requiring the setback variance will not interfere with any vehicular or pedestrian traffic along White River Parkway, including line of sight (no encroachment into any clear site triangle).

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

the proposed setback from White River Parkway does not impact the access or visibility to or from any adjoining property.

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

the setback requirement does not take into account the lack of curb cuts along the road frontage, nor does it allow for analysis of the actual amount of right of way compared to the thoroughfare plan recommended right of way. In this case, the actual right of way far exceeds the Thoroughfare Plan recommendation of a maximum of 67 feet of total right of way.

Site Photos along White River Parkway West



Department of Metropolitan Development
Division of Planning
Current Planning



Department of Metropolitan Development
Division of Planning
Current Planning



Department of Metropolitan Development
Division of Planning
Current Planning



Department of Metropolitan Development
Division of Planning
Current Planning



BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number: 2026-DV1-038

Property Address: 1825 Marlowe Avenue

Location: Center Township, Council District #13

Petitioner: Excelsior LLC, Joe Smoker

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit a 4-foot corner side-yard setback (8-foot corner side-yard setback required), a 5-foot rear-yard setback for the primary residence (15-foot rear-yard setback required), a 1-foot rear-yard setback for the stoop and the sidewalk (5-foot rear-yard setback required), a 4-foot front building line (10-foot front building line required), and a partial encroachment of the covered porch into the clear site triangle (not permitted).

Current Land Use: Single-Family Dwelling

Staff Recommendations: Staff recommends approval of this petition

Staff Reviewer: Adam Skrzyszewski, Senior Planner

PETITION HISTORY

This is the first public hearing of this petition

STAFF RECOMMENDATION

Staff recommends **approval** of this petition

PETITION OVERVIEW

- The petitioner is proposing to construct a single-family residence, approximately 1,750 square-feet, located on a corner lot zoned D-8 in the compact context area with Terrace Frontage per the Ordinance; therefore, proposing a single-family residence with:
 - A deficient corner side-yard setback from the primary residence to the side-yard lot-line, from the alley right-of-way.
 - A deficient rear-yard setback from the primary residence to the rear lot-line.
 - A deficient rear-yard setback from the proposed stoop and sidewalk to the rear lot-line.
 - Minor residential features, such as stoops and sidewalks, are granted an exception from the required 15-feet minimum for this parcel to a 5-feet minimum rear lot-line setback, per table 744-204-2 of the Ordinance.
 - A deficient front-yard setback from the primary residence to the front building line, per the Walkable Neighborhood Design Standards.

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

- An encroachment of the proposed covered porch approximately 25 square-feet into the 1,500 square-foot clear-site triangle, created from the alley right-of-way, and the Marlowe Avenue right-of-way.
- The deficient lot size creates practical difficulty in using the lot for the recommended use of Traditional Neighborhood per the Comprehensive Plan. A single-family detached home is a recommended use in a Traditional Neighborhood Typology per the Pattern Book. The proposed single-family home meets all recommendations of use for this parcel, but cannot be built without need of variances due to the development standards rendering the lot undevelopable.
- The proposed single-family detached home matches historical use of the site. The parcel was previously occupied by a single-family detached home of similar design and residential intensity. Demolished in Fall of 2024. The previous use of the property is referenced with former aerials and street-views of the site in the exhibits section below.
- The proposed deficient setbacks will not be harmful to the character, pattern, and consistent rhythm found throughout the neighborhood per the Infill Housing Guidelines. The aesthetic and design of the proposed structure will meet all aesthetic and site configurations necessary for the site context per the Infill Housing Guidelines.
- The petitioner is meeting the requirement of 1 street tree for every 35-feet of lot frontage per the Walkable Neighborhood Design Standards, and addressing the recommendation of landscaping within the lot per the Infill Housing Guidelines through imagery in the proposed site-plan: Foundation plantings along the front of the house, and an ornamental tree within the Marlowe Avenue public right-of-way.
- The petitioner is meeting the off-street parking requirement of 1 per the Ordinance due to the historical use of off-street parking on the Marlowe Avenue right-of-way. There is available space of 1 off-street parking spot fronting the proposed residence on the Marlowe Avenue right-of-way, therefore, meeting the requirement.
- The front door of the proposed single-family residence fronts the alley right-of-way which is the side-yard of the property. Per the Walkable Neighborhood Design Standards, primary entrances with Terrace Frontage are required to face towards the front façade of the residence. The proposed primary entrance is permitted because it is facing the front façade of the primary entrance feature, which is the proposed 6-foot by 12-foot covered porch of the home.
- If the Ordinance is implemented to its full effect, The proposed development, which is fulfilling the recommended use of the parcel, would not be permitted due to the hardship created from the deficient lot-size and its development standards. Therefore, a variance is justified; and after staff's review, case 2026-DV1-038 is recommended for approval.

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

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-8	North: Single-Family Dwelling
South:	D-8	South: Single-Family Dwelling
East:	D-8	East: Single-Family Dwelling
West:	D-8	West: Single-Family Dwelling
Thoroughfare Plan		
Enter Street(s)	Local Street	48 foot existing and proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 23 rd , 2026	
Site Plan (Amended)	July 10 th , 2026	
Elevations	June 23 rd , 2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	June 23 rd , 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood.

Pattern Book / Land Use Plan

- The Pattern Book states the Traditional Neighborhood Typology includes a full spectrum of housing types, ranging from single-family homes to large-scale multifamily housing. The proposed detached single-family home is a recommended land-use for the Traditional Neighborhood Typology. The proposed single-family home matches the description of the Traditional Neighborhood Typology by keeping the development pattern of the neighborhood compact, well-connected, with access to the alley, and by helping preserve the historical social connectivity of the neighborhood. The proposed single-family home also matches the visual pattern, rhythm, and orientation of the surrounding buildings.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines state that setbacks should be built within the Setback range of the frontage design standard, setbacks should be in line with the surrounding properties, setbacks should reflect the context of both streets being a corner lot, setbacks should maintain the character of spacing found in the neighborhood, setbacks should leave room for maintenance, and trees and landscaping should be provided to add shade and recreation to the property where reasonable.

Indy Moves

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

- The Pedestrian Plan indicates the area as a top tier priority for walkability. The petitioner's proposed design and landscaping per the site-plan, ensures preservation of the highly walkable nature of the neighborhood.

ZONING HISTORY

2024-DV3-020 ; 1825 Marlowe Avenue (adjacent parcel east of proposed site). Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit townhome, with a 5.5-foot rear yard setback (15 feet required), with each unit having a main floor area of 600 square feet (660 square feet required). **Approved**

2003-UV2-011 ; 315 North Walcott Street (North of proposed site). Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile repair facility in a D-8 zoning district (not permitted). **Denied**

94-UV1-98 ; 1825 East New York Street (North of proposed site). Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile repair facility in a D-8 zoning district (not permitted). **Denied**

2012-UV3-006 ; 1825 East New York Street (North of proposed site). Variance of use of the Consolidated Zoning and Subdivision Ordinance Zoning Ordinance to provide for an automobile repair facility and office uses in a D-8 zoning district (not permitted). **Approved**

2020-CVR-811 ; 208 North Randolph Street (South of proposed site). Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot interior side yard for single-family attached dwellings and legally establish eight feet between primary dwellings (three-foot side setback and 10 feet between primary dwellings required). **Approved**

2015-UV2-027 ; 1814 East Ohio Street (South of proposed site). Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish a two-family dwelling and a single-family dwelling on one lot (not permitted). **Approved**

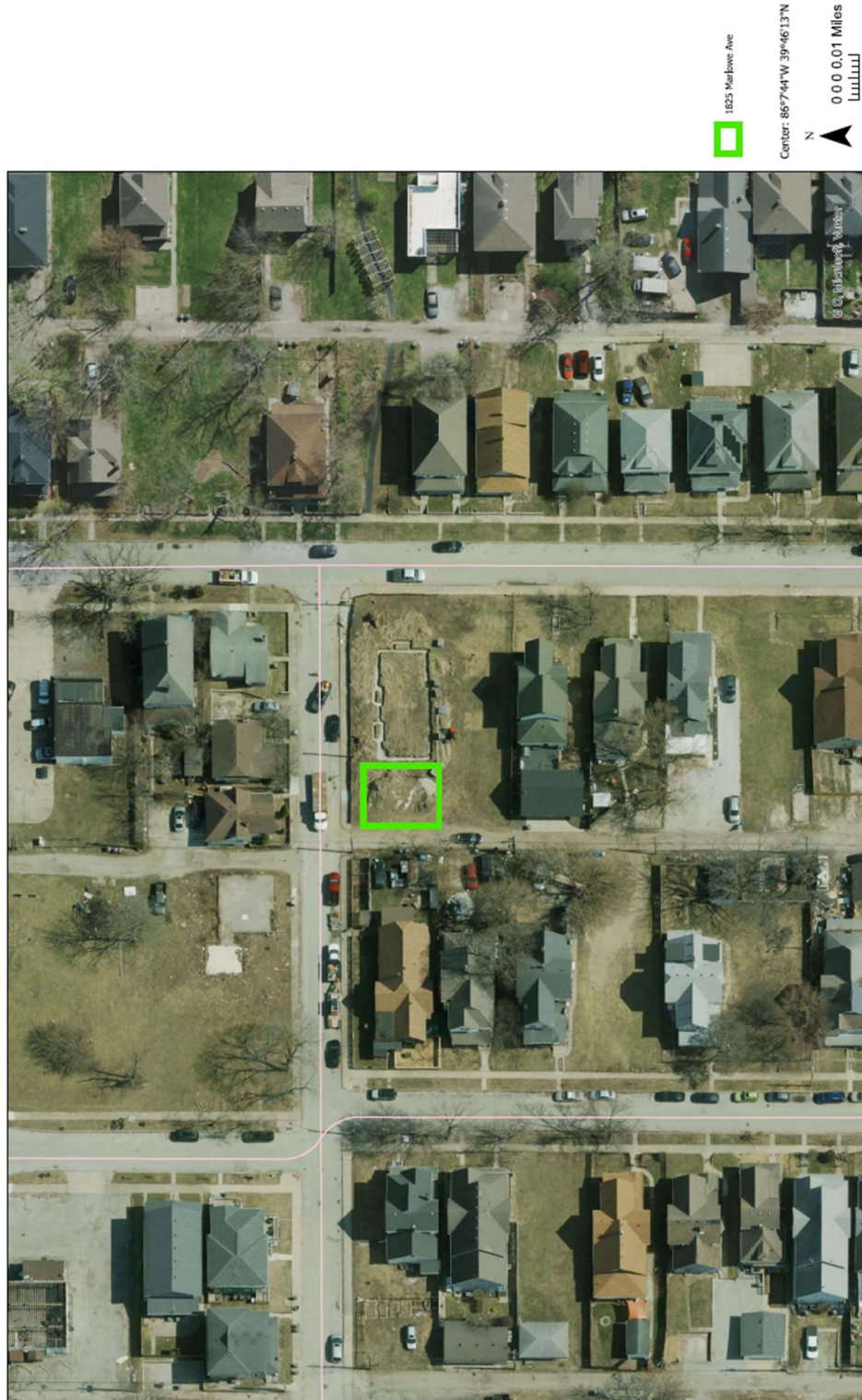
2015-HOV-042 ; 226 North Walcott Street (South of proposed site). Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 528-square foot detached garage, with a three-foot north side setback and a seven-foot aggregate side setback (minimum four-foot side and 10-foot aggregate side setback), creating 52% open space (minimum 55% open space). **Approved**

2021-DV1-010 ; 302 North Walcott Street (West of proposed site). Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation of a two-family dwelling, balconies with zero-foot front and side setbacks, with concrete stairs/steps/railings and retaining walls within the rights-of-way of Marlowe Avenue and Walcott Street, with a deck with a zero-foot north side setback, 28% open space, a three-foot building separation (18-foot front setback or average, four-foot side setbacks, structures not permitted within the right-of-way, 55% open space and 10-foot separation required), and structures within the clear sight triangle of the abutting streets (not permitted). **Approved**



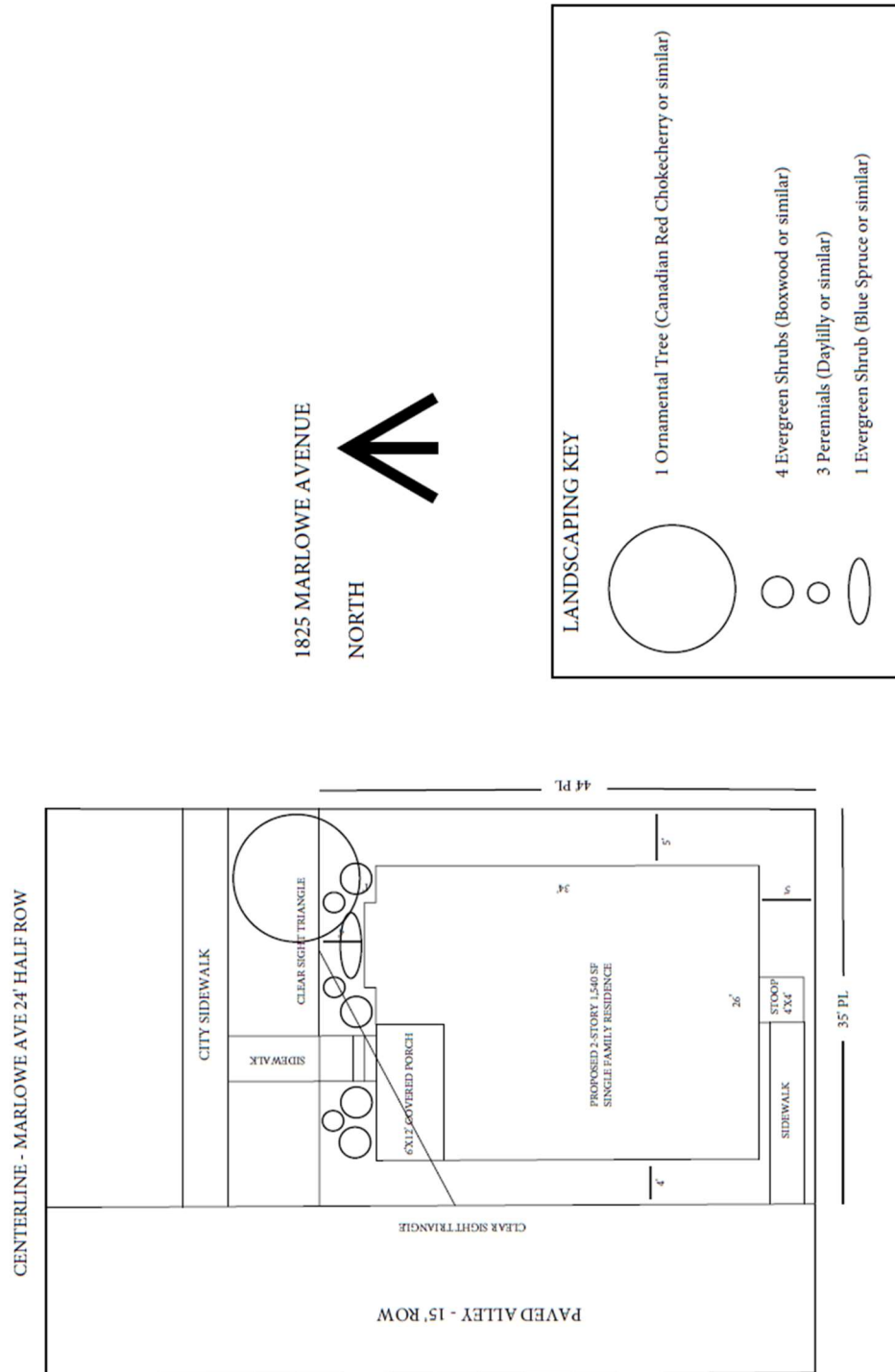
Department of Metropolitan Development
Division of Planning
Current Planning

Proposed Site, Location Map

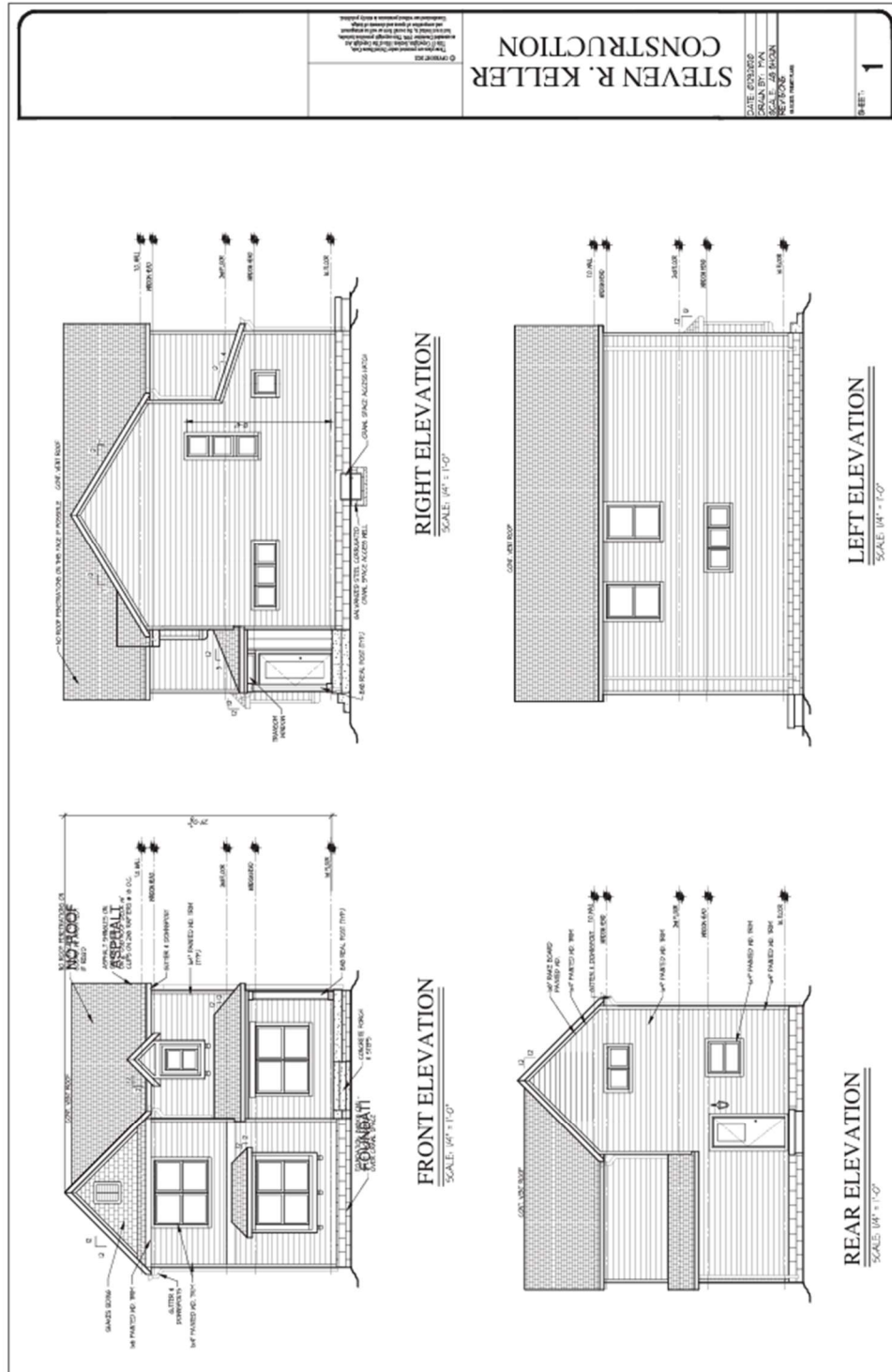


**Department of Metropolitan Development
Division of Planning
Current Planning**

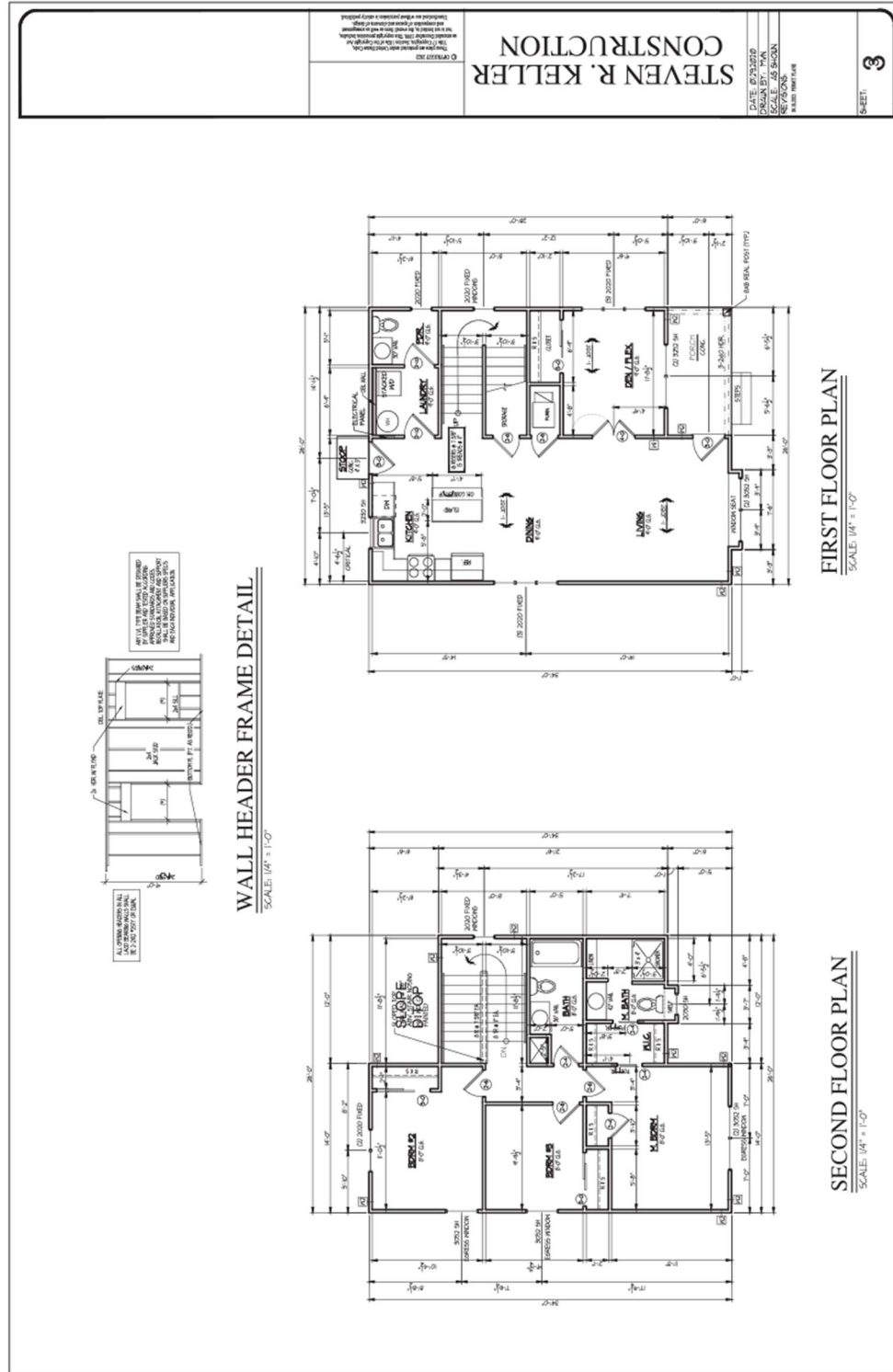
Proposed Site Plan



Proposed Elevation Plan



Proposed Floor Plan





Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The subject site was previously platted with an existing, 2-story single family residential structure. The site is surrounded
by residential structures and uses and the proposed development would not be injurious to the public health, safety, morals,
and general welfare of the community.

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

The proposed use and development matches historical uses, both on the subject site and adjacent sites and will not
create an adverse impact on 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 subject site is an existing, platted lot zoned for residential uses. In order to meet the terms of the ordinance, the
proposed structure would only have a developable area on the lot of approximately 512 square feet, failing to meet the
ordinance requirement for minimum floor area. This existing, substandard lot necessitates these variance requests.

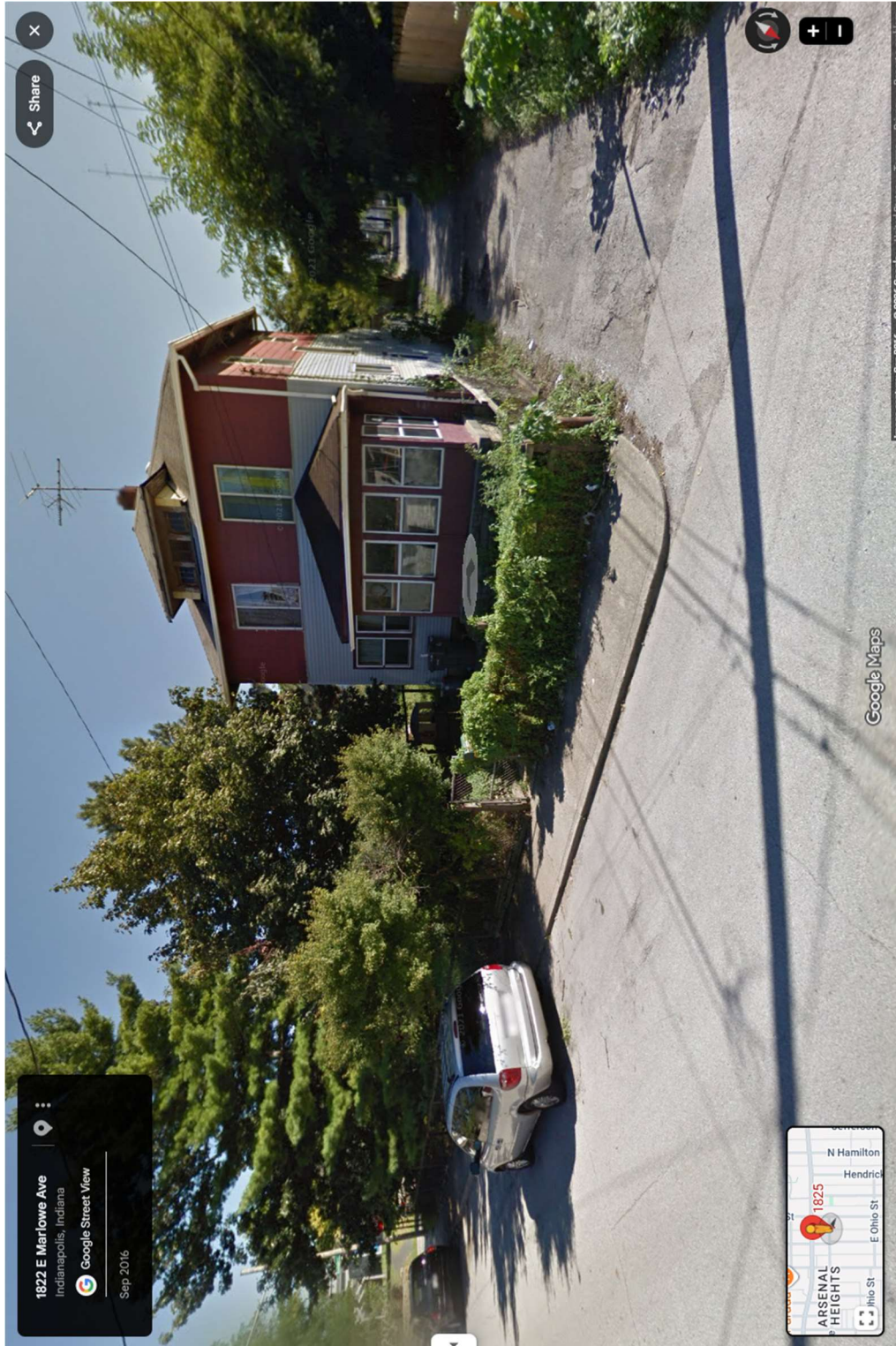
DECISION

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

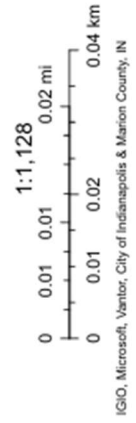
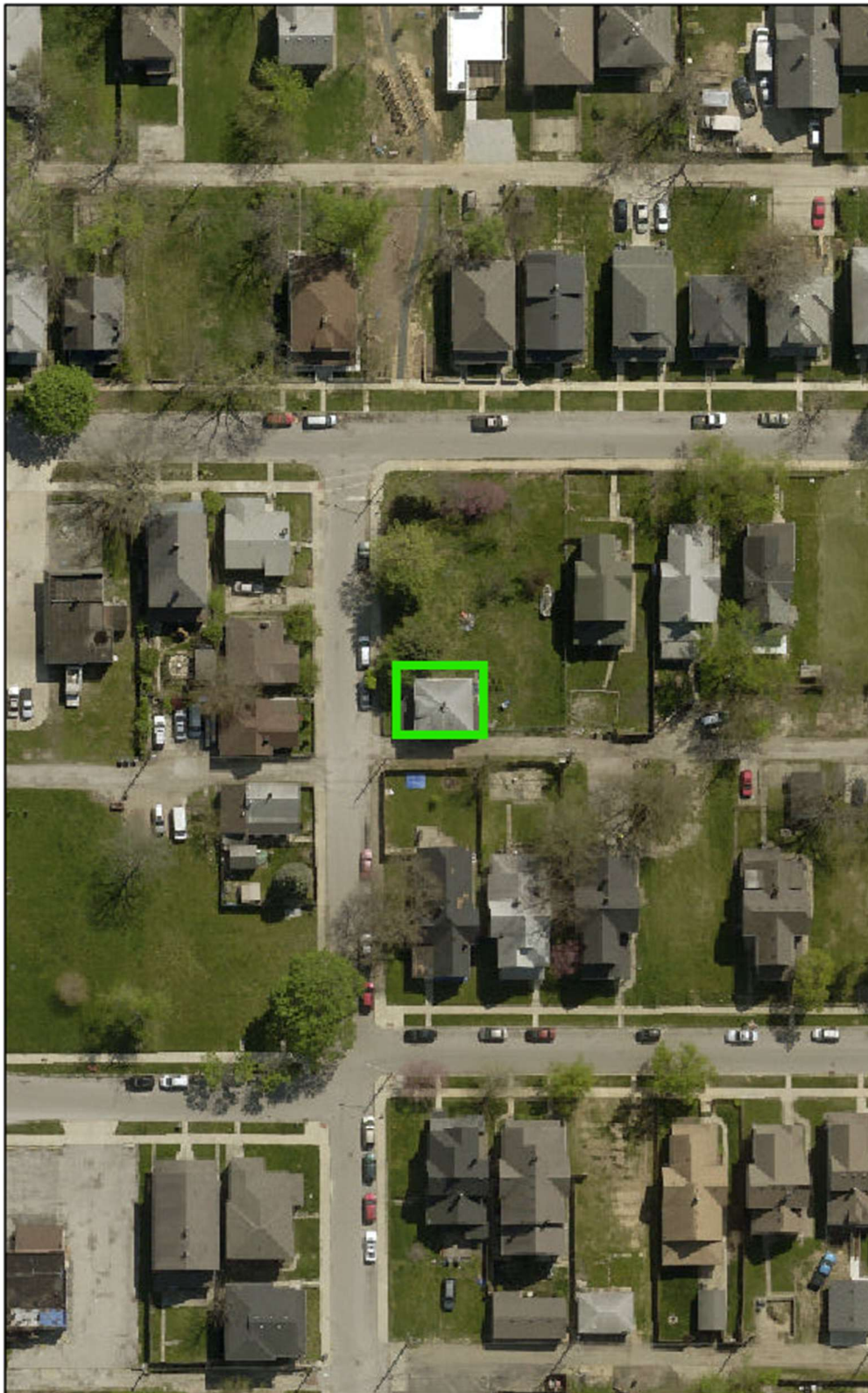
Adopted this _____ day of _____, 20 ____

Department of Metropolitan Development
Division of Planning
Current Planning

previous use of property (September 2016)



1825 Marlowe Ave 2016 aerial



7/10/2026

site photographs (7/10/2026)



Figure 1 - looking **South** at Lot



Figure 2 - looking **East** from Lot



Figure 3 - looking **West** from Lot



Figure 4 - looking **South** through alley



Figure 5 - Looking **North** from lot



Figure 6 - looking **South** at lot



Figure 7 - looking **South** at lot

Board of Zoning Appeals Division I

August 4, 2026

Case Number: 2026-UV1-008

Property Address: 1852 Shelby Street (*approximate address*)

Location: Center Township, Council District #18

Petitioner: The8Forty, LLC, by Justin Kingen

Current Zoning: MU-1 (TOD)

Request: Variance of use to allow for single-family attached dwellings in the MU-1 district (not permitted) and a variance of development standards to allow for a 37.5-foot-wide lot (50-foot minimum lot width required), a 12-foot front building line (0-10 feet required), lack of a primary entrance feature on the front façade (not permitted), a front building line encompassing 42.66% of the lot width (minimum 80% required), and a trash enclosure within the 15-foot rear yard setback (not permitted).

Current Land Use: Unimproved

Staff Recommendations: Staff recommends **approval** of this petition, subject to commitments.

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

A registered neighborhood organization previously filed a timely automatic continuance from the May 12th to the June 2nd BZA I hearing. Staff previously requested—and were granted—a continuance for cause to the July 7th, 2026, hearing. The petitioner requested—and was granted—a one-month continuance to the August 4th, 2026, BZA I hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to the following commitments:

- "If this Petition for Variance is granted, Petitioner commits that no Improvement Location Permit (ILP) shall be applied for or issued for the subject property until Petitioner has first submitted for and completed the applicable local structural (Class One) review through the Department of Business and Neighborhood Services, addressing the proposed single-family attached container structure, and has obtained written confirmation of any additional state-level building permits, approvals, or variances required for construction. If state and/or local permits cannot be issued or obtained, the variance would be null and void and the property would return to its base MU-1 zoning district."

PETITION OVERVIEW

- 1852 Shelby Street is an unimproved undeveloped parcel. Until summer or fall of 2022, there had been a building on this site that appeared to be commercial in nature. That building appears to

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

have been built sometime between 1986 and 1990. The property is currently zoned MU-1. Properties to the north and south are also zoned MU-1 while the properties to the east are zoned MU-2. Properties to the west are zoned D-5.

- The petitioner is seeking a variance of use (along with multiple development standards) to allow for the development of two 3x3 stacked container homes that will serve as market-rate single-family attached housing. Single-family attached housing is not a permitted use within the MU-1 district.
- The Ordinance defines the purpose of MU-1 as being “intended for the development of high-rise office uses and apartments intermixed, grouped in varying combinations, or provided in the same building.” Additionally, the Ordinance highlights that appropriate settings for the MU-1 district include proximity to rapid transit stops. A variance of use is intended for unique uses that are not contemplated in the ordinance or to allow for the best and highest use of land that would otherwise not be developed.
- The Comprehensive Plan’s Land Use Plan Pattern Book classifies this property as part of the Village Mixed-Use typology. This typology “creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of the buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.
- When analyzing a land use petition, staff must consider the context of the surrounding area and look for guidance in the Comprehensive Plan. The residential building types required by MU-1 do not fit within the context of this corridor. In fact, the MU-1 definition indicates that “appropriate settings for the MU-1 district include the midtown and uptown areas of the city, very near rapid transit stops, or in the midst of high intensity regional commercial complexes.” While this site is very near to a Red Line stop, this is neither an area amid a high intensity regional commercial complex nor is it an area where high-rise residential would be appropriate. In fact, the Village Mixed-Use typology indicated that buildings should be limited to no more than 4 stories. Furthermore, as indicated above, the Village Mixed-Use typology recognizes that mixed-use does not have to occur vertically but can happen horizontally across a corridor. If a current zoning district does not fit with the area it is in, the question then, is whether, the proposed land-use petition does fit and whether it aligns with the spirit of the Comprehensive Plan.
- The petitioner’s proposed development helps the corridor to provide a variety of housing options and increases density, aligning with the Comprehensive Plan. Additionally, the stretch of Shelby Street from Beecher Street to Iowa Street also houses an auto-body shop, a butcher shop, a

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

barbershop, a plumbing business, and a screen printing business. These small businesses represent an existing mixed-use element and the proposed development represents an opportunity for increased traffic as well as the opportunity for further mixed-use development.

- The subject site in question has a lot width of 37.5 feet when MU-1 requires a minimum lot width of 50 feet. Staff's analysis indicates the presence of site-specific practical difficulties as a number of MU-1 standards would be difficult to meet on a lot of this size.
- Staff, however, is cognizant that the proposed structure is only a prototype and, based on conversations with the petitioner, has not yet been built in the State of Indiana. While staff is supportive of the proposed single-family attached residential use, staff wants to ensure that all safety standards are met. As such, if this petition should be granted, staff would request the following commitment:
 - If this Petition for Variance is granted, Petitioner commits that no Improvement Location Permit (ILP) shall be applied for or issued for the subject property until Petitioner has first submitted for and completed the applicable local structural (Class One) review through the Department of Business and Neighborhood Services, addressing the proposed multi-family stacked container structure, and has obtained written confirmation of any additional state-level building permits, approvals, or variances required for construction.
- Based on the difficulties the lot poses for MU-1 development, the context of the corridor, and the guidance provided the Comprehensive Plan, staff recommends **approval** of this petition, subject to the aforementioned commitments.

GENERAL INFORMATION

Existing Zoning	MU-1 (TOD)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	MU-1	North: Residential
South:	MU-1	South: Residential
East:	MU-2	East: Residential
West:	D-5	West: Commercial/Residential
Thoroughfare Plan		
Shelby Street	Primary Arterial	65-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Context	
Floodway / Floodway Fringe	No	
Overlay	TOD	
Wellfield Protection Area	No	
Site Plan	3/16/2026	

Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	3/17/2026
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contribute to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- This parcel is within the Transit Oriented Development Overlay. The parcel is less than 600 feet south of a Red Line BRT stop at Shelby Street and Pleasant Run Parkway. The 2020 Red Line TOD Strategic Plan contemplates a Walkable Neighborhood typology for this area. Typology characteristics include:
 - Mix of uses at station area and primarily residential beyond
 - Maximum of 3 stories throughout
 - No front or side setbacks at core; 0-15 ft. front setbacks and 0-20 ft. side setbacks at periphery
 - Mix of multi-family and single-family housing
 - Structured parking at the core and attractive surface parking at the periphery

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Building Elevations and Architectural Elements
 - Architectural elements contributed to the character of the neighborhood, and neighborhoods benefit by new buildings relating to and complementing the surrounding style.
 - Front entry features create “human-scale” massing elements that relate buildings to the frontages and streetscape and social spaces that activate that streetscape. They provide endless opportunities for unique design with subtle variations to building patterns but create a consistent form and scale along streets. This helps reinforce a neighborhood character by creating distinctions between the same or similar building type and creating compatible relationships between buildings of different size or type.

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

98-CP-12V; 1875 Shelby Street (southeast of site), Variance of Use of the Industrial Zoning Ordinance to provide for outside operations for an automobile repair business with outdoor operations and storage of 5,439 square feet or 127% of the total gross floor area of enclosed structures and buildings, **approved subject to conditions**.

2005-VAR-828; 1831 Shelby Street (east of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a 3,400-square-foot market with a 2.5-foot front yard setback along Shelby Street, with a 6.5-foot front yard setback along Naomi Street, with parking located 2.5 feet from the right-of-way of Shelby Street, and a dumpster and mechanical equipment located 6.5 feet from the right-of-way of Naomi Street, **approved**.



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

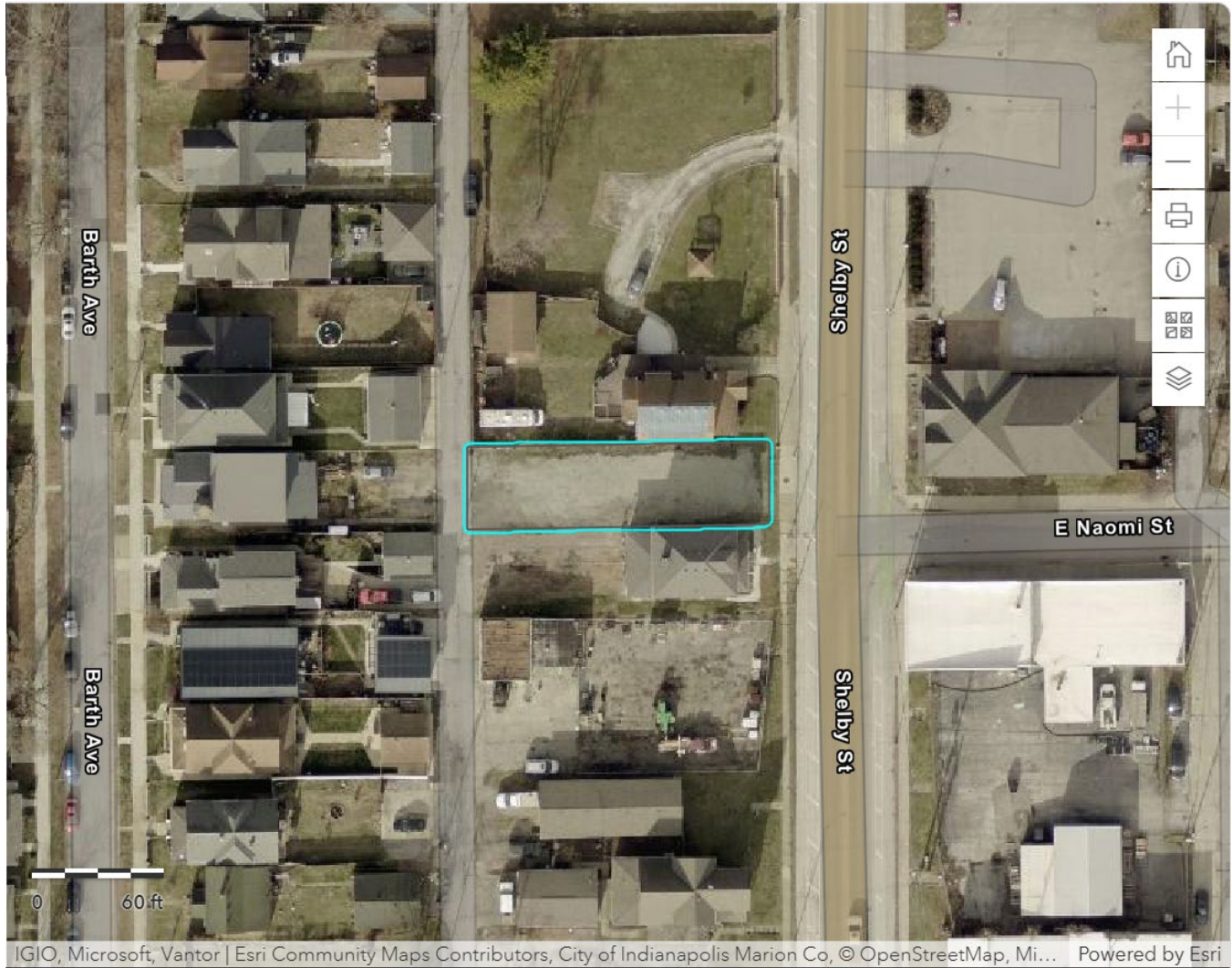
2005-ZON-828; 1831 Shelby Street (east of site), Rezone of 0.88-acre from the C-2 district to the C-3C classification to provide for a meat market, neighborhood commercial, and residential uses, **approved subject to commitments.**

2007-UV1-011; 1831 Shelby Street (east of site), Variance of Use of the Commercial Zoning Ordinance to provide for the sale of alcohol, accessory to a butcher shop, **approved subject to conditions.**

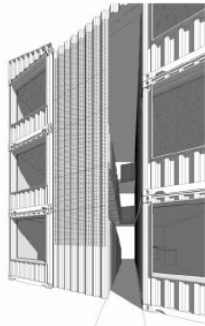
2026-ZON-038 (Pending); 1830 Shelby Street (north of site), Rezoning of 0.15-acre from the MU-1 (TOD) district to the D-5 district to provide for the construction of a duplex.

EXHIBITS

2026UV1008; Aerial Map



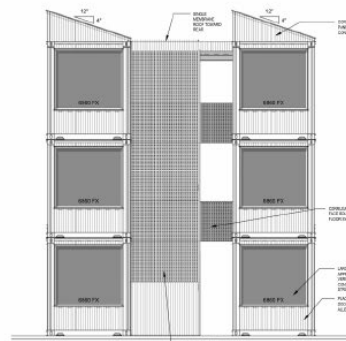
2026UV1008; Site Plan



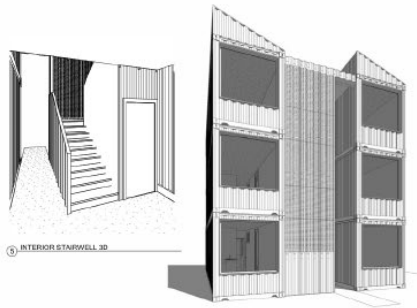
6. GROUNDLEVEL ENTRY 3D



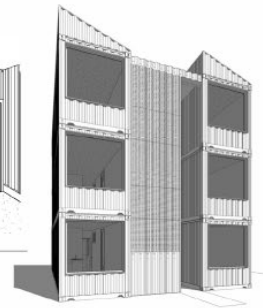
7. REAR COURTYARD 3D



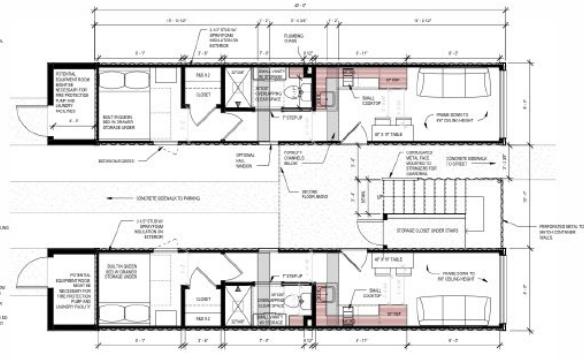
3. FRONT PROPOSED
1/4\"/>



5. INTERIOR STAIRWELL 3D



4. FRONT 3D



1. MAIN LEVEL INTERIOR FINISH PLAN
1/4\"/>



2. UPPER LEVEL FLOOR PLANS
1/4\"/>

2026UV1008; 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 project will be constructed in accordance with applicable building codes and of quality materials while the streetscape while also adding critically needed density in order to help achieve the goals of the community for future development in the immediate area. The project will also strive to provide housing for homeless which directly improves area public health, safety, morals and general welfare of the immediate vicinity. The project represents a severe departure from the existing layout of the immediate area and represent a quality infill which aligns with adopted City goals and leverage considerable public investment in the form of the bus rapid transit.

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 immediate area is comprised of industrial, moderate commercial, and large single and two-family detached. The majority of these structures were constructed in the early 20th century. The current adopted comprehensive plan recommends Village Mixed-Use for this portion of Shelby Street. In order for this aspirational vision to be realized, increased density is a necessity. Given the element of community participation prior to the adoption of the plan, the petitioner does not believe the introduction of this reasonable typology to adversely impact adjacent properties. The petitioner would note that the site is within 465 feet of a Red Line transit station.

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 was platted in 1873, prior to the adoption of Zoning in Indianapolis. Such lots are generally narrow in regard to lot width. While the zoning ordinance does provide for lot width exceptions for single-family detached, it provides additional exceptions for D-6II and D-7 Districts, so long as the plat specifically is intended for residential use. Indication of such use was not a common practice in the 19th Century, and the Ordinance fails to rectify the practical difficulty in non-residential districts intended to provide for residential, such as the Mixed-Use Districts, without the City's regulatory mechanism and aspirational policies, resulting in a substantial practical difficulty. The

2026UV1008; 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 project will be constructed in accordance with applicable building codes and of quality materials while improving the streetscape while also adding critically needed density in order to help achieve the goals of the comprehensive plan for future development in the immediate area. The project will also strive to provide housing for homeless individuals, which directly improves area public health, safety, morals and general welfare of the immediate vicinity.

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 immediate area is comprised of industrial, moderate commercial, and large single and two-family detached structures. The majority of these structures were constructed in the early 20th century. The current adopted comprehensive plan recommends Village Mixed-Use for this portion of Shelby Street. In order for this aspirational vision to be realized, increased density is a necessity. Given the element of community participation prior to the adoption of the comprehensive plan, increased density is a necessity.

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

The subject site was platted in 1873, prior to the introduction of zoning as a concept. Given this fact, the subject site has substandard lots, particularly in regard to lot width. Without the grant of relief in such areas from the minimum lot size, the subject site cannot achieve adopted goals of the City and community, as defined in its comprehensive plan, are limited at this time.

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

While the site is within the Transit-Oriented Development Overlay District, it does not provide for density in multi-family oriented districts, despite the intent of traditional transit oriented development to do so. While the attached development is a multi-family development, the petitioner would posit that the national housing crisis is best addressed through attainable ownership opportunities in desirable areas, such as the subject site, being in close proximity to transit.

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

The comprehensive plan recommends Village Mixed-Use for the subject site. This portion of Shelby Street is as having the beginnings of a healthy mixed-use corridor, with existing industrial, commercial and two-family detached structures. However, in order to achieve an enhanced corridor, and to capitalize on the substantial investment that has been made into constructing the Red Line, increased density is a bare requirement. The proposal seeks to provide the subject site with the opportunity to contribute to the corridor's development.

2026UV1008; Photographs



Photo 1: Looking at subject site from Shelby Street

2026UV1008; Photographs (continued)



Photo 2: Close up of subject site with buildings fronting Barth Street in background

2026UV1008; Photographs (continued)



Photo 3: Looking across the street from subject site at butcher shop and Naomi Street

2026UV1008; Photographs (continued)



Photo 4: Looking south on Shelby Street

2026UV1008; Photographs (continued)



Photo 5: Looking north on Shelby Street

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number: 2026-UV1-012

Property Address: 2335 West Morris Street, and 1211 & 1220 South Tremont Street (approximate addresses)

Location: Wayne Township, Council District #17

Petitioner: Hurst Properties LLC, by Heath Hurst

Current Zoning: D-5 / C-4

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for administrative office space (not permitted in D-5) and for office uses with deficient vehicle and bicycle parking spaces (10 vehicle and 3 bicycle spaces required).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** of this petition, subject to commitments.

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

7/7/26: The petition received an indecisive 2-2 vote at the July hearing of Division I of the Board of Zoning Appeals, and was therefore automatically continued to the August 4, 2026 hearing date. In that time, the petitioner provided staff with additional information and commitments limiting the impact of the proposed use on residential areas while also allowing for potential future reuse of the properties as residences in the future. Based on these commitments and continued conversations, staff now recommends **approval** of the requested variances, subject to the three commitments within the 'Staff Recommendation' section below.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested variances, subject to commitments that:

1. Grant of the variance shall be tied to the three existing residential structures on the properties to allow for potential residential reuse in the future. The variance shall cease to be valid should the residential structures be demolished or substantially altered.
2. The office uses at each property shall be serviced by a maximum of two (2) parking spaces (either within existing garages or on parking pads meeting dimensional requirements for paving and setbacks from property lines). Any additional site access or parking shall be routed from the related contractor use to the west at 2401 West Morris Street.
3. Perimeter landscaping between 2401 West Morris Street and the subject properties shall be installed within one (1) year of variance approval, consistent with the landscape plan approved by the previous rezoning petition 2024-ZON-060.

PETITION OVERVIEW

This land use request encompasses three (3) total parcels: 2335 West Morris Street, 1211 South Tremont Street, and 1220 South Tremont Street. The Morris property is improved with a single-family residence and detached garage accessed from an alley to the rear, and the two properties along Tremont (a named alley) are accessed from the east. The residences range in size from 1304 to 1445 square feet, and each were built between 1935 and 1957. Surrounding land uses are residential to the east and southeast and land uses to the north of Morris include a church and a lot recently rezoned for apartment development.

In 2024, the property at 2401 West Morris to the west and south of these lots was rezoned to the C-7 designation to allow for a landscaping contractor use utilizing a 2450 square foot retail store, multiple accessory buildings and greenhouses, and fourteen storage bins along the eastern portion of the property. Staff recommended denial of this petition given the proximity of the proposed heavy commercial use and zoning to residential areas, but the petition was approved subject to eight commitments (including but not limited to stipulations that the property would be developed with the plans in Exhibits below and that all commercial vehicles would utilize Lambert Street for access, avoiding residential streets where possible. See full commitments within Exhibits below).

Approval of this petition would allow for the use of the three residential properties on the addresses specified above to be utilized as offices associated with the adjacent contractor use. This would be considered a new primary use on each of the lots, as opposed to accessory office uses. The Plan of Operation provided by the applicant indicates that the full company employees around 70 people, that the subject buildings would be open from 8 AM to 6 PM and closed to the public, and that 4-6 staff members *per residence* would utilize the properties as office space for internal meetings, project management, scheduling and coordination, and other clerical duties (full Plan is within Exhibits below).

Specifically, the following variances would be required to allow for this proposal to legally operate:

- The two properties along Tremont Street are zoned D-5, which does not permit primary offices uses and would require a Variance of Use. The Morris property is zoned C-4 which would allow for offices by-right.
- Per aerial photography and staff's visit to the site, it appears that there would not be sufficient parking spaces shared between the three residential properties:
 - 2335 W Morris has a 2-car parking pad in its rear yard (in addition to 1-2 front-yard on-street parking spaces).
 - 1211 S Tremont does not appear to contain any formal parking areas (though vehicles were parked within rear-yard grass areas during staff's visit).
 - 1220 S Tremont is improved with a 2-car garage as well. By staff's estimation, there would be at most 8 eligible parking spaces.
- The square footage of each of the primary buildings would require the provision of at least 10 parking spaces (minimum 1 space per 350 square feet of use). Additionally, the Ordinance would require placement of three (3) bicycle parking for the primary office use.



Department of Metropolitan Development
Division of Planning
Current Planning

The southern two (2) properties are zoned D-5 to allow for medium- and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. The northern parcel, despite being improved with a single-family home in a manner consistent with land zoned D-5 to the south, is zoned C-4 (Community-Regional District) to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. The West Indy Neighborhood Plan indicates that each of these parcels should be developed with residential uses at a density of 5-8 residential units per acre.

Findings of Fact provided by the applicant indicate that the use of these residences as offices for the contractor use would serve as a buffer between the heavy commercial and residential area, and that a hardship is created by the fact that the residences are located near to the subject site. Staff would contend that there is already an existing natural buffer of existing and planned landscaping to separate residences from the contractor use (as shown on the site plan), that a line of demarcation already appears to exist at the eastern boundary of the contractor use (with residential use to the east and additional heavy commercial or industrial use to the west), and that additional encroachment of commercial uses into the residentially developed areas would run directly counter to the guidance of the West Indy Neighborhood Plan for the properties.

Staff would also note that vehicle access to these properties is only feasible through utilization of at least one public alley (Tremont Street or the east-west alley running parallel to the south of Morris Street). The widths of the alleys are around 20 feet, and per aerial photography and staff's visit to the site it appears that vehicles regularly utilize space along the alleyways for access to residential properties (see photos in Exhibits). The Plan of Operation indicates that 4-6 staff members would utilize each residence for office space and meetings, which could result in up to 18 additional vehicles accessing these properties concurrently without adequate parking. Staff notes this would introduce a risk of vehicle congestion or of utilization of the alleys for parking and would seek to avoid the introduction of that negative externality.

The current parcels housing the contractor use (2401 Morris) are a total of 3.88 acres in size. Staff would note the feasibility of utilizing this existing area for both office and parking functions, either in existing structures or through the construction of new ones, without the need for variance relief. Additionally, concerns about parking congestion for the utilization of these homes as offices and about additional encroachment of commercial usage into residential areas would lead staff to recommend **denial** of the requested variances.

GENERAL INFORMATION

Existing Zoning	D-5 / C-4	
Existing Land Use	Residential	
Comprehensive Plan	5 – 8 Residential Units per Acre	
Surrounding Context	Zoning	Surrounding Context
North:	D-9 / C-4	North: Undeveloped / Church
South:	C-7	South: Contractor
East:	D-5 / C-4	East: Residential

West:	C-7	West: Contractor
Thoroughfare Plan		
Morris Street	Primary Arterial	70-foot existing right-of-way and 78-foot proposed right-of-way
Tremont Street	Named Alley	100-foot existing right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/30/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	04/30/2026	
Findings of Fact	04/30/2026	
Findings of Fact (Amended)	07/01/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- West Indianapolis Neighborhood Land Use Plan (2011)

Pattern Book / Land Use Plan

- Not Applicable. See Neighborhood / Area Specific Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The West Indianapolis Neighborhood Land Use Plan (2011) recommends residential development with a density of 5-8 dwelling units per acre. The Plan indicates that in suburban and rural areas this is a common multi-family density and typically the highest single-family category in suburban areas. In urban areas, it is common for both single-family and multi-family development. Development at this density is appropriate along bus corridors but should not take place in proximity of planned light rail transit stops. Office or contractor uses are not contemplated for this typology.

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

2025ZON092 ; 2502 Lambert Street (west of site), Rezoning of 4.79 acres from the D-5 (FF) and C-7 (FF) districts to the I-3 (FF) district to provide for a commercial parking lot, **withdrawn**.

2025VAR011 ; 2502 Lambert Street (west of site), Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot for commercial truck and trailer parking, **withdrawn**.

2025CZN840B ; 2302 West Morris Street (north of site), Rezoning of 1.969 acres from the D-5II district to the D-9 district to provide for a medium apartment development, **approved**.

2025CZN840A ; 2302 West Morris Street (north of site), Rezoning of 1.471 acres from the D-5II district to the D-8 district to provide for a single-family residential development, **approved**.

2024ZON060 ; 2401 West Morris Street (west of site), Rezoning of 3.88 acres from the D-5 (FF) and C-4 (FF) districts to the C-7 (FF) district to provide for a landscaping business, **approved**.

2023CZN843 ; 2302 West Morris Street (north of site), Rezoning of 0.706 acre from the C-S district to the D-5II district to provide for six single-family dwellings, **approved**.

2012UV3007B ; 1234 Sheffield Avenue (southeast of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a detached garage converted to a 595.55-square foot single-family dwelling, with a six-foot rear setback, with one parking space, and creating an open space of 61.9% (three dwellings not permitted – only one single-family dwelling or one originally constructed two-family dwelling permitted, minimum 20-foot rear setback required, two parking spaces required per unit, minimum open space of 65% required) on a lot with an existing two-unit dwelling, **approved**.

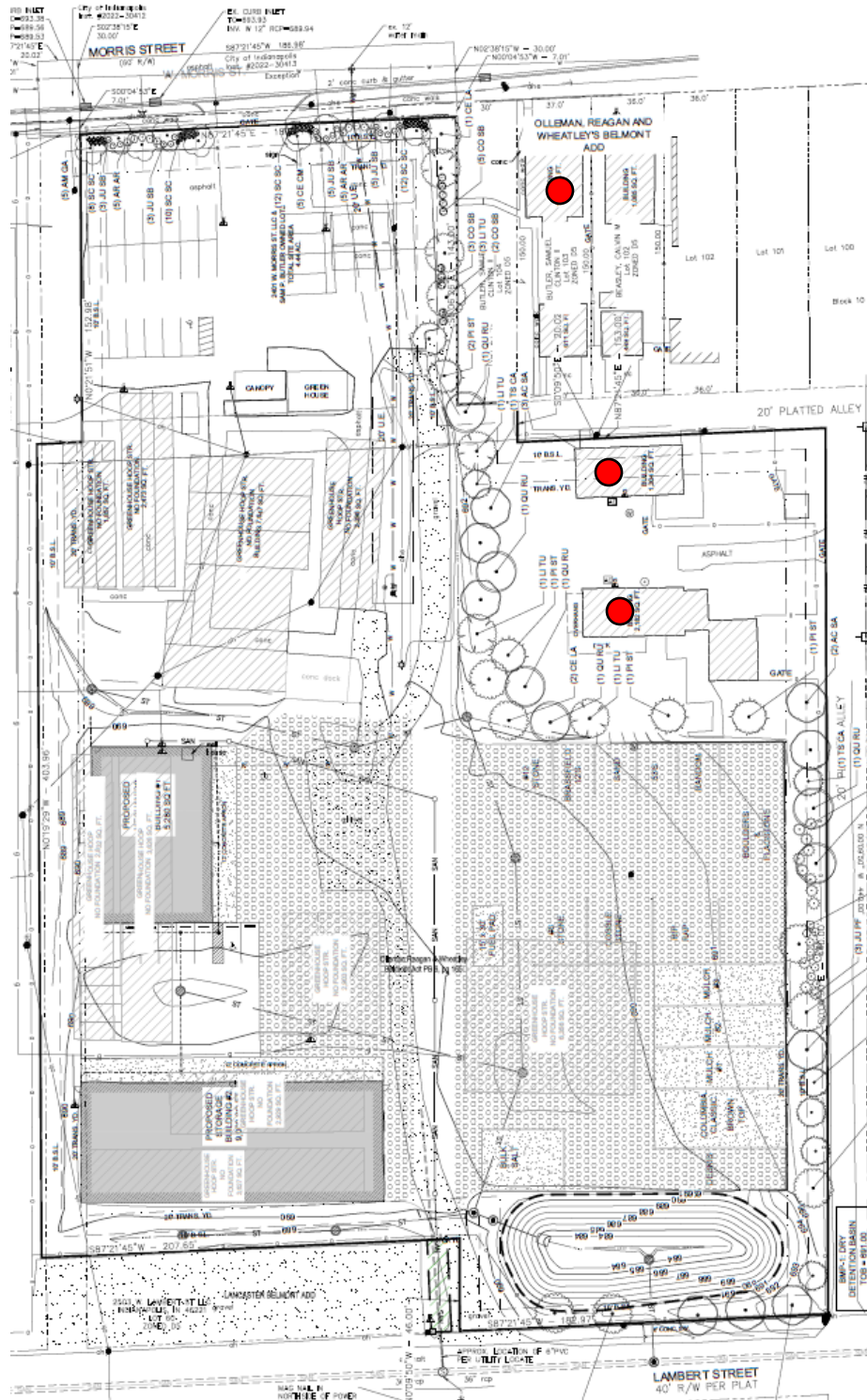
95-UV2-5 ; 2331 West Morris Street (east of site), Variance of Use of the Commercial Zoning Ordinance to provide for construction of a 400 square foot detached garage (not permitted), **approved**.

EXHIBITS

2026UV1012 ; Aerial Map



2026UV1012 ; Site/Landscape Plan (Landscaping Contractor to West)



Note: subject sites marked with red dots by Staff

2026UV1012 ; Commitments Associated with Previous Rezoning to West (2024ZON060)

- 2 The following uses shall be prohibited:
Recycling center, mobile home display, portable storage, recycling collection point, renewable energy facility, temporary fireworks sale, night club or cabaret, clean energy R&D, information technology R&D, life science R&D, logistics R&D, research and development (other), adult entertainment business retail, firearm sales, fireworks sales (ongoing), liquor store, pawn shop, power generating facilities, substations and utility distribution nodes, wireless communications facility, automobile motorcycle and light vehicle sales or rental, motorsports industry, other vehicle sales rental and repair, transit center, truck or heavy vehicle sales rental or repair, Truck stop, automobile rental station, methadone clinic or treatment facility, plasma blood center, substance abuse treatment facility, agricultural machinery and equipment sales rental and repair, check cashing or validation service, dry cleaning plant or industrial laundry, tattoo parlor, adult entertainment business, transportation facilities and accessories, Heavy equipment sales, service or repair, Automobile or vehicle storage or auction, Automobile fueling station, Heavy Vehicle Wash.
- 3 The owner agrees for all commercial vehicles to enter and exit using Lambert Street, continuing onto Morris from Bedford Street, avoiding residential streets where possible.
- 4 The owner agrees not to install any electrified fences.
- 5 The owner agrees to not offer car wash services to the public or automate vehicle washing in any way. The owner will maintain company vehicles and wash them regularly.
- 6 The owner agrees to developing and maintaining the land as a permanent operation.
- 7 Development of the site shall be in substantial compliance with the site plan and landscape plan, file-dated May 8, 2024.
- 8 The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

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

2026UV1012 ; 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 proposed use involves only limited administrative office activity within existing residential structures. Each residence will be used by approximately 4-6 administrative staff members for tasks such as scheduling, accounting, and project coordination. No customers or vendors will visit the residences and no outdoor business activity will occur. Business hours will generally be limited to 8:00 AM through 6:00 PM. The properties will be secured with cameras and electronic locks. Because the use is low intensity and generates minimal traffic or activity, (continued on attached document)

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 homes will maintain their residential appearance and will not include signage, customer traffic, or outdoor business operations. The majority of the company's employees work at the adjacent commercial property located at 2401 West Morris Street or at client project sites, and only a small number of administrative staff will utilize the residences. Parking demand will be minimal, with most parking occurring at the adjacent commercial site. Because the use is limited to quiet office work and will not generate noticeable activity beyond typical residential use, (continued on attached document)

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

The properties are uniquely situated directly adjacent to the Heath Outdoor commercial facility located at 2401 West Morris Street and are owned by the same property owner, Hurst Properties. Due to their location bordering the commercial property, these houses naturally function as a transition area between the commercial operation and the surrounding residential neighborhood. Their proximity to the existing business makes them well suited for low-intensity administrative office use supporting the commercial site next door.

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

Strict application of the zoning ordinance would prevent the reasonable use of properties that are already directly connected to and fundamentally related to the adjacent commercial operation. Without the variance, the administrative staff supporting the business would have limited space near the existing commercial facility despite the availability of these adjacent properties owned by the same entity. Allowing limited office use within the homes enables the property owner to reasonably utilize the properties in a manner consistent with their location and relationship to the commercial site.

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

The proposed use represents a low-impact administrative function that supports an existing local business already operating at the adjacent commercial property at 2401 West Morris Street. The residences will continue to maintain their residential appearance and will serve primarily as a buffer between commercial property and the nearby residential areas. Because use involves minimal activity, no public access, and limited staff presence, it is compatible with the surrounding area and does not conflict with the intent of the comprehensive plan.

2026UV1012 ; Findings of Fact (Development Standards)

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

The proposed use involves allowing parking for limited administrative office activity within existing residential structures. Local ordinance states there must be one parking space per 350 square feet of office use, requiring 10 parking spaces combined for the three structures. There is ample available space amongst the three properties to comfortably allow for the required parking allotment. Because the use is low intensity and generates minimal traffic or activity, it will not negatively affect the public health, safety, or general welfare of the surrounding 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:

There is currently ample space available between the three parcels to allow for the required 10 parking spaces. No additional encroachment or encumbrance upon the surrounding community will occur. The minimal traffic and activity associated with the administrative offices will ensure cohesion with adjacent properties. Because the parking demand for the request is minimal and the associated offices will not generate noticeable activity beyond typical residential use, surrounding property values and neighborhood character will not be adversely affected.

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

The proposed variance requests parking spaces for administrative offices associated with the existing commercial operation located at 2401 West Morris Street. The offices (which will operate out of existing residential structures) will serve as a natural transition area between the commercial operation and the surrounding residential neighborhood. These administrative offices will serve as an integral component of the commercial operation, and require their own parking in order to operate within their scope. Strict application of the zoning ordinance will significantly denigrate the functionality of the properties as intended.

2026UV1012 ; Plan of Operation (1 of 4)

Plan of Operation

**Hurst Properties / Heath Outdoor
Variance of Use Petition**

Property Locations

This petition requests approval for Hurst Properties to allow limited office use within residential properties located at:

- 2335 West Morris Street – Indianapolis, IN 46221
- 1220 South Tremont Street – Indianapolis, IN 46221
- 1211 South Tremont Street – Indianapolis, IN 46221

These properties are owned by Hurst Properties and are located directly adjacent to the existing commercial property operated by Heath Outdoor, located at:

2401 West Morris Street – Indianapolis, IN 46221

The intent of this variance is to allow these residences to function as administrative office space supporting the existing landscaping business.

Nature of Business

Heath Outdoor is a landscaping and property maintenance company operating from 2401 West Morris Street. The business employs approximately 70 team members, the majority of whom work in the field or at the primary commercial facility.

The residences included in this petition will not function as customer-facing business locations. They will only be used for internal administrative activities.

Office Use

Each residence will be used by a small number of administrative staff members to perform office tasks such as:

- Scheduling
- Accounting
- Administrative coordination

2026UV1012 ; Plan of Operation (2 of 4)

- Project management
- Internal meetings

Only 4–6 staff members per residence may use the properties as office space on an as-needed basis.

Many administrative staff members work partially remote and may work from home throughout the week.

Hours of Operation

Administrative staff working at the residences will generally operate between the hours of:

8:00 AM – 6:00 PM

No evening or overnight business operations are planned except during snow removal operations.

Parking

Each residence has limited on-site parking spaces that may be used by administrative staff when available.

However, the majority of staff parking will occur at the adjacent commercial property located at:

2401 West Morris Street

This ensures that parking demand at the residential properties remains minimal.

Customer Traffic

These residences will not be open to the public.

Customers and vendors will not visit these addresses.

All customer communication and deliveries will continue to occur through:

- The company PO Box
- The commercial facility located at **2401 West Morris Street**

2026UV1012 ; Plan of Operation (3 of 4)

Mail and Deliveries

All mail and packages for the business will be delivered to the commercial facility at 2401 West Morris Street.

The residences will not serve as delivery locations.

Waste Management

Trash generated by administrative use of the residences will be disposed of in the dumpsters located at the commercial property at 2401 West Morris Street.

No commercial waste services will be required at the residences.

Security

To maintain safety and security, the properties will include:

- Security cameras
- Electronic access locks

These measures ensure controlled access and responsible use of the properties.

Relationship to Existing Commercial Property

The properties included in this petition are directly adjacent to the Heath Outdoor commercial facility at 2401 West Morris Street.

These houses are positioned along the edge of the commercial property and naturally serve as a transition area between the commercial site and the surrounding residential neighborhood. In this way, the properties act as a buffer between the commercial landscaping operation and nearby residences.

Using these homes for low-intensity administrative office space helps maintain that transitional buffer while supporting the operations of the existing business next door.

2026UV1012 ; Plan of Operation (4 of 4)

Neighborhood Impact Statement

The proposed office use is intended to be low-impact and compatible with the surrounding neighborhood.

The residences will maintain their residential appearance and will not generate:

- Customer traffic
- Commercial deliveries
- Outdoor business activity
- Additional noise beyond typical residential levels

Only a small number of administrative staff members will be present during normal daytime hours. The majority of company employees work either at the **2401 West Morris** commercial facility or off-site at client properties.

Because the properties will function solely as administrative workspaces, the use is expected to have minimal impact on neighboring residences.

Site Relationship and Operational Need

The requested variance allows Heath Outdoor to efficiently utilize properties already owned by **Hurst Properties** and located immediately adjacent to the company's commercial facility.

These residences provide an ideal location for administrative staff while keeping the primary commercial activity concentrated at the existing business property at **2401 West Morris Street**.

Allowing these properties to be used as administrative office space will help support the continued operation and growth of the business while maintaining a controlled, low-impact presence in the surrounding area.

2026UV1012 ; Photographs



Photo 1: 2335 Morris Viewed from North



Photo 2: 2335 Morris Viewed from Southeast

2026UV1012 ; Photographs (continued)



Photo 3: 1211 Tremont Viewed from Northeast



Photo 4: 1211 Tremont Viewed from North (July 2011)

2026UV1012 ; Photographs (continued)



Photo 5: 1220 Tremont Viewed from East



Photo 6: 1220 Tremont Viewed from Northeast

2026UV1012 ; Photographs (continued)



Photo 7: Intersection of Tremont and East-West Alley, Looking West



Photo 8: Intersection of Tremont and East-West Alley, Looking East

2026UV1012 ; Photographs (continued)



Photo 9: Contractor Use (2401 Morris) Viewed from North



Photo 10: Contractor Use (2401 Morris) Viewed from Northeast (Alley)

2026UV1012 ; Photographs (continued)



Photo 11: Contractor Use (2401 Morris) Viewed from East



Photo 12: Adjacent Property to East of Tremont Properties

2026UV1012 ; Photographs (continued)



Photo 13: Adjacent Properties to East of Morris Property (September 2024)



Photo 14: Adjacent Property to Northeast

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number: 2026-UV1-018
Address: 5160 East 65th Street (approximate address)
Location: Washington Township, Council District #3
Zoning: I-2
Petitioner: Daniel Mattingly; Dast V LLC
Request: Variance of Use and Development Standard of the Consolidated Zoning and Subdivision Ordinance to permit the construction of a 9600 square foot, 1 story, building to be used as a private sports training facility for baseball, softball, volleyball and will include a golf simulator, classified as an Indoor Recreation and Entertainment Use. To allow a lot to be developed with a street frontage of 0 feet, 75 feet less than is required in the metro context. To have a reduced western side setback of 20 feet, which is 10 feet less than the minimum required side setback of 30 feet in the metro context.

Current Land Use: **Undeveloped**

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

Staff Reviewer: Noah Pappas, Manager – Current Planning

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the request.

Staff Commitments: None

Petitioner Commitments:

1. The applicant commits that no alcoholic beverages shall be sold, served, dispensed, or otherwise distributed on the property as part of the approved entertainment center use. In addition, no ticketed, admission-fee, or other paid public events shall be conducted on the property as part of the approved entertainment center use. Any future request to allow the sale or service of alcoholic beverages, or to conduct ticketed or admission-fee events, shall require approval by the appropriate zoning authority. These commitments shall run with the land and shall be binding upon the applicant and all successors, assigns, owners, operators, tenants, and any other parties with an interest in the property. These commitments shall be enforceable specifically by, but not

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

limited to, BRAG and the City-County Councilor representing the district in which the subject property is located.

PETITION OVERVIEW

- This 28,950 square foot site, zoned I-2, is presently undeveloped, but previously there was previously improved with a 1 story commercial structure. Demolition was completed in 2026. The proposed development includes the following, as referenced on the site plan: A 9600 square foot square foot, 33 foot tall building to be used as a private sports facility for baseball, softball, volleyball and golf simulator usage.
- The intent of the I-2 zoning district is “for those 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. Outdoor operations and storage are completely screened if adjacent to protected districts, and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer.”
- This property was initially developed as part of a larger industrial park, Schmoll Industrial Park, with this site being initially developed back in 1973. However over time this area has been becoming increasingly less industrial and features a greater variety of uses. Adjacent parcels were rezoned from I-2 to C-S back in 2024 under 2024-ZON-082 to provide for commercial and light industrial uses.
- Uses permitted by right in the I-2 zoning district include: Day Care Center or Nursery School, Greenway, Park or Playground, Public Safety Facility or Post Office, Vocational Technical or industrial school or training facility, Medical or Dental Laboratories, Agricultural Uses Buildings and Structures, Animal Care Boarding Veterinary Services, Garden as a Primary Use, Processing and Packaging of Food and Beverages, Auctioning and Liquidating Services, Consumer Services or Repair of Consumer Goods, Dry Cleaning Plant or Industrial Laundry, Outdoor Advertising Off-Premise Sign, Printing Services, Commercial Building Contractors, Heavy Equipment Sales Service or Repair, Artisan Manufacturing, Manufacturing Light, Manufacturing Medium, Marina, R&D Uses, Power Generating Facility Local, Substations and Utility Distribution Nodes, Wireless Communications Facility, Automobile and Vehicle Storage or Auction, Automobile Fueling Station, Heliport or Helistop, Motorsports Industry, Transit Center, Truck Stop, Recycling Station, and Warehousing and Distribution.
- The subject property is limited in its ability or suitability to be developed as many of those uses due to a variety of factors such as the limited size of the lot, lack of street frontage, and increasingly commercial context of the surrounding area. Nearby examples of this increasingly commercial area context include a Yoga Studio, Gymnastics Center, Personal Trainer, Interior Designer, Aquarium, Wig Store, Paint Store, Dance School and a catering business.
- Due to how it was developed and platted in the past, this property has no street frontage and has no means of easily re-platting to get said street frontage due to development of the property to the south. The Zoning Ordinance Requirement for Street Frontage is 35 feet. Any request to develop this lot would require a Development Standards Variance given these factors.
- As referenced above, the previous building was demolished earlier in 2026. Presently all that is there is the remaining asphalt parking area, a grassy landscape area on the western side, and a muddy / graveled area where the building used to be.
- A total of 33 vehicular parking spaces, 2 ADA spaces, and 1 bicycle parking spaces are being provided on site. The site itself will be accessed via 2 shared drives for the industrial park on the

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

east and west edges of the property. Vehicle Parking must be provided at a minimum ratio of 1 space per 4 seats at maximum capacity or 1 per 400 square feet. Primary access to the site will be from 65th Street, a primary collector designed to handle large amounts of traffic. The property is approximately 1000 feet away from the Nickel Plate Trail, making bicycle traffic also an option at this location.

- In the Metro context area the side setback is required to be 30 feet. The proposed site plan shows an eastern side setback of 57 feet and a western side setback of 20 feet, a southern setback of 31 feet and a northern rear setback of 33 feet. The entirety of the 57-foot eastern setback area is made up of parking area. While it is possible to shift the building to the right this would displace necessary parking and would limit the feasibility of site circulation for vehicular traffic.
- Based on the lack of any street frontage and ability to acquire frontage through platting of this particular parcel, unsuitability of I-2 uses permitted by right, limited size of the lot, and fact that in order to meet all setbacks on site parking and circulation would be impacted, staff is recommending **approval** of the use variance and development standards variances.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Undeveloped	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	I-2	Office Industrial
South:	I-2 / C-S	Commercial / Light Industrial
East:	C-S / I-2	Commercial / Light Industrial
West:	C-S	Commercial / Light Industrial
Thoroughfare Plan		
65 th Street	Primary Collector	80-foot existing and proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	07/21/2026	
Plan of Operation	06/09/2026	
Elevations	07/15/2026	
Landscape Plan	07/15/2026	
Findings of Fact	06/09/2026	

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2024-ZON-082; Multiple Addresses (east and west of site), Rezoning petition to change the zoning map from the I-2 zoning district to the C-S zoning district to provide for both commercial and light industrial uses.

83-HOV-54: 5168 E 65th St (directly south), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance for parking. Undefined what for.

2004-UV1-012: 5210 E 65th St (southeast), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for warehousing and sales of spas in the C-6 zoning district.



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

2026-UV1-007: 5282 E 65th St, (northeast), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to establish a 1370 square foot second floor apartment (dwelling units not permitted in the I-2 zoning district) and to provide for a deck as a residential accessory structure (residential structures not permitted in the I-2 zoning district).

97-UV3-44: 5282 E 65th St (West), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a music studio and parking to be located in the front yard.

EXHIBITS



Nickel Plate Trail

Item 15.

Site

E 65th St

E 65th St

E 65th St

Rucker Rd

Item 15.



GENERAL NOTES:

1. ALL PLANTS SHALL BE LOCATED AND MAINTAINED PRIOR TO BEGINNING WORK. RELOCATE PLANTS FROM OVER OR UNDER UTILITIES. RELOCATION SHALL BE APPROVED BY THE CITY OF CHICAGO AND LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

2. UTILITY LOCATIONS: ALL LOCATIONS SHOWN ARE APPROXIMATE AND BASED ON INFORMATION SUPPLIED BY EITHER THE CITY ENGINEER, SURVEYOR, OWNER, AND/OR MEASURED IN THE FIELD. IF DISCREPANCIES ARE PRESENT, CONTRACTOR SHALL NOTIFY OWNER AND LANDSCAPE ARCHITECT IMMEDIATELY AND PRIOR TO BEGINNING WORK.

3. IN CASE OF DISCREPANCIES BETWEEN THE PLAN AND THE PLAIN SHALL, THE PLAIN SHALL CONTROL.

4. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL PREPARATION, MATERIALS, INSTALLATION, MAINTENANCE, AND INITIAL MAINTENANCE FOR THE LANDSCAPE PORTION OF THE PROJECT AS SHOWN ON THE DRAWINGS AND AS DIRECTED BY THE OWNER'S REPRESENTATIVE. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PLANTS THAT ARE PLANTED ON THE SITE.

5. PLANTS AND ALL OTHER MATERIALS TO BE STORED ON SITE WILL BE PLACED WHERE THEY WILL NOT CONFLECT WITH CONSTRUCTION OPERATIONS AND AS DIRECTED BY OWNER'S REPRESENTATIVE.

6. CLEAR ALL PLANTS AND REMOVE FROM SITE: REMOVE ALL DAMAGED OR DISTURBED AREAS CAUSED BY LANDSCAPE WORK.

7. TOPSOIL NOTE: TOPSOIL SHALL BE FRUITFUL MATERIAL ABOVE SURFACE SOIL OF SUBSOIL. CLAY, SILT, SAND, GRAVEL, WOODS, LITTER, STUMPS, STUMP, BRANCHES, LIMBS, AND DOMESTIC FERTILIZERS, CHEMICALS, PESTICIDES, AND OTHER EXTERNALS OR TOXIC MATERIAL MATTER, PLANT GROWTH, AND OTHER MATERIALS MUST BE REMOVED FROM THE SITE. TOPSOIL SHALL BE ANALYZED FOR TOXICITY. TOPSOIL SHALL HAVE A PH VALUE OF 6 TO 7.4 AND AN ORGANIC VALUE OF 2% TO 10% SUBSIST. SAMPLES, PERHAPS, AND NUTRIENT ANALYSIS PRIOR TO DELIVERY TO SITE.

[illegible]

1. CONTRACTOR TO GRASS AND PREPARE ALL SITE AREAS TO RECEIVE SEED. MAKE SITE READY TO FINAL GRASS PLAN ELEVATIONS, FILL IN DEPRESSIONS, LOW SPOTS AND GRADE SLOPES.
2. ALL SEEDS/LAWN GRASS WITHIN UNIT UNITS TO RECEIVE TOP DRESSING FOR SEEDING OPERATIONS. ONCE TOPDRESS HAS BEEN PLACED, PROVIDE SUFFICIENCY OF WATER AND EXCLUDED LANDSCAPING SHALL NOT BE REQUIRED TO GRASS AREAS OR PLANTING AREAS.
3. HYDROSEEDING IS ACCEPTABLE. APPLY WITH APPROPRIATE EQUIPMENT DESIGNED FOR PROFESSIONAL HYDROSEEDING OPERATIONS AT RECOMMENDED RATES.
4. PROVIDE FRESH, CLEAN AND CROP PREMIUM GRADE SEED AND SEED MIXES AS FOLLOWS (SUBMIT SEASONAL MIX ALTERNATIVE AS APPROPRIATE):
 - 30% TROPICAL GRASSES
 - 30% PERENNIAL PINE GRASS
 - 30% TROPICAL PINE FESCUE
5. APPLY SEED AT RATE OF MINIMUM 175 POUNDS PER ACRE (4.85=00000)
6. SCARIFY SOIL TO DEPTH OF 3INCHES PRIOR TO APPLICATION
7. LAWNY SOD TO FOLLOW FOLLOWING SCARIFYING, PINE GRASSING, FERTILIZING, AND RAKING. LAWN SHOULD BE FERTILIZED W/ 12-12-12 ANALYSIS FERTILIZER AT RATE OF 16oz/1000 sq. ft. APPLY FERTILIZER TO LAWN WITH A SPREADER. LIGHTLY WATER 100% OF LAWN DURING 14 DAYS.
8. MATCH SEEDS WITH OTHER AREAS AT RATE OF MINIMUM 1.0 TON PER ACRE (1000 LBS) OF SEED. COMPACT OR TAMP DOWN MULCH TO REMAIN IN PLACE UNTIL COMPLETE GERMINATION OF SEED AND ESTABLISH GRASS COVER, COOPERATE WITH EROSION CONTROL PLAN.
9. WATER AND MAINTAIN GRASS UNTIL STAND IS ESTABLISHED AND READY FOR MOWING AT MINIMUM 8" MINIMUM HEIGHT. CONTINUE TO WATER FOR A MINIMUM OF 14 DAYS UNTIL ACCEPTED BY OWNER.
10. FRESHLY GRASSED AREAS, CLEAN UP EXCESS MATERIALS, AND CLEAN ALL MOWS MULCHED AND PAVED AREAS.
11. FOLLOWING GERMINATION, APPLY HERBICIDE TO ALL GRASS GROWTH IN PLANT MULCH AREAS.
12. ALL LAWN SHALL BE GUARANTEED TO HAVE A FULL UNIFORM STAND OF ACCEPTABLE GRASS AT THE END OF THE ONE YEAR GUARANTEE PERIOD WITH NO BARE SPOTS COMPROMING MORE THAN 5% OF ANY AREA. ANY AREA SO NOTED WILL BE RESEED OR SOOCD UNTIL AN ACCEPTABLE STAND OF GRASS IS OBTAINED.
13. ALL DISTURBED LAWN SHALL BE SEED AS NOTED AND AN APPROVED BY OWNERS REPRESENTATIVE, AND LANDSCAPE ARCHITECT.

1. CONTRACTOR TO STAKE WHEN NECESSARY OR REQUIRED, SUCH AS WIND PINE ARE OR UNSTABLE SLOPE. STAKES SHALL BE PLACED IN MULCHED AREAS OR IN GRASS FOR MOVED TREES.
2. STAKING SHOULD NOT BE USED TO COMPENSATE FOR DAMAGED OR WIND THROWS OR ROOT STAKES. THESE TREES SHOULD BE REJECTED.
3. REMOVE ALL STAKING AS SOON AS THE TREE HAS GROWN SUFFICIENT ROOTS TO OVERCOME THE PROBLEM THAT REQUIRED THE TREE TO BE STAKED. STAKES SHALL BE REMOVED NO LATER THAN THE END OF THE FIRST GROWING SEASON AFTER PLANTING.
4. ASSURE THAT THE BEARING SURFACE OF THE PROTECTIVE COVERING OF THE WIRE OR CABLE ATTACHED TO THE TREE TRUNK IS A MINIMUM OF 1.3MM (0.05 IN.).
5. WIRES OR CABLES SHALL BE 14 IN. 12 GAUGE.
6. TIGHTEN WIRE OR CABLE ONLY ENOUGH TO KEEP FROM SLIPPING. ALLOW FOR SOME TRUNK MOVEMENT. EXPLICIT HOPE TO BE LONG ENOUGH TO ACCOMMODATE 1/2 OF GROWTH AND BUFFER ALL BRANCHES FROM THE WIRE.
7. TUCK ANY LOOSE ENDS OF THE WIRE OR CABLE INTO THE WIRE SLOP. DO NOT SHARP WIRE ENDS.

SYMBOL	DESCRIPTION	4 AG (SY)	PLANT QUANTITY PLANT TYPE REQ. LOCATION
(AD)	ADDITIONAL PLANTING - FOR GREEN FACTOR		
(PI)	PARKING INTERIOR REQUIREMENTS		

(P1)	PARKING LOT REQUIREMENTS
	1 TREE PER 180 SF UNCOVERED VEHICULAR AREA 14,416 SF UNCOVERED VEHICULAR AREA W/ 6% IN LANDSCAPE AREA = 80 SF/180 = 4.8 TREES 5 SHADE TREES PROVIDED

KEY	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING	REMARKS
GD	3	<i>Gymnocladus dioica</i>	Kentucky Coffee Tree	2.5" CAL	AS SHOWN	5' Clear Trunk
LT	2	<i>Liriodendron tulipifera</i>	Tulip Poplar	2.5" CAL	AS SHOWN	5' Clear Trunk



Post 5 Training
Facility

5160 E. 65th St.
Indianapolis, IN



now what's below.
Call before you dig.

deal



**OVERALL SITE
LANDSCAPE PLAN,
NOTES & DETAILS**

Drawn: _____ JML
Checked: _____ JML
Date: _____ 05/04/2026
Project No: _____ 26504
Revision: _____

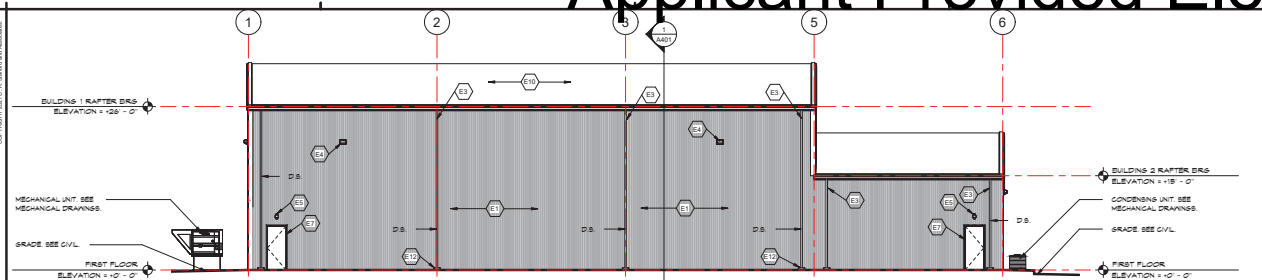
Sheet No. _____

L1.0

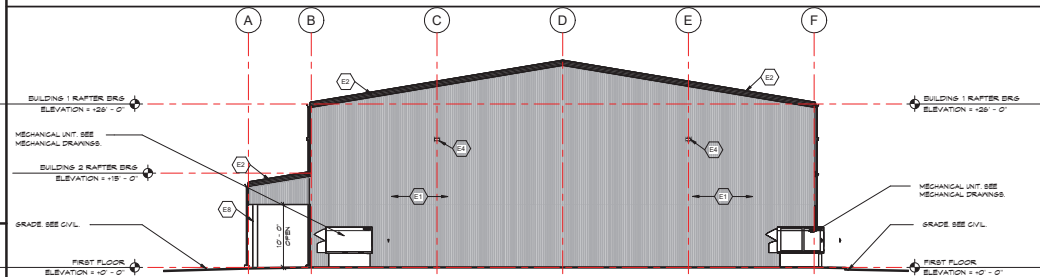
Applicant Provided Elevations

Copyright 2012, C.R. Stafford and Associates

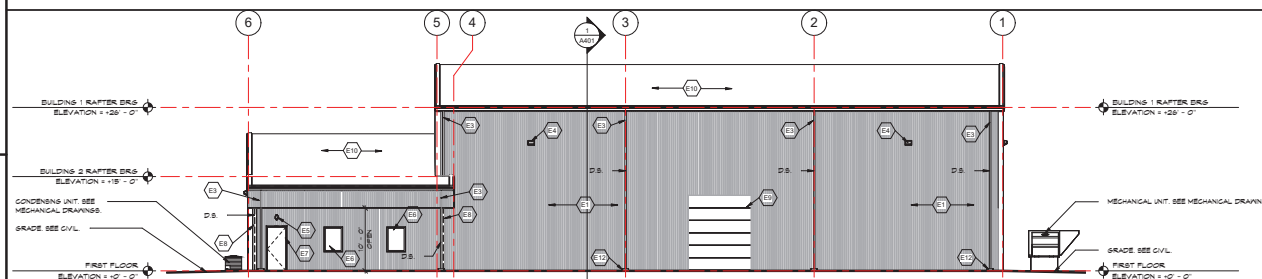
5/4/2026 14:28 PM Z:\projects\44220\2026\2026_Proposed\2026_11_08_Rural Hwy Building_Arch.dwg



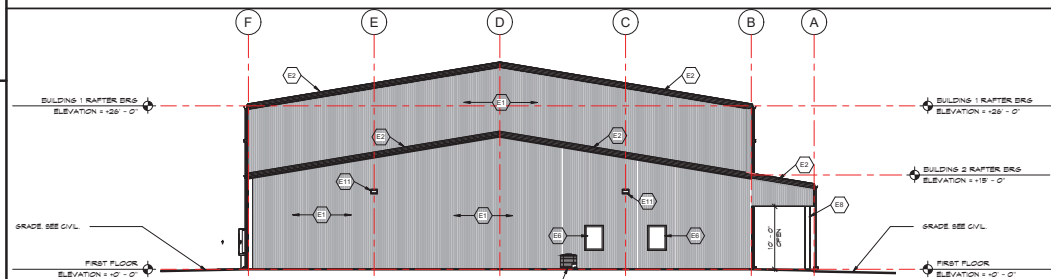
NORTH ELEVATION
Scale: 1/8" = 1'-0"



EAST ELEVATION
Scale: 1/8" = 1'-0"



SOUTH ELEVATION
Scale: 1/8" = 1'-0"



WEST ELEVATION
Scale: 1/8" = 1'-0"

CONDENSING UNIT. SEE MECHANICAL DRAWINGS.

NOTE: PRE-ENGINEERED METAL BUILDING COMPONENTS ARE BY PEMB MANUFACTURER - AMERICAN BUILDINGS

ELEVATION NOTES

- E1 PREFINISHED METAL WALL SIDING ON PEMB FRAME.
- E2 PREFINISHED METAL RAKE TRIM BY PEMB.
- E3 PREFINISHED METAL GUTTER AND DOWNSPOUTS BY PEMB. PROVIDE PRECAST CONCRETE SPLASH BLOCK. SEE CIVIL.
- E4 WALL MOUNTED LED LIGHT FIXTURE. SET BOTTOM AT 20'-0" AFF. SEE ELECTRICAL.
- E5 EMERGENCY EGRESS LIGHT. SEE ELECTRICAL.
- E6 3'-0" WIDE X 4'-0" HIGH ALUMINUM WINDOW FRAME AND GLAZING BY PEMB MANUFACTURER.
- E7 3'-0" WIDE X 7'-0" HIGH METAL DOOR AND FRAME BY PEMB.
- E8 STEEL COLUMN BY PEMB MANUFACTURER.
- E9 10'-0" WIDE X 12'-0" HIGH INSULATED OVERHEAD SECTIONAL DOOR BY PEMB.
- E10 STANDING SEAM METAL ROOF BY PEMB.
- E11 WALL MOUNTED LED LIGHT FIXTURE. SET BOTTOM AT 12'-0" AFF. SEE ELECTRICAL.
- E12 PRECAST CONCRETE SPLASH BLOCK (TYPICAL).

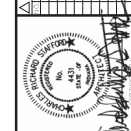
Item 15.

C.R. Stafford and Associates
Architecture + Interior Design + Master Planning
1000 E. Madison Blvd., Indianapolis, Indiana 46202
317.420.8771
Holladay Construction Group
231 S. College Ave., Suite 100
Indianapolis, Indiana 46202
317.420.0000

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC). ANY CHANGES OR ADDITIONS TO THE DRAWINGS SHALL BE INDICATED BY A REVISION NUMBER AND DATE. THE EXISTING CONDITIONS SHALL BE VERIFIED BY THE ARCHITECT PRIOR TO CONSTRUCTION. STAFFORD & ASSOCIATES SHALL NOT BE RESPONSIBLE FOR ANY DISCREPANCIES BETWEEN THE DRAWINGS AND THE ACTUAL CONDITIONS.

TRAINING FACILITY
Dast 5, LLC
5140 E. 45th St.
Indianapolis, IN 46220
ELEVATIONS

NO.	DATE	BY	CHKD.	APP'D.	REVISION
1	5/4/2026	AS	AS	AS	ISSUED FOR PERMIT



SHEET
A301

PLAN OF OPERATION – SPORTS TRAINING FACILITY – 5160 E 65TH ST.

Petitioner, DAST V, LLC, is seeking a variance of use and development standards to build a sports training facility at 5160 E 65th St. The facility will provide training for baseball, softball, and volleyball. There will also be a golf simulator on site.

The center will be driven by private usage in conjunction with the petitioner's affiliated 501(c)(3) travel baseball, softball, and volleyball teams. Affiliated groups, teams, and individuals will have access to the center as permitted by the owner and operator.

As the use will be private, there will be no full time employees associated with the facility. Instruction will be coach-led, with the coach opening and locking up the facility before and after sessions. As such, there will be no formal hours of operation. Usage will be on an as-needed or as-scheduled basis. The facility is likely to be busiest between the hours of 5pm-9pm, but is seldom likely to be continuously busy. Full teams are likely to use the facility, amounting to approximately 15 players at a given time at the peak end of users. Parents may stay or drop off their kids at the facility. Coaches will be first-aid and CPR certified.

The facility will be equipped with cameras and a security system to ensure security on the premises at all times.

The petitioner does not intend for shipping and receiving to occur at the facility, with rare exceptions. Waste generated will be nominal and dealt with by traditional trash bins and containers, large outdoor dumpsters are not contemplated with this petition.

Daniel Mattingly
DAST V, LLC

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 two development standards variances being sought - a zero frontage lot and relief from the west side setback are only nominally changing how the site has functioned for nearly 50 years. Access will continue to be gained from the south via 65th St through an integrated center and access easement. The side setback will still be approximately 20-feet, which is more than ample considering the proposed use and surrounding uses.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:
The site will function largely as it has for the past 50 years. The petitioner's proposed use is consistent with the land uses in existing integrated center. The frontage requirement is legalizing an issue that has always been present. The encroachment into the 30' side setback is unlikely to have a material impact on neighbors. This is especially true considering that the petitioner's proposed use would generally have fewer deleterious impacts than a standard I-2 use. All sound will be confined to the building.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
The site cannot be utilized at all without the frontage variance, as there would be no public access, making it impossible to get to the site with a vehicle. The setback waiver is necessary on what is a small lot for I-2. The setback waiver to the west enables parking and a drive on the east side of the structure, which will be critical for the site's traffic flow. Furthermore the setback relief will enable additional greenspace to the south of the structure that does not currently exist.

DECISION

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

Adopted this _____ day of _____, 20 ____

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 petitioner's proposed use of indoor recreation will mesh with the surrounding uses in the industrial park. Negative impacts associated with this petition will be minimal - the proposed use would have less deleterious impacts than a standard I-2 use.

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 petitioner's proposed use would not be uncommon for the surrounding area. There are at least three other indoor recreation facilities within the same industrial park/integrated center, all of which function appropriately within the site's context. The petitioner's use would be no different.

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

The petitioner's 0.67-acre lot would be very small for a traditional I-2 zoned lot. I-2 (light-industrial) would typically contemplate loading and unloading of commercial vehicles with dedicated loading bays. The petitioner's site does not even contain frontage, and if the proper access drives were developed for commercial vehicles, there would be little room left for an appropriately-sized I-2 structure.

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

I-2 may have been an appropriate designation for this business/industrial park when it was developed in the 1970s, but it currently too narrow of a designation. A large percentage of the surrounding uses are not I-2 uses. 17 acres of the center were rezoned to C-S in 2024, demonstrating this. The zoning Ordinance allows the proposed use in I-2 when buildings are vacant for five years, so it is not a land use far afield of what is already contemplated.

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

The comprehensive plan calls for Light-Industrial uses. The proposed building typology would be consistent and adaptable into an I-2 use should the demand or need for arise in the future. I-2 uses will continue to be allowed even if this variance of use is granted.

DECISION

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

Adopted this _____ day of _____, 20 ____

Subject Property Looking East

Item 15.



Subject Property Looking South

Item 15.



Subject Property Looking North

Item 15.



Subject Property Looking Northeast

Item 15.



Subject Property Looking West

Item 15.



Board of Zoning Appeals Division III

August 4, 2026

Case Number: 2026-DV3-011

Property Address: 3603 South Meridian Street (*approximate address*)

Location: Perry Township, Council District #18

Petitioner: Roman Catholic Archdiocese of Indianapolis, Properties Inc as Trustee for St Roch, Catholic Church Indianapolis Inc., by Wooton Hoy (John Cross)

Current Zoning: SU-1 / D-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an 8-foot fence in the front yard (fences taller than 4 feet not permitted in front yards) and located within the clear sight triangle (not permitted).

Current Land Use: Developed, School

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This case was originally set to be heard by BZA Division III on April 21st, 2026. A registered neighborhood organization filed a timely automatic continuance to May 26th. The petitioner subsequently filed a continuance from the May 26th, 2026, to the July 21st, 2026, BZA III hearing. The petitioner filed for an additional continuance as well as transfer to the August 4th, 2026, BZA III hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 3603 South Meridian Street is a large parcel on the corner of South Meridian Street and Sumner Avenue. The parcel contains a school and a large, paved play and parking area. The property is currently split-zoned between SU-1 (the majority) and D-4 and is surround by a variety of zoning districts and land uses. The adjacent property to the east, zoned D-4, contains parish offices. The parcels across the Sumner Avenue to the north are zoned D-3 and are undeveloped. To the west is a parcel zoned D-A and containing a gas station. To the south is a church center.
- The petitioner's request is to establish a fence/wall in the front yard that is, in parts, 8 feet tall (which is taller than the 3.5 feet allowed by 4.5 feet) with an opacity of greater than 30%. Portions of the fence/wall on Meridian Street would rise to 41 inches within the clear sight triangle.

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

- 744-503.H of the Ordinance indicates that “no obstructions shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5 feet [30 inches] and 8 feet above grade level.” The Department of Public Works also relies on sight triangles (an engineering sight triangle) to determine the safety of intersections. The clear sight triangle used by DPW represents the area a driver needs visibility in order to react and stop in case of an oncoming hazard. It also represents the distance the driver needs to see oncoming traffic from the left and right so they can safely pull into traffic. The diagrams below (see “Clear Sight Diagrams” in “Exhibits”) show how the extent to which the fence/wall encroach into the clear sight triangle.
- The Ordinance regulates fence height and opacity to encourage walkable streetscapes and to prevent massing. On corners, the massing is particularly important as it can also play into the clear sight matters mentioned above. Staff will note that the ordinance does not distinguish between fence or wall height in the front yard. According to 744-510B, the maximum height of a fence or wall shall be in accordance with Table 744-510-2. The aforementioned table indicates that the maximum height of a fence or wall in the front yard of all other districts (special use in this case) should be 3.5 feet. This makes no mention of an exception to rise to four (4) feet with lower opacity. However, in dwelling districts, a fence or wall may rise to four (4) feet when the opacity is 30% or less. As part of the parcel is in the D-4 zoning district and, in an effort to compromise, Staff’s analysis led to a determination to apply the less restrictive 4-foot standard if opacity could be met.
- Petitioner’s updated plans propose to lower the fence/wall to 5 feet. The plans also indicate a proposal to bring in the portion of the fence along the intersection of Sumner and Meridian. However, the petitioner’s own diagram shows that the fence/wall will still remain within the clear sight triangle. The clear sight triangle is intended to promote safety and to reduce traffic conflicts—a chief concern near schools.
- State statute indicates that a variance may only be approved if ALL of the following criteria are met:
 - The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - The need for the variance arises from some condition peculiar to the property involved;
 - The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - The approval does not substantially interfere with the comprehensive plan
- Within the clear sight triangle there are sidewalks, traffic stop bars, and turn lanes. Obstructing these present potential hazardous conditions for area pedestrians and drivers.

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

- The Ordinance is intended to promote public safety as well as to guide design standards. Staff's analysis indicates the presence of public safety hazards. As such, staff recommends **denial** of this variance.

GENERAL INFORMATION

Existing Zoning	SU-1	
Existing Land Use	Developed; School	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-3	North: Undeveloped
South:	SU-1	South: Religious Use / Community Center
East:	D-4	East: Religious Use / Church
West:	D-A	West: Gas Station
Thoroughfare Plan		
South Meridian Street	Primary Arterial	50-foot existing right-of-way and 95-foot proposed right-of-way
Sumner Avenue	Primary Collector	60-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	3/09/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/10/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing, 3603but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

79-Z-151; 3500 South Meridian Street, Rezoning from SU to SU1, **approved**.

ZONING HISTORY – VICINITY

79-Z-151; 3435 South Meridian Street, Requesting rezoning from D3 to SU1, **approved**.

99-Z-156; 3449 South Meridian Street, Requesting rezoning of 2.19 acres from D3 to DP, **withdrawn**.



Department of Metropolitan Development
Division of Planning
Current Planning

2002ZON054; 3510 South Meridian Street, Requesting rezoning of 1.659 acres from DA to C-3, **withdrawn**.

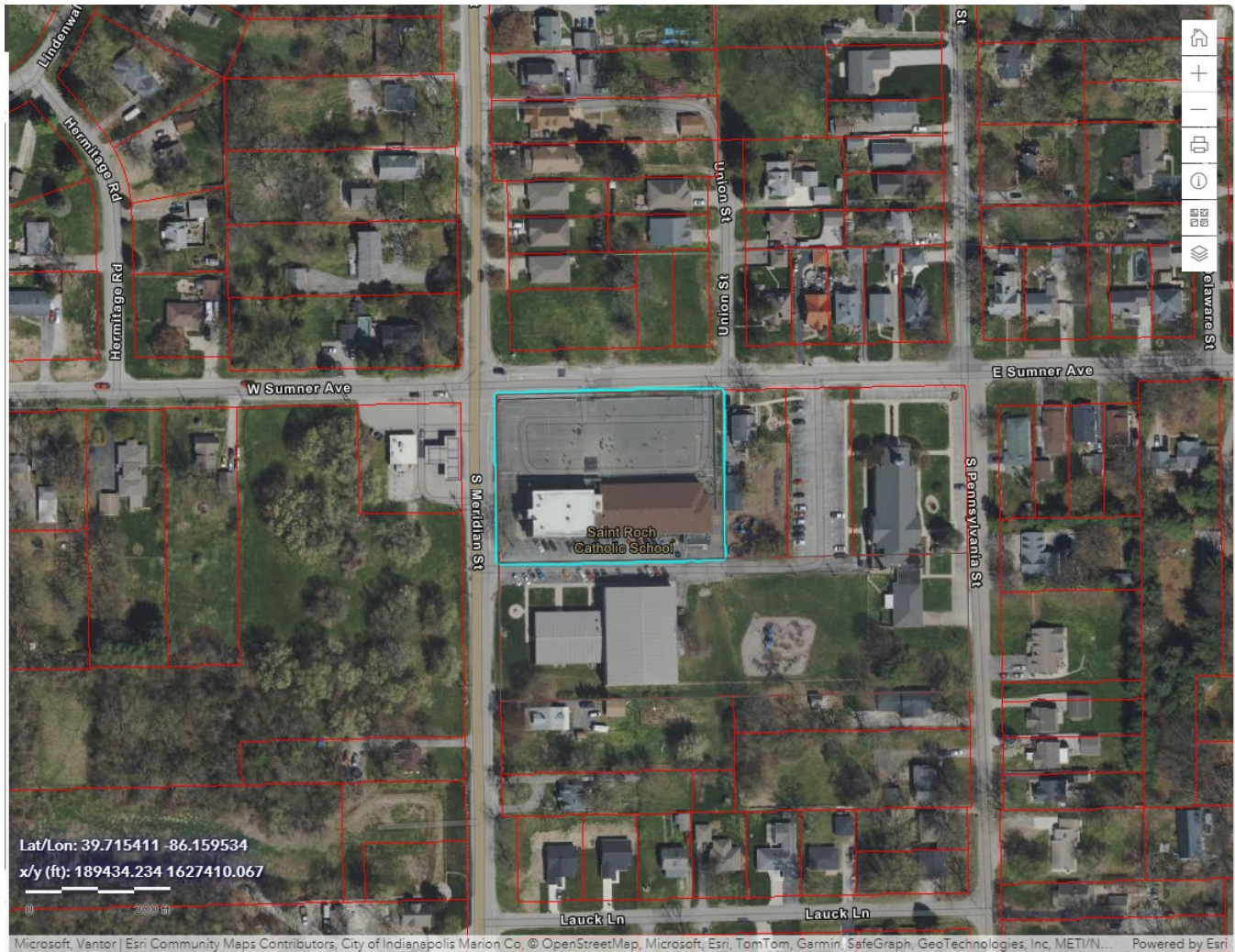
2005DV1031; 18 East Sumner Avenue, Variance of Development Standards of the Dwelling District Zoning Ordinance to provide for the construction of a single-family dwelling with a ten-foot front yard setback along Union Street, **approved**.

2012UV2020; 3652 South Meridian Street, Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish a 780-square foot deck for outdoor seating and a 4,400-square foot outdoor seating area on gravel, accessory to bar, **approved**.

2023UV3006; 3650 & 3652 South Meridian Street, Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an eating establishment with outdoor seating on an existing patio, **withdrawn**.

EXHIBITS

2026DV3011; Aerial Map

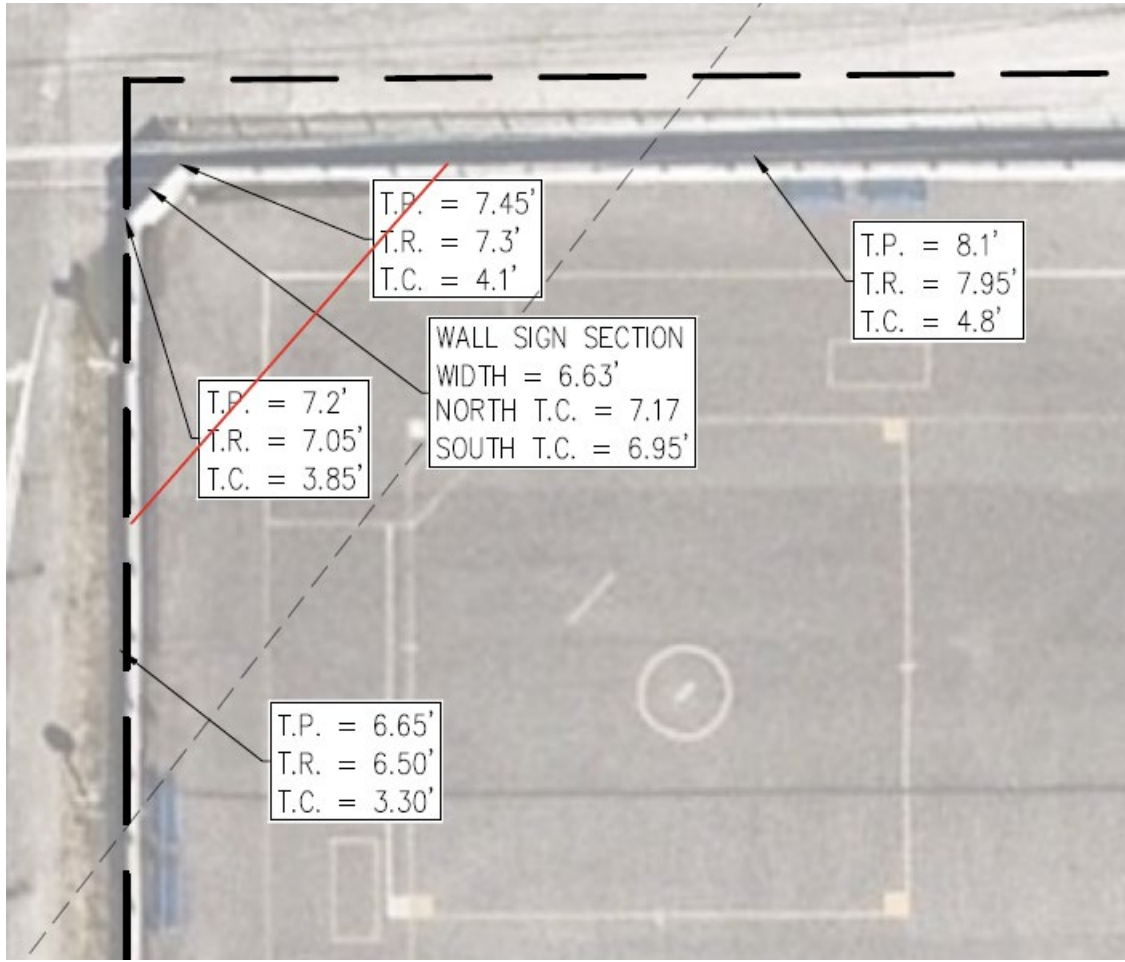


2026DV3011; Site Plan (1)



Site plan showing where the fence would need to be to meet clear sight regulations and where the current proposed placement would be.

2026DV3011; Site Plan (2)

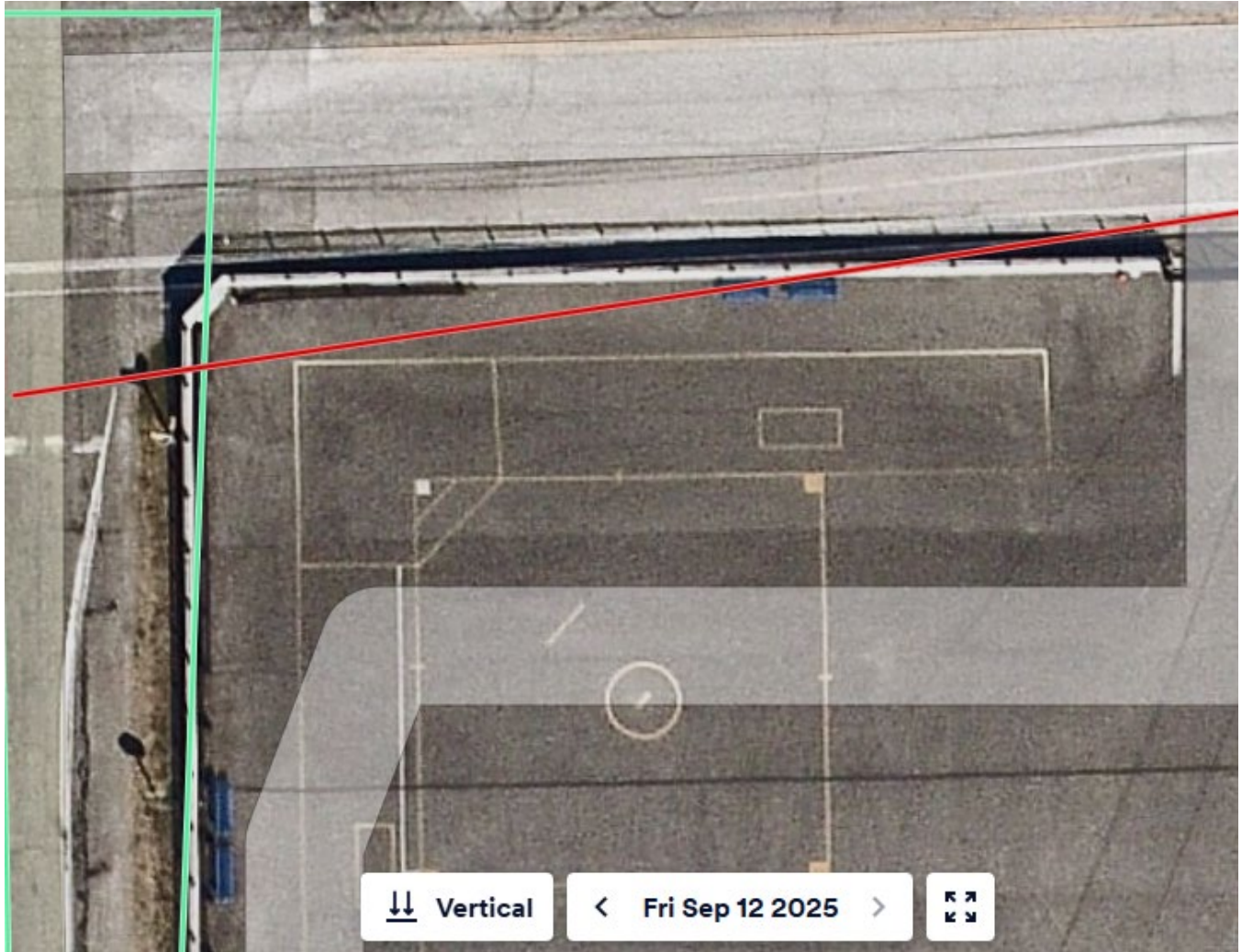


Site plan showing proposed fence location (red line)

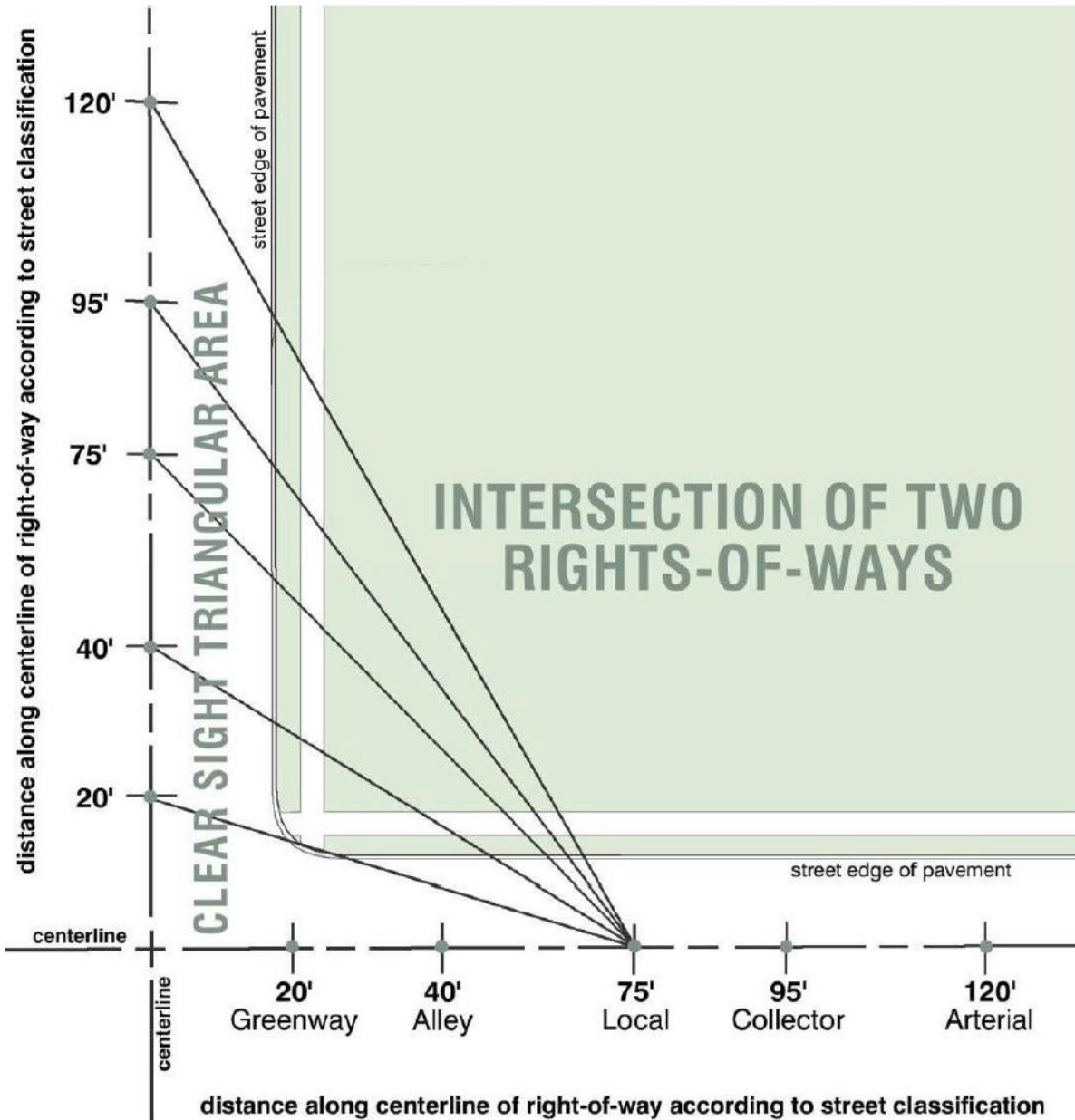
2026DV3011; DPW Clear Sight Diagrams (1)



2026DV3011; DPW Clear Sight Diagrams (2)



2026DV3011; DMD Clear Sight Diagrams (1)



2026DV3011; DMD Clear Sight Diagrams (2)



2026DV3011; Photographs



Photo 1: Fence/wall as seen from Sumner Avenue looking south

2026DV3011; Photographs (continued)



Photo 2: On South Meridian at corner with Sumner

2026DV3011; Photographs (continued)



Photo 3: On Sumner at corner with Meridian

2026DV3011; Photographs (continued)



Photo 4: Fence/wall along Sumner near intersection with South Meridian

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number:	2026-DV1-013 (Amended)
Property Address:	2440 Lafayette Road (approximate address)
Location:	Wayne Township, Council District #11
Petitioner:	Lafayette Center LLC, by Sean Mastain
Current Zoning:	C-4
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall perimeter chain link fence (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards and requires coating in side yards).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends denial of the requested variances.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

7/7/26: At the July 7th hearing, the petitioner withdrew two variances related to barbed wire and encroachment of the fence into the rear easement. The petition received an indecisive 1-2 vote and was therefore automatically continued to the August 4th hearing date to be re-heard. Staff continues to recommend **denial** of the two remaining variances related to front-yard height and chain-link material.

6/2/26: A timely automatic continuance request was filed by a registered neighborhood group.

5/12/26: This petition was continued from the May 12, 2026 hearing date of Division I to allow for the mailing of amended notice that mentioned the need for a variance related to the easement.

STAFF RECOMMENDATION

Staff recommends **denial** of the requested variances.

PETITION OVERVIEW

2440 Lafayette Road is a 2.43-acre parcel currently improved with a multitenant commercial structure containing six (6) tenant bays. Current tenants appear to include an event center, several restaurants, and a clothing store. Surrounding land uses include residences to the southwest as well as other commercial uses to the northwest, southeast and on the other side of the street.

Between 2024 and 2025, 1225 linear feet of chain link fence was placed around the perimeter of the subject site, per the site plan within Exhibits. The fence appears to have a height of six (6) feet and is topped with barbed wire for entirety of the fence's length. Three (3) separate complaints were filed with the Mayor's Action Center in relation to the fence: the first two (2) complaints were from adjacent



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

homeowners expressing concern about barbed wire and encroachment of the fence into their properties' rear yards (see Photo 4 within Exhibits), and the third was from an adjacent business owner at 2450 Lafayette Road to the northwest indicating that the newly installed fence was built within an easement and was therefore negatively impacting trash service for their property.

As a result of those complaints, the violation case VIO25-009822 was opened in October of 2025 in relation to the fence height and material, as well as the condition of the parking area and a wall sign. Approval of these variances would allow for the fence to remain, but would not provide relief from the non-fence standards cited by the violation (full text within Exhibits). Specifically, four (4) variances would be required to allow for the fence: (a) the height would be limited to 3.5 feet in front-yard areas; (b) the usage of chain-link fencing in commercial zoning districts would be limited to side and rear yards when coated with dark-color vinyl; (c) barbed wire would not be permitted; and (d) the fence would be within the rear-yard electrical easement given proximity to overhead power lines.

Lafayette Road has traditionally been a commercial corridor with a mix of low- and medium-intensity commercial uses. Adjacent properties either do not have tall front-yard fences (see Photos 6-8 within Exhibits) or have had those fences added within the past few years in a manner that does not appear to comply with current Ordinance and could potentially be citable (see Photos 9-14 within Exhibits). Additionally, no adjacent properties appear to contain barbed wire along their fences.

This property is zoned C-4 (Community-Regional District) to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community to neighborhoods to a major segment of the total metropolitan area. Similarly, the Comprehensive Plan recommends the site to the Community Commercial typology to allow for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Neither the zoning nor the Plan contemplate tall front-yard fences with barbed wire placed between frontages and business entry points, and Plan recommendations are directly based on neighborhood input and feedback for their vision for communities (in addition to the three adjoiners who lodged complaints with the Mayor's Action Center about this specific fence).

The circumstances where barbed-wire or razor-wire fencing is permitted by the Ordinance are narrow: it is prohibited throughout the City except for when being used to enclose livestock on agricultural sites or when associated with correctional or penal institutions. The use of a multitenant commercial center bears no similarity to either of those exceptions, and creates a direct and negative visual impact for potential customers seeking the services of businesses within the center (see photo 3 of Exhibits). Rules limiting chain link and fence height are based on a similar logic of creating vibrant and pedestrian-friendly store fronts. The presence of multi-use path along Kessler Blvd NDR to the east of the site implies potential for future increased walkability along this corridor, and a tall barbed-wire fence would likely have a negative impact on both foot traffic and vehicle traffic for businesses within the center. In addition to aesthetic commercial impacts, the rear-yard portions of the fence in particular would be likely to cause a negative impact for any needed maintenance on existing power lines running along the southern border of the property (see Photo 5 within Exhibits).

Findings of Fact provided by the petitioner cite the need for security around the perimeter of the site and a surrounding context of front-yard fencing. The second paragraph on this page provides additional

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

information about surrounding properties and why this should not be considered legal continuation of a trend, and staff also feel that alternate security measures could be put in place beyond the placement of fencing in violation of multiple Ordinance rules. On the contrary, the usage of barbed wire would likely *reduce* public safety given the risk of cuts or lacerations for either pedestrians wildlife, or potential AES maintenance workers.

The fence runs directly counter to Plan and Ordinance guidance, and the multiple filed complaints from neighboring properties indicate direct negative impact on both residential neighbors, the commercial property to the northwest who indicated difficulties with trash pickup, and with maintenance of power lines within the easement area. The gates placed along the rear-yard access drive as well as the placement of barbed wire could complicate efforts to restore power in the event of outages, and no written consent was provided by AES indicating their approval of the fence encroaching into their easement. Given that none of the three state-required burdens of proof have been met by the Findings, staff recommends **denial** of the variances.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Commercial
South:	D-5	South: Residential
East:	C-4 / D-4	East: Commercial
West:	D-5	West: Residential
Thoroughfare Plan		
Lafayette Road	Primary Arterial	90-foot existing right-of-way and 102-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	01/20/2026	
Site Plan (Amended)	04/13/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	01/20/2026	

**Findings of Fact
(Amended)**

N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

87-UV1-130, variance of use of the Commercial Zoning Ordinance to provide for the outside display and sale of vehicles, **approved**.

86-SE3-12, Special Exception to provide for an amusement arcade with 20 machines, **approved**.

86-UV3-113, Variance of Use of the Commercial Special Exception Ordinance to provide for the operation of an amusement arcade within 500 feet of a residential zoning district, **approved**.

ZONING HISTORY – VICINITY

2023ZON053 ; 2500 Lafayette Road (northwest of site), Rezoning of 0.762 acres from the C-4 district to the C-5 district to allow for vehicle sales, **approved**.

2020DV1029 ; 3203 Roberta Drive (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front porch addition to a single-family dwelling, with a five-foot front setback (25-foot front setback required), **approved**.

2011ZON052 ; 2405 Lafayette Road (east of site), Rezoning of 0.38 acre, from the D-4 (W-5) District to the C-4 (W-5) classification to provide for commercial uses, **approved**.

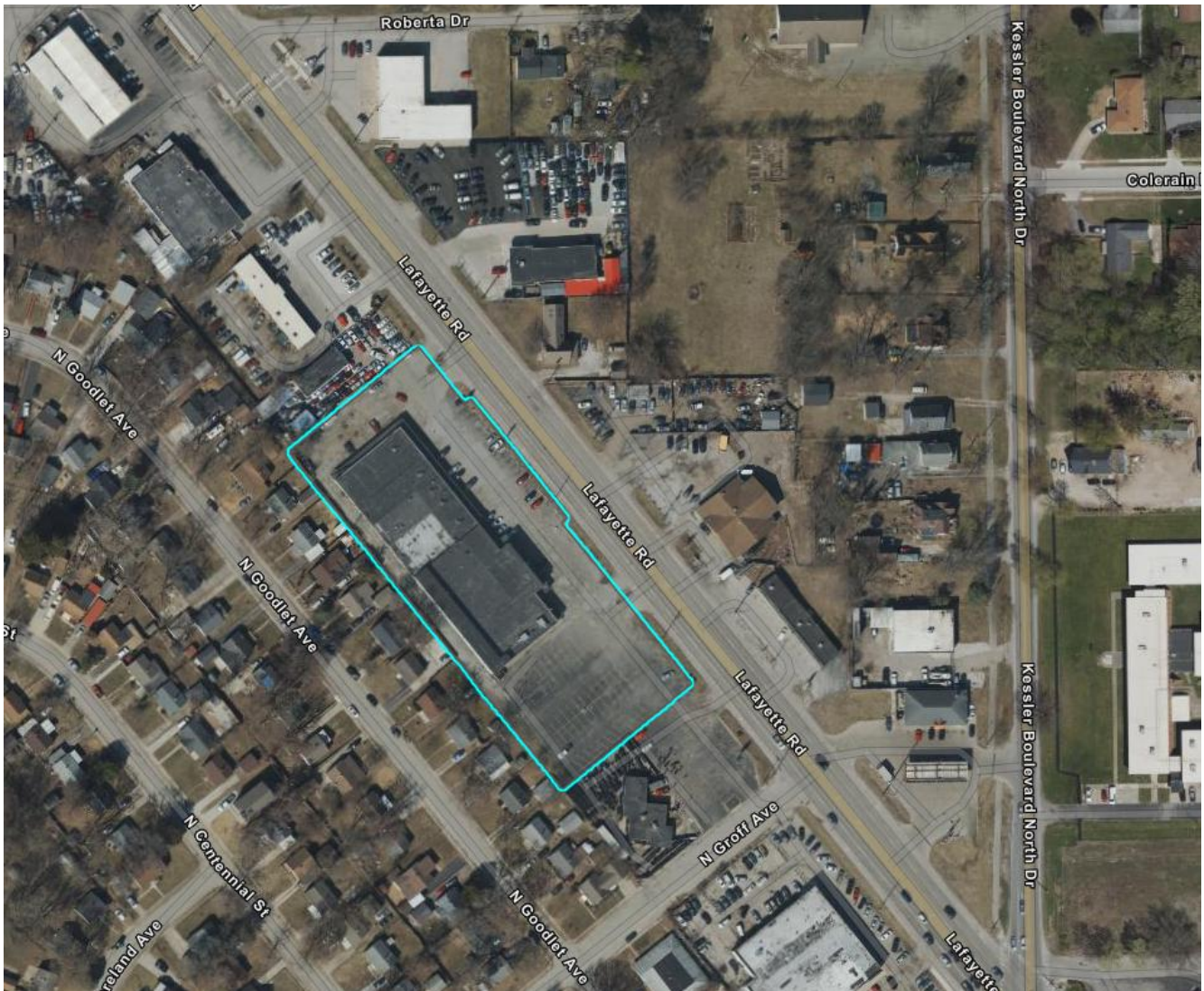
2011DV1034 ; 2409 Lafayette Road (east of site), Variance of development standards of the Commercial Zoning Ordinance to provide for carryout food service within 65 feet of a protected district (100-foot separation required) and to provide for a trash container in front of the established front building line along Lafayette Road (not permitted), **approved**.

2011HOV008 ; 2535 Lafayette Road (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an office and storage inside an existing building and storage shed at 2535 Lafayette Road (not permitted), related to automobile sales and display at 2545 Lafayette Road, **approved**.

2003UV1050 ; 2366 Lafayette Road (southeast of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for a 10,458 square foot expansion to an existing food distribution warehouse (not permitted) resulting in a zero-foot south transitional yard, and with parking and a trash container within the fifteen-foot west transitional yard (parking and trash containers not permitted in the required transitional yard, minimum twenty-foot transitional yard required when abutting a protected district), **approved**.

EXHIBITS

2026DV1013 ; Aerial Map





2026DV1013 ; Findings of Fact

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

Public Health – It should not pose risks such as injury, disease transmission, or environmental hazards.

Safety – The fence will not create a hazard to people (especially children), vehicles, or emergency access

Morals – It shouldn't offend community standards, for example, excessively intimidating structures.

General Welfare – It should not negatively impact the overall well-being, enjoyment, or property values in 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 installation of a 6-foot-tall fence with barbed wire along the applicant's property line will not substantially adversely affect the use,

the proposed fence is designed primarily for security and safety purposes and will be located entirely within the property boundaries.

The height and materials are consistent with similar security fencing found in the area and will not obstruct existing access, visibility,

or light for neighboring parcels. No evidence has been presented indicating that the fence will diminish adjacent property values or interfere

with current lawful uses. Therefore, the requested variance will not result in any substantial negative impact to surrounding properties.

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

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because a 6-foot tall fence with barbed wire is necessary to ensure adequate security, privacy, and protection of the premises. Without the ability to install this fence the property cannot be reasonably used for its intended purpose due to heightened risks of trespass, theft, vandalism, or liability. The unique conditions of this site such as its location, existing security challenges, adjacent land uses create a practical difficulty that does not generally apply to other properties in the same zoning district. Therefore, adherence to the ordinance would deprive the owner of a reasonable and functional use of the property

2026DV1013 ; Notice of Violation (VIO25-009822)

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; (744-904.A. - All signs and sign structures including all supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of the signs. Unmaintained signs shall be removed or brought into compliance...wall sign with missing sign copy area).

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.A.6.e – Parking lots used for access or maneuverability shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris).

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; (744-510.A.1. - Barbed/razor wire fences are prohibited).

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 744-510-2: - Fence height exceeding 42 inches in the front yard).

2026DV1013 ; Photographs



Photo 1: Subject Fence Viewed from Southeast



Photo 2: Subject Fence Viewed from Northwest

2026DV1013 ; Photographs (continued)



Photo 3: Close-Up of Barbed Wire Fence



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

2026DV1013 ; Photographs (continued)



Photo 5: Fencing in Rear Yard + Adjacent Property to West



Photo 6: Adjacent Property to South

2026DV1013 ; Photographs (continued)



Photo 7: Adjacent Property to Southeast



Photo 8: Adjacent Property Further Southeast

2026DV1013 ; Photographs (continued)



Photo 9: Adjacent Property to Northwest (November 2016)



Photo 10: Adjacent Property to Northwest

2026DV1013 ; Photographs (continued)



Photo 11: Adjacent Property to North (August 2009)



Photo 12: Adjacent Property to North

2026DV1013 ; Photographs (continued)



Photo 13: Adjacent Property to East (July 2019)



Photo 14: Adjacent Property to East

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number: 2026-DV1-020 (Amended)
Address: 6129 South Emerson Avenue (approximate address)
Location: Franklin Township, Council District #24
Zoning: D-A
Petitioner: Daniel and Jennifer Taylor, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 4,800-square foot detached accessory structure, with a larger footprint than the primary dwelling (accessory structures must be smaller than the primary dwelling).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued from the June 2, 2026, hearing, to the July 7, 2026, hearing, to allow time to amend the petition and provide new notice. The petition was continued from the July 7, 2026, hearing, to the August 4, 2026, hearing to allow time for the petitioner to meet with a neighborhood organization and provide new notice.

STAFF RECOMMENDATION

Staff recommends **denial** 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 on surrounding property owners.
- ◇ Staff would note that the site is zoned D-A, however, the proposed 4,800-square foot accessory structure would not be used for agricultural purposes, and would be out of scale, or character, with surrounding uses. The petitioner could construct two smaller buildings, each smaller than the primary dwelling and provide the same amount of storage area.

- ◇ There is no practical difficulty associated with the subject site that would warrant the grant of this variance. The subject site has no natural or manmade physical obstacles that would prohibit compliance with the maximum footprint requirements of the Ordinance. Similar nearby properties are able to comply with the Ordinance.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Recommends Suburban Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North: D-A	Single Family Dwelling
	South: D-A	Single Family Dwellings
	East: D-2	Single-Family Dwellings
	West: D-A	Single Family Dwelling
Thoroughfare Plan		
	Emerson Street	Primary Arterial 102-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	Residential Corridor Reserve	
Wellfield Protection Area	No	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan - Amended	April 9, 2026	
Findings of Fact	April 9, 2026	

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 Suburban Neighborhood typology which is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2022-DV1-043; 5243 East Edgewood Avenue (east of site), requested a Variance of Development Standards to provide for the construction of a barn with a 15-foot west side setback, **granted**.

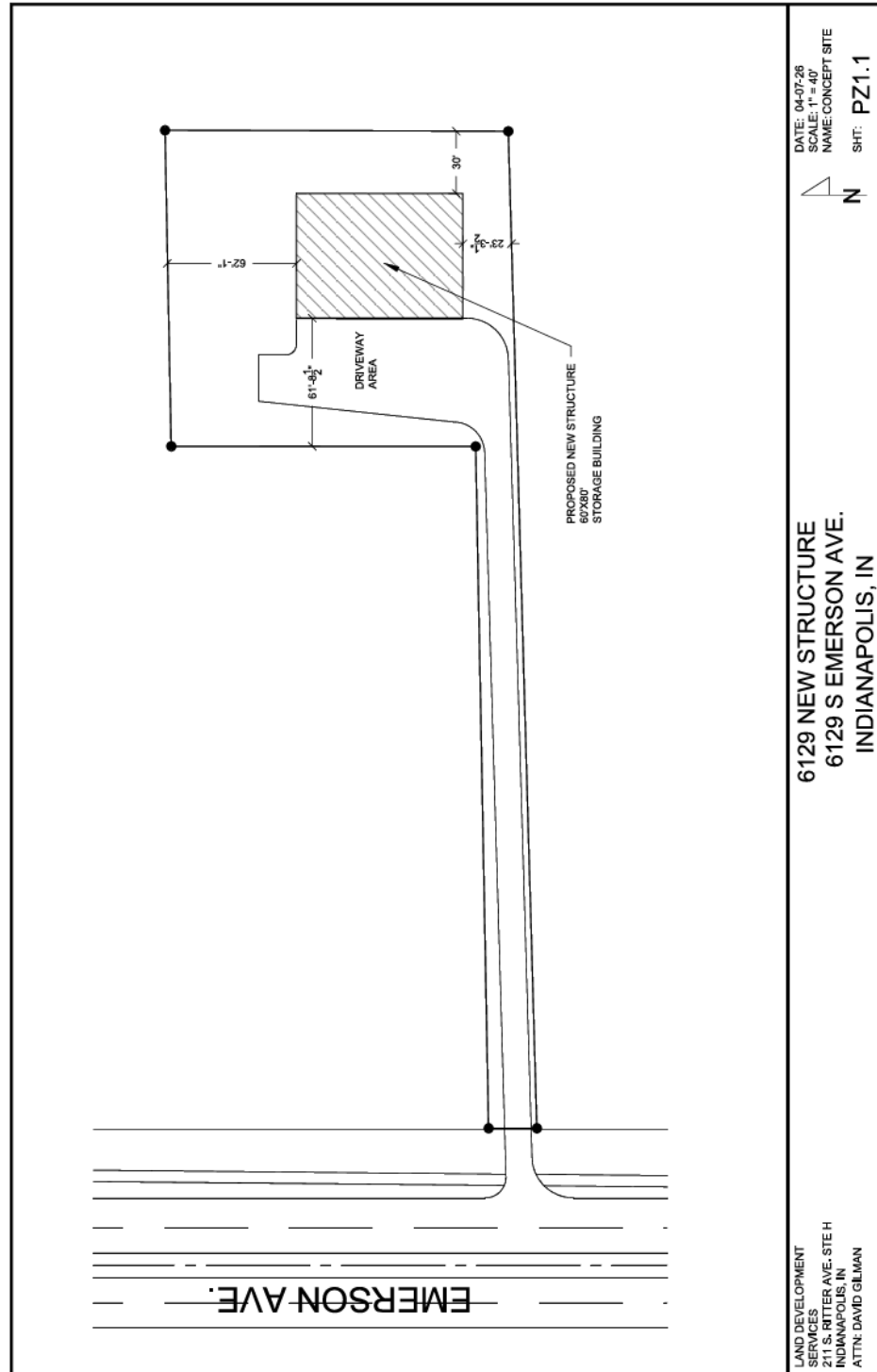
2012-DV2-026; 5727 South Emerson Avenue (north of site), requested a variance of development standards to provide for a 320-square foot accessory building, with a five-foot north side setback, **granted**.

75-Z-89; 6601 South Emerson Avenue (east of subject site), requested the rezoning of 77.26 acres, being in the A-2 district, to the D-02 classification for residential uses, **approved**.

RU

[illegible]

Site Plan.





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

No Primary Dwelling

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

The structure will be constructed in full compliance with all applicable building codes and health department standards, ensuring that it meets current safety, structural, and sanitation requirements.

The building will be used solely for private storage and will not be open to or accessed by the general public, thereby eliminating risks associated with public interaction or commercial activity.

The site will be developed in a manner that maintains proper drainage patterns and prevents adverse stormwater impacts on surrounding properties. Access to the site is established to avoid creating traffic hazards, with no increase in traffic volumes that would burden nearby streets or compromise roadway safety.

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

The subject site currently contains an abandoned and deteriorated house that has suffered from prolonged lack of maintenance. In its present condition, the existing structure poses a far greater detriment to neighboring properties than the petitioner's proposal. Replacing this blighted condition with a new, well constructed, and code compliant storage building will improve the visual character of the site and reduce the negative influence of the existing structure.

The proposed building will be used exclusively for the petitioner's private storage and will not introduce commercial activity, noise, traffic, or other impacts that could interfere with nearby residential uses. The petitioners reside immediately adjacent to the property and will maintain the site with regular presence and oversight, ensuring that it remains orderly, secure, and well cared for.

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

The results will be to store personal recreational vehicles, cars, and equipment outdoors imposing a negative impact the adjacent residences.

Creates a need for multiple smaller storage buildings across the property increasing visual clutter.

The petitioners seek only to utilize the property for private storage, a use that is compatible with the site's existing conditions and does not rely on residential occupancy.

Photographs



Subject property driveway from Emerson Avenue, looking east



Subject property, existing dwellign to be demolished, looking east.



Proposed accessory structure location, behind rear of primary dwelling, looking east



Adjacent single-family dwelling to the west of subject site, looking east.