



Board of Zoning Appeals Division III (May 26, 2026) Meeting Agenda

Meeting Details

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

Date: Tuesday, May 26, 2026

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2026-DV3-009 | 6111 and 6215 Lakehaven Lane**
Perry Township, Council District #22, zoned C-7 (FF) / I-2 (FF)
Lakehaven Realty LLC & RH Malin, Inc., by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and rental of heavy construction equipment within 10 feet of the southern property line and of a protected district (30-foot transitional setback and 500-foot separation from protected districts required), utilizing gravel for parking and vehicle maneuvering area (hard surfacing required), and with both a height exceeding 10 feet (not permitted) and with deficient transitional yard landscaping and deficient screening around outdoor storage areas (required).

****Staff to request continuance to July 21st to allow additional review.**

- 2. 2026-DV3-014 | 4202 Carson Avenue**
Perry Township, Council District #19, zoned D-A (FW) (FF) / D-6II
Kevin and Heather Davis

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall fence within the front yard of Carson Avenue (maximum 3.5-foot tall fence permitted).

****Staff to request continuance to June 16, 2026 hearing.**

- 3. 2026-DV3-015 | 4305 Dudley North Drive**
Perry Township, Council District #24, zoned D-3
Mark & Amanda Daniel, by John Cross

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall fence within front yard areas (maximum 3.5-foot height permitted).

****Staff to request continuance on petitioner's behalf due to scheduling conflict.**

- 4. 2026-DV3-016A | 10220 East Washington Street**
Warren Township, Council District #20, zoned C-4 (TOD)
Indy WS40 LLC, by Barnes & Thornburg LLP (Joseph Calderon)

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive through with access provided by Ring Road instead of an alley (drive throughs prohibited within 600 feet

a transit station except where located behind the building and all access is provided by alleys), for a drive through without an exclusive bypass aisle (bypass aisle required).

****This petition will be continued to the June 16, 2026 hearing to allow additional review.**

- 5. 2026-UV3-006 | 4240 Bluff Road**
Perry Township, Council District #22, zoned SU-7
Otis James & Tonya Haimes, by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a two-unit residential structure in addition to a detached garage with secondary dwelling unit (not permitted).

****This petition will be continued to the June 11, 2026 Hearing Examiner under case number 2026-CMP-823.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 6. 2025-MO3-002 | 2719 North Emerson Avenue**
Warren Township, Council District #9, zoned I-2
Imagineering Holdco Inc., by Nick Hammer

Modification to terminate Conditions Two and Three of 2005-SE3-003 to allow for outdoor storage and operations outside of the existing building (outdoor storage prohibited and operations required to be within the existing building).

Variance of use and development standards of the Consolidated Zoning/Subdivision Ordinance to allow for outdoor storage within 280 feet of a protected district with a height of 13 feet and without required fencing and landscape screening (500 feet of separation required, maximum 10-foot tall height permitted, screening required).

- 7. 2026-SE3-003 | 8420 Masters Road**
Lawrence Township, Council District #4, zoned C-4
Pinecrest Holdings LLC, by Tyler Ochs

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a critter/pest removal commercial contractor.

- 8. 2026-DV3-013 | 4202 South East Street**
Perry Township, Council District #23, zoned C-5
Kurt Padavano, by Atlantic Sign Company

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit a pole sign with a height of 23.5 feet (maximum 20 feet permitted), to allow for a 3rd pole sign (maximum one per frontage), and to allow for a total of 5 freestanding signs along East Street frontage (maximum 2 per frontage permitted).

- 9. 2026-DV3-016B | 10220 East Washington Street**
Warren Township, Council District #20, zoned C-4 (TOD)
Indy WS40 LLC, by Barnes & Thornburg LLP

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a monument sign within 250 feet of another freestanding sign (300 feet of separation required).

- 10. 2026-DV3-017 (Amended) | 949 South Illinois Street**
Center Township, Council District #18, zoned CBD-2 (RC)
George Stergiopoulos, by Mark and Kim Crouch

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit building (minimum 5 units required).

11. 2026-DV3-018 | 5351 Hawthorne Drive

Lawrence Township, Council District #9, zoned D-2
Aldolph Buckner

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with a zero-foot south side setback (seven-foot side setback required).

12. 2026-UV3-003 | 3305 North Arlington Avenue

Warren Township, Council District #9, zoned C-3
Tech Management LLC, by Simranjit Nagra

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit a 120-square-foot expansion of an existing residential use (residential uses not permitted in a commercial district).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

13. 2025-MO3-003 | 3030 North Shadeland Avenue

Warren Township, Council District #9, zoned C-4
Shadeland Holdings Inc., by Patrick Rooney

Modification of Commitments associated with 2022-UV3-034 to modify Commitment Twelve to read as follows: "The real estate shall be developed as a retail gas station and convenience store pursuant to the site plan prepared by Abonmarche last dated 5/09/2024 and attached hereto."; and to terminate Commitments Five and Thirteen-M which restricted the days and hours of business operation and prohibited an automobile fueling station.

14. 2026-SE3-001 (Amended) | 6490 Massachusetts Avenue

Warren Township, Council District #9, zoned I-2
WEB Property Group LLC, by Tyler Ochs

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a Commercial Parking Lot.

15. 2026-DV3-010 (Amended) | 102 Jonquil Drive

Perry Township, Council District #23, zoned D-3
Kenneth and Josephine Busald, by Daniel Russello

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a detached accessory structure within a utility easement (not permitted), and with a three-foot west side yard setback (six-foot required).

16. 2026-DV3-011 | 3603 South Meridian Street

Perry Township, Council District #18, zoned SU-1 (FF)
Roman Catholic Archdiocese of Indianapolis, Properties Inc as Trustee for St Roch, Catholic Church Indianapolis Inc., by Wooton Hoy

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an 8-foot fence in the front yard (fences taller than 4 feet not permitted in front yards) and located within the clear sight triangle (not permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

17. 2026-SE3-002 | 6309 South Harding Street

Perry Township, Council District #22, zoned C-7 (FF) / D-A (FF)
Amanpreet Singh, by Adam G. Hoffer

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial truck parking lot.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial truck

parking use within the Floodway Fringe (not allowed).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 0-foot transitional yard setbacks (20-foot transitional yard required), deficient interior and transitional yard landscaping (required), and truck parking on a gravel surface (not permitted).

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. 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
Joanna Taft, Chair	Metropolitan Development Commission	January 1, 2025 – December 21, 2025
Bryan Hannon, Vice-Chair	Mayor's Office	January 1, 2025 – December 21, 2025
Rayanna Binder, Secretary	Mayor's Office	January 1, 2025 – December 21, 2025
Rod Bohannon	City-County Council	January 1, 2025 – December 21, 2025
Percy Bland	City-County Council	January 1, 2025 – December 21, 2025



BOARD OF ZONING APPEALS DIVISION III **May 28, 2026**

Case Number: 2026-DV3-009

Property Address: 6111 and 6215 Lakehaven Lane (*approximate address*)

Location: Perry Township, Council District #22

Petitioner: Lakehaven Realty LLC & RH Malin, Inc., by David Gilman

Current Zoning: C-7 (FF) / I-2 (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and rental of heavy construction equipment within 10 feet of the southern property line and of a protected district (30-foot transitional setback and 500-foot separation from protected districts required), utilizing gravel for parking and vehicle maneuvering area (hard surfacing required), and with both a height exceeding 10 feet (not permitted) and with deficient transitional yard landscaping and deficient screening around outdoor storage areas (required).

Current Land Use: Industrial / Storage

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

5/26/26: To allow for additional discussion about the floodplain status of the property and for the drafting of a new site plan to amend the southern transitional yard setback, staff will request an additional continuance to the July 21st hearing date of Division III, on the petitioner’s behalf. A full staff report will be available in advance of that hearing date.

4/21/26: In order to allow for additional review of case history and potential amendments to the submitted plans, staff will request a continuance for cause to the May 26th, 2026 hearing date of Division III of the BZA. A full staff report will be made available in advance of that hearing date.



BOARD OF ZONING APPEALS DIVISION III **May 26, 2026**

Case Number: 2026-DV3-014

Property Address: 4202 Carson (approximate address)

Location: Perry Township, Council District #19

Petitioner: Kevin and Heather Davis

Current Zoning: D-A (FW) (FF) / D-6II

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall fence within the front yard of Carson Avenue (maximum 3.5-foot tall fence permitted) and encroaching within the required clear-sight triangle (not permitted).

Current Land Use: Residential

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

The petitioner has a conflict on this hearing date and has indicated their desire to have this petition continued to the June 16, 2026 hearing of Division III. Staff will make this request on their behalf. A full report will be made in advance of that hearing date.



BOARD OF ZONING APPEALS DIVISION III **May 26, 2026**

Case Number: 2026-DV3-015

Property Address: 4202 Dudley NDR (approximate address)

Location: Perry Township, Council District #24

Petitioner: Mark and Amanda Daniel, by John Cross

Current Zoning: D-3

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall fence within front yard areas (maximum 3.5-foot height permitted).

Current Land Use: Residential

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

The petitioner’s representative has a conflict on this hearing date and has indicated their desire to have this petition continued to the June 16, 2026 hearing of Division III. Staff will make this request on their behalf. A full report will be made in advance of that hearing date.



Board of Zoning Appeals Division III **May 26, 2026**

Case Number: 2026-DV3-016 Petition A

Property Address: 10220 East Washington Street (*approximate address*)

Location: Warren Township, Council District #20

Petitioner: Indy WS40 LLC, by Barnes & Thornburg LLP (Joseph Calderon)

Current Zoning: C-4 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive through with access provided by Ring Road instead of an alley (drive throughs prohibited within 600 feet of a transit station except where located behind the building and all access is provided by alleys) and for a drive-through without an exclusive bypass aisle (bypass aisle required).

Current Land Use: Under development

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This petition has been split into an A and B.

PETITION OVERVIEW

The petitioner has requested a continuance to the June 16th BZA III hearing to allow for time to work on a traffic stacking plan.



BOARD OF ZONING APPEALS DIVISION I **May 28, 2026**

Case Number: 2026-UV3-006

Property Address: 4240 Bluff Road (*approximate address*)

Location: Perry Township, Council District #22

Petitioner: Otis James & Tonya Haimes, by David Gilman

Current Zoning: SU-7

Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a two-unit residential structure in addition to a detached garage with secondary dwelling unit (not permitted).

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

At staff’s recommendation, the petitioner filed a companion rezoning petition in addition to their request for a variance of use. Both of those petitions (2026-CZN-823 for the rezoning to D-1 and 2026-CVR-823 to replace this petition) will be initially heard by the Hearing Examiner on June 11th and the request assigned case numbers 2026-UV3-006 could be withdrawn from consideration.



BOARD OF ZONING APPEALS DIVISION III

May 26, 2026

Case Number:	2025-MO3-002
Property Address:	2719 North Emerson Avenue (<i>approximate address</i>)
Location:	Warren Township, Council District #9
Petitioner:	Imagineering Holdco Inc., by Nick Hammer
Current Zoning:	I-2 Modification to terminate Conditions Two and Three of 2005-SE3-003 to allow for outdoor storage and operations outside of the existing building (outdoor storage prohibited and operations required to be within the existing building).
Request:	Variance of use and development standards of the Consolidated Zoning/Subdivision Ordinance to allow for outdoor storage within 280 feet of a protected district with a height of 13 feet and without required fencing and landscape screening (500 feet of separation required, maximum 10-foot tall height permitted, screening required).
Current Land Use:	Industrial
Staff Recommendations:	Staff recommends approval of this petition, subject to the two commitments below.
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

2/17/26: The petitioner requested and was granted a 3-month continuance to allow for them to continue discussion with the State of Indiana and to decide on potentially withdrawing the petition. They elected to proceed with the filing, and continued discussion about the project with staff. Those discussions led to compromise, and staff now recommends **approval** subject to the two commitments below:

1. The property shall be screened by placement of a fence and trees along the western boundary of the developed portion of the site, and fencing shall be maintained around the full perimeter of the property.
2. The boundaries of the three outdoor storage areas shown on the site plan file-dated November 7, 2025 shall be clearly outlined via painting, striping, etc. and outdoor storage shall be limited solely to the interior of those boundaries.

1/20/26: Since the petitioner was unable to attend this hearing date, staff requested a continuance on their behalf to the February 17, 2026 hearing date.

12/16/25: Due to a lack of quorum, this petition was continued from December 16th to January 20th.



STAFF RECOMMENDATION

Staff previously recommended denial of this petition but now recommends **approval** subject to the two commitments above.

PETITION OVERVIEW

- 2719 North Emerson is a parcel with a size of around 5.55 acres that is currently improved with two (2) industrial buildings on the eastern portion of the property. Both buildings are associated with a metal finishing use (Imagineering Finishing Technologies). Adjacent land uses include contractors to the north and south, a fueling station to the southwest, and residences to the east.
- The metal finishing facility was approved at this site in 2005 via the Special Exception petition 2005-SE3-003. That approval was subject to five (5) separate conditions, including that (a) outside storage would not be permitted; and (b) all operations would occur within the existing building. The full list of conditions is within Exhibits below.
- The enforcement case VIO25-003522 was opened in April of 2025 at the subject site, which noted the presence of several civil zoning violations. Some of those violations (related to the paving and striping of vehicle areas, signage, miscellaneous scrap metal and wood, etc.) are being addressed by the petitioner outside of the variance process. A full list of violations is within the Exhibits.
- Approval of this petition would allow for three (3) separate outdoor storage areas at the property (per the site plan within the Exhibits) by modifying the conditions of approval from 2005-SE3-003. Specifically, it would terminate the two (2) conditions related to the prohibition of outdoor storage (Condition Two) and the requirement for internal operations (Condition Three).
- Additionally, Variances of Development Standards would be required related to **(a)** the outdoor storage being within 280 feet of residentially zoned parcels to the east (minimum 500 feet of separation required); **(b)** a height of 13 feet for the outdoor storage materials (maximum of 10 feet permitted); and **(c)** a lack of required fencing or landscaping around the outdoor storage areas per 744-508.C of the Ordinance. The proposed outdoor storage areas appear to comprise 24.9% of the building area at the site, which complies with I-2 requirements per Table 743-306-2 (maximum 25% allowed).
- This property is zoned I-2 (Light Industrial District) to allow for industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Within that zoning district, outdoor operations and storage should be completely screened if adjacent to Protected Districts and limited to a percentage of the total operation. Similarly, the Comprehensive Plan recommends the site to the Light Industrial typology to allow for industrial, production, distribution, and repair uses within enclosed structures.



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- Ordinance regulations on the height, screening, and size of outdoor storage when near residential areas exist to ensure that potential hazards and negative externalities are mitigated and separated from all neighborhoods and to ensure compatibility and buffering between adjacent land uses. Although the existing building does provide a level of buffering and visual separation from residences to the east of the outdoor storage areas, the limitations on outdoor storage and requirement for internal operations have been in place for the past 20 years and were a requirement for the Special Exception allowing for the metal finishing use. The applicant is seeking not only to exceed the limitations imposed by commitments but also those typically applicable for the I-2 zoning district (height, lack of screening, residential proximity).
- Staff’s primary objection with regards to this petition is the lack of fencing or screening around the proposed outdoor storage areas. If some forms of buffering were in place, it would minimize the visual impact of the storage areas further and would also create a specific boundary ensuring that the storage areas wouldn’t exceed the 25% of gross building area requirement for I-2 zoning. Staff indicated to the petitioner that provision of some form of fencing or landscaping around the storage areas could lead to an approval recommendation for the remaining requests, but the petitioner did not indicate openness to this compromise. Given this concern of the site exceeding the 25% requirement in addition to the lack of site-specific practical difficulty prevent compliant indoor storage as contemplated for this business in 2005, staff recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Industrial	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	I-2	North:
South:	C-4 / I-2	South: Commercial / Industrial
East:	D-4	East: Residential
West:	D-4 / C-3	West: Undeveloped
Thoroughfare Plan		
Emerson Avenue	Primary Arterial	120-foot existing right-of-way and 104-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	09/13/2025	
Site Plan (Amended)	11/07/2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	09/13/2025	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Truck traffic should be separated from local or residential.
- Light Industrial land uses are contemplated but removed where they would be adjacent to a living or mixed-use typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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



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- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2005SE3003, special exception of the Industrial Zoning Ordinance to provide for a metal finishing facility (not permitted), within an existing two-story building, **approved with conditions**.

ZONING HISTORY – VICINITY

2025DV3024 ; 2747 N Emerson Avenue (north of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a waiver of the requirement to install pedestrian connectivity between a freestanding building and the existing sidewalk network along the right-of-way of Emerson Avenue (required), **approved**.

2006VAR809A ; 2553 Emerson Access (south of site), special exception of the Industrial Zoning Ordinance to provide for retail sales of plants and landscaping related products, **withdrawn**.

2006VAR809 ; 2553 Emerson Access (south of site), variance of development standards of the Industrial Zoning Ordinance to provide for 4,900 square feet or 71.3 percent of the enclosed building area of outdoor display area (maximum 1,716 square feet 25 percent of the enclosed building area of outdoor display permitted), to provide for a zero-foot rear transitional yard (minimum 30-foot transitional yard required), without landscaping in the north and south side yards (landscaping required), **withdrawn**.

2004UV2026 ; 2553 Emerson Access (south of site), variance of use of the Industrial Zoning Ordinance to provide for an automobile storage lot for inoperable vehicles (not permitted), **approved**.

87-UV2-2 ; 2642 N Butler Avenue (east of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for storage, **denied**.

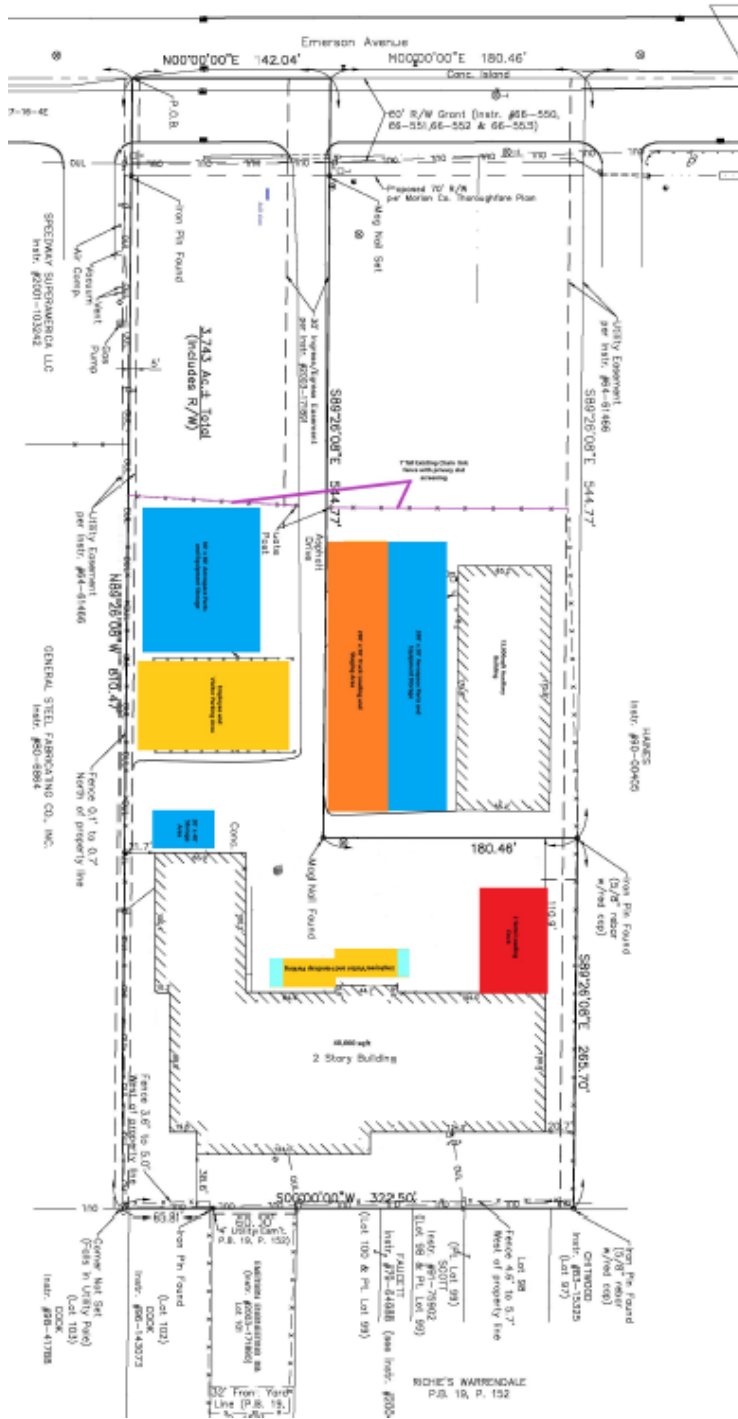
85-UV2-101 ; 2642 N Butler Avenue (east of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for the construction and repair of race cars and the re-building of antique cars, **denied**.

EXHIBITS

2025MO3002 ; Aerial Map



2025MO3002 ; Site Plan



Note: size of outdoor storage areas shown do not match the dimension labels provided. An amended site plan with accurate scaling was requested but not provided prior to publication of this report



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2025MO3002 ; 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 storage involves only non-hazardous, commercially safe goods, eliminating risks of contamination, fire hazards, or other environmental concerns.

Storage areas are clearly defined, orderly, and maintained in a manner that preserves safe circulation for vehicles and emergency responders.

Visual impact will be minimized through fencing, screening, or landscaping, ensuring compatibility with the character of surrounding properties.

The use does not increase traffic hazards, impede public access, or introduce activity inconsistent with community standards. Similar outdoor storage practices already exist within the district without adverse impacts, and this proposal is designed to operate in the same responsible manner.

Accordingly, the request upholds public health and safety while supporting the general welfare and orderly development 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:

Storage will be limited to designated areas, organized and maintained in an orderly manner that is compatible with surrounding land uses. Screening, fencing, or landscaping will be provided where appropriate to reduce visual impacts and preserve the aesthetic quality of the area. The proposed storage will not introduce noise, odor, or other nuisances that could negatively affect nearby properties. Similar outdoor storage uses exist within the district and have not diminished surrounding property values, and this proposal is designed to operate in the same responsible and consistent manner. Accordingly, the requested use will remain harmonious with the character of the community while safeguarding the value and enjoyment of adjacent properties.

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

Strict enforcement of the prohibition on outdoor storage would create an unnecessary hardship by restricting the petitioner's ability to continue transporting and staging large aerospace components sourced from NASA, Boeing, Lockheed, and Blue Origin for delivery to the Indianapolis market. These components, due to their scale and specialized handling requirements, cannot feasibly be stored within standard enclosed facilities. Outdoor storage in a controlled, screened, and secure area is essential to the petitioner's ongoing operations and ability to serve a critical and growing sector of advanced manufacturing and aerospace supply. Denial of this allowance would impair the petitioner's ability to conduct business effectively and competitively, resulting in a practical difficulty that goes beyond mere inconvenience and instead threatens the viability of a unique and beneficial enterprise within the community. Granting the variance will relieve this hardship while ensuring storage is conducted in a manner consistent with the public interest.

2025MO3002 ; Previous Special Exception Conditions (2005SE3003)

1. **Subject to the site plan file-dated August 23, 2005, and the following conditions:**
2. **Outside storage shall not be permitted.**
3. **All operations shall occur within the existing building and be subject to the Plan Operation, file-dated September 22, 2005, and identified as Exhibit "A."**
4. **Any sign identifying the business use shall either be non-illuminated or externally illuminated**
5. **Subject to the PPC report submitted as part of the Plan of Operation.**



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2025MO3002 ; Notice of Violation (VIO25-003522)

Section 740 -1005.A.1. Civil Zoning Violation

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-903.B. - Failure to obtain a sign permit for the display of a wall sign and free-standing sign).

Section 740 -1005.A.3. Civil Zoning Violation

Specific Violation: The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Scrap metal, wood, and other miscellaneous items throughout the property).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of inoperable vehicles in any zoning district, the provisions of which do not specifically permit such a use; (Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate, or flat tires; or that is otherwise partially dismantled or mechanically inoperable...multiple vehicles).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of vehicle parts in any zoning district, the provisions of which do not specifically permit such a use; (Vehicle tires, dump truck beds and other miscellaneous vehicle parts throughout the property).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.A.6.e – Parking lots used for access or maneuverability shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.D.6.a. - The parking area lacks hard surface and durability...gravel surface).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.D.7.a. - The parking spaces lack 4 inch durable painted lines, curbs or signage).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (Table 744-402-2: - Failure to provide the required ADA parking...2 handicap parking spaces are required).

Section 740 -1005.A.9. Civil Zoning Violation

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (Failure to comply with petition #2005-SE3-003; specifically, condition #2...outside storage shall not be permitted). Contact Current Planning, 18th Floor of the City/County Building, 200 E Washington St...317-327-5155.

Section 740 -1005.A.9. Civil Zoning Violation

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (Failure to comply with petition #2005-SE3-003; specifically, condition #3...all operations shall occur within the existing building) Contact Current Planning, 18th Floor of the City/County Building, 200 E Washington St...317-327-5155.

2025MO3002 ; Photographs



Photo 1: Primary Building Viewed from West



Photo 2: Accessory Building & Northern Storage Area Viewed from South

2025MO3002 ; Photographs (continued)



Photo 3: Northern Storage Area Viewed from East



Photo 4: Northern Storage Area Viewed from Southwest

2025MO3002 ; Photographs (continued)



Photo 5: Parking Area Viewed from Northeast



Photo 6: Western Storage Area Viewed from Northeast

2025MO3002 ; Photographs (continued)



Photo 7: Southern Storage Area Viewed from Northwest



Photo 8: Southern Storage Area Viewed from Southeast

2025MO3002 ; Photographs (continued)



Photo 9: Existing Loading Dock for Primary Building



Photo 10: Primary Building Viewed from Southeast

2025MO3002 ; Photographs (continued)



Photo 11: Portion of Primary Building (Southeast)



Photo 12: Adjacent Property to South

2025MO3002 ; Photographs (continued)



Photo 13: Adjacent Property to East



Photo 14: Adjacent Property Line to East

2025MO3002 ; Photographs (continued)



Photo 15: Existing Fence & Adjacent Property to Southwest



Photo 16: Adjacent Property to North

2025MO3002 ; Photographs (continued)



Photo 17: Subject Site Viewed from Emerson (June 2024)



Photo 18: Adjacent Property to West from Emerson (June 2024)



BOARD OF ZONING APPEALS DIVISION III

May 26, 2024

Case Number: 2026-SE3-003
Address: 8420 Masters Road (approximate address)
Location: Lawrence Township, Council District #4
Zoning: C-4
Petitioner: Pinecrest Holdings LLC, by Tyler Ochs
Request: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a critter/pest removal commercial contractor.

Current Land Use: Commercial Office

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

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to the plan of operation.

PETITION OVERVIEW

- ◇ The request would provide for provide for a commercial contractor business in the C-4 district.
- ◇ The C-4 district is for those businesses that are designed to provide for the development of major business groupings and regional-size shopping centers that serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.
- ◇ The subject site was originally developed with a single-family dwelling, which is now being used as a commercial office for a critter/pest control business. The Plan of Operation indicates two (2) office staff, and six (6) field staff technicians will work out of the office. No customers or clients come to the dwelling. All work is performed at the customers' property; however, according to the plan of operation, the storage and use of chemicals would occur on-site.
- ◇ Staff has some concerns with the storage and use of chemicals on site, and their potential harm to adjacent properties. The plan of operation would limit the use of the chemicals to the requested use, which would require a minimal amount of chemicals in Staff's opinion, therefore Staff would recommend any approval be subject to the submitted and approved Plan of Operations.



- ◇ There is a small amount of adjacent community commercial uses to the south, and they are oriented to the west towards Bash Street. Staff does believe there is some merit to this property having a higher intensity use due to the non-community commercial uses to the west, north, and east. Therefore, Staff does recommend approval subject to the plan of operations.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial Office	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
	North: C-S	Light industrial / Warehousing
	South: C-4	Small manufacturing
	East: I-3	Wireless communications facility
	West: C-S	Light Industrial / Warehousing

Thoroughfare Plan		
Masters Road	Local Street	30-foot existing right-of-way and a 50-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	March 18, 2026	
Plan of Operation	March 18, 2026	
Landscape Plan	N/A	
Findings of Fact	March 18, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends community commercial uses.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial typology for this site. This typology provides for low intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

2023-UV3-022; 8345 Bash Street (south of site), requested a Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building to be used for automobile sales, **approved by Board, denied on City Councilor appeal.**

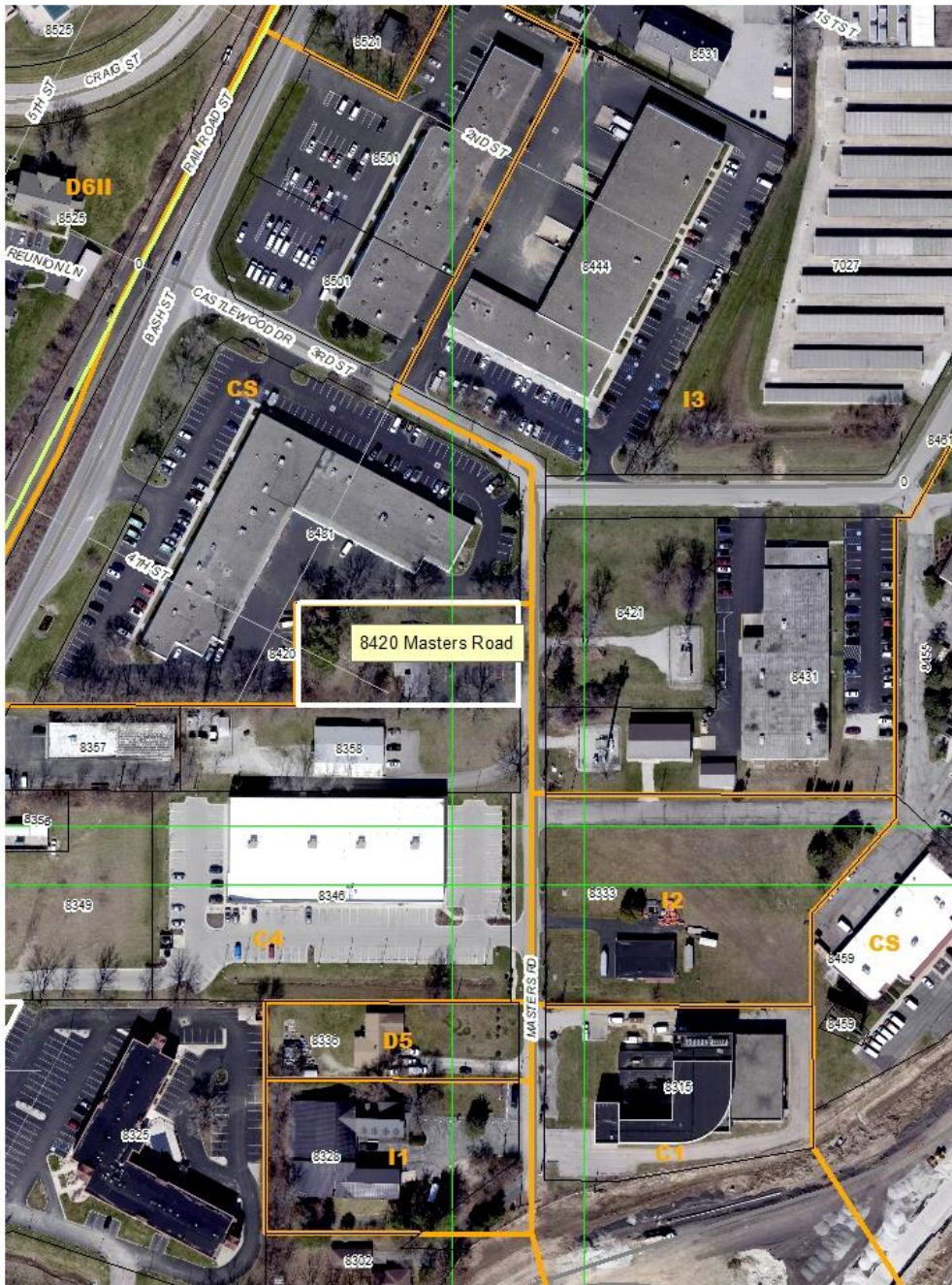
2017-DV3-036; 8301 Bash Street (south of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for transparency only adjacent to public areas at public entrances, **granted.**

85-Z-170; 6902 East 82nd Street (south of site), requested a Rezoning of 4.7 acres, being in the C-4, SU-2, and I-1-S Districts, to the C-6 classification, to provide for highway-oriented commercial uses, **approved.**

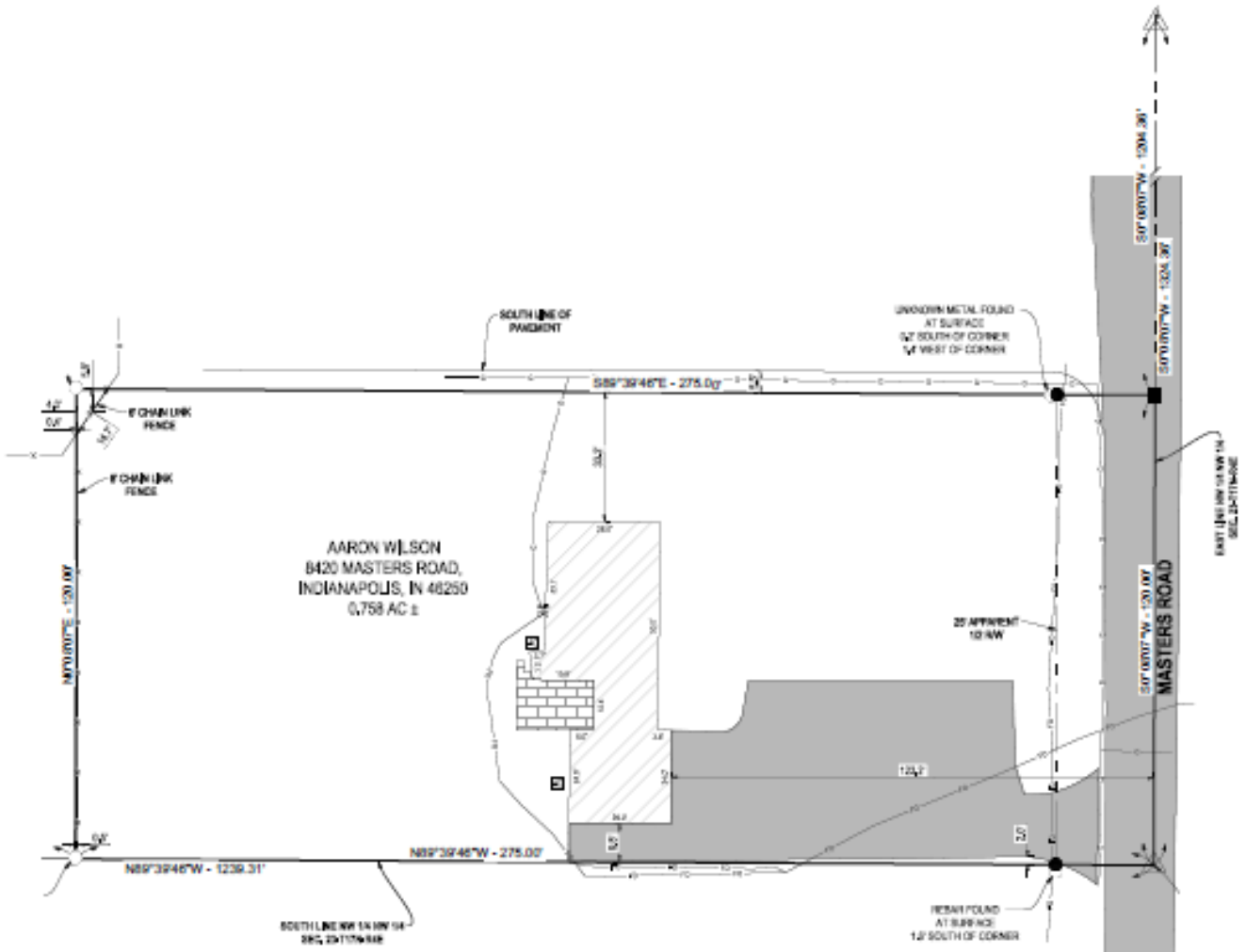
RU

EXHIBITS

Location Map



Site Plan



Plan of Operation

PLAN OF OPERATION

1. Clients and Customers

Our clients are residential homeowners and commercial property managers. Customers do not come to our business location. All services are performed at their sites.

2. Processes Conducted On Site

- Captured nuisance wildlife are transported from job sites to our facility.
- Animals are managed according to nuisance wildlife permit methods: either transferred to licensed rehabilitators or, when necessary, humanely euthanized.
- Carcasses are stored in a deep freezer until disposed of at a Type 3 landfill on a biweekly or as-needed basis.
- No public-facing services, retail sales, or long-term animal housing occur at the facility.

3. Types of Waste Generated

- Biological waste (animal carcasses, bedding).
 - General office/operational trash.
 - Limited cleaning and disinfectant materials.
- All waste is disposed of in compliance with local, state, and federal law.

4. Shipping and Receiving

The facility does not ship products or receive inventory for resale. Receiving is limited to occasional delivery of supplies (traps, cleaning materials, safety equipment).

5. Materials Used

- Wildlife capture equipment (traps, cages, PPE). Screws, mesh, sealant, ladders for exclusion work
 - Cleaning and disinfecting chemicals.
 - Euthanasia agents as permitted by DNR.
- All chemicals would be stored indoors, in sealed containers, within an accessory building. No outdoor/open-air of chemical storage occurs.

6. Workforce

The company employs 6 field technicians and 2 office staff. Staff use the site for limited staging, equipment storage, and preparation.



Findings of Fact

Petition Number _____

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

**PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because
The petitioner is a pest control company as listed under the definition of Commercial and Building Contractor.

2. The proposed use will not injure or adversely affect the adjacent area or property values in that
area because
The proposed request is for a site that is currently zoned commercial. The processes provided by petitioner related
to the captured wildlife ensure that there will be no impact to the surrounding areas. No public-facing services,
retail sales, or long-term animal housing occurs at the facility.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of
adjoining property because
This proposed use will allow a business to operate in a commercial area. The nature of the surrounding businesses
will not be disrupted since this business is not public-facing. Customers are not visiting the site and the petitioner uses
processes to ensure that their business will not impact surrounding neighbors.

4. The proposed use will be compatible with the character of the district, land use authorized therein
and the Comprehensive Plan for Marion County because
The current area and Comprehensive plan call for the use to be heavy commercial. The stringent requirements
associated with the proposed use fits in line with the heavy commercial nature of the area.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the
zoning district in which it is located because
The only development standard applicable relates to parking. This use does not have customers that visit the location
and the employees who use the premises are limited. Therefore, the parking is adequate for the use as presented.



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6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

This is a heavy commercial area currently designated C-4 and the petitioner has shown through the plan of operation that the procedures in place related to the business will abide by any and all requirements as listed in 740 and 744.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

The only 743 requirement is that the use shall be subject to an approved plan of operation which has been submitted to staff.

Photographs



Photo of the subject site looking west



Photo of adjacent use to the south, looking west.



Photo of adjacent use to the north, looking west.



Photo of adjacent use to the east.



Board of Zoning Appeals Division III **May 26, 2026**

Case Number: 2026-DV3-013

Property Address: 4202 South East Street (*approximate address*)

Location: Perry Township, Council District #23

Petitioner: Kurt Padavano, by Atlantic Sign Company

Current Zoning: C-4/C-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit a pole sign with a height of 23.5 feet (maximum 20 feet permitted), to allow for a 3rd pole sign (maximum one per frontage), and to allow for a total of 5 freestanding signs along East Street frontage (maximum 2 per frontage permitted).

Current Land Use: Integrated center; retail; gas stations

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

N/A

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 4202 South East Street is a parcel totaling roughly 7.060 acres and is part of a larger integrated center along South East Street stretching from Hanna Avenue to the highway ramp for I-465/I-74. The parcel is split-zoned between C-4 and C-5. The surrounding area is largely commercial with some residential to the west of the site as well as east of the site across East Street.
- The petitioner is requesting a variance to permit a pole sign with a height of 23.5 (maximum height of 20 feet permitted), to allow a 3rd pole sign (maximum one per frontage), and to allow for a total of 5 freestanding signs along the East Street frontage (maximum 2 signs per frontage permitted). Staff will note that this request pertains to replacing the cabinet on an existing freestanding sign and does not involve the construction of another new sign on the property.
- Historic images indicate that this freestanding sign has been on the parcel since at least 2007, predating the sign ordinance. While the sign in its current state is a legal nonconformity, the replacement of a sign cabinet represents new development and requires a variance.
- Current C-4 standards limit the height of a pole sign to 20 feet. The current sign in its nonconforming state is 25 feet and 11 inches. The proposed sign will lessen that nonconformity



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at 23 feet and 1/8 of an inch. Current standards also limit the number of pole signs and freestanding signs along a frontage.

- The current Ordinance standards are intended to regulate and limit the intensity and proliferation of signs. Historically, staff has often recommended denial on variances where new sign structures are being installed beyond what the Ordinance allows and where sign dimensions and intensity further deviate from the standards set by the Ordinance. In this case, however, while the sign cabinet is changing, a new freestanding structure is not being built. There is no increase in the proliferation of signs. Furthermore, as this sign is being brought down in height closer to current Ordinance standards, this represents a decrease in the intensity of the total signage along the frontage.
- As a sign cabinet replacement is seen as new development, any replacement of an existing sign that predates the Ordinance would negate its nonconforming status. Property owners would be left with the decision to either remove the requisite number of signs to come into compliance with the Ordinance or seek a variance, creating a practical difficulty. This differs from the installation of a new freestanding sign structure or increasing the intensity of a nonconformity.
- Given the legal nonconforming status of the existing sign, the lessening of said nonconformity in the proposed development, and the presence of existing signs causing practical difficulties, staff recommends approval of this petition.

GENERAL INFORMATION

Existing Zoning	C-4/C-5	
Existing Land Use	Integrated center; retail; gas stations	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-5	North: Commercial
South:	C-4	South: Commercial
East:	C-7/ D-3	East: Commercial/Residential
West:	C-4/D-6II	West: Commercial/Residential
Thoroughfare Plan		
South East Street	Primary Arterial	100-foot existing right-of-way and 114-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	3/3/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	



Landscape Plan	N/A
Findings of Fact	3/3/2026
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

56-A-78; 4202 South East Street, Rezoning of a plot of land 175' x 200' from the A-2 district to the B-6 district to erect a building for drive-in refreshments, to be used for serving root-beer and soft drinks, **approved**.

ZONING HISTORY – VICINITY

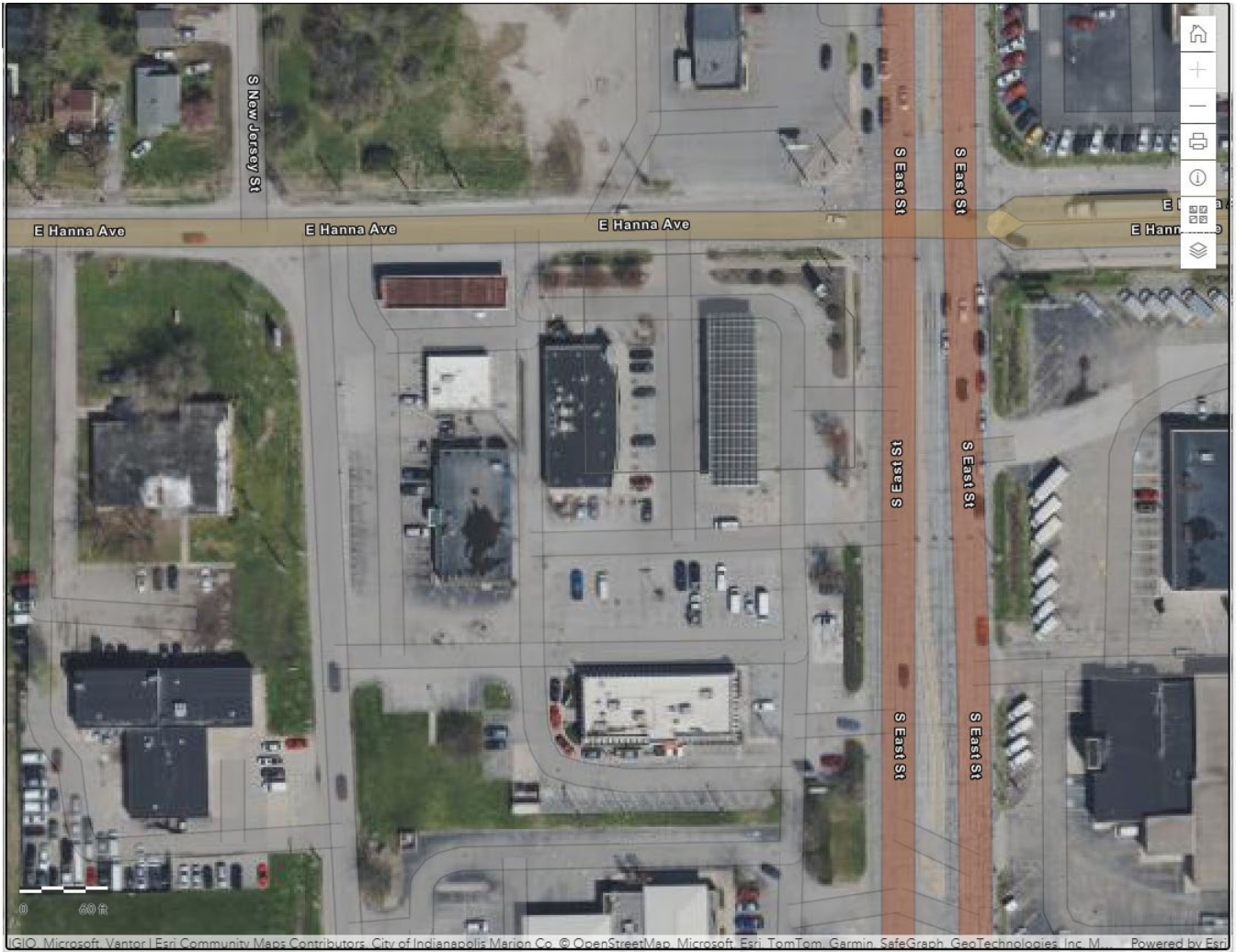
79-Z-13; 4011 South East Street, Rezoning from the C-5 district to the C-7 district to permit operation of a truck and trailer rental center and repair depot, **approved**.

96-CV-40 / 96-Z-224; 4145 South East Street, Variance of Development Standards of the Commercial Zoning Ordinance to legally establish an automobile tire center with parking within the front yards and a zero foot landscape strip along East Street and Edwards Avenue; zero-foot transitional yard along Edwards Avenue; and zero-foot landscaping strips along the east and south property lines and a rezoning from the D-3 to the C-4 district, **approved subject to commitments**.

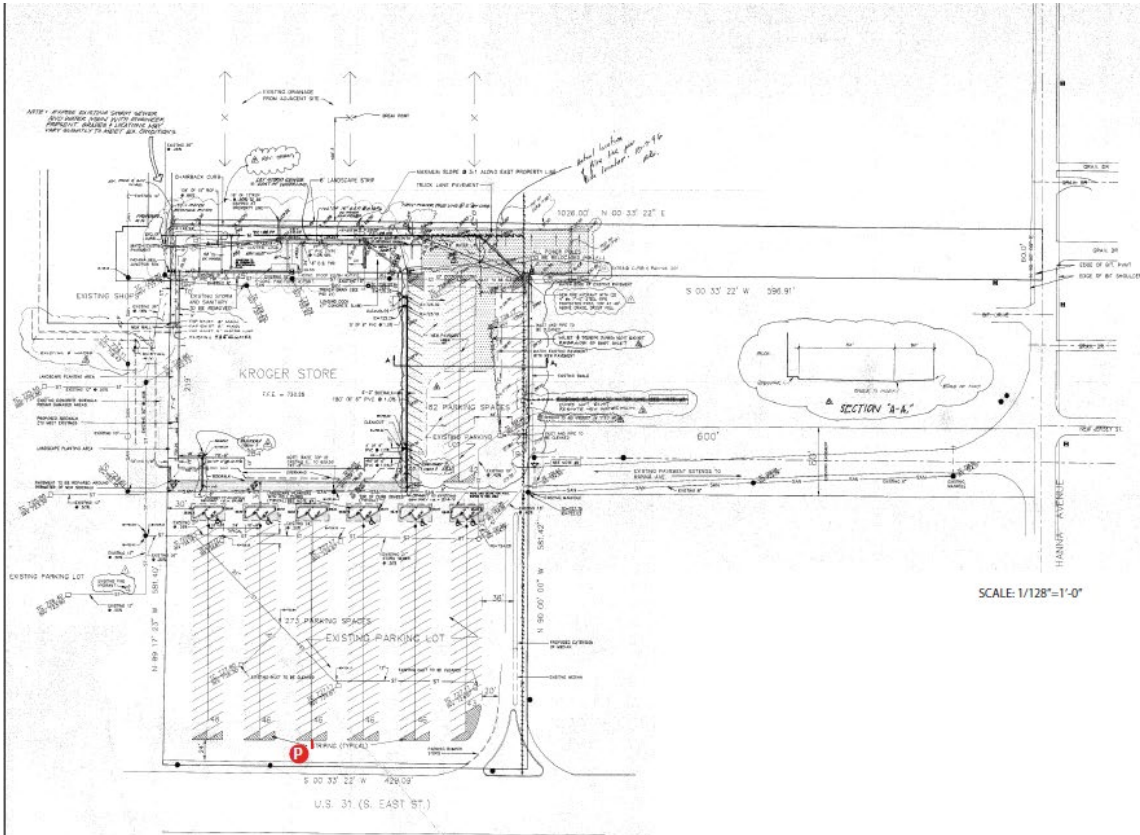
2005-ZON-144; 4157 South East Street, Rezoning of 0.55-acre from the D-3 to the C-4 district, **approved**.

2014-ZON-082; Rezoning of 3.1 acres from the C-5 district to the C-7 classification to provide for self-storage and a truck rental facility, **approved**.

EXHIBITS
2026DV3013; Aerial Map

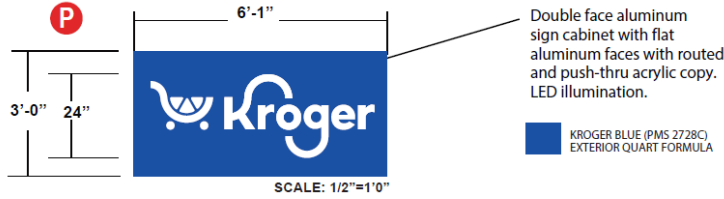


2026DV3013; Site Plan



EXISTING STOREFRONT ELEVATION

2026DV3013; Rendering



EXISTING



PROPOSED

NOTE: POLES WILL NEED TO BE CUT OFF AT THE TOP TO ALIGN WITH THE TOP OF THE NEW CABINET.

NO WORK TO FUEL PRICERS.

KROGER #927
4202 S. EAST STREET
INDIANAPOLIS, IN

2026DV3013; Photographs



Photo 1: Existing sign

2026DV3013; Photographs (continued)



Photo 2: View from subject site looking north at other signs along frontage

2026DV3013; Photographs (continued)



Photo 3: View from subject site looking south at integrated sign along frontage

2026DV3013; Photographs (continued)



Photo 4: Surrounding context

2026DV3013; Photographs (continued)



Photo 5: Integrated center where gas station sits



Board of Zoning Appeals Division III **May 26, 2026**

Case Number: 2026-DV3-016 Petition B

Property Address: 10220 East Washington Street (*approximate address*)

Location: Warren Township, Council District #20

Petitioner: Indy WS40 LLC, by Barnes & Thornburg LLP (Joseph Calderon)

Current Zoning: C-4 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a monument sign within 250 feet of another freestanding sign (300 feet of separation required).

Current Land Use: Under development

Staff Recommendations: Staff recommends **approval** of the sign variance.

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This petition has been split into an A and B

STAFF RECOMMENDATION

Staff recommends **approval** of petition B.

PETITION OVERVIEW

- 10220 East Washington Street is a parcel totaling roughly 1.326 acres and is part of a larger integrated center just east of the intersection of Washington Street and Mitthoefer Road. This site was previously home to a Golden Corral restaurant. The property is zoned C-4 and is part of the Transit-Oriented Development (TOD) overlay district. Surrounding properties are also zoned C-4 within the TOD overlay. Site plans indicate that a proposed bus rapid transit (BRT) line, is proposed directly south of this site.
- The petitioner is requesting a variance of development standards to allow for the following:
 - A monument sign within 250 feet of another freestanding sign on the same frontage
- The C-4 (Community-Regional District) is “designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”



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- Regarding the monument sign, the petitioner’s findings of fact indicated that the Ordinance does not account for parcel ownership or sign rights once a parcel is replatted. While the bank parcel was replatted, it still functions like an integrated center with access from Ring Road. That said, the parcel is relatively small and the area available for a new sign with the proper distance from the integrated sign is limited. Moving the sign to the eastern portion of the property would represent a greater nonconformity as it would be roughly 100 feet from Longhorn Steakhouse sign. In staff’s analysis, this represents a site-specific practical difficulty. As such, staff recommends approval of the sign variance request.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Undergoing development	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Surrounding Context
	North: C-4	North: Commercial
	South: C-4	South: Commercial
	East: C-4	East: Commercial
	West: C-4	West: Commercial
Thoroughfare Plan		
Washington Street	Primary Arterial	168-foot existing right-of-way and 124-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	4/09/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	4/9/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan



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- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers

Red Line / Blue Line / Purple Line TOD Strategic Plan

- District Center:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structural parking only with active first floor

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

68-Z-212; East Washington Street between Mitthoefer and East 10th Street, Rezoning of 135.92 acres from the A-2 classification to the B-2 classification to provide for the construction of a shopping center, **approved**.

2023DV3004; 10220 East Washington Street, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an integrated center with:



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- An accessory drive through within 600 feet of a transit station with access provided by a private drive (alley access required);
- A surface parking area within the minimum 50-foot front yard setback (not permitted);
- All buildings maintaining a 20-foot front yard setback (maximum 10-foot setback permitted);
- And a 46% front building line (80% required)

This petition was **approved**.

2024DV3013; 10220 East Washington Street, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a bank with one primary entry (two required), **approved**.

ZONING HISTORY – VICINITY

73-Z-176; 10029 East Washington Street, Rezoning of 2.517 acre parcel from the A-2 district to the C-4 classification to provide for commercial development, **approved**.

76-Z-105; 10025 East Washinton Street, Rezoning of a 0.694-acre parcel from the A-2 to the C-4 classification, **approved**.

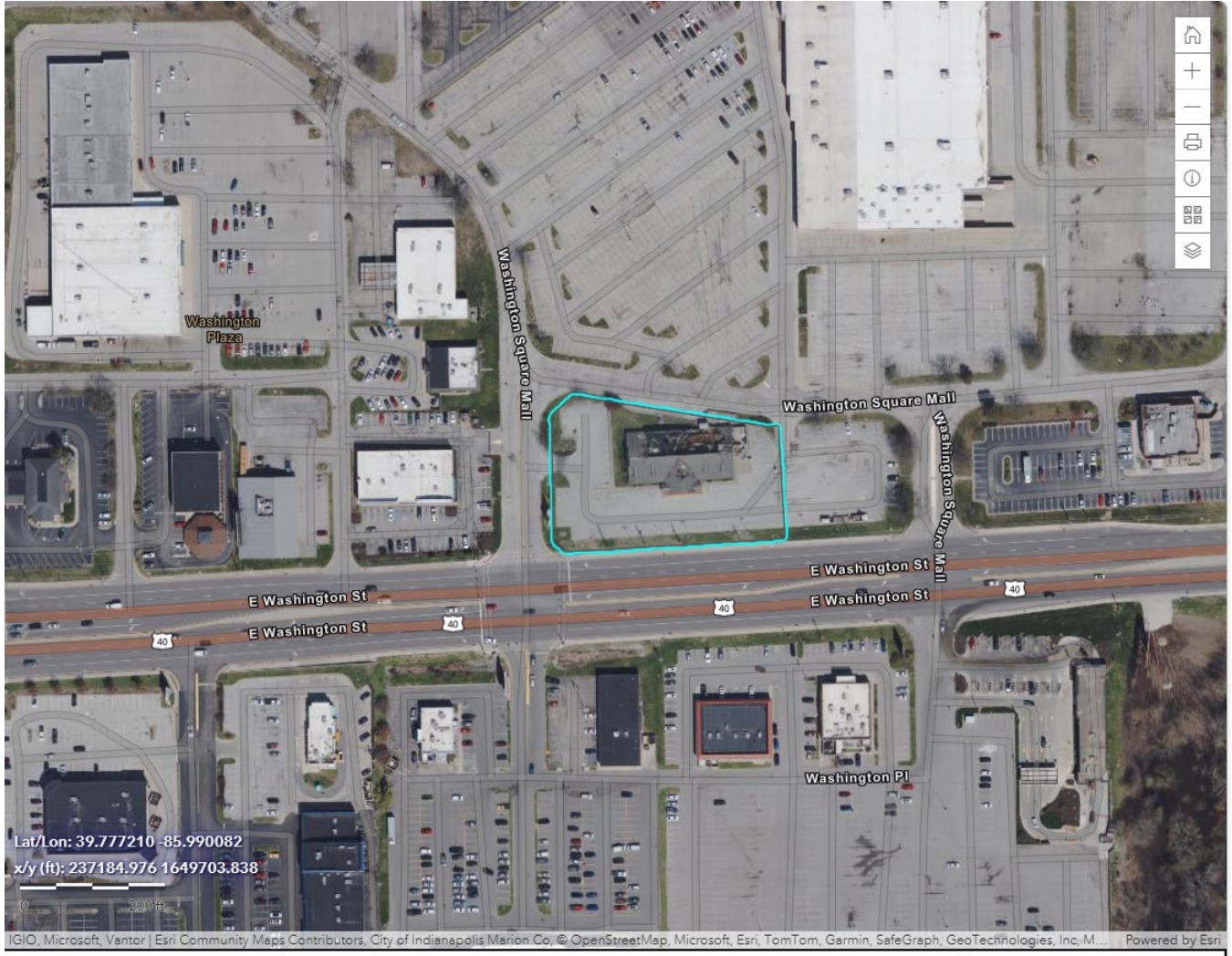
80-Z-11; 10115 East Washington Street, Rezoning of unimproved land from the D-2 to the C-4 classification to allow for the construction of a retail sales facility with off-street parking, **approved**.

80-Z-12; 10117 East Washington Street, Rezoning of 3 acres from the D-2 to the C-4 classification to allow for the construction of a retail sales facility with off-street parking, **approved**.

84-Z-35; 10225 East Washington Street, Rezoning of 10.6 acres from the A-2 classification to the C-4 classification to permit development of the property for retail commercial use, **approved**.

87-Z-24; 10229 East Washington Street, Rezoning of 4+ acres from the A-2 to the C-4 classification, **approved**.

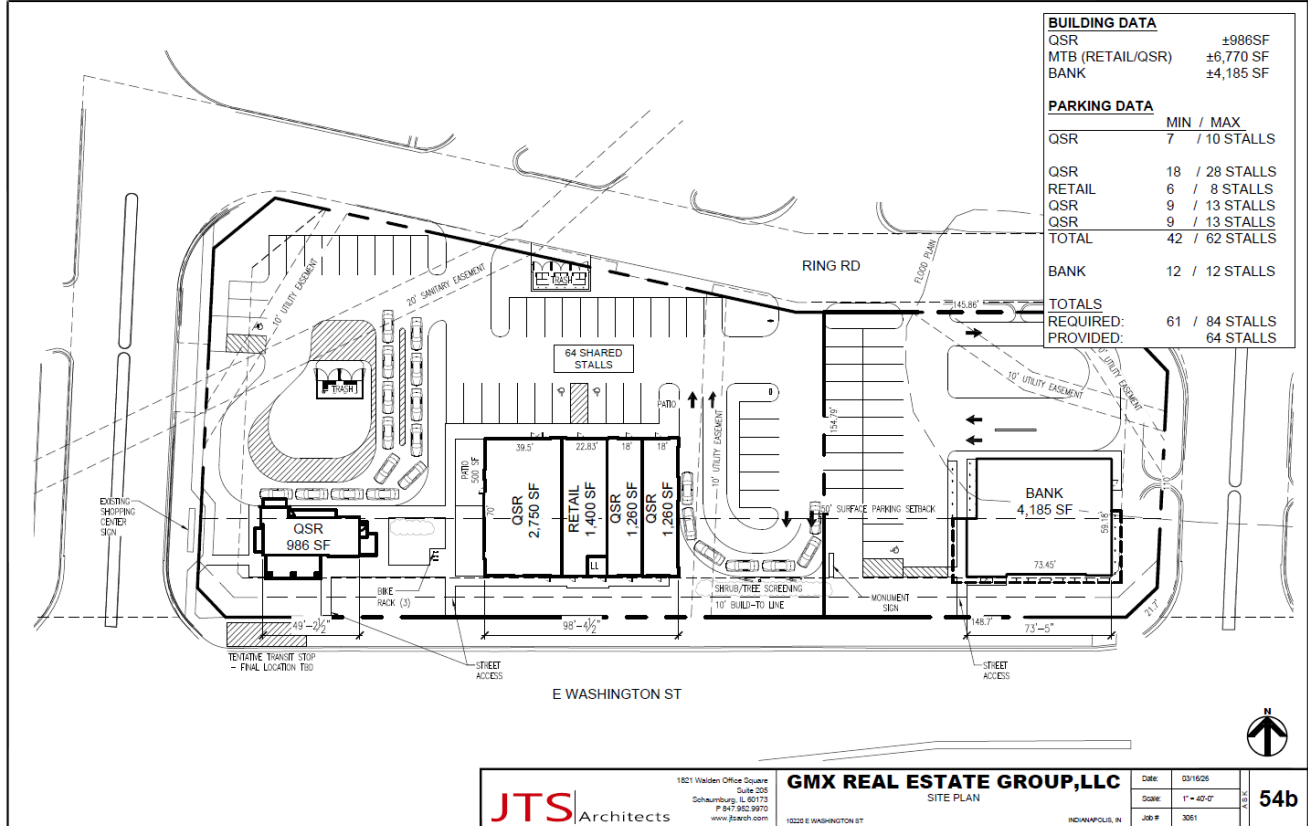
EXHIBITS
2026DV3016; Aerial Map





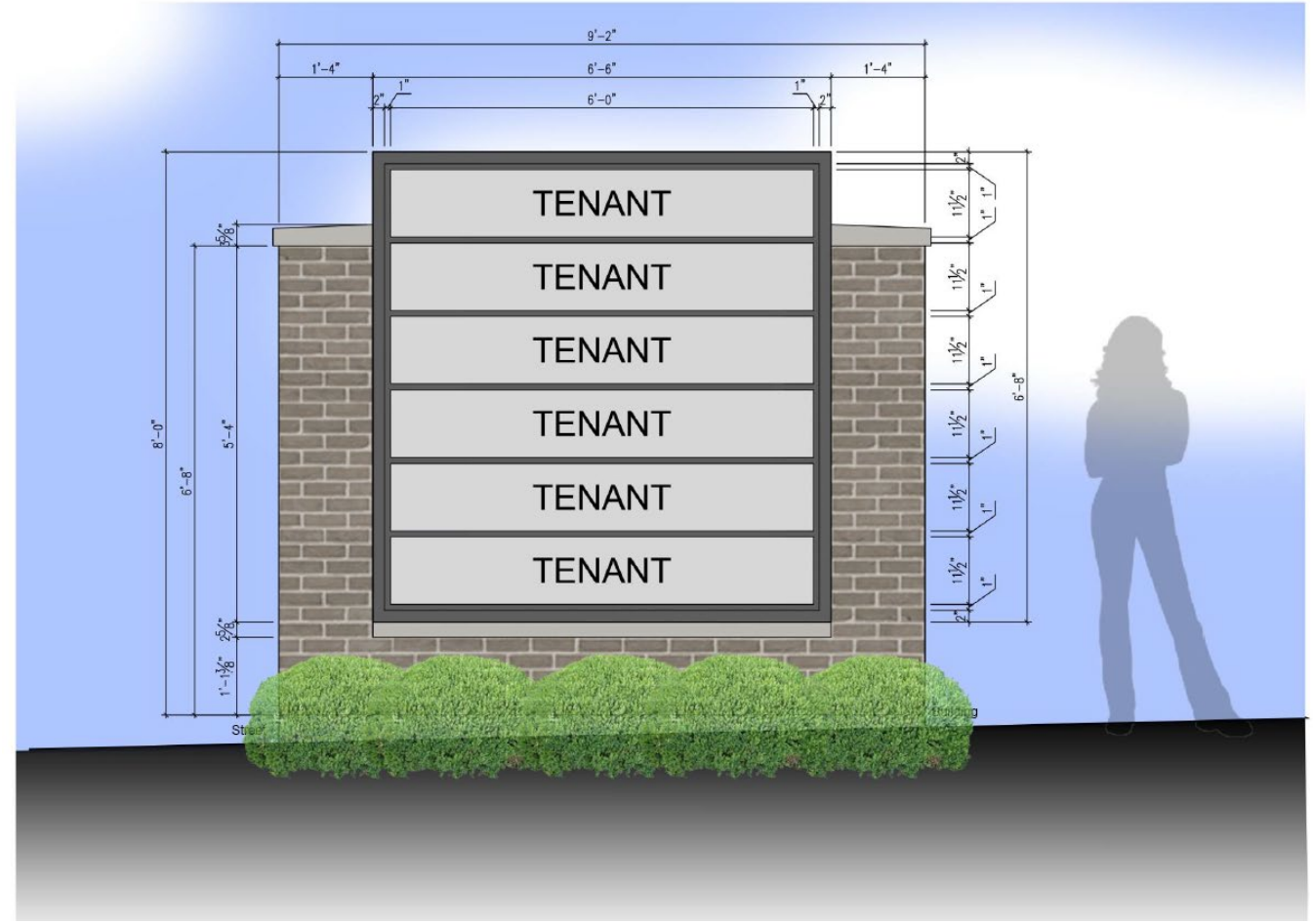
Department of Metropolitan Development
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2026DV3016; Site Plan



	1821 Warden Office Square Suite 200 Schaumburg, IL 60173 P: 847.842.9970 www.jtsarch.com	GMX REAL ESTATE GROUP, LLC SITE PLAN	Date: 03/16/26 Scale: 1" = 40'-0" Job #: 3061	54b
	18222 E WASHINGTON ST INDIANAPOLIS, IN			

2026DV3016; Sign Rendering



2026DV3016; Photographs



Photo 1: Subject site from mall parking lot

2026DV3016; Photographs (continued)



Photo 2: Framing of bank at subject site

2026DV3016; Photographs (continued)



Photo 3: Photo of subject site undergoing development and surrounding context in background



BOARD OF ZONING APPEALS DIVISION III

May 26, 2026

Case Number:	2026-DV3-017 (Amended)
Property Address:	949 South Illinois Street (approximate address)
Location:	Center Township, Council District #18
Petitioner:	George Stergiopoulos, by Mark and Kim Crouch
Current Zoning:	CBD-2 (RC)
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit building (minimum 5 units required).
Current Land Use:	Undeveloped
Staff Recommendations:	Staff recommends approval of this petition.
Staff Reviewer:	Michael Weigel, Principal Planner II

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

949 South Illinois Street is a parcel with a size of 2598 square feet (0.06-acre) and a width of 20 feet. It is located at the intersection of Illinois and Ray Street and is currently unimproved. A residential structure that previously existed at the site was demolished in 2009. Surrounding land uses include a multifamily apartment building to the east, a single-family residence to the north and the I-70 interstate to the south. The property is near the Meridian Street corridor to the east (see photo #8).

Approval of this Use Variance would allow for construction of a 3-unit dwelling with attached garage on the vacant lot, per the site plan, elevations and floorplans below. The zoning of the site only allows for multifamily development with 5 or more units, meaning that housing typologies with four (4) or fewer units would not be allowed by-right. The Regional Center Approval petition 2025REG085 was filed in November of 2025, and is pending the result of this hearing.

No Variances of Development Standards would be required to allow for the proposed layout, given that the CBD-2 zoning district allows for 0-foot setbacks and that the property would be able to utilize same-side off-street parking on both Illinois Street and Ray Street in addition to the proposed attached garage. Additionally, the property was shifted to the east to move it out of the required clear-sight triangle at staff's request to minimize or eliminate the need for additional variances.



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The property is zoned CBD-2 (Central Business District Two), which is for the general downtown area of Indianapolis and should both represent the typical urban core and be developed at a very high density. The CBD-2 district accommodates a diverse mixture of uses including residential, retail, restaurants, entertainment, major public facilities, etc. Similarly, the Comprehensive Plan Pattern Book recommends the site to the Urban Mixed-Use typology and the Regional Center Design Guidelines indicate that the Village Mixed-Use typology would be most appropriate (see Comprehensive Plan Analysis below). A density of 25 to 75 dwelling units per acre is contemplated by the Comprehensive Plan for this area.

Findings of Fact provided by the applicant note that it would not be feasible to develop the property with five (5) or more units as contemplated by the Ordinance without the need for additional variances, and that the narrow width and small area would also preclude other development options. Staff notes that the proposed three (3) units on a 0.06-acre lot would result in a residential density of 50 units per acre, which would align with the Plan recommendation above. Additionally, the petitioner amended plans to ensure that no variances of development standards would be required to allow for three (3) units, which addressed staff concerns about potential overdevelopment. Given the difficulties posed by the narrow lot and that the proposed density would align with the Comprehensive Plan and the intent of the Ordinance, staff would recommend **approval** of this petition.

GENERAL INFORMATION

Existing Zoning	CBD-2	
Existing Land Use	Undeveloped	
Comprehensive Plan	Urban Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	CBD-2	North: Undeveloped
South:	CBD-2	South: Interstate
East:	CBD-2	East: Multifamily
West:	CBD-2	West: Interstate Exit Ramp
Thoroughfare Plan		
Illinois Street	Local Street	70-foot existing right-of-way and 48-foot proposed right-of-way
Ray Street	Local Street	162-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	02/27/2026	
Site Plan (Amended)	04/30/2026	
Elevations	02/27/2026	
Findings of Fact	02/27/2026	
Findings of Fact (Amended)	04/30/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Regional Center Guidelines

Pattern Book / Land Use Plan

- The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided. This typology has a residential density of at least 25 to 75 units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Village Mixed-Use typology occurs on commercial corridors with mixed-use development. Building ground floors are primarily retail shops with a possibility of specialized uses such as arts, entertainment venues, inns and some higher-density residential development. The environment is pedestrian in nature with links to transit. Retail shops are supported primarily by the surrounding neighborhood.

Infill Housing Guidelines

- Not Applicable to the Project (no variances of development standards requested).

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2025REG085, construction of new multi-unit residence, **in progress**.

2019UV1015, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling (not permitted), **withdrawn**.

2009REG022, demolition of a primary structure, **approved**.

2000ZON092, rezoning of 0.83 acre from C-5 to CBD-2, **approved**.

ZONING HISTORY – VICINITY

2020UV2015 ; 940 South Meridian Street (northeast of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to construct an addition for three dwelling units (not permitted) and to provide for a deficient number of parking spaces and deficient maneuvering area, including deficient maneuvering area for the handicapped parking space (seven parking spaces with adequate maneuvering required), **approved**.

2008DV1044 ; 928 South Meridian Street (northeast of site), Variance of development standards of the Central Business Districts Zoning Ordinance to provide for a surface parking lot with a gravel surface (not permitted) for a period of three years, **withdrawn**.

2006ZON148 ; 919 South Illinois Street (north of site), Rezoning of 0.262 acres, from the C-5 (RC) District, the CBD-2 (RC) classification to provide for Central Business District Two uses, **approved**.

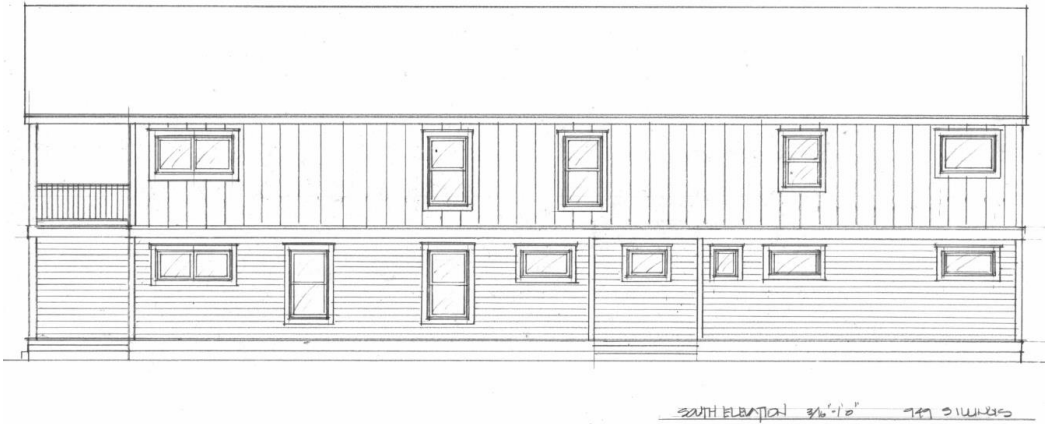
2005ZON124 ; 843 South Illinois Street (north of site), Rezoning of 3.47 acres from the C-5 District to the CBD-2 classification to legally establish commercial uses and to provide for mixed use (commercial/residential) redevelopment, **approved**.

EXHIBITS

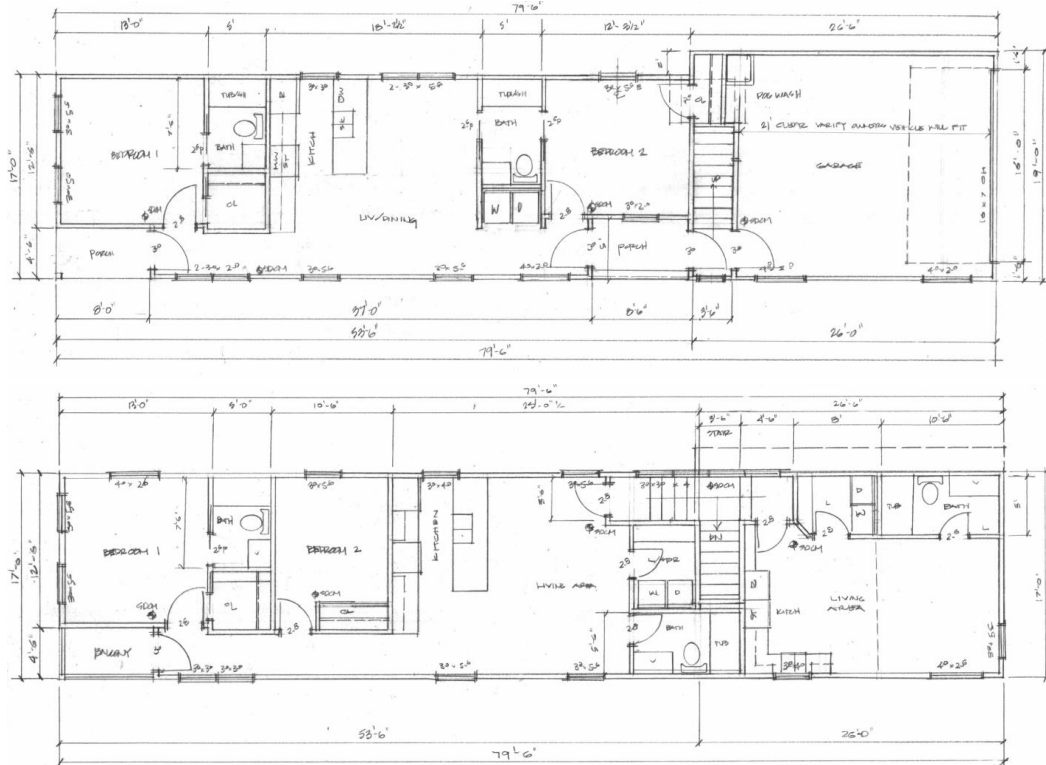
2026DV3017 ; Aerial Map



2026DV3017 ; Elevations



2026DV3017 ; Floorplans (first story; second story)



2026DV3017 ; 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 allow for the construction of a 3 unit residence for private residential use.

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 residence will be consistent with allowable construction within the zoning district and constructed as per code.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE
CBD-2 has a requirement of a minimum of 5 units per building. Constructing a 5 unit building would be considered over-developing the existing lot.

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
existing lot width is very narrow and is located on a corner making it difficult to design the required minimum 5 unit residence without over developing and dwarfing the surrounding residences resulting in a need to reduce the required minimum units to 3. Without variance approval, proposed residence will not be constructed.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE
the comprehensive plan recommendation is for residential and the proposed residence will be residential in use.

2026DV3017 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site Viewed from South

2026DV3017 ; Photographs



Photo 3: Subject Site + Alley Viewed from Southeast



Photo 4: Adjacent Property to East

2026DV3017 ; Photographs



Photo 5: Adjacent Property to North

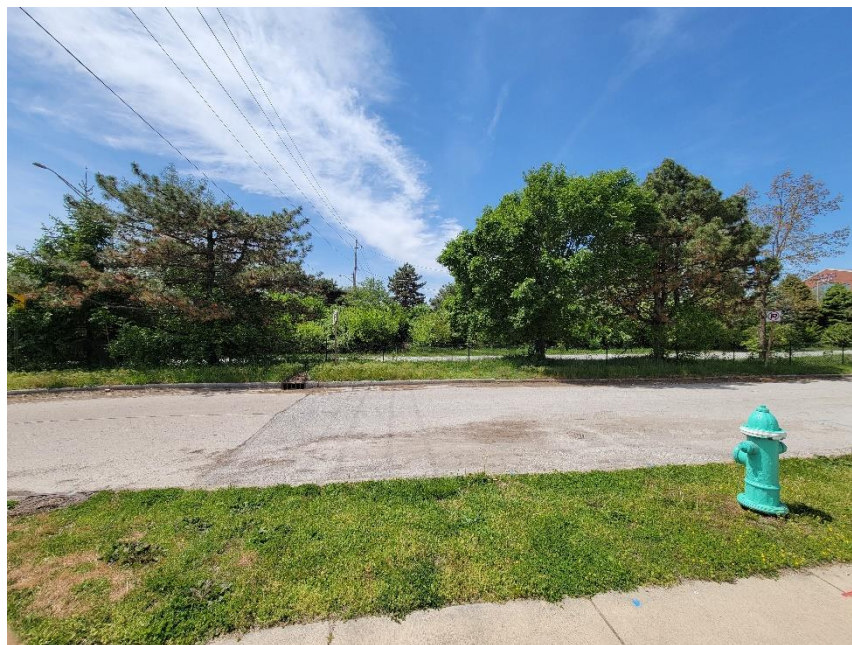


Photo 6: Adjacent Property to West

2026DV3017 ; Photographs



Photo 7: Adjacent Property to South



Photo 8: Intersection of Ray Street and Meridian Street to East

BOARD OF ZONING APPEALS DIVISION III **May 26, 2026**

Case Number: 2026-DV3-018
Address: 5351 Hawthorne Drive (approximate address)
Location: Lawrence Township, Council District #9
Zoning: D-2
Petitioner: Adolph Buckner
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with a zero-foot south side setback (seven-foot side setback required).
Current Land Use: Single-Family Dwelling
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

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The D-2 district is intended for use in suburban areas. Ample yards, trees and passive open spaces easily serving each individual lot are envisioned for this district. The D-2 district has a typical density of 1.9 units per gross acre. Two- family dwellings are permitted on corner lots in this district. This district fulfills the lowest density recommendation of the Comprehensive General Land Use Plan. Public water and sewer facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife
- ◇ 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.
- ◇ Adjacent to the subject site driveway is an approximate six-foot wide parcel (4015985) that runs the length of the southern side parcel line. Assessor’s records indicate this parcel is owned by the property owner to the south, however, they have set their side yard fence on their primary parcel line along the southern border of this six-foot wide parcel, thereby allowing the six-foot wide parcel to act as a side yard setback for the subject site.



- ◇ The proposed garage would be located at the end of the driveway, adjacent to this six-foot wide parcel, with a zero-foot south side setback.
- ◇ State fire code regulations require certain protections for structures that are constructed within a three-foot setback from parcel lines. Even though the proposed garage would not be adjacent to another structure, these regulations would apply to this structure if it maintains the zero-foot south side setback as requested. No elevations have been provided, but state fire-code regulations will require the south exterior wall to be fire-resistant rated, it cannot have a window opening, and there can be no gutter overhang. Otherwise, the garage would need to be moved in order to have a three-foot minimum south side setback from the parcel line to meet the minimum state fire-code regulations. If the garage is moved the three feet to accommodate the minimum state fire-code regulations, the requested variance would still be applicable, as the garage would still be deficient from the required seven-foot side setback in the D-2 district development standards.
- ◇ The proposed zero-foot south side setback is adjacent to a six-foot wide small parcel that is not used for any structure and acts as a side yard buffer. This six-foot separation is an anomaly to the area where only one other instance occurs in the neighborhood. This six-foot separation would be similar to other side setback separations in the area. Therefore, Staff believes that the reduced side setback of zero-foot as requested would have no impact on the surrounding property owners.
- ◇ Generally, Staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	0-1.75 Residential units per acre	
Overlay	N/A	
Surrounding Context	Zoning	Surrounding Context
	North:	D-2 Single-family dwelling
	South:	D-2 Single-family dwelling
	East:	D-2 Single-family dwelling
	West:	D-2 Single-family dwelling
Thoroughfare Plan		
Hawthorne Drive	Local Street	50-foot existing and proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	N/A	
Wellfield Protection Area	N/A	
Site Plan	April 15, 2026	
Elevations	N/A	
Plan of Operation	N/A	
Commitments	N/A	
Landscape Plan	N/A	
Findings of Fact	April 15, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan has recommended 0-1.75 Residential units per acre uses for this site.

Pattern Book / Land Use Plan

- Not Applicable.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable.

Neighborhood / Area Specific Plan

- The Comprehensive Plan has recommended 0-1.75 Residential units per acre uses for this site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

None

RU *****

EXHIBITS

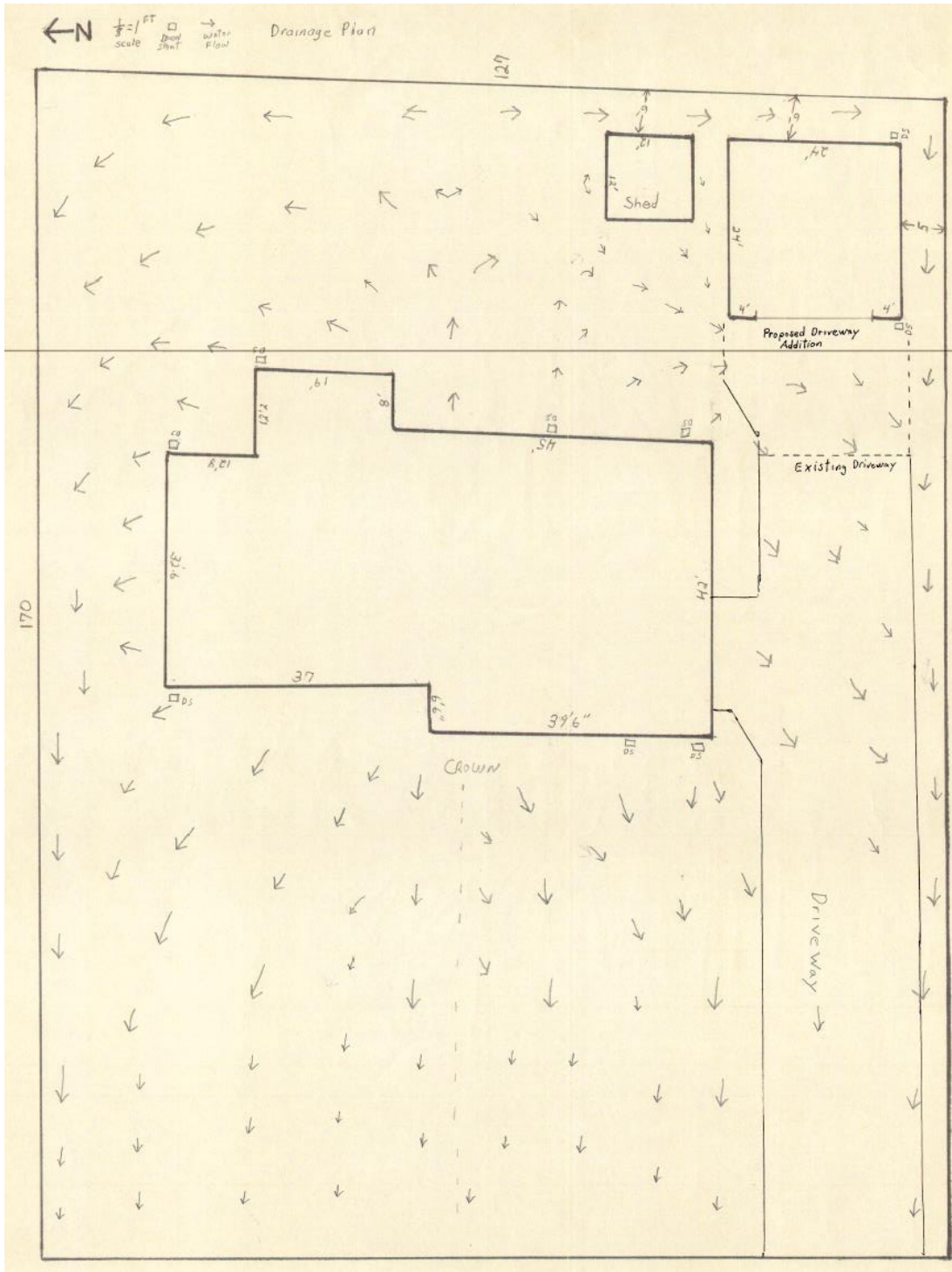
Location Map



Location Map closeup



Site Plan





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed detached garage will be constructed in accordance with all applicable building codes and safety standards. The structure is located along the south property line and will maintain adequate spacing for safe access and use. The placement will not obstruct visibility, interfere with traffic flow, or restrict emergency access. The use of the property will remain residential in nature and consistent with surrounding properties.

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

The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the proposed detached garage is consistent with the residential character of the neighborhood. The structure is proposed approximately six(6) feet from the east property line and will be similar in scale and design to other accessory structures in the area. The placement will not significantly impact light, air, or privacy for neighboring properties. The improvement will enhance the overall appearance and functionality of the property without negatively affecting surrounding property values.

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

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because the required twenty-five (25) foot rear setback significantly limits the ability to construct a functional detached garage on the lot. The configuration of the property, including the existing placement of the residence and available yard space, restricts reasonable options for placement in full compliance with the ordinance. Locating the garage within the required setback would reduce usable space and create access and layout challenges. The proposed placement is approximately six(6) feet from the east property line provides a reasonable and practical solution that allows for the improvement of the property while maintaining the overall intent of the zoning ordinance.

Photographs



Subject site front, looking east from Hawthorn Drive.



Location of proposed garage at end of driveway, looking east.



Closeup of six-foot wide parcel, adjacent to driveway, looking east.



Location of proposed garage, looking south.



Adjacent dwelling to the north, looking northeast



Adjacent dwelling to the south, looking east



Department of Metropolitan Development
Division of Planning
Current Planning

Board of Zoning Appeals Division III

April 21, 2026

Case Number:	2026-UV3-003
Property Address:	3305 North Arlington Avenue (<i>approximate address</i>)
Location:	Warren Township, Council District #9
Petitioner:	Simranjit Nagra
Current Zoning:	C-3
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit a 120-square-foot expansion of an existing residential use (residential uses not permitted in a commercial district).
Current Land Use:	Developed, Single-Family Residence
Staff Recommendations:	Staff recommends approval of this petition.
Staff Reviewer:	Josh Levesque, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 3305 North Arlington Street is a mid-block parcel just south of 33rd Street. It appears that a residential structure has existed on this property since 1950. The property is currently zoned C-3 and is surrounded by a variety of zoning districts and land uses. The adjacent northern property is also zoned C-3 and appears to have a single-family home. Further to the north is a C-S district occupied by an electrical contractor. To the east is a D-3 parcel and further east is another C-S district. The adjacent property to the south is another single-family home but further to the south is yet another C-S district.
- The petitioner's request is to expand an existing residential use to allow for the construction of a laundry room for the tenants onsite. This is shown in the plan of operations highlighted in the exhibit below. While this use does not comport with the current zoning district or the land-use plan, staff's analysis indicates this request is seeking minimal relief for a long-established use.
- Staff will also note that a Variance of Use, in this instance, is better practice than a rezoning. A Variance of Use here will allow for continued use of the residential property without disrupting the intent of the Land Use Plan. The Variance of Use will be tied to the residential use and any following uses must either follow the base zoning district or seek another variance.
- Based on the analysis presented above, staff recommends approval of this variance.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Developed; Residential	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-3 / CS	North: Residential / Heavy Commercial
South:	C-3 / CS	South: Residential / Community Commercial
East:	D-3 / CS	East: Undeveloped / Heavy Commercial
West:	D-4	West: Residential
Thoroughfare Plan		
Arlington Avenue	Primary Arterial	90-foot existing right-of-way and 75-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	2/22/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	2/22/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2003ZON101; 3325 North Arlington Avenue (north of site), Rezoning of 3.339 acres from C-7 to CS, approved.

2019ZON043; 6147 East 34th Street (east of site), Rezoning of 4 acres from D-3 / CS to I-3, approved.

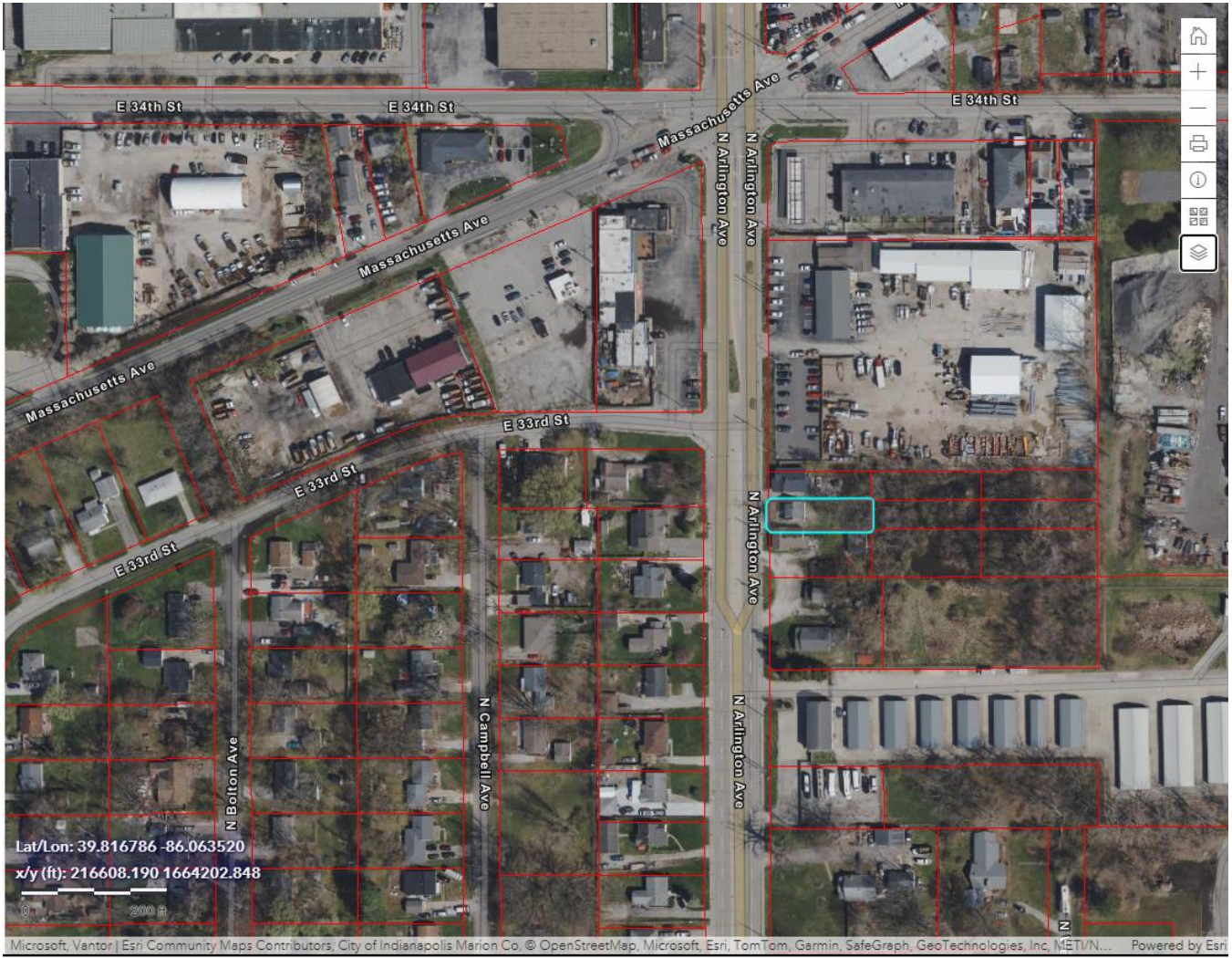
99-Z-197; 3231 North Arlington Avenue (south of site), Rezoning of 1.5 acres from C-3 to CS, approved.

67-V2-126; 3248 North Arlington (west of site), denied

68-V4-213; 3385 North Arlington (north of site), approved

2018-UV1-005; 3320 North Arlington Avenue (west of site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a home care office (not permitted), with a 55-foot wide parking area and access aisles with a four-foot front setback from Arlington Avenue, a zero-foot setback along 33rd Street and a two-foot west side setback (maximum 30-foot parking area, 18-foot front setback and four-foot west side setback required), **denied.**

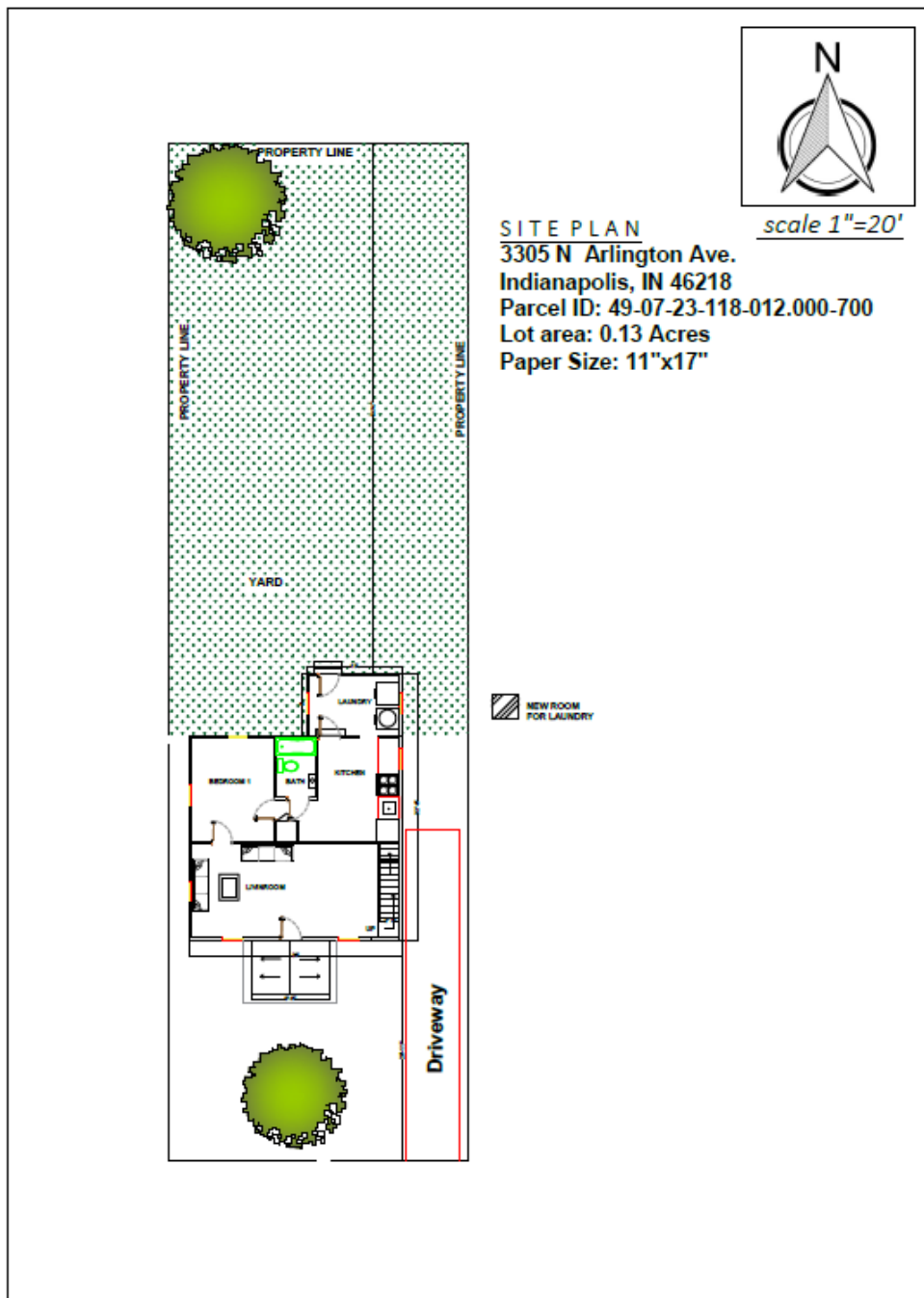
EXHIBITS
2026UV3003; Aerial Map





Department of Metropolitan Development
Division of Planning
Current Planning

2026UV3003; Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

2026UV3003; Plan of Operations

To Levesque, Josh <Josh.Levesque@Indy.Gov>

CAUTION: This email originated from outside of the organization and contains an attachment. Unless you recognize the sender and know the contents are safe, do not open the attachment.

Hey Josh,

The intended use for the addition on the property 3305 Arlington Street is for it to be a laundry room for the residents of the home. It will only be used by the residents for their personal needs.

Thanks,
Simranjit

2026UV3003; Photographs



Photo 1: Subject parcel as seen from Arlington Avenue

2026UV3003; Photographs (continued)



Photo 2: Single-family residence directly north of subject site.

2026UV3003; Photographs (continued)



Photo 3: Single-family residence directly south of subject site.

2026UV3003; Photographs (continued)



Photo 4: Surrounding properties to the north on Arlington Avenue

2026UV3003; Photographs (continued)



Photo 5: Surrounding properties to the south on Arlington Avenue

2026UV3003; Photographs (continued)



Photo 6: Residential properties across the street on Arlington Avenue



BOARD OF ZONING APPEALS DIVISION III **March 17, 2026**

Case Number: 2025-MO3-003
Address: 3030 North Shadeland Avenue (approximate address)
Location: Warren Township, Council District #9
Zoning: C-4
Petitioner: Shadeland Holdings Inc., by Patrick Rooney
Request: Modification of Commitments associated with 2022-UV3-034 to modify Commitment Twelve to read as follows: “The real estate shall be developed as a retail gas station and convenience store pursuant to the site plan prepared by Abonmarche last dated 5/09/2024 and attached hereto.”; and to terminate Commitments Five and Thirteen-M which restricted the days and hours of business operation and prohibited an automobile fueling station.

Current Land Use: Vacant commercial bank

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued for cause by the petitioner from the December 16, 2025, hearing, to the January 20, 2026, hearing, and from the January 20, 2026, hearing, to the February 17, 2026, hearing.

A Registered Neighborhood Organization filed an automatic continuance, continuing this petition from the February 17, 2026, hearing, to the March 17, 2026, hearing.

A Registered Neighborhood Organization requested a continuance for cause, from the March 17, 2026, hearing, to the April 21, 2026, hearing, and from the April 21, 2026 hearing, to the May 26, 2026, hearing.

STAFF RECOMMENDATION

Staff makes **no recommendation** for the modification of commitments.

PETITION OVERVIEW

SITE HISTORY

- ◇ On December 20, 2022, petition 2022-UV3-034, was granted approval for a Variance of Use to provide for the operation of an auto sales lot. Approval was subject to the commitments recorded as Instrument No: A202300016080.

MODIFICATION REQUEST

- ◇ The 2022-UV3-034 variance grant was subject to 13 commitments (attached). The petitioner requests to modify commitments 5, 12, and 13m. Commitment 5 limited business hours from 9am to 7pm Monday through Saturday. Commitment 12 required a secure entrance gate/chain to be installed and kept in good working order. Commitment 13m excluded (prohibited) an Automobile fueling station a C-4 permitted use from the site.
- ◇ The commitments restricting site development and layout were the result of negotiation between a previous petitioner and interested parties during the 2022 variance process. Staff played no role in the negotiation of the subject commitments, and ordinarily provides no recommendation under such circumstances. Staff would note, however, that the commitments were negotiated in good faith between interested parties during the petition process, and their agreement was contingent upon all commitments being included with the variance petition.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant commercial bank	
Comprehensive Plan	Community Commercial	
Overlay	N/A	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: C-4	Commercial contractor
	South: C-4	Commercial office / restaurant
	East: C-4 / I-2	Commercial retail / Industrial warehouse
	West: I-3	Industrial warehouse
Thoroughfare Plan		
N. Shadeland Avenue	Primary Arterial	150-foot existing and proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	N/A	
Wellfield Protection Area	No	
Site Plan	December 11, 2025	
Elevations	N/A	
Commitments	December 11, 2025	
Landscape Plan	N/A	
Findings of Fact	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends community commercial uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial typology for this site. This typology provides for low intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

2022-UV3-034; 3030 North Shadeland Avenue (subject site), requested a Variance of Use to provide for the operation of an auto sales lot, **granted with commitments.**

2017-DV1-053; 3035 and 3169 North Shadeland Avenue (east of site), requested a Variance of Development Standards to provide for loading areas within the front setback and front yard along Shadeland Avenue, **granted.**

2007-ZON-078; 3110 N. Shadeland Avenue (north of site), requested the Rezoning of 2.4 acres, from the I-3-S District to the C-4 classification to provide for community-regional commercial uses, **approved.**

2000-DV3-012; 3005 North Shadeland Avenue (east of site), requested a Variance of Development Standards to provide for the reconstruction of a convenience store/gasoline station, with paving in the required setback of Shadeland Avenue instead of landscaping, **granted, subject to the provision of landscaping.**

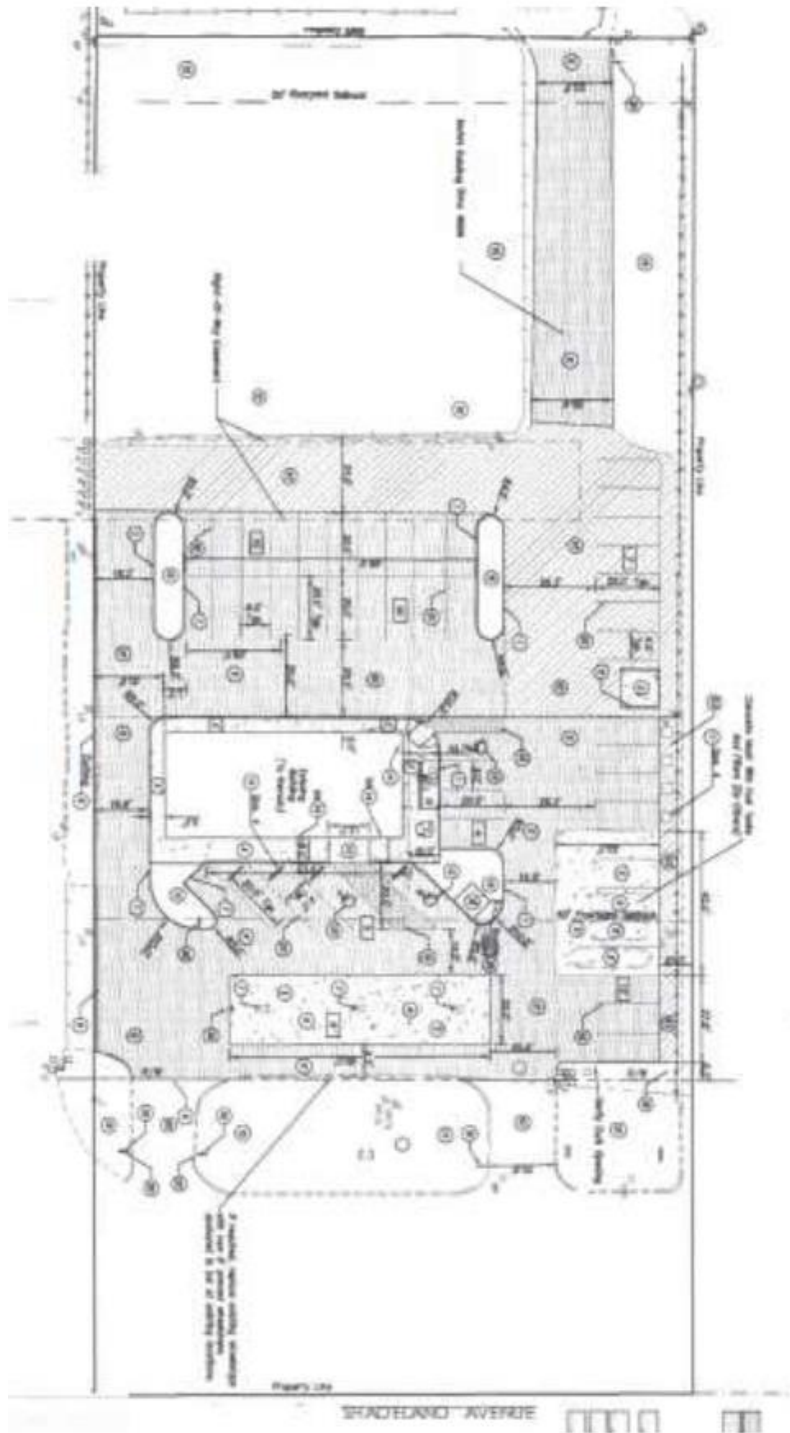
RU

EXHIBITS

Location Map



Site Plan





Commitments - Current

A202300016080

03/02/2023 10:41 AM

**FAITH KIMBROUGH
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 4

By: JS

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

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

Legal Description: 3030 North Shadeland Avenue (See Attached Exhibit A)

Statement of COMMITMENTS:

1. No "buy here, pay here" operation shall be permitted on the premises.
2. No banners or string lights shall be permitted.
 - a. There shall be only outside lighting for security purposes.
3. No junk, wrecked, or inoperable vehicles or storage of auto parts shall be permitted to be stored on the subject real estate at any time.
4. There shall be no vehicle repair on the subject real estate.
5. Business hours shall be no longer than 9 AM to 7 PM, Monday through Saturday.
6. Only one free standing sign shall be permitted on the property.
 - a. No electronic variable message sign (EVMS) component shall be permitted.
7. All lighting shall be of the shielded type.
8. There shall be no vending machines located on the outside of the building.
9. The maximum number of vehicles will be 40 cars (only).
10. Landscaping will be professionally maintained including plants, shrubs, and trees to be replaced expeditiously if / when they die.
11. Ornamental fencing shall be installed and maintained along the eastern frontage and on the two sides back to a point equal to the front façade of the building.
12. A secure entrance gate/chain arrangement shall be installed and kept in good working order.
13. Petitioner commits to exclude the following C-4 uses from the subject site:
 - a. Emergency shelter
 - b. Adult Entertainment
 - c. Greenway
 - d. Garden as primary use
 - e. Check cashing or validation service
 - f. Outdoor advertising off premise sign (new)
 - g. Night club or cabaret

BZA's Exhibit A -- Page 1 of 3

Commitments – Current continued

- h. Firearm sales or gun sales
- i. Fireworks sales on-going
- j. Pawn shop
- k. Power generating facility
- l. Automobile, motorcycle and light vehicle service or repair
- m. Automobile fueling station
- n. Vape shop, solely
- o. Methadone clinic
- p. Plasma center
- q. Substance abuse treatment facility
- r. Tavern
- s. Motel or Hostel
- t. Gun Store
- u. Liquor Store

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

COMMITMENTS contained in this instrument shall be effective upon the grant of variance, special exception or approval petition #2022-UV3-034 by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

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

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2022-UV3-034.

Commitments - Proposed

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

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

Legal Description: See attached Exhibit A.

Statement of Modification or Termination of COMMITMENTS:

1. Commitment No. 5 is terminated and deleted in its entirety.
2. Commitment No. 12 is amended so that it shall now read as follows:

The real estate shall be developed as a retail gas station and convenience store pursuant to the site plan prepared by Abonmarche last dated 05/09/2024 and attached hereto.
3. Commitment No. 13(m) is terminated and deleted in its entirety.

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

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

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships but not exceeding six hundred sixty (660) feet from the perimeter of the real estate. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various township assessors of Marion County, which list the current owners of record at the time the notice shall be

BZA's Exhibit B -- page 1 of 3

Photographs



Subject site existing building, looking west.



Subject site, rear of existing building looking west.



Adjacent commercial uses to the north, looking northwest



Adjacent commercial uses to the south, looking southwest.

BOARD OF ZONING APPEALS DIVISION III **May 26, 2026**

Case Number: 2026-SE3-001 (Amended)
Address: 6490 Massachusetts Avenue (approximate address)
Location: Warren Township, Council District #9
Zoning: I-2
Petitioner: WEB Property Group LLC, by Tyler Ochs
Request: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a Commercial Parking Lot.

Current Land Use: Industrial Development

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued, at the request of a Registered Neighborhood Organization, from the March 17, 2026, to the April 21, 2026, hearing. The petition was continued from the April 21, 2026, hearing to the May 26, 2026, hearing due to a lack of quorum.

Amended petition: This petition was amended to withdraw the requests to provide for the parking of trucks and semi-trailers within the Transit-Oriented Development Secondary District (TOD), and for the parking to be on 14.878 acres, where a maximum of two (2) acres is allowed. Industrial zoned parcels are not regulated within TOD Secondary District. In addition, the petitioner’s agent indicated that the parking lot area would not exceed two (2) acres. Therefore, those variances were no longer relevant. No new notices was required as the amended request deviated less than the legal notice published request.

STAFF RECOMMENDATION

Staff recommends **denial** of this request.

PETITION OVERVIEW

SPECIAL EXCEPTION

- ◇ A commercial parking lot is permitted in the I-2 District by the grant of a special exception, which must include findings that the proposed use will not injure or adversely affect the adjacent area or property values in that area, and any grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property.
- ◇ The Comprehensive Land Use Plan recommends Suburban Neighborhood uses for the proposed commercial parking lot site and the other adjacent parcels along Massachusetts Avenue. The site originally contained a single-family dwelling, but that was demolished when the site was rezoned to I-2 in 2022. The Suburban Neighborhood typology is compatible with the existing residential uses that front on this portion of Massachusetts Avenue. It would not be compatible with a commercial parking lot as requested.



- ◇ The subject site is located adjacent to residential D-3 zoned districts to the east and west. The proposed parking lot would not be compatible being adjacent to these residential properties and with the Marion County Comprehensive Land Use Plan recommendation of Suburban Neighborhood uses for the site and adjacent properties.
- ◇ Because this request would permit additional heavy truck traffic and vehicle storage in an I-2 district abutting a residential area, staff does have concerns with its impact on the adjacent residential uses, and on the Massachusetts Avenue arterial.
- ◇ Each Special Exception request must show that the grant would not be injurious to the public health, safety, convenience, and general welfare of the community. The proposed parking lot use would provide for a new additional use to the site for the outdoor storage of commercial contractor equipment and the parking of work, box and semi-trucks and trailers on site.
- ◇ The Special Exception must indicate that the grant would not injure or adversely affect the adjacent area or property values. The proposed use for a parking lot is a generational use that would prevent and displace the permitted I-2 uses that are allowed by right, and any recommended suburban neighborhood uses and services further from the adjacent area. As a result of the parking lot, those nearby residential neighbors in the adjacent area would be subjected to an increase in truck traffic and noise in the area, above what is already existing, which would be injurious and adversely affecting in Staff’s opinion.
- ◇ In Staff’s opinion, deviating from the existing I-2 permitted uses and increasing the negative impact likely to occur to the neighboring dwellings, does not provide for an approval of a Special Exception as requested. Summarily, permitting a commercial parking lot in a suburban neighborhood district as proposed would be wholly inappropriate, particularly considering the general increase of truck, trailer and equipment use intensity adjacent to a residential oriented area.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Overlay	Purple Line TOD	
Surrounding Context	Zoning	Surrounding Context
	North: I-2 / I-4	Cement Plant
	South: D-3	Union Hall
	East: D-3	Single-Family Dwellings
	West: D-3	Single-Family Dwellings
Thoroughfare Plan		
Massachusetts Avenue	Secondary Arterial	75-foot existing and proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Wellfield Protection Area	No	

Site Plan, Revised	April 16, 2026
Elevations	N/A
Commitments	N/A
Landscape Plan	N/A
Findings of Fact	December 31, 2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2022-CZN-857A+B / 2022-CVR-857; 3730, 3740 & 3766 North Kitley Avenue and 6490, 6520 & 6522 Massachusetts Avenue (includes subject site), requested the rezoning of 14.878 acres from the I-2 (TOD) and D-3(TOD) Districts to the I-4 (TOD) District, **approved subject to commitments**, and a Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a cement batching plant within 500 feet of a protected district, **granted**.

93-Z-46; 3730 North Kitley Avenue, requested the rezoning of 5.3 acres from the D-3 district to the I-2-S district, **approved**.

88-V1-42; 3765 North Kitley Avenue, requested a Variance of Use to provide for a lawn maintenance business, **approved**.

83-UV3-67; 6490 Massachusetts Avenue, requested a Variance of Use to provide for the seasonal sales of fruits and vegetables and a Variance of Development Standards to provide for an unpaved parking lot, **approved**.

ZONING HISTORY – VICINITY

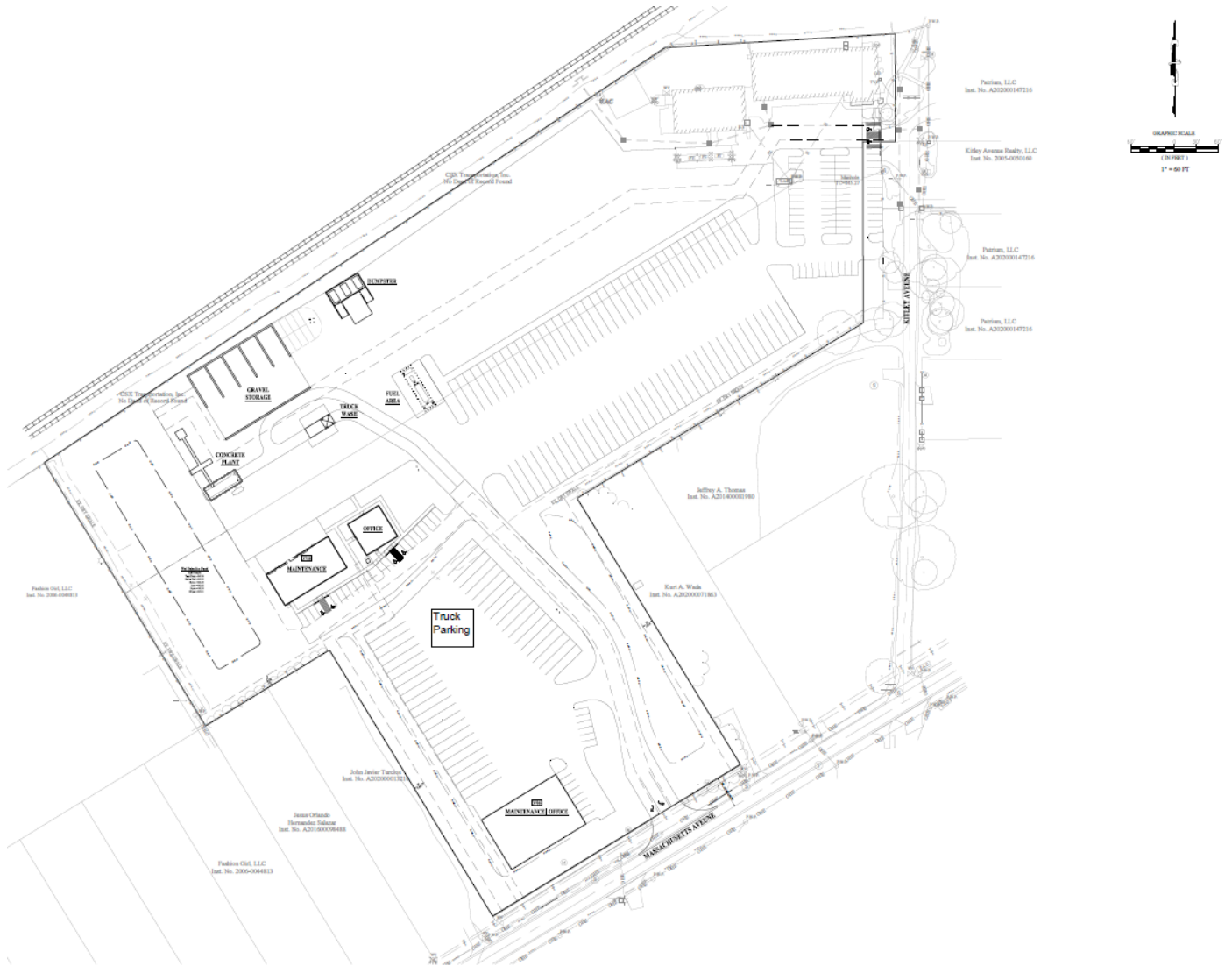
2021-CZN-857 / 2021-CVR-857; 6205, 6215 and 6225 East 38th Street (north of site), requested the rezoning of 7.3 acres from the C-5 district to the I-1 district and a Variance of Development Standards to provide for excess outdoor storage, **approved**.

2014-CZN-822 / 2014-CVR-822; 6400 Massachusetts Avenue (southwest of site), requested the rezoning of eight acres from the D-3 district to the I-3-S district and a Variance of Development Standards for deficient setback and transitional yard and excess outdoor storage, **approved**.

2007-UV3-022; 6400 Massachusetts Avenue (southwest of site), requested a Variance of Use to provide for the assembly of traffic control devices, **approved**.

RU

Site Plan - Revised



Plan of Operation

PLAN OF OPERATION

WEB PROPERTY GROUP LLC
(W.E. BEATY, INC.)

3730, 3740, & 3766 N. KITLEY AVE. & 6490, 6520, & 6522 MASSACHUSETTS AVE.

INTRODUCTION

Petitioner, WEB Property Group LLC, owns each of the above-listed properties (the “Property”). An affiliate of Petitioner, W.E. Beaty, Inc., operates its family-owned concrete construction company at the Property. The Property is also used for third party outdoor storage for like type businesses. Petitioner received approval to rezone three parcels (3730, 3740, and 3766 Kitley) to I4 to allow the additional uses of an on-site small volume concrete batch plant and related storage and activities. In addition, Petitioner rezoned the remaining parcels on Massachusetts Avenue to I-2 to provide access to the current and proposed uses and allow for a transition from less intensive zoning to the more intensive I-4. Petitioner now seeks a special exception to allow for truck and semi-trailer parking.

CURRENT & PROPOSED USE

Petitioner currently uses the Property for commercial contracting, which is a permitted use under I-2. Specifically, Petitioner and third-party lessees stores their trucks (pick-up, box, and semi-trailers) and related equipment and materials for its concrete, construction and landscape businesses at the Property. Typically, operations on the Property are between 6:00AM to 6:00PM Monday through Friday and from 6:00AM to 2:00PM on Saturdays, even though the Property has 24-hour access by all Property users. During these hours, trucks come and go from the Property to job sites around the city and state. Petitioner, concurrent with the rezone, moved its main access point from N. Kitley and instead, utilized the three Massachusetts Avenue parcels for a new entrance/exit and zoning transition. This has eased the truck traffic pressure on N. Kitley from the site and created a safer ingress and egress by using a permitted entrance onto a secondary arterial versus local street.

The proposed commercial parking lot would be to allow trucks and semi-trailers to park overnight on the property. The trucks already have access to the lot using a secondary arterial, which makes it less intensive on local streets (As stated above) and also allows easy ingress and egress for the stored trucks. There would be no real changes to the current operation of the property, rather, this would allow for trucks in the area to have off-street parking away from Mass Ave.



Findings of Fact – Special Exception

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

**PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because
Parking Lot, Commercial: A parking lot that is a primary use of land.
The portion of the property nearest to Mass Ave will be used to park trucks overnight.

2. The proposed use will not injure or adversely affect the adjacent area or property values in that
area because
This property is currently used by W.E. Beaty which is a concrete contractor. This is an industrial area where truck traffic is
already high. This special exception will allow for trucks to park on the property overnight. Due to the industrial area
surrounding the property, and the current and continuing use of the property, this will have no impact on neighboring property values.
This is a less intensive use than the already approved use on the property.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of
adjoining property because
This is a less intensive use than the already approved use on the property. This will allow trucks to park overnight on the
property.

4. The proposed use will be compatible with the character of the district, land use authorized therein
and the Comprehensive Plan for Marion County because
This is an industrial area with heavy truck traffic. This will provide trucks a place to park overnight away from the road.
The property is tucked back by the railroad and 38th street. The current use is for a concrete contractor, which is in line
and character with this request.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the
zoning district in which it is located because
This is adding additional off-street parking spaces which conforms with the parking space requirement under Chapter 744.
The approval of a commercial parking lot would not have any impact on development standards related to building
requirements as no improvements will need to be constructed. This is already an operating concrete contractor site.

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

The approved special exception would be an accessory use that is less intensive than the current approved uses for the property. Therefore, there would be no issue complying with the performance standards in 740 due to the nature of the less intensive use.

This is adding additional off-street parking spaces which conforms with the parking space requirement under Chapter 744. The approval of a commercial parking lot would not have any impact on development standards related to building requirements as no improvements will need to be constructed. This is already an operating concrete contractor site.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

The applicable special use standards are mostly not applicable. Monument Circle access, CBD-1 district access, and regional center access are all not applicable due to location. Point 4 of Subsection CC in Article III, Section 5, states that parking lots, commercial shall be limited to a maximum of 2 acres. This will not be an issue. While the parcel is approximately 14 acres in size, parking will occur on the south side of the parcel, as improvements already exist on the property, so the parking area shall be limited to 2 acres or less.

DECISION

Photographs



Subject site, looking south.



Subject site, looking west



Adjacent single family dwellings zoned D-3, to the east, looking northeast



Adjacent union hall zoned D-3, to the south.

BOARD OF ZONING APPEALS DIVISION III

May 26, 2026

Case Number: 2026-DV3-010 (Amended)
Address: 102 Jonquil Drive (approximate address)
Location: Perry Township, Council District #23
Zoning: D-3
Petitioner: Kenneth and Josephine Busald, by Daniel Russello
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a detached accessory structure within a utility easement (not permitted), and with a three-foot west side yard setback (six-foot required).

Current Land Use: Single-Family Dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued from the April 21, 2026, Board III hearing due to a lack of quorum, and transferred to the May 19, 2026, Board II hearing. The petition was continued and transferred from the May 19, 2026 Board II hearing, to the May 26, 2026, Board III hearing at the request of the petitioner.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- Construction of buildings within utility easements is not permitted. This is both to allow for easy access to those utilities if needed, and to ensure that there is no potential for interference with the utilities. With the drainage and utility easement being located parallel to the west side lot line, the accessory structure encroaches into the easement by approximately one foot and the side setback by approximately three feet.
- The structure in question is smaller than 200 square feet and does not appear to be on a foundation. Therefore, an Improvement Location Permit was not required to be issued for the installation of the structure. Staff will acknowledge that aerial photos approximately indicate the structure has been in its current location since 1986. Staff would point out that the structure has also been non-compliant since 1986.



- Construction within Ordinance required setbacks is also not permitted. This is to allow for sufficient light and airflow between structures, and adequate public safety access in times of an emergency. With the subject site being of sufficient sizing for D-3 zoning standards, Staff finds no practical difficulty for the petitioner to not meet the side setback standards.
- Staff would note that the structure does not appear to be on a permanent foundation and can be more easily relocated than enclosed structures on a permanent foundation.
- Staff generally views any related practical difficulty to be self-imposed, and insufficient in obtaining a favorable Staff recommendation. Further, Staff has concerns that recommending approval of such requests may promote similar deviations from the Ordinance from surrounding property owners.
- Finally, Staff would note that any structure located within an easement may be lawfully removed by any party with rights to that easement. To avoid any such instance, Staff strongly requests that the plans be modified to relocate the structure wholly outside of the easement.

GENERAL INFORMATION

Existing Zoning	D-3		
Existing Land Use	Single-Family Dwelling		
Comprehensive Plan	Suburban Neighborhood		
Surrounding Context	Zoning	Surrounding Context	
	North:	D-3	Single-Family dwelling
	South:	D-3	Single-Family dwelling
	East:	D-3	Single-Family dwelling
	West:	D-3	Single-Family dwelling
Thoroughfare Plan			
	Jonquil Drive	Local Street	50-foot existing and proposed right-of-way.
Context Area	Metro area		
Floodway / Floodway Fringe	No		
Overlay	N/A		
Wellfield Protection Area	No		
Site Plan	February 18, 2026		
Elevations	N/A		
Landscape Plan	N/A		
Findings of Fact	February 18, 2026		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood typology for the site.

Pattern Book / Land Use Plan

- The Pattern Book recommends the Suburban Neighborhood typology which is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities.

Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

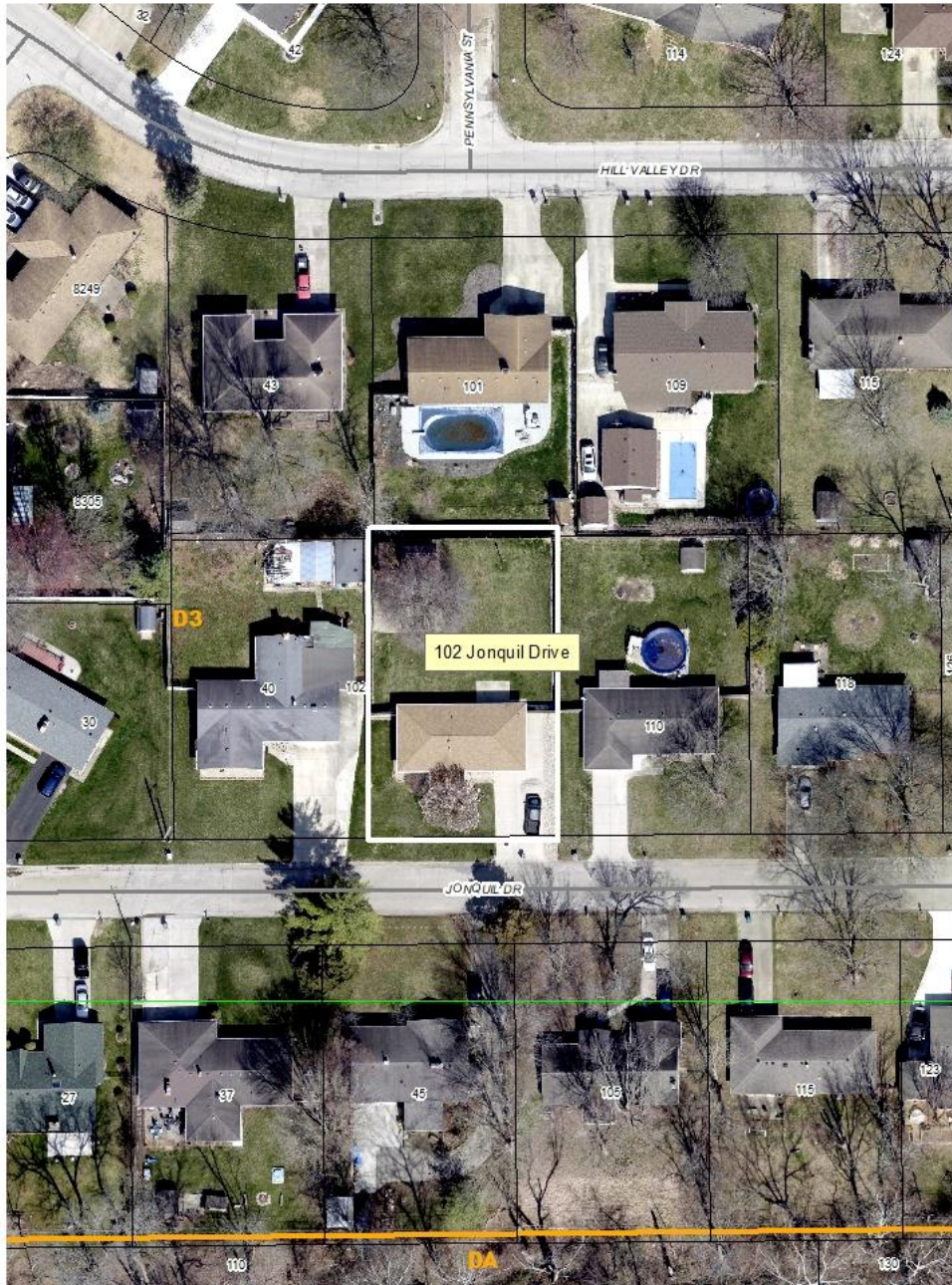
ZONING HISTORY

None

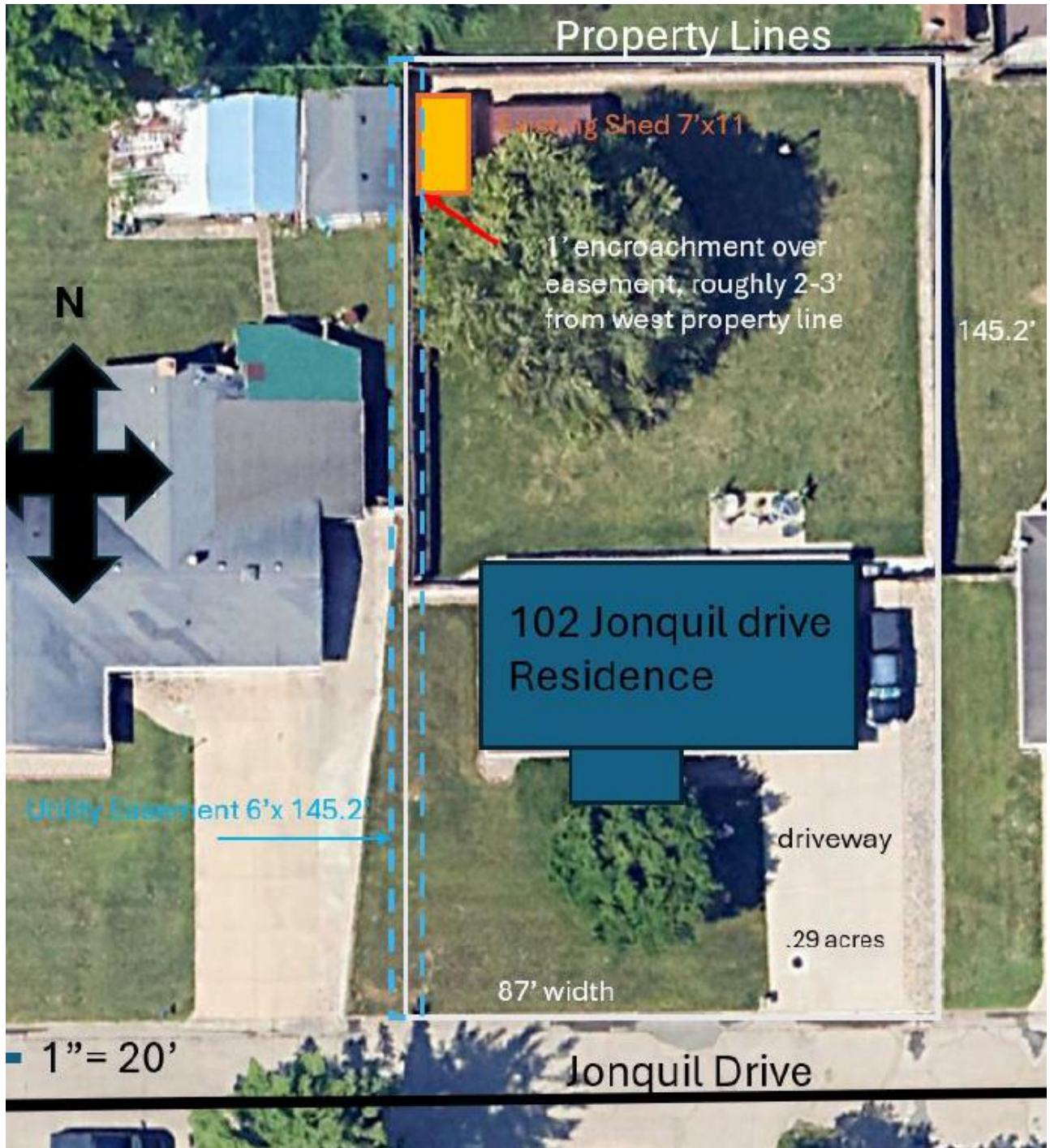
RU *****

EXHIBITS

Location Map



Submitted Site Plan





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The shed has been in this position for several years and homeowners are committing to an encroachment license with the city following variance approval.

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 shed is within the fence that separates the two properties and the utility easement in question will remain. Nothing about the value or use of the property will change with the granting of this variance as everything remains the same.

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

Nothing is changing about the property. This has been this way for 40 years. No practical difficulties have come to light.

Photographs



Subject property primary dwelling looking north.



Subject accessory structure (left) encroaching into easement and west side setback, looking north.



Department of Metropolitan Development
Division of Planning
Current Planning

Board of Zoning Appeals Division III

May 26, 2026

Case Number:	2026-DV3-011
Property Address:	3603 South Meridian Street (<i>approximate address</i>)
Location:	Perry Township, Council District #18
Petitioner:	Roman Catholic Archdiocese of Indianapolis, Properties Inc as Trustee for St Roch, Catholic Church Indianapolis Inc., by Wooton Hoy (John Cross)
Current Zoning:	SU-1 / D-4
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit an 8-foot fence in the front yard (fences taller than 4 feet not permitted in front yards) and located within the clear sight triangle (not permitted).
Current Land Use:	Developed, School
Staff Recommendations:	Staff recommends denial of this petition.
Staff Reviewer:	Josh Levesque, Senior Planner

PETITION HISTORY

4/21/2026: This petition was continued after a registered neighborhood organization filed a timely automatic continuance.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 3603 South Meridian Street is a large parcel on the corner of South Meridian Street and Sumner Avenue. The parcel contains a school and a large, paved play and parking area. The property is currently zoned split-zoned between SU-1 (the majority) and D-4 and is surrounded by a variety of zoning districts and land uses. The adjacent property to the east is zoned D-4 and contains parish offices. The parcels across the Sumner Avenue to the north are zoned D-3 and are undeveloped. To the west is a parcel zoned D-A and containing a gas station. To the south is a church center.
- The petitioner's request is to establish a fence/wall in the front yard that is taller than 3.5 feet with an opacity of greater than 30% and to establish said fence/wall within the clear sight triangle.
- 744-503.H of the Ordinance indicates that "no obstructions shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5 feet



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

and 8 feet above grade level.” The Department of Public Works also relies on sight triangles (an engineering sight triangle) to determine the safety of intersections. The clear sight triangle used by DPW represents the area a driver needs visibility in to react and stop in case of an oncoming hazard. It also represents the distance the driver needs to see oncoming traffic from the left and right so they can safely pull into traffic. The diagrams below (see “Clear Sight Diagrams” in “Exhibits”) show how the level to which the fence/wall impede into the clear sight triangle. For a variance to be granted, petitioners must meet certain Findings of Fact. The first finding states that “the grant will not be injurious to the public health, safety, morals, and general welfare of the community...” Within the clear sight triangle there are sidewalks, traffic stop bars, and turn lanes. Obstructing these presents potential hazardous conditions.

- The Ordinance regulates fence height and opacity to encourage walkable streetscapes and to prevent massing. On corners, the massing is particularly important as it can also play into the clear sight matters mentioned above. Staff will note that the ordinance does not distinguish between fence or wall height in the front yard. According to 744-510B, the maximum height of a fence or wall shall be in accordance with Table 744-510-2. The aforementioned table indicates that the maximum height of a fence or wall in the front yard of all other districts (special use in this case) should be 3.5 feet. This makes no mention of an exception to rise to four (4) feet with lower opacity. However, in dwelling districts, a fence or wall may rise to four (4) feet when the opacity is 30% or less. As part of the parcel is in the D-4 zoning district and, in an effort to compromise, Staff’s analysis led to a determination to apply the less restrictive 4-foot standard if opacity could be met.
- Petitioner submitted a site plan indicating the height of the fence at various points. Heights up to the railing for the fence along Sumner range from 82.5% to 98.75% greater than the allowable height of four (4) feet with the top of a railing maxing out at 7.95 feet.
- The Ordinance is intended to promote public safety as well as to guide design standards. Staff’s analysis indicates the presence of public safety hazards and a nearly 100% increase upon allowable fence/wall heights. As such, staff recommends denial of this variance.

GENERAL INFORMATION

Existing Zoning	SU-1	
Existing Land Use	Developed; School	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-3	North: Undeveloped
South:	SU-1	South: Religious Use / Community Center
East:	D-4	East: Religious Use / Church
West:	D-A	West: Gas Station
Thoroughfare Plan	Primary Arterial	50-foot existing right-of-way and



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

South Meridian Street		95-foot proposed right-of-way
Sumner Avenue	Primary Collector	60-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	3/09/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/10/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing, 3603but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

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

ZONING HISTORY – VICINITY

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

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

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

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

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

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

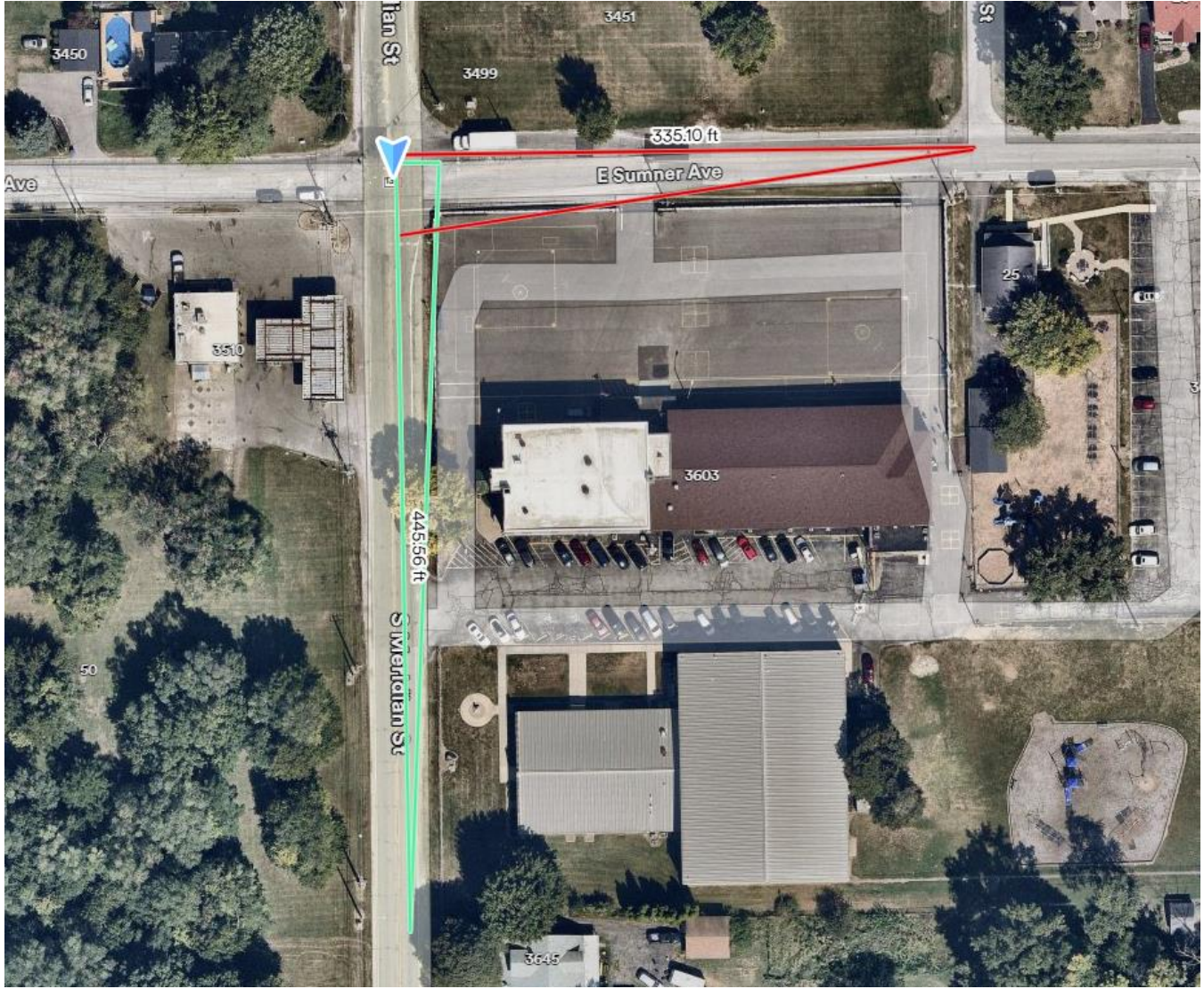
EXHIBITS
2026DV3011; Aerial Map



2026DV3011; Site Plan



2026DV3011; Clear Sight Diagrams



2026DV3011; Clear Sight Diagrams



2026DV3011; Photographs



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

2026DV3011; Photographs (continued)



Photo 2: On South Meridian at corner with Sumner

2026DV3011; Photographs (continued)



Photo 3: On Sumner at corner with Meridian

2026DV3011; Photographs (continued)



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



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

May 26, 2026

Case Number: 2026-SE3-002
Property Address: 6309 South Harding Street (approximate address)
Location: Perry Township, Council District #22
Petitioner: Amanpreet Singh, by Adam G. Hoffer
Current Zoning: C-7 (FF) / D-A (FF)
 Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial truck parking lot.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial truck parking use within the Floodway Fringe (not allowed).

Request:

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 0-foot transitional yard setbacks (20-foot transitional yard required), deficient interior and transitional yard landscaping (required), and truck parking on a gravel surface (not permitted).

Current Land Use: Unpermitted Truck Parking
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

6309 South Harding Street is a parcel with a size of 1.05 acres and a width of around 128 feet that fronts on Harding to the west. The site was rezoned to a commercial designation in 1979, although it appears to have maintained a single-family residential use on the premises until at least 2022. Surrounding land uses include a single-family residence to the north (zoned C-7 despite the residential use), undeveloped land to the west and southwest zoned D-A, multiple residences and a preschool to the south zoned D-A, and a residential subdivision to the west zoned D-P. Light industrial uses (predominantly zoned I-2 and C-S) are located further to the north and northwest along Harding Street.



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In 2024, a row of mature trees along the western portion of the site was removed and a gravel front-yard parking area was installed, per aerial photography. Additionally, in 2025 the areas to the rear of the house had trees removed and gravel vehicle area installed, in addition to placement of a 6-foot privacy fence. No permits were sought or granted related to the site changes or for any new commercial use at the property. These changes resulted in the opening of the violation case VIO25-004939 in August of 2025, which cites the property owner for the lack of permits for the parking area, the parking of inoperable vehicles, and for outdoor storage and operations without required screening. There is also a flood violation opened at the site for development that occurred without proper permitting.

Approval of this petition would allow for a truck parking/vehicle storage use at the site, utilizing the parking areas placed recently placed without permits. Multiple forms of zoning petition relief would be required to allow for this use and layout at the site:

Special Exception:

- The C-7 zoning district only allows for truck/commercial parking as a primary use when a Special Exception petition has been granted to ensure that the intensity of the use would be appropriate for the surrounding context and harmonious with established development and neighborhoods.

Variance of Use:

- Most of the property is located within the Floodway Fringe (see boundaries within Exhibits below). Truck storage is not a permitted use within the Floodway Fringe, which means that a Variance of Use would be required to allow for truck parking on this property.

Variance of Development Standards:

- The parking area installed without permits would violate transitional yard setbacks to the south (0 feet proposed and 20 feet required) and to the east (10 feet proposed and 20 feet required).
 - A transitional yard to the north would not be enforceable since the land is zoned C-7, but if the single-family residence there were zoned appropriately, 20 feet of separation would *also* be required to the north (only 10 feet proposed).
- Ordinance requires that new parking lots comply with regulations on the placement of landscaping both (a) within vehicle and maneuvering areas and (b) along property boundaries for land with less-intense zoning. Placement of this parking area without permits resulted in the removal of trees from the site, and the proposed perimeter shrubs to the north and east would not meet minimum requirements as outlined within 744-505 and 744-506 of the Ordinance.
- The Ordinance requires that accessory parking areas for most uses be comprised of hardscaping, per 744-404. Plans submitted indicate usage of compacted aggregate base, but staff noted on the site visit that the parking surface appears to be comprised of gravel (see photo 5). This is not permitted, and a third Variance of Development Standards would be needed to maintain it.

The Plan of Operation filed by the petitioner indicates that the would utilize the site for commercial parking behind the existing structure, with the former residence to be utilized for accessory office and dispatch uses. A maximum of 6 employees would be on-site during standard hours, and no refueling, vehicle repair, or loading/unloading of materials would be conducted at the property. The full text of that Plan is within the Exhibits below. The plan provided to staff does not clarify the number of trucks that would be parked at the site at peak times or during standard operations, and it also does not provide information about the anticipated frequency of ingress and egress of trucks to and from the site onto Harding or on anticipated hours of operation. Upon staff's request, the petitioner indicated that there would be 8-12 vehicles on site at any given time, with 2-3 vehicles per day entering and exiting the property.



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Most of this property is zoned C-7 to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or the outdoor parking and storage of trucks, materials, or equipment. C-7 uses are more compatible with industrial than retail commercial activities. Due to the intensity, C-7 districts should never be adjacent to protected districts (such as the residential zones near this site) and should be located on major commercial arterial thoroughfares or near interstates (Harding Street is a primary collector). Additionally, this property is located within a Floodway Fringe area, which is a secondary zoning district that indicates a 1% chance for significant flooding as well as shallow flooding in any given year.

The Marion County Comprehensive Plan Pattern Book recommends this site to the Rural or Estate Neighborhood typology to allow for the preservation of natural features and for large-lot estate-style development of single-family residences. This recommendation is commensurate with existing residential uses to the north, east, and south. Additionally, the Plan places this property within an Environmentally Sensitive Areas overlay. Additional information on the typology and overlay is within the Comprehensive Plan Analysis section below, but neither of them contemplates the placement of heavy commercial uses.

Findings of Fact provided by the petitioner in support of the requested Special Exception indicate that this use would be appropriate for the context since uses of similar intensity exist further along the corridor to the north, that no substantial negative externality would be created for adjacent property owners, and that development standards would otherwise be met. Staff notes that several variances related to development standards would be needed, and would disagree with the assertion that this use would be harmonious with surroundings or that no negative impacts would result. Specifically, staff notes that:

- Residential zoning exists on three (3) of the four (4) sides of this property (west, south, and east), and residential *development* appears to exist on three (3) of four (4) sides as well (south and east as well as the house zoned C-7 to the north of the site). A preschool use also appears to exist about 80 feet to the south of the subject site.
- Harding Street is a two-lane primary collector with a right-of-way of 60 feet and a road width of only around 30 feet. This raises concerns related to both (a) the needed turn radius for trucks entering and exiting the site and (b) the impact of truck traffic on the quality of the two-lane road also utilized by local and residential traffic.
- A more appropriate site for a use of this intensity might be further north on the Harding corridor, which would both (a) encroach less into established residential areas; (b) would mitigate or avoid the use being placed in the Floodway Fringe; and (c) would be closer to the interstate.

For these reasons, staff recommends **denial** of the requested Special Exception.

When contacted about this project, the Floodplain Administrator for the Department of Business and Neighborhood Services indicated that they “have a concern with granting an exemption to allow for truck storage within the flood fringe. That is something [they] would advise strongly against as it goes against the Flood Damage Prevention Ordinance. Furthermore, granting a variance could put the City at risk of non-compliance with the NFIP” (National Flood Insurance Program). For this reason, as well as for a lack of undue hardship identified within the provided Findings to that would prevent the site from alternate, compliant development with a use not expressly prohibited within the Floodway Fringe (only ‘critical facility’ uses are disallowed in this way), staff recommends **denial** of the requested Variance of Use.



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In addition to the concerns listed above, staff feels that the primary reason relief from applicable development standards is being sought relates not to any specific properties of the site but rather to the substantial changes made to the site without permits in place or verification that the proposed truck parking use would be allowed without multiple variances or a Special Exception. The proposed setbacks ranging from 0 to 10 feet and the proposed shrubs with 10-foot spacing on a 1-foot berm would not provide adequate buffering of parked trucks from land zoned or used residentially to the north, east, or south, and staff has concerns about light and noise impacts that might result for the surrounding area. Given that (a) multiple variances would be required to support a use also not permitted by-right and (b) that no site-specific practical difficulty exists to justify a positive recommendation (which is the statutory burden of proof required), staff recommends **denial** of the variances related to deficient setbacks, landscaping, and parking surface.

GENERAL INFORMATION

Existing Zoning	C-7 (FF) / D-A (FF)	
Existing Land Use	Unpermitted Truck Parking	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	C-7	North: Residential
South:	D-A	South: Residential
East:	D-P	East: Residential
West:	D-A / I-2	West: Undeveloped / Industrial
Thoroughfare Plan		
Harding Street	Primary Collector	60-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	03/23/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/23/2026	
Findings of Fact (Amended)	05/04/2026	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.
 - Heavy commercial land uses are not contemplated for this typology.
 - The property is also within an Environmentally Sensitive Areas (ES) Overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

79-Z-65, rezoning of 1.138 acres, being in A-2 district, to C-ID classification, to provide for storage of trees, shrubs, equipment of landscape contractor, **approved**.

ZONING HISTORY – VICINITY

2020DV2056 ; 6120 Harding Street (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition with a fifteen-foot front setback from the proposed right-of-way of Harding Street and to provide for parking outdoor storage and outdoor operations with zero-foot north side yard and west rear yard (30-foot front setback from the proposed right-of-way, 30-foot side and rear setbacks (outdoor storage and operations not permitted within 500 feet of a protected district, limited to 25% of the building area and storage cannot be higher than 10 feet or higher than the required screening), **approved**.

2010DV1015 ; 6445 South Harding Street (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 576-square foot detached garage, with a seventeen-foot side setback (30-foot minimum side setback required), **approved**.

2005ZON219 ; 6341 South Harding Street (south of site), rezoning of one acre, being in the D-A (FF) (W-1) District, to the C-S (FF) (W-1) classification to provide for a single-family dwelling use and a wedding chapel and banquet facility, **withdrawn**.

2004ZON018 ; 1319 West Edgewood Avenue (north of site), Rezone 10.73 acres from D-A (FF) (W-1), I-1-S (FF) (W-1), and C-S (FF) (W-1) to the C-S (FF) (W-1) classification to provide for the expansions of an existing school bus maintenance and storage facility, **approved**.

2004VAR005 ; 1319 West Edgewood Avenue (north of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the expansion and additional parking for an existing bus maintenance and storage facility resulting in a zero-foot south transitional yard without the required landscaping (minimum fifteen-foot transitional yard required when abutting a protected district, required transitional yard shall be landscaped), **approved**.

2002DV1027 ; 6310 South Harding Street (northwest of site), variance of development standards of the Industrial Zoning Ordinance to provide for an unlimited amount of outdoor storage and operations (maximum 25 percent of the total gross floor area permitted for outdoor storage and operations), **approved**.

2001ZON161 ; 1500 West Banta Road (east of site), Rezoning of 44 acres, being in the D-A (FF) (W-1) (W-5) District, to the D-P (FF) (W-1) (W-5) classification to provide for 176 single-family residential units, or 4.0 units per acre, **approved**.



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98-UV2-85 ; 6207 South Harding Street (north of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a trucking company and transportation brokerage firm (not permitted), within a proposed pole barn, with (a) repair and outdoor parking and storage of commercial vehicles (not permitted); (b) an aggregate side yard setback of 71.83 feet (minimum 75 feet required); (c) a lot width at the required setback line of 111.83 feet (minimum 250 feet required); and (d) a street frontage of 111.83 feet (minimum 125 feet required), **approved**.

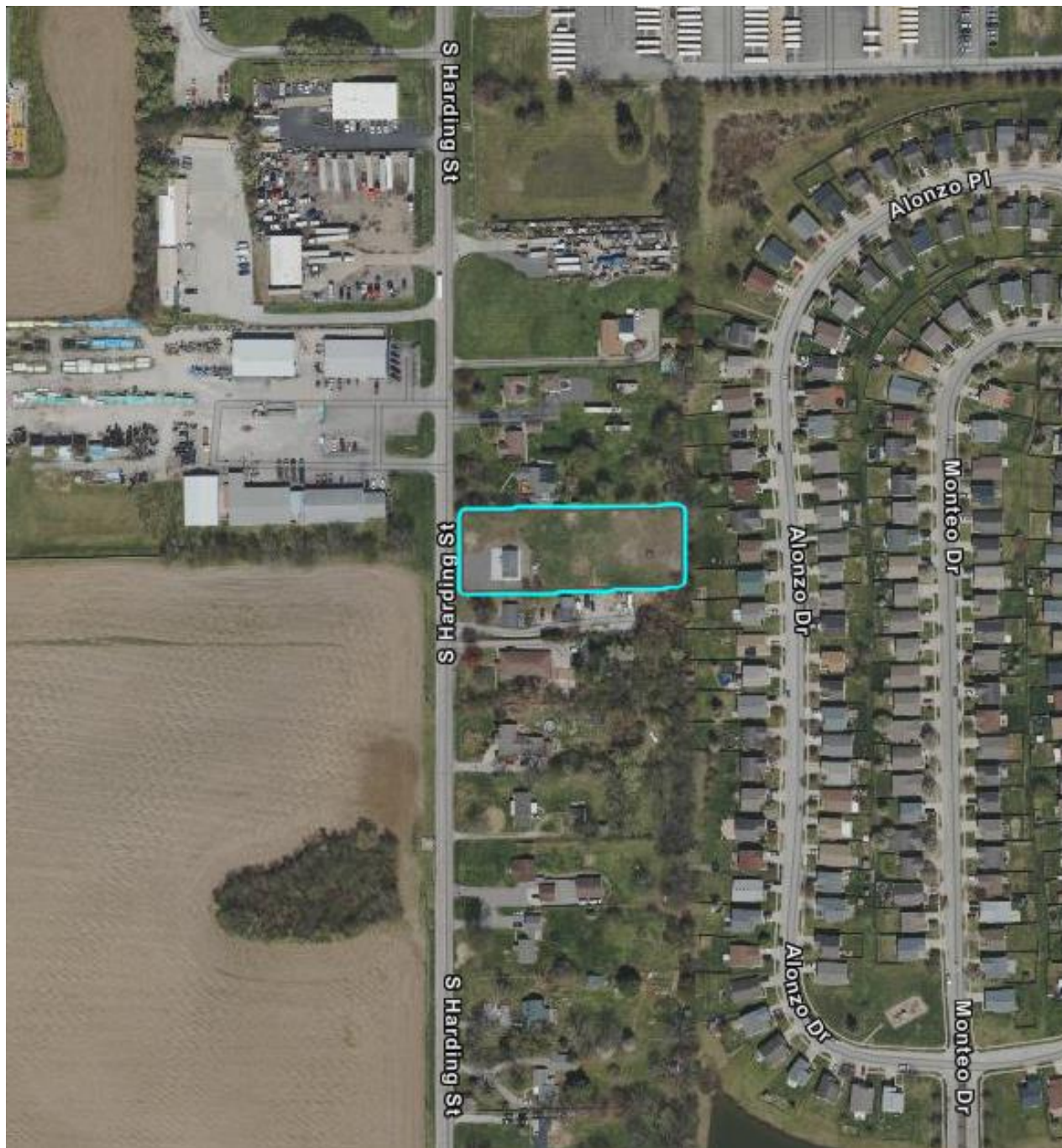
95-UV2-48 ; 6239 South Harding Street (north of site), variance of use of the Commercial Zoning Ordinance to provide for construction of a breezeway addition to connect a detached garage to an existing single-family residence, **approved**.

87-UV3-123 ; 6204 South Harding Street (northwest of site), Variance of Use of the Commercial Zoning Ordinance to provide for the use of existing buildings for the auction sale of personal goods, **withdrawn**.

83-UV2-71 ; 6201 South Harding Street (north of site), variance of use of the Industrial Zoning Ordinance to provide for the sale, service, and reconstruction of automobiles within a 1887.5 square foot existing structure and to construct a 4320 square foot building with all service and reconstruction inside a new building, **approved**.

EXHIBITS

2026SE3002 ; Aerial Map



Note: Photo taken before placement of rear-yard gravel parking area

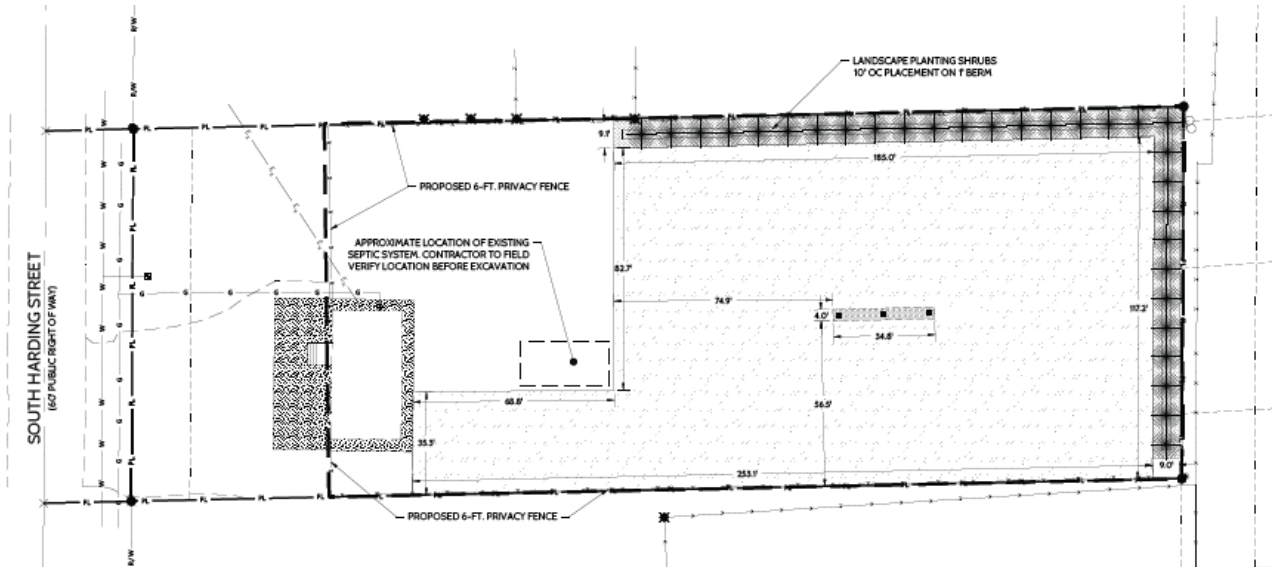
2026SE3002 ; Aerial Map (Zoomed, Gravel Parking Area Shown)



2026SE3002 ; Aerial Map (Floodplain Areas Shown)



2026SE3002 ; Site Plan



2026SE3002 ; Plan of Operation

Background:

The subject parcel is currently zoned 'C-7' with an existing single-story structure.

Narrative:

Proposed activities on the site will be commercial parking behind the existing structure. The existing single-story structure will be utilized as an office for daily general administration, day-to-day business, and dispatch.

Workforce:

The total number of employees on site during standard hours of 8:00am – 6:00pm will be no more than 6. All employee parking shall be contained within the existing front parking lot. Construction of a privacy fence and installation of CCTV security cameras will be utilized for security.

Clients & Customers:

The proposed use of the property will be for commercial parking solely by Freeway Transportation, Inc. Client visits to the site will be minimal (if ever), and shall park in the same designated parking area as the workforce.

Processes Conducted On-Site:

The primary use of the site will be for commercial parking of the company's logistics vehicles, as well as general office tasks being performed by staff to facilitate typical day-to-day business.

Material Use:

There will be no active vehicle maintenance performed on-site. There will be no vehicle refueling performed on-site. Standard office materials and equipment will be utilized to conduct general business administration.

Shipping & Receiving:

As the proposed use is commercial parking, there will be no materials received or shipped directly from the company occupying the property – any loads being brought to the parking area shall remain within the confines of the shipping vessel.

Waste:

Any waste generated on-site would be due to general business administration – printer/copier paper waste, food waste from the break room area, etc. No hazardous waste will be generated from day-to-day business being conducted. Currently, there is no information on an active recycling program at the property.



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2026SE3002 ; Notice of Violation (VIO25-004939)

Section 740 -1005.A.1. Civil Zoning Violation

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-903.B. - Failure to obtain a sign permit for the display of pole sign).

Section 740 -1005.A.2. Civil Zoning Violation

Specific Violation: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for the construction of a parking lot).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of inoperable vehicles in any zoning district, the provisions of which do not specifically permit such a use; (Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate, or flat tires; or that is otherwise partially dismantled or mechanically inoperable...multiple vehicles with expired or no plates).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-7 district; (743-306.U.2. - Outdoor storage and operations must be screened in accordance with Section 744-508.C.).

2026SE3002 ; Findings of Fact (Variance of Development Standards)

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

The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the site itself is similar to other sites of the same size and capacity within the area and have had no adverse impacts reported. While there is no planned transitional buffer, there are existing fence lines and vegetation strips along the south and east property lines, which will be protected and enhanced with updated perimeterfencing and interior landscaping where necessary for security and screening. The parking lot would incorporate a compacted gravel surface in lieu of asphalt to aid in stormwater infiltration.

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

The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because there are similar instances of commercial vehicular parking/storage within close proximity of the property in questions. Additionally, properties zoned as Light Industrial within short proximity currently park commercial vehicles and construction material. Surrounding uses include Perry Twp. School Transpo Center, Utility Supply, Quick Repair, and 6207 S. Harding St.

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

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property due to the additional setbacks for the yard transitions creating obstacles in accessing the rear portion of the site and subsequent use of that area. In regards to the use of compacted gravel vs. asphalt, the use of asphalt would create an impervious surface within the designated floodway fringe which can adversely affect stormwater infiltration and lessen flooding. By incorporating compacted gravel we can still channel stormwater towards catch basins while still allowing infiltration.



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2026SE3002 ; Findings of Fact (Special Exception)

1. The proposed use meets the definition of that use in Chapter 740, Article II because

As defined, "Parking Lot, Commercial" is the designated primary use of the land. The site will be specifically used as truck parking. There will be no materials received,loaded, or shipped directly from the property.

2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because

The proposed use will in injure or adversely affect adjacent area or property value in the area as there are similar instances of commercial vehicular parking/storage within close proximity of the property in questions. Additionally, properties zoned as Light Industrial within short proximity currently park commercial vehicles and construction material. Surrounding uses include Perry Twp. School Transpo Center, Utility Supply, Quick Repair, and 6207 S. Harding St.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because

The site will not materially or substantially interfere with the lawful use and enjoyment of the adjoining property based on landscape screening along the perimeter of the property for privacy, as well as required lighting for security. As the area is already subject to high commercial vehicle traffic, additional noise pollution would be negligible.

4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because

The proposed use of the site would be compatible with the existing district as the area has an existing commercial vehicle presence within the immediate surrounding area. As the current zoning is listed for C-7, a commercial parking lot in the immediate sense would pose little to no incompatibility.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because

The proposed use conforms to the development standards in Chapter 744 as the only minimal improvements will be required to complete construction for the proposed use. Per the included plan set, all site improvements shall conform to City of Indianapolis design/development standards.

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

The proposed use conforms to all provisions of the ordinance, including the standards in Chapter 740 and Chapter 744, in the zoning district in which it is located as the proposed use falls within the definitions of a commercial parking lot, as noted within Table 743-1, and in addition to the applicable site development as beholden to the development standards based on the proposed construction plans.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

The proposed use "Parking Lot, Commercial" being requested at the property will comply with the use-specific standards outlined within Chapter 743, Article III, Section 5, CC - Specifically, #1-3 do not apply to this location. Item #4, regarding maximum acreage of a commercial parking lot being no more than 2 acres - the proposed site location where the special exception is being requested has a maximum size of 1.14 acres.



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2026SE3002 ; Findings of Fact (Variance of Use)

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

The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the site itself is similar to other sites of the same size and capacity within the area and have had no adverse impacts reported.

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

The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because there are similar instances of commercial vehicular parking/storage within close proximity of the property in questions. Additionally, properties zoned as Light Industrial within short proximity currently park commercial vehicles and construction material. Surrounding uses include Perry Twp. School Transpo Center, Utility Supply, Quick Repair, and 6207 S. Harding St.

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

The need for the variance arises from some condition peculiar to the property involved due to a stipulation that the parking of a commercial vehicle would constitute a "Terminal". The petitioner is requesting that, per current zoning, a commercial parking lot is allowed, and that the owner of the property be allowed to park only commercial vehicles. No other activities that are listed within the city definition of a "Terminal" would be performed.

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 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 due to a stipulation that the parking of a commercial vehicle would constitute a "Terminal". No other activities that are listed within the city definition of a "Terminal" would be performed - only the parking of commercial vehicles.

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

The grant does not interfere substantially with the comprehensive plan because the area the site in question sits in is in close proximity to current, and future, light industrial zoning. The current commercial zoning does not substantially interfere with the comprehensive plan, nor will the variance being requested prohibit the site from a future use.

2026SE3002 ; Findings of Fact (Flood Variance)

1. There exists a good and sufficient cause for the requested variance because:

There exists a good and sufficient cause for the requested variance because the requested use does not immediately or subsequently impact the floodway fringe.

2. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant because:

The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant due to the fact that the site is currently ~90% within the floodway fringe, and any attempt to utilize the site in a commercial capacity (as is zoned) would render the site unusable.

3. The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with other applicable laws or ordinances because:

The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with other applicable laws or ordinances as there are similar instances of commercial vehicular parking/storage within close proximity of the property in question. There will be no additional permanent structures installed within the floodway fringe, which would not impact the flood area, and the use of compacted aggregate gravel vs. asphalt helps to alleviate any unnecessary impervious surface from blocking stormwater or flood water from infiltrating back into the watershed.

2026SE3002 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Southern Property Line Viewed from West

2026SE3002 ; Photographs (continued)



Photo 3: Rear Gravel Area Behind Fence Viewed from Southeast



Photo 4: Rear Gravel Parking Area Viewed from West (November 2025)

2026SE3002 ; Photographs (continued)



Photo 5: Surface of Parking Area



Photo 6: Adjacent Property to East (January 2026)

2026SE3002 ; Photographs (continued)



Photo 7: Adjacent Property to South

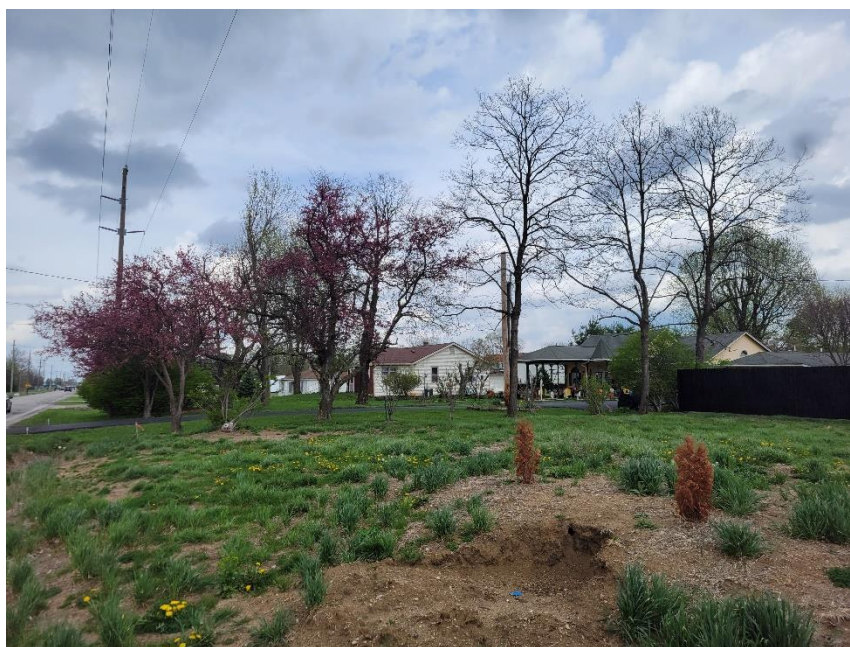


Photo 8: Adjacent Property to North

2026SE3002 ; Photographs (continued)



Photo 9: Adjacent Property to Southwest



Photo 10: Adjacent Property to Northwest