



Board of Zoning Appeals Board of Zoning Appeals Division III (January 20, 2026) Meeting Agenda

Meeting Details

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

Date: Tuesday, January 20, 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. 2025-MO3-003 | 3030 North Shadeland Avenue**
Warren Township, Council District #9, zoned C-4
Shadeland Holdings Inc., by Patrick Rooney

Modification of Commitments associated with 2022-UV3-034 to modify Commitment Twelve to read as follows: "The real estate shall be developed as a retail gas station and convenience store pursuant to the site plan prepared by Abonmarche last dated 5/09/2024 and attached hereto."; and to terminate Commitments Five and Thirteen-M which restricted the days and hours of business operation and prohibited an automobile fueling station.

****Petitioner to request a continuance to the March 17, 2026 hearing of Division III**

- 2. 2025-SE3-003 (Amended) | 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 and be located within 400 feet of another outdoor advertising sign (1,000-foot radial spacing required).

****Petitioner to request a continuance to the March 17, 2026 hearing of Division III**

- 3. 2025-DV3-020 (Amended) | 4102 Madison Avenue**
Perry Township, Council District #23, zoned C-4 (TOD)
Sanchez Family Inc., by Kevin Lawrence

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

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

4. 2025-DV3-029 | 8600 Madison Avenue

Perry Township, Council District #23, zoned C-3 / C-1 (TOD)
Francis Michael Laux, by Justin and David Kingen

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

5. 2025-DV3-034 | 7110, 7200, 7202, and 7304 East 21st Street

Warren Township, Council District #9, zoned C-4 (FW)
7202 East (Indianapolis) Tanford LLC, by Lisa Argue

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of four freestanding signs within an integrated center along East 21st Street, with a minimum of 45 feet of separation (maximum two freestanding signs along a frontage permitted, 300-foot separation required), with setbacks along East 21st Street ranging from two feet to zero-feet and encroaching within the right-of-way (five-foot setback required, encroachments not permitted) and the installation of a new sign cabinet on the existing pole sign along I-465, resulting in a height of 52.17 feet (maximum height of 20 feet permitted).

6. 2025-UV3-036 | 2236 East 75th Street

Washington Township, Council District #2, zoned D-S (FF)
NLS, LLC by Laura Guy

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of 280-square foot garage in the front yard of 75th Street (not permitted), with a six-foot west side yard setback (fifteen-foot side yard setback required), and with 80% open space (85% open space required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

7. 2025-MO3-002 | 2719 North Emerson Avenue

Warren Township, Council District #9, zoned I-2
Imagineering Holdco Inc., by Nick Hammer

Modification to terminate Conditions Two and Three of 2005-SE3-003 to allow for outdoor storage and operations outside of the existing building (outdoor storage prohibited and operations required to be within the existing building).

Variance of use and development standards of the Consolidated Zoning/Subdivision Ordinance to allow for outdoor storage within 280 feet of a protected district with a height of 13 feet and without required fencing and landscape screening (500 feet of separation required, maximum 10-foot tall height permitted, screening required).

8. 2025-DV3-016 (Amended) | 2360 Prospect Street

Center Township, Council District #18, zoned C-4
Linda Thompson, by Justin Kingen & David Kingen

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

- 9. 2025-DV3-035 | 7930 Castleton Road**
Lawrence Township, Council District #4, zoned C-5
Outfront Media LLC, by Alan S. Townsend

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to increase the height of a legally established, legally non-conforming outdoor advertising sign to 60 feet (40-foot maximum height per the grant of 2023-SE3-004).

- 10. 2025-UV3-025 | 3005 Carson Avenue**
Perry Township, Council District #19, zoned C-5 / C-1 (TOD)
Star Group Investments LLC, by Raymond A. Basile

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a pole sign and canopy sign, both containing digital display within 100 feet and 40 feet from a protected district, respectively (digital display not permitted within 400 feet of protected districts), with the pole sign maintaining a 2.5-foot setback from Troy Avenue (five feet required).

- 11. 2025-UV3-035 | 10211 Hidden Meadow Lane**
Warren Township, Council District #20, zoned D-A (TOD)
Sally & Justin Groff

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a landscape contractor, subject to the filed plan of operation (not permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

Additional Business:

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

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

Member	Appointed By	Term
Joanna Taft, Chair	Metropolitan Development Commission	January 1, 2025 – December 21, 2025
Bryan Hannon, Vice-Chair	Mayor's Office	January 1, 2025 – December 21, 2025
Rayanna Binder, Secretary	Mayor's Office	January 1, 2025 – December 21, 2025
Rod Bohannon	City-County Council	January 1, 2025 – December 21, 2025

Percy Bland	City-County Council	January 1, 2025 – December 21, 2025
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Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

January 20, 2026

Case Number: 2025-MO3-003
Address: 3030 North Shadeland Avenue (approximate address)
Location: Warren Township, Council District #9
Zoning: C-4
Petitioner: Shadeland Holdings Inc., by Patrick Rooney
Request: Modification of Commitments associated with 2022-UV3-034 to modify Commitment Twelve to read as follows: "The real estate shall be developed as a retail gas station and convenience store pursuant to the site plan prepared by Abonmarche last dated 5/09/2024 and attached hereto."; and to terminate Commitments Five and Thirteen-M which restricted the days and hours of business operation and prohibited an automobile fueling station.

Current Land Use: Vacant financial services facility

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued for cause by the petitioner from the December 16, 2025, hearing, to the January 20, 2026, hearing.

The petitioner has indicated they will be requesting a second continuance for cause from the January 20, 2026, hearing to the March 17, 2026, hearing, to allow time to update proposed commitments and the site plan. Staff has no objection to this request.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

January 20, 2026

Case Number: 2025-SE3-003

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-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).

Current Land Use: Undeveloped / Industrial

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A continuance to the February 17, 2026 hearing date of Division III will be required to allow adequate time for mailing and posting of the required legal notice.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

January 20, 2026

Case Number: 2025-DV3-020 (Amended)

Property Address: 4102 Madison Avenue (approximate address)

Location: Perry Township, Council District #23

Petitioner: Sanchez Family Inc., by Kevin Lawrence

Current Zoning: C-4 (TOD)

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

Current Land Use: Commercial

Staff Recommendations: Staff recommends denial of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was automatically continued by the petitioner from the June 17, 2025 hearing to the July 15, 2025 BZA Division III hearing.
- The petition was required to be continued due to insufficient notice to the August 19, 2025 BZA Division III hearing.
- This petition was continued to the September 16, 2025 BZA Division III hearing with new notice.
- The petitioner and Staff agreed to a continuance to the October 21, 2025 hearing to allow for additional revisions to be made.
- The petition was automatically continued by a registered neighborhood organization to the November 25, 2025 BZA Division III hearing.
- The petition was continued to the December 16, 2025 Division III hearing to allow for additional information to be submitted.
- The petition was continued to the January 20, 2026 hearing due to lack of quorum.

STAFF RECOMMENDATION

- Staff recommends denial of this petition



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

PETITION OVERVIEW

- This petition would provide for an eating establishment with a covered porch within the public right-of-way of Castle Avenue, deficient landscaping, and parking spaces with maneuverability within the right-of-way of Madison Avenue, as well as reduced off-street parking.
- The updated site plan is showing a proposed sidewalk to and from a nearby property (4132 Madison Ave) which is owned by the same property owner and would provide up to 13 additional parking spaces in addition to the 5 spaces indicated on the subject site. However, the revised site plan does not indicate specific sidewalk widths, and the specific location of the sidewalk is not clearly indicated. Therefore, Staff does not believe the current site plan contains a valid pedestrian connection from the shared parking which means the proposed shared parking spaces cannot currently be counted towards the required off-street parking spaces.
- Generally, Staff does not find the proposal to constitute orderly and quality development. Firstly, the covered porch in the right-of-way of Castle Avenue was constructed without the necessary permits. Likewise, Staff finds private property located in public rights-of-way to be poor precedent, and a potential hazard to members of the public. Additionally, Staff does not find there to be any practical difficulty for needing the covered porch to be located within the right-of-way. Therefore, Staff recommends denial of the covered porch within the right-of-way.
- Second, while the updated site plan indicates fewer parking spaces having maneuverability in the Madison Avenue right-of-way, the two northern-most spaces would need right-of-way for maneuverability. Staff believes this represents a hazard that increases the chances of collisions or near collisions with passing motorists and, likewise, to be a highly undesired precedent. Further, DPW has indicated that there are future plans for a multi-use path on this side of Madison Avenue- allowing for these parking spaces to have maneuverability within the right-of-way would likely conflict with this future multi-use path and its users. For these reasons, Staff recommends denial of any parking spaces with maneuverability within any right-of-way.
- Additionally, while the updated site plan calls for landscaping on site, there has been no indication of what specific landscaping would be proposed, and there has not been a landscape plan submitted. Therefore, Staff is not in support of the request for deficient landscaping and suggests that the petitioner provide more details on the amount and types of plantings that they are willing to provide.



Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	D-3 (TOD)	North: Commercial
South:	C-4 (TOD)	South: Residential
East:	D-3 (TOD)	East: Residential
West:	D-3 (TOD)	West: Residential
Thoroughfare Plan		
Castle Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
Madison Avenue	Secondary Arterial	158 feet of right-of-way existing and 88 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit-Oriented Development overlay	
Wellfield Protection Area	No	
Site Plan	8/4/25	
Site Plan (Amended)	12/2/25	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/5/25	
Findings of Fact (Amended)	N/A	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within the Red Line TOD overlay, and is approximately 1500 feet from the University of Indianapolis transit station, which is categorized as a district center.
-

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.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

99-Z-117; rezoning of 0.177 acres from D-3 to C-4 to legally establish an existing commercial structure, **approved.**

73-UV1-13; requests a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide for a new pylon sign on the previous base and a new wall sign, **granted.**

ZONING HISTORY – VICINITY

2005SE1002; 925 E Castle Ave (west of site), provide for religious uses within an existing 1,782-sq.ft. single-family dwelling, with a 12.45-foot rear yard setback, with a proposed 4,464-sq.ft. asphalt parking area in the front yard, and a six-foot tall, fifteen-square foot pylon sign located one-foot from the right-of-way of Castle Avenue in a D-3 zoning district, **withdrawn.**

89-UV1-56; 4030 Madison Ave, requests a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the conversion of an existing single-family residence to an insurance office, **granted.**

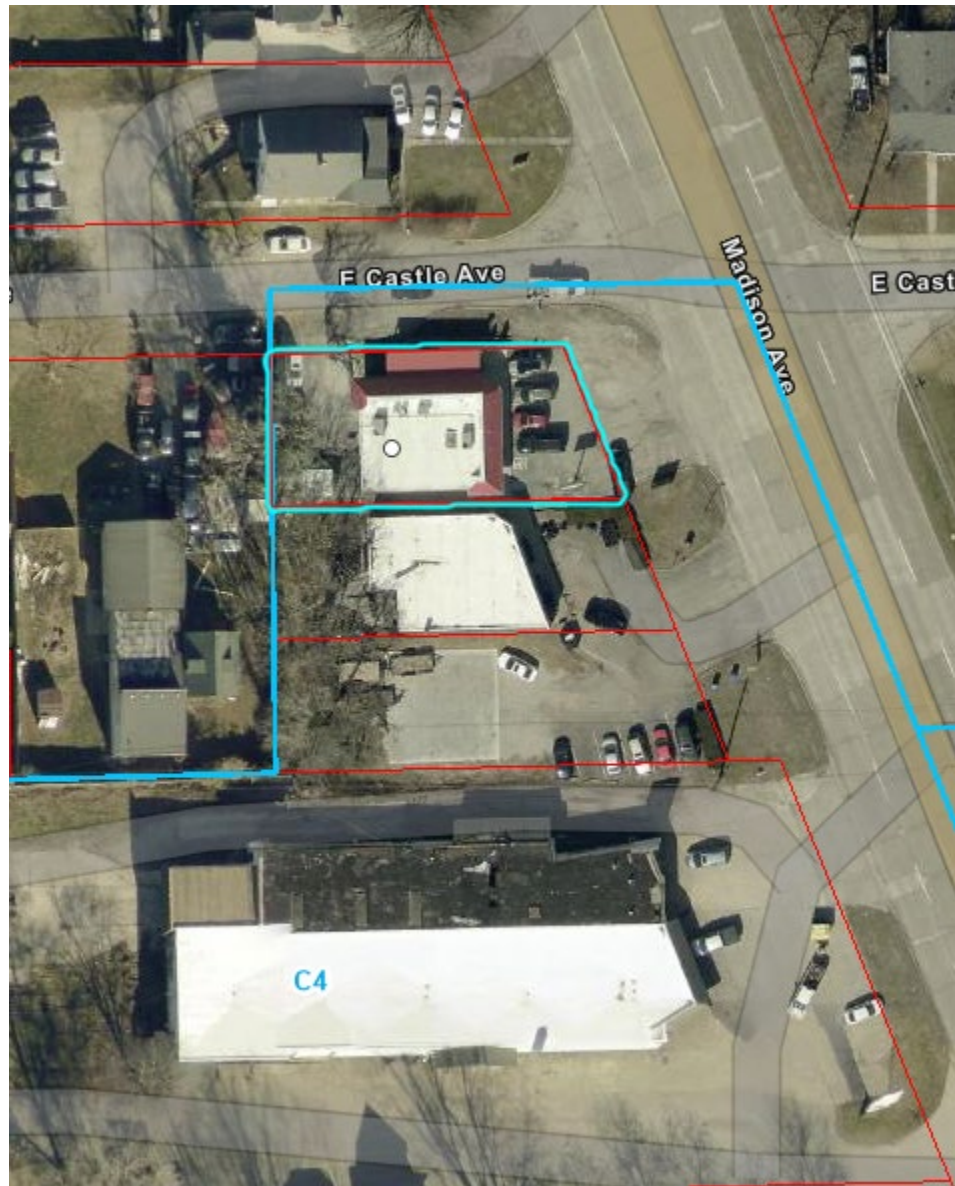
87-UV2-95; 4108 Madison Avenue, requests a Variance of Use of the Commercial Zoning Ordinance to provide for the outdoor display and sale of motorcycles, **granted.**

87-UV1-78; 4030 Madison Avenue, requests a Variance of Use of the Commercial Zoning Ordinance to provide for the use of an existing building for a fence contractor with outdoor storage of materials and vehicles, **granted.**

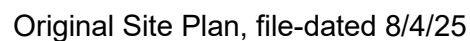
85-UV2-58; 925 E Castle Ave, requests a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the conversion of a single-family residence to a dance-studio, **granted.**

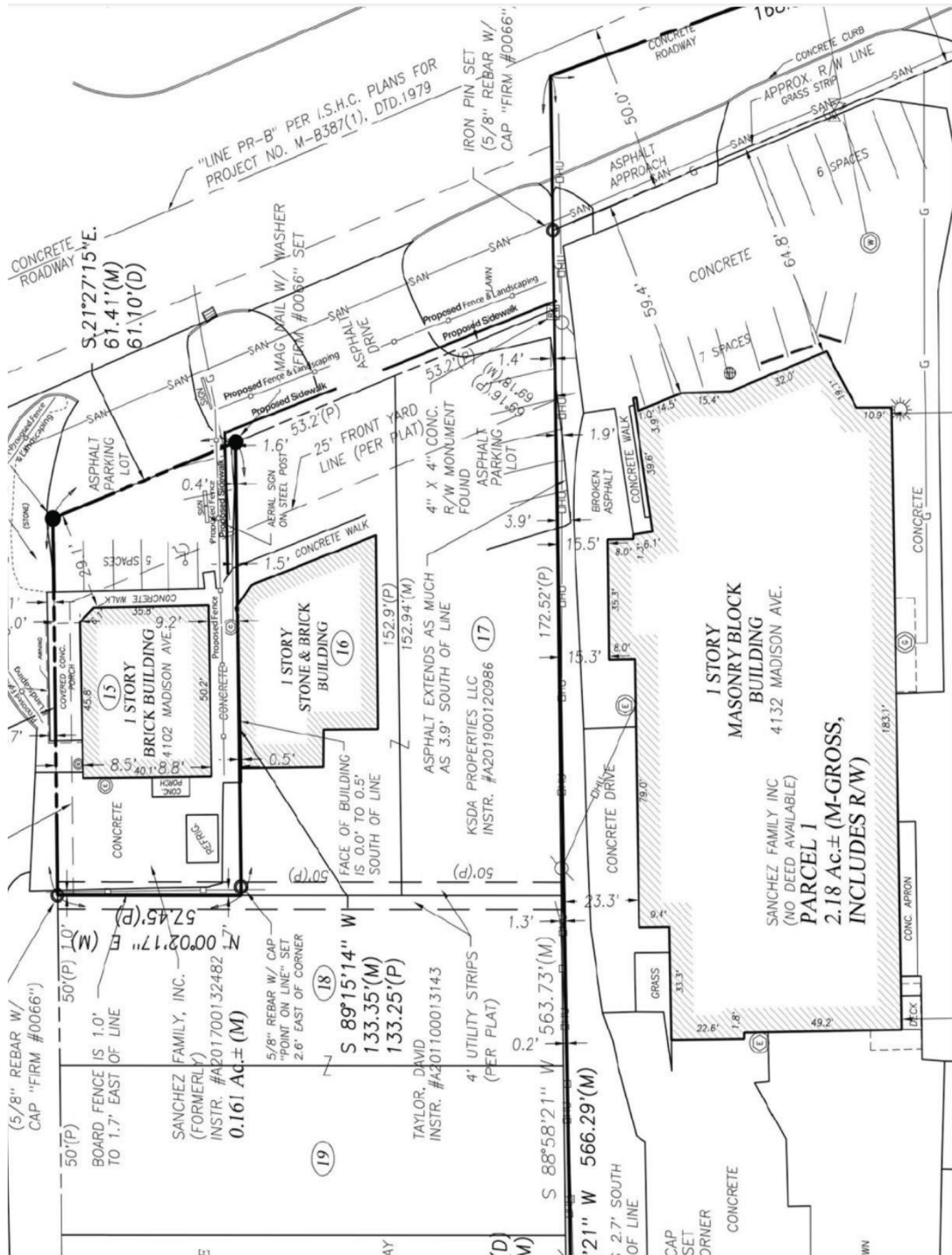
79-UV3-43; 4138 Madison Avenue, requests a Variance of Use and Development Standards to permit a motorcycle repair and sales shop, **granted.**

EXHIBITS



Aerial Photo





Updated Site Plan, file-dated 12/2/25



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

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The subject property is located in a commercially zoned district along Madison Avenue designed to accommodate mixed-use activity. The site previously operated as a Amazing Cakes cake shop demonstrating a longstanding history of compatible food-service use without generating adverse impacts on the public health, safety, morals, and general welfare of the community. A small reduction in the number of required off-street parking spaces, and the ability for a slight encroachment of the patio will preserve the site's existing commercial purpose, reinforce neighborhood vitality, and support the community's economic and social welfare without introducing additional risks to public health or safety.

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

This business has previously operated as a customer facing business and is adjacent to other commercial uses along Madison Avenue including a tire shop and a law office. Petitioners rehabilitation of this previously vacant building will foster a vibrant commercial environment, benefit surrounding business and provide fresh opportunities for community connection. By revitalizing the site and enhancing its appeal, the restaurant represents a clear net positive for the use and value of the adjacent properties.

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

The usable space for business invitees is limited to the first floor, which accommodates only 10–11 tables. Accordingly, requiring one parking space per 150 square feet of building area creates a practical difficulty, as the limited parking demand does not align with the calculated parking demand based on total building square footage. The right of way adjacent to the property is unusually large, complicating compliance with setback requirements. The original plat indicates a five-foot distance from the right-of-way, demonstrating the patio's minor encroachment is consistent with historical site design. The existing patio's location, which is buffered by greenery, is constrained by the property's fixed dimensions and existing structures, making relocation impossible without eliminating functional outdoor dining space that was added to allow the business to stay viable during COVID.

DECISION

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

Adopted this _____ day of _____, 20 ____



Subject site looking southwest



Subject site looking west down Castle Ave



Looking south



Looking north up Madison Ave



Looking south down Madison Ave



Looking east down Castle Ave



Looking southeast at the patio addition



Gravel parking lot looking north



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

January 20, 2026

Case Number: 2025-DV3-029

Property Address: 8600 Madison Avenue (approximate address)

Location: Perry Township, Council District #23

Petitioner: Francis Michael Laux, by Justin and David Kingen

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

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

Current Land Use: Vacant

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

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued to the October 21, 2025 BZA Division III hearing.
- The petition was continued to the November 25, 2025 Division III hearing.
- The petition was continued to the December 16, 2025 Division III hearing.
- The petition was continued to the January 20, 2026 hearing due to lack of quorum.

STAFF RECOMMENDATION

- Staff **recommends approval** of this petition

PETITION OVERVIEW

- The revised site plan indicates that the proposed building would be encroaching into a Category Two Stream Protection Corridor by approximately 10 feet, as opposed to the originally requested 35-foot encroachment. Therefore, the request is now for a 10-foot encroachment into a Category Two Stream Protection Corridor and a parking area within an easement (encroachment of stream protection corridors and easements not permitted).
- The subject site is primarily zoned C-3, with a small sliver zoned C-1 at the north end of the site. The site is located directly north of Fountain Creek, which is a Category Two Stream, per the Ordinance, and is also located within a large utility easement that runs in a southwest direction from Madison Avenue through the property (shown in site plan below).



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- With this site containing both a large utility easement, and a 50-foot stream protection corridor, the portion of the site that is buildable without variances is significantly reduced. Staff generally is not in support of any development within platted easements, since the parties that have rights to that easement are able to alter / remove said development if desired. The proposed site plan indicates that none of the building and only the parking area would be located within the easement. Staff believes that if any development is to be within the easement, non-vertical developments such as parking areas are far less inhibiting and obstructing than vertical structures. Staff would also note that the petitioner has provided an indication from the relevant utility company that the company does not have an issue with the proposed parking area being located within the easement. This has eased Staff's concerns and Staff finds that this will decrease the chances of future conflict between the relevant parties. Further, Staff would note that there are similar parking areas and a game court located within this easement nearby to the subject site and, therefore, Staff does not find this development to be out of context nor without precedent. Therefore, Staff is not opposed to the parking area being located within this easement.
- Staff had concerns about the originally proposed 35-foot encroachment into the Stream Protection Corridor. The petitioner has revised the proposal to be much closer to compliance with the 50-foot buffer than initially proposed. Staff finds the revised 40-foot distance from the top of bank to the proposed building to be far more reasonable and that this revision would have far less impact on the stream than the original plans. Likewise, Staff's concerns have been further eased by the submitted landscape plan that would provide additional buffer and support for the stream. Additionally, Staff does find there to be a degree of practical difficulty for being able to meet the 50-foot standard given the presence of the utility easement on the other side of the property. Therefore, Staff is not opposed to the 10-foot encroachment into the Stream Protection Corridor.

GENERAL INFORMATION

Existing Zoning	C-3 / C-1 (TOD)	
Existing Land Use	Vacant	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-1	North: Commercial
South:	C-3	South: Commercial
East:	C-3	East: Multi-family residential
West:	C-7	West: Multi-family residential
Thoroughfare Plan		
Madison Avenue	Secondary Arterial	85 feet of right-of-way existing and 112 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit-Oriented Development Overlay	



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Division of Planning
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Wellfield Protection Area	No
Site Plan	8/12/25
Site Plan (Amended)	11/26/26
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	11/26/25
Findings of Fact	N/A
Findings of Fact (Amended)	8/12/25

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within the Red Line TOD overlay, however the Red Line ultimately did not end up servicing this portion of Madison Avenue and therefore the Madison Avenue and County Line Road Station mentioned in the 2020 Red Line Strategic Plan that was to be located less the ¼ mile from the subject site was not built.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY – SITE

2024DV3030, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a commercial building with a 15 percent front building line width (40 percent required), **approved**.

98-Z-40, 8602 Madison Avenue; rezone from C-1 to C-3, **approved**.

ZONING HISTORY – VICINITY

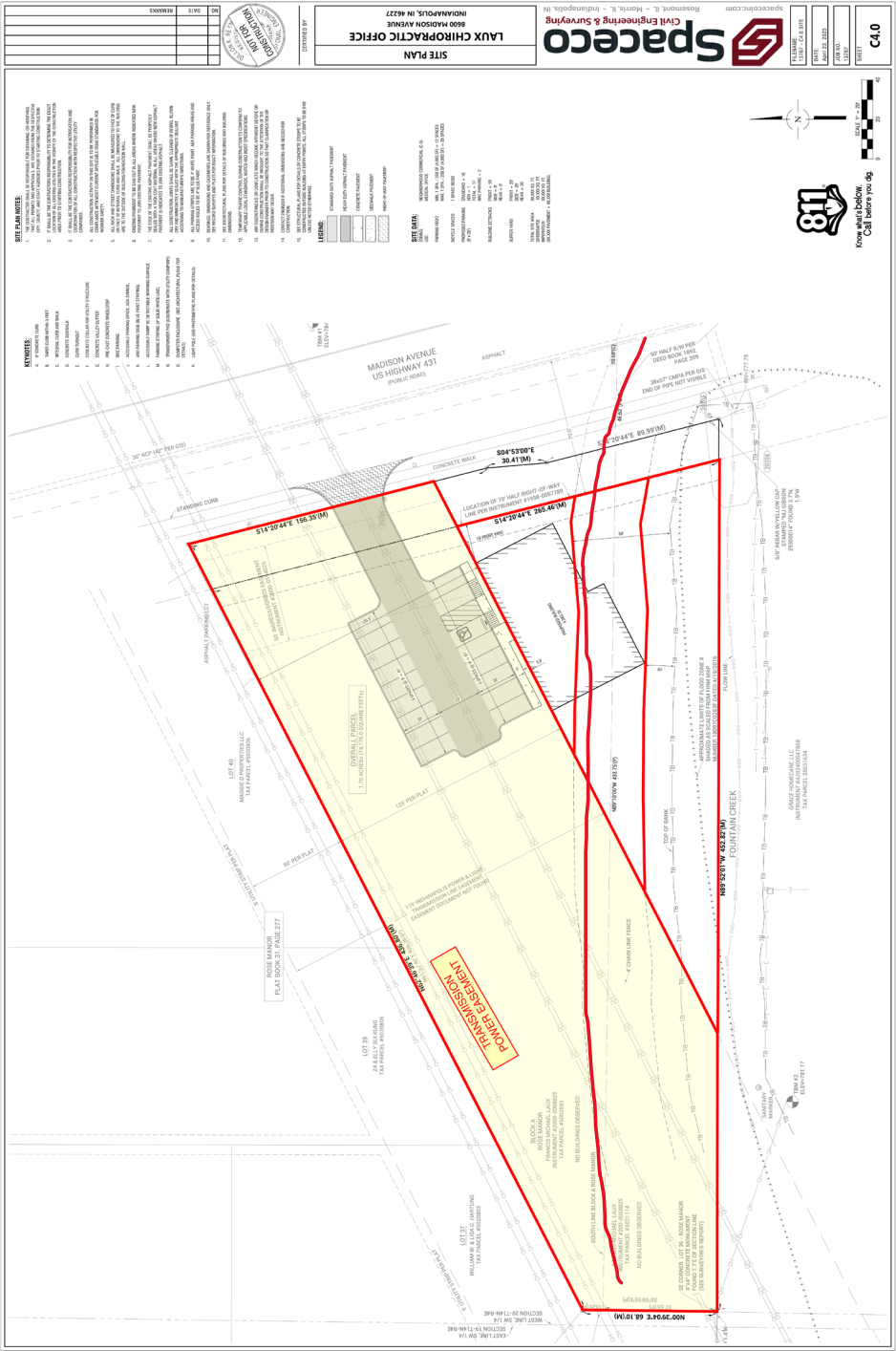
2000UV1014; 8610 Madison Avenue (north of site), variance of use to provide for a hair and beauty salon in an existing single-family dwelling (not permitted), **approved, subject to conditions**.

99-Z-30; 8610 Madison Avenue (north of site), rezone from D-3 to C-1, **approved**.

EXHIBITS



Aerial Photo



Original site plan with the Stream Protection Corridor indicated in red, file-dated 8/12/25

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



Revised site plan, file-dated 11/26/25



Revised site plan with the Stream Protection Corridor indicated in green and the easement in orange, file-dated 11/26/25





Landscape plan, file-date 11/26/25



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

December 4, 2025

Frank Laux
2508 East Stop 11 Road
Indianapolis, IN 46227

Re: Consent to Encroach Upon AES Indiana Transmission Line Easement No. 5149 in the vicinity of 8600 Madison Avenue in Perry Township, Indianapolis, Indiana. ("Property")

Mr. Laux:

This letter ("Letter Agreement") is in response to a request on behalf of Frank Laux, 2508 East Stop 11 Road, Indianapolis, IN (hereinafter referred to as "Owner") by Daric Gordon of Spaceco Inc., 2850 Priority Way South Drive, Suite 110, Indianapolis, Indiana, for permission to encroach upon the above-referenced easement located in Marion County, Indiana, ("Easement") with parking lot per proposed construction plans provided by Spaceco Inc.

Pursuant to law, Indianapolis Power & Light Company d/b/a AES Indiana, (hereinafter called "AES Indiana") has been granted an Easement for the distribution and transmission of electric energy at the above-referenced location, with Owner reserving all use and enjoyment of the Property not inconsistent with AES Indiana's Easement. The purpose of this Letter Agreement is to specify the extent to which AES Indiana will consider the use of the Easement as not being an interference with or an obstruction of AES Indiana's rights upon the Property, and to set forth the conditions under which the use will not interfere with or obstruct AES Indiana's rights, thereby providing both parties with a written understanding of their respective rights.

In consideration of compliance with the following terms and conditions, AES Indiana agrees not to object to encroachment on the Easement with Parking Lot as shown on the drawings titled "8600 Madison Avenue – Site Plan & Landscape Plan (11.26.25)", as revised on November 26, 2025, prepared by Spaceco Inc., so long as the following conditions are met:

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1. The use of the Property for the purpose described above shall not interfere with the use and enjoyment of the Easement by AES Indiana. Owner reserves all rights under the Easement to use and enjoy the Property in any manner not inconsistent with AES Indiana's use.

2. A minimum clearance of twenty feet (20') or that as specified by the Occupational Safety and Health Act, whichever distance is greater, shall be maintained from the electric line conductors by the Owner's personnel and equipment, agents, employees, contractors, invitees, successors and assigns while performing any work activities on or near the Easement. Limited exceptions to reduce this clearance may be granted upon submission to AES Indiana of a detailed work plan complying with current OSHA regulations.

3. The Owner or its successors and assigns shall provide and install, at its expense, any devices and structures deemed reasonably necessary by AES Indiana to protect the electrical facilities that are presently or may in the future be located on the Easement.

4. AES Indiana shall be given the opportunity to study and approve any modifications of this encroachment, as shown on the drawing previously submitted to AES Indiana, before their construction, taking into consideration the electric facilities that are now or may in the future be located on the Easement.

5. The Owner or its successors and assigns will indemnify, hold harmless and defend AES Indiana, its officers, employees, successors and assigns against any claims, demands, actions and causes of action because of any injury, damage or loss to the person or property of AES Indiana, the Owner or any other persons or parties, that result from the use of the Easement, or the use of the Easement by the Owner's employees, agents, contractors, invitees, successors and assigns conducted in furtherance of this Letter Agreement.

6. The Owner or its successors and assigns shall reimburse AES Indiana for any costs, expenses and damages or cost of necessary relocation of any of AES Indiana's facilities on the Easement, including possible future underground transmission lines, arising as a result of the Owner's use of the Easement.

7. The Owner or its successors and assigns will notify AES Indiana's Load Dispatcher at (317) 261-8628 twenty-four (24) hours prior to beginning any work on the Easement.

8. No vegetation landscaping may be done on the Easement without prior review by AES Indiana. All vegetation landscaping within the Easement, even that conforming to any guidelines posted by AES Indiana, is placed at Owner's risk. Any vegetation landscaping within the Easement that is damaged or removed by AES Indiana while enjoying its granted Easement rights will not be replaced by AES Indiana.

9. Owner is knowledgeable of, and accepts the potential for electrostatic discharges (i.e. "nuisance shocks") to occur under or otherwise in the vicinity of high voltage power lines.



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This Letter Agreement shall not be construed as a release or waiver of any rights of AES Indiana or the Owner in the Easement. Further, this Letter Agreement shall inure to the benefit of the heirs, devisees, grantees, successors and assigns of each of the parties hereto.

Any use of the Property which is inconsistent with the terms of the Letter Agreement or the Easement, or any failure to comply with the conditions of the Letter Agreement or the Easement shall constitute a breach, with either party having the right to seek all remedies available in law or equity.

This Letter Agreement and the Easement constitute the entire agreement between Owner and AES Indiana. The Letter Agreement shall become effective only after the acceptance of these terms and conditions by endorsement by Owner and return of this Letter Agreement to the attention of Zachary L. Sharp, Manager – Transmission Engineering, AES, 1900 Dryden Road, Moraine, Ohio 45439.

Each of the parties hereto represents to the other by execution of this Letter Agreement that the person executing it is duly authorized to do so.

AES INDIANA

By: _____
Norberto Corredor Diaz
Sr. Director
T&D & Generation Engineering & Asset Management

ACCEPTED this _____ day of _____, 20____.

Owner

By: _____

Frank Laux
Owner



Subject site in the background looking south



Looking north up Madison Ave with the Fountain Creek in the foreground



Looking west viewing the utility power lines



Looking north with Fountain Creek in the foreground



Looking west at the adjacent property south of the subject site



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BOARD OF ZONING APPEALS DIVISION III

January 20, 2026

Case Number: 2025-DV3-034

Property Address: 7110, 7200, 7202 and 7304 East 21st Street (approximate address)

Location: Warren Township, Council District #9

Petitioner: 7202 East (Indianapolis) Tanford LLC, by Lisa Argue

Current Zoning: C-4 (FW)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of four freestanding signs within an integrated center along East 21st Street, with a minimum of 45 feet of separation (maximum two freestanding signs along a frontage permitted, 300-foot separation required), with setbacks along East 21st Street ranging from two feet to zero-feet and encroaching within the right-of-way (five-foot setback required, encroachments not permitted) and the installation of a new sign cabinet on the existing pole sign along I-465, resulting in a height of 52.17 feet (maximum height of 20 feet permitted).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

12/16: Due to a lack of quorum, this petition was continued from December to January.

11/25: The petition was continued automatically by a registered neighborhood organization.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- The subject site is comprised of four (4) contiguous parcels that are developed with two (2) structures that house three (3) separate hotels with joint ownership. Several previous variances have been approved in relation to the layout and parking for the hotel uses. Surrounding land uses include Interstate 70 to the north, unaffiliated hotels to the east and west, senior living facilities to the southwest, and single-family residential development to the southeast. The subject site is intersected by the Pleasant Run Creek, and the hotel furthest to the west within the

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development is solely accessible by entering from further east on 21st Street and then by crossing over a small bridge on the hotel property (the other hotels are directly accessed from 21st Street).

- Several signs related to the hotel use also exist at the subject site. A pole sign was installed along the northwestern portion of the property via the permit SGN04-01137 in 2004, a pole sign for the hotel furthest to the east was allowed by the variance petition 2017-DV2-026 in 2017, and the decorative wall running parallel to 21st Street is also improved with tenant lettering in three (3) separate locations. The Ordinance would currently classify those three (3) signs as monument signs placed along an integrated center frontage shared between each of the hotels.
- As part of a branding update, the hotels are seeking to replace this existing signage with new advertising signs of a similar size. The existing pole sign with a height of 53.17 feet has already has the sign cabinet removed and would be replaced with a new sign cabinet resulting in a height of 52.17 feet. Each of the three (3) monument signs would be replaced with new lettering per the below Exhibits, and the pole sign approved by the 2017 variance would not be altered.
- This scope of work would require variances to allow for **(a)** a pole sign with a height of 52.17 feet when a maximum of 20 feet is permitted by current Ordinance; **(b)** placement of the three (3) monument signs along the shared frontage with inadequate separation (maximum of two signs and 300 feet of separation are required); and **(c)** placement of the monument signs with deficient setbacks and with the sign placed on the wall to the southwest encroaching slightly into public right-of-way (this approval would not replace the need for an Encroachment License).
- The property is zoned C-4 to allow for the development of major business groupings and regional-size shopping center to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. It is also partially within a Floodway district (although none of the proposed signs fall within the floodway area). The Comprehensive Plan recommends it to the Community Commercial typology for low-intensity commercial and office uses.
- Findings of Fact provided by the applicant indicate that their scope of work would solely entail the replacement of existing signage at the site and that, in the case of the pole sign, the new sign would be one (1) foot shorter than the pole sign previously at the site. Staff would note that in addition to none of the signs becoming more non-conforming, the monument signs along 21st Street would be non-illuminated which would reduce negative externalities for nearby residential uses. Additionally, the creek running through the property creates difficulty in accessing the hotel furthest to the west on the subject site and placement of the second monument sign would assist in wayfinding. Staff recommends approval of the requested variances.

GENERAL INFORMATION

Existing Zoning	C-4 (FW)	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	C-4	North: Interstate
South:	C-4 / C-1 / D-6 / C-S / D-3	South: Commercial / Residential
East:	C-4	East: Commercial
West:	C-4	West: Commercial
Thoroughfare Plan		
21 st Street	Primary Arterial	106-foot existing right-of-way and 88-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	10/16/2025	
Site Plan (Amended)	N/A	
Elevations	10/16/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	10/16/2025	
Findings of Fact (Amended)	N/A	



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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby residents. These uses are usually in freestanding buildings or integrated centers.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

2017DV2026, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a free-standing sign within 145 feet (300 feet of separation required) of an existing freestanding sign and being the sixth sign within an integrated center (1,800 feet of frontage required for six signs), **approved**.

2010DV3042, Variance of development standards of the Commercial Zoning Ordinance to provide for a hotel expansion, with 741 parking spaces provided (880 parking spaces required), **approved**.

2006DV2034, Variance of Development Standards of the Commercial Zoning Ordinance to provide for the construction of a 75-foot tall, 16,490-square-foot building addition (maximum 65-foot height permitted), and to provide for 741 parking spaces (minimum 805 parking spaces required), with a reconfiguration of the parking lot south of the addition to provide for 20-foot wide one-way aisles and 162-square foot parking spaces (180 square feet required), and without the required interior landscaping (interior landscaping required for parking areas with more than 100 spaces), **approved**.

86-UV3-61, Variance of development standards of the Commercial Zoning Ordinance to allow the reduction of the front transitional yard (10 feet proposed, 20 feet required) to provide for additional parking for an existing hotel, **approved**.

ZONING HISTORY – VICINITY

2021HOV001 ; 7020 E 21st Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through service unit and stacking spaces between the front façades and 21st Street and Shadeland Avenue (not permitted along any right-of-way width of 30 feet or greater), **approved**.

2009HOV012 ; 7040 E 21st Street (west of site), Variance of development standards of the Commercial Zoning Ordinance and Sign Regulations to provide for two hotels with a total of 151 sleeping units, a conference room and a restaurant, with 152 parking spaces (minimum 162 spaces required), legally establish eighteen parking spaces with three foot front setback from Interstate 70 and a trash enclosure with a six-foot front setback from Interstate 70 (minimum twenty-foot setbacks from a federal interstate right-of-way setback required), legally establish a zero-foot front landscape strip along both the north and south sides of Shadeland Road (minimum ten-foot front landscape strips required), provide for a 14.5-foot tall, 36-square foot pole sign with a zero-foot front setback from the existing right-of-way of East 21st Street and a one-foot front setback from Shadeland Road (minimum fifteen-foot front setback required), and provide for approximately 52 parking spaces with insufficient maneuvering area (proper maneuvering area required), **approved**.

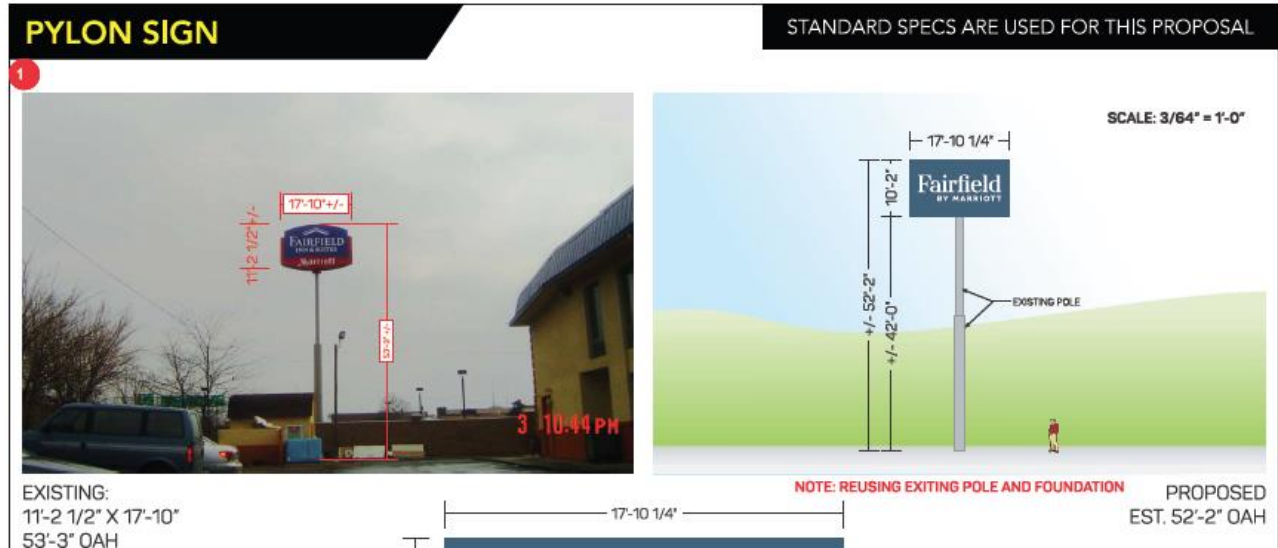
EXHIBITS

2025DV3034 ; Aerial Map

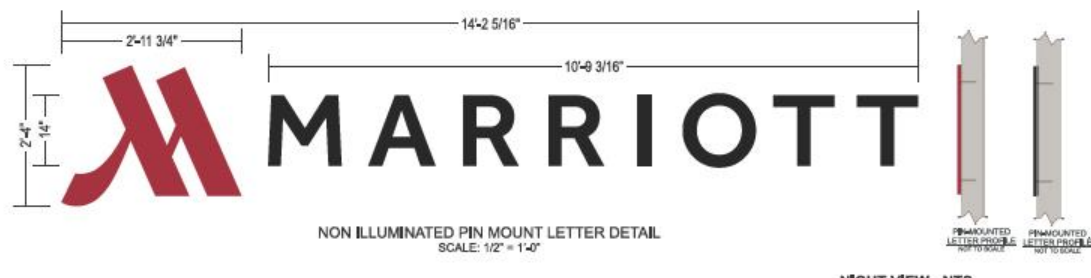




2025DV3034 ; Elevation (Pole; Sign #1)



2025DV3034 ; Elevation (Monument; Sign #2)



2025DV3034 ; Elevation (Monument; Sign #3)



EXISTING:
EST. 6'-0" TALL WALL

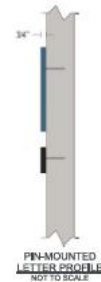


TECHNICAL SURVEY TO BE COMPLETED PRIOR TO PRODUCTION

PROPOSED



NON ILLUMINATED PIN-MOUNTED LETTERS
SCALE: 1/2" = 1'-0"



Scope of work:

2025DV3034 ; Elevation (Monument; Sign #4)



EXISTING



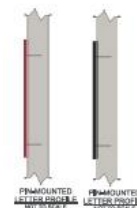
MONUMENT SCALE: 96.1442

PROPOSED

SURVEY REQUIRED TO CONFIRM WALL DIMENSIONS



NON ILLUMINATED PIN MOUNT LETTERS DETAIL
SCALE: 1/2" = 1'-0"





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2025DV3034 ; 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 logos for the monument signs are non-illuminated and simply replace existing sign faces, eliminating any additional glare or light pollution
- All work is confined to existing sign structures and footprints, so there's no new excavation or construction hazard introduced.
- Enhanced, consistent branding improves wayfinding for motorists and pedestrians, reducing confusion and the risk of traffic incidents at the shared entrance drive.

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 signs remain exactly where they are now, so there's no change to sight lines or landscaping that would detract from neighboring parcels.
- Updated corporate logos will refresh the appearance of the hotels and contribute positively to the streetscape along 21st Street and Interstate 70.
- All adjacent property owners retain existing views and access; the overall scale and massing of the signs do not increase.

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

- The integrated hotel complex, consisting of three separate parcels and hotels, would be forced to remove or relocate identification and wayfinding signage, causing confusion for guests turning off 21st Street.
- The 300 foot separation requirement cannot be met without demolishing one monument sign, which is neither physically possible nor economically viable. These are long standing existing signs.
- Limiting the pole sign to 20 feet would make the Fairfield Inn virtually invisible from Interstate 70, eliminating vital highway-oriented wayfinding and harming the hotel's ability to attract transient business.

2025DV3034 ; Photographs



Photo 1: Existing Pole from Pole Sign (Cabinet Removed)



Photo 2: Existing Monument Sign to Southwest of Site

2025DV3034 ; Photographs (continued)



Photo 3: Proposed Monument Sign #3



Photo 4: Proposed Monument Sign #4

2025DV3034 ; Photographs (continued)



Photo 5: Existing Western Hotel Viewed from North



Photo 6: Existing Hotel Viewed from Southwest

2025DV3034 ; Photographs (continued)



Photo 7: Existing Freestanding Signage to East of Requested Signage



Photo 8: Previous Pole Sign Viewed from Northwest (July 2024)



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BOARD OF ZONING APPEALS DIVISION III

January 20, 2026

Case Number: 2025-UV3-036
Address: 2236 East 75th Street (approximate address)
Location: Washington Township, Council District #2
Zoning: D-S (FF)
Petitioner: NLS, LLC by Laura Guy
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of 280-square foot garage in the front yard of 75th Street (not permitted), with a six-foot west side yard setback (fifteen-foot side yard setback required), and with 80% open space (85% open space required).

Current Land Use: Single-Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

SITE PLAN & DESIGN ISSUES

- ◇ The existing site development is typical of the area where detached accessory structures are located near the street and in front of the established front building line. The pattern of development on the north side of this portion of East 75th Street ranges from both shallow and deep rear yards to avoid construction in the changing floodway of the White River, while at the same time siting the primary dwelling to take advantage of its proximity to the river. Due to this land-related limitation and configuration, a practical difficulty exists for placing the garage in the front yard of 75th Street, from which relief should be granted.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would also provide for the proposed detached garage to have a six-foot side setback rather than the required 15-foot side setback, and the site to have an 80% open space where 85% is required.



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- ◇ The requested reduced side setback reduction and the open space reduction are largely a result of the smaller size of the lot. The lot, at approximately 9,414 square feet and 60 feet in width, is a D-4 sized lot. However, this site is within the D-S district, which includes standards that would be difficult to meet, particularly when proposing development consistent with the neighborhood. Therefore, there is a practical difficulty in complying with the width-based development standards for side setbacks, and the lot coverage development standards for open space minimums.
- ◇ In Staff's opinion, the proposed request to provide for the construction of 280-square foot garage in the front yard of 75th Street, with a six-foot west side yard setback, and with 80% open space would be consistent with the development in this area, and supportable.

GENERAL INFORMATION

Existing Zoning	D-S	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Suburban Neighborhood	
Overlay	No	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-S	White River / Multi-family dwellings
	South: D-S	Single-family dwellings
	East: D-S	Single-family dwellings
	West: D-S	Single-family dwellings
Thoroughfare Plan		
East 75 th Street	Local Street	48-foot existing and proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	500-year Floodplain	
Wellfield Protection Area	No	
Site Plan	December 10, 2025	
Elevations	N/A	
Plan of Operation	N/A	
Commitments	N/A	
Landscape Plan	N/A	
Findings of Fact	December 10, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan has recommended Suburban Neighborhood uses for this site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book 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



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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

2018-DV1-026; 2170 East 75th Street (west of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with a nine-foot side setback, and to provide for and legally establish accessory structures in the front yard of 75th Street, **granted**.

2016-HOV-005; 2260 East 75th Street (east of site), requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-story single-family dwelling, with a five-foot east side setback and a 10-foot west side setback for an aggregate setback of 15 feet, on a lot with 60 feet of frontage, and an open space of 68%, **granted**.

2015-DV3-008; 7565 Terrace Beach (west of site), requested a Variance of Development Standards to provide for a dwelling addition, two covered porch additions and a deck, with a grill area, with a west side setback of approximately one-foot, creating an open space of 84%, on a lot with zero feet of frontage and lot width, and without direct access to a public street, **granted**.

2001-DV1-026; 2334 East 75th Street (east of site), request for Variances of Development Standards of the Dwelling Districts Zoning Ordinance, to provide for reduced side yard setbacks and front yard setbacks for accessory use structures, **granted**.

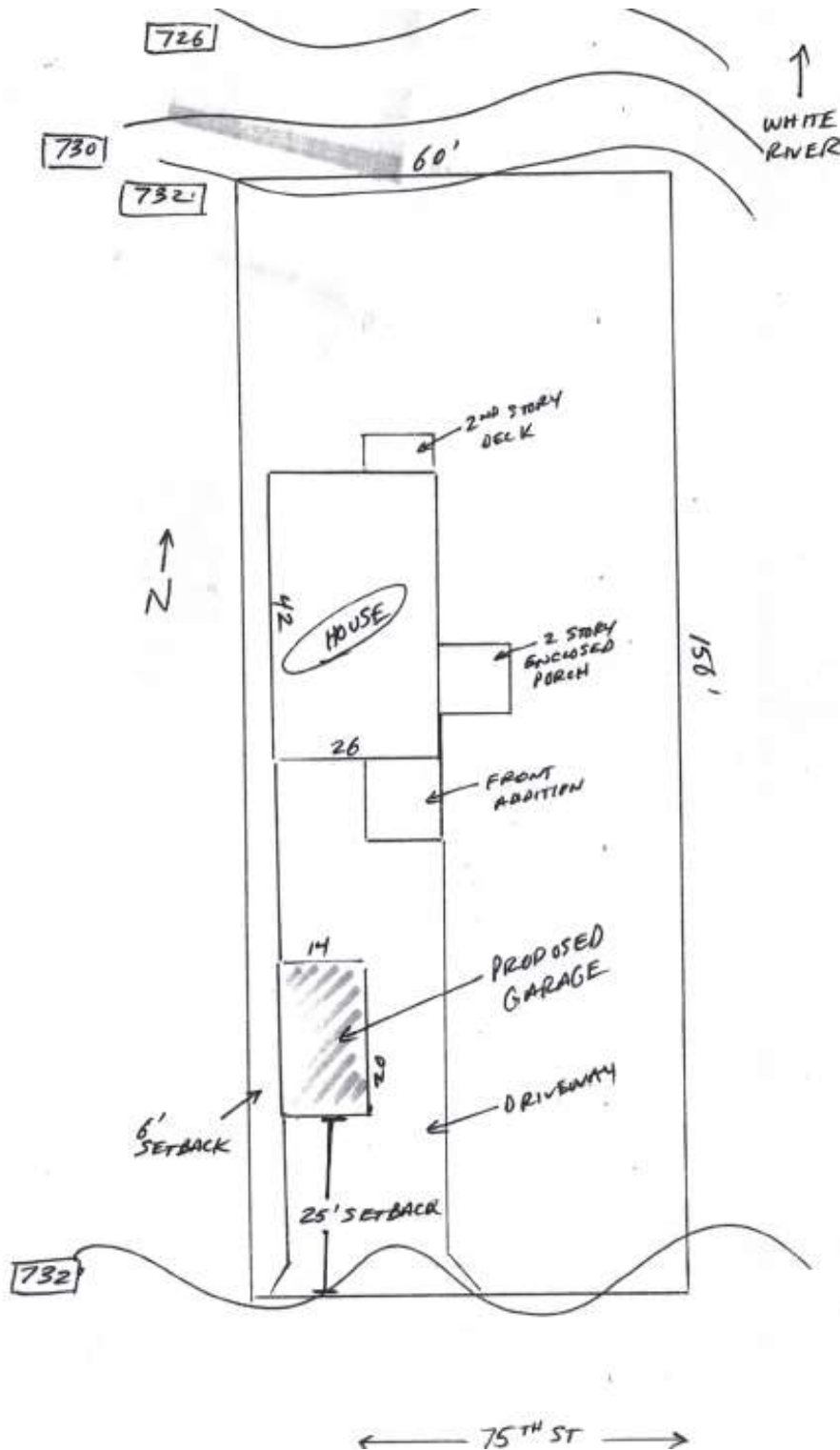
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EXHIBITS

Location Map



Site Plan





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Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF 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:

Building a 14x20 detached garage on this residential lot will have no negative impact on the surrounding community. It will be a secure structure and built in an efficient manner. In fact, it's likely that the neighbors will appreciate the resident's car, lawn mower, and other items be stored inside a garage instead of the open grounds.

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:

It's common place in this neighborhood, where the majority of lots are 60' wide, to have structures built very close to property lines. The proposed garage would actually be slightly farther from the property line that the house already is. A newly built garage with matching facade as the recently remodeled house will be attractive and fitting for the neighborhood.

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

DS zoning is generally designated for larger properties (minimum 1 acre) in which case 85% open space makes sense. This property is .22 acres (9,360 sq ft) so 80% seems more in line with municipal guidelines. The proposed garage would still leave 82% open space on this property. Similarly, a 25' front setback and 6' side setback are symmetric with development standards for lots of this size and also in line with what is already built on properties all throughout this neighborhood. If it's relevant, unlike the vast majority of the surrounding area, this property is outside the flood zone.

Photographs



Subject site, looking north



Subject site proposed garage location, looking northwest.



Subject site proposed six-foot westside setback for garage, looking north.



Subject site rear yard, looking north.



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BOARD OF ZONING APPEALS DIVISION III

January 20, 2025

Case Number: 2025-MO3-002

Property Address: 2719 North Emerson Avenue (*approximate address*)

Location: Warren Township, Council District #9

Petitioner: Imagineering Holdco Inc., by Nick Hammer

Current Zoning: I-2
Modification to terminate Conditions Two and Three of 2005-SE3-003 to allow for outdoor storage and operations outside of the existing building (outdoor storage prohibited and operations required to be within the existing building).

Request: Variance of use and development standards of the Consolidated Zoning/Subdivision Ordinance to allow for outdoor storage within 280 feet of a protected district with a height of 13 feet and without required fencing and landscape screening (500 feet of separation required, maximum 10-foot tall height permitted, screening required).

Current Land Use: Industrial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

12/16: Due to a lack of quorum, this petition was continued from December 16th to January 20th.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 2719 North Emerson is a parcel with a size of around 5.55 acres that is currently improved with two (2) industrial buildings on the eastern portion of the property. Both buildings are associated with a metal finishing use (Imagineering Finishing Technologies). Adjacent land uses include contractors to the north and south, a fueling station to the southwest, and residences to the east.
- The metal finishing facility was approved at this site in 2005 via the Special Exception petition 2005-SE3-003. That approval was subject to five (5) separate conditions, including that (a) outside storage would not be permitted; and (b) all operations would occur within the existing building. The full list of conditions is within Exhibits below.



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- The enforcement case VIO25-003522 was opened in April of 2025 at the subject site, which noted the presence of several civil zoning violations. Some of those violations (related to the paving and striping of vehicle areas, signage, miscellaneous scrap metal and wood, etc.) are being addressed by the petitioner outside of the variance process. A full list of violations is within the Exhibits.
- Approval of this petition would allow for three (3) separate outdoor storage areas at the property (per the site plan within the Exhibits) by modifying the conditions of approval from 2005-SE3-003. Specifically, it would terminate the two (2) conditions related to the prohibition of outdoor storage (Condition Two) and the requirement for internal operations (Condition Three).
- Additionally, Variances of Development Standards would be required related to **(a)** the outdoor storage being within 280 feet of residentially zoned parcels to the east (minimum 500 feet of separation required); **(b)** a height of 13 feet for the outdoor storage materials (maximum of 10 feet permitted); and **(c)** a lack of required fencing or landscaping around the outdoor storage areas per 744-508.C of the Ordinance. The proposed outdoor storage areas appear to comprise 24.9% of the building area at the site, which complies with I-2 requirements per Table 743-306-2 (maximum 25% allowed).
- This property is zoned I-2 (Light Industrial District) to allow for industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Within that zoning district, outdoor operations and storage should be completely screened if adjacent to Protected Districts and limited to a percentage of the total operation. Similarly, the Comprehensive Plan recommends the site to the Light Industrial typology to allow for industrial, production, distribution, and repair uses within enclosed structures.
- Ordinance regulations on the height, screening, and size of outdoor storage when near residential areas exist to ensure that potential hazards and negative externalities are mitigated and separated from all neighborhoods and to ensure compatibility and buffering between adjacent land uses. Although the existing building does provide a level of buffering and visual separation from residences to the east of the outdoor storage areas, the limitations on outdoor storage and requirement for internal operations have been in place for the past 20 years and were a requirement for the Special Exception allowing for the metal finishing use. The applicant is seeking not only to exceed the limitations imposed by commitments but also those typically applicable for the I-2 zoning district (height, lack of screening, residential proximity).
- Staff's primary objection with regards to this petition is the lack of fencing or screening around the proposed outdoor storage areas. If some forms of buffering were in place, it would minimize the visual impact of the storage areas further and would also create a specific boundary ensuring that the storage areas wouldn't exceed the 25% of gross building area requirement for I-2 zoning. Staff indicated to the petitioner that provision of some form of fencing or landscaping around the storage areas could lead to an approval recommendation for the remaining requests, but the petitioner did not indicate openness to this compromise. Given this concern of the site exceeding the 25% requirement in addition to the lack of site-specific practical difficulty prevent compliant indoor storage as contemplated for this business in 2005, staff recommends denial of the petition.



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GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Industrial	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	I-2	North:
South:	C-4 / I-2	South: Commercial / Industrial
East:	D-4	East: Residential
West:	D-4 / C-3	West: Undeveloped
Thoroughfare Plan		
Emerson Avenue	Primary Arterial	120-foot existing right-of-way and 104-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	09/13/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	09/13/2025	
Findings of Fact (Amended)	N/A	



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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Truck traffic should be separated from local or residential.
- Light Industrial land uses are contemplated but removed where they would be adjacent to a living or mixed-use typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

2005SE3003, special exception of the Industrial Zoning Ordinance to provide for a metal finishing facility (not permitted), within an existing two-story building, **approved with conditions**.

ZONING HISTORY – VICINITY

2025DV3024 ; 2747 N Emerson Avenue (north of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a waiver of the requirement to install pedestrian connectivity between a freestanding building and the existing sidewalk network along the right-of-way of Emerson Avenue (required), **approved**.

2006VAR809A ; 2553 Emerson Access (south of site), special exception of the Industrial Zoning Ordinance to provide for retail sales of plants and landscaping related products, **withdrawn**.

2006VAR809 ; 2553 Emerson Access (south of site), variance of development standards of the Industrial Zoning Ordinance to provide for 4,900 square feet or 71.3 percent of the enclosed building area of outdoor display area (maximum 1,716 square feet 25 percent of the enclosed building area of outdoor display permitted), to provide for a zero-foot rear transitional yard (minimum 30-foot transitional yard required), without landscaping in the north and south side yards (landscaping required), **withdrawn**.

2004UV2026 ; 2553 Emerson Access (south of site), variance of use of the Industrial Zoning Ordinance to provide for an automobile storage lot for inoperable vehicles (not permitted), **approved**.

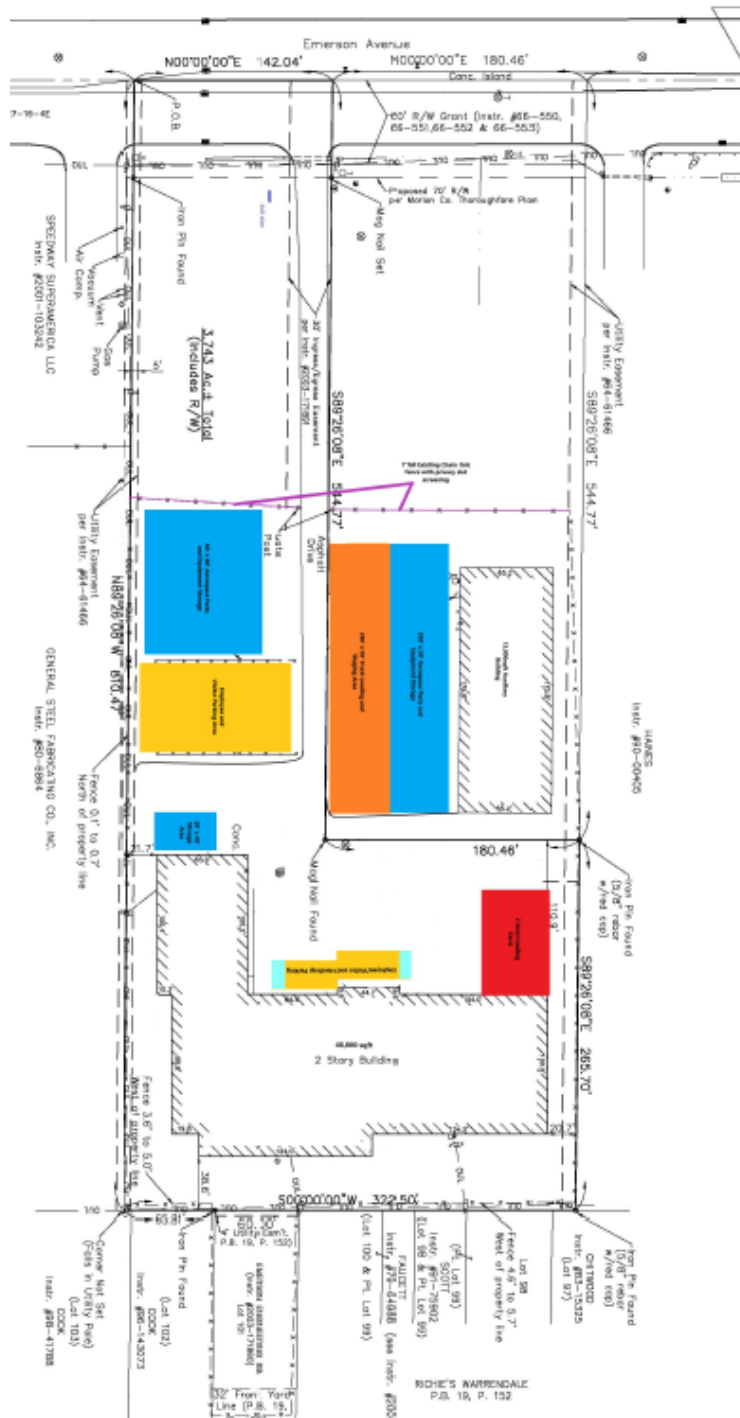
87-UV2-2 ; 2642 N Butler Avenue (east of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for storage, **denied**.

85-UV2-101 ; 2642 N Butler Avenue (east of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for the construction and repair of race cars and the re-building of antique cars, **denied**.

EXHIBITS

2025MO3002 : Aerial Map





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2025MO3002 : Findings of Fact

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

The proposed storage involves only non-hazardous, commercially safe goods, eliminating risks of contamination, fire hazards, or other environmental concerns.

Storage areas are clearly defined, orderly, and maintained in a manner that preserves safe circulation for vehicles and emergency responders.

Visual impact will be minimized through fencing, screening, or landscaping, ensuring compatibility with the character of surrounding properties.

The use does not increase traffic hazards, impede public access, or introduce activity inconsistent with community standards. Similar outdoor storage practices already exist within the district without adverse impacts, and this proposal is designed to operate in the same responsible manner.

Accordingly, the request upholds public health and safety while supporting the general welfare and orderly development of the 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:

Storage will be limited to designated areas, organized and maintained in an orderly manner that is compatible with surrounding land uses. Screening, fencing, or landscaping will be provided where appropriate to reduce visual impacts and preserve the aesthetic quality of the area. The proposed storage will not introduce noise, odor, or other nuisances that could negatively affect nearby properties. Similar outdoor storage uses exist within the district and have not diminished surrounding property values, and this proposal is designed to operate in the same responsible and consistent manner. Accordingly, the requested use will remain harmonious with the character of the community while safeguarding the value and enjoyment of adjacent properties.

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

Strict enforcement of the prohibition on outdoor storage would create an unnecessary hardship by restricting the petitioner's ability to continue transporting and staging large aerospace components sourced from NASA, Boeing, Lockheed, and Blue Origin for delivery to the Indianapolis market. These components, due to their scale and specialized handling requirements, cannot feasibly be stored within standard enclosed facilities. Outdoor storage in a controlled, screened, and secure area is essential to the petitioner's ongoing operations and ability to serve a critical and growing sector of advanced manufacturing and aerospace supply. Denial of this allowance would impair the petitioner's ability to conduct business effectively and competitively, resulting in a practical difficulty that goes beyond mere inconvenience and instead threatens the viability of a unique and beneficial enterprise within the community. Granting the variance will relieve this hardship while ensuring storage is conducted in a manner consistent with the public interest.

2025MO3002 : Previous Special Exception Conditions (2005SE3003)

1. **Subject to the site plan file-dated August 23, 2005, and the following conditions:**
2. **Outside storage shall not be permitted.**
3. **All operations shall occur within the existing building and be subject to the Plan Operation, file-dated September 22, 2005, and identified as Exhibit "A."**
4. **Any sign identifying the business use shall either be non-illuminated or externally illuminated**
5. **Subject to the PPC report submitted as part of the Plan of Operation.**



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2025MO3002 ; Notice of Violation (VIO25-003522)

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

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-903.B. - Failure to obtain a sign permit for the display of a wall sign and free-standing sign).

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; (Scrap metal, wood, and other miscellaneous items throughout the property).

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

Specific Violation: The outdoor storage of inoperable vehicles in any zoning district, the provisions of which do not specifically permit such a use; (Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate, or flat tires; or that is otherwise partially dismantled or mechanically inoperable...multiple vehicles).

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, dump truck beds and other miscellaneous vehicle parts throughout the property).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.A.6.e – Parking lots used for access or maneuverability shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.D.6.a. - The parking area lacks hard surface and durability...gravel surface).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.D.7.a. - The parking spaces lack 4 inch durable painted lines, curbs or signage).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (Table 744-402-2: - Failure to provide the required ADA parking...2 handicap parking spaces are required).

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

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (Failure to comply with petition #2005-SE3-003; specifically, condition #2...outside storage shall not be permitted). Contact Current Planning, 18th Floor of the City/County Building, 200 E Washington St...317-327-5155.

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

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (Failure to comply with petition #2005-SE3-003; specifically, condition #3...all operations shall occur within the existing building) Contact Current Planning, 18th Floor of the City/County Building, 200 E Washington St...317-327-5155.

2025MO3002 ; Photographs



Photo 1: Primary Building Viewed from West



Photo 2: Accessory Building & Northern Storage Area Viewed from South

2025MO3002 : Photographs (continued)



Photo 3: Northern Storage Area Viewed from East



Photo 4: Northern Storage Area Viewed from Southwest

2025MO3002 : Photographs (continued)



Photo 5: Parking Area Viewed from Northeast

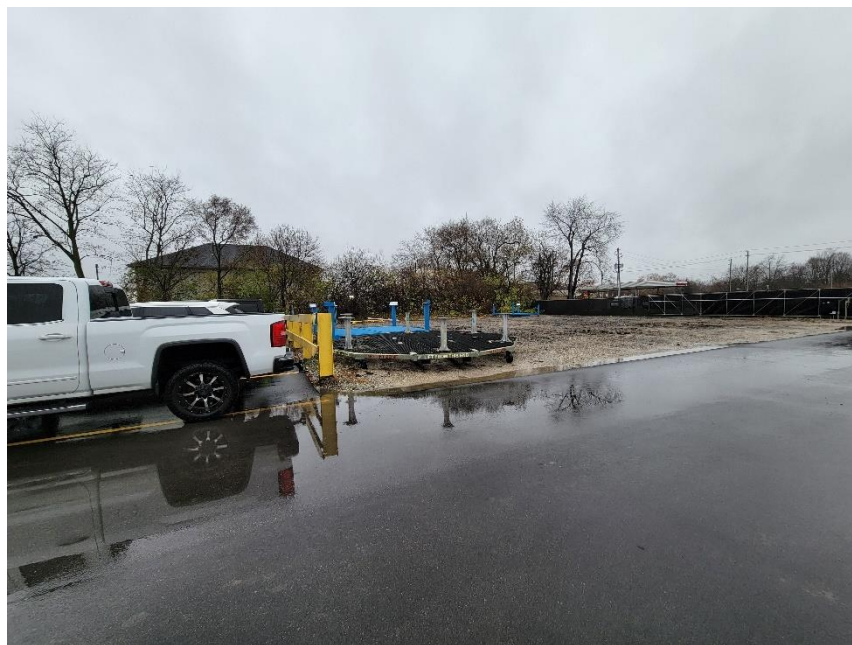


Photo 6: Western Storage Area Viewed from Northeast

2025MO3002 : Photographs (continued)



Photo 7: Southern Storage Area Viewed from Northwest



Photo 8: Southern Storage Area Viewed from Southeast

2025MO3002 : Photographs (continued)



Photo 9: Existing Loading Dock for Primary Building



Photo 10: Primary Building Viewed from Southeast

2025MO3002 : Photographs (continued)



Photo 11: Portion of Primary Building (Southeast)



Photo 12: Adjacent Property to South

2025MO3002 : Photographs (continued)



Photo 13: Adjacent Property to East



Photo 14: Adjacent Property Line to East

2025MO3002 : Photographs (continued)



Photo 15: Existing Fence & Adjacent Property to Southwest



Photo 16: Adjacent Property to North

2025MO3002 ; Photographs (continued)



Photo 17: Subject Site Viewed from Emerson (June 2024)



Photo 18: Adjacent Property to West from Emerson (June 2024)



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BOARD OF ZONING APPEALS DIVISION III

January 20, 2026

Case Number: 2025-DV3-016 (Amended)

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

Location: Center Township, Council District #18

Petitioner: Linda Thompson, by Justin Kingen & David Kingen

Current Zoning: C-4

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

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

1/20: Due to a lack of quorum at the December 16th hearing date, this petition was continued to the January 20th hearing date of Division III of the BZA. Staff would not be supportive of additional continuance requests.

12/16: The petitioner's representative was granted a two-month continuance from the October hearing date (over staff objection) to allow time for the drafting of alternate site plans for the property that show both current conditions as well as a version of plans with a reduction in the amount of fence encroaching into the clear-sight triangular area (while still being located within it). Those plans have been added to the Exhibits. Staff's recommendation on the petition is unchanged, and no additional continuance requests would be supported.

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

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

7/15: This petition received an indecisive 1-2 vote at the June 17th hearing of Division III, and was therefore automatically continued to the July 15th hearing date. Staff has not changed their recommendation and would clarify that (a) available photography provided by Google Street View seems to show that no fence existed along the eastern or southern property lines between 2007 and 2023, and



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(b) that the site plan submitted along with the 1995 variance only showed placement of fencing along the northern yard (signified by X's) and the western property line (shorter chain link fence removed between 2011 and 2015 per Google Street View).

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

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



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- This site is zoned C-4 (Community-Regional) to allow for the development of major business grouping and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. The ordinance specifies that even small freestanding uses within C-4 should have excellent access from major throughfares. The portion of the site containing the auto sales use and fence is also recommended for Community Commercial uses by the Marion County Land Use Plan Pattern Book.
- The Indianapolis Zoning Ordinance prescribes height and material limitations for fences to maintain visibility, orderly development, and the appearance of open space while also allowing for reasonable privacy. Additionally, restrictions on visual obstructions within required clear-sight triangle areas allow for pedestrians and motorists to safely navigate around street corners.
- Staff does not feel that the Findings of Fact provided by the applicant identify any site-specific practical difficulty to justify a 71% increase in height over Ordinance requirements. Additionally, this property is directly bordered by both a bike lane to the south and a greenway connection to the east, and is within a mile of a Cultural Trail connection within the Fountain Square neighborhood to the west. Placement of fencing that would impede the view of pedestrians or cyclists attempting to navigate in an area with increasing walkability would be inappropriate both for the existing context at this intersection and for the Ordinance vision of vibrant and welcoming storefronts that don't impede site access for customers. Staff recommends denial of each request.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial / Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5 / I-3	North: Residential
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	D-8	West: Residential
Thoroughfare Plan		
Prospect Street	Primary Arterial	56-foot right-of-way existing and 56-foot right-of-way proposed
Keystone Avenue	Primary Arterial	50-foot right-of-way existing and 56-foot right-of-way proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	



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Site Plan	04/05/2025
Site Plan (Amended)	12/2/2025
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	04/05/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

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

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

ZONING HISTORY – VICINITY

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

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

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

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

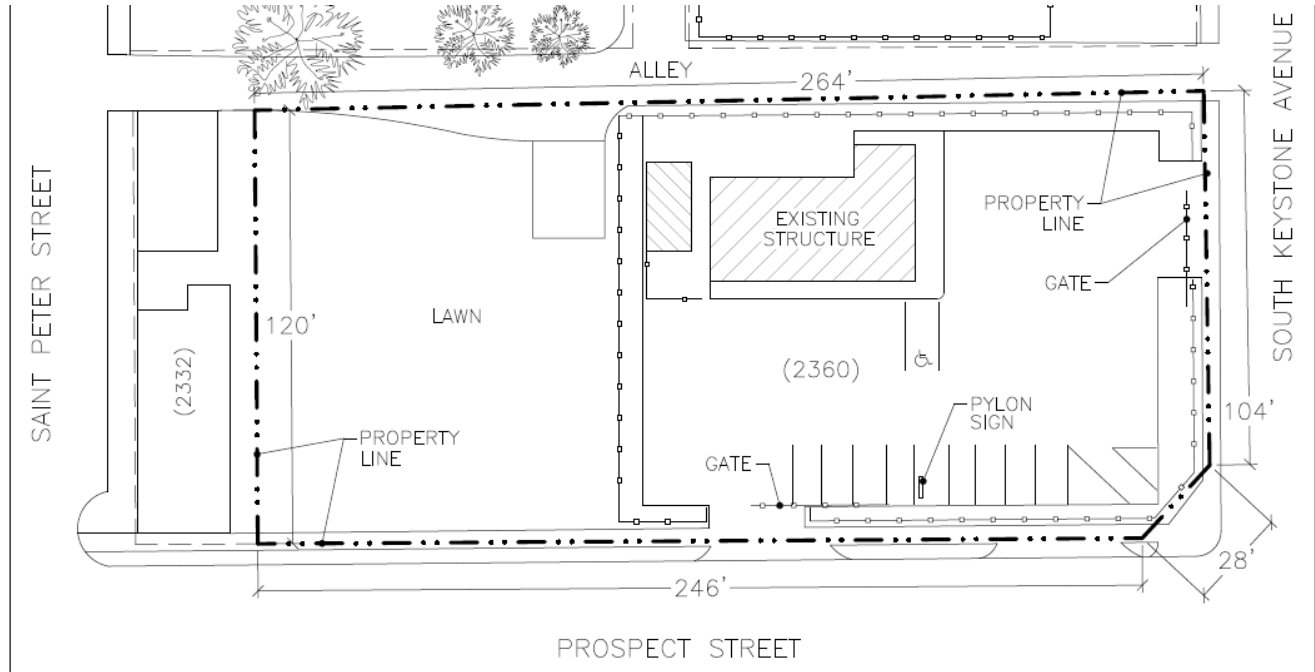
98-NC-25 ; 2332 Prospect Street (west of site), legally establish nonconforming use of 5 apartments within C-4 zoning, **denied**.

EXHIBITS

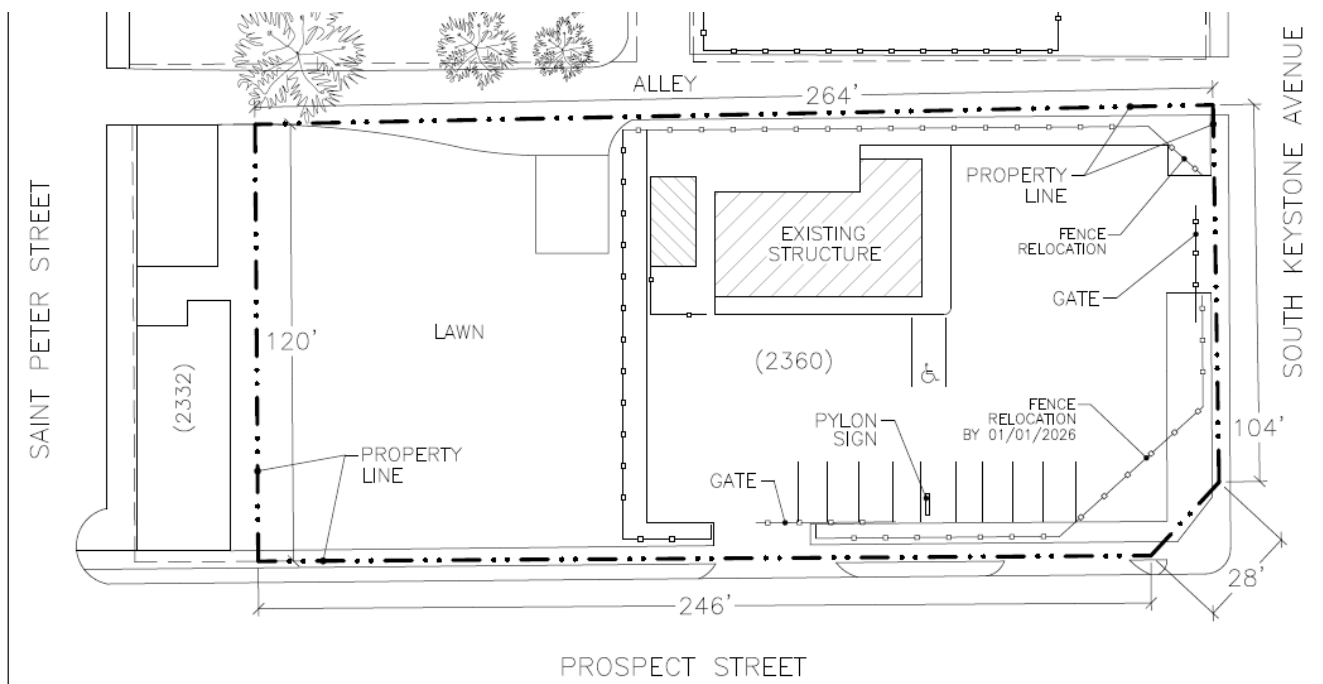
2025DV3016 ; Aerial Map



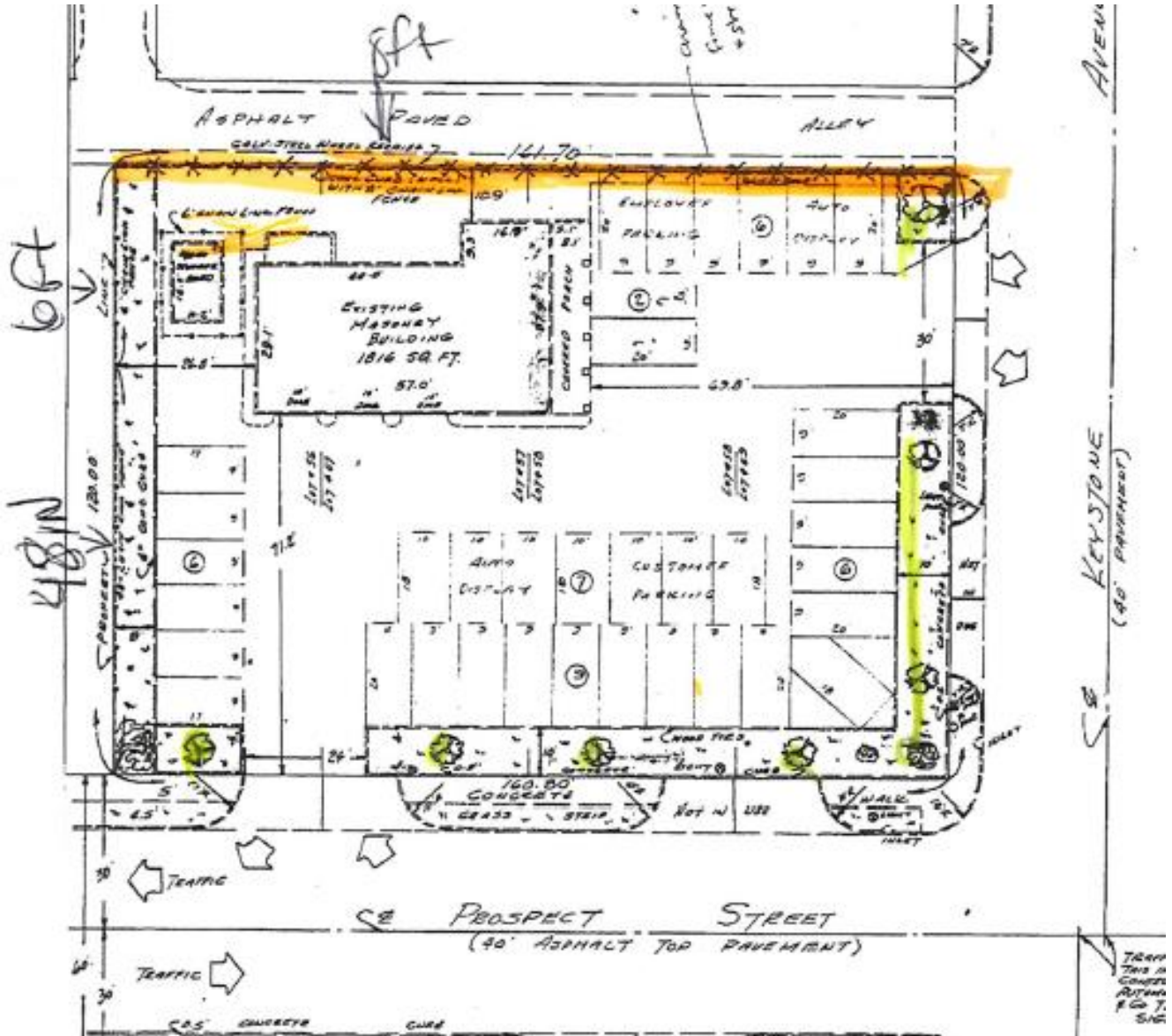
2025DV3016 ; Site Plan (Existing)



2025DV3016 ; Site Plan (Proposed Fence Adjustments; No New Development)

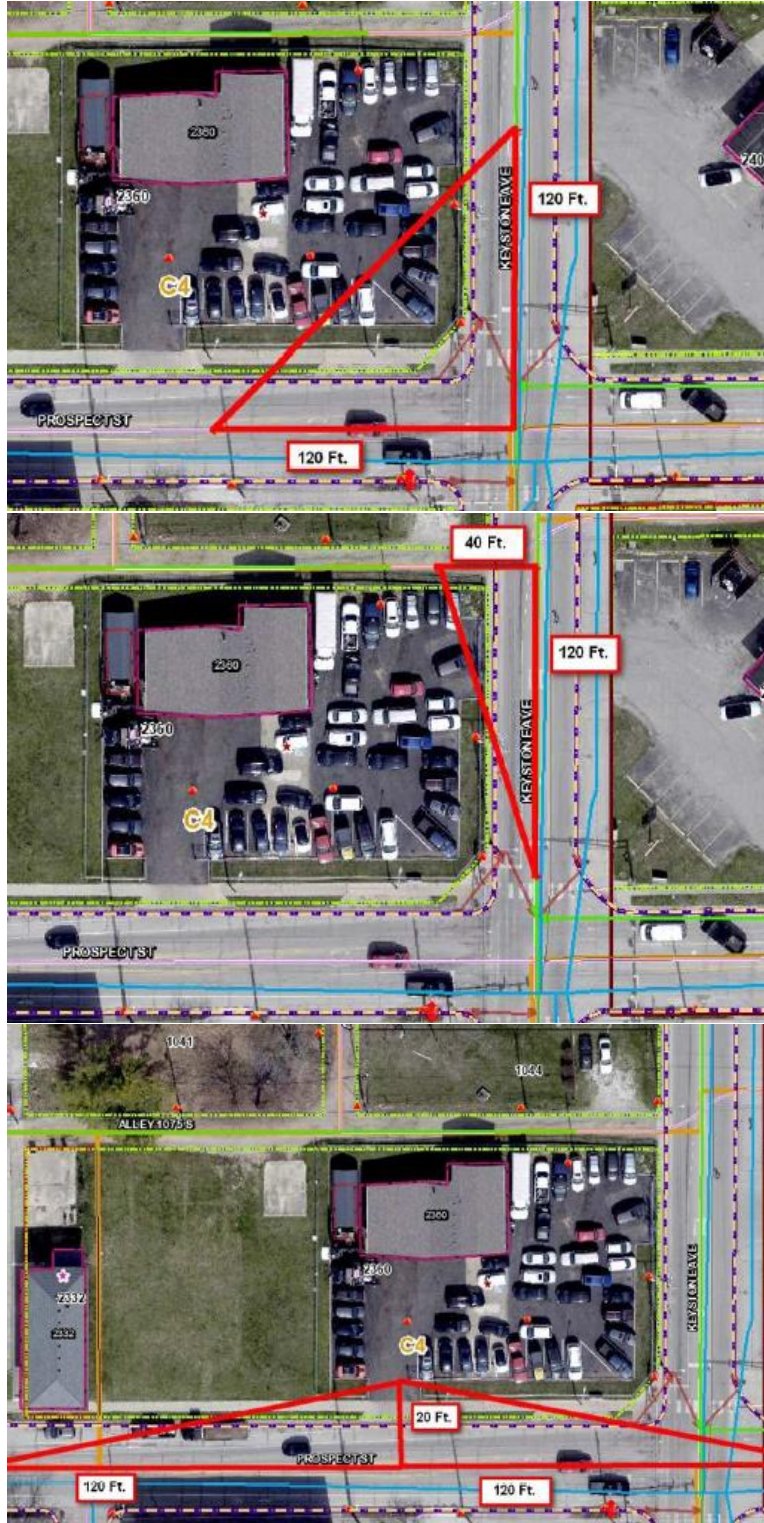


2025DV3016 ; Site Plan (95-UV3-65)



(note: landscape plantings shown on this plan that were a condition for approval were never installed)

2025DV3016 ; Clear Sight Triangle Encroachments





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2025DV3016 ; Notice of Violation (VIO23-005132)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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2025DV3016 ; Findings of Fact

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

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

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

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

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

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

2025DV3016 ; Photographs



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



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

2025DV3016 ; Photographs (continued)



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



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

2025DV3016 ; Photographs (continued)



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



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

2025DV3016 ; Photographs (continued)



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



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

2025DV3016 ; Photographs (continued)



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



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

2025DV3016 ; Photographs (continued)



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



Photo 12: Adjacent Property to East (March 2024)



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BOARD OF ZONING APPEALS DIVISION III

January 20, 2026

Case Number: 2025-DV3-035

Property Address: 7930 Castleton Road (approximate address)

Location: Lawrence Township, Council District #4

Petitioner: Outfront Media LLC, by Alan S. Townsend

Current Zoning: C-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to increase the height of a legally established, legally non-conforming outdoor advertising sign to 60 feet (40-foot maximum height per the grant of 2023-SE3-004).

Current Land Use: Undeveloped

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

12/16/25: The petitioner requested a one-month continuance to provide staff with additional supporting documentation for the variance. Additional documentation was not provided prior to publication.

11/25/25: A continuance was requested on the petitioner's behalf by staff to allow sufficient time for the mailing and posting of notice, and since the applicant would be traveling on the day of the hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 7930 Castleton Road is an undeveloped parcel that is adjacent to an I-69 exit ramp to the south, the Nickel Plate Trail to the west, and industrial development to the north and west.
- The Indiana Department of Transportation's Clear Path project resulted in a relocation of interstate that required the removal of a previous off-premises advertising sign to the east of the subject site. As a result of that removal, the petition 2023-SE3-004 was approved in 2023 to allow for the relocation of the 40-foot sign to an alternate location at the subject site around 575 feet to the west. This relocation allowed for placement of the billboard in closer proximity to both other advertising signs, an interstate ramp, and the front property line than would currently be allowed. However, that petition did **not** allow for changes to the height or dimensions of the sign itself.



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- Per amendments made earlier in 2025, current ordinance allows for placement of off-premises advertising signs with height of up to 60 feet in height. However, the specific billboard sign approved by Special Exception in 2023 would be both legally established and legally non-conforming for both the specific height and pole location referenced by 2023-SE3-004. Any deviation from that approved height or pole location would require a new variance to be approved. Put another way: if this were a new sign that met all development standards of the Current Ordinance – and was allowed by-right in the district – it would be allowed. However, because the billboard is only allowed by its variance grant, the petitioner cannot seek to modify that grant and a new variance is required. This is consistent with the Indiana Code regarding relocations.
- Documentation and Findings of Fact provided by the applicant mention the recent rule change related to billboard sign heights as well as a recent discovery that “the change in elevation from the roadway to the location approved by the BZA [would] partially obscure the visibility” of the sign. Staff made multiple requests for additional context about those recent discoveries (i.e. existing or proposed soundwall or barrier heights along relevant portions of the I-69 freeway or multiple angles of sight for southbound traffic on I-69). The applicant provided a single unscaled ‘before and after’ rendering of how the proposed sign might appear from heights of 40 feet and 60 feet (within Exhibits), but additional context beyond this was not provided prior to publication. The Ordinance amendments of 2025 do not create a practical difficulty as the billboard approved by the Board of Zoning Appeals was legally established by a previous permit and constructed; the addition of height is a desired change, self-imposed by the petitioner.
- Per recent street-level photos, the exit ramp that leads southbound traffic to I-465 South (the closest ramp to the subject parcel) has a small concrete divider that appears unlikely to block the sightlines of standard passenger vehicles (see photo 5). The exit ramp to I-465 West appears to have a concrete divider of a similar height except for a small portion that appears to be taller. That divider is the one depicted within the rendering provided by the applicant, and its boundaries are shown in photos 1 and 2 below. The ‘Boundary Placement for Southbound Traffic’ diagram generated by staff within the Exhibits provides additional visualization of existing improvements.
- The height of concrete dividers that would exist between these exit ramps for southbound traffic and the proposed sign location is unclear, as is the length of the I-465 West ramp where a taller divider exists, any future changes that might be contemplated for the dividers, or the visibility of the sign at a height of either 40 or 60 feet from any location except for the right-most lane behind the taller divider (and those renderings did not provide a scale). Staff feels that the provided evidence does not meet the burden of proof to establish a site-specific practical difficulty.
- Regulations on signage exist within the Ordinance to allow for maintain equitable opportunity for effective communication while also limiting both potential hazards to motorists as well as excessive sign displays. Substantial variances from current Ordinance standards have been previously granted to allow for the sign approved by 2023-SE3-004, and evidence that the proposed 40-foot sign could not be utilized has not been provided. Staff recommends denial of the variance to allow for an increase in 20 feet of the proposed sign that would already be near other billboards and to the interstate ramp.



Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	C-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Heavy Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: C-7	North: Industrial
	South: C-5	South: Interstate
	East: C-5	East: Interstate
	West: C-S / I-2	West: Industrial
Thoroughfare Plan		
Castleton Road	Local Street	30' existing ROW & 50' proposed
Craig Street	Private Drive	
I-465	Freeway	
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	09/22/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	09/22/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Heavy Commercial typology provides for consumer-oriented general commercial and office 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 goods.

Red Line / Blue Line / Purple Line TOD Strategic Plan



Department of Metropolitan Development
Division of Planning
Current Planning

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

2023SE3004, Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-465 and I-69 by a state agency, **approved**. Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 40-foot tall off-premise advertising sign within 260 and 650 feet of other advertising signs along I-465 (1,500-foot separation along expressways required), within 960 feet from an advertising sign (minimum 1,000-foot radial separation required), adjacent to an I-465 ramp (500-foot separation required from interstate ramp entries), with a 20-foot south front setback from an I-465 ramp (60 feet required), **approved**.

2023DV3022, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 40-foot tall off-premise advertising sign within 260 and 650 feet of other advertising signs along I-465 (1,500-foot separation along expressways required), within 960 feet from an advertising sign (minimum 1,000-foot radial separation required), adjacent to an I-465 ramp (500-foot separation required from interstate ramp entries), with a 20-foot south front setback from an I-465 ramp (60 feet required), **withdrawn**.

2021CVR843, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 75-foot tall building, five projecting blade signs and a 5.83-foot high parapet (maximum 65 feet height permitted, maximum one projecting blade sign permitted and maximum four-foot tall parapet permitted), **approved**.

2021CAP843, Modification of Commitments related to 93-Z-157 to terminate Commitment Seven to provide for C-5 uses (use restricted to an amusement park), **approved**.

93-Z-157, rezoning of 18.422 acres from the I-2S zoning district to the C-5 zoning district to allow for a family entertainment center, **approved**.

ZONING HISTORY – VICINITY

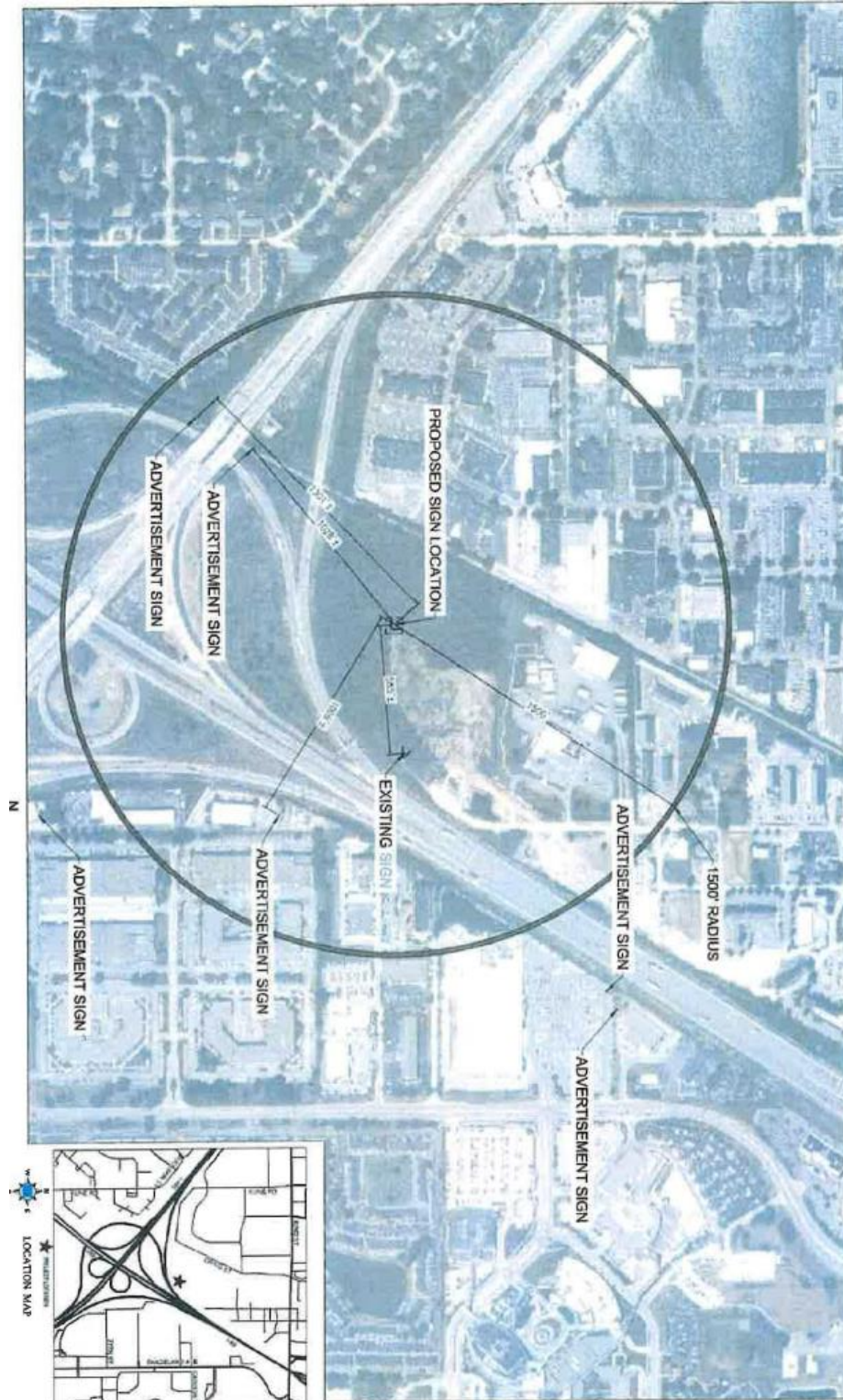
2001ZON817, 6081 E 82nd Street (west of site), Rezone 122.13 acres from C-3, C-4, C-7 and I-2-S to C-S to provide for the development of an office-commercial-industrial business park, **approved**.

EXHIBITS

2025DV3035 ; Aerial Map



2025DV3035 ; Site Plan



2025DV3035 ; Findings of Fact

- 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 the grant of variance approved by the Metropolitan Board of Zoning Appeals (the "BZA") at its regular meeting on August 15, 2023 and memorialized in a letter from Marleny Iraheta to Alan S. Townsend dated September 19, 2023 has been in place for many years without causing any injury to the public health, safety, morals, and general welfare of the community. The existing outdoor sign is being relocated to facilitate a road improvement project being administered by the Indiana Department of Transportation ("INDOT") known as Project Clear Path. Further, 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. The sign will conform to Federal, INDOT, and industry standards with regard to construction and safety. Additionally, the sign will remain oriented to Interstate 69.

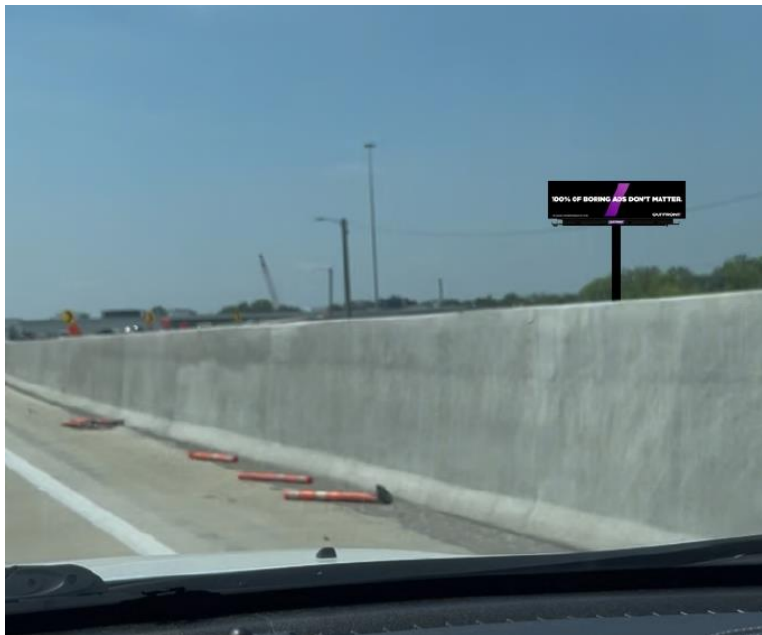
- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:**

the existing outdoor advertising sign that is being relocated pursuant to the grant of variance approved by the BZA at its regular meeting on August 15, 2023 and memorialized in a letter from Marleny Iraheta to Alan S. Townsend dated September 19, 2023 already has been in place since 1996 without affecting the neighboring properties in a substantially adverse manner. The location of the already existing sign is in an area of the City of Indianapolis appropriate for outdoor advertising signs. The outdoor advertising sign will be relocated to facilitate a road improvement project being administered by INDOT known as Project Clear Path.

- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property for which the variance is sought because:**

the existing outdoor advertising sign that is being relocated pursuant to the variance approved by the BZA at its regular meeting on August 15, 2023 and memorialized in a letter from Marleny Iraheta to Alan S. Townsend dated September 19, 2023 already has been in place for many years without generating any adverse impact. The location of the already existing outdoor advertising sign is in an area of the City of Indianapolis (oriented to Interstate 69) appropriate for outdoor advertising signs. The current version of the Sign Ordinance expressly allows off-premises outdoor advertising signs to be 60 feet above grade level at the base. So Outfront is not seeking a variance from the height limitation set forth in the Sign Ordinance. Instead, it is seeking to slightly modify the variance already approved by the BZA that limits the height of the to be relocated outdoor advertising sign to 40'.

2025DV3035 ; Applicant Renderings



Note: no scale was provided along with the above renderings, and additional information about the height/location of soundwalls or the visibility of the sign from alternate angles beyond those shown was requested but not given

2025DV3035 ; Boundary Placement for Southbound Traffic



Note: diagram generated by staff. Red X is approximate sign location, green areas have no concrete barriers, teal areas have a short concrete divider and blue areas have a slightly taller concrete divider (see photos within Exhibits). Above diagram is based on street level photography from 2024-2025. Information on barrier height was not provided by the applicant, and the above may or may not be reflective of future divider placement.

2025DV3035 ; Photographs



Photo 1: Subject Area Viewed from Northeast (August 2025) – SB Traffic I-465

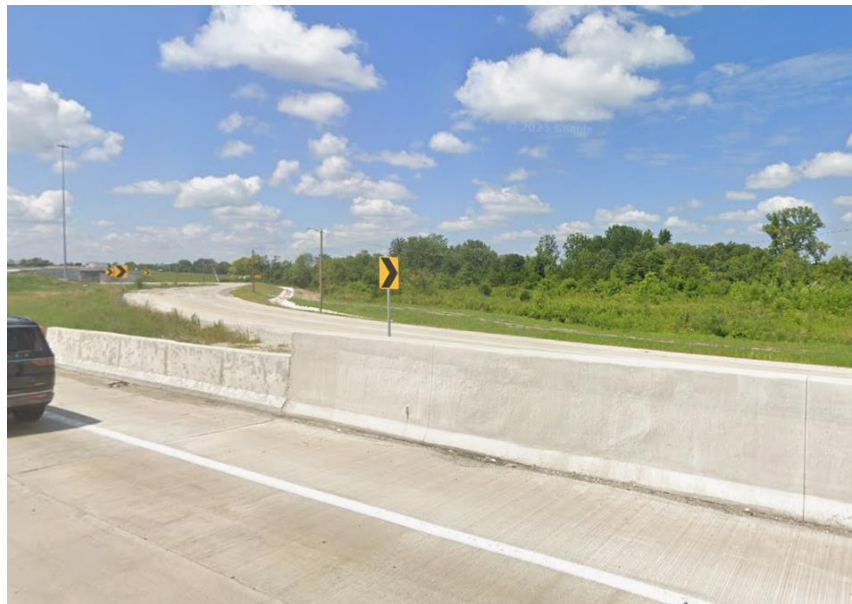


Photo 2: Subject Area Viewed from East (August 2025) – SB Traffic I-465

2025DV3035 ; Photographs (continued)



Photo 3: Subject Area Viewed from South (August 2025) – SB Traffic I-465



Photo 4: Subject Area Viewed from West

2025DV3035 ; Photographs (continued)



Photo 5: Subject Area Viewed from East (October 2024) – SB Traffic Exit Lane



Photo 6: Previous Sign Location from Northeast (2023)

BOARD OF ZONING APPEALS DIVISION III

January 20, 2026

Case Number: 2025-UV3-035
Address: 10211 Hidden Meadow Lane (approximate address)
Location: Warren Township, Council District #20
Zoning: D-A (TOD)
Petitioner: Sally & Justin Groff
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a landscape contractor, subject to the filed plan of operation (not permitted).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued by a registered neighborhood organization from the November 25, 2025, hearing, to the December 16, 2025, hearing.

This petition was then automatically continued by the petitioner from the December 16, 2025, hearing to the January 20, 2026, hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the operation of a landscaping contractor, subject to the plan of operation which includes the storage of eight commercial vehicles and three commercial trailers within the front yard.
- ◇ 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.
- ◇ The Comprehensive Plan recommends suburban neighborhood uses for the subject site which recommends single-family housing, interspersed with attached and multifamily housing where appropriate. This suburban neighborhood recommendation also supports a variety of neighborhood-serving businesses, institutions, and amenities. This does not include the proposed use with is a regional commercial use.

- ◇ The proposed use would be permitted in the C-5, General Commercial Zoning District. The C-5 district is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.
- ◇ Given the increase in intensity between the existing zoning and the proposed use, including the number of commercial vehicles as outdoor storage, approval of this request would over-develop the site and facilitate the intrusion of heavy commercial uses into an established residential rural neighborhood. The request would encourage additional encroachment, in a manner violating the development norms and residential aesthetics of the street, and squarely deviating from the recommendations of the Comprehensive Plan.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned D-A and could be used by any number of uses permitted, by right, in the D-A zoning classification. Any practical difficulty is self-imposed by the desire to use the site for operation of a construction contractor, including the on-site storage of 11 commercial vehicles associated with the use.
- ◇ The subject site is similar in size to other nearby properties that share the same private lane and are able to follow the comprehensive plan and zoning ordinance without the need for variances. Therefore, the Comprehensive Plan recommendation should not be disregarded, nor of the clearly residential nature of the surrounding area. For these reasons, staff recommends its denial.

GENERAL INFORMATION

Existing Zoning	D-A		
Existing Land Use	Single Family Dwelling		
Comprehensive Plan	Suburban Neighborhood		
Overlay	No		
Surrounding Context		<u>Zoning</u>	Surrounding Context
	North:	D-A	Linear Park – Pennsy Trail
	South:	D-A / SU-3	Single-Family Dwelling / Golf Practice Range
	East:	D-A	Single-Family Dwelling
	West:	D-A	Single-Family Dwelling
Thoroughfare Plan			
	Hidden Meadow Lane	Private Street	Not indicated in the Thoroughfare Plan.

Context Area	Metro
Floodway / Floodway Fringe	N/A
Wellfield Protection Area	No
Elevations	N/A
Landscape Plan	N/A
Plan of Operation	October 6, 2025
Site Plan	March 19, 2024
Commitments	Proposed
Findings of Fact	March 19, 2024

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood uses.

Pattern Book / Land Use Plan

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

94-Z-53; 271 South Mitthoefer Road (south of site), requested the Rezoning of 12 acres from the D-A District to the SU-3 classification to provide for a golf practice range, **approved**.

89-UV2-36; 131 South Mitthoefer Road / 10211 Hidden Meadow Lane (includes subject site), requested a Variance of Use and Development Standards to provide for the construction of two additional single-family dwellings and a building for agricultural and personal storage on a lot with 50 feet of street frontage, **granted**.

83-V1-61; 131 South Mitthoefer Road (west of site), requested a Variance of Development Standards to provide for a single-family dwelling on 4.619 acres, **granted**.

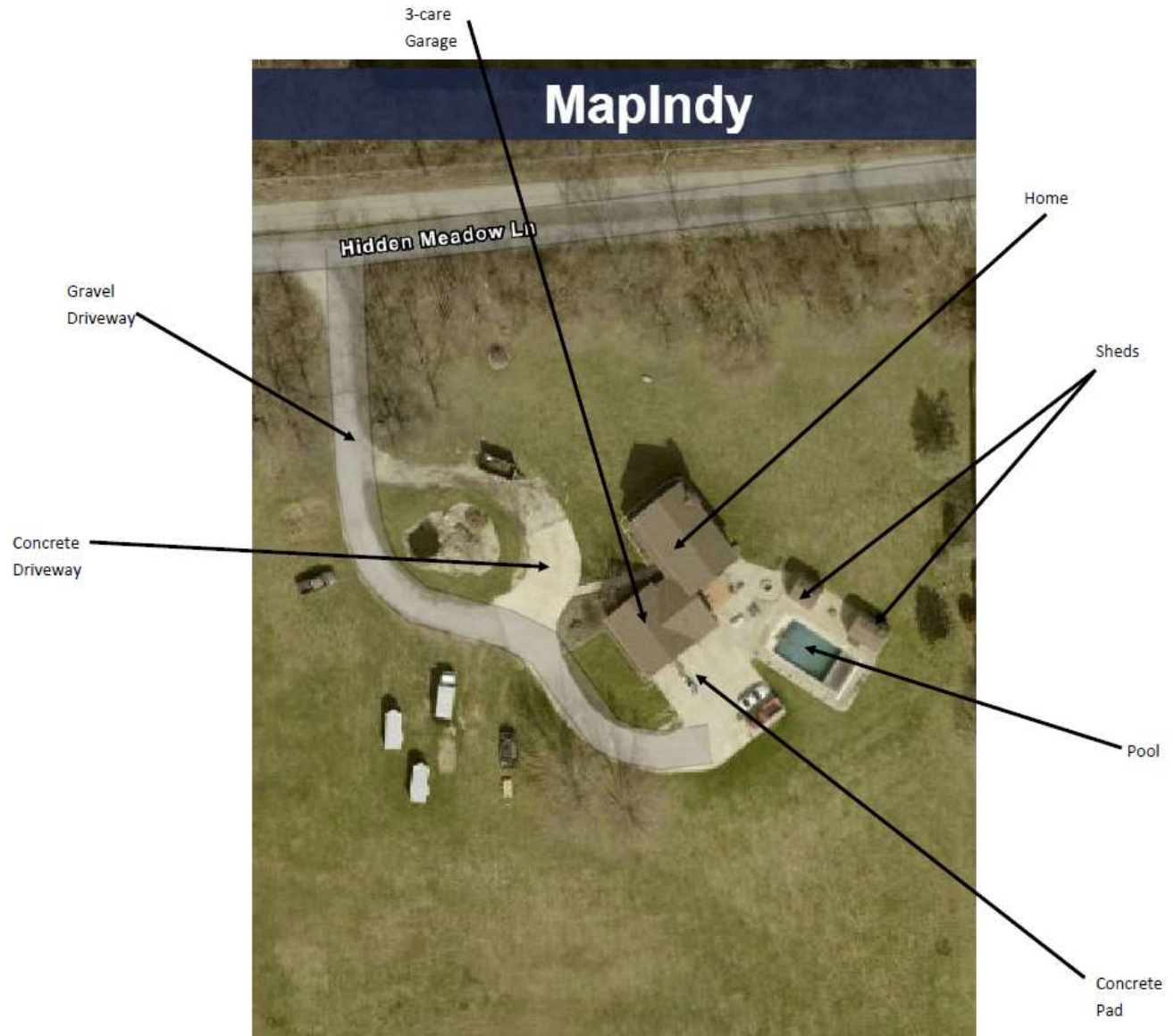
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EXHIBITS

Location Map



Site Plan



Plan Of Operation – file dated October 6, 2025

Plan of Operation – Just-IN-Time Lawn Care

Location: 10211 Hidden Meadow Lane, Indianapolis, IN 46229

Business Description:

Just-IN-Time Lawn Care is a small lawn and landscape maintenance company that provides mowing, trimming, landscape upkeep, and seasonal maintenance services for residential and commercial clients throughout the greater Indianapolis area. The proposed variance would allow administrative operations and limited storage of business vehicles and trailers at the above address.

Facilities:

- Small administrative office for scheduling, billing, and record-keeping.
- Secure parking for business vehicles and trailers.
- Future plan: construction of a storage structure for trailers and equipment (no materials stored on-site).
- No bulk storage of mulch, topsoil, rock, or other landscaping materials will take place on the property.

Employees:

- Approximately 20 employees.
- Work is performed off-site at client locations; employees typically report in the morning and depart with crews.

Vehicles & Trailers:

- 8 company vehicles.
- 3 trailers for lawn and landscape equipment.
- Vehicles are standard pickup trucks and work trailers, with no heavy industrial equipment stored on-site.

Security Provisions:

- Vehicles and trailers secured on-site during non-business hours.
- Planned storage structure will provide secure housing for trailers and equipment.
- Security lighting on property perimeter as needed, with consideration for neighborhood impact.

Hazardous or Explosive Materials:

- None will be stored on-site.
- Routine lawn and landscape equipment (mowers, trimmers, blowers) powered by small amounts of standard gasoline/oil mix only.

Hours of Operation:

- Monday through Friday: 7:30 AM – 6:00 PM
- Saturday: 8:00 AM – 3:00 PM (as needed during peak season)
- No routine operations on Sundays, except emergency services if required by contract.

Community Impact:

- Business operations will be primarily off-site, minimizing noise and traffic at the property.
- No public assembly, customer foot traffic, or retail activity on-site.
- Commitment to maintaining the property in a clean, professional, and residentially compatible condition.

Findings of Fact (Findings 1 and 2 not provided at time of publication)

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

- **Unique operational requirements:** The business requires limited space for parking a small fleet of vehicles and trailers (8 vehicles and 3 trailers) and secure storage of equipment. This type of use does not fit neatly into traditional residential or commercial zoning categories.
- **Location suitability:** The property at 10211 Hidden Meadow Lane offers adequate lot size and layout to accommodate equipment parking and administrative functions without altering the residential character or impacting neighbors. Not all residential properties could provide this balance.
- **Community-serving role:** Unlike typical residential properties, this site provides an opportunity to house a local service-based business that directly supports the neighborhood by maintaining lawns, landscapes, and overall curb appeal in the surrounding area.
- **No material storage requirement:** The business does not stockpile bulk mulch, soil, or rock on-site, eliminating many of the concerns that would normally make a property unsuitable for light commercial use. This makes the site uniquely capable of supporting this variance.
- **Disproportionate restriction without variance:** Applying strict residential-only standards to this particular property would unnecessarily restrict its ability to serve as both a home base for a community business and as a maintained residential property, despite its capacity to accommodate both safely and effectively.

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:

- **Unique property use:** Just-IN-Time Lawn Care is a service-based business that performs nearly all of its operations off-site at client properties. The property in question would only serve as an administrative office and secure storage area, which is a low-impact use not contemplated under the strict residential zoning classification.
- **Lack of practical alternatives:** Without the variance, the company would be forced to secure a separate commercial property at significant additional cost, despite the fact that the proposed use creates little to no disturbance to the surrounding neighborhood. This creates a financial and operational hardship not in line with the minimal impact the business will have at this location.
- **Efficient land use:** The property can reasonably accommodate small-scale business functions without altering its residential character or creating adverse impacts. Requiring full compliance with commercial zoning standards would be disproportionate to the actual level of activity on-site.

- **Community benefit:** Allowing the variance enables the company to remain based in the community it serves, creating local jobs, supporting area homeowners and businesses, and maintaining the property in good condition — all of which are in the public interest.

5) The grant does not interfere substantially with the comprehensive plan because:

- **Consistency with land-use goals:** The comprehensive plan is intended to balance growth, preserve neighborhood character, and support small businesses. Just-IN-Time Lawn Care's limited on-site operations align with these goals by maintaining a residential appearance while supporting local economic activity.
- **Minimal community impact:** The proposed variance does not introduce high-traffic commercial activity, material storage yards, or industrial uses. Instead, it allows for a small-scale, service-oriented business that is compatible with the surrounding residential environment.
- **Supports local employment:** By permitting administrative and storage functions at this location, the variance helps sustain jobs for approximately 20 employees and supports the delivery of essential lawn and landscape services to residents and businesses in the area.
- **Preservation of property values:** The property will continue to be maintained to a high standard, with no adverse effects on nearby property values or the visual character of the neighborhood.
- **Efficient use of resources:** Granting this variance avoids unnecessary relocation to more costly commercial space when the property can reasonably and responsibly accommodate the business, reflecting a practical and efficient approach consistent with community planning principles.

Photographs



Subject site single family dwelling with commercial trailer, looking southeast



Additional photo of commercial trailer on site.



Multiple Commercial Contractor trucks and trailers on site, parking in the front yard grass, looking west.



Additional photo of multiple Commercial Contractor trucks and trailers on site, parking in the front yard grass, looking south.



Gravel driveway entrance to subject site, looking south.



Primary access to subject site, Hidden Meadow Lane, a twelve-foot wide private street, adjacent to the Pennsy Trail, looking east.