



Board of Zoning Appeals Board of Zoning Appeals Division II (October 14, 2025) Meeting Agenda

Meeting Details

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

Date: Tuesday, October 14, 2025

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

2025-DV2-038 | 151 South Arsenal Avenue

Center Township, Council District #18, zoned D-8

Hermann Frisch Nouts Tsajio

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling with one dwelling unit having an area of 580 square feet (minimum floor area of 660 square feet required) on a lot with a width of 30 feet and area of 3,630 square feet (minimum width of 60 feet and area of 7,200 square feet required) and a 25-foot front yard setback from Arsenal Avenue (maximum 19.9-foot front yard setback permitted).

****Staff to withdraw on behalf of petitioner**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-SE2-004 | 6358 North College Avenue

Washington Township, Council District #2, zoned D-7 (TOD)

Nalja Osman Inc., by Nicole Anderson

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a daycare center, subject to the filed plan of operation.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a five-space parking area (minimum nine spaces required).

****Request to continue to the November 18, 2025, hearing**

2. 2025-DV2-035 | 5100 Knollton Road

Washington Township, Council District #2, zoned D-S (FW) (FF)

John & Jane Murphy, by Justin & David Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on a lot with 50 feet of street frontage (75 feet required) and a driveway with a front yard setback of 12 feet from Roland Drive, with an accessory structure within the front yard of Roland Drive (accessory structures may not be within front yards).

****Request to continue to the November 18th, 2025, hearing**

- 3. 2025-DV2-039 | 854 North Gladstone Avenue**
Center Township, Council District #13, zoned D-5
Yuri Guzman, by Josh Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with a 2.58-foot north side yard setback (five feet required).

****Staff to request continuance to November 18, 2025, hearing**

- 4. 2025-UV2-013 | 148 West 38th Street**
Washington Township, Council District #7, zoned C-4
Martin Petroleum Inc., by Jamilah Mintze

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile fueling station within 1,555 feet of a transit station (1/2-mile separation required) and a convenience store with a one and a half-foot eastern transitional yard and a service area with a zero-foot eastern transitional yard (eight-foot transitional yard required) with deficient frontage and transitional yard landscaping.

****Automatic continuance filed by a Registered Neighborhood Organization to November 18, 2025, hearing**

PETITIONS TO BE EXPEDITED:

- 5. 2025-SE2-002 | 8540 & 8520 Michigan Road**
Pike Township, Council District #1, zoned C-4
BFC Property Group LLC, by Jennifer Milliken

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

- 6. 2025-DV2-034 | 5420 Rock Hampton Court**
Pike Township, Council District #1, zoned I-4
Christopher Thomas

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

- 7. 2025-DV2-036 | 5458 East 82nd Street**
Washington Township, Council District #3, zoned C-4
KRG Castleton Crossing LLC, by Lisa Rains

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a third drive through sign (one sign permitted per lane).

- 8. 2025-DV2-037 (Amended) | 65 East Regent Street**
Center Township, Council District #18, zoned D-5
Walter Resinos

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition and conversion of a single-family dwelling into a two-family dwelling on a substandard lot (60-foot lot width and lot area of 7,200 square feet required) and resulting in an open space of 57 percent (60 percent required).

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

9. 2025-DV2-016 | 1507, 1501 & 1533 West New York Street

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

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

10. 2025-DV2-028 | 415 South Oxford Street

Center Township, Council District #18, zoned D-5
Bob & Cindy Grigsby, by Mark & Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage addition with a 1.5-foot north side yard setback (five-feet required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

11. 2025-DV2-040 | 6115 North Park Avenue

Washington Township, Council District #7, zoned D-4 (TOD)
John & Kelly Deahl, by Brent Bennett

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a zero-foot north side yard setback (five feet required).

12. 2025-UV2-012 | 2405 West 61st Street

Washington Township, Council District #2, zoned D-2
Valdemar Duarte

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a commercial vehicle, being a commercial shipping container (not permitted).

Additional Business:

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

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

Member	Appointed By	Term
Craig Von Deylen, Chair	City-County Council	January 1, 2025 – December 21, 2025
James Duke, Vice-Chair	Mayor's Office	January 1, 2025 – December 21, 2025

Patrice Duckett-Brown, Secretary	City-County Council	January 1, 2025 – December 21, 2025
Beth Brandon	Mayor's Office	January 1, 2025 – December 21, 2025
Tom Barnes	Metropolitan Development Commission	January 1, 2025 – December 21, 2025

BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-DV2-038

Property Address: 151 South Arsenal Avenue (approximate address)

Location: Center Township, Council District #18

Petitioner: Hermann Frisch Noutsu Tsajio

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling with one dwelling unit having an area of 580 square feet (minimum floor area of 660 square feet required) on a lot with a width of 30 feet and area of 3,630 square feet (minimum width of 60 feet and area of 7,200 square feet required) and a 25-foot front yard setback from Arsenal Avenue (maximum 19.9-foot front yard setback permitted).

Current Land Use: Undeveloped

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

Through consultation with staff, the petitioner was able to amend their plans and change the scope of work (to a single-family residence with detached accessory garage and secondary dwelling unit) to fully comply with Ordinance standards. They indicated via writing their desire to have this petition withdrawn from consideration, which would require the Board's acknowledgement.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-SE2-004

Property Address: 6358 North College Avenue (approximate address)

Location: Washington Township, Council District #2

Petitioner: Nalja Osman Inc., by Nicole Anderson

Current Zoning: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a daycare center, subject to the filed plan of operation.

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a five-space parking area (minimum nine spaces required).

Current Land Use: Vacant Commercial

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- A timely automatic continuance has been filed by the petitioner, continuing this petition to the November 18, 2025 Division II hearing. Additionally, it has been determined that an additional variance is needed for this petition, so new notice will be required.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-DV2-035

Property Address: 5100 Knollton Road (approximate address)

Location: Washington Township, Council District #2

Petitioner: John & Jane Murphy, by Justin and David Kingen

Current Zoning: D-2 (FW) (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on a lot with 50 feet of street frontage (75 feet required) and a driveway with a front yard setback of 12 feet from Roland Drive, with an accessory structure within the front yard of Roland Drive (accessory structures may not be within front yards).

Current Land Use: Vacant

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- The petitioner is requesting a continuance to the November 18, 2025 BZA Division II hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-DV2-039
Address: 854 North Gladstone Avenue (approximate address)
Location: Center Township, Council District #13
Zoning: D-5
Petitioner: Yuri Guzman, Josh Smith
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with a 2.58-foot north side yard setback (five feet required).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

The petitioner has submitted a revised site plan, requiring additional variances. Therefore, this petition will need to be **continued with notice, to the November 18, 2025**, hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-UV2-013

Property Address: 148 West 38th Street (*approximate address*)

Location: Washington Township, Council District #7

Petitioner: Martin Petroleum Inc., by Jamilah Mintze

Current Zoning: C-4

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile fueling station within 1,555 feet of a transit station (1/2-mile separation required) and a convenience store with a one and a half-foot eastern transitional yard and a service area with a zero-foot eastern transitional yard (eight-foot transitional yard required) with deficient frontage and transitional yard landscaping.

Current Land Use: Commercial

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization, automatically continuing this petition to the November 18th hearing of Division II.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

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

Current Land Use: Flooring Commercial Contractor.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued from the September 9, 2025, hearing to the October 14, 2025, hearing.

STAFF RECOMMENDATION

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

- The Special Exception shall be subject to the Plan of Operations filed dated October 7, 2025.

PETITION OVERVIEW

- ◇ The Use Specific Standards for Commercial Contractors require that the approval of a Special Exception is automatically subject to the Plan of Operation. Therefore, Staff is requesting that the approval be subject to the attached amended plan of operation as a commitment.
- ◇ The subject site is located in a regional commercial corridor area. The proposed use, as operated by the revised plan of operations, would be similar in scale and operations to adjacent uses and would not be detrimental to, or out of context with the existing community and surrounding area.
- ◇ Generally, staff supports legally establishing property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request; additionally, no public safety or health risks would come from the grant of this variance.



Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning		C-4	
Existing Land Use		Commercial Flooring Contractor	
Comprehensive Plan		Regional Commercial	
Surrounding Context		<u>Zoning</u>	Surrounding Context
	North:	C-S	Commercial Retail
	South:	C-S	Regional Commercial Retail
	East:	C-4	Commercial Retail
	West:	D-6II	Multi-Family Dwellings
Thoroughfare Plan			
Michigan Road		Primary Arterial	175-foot existing and proposed right-of-way.
Context Area		Metro area	
Floodway / Floodway Fringe		No	
Overlay		N/A	
Wellfield Protection Area		No	
Site Plan		August 5, 2025	
Plan of Operation Revised		October 7, 2025	
Landscape Plan		N/A	
Findings of Fact		August 5, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends the Regional Commercial typology which provides for general commercial, and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers.

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

97-UV3-54; 8561 Michigan Road (east of site), requested a Variance of Use of the Commercial Zoning Ordinance to legally-establish the continued operation of an automobile rental business, **granted**.

96-UV3-38; 8516 Michigan Road (east of site), requested a Variance of Use of the Commercial Zoning Ordinance to legally-establish the continued operation of an automobile rental business, **denied**.

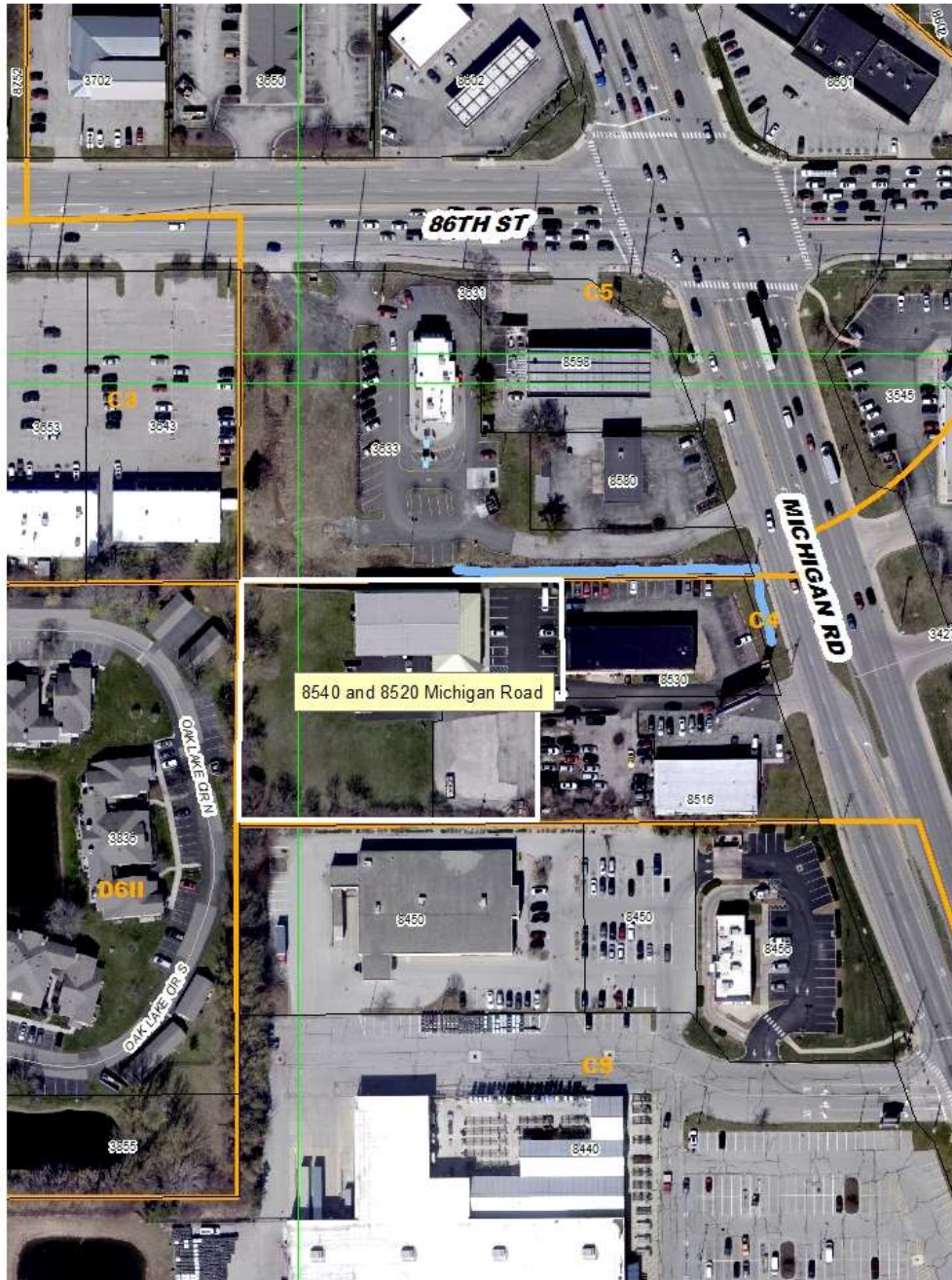
84-UV1-7; 8520 Michigan Road (includes subject site), requested a Variance of Use of the Commercial Zoning Ordinance to provide for the construction and use of a transmission sales, repair, and service store, **approved**.

80-Z-161; 8530 Michigan Road, requested the Rezoning of 3.26 acres, being in the A-2 District, to the C-4 classification, to provide for a muffler shop, **approved**.

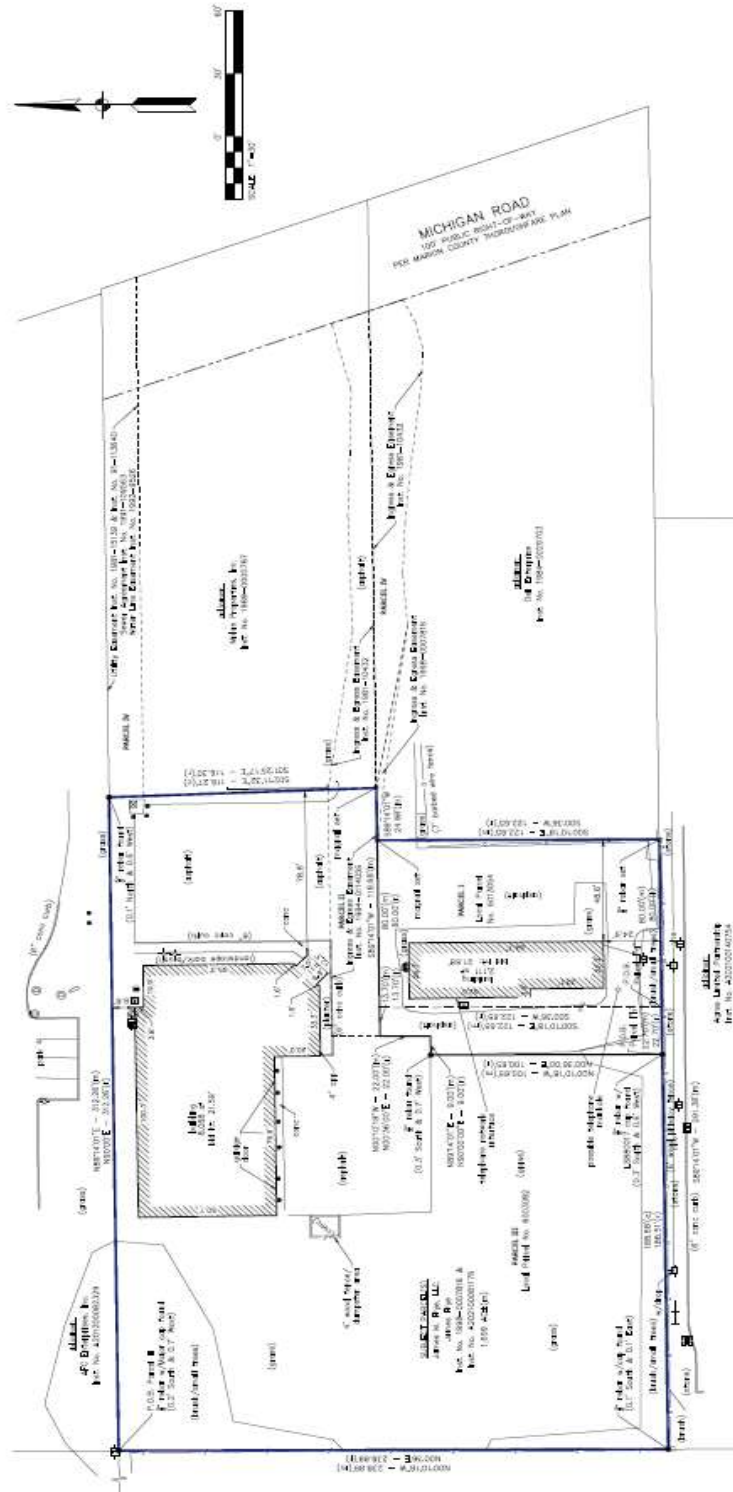
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EXHIBITS

Location Map



Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

Plan of Operation Revised, file dated October 7, 2025

Plan of Operation
Brothers Floor Covering, 8540 and 8520 Michigan Road

Brothers Floor Covering is a family-owned and operated residential flooring business that has been in operation for over 50 years. Operations at 8540 and 8520 Michigan Road includes a retail showroom, sales and operations offices, and storage of flooring material stock awaiting installation. The showroom and sales are open Monday – Thursday from 8:00am to 6:00pm, Fridays from 8:00am to 5:00pm and Saturdays from 10:00am to 2:00. Brothers Floor covering is closed on Sundays. While ordering can be done remotely, most customers visit the showroom at least once to pick out their flooring choices.

Four employees are typically present on site during normal business hours, which usually includes at least one family member. 17 parking spaces are provided on site. The existing building is approximately 8,000 square feet, and the proposed building is approximately 2,000 square feet in size and will be used solely for the storage of flooring stock.

Two to three deliveries of flooring stock are typically received a day during business hours. Deliver trucks include semi-trucks and box trucks. Delivers are received at two overhead doors and immediately unloaded. No outdoor storage of flooring stock or other materials occurs on site. Installation is typically by third party contractors, who pick up materials in vans, pick-up trucks and box trucks via the same overhead doors. No vehicles are stored on site. Approximately 99% of Brothers Floor Covering's business is residential.

No hazardous material is used or stored on site. Waste material is placed in a 30-yard dumpster and removed for disposal when full by a third party waste management company.

Security lighting exists on the site, and 24-hour surveillance cameras for all parts of the property are in place and utilized. Access to the storage/warehousing is restricted to employees and contractors with scheduled appointments to pick up flooring stock. The building is locked and secured during non-business hours.



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 SPECIAL EXCEPTION
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because

The definition of Commercial and Building Contractor describes an establishment or activity that supplies materials to fulfill work at a remote site, typically a building trade or activity associated with construction or maintenance. Flooring is specifically listed.

The definition also provides that retail sales of goods to the public is permitted IF such retail sales are permitted by the district.

"Retail, Heavy General" is a Permitted use in the C-4 District.

2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because

The use has existed on parcel 1 (8540/8550 Michigan Road) for many years without adversely impacting the area.

Both parcels sit more than 228 feet back from the public street (Michigan Rd.) and are accessed by a private drive and access easement.

The use is of similar intensity to surrounding commercial uses, which include auto services, fast food, and a Goodwill store. There is also an apartment complex nearby, zoned D6II, but the primary building sits approximately 111 feet from that property line, and the new accessory building will sit approximately 216 feet from that parcel line. Approximately 50% of parcel 1 is grassy open space.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because

The use is appropriate to the C4 District. There is no outdoor storage. The buildings have substantial setbacks from the nearby apartment complex.



Department of Metropolitan Development
Division of Planning
Current Planning

4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because

The use is appropriate to the C4 Zoning District and to the Comprehensive Plan recommendation for Regional Commercial. It is close to the intersection of 86th Street and Michigan Road, both of which are arterials and, therefore, suitable for commercial uses. Commercial uses line both 86th and Michigan as they extend away from the intersection.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because

Both buildings meet the required Dimensional Standards for C4 (Metro Context Area) in Table 744-201-3.

Table 744-402-1, Required Parking, calls for 1 space per 1,000 sq ft minimum and no maximum. The 10,199 sq ft total between the two buildings would require 10 parking spaces. There are 16 regular spaces and 1 ADA space currently on Parcel 1. One the parcels are combined, all required parking will be on one site. No Loading space is required since the use is less than 25,000 sq ft.

No other sections of Chapter 744 are applicable to this project.

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

The site plan, plan of operation and documents submitted with the petition demonstrate that it meets the provisions of the UDO.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

Outdoor retail is not permitted on the property and no other use-specific standards apply to Retail, Heavy Use. The site plan and plan of operation submitted with the application satisfy the only use-specific standard associated with the use of Commercial and Building Contractors.

Photographs



Subject site, existing building for commercial flooring contractor, looking northwest.



Subject site, proposed accessory building location, looking south.



Adjacent Commercial retail to the east, looking west.



Adjacent Commercial retail to the east, looking southwest.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

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

Current Land Use: Commercial Landscape Contractor.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the September 9, 2025, hearing due to a lack of public notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property values by providing for open buffer areas along lot lines, and to ensure adequate access around buildings.
- ◇ The site is located in a high intensity commercial / industrial corridor area. The addition of the proposed accessory building with the reduced side and rear setbacks would not be out of context with the existing surrounding area. This proposal would not be detrimental to the community and surrounding area.
- ◇ The 10-foot west side setback and 15-foot rear setback would have minimal impact because of its relative proposed location to adjacent structures and would still provide adequate space to mitigate any adverse impacts and provide the minimum area necessary for maintenance.



Department of Metropolitan Development
Division of Planning
Current Planning

- ◇ Generally, staff supports legally establishing property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request; additionally, no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning		I-4	
Existing Land Use		Commercial Landscape Contractor	
Comprehensive Plan		Heavy Industrial	
Surrounding Context		<u>Zoning</u>	Surrounding Context
	North:	I-3	Petroleum Storage and Processing Facility
	South:	I-4	Heavy Commercial
	East:	I-4	Commercial Contractor
	West:	I-4	Commercial Contractor
Thoroughfare Plan			
Rock Hampton Court		Local Street	50-foot existing and proposed right-of-way.
Context Area		Metro area	
Floodway / Floodway Fringe		No	
Overlay		N/A	
Wellfield Protection Area		No	
Site Plan		August 6, 2025	
Elevations		N/A	
Landscape Plan		N/A	
Findings of Fact		August 6, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends the Heavy Industrial typology which provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. 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.



Department of Metropolitan Development
Division of Planning
Current Planning

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

2014-UV1-004; 5450 Rock Hampton Court (west of site), requested a Variance of Use of the Industrial Zoning Ordinance to provide for automobile sales, with service and repair, **granted.**

95-UV3-20; 8778 Robbins Road (south of site), requested a Variance of Use of the Industrial Zoning Ordinance to provide for the construction of an automobile collision repair facility, **granted.**

84-HOV-48; 5410 Rock Hampton Court (east of site), requested a variance of development standards to provide for an addition to an existing building without the required off—street loading maneuverability and within the required side yard, **granted.**

82-V3-12, 5540 Rock Hampton Court, (west of site). Variance of Development Standards of the Industrial Zoning Ordinance to permit an addition to an existing building, ten feet from the west property line, granted.

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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

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

The proposed building will be located within the existing parking lot / staging area that supports the existing facility. The proposed building will not be used by the public nor will it be easily viewed from the public right-of-way of Rock Hampton Court.

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 property is located within an industrial area where there are multiple similar facilities and uses. The addition of an accessory building to support the business will add value to the business and therefore the 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 owner of the property owns the property to the west (5430 Rock Hampton Court) and the two separate properties are used for the one business. If the building is not able to be located as shown on the site plan, the staging/parking area will be reduced in size and therefore the production capacity of the facility will be reduced.

Photographs



Subject site, commercial landscape contractor, looking north.



Subject site, proposed accessory building location, looking north. (Trucks and tanks will be relocated)



Adjacent Commercial Contractor to the west, looking north.



Adjacent Commercial Contractor to the east, looking north.



BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-DV2-036
Address: 5458 East 82nd Street (approximate address)
Location: Washington Township, Council District #3
Zoning: C-4
Petitioner: KRG Castleton Crossing LLC, by Lisa Rains
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a third drive through sign (one sign permitted per lane).

Current Land Use: Commercial Restaurant

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The Ordinance limits drive through signs to one per drive lane to limit visual clutter and to promote orderly development. The proposed size of the sign area is approximately eight (8) square feet. This would be substantially smaller than the maximum size of 40 square feet allowed for each of the other two drive-thru signs.
- ◇ The proposed sign would exclusively serve to provide information to maximize the efficiency of the drive through. The proposed sign would provide minimal disruption for surrounding properties and is relatively small for a drive through sign.
- ◇ Generally, Staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.



Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	C-4										
Existing Land Use	Commercial Restaurant										
Comprehensive Plan	Regional Commercial.										
Surrounding Context	<table> <tr> <th><u>Zoning</u></th><th><u>Surrounding Context</u></th></tr> <tr> <td>North: C-4</td><td>Regional Commercial Shopping Center</td></tr> <tr> <td>South: C-3</td><td>Community Commercial</td></tr> <tr> <td>East: C-4</td><td>Regional Commercial Shopping Center</td></tr> <tr> <td>West: C-4</td><td>Regional Commercial Shopping Center</td></tr> </table>	<u>Zoning</u>	<u>Surrounding Context</u>	North: C-4	Regional Commercial Shopping Center	South: C-3	Community Commercial	East: C-4	Regional Commercial Shopping Center	West: C-4	Regional Commercial Shopping Center
<u>Zoning</u>	<u>Surrounding Context</u>										
North: C-4	Regional Commercial Shopping Center										
South: C-3	Community Commercial										
East: C-4	Regional Commercial Shopping Center										
West: C-4	Regional Commercial Shopping Center										
Thoroughfare Plan											
East 82 nd Street	Primary Arterial 224-foot existing and proposed right-of-way.										
Context Area	Metro area										
Floodway / Floodway Fringe	No										
Overlay	N/A										
Wellfield Protection Area	No										
Site Plan	August 13, 2025										
Sign Elevations	August 13, 2025										
Landscape Plan	N/A										
Findings of Fact	August 13, 2025										

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Regional Commercial typology that provides for general commercial, and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.



Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2023-DV2-038; 8245 Allisonville Road (subject site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment, with a drive through, including stacking and service units, within the front yard of East 82nd Street, with a 9.2 front yard setback and without the required screening and exclusive bypass aisle, **granted**

2022-UV1-012; 5531 East 82nd Street (south of site), requested a Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 42-foot tall, 672-square foot digital off-premise advertising sign, within 415 feet of a protected district, and to allow for digital messages to display for minimum of eight seconds, **denied**.

2017-DV2-010; 5440 East 82nd Street (west of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for deficient transparency on the east elevation, **withdrawn**.

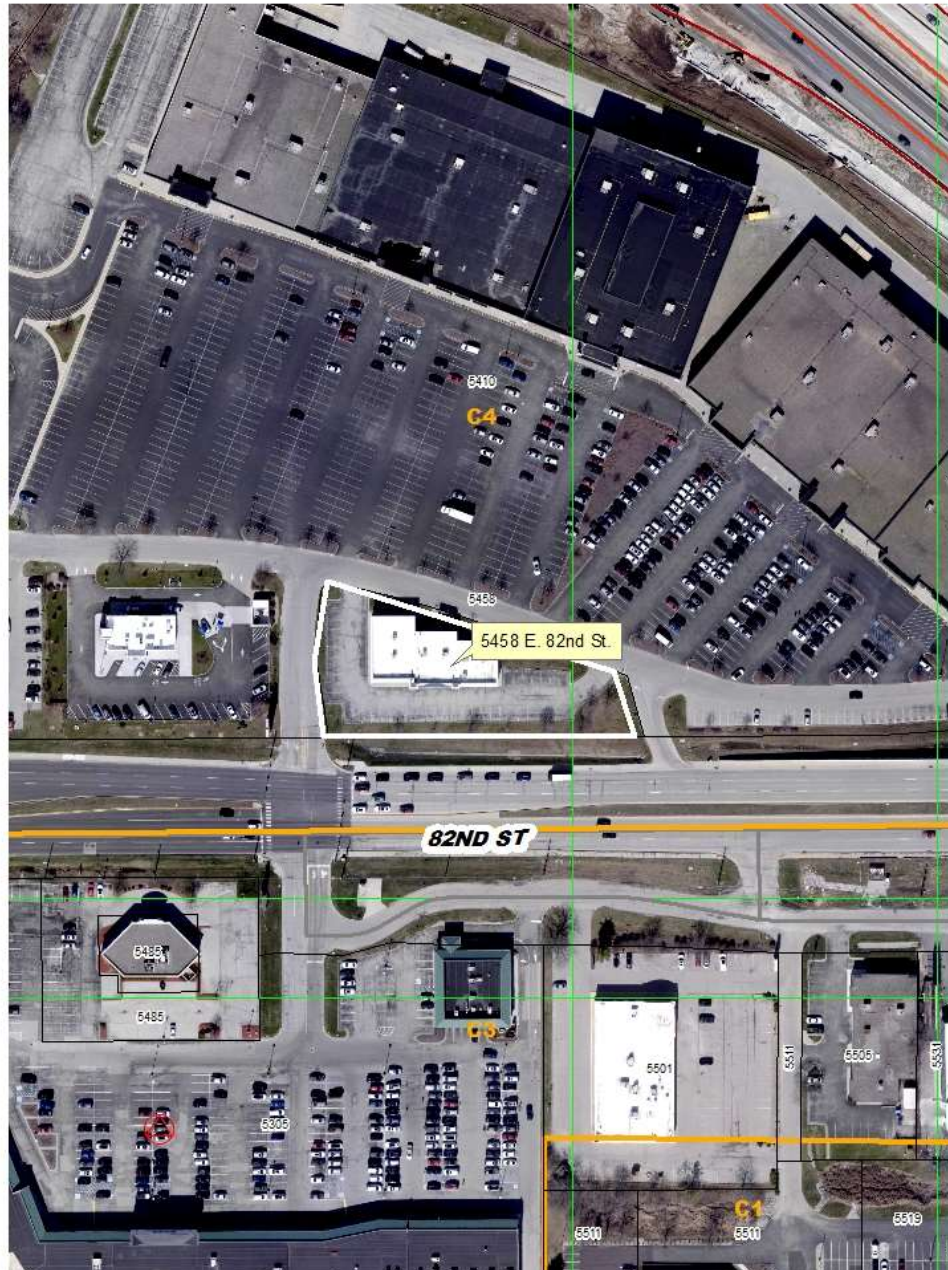
2016-AP1-001; 5505 East 82nd Street (south of site), requested an appeal of the Administrator's Decision of the Department of Business and Neighborhood Services, determining that the proposed use is an adult services establishment, requiring the grant of a variance of use, **denied**.

2007-UV1-018; 5501 East 82nd Street (south of site), requested a Variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for a restaurant with 80 amusement machines (maximum four amusement machines permitted) with 11 parking spaces (minimum 127 parking spaces required), **granted**.

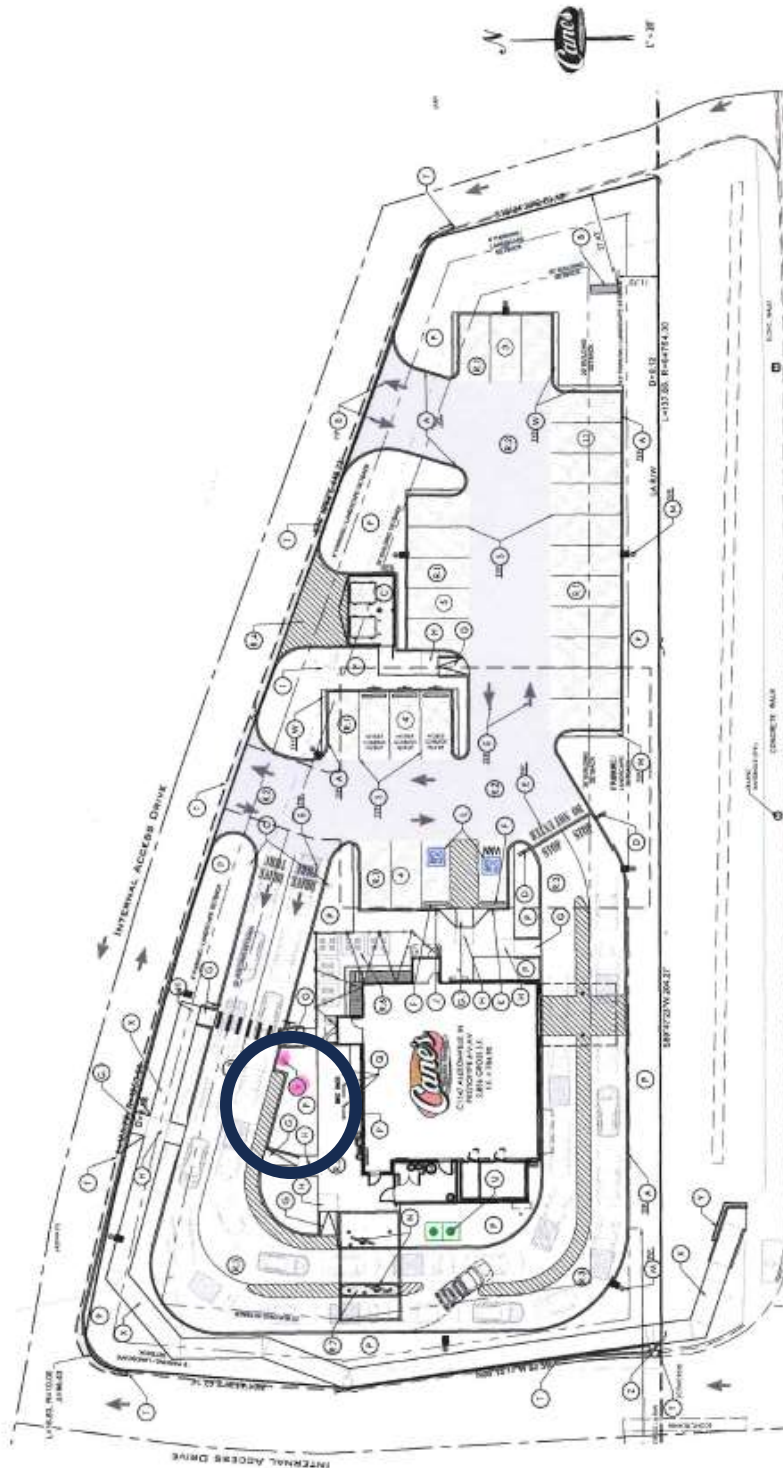
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EXHIBITS

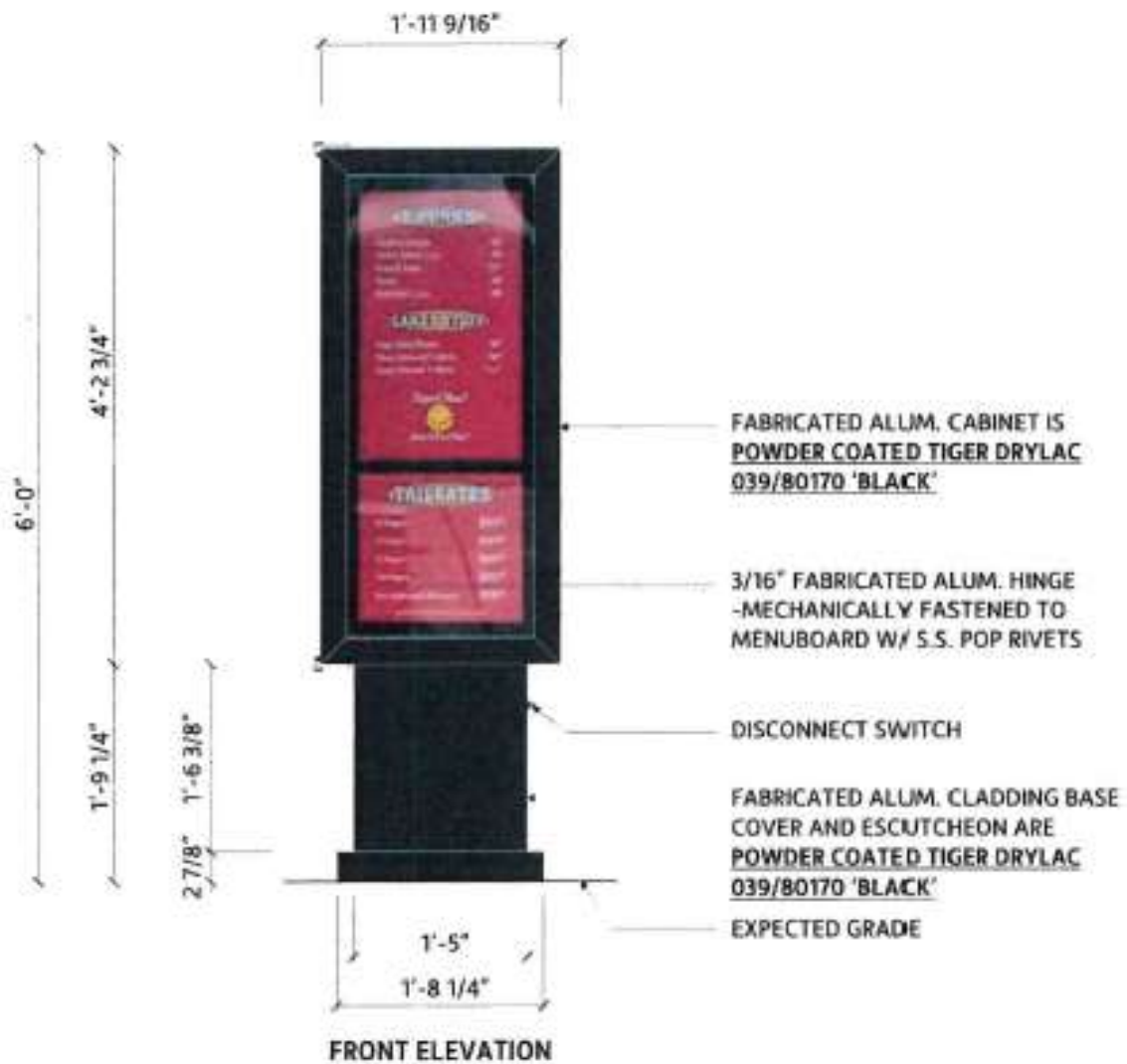
Location Map



Site Plan



Sign Elevation



8.31
Square Footage



Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The Presale Board, angled to face only customer's in the drive-thru, will not harm the general welfare as it creates no added visual impediment. It is only intended to be seen by guest joining the drive-thru lanes.

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 Presale Board, being roughly 4' x 2' is only intended to be seen by guest joining the Drive-Thru lane.

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

The Presale Menu Board is placed to allow customer's extra time to determine their order before reaching the speaker. This leads to shorter wait times and keeps fewer cars stacking the Drive-Thru

Photographs



Photo of subject site, looking west.



Photo of rear of subject site, looking east.



Photo of subject site, proposed third drive through sign, looking west.



Photo of first and second drive through signs, looking south.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-DV2-037 (Amended)

Property Address: 65 East Regent Street (*approximate address*)

Location: Center Township, Council District #18

Petitioner: Walter Resinos

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition and conversion of a single-family dwelling into a two-family dwelling on a substandard lot (60-foot lot width and lot area of 7,200 square feet required) and resulting in an open space of 57 percent (60 percent required).

Current Land Use: Single-family Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 65 East Regent Street is currently improved with a single-family residence that was originally constructed in 1915. Surrounding land uses are predominantly single-family residential in nature, although the property to the east functions as a religious use per a Special Exception petition granted in 2016. The undeveloped lot to the west was approved for construction of a 3-story duplex on a deficient lot in 2023, although that structure has not been built. Many surrounding properties appear to have legally non-conforming side-yard setbacks.
- Permit applications were made earlier in 2025 to allow for the conversion of this property to a two-family dwelling. The internal conversion work on a lot with deficient width and area could be allowed solely via administrative approval; however, any non-conformities created by additions to the structure couldn't be approved administratively and would require approval of variances.



Department of Metropolitan Development
Division of Planning
Current Planning

- The footprint increase associated with this project would result in the need for two (2) variances of development standards: **(a)** the construction of the two-family dwelling on a lot with a width of 32 feet and an area of 3552 square feet (60-foot width and area of 7200 square feet required); and **(b)** the resulting open space on the lot would be 57% when 60% is required. The building addition on the northeastern portion of the property would be eligible for the 50% expansion exception found within Section 744-202.E of the Indianapolis Zoning Ordinance.
- Initial plans provided by the applicant indicated placement of both a building addition to the northeast as well as the placement of an exterior stairway in the required side yard. This layout would have exceeded the 50% maximum expansion referenced above and would have required a third variance. However, the applicant provided updated building plans that altered the stairs to remove the need for that setback variance.
- When visiting the site on September 12th, staff noted that internal conversion work was seemingly being conducted at the site. Any work requiring issuance of a structural permit would be contingent upon approval of this variance in order to be legal, and could be citable if that work didn't match plans submitted to Business and Neighborhood Services or if this petition were to be denied.
- This property is zoned D-5 (Dwelling District Five) to allow for medium- and large-lot housing formats, primarily for detached houses within new walkable suburban neighborhoods or infill situations in established urban areas. Similarly, the Pattern Book of the Comprehensive Plan recommends it to Traditional Neighborhood uses to allow for a range of different types of housing density. Additionally, the Infill Housing Guidelines recommend that for substandard lots, primary structures should be consistent in height, mass, and footprint with other structures on the same street, and that building additions should limit impacts and support Comprehensive Plan goals.
- Given that this construction would constitute a minor deviation from the applicable open space standard (consistent with the Infill Housing Guidelines) and that the two-family conversion would be permissible by administrative approval if not for the 3% open space deviation, staff recommends approval of the variance request.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-family Residential	
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: Religious Use
West:	D-5	West: Residential
Thoroughfare Plan		
Regent Street	Local Street	40-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	08/13/2025	
Site Plan (Amended)	09/29/2025	
Elevations	08/13/2025	
Elevations (Amended)	09/29/2025	
Landscape Plan	N/A	
Findings of Fact	08/13/2025	
Findings of Fact (Amended)	09/29/2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Pattern Book recommends this site to the Traditional Neighborhood living typology to allow for a full spectrum of housing types (ranging from single family homes to large-scale multifamily) in compact and well-connected developments and with infill development continuing the existing visual pattern, rhythm, or orientation of surrounding buildings when possible.



Department of Metropolitan Development
Division of Planning
Current Planning

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that open space prevents overdevelopment, allows for recreation, and promotes development pattern unity. For instances of undersized lots, development of primary structures should be consistent in height, mass, and footprint with neighboring buildings and additions to existing buildings should mitigate impacts.

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

2022DV2031 ; 61 E Regent Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-story (maximum 2.5 stories permitted) duplex on a 31-foot wide lot with an area of 3,330 square feet (minimum width of 35 feet, area of 3,500 square feet required), **approved**.

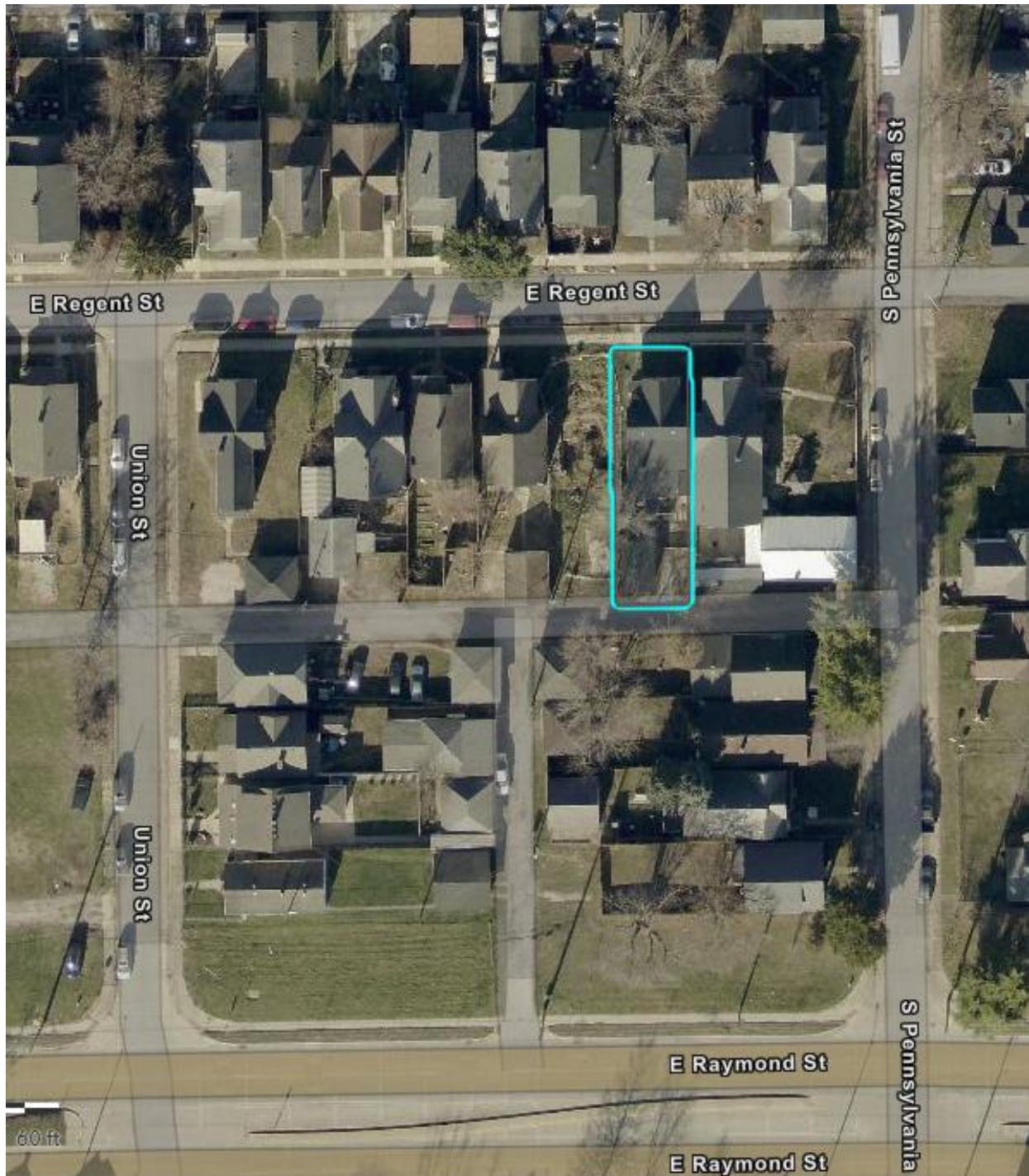
2016SE3002 ; 2112 S Pennsylvania Street (east of site), Special Exception of the Consolidated Zoning / Subdivision Ordinance, to provide for religious uses, **approved**.

2000HOV030 ; 56 E LeGrande Avenue (north of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 20 by 20-foot detached garage, creating 1,737 square feet of open space of 53.4 percent of the lot area (minimum 2,115.75 square feet of open space of 65 percent of the lot area required), **approved**.

97-HOV-64 ; 46 E Regent Street (northwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a detached garage being 20 by 22 feet with 60% devoted to open space (minimum 65% open space required), for an existing single-family residence, **approved**.

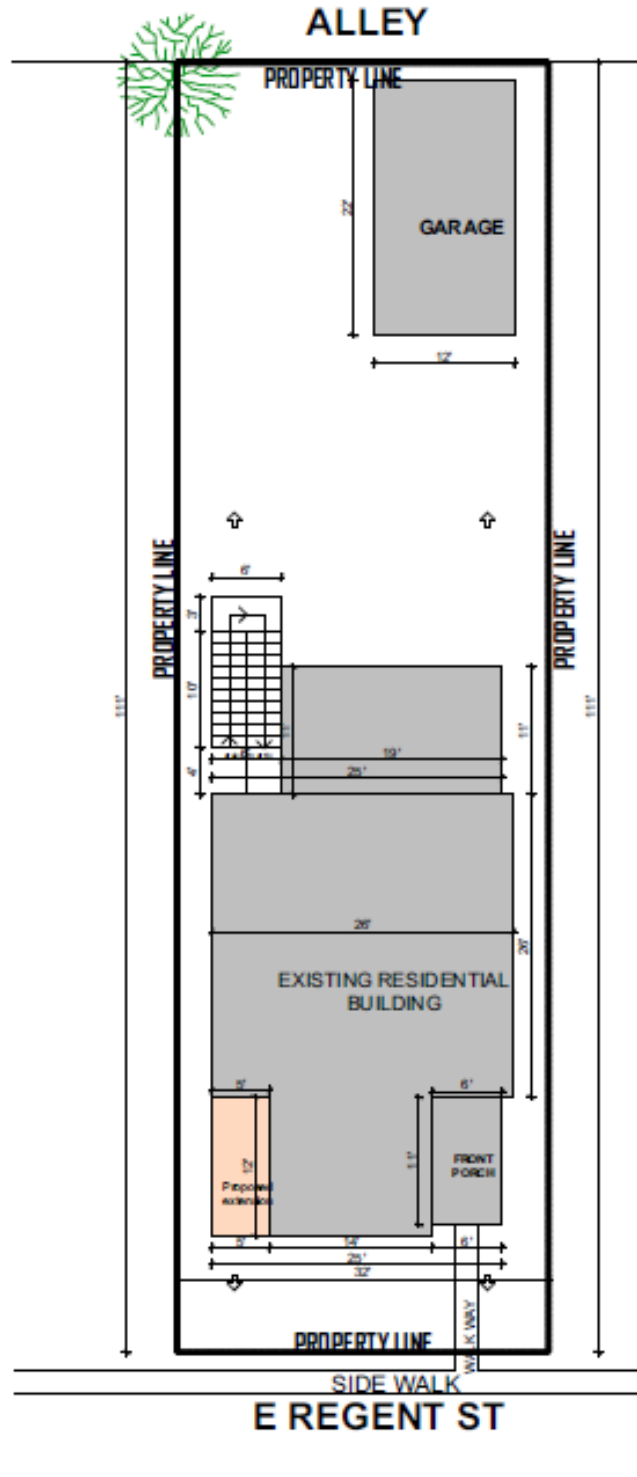
EXHIBITS

2025DV2037 ; Aerial Map





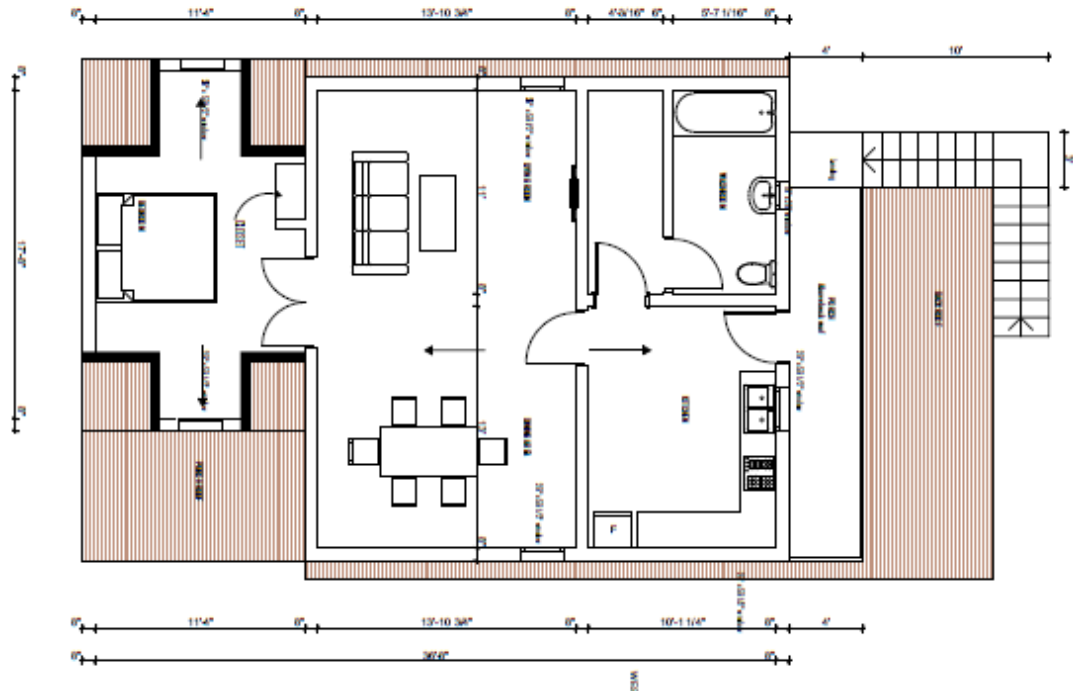
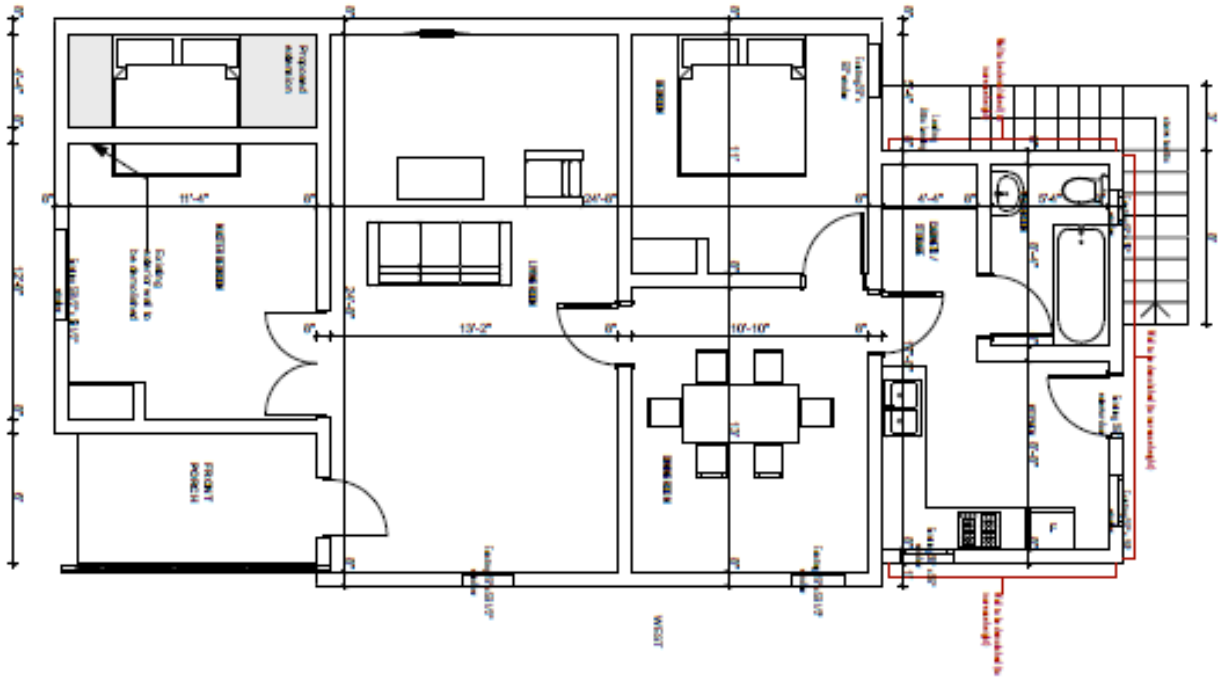
2025DV2037 ; Site Plan (08/13/2025)



2025DV2037 ; Elevations (proposed rear and east)



2025DV2037 ; Floorplans (First and Second Story)





Department of Metropolitan Development
Division of Planning
Current Planning

2025DV2037 ; Findings of Fact

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

The requested variances will allow the subject property to be reasonably developed and maintained in a manner consistent with surrounding residential properties. The reductions in lot area/width and open space are modest in scale and will not limit access to light or air, nor will they create visual or functional incompatibilities with neighboring properties. The project will not increase traffic, noise, or other nuisances beyond what is typical for residential use, and therefore will not be injurious to the community's health, safety, or welfare.

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

The requested variances do not alter the overall residential character of the site or surrounding neighborhood. The lot will continue to be used and maintained in a manner consistent with adjacent properties, and the proposed development will comply with applicable building and safety codes. As a result, the use and value of adjacent properties will not be negatively impacted in a substantial way.

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

The physical constraints of the lot, including its limited width and overall area, make it impossible to fully comply with current zoning standards. Strict enforcement would prevent reasonable improvements and limit the property's functionality for residential purposes. The variances requested provide a practical solution that allows the site to be developed in a safe and efficient manner, without altering the established character of the neighborhood.

2025DV2037 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from South

2025DV2037 ; Photographs (continued)



Photo 3: Adjacent Property to East (April 2024)



Photo 4: Adjacent Property to North



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-DV2-016

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

Location: Center Township, Council District #18

Petitioner: Lurvey Loft Townhomes LLC, by Adam DeHart

Current Zoning: D-8 (RC)

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

Current Land Use: Vacant

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

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued from the June 10, 2025 hearing due to insufficient mailed notice.
- A remonstrator automatically continued this case to the August 12, 2025 BZA Division II hearing.
- The petition was continued to the September 9, 2025 hearing to allow for further discussions between the petitioner and remonstrators.
- The petition was continued to the October 14, 2025 hearing to allow for revisions to be made to the elevations.

STAFF RECOMMENDATION

- Staff **recommends approval** of this petition

PETITION OVERVIEW

- The revisions made by the petitioner now show the structures containing three (3) stories as opposed to the original four (4), and show the height of the structures to be just below 40 feet, measured from grade-level of the front façade to the top of the separation wall on the roof. Therefore, the petition no longer requires a variance for building height meaning that portion of the request is to be removed.
- The remaining variance request for this petition is to allow for the four-unit townhome development with 27 percent living material comprising the front yard (50 percent living material required).



Department of Metropolitan Development
Division of Planning
Current Planning

- The subject site is zoned D-8, is located within the Regional Center Secondary Zoning district, and has been vacant since the late 1970s according to aerial imagery. The proposal calls for two separate two-family townhome structures, for a total of four (4) units on the site.
- With regards to the variance for reduced living materials in the front yard- the standard requiring at least 50% of the front yard being comprised of living material is to promote landscaping and natural materials on site, to limit the amount of hardscaping on site, and to enhance aesthetics and beautification of the City's neighborhoods. The request for 27% living materials stems from practical difficulty related to the site's existing conditions and shape; with the site containing an irregular, angled shape and with significant grade change towards the rear of the site, the ability to provide sufficient landscaping in the front yard is impeded. Further, Staff would note that despite the request for reduced living materials in the front yard, the submitted landscape plan (file-dated 6/4/25) indicates that much of the site will be comprised of living materials and landscaping, and specifically calls for the placement of 31 trees including 4 large trees. Therefore, Staff believes these proposed changes represent a significant improvement to the site, which currently does not contain any finished landscaping.
- Given that Staff finds there to be a degree of practical difficulty exists for front yard living materials, and that the proposal represents a substantial improvement to vacant the site, Staff is unopposed to the request.

GENERAL INFORMATION

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



Department of Metropolitan Development
Division of Planning
Current Planning

Site Plan (Amended)	6/4/25
Elevations	5/5/25
Elevations (Amended)	9/29/25
Landscape Plan	5/5/25
Findings of Fact	6/4/25
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- Not applicable to the site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

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

Infill Housing Guidelines

- With regards to landscaping, the Infill Housing Guidelines recommends:
 - Thoughtfully design landscaping
 - Maintain landscaping to retain visibility

Indy Moves

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

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



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

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

EXHIBITS





Updated elevations, file-dated 9/29/25

Department of Metropolitan Development
Division of Planning
Current Planning



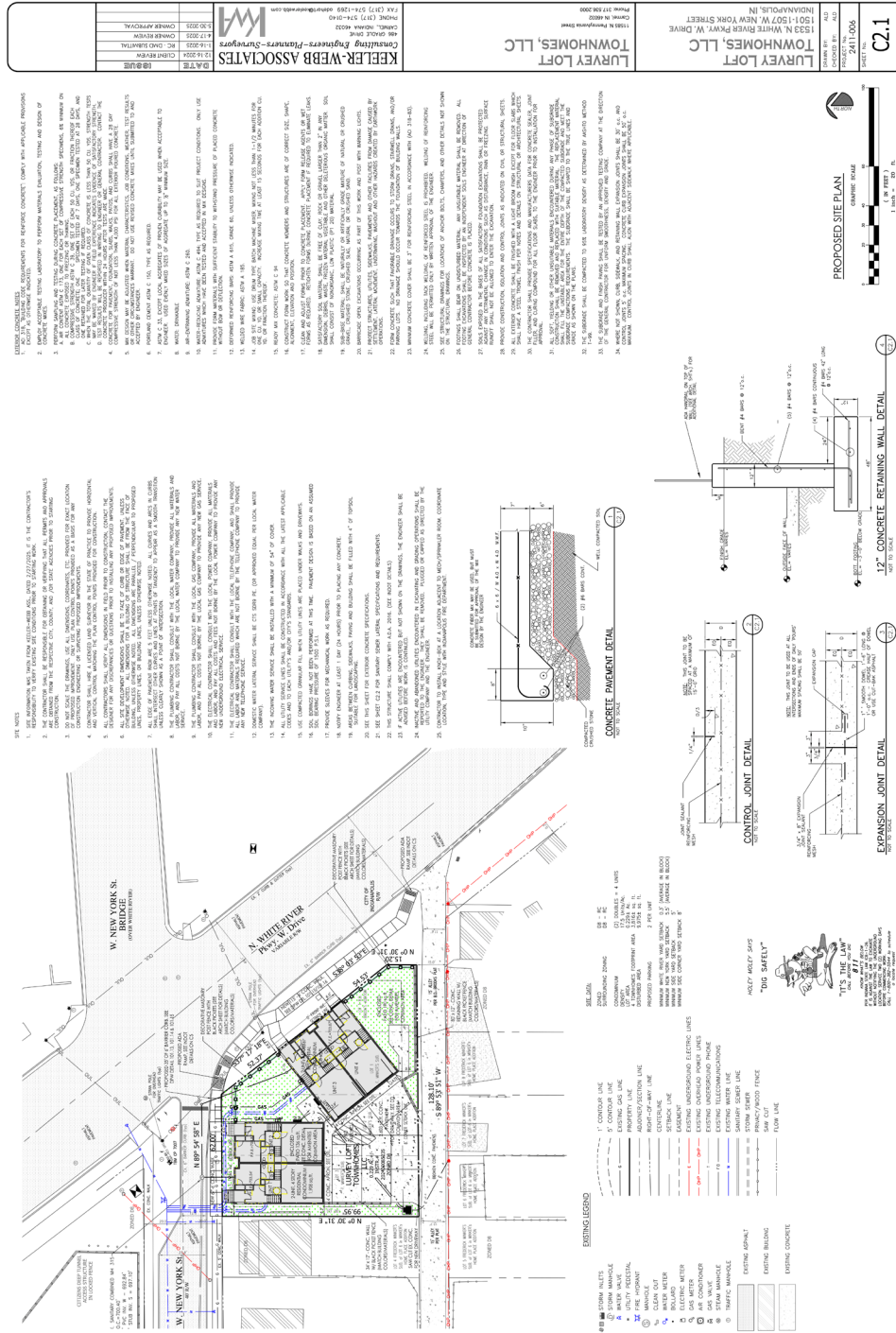
Updated elevations, file-dated 9/29/25

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

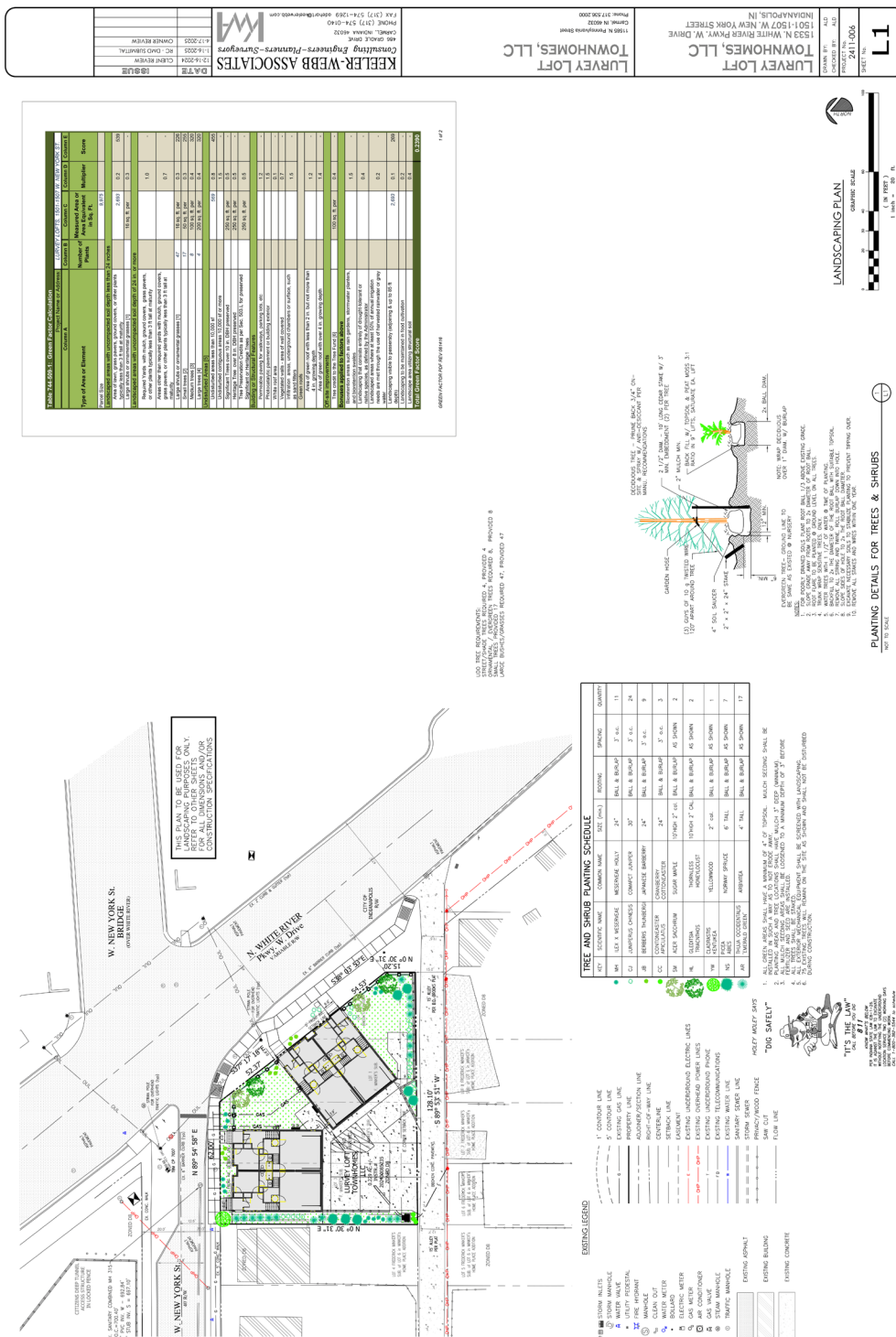


Updated elevations, file-dated 9/29/25

Department of Metropolitan Development
Division of Planning
Current Planning



Site plan, file-dated 6/4/25



Landscape plan, file-dated 6/4/25



Subject site looking north



Rear alley looking east



Looking south



Looking southeast



Looking southwest



Looking north



Looking northwest at topographic change along alley



Looking west down the alley



Looking south past the alley



Looking east towards the White River



Looking west down New York Street at adjacent properties

BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-DV2-028

Property Address: 415 South Oxford Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Bob & Cindy Grigsby, by Mark & Kim Crouch

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage addition with a 1.5-foot north side yard setback (five-feet required).

Current Land Use: Single-family residential

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

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued from the August 12th BZA Division II hearing to allow for additional time to review the proposal.

STAFF RECOMMENDATION

- Staff **recommends denial** of this petition

PETITION OVERVIEW

- This petition would allow for a detached garage addition with a 1.5-foot north side yard setback (five-feet required).
- The subject site is zoned D-5 and is improved with a single-family residence. The structure in question was built without obtaining the required permits to do so. The owner has since applied for permits (ILP25-01503, STR25-02695) at which point the Department of Business and Neighborhood Services flagged the building for needing variances.
- Staff finds that the structure in question goes against the Infill Housing Guidelines, does not represent good building practice, and constitutes overdevelopment of the site. With this site being of sufficient lot width and lot size, Staff does not find there to be any practical difficulty for needing the requested variance. A detached garage can be built, just not as proposed by the applicant.

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

- Further, Staff does not believe that structures built without proper permits to be completed improvements and that those structures can be altered or removed more feasibly, especially if issues with the Zoning Ordinance or building code are found. Likewise, Staff believes recommending approval of development that did not receive required permits to be poor precedent. Therefore, for all of these reasons, Staff recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-family residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Single-family residential
South:	D-5	South: Single-family residential
East:	D-5	East: Single-family residential
West:	D-5	West: Single-family residential
Thoroughfare Plan		
South Oxford Street	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/9/25	
Site Plan (Amended)	N/A	
Elevations	7/9/25	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	7/9/25	
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 Marion County Land Use Plan pattern Book recommends the Traditional Neighborhood typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- With regards to accessory structures, the Infill Housing Guidelines recommends:
 - Match existing spacing on the block
 - 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

96-UV1-108; 446 South Parker Avenue (south of site), Variance of Use for a second residential structure on site, **withdrawn**.

90-V3-143; 427 South Oxford Street (south of site), Variance of Development Standards of the Dwelling District Zoning Ordinance to permit the construction of a detached garage with a side yard setback of 2.8 feet (4 feet required), **granted**.

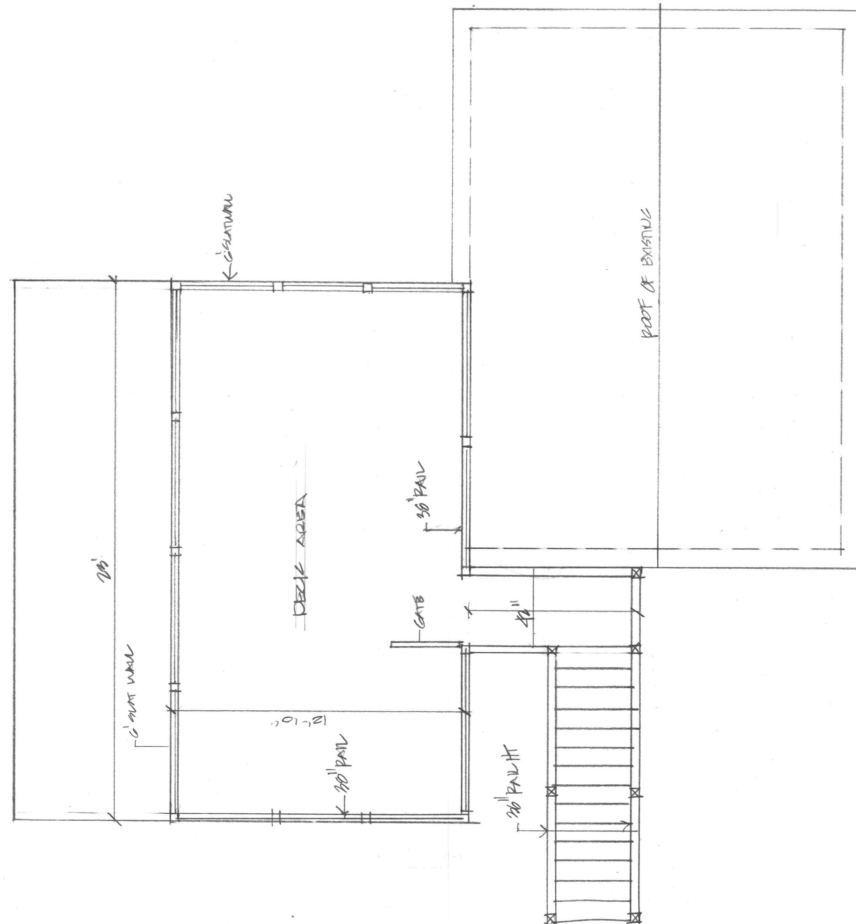
EXHIBITS



Aerial Photo



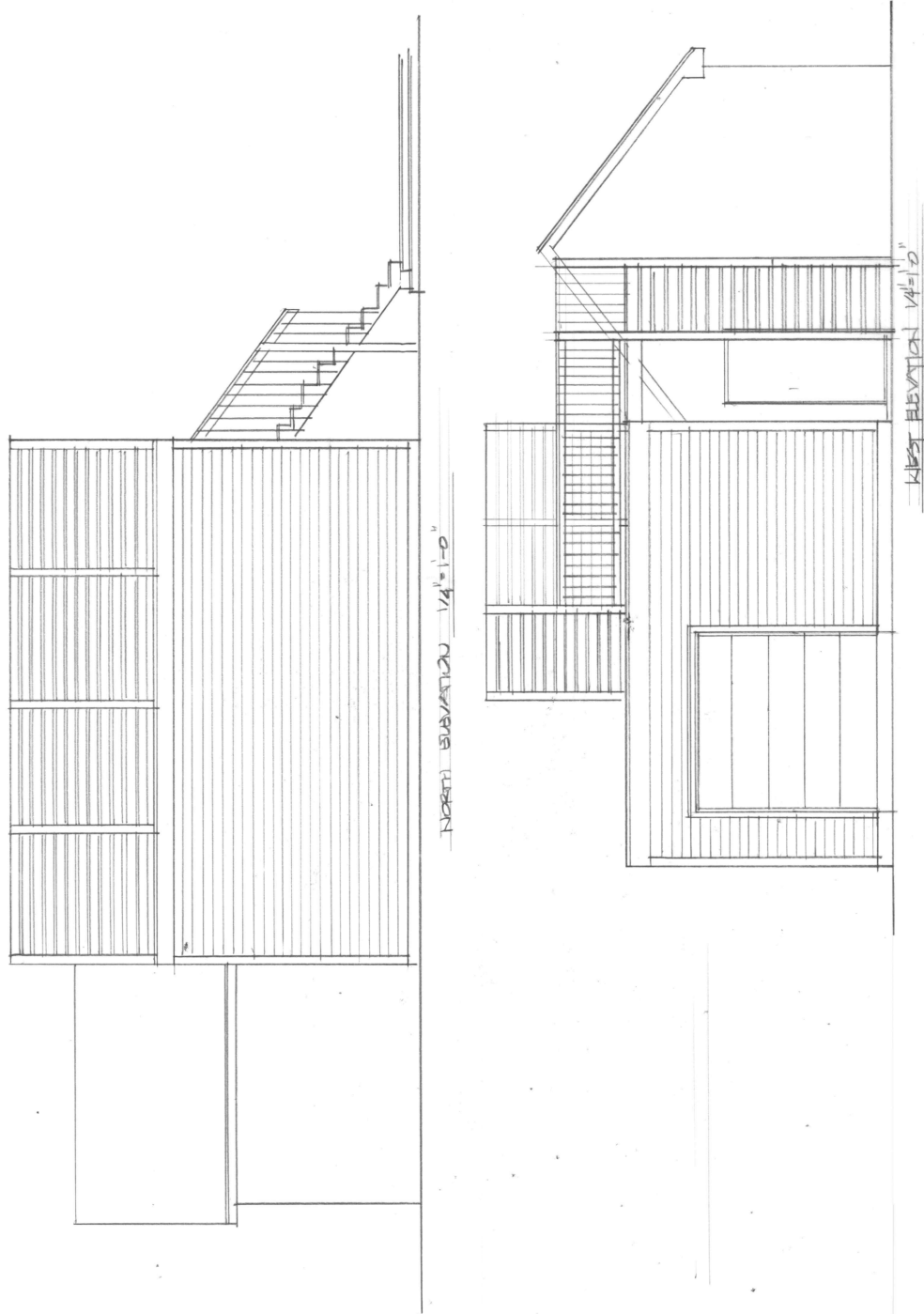
**Department of Metropolitan Development
Division of Planning
Current Planning**



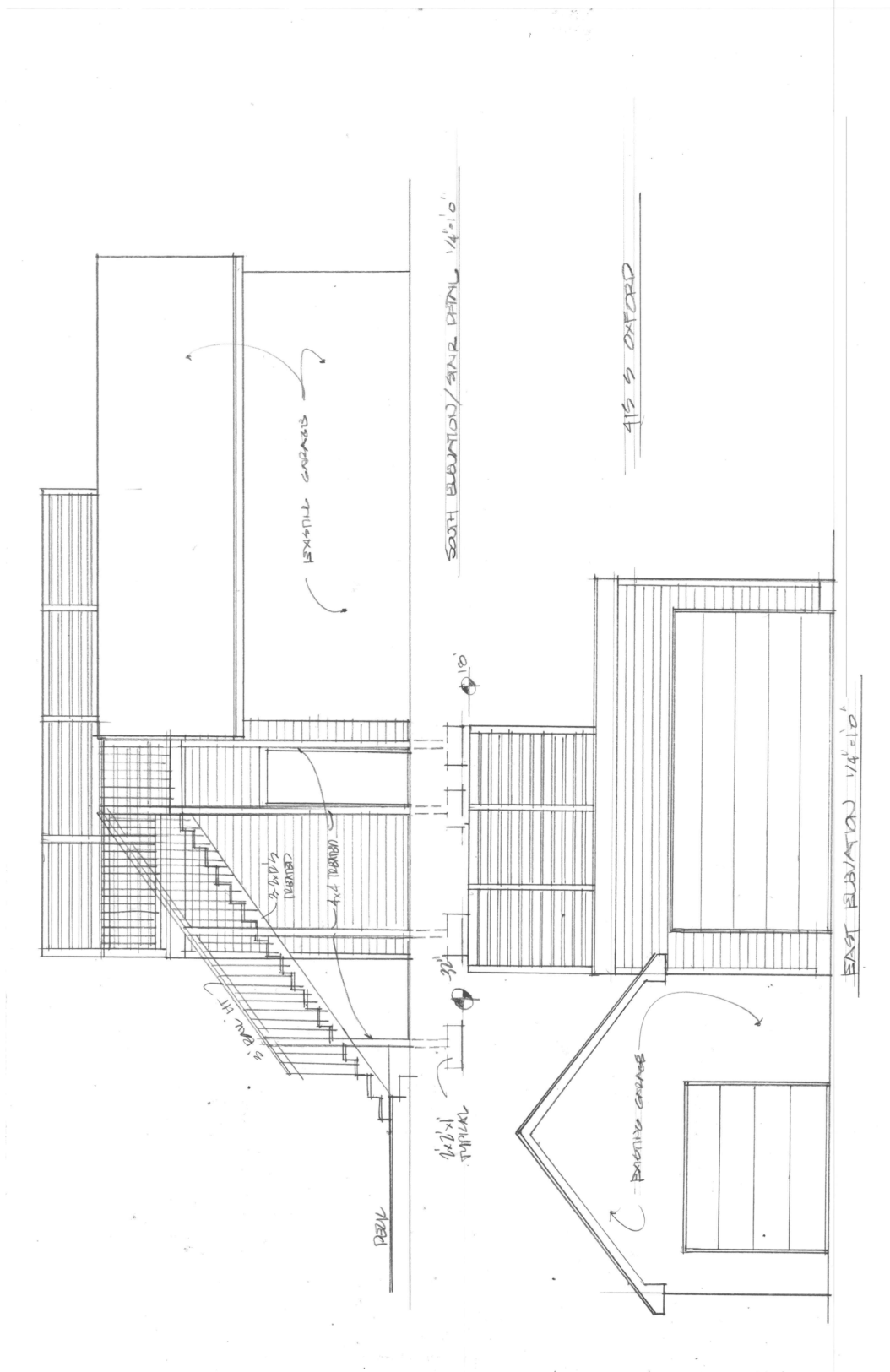
459 X/22D

ROOF / DECK PAN $1/4" - 1/2"$

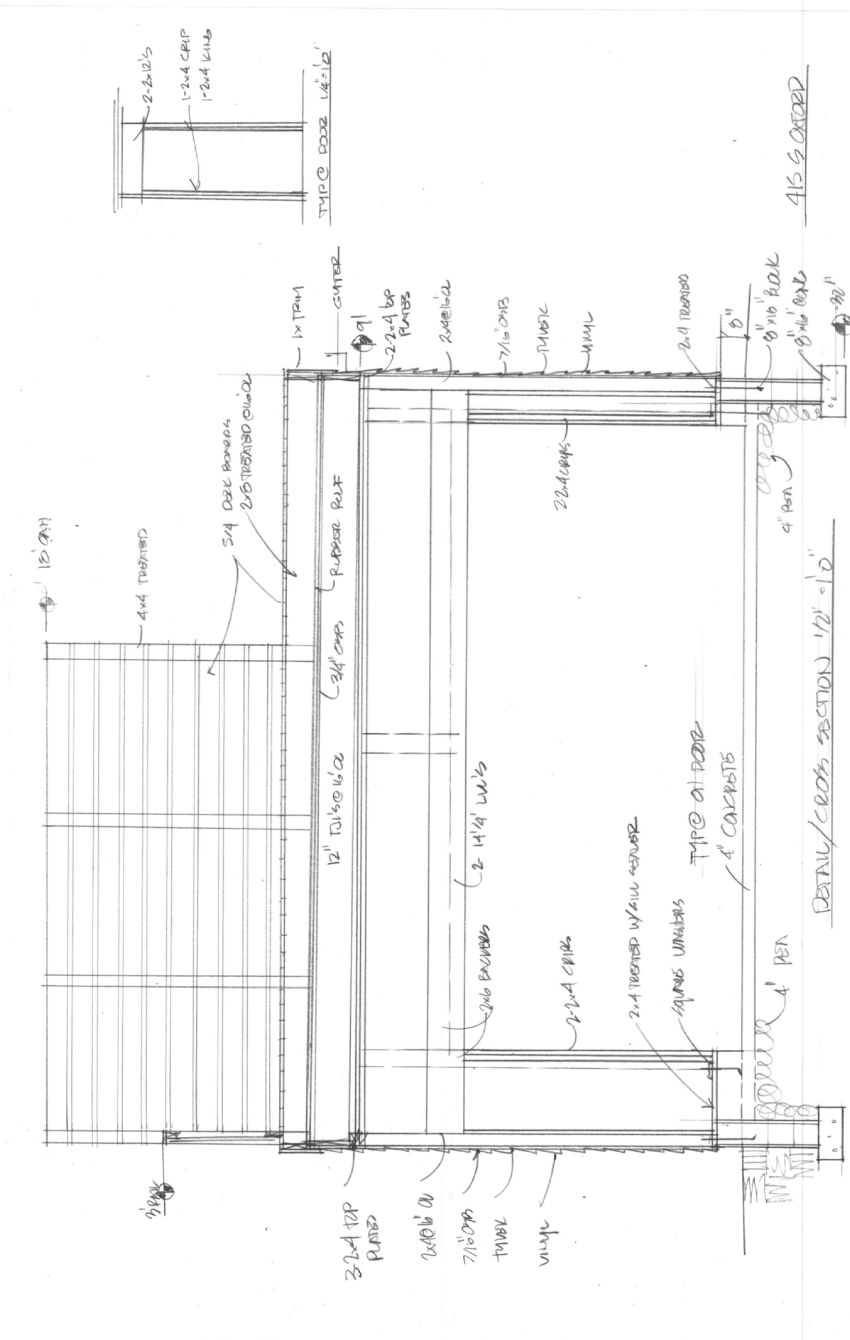
Department of Metropolitan Development
Division of Planning
Current Planning



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

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the grant will legalize the footprint of the existing detached garage for private residential use.

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

the detached garage is existing and is consistent with development in the area and adjacent area.

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

homeowners are unaware that the original garage has an existing deficient south side setback and were unaware that proper permits were not pulled by the contractor who constructed the addition to the existing garage. Without variance approval, detached garage can not be allowed to exist at current size.

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



Subject site from Oxford Street



Structure in question viewed from the alley



Structure in question to the right, original garage to the left



Original garage

BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-DV2-040

Property Address: 6115 North Park Avenue (approximate address)

Location: Washington Township, Council District #7

Petitioner: John & Kelly Deahl, by Brent Bennett

Current Zoning: D-4 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a zero-foot north side yard setback (five feet required).

Current Land Use: Single-family residential

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

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff **recommends denial** of this petition

PETITION OVERVIEW

- This petition would allow for the construction of an attached garage with a zero-foot north side yard setback (four feet required). Staff would note that the legal notice incorrectly stated that five (5) feet is the required side yard setback when the standard is in fact four (4) feet in D-4 districts.
- The subject site is zoned D-4 (TOD) and is improved with both a single-family residence and a detached garage that were constructed around 1935, according to the property card. The primary residence is located approximately 12 feet from the north side property line while the detached garage is located approximately 0 feet from the north side property line. The 0-foot side yard setback for the garage is legally non-conforming, as it was built prior to the relevant standards. The residence also contains a 1-vehicle garage that is attached to the primary residence and is accessed via the rear alley. The property is approximately 51.5 feet in width, which is 8.5 feet less than the D-4 standard of 60 feet. Additionally, Staff would note that while structures with legally non-conforming setbacks can exist in that non-conforming matter, new construction is required to meet current standards.

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

- The proposal calls for the partial removal of the detached garage and the construction of a 2-story addition to the primary residence that would be located 0 feet from the north side property line. This addition would result an additional 2-vehicle garage that would be accessed via the rear alley for a total of 4 garage spaces.
- Staff is seriously concerned by this proposal as it relates to the adjacent property to the north. Per the submitted elevations, the proposal calls for a 2-story addition to the primary residence that would be both taller and longer than the existing detached garage structure. Staff finds that this proposal would severely overwhelm and overshadow the adjacent property to the north. Staff finds that building the primary residence up to the side property line to be inappropriate and to be poor practice. Additionally, while legally non-conforming side setbacks are not uncommon in the area, Staff finds the proposal to be out of line with typical detached residential development patterns, especially for new construction, which by definition is meant to be setback from side property lines to maintain open space. Further, Staff finds the proposal to be inconsistent with the Infill Housing Guidelines. While Staff does note that the lot is slightly deficient in lot width, Staff does not find that there is sufficient practical difficulty that warrants constructing an addition to the primary residence up against the side property line. The detached garage containing a 0-foot side yard setback is not a practical difficulty for this new construction and does not allow the petitioner to build the primary structure with the same setback. Likewise, despite the slightly deficient lot width, Staff does not believe that that deficiency precludes the petitioner from constructing an addition that is in compliance with the Ordinance and does not believe the grant of this variance to be necessary. Therefore, Staff recommends denial of this request and strongly suggests that the petitioner revise the proposed plans.

GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Single-family residential	
Comprehensive Plan	3.5-5 residential units per acre	
Surrounding Context	Zoning	Surrounding Context
North:	D-4	North: Single-family residential
South:	D-4	South: Single-family residential
East:	D-4	East: Single-family residential
West:	D-4	West: Single-family residential
Thoroughfare Plan		
North Park Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit Oriented Development Overlay	
Wellfield Protection Area	No	
Site Plan	8/28/25	
Site Plan (Amended)	N/A	

Elevations	8/28/25
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	8/28/25
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- Not applicable for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines recommends:
 - Leave room for open space and maintenance
 - Reinforce spacing on the block.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

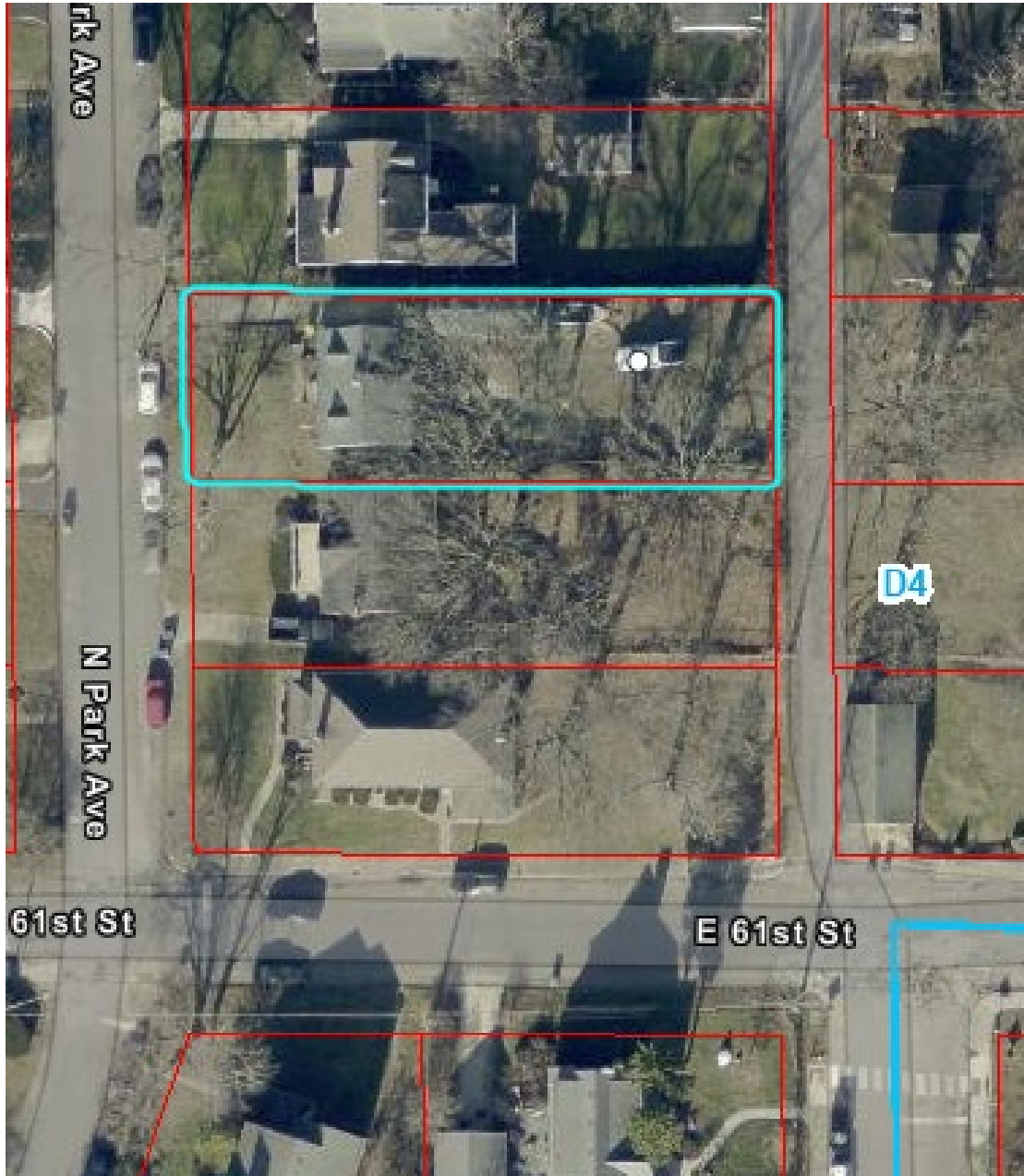
ZONING HISTORY – VICINITY

2008HOV004; 6138 N Park Ave (north of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the construction of a 260-square foot detached garage with a 3.5-foot south side setback (minimum five-foot side setback required), **granted**.

2001UV3031; 6123 N Park Ave (north of site), Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish a second dwelling unit (not permitted) in the second floor of an existing detached accessory building, **denied**.

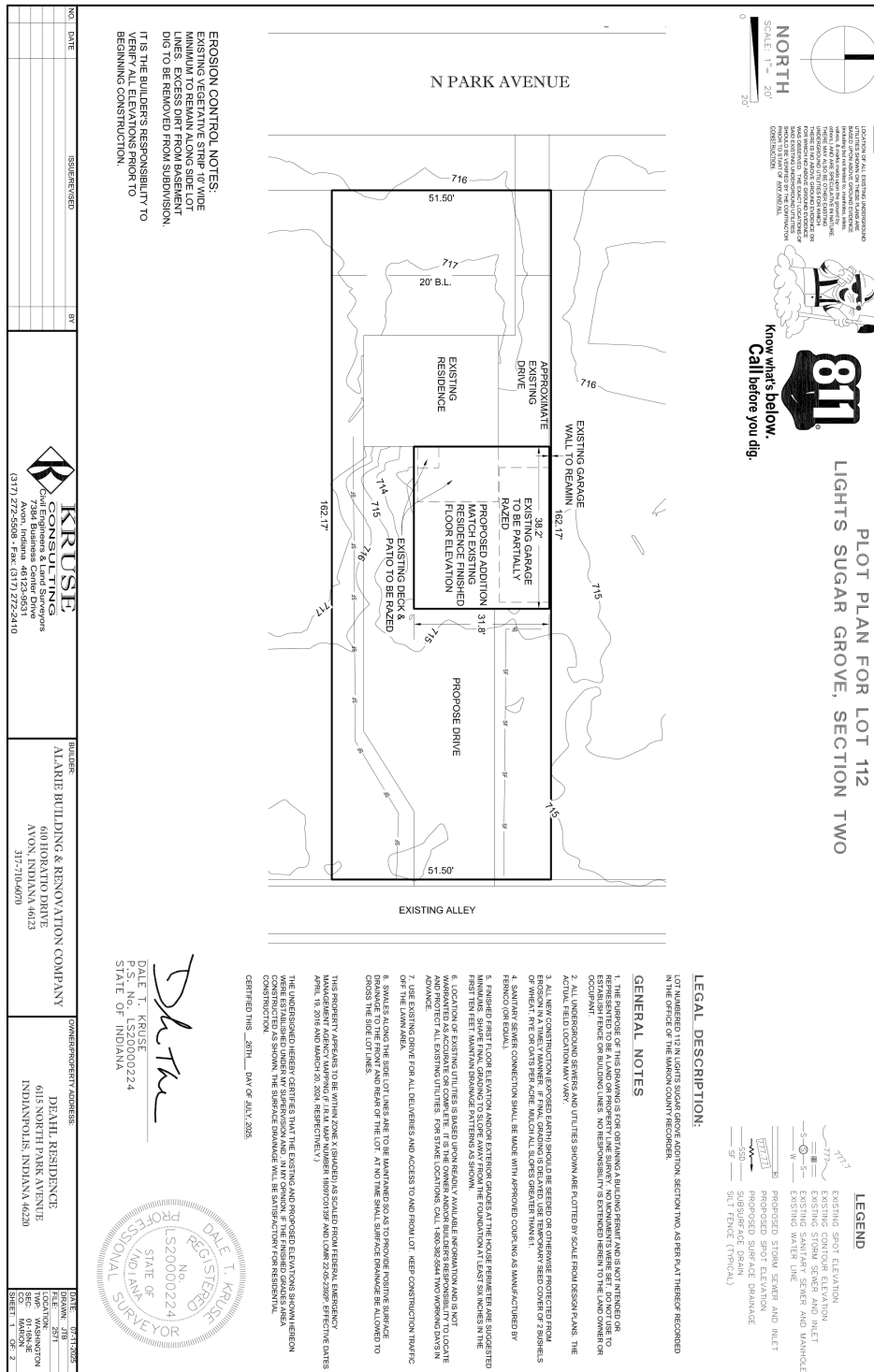
89-V2-101; 6104 N Broadway Street (southeast of site), Variance of Development Standards of the Dwelling Districts Ordinance to provide for the construction of an addition to an existing detached residential garage that results in total accessory space exceeding the area of the primary residence and front setback of 10 feet from 61st Street (25 feet required), **withdrawn**.

EXHIBITS



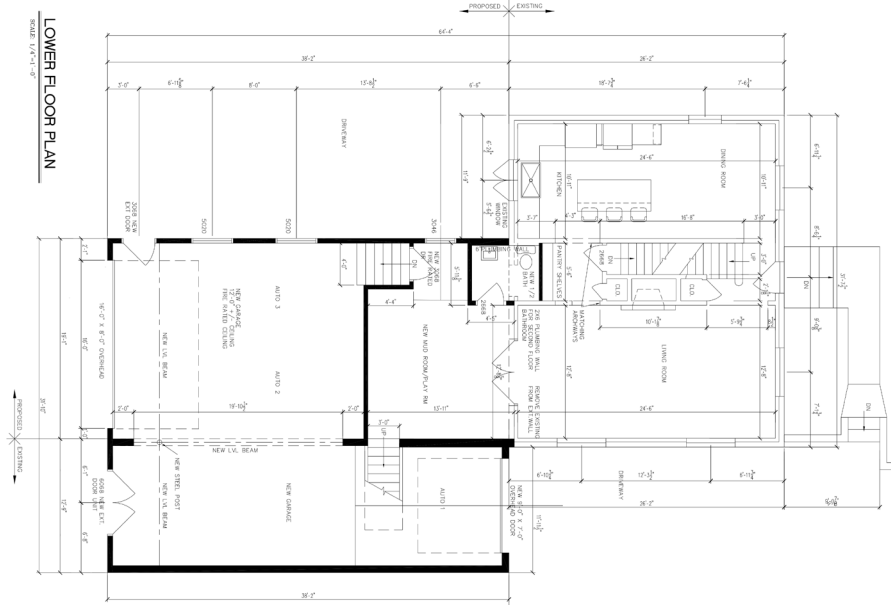
Aerial Photo

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

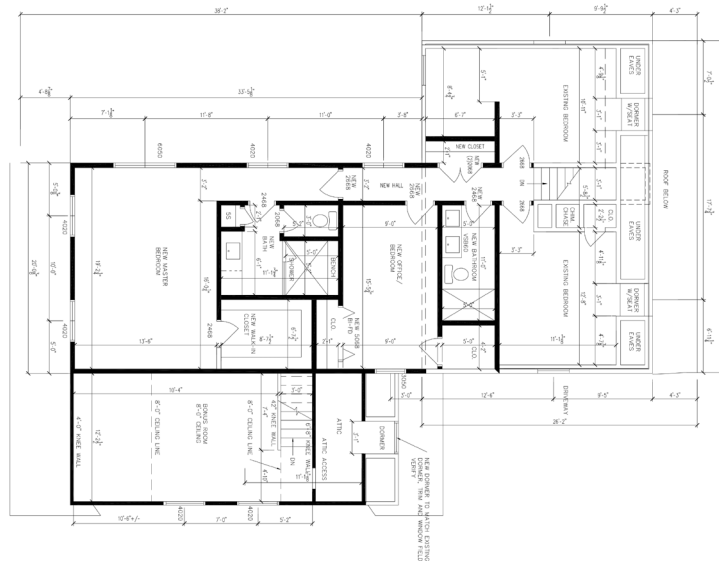


Proposed site plan

LOWER FLOOR PLAN
SCALE: 1/8" = 1'-0"



UPPER FLOOR PLAN
SCALE: 1/8" = 1'-0"



PROPOSED HOUSE ADDITION FOR
DEAHL

QBS

Contractor and the Owner.
By using this plan, the user acknowledges that the user is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The user is also responsible for ensuring that the plan is used in accordance with the applicable laws and regulations.

A1

SHEET NO.

REVISION LOG

DATE

5-10-2023

DESIGNED BY

CHANGING BY

DATE

5-10-2023

DESIGNED BY

CHANGING BY

DATE

5-10-2023

DESIGNED BY

CHANGING BY

DATE

5-10-2023

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DATE

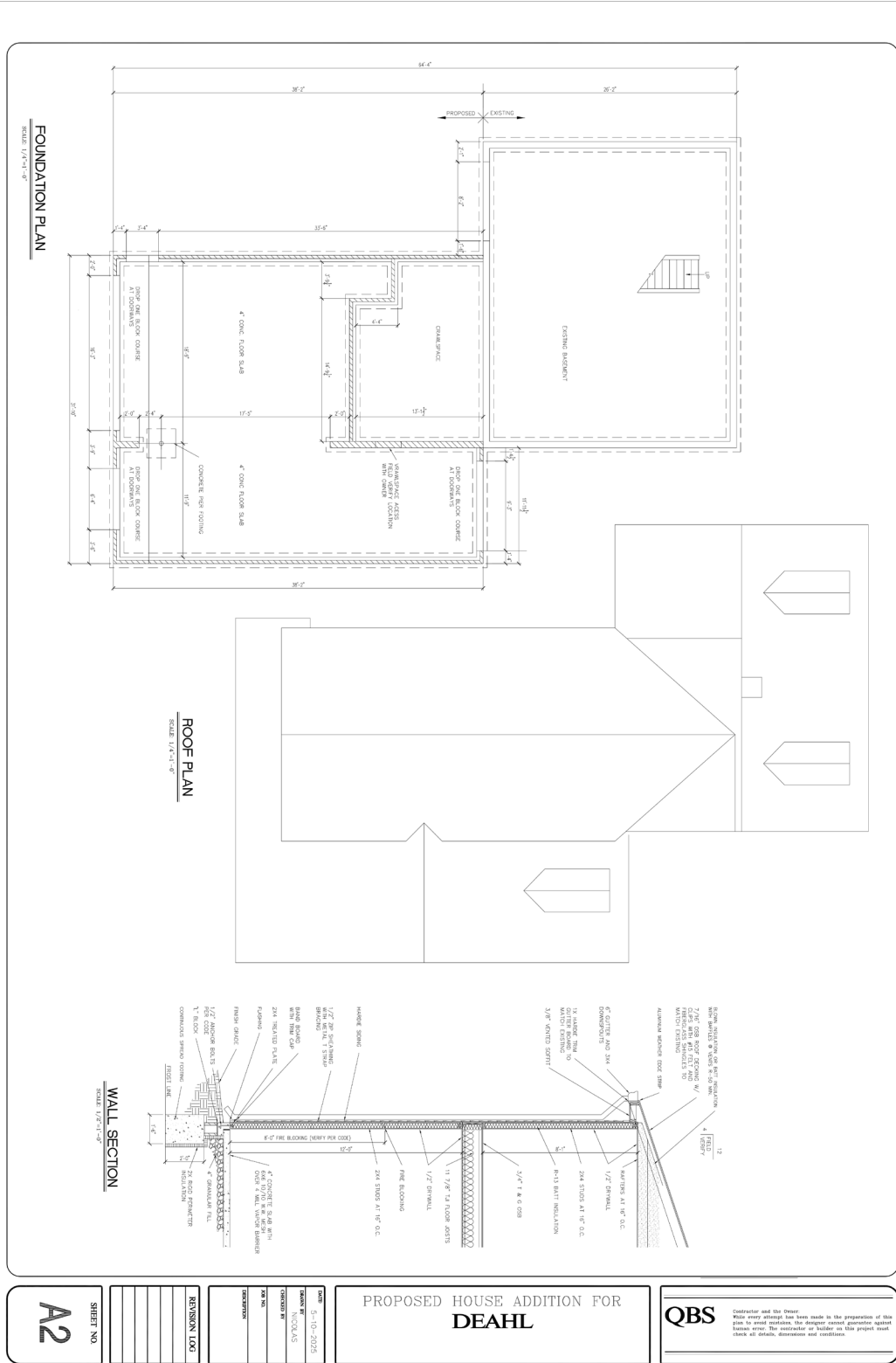
5-10-2023

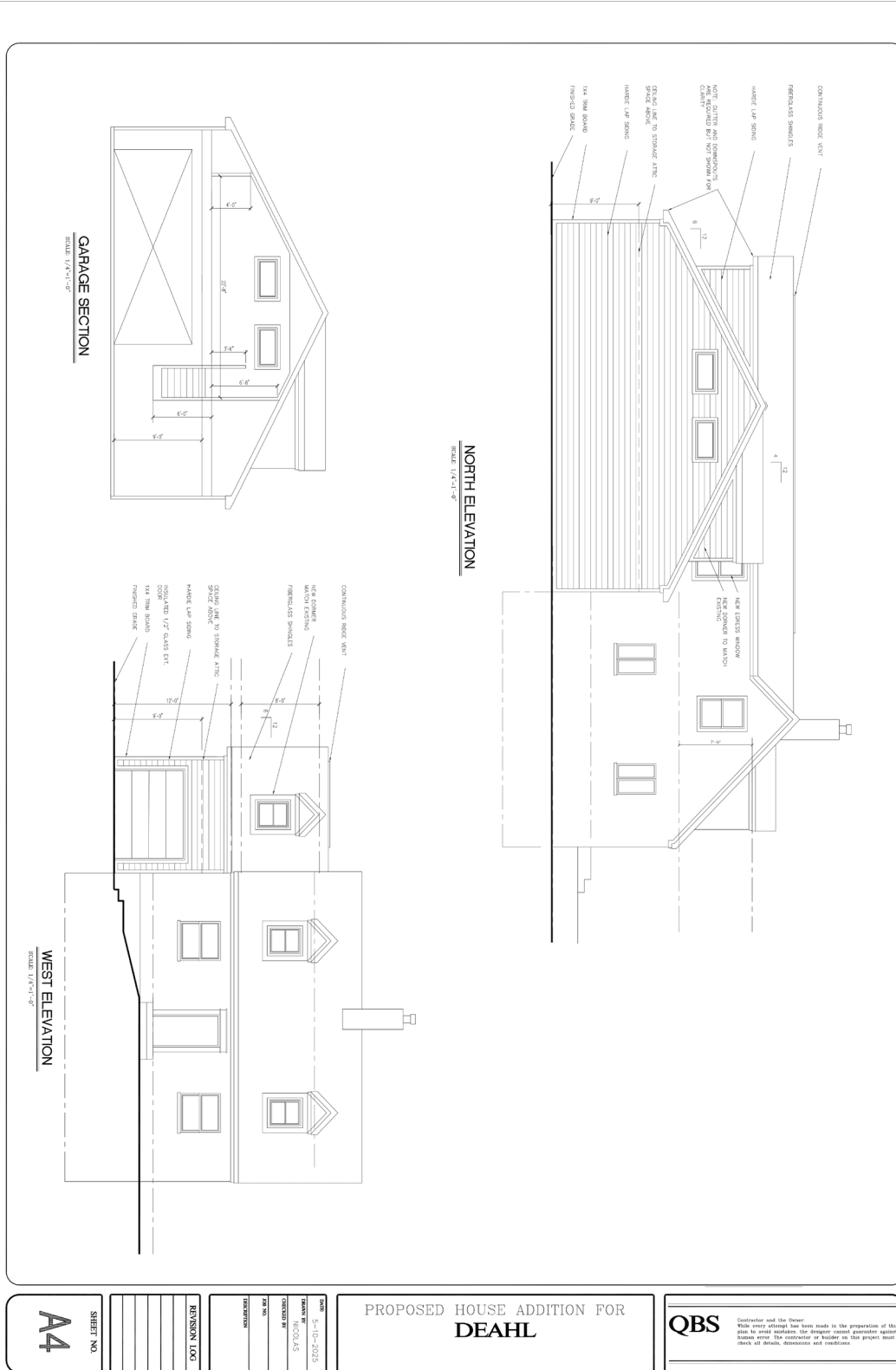
DESIGNED BY

CHANGING BY

DATE

5-10-2023





A4	SHEET NO.	REVISION LOG	DATE 2-15-2025	DRAWN BY NICKLAS	CHECKED BY NICKLAS	DATE 2-15-2025	PROPOSED HOUSE ADDITION FOR DEAHL	QBS Contractor and the Owner: While every attempt has been made in the preparation of this plan to avoid mistakes, the drafter, owner, contractor, and builder accept the responsibility for any errors or omissions on this project must show all details, dimensions and conditions.

**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 granting of this request will not be injurious to anyone. The existing garage is currently at the same setback.

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 granting of this request will have no adverse value affect to anyone in the area. The new proposed garage is on the exact same setback as the existing is today. The existing structure is just not built to be able to hold a second floor. The new proposal will add more square feet and therefore more value to this site. Also, with the garage connecting to the rear alley this could help lower congestion on the street via parking.

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

The existing garage is already existing within the setback requirement. The history of how this happened is not known. We were asking for a building permit and were advised it would take a variance for the property setback requirement. It appears the dwelling and garage dates to 1935. I can only assume the setback was not in place at that time.

DECISION

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

Adopted this _____ day of _____, 20 _____

_____	_____
_____	_____
_____	_____



Subject site showing the existing garage with the zero-foot side yard setback



Adjacent residence to the north



Adjacent residence to the south

BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-UV2-012
Address: 2405 West 61st Street (approximate address)
Location: Washington Township, Council District #2
Zoning: D-2
Petitioner: Valdemar Duarte
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a commercial vehicle, being a commercial shipping container (not permitted).

Current Land Use: Single Family Dwelling

Staff Recommendation: Staff recommends Denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this amended petition.

PETITION OVERVIEW

- ◇ The proposed commercial vehicle is a portable shipping container box and is not intended to be used as a permanent storage building. Shipping containers, by definition, are commercial vehicles, and tend to introduce commercial uses such as contractors into a residential district.
- ◇ Commercial vehicles or shipping containers, when located on appropriately zoned properties, require transitional yards to buffer such intense uses from protected districts which include dwellings and schools. In this instance, the proposed use would not be required to provide such buffer areas since the D-2 district is intended to be utilized for less intense uses such as residential neighborhoods. Therefore, the site provides insufficient screening to the surrounding dwellings, which staff finds concerning.
- ◇ Additional storage could be provided through a permanent accessory storage structure that is built, has a building form, and meets the Zoning Ordinance, without the need for a use variance.
- ◇ Staff has concerns if this petition were to be approved, that the use of portable shipping containers for accessory storage could potentially expand on surrounding residential lots based on the availability of land.

- ◇ The large lot size should not allow for disregard of the Comprehensive Plan recommendation, nor of the clearly residential nature of the surrounding area.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned D-2 and could use appropriate accessory structures by right, in the D-2 zoning classification without any variances. The need for the requested shipping container for storage is self-imposed and could be addressed without a variance, by using permitted structures. Any practical difficulty is self-imposed by the petitioner's desire to choose to not follow the ordinance and use the site with a portable shipping container as a storage building.

GENERAL INFORMATION

Existing Zoning	D-2		
Existing Land Use	Single Family Dwelling		
Comprehensive Plan	Rural or Estate Neighborhood uses		
Surrounding Context		<u>Zoning</u>	<u>Surrounding Context</u>
	North:	D-2	Single Family Dwelling
	South:	D-2	Single Family Dwelling
	East:	D-2	Single Family Dwelling
	West:	D-2	Single Family Dwelling
Thoroughfare Plan			
West 61sr St.	Local Street	50-foot existing and proposed right-of-way	
Context Area	Metro area		
Floodway / Floodway Fringe	N/A		
Overlay	N/A		
Wellfield Protection Area	N/A		
Site Plan	August 21, 2025		
Landscape Plan	N/A		
Findings of Fact	August 21, 2025		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Rural or Estate Neighborhood uses for the site.

Pattern Book / Land Use Plan

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

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-DV2-047; 2302 and 2304 West 60th Street (southeast of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 15-foot-tall pole barn taller than the primary building, **granted**.

2005-DV1-012; 2245 West 61st Street (east of site), requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for construction of a 1,340-square foot single-family dwelling, with a 426-square foot attached garage, and a 13-square foot covered porch on a lot with zero feet of public street frontage, and without direct access to a public street, **granted**.

2002-DV3-004; 2635 West 60th Street (west of site), Variance of development standards of the Dwelling Districts Zoning to legally establish a 556.78 square foot single-family dwelling with a 4-foot side setback from the west property line and to provide for a 28.7 by 15-foot, or 430.5 square foot addition to said dwelling with a 4-foot side setback, **granted**.

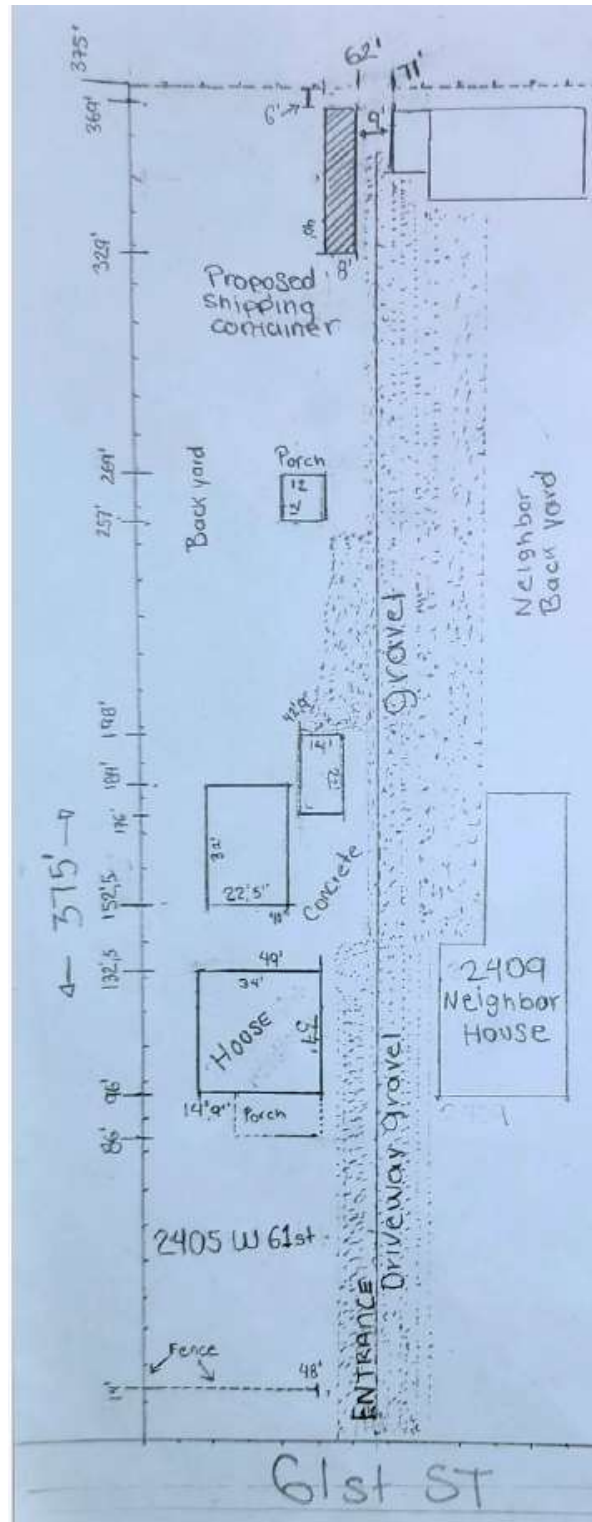
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EXHIBITS

Location Map



Site Plan



Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF USE
FINDINGS OF FACT**

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

The container is not a safety hazard. It is securely fastened, clean, and constantly maintained. It is not an obstacle to any public or emergency access. The container is located in the backyard, away from street view, and the adjacent property owner has not expressed any objections to its placement.

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 container does not interfere with the adjacent property's access, views, or sunlight. It is not a source of foul smells, noises, or an eyesore. The container has been painted to match the petitioner's home, ensuring it does not detract from the neighborhood's aesthetic.

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

There is not enough storage on the property. Additionally, there are enormous trees on an adjacent property that are prone to dropping large branches. One tree in particular is leaning toward the petitioner's property, which the petitioner views as a threat. The presence of this specific environmental risk means the tree needs to be removed before any permanent storage can be safely built.

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

Enforcing the ordinance creates an unnecessary hardship by forcing the petitioner to choose between a vulnerable shed and no secure storage. This hardship is unusual because it arises directly from the specific environmental risk to the property. The container solves these issues as a durable, secure storage solution while not causing any harm or obstacles to the public.

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

The container was carefully remodeled to match the house's aesthetics to give it a more modern, clean look. The container and the house worked together to give the property an outstanding transformation. A few years ago, it used to be one of the most dilapidated buildings. Today, it is now one of the most aesthetically pleasing properties in the community, while keeping a safe and well-maintained neighborhood impression.

Photographs



Subject site, looking south.



Subject site, detached garage, and accessory structure, looking south.



Shipping container location on site, looking south.



Shipping container location on site, looking west.