



**Board of Zoning Appeals
Board of Zoning Appeals Division I
(May 12, 2026)
Meeting Agenda**

Meeting Details

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

Date: Tuesday, May 12, 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

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 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 utilizing barbed wire and within a rear-yard easement (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, barbed wire not permitted, encroachment into easements not permitted).

****This petition will be continued to the June 2nd, 2026 hearing due to need for additional variances.**

- 2. 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), and a trash enclosure within the 15-foot rear yard setback (not permitted).

****A Registered Neighborhood Organization has filed a timely automatic continuance to June 2, 2026.**

- 3. 2026-UV1-009 | 3002 East 56th Street**
Washington Township, Council District #3, zoned C-3
Shvonne Watson, by Table Holdings, dba Every Day Auto

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit an auto sales business (not permitted in the C-3 zoning district).

****A timely automatic continuance was filed on this case, continuing it to the June 2nd, 2026 hearing.**

- 4. 2026-UV1-011 | 3922 East 26th Street**
Center Township, Council District #8, zoned D-5
Fancy Towing LLC, by Nyenell Odom

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a gravel parking lot to store recently towed vehicles (not permitted, parking areas must be paved), with zero-foot front, side and rear setbacks (10-foot front setback, 5-foot side setbacks and 20-foot rear setback required) and a six-foot privacy screened fence surrounding the site (maximum 3.5-tall fence permitted).

****This petition will be continued to June 2, 2026 to allow for proper notice.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 5. 2025-SE3-003 | 4555 South Harding Street**
Perry Township, Council District #22, zoned I-4 (FF)
Deleitosa Properties LLC, by Marianne McCalip

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 and I-465 by a state agency.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 14-foot by 48-foot off-premise advertising sign, of which the relocated off-premise sign will have a height of 70 feet (maximum height of 60 feet permitted) and be located within 400 feet of another outdoor advertising sign (1,000-foot radial spacing required).

- 6. 2026-DV1-003 (Amended) | 602 Prospect Street**
Center Township, Council District #18, zoned D-8
NP Financial Services LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling, resulting in the lack of a primary entry feature along the front façade (required), with a zero-foot front setback (10-foot front setback required), a three-foot east side setback (seven-foot side setback required), a 10-foot rear setback (20-foot rear setback required), and a 13-foot wide drive aisle (23-foot wide drive aisle required).

- 7. 2026-DV1-017 | 7320 East Hanna Avenue**
Franklin Township, Council District #20, zoned D-3
MI Homes of Indiana LP, by Joseph Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of homes on certain lots within the Grayson Subdivision, with an open space of 65-69% (70% open space required).

- 8. 2026-DV2-009 | 5360 Central Avenue**
Washington Township, Council District #7, zoned D-4
Andrea Jain and Vincent Manganello, by David B. Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 14-foot rear setback (minimum of 20 feet required).

- 9. 2026-DV3-007 | 1930 North Audubon Street**
Warren Township, Council District #14, zoned D-5
Suleima Morales, by Josh Smith

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

- 10. 2026-DV3-012 | 4200 South Harding Street**
Perry Township, Council District #22, zoned I-4 (FF)
Hanson Aggregates, Midwest Inc., by Joseph Csikos

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a new building related to the existing extraction use located within the Floodway Fringe (not permitted) and with deficient landscaping (landscaping required).

11. 2026-UV1-006 (Amended) | 8798 Moore Road

Pike Township, Council District #1, zoned D-A / D-1
J E Land, LLC, by S. Gregory Zubek

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wellness center (not permitted) with gravel parking areas in the front yard of Moore Road exceeding 30 feet in width (hard surfacing required, parking in front of buildings limited to 30 feet).

12. 2026-UV1-007 | 5282 East 65th Street

Washington Township, Council District #3, zoned I-2
Substalae LLC, by Artisan Outdoor Craftsman

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to establish a 1,370 square foot second-floor apartment (dwelling units not permitted in I-2) and to provide for a deck as a residential accessory structure (residential structures not permitted in I-2).

13. 2026-UV1-010 | 4020 Monaco Drive

Washington Township, Council District #3, zoned D-1
Chateau In The Woods Investment, LLC, by Joseph Calderon

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to legally establish 118 existing multifamily units and to allow up to 126 total units (multifamily dwellings not permitted in D-1).

14. 2026-UV3-001 | 11011 Brookville Road

Warren Township, Council District #25, zoned D-A (FW) (FF)
Kindred Excavating Group LLC, by David Gilman

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an excavation commercial contractor (not permitted).

15. 2026-UV3-002 | 7900 Shelby Street

Perry Township, Council District #22, zoned SU-38
Young Men's Christian Association, by Kevin Buchheit

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

16. 2026-UV3-004 (Amended) | 2705 Shriver Avenue

Center Township, Council District #12, zoned D-5
Debbie Spain

Variance of Use and Development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a transitional living quarters use (not permitted) with deficient vehicle parking (5 spaces required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

17. 2026-DV1-001 (Amended) | 445 Sanders Street

Center Township, Council District #18, zoned D-8
NP Financial Services LLC, by Josh Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling encroaching within the clear sight triangle of Sanders Street and South East Street (not permitted).

18. 2026-DV1-010 | 2606 Northview Avenue

Washington Township, Council District #3, zoned D-5
David & Sandra Palombi, Michael Palombi, by Matt Barr

Variance of Development Standards of the Consolidated Subdivision and Zoning Ordinance to provide for a 4-foot fence with greater than 30% opacity (maximum of 30% opacity permitted).

19. 2026-DV1-012 (Amended) | 3675 West 11th Street

Wayne Township, Council District #12, zoned D-5
Manuel Alonso Marrufo Villa & Maria Elena Marrufo, by Epifanio Carbajal

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a 3-foot side setback (7-foot required), a 4-foot rear setback (5-foot required), and within an easement (encroachment into easements prohibited), accessed by a driveway resulting in a 33-foot width of parking area in the front yard (parking areas limited to 30-foot width in front yards).

PETITIONS FOR PUBLIC HEARING (New Petitions):

20. 2026-DV1-014 | 9200 Keystone Crossing

Washington Township, Council District #4, zoned C-4
KATC Property LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a second skyline sign on a building elevation (one skyline sign per elevation).

21. 2026-DV1-015 | 5607 West 38th Street

Wayne Township, Council District #5, zoned C-4
Palmetto Indianapolis-West 38th Street LLC, by Ed Williams

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a monument sign, being the fourth primary freestanding sign along the 38th Street frontage (maximum two freestanding signs per frontage) and with a separation of 165 feet, 244 feet and 246 feet from other primary freestanding signs (300-foot separation required).

22. 2026-DV1-016 (Amended) | 141 East Pleasant Run Parkway South Drive

Center Township, Council District #18, zoned D-5
Richard Tindell and Nicole Hubbard, by Tyler Ochs

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a rear yard fence to obstruct the clear sight triangle (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
Peter Nelson, Chair	Mayor's Office	January 1, 2025 – December 31, 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 **May 12, 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 utilizing barbed wire and within a rear-yard easement (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, barbed wire not permitted, encroachment into easements not permitted).

Current Land Use: Commercial

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

During the review process, staff became aware of the need for an additional variance related to the encroachment of the fence into a rear-yard easement. In order to allow time for the mailing of amended notice as well as for the petitioner to discuss the easement with AES, this petition will be continued to the June 2nd, 2026 hearing date of Division I. A full staff report will be made available in advance of that hearing.



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May 12, 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), 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).

Current Land Use: Undeveloped
Staff Reviewer: Josh Levesque, Senior Planner

PETITION OVERVIEW

- A registered neighborhood organization has filed a timely automatic continuance. This petition has been automatically continued to the June 2nd, 2026 BZA I hearing.



BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number: 2026-UV1-009

Property Address: 3002 East 56th Street (approximate address)

Location: Washington Township, Council District #3

Petitioner: Shvonne Watson, by Table Holdings, dba Every Day Auto

Current Zoning: C-3

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit an auto sales business (not permitted in the C-3 zoning district).

Current Land Use: Commercial

Staff Reviewer: Josh Levesque, Senior Planner

PETITION OVERVIEW

A city-county councilor has filed a timely automatic continuance for this petition. This petition will automatically be continued to the June 2, 2026, BZA I hearing.



BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number: 2026-UV1-011
Address: 3922 East 26th Street (approximate address)
Location: Center Township, Council District #8
Zoning: D-5
Petitioner: Fancy Towing LLC, by Nyenell Odom
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a gravel parking lot to store recently towed vehicles (not permitted, parking areas must be paved), with zero-foot front, side and rear setbacks (10-foot front setback, 5-foot side setbacks and 20-foot rear setback required) and a six-foot privacy screened fence surrounding the site (maximum 3.5-tall fence permitted).

Current Land Use: Vacant lot

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition will need to be continued for cause from the May 12, 2026, hearing, to the June 2, 2026, hearing, to allow time to provide new notice to surrounding property owners and registered organizations.



BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number: 2025-SE3-003 (Amended)

Property Address: 4555 South Harding Street (approximate address)

Location: Perry Township, Council District #22

Petitioner: Deleitosa Properties LLC, by Marianne McCalip

Current Zoning: I-4 (FF)
Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 and I-465 by a state agency.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 14-foot by 48-foot off-premises advertising sign, of which the relocated off-premises sign will have a height of 60 feet and be located within 400 feet of another outdoor advertising sign (1,000-foot radial spacing required).

Current Land Use: Undeveloped / Industrial

Staff Recommendations: Staff recommends **approval** of the special exception and the variance requests.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

4/21/26: Due to a lack of quorum, this petition was continued and transferred to the May 12, 2026 hearing date of Division I of the Board of Zoning Appeals.

3/17/26: Staff requested a final continuance to secure renderings of how the sign would appear at different heights to motorists approaching from the east and west. Those renderings were provided and are within staff's report. Additionally, the request was amended from a height of 70 feet to 60 feet and information on the road deck height was provided from the petitioner per contact with INDOT.

2/17/26: The petition was continued by staff to allow the petitioner additional time to either submit (a) information about road deck height changes from INDOT or (b) renderings of how the sign might appear from different heights for motorists. This updated documentation was not provided prior to the publication of this report.

1/20/26: This petition was continued by the applicant to allow adequate time for mailing/posting of notice.

STAFF RECOMMENDATION

Staff recommends **approval** of the special exception and the variance requests.

PETITION OVERVIEW

- 4555 South Harding Street is a 29.42-acre parcel that has extensive frontage along I-465/I-74 to the south. The western portion of the site is near industrial and commercial development, and the eastern portion is undeveloped. The property is abutted by industrial use to the north and west, the I-465/I-74 expressway to the south, and a railroad line to the east which passes underneath the interstate. A previous off-premises advertising sign (not affiliated with the current applicant) was installed at the site with a height of 60 feet per grant of the variance 83-HOV-110 in 1983; that billboard was removed between 2021 and 2022 as part of a highway expansion project undertaken by the Indiana Department of Transportation.
- The subject parcel is currently improved with an off-premises billboard sign that was relocated per approval of the petition 2022UV3030. That sign is approximately 1600 feet to the west of the location of the previous billboard that had been removed from the site.
- As a part of the I-69 Finish Line project, a separate billboard at 4202 South Harding Street affiliated with the current applicant was also removed by eminent domain from its location approximately 1.5 miles from the location of the sign removed from this site. The locations of both signs are shown within Exhibits below. That sign was established with a height of 52 feet per grant of the petition 97-V1-49 in 1997. Approval of this petition would allow for both the relocation of that sign from 4202 South Harding Street to the location shown in plans below, as well as an increase in height of the sign from 52 feet to 60 feet.
- In 2017, the Indiana State Legislature adopted I.C. 8-23-20-25.6. This statute imposes new obligations on local municipalities with respect to state highway projects that result in the required removal or relocation of outdoor advertising signs. In cases when an existing outdoor advertising sign must be moved or removed as part of a highway improvement project, the owner of the sign must be allowed to *either* elevate *or* relocate the sign either by-right or by special exception.
- Ordinance amendments adopted by the City of Indianapolis in 2023 (744.904.C) would require the filing of a special exception for circumstances when legally established off-premises signs are required to be relocated from highway widening. Although the elevation or relocation of the sign would need to comply with other applicable developmental standards of the zoning ordinance (regardless of if those standards were enforceable at the initial time of construction), this circumstance matches the context described by the above-referenced statute and ordinance.
- Per staff review of plans and filing documents, two additional variances of development standards would be required in addition to the Special Exception petition: **(a)** the location of the new sign would be within 400 linear feet of another outdoor advertising sign to the southeast on the other side of the expressway (1000 feet of radial scaping is required); and **(b)** the proposed height of 60 feet would exceed the previously established height of 52 feet for the 4202 S Harding sign.



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- Additional variances would *not* be required for the distance between this sign and other signs along the same expressway frontage (there is separation of 3000 feet from the nearest sign to the east and 1600 feet from the nearest sign to the west), for proximity to a protected district (the nearest D-A zoning is approximately 400 feet to the northeast), for proximity to an exit ramp (the sign would be approximately 727 feet away from the beginning of the lane divide), or for the sign setback (it would be over 50 feet from the highway pavement).
- This site is zoned I-4 (Heavy Industrial District) to allow for heavy industrial uses which present an elevated risk to the public and are typically characterized by factors that would be exceedingly difficult, expensive, or impossible to eliminate. A large portion of the site also falls within the Floodway Fringe (though not the proposed location of this sign). The Comprehensive Plan recommends the area where this sign would be placed to the Heavy Commercial typology as well as the Environmentally Sensitive overlay (see Comprehensive Plan Analysis below).
- Findings of Fact provided by the applicant in support of the Special Exception mention the expressway expansion project as well as the proposed proximity of their sign's new location to the previous sign at the property owned by a different company. Staff would note this State-imposed difficulty as well as the compliance with most other applicable dimensional standards. Additionally, the 400-foot separation from another billboard would be buffered by the existing Interstate, and those two signs wouldn't be oriented towards traffic moving in the same direction. For these reasons, staff would recommend **approval** of the Special Exception as well as of the variance related to the proximity to another outdoor advertising sign.
- A variance was also requested by the petition to allow for an increase in height of the billboard sign to 60 feet (amended from 70 feet) as opposed to the 52-foot height of the previous sign at 4202 South Harding. Findings of Fact and correspondence provided by the applicant indicated their need for the increased height would arise from both a raising of the road deck at and around the subject site that would impact sign visibility as well as the fact that the previous sign a mile and a half to the east had been placed on an elevated berm (which would not be the case for the current sign's location).
- Requests were made by staff for documentation indicating either the extent of any changes to the road deck height made by INDOT or for elevation renderings showing the visibility of the proposed sign from the highway at heights of 52 feet, 60 feet, or 72 feet. Documentation in the latter regard was provided in late March and is within the Exhibits below. These renderings appear to show that although the proposed sign would be fully visible for vehicle traffic approaching from the east at the allowed height of 52 feet, the sign with a 52-foot height would be largely obstructed from view for traffic approaching from the west given the increase in road deck height for the bridge leading over the existing railroad line. The height from grade to the road deck itself would be 36 feet per communication between the applicant and INDOT.
- Available street-level photography viewable by staff is unclear if the road deck height would have *increased* because of the Clear Path project. However, the scaled renderings provided the applicant appear to correspond with available photography taken over the past few years



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depicting the height of the previous sign with a height of 60 feet (see photos 1-4 of Exhibits). Photo 4 shows the visibility of a 60-foot sign from a similar location when approaching from the west in a manner consistent with the provided rendering. It appears that a sign in this location would be primarily obstructed with a height of 52 feet for eastbound traffic.

- Since the height of the previous sign at 4202 South Harding was established at 52 feet (a legally established, legally non-conforming sign), the grant of the Special Exception would only allow for placement of a new sign with that same height; any increase in height would require approval of a variance. This is why a variance of development standards would be required, and for such a variance to be approved, a practical difficulty would need to be established. Staff feels that the provided renderings and existing street photography indicate that such a difficulty would exist and would recommend **approval** of the requested height variance for a height of 60 feet. However, this should not be construed as precedent for support of *any* variance related to an increase in height for signs relocated via special exception; the recommendation is specifically based on the minimal relief required for this sign and roadway configuration.

GENERAL INFORMATION

Existing Zoning	I-4 (FF)	
Existing Land Use	Undeveloped / Industrial	
Comprehensive Plan	Heavy Commercial / Community Commercial	
Surrounding Context	Zoning	Surrounding Context
	North: I-3	North: Residential
	South: I-3 / C-7	South: Interstate
	East: C-7	East: Undeveloped / Railroad
	West: C-7	West: Industrial / Commercial
Thoroughfare Plan		
Harding Street	Primary Arterial	212-foot existing right-of-way and 102-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	12/11/2025	
Site Plan (Amended)	N/A	
Elevations	03/24/2026	
Elevations (Amended)	03/25/2026	
Landscape Plan	N/A	
Findings of Fact	12/11/2025	
Findings of Fact (Amended)	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The location of the proposed sign is recommended to the Heavy Commercial Typology to allow for consumer-oriented general commercial and offices uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of good. Examples include vehicle sales and commercial lumber yards.
- The site is also located within an Environmentally Sensitive Areas (ES) Overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset.
- The Pattern Book does not offer explicit guidance related to the placement of signage.

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

2022UV3030, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of a 60-foot tall, 14-foot by 48-foot off premise advertising sign (height limited to 40 feet) with a 20-foot front setback from I-465 and 20-foot western side yard setback (60-foot front setback required along freeways, 30-foot side setback required) within 460 feet of another off-premise advertising sign (1,000-foot radial separation required), and within 460 feet, 880 feet and 1,100 feet of other off-premises signs along I-465, and within 20 feet along the centerline of an interstate exit roadway (1,500-foot separation required along I-465, 500-foot separation required from interstate ramp entries), **approved**.

2012CVR813, Variance of use and development standards of the Industrial Zoning Ordinance to provide for truck and truck-related sales (not permitted) and to provide for a 15-foot north side lot line, a zero-foot front yard, without landscaping, zero-foot side yards lines abutting the parcel shown as an exception (addressed as 4585 (Parcel 5028528) 4603 and 4605 South Harding Street), on the site plan submitted to the file, and a zero-foot south side lot line (30-foot setback from the proposed right-of-way or 100 feet from the centerline, whichever is greater required, 30-foot side setback required), **approved**.

2012CZN813, Rezoning of 37.11 acres from the C-2, C-3, C-5, C-7 and I-3-S Districts to the I-4-S classification to provide for a motor truck terminal, **approved**.

97-V1-49 (4202 Harding Street; original sign location to west), variance of development standards of the Sign Regulations to provide for the placement of an off-premise advertising sign being a) 14 by 48 feet in size (maximum 6 by 12 feet permitted); b) sign height of 52 feet (maximum 40 feet in height permitted); c) resulting in the total number of signs per mile being 6 (maximum 2 signs per mile permitted); and d) located approximately 450 feet away from an existing dwelling unit (minimum separation of 1000 feet required), **approved**.

83-HOV-110, variance of size, setbacks, and spacing development standards of the Sign Regulations to allow the erection of a 14 by 48 foot advertising pole sign at 60 feet from interstate right-of-way and 15 feet from a side property line, **approved**.

ZONING HISTORY – VICINITY

2021DV3045 ; 4640 South Harding Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 54-foot tall, 282-square foot pole sign along Interstate 465 in addition to the existing freestanding sign along Harding Street (only one freestanding identification sign shall be permitted per site within 660 feet of an interstate, maximum 20-foot tall pole sign and maximum 300-square foot sign area permitted), **approved**.

2002DV2024 ; 2200 West Thompson Road (west of site), variance of development standards of the Sign Regulations to provide for an advertising sign (a) being the eighth sign in a one mile portion of I-465 (maximum two signs per mile permitted); (b) with 375 feet of linear separation from an existing advertising



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sign (minimum 1,000 feet of linear separation required); (c) a 40-foot front setback from I-465 (minimum 60-foot front setback from an expressway required); (d) a 20-foot setback from Thompson Road (minimum 50 feet required); (e) being 14 by 48 feet in size (maximum 12 by 25 feet permitted), **denied**.

2001DV1077 ; 4402 Bluff Road (east of site), variance of development standards of the Sign Regulations to provide for the placement of a 14 by 48-foot advertising sign (maximum 12 by 25 foot permitted), located 500 feet from an existing advertising sign (minimum 1,000-foot linear separation required), located 30 feet from I-465 (minimum 60 feet required), being the seventh advertising sign within a one mile portion of I-465 (maximum two advertising signs per mile permitted), **denied**.

2001DV2004 ; 4909 Knights Way (southwest of site), variance of development standards of the Sign Regulations to provide for an advertising sign being the eighth sign in a one mile portion of I-465 (maximum of two signs per mile permitted), with 50 feet of linear of linear separation from an existing advertising sign (minimum 1,000 feet of linear separation required), a 55-foot front setback from I-465 (minimum 60-foot front setback from an expressway required), located adjacent to an exit roadway (advertising signs not permitted in protected areas adjacent to existing roadways), and being 14 by 48 feet in size (maximum 12 by 25 feet permitted), **withdrawn**.

99-V1-161 ; 1415 Harding Court (south of site), variance of development standards of the Sign Regulations to provide for an advertising sign, being 600 and 700 feet from existing advertising signs (minimum separation of 1,000 feet required), the 8th advertising sign within a one-mile portion of I-465 (maximum of 2 advertising signs per mile permitted), adjacent to an entrance and exit roadway (minimum 1,500-foot separation from an exit roadway and 1,000 feet from an entrance roadway required), and 14 by 48 feet in size (maximum 12 by 25 feet permitted), **approved**.

98-V3-66 ; 1415 Harding Court (south of site), variance of development standards of the Sign Regulations to provide for an advertising sign (a) being the 8th such sign within a one mile portion of I-465 (maximum of 2 signs within any one mile distance permitted); (b) adjacent to an entrance and exit roadway (minimum of 1,500 foot separation from an entrance and/or exit roadway required); and (c) being 14 by 48 feet in size (maximum of 12 by 25 feet permitted), **denied**.

98-V2-50 ; 4460 South Harding Street (west of site), variance of development standards of the Sign Regulations to provide for an advertising sign, being (a) 14 by 48 feet in size (maximum of 12 by 25 feet permitted); (b) 800 feet from an entrance/exit roadway (minimum of 1,500 feet from an entrance/exit roadway required); (c) 500 feet from another advertising sign (minimum of 1,000 feet separation required); and (d) resulting in 7 advertising signs within a one mile portion of Interstate 465 (maximum of two advertising signs per mile permitted), **denied**.

98-V2-14 ; 4585 South Harding Street (west of site), variance of development standards of the Sign Reulgations to provide for the placement of an advertising sign (a) being 450 feet from the intersection of the main-traveled way of a Freeway and an exit roadway (minimum 1,500 feet required; (b) being 300 feet from another advertising sign (1,000 foot separation required); (c) with a size of 14x48 feet (maximum 12x25 feet permitted); and (d) being the fifth sign within a one mile distance along Interstate 465 (maximum 2 signs per mile permitted), **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

96-V3-111 ; 1730 West Thompson Road (west of site), variance of development standards of the Sign Regulations to provide for the placement of an advertising sign, being (a) 12 by 48 feet in size (maximum sign dimensions of 12 by 25 feet permitted); (b) approximately 500 feet from the next advertising sign along I-465 (minimum 1,000 foot spacing between signs required); (c) the third advertising sign located within one mile (maximum two advertising signs per mile permitted); and (d) approximately 1,200 feet from an exit ramp (minimum 1,5000 feet distance from an Interstate entrance or exit ramp required), **approved**.

84-HOV-32 ; 2202 West Thompson Road (west of site), variance of size and spacing development standards of the Sign Regulations and of the transitional yard requirements of the Industrial Zoning Ordinance to allow the erection of a 14' x 48' advertising pole sign at 60 feet from the interstate right-of-way, **approved**.

83-HOV-140 ; 1730 West Thompson Road (west of site), variance of the size, spacing, and setback development standards of the Sign Regulations to allow the erection of a 14 by 48 foot, advertising pole sign within 1500 feet of an exit roadway at 60 feet from interstate right-of-way, **approved**.

83-HOV-139 ; 1930 West Thompson Road (west of site), variance of the size, setback, and spacing development standards of the Sign Regulations to allow the erection of a 14 by 48 foot, advertising pole sign within 1500 feet of an exit roadway at 60 feet from interstate right-of-way, **approved**.

83-V1-40 ; 2902 West Thompson Road (west of site), Variance of the Sign Regulations to permit a double face advertising pole sign to be erected on the premises adjacent to I-465, **withdrawn**.

83-V1-37 ; 3002 West Thompson Road (west of site), variance of the Sign Regulations to permit a double face advertising pole sign to be created on the premises adjacent to I-465, **approved**.

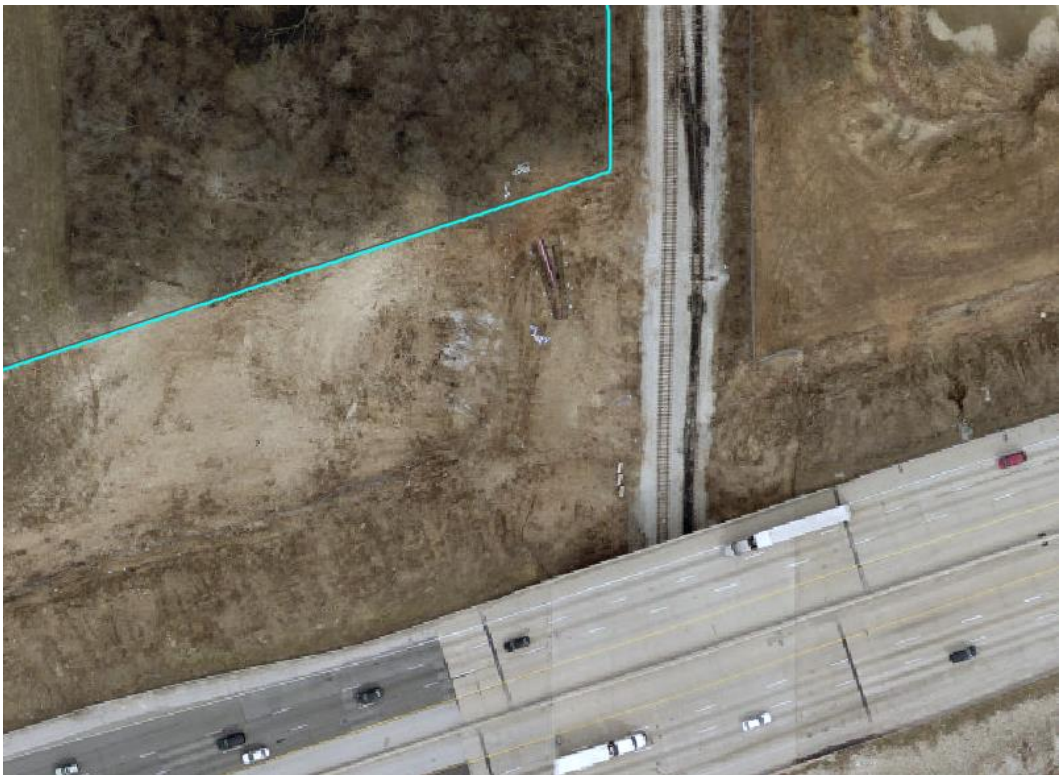
83-V1-19 ; 4712 South Harding Street (west of site), variance of the Sign Regulations to permit a double face advertising pole sign to be erected on the premises adjacent to I-465, **approved**.

EXHIBITS

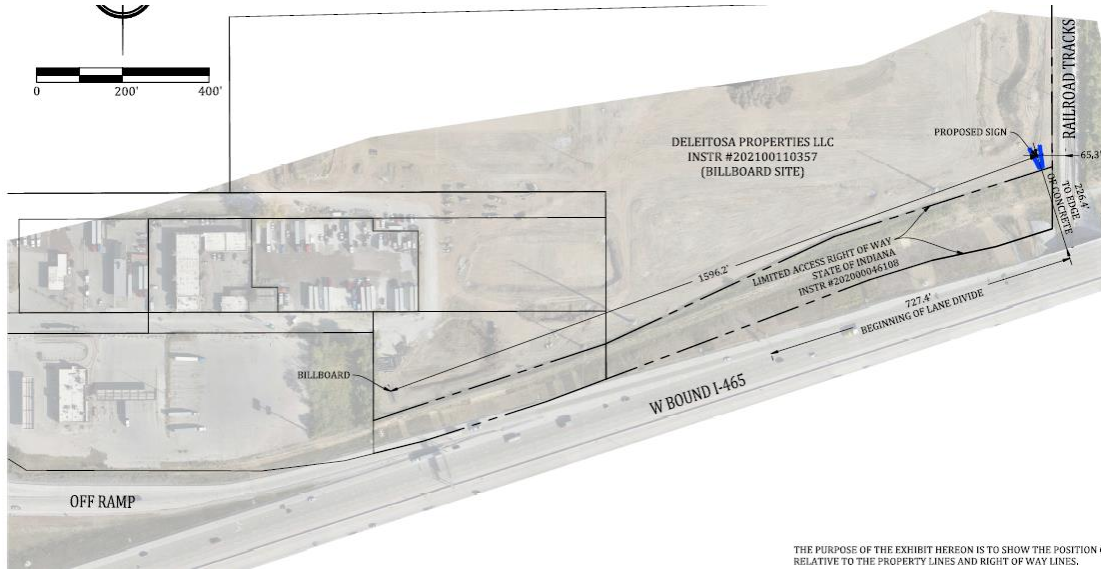
2025SE3003 ; Aerial Map



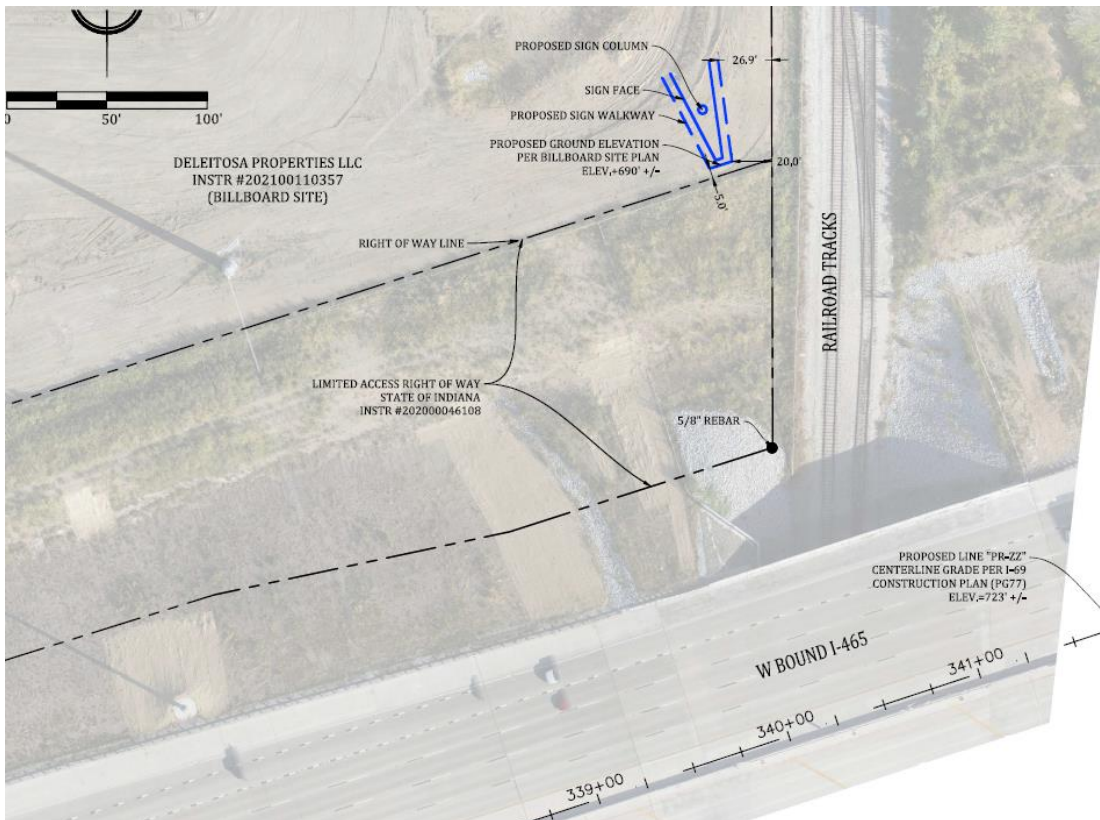
2025SE3003 ; Aerial Map (2021, zoomed)



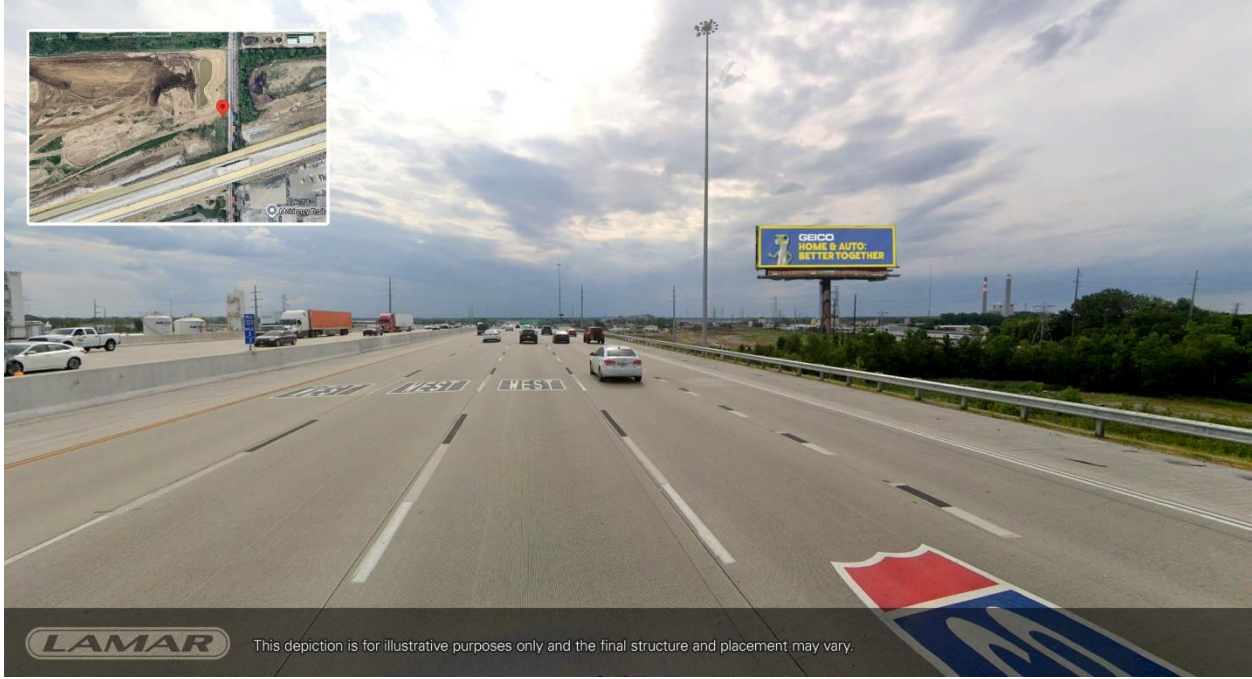
2025SE3003 ; Site Plan



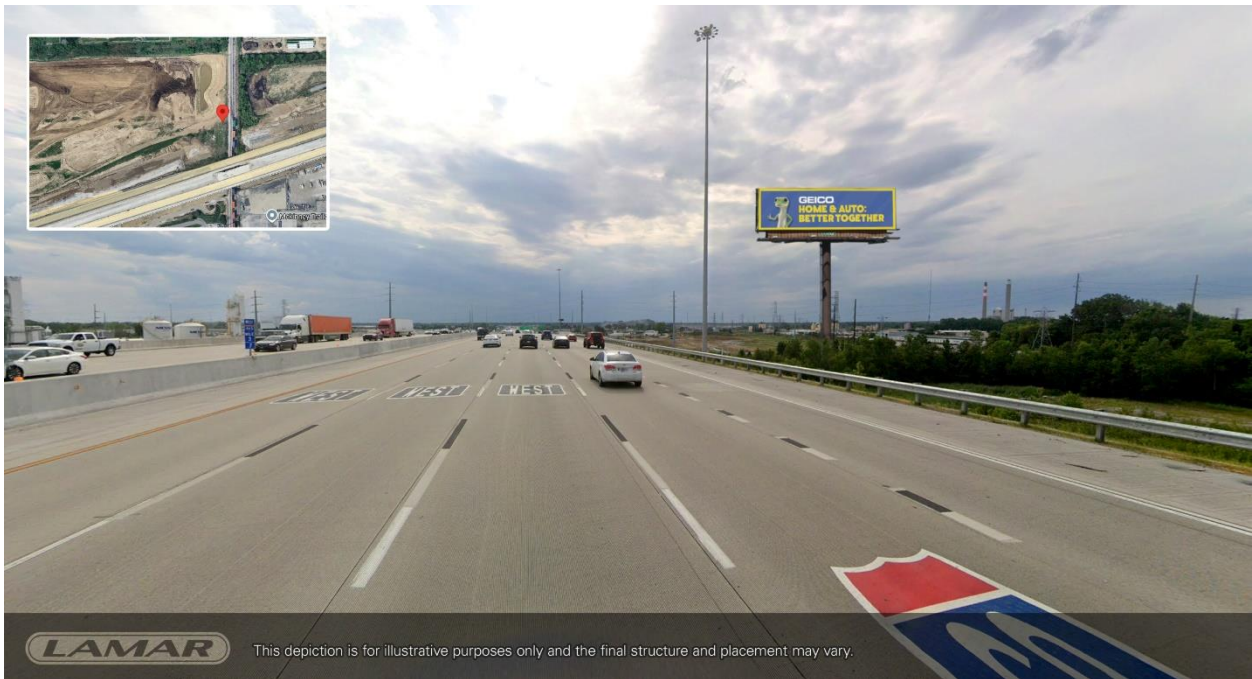
2025SE3003 ; Site Plan (detail)



2025SE3003 ; Height Renderings for Westbound Traffic (provided by applicant)



Height of 52 feet

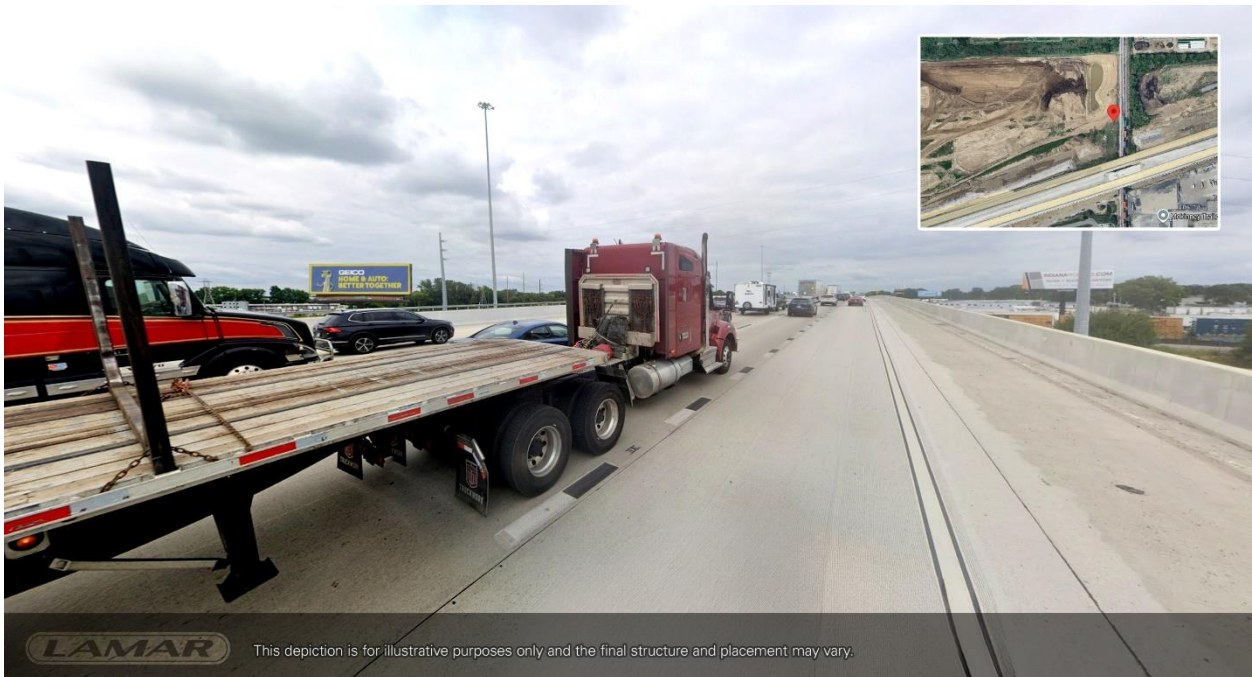


Height of 60 feet

2025SE3003 ; Height Renderings for Eastbound Traffic (provided by applicant)



Height of 52 feet



Height of 60 feet



Department of Metropolitan Development
 Division of Planning
 Current Planning

2025SE3003 ; Previous & Proposed Sign Locations



Note: previous sign in green, proposed location in blue. Approximate placements

2025SE3003 ; INDOT Letter (partial)

Dear Lamar Advantage GP Company, LLC:

We would like to inform you that, on April 6, 2021, the State of Indiana, on behalf of the Indiana Department of Transportation, deposited money with the Marion County Clerk for the above referenced case.

According to IC 32-24-1-10(a), We are permitted to enter upon and take possession of the real estate being acquired in this case, including a base foundation for billboard sign. We have now deemed this property ready for construction.

We appreciate your cooperation during this process. Thank you for allowing us to stay true to our mission of planning, building, maintaining, and operating a superior transportation system.

If you have any question or concerns, please contact Angie Hawley, Property Management Specialist at (317) 234-5612 or ahawley1@indot.IN.gov.

Sincerely,

Angela Hawley
 Property Management
 Real Estate Division

Office of the Indiana Attorney General
 Records



2025SE3003 ; Plan of Operation

Lamar Advertising is requesting to relocate a legally established off-premise billboard that was taken via eminent domain due to the I-69 Finish Line Project (49D05-2101-PL-001883).

The proposed sign is a 14'x48', 70' steel structure that will have back-to-back static faces.

The height is necessary as the railroad overpass to the east has been raised due to recent I-69 Finish Line construction.

The proposed location for the billboard is on property owned by Deleitosa Properties, LLC. If granted, we will apply for an Improvement Location Permit and will order the structure. The sign should be in the ground and operating by the third quarter of 2026, so long as there are no delays in ordering materials or with our contractors/labor.

2025SE3003 ; Findings of Fact (Special Exception)

1. The proposed use meets the definition of that use in Chapter 740, Article II because the sign being relocated pursuant to this special exception has been in place for many years. The new location is zoned I4, and the area is heavy commercial, which is appropriate for both on and off-premise signage.
2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because the sign that is being relocated has been in place since 2003, without adversely affecting the adjacent properties. The new location is appropriate for for off-premise signs. Pursuant to this special exception, the outdoor advertising sign had to be relocated due to an INDOT road improvement project commonly known as I-69 Finish Line.
3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because From 2005 to 2022, the proposed location had a billboard in very near proximity on it to the new location. The new location is appropriate for outdoor advertising and will not adversely affect adjacent properties. Railroad tracks are to the east, Light Industrial is to the north, I-465 is to the south, and to the west is Community Commercial. The sign is located on the edge of the east side of the property, so as to not interfere with development.
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 location is in an area of the City (oriented to I-465) that is appropriate for outdoor advertising signs. This area is zoned I-4, and is a heavy commercial and industrial corridor.
5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because The sign will continue to be oriented to I-465 in an area appropriate for outdoor advertising.
6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because the proposed location is is appropriate for outdoor advertising. It will continue to be oriented to I-465. It will continue to have 14'x48' faces, and steel construction.
7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because the outdoor advertising sign is being relocated to a site appropriate for outdoor advertising signs, in a highly developed commercial and industrial area.



2025SE3003 ; Findings of Fact (Variance of Development Standards)

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

the existing outdoor advertising sign that is being relocated pursuant to this grant of variance has been in place for many years without causing any injury to the public health, safety, morals, and general welfare of the community.

There is no evidence that the outdoor advertising sign has caused any injury, in any manner, to the public health, safety, morals, and general welfare of the community.

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 existing outdoor advertising sign that is being relocated pursuant to this grant of variance has already been in place for many years (2003) without affecting the neighboring properties in a substantially adverse manner. The spot to which this board is moving had a previous billboard located on it for approximately 20 years before it was taken down.

Pursuant to this grant of variance, the outdoor advertising will be relocated due to a road improvement project by the Indiana Department of Transportation ("INDOT"), known as the Finish Line Project.

3. **The need for the variance arises from some condition peculiar to the property involved because:**

The advertising sign that is being relocated pursuant to this grant of variance has been in place for many years without generating any adverse impact. The location of the outdoor advertising sign is in an area of the City of Indianapolis (reading to I-465) that is appropriate for outdoor advertising. Without this variance, the strict application of the ordinance would generate an unfair result as Lamar Advertising would lose an existing outdoor advertising sign through no fault of its own. Indiana law contemplates relocation of outdoor advertising signs in these circumstances.

2025SE3003 ; Photographs



Photo 1: Proposed Billboard Location on Eastern Portion of Subject Site (August 2025)

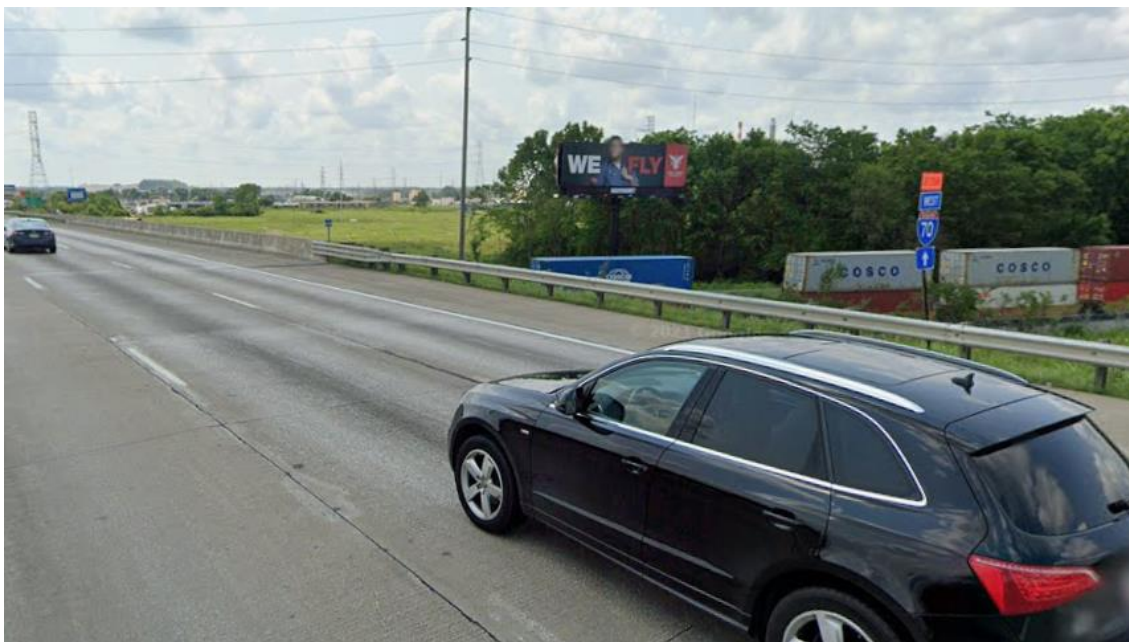


Photo 2: Previous Billboard on Eastern Portion of Subject Site Viewed from East (July 2021)

2025SE3003 ; Photographs



Photo 3: Proposed Billboard Location on Eastern Portion of Subject Site (September 2024)



Photo 4: Previous Billboard on Eastern Portion of Subject Site Viewed from West (December 2021)

2025SE3003 ; Photographs (continued)



Photo 5: Existing Billboard on Western Portion of Subject Site (August 2025)

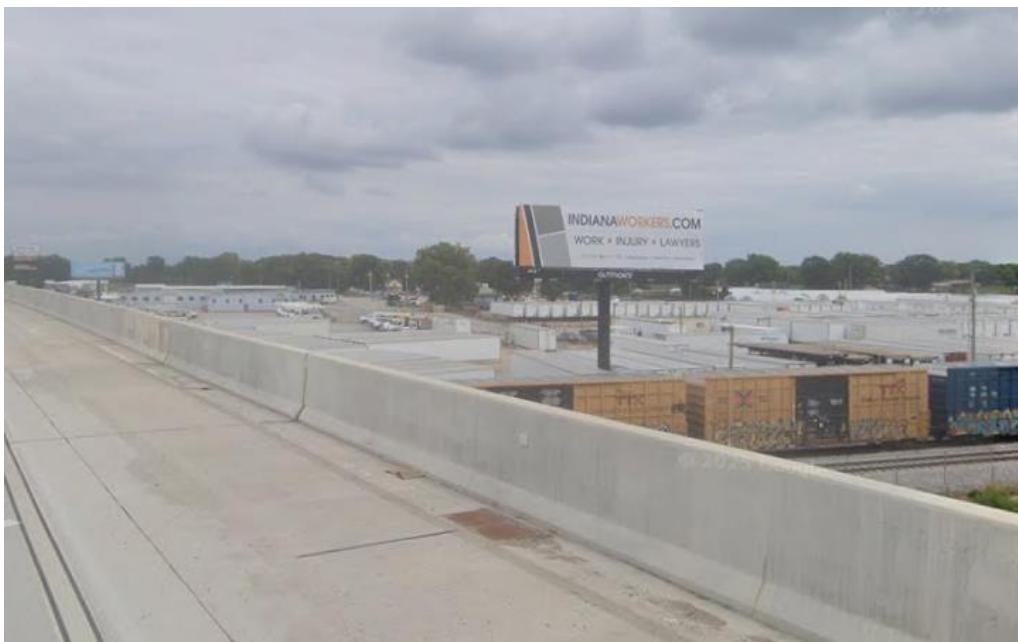


Photo 6: Existing Billboard on Opposite Side of Interstate (August 2025)

2025SE3003 ; Photographs (continued)



Photo 7: Previous Billboard at 4202 Harding to be Relocated (July 2021)



Photo 8: Same Location as Photo 5 but from August 2025 instead of July 2021



BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number: 2026-DV1-003 (Amended)
Address: 602 Prospect Street (approximate address)
Location: Center Township, Council District #18
Zoning: D-8
Petitioner: NP Financial Services LLC, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling, resulting in the lack of a primary entry feature along the front façade (required), with a zero-foot front setback (10-foot front setback required), a three-foot east side setback (seven-foot side setback required), a 10-foot rear setback (20-foot rear setback required), and a 13-foot wide drive aisle (23-foot wide drive aisle required).

Current Land Use: Single-Family Dwelling.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued by a Registered Neighborhood Organization from the March 3, 2026, hearing, to the April 7, 2026, hearing. The Petitioner continued this petition from the April 7, 2026, hearing, to the May 12, 2026, hearing, to amend the request and provide new notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The requested zero-foot front setback and the 10-foot rear setback is largely a result of the reduced lot size, due to the location of the Interstate exit ramp at the rear of the lot. The 53-foot lot depth is a result of the zero-foot front setback and 10-foot rear setback. The proposed front and rear setbacks are similar to other parcels in the area, and therefore, would be a minor deviation from the Ordinance in Staffs opinion.
- ◇ Under Table 744-701-2, the subject site would fall under the Terrace Frontage category for Private Frontage Design Standards. The subject site is in a neighborhood where the context of the block establishes smaller frontages as the predominant pattern (typically 50% or more on the block face or at transitions to adjacent blocks and frontages). Table 744-701-2 stipulates the front entry and entry features for all buildings shall have a primary entrance on the front facade. A single-story entry feature may project up to 10' in front of the front building line, but never more than 5' from the front lot line, provided it meets the scale and design standards in Section 744-701.D



- ◇ Due to the shallowness of the lot, the dwelling has a reduced front setback, which does not allow room for an entry on the front façade with steps, without encroaching into the public right of way. Therefore, the front entry has been relocated to the side façade of the structure. The proposed entry location is still visible from the front public right of way and the petitioner will provide signage directing visitors to the entrance, as indicated on the site plan.
- ◇ 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.
- ◇ Standard D-8 lots in the Compact context allow for a 3-foot side setback. However, this lot is comprised of two lots totaling 60 feet in width, which requires a seven-foot side setback. The adjacent property is a community pocket park and would act as a buffer area, therefore the reduced side setback would not have a negative impact on that property in Staff's opinion.
- ◇ The proposed 13-foot drive aisle is a result of the lack of alley access for parking, and the need for a driveway to provide for parking at the rear of the lot, as there is no on-street parking in front of the dwelling. As proposed, the reduced drive aisle would have minimal impact upon the adjacent neighbors, would provide adequate space to mitigate any adverse impacts, and provide the minimum area necessary for maintenance. Therefore, in Staff's opinion, the proposed variance of development standards would represent a minor deviation from the Ordinance.
- ◇ 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	D-8	
Existing Land Use	Side yard	
Comprehensive Plan	Traditional Neighborhood Uses	
Surrounding Context	Zoning	Surrounding Context
	North:	D-8 Interstate interchange
	South:	D-8 Single-Family Dwelling
	East:	D-8 Pocket Park
	West:	D-8 Single-Family Dwelling
Thoroughfare Plan		
Prospect Street	Local Street	60-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan Amended	April 27, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	January 20, 2026	



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 Traditional Neighborhood typology which 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.

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-DV1-034; 517 Prospect Street (west of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-unit multiunit house on a 30-foot wide 2,700 square-foot lot (minimum 35-foot lot width and lot area of 3,500 square feet required), with a four-foot front yard setback and within the clear sight triangle of abutting street and alley (minimum 10-foot front yard setback and structures not permitted in the clear sight triangle).



Department of Metropolitan Development
Division of Planning
Current Planning

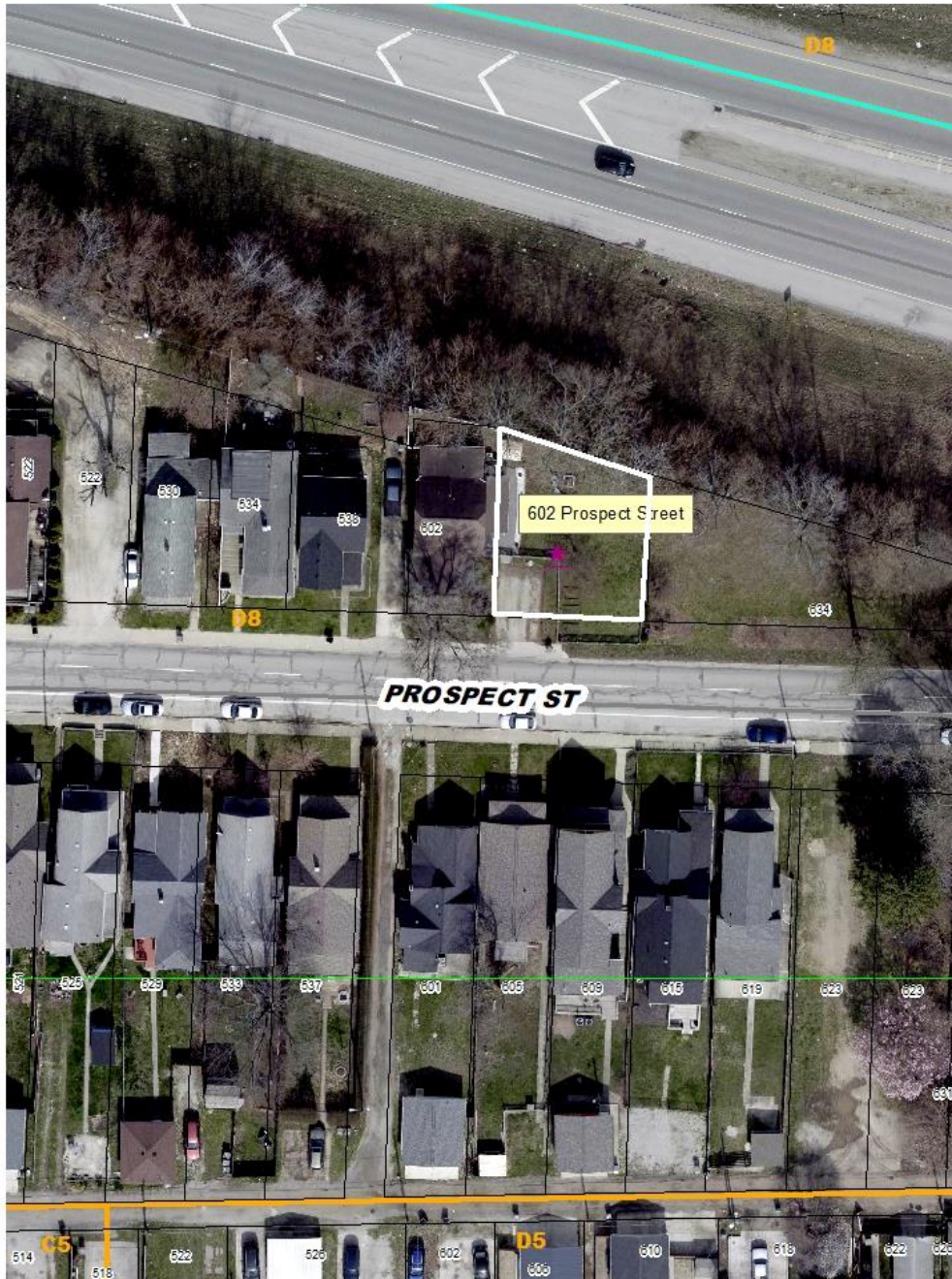
2023-UV3-010; 1041 South East Street (northwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses (not permitted), with an eight-foot front transitional yard (10-foot front transitional yard required) and to legally establish a 2.33-foot north side setback, 2.5-foot south side setback, and 14.92-foot rear setback (10-foot side and 15-foot rear setbacks required), **granted.**

2020-UV2-014; 368, 372, 376, 382 Prospect Street (west of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dog park (not permitted) with a six-foot tall fence in eh front yard, with banner yard signs on the perimeter fence (3.5-foot maximum fence height in a front yard, yard signs permitted as freestanding signs, maximum size six square feet), **granted.**

RU

EXHIBITS

Location Map





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The grant will not be injurious to the public health, safety, morals, or general welfare of the community because the site is buffered by the wide 170 right of way and its safety embankment, providing substantial separation from high speed traffic and protecting residents from noise, emissions, and other environmental impacts. Along Prospect Street, limited on street parking preserves clear sight lines and safe visibility for all roadway users, ensuring that traffic operations remain predictable and safe.

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

The use or value of the area adjacent to the property will not be affected in a substantially adverse manner because the requested rear yard reduction and allowance for front yard parking are consistent with the existing development pattern along this segment of the interstate corridor. Most nearby residences already maintain similar reduced rear setbacks due to the presence of the 170 rights of way and embankment, creating a uniform relationship between structures and the interstate. The variance therefore does not introduce a new or incompatible condition. Allowing parking in the front yard does not alter the character of the area, does not increase intensity, and does not diminish the ability of neighboring owners to use or enjoy their properties.

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

Strict application of the ordinance would create a practical difficulty in the use of the property. The lot's unique configuration and its proximity to the Interstate right of way significantly limit the buildable area and prevent the site from accommodating the full number of off street parking spaces required by the zoning ordinance. In addition, the property has no access to on street parking, leaving no alternative means to meet the parking requirement. These physical constraints are inherent to the site and not self created, and they make compliance with the ordinance impractical without relief.

Photographs



Subject site, existing lot, looking north.



Adjacent dwelling to the west, looking north.



Adjacent dwellings to the south.



Adjancet pocklet park to the east, looking north.



BOARD OF ZONING APPEALS DIVISION I **May 12, 2026**

Case Number: 2026-DV1-017
Address: 7320 East Hanna Avenue (approximate address)
Location: Franklin Township, Council District #20
Zoning: D-3
Petitioner: MI Homes of Indiana LP, by Joseph Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of homes on certain lots within the Grayson Subdivision, with an open space of 65-69% (70% open space required).

Current Land Use: Under development.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing of this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance states that a D-3 zoned parcel with a single-family dwelling is required to have a minimum 70% of open space on the parcel. This is intended to ensure orderly development and protect surrounding property values by providing for open buffer areas along lot lines, to provide adequate light and air around buildings, and public safety response access.
- ◇ The requested open space reduction is also largely a result of the deficient lot size, previously permitted by 2022-CVR-830, with an average lot size of 7,200 square feet, which is a D-4 sized lot that allows for 65% open space. However, this site is within the D-3 district, which requires a 70% open space for a typical 10,000sf lot, which would be difficult to meet, particularly when proposing development consistent with the neighborhood. Therefore, there is a practical difficulty in complying with development standards for the open space requirement.
- ◇ 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	D-3	
Existing Land Use	Under development	
Comprehensive Plan	Suburban Neighborhood Uses	
Surrounding Context	Zoning	Surrounding Context
	North: D-2	Single-Family Dwellings
	South: D-3	Single-Family Dwellings
	East: D-A / SU-43	Single-Family Dwellings / Utility structures
	West: D-A / SU-43	Single-Family Dwellings / Utility structures
Thoroughfare Plan		
East Hanna Avenue	Primary Collector	60-foot existing right-of-way, and 80-foot proposed right-of-way.
Fisher Road	Primary Collector	40-foot existing right-of-way, and 80-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	March 12, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	March 12, 2026	

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 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-CZN-830/2022-CVR-830/2022-CAP-830; 7320 East Hanna Avenue (subject site), requested the Rezoning of five acres from the D-A district to the D-3 district, **approved**; a Variance of Development Standards to provide single-family dwelling lots with a minimum lot size of 7,200 square feet and a minimum lot width of 60 feet, **granted**; Modification of Commitments related to 2021-ZON-075 to have the five acres of the subject rezoning petition incorporated into the approved commitments of the adjacent 73.85 acres, **approved**.

2021-ZON-075 / 2021-VAR-012; 7320 East Hanna Avenue (subject site), requested the Rezoning of 73.85 acres from the D-A and SU-43 districts to the D-3 district, **approved**. A Variance of Development Standards to provide single-family dwelling lots with a minimum lot size of 7,200 square feet; a minimum lot width of 60 feet; and a minimum side setback of five feet / 13-foot aggregate, **granted**.

2019-ZON-108; 7320 East Hanna Avenue, requested rezoning of 73.85 acres from the SU-43 and D-A districts to the D-4 district, **withdrawn**.

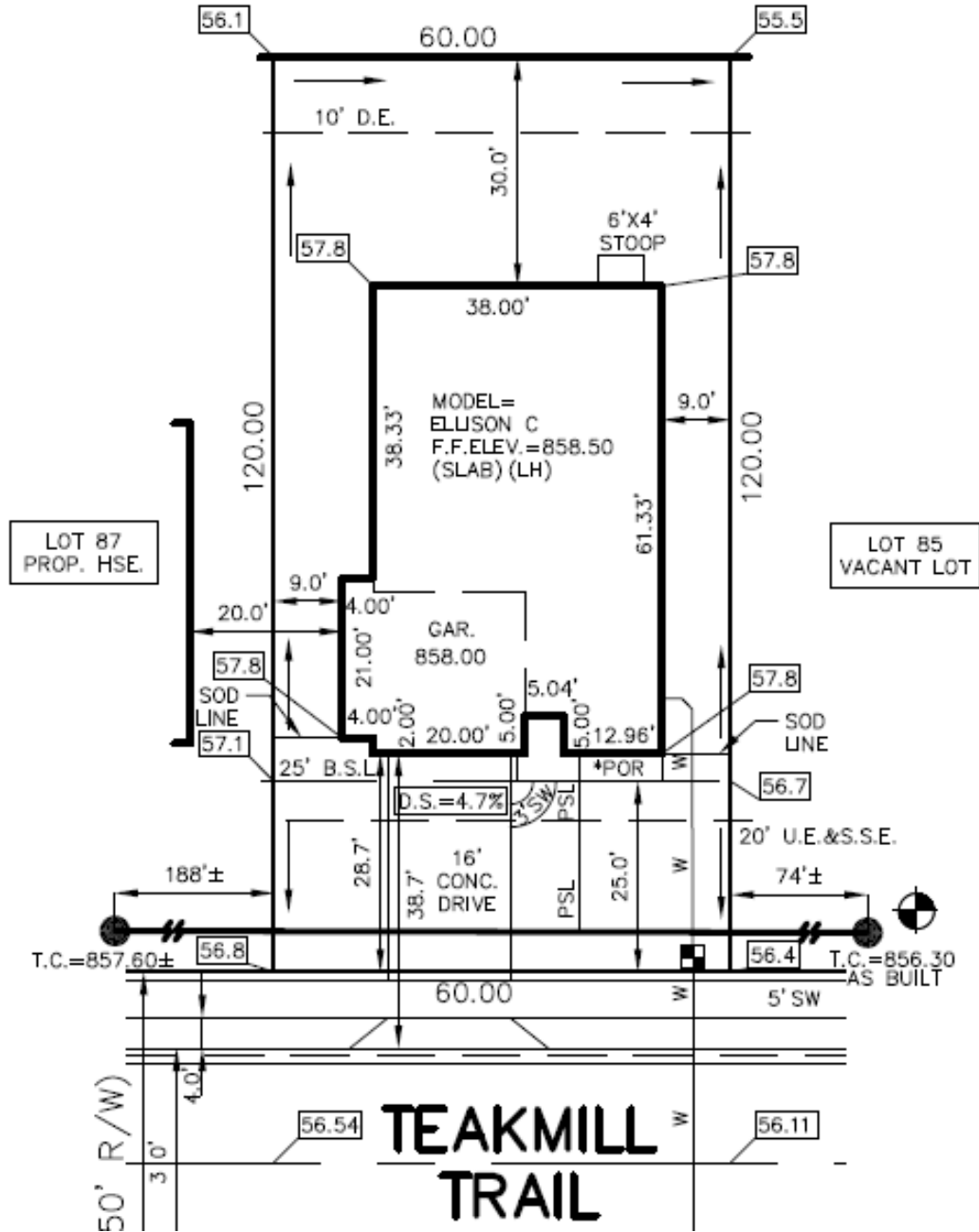
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EXHIBITS

Location Map



Site Plan - Typical





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 variance will not result in increased density or traffic.

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 variances are for lots internal to the subdivision, and there will be no decreases in setback lines or minimum distances between homes.

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

the open space requirement only serves to decrease house sizes on lots that can support additional square footages without reducing setbacks, and does not take into account subdivision amenities/open space.

Photographs



Subject site, looking north from Highcrest Road.



Subject site, looking west from Asher Way.



Adjacent developed lots on Highcrest Road, looking south.



Board of Zoning Appeals Division I

May 12, 2026

Case Number:	2026-DV2-009
Property Address:	5360 Central Avenue (<i>approximate address</i>)
Location:	Washington Township, Council District #7
Petitioner:	Andrea Jain and Vincent Manganello by David Smith
Current Zoning:	D-4
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 14-foot rear setback (minimum of 20 feet required).
Current Land Use:	Single-family home with attached garage
Staff Recommendations:	Staff recommends approval of this petition.
Staff Reviewer:	Josh Levesque, Senior Planner

PETITION HISTORY

This petition was continued at the April 14th, 2026, BZA II hearing due to issues with addressing on the legal notice. This petition was then subsequently transferred to BZA Division I to be heard on May 12, 2026.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 5360 Central Avenue is developed parcel on the corner of Central Avenue and 54th Street. The property appears to have been developed sometime between the 1920s and 1930s.
- The parcel is zoned D-4 and is approximately 8,108 square feet with a lot width of roughly 63 feet. With a front setback of 35 feet, the house is set back an additional five (5) feet from the required D-4 setback of 30 feet along a secondary thoroughfare in the Compact context area. This limits the amount of buildable area along the rear of the property. In staff's analysis, this presents a site-specific practical difficulty.
- The petitioner's request is to allow for a 14-foot setback in lieu of the required 20 feet. This 6-foot difference is only one (1) foot greater than difference between the existing (35 feet) and the required (30 feet) front setbacks. In staff's analysis, this presents minimal relief to the site-specific practical difficulty.



GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Developed; Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Residential
	South:	South: Residential
	East:	East: Residential
	West:	West: Residential
Thoroughfare Plan		
Central Avenue	Secondary Arterial	60-foot existing right-of-way and 78-foot proposed right-of-way
54 th 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	3/2/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/2/2026	
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 Traditional Neighborhood Typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Section 3.1 of the Meridian Kessler Neighborhood Plan (2016) recommends that any new structures “should be consistent with the setbacks, height, style, material, and mass of the surrounding neighborhood.”

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

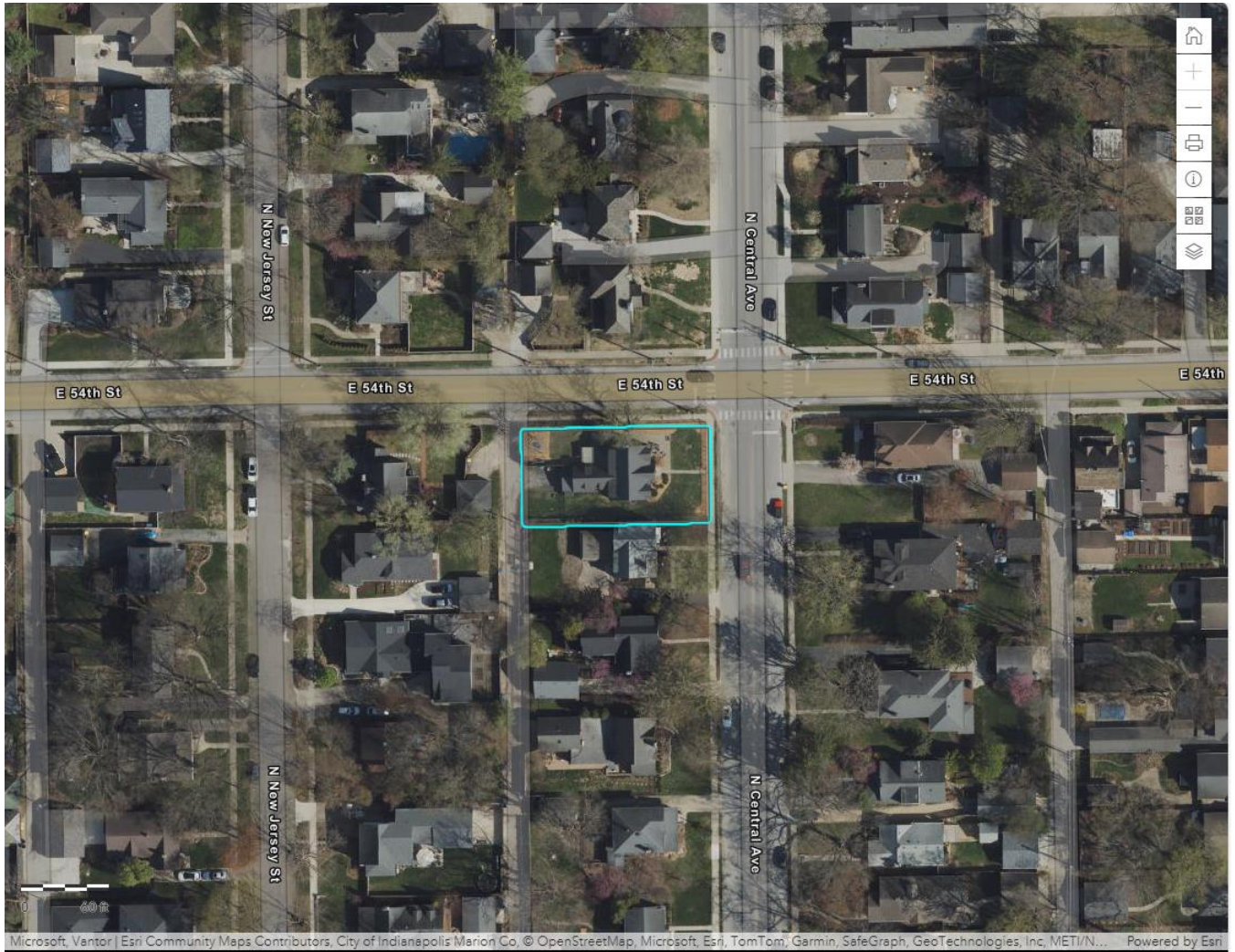
N/A

ZONING HISTORY – VICINITY

N/A

EXHIBITS

2026DV2009; Aerial Map





Department of Metropolitan Development
Division of Planning
Current Planning

2026DV2009; Site Plan

SITE DATA:
Total Existing Lot Area: 8,115.3 SF

EXISTING
Main Home Area: 1843.29 SF
EXISTING LOT COVERAGE (%): 22.7%

PROPOSED
PROPOSED Main Home Area: 2617.29 SF
PROPOSED LOT COVERAGE (%): 32.2%

SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

Note: Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.
Note: Fenced yard inaccessible at the time of this report as shown.

Scale: 1"=90'
Legend:
R/W Right-of-Way
x Fence

Hahn Surveying Group, Inc.
Land Surveyors
3925 N. Meridian Street, Suite 120
Indianapolis, IN 46260
PHONE: (317) 846-0840 / (317) 846-4119
FAX: (317) 846-4298 / (317) 882-0662
EMAIL: orders@hahnsurveying.com
www.hahnsurveying.com

CERTIFIED: 06/19/2021
Chad L. Brown
Registered Land Surveyor,
Indiana #21100002
Drawn By: SS
Job No.: 321-3724
Sheet 2 of 2

ARCHITECTURAL SITE PLAN
SCALE: 1/16" = 1'

The drawing and all related data, drawings, reports and files forming a part of this project are the property of the Architectural Firm and shall not be reproduced, stored, transmitted, or disseminated in any form or by any means without the prior written permission of the Architectural Firm. The Architectural Firm shall not be responsible for any errors or omissions in this drawing or any other documents prepared by the Architectural Firm.

CUSTOM • LIVING

MANGANELO JAIN
RESIDENCE
Address & Frontage
Indianapolis, IN 46220

Client Name: _____
Date: _____
Revision: _____
Date: _____

DATE: 3/20/24
SHEET 2 OF 4
V1.0



Department of Metropolitan Development
Division of Planning
Current Planning

2026DV2009; Photographs



Photo 1: Google Image of front of house

2026DV2009; Photographs (cont'd)



Photo 2: Subject parcel from rear looking at current attached garage

2026DV2009; Photographs (cont'd)



Photo 3: Showing side setback from rear and neighboring house with attached garage

2026DV2009; Photographs (cont'd)



Photo 4: Detached garage of house directly across alley from subject property

2026DV2009; Photographs (cont'd)



Photo 5: Detached garages of properties across 54th Street



BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number: 2026-DV3-007
Address: 1930 North Audubon Street (approximate address)
Location: Warren Township, Council District #14
Zoning: D-5
Petitioner: Suleima Morales, by Josh Smith
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to the primary dwelling with an 11-foot rear setback (20 feet required).

Current Land Use: Single Family Dwelling

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the April 21, 2026 BZAIII hearing due to a lack of quorum, and transferred to the May 12, 2026, BZA I hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ This request would provide for an addition to the existing dwelling that would include an attached garage, creating an approximately 11-foot rear setback for the primary dwelling, when the Ordinance requires a 20-foot rear setback.
- ◇ The Consolidated Zoning and Subdivision Ordinance provides for a five-foot rear yard setback for detached accessory structures but requires a 20-foot rear yard setback for the rear of the primary dwelling.
- ◇ The garage was legally constructed and permitted as a detached accessory structure. With the dwelling expansion, the garage was then attached to the primary dwelling, resulting in the existing garage rear setback not meeting the rear setback for the rear of a primary dwelling.
- ◇ The reduced rear setback would have minimal negative impact upon the use and value of the properties of the abutting neighbors because the development pattern of reduced setbacks is common throughout this older neighborhood. It should also be noted that the new structures will maintain and not negatively impact the required open space.



- ◇ Staff believes that the reduced setback would be reasonable and would be in character with the neighborhood as staff has supported similar setback reductions in this area because the lots were developed before the adoption of the development standards of Consolidated Zoning and Subdivision Ordinance.
- ◇ 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.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 Single-Family dwelling
	South:	D-5 Single-Family dwelling
	East:	D-5 Single-Family dwelling
	West:	D-5 Single-Family dwelling
Thoroughfare Plan		
North Audubon Avenue	Local street	50-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	February 11, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	February 11, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood uses for the site.



Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood typology which 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.

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

None

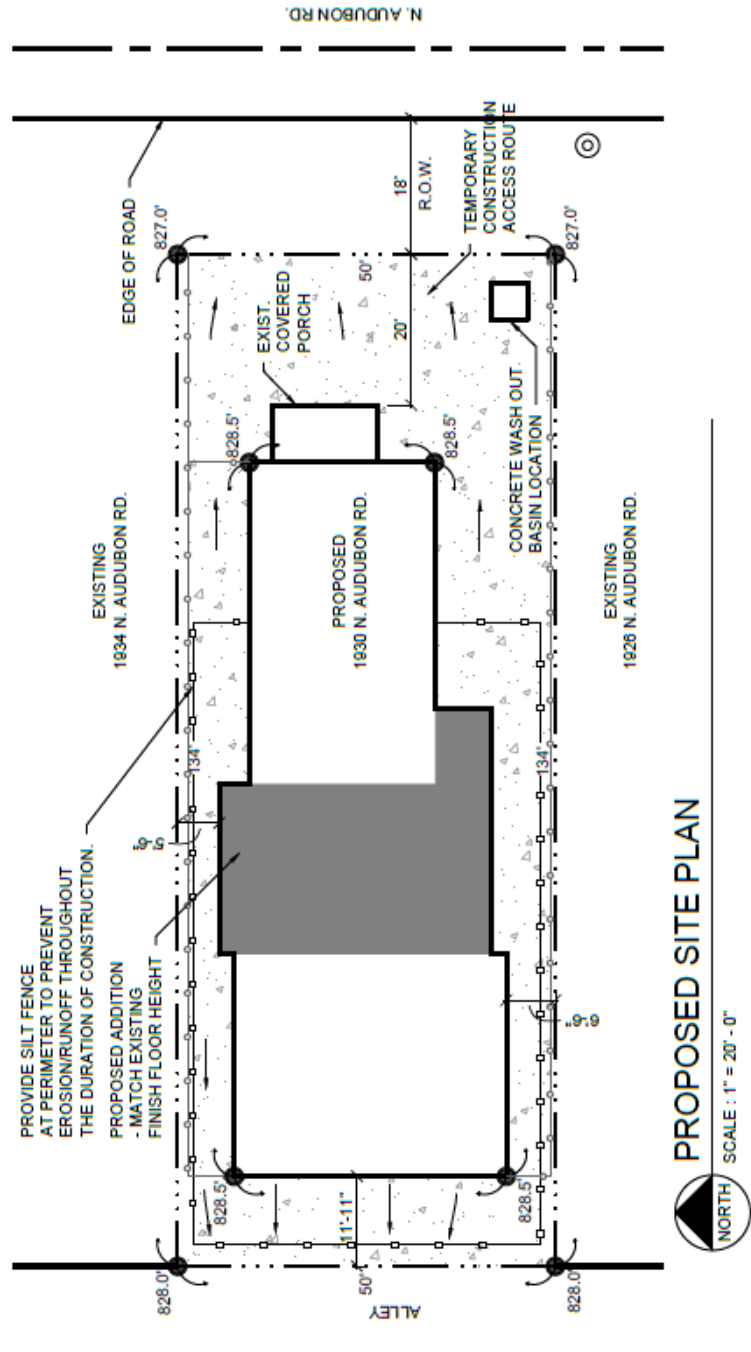
RU *****

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 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:

This variance allows the continued use of the property and structure as a single family home.

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:

By granting this variance, nothing will change with the proposed and existing use. The home is and will remain a single family property.

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

Prior to the addition there was no logical space to add a reasonable square footage onto the home without connecting the home to the detached garage or demolishing the detached garage. While the demolition was possible it would be unreasonable to demolish the existing asset of the garage. The connection of the home to the garage is the most reasonable way to add usable and valuable room to the home.

Photographs



Photo of subject site, looking west.



Photo of subject site, north elevation, looking southwest.



Photo of attached garage with with an 11-foot rear setback, looking north.



Photo of attached garage with with an 11-foot rear setback, looking south.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number:	2026-DV3-012
Property Address:	4200 South Harding Street (<i>approximate address</i>)
Location:	Perry Township, Council District #22
Petitioner:	Hanson Aggregates, Midwest Inc., by Joseph Csikos
Current Zoning:	I-4 (FF)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a new building related to the existing extraction use located within the Floodway Fringe (not permitted) and with deficient landscaping (landscaping required).
Current Land Use:	Industrial
Staff Recommendations:	Staff recommends approval of the requests.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

4/21/26: Due to a lack of quorum, this petition was continued and transferred to the May 12, 2026 hearing date of Division I of the Board of Zoning Appeals.

STAFF RECOMMENDATION

Staff recommends **approval** of the requests.

PETITION OVERVIEW

- 4200 South Harding Street is a parcel within a larger industrial area to the west of Harding Street and to the north of I-465. The subject parcel is 9.70 acres in size and is currently improved with three structures in support of an existing use related to the processing of extracted materials. This extraction and processing use has existed at the property for decades, and permission for it was most recently established by the Legally Non-Conforming Use certificate 2004-LNU-026. The property has large piles of extracted materials within the western rear yard as well as a conveyor that runs between the two tallest structures closest to Harding Street.
- Approval of this petition would allow for the demolition of one of the existing structures associated with the concrete use and for it to be replaced by a new structure with a similar size and footprint, per plans within the Exhibits below. The new structure would also be associated with the existing legally established use, and would be utilized for similar functions to the current structure (just incorporating more modern materials and equipment). Since the use would be allowed per 2004-LNU-026, no Use Variance would be required to allow for the new building to be placed in the proposed location.



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

- Even though no Variance of Use would be needed, two (2) Variances of Development Standards would be required. The first would be for the reconstruction of a new building within the Floodway Fringe, and the second would be to allow for the construction of a new building without placement of landscaping in compliance within 744-500 of the Indianapolis Zoning Ordinance.
- The property is zoned I-4 (Heavy Industrial District) to allow for 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. Similarly, the site is recommended to the Heavy Industrial typology by the Comprehensive Plan (in addition to being within an Environmentally Sensitive overlay). Additional information is located within the ‘Comprehensive Plan Analysis’ portion of this report.
- When provided development plans for their review, the Flood division of the Department of Business and Neighborhood Services did not indicate any objection to the proposed scope of work. Additionally, they indicated that if other Ordinance and Floodplain regulations were met that the rebuilding of this structure within the Floodway Fringe would be able to successfully obtain a flood permit. For this reason, as well as the similarity in size and height of the new structure to the previous one, staff recommends approval of the variance related to the construction within the Floodway Fringe. Similarly, staff would recommend approval of the variance related to deficient frontage and interior landscaping given the lack of substantial change to the layout of the site and the nature of the processing of extracted materials use.

GENERAL INFORMATION

Existing Zoning	I-4 (FF)	
Existing Land Use	Industrial	
Comprehensive Plan	Heavy Industrial	
Surrounding Context	Zoning	Surrounding Context
	North:	I-4 North: Industrial
	South:	I-4 / SU-23 GSB South: Industrial
	East:	C-7 / I-4 East: Heavy Commercial
	West:	I-4 West: Industrial
Thoroughfare Plan		
Harding Street	Primary Arterial	128-foot existing right-of-way and 102-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	02/16/2026	
Site Plan (Amended)	N/A	
Elevations	02/16/2026	



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

Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	02/16/2026
Findings of Fact (Amended)	04/06/2026

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Heavy Industrial typology 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.
- The Environmentally Sensitive Areas (ES) overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. Heavy Industrial land uses are removed as a recommended land use within this overlay.

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

2004LNU026, Certificate of Legally Non-Confirming Use for a Gravel/Sand extraction and processing use, **approved**.

ZONING HISTORY – VICINITY

2005SE1001 ; 4200 South Harding Street (southwest of site), special exception of the Industrial Zoning Ordinance to provide for a temporary asphalt plant, **approved**.

99-V3-52 ; 4550 South Harding Street (south of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a truck wash facility with a flood protection grade at the base flood elevation of 680 feet (flood protection grade of 682 feet required, 2 feet above the base flood elevation), **approved**.

97-SE1-5 ; 4602 South Harding Street (south of site), special exception of the Industrial Zoning Ordinance to provide for the temporary placement of facilities for the processing and production of asphalt and concrete, **approved**.

96-V1-33 ; 4530 South Harding Street (south of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for an asphalt and cold mix process facility (not permitted) with zero feet of public street frontage provided with access to be gained by a 60 foot wide access easement (minimum 50 feet of frontage on a street right-of-way required), **approved**.

96-SE1-7 ; 4400 South Harding Street (south of site), special exception of the Industrial Zoning Ordinance to provide for the extraction, aggregate washing and screening process for sand and gravel, **approved**.

EXHIBITS

2026DV3012 ; Aerial Map



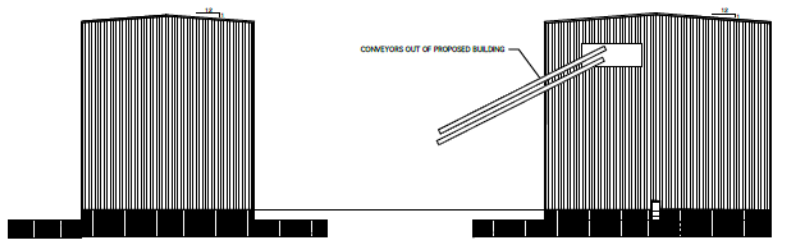
2026DV3012 ; Aerial Map (Zoomed)



2026DV3012 ; Site Plan

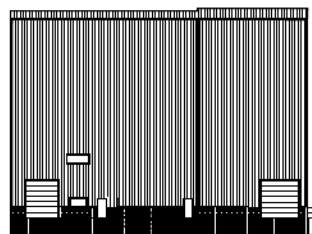
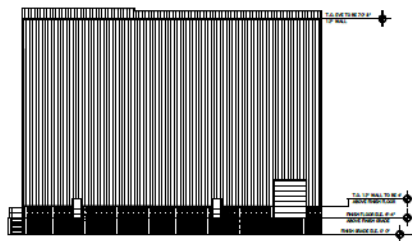


2026DV3012 ; Elevations



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

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



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

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



2026DV3012 ; Findings of Fact (Floodway Fringe)

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

The existing use is permitted within the I4 zoning district, and the use has been established via 2004LNU026. The requested variance allows the petitioner to modernize the existing equipment and processes on site which has historically been operated in the same manner.

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

The strict application of the terms of the ordinance would constitute an exceptional hardship as this would prohibit the machinery and process upgrade. The modernization requires updated structures that are sufficient in size and clear area for operations.

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 site is currently predominantly hard surfaced with a number of existing structures in the FF zone. The reconstruction of the structure in question will not serve to increase the impervious surface on the lot and will not produce an increased risk of flooding, threats to public safety, public expense, public nuisances, fraud or victimization of the public, or conflict with any other laws or ordinances. The proposed facility will house machinery and operational devices with no residential components. Stormwater runoff and discharge will not be altered with the construction.

2026DV3012 ; Findings of Fact (Landscaping)

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

The proposed structure will replace an existing, outdated, structure housing the concrete batching facility. The existing facility is removed from the property frontage and is located behind existing security fencing and gates. The modernization and continued operation of the facility absent of the updated landscaping will not change the existing character or appearance of the property 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 facility is located in an area characterized by heavy industrial uses. The absence of enhanced landscaping in the area is consistent with the character of the surrounding properties as well as the existing operation. The appearance of the property will not be substantially altered and the landscape waver will not affect the use or value of the industrial areas adjacent to the site.

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

The strict application of the terms of the zoning ordinance would require significant revisions to the layout and travel patterns on the existing concrete batching facility resulting in practical difficulties for the ongoing operation and optimization of site operations. This location has been utilized in this way for over 40 years, making it unlikely that additional landscaping would have long term viability.

2026DV3012 ; Photographs



Photo 1: Subject Building Viewed from East



Photo 2: Subject Building Viewed from Northeast

2026DV3012 ; Photographs (continued)



Photo 3: Subject Building Viewed from North



Photo 4: Subject Site Viewed from North

2026DV3012 ; Photographs (continued)



Photo 5: Aggregate Piles in Rear Yard of Site, Viewed from East



Photo 6: Adjacent Property to North

2026DV3012 ; Photographs (continued)



Photo 7: Adjacent Property to South



Photo 8: Adjacent Property to East



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number:	2926-UV1-006 (Amended)
Property Address:	8798 Moore Road (<i>approximate address</i>)
Location:	Pike Township, Council District #1
Petitioner:	J E Land, LLC, by S. Gregory Zubek
Current Zoning:	D-A / D-1
Request:	Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wellness center (not permitted) with gravel parking areas in the front yard of Moore Road exceeding 30 feet in width (hard surfacing required, parking in front of buildings limited to 30 feet).
Current Land Use:	Agricultural
Staff Recommendations:	Staff recommends approval of the variances, subject to commitments.
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

4/7/26: The petition was continued by staff's request to allow for additional time for discussion of the requested variances, the provision of a site plan showing the full scope of proposed improvements, and for the finalization of commitment language.

STAFF RECOMMENDATION

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

1. Parking and maneuvering areas shall utilize True Grid permeable pavers or similar material as opposed to either full asphalt paving or the usage of standard gravel for parking areas.
2. Development of the site and placement of the building and parking additions associated with the use shall substantially comply with the site plan file-dated April 24, 2026.
3. A pedestrian path from the parking area to the south of the building to the entrance of the medical facilities will be included as a part of the construction of the building addition.

PETITION OVERVIEW

- 8798 Moore Road is comprised of three (3) parcels with a total size of approximately 36.66 acres. It is predominantly zoned D-A and is improved with agricultural land as well as a farmhouse structure with access from Moore Road to the east. Adjacent land uses are low-density residential or agricultural in nature. The Traders Point Creamery (a dairy farm, restaurant, and agritourism business) is located on the other side of Moore Road to the northeast.



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

- The applicant is seeking permission to allow a wellness center to operate at the subject site. The closest comparable use category within the Indianapolis Zoning Ordinance for this use would be a medical clinic. The proposed use would utilize the existing building and access from Moore Road, as well as a building addition placed on the southwest portion of the structure and new parking areas to the northeast and south, per the below site plan.
- Three (3) variances would be required to allow for this project. The first would be a Variance of Use given that a medical clinic use wouldn't be allowed by-right within the D-A zoning district. Additionally, variances related to the proposed on-site parking would include both the materials utilized for vehicle areas (hardscaping would be required as opposed to gravel for non-residential uses) as well as the placement of new parking areas on the site. For residentially zoned areas, a maximum width of 30 feet within the yard between the front building line and Moore Road would be permitted and the provided site plan shows that width would be exceeded.
- Any future signage placed in conjunction with this business (either wall signage or freestanding) would be subject to applicable standards for the D-A zoning district, and approval of this variance would not allow for signage to be installed utilizing regulations for commercial zoning districts. Additionally, the approval would be tied to the filed Plan of Operation (see below).
- The subject site is zoned D-A (Dwelling-Agricultural) to allow for a variety of agricultural uses (i.e. animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, etc.) as well as single-family dwellings within large estate developments. Similarly, the Comprehensive Plan recommends it to the Rural and Estate Neighborhood typology and places it within an Environmentally Sensitive Areas overlay (see Comprehensive Plan Analysis section below).
- Submitted narrative and Plan of Operation documents from the applicant indicate that the majority of the site (previously utilized as a llama farm) would be preserved as farmland and wooded areas. Additionally, the proposed use of a small integrative health and wellness center would operate with a focus on routine medical practices including chronic conditions support, preventative care, and lifestyle-based wellness services. Medical services would be predominantly administered by two doctors with a small professional staff and occasional visits from specialists; hours would align with standard timeframes of business operation and services would be provided exclusively by appointments spread throughout the day to limit traffic impacts.
- Findings of Fact in support of the Use Variance mention that the scale and intensity of the services offered by this use would be limited in nature below what might constitute a typical medical clinic or office (typically a low-intensity commercial use). Staff would note that the provided site plan would leave most of the site as farmable land consistent with the D-A zoning district and the Comprehensive Plan, and that a commitment has been requested that would limit the scope of use to substantial conformity with the site layout provided for review. Given this limiting commitment and existing screening areas between the use and Moore Road, and a likely minimal traffic impact on the two-lane road, staff would recommend approval of the Use Variance.



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

- Although the Ordinance does allow for parking and vehicle areas to utilize gravel in some single-family residential and agricultural uses, the proposed use would be commercial in nature and therefore would require full asphaltic paving. The petitioner cited environmental concerns preventing the placement of hardscape and proposed a compromise of the use of True Grid permeable pavers as a substitute for gravel parking areas. Staff feels that this would approximate Ordinance intent per 744-404.D.6.a.3 and recommends approval of this variance.
- Finally, Ordinance regulations on width of parking and driveway areas within front yards exist to avoid the appearance of large paved areas devoid of landscaping within residential front yards. In this instance, (a) the proposed use would not be residential in nature; (b) substantial portions of each proposed parking stalls within the new 14-space area would be placed behind the front building line; and (c) the parking areas would be screened from view from Moore Road by extensive existing wooded areas. Additionally, staff would note that the petitioner placed ADA parking spaces closer to the front building entrance with a permeable-paved walkway directly to the front entrance at staff’s request. Given this context, staff recommends approval of the third and final variance related to parking area width.

GENERAL INFORMATION

Existing Zoning	D-A / D-1	
Existing Land Use	Agricultural	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-A / D-S / D-1	North: Residential
South:	D-1	South: Residential
East:	D-S	East: Residential
West:	D-A / D-S	West: Residential
Thoroughfare Plan		
86 th Street	Primary Arterial	118-foot existing right-of-way and 90-foot proposed right-of-way
Moore Road	Primary Collector	70-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	02/03/2026	
Site Plan (Amended)	04/24/2026	
Elevations	02/10/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	02/03/2026	



**Findings of Fact
(Amended)**

03/02/2026

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Rural or Estate Neighborhood typology 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 exception 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 as a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.
 - Small-scale offices, retailing, and personal or professional services is not a contemplated land use within this typology.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of 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

ZONING HISTORY – SITE

2009ZON041, Rezoning of 46.494 acres, from the D-S District, to the D-A classification to provide for agricultural or low-intensity dwelling uses, **approved**.

ZONING HISTORY – VICINITY

2024DV1003 ; 7219 92nd Street (north of site), Variance of Development Standards to provide for the construction of a 26.5-foot tall pole barn taller than the primary building, with a four-foot front yard setback from and within the front yard of Moore Road (maximum height of 24 feet permitted, height of accessory buildings must be less than height of primary building, 30-foot front yard setback required, accessory structures not permitted in front yards), **approved**.

2014DV2037 ; 7651 West 88th Street (west of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish existing accessory building and use area and to provide for the construction of a 384-square foot detached garage, creating approximately 2,475 square feet of accessory building area and 5,650 square feet of accessory use area, being 111% and 128% of the main and total floor areas, respectively, of the primary dwelling (maximum accessory building area of 75% of the main floor area of the primary dwelling or 1,682 square feet and accessory use area of 99.9% of the total floor area of the primary dwelling or 4,432 square feet permitted), **approved**.

2010DV1001 ; 7575 92nd Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 192-square foot storage shed in front of the established primary front building line (accessory buildings not permitted in front of the established primary front building line), **approved**.

2006UV2005C ; 9211 Moore Road (northeast of site), Variance of Use to provide for a restaurant use (not permitted) within an existing 2,700 square-foot barn, processing and production of dairy products on site, a farmers market, a children's summer camp, and agri-tourism, **approved**.

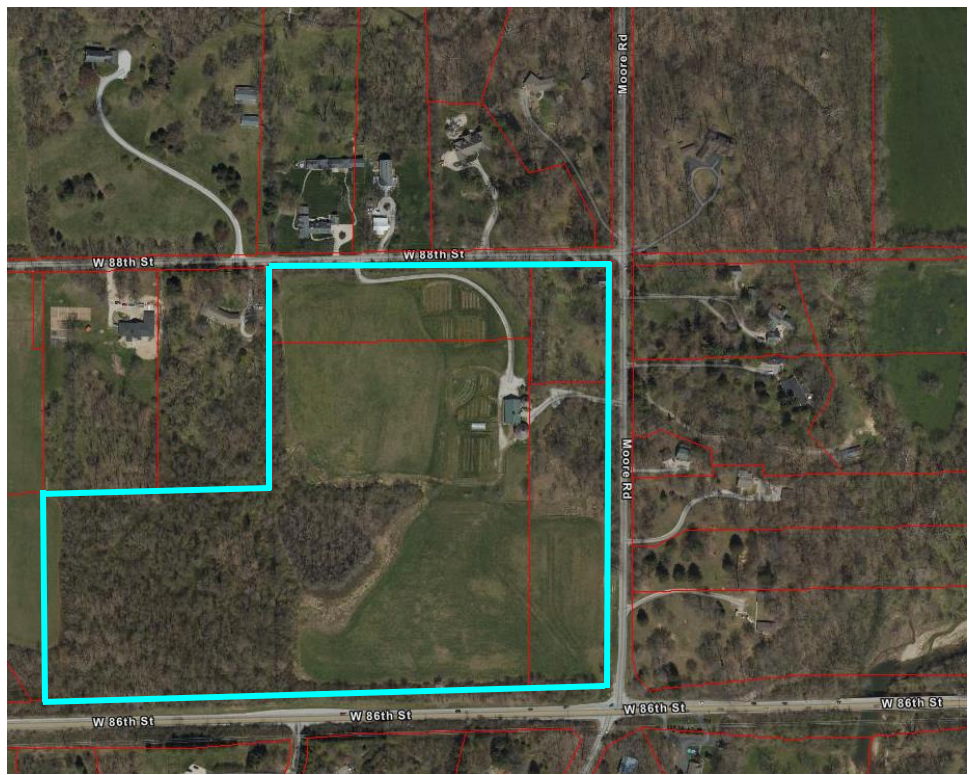
2006UV2005D ; 9211 Moore Road (northeast of site), Variance of Use to provide for live entertainment, and catering for up to 250 persons, **denied**.

2006UV2005E ; 9211 Moore Road (northeast of site), Variance of Use to provide for live entertainment and catering for up to 600 persons, **denied**.

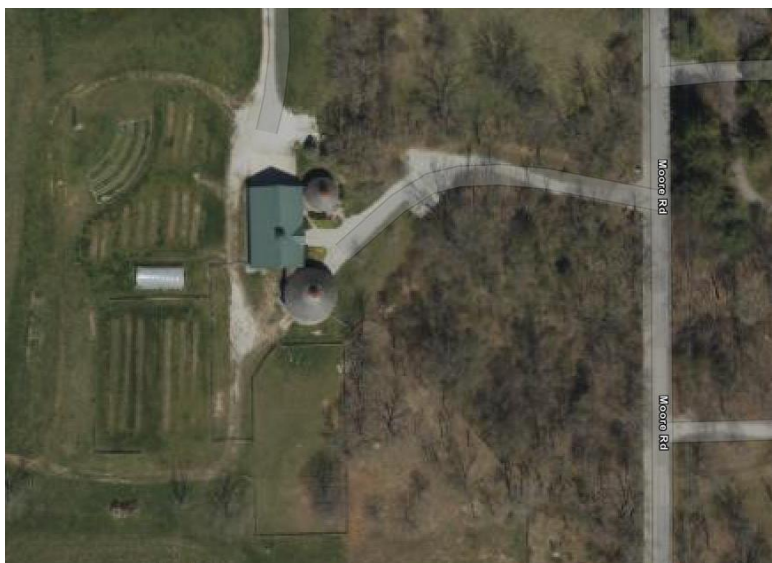
90-UV2-94 ; 8561 Moore Road (east of site), Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to permit vehicle restoration and crafting within an existing barn and to permit the construction of a 26 foot tall (20 feet permitted) garage which will result in the total square footage of accessory building in excess of 75% of the primary residence, **approved**.

EXHIBITS

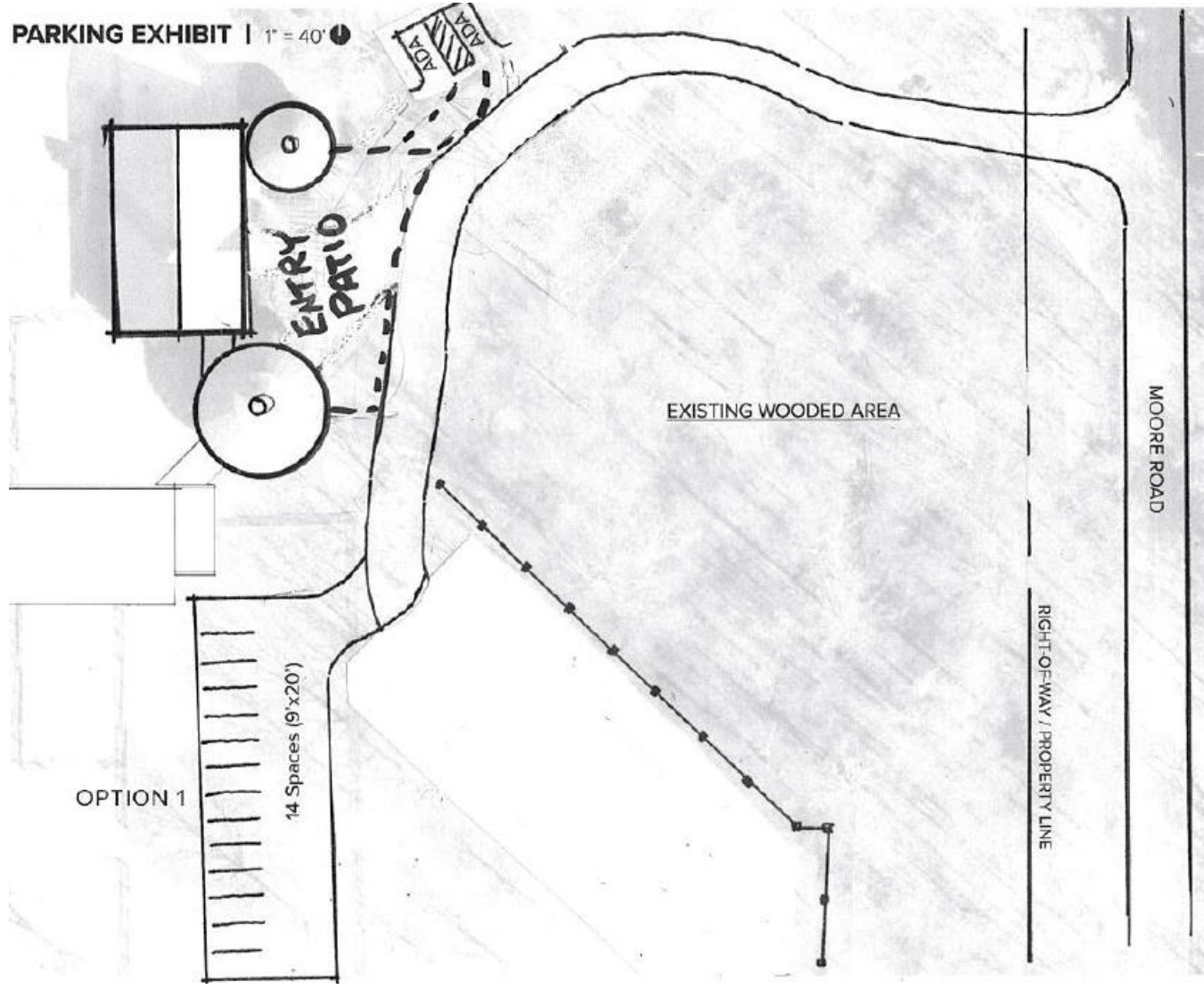
2026UV1006 ; Aerial Map



2026UV1006 ; Aerial Map (zoomed)



2026UV1006 ; Site Plan





2026UV1006 ; Elevation Rendering



2026UV1006 ; 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 use will not be injurious because it will promote health and the general welfare of the community by making health care available on a small portion of the property and preserving the vast majority of the property in woods and farmland and pasture.

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 vast majority of the property will be maintained in woods, pasture and farmland consistent with covenants that limit future development.

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

the Subject Property of nearly 46 acres with substantial acreage in woods does not feasibly lend itself to a viable independent agricultural operation and is too small therefore. The Subject Property is too large for a single residence thereon and the market would not support such a use in that the universe of buyers would be minuscule for one residence on 46 acres.

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

Owner is not in the business of operating an agricultural operation. No entity in the market of potential buyers would be able to operate the Subject Property as an economically viable agricultural operation. The grant of the variance would maintain the vast majority of the Subject Property in a natural state or devoted to agricultural use but with an ancillary use that could make the Subject property economically viable particularly when the use of much of the Subject Property could be operated in collaboration with another organic agricultural operation.

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

the vast majority of the Subject Property would be used for DA use and the variance would maintain agricultural use with a limited ancillary health care use for humans which is only a slight deviation from the permitted use of health care for non human animals.



2026UV1006 ; Findings of Fact (Gravel)

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

the parking area does not need to be paved in the D-A zoning district for agricultural animal related and food production uses.
The vast majority of the 44 +/- acre property will be used for said uses and the wellness center will be on a very small part of the property and driveways and parking areas in the nearby properties are generally not paved.

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 vast majority of the subject property will be devoted to uses where paving is not required and a gravel parking area is consistent with adjacent property development and with agricultural use at the subject property.

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

there are no substantial paved areas in adjacent D-A properties and a paved lot would be inconsistent with adjacent development and introduce a development inconsistent with the agrarian development on the majority of the subject property and on adjacent properties. The subject property of 44 +/- areas will have only .00150 of the property in parking area for the wellness center.

2026UV1006 ; Findings of Fact (Front-Yard Parking)

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

the parking while deemed by DMD to be in "front of the building", the parking will be at least 80 feet from the right of way of Moore Road and 110 feet from the pavement of Moore Road and screened by a heavily wooded area.

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 vast majority of the subject property will be devoted to uses where paving is not required and a gravel parking area is consistent with adjacent property development and with agricultural use at the subject property. Also, the small parking area will be screened by 80 feet to 110 feet of dense woods.

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

the parking in the location described above allows a maximum of the subject property to be used for agricultural purposes and/or maintenance of same in a natural and undeveloped state consistent with the deed restrictions that will obligate Petitioner.



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

2026UV1006 ; Plan of Operation

Farmstead Health & Wellness Studio at Fortune Acres 86th Street & Moore Road

Overview of Proposed Use

The proposed use is a small, integrative health and wellness space located at Fortune Acres, a 44-acre farm at 86th Street and Moore Road. Services will focus on routine medical practices, including chronic condition support, preventive care, and lifestyle-based wellness services. The space will operate as a small, appointment-based professional wellness office with individualized visits.

The project has the endorsement of Indiana Landmarks, Inc. and is designed to respect the historic, residential, and agricultural character of the property while allowing for a compatible and reasonable use.

Facilities

The health and wellness studio will be located within existing farm structures on the property. The use of these buildings is intended to be consistent with the rural and residential setting and compatible with the surrounding agricultural land.

The land will continue to be farmed in accordance with existing covenants and restrictions. The proposed use does not alter the overall agricultural character of the property.

Staffing and Operations

The studio will operate with a small professional staff, consistent with an appointment-based wellness practice. Operations will occur during normal business hours, with limited support staff needed.

Hours of Operation

Operations will occur primarily during typical daytime business hours, consistent with professional office use and surrounding residential and agricultural activities.

Traffic, Parking, and Activity Level

- All visits will be by appointment only
- Activity will be distributed throughout the day
- The proposed use will generate limited traffic, parking demand, noise, or exterior impact

Security Provisions

- Standard fire safety and security systems will be installed in accordance with applicable codes
- Buildings will have secured access appropriate for professional use

Hazardous or Explosive Materials

- No hazardous or explosive materials will be stored or used on site
- Only routine wellness, office, and building maintenance materials will be present

Neighborhood Compatibility

The Farmstead Health & Wellness Studio is designed to be compatible with the surrounding residential and agricultural environment. Our family pursued its vision of creating an organic dairy farm, now well known as Traders Point Creamery. The dedication to land preservation and sustainable farming led to the development of a business that prioritizes both environmental stewardship and human health. This same dedication will continue in our mission and extend beyond medical practices as we will preserve and enhance the 44-acre property, promote regenerative, organic farming, and foster a deep connection between the environment, individuals, and their health.

2026UV1006 ; Photographs



Photo 1: Subject Building Viewed from East



Photo 2: Subject Building Viewed from South

2026UV1006 ; Photographs (continued)



Photo 3: Proposed Parking Location Viewed from West



Photo 4: Subject Building Viewed from North

2026UV1006 ; Photographs (continued)



Photo 5: Land to West of Proposed Addition



Photo 6: Adjacent Property to North

2026UV1006 ; Photographs (continued)



Photo 7: Existing Driveway/Parking Viewed from West



Photo 8: Moore Road Access Point Viewed from West

2026UV1006 ; Photographs (continued)



Photo 9: Moore Road Access Viewed from East (August 2024)



Photo 10: Moore Road Looking South Towards 86th Street (August 2024)



Department of Metropolitan Development
Division of Planning
Current Planning

Board of Zoning Appeals Division I

May 12, 2026

Case Number:	2026-UV1-007
Property Address:	5282 East 65 th Street (<i>approximate address</i>)
Location:	Washington Township, Council District #3
Petitioner:	Substalae LLC, by Artisan Outdoor Craftsman
Current Zoning:	I-2
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to establish a 1,370 square foot second-floor apartment (dwelling units not permitted in I-2) and to provide for a deck as a residential accessory structure (residential structures not permitted in I-2).
Current Land Use:	Developed, Industrial Use, Showroom, 2 nd -floor apartment
Staff Recommendations:	Staff recommends approval of this petition.
Staff Reviewer:	Josh Levesque, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 5282 East 65th Street is an industrially zoned parcel adjacent to the Schmol Industrial Park on East 65th Street. Aerial photographs show that the current structure has been in existence since at least 1972. The property is currently zoned I-2 and is surrounded by I-2 parcels in all directions.
- The petitioner's request is to establish a 1,370 square foot second-floor apartment above the business's showroom and to allow for a deck to be built.
- Petitioners have agreed to a commitment that this variance will expire upon the transfer of ownership of this property.
- A previous Variance of Use was granted for this property to provide for a walk-in showroom and instructional music studios (97-UV3-044). In staff's analysis, a music studio today would fit in the Commercial and Mixed-Use districts, representing a less intense use than what is currently contemplated in I-2.
- In staff's analysis, while this does request does not fit the land use plan, it does fit into the current pattern of development. The Variance of Use would be restricted to the current square footage of the existing apartment space and proposed deck. Further additions will require a rezone or a new variance of use. This means that further expansion of this incompatible use will be subject to



Department of Metropolitan Development
 Division of Planning
 Current Planning

further petitions and public hearings. Additionally, tying the use to the current ownership indicates that this is a temporary, and therefore minimal, change to the Comprehensive Plan. Staff recommends approval of this petition with the proposed commitment.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Developed; Industrial/Residential	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
	North: I-2	North: Industrial
	South: I-2	South: Commercial/Industrial
	East: I-2	East: Commercial/Industrial
	West: I-2	West: Industrial
Thoroughfare Plan		
Arlington Avenue	Primary Collector	50-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	2/4/2026	
Site Plan (Amended)	4/6/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/9/2026	
Findings of Fact (Amended)	4/6/2026	
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 Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and is unlikely to create emissions of light, odor, noise, or



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Division of Planning
Current Planning

vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

97-UV3-44; 5282 East 65th Street, Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for a walk-in showroom and instructional music studios (not permitted, associated with a permitted musical instrument repair/assembly and sheet music warehouse facility, with 87% of the required front yard devoted to off-street parking (maximum 10% of the required front yard devoted to parking area permitted), **approved**.

ZONING HISTORY – VICINITY

83-HOV-54; 5169 East 65th Street, Variance of Development Standards of the Industrial Zoning Ordinance to allow front-yard parking exceeding 10 percent of the front yard, **approved**.

2004-UV1-012; 5210 East 65th Street, Variance of Use of the Industrial Zoning Ordinance to provide for a kennel and pet-grooming salon in an existing 14,500-square foot industrial structure (not permitted), **approved**.

2022-UV1-006; 5402 East 65th Street, Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish heavy outdoor storage of stone products and



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related materials (not permitted) on a lot with zero-feet of public street frontage (75 feet required) with zero-foot west side setback for a modular office and storage shed (minimum 30-foot setback required) and a zero-foot east transitional yard (50-foot transitional yard), **approved**.

2024-UV2-002; 5139 East 65th Street, Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the following as primary uses: sports performance training uses; physical fitness and athletics instruction and training; and dance and gymnastics instruction (not permitted), **withdrawn**.

EXHIBITS

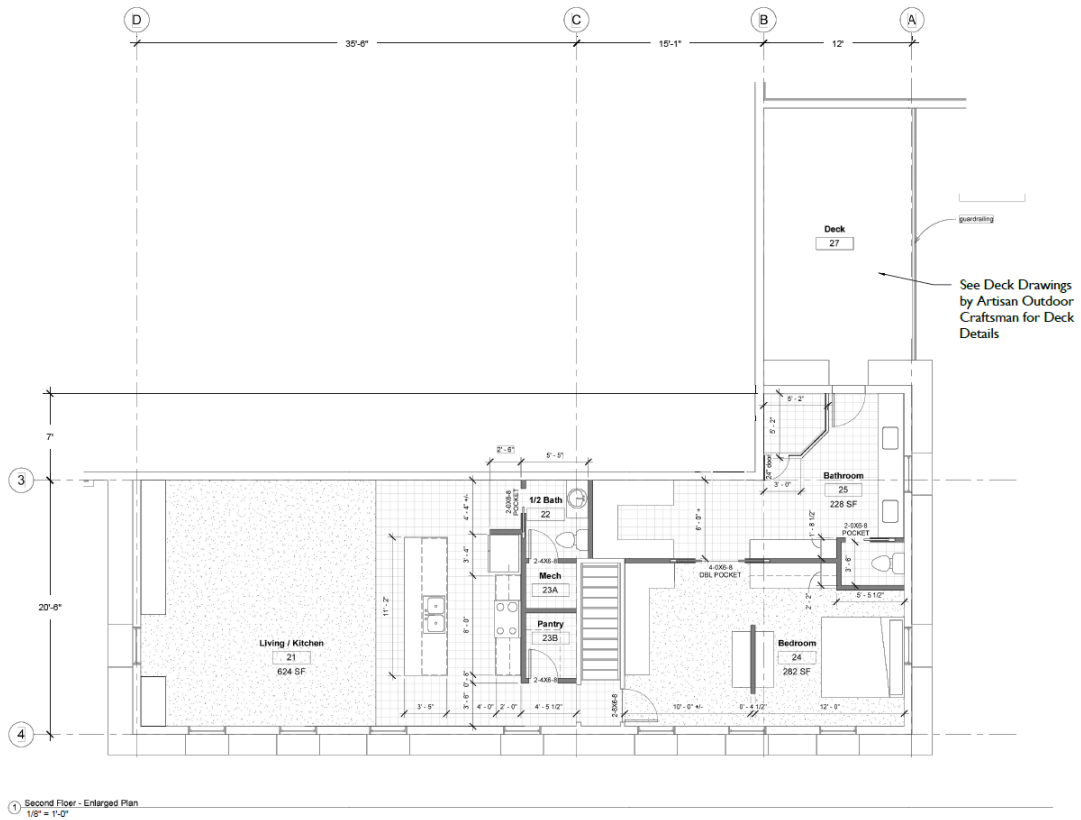
2026UV1007; Aerial Map





Department of Metropolitan Development
 Division of Planning
 Current Planning

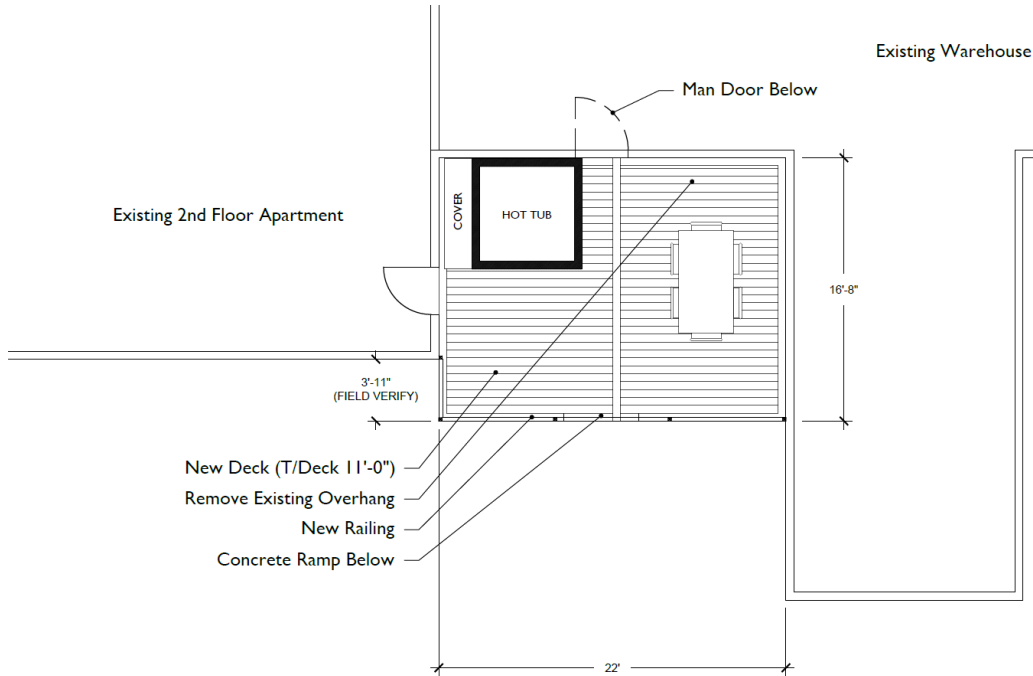
2026UV1007; Site Plan (2nd Floor Apartment)





Department of Metropolitan Development
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Current Planning

2026UV1007: Site Plan (Deck)



ARTISAN
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Fishers, IN 46038
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GENERAL NOTES:

1. VERIFY DIMENSIONS AND FIELD VERIFY PRIOR TO CONSTRUCTION.
2. VERIFY FIELD CONDITIONS, NOTIFY ENGINEER OF ANY DISCREPANCIES BEFORE PROCEEDING.
3. REPAIR AND REFINISH ALL AREAS DAMAGED BY CONSTRUCTION.
4. CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE TO EXISTING DRAINAGE AREAS.

CONSTRUCTION PLAN FOR:

NATURAL STONE & TILE
5282 E 65th St
Indianapolis, IN 46220

2026UV1007; Photographs



Photo 1: Looking at showroom (apartment on 2nd floor)

2026UV1007; Photographs (continued)



Photo 2: South side of the building; deck will not encroach on ramp space

2026UV1007; Photographs (continued)



Photo 3: Close-up of area where deck will be installed

2026UV1007; Photographs (continued)



Photo 4: Looking west at neighboring tenant spaces in industrial park

2026UV1007; Photographs (continued)



Photo 5: Looking west at neighboring tenant spaces in industrial park

2026UV1007; Photographs (continued)



Photo 6: Looking south from subject site

BOARD OF ZONING APPEALS DIVISION I **May 12, 2026**

Case Number: 2026-UV1-010
Property Address: 4020 Monaco Drive (approximate address)
Location: Washington Township, Council District #3
Petitioner: Chateau In The Woods Investment, LLC, by Barnes & Thornburg, LLP (Joseph Calderon)
Current Zoning: D-1
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to legally establish 118 existing multifamily units and to allow up to 126 total units (multifamily dwellings not permitted in D-1).
Current Land Use: Multifamily
Staff Recommendations: Staff recommends **approval** of the variance.
Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

Not applicable

STAFF RECOMMENDATION

Staff recommends **approval** of the variance.

PETITION OVERVIEW

- 4020 Monaco Drive is a 118-unit apartment complex on the corner of Allisonville Road and Kessler Boulevard East Drive. Based on property record cards, this apartment complex has existed since 1974. The parcel is currently zoned D-1 and the Land Use Plan contemplates this parcel as “Suburban Neighborhood”.
- The petitioner is requesting a Variance of Use to legally establish the 118 units and to allow up to a total of 126 units. While multifamily dwellings are not permitted in the D-1 zoning classification, this property was granted a variance in 1963 “to permit the construction of three 2½-story apartment buildings and two 4-story apartment buildings containing a total of 126 apartment units.” A letter from September 9th, 1971, extended the Improvement Location Permit (ILP) for this project 60 days from September 22nd, 1971. A petition was filed in 1985 (85-UV3-108) to provide for the addition of 10 units. While this petition was eventually withdrawn, the documents submitted indicated that only 110 units were constructed under a 1972 ILP.



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

- A recent zoning report completed by the petitioner estimates the number of units at 118. A review of city archives was unable to locate any record of ILPs pertaining to either the original construction (and the number of units originally built) or for any subsequent additional units. Approval of this variance would allow the petitioner to correct the record and legally establish 118 multifamily units and provide the opportunity to add another eight (8) units. While the D-1 district is intended for low density development and any new multifamily development would not be compatible with the existing area, this variance honors the intent of the variance from 1963 and does not increase the footprint beyond what has been in place for 63 years. Given this, staff recommends approval of this variance.

GENERAL INFORMATION

Existing Zoning	D-1	
Existing Land Use	Multifamily	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-1	North: Residential
South:	D-1	South: Residential
East:	D-1	East: Residential
West:	D-2	West: Residential
Thoroughfare Plan		
Kessler Boulevard East Drive	Primary Arterial	103-foot existing right-of-way and 112-foot proposed right-of-way
Allisonville Road	Secondary Arterial	107-foot existing right-of-way and 126-foot proposed right-of way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	03/03/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/03/2026	
Findings of Fact (Amended)	N/A	



Department of Metropolitan Development
Division of Planning
Current Planning

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. 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

207-V-63; 3920 East Kessler Boulevard, Variance of Use and area from apartment building front, side, and rear yard requirements and from apartment building height requirements, being 45 feet, to permit the construction of three 2 ½-story apartment buildings and two 4-story apartment buildings containing a total of 126 apartment units, **approved**.

83-UV3-108; 4020 Monaco Drive, Variance of Use and Development Standards of the Sign Regulations to allow the erection of 32-square-foot, V-shaped ground sign, constituting more than one permanent sign per street frontage, **approved**.

85-UV3-108; 4020 Monaco Drive, Variance of Use of the Dwelling District Zoning Ordinance to provide for the addition of ten apartment units to an existing apartment complex, **withdrawn**.

ZONING HISTORY – VICINITY

94-HOV-61; 3819 East Kessler Boulevard, Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 260-square-foot room addition between an existing single-family residence and a 490-square-foot detached garage, with a side yard setback of 5 feet (minimum of 6.9 feet required), **approved**.

EXHIBITS
2026UV1010; Aerial Map



IGIO, Microsoft, Vantor | Esri Community Maps Contributors, City of Indianapolis Marion Co, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, M... Powered by Esri



Stormwater Impervious Area

Mapping Application for Public Safety



Department of Metropolitan Development
Division of Planning
Current Planning

2026UV1010; 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 multifamily complex has been in existence for decades and to legally establish what was previously granted by the Board of Zoning Appeals is in support of the public health, safety, morals and welfare, especially considering the significant change in intensity in traffic at the intersection of Kessler and Allisonville over the years.

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 subject property has been developed and in existence for many years, and there is no plan to expand the building footprint.

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

the property has been improved with multifamily buildings for many years and cannot be used for any other purpose.

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

the property has been improved with multifamily units for several decades and to deny the existing and future use as previously granted by the Board of Zoning Appeals would create an unusual and unnecessary hardship.

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

even though the 1963 variance governs the use of the property, suburban residential property under the comprehensive plan can be used for multifamily use under certain circumstances, such as those present with the location of the subject property being at the intersection of two thoroughfare streets.

DECISION

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

Adopted this _____ day of _____, 20 ____

2026UV1010; Photographs



Photo 1: View of apartment complex

2026UV1010; Photographs (continued)



Photo 2: View of apartment parking area with pool in background

2026UV1010; Photographs (continued)



Photo 3: Another view of apartment complex

2026UV1010; Photographs (continued)



Photo 4: Property directly north of subject site

BOARD OF ZONING APPEALS DIVISION I **May 12, 2026**

Case Number: 2026-UV3-001
Address: 11011 Brookville Road (approximate address)
Location: Warren Township, Council District #25
Zoning: D-A (FW) (FF)
Petitioner: Kindred Excavating Group LLC, by David Gilman
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an excavation commercial contractor (not permitted).

Current Land Use: Commercial Contractor
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the April 21, 2026 BZAIII hearing due to a lack of quorum, and transferred to the May 12, 2026, BZA I hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the operation of an excavation contractor. No excavation would occur on site. The contractor provides excavation services off site for utility connections to planned subdivisions and other developments.
- ◇ The purpose of the D-A district is to provide for a variety of agricultural enterprises, with a secondary intent for the development of large estate or rural single-family dwellings. Because no agricultural enterprise exists on the subject site, development of the site would be considered a large estate or rural single-family dwelling.
- ◇ A significant portion of the site is designated as Floodway and Floodplain. Therefore, residential development would be limited, and difficult in Staff’s opinion.
- ◇ The Comprehensive Plan recommends rural, or estate neighborhood uses for the subject site. The proposed use, being an excavation contractor, would be similar to agricultural operations that are permitted in the D-A District. Therefore, the request would be a minor deviation from the Ordinance, and the impact would not be an increase in intensity in Staff’s opinion.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Commercial Contractor	
Comprehensive Plan	Rural or Estate Neighborhood	
Overlay	No	
Surrounding Context	Zoning	Surrounding Context
	North: D-A	Single-family dwelling
	South: D-A	Undeveloped
	East: D-A	Undeveloped
	West: PK-1	Park
Thoroughfare Plan		
Brookville Road	Primary Arterial	135-foot existing and proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Wellfield Protection Area	No	
Site Plan	January 6, 2026	
Elevations	N/A	
Commitments	N/A	
Landscape Plan	N/A	
Findings of Fact	January 6, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends rural or estate neighborhood development.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Rural or Estate Neighborhood typology for this site. This typology provides for 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

2014-DV3-026; 23225 South German Church Road (north of site), requested a Variance of Development Standards to provide for the construction of a 1,500-square foot detached garage, located in front of the established building line of the primary dwelling, with an approximately zero-foot setback from the proposed right-of-way of Brookville Road, with a 10-foot east side setback, creating an accessory building area of 1,500 square feet or 114.7% of the main floor area of the primary building and an accessory use area of 2,798 square feet or 213.9% of the total floor area of the primary dwelling, **granted**.

86-UV1-105, 11011 Brookville Road (subject site), requested a Variance of Use to provide for the construction of second story residence above a commercial building, **granted**.

82-UV1-30, 11011 Brookville Road (subject site), requested a Variance of Use to provide for a fishing lake, with two trailers of the property and a turkey shoot, **granted for two-year period**.

76-UV2-143, 11011 Brookville Road (subject site), requested a Variance of Use to provide for retail fished lakes, **granted for five years**.

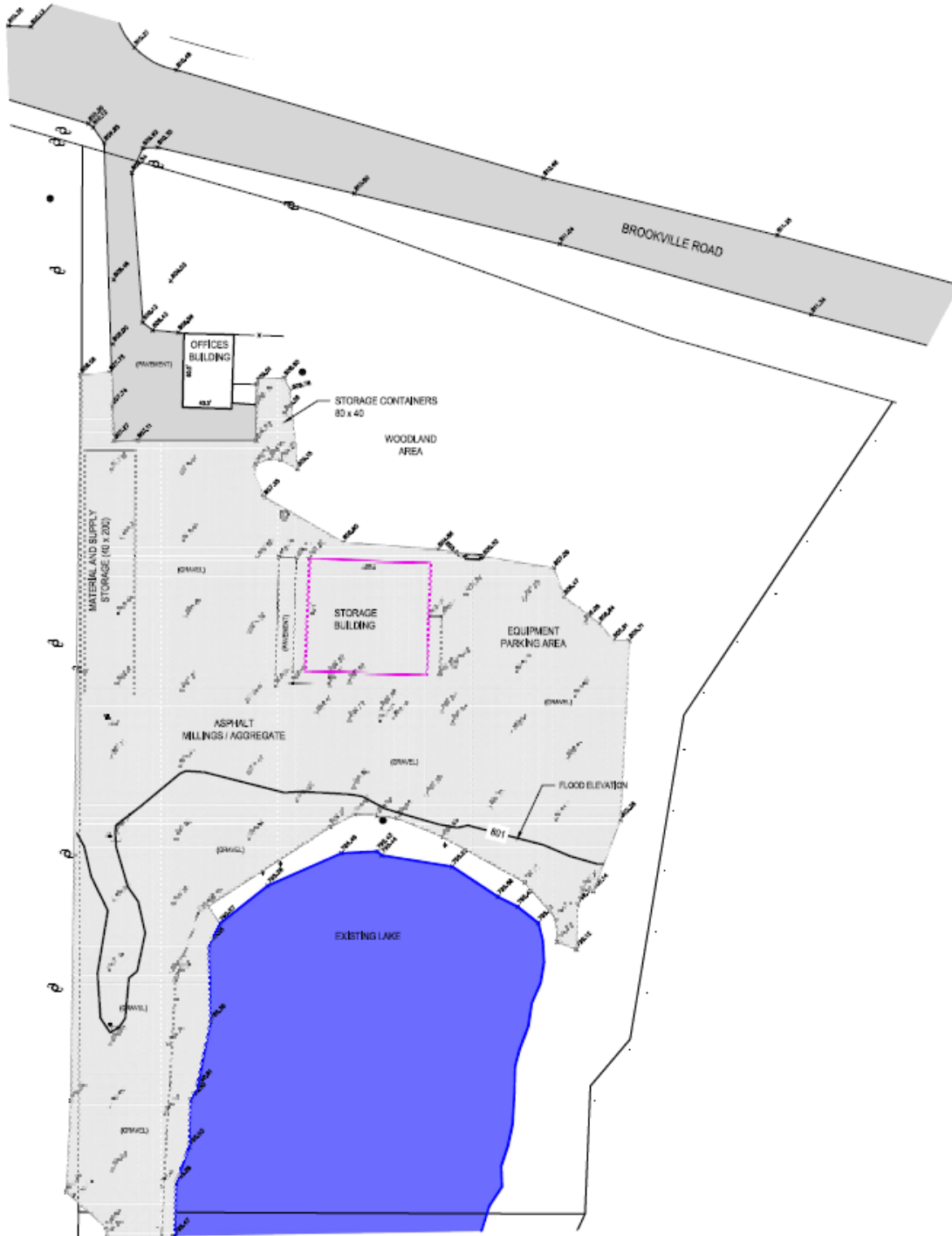
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EXHIBITS

Location Map



Site Plan - File dated November 21, 2025



Plan of Operation - file dated January 6, 2026.

Plan of Operation

BACKGROUND

The site is located at 11011 Brookville Road, at the intersection of S. German Church Road. The site is mostly located in a flood zone and contains 11.5 acres. The site has been a pay lake for several years and is now being used as a small excavating business. The site is located adjacent to the undeveloped DA to the south and east, single family residence to the north and Parks Department property to the west. The Parks Department property was an old City landfill with their test monitoring well along the common property line. The flood zone and the old City landfill limit the potential for the site to be developed.

Business Use

The owners operate a small family-owned excavating business on the site. They have made a substantial investment cleaning up the property and making improvements to the existing and constructing a new building. Their business is small, and this site works perfectly for their current and future needs.

Buildings

There are two (2) existing buildings on the subject property. Building #1 will be used for offices and Building #2 will be used for business storage. There will be no truck storage or maintenance in either building. All maintenance will be done off-site and through a private vendor, as required under the terms of the vehicle or equipment warranty.

Flood Hazard Areas

There are certain portions of the property located with a flood hazard area. There is a Certificate of Elevation on file that certifies Building #2 is constructed at or above the BFE, and no flood permit was required. A structural permit was issued for this building for storage only. All trucks and fuel container storage will be placed outside the flood fringe boundaries.

Workforce

There will be 5 full-time employees at the site, including the 2 owners. There are 10 employees that work remotely and drive directly to the job site.

Hours of Operation

Business hours will be Monday to Friday from 8am to 5pm. The business is closed on Saturday and Sunday.

Traffic

The entrance is located at an intersection with a full operational traffic light.

Off-Street Parking

The business will have 2 semi-trucks and flatbed trailers and 3 dump trucks.

Shipping/Receiving

Shipping and receiving will be conducted through normal delivery services such as Amazon, FedEx, and UPS. There is a minimal amount of materials such as pipe, culverts, sand, gravel, and stone stored on site. Most of the materials are delivered directly from the supplier to the job site.

Waste

All waste products will be removed by a private refuse business.

Self-Imposed Written Commitment:

The site will be developed in substantial compliance with the site plan file dated 11/21/2025.



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 proposed use will utilize the existing commercial buildings for offices and business storage. The buildings will meet all the applicable IBC requirements.
The site has direct access to an arterial thoroughfare suitable for the proposed use. The site has excellent drainage and all required utilities to serve the proposed use.
The site meets the immediate and future growth needs of the proposed use. The owner's business is a local expert in the installation erosion control measures and have extensive work experience with environmentally sensitive projects.

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 site is predominately surrounded by floodway and floodplain properties. There is a reclaimed landfill along its entire western boundary with required monitoring wells on the subject property line. There are only 2 residences to the immediate north opposite SR 52 and 1 residence along its entire eastern boundary. The proposed use and the owner's business have local experience working on environmentally sensitive projects to help protect the adjacent uses.

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

The site is mostly floodway and floodplain with 2 large private ponds. As a result, the Land Use Plan has a non-development recommendation for these areas. The limited area available for development contains 2 large commercial buildings that are more suitable for commercial use than a residential use, as recommended by the Land Use Plan for this area.

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

The site is adjacent to a large area of a reclaimed landfill that includes monitoring wells on the subject property. The site is mostly within the floodway and floodplain designations. The area that is suitable for development contains 2 large commercial buildings. These existing conditions on the subject property makes it unlikely that a residential use will be appropriate due to lender restrictions, flood insurance and existing commercial buildings.

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

The variance request is for a single use the best fits the existing conditions and the underlying zoning classification will remain unchanged.

Photographs



Subject site, looking south from Brookville Road



Subject site, existign office and storage building on site, looking east



Subject site, looking south



Subject site, looking southwest.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number:	2026-UV3-002
Property Address:	7900 Shelby Street (<i>approximate address</i>)
Location:	Perry Township, Council District #22
Petitioner:	Young Men's Christian Association, by Kevin Buchheit
Current Zoning:	SU-38
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a financial services use (not permitted).
Current Land Use:	Non-Profit Community Center
Staff Recommendations:	Staff recommends approval of this petition.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

4/21/26: Due to a lack of quorum, this petition was continued and transferred to the May 12, 2026 hearing date of Division I of the Board of Zoning Appeals.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 7900 Shelby Street is a 17.43-acre parcel currently improved with the Arthur R. Baxter branch of the YMCA. The existing primary structure and accessory buildings, game courts, and parking areas have been in use since the early 1960s as a non-profit community center. Surrounding land uses include residences to the north and south, a church to the west, and commercial development along US 31 to the east. Existing amenities within the YMCA building include a wellness center and gymnasium childcare area, and both indoor and outdoor sport facilities.
- Approval of this petition would allow for the operation of a financial services use within the existing YMCA, without disruption to established uses in the building. The bank in question would function as a Minority Depository Institution (MDI) that would predominantly serve eligible minority groups and would seek to facilitate economic growth and upward mobility for communities that have historically been "unbanked". In addition to traditional banking services (checking, savings, loans, etc.), the MDI would also offer financial empowerment education for the surrounding community. The use would occupy approximately 1000 square feet within the existing structure and would not contain a separate entrance directly to the bank office or any drive-thru services. A full Plan of Operation is within the Exhibits below.



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

- The SU-38 zoning district narrowly allows for community center uses. Staff has determined that since the proposed use would be a full bank with FDIC accreditation, etc. that it would be most appropriately considered as an additional primary use within the building (as opposed to an accessory use to the existing non-profit community center). Since financial services uses would not be an allowed primary use within the SU-38 district, a Variance of Use would be required to allow for the proposed MDI.
- The petitioner would also seek to place an exterior building sign onto the eastern façade of the primary structure. Placement of this sign would require administrative approval to be granted (which could be done after the potential approval of the variance), but the rendering provided to staff during this review process did not appear to show any non-conformity with Ordinance requirements (met standards for size as a ratio of the façade width and for height from grade).
- Findings of Fact provided by the applicant indicate that the YMCA and the proposed bank would have substantial alignment in overall goals and mission being oriented toward community development. Staff agrees that the proposed use would be an appropriate complement for existing YMCA programs, that the Plan of Operation involves would involve advancement of equity goals, and that the approval of a Variance of Use would allow for the site to maintain the primary SU-38 zoning designation most appropriate for a community center of this scale. Staff recommends approval of the request.

GENERAL INFORMATION

Existing Zoning	SU-38	
Existing Land Use	Non-Profit Community Center	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-2 / C-3	North: Residential / Commercial
South:	D-2	South: Residential
East:	C-3	East: Commercial
West:	D-2 / SU-1	West: Church
Thoroughfare Plan		
Shelby Street	Primary Collector	47-foot existing right-of-way and 90-foot proposed right-of-way
Stop 11 Road	Secondary Arterial	80-foot existing right-of-way and 90-foot proposed right-of-way
Surrey Drive	Local Street	68-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	03/04/2026	



Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	03/04/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The 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.
- Large-Scale Community-Serving Institutions are a contemplated land use for this typology. Such development should be located along an arterial street, have continuous pedestrian infrastructure when near residences, should not be located near highways, should be located near a bus or rapid transit stop, and should be in harmony with surrounding neighborhoods with screening of parking, service, and emergency vehicle areas.

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

2011DV3048, Variance of development standards of the Sign Regulations to provide for a 22.583-foot tall, 132.7-square foot freestanding sign, with a zero-foot setback from the existing right-of-way of Shelby Street (15-foot setback required), **approved**.

97-UV2-5, Variance of use and development standards of the Special Districts Zoning Ordinance to provide for a monopole antenna, and an associated 12 by 22 foot communications equipment building (not permitted), being 80 feet in height (maximum height 35 feet permitted), **approved**.

83-HOV-124, Variance of development standards of the Sign Regulations of Marion County to provide for the erection of a double-faced pole sign, **approved**.

61-Z-66, rezoning of 19.05 acres from A-2 to Special Uses 7 for a YMCA center, **approved**.

ZONING HISTORY – VICINITY

2023DV3024 ; 7745 Surrey Drive (north of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a wooden privacy fence within the rear yard, with a height ranging between eight and 10 foot tall (maximum six-foot tall fence permitted within rear yard), **approved**.

2023ZON108 ; 1102 East Stop 11 Road (east of site), Rezoning of 2.67 acres from the C-S district to the C-3 district to provide for neighborhood commercial uses, **approved**.

2017ZON039 ; 1102 East Stop 11 Road (east of site), Rezoning of 2.7 acres from the C-S district to the C-S classification to provide for the construction of two additional buildings, and to provide for general retail uses and drive-through uses, in addition to the uses approved by Petition 2003-ZON-133, **approved**.

2003ZON133 ; 1102 East Stop 11 Road (east of site), rezoning of 2.61 acre, from C-1 to S-S to provide C-1 uses and certain C-3, C-4 and C-5 uses, including restaurants, furniture stores, automobile leasing and detailing, motorcycle sales and service and a caterer, **approved**.

EXHIBITS

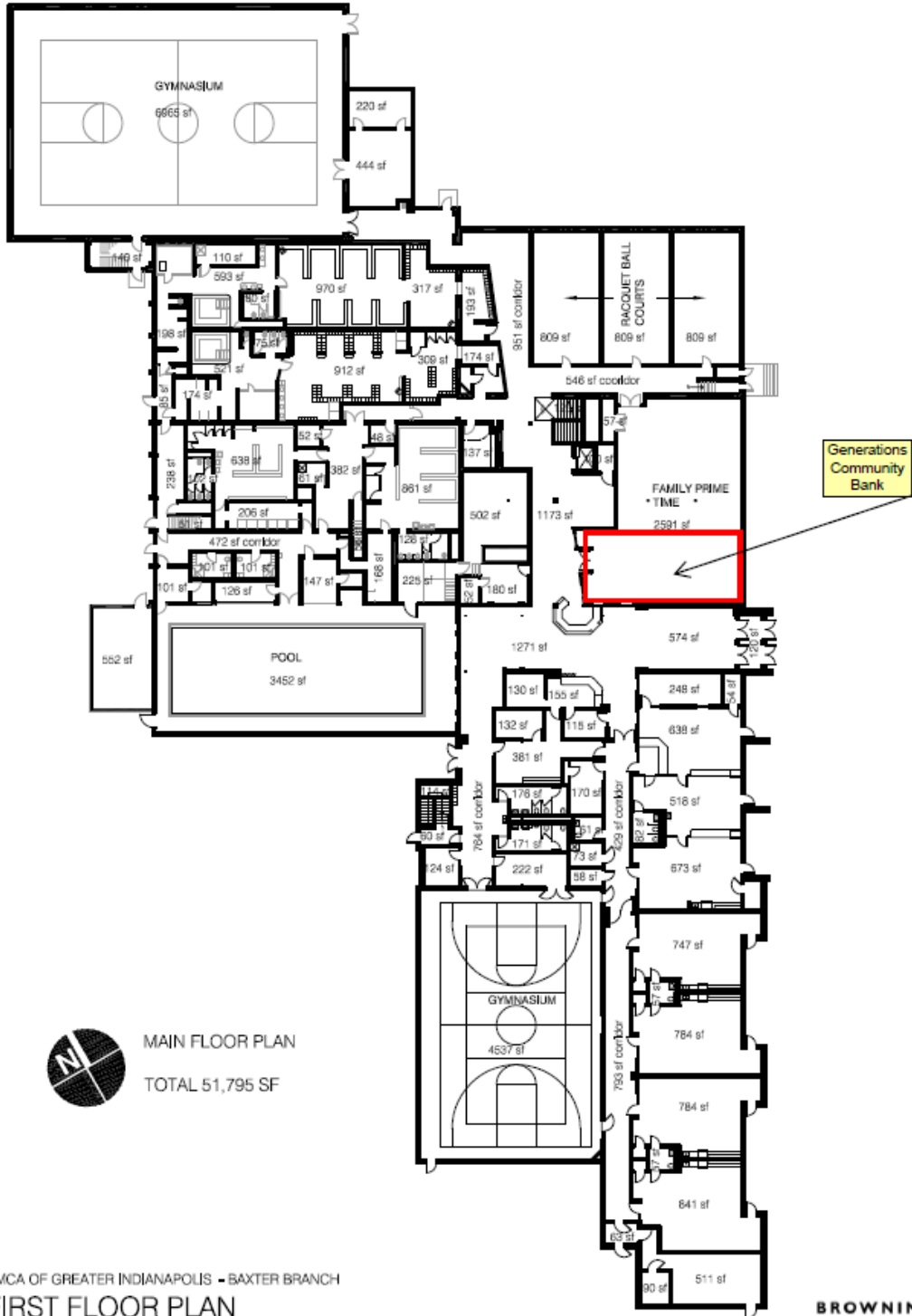
2026UV3002 ; Aerial Map





Department of Metropolitan Development
Division of Planning
Current Planning

2026UV3002 ; Floor Plan



MAIN FLOOR PLAN
TOTAL 51,795 SF

YMCA OF GREATER INDIANAPOLIS - BAXTER BRANCH
FIRST FLOOR PLAN

November 20, 2009

Scale 1" = 40'-0"

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**



2026UV3002 ; Plan of Operation

Workforce:

Limited, generally to 3 to 5 employees at the same time, with occasions for more if/as client demand warrants it.

Clients/Customers:

Individuals, entrepreneurs and small business owners seeking to expand knowledge, ability and confidence in the world of banking services and transactions.

Processes Conducted On The Site:

“Traditional” banking services – such as checking, savings, loans – along with learning opportunities about banking services and processes.

Shipping and Receiving:

No large delivery trucks are required for the types of shipping/receiving associated with a bank.

Waste:

Waste (typical office waste) will be minimal and disposed of by the bank.

Other:

The bank is mission-driven to help facilitate economic growth and upward mobility for Indiana communities that have been overlooked and underserved, focusing on wealth creation through home ownership and business loans. The mission is achieved directly and/or in partnership with other community organizations like the YMCA; seeks to fill gaps in financial services for underserved communities and create economic mobility; seeks to provide financial empowerment education; and works closely with individuals and families to ensure they reach their financial dreams. The bank’s operations are compatible with the YMCA’s strategic plan of providing a “healthier, more equitable, more connected community,” adding to the “educational and cultural activities of a neighborhood or community,” and adding to the YMCA as a multi-service community center.

The bank will occupy a small area of space (approximately +/- 1,000 square feet) inside Baxter YMCA.

There will be no separate entrance directly into the bank office. All customers will access the physical bank through YMCA general entrance doors.

The bank’s hours of operation will not extend outside of the YMCA’s hours of operation, but they may be of shorter duration.

The bank will not include drive-through service.



2026UV3002 ; Findings of Fact

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

the YMCA has offered community recreational, educational and other opportunities and activities at this location since the early 1960s, the proposed bank is an FDIC-approved MDI institution whose mandate includes educating and assisting the un-banked and under-banked in growing their confidence in personal and small business banking matters, and the missions of the YMCA and the MDI bank are very much aligned.

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 MDI bank will be located in a very small area completely within the existing YMCA building space, access to the bank will be limited to YMCA building access points, there will be no drive-through service for the bank, and bank hours of operation will not extend beyond the YMCA hours of operation.

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

just as the YMCA is mission-driven to serve the community, an MDI bank is mission driven to educate, train and serve those in the community who may not have confidence in their own banking knowledge and skills to help them grow their confidence and banking abilities as steps toward brighter economic futures, and, even though the YMCA and the MDI bank community-serving missions align, a "Financial Services" use is not permitted in a SU-38 (Community Center) District.

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

the MDI bank mission is very much aligned with the YMCA mission to serve the community in a way that is not otherwise available or offered within the same Community Center facility where target populations may already be served in other ways.

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

the focus and mission of both the YMCA and an MDI bank and the collective services offered to the consumers of both will be uniquely paired under the same roof of a Community Center, which is supported by plan policies.

2026UV3002 ; Photographs



Photo 1: Subject Site Viewed from East



Photo 2: Primary YMCA Entry Viewed from East

2026UV3002 ; Photographs (continued)



Photo 3: Bank Location Viewed Internally



Photo 4: Adjacent Property to East



BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number:	2026-UV3-004 (Amended)
Property Address:	2705 Shriver Avenue (<i>approximate address</i>)
Location:	Center Township, Council District #12
Petitioner:	Debbie Spain
Current Zoning:	D-5
Request:	Variance of Use and Development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a transitional living quarters use (not permitted) with deficient vehicle parking (5 spaces required).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends approval subject to commitments.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

4/21/26: Due to a lack of quorum, this petition was continued and transferred to the May 12, 2026 hearing date of Division I of the Board of Zoning Appeals.

STAFF RECOMMENDATION

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

1. The maximum occupancy of the transitional living quarters will be 8 residents and 1 live-in manager, per the Plan of Operation.
2. Grant of the variance shall be limited to the subject property and would not apply for building additions or expansions in the future.
3. A 'no-vehicle' policy for residents shall be enforced, per the filed document.
4. Three (3) bicycle parking spaces shall be installed at the site.

PETITION OVERVIEW

2705 Shriver Avenue is a residential lot with a width of 30 feet currently improved with a two-story single-family residence containing four (4) bedrooms. The building was constructed around 1920, has a footprint of approximately 1420 square feet, and utilizes street parking available on Shriver Avenue to the west. The building is on a noticeably higher grade than street level and is accessed by stairs. Adjacent land uses include the I-65 highway to the west and residential uses in all other directions.

Approval of this petition would allow for the establishment of a transitional living quarters use for adult women transitioning from incarceration, treatment facilities, and homelessness within the existing



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

residential structure and utilizing existing bedrooms. This use would not be a daily emergency shelter, diversion center, or residential shelter for those required to leave during the day.

Per the filed Plan of Operation, the facility would be supervised 24 hours a day by an on-site House Manager, would typically accommodate a stay of 3-6 months for up to 8 residents, would enforce a curfew with quiet hours, and would provide case management and peer support services for those living on-site. The change in use would not result in the placement of new signage or external changes, and residents would be subject to a 'no-vehicle' policy which would disallow the operation or storage of a personal vehicle at the property. The Plan of Operation and 'no-vehicle' policy are within the Exhibits below.

A transitional living quarters use is not allowed by-right within the D-5 zoning district. Therefore, a Variance of Use would be required to allow for legal operation of the use as described within filed documents. Additionally, the Ordinance would require the provision of one (1) on-site or street vehicle parking space per two (2) beds/residents, meaning that the use would require five (5) parking spaces. The petitioner is also seeking a Variance of Development Standards to allow for deficient on-site parking.

The subject site is zoned D-5 (Dwelling District Five), which is a Walkable Neighborhood District intended for medium- and large-lot housing formats (primarily detached houses, but may incorporate small-scale multi-unit building types in new strategic locations). Similarly, the Comprehensive Plan recommends it to the Traditional Neighborhood typology to allow for a variety of housing types ranging from single family homes to large-scale multifamily housing. Small-scale multifamily uses are contemplated by the Plan in this typology when near intersections, when not comprising over 25% of a block that also contains single-family homes, and when the building size and massing are contextual for the block.

Findings of Fact and supporting documentation provided by the applicant in support of their variance requests indicate that the proposed supervised residential use would be contextually appropriate for surroundings and could accommodate the desired density without the need for expansion, and that the narrow width of the parcel would limit the placement of on-site parking facilities for which the need would be substantially lessened by the implementation of a 'no-vehicle' policy.

Initial staff feedback to the request expressed concerns about the proposed density (11 residents at initial filing) and parking impact on the surrounding neighborhood. To address these concerns, the petitioner engaged with staff and agreed to the following limiting commitments:

1. Limiting the residential occupancy to 8 residents in addition to the 1 on-site manager in a manner more consistent with the maximum occupancy allowed for group home uses (which is a contemplated use type for the D-5 district).
2. Limiting the grant of the variance to the existing building without the allowance for additions that would occupy additional space or bring the development out of harmony with the surrounding neighborhood.
3. Enforcement of a 'no-vehicle' policy for non-managerial residents. Given this policy, the availability of street parking along Shriver Avenue, and the fact that the parcel to the south is undeveloped, staff feels that a reduction in parking could be supportable and that anticipated traffic from the manager and occasional guests would be contextually appropriate.



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

4. Placement of required bicycle parking at the subject site, which would be of extra importance given the enforceable 'no-vehicle' policy for residents.

Staff feels that the requested commitments to which the petitioner has agreed would not result in exterior changes or parking influx that would substantially impact surrounding properties and would keep the residential density at a scale sometimes contemplated for the D-5 zoning district. Staff recommends approval of the requested variance, subject to the four commitments above.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Undeveloped
East:	D-5	East: Residential
West:	D-5	West: Interstate
Thoroughfare Plan		
Shriver Avenue	Local Street	70-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	03/17/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/17/2025	
Findings of Fact (Amended)	03/18/2026	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The property is recommended to the Traditional Neighborhood living typology to allow for a variety of housing types ranging from single family homes to large-scale multifamily housing. Access to parcels should come from alleys when practical, and building form should promote the social connectivity and continue the visual pattern of the neighborhood. Typical residential density of 5 to 15 dwelling units per acre is recommended.
- Small-scale multifamily housing uses should be placed near intersections or collector streets, should not comprise over 25% of blocks that also contain single-family homes (and should have similar size and orientation to single-family homes when possible), and should have parking either behind or interior to the development.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2022DV1001 ; 311 West 26th Street (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached single-family dwelling with a 13-foot rear setback, creating an open space of 22.7% (20-foot rear setback, 40% open space required), **approved**.

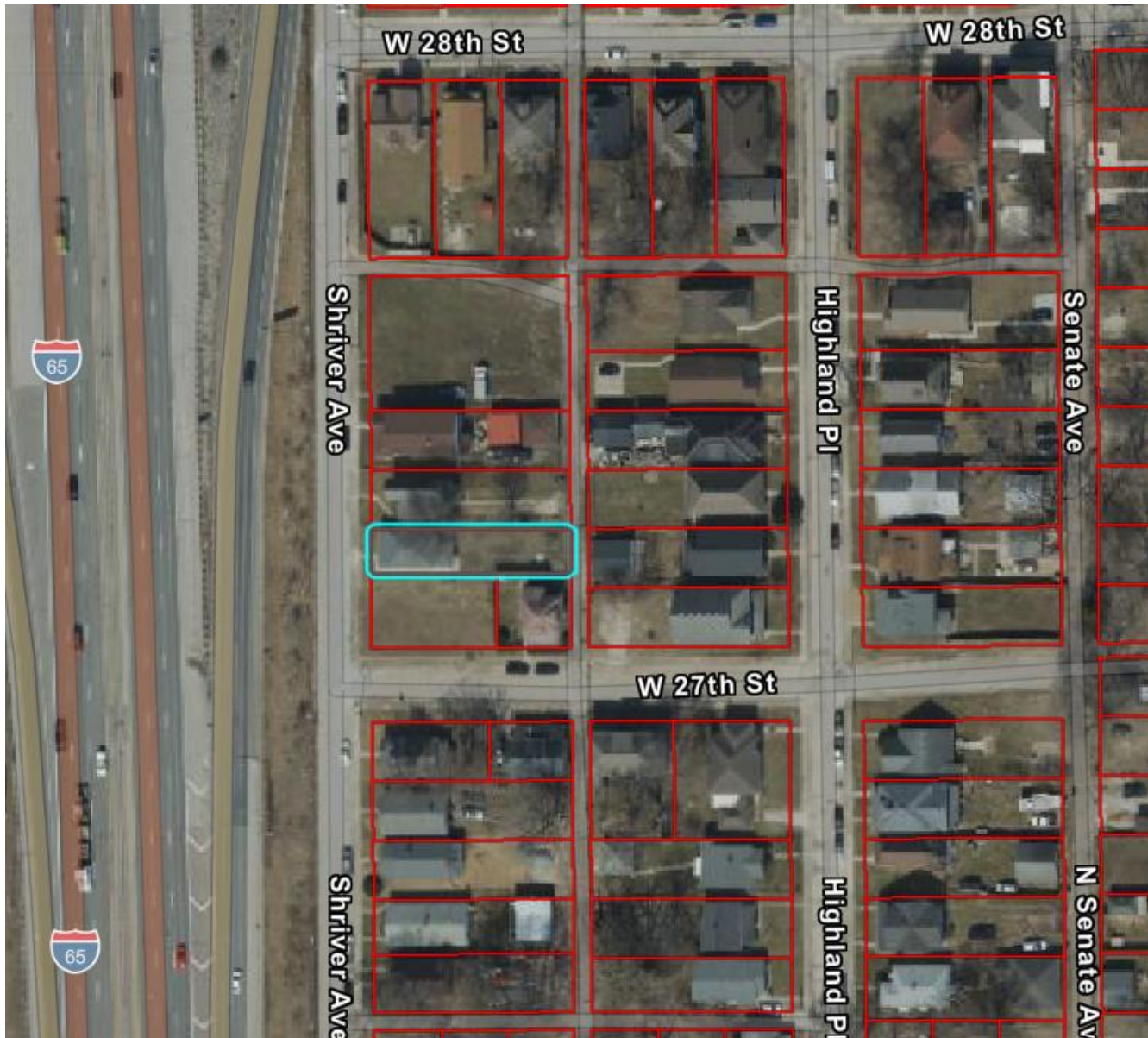
2020DV3020 ; 332 West 28th Street (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 3,090-square foot, 30-foot wide lot, with a dwelling with a one-foot east side setback and to legally establish a 0.7-foot west side setback, 1.6 feet between buildings and a 3.5-foot front setback (50-foot wide lot, 5,000-square foot lot area, three-foot side setback, 10 feet between dwellings and 18-foot front setback or average), **approved**.

2019ZON061 ; 324 W 26th Street (southeast of site), Rezoning of 0.116 acre from the D-5 district to the D-8 district, **approved**.

95-SE3-9 ; 2821 Highland Place (northeast of site), Special Exception of the Dwelling Districts Zoning Ordinance to legally establish a church (not permitted), **approved**.

EXHIBITS

2026UV3004 ; Aerial Map



2026UV3004 ; Aerial Map (Zoomed)



2026UV3004 ; Findings of Fact (Parking)

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

The requested variance will not be injurious to public health, safety, or general welfare. The property will be operated with continuous on-site management to ensure proper oversight and compliance with property rules. Parking demand is expected to be lower than standard ordinance assumptions under Chapter 742, as residents typically have limited vehicle ownership and rely on alternative transportation such as public transit and rideshare services. Additionally, one adjacent parcel does not contain a residential structure, reducing the likelihood of direct impact on neighboring properties.

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 will be professionally managed with continuous on-site supervision, ensuring that operations remain orderly and compatible with the surrounding neighborhood. The variance does not introduce a new or incompatible use but rather allows reasonable utilization of an existing structure within the constraints of the lot. Because parking demand will be managed operationally, there will be no substantial overflow or disruption to nearby 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 Chapter 742 parking requirements results in practical difficulties due to the physical characteristics of the property. The subject parcel is narrow in width with an existing structure that occupies a substantial portion of the buildable area. These conditions limit the ability to provide the required five (5) vehicle parking spaces and three (3) bicycle parking spaces in a compliant configuration. Achieving full compliance would require significant alteration or removal of existing improvements and the construction of a new vehicular access drive which is not feasible given the site constraints. These conditions are inherent to the property and were not created by the applicant. As such, strict enforcement of the ordinance would result in practical difficulties and unreasonably limit the use of the property given its inherent physical constraints.



Department of Metropolitan Development
Division of Planning
Current Planning

2026UV3004 ; 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 will operate as a supervised transitional living residence within the existing residential structure. The home will be staffed 24 hours per day by a live-in House Manager. No medical or emergency services will be provided onsite. The structure will maintain its residential character with no exterior modifications or signage.

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 structure will retain its single-family residential appearance.

There are no proposed exterior changes, parking lot expansion, or increased building footprint.

The supervised residential use is compatible with surrounding residential properties and will not generate commercial traffic or activity.

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

The size and interior configuration of the existing dwelling allow it to accommodate structured residential occupancy without structural expansion. The property's layout uniquely supports supervised residential use while maintaining neighborhood compatibility.

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 D-5 Dwelling District regulations prevents a reasonable residential use of the existing structure despite its compatibility with surrounding residential development. The hardship arises from zoning limitations rather than from any action by the petitioner.

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

The subject property is located within an area designated for residential use under the Comprehensive Plan. The proposed supervised transitional living residence supports housing stability and residential community development while preserving neighborhood character.



Department of Metropolitan Development
Division of Planning
Current Planning

2026UV3004 ; Plan of Operation (Partial)

Program Overview: Spain's Residential Living provides structured transitional housing for adult women for an average stay of 3–6 months.

Occupancy Configuration:

- 4 Bedrooms Total
- Bedrooms configured to support a maximum of 8 residents
- 1 Bedroom reserved for live-in House Manager

Supervision:

- 24/7 Onsite House Manager
- Structured daily schedule
- Enforced curfew
- No unsupervised hours

Services Provided (Non-Clinical):

- Peer recovery support
- Life-skills training
- Case management
- External referrals as needed

Safety Measures:

- Zero tolerance for violence or illegal activity
- Visitor restrictions
- Quiet hours enforced
- Compliance with all city housing codes

Exterior Conditions:

- No signage
- Rear privacy fence / private backyard
- Street parking only (limited use)
- Bicycle parking provided on-site
- No driveway or alley access

Operational Policies:

- No Vehicle Resident Policy (effective April 1, 2026)
- Low turnover with structured residency



Department of Metropolitan Development
Division of Planning
Current Planning

2026UV3004 ; Plan of Operation (Partial; Continued)

Attachment 3 – Staffing & Supervision Plan

House Manager (Live-In, 24/7):

- Program oversight and compliance
- Intake coordination
- Rule enforcement
- Incident response
- Community liaison

Support Roles (as needed):

- Administrative support
- Case coordination assistance

Attachment 4 – House Rules Summary

- Curfew enforced
- No overnight guests
- Chore rotation required
- Respectful conduct required
- Compliance mandatory for continued residency

Attachment 5 – Property Summary

- Existing single-family residential structure
- No structural expansion permitted
- Variance applies to this property and structure only
- Located within residential neighborhood
- Adjacent properties are residential

Attachment 6 – Neighborhood Outreach Statement

Notice provided to applicable neighborhood development corporations including Mapleton-Fall Creek Development Corporation and Near North Development Corporation.

Program operates in a manner consistent with residential character of the neighborhood.



Department of Metropolitan Development
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2026UV3004 ; No-Parking Agreement

Purpose

This policy is established to ensure that the residential program operates in a manner that is fully compatible with the surrounding neighborhood, particularly regarding parking demand and traffic impact.

Existing Policy Status

A no-vehicle policy for residents is already in force and actively enforced as part of the program's operational structure.

Resident Vehicle Restriction

Residents are prohibited from owning, operating, or storing personal vehicles on the property as part of program participation requirements.

Limited Parking Allowance

To align with zoning expectations, total on-site vehicle presence shall not exceed five (5) vehicles at any given time. This includes the house manager, staff, and approved visitors.

Resident Profile

The program serves individuals transitioning from incarceration, treatment facilities, and homelessness. As such, the majority of residents do not possess personal vehicles.

Transportation Management

Transportation for residents is coordinated through structured means, including staff oversight, public transportation, and scheduled movement, minimizing traffic and parking demand.

Compliance & Enforcement

This policy is actively monitored and enforced by program management. Any violations may result in disciplinary action, up to and including removal from the program.

Neighborhood Impact Statement

Due to the existing no-vehicle policy and operational controls, the property generates significantly less parking demand than a typical single-family residence.

Commitment to Compliance

The organization is willing to maintain this policy as a formal condition of approval to ensure continued compliance and neighborhood compatibility.

2026UV3004 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site Viewed from South

2026UV3004 ; Photographs (continued)



Photo 3: Subject Site Viewed from Southwest



Photo 4: Subject Site Viewed from East

2026UV3004 ; Photographs (continued)



Photo 5: Subject Site + Adjacent Property to North



Photo 6: Adjacent Property to South

2026UV3004 ; Photographs (continued)



Photo 7: Alley Access to Southeast of Subject Site



Photo 8: Adjacent Property to West

BOARD OF ZONING APPEALS DIVISION I **April 7, 2026**

Case Number: 2026-DV1-001 (Amended)
Address: 445 Sanders Street (approximate address)
Location: Center Township, Council District #18
Zoning: D-8
Petitioner: NP Financial Services LLC, by Josh Smith
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-family dwelling, encroaching within the clear sight triangle of Sanders Street and South East Street (not permitted).

Current Land Use: Undeveloped

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued at the request of a Registered Neighborhood Organization from March 3, 2026, to the April 7, 2026, hearing. The petitioner continued this petition from April 7, 2026, to the May 12, 2026, hearing.

Amended Petition: The petition originally requested a variance of development standards to provide for the construction of a two-family dwelling with a 29-foot front setback, where a 19.9-foot maximum front setback is required. That request was withdrawn after the site plan was revised to provide for a 10-foot front setback. No new notice would be required as the request would be less intense than the published request.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The request would allow for the construction of a two-family dwelling on the parcel, with a 10-foot front setback, located within the Clear Sight Triangle.
- ◇ The original request placed the dwelling with a 29-foot front setback. This required an additional variance for exceeding the 19.9-foot maximum setback in the Terrace frontage. However, Staff would point out that it would have moved the dwelling further south outside of the Clear Site Triangle, providing for a wider visibility area for vehicles approaching the intersection of Sanders and East Street.

- ◇ As amended, with the 10-foot front setback, the dwelling would be placed farther into the Clear Sight Triangle and provide for more obstructions of the turning radius visibility area, than what was previously proposed.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Undeveloped	
Comprehensive Plan	Recommends Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
	North:	D-8 Fourplex
	South:	C-3 Commercial Building
	East:	C-5 / D-P Single-Family dwellings
	West:	C-3 Single-family dwelling
Thoroughfare Plan		
Sanders Street	Local Street	50-foot existing and proposed right-of-way.
East Street	Primary Arterial	46-foot existing right-of-way, and 56-foot proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan - Amended	March 19, 2026	
Elevations	March 19, 2026	
Landscape Plan	N/A	
Findings of Fact- amended	March 19, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Village Mixed-Use typology.

Pattern Book / Land Use Plan

- The Pattern Book recommends the Village Mixed-Use typology, which 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 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.

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 were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”

These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

“As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2025-ZON-035; 445 Sanders Street (subject site), requested the rezoning 0.12-acre from the C-3 to the D-8 district to provide for residential uses, **approved**.

2024-CZN-846 / 2024-CVR-846; 1267 and 1271 South East Street (south of site), requested rezoning of 0.214 acre from the D-P district to the MU-2 district to provide for a mixed-use development and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building encroaching into the clear-sight triangle of South East Street and Orange Street and reduced parking, **approved and granted**.

2023-CZN-812 / 2023-CVR-812; 1257 South East Street (south of site), requested rezoning of 0.13 acre from the C-1 district to the D-5 district and variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide an 810-square foot secondary dwelling unit without an entrance visible from the public right-of-way, **approved and granted**.

2017-CZN-837; 1306 South East Street (south of site), requested rezoning of 0.8 acre from the C-3 district to the D-5 classification, **approved**.

2016-ZON-015; 1263 South East Street (south of site), requested rezoning of 0.11 acre, from the D-P District to the D-5 classification, **approved**.

2015-UV3-033; 1324 South East Street (south of site), requested variances of development standards of the Commercial Zoning Ordinance and Sign regulations to provide for expansion of an existing commercial building for a restaurant, with outdoor seating, reduced parking, carryout without the required separation from a protected district, zero-foot setbacks for the outdoor seating and parking lot, maneuvering within the right-of-way, and a pick-up window awning extending into the right-of-way, **granted**.

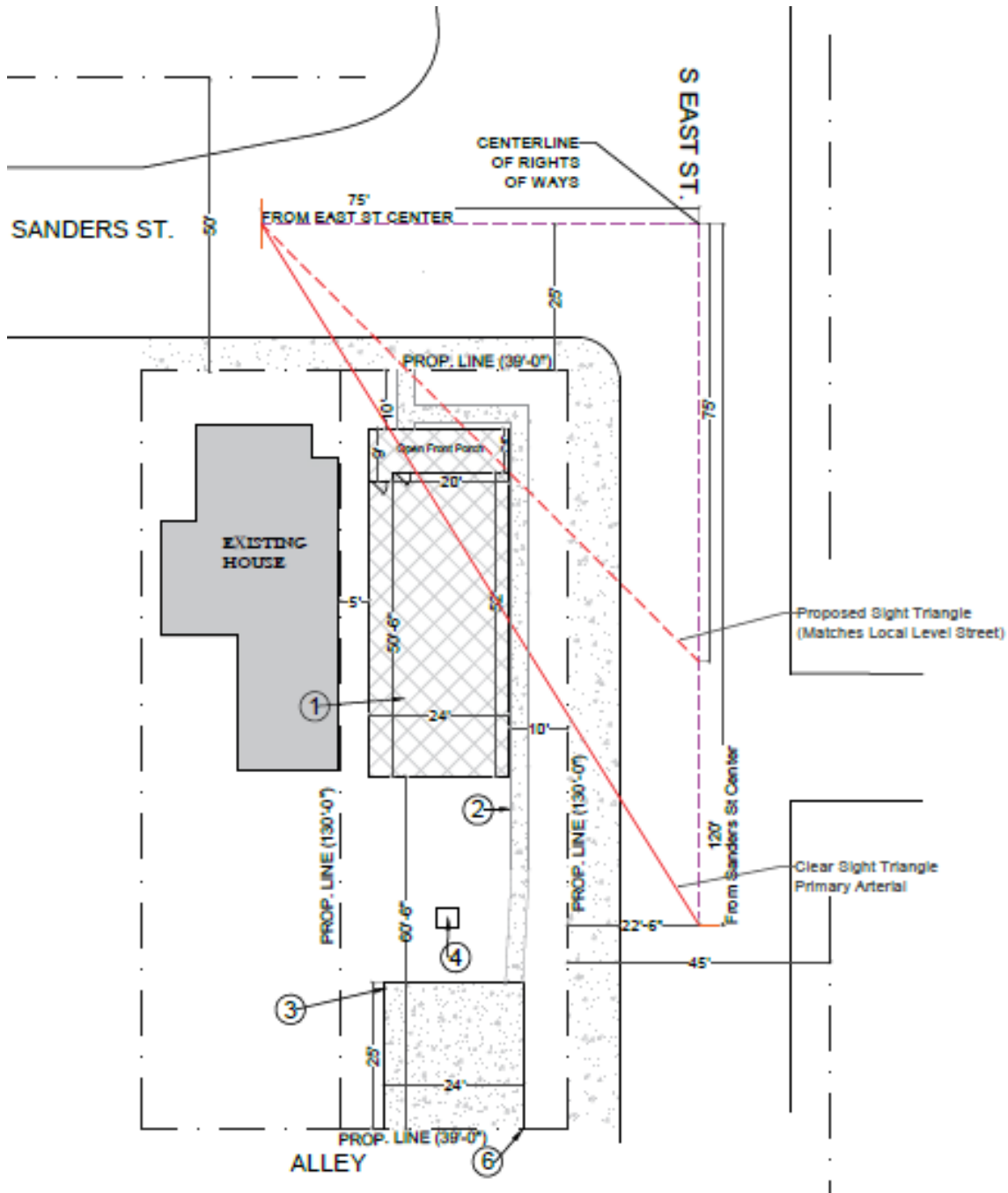
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EXHIBITS

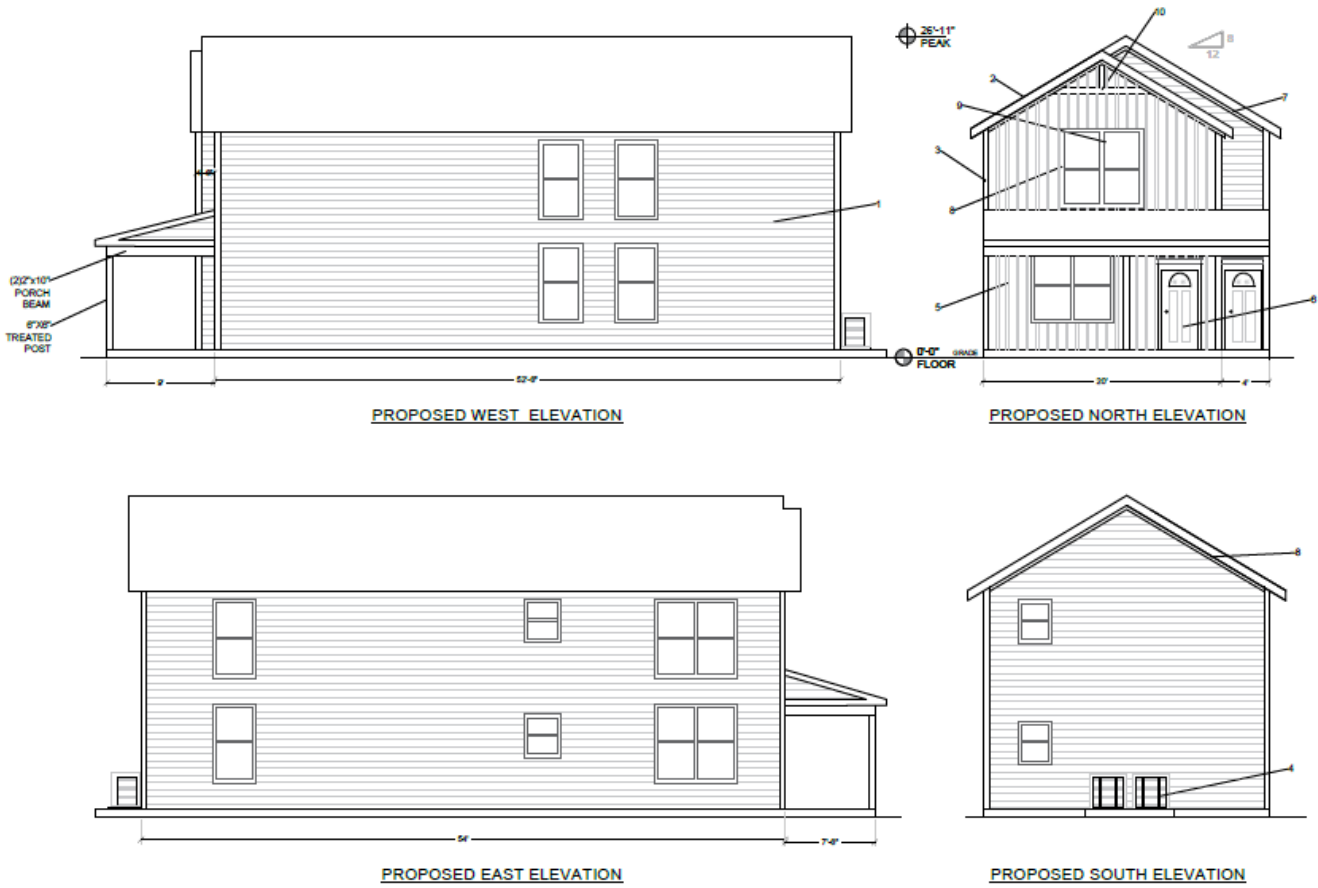
Location Map



Site Plan



Elevations





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:

This proposal will allow building a new 2-family home on a vacant lot within the proposed and recommended uses of the D8 zoning district. By maintaining the same block front building line, this will promote engagement between neighbors with the front porches aligned. The variance of sight triangle, while smaller than the ordinance standard, will still be maintained at a smaller level similar to what is required for a local-level -street. With the prohibition of the street parking on the west side of S East street, this variance still provides for an intersection with better visibility than the others within 500feet on S East st.

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:

By granting this variance, a new home will be built on a vacant lot increasing the value of the surrounding area by increasing the investment in the area and eliminating one more vacant lot.

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

This lot imposes a hardship by nature of its location and the current ordinance standards. Without a variance is not possible to build a home while meeting the maximum front setback and while keeping the primary arterial clear sight triangle empty. This variance allows a compromise of the clear sight triangle standard with a reduced triangle and while maintaining the historic placement of the past home on this lot and keeping the consistent line and rhythm of the block's historic front building line.

Photographs



Photo 1 - Subject property looking south.



Photo 2 - Adjacent property to the west, looking south.



BOARD OF ZONING APPEALS DIVISION I **May 12, 2026**

Case Number: 2026-DV1-010

Property Address: 2606 Northview Avenue (approximate address)

Location: Washington Township, Council District #3

Petitioner: David & Sandra Palombi and Michael Palombi, by Matt Barr

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Subdivision and Zoning Ordinance to provide for a 4-foot fence with greater than 30% opacity (maximum of 30% opacity permitted).

Current Land Use: Residential

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This petition was continued from the April 7th, 2026, BZA I hearing to allow petitioners to remedy defective consent forms.

STAFF RECOMMENDATION

Staff recommends **denial** of the variance.

PETITION OVERVIEW

General Property Overview

2606 Northview Avenue is a residentially zoned property that is currently developed with a single-family home. According to property record cards, a home has existed on this lot since at least the late 1950s. The property is zoned D-5. This district “is intended for medium and large-lot housing formats, primarily detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban areas or for infill situation in established urban areas, including both low density and medium density residential” options. Similarly, the Comprehensive Plan assigns this property the “Suburban Neighborhood” living typology. This 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 [sic] 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-



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

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.”

Variance of Development Standards Request

On July 23, 2024, the property was issued a violation (VIO24-003009) for the fence height and opacity as well as for obstructing the clear sight triangle. This case has subsequently been forwarded to the Office of Corporation Council for further legal action.

The maximum height permitted for a front yard fence in a dwelling district is 3.5 feet or 42 inches. This can be extended to 4 feet or 48 inches if the fence has an opacity of 30% or less. A photo from the inspector shows the fence reaching nearly 53 inches (Photo 2). Site plans submitted by the petitioner indicate the fence has an opacity of 50% (see Site Plan Photo).

Approximations using GIS also show the fence to be obstructing the clear sight triangles of both the subject property and the property to the west (Photos 3 and 4). Obstructing clear sight triangles interrupts street connectivity and increases the risk of vehicular-pedestrian conflicts.

A site-specific practical difficulty is when the land itself causes a hardship that can only be remedied through a variance; staff's analysis shows no practical difficulty as a fence can be built, meeting appropriate development standards. Given the aforementioned analysis, staff recommends denial of this variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
Northview Avenue	Local Street	48-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	02/12/2026	



Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	02/12/2026
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 “Suburban Neighborhood” living typology. This 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 [sic] 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)



Department of Metropolitan Development
Division of Planning
Current Planning

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

84-UV3-38; 5602 North Rural Street (southeast of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the construction of one seven-unit and one three-unit apartment buildings, **withdrawn**.

90-HOV-86; 2717 East 56th Street (southeast of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to permit an addition to an existing garage resulting in an aggregate side yard setback of 12 feet, **approved**.

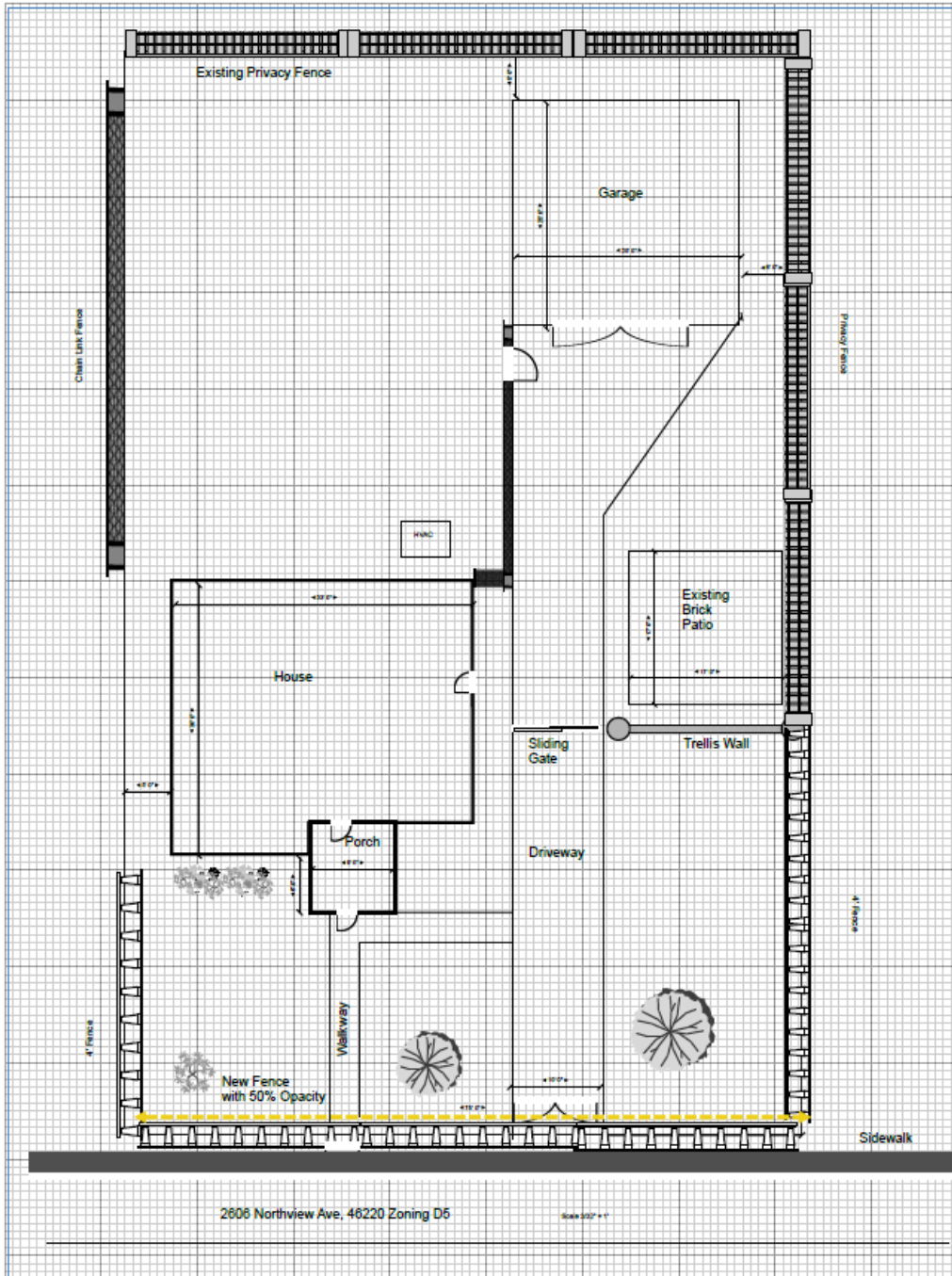
2019-CZN-824 / 2019-CVR-824 (southwest of site), Rezoning of 1.81 acres from the D-5 (W-5), I-1 (W-5) and I-2 (W-5) districts to the C-S (W-5) district to provide for restoration, service, storage and sales by internet or appointment only of classic autos on the south property; C-1 uses, MU-1 uses and event center and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with a six-foot west side setback to an legally establish the zero-foot west side setback and three-foot front setback for the on-site parking lot, and to provide for a three-story mixed-use building taller than permitted along the north transitional yard and within the clear sight triangle of abutting streets, **approved**.



EXHIBITS
2026DV1010; Aerial Map (Present)



2026DV1010; Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

2026DV1010; Findings of Fact

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 requested variance is consistent with the intent of the D5 Walkable Neighborhood Dwelling District. The minor six-inch increase in fence height preserves walkability, street connectivity and access to parks, transit and neighborhood services, while maintaining the functions of sidewalks, streets and public spaces. The fence complements the neighborhood Character, maintains an attractive streetscape, and provides a safe, comfortable pedestrian environment while allowing reasonable use of the property.

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 fence is a modest improvement that introduces minimal environmental impact and may support property values by providing safety and privacy. It aligns with the Livability Principles in the City Of Indianapolis Consolidated Zoning/Subdivision Ordinance (effective January 8, 2025) and the goals of the Walkable Dwelling Neighborhood goals by maintaining a safe, attractive, and pedestrian-friendly streetscape.

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

Recurrent boundary intrusions from the adjoining property have created ongoing safety concerns for the occupants and animals on this site. The additional fence height is a necessary preventative measure to deter trespass, improve safety, and protect the occupants and animals—a condition not experienced by other properties in the area.

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

The standard maximum fence height does not adequately address site-specific safety concerns. The requested modest increase represents the minimum relief necessary to allow safe and reasonable use of the property.

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

The requested variance is limited in scope and relates only to a minor accessory improvement that does not change the use or development pattern of the property.



2026DV1010; Photographs

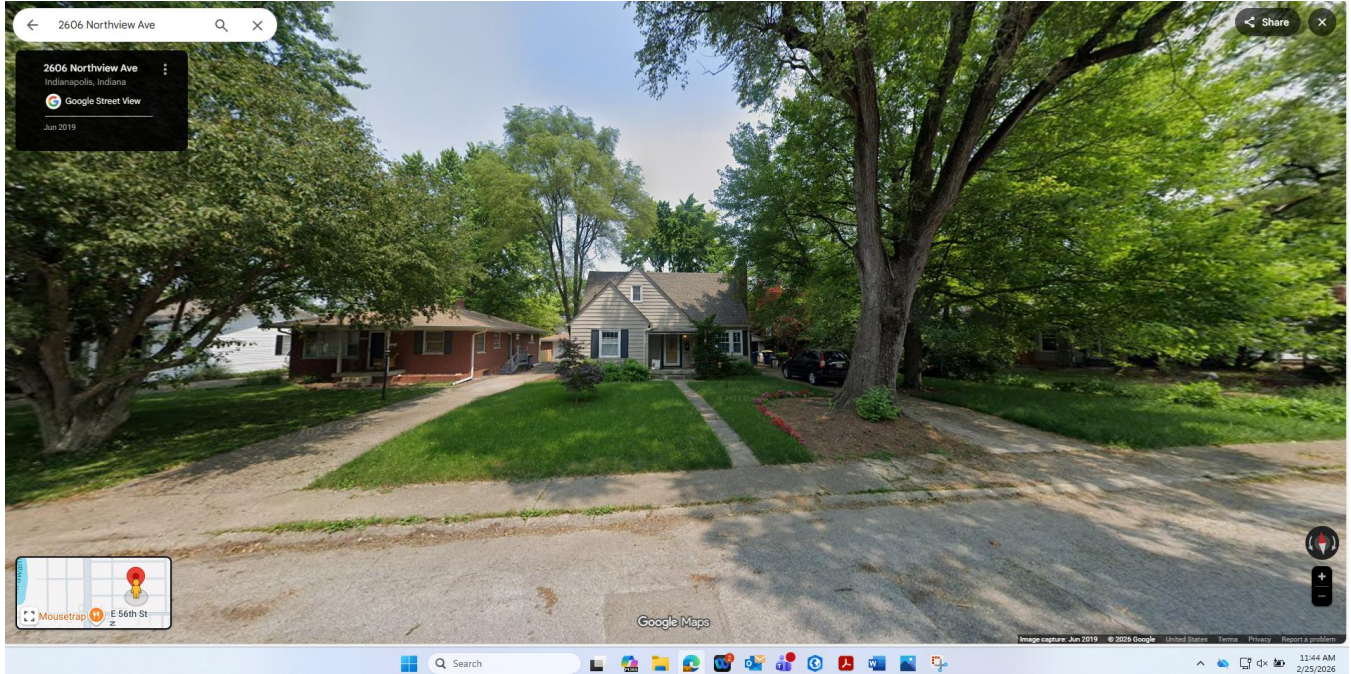


Photo 1: Google Street View Image (June 2019)

2026DV1010; Photographs (continued)



Photo 2: DBNS inspector's measurement of fence height

2026DV1010; Photographs (continued)

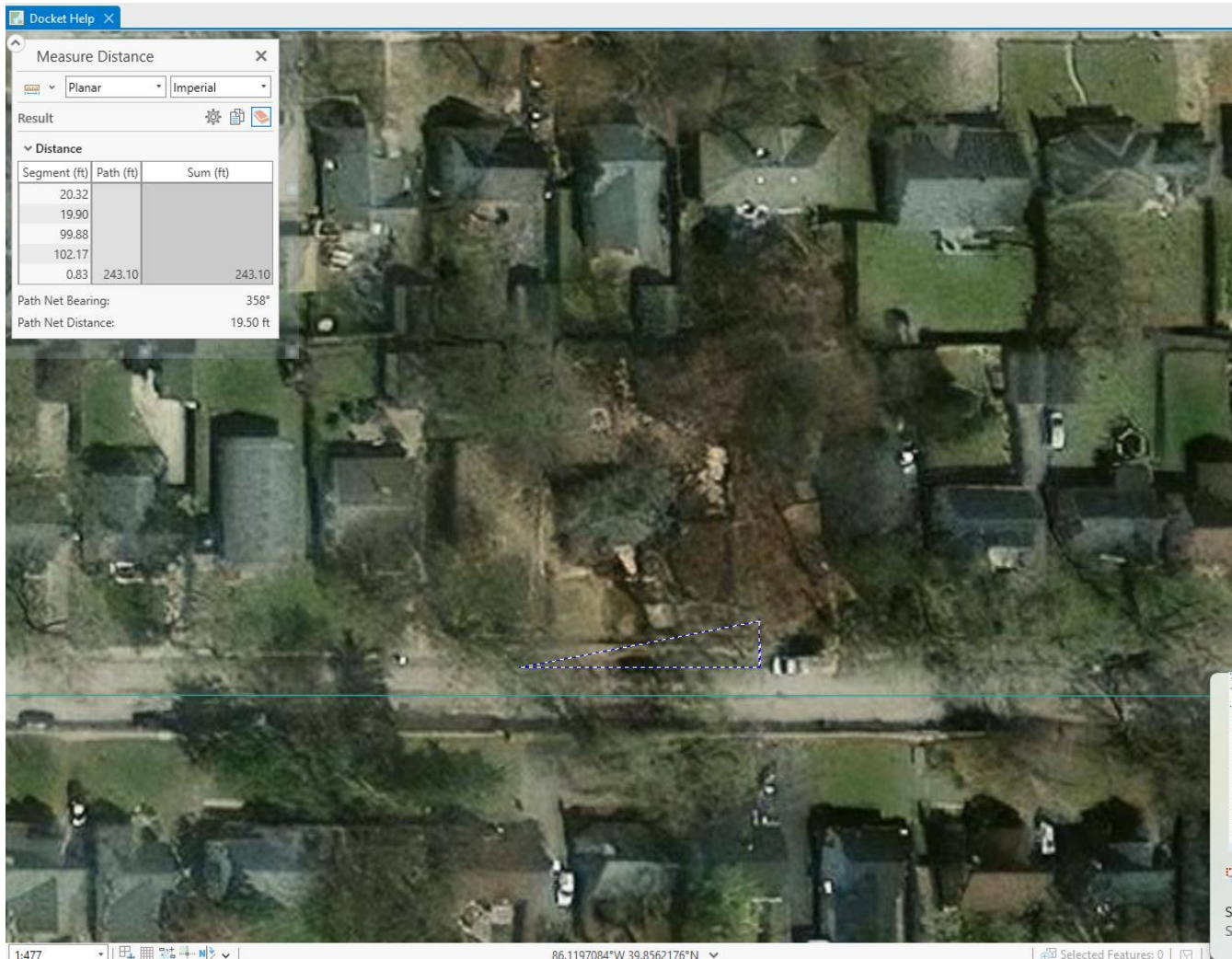


Photo 3: Diagram showing clear sight obstruction from subject property driveway.

2026DV1010; Photographs (continued)



Measure Distance

Planar Imperial

Result

Segment (ft)	Path (ft)	Sum (ft)
102.17		
0.83	243.10	
20.31		
20.73		
100.29		
102.50		
2.11	245.94	489.04

Path Net Bearing: 5°
Path Net Distance: 19.14 ft

Street Centerlines (1)

Street Centerlines -	
L_TRACT	321400
R_TRACT	321400
COUNTY_LEFT	MARION
COUNTY_RIGHT	MARION
CITY_LEFT	INDIANAPOLIS
CITY_RIGHT	INDIANAPOLIS
TWP_LEFT	WASHINGTON
TWP_RIGHT	WASHINGTON
OPER_STATUS	BUILT
MAINT_JURIS	DPW
OLD_NAME	
NO_ADDR	
ADDRPROB	99N
REMARKS	
DATE_CREATED	<Null>
DATE_MOVED	2/23/2000
DATE_CHANGED	<Null>
COORDINATE	5650
COORDDIR	N
TFARE	LOCAL STREET
STRCLASS	D
STRLEVEL	0
STRSUBTYPE	7
SPD_LIM	30
SECONDS	21
SPD_LIM_ORD	
ONE_WAY	
ONE_WAY_DIR	

1:477 | 86.1194539°W 39.8561298°N | Selected Features: 0 | Catalog Symbology Geoprocessing Locate Pop-up

Photo 4: Diagram depicting clear sight obstruction of neighboring driveway.

2026DV1010; Photographs (continued)



Photo 5: Subject fence from neighboring property looking west

2026DV1010; Photographs (continued)



Photo 6: Subject property from across the street

2026DV1010; Photographs (continued)



Photo 7: Subject fence looking east from neighboring property

2026DV1010; Photographs (continued)



Photo 8: Neighboring property across the street; fence is parallel to house & can follow height requirements for side yard fence

2026DV1010; Photographs (continued)



Photo 9: Property southwest of subject property at corner of Tacoma and Northview; notice lower fence and setback

2026DV1010; Photographs (continued)



Photo 10: Property across the street with shorter fence by front walkway



BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number:	2026-DV1-012 (Amended)
Property Address:	3675 West 11 th Street (<i>approximate address</i>)
Location:	Wayne Township, Council District #12
Petitioner:	Manuel Alonso Marrufo Villa & Maria Elena Marrufo, by Epifanio Carbajal
Current Zoning:	D-5
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a 3-foot side setback (7-foot required), a 4-foot rear setback (5-foot required), and within an easement (encroachment into easements prohibited), accessed by a driveway resulting in a 33-foot width of parking area in the front yard (parking areas limited to 30-foot width in front yards).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends denial of the requests.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

4/7/26: A continuance was requested by the petitioner to allow for additional time to (a) submit an amended site plan that might address the driveway width and landscaping variances and (b) to discuss the easement encroachment with relevant utility holders. The petitioner provided an updated site plan reducing the width of front-yard parking areas to 33 feet as well as an email from AES indicating a lack of objection to the easement encroachment. Staff continues to recommend **denial** of the requests.

STAFF RECOMMENDATION

Staff recommends **denial** of the requests.

PETITION OVERVIEW

- 3675 West 11th Street is a triangularly-shaped residential parcel with a size of approximately 0.25 acres. As of 2023, the property was developed with a single-family residence and detached front-loaded garage to the west of the home. Adjacent land uses include other residences to the north and east, and a rail line to the southwest. Overhead power lines exist roughly parallel with the property's eastern boundary line, and the site is only accessible via multiple local streets.
- In 2024, the property was improved with an additional gravel driveway and parking area along the eastern portion of the site. It does not appear that a driveway permit was obtained to allow for the



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vehicle access. Similarly, construction began on a detached garage in 2025 for which no permits were sought from or approved by the Department of Business and Neighborhood Services.

- The violation case VIO25-010512 was opened in November of 2025 in response to a complaint filed with the Mayor’s Action Center. The full text of the 15 violations cited at the property is within the Exhibits below. Non-conformities noted by that inspection included the need for permits for the partially built structure as well as an addition onto the primary residence, the encroachment of that new building into required setbacks, outdoor storage of miscellaneous debris and vehicle parts, the parking of commercial and recreational vehicles and a trailer, the width of front-yard driveways, and the unpermitted operation of a construction contractor use in a residential zone.
- Approval of this petition would allow for the property owner to keep and complete construction of the second, partially built detached garage in its current location. They would also reduce the width of the new gravel driveway on the east of the site from the 19 feet shown within aerial photography (see Exhibits) to 10 feet for a total of 60 feet of driveway area in the front yard. Per correspondence from the applicant received in February of 2026, “the homeowner has acquired a warehouse, and that is where he has been and will continue to store his construction and recreational vehicles”. Approval of this variance would not allow for any commercial activity or operation at the site.
- Based on the contents of VIO25-010512, discussion with the petitioner, and staff’s own review of applicable dimensional standards, the following variances would be required:
 - The partially built detached garage has a side setback of three (3) feet from the eastern property line where seven (7) feet would be the applicable minimum.
 - The partially built detached garage has a rear setback of three (3) feet from the southwestern property line where five (5) feet would be the applicable minimum.
 - Due to the existence of overhead power lines along the eastern property line, there is a 4-foot easement that runs parallel to the eastern property line. The partially built detached garage is partially within this easement (which is not permitted).
 - The width of front-yard driveway and parking areas would total 60 feet: 10 feet for the gravel driveway and 50 feet in front of the existing house and detached garage. This would be double the applicable maximum of 30 feet.
 - The driveway addition would also result in only 54.2% of the front yard area being comprised of grass or other landscaped materials. This zoning district and frontage type would require a front yard with at least 65% landscaped materials.
- Staff’s review also concluded that variances related to the size and height of the garage as compared to the existing residence would not be required (the primary building would have a height of 15.5 feet and an area of 1210 square feet, while the garage would have a height of 14.5 feet and an area of 1188 square feet). Additionally, the open space ratio would be compliant, and no alley access would exist for this property unlike neighboring parcels to the east. However, staff would note that approval of this petition would not exempt the property owner from the need for a driveway permit, and that the Department of Public Works has a separate set of rules distinct from the Zoning Ordinance that would disallow two driveways on a single residential property. Even if



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variances are approved, it is unlikely that a driveway permit would be issued for a second access point for the same property where a 50-foot access already exists.

- The subject site is zoned D-5 (Dwelling District Five) to allow for medium- and large-lot housing formats, primarily for detached houses in either new, walkable suburban neighborhoods or for infill situations in established urban areas. Similarly, the Near West Neighborhood Land Use Plan recommends residential development with a density of 5-8 dwelling units per acre for this area. Finally, Infill Housing Guidelines indicate that setbacks should reflect existing spacing on the block while allowing room for maintenance, and that front-yard areas should utilize trees and landscape areas to create aesthetically pleasing and sustainable residential communities.
- Findings of Fact provided by the applicant in support of this filing are minimal, and mention that grant of these variances would allow for on-site vehicle parking as opposed to the utilization of on-street parking. Staff would note that no site-specific practical difficulty was identified by these Findings, and that if permits had been sought prior to the placement of improvements on the property these dimensional standards issues could have been identified and plans could have been altered prior to construction. Additionally, compliance with applicable residential building standards, Fire Code, and drainage requirements could be verified during the permitting process. This would be a self-imposed hardship, and staff would want to avoid the negative precedent of granting relief by variance for instances of “asking forgiveness, not permission”.
- Regulations on setbacks exist to ensure adequate separation between structures on adjoining lots for reasons related to public safety, maintenance, aesthetics, and privacy. Although the odd triangular shape of the lot does reduce feasible options for rear yard development, staff would note that an exemption exists for the rear setbacks of detached accessory structures that would allow for five (5) feet instead of 20 feet (a reduction of 75%). The proposed structure with a size of 1188 square feet would be comparable to the size of the house and would be the second detached garage placed on the property (Ordinance only requires 1 parking space per dwelling unit). Staff feels that even given the triangle lot, the proposed size of the structure and the fact that construction began without permits would be a self-imposed difficulty. A smaller version of the garage might be more contextually appropriate (especially since commercial use of the site has been abated, per the petitioner) and could allow for compliance with setback standards. For these reasons, staff recommends denial of the setback variances.
- With regards to variances related to the driveway width and front-yard landscaped areas, staff would note that a potential pathways to compliance might be to either (a) remove the new gravel driveway on the eastern portion of the property or (b) reduce front-yard parking areas in front of the existing house (most recently used for housing of commercial vehicles, per photographs within Exhibits) to allow for placement of a new driveway while remaining under the 30-foot requirement. Adjacent property owner appear able to meet the standard for front-yard landscaped area despite having narrower lots, and staff feels that utilization of either of the above options could allow for compliant site development that would more closely align with Ordinance and Plan goals. For these reasons, staff also recommends denial of the variances related to the width of front-yard parking areas and landscaped areas along the frontage.



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- Finally, staff would also note the placement of the detached garage within the easement related to overhead power lines (see Photo 4 of Exhibits). No practical difficulty exists that would require encroachment of a structure into the required easement area, and placement of a building here could create complications for any future maintenance that might be required either for the power line or for the structure on this property. At the time of publication, it is unclear if AES has granted or if AES would grant permission for construction within their easement. For these reasons, staff recommends denial of the variance for encroachment into the easement.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	5 – 8 Residential Units per Acre	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Railroad
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
11 th Street	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	02/17/2026	
Site Plan (Amended)	02/24/2026	
Elevations	02/23/2026 (from STR25-05866)	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	02/17/2026	
Findings of Fact (Amended)	02/26/2026	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please 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 Near West Neighborhood Land Use Plan recommends this site for the development of 5-8 residential units per acre and also recommends the current D-5 zoning. In urban areas, 5-8 dwelling units per acre is common for both single-family and multi-family development.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that setbacks should reflect and reinforce spacing on the existing block while also allowing room for maintenance of homes. Additionally, trees and well designed landscaping areas within front yards are recommended to foster aesthetically pleasing, environmentally beneficial, and sustainable residential development and streetscapes.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

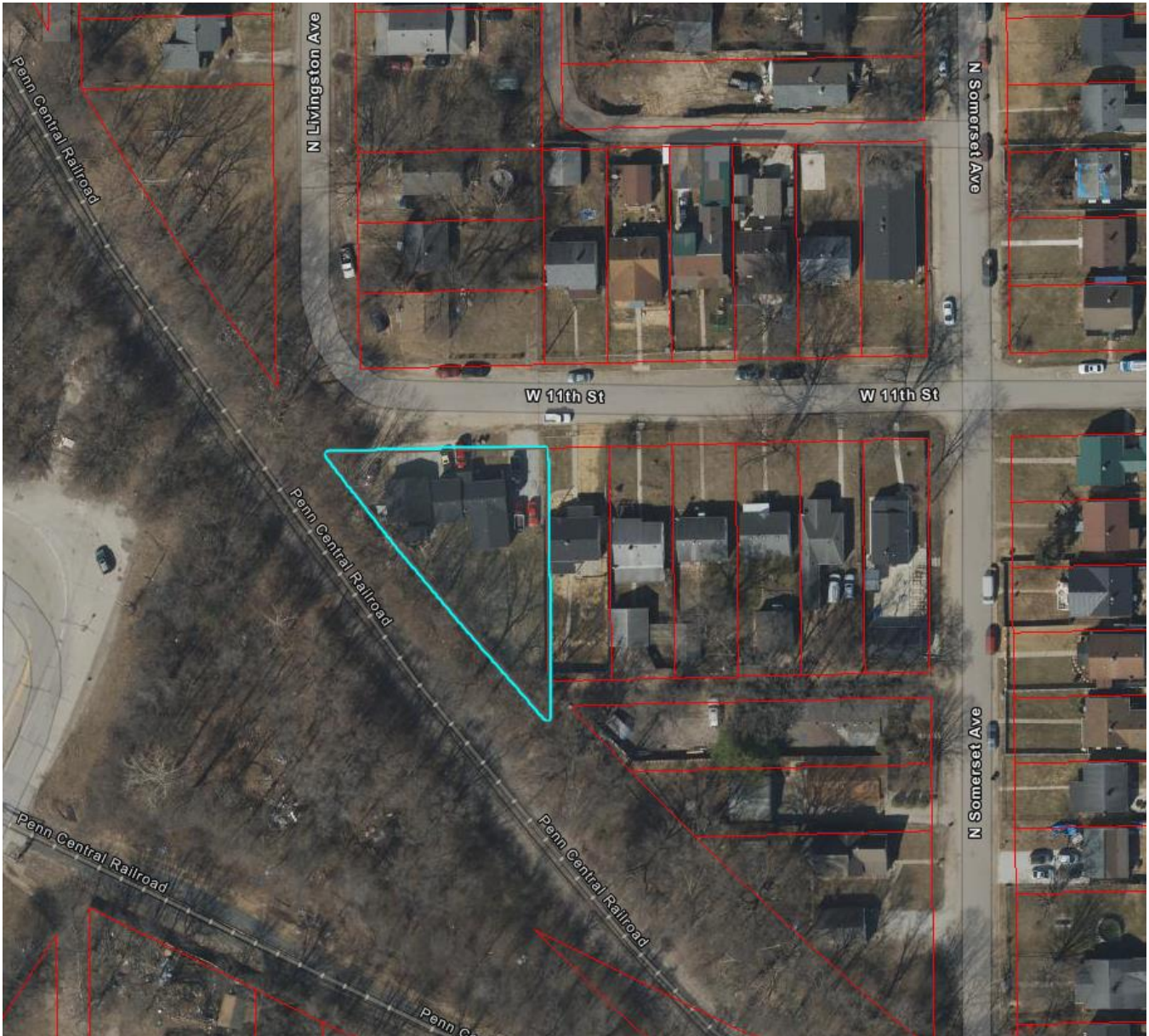
N/A

ZONING HISTORY – VICINITY

2007DV1070 ; 1102 North Rochester Avenue (northeast of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish the parking of a commercial vehicle (not permitted), **denied**.

EXHIBITS

2026DV1012 ; Aerial Map

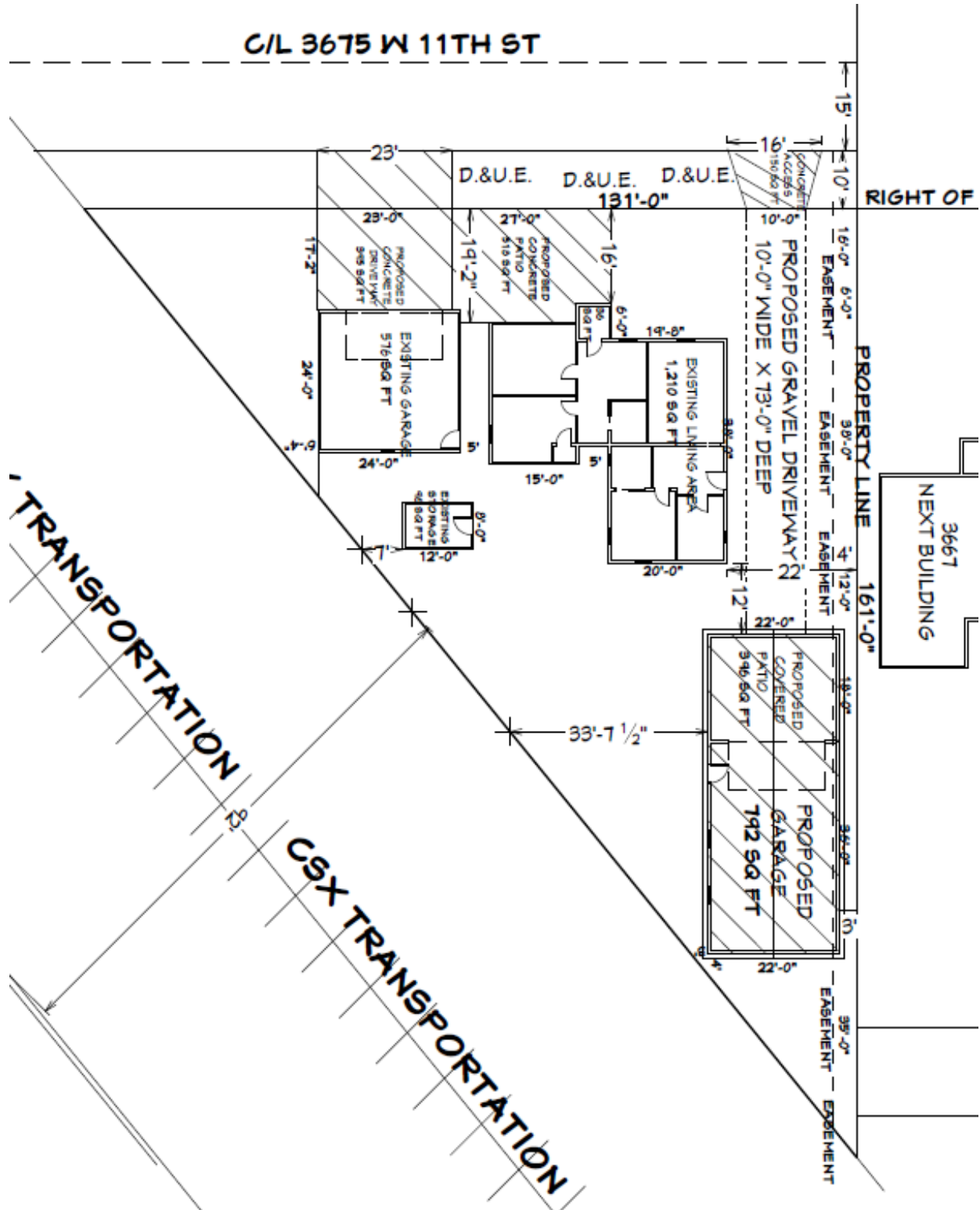


Note: aerial photograph taken before partial construction of new garage 3 feet from property line to E



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2026DV1012 ; Site Plan

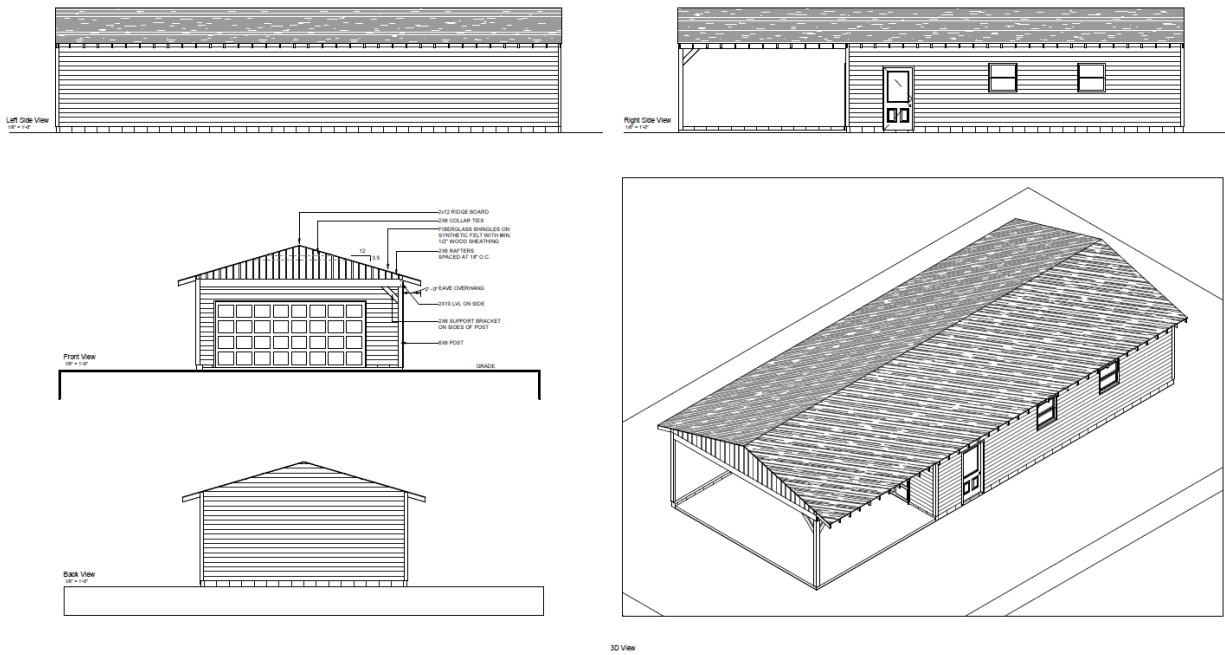


2026DV1012 ; Aerial View of Northern Portion of Parcel + Easement (2023)



Note: easement boundary represented by dashed yellow line

2026DV1012 ; Elevations (STR25-05866)



2026DV1012 ; Driveway Width Diagram



2026DV1012 ; 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 addition will be an accessory structure in the rear yard and the driveways will be used to access the garages.

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 accessory structure, concrete patio and driveways will all increase the value of the adjacent property and will remain for personal use by the petitioner.

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

without the grant of the requested variances the desired addition, driveway, and concrete patio would not be possible and lead to vehicles parking in the street.



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2026DV1012 ; Notice of Violation (VIO25-010512)

Section 740 -1004.A.1. Stop Work Order

Specific Violation: FAILURE TO OBTAIN THE REQUIRED IMPROVEMENT LOCATION PERMIT (ILP) FOR AN ACCESSORY STRUCTURE EXCEEDING 200SQ FEET.

Section 740 -1004.A.1. Stop Work Order

Specific Violation: FAILURE TO OBTAIN THE REQUIRED IMPROVEMENT LOCATION PERMIT (ILP) FOR AN ADDITION TO THE PRIMARY STRUCTURE.

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 a change in the roofline configuration of the structure...rear addition to primary structure).

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...rear addition to primary structure).

Section 740 -1005.A.3. Civil Zoning Violation

Specific Violation: The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Litter, scrap metal, wood, clothing, buckets, trash bags, plywood, tarps, and other miscellaneous items throughout the property).

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

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

Section 740 -1005.A.5. Civil Zoning Violation

Specific Violation: The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, with a cargo holder exceeding 12ft. in length...14ft. and 21ft. trailers).

Section 740 -1005.A.5. Civil Zoning Violation

Specific Violation: The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Vehicle, regardless of weight, used or designed to be used as Marrufos Concrete fleet vehicles and excavator).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - A construction contractor is not a permitted use in a D-5 zoning district..."Marrufos Concrete LLC").

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Outdoor storage and operations is not a permitted accessory use in a D-5 zoning district...septic tank, concrete mixer, lumber, concrete, construction materials, wheelbarrow, etc.).

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-5 district; (743-306.AA.1.c. - No recreational vehicle shall be parked outside in a side yard unless parked on a durable and dust-free surface area improved with bricks, concrete, asphaltic pavement, or gravel).

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-5 district; (Table 744-201-1: - Mini-barn/shed located in the 5ft. rear 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-5 district; (Table 744-201-1: - Mini-barn/shed located in the 7 ft. 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-5 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).

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 mini-barns or sheds exceeding 200sq. feet...1188 sq. ft.).

2026DV1012 ; Photographs



Photo 1: Subject Residence Viewed from North



Photo 2: Unpermitted Driveway and Accessory Structure Viewed from North

2026DV1012 ; Photographs (continued)



Photo 3: Subject Site Front Yard Viewed from East



Photo 4: Overhead Power Lines/Easement Intersecting Property

2026DV1012 ; Photographs (continued)



Photo 5: Adjacent Property to East of Subject Site



Photo 6: Adjacent Property to North

2026DV1012 ; Photographs (continued)



Photo 7: Unpermitted Garage Viewed from East (November 2025)



Photo 8: Separation Between Unpermitted Garage and Fence to East (November 2025)

2026DV1012 ; Photographs (continued)



Photo 9: Commercial Vehicles within Front Yard Viewed from North (November 2025)



Photo 10: Commercial Vehicles within Front Yard Viewed from East (November 2025)

BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number: 2026-DV1-014
Address: 9200 Keystone Crossing (approximate address)
Location: Washington Township, Council District #4
Zoning: C-4
Petitioner: KATC Property LLC, by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a second skyline sign on a building elevation (one skyline sign per elevation).
Current Land Use: Commercial office building
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 petition as proposed.

PETITION OVERVIEW

- ◇ Standards of the Sign Regulations are intended to promote quality sign displays that are integrated with developments and reduce potential hazards to pedestrians and motorists. These standards include limits on the number of signs, lighting, size, and setback limitations.
- ◇ A Skyline Sign is defined as “a building sign, located in its entirety, on a building façade above 26 feet in height, measured from grade level”.
- ◇ The maximum one skyline sign per elevation is designed to mitigate the proliferation of signage and the visual conflicts and negative aesthetics associated with multiple signs on a single building elevation. Increasing sign proliferation along the north building elevation inhibits the ability of motorists to properly read and react to sign messages in a safe and efficient manner.
- ◇ The strict application of the Sign Regulations would not prohibit the use of the property for its intended office use or limit the site’s ability to provide signage on other elevations or within the 26-foot building elevation from grade. Instead, the approval of more than the allotted number of signs would only create a precedent for other tenants to request the same allowance rendering the regulation futile.



- ◇ In regard to the proposed signage, making it easier to locate the business, the proposed sign elevations indicate the sign would be placed on the north side of the building, away from traffic entering and arriving at the office complex. Which is not conducive for arriving tenants in locating the business location. Instead, the sign appears to be oriented towards Interstate I-465 to the north.
- ◇ The submitted Findings fails to address that the site has a freestanding monument sign where signage for the tenants already exists and is visible at vehicle and eye level to arriving motorists in Keystone Crossing. Additionally, the business or tenant locations are easily accessed via addresses on the tenant’s websites, and electronic GPS and mapping systems that are widely available and provide directions to the business locations. Therefore, the additional sign is not needed for the locating of the tenants but appears to be oriented for advertising purposes in an area that has a high level of interstate traffic that could easily be distracted by the additional signage.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial Office	
Comprehensive Plan	Office Commercial uses	
Surrounding Context	Zoning	Surrounding Context
	North:	C-S I-465 Interstate / Commercial Office
	South:	C-S Commercial Office
	East:	C-S Commercial Office
	West:	C-4 Commercial Office
Thoroughfare Plan		
Keystone Crossing	Private Street	
Context Area	Metro area	
Floodway / Floodway Fringe	N/A	
Overlay	N/A	
Wellfield Protection Area	No	
Elevations	March 4, 2026	
Landscape Plan	N/A	
Site Plan	March 4, 2026	
Findings of Fact	March 4, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

2025-DV1-050; 8888 Keystone Crossing (subject site), requested a Variance of user to provide for the installation of a fifth skyline sign on a façade, being the sixth on a building, **granted**

98-UV2-37; 8888 Keystone Crossing (subject site), requested a Variance of user to provide for a telecommunications facility with 3 roof-mounted sets of three 8-foot tall antenna and 1 building-mounted set of three 8-foot tall antenna and a 5.5 by 14-foot equipment building mounted on the roof, **granted**.

88-HOV-87; 8888 Keystone Crossing (subject site), requested a Variance of Development Standards for an additional identification sign within an integrated center and with an overall height of eight feet, **granted**.

RU

EXHIBITS

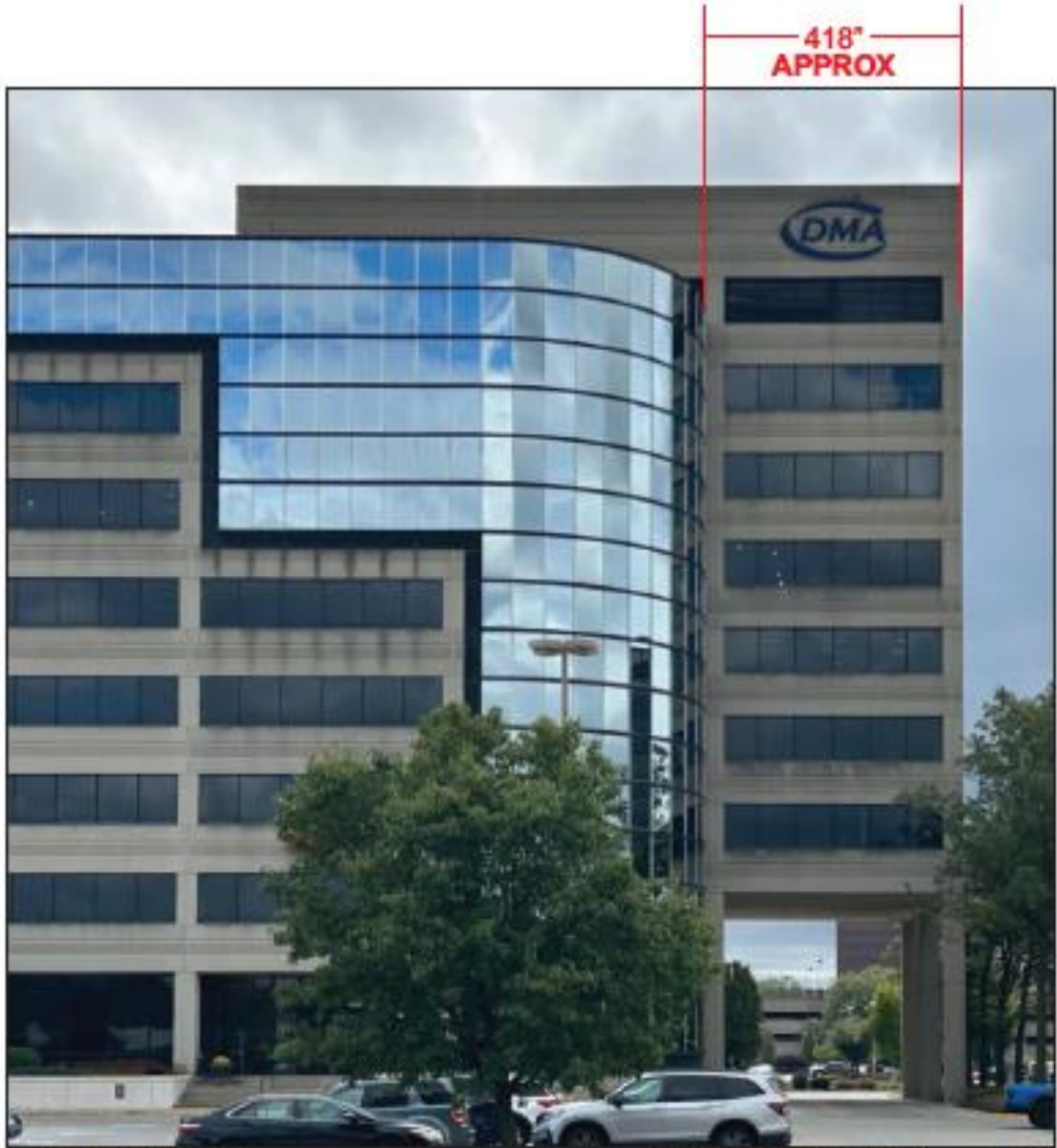
Location Map



Site Plan



Sign Elevation



NORTH ELEVATION

PHOTO SCALE: 1/32" = 1' - 0"



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 sign will not interfere with any vehicular or pedestrian traffic pattern and will only help better identify a tenant, which will support the public health, safety, morals and general welfare.

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

the subject property features a large multi-tenant office building in the middle of a commercial office park, with other buildings featuring a significant number of skyline signs.

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

the sign regulations do not allow for any extra allowance of skyline signs, on a facade, even if the total square footage of building identification signs is under the maximum square footage allowed, as is the case with the proposed sign.

Photographs



8888 Keystone Crossing building north facade, looking south (proposed sign façade).



8888 Keystone Crossing building south façade, looking north.



Freestanding monument sign for 9200 Keystone Crossing tenants, easily visible at vehicular / eye level for arriving motorists from the south, looking north.

BOARD OF ZONING APPEALS DIVISION I **May 12, 2026**

Case Number: 2026-DV1-015

Property Address: 5607 West 38th Street (*approximate address*)

Location: Wayne Township, Council District #5

Petitioner: Palmetto Indianapolis-West 38th Street LLC, by Ed Williams

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a monument sign, being the fourth primary freestanding sign along the 38th Street frontage (maximum two freestanding signs per frontage) and with a separation of 165 feet, 244 feet and 246 feet from other primary freestanding signs (300-foot separation required).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

5607 West 38th Street is a 1.04-acre outlot parcel with frontage along 38th Street to the north that is currently developed with a drive-through and walk-up beverage business built in 2025. The property is part of an integrated commercial center with several businesses and a medical clinic to the east. Three other signs exist along the shared frontage: one for a Jack in the Box restaurant 246 feet to the west, one multitenant integrated center sign 165 feet to the east, and one for the medical clinic 244 feet to the east (see Photos 1-2 within Exhibits for precise locations in relation to the subject site and frontage).

A sign permit was approved for this property in 2025 to allow for a mixture of wall signs, drive-thru signs and secondary incidental signage (20 signs in total). The permit application originally included a request for a pole sign along the 38th Street frontage but was removed from the scope of work to allow for permit issuance and the installation of the other 20 signs with the potential of seeking a later zoning variance to allow for a primary freestanding sign for the site to be included within a separate sign permit.



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Approval of this zoning petition would allow for placement of a primary freestanding sign along the 38th Street frontage. The sign rendering provided by the applicant indicates placement of an 8-foot sign approximating the shape of a coffee cup (within Exhibits). This sign would require variance to allow for violation of Ordinance regulations on both the number of signs allowed along an integrated center (this would be the fourth) as well as the proximity of the freestanding sign to others along the frontage (300-foot separation required and other signs are between 165 and 246 feet away). The off-premises billboard sign on the medical clinic parcel would not count toward the total of signs along the shared frontage.

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.

Findings of Fact provided by the applicant indicate that approval of the variance would be a minimal deviation from Ordinance requirements and that this sign would be necessary for motorists to see the business from the road. Staff would disagree given the number of signs already existing within 300 feet of the existing sign and would not feel that the burden of site-specific practical difficulty has been met. The business is already open and appears to be easily viewable for traffic approaching from both the east and west given the 20 existing signs already placed on and around the building.

Regulations on the placement of signage along shared frontages exist to allow for reasonable accommodation of advertising material while also limit sign proliferation along busy commercial corridors for reasons related to both safety and aesthetics. Staff would note that the Ordinance contemplates a separation of at least 300 feet is contemplated for signs in shared shopping center areas, and that approval of this petition would result in *four (4)* signs placed in that radius (the billboard would even be a fifth). Additionally, alternative options to advertise the business that wouldn't contribute to sign proliferation might existing, including but not limited to usage of the multitenant sign to the east, online advertising through Google Maps or similar technology, or the 20 signs already approved for the business. For these reasons, and the lack of difficulty beyond a desire to advertise beyond the limits of the Ordinance, staff recommends **denial** of the variance requests.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
	North:	D-7 North: Residential Multifamily
	South:	C-4 South: Commercial
	East:	C-4 East: Commercial
	West:	C-4 West: Commercial
Thoroughfare Plan		
38 th Street	Primary Arterial	134-foot existing right-of-way and 134-foot proposed right-of-way



Context Area	Metro
Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	01/23/2026
Site Plan (Amended)	N/A
Elevations	03/31/2026
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	01/23/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS
Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The 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

N/A

ZONING HISTORY – VICINITY

2014DV3055 ; 5515 West 38th Street (east of site), Variance of development standards of the Sign Regulations to provide for (a) a 20.1-foot tall, 74-square foot freestanding sign, within approximately 80 feet of an existing freestanding sign to the west along 38th Street (minimum separation of 300 feet required), being the fifth sign along the approximately 1,250-foot 38th Street frontage (minimum 1,500 feet of frontage required for five signs); and (b) a 12.1-foot tall, 53.4-square foot freestanding sign, within approximately 290 feet of an existing freestanding sign to the north along Moller Road (minimum 300 feet of separation required), being the third sign along an approximately 775-foot frontage (900 feet of frontage required for three signs), **approved**.

2013DV1041 ; 5615 West 38th Street (south of site), Variance of development standards of the Commercial Zoning Ordinance to legally establish a shopping center with (a) 325 parking spaces (421 parking spaces required); (b) zero-foot west side and south rear transitional yards (20-foot side and rear transitional setbacks required); and (c) carryout food service within 50 feet of a D-4 protected district to the south (100-foot separation required), **approved**.

2012DV1010 ; 5613 West 38th Street (west of site), Variance of development standards of the Sign Regulations to provide for a 40-foot tall, 100-square foot pole sign within 80 feet of an existing sign to the west and within approximately 240 feet of an existing sign to the east, being the fifth sign on a frontage of approximately 1,100 feet (minimum 300-foot sign separation required, maximum three freestanding signs permitted and 1,500 feet of frontage needed for five signs), **approved**.

90-V3-96 ; 5519 West 38th Street (east of site), variance of development standards of the Sign Regulations of Marion County to permit the temporary 5 year placement of an electronic message center on an existing advertising sign which will result in an overall vertical height of 20 feet 3 inches (14 feet permitted), **approved**.

89-V3-114 ; 5521 West 38th Street (east of site), variance of development standards of the Sign Regulations of Marion County to permit an advertising sign within 250 feet of a protected district, 1000 feet of another advertising sign, oriented to the same street frontage and within 500 radial feet of another advertising sign, **approved**.

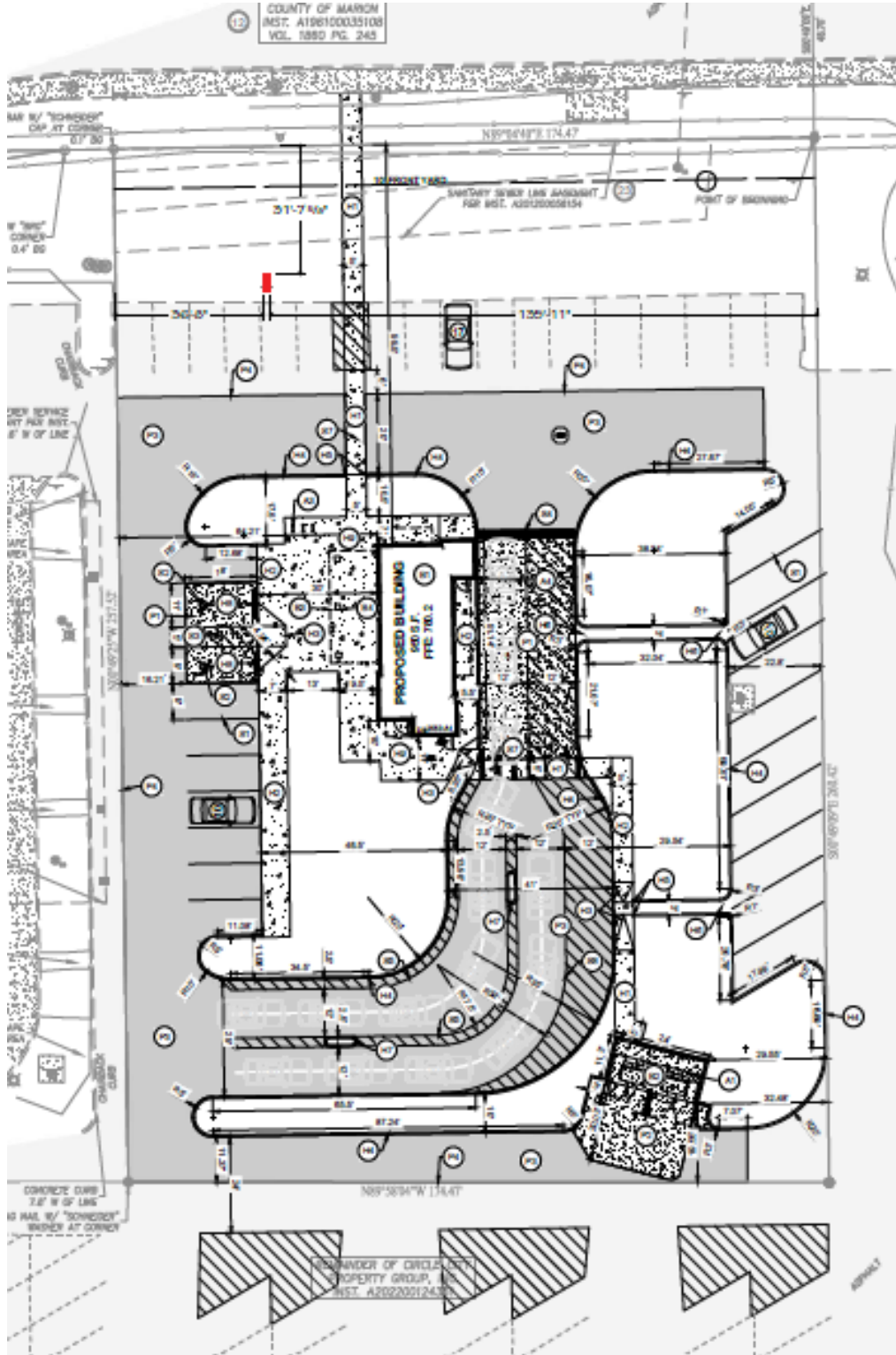
83-UV2-54 ; 5635 West 38th Street (west of site), variance of use and of Sign Regulations to provide for the erection of 32 ft. tall pole sign for a fast-food within 100 feet of a residential zoning district, **denied**.

EXHIBITS

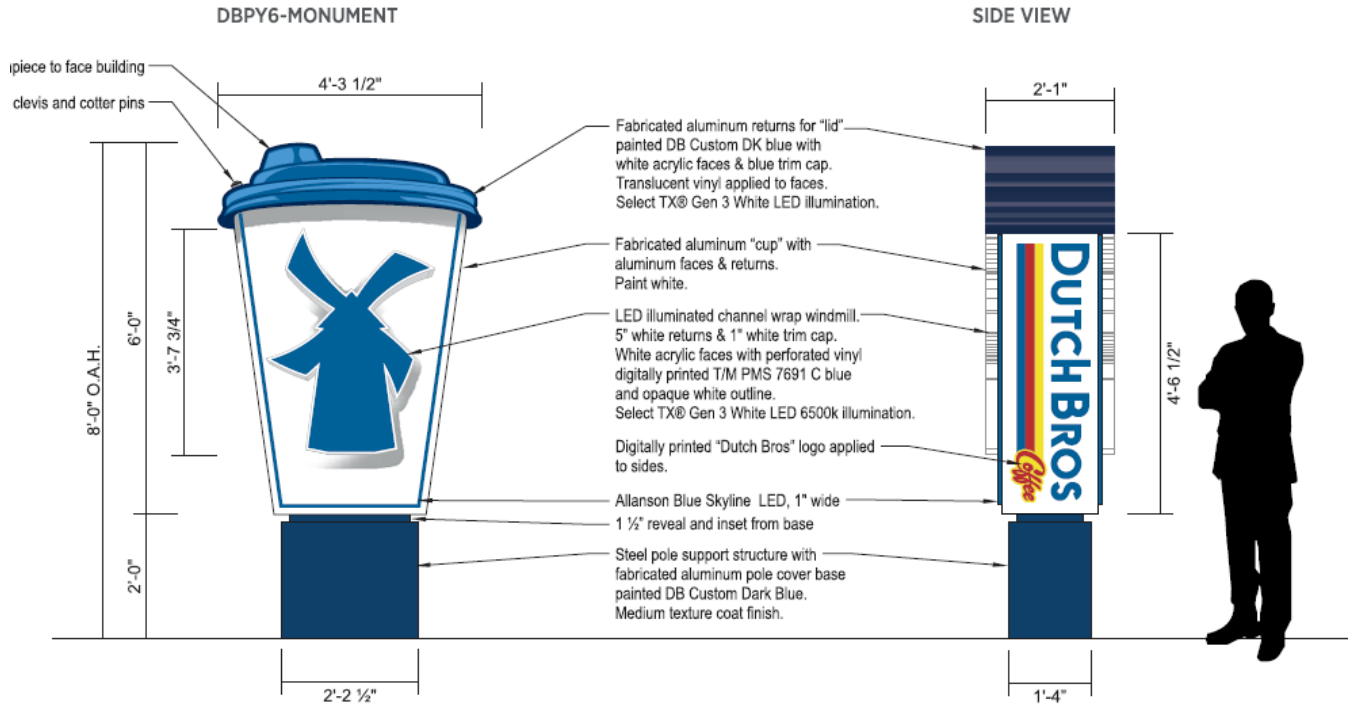
2026DV1015 ; Aerial Map



2026DV1015 ; Site Plan



2026DV1015 ; Elevations



2026DV1015 ; Findings of Fact

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

The size and location of the proposed sign will presents minimal deviation from the development standards applicable to freestanding signs and will not, therefore, 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 property is situated in the midst of a long-established commercial development. In that the request is such a minimal deviation from the development standards applicable for such development, the use and value of surrounding properties will not be so minimal as to not rise to a level that could be described as "substantially adverse."

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

The successful use of the property as a drive-up coffee business is very dependent upon drive-by traffic. The requested minimal deviation from the development standards applicable to the separation between freestanding sign ensures that traffic has sufficient lead time to visually located the business and then locate and safely negotiate to ingress to the site. Without that lead time, statistics prove that the business will suffer. For this reason, the strict application of the ordinance clearly imposes practical difficulties on any the use of the property.

2026DV1015 ; Photographs



Photo 1: Adjacent Signs to East



Photo 2: Adjacent Sign to West

2026DV1015 ; Photographs (continued)



Photo 3: Subject Site from North



Photo 4: Adjacent Property to North



BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number: 2026-DV1-016

Property Address: 141 East Pleasant Run Parkway South Drive (approximate address)

Location: Center Township, Council District #18

Petitioner: Richard Tindell and Nicole Hubbard, by Tyler Ochs

Current Zoning: D-5

Request: Variance of Development Standards to allow for a rear yard fence to obstruct the clear sight triangle (not permitted).

Current Land Use: Residential

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

N/A

STAFF RECOMMENDATION

Staff recommends **denial** of the variance.

PETITION OVERVIEW

- 141 East Pleasant Run Parkway South Drive is a mid-block parcel on East Pleasant Run Parkway South Drive between South Madison Avenue and South Delaware Street. The rear of the property can be accessed by an east-west alley off of South Delaware Street and a north-south alley off of Hoefgen Street.
- The petitioner is requesting a variance to allow for a rear yard fence to obstruct the clear sight triangle of an alley. A clear sight triangular area is an area in which (per Ordinance) no buildings, structures, landscaping or other elements may be located within, unless otherwise exempted. This is intended to prevent potential pedestrian and vehicular conflicts. A solid, 6-foot tall fence prevents proper viewsheds, posing public safety risks. Instructions on calculating clear sight triangles and staff's subsequent calculations can be found in the exhibits below.
- Furthermore, as seen in the second aerial map, the north-south alley right-of-way extends north parallel to the subject property and connects to an east-west alley off Madison Street. While this stretch of north-south alley between the two (2) east-west alleys appears to no longer function as an alley, staff has found no record of vacation nor any record of an encroachment easement either for the subject property or the surrounding properties encroaching into the right-of-way. Without

a vacation or an encroachment easement, any variance for a clear-sight obstruction would still leave the fence subject to enforcement action related to the right-of-way obstruction.

- The petitioner has indicated that the fence was rebuilt along the exact footprint of a previous fence at this site. Staff will once again note that no easement or vacation appears on record and any such fence would also have been noncompliant. A right-of-way, developed or not, is still a right-of-way.
- Staff notes that this fence is currently the subject of a property dispute. While this is a civil matter on which staff will not comment, staff does note that any required relocation of the fence would provide the petitioner an opportunity to correct the existing right-of-way obstruction.
- In staff's analysis, there appear to be no site-specific practical difficulties that would prevent the fence from being relocated to comply with clear sight triangle regulations. Given the lack of site-specific practical difficulties, the risks posed by clear site obstructions, and the current right-of-way obstructions, staff recommends denial of this petition.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	PK-1	North: Undeveloped
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
East Pleasant Run Parkway South Drive	Local Street	70-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	01/30/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	1/30/2026	
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 “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

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2004-ZON-059; 2405 Madison Avenue (east of site), Rezoning of 25.345 acres, being in the D-5 (FW) District, to the SU-2 (FW) classification to legally establish educational uses, **approved**.

2016-ZON-005; 2457 Madison Avenue (southeast of site), Rezoning of 0.52 acres, from the D-5 district to the C-3C (MU-2) classification, **approved**.

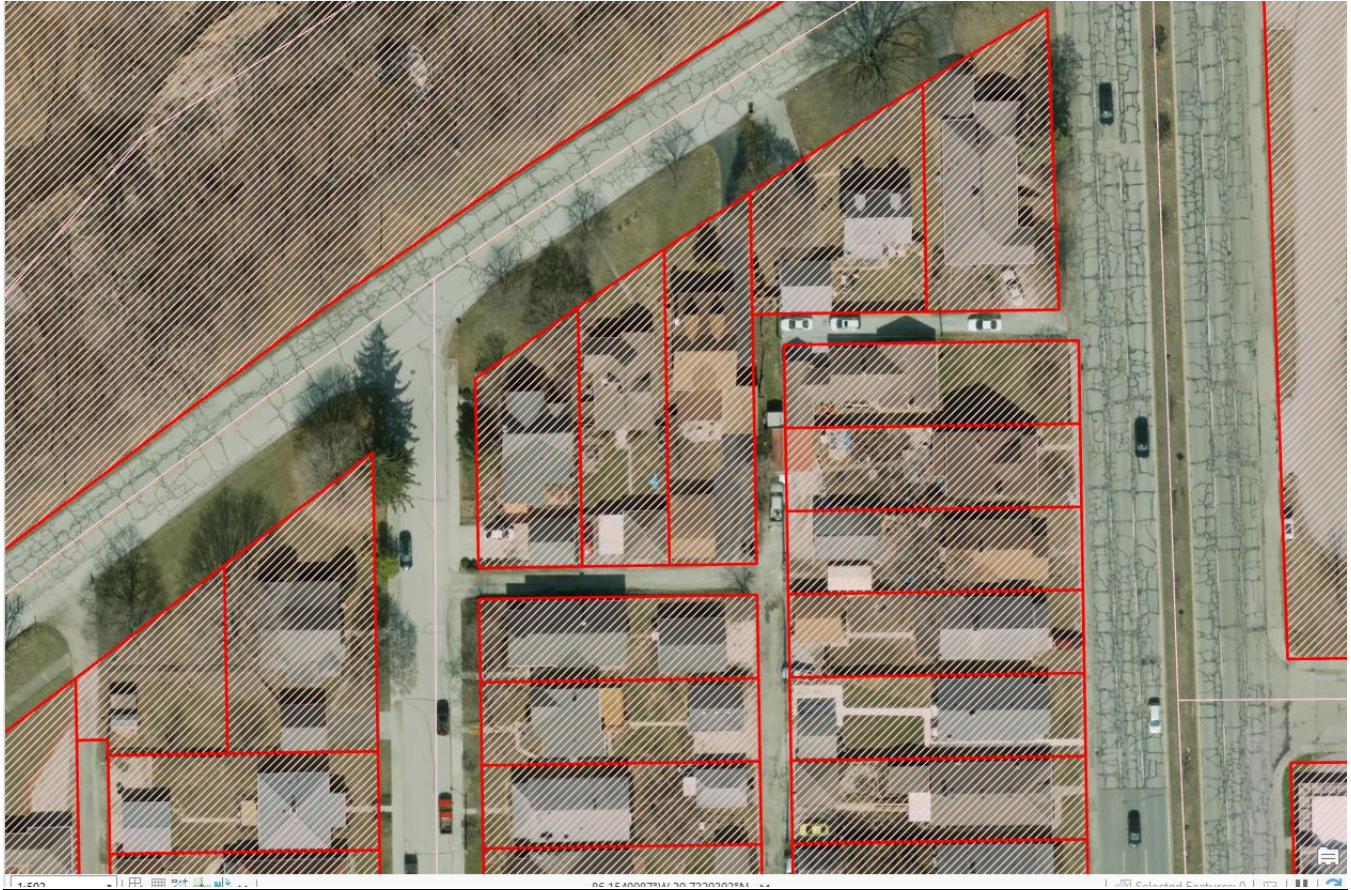
EXHIBITS
2026DV1016; Aerial Map



IGIO, Microsoft, Vantor | Esri Community Maps Contributors, City of Indianapolis Marion Co, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, M... Powered by Esri

	Stormwater Impervious Area	Mapping Application for Public Safety
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2026DV1016: Aerial Map (continued)



Aerial Map differentiating between parcels and rights-of-way



Department of Metropolitan Development
Division of Planning
Current Planning

2026DV1016; Site Plan

<input type="checkbox"/> Leave Dirt by Posts	<input checked="" type="checkbox"/> Take Out and Haul Existing Fence	<input type="checkbox"/> Rem. Sections Amt _____	<input type="checkbox"/> Attach to Home (circle one) Concrete Brick Wood Siding
<input checked="" type="checkbox"/> Haul Dirt	<input type="checkbox"/> Take Out and Stack Existing Wood / Chain Link / Alum Vinyl / Steel	<input type="checkbox"/> Asp / Con Breaks Amt _____	<input type="checkbox"/> New Sod
<input type="checkbox"/> Move Dirt to a spot in the Yard		<input type="checkbox"/> Dirt Grade	<input type="checkbox"/> Unfinished Grade
			<input checked="" type="checkbox"/> Ready to Go

*** Install 218 FT of 6FT Tall All Cedar Privacy + 10FT of 4FT Tall "Traditional"**
 - 4x4 Post set 36" Deep
 - Two 4FT Wide Gate's

Two 5FT wide gate's at front of home across Drive 4FT Tall

16FT Single Roller Gate in back by Garage Across Drive

4FT wide gate
Neighbor's Garage
4FT wide Gate
Home
Two 5FT wide 4FT Tall Swing Gate's
228FT

Customer Approved Measurements

VISA MASTERCARD DISCOVER

Materials	_____
Tax	_____
Labor	_____
Grand Total	10,322
Deposit	2,580
Balance	7,742

* Tax INCL
 * Dirt Removal INCL
 * Remove + Haul Old Fence INCL

Payment Terms		Payment Amount \$	Payment Amount \$
<input checked="" type="checkbox"/> 25 % down. Balance Due to Crew Chief or Office upon Completion	CK # _____ Date _____	CK # _____ Date _____	
<input type="checkbox"/> _____ % down. Financing Terms _____	V M D A	V M D A	
<small>Third Party financing may be available to qualified applicants. If customer does not complete and return all documents or instruments required by the third party or qualify for third party financing, payment will be due in full to Timber Ridge.</small>		Exp _____ Appr _____	Exp _____ Appr _____

Acceptance of proposal: "YOU, THE CONSUMER, MAY CANCEL THIS CONTRACT BY NOTIFYING TIMBER RIDGE, IN WRITING, ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION."

The signer has read each of the provisions on this page and the specifications on page 1 and the conditions of sale on the back of the contract. The above prices, specifications, and conditions of sale are hereby accepted. This proposal becomes a binding and enforceable contract when received by Timber Ridge either (a) bearing the customer's signature or (b) without signature but accompanied by down payment from the customer as required. All materials are specified as above and all work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra charges will be executed upon (a) written order or (b) customer consent and will require an additional charge.

Customer _____ Date _____

Company Representative Craig Herron Date 5-14-25



Department of Metropolitan Development
Division of Planning
Current Planning

2026DV1016; 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:

This is the rebuild of a prior existing fence. The right-of-way referred to no longer acts as an alley way as there are cars in the driveway that prevent connection from Madison Avenue. There is no safety hazard created by the fence since the old alley no longer acts as an alley, rather, a driveway.

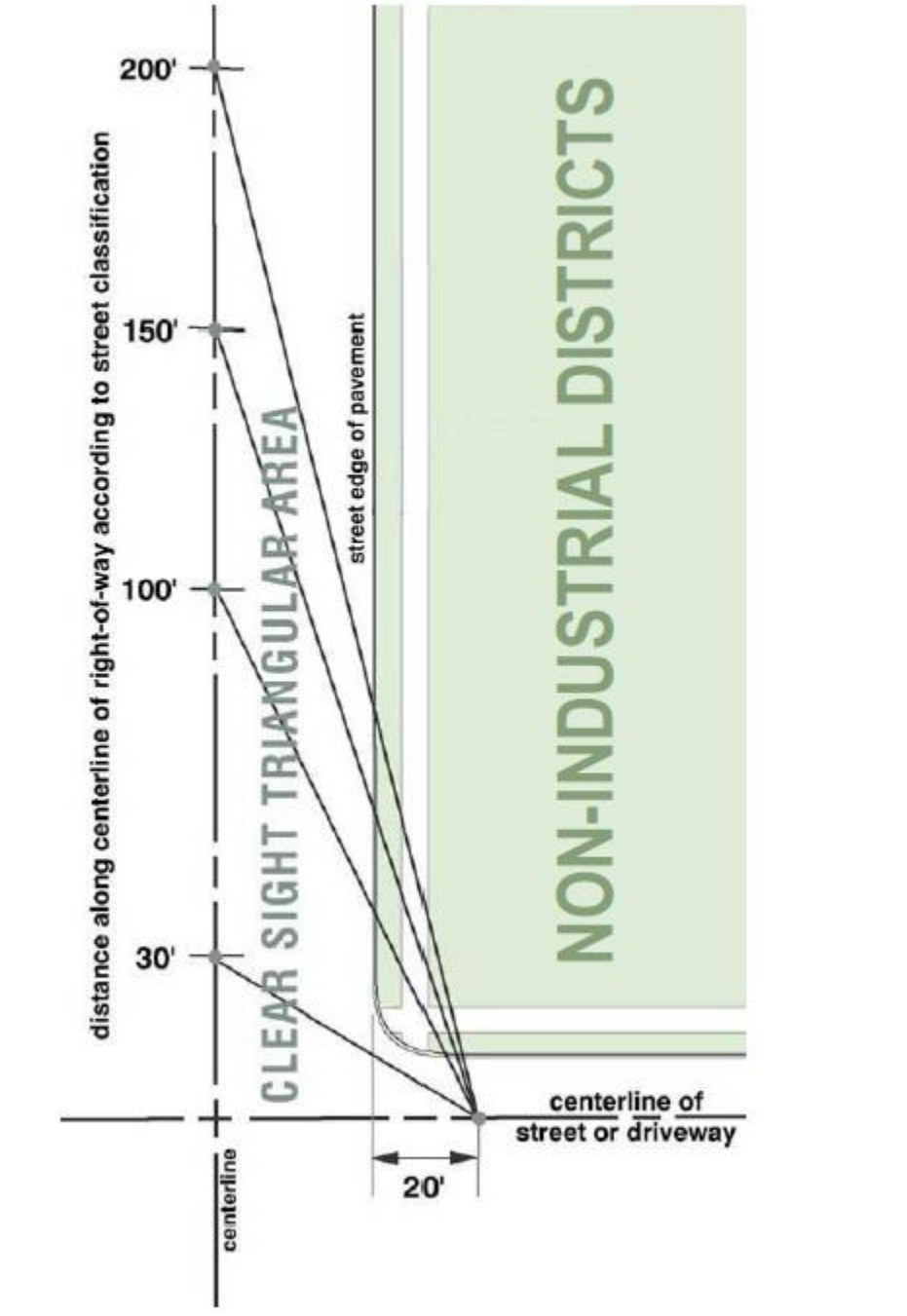
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

This is the rebuild of a prior existing fence. The prior fence had become old and dilapidated. This new fence adds property value with a new improved aesthetic.

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

Although technically right-of-way based on prior maps, the reality is this neighboring drive is no longer an alley. Rather, it is used as a driveway by the neighbor. Therefore, the application of the ordinance to the fence is not applicable since the alley is no longer used as right-of-way connection to Madison Ave and the triangular-sight requirement would no longer apply.

2026DV1016; Clear Sight Triangle Calculations

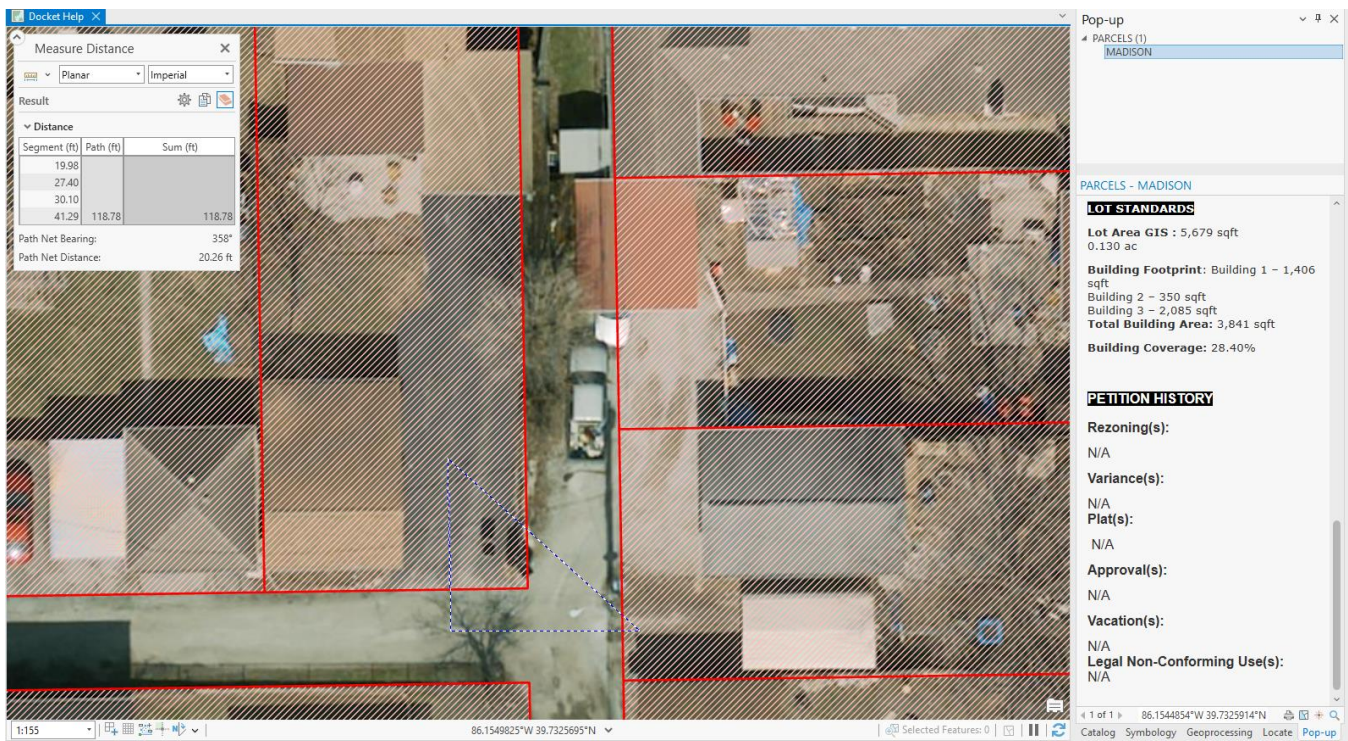




2026DV1016; Clear Sight Triangle Calculations (continued)

Table 740-304-A: Clear Sight distances for non-industrial districts	
Street classification	Distance along the right-of-way centerline
Expressway	Direct access not permitted
Arterials, Highways, or State Roads	200 feet
Collector	150 feet
Local	100 feet
Alley	30 feet
Railroad	75 feet
Greenway	20 feet

2026DV1016; Clear Sight Triangle Calculations (continued)



Clear Sight Triangle calculations showing 20 feet into the centerline of the driveway and extending 30 feet into the alley

2026DV1016; Photographs



Photo 1: Showing obstructed right-of-way with subject fence on left and behind tree

2026DV1016; Photographs (continued)



Photo 2: Close-up of obstructed right-of-way

2026DV1016; Photographs (continued)



Photo 3: View of fence from southern part of property where east-west and north-south alley meet.

2026DV1016; Photographs (continued)



Photo 4: View showing cars and part of alley behind fence line.