



Board of Zoning Appeals Board of Zoning Appeals Division I (July 1, 2025) Meeting Agenda

Meeting Details

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

Date: Tuesday, July 01, 2025

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

[2025-DV1-026](#) | 29 West Arizona Street

Center Township, Council District #18, zoned D-5
Ana Pereira, by Daniel Salazar

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of primary and accessory structures with three-foot side yard setbacks (five feet required).

**** Automatic Continuance filed by Petitioner, to the August 5, 2025 hearing of Division I**

[2025-DV1-032](#) | 7986 North College Avenue, Town of Williams Creek

Washington Township, Council District #2, zoned D-S (TOD)
Brian Maire and Lauren Riley, by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a garage addition with a two-foot south side yard setback (15 feet required), resulting in an open space of 81 percent (85 percent required) and encroachment into an easement (encroachment of easements not permitted).

**** Automatic Continuance filed by registered neighborhood organization, continuing this to the August 5, 2025 hearing of Division I**

[2025-UV1-009](#) | 5330 West Morris Street

Wayne Township, Council District #17, zoned C-3 (TOD)
Adriano Montas, by Arnolando Gonzalez Vasquez

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an Automobile, Motorcycle, and Light Vehicle Service or Repair facility, with outdoor storage of vehicles awaiting repair (not permitted), with eight parking spaces and zero bicycle parking spaces provided.

**** Automatic Continuance filed by petitioner to the August 5, 2025 hearing of Division I**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-DV1-029 | 2062 Carrollton Avenue

Center Township, Council District #13, zoned D-8
Breedy B LLC, by Jamilah Mintze

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a three-foot corner side yard setback from 21st Street (eight feet required).

****Staff to request a continuance to the August 5, 2025 hearing of Division I**

2. 2025-DV1-030 | 2110 Bloyd Avenue

Center Township, Council District #8, zoned I-3
Covenant Commercial Investments 1 LLC, by Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building with a two-foot front transitional yard from Bloyd Avenue, a ten-foot front yard setback from Jefferson Avenue and a three-foot north side yard setback (40-foot front transitional yard, 30-foot front yard setback, 10-foot side yard setbacks required).

****Staff to request a continuance to the August 5, 2025 hearing of Division I, in order to allow for an amendment to the request**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

3. 2025-DV1-023 | 6714 Balmoral Road

Wayne Township, Council District #17, zoned D-3
Roberto & Hestia Campos

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall fence within the front yards and clear sight triangle of Balmoral Road and Haymount Drive (3.5-foot tall fence permitted, encroachment of clear sight triangle prohibited).

4. 2025-DV1-025 (Amended) | 1002 Hosbrook Street & 815 Grove Avenue

Center Township, Council District #18, zoned D-8 (TOD)
Ethan & Madisson Riddle, by Micah Hill

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a four-foot-tall fence within the front yards, clear sight triangles, and right-of-way of Grove Avenue and Hosbrook Street and Grove Avenue and the abutting alley (height limited to 3.5-foot tall, encroachment of clear sight triangles not permitted, encroachment of right-of-way not permitted).

5. 2025-UV1-006 | 5451 Moller Road (Amended)

Pike Township, Council District #5, zoned D-A / D-P
Maribel Morales Picon, by David E. Dearing

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the storage of two food trucks (prohibited).

6. 2025-UV1-008 (2nd Amended) | 6158 West 10th Street

Wayne Township, Council District #16, zoned D-3 (W-1) (W-5)
Homes In Motion LLC, by John Cross

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for Office: Business, Professional or Government uses (not permitted), a second vehicular access point (not permitted) and parking areas up 157 feet wide within the front yards of Vinewood Street and High School Road (30-foot width permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

7. 2025-DV1-028 | 4830 Guilford Avenue

Washington Township, Council District #7, zoned D-5 (TOD) (W-1)
Jeffery & Ellen Butz, by Mark Demerly

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage resulting in a three-foot south side yard setback (five feet required).

8. 2025-DV1-031 | 3838-3862 East Washington Street
Center Township, Council District #13, zoned MU-2 (TOD)
Shepherd Community, Inc., by Mindy Westrick Brown

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for development of a mixed-use project with first floor residential at-grade (two-foot elevation above street level required) and public entries at intervals of 100' along the front facades (one entry per 50 feet required) and vehicle access from Bradley Avenue (exclusive access from improved alley required).

Additional Business:

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

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

Member	Appointed By	Term
Peter Nelson, Chair	Mayor's Office	January 1, 2025 – December 21, 2025
David Duncan, Secretary	Mayor's Office	January 1, 2025 – December 21, 2025
Jennifer Whitt	City-County Council	January 1, 2025 – December 21, 2025
Andrew Katona	Metropolitan Development Commissions	January 1, 2025 – December 21, 2025
VACANT	City-County Council	N/A

BOARD OF ZONING APPEALS DIVISION I

July 1, 2025

Case Number: 2025-DV1-026

Property Address: 29 West Arizona Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Ana Pereira, by Daniel Salazar

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of primary and accessory structures with three-foot side yard setbacks (five feet required).

Current Land Use: Vacant

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued from the June 3, 2025 hearing date to the July 1, 2025 hearing date to allow for the petitioner and registered neighborhood organization to discuss the petition further.
- The petitioner has filed a timely automatic continuance, continuing this petition to the August 5, 2025 hearing date.

BOARD OF ZONING APPEALS DIVISION I

July 1, 2025

Case Number: 2025-DV1-032

Property Address: 7986 North College Avenue (*approximate address*), Town of Williams Creek

Location: Washington Township, Council District #2

Petitioner: Brian Marie and Lauren Riley, by Mark and Kim Crouch

Current Zoning: D-S (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a garage addition with a two-foot south side yard setback (15 feet required), resulting in an open space of 81 percent (85 percent required) and encroachment into an easement (encroachment of easements not permitted).

Current Land Use: Residential

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance was filed by a registered neighborhood organization to continue this petition to the August 5th hearing date of Division I. A full staff report will be made available closer to that hearing date.

BOARD OF ZONING APPEALS DIVISION I

July 1, 2025

Case Number: 2025-UV1-009

Property Address: 5330 West Morris Street (approximate address)

Location: Wayne Township, Council District #17

Petitioner: Adriano Montas, by Arnoldo Gonzalez Vasquez

Current Zoning: C-3 (TOD)

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an Automobile, Motorcycle, and Light Vehicle Service or Repair facility, with outdoor storage of vehicles awaiting repair (not permitted), with eight parking spaces and zero bicycle parking spaces provided.

Current Land Use: Residential

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- The petitioner has filed a timely automatic continuance, continuing this petition to the August 5, 2025 hearing date.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

July 1, 2025

Case Number: 2025-DV1-029

Property Address: 2062 Carrollton Avenue (approximate address)

Location: Center Township, Council District #13

Petitioner: Breedy B LLC, by Jamilah Mintze

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a three-foot corner side yard setback from 21st Street (eight feet required).

Current Land Use: Single-family residential

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- Due to Staff error, this petition is required to be continued with new notice to the August 5th 2025 BZA Division I hearing date.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

July 1, 2025

Case Number: 2025-DV1-030
Address: 2110 Bloyd Avenue (approximate address)
Location: Center Township, Council District #8
Zoning: I-3
Petitioner: Covenant Commercial Investments 1 LLC, by Justin Kingen
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building with a two-foot front transitional yard from Bloyd Avenue, a ten-foot front yard setback from Jefferson Avenue and a three-foot north side yard setback (40-foot front transitional yard, 30-foot front yard setback, 10-foot side yard setbacks required).

Current Land Use: Non-permitted towing facility

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition will need to be **continued for cause, to the August 5, 2025**, hearing, in order to amend the petition, and provide new notice.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

July 1st, 2025

Case Number: 2025-DV1-023

Property Address: 6714 Balmoral Road

Location: Wayne Township, Council District #17

Petitioner: Roberto & Hestia Campos

Current Zoning: D-3

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall fence within the front yards and clear sight triangle of Balmoral Road and Haymount Drive (3.5-foot tall fence permitted, encroachment of clear sight triangle prohibited).

Current Land Use: Residential

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

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the second public hearing for this variance petition.

The first public hearing for this variance petition occurred on June 3rd, 2025 where the case was continued to July 1st, 2027 due to insufficient notice.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- The petitioner of the variance is requesting to maintain an existing six (6) foot-tall fence that is in the front yard of the corner lot and encroaches into the clear sight triangle.
- The property is 0.34-acre in a D-3 zoning district.
- In the front yard of a parcel in a dwelling district, a fence is only permitted to be 3.5 feet in height.
- The Infill Housing Guidelines recommend against large fences that obscure the view of the street or homes.
- The Clear Sight Triangle is a measured distance between two (2) roads that intersect. The Ordinance does not permit encroachment into this area because the Clear Sight Triangle is necessary to allow drivers to see incoming pedestrian or vehicular traffic from the opposite road, allowing the driver to go forward or turn safely.



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- This area has multiple sidewalks that provide for pedestrian walkability and has a nearby school.
- The addition of the 6 (six) foot wooden fence takes up a large section of the side of the road and prevents drivers heading west down Balmoral Road and turning onto Haymount Drive to see pedestrians or drivers unless completely pulled forward.
- Staff is recommending the **denial** of this variance petition. The fence takes up a large amount of the streetscape, obscuring the view of not only the home but encroaching into the Clear Sight Triangle.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-4	North: Suburban Neighborhood
South:	SU-2	South: Suburban Neighborhood
East:	D-3	East: Suburban Neighborhood
West:	D-3	West: Suburban Neighborhood
Thoroughfare Plan		
Balmoral Road	Local Street	50 feet of right-of-way existing and 50 feet proposed.
Haymount Drive	Local Street	50 feet of right-of-way existing and 50 feet proposed.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	4/2/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/31/2024	
Findings of Fact (Amended)	6/9/2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book



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- Infill Housing Guidelines

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Design ornamental elements, such as fences and retaining walls, to be simple, fit the context of the block and neighborhood, do not obstruct views of the front of the house, and do not obstruct public sidewalks.
- 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.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

- 61-Z-180: 6522 West Morris Street
 - Rezoning of 65 acres being in A-2 district, to R-3 classification to provide minimum requirements for residential use by platting.
 - Approved
- 76-Z-80: 6709 Balmoral Road
 - Rezoning 3.18 acres being in A-2 district to D-3 classification.
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2001-DV1-068: 1050 South High School Road
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the outside storage of a semi-tractor and trailer (commercial vehicles or trailers not permitted to be parked, stored, maintained or kept on any property in a Dwelling District unless the vehicle has a maximum load capacity of $\frac{3}{4}$ of a ton or less and serves as the sole vehicular transportation of a resident of the property and is within a garage or carport which complies with all standards and regulations of the Dwelling District Zoning Ordinance).
 - Denial
- 2003-UV1-001: 1050 South High School Road
 - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the storage of three commercial vehicles in a Dwelling District (not permitted), for up to a five-year period.
 - Denial
- 2003-UV1-042: 6820 West Morris Street
 - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a dog grooming facility in a detached garage.
 - Approved
- 2007-DV1-053: 6428 West Ray Street
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a seventeen-foot tall, 960-square foot detached garage (maximum fourteen-foot height, the height of the primary structure, permitted), resulting in an accessory building area of 1,040 square feet or 81.76 percent of the main floor area of the primary structure (maximum 954 square feet or 75 percent of the main floor area of the primary structure permitted), and an accessory use area of 1,354.5 square feet or 106.5 percent of the total living area of the primary structure (maximum 1,271 square feet or 99.99 percent of the total living area of the primary structure permitted).
 - Approved
- 2008-DV2-061: 6740 West Morris Street
 - Variance of Development Standards of the Sign Regulations to provide for a 6.083-foot tall, 33.33-square foot pylon sign (maximum four-foot tall ground sign permitted),

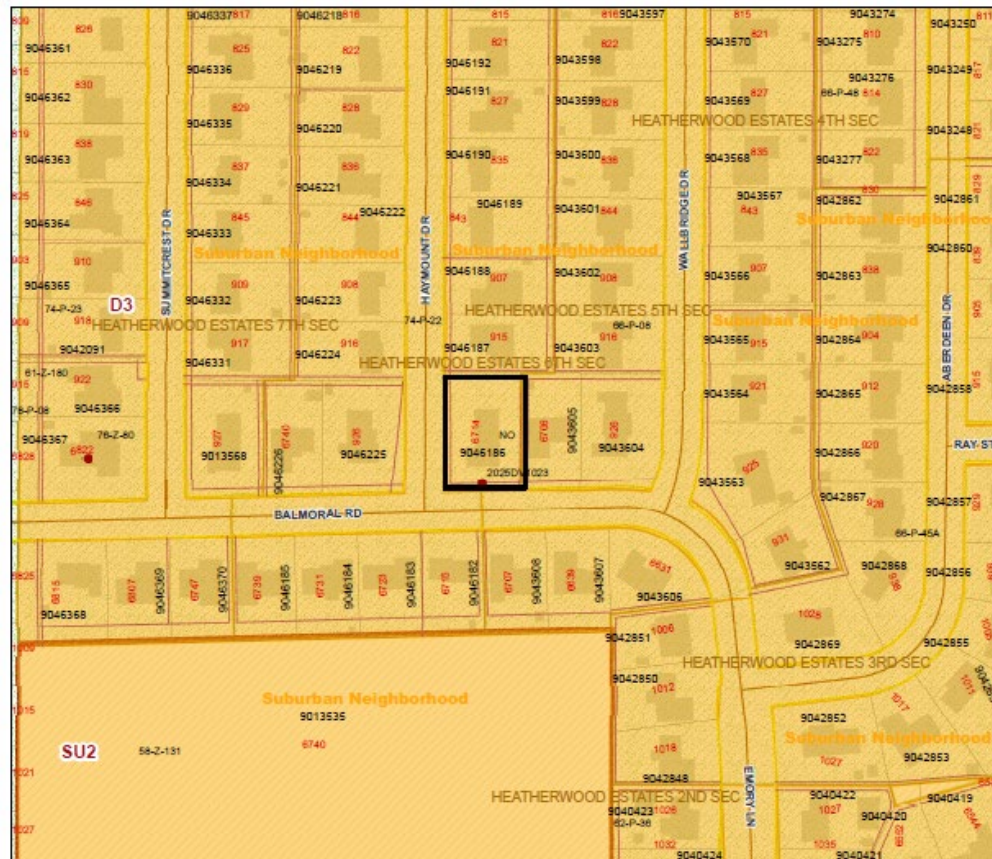


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containing a 24-square foot electronic variable message sign component (not permitted) being 72 percent of the total sign area (maximum 13.3 square feet or 40 percent of the total sign area permitted), within 55 feet of a protected district (minimum 600-foot separation required).

- Approved

EXHIBITS



00.0005015 0.03 0.045 0.06 Miles

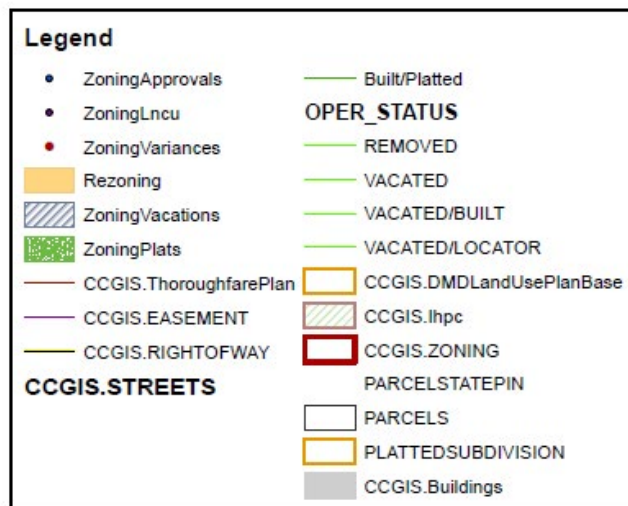


Exhibit 1: ArcGIS map of the subject site and surrounding area.



Exhibit 2: Aerial of the subject site and surrounding area.

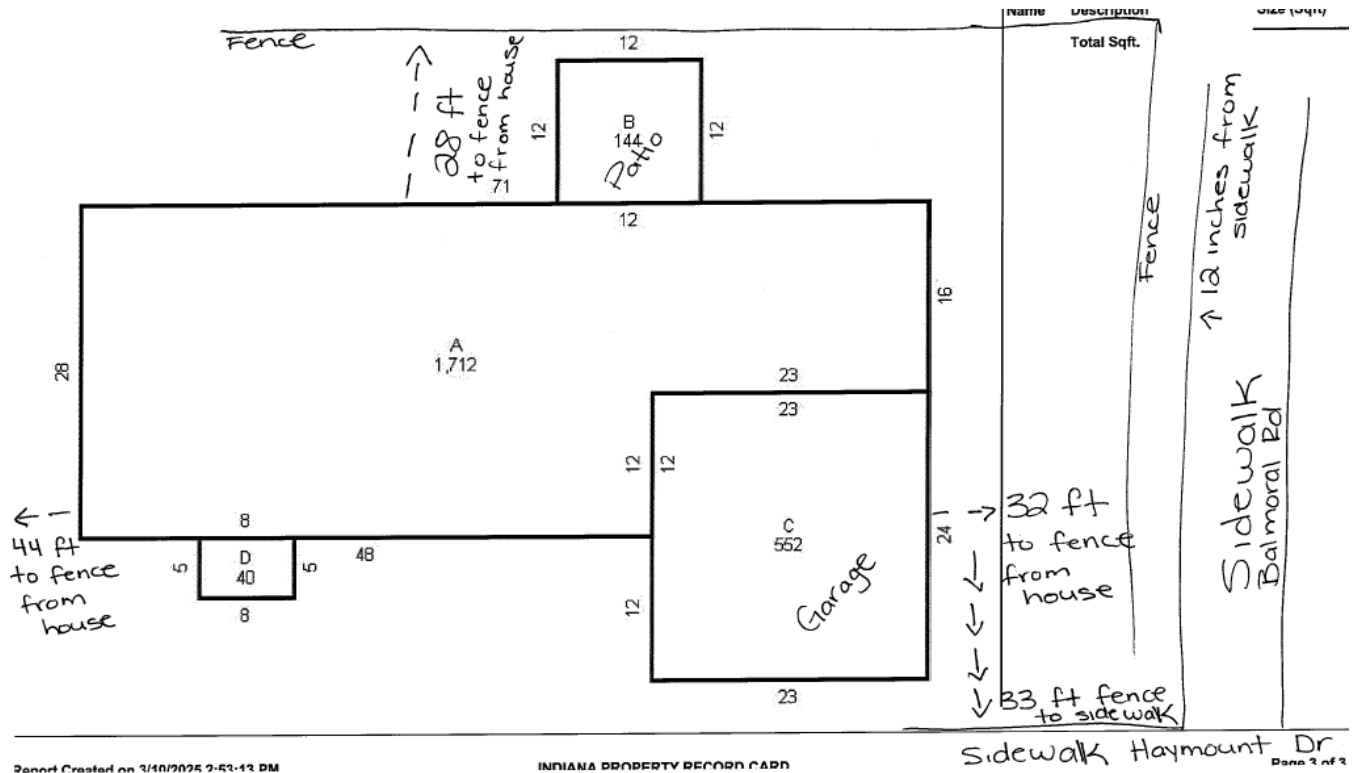


Exhibit 3: The submitted site plan.



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division Heatherwoods Estates
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 fence is constructed in a way that ensures clear visibility for drivers and pedestrians, even at the stop sign near the corner lot. It does not create any sight obstructions or traffic hazards. In fact, it has improved safety, as cars are now more likely to stop.

Petitioners have experienced crimes on their property, including thefts and shooting to the petitioner's dog, there are police reports documenting the incidents, which demonstrate the need for added security.

Additionally, the fence enhances security, provides privacy, and contributes to the overall aesthetic and property values of the neighborhood. It is built with safe, durable materials and aligns with the character of the community.

Furthermore, neighbors have expressed support for the fence, recognizing its benefits to both our property and the surrounding area.

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 fence is well-maintained and blends with the character of the community. It does not obstruct visibility or create safety hazards. Instead, it enhances security.

The fence helps deter crime, by reducing trespassing and increasing safety, the fence contributes positively to the neighborhood's overall appeal and property values.

On Emory Rd, next to the petitioner's street, there are two corner-lot houses with stop signs that also have fences. These fences have not contributed negatively to the neighborhood, demonstrating that similar structures are present and have not caused any issues.

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

We are a corner lot with a stop sign, which creates unique safety concerns. The property has been target of crimes, as documented in police reports IP23D025344 and IP240017076-001.

Being on a corner also means increased exposure to traffic and pedestrian activity, making privacy and security more challenging compared to other properties.

The petitioner's daughters wait for the school bus by themselves, and having the fence provides with a secure space inside the property rather than being exposed to potential dangers.

The fence helps address these specific concerns without obstructing visibility or creating any hazards, making it an essential feature for the property's safety and functionality.

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

Removing the fence would significantly compromise the petitioner's safety and security. The property is more exposed to traffic and pedestrian activity, increasing the risk of trespassing and crime.

Petitioners have already experienced incidents, including theft and the shooting of the petitioner's dog. The petitioner's daughters have a necessary layer of security, while waiting for the school bus, allowing them to wait safely within the property.

Furthermore, a significant investment in building the fence was made to enhance safety. Requiring the petitioner's to remove it would not only create security risks but also impose an unnecessary financial burden.

Enforcing the ordinance would create hardship by forcing to remove a structure that actively enhances safety to the family and community. Since the fence does not obstruct visibility, granting the variance would allow security.

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

The fence aligns with the overall goals of community safety, security, and maintaining neighborhood character. It does not obstruct visibility, create hazards or negatively impact surrounding properties.

Instead, it enhances security by deterring crime and protecting the family, which is in line with the broader objective of fostering a safe and livable environment for residents.

Additionally, the community does not have an HOA, meaning there are no neighborhood rules prohibiting fences like ours. The fence is well-maintained, visually appropriate and does not disrupt the community's aesthetic or planning goals.

Granting the variance would support the intent of the comprehensive plan by allowing a reasonable accommodation that ensures safety without compromising the integrity of the neighborhood.

Exhibit 4: The submitted Findings of Fact.



Exhibit 5: The subject site.



Exhibit 6: Looking at the fence on the northern section of the front yard facing Haymount Drive.



Exhibit 7: Looking at the fence on the southern section of the fence in the front yards facing Haymount Drive and Balmoral Road.



Exhibit 8: Looking west down Balmoral Road, showing how the fence is within the clear sight triangle and obscuring view of the Haymount Drive.



Exhibit 9: Home across the street from the subject site with a fence that meets Ordinance parameters.



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BOARD OF ZONING APPEALS DIVISION I

July 1st, 2025

Case Number: 2025-DV1-025 (Amended)

Property Address: 1002 Hosbrook Street and 815 Grove Avenue

Location: Center Township, Council District #18

Petitioner: Ethan & Madisson Riddle, by Micah Hill

Current Zoning: D-8 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a four-foot-tall fence within the front yards, clear sight triangles, and right-of-way of Grove Avenue and Hosbrook Street and Grove Avenue and the abutting alley (height limited to 3.5-foot tall, encroachment of clear sight triangles not permitted, encroachment of right-of-way not permitted).

Current Land Use: Residential

Staff Recommendations: Staff is recommending **denial** of the variance petition.

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the second public hearing of this variance petition.

The first public hearing occurred on June 3rd, 2025, where this petition was continued to the July 1st, 2025, hearing to allow additional time to address an issue on the legal notice.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- The petitioner of the variance is requesting to maintain two (2) existing four (4) foot tall fences that are in the front yards of the subject sites.
- 1002 Hosbrook Street is situated on a corner lot, where the fence encroaches into the Clear Sight Triangle and the right-of-way.
- While the fence at 815 Grove Avenue only encroaches into the right-of-way.
- There are two (2) subject sites for this variance petition, one of which is 0.058-acre (Hosbrook Street) and the other is 0.043-acre (Grove Avenue). Both sites are within the D-8 zoning district.
- In the front yard of a parcel in a dwelling district, a fence is only permitted to be 3.5 feet in height.

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- The Clear Sight Triangle is a measured distance between two (2) roads that intersect. The Ordinance does not permit encroachment into this area because the Clear Sight Triangle is necessary to allow drivers to see incoming pedestrian or vehicular traffic from the opposite road, allowing the driver to go forward or turn safely.
- The public right-of-way is public property used by the general public for transportation or utilities.
- The fences in these locations meet transparency standards but still encroach into the clear sight triangle, impeding the clear view of drivers. In combination with encroaching into the right of way, the fences in this location pose a potential safety hazard for pedestrians or vehicles coming through this intersection.
- The subject sites are within the Red Line Transit-Oriented Development Strategic Plan area and are beside the Cultural Trail of Virginia Avenue.
- The subject sites are located beside the Hot Shot Tot Lot Park, which will attract more children and families to walk in the area.
- Staff recommends **denial** of this variance petition, as the subject sites are located within an area that is currently a safe and walkable neighborhood. Granting a fence that encroaches on the right of way and potentially creates a safety hazard will set a precedent that undermines the work that has already begun in the area.

GENERAL INFORMATION

Existing Zoning	D-8 (TOD_	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	PK-1	North: Traditional Neighborhood
South:	MU-1	South: Village Mixed-Use
East:	C-5	East: Traditional Neighborhood
West:	D-8	West: Traditional Neighborhood
Thoroughfare Plan		
Grove Avenue	Local Street	60 feet of right-of-way existing and 48 feet proposed.
Hosbrook Street	Local Street	60 feet of right-of-way existing and 48 feet proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	4/18/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	

Findings of Fact	4/18/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line Transit Oriented Development Strategic Plan
- 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 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

- Red Line
 - Virginia & College
 - Existing Conditions
 - The station offers direct access to the growing Fletcher Place neighborhood portion of Virginia Avenue.
 - There are a large amount of active, pedestrian uses.
 - There are a number of pedestrian oriented brick buildings along most of the streets in this area, away from the actual station.
 - The south and eastern end of the station area is dominated by large expanses of highway.
 - To the west, Eli Lilly Company is easily accessed.
 - Typology Characteristics
 - Walkable areas of multiple city blocks, serving as cultural + commercial hubs for multiple neighborhoods

- Mix of office, retail, entertainment, and residential with higher densities at center desired
- Off-street parking is discouraged and should be limited to garages.
- Aspire to a minimum of 15 Dwelling Units per Acre at the core of the station area
- Aspire to a minimum of 3-story buildings at the core of the station area.
- Investment Framework
 - These stations are the most TOD Ready, generally characterized by good urban form, pedestrian, and bicycle connectivity, and medium to strong market strength.
 - TOD investments here should leverage significantly higher residential and employment densities, demonstration projects, urban living amenities and workforce housing.
 - The most appropriate locations for significant infill development • Primary focus is the private sector.
- Virginia & Prospect
 - Existing Conditions
 - The station offers direct access to the heart of the Historic Fountain Square Cultural District and the Cultural Trail.
 - The intersection of Shelby, Prospect and Virginia Avenue is very congested with a large amount of active, pedestrian uses.
 - there are a number of pedestrian oriented brick buildings along most of the streets in this area, away from the actual station.
 - Both the Historic Murphy Building and Historic Fountain Square Theatre act as neighborhood anchors.
 - Typology Characteristics
 - Walkable areas of multiple city blocks, serving as cultural + commercial hubs for multiple neighborhoods
 - Mix of office, retail, entertainment, and residential with higher densities at center desired
 - Off-street parking is discouraged and should be limited to garages.
 - Aspire to a minimum of 15 Dwelling Units per Acre at the core of the station area.
 - Aspire to a minimum of 3-story buildings at the core of the station area.
 - Investment Framework
 - These stations are the most TOD Ready, generally characterized by good urban form, pedestrian and bicycle connectivity, and medium to strong market strength. • TOD investments here should leverage significantly higher residential and employment densities, demonstration projects, urban living amenities and workforce housing • The most appropriate locations for significant infill development • Primary focus is the private sector

Neighborhood / Area Specific Plan

- Not Applicable to the Site.



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

Infill Housing Guidelines

- Design ornamental elements, such as fences and retaining walls, to be simple, fit the context of the block and neighborhood, do not obstruct views of the front of the house, and do not obstruct public sidewalks.
- 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.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

- 2024-CVR-821 / 2024-CPL-812: 815 Grove
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on proposed Lot One, with a seven-foot front setback along Hosbrook Street (front setback ranging from 10 feet to 19.9 feet required), a 3.5-foot corner side yard setback from Grove Street (minimum 8 feet required) and to legally establish an existing single-family dwelling on proposed Lot Two with deficient setbacks.
 - Approval of a Subdivision Plat to be known as Replat of Lot 362 in Fletcher Stone, Witt, Taylor and Hoyt's Subdivision, subdividing 0.10-acre into two lots including a vacation of a portion of the abutting alley, along the northeast portion of proposed Lot Two, ranging from 2.59 feet to 3.19 feet in width (irregular-shaped), from a point 2.87 feet southeast of the right-of-way of Grove Avenue,
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2020-DV3-013: 1031 Elm Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a garage attached by a breezeway to an existing single-family dwelling with an eight-foot front setback, 2.75-foot west side setback, 2.75 feet between primary dwellings, a five-foot rear setback and 34% open space (18-foot front setback or average, four-foot side setbacks, 10 feet between dwellings, 15-foot rear setback and 55% open space required).
 - Approved
- 2021-DV1-027: 945 Elm Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to a single-family dwelling with a six-foot front setback, a 2.5-foot northwest side setback, six and 7.5-foot separations between dwellings and an attached garage with a three-foot rear setback and 37% open space (18-foot front setback or average, four-foot side setback, 10-foot separation fifteen-foot rear setback and 55% open space required).
 - Approved
- 2021-DV3-010: 1020 Elm Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for additions to an existing single-family dwelling and detached garage, with a one-foot north side dwelling setback, 2.5-foot south side dwelling setback, three-foot side garage setbacks, three-foot and five-foot separation between dwellings and open space of 40% (four-foot side setback, 10-foot separation and 55% open space required).
 - Approved



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

- 2022-CZN-829 / 2024-CVR-829: 921 Virginia Avenue
 - Rezoning of 1.49 acres from the D-8 and C-5 districts to the MU-2 (TOD) district.
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a Large Mixed-Use building type (not permitted), a zero-foot setback along Virginia Avenue (five feet required) and to allow for reduced landscaping (landscaping required).
 - Approved
- 2022-UV2-002: 1035 Elm Street
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story, fourteen unit medium apartment building (not permitted in D-8) with a four-foot front building setback (6.5-foot setback required), a 1.5-foot rear setback (ten-foot setback required), a Floor Area Ratio of 1.31 (maximum 0.60 permitted) and a Livability Space Ratio of 0.17 (minimum 0.66 ratio required).
 - Approved
- 2024-UV3-018: 975 Hosbrook Street
 - Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of C-1 uses (not permitted).
 - Approved

EXHIBITS

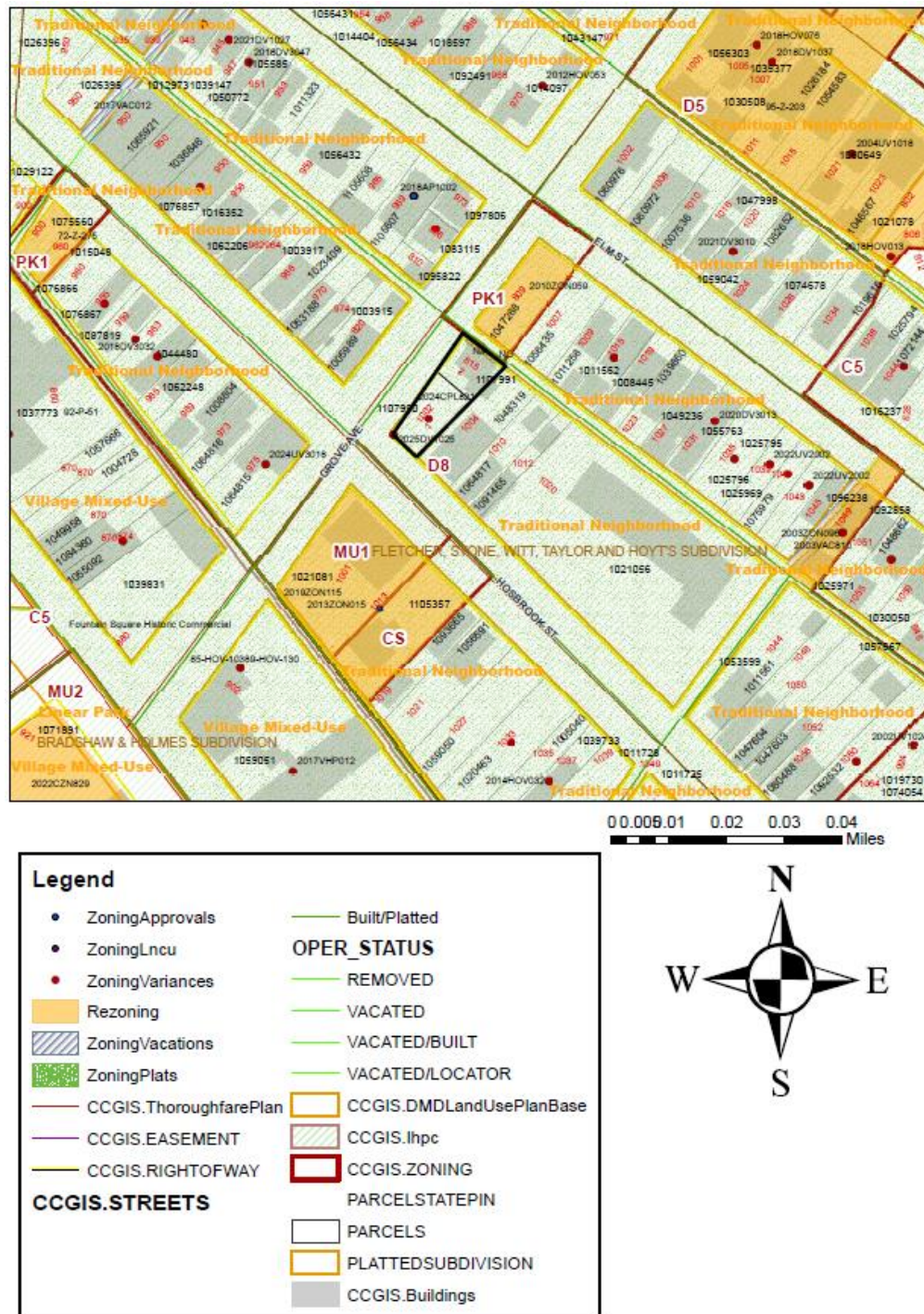


Exhibit 1: ArcGIS map of the subject sites and surrounding area.

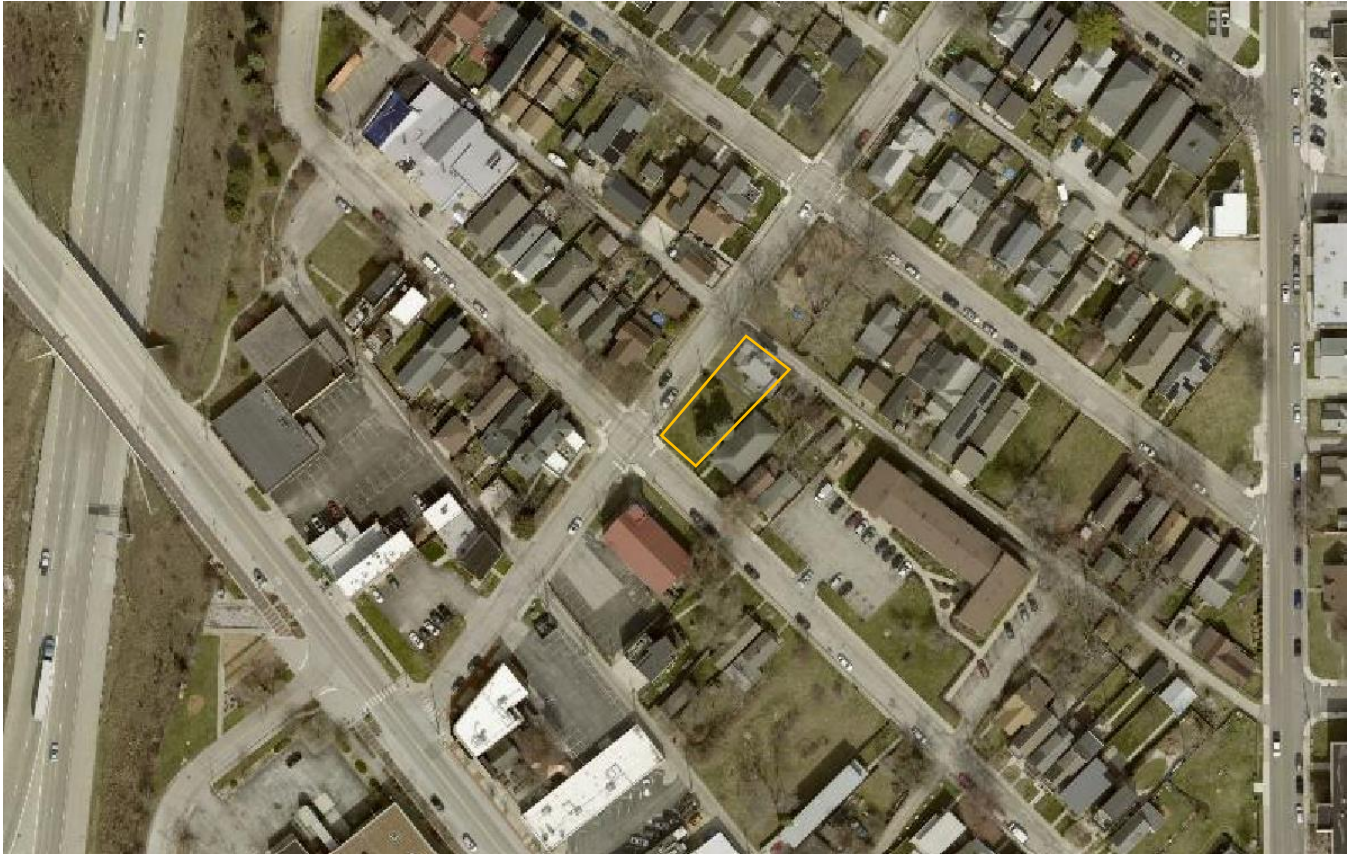


Exhibit 2: Aerial of the subject sites.

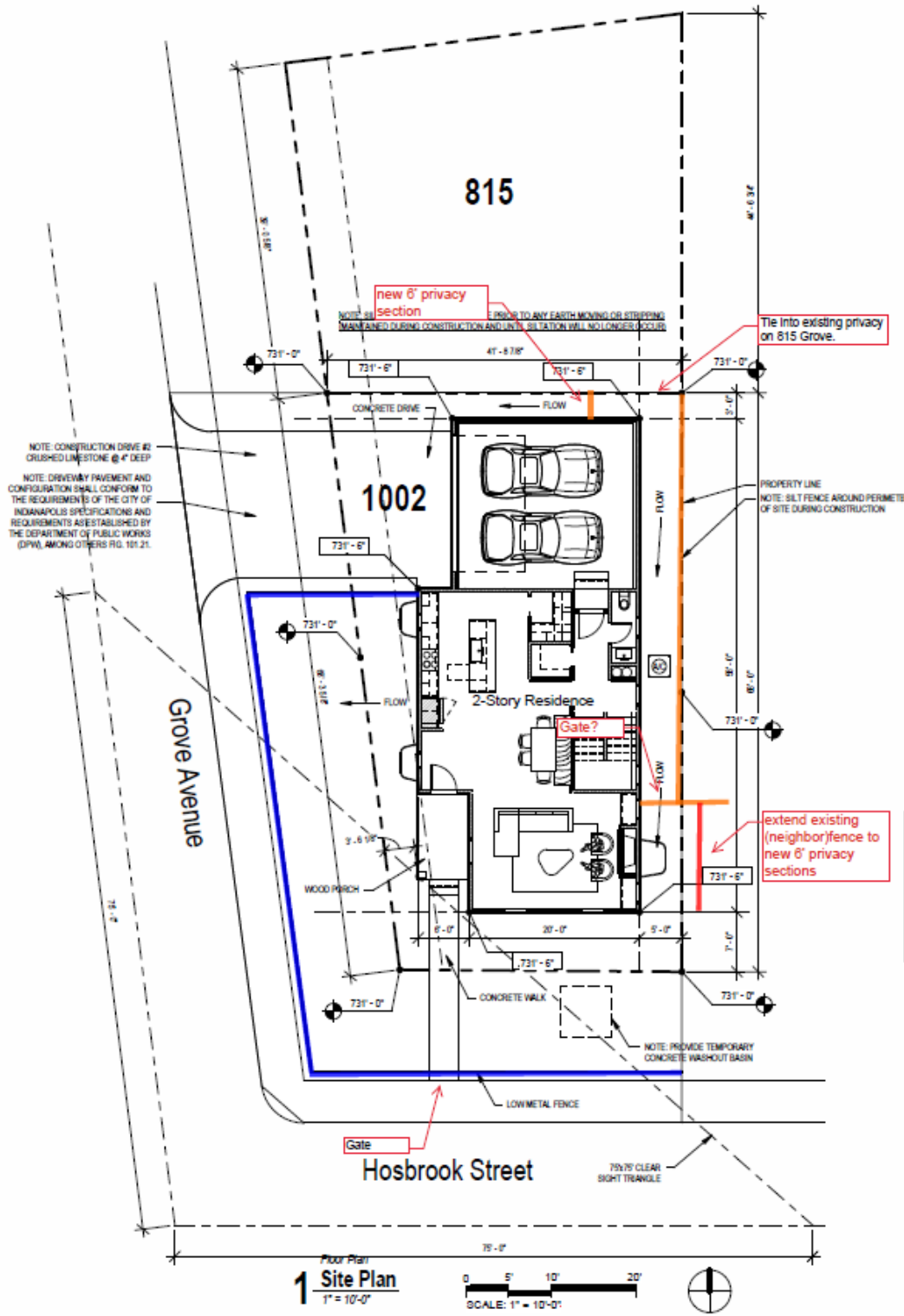


Exhibit 3: Site Plan for 1002 Hosbrook Street.

Department of Metropolitan Development
 Division of Planning
 Current Planning

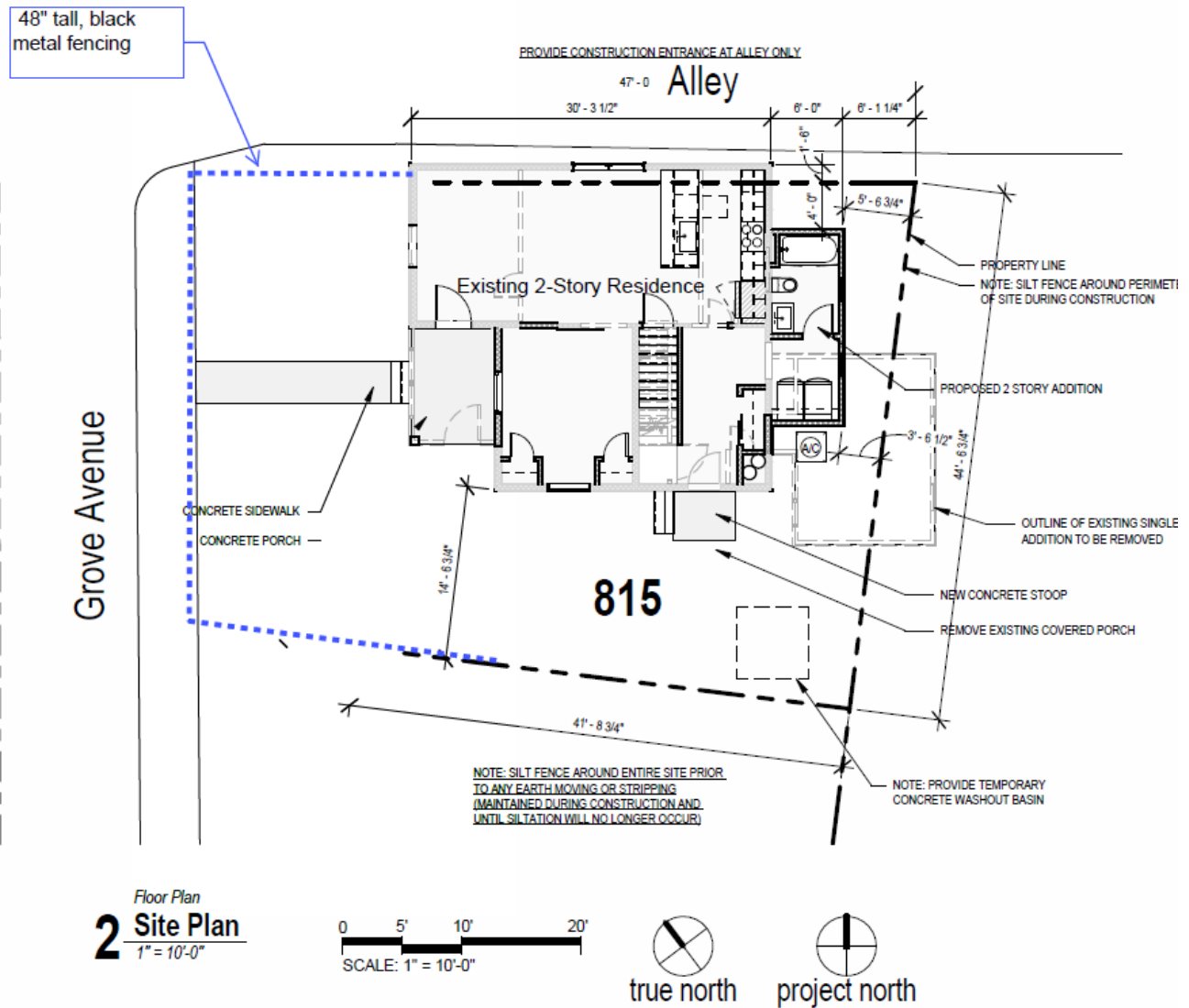


Exhibit 4: Site plan for 815 Grove Avenue.



Department of Metropolitan Development
Division of Planning
Current Planning

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The fencing does not "materially impede visibility" which is consistent with the intent of the Ordinance.

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 installed fencing is consistent with the intent of the Ordinance and is complimentary with the context of the neighborhood where the majority of homes and yards have similar fencing installed.

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

the fencing does not violate the spirit of the Ordinance as can be seen by surrounding context including other neighbors, properties and an adjacent city park.

Exhibit 5: The submitted Findings of Fact.



Exhibit 6: 1002 Hosbrook Street fence.



Exhibit 7: 1002 Hosbrook Street fence



Exhibit 8: 815 Grove Avenue fence.



Exhibit 9: 815 Grove Avenue fence.



Exhibit 10: Looking northeast down Grove Avenue.



BOARD OF ZONING APPEALS DIVISION I

June 3, 2025

Case Number: 2025-UV1-006 (Amended)
Address: 5451 Moller Road (approximate address)
Location: Pike Township, Council District #6
Zoning: D-A / D-P
Petitioner: Maribel Morales Picon, by David E. Dearing
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the storage of two food trucks (prohibited).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued at the request of a registered neighborhood organization, from the May 6, 2025, hearing, to the June 3, 2025, hearing.

Staff requested this petition be continued for cause on behalf of the petitioner, to the July 1, 2025, hearing, so that a rezoning companion petition could be filed in its place.

During discussions with the petitioner, he indicated that before the July 1, 2025, hearing, he would be filing a companion petition to rezoning the DP portion of the parcel and add the Variance of Use for the storage of two food trucks to it. This would allow for the current Variance petition, 2025-UV1-066 to be withdrawn.

At the time of publication of this staff report, it appears the petitioner has only filed for a rezoning petition, and not a companion petition including a new Variance of Use.

Therefore, **this variance petition should go forward and be heard on July 1**, as it is not required to be part of the rezoning petition. This variance petition has already been delayed 2 months, with the illegal use continuing to operate on site.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ The request would provide for the storage and parking of two commercial food trucks on the lot. Traditionally, these requests have not been supported due to their impact on the visual aesthetics of the surrounding area.

- ◇ The Comprehensive Land Use Plan recommends Suburban Neighborhood uses for this site and the adjacent parcels.
- ◇ 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. 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.
- ◇ The introduction of commercial vehicles into a predominately residential area would have a negative impact on the area. The two commercial food trucks can easily be parked off site where property zoned, as other commercial food trucks have managed to do so without any practical difficulty.
- ◇ The petitioner has indicated that the two commercial food trucks would be parked to the rear of the dwelling on a paved area. However, an updated site plan has not been submitted to reflect this. In addition, a portion of the driveway that the food trucks would use to access the rear of the site, and to leave the property, is paved with loose gravel. The use of loose gravel is not permitted for commercial uses due to the intensity of the use, and the increase in destruction of the public right of way roads that are financed with taxpayer dollars.
- ◇ There is no unusual and unnecessary hardship associated with the subject site that would warrant the grant of this variance. The subject site has no natural or manmade physical obstacles that would prohibit compliance with the permitted uses. Any hardship is self-imposed by the petitioner's desire to not park the vehicles off site at an appropriately zoned site.
- ◇ Summarily, in Staff's opinion, permitting two commercial food trucks to park in a predominately residential area district as proposed would be wholly inappropriate, particularly considering the general increase in intensity from multiple commercial vehicles within a residential area.

GENERAL INFORMATION

Existing Zoning	D-A / D-P	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Suburban Neighborhood Use	
Overlay	No	
Surrounding Context	Zoning	Surrounding Context
North:	D-A	Single Family Dwelling
South:	D-P	Two- Family Dwelling
East:	D-A	Single Family Dwelling
West:	SU-2	School

Thoroughfare Plan

Moller Road	Local Street	60-foot existing and proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Wellfield Protection Area	No	
Site Plan	March 13, 2025	
Elevations	N/A	
Commitments	N/A	
Landscape Plan	N/A	
Findings of Fact	March 13, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends suburban neighborhood use for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends 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. 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

None

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This aerial map shows a residential development in Spring Creek, Georgia. The map is overlaid with a grid of lot numbers. A central pond is surrounded by lots 5315 through 5355. A road labeled '5451 Moller Road' runs through the center of the development. The map also shows a road labeled '56TH ST' at the top and 'MOLLER RD' on the left. A green star is marked on the map near the top left corner. The map is divided into several sections by orange lines, with labels such as 'SU1', 'SU2', 'SU38', 'SU20', 'DA', 'D3', 'D2', and 'D1' indicating different areas or phases of the development. The map is a high-resolution aerial photograph with a green grid overlay.

Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

all of the subject activities will be confined to the landowner's property with no capacity to affect the public health, safety, morals or general welfare.

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 of the subject activities will be confined to the landowner's property, which is well screened from neighboring properties by tree cover.

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

the landowner will not be able to utilize her property to protect her food trucks from theft and vandalism they would be subject to if parked overnight elsewhere.

DECISION

Photographs



Subject site, single family dwelling, looking east.



Subject site, two commerical food trucks parked on side of dwelling, looking east



Adjacent two-family dwelling to the south, looking west.



Adjacent single family dwelling to the north, looking east.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

July 1, 2025

Case Number: 2025-UV1-008 (2nd Amended)
Address: 6158 West 10th Street (approximate address)
Location: Wayne Township, Council District #16
Zoning: D-3 (W-1) (W-5)
Petitioner: Homes In Motion LLC, by John Cross
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for Office: Business, Professional or Government uses (not permitted); a second vehicular access point (not permitted) and parking areas up 157 feet wide within the front yards of Vinewood Street and High School Road (30-foot width permitted).

Current Land Use: Commercial office

Staff Recommendation: Staff recommends denial of the request for a second driveway
 Staff recommend s approval of the remainder of the request.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause at the request of Staff from the July 3, 2025, hearing, to the July 1, 2025, hearing, due to the submittal of an incorrect site plan.

This petition was previously amended to remove the request for a second vehicular access point. The petition was amended a second time to reinsert the request for a second vehicular access point. No new notice will be required as the second amended request is the same as the original published request.

STAFF RECOMMENDATION

Staff recommends **denial** of the request for a second vehicular access point.

Staff recommends **approval** of the remainder of the request.

PETITION OVERVIEW

- ◇ The subject site is developed with an original built single-family dwelling used as a real estate office, detached garage, paved parking, gravel parking lot, an unpermitted gravel driveway, and enclosed fenced in area.
- ◇ A real estate office, with one 24-square foot ground sign, and two (2) 15-square foot wall signs was approved per 2019-UV2-005.



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

- ◇ The expansion of an existing accessory structure, with a total accessory structure size of 1,215.35 square feet, a six-foot-tall fence and outdoor storage and operations consisting of four (4) trailers, one (1) skid steer loader, one (1) mini excavator and one (1) mini backhoe was approved per 2024-VAR-013.
- ◇ The rezoning of 1.00 acre from the D-3 (W-1) district to the C-1 (W-1) district, with a commitment for the closure of the driveway off Vinewood Street within 60 days of approval, and removal of the driveway pavement within six (6) months of the approval, was initially approved by the MDC per 2024-ZON-096 but was withdrawn prior to City Council approval.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The petition is requesting a Variance of Development Standards to provide for a second vehicular access point.
- ◇ The existing access point off of Vinewood Drive is a result of a previous expansion of this portion of West 10th Street and the I-45 interchange exit. At the time of that access point installation, the property was used as a single-family dwelling, and development along the North High School corridor was minimal.
- ◇ The use of the site was changed from residential to a commercial real estate office in 2019. At that point, only one (1) vehicular access point existed.
- ◇ According to aerial photos, sometime in the spring of 2023, the second vehicular access point on High School Road, the 157-foot wide parking area, and the existing accessory structure expansion with outdoor storage and operations, was installed.
- ◇ The Findings of Fact indicate the second access point is needed to divert traffic away from Vinewood Street as there is minimal space for turn in and out of the property.
- ◇ Staff agrees that the vehicular access point on Vinewood Avenue is an issue for traffic and access but does not agree that a second vehicular access point is needed in order for the Vinewood Street entrance to remain open and contribute to the existing traffic issues and congestion at that intersection.
- ◇ Staff believes that the vehicular access point on High School Road should be legally established as the primary and only vehicular access point. With the access point on Vinewood Road to be closed due to its issues with traffic access and congestion. This would make the site zoning compliant without the need for the requested second vehicular access point variance.
- ◇ Staff feels there is no practical difficulty with the site in relocating the only vehicle entry site to the High School Road entrance as it is currently accessible and closing the Vinewood Street entrance. Therefore, Staff does recommend denial of this variance request.

- ◇ The requested Variance of Development Standards to provide for a parking area up 157 feet wide within the front yards of Vinewood Street and High School Road, is a result of the subject site having three (3) frontages. The frontage on West 10th Street has a 15-foot front setback after numerous road expansions, leaving little room if any for appropriate parking. Resulting in the need to place the parking area in the front yards of Vinewood Street and High School Road.
- ◇ In Staff's opinion, the request is consistent with the existing surrounding commercial uses and would represent a minor deviation from the Ordinance.

VARIANCE OF USE

- ◇ The requested Variance of Use to provide for Office: Business, Professional or Government uses, would provide for additional office uses beyond the permitted by variance real estate office use.
- ◇ The site is currently used as a real estate office per a Use Variance granted in 2019. Providing for additional commercial offices would allow the site, that is not likely to be used residentially again, to be a buffer between the more intense C-5 district to the south and the less intense D-3 district to the north.
- ◇ The Suburban Neighborhood recommendation of the Comprehensive Plan supports a variety of neighborhood-serving businesses, institutions, and amenities which means the proposed use would align with this recommendation.
- ◇ In Staff's opinion, the request is consistent with the existing surrounding commercial uses and would represent a minor deviation from the Ordinance.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Commercial Office	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-3	Single-family dwellings
	South: C-5	Commercial retail
	East: D-3	Single-family dwellings
	West: D-3	Single-family dwellings
Thoroughfare Plan		
10th Street	Primary Arterial Street	112-foot proposed right-of-way and 285-foot existing right-of-way.
Vinewood Avenue	Primary Collector Street	80-foot existing right-of-way, and an 80-foot proposed right-of-way.
High School Road	Primary Collector Street	65-foot existing right-of-way and 80-foot proposed right-of-way.
Context Area	Metro area	



Department of Metropolitan Development
Division of Planning
Current Planning

Floodway / Floodway Fringe	No
Overlay	N/A
Wellfield Protection Area	Yes
Elevations	N/A
Landscape Plan	N/A
Site Plan - Amended	June 3, 2025
Findings of Fact	April 18, 2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Suburban Neighborhood development for the 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 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.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
 - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres. Should be limited to areas and parcels with adequate space for required screening and buffering.



Department of Metropolitan Development
Division of Planning
Current Planning

- Automotive uses (such as gas stations and auto repair) and uses requiring separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded. Should not include outdoor display of merchandise.
- Office uses are contemplated within the Suburban Neighborhood typology, which is why staff determined the request for the Variance of Use would be supportable.

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)

- Indy Moves Plans Indy Moves Transportation Integration Plan (2018) proposes an off-street multi-use path from Railroad Tracks to Beachway Drive.

ZONING HISTORY

2024-ZON-096; 6158 West 10th Street (subject site), Rezoning of 1.00 acre from the D-3 (W-1) district to the C-1 (W-1) district to provide for a second driveway and parking lot of a Real Estate Office, **Withdrawn.**

2024-VAR-013; 6158 West 10th Street (subject site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an expansion of an existing accessory structure, with a total accessory structure size of 1,215.35 square feet, a six-foot-tall fence and to permit outdoor storage and operations consisting of four trailers, one skid steer loader, one mini excavator and one mini backhoe, **Granted.**

2019-UV2-005; 6158 West 10th Street (subject site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a real estate office (not permitted) and one 24-square foot ground sign and two 15-square foot wall signs (ground signs permitted for subdivision and projects only, one wall sign permitted and sign area of three percent of façade permitted), **approved.**



Department of Metropolitan Development
Division of Planning
Current Planning

2006-DV2-016; 1010 Center Drive (northeast of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 13-foot tall, 766-square foot detached garage located between the established front building line and the right-of-way (not permitted), **granted**.

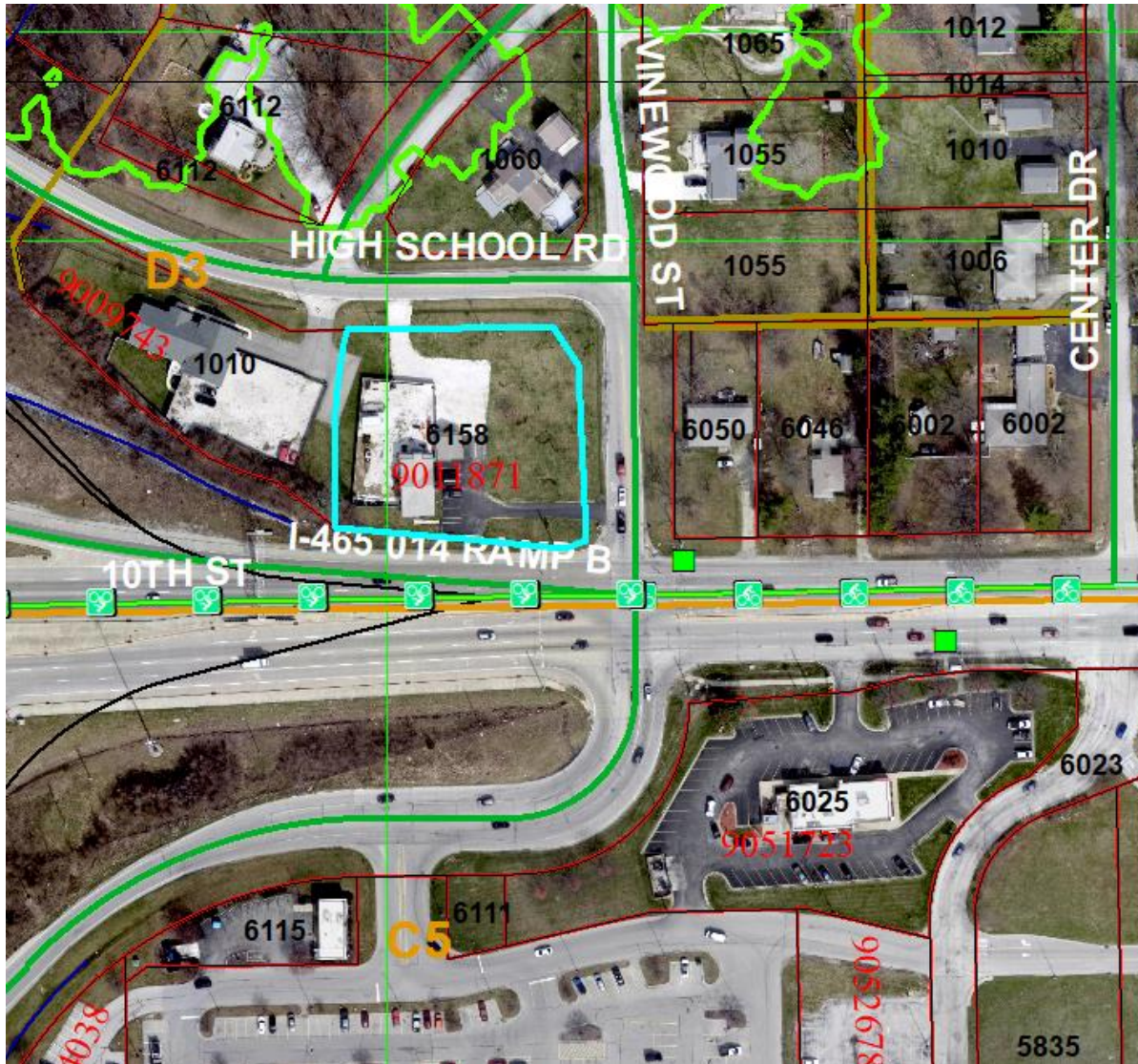
99-UV1-160; 6158 West 10th Street (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an assisted transportation business for handicapped persons, with parking for 2 vans in a detached garage, **denied**.

70-UV3-34; 1010 North High School Road (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for general office use, within an existing building, **granted**.

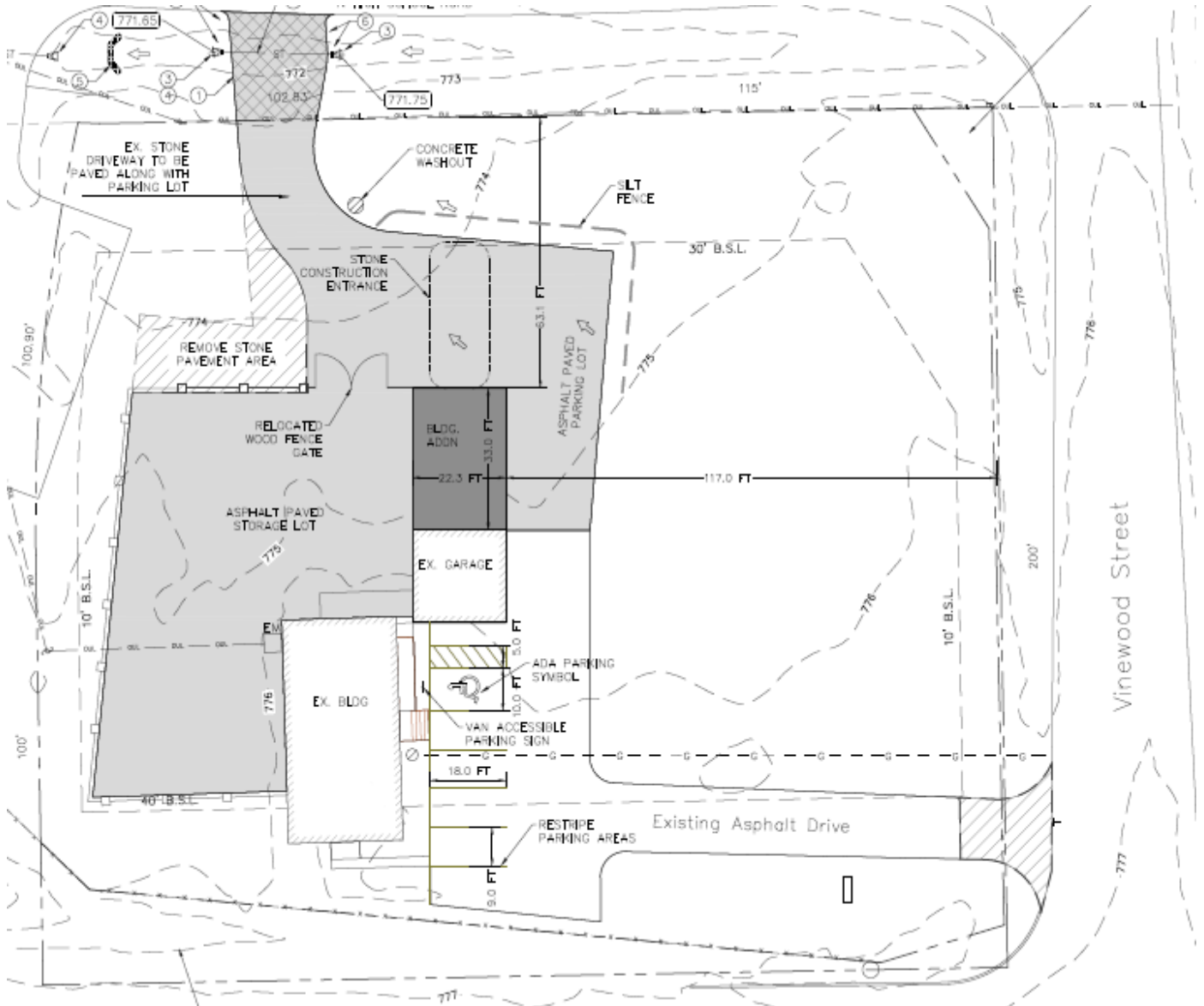
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EXHIBITS

Location Map



Site Plan - Amended





Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

the property has been used as a real estate office since 2019 under a variance use. The property's location makes it well-suited for general office use and will have no negative impact on the surrounding area. Approval will not create objectionable characteristics extending beyond the lot lines. General office business use will not adversely impact traffic on surrounding streets especially with the additional access drive. This approval will not establish a precedent for other properties rezoning to commercial districts.

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 has a history of being used as a business office without having any negative impact on surrounding property values.

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

the location of the property along 10th Street and 465 on-ramp make it more suitable for light office use instead of residential use.

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 property is already permitted to be used as a real estate office as long as the owner owns the property. This change has reflected well on the property given its location. The MDC previously approved the property being rezoned to C-1 which was then withdrawn so this approval will fulfill the general office use of the property while remaining a residential district.

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

Approval will not create objectionable characteristics extending beyond the lot lines. The MDC previously approved the property being rezoned to C-1 which was then withdrawn so this approval will be consistent with the MDC's prior approval and staff's prior suggestion of rezoning to C-1.

DECISION



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the additional driveway access and parking are will benefit the real estate use of the property as additional parking is needed.

The additional access point will help divert traffic away from Vinewood St. as there is minimal space there to turn in and out of the property.

The additional access point will help traffic flow and not add congestion. The additional parking area will not be uncharacteristic with the larger drive and parking area for the property abutting on the west. The variance will not negatively impact surrounding properties and not have an effect on W 10th St to the south.

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 additional parking and drive will not add congestion but will help divert traffic away from the intersection of Vinewood and 10th St where

the only access drive currently is. The real estate office use does not generate enough traffic to have a substantial impact on traffic in the area.

The additional parking area will not be uncharacteristic with the larger drive and parking area for the property abutting on the west.

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 was approved a variance of use for a real estate office. Currently additional parking is needed to accommodate that use.

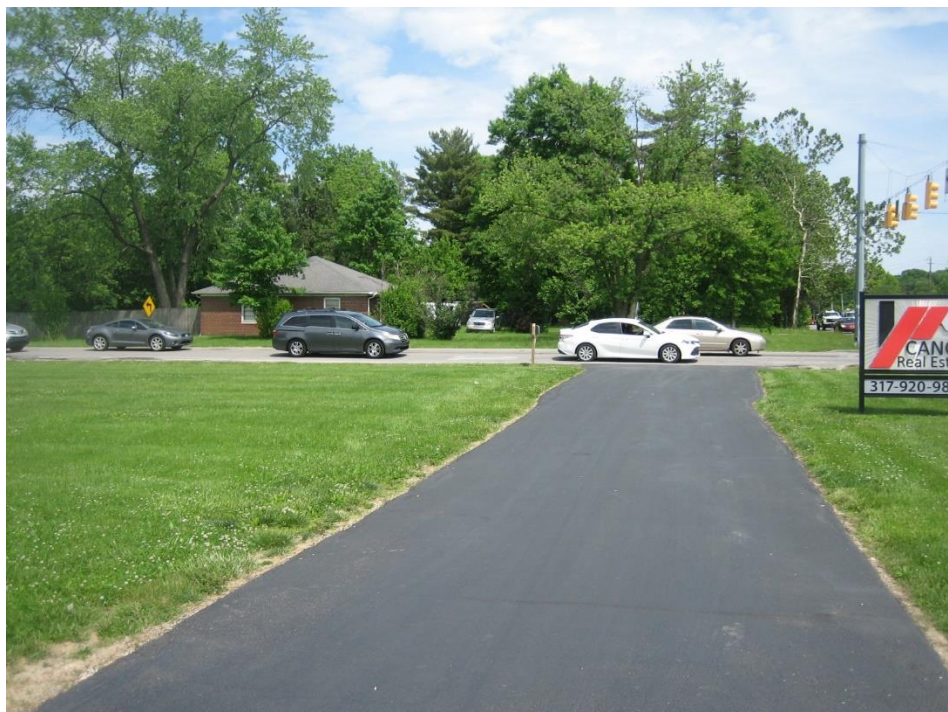
The best location for the parking area is behind the property accessing N. High School Rd. This will help traffic flow and lessen congestion more so than if additional parking is added to the existing drive that accesses Vinewood St.

DECISION

Photographs



Subject property looking west.



Subject property, existing entrance from Vinewood Street, looking east



Subject property, proposed entrance from High School Road, looking southeast



Adjacent property to the east, looking north.



Adjacent property to the north, looking northeast.



Adjacent property to the west, looking south.



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BOARD OF ZONING APPEALS DIVISION I

July 1, 2025

Case Number: 2025-DV1-028

Property Address: 4830 Guilford Avenue (*approximate address*)

Location: Washington Township, Council District #7

Petitioner: Jeffrey & Ellen Butz, by Mark Demerly

Current Zoning: D-5 (TOD) (W-1)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage resulting in a three-foot south side yard setback.

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 4830 Guilford Avenue is currently developed with a single-family residence constructed around 1920 and a rear-yard one-car detached garage. Surrounding land uses are also residential in nature, and most surrounding sites utilize rear-yard detached garages. The subject site's garage is accessed from a concrete curb while gravel leads to what appear to be two additional surface parking spaces to the rear of the property (see area placed outside of fencing in Exhibits).
- Approval of this petition would allow for demolition of the existing one-car garage to be replaced by a new detached garage that would allow for parking of two (2) cars. The new garage would be partially built on the existing footprint of the current garage. The existing garage is legally established with a side setback of two (2) feet. However, this garage would be demolished and replaced by a new garage with a proposed three (3) foot setback. Since current Ordinance regulations for single-family lots of this size would require a side setback of five (5) feet, construction of the new garage would require a Variance of Development Standards.



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- Staff would note that this construction work would not be eligible for existing Ordinance exceptions related to the reconstruction of detached accessory structures on existing foundations (since the new garage would not utilize the existing foundation or square footage of the current structure) or for extension along a legally established nonconforming side yard (since the structure would be demolished and rebuilt). Additionally, a wrecking permit would be required for the demolition work.
- Per staff request, the petitioner clarified via an amended site plan that one surface parking space would remain to the north of the proposed detached garage, and that this parking space would have a compliant side yard setback of five (5) feet. Surface parking spaces would not be eligible for the two-foot side yard exception applicable for minor residential features such as driveways or walkways, and any existing or proposed surface parking spaces would require five feet of separation from side property lines.
- The property is zoned D-5 to allow for medium and large-lot housing formats, primarily for detached houses. Similarly, the Martindale-Brightwood Neighborhood Plan recommends it to the Traditional Neighborhood typology for residential uses. The site is also located within the Transit-Oriented Development Secondary District (to allow for walkable neighborhood development) and the Fall Creek Wellhead Protection Area (designed to protect groundwater from contaminants). Finally, the Infill Housing Guidelines indicate that side setbacks should reinforce existing building spacing and separation on the block while leaving room for maintenance and avoiding large gaps.
- Findings of Fact provided by the applicant indicate that neighboring properties and the currently existing garage have similar side yard setbacks to the proposed garage. Although several legally non-conforming garages appear to exist along this alley, it does not appear that any of those garages were recently constructed or established via zoning petition. The existence of nearby non-conforming structures does not constitute a site-specific practical difficulty.
- Additionally, since the garage would be fully demolished and a new structure would be built at the site, it is unclear to staff why the existing lot with a width of 40 feet would be unable to facilitate placement of a garage with compliant setbacks beyond a desire to have three parking spaces within the rear yard of the site. The single-family residence at the site would only require one parking space, and placement of a two-car garage with compliant setbacks would allow for four parking spaces for the property (inclusive of street parking along Guilford Avenue).
- Staff would also note that the TOD Red Line Plan discourages surface parking and encourages placement of cars within detached garages. Placement of a two-car detached garage of this size with uniform side setbacks (eight feet on each side) would reduce the likelihood of rear-yard surface parking spaces remaining at the site and increase conformity with the TOD plan. For this reason, as well as for the lack of identifiable site-specific practical difficulty preventing ordinance compliance, staff recommends denial of this request.



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GENERAL INFORMATION

Existing Zoning	D-5 (TOD) (W-1)	
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		
Guilford Avenue	Local Street	51-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	05/12/2025	
Site Plan (Amended)	06/11/2025	
Elevations	05/12/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	05/12/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Red Line Transit-Oriented Development Strategic Plan
- Meridian-Kessler Neighborhood (2016)
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan



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- The Red Line Transit-Oriented Development Strategic Plan recommends this site to the Walkable Neighborhood typology given its proximity to the College and 46th station. This typology is designed for walkable areas that are primarily residential but may have a commercial node of one to two city blocks. Off-street parking is discouraged and should be limited to garages.

Neighborhood / Area Specific Plan

- The Meridian-Kessler Neighborhood Plan recommends this site to the Traditional Neighborhood living typology to allow for a full spectrum of housing types, ranging from single-family homes to large-scale multifamily housing. Residential development should be accessed by rear alleys and detached garages, and infill development should continue the existing visual pattern of the block. The site does not fall within the boundary of the Meridian Street Preservation Commission or of any critical areas.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that side setbacks should reinforce existing building spacing and separation on the block while leaving room for maintenance and limiting uncharacteristically large gaps. Additionally, accessory structures should be located behind primary residences with appropriately diminished scale, height, and mass, should be accessed from alleys, and should have coordinated roof lines, window opening and architectural styles with existing primary buildings.

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

2015DV1046 ; 4851 Carrollton Avenue (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a deck on top of an existing garage, with an approximately zero-foot south side setback and a one-foot aggregate side setback (minimum four-foot side and 10-foot aggregate side setback required), **approved**.

2015UV2013 ; 911 E 50th Street (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for two dwelling units (not permitted) on one lot, per plans filed, **approved**.

2014DV1027 ; 4802 Carrollton Avenue (southwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 772-square foot addition to an existing dwelling, creating an open space ratio of 51% (minimum 65% open space required), **approved**.

2010DV3003 ; 4801 Guilford Avenue (southwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to (a) provide for the construction of a 260-square foot garage with a zero-foot front setback along 48th Street (25-foot front setback or average setback required); (b) provide for a six-foot tall fence in the front yard of 48th Street and encroaching four feet into the right-of-way of 48th Street (maximum 42-inch fence permitted within the front yard, fences not permitted within the right-of-way); and (c) provide for a porte-cochere, with a 10-foot setback from Guilford Avenue and a zero-foot setback from 48th Street (25-foot front setback required along local streets), **approved**.

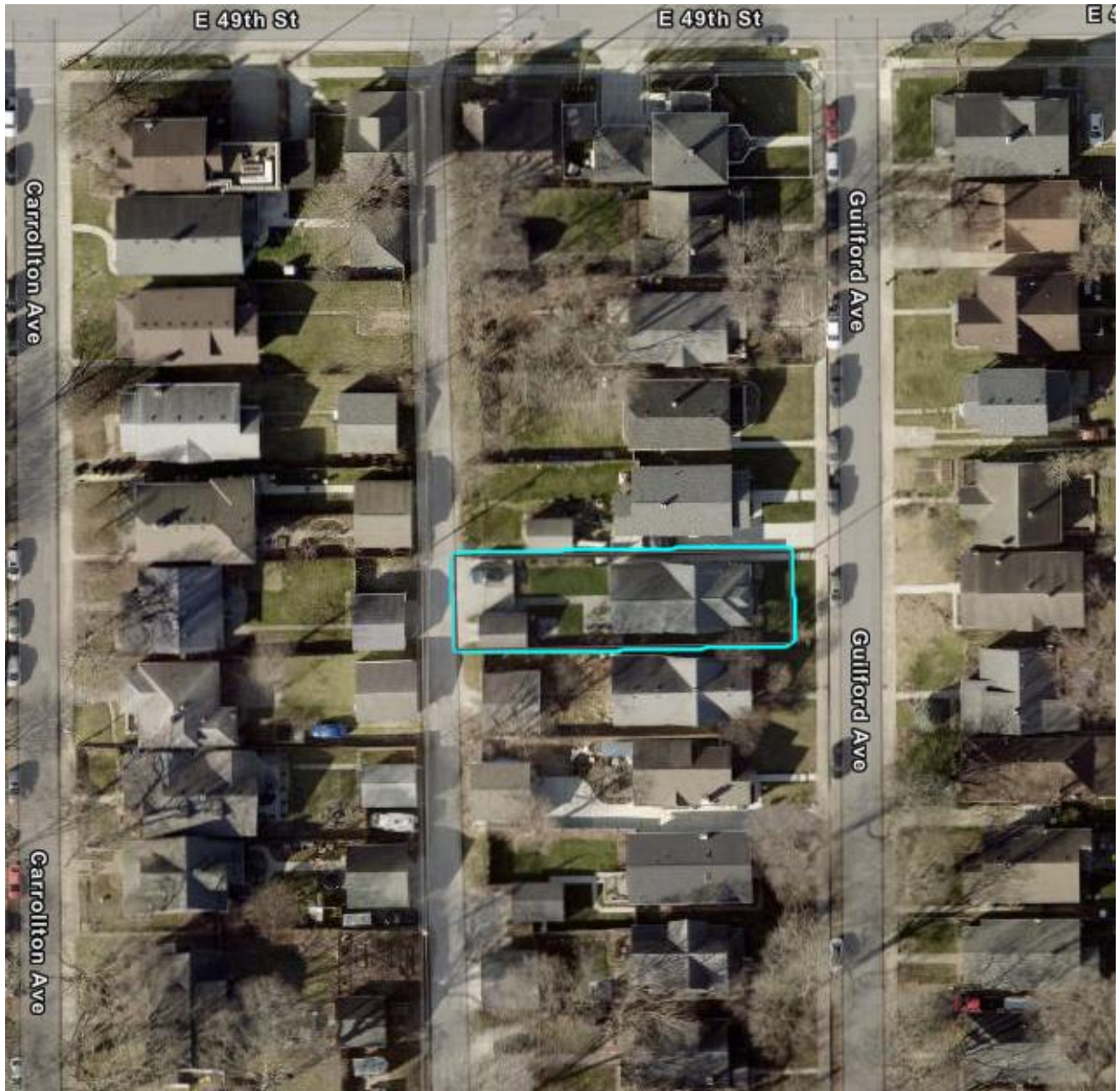
2009HOV003 ; 4612 Carrollton Avenue (southwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 23.67-foot tall, 558-square foot detached garage (maximum twenty-foot height permitted), with a four-foot south side setback and a two-foot garage overhang into the required four-foot south side yard (minimum four-foot side setback required), **approved**.

2007DV1026 ; 4619 Carrollton Avenue (southwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish the construction of a 115.5-square foot covered deck addition to a single-family dwelling with a 1.50foot north side setback (minimum four-foot side setback required), and to legally establish an eight-foot side yard aggregate (minimum ten-foot side yard aggregate required), **denied**.

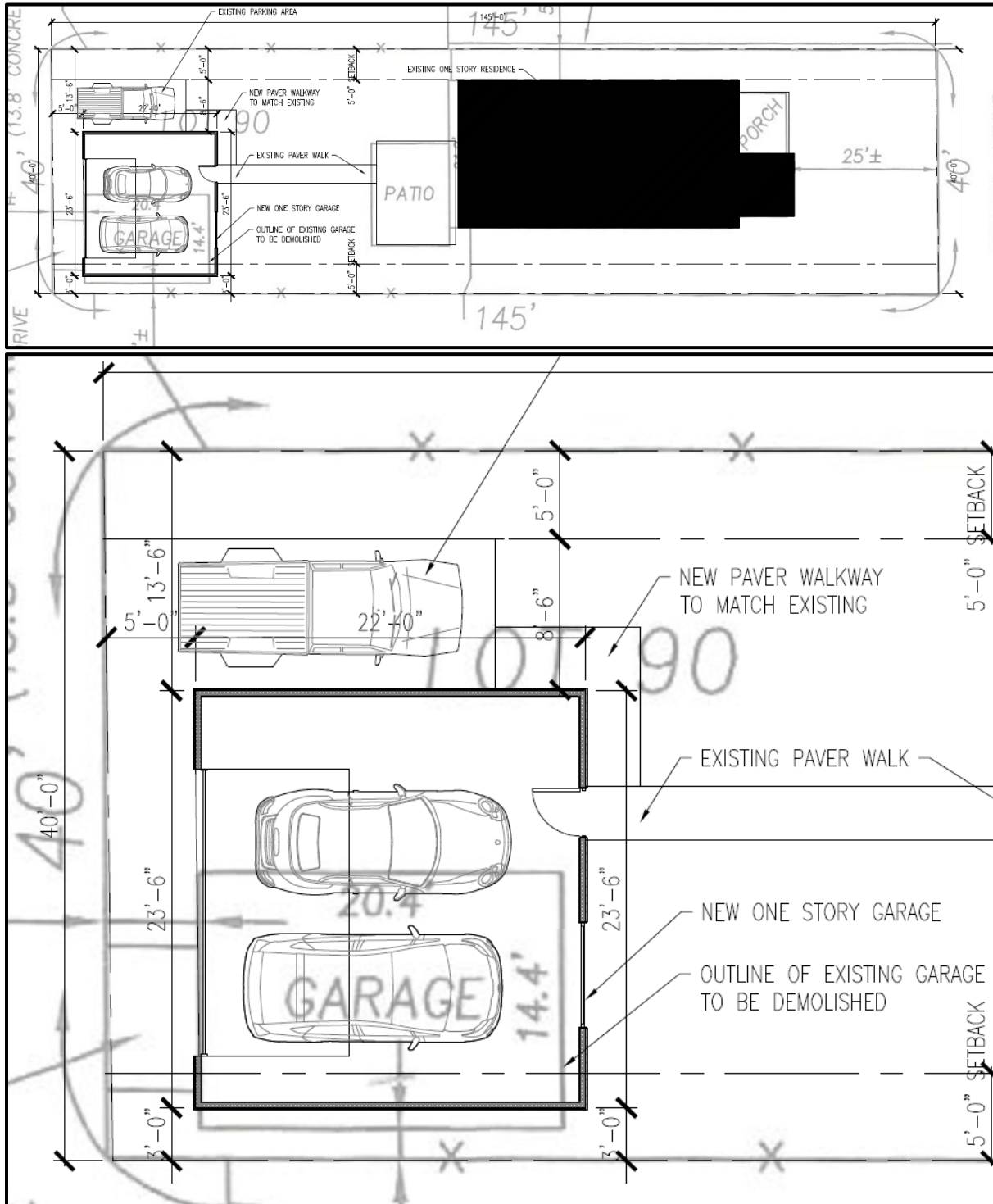
2000UV1034 ; 4715 Guilford Avenue (southeast of site), variance of use of the Dwelling Districts Zoning Ordinance to legally establish two dwelling units on one lot, with both units in a two-story dwelling structure originally constructed as a single-family dwelling (maximum two dwelling units in an originally constructed duplex permitted), **approved**.

EXHIBITS

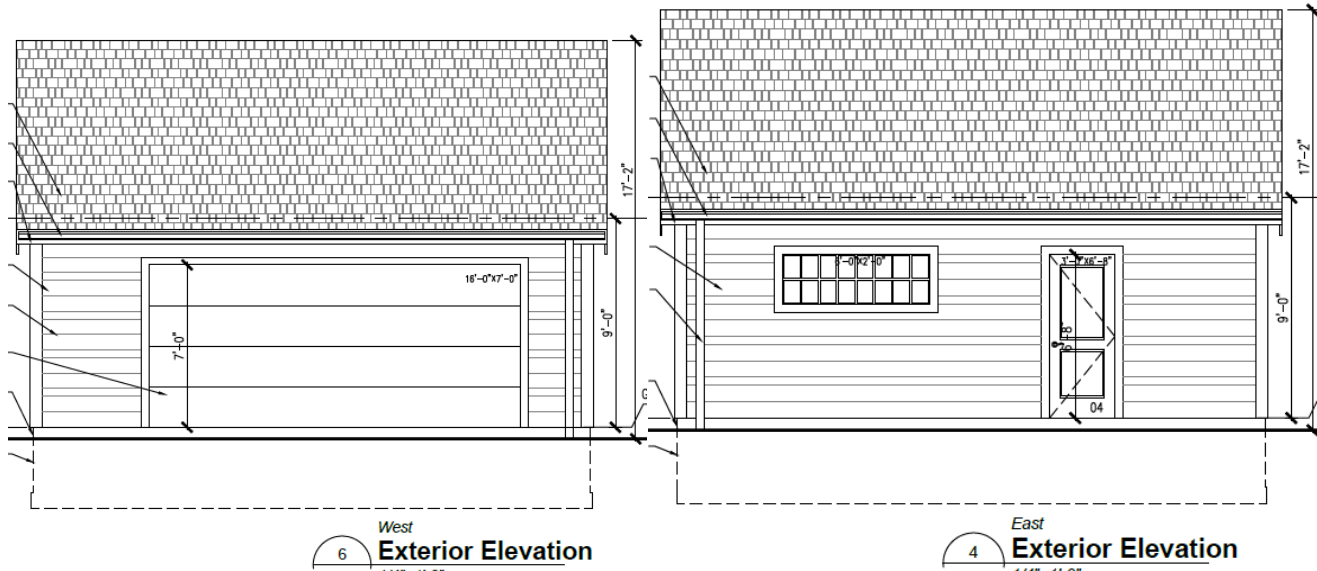
2025DV1028 ; Aerial Map



2025DV1028 ; Site Plan (Full + Rear Yard Detail)



2025DV1028 ; Elevations (West and East)



2025DV1028 ; 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 garage on this property, as well as other neighboring properties have similar side yard setbacks for accessory buildings.

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 existing garage on this property, as well as other neighboring properties have similar side yard setbacks for accessory buildings.

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

The side yard set back requirement would hinder the use for parking and off street parking needs.

2025DV1028 ; Photographs



Photo 1: Subject Property Viewed from East



Photo 2: Subject Property Viewed from West

2025DV1028 ; Photographs (continued)



Photo 3: Adjacent Property to North from Alley



Photo 4: Adjacent Property to Northwest from Alley

2025DV1028 ; Photographs (continued)



Photo 5: Adjacent Property to West from Alley



Photo 6: Adjacent Property to South from Alley

2025DV1028 ; Photographs (continued)



Photo 7: Adjacent Property to East



Photo 8: Adjacent Property to South



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BOARD OF ZONING APPEALS DIVISION I

July 1, 2025

Case Number:	2025-DV1-031
Property Address:	3838 East Washington Street (<i>approximate address</i>)
Location:	Center Township, Council District #13
Petitioner:	Shepard Community, Inc., by Mindy Westrick Brown
Current Zoning:	MU-2 (TOD)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for development of a mixed-use project with first floor residential at-grade (two-foot elevation above street level required) and public entries at intervals of 100' along the front facades (one entry per 50 feet required) and vehicle access from Bradley Avenue (exclusive access from improved alley required).
Current Land Use:	Vacant Staff recommends approval of the variance for the first floor residential at-grade.
Staff Recommendations:	Staff recommend approval of the variance for public entries at intervals of 100 feet along the front facades. Staff recommends denial of the variance for vehicle access from Bradley Avenue.
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the variance of development standards for the first floor residential at grade.

Staff recommends **approval** of the variance of development standards for the public entries at intervals of 100 feet along the front facades.

Staff recommends **denial** of the variance of development standards for vehicle access from Bradley Avenue.



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PETITION OVERVIEW

This 0.82-acre site, zoned MU-2 (TOD) is comprised of five vacant parcels, except for an accessory building. It is surrounded by single-family dwellings to the north, zoned D-5 (TOD); commercial uses to the south, across East Washington Street; commercial uses to the west, across North Bradley Avenue; and commercial uses to the east, all zoned C-5 (TOD).

DEVELOPMENT STANDARDS VARIANCES

This request would allow the first floor of the proposed building to be constructed at the existing site elevation, rather than increasing the building two feet above the street level. Staff supports this request because of the constraints of the site and the compromises that would be required to comply with the Ordinance and would likely require ramps and negatively impact proposed living space.

This request would eliminate the need for public entries at 100-foot intervals, as required by the Ordinance. The linear footage of the property along Washington Street is approximately 240 feet and the proposed building would occupy most of that length, with dwelling units in the eastern portion of the proposed building and more public spaces on the western portion of the proposed building. Staff supports this variance to provide a level of privacy for the residents living there. Staff believes the public entrance at the southwest corner of the proposed building would provide appropriate building access for the public, while maintaining privacy for residents.

The third and final request would allow site access from Bradley Avenue when the Ordinance requires exclusive access from an improved alley. When the use of the site changes, any existing access drives are evaluated based upon current standards and regulations. In other words, during the permitting process, site development review would also determine whether the current access from North Bradley Avenue complies with all current standards and regulations.

Additionally, providing alley access minimizes the proliferation of access drives for each and every land parcel along public streets that negatively impacts the safety of pedestrians, especially families and children.

Staff believes that the existing alley would provide appropriate access and would improve pedestrian safety in the area by minimizing conflicts between vehicles and pedestrians.

Staff would note that damage to the alley and the sidewalks along North Bradley Avenue and East Washington Street during construction activities would require repair in accordance with the current infrastructure standards and regulations.

GENERAL INFORMATION

Existing Zoning	MU-2 (TOD)	
Existing Land Use	Vacant	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	D-5 (TOD)	Single-family dwellings
South:	C-5 (TOD)	Commercial uses
East:	C-5 (TOD)	Commercial uses
West:	C-5 (TOD)	Commercial uses
Thoroughfare Plan		
East Washington Street	Primary arterial	80-foot existing right-of-way and 78-foot proposed right-of-way
Bradley Avenue	Local Street	50-foot existing right-of-way and 48 proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes – Transit-Oriented Development (TOD)	
Wellfield Protection Area	No	
Site Plan	June 1, 2025	
Site Plan (Amended)	N/A	
Elevations	June 1, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	June 1, 2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Village Mixed-use typology. 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



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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 Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology. This site lies within the Transit-Oriented Development overlay.

- *Conditions for All Land Use Types*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.
- *Conditions for All Housing*
 - Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- *Small-Scale Multi-Family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of less than two acres and at a height of less than 40 feet).*
 - Mixed-Use structures are preferred.
 - Parking should be either behind or interior to the development.



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- *Modified Uses – Transit-Oriented Development Overlay*
 - Small-Scale Multi-Family Housing - A residential density of 15+ units per acre is recommended.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- This site is also located within an overlay, specifically the Blue Line Transit Oriented Development Strategic Plan (2018).
- This site is located within a ¼ mile walk (approximately 337 feet) of a proposed transit stop located at the intersection of East Washington Street and Sherman Drive with a Community Center typology.
- District Center Stations typology 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.
- Characteristics of the District Center typology are
 - A dense mixed-use neighborhood center
 - Minimum of 2 stories at core
 - No front or side setbacks at core; 0-10 feet front setbacks and 0-10-foot 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

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”



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The following listed items describes the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- Identify roadways for planned expansions or new terrain roadways
- Coordinate modal plans into a single linear network through its GIS database

ZONING HISTORY

ZONING HISTORY – SITE

2024-ZON-020; 3838, 3840, 3852 and 3862 East Washington Street, requested rezoning from f 0.82 acre from the C-S (TOD) district to the MU-2 (TOD) district to provide for residential and commercial uses, **approved**.

96-CP-1A / 96-CP-IV; 3862 East Washington Street, requested modification of the site plan associated with petition 84-Z-2 to permit the construction of an addition to an existing laboratory and a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of an addition to an existing laboratory being located 49 feet from the centerline of East Washington Street, **approved and granted**.

87-AP-263; 3862 East Washington Street, requested a modification of the site plan approved as part of rezoning petition 84-Z-2 to allow a second story addition to an existing warehouse, **approved**.

86-AP-15; 3802 East Washington Street, requested modification of commitments to permit an addition to the existing laboratory, **approved**.

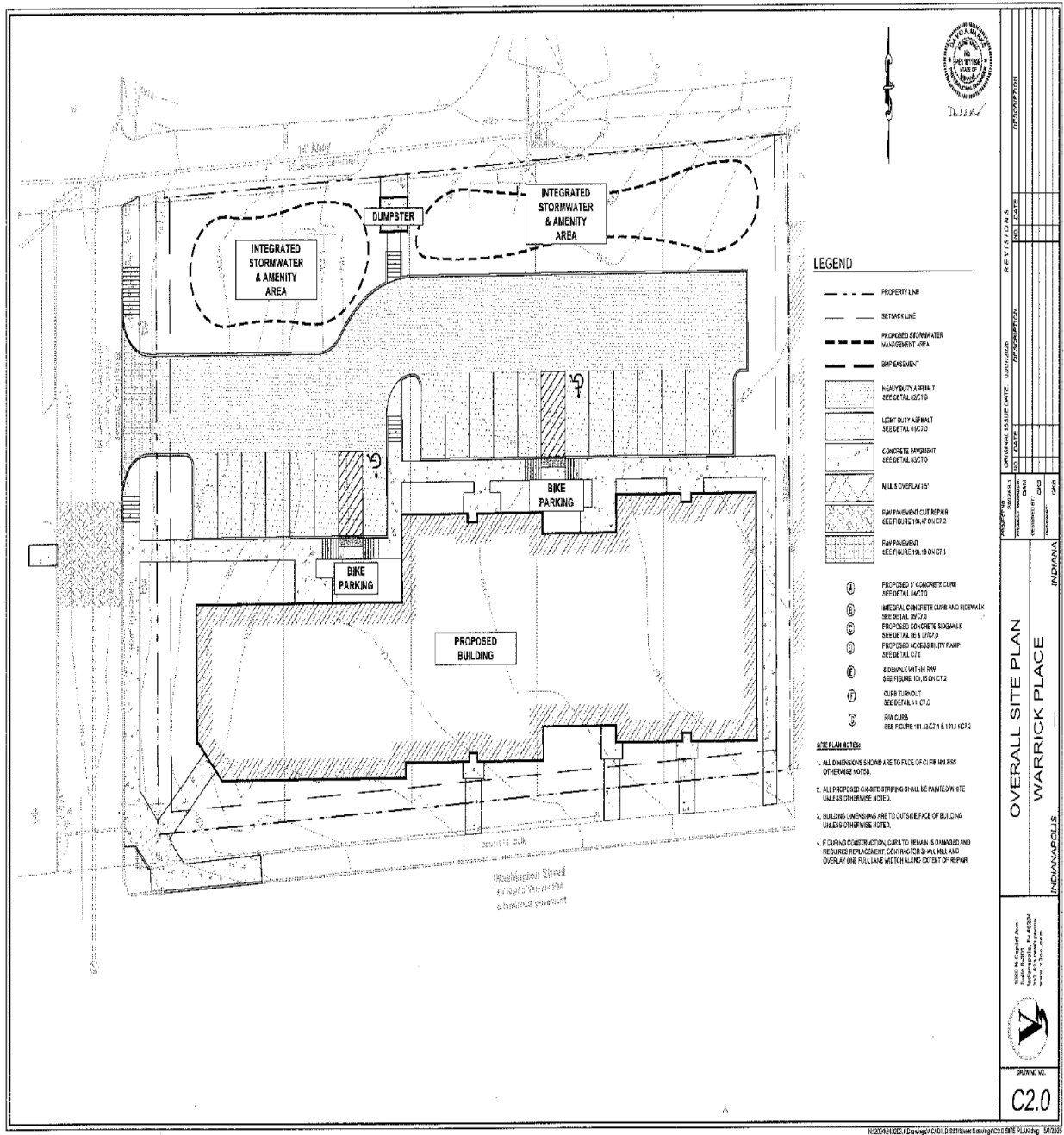
86-HOV-10; 3902 East Washington Street, requested a variance of development standards to provide for a laboratory addition without the required front and side yards, **granted**.

84-Z-2; 3820 East Washington Street, requested rezoning of 0.99 acre from C-5 and D-5 districts to the C-S classification to conform zoning to the use as a laboratory and to permit construction of a garage, **approved**.



The graph shows a step function $f(x)$ defined on the interval $[0, 0.06]$. The function is defined as follows:

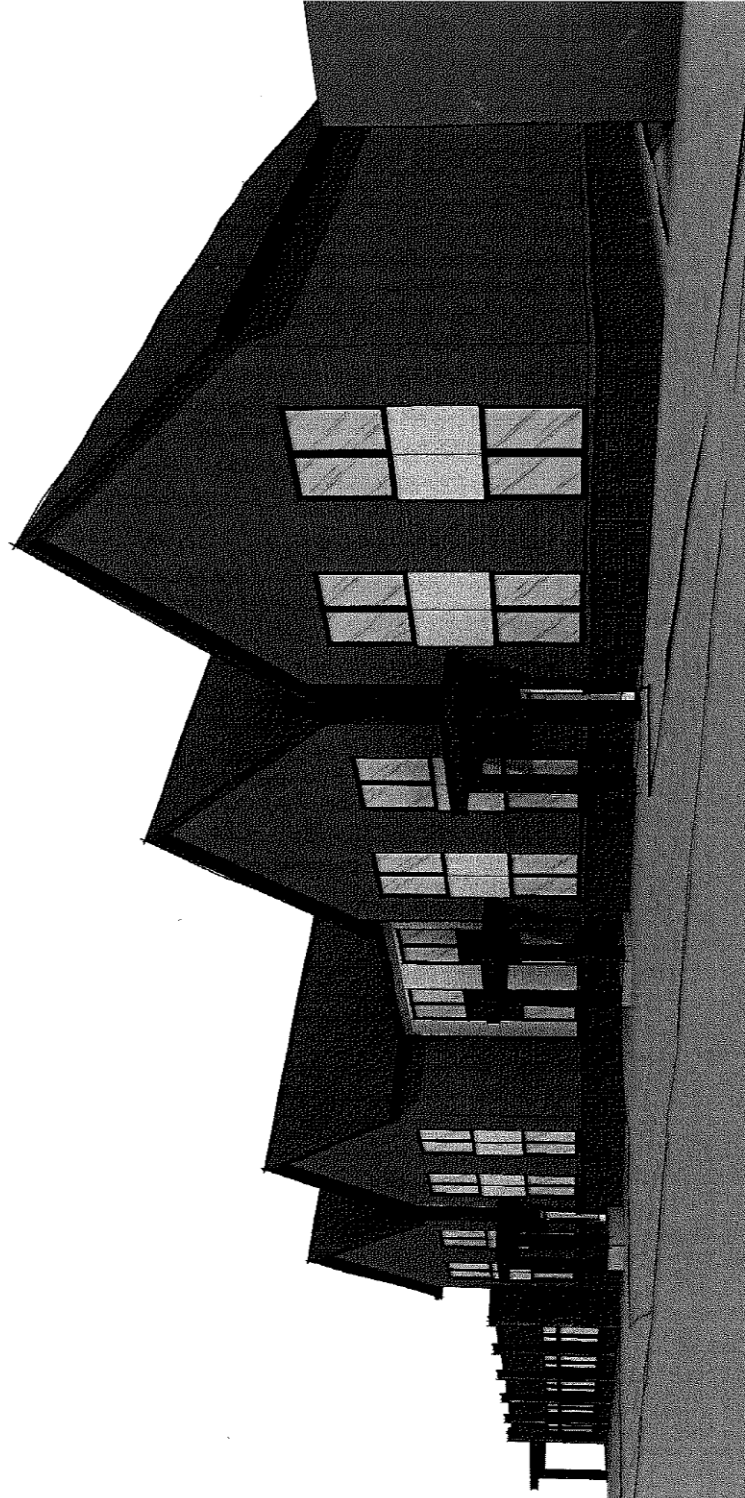
- $f(x) = 10$ for $0 \leq x < 0.01$
- $f(x) = 15$ for $0.01 \leq x < 0.03$
- $f(x) = 0$ for $0.03 \leq x < 0.045$
- $f(x) = 45$ for $0.045 \leq x \leq 0.06$





WAVE
ARCHITECTURE + DESIGN

Warrick Place
3862-3838 E. Washington Street
SD201
05.23.25



3D View

1 East Perspective

Warrick Place SD211

3862-3898 E. Wallington Street
052325

WOVE
ARCHITECTURE + DESIGN



3D View
1 West Perspective

Warrick Place SD212
3862-3838 E. Washington Street
05.13.25

WOVE
ARCHITECTURE + DESIGN



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The requested variances will allow for the development of a vacant site into a neighborhood village mixed-use property, with residential and commercial uses, in compliance with the zoning classification and the Comprehensive Plan recommendation. The curb cut onto Bradley Avenue is existing, and therefore the proposed reuse of the existing curb cut will not be injurious. The building with first story at ground level will also not be injurious as that is consistent with the prior building located on the site. Finally, the separation of primary public entrances will help to ensure safety and security for the single-story commercial portion of the building by not requiring multiple front entrances, which in turn will not be injurious to the community.

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

The requested variances will allow for the development of a vacant site into a neighborhood village mixed-use property, with residential and commercial uses, in compliance with the zoning classification and the Comprehensive Plan recommendation. The curb cut onto Bradley Avenue is existing, and therefore the proposed reuse of the existing curb cut will not affect neighbors adversely. The building with first story at ground level will also not affect neighbors adversely as that is consistent with the prior building located on the site. Finally, the separation of primary public entrances will help to ensure safety and security for the single-story commercial portion of the building by not requiring multiple front entrances, which in turn will not affect neighbors adversely.

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

Accessing the site from the alley, and not from the existing curb cut, would be cost prohibitive, and not practical, as the alley is not improved to such standards as to make heightened vehicular traffic possible. The building could not be built two feet above street level because the size of the lot creates a physical limitation for any ramp that would need to be built with the raised height. The requirement for public entrances every 50 feet at this location does not make sense for this particular building as the commercial space will be one single-use space, proposed to be utilized for community health purposes. Multiple front entrances would cause issues with the use of the interior space.

DECISION

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

Adopted this _____ day of _____, 20 _____



View looking west along East Washington Street



View looking east along East Washington Street



View looking south along North Bradley Avenue



View looking north along North Bradley Avenue



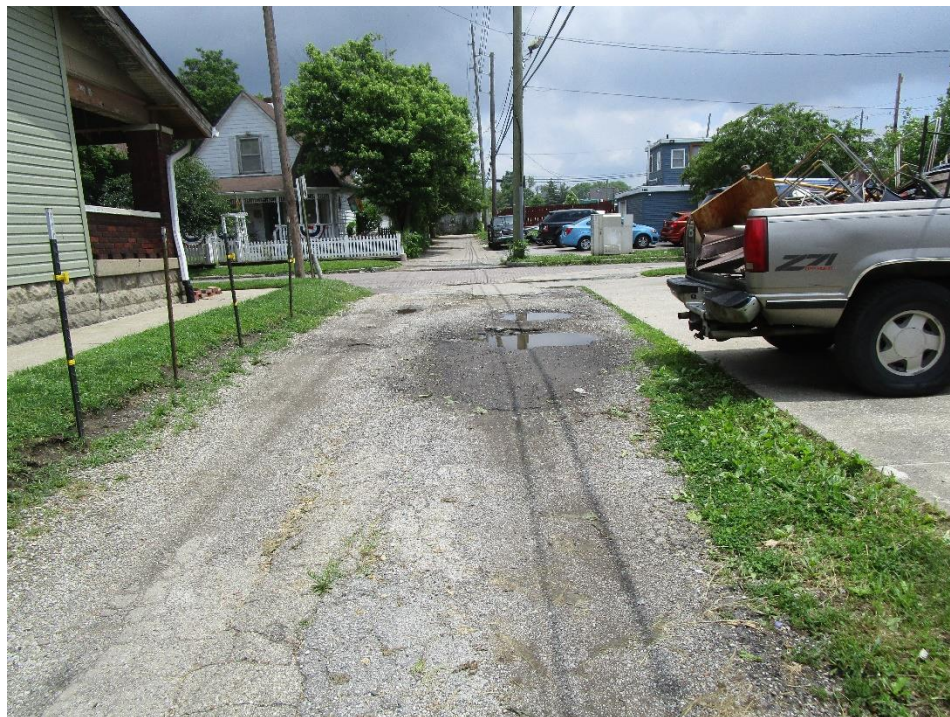
View looking east along east / west alley to the north



View looking north from east / west alley intersection of north / south alley



View looking east along east / west alley along the northern boundary



View looking east along east / west alley along the northern boundary



View looking west along east / west alley along the northern boundary



View looking west along east / west alley along the northern boundary



View of site looking south from east / west alley along the northern boundary



View of site looking southeast from east / west alley along the northern boundary



View from site looking south across East Washington Street



View from site looking southeast across East Washington Street