Board of Zoning Appeals
Board of Zoning Appeals Division I
(November 10, 2026)
Meeting Agenda

Meeting Details

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

Date: Tuesday, November 10, 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-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****This petition will be withdrawn.**

PETITIONS REQUESTING TO BE CONTINUED:

1. **2026-DV1-047 | 2502 N. Delaware Avenue**
Center Township, Council District #12, zoned MU-2
Shawn Jones

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor seating to the north of Building 'A' with planting and no other landscaping at a two-foot north side transitional yard setback (minimum 15-foot transitional side yard with landscaping required).

****Petitioner to request continuance to December 1, 2026 hearing.**

2. **2026-UV1-025 (Amended) | 2040 North Emerson Avenue**
Center Township, Council District #13, zoned C-4
Thind Property Group LLC, by Joseph Csikos

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and repair of vehicles (not permitted) with 3-foot and 5-foot front yard setbacks of parking areas (10 feet required), a 6-foot southern transitional yard setback (8 feet required), and deficient landscaping and outdoor storage screening (required).

****This petition has been automatically continued to the December 1, 2026 hearing.**

3. **2026-UV1-027 (Amended) | 2450 Lafayette Road**
Wayne Township, Council District #11, zoned C-4
Jorge Gonzales

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an existing automobile repair with outdoor storage of inoperable vehicles (not permitted) and encroachment into the required rear transitional yard setback (minimum 20 feet setback requirement), without minimum off-street parking and ADA parking (minimum of four off-street parking space required and one ADA space required).

****Petitioner to request continuance to December 1, 2026 hearing.**

4. **2026-UV1-028 | 625 Foltz Street**
Wayne Township, Council District #17, zoned D-4
Ruby Ramirez

Variance of Use of the Consolidated Zoning Ordinance to permit the storage of construction materials (not permitted), storage of construction equipment (not permitted) and the storage of trailers and vehicles (not permitted).

****Staff to request continuance to December 1, 2026 to allow petitioner to arrange interpretation services.**

5. **2026-UV1-029 | 431 North Holmes Avenue**
Wayne Township, Council District #18, zoned I-3
Brook Transport LLC, by David Dearing

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit the display automobiles for sale (not permitted).

****This petition will be continued to the December 1, 2026 hearing.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

6. **2026-DV1-044 | 2674 Shirley Drive**
Wayne Township, Council District #11, zoned D-5
Jesse Martinez

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a new carport to replace the existing old carport in the same location with a 1-foot side yard setback (required 7 feet side yard setback).

7. **2026-DV1-049 | 444 West Hampton Drive**
Washington Township, Council District #7, zoned D-5
Cameron O'Connor

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the construction of a detached accessory garage with a 3-foot side setback (7-foot required) and within an easement.

8. **2026-DV1-050 | 4110 Fir Court**
Washington Township, Council District #3, zoned D-2
Guy Maiorano, by Hannah Maiorano

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a driveway width of 112 feet (maximum 30 feet permitted) for the construction of a half-circle driveway within a front yard.

9. **2026-DV1-052 | 5410 East 82nd Street**
Washington Township, Council District #3, zoned C-4
KRG Castleton Crossing LLC, by Chris Hinkle

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment and accessory drive-through including stacking spaces within the front yard of Allisonville Road (stacking spaces not permitted in front yards along a public right-of-way that exceeds 30 feet in width).

10. 2026-DV1-053 | 4812 Ladywood Bluff Road
Washington Township, Council District #8, zoned D-P
Joseph Dilling and Melissa Dilling, by Indy's Best Exteriors

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a deck with a 16-foot rear-yard setback (20-feet required).

11. 2026-DV1-054 | 2401 Guilford Avenue
Center Township, Council District #8, zoned D-8
Christopher A and Mary Provence, by Kendrick Davis

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 1-foot rear yard setback (15 feet required) and a 2-foot corner side yard setback (8 feet required) for the construction of a detached accessory garage.

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

12. 2026-DV1-045 | 4634 W Naomi Street
Wayne Township, Council District #17, zoned D-5
Vicki McClain and Heather Warren

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an 8-foot fence (maximum permitted 6-foot) Variance of Development Standards of the Consolidated Zoning and a 1-foot side setback (7-foot required).

13. 2026-DV3-011A | 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 located within the clear sight triangle (not permitted).

14. 2026-UV1-022 | 3441 West Washington Street
Wayne Township, Council District #1y, 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).

PETITIONS FOR PUBLIC HEARING (New Petitions):

15. 2026-MO1-003 | 2380 East 54th Street
Washington Township, Council District #7, zoned C-3
Michigan Road Realty Corporation, by Kelly Shaw

Modification of a statement of commitments placed on the subject property under 2005-UV1-008 to remove a commitment prohibiting the outdoor seating area to be enclosed by a permanent roof or awning.

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 — November 10, 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

10/6/26: Staff requested a continuance on the petitioner's behalf (they were out of town on hearing date). On November 3rd, the petitioner's representative indicated in writing their intent to **withdraw** the request from consideration. This withdrawal will be acknowledged at the November 10th hearing date.

9/1/26: A timely automatic continuance was filed by a registered neighborhood group.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026-DV1-047
Property Address:	2502 North Delaware Street
Location:	Center Township, Council District #12
Petitioner:	Shawn Jones
Current Zoning:	D-8
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor seating to the north of Building 'A', with planting and no other landscaping, at a two-foot north side transitional yard setback (minimum 15-foot transitional side yard with landscaping required).
Current Land Use:	Commercial
Staff Reviewer:	Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

10/6/2026: Staff requested a continuance from the October 6, 2026, BZA I hearing to the November 10, 2026, BZA I hearing to allow time for the staff to amend the petition due to new information provided by the petitioner, **approved**.

PETITION OVERVIEW

Petitioner is requesting a one-month continuance from the November 10, 2026, BZA I hearing to the December 1, 2026, BZA 1 hearing due to an urgent scheduling conflict.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026-UV1-025 (Amended)
Property Address:	2040 North Emerson Avenue (approximate address)
Location:	Center Township, Council District #13
Petitioner:	Thind Property Group LLC, by Joseph Csikos
Current Zoning:	C-4
Request:	Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and repair of vehicles (not permitted) with 3-foot and 5-foot front yard setbacks of parking areas (10 feet required), a 6-foot southern transitional yard setback (8 feet required), and deficient landscaping and outdoor storage screening (required).
Current Land Use:	Automobile Sales Lot
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

A timely automatic continuance was filed by a registered neighborhood organization, automatically continuing this petition to the December 1, 2026 hearing date. A full staff report will be made available in advance of that hearing.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026-UV1-027
Property Address:	2450 Lafayette Road
Location:	Wayne Township, Council District #11
Petitioner:	Jorge Gonzales
Current Zoning:	C-4
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an existing automobile repair with outdoor storage of inoperable vehicles (not permitted) and encroachment into the required rear transitional yard setback (minimum 20 feet setback requirement), without minimum off-street parking and ADA parking (minimum of four off-street parking space required and one ADA space required).
Current Land Use:	Commercial
Staff Reviewer:	Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

10/6/2026: The petitioner requested a one-month continuance from the October 6, 2026, BZA 1 Hearing to the November 10, 2026, BZA I Hearing to allow time to amend the petition and provide new notice, **approved**.

PETITION OVERVIEW

The owner is requesting a continuance from the November 10, 2026, BZA I Hearing to the December 1, 2026 BZA I Hearing to allow the owner time to consult with the petitioner and staff about additional proposals and to amend the petition.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026UV1028
Property Address:	625 Foltz St
Location:	Wayne Township, Council District #17
Petitioner:	Ruby Ramirez
Current Zoning:	D-4 (FF) (TOD) (A)
Request:	Variance of Use of the Consolidated Zoning Ordinance to permit the storage of construction materials (not permitted), storage of construction equipment (not permitted) and the storage of trailers and vehicles (not permitted)
Current Land Use:	Residential
Staff Reviewer:	Adrienne Baker, Principal Planner I

PETITION HISTORY

The petitioner is still assessing their next course of action. Accordingly, we will be requesting a continuance to the December 1, 2026, hearing date. If the petition is amended, new notice will be required.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026UV1029
Property Address:	431 N Holmes Ave
Location:	Wayne Township, Council District #18
Petitioner:	Brooks Transport LLC, by David Dearing
Current Zoning:	I-3, A
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit the display automobiles for sale (not permitted).
Current Land Use:	Residential
Staff Reviewer:	Adrienne Baker, Principal Planner I

PETITION HISTORY

The petitioner is still assessing their next course of action. Accordingly, we will be requesting a continuance to the December 1, 2026, hearing date. If the petition is amended, new notice will be required.

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026-DV1-044
Property Address:	2674 Shirley Drive
Location:	Wayne Township, Council District #11
Petitioner:	Jesse Martinez
Current Zoning:	D-5
Request:	**Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a new carport to replace the existing old carport in the same location with a 1-foot side yard setback (required 7 feet side yard setback).**
Current Land Use:	Single-Family Residential
Staff Recommendations:	Staff recommend **approval** of this petition.
Staff Reviewer:	Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

10/6/2026: Staff requested a continuance from the October 6, 2026, BZA I hearing to the November 10, 2026, BZA I hearing to allow the petitioner adequate time for mailing and positing of the required legal notice. Board approved the continuance request.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

2674 Shirley Drive is a residential parcel within the Eagledale 2nd Section Part 3 subdivision currently improved with a single-family residence originally constructed in 1956 with a utility shed and carport addition built in 1960 per the Assessor's property card. The property is accessed by driveway from Shirley Drive to the northwest and surrounding land-uses are single-family residential in nature. The closest road of a non-local classification is 30th Street to the west.

The violation case VIO26-004476 was opened June 2026 based on an anonymous complaint filed with the Mayor's Action Center related to issuing a stop-work order due to failure of obtaining a wrecking permit prior to demolishing the carport attached to the side of the single-family residence. The Notice of Violation (within Exhibits below) cites the property for demolishing the carport without proper wrecking

permit and zoning approval. The petitioner applied for a wrecking permit under case WRK26-00196 shortly after receiving the violation.

Approval of this variance would allow for the replacement of the carport in the same location with a deficient 1-foot side yard setback to the west. Since the carport is demolished and then rebuilt, the side setback would not be considered legally non-conforming and would not be eligible for the side setback exception found within 744-202. E. of the Indianapolis Zoning Ordinance.

The required side yard setback for the D-5 zoning district is 7 feet. Although the proposed carport would not meet the D-5 district side yard setback requirements, all other D-5 requirements including lot width, rear yard, front yard, and open space would be met. The current lot width is 60 feet, which meets the minimum lot width requirement of 60 feet. The rear yard setback is 25 feet, which meets the 20 feet minimum standard. The front yard setback is 36 feet, which meets the minimum front yard setback of 35 feet. Finally, 69.75% of open space meets the minimum requirement of 60%.

The Comprehensive Plan recommends that this property be developed for Suburban Neighborhood uses (additional information within the Comprehensive Plan Analysis section below). Additionally, Infill Housing Guidelines indicate that side setbacks should both reflect the existing context of the block and should leave adequate space for maintenance.

Staff would note that a 1-foot side yard setback would not be out of context with the neighborhood as multiple homes on the block have as little as a one to zero feet side yard setbacks per aerial imagery (2731 Shirley Drive, 4111 Beauport Road, 4020 Corwyn Road, 4007 Red Bird Drive, and 2520 Falcon Drive). Additionally, the carports in the surrounding areas were built in the early 1960's per arterial street without the issuance of permits at that time.

Staff would note that the original carport was built in 1960 with a 1-foot side yard setback. Practical hardship has been demonstrated as a result of the inability to preserve the carport's original structure due to weather deterioration and age-related wear and tear. Demolishing and rebuilding the carport on its original foundation will substantially improve the value of the neighborhood.

Findings of Fact provided by the petition indicate that the carport will be rebuilt on the same foundation and the footprint of the structure will not change. The carport will be replaced with new metal material according to the updated Indianapolis Housing Code, and the pitch of the roof will be the only minor changes made.

Based on the established precedent of the carport and the surrounding properties on the block having carports with as low as one to zero feet side yard setbacks, staff recommend **approval** of this petition.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-5	North: Single-Family Residential
South:	D-5	South: Single-Family Residential
East:	D-5	East: Single-Family Residential
West:	D-5	West: Single-Family Residential
Thoroughfare Plan		
Shirley Drive	Primary Arterial	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/9/2026	
Site Plan (Amended)	9/8/2026	
Elevations	7/9/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	7/9/2026	
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 Suburban Neighborhood typology is predominately 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 (Page 26).

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 the spacing between buildings should reinforce spacing on the existing block, and that insufficient spacing can create maintenance problems and increase the risk of fire spreading across buildings (Page 12).

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2015-DV1-067: 2656 Shirley Dr (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a room addition to an existing dwelling and detached garage, with a three-foot north side setback and an eight-foot rear setback (minimum four-foot side setback and 20-foot rear setback required), **approved.**

DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

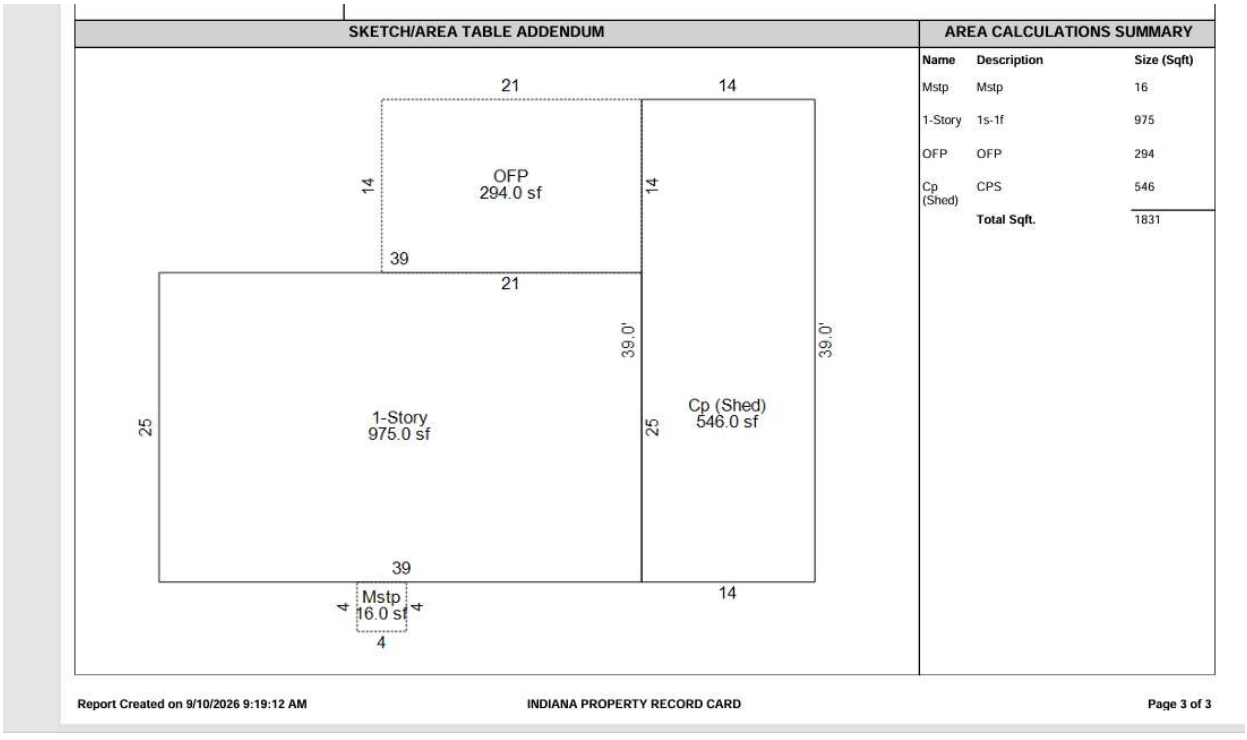
2026-DV1-044 ; Aerial Map



2026-DV1-044 ; MapIndy Street View w/ Carport (October 2024)



2026-DV1-044 ; Assessor's Property Card with Carport (CP) included



SKETCH/AREA TABLE ADDENDUM

AREA CALCULATIONS SUMMARY

Name	Description	Size (Sqft)
Mstp	Mstp	16
1-Story	1s-1f	975
OFP	OFP	294
Cp (Shed)	CPS	546
	Total Sqft.	1831

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DEPARTMENT OF METROPOLITAN DEVELOPMENT
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Department of Metropolitan Development
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2026-DV1-044 ; Findings of Fact

FINDINGS OF FACT

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

The structure is being replaced with new material of updated code. It was built to standards of the city decades ago when the building was new and did not cause concern for the duration of it's standing.

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 property is open grass for a lawn and has been this way for decades. The car port was built with the property.

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

The code variance is required to build on existing foundation.

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 structure has been partially demolished to be rebuilt. The work has not been completed. Undue hardship would be had, if the open wooden structures could not be completed on their original foundations.

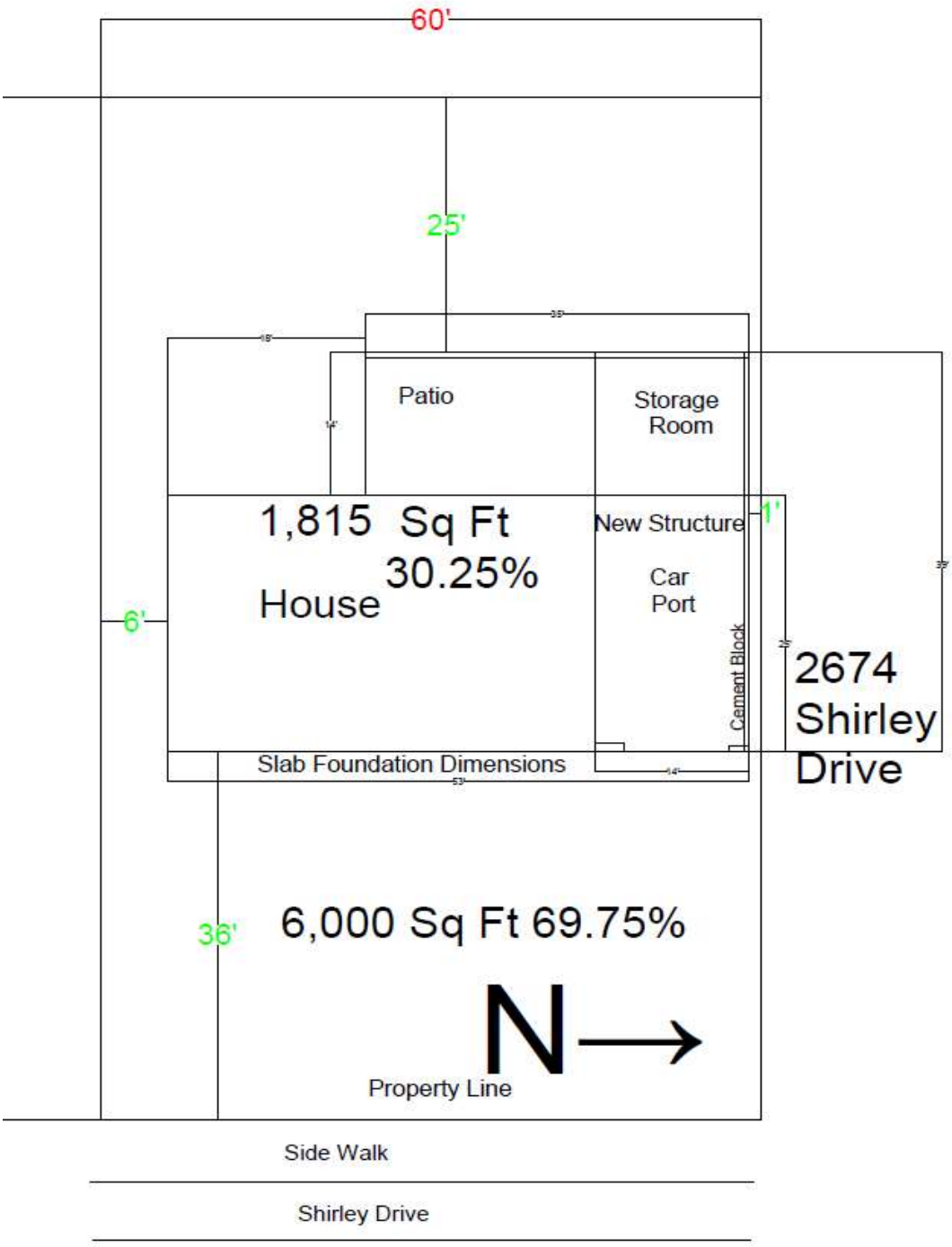
5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

It does not change the footprint of the structures in the plan. It also does not add any square footage of livable or non-livable space.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
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2026-DV1-044 ; Site Plan



Department of Metropolitan Development
Division of Planning
Current Planning

2026-DV1-044 ; Notice of Violation (VIO26-004476)

ORDER TO STOP WORK

BUILDING IS IN VIOLATION
OF
STATE OR LOCAL CODES

Mail To:
MARTINEZ, CLAIRE ANITA & JESSE DAVID
2674 SHIRLEY DR
INDIANAPOLIS, IN 46222

Case Number: VIO26-004476
Date: 06/01/2026
Time: 1:00 pm

Location of Work: 2674 SHIRLEY DR

Reason for issuance: Indianapolis Building Standards and Procedures: Section(s) 536-201; 536-705; 536-709. This Stop Work-Order has been issued for failure to obtain a wrecking permit prior to the demolition of a car port/garage attached to the side of a 1 story single family home.

This Stop Order shall expire and applicable construction activity may resume when: Obtain and post wrecking permit

Corrections must be made within 15 days of this Violation. For information on obtaining permits, please call (317) 327-8700 or email PermitQuestions@indy.gov

Any person, partnership or corporation violating this Stop Work may be subject to a fine in any sum not exceeding two thousand five hundred dollars ($2,500.00).

Construction Type:
Wrecking

City of Indianapolis
Department of Business and
Neighborhood Services
200 E. Washington St., Suite 107
Indianapolis, IN 46204
Phone: (317) 327-8700

Do Not Remove

Inspector Signature:

Inspector Name: Kevin Swails
Phone: 317-775-2194
Fax: (317) 327-2621
Inspector Email: Kevin.Swails2@Indy.Gov

2026-DV1-044 ; Photographs

Photo 1: Subject Site View from Front



Photo 2: Subject Site View from the West During Demolition of Carport



Photo 3: Subject Site View from the West After Demolition of Carport



Photo 4: Surrounding Homes w/ As Little as 1 to 0-Feet Side Yard Carports

2731 Shirley Drive



4111 Beauport Road



4020 Corwyn Road



4007 Red Bird Drive



2520 Falcon Drive



Department of Metropolitan Development
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BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026-DV1-049
Property Address:	444 West Hampton Drive
Location:	Washington Township, Council District #7
Petitioner:	Cameron O'Conner
Current Zoning:	D-5
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the construction of a detached accessory garage with a 3-foot side setback (7-foot required) and within an easement.
Current Land Use:	Single-Family Residential
Staff Recommendations:	Staff recommends **approval**
Staff Reviewer:	Sam Sparzo, Senior Planner

PETITION HISTORY

First public hearing on this petition

STAFF RECOMMENDATION

Staff recommends **approval** of the request as proposed

PETITION OVERVIEW

- The subject site is zoned D-5 intended for medium and large-lot housing, primarily single-family detached housing. The D-5 district is part of the Walkable Neighborhood District to advance the Livability Principles and to promote walkable and compact neighborhoods and to implement well-connected multi-mode street connectivity. Similarly, the property is recommended for the Traditional Neighborhood typology which includes compact and well-connected parcels and buildings that promote social connectivity of the neighborhood. Lastly, the Infill Housing Guidelines indicate that building spaces should reflect the existing spacing along the block while allowing for the maintenance of buildings.
- The D-5 district follows the form-based development standards listed in Table 742.103.03
    - The petitioner's site lot area is 8,450 square feet (Medium Lot Detached House)
    - The petitioner's site lot fronter is 65-feet (Medium Lot Detached House)
    - The development standards for Medium Lot Detached House, include 7-foot side setback
- The proposed detached garage, a minor residential structure, is proposed to be placed in the northwest corner of the lot, and the garage door will run roughly parallel to the existing driveway

and will not be altered by this project. The proposed structure shall comply with the development standards listed in 742.103.03, with the exception of the 3-foot side yard setback. AES determined that the proposed development would not be within the 2-foot easement.

- The primary house and lot were developed in the early 1900s, according to the property card, far earlier than the current Consolidated Zoning and Subdivision Ordinance and was not built and established with sufficient current setbacks. In addition, the surrounding context area includes homes with similar or smaller setbacks than the proposed 3-foot setback following the development of the detached garage.
- The Finding of Facts indicate that the narrow lot configuration significantly limits buildable space with sufficient side setbacks. Therefore, the new detached garage cannot be built with 7-foot side setbacks while maintaining functional residential addition.
- The proposed development will match the character of the neighborhood and meet rear and front setbacks. Staff deems the requested 3-foot side setback (7-foot required) reasonable. Staff recommends **approval** of this variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-5	North: Single-Family Residential
South:	D-5	South: Single-Family Residential
East:	D-5	East: Single-Family Residential
West:	D-5	West: Single-Family Residential
Thoroughfare Plan		
West Hampton	Local	60-foot ROW
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/26/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/26/2026	
Findings of Fact (Amended)	10/26/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Marion County Land Use Pattern Book recommends the Traditional Neighborhood.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines recommend the following when adding onto an existing structure.
    - Consider the context of the block/neighborhoods to help guide the
        - Size,
        - Height,
    - Leave room for maintenance
    - Reinforce the spacing of the existing lots
- The proposal follows the above recommendation and matches the context of the surrounding blocks/neighborhood; therefore, the staff support the variance request.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2026DV1022; 510 W Hampton Dr (west of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-foot side yard setback (seven feet required) and a three-foot rear yard setback (five feet required) for a detached structure; **approved.**

20242004; 435 W Hampton Drive southeast of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with four-foot east side yard setback (seven-foot side yard setback required), **approved.**

2023DV1054; 530 W 44th Street (southwest of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 754-square foot carriage house (maximum square footage of 720 square feet permitted) with a five-foot corner side yard setback from Sunset Avenue (10-foot required) and a 2.5-foot rear yard setback (five-foot setback required), **approved.**

2011CVR824; 525 Blue Ridge Road (west of site), Variance of use and development standards of the Special Districts Zoning Ordinance to provide for the University President's House (Carter House; 525) and the Efroymson Center for Creative Writing (530), which would have lectures by visiting writers and authors and other university uses, as well as provide for housing for the writers, authors and up to three graduate students, and to provide for an attached garage, with a 0.75-foot front setback from Sunset Avenue (25-foot front setback required), **approved.**

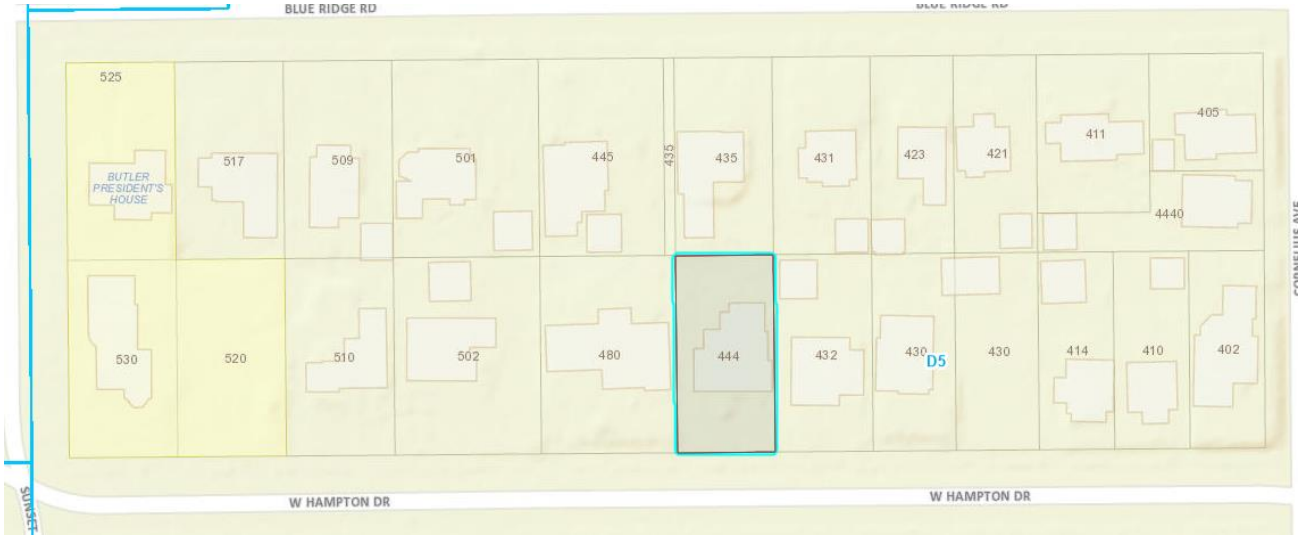
2011CZN824; 5252 Blue Ridge Road (southwest of site), Rezoning of 0.645 acre from the D-5 District to the UQ-1 classification to provide for the University President's House (Carter House; 525) and the Efroymson Center for Creative Writing (530), which would have lectures by visiting writers and authors and other university uses, as well as provide for housing for the writers and authors, **withdrawn.**

2006UV2040; 525 W Hampton Drive (southwest of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the location of the Butler University Police Department within the existing structure on site (not permitted), and to legally establish five parking spaces partially within and with maneuvering area within the right-of-way of Sunset Avenue (parking spaces and maneuvering area in the right-of-way not permitted)**, approved.**

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

2026DV1049 ; Aerial Map

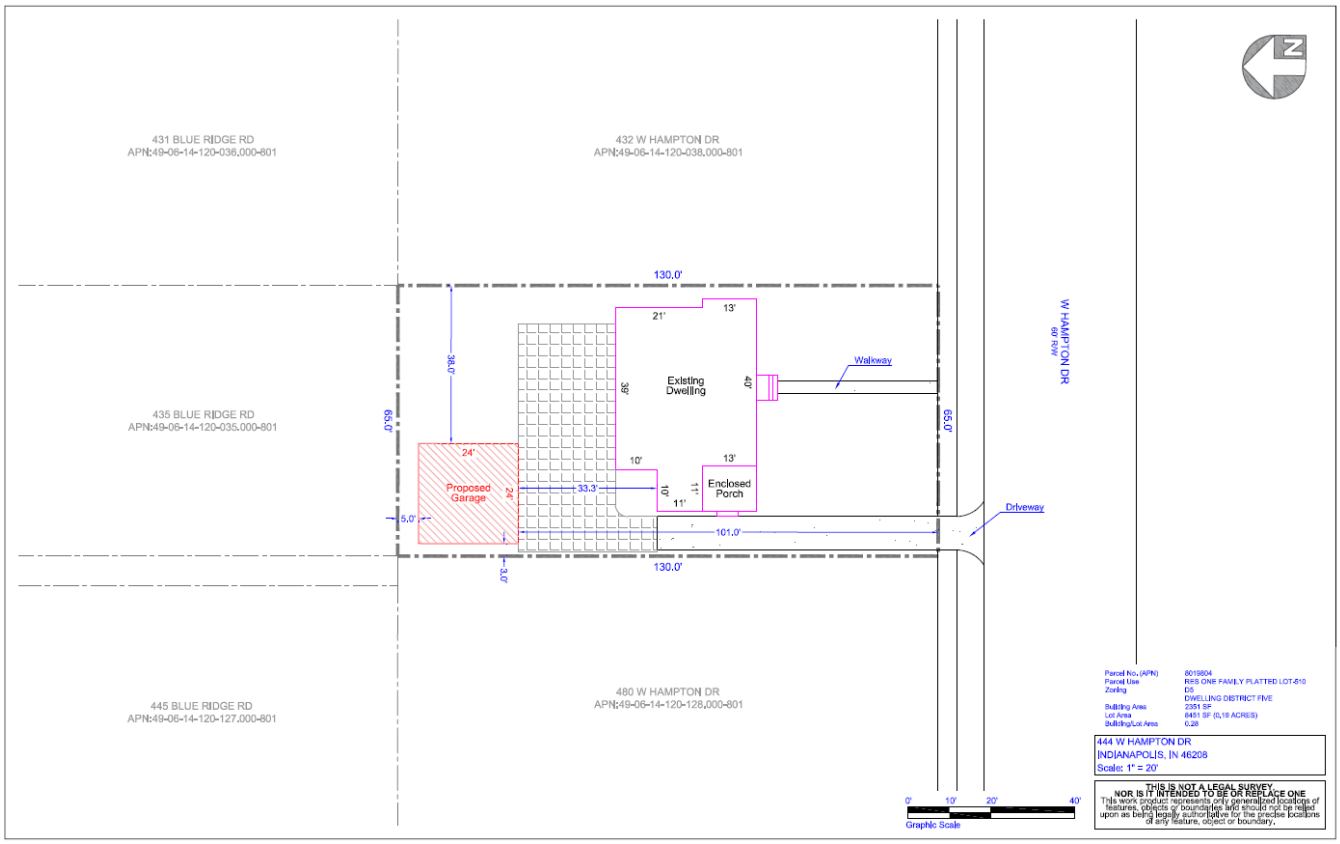




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DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

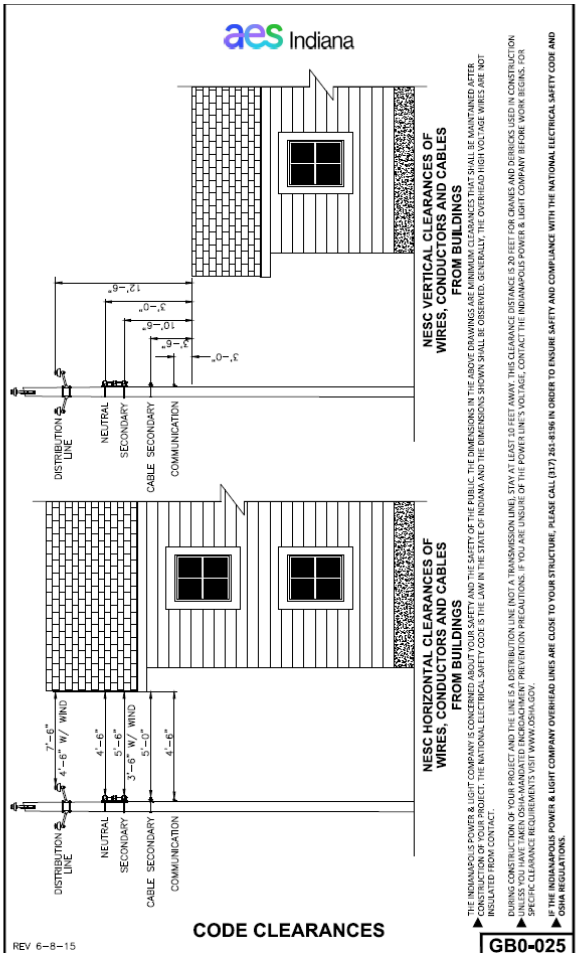
2026DV1049; Site Plan



DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

2026DV1049; Consent of Encroachment (AES)



Gmail — Cameron O'Connor <croconnor34@gmail.com>

444 W Hampton Dr. - Easement Encroachment and Service Upgrade

Joe Self <joe.self@aes.com> Mon, Oct 26, 2026 at 1:39 PM
To: Cameron O'Connor <croconnor34@gmail.com>, Ryan McCann <ryan.mccann@aes.com>

Cameron,

Based on our review, it has been determined that the conditions at 444 W. Hampton Dr., Indianapolis, do not constitute an encroachment upon our 2' easement. Please refer to the attached Code Clearance document for applicable guidance and requirements.

Thank you.

[Quoted text hidden]

Code Clearances.pdf
533K

2026DV1049; Site Photos



Subject Site; From West Hampton; Facing north



Subject Site; From West Hampton; Facing north; Proposed development at end of driveway/in front of car



Subject Site; From West Hampton; Facing north; Proposed development at end of driveway/in front of car



Subject Site; From West Hampton; Facing north; Proposed development at end of driveway/in front of car



Subject Site; Facing west on West Hampton Drive



Subject Site; Facing east on West Hampton Drive

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026-DV1-050 (amended)
Property Address:	4110 Fir Ct (approximate address)
Location:	Washington Township, Council District #3
Petitioner:	Guy Maiorano, by Hannah Mairano
Current Zoning:	D2
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a driveway width of 112 feet (maximum 30 feet permitted) for the construction of a half-circle driveway within a front yard.
Current Land Use:	Residential
Staff Recommendations:	Staff recommends **approval subject to commitment**
Staff Reviewer:	David Arrom Garza AICP, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval subject to commitment.**

Commitment: The existing drive entrance on Ponderosa Boulevard must be closed and filled with a mix of trees, shrubs, and grasses spread equally across the frontage as selected from the Approved Plantings List (*Indianapolis Selected Plant List*). A Landscape Plan shall be provided to the Department of Metropolitan Development for admin approval prior to issuance of the Driveway permit. The required landscaping noted in commitment one shall be installed no later than June 1, 2027, and verification of installation must be provided to the Department of Metropolitan Development. The landscaping shall One be maintained and plantings replaced if any die.

PETITION OVERVIEW

The petition would allow for a driveway width of 112 feet (maximum 30 feet permitted) for the construction of a half-circle driveway within a front yard.

SITE PLAN

The site plan, file-dated August 23, 2026, and updated October 12, 2026, depicts an approximately 112 linear foot area to provide for a semi-circle driveway configuration with two ingress/egress openings in the front yard providing vehicular access off Fir Court.

STAFF ANALYSIS

DWELLING DISTRICT

The subject lot is zoned D2 intended for suburban areas. Ample yards, trees, and passive open spaces serving each lot are contemplated for D2 districts in the Comprehensive Plan.

D2 development standards require lot area minimums of 15,000 square feet, lot width minimums of 80 feet and main floor area (1-story) minimums of 1,200 square feet accommodating greater spacing between open and livable space (Table 742-103-4 D-2 District Dimensional Standards). As such, driveway access and parking configuration for a D2 district may work with the constraints and advantages presented by existing site conditions including-but-not limited-to street network access, vegetation, topography, drainage and wildlife**.** For an estate-type lot setting in a D2 district, it is not uncommon for circular driveway access configuration to accommodate residential vehicular access and onsite parking. Similar configurations to the requested occur at: 7604 Silverpine Ct, 7615 Silverpine Ct, and 7525 Pine Valley Ln.

SITE CHARACTERISTICS

The subject lot is a corner lot bounded to the west by Ponderosa Blvd and to the south by Fir Ct, a cul de sac road. Streets intersecting the site provide primary residential access with Dean Rd as the most approximate collector street.

The petition requests a front yard width area of 112 linear feet to accommodate a half-circle driveway for vehicle circulation and parking usage. It was referenced in the Findings of Fact that the request would eliminate the need for residents to reverse back-out onto Ponderosa Blvd.

Parking and vehicular circulation in front buildings is “limited to the smaller of 30 feet in width or 50% of the lot width” for a D2 dwelling district. Chapter 744. Article IV. Parking, Loading and Drive-Through. Section 4. Location and Design of Parking Facilities.

Staff find that the front yard area proposed for vehicular access, drive-through circulation, and parking area exceeds the required 30-foot standard for parking in a front yard area. With a total width (measured at the front property line) of 146 linear feet as provided in the site plan, approximately 77 percent of the front yard width (112 feet) would be committed to providing for vehicular circulation and for parking.

As a corner lot, with two front yards, the subject site does not have the ability to accommodate a half-circle driveway configuration elsewhere on the site. Locating a half-circle driveway in front of Ponderosa Blvd presents a similar need for dimensional relief for a parking area in a front yard greater than 30 feet. Additionally, there is a limited side yard area between the residence and the western property line. Practical site difficulties occur for the construction of a half-circle driveway configuration on the subject site.

For these reasons staff is in approval of the petition subject to commitment, given the width area more than the minimal 30-foot requirement, and the amount of pavement surface area proposed for a half-circle driveway configuration.

Commitment: The existing drive entrance on Ponderosa Boulevard must be closed and filled with a mix of trees, shrubs, and grasses spread equally across the frontage as selected from the Approved Plantings List (*Indianapolis Selected Plant List*). A Landscape Plan shall be provided to the Department of Metropolitan Development for admin approval prior to issuance of the Driveway permit. The required landscaping noted in commitment one shall be installed no later than June 1, 2027, and verification of installation must be provided to the Department of Metropolitan Development. The landscaping shall One be maintained and plantings replaced if any die.

GENERAL INFORMATION

Existing Zoning	D2	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D2	North: Residential
South:	D2	South: Residential
East:	D2	East: Residential
West:	D2	West: Residential
Thoroughfare Plan		
Ponderosa Blvd	Local Street	28’ R/W existing (no curb)
Fir Ct	Cul de Sac	22’ R/W existing (no curb)
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August 23, 2026	
Site Plan (Amended)	October 12, 2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	August 12, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan ("Pattern Book") recommends the Suburban Neighborhood living typology for this site. 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 support 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

Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

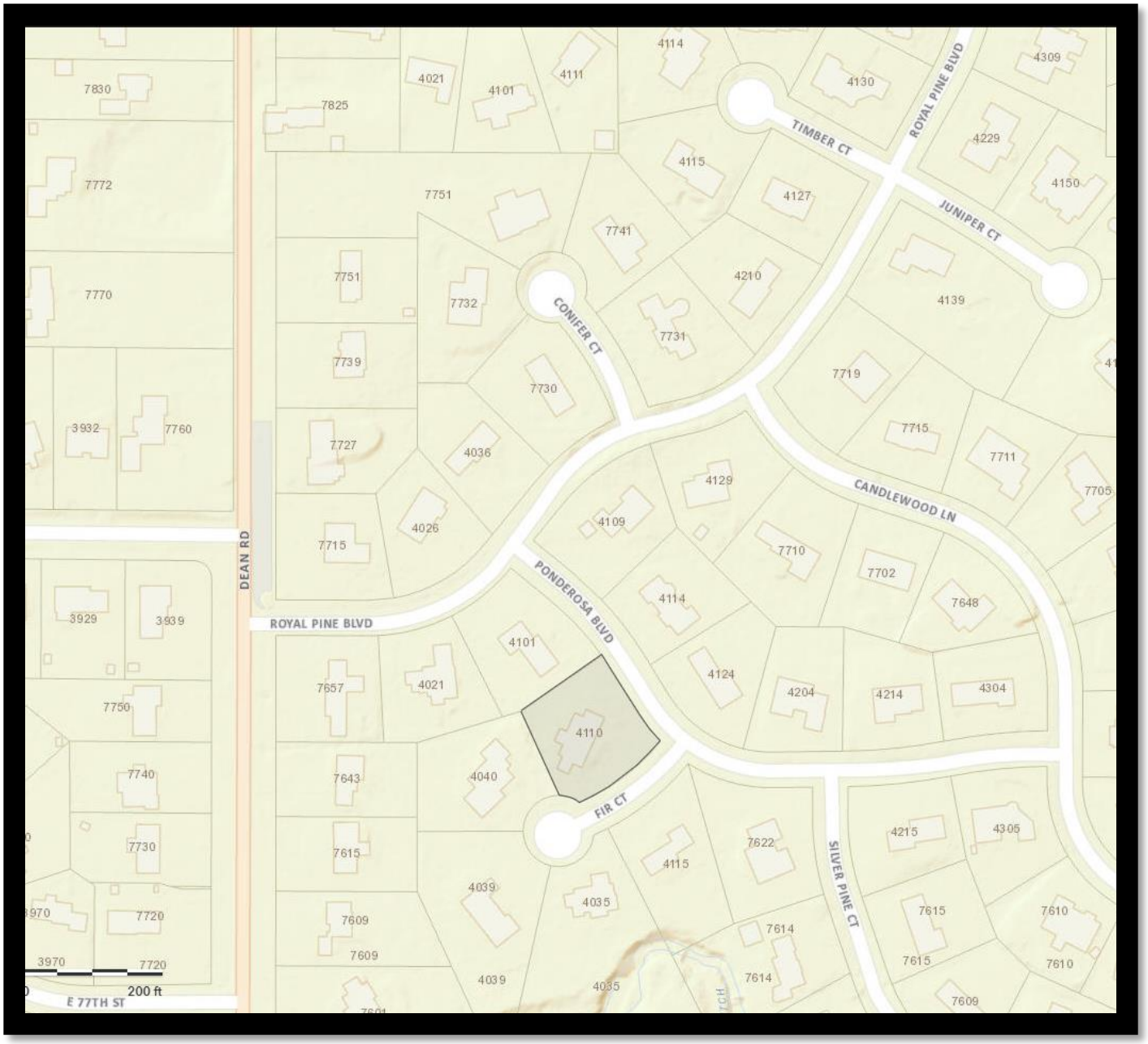
N/A

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DIVISION OF PLANNING | CURRENT PLANNING

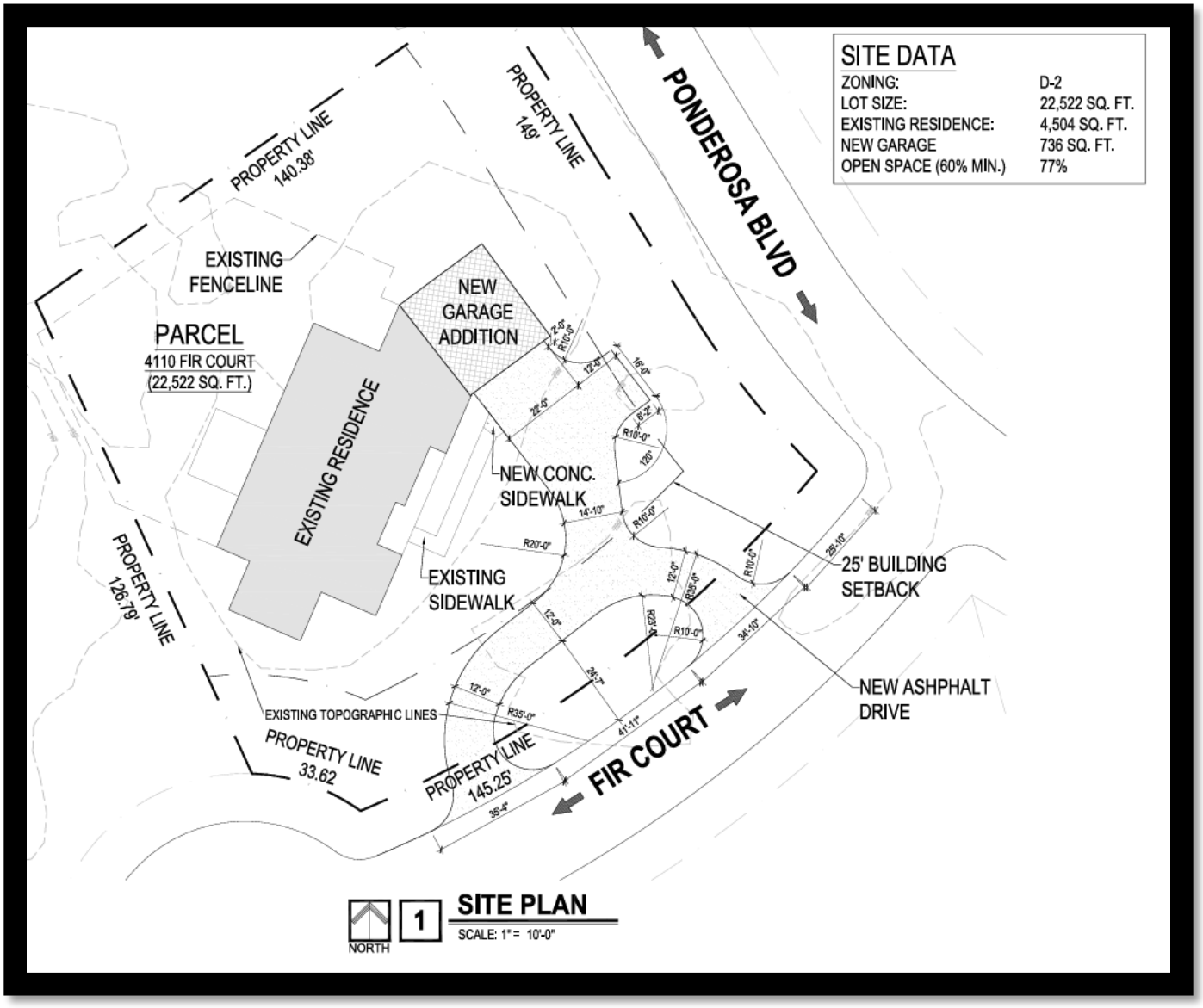
Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

Location Map



Site Plan


SITE DATA
ZONING: D-2
LOT SIZE: 22,522 SQ. FT.
EXISTING RESIDENCE: 4,504 SQ. FT.
NEW GARAGE 736 SQ. FT.
OPEN SPACE (60% MIN.) 77%
PONDEROSA BLVD
PROPERTY LINE 140.38'
PROPERTY LINE 149'
EXISTING FENCELINE
PARCEL
4110 FIR COURT
(22,522 SQ. FT.)
NEW GARAGE ADDITION
EXISTING RESIDENCE
NEW CONC. SIDEWALK
EXISTING SIDEWALK
25' BUILDING SETBACK
NEW ASHPHALT DRIVE
PROPERTY LINE 126.79'
EXISTING TOPOGRAPHIC LINES
PROPERTY LINE 33.62
PROPERTY LINE 145.25'
FIR COURT
NORTH
1
SITE PLAN
SCALE: 1" = 10'-0"

Findings of Fact

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:

It is relocating an existing driveway for a corner lot home to the less busy of the two abutting streets. The half-circle configuration will allow for cars to exit the home onto the street facing forward, rather than having to back out.

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:

All proposed residential driveway changes will be performend in a manner consistent with required building standards and practices, and conform to the general aesthetic of the surrounding homes and neighborhood.

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

It would hinder the ease of ingress and egress to the home given the needs of the property owners.

DECISION

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

2026DV1050 Site Photographs



Front yard lot at subject site



View looking onto existing driveway at Ponderosa Blvd



View looking across the intersection of Fir Ct and Ponderosa Blvd.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026-DV1-052
Property Address:	5410 East 82nd Street (approximate address)
Location:	Washington Township, Council District #3
Petitioner:	KRG Castleton Crossing LLC, by Chris Hinkle
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 and accessory drive-through including stacking spaces within the front yard of Allisonville Road (stacking spaces not permitted in front yards along a public right-of-way that exceeds 30 feet in width).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends **approval** of the requested variance, subject to commitments.
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 requested variance, subject to the below commitments:

1. Additional landscaping shall be installed along the unscreened portion of the western Allisonville Road property line to the north of the existing access drive (approximately 100 feet), in accordance with transitional yard landscaping standards from 744-506.B, Option 1 of the Indianapolis Zoning Ordinance (resulting in installation of at least 4 trees and at least 12 shrubs).
2. Following consultation with the Indy Arts Council for assistance in planning and execution, an artistic mural with no commercial message shall be installed on a portion of the southern and/or western building façades at petitioner expense. Building elevation(s) showing the mural shall also be submitted for administrative approval prior to issuance of an Improvement Location Permit.

PETITION OVERVIEW

5410 East 82nd Street is a 22.14-acre lot comprising a portion of the Castleton Crossing commercial shopping center. The shopping center contains one large multitenant center and several freestanding commercial buildings, is surrounded by commercial use on each side, contains extensive parking facilities, and borders several streets (Allisonville Road to the west, 82nd Street to the south, Interstate 465 to the north).

This petition request is focused on the northwestern section of the existing lot, per the site plan within the Exhibits below. The majority of site access to the subject area would come from an internal private access drive to the south that curves to access Allisonville Road to the west (a signalized intersection). Although the subject site has not yet been individually replatted to create a new and distinct parcel, it could be subdivided for individual ownership and sale in the future.

Approval of this petition would allow for placement of a freestanding beverage sales building with a size of 915 square feet, accompanied by an accessory drive-through which would serve as the method by which customers would order and receive their beverages (no walk-up window is proposed). Stacking spaces associated with the drive-through would be placed to both the east, west, and south of the proposed structure, and cars would both enter and exit the site to the north of the building (see Stacking Diagram within Exhibits below). No changes to vehicle access points or internal drive configuration outside of the subject area are proposed.

One Variance of Development Standards would be required to allow for the proposed site and vehicle layout: per use-specific standards associated with accessory drive-throughs (743-306.I), stacking spaces are not permitted within the front yards of public rights-of-way that exceed 30 feet in width. In this instance, the site plan indicates placement of stacking spaces within the front yard of Allisonville Road to the west.

This property is zoned C-4 to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. 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 neighborhoods. Food and beverage service uses with accessory drive-throughs are contemplated for this zoning district and typology.

Findings of Fact and other application documents provided by the petitioner indicate that the fixed circulation pattern of the center would require placement of some stacking spaces within front yard areas regardless of chosen layout, and that absent reconfiguring parking and site access for the entire center it would not be feasible to reorient the building or stacking spaces to remove all front-yard stacking spaces. Staff notes that the subject area is long and narrow and that vehicle access would be required to come from either the north or the east. These site constraints would create some level of practical difficulty for installation of a fully compliant drive-through.

The rationale for Ordinance limitations on front-yard stacking spaces is to allow for vibrant and pedestrian-friendly storefronts and to limit negative visual impacts for surrounding properties. In order to more closely approximate the Ordinance intent for commercial front yards, staff requested two commitments from the petitioner: one was for the installation of additional buffer landscaping along the western property line to decrease stacking space visibility from Allisonville to the west, and the other relates to the installation of an artistic mural on the southwestern section of the building to provide public beautification visible for both customers of the commercial center and northbound traffic along Allisonville (see Mural Example within Exhibits below; specific size and design subject to coordination with the Indy Arts Council and administrative approval). The petitioner indicated their openness to both commitments. Given that agreement as well as the practical difficulty posed by the subject area's dimensions, staff recommends **approval** of the requested variance for front-yard stacking spaces.

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		
Allisonville Road	Primary Arterial	250-foot existing right-of-way and 124-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	08/19/2026	
Site Plan (Amended)	N/A	
Elevations	10/20/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	08/19/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The 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 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

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2025DV2036 ; 5458 E 82nd Street (southeast of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a third drive through sign (one sign permitted per lane), **approved.**

2023DV2038 ; 8245 Allisonville Road (southeast of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment, with a drive through, including stacking and service units, within the front yard of East 82nd Street, with a 9.2 front yard setback (service units and stacking spaces not permitted along facades adjacent to public rights-of-way with a width greater than 30-feet or related front yards, minimum 10-foot setback required) and without the required screening and exclusive bypass aisle, **approved.**

2017DV2010 ; 5440 E 82nd Street (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for deficient transparency on the east and west elevations (minimum 40% transparency required between three and eight feet above grade and within 50 feet of façade with an entrance and on a façade within 50 feet of a local, collector or arterial street), **withdrawn.**

2002DV3049 ; 8245 Allisonville Road (east of site), Variance of Development Standards of the Commercial Zoning Ordinance and Sign Regulations to provide for a two foot front yard setback along Interstate 465 (minimum 20-foot setback required along Interstates), legally establish one loading space for tenant one (2 loading spaces required), provide for two loading spaces for tenant three (three loading spaces required), to legally establish a pylon sign 10 foot from the right-of-way of 82nd Street (minimum 15 foot setback required), reduce the number of required stacking spaces before each final component to 4 (minimum six stacking spaces before each final service component required), legally establish an existing pylon sign thirteen feet from the right-of=way of Interstate 465 (minimum 20-foot setback required) and twelve feet from the right-of-way of Allisonville Road (minimum 15-foot setback required), **approved.**

EXHIBITS

2026DV1052 ; Aerial Map



2026DV1052 ; Aerial Map (zoomed to subject area)



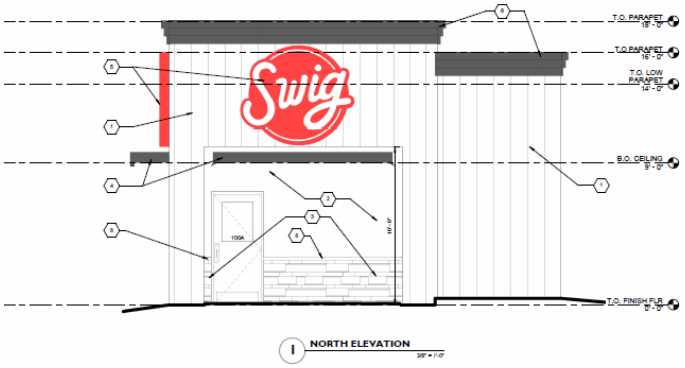
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DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

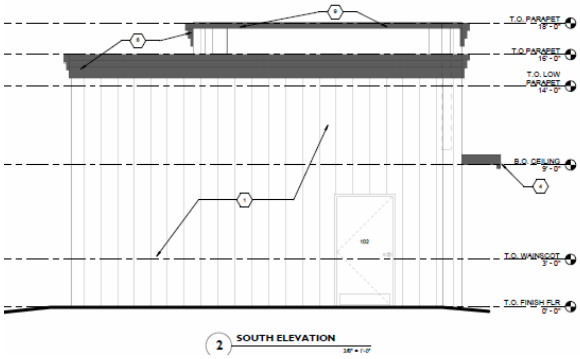
2026DV1052 ; Site Plan



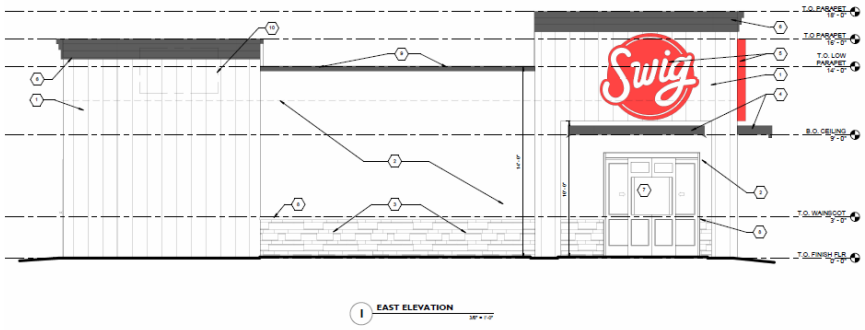
2026DV1052 ; Elevations



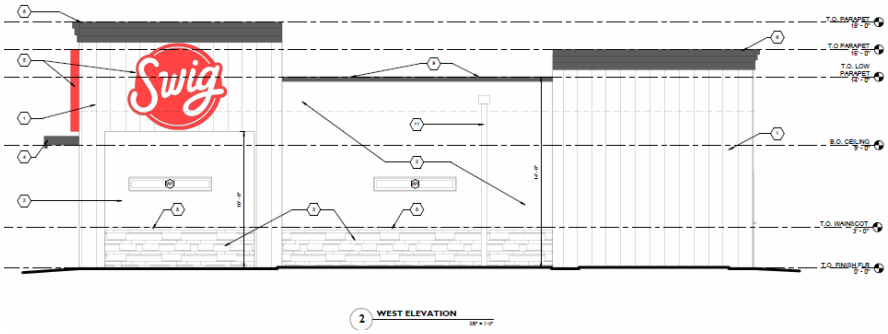
1 NORTH ELEVATION



2 SOUTH ELEVATION



1 EAST ELEVATION



2 WEST ELEVATION

2026DV1052 ; 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 development of the drive-through facility will not affect the surrounding properties. There are multiple existing commercial buildings on the property including two with drive-through units. The proposed drive-through facility will fit in with the nature of the existing development as well as the surrounding commercial and retail buildings in the area.

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

The proposed development will fit in with the nature of the existing development as well as the surrounding commercial and retail buildings. The comprehensive plan for the area is Regional Commercial. The proposed development complies with the description of Regional Commercial and fits with the Office Commercial and Community Commercial as noted in the Comprehensive Plan. The development of a previously underutilized parking lot will help to increase the interest in the area and therefore the surrounding businesses.

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 a fully developed commercial center with established buildings, drive aisles, access points, and parking fields. The proposed proposed building is located on an existing, underutilized parking area that fronts the public right-of-way, and given the fixed circulation pattern of the center, any drive-through on this portion of the site would necessarily place stacking spaces within the front yard. Relocating the stacking outside of the front yard would require reconfiguring parking and circulation for the entire center, which is not practical given the existing improvements. All stacking is contained on-site within the existing lot and does not extend into or back onto the public right-of-way.

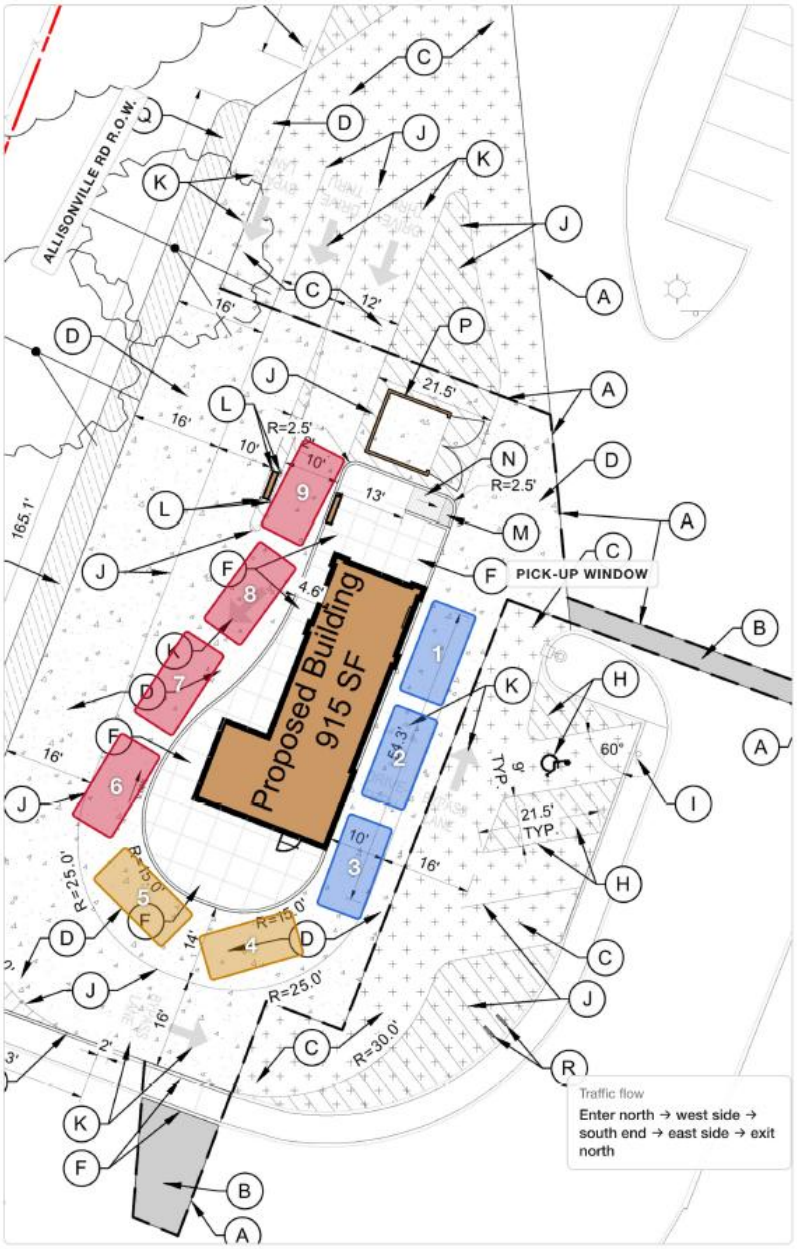
2026DV1052 ; Mural Example (8175 Allisonville Road to south)



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2026DV1052 ; Stacking Exhibit



ALLEN COMMERCIAL GROUP

Swig Castleton — where the cars actually stack

5410 E. 82nd Street, Indianapolis · Variance petition 2026DV1052 · Front-yard stacking, Allisonville Road

Cars 1–3 · screened by the building
The 54' east face of the building hides three stacking spaces from Allisonville Road. This is where the line normally sits.

Cars 4–6 · wrapping the south end
Only when the line is four or more deep does it turn the corner. These cars sit behind the entry-drive landscaping, not along the road frontage.

Cars 7–9 · in the Allisonville front yard
The front-yard condition only occurs at a seven-car line — a peak-hour event, not the everyday view from the road.

Base: Red Barn Engineering Company, Sheet C2 Site Development Plan, 04/08/2026. Stacking spaces 8.5' × 17.5' per plan, placed on the drive-thru lane centerline.

Conceptual overlay for discussion with DMD staff. Red Barn to confirm the front-yard line and stacking count on the record drawing.

2026DV1052 ; Photographs



Photo 1: Subject Area Viewed from Southwest



Photo 2: Subject Area Viewed from Southeast

2026DV1052 ; Photographs (continued)



Photo 3: Existing Landscape Screening Viewed from East



Photo 4: Subject Area Viewed from North

2026DV1052 ; Photographs (continued)



Photo 5: Adjacent Property to West



Photo 6: Adjacent Property to South

2026DV1052 ; Photographs (continued)



Photo 7: Adjacent Property to East



Photo 8: Adjacent Property to North

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 10th, 2026

Case Number:	2026-DV1-053
Property Address:	4812 Ladywood Bluff Road (approximate address)
Location:	Washington Township, Council District #8
Petitioner:	Joseph Dilling and Melissa Dilling, by Indy's Best Exteriors
Current Zoning:	D-P
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a deck with a 16-foot rear-yard setback (20-feet required).
Current Land Use:	Single-family home
Staff Recommendations:	Staff is recommending **approval** of this petition
Staff Reviewer:	Adam Skrzeszewski, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff recommends **approval** of this petition

PETITION OVERVIEW

- The petitioner is requesting to construct a wooden deck, 26-feet in width and 40-feet in length. The deck will replace the current wooden deck and stairs on-site per the site visit images in the exhibits section of this staff report. The required setback for this zoning district of D-P is 20-feet. The proposed deck in the rear yard will encroach approximately 4-feet into this setback; therefore, the petitioner is requesting to permit a 4-foot encroachment for the proposed deck into the required 20-foot setback for this D-P zoning district.

- There is practical difficulty created by the subject site to meet the required 20-foot rear-yard. The currently existing deck on-site, per the site visit photos in the exhibits section of this staff report, is connected to an existing entrance to the home on the second floor. For practical use of a potential new deck in the rear-yard of the home, a new deck would need to be connected to that existing entrance to provide for use of the deck from the primary dwelling structure. There is no other location for the deck to be placed in the rear-yard that would also connect to the existing entrance of the home where the existing deck is located. The proposed deck is the minimum size necessary for practical use as well. The shape of the lot narrows at the rear, and is situated with

nearby homes to the north that causes a practical and minimally sized deck to have difficulty meeting the 20-foot rear-yard setback of this D-P zoning district.

- If the location for the proposed deck were moved to not encroach within the required 20-foot rear-yard setback by not connecting the existing rear entrance of the home, the deck could only be accessed from the rear-yard stairs to the proposed deck, removing practical use of the deck. Additionally, if the deck were shortened in width to be 22-feet wide instead of 26-feet in width per the petitioner's land survey/site plan, the deck would lose practical function and be too short to be a deck usable for all applicable uses of a deck.

- The deck is not out of context for the surrounding neighborhood, both neighbors to the north of the subject site have decks attached to the rear face of the home. The homes to the north are able to have decks level with the first story of the homes, unlike the subject site, and therefore have less barrier to have practical use of a deck and not encroach into the rear setback. The homes to the north did not require any variances for the construction of their rear-yard decks due to this lower difficulty to have practical use of the deck.

- The new proposed deck will not encroach into any easements, and will not interfere with potential emergency response situations per the adequate space shown through the survey/site plan within the exhibits section of this staff report.

- There is practical difficulty created on-site for the addition of a new deck to replace the current deck due to the shape and sloping of the site and the location of existing entrance of the home for the existing deck. There is no alternate location for the proposed deck to be placed in the rear-yard without the deck losing its practical function or access. Therefore, staff recommends **approval** of 2026-DV1-053.

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Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	D-P	
Existing Land Use	Single-family home	
Comprehensive Plan	1.75-3.5 residential units per acre	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-P	North: Single-family home
South:	D-P	South: Single-family home
East:	D-P	East: Single-family home
West:	D-P	West: Single-family home
Thoroughfare Plan		
Ladywood Bluff Drive	Local street	50-foot minimum and proposed ROW
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August 31st	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	August 31st	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 1.75-3.5 residential units per acre. The addition of the deck within the minimum rear-yard setback has no effect and matches the Comprehensive Plan recommendation.

Pattern Book / Land Use Plan

- Not Applicable to the 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

- The proposed deck matches the IHG to have accessory residential structures within the rear-yard of the primary dwelling.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

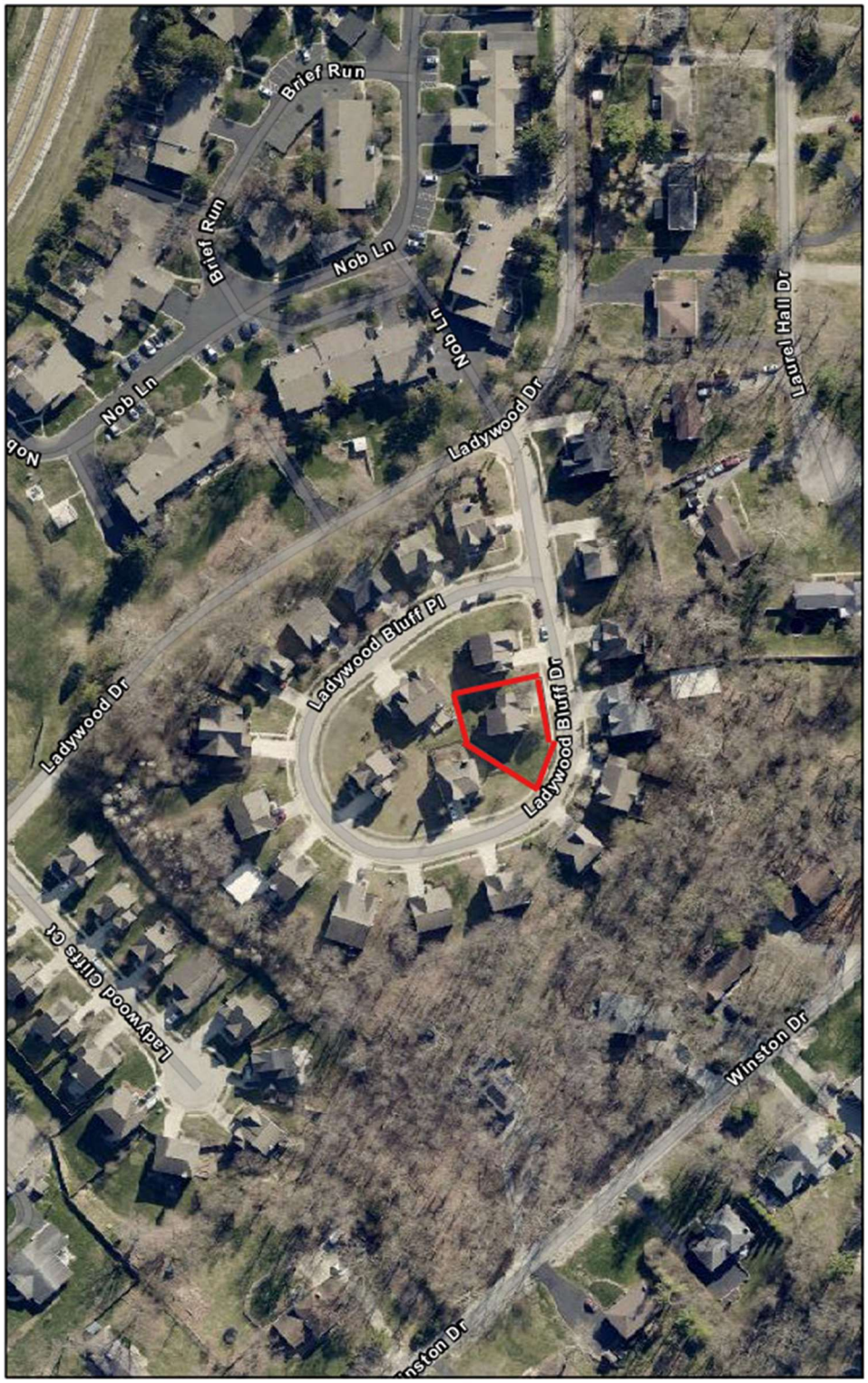
86-UV3-112 ; 5234 Whisperwood Lane (east of subject site), Windridge Co-Owners Association requests a Variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing townhouse as a residents' association office. The details of this petition are on file. **Denied**

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DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

4812 ladywood bluff rd current aerial



1:2,257
0 0.01 0.02 0.03 0.04 0.05 mi
0 0.02 0.04 0.09 km

IGIO, Microsoft, Vantor, City of Indianapolis & Marion County, IN, Esri Community Maps Contributors, City of Indianapolis Marion Co, ©

10/22/2026

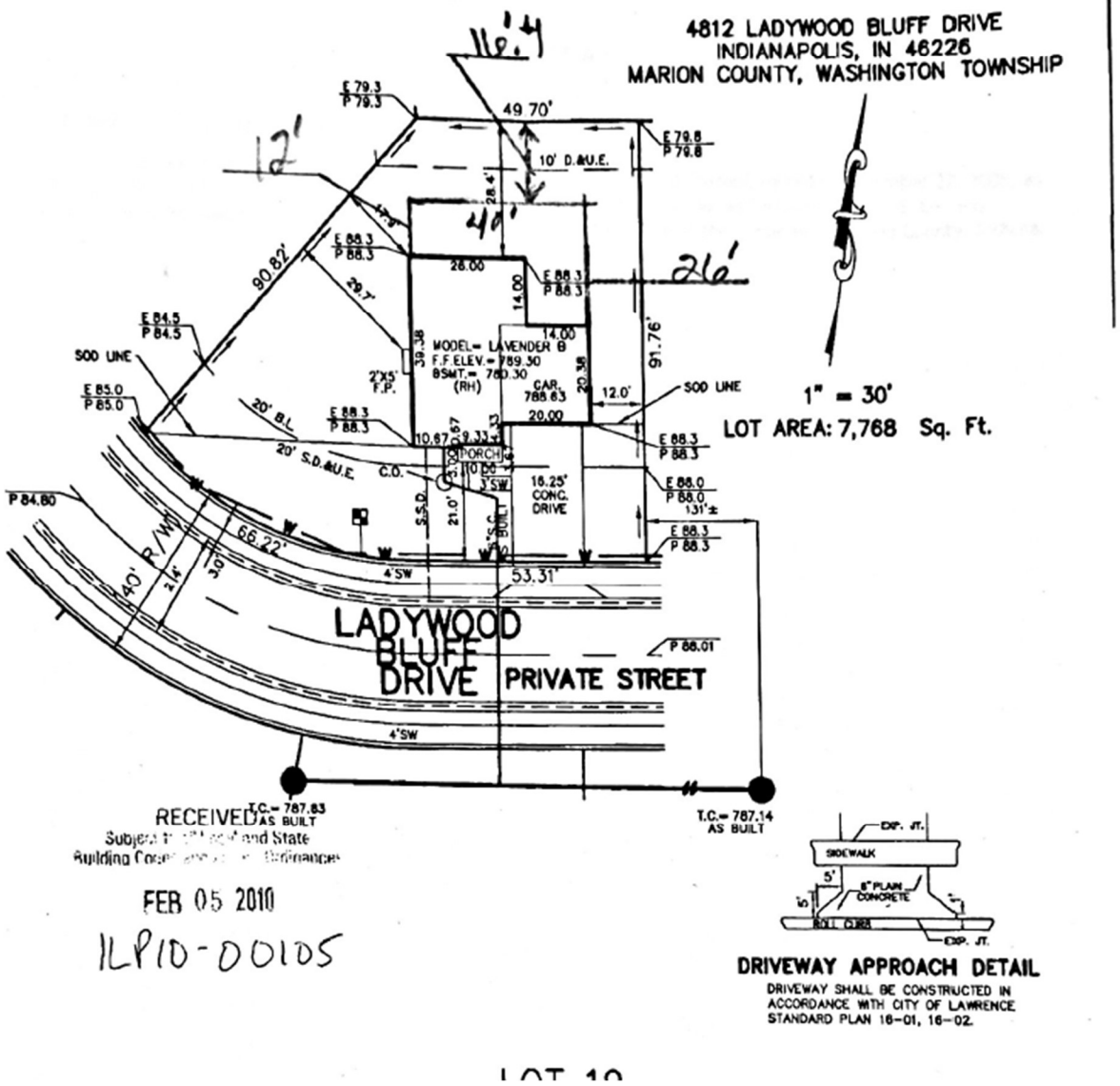
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Department of Metropolitan Development
Division of Planning
Current Planning

STOEPPELWERTH
CONSULTING ENGINEERS
LAND SURVEYORS
7965 East 106th Street - Fishers, IN 46038-2505
(317) 849-5935 • 1-800-728-6917 • FAX: (317) 849-5942

JOB ID LBLUFF.19
CONTROL # 60970 MI

4812 LADYWOOD BLUFF DRIVE
INDIANAPOLIS, IN 46226
MARION COUNTY, WASHINGTON TOWNSHIP



1" = 30'

LOT AREA: 7,768 Sq. Ft.

DRIVEWAY APPROACH DETAIL

DRIVEWAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF LAWRENCE STANDARD PLAN 16-01, 16-02.

RECEIVED
Subject to all Local and State Building Codes and Ordinances
FEB 05 2010
ILP10-00105

LOT 10

Site Visit October 16th, 2026



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BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026-DV1-054
Property Address:	2401 Guilford Ave (approximate address)
Location:	Center Township, Council District #8
Petitioner:	Christopher & Mary Provence, by Kendrick Davis
Current Zoning:	D8
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 1-foot rear yard setback (15 feet required) and a 2-foot corner side yard setback (8 feet required) for the construction of a detached accessory garage.
Current Land Use:	Residential
Staff Recommendations:	Staff recommends **approval** for this petition
Staff Reviewer:	David Arrom Garza AICP, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** for this petition.

PETITION OVERVIEW

The petition would allow for a 1-foot rear yard setback (15 feet required) and a 2-foot corner side yard setback (8 feet required) for the construction of a detached accessory garage.

SITE PLAN

The site plan, file-dated July 13, 2026, depicts an approximately 900 square foot proposed detached accessory garage structure with driveway access onto E 24th Street.

STAFF ANALYSIS

The subject lot, zoned D8, is a corner Compact Lot bounded to the west by Guilford Ave and to the south by E 24th St; two local streets providing primary residential access and neighborhood connectivity.

As Compact Lot, with a total lot size area of approximately 4,200 square feet supporting an existing detached single-family residence, a rear yard setback of 15' and a corner side yard setback of 8' would be required for a proposed accessory garage structure in a D8 dwelling district.

Practical site difficulties occur for the construction of a detached parking garage due to the location of the primary residence on a corner lot, existing driveway ingress/egress access configuration onto E 24th, along with an insufficient rear and corner side yard area to meet dimensional setback standards required for the construction of an accessory garage structure, allowed by right in a D8 dwelling district.

Moreover, staff find that the alignment of the proposed garage at the northern elevation of the primary residence satisfies Infill Housing Guidelines which promote the location of accessory structures behind primary buildings with coordinated rooflines between primary and accessory structures.

For these reasons, staff recommend approval for this petition finding that practical difficulties imposed by the corner lot location in the D8 dwelling district impact the ability of the property to be used for a permitted residential purpose.

GENERAL INFORMATION

Existing Zoning	D8	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D8	North: Single-family dwelling
South:	D8	South: Single-family dwelling
East:	D8	East: Single-family dwelling
West:	D8	West: Single-family dwelling
Thoroughfare Plan		
Guilford Ave	Local Street	30' R/W existing (no curb)
E 24th St	Local Street	24' R/W existing (no curb)
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	July 13, 2026	
Site Plan (Amended)	N/A	

Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	September 2, 2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- The Infill Housing Guidelines apply to infill development in residential areas within the Compact Context Area.

- For garages and accessory structures, the Infill Housing Guidelines recommend new construction:
    - Locate accessory structures behind primary buildings
    - Coordinate primary and accessory structures

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

- Subject site with ¼ mile of Monon Trail, an existing greenway.

ZONING HISTORY

ZONING HISTORY – VICINITY

2025ZON063; 2351 Carrollton Ave, Center Township, rezoning of 0.56-acre from the SU-1 district to the D8 district to provide for a residential development, **approved.**

2020ZON086; 2351 Carrollton Ave, Center Township, rezoning of 0.56 acre from the D8 district to the SU-1 district, **approved**.

2026ZON073; 2355 N College Ave, Center Township, rezoning of 0.16-acre from the C1 district to the D8 district to provide for detached single-family residential use, **approved**.

2023ZON015; 2444 Winthrop Ave, Center Township, rezoning of 1.35 acres from the I2 district to the D8 district, **approved**.

2021ZON031; 919 E 24th St, Center Township, rezoning of 0.22 acre from the I2 district to the D8 district, **approved**.

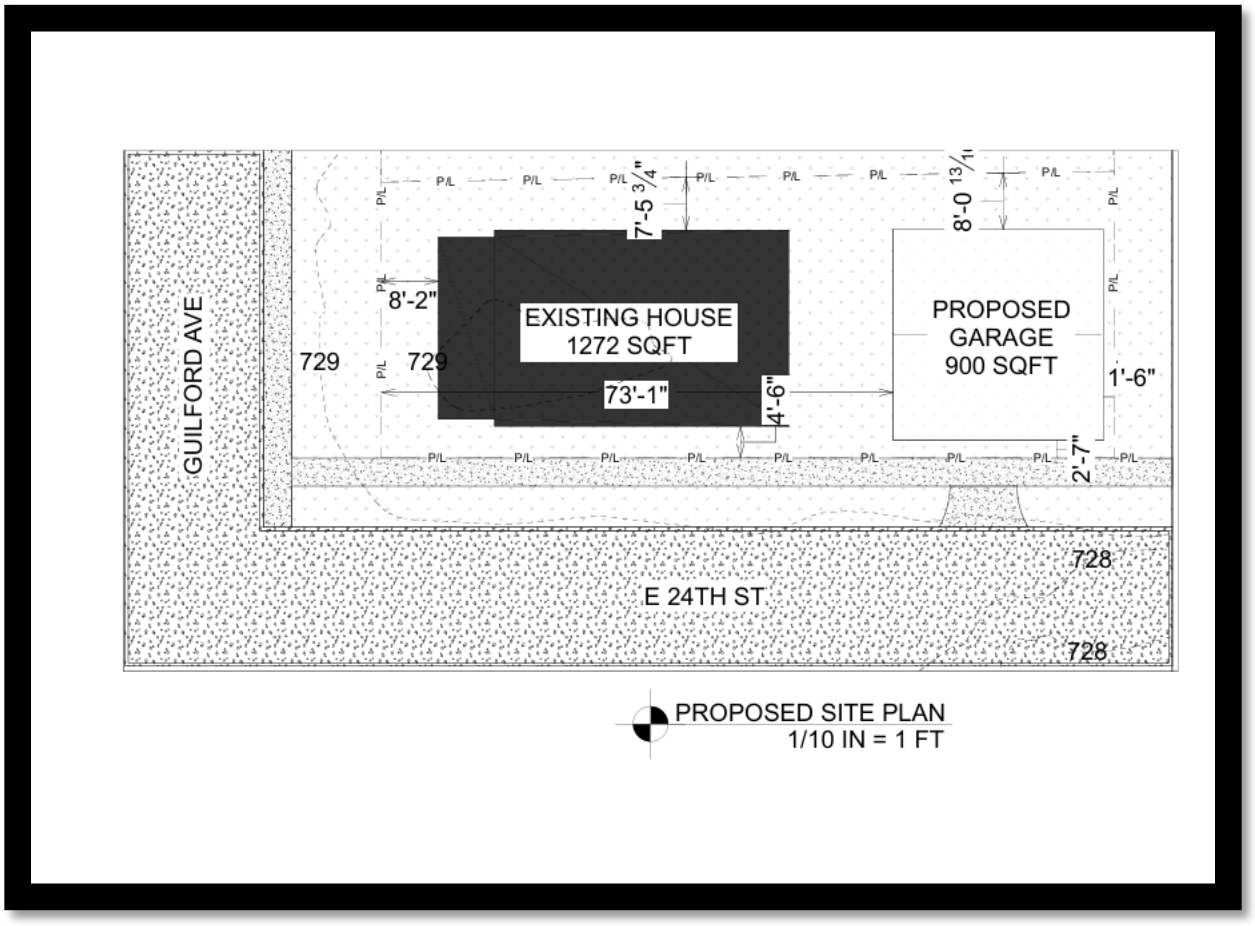
Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

Location Map



Site Plan


GUILFORD AVE
EXISTING HOUSE
1272 SQFT
PROPOSED
GARAGE
900 SQFT
7'-5 3/4"
8'-0 13/16"
8'-2"
73'-1"
4'-6"
1'-6"
2'-7"
729
729
728
728
E 24TH ST
P/L
PROPOSED SITE PLAN
1/10 IN = 1 FT

Findings of Fact

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The grant of the variance will not be injurious to the public health, safety, morals, or general welfare of the community because the proposed 30-foot by 30-foot detached garage will replace an existing detached garage and will remain accessory to the existing residential use of the property. the proposed garage will be constructed in accordance with applicable building codes and in accordance with the submitted site plan. The requested rear and corner-side setback reductions will allow reasonable improvement of the property without changing its residential use or creating an incompatible use within the surrounding neighborhood.

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

The use or value of the area adjacent to the subject property will not be affected in a substantially adverse manner because the proposed structure is a residential accessory garage that will replace an existing garage on the property. The proposed garage is compatible with the residential character and existing development pattern of the surrounding neighborhood. The requested setback variances will not change the principal residential use of the property, and the will remain located entirely within the subject property.

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

The existing lot dimensions, corner-lot configuration, and required rear and corner-side setbacks substantially constrain the area available for a reasonbly sized detached garage. The property currently contains a detached garage, and the petitioner proposes to replace that structure with a new 30-foot by 30-foot detached garage. Strict compliance with both setback requirements would significantly restrict the location and usable dimensions of the replacement garage. The requested variances provide a reasonable relief from these dimension constraints while allowing the property to continue its existing residential use.

DECISION

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

Adopted this _____ day of _____ , 20 ____

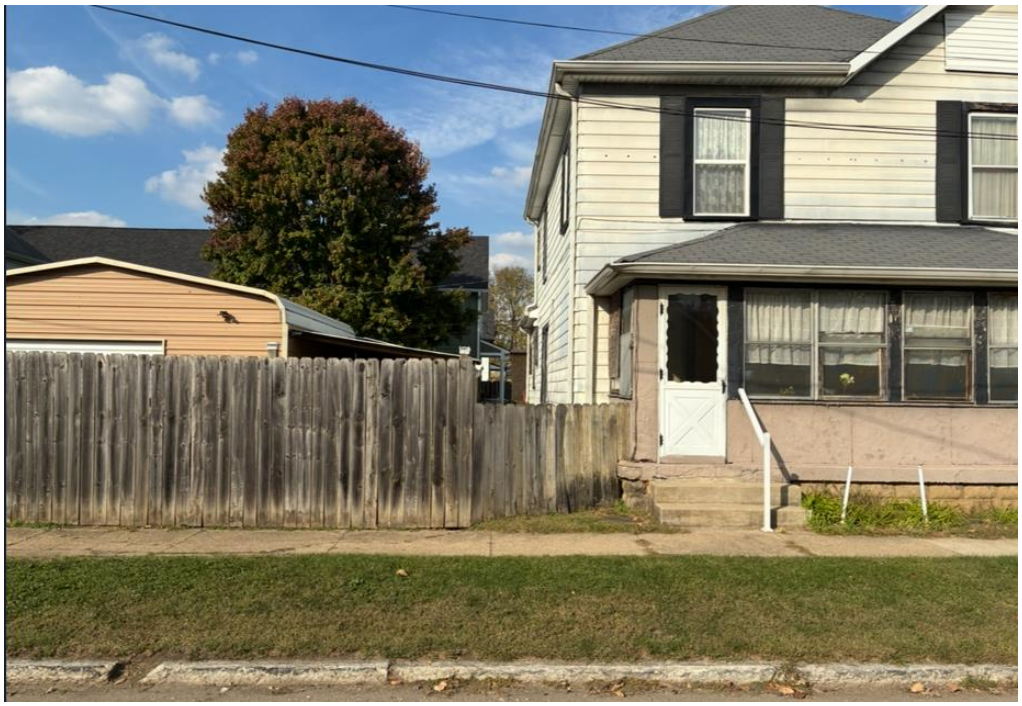
2026DV1054 Site Photographs



View of residential lot frontage from Guilford Ave



View from E 24th St looking north onto corner side yard and rear yard area



View of rear yard property line to adjacent residence at 914 E 24th St

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026DV1045
Property Address:	4634 W Naomi St (*approximate address*)
Location:	Wayne Township, Council District #17
Petitioner:	Vicki McClain and Heather Warren
Current Zoning:	D-5, Airspace
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an 8-foot fence (maximum permitted 6-foot) and a 4-foot side setback (7-foot required).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends denial
Staff Reviewer:	Adrienne Baker, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends denial of this petition.

PETITION OVERVIEW

The petitioners requested a variance of development standards to permit the installation of an eight-foot fence and to allow a four-foot side yard setback on a residential property zoned D-5. The zoning ordinance limits fence height in this district to six feet and requires a minimum side yard setback of seven feet for minor residential structures. Staff reviewed the proposal in the context of the applicable zoning regulations, the surrounding residential environment, the Comprehensive Plan, and the Traditional Neighborhood typology that guides development in this area. This review concluded that the requested changes represent substantial departures from both the ordinance and the established neighborhood pattern. The petition did not demonstrate the type of practical difficulty or unique site condition needed to justify a variance.

Staff recommended denial as the requested variances conflict with development standards intended to maintain consistency, compatibility, and neighborhood character within the D-5 district. The proposed eight-foot fence exceeds the maximum height permitted for residential properties and is not supported by Comprehensive Plan guidance, which emphasizes maintaining visual openness, reinforcing neighborhood cohesion, and ensuring that accessory structures complement rather than disrupt existing development patterns. Excessively tall fencing can create a sense of enclosure that is inconsistent with

the Traditional Neighborhood typology, which values walkability, permeability, and a defined yet visually connected arrangement of private and semi-private spaces.

The requested reduction in side yard setback from seven feet to four feet presents similar concerns. The D-5 district requires minor residential structures to comply independently with required side setbacks in order to preserve adequate spacing between structures, to protect privacy and access to light and air, and to maintain a predictable spatial pattern across the block. Staff found that the property does not exhibit any unusual physical characteristics such as irregular lot configuration, environmental constraints, or easement limitations that would prevent compliance with standard requirements. In the absence of such conditions, the petition does not demonstrate a hardship or practical difficulty sufficient to support a variance. Staff also determined that approval could negatively affect the established pattern of the neighborhood by introducing an incompatible setback and visually dominant fence height, both of which would alter the character of a residential area defined by consistent spacing and modest accessory elements. Granting such a variance would constitute a special privilege rather than appropriately justified accommodation tied to the physical circumstances of the site. For these reasons, and because the findings of fact did not show that the variance would maintain public welfare or align with adopted planning policies, staff concluded that the request could not be supported.

GENERAL INFORMATION

Existing Zoning	D-5, Airspace	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
N Naomi St	Local Street	Proposed ROW: 48 feet Existing ROW: 48 feet
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	July 21, 2026	
Site Plan (Amended)	N/A	
Elevations	July 21, 2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	July 21, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

Fences or fences combined with a wall shall be constructed of wood, stone, brick, decorative concrete block, wrought iron, (or products created to resemble these materials), vegetated cellular confinement system, or other material compatible with the primary building materials; or a combination of any of these materials. Chain link fencing or wire fencing is allowed in accordance with Table 744-510-1.

Minor Residential Structures: Structures that are subordinate and secondary to the primary residential use of a property, such as garages, carports, porches, decks or patios 18 inches or greater in height, mini-barns, sheds, workshops, swimming pools, hot tubs, porte-cocheres, bathhouses, cabanas, secondary dwelling unit, shelters for personal livestock, greenhouses, and other accessory buildings or structures similar and comparable in character to these uses. This definition does not include minor mobile home structures or residential support facility or amenity.

On lots in the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8 dwelling districts improved with a Single-family detached dwelling, Single-family attached dwelling, or Two-family dwelling, minor residential structures:

- Shall not be located closer to any front or side lot line than the required minimum front and side yard setbacks of the dwelling district, or, in the case of a front yard, the established front yard setback on the lot, whichever is greater.
- Shall not be located closer to any rear lot line than 5 feet.
- Shall comply with the minimum side yard requirements of the district independently of the side yards established by the primary building.
- Shall not encroach upon, as the primary building shall not encroach upon, any platted easement.

Minimum building setback lines are regulated by the zoning district in which the property is located. Larger setbacks may be platted at the subdivider's discretion; however, such excessive platted setbacks will not be enforced by the Commission unless such setbacks were required as a part of a commitment, condition, approval, or site plan tied to an approved land use petition.

Pattern Book / Land Use Plan

The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form

should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

A mix of housing types is encouraged, and developments should be located within one mile, using streets, sidewalks, or off-street paths, of a school, playground, library, public greenway, or similar free public recreational or cultural amenity. Primary structures should be no more than one and a half times the height of adjacent primary structures and should be oriented toward the street with a clear pedestrian connection from the front door to the sidewalk, excluding driveways or parking areas. Developments with densities higher than 15 dwelling units per acre should maintain a design character compatible with nearby properties, and increases in density should occur incrementally, with higher-density housing types located closer to frequent transit lines, greenways, or parks.

The house should extend beyond the front of the garage, and whenever possible, garages should be accessed from an alley or side street. If a garage is located on the side of the house, it should be detached. Secondary units are encouraged, and lot sizes should be limited to no more than one and a half times the size of adjacent lots.

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

Fencing around dwellings should be carefully placed. See-through fencing is the safest. In the front, fences should be ornamental in style. Do not install privacy fences in front yard.

Over time, individual lots may have been combined with neighboring lots. This creates lots that are larger than others in their surrounding context.

Consider both how additions and improvements meet the Comprehensive Plan goals and ways to mitigate impacts, particularly for accessory structures.

At the street setback, new infill housing should not be taller than adjacent houses by more than a story, providing the existing block context lends itself to homes that vary in height.

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

Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2023DV1020; 4505, 4506, 4509, 4510, 4605, 4609, 4613, 4617, 4621, 4622, and 4625 W Caven Street; Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings on each lot with front-loaded garages in excess of 30% of the façade at the building line (garages limited to 30% of the width of the front façade when located 0-12 feet behind front building line) and allow for a three-foot corner side yard setback at 4622 West Caven Street (eight-foot corner side setback required), 16-foot front setbacks at 4505, 4605, 4613, and 4621 Caven Street, 17-foot front setback at 4510 Caven Street (20 to 50-foot front setback required for neighborhood yard frontages), and a six-foot corner side yard setback at 4625 Caven Street (eight-foot corner side setback required); approved.

2000HOV021; 4602 W Naomi Street; Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 640-square foot addition to a single-family dwelling, expanding 16-feet along a legally nonconforming 14.5-foot front setback or 72. 7 percent of the linear frontage of the original dwelling (maximum 11-foot expansion along a legally nonconforming 14.5-foot front setback or 50 percent of the linear frontage of the original dwelling permitted); approved.

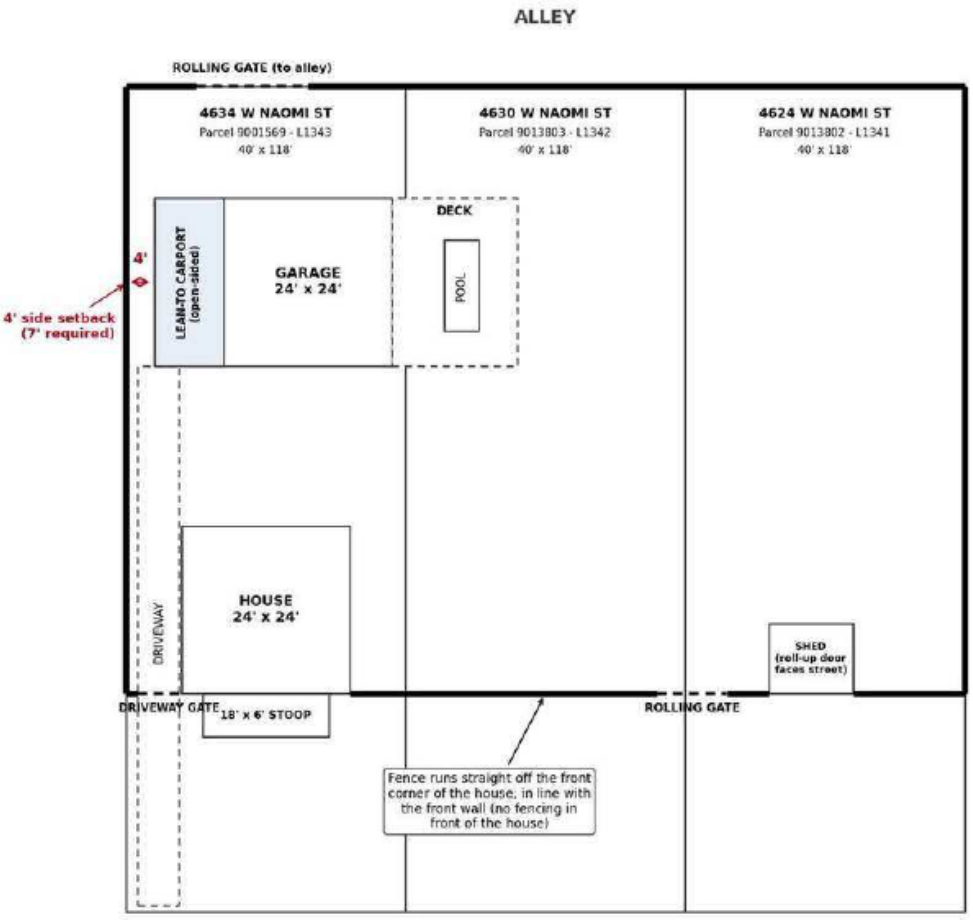
99-SE1-1; 2601 S Denison Street; Variance of Development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 640-square foot addition to a single-family dwelling, expanding 16-feet along a legally nonconforming 14.5-foot front setback or 72. 7 percent of the linear frontage of the original dwelling (maximum 11-foot expansion along a legally nonconforming 14.5-foot front setback or 50 percent of the linear frontage of the original dwelling permitted); approved.

EXHIBITS

SITE PLAN:

REVISED SITE PLAN - FENCE AND SIDE SETBACK VARIANCE

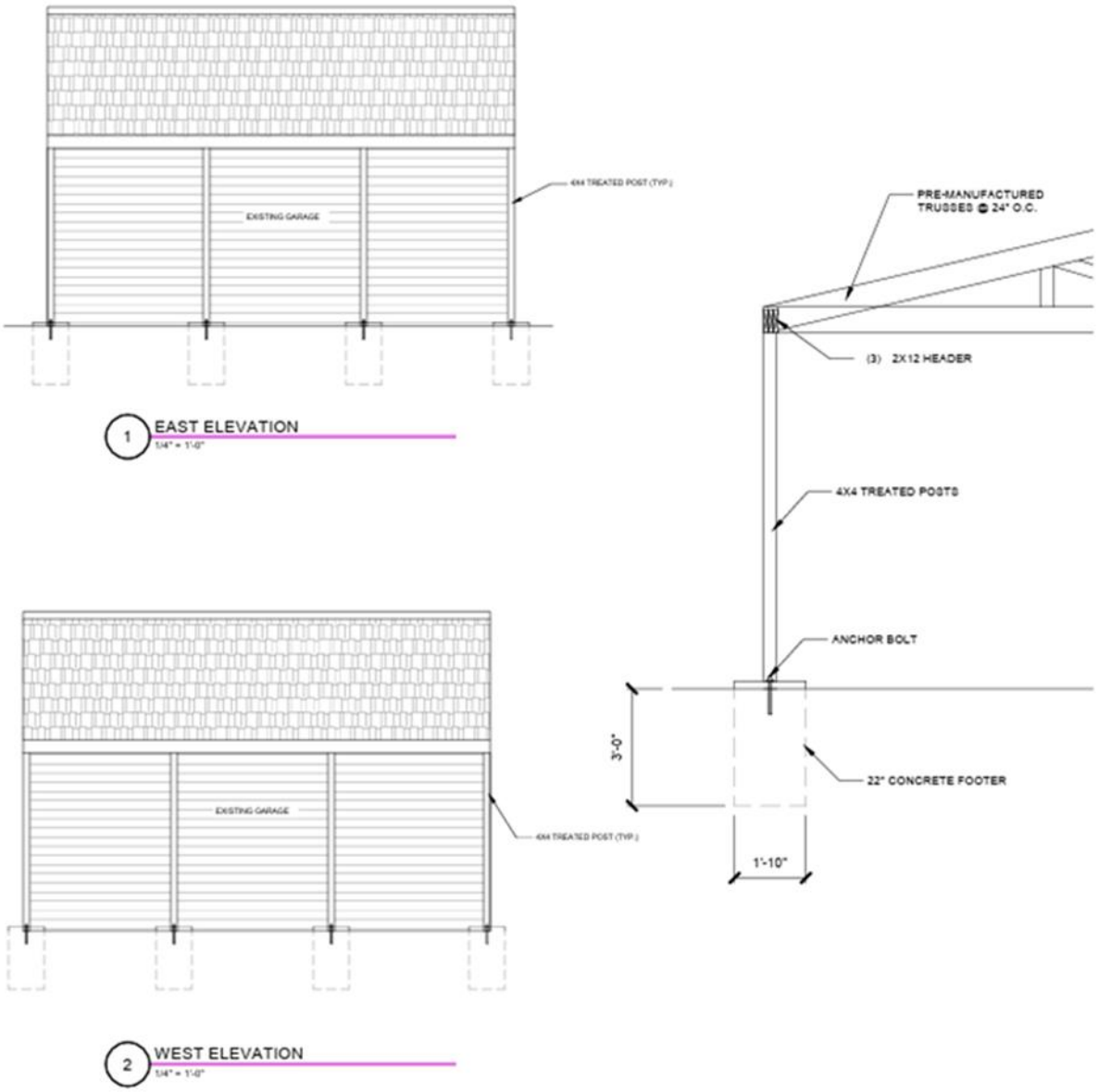
4624 / 4630 / 4634 W. Naomi Street, Indianapolis, Indiana | Case No. 2026-DV1-045 | Revised October 6, 2026



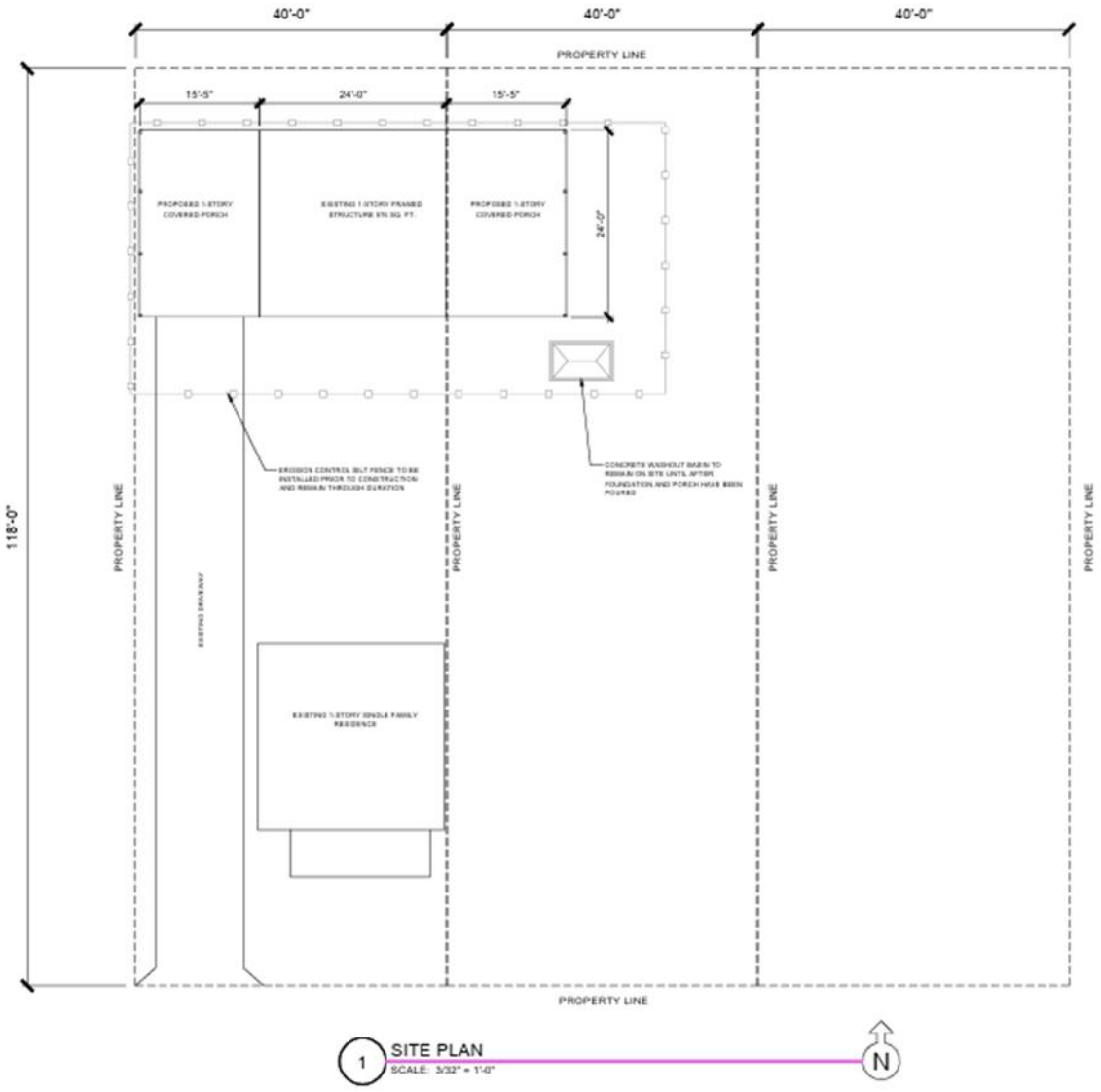
PLAN NOTES

- Heavy line: existing 8' wood privacy fence, the subject of this Variance of Development Standards request.
- The front run of the fence is aligned with the front wall of the house; there is no fencing in front of the house.
- Lean-to carport: open-sided roof attached to the side of the garage; subject of the 4' side setback request (7' required).
- Shed sits in the front fence line; it was moved straight back when the fence was moved back to align with the house.
- All three parcels are under common ownership.
- Revises the earlier site plan (packet p. 143), which showed the front run stepping toward the street.
- Schematic drawing; not to scale; not a survey. Parcel sizes from the earlier site plan; structure sizes and positions approximate.

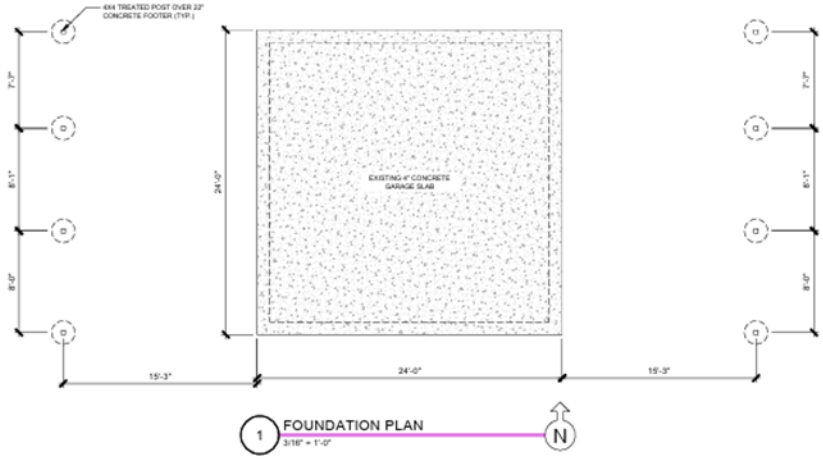
SITE PLAN:


EXISTING GARAGE
4X4 TREATED POST (TYP.)
1 EAST ELEVATION
1/4" = 1'-0"
PRE-MANUFACTURED TRUSSES @ 24" O.C.
(3) 2X12 HEADER
4X4 TREATED POSTS
ANCHOR BOLT
3'-0"
22" CONCRETE FOOTER
1'-10"
EXISTING GARAGE
4X4 TREATED POST (TYP.)
2 WEST ELEVATION
1/4" = 1'-0"

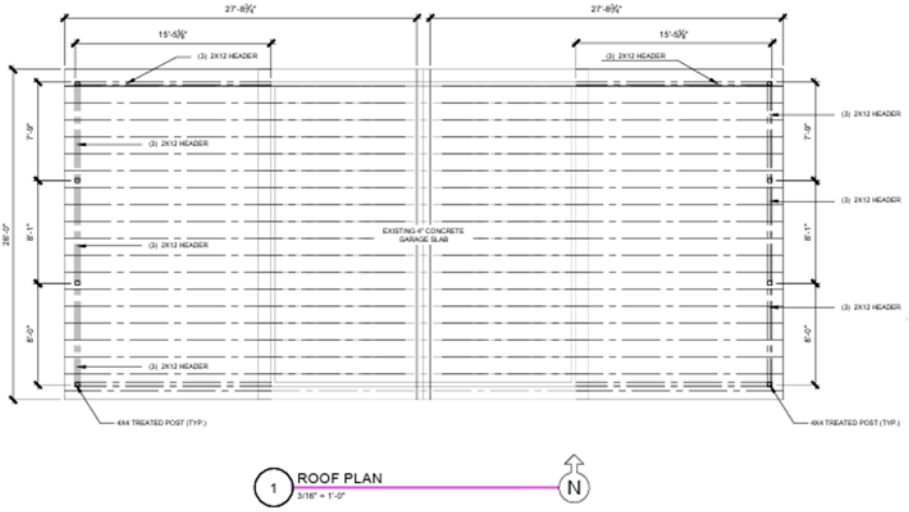
SITE PLAN:


40'-0"
40'-0"
40'-0"
PROPERTY LINE
15'-5"
24'-0"
15'-5"
24'-0"
118'-0"
PROPERTY LINE
PROPERTY LINE
PROPERTY LINE
PROPERTY LINE
PROPERTY LINE
1
SITE PLAN
SCALE: 3/32" = 1'-0"
N

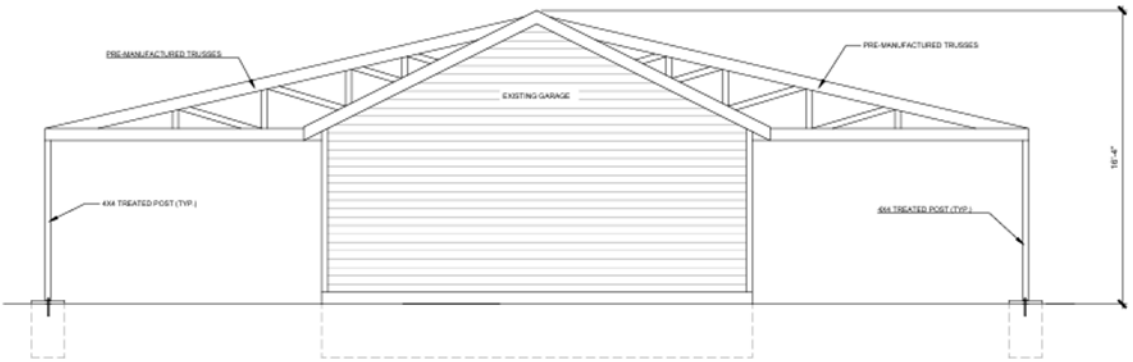
SITE PLAN:


4X4 TREATED POST OVER 22" CONCRETE FOOTER (TYP.)
EXISTING 4" CONCRETE GARAGE SLAB
24'-0"
15'-3"
24'-0"
15'-3"
1 FOUNDATION PLAN
3/16" = 1'-0"
N


EXISTING GARAGE TO REMAIN
24'-0"
24'-0"
2 FIRST FLOOR PLAN
N


27'-6½"
15'-5½"
(3) 2X12 HEADER
EXISTING 4" CONCRETE GARAGE SLAB
4X4 TREATED POST (TYP.)
1 ROOF PLAN
3/16" = 1'-0"
N

SITE PLAN:



1 NORTH ELEVATION
1/4" = 1'-0"



2 SOUTH ELEVATION
1/4" = 1'-0"

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 eight-foot privacy fence is located on my property and was installed for privacy, safety, security, and the reasonable enjoyment of my residential property. The fence does not obstruct vehicular or pedestrian visibility at an intersection or driveway and does not create a public safety hazard. The property is not a corner lot, and the fence does not extend across the front of the residence. The additional fence height provides needed screening and security due to the property's surroundings, including nearby roadway/highway activity, neighboring properties, pets, and the need for reasonable residential privacy. The fence also allows me to maintain privacy while respecting the privacy and differing cultural and religious practices of surrounding neighbors.

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 fence is a residential privacy improvement that does not change the use of my property or prevent adjacent properties from being used for their existing residential purposes. The neighboring property already has substantial fencing, including a tall chain-link fence with screening/tarp material. The owner of the adjacent rental property was aware of my fence installation and did not object to it. In addition, the neighboring occupants have attached and hung numerous items on my fence from their side, demonstrating that the fence itself does not prevent their continued use and enjoyment of their property. The fence is maintained on my property and provides separation, privacy, and screening between neighboring residential uses rather than creating a substantially adverse effect on surrounding property.

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

Strict application of the fence height and opacity requirements would require removal or substantial alteration of an existing eight-foot privacy fence that was installed to address the actual privacy, safety, security, and screening needs of this property. The configuration of my property, its relationship to the roadway and surrounding properties, and the existing conditions on the adjacent property make a lower or substantially more open fence inadequate for its intended purpose. The fence also replaced an existing chain-link fence that was damaged during a plumbing-related incident involving the adjacent property in September 2025. Requiring the fence to be substantially reduced in height or opacity would eliminate much of the privacy and screening the replacement fence was specifically intended to provide while imposing significant expense and disruption. Granting the variance would allow the existing residential fence to remain while preserving the reasonable use, privacy, safety, and enjoyment of my property.

DEVELOPMENT STATEMENT:

The proposed development consists solely of the existing eight-foot privacy fence that is the subject of this Variance of Development Standards petition. The fence has already been constructed; therefore, there are no proposed phases of construction or development associated with this request.

No additional buildings, structures, changes in land use, or other major project elements are proposed as part of this variance request. The property will continue to be used for its existing residential purpose.

There are no proposed covenants associated with this request. The owner will comply with the commitments submitted in connection with the variance petition and will maintain the fence in a safe and structurally sound condition in accordance with the variance as approved.

PHOTOS:



Photo 1: Shed



Photo 2: Interstate 70



Photo 3: Looking Northeast



Photo 4: Looking Northeast towards fence and shed



Photo 5: Looking Northwest



Photo 6: Looking East



Photo 7: Neighboring houses



Photo 8: Neighboring houses



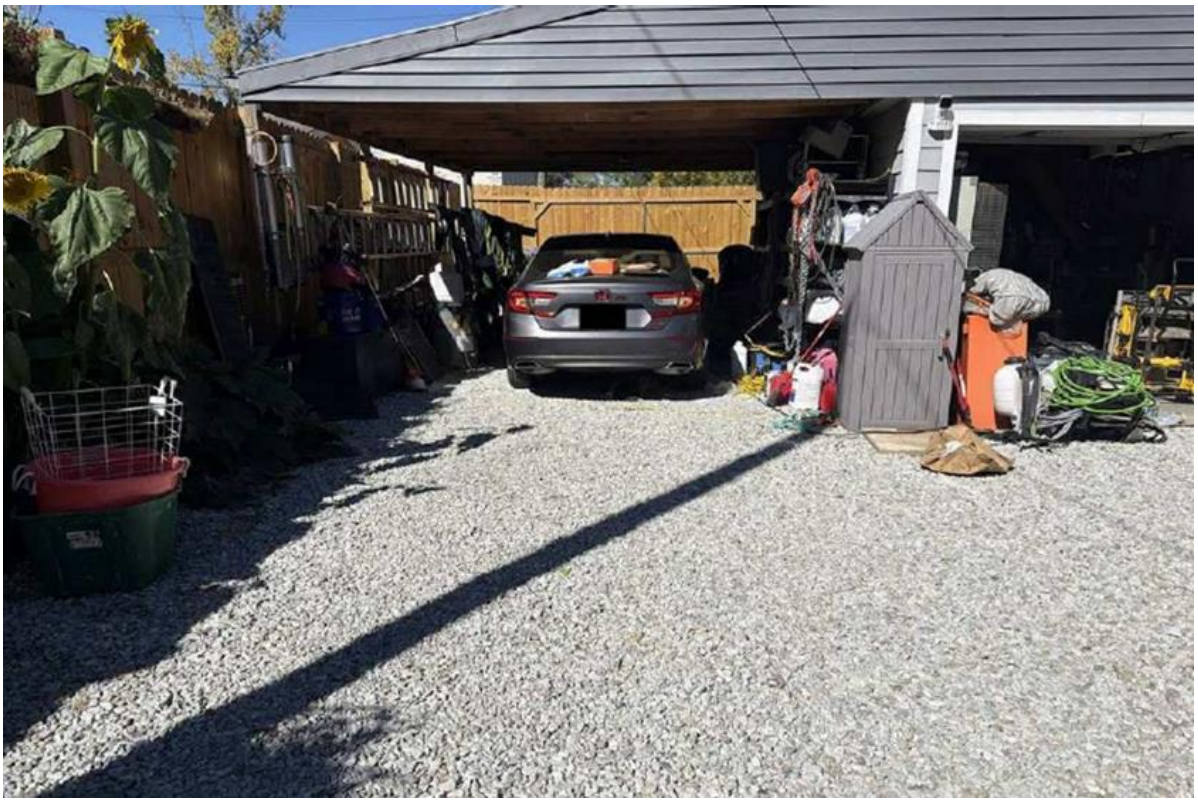
Photo 9: Neighboring houses



Photo 10: Neighboring houses

PETITIONER PHOTOS:





Petitioner's carport

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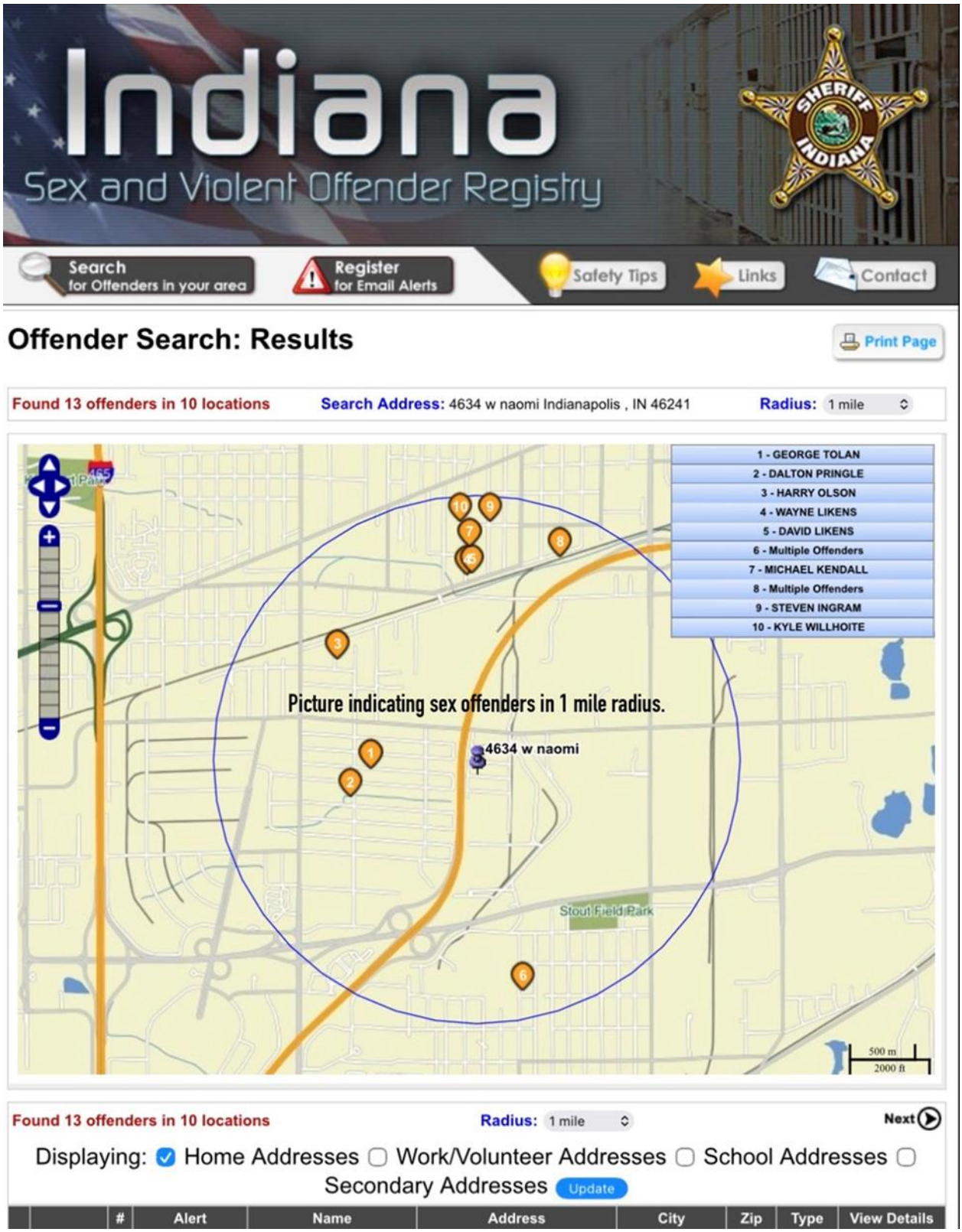





View from yard facing I70
Marker showing 6'

DMD INDY
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Board of Zoning Appeals Division III — November 10, 2026

Case Number:	2026-DV3-011A
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 a fence within the clear sight triangle (not permitted).
Current Land Use:	Developed, School
Staff Recommendations:	Staff recommends **denial** of the variance for obstruction of the clear sight triangle.
Staff Reviewer:	Josh Levesque, Manager

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 subsequently filed a continuance from the May 26th, 2026, to the July 21st, 2026, BZA III hearing. The petitioner filed for an additional continuance as well as transfer to the August 4th, 2026, BZA III hearing. The petition was subsequently continued to the September 1st hearing and continued again to the October 6th hearing.

At the October 6th hearing, the board split the case. 2026DV3011A, pertaining to the fence's encroachment into the clear sight triangle received an indecisive vote and was continued to the November 10, 2026, BZA hearing. 2026DV3011B, permitting the portion of the fence outside of the clear sight triangle to have a height of up to 8 feet, was granted.

STAFF RECOMMENDATION

Staff recommends **denial** of the variance for obstruction of the clear sight triangle.

PETITION OVERVIEW

3603 South Meridian Street is a large parcel on the corner of South Meridian Street and Sumner Avenue. The parcel contains a school and a large, paved play and parking area. The property is currently split-zoned between SU-1 (the majority) and D-4 and is surrounded by a variety of zoning districts and land uses. The adjacent property to the east, zoned D-4, contains parish offices. The parcels across Sumner

Avenue to the north are zoned D-3 and are undeveloped. To the west is a parcel zoned D-A and containing a gas station. To the south is a church center.

The petitioner's request is to establish a fence/wall in the front yard that that encroaches into the clear sight triangle.

744-503.H of the Ordinance indicates that "no obstructions shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5 feet [30 inches] and 8 feet above grade level." The Department of Public Works also relies on sight triangles (an engineering sight triangle) to determine the safety of intersections. The clear sight triangle used by DPW represents the area a driver needs visibility in order to react and stop in case of an oncoming hazard. It also represents the distance the driver needs to see oncoming traffic from the left and right so they can safely pull into traffic. Furthermore, an obstruction into the clear sight triangle impedes a driver's ability to see pedestrians. Pedestrians, whether waiting at the corner or attempting to cross the street would be in particular danger. The diagrams below (see "Clear Sight Diagrams" in "Exhibits") show the extent to which the fence/wall encroach into the clear sight triangle.

Petitioner's plans, file-dated September 29th, propose to clip the fence on the northwest corner and bring it partially within the clear sight triangle. However, the petitioner's own diagram shows that the fence/wall will still partially encroach into the clear sight triangle. As highlighted earlier, the clear sight triangle is intended to promote safety and to reduce traffic conflicts—a chief concern near schools.

A variance of development standards may only be approved if the following three criteria are met:

- ***The approval will not be injurious to the public health, safety, morals, and general welfare of the community.***
    - Staff will note that one party cannot be made safe at the expense of another party, especially when other design solutions exist. Within the clear sight triangle there traffic stop bars and turn lanes. Additionally, there is a lack of sidewalks along Sumner Avenue and Meridian Street, forcing pedestrians into the road. Obstructing the clear sight triangle presents potential hazardous conditions for area pedestrians and drivers. The petitioner can keep students AND the public safe by lessening the amount of lot they use and moving the fence/wall outside the clear sight triangle. Such an action would also create greater separation from the play area and the street, further helping to increase safety.
- ***The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.***
    - The safety hazards created by encroachment into the clear sight triangle would impact the safe use of the public right of way in a substantially adverse manner.
- ***The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.***
    - The parking lot/play area is over 36,000 square feet. The amount of area that would be lost to bring the fence into compliance is roughly 3% of the entire area. Compliance with the Ordinance would not prevent the rest of the parking lot from being used and would not prevent other parts of the property from being devoted to play areas.

- The Ordinance is intended to promote public safety. Staff's analysis indicates the presence of public safety hazards. As such, staff recommends **denial** of the clear sight variance. Staff will also note that the proposed commitment regarding bollards/guardrails, as written, would permit bollards or guardrails within the clear sight triangle. If the bollards/guardrails do not meet Ordinance provisions for the clear sight triangle, staff must also recommend **denial** of this commitment.

GENERAL INFORMATION

Existing Zoning	SU-1	
Existing Land Use	Developed; School	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-3	North: Undeveloped
South:	SU-1	South: Religious Use / Community Center
East:	D-4	East: Religious Use / Church
West:	D-A	West: Gas Station
Thoroughfare Plan		
South Meridian Street	Primary Arterial	50-foot existing right-of-way and 95-foot proposed right-of-way
Sumner Avenue	Primary Collector	60-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	3/09/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/10/2026	
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, 3603but 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

79-Z-151; 3500 South Meridian Street, Rezoning from SU to SU1, **approved.**

ZONING HISTORY – VICINITY

79-Z-151; 3435 South Meridian Street, Requesting rezoning from D3 to SU1, **approved.**

99-Z-156; 3449 South Meridian Street, Requesting rezoning of 2.19 acres from D3 to DP, **withdrawn.**

2002ZON054; 3510 South Meridian Street, Requesting rezoning of 1.659 acres from DA to C-3, **withdrawn.**

2005DV1031; 18 East Sumner Avenue, Variance of Development Standards of the Dwelling District Zoning Ordinance to provide for the construction of a single-family dwelling with a ten-foot front yard setback along Union Street, **approved.**

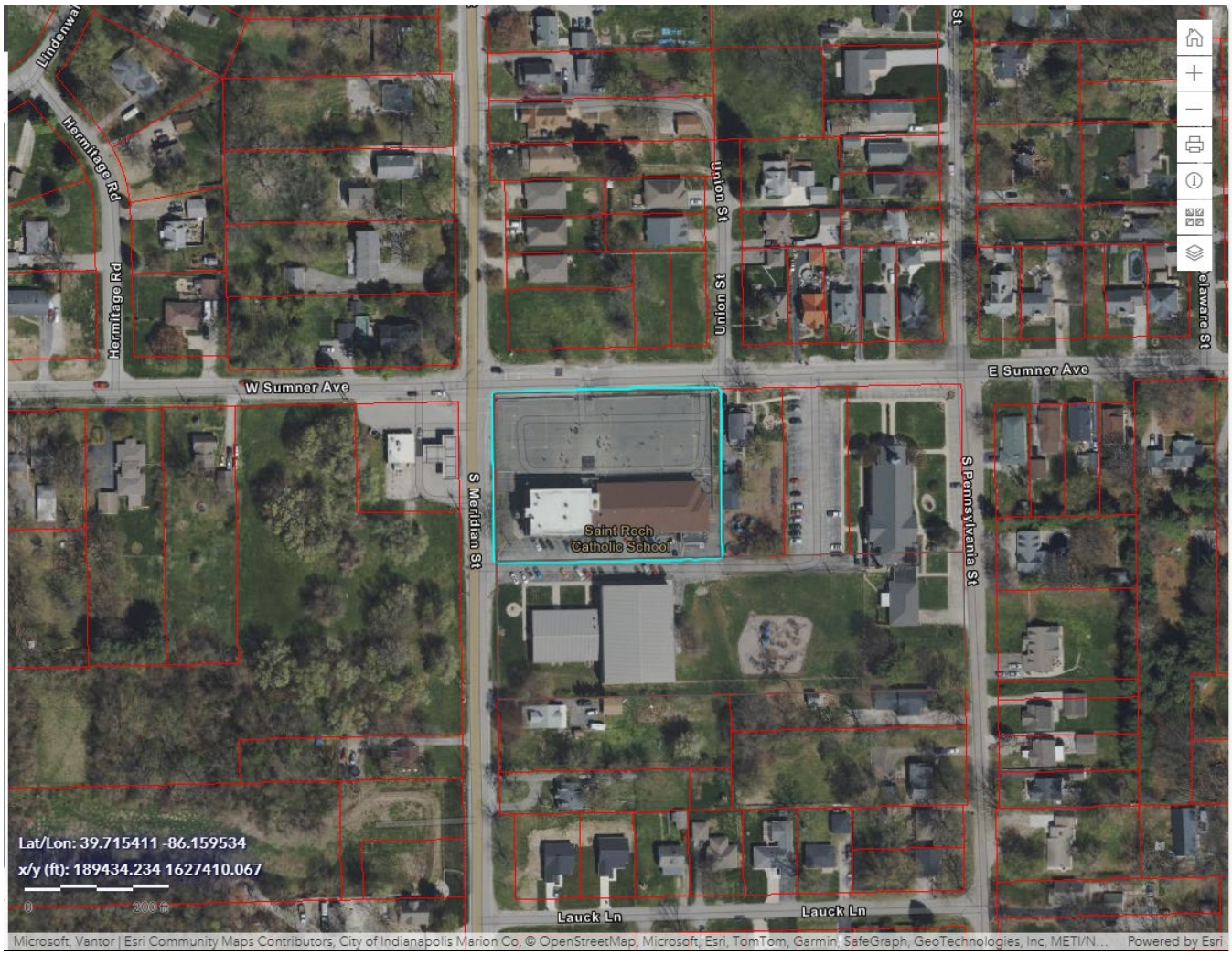
2012UV2020; 3652 South Meridian Street, Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish a 780-square foot deck for outdoor seating and a 4,400-square foot outdoor seating area on gravel, accessory to bar, **approved.**

2023UV3006; 3650 & 3652 South Meridian Street, Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an eating establishment with outdoor seating on an existing patio, **withdrawn.**

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EXHIBITS

2026DV3011; Aerial Map



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2026DV3011; Site Plan (1)



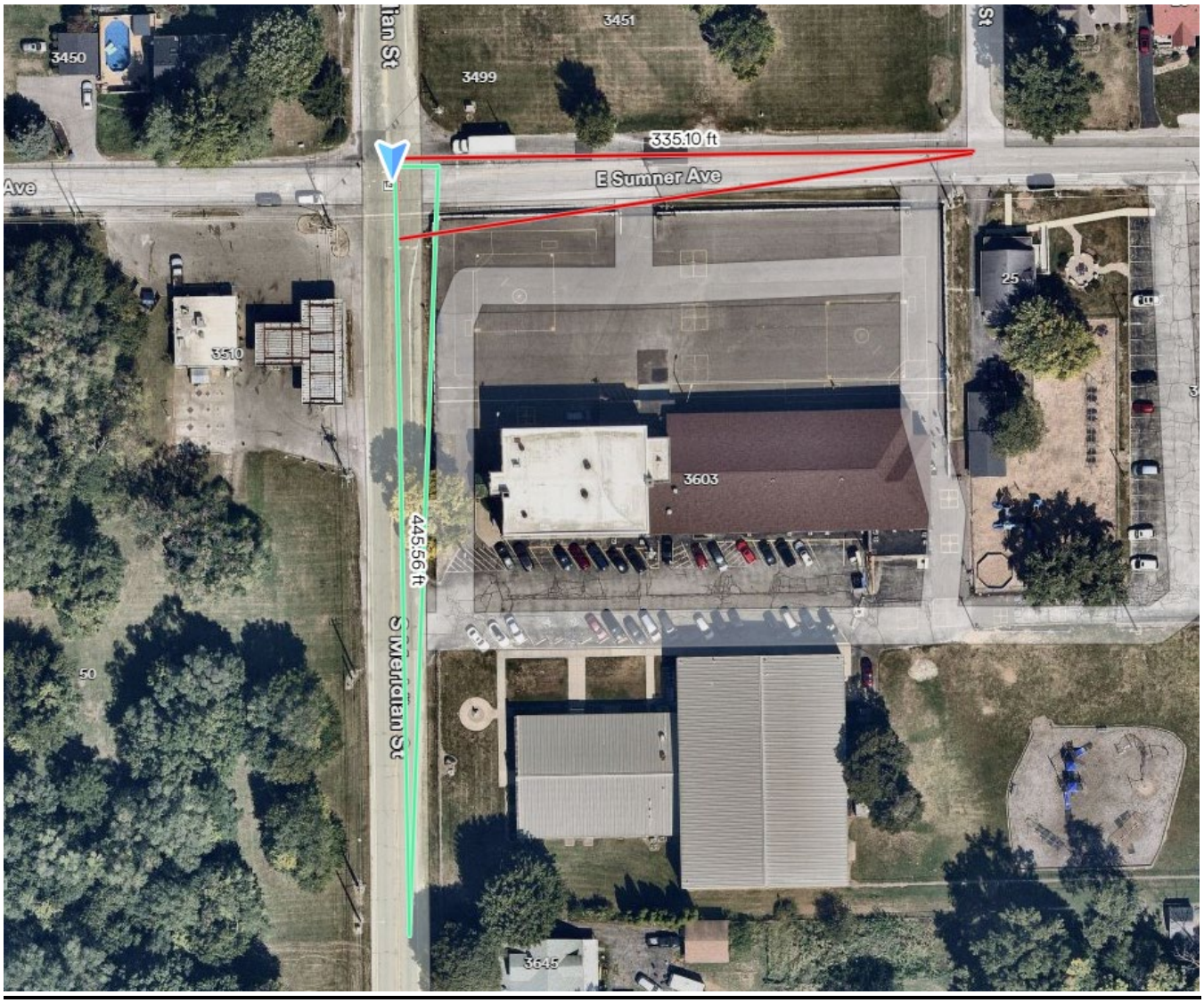
Proposed fence location

2026DV3011; Site Plan (2)

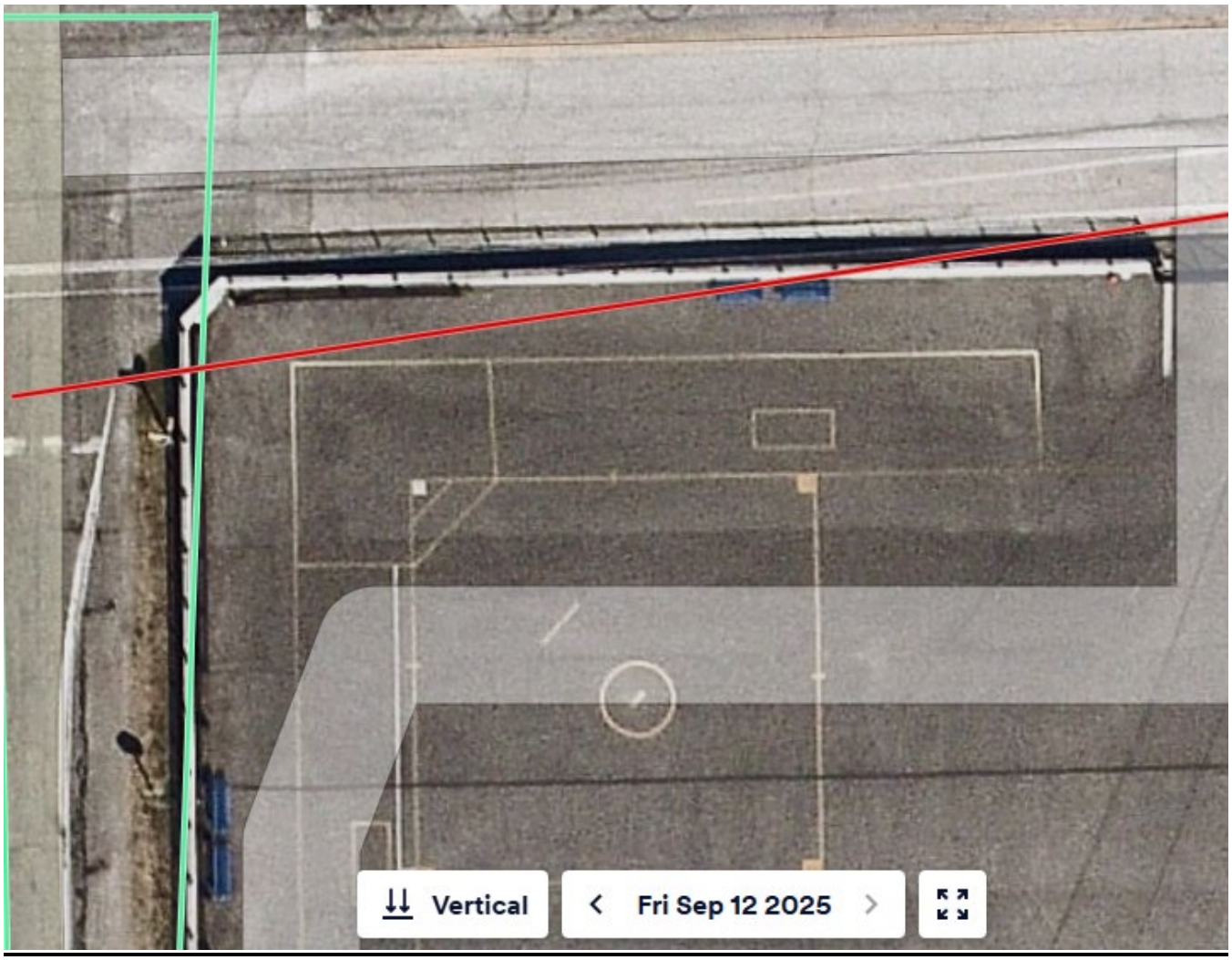


Site plan showing fence moved in roughly 16 feet from its current location

2026DV3011; DPW Clear Sight Diagrams (1)

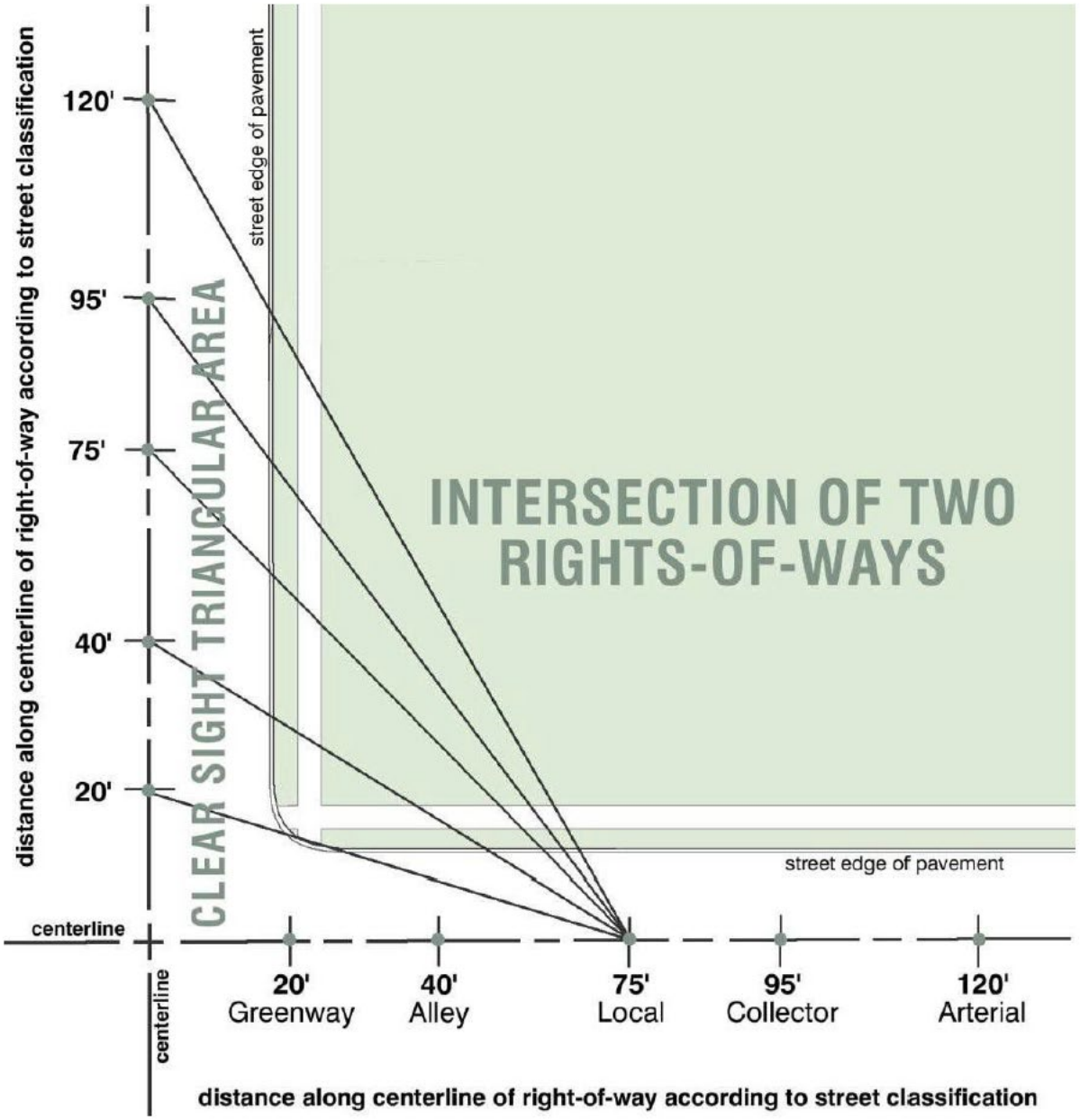


2026DV3011; DPW Clear Sight Diagrams (2)



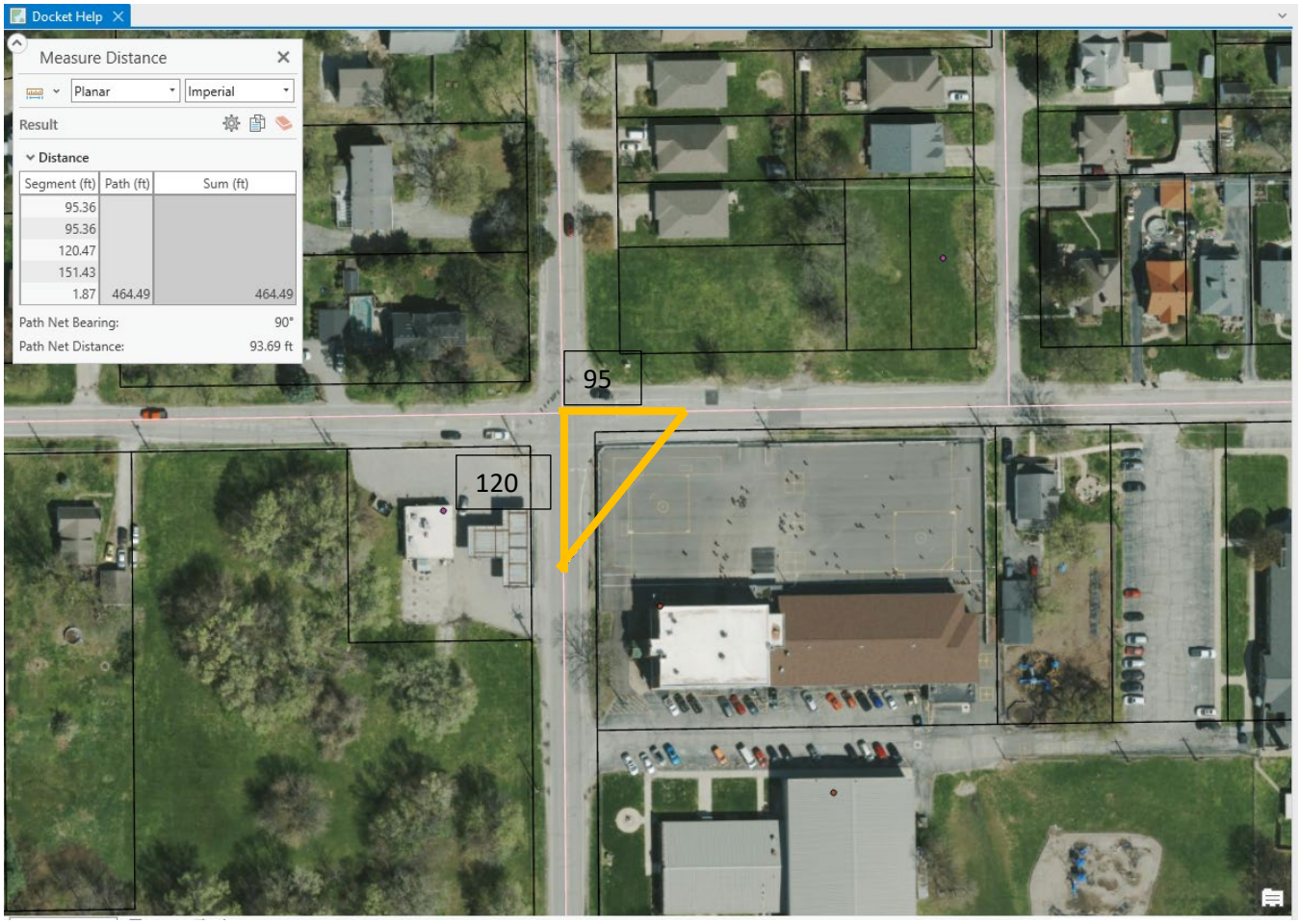
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2026DV3011; DMD Clear Sight Diagrams (1)



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2026DV3011; DMD Clear Sight Diagrams (2)



2026DV3011; Photographs



Photo 1: Fence/wall as seen from Sumner Avenue looking south

2026DV3011; Photographs (continued)



Photo 2: On South Meridian at corner with Sumner

2026DV3011; Photographs (continued)



Photo 3: On Sumner at corner with Meridian

2026DV3011; Photographs (continued)



Photo 4: Fence/wall along Sumner near intersection with South Meridian

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BOARD OF ZONING APPEALS DIVISION I — November 10, 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

The Board of Zoning Appeals continued this petition, with notice, from the September 1, 2026 hearing, to the October 6, 2026 hearing, due to deficient notice.

After a full hearing on October 6, 2026, the Board of Zoning Appeals continued this petition from the October 6, 2026 hearing to the November 10, 2026 hearing, due to an indecisive vote.

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 to provide for operation of an automobile, motorcycle and light vehicles sales or rental shall be limited to the petitioner.
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 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 the request was withdrawn.

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, which are more intense and detrimental to surrounding land uses.

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."

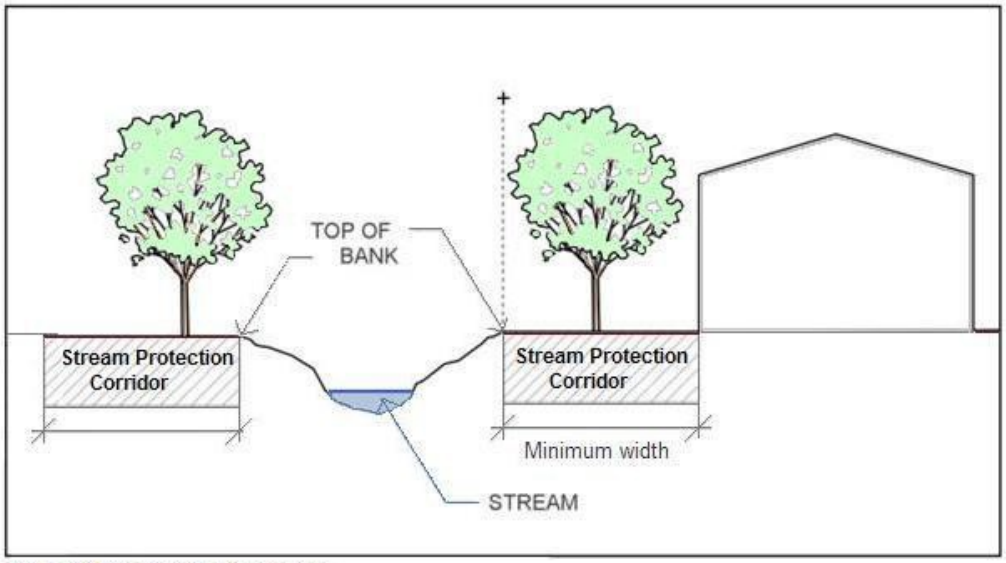
Stream Channel is defined as "part of a watercourse that contains an intermittent or perennial base flow of groundwater origin."

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 receptables 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 (under construction) 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 fourth 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)	September 1, 2026	

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

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), **withdrawn.**

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.**

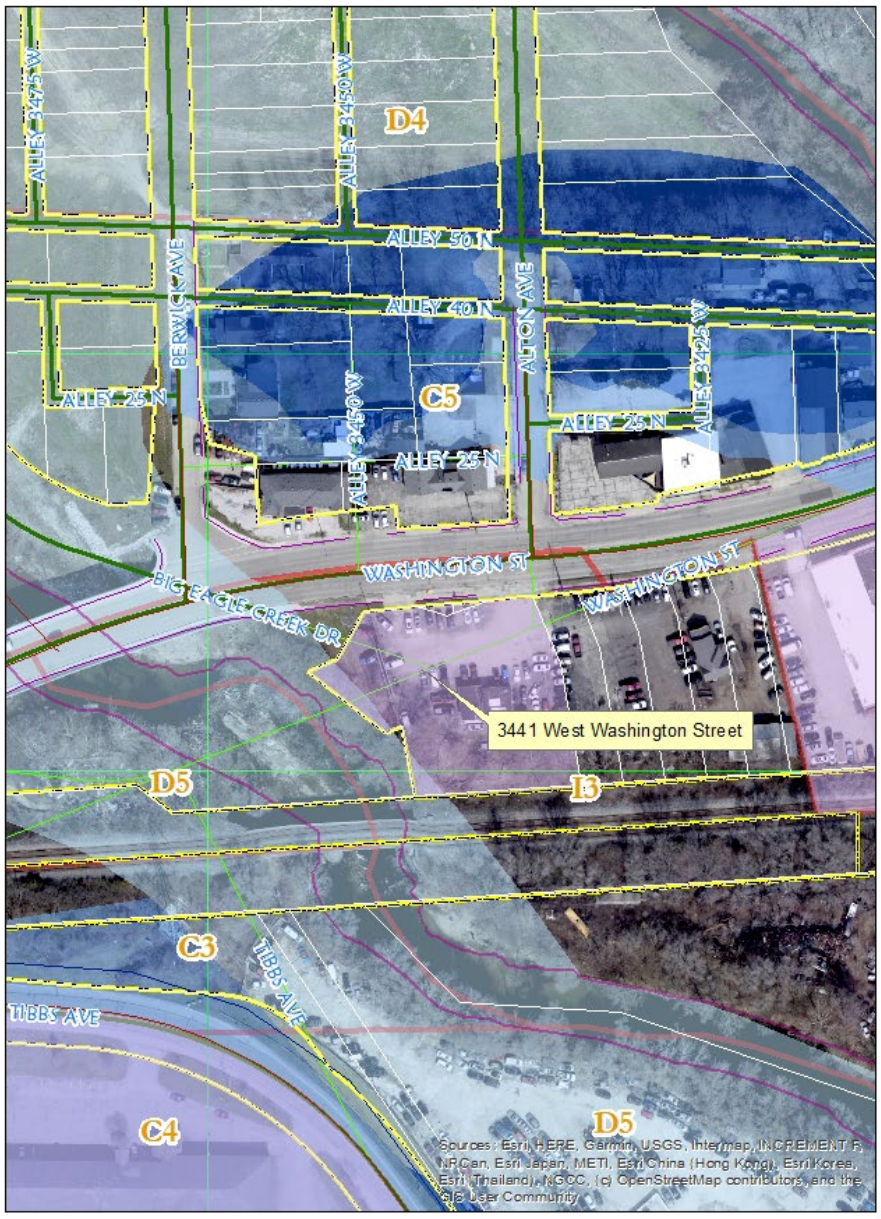
93-UV1-31; 3421- 3429 West Washington Street (east of site), requested a variance of Use of the Industrial Zoning Ordinance to provide for the expansion of an existing automobile sales lot with parking in the front yard (10% permitted only), **granted.**

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.**

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DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS



3441 West Washington Street

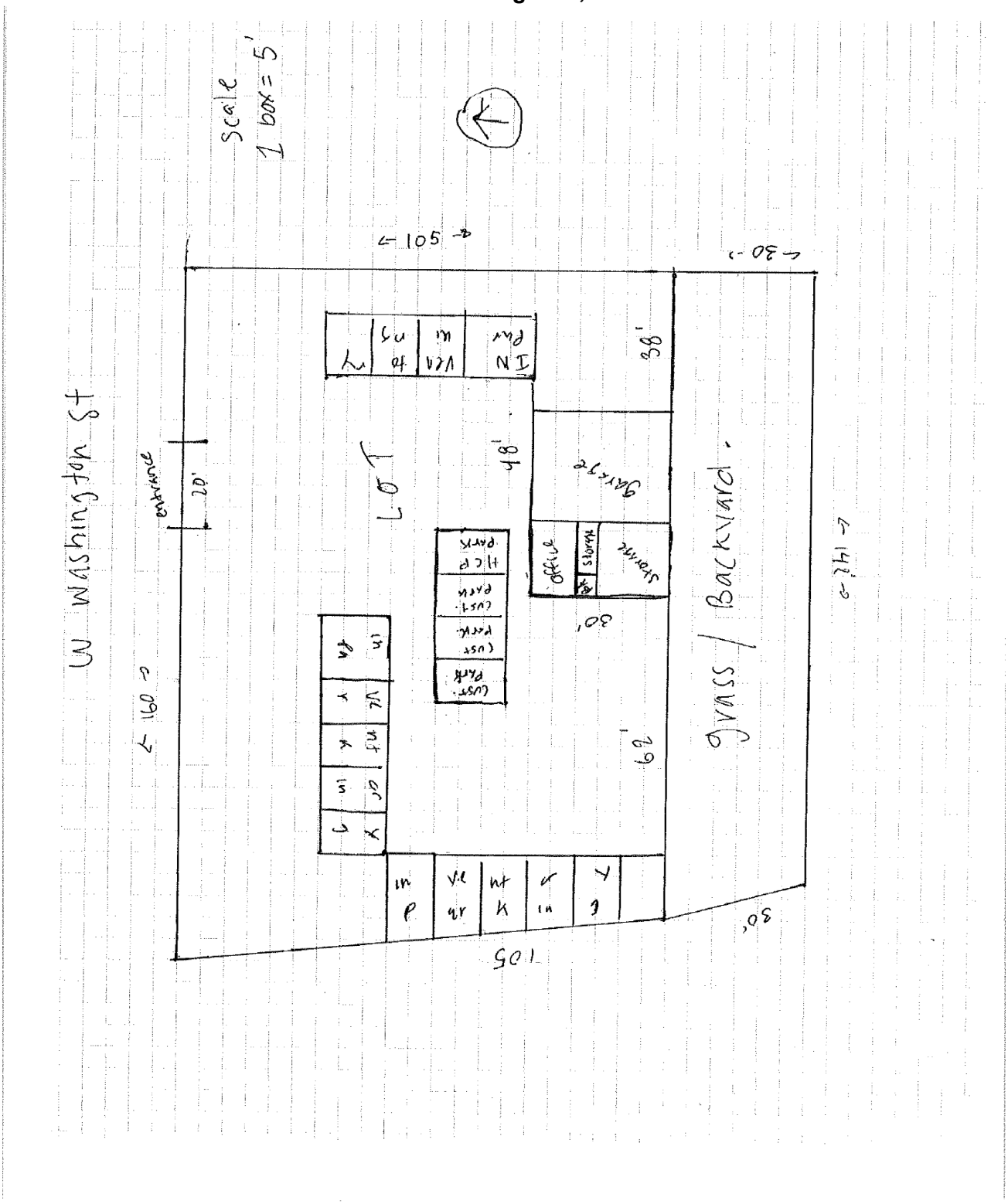
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Site Plan - August 4, 2026



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DIVISION OF PLANNING | CURRENT PLANNING

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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

- 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.

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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FINDINGS OF FACT – September 1, 2026

Petition Number 2026-UV1-022

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
See Attchments

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
See attqcnmant

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

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
See Attrchment

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

DECISION

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

Adopted this _____ day of _____, 20 ____

Vof-use.frm 2/23/10

The proposed dealership is consistent with the property's existing commercial character.

A professionally operated used-car dealership is a legitimate commercial activity that can be opera without creating a threat to public health or safety.

- Vehicles will be parked in designated areas rather than obstructing streets, sidewalks, driveways, or neighboring properties.
- The property will be maintained, kept clean, and free
- Customer and employee traffic will enter and exit through established access points.
- Business hours can be controlled to minimize noise and disturbance to surrounding propertie
- Proper lighting can be used for security without unnecessarily shining onto neighboring properties.
- The operation can actually improve the condition and appearance of the property if it replace an underutilized or deteriorated use.

2. Impact on adjacent properties

The dealership will operate entirely within the subject property.

- Vehicles will not be stored on neighboring property.
- No customer parking will be directed onto neighboring properties.
- The property will be maintained and kept orderly.
- No excessive noise, outdoor repair work, or nuisance activity is proposed.
- Lighting will be designed to minimize spillover onto adjacent properties.
- Signage will be professional and appropriately sized.
- The dealership will maintain adequate circulation for customers and emergency vehicles.
- The proposed use will not substantially change the character or value of neighboring properties.
- If appropriate, landscaping, fencing, screening, or other conditions can be offered to further protect adjacent property owners.

3. Uniqueness / conditions peculiar to the property

- The property's location along a major roadway makes it particularly suitable for automobile-related commercial activity.
- Existing access to the property can accommodate customer and vehicle traffic.
- The surrounding development already contains commercial, automotive, or other nonresident uses
- The property's existing improvements and investment make it particularly suited for the proposed dealership.

4. Unnecessary hardship

Significant personal/family investment has already been made into the property.

Money has already been invested into improvements, buildings, parking, equipment, or preparin the site.

The requested variance is the minimum relief necessary to make reasonable use of the property

5. Comprehensive Plan

The proposed dealership is consistent with the property's existing commercial character.

- The property is located in an area where commercial activity is already established.
- The proposed use would put an existing property to productive economic use.
- The dealership would provide employment and generate economic activity.
- The proposal would maintain the property's existing commercial character rather than introducing an incompatible use.
- The proposed operation can be designed to respect surrounding residential or commercial uses.
- The request does not require changing the overall character of the neighborhood.



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



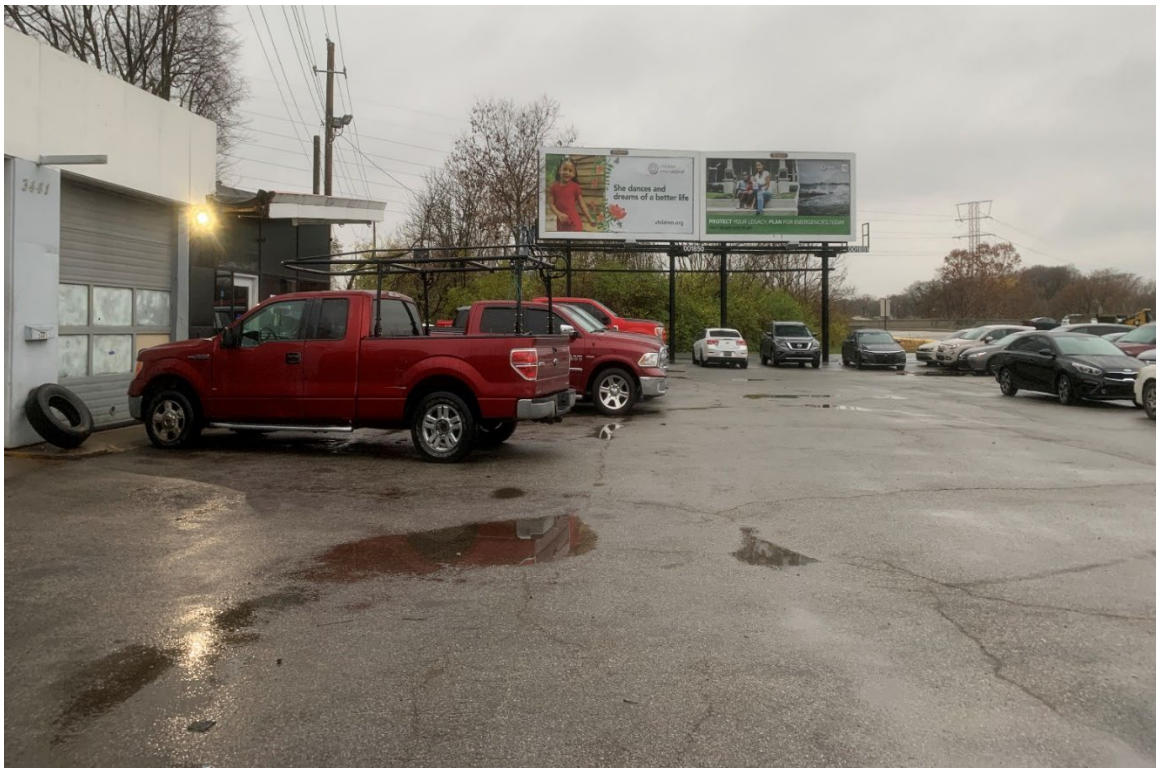
View of adjacent repair shop east of the site looking southeast across West Washington Street



View of used car dealer looking northeast across West Washington Street



View of rear yard of site looking north



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

Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026-MO1-003
Property Address:	2380 E 54th St
Location:	Washington Township, Council District #7
Petitioner:	Enter Petitioner, Enter Representative Company
Current Zoning:	C-3
Request:	Modification of a statement of commitments placed on the subject property under 2005-UV1-008 to remove a commitment prohibiting the outdoor seating area to be enclosed by a permanent roof or awning.
Current Land Use:	**Vacant Restaurant**
Staff Recommendations:	Approval with Commitments.
Staff Reviewer:	Noah S. Pappas, Manager – Current Planning

PETITION HISTORY

This is the initial public hearing for this petition.

STAFF RECOMMENDATION

Approval with Commitments.

1. **Commitment One:** An amended site plan showing the permanent awning with a compliant setback is provided to the Department of Metropolitan Development staff for Administrative Approval prior to issuance of any ILPs on the subject property.
2. **Commitment Two:** A Landscaping plan, subject to Administrative Approval, shall be provided to the Department of Metropolitan Development prior to issuance of ILPs on the subject property. Said plan shall consist of a mix of grasses, ornamental trees, and shrubs dispersed equally across the subject property frontage to provide screening for the outdoor dining area. All plantings shall be installed by June 1, 2027 These plants shall be continually maintained and replaced if any die or are removed for utility work.

PETITION OVERVIEW

The proposal is to remove a commitment placed on the property under 2005-UV1-008 that prohibited the outdoor seating area from being enclosed by a permanent roof or awning. The petitioner's proposal is not just to enclose what exists, but to expand the permanent outdoor seating area to the maximum extent permissible.

This property has been used historically as a restaurant, with aerial photographs showing the structure dating back to at least 1978.

Zoning for the subject property is C-3. The front setback standard requirement is 10 feet from the property line. The petitioner's provided site plan appears to show some variance in what is requested, ranging between showing approximately 2-4 feet. This would be deficient by 6 feet and would require an additional variance to be permitted. Staff has requested a revised site plan, but at time of publishing had not yet received one. Further, there is some conflicting information between the application submittal material and the site plans regarding to what extent the permanent awning is meant to extend. Regardless, the closest any permanent structure could get to the right-of-way is 10 feet as stated above.

This outdoor seating area is enclosed by an existing 6-foot-tall metal fence which is situated approximately 4 feet from the edge of the 54th street road pavement. As it stands, this offers minimal protection for outdoor diners from the adjacent roadway.

54th Street is classified as a Primary Collector under the Thoroughfare Plan. Collector Streets are "designed and intended to collect traffic from an area and move it to an arterial while also providing substantial service to abutting land uses." (Ordinance Definition for Collector Street, P. 74)

Outdoor seating is contemplated in the Ordinance as a permitted accessory use and is allowed as an Accessory Permitted Use in the C-3 zoning district. This allows for outdoor seating within the front setback even if no awning is present. However, this does not permit the awning to encroach into the minimum required front setback.

As stated above, in 2005 this property had a similar variance petition, 2005-UV1-008, to allow outdoor seating within the required front yard. In looking at past correspondence, it is not clear to staff why the commitment for the awning to be temporary was applied.

Past permit history for this property includes relevant ILP, STR and craft permits obtained in 2005 for the establishment of the Marco's. Since that point there have been various INV cases and VIO cases opened. Most recently, VIO25-002845, which was opened due to the petitioner having begun construction work on a 16 foot by 50 foot (800 square feet) awning addition without first getting relevant permits and removal of the commitment we have been discussing. In 2025 a Structural Permit and Improvement Location Permit were filed with the Department of Business and Neighborhood Services. ILP25-01168 was set as "Revisions Required" on May 15, 2025 and has sat at that status for the last 1.5 years. On June 18, 2026 a Legal (LGL) petition was opened on the subject property due to the lack of progress on addressing the violation. Finally, in early September 2026 this Modification petition was submitted.

Using past street view, staff was able to observe the former presence of significant landscaping along the subject frontage property. The total landscaping present lessened in time and today there is barely any present. Previously, this landscaping served the function to screen the outdoor dining area from the heavily trafficked 54th Street. There are overhead utility lines present, which may limit the capacity to which replacement landscaping can be provided. Using the petitioner's provided site plan there still appears to be adequate space for the provision of some landscaping.

Below are two definitions relevant to the proposal:

1. **Sidewalk Café:** An outdoor seating area accessory to an establishment that serves food or beverage such as a restaurant, coffee shop, café, bar or tavern in the public right-of-way, for consuming of goods purchased from the primary use of the property. See related "Outdoor Seating or Patio (nonresidential)."
2. **Outdoor Seating or Patio (nonresidential):** On-site service facilities or seating areas accessory to a restaurant or establishment serving items to be consumed on site. This definition does not include sidewalk cafes in the public right-of-way.

The proposed use on site would best fit within the Sidewalk Café use classification. As identified in the Use Table, Table 743-1, Sidewalk Café's are a contemplated accessory use in all Commercial and Mixed Use districts.

The petitioner has stated in their provided documents that they would be maintaining all other commitments implemented under the 2005 rezoning and is only seeking to remove the commitment prohibiting the installation of the permanent awning. Therefore, the core issue at hand relative to this modification request is whether a permanent awning should be allowed, and is not inherently speaking to development standards. It will still be necessary for the petitioner to meet all development standards including but not limited to setbacks, parking, landscaping. Staff is supportive of the request to terminate the commitment prohibiting the installation of a permanent outdoor awning. This support should not be construed as support for any other variances. Given that there exists more than enough space to provide for an awning AND given the fact that outdoor seating is allowed in the front setback without the awning, staff **would not** be able to support a development standard variance seeking to expand the awning into the front setback further.

The modification findings ask the question: "THE PROPOSED MODIFICATION OF COMMITMENTS IS IN FURTHERANCE OF THE ORIGINAL VARIANCE OF DEVELOPMENT STANDARDS FOR WHICH THE COMMITMENTS WERE MADE BECAUSE". Staff agrees with the petitioner's stated rational that, "the modification will allow a longer lasting, more aesthetically pleasing and easier to maintain improvement for the property and its customers without impacting the traveling public or the community at large." As stated earlier in this report, the original variance was to allow outdoor seating within the required front yard. Removal of the commitment would allow for greater usage of the outdoor seating area and easier maintenance of the subject property, furthering the original variance. For these reasons, staff is recommending **approval** of the modification request. That approval recommendation comes with two commitments described below.

Due to incongruities between the site plans and appearance that the provided site plan *would not* meet all development standards, staff is requesting two commitments.

1. **Commitment One:** An amended site plan showing the permanent awning with a compliant setback is provided to the Department of Metropolitan Development staff for Administrative Approval prior to issuance of any ILPs on the subject property.
2. **Commitment Two:** A Landscaping plan, subject to Administrative Approval, shall be provided to the Department of Metropolitan Development prior to issuance of ILPs on the subject property. Said plan shall consist of a mix of grasses, ornamental trees, and shrubs dispersed equally across the subject property frontage to provide screening for the outdoor dining area. All plantings shall

be installed by June 1, 2027 These plants shall be continually maintained and replaced if any die or are removed for utility work.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Restaurant	
Comprehensive Plan	Village Mixed Use	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	C-3, C-5	North: Supermarket
South:	C-5	South: Restaurant, Car Dealership
East:	C-5, C-7	East: Various Auto Oriented Uses, Coffee Drive-thru
West:	C-3	West: Retail and Restaurant uses
Thoroughfare Plan		
Enter Street(s)	Primary Collector	54th Street
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	Enter Date	
Site Plan (Amended)	N/A	
Elevations	Enter Date.	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	Enter Date.	
Findings of Fact (Amended)	Enter Date. N/A if not applicable	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- VILLAGE MIXED-USE The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor.

Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

Pattern Book / Land Use Plan

- The Land Use Plan recommends this site for the Village Mixed-Use Typology. The Pattern Book identifies that businesses found in this typology serve adjacent neighborhoods rather than the wider community.

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)

- Thoroughfare Plan Identifies 54th Street as a Primary Collector. The subject property is also located nearby to Keystone, which is an Arterial Street.
- There is a Painted Bike Lane along 54th Street directly adjacent to the subject property, but not on the subject property frontage.
- While sidewalks are nearby the subject property, there are none along the frontage.

ZONING HISTORY

ZONING HISTORY – SITE

86-Z-128 – Rezoning the subject property to C-3.

2005UV1008 – Allowing outdoor seating in the front of the building line.

ZONING HISTORY – VICINITY

2007DV2013 – 2222 E 54th – Variance of Development Standards to provide for a 738 square foot outdoor seating area (not permitted).

2010UV2002 – 2170 E 54th – Variance of Use to provide for a daycare or headstart use (not permitted).

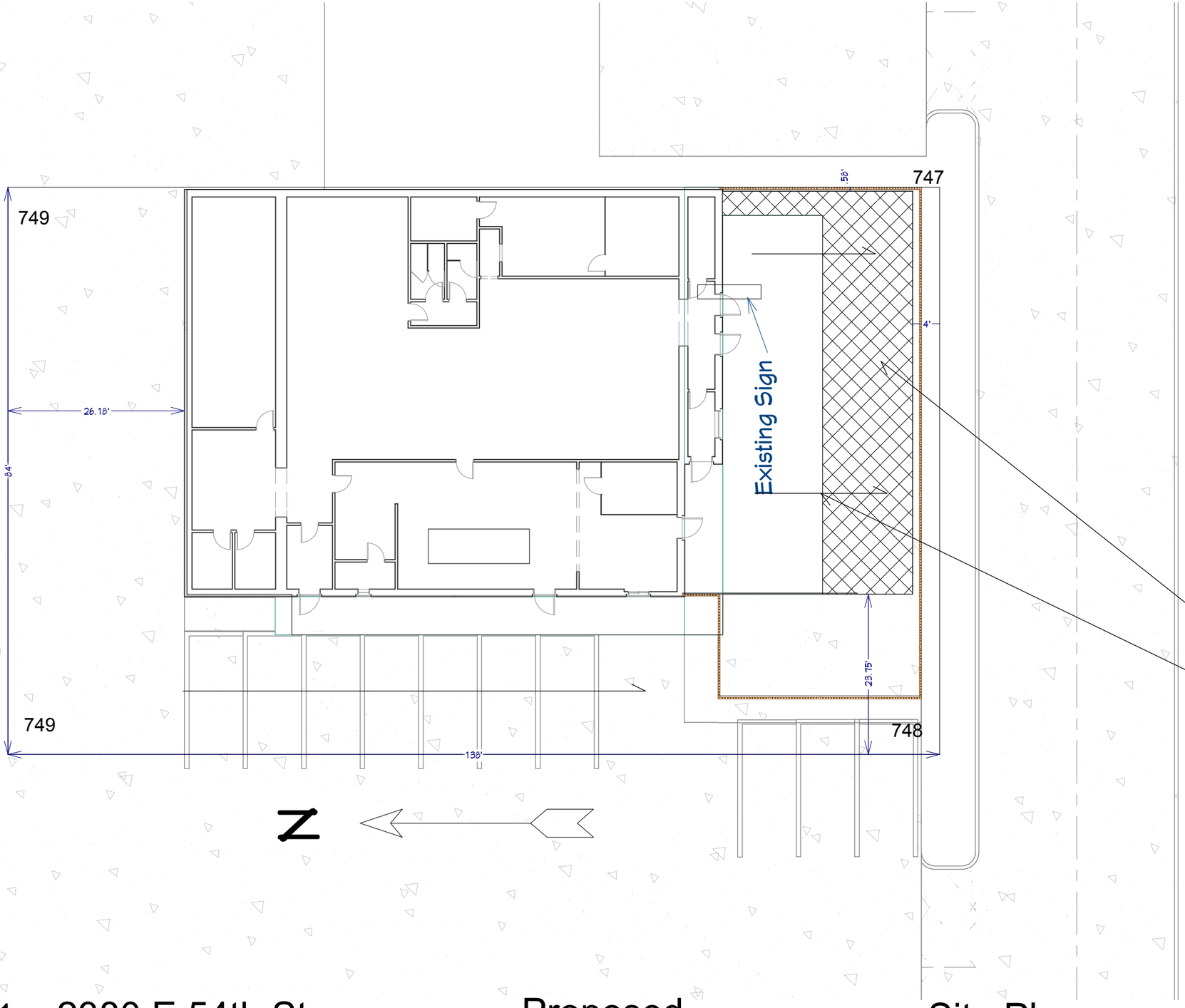
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Current Planning

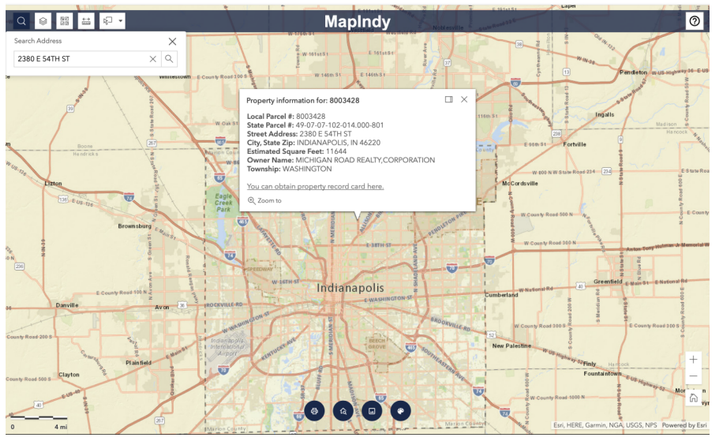
EXHIBITS

2025DV1005 ; Aerial Map

Enter any photographs or site plans

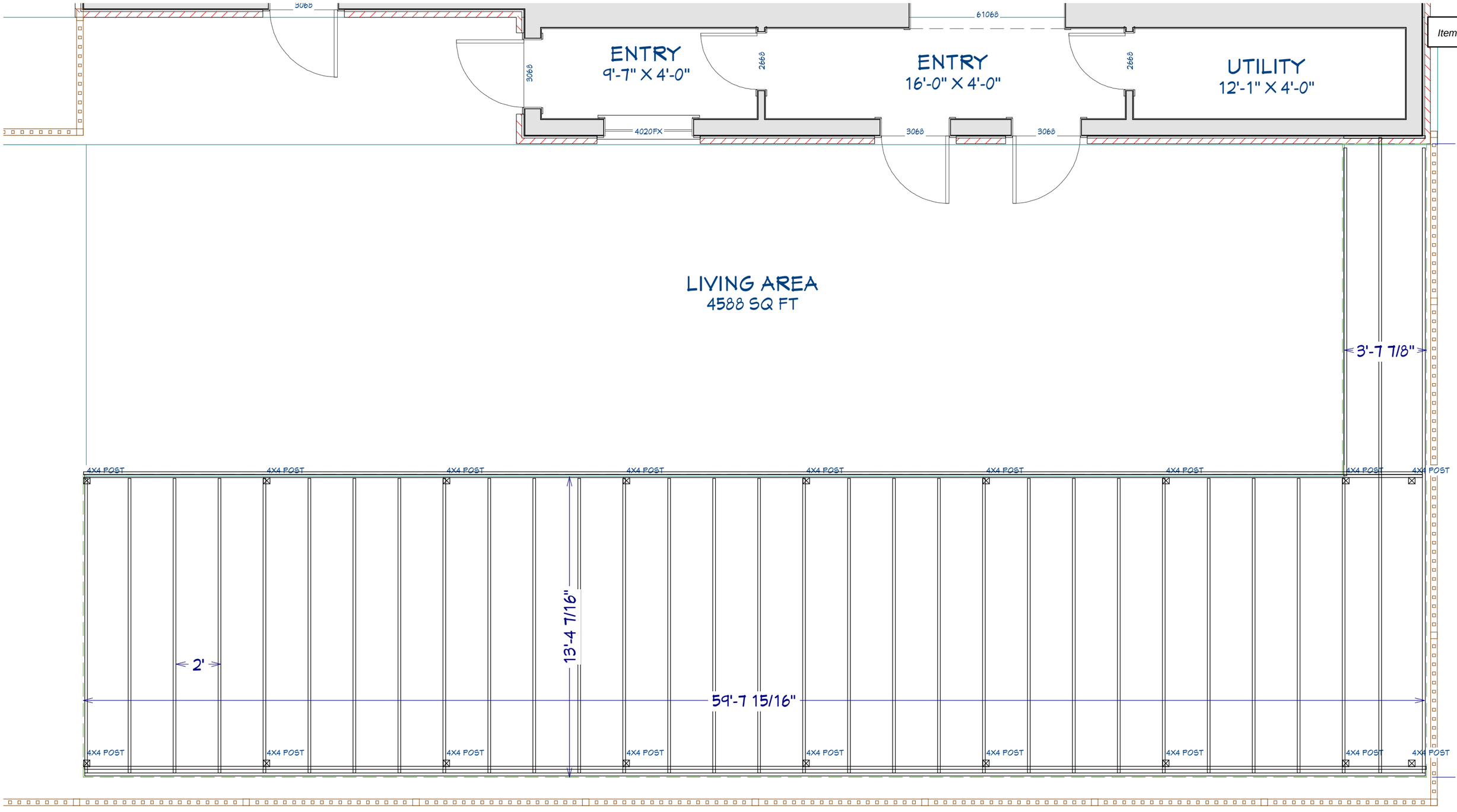
LAYOUT PAGE TABLE		
LABEL	DESCRIPTION	TITLE
PROPOSED	SITE PLAN	1/16"-1'
PROPOSED	FLOOR PLAN	1/4"-1'
ELEVATIONS	PROPOSED	1/8"-1'
PROPOSED	CROSS SECTION	1/4"-1'
PROPOSED	FLOOR PLAN	1/8"-1'



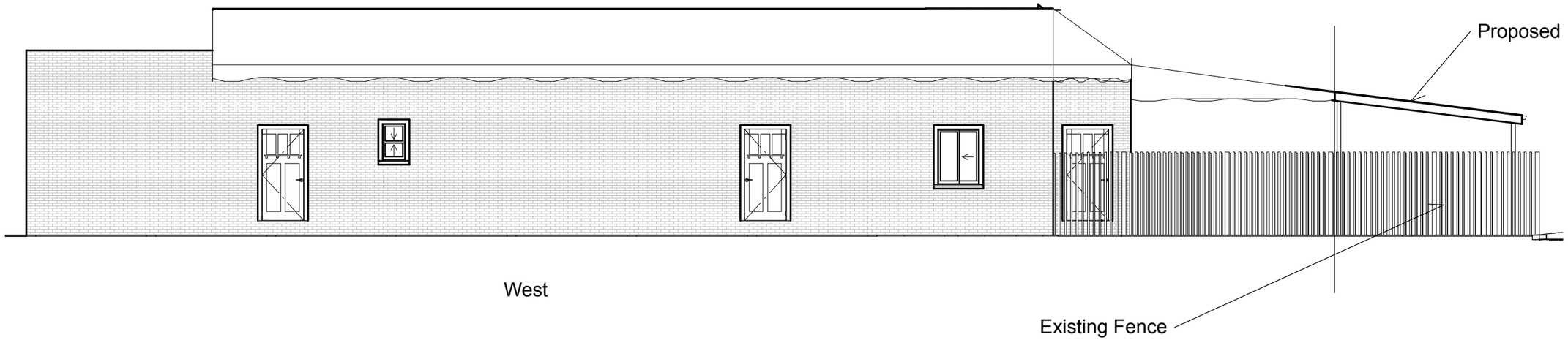


Lot	11,592 sq ft
Existing Impervious	11,592 sq ft
Proposed Impervious	11,592 sq ft
Existing Covered Space	5,977 sq ft
Proposed Covered Space	6,816 sq ft
Disturbed Area	0 sq ft
Proposed Awning	849 sq ft
Water Flow	

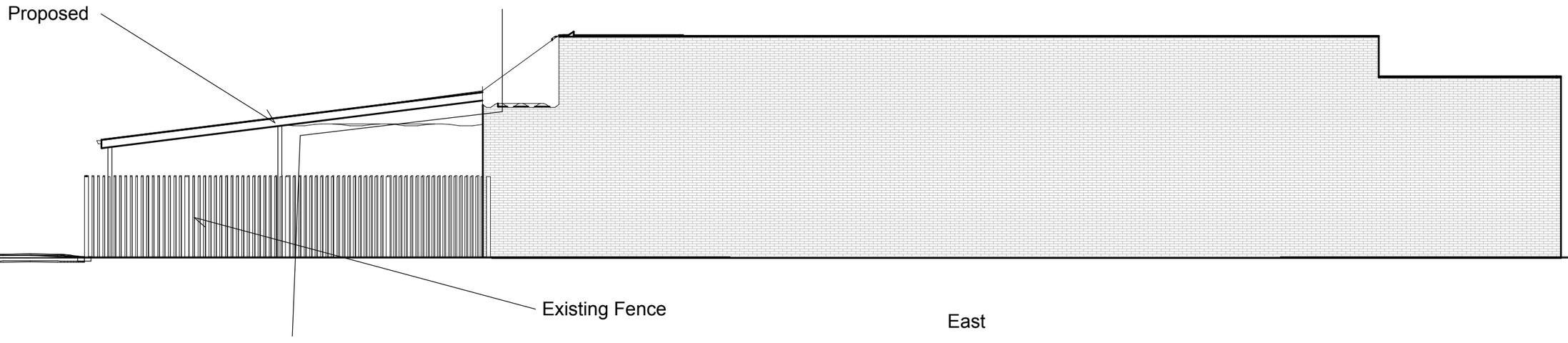
1 2380 E 54th St Proposed Site Plan Scale= 1/16"-1'



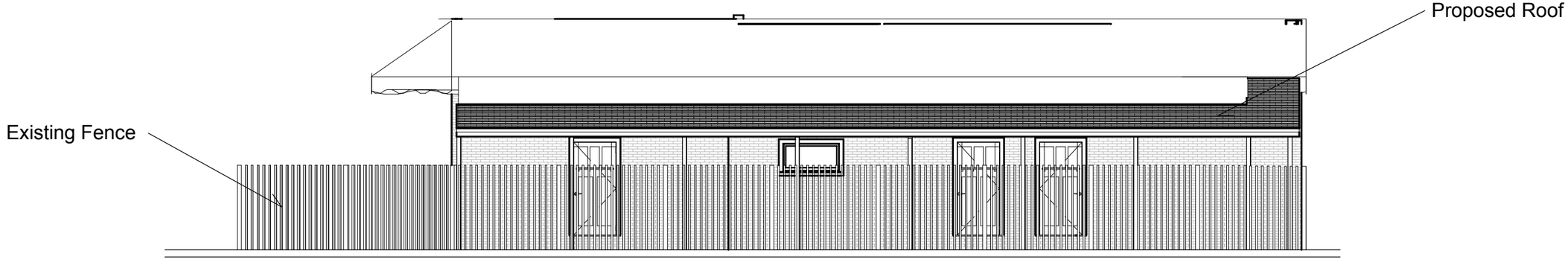
2 2380 E 54th St Proposed Floor Plan Scale= 1/4"-1'



West

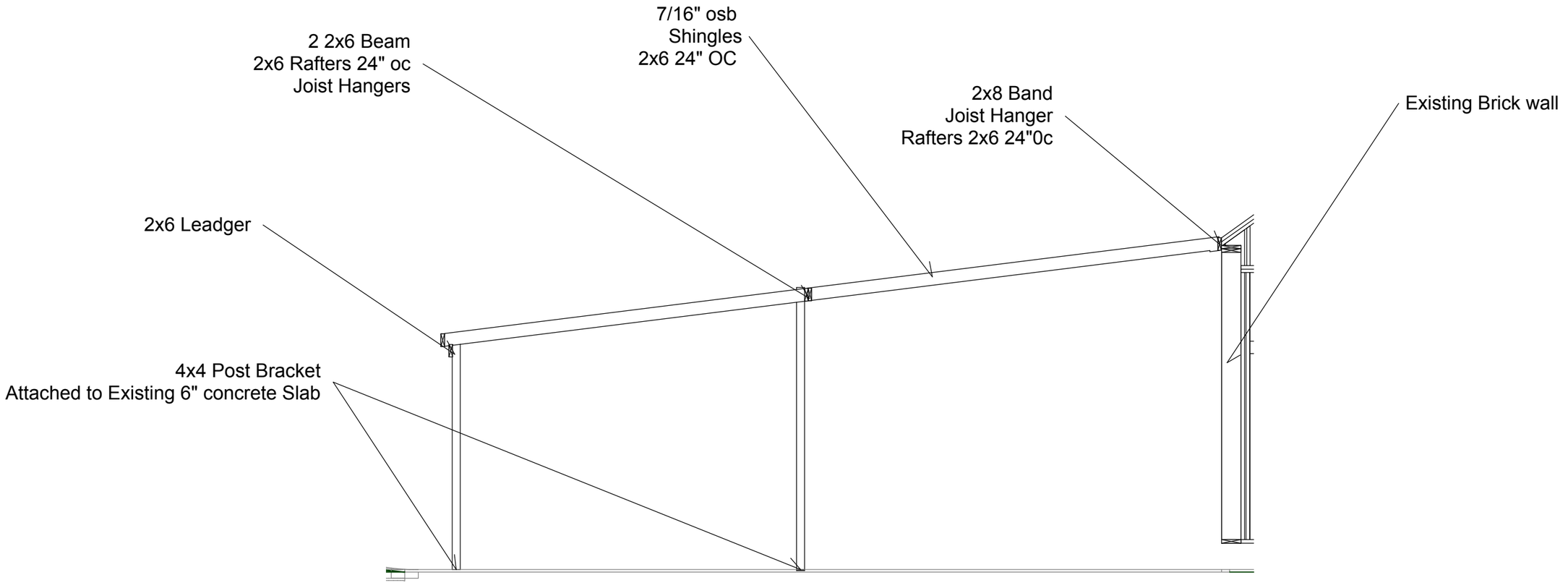


East

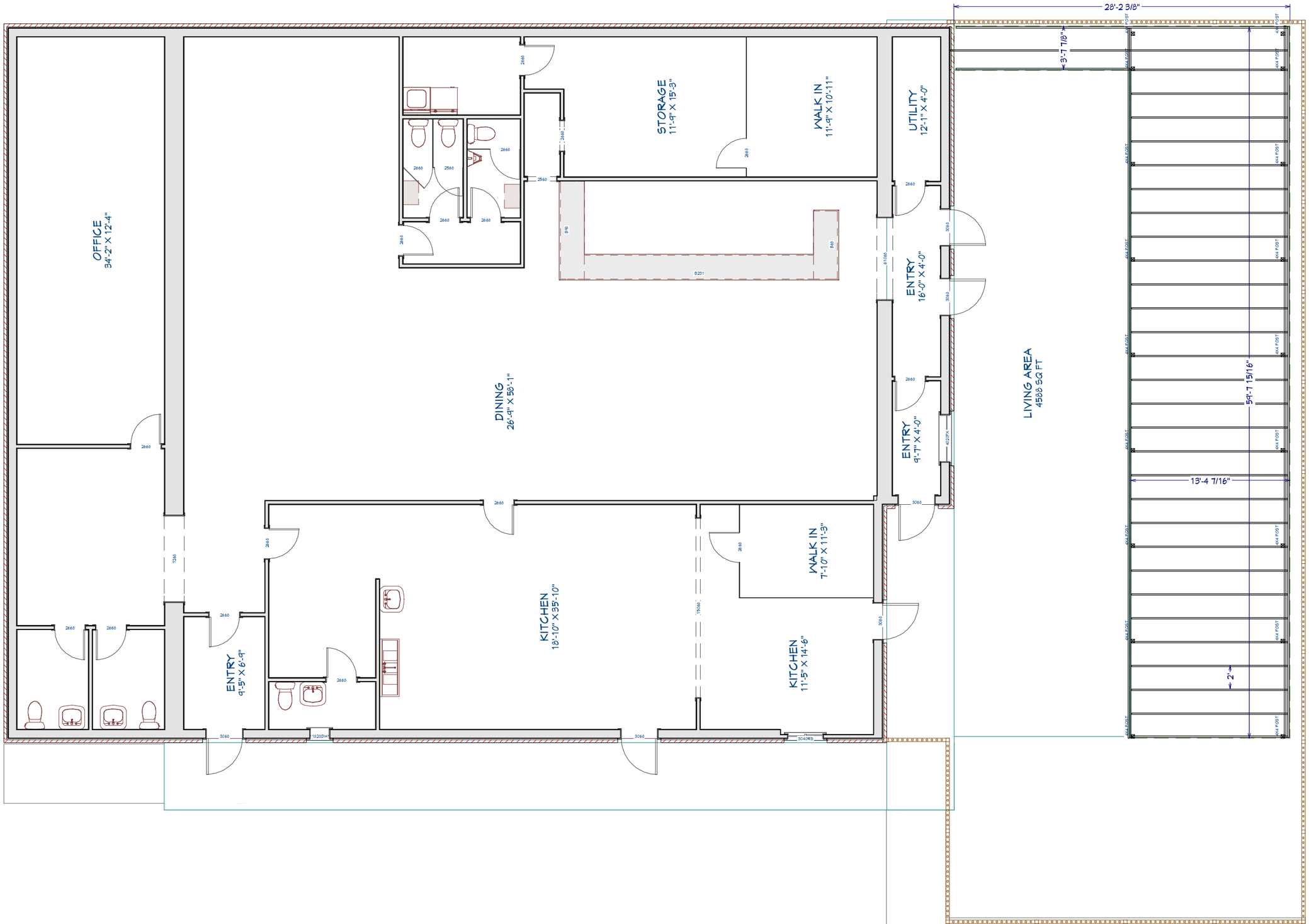


South

3 2380 E 54th St Elevations Proposed Scale= 1/8"-1'



4 2380 E 54th St Proposed Cross Section Scale= 1/4"-1'



5 2380 E 54th St Proposed Floor Plan Scale= 1/8"-1'

City of
Indianapolis
Bart Peterson, Mayor

May 13, 2005

Clark, Quinn, Moses, Scott & Grahn
Elizabeth Bentz Williams
One Indiana Square, Suite 2200
Indianapolis, IN 46204

Re: 2005-UV1-008 2374 AND 2380 EAST 54TH STREET, INDIANAPOLIS, WASHINGTON TOWNSHIP, MARCO'S RESTAURANT

Dear Ms. Bentz Williams:

The Metropolitan Board of Zoning Appeals, at its regular meeting on May 3, 2005, heard your petition for a variance of use and development standards of the Commercial Zoning Ordinance to provide for outdoor seating (not permitted) located within the required front yard (not permitted). The property is located at 2374 and 2380 East 54th Street, Indianapolis, Washington, Township in a C-3 (W-5) zoning district.

The Board, being fully advised in the matter, granted the variance, and its findings are of record in the office of the Board. The variance is subject to the following conditions:

1. Subject to the commitments recorded as Instrument No: 2005-0074432 in the office of the Recorder of Marion County, Indiana.

An Improvement Location Permit (ILP) shall be obtained as required by the Improvement Location Permit Ordinance, prior to operation. A copy of this letter should accompany the appropriate application and site plans when applying for said permit.

Under the Board's Rules of Procedure, a completion affidavit, showing compliance with the approved plan, must be filed with the Board within thirty days after completion.

Sincerely,

METROPOLITAN BOARD OF ZONING APPEALS

Amy Kotzbauer

Amy Kotzbauer
Secretary

AK: LW/mr

Department of Metropolitan Development
Division of Planning

1821 City County Building | (317) 327-5155
200 East Washington Street | (fax) 3[illegible]
Indianapolis, Indiana 46204 | (TDD) 3[illegible]
Indy[illegible]

Instrument #2005-0074
Petition # 2005-UV1-008

RECEIVED
MAY 11 2005

RECEIVED FOR RECORD
2005 MAY 13 AM 10:06
VIGO COUNTY RECORDER

May 3, 2005

COMMITMENTS
METROPOLITAN DEVELOPMENT

NOTE: Article VI, Section 6(b) of the rules of the Metropolitan Board of Zoning Appeals and Article VI, Section 7(b) of the rules of the Hearing Officer require use of this form in recording commitments made with respect to variance or special exception cases in accordance with I.C. 36-7-4-921.

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH VARIANCE OR SPECIAL EXCEPTION GRANT.

In accordance with I.C. 36-7-4-921, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: Set out in Attachment "A" hereto.

Statement of COMMITMENTS:

1. The proposed outdoor seating area shall not be enclosed with a permanent roof or awning.

2. An amended site plan, depicting an area dedicated to a bicycle rack abutting the proposed outdoor seating area, shall be provided for Administrator's Approval prior to issuance of an Improvement Location Permit for the proposed outdoor seating area.

3. A Landscape Plan shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit for the proposed outdoor seating area.

4. Petitioner shall post a sign, outside the entrance to the restaurant, asking customers not to park north of the restaurant. After receiving written approval from the adjoining property owner to the north (Rich Richey), Petitioner shall, on a "one-time-basis", paint (stencil) the open paved area north of the access easement on the north side of the building, with cross-hatched lines and the words "No Parking".

COMMITMENTS contained in this instrument shall be effective upon the grant of variance or special exception petition #2005-UV1-008 by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and

2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the

offices of the various township assessors of Marion County, which list the current owners of record at the time the notice shall be sent. (This paragraph defines the category of persons entitled to receive personal notice of the variance or special exception under the rules in force at the time the COMMITMENT was made).

IN WITNESS WHEREOF, owners(s) has executed this instrument

This 4 day of May, 2005.

Signature Eleanor Maurer
BY: Printed Eleanor Maurer

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Eleanor Maurer, owner of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, state that any representations therein contained are true.

Witness my hand and Notarial Seal this 4th day of May, 2005.

Signature
Printed Tricia Anthony
County of Residence: Hamilton

My Commission expires:
1-18-09

TRICIA L. ANTHONY, PUBLIC NOTARY
MY COMMISSION EXPIRES: 01/18/09
COUNTY OF RESIDENCE: HAMILTON

This instrument was prepared by Robert V. Clutter, Attorney at Law.

ATTACHMENT "A"

LEGAL DESCRIPTION

Lots #4, #5, #6, #7, #8, #9 and 10 feet off the entire east end of Lot #10, all being a part of Holland's 54th Street Resub of Mallott Park (Plat Book 5, Page 2) as per Plat thereof, recorded in Plat Book 25, Page 159, in the Office of the Recorder of Marion County, Indiana.

Also a part of Mallott Park, as per Plat thereof, recorded in Plat Book 5, Page 2, in the Office of the Recorder of Marion County, Indiana, being more particularly described as follows:

50.00 feet, East Line X 150.00 feet South Line, beginning 293.00 feet west of the East Line and 167.59 feet north of the southeast corner of Outlot #4.

Both Tracts containing 1.0569 acres, more or less, and being subject to all highways, rights-of-way, easements and restrictions of record.

METROPOLITAN DEVELOPMENT COMMISSION
METROPOLITAN BOARD OF ZONING APPEALS
PLAT COMMITTEE
HEARING OFFICER
OF MARION COUNTY, INDIANA

CONSENT FORM

The undersigned, Michigan Road Realty Corporation, being the owner of the property commonly known as 2380 E 54th St., Indianapolis, IN, hereby authorizes Clark, Quinn, Moses, Scott & Grahn, LLP to file land development petitions necessary for the aforementioned address.

This consent shall *(check one)*:

☐ remain in effect until revoked by a written statement filed with the Planning Division of the Department of Metropolitan Development.

☐ remain in effect until _____.

☒ remain in effect until these land development petitions are resolved.

Phillip H. Lande

Phillip H Lande, Registered Agent for Michigan Road Realty Corp

Signature(s) of Owner (s)

STATE OF INDIANA,
COUNTY OF MARION, SS:

KARL E. SNIDER
NOTARY PUBLIC
STATE OF INDIANA
SEAL
COMMISSION NUMBER NP0722020
MY COMMISSION EXPIRES Aug. 25, 2027

Subscribed and sworn to before me this
28th *day of* August, *20* 26

Karl E. Snider

Notary Public

Karl E. Snider

Printed Name of Notary Public
My Commission expires: August 25, 2027
My County of residence: Marion

Signature(s) of Owner(s)

STATE OF INDIANA,
COUNTY OF MARION, SS:
Subscribed and sworn to before me this
_____ *day of* _____, *20* ____

Notary Public

Printed Name of Notary Public
My Commission expires: _____
My County of residence: _____

Petition Number _____

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

PETITION FOR MODIFICATION OF COMMITMENTS

FINDINGS OF FACT

THE PROPOSED MODIFICATION OF COMMITMENTS IS IN FURTHERANCE OF THE ORIGINAL VARIANCE OF DEVELOPMENT STANDARDS FOR WHICH THE COMMITMENTS WERE MADE BECAUSE:

A permanent roof structure (with no walls) and a non-permanent awning function identically in that they protect diners from sun and rain, but do not expand the footprint of the building or alter the original structural integrity of the building. The modification will allow a longer lasting, more aesthetically pleasing and easier to maintain improvement for the property and its customers without impacting the traveling public or the community at large.

Petition Number:_____

2380 E 54th St.

Legal Description:

Lots 4 and 5, being part of Holland's 54th Street Resub of Mallot Park (Plat Book 5, Page 2) as per Plat thereof, recorded in Plat Book 25, Page 159, in the Office of the Recorder of Marion County, Indiana.

COMMITMENTS MODIFYING OR TERMINATING EXISTING COMMITMENTS
CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH VARIANCE OR SPECIAL EXCEPTION GRANT.

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of commitment(s) concerning the use and development of the parcel of real estate:

Legal Description:

Lots 4 and 5, being part of Holland's 54th Street Resub of Mallot Park (Plat Book 5, Page 2) as per Plat thereof, recorded in Plat Book 25, Page 159, in the Office of the Recorder of Marion County, Indiana.

Statement of Modification or Termination of COMMITMENTS:

1. *Commitment number one that reads, "The proposed outdoor seating area shall not be enclosed with a permanent roof or awning," shall be terminated.*

2. *All other commitments made in Petition 2005UV1008 remain in full force and effect.*

These modified COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest therein. These modified COMMITMENTS may be further modified or terminated by a decision of the Metropolitan Board of Zoning Appeals made at a public hearing after proper notice has been given.

Modified COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Board of Zoning Appeals in petition #_____.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and

2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various township assessors of Marion County, which list the current owners of record at the time the notice shall be sent. (This paragraph defines the category of persons entitled to receive personal notice of the variance, special exception or approval petition under the rules of the Board in force at the time the commitment was made); and

3. _____

4. _____

5. _____

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of modification and/or termination of commitment(s) of petition #_____ by the Metropolitan Board of Zoning Appeals.

IN WITNESS WHEREOF, owner(s) has executed this instrument this _____day of _____, 20_____.

Signature: _____
Printed: _____
Title / Organization Name: _____

Signature: _____
Printed: _____
Title / Organization Name: _____

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared _____ *owner(s) (title / organization name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.*

Witness my hand and Notarial Seal this _____ *day of* _____ *, 20* _____

_____
Notary Public

_____
Printed Name of Notary Public
My Commission expires: _____
My County of residence: _____

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law.

*This instrument was prepared by*_____

This Modification and/or Termination Agreement was approved by the Metropolitan Board of Zoning Appeals on the ____ day of _____, 20_____.

_____
Secretary, Metropolitan Board of Zoning Appeals, Division ___


Public
Hearing


Shadow Lounge
RESTAU
TATTOO


LOUNGE
STEAK N SHAKE


Shadow Lounge
RESTAURA


THE
Shadow
Lounge


Shadow Lounge


Backyard Birds
Two Brothers Roofing