



Board of Zoning Appeals Board of Zoning Appeals Division II (August 12, 2025) Meeting Agenda

Meeting Details

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

Date: Tuesday, August 12, 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

PETITIONS REQUESTING TO BE CONTINUED:

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 1. 2025-DV2-026 | 5547 North Delaware Street**
Washington Township, Council District #7, zoned D-4 (MSPC)
Theo & Elizabeth Mascari, by Vince Braun

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

- 2. 2025-UV2-011 | 5380 North College Avenue (Parcel address 651 East 54th Street)**
Washington Township, Council District #7, zoned C-3 / D-5 (TOD)
5400 College Ave LLC, by Elizabeth Bentz Williams

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a bar within 10 feet of a protected district (100-foot separation required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 3. 2025-DV2-016 | 1507, 1501, and 1533 West New York Street**
Center Township, Council District #18, zoned D-8 (RC)
Lurvey Loft Townhomes LLC, by Adam DeHart

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 45-foot tall, four story four-unit townhome development with 27 percent living material comprising the front yard (maximum 40-foot tall, three story building permitted, 50 percent living material required).

4. 2025-DV2-019 | 3870 Broadway Street

Washington Township, Council District #7, zoned D-5 (TOD)
Carlos Garcia and Martha Rivas

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 6.5-foot tall fence within the front yards and clear sight triangles of Broadway Street and the front yards, clear sight triangle and encroaching within the right-of-way of 39th Street, with 9.5-foot tall fence posts (maximum height 3.5-foot-tall fence permitted, fence posts limited to one-foot taller than maximum fence height, encroachment of clear sight triangles not permitted, encroachment of right-of-way not permitted).

5. 2025-DV2-021 | 1144 Navajo Trail South Drive

Washington Township, Council District #2, zoned D-2 (FF)
Harriet Greenland

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of an eight-foot-tall fence along the rear lot line (maximum height of six feet permitted).

6. 2025-DV2-022 | 1337 Olive Street

Center Township, Council District #18, zoned D-5 (TOD)
Brandon Spitz and Christina Presley, by Sharmin Frye

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 23.624-foot tall carriage house where the primary dwelling is 22-foot-tall (accessory structures may not be taller than primary buildings), with a three-foot northern side yard setback (five feet required).

7. 2025-UV2-010 | 802 Roache Street

Center Township, Council District #12, zoned D-5
Loving Missionary Baptist Church, by Josh Meyers

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a freestanding monument sign, not for a residential community (not permitted), with a zero-foot front yard setback from Franklin Place and Roache Street (10-foot setback required) and encroaching within their clear sight triangles and rights-of-way (encroachments not permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

8. 2025-DV2-027 | 5227 Knollton Road

Washington Township, Council District #6, zoned D-S (FW) (FF)
John & Karen Puffer, by David E. Dearing

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pole barn within the front yard of Knollton Road (not permitted).

9. 2025-DV2-028 | 415 South Oxford Street

Center Township, Council District #18, zoned D-5
Bob & Cindy Grigsby, by Mark & Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage addition with a 1.5-foot north side yard setback (five-feet required).

10. 2025-DV2-029 | 5907 Birchwood Avenue

Washington Township, Council District #7, zoned D-5
Drew & Taylor Gaynor, by David and Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the a building addition with an eight-foot rear yard setback (20 feet required) and a mini-barn with a 1.5-foot north side yard setback (five feet 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
Craig Von Deylen, Chair	City-County Council	January 1, 2025 – December 21, 2025
James Duke, Vice-Chair	Mayor's Office	January 1, 2025 – December 21, 2025
Patrice Duckett-Brown, Secretary	City-County Council	January 1, 2025 – December 21, 2025
Beth Brandon	Mayor's Office	January 1, 2025 – December 21, 2025
Tom Barnes	Metropolitan Development Commission	January 1, 2025 – December 21, 2025



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

August 12, 2025

Case Number: 2025-DV2-026
Address: 5547 North Delaware Street (approximate address)
Location: Washington Township, Council District #7
Zoning: D-4 (MSPC)
Petitioner: Theo & Elizabeth Mascari, by Vince Braun
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a three-foot south side and a three-foot rear yard setback (four and five feet required, respectively).

Current Land Use: Single-Family Dwelling.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property values by providing for open buffer areas along lot lines, and to ensure adequate access around buildings.
- ◇ The requested side setback reductions are largely a result of the deficient size and width of the lot. The lot, at 7,020 square feet, is a D-5 sized lot, and the width, at 52 feet wide, is also a D-5 sized lot in width. However, this site is within the D-4 district, which includes standards that would be difficult to meet, particularly when proposing development consistent with the neighborhood. Therefore, there is a practical difficulty in complying with development standards for the side and rear setbacks.
- ◇ Generally, staff supports legally establishing property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request; additionally, no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning		D-4	
Existing Land Use		Single Family Dwelling	
Comprehensive Plan		Traditional Neighborhood Uses	
Surrounding Context		<u>Zoning</u>	Surrounding Context
	North:	D-4	Single-Family Dwelling
	South:	D-4	Single-Family Dwelling
	East:	D-4	Single-Family Dwelling
	West:	D-4	Single-Family Dwelling
Thoroughfare Plan			
Delaware Street		Local Street	60-foot existing and proposed right-of-way.
Context Area		Compact area	
Floodway / Floodway Fringe		No	
Overlay		Red Line TOD	
Wellfield Protection Area		No	
Site Plan		June 11, 2025	
Elevations		N/A	
Landscape Plan		N/A	
Findings of Fact		June 11, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends the Traditional Neighborhood typology which includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject is within 1000 feet of the existing Red Line and is designated with the Walkable Neighborhood typology by the comprehensive plan. This typology allows for a mix of uses near transit stations with stabilized residential uses beyond.



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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

2024-DV1-002; 5449 North Pennsylvania Street (south of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for building additions resulting in a nine-foot rear yard setback, **approved**.

2020DV1064; 5040 Washington Boulevard (east of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a one-foot rear setback, **approved**.

2020DV2007; 5456 N New Jersey Street (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with three-foot side and rear setbacks, **approved**.

2017-DV3-017; 5621 Washington Boulevard (north of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, with a three-foot side setback and a shed with a zero-foot side setback, **granted**.

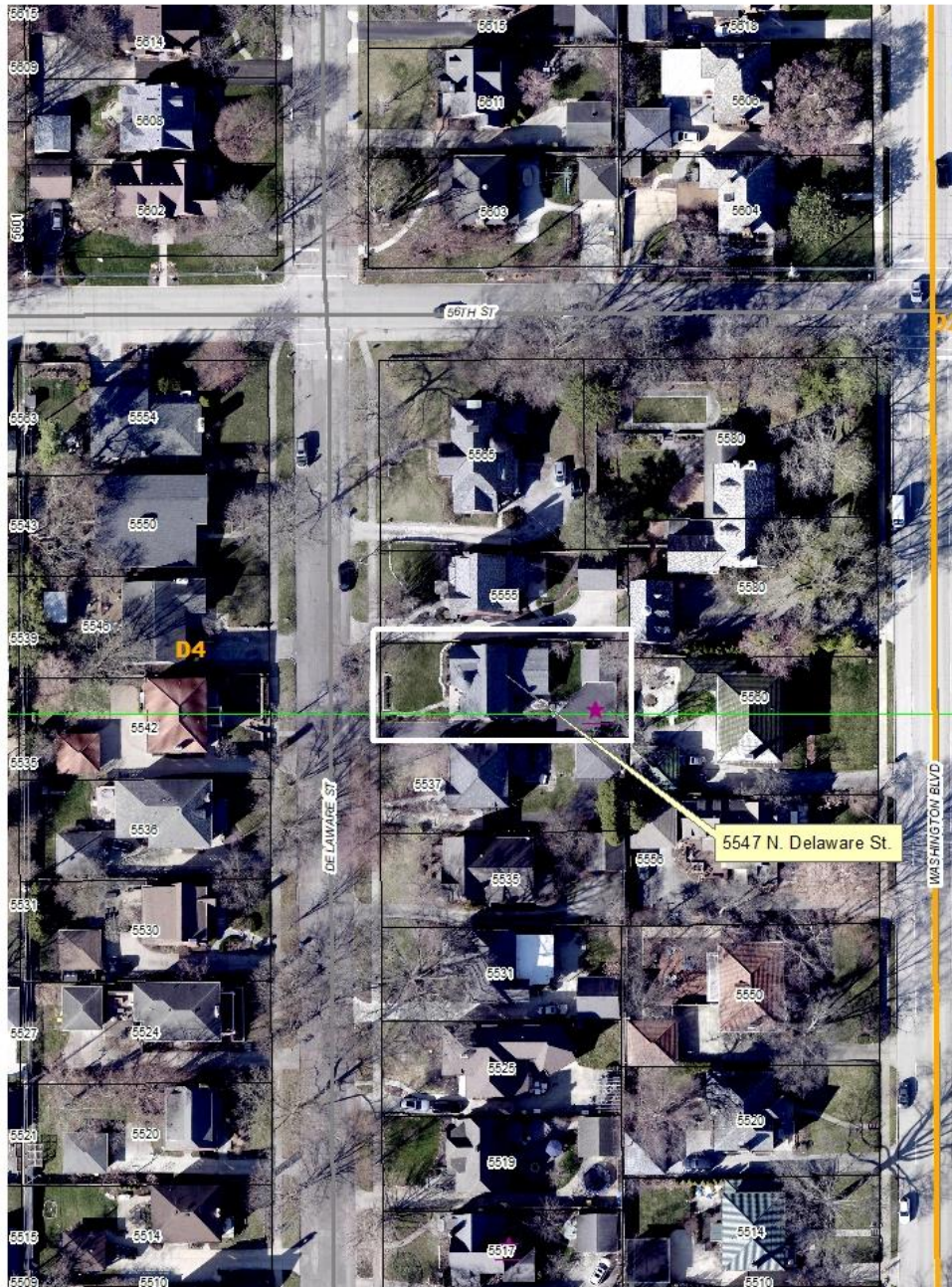
2016-DV1-008; 5544 Broadway Street (east of site), requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a detached garage, with a two-foot north side and two-foot rear setback, to legally establish a three-foot south side setback and 13-foot aggregate side setback for the existing dwelling, and to provide for 65% open space, **granted**.

2011-DV3-002; 5658 Central Avenue (north of site), requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for an 812-square foot detached garage with a two-foot south side setback, **granted**.

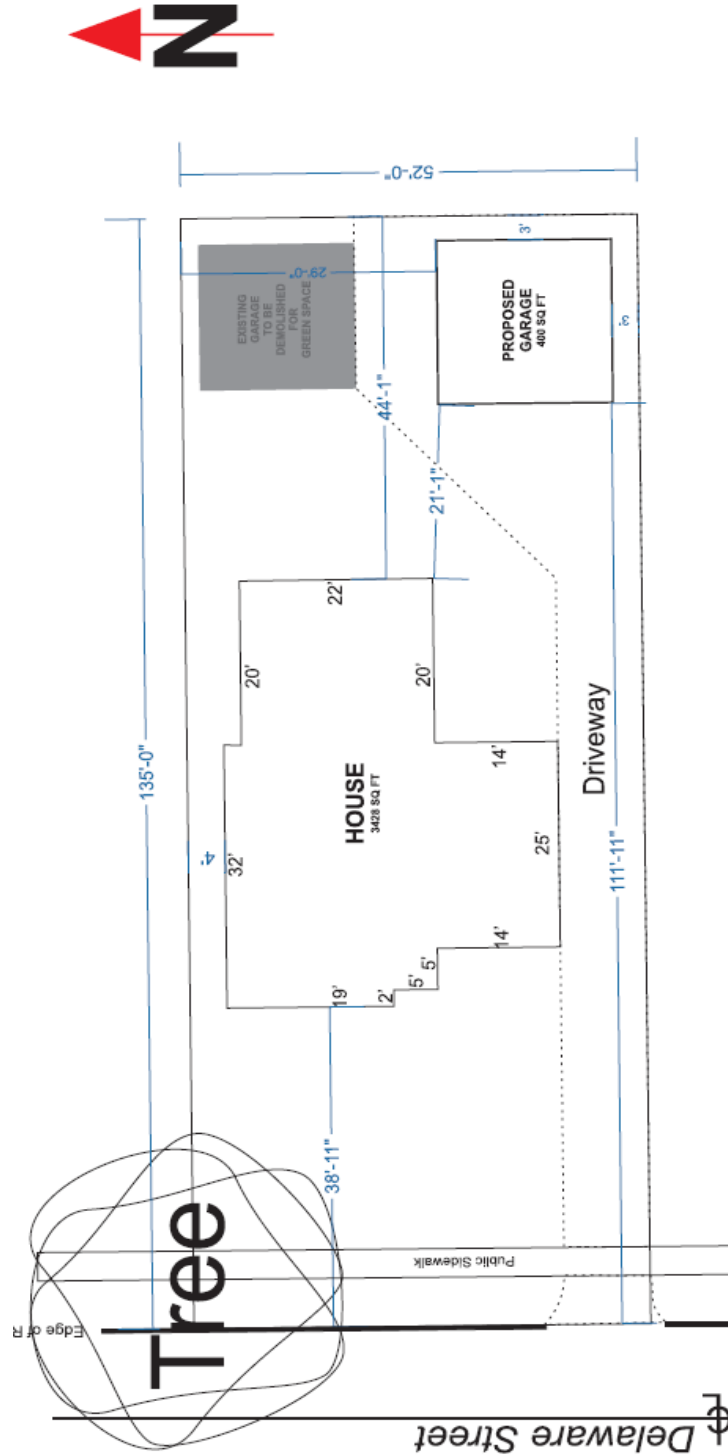
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EXHIBITS

Location Map



Site Plan



Meridian Street Preservation Commission Certificate of Appropriateness:



MERIDIAN STREET PRESERVATION COMMISSION

In the matter of an application filed by
Vincent Braun on behalf of Theo Mascari for
the Prior Approval of a Variance for the property located at
5547 North Delaware Street

**FINAL ORDER GRANTING THE PRIOR
APPROVAL OF A VARIANCE
#V-MSPC 25-05**

The Meridian Street Preservation Commission, at a meeting held at 4:00 p.m. on July 15, 2025 in the Fellowship Hall of the Meridian Street United Methodist Church at 5500 N. Meridian Street, heard evidence and considered an application for the Prior Approval of a Variance filed by Vincent Braun on behalf of Theo Mascari for improvements to be made at the property located at 5547 N. Delaware Street.

Being duly advised in the premises, the Commission, by a vote of 6-1 of its seven (7) members present and voting AYE: (Norman, Vanderstel, Colby, Wolfe, Welling, Bennett), NAY: (Madden), ABSTAIN: (None) finds that:

1. The Commission has jurisdiction of this matter under Indiana Code 36-7-11.2-61.
2. The Certificate of Appropriateness requested approval for the:
 - Reduction of minimum setback requirements allowed in a Dwelling District (D-4) for the installation of a detached garage (5ft. to 3ft., side and rear yards).
3. Such improvements shall be per plans submitted on 7.15.25 and on file with the Commission, except as amended below.
4. Said improvement is appropriate to the preservation of the area comprised of Meridian Street and bordering properties and complies with the architectural and construction standards in said area.
5. The Certificate of Appropriateness requested by the applicant should be **GRANTED**, with the following commitment(s): **NONE**.

*It is, therefore, ORDERED AND DECREED by the Meridian Street Preservation Commission that the Certificate of Appropriateness for the aforesaid construction is hereby **GRANTED**, to be evidenced solely by this Final Order. This Final Order must be acted upon within 2 years of the hearing date of the Meridian Street Preservation Commission and all aspects must be completed in whole.*

Shannon Norman
Shannon Norman, Chair

July 20, 2025
Date



Department of Metropolitan Development
Division of Planning
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Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

It is a basic build of a garage structure according to the codes and safety rules and regulations of the State of Indiana and the International Building Code.

It will be located in an area of the owner's property that is well maintained and serviced.

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 garage is being built and constructed of the highest quality by a reputable company, Coach House Garages, and it's respected subcontractors using only the highest quality products that have shown to only increase property values presently and in the past.

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

it limits the use of the homeowners personal property in such a way that the setback restriction prohibits the use of property in a way that neither effects the municipal codes nor any neighbor in a negative manner. The location of the building provides only the best use of the property for the home owner while in no way negatively effects the community or neighbors.

Photographs



Subject site, existing dwelling, looking east.



Subject site, proposed garage location, looking east.



Subject site, existing garage, looking north.



Adjacent dwelling to the south, with similar garage setback.



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BOARD OF ZONING APPEALS DIVISION II

August 12, 2025

Case Number: 2025-UV2-011

Property Address: 5380 North College Avenue (parcel address 651 East 54th Street)

Location: Washington Township, Council District #7

Petitioner: 5400 College Ave LLC, by Elizabeth Bentz Williams

Current Zoning: C-3 / D-5 (TOD)

Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a bar within 10 feet of a protected district (100-foot separation required).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 5380 North College Avenue is a commercial parcel at the southwest corner of the intersection of College Avenue and 54th Street. The property contains two (2) tenant spaces: the larger of the two currently contains The Bulldog Bar and Lounge, and the smaller tenant bay to the west (parcel address 651 East 54th) is currently in use as a cocktail lounge accessory to the primary sports bar use. Surrounding land uses are primarily commercial in nature clustered at the intersection, with residential development to the northwest and west buffered by 54th Street and an alley respectively. The College and 54th Red Line Stop is located to the north of the subject site.
- Prior to the current occupant, the subject portion of the site functioned as a separate and distinct restaurant and sports bar (Moe and Johnny's). That user applied for and received a Development Standards variance in 2016 to allow for installation of the pergola improvement on the north of their tenant space. That use appears to have ceased operation around 2020, at which point the Bulldog Bar began utilizing it as an accessory cocktail lounge space (the most recent use).



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- This petition is being sought to allow for a bar to legally operate within this tenant bay. The proposed user (West Fork Whiskey Co.) would operate as a bar that serves beer, wine, and liquor, and would also house a full-service restaurant. Since the current ordinance standards for separation between a bar and Protected Districts to the west/northwest would not be met and since the use would solely allow 21+ patrons to enter (therefore requiring 'bar or tavern' to be the primary use classification instead of 'eating establishment'), a Variance of Use would be required for the proposed bar given its proximity to residential zoning to the west despite being a similar land use to previous tenants within this space and being an allowed use within C-3 zoning.
- Approval of this variance would not allow for any exemption from applicable licensing requirements from the Department of Business and Neighborhood Services, use-specific standards from the Indianapolis Zoning Ordinance, or health regulations on bars from the State of Indiana or the Marion County Department of Health. Additionally, although parking at the site wouldn't meet required minimums per current Ordinance, no change or expansion of use is proposed so the site wouldn't be required to retroactively comply with that standard.
- The property is zoned C-3 (Neighborhood Commercial) to allow for an extensive range of retail and service uses (including restaurants and bars). The Red Line TOD Plan encourages commercial uses at corner nodes within the Walkable Neighborhood typology, and the Meridian-Kessler Neighborhood Plan recommends this site to the Urban Mixed-Use typology to allow for dense, pedestrian-oriented mixed-use development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis area. That plan also places the site within Critical Area 102 which contemplates bars as a land use but within "appropriate" buffers and with additional encroachment into residential areas discouraged.
- Operation Plan details submitted by the applicant indicate that the bar and restaurant associated with a local artisan distiller would be staffed by a maximum of three (3) employees at once and would be open from 8 am to 11 pm on weekdays and 8 am to 1 am on weekends. Findings of Fact provided by the applicant state that alcohol has been previously sold at the site for decades and that the general operation of this business would not differ dramatically from previous uses as a separate sports bar and accessory cocktail lounge for the adjacent, larger sports bar.
- Staff would note that beyond the specific previous uses within the 651 East 54th tenant space, the context of this commercial corridor would be uniquely supportive of a deviation from this ordinance standard given its placement at a walkable commercial corner node and within Critical Area 102 from the Meridian-Kessler Plan. Staff also feels that the proposed use and proximity are consistent with the Livability Principles within the Ordinance related to the enhancing of the unique characteristics of communities without the creation of additional negative externalities beyond the current uses at the property and intersection. Staff recommend approval of the petition.



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GENERAL INFORMATION

Existing Zoning	C-3 / D-5 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Urban Mixed Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-3 / D-3	North: Commercial / Residential
South:	D-5	South: Residential
East:	C-3 / D-5	East: Commercial
West:	D-5	West: Residential
Thoroughfare Plan		
East 54 th Street	Local Street	48-foot existing right-of-way and 48-foot proposed right-of-way
College Avenue	Primary Arterial	78-foot existing right-of-way and 78-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	07/08/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	07/08/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan



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Current Planning**

- Given its proximity to the College and 54th Red Line stop, the TOD Strategic Plan recommend this property to the Walkable Neighborhood TOD typology to allow for walkable areas that are primarily residential but may have a commercial node of one to two city blocks. The Plan envisions a mix of uses at the station with stabilized residential beyond and limited off-street surface parking.

Neighborhood / Area Specific Plan

- The Meridian-Kessler Neighborhood Plan recommends this site to the Urban Mixed Use typology to allow for dense, pedestrian-oriented mixed-use development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis area.
- The Plan also designates it as being within Critical Area 102 (College Avenue at 54th Street) containing a grocery store, bars, night club, cafes, coffee shop, hair salon, and offices. The Plan discourages commercial uses from intruding further into residential areas and indicates that an appropriate buffer between commercial and residential uses along College Avenue should be provided to minimize the impact of noise, lighting, and trash.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

2016DV1046, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a pergola, with a zero-foot setback from 54th Street (minimum 10-foot setback required), and within the clear sight triangle of the lot's parking area driveway and abutting alley (not permitted), **approved**.

ZONING HISTORY – VICINITY

2011DV2028 ; 5402 N College Avenue (north of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a sign canopies, measuring eight by 25 feet and eight by 39 feet, extending eight feet into the right-of-way of North College Avenue (not permitted) to cover two outdoor cafes (not permitted), measuring eight by 19 feet and eight by 13 feet, including 12 seats and eight seats, respectively, and both with 32-inch tall rails, **approved**.

2008HOV020 ; 5415 N College Avenue (northeast of site), Variance of Development Standards of the Commercial zoning ordinance to provide for the sale of alcohol within 36 feet of a protected district and 200 square feet of outdoor storage of produce, **approved**.

2006UV1002 ; 5420 N College Avenue (north of site), Variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for a hair salon use (not permitted) and to legally establish parking areas with a zero-foot north side yard setback and an interior access drive with a zero-foot south side yard setback (minimum fifteen-foot side transitional yards required), and parking areas with a zero-foot rear yard setback (minimum ten-foot rear transitional yard required), **approved**.

2005DV3021 ; 5402 N College Avenue (north of site), Variance of Development Standards of the Commercial Zoning Ordinance to legally establish a café within a 1250.5-square foot tenant space of an existing commercial building, with zero off-street parking spaces, **approved**.

2005HOV014 ; 5401 N College Avenue (northeast of site), provide for a grocery store w/ carryout alcohol sales located 20 ft. from a protected district (carryout alcohol sales not permitted within 100 ft. of a protected district), **withdrawn**.

97-HOV-44 ; 5363 N College Avenue (east of site), Variance of use and development standards of the Commercial Zoning Ordinance to provide for the construction of a deck, being 14.5 by 37.06 feet, for outdoor seating for an existing restaurant and nightclub being 41 feet from the centerline of North College Avenue and one foot from the right-of-way line of North College Avenue, and being 56 feet from a Dwelling District, **approved**.

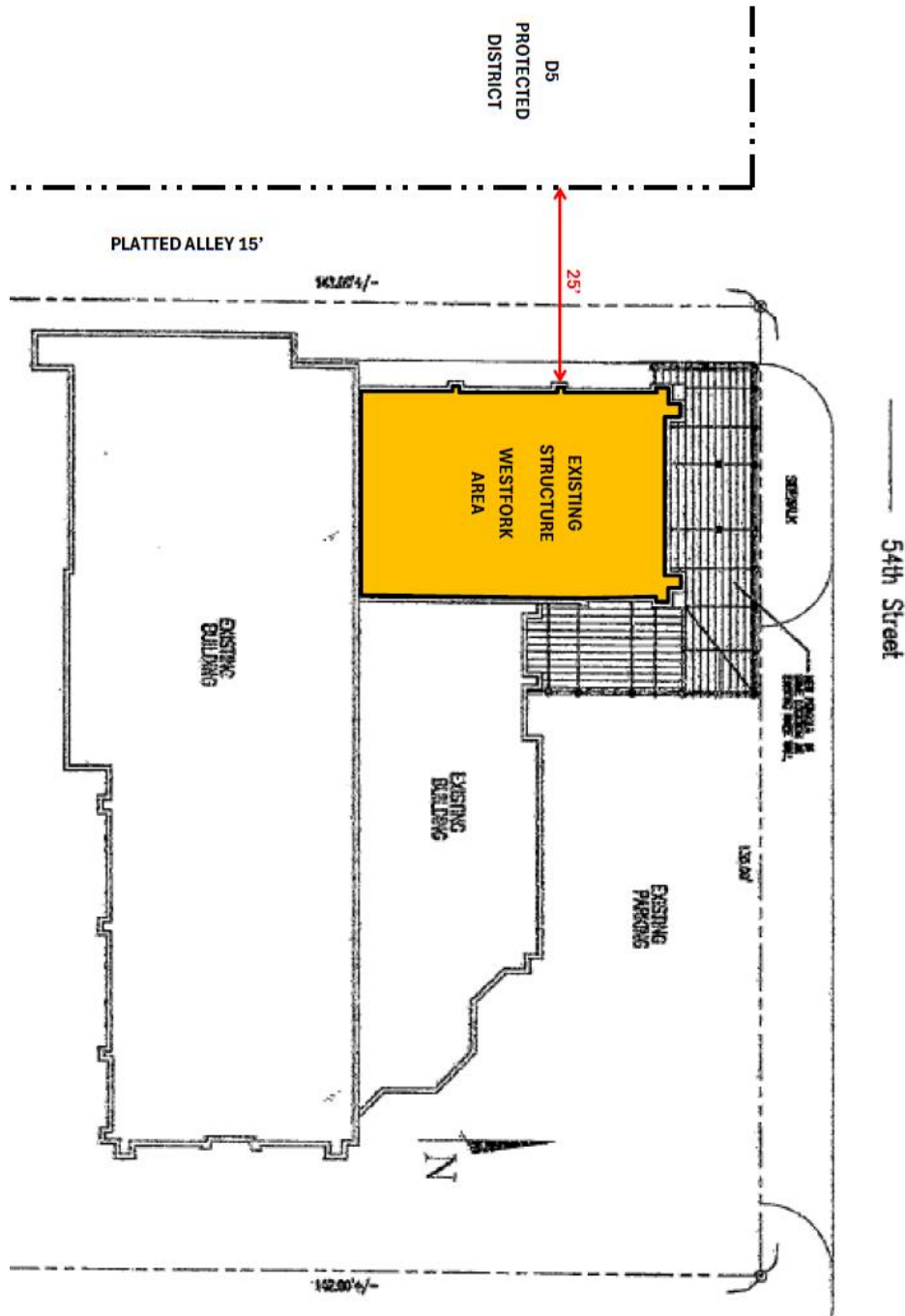
83-UV1-54 ; 645 E 54th Street (west of site), Variance of use to establish a child and adolescent psychiatrist's professional office in the existing residence with one office assistant, **approved**.

EXHIBITS

2025UV2011 ; Aerial Map



2025UV2011 ; Site Plan



(Note: the proposed use would only be located **10 feet** away from the eastern property line/zoning boundary; above diagram shows the 25-foot separation from the neighboring property line on other side of western alley)



Department of Metropolitan Development Division of Planning Current Planning

2025UV2011 ; Findings of Fact

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

The proposed use of alcohol sales is currently taking place at the site and has operated at the site for decades. The proposed use would be located in a portion of an existing commercial structure with adequate on-site parking, on street parking and access to the subject site. There is nothing associated with this use that would distinguish it from the other similar nearby commercial uses. The only difference in the operation is the proposed use is operated by a different business entity, rather than the business that operates in the remainder of the space.

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

The proposed use is a retail establishment. The subject site is zoned C-3. The proposed use is consistent with the C-3 zoning and the surrounding uses in the area. The business owners have other similar business in Indianapolis and the surrounding communities that are successful and community assets. The owners have demonstrated compliance with Indiana's alcoholic beverage laws, and the plan of operations in place reflects the respect for the community. The owners' former location in the Kennedy King neighborhood, the current use in Fountain Square and their current production facility and restaurant in Westfield have integrated well into the fabric of the community and have caused no negative impacts on the area, nor any code or health violations.

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

The site is zoned C-3, is situated in an area that has been identified as a Transit-Oriented Development area in the Indianapolis comprehensive plan, and is collocated within a portion of a structure with a neighborhood bar and restaurant where alcoholic beverages have been sold for decades. The proposed operation will have no characteristics which are appreciably different than the current use at the site or in the general area. Other than the petitioner operating at the site instead of only the current neighborhood bar and restaurant operator, the general operation will not substantially change. Thus, applying the use-specific standard in this context does not serve any meaningful purpose.

2025UV2011 ; Plan of Operation

Use: Currently, the Site carries C-3 zoning and is located in a Transit-Oriented Development Overlay district. The parcels to the south and west are carry D-5 zoning, and the parcel to the north carries both C-3 and D-5 zoning. The Site is located at the intersection of East 54th Street and North College Avenue, which contains businesses at all four corners of the intersection, including multiple restaurants and bars and a full-service grocery store. The intersection also contains an IndyGo Red Line stop and is blocks away from other bars, restaurants, and other retail establishments in the neighborhood. A bar/restaurant has operated at the Site, including both 5380 and 651, since at least 1974, first as the Bulldog, then as Moe and Johnny's, and currently as the Bulldog Bar and Lounge. Presently, 651 operates as a cocktail lounge that is part of the Bulldog Bar and Lounge called The English.

The petitioners plan to open West Fork Broad Ripple, a restaurant serving beer wine and liquor, as part of the larger West Fork Whiskey Co. ("West Fork"). West Fork is a local distiller and artisan distiller currently headquartered in Westfield, Indiana. Their original distillery was located in the Kennedy King neighborhood of Indianapolis, and they currently also operate West Fork Social House in the Fountain Square neighborhood of Indianapolis.

Hours and Details of Operation:

West Fork Broad Ripple will operate as a full-service restaurant and cocktail lounge to individuals aged twenty-one (21) and over. The restaurant will open at 8:00 a.m. seven days a week. It will close around 11:00 p.m. during the week and around 1:00 a.m. on the weekend. Its hours will be more limited than the Bulldog Bar and Lounge next door in 5380.

The maximum number of employees that would be working at a given time is three (3) staff members.

2025UV2011 ; Photographs



Photo 1: Subject Site Viewed from Northwest



Photo 2: Subject Site Viewed from Northeast

2025UV2011 ; Photographs (continued)



Photo 3: Northern Property Line Frontage/Parking Viewed from East



Photo 3: Northern Property Line Frontage/Parking Viewed from West

2025UV2011 ; Photographs (continued)



Photo 5: Alley to West of Subject Site Viewed from North



Photo 6: Subject Site Dumpster & Western Alley Viewed from South

2025UV2011 ; Photographs (continued)



Photo 7: Adjacent Property to West



Photo 8: Adjacent Property to North/Northwest

2025UV2011 ; Photographs (continued)



Photo 9: Adjacent Property to North



Photo 10: Adjacent Property to Northeast

2025UV2011 ; Photographs (continued)



Photo 11: Adjacent Property to East



Photo 12: Rear Parking Area + Adjacent Property to South



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BOARD OF ZONING APPEALS DIVISION II

August 12, 2025

Case Number: 2025-DV2-016

Property Address: 1507, 1501 and 1533 West New York Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Lurvey Loft Townhomes LLC, by Adam DeHart

Current Zoning: D-8 (RC)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 45-foot tall, four story four-unit townhome development with 27 percent living material comprising the front yard (maximum 40-foot tall, three story building permitted, 50 percent living material required).

Current Land Use: Vacant

Staff Recommendations: Staff recommends approval of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued from the June 10, 2025 hearing due to insufficient mailed notice.
- A remonstrator automatically continued this case to the August 12, 2025 BZA Division II hearing.

STAFF RECOMMENDATION

- Staff recommends approval of this petition

PETITION OVERVIEW

- This petition would allow for the construction of a 45-foot tall, four story four-unit townhome development with 27 percent living material comprising the front yard (maximum 40-foot tall, three-story building permitted, 50 percent living material required).
- The subject site is zoned D-8, is located within the Regional Center Secondary Zoning district, and has been vacant since the late 1970s according to aerial imagery. The proposal calls for two separate two-family townhome structures, for a total of four (4) units on the site.
- The standards limiting height to 40 feet and to three (3) stories are in place to maintain an appropriate and consistent development pattern, to limit overdevelopment, and to limit overshadowing of adjacent residences. Staff generally finds the request for increased height and number of floors to be reasonable given the site's location on the corner, along White River Parkway Drive, and within the



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

Regional Center. Staff believes that a slight increase in height would create a strong edge at this intersection and along White River Parkway which is a primary arterial. Further, Staff believes that a reasonable increase in height and intensity can be appropriate within the Regional Center, in effort to promote further growth and redevelopment of the central core of the City.

- While Staff is generally supportive of the variance for height increase, Staff did have initial concerns about the adjacent property directly to the west and the potential for the proposed development to overshadow the existing residence. The initial site plan called for a setback of approximately 5 feet from the west side lot line. The petitioner agreed to move the western structure east by an additional foot, with the revised 6-foot side setback shown in the revised site plan below, file-dated 6/4/25. Further, the petitioner indicated that while the request for increased height is for 45 feet, the structure itself is only 42 feet in height and that the request for 45 feet is to account for grade change issues on the site. Given these two points, Staff finds the height request to be reasonable and appropriate.
- Staff would note that the request for an increase in height is seen as reasonable first and foremost because of the site's location on the edge of the neighborhood and along White River Parkway. A similar request for an increase in height in the middle of the neighborhood or at a mid-block location would be seen as less appropriate.
- With regards to the variance for reduced living materials in the front yard- the standard requiring at least 50% of the front yard being comprised of living material is to promote landscaping and natural materials on site, to limit the amount of hardscaping on site, and to enhance aesthetics and beautification of the City's neighborhoods. The request for 27% living materials stems from practical difficulty related to the site's existing conditions and shape; with the site containing an irregular, angled shape and with significant grade change towards the rear of the site, the ability to provide sufficient landscaping in the front yard is impeded. Further, Staff would note that despite the request for reduced living materials in the front yard, the submitted landscape plan (file-dated 6/4/25) indicates that much of the site will be comprised of living materials and landscaping, and specifically calls for the placement of 31 trees including 4 large trees, and therefore represents a significant improvement to the site, which currently does not contain any finished landscaping.
- Given that Staff sees the increase in height to be reasonable for the site's context, that practical difficulty exists for front yard living materials, and that the proposal represents a substantial improvement to vacant the site, Staff is unopposed to the request.

GENERAL INFORMATION

Existing Zoning	D-8 (RC)	
Existing Land Use	Vacant	
Comprehensive Plan	8-15 residential units per acre	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-8	North: Utilities
South:	D-8	South: Single-family residential
East:	CBD-S	East: White River
West:	D-8	West: Single-family residential
Thoroughfare Plan		
West New York Street	Local Street	40 feet of right-of-way existing and 48 feet proposed
North White River Parkway West Drive	Primary Arterial	98 feet of right-of-way existing and 78 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/5/25	
Site Plan (Amended)	6/4/25	
Elevations	5/5/25	
Elevations (Amended)	N/A	
Landscape Plan	5/5/25	
Findings of Fact	6/4/25	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Near West Neighborhood Land Use Plan (2014)
- Infill Housing Guidelines
- Indy Moves

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

- The Near West Neighborhood Land Use Plan recommends 8-15 residential units per acre for this site.

Infill Housing Guidelines

- With regards to building height, and landscaping the Infill Housing Guidelines recommends:
 - Look to surrounding context for appropriate housing sizes
 - Thoughtfully design landscaping
 - Maintain landscaping to retain visibility

Indy Moves

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

- The Central White River Trail is approximately 115 feet from the subject site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

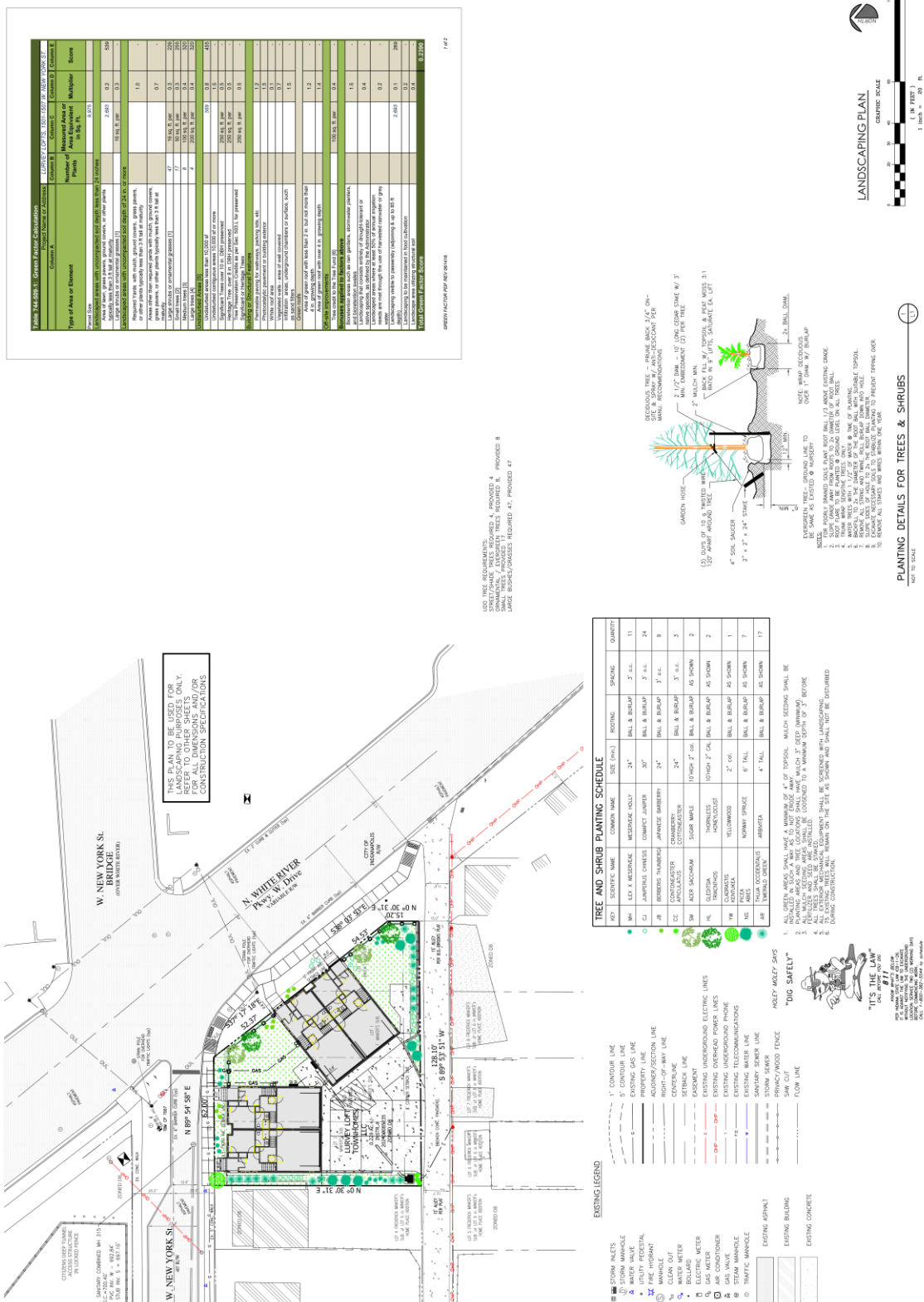
N/A

ZONING HISTORY – VICINITY

85-Z-48 801; West Washington Street (east of site), rezoning of 253 acres to the CBD-S district for the creation of White River Park, **approved**.

EXHIBITS





RC - FIRST FLOOR
3/16" = 1'-0"

RC - SECOND FLOOR
3/16" = 1'-0"

RC - THIRD FLOOR
3/16" = 1'-0"

RC - ATTIC LEVEL
3/16" = 1'-0"

NE STREET VIEW

NE AERIAL VIEW

NE STREET VIEW

NE AERIAL VIEW

NE STREET VIEW

NE AERIAL VIEW

NE STREET VIEW

NE AERIAL VIEW

prince alexander
850 S. Meridian St., Indianapolis, IN 46225, United States
Phone: 317-261-0070
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**NEW YORK STREET
RESIDENCES**

1501 W New York St
Indianapolis, IN 46222

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BID SET

**NOT FOR
CONSTRUCTION**

REVISION: SCANTON LATEST

No.	Description	Date



ELEVATIONS
**REGIONAL
CENTER**

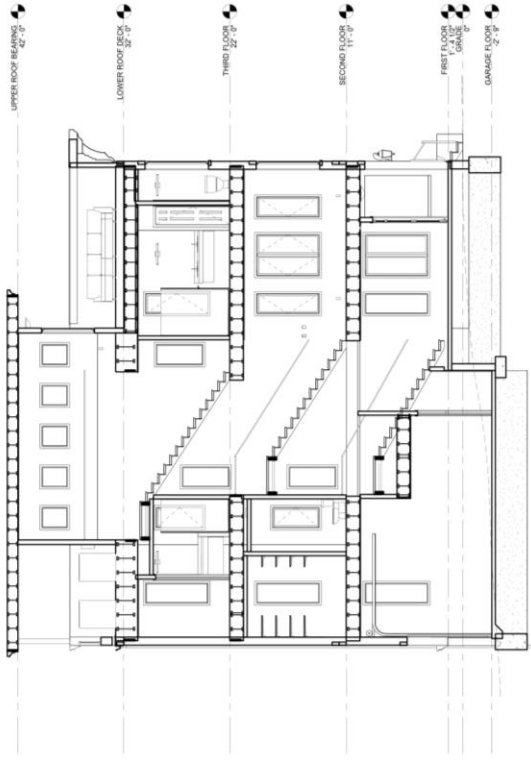
DATE:
05-03-2025

RC2

05/03/2025 14:04:04



02 ELEVATION - REAR
3/16" = 1'-0"



04 STAIR SECTION
3/16" = 1'-0"



01 ELEVATION - FRONT
3/16" = 1'-0"



03 ELEVATION - SIDE
3/16" = 1'-0"



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

**MULTIPLE DWELLING PROJECT ANALYSIS
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING**

Property Address: 1501-1507 W. NEW YORK ST. Date: 4/17/2025
 Project Name: LURVEY LOFT TOWNHOMES Date of Plans: 4/17/2025
 Zoning Classification: D8-RC

	Required Ratios by Ordinance	Computed Ratios
Floor Area Ratio	FAR =	1.40
Open Space Ratio	OSR =	0.63
Livability Space Ratio	LSR=	0.34
Major Livability Space Ratio	MLSR=	0.28
Total Car Ratio	TCR=	2
What to Determine	How to determine it	Determination
Floor Area – FA	From Plans	FA
Land Area – LA	From Plans in square feet	LA
Floor Area Ratio – FAR	FA / LA	FAR
Building Area – BA	From Plans	BA
Usable Roof Areas – URA	From Plans	URA
Uncovered Open Space – UOS	LA-BA+URA	UOS
Covered Open Space – COS	From Plans	COS
Open Space – OS	UOS + ½ COS	OS
Open Space Ratio – OSR	OS / FA	OSR
Car Area – CA	From Plans	CA
Livability Space – LS	OS – CA	LS
Livability Space Ratio – LSR	LS / FA	LSR
Major Livability Space – MLS	From Plans	MLS
Major Livability Space Ratio – MLSR	MLS / FA	MLSR
Number of Dwelling Units – DU	From Plans	DU
Number of Parking Spaces – PS	From Plans	PS
Total Car Ratio – TCR	PS / DU	TCR
Gross Density – GD	DU / (LA / 43,560)	GD



Subject site looking north



Rear alley looking east



Looking south



Looking southeast



Looking southwest



Looking north



Looking northwest at topographic change along alley



Looking west down the alley



Looking south past the alley



Looking east towards the White River



Looking west down New York Street at adjacent properties



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

June 10th, 2025

Case Number: 2025-DV2-019 (Amended)

Property Address: 3870 Broadway Street

Location: Washington Township, Council District #7

Petitioner: Carlos Garcia and Martha Rivas

Current Zoning: D-5 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 6.5-foot tall fence within the front yards and clear sight triangles of Broadway Street and the front yards, clear sight triangle and encroaching within the right-of-way of 39th Street, with 9.5-foot tall fence posts (maximum height 3.5-foot-tall fence permitted, fence posts limited to one-foot taller than maximum fence height, 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 this variance petition.

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

ADDENDUM AUGUST 12, 2025

This petition was continued from the July 8, 2025, hearing to the August 12, 2025 hearing of Division II in order to allow Staff additional time to review the violation related to fence height.

After discussion with the Department of Business and Neighborhood Services, it has been confirmed that fence measurements associated with retaining walls are measured from inside of the fence. Based off of Google Street View imagery, the subject site appears to have been regraded between August 2022 and June 2024 (see Exhibit 10 below).

Photos from the original enforcement inspection on February 26, 2025 included a photo depicted that the measurement of the fence height from outside of the enclosed area both exceeded 42-inches in height and encroachment within the clear sight triangle of the intersecting streets (see Exhibit 11 below).

Photos from the follow up enforcement inspection on April 18, 2025, taken from within the enclosed area, also confirm that the fence height exceeds 42-inches (see Exhibit 12 below).

Given the confirmation of the zoning violation related to fence height, and the lack of any new information, Staff continues to recommend denial of the request.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- The petitioner of the variance is requesting to maintain an existing six-and-a-half (6.5) foot tall fence that has nine-and-a-half (9.5) foot tall fence posts. The fence is over the permitted height maximum for both of the two (2) front yards of the corner lot and also encroaches into the Clear Sight Triangle and right of way of both Broadway Street and 39th Street.
- The property is 0.071-acre in the D-5 zoning district and is with the Transit Oriented Development overlay.
- 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.
- 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 38th & Park Transit stop.
- 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 east down 39th Street, heading north up Broadway Street or turning onto either street to see pedestrians or drivers unless completely pulled forward.
- Staff is recommending **denial** of this variance petition. The fence occupies a large portion of the streetscape, obscuring the view of not only the home but also encroaching into the Clear Sight Triangle and right-of-way. The subject site is within an area designated as 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-5 and TOD	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Traditional Neighborhood
South:	MU-1	South: Village Mixed-Use
East:	C-3	East: Urban Mixed-Use
West:	D-5	West: Traditional Neighborhood
Thoroughfare Plan		
39 th Street	Local Street	50 feet of right-of-way existing and 48 feet proposed.
Broadway Street	Local Street	50 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	5/20/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/6/2025	
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



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

- 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 (38th & Park)
 - Existing Conditions
 - In the immediate station area is a mixture of historic apartment buildings and older, historic homes, along with a few smaller retail structures with surface parking.
 - The area surrounding the intersection is made up of grid pattern residential neighborhoods, including the historic Watson-McCord neighborhood to the south.
 - 38th Street itself is very busy arterial throughfare with a large amount of crosstown traffic. It has been upgraded with a planted median and decorative lights and crosswalks.
 - Land Use and Property Control
 - Land around the station is primarily low to medium density residential with some commercial properties along 38th Street.
 - There are some mixed-use properties along northern 38th Street and clusters of medium and high-density commercial properties at the meridian and College intersections.
 - Properties are mostly privately owned with some brownfields near the station.
 - Typology Characteristics
 - Walkable Neighborhood
 - Mix of uses at station area and primarily residential beyond.
 - Maximum of 3 stories throughout
 - No front or side setbacks at core; 0-15 ft front setbacks and 0-20 ft side setbacks at periphery.
 - Mix of multi-family and single-family housing
 - Structured parking at the core and attractive surface parking at the periphery.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines



**Department of Metropolitan Development
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Current Planning**

- 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.
- 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.

Indy Moves

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

Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

- N/A

ZONING HISTORY – SURROUNDING AREA

- 2007-HOV-020: 3916 North College Avenue
 - Variance of Use of the Commercial Zoning Ordinance to legally establish as single-family dwelling (not permitted).
 - Approved
- 2012-HOV-009: 3902 North Park Avenue
 - Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish a six-unit multifamily dwelling (not permitted).
 - Approved
- 2021-UV2-003: 3854 North College Avenue
 - Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling with an attached garage (not permitted).
 - Approved

EXHIBITS

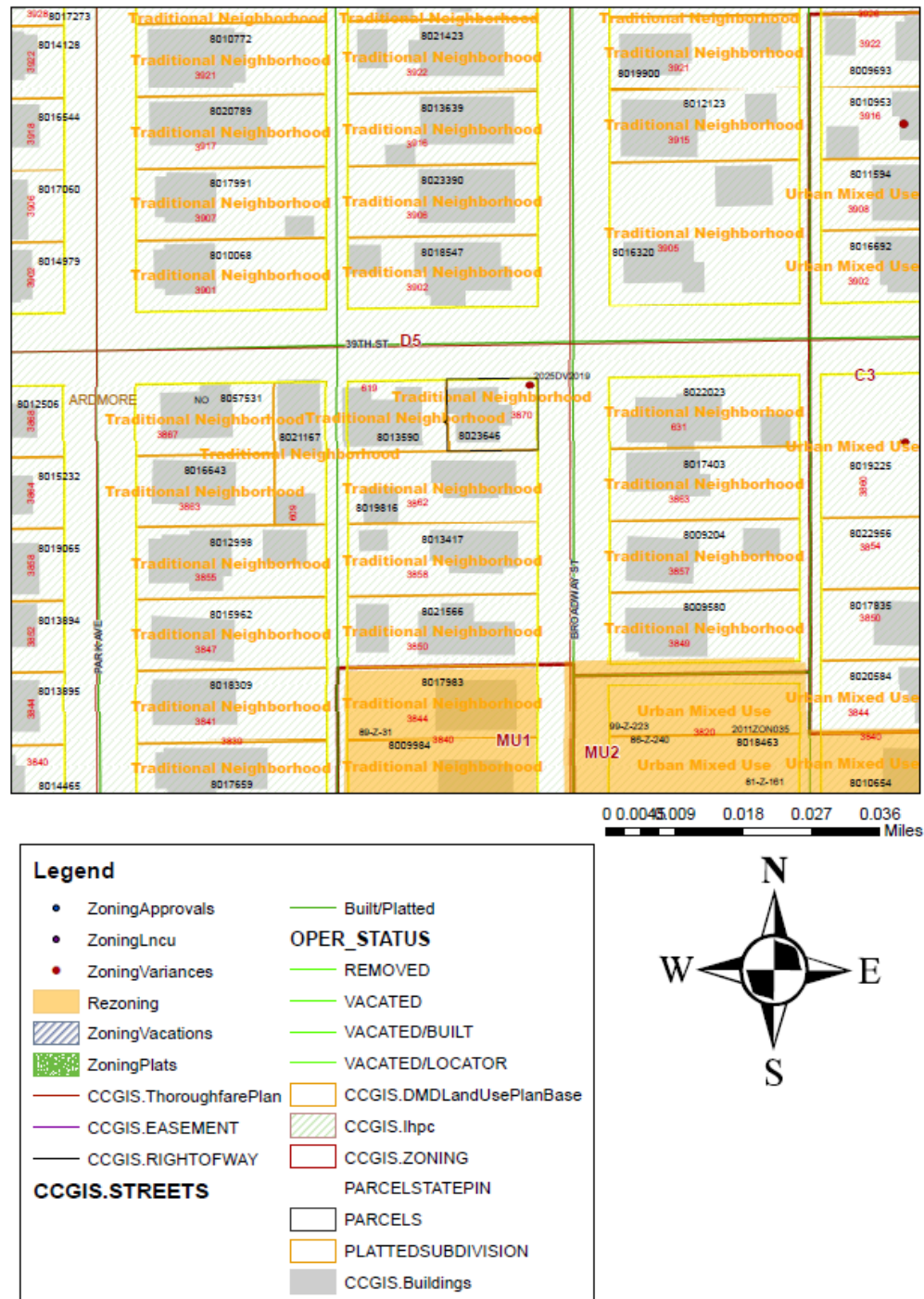


Exhibit 1: ArcGIS map of the subject site and surrounding properties.

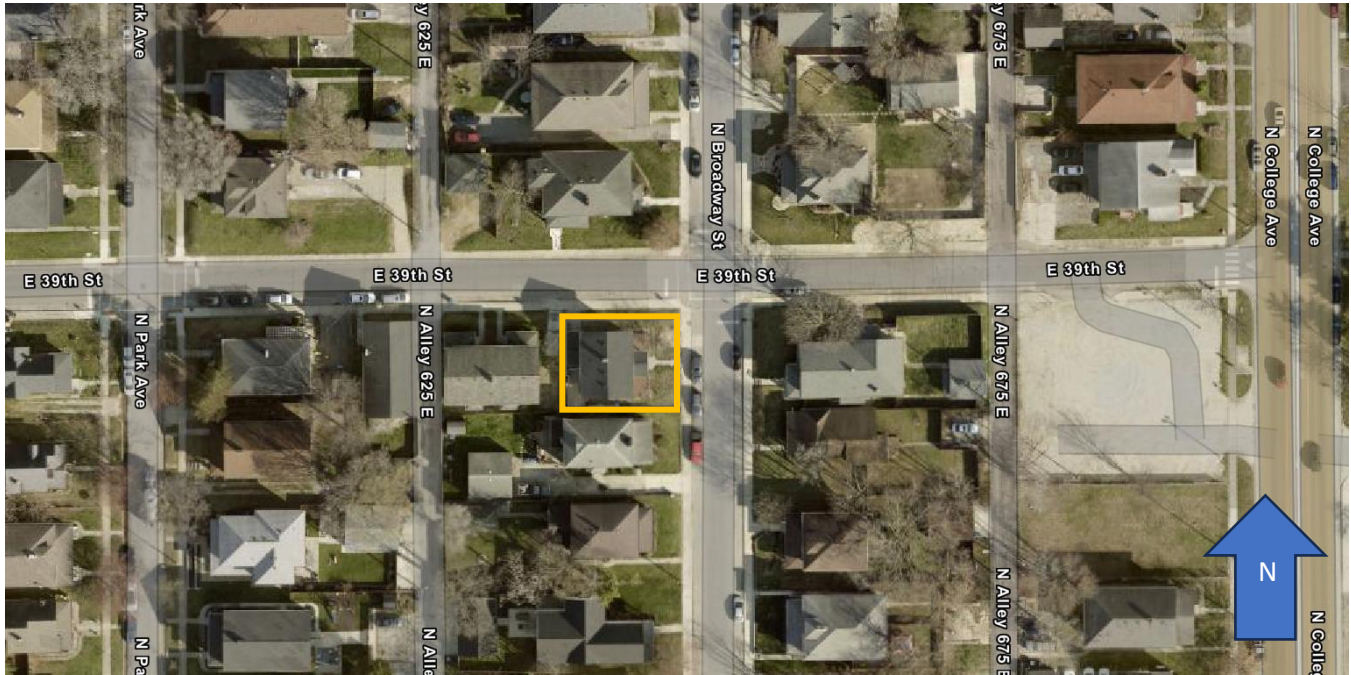


Exhibit 2: Aerial of the subject site.

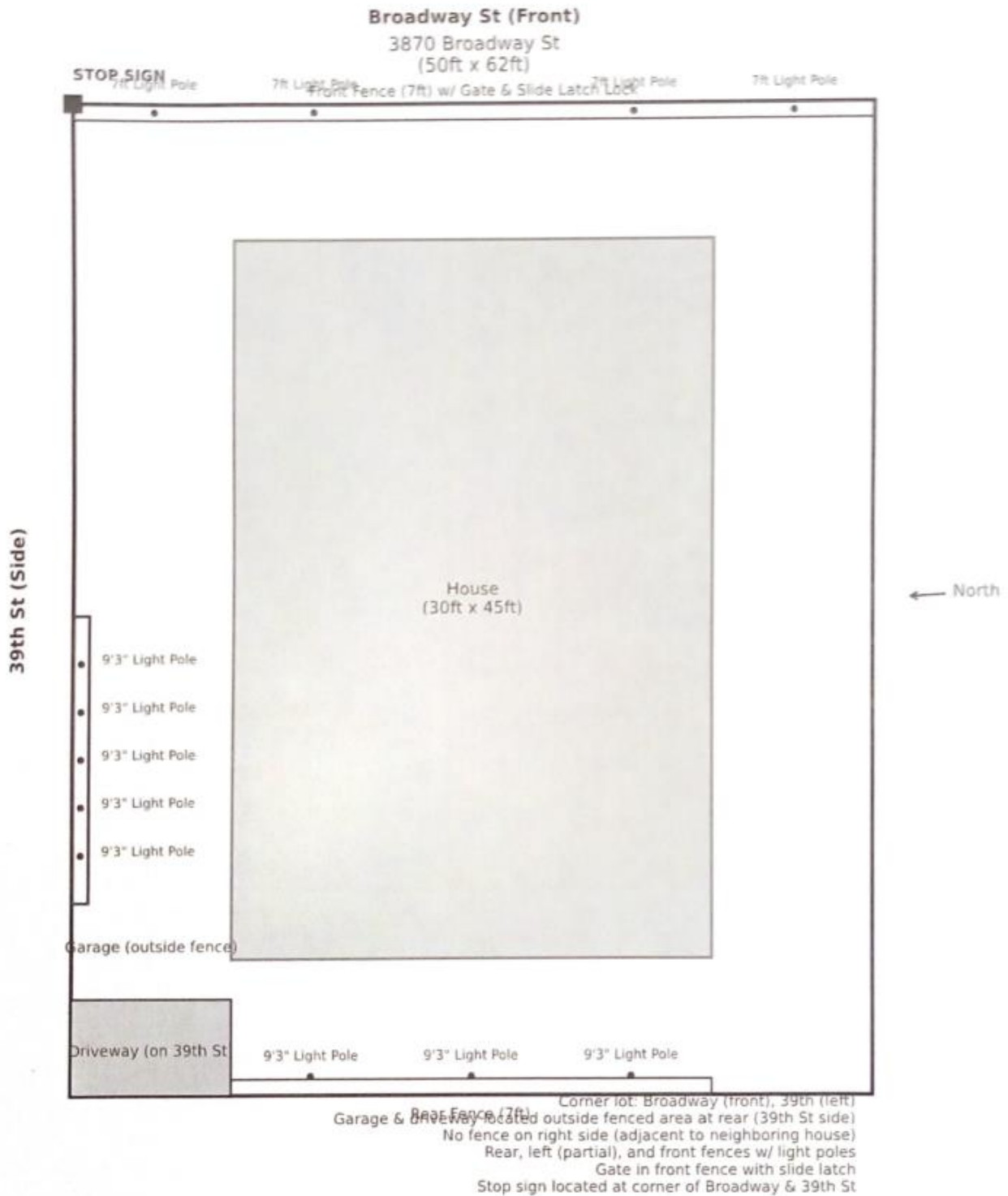


Exhibit 3: The submitted site plan.



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 subject property is a corner lot located at the intersection of Broadway Street and 39th Street. A stop sign is present at the corner, and the existing fencing is positioned to avoid obstructing the clear sight triangle required under Section 740-304. The fence is constructed with a 3-foot concrete and brick base and 4 feet of wooden planks, for a total height of 7 feet. Integrated lighting poles, measuring between 7 feet and 9 feet 3 inches, are located along the rear, left, and front portions of the fence. The fence is not present along the side of the property, allowing openness adjacent to the neighboring lot. These improvements enhance safety, visibility, and security without impairing traffic views or the general welfare of the area.

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

The fencing and lighting improvements are constructed of durable, visually compatible materials and are appropriately placed within the property boundaries. No portion of the fence encroaches upon adjacent lots or rights-of-way, and the absence of fencing on the right side preserves the openness between homes. The lighting poles offer added safety during nighttime hours without creating glare or nuisance. The improvements are consistent with the residential nature of the neighborhood and do not impair the use, enjoyment, or value of surrounding properties.

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

The property is located in an area where a documented public safety incident occurred on May 2, 2024, near the intersection of Broadway Street and 38th Street. Due to proximity to that event, heightened safety concerns affect the practical use of the property. The added fence height and integrated lighting are necessary to improve security and privacy. Strict adherence to the 6-foot fence height limit and fence post restrictions under Sections 744-510-2 and 744-510.C.3 would prevent effective implementation of safety and lighting features. The fence design respects the lot layout and provides access to a detached garage and driveway located outside the fenced area along 39th Street.

Exhibit 4: The submitted Findings of Fact.



Exhibit 5: The subject site looking southwest.



Exhibit 6: The subject site looking northwest.



Exhibit 7: The subject site looking southeast.



Exhibit 8: Looking north up North Broadway Street.



Exhibit 9: Looking east down East 39th Street.

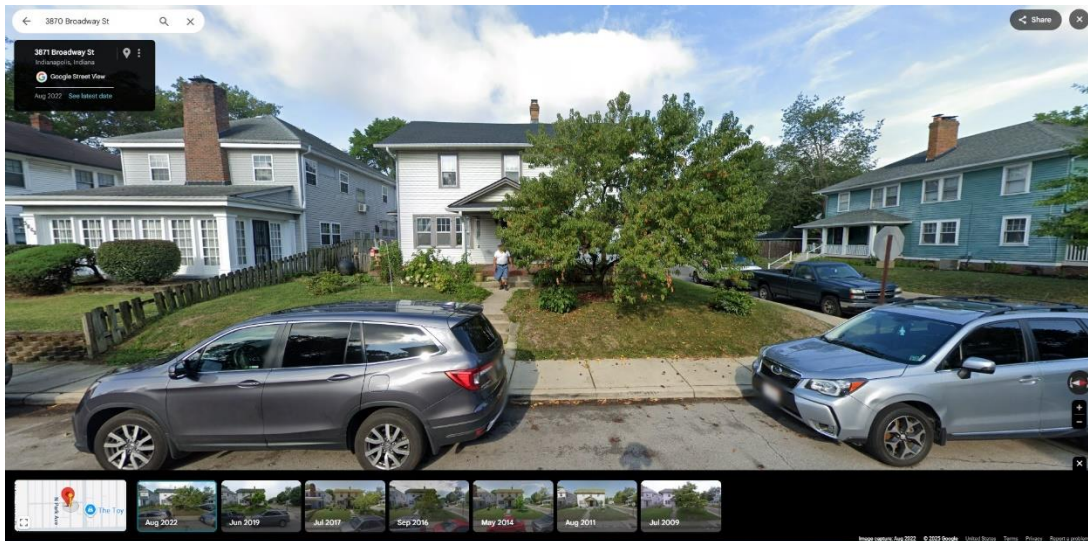


Exhibit 10: Google Streetview

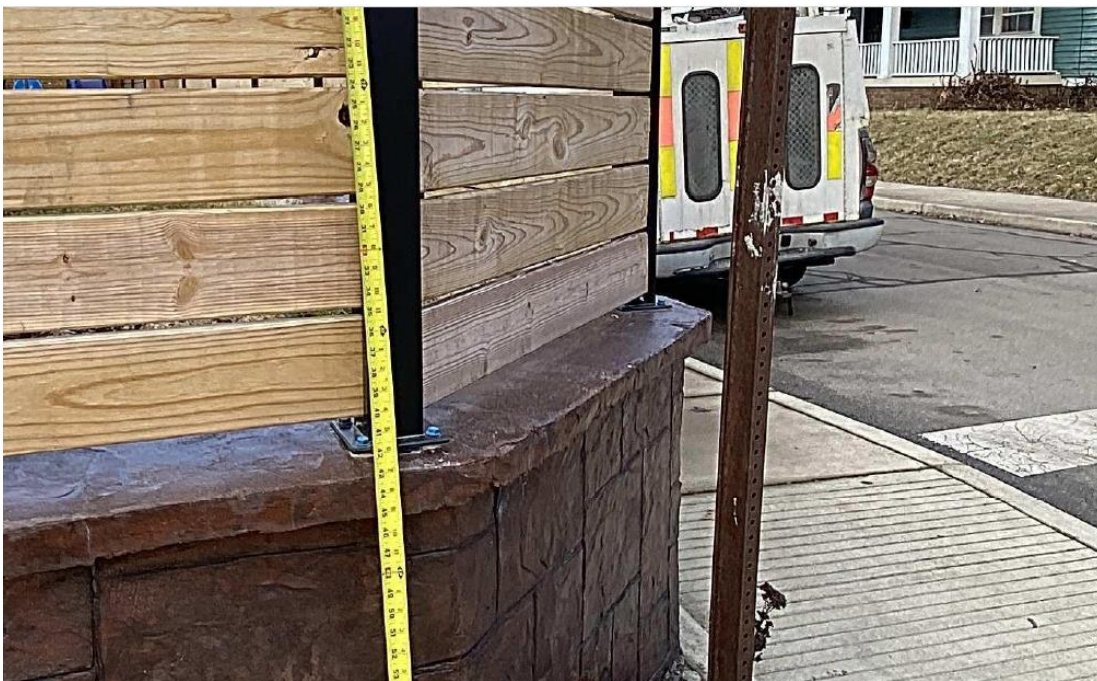


Exhibit 11: February 26, 2025, Enforcement Photo Depicting Height Exceeding 42-Inches and Clear Sight Triangle Encroachment

VIO24-008211, 3870 BROADWAY ST, 4/18/25, 12:07PM--JFS



Exhibit 12: Enforcement Picture Taken April 18, 2025 Depicting Fence Height Exceeding 42-Inches,
Taken From Within The Enclosed Area



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

August 12, 2025

Case Number: 2025-DV2-021

Property Address: 1144 Navajo Trail South Drive (approximate address)

Location: Washington Township, Council District #2

Petitioner: Harriet Greenland

Current Zoning: D-2 (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of an eight-foot-tall fence along the rear lot line (maximum height of six feet permitted).

Current Land Use: Single-family residential

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued from the July 8, 2025 hearing to the August 12, 2025 BZA Division II hearing date due to insufficient mailed notice.

STAFF RECOMMENDATION

- Staff **recommends denial** of this petition

PETITION OVERVIEW

- This petition would allow for the installation of an eight-foot-tall fence along the rear lot line (maximum height of six feet permitted).
- The subject site is zoned D-2 and is improved with a single-family residence. The fence in question is located in the rear of the property and contains a 2-foot lattice element that sits atop the central portion of the 6-foot fence. While a different material than the 6-foot fence, the lattice element would still be considered an addition to the fence, per Ordinance definition, thus triggering the need for variance approval.
- The petitioner's Findings of Fact indicate that extreme vandalism and harassment have been the main reasons for adding the additional 2-feet of lattice fencing. Staff is sensitive to unique situations and to the property owner's desire for reasonable privacy.



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- Staff does believe that other methods such as trees, hedges, and other deterrent landscaping elements could be utilized to achieve a similar level of privacy that would not require the requested variance. Additionally, Staff generally finds that 6-foot-tall privacy fences allow for a sufficient level of privacy for residential property owners. Therefore, Staff does not find there to be practical difficulty for needing the fence addition and is not in support of the request.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Single-family residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-2	North: Single-family residential
South:	D-2	South: Single-family residential
East:	D-2	East: Single-family residential
West:	D-2	West: Single-family residential
Thoroughfare Plan		
(Navajo Trail South 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	6/9/25	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	2/11/25	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan



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

- 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 fences, the Infill Housing Guidelines states:
 - Build thoughtful fences

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
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ZONING HISTORY

ZONING HISTORY – SITE

57-Z-81, requests rezoning of a tract of land containing 160 acres, being in an A-2 (agricultural) district to an R-2 (residential) classification to provide minimum requirements for residential use by platting, located along the south side of West 79th Street extending from Ditch Road east to Hoover Rad in Washington Township, **approved**.

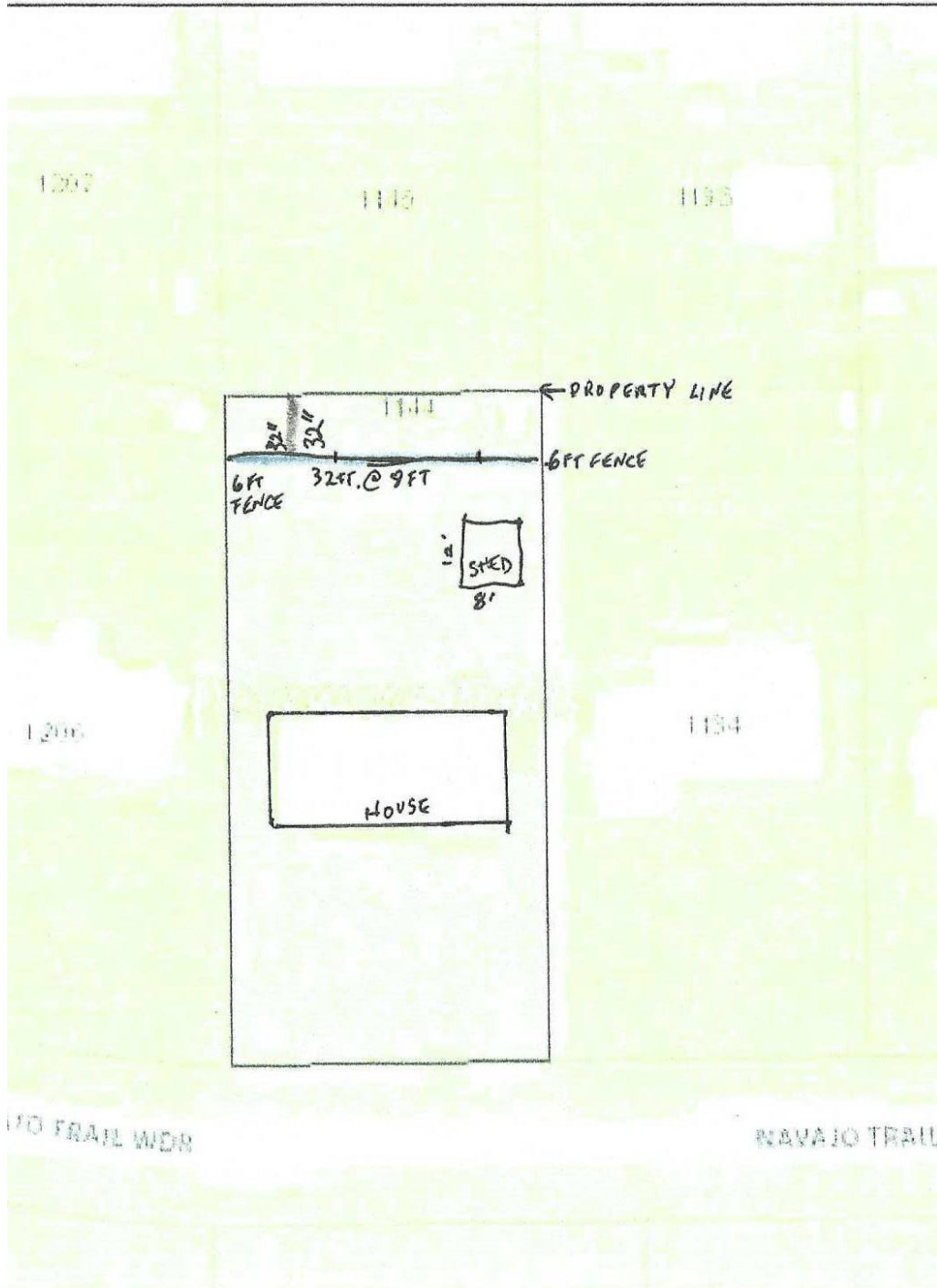
ZONING HISTORY – VICINITY

N/A

EXHIBITS



Aerial view



Site plan, file-dated June 9, 2025



Subject site from Navajo Trail South Drive



View of rear yard



View of fence



View of fence



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

August 12, 2025

Case Number: 2025-DV2-022

Property Address: 1337 Olive Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Brandon Spitz and Christina Presley, by Sharmin Frye

Current Zoning: D-5 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 23.624-foot tall carriage house where the primary dwelling is 22-foot-tall (accessory structures may not be taller than primary buildings), with a three-foot northern side yard setback (five feet required).

Current Land Use: Single-family residential

Staff Recommendations: Staff recommends denial of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- A Registered Neighborhood Organization automatically continued this petition to the August 12, 2025 BZA Division II hearing date.

STAFF RECOMMENDATION

- Staff recommends denial of this petition

PETITION OVERVIEW

- This petition would allow for the construction of a 23.624-foot-tall carriage house where the primary dwelling is 22-foot-tall (accessory structures may not be taller than primary buildings), with a 3-foot northern side yard setback (5 feet required).
- The subject site is zoned D-5 (TOD) and is improved with a single-family residence. The site contained an accessory garage structure that was demolished (prior to the issuance of a wrecking permit) to allow for the proposed detached garage and secondary dwelling unit accessory structure. The site is approximately 36 feet wide, 6,540 square feet, and is therefore of sufficient lot area and width.
- The submitted site plan and elevations indicate that the structure would be approximately 23.7 feet in height while the existing primary structure is 22 feet in height. The height standard for accessory structures is in place to maintain residential characteristics, limit overdevelopment, and promote



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Division of Planning
Current Planning**

quality design. Staff finds the proposed height of the accessory structure to be out of character for the area that represents an unnecessary deviation from the Ordinance and the typical development pattern of the City's neighborhoods. Further, Staff does not find there to be any practical difficulty for needing the height variance, as Staff believes that a height-compliant structure is able to be built on the property. Additionally, Staff finds that the approval of such a request to be a potentially detrimental precedent that may lead to similar requests in the future.

- With regards to the north side yard setback request, the proposed location of the accessory structure, which is to contain a two-car garage, would be three (3) feet from the northern side lot line. Staff would note that the lot is of sufficient width, and that the proposed structure is far wider than what is needed for the storage of two vehicles. With the standard width for residential parking spaces being 8.5 feet, Staff believes that the storage of two vehicles can occur on site without needing side setback variances. Further, Staff has significant concerns of the potential overwhelming nature that this structure would have on adjacent properties, particularly the lot to the north. With this structure to be both taller than permitted and closer to the lot line than permitted, Staff finds this proposal to be poor development that goes directly against the Infill Housing Guidelines. Therefore, Staff recommends denial of the petition in its entirety.

GENERAL INFORMATION

Existing Zoning	D-5 (TOD)	
Existing Land Use	Single-family residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5 (TOD)	North: Single-family residential
South:	D-5 (TOD)	South: Single-family residential
East:	D-5 (TOD)	East: Single-family residential
West:	D-5 (TOD)	West: Single-family residential
Thoroughfare Plan		
Olive Street	Local Street	60 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit-Oriented Development	
Wellfield Protection Area	No	
Site Plan	6/1/25	
Site Plan (Amended)	N/A	
Elevations	6/1/25	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	6/1/25	
Findings of Fact (Amended)	N/A	



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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines
- Red Line TOD Strategic Plan (2021)
- Indy Moves

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within a ½ mile walk of the Fountain Square Red Line Station. The Fountain Square station is categorized as a district center. The district center typology is characterized as a dense mixed-use hub for multiple neighborhoods with a minimum of 3 stories and no setbacks at the core and multi-family housing with 5 or more units throughout the area.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- With regards to building size and spacing of accessory structures, the Infill Housing Guidelines recommends:
 - The primary structure sets the context for accessory structures
 - Do not overshadow the primary structure
 - Leave room for maintenance

Indy Moves

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



**Department of Metropolitan Development
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- The subject site is located with $\frac{1}{4}$ mile of the Cultural Trail and the Shelby Street two-way bike lane.



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ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2021HOV015; 1401 Olive Street (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage with 5.5 feet and nine feet between dwellings (10-foot separation required), **granted**.

2020ZON084; 1325 Shelby Street (west of site), Rezoning of 0.08 acre from the MU-1 district to the MU-2 district, **approved**.

2018HOV029; 1321 Olive Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, with a 16-foot front setback, eight feet between primary dwellings and 57% open space (18-foot front setback, 10 feet between buildings and 60% open space required), **approved**.

2018HOV072; 1406 Linden Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with five feet between dwellings (10 feet required) and a detached garage, **approved**.

2017DV1064; 1430 Olive Street (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a 10-foot front setback (18-foot front setback or average required) and a detached garage, creating 50% open space, with the dwelling having a one-foot side setback and two feet separation between primary dwellings (minimum three-foot side setback, 60% open space, 10 feet between primary buildings required), **approved**.

2017DV1036; 1426 Olive Street (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dwelling (1426) and garage, creating an open space of 58% (minimum 60% required), and with a 10-foot front yard, a one-foot south side yard, and with two feet and seven feet between dwellings (18-foot front yard, three-foot side yard and 10 feet between dwellings required), and to legally establish a dwelling (1430), with a 10-foot front setback, a one-foot north side setback and two feet between dwellings (18-foot front setback, three-foot side yard and ten feet between dwellings required), **approved**.

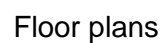
88-UV1-117, 1345 Olive Street (south of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the conversion of a single-family residence to a double-family residence (permitted on corner lots only), **denied**.

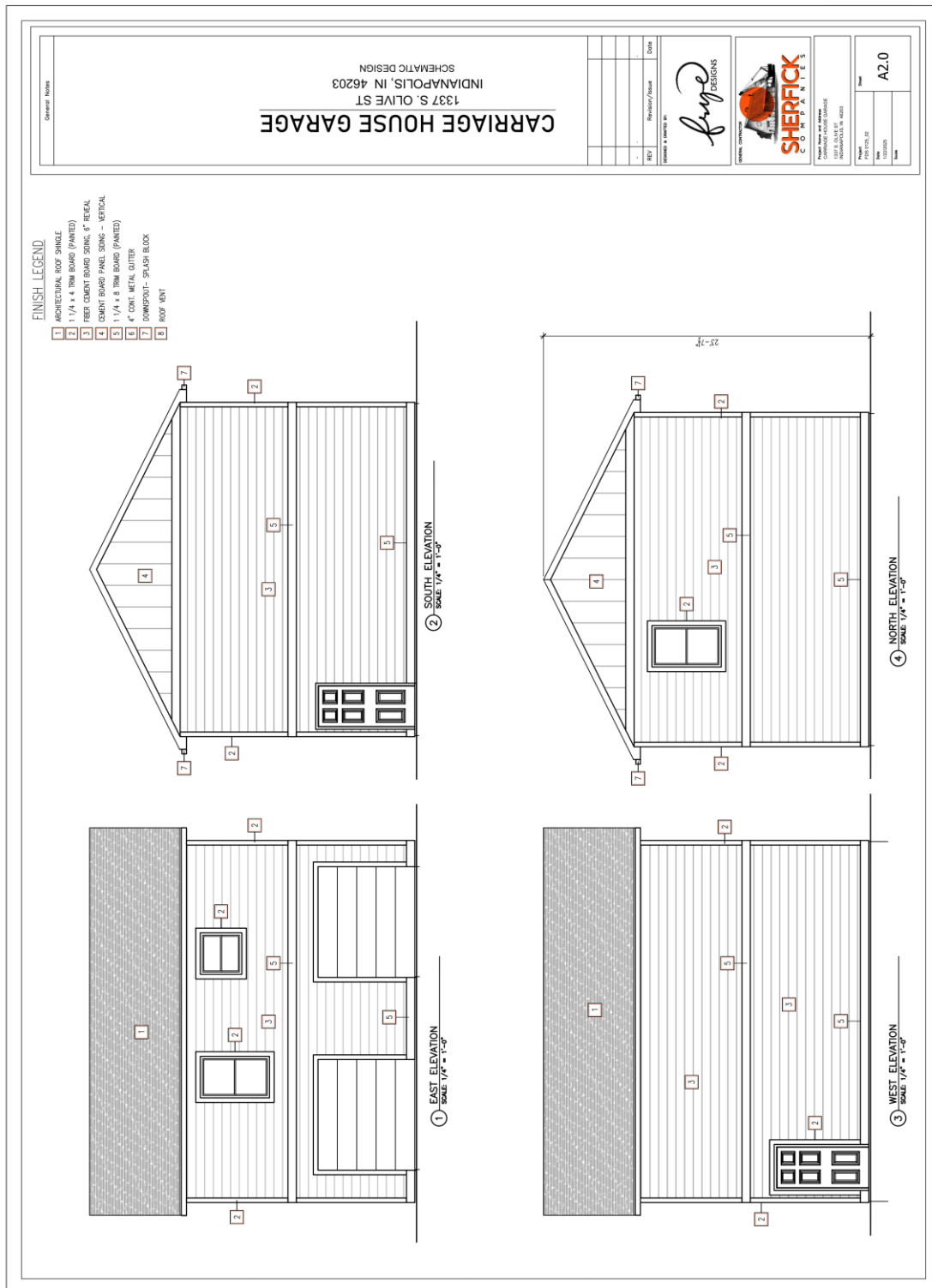
EXHIBITS



Aerial Photo







Elevations, file-dated June 1, 2025



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 construction of the garage will not create a nuisance to the surrounding community. No safety or health risk would come from granting the variance of development standards request. The current garage is unusable and an eyesore to the neighborhood. Granting this request would go along development of the fountain square neighborhood.

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

The variance would allow for the development and beautification of the dilapidated garage that currently adversely effects the neighborhood.

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

Height - accessory structure is taller than main house. But under the standard height requirements.
Side setbacks -

DECISION

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

Adopted this _____ day of _____, 20 ____



Subject site from Olive Street



Rear yard from alley



View of the alley



View of subject site and adjacent garage



View of Olive Street looking south

BOARD OF ZONING APPEALS DIVISION II

August 12, 2025

Case Number: 2025-UV2-010 (Amended)
Address: 802 Roache Street (approximate address)
Location: Center Township, Council District #12
Zoning: D-5
Petitioner: Loving Missionary Baptist Church, by Josh Meyers
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a freestanding monument sign, not for a residential community (not permitted), with a five-foot front yard setback from Franklin Place (10-foot setback required).

Current Land Use: Religious Use.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the July 8, 2025, hearing, to the August 12, 2025, hearing, in order to amend the petition.

This petition was amended to remove the requests for a 5-foot setback from Roache Street, and for encroaching within the clear sight triangles and rights-of-way of Roache Street and Franklin Place. No new notice was required as the amended notice is less intense than the original notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ The Sign Regulations “facilitate an easy and agreeable communication between people...and serve an important function.” The purpose of the Sign Regulations is to “eliminate potential hazards to motorists, and pedestrians; to encourage signs which, by their good design, are integrated with and harmonious to the buildings and site which they occupy; and which eliminate excessive and confusing sign displays.” Proliferation of signs causes those signs that are permitted and legal to become less effective and reduces their value. Additionally, the Sign Regulations preserve and improve the appearance of the City as a place in which to live and work.
- ◇ The subject site is zoned D-5 and is currently improved with a religious use that was legally established with a Variance of Use in 1968 (68-V2-157).

- ◇ Staff feels this request would be consistent with the United Northwest Area Neighborhood Plan recommendation of 3.5 to 5.0 Dwelling units per acre, as that recommendation is similar to the current Pattern Book Traditional Neighborhood land use recommendation, that allows for Religious Uses to be located among residential uses.
- ◇ The granting of this request would not intensify the use of the site, as the proposed freestanding monumental sign would replace an existing sign and be oriented to the southeast corner of the site, placing it further away from residential dwellings to the west.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Due to the placement of the parking lot and orientation of ADA parking spaces, the petitioner requests to locate the proposed sign with a 5-foot setback from Franklin Place. The sign will meet the required 10-foot setback from Roache Street.
- ◇ In Staff's opinion, the proposed sign location would place it adjacent to an office use for the U.S. Post Office, although that site is zoned D-5, and further away from residential uses located to the south and west, that were in proximity of the previous sign.
- ◇ Franklin Place is a local street with limited use, therefore the request for the reduced setback as proposed, would have minimal impact on surrounding properties, in Staff's opinion. The proposed location for the new monument sign would not be out of context with the existing surrounding area.

GENERAL INFORMATION

Existing Zoning		D-5	
Existing Land Use		Religious Use	
Comprehensive Plan		3.5-5.0 Dwellings per acre	
Surrounding Context		<u>Zoning</u>	Surrounding Context
		North:	D-5 Parking lot / Single-Family Dwellings
		South:	D-5 Single-Family Dwelling
		East:	D-5 US Post Office facility
		West:	D-5 Multi-Family Dwelling
Thoroughfare Plan			
Roache Street		Primary Collector	60-foot existing and proposed right-of-way.
Franklin Place		Local Street	60-foot existing and proposed right-of-way.
Context Area		Compact area	
Floodway / Floodway Fringe		No	
Overlay		N/A	
Wellfield Protection Area		No	
Site Plan - Amended		August 5, 2025	
Elevations		N/A	
Landscape Plan		N/A	
Findings of Fact - Amended		August 5, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The United Northwest Area Neighborhood Plan recommends 3.5 – 5.0 Dwelling units per acres 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

- The United Northwest Area Neighborhood Plan recommends 3.5 – 5.0 Dwelling units per acres for 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

2019-SE1-004; 813 and 819 West 27th Street (subject site adjacent parking lot), requested a Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a parking lot, with a ten-foot front setback from 27th Street and a zero-foot rear setback from the alley, for an existing religious use at 802 West Roache Street, **granted**.

2004-UV1-034; 838-842 Roache Street (west of site), requested a Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish a church parking lot, **granted**.

2003-SE1-003; 838-842 and 839-857 Roache Street (south of site), requested a Special Exception of the Dwelling Districts Zoning Ordinance to legally establish religious uses and an off-site parking lot, **approved**.

2002-SE3-010; 853 Roache Street (south of site), requested a Special Exception of the Dwelling Districts Zoning Ordinance to legally establish religious uses, **approved.**

2001-ZON-074, 873 West 28th Street (west of site), requested the rezoning of 1.171 acres, from D-5 (W-5) District to the SU01 (W-5) classification to provide for religious uses, **approved.**

98-UV3-63; 902 West 27th Street (west of site), requested a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to legalize a youth center associated with a church located at 872 West 27th Street, with two dwelling units located on the 2nd floor, **granted.**

94-SE2-2; 802 Roache Street (south of site), requested a Special Exception to provide for the construction of a church, **granted.**

81-UV1-40; 853 Roache Avenue, requested a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for construction of a church, **granted.**

71-UV2-57; 909 West 28th Street (north of site), requested a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for an addition to a church, **granted.**

68-V2-157; 802 Roache Street (subject site), requested a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a church, **granted.**

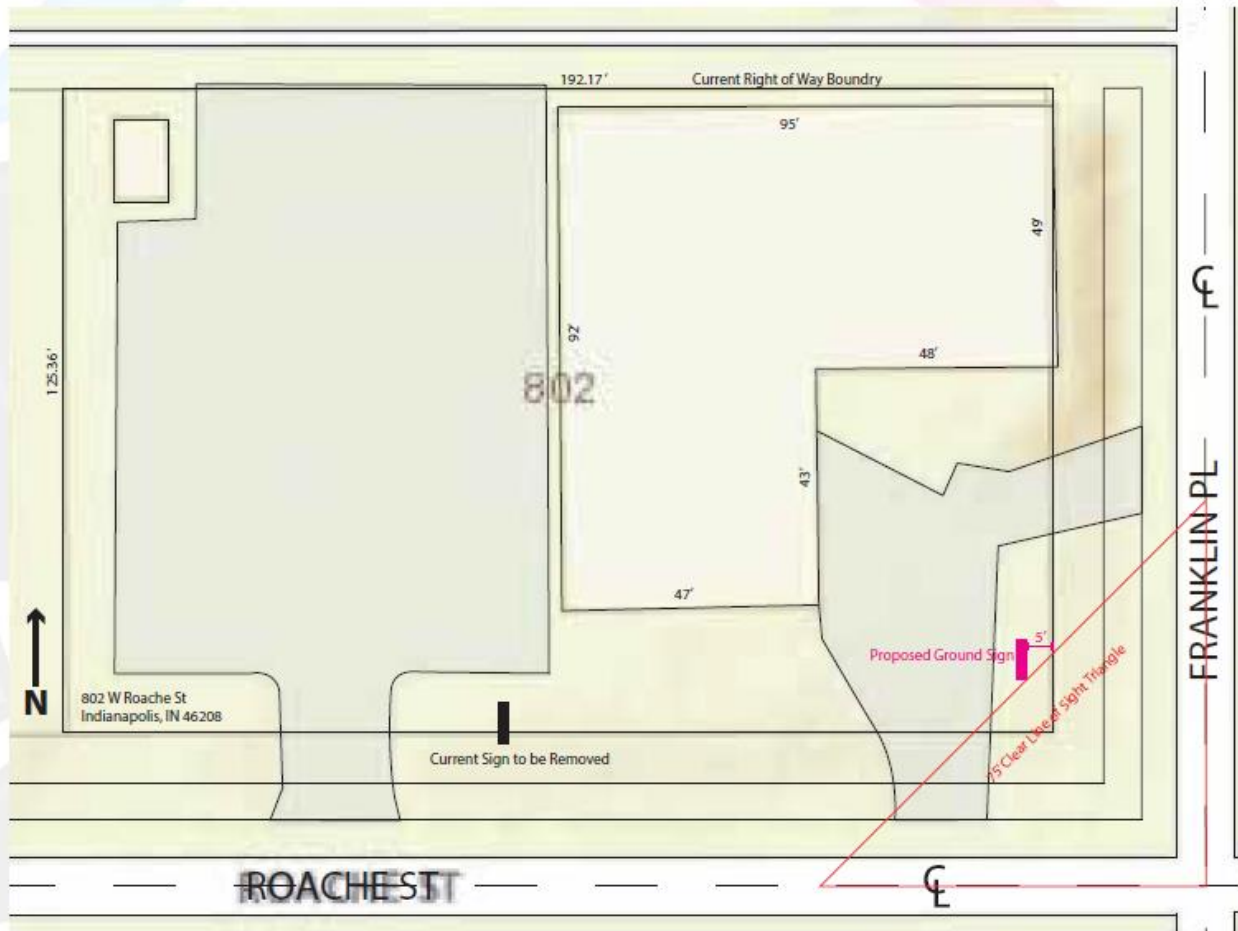
RU

EXHIBITS

Location Map



Site Plan - revised



Sign Elevation



Findings of Fact

Petition Number 2025-UV2-010

**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 will be receiving a new monument sign, the area on the property for the sign will not affect the sidewalks nor the streets.

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

The proposed location of the sign will still be in the land that is owned by the church. The sign will continue to be more than 15 feet from the road and sidewalk. The sign will not be illuminated and will produce no light or sound pollution.

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

The variance arises as the church is still considered to be a neighborhood zone, this variance is needed as a new sign cannot be put into place going through the variance process.

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 locations available in terms of the zoning ordinance for the sign would be highly limited.

These locations would be in major walking paths on the property and inhibit access to the entrances and parking spaces for vehicles. This is especially detrimental to handicap accessible parking in the front of the property. If the sign is a full 10 ft from the ROW line then the sign would be pushed against handicap parking areas. This would increase the risk of accidents with the sign and the cars that would park in the handicap areas.

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

The comprehensive plan dictates that this is a low density neighborhood and planned to be revitalized. This sign will not produce sound or light pollution. It is an improvement from the current sign that is on property that it will be replacing.

Petition Number 2025-UV2-010

**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 property will be receiving a new monument sign, the area on the property for the sign will not affect the sidewalks nor the streets.

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 area outlined in the variance for the sign is in the grass plot between the parking lot and the sidewalk.

This will not affect the area in an adverse manner as the area defined is out of the way for pedestrians and will not affect the parking lot nor vehicles driving through the area. This will not affect the surrounding neighbors as the sign is on illuminated, there will be no light pollution produced from this sign. The sign will be an upgrade from the existing sign.

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

The locations available in terms of the zoning ordinance for the sign would be highly limited.

These locations would be in major walking paths on the property and inhibit access to the entrances and parking spaces for vehicles. This is especially detrimental to handicap accessible parking in the front of the property. If the sign is a full 10 ft from the ROW line then the sign would be pushed against handicap parking areas. This would increase the risk of accidents with the sign and the cars that would park in the handicap areas.

Photographs



Subject site, existing building and sign, looking northeast.



Subject site, proposed sign location with temporary sign, looking northwest.



Post Office to the east of proposed sign location



Single Family Dwelling to the south of proposed sign location.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

August 12, 2025

Case Number: 2025-DV2-027

Property Address: 5227 Knollton Road (*approximate address*)

Location: Washington Township, Council District #6

Petitioner: John & Karen Puffer, by David E. Dearing

Current Zoning: D-S (FW) (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pole barn within the front yard of Knollton Road (not permitted).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 5227 Knollton Road is a residential property comprised of approximately 5.5 acres that is currently improved with a single-family residence that is set back 318 feet from the front property line. Surrounding land uses include low-density residential development to the north and west, an apartment complex to the east of the house, and a residential subdivision to the southeast.
- Approval of this variance would allow for the construction of a new detached garage with two bay doors and an overall structure height of 15 feet. It would be placed within the front yard and to the west of the existing primary structure, would utilize the same existing driveway, and would be placed 284 feet from the front property line to the west. Construction of accessory structures within front yards is not allowed within residential zoning; therefore, a Variance of Development Standards would be required for the proposed structure to be legally erected. It appears that the garage would conform with other applicable zoning standards (height, open space, setbacks, etc.).



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- This property is zoned D-S (Dwelling Suburban) to allow for suburban areas of extreme topography conducive to estate-style low-density development with generous front yards populated by trees. The Comprehensive Plan recommends it to the Rural & Estate Neighborhood living typology to allow for agricultural use or estate-style homes on large lots. The property is also partially located within a floodplain (areas to the west are near the Crooked Creek) and an environmentally sensitive overlay where 30% of the parcel should be maintained with tree canopy or other naturalized area.
- Staff notes that the existing rear yard of the site is extensively wooded, and per the petitioner's submitted Findings of Fact contains at least two (2) heritage trees. Placement of any accessory structures and accompanying access drives within the rear yard would result in greater tree removal and land disturbance than the site plan provided (0.145 acres disturbed in total) in a manner that runs counter to Comprehensive Plan guidance for areas within environmentally sensitive overlays. Additionally, the site is also well-screened and isolated from the right-of-way of Knollton Road in a way that would minimize the visual impacts of placing an accessory structure within the front yard. For these reasons, staff recommends approval of the variance request.

GENERAL INFORMATION

Existing Zoning	D-S (FW) (FF)	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood / Floodway	
Surrounding Context	Zoning	Surrounding Context
North:	D-S / D-6	North: Residential
South:	D-S / D-2	South: Residential
East:	D-6	East: Residential
West:	D-S	West: Residential
Thoroughfare Plan		
Knollton Road	Primary Collector	80-foot existing right-of-way and 90-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	07/09/2025	
Site Plan (Amended)	N/A	
Elevations	05/22/2025 (with ILP25-01357)	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	07/09/2025	
Findings of Fact (Amended)	N/A	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Rural or Estate Neighborhood living typology to allow for rural or agricultural areas and historic, urban areas with estate-style homes on large lots. This typology prioritizes exceptional natural features, and development should work with the existing topography as much as possible.
- The site is also located within an Environmentally Sensitive overlay for areas with high-quality woodlands or other natural resources. Development within these secondary overlays should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

93-Z-70 ; 1836 W 51st Street (south of site), rezoning of 13.79 acres from D-S to D-2, **approved**.

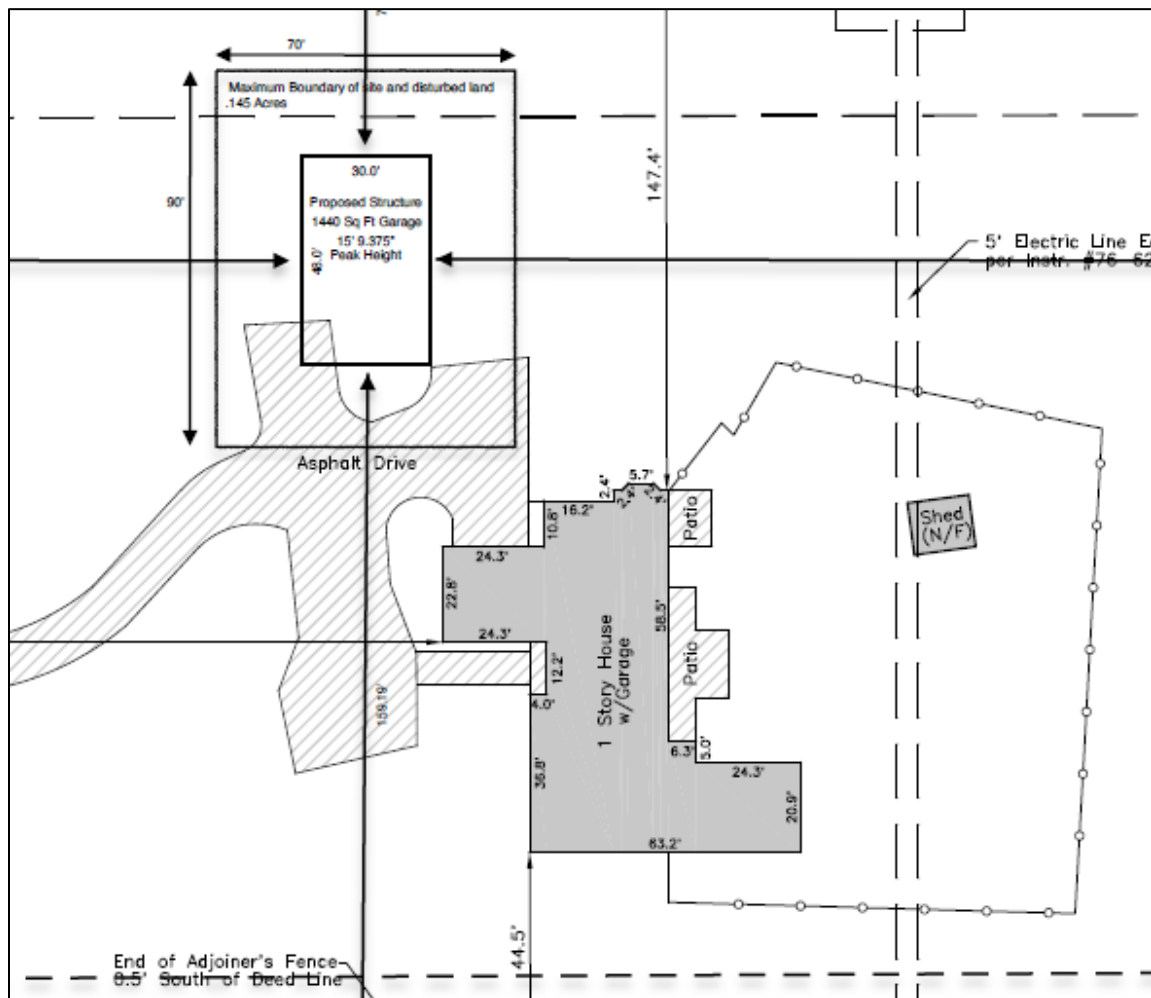
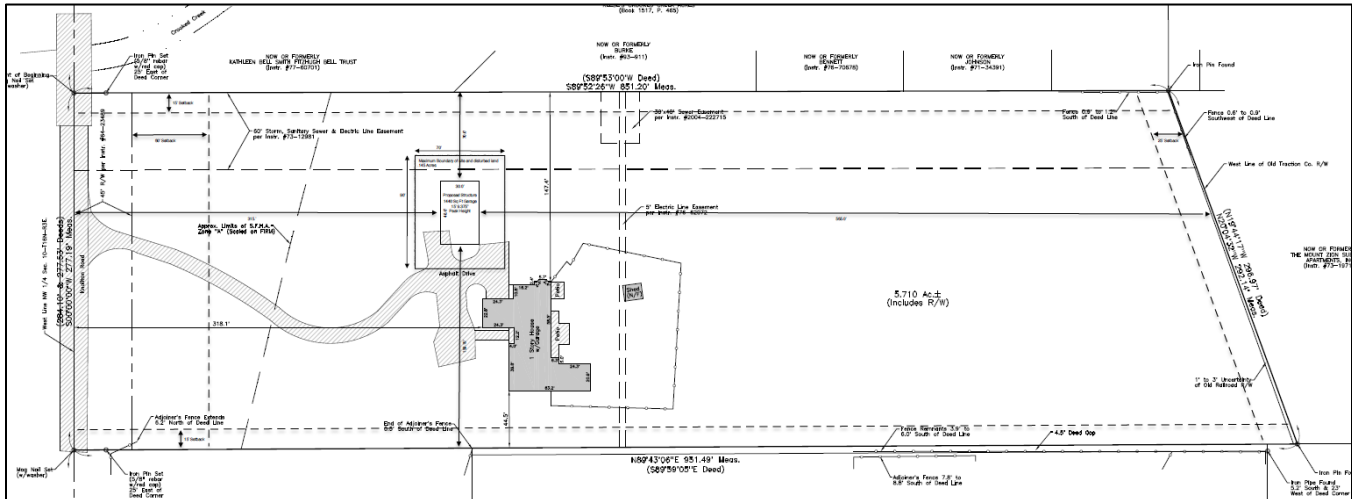
83-HOV-55 ; 1904 W 51st Street (south of site), variance of development standards to allow the erection of an attached garage and breezeway 11 feet from the side property line, **approved**.

EXHIBITS

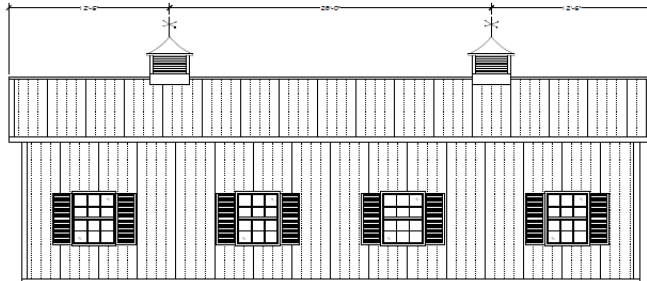
2025DV2027 ; Aerial Map



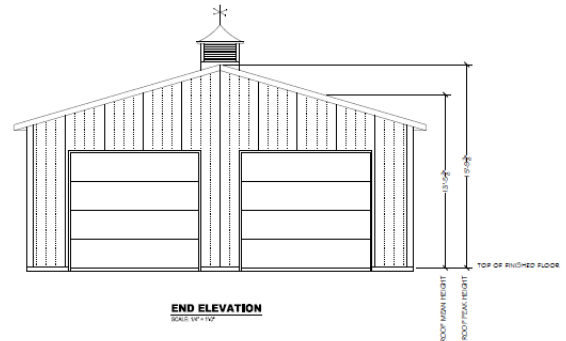
2025DV2027 ; Site Plan (full and enlarged views)



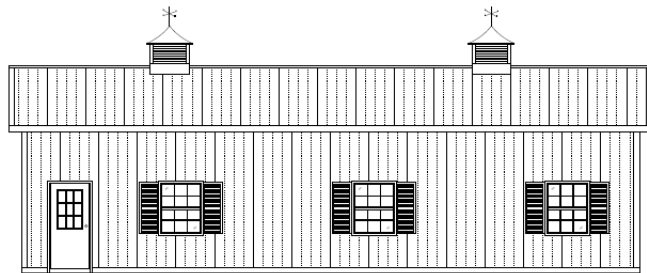
2025DV2027 ; Elevations (from ILP25-01357)



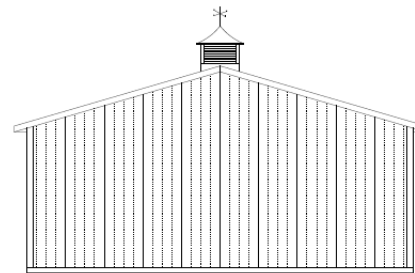
SIDE ELEVATION
 SCALE 1/8"=1'-0"



END ELEVATION
 SCALE 1/8"=1'-0"



SIDE ELEVATION
 SCALE 1/8"=1'-0"



END ELEVATION
 SCALE 1/8"=1'-0"

NOTE: THESE ELEVATIONS ARE FOR INFORMATION PURPOSES ONLY. THE ACTUAL ELEVATIONS WILL BE DETERMINED BY THE FIELD SURVEYOR.

2025DV2027 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
 the activity will be confined to the subject property and lacks the capacity to injure 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:
 the accessory structure will have no effect on the use or value of adjacent property. Furthermore, due to extensive tree cover, the adjacent properties will have little if any view of the accessory structure.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
 Construction of the accessory building behind the primary structure would require removal of a greater number of trees, including at least two Heritage trees.

2025DV2027 ; Photographs



Photo 1: Subject Site Viewed from the West (Knollton)



Photo 2: Subject Site Viewed from the East (apartment complex)

2025DV2027 ; Photographs (continued)



Photo 3: Adjacent Property to the West



Photo 4: Adjacent Property to the Southwest



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

August 12, 2025

Case Number: 2025-DV2-028

Property Address: 415 South Oxford Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Bob & Cindy Grigsby, by Mark & Kim Crouch

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage addition with a 1.5-foot north side yard setback (five-feet required).

Current Land Use: Single-family residential

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff **recommends denial** of this petition

PETITION OVERVIEW

- This petition would allow for a detached garage addition with a 1.5-foot north side yard setback (five-feet required).
- The subject site is zoned D-5 and is improved with a single-family residence. The structure in question was built without obtaining the required permits to do so. The owner has since applied for permits (ILP25-01503, STR25-02695) at which point the Department of Business and Neighborhood Services flagged the building for needing variances.
- Staff finds that the structure in question goes against the Infill Housing Guidelines, does not represent good building practice, and constitutes overdevelopment of the site. With this site being of sufficient lot width and lot size, Staff does not find there to be any practical difficulty for needing the requested variance. A detached garage can be built, just not as proposed by the applicant.
- Further, Staff does not believe that structures built without proper permits to be completed improvements and that those structures can be altered or removed more feasibly, especially if issues



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

with the Zoning Ordinance or building code are found. Likewise, Staff believes recommending approval of development that did not receive required permits to be poor precedent. Therefore, for all of these reasons, Staff recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-family residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Single-family residential
South:	D-5	South: Single-family residential
East:	D-5	East: Single-family residential
West:	D-5	West: Single-family residential
Thoroughfare Plan		
South Oxford Street	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/9/25	
Site Plan (Amended)	N/A	
Elevations	7/9/25	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	7/9/25	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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



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Division of Planning
Current Planning**

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 accessory structures, the Infill Housing Guidelines recommends:
 - Match existing spacing on the block
 - Leave room for maintenance

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
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Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

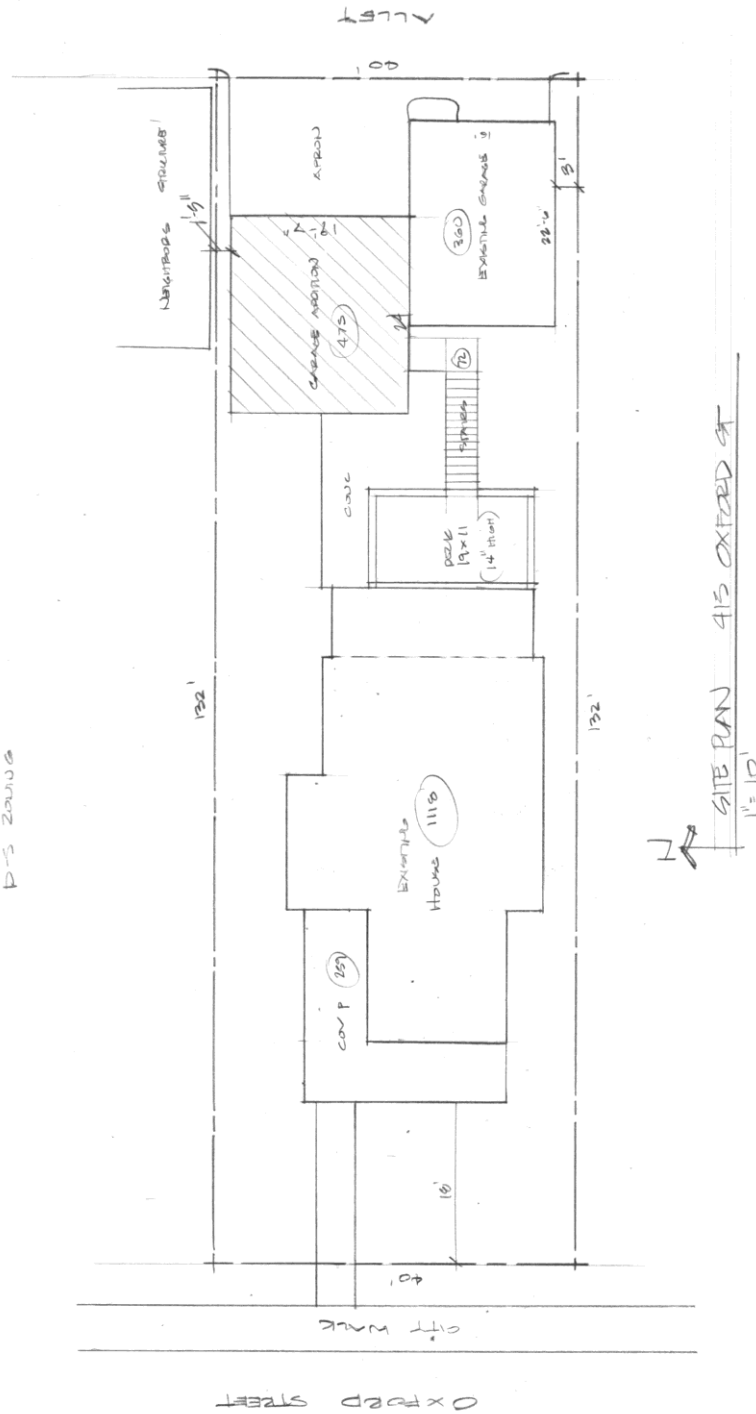
96-UV1-108; 446 South Parker Avenue (south of site), Variance of Use for a second residential structure on site, **withdrawn.**

90-V3-143; 427 South Oxford Street (south of site), Variance of Development Standards of the Dwelling District Zoning Ordinance to permit the construction of a detached garage with a side yard setback of 2.8 feet (4 feet required), **granted.**

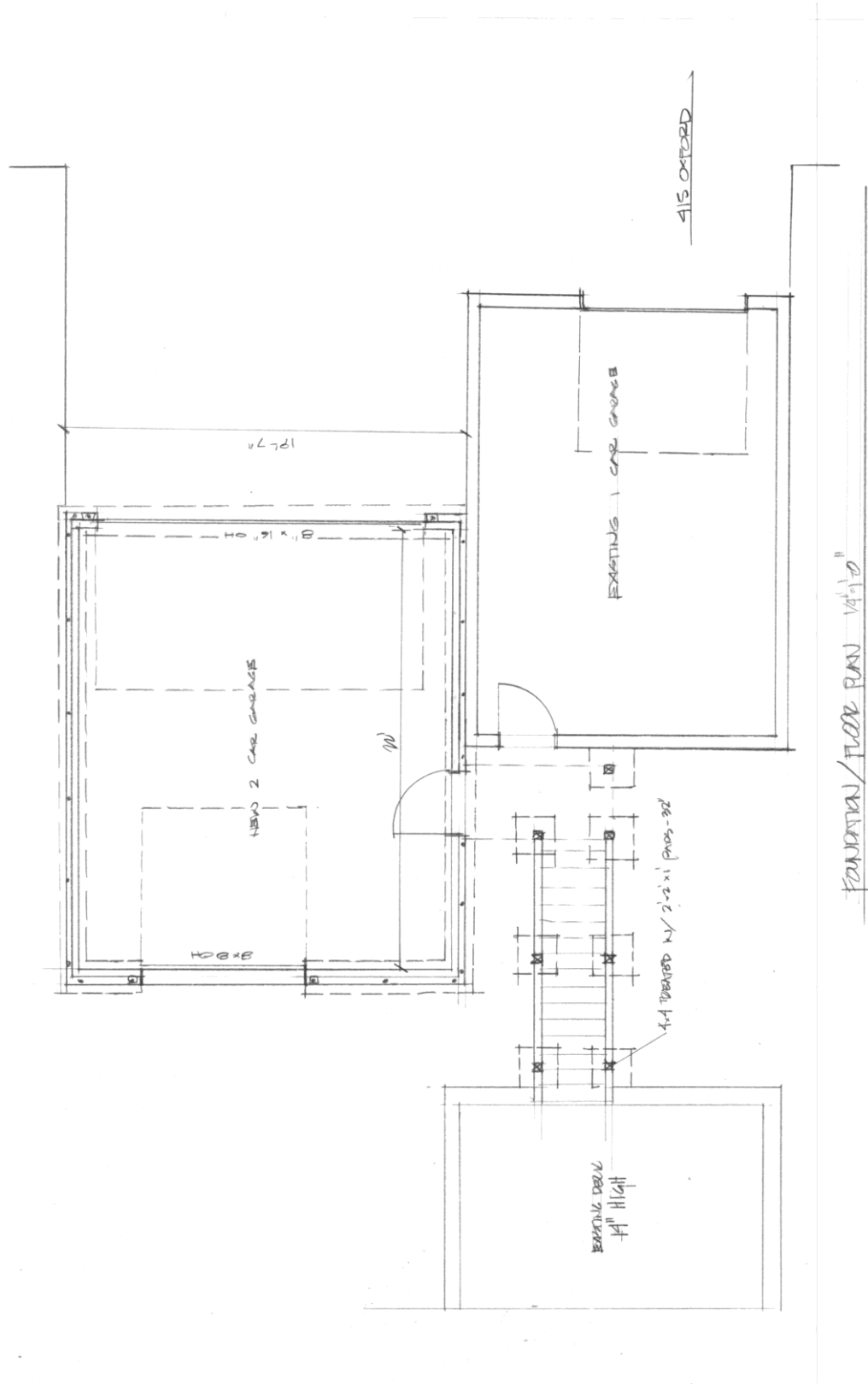
EXHIBITS



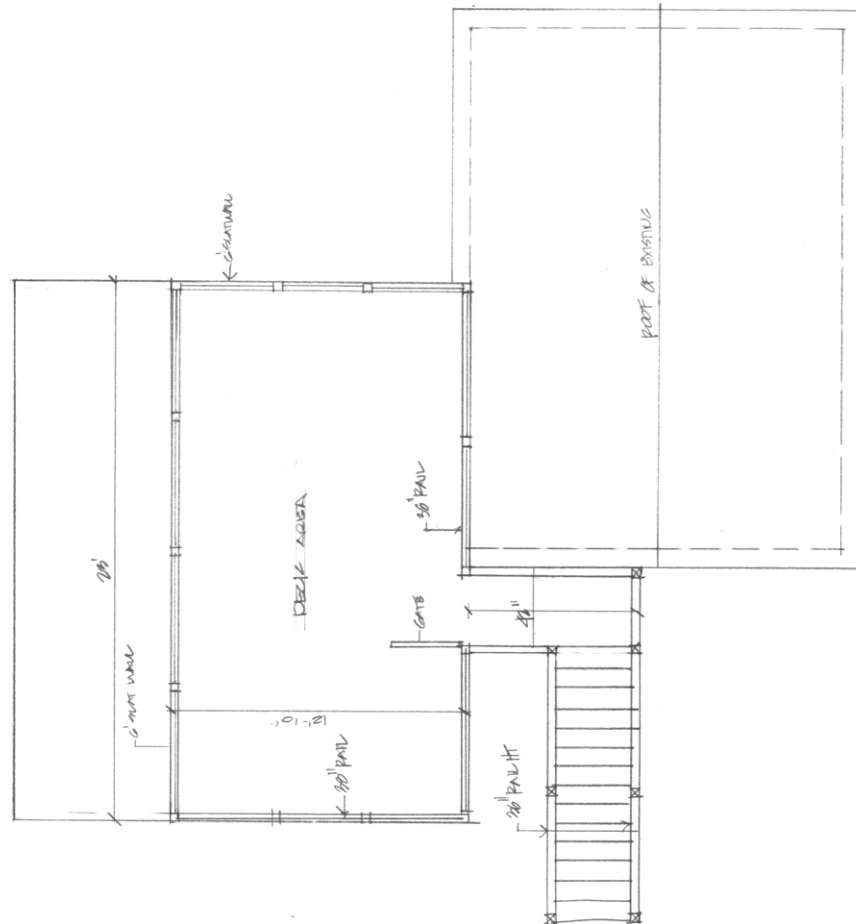
Aerial Photo



105

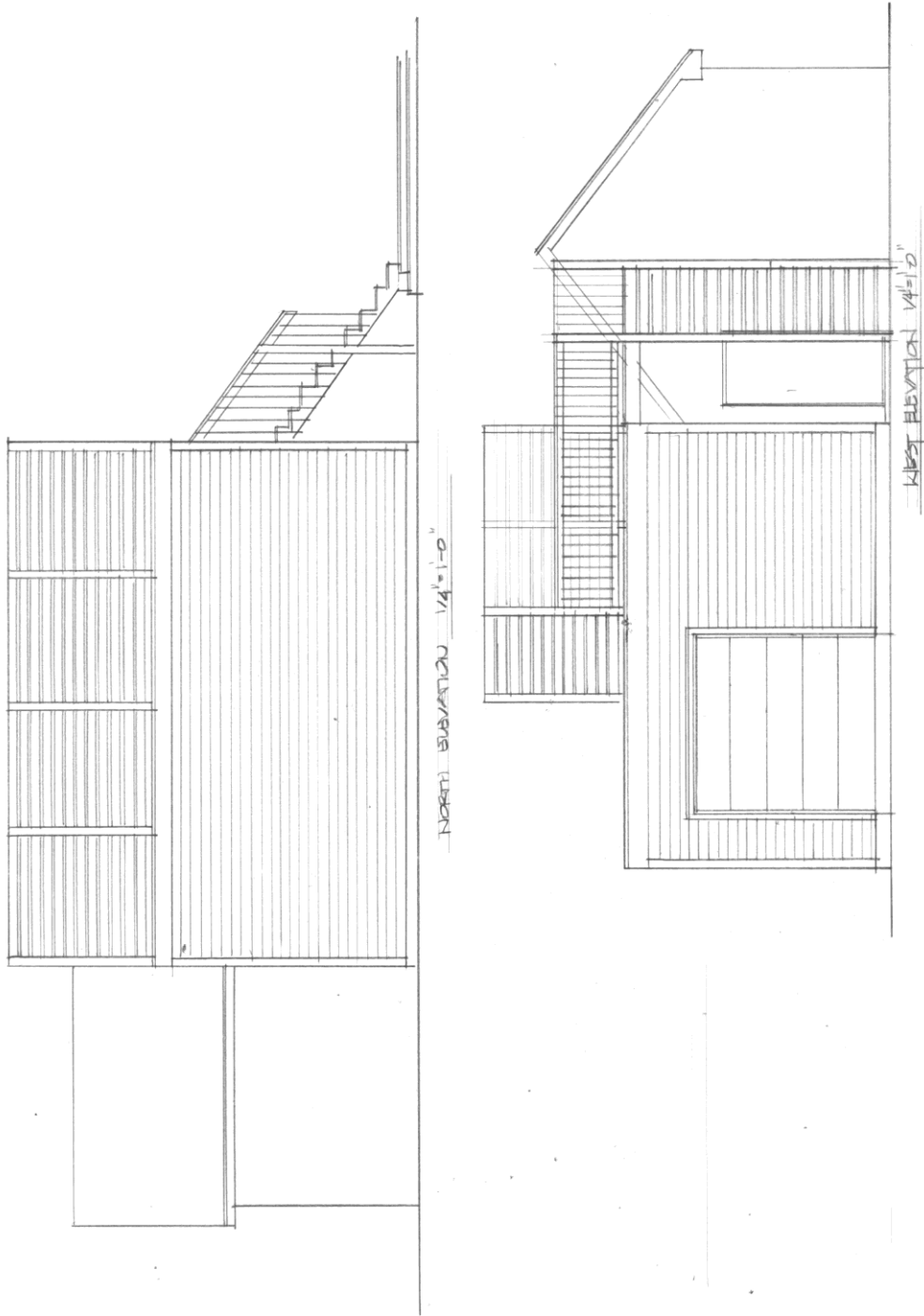


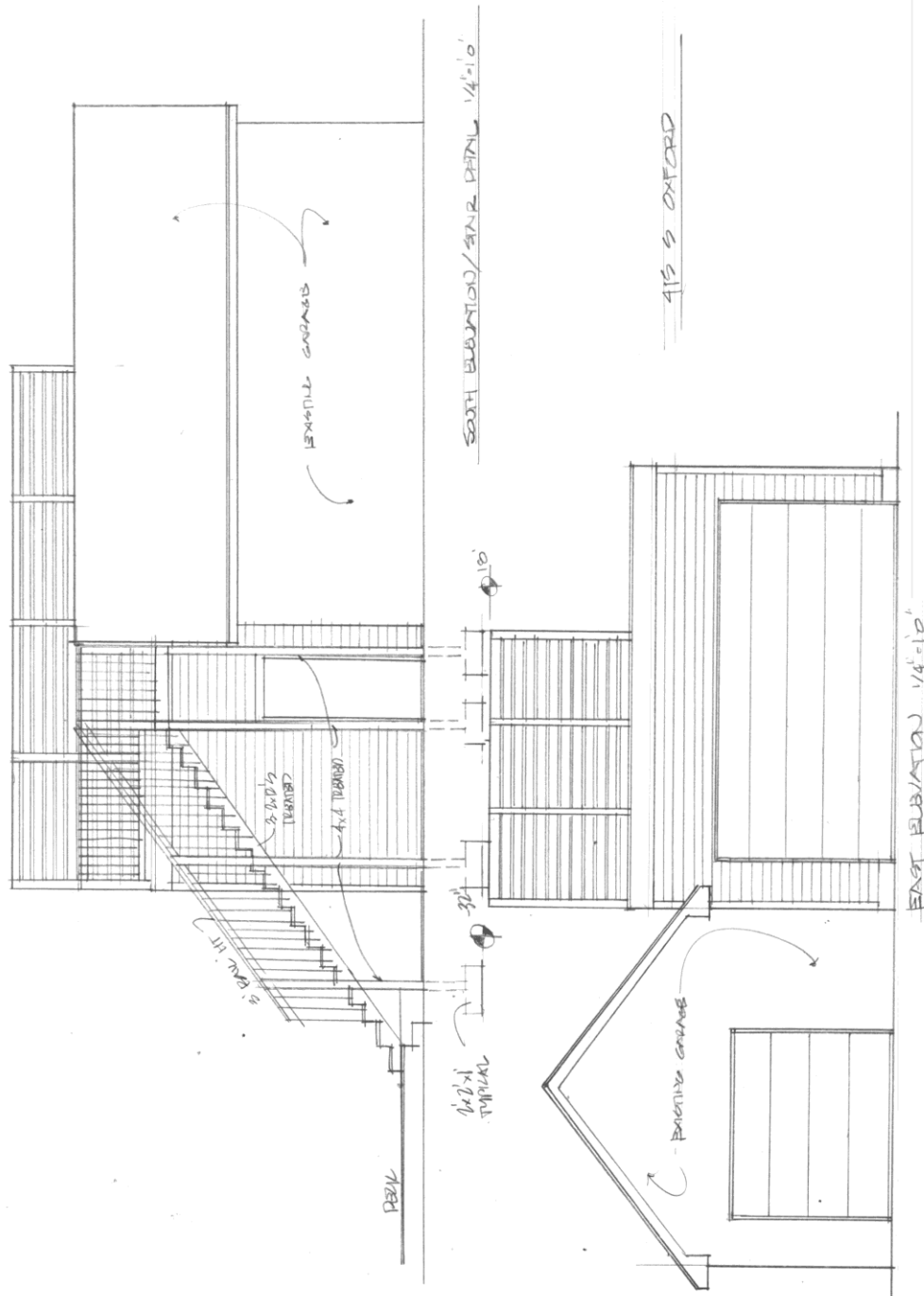
**Department of Metropolitan Development
Division of Planning
Current Planning**

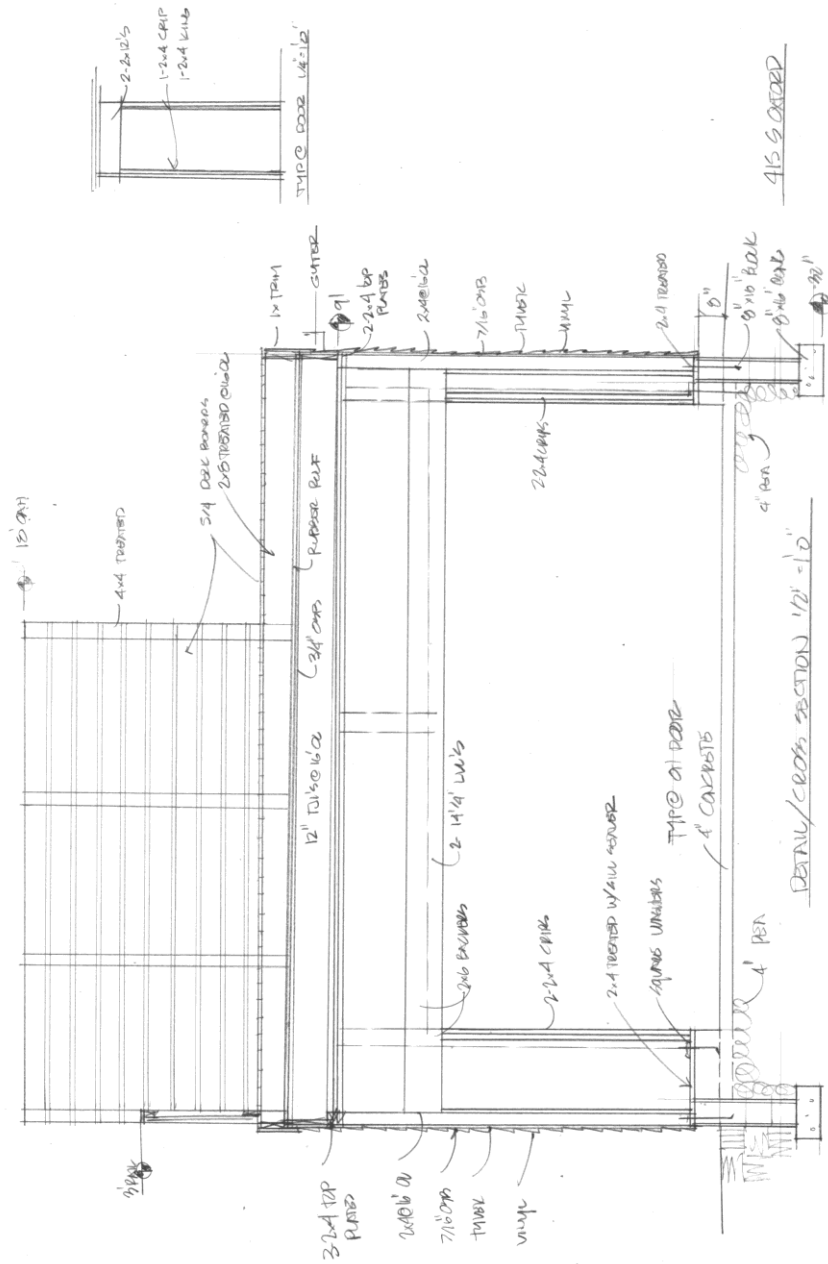


ROOF / DECK PAN $1/4" - 1" \varnothing$

459 Oxford









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 grant will legalize the footprint of the existing detached garage for private residential use.

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 detached garage is existing and is consistent with development in the area and adjacent area.

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

homeowners are unaware that the original garage has an existing deficient south side setback and were unaware that proper permits were not pulled by the contractor who constructed the addition to the existing garage. Without variance approval, detached garage can not be allowed to exist at current size.

DECISION

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

Adopted this _____ day of _____, 20 ____



Subject site from Oxford Street



Structure in question viewed from the alley



Structure in question to the right, original garage to the left



Original garage

BOARD OF ZONING APPEALS DIVISION II

August 12, 2025

Case Number: 2025-DV2-029

Property Address: 5907 Birchwood Avenue (approximate address)

Location: Washington Township, Council District #7

Petitioner: Drew & Taylor Gaynor, by David and Justin Kingen

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with an eight-foot rear yard setback (20 feet required) and a mini-barn with a 1.5-foot north side yard setback (five feet required).

Current Land Use: Single-family residential

Staff Recommendations: Staff **recommends approval** of the eight-foot rear yard setback for the building addition
Staff **recommends denial** of the 1.5-foot north side yard setback for the mini-barn

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff **recommends approval** of the 8-foot rear yard setback for the building addition
- Staff **recommends denial** of the 1.5-foot north side yard setback for the mini-barn

PETITION OVERVIEW

- This petition would allow for a building addition with an eight-foot rear yard setback (20 feet required) and a mini-barn with a 1.5-foot north side yard setback (five feet required).
- The subject site is zoned D-5 and is improved with a single-family residence. Additionally, the mini-barn (labeled “shed” in the site plan), is existing and approximately 1.5 feet from the north side lot line.
- The subject site is of abnormal shape compared to typical D-5 lots, as the lot is wider than it is deep, being approximately 107 feet wide and 47 feet deep. The existing residence was constructed in approximately 1951 meaning that the setbacks for the structure are legally non-conforming. With the house being 36 feet in width, and the proposed expansion being 21 feet in width, the proposal is not

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Division of Planning
Current Planning**

eligible for the one-time expansion of a legally non-conforming setback since the proposed width is more than 50% of linear footage of the width of the existing structure.

- With the lot being wider than it is deep, Staff finds that there is a degree of practical difficulty for meeting the rear setbacks, given that most D-5 lots provide for far more depth than 47 feet. Further, with the proposed addition to match the existing rear setback of the primary residence, and with the plan showing that the south side yard setback would still be met, Staff finds the proposal to be reasonable in nature and is, therefore, unopposed to the request for the 8-foot rear yard setback.
- With regards to the 1.5-foot north side yard setback, Staff does not believe that practical difficulty exists for this request, as the lot is far wider than typical. Additionally, with this being a small accessory structure, the petitioner can with relative ease have the shed relocated to a compliant location. Staff would note that accessory structures can be located up to 5 (five) feet from the rear lot line, which would have minimal impact on the amount of useable yard space and would not require the requested variance. Therefore, Staff recommends denial of this portion of the request.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-family residential	
Comprehensive Plan	5-8 residential units per acre	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-5	North: Single-family residential
	South: D-5	South: Single-family residential
	East: D-P	East: Multi-family residential
	West: D-5	West: Single-family residential
Thoroughfare Plan		
Birchwood Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/17/25	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	7/17/25	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Envision Broad Ripple Plan (2012)
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Not applicable for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Envision Broad Ripple Plan recommends 5-8 residential units per acre for this site.

Infill Housing Guidelines

- With regards to building additions, the Infill Housing Guidelines recommends:
 - Consider the size of surrounding houses
 - Reinforce massing
 - Minimize significant increases in height
- With regards to accessory structures and setbacks, the Infill Housing Guidelines recommends:
 - Locate accessory structures behind primary structure
 - Meet building setbacks when possible

Indy Moves

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

- The subject site abuts the Monon Trail to the east.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2022DV2041; 5939 Winthrop Avenue (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage, with a three-foot south side setback (five-foot side setback required), **granted**.

2022DV2005; 1039 Kessler Boulevard East Drive (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 22.17-foot tall detached garage (accessory structures not permitted to be taller than the primary dwelling), **withdrawn**.

2013DV3006; 1030 Kessler Boulevard East Drive (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling, with a 16.4-foot front setback from Kessler Boulevard, a 8.5-foot front setback from Birchwood Avenue, and 59.9% open space (40 and 25-foot front setbacks required, respectively, 65% open space required), **granted**.

2009ZON027; 1030 Kessler Boulevard East Drive (south of site), (Amended) Rezoning of 0.118 acre, from the D-5 District, to the D-P classification to provide for two detached single-family dwellings at a net density of 16.9 dwelling units per acre (a gross density of 8.6 units per acre including one-half of abutting public rights-of-way), **denied**.

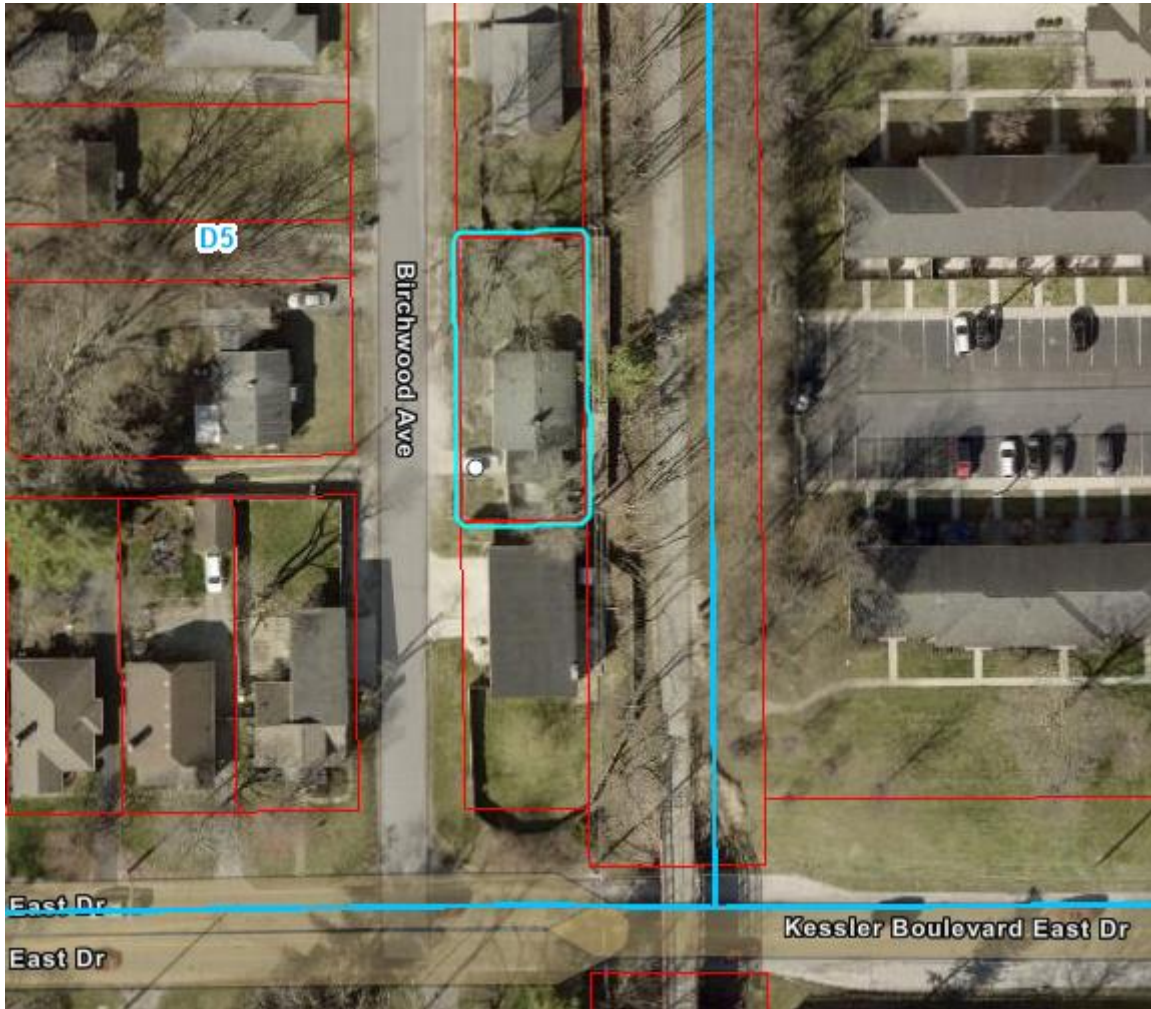
2007ZON129; 5900 Central Avenue and 1111 East 61st Street (east of site), rezoning of 13.67 acres from the D-7 and C-1 to D-7 to provide for a total of 286 apartment dwellings units and 12,450 square feet of commercial space for C-1 and C-3 uses, **approved**.

2002ZON008; 1111 East 61st Street (east of site), rezone of 13.67 acres from the C-1 and D-7, to the D-P to provide for a mixed office, retail and multi-family residential development, with 48,000 square feet of commercial/retail space and 236 multi-family residential units, or 17.26 units per acre, **denied**.

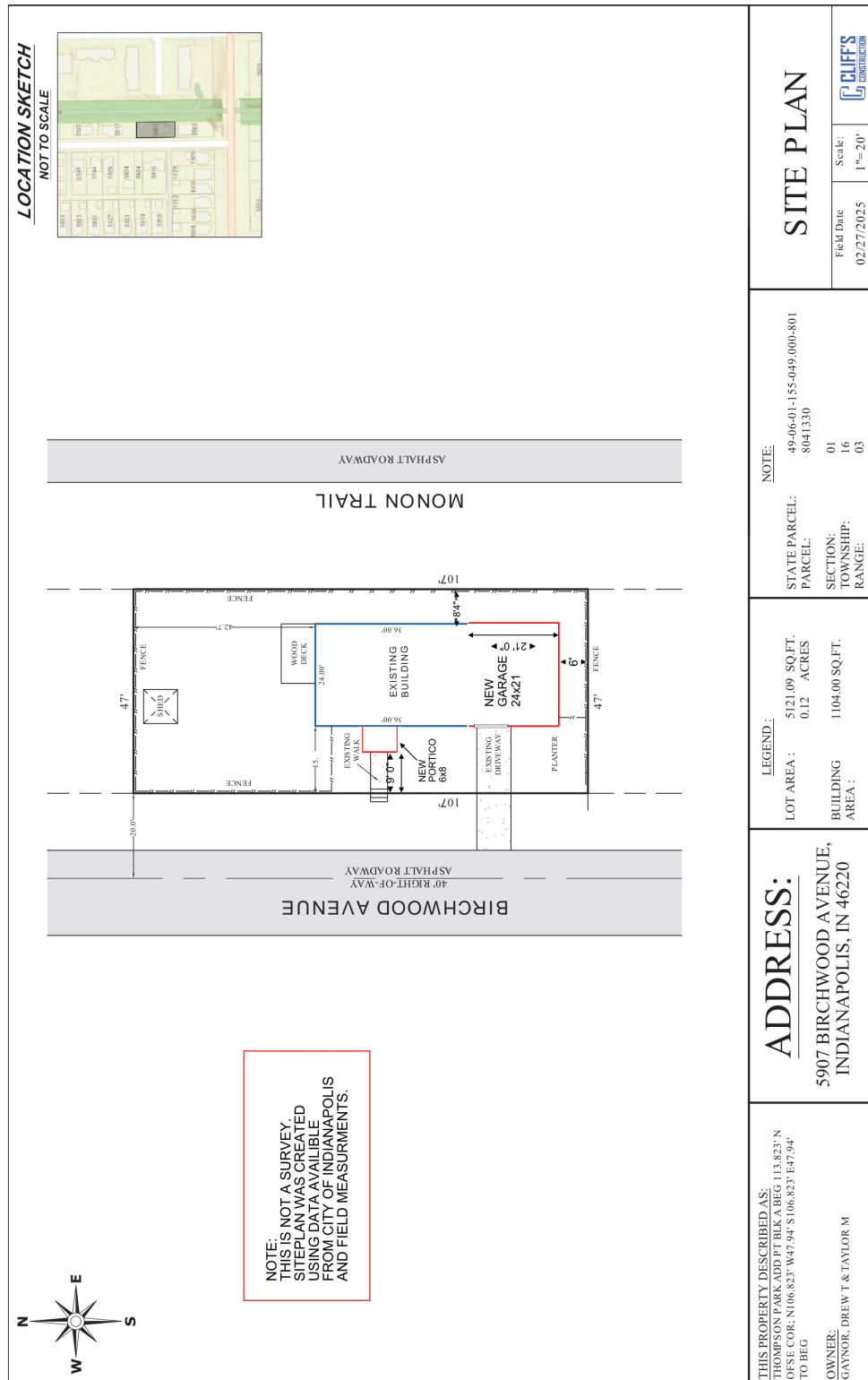
96-Z-104; 1111 East 61st Street (north of site), rezoning of 3.396 acres, being in the D-7 district to the C-1 classification, to provide for office uses in addition to the existing flower shop authorize by previous variance, **approved**.

91-UV3-24; 1111 East 61st Street (north of site), requests a variance of use of the Dwelling Districts Zoning Ordinance to provide for the storage of two refrigerated semi-trailers for storing flowers prior to the peak business period around the following holidays; Easter; Mother's Day; Valentine's Day; Thanksgiving; and Christmas, **denied**.

EXHIBITS



Aerial Photo



Site plan, file-dated July 17, 2025



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 existing residential structure contains a similar rear-yard setback and the minor residential structure contains a similar side-yard setback to other existing residential properties in the Broad Ripple Village. The current residential structure would need a variance of development standards for a reduction to the required rear-yard setback, if it were built today. Therefore, granting this variance request shall not be injurious to the public health, safety, morals, and 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:

The use of the property is consistent with the Marion County Land Use Plan Pattern Book and the value of the nearby residences will benefit from the renovation to the existing residential structure on the subject site, should this variance request be granted.

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

This variance request for the reduction of the rear-yard & side-yard setback is necessary given the shallow depth of the subject site. It is practically difficult to construct a structure of any size given the existing lot's dimensions.

DECISION

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

Adopted this _____ day of _____, 20 ____



Subject site looking east



North side fence of the subject site



Subject site looking east



South side fence of subject site and adjacent property |