



**Board of Zoning Appeals
Board of Zoning Appeals Division III (July
15, 2025)
Meeting Agenda**

Meeting Details

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

Date: Tuesday, July 15, 2025

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes:

Special Requests

2025-UV3-014 | 3331 North Hawthorne Lane

Warren Township, Council District #9, zoned D-4
Indy Real Estate Consulting LLC, by John Cross

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit townhome condominium (not permitted).

****Petitioner has requested that this petition be withdrawn**

2025-DV3-024 | 2747 North Emerson Avenue

Warren Township, Council District #9, zoned I-2 (FW) (FF)
Pridgen Property Holdings LLC S, by Joseph D. Calderon

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).

****An automatic continuance has been filed by a registered neighborhood organization, continuing this to the August 19, 2025 hearing of Division III**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-DV3-020 | 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 parking area with zero-foot setbacks from Castle Avenue and Madison Avenue, no frontage landscaping, and three spaces maneuvering within the right-of-way of Castle Avenue (15 spaces and landscaping required, maneuvering within street rights-of-way not permitted).

****Petitioner to request continuance to the August 19, 2025 hearing of Division III in order to provide sufficient notice**

2. 2025-UV3-012 (Amended) | 2319, 2327, & 2331 North Gale Street

Center Township, Council District #8, zoned D-5 / C-5
ICNA Relief USA Programs Inc., by David Gilman

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a transitional living quarters with four vehicle parking spaces (maximum 2 vehicle spaces per 3 habitable units required).

****Petitioner to request a continuance to the August 19, 2025 hearing of Division III for corrected notice**

- 3.** 2025-UV3-017 | 6106 Nimitz Drive
Warren Township, Council District #9, zoned D-5
Indy Real Estate Consulting LLC, by John Cross

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit townhouse (not permitted) with a 60.1-foot wide parking area within the front yard of Nimitz Drive (30-foot parking width permitted and surface parking behind the front building line required), deficient frontage landscaping, and sidewalks with a 0.5-foot side yard setbacks (two-foot setback required).

****Petitioner to request continuance to the August 19, 2025 hearing of Division III in order to amend the site plan**

- 4.** 2025-UV3-020 | 3615 South Rural Street
Perry Township, Council District #19, zoned D-A
Lopez Rentals LLC, by Maurice R. Scott

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for operation of an event center (not permitted) without bicycle parking (minimum of 10% of required vehicle parking spaces required) with a gravel parking area (hard surfacing required) and a five foot- north side yard setback and a 10-foot rear yard setback (30-foot side, 75-foot rear yard setback required) with individual parking stalls containing 162 square feet (180 square feet required).

****Petitioner to request continuance to the August 19, 2025 hearing of Division III to continue discussion with Staff**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 5.** 2025-UV3-015 | 8936 Southpointe Drive
Perry Township, Council District #23, zoned HD-2
NNN Southpointe LLC, by Cindy Ketchum

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of Hair and Body Car Salon or Service uses (not permitted).

- 6.** 2025-UV3-019 | 8641 East 30th Street (Amended)
Warren Township, Council District #14, zoned I-2
FLT Keith Lynn FLTE LLC, by Justin Kingen & David Kingen

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a grocery store (not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

- 7.** 2025-DV3-016 | 2360 Prospect Street
Center Township, Council District #18, zoned C-4
Linda Thompson, by Daniel Newton

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

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 8. 2025-DV3-015 | 3080 East Midland Road**
Perry Township, Council District #23, zoned D-1
Mark Adams, by Kris Holeyfield

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the placement of a shipping container (not permitted) within the front yard (not permitted).

- 9. 2025-DV3-019B | 8733 US 31**
Perry Township, Council District #23, zoned C-4
Kasada LLC, by Sign Solutions Inc.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a freestanding sign within 269 feet of another freestanding sign (300-foot separation required).

- 10. 2025-DV3-025 | 980 South Kitley Avenue**
Warren Township, Council District #20, zoned I-4 / I-3
980 Kitley LLC, by David Gilman

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

****Petitioner to request a continuance to the August 19, 2025 hearing of Division III, in order to provide sufficient notice**

- 11. 2025-UV3-006 | 2308 Shelby Street**
Center Township, Council District #19, zoned C-3 (TOD)
Walter Resinos

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor recreation and entertainment (not permitted) on a proposed deck with a 2.5-foot setback from Shelby Street, a 3.7-foot setback from Hervey Street, and encroaching within the clear sight triangle of their intersection (10-foot front yard setbacks required, encroachment of clear sight triangles not permitted).

- 12. 2025-UV3-011 | 2003 Woodcrest Road**
Perry Township, Council District #23, zoned D-2
Alexis Lively

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a pet grooming operations as a home occupation (not permitted).

- 13. 2025-UV3-013 | 9045 East 30th Street**
Warren Township, Council District #15, zoned SU-1
Calvary Temple Assembly of God Inc., by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for commercial offices within an existing building (not permitted).

- 14. 2025-UV3-016 | 1659 East Summer Avenue**
Perry Township, Council District #23, zoned D-5
Cronus LLC, by Eric Donovan

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,414-square-foot second primary building (not permitted) with a four-foot east side yard setback (seven feet required).

****Petitioner to request a continuance to the August 19, 2025 hearing of Division III, in order to provide sufficient notice**

PETITIONS FOR PUBLIC HEARING (New Petitions):

15. 2025-DV3-023 | 3650 North Post Road

Warren Township, Council District #9, zoned C-4 (TOD)
Post Holdings LLC, by Patrick Rooney

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fifth freestanding sign along Post Road, within five and 100 feet of other freestanding signs (maximum of two freestanding signs per frontage, 300-foot separation required).

16. 2025-DV3-026 | 95 South Mitthoefer Road

Warren Township, Council District #20, zoned C-4 (TOD)
Indiana Federal Credit Union, by Misha Rabinowitch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for site improvements resulting in a south transitional yard setback ranging from 0.5-feet to 11 feet (20 feet required).

17. 2025-UV3-018 | 7802 Hague Road

Lawrence Township, Council District #3, zoned SU-2
Metropolitan School District of Lawrence Township, by Joseph D. Calderon

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 12-foot-tall monument sign (five-foot height permitted) with digital display within 80 feet of a protected district (digital display prohibited, 400 feet of separation required).

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

BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-UV3-014
Address: 3331 North Hawthorne Lane (approximate address)
Location: Warren Township, Council District #9
Zoning: D-4
Petitioner: Indy Real Estate Consulting LLC, by John Cross
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit townhome condominium (not permitted).

Current Land Use: Undeveloped

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued to the July 15, 2025, hearing, from the June 17, 2025, hearing, at the request of a Registered Neighborhood Organization.

The petitioner has submitted a **request to withdrawal this petition**. This would require the Board's acknowledgement.

BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-DV3-024
Address: 2747 North Emerson Avenue (approximate address)
Location: Warren Township, Council District #9
Zoning: I-2 (FW) (FF)
Petitioner: Pridgen Property Holdings LLC S, by Joseph D. Calderon
Request: 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).

Current Land Use: Undeveloped

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

This petition was automatically **continued to the July 15, 2025, hearing**, from the August 19, 2025, hearing, at the request of a Registered Neighborhood Organization. This would require the Board's acknowledgement.



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BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-DV3-020

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 parking area with zero-foot setbacks from Castle Avenue and Madison Avenue, no frontage landscaping, and three spaces maneuvering within the right-of-way of Castle Avenue (15 spaces and landscaping required, maneuvering within street rights-of-way not permitted).

Current Land Use: Commercial

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was automatically continued from the June 17, 2025 hearing to the July 15, 2025 BZA Division III hearing.
- The petition is required to be continued due to insufficient notice to the August 19, 2025 BZA Division III hearing.



Department of Metropolitan Development
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BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-UV3-012 (Amended)

Property Address: 2319, 2327 and 2331 North Gale Street (*approximate addresses*)

Location: Center Township, Council District #8

Petitioner: ICNA Relief USA Programs Inc., by David Gilman

Current Zoning: D-5 / C-5

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a transitional living quarters with four vehicle parking spaces (maximum 2 vehicle spaces per 3 habitable units required).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

7/15: Staff became aware that at least one nearby property owner was mailed a version of the legal notice that incorrectly listed June 17th as the hearing date despite being postmarked as being sent on June 20th. It is likely that all mailed notices accidentally were sent indicating an incorrect hearing date that had already occurred. To allow time for sufficient notice with an accurate hearing date to be mailed, this petition will be continued to the August 19th hearing date of Division III.

6/17: The petitioner made a continuance request at the June 17th hearing of Division III to allow time for legal notice to be sent and posted and to provide updates to the site plan. The updated site plan resulted in the blurb being amended to reflect a reduction in parking spaces requested (from 8 to 4).



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BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-UV3-017

Property Address: 6106 Nimitz Drive (*approximate address*)

Location: Warren Township, Council District #9

Petitioner: Indy Real Estate Consulting LLC, by John Cross

Current Zoning: D-5

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit townhouse (not permitted) with a 60.1-foot wide parking area within the front yard of Nimitz Drive (30-foot parking width permitted and surface parking behind the front building line required), deficient frontage landscaping, and sidewalks with a 0.5-foot side yard setbacks (two-foot setback required).

Current Land Use: Undeveloped

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

The application provided formal written notice that they wish to have this petition withdrawn from consideration by the Board.



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BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-UV3-020
Property Address: 3615 South Rural Street (*approximate address*)
Location: Perry Township, Council District #19
Petitioner: Lopez Rentals LLC, by Maurice R. Scott
Current Zoning: D-A

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for operation of an event center (not permitted) without bicycle parking (minimum of 10% of required vehicle parking spaces required) with a gravel parking area (hard surfacing required) and a five foot- north side yard setback and a 10-foot rear yard setback (30-foot side, 75-foot rear yard setback required) with individual parking stalls containing 162 square feet (180 square feet required).

Current Land Use: Residential
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

Additional information provided by the petitioner to staff on July 1st confirmed the need for an additional variance of development standards related to required parking maximums. The applicant will need to proceed with either amending the site plan to reduce parking below the maximum or with the mailing of amended notice reflecting this variance. In either case, a continuance would be required to the August 19th hearing date of Division III of the BZA to either allow staff time to review amended plans or to allow for the required 23 days between notice mailing and the hearing date.



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BOARD OF ZONING APPEALS DIVISION III

July 15th, 2025

Case Number: 2025-UV3-015
Property Address: 8936 Southpointe Drive
Location: Perry Township, Council District #23
Petitioner: NNN Southpointe LLC, by Cindy Ketchum
Current Zoning: HD-2
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of Hair and Body Care Salon or Service uses (not permitted).
Current Land Use: Commercial
Staff Recommendations: Staff is recommending **approval** of this variance petition.
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this variance petition.

STAFF RECOMMENDATION

Staff is recommending **approval** of this variance petition.

PETITION OVERVIEW

- The petitioner is requesting to maintain a non-permitted Hair and Body Care Salon and Services use in an HD-2 zoning district.
- The subject site is located within a suite on a property that totals 1.78 acres, within an HD-2 zoning district.
- The HD-2 zoning district is an area designated for businesses that support hospital services, including assisted living facilities, group homes, nursing homes, multifamily dwellings, day care centers, and all uses in the healthcare facility category except hospitals and other similar uses.
- The Hair and Body Care Salon or Service is defined as services generally provided to individuals involving the care of a person's appearance, such as hair care, manicures, pedicures, tanning, and massage therapy. Massage therapy must be provided by a practitioner licensed by the State of Indiana.
- Staff is recommending approval of this variance petition. Staff believes that the hair salon service and the type of customers are similar to the types of uses permitted in the Hospital District Two zoning district, which would not be a hindrance to the surrounding existing businesses.

GENERAL INFORMATION

Existing Zoning	HD-2	
Existing Land Use	Commercial	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	HD-2	North: Suburban Neighborhood
South:	N/A	South: Johnson County
East:	HD-1	East: Regional Special Use
West:	C-1	West: Suburban Neighborhood
Thoroughfare Plan		
County Line Road	Primary Arterial	100 feet of right-of-way existing and 102 feet proposed.
Shelby Street	Primary Collector	90 feet of right-of-way existing and 90 feet proposed.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	4/4/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This



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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.



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ZONING HISTORY

ZONING HISTORY – SITE

- 86-Z-210: 1126 East County Line Road
 - Rezoning of 10.30 acres, being in the A-2 district to the HD-2 classification to provide for hospital support uses.
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2015-ZON-060: 820 East County Line Road
 - Rezoning of 1.77 acres from the D-A district to the C-1 classification to provide for professional offices.
 - Approved
- 2019-UV1-018: 824 East County Line Road
 - Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for pet grooming spa (not permitted).
 - Approved
- 2021-SE3-002: 722 East County Line Road
 - Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a temporary modular school classroom building operated by a religious use.
 - Approved
- 2022-ZON-058: 722 East County Line Road
 - Rezoning of 19.04 acres from the SU-1 and D-A (FF) districts to the SU-1 (FF) district to provide for religious uses.
 - Approved

EXHIBITS

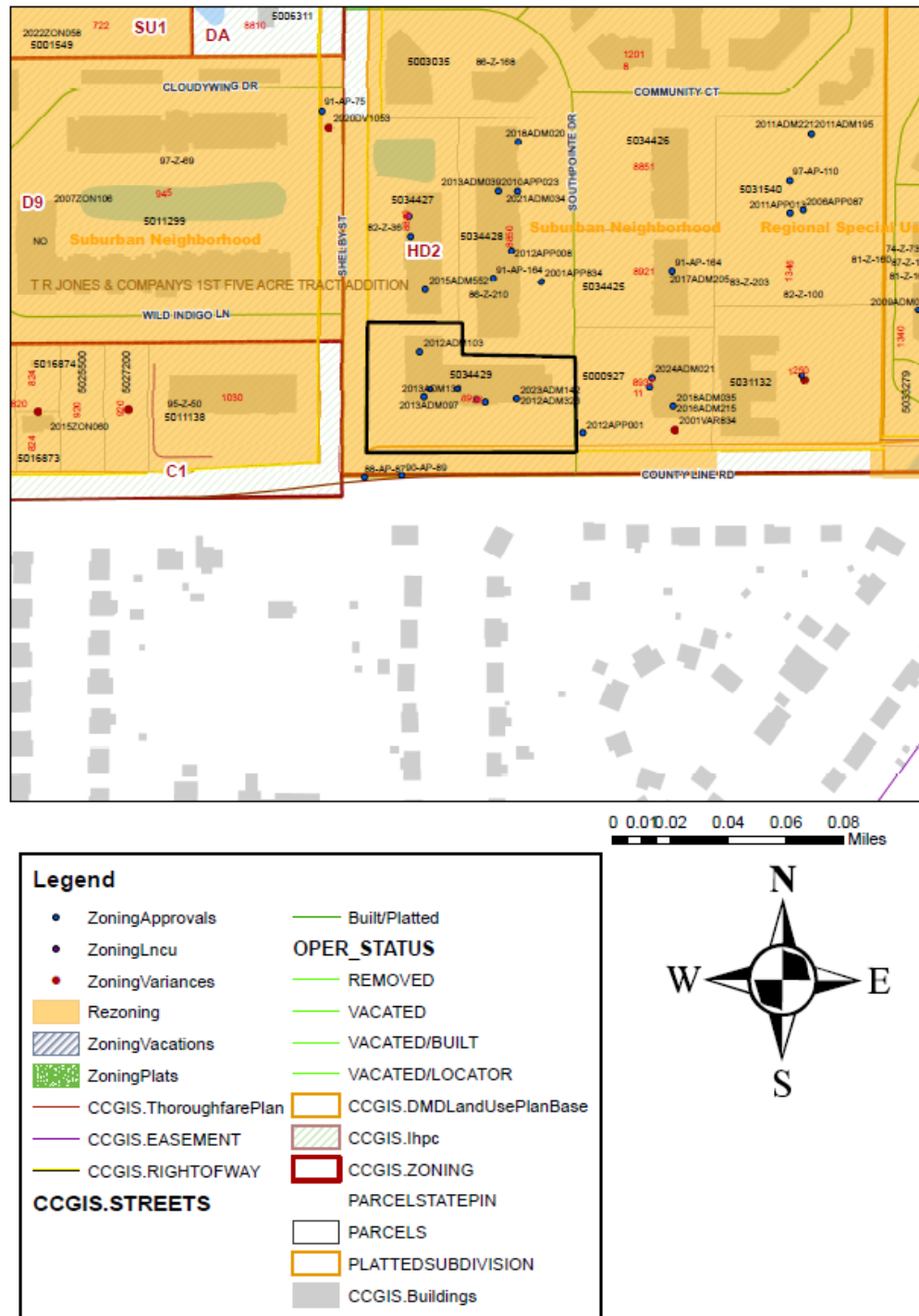


Exhibit 1: ArcGIS map of the subject site and surrounding area.



Exhibit 2: Aerial of the subject site



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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

This dwelling has no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof. The occupants of this dwelling have no intent to interfere with the enforcement of, nor enforce any ordinances outside of the Public Health and Safety Laws and Ordinances of Marion County, Indiana.

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 occupants of this dwelling are residents of the area and the surrounding areas. The occupants of this property would be negatively impacted by improper use, destruction, or abuse in an adverse manner of this property or any of the surrounding or adjunct areas. The occupants are long term business owners who currently fully abide by all local laws and sanctions, and also fully intend to cooperate and abide by all conditions and commitments which lawfully apply to this property.

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

The occupants of this property have a license to operate and perform beauty and hair care in Marion County. They employ licensed beauticians and aesthetics who have fully fulfilled and completed all necessary training and credentialing to be providing licensed beauty care for a charge to their clients. Currently, this dwelling is zoned D2 which inhibits a Salon from inhabiting the space. All necessary permits and fees were applied for and paid for through the State of Indiana, and unfortunately, at no time was mentioned that this space was not zoned for a Salon prior to the business opening. It was the signage company that notified the tenant of the issue with the Zoning.

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

Individuals utilizing this dwelling for the intended purpose of a Hair Salon have derived Business Plans, Budgets, Operating Plans, Payroll, and expenses all based on a business occupying a dwelling that would be allowed to be open and operate. These occupants have hired a staff of professionals, procured supplies and vendor contracts, and signed a 10 yr lease on this space with the expectation to be open and profitable and the strict application of the terms of this zoning ordinance will constitute an unnecessary and unrepairable financial hardship.

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

This salon offers a service to the local community that can be valued and shared by the neighboring towns and cities. It provides a service that offers assistance in healing and self perseverance for local residents and also offers employment to up and coming stylists. The team behind the inception of the Salon has a deep sense of community value and see their storefront as part of the next steps of bringing the area closer together and helping the community to achieve the dreams and the visions for the future.

Exhibit 3: The submitted Findings of Fact.

HEALTHCARE REALTY
6920 Parkdale Place, Suite 207
Indianapolis, IN 46254

Plan of Operation

Wildflower's Aveda Salon - Started in Indianapolis in 1998. Our goal, then and now, is to create a salon experience that exceeds guests' expectations. As an Aveda Lifestyle salon, we live by the mission "beauty is as beauty does" and strive for each guest to not only look beautiful but feel beautiful. We only use high-performance, botanically based Aveda products, giving our guests a naturally different experience. Our stylists are Aveda-trained and have years of experience helping clients live out this natural beauty.

Location: 8936 Southpointe Drive, Suite C-5, Indianapolis, IN 46227

- **Workforce:**
 - There are 10 Stylist that work at this location.
 - Typically employed full-time
- **The office Hours are**
 - Monday – Closed
 - Tuesday - Thursday – 9am – 9pm
 - Friday – 9am – 8pm
 - Saturday – 9am – 6pm
 - Sunday - 11am – 5pm
- **Clients Consist of:**
 - Average Females between ages 30-55
 - Average Income Levels \$50K-\$200K
 - Looking for a conveniently located salon
 -
- **Processes Conducted on Site:**
 - We offer the full range of Aveda hair, skin, and makeup products exclusively with an array of Aveda Signature Services.
- **Materials Used:**
 - Our stylists have an exclusive contract with Aveda to sell, market and offer a wide range of beauty products. This line includes Shampoos, Conditioners, Cleansers and other such products.
- **Shipping and Receiving:**
 - Standard FedEx Deliveries and Postal Deliveries. No Freight Deliveries
- **Waste:**
 - Standard residential type waste, not to include biohazardous waste.

Exhibit 4: The submitted Plan of Operation.



Exhibit 5: Front of Wildflowers Aveda Salon



Exhibit 6: The building that houses the subject site.



BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-UV3-019 (Amended)
Address: 8641 East 30th Street (approximate address)
Location: Warren Township, Council District #14
Zoning: I-2
Petitioner: FLT Keith Lynn FLTE LLC, by Justin Kingen & David Kingen
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a grocery store (not permitted).

Current Land Use: Light Industrial Warehouse

Staff Recommendation: Staff recommends approval of this petition, subject to 2 commitments.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

This petition was amended to remove the request for a reduction in parking, after it was determined that the site did provide the required amount of parking spaces.

STAFF RECOMMENDATION

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

1. An updated site plan shall be submitted for Administrator's Approval, prior to the application for a commercial structural permit review, showing the location of the sidewalk installation from parcel edge to parcel edge to be built to DPW standards. Installation of the actual sidewalk can be up to one year from the date of the variance approval.
2. A landscape plan showing the installation of street frontage landscaping, shall be submitted for Administrator's Approval, prior to the application for a commercial structural permit review. Street frontage landscaping shall meet minimum commercial construction standards as indicated in Chapter 744, Article V of the Consolidated Zoning and Subdivision Ordinance, with an exception to the depth of the landscaped area being 5 feet. All landscaping shall be installed within 5 months from date of variance approval and maintained as approved indefinitely.

PETITION OVERVIEW

- ◇ The request would provide for the operation of a grocery store in the front portion of an existing light industrial warehouse, in the I-2 district. The remainder of the building would be used for an unrelated zoning compliant light industrial warehouse operation.



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- ◇ A portion of the space would also provide warehouse storage for the petitioners' off-site restaurant. The proposed grocery store would therefore act as an accessory to the permitted use of warehouse storage. In Staff's opinion, the request would be similar to Bread Outlet stores, that typically operate in Industrial zoned locations, adjacent to their warehouse and distribution centers.
- ◇ The subject site is also adjacent to a residential subdivision zoned D-5 on the east. In Staff's opinion, the request would lessen the intensity of the Industrial zoned property and would not have a negative impact to on the adjacent residential properties or surrounding industrial properties.
- ◇ Due to the proximity of the residential subdivision, Staff is requesting the variance grant be subject to a commitment for the installation of a sidewalk the width of the parcel, built to DPW standards. The finished installation of the sidewalk shall be within one year from the date of the variance grant. An updated site plan showing the sidewalk installation should be submitted for Administrator's Approval prior to the application for a commercial structural permit review.
- ◇ In addition, Staff is requesting that the variance grant be subject to a landscaping plan to be submitted for Administrator's Approval, prior to the application for a commercial structural permit review. The street frontage landscaping shall be installed the width of the parcel to commercial development standards with a five-foot planting area depth. All plantings should be installed within six (6) months from the date of the variance grant. The petitioner has agreed to both of these commitments.
- ◇ Generally, staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Light Industrial Warehouse	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	I-2	Mechanical Contractor
South:	I-2	Warehouse
East:	D-5	Single-Family dwellings
West:	I-2	Undeveloped
Thoroughfare Plan East 30th St.	Primary Arterial	95-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan - updated	July 9, 2025	
Elevations	N/A	
Plan of Operation	June 4, 2025	
Landscape Plan	To be submitted per commitment	
Findings of Fact	June 4, 2025	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial uses for the site.

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2024-SE3-001; 8550 East 30th Street (west of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an expanded parking area with a zero-foot rear yard setback (30-foot setback required), **granted**.

2008-ZON-082; 8620 East 30th Street (west of site), Rezoning of 0.919 acre, being in the C-S District, to the C-S classification to provide for all I-2-S uses, **approved**.

2005-ZON-159; 8535 and 8600 East 30th Street (west of site), Rezoning of eleven acres from I-2-S and I-3-S to SU-1, **withdrawn**.



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90-Z-192; 8309 East 30th Street (west of site), Rezoning of 1.25 acres, being in the I-3-S District to the SU-18 classification to provide for the construction of an electrical substation, **approved.**

87-Z-25; 2502 North Post Road (south of site), Rezoning of 98.35 acres, being in the I-2-S, I-3-S, D-7, C-1, and C-4 districts, to the C-S classification, to provide for a mixed-use complex consisting of a water park, outdoor recreation, offices, restaurants, motels, neighborhood retail uses, light industrial uses, and office-warehouses, **withdrawn.**

84-UV3-46; 8550 East 30th Street (west of site), Rehearing of 84-UV3-46, variance of use of the Industrial Zoning Ordinance to provide for the construction of a 40 x 50-foot building for an animal clinic, to modify the building and site plans to provide for 60-foot setback from the right-of-way as opposed to a 70-foot setback previously approved, **granted.**

76-Z-86; 8620 East 30th Street (formerly 8630 East 30th Street) (north of site), Rezoning of 0.67 acre from I-2-S to C-S to provide for warehouse storage, parts distribution, and sales and service of lawn mowers, **approved.**

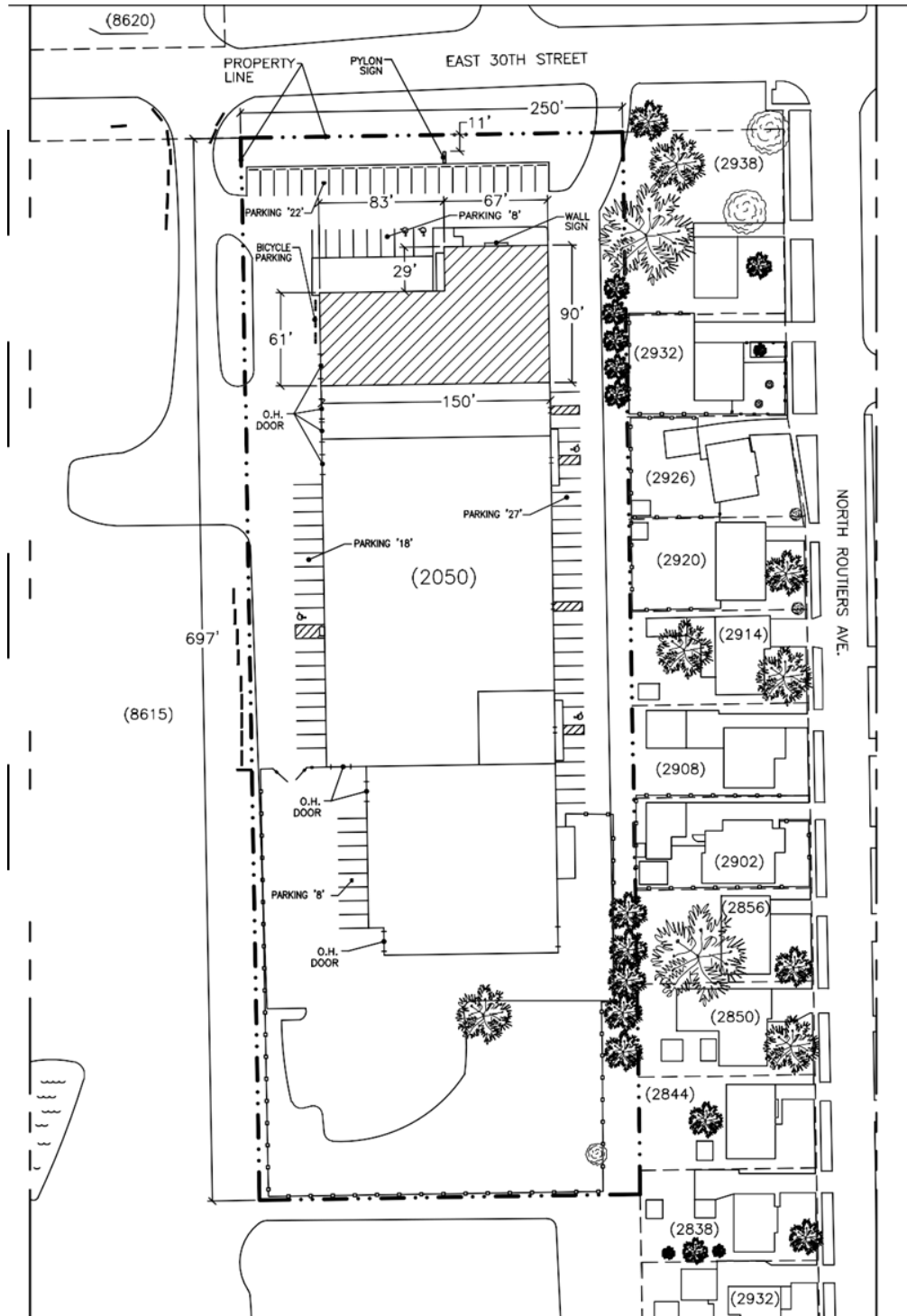
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EXHIBITS

Location Map



Site Plan



Plan Of Operation

8641 East 30th Street - Plan of Operation

- Use:
 - Medium grocery store
- Staff:
 - Three (3) full-time employees
- Hours of Operation:
 - 8:00am – 10:00pm (7 days a week)
 - Staff is able to access the building outside of those hours to utilize resources
- Building:
 - 61,057 square foot industrial building
 - 10,300 square foot space on the north end of the building will be used for the proposed grocery store
- Clients & Customers:
 - Grocery store will be open to the public
- Safety & Security Measures:
 - The office building has security cameras, and an alarm installed.
- Materials Used:
 - No hazardous waste is used on site.
- Shipping, Receiving & Storage:
 - Food and supply deliveries will be made 2-3 times per week during regular business hours.
 - Deliveries will be made via box-truck and enter the building through the overhead door on the westside of the building, per the site plan on file.
- Waste:
 - Commercial Dumpster will be located in the accessory structure and will be set out in the parking lot on the weekly pick-up day. Disposal off trash will occur between the hours of 8am and 6pm, Monday through Friday.
- Parking
 - There are currently thirty (30) parking spaces, two (2) of which are ADA spaces, all of which are paved, as indicated on the site plan on file.



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Findings of Fact

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The granting of this variance of use petition will allow for a vacant portion of the existing structure to be used by a proposed medium grocery store in an area that is considered a food desert. The approval of this use/petition will not be injurious to the public, but rather an asset to the community.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The use and value of the area will not be negatively affected by the granting of this petition given that the structure will not be altered, other than a proposed wall sign. The granting of this petition would allow for the reuse of a currently vacant space and will bring a much desired use to the area.

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

This subject site and area are in what is considered a food desert. Therefore, allowing the proposed use to be established in front of the existing building, with more than the required amount of parking will bring a highly desirable use to the area.

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

Given the location, present vacant space in the existing structure, and parking provided on-site, this is a desirable use for this subject site and surrounding community. The proposed use is not permitted in the I-2 district, which presents a hardship in order to bring this use to the area.

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

The property will remain zoned I-2, which is consistent with the comprehensive plan. Granting this variance request does not interfere substantially with the comprehensive plan.

Photographs



Photo of the subject site front half with parking area, to be used as grocery store. Looking southeast



Photo of the subject site rearportion, to be used by secondary warehouse operation. Looking southeast



Photo of the existing single-family subdivision to the east, looking southeast.



Photo of undeveloped Industrial zoned land to the west, looking south.



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BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-DV3-016

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

Location: Center Township, Council District #18

Petitioner: Linda Thompson, by Daniel Newton

Current Zoning: C-4

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

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

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

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 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.



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



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the east, and is within a mile of a Cultural Trail connection within the Fountain Square neighborhood to the west. Placement of fencing that would impede the view of pedestrians or cyclists attempting to navigate in an area with increasing walkability would be inappropriate both for the existing context at this intersection and for the Ordinance vision of vibrant and welcoming storefronts that don't impede site access for customers. Staff recommends denial of each request.

GENERAL INFORMATION

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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan



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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

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

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

ZONING HISTORY – VICINITY

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

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

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

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

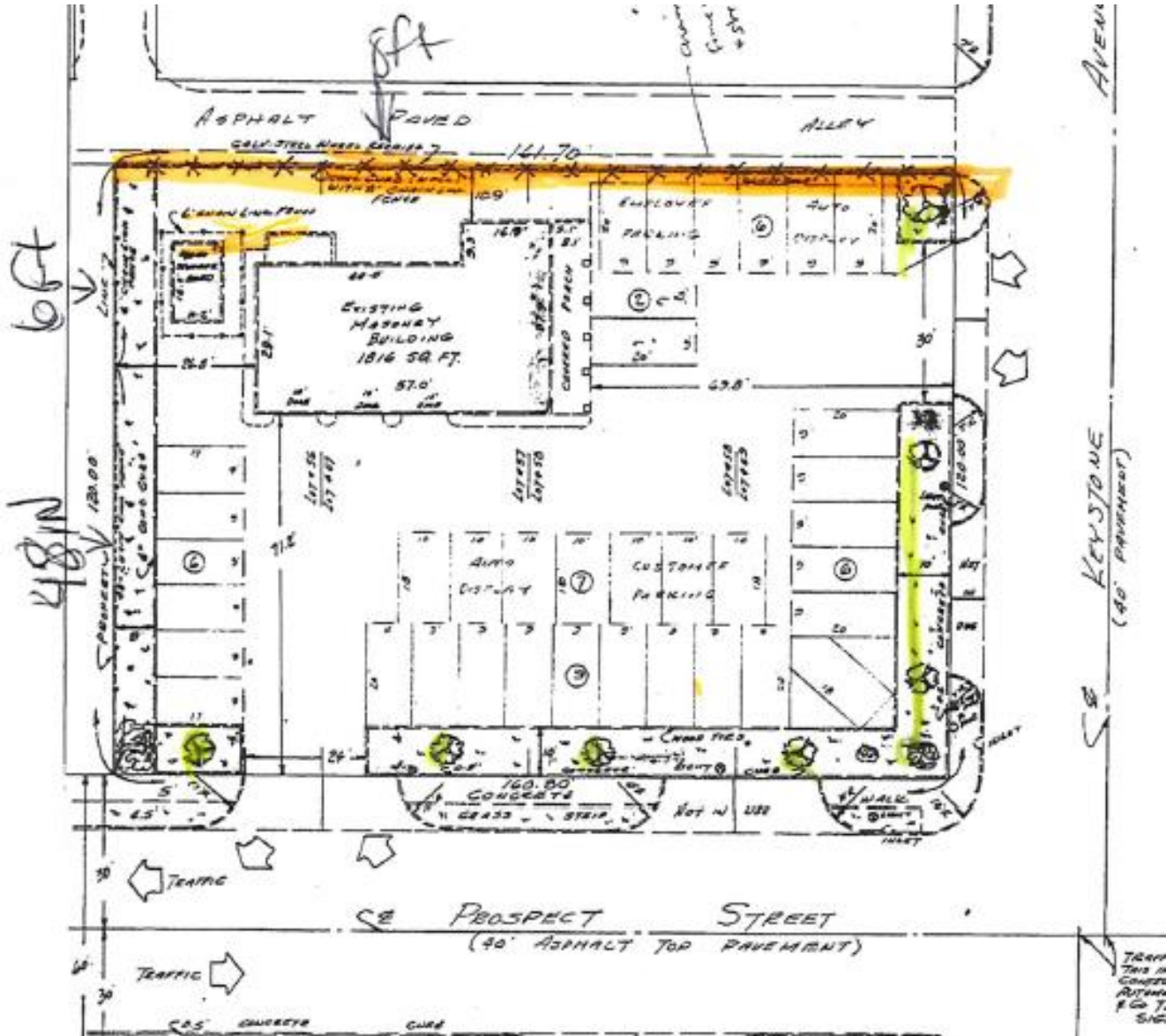
98-NC-25 ; 2332 Prospect Street (west of site), legally establish nonconforming use of 5 apartments within C-4 zoning, **denied**.

EXHIBITS

2025DV3016 ; Aerial Map

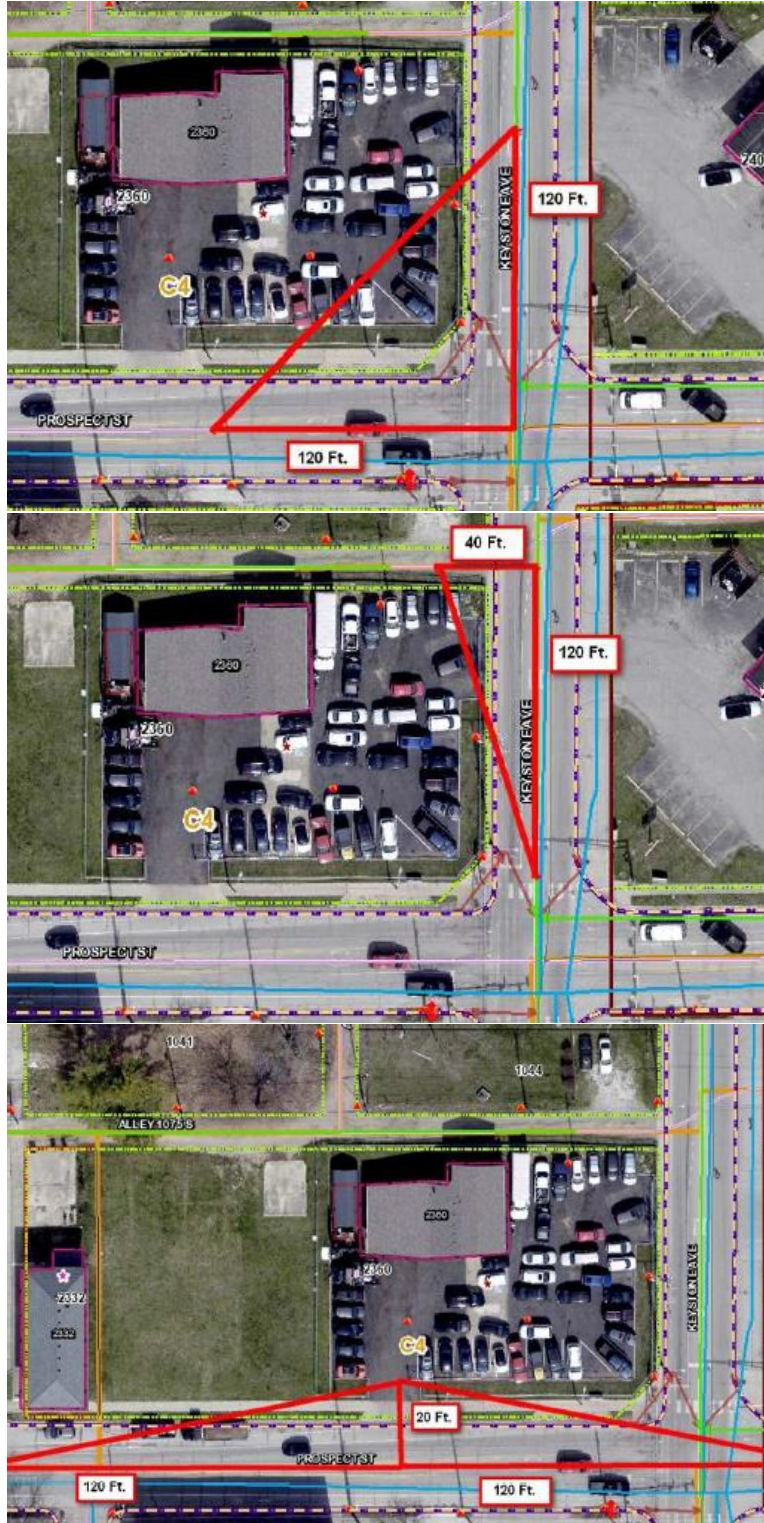


2025DV3016 ; Site Plan



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

2025DV3016 ; Clear Sight Triangle Encroachments





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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

July 15th, 2025

Case Number: 2025-DV3-015 (Amended)
Property Address: 3080 East Midland Road
Location: Perry Township, Council District #23
Petitioner: Mark Adams, by Kris Holeyfield
Current Zoning: D-1
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the placement of a shipping container (not permitted) within the front yard (not permitted).
Current Land Use: Residential
Staff Recommendations: Staff is recommending **denial** of this variance petition.)
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this variance petition.

STAFF RECOMMENDATION

Staff is recommending **denial** of this variance petition.

PETITION OVERVIEW

- The petitioner for this variance is requesting to maintain the placement of a commercial vehicle (shipping container) in the front yard of a dwelling.
- This property is 0.92-acre in a D-1 zoning district.
- Staff wanted to note that we were not permitted on the site by the property owner to take photos of the property. A shipping container, by definition, is considered a commercial vehicle.
- The Ordinance states that no commercial vehicles or trailers shall be parked, stored, maintained or kept on any property in a Dwelling district.
- The shipping container is being used to store personal items.
- The Findings of Fact states that this shipping container will not obstruct pedestrians, vehicles or public utilities. However, the issue in this matter is that it will begin a precedent to allow commercial vehicles in the fronts of homes in this area; a use that is not permitted and does not meet the Building Code for use as a storage building.



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- Staff is recommending **denial** of this variance petition because there is no practical difficulty. This subject site has a large backyard that could be used to construct a permitted accessory structure to store personal items.

GENERAL INFORMATION

Existing Zoning	D-1	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-A	North: Rural or Estate Neighborhood
South:	D-5	South: Suburban Neighborhood
East:	SU-1	East: Regional Special-Use
West:	D-1	West: Suburban Neighborhood
Thoroughfare Plan		
Midland Road	Local Street	50 feet of right-of-way existing and 50 feet proposed.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	4/18/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	4/18/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be



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treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

- N/A

ZONING HISTORY – SURROUNDING AREA

- 2002-UV2-005: 5424 McFarland Road
 - Variance of Use of the Commercial Zoning Ordinance to provide for automobile and transmission service in an existing 28 by 46-foot or 1288 square-foot commercial building (not permitted).
 - Approved
- 2002-ZON-825 / 2002-PLT-825: 5090 McFarland Road
 - Rezone 4.24 acres from D-A to D-1, to provide for residential development.
 - To provide for the subdivision of 4.24 acres into 3 lots, which would result in a density of 1.4 units per acre.
 - Approved
- 2003-DV1-044: 2551 East Epler Avenue
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 4,000 square foot detached accessory structure resulting in 4,896 square feet of detached accessory building area or 331.93 percent of the main floor area of the primary dwelling (maximum 1,106.25 square feet or 75 percent of the main floor area of the primary dwelling permitted) and 4,896 square feet of total accessory use area or 331.93 percent of the total floor area of the primary dwelling (maximum 1474.85 square feet or 99.99 percent of the total floor area of the primary dwelling permitted).
 - Denied
- 2004-UV2-039: 2551 East Epler Avenue
 - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a two-family dwelling (not permitted).
 - Denial
- 2004-ZON-068: 2423 – 2447 East Thompson Road
 - Rezoning of 5.70 acres, being in the D-A and SU-1 Districts, to the SU-1 classification to legally establish a playground and provide for a 2,450-square foot shelter house.
 - Approved
- 2007-DV1-001: 2616 Fairfax Road
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a sixteen-foot tall, 1,512-square foot pole barn (maximum height of 12 feet, or the height of the primary structure, permitted), with a seven-foot west side setback (minimum 35-foot side setback required), and to legally establish a 353-square foot deck and a 1,600-square foot game court, resulting in an accessory use area of 3,464 square feet or 163.2 percent of the total living area of the primary dwelling (maximum 2,121 square feet or 99.99 percent of the total living area permitted).
 - Approved



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- 2007-DV1-014: 2430 East Epler Avenue
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish the storage of a commercial vehicle (not permitted).
 - Denied
- 2017-ZON-046: 5409 McFarland Road
 - Rezoning of 5.3 acres from the D-A District to the SU-1 classification.
 - Approved
- 2019-ZON-070: 5495 McFarland Road
 - Rezoning of 5.33 acres from the D-3 district to the SU-1 district.
 - Approved
- 2023-UV3-017: 5418 – 5420 McFarland Road
 - Amended Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 19,966 square foot parcel (24,00 square feet required), with a street frontage and width of 43-feet wide (minimum 45-foot-wide street frontage and lot width of 90 feet required), and to provide for a dwelling with a five foot south side setback, and a 16 foot north side setback (eight-foot side yard setback and twenty-two-foot aggregate side yard setback required).
 - Approved

EXHIBITS

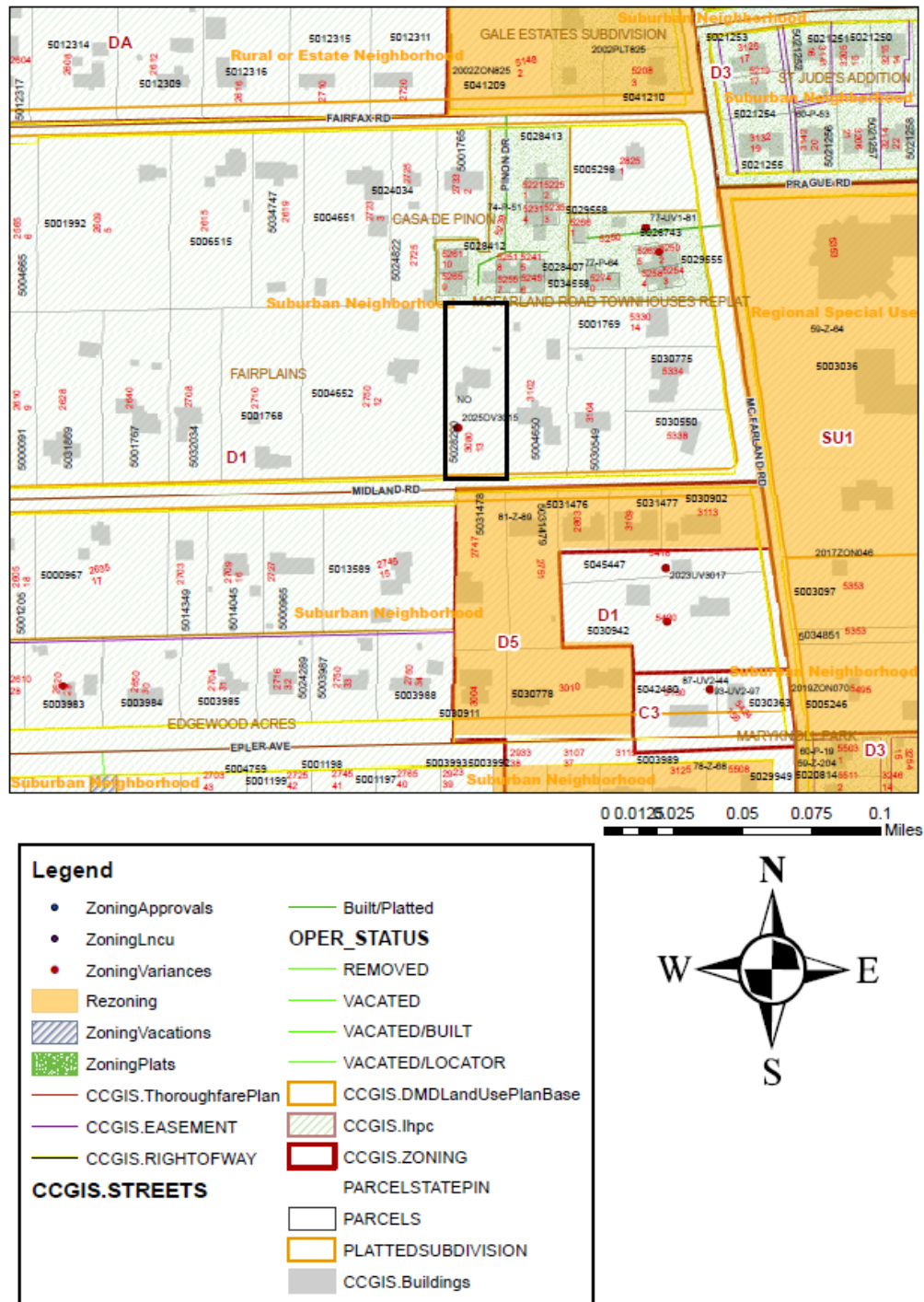


Exhibit 1: ArcGIS map of the subject site and surrounding area.

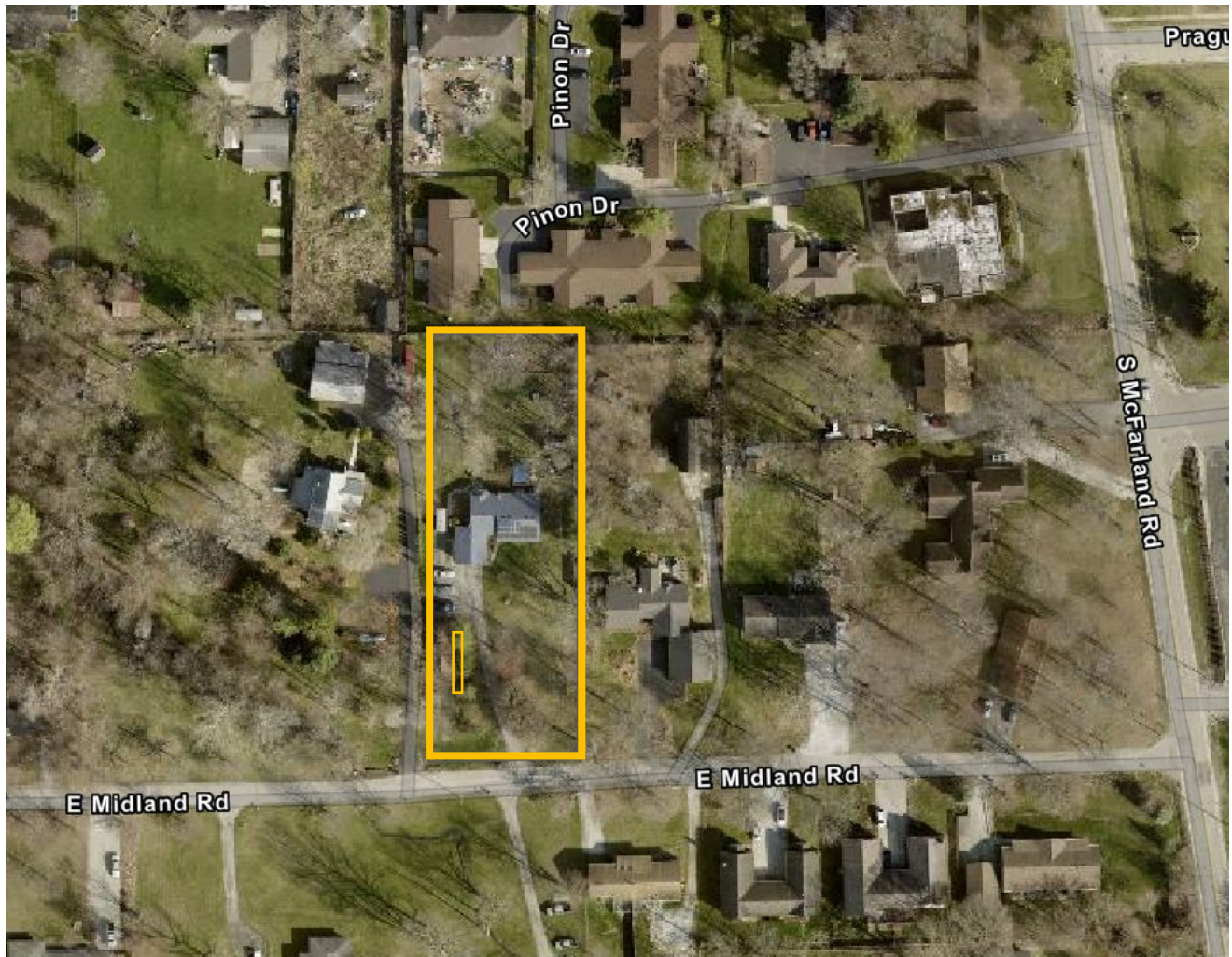


Exhibit 2: Aerial of the subject site.

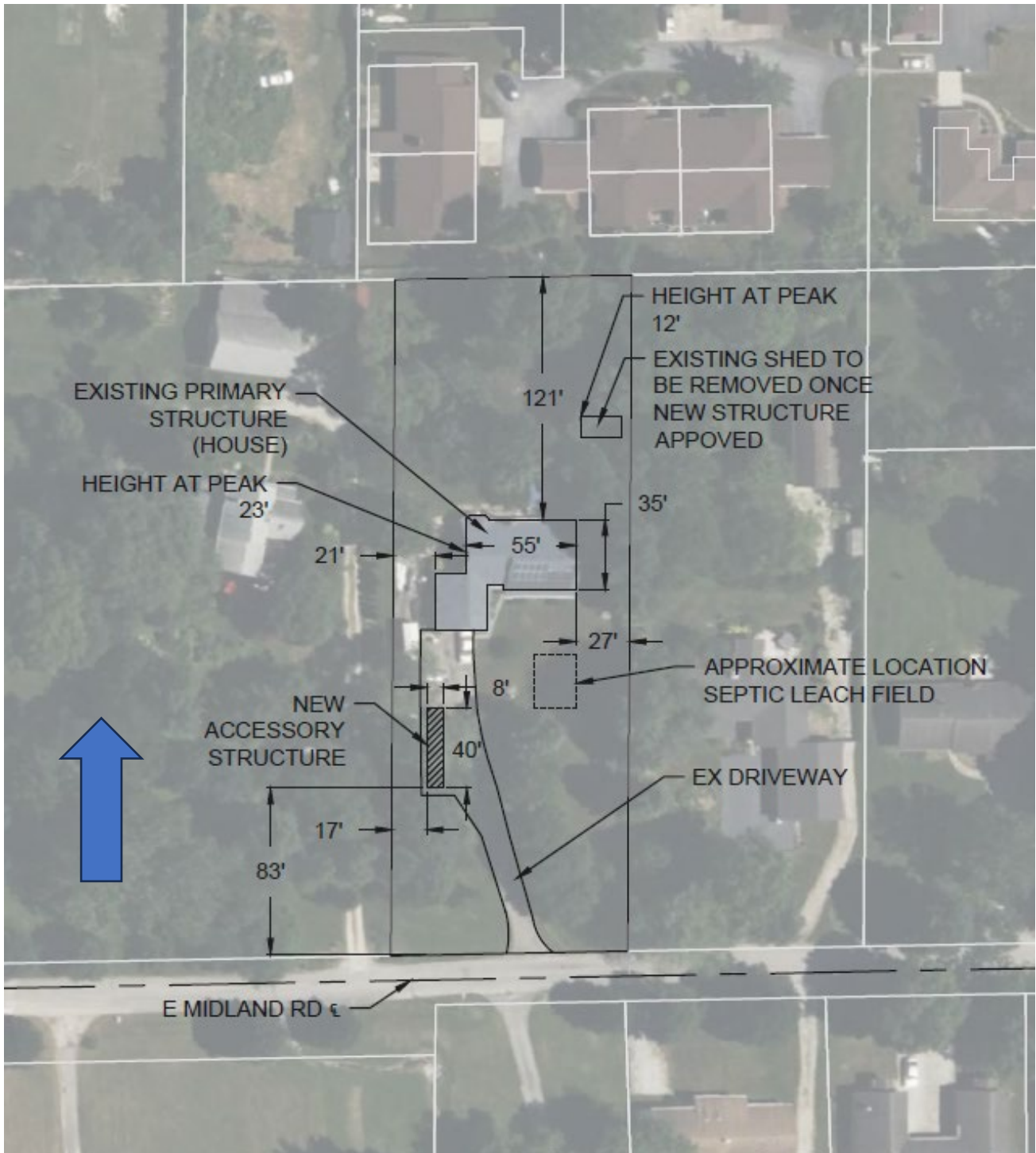


Exhibit 3: Site plan of the subject site.



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

**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 structure is sound and located on a stone foundation. The placement will not obstruct visibility for pedestrians or vehicles, nor will it interfere with public utilities or drainage systems. The structure will serve a private, residential purpose, consistent with the character of the surrounding community, and will not introduce activities or uses that could negatively impact the morals or general welfare of neighboring residents.

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 structure will not encroach on neighboring properties. Existing vegetation provides sufficient screening of the structure from surrounding properties.

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

The configuration of the lot with the primary structure set back approximately 160 feet from the road limits the viable options for placing the accessory structure behind the primary structure. Strict adherence to the zoning ordinance will prevent the owner from utilizing the property in a reasonable and functional manner consistent with their needs, creating an unnecessary hardship. Granting the variance allows for practical use of the front yard space.

Exhibit 4: The submitted Findings of Fact.



Exhibit 5: The primary dwelling on the subject site. Image pulled from VIO24-004055 site visit conducted by The Department of Business and Neighborhood Services.



Exhibit 6: The commercial vehicle on the subject site. Image pulled from VIO24-004055 site visit conducted by The Department of Business and Neighborhood Services.



Exhibit 7: The commercial vehicle on the subject site and property driveway. Image pulled from VIO24-004055 site visit conducted by The Department of Business and Neighborhood Services.



Exhibit 8: Looking at the commercial vehicle from Midland Road. Image pulled from VIO24-004055 site visit conducted by The Department of Business and Neighborhood Services.



Department of Metropolitan Development
Division of Planning
Current Planning



May 15, 2024

Case #: VIO24-004055

ADAMS, MARK S & JANICE K
3080 E MIDLAND RD
INDIANAPOLIS, IN 46227

RE: 3080 E MIDLAND RD

Dear ADAMS, MARK S & JANICE K:

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

Section 740 -1005.A.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; (Tree limbs & debris, and other miscellaneous items 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 D-1 district; (743-306.Y.1- The storage of portable storage units is limited to 30 days.....shipping container).

The City of Indianapolis requests your cooperation in correcting the violation(s). If the violation(s) have not been abated before June 13, 2024, this will result in further enforcement action, which could include:

- 1.) Issuance of a citation for each violation (Section 103-3) and / or
- 2.) Assessment of an administrative fee in the amount of two hundred fifteen dollars (\$215.00) for each scheduled visit to the property and the violation is not abated (Section 536-609) and / or
- 3.) Lawsuit with fines up to \$2,500 for each violation plus court costs (Section 103-3)

*** If you are the property owner and have leased / rented the property noted above, please notify the undersigned immediately with tenant information.**

To further research the Marion County code section mentioned above, please visit www.municode.com.

Exhibit 9: Notice of Violation for the subject site.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-DV3-019

Property Address: 8733 US 31 (approximate address)

Location: Perry Township, Council District #23

Petitioner: Kasada LLC, by Sign Solutions Inc.

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a freestanding sign within 269 feet of another freestanding sign and a third drive through sign (300-foot separation required, two drive through signs permitted).

Current Land Use: Vacant Commercial

Staff Recommendations: Staff **recommends approval** of the third drive through sign.
Staff **recommends denial** of the freestanding sign.

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was heard on June 17, 2025 and was separated into two ballots:
 - **Part A:** Variance of Development Standards for a third drive through sign (two-drive through signs permitted). This variance was approved by the Board.
 - **Part B:** Variance of Development Standards for the installation of a freestanding sign within 269 feet of another freestanding sign (300-foot separation required). This variance received an indecisive vote and was continued to the July 15, 2025 hearing.

STAFF RECOMMENDATION

- Staff **recommends approval** of the third drive through sign
- Staff **recommends denial** of the freestanding sign

PETITION OVERVIEW

- This petition would allow for the installation of a freestanding sign within 269 feet of another freestanding sign and a third drive through sign (300-foot separation required, two (2) drive through signs permitted).



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

- The petitioner submitted a revised site plan indicating relocating the proposed freestanding sign to be approximately 300 feet from the freestanding sign located to the north along US 31 and approximately 269 feet from the freestanding sign to the east along Stop 13 Road (see revised site plan below). While this proposed revision would now meet the separation standard from the sign along US 31, it would still be equally out of compliance in relation to the freestanding sign located to the east of the subject site. The subject site is an out lot of an integrated center, formerly housed a bank branch and is currently vacant and in the process of being redeveloped.
- Staff believes the proposal goes against the intent and goals of the separation standard, being to promote orderly development, to limit the number of distractions to oncoming motorists, and to maintain visibility of the surrounding area by reducing physical obstructions. Additionally, Staff does not find there to be any practical difficulty associated with the request as freestanding signs are not a requirement of development and, likewise, finds the reasons for the variance to be self-imposed. Further, Staff would note that alternative signage options are permitted by the Ordinance, such as building signs.
- Staff would also note that this portion of U.S. 31 is an area that currently contains a substantial number of freestanding signs. Staff believes that these standards and limits set for the by the Ordinance to be important and necessary constraints on future development and that such development should conform with the modern sign regulations. Staff would also note that the location is already fortunate enough to be located at an intersection, where passersby must slow down, if not completely stop, and have a clear view of the site and the building. The addition of another freestanding sign is not necessary.
- Finally, Staff fears that the granting of a request of this nature would set an undesired precedent that could lead to further requests for additional freestanding signs with reduced separation. Therefore, for these reasons, Staff is opposed to and recommends denial of the request.
- With regards to the third drive through sign (maximum one allowed per drive through lane), the Ordinance limits drive through signs to one per drive lane to limit visual clutter and to promote orderly development. The proposed size of the sign area is eight (8) square feet (which would be substantially smaller than the maximum size of 40 square feet allowed for drive-thru signs), and would exclusively serve to provide information to maximize the efficiency of the drive through. Since the proposed sign would provide minimal disruption for surrounding properties, and is relatively small for a drive through sign, staff is unopposed to this minor deviation.

GENERAL INFORMATION

Existing Zoning	C-4		
Existing Land Use	Vacant Commercial		
Comprehensive Plan	Regional Commercial		
Surrounding Context	Zoning	Surrounding Context	
	North:	C-4	North: Commercial
	South:	C-4	South: Commercial
	East:	C-4	East: Commercial
	West:	C-4	West Commercial
Thoroughfare Plan			
U.S. 31	Primary Arterial	142 feet of right-of-way existing and 124 feet proposed	
Stop 13 Road	Local Street	70 feet of right-of-way existing and 50 feet proposed	
Context Area	Metro		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	5/21/25		
Site Plan (Amended)	N/A		
Elevations	5/21/25		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	6/6/25		
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 Regional Commercial typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

73-Z-77; 2102 East South County Line Road, requests rezoning of 36.60 acres, being in the A-2 District, to the C-4 classification to permit construction of a community-shopping center and related retail facilities, **approved**.

ZONING HISTORY – VICINITY

2017DV3008; 1901 Stop 13 Road (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the drive-through unit and stacking spaces in the front yard of a public right-of-way wider than 30 feet (not permitted), **granted**.

2013DV3017; 8820 US 31 (south of site), requests variance of development standards of the Sign Regulations to provide for a freestanding sign, with a two-foot front setback, being within approximately 155 feet of a freestanding sign to the north and approximately 170 feet of a freestanding sign to the south, being the fifth sign on a frontage of less than 1,400 linear feet; **granted**.

2011-DV1-005; 8928 US 31 (south of site), requests variance of development standards of the Sign Regulations to provide for a pylon sign with a seven-foot front setback and within the clear sight triangle; **granted**.

2011-DV1-003; 8950 US 31 (south of site); requests variance of development standards of the Commercial Zoning Ordinance to provide for a surface parking lot with 38 parking spaces, located within the required front yard along US 31, and to provide for an interior access drive in the required front yard along County Line Road, and a variance of development standards of the Sign Regulations to provide for a pole sign within 94 feet of an existing free-standing sign; **granted**.

2009-UV1-002; 8707 Hardegan Street (south of site); requests variance of use of the Commercial Zoning Ordinance to provide for a restaurant and amusement arcade, within 500 feet of a protected district, without the grant of a special exception; **granted**.

2008-DV2-059; 8800 US 31 (south of site); requests variance of development standards of the Sign Regulations to provide for a 437.5-square foot pole sign with a 140-square foot electronic variable message sign component, within 27 feet of a signalized traffic intersection and within 400 feet of a protected district; **granted**.

2008-HOV-005; 8711 US 31 (north of site); requests variance of development standards of the Sign Regulations to provide for a 40-square foot electronic variable message sign component to be installed within the bottom tenant panel space of an existing 350foot tall, 560square foot pylon sign within 200 feet of a protected district; **granted**.

2007-DV2-015; 2004 East County Line Road (south of site); requests variance of development standards of the Sign Regulations to provide for the construction of 30-foot tall, 240-square foot pole sign,



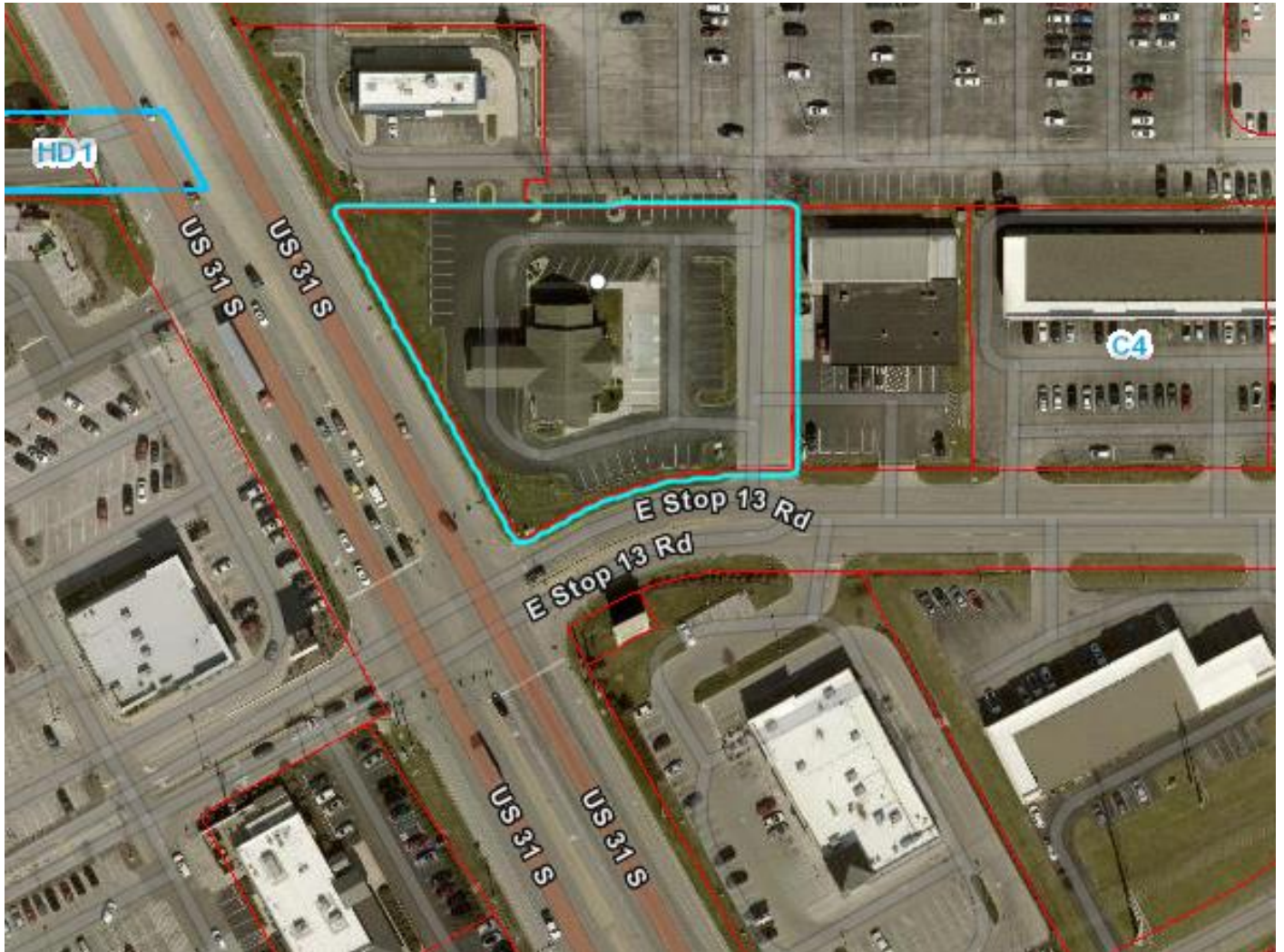
Department of Metropolitan Development
Division of Planning
Current Planning

with a 5.25-foot front setback from the intersection of County Line Road and US 31, two 46.5 square foot canopy signs on the northern and southern canopy faces being 40.70 percent of the total area of the canopy facades; **granted.**

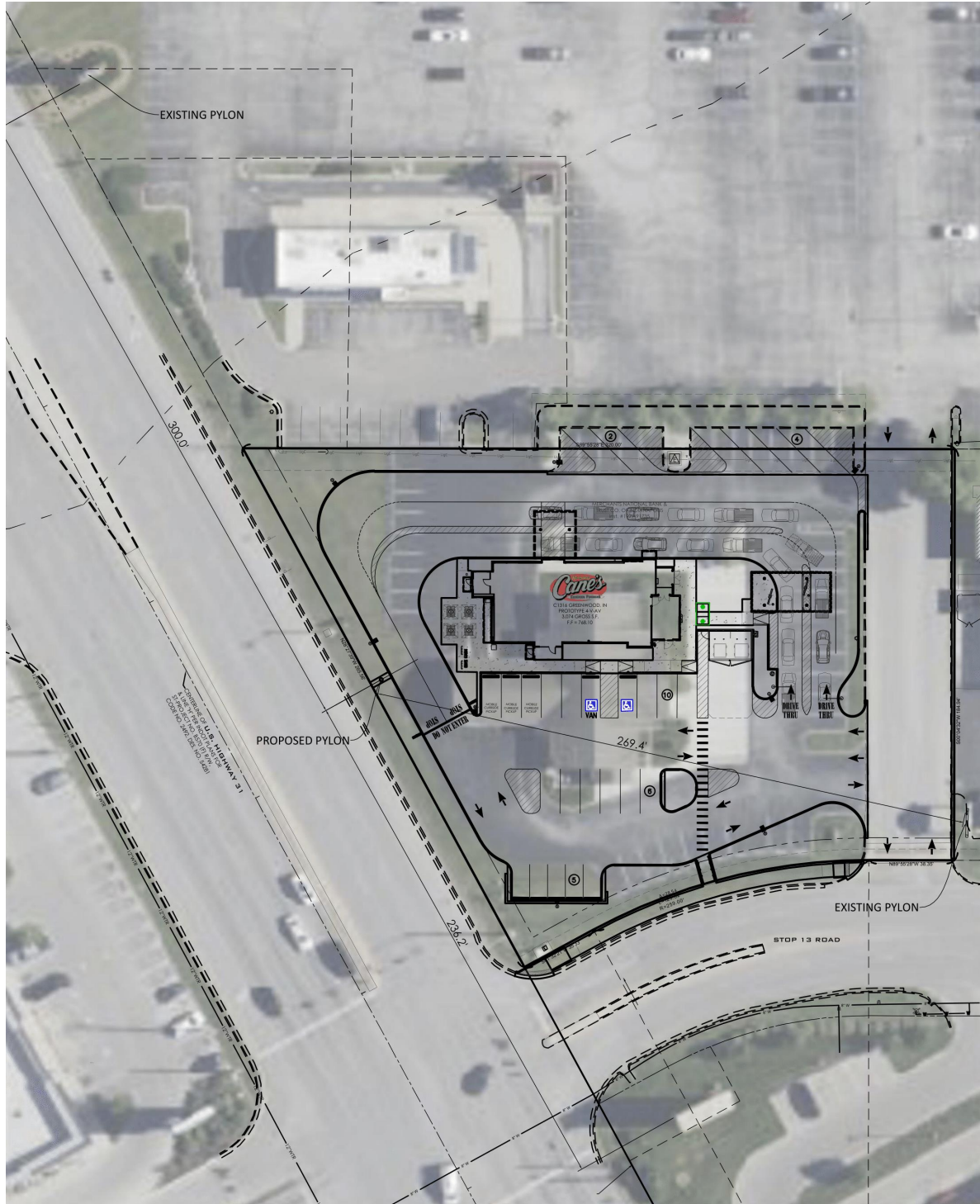
2003-DV1-034; 8711 US 31 (north of site); requests variance of development standards of the Sign Regulations to provide for a 44-square foot sign, with a 62-square foot electronic variable message sign panel on an existing thirty-five-foot-tall freestanding sign located within 200 feet of a protected district; **granted.**

2003-DV12-011; 8950 US 31 (south of site); requests variance of development standards of the Sign Regulations to provide for one 29.9-foot tall, 107.4-square foot pole sign with a 2.5-foot setback from the existing right-of-way of US 31 and County Line Road, within the required clear sight triangle; **granted.**

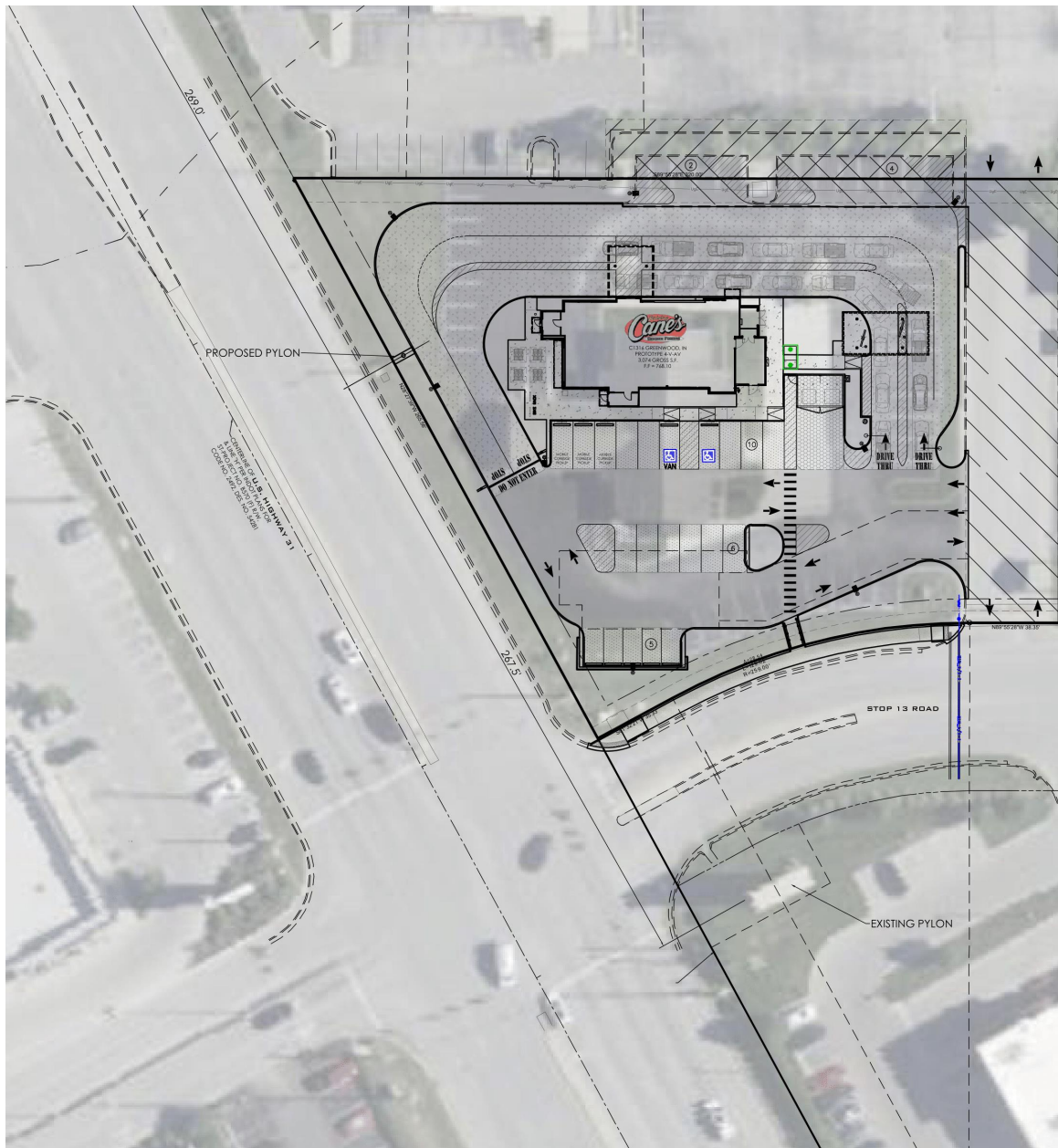
EXHIBITS



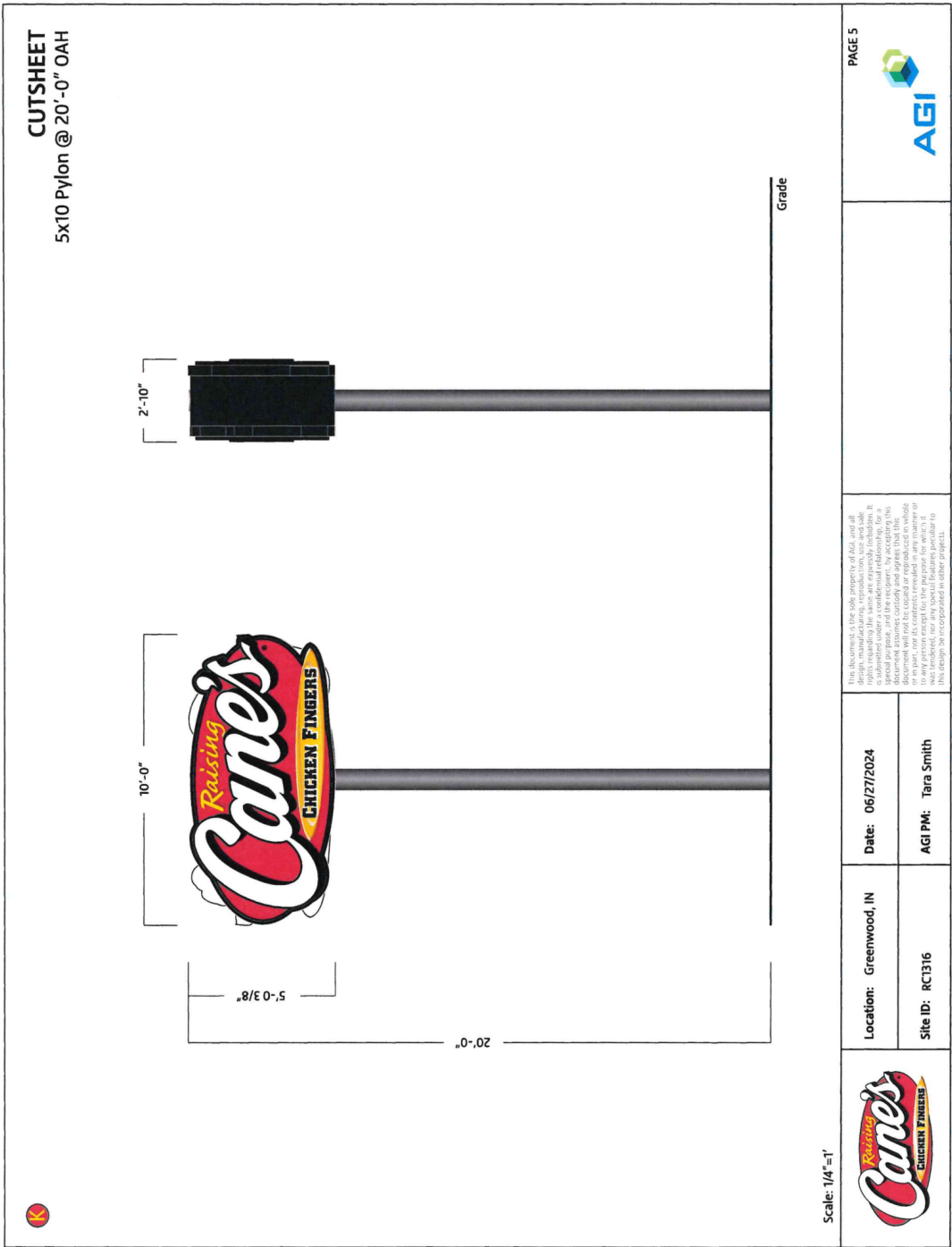
Aerial



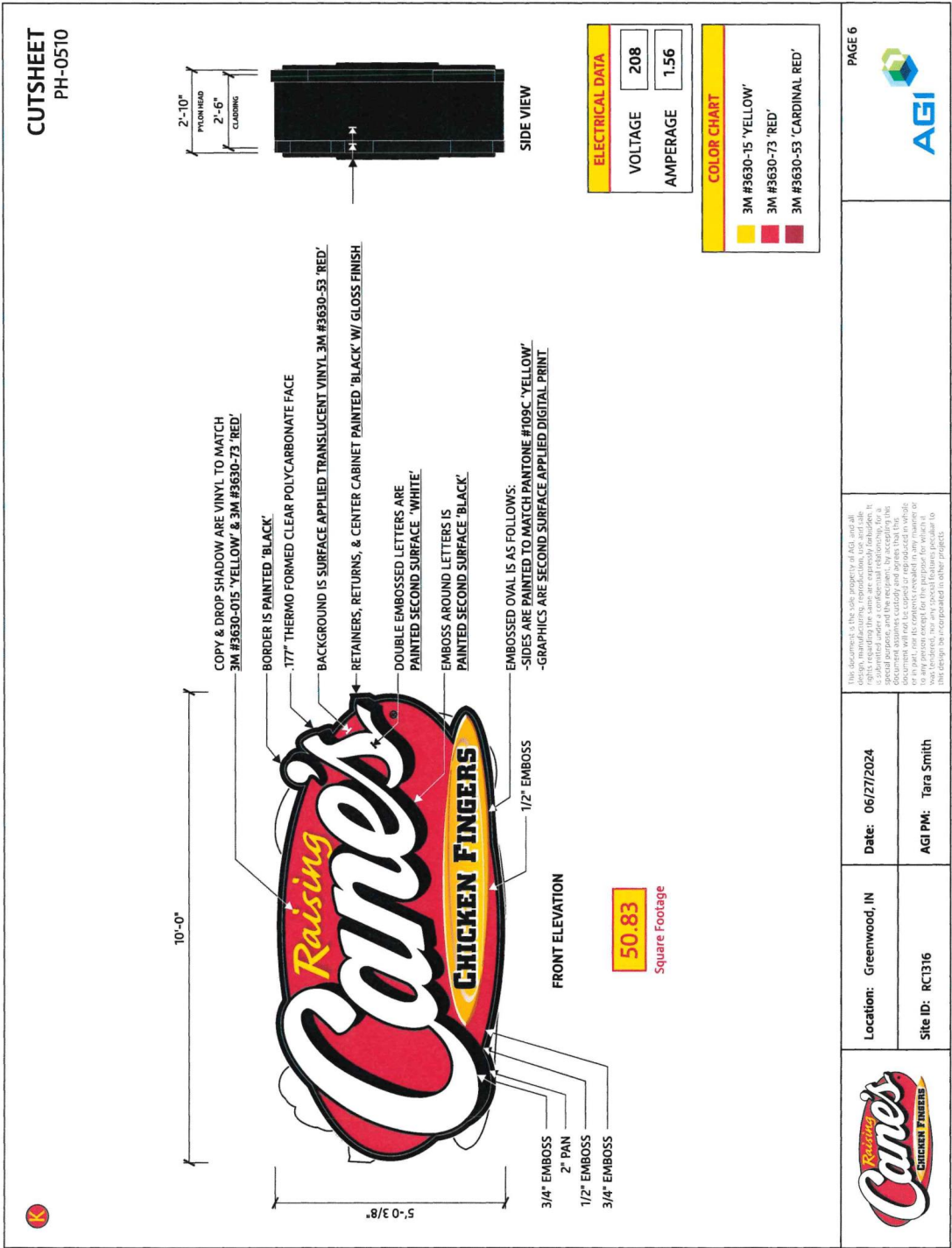
Updated site plan, file-dated June 25, 2025.



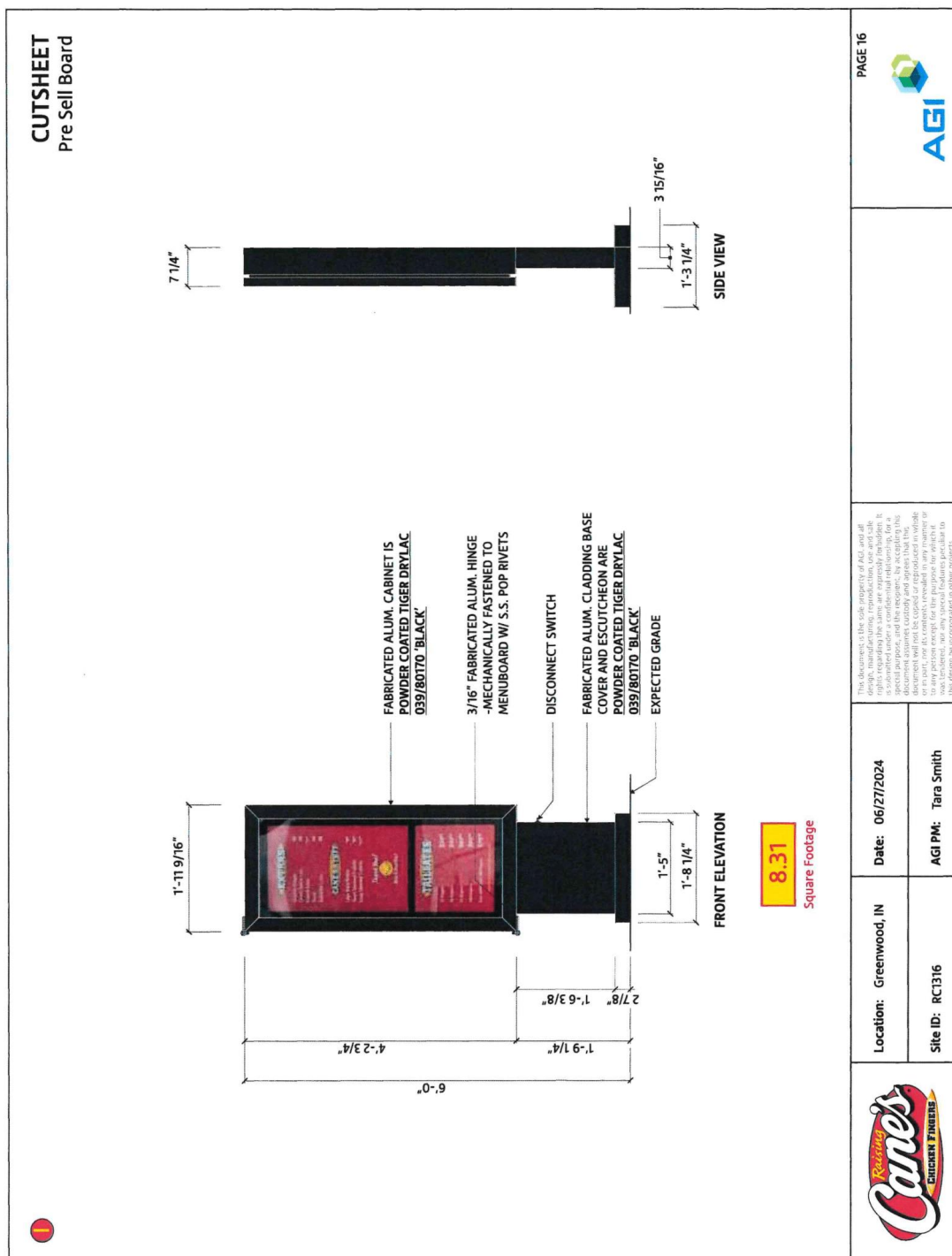
Original Site Plan



Proposed freestanding sign



Proposed freestanding sign elevation



Proposed drive through sign elevation



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 Pylon sign would be situated equidistant from both adjacent Multi-Tenant Pylons, providing ample space for the neighboring businesses to Advertise while also giving Raising Cane's an opportunity to advertise Being unrelated to the neighboring development.

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 Pylon sign requested will be the only advertising ground sign from its proposed location to the edge of the East Stop 13 Rd., and still 260' from the adjacent Multi-Tenant sign for the unrelated development

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

The need to meet 300' is not possible along the property line, however reducing the requirement to 260' would give Raising Cane's space to install a Pylon. Not having a Pylon would impact our visibility for customers traveling along US 31

DECISION

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

Adopted this _____ day of _____, 20 ____



Looking west along Stop 13 Road



Looking north from Stop 13 Road



Freestanding sign directly to the east of subject site



Looking north with the existing freestanding sign in the background



Looking north along US 31 with the existing freestanding sign shown

BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-DV3-025

Property Address: 980 South Kitley Avenue (approximate address)

Location: Warren Township, Council District #20

Petitioner: 980 Kitley LLC, by David Gilman

Current Zoning: I-4 / I-3

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

Current Land Use: Industrial

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition is required to be continued to the August 12, 2025 BZA Division III hearing due to insufficient notice.

BOARD OF ZONING APPEALS DIVISION III

June 17, 2025

Case Number: 2025-UV3-006

Property Address: 2308 Shelby Street (approximate address)

Location: Center Township, Council District #19

Petitioner: Walter Resinos

Current Zoning: C-3 (TOD)

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor recreation and entertainment (not permitted) on a proposed deck with a 2.5-foot setback from Shelby Street, a 3.7-foot setback from Hervey Street, and encroaching within the Clear Sight Triangle of their intersection (10-foot front yard setbacks required, encroachment of Clear Sight Triangles 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 continued from the May 20, 2025 hearing to the June 17th, 2025 hearing due to insufficient notice.
- This petition was automatically continued by a Registered Neighborhood Organization from the June 17, 2025 hearing to the July 15, 2025 BZA Division III hearing.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- This petition would allow for outdoor recreation and entertainment use (not permitted) on a proposed deck with a 2.5-foot setback from Shelby Street, a 3.7-foot setback from Hervey Street, and encroaching within the Clear Sight Triangle of their intersection (10-foot front yard setbacks required, encroachment of Clear Sight Triangles not permitted).
- The subject site is corner lot that is zoned C-3 (TOD), and is improved with a single-story commercial building. With regards to the Variance of Use, the approval of this petition would allow for outdoor recreation and entertainment in the C-3 zoning district, which is reserved for the C-5 and C-7 zoning districts.

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

- The outdoor recreation and entertainment use is defined as:
 - An open area offering entertainment or sports, athletics or games of skill to the general public. This definition includes facilities such as golf courses, swimming pools, baseball/softball fields; live entertainment or performances; boat and canoe rentals (as accessory use to a fishing lake operation); fishing lake operations (commercial or private); go cart raceways; scenic railroads; and drive-in theaters. This definition does not include Sports Stadium.
- Outdoor recreation and entertainment uses are limited to C-5 and C-7 districts due to the heightened intensity that generally comes with live entertainment performances and events occurring outside, particularly with regards to noise from music and the large crowds that these events can generate. Further, these uses are reserved for C-5 and C-7 due to the increased amount of space that outdoor recreation and entertainment typically requires to accommodate crowds and venue space. With C-3 characterized as Neighborhood Commercial, these lots are typically smaller and neighborhood scale, meaning that lots in C-3 districts are usually not large enough to accommodate these uses. With this lot being zoned C-3 and only 0.13 acres in size, Staff does not find the proposed use to be appropriate and to be too intense for the site.
- With regards to the Variance of Development Standards for reduced front yard setbacks and encroachment into the Clear Sight Triangle, this petition would allow for an outdoor deck to be added to the building in both front yard setbacks along Hervey Street and Shelby Street that would encroach into the Clear Sight Triangle by approximately 10 feet. With Hervey Street being a local street, and Shelby Street being a secondary arterial, the Clear Sight Triangle is measured 75 feet along Hervey Street and 120 feet along Shelby Street starting from the intersection of the centerlines. Staff is concerned about the proposal as the deck and associated fence partially blocks visibility of Shelby Street when looking from Hervey Street (see site photos below). Staff does not find there to be any practical difficulty for these requests, as the site is of sufficient size for C-3 standards, and is self-imposed. Staff would note that there is no exception in the Ordinance for partially transparent fences encroaching into the Clear Sight Triangle, as even transparent fences can impact visibility and the ability of motorists to see oncoming traffic from the intersecting street, which Staff finds to be the case in this situation. Further, Staff believes that any unnecessary obstructions should not be located within the Clear Sight Triangle to ensure maximum visibility of roadways. Therefore, Staff is opposed to the variances for reduced front yard setbacks and encroachment into the Clear Sight Triangle and recommends denial of these requests.

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

GENERAL INFORMATION

Existing Zoning	C-3 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-3 (TOD)	North: Community Commercial
South:	C-3 (TOD)	South: Community Commercial
East:	C-3 (TOD)	East: Community Commercial
West:	D-5 (TOD)	West: Single-family residential
Thoroughfare Plan		
Shelby Street	Secondary Arterial	60 feet of right-of-way existing and 78 feet proposed
Harvey Street	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit Oriented Development	
Wellfield Protection Area	No	
Site Plan	3/27/25	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/27/25	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- TOD Red Line Strategic Plan

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within ¼ mile of the Shelby Street and Raymond Street transit station. This area has been classified under the community center typology, which is characterized by a dense mixed-use neighborhood center, a minimum of 2 stories at the core, and the presence of multi-family housing with a minimum of 3 units.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2024UV3004; Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor within 55 feet of a protected district (not permitted within 500 feet of a protected district), **granted**.

94-Z-130; rezoning of 4.43 acres, being in the C-1, C-2, C-3, and D-5 districts to the C-3 classification to conform zoning to the Garfield Park/Pleasant Run Neighborhood Plan, **approved**.

ZONING HISTORY – VICINITY

2022ZON105; 2340 & 2344 Shelby Street (south of site), Rezoning of 0.24 acre from the C-3 (TOD) district to the MU-2 (TOD) district, **approved**.

2015DV2005; 2242 Shelby Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for: a) the construction of a 384-square foot detached garage for bicycle repair, an addition to the main dwelling, to be used for an espresso bar, bicycle sales and display, and bicycle and supply storage, and two decks for outdoor seating (not permitted), b) with five parking spaces (seven parking spaces required), with deficient maneuvering (not permitted), and c) to provide for a handicapped ramp, with a zero-foot front setback from Shelby Street or 30 feet from the centerline (70 feet from the centerline required), and d) to provide for a 6.25-square foot suspended sign, with less than eight feet of clearance (maximum five square feet permitted, minimum eight feet of clearance required) and a 40 square foot wall sign on the front porch parallel to Shelby Street, **approved**.

99-UV2-64; 2230-2340 Shelby Street (north of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for the expansion of a tavern within 100 feet of a protected district, liver entertainment and no off-street parking, **granted**.

98-UV3-81; 2320 Shelby Street (south of site), requested a variance of use to permit the sale and repair of major appliances, **denied**.

95-UV1-35; 2320 Shelby Street (south of site), requested a variance of use to provide for a mechanical contractor operation and heavy equipment storage of an HVAC company, including storage of materials and tools *such as sheet metal fabricators, arc welder, and cleaning solvents* for HVAC service, **denied**.

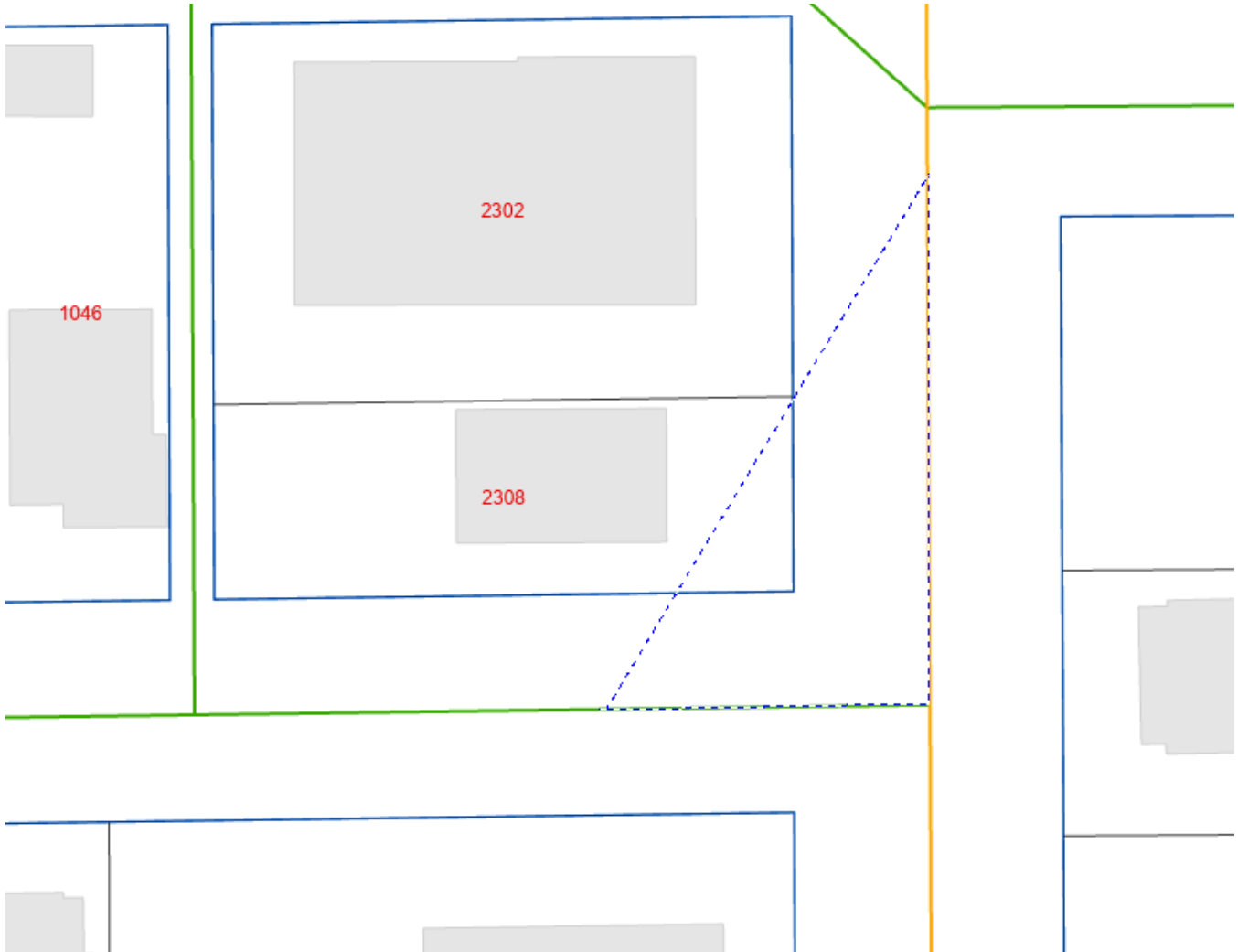
89-UV3-73; 2242 Shelby Street (north of site), requested a variance of use to permit retail sale of jewelry, coins and metals, **granted**.

87-UV2-29; 2236 Shelby Street (north of site), requested a variance of use to permit an automobile clean-up business, **denied**.

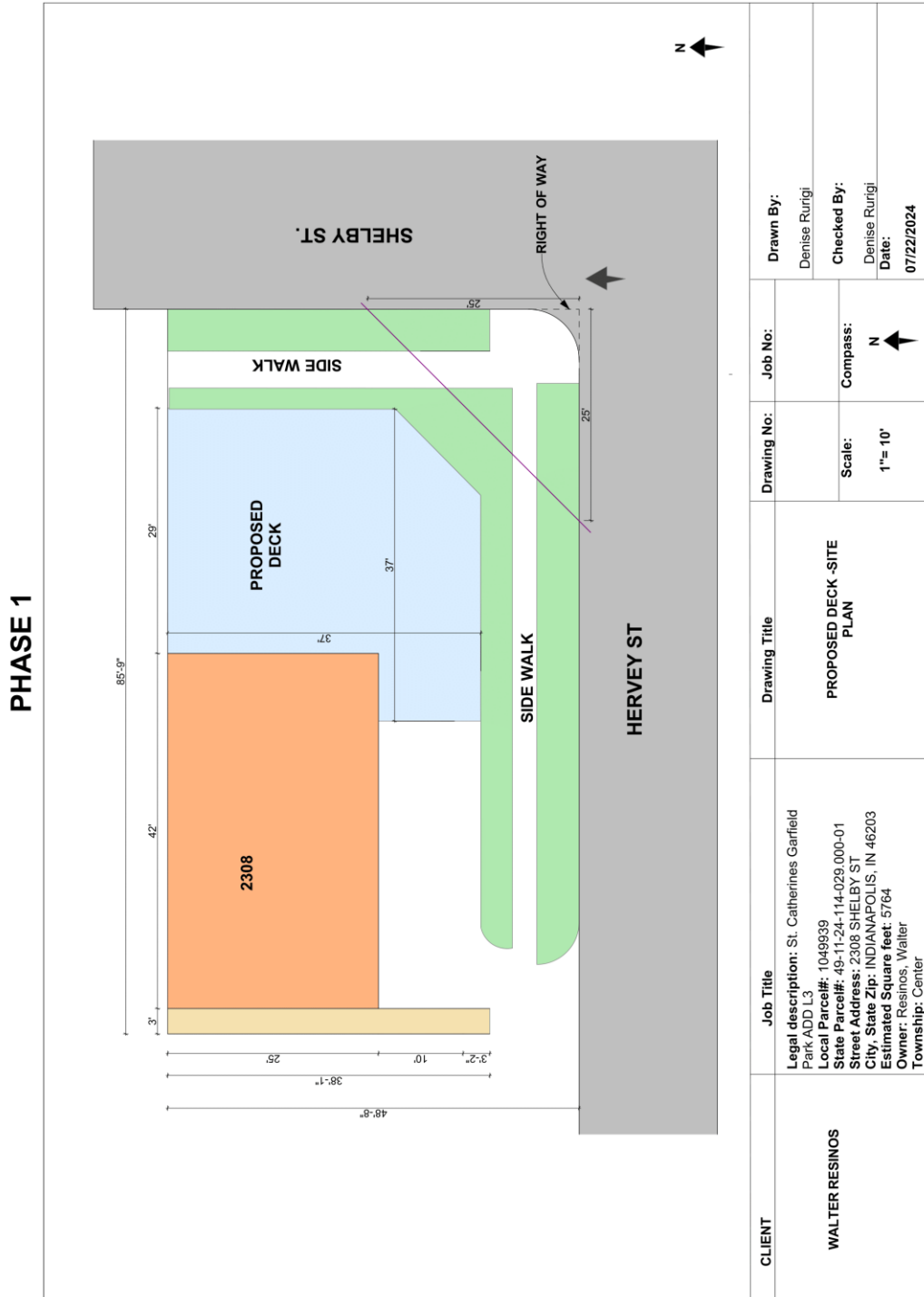
83-UV3-4; 2310 Shelby Street (north of site), requested a variance of use and development standards to permit a site-down restaurant, **granted**.

EXHIBITS





Clear Sight Triangle exhibit



Submitted site plan



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

1. The deck will be used for business access & for recreational purposes.
2. Under phase 2, the retaining wall will expand the available exterior space by providing additional space for the customers.
3. Under phase 2, the second floor addition will provide additional interior space that will be used by the customer & or anyone entering the building.

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

it is an old fire station that is currently being used for storage. It will rather bring value to the adjacent property as it will be surrounded by more businesses.

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

1. the existing C-3 commercial zoning doesn't allow for an exterior deck for entertaining/ recreational purposes without a variance of use.
2. The deck and the proposed retaining wall under phase 2, encroaches into the required 10'-deep front yards from the property line.

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

1. It will limit the growth of the business community.
2. It will hinder the operations of the existing business currently on the property because it will limit the use of the exterior space. It will limit the number of customer access points to the building.
3. It will limit the use of the exterior space and prevent the use of the deck for recreational purposes.

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

The Variance that is being requested does not interfere in any way with the other surrounding businesses or adjacent properties.
Under phase 2, the proposed retaining wall and second floor addition will be built in adherence to the local safety regulations & building codes.

DECISION

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

Adopted this _____ day of _____, 20 ____



Department of Metropolitan Development
Division of Planning
Current Planning

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:

1. The deck poses no risk to pedestrians as it was built at ground level & within the property line. It does not interfere with the pedestrian traffic neither does it block the view since the railing is a see-through horizontal cable railing.

2. Under phase 2, The retaining wall will not pose any risk neither will it block the view as it will be built below ground level.

3. Under phase 2, the second floor addition will not pose any risk as it will be built as per building safety standards and following local building codes

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:

1. The adjacent property is an old fire station that is currently being used for storage. The existing deck was built in the corner of Shelby & Hervey St. away from the adjacent property.

2. Under phase 2, the retaining wall will not affect or interfere with the adjacent property in any way as it will be built on the opposite side facing Hervey St.

3. Under phase 2, the proposed second floor addition will not affect the use or value of the adjacent property as it will be constructed on top of the existing building.

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

It will hinder the operations of the existing business currently on the property because it will limit the use of the exterior space. It will limit the number of customer access points to the building.

DECISION

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

Adopted this _____ day of _____, 20 ____



Looking north along Shelby Street



Looking northwest at primary building



Looking northwest at fence and deck



Looking west at subject site from other side of Shelby Street



Looking northeast



Looking north at deck and building

BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-UV3-011
Address: 2003 Woodcrest Road (approximate address)
Location: Perry Township, Council District #23
Zoning: D-2
Petitioner: Alexis Lively
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a pet grooming operations as a home occupation (not permitted).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause at the request of the petitioner, from the June 17, 2025 hearing, to the July 15, 2025 hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the operation of a pet grooming operation, typically a C-3 use, as a home occupation.
- ◇ The purpose of the D-2 district is intended for suburban areas of the county. There is no specific requirement other than carrying out the single-family low-density patterns expressed by the Comprehensive Land Use Plan. The D-2 district has a typical density of 1.9 units per gross acre.
- ◇ The Comprehensive Plan recommends suburban neighborhood uses for the subject site. The proposed use would be permitted in the C-3, Neighborhood Commercial Zoning District. The C-3 district is designed to permit the development of a complete range of retail sales and personal, professional, and business services required to meet the demand of a fully developed residential neighborhood. It does not make provisions for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary.
- ◇ Given the increase in intensity between the existing zoning and the proposed use, even with minimal customers, there would still be an increase of traffic that would be an increase over the normal traffic patterns of a residential neighborhood. Approval of this request would facilitate the intrusion of a commercial use into an established residential neighborhood.

- ◇ Any deviation from the minimum standards should be related to the property, and not to the individual's needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site. The site can continue to be used as a single-family dwelling with permitted home occupations without the need for a variance, and the proposed use could be located in an appropriately zoned commercial district.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a hardship, nor does the site possess a practical difficulty, since the site is zoned D-3 and could continue to be used as permitted, by right, in the D-3 zoning classification. Any practical difficulty is self-imposed by the desire to use the site for operation of a pet grooming operation.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Single Family Dwellings	
Comprehensive Plan	Suburban Neighborhood	
Overlay	No	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-2	Single-family dwelling
	South: D-2	Single-family dwelling
	East: D-2	Single-family dwelling
	West: D-2	Single-family dwelling
Thoroughfare Plan		
	Woodcrest Road	Local Street 50-foot existing and proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	500-year	
Wellfield Protection Area	No	
Elevations	N/A	
Commitments	N/A	
Landscape Plan	N/A	
Plan of Operations	January 24, 2025	
Site Plan	January 24, 2025	
Findings of Fact	January 24, 2025	

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

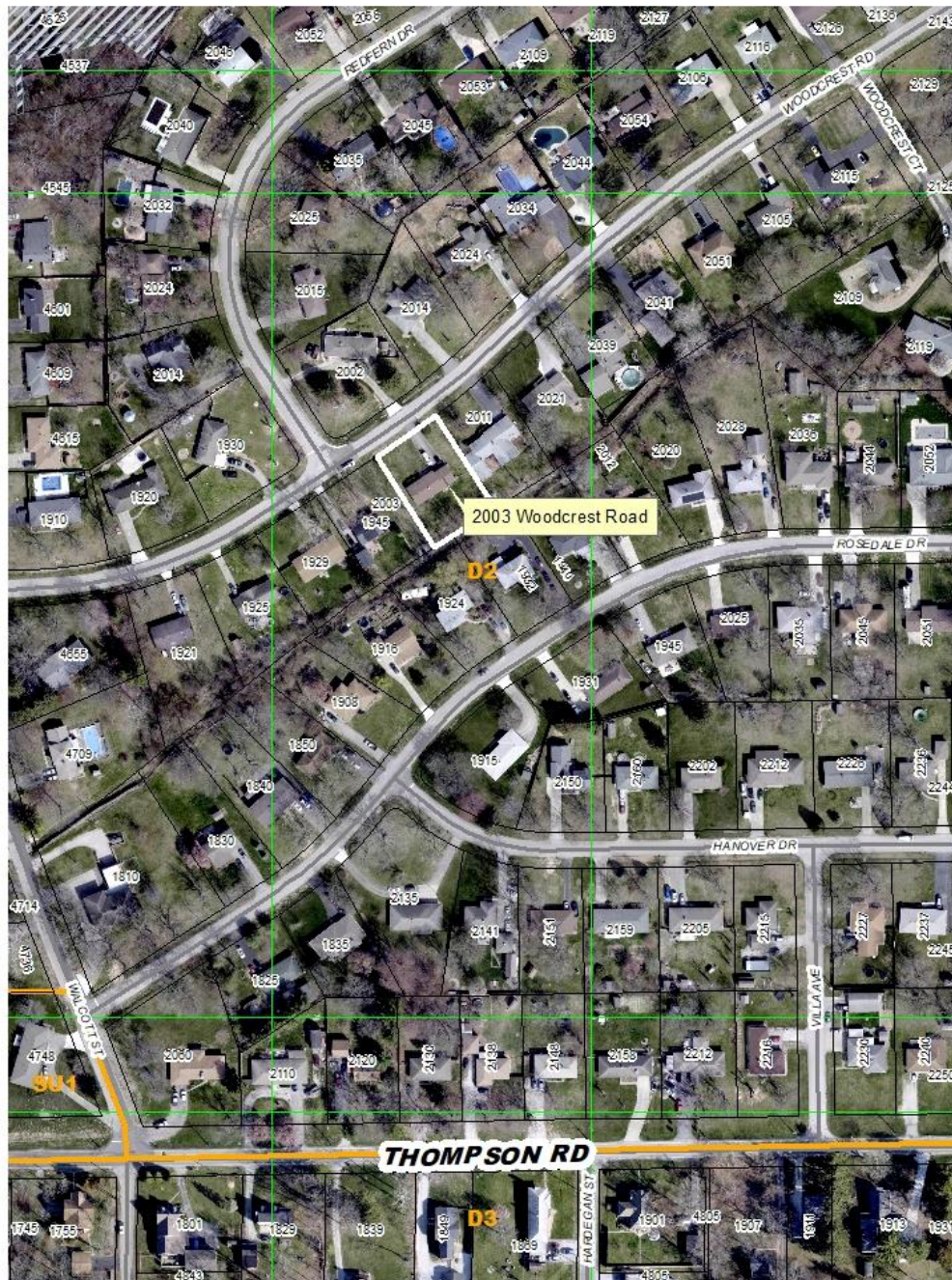
2018-HOV-004; 4622 Walcott Street (west of site), requested a variance of development standards to legally establish a five-foot side setback, and a 12-foot aggregate side setback, **granted**.

2002-DV1-002; 1920 Woodcrest Road (west of site), requested a variance of development standards to provide for the outdoor parking of a 14-foot commercial vehicle, adjacent to the west side of the dwelling, **temporarily granted for 17 months**.

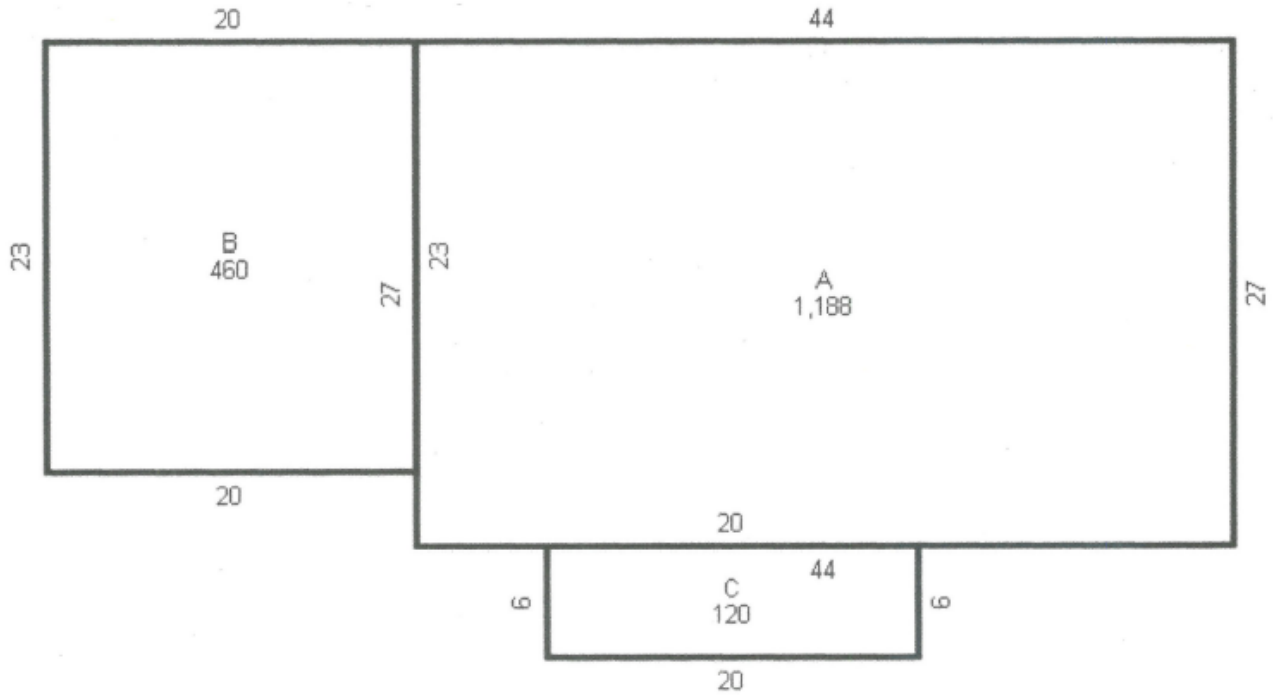
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EXHIBITS

Location Map



Site Plans



Plan Of Operation

The Dog House Pet Salon

Plan of Operation

- One on one pet grooming salon
- owner/operator only employee
- low traffic in home salon
- clientele is community based
- appointments for pet grooming rotate every 6-8+ weeks
- word of mouth and social media advertisement

Pet grooming consists of baths, nail trimming, brushing, and drying. Each pet on average takes 2 hours to complete from start to finish.

Hours of Operation: 9am-5pm Monday-Friday, some weekends may apply.

Salon is located in attached Garage, closed and away from the public.

Guests are allowed to enter *only* if their pet is being serviced, pick up/drop off.

Products used in the salon are shipped regularly through Amazon or other usual shipping methods.

Waste for the salon is regular gray water connected to the homes plumbing and city systems; as well as typical garbage.

I am the only employee for the foreseeable future, should I have an employee, they may park in my 4 car driveway, behind my 1 personal vehicle, leaving space for clientele to come and go.

The salon is monitored by cameras inside, as well as outside in the front driveway area. Vehicles are monitored by camera surveillance and recorded for insurance and safety purposes.

Pets Vaccination Records are kept on file and updated as needed to ensure the most recent information is logged.

Hazardous materials used would be disinfecting solutions such as KennelSol, or Oxivir. These products are used to prevent the spread of many illnesses related to both canine, feline, equestrian, and human. Disinfectant protocols are always followed as the label on the bottle states to prevent any serious harm or injury.

Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____ 3
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

Permitting a residential pet grooming business will not be injurious to the public health, safety, morals, and general welfare of the community because by providing convenient access to pet grooming services promotes responsible pet ownership and encourages regular veterinary care and hygiene practices, contributing to a cleaner and healthier environment to the community.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the property will retain its primary residential character. The pet grooming business will operate on a small scale, servicing a limited number of pets daily. Business hours will be restricted to standard weekday hours, and limited weekends, thereby minimizing potential disruptions to the community.

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

The need for the variance arises from some condition peculiar to the property involved because a pet grooming business is not permitted in a residential zone without a variance.

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

The 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 a pet grooming business is not permitted in D-2 zoning.

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

The grant does not interfere substantially with the comprehensive plan because a pet grooming business does not promote unnecessary traffic. The pet grooming business is a small shop that services a limited amount of clients per day during standard business hours of operation.

Photographs



Subject site single family dwelling, looking south



Adjacent single family dwellings to the east, looking south.



Adjacent single family dwelling to the north.



Adjacent single family dwelling to the west, looking south.

BOARD OF ZONING APPEALS DIVISION III

July 15th, 2025

Case Number: 2025-UV3-013
Property Address: 9045 East 30th Street
Location: Warren Township, Council District #15
Petitioner: Calvary Temple Assembly of God, Inc., by David Gilman
Current Zoning: SU-1
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for commercial offices within an existing building (not permitted).
Current Land Use: Religious Use
Staff Recommendations: Staff is recommending **denial** of this variance petition.)

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the second hearing for this variance petition.

The first hearing occurred on June 17th, 2025 and was continued due to a split vote by the Board of Zoning Appeal Division I.

STAFF RECOMMENDATION

Staff is recommending **denial** of this variance petition.

PETITION OVERVIEW

- 9045 East 30th Street is a parcel that is approximately 0.758 acres in size and fronts along 30th Street to the north. Although individually platted, the previous use of the structure was as an accessory structure utilized as classrooms and office space for the large religious use structure at 2901 North Post Road. The property to the south also contains a large rear yard accessory parking area to the southeast of the subject site.
- Approval of this petition would allow for the existing structure to function as a commercial office for Helix Development, a real estate company that specializes in modular construction (per the company website). Since the real estate office use would be unrelated to the primary religious use to the south or to any other religious use, it would not be permitted within SU-1 zoning and would therefore require a zoning petition

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

to be legally established. It appears that the non-conforming use was noticed during review of an application for a sign permit.

- The Plan of Operation provided by the applicant indicates that the use would utilize existing parking at the site, would employ 7-12 workers, and would operate within normal business hours (7 AM to 7 PM Monday to Friday, 8 AM to 4 PM on Saturday). Applicant Findings also assert that the proposed scale of the use would be similar to the previous office that had operated in an accessory fashion for the religious use.
- Staff would note that if office uses were likely to continue at the site without affiliation with a religious use (as appears to be the case here), having the property rezoned to the C-1 zoning designation would be the more appropriate zoning petition as opposed to a variance of use that would create a mismatch between the land use and zoning district. C-1 zoning would also allow for more favorable zoning standards for the proposed monument sign (shown within Exhibits below). The applicant was made aware of this and chose to proceed with requesting relief via a variance of use.
- Staff would note that it appears that the use at this site currently operates both outside of the existing property boundaries of 9045 East 30th as well as operating at an intensity that goes beyond the definition of Offices uses as contemplated by the Ordinance. Aerial photography and recent site photography (see Exhibits 3 and 8) appear to show the outdoor storage of dozens of modular home units that are likely associated with the current user.
- Outdoor storage at this scale would not be permitted within the SU-1 zoning district (since likely unaffiliated with the religious use) and would also not be permitted in such proximity to protected zoning districts. Staff would note that approval of this variance would *not* allow for outdoor storage of modular homes in association with any real estate office, and that their placement would be open to citation and violation by the Department of Business and Neighborhood Services.
- Since the proposed use of real estate offices (a) would be unaffiliated with a religious use and therefore more appropriately approved via a rezoning petition and (b) appears to be associated with extensive outdoor storage of contractor materials beyond the scope of an office use, staff does not feel that evidentiary Findings have been met. Even if assurances or commitments were provided indicating the removal of the contractor storage at this and related sites, staff still feels that a risk of encroachment beyond the definition of office uses would be likely and recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	SU-1	
Existing Land Use	Religious Use	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	I-3	North: Heavy Industrial
South:	D-4	South: Suburban Neighborhood
East:	D-7	East: Suburban Neighborhood
West:	SU-2	West: Suburban Neighborhood
Thoroughfare Plan		
30 th Street	Secondary Arterial	100 feet of right-of-way existing and 80 feet proposed.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	4/18/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	6/4/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

- 82-Z-64: 2901 Post Road
 - Rezoning of 6 acres, being in C-2 district, to SU-1 classification, to provide for church purposes.
 - Approved
- 94-Z-92: 9041 East 30th Street
 - Rezoning of 0.758 acre, being in the C-3 District, to the SU-1 classification to provide for the construction of a paved parking lot for an existing church.
 - Approved
- 99-Z-148: 9045 East 30th Street
 - Rezoning of 0.758 acre, being in the C-3 District to the SU-1 classification to provide for religious uses.
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2003-DV2-042: 8931 East 30th Street
 - Variance of Development Standards of the Sign Regulations to provide for a five-foot tall, forty square foot pylon sign (not permitted) with a twenty-four square foot electronic variable message display component (not permitted).
 - Approved
- 2004-UV2-027: 2961 North Post Road
 - Variance of Use of the Commercial Zoning Ordinance to provide for the annual temporary seasonal sales of fireworks and Independence Day – related party supplies (not permitted) between June 1st and July 10th.
 - Approved
- 2020-UV1-011: 3049 North Post Road
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a convenience market (not permitted), associated with an automobile fueling station, with a 10-foot front setback from the proposed right-of-way of Post Road and 30th Street, a 10-foot front transitional yard along 30th Street, a freestanding sign with a three-foot front setback along 30th Street and 10-foot side yards (60-foot front setback from the proposed right-of-way, 150-foot front transitional yard, five-foot front sign setback and 30-foot side setback required).
 - Denied

EXHIBITS

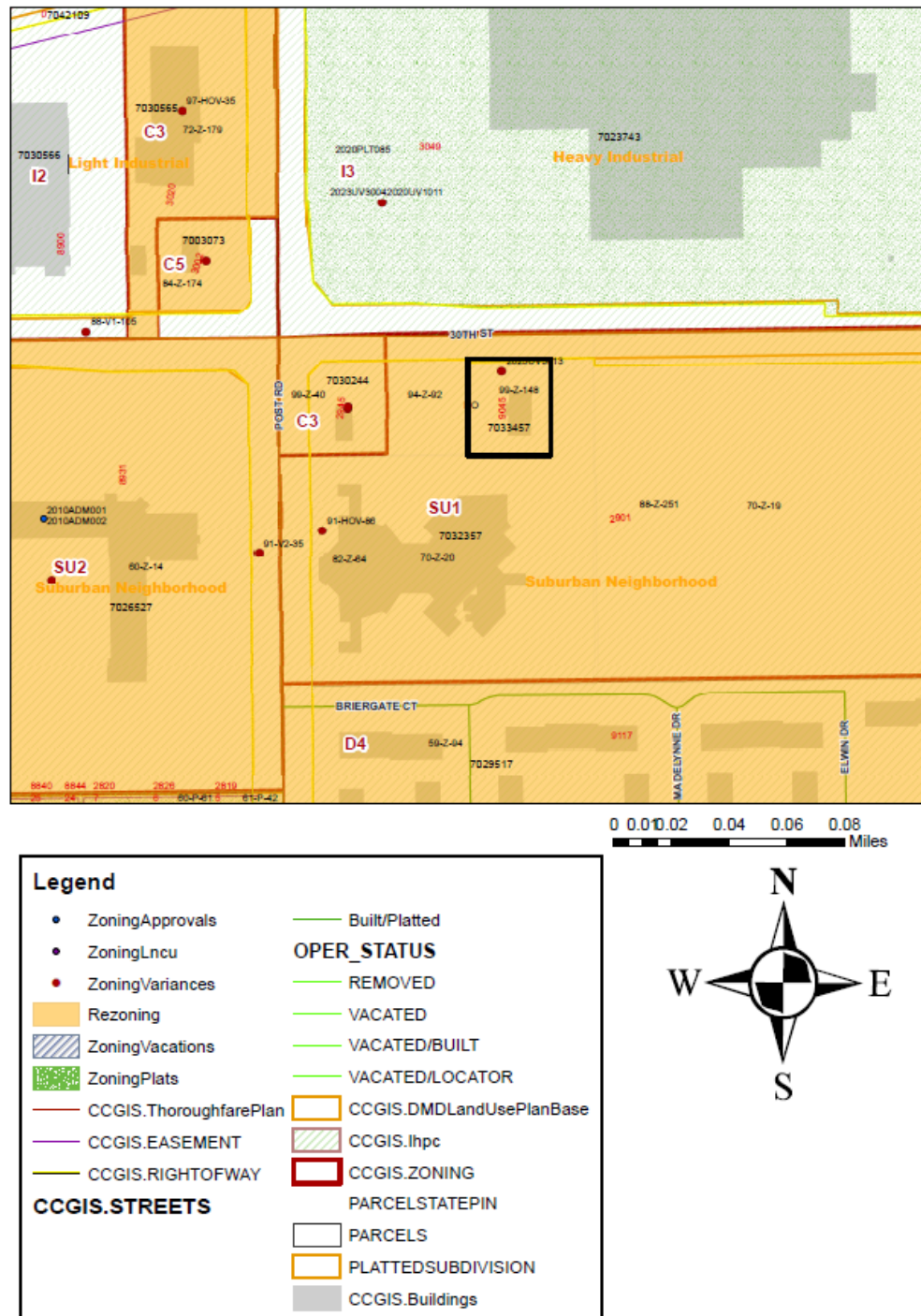


Exhibit 1: ArcGIS map of subject site and surrounding properties.

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The proposed use for office space will be served with the required parking, access to all utilities and meet the C-1 development standards.

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 proposed business office use is very similar to the accessory use for classrooms, offices or administration.

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

The accessory building was approved as an accessory use to the primary religious use. The building is now vacant and is no longer needed for its intended purpose.

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

The existing building is no longer needed for its original purpose and remains vacant. The vacant building will be repurposed for a new use that is very similar to its intended use and will allow for the occupancy, investment and maintenance in the building and site improvements.

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

The grant of the use variance will allow a use very similar to the approved religious accessory use and will not change the underlying zoning.

The Suburban Residential Land Use Pattern Book allows for small scale office uses similar to the proposed use. There is sidewalk connectivity to the adjacent residential communities and the site is located in close proximity to a primary arterial street.

Exhibit 2: Findings of Fact

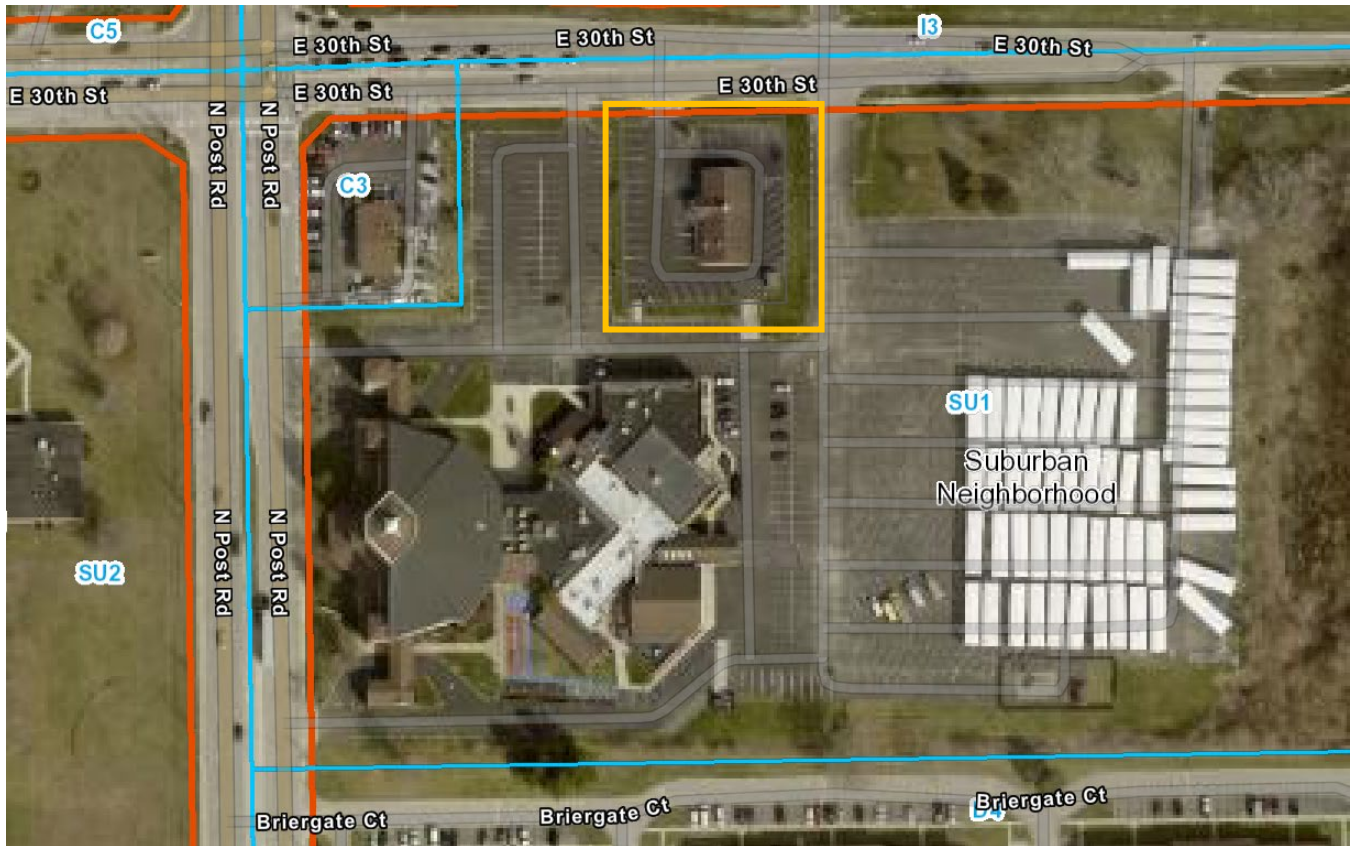


Exhibit 3: Aerial of the subject site.

SITE PLAN
9045 EAST 30TH STREET
 SCALE 1:10

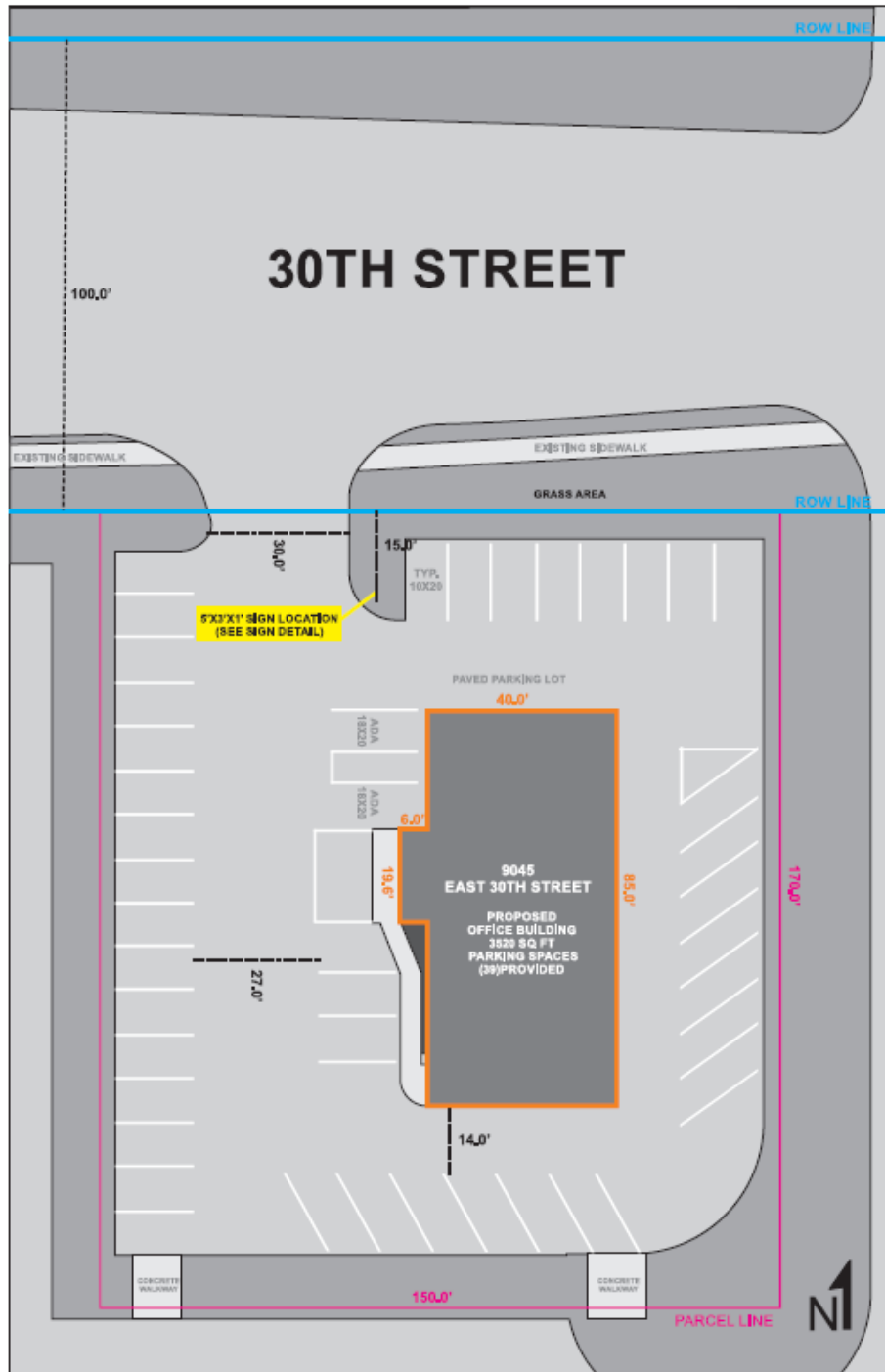


Exhibit 4: The submitted site plan.

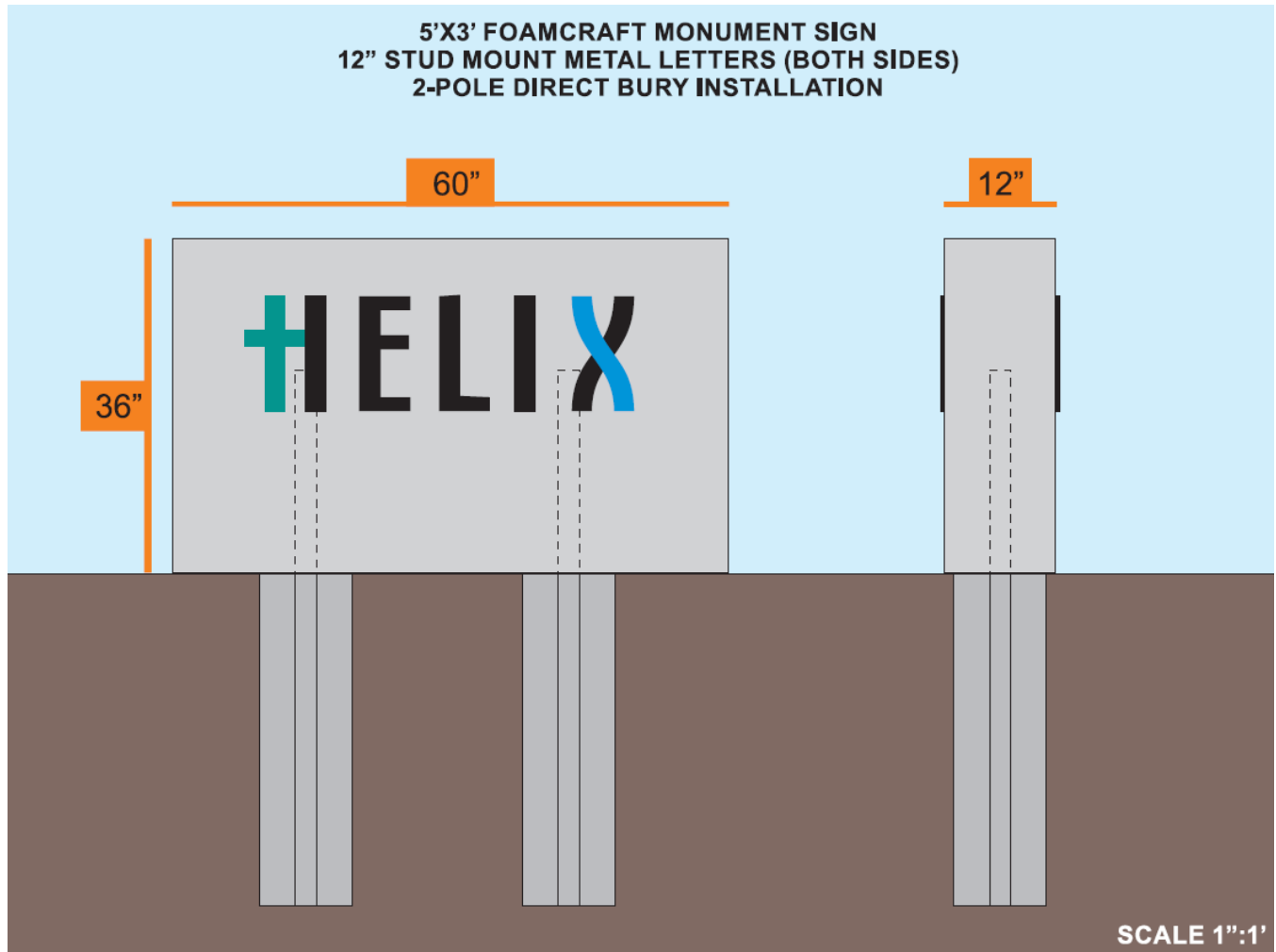


Exhibit 5: Submitted sign plans.



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

**Plan of Operation
9045 E 30th Street
4/4/2025**

BACKGROUND

The subject site is located just east of Post Road on the south side of East 30th Street. The site consists of 0.758 acres and is zoned SU-1 (Religious Use). The building was previously used for classrooms and offices to support the religious use on the parent property. The church no longer needs the space and would like to lease it as an office space for a nearby growing business.

Business Use

The petitioner seeks to operate a small professional office from the building. The site has an existing parking lot adequate to serve the proposed use. The petitioner will restripe the parking lot upon the variance approval.

Workforce

The office workforce will consist of 7-12 employees.

Hours of Operation

Business hours will be 7am to 7pm, Monday to Friday, Saturday 8am to 4pm and closed on Sundays.

Off-Street Parking

There are forty (40) customer and employee parking spaces provided, including 2 van accessible handicap spaces.

Signage

A 3 ft by 5 ft ground sign is proposed and shall comply with the current Sign Ordinance. (See Sign Details).

Clients and Customers

Clients and customers will be able to visit the site as there is ample room for parking.

Lights

Only small wall pack security lights will be installed at the designated entrance and exit to the building.

Shipping and Receiving

All shipping and receiving will be delivered by normal postal services.

Drainage

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

Waste

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

Exhibit 6: Plan of operation.



Exhibit 7: The subject site.



Exhibit 8: Existing Outdoor Storage of Modular Homes (taken October 2024)

BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-UV3-016

Property Address: 1659 East Sumner Avenue (approximate address)

Location: Perry Township, Council District #23

Petitioner: Cronus LLC, by Eric Donovan

Current Zoning: D-5

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,414-square-foot second primary building (not permitted) with a four-foot east side yard setback (seven feet required).

Current Land Use: Residential

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition is required to be continued to the August 19, 2025 BZA Division III hearing due to insufficient notice.

BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-DV3-023
Address: 3640 North Post Road (approximate address)
Location: Warren Township, Council District #9
Zoning: C-4 (TOD)
Petitioner: Post Holdings LLC, by Patrick Rooney
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fifth freestanding sign along Post Road, within five and 100 feet of other freestanding signs (maximum of two freestanding signs per frontage, 300-foot separation required).

Current Land Use: Integrated Commercial Center under development

Staff Recommendation: Staff recommends Denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ Standards of the Sign Regulations are intended to promote quality sign displays that are integrated with developments and reduce potential hazards to pedestrians and motorists. These standards include the number of signs and separation requirements.
- ◇ The Sign Regulations allow two (2) freestanding signs for an integrated center. In addition, a separation distance of 300 feet is required between individual signs. These requirements are designed to mitigate the proliferation of freestanding signs and the visual conflicts and negative aesthetics associated with multiple signs in close proximity to one another.
- ◇ This request would provide for the erection of a fifth freestanding sign along this portion of North Post Road, where a maximum of two (2) freestanding signs are permitted as part of an integrated center development.
- ◇ This request would also allow for the freestanding sign to be located within five (5) feet and 100 feet of other freestanding signs where a 300-foot separation between signs is required for legally permitted signs.

- ◇ The requested 5-foot and 100-foot sign separation is a result of the petitioner's desire to locate the sign at the main entrance to the integrated center. The sign could be located in the middle of the parcel, providing for a 300-foot separation from one sign, and 150-foot separation from the second sign. Although the 150-foot separation would still require a variance, this distance is farther than the proposed separation and would provide for less confusion and distraction from the other signage.
- ◇ Therefore, the practical difficulty in locating the sign with less than a 300-foot separation from two (2) signs is self-imposed.
- ◇ The practical difficulty noted in the Findings of Fact for the requested fifth freestanding sign is that the business will suffer greatly without being able to advertise their business. Any potential financial gain and/or losses associated with the petitioner's investment were self-created and are not considered in the statutory criteria for Development Standards Variances. The BZA does not consider these issues when entering into a decision.
- ◇ Appropriate building or façade signs can provide the needed advertising and location identification without the need for a freestanding sign. With the newly constructed building being on an out lot, there is no obstructive buildings or structures in front of the proposed building that would restrict any building or façade signage from passing motorists. The use of building or façade signage would also reduce the potential hazard of additional freestanding signs and allow for the location of the business to be found safely.
- ◇ A basic tenet of the 2019 Sign Code revision was to allow the use of a variety of sign types in Commercial districts, lessening the need and reliance on free-standing signage. Staff believes that a sign plan that promotes a variety of sign types is particularly helpful in reducing sign proliferation along the right-of-way.
- ◇ Since the site is under development, the requested variance is a result of the specific design and development and not a result of the site. The site has no limiting factors, therefore, the site can be designed to meet the requirements of the Ordinance without the need of the requested variance and provide orderly development as other adjacent developments have been able to do so. Therefore, Staff does recommend denial of the requested variances due to no practical difficulty being imposed by the site.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial Gas Station under development	
Comprehensive Plan	Community Commercial uses	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	Commercial Retail uses
South:	D-4	Single-Family dwellings
East:	D-4	Single-Family Dwellings
West:	D-4 / C-4	Single-Family Dwellings / Commercial Retail

Thoroughfare Plan		
North Post Road	Primary Arterial	100-foot existing right-of-way and 112-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	Transit Oriented Overlay – Partial Site	
Wellfield Protection Area	No	
Site Plan	June 6, 2025	
Sign Elevations	June 6, 2025	
Landscape Plan	N/A	
Findings of Fact	June 6, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2007-DV2-002; 3745 North Post Road (north of site) requested a Variance of development standards of the Commercial Zoning Ordinance to legally establish a drive-through by-pass lane with a 1.8-foot front setback from the proposed (existing) right-of-way of East 38th Street, **granted**.

2006-DV2-026, 9050 East 38th Street and 3829 North Post Road (north of the site), requested a variance of development standards of the Sign Regulations to provide for replacement of a manual reader-boards on two existing signs with 40-square foot electronic variable message sign components with one sign being within 130 of another freestanding sign along 38th Street with an approximate street frontage of 560 feet and within 325 feet of a protected district (minimum 300-foot separation required between freestanding signs, minimum 600 feet of frontage required, minimum 600-foot separation from a protected district required), and one sign being within 145 feet from another freestanding and within 260 feet of a protected district (minimum 300-foot separation required between freestanding signs, minimum 600-foot separation from a protected district required), with an eleven-foot front setback from Post Road (minimum fifteen-foot front setback required), **withdrawn**.

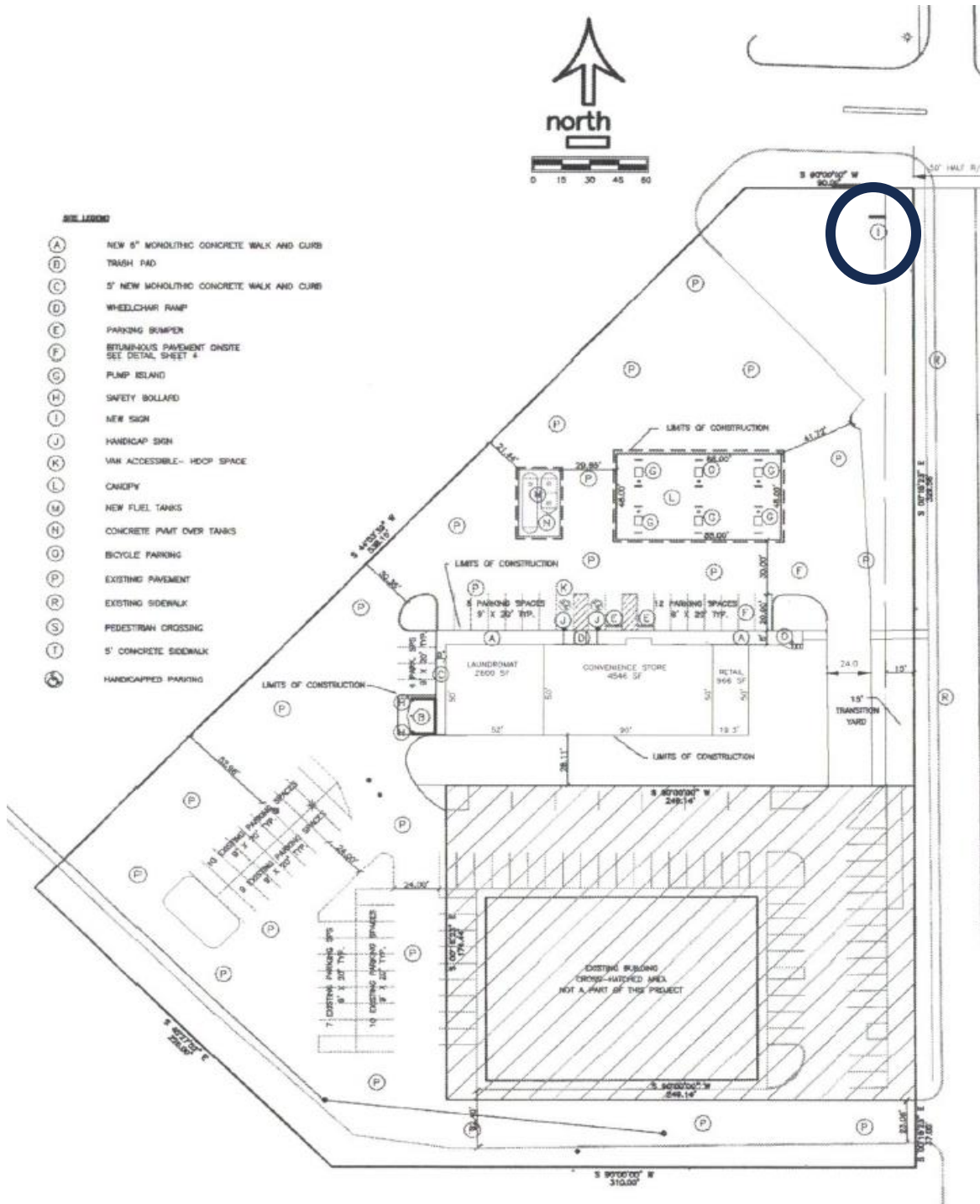
2002-DV1-021; 3863 North Post Road (north of the site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for a drive-through service unit located zero feet from a protected district (minimum 100-foot separation from a protected district required), without the required screening and landscaping and to provide for a stacking spaces located within the maneuvering area of a parking lot (stacking spaces not permitted with parking or maneuvering areas), **granted**.

2001-DV3-041; 8939 East 38th Street (north of site), requested a variance of development standards to provide for a sign copy area of 31.7 percent of the canopy elevation (maximum 25 percent) on the south façade of an existing gasoline service station, **denied**.

2000-DV2-030; 9021 East 38th Street (north of the site), requested a variance of development standards of the Sign Regulations to provide for an 8 by 12.5-foot, 40-foot tall pole sign, located 30-feet from an existing pole sign front on 38th Street, within an integrated center (minimum 300-foot separation between signs fronting on the same street, within an integrated center, required), **withdrawn**.

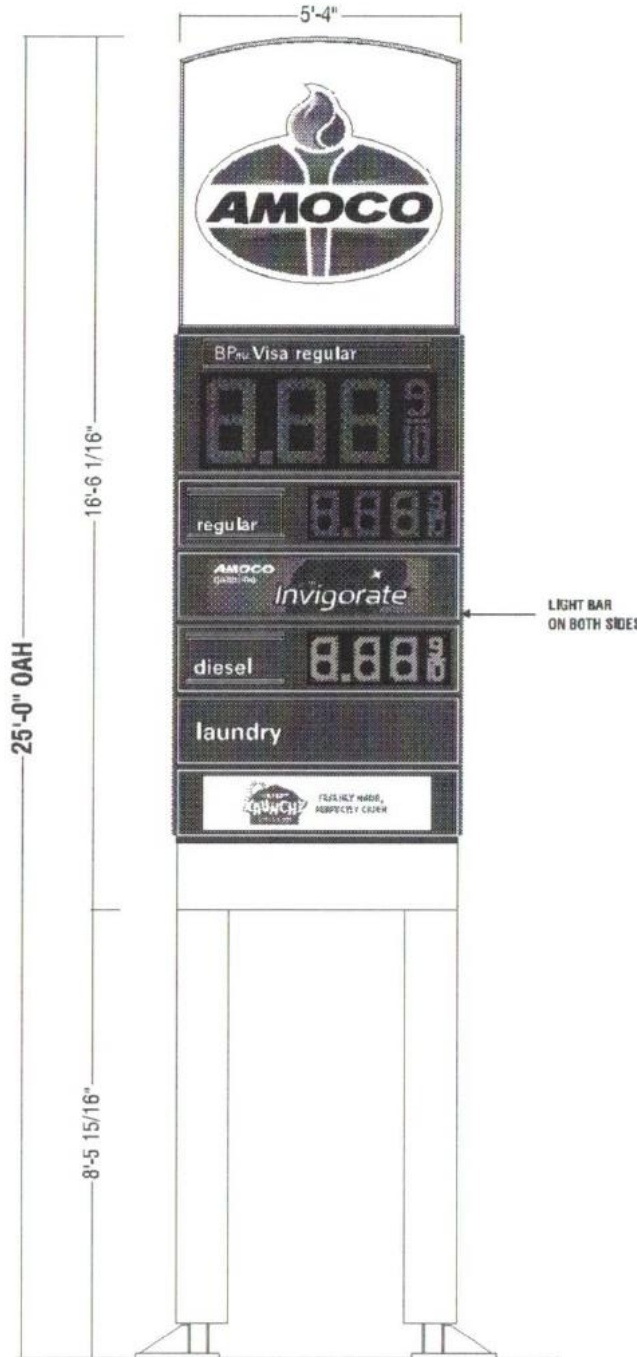
95-UV1-132; 3721 North Post Road (north of the site), requested a variance of use of the Commercial Zoning Ordinance to provide for a child and adult day care center and school (not permitted), **granted**.

RU



117

Sign Elevation



PROPOSED SIGNAGE

Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the variance will only be used to allow for a pylon sign on the property. This sign will allow potential customers to be able to conveniently see the gas prices being offered at the station, as well as the services being offered by the two other entities occupying the Subject Property. Without this sign, customers will not be able to see the prices of gas being offered and other services being provided, which would be a harm to the general welfare and economic participation of the community so that allowing the sign will be a benefit the the general welfare of the community.

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

the addition of a pylon sign is a very minor, yet important, addition to the Subject Property. The sign will only take up about five feet of ground space. The pylon sign will serve to attract customers to the Subject Property as well as the adjacent shopping centers/retail locations, allowing for greater economic growth in the area, benefitting the Petitioners, adjacent owners, tenants, and the community as a whole.

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

if the Petitioner's variance is not granted, then gas station business will suffer greatly. Petitioner needs a pylon sign so that they may advertise their business, tenant's businesses, and gas pricing. The adjacent properties which comprise the shopping center are wholly separate from the Petitioner and there is not room on the existing signage for the necessary signage for the Petitioner and its tenants.

Photographs



Subject site commercial gas station under construction, looking south.



Approximate proposed sign location, five feet in front of existing center sign, looking northeast.



Existing frontage signs, with 100 feet and ten feet of separation from proposed sign, looking south



Existing outlot development to the north with one freestanding sign



Adjacent integrated commercial development, looking west.



Existing outlot development to the south with one freestanding sign, looking west.

BOARD OF ZONING APPEALS DIVISION III

July 15th, 2025

Case Number: 2025-DV3-026
Property Address: 95 South Mitthoefer Road
Location: Warren Township, Council District #20
Petitioner: Indiana Federal Credit Union, By Misha Rabinowitch
Current Zoning: C-4 (TOD)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for site improvements resulting in a south transitional yard setback ranging from 0.5-feet to 11 feet (20 feet required).
Current Land Use: Commercial
Staff Recommendations: Staff is recommending **denial** of this variance petition.)
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing of this variance petition.

STAFF RECOMMENDATION

Staff is recommending **denial** of this variance petition.

PETITION OVERVIEW

- The petitioner is requesting to a reduction of the south transitional yard setback to allow for an addition to be added to the commercial building on the site.
- This site is 1.5 acres in a C-4 zoning district and Transit Oriented Development Overlay.
- A transitional yard is a buffer area in a yard adjacent to a Protected District, with a minimum depth set by zoning regulations. It serves to separate land uses of different intensities and can replace the minimum required front, side, or rear yard when necessary.
- The Pennsy Trail that runs along the south property line of the subject site and requires a transitional yard.
- The variance is required due to an addition that is being added to the Indiana Members Credit Union that is on the subject site. The addition will move the parking lot area further south and remove the green space that is currently present as the transitional yard.
- Staff is recommending denial because there is no practical difficulty, the addition to the building and the location selected for it is a design choice. The Pennsy Trail has been in this location for at least five (5) years and should have been taken into consideration before addition plans begun.

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The Pennsy Trail is dynamic, public amenity that Staff believe should be protected and its use and views preserved as development occurs.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Regional Commercial
South:	D-1	South: Suburban Neighborhood
East:	D-A	East: Suburban Neighborhood
West:	I-4	West: Suburban Neighborhood
Thoroughfare Plan		
Mitthoefer Road	Secondary Arterial	100 feet of right-of-way existing and 80 feet proposed.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	6/4/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	6/4/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Blue Line Transit-Oriented Development Strategic Plan
- Indy Greenways Full Circle Master Plan

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Walmart at Washington Pt. Drive. (Blue Line)
 - Investment Framework: Plan and Partner
 - These station areas are not currently ripe for direct TOD investments, since they generally don't have the physical features or market strength to support major private investment.
 - Given their transit accessibility, these areas are ideally suited for station area planning and technical assistance for development implementation (e.g., visioning and planning for station areas, establishing a BID, etc.).
 - These areas can be an important focus for the non-profit and philanthropic sectors, to lay a groundwork for public and private sector investment.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The Pennsy Trail corridor utilizes the old Penn Central Railroad corridor between Pleasant Run Parkway and the Town of Cumberland to the east, a distance of approximately 7 miles. It is the second rail-trail project to be initiated in the Indy Greenways system and is one of four former rail corridors planned for the system. The Pennsy Trail is part of the former Indiana Central Railroad corridor which spanned 78 miles from Indianapolis to Richmond and was completed in 1853. It was over this railroad on April 30, 1865, that the slain body of President Abraham Lincoln was returned to Springfield, Illinois. After numerous acquisitions and name changes, the Pennsylvania Railroad began operating the line in 1921, which was later abandoned, and its track pulled up in 1980. The Pennsy Trail will establish a significant east-west connection on Marion County's east side and will provide connections to Irvington, the Town of Cumberland, Hancock County, and other east-side

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neighborhoods. It will further serve as an essential eastern route as part of the proposed Marion County Bicycle and Pedestrian System. The proposed 7.2-mile trail route runs just south of Washington Street, between Ritter Avenue and German Church Road. It will ultimately connect Irvington to the Town of Cumberland and extend to Greenfield and beyond. Other possible connections and areas of interest include Pleasant Run Greenway, Ellenberger Park, the proposed Lick Creek Greenway, the proposed Grassy Creek Greenway, the proposed Buck Creek Greenway, the Eastgate commercial area and Washington Square Mall. In addition, the Town of Greenfield has three miles of trails on the same railway and would like to connect with Cumberland.

ZONING HISTORY

ZONING HISTORY – SITE

- 73-Z-49: 10001 East Washington Street
 - Petitioner requests rezoning of a 9.561-acre parcel of land being in an A-2 district to a C-4 classification to provide for a commercial development.
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2010-DV2-005: 10002 East Washington Street
 - Variance of development standards of the Sign Regulations to provide for an 18-foot tall, 42.5-square foot freestanding sign, within the sight-triangle of Mithoeffer Road and Washington Street, with a five-foot front setback from Washington Street (15-foot setback from the existing right-of-way required, structures cannot be within the sight-distance triangle).
 - Denied
- 2011-HOV-006: 10009 East Washington Street
 - Variance of Use of the Commercial Zoning Ordinance to provide for an amusement arcade within 500 feet of a protected district without the grant of a special exception (not permitted).
 - Approved
- 2011-UV2-018: 10009 East Washington Street
 - Variance of Use of the Commercial Zoning Ordinance to provide for a daycare center in a 4,200-square foot tenant space (not permitted).
 - Approved
- 2019-DV1-032: 9701 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to add sign panels to an existing non-conforming sign with a zero-foot front setback from Mithoeffer Road (15-foot front setback required).
 - Approved
- 2021-DV2-012: 9961 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through lane within the front yard, with a six-foot front setback, with less landscape area than and screening than required, and to provide for an additional freestanding sign within the integrated center along East Washington Street (10-foot front setback with landscaping, screening required for drive-through, maximum two signs permitted per integrated center site).
 - Approved
- 2021-DV3-026: 9605 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an additional freestanding sign and sign area along the East Washington Street frontage, being a 17-foot tall, 64-square foot pole sign located within

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70 feet of an existing freestanding sign to the east (300-foot separation required, maximum sign area of 300 square feet per site and maximum two freestanding signs permitted).

- Denied
- 2022-UV3-031: 10435 East Washington Street
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business (not permitted on lots greater than 0.5-acres) with a 23.5-foot front building line, 4% of the building line (60% front building line required).
 - Withdrawn
- 2023-CVR-808 / 2023-CPL-808: 10435 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business with a 30-foot front building line or 22% of the building line (60% front building line required).
 - Approval of Subdivision Plat to be known as Washington Market Commercial Subdivision, dividing 10.90 acres into two lots and one block.
 - Approved
- 2023-DV3-004: 10220 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an integrated center with: a) an accessory drive through within 600 feet of a transit station with access provided by a private drive (alley access required); b) a surface parking area within the minimum 50-foot front yard setback (not permitted); c) all buildings maintaining a 20-foot front yard setback (maximum 10-foot setback permitted); d) and a 46% front building line (80% required).
 - Approved
- 2024-DV3-013: 10220 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a bank with one primary entry (two required).
 - Approved
- 2024-DV3-024: 102220 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive through without an exclusive bypass aisle (bypass aisle required) and the construction of freestanding buildings with front building line setbacks of up to 33 feet (maximum 20-feet permitted per 2023-DV3-004), a front building line width of 33.5 percent (46 percent required per 2023-DV3-004), and deficient first-story transparency on the front façade of the westernmost building (60% transparency required).
 - Denied

EXHIBITS

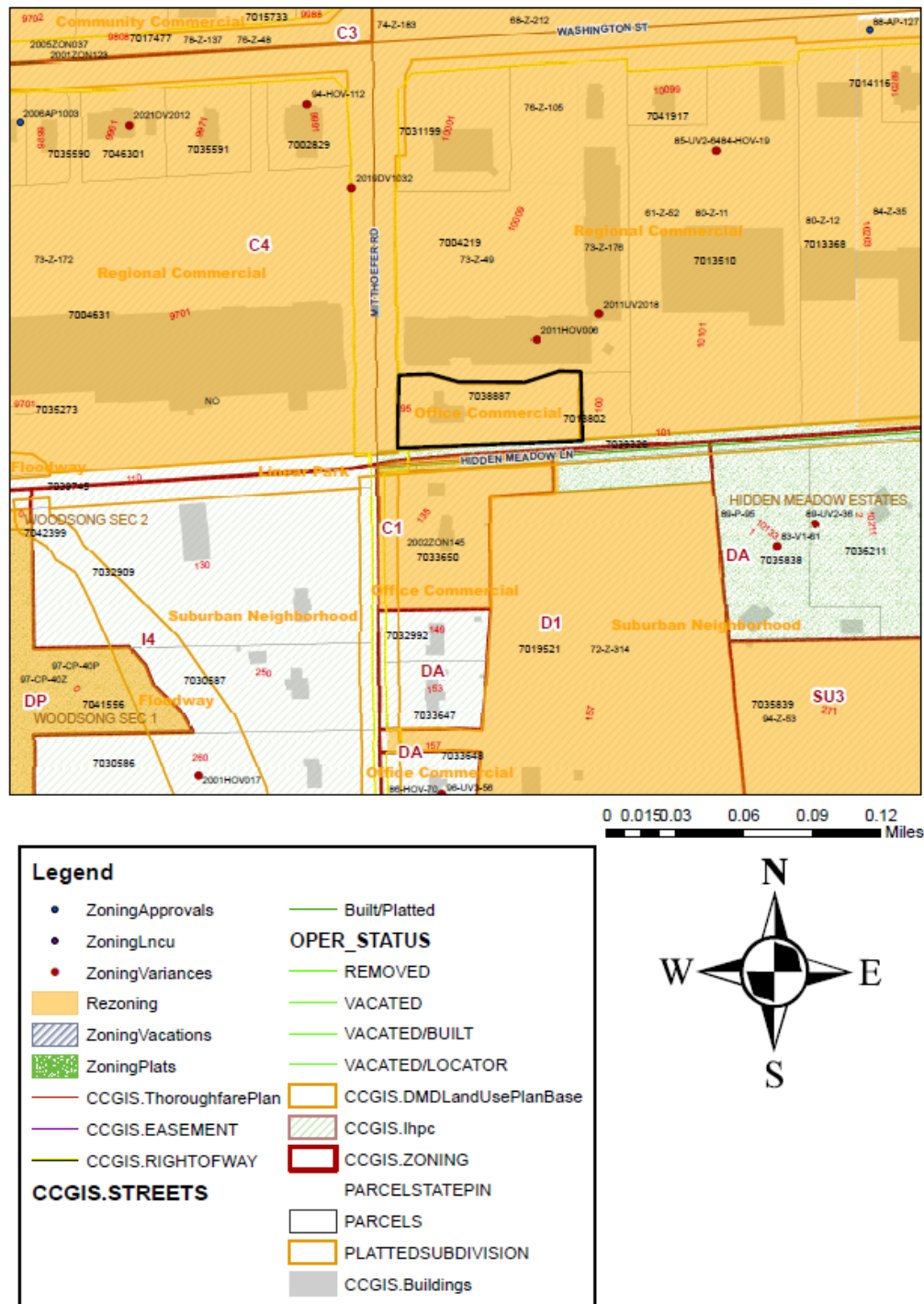


Exhibit 1: ArcGIS map of the subject site and surrounding area.

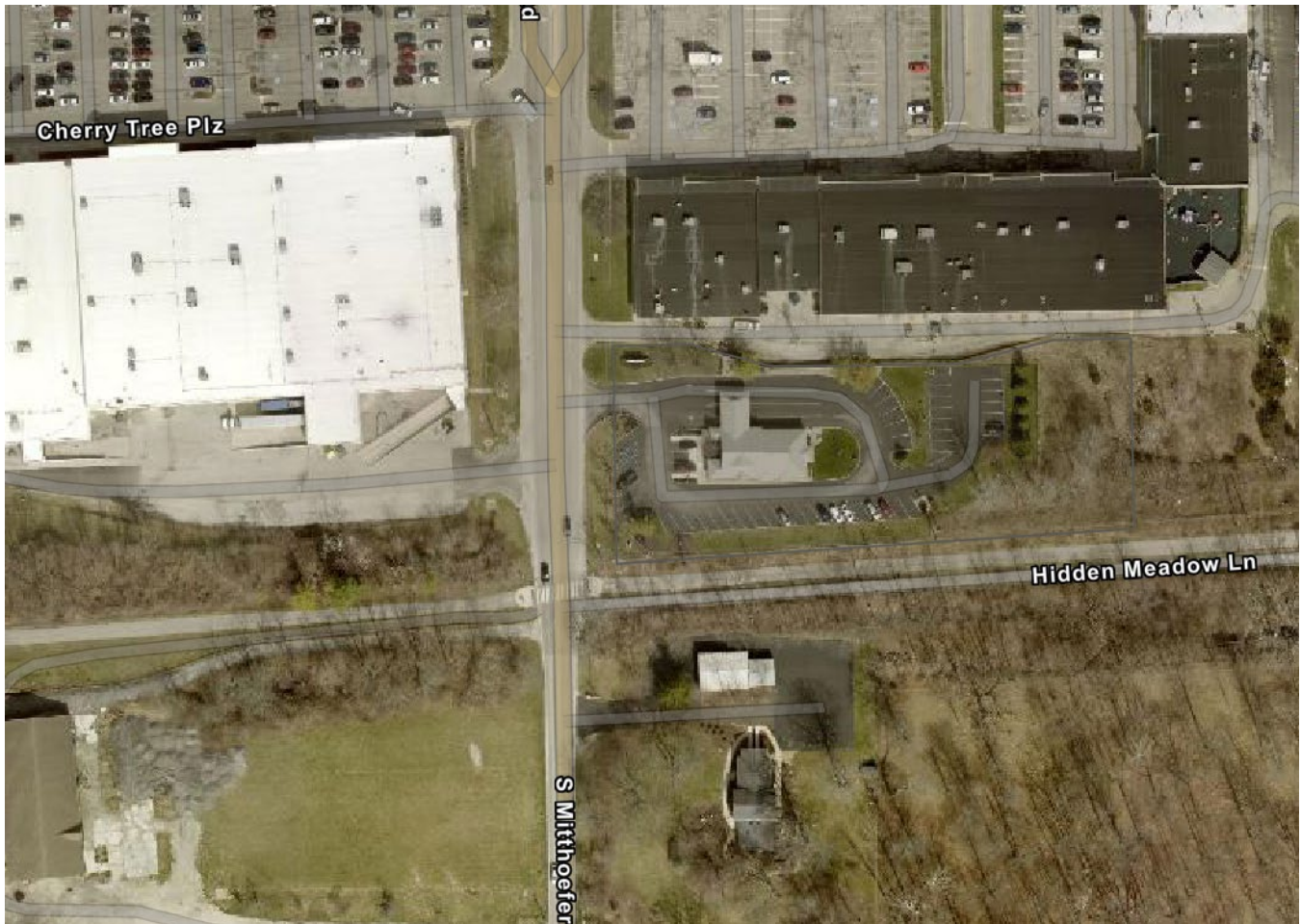


Exhibit 2: Aerial of the subject site.

**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:

permitting the proposed encroachment into the south sideyard setback will permit necessary expansion and updates to existing building improvements and provide for necessary and convenient parking, while at the same time permitting appropriate landscape screening for the adjacent Pennsy Trail.

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:

permitting the proposed encroachment into the south sideyard setback will permit necessary expansion and updates to existing building improvements and provide for necessary and convenient parking, while at the same time permitting appropriate landscape screening for the adjacent Pennsy Trail.

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

the existing commercially zoned parcel is deep and narrow and the adjacent, recently developed, Pennsy Trail makes it a challenge to meet the transitional yard setback standard yet still permit the subject parcel to be used commercially and meet current operational standards.

Exhibit 3: The submitted Findings of Fact.

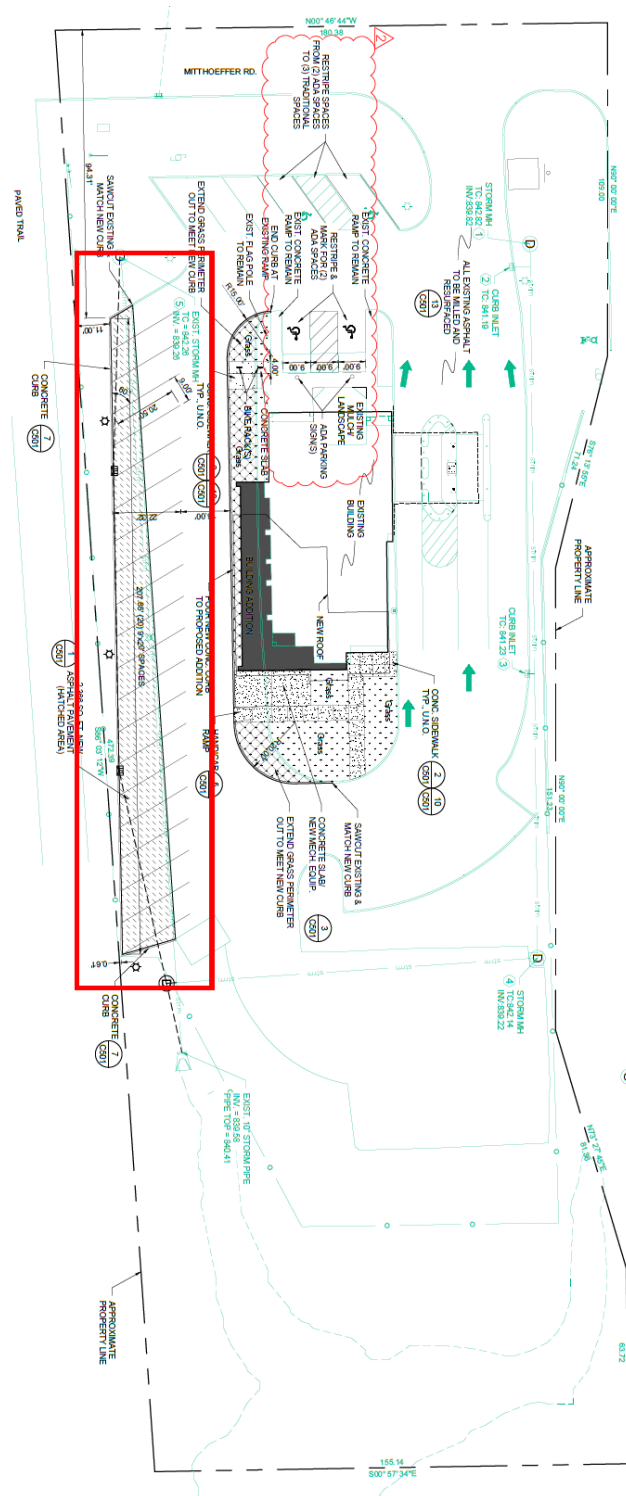


Exhibit 4: The site plan of the subject site south transitional yard.

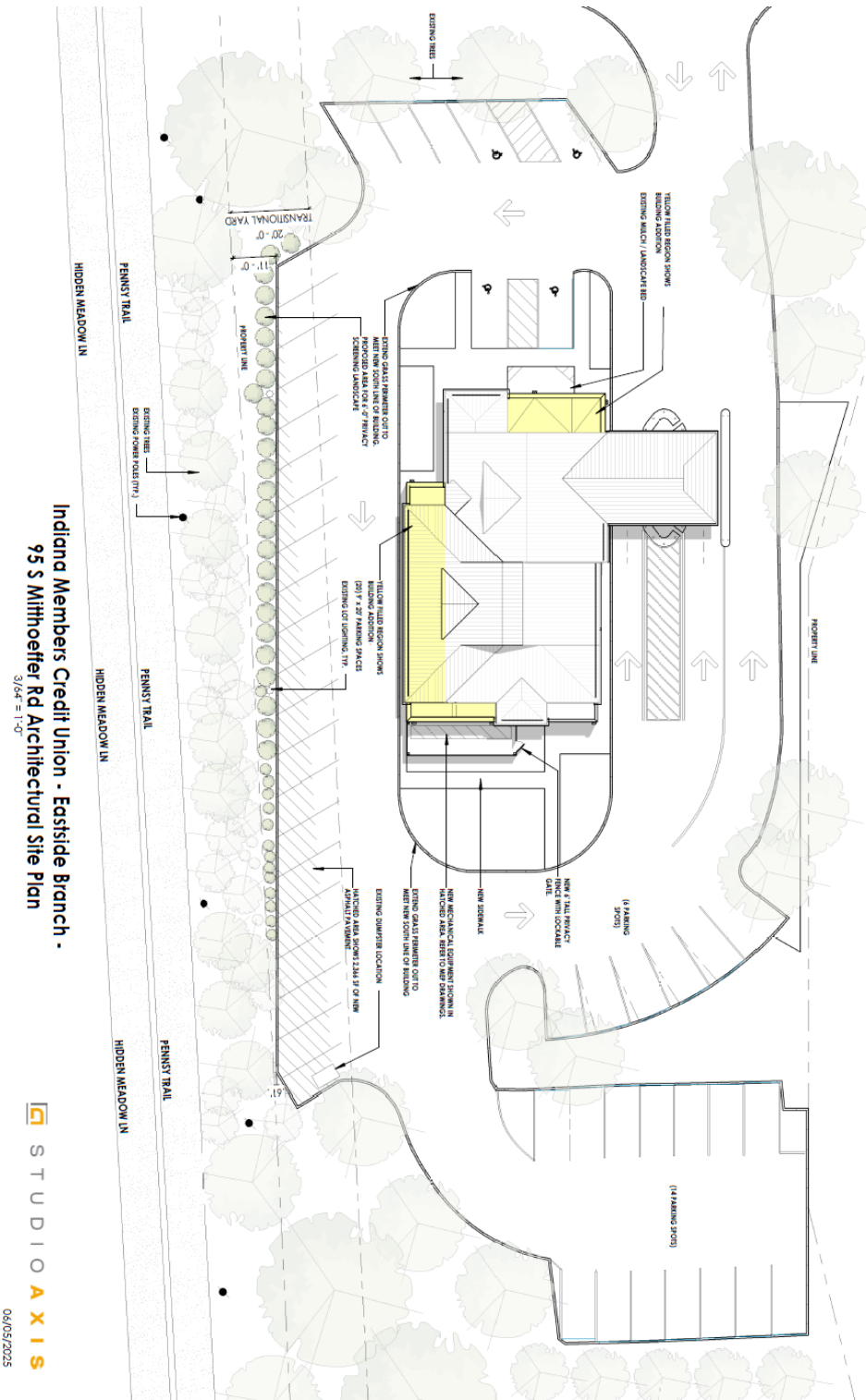


Exhibit 5: The site plan of the addition being added to the commercial building on the subject site.



Exhibit 6: The commercial business on the subject site.



Exhibit 7: The south transitional yard looking east.



Exhibit 8: The south transitional yard looking west.



Exhibit 9: The Pennsy Trail and the fence to the subject site that runs along the south property line.

BOARD OF ZONING APPEALS DIVISION III

July 15th, 2025

Case Number: 2025-UV3-018
Property Address: 7802 Hague Road
Location: Lawrence Township, Council District #3
Petitioner: Metropolitan School District of Lawrence Township, by Joseph D. Calderon
Current Zoning: SU-2
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 12-foot-tall monument sign (five-foot height permitted) with digital display within 80 feet of a Protected District (digital display prohibited, 400 feet of separation required).
Current Land Use: School
Staff Recommendations: Staff is recommending **denial** of this variance petition.
Staff Reviewer: Kiya Mullins, Associate

PETITION HISTORY

This is the first public hearing for this variance petition.

STAFF RECOMMENDATION

Staff is recommending **denial** of this variance petition.

PETITION OVERVIEW

- The petitioner is requesting to install a 12 foot tall digital display monument sign which is not permitted within 400 feet of a school district or dwelling district.
- This property is 76.25 acres in a SU-2 zoning district.
- The subject site is the location of Lawrence North High School.
- A previous variance (2023-UV3-007) requested the same Variance of Use and Development Standards in this location in 2023. Staff recommended denial of this variance petition, and the BZA Division III voted to deny the variance petition on April 18th, 2023.
- The Ordinance permits monument signs in the SU-2 zoning district to be five (5) feet tall and 3% of the building side or 240 sqft, whichever is lesser, in size.
- The proposed sign will be 12 feet tall and 120 square feet in size.
- Digital displays are not permitted in the SU zoning district.

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- The proposed sign is digital, located across the street from single-family dwellings and near a street lighted intersection.
- Staff is concerned that in the proposed location, the sign will not only shine light into the homes across the street but also be a distraction to drivers at the nearby intersection.
- Per the Ordinance “No digital display shall be located within 600 feet of any Protected District unless visibly obstructed from view from within that district; but in no instance may it be located within 400 feet of such a District.”
- A Protected District is defined in the Ordinance as specific classes of zoning districts that, due to their low intensity or the sensitive land uses permitted within them, require buffering and separation when abutting certain more intense classifications of land use. A Protected District includes any dwelling district, historic preservation district, hospital district, parks district, university quarter district, SU-1 (church) district, or SU-2 (school) district.
- The digital display on the proposed signs is not permitted within a 400ft of a school and the dwelling zoning district that surrounds the subject site.
- The Findings of Fact state that the sign is necessary in this location to provide directions to the Lawrence North High school, however as one of the largest schools in the state, along with taking into consideration that most navigation is now directed by technology and most visitors of the school will be students along with their friends and family that this reasoning for the sign is inaccurate and has no practical difficulty; the school is allowed many types of signage including incidental and vehicle entry point signs which can be used to direct and inform passerby. A digital sign is not the only sign type that can achieve the stated goals.
- Staff is recommending **denial** of this variance petition because there is no practical difficulty and it is not in compliance with the zoning regulations that govern the SU-2 district, particularly concerning its proximity to the Lawrence North High School and surrounding dwelling district. The previous denial of a similar variance highlights the ongoing concerns regarding potential distractions for drivers and the adverse effects of light pollution on neighboring homes. While the petitioner argues that the sign is necessary for providing direction, the assertion lacks merit given the prevalence of navigation technology and the significant size of the school, which already facilitates access to its location. Therefore, it is recommended that the variance petition be denied maintaining the integrity of the zoning ordinances and ensure the safety and well-being of the community.

GENERAL INFORMATION

Existing Zoning	SU-2	
Existing Land Use	School	
Comprehensive Plan	Regional Special Use	
Surrounding Context	Zoning	Surrounding Context
North:	D-2	North: Suburban Neighborhood
South:	D-6	South: Suburban Neighborhood
East:	D-P	East: Suburban Neighborhood
West:	D-P	West: Suburban Neighborhood
Thoroughfare Plan		

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Hague Road	Primary Collector	116 feet of right-of-way existing and 112 feet proposed.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/28/2025	
Site Plan (Amended)	N/A	
Elevations	5/28/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/28/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Regional Special Use category provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.
- Large-Scale Schools, places of worship, and other places of assembly that are generally more than five acres in size. Particularly large centers of education such as township high schools and universities would not be included in this definition and are considered to be regional special uses.
- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood living typology to allow for predominantly single housing interspersed with attached and multifamily housing as well as a variety of neighborhood-serving businesses, institutions, and amenities where appropriate. Large-scale schools are a contemplated land use for this typology and should be in harmony with surrounding neighborhoods (parking, service and emergency vehicle areas should be screened from surrounding residential uses).

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

- 72-Z-40: 7802 Hague Road
 - Rezoning of 101.5 acres being in A-2 district to SU-2 classification to provide for construction of a Junior-Senior High School Complex.
 - Approved
- 2006-DV1-001: 7802 Hague Road
 - Variance of Development Standards of the Sign Regulations to provide for a 7.33-foot tall, ten-foot-wide pylon sign within 100 feet of a protected district (minimum 600 feet separation required for signs over four feet tall) containing an Electronic Variable Message Sign (EVMS) component (not permitted) comprising 60 percent of the sign area.
 - Approved
- 2018-DV1-033: 7802 Hague Road
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a twelve-foot tall, freestanding sign, electronic variable message sign (not permitted), comprising approximately 47% of the sign area (maximum 40% permitted), within approximately 150 feet of the nearest protected district (EVMS not permitted and maximum four-foot tall sign permitted within 600 feet of a protected district).
 - Approved
- 2023-UV3-007: 7802 Hague Road
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a 12-foot-tall monument sign (maximum height of five feet permitted) with digital display within 80 feet of a protected district (not permitted, no digital display permitted within 400 feet of a protected district).
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2011-UV3-016: 7715 East 75th Street
 - Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish two dwellings (legal nonconforming use certificate issued for two dwellings on one lot, 2008-LNU-025), and provide for the construction of a 1,654-square foot addition to an existing 1,320-square foot dwelling (two dwellings on one lot not permitted).
 - Approved
- 2012-CZN-803 2012-CAP-803: 7250 and 7343 Clearvista Drive
 - Rezoning of 11.402 acres from the HD-1 and HD-2 Districts to the HD-1 classification to provide for a rehabilitation hospital.
 - Hospital District -One Approval to provide for an approximately 45-foot tall, 63,000-square foot rehabilitation hospital, with parking, with one 40-square foot freestanding sign at the main entrance drive, with one wall identification sign on the north façade, and with incidental signs.
 - Approved

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- 2012-CVR-816 / 2012-CAP-816 : 7150, 7229, 7343 and 7250 Clearvista Drive, 8101, 8103, 8177, and 8180 Clearvista Parkway and 8075, 8100, and 8181 North Shadeland Avenue
 - Hospital District One and Hospital District Two Approval to provide for a campus-wide sign program including replacement and new building identification wall signs, and replacement and new identification and incidental freestanding signs.
 - Variance of Development Standards of the Sign Regulations to provide for: a) one southwest-facing, 441-square foot wall sign with a sign area 12% of the façade area to which it is attached, and one northeast-facing, 435-square foot wall sign with a sign area 5.2% of the façade area to which it is attached (maximum wall sign area of 3% of associated façade area permitted in Hospital Districts), b) a package of nine freestanding incidental/identification signs along Clearvista Parkway and Clearvista Drive which do not meet separation requirements, as indicated on the site plan, file-dated July 16, 2012 (minimum 300-foot separation required between freestanding identification signs located on a single lot), c) a package of 28 freestanding directional incidental signs with sign areas up to 108.4 square feet, and heights up to 16.25 feet (maximum six-square foot sign area and 2.5-foot height permitted for directional incidental signs), and d) a package of freestanding parking and loading incidental signs with heights up to six feet (maximum four-foot height permitted for parking and loading incidental signs).
 - Approved
- 2012-DV3-037: 7322 Trestle Way Court
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for 240-square foot enclosure for an existing deck, with a 10-foot front setback from Blue Creek Drive (25-foot setback required) and to legally establish a six-foot tall fence along the front property line of East 75th Street and Blue Creek Drive (maximum 42-inch tall fence permitted), being within the sight distance triangle of East 75th Street and Blue Creek Drive (not permitted).
 - Withdrawn
- 2012-HOV-056: 7150, 7229, 7343 and 7250 Clearvista Drive, 8101, 8103, 8177, and 8180 Clearvista Parkway and 8075, 8100, and 8181 North Shadeland Avenue
 - Variance of Development Standards of the Sign Regulations to provide for 39 freestanding identification / incidental signs with deficient front setbacks as follows: a) Sign 25 encroaching three feet into the right-of-way of Clearvista Parkway (15-foot setback required, signs in right-of-way not permitted). b) Sign 15 encroaching five feet into the right-of-way of Clearvista Drive (15-foot setback required, signs in right-of-way not permitted). c) Signs 40 and 42 with zero-foot setbacks from Clearvista Parkway and Clearvista Way, respectively (15-foot setback required). d) Signs 4, 5, 11, 12a, 14, 22, 35-39 and 43, with one-foot setbacks from Clearvista Drive and Clearvista Parkway (15-foot setback required). e) Signs 6, 10, 31 and 34, with two-foot setbacks from Clearvista Drive and Clearvista Parkway (15-foot setback required). f) Signs 7, 8, 9 16, 17, 18, 23, 26 and 29 with three-foot setbacks from Clearvista Drive and Clearvista Parkway (15-foot setback required). g) Signs 2, 13, 19, 20 and 24, with five-foot setbacks from Clearvista Drive (15-foot setback required). h) Sign 30 with a six-foot setback from Clearvista Parkway (15-foot setback required). i) Sign 33 with a nine-foot setback from Clearvista Parkway (15-foot setback required). j) Signs 12b and 21 with 10-foot setbacks from Clearvista Drive (15-

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- foot setback required). k) Sign 32 with a 13-foot setback from Clearvista Parkway (15-foot setback required).
- Approved
 - 2018-DV2-018: 7420 Shadeland Station Way
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for two ground signs on a 545-foot frontage (minimum 600 feet of frontage required).
 - Approved
 - 2020-DV3-041: 6503 Fairway Ave, 7524 Kilmer Ln, 7534 E 80th St, 7602 Knue Rd, 7603 Kimberly Drive, 8051 Wallingwood Dr, 8069 Richardt St, 8303 - 8304 Hague Rd, 8402 Clearvista Pkwy, 8940 Squire Ct, and 9011 Knights Ct
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 47-foot to 57.6-foot-tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973.)
 - Withdrawn
 - 2021-CVR-803 / 2021-CAP-803: 7640 Shadeland Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial building with a front setback of 87.4 feet and a rear yard of three feet (85-foot maximum front setback and 10-foot rear setback required).
 - Modification of the Site Plan and Commitments related to 94-Z_11 to provide for a commercial building and to modify Commitment Ten requiring the exterior of all sides of the buildings to be brick with stone accents and glass; to modify Commitment Fifteen to provide for a freestanding signs consistent with the Consolidated Zoning and Subdivision Ordinance (permits only one 25-fpft tall pole sign at the corner of 75th Street and Shadeland Avenue, ground signs for C-1 buildings and gas station pricing signs) and to modify Commitment Eighteen which limits the use of this site to a full-services restaurant.
 - Approved
 - 2025-ZON-003: 7420 North Shadeland Avenue
 - Rezoning of 1.15 acres from the C-1 district to the C-7 district to provide for a commercial and building contractor business.
 - Withdrawn

EXHIBITS

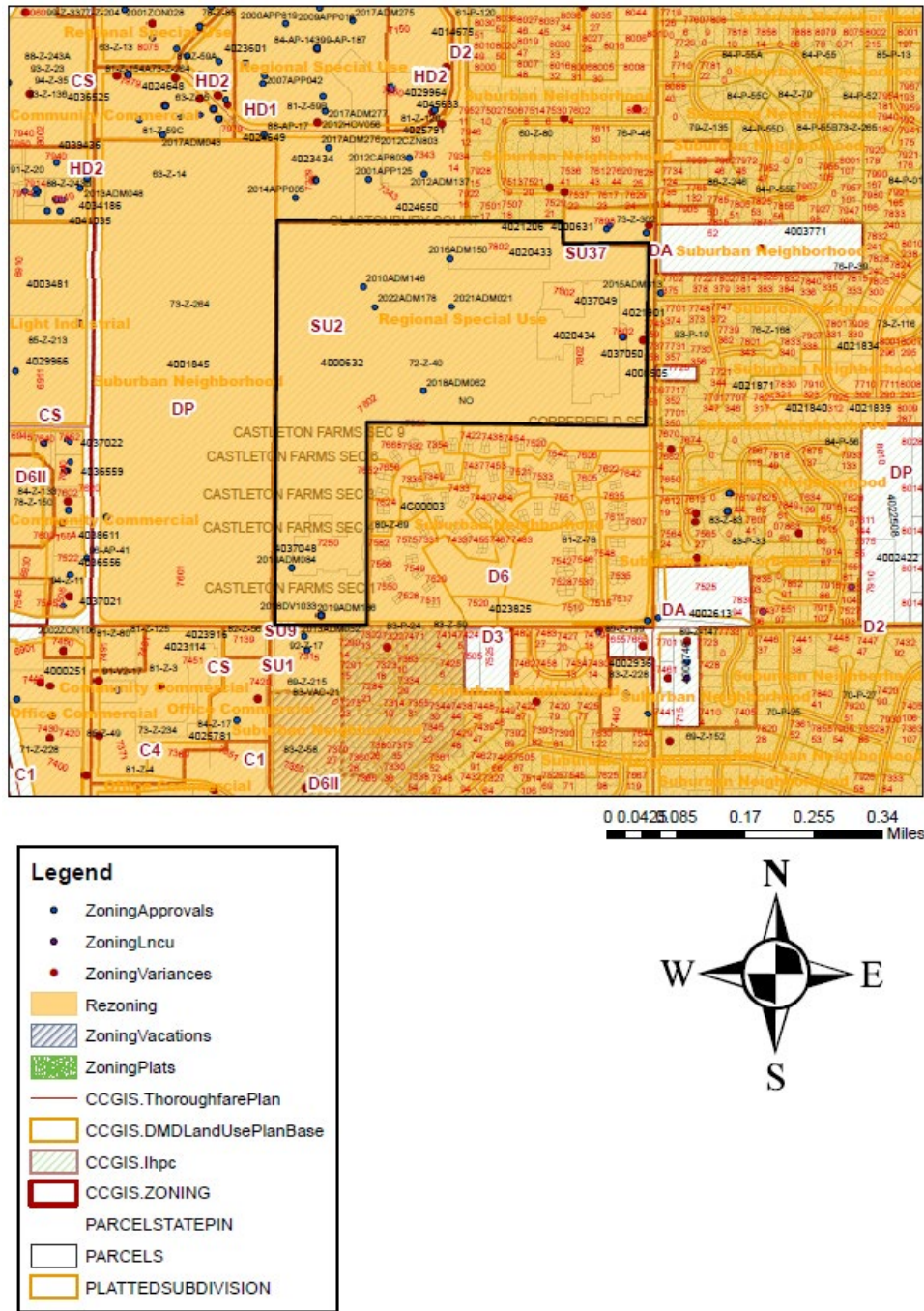


Exhibit 1: ArcGIS map of the subject site and surrounding area.

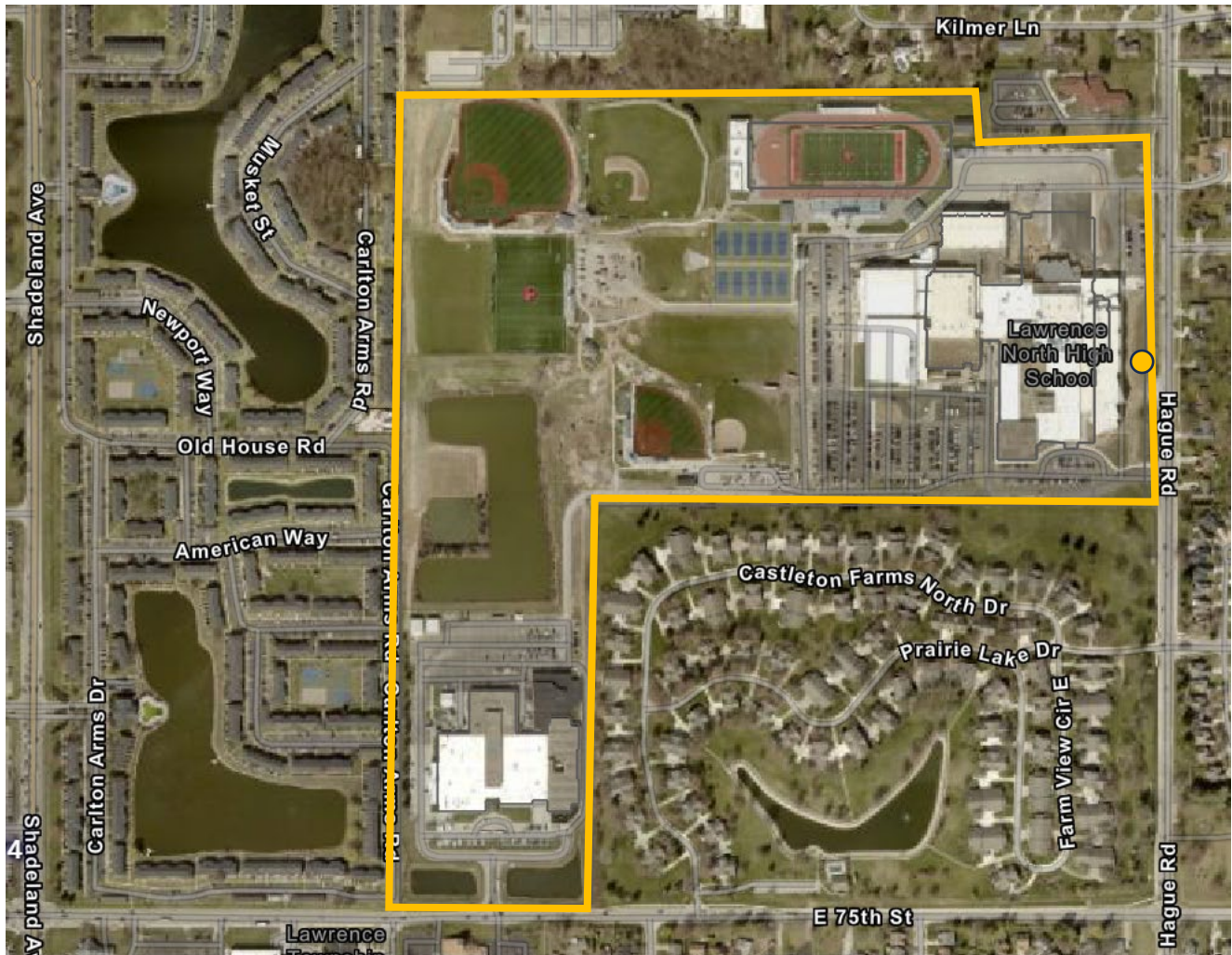


Exhibit 2: Aerial of the subject site.

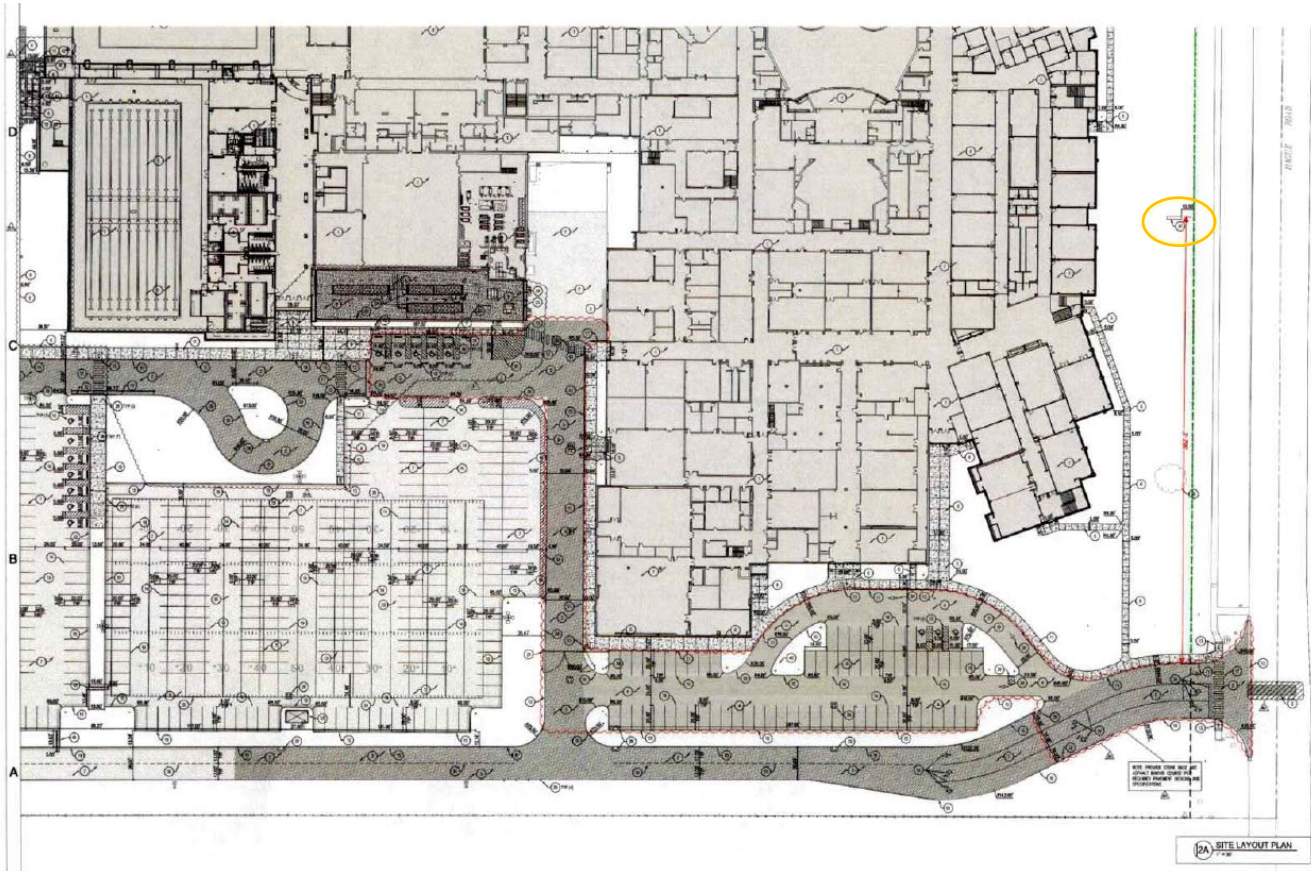
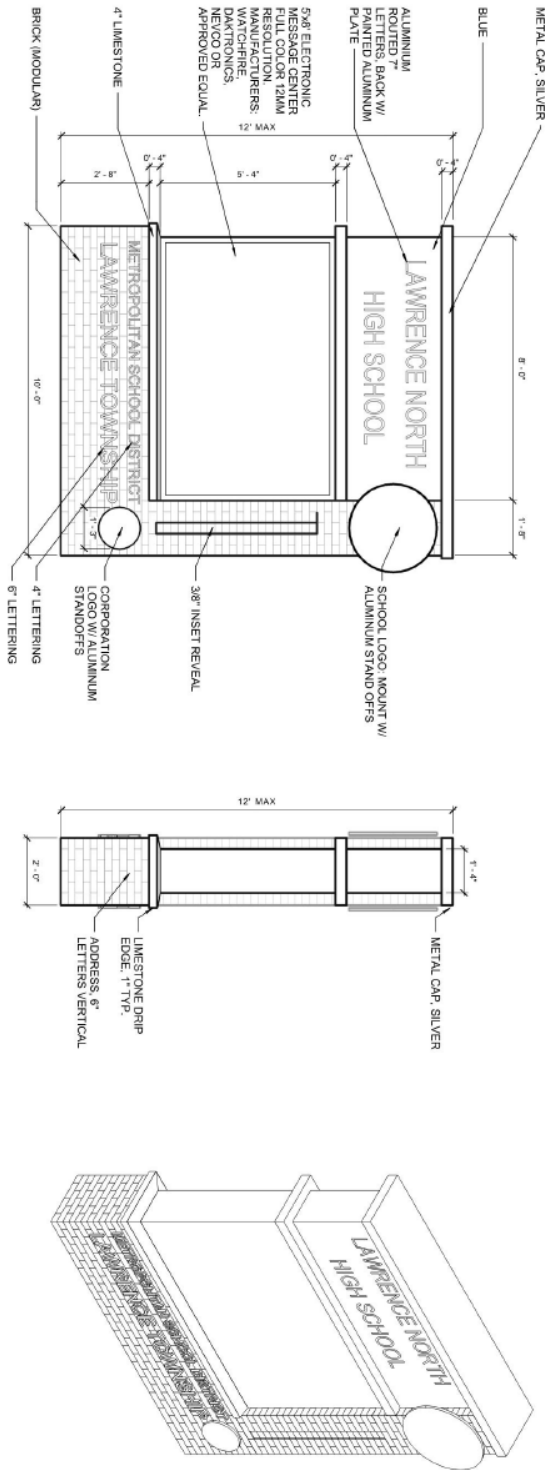


Exhibit 3: The submitted site plan.

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CONTRACTOR TO SUBMIT SHOP DRAWINGS FOR REVIEW AND APPROVAL PRIOR TO FABRICATION
ALL TEXT TO BE WRAP-PRO, ALL PAINT COLORS TO BE VERIFIED WITH ARCHITECT/ENGINEER PRIOR TO FABRICATION



Exhibit 4: Elevation of the proposed sign.

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

the proposed sign will actually improve identification of the school and activities taking place thereon without interfering with vehicular or pedestrian traffic, which enhances the public health, safety, morals and general welfare of the community.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

the proposed sign will be adequately separated by a primary collector street (Hague Road) from adjoining properties so as to not interfere with access to or visibility of said properties, and will be operated in a fashion to not interfere with the use or enjoyment of said properties.

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

the property is large, with significantly large improvements and a myriad of activities taking place, making it impossible to convey the myriad of information taking place on the school campus without a digital display sign.

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

the ordinance does not properly account for the size of school campuses, buildings and the number of activities taking place in prohibiting digital display signs in the SU-2 district.

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

the proposed digital display sign is compatible with a school use in the special use district.

Exhibit 5: The submitted Findings of Fact.

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Exhibit 6: Front of Lawrence North High School



Exhibit 7: General area of the proposed location for the sign.



Exhibit 8: Homes across the street from the proposed sign.

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Exhibit 9: Library sign to the north of the subject site.



Exhibit 10: Exhibit 10: Second nearby monument sign.



Exhibit 11: Cross street and streetlight near the proposed location of the sign.