



Board of Zoning Appeals Board of Zoning Appeals Division I (September 1, 2026) Meeting Agenda

Meeting Details

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

Date: Tuesday, September 01, 2026 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

[2026-DV1-039](#) | 2734 North Sherman Drive

Washington Township, Council District #8, zoned D-5
Mack Realty Group, by Arnoldo Gonzalez

Variance of Development Standards to permit the building of a multi-unit house on a 38-foot wide lot (40-foot lot width required) and to permit said multi-unit house to be built with 3-foot side setbacks (minimum 5-foot setback required).

****Petition to be withdrawn.**

PETITIONS REQUESTING TO BE CONTINUED:

1. **2026-DV1-031 | 4850 West 78th Street**
Pike Township, Council District #6, zoned I-2 (FF) / I-3
West 78th Street LLC, by Russell Webster

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

****Staff on behalf of petitioner to request continuance to October 6, 2026.**

2. **2026-DV1-036 | 6317 Askin Drive**
Franklin Township, Council District #25, zoned D-P
John L. Hudson Jr. & Kimberly Hudson

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for installation of a pool encroaching within a platted easement (not permitted).

****Staff to request continuance to October 6, 2026.**

3. **2026DV1042 | 1039 Kessler Blvd East Drive**
Washington Township, Council District #7, zoned D-4
Eric West

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 23-foot, 3-inch detached garage with a pitched roof to accommodate an overhead attic storage space for residential household items (accessory structures not permitted to be taller than the primary dwelling).

****This petition will be continued to the October 6, 2026 hearing.**

4. 2026-DV3-011 | 3603 South Meridian Street

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

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

****Petitioner to request continuance to October 6, 2026.**

5. 2026-UV1-020 | 3503 North College Avenue

Center Township, Council District #8, zoned D-5 / C-3
Duelin Transports LLC, by Sean Mastain

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a vehicle storage and commercial parking lot (not permitted) with 0-foot setbacks (10-foot front setback, 7-foot side setback, and 20-foot rear setback required), deficient landscaping (required), and without striping of parking stalls (required), enclosed by a six-foot-tall perimeter chain link fence utilizing barbed wire and within the clear-sight triangle (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, barbed wire not permitted, encroachment into clear-sight triangle not permitted).

****This petition has been automatically continued to the October 6, 2026 hearing.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

6. 2026-DV1-033 | 8006 Meridian Hills Lane

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

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

7. 2026-DV1-041 | 9202 Hemingway Drive

Franklin Township, Council District #25, zoned D-4
Grand Communities, LLC, by Joe Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a subdivision entrance sign in the common area boulevard island of Hemingway Drive with a 4.4-foot front setback (10-foot setback required).

8. 2026-UV1-021 | 6448 W Ohio St

Wayne Township, Council District #16, zoned SU-9
Marathon Health, by Michael Claytor

A Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit the operation of a medical clinic in a government-owned building at the location.

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

9. 2026-DV1-013 (Amended) | 2440 Lafayette Road

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

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

10. 2026-DV1-028 | 1019 N Beville Avenue

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

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

11. 2026-UV1-019 | 8185 Sycamore Road

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

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

PETITIONS FOR PUBLIC HEARING (New Petitions):

12. 2026-UV1-022 | 3441 West Washington Street

Wayne Township, Council District #17, zoned I-3 (FF) (TOD)
Jesus Ivan Ibarra Tamayo

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an Automobile, Motorcycle and Light Vehicle Sales or Rental facility, (not permitted).

13. 2026-UV1-023 | 1002 East 25th Street

Center Township, Council District #8, zoned I-2
Global Preparatory Academy Monon LLC, by Alex Intermill

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a internally illuminated monument sign with digital display (internal illumination and digital display not permitted) within 25 feet of a protected district (600-foot separation required), and with a front setback of 2 feet (5 feet 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
Peter Nelson, Chair	Mayor's Office	January 1, 2025 – December 21, 2025
David Duncan, Secretary	Mayor's Office	January 1, 2025 – December 21, 2025
Jennifer Whitt	City-County Council	January 1, 2025 – December 21, 2025
Andrew Katona	Metropolitan Development Commissions	January 1, 2025 – December 21, 2025
VACANT	City-County Council	N/A

BOARD OF ZONING APPEALS DIVISION I

September 1, 2026

Case Number: 2026-DV1-039

Property Address: 2734 North Sherman Drive (approximate address)

Location: Washington Township, Council District #8

Petitioner: Mack Realty Group, by Arnoldo Gonzalez

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the building of a multi-unit house on a 38-foot wide lot (40-foot lot width required) and to permit said multi-unit house to be built with 3-foot side setbacks (minimum 5-foot setback required)..

Current Land Use: Undeveloped

Staff Reviewer: Josh Levesque, Senior Planner

WITHDRAWAL

Having reviewed the petition request, staff has determined that the 38-foot lot width and 3-foot setbacks comply with the Multi-Unit House (Compact Lot) as identified in Table 742.103.03 of the Ordinance. Having determined that the setbacks as proposed comply with the Ordinance, staff recommended to the petitioner that the petition could be withdrawn. The petitioner has agreed to withdraw their petition.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

September 1, 2026

Case Number: 2026-DV1-031

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

Location: Pike Township, Council District #6

Petitioner: Lilly Indy RLT, by Russell Webster

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

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

Current Land Use: Industrial

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

9/1/26: The petitioner is requesting a continuance to allow for them to evaluate options related to the request, including potential amendment to a shorter fence height or obtaining permissions from easement holders. A full staff report will be made available in advance of the October 6, 2026 hearing date.

8/4/26: A timely automatic continuance request was filed by a registered neighborhood organization. This petition will be automatically continued for initial hearing at the September 1, 2026 hearing date of Division I. A full staff report will be made available at that point in time.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I**September 1, 2026**

Case Number: 2026-DV1-036

Property Address: 6317 Askin Drive (approximate address)

Location: Franklin Township, Council District #25

Petitioner: John L. Hudson Jr. & Kimberly Hudson

Current Zoning: D-P

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for installation of a pool encroaching within a platted easement (not permitted).

Current Land Use: Residential

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

Both staff and the petitioner are requesting a continuance to the October 6, 2026 hearing of Division I of the BZA to allow for additional time to verify presence of utility companies and stormwater infrastructure near the proposed improvement, and if adequate non-zoning permissions would be able to be granted. A full staff report will be made available in advance of that hearing date.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION 1

September 01, 2026

Case Number: 2026-DV1-042

Property Address: 1039 Kessler Blvd, EDR

Location: Washington Township, Council District #7

Petitioner: Eric West, by Indigo Reno

Current Zoning: D-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 23-foot, 3-inch detached garage with a pitch roof to accommodate an overhead attic storage space for residential household items (accessory structures not permitted to be taller than the primary dwellings).

Current Land Use: Single-Family Residential

Staff Recommendation: To be determined

Staff Reviewer: Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by our staff, continuing this petition from the September 1, 2026 BZA 1 hearing to the October 6, 2026 BZA 1 hearing. This would require acknowledgement from the Board.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the October 6, 2026 hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

Board of Zoning Appeals Division I

September 1, 2026

Case Number: 2026-DV3-011

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

Location: Perry Township, Council District #18

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

Current Zoning: SU-1 / D-4

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

Current Land Use: Developed, School

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This case was originally set to be heard by BZA Division III on April 21st, 2026. A registered neighborhood organization filed a timely automatic continuance to May 26th. The petitioner then filed a continuance from the May 26th, 2026, to the July 21st, 2026, BZA III hearing and subsequently filed for a continuance and transfer to the August 4th, 2026, BZA I hearing. During the August 4th hearing, the petition was continued to the September 1st, 2026, BZA I hearing after testimony to allow for further discussion between staff and the petitioner. To provide the petitioner with additional time to rework their plans and to discuss with the community, staff will support an additional 1-month continuance to the October 6th, 2026, BZA I hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

September 1, 2026

Case Number: 2026-UV1-020

Property Address: 3503 North College Avenue (approximate address)

Location: Center Township, Council District #8

Petitioner: Duelin Transports LLC, by Sean Mastain

Current Zoning: D-5 / C-3

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a vehicle storage and commercial parking lot (not permitted) with 0-foot setbacks (10-foot front setback, 7-foot side setback, and 20-foot rear setback required), deficient landscaping (required), and without striping of parking stalls (required), enclosed by a six-foot-tall perimeter chain link fence utilizing barbed wire and within the clear-sight triangle (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, barbed wire not permitted, encroachment into clear-sight triangle not permitted).

Current Land Use: Vacant Paved Lot

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization. This petition will be automatically continued to the October 6, 2026 hearing date of Division I and a full staff report will be published in advance of that hearing date.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

September 1, 2026

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

Current Land Use: Single Family Dwelling

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued by a registered neighborhood organization from August 4, 2026, to September 1, 2026.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to open space requirements, are intended to maintain a consistent development pattern within residential districts by discouraging the overdevelopment of lots, and the resulting cluttered appearance that would negatively impact adjacent property owners.
- ◇ The development standards for single-family dwellings in the D-S district are based on a minimum lot size of one acre. This site is 31,515 square feet, or around seven-tenths of an acre.
- ◇ Staff feels the reduced lot creates a practical difficulty in meeting the minimum required open space and would have no impact on the character of development within the surrounding area. Therefore, Staff is not opposed to the requested reduced open space.
- ◇ 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 variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-S		
Existing Land Use	Single Family Dwelling		
Comprehensive Plan	Suburban Neighborhood		
Surrounding Context	Zoning	Surrounding Context	
	North:	D-S	Single-Family dwelling
	South:	D-S	Single-Family dwelling
	East:	D-S	Single-Family dwelling
	West:	D-S	Single-Family dwelling
Thoroughfare Plan			
	Meridian Hills Lane	Local Street	50-foot existing and proposed right-of-way.
Context Area	Metro area		
Floodway / Floodway Fringe	No		
Overlay	N/A		
Wellfield Protection Area	No		
Site Plan	June 15, 2026		
Elevations	N/A		
Landscape Plan	N/A		
Findings of Fact	June 15, 2026		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood typology which is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural 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



Department of Metropolitan Development
Division of Planning
Current Planning

- 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-DV1-042; 8002 North Pennsylvania Street (east of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the addition of a covered rear porch resulting in an open space of 83 percent, **granted**.

2020-DV3-019; 7960 North Pennsylvania Street (east of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pergola creating 79.8% open space, **granted**.

2017-DV3-039, 7940 North Pennsylvania Street (east of site), requested a Variance of Development Standards to provide for an accessory pavilion with a 10-foot south side setback, **approved**.

2017-DV2-042, 7900 North Pennsylvania Street (south of site), requested a Variance of Development Standards to provide for a single-family dwelling, with a 37-foot front setback from Williams Creek Boulevard and a 70-foot setback from North Pennsylvania Street, **approved**.

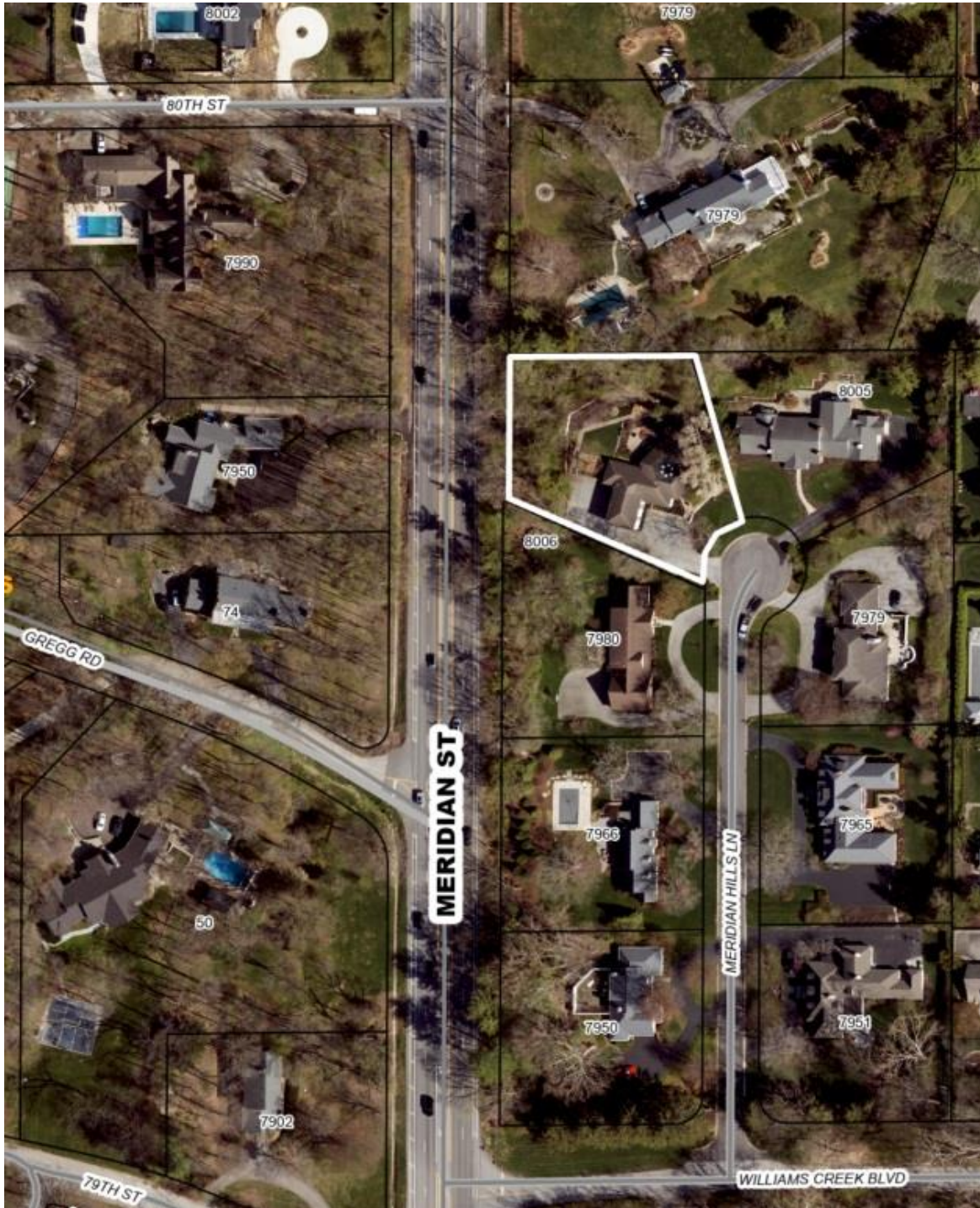
2016-DV1-059, 7801 North Pennsylvania Street (south of site), requested a variance to provide for an addition to an existing detached garage within the established front setback of the primary dwelling, with a 30.5-foot front setback, **approved**.

2012-DV2-040, 8080 North Pennsylvania Street (north of site), requested a variance to provide for an open space of 78.6 percent, **approved**.

RU

EXHIBITS

Location Map



Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The variance reduces the required open space only marginally, from 85% to 80%, leaving the great majority of the lot undisturbed. The lot is heavily wooded and private, and the proposed improvements add outdoor living area. The minor reduction has no effect on the public health, safety, or general welfare of the community.

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

The lot is private and densely wooded, which screens the proposed improvements from surrounding properties. The improvements enhance outdoor living, and with 80% of the lot remaining open, the character and value of the adjacent area are unchanged.

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

Requiring 85% open space prevents Petitioner from making reasonable outdoor living improvements on a lot that is already private and heavily wooded. The additional five percent provides no benefit to the neighborhood given the existing tree cover, while strict application denies Petitioner reasonable use and enjoyment of the property.

Photographs



Photo of subject site, looking northwest.



Photo of rear of subject site, proposed outdoor living space area, looking west.



Photo of adjacent dwelling to the east, looking north



Photo of adjacent dwelling to the south, looking west.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

September 1, 2026

Case Number: 2026-DV1-041
Address: 9202 Hemingway Drive (approximate address)
Location: Franklin Township, Council District #25
Zoning: D-4
Petitioner: Grand Communities, LLC, by Joe Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a subdivision entrance sign in the common area boulevard island of Hemingway Drive, with a 4.4-foot front setback (10-foot setback required)
Current Land Use: Subdivision entrance common area
Staff Recommendation: Staff recommends approval of this petition.
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing of this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ Free-standing ground signs are permitted in dwelling districts under certain circumstances, however, any signage must meet restrictions regarding height, setbacks, sign area, and number of signs. The Ordinance limits signage in order to maintain the residential character of the neighborhood, reduce potential traffic problems, and minimize sign clutter and proliferation along roadways.
- ◇ In this instance, allowing the proposed sign with the 4.4-foot reduced setbacks on the north and south sides of the sign would not be a nuisance to motorists or surrounding property owners.
- ◇ The proposed sign will be located in a common area boulevard, that will be located in the middle of Hemingway Drive. The common area will be surrounded by the Hemingway Drive public right of way, resulting in 4.4-foot setbacks on the north and south sides of the sign. These setbacks will be adjacent to the entrance drive aisle after drivers turn off Hickory Road, and the exit drive aisle before they exit Hemingway Drive by turning onto Hickory Road. The sign is not in the clear sight triangle and would not cause any potential conflicts with vehicular or pedestrian traffic because of the compliant front setback from the Hickory Road pavement.



Department of Metropolitan Development
Division of Planning
Current Planning

- ◇ The request represents a minimal deviation from the Ordinance requirements, and the proposed signage would be well integrated with the property and match many of the other residential subdivision signs in the area.
- ◇ 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 variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-4
Existing Land Use	Subdivision entrance common area
Comprehensive Plan	Rural or Estate Neighborhood
Surrounding Context	Zoning Surrounding Context
North:	D-4 Subdivision Common Area
South:	D-4 Subdivision Common Area
East:	D-2 Single-Family dwellings
West:	D-4 Single-Family dwellings
Thoroughfare Plan	
Hemingway Drive	Local Street 60-foot existing and proposed right-of-way.
Context Area	Metro area
Floodway / Floodway Fringe	No
Overlay	N/A
Wellfield Protection Area	No
Site Plan	July 23, 2026
Elevations	July 23, 2026
Landscape Plan	N/A
Findings of Fact	July 23, 2026

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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



Department of Metropolitan Development
Division of Planning
Current Planning

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

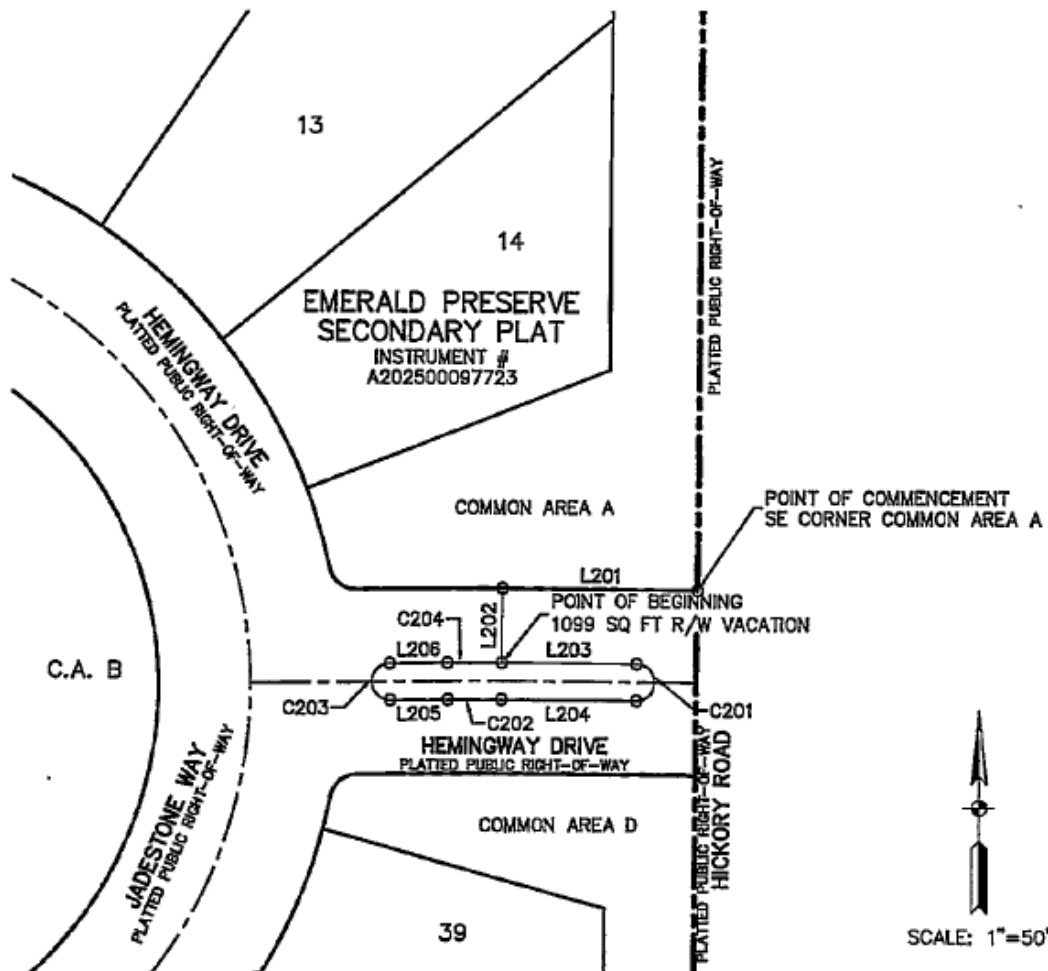
2026-VAC-002; 5252 Hickory Road (subject site), requested the Vacation of an irregular portion of Hemingway Drive, being the first east-west public street south of Southeastern Avenue, being 12 feet in width, beginning 14 feet west of Hickory Road and 24 feet south of Common Area A, west 106.04 feet to a point, to create a median (common area) within Hemingway Drive, **approved**.

RU

EXHIBITS

Location Map





Sign Elevation





Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the proposed sign is not located within the clear site triangle of Hemingway Drive and Hickory Road, and therefore will not create a safety risk to vehicular or pedestrian traffic.

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

the location of the proposed sign will not interfere with access or visibility to or from any adjoining property.

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

the proposed sign is located in a landscaped median of a local street which was built as a boulevard, making it impossible to meet the required ten foot (10') setback.

Photographs



Photo of subject site, looking west from Hickory Drive.



Photo of subject site, looking east.



Photo of subject site, looking north



Photo of subject site, looking south.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

September 01, 2026

Case Number: 2026-UV1-021
Property Address: 6448 W Ohio St
Location: Wayne, Council District
Petitioner: Marathon Health, Michael Claytor
Current Zoning: SU-9
Request: A Variance of Use Standards of the Consolidated Zoning and Subdivision Ordinance to permit the operation of a medical clinic in a government-owned building at the location (not permitted).
Current Land Use: Exempt
Staff Recommendations: **Approval**
Staff Reviewer: Adrienne Baker, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

Wayne Township is leasing its existing medical clinic building to Marathon Health for continued use as a clinic. The building will remain designated as a government-owned facility. The Township previously operated a clinic at this location through another provider but ended that agreement and has now contracted with Marathon Health to provide health services to Township employees. Marathon Health will use the building to establish an additional clinic in Indianapolis.

Allowing Marathon Health to operate at this site helps maintain consistent and accessible healthcare services for Township employees. Using an existing public building supports efficient use of public resources and strengthens community well-being by keeping essential healthcare services local. In addition, the continued operation of a clinic at this location may provide broader community benefits, such as increased stability in neighborhood-serving services and the potential for future partnerships or expanded access to care if the Township chooses to pursue them.



Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	SU-9, D-2	
Existing Land Use	Exempt	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	SU9	North: Exempt
South:	DA, D-2	South: Residential
East:	DA	East: Residential
West:	DP	West: Residential
Thoroughfare Plan		
Ohio St	Local Street	Proposed ROW/Existing ROW 50
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	July 20, 2026	
Site Plan (Amended)	N/A	
Elevations	July 20, 2026	
Elevations (Amended)	N/A	
Landscape Plan	July 20, 2026	
Findings of Fact	July 20, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission, as hereinafter provided. Such request shall be in the form of an application for an Improvement Location Permit, following all requirements for plan submission and documentation of Section 740-800 Improvement Location Permits, and shall contain the information specified in Section 742-109.C.
- All land use within the Special Use districts shall be limited to the use or uses existing on July 6, 1966, or specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to that district.



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Current Planning**

- The D-2 district is intended for use in suburban areas. Ample yards, trees, and passive open spaces easily serving each individual lot are envisioned for this district. The D-2 district has a typical density of 1.9 units per gross acre. Two-family dwellings are permitted on corner lots in this district. This district fulfills the lowest density recommendation of the Comprehensive General Land Use Plan. Public water and sewer facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- All land uses within this typology, except small-scale parks and community farms or gardens, must be served by adequate municipal water and sanitary sewer. All development shall provide sidewalks along the street frontage, and hydrological patterns should be preserved wherever feasible. Curvilinear streets should be used judiciously and should maintain a generally consistent direction. In master-planned developments, block lengths of less than 500 feet are encouraged, or pedestrian cut-throughs should be provided where longer blocks are necessary.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Commercial nodes shall be situated at intersections of arterial streets and shall maintain a minimum separation of one mile from any other commercial node containing one acre or more of commercial uses, except in cases involving the adaptive reuse of a historic structure. At any qualifying intersection, the total area devoted to commercial uses shall not exceed 3.5 acres, and no individual corner shall contain more than 1.5 acres.
- Areas and parcels should be limited to those that provide adequate space for required screening and buffering. Automotive uses, including gas stations and auto repair facilities, as well as any use requiring a separation distance greater than twenty feet under the zoning ordinance—such as liquor stores, adult uses, and drive-through lanes—are prohibited. Outdoor display of merchandise is not permitted.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Enter Recommendation by TOD Plans or “Not Applicable to the Site”.



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Neighborhood / Area Specific Plan

- Enter Recommendation by Pattern Book or “Not Applicable to the Site.”

Infill Housing Guidelines

- Enter Recommendation by IHG or “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

2022ADM020; Elementary School remodel and site work in SU2 district, **approved.**

2020ADM030

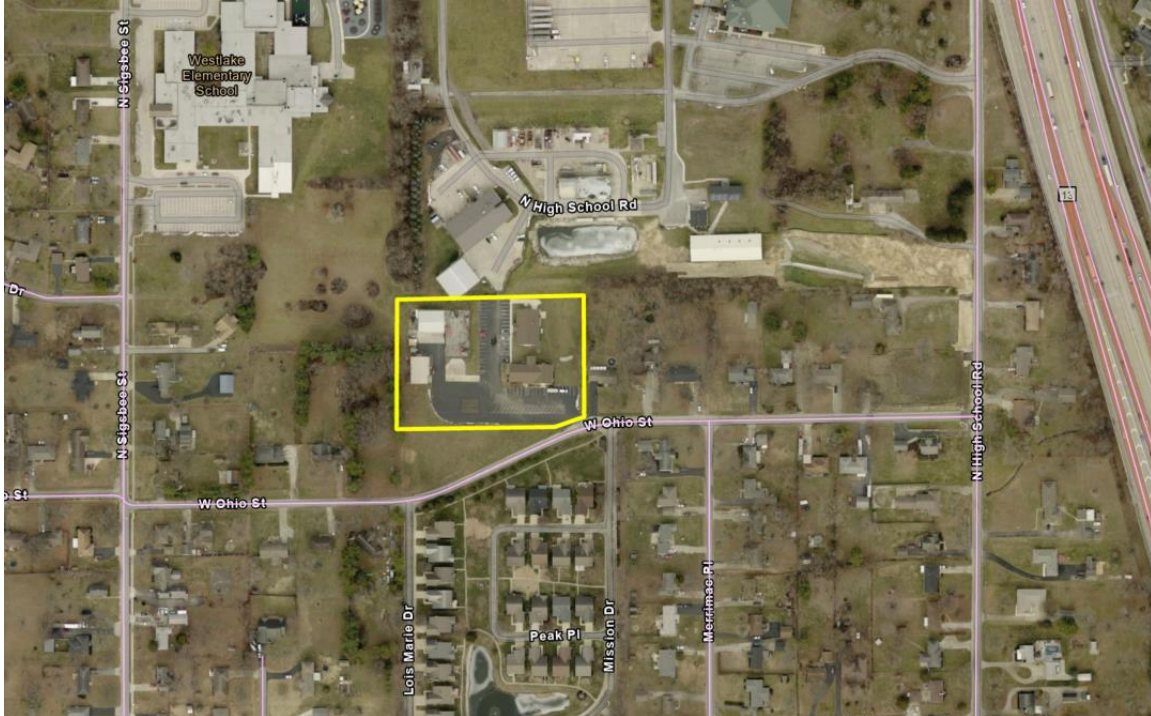
2018ADM111; New storage facility in SU9 district; **approved.**

2015ADM346; Construction of a new storage building for the Fire Department; **approved.**

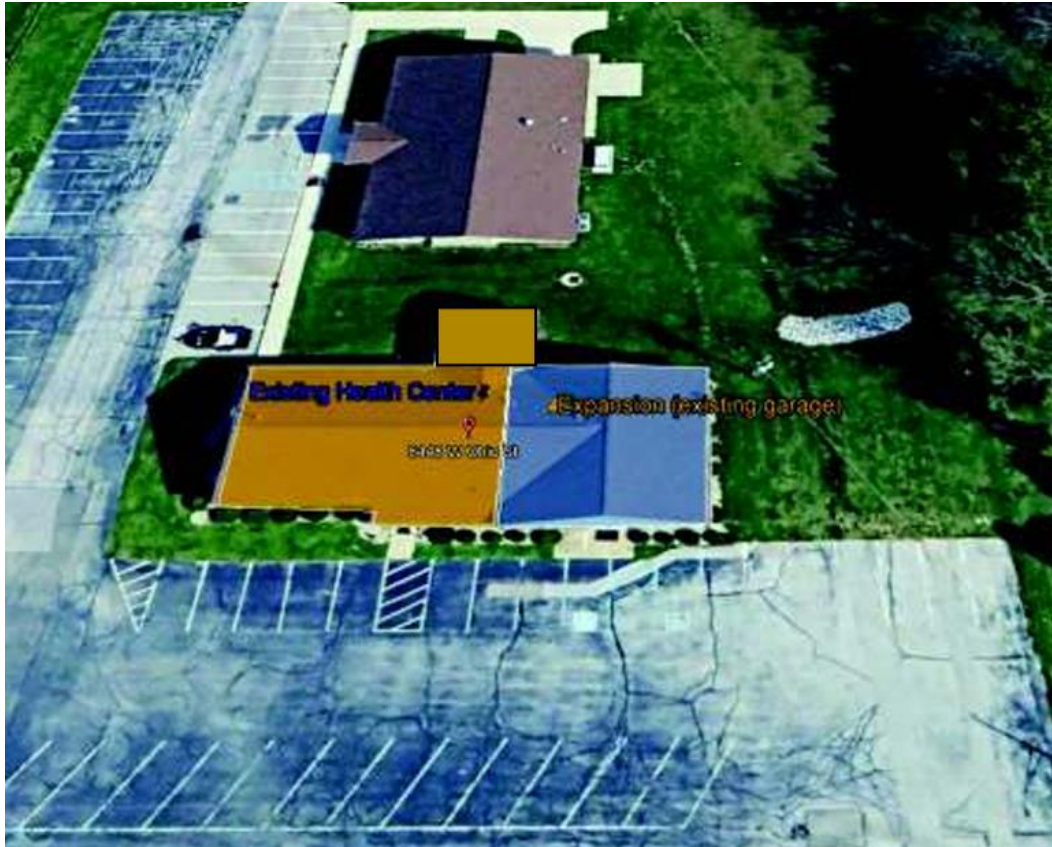
86-Z-104

69-Z-208; 6648 W. Ohio St and surrounding parcels; rezoning A-2 parcels to SU-9; **approved.**

EXHIBITS



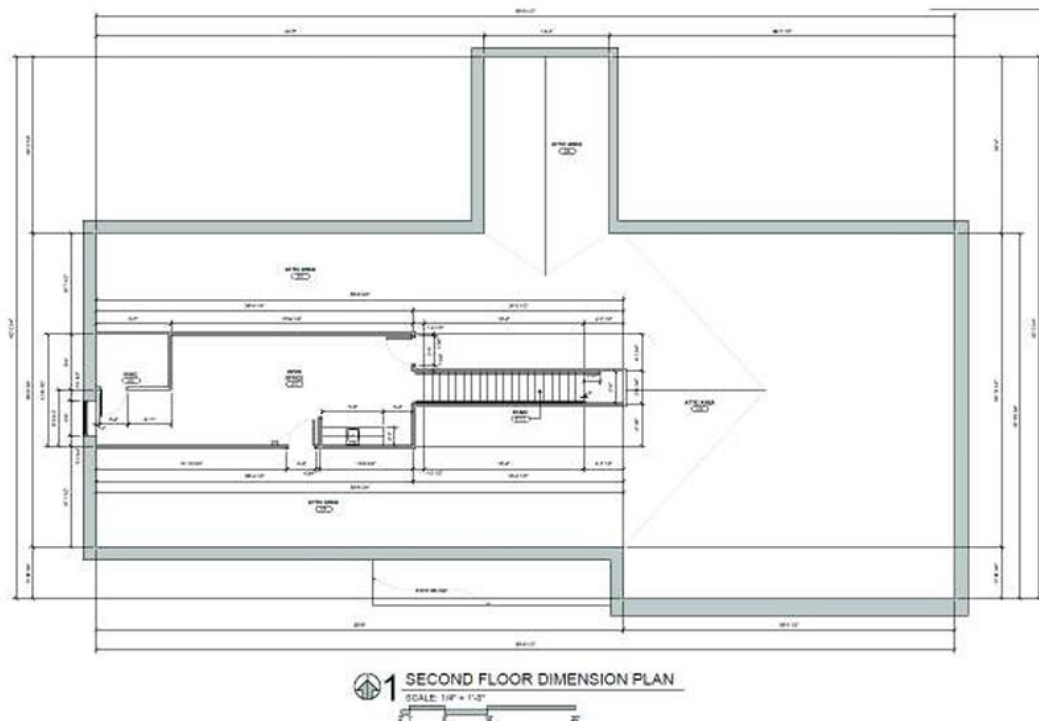
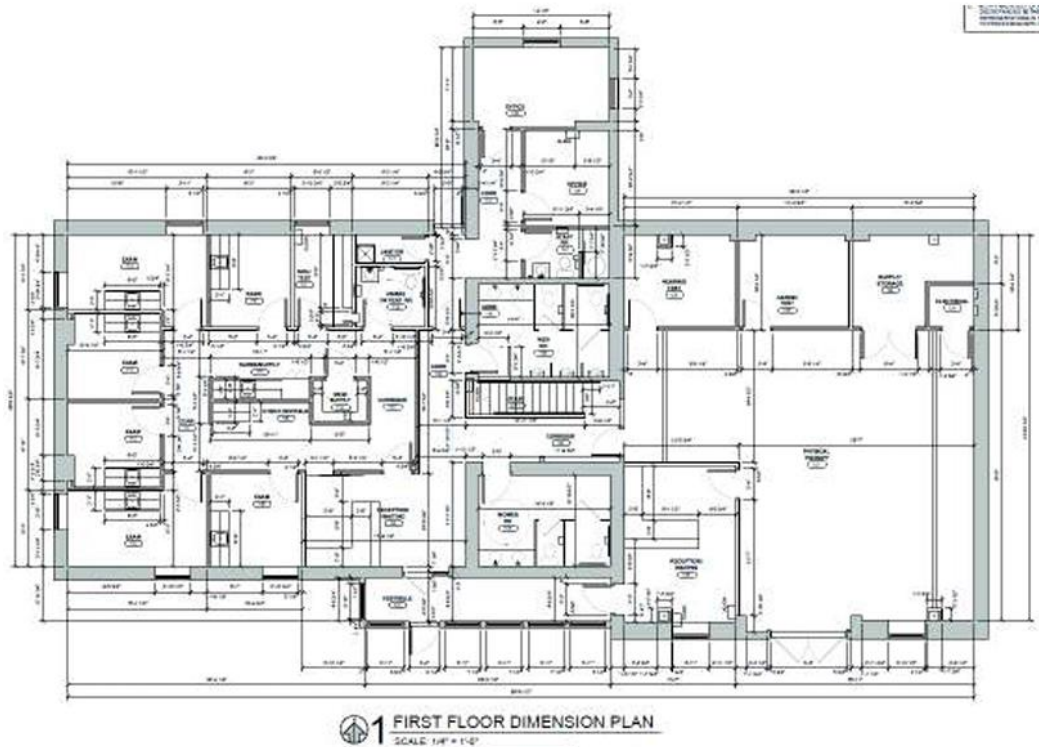
Site Plan:



Existing Health
Center

Expansion
(existing garage)







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Findings of Fact:

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

The building in question was previously used as a Township-owned and operated Medical Clinic and is on the grounds of the Wayne Township Fire Department campus of buildings. The new use will also be a Medical Clinic operated by Marathon Health.

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 campus of buildings currently used by the Wayne Township Fire Department will not change and the new use will be substantially the same as the prior use of the building in question.

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

The property was previous classified as a government-owned building and will now remain government owned but leased to a medical clinic provider.

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 Township has only changed the use from a contract-operated medical clinic to a medical clinic building leased to a medical clinic provider.

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

The overall use of the Wayne Township Fire Department's campus of buildings has not changed.

Plan of Operation:

Marathon Health intends to operate a non-emergency, primary care medical facility in the Wayne Township Medical Clinic Building leased from Wayne Township on a long-term lease.

Marathon Health anticipates that there will be four (4) to six (6) full-time employees at the facility.

The building currently has alarm and access control systems which were installed by Wayne Township which will be available to Marathon Health for its security use.

Marathon Health will be responsible for all inside maintenance and Wayne Township will be responsible for all outside maintenance and parking lot maintenance.

The hours of operation will be 8:00 am through 5:00 pm, Monday through Friday, excluding holidays.

The building will not be open to the general public. An individual must be a member of the Marathon Health Network in order to use the facility.

Site Photos:









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BOARD OF ZONING APPEALS DIVISION I

September 1, 2026

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

PETITION HISTORY

8/4/26: On August 2nd, the petitioner indicated to staff that both they and the property owner would be out-of-state and unable to attend the hearing. Staff requested a continuance on their behalf to the September 1st hearing date, with the understanding that attendance on that day should be prioritized and that additional continuance requests would likely not be supported.

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

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

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

STAFF RECOMMENDATION

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

PETITION OVERVIEW

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



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Between 2024 and 2025, 1225 linear feet of chain link fence was placed around the perimeter of the subject site, per the site plan within Exhibits. The fence appears to have a height of six (6) feet and is topped with barbed wire for entirety of the fence's length. Three (3) separate complaints were filed with the Mayor's Action Center in relation to the fence: the first two (2) complaints were from adjacent homeowners expressing concern about barbed wire and encroachment of the fence into their properties' rear yards (see Photo 4 within Exhibits), and the third was from an adjacent business owner at 2450 Lafayette Road to the northwest indicating that the newly installed fence was built within an easement and was therefore negatively impacting trash service for their property.

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

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

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

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



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impact for any needed maintenance on existing power lines running along the southern border of the property (see Photo 5 within Exhibits).

Findings of Fact provided by the petitioner cite the need for security around the perimeter of the site and a surrounding context of front-yard fencing. The second paragraph on this page provides additional information about surrounding properties and why this should not be considered legal continuation of a trend, and staff also feel that alternate security measures could be put in place beyond the placement of fencing in violation of multiple Ordinance rules. On the contrary, the usage of barbed wire would likely *reduce* public safety given the risk of cuts or lacerations for either pedestrians wildlife, or potential AES maintenance workers.

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

GENERAL INFORMATION

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



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Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	01/20/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

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

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

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

ZONING HISTORY – VICINITY

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

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

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

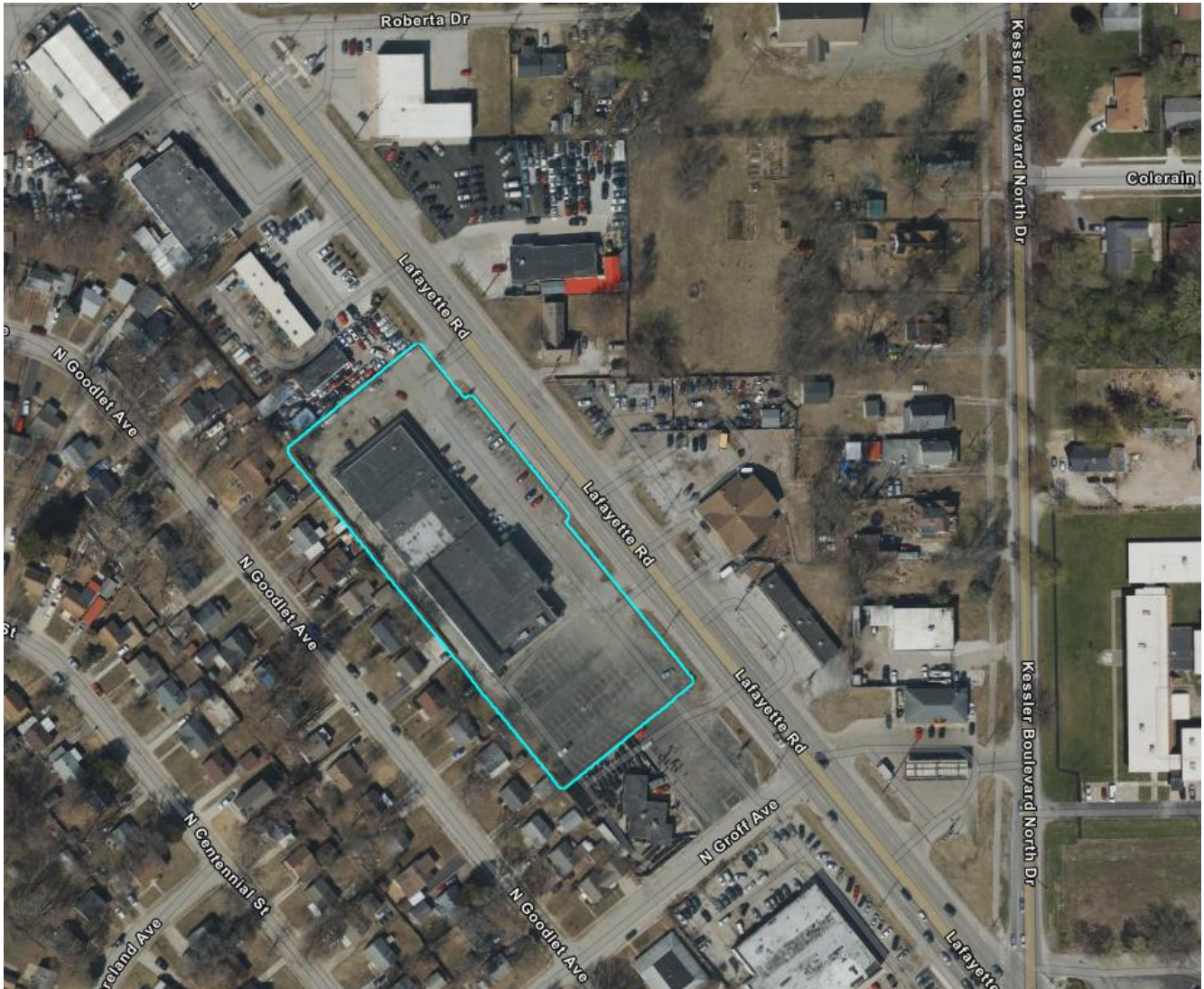
2011DV1034 ; 2409 Lafayette Road (east of site), Variance of development standards of the Commercial Zoning Ordinance to provide for carryout food service within 65 feet of a protected district (100-foot separation required) and to provide for a trash container in front of the established front building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

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

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

EXHIBITS

2026DV1013 ; Aerial Map







Department of Metropolitan Development
Division of Planning
Current Planning

2026DV1013 ; Findings of Fact

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

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

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

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

General Welfare – It should not negatively impact the overall well-being, enjoyment, or property values in the community.

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

The installation of a 6-foot-tall fence with barbed wire along the applicant's property line will not substantially adversely affect the use,

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

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

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

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

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

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

2026DV1013 ; Notice of Violation (VIO25-009822)

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

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-904.A. - All signs and sign structures including all supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of the signs. Unmaintained signs shall be removed or brought into compliance...wall sign with missing sign copy area).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-404.A.6.e – Parking lots used for access or maneuverability shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-510.A.1. - Barbed/razor wire fences are prohibited).

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

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

2026DV1013 ; Photographs



Photo 1: Subject Fence Viewed from Southeast



Photo 2: Subject Fence Viewed from Northwest

2026DV1013 ; Photographs (continued)



Photo 3: Close-Up of Barbed Wire Fence



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

2026DV1013 ; Photographs (continued)



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



Photo 6: Adjacent Property to South

2026DV1013 ; Photographs (continued)



Photo 7: Adjacent Property to Southeast



Photo 8: Adjacent Property Further Southeast

2026DV1013 ; Photographs (continued)



Photo 9: Adjacent Property to Northwest (November 2016)



Photo 10: Adjacent Property to Northwest

2026DV1013 ; Photographs (continued)



Photo 11: Adjacent Property to North (August 2009)



Photo 12: Adjacent Property to North

2026DV1013 ; Photographs (continued)



Photo 13: Adjacent Property to East (July 2019)



Photo 14: Adjacent Property to East

BOARD OF ZONING APPEALS DIVISION I

September 1, 2026

Case Number: 2026-DV1-028
Address: 1019 N Beville Avenue (approximate address)
Location: Center Township, Council District #13
Zoning: D-5
Petitioner: Nickolas Gonzalez
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 7.5-foot tall privacy fence in the side and rear yards (maximum six-foot tall fence permitted in side and rear yards).
Current Land Use: Single-Family Dwelling
Staff Recommendation: Staff recommends denial of this petition.
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued from the July 14, 2026, hearing, to the August 11 hearing, to allow time to provide the required legal notice.

This petition was previously continued for cause to the August 4, 2026, hearing, to allow time for the petitioner to provide legal notice. A Registered Neighborhood Organization automatically continued this petition from the August 4, 2026, hearing to the September 1, 2026, hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance permits a maximum fence height of six (6) feet in the rear yard. The purpose of the height limitation is to create an open appearance along public rights-of-way, prevent blocking views at intersections, limit the negative visual impacts on adjacent properties, and prevent a canyonized effect of the streetscape when taller fences are installed.
- ◇ There is no practical difficulty with the site that is not self-imposed, as the fence could be built in the rear yard where proposed, with a height of six feet without the need for a Variance, or landscaping could be provided where additional privacy is needed.

- ◇ The Indianapolis Zoning Ordinance prescribes height limitations for fences to maintain visibility, orderly development, and the appearance of open space while also allowing for reasonable privacy. Although neighboring properties have taller fences in front yards that predate current ordinance standards, it is unclear what inherent practical difficulties exist that would be remedied by an 8-foot fence but not by an ordinance-compliant 6-foot fence. Therefore, staff recommends denial of this request.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	Single-Family Dwelling
South:	D-5	Single-Family Dwelling
East:	SU-7	Accessory Parking Lot
West:	D-5	Multi-Family Dwellings
Thoroughfare Plan		
North Beville Avenue	Local Street	60-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan	May 28, 2026	
Findings of Fact	May 28, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood for the site.

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

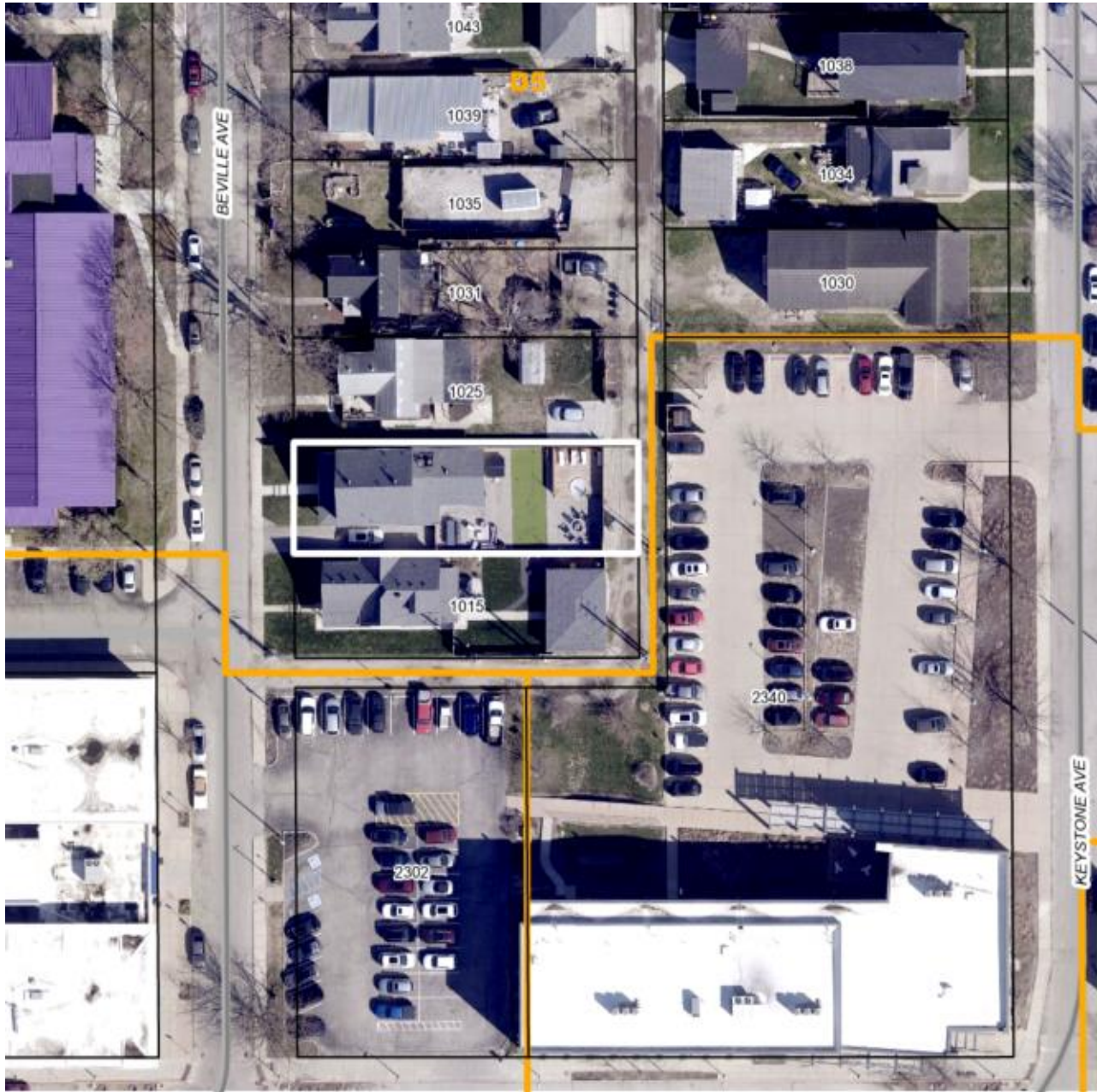
ZONING HISTORY

99-V2-115; 1043 North Beville Avenue (north of site), requested a Variance of Development Standards to provide for the construction of a 25 by 30-foot detached garage, creating 1,283 square feet of detached accessory uses, or 106% of the dwelling main floor area, **granted**.

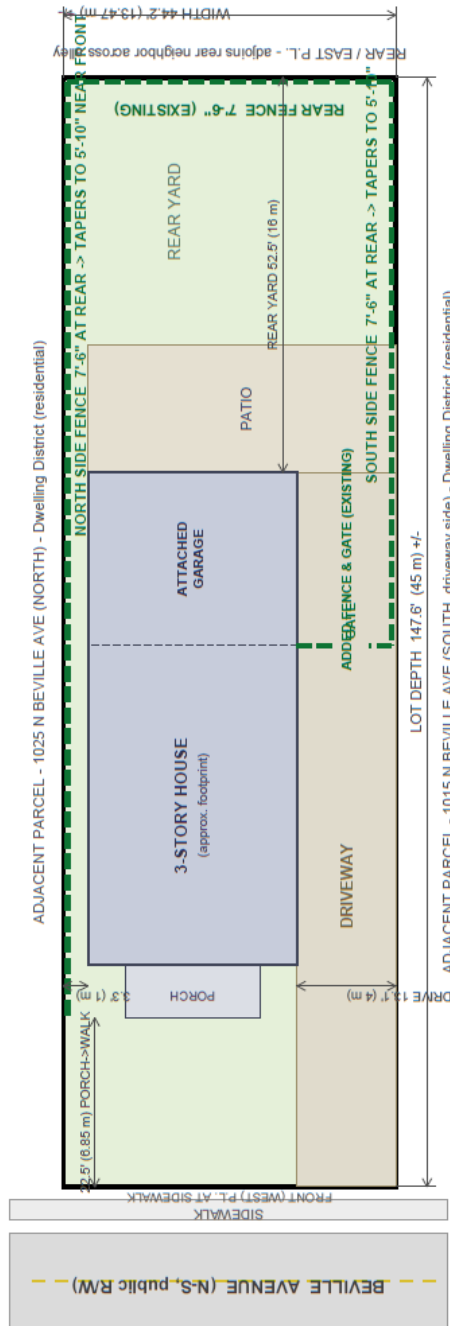
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EXHIBITS

Location Map



Site Plan



LEGEND

- Existing fence (height noted)
- Property / boundary line
- Building setback line
- Building / structure
- Driveway / paving

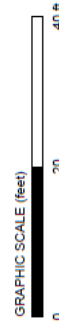
NOTES

- Fence already constructed. Rear (east) fence approx. 7'-6"; side fences step down from 7'-6" at the rear to under 6'-0" (approx. 5'-10") toward the front / driveway.
- Added fence & gate cross the driveway where it meets the rear yard / patio (existing).
- Marion County permits max 6'-0" fence in side & rear yards; variance requested for height over 6'-0" (rear = 7'-8").
- Lot & building dims from owner field measurements (metric in parentheses); footprint approximate - verify before submittal.
- North orientation per plat; confirm against recorded survey.

SITE PLAN - VARIANCE OF DEVELOPMENT STANDARDS (REAR FENCE HEIGHT)

1019 N Beville Ave, Indianapolis, IN 46201 (Near Eastside)
Local Parcel No. 1008439 - State Parcel No. 49-07-31-220-042-000-101
Subdivision: Fletcher & Ramsey's Brookside Add. - Lot Area: 6,534 sq ft (0.15 ac)
Zoning: Dwelling District (residential) - max permitted fence height 6'-0" in side/rear yards
Request: variance to allow existing 7'-6" rear fence (1'-6" over the 6'-0" standard)
Prepared by owner from Marion County records & field measurements - NOT a registered survey; dimensions approximate, subject to verification. Date: _____ Drawn by: _____

SCALE: 1" = 20'



Findings of Fact

METROPOLITAN BOARD OF ZONING APPEALS OF MARION COUNTY, INDIANA

Petition for Variance of Development Standards

STATEMENT IN SUPPORT OF PETITION AND PROPOSED FINDINGS OF FACT

Petitioner / Owner: Nickolas Gonzalez

Property Address: 1019 N Beville Ave, Indianapolis, IN 46201 (Near Eastside)

Local Parcel No.: 1008439 **State Parcel No.:** 49-07-31-220-042.000-101

Subdivision / Lot: S K Fletcher & J F Ramsey's Addition to Brookside

Lot Area: ±6,534 sq ft (0.15 ac)

Zoning District: Dwelling District (residential) — D-5

Variance Requested: A variance of development standards to permit an existing rear-yard fence with a maximum height of approximately 7 feet 6 inches, where the Consolidated Zoning / Subdivision Ordinance permits a maximum fence height of 6 feet 0 inches in a side or rear yard — an excess of approximately 1 foot 6 inches along the rear (east) property line.

Case No.: VIO26-003556 **Hearing Date:** N/A

I. Introduction and Nature of the Request

The Petitioner is the owner of the single-family residence located at 1019 N Beville Ave (the "Property"). A privacy fence has been constructed around the rear yard of the Property. The fence runs the full length of the rear (east) property line and returns along both side property lines to enclose the rear yard. Access to the enclosed area is controlled by two gates — one across the driveway on the south side and one at the rear — both of which are self-latching and equipped with locks. The enclosed rear yard is active family recreation space containing an above-ground swimming pool and a wood deck that wraps around the pool.

Because of a natural grade change (fall) across the rear of the lot, the fence measures approximately 7 feet 6 inches in height at the rear property line and steps down gradually to less than 6 feet as it approaches the driveway and the front of the Property. The applicable development standard limits fence height in a side or rear yard to 6 feet 0 inches. The Petitioner therefore requests a variance of development standards to allow the existing fence to remain at its constructed height, an excess of approximately 1 foot 6 inches at the rear.

Indiana Code § 36-7-4-918.5 authorizes the Board to approve a variance of development standards upon written findings on three criteria. The Petitioner respectfully submits that each criterion is satisfied, as set forth below.

II. Proposed Findings of Fact

Finding 1 — The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Approval of the variance will not be injurious to the public health, safety, morals, or general welfare. The fence is a residential privacy fence located within the rear and side yards of a single-family lot; it does not encroach upon any public right-of-way, sidewalk, alley, or utility easement, and it does not obstruct vehicular or pedestrian sight lines. The fence steps down to below 6 feet as it approaches the front of the Property and the driveway, so it does not create any visibility hazard at the street or driveway approach. The fence contains no barbed wire, razor wire, or electrification and otherwise complies with all applicable provisions of the ordinance. If anything, the enclosure enhances public welfare by improving security, containing the rear yard, and providing a safe, enclosed area on the Property.

The enclosure also serves an affirmative public-safety function. Because the rear yard contains an above-ground swimming pool, the fence operates as the protective barrier around it. By fully enclosing the pool and controlling access through two self-latching, lockable gates, the fence helps prevent unsupervised entry by children and reduces the risk of drowning or injury — the very objective behind residential pool-barrier requirements. A secure barrier of this height therefore advances, rather than undermines, the public health and safety the ordinance is intended to protect.

Finding 2 — The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.

The use and value of adjacent properties will not be affected in a substantially adverse manner. The additional height occurs only along the rear (east) property line, which abuts the alley and the rear of neighboring parcels rather than the front of any adjoining home. Privacy fencing of similar character and height is common throughout this established Near-Eastside neighborhood. The fence is well maintained and consistent with the residential character of the block. Rather than diminishing adjacent value, a finished privacy fence of this type typically supports and protects neighboring property values by screening yards, reducing noise, and defining property boundaries. The immediately adjacent owners at 1025 N Beville Ave (north) and 1015 N Beville Ave (south) are not adversely affected, as the fence sits at the shared rear/side lines and is consistent with surrounding improvements. The above-ground pool and wrap-around deck sit within the interior of the enclosed yard and are screened from neighboring properties by the fence; by shielding the pool and deck area from adjacent view and dampening noise, the privacy fence benefits — rather than burdens — the surrounding owners.

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

Strict application of the 6-foot standard would result in practical difficulties in the use of the Property. The lot is long and narrow (approximately 44 feet wide by 147 feet deep) and the rear yard slopes, with a measurable grade fall toward the rear property line. Because the fence follows the existing grade, a strictly uniform 6-foot height measured at every point would either leave gaps below the fence line at the low points or require re-grading, stepped panels, or removal and reconstruction of fencing that has already been installed. The modest additional height at the rear — roughly 18 inches — is a direct consequence of the topography and lot configuration, not of any desire to exceed neighborhood norms. Requiring the Petitioner to tear down and rebuild a conforming fence to eliminate this grade-driven excess would impose substantial and unnecessary cost and effort while yielding no meaningful

benefit to the public or to adjoining owners. The practical difficulty therefore arises from the physical characteristics of the parcel rather than from any condition created for the Petitioner's mere convenience or financial gain.

The physical conditions are compounded by the improvements in the rear yard. The deck wraps the above-ground pool and stands roughly three to four feet above grade in the rear corner of the lot. From that elevated deck surface, a fence limited to six feet measured at existing grade provides materially reduced effective screening and a lower effective barrier; the additional height restores adequate privacy and a secure pool barrier at the deck and pool level. The need for the extra height thus flows directly from the topography and the placement of fixed improvements on the lot, not from preference alone.

III. Statement of Practical Difficulties (Hardship)

The practical difficulty in this case is rooted in the Property's physical conditions. The rear yard falls in grade from the area near the driveway toward the rear (east) property line. To provide a continuous, secure, and visually consistent privacy enclosure that meets the ground along its full length, the fence was built to follow the slope; this causes the rear segment to stand approximately 7 feet 6 inches tall while the remainder of the fence steps down to under 6 feet near the front and driveway.

A rigid 6-foot limit measured at the highest point of grade does not account for sloping lots and would force the Petitioner to choose between (a) an enclosure that leaves openings beneath the fence where the ground falls away, defeating the privacy and security purpose of the fence; or (b) the expense of removing and rebuilding fencing that is already complete, structurally sound, and harmonious with the neighborhood. Either outcome imposes a real and unnecessary burden without advancing the purposes of the ordinance.

The difficulty is heightened by how the rear yard is used. The enclosed area is active family recreation space containing an above-ground swimming pool and a wrap-around deck, with access limited by self-latching, lockable gates. A secure and private barrier around a pool is a safety feature, not a discretionary preference. Lowering the fence to six feet measured at grade would weaken that barrier and — because the deck is elevated — expose the pool and deck area to view from adjoining yards, contrary to both the family's reasonable use of the Property and the public interest in pool safety.

The requested variance is the minimum necessary to address the difficulty. It applies only to the rear portion of the fence affected by grade, leaves the front and driveway portions in full compliance, preserves sight lines and public safety, and keeps the improvement consistent with fences found throughout the area. For these reasons, the Petitioner respectfully requests that the Board make all three findings in the Petitioner's favor and grant the variance of development standards.

Photographs



Subject site, looking east



Rear of subject site, looking west.



Adjacent single-family dwelling to the south, looking east.



Adjacent single-family dwelling to the north, looking east.

Board of Zoning Appeals Division I

September 1, 2026

Case Number: 2026-UV1-019

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

Location: Washington Township, Council District #2

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

Current Zoning: D-2

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

Current Land Use: Single-family home

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

N/A

STAFF RECOMMENDATION

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

- The petitioner shall combine the lots commonly addressed as 8185 Sycamore Road, 8195 Sycamore Road, and 321 East 82nd Street into one parcel.

PETITION OVERVIEW

- 8185 Sycamore Road, along with two parcels addressed as 8195 Sycamore Road and another parcel addressed as 321 East 82nd Street, are all under the same ownership and function as a single lot. These lots are all zoned D-2. To the north and east, lots are also zoned D-2 while the lots to the south and west are zoned D-S.
- The petitioner is requesting to build a 24-foot by 36-foot playhouse on the parcel addressed as 321 East 82nd Street.
- As currently platted, 321 East 82nd Street is its own parcel. 743-306.A.1.c of the Ordinance indicates that “accessory uses or structures shall not be permitted on a lot prior to the erection of the primary building”. As the primary building is located on 8185 Sycamore and not 321 East 82nd Street, a variance would normally be required to allow for the construction of an accessory building without a primary building. The petitioner has, however, committed to combining the 4 parcels into one lot. This would then ensure that the primary building (the house) would be on the same

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lot as the accessory unit. Given this commitment, staff determined that a variance for an accessory use without a primary building was unnecessary.

- The Ordinance indicates “in the case of a corner lot, both lot lines separating the lot from the street rights-of-way are considered front lot lines”. This means that both Sycamore Road and East 82nd Street count as front lot lines. With front lot lines come front yard setbacks. The Ordinance defines a front yard as “an open space, unobstructed to the sky, extending fully across the lot while situation between the front lot line and a line parallel to the front lot line, that passes through the nearest point of any building and terminates at the intersection of any side lot line.” An example of this can be seen in the exhibits below. Additionally, a diagram showing the front yards of the subject site can be seen in the exhibits below. As the diagram shows, due to how far the primary dwelling is setback, it creates a large front yard area fronting 82nd Street. This drastically reduces the amount of buildable area left on the lot where a variance would not be required. Furthermore, the area that is “buildable” from a setback perspective contains a number of trees. Removing these trees could present a practical difficulty and may be undesirable from an environmental and drainage perspective.
- Given that petitioner will correct the lack of a primary structure on the lot through a commitment to combine the lots and given the site-specific practical difficulty of the large front yard and limited buildable area, staff recommends **approval** of this petition, subject to the following commitment:
 - The petitioner shall combine the lots commonly addressed as 8185 Sycamore Road, 8195 Sycamore Road, and 321 East 82nd Street into one parcel.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Single-Family Residence	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-2	North: Residential
South:	D-S	South: Residential
East:	D-2	East: Residential
West:	D-S	West: Residential
Thoroughfare Plan		
Sycamore Road	Local Street	70-foot existing right-of-way and 50-foot proposed right-of-way
82 nd Street	Primary Collector	40-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	6/22/2026	
Site Plan (Amended)	7/8/2026	

Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	6/22/2026
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

The Suburban Neighborhood typology is predominantly made up of single-family housing, 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

2019-DV1-036; Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a five-foot tall metal fence and a five-foot tall masonry wall with 5.5-foot tall posts in the front yard, and to provide for a retaining wall taller than six feet without terracing and landscaping exceeding six feet in height where topography drops more than two feet, **approved subject to commitments.**

ZONING HISTORY – VICINITY

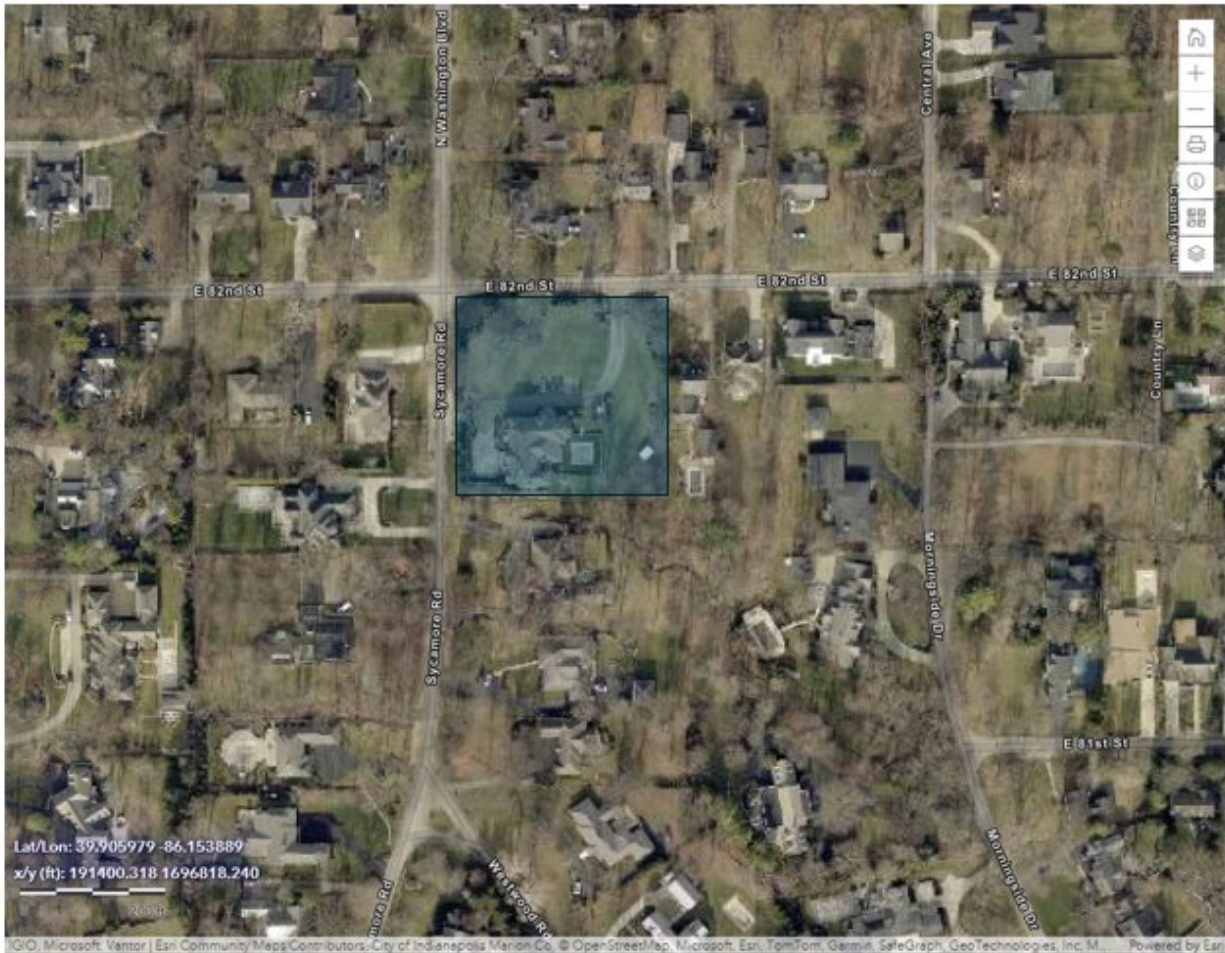
94-UV2-32; 8141 Sycamore Road (south of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of a 696 square foot office within an existing single-family residence with two nonresident employees, **approved subject to conditions.**

2016-DV3-022; 465 East 82nd Street (east of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 78-foot wide parking area, with 16-foot front setbacks, **approved.**

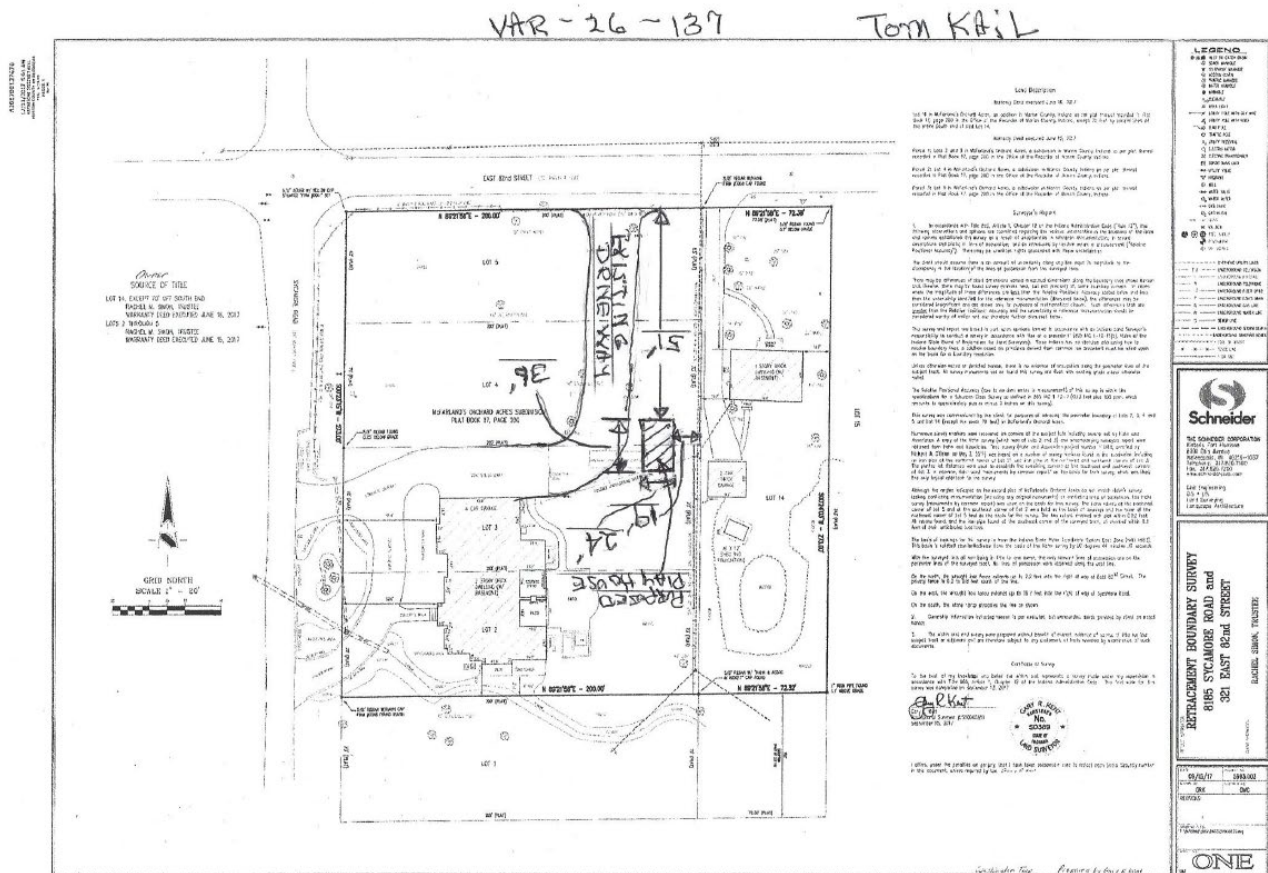
2018-DV3-010; 8192 Sycamore Road (west of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an expanded rear (west) porch, creating an open space of 83%, **approved, subject to commitments.**

EXHIBITS

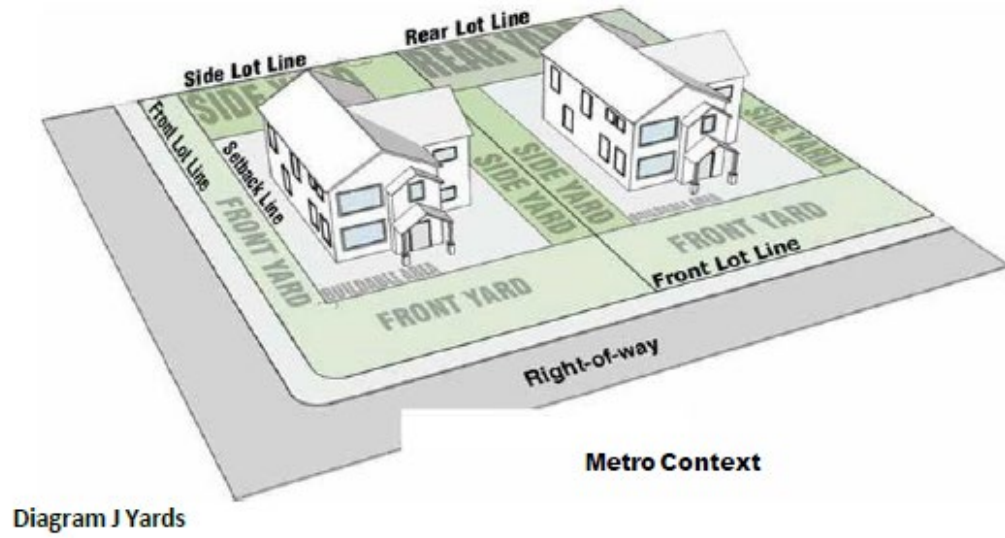
2026UV1019; Aerial Map



2026UV1019; Site Plan



2026UV1019; Yard Diagram



2026UV1019: Front Yard of Site



2026UV1019; Photographs



Photo 1: Area of property where proposed playhouse will be constructed

2026UV1019; Photographs (continued)



Photo 2: Subject site looking out to 82nd Street

2026UV1019; Photographs (continued)



Photo 3: Front yard; all of this area would require a variance to build an accessory structure in the front yard.

BOARD OF ZONING APPEALS DIVISION I

September 1, 2026

Case Number: 2026-UV1-022
Property Address: 3441 West Washington Street
Location: Wayne Township, Council District #17
Petitioner: Jesus Ivan Ibarra Tamayo
Current Zoning: I-3 (FW) (TOD)
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an Automobile, Motorcycle and Light Vehicle Sales or Rental facility (not permitted).
Current Land Use: Automobile, Motorcycle and light Vehicle Repair
Staff Recommendations: Denial.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff strongly recommends denial. If approved, staff would request that approval be subject to the following commitments being reduced to writing on the BZA's Exhibit "A" form prior to the issuance of the letter of grant:

1. The grant of this variance shall be limited to the petitioner. Future tenants, leasees or property owners shall be prohibited from conducting an automobile, motorcycle or light vehicle sales or rental facility business on this site.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

LAND USE

This 0.76-acre site is comprised of three (3) parcels and developed with a commercial building and associated parking areas. It is surrounded by the public right-of-way of West Washington Street and

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commercial uses to the north, zoned C-5; railroad right-of-way to the south, zoned I-3; an auto repair business to the east, zoned I-3; and Big Eagle Creek to the west, zoned I-3 and D-5.

Petition 2025-ZON-126 requested rezoning to the C-5 district but was denied.

VARIANCE OF USE

This request would provide for the operation of an automobile, motorcycle and light vehicle sales or rental facility, which is not permitted in the I-3 district.

Variance of Use Criteria Analysis

The petitioner seeks a variance of use to allow automobile, motorcycle and light vehicle sales or rental facility property zoned I-3, the petitioner must demonstrate compliance with the variance criteria under Indiana Code 36-7-4-918.4, including but not limited to:

- That the approval will not be injurious to public health, safety, morals, or general welfare;
- That the use and value of adjacent property will not be substantially adversely affected;
- That the need for the variance arises from conditions unique to the property;
- That the strict application of the ordinance results in unnecessary hardship;
- That the variance does not interfere substantially with the comprehensive plan.

Public Health, Safety, Morals, and General Welfare

- The introduction of automobile, motorcycle and light vehicle sales or rental on this property would compromise and negatively impact the purpose and current construction of Transit-Oriented Development (TOD) Blue Line that would also negatively impact the public health, safety, morals and general welfare of the community.

Adjacent Property Impacts

- Additional vehicular operations in this area would detrimentally impact the Big Eagle Creek corridor and increase safety and environmental concerns of pedestrians and customers in the area. The TOD overlay limits automobile dealerships to lots no larger than 0.50 acres.

Uniqueness of the Property

- Permitted vehicular operations currently exist on the property. There is nothing unique about the property that would prohibit other permitted uses, rather than allowing the proposed use.

Unnecessary Hardship

- The current I-3 district permits 45 uses and 23 accessory uses. Staff finds that the use options under the current zoning eliminates an unnecessary hardship in the use of the property.

Comprehensive Plan

- This proposed use for vehicular sales does not align with Plan recommendation of community commercial. The proposed use is only permitted in C-5 or C-7 districts.

Overlays

This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area. As such, there are certain limitations on uses within this overlay that would negatively impact the purpose to promote pedestrian connectivity. See Exhibit A that limits the proposed use on lots no larger than 0.5-acre.

Stream Protection Corridor

A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.

Construction projects over one (1) acre are subject to the requirements of the Environmental Protection Agency (EPA) General Permit and Indiana Department of Environmental Management (IDEM) Construction Stormwater General Permit (CSGP).

The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.

The Stream Protection Corridor is defined as:

“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”

Stream is defined as “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”

Stream Bank is defined as “the sloping land that contains the stream channel and the normal flows of the stream.”

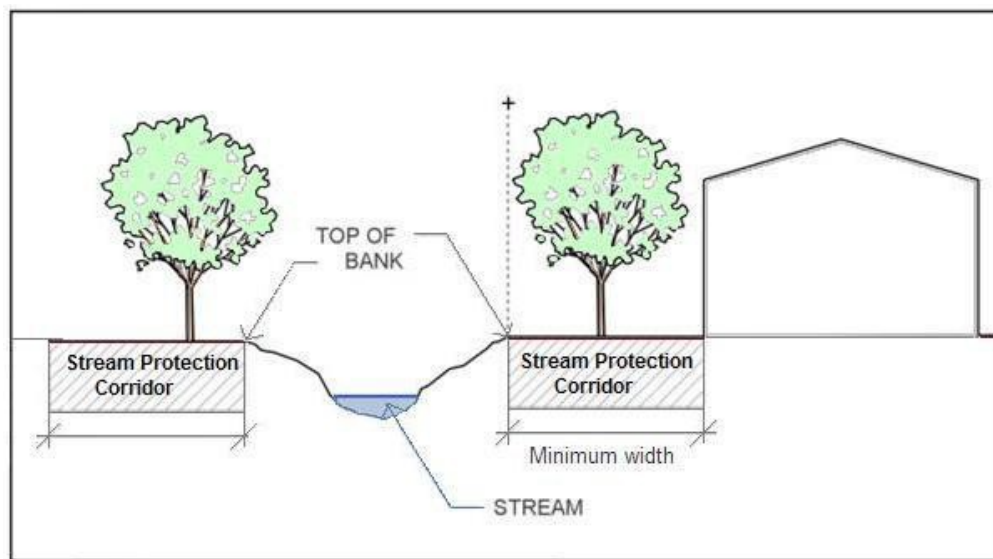
Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”

There are two types of categories of Streams: Category One Streams and Category Two Streams. Category One Stream is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.”

A Category Two Stream is defined as: “An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.”

There are 34 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.

As a Category One Stream within the Compact Context Area, Big Eagle Creek is required to have a 60-foot stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



Stream Protection Corridor

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Planning Analysis

The site falls within the Transit Oriented Development (TOD) Secondary District which is intended to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:

1. Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.

2. Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
3. Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

The Ordinance notes that Automobile, Motorcycle, and Light Vehicle Sales or Rental use in its typical form as well as other vehicular related uses when concentrated in areas have a detrimental effect on the intent and design objectives of the Transit Oriented Development Secondary District. Where these uses are enabled by the primary zoning district, they shall be further limited in the TOD Secondary District as stated in Table 742- 707-2 Location and Limitation of Specific Uses.

To allow for general commercial uses to be permitted on site, staff would support a rezoning to the C-3 district which would align with the Community Commercial Uses recommendation of the West Washington Street Corridor Plan (2012).

Staff finds that the proposed use variance at this location within the newly proposed Blue Line Bus Rapid Transit Corridor would be counterintuitive to the purpose of the Transit Oriented Secondary District which promotes walkable development with a variety of services for the community.

One final item to note is that the dumpster on site would need to be enclosed per the Ordinance standards that provides for walls on three sides with a four side consisting of a gate to service the trash container.

Staff finds that the viability of the Transit Oriented Development Secondary District and overall success of the Blue Line Transit-Oriented Development Strategic Plan (2024) proposed along Washington Street is directly affected by how the City promotes the highest and best use of the small percentage of valuable land at its disposal.

Opportunities to promote safe and walkable neighborhoods, smart economic growth, and job generating uses along these heavily established corridors are far and few between.

For all these reasons, **staff strongly recommends denial** of this request.

GENERAL INFORMATION

Existing Zoning	I-3 (FW)	
Existing Land Use	Automotive repair	
Comprehensive Plan	Community Commercial / Park	
Surrounding Context	Zoning	Surrounding Context
North:	C-5	Automobile used car dealer
South:	I-3 (FW)	Railroad right-of-way
East:	I-3	Automobile repair shop
West:	I-3 (FW)	Big Eagle Creek

Thoroughfare Plan		
West Washington Street	Primary Arterial	Existing 73-foot right-of-way and proposed 88-foot right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	Yes – Big Eagle Creek	
Overlay	Yes – Transit Oriented Development (TOD)	
Wellfield Protection Area	No	
Site Plan	July 17, 2026	
Site Plan (Amended)	August 4, 2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	June 22, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

Not Applicable to the Site.

Pattern Book / Land Use Plan

Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Blue Line Transit-Oriented Development Strategic Plan (2024).

This site is located within a ½ mile from the proposed Holt Road and Washington Street station to the west and proposed Central Greens Boulevard station to the east.

The Community Center station typology to the west recommends the following:

- A dense mixed-use neighborhood center
- Minimum of 2 stories at core
- No front or side setbacks at core; 0-10 ft. front setbacks and 0-10 ft. side setbacks at the periphery
- Multi-family housing with a minimum of 3 units
- Structured parking at the core and attractive surface parking at the periphery

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This typology would have varying types of commercial developments, from large strip centers to shopping malls, along arterial corridors. Development opportunities vary from redevelopment into mixed-use, walkable patterns to multi-family residential infill development.

The District Center station typology to the east recommends the following:

- A dense mixed-use hub for multiple neighborhoods with tall buildings
- Minimum of 3 stories at core with no front or side setbacks
- Multi-family housing with a minimum of 5 units
- Structured parking only with active first floor

District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

Neighborhood / Area Specific Plan

West Washington Street Corridor Plan (2012) recommends Community Commercial Uses along the eastern two-thirds of the site and Park development on the western third.

The Community Commercial Uses land use category is for low-intensity retail commercial and office uses, which serve a predominantly residential market adjacent to or very near, the location of the use. The uses in this land use category are designed to fulfill a broad range of retail, personal, professional and business services and are either freestanding or part of a small integrated center typically anchored by a grocery store. These centers contain no, or extremely limited, outdoor display of merchandise. Generally, these uses are consistent with the following characteristics:

- Maximum Gross Floor Area: 125,000 square feet
- Maximum Acreage: 25 acres
- Service Area Radius: 2 miles
- Location: On an arterial or at the intersection of an arterial with a collector.
- Maximum out lots: 3

The Park land use category consists of public or private property designated for active and/or passive recreational amenities. It also includes publicly and privately held conservation and preservation areas.

The plan anticipated that the future needs of the pedestrian will reverse the proliferation of automotive uses and continue to increase the need for transit and pedestrian connections to transit facilities.

For the West Washington Street corridor, Bus Rapid Transit is proposed for the length of West Washington Street, connecting from downtown to the airport.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

Indy Moves Transportation Integration Plan (2018) proposes a Complete Streets Upgrade of an off-street multi-use path along Washington Street from Eagle Creek to Koehne Street.

Right-of-way dedication would ensure that these projects would be possible to complete.

ZONING HISTORY

2025-ZON-126; 3441 West Washington Street, requested rezoning of 0.76-acre from the I-3 (FW) (TOD) district to the C-5 (FW) (TOD), **denied**.

VICINITY

2004-ZON-164; 3409-3415 West Washington Street (east of site), requested rezoning of 1.2 acres, being in the I-3-U District, to the C-5 classification to provide for commercial uses, **approved**.

93-UV1-31; 3421- 3429 West Washington Street (east of site), requested a variance of Use of the Industrial Zoning Ordinance to provide for the expansion of an existing automobile sales lot with parking in the front yard (10% permitted only), **granted**.

90-UV1-91; 3241 West Washington Street (east of site), requested a variance of Use and Development Standards to permit the outdoor display and sales of automobiles with parking in the front yard, **granted**.

EXHIBITS

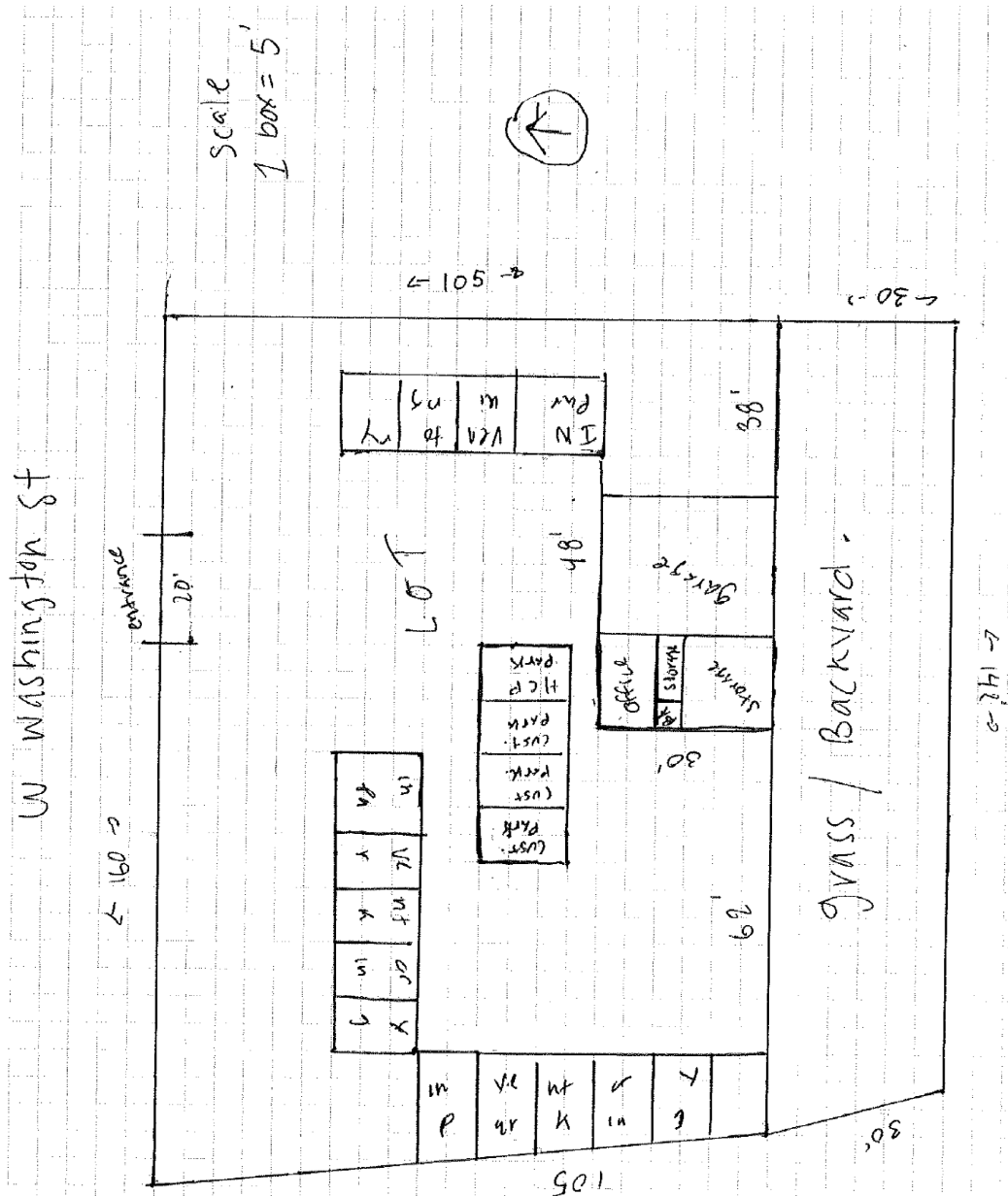


3441 West Washington Street

0 0.005 0.01 0.02 0.03 0.04 Miles

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Site Plan - August 4, 2026



Plan of Operation – August 4, 2026

1. Daily Opening

- Unlock office and lot.
- Walk the lot and inspect all vehicles.
- Make sure keys are accounted for.
- Start and move vehicles if needed.
- Check fuel levels and battery condition.
- Clean windshields and interiors.
- Turn on computers, internet, and printer.
- Review appointments and leads.

2. Vehicle Acquisition

- Buy from dealer auctions.
- Purchase from private sellers.
- Accept trade-ins.
- Inspect every vehicle before buying.
- Estimate repair costs before purchasing.

3. Reconditioning

- Mechanical inspection.
- Oil change and fluids.
- Safety inspection.
- Detail inside and out.
- Repair cosmetic issues.
- Professional photos after detailing.

4. Pricing

- Research market value.
- Include repair costs and transport.
- Set asking price.
- Determine selling price.
- Update pricing every few weeks if necessary.

5. Marketing

- Post on Facebook Marketplace.
- Use Instagram and TikTok.
- Take high-quality photos and videos.
- Respond to inquiries quickly.

6. Sales Process

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- Greet customer.
- Learn customer's budget.
- Walk around vehicle.
- Test drive.
- Explain financing (if offered).
- Complete paperwork.
- Deliver vehicle clean and with a full tank if possible.

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EXHIBIT A

TABLE 742-207-2 Location and Limitation of Specific Uses

Automobile, Motorcycle, and Light Vehicle Sales or Rental	• Within 600' of a Transit Station and on Pedestrian Frontages—Prohibited • Where otherwise permitted—Limited to lots no larger than 0.5 acres.
--	---



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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
WE WILL MAKE SURE THAT THE LOT IS MAINTAINED ON A REGULAR BASIS

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 WILL BE USED AS A TYPE OF BUSINESS THAT THE MAJORITY OF OUR NEIGHBORS OPERATE

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

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

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN
BECAUSE
IT WILL BE KEPT IN A PRESENTABLE IMAGE

DECISION

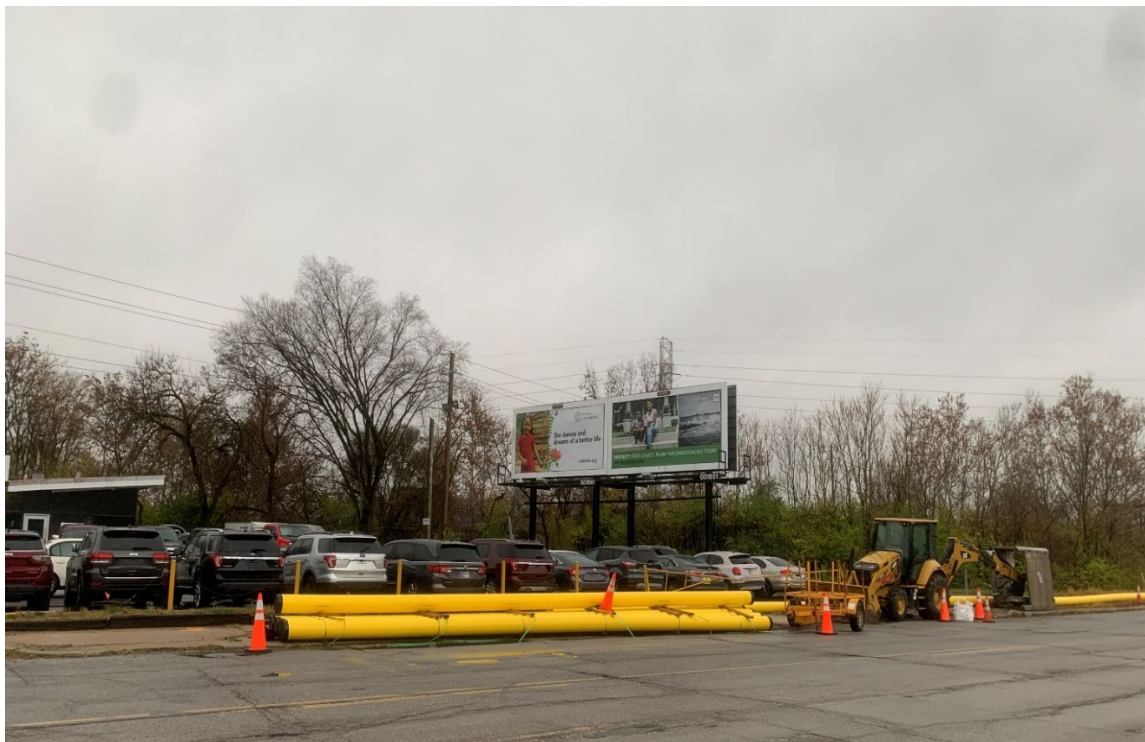
IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

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View of site looking south across West Washington Street



View of site looking southwest across West Washington Street



View looking southwest at the wooded area along Big Eagle Creek abutting western boundary of site



View of adjacent repair shop east of the site looking southeast across West Washington Street



View of used car dealer looking northeast across West Washington Street



View of rear yard of site looking north

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View of site looking west along West Washington Street frontage



View of site looking south along western side yard



View looking west along West Washington Street

BOARD OF ZONING APPEALS DIVISION I

September 1, 2026

Case Number:	2026-UV1-023
Property Address:	1002 East 25 th Street (approximate address)
Location:	Center Township, Council District #8
Petitioner:	Global Preparatory Academy Monon LLC, by Alex Intermill
Current Zoning:	I-2
Request:	Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a internally illuminated monument sign with digital display (internal illumination and digital display not permitted) within 25 feet of a protected district (600-foot separation required), and with a front setback of 2 feet (5 feet required).
Current Land Use:	School
Staff Recommendations:	Staff recommends approval of the variances related to setback and internal illumination, and denial of the digital display variance.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the variances related to setback and internal illumination, and **denial** of the variance related to digital display. If the EVMS variance were to be approved over staff's negative recommendation, it should be subject to the below nine (9) commitments to limit negative externalities:

1. The sign and digital display shall be constructed in substantial conformity with the elevation file-dated July 1, 2026.
2. There shall be no blinking, scrolling, flashing, or video type messages on the proposed EVMS sign. All messages shall change instantaneously.
3. All messages on the digital display shall remain static for at least 15 seconds.
4. All messages on the digital display shall relate to school activities. No messages on the digital display shall serve a commercial or advertising function unrelated to educational uses.
5. The digital display shall be turned off completely between the hours of 9:00 p.m. and 6:00 a.m.
6. The digital display shall be programmed to automatically dim the level of brightness via auto-dimming tech during hours that the sign is permitted to be on after sunset and before sunrise.
7. A photometric plan showing lighting level created by the sign for the subject site and surrounding areas to the south shall be submitted for administrative approval prior to the issuance of a Sign permit.

8. The primary color of any monochromatic message on the digital display (including background) shall not be red, yellow, or green.
9. The variance shall only be applicable for the Global Preparatory Academy or for other elementary, middle, or high school uses that might occupy the property in the future. The variance shall automatically terminate if educational uses cease at the site.

PETITION OVERVIEW

1002 East 25^h Street is a parcel with a size of 1.64 acres containing an industrial structure (footprint of approximately 20,500 square feet) that previously housed a paper manufacturer use. Surrounding land uses include countertop and roofing supply stores to the north and northwest, residences and a church to the west, land zoned for residential use to the south, and the Monon Trail to the east of site.

In 2025, a variance petition was approved in relation to internal conversion of the structure for educational uses which allowed for a reduced front yard setback, deficient landscaping, and for front-yard parking areas maneuvering within right-of-way. Additionally, the sign permit SGN26-00222 was approved earlier this year to allow for the installation of wall signs advertising the school use (see photo 5 within Exhibits).

Approval of this variance petition would allow for placement of a monument sign matching the site plan and elevations within Exhibits below. The proposed sign would have a size of around 75.83 square feet, would be oriented towards 25th Street, and would be visible from the Monon Trail to the east as well as from property to the south and southwest recently rezoned for residential use. Additionally, the sign would have digital display installed on both the eastern and western face of the monument, making this an electronic variable message sign (EVMS). The size of the digital display panels would be around 23.13 square feet, making it around 30.5% of the overall size of the sign.

Multiple Variances of Development Standards would be required to permit legal installation of the sign as currently designed:

- The leading edge of the sign would have a 2-foot setback from the right-of-way of 25th Street to the south. A 5-foot minimum setback would be required by the I-2 zoning district.
- Internal illumination of signage (regardless of if the sign is an EVMS or not) is not permitted within the I-2 zoning district.
- Digital display on primary freestanding signage is disallowed within the I-2 zoning district.
- Additionally, for districts in which digital displays *are* allowed, a separation of at least 600 feet from protected zoning districts is required. The proposed separation of this sign would be around 25 feet, which is only around 4.2% of the minimum required separation.

This property is zoned I-2 (Light Industrial District) to allow for placement of industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. The I-2 district only allows for educational uses per the passage of House Bill 1515 by the State of Indiana in 2025, but the overall intent of the district to limit potential negative externalities would still be relevant for consideration of this land use petition even though the proposed used is not industrial in nature.

The Comprehensive Plan recommends the western section of the site to the Traditional Neighborhood land use typology, and the eastern section to the Village Mixed Use typology (additional information within the Comprehensive Plan Analysis section of the report below). These typologies typically integrate smaller-scale, less intense commercial uses and signage into residential and neighborhood areas (either in close proximity or directly integrated via mixed-use zoning districts).

With regards to the setback variance request, staff would note that the areas of the site already paved and designed for vehicle area and maneuvering would limit feasible alternate locations for placement of a primary freestanding sign oriented to 25th Street. Shifting it to the east would likely violate the 10-foot side setback requirement, and placement further to the west would interfere with traffic and would potentially violate the required clear-sight triangle formed by the intersection of 25th and Winthrop as well. For this reason and since the total deviation from the requirement would only be 3 feet in total, staff recommends **approval** of the requested variance to allow for a 2-foot front yard setback for the sign.

For the internal illumination variance request, staff would note that districts where internal illumination is permitted are required to have a separation of 50 feet from protected districts unless there is an abutting street between them (this parcel would meet that standard). Additionally, the proposed use at this property (a school) is not typically a use found within the I-2 zoning district, and staff would note that the Special Use district designated for school uses (SU-1) permits internal illumination. If the property were zoned in a manner matching the proposed land use, no variance for internal illumination would be required. For these reasons, staff would consider the request to be minor in nature and would recommend **approval** of the requested variance to allow for internal illumination of the sign.

Findings of Fact provided by the applicant indicate that approval of the variances to allow for digital display should be approved since the installation would not create hardship for surrounding properties, that the separation requirement wouldn't allow for placement in an alternate location, and that the digital sign would be needed to allow for advertising of events. Staff would emphasize that **(a)** per photographs taken while visiting the site the sign location would be easily visible from land that was recently rezoned for residential development; **(b)** the existence of the 600-foot separation requirement is not a hardship justifying variance approval but rather a standard meant to provide a visual buffer between digital signs and protected districts; and **(c)** that alternate, Ordinance-compliant methods to advertise the use and related events (including but not limited to online messages and advertisement or placement of non-digital wall and monument signage utilizing changeable copy) would be viable options.

The proposed digital display would be 24 times closer to residentially zoned areas than is contemplated by the Ordinance, and staff would view this as an extreme deviation. Additionally, the risk of distracted driving or negative pedestrian-vehicle interaction from either display content, display changes or anticipation of display changes may be increased given the placement of the Monon Trail around 130 feet away from the proposed sign location. DMD staff is committed to eliminating all traffic fatalities and serious injuries as a part of the City's Vision Zero framework, and limiting potential distractions for motorists is an important part of that long-term goal.

Staff also notes that during the last round of substantial amendments to the Sign Ordinance (in 2018-2019), a primary point of public feedback provided was a desire for separation between people's homes and digital display signage. Instances where the Ordinance does contemplate digital display signs are

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along commercial corridors without direct sightlines from residences, and not within a neighborhood or mixed-use context with homes and pedestrians; the intensity of signage should be reflective of and appropriate for the surrounding context. The location of the proposed sign meets none of the above criteria for EVMS placement.

Therefore, staff recommends **denial** of the EVMS requests due to the extremity of the deviation sought, the lack of hardship or site-specific practical difficulty, and the likely negative externalities that would result for both future residential development to the south and southwest as well as to reduce driver distraction near the greenway area to the east. If approved over staff's negative recommendation, approval should be subject to the eight (8) commitments above to limit adverse effects.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	School	
Comprehensive Plan	Traditional Neighborhood / Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	I-2	North: Industrial
South:	D-8	South: Undeveloped
East:	I-2	East: Monon Trail
West:	I-2	West: Industrial / Residential / Religious
Thoroughfare Plan		
East 25 th Street	Secondary Arterial	50-foot existing right-of-way and 56-foot proposed right-of-way
Winthrop Avenue	Local Street	53-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	07/01/2026	
Site Plan (Amended)	N/A	
Elevations	07/01/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	07/01/2026	
Findings of Fact (Amended)	08/07/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The western portion of the site is recommended to the Traditional Neighborhood typology, which includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance.
- The eastern portion of the site is recommended to the Village Mixed-Use typology, which creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes.

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

2025HOV003, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the redevelopment of an existing building for a school use, including an addition, resulting in an 11-foot front yard setback from Winthrop Avenue (20-feet required), parking within the front yards of Winthrop Avenue and 25th Street exceeding ten percent of the total setback area, lack of edge buffering requirements and parking with maneuvering within the right-of-way (not permitted), **approved**.

90-UV3-10, Variance of use and development standards of the Industrial Zoning Ordinance to permit a food extrusion manufacturing plant with two bulk flour tanks 45 feet in height (35 feet allowed), **approved**.

ZONING HISTORY – VICINITY

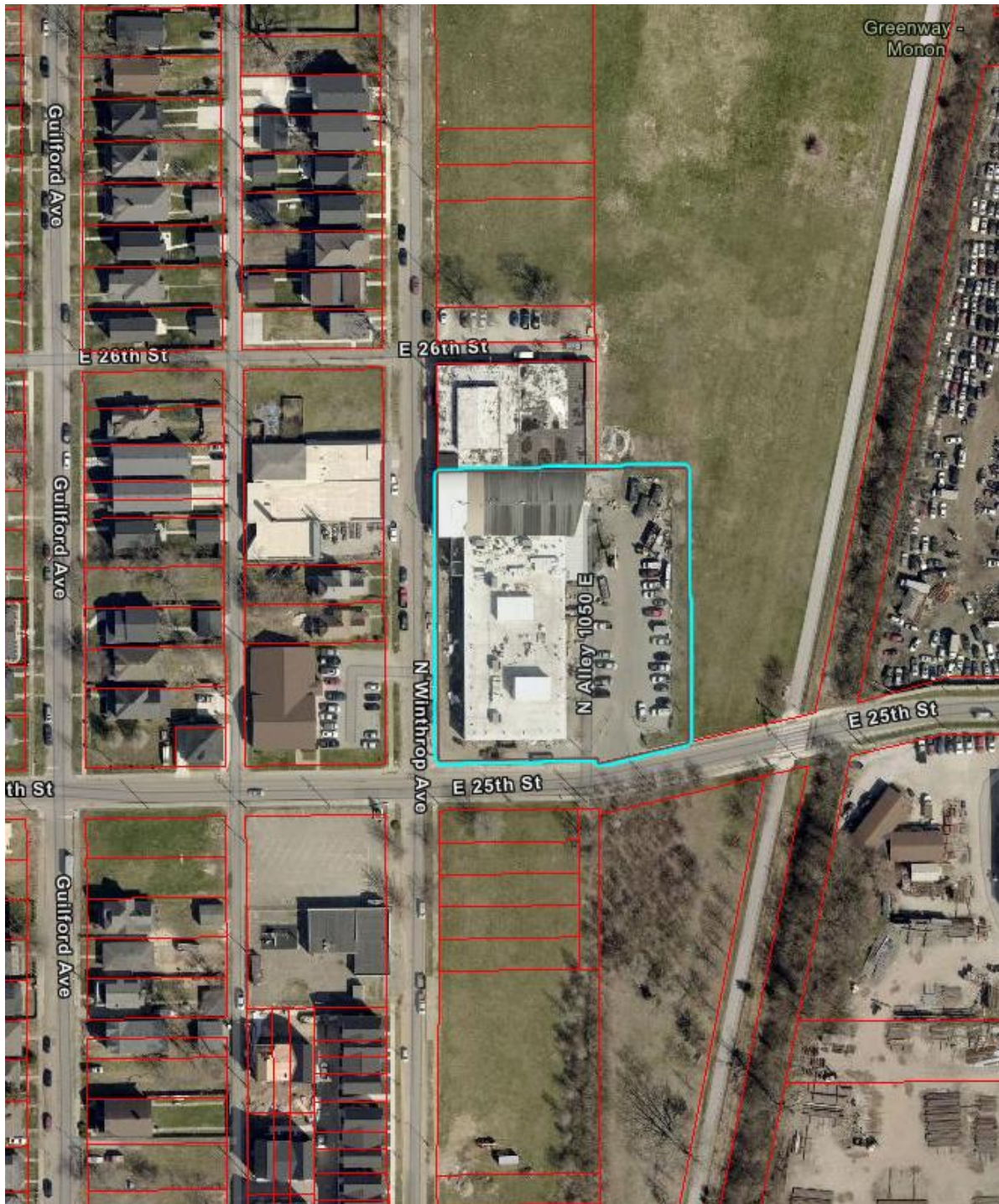
2024DV2006 ; 1212 E 25th Street (east of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 20-foot-tall internally illuminated pole sign (not permitted), **withdrawn**.

2020ZON048 ; 1123 E 25th Street (south of site), Rezoning of 1.435 acres from the I-4 district to the D-8 district, **approved**.

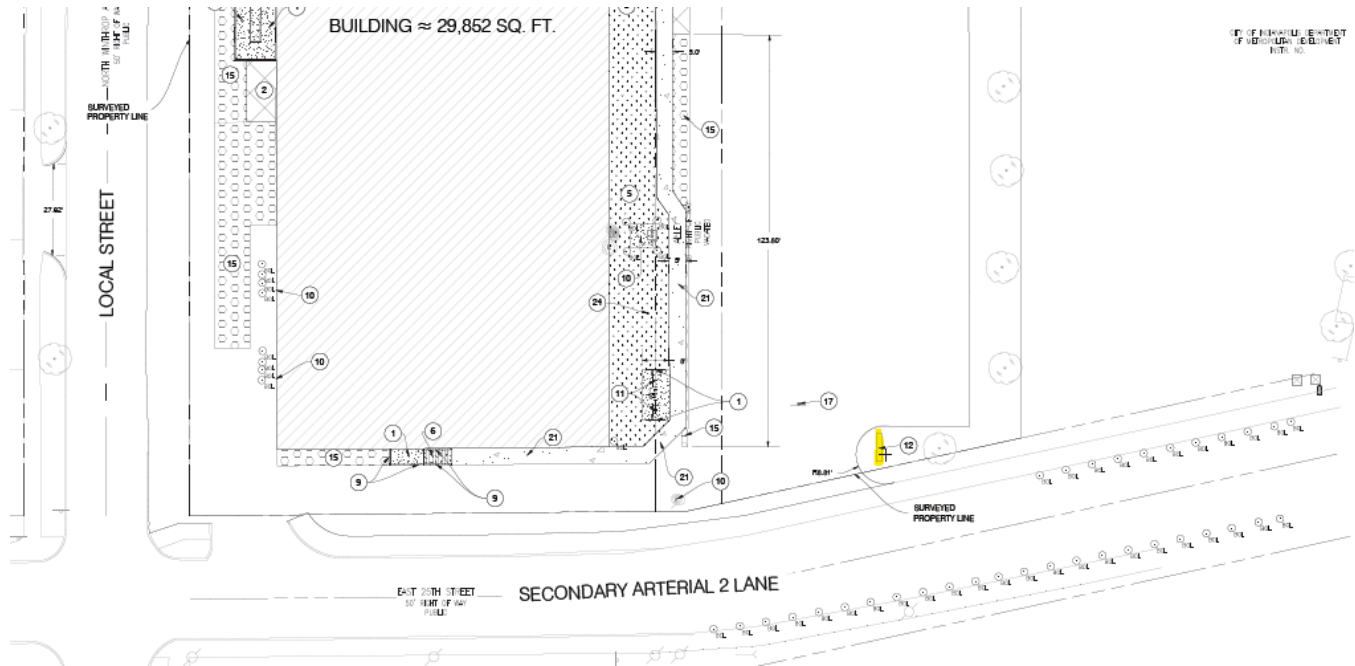
2018ZON002 ; 2401 Winthrop Avenue (south of site), Rezoning of 2.04 acres from the I-4 district to the D-8 classification, **approved**.

EXHIBITS

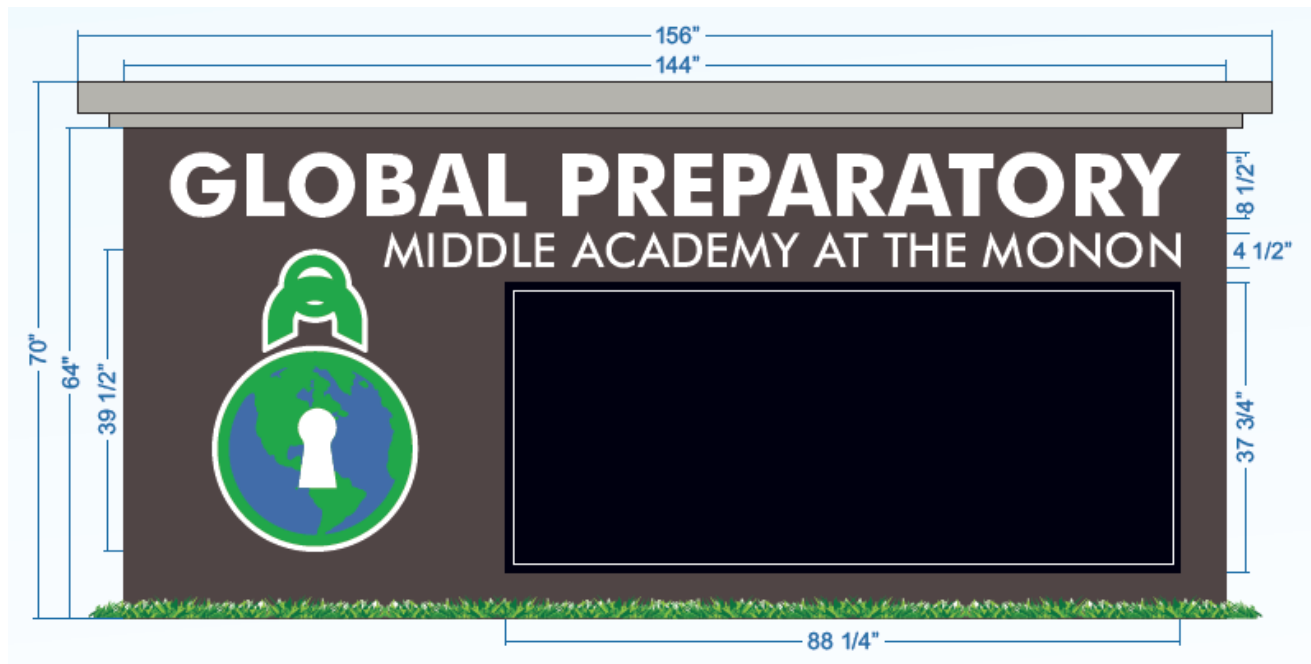
2026UV1023 ; Aerial Map



2026UV1023 ; Site Plan (Zoomed; Sign Location Highlighted)



2026UV1023 ; Sign Elevation





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2026UV1023 ; Findings of Fact (Use)

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

the sign will operate under the digital display standards of Section 744-907.C, showing only static messages with no motion or flashing, adjusting its brightness automatically to ambient conditions, and going dark on any malfunction. Through its web-based controls, the school will commit to shutting the display off or substantially dimming it during overnight hours. These operating limits, alongside the display's directional illumination, prevent glare and driver distraction.

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

no display face is directed at a residence. The sign fronts East 25th Street, with the D-8 district across that right-of-way to the south, the Monon greenway to the east, and non-residential I-2 uses to the west. Directional illumination confines light toward the street, and the overnight shutoff or dimming commitment ensures dark evening hours for nearby properties. A school identification sign in an area with diverse uses will not diminish the use or value of adjacent property.

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

the parcel carries an industrial I-2 classification while housing a public charter school, a use the district's sign standards do not contemplate. Every point on the site falls within the regulated distance of the adjacent dwelling district, and a survey of the site and adjacent properties identifies the southeast corner along East 25th Street as the only placement visible to traffic in both directions. No alternate placement would meet the five-foot setback while remaining effective.

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

without the variance, the school cannot communicate effectively with its students, families, and the public from its own property. The I-2 standard bars the digital display and internal illumination that monument signs in the I-3 and I-4 districts may carry, leaving only manually changeable copy or scattered secondary signs, which invite vandalism, add clutter, and serve the school poorly. Holding an established school to sign standard written for industrial operations works an unusual and unnecessary hardship.

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

the Marion County Land Use Plan recommends a Mixed-Use pattern for the property and the corridor along the Monon Trail, a typology that contemplates institutional and community-serving uses such as the school. The grant does not change the use of the property; the school remains a neighborhood-serving institution, and the relief runs only to its identification sign and the related illumination, proximity, and setback standards. An accessory sign identifying a consistent use does not interfere with the plan.

2026UV1023 ; Findings of Fact (Development Standards)

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

the proposed sign is an on-premise primary freestanding monument sign located at the southeast corner of Global Preparatory Academy's property along East 25th Street. Its faces are oriented to eastbound and westbound 25th Street traffic rather than any adjacent residence. The digital display will be operated in conformance with Section 744-907.C. It will show only static messages, with no movement, scrolling, or flashing; it will adjust its brightness to ambient light conditions; and it will show "full black" in the event of a malfunction. In addition, the sign meets current industry and ordinance standards for construction, safety, and operation.

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 sign is an accessory to the established school use and identifies that use on its own premises. It is not off-premise advertising. The adjacent property to the south is zoned D-8 dwelling district, separated from the sign by the public right-of-way of East 25th Street, and the property to the east is greenway open space zoned as I-2. The adjacent parcels to the west also include established non-residential uses zoned as I-2, including the Acts Supply store and the Rock of Ages Church, so the surrounding area is mixed in character. In addition, the sign faces are oriented to East 25th Street traffic so the display is not directed toward the D-8 dwelling district. A freestanding monument that identifies an established institutional use is consistent with that mixed character.

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

the property is zoned I-2 but is occupied and used as a public charter middle school. That institutional use has identification needs different from the industrial uses that I-2 sign standards contemplate. A freestanding monument sign in the I-2 district may not include a digital display or internal illumination, though both are permitted in the I-3 and I-4 districts. The property lies entirely within the regulated distance of the adjacent dwelling district, so the sign cannot be relocated to avoid that proximity. In addition, the strict application of these standards would deny the school a customary, well-controlled means of identifying its premises and result in a practical difficulty in the use of the property.

2026UV1023 ; Photographs



Photo 1: Sign Location Viewed from West



Photo 2: Sign Location Viewed from East

2026UV1023 ; Photographs (continued)



Photo 3: Sign Location Looking West



Photo 4: Sign Location Looking East

2026UV1023 ; Photographs (continued)



Photo 5: Building Viewed from Southeast



Photo 6: Building Viewed from Southwest

2026UV1023 ; Photographs (continued)



Photo 7: Adjacent Property to South

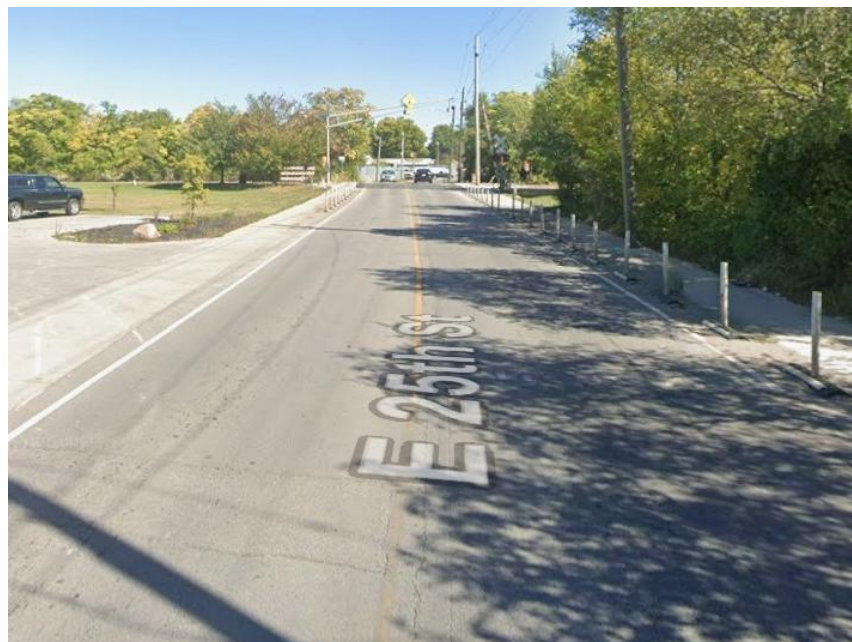


Photo 8: Sign Location from 25th Street to West (October 22)

2026UV1023 ; Photographs (continued)



Photo 9: Adjacent Sign to Northwest (2530 Winthrop)



Photo 10: Adjacent Sign to East (1130 E 25th)