



Board of Zoning Appeals Board of Zoning Appeals Division II (February 10, 2026) Meeting Agenda

Meeting Details

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

Date: Tuesday, February 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

2025-UV2-018 | 1003 West 30th Street

Center Township, Council District #12, zoned C-3

Skyline General Contracting Corp, by Jorge Gonzales

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a single-family residence (not permitted), per the site plan.

**Petitioner to withdraw petition

PETITIONS REQUESTING TO BE CONTINUED:

1. 2026-DV2-001 | 1781 Sloan Avenue

Center Township, Council District #19, zoned D-2

Victory College Prep Inc., by Andrew Horton

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an accessory parking area with a ten-foot front yard setback from both Sloan Avenue and Iowa Street (20-foot front setback required).

**Petitioner to request continuance to March 10, 2026

2. 2025-UV2-016 (Amended) | 2949 Brouse Avenue

Center Township, Council District #8, zoned D-5

Hector Esparza, by Leonel Gomez and Tomasa Yadira Torres

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage of vehicles awaiting repair (not permitted).

**Staff to request continuance to March 10, 2026.

3. 2026-UV2-001 | 1927 North Capitol Avenue

Center Township, Council District #12, zoned HD-2 (TOD) (W-5)

The Uniform House Inc., by Timothy H. Button

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the warehousing and distribution of HVAC and electronic parts (not permitted).

**Petitioner to request continuance to March 10, 2026

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

4. 2026-DV2-002 | 5375 Graceland Avenue

Washington Township, Council District #7, zoned D-5 (FF)
Scott Brady

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a 16-foot rear yard setback (twenty feet required).

5. 2025-DV3-036 (Amended) | 2065 Columbia Avenue

Center Township, Council District #13, zoned I-3
River West 3 LLC, by Adam DeHart

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding building with a 29.5-foot southern transitional yard (40 feet required).

6. 2025-UV2-017 | 853 North Tacoma Avenue

Center Township, Council District #13, zoned D-5
Near East Area Renewal, by Joe Smoker

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit rowhouse (not permitted), each with a minimum main floor area of 612 square feet, a front building line of 20 feet from Tacoma Avenue, and a five-foot corner side yard setback (660 square foot main floor area required, maximum 19.9-foot building line permitted, eight-foot corner side yard setback required), with deficient parking, per site plan filed.

7. 2026-UV2-002 | 4560 Ocean Avenue

Washington Township, Council District #8, zoned MU-2 (W-1)
Monon 46 JV LLC, by Daniel Phair

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a bar and lounge within 25 feet of a protected district. (100-foot separation required) with an indoor recreation and entertainment use (not permitted), subject to the filed plan of operation.

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

8. 2025-DV1-061 | 9000 Shetland Lane

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

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

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

9. 2025-DV2-045 | 8083 Georgetown Road

Pike Township, Council District #1, zoned D-2
Raul Flores, by Donald W. Fisher

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 4,000 square-foot accessory building and 2,591 square-foot accessory building, both being larger than the primary building (not permitted) and the 4,000 square-foot building being located within the front yard of the property (not permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

Additional Business:

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

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

Member	Appointed By	Term
Craig Von Deylen, Chair	City-County Council	January 1, 2025 – December 21, 2025
James Duke, Vice-Chair	Mayor's Office	January 1, 2025 – December 21, 2025
Patrice Duckett-Brown, Secretary	City-County Council	January 1, 2025 – December 21, 2025
Beth Brandon	Mayor's Office	January 1, 2025 – December 21, 2025
Tom Barnes	Metropolitan Development Commission	January 1, 2025 – December 21, 2025

BOARD OF ZONING APPEALS DIVISION II

February 10, 2026

Case Number: 2025-UV2-018
Property Address: 1003 West 30th Street (approximate address)
Location: Center Township, Council District #12
Petitioner: Skyline General Contracting Corp, by Jorge Gonzales
Current Zoning: C-3
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a single-family residence (not permitted), per the site plan.
Current Land Use: Undeveloped
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

2/10/26: The petitioner indicated via email their intent to refile this request as a rezoning to the D-5 district, per staff's advice. This would result in the withdrawal of the current petition, which would require acknowledgement by the Board.

1/13/26: The petitioner indicated that a representative for the property management group would be unable to attend this hearing date, and are therefore requesting a continuance to the February 10th hearing date of Division II. A full staff report will be made available in advance of that hearing date.



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Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

February 10, 2026

Case Number: 2026-DV2-001
Address: 1781 Sloan Avenue (approximate address)
Location: Center Township, Council District #19
Zoning: D-2
Petitioner: Victory College Prep Inc., by Andrew Horton
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an accessory parking area with a ten-foot front yard setback from both Sloan Avenue and Iowa Street (20-foot front setback required).

Current Land Use: Undeveloped Lot

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

The petitioner is requesting that this petition be **continued to the March 10, 2026**, hearing, from the February 10, 2026, hearing, to allow time to amend the request. Staff has no objection to this request.



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BOARD OF ZONING APPEALS DIVISION II

February 10, 2026

Case Number: 2025-UV2-016 (Amended)
Address: 2949 Brouse Avenue (approximate address)
Location: Center Township, Council District #8
Zoning: D-5
Petitioner: Hector Esparza, by Leonel Gomez and Tomasa Yadira Torres
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor storage of vehicles awaiting repair (not permitted).

Current Land Use: Commercial Automobile Repair

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued at the request of the petitioner from the November 16, 2025, hearing to the January 13, 2026, hearing, and from the January 13, 2026, hearing, to the February 10, 2026, hearing.

Staff is requesting this petition be continued one more time, from February 10, 2026, to March 10, 2026, in order to provide time for the filing of a rezoning petition.



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BOARD OF ZONING APPEALS DIVISION II**February 10, 2026**

Case Number: 2026-UV2-001

Property Address: 1927 North Capitol Avenue (approximate address)

Location: Center Township, Council District #12

Petitioner: The Uniform House Inc., by Timothy H. Button

Current Zoning: HD-2 (TOD) (W-5)

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the warehousing and distribution of HVAC and electronic parts (not permitted).

Current Land Use: Vacant Commercial

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

The petitioner indicated their desire to have this petition continued to the March 10th hearing date. A full staff report will be made available in advance of that hearing date.



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BOARD OF ZONING APPEALS DIVISION II

February 10, 2026

Case Number: 2026-DV2-002

Property Address: 5375 Graceland Avenue (*approximate address*)

Location: Washington Township, Council District #7

Petitioner: Scott Brady

Current Zoning: D-5 (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a 16-foot rear yard setback (twenty feet required).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 5375 Graceland Avenue is a residential corner parcel at the intersection of Graceland and 54th Street. The property is currently improved with a single-family residence and a 2-car detached garage in the eastern rear yard accessed from 54th. Adjacent properties also contain residences.
- Approval of this petition would allow for demolition of the existing detached garage and for a building addition of a 3-car attached garage with new patio and living area to be constructed. The current detached garage has a 26-foot rear setback from the eastern property line, and the proposed addition would result in a rear setback of only 16 feet. Given that the Ordinance standard for rear setbacks would be 20 feet, a variance would be required for the 4-foot deviation.
- The submitted site plan (within Exhibits below) indicates that the project would comply with other applicable dimensional standards such as site open space and other setbacks. Additionally, since the property lacks alley access, the placement of a garage with vehicle access onto 54th Street would be permitted from a zoning perspective.



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- This property is zoned D-5 and is recommended to the Traditional Neighborhood typology by the Comprehensive Plan Pattern Book to allow for residential development within primarily compact settings. The Infill Housing Guidelines indicate that building separation should reinforce spacing on the existing block while limiting uncharacteristically large gaps and leaving room for basic maintenance. Staff feels that the proposed addition is consistent with these Guidelines.
- Findings of Fact from the applicant indicate that the proposed addition would result in a positive impact on property values for the subject site as well as adjacent areas. Staff would also note that a 16-foot rear setback would be in character with existing rear setbacks in the area (many of which appear to be less than 16 feet) and that the proposed addition wouldn't appear to have any impact on existing trees in the area. The proposed deviation of four (4) feet is also minor in nature and would likely be difficult to ascertain by casual observers. Given this context and the congruence with recommendations from the Infill Housing Guidelines, staff recommends approval.

GENERAL INFORMATION

Existing Zoning	D-5 (FF)	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
Graceland Avenue	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
54 th Street	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	01/05/2026	
Site Plan (Amended)	N/A	
Elevations	01/05/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	01/05/2026	
Findings of Fact (Amended)	N/A	



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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

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 building when possible.

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

- Building separations should reinforce spacing on the existing block, and new construction should maintain the perceived regularity or lack of regularity of spacing while leaving room for maintenance and limiting uncharacteristically large gaps between houses.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

2014ADM237, 1 of 49 sites for the addition of wireless communication facilities to utility poles, or other utility infrastructure generally within public right-of-way, **approved**.

ZONING HISTORY – VICINITY

2025DV2018 ; 5469 N Capitol Avenue (northeast of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a five-foot rear yard setback (20 feet required), **approved**.

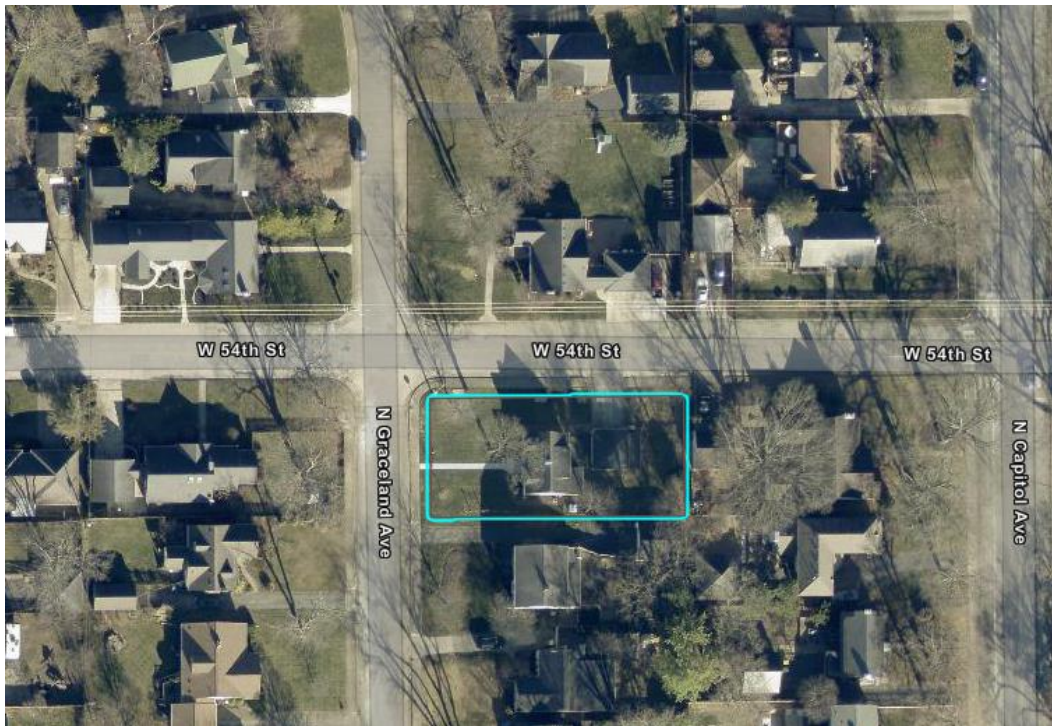
2016DV2001 ; 5239 N Capitol Avenue (southeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for 576-square foot detached garage, with a zero-foot north side setback, creating a four-foot aggregate side yard (minimum four-foot side setback and 10-foot aggregate side yard required), **denied**.

2001DV1051 ; 5402 Graceland Avenue (northwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,183 square foot addition, of which 400 square feet is an attached garage, to an existing single-family dwelling, with a 3.5-foot side yard setback (minimum 4-foot side yard setback required), and an 8.2-foot aggregate side yard (minimum 10-foot aggregate side yard required), **approved**.

2001DV1021 ; 5464 N Capitol Avenue (north of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 27.5-foot tall, two-story detached workshop/garage (maximum height of accessory structure not permitted to exceed 20 feet), being 24 by 30, and creating an accessory building area of 1,531.83 square feet of 164.9% (accessory building area not permitted to exceed 75% of the main floor area of the primary dwelling), **approved**.

EXHIBITS

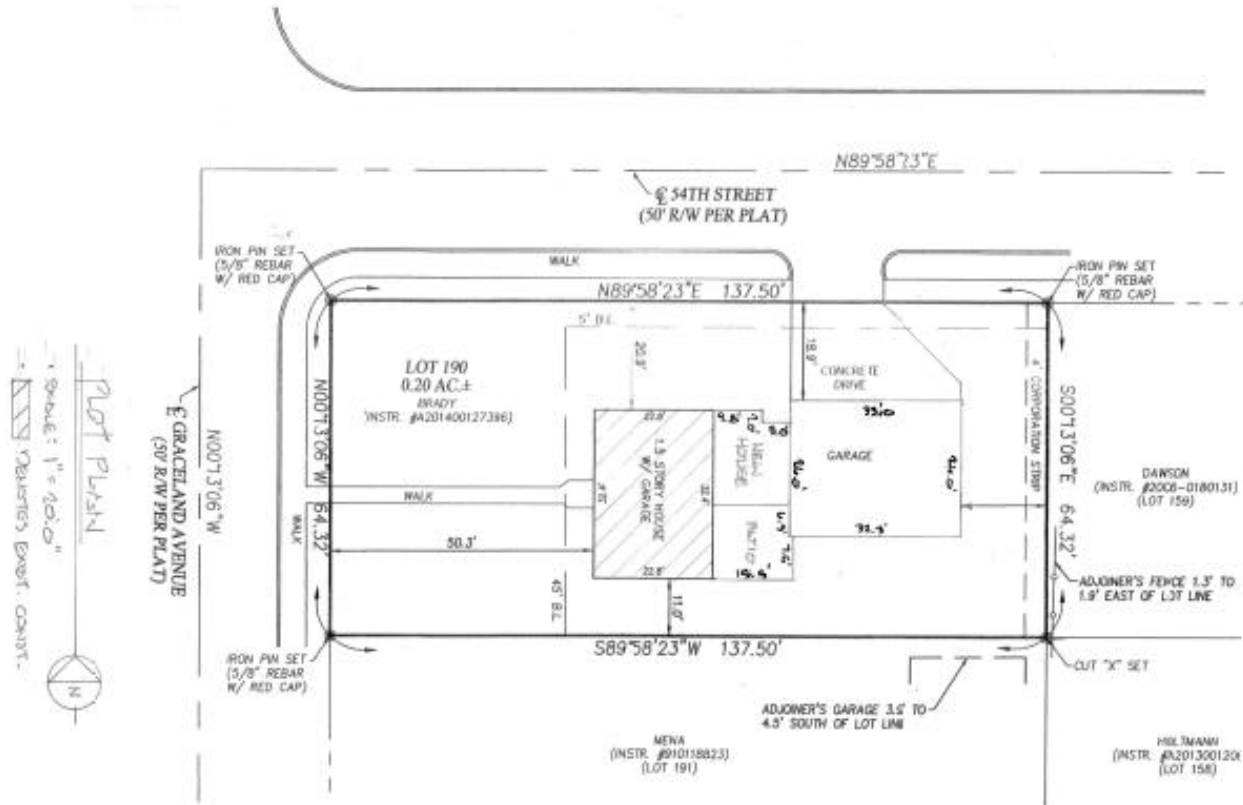
2026DV2002 ; Aerial Map



2026DV2002 ; Aerial Map (Zoomed)



2026DV2002 ; Site Plan



2026DV2002 ; Elevation (North)





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2026DV2002 ; Findings of Fact

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

There will be no change in use, as the property will continue to be used as a single-family dwelling. The general value and overall appearance of the property will be greatly improved. The requested variance will not change existing setbacks for the front or sides of the home, including those facing the streets and sidewalks. The variance will also not interfere with the corporation strip at the rear of the property, and does not impact any other open space requirements.

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 renovations are consistent with recent developments in the area and adjacent areas. The value of the property will increase to approximately \$670,000 from \$270,000 (see Exhibit A). As such, the overall value of adjacent properties and other properties in the area will improve.

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

Without variance approval, the proposed addition/renovation cannot be completed without significant revision to building plans, and would require elimination of space needed for structural balance, practical use and aesthetic beauty. Notably, the extra space sought for the expansion will allow for a side doorway and safe entrance area to replace the back door, which will be eliminated as the home will be expanded and connected to where the detached garage currently sits. The variance will also allow for a third garage bay (the current structure has two car bays and a lean-to storage space) and eliminate the need for street parking or stacking cars in the small driveway.

2026DV2002 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site Viewed from North

2026DV2002 ; Photographs (continued)



Photo 3: Subject Site Viewed from Northeast



Photo 4: Adjacent Property to North

2026DV2002 ; Photographs (continued)



Photo 5: Adjacent Property to East (July 2017)



Photo 6: Adjacent Property to Northwest

2026DV2002 ; Photographs (continued)



Photo 7: Adjacent Property to West



Photo 8: Adjacent Property to South (June 2024)



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BOARD OF ZONING APPEALS DIVISION III

February 10, 2026

Case Number: 2025-DV3-036 (Amended)
Property Address: 2065 Columbia Avenue (approximate address)
Location: Center Township, Council District #13
Petitioner: River West 3 LLC, by Adam DeHart
Current Zoning: I-3
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding building with a 29.5-foot southern transitional yard (40 feet required).
Current Land Use: Industrial (Demolished)
Staff Recommendations: Staff recommends **approval** of the revised request.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

12/16/25: The petitioner requested a second continuance and a transfer from the December 16th hearing of Division III to the February 10th hearing of Division II to allow time to bring in legal counsel, discuss with staff, and provide an amended site plan showing a larger setback. Additionally, staff would clarify that, per the petitioner, the use of the building at the time of purchase was an accessory structure for an *automobile repair* use (as opposed to a sheet metal company), and that sale of the property to a new user would not be guaranteed (though whatever use operates at the site would comply with Ordinance standards for outdoor storage). Additionally, the petitioner had indicated the date of fire damage took place in February of 2025 when this occurred in June of 2024.

A new site plan was provided to staff on January 29th that indicated placement of a building with similar dimensions, but with a southern transitional yard setback of 29.5 feet instead of 12.4 feet (see Exhibits). Staff feels that the amended site plan comes much closer to approximating the 40-foot requirement of the district (thereby reducing potential negative externality) and would be a reasonable compromise. Therefore, staff would recommend **approval** of the revised petition for a 29.5-foot transitional side yard.

11/25/25: The petitioner requested a for-cause continuance from November to December to allow for additional discussion with staff. The petitioner has also indicated that they will be seeking legal counsel to assist with the petition and that an additional continuance from December to January would be requested to accommodate their schedule. Staff would not object to this second continuance request but would not guarantee support for extensions beyond that point.



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STAFF RECOMMENDATION

Staff recommends **approval** of the revised request. Below report recommending denial was generated based on a previous version of the site plan; see addendum on the previous page.

PETITION OVERVIEW

- 2065 Columbia Avenue is a currently undeveloped parcel that previously contained an accessory structure associated with the sheet metal company that had been housed in a primary structure to the north of the subject site. Adjacent land use is also industrial to the west, undeveloped to the east, and single- and two-family residential to the south and southwest. The site is also near the Monon Trail to the west and is located within a Brownfield as identified by the Indiana Department of Environmental Management.
- Per the applicant, fire damage was sustained by the accessory structure at the site in February of 2025 after the site was purchased by new ownership in April of 2024 (see photos 9-10 in Exhibits). The structure was subsequently demolished via a wrecking permit (WRK25-00117) issued in April of 2025. After the demolition of the damaged structure, an application for an Improvement Location Permit was made in June of 2025 to allow for the construction of a new building with a footprint and setbacks matching the previous structure at the site (see site plan within Exhibits). ILP25-01573 has not been issued as of publication of this staff report.
- In some instances, the Indianapolis Zoning Ordinance allows for the restoration of non-conformities per the stipulations of 740-602. In this instance, since the structure was fully demolished before the application for a new zoning permit having been made, the rebuild would *not* be eligible for restoration to the previous dimensions by-right. This is due to the inability of the City to conclusively verify the extent of the site damage or the previously existing setback given that the structure has already been demolished. To be eligible for the exception, an application for an ILP for the rebuild would have needed to have been made with the Department of Business and Neighborhood Services prior to demolition of the structure.
- Since the rebuild would be required to comply with current Ordinance regulations, a variance is being sought to allow for a 12.4-foot transitional yard setback to the south of the subject building given that the parcel to the south was rezoned for residential use via the petition 2024-CZN-803. It appears that the proposed site and landscape plan layout would comply with other relevant dimensional standards. The applicant has also indicated that if approved, their intent would be to sell this property to a new user and that any future use at the site would comply with applicable use- and zone-specific limitations on outdoor storage and operations.
- This property is zoned I-3 to allow for industries that present moderate risks to the general public. Additionally, the Comprehensive Plan Pattern Book recommends it to the Heavy Industrial typology to allow for high-intensity industrial production, distribution, and repair uses. Staff would note that **(a)** I-3 zoning districts typically incorporate larger parcels are recommended to be



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separated from residential districts wherever practical and **(b)** that the Pattern Book discourages both light and heavy industrial land uses when adjacent to living or mixed-use typologies (as would be the case for the proposed structure).

- Per the applicant, Phase 1 and Phase 2 environmental site assessments have been submitted to IDEM per state requirements for development within Brownfield areas, and that mitigation repairs are underway with IDEM approval of those mitigation systems dependent upon completion of their installation. Approval of this petition would not exempt the subject property from any relevant state or local requirements related to brownfield sites.
- Although it is unfortunate that the previous building at the site was demolished prior to application for an Improvement Location Permit in a manner that may have allowed for reconstruction of the non-conforming structure, this lack of awareness of relevant procedure would not constitute a site-specific practical difficulty to justify granting of a variance. Establishing a side setback of 12.4 feet when the zoning district and context area would require 40 feet would be a substantial reduction of around 70% and could create negative externalities for existing or future residential development along the corridor. Staff recommends denial of the requested variance.

GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Industrial (Demolished)	
Comprehensive Plan	Heavy Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	I-3	North: Industrial
South:	D-8	South: Residential
East:	I-3	East: Undeveloped
West:	I-3	West: Industrial
Thoroughfare Plan		
Columbia Avenue	Local Street	57' existing ROW; 48' proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	09/19/2025	
Site Plan (Amended)	01/29/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	01/29/2026	
Findings of Fact	09/19/2025	
Findings of Fact (Amended)	01/29/2026	



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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Pattern Book recommends this site to the Heavy Industrial working typology to provide for industrial production, distribution, and repair uses that are intense and may create emissions of light, odor, noise or vibrations. This typology is characterized by freestanding building or groups of buildings, often within industrial parks. Outdoor operations and storage are common, and industrial or truck traffic should be separated from local or residential traffic.
- Both light and heavy industrial uses are removed as recommended land uses for instances in which they would be adjacent to a living or mixed-use typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2024CVR803 ; 2051 Columbia Avenue (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three-foot side setbacks (five feet required), **denied**.

2024CZN803 ; 2051 Columbia Avenue (south of site), Rezoning of 0.26 acres from the I-3 district to the D-8 district to provide for two, two-unit row homes, **approved**.

2023CZN848 ; 2069 Yandes Street (northwest of site), Rezoning of 0.42 acre from the I-3 district to the D-8 district, **approved**.

2022ZON005 ; 2024 Columbia Avenue (southwest of site), Rezoning of 0.129 acre from the I-3 district to the D-8 district to allow for the construction of a single-family house, **approved**.

2021ZON059 ; 2020 Columbia Avenue (southwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.

2021CVR816 ; 2033 Columbia Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 5-foot front yard setback (18 feet required), **approved**.

2021CZN816 ; 2033 Columbia Avenue (south of site), Rezoning of 0.468 acre from the I-3 district to the D-8 district to provide for four single-family dwellings, **approved**.

2020ZON038 ; 2029 Columbia Avenue (southwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 classification, **approved**.

2020CVR835 ; 2005 Columbia Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of three single-family dwellings, with one single-family dwelling within the clear sight triangle of the abutting streets, with three-foot side setbacks and 47% open space (four-foot side setback and 55% open space), **approved**.

2020CZN835 ; 2005 Columbia Avenue (south of site), Rezoning of 0.29 acre from the I-3 district to the D-8 classification, **approved**.

2019ZON029 ; 2007 Columbia Avenue (south of site), Rezoning of 0.1 acre from the I-3 District to the D-8 classification, **approved**.



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2019ZON028 ; 2032 Columbia Avenue (south of site), Rezoning of 0.39 acre from the I-3 District to the D-8 classification, **approved.**

2019HOV020 ; 2015 Columbia Avenue (south of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and secondary single-family residential uses, including, but not limited to a single-family dwelling, with a twelve-foot front setback and two-foot and five-foot side setbacks and a detached garage with eight-foot side setbacks and a 12-foot rear setback (residential uses not permitted, 30-foot front setback and 10-foot side and rear setbacks required), **approved**

2008LNU023 ; 2080 Doctor A.J. Brown Avenue (east of site), Seeking lack of paved parking, lack of handicap spaces, parking access directly from a street, and barbed wire in front setback, **approved.**

2001LNU024 ; 2016 Columbia Avenue (southwest of site), Single-family dwelling zoned I-3-U, **approved.**

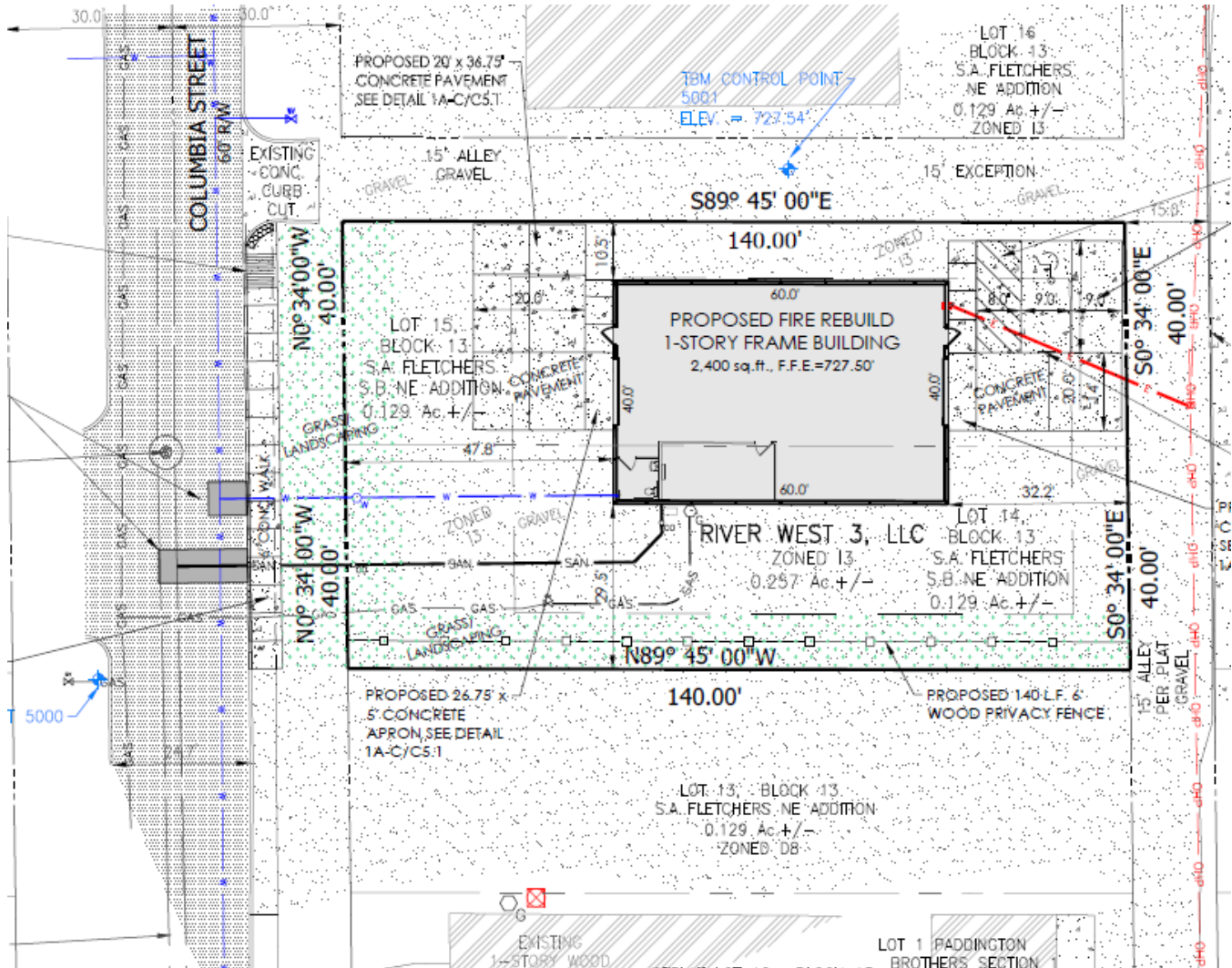
85-VAC-39 ; 2067 Columbia Avenue (north of site), vacation petition, **approved.**

EXHIBITS

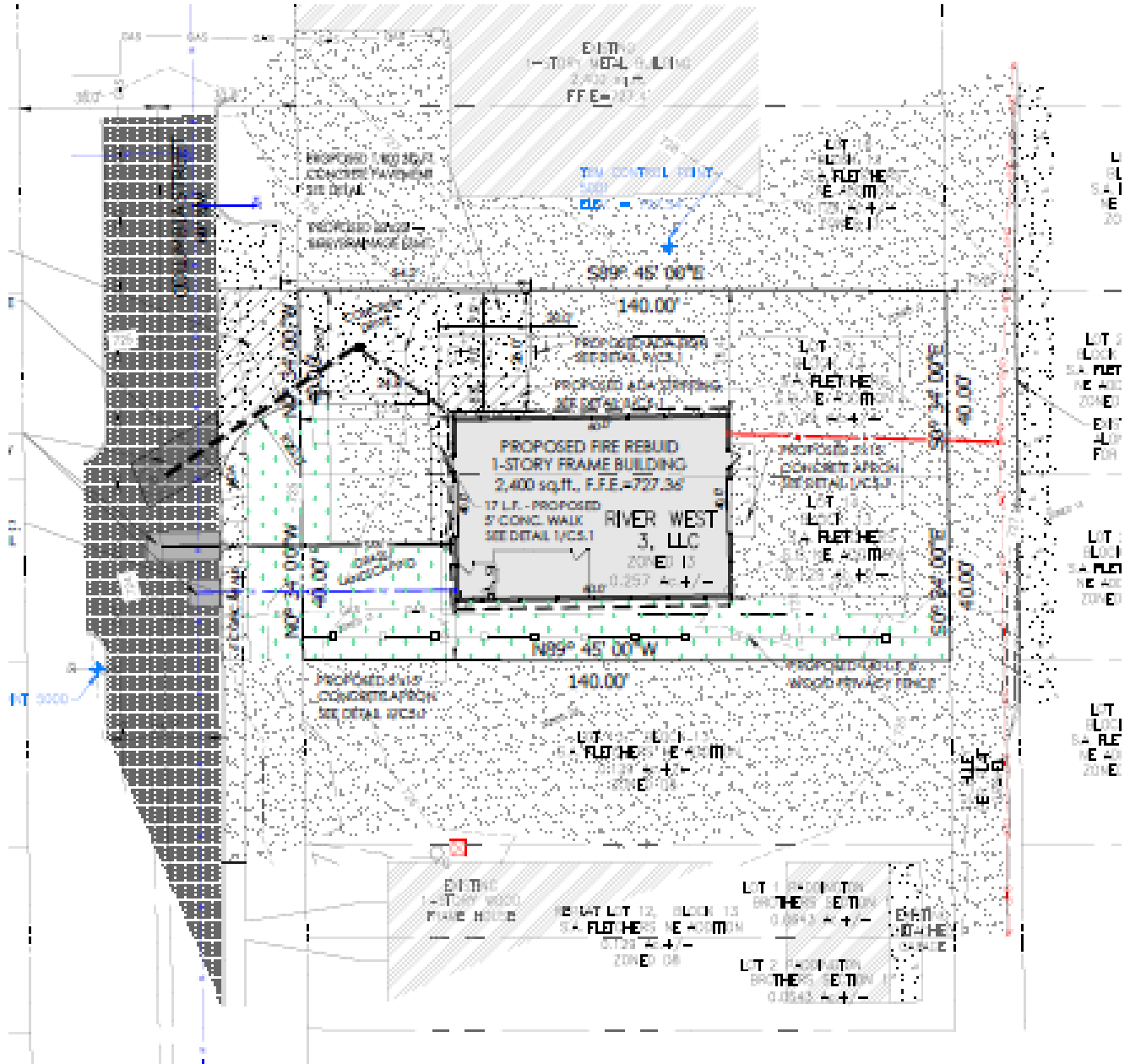
2025DV3036 ; Aerial Map



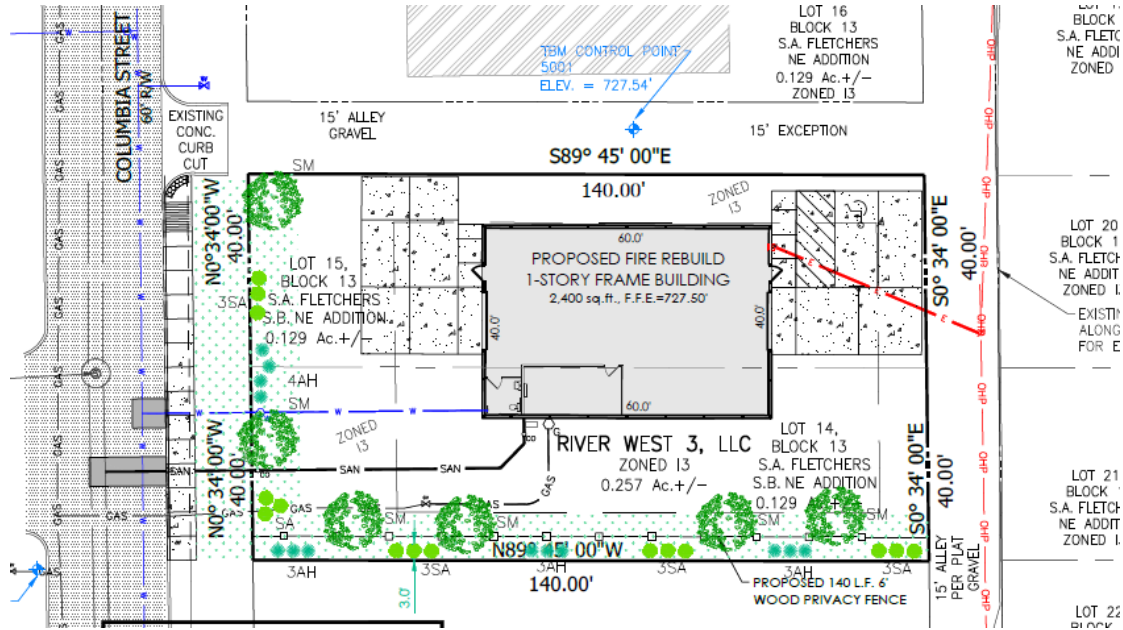
2025DV3036 ; Site Plan (January 2026)



2025DV3036 ; Site Plan (September 2025)



2025DV3036 ; Landscape Plan



2025DV3036 ; 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 unlikely that the variance request would be injurious to the public health, safety, morals and general welfare of the community as the Emergency Fire Rebuild is consistent with the zoning and use of the real estate prior to the catastrophic fire.

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

it is unlikely that the use and value of the adjacent undeveloped property will be affected in an adverse manner. The owner and insurance company are investing substantial money in excess of replacement value for the Emergency Fire Rebuild including reconstructing the structure, utility upgrades, site improvements, ADA access/parking, buffer yards, increased green space, and fencing.

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 UDO would result in the inability to reconstruct the structure and encumbers the real estate with an additional transition buffer yard requirement as the adjoining southern property was recently rezoned from I3 to R8. The adjoining property was rezoned from I3 to D8 prior to the owners taking title of the subject property.

2025DV3036 ; Photographs



Photo 1: Subject Site Viewed from Northwest



Photo 2: Subject Site Viewed from Southwest

2025DV3036 ; Photographs (continued)



Photo 3: Existing Condition of Columbia Frontage



Photo 4: Subject Site Viewed from West (October 2022)

2025DV3036 ; Photographs (continued)



Photo 5: Adjacent Property to South



Photo 6: Adjacent Property to West

2025DV3036 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to Northeast

2025DV3036 ; Photographs (continued)



Photo 9: Damaged Structure Viewed from South (provided by applicant)



Photo 10: Damaged Structure Viewed from West (provided by applicant)



Department of Metropolitan Development
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Current Planning

BOARD OF ZONING APPEALS DIVISION II

February 10, 2026

Case Number: 2025-UV2-017
Address: 853 North Tacoma Avenue (approximate address)
Location: Center Township, Council District #13
Zoning: D-5
Petitioner: Near East Area Renewal, by Joe Smoker
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit rowhouse (not permitted), each with a minimum main floor area of 612 square feet, a front building line of 20 feet from Tacoma Avenue, and a five-foot corner side yard setback (660 square foot main floor area required, maximum 19.9-foot building line permitted, eight-foot corner side yard setback required), with deficient parking, per site plan filed.

Current Land Use: Undeveloped

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause by the Petitioner, from the December 9, 2025, hearing, to the January 13, 2026, hearing, and from the January 13, 2026 hearing, to the February 10, 2026 hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The subject site was originally developed with a single-family dwelling, which was demolished sometime in 2018. The site has been undeveloped since then.
- ◇ The Variance of Use request is for a three-unit rowhouse as per the site plan. Therefore, the Variance as granted would be subject to the site plan. The remaining portion of the lot is to remain undeveloped as open space. On street parking is being provided on either the 9th Street or Tacoma Avenue frontages.
- ◇ The subject site is a deep, but relatively narrow parcel, which creates a practical difficulty and unusual scenario for a multi-unit structure, which is contemplated by the comprehensive plan.



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- ◇ The proposed use would provide needed housing and be similar to other development in the area, in regard to traffic, noise, and intensity of use. In Staff's opinion, the request would be consistent with surrounding residential properties, and the Comprehensive Plan recommendation.
- ◇ The request for the 612 square foot main floor area, would be a 7% deviation from the required 660-square feet. Due to the depth and corner orientation of the lot, two of the new dwellings would have frontage on 9th street, which would limit the building depth and main floor area square footage, thereby creating less first floor area available for living area. The proposed dwellings, however, would still have sufficient overall living space between the first and second levels.
- ◇ The request for a 20-foot front setback from Tacoma Avenue would be a 1.2-inch deviation from the 19.9-foot required setback. The requested front setback would be smaller than the adjacent corner two-family dwelling to the north and would provide additional Clear Sight Triangle visibility for the corner.
- ◇ The request for the 5-foot north side setback, would be in addition to the existing 10-foot right-of-way between the parcel and the sidewalk along the 9th Street frontage, providing for an adequate side yard separation from the sidewalk.
- ◇ The requested variances of development standards would be minimal deviations in Staff's opinion and would have no impact on the character of development within the surrounding area.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Recommends Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: D-5	Two-Family dwelling
	South: D-5	Single-Family dwelling
	East: D-5	Single-Family dwellings
	West: D-5	Two-Family dwelling
Thoroughfare Plan		
North Tacoma Street	Local Street	60-foot existing and proposed right-of-way.
East 9 th Street	Local Street	52-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	September 23, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	September 23, 2025	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2021-DV3-055A; 919 Eastern Avenue (east of site), requested a Variance of Development Standards to legally establish and provide for the expansion of a deck with an eight-foot rear setback, and an open space of 42%, **granted**.

2021-DV3-055B; 919 Eastern Avenue (east of site), requested a Variance of Development Standards to legally establish and provide for the expansion of a deck with a zero-foot north side setback, and a five-foot separation between dwellings, **granted**.



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2020-DV3-025; 919 Eastern Avenue (east of site), requested a Variance of Development Standards to provide for the construction of a dwelling addition with an eight-foot rear setback and 47% open space, **granted**.

2019-HOV-006; 924 North Rural Street (east of site), requested a Variance of Development Standards to provide for the addition of an attached garage to an existing two-story single-family dwelling, with an open space of 49%, **granted**.

2019-DV3-021; 837 North Temple Avenue (east of site), requested a Variance of Development Standards to provide for a front porch with a 5.5-foot front setback and a six-foot separation between dwellings and to legally establish a dwelling with a two-foot south side setback and four feet between dwellings, **granted**.

2018-HOV-007; 836 Eastern Avenue (east of site), requested a Variance of Development Standards to provide for an addition to an existing single-family dwelling, with a five-foot rear setback, and with 56% open space, **granted**.

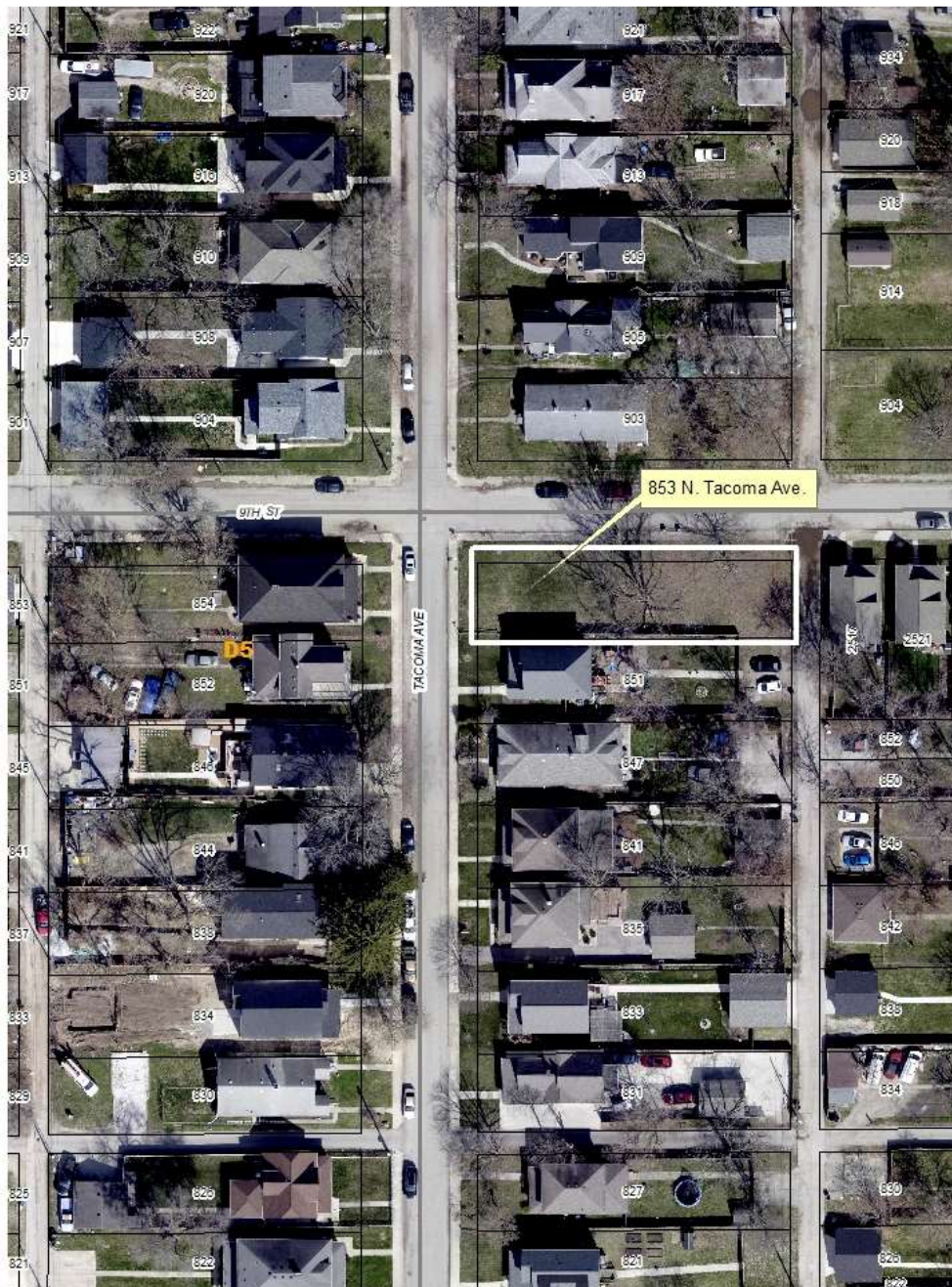
2018-DV3-029; 832 Eastern Avenue (east of site), requested a Variance of Development Standards to provide for a detached garage, with one-foot side and rear setbacks, **granted**.

2017-HOV-017; 517 East 9th Street (east of site), requested a Variance of Development Standards to provide for four single-family dwellings, without parking, with eight-foot front setbacks and nine and six feet between dwellings, and with one dwelling encroaching within the clear sight triangle of the abutting alley and street, **granted**.

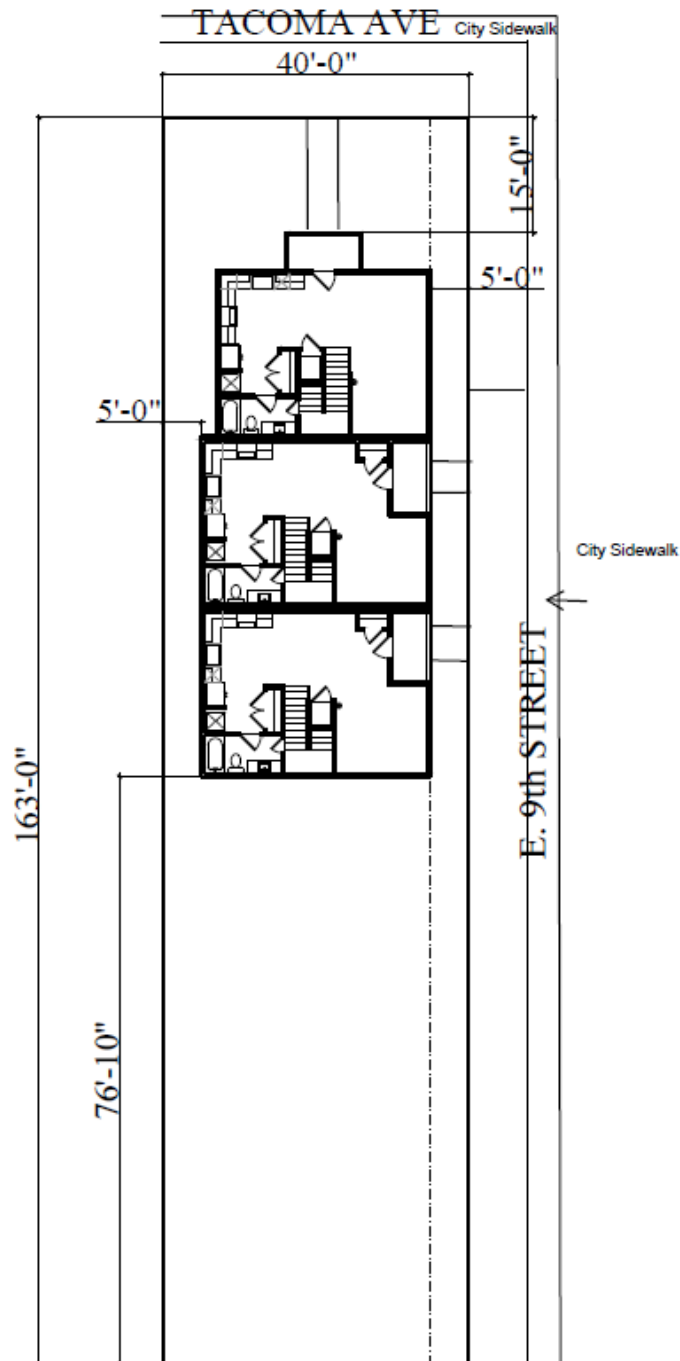
RU

EXHIBITS

Location Map



Site Plan



PROPOSED SITE PLAN
SCALE: 1" = 20' N →



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Division of Planning
Current Planning

Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The proposed development would be constructed by certified professionals and would be required to meet local and state building codes as well as additional project inspections by DMD relative to the funding source.

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

The proposed use would be similar to adjacent properties and projects completed by NEAR. Developing housing for homeownership has been the long-time mission of the organization including the properties immediately adjacent to the subject lot.

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

The subject site is deep, but relatively narrow, creating an unusual scenario for a multi-unit structure, which is contemplated by the zoning ordinance and comprehensive plan. As a corner lot, the property faces corner lot requires stricter setback standards.

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 subject site is within a block from a high frequency bus line and near to existing, urban commercial nodes. This location creates an ideal situation for slightly denser housing opportunities. Additionally, the townhome style of development typically includes smaller floor plans as well as limited opportunity or individual vehicle access. Limitations of the building code require the building to be set further away from the south property line, forcing the building closer to the north lot line.

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

The Comprehensive Plan, specifically the traditional neighborhood category, contemplates varied housing styles and types. The proposed development retains the existing character and scale of the neighborhood while meeting the objectives of the Comprehensive Plan.



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Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed development would be constructed by certified contractors and would be required to meet local and state building codes, including inspections from both code enforcement and city inspectors related to the funding source. Housing is a consistent use surrounding the subject site.

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 would be consistent with surrounding uses and would not create any negative external impacts.

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

Multi-unit houses are contemplated by the Comprehensive Plan and zoning ordinance in locations similar to the subject site, but the standards of the D5 district significantly limit the development potential on a somewhat narrow, deep corner lot.

Photographs



Photo 1 – Subject site looking east.



Photo 2 – Subject site looking west.



Photo 3 – Adjacent single-family property to the south, looking east.



Photo 4 – Adjacent two-family property to the west.



Photo 5 – Adjacent two-family property to the north, looking east.



Photo 6- Adjacent multiple single-family properties to the east, looking southeast.



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BOARD OF ZONING APPEALS DIVISION II

February 10, 2026

Case Number: 2026-UV2-002
Address: 4560 Ocean Avenue (approximate address)
Location: Washington Township, Council District #8
Zoning: MU-2 (W-1)
Petitioner: Monon 46 JV LLC, by Daniel Phair
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a bar and lounge within 25 feet of a Protected District. (100-foot separation required) with an indoor recreation and entertainment use (not permitted), subject to the filed plan of operation.

Current Land Use: Mixed Use Commercial with Multi-Family Residential

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The proposed bar and lounge is a permitted use in the MU-2 District, where the MU-2 District generally provides for a mix of uses typically including multi-family dwellings and neighborhood servicing commercial uses. Use standards for a bar and lounge use require a 100-foot separation from any Protected District.
- ◇ The proposed bar and lounge is located approximately 25 feet from a Protected District to the west. Immediately west of the site, is the Monon Greenway. The distance from the front entrance of the bar and lounge structure, where most external activity would take place, to the nearest physical home is approximately 175 feet. Additionally, the intervening Monon Greenway would act as a buffer between these uses, minimizing the impact of the reduction in separation.
- ◇ The requested indoor recreation and entertainment use would take place within the same tenant bay as the bar and lounge use but would be another use being added, as they would be separated from each other in order for each to be a stand-alone use within the site development.



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- ◇ The Plan of Operation indicates a total of six (6) Simulators, which would provide for a smaller, and less intense operation, in Staff's review. Approval of the Variance would be subject to the submitted plan of operation. Any future increase in operations would require additional zoning review.
- ◇ Generally, staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. Staff believes that this would be true for this particular variance request.

GENERAL INFORMATION

Existing Zoning	MU-2	
Existing Land Use	Mixed Use Commercial with Multi-Family Residential	
Comprehensive Plan	Recommends Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: MU-2	Vacant Business Park
	South: SU-2	School Athletic Fields
	East: SU-2	School Athletic Fields
	West: D-5	Greenway Trail / Single-family dwellings
Thoroughfare Plan		
	East 46 th Street	Primary Arterial 49-foot existing right-of-way and 56-foot proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	1 year	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan	December 8, 2025	
Findings of Fact	December 8, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Village Mixed Uses for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Village Mixed-Use typology which provides for 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.



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- 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.

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

2020-CZN-847 / 2020-CVR-847; 1121 East 46th Street (subject site), requested the Rezoning of 2.91 acres from the I-3 (W-1) and D-5 (W-1) Districts to the MU-2 (W-1) District to provide for a mixed-use building of multi-family and retail uses, **approved**.

Requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a maximum building and transitional building height of 45 feet, to reduce the percentage of building façade along the public right-of-way, the percentage of the building being within the minimum and maximum setback and to provide for parking within 25 feet of the primary street, **granted**.

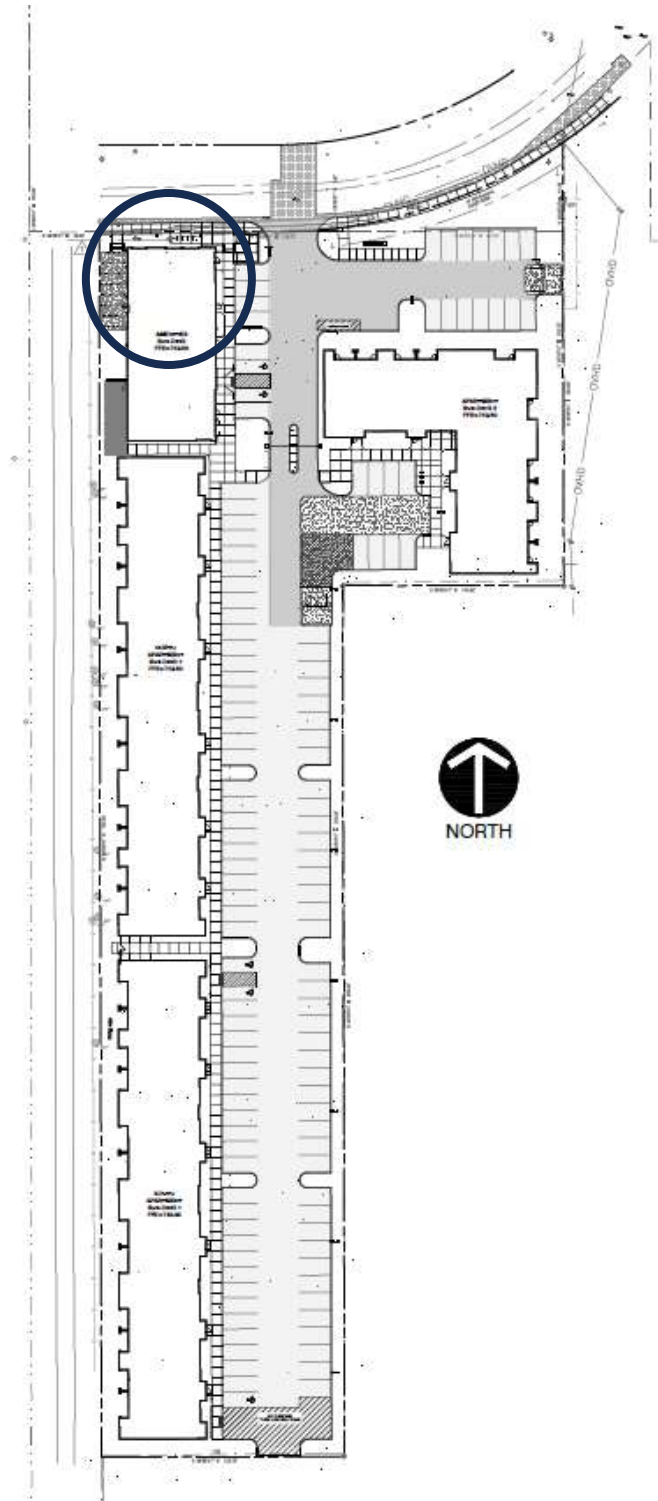
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EXHIBITS

Location Map



Site Plan - proposed tenant bay in circle





Plan of Operation

Stick & Hack Broad Ripple is primarily a bar and lounge with ancillary indoor recreational entertainment offered on a reservation-only basis.

The facility will include:

- *A bar and lounge area serving as the primary use of the space, with seating, social gathering, and beverage service*
- *3 indoor golf simulators offered as ancillary recreational amenities*
- *3 indoor racing simulators offered as ancillary recreational amenities*

Simulator use is secondary to the bar/lounge operation and is available by reservation only, helping regulate usage, traffic flow, and overall intensity. Simulator activities are designed for individuals or small groups and are fully contained indoors.

Hours of Operation

- **Daily: 10:00 AM – 10:00 PM**



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Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The proposed tenant will operate as a controlled indoor recreational use with limited occupancy, managed hours, and compliance with all safety and building codes.

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

The use activates an existing commercial building with a high-quality improvement that is compatible with nearby commercial properties. All activity occurs indoors, with no outdoor noise. The business is expected to increase foot traffic and support surrounding retail and dining.

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

The current zoning does not allow an indoor golf simulator to operate as the primary use within this mixed-use building.

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 current zoning does not allow an indoor golf simulator to operate as a primary use when paired with restaurant and bar service, even though the building is physically suited for this combined use. Without the variance, the property cannot reasonably be used in a manner that aligns with both the existing layout and the intended business model.

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

The proposed indoor golf simulator and bar complements the residential component by adding an active commercial use on the ground floor that aligns with the Plan's intent for mixed-use activation.

Photographs



Subject property looking southwest.



Subject property looking southeast, adjacent to Monon Greenway Trail.



Adjacent multi-family dwellings to the east, looking south.



Single-family dwellings located to the west of subject site, looking southwest.



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BOARD OF ZONING APPEALS DIVISION I

February 10, 2026

Case Number: 2025-DV1-061

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

Location: Pike Township, Council District #1

Petitioner: Rebecca Bolton and David Padrick, by David Gilman

Current Zoning: D-A

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

Current Land Use: Undeveloped

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

2/3/26: A continuance and transfer request was made by staff on the petitioner's behalf to the February 10th, 2026 date of Division II, since the petitioner would be unable to attend the 2/3 hearing.

1/6/26: An automatic continuance request to the February 3rd, 2026 hearing date was filed by a registered neighborhood organization.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 9000 Shetland Lane is a parcel comprised of around 7.3 acres at the border of Marion County and Hendricks County that lacks direct access to street frontage (access currently comes from the northwest via a private access drive). Surrounding land uses include the I-65 freeway to the southwest and residences to the southeast and north. The property is owned by the same owners of 9104 Paddock Court about 150 feet to the north of the subject site (separated by an undeveloped common-property parcel owned by a homeowner's association).
- In 2024, clearing of trees was conducted at the northwest corner of the subject site per aerial photography. This cleared area is accessible solely by a private drive located within the adjacent county and is comprised of a gravel lot where several vehicles are stored. Site photographs within



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the below Exhibits showed the parking of a boat, flatbed trailer, open-wheel race car, and recreational vehicle being stored at the site. It is unclear if any heritage trees were removed to allow for placement of the gravel lot and vehicle storage area.

- This petition is seeking permission to allow for the placement of a storage building within the currently existing cleared area, per the below site plan. The structure would be utilized for accessory storage of a personal nature per application documents, would have a size of approximately 6325 square feet, and would have three (3) separate garage doors (presumably for storage of vehicles already on site). Two Variances of Development Standards would be required to allow for placement of this structure: **(a)** development of a lot that lacks street frontage (125 feet would be required for the D-A zoning district); and **(b)** placement of an accessory residential building on a lot not developed with a primary structure.
- Approval of this variance would not allow for any operations or vehicle storage related to commercial or contractor uses at the site, and Ordinance limitations on the outdoor parking of personal recreational vehicles (743-306.AA) would be enforceable regardless of the final disposition of the variance request.
- This site is zoned D-A to allow for either agricultural uses or for large estate development of single-family dwellings. The subject site has not been a part of previous plat petition or set aside for inclusion within residential subdivisions to the southeast or north. Similarly, the site is recommended to the Rural or Estate Neighborhood typology by the Comprehensive Plan to allow for low-density residential development. The Plan also places the site within an Environmentally Sensitive overlay designed for the protection of natural areas such as woodlands.
- Staff would note that the most direct path to accessing the subject site would involve utilizing Thoroughbred Boulevard as accessed from Lafayette Road within Marion County to the north (access point shown within Photograph 10 of the Exhibits). This is a narrow single-lane road with high levels of grade change not conducive to safe passage of boats or other recreational vehicles. If approved over staff's recommendation, a commitment should be in place restricting access to come from the wider and flatter access road off Lafayette Road within Hendricks County (North County Road 1071 East, per the aerial photograph below).
- Findings of Fact provided by the applicant indicate that strict application of the terms of the zoning ordinance would result in practical difficulty of the use of the property due to the lack of street frontage making residential development less likely and the storage building creating benefit for the property owner and neighborhood while discouraging trespassers. Staff would note the existence of a small parcel between the subject site and Shetland Lane to the southeast which could feasibly allow for an alternate point of site access and for residential development. Additionally, it is unclear how the storage structure would result in neighborhood benefit or discouraging trespassers. Submitted Findings do not meet the State criteria for variance approval.
- Staff would note that two (2) Ordinance regulations have potentially been violated at this site in the recent past (removal of heritage trees without Administrative Approval; parking of more than



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Current Planning**

two recreational vehicles parked outdoors on the same lot), and that the current site conditions of cleared trees and recreational vehicles being parked on-site should not be used as justification for relief from two *additional* Ordinance rules. Staff also notes that the size of the proposed structure would be larger than the size of the single-family residence with common ownership of this site by approximately 40%. For these reasons, staff recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Undeveloped	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-S	North: Residential
	South: D-A / D-S	South: Interstate / Residential
	East: D-S	East: Residential
	West: Hendricks County	West: Interstate
Thoroughfare Plan		
No Public Frontage	n/a	
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	11/12/2025	
Site Plan (Amended)	01/23/2026	
Elevations	11/12/2025	
Elevations (Amended)	01/23/2026	
Landscape Plan	N/A	
Findings of Fact	11/12/2025	
Findings of Fact (Amended)	N/A	



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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes exceptional natural features – such as rolling hills, high-quality woodlands, and wetlands – that make these areas unique.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

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

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

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

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

EXHIBITS

2025DV1061 ; Aerial Map



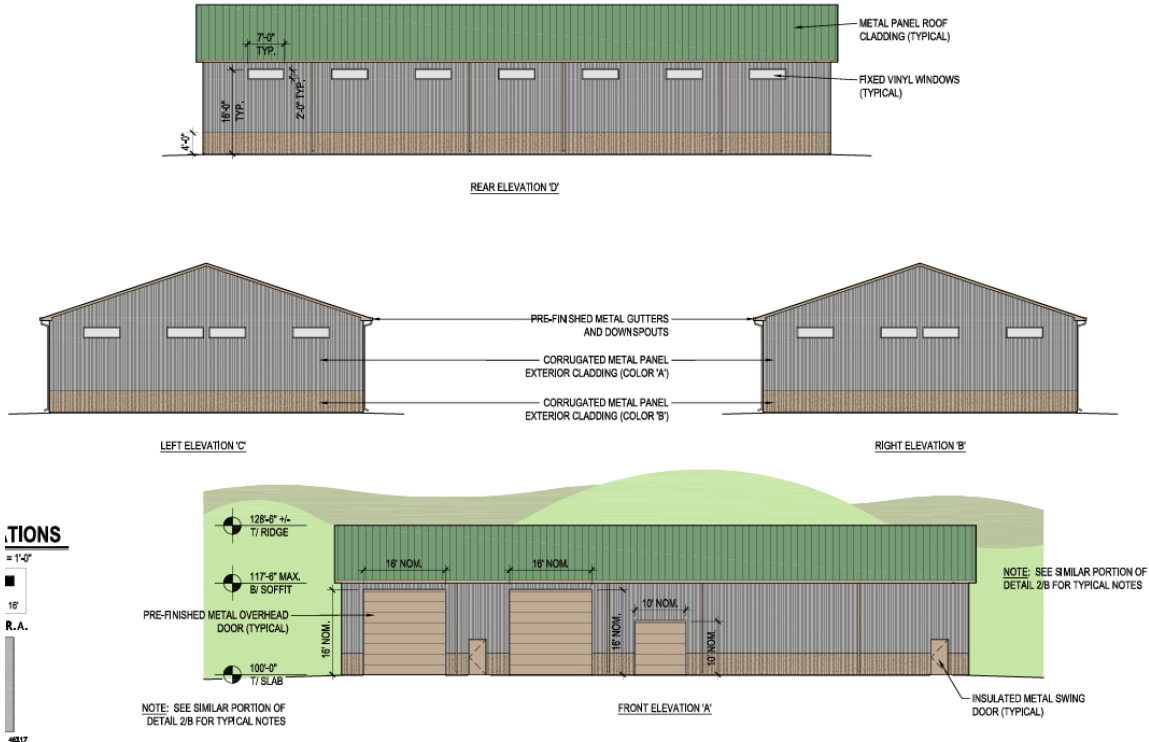
2025DV1061 ; Aerial Map (Zoomed, Early 2024)



2025DV1061 ; Site Plan



2025DV1061 ; Elevations



2025DV1061 ; Findings of Fact

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

The storage building will be constructed to meet all the applicable building codes. The subject parcel is isolated and often attracts trespassers and illegal dumping. Having a structure on the site with regular site visits and maintenance will help prevent this from occurring.

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 subject site is over seven (7) acres of heavy woodland, and the structure will not be visible by the adjacent residences. The subject structure will be used for private and personal storage only.

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

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

2025DV1061 ; Photographs



Photo 1: Cleared Portion of Site Viewed from Northwest



Photo 2: Cleared Portion of Site Viewed from Southeast

2025DV1061 ; Photographs (continued)



Photo 3: Area to East of Cleared Portion of Site



Photo 4: Area to North of Cleared Portion of Site

2025DV1061 ; Photographs (continued)



Photo 5: Area to Southwest of Cleared Portion of Site



Photo 6: Area to Southeast of Cleared Portion of Site

2025DV1061 ; Photographs (continued)



Photo 7: Subject Parcel Viewed from Southeast



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

2025DV1061 ; Photographs (continued)



Photo 9: Roundabout to Northwest of Subject Site



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



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BOARD OF ZONING APPEALS DIVISION II

February 10, 2026

Case Number:	2025-DV2-045
Property Address:	8083 Georgetown Road
Location:	Pike Township, Council District #1
Petitioner:	Raul Flores, by Donald W. Fisher
Current Zoning:	D-2
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 4,000 square-foot accessory building and 2,591 square-foot accessory building, both being larger than the primary building (not permitted) and the 4,000 square-foot building being located within the front yard of the property (not permitted).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends denial of this petition.
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

1/13/26: The petitioner continued the petition an additional month to allow additional time to discuss the filing and answer questions posed by neighborhood groups.

12/9/25: A timely automatic continuance request was filed by a registered neighborhood organization, automatically continuing this petition to the January 13, 2025 hearing date.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 8083 Georgetown Road is a residential lot with a size of around 5.28 acres that lacks direct frontage onto any public streets. The site is improved with a single-family residence and several accessory structures. Nearby roads include Georgetown Road to the west (which provides site access via a gravel drive from 8101 Georgetown Road) and Clayburn Drive to the south. Surrounding property is developed residentially within D-2 and D-3 zoning districts.
- The violation case VIO24-006966 was opened in August of 2024 per an anonymous complaint filed with the Mayor's Action Center. The violation relates to the partial construction of a 70'x40' pole barn without a structural permit in place. Although no new construction has occurred due to the stop-work order, the partially-completed framing of the structure is still standing (see Exhibits).



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- Approval of this variance petition would allow for completion of that structure as well as for construction of a second accessory structure further to the west of the subject property. The accessory structures would be 2591 and 4000 square feet, both of which would be larger than the existing primary residence (1860 square feet). The variance would be to allow for two accessory structures with a larger area than the primary residence, as well as for the placement of the westernmost accessory structure within the site's front yard nearest Georgetown Road. The applicant has also indicated that both accessory structures will be shorter than the primary home.
- Per documentation submitted the by the applicant, the use of both structures would be in service of an accessory residential 'hobby farm' at the subject site. Previous correspondence from the applicant has indicated that the hobby farm would include chickens, fruit trees, bees, a hydroponics system within the partially constructed building to the east. Per the applicant, the western building would contain parking and workspace for equipment, vehicles, tractors as well as a work room for keeping of records and documents. Their indication is that the level of production and number of animals at the site would not exceed limitations for personal livestock or gardens and would not be classified as a commercial farm with sales component (not permitted in D-2 zoning; excess crops would be given away to family or friends).
- Approval of this petition would not allow for the operation of a commercial contractor or framing business from the subject site. Staff's visit to the site noted the presence of a vehicle advertising a framing company as well as several dumpsters, a truck with trailer, and a cherry-picker; commercial activity was also mentioned by remonstrators who contacted staff about this petition. No zoning violation is open at this property citing the property for a commercial contractor use, and the applicant is not requesting permission to allow for that use at this property per this petition.
- This property is zoned D-2 to allow for suburban development with ample, yards, trees, and passive open spaces. The zoning does not allow for primary agricultural uses but would allow for accessory personal gardens or livestock. Similarly, the Comprehensive Plan recommends it to the Suburban Neighborhood typology to allow for predominantly single-family housing with working farms not being a contemplated land use. Infill Housing Guidelines indicate that accessory structures should be located behind primary buildings and should not overshadow the main residence in terms of scale, size, height, or mass.
- Findings of Fact provided by the applicant do not identify a site-specific practical difficulty justifying approval of this petition. The petitioner claims that denial would result in the construction of several smaller buildings (which would be allowed by Ordinance assuming other use and dimensional standards had been met) but do not acknowledge that the desire for a large-scale hobby farm requiring several buildings larger than the home is a self-imposed difficulty not required by the site. Staff also notes the risk of these structures being utilized either for commercial agricultural or commercial contractor uses in the future beyond the scope declared by the petition request, and that access to and from the site for any vehicles related to farming or framing would require utilization of a gravel driveway from property to the west which would result in negative externality. Given the lack of congruence with Ordinance and Plan recommendations and the lack of difficulty, staff recommends denial of this petition.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-2	North: Residential
South:	D-2 / D-3	South: Residential
East:	D-3	East: Residential
West:	D-2	West: Residential
Thoroughfare Plan		
Georgetown Road (doesn't directly border)	Primary Arterial	40 to 86-foot existing right-of-way and 119-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	11/07/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/07/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Comprehensive Plan Pattern Book recommends this site to the Suburban Neighborhood typology to allow for predominantly single-family housing but is interspersed with other housing typologies where appropriate as well as a variety of neighborhood-serving businesses.
- Working farms are not a contemplated land use within this typology. Community farms and gardens (defined as an area of land less than 2-3 acres in size managed and maintained by a group of individuals to cultivate fruits, flowers, vegetables or ornamental plants) are recommended with the stipulations that they should be limited to 3 acres in size and that they may include the sales of products grown on-site.



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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

- Accessory structures should be located behind primary building unless there is a precedent otherwise. The scale, height, size, and mass should relate to the primary building and should not overshadow it.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

74-Z-198, rezoning of various tracts of land, being A-2 and C-4 districts, to D-1, D-2, D-3 and D-4 classifications to permit single and two-family residences, as designated by maps on file, **approved**.

ZONING HISTORY – VICINITY

2017DV1056 ; 8141 Georgetown Road (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a six-foot tall privacy fence in the front yard of Georgetown Road (maximum 3.5-foot tall fence permitted), **approved**.

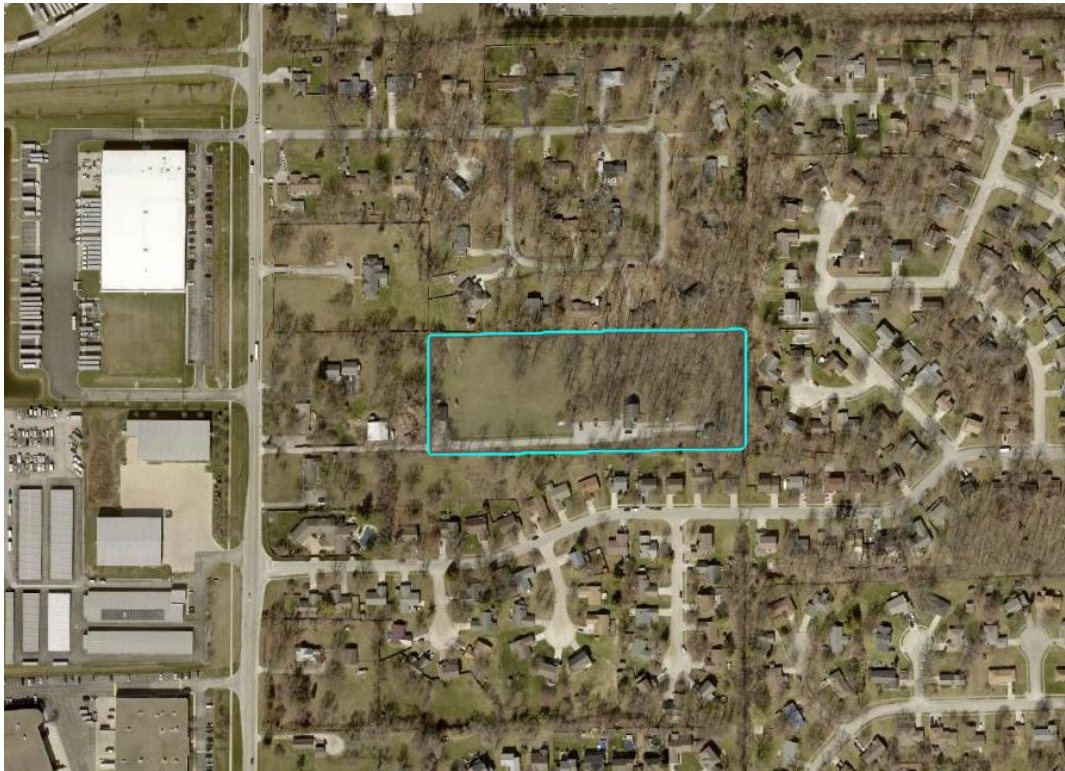
2002DV3020 ; 4606 81st Place (north of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 7.5-foot tall fence located along the rear and side lot lines (maximum six-foot tall fence permitted), **approved**.

2002DV2008 ; 8027 Georgetown Road (southwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 6-foot tall fence located zero feet from the proposed right-of-way of Georgetown Road (maximum fence height of 42 inches, or 3.5 feet permitted within the required front yard), **denied**.

82-Z-31 ; 8043 Georgetown Road (south and east of site), rezoning of approximately 57 acres from the D-2 zoning classification to a D-3 zoning to permit the feasible development of the real estate for detached single family homes, **approved**.

EXHIBITS

2025DV2045 ; Aerial Map (early 2024)



2025DV2045 ; Aerial Map (zoomed closer; late 2024)



2025DV2045 ; Site Plan



2025DV2045 ; Findings of Fact

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

GRANTING THE PETITION WILL ALLOW STORAGE AND WORK OPERATIONS TO BE MOVED INSIDE THE PROPOSED BUILDING AS WELL AS ANIMAL HOUSING. THE BUILDINGS WILL PROVIDE A BETTER ENVIRONMENT FOR THE NEARBY PUBLIC.

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 ACCESSORY BUILDINGS WILL PROVIDE THE OPPORTUNITY TO STORE EQUIPMENT AND SUPPLIES, HOUSE ANIMALS AND PERFORM WORK INSIDE BUILDINGS RATHER THAN OUTDOORS PROVIDING VISUAL AND SOUND BARRIERS FOR NEIGHBORS.

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

THE FIVE ACRE SINGLE FAMILY PROPERTY IS BETTER SUITED TO BE A SINGLE FAMILY HOBBY FARM RATHER THAN SUBDIVIDED DUE TO LACK OF ACCESS AND UTILITIES. THE STRICT APPLICATION OF THE ZONING ORDINANCE WOULD LEAD TO EITHER CONSTRUCTION OF MANY MORE SMALLER BUILDINGS OR REQUIRE THE FUNCTIONS TO BE PERFORMED OUTDOORS.

2025DV2045 ; Photographs



Photo 1: Primary Residence Viewed from Southwest



Photo 2: Gravel Parking Area Near Primary Residence Viewed from South

2025DV2045 ; Photographs (continued)



Photo 3: Open Area of Site Viewed from Southeast



Photo 4: Open Area of Site Viewed from Southwest

2025DV2045 ; Photographs (continued)



Photo 5: Proposed Area of Western Accessory Structure Viewed from South



Photo 6: Proposed Area of Western Accessory Structure Viewed from North

2025DV2045 ; Photographs (continued)



Photo 7: Partial Accessory Structure with Stop Work Order Viewed from Southwest



Photo 8: Smaller Accessory Structures to Southeast of Residence Viewed from West

2025DV2045 ; Photographs (continued)



Photo 9: Accessory Structure Behind Residence Viewed from East



Photo 10: Accessory Structure Behind Residence Viewed from Southwest

2025DV2045 ; Photographs (continued)



Photo 11: Adjacent Property to Northwest + On-Site Dumpsters



Photo 12: Adjacent Property to Northeast + Partially Built Structure

2025DV2045 ; Photographs (continued)



Photo 13: Adjacent Residences to South



Photo 14: Existing Accessory Structure + Adjacent Property to West

2025DV2045 ; Photographs (continued)



Photo 15: Access Drive at 8101 Georgetown Viewed from West



Photo 16: Subject Site Viewed from Deerview Court to East