



Board of Zoning Appeals Board of Zoning Appeals Division I (January 6, 2026) Meeting Agenda

Meeting Details

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

Date: Tuesday, January 06, 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

[2025-DV1-059](#) | 5217 Broadway Street (approximate address)

Washington Township, Council District #7, Zoned D-5 (TOD) (W-5)
John Rising-Moore

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the addition to a single-family dwelling with a four-foot north side setback and a 3.5-foot south side setback (five-foot side setbacks required).

**** Automatic continuance filed by a registered neighborhood organization, continuing this petition to the February 3, 2026 hearing of Division I**

[2025-UV1-019](#) | 3040 South Kercheval Drive (approximate address)

Franklin Township, Council District #20, Zoned D-5
Harry Hicks Jr.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a shipping container (prohibited) within the front yard, with a zero-foot north side yard setback (accessory structures not permitted within the front yard, seven-foot side yard setbacks required).

****Petitioner has requested that this petition be withdrawn**

[2025-UV1-026](#) | 1860 Sugar Grove Avenue (approximate address)

Center Township, Council District #12, Zoned C-1 (W-1)
Full Circle Development, by Jason Wolfe

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a two-story single-family residence with a detached 2-car garage (not permitted), per the site plan.

****Petitioner has requested to withdraw to allow for the filing of a rezoning petition**

PETITIONS REQUESTING TO BE CONTINUED:

1. [2025-DV1-052](#) | 4105 West 93rd Street (approximate address)

Pike Township, Council District #1, Zoned I-2, MU-1
V 465 LLC, by John B. Gregg

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a warehouse with its proposed parking areas and access drive to be within the stream

protection corridor of a proposed rerouting of Payne Branch Creek and the removal of heritage trees without prior authorization (not permitted).

2. 2025-DV1-062 | 9110 Kenwood Drive (approximate address)

Washington Township, Council District #2, Zoned D-2
Joseph Pinnell

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 6-foot tall fence within a front yard (maximum 3.5-foot height permitted).

****An automatic continuance has been filed by a registered neighborhood organization, continuing this to the February 3, 2026 hearing of Division I**

3. 2025-DV1-063 (Amended) | 6690 Jackson Street (approximate address)

Wayne Township, Council District #16, Zoned D-2
Ramon Ibanez

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall fence with posts exceeding the height of the fence by more than a foot, within the front yard of Bauman Street, and encroaching within right-of-way, the clear-sight triangle of a driveway, and an easement (maximum 3.5-foot tall fence permitted, posts maximum one foot taller than fence, encroachment of rights-of-way, clear-sight triangles and easements prohibited).

**** Petition to be continued to the February 3, 2026 hearing of Division I, in order to allow for amended notice**

4. 2025-UV1-023 | 5237 Commerce Circle (approximate address)

Franklin Township, Council District #25, Zoned C-S
Faithful Companions Cremation Services, LLC, by Jacob S. Brattain

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a crematory (not permitted).

5. 2025-UV1-024 | 2170 East 75th Street (approximate address)

Washington Township, Council District #2, Zoned D-S (FW)
Molly A. Wright, by David Stevens

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for and legally establish an accessory structure in the front yard of 75th Street (not permitted), to provide for the expansion of a detached garage with a two-foot side setback (15-foot side setback required) and for the garage to have a footprint larger than the primary building (accessory structures cannot be larger than the primary building).

****This petition will need to be continued to the February 3, 2026 hearing of Division I, in order to allow for amended notice**

6. 2025-UV1-025 | 3531 Five Points Road (approximate address)

Franklin Township, Council District #20, Zoned D-A
Neat Investments, by Edward Neat

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor and indoor storage of commercial vehicles, with limited truck or heavy vehicle repair (not permitted), and to legally establish the existing 4,000-square foot building as the primary structure (single-family dwellings or barns associated with an agricultural use only permitted as primary structures).

****This petition will need to be continued to the February 3, 2026 hearing of Division I, in order to allow for revised notice**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

7. 2025-UV3-031 | 4240 Bluff Road (approximate address)

Perry Township, Council District #22, Zoned SU-7
Otis James & Tonya Haimes, by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a three-unit apartment (not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

8. 2025-DV1-054 | 8752 Michigan Road (8650 Michigan Road parcel address)

Pike Township, Council District #1, Zoned C-4
Seven 7 Venture, Inc., by Timothy Ochs and Jennifer Milliken

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment with a drive-through without two stacking spaces after the final service unit (required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

9. 2025-DV1-061 | 9000 Shetland Lane (approximate address)

Pike Township, Council District #1, Zoned D-A
Rebecca Bolton and David Padrick, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory residential structure on a lot that is not developed with a primary building and lacks street frontage (accessory structures on lots without primary buildings not permitted; minimum 125-foot street frontage required).

10. 2025-DV1-064 | 3155 Arbor Street (approximate address)

Perry Township, Council District #22, Zoned D-4 (FF)
Jose Moreno, by Samuel Salazar

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a detached accessory garage within the front yard of Arbor Street (accessory structures must be behind primary buildings), and for a 72-foot wide parking area within the front yard of Arbor Street (maximum 30-foot wide parking area permitted).

11. 2025-DV1-060 | 5101 East Thompson Road (approximate address)

Franklin Township, Council District #24, Zoned C-4
BT Indianapolis, LLC, by Joseph Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of three freestanding pylon signs, with one sign being the third freestanding sign along the South Emerson Avenue frontage, and two signs being within 210 feet and 284 feet of another freestanding sign (maximum of two freestanding signs per frontage, 300-foot separation between signs 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

January 6, 2026

Case Number: 2025-DV1-059
Address: 5217 Broadway Street (approximate address)
Location: Washington Township, Council District #7
Zoning: D-5 (TOD) (W-5)
Petitioner: John Rising-Moore
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the addition to a single-family dwelling with a four-foot north side setback and a 3.5-foot south side setback (five-foot side setbacks required).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

A Registered Neighborhood Organization has filed an Automatic Continuance, **continuing this petition to the February 3, 2026, hearing**, from the January 6, 2026, hearing. This will require the Board's acknowledgement.

BOARD OF ZONING APPEALS DIVISION I

December 2, 2025

Case Number: 2025-UV1-019

Property Address: 3040 South Kercheval Drive (approximate address)

Location: Franklin Township, Council District #20

Petitioner: Harry Hicks Jr.

Current Zoning: D-5

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a shipping container (prohibited) within the front yard, with a zero-foot north side yard setback (accessory structures not permitted within the front yard, seven-foot side yard setbacks required).

Current Land Use: Residential

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued to the November 4, 2025 Division I hearing date due to insufficient notice.
- The petition was continued to the December 2, 2025 Division I hearing date due to insufficient notice.
- The petition is required to be continued January 6, 2026 Division I hearing due to insufficient notice.
 - Staff would note that this will be the last continuance Staff would be supportive of and would recommend that the case be dismissed at the January 6, 2026 hearing if the required mailed notice, as well as the notarized affidavit confirming as such, have not been completed at that time.
- This petition was continued to the January 6, 2026 Division I hearing due to insufficient notice. The petitioner has since requested that this petition be withdrawn.

STAFF RECOMMENDATION

- N/A

PETITION OVERVIEW

- This petition would ---

GENERAL INFORMATION

Existing Zoning		
Existing Land Use		
Comprehensive Plan		
Surrounding Context	<u>Zoning</u>	<u>Surrounding Context</u>
North:		North:
South:		South:
East:		East:
West:		West:
Thoroughfare Plan		
	___feet of right-of-way existing and _ feet proposed	
Context Area	Compact or Metro	
Floodway / Floodway Fringe	Yes or no	
Overlay	Yes or No	
Wellfield Protection Area	Yes or No	
Site Plan		
Site Plan (Amended)		
Elevations		
Elevations (Amended)		

Landscape Plan

Findings of Fact

Findings of Fact
(Amended)

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- 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

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ZONING HISTORY – VICINITY



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

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EXHIBITS

Enter any photographs or site plans

BOARD OF ZONING APPEALS DIVISION I

January 6, 2026

Case Number: 2025-UV1-026
Property Address: 1860 Sugar Grove Avenue (*approximate address*)
Location: Center Township, Council District #12
Petitioner: Full Circle Development, by Jason Wolfe
Current Zoning: C-1 (W-1)
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a two-story single-family residence with a detached 2-car garage (not permitted), per the site plan.
Current Land Use: Undeveloped
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

The petitioner has indicated their intent to have this petition withdrawn at the January 6th, 2026 hearing and to instead pursue a rezoning to a residential zoning designation.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

January 6, 2026

Case Number: 2025-DV1-052

Property Address: 4105 West 93rd Street (approximate address)

Location: Pike Township, Council District #1

Petitioner: V 465 LLC, by John B. Gregg

Current Zoning: I-2 / MU-1

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a warehouse with its proposed parking areas and access drive to be within the stream protection corridor of a proposed rerouting of Payne Branch Creek and the removal of heritage trees without prior authorization (not permitted).

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

1/6/25: The petitioner indicated their intent to request a continuance to the February 3, 2025 hearing date to allow additional time to submit a landscaping plan related to the proposal. A full staff report will be made available in advance of that hearing.

12/2/25: A timely automatic continuance request was filed by a registered neighborhood organization, automatically continuing this petition to the January 6, 2025 hearing date. A full staff report will be made available in advance of that hearing.



Department of Metropolitan Development
Division of Planning
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BOARD OF ZONING APPEALS DIVISION I

January 6, 2026

Case Number: 2025-DV1-062

Property Address: 9110 Kenwood Drive (*approximate address*)

Location: Washington Township, Council District #2

Petitioner: Joseph Pinnell

Current Zoning: D-2

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 6-foot-tall fence within a front yard (maximum 3.5-foot height permitted).

Current Land Use: Residential

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization. This petition will be heard on the February 3, 2026 date of Division I, and 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 I

January 6, 2025

Case Number: 2025-DV1-063 (Amended)

Property Address: 6690 Jackson Street (approximate address)

Location: Wayne Township, Council District #16

Petitioner: Ramon Ibanez

Current Zoning: D-2

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall fence with posts exceeding the height of the fence by more than a foot, within the front yard of Bauman Street, and encroaching within right-of-way, the clear-sight triangle of a driveway, and an easement (maximum 3.5-foot tall fence permitted, posts maximum one foot taller than fence, encroachment of rights-of-way, clear-sight triangles and easements prohibited).

Current Land Use: Residential

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

During review of the petition, staff became aware that a Variance of Development Standards related to the placement of the fence within a drainage and electrical easement would be needed in addition to the other four variances within the original request. In order to allow time for amended notice reflecting the easement variance to be mailed, a continuance to the February 3rd hearing date would be required.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I**January 6, 2026**

Case Number: 2025-UV1-023
Address: 5237 Commerce Circle (approximate address)
Location: Franklin Township, Council District #25
Zoning: C-S
Petitioner: Faithful Companions Cremation Services, LLC, by Jacob S. Brattain
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a crematory (not permitted).

Current Land Use: Light industrial warehouse

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition will need to be **continued for cause to the February 3, 2026, hearing**, from the January 6, 2026, hearing, to allow time to amend the request and provide new notice as needed.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

January 6, 2026

Case Number: 2025-UV1-024
Address: 2170 East 75th Street (approximate address)
Location: Washington Township, Council District #2
Zoning: D-S (FW) (FF)
Petitioner: Molly A. Wright, by David Stevens
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an accessory structure in the front yard of 75th Street (not permitted), to provide for the expansion of a detached garage with a two-foot side setback (15-foot side setback required) and for the garage to have a footprint larger than the primary building (accessory structures cannot be larger than the primary building).

Current Land Use: Single-Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition will need to be continued for cause **from the January 6, 2026, hearing, to the February 3, 2026, hearing, to allow time to amend the request and provide new notice if needed.**



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

January 6, 2026

Case Number: 2025-UV1-025
Address: 3531 Five Points Road (approximate address)
Location: Franklin Township, Council District #20
Zoning: D-A
Petitioner: Neat Investments, by John Cross
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor and indoor storage of commercial vehicles, with limited truck or heavy vehicle repair (not permitted), and to legally establish the existing 4,000-square foot building as the primary structure (single-family dwellings or barns associated with an agricultural use only permitted as primary structures).

Current Land Use: Former Landscaping Contractor

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition will need to be continued for cause from the January 6, 2026, hearing, to the February 3, 2026, hearing, to allow time to amend the request and provide new notice.



BOARD OF ZONING APPEALS DIVISION III

January 6, 2026

Case Number: 2025-UV3-031
Address: 4240 Bluff Road (approximate address)
Location: Perry Township, Council District #22
Zoning: SU-7
Petitioner: Otis James & Tonya Haimes, by David Gilman
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a three-unit apartment (not permitted).

Current Land Use: A three-unit apartment.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause at the request of the petitioner, from the November 25, 2025, hearing, to the December 18, 2025 hearing, to allow time for additional discussion with Staff.

Due to a lack of quorum, this petition was continued from the December 18, 2025 hearing, and transferred to the January 6, 2026 hearing of Board I.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition as filed.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ This site, along with the larger parcel to the rear, was previously rezoned (78-Z-82) on December 20, 1979, to the SU-7 classification. That rezoning was to provide for a meeting hall and social functions for the Southside Fellowship Center. The subject site structure was used as offices for that use.
- ◇ Staff believes the structure was originally developed as a two-family dwelling sometime around 1900, according to Assessor's records. The petitioner indicates a third apartment was added to the rear of the structure sometime around 1984-1985. This request would legally establish the structure as a three-unit apartment structure and provide for an enclosed patio at the rear of the structure and other improvements.
- ◇ The three-unit apartment structure as proposed would be similar in appearance to a large farmhouse structure and should not have an effect on surrounding property owners.



Department of Metropolitan Development
Division of Planning
Current Planning

- ◇ Although not commonly associated with rural or estate land uses, the proposed use would provide housing in an area where large single-family estates, and other large agricultural uses that require staff or employees, would have accessible housing.
- ◇ The submitted site plan indicates an existing wide pavement drive along the side of the structure. This pavement drive area will provide the required three offsite parking spaces. Additional parking is available within the pavement drive.
- ◇ Staff does recommend that any future changes in the structure or use, should then require the parcel to be rezoned to provide zoning compliant development standards for the new structure or proposed use.

GENERAL INFORMATION

Existing Zoning		SU-7	
Existing Land Use		Three-unit apartment	
Comprehensive Plan		Rural or Estate Neighborhood	
Surrounding Context		<u>Zoning</u>	Surrounding Context
	North:	D-A	Automotive repair
	South:	D-A	Single-family dwelling and
	East:	D-1	Single-family dwellings
	West:	SU-7	Horse Barns
Thoroughfare Plan			
	Bluff Road	Primary Arterial	94-foot existing and proposed right-of-way.
Context Area		Metro area	
Floodway / Floodway Fringe		No.	
Overlay		N/A	
Wellfield Protection Area		No	
Site Plan		September 23, 2025	
Elevations		N/A	
Landscape Plan		N/A	
Findings of Fact		September 23, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Rural or Estate Neighborhood Uses for this site.



Department of Metropolitan Development
Division of Planning
Current Planning

- 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.

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

78-Z-82; 4240 Bluff Road (subject site), requested the Rezoning of 29.00 acres, being in the A-1 district, to the SU-7 classification, to permit a meeting hall, office, and social functions of Southside Fellowship Center, **approved**.

2018-UV2-009; 4200 Bluff Road (north of site), requested a Variance of Use and Development Standards to provide for an automobile repair business and to legally establish setbacks for the existing parking lot, dwelling and commercial building, per plans filed, **granted**.

2013-CZN-801/2013-CVR-801; 4241 Bluff Road (east of site), requested the rezoning of 2.44 acres from the D-A (FF) District to the D-1 (FF) classification to provide for single-family development, **approved**; requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 4.89-acre parcel (D-A) with 90 feet of frontage, **approved**.

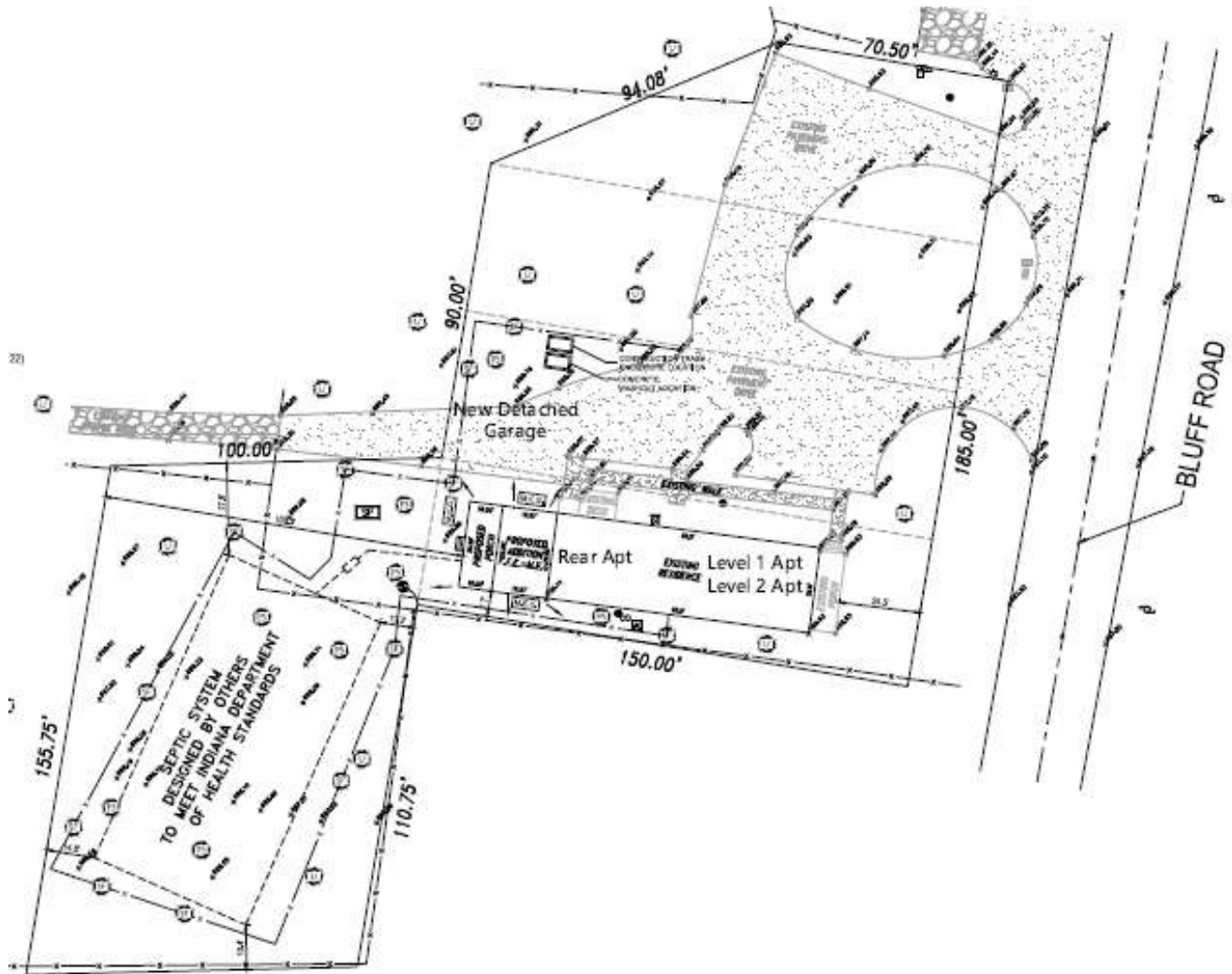
89-UV3-59; 4008 Bluff Road (north of site), requested a variance of the Commercial Zoning Ordinance to permit an automotive repair shop, **approved**.

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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 USE

FINDINGS OF FACT

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

The existing residence has been used for a multi-unit home for over forty (40) years and will be remodeled and permitted to make sure the structure meets the applicable building and health department codes.

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

The existing residence has been used for a multiunit home for over 40 years. The exterior of the residence will maintain the rural estate character of the area.

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

The petitioners applied for a building permit to remodel the residence, meet applicable building code standards and to provide for an enclosed patio to the rear of the building. During the permit review, it was discovered the Special Use zoning designation was not clear on the approval of a 3-unit residence. The variance is necessary to make any improvements to the residence.

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 Special Use zoning designation is for a specific non-profit use and information to that zoning case was not readily available to determine if the 3-unit residence was a permitted use.

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

The existing 3-unit residence is located on a 23-acre horse farm and is one of the original residences along this segment of Bluff Road. It is in alignment with the Rural Estate Residential land use recommendation.

Photographs



Photo of subject site, looking southwest.



Photo of subject site side yard and pavement drive, looking west.



Photo of single family dwellign and automotive repair to the south, looking west.



Photo of adjacent automotive repair to the north, looking northwest.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

January 6, 2026

Case Number: 2025-DV1-054

Property Address: 8752 Michigan Road (8650 Michigan Road parcel address)

Location: Pike Township, Council District #1

Petitioner: Seven 7 Venture, Inc., by Timothy Ochs and Jennifer Milliken

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment with a drive-through without two stacking spaces after the final service unit (required).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This petition was automatically continued by a registered neighborhood group from December 2nd.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 8752 Michigan Road is a commercial property currently paved as an accessory parking area within the College Park commercial center near the intersection of Michigan Road and 86th Street. It was recently subdivided as an outlot from the larger parcel 8650 Michigan Road, and although the associated plat 2025-PLT-047 has not yet been formally recorded, this variance request would not directly relate to the location of existing or proposed property lines. Surrounding land uses include restaurants to the north and south and a multitenant commercial building to the west.
- An application for Administrative Approval (petition number 2025-ADM-223) was denied in September requesting exemptions from dimensional standards related to both the requirement for a bypass drive-thru aisle within the Metro context area as well as for the requirement of stacking spaces after the final service unit. While it appears that the site plan was amended to comply with the bypass aisle standard, this variance would allow for a reduction in the required stacking spaces after the drive-thru ends to avoid placement of drive-thru spaces in the front yard.



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- No elevations or landscape plans were provided along with this variance application for review. However, staff would note that at the time of publication, the review of the Improvement Location Permit ILP25-02025 has largely been completed, with the only remaining hold related to the stacking space dimensional standard for which this variance is being sought.
- The subject property is zoned C-4 (Community-Regional District) to allow for the development of major business grouping and regional-size shopping centers. Similarly, the Comprehensive Plan Pattern Book recommends it to the Regional Commercial typology to allow for general commercial and office uses that serve a significant portion of the county rather than just the surrounding areas.
- Findings of Fact provided by the applicant indicate that it would be uncommon for vehicles to queue past the final service unit given their business model, and that they've provided stacking spaces before the service unit in excess of Ordinance requirements. Staff would also note that the space at the final drive window itself would qualify as one of the two required stacking spaces, and that there appear to be front-yard parking areas at the subject property to allow for vehicle parking past the drive-thru window if necessary. Staff finds the requested deviation to be minor in scope and recommends approval of the variance.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	C-4	West: Commercial
Thoroughfare Plan		
Michigan Road	Primary Arterial	164-foot existing right-of-way and 134-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	10/28/2025	
Site Plan (Amended)	12/12/2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	10/28/2025	
Findings of Fact (Amended)	N/A	



Department of Metropolitan Development
Division of Planning
Current Planning

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are typically in large freestanding building or integrated centers (i.e. shopping malls, strip centers, etc.).

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.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

2025ADM223, seeking a waiver of development standards related to the required drive-thru bypass aisle and stacking spaces after a service unit, **denied**.

2025PLT047, Approval of a Subdivision Plat to be known as Replat of Lot 1 of Michigan Road Shoppes Subdivision, subdividing 8.191 acres into two lots, **approved**.

ZONING HISTORY – VICINITY

94-UV2-109 ; 8752 Michigan Road (west of site), variance of use of the Commercial Zoning Ordinance to provide for a truck rental operation (not permitted) within an existing retail commercial center, **denied**.

90-V2-48 ; 8640 Michigan Road (south of site), variance of development standards of the Sign Regulations of the Marion County Zoning Ordinance to permit three wall signs in excess of the total square footage allowed (25% permitted), **approved**.

84-HOV-140 ; 8796 Michigan Road (northwest of site), variance of development standards of the Sign Regulations to provide for more than one pole sign in a commercial integrated center, **approved**.

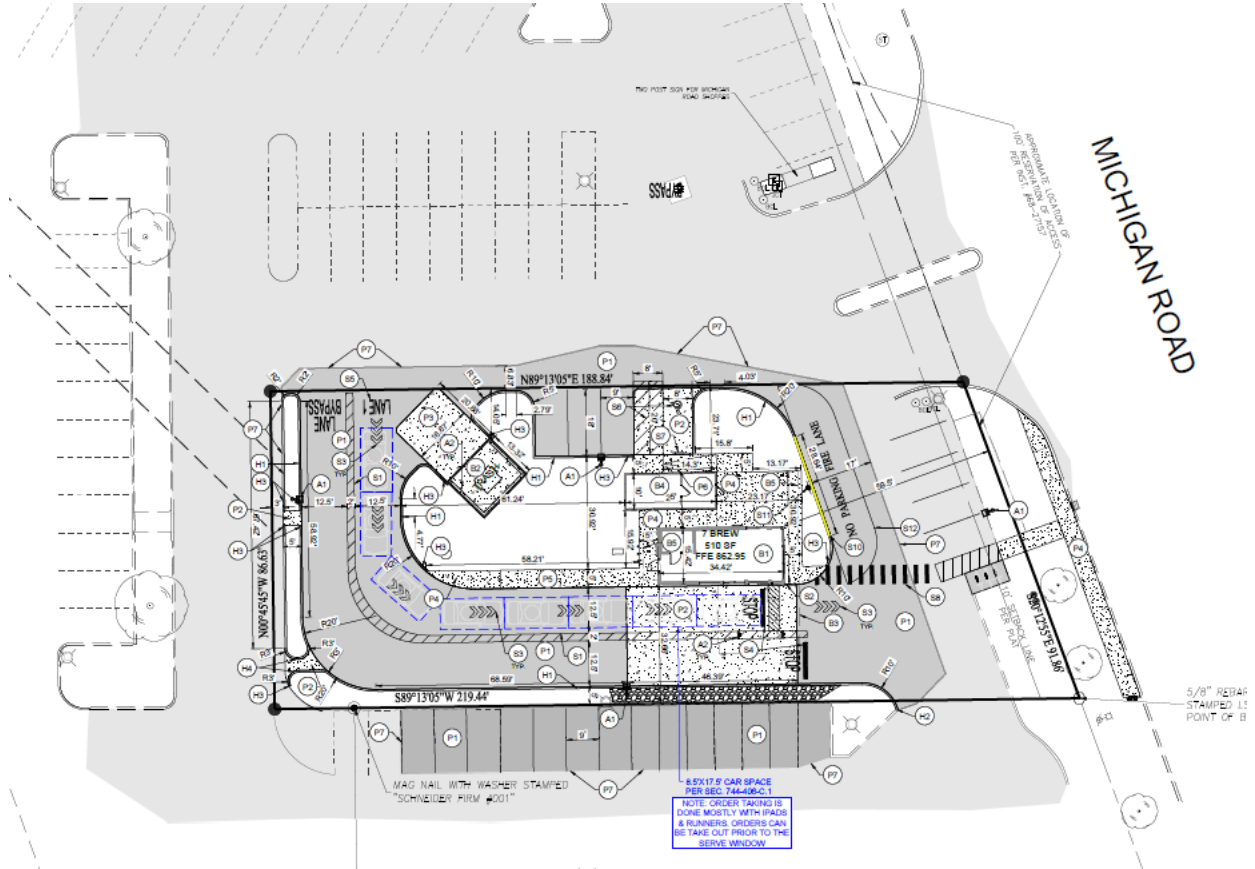
EXHIBITS

2025DV1054 ; Aerial Map



Note: subject site is a parcel yet to be formally recorded (subdivided via 2025PLT047). See site plan below.

2025DV1054 ; Site Plan





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

2025DV1054 ; Findings of Fact

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

All of the provided stacking spaces are located behind the front building line. The applicant has determined that their proposed site plan is the most effective use of available space, based on past business experience. This is an area with several other drive-throughs, and a new drive-through of any configuration is not unexpected or inconsistent with the context. The fact that a new building is being constructed on what was previously only parking will improve the streetscape and increases the economic value of the area. Finally, this grant will make it unlikely for different drive-through businesses to take over the site, since the site is being tailored to the requirements of this particular applicant.

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

This is an area with several other drive-throughs, and a drive-through of any configuration is not unexpected or inconsistent with the context. The fact that a new building is being constructed on what was previously only parking will improve the streetscape and increases the economic value of the area. This grant will make it unlikely for different drive-through businesses to take over the site, since the site is being tailored to the requirements of this particular applicant.

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

This is an infill site within an existing commercial subdivision. The lot was newly created by replat 2025-PLT-047. Several competing factors impact the layout of the site, including the space available for the new lot, existing driveway aisles, required building setbacks, necessary/desired visibility, building footprint, and necessary/desired stacking spaces. The applicant has determined from past experience that having two stacking spaces beyond the final drive-through component is a waste of space under their business model, where customers are not asked to "pull forward" as they are at certain fast food establishments. The best use of the limited space is to provide more stacking spaces before the final drive-through component, as shown in this site plan.

2025DV1054 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Adjacent Property to South

2025DV1054 ; Photographs (continued)



Photo 3: Adjacent Property to Northwest



Photo 4: Adjacent Property to East



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

January 6, 2025

Case Number: 2025-DV1-061

Property Address: 9000 Shetland Lane (*approximate address*)

Location: Pike Township, Council District #1

Petitioner: Rebecca Bolton and David Padrick, by David Gilman

Current Zoning: D-A

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory residential structure on a lot that is not developed with a primary building and lacks street frontage (accessory structures on lots without primary buildings not permitted; minimum 125-foot street frontage required).

Current Land Use: Undeveloped

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 9000 Shetland Lane is a parcel comprised of around 7.3 acres at the border of Marion County and Hendricks County that lacks direct access to street frontage (access currently comes from the northwest via a private access drive). Surrounding land uses include the I-65 freeway to the southwest and residences to the southeast and north. The property is owned by the same owners of 9104 Paddock Court about 150 feet to the north of the subject site (separated by an undeveloped common-property parcel owned by a homeowner's association).
- In 2024, clearing of trees was conducted at the northwest corner of the subject site per aerial photography. This cleared area is accessible solely by a private drive located within the adjacent county and is comprised of a gravel lot where several vehicles are stored. Site photographs within the below Exhibits showed the parking of a boat, flatbed trailer, open-wheel race car, and recreational vehicle being stored at the site. It is unclear if any heritage trees were removed to allow for placement of the gravel lot and vehicle storage area.



Department of Metropolitan Development
Division of Planning
Current Planning

- This petition is seeking permission to allow for the placement of a storage building within the currently existing cleared area, per the below site plan. The structure would be utilized for accessory storage of a personal nature per application documents, would have a size of approximately 6325 square feet, and would have three (3) separate garage doors (presumably for storage of vehicles already on site). Two Variances of Development Standards would be required to allow for placement of this structure: **(a)** development of a lot that lacks street frontage (125 feet would be required for the D-A zoning district); and **(b)** placement of an accessory residential building on a lot not developed with a primary structure.
- The required side setback for accessory structures within this zoning district would be 15 feet, and the typical maximum height for accessory structures here would be 24 feet (although 1 additional foot of height would be allowed for each additional foot of building setback). For these reasons, the proposed structure height of 28.5 feet would only be permissible with a setback of 20 feet from the western property line. The provided site plan doesn't clearly indicate this setback, and grant of this variance would not allow relief from that standard.
- Similarly, approval of this variance would not allow for any operations or vehicle storage related to commercial or contractor uses at the site, and Ordinance limitations on the outdoor parking of personal recreational vehicles (743-306.AA) would be enforceable regardless of the final disposition of the variance request.
- This site is zoned D-A to allow for either agricultural uses or for large estate development of single-family dwellings. The subject site has not been a part of previous plat petition or set aside for inclusion within residential subdivisions to the southeast or north. Similarly, the site is recommended to the Rural or Estate Neighborhood typology by the Comprehensive Plan to allow for low-density residential development. The Plan also places the site within an Environmentally Sensitive overlay designed for the protection of natural areas such as woodlands.
- Staff would note that the most direct path to accessing the subject site would involve utilizing Thoroughbred Boulevard as accessed from Lafayette Road within Marion County to the north (access point shown within Photograph 10 of the Exhibits). This is a narrow single-lane road with high levels of grade change not conducive to safe passage of boats or other recreational vehicles. If approved over staff's recommendation, a commitment should be in place restricting access to come from the wider and flatter access road off Lafayette Road within Hendricks County (North County Road 1071 East, per the aerial photograph below).
- Findings of Fact provided by the applicant indicate that strict application of the terms of the zoning ordinance would result in practical difficulty of the use of the property due to the lack of street frontage making residential development less likely and the storage building creating benefit for the property owner and neighborhood while discouraging trespassers. Staff would note the existence of a small parcel between the subject site and Shetland Lane to the southeast which could feasibly allow for an alternate point of site access and for residential development. Additionally, it is unclear how the storage structure would result in neighborhood benefit or discouraging trespassers. Submitted Findings do not meet the State criteria for variance approval.



Department of Metropolitan Development
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- Staff would note that two (2) Ordinance regulations have potentially been violated at this site in the recent past (removal of heritage trees without Administrative Approval; parking of more than two recreational vehicles parked outdoors on the same lot), and that the current site conditions of cleared trees and recreational vehicles being parked on-site should not be used as justification for relief from two *additional* Ordinance rules. Staff also notes that the size of the proposed structure would be larger than the size of the single-family residence with common ownership of this site by approximately 40%. For these reasons, staff recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Undeveloped	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-S	North: Residential
	South: D-A / D-S	South: Interstate / Residential
	East: D-S	East: Residential
	West: Hendricks County	West: Interstate
Thoroughfare Plan		
No Public Frontage	n/a	
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	11/12/2025	
Site Plan (Amended)	N/A	
Elevations	11/12/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/12/2025	
Findings of Fact (Amended)	N/A	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The 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 exceptional natural features – such as rolling hills, high-quality woodlands, and wetlands – that make these areas unique.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development.

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.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2006DV2008 ; 9140 Lafayette Road (northeast of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on a lot without access to a public street (not permitted), and to legally establish a single-family dwelling on a second lot with a street frontage and lot width at the required setback of 80 feet (minimum 125 feet of frontage required, minimum 250-foot lot width required), without direct access to a public street (not permitted), with a zero-foot north side yard setback (minimum 30-foot setback required), **approved.**

96-V2-87 ; 8819 Shetland Lane (southeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the placement of a multi-game court for an existing single-family residence located in the front yard along Shetland Lane, **approved.**

89-Z-184 ; 9396 Lafayette Road (north of site), rezoning of 22 acres, being in an A-2/FF District, to the D-S/FF classification to provide for residential development, **approved.**

79-Z-43 ; 8802 West 86th Street (east of site), rezoning of 62 acres from the A-2, FW and FP designation to the D-S zoning district to permit low-density, estate-type one-family dwellings, **approved.**

EXHIBITS

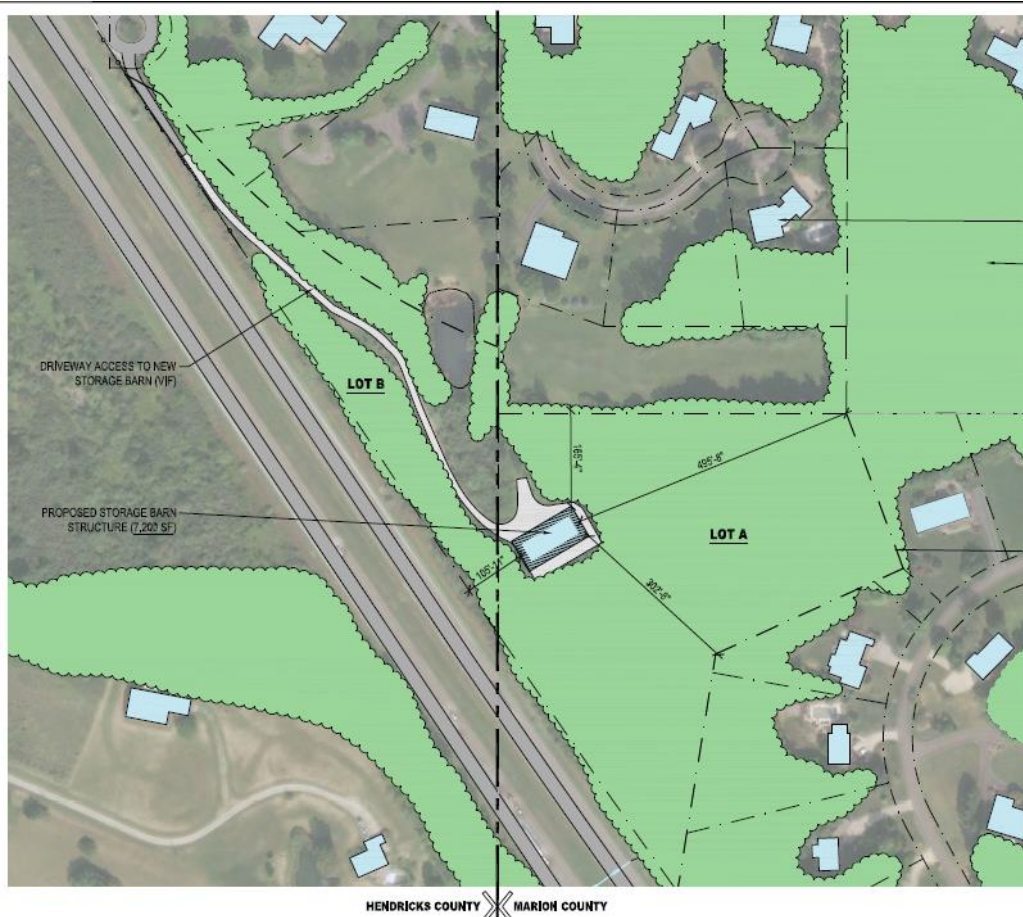
2025DV1061 ; Aerial Map



2025DV1061 ; Aerial Map (Zoomed, Early 2024)



2025DV1061 ; Site Plan





- The subject site was developed on all sides with platted subdivision lots. The site has no street frontage or access to sewer and water services making it difficult to develop for a residence. The site left undeveloped will continue to be subject to trespassers and illegal dumping. The storage building will serve a useful purpose for the owners and the nearby neighborhood.

2025DV1061 ; Photographs



Photo 1: Cleared Portion of Site Viewed from Northwest



Photo 2: Cleared Portion of Site Viewed from Southeast

2025DV1061 ; Photographs (continued)



Photo 3: Area to East of Cleared Portion of Site



Photo 4: Area to North of Cleared Portion of Site

2025DV1061 ; Photographs (continued)



Photo 5: Area to Southwest of Cleared Portion of Site



Photo 6: Area to Southeast of Cleared Portion of Site

2025DV1061 ; Photographs (continued)



Photo 7: Subject Parcel Viewed from Southeast



Photo 8: Fence Across Private Drive Leading to Subject Site from Northwest

2025DV1061 ; Photographs (continued)



Photo 9: Roundabout to Northwest of Subject Site



Photo 10: Thoroughbred Boulevard Access from Lafayette Road to North of Site

BOARD OF ZONING APPEALS DIVISION I

January 6, 2026

Case Number: 2025-DV1-064

Property Address: 3155 Arbor Street (*approximate address*)

Location: Perry Township, Council District #22

Petitioner: Jose Moreno, by Samuel Salazar

Current Zoning: D-4 (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a detached accessory garage within the front yard of Arbor Street (accessory structures must be behind primary buildings), and for a 72-foot wide parking area within the front yard of Arbor Street (maximum 30-foot wide parking area permitted).

Current Land Use: Undeveloped

Staff Recommendations: Staff recommends **approval** of the accessory garage request and **denial** of the parking area width request.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the accessory garage request and **denial** of the parking area request.

PETITION OVERVIEW

- 3155 Arbor Street is a lot comprised of six (6) different residential parcels with a width of 150 feet total. A residence that had been constructed on the westernmost two (2) parcels was demolished in the 1970s, and the property has been undeveloped since. Surrounding land uses include undeveloped land to the south, residences to the north and west, and a lake and operation for excavation of sand and gravel to the east. Due to its low elevation and proximity to the Highland Creek to the south, the property is fully located within the floodway fringe.
- The applicant is seeking to develop this site with a single-family residence. A flood permit was issued in 2024 to allow for that development with the primary and accessory structure in the locations shown below. Describe driveway location based on if they amend request or not

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

- Two (2) variances of development standards would be required to allow for the proposed design. The first would be to allow for a detached accessory structure within the front yard between the proposed building location and the front property line. The second would be to allow for a parking area width of 72 feet within the front yard of the site (maximum of 30 feet permitted). It appears that no variance would be needed related to the Flood Control Ordinance given the previous issuance of a flood permit, and the applicant has indicated that gravel parking areas would have distinct edge buffering as required by Ordinance.
- The violation case VIO24-010173 was opened in 2024 in relation to vehicle storage of a dump truck and trailer at the site and a lack of ILP for a parking lot area. This variance would not allow for commercial parking at this property, although staff would note that those vehicles did not appear to be present when conducting a site visit in late 2025. Additionally, approval of this petition would not allow for relief from regulations related to the placement of multiple curb cuts for a residence imposed by the Department of Public Works during the driveway permit process. A representative from DPW indicated that approval of two driveway access points would be unlikely to be approved regardless of the outcome of this petition.
- This property is zoned D-4 to allow for low or medium intensity single-family and two-family residential development, and similarly the Comprehensive Plan recommends the site to the Suburban Neighborhood typology and places it within an Environmentally Sensitive overlay (additional information below). The site is also located within the Floodway Fringe, which is a Secondary Zoning District and indicates a 1% chance for significant flooding as well as shallow flooding in any given year. Additionally, Infill Housing Guidelines indicate that accessory structures should be placed behind primary structures without overshadowing them in size, and that front yards should contain shaded green space.
- Due to site-specific constraints related to the location of the property within the Floodway Fringe and the limited amount of undisturbed soil at the site, the proposed location of the primary structure at the rear of the site would be the only feasible location for development to occur. Staff would note that in addition to there being no feasible way to have an accessory structure placed behind the primary building, the proposed detached garage would be offset to the north from the primary residence in a manner that wouldn't directly impede visual access from Arbor Street (approximating the intent of Infill Housing Guidelines). For these reasons, staff recommends approval of the requested variance for an accessory structure within the front yard.
- However, no such site-specific practical difficulty exists to justify approval of the requested variance for the parking area width of 72 feet. The limitation on front-yard parking area width for residential areas within the Ordinance exists to allow for vibrant front-yard areas primarily defined by green space (echoed within the Environmentally Sensitive overlay guidance from the Comprehensive Plan) while still allowing adequate space for vehicle maneuverability. Placement of a parking area over twice the maximum amount allowed would run counter to these goals, and may also negatively impact the property within floodway fringe by reducing space for front-yard compensatory storage and drainage retention and resulting in additional areas of mud and chuckholes for the gravel drive. Staff recommends denial of the driveway width variance.

GENERAL INFORMATION

Existing Zoning	D-4 (FF)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-4	North: Residential
South:	D-4	South: Undeveloped
East:	D-A	East: Mining Operations
West:	D-4	West: Residential
Thoroughfare Plan		
Arbor Street	Local Street	51-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	Yes or No	
Site Plan	11/27/2025	
Site Plan (Amended)	N/A	
Elevations	10/23/2024 (ILP24-02180)	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/27/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood typology to allow for predominantly single-family housing interspersed with attached and multifamily housing where appropriate. The property is also located within the Environmentally Sensitive overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected through development that prevents or mitigates damage.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that accessory structures should be located behind existing buildings unless there is a precedent otherwise, and that they shouldn't overshadow primary buildings in terms of scale, height, size or mass. Additionally, front yards should provide shade trees.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

56-A-159, rezoning of Lots 167 & 184 in Richland Addition being in an R-4 (Residential) district to Special Uses (15) classification to provide for the raising of fur bearing animal in existing hutches, **approved**.

ZONING HISTORY – VICINITY

2023UV3003 ; 3202 Arbor Street (southwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a commercial contractor with outdoor storage and multiple commercial vehicles (not permitted, prohibited within the Floodway Fringe) with a parking area in the front yard greater than 30 feet in width (maximum 30-foot wide parking area permitted) and a six-foot fence within the front yard of Arbor Street and a four-foot fence in the front yard of Arbor Street and Murray Street, encroaching within the clear sight triangle of these intersecting streets (maximum 3.5-foot tall fence permitted in front yards, encroachment of clear sight triangle not permitted) and a 336 square-foot garage with a three-foot rear setback (accessory structure not permitted without a primary structure and five-foot rear setback required), **denied**.

2005ZON121 ; 1135 W Troy Avenue (east of site), rezoning of 36.135 acres, being in the D-A (GSB) (FF) and D-A (FF) Districts, to the I-3-U district to provide for a mulch manufacturing operation, **denied**.

2004VAR001 ; 1135 W Troy Avenue (east of site), variance of development standards of the Industrial Zoning Ordinance to provide a maximum total area of outside operations and storage not to exceed 75 percent of the lot area (maximum 50 percent of the total floor area of enclosed structures and building permitted), **denied**.

2002LNU009 ; 3014 Arbor Street (northwest of site), legally establish use of a church, **approved**.

88-V3-31 ; 1103 W Troy Avenue (northeast of site), variance of development standards of the Marion County Master Plan Permanent Zoning Ordinance to provide for a setback of fifty feet for a sand and gravel excavating pit, **denied**.

87-UV2-83 ; 3126 Arbor Street (northwest of site), variance of use of the Flood Control Districts Zoning Ordinance and of development standards of the Dwelling Districts Zoning Ordinance to provide for a single-family residence constructed below the one-hundred year flood elevation (two feet above required) and at fifteen feet from the rear property line (twenty feet required), **denied**.

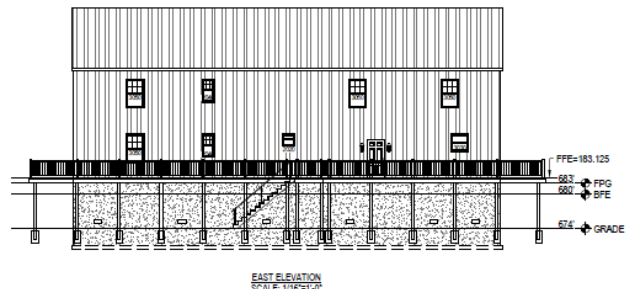
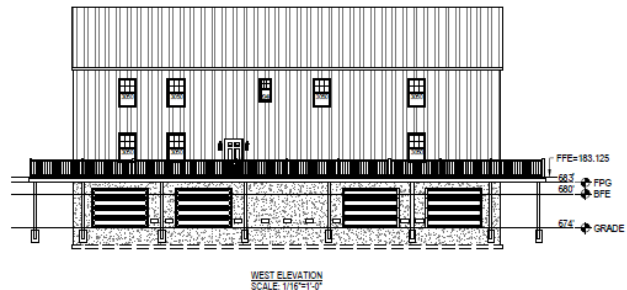
86-Z-193 ; 1103 W Troy Avenue (east of site), rezoning of 47.23 acres to the secondary GSB district to permit the excavation of sand and gravel, **approved**.

85-UV1-84 ; 3331 Arbor Street (south of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a 3200 square foot building to be used for storage of commercial trucks, **approved**.

EXHIBITS

2025DV1064 ; Aerial Map





2025DV1064 ; 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 location of the detached garage allows the installation of the excavated area mandated by flood control regulations. In a flood event it will prevent a higher base flood elevation in order to protect surrounding properties and homes. The proposed circular driveway will prevent unnecessary 3-point turns or backing maneuvers to ease traffic flow and reduce accidents.

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 proposed location of the detached garage will not reduce or impede visibility of the home. This maintains the Municiple Code's intent to maintain accessory structures as subordinate to the primary structure also maintain consistency with surrounding properties. Circular driveways typically elevate curb appeal and the proposed circular driveway will help integrate the excavated area into the lot as to create an asthetically pleasing view from the street.

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 home must be located at the rear of the property to make space for excavated area mandated by flood control regulations. This forces any detached garage or accessory to be located in front off to and to the side of the primary structure.

2025DV1064 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Adjacent Property to North

2025DV1064 ; Photographs (continued)



Photo 3: Adjacent Property to South



Photo 4: Adjacent Property to West

BOARD OF ZONING APPEALS DIVISION III

January 6, 2026

Case Number: 2025-DV1-060
Address: 5101 East Thompson Road (approximate address)
Location: Franklin Township, Council District #24
Zoning: C-4
Petitioner: BT Indianapolis, LLC, by Joseph Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of three freestanding pylon signs, with one sign being the third freestanding sign along the South Emerson Avenue frontage, and two signs being within 210 feet and 284 feet of another freestanding sign (maximum of two freestanding signs per frontage, 300-foot separation between signs required).

Current Land Use: Integrated Commercial Center under development

Staff Recommendation: Staff recommends Denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

This petition will need a seven-day waiver of notice.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ Standards of the Sign Regulations are intended to promote quality sign displays that are integrated with developments and reduce potential hazards to pedestrians and motorists. These standards include the number of signs and separation requirements.
- ◇ The Sign Regulations allow two (2) freestanding signs along any single frontage for an integrated center. In addition, a separation distance of 300 feet is required between individual signs. These requirements are designed to mitigate the proliferation of freestanding signs and the visual conflicts and negative aesthetics associated with multiple signs in close proximity to one another.
- ◇ This request would provide for the erection of a second (B) freestanding pylon sign, and a third (C) freestanding pylon sign along this portion of South Emerson Avenue, where a maximum of two (2) freestanding signs are permitted as part of an integrated center development.

- ◇ This request would also allow for the second freestanding sign (B) to be located within 210 feet from an existing pylon sign, and a third freestanding pylon sign (C) to be located 284 feet from the proposed sign B, where a 300-foot separation between signs is required for legally permitted signs.
- ◇ Appropriate building or façade signs can provide the needed advertising and location identification without the need for the requested freestanding signs. With the newly constructed buildings being on out lots, there is no obstructive buildings or structures in front of the proposed buildings that would restrict any building or façade signage from passing motorists. The use of building or façade signage would also reduce the potential hazard of additional freestanding signs and allow for the location of the business to be found safely.
- ◇ A basic tenet of the 2019 Sign Code revision was to allow the use of a variety of sign types in Commercial districts, lessening the need and reliance on free-standing signage. Staff believes that a sign plan that promotes a variety of sign types is particularly helpful in reducing sign structures along the right-of-way.
- ◇ Since the site is under development, the requested variance is a result of the specific design and development and not a result of the site. The site has no limiting factors, therefore, the site can be designed to meet the requirements of the Ordinance without the need of the requested variance and provide orderly development as other adjacent developments have been able to do so. Therefore, Staff does recommend denial of the requested variances due to no practical difficulty being imposed by the site.
- ◇ Staff communicated to the petitioner that an acceptable and reasonable compromise might be to amend the Sign C request to a smaller scale eight-foot tall monument sign. In Staff's opinion, this could strike a balance between wanting additional free-standing signage and lessening the impact of a large-scale single user sign structure adjacent to the right-of-way. At the time of publication, this compromise was still being considered by the petitioner.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Integrated Commercial Center under development	
Comprehensive Plan	Regional Commercial uses	
Surrounding Context	Zoning	Surrounding Context
	North: C-3 / C-4	Community Commercial uses
	South: C-S	Commercial Garden Center
	East: C-4	Community Commercial
	West: D-A / C-4	Single-Family Dwellings / Commercial Retail
Thoroughfare Plan		
East Thompson Road	Primary Arterial	119-foot existing and proposed right-of-way
South Emerson Avenue	Primary Arterial	100-foot existing right-of-way and a 112-foot proposed right-of-way

Context Area	Metro area
Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	November 7, 2025
Sign Elevations	November 7, 2025
Landscape Plan	N/A
Findings of Fact	December 29, 2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2025-DV3-008, 5101 E Thompson Road (subject site), Variance of Development Standards to provide for the construction of an automobile fueling station and convenience store with facade transparency as low as zero percent, a drive-through without a bypass lane, and overall deficient site landscaping, **approved subject to commitments.**

2024-DV1-027, 5101 E Thompson Road (subject site), Variance of Development Standards to provide for the location of two drive-throughs and stacking spaces within the front yard of Thompson Road and without required bypass aisles, deficient compliance with various landscaping standards, and 64 parking spaces accessory to a restaurant use, **approved.**

2020-DV2-053B, 5255 E Thompson Road (east of site), Variance of Development Standards to permit exit stacking spaces in the front yard of Thompson Road, **approved.**

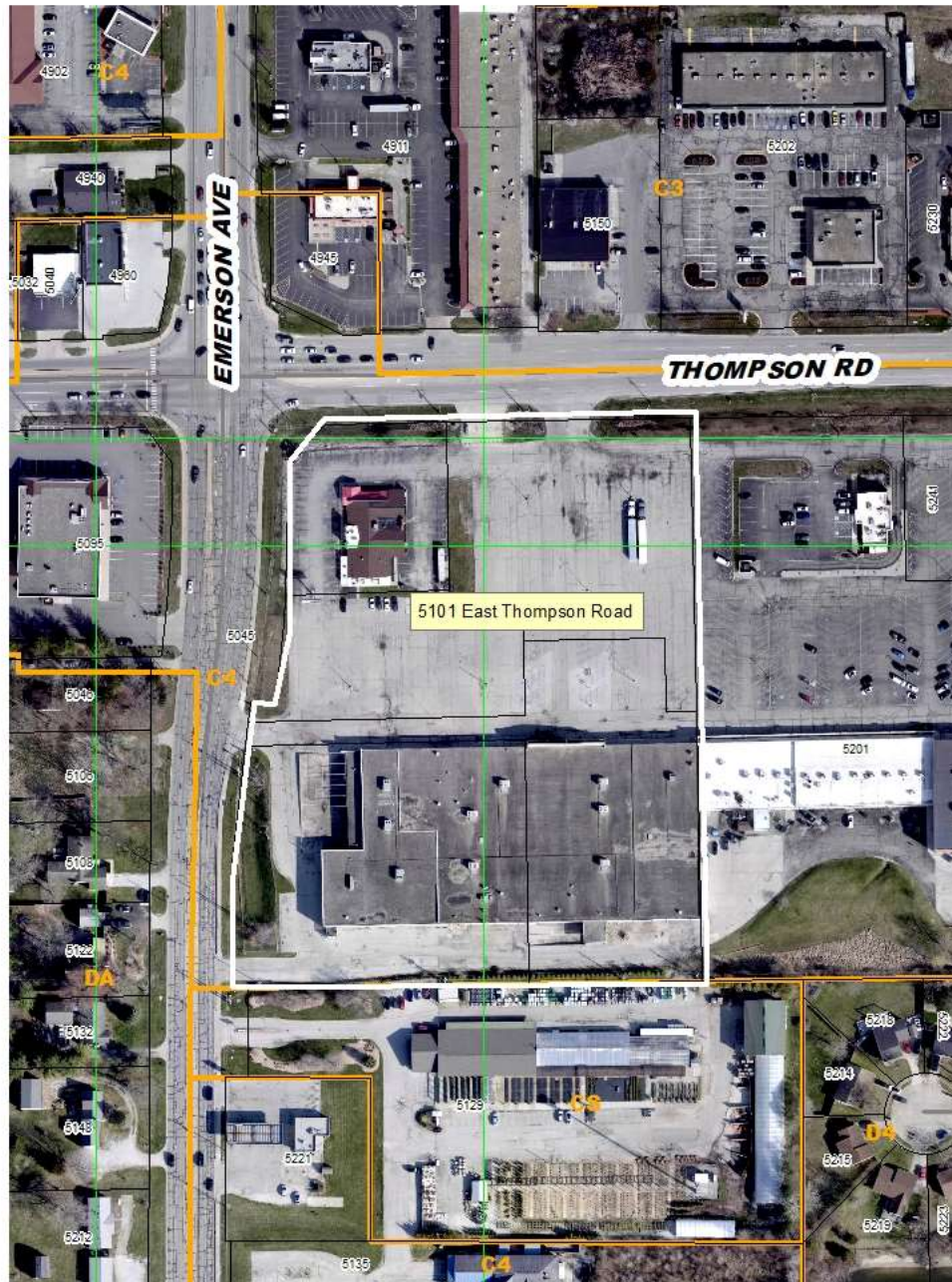
95-HOV-23, 5095 E Thompson Road (northwest of site), Variance of Development Standards to provide for the construction of a drug store with a drive-through customer service window located on the west side of the building, being 87.92 feet from a residential zoning district, **approved.**

94-HOV-130, 5079 E Thompson Road (west of site), Variance of Development Standards to provide for the construction of a drug store with a drive-through customer service window located on the south side of the building being 49 feet from a residential zoning district), **approved.**

RU

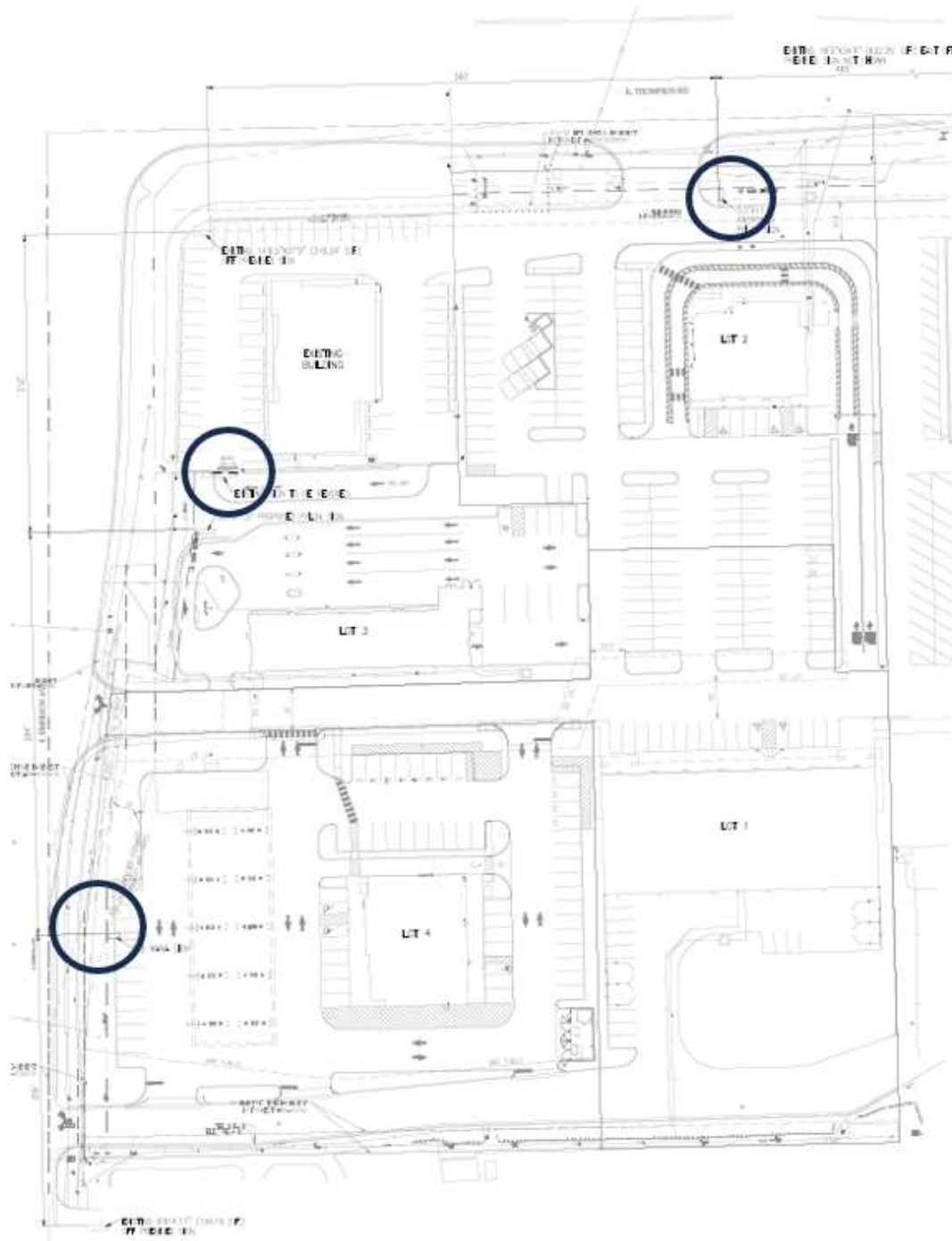
EXHIBITS

Location Map

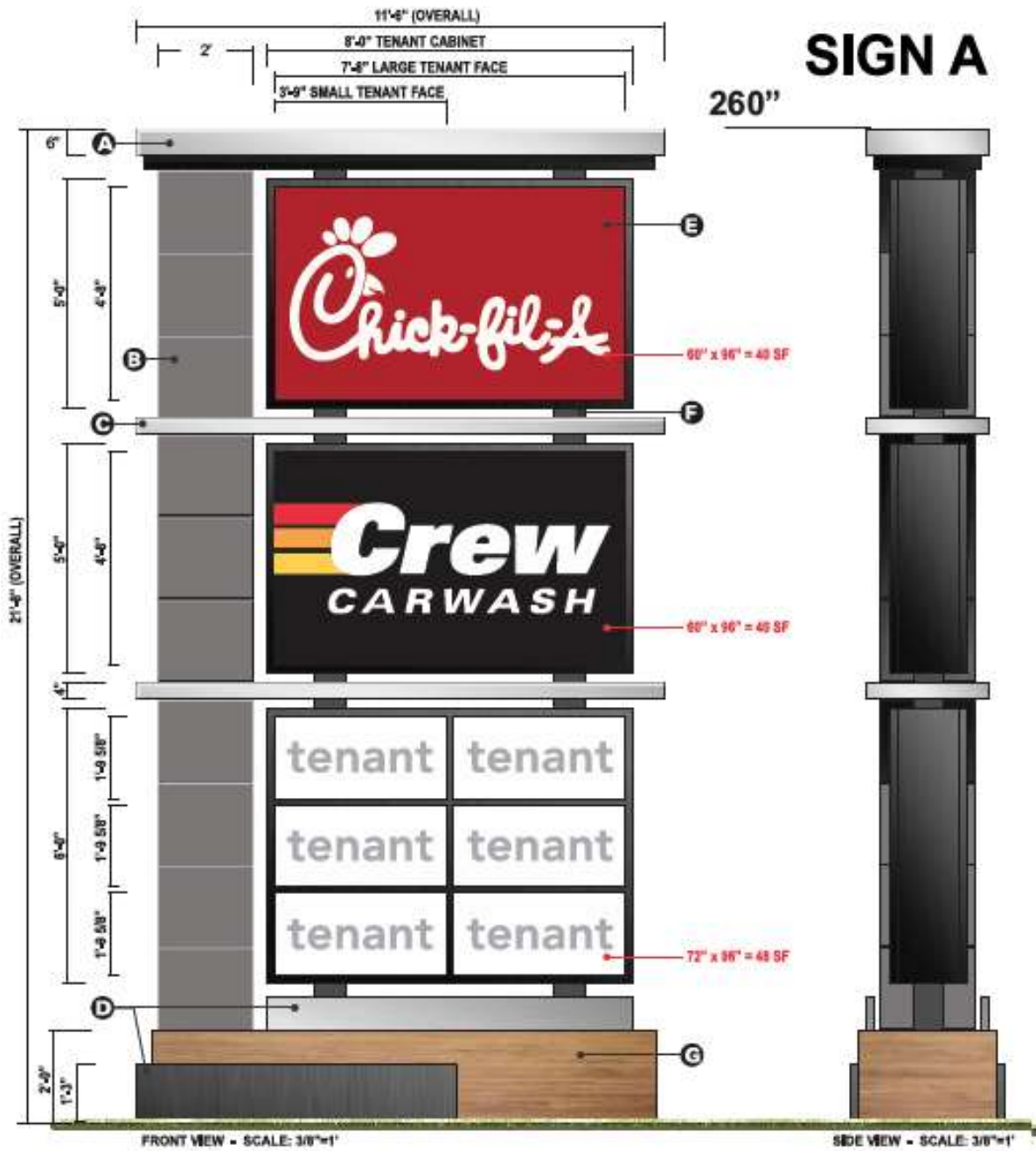


Site Plan

Sign A - north.
Sign B - middle.
Sign C - south.

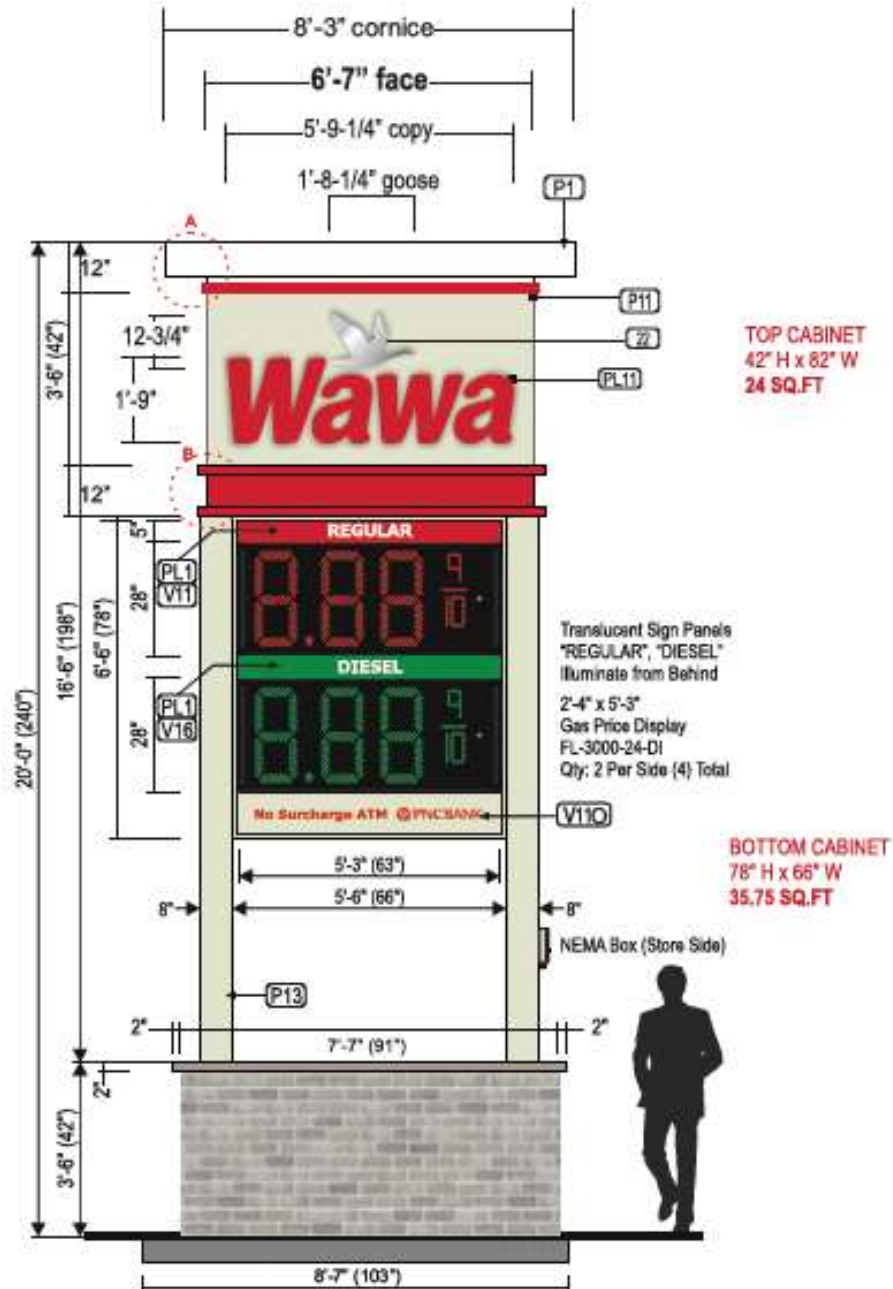


Sign Elevations





SIGN C



P-50 D/F ILLUMINATED PYLON SIGN (59.75 SQ. FT.)



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 signs meet required setbacks and will not be located in the clear site triangle, plus the signs on Emerson will be located to identify specific users, thus improving traffic management and safety.

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

The adjoiners on the east side of Emerson all have free standing signs, and the proposed signs will actually allow for continued identification of the users of those properties. The variances do not impact or interfere with access or visibility to or from any other adjacent property, which are all located across arterial streets.

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

The regulations for free standing signs must assume that any property with shared frontage and access also provide for sign rights. The subject property has no right to use any existing sign located on adjoining parcels, which is triggering the variances.

Photographs



Subject site under development for proposed sign B, looking east.



Approximate location for proposed sign B, 210 feet from existing sign to the north, looking north.



Subject site under development for proposed sign C, looking east.



Approximate location for proposed sign C, 284 feet from proposed sign B to the north, looking north.



Existing Emerson Avenue freestanding frontage sign to the north