



**Board of Zoning Appeals  
Board of Zoning Appeals Division II (April  
8, 2025)  
Meeting Agenda**

## Meeting Details

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

**Date:** Tuesday, April 08, 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-DV2-004 | 2328 North Harding Drive

Center Township, Council District #12, zoned D-5 (W-5)  
Stonecroft LLC, by Joseph Lese

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with one-foot side yard setbacks on a lot with an existing duplex (five feet required).

### \*\*Petitioner to withdraw

## PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2025-UV2-001 (Amended) | 2454 North Illinois Street**  
Center Township, Council District #12, zoned D-8 (TOD) (RC)  
Sheref Nesseem, by Justin Kingen

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of either an HVAC commercial contractor (not permitted) or C-1 uses (not permitted), the location of a six-foot tall fence within the front yards of and clear-sight triangle created by Fall Creek Parkway Drive S and Illinois Street (maximum 3.5-foot tall fence permitted, encroachment into clear-sight triangles not permitted), a parking area with a zero-foot side yard setback (four-feet required) and being greater than 30-foot wide within the front yards of Fall Creek Parkway Drive S and Illinois Street (not permitted), and a 12 square foot wall sign to be located on the eastern elevation (maximum sign area of 3% of the front elevation required).

### \*\*Petitioner to request a continuance to the May 13, 2025 hearing of Division II

## Petitions for Public Hearing

## PETITIONS TO BE EXPEDITED:

- 2. 2025-DV2-007 | 5734 North New Jersey Street**  
Washington Township, Council District #7, zoned D-4 / D-2  
Jason & Jill Cleveland, by Todd Williams

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a zero-foot setback from the southern zoning boundary (minimum four feet required) and a 5.25-foot rear yard setback (20 feet required).

- 3. 2025-DV2-008 | 8542 Springview Drive**  
Washington Township, Council District #2, zoned D-1  
Kevin & Rochelle Clasen, by Alex Thompson

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a two-foot north side yard setback (eight feet required).

- 4. 2025-UV2-005 | 9210 North Meridian Street**  
Washington Township, Council District #2, zoned C-1  
DR Horton - Indiana LLC, by Andrew Wert

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a veterinary hospital (not permitted) within an existing building.

**PETITIONS FOR PUBLIC HEARING (Transferred Petitions):**

**PETITIONS FOR PUBLIC HEARING (Continued Petitions):**

**PETITIONS FOR PUBLIC HEARING (New Petitions):**

- 5. 2025-UV2-004 | 3321 South Tibbs Avenue**  
Decatur Township, Council District #21, zoned D-5 (FF)  
PDJS Lake LLC, by James Lewis Hillery, Esq.

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the parking of a recreational vehicle as a primary use (not permitted).

**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](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [planneroncall@indy.gov](mailto: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.

**BOARD OF ZONING APPEALS DIVISION II**

**March 11, 2025**

**Case Number:** 2025-DV2-004  
**Address:** 2328 North Harding Street (approximate address)  
**Location:** Center Township, Council District #12  
**Zoning:** D-5 (W-5)  
**Petitioner:** Stonecroft LLC, by Joseph Lese  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with one-foot side yard setbacks (five feet required) on a lot with an existing duplex.

**Current Land Use:** Two-family dwelling

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

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

At the March 11, 2024, hearing, the petitioner requested a continuance for cause to allow time to modify the plans and possibly the request.

The petitioner has since **requested that this petition be withdrawn**, as the variance is no longer needed.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- ◇ The development standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to provide for adequate separation and ventilation between structures and use areas as well as provide for a continuous pattern of development through the block.
- ◇ The request would provide for the construction of a detached garage with one foot north and south side yard setbacks, where five-foot setbacks are required.
- ◇ With the proposed garage at 38 feet in width, each parking space will be limited to nine feet in width, where 10 feet is the standard parking space width size.
- ◇ By providing for the required five-foot side setback, a standard 10-foot wide parking space can still be provided for each unit with an additional five feet for accessory storage in the garage. Or, if two

spaces are truly needed, then a 30x38 foot garage with tandem parking can be constructed, and still meet the five-foot required side setback.

- ◇ The request of the one-foot side setbacks for the purpose of providing sufficient off-street parking would be a self-imposed hardship and would negatively impact adjacent property owners by a reduction of separation between existing and future structures for public safety and maintenance.
- ◇ There is no practical difficulty 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 required setback as the proposed detached garage would be new construction and could be designed to meet the required setback without compromising safety or functionality, or negatively impacting adjoining property owners.
- ◇ Any practical difficulty related to the requested reduced setback would be self-imposed by the need to provide two on-site garage parking spaces for each unit, where only one on-site parking space is required for each unit, and two spaces could still be provided without the request variance through reconfiguration.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Two-Family Dwelling	
<b>Comprehensive Plan</b>	Recommends 3.5 – 5 Dwelling units per acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-5 Two-family dwelling
	South:	D-5 Single-Family dwelling
	East:	D-5 Single-Family dwelling
	West:	D-5 Single-Family dwellings
<b>Thoroughfare Plan</b>		
Harding Street	Primary Collector	56-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	W-5	
<b>Site Plan</b>	February 4, 2025	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	February 4, 2025	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends 3.5 – 5 Dwelling units per acre for the site.

### Pattern Book / Land Use Plan



- Not Applicable to the Site.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.

**ZONING HISTORY**

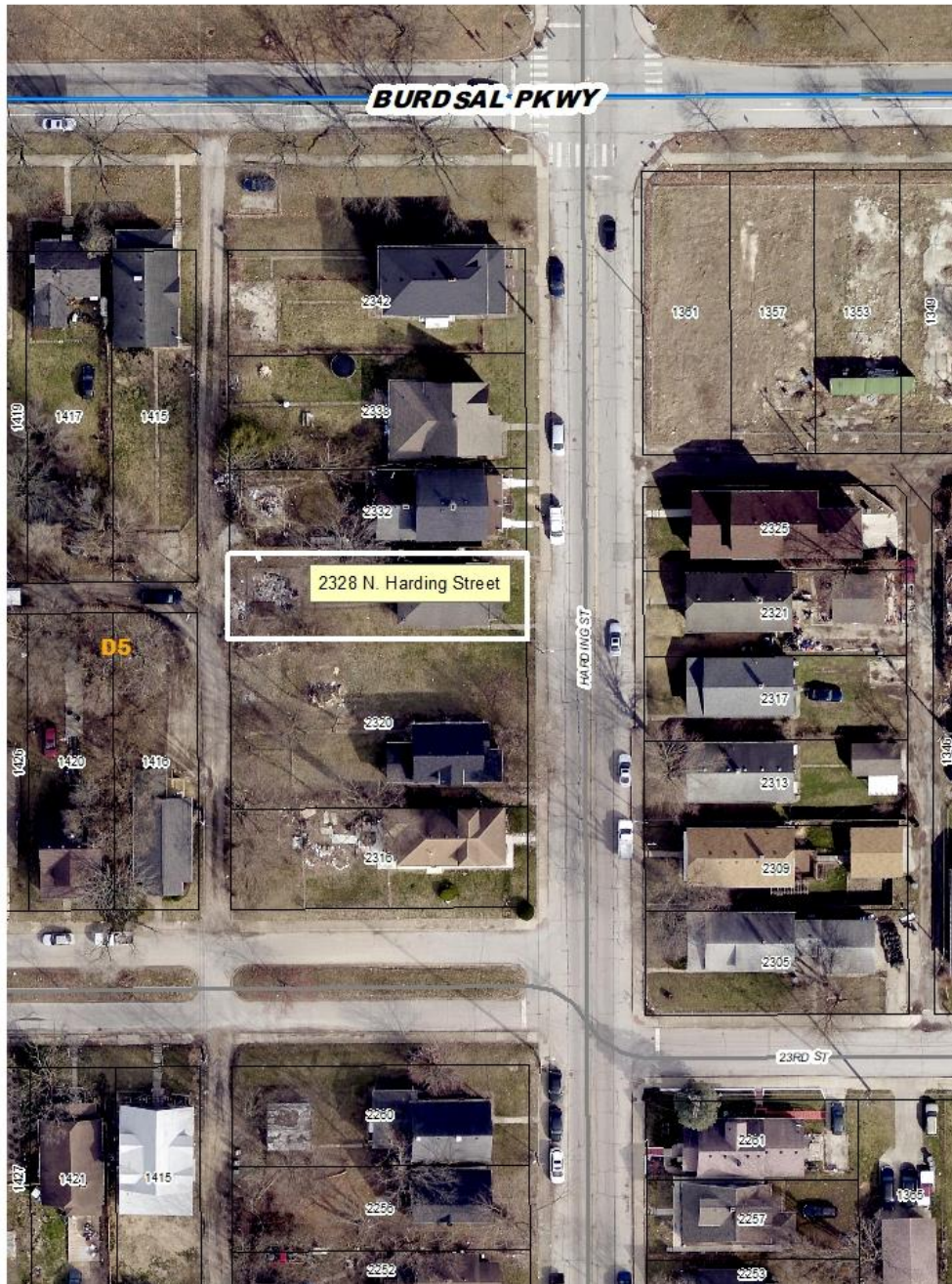
**85-UV3-46; 1352 Burdsal Parkway (north of site),** requested a variance of use to provide for an automobile repair shop, **denied.**

RU

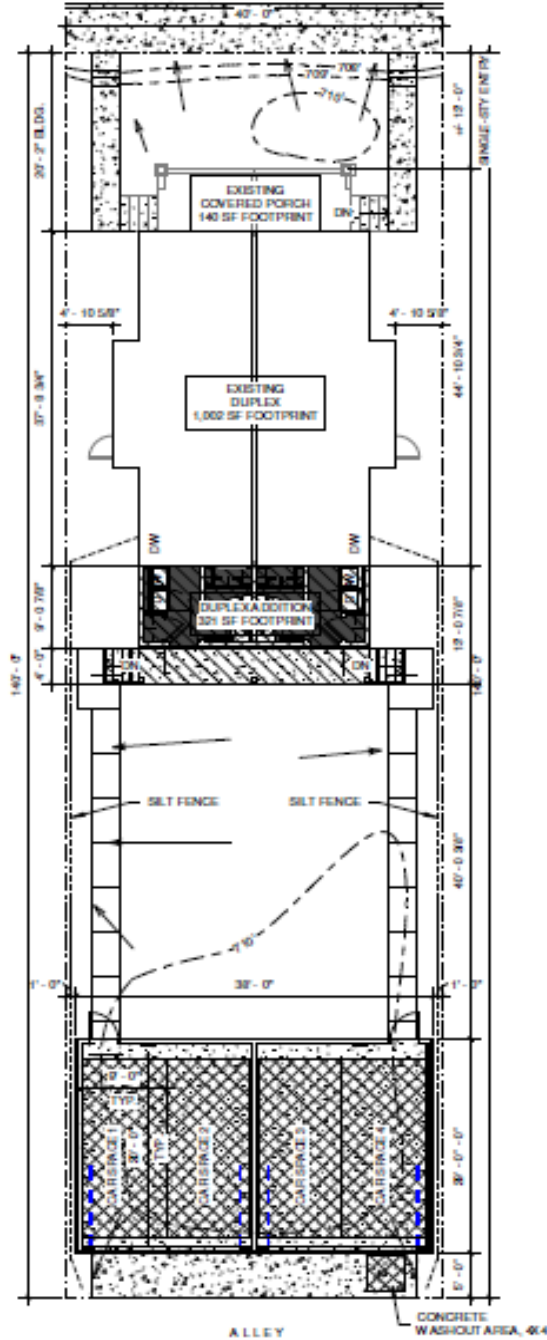
\*\*\*\*\*

**EXHIBITS**

Location Map



Site Plan



2 PROPOSED SITE PLAN  
 1" = 10'-0"



**Findings of Fact**

Petition Number \_\_\_\_\_

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

The use of the property as a duplex shall remain, and the improvements will improve the existing conditions by enclosing a parking area that has in recent years been overgrown and unsightly. The garage specifically will clean up the overgrowth, provide a clean apron to the garage and will remove overgrown vegetation. A reduction in side yard setback will not injure the health, safety, morals, or welfare as the garage will be constructed with exterior fire-rated wall construction in the areas close to the property line, and will have drainage directed away from the property line and directed to the east and west.

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

The use of the property as a duplex will remain unchanged, and adjacent properties will not be affected in their use by the property improvements proposed by the garage addition. The reduction in side yard for the detached garage does not affect the adjacent property owners in their use or value and enhances the environment visually from the alley.

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

providing sufficient off-street parking for the duplex requires a minimum size of parking space, which is being provided. The existing lot width provides a limitation that, in strict interpretation of the zoning ordinance, would either reduce the quantity of off-street parking for the duplex or would require an impractical reduction in the size of the parking spaces.

**Photographs**



Photo 1- Subject property looking west.



Photo 2- Subject property rear of lot, looking east.





Photo 3- Adjacent properties to the south, looking southwest.



Photo 4- Adjacent properties to the north, looking northwest.



**BOARD OF ZONING APPEALS DIVISION II** **April 8, 2025**

**Case Number:** 2025UV2001 (Amended)  
**Property Address:** 2454 North Illinois Street (*approximate address*)  
**Location:** Center Township, Council District #12  
**Petitioner:** Sheref Nessem, by Justin Kingen  
**Current Zoning:** D-8 (TOD) (RC)

**Request:** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of either an HVAC commercial contractor (not permitted) or C-1 uses (not permitted), the location of a six-foot tall fence within the front yards of and clear-sight triangle created by Fall Creek Parkway Drive S and Illinois Street (maximum 3.5-foot tall fence permitted, encroachment into clear-sight triangles not permitted), with a zero-foot side yard setback (four-feet required), and being greater than 30-foot wide within the front yards of Fall Creek Parkway Drive S and Illinois Street (not permitted), and a 12 square foot wall sign to be located on the eastern elevation (maximum sign area of 3% of the front elevation required).

**Current Land Use:** Commercial

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

**4/8/25:** The petitioner indicated their intention to make a for-cause continuance request to allow for them to meet with the Near North Development Corporation neighborhood group on April 10<sup>th</sup>. Staff does not oppose their request to have the petition continued to the May 13<sup>th</sup> hearing date to facilitate that meeting but would not support additional continuance requests.

**3/11/25:** The petitioner indicated that they will make a for-cause continuance request to the April 8, 2025 hearing date to allow additional time for discussion of the petition with relevant neighborhood associations and with staff. An updated plan of operation was provided that gave additional context on the shipping and storage of HVAC parts. No changes were made either to staff's recommendation or to how the existing use at the site would be classified per the city's zoning ordinance.

**2/11/25:** The petitioner made a for-cause continuance request at the February 11, 2025 Division II hearing to allow sufficient time for legal notice to be sent. In the intervening period, the petitioner amended the request to (a) remove the unscreened dumpster request (b) replace the monument sign with a wall sign and (c) added a request for C-1 uses to function at the site (a separate and distinct category from the requested contractor use). The petitioner also provided a set of proposed commitments and made minor changes to the site plan.



**BOARD OF ZONING APPEALS DIVISION II**

April 8<sup>th</sup>, 2025

**Case Number:** 2025-DV2-007

**Property Address:** 5734 North New Jersey Street (Approximate Address)

**Location:** Washington Township, Council District #7

**Petitioner:** Jason & Jill Cleveland, by Todd Williams

**Current Zoning:** D-4/D-2

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a zero-foot setback from the southern zoning boundary (minimum four feet required) and a 5.25-foot rear yard setback (20 feet required).

**Current Land Use:** Residential

**Staff**

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

**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the first public hearing of this variance petition.

**STAFF RECOMMENDATION**

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

**PETITION OVERVIEW**

- The petitioner is requesting two variances: 1) a proposed attached garage with a zero (0) foot setback from the southern zoning boundary and 2) a 5.25-foot rear yard setback (to the west of the property).
- This 0.16-acre property is within the D-4 and a D-2 zoning districts and within the compact context area.
- Currently, there is a detached garage on the property that was constructed in 1936 (the same as the home) and sits two feet and four inches (2' 4") from the rear property line and three feet and eight inches (3' 8") from the southern side property line.
- If approved, the petitioner will construct the proposed attached garage five feet and three inches (5' 3") from the rear property line and four feet and three inches (4' 3") from the southern side property line, which would be an increase of both setbacks.
- The primary dwelling is three stories (two floors and one basement) with an attached garage. The second floor and basement will also be expanded.





Department of Metropolitan Development  
 Division of Planning  
 Current Planning

- The zoning boundary that changes the area's zoning from D-4 to D-2 requires a four (4) foot setback. In this location, the zoning change occurs on the south side of this parcel, which is four (4) feet to the north of the south side property line, which indicates a site-specific practical difficulty.
- The D-4 zoning required a twenty (20) foot rear yard setback. However, with the detached accessory structure, there is an exception that allows the accessory to be only five (5) feet from the rear property line. When the accessory structure is attached, the same exception does not apply, which, in this case, causes the need for the variance.
- North New Jersey Street is a dead-end street, with the subject site being one of the final homes at the end of the road. Residents and visitors park on both sides of the right-of-way. Without the garage, more cars will need to park on the local street, which will shrink in size and cause potential hazards.
- Staff recommends **approval** of this variance petition. This is an old parcel that is smaller than the modern D-4 requirements, which also has a zoning change on top of it. The subject site does not have the space to meet the required setback without a variance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-4 / D-2	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-4	North: Traditional Neighborhood
	South: D-2	South: Traditional Neighborhood
	East: D-3	East: Traditional Neighborhood
	West: D-2	West: Traditional Neighborhood
<b>Thoroughfare Plan</b>		
North New Jersey Street	Local Street	50 feet of right-of-way existing and 48 feet proposed.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	2/26/2025	
<b>Site Plan (Amended)</b>	2/26/2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	2/26/2025	
<b>Findings of Fact (Amended)</b>	N/A	



**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**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 (pg. 17-18).

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

- N/A

### ZONING HISTORY – SURROUNDING AREA

- 2005-DV3-054: 5701 N Pennsylvania Street
  - Legally establish a single-family dwelling with a two-foot north side yard setback, (minimum five-foot side yard setback required; 4.17-foot side yard setback permitted by variance petition 2004-DV3-053), with an existing one-foot east side yard setback permitted by variance petition 2004-DV3-053 (minimum thirteen-foot aggregate side yard setback required) in D-4.
    - AP
- 2006-ZON-016: 440 E 57<sup>th</sup> Street
  - Rezoning of 0.823 acre from the D-2 district to the SU-2 classification to provide for the expansion of a school. Recorded instrument number 2006-0082666. Special use not envisioned by neighborhood plan.
    - AP
- 2012-DV1-025: 5735 Washington Boulevard
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 1,025-square foot detached garage (attached by a covered walkway), with a 4.2-foot south side setback, creating a 9.2-foot aggregate side setback (minimum seven-foot setback and 19-foot aggregate required) and to legally establish a six-foot rear setback for a 2,400-square foot basketball court (25-foot rear setback required).
    - Approved
- 2012-HOV-022: 5774 Washington Boulevard
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 480-square foot detached garage, creating an aggregate side building setback of 8.8 feet and an accessory use structure aggregate side setback of six feet and to legally establish a deck, with a one-foot north side setback and a single-family dwelling with a 3.8-foot aggregate side setback (five-foot minimum side setback and 13-foot aggregate side setback required) and to legally establish a shed with a 2.1-foot west rear setback (five-foot minimum rear setback required).
    - Approved
- 2014-DV3-045: 512 E 57<sup>th</sup> Street
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling and a detached garage on Lot 56, with three-foot south side setbacks and an eight-foot aggregate side setback and a single-family dwelling and a detached garage on Lot 57, with a three-foot north side setback and eight-foot aggregate side setback (minimum six-foot side setback and 16-foot aggregate side setback required).
    - Approved



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

- 2015-DV1-025: 5744 Washington Boulevard
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a two-story addition to an existing single-family dwelling, with an eight-foot rear setback and a four-foot north side setback and to provide for a 24-foot tall detached garage, with a three-foot south side setback and a three-foot rear setback (minimum five-foot side yard and 13-foot aggregate side yard, 20-foot rear yard (maximum 20-foot tall height).
    - Approved
- 2015-DV2-032: 5736 Central Avenue
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a two-story dwelling with a 2.25-foot north side setback, to provide a two-story building addition and a one-story 557.34-square foot garage addition with a 3.33-foot north side setback (minimum seven-foot setback required) and to provide for a 120-square foot screened porch addition with an 8.83-foot south side setback creating an 11.08-foot aggregate side yard setback (minimum nineteen-foot aggregate side yard setback required).
    - Approved
- 2015-DV3-059: 513 E 57<sup>th</sup> Street
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the reconfiguration of three lots, with one lot having access via an access easement from the north-south alley to the east (direct access to a public street required), with two lots having 8,400 square feet of lot area (10,000 square feet required), with two lots having an minimum open space of 45 percent (70 percent required), with two lots having aggregate side yards of 12 feet (16-foot aggregate required), and with three lots having minimum front setbacks of twenty feet (25 feet required).
    - Approved
- 2015-UV3-024: 5732 Broadway Street
  - Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide a second dwelling unit (not permitted) in a 23-foot tall detached garage (maximum 20-foot permitted).
    - Approved
- 2016-HOV-034: 5715 Washington Boulevard
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage on the existing foundation, creating an open space of 71% (75% required).
    - Denied
- 2017-DV2-021: 5715 Washington Boulevard
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, with a 2.5-foot rear setback and zero-foot south side setback (five-foot rear setback and seven-foot side setback required), and creating an open space of 71% (75% required).
    - Approved
- 2018-DV2-005A: 5784 Central Avenue

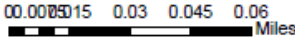
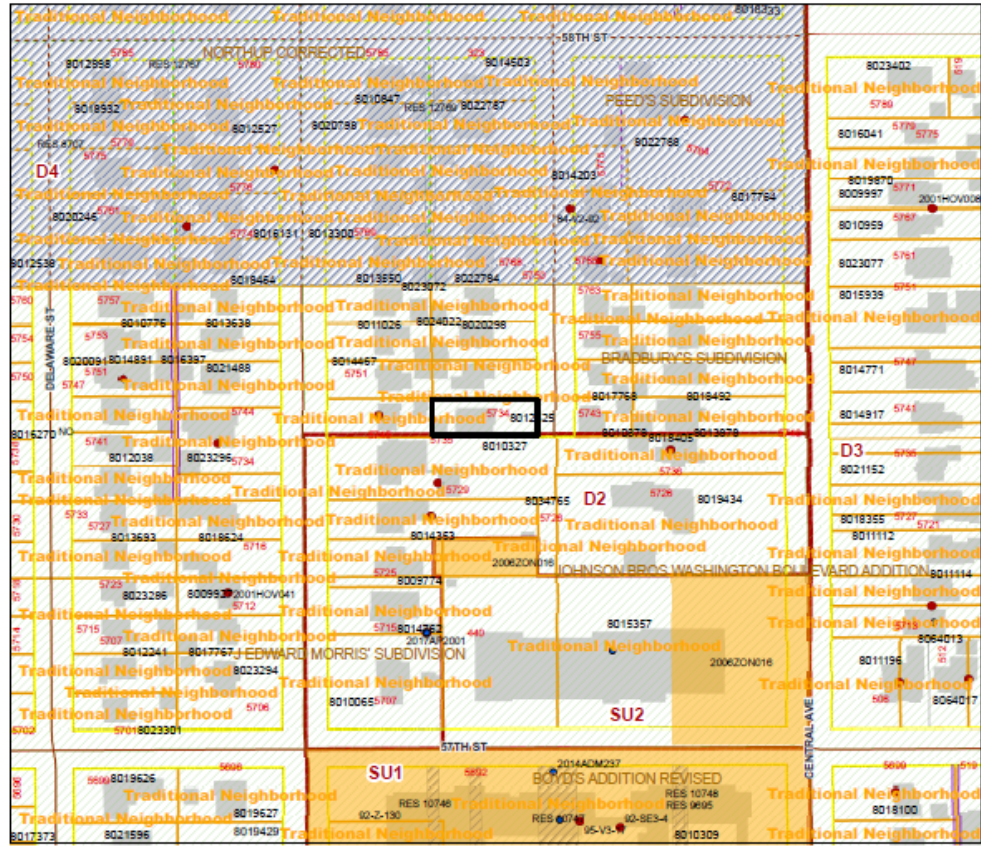


Department of Metropolitan Development  
Division of Planning  
Current Planning

- Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a garage and dwelling addition, with a zero-foot front setback from 58th Street (20-foot front setback required).
  - Approved
- 2018-DV2-005B: 5784 Central Avenue
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an accessory building in the established front yard of New Jersey Street, with a zero-foot south side setback (not permitted, four-foot side setback required).
    - Approved
- 2021-DV1-066: 5760 N Delaware Street
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 256 square-foot porch addition resulting in a lot open space of 62% (minimum 65% open space required).
    - Approved
- 2024-DV2-007: 529 E 57<sup>th</sup> Street
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with an open space of 66.9 percent (70 percent open space required).
    - Approved



**EXHIBITS**



**Legend**

• ZoningApprovals	— Built/Platted
• ZoningLncu	OPER_STATUS
• ZoningVariances	— REMOVED
■ Rezoning	— VACATED
▨ ZoningVacations	— VACATED/BUILT
■ ZoningPlats	— VACATED/LOCATOR
— CCGIS.ThoroughfarePlan	■ CCGIS.DMDLandUsePlanBase
— CCGIS.EASEMENT	▨ CCGIS.lhpc
— CCGIS.RIGHTOFWAY	■ CCGIS.ZONING
	□ PARCELSTATEPIN
	□ PARCELS
	■ PLATTEDSUBDIVISION
	■ CCGIS.Buildings



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

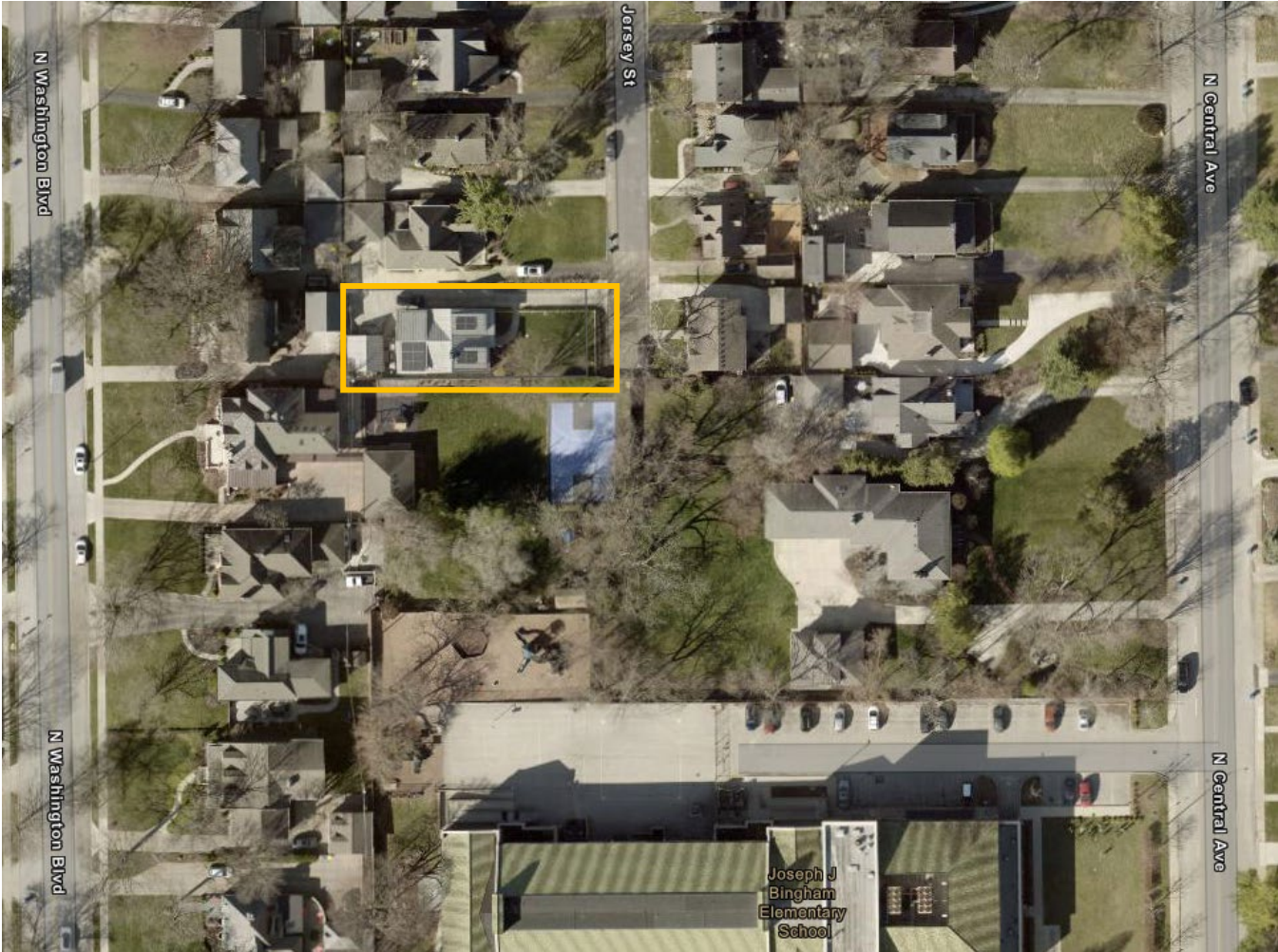


Exhibit 2: Aerial of the subject site.





**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 existing detached garage that we are proposing to demo was constructed in 1936 and is original to the home.

To the petitioners knowledge there has never been an objection to this original detached garage location.

The proposed attached garage would be constructed on the lot in the same general area as the original garage is located but increasing the rear setback from 2'-4" to 5'-3 5/8".

The proposed attached garage will be an enhancement to the value of the home and neighborhood and more functional to needs in the 21st century.

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

It will be a dimensional improvement to the existing conditions affording more pervious soils around the proposed structure.

The proposed attached garage will not exceed the height of the existing structure and therefore will not block the views of any neighbors.

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

To comply with 20' rear set back requirements would not allow enough space to construct the proposed attached garage with bedroom and bath above. This additional space is needed for the petitioner's growing family.

Due to the driveway being shared with a neighbor and the way the house is positioned on the lot, there is no other place to create the needed bedroom and bath addition.

The size of the existing garage is not adequate for todays larger vehicles

Exhibit 3: The submitted Findings of Fact.



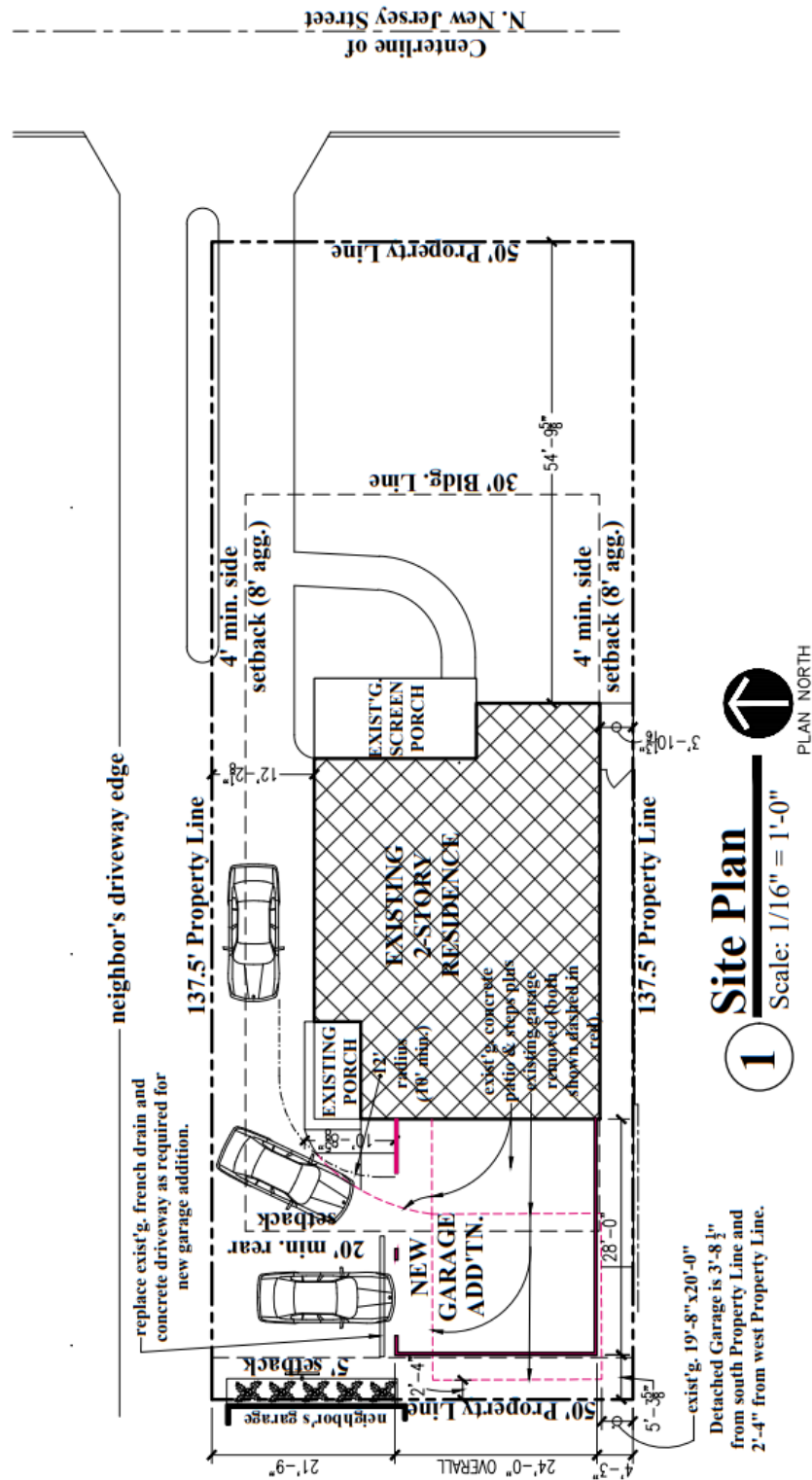
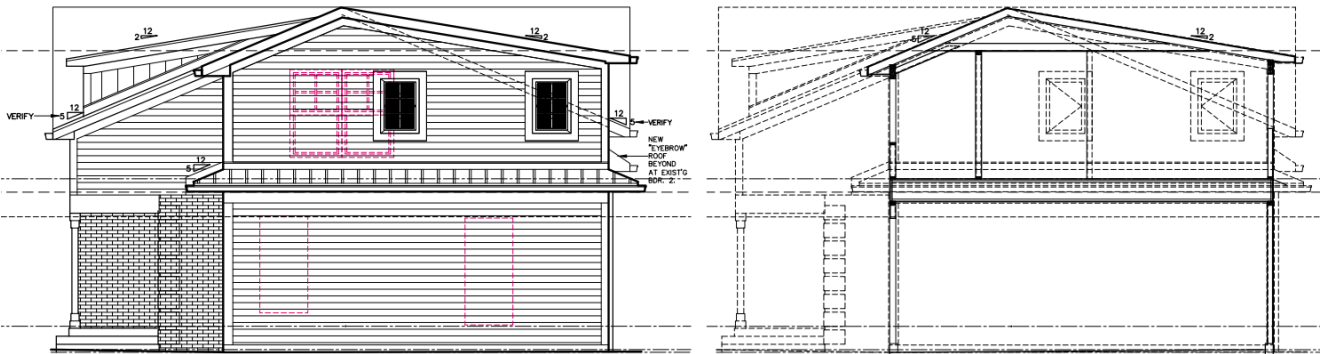


Exhibit 4: Site Plan (Red is the existing garage)



**5** Right (North) Elevation  
Scale: 3/16" = 1'-0"

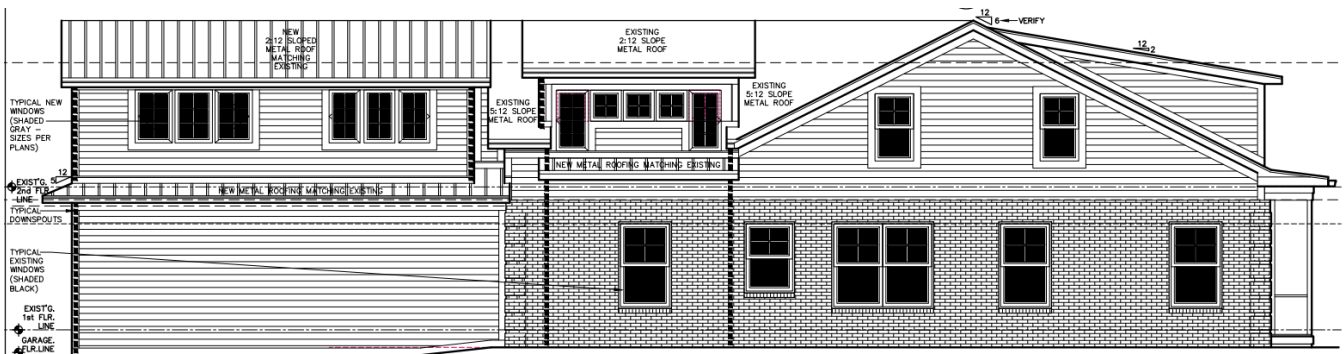
Exhibit 5: North Elevation.



**6** Rear (West) Elevation  
Scale: 3/16" = 1'-0"

**A** N-S Bldg. Section Thru New Garage  
Scale: 3/16" = 1'-0"

Exhibit 6: Rear Elevation.



**7** Left (South) Elevation  
Scale: 3/16" = 1'-0"

Exhibit 7: South Elevation.

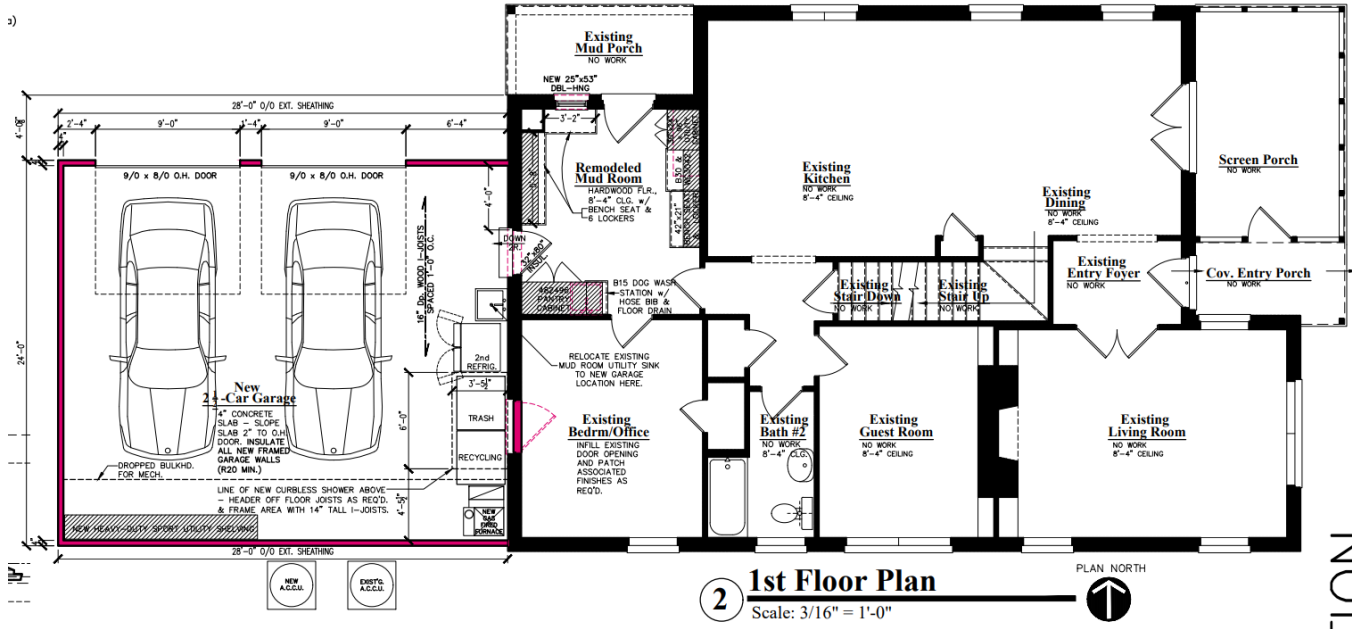


Exhibit 8: Floor plan of 1st floor.

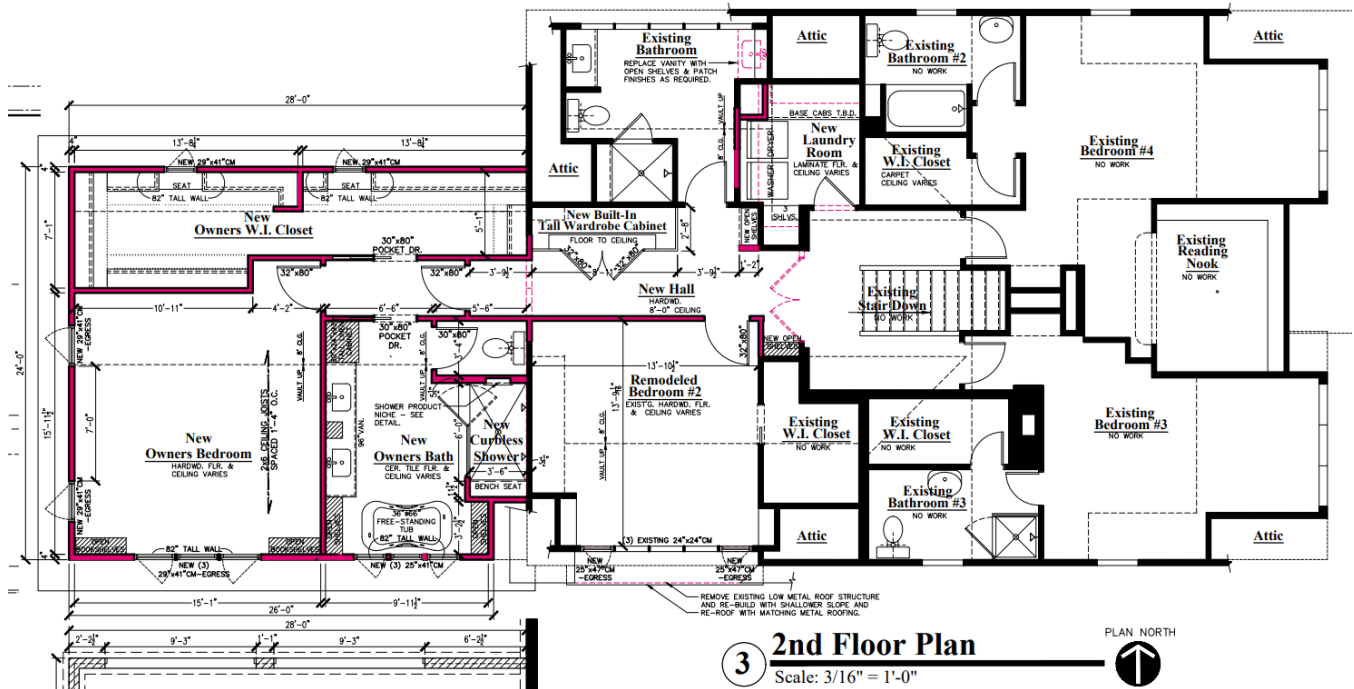


Exhibit 9: Floor plan of 2nd floor.





Exhibit 10: Front of the primary dwelling at the subject site.





Exhibit 11: Looking southwest at the primary dwelling.



Exhibit 12: Looking southeast at the primary dwelling.



Exhibit 13: Existing Garage on the property.



Exhibit 14: Existing Garage on the property.





Exhibit 15: Space between the primary structure and existing garage that will be filled in by the proposed attached garage.



Exhibit 16: Looking south down New Jersey Street towards the dead end.





Exhibit 17: Looking north up New Jersey Street.





Exhibit 18: Driveways of the subject site and neighboring home, looking at homes across the street with garages.



## BOARD OF ZONING APPEALS DIVISION II

April 8, 2025

<b>Case Number:</b>	<b>2025-DV2-008</b>
<b>Property Address:</b>	<b>8541 Springview Drive (approximate address)</b>
<b>Location:</b>	<b>Washington Township, Council District #2</b>
<b>Petitioner:</b>	<b>Kevin &amp; Rochelle Clasen, by Alex Thompson</b>
<b>Current Zoning:</b>	<b>D-1</b>
<b>Request:</b>	<b>Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a two-foot north side yard setback (eight feet required).</b>
<b>Current Land Use:</b>	<b>Residential</b>
<b>Staff Recommendations:</b>	<b>Staff recommends approval for this petition</b>
<b>Staff Reviewer:</b>	<b>Noah Stern, Senior Planner</b>

## PETITION HISTORY

- This is the first public hearing for this petition.

## STAFF RECOMMENDATION

- Staff **recommends approval** of this petition.

## PETITION OVERVIEW

- This petition would allow for the construction of an attached garage with a two-foot north side yard setback (eight (8) feet required).
- The subject site is zoned D-1 and the Comprehensive Plan recommends Suburban Neighborhood for the property. The request would allow for a two (2) -foot north side yard setback for a garage addition.
- The site is of sufficient lot width and the lot area is approximately 0.55 acres (23,958 square feet) per the property card, which is just below the D-1 standard of 24,000 square feet. While Staff finds side setbacks to be an important standard to preserve open space, privacy, and reduce potential conflicts, Staff believes there to be a degree of practical difficulty present with regards to setbacks given the slightly reduced lot area.
- Further, with other properties in the area also containing reduced setbacks, Staff finds the proposal to be in accordance with the Infill Housing Guidelines which states that setbacks should reinforce



Department of Metropolitan Development  
 Division of Planning  
 Current Planning

existing spacing of the surrounding context. Lastly, with the reduced side setback being the only variance requested, Staff finds the proposed reduction to be minor in nature that will have minimal impact on the adjacent property and surrounding area. For these reasons, Staff is unopposed to the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-1	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-1	North: single-family residential
South:	D-1	South: single-family residential
East:	D-1	East: single-family residential
West:	D-P	West: Two-family residential
<b>Thoroughfare Plan</b>		
Springview Drive	Local Street	50 feet of right-of-way existing and 50 feet proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	2/25/25	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	2/25/25	
<b>Findings of Fact (Amended)</b>	N/A	



**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

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

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- With regards to setbacks, the Infill Housing Guidelines recommends:
  - Reinforce spacing on the surrounding block
  - Limit uncharacteristically large gaps between houses
  - Leave room for maintenance

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2021ZON100; 8565 Springview Drive (north of site)**, Rezoning of 0.69 acre from the D-P district to the D-1 district, **approved**.

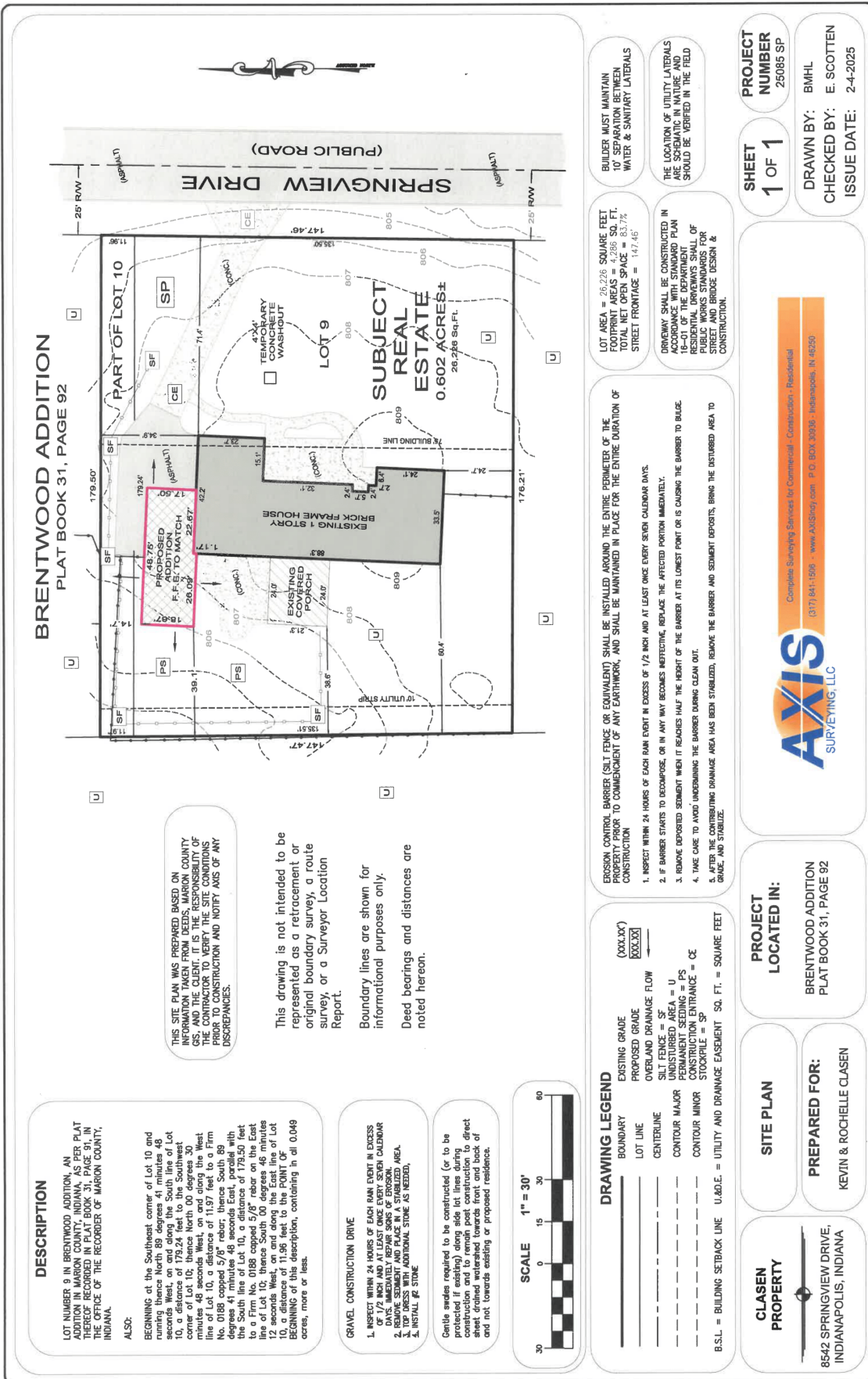
**2020DV2042; 8554 Springview Drive (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage within the front yard of 86th Street and within the front setback (accessory structures not permitted within the front yard, 50-foot setback from proposed 56-foot half right-of-way or average setback, whichever is greater, required), **withdrawn**.

**2014DV3053; 8536 Oakmont Lane (east of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 10-foot tall opaque fence (maximum six- within a 10-foot wide drainage, utility and sewer easement, **withdrawn**.



EXHIBITS





**DESCRIPTION**

LOT NUMBER 9 IN BRENTWOOD ADDITION, AN ADDITION IN MARION COUNTY, INDIANA, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 31, PAGE 91, IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.

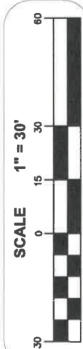
ALSO:

BEGINNING at the Southeast corner of Lot 10 and second line of Lot 10, thence South 89 degrees 46 minutes 48 seconds West, on and along the South line of Lot 10, a distance of 179.24 feet to the Southwest corner of Lot 10; thence North 00 degrees 30 minutes 48 seconds West, on and along the West line of Lot 10, a distance of 11.98 feet to a Firm No. 0188 capped 5/8" rebar; thence South 89 degrees 41 minutes 48 seconds East, parallel with the South line of Lot 10, a distance of 179.50 feet to a Firm No. 0188 capped 5/8" rebar on the East line of Lot 10; thence South 00 degrees 46 minutes 48 seconds West, on and along the South line of Lot 10, a distance of 11.98 feet to the POINT OF BEGINNING of this description, containing in all 0.049 acres, more or less.

**GRAVEL CONSTRUCTION DRIVE**

1. INSPECT WITHIN 24 HOURS OF EACH RAIN EVENT IN EXCESS OF 1/2 INCH AND AT LEAST ONCE EVERY SEVEN CALENDAR DAYS, IMMEDIATELY REPAIR SPOTS OF EROSION AREA.
2. TOP DRESS WITH ADDITIONAL STONE AS NEEDED.
3. INSTALL #2 STONE

Gentle sodles required to be constructed (or to be protected if existing) along side lot lines during construction and to remain post construction to direct sheet drained water toward front and back of lot and not towards existing or proposed residence.



**DRAWING LEGEND**

- BOUNDARY (XXXXX)
- LOT LINE (XXXX)
- CENTERLINE (XXXX)
- CONTOUR MAJOR (XXXX)
- CONTOUR MINOR (XXXX)
- B.S.L. = BUILDING SETBACK LINE U.40.E. = UTILITY AND DRAINAGE EASEMENT SQ. FT. = SQUARE FEET

**SITE PLAN**

PREPARED FOR:  
KEVIN & ROCHELLE CLASEN

**PROJECT LOCATED IN:**

BRENTWOOD ADDITION  
PLAT BOOK 31, PAGE 82

**CLASEN PROPERTY**

8542 SPRINGVIEW DRIVE,  
INDIANAPOLIS, INDIANA

THIS SITE PLAN WAS PREPARED BASED ON SURVEY DATA PROVIDED BY THE CLIENT AND THE CLIENT, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE SITE CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY AXIS OF ANY DISCREPANCIES.

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

Boundary lines are shown for informational purposes only.  
Deed bearings and distances are noted hereon.

1. INSPECT WITHIN 24 HOURS OF EACH RAIN EVENT IN EXCESS OF 1/2 INCH AND AT LEAST ONCE EVERY SEVEN CALENDAR DAYS.
2. IF BARRIER STARTS TO DECOMPOSE, OR IN ANY WAY BECOMES INOPERATIVE, REPLACE THE AFFECTED PORTION IMMEDIATELY.
3. REMOVE DEPOSITED SEDIMENT WHEN IT REACHES HALF THE HEIGHT OF THE BARRIER AT ITS LOWEST POINT OR IS CAUSING THE BARRIER TO BULGE.
4. TAKE CARE TO AVOID UNDERMINING THE BARRIER DURING CLEAN OUT.
5. AFTER THE ACCUMULATING DRAINAGE AREA HAS BEEN STABILIZED, REMOVE THE BARRIER AND SEDIMENT DEPOSITS, BRING THE DISTURBED AREA TO GRADE, AND STABILIZE.

EROSION CONTROL BARRIER (SILT FENCE OR EQUIVALENT) SHALL BE INSTALLED AROUND THE ENTIRE PERIMETER OF THE PROPERTY PRIOR TO COMMENCEMENT OF ANY EARTHWORK, AND SHALL BE MAINTAINED IN PLACE FOR THE ENTIRE DURATION OF CONSTRUCTION

LOT AREA = 26,228 SQUARE FEET  
FOOTPRINT AREAS = 4,298 SQ. FT.  
TOTAL NET OPEN SPACE = 83.7%  
STREET FRONTAGE = 147.46'

DRIVEWAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DRAINAGE PLAN OF THE DEVELOPMENT. ALL RESIDENTIAL DRIVEWAYS SHALL OF PUBLIC WORKS STANDARDS FOR STREET AND BRIDGE DESIGN & CONSTRUCTION.

THE LOCATION OF UTILITY LATERALS ARE SCHEMATIC IN NATURE AND SHOULD BE VERIFIED IN THE FIELD

BUILDER MUST MAINTAIN 10' SEPARATION BETWEEN WATER & SANITARY LATERALS

SHEET NUMBER  
1 OF 1

PROJECT NUMBER  
25085 SP

DRAWN BY: BMHL  
CHECKED BY: E. SCOTTEN  
ISSUE DATE: 2-4-2025











**BOARD OF ZONING APPEALS DIVISION II**

April 8, 2024

**Case Number:** 2025-UV2-005  
**Address:** 9210 North Meridian Street (approximate address)  
**Location:** Washington Township, Council District #2  
**Zoning:** C-1  
**Petitioner:** DR Horton - Indiana LLC, by Andrew Wert  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a veterinary hospital (not permitted) within an existing building.

**Current Land Use:** Vacant office building.

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- ◇ The request would provide for the reuse of an existing office building for the operation of a veterinary hospital. Veterinary hospitals are included in the Animal Care, Boarding, and Veterinarian Services use category, which is permitted in the C-3 and higher commercial districts.
- ◇ The Plan of Operation submitted with the variance request indicates that the petitioner’s business does not operate like a typical veterinary clinic, in that the petitioner specializes in a specialty surgical practice for pets providing advanced soft tissue and orthopedic procedures. In Staff’s opinion, this would operate similar to other Medical or Dental Offices, Centers, or Clinics, which are permitted in the existing C-1 District.
- ◇ If the variance is granted, the proposed use would be limited to the existing building. Therefore, no outdoor operations such as exercise runs or kennels would be permitted or added, limiting the impact of the use on adjacent properties. Supervised leashed walks with animals would be permitted.
- ◇ Due to the specialized and unique nature of the business, without the customer volume, noise and odors associated with the typical veterinary clinic, the proposed use would not interfere with the use and value of surrounding properties or the implementation of the plan.,



**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-1	
<b>Existing Land Use</b>	Vacant Office Building	
<b>Comprehensive Plan</b>	Village Mixed Use	
<b>Overlay</b>	N/A	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: C-1	Office Commercial uses
	South: C-1	Office Commercial uses
	East: C-1	Office Commercial uses
	West: D-2	Single-family dwellings
<b>Thoroughfare Plan</b>		
North Meridian Street	Primary Arterial	143-foot existing and proposed right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	February 26, 2025	
<b>Elevations</b>	N/A	
<b>Commitments</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	February 26, 2025	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends the Village Mixed Use typology that creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

**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**

**2015-DV3-050; 9202 North Meridian Street (east of site)**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a medical office building, **granted**.

**2010-DV2-034, 9102 North Meridian Street (south of site)**, requested a variance of development standards of the Sign Regulations to provide for a 16-foot tall, 163-square foot illuminated pylon sign within 550 feet of a protected district, **granted**.

**2008-DV2-034; Multiple addresses including 9225 Willowrun Drive (west of site)**, requested a variance of development standards to provide for each lot to have a minimum open space ratio of 60 percent, **granted**.

**83-UV1-84, 9292 North Meridian Street (east of site)**, requested a variance of use to establish a retail printing shop in an office building complex, **withdrawn**.

RU

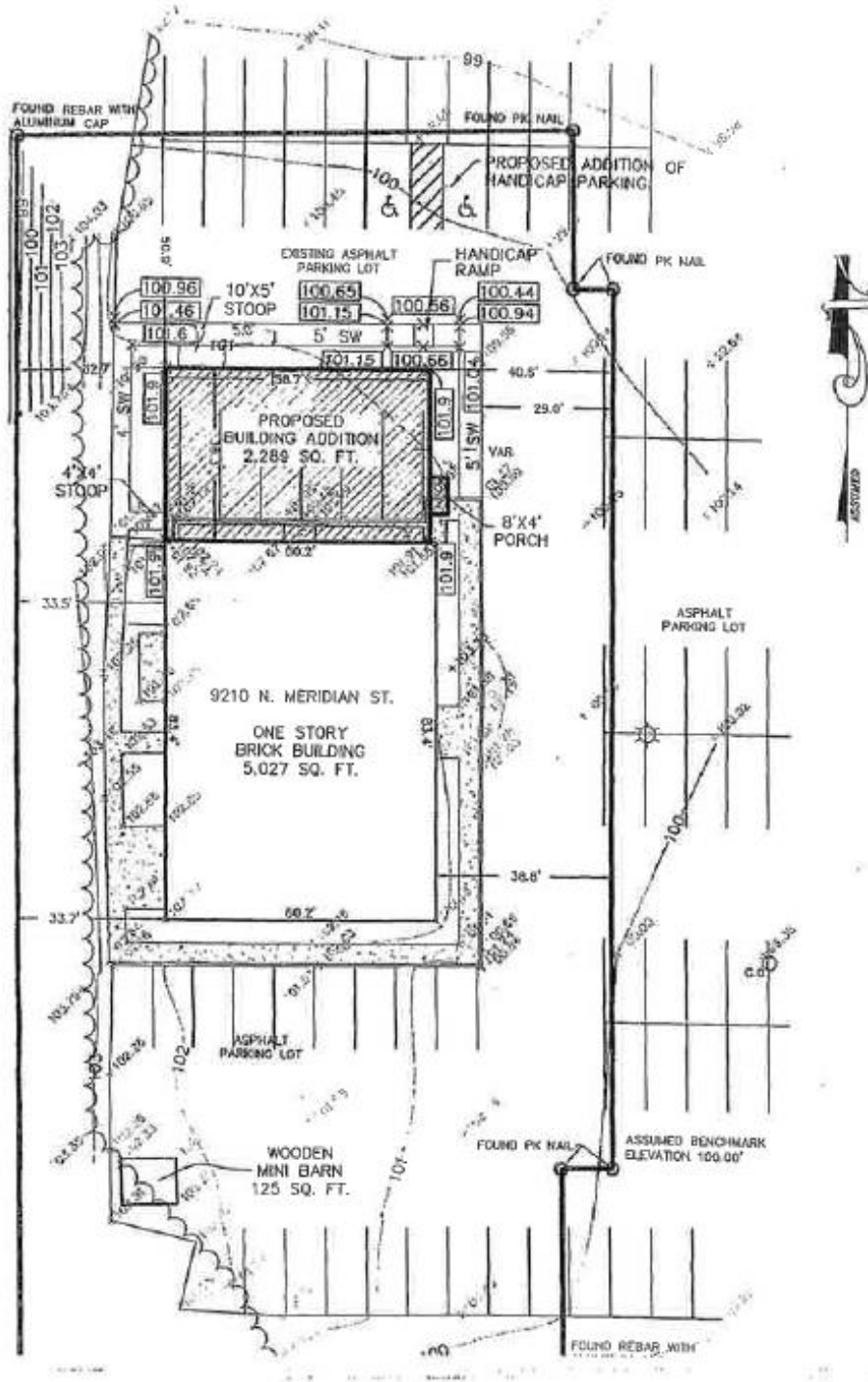
\*\*\*\*\*

**EXHIBITS**

Location Map



Site Plan







## Plan Of Operation

### Plan of Operation

#### **VSx Veterinary Surgery, Variance of Use petition**

9210 North Meridian Street

VSx Veterinary Surgery is proposing to operate out of an existing 7400 square foot office building located at 9210 North Meridian Street. The use falls under the definition of Animal Care, Boarding and Veterinary Services from the zoning ordinance and is not permitted in the C-1 zoning district. Consequently, a Variance of Use is being requested.

There are a number of activities falling under the “Animal Care” definition that will not take place at this location, including kennels, stables, pet shops, and animal day care. This will be a specialty surgical practice for pets providing advanced soft tissue and orthopedic procedures. No overnight boarding is anticipated. In addition, the facility will be sound proofed.

Hours of operation will be Monday through Friday, 8am to 5pm. There will be a staff of 10 employees here.

**Photographs**



Subject site, looking west.



Subject site, looking north.



Subject site, looking south.



Adjacent office uses to the east.





Adjacent office parking lot to the south.



Adjacent single family dwellings to the west.



**BOARD OF ZONING APPEALS DIVISION II** **April 8<sup>th</sup>, 2025**

**Case Number:** 2025-UV2-004

**Property Address:** 3321 South Tibbs Avenue (Approximate Address)

**Location:** Decatur Township, Council District #21

**Petitioner:** PDJS Lake LLC, by James Lewis Hillery, Esq.

**Current Zoning:** D-5 (FF)

**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the parking of a recreational vehicle as a primary use (not permitted).

**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 first public hearing of this variance petition.

**STAFF RECOMMENDATION**

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

**PETITION OVERVIEW**

- The petitioner is requesting a variance to allow the parking of a recreational vehicle (RV) on a vacant lot.
- This 0.66-acre property is within The Metro Context area and zoned D-5.
- The Ordinance states that Recreational Vehicle Parking is a permitted accessory use in a D-5 zoning district. It does not permit recreational vehicles to be occupied or used for living, sleeping, or housekeeping purposes for more than one instance, not to exceed 15 days per calendar year. The findings of fact submitted state that the RV will be used for weekend use, but this still exceeds the 15 days per calendar year ordinance requirement.
- Recreational vehicles are also not permitted to be parked outside in a side yard other than on a durable and dust-free surface area improved with bricks, concrete, asphaltic pavement, or gravel. This RV is parked on grassy land without a driveway leading to its parking place. According to the submitted site plan, no hard surfaced area for the RV is proposed.
- The findings of fact submitted by the petitioner stated the need for the recreational vehicle as the primary dwelling arise because this location is not a desirable building site with the gravel mine



Department of Metropolitan Development  
 Division of Planning  
 Current Planning

and lake to the east and the South Side Landfill to the west. However, this area has been developing since 1962, according to aerial imagery. Staff believes this long-term development pattern and associated residential use refutes this finding.

- The findings of fact also state that the recreational vehicle is comparable, if not more expensive, than many houses in the neighborhood. However, if this location is not a desirable building site for a home of less cost, then the same reasoning should be applied to the RV, meaning this would not be a desirable location for it either, especially considering its cost.
- The submitted site plan appears to show the placement of ornamental grasses in front of the RV to obscure the view of the vehicle, though we support the planting of vegetation on the site, this still does not develop a vacant lot in an area planned for Rural or Estate Neighborhoods or Suburban Neighborhoods, as the Land Use Plan recommends. It also does not obstruct the view from the two neighbors on either side of this subject site.
- The D-5 zoning district is meant for walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. However, in a location without sidewalks, and in the case of the subject site, vehicles (RVs, personal, or other recreational vehicles) driving from the road and parking on an undeveloped site could be potentially dangerous.
- Staff is recommending **denial** of this variance petition. There is no practical difficulty that presents valid reasoning for having a recreational vehicle as the primary dwelling in this location. The site has ample space in a well-developed suburban neighborhood that has both public parks and a private lake that is used for recreation. The vacant lot with an RV will be a potential hazard more than a beneficial addition.
- In addition, it is Staff's opinion that approving the use of a viable residential lot for an exclusively accessory use is wholly inappropriate. Furthermore, approval of the request would represent an extreme deviation from the Infill Housing Guidelines, a core component of the Comprehensive Plan for residential development, which represents a clear failure to meet the burden required to satisfy finding of fact number five.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5 (FF)	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-5
	South:	D-5 (GSB)
	East:	I-2 (GSB)
	West:	D-5
<b>Thoroughfare Plan</b>		
Tibbs Avenue	Local Street	90 feet of right-of-way existing and 50 feet proposed.
Winings Avenue	Local Street	50 feet of right-of-way existing and 50 feet proposed.





<b>Context Area</b>	Metro
<b>Floodway / Floodway Fringe</b>	Yes
<b>Overlay</b>	No
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	2/12/2025
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	2/12/2025
<b>Findings of Fact</b>	2/12/2025
<b>Findings of Fact (Amended)</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**  
**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**Pattern Book / Land Use Plan**

- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space (pg. 17).
- 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 (pg 17).

**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

- Front entry features create “human-scale” massing elements that relate buildings to the frontages and streetscape and social spaces that activate the streetscape. They provide endless opportunities for unique design with subtle variations to building patterns but create a consistent form and scale along streets. This helps reinforces a neighborhood character by creating distinctions between the same or similar building type and creating compatible relationships between buildings of different size or type (pg 24).

### Indy Moves

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

- 59-Z-18: 3343 West Troy Avenue
  - Rezoning of 25.36 acres, being in I-1 and I-2 districts to R-3 classification to provide minimum requirements for residential use. Located on the east side of Tibbs Avenue approximately 1300 feet south of Road No. 67 in Decatur Township.
    - AP

### ZONING HISTORY – SURROUNDING AREA

- 2005-HOV-004: 3317 Lockburn Street
  - Reduction of flood venting to one square foot of venting per 81.61 square feet of wall subject to flooding for a detached accessory structure.
    - AP
- 2006-DV2-013: 3343 West Troy Avenue
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a 27-foot diameter above ground swimming pool in front of the established building line (not permitted), with a twelve-foot front setback (minimum 25-foot front setback required), resulting in 1,7789 square feet of accessory use area or 118 percent of the total living area of the primary dwelling (maximum 1,499 square feet or 99.99 percent of the primary dwelling permitted).
    - AP
- 2006-UV1-028: 3333 West Troy Avenue
  - Variance of Use of the Industrial Zoning Ordinance and to legally establish a 400-square foot boat house, a 640-square foot detached structure, and a 3,136-square foot barn accessory to a single-family dwelling (not permitted), and to provide for the construction of a 1,200 square foot addition to the barn, and a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a lot without street frontage or access to a public street (25 feet of street frontage required, direct access required).
    - AP
- 2008-DV1-038: 3409 East 6<sup>th</sup> Avenue
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish the outdoor storage and parking of a commercial box truck (not permitted).
    - D
- 2008-UV1-028: 3027 Hoyt Road
  - Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance and the Commercial Zoning Ordinance to provide for: a) outside storage associated with automobile repair (not permitted in the D-5), b) parking and storage of vehicles with a seven-foot rear setback along the alley on the northern three lots zoned C-5 (minimum 10 feet required), c) parking and storage of vehicles with a seven-foot rear setback along the alley on the southern three lots zoned D-5 (minimum 20 feet required), d) parking and storage of vehicles without landscaping in the east, rear yard along the alley (landscaping



required), e) parking and storage of vehicles without landscaping in the west, front yard along Holt Road (landscaping required), f) parking and storage of vehicles with a zero-foot side transitional yard along the south lot line (minimum 10 feet required), and g) without sidewalks along Holt Road (sidewalks required).

- AP
- 2009-HOV-011: 3302 S McClure Street
  - Provide for a 13' front setback for a porch.
    - AP
- 2011-UV2-009: 3099 Mars Hill Street
  - Variance of Use of the Commercial and Dwelling Districts Ordinances to legally establish a single-family dwelling in a C-5 district (not permitted) and to provide for and automobile sales office and/or barber / beauty salon in an existing building in the D-5 district (not permitted)
    - Approved
- 2011-UV2-014: 3812 West Troy Avenue
  - Variance of Use of the Commercial Zoning Ordinance to provide for an automobile repair facility (not permitted).
    - Approved
- 2012-UV1-034: 3006 South Mooresville Road
  - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the conversion of 2nd story office space for a contractor (approved by 99-UV3-38) into three multifamily dwelling units (not permitted).
    - Approved
- 2013-ZON-049: 2901 South Mooresville Road
  - Rezoning of 14.65 acres from the C-7 and I-2-S districts to the PK-1 classification to provide for park uses.
    - Approved
- 2013-ZON-054: 2605 Kentucky Avenue
  - Rezoning of 14.7 acres from the PK-1 (FF) district to the I-4-S (FF) classification to provide for heavy industrial uses.
    - Approved
- 2014-DV3-038: 3217 South McClure Street
  - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally a single-family dwelling, with a nine-foot rear setback and two sheds, with 1.5-foot rear setbacks (five-foot rear setback required) and a detached garage, with a two-foot north side setback, located in front of the established front building line of the primary dwelling (four-foot side setback, accessory structures not permitted in front of the established building line).
    - Approved
- 2021-UV2-005: 3827 West Troy Avenue
  - Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a contractor's office with display area and indoor storage and vehicle parking (not permitted).
    - Approved



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

- 2022-DV2-027: 3048 South McClure Street
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a 4.167-foot north side setback and a five-foot south side setback (seven feet side setbacks required).
    - Approved
- 2024-UV2-004: 4117 East New York Street
  - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing duplex (not permitted) with a zero-foot front yard setback from New York Street (10-feet required).
    - Approved

**EXHIBITS**

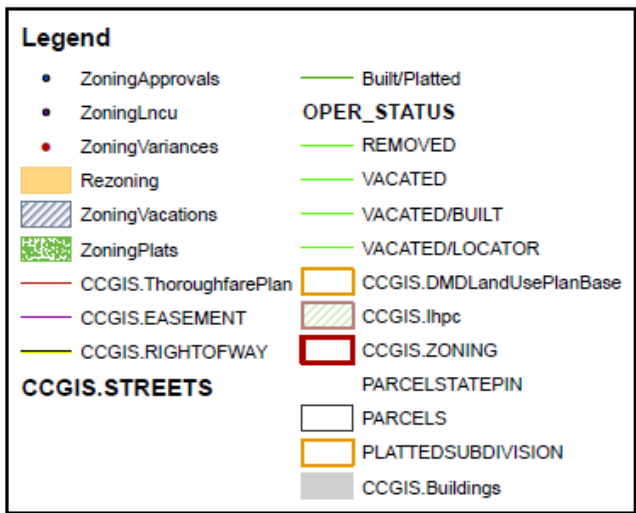
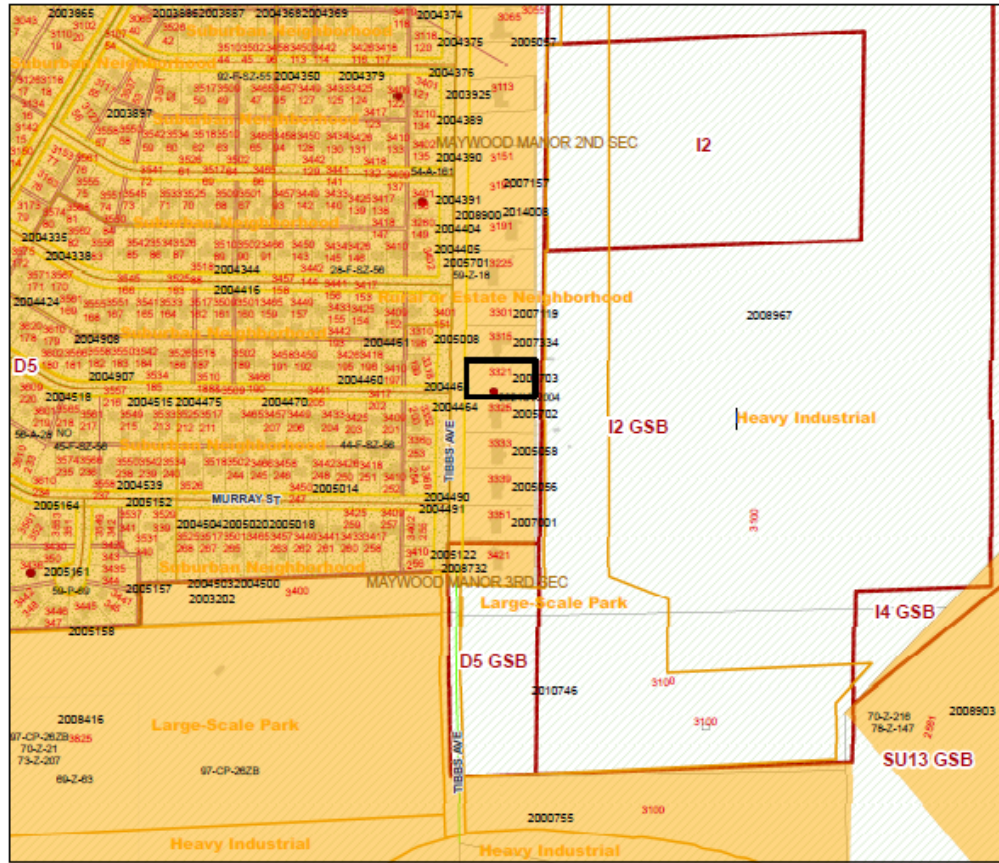


Exhibit 1: ArcGIS map of the subject site and surrounding area,





Exhibit 2: Aerial of the subject site.



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 USE

FINDINGS OF FACT

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

Parking a very nice recent model, well maintained recreational vehicle at the property is not injurious to the public health, safety, morals or general welfare. The property is a lake lot next to a small private lake, known as Strakis Lake, and in an area zoned I-2 owned entirely by the Mary Strakis Trust from 1954 to 2020 and before that by Mary Strakis. Since 2020, the lake has been owned by an LLC known as Strakis Mine, LLC, which is owned entirely by Strakis family members and descendants. Most of the lake lots on Strakis Lake remain owned by Strakis descendants. Petitioner is an LLC owned by immediate Strakis descendants only. A recreational vehicle is permitted to be parked at and on occupied residential real estate in the community.

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

The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. Strakis Lake is a private lake, owned by Strakis Mine, LLC, and used exclusively by permission, and almost exclusively by Strakis descendants. A recreational vehicle has been parked on this lot regularly from time to time by the same family for the last 60 years, without objection. The lot is substantial in size, containing .66 acres, and has sufficient space to park the recreational vehicle well off the street, and behind some trees and landscaping so that its presence is not obtrusive in any way. The RV has been set back further from the road than the houses next door. A large gravel mine operation is to the immediate east of the lake. The recreational vehicle has never been used as residence, but only for recreational use at the lake, and generally on weekends. Many other Strakis family members reside nearby on the lake, on the same street and keep an eye on the property and the recreational vehicle, and all next-door neighbors have all consented to this Petition.

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

The property is on the immediate western edge of an area zoned I-2, containing a very large gravel mine operated by Martin Marietta and located just west of the South Side Landfill, which does not make it a desirable building site for a home. The lot is not bordered by Strakis Lake as there is a buffer of land around the lake owned by Strakis Mine, LLC. Generally, no non-Strakis descendants are allowed to use the Strakis lake. Without access to the lake, the lot has a reduced value to any non-Strakis family members, and the parking and use of a license plated and insured recreational vehicle that is comparable, if not more expensive than many houses in the neighborhood, is a reasonable way for the Strakis descendants to utilize the property. As a unique use on an existing property, a variance of use would legally allow the Petitioner to utilize the property.

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 price of homes in the immediate neighborhood is relatively modest, and building a new home on the lot would be cost prohibitive for this property. The property is on the immediate western edge of a very large I-2 zoned gravel mine operated by Martin Marietta and located just west of the South Side Landfill, which does not make it a desirable building site for a home. Parking a recreational vehicle on one's property is a substantial right enjoyed by other property owners with homes on their lots, but which is not allowed to Petitioner as there is no home on their lot. With so many City residents already owning and parking a recreational vehicle on their lots, this variance would not stand out or interfere with the Comprehensive Plan.

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

It is a temporary use for the current owner, which brings people to the neighborhood for family, fellowship and recreation on Strakis Lake, provides the essential support for weekend getaways, like a bathroom, shower, kitchen and bedrooms, and is a reasonable and continued use of the property.

Exhibit 3: Findings of Fact submitted by the petitioner.

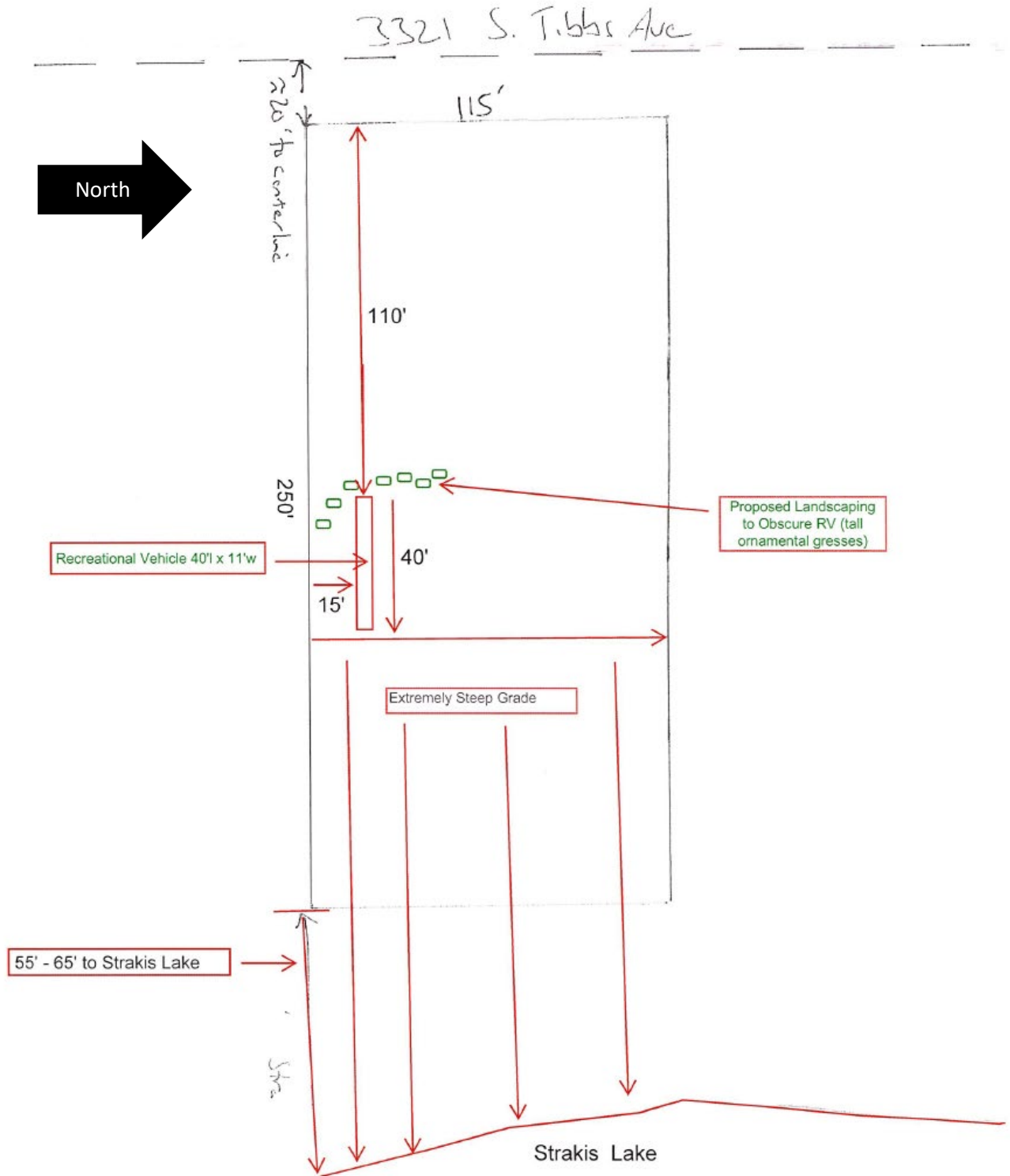


Exhibit 4: The submitted site plan.





Exhibit 5: The subject site and its recreational vehicle (looking east).





Exhibit 6: Looking west from the subject site.





Exhibit 7: Lake behind the subject site.





Exhibit 8: RV on the subject site.



Exhibit 9: RV connected to the electric on the subject site.





Exhibit 10: Home to the north of the subject site.



Exhibit 11: Home to the south of the subject site.



Exhibit 12: 1962 Historical Aerial of the subject site and surrounding area.