



Board of Zoning Appeals Board of Zoning Appeals Division II (May 13, 2025) Meeting Agenda

Meeting Details

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

Date: Tuesday, May 13, 2025

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

[2025-DV2-009](#) | 4925 Decatur Boulevard

Decatur Township, Council District #21, zoned C-S
Meritex Decatur LLC, by Ed Williams

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of three skyline signs on the front façade (one skyline sign per elevation permitted).

****Automatic Continuance filed by a registered neighborhood organization, continuing this to the June 10, 2025 hearing of Division II**

[2025-DV2-014](#) | 412 Pine Drive

Washington Township, Council District #1, zoned D-S
Matthew Vogt, by Kale Carlson

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 1,040-square foot detached garage within the front yards of Pine Drive and Spring Mill Road (accessory structures not permitted within the front yard) and proposed front yard setbacks of 30 feet from Pine Drive Road and 20 feet from Spring Mill Road (40 feet or average required).

****Automatic Continuance filed by the Petitioner continuing this case to the June 10, 2025 hearing of Division II**

[2025-UV2-006](#) | 5060 East 62nd Street

Washington Township, Council District #3, zoned C-3
GSR Ventures II LLC, by Lester Wiley Carver

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an indoor event center (not permitted).

****Staff is requesting a continuance to the June 10, 2025 hearing of Division II, due to insufficient notice**

[2025-UV2-007](#) | 6248 Allisonville Road

Washington Township, Council District #3, zoned C-3 / D-S
Vantage Point LLC, by Brian J. Tuohy

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a fitness center (not permitted).

****Automatic Continuance filed by the district Councilor, continuing this to the June 10, 2025 hearing of Division II**

PETITIONS REQUESTING TO BE CONTINUED:

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 1. 2025-DV2-012 | 3421 North Keystone Avenue**
Center Township, Council District #8, zoned SU-2
Indianapolis Public Schools, by Russell McClure

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a parking area within the front yards of 35th Street and Tacoma Avenue containing two double-loaded rows of parking and three single-loaded rows of parking (limited to one single-loaded row) and a six-foot tall fence within the front yards of 34th Street and Tacoma Avenue (maximum 3.5-foot tall fence permitted).

- 2. 2025-DV2-015 | 5364 North New Jersey Street**
Washington Township, Council District #7, zoned D-4
David & Courtney Reinkemeyer, by David and Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for location of a six-foot tall fence within the northern yard of 54th Street (maximum 3.5-foot tall fence permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 3. 2025-UV2-001 (Amended) | 2454 North Illinois Street**
Center Township, Council District #12, zoned D-8 (TOD) (RC)
Sheref Nessem, by Justin Kingen

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

PETITIONS FOR PUBLIC HEARING (New Petitions):

- 4. 2025-DV2-010 | 2001 East Pleasant Run Parkway South Dirve & 1500 Villa Avenue**
Center Township, Council District #19, zoned D-5
St. Paul The Apostle Orthodox Church, by Joe Ringger

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the use of a gravel parking lot for a period of two years (hard surface required).

- 5. 2025-DV2-013 | 3524 North Meridian Street**
Center Township, Council District #8, zoned D-9 (TOD)
Meridian Radiology LLC 401K Trust, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a five-foot tall, 15-square-foot vehicle entry point sign (maximum 2.5-foot height, area of six square-feet 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 sur**

objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.

BOARD OF ZONING APPEALS DIVISION II

May 13, 2025

Case Number: 2025-DV2-009
Property Address: 4925 Decatur Boulevard (approximate address)
Location: Decatur Township, Council District #21
Petitioner: Meritex Decatur LLC, by Ed Williams
Current Zoning: C-S
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of three skyline signs on the front façade (one skyline sign per elevation permitted).
Current Land Use: Commercial
Staff Recommendations: N/A
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- A timely automatic continuance has been filed by a registered neighborhood organization, continuing this petition to the June 10, 2025 BZA Division II hearing, which would be without new notice.

BOARD OF ZONING APPEALS DIVISION II

May 13, 2025

Case Number: 2025-DV2-014

Property Address: 412 Pine Drive (*approximate address*)

Location: Washington Township, Council District #1

Petitioner: Matthew Vogt, by Kale Carlson

Current Zoning: D-S

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 1,040-square foot detached garage within the front yards of Pine Drive and Spring Mill Road (accessory structures not permitted within the front yard) and proposed front yard setbacks of 30 feet from Pine Drive and 20 feet from Spring Mill Road (40 feet or average required).

Current Land Use: Residential

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by the petitioner to allow sufficient time between mailing and posting of legal notice and the hearing date. This petition will be continued to the June 10th date.

BOARD OF ZONING APPEALS DIVISION II

May 13, 2025

Case Number: 2025-UV2-006
Address: 5060 East 62nd Street (approximate address)
Location: Washington Township, Council District #3
Zoning: C-3
Petitioner: GSR Ventures II LLC, by Lester Wiley Carver
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an indoor event center (not permitted).

Current Land Use: Commercial Shopping Center

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

Staff is requesting that this petition be **continued for cause to the June 10, 2025, hearing due to insufficient legal notice**. The required legal notice was provided to the petitioner on Wednesday, April 16, but was not mailed until Friday, April 25.

This petition should also be continued for cause due to the petition fee not being paid in a timely manner. At the time of publication, the fee for this petition remains unpaid. If it remains unpaid by June 27, 2025, then Staff will recommend this petition be dismissed at the June 10 hearing.

BOARD OF ZONING APPEALS DIVISION II

May 13, 2025

Case Number: 2025-UV2-007
Address: 6248 Allisonville Road (approximate address)
Location: Washington Township, Council District #3
Zoning: C-3 / D-S
Petitioner: Vantage Point LLC, by Brian J. Tuohy
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a fitness center (not permitted).

Current Land Use: Commercial Shopping Center

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

This petition was **automatically continued to the June 10, 2025, hearing**, from the May 13, 2025, hearing, by City-County Councilor Dan Boots. This would require the Board's acknowledgement.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

May 13th, 2025

Case Number: 2025-DV2-012

Property Address: 3421 North Keystone Avenue

Location: Center Township, Council District #8

Petitioner: Indianapolis Public Schools, by Russell McClure

Current Zoning: SU-2

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a parking area within the front yards of 35th Street and Tacoma Avenue containing two double-loaded rows of parking and three single-loaded rows of parking (limited to one single-loaded row) and a six-foot tall fence within the front yards of 34th Street and Tacoma Avenue (maximum 3.5-foot tall fence permitted).

Current Land Use: Elementary School

Staff

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

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this variance petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- The petitioner for this variance request is asking for two (2) items: 1) a parking area within the north front yard with two (2) double-loaded rows of parking and three (3) single-loaded rows of parking within that parking lot, and 2) a six (6) foot-tall fence in the southern front yard of the school property.
- This property is within the SU-2 zoning district and is 5.8 acres in size.
- This is the location of Kindezi Academy Elementary School, Indianapolis Public School #69. The original school building has already been demolished.
- The subject site is surrounded by four (4) rights-of-way (35th Street, Tacoma Avenue, 34th Street, and Keystone Avenue), which make all four (4) sides of the property front yards.
- A SU-2 zoned property within the Compact Context area is limited to having one (1) single-loaded row of parking in the front of the building.

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- Since the subject site has only front yards on the property and due to the size and scale of the school, one (1) single-loaded row of parking would not provide enough space to allow parking for teachers, parents, visitors, and potential school busses or emergency service vehicles that would be necessary for an elementary school.
- Fences are only permitted to be 3.5 feet in height within the front yard.
- South of the subject site is a liquor store (commercial business).
- A six-foot fence would be more effective to protect the proposed playground at the southern end of the site and to provide screening and separation for future students at the proposed school from traffic and surrounding uses.
- Staff recommends **approval** of this variance petition because, due to its location, this property has multiple front yards. This limits the site's ability to be used for its permitted use and would make it difficult to function without the approval of variances.

GENERAL INFORMATION

Existing Zoning	SU-2	
Existing Land Use	Special Use	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Traditional Neighborhood
South:	C-3	South: Community Commercial
East:	D-5	East: Traditional Neighborhood
West:	D-5	West: Traditional Neighborhood
Thoroughfare Plan		
35 th Street	Local Street	50 feet of right-of-way existing and 48 feet proposed.
Keystone Avenue	Primary Arterial	70 feet of right-of-way existing and 78 feet proposed.
Tacoma Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed.
34 th Street	Secondary Arterial	50 feet of right-of-way existing and 78 feet proposed.
Context Area	Compact or Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	4/7/2025	
Site Plan (Amended)	N/A	
Elevations	4/7/2025	
Elevations (Amended)	N/A	



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Landscape Plan	N/A
Findings of Fact	4/7/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- 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

- 97-Z-41: 3421 North Keystone Avenue
 - Metropolitan Development Commission requests rezoning of 5.53 acres, being in the C-3 and D-5 Districts, to the SU-2 classification to conform the zoning to the exiting school use.
 - AP

ZONING HISTORY – SURROUNDING AREA

- 2000-UV1-028: 3363 North Brouse Avenue
 - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,280 square-foot carry out restaurant, (not permitted) with four parking spaces.
 - AP
- 2000-UV3-035: 4916 South State Avenue
 - Variance of Use and Development standards of the Dwelling Districts Zoning Ordinance to legally establish two detached single-family dwellings on one lot (not permitted), with one unit having 750.3-square foot of main floor area (minimum 1,200-square feet of main floor area required), with one unit having a one foot side yard setback and a detached garage with a 1.5-foot side yard setback (minimum six foot side yard setbacks required).
 - AP
- 2004-DV2-036: 3360 – 3364 North Keystone Avenue
 - Variance of Development Standards of the Commercial Zoning Ordinance to provide for parking spaces and circulation drives within the required setback without ten-foot-wide landscaped yards abutting the public right-of-way (landscaped yards required where parking spaces and circulation drives are located within the required setback).
 - AP
- 2005-DV2-006: 3360 North Keystone Avenue
 - Variance of Development Standards of the Commercial Zoning Ordinance to legally establish a 12,000 gallon underground fuel storage tank located zero feet from the existing right-of-way line, and 45 feet from the centerline, of East 34th Street, and located 59 feet from the centerline of North Keystone Avenue (minimum 70-foot setback from the centerline required), and to legally establish an 8,000 gallon underground fuel storage tank located one-foot from the existing right-of-way line of East 34th Street (minimum 70-footsetback from the centerline required).
 - AP
- 2009-UV1-010: 3532 North Keystone Avenue
 - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a daycare (not permitted), with an outdoor play area and associated off-street parking.
 - Approved
- 2014-SE1-002: 3501 North Keystone Avenue



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- Special exception of the Dwelling Districts Zoning Ordinance to provide for a religious use, with off-street parking and identification signs.
 - Approved





Exhibit 2: Aerial of the subject site before the school building was demolished.



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Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The parking in the front yard area of the school and the proposed fence height is a common development pattern in the neighborhood.

The development will be carefully executed and has been carefully designed to be an asset to the Neighborhood.

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 parking in the front yard area of the school is currently existing on the south side of the site and exists on other areas immediately adjacent to the site. Several areas along Keystone Avenue have 6' tall fences, and in this case, the fence will be an aluminum picket fence and will be screened by vegetation. The development will be carefully executed and will be an asset to the neighborhood.

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

This property has four front yards which severely limit our ability to develop the site in accordance with the current zoning ordinance. If we were to comply with the ordinance, parking would be limited on the site and would not be adequate. Also, limiting the fence height would pose risks to the students.

Exhibit 3: The submitted Findings of Fact.

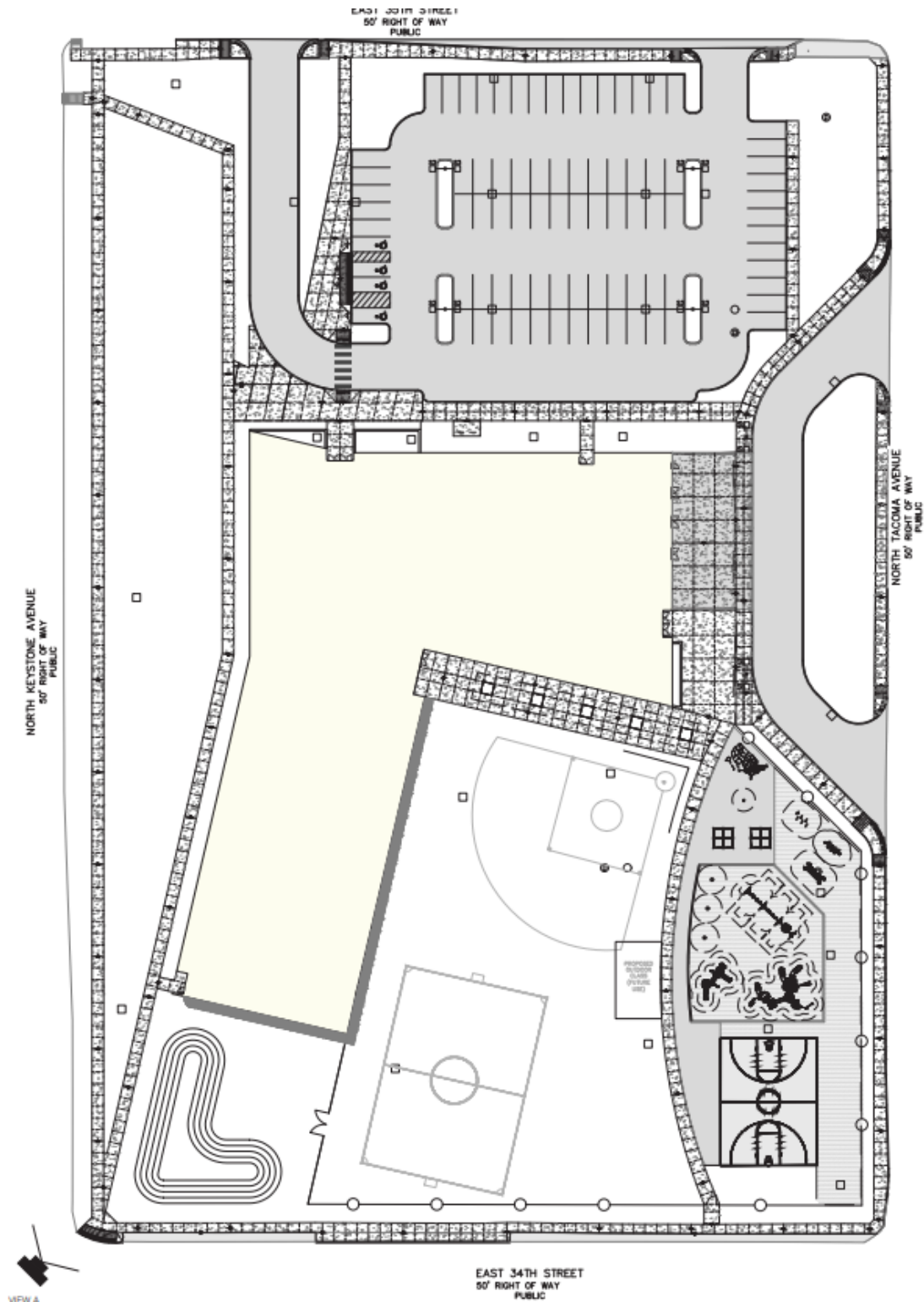


Exhibit 4: Site plan for the subject site.

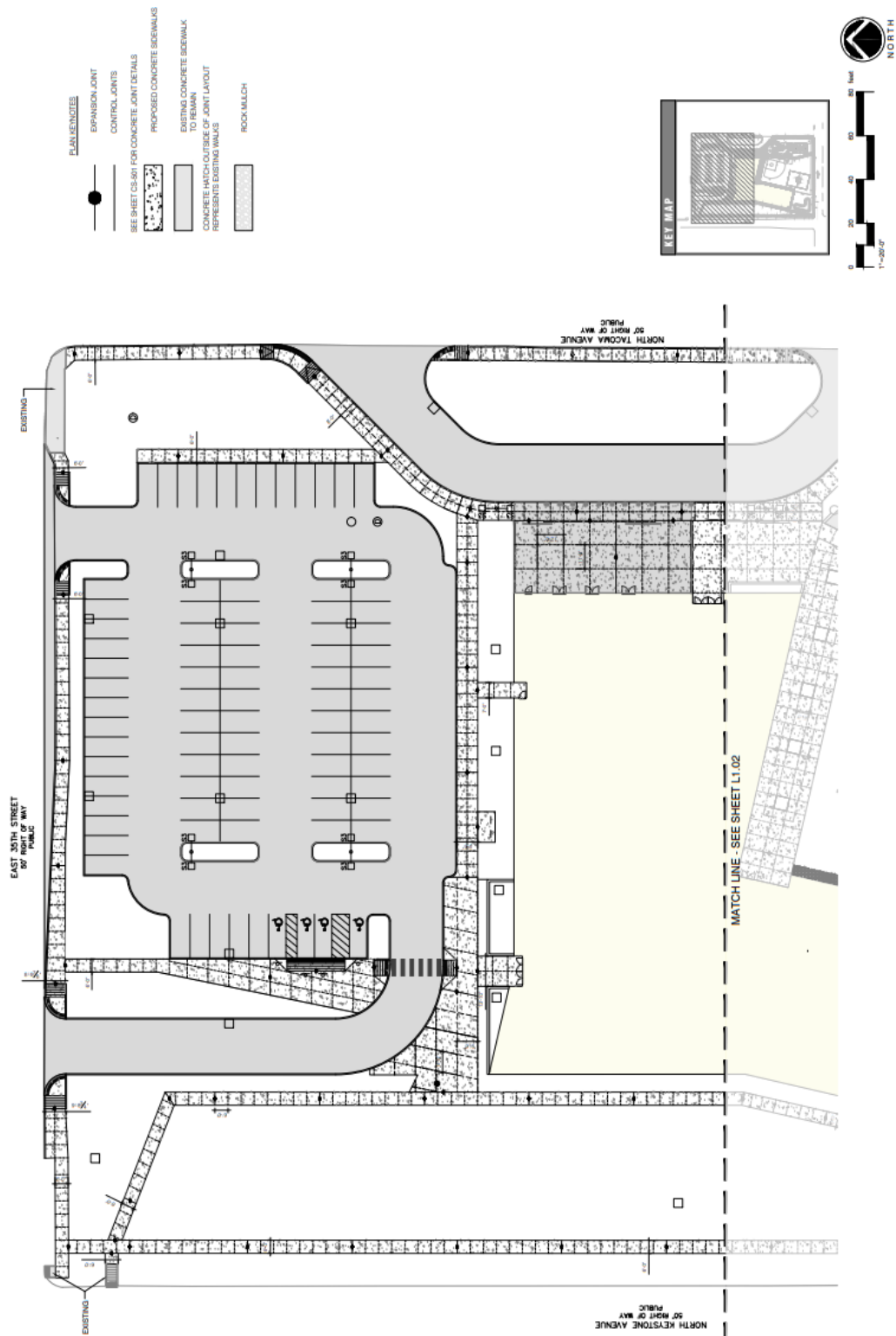


Exhibit 5: Enlarged view of the proposed north side parking lot.

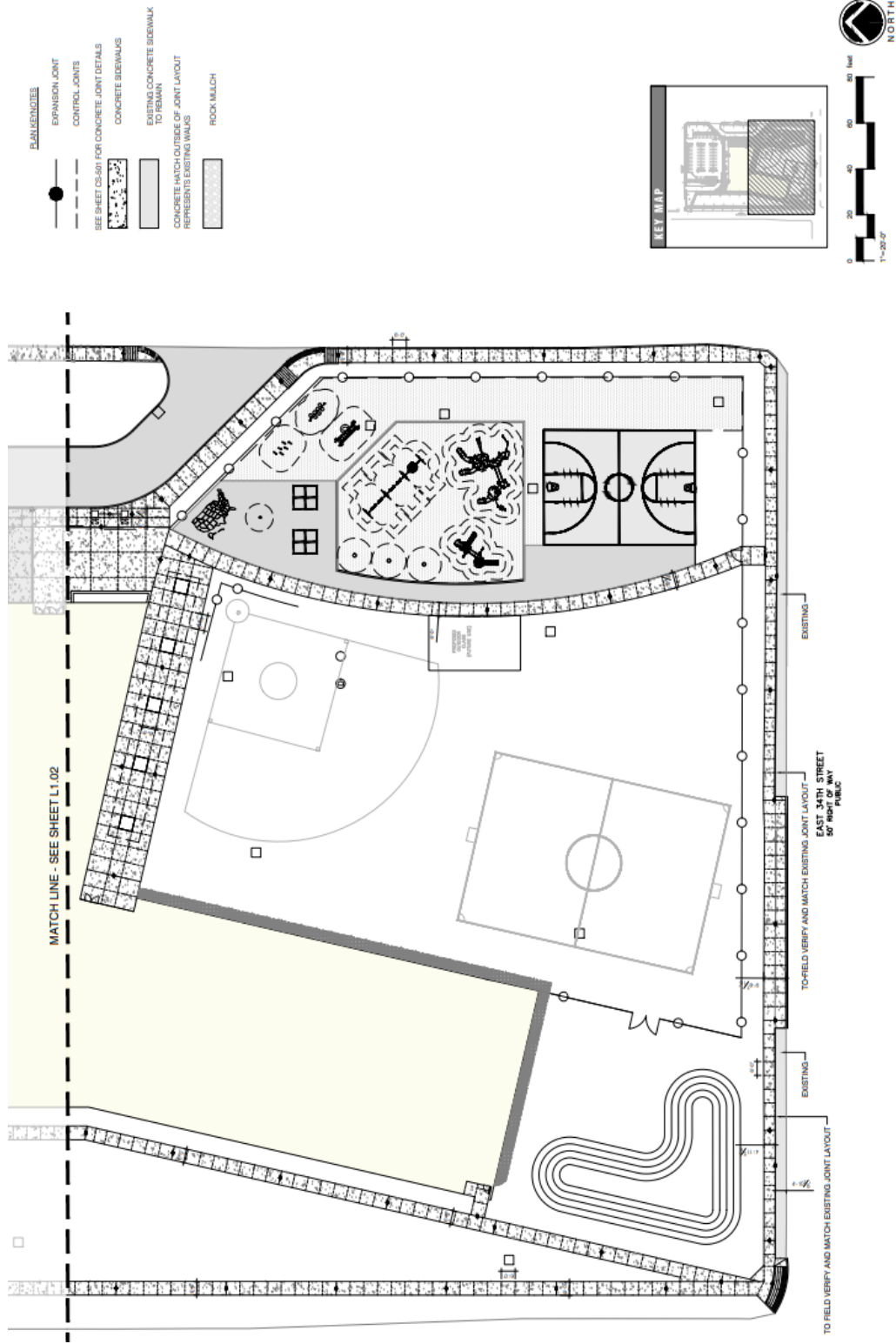


Exhibit 6: Enlarged view of the proposed playground and fence on the south side of subject site.



A VIEW FROM KEYSTONE AND EAST 34TH
NOT TO SCALE



B VIEW FROM TACOMA AND EAST 34TH
NOT TO SCALE

Exhibit 7: Architectural renderings showing what the fence and other features will look like on south side of site.



Exhibit 8: Looking north from south side of the subject site.



Exhibit 9: Looking south from north side of the subject site.



Exhibit 10: Looking west down 34th Street.



Exhibit 11: Looking east down 34th Street.



Exhibit 12: Liquor Store off of 34th Street.



Exhibit 13: Looking north up Tacoma Avenue.



Exhibit 14: Looking south down Tacoma Avenue.



Exhibit 15: Looking west down 35th Street (parking area will be on the left).



Exhibit 16: Looking south down Keystone Avenue from 35th Street.



Exhibit 17: Looking north Keystone Avenue from 35th Street.



Exhibit 18: Looking south down Keystone Avenue from 35th Street.



Exhibit 19: Looking north up Keystone Avenue from 35th Street.



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BOARD OF ZONING APPEALS DIVISION II

May 13, 2025

Case Number: 2025-DV2-015

Property Address: 5364 North New Jersey Street (*approximate address*)

Location: Washington Township, Council District #7

Petitioner: David & Courtney Reinkemeyer, by David and Justin Kingen

Current Zoning: D-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for location of a six-foot tall fence within the northern yard of 54th Street (maximum 3.5-foot tall fence permitted).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** subject to two commitments.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** subject to commitments that landscaping/green area be installed along the northern edge of the fence closest to 54th Street, and that the fence height be reduced to six feet.

PETITION OVERVIEW

- 5364 North New Jersey is a residential parcel that is currently improved with a single-family residence and detached garage that both face 54th Street to the north. The property was historically improved with a fenced area that partially extended past the northern building line. Surrounding land uses are also residential.
- VIO24-004885 is a violation case that was opened in 2024 in relation to the placement of a new fence in the same location as the previous fence that was removed (any legally established status was lost when the fence was removed). Violation photography indicates that the newly installed fence is 6.17 feet in height. Although the initial variance application was solely made in relation to the area of fence with 32 feet in width to the west of the primary residence that encroaches out 23 feet past the northern property line, Staff noted that variances for a fence height exceeding 6 feet would also be required for portions of the fence within the side yard to the south of the home as well as fence within the rear yard to the south of the 54th Street building line.



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- When informed of the fact that an amendment to the variance would be required to allow for the currently installed fence to remain at a height of 6.17, the petitioner's agent indicated to Staff that the property owner would slightly reduce the height of the existing fence to match the height of 6 feet indicated within the initial request. Approval of this variance petition would not allow for the currently installed fence to remain unaltered.
- The Zoning Ordinance requires a maximum height of 6 feet for fences within side and rear yards within residential zoning contexts. Although the northern yard nearest 54th Street is technically a corner side yard (not a front yard), the Ordinance also indicates that for fences located in any yard that (a) serves as the primary entrance for the dwelling unit or (b) faces the primary entrance of a dwelling unit across the street, the maximum height allowed would be 3.5 feet (more comparable to a front yard). Since the installed fence was field-verified to have a height over 6 feet, a variance would have been required for all of the fence if the owner had not indicated their willingness to reduce the current height. A 6-foot fence would only require a variance for the portions within the 54th Street yard. Additionally, staff confirmed that the reconstructed fence does *not* fall into the clear-sight triangular area created by the intersection of 54th Street and the alleyway to the west.
- This property is zoned D-4 to allow for low or medium intensity single-family and two-family residential development in areas with good thoroughfare and pedestrian access, relatively flat topography, and nearby community services. The Meridian Kessler Neighborhood Plan similarly recommends it to the Traditional Neighborhood typology to allow for a variety of housing and associated neighborhood-oriented uses. Although the Meridian Kessler Plan doesn't make specific reference to fences, Infill Housing Guidelines indicate that fences should be placed thoughtfully, and that front-yard fences should be ornamental in style instead of privacy fences.
- Six-foot fences are typically allowed by-right within a D-4 corner side yard, and this fence (if reduced to a six-foot height) would only require a variance due to the exception language about primary entrances within 744-510.C of the Ordinance. Given this context, staff feels that the requested variance is reasonable and would recommend approval subject to commitments that minor landscaping be installed along the northern edge of the fence similar to what had existed prior to placement of the new fence (see Photo 1 within Exhibits) and that the fence be reduced in height to six feet.



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GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-4	North: Residential
South:	D-4	South: Residential
East:	D-4	East: Residential
West:	D-4	West: Residential
Thoroughfare Plan		
N New Jersey Street	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
54 th Street	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/11/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	04/11/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Meridian Kessler Neighborhood Plan
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- See Neighborhood Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan



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- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Meridian Kessler Neighborhood Plan recommends this site for Traditional Neighborhood uses to provide a variety of housing and associated neighborhood-oriented uses typically supportive of daily living needs. It includes a mix of housing and neighborhood-oriented commercial, recreation, and institutional uses. The Plan makes no specific reference to fences.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that fences should be placed thoughtfully, and that front-yard fences should be ornamental in style (not privacy fences).

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

N/A

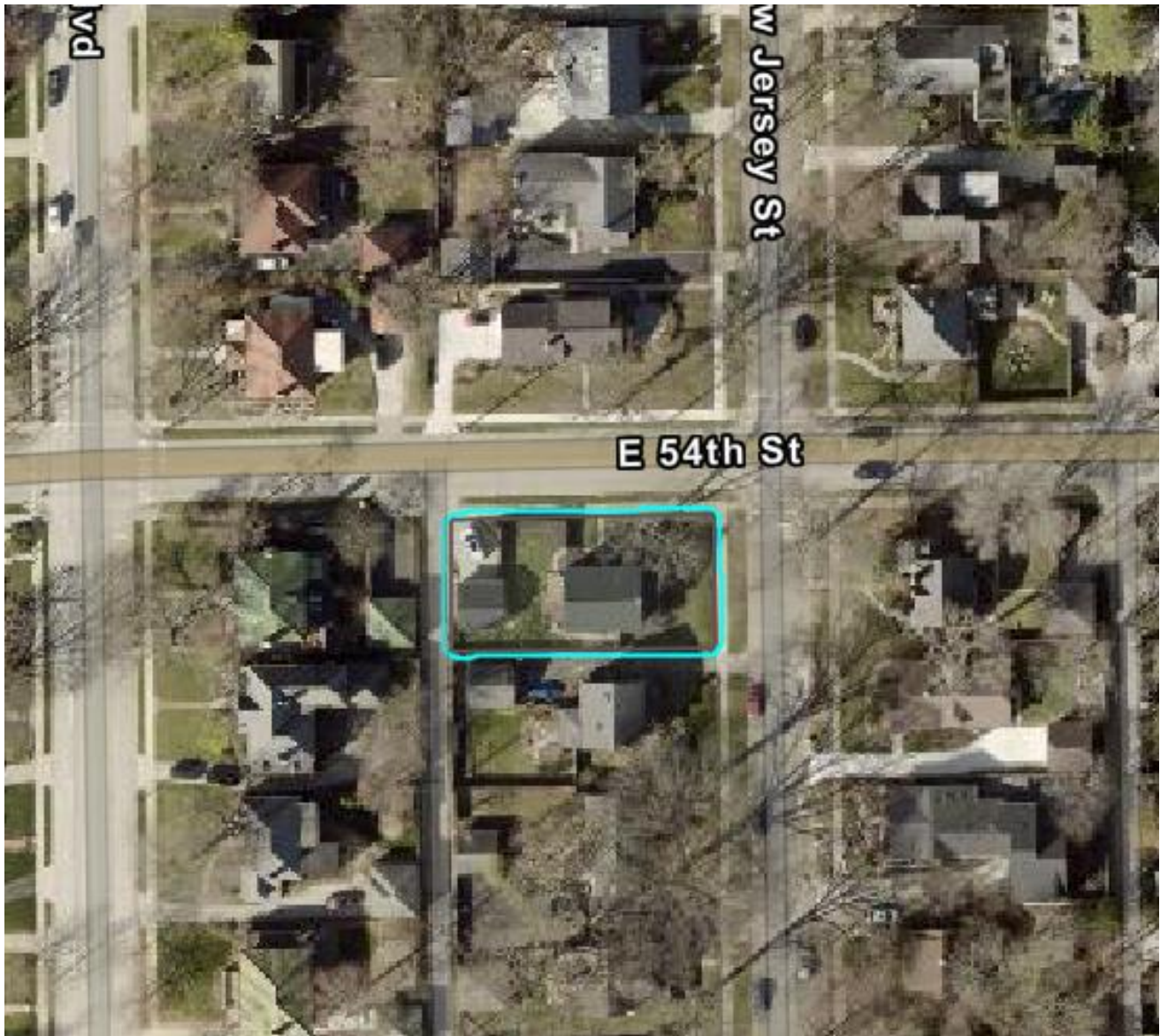
ZONING HISTORY – VICINITY

2017DV2023 ; 5401 N New Jersey Street (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a six-foot tall opaque fence, located within the clear sight triangle of the abutting driveway and 54th Street (not permitted), **approved**.

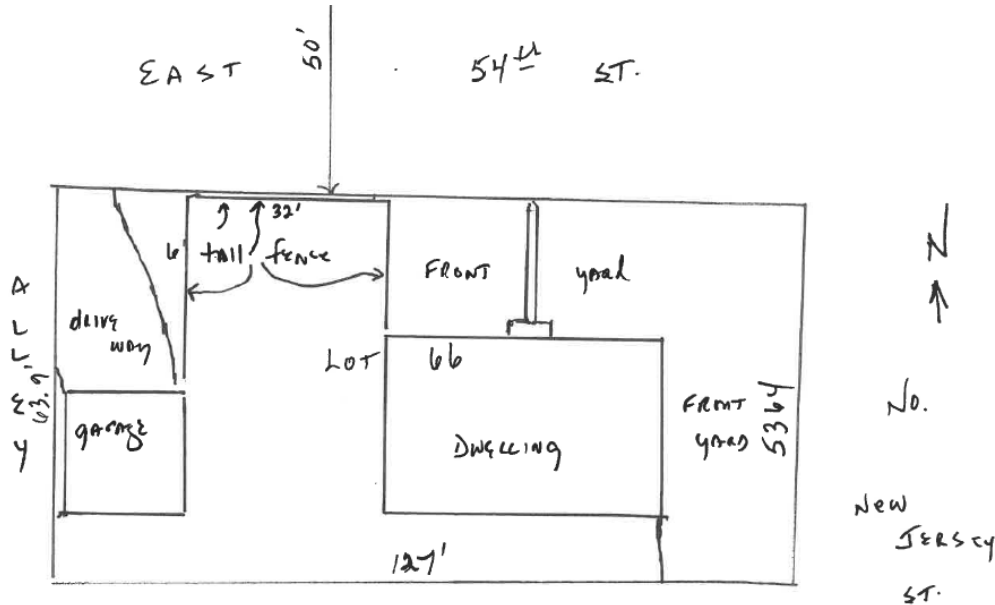
2004DV1050 ; 5365 Washington Boulevard (west of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 7.84-foot tall fence in the front yard of East 54th Street and to provide for a 7.84-foot tall, 34-foot extension to the fence in the front yard of East 54th Street, **approved**.

EXHIBITS

2025DV2015 ; Aerial Map



2025DV2015 ; Site Plan



2025DV2015 ; Findings of Fact

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

The fence replaced a old fence in deterioration at the same location. The property is addressed off No New Jersey Street; although the front door is off of East 54th Street. The fence is only 32 feet in lenght along East 54th Street (along the frontage). The fence is used to enclose the used side/ rear yard). This type of privacy fence is characteristic along this portion of East 54th Street in the Meridian Kessler neighborhood,

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

There are several residential properties that front on East 54th Street that have constructed six foot privacy fences in their front yards, all of them greater in length that the subject fence.

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

The property is longer east to west than north to south and thus if the replacement fence were removed from the frnton yard, there would remain a very small side/ rear yard to the west of the dwelling.



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2025DV2015 ; Violation Notice & Photographs (VIO24-004885, photos taken 4/14)



July 29, 2024

Case #: VIO24-004885

REINKEMEYER, DAVID & COURTNEY REINKEMEYER
5364 N NEW JERSEY ST
INDIANAPOLIS, IN 46220

RE: 5364 N NEW JERSEY ST

Dear REINKEMEYER, DAVID & COURTNEY REINKEMEYER:

A recent inspection of the above referenced property indicated violation(s) of the Revised Code of Indianapolis and Marion County as follows:

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-4 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard with more than 30% opacity...privacy fence).



2025DV2015 ; Photographs



Photo 1: Subject Site Viewed from North (October 2023 vs. April 2025)



Photo 2: Fence Viewed from East (54th St Sidewalk)

2025DV2015 ; Photographs (continued)



Photo 3: Adjacent Property to North



Photo 4: Subject Site Viewed from West

2025DV2015 ; Photographs (continued)



Photo 5: Subject Site Viewed from East



Photo 6: Adjacent Property to East

2025DV2015 ; Photographs (continued)



Photo 7: Adjacent Property to Northeast



Photo 8: Adjacent Property to West



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

May 13, 2025

Case Number: 2025UV2001 (Amended)

Property Address: 2454 North Illinois Street (*approximate address*)

Location: Center Township, Council District #12

Petitioner: Sheref Nessem, by Justin Kingen

Current Zoning: D-8 (TOD) (RC)

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

Current Land Use: Commercial

Staff Recommendations: Staff recommends **denial** of the variance requests.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

4/8/25: The petitioner indicated their intention to make a for-cause continuance request to allow for them to meet with the Near North Development Corporation neighborhood group on April 10th. Staff does not oppose their request to have the petition continued to the May 13th hearing date to facilitate that meeting but would not support additional continuance requests. An updated site plan was provided on May 8th that made small changes to parking layout and revised the fence location to be solely placed within side and rear yards and outside of the clear-sight triangle. The request has been amended to remove reference to the fence variances requested, but staff's overall position remains a **denial** recommendation.

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

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



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the requested contractor use). The petitioner also provided a set of proposed commitments and made minor changes to the site plan.

STAFF RECOMMENDATION

Staff recommends **denial** of the variance requests.

PETITION OVERVIEW

- 2454 Illinois is a corner lot currently improved with two (2) small commercial structures (one primary office and one garage) despite being zoned D-8 for residential uses. The site currently appears to be functioning as a commercial contractor despite no zoning petition allowing for the unpermitted use. The violation case VIO24-007484 cited this use as well as multiple other non-conformities. Surrounding land uses include residential uses to the west, east, and south as well as the Fall Creek (and Fall Creek Greenway) to the north. Kessler Park is located near the property to the northeast. The property is also located within the Regional Center and Transit-Oriented Development Secondary Zoning District given its proximity to the North Meridian Street corridor and IndyGo's BRT Red Line respectively.
- Prior to the unpermitted contractor use, the subject site had been granted a Use Variance in 1997 (97-UV1-62) to allow for the property to be used as a beauty parlor, after previously functioning as an ice cream shop per approval of 48-V-188 in 1948 and a fueling station before that point in time. This approval was subject to a landscape plan (see Exhibits) for which the approved landscaping appears to have never been installed. A lack of compliance with several elements of the 1997 variance was cited within VIO24-007484. If this variance were to be approved, the commitments associated with the older petition would no longer be applicable for the contractor use and new commitments would need to be imposed if desired by the Board.
- Application documents provided by the applicant indicate that the use proposed at their site would be a "C-1 office use" distinct from the HVAC contractor use mentioned within the text of this variance. The petitioner also later amended the notice to request permission for either (a) a HVAC contractor use or (b) all C-1 uses at the site, and suggested commitments indicating that no contractor work or outdoor operations would take place at the property. It is staff's determination that the HVAC contractor use would be most appropriately classified as a 'commercial and building contractor' use given the parking of commercial vehicles at the site (per the operation plan as well as site and aerial photos). The mention of outdoor operations within the violation and additional correspondence with the applicant indicated that both delivery and storage of some HVAC tools and equipment would take place at the subject site. Unless all service vehicles and storage of tools/parts related to the contractor use were housed at a separate facility, the scope at this site would exceed solely office functions (allowed in C-1) and would only be allowed within heavy commercial or industrial districts.
- Additionally, several variances of development standards would be required based on the provided site plan, site conditions and context provided from the notice of violation (see Exhibits



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for full VIO text): (a) paved vehicle areas and parking stalls would be placed within both front yards and within 0 feet of side property lines respectively; and (b) a wall sign with an area of 12 square feet would be placed (limited to a maximum sign area of 3% of the front elevation's square footage given the residential zoning designation). The petitioner indicated via written confirmation and an updated site plan that all six-foot fencing would be removed from front-yard areas.

- If the existing structures and curb cuts at this site didn't currently exist, several additional variances would be likely required for setbacks and exclusive vehicle access from the western alley. However, since these improvements already exist at the site, required variances would be limited to the new use and development standards introduced by changes to the currently existing layout. Staff also notes that while TOD standards for frontage design and building placement/form would only be enforceable if this property had a commercial zoning, the site layout would not conform with design requirements for commercial areas near transit lines. Additionally, the Ordinance would require that the curb and sidewalk on the eastern property line be *restored* in addition to the entry and curb cut being removed should the petition be approved.
- Any non-conformities cited within VIO24-007484 that are *not* included within this variance request (i.e. full paving of the site, parking of commercial vehicles and trailers, any outdoor storage and operations, etc.) would need to be resolved outside of the variance process in order for the site to be brought into compliance, and approval of this variance over staff's recommendation should not be construed as allowance for those non-conformities to remain.
- The D-8 zoning district is intended for a variety of housing formats, with a mix of small-scale multi-unit buildings. Heavy commercial and industrial land uses are not contemplated for this zoning or recommended by relevant Comprehensive Plans (Pattern Book, Regional Center Guidelines) which indicate Residential Neighborhood uses of 6 to 15 dwelling units per acre would be most appropriate. Similarly, the TOD Red Line Strategic Plan indicates that surface parking should be consolidated and placed behind buildings to allow for a pedestrian orientation at the street.
- Given that it is unlikely that this property would revert to primarily residential uses in the future, staff does not feel that a Use Variance would be the most appropriate remedy to establish a new commercial enterprise at this site and would want to avoid the need for new petitions to be filed with each successive use change in the future. Independent of the specifics of this proposal for a commercial contractor requiring several variances of development standards, staff would recommend denial for process reasons and would instead recommend that the property be rezoned to a more appropriate commercial designation if low-intensity commercial use was desired. Rezoning of this parcel to the C-1 designation (without a commercial contractor use) could potentially be supportable by staff if reasonable commitments were also included.
- Staff does not feel that the previous placement of light commercial uses at this property should serve as justification for placement of a more intense heavy commercial use and would note the historically residential character of surrounding properties as well as the Comprehensive Plan recommendation for residential uses. Similarly, placement of a tall fence around parking areas and a portion of the northern façade, commercial signage, and the parking of commercial vehicles

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within feet of nearby residences would each reduce the residential character of the surrounding area and could result in negative externalities of light, noise, damage to local streets, and the potential for continued outdoor storage or operations at the property. The proposed use of an HVAC contractor also does not comport with the City's vision for transit-oriented development or for areas so close to parks, greenways, and related amenities. For these reasons, staff recommends denial of the requested variances.

GENERAL INFORMATION

Existing Zoning	D-8 (TOD) (RC)	
Existing Land Use	Commercial	
Comprehensive Plan	Residential 6-15 Dwelling Units per Acre	
Surrounding Context	Zoning	Surrounding Context
	North: PK-1	North: Greenway/Fall Creek
	South: D-8	South: Residential
	East: D-8	East: Residential
	West: D-8	West: Residential
Thoroughfare Plan		
Illinois Street	Primary Arterial	66-foot existing right-of-way and 78-foot proposed right-of-way
Fall Creek Parkway SDR	Local Street	75-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	01/22/2025	
Site Plan (Amended)	05/08/2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	01/22/2025	
Findings of Fact	01/22/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line TOD Strategic Plan



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- Regional Center Design Guidelines

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to be developed for Traditional Neighborhood uses with a density between 6 and 15 dwelling units per acre. Although some commercial uses could be recommendable at corner nodes, industrial or heavy commercial uses are not a contemplated land use category for this typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Given this property's proximity to the Meridian & Fall Creek Red Line Stop, the TOD Strategic Plan recommends this site to the Community Center typology to allow for walkable commercial centers with a range of retail, entertainment, office, and residential uses. Surface parking should be consolidated and placed behind buildings to allow for a pedestrian orientation at the street while still supporting drive-to businesses. The scope of commercial activity at this site appears to exceed the intensity of office uses contemplated by the TOD Plan.

Neighborhood / Area Specific Plan

- The Regional Center Design Guidelines recommend this site to the Neighborhood Residential typology to allow for homes in single-family, townhome or apartment configurations. Parcels are typically deep with narrow street frontages, homes have small setbacks and front yards, and the environment is pedestrian in nature.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

97-UV1-62, variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation and expansions of a beauty salon (not permitted), **approved**.

94-UV2-38, variance of use of the Dwelling Districts Zoning Ordinance to provide for a carry-out restaurant business (not permitted), **withdrawn**.

ZONING HISTORY – VICINITY

2019DV2016 ; 2434 N Illinois Street (south of site), variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with an attached garage with eight-foot (2438) and nine-foot (2434) separations between dwellings (10-foot separation required), **withdrawn**.

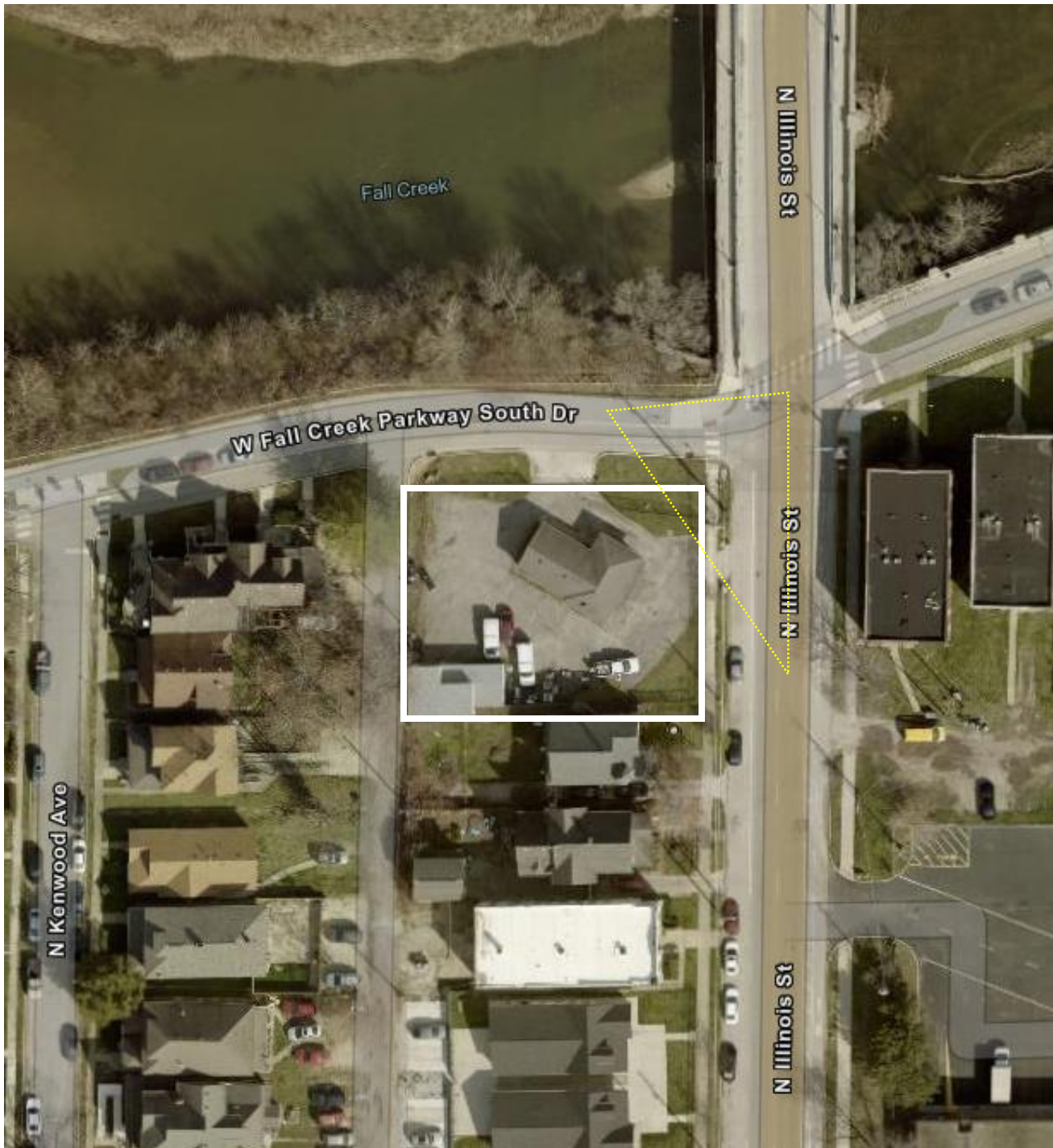
2017LNU007 ; 2442 N Illinois Street (south of site), legally establish an eight-unit apartment building with zero parking spaces, on parcel #1073915, associated with 2442 North Illinois Street, in a Dwelling District, **approved**.

90-HOV-91 ; 2332 N Illinois Street (south of site), variance of development standards of the Dwelling District Zoning Ordinance to permit the construction of a three-story multi-family structure 40 feet in height (35 feet permitted), **approved**.

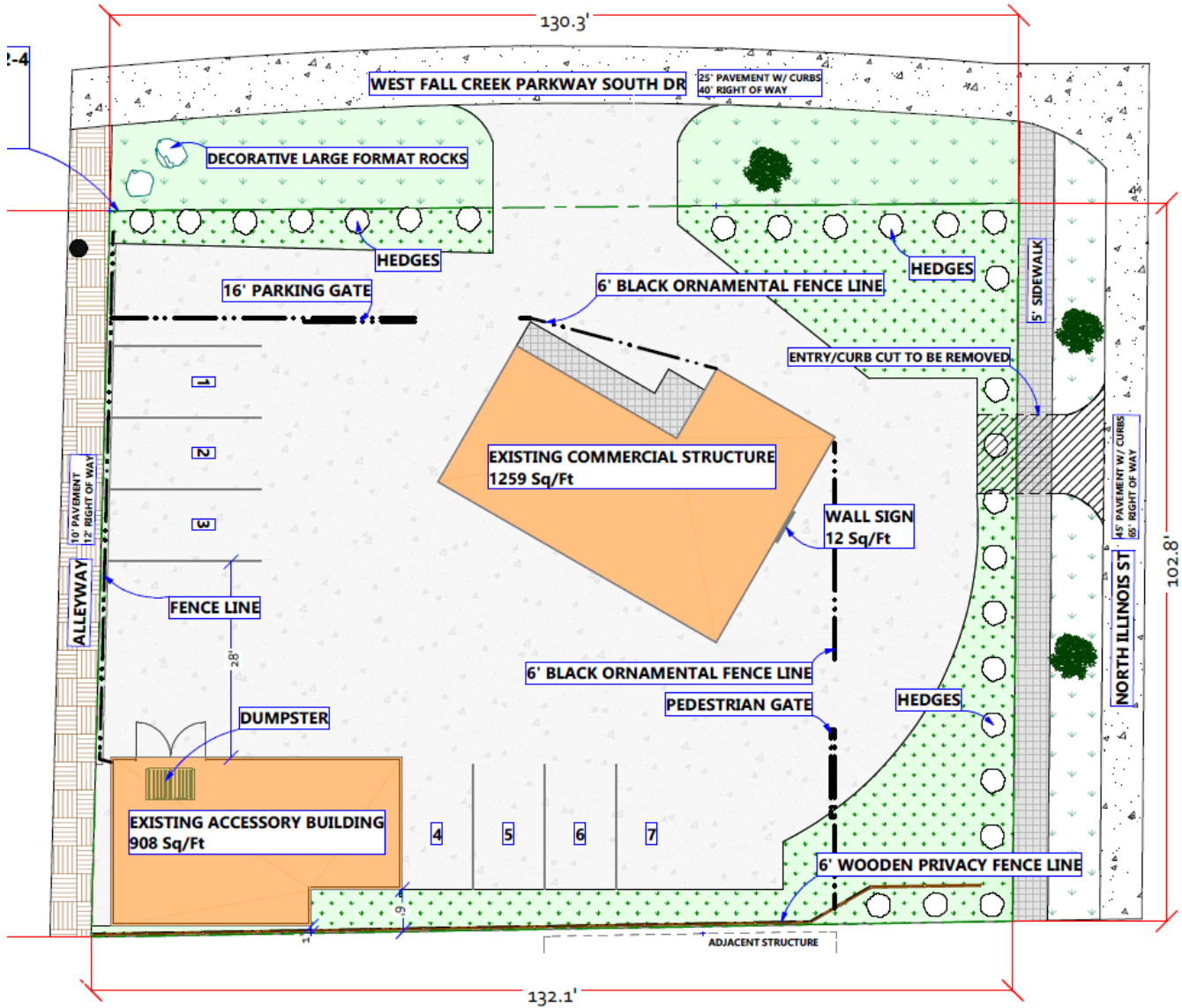
85-UV3-62 ; 126 W 24th Street (south of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for an existing building as a variety store, **withdrawn**.

EXHIBITS

2025UV2001 ; Aerial Map (approximate clear-sight triangle added in yellow)

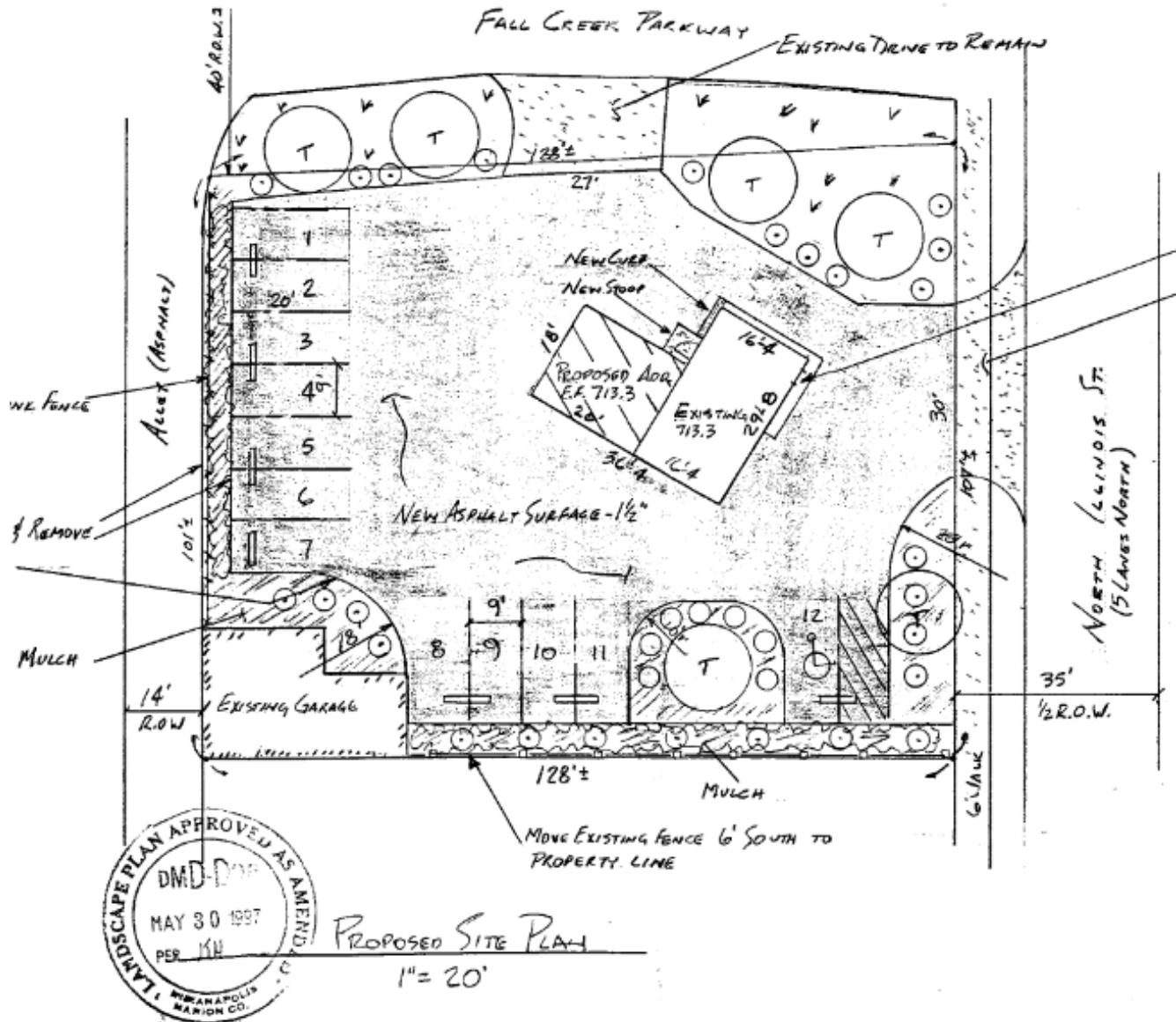


2025UV2001 ; Site Plan (proposed for 2025)



Notes: (1) Ordinance would require that the eastern entry/curb cut area have curb and sidewalk *restored* in addition to the removal marked on this site plan. (2) The petitioner has indicated that the portion of wooden privacy fence to the east of the establishing front building line will be removed.

2025UV2001 ; Site/Landscape Plan (approved in 1997)





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2025UV2001 ; Notice of Violation (VIO24-007484)

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 wall 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; (Wood scrap, appliances, scrap metal, and other miscellaneous items throughout the property).

Section 740 -1005.A.5. Civil Zoning Violation

Specific Violation: The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, with a cargo holder exceeding 12ft. in length...15 ft. trailer).

Section 740 -1005.A.5. Civil Zoning Violation

Specific Violation: The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Vehicle, regardless of weight, used or designed to be used as a box truck).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - An HVAC company is not a permitted use in a D-8 zoning district... SMART HVAC,LLC).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Outdoor storage and operations is not a permitted accessory use in a D-8 zoning district...air conditioner units, ducts and other HVAC equipment/parts).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Storage of a commercial dumpster is not a permitted accessory use in a D-8 zoning district).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-8 district; (744-404.D.6.a. - Parking areas in front yards shall be paved with bricks, concrete, asphalt, permeable pavers or pavement, or a gravel surface with a distinct edge boundary to retain the gravel; the parking of vehicles on grass in the front yard is prohibited).

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 #97-UV1-62; specifically, commitment #2..."landscaping (combination of trees and shrubs at a minimum) shall be planted along Fall Creek Parkway South Drive, North Illinois Street, and the western (along the north-south alley) frontages of the site. A landscaping plan, indicating spacing, species, and the size of the landscape elements, shall be submitted for and subject to Administrator's Approval...Landscaping shall be completed in accordance with said approved plan by December 3, 1997, and maintained at all times thereafter). 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 #97-UV1-62; specifically, commitment #3..."The parking and maneuverability areas shall be hard-surfaced by June 3, 1998, and shall be striped at all times"). 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; 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 #97-UV1-62; specifically, failure to comply with the approved site plan).

2025UV2001 ; Plan of Operation (updated 3/14/25)

- Use:
 - Office use for Smart HVAC home office
- Staff:
 - Three (3) full-time employees (off-site)
- Hours of Operation:
 - 7:30am – 6:00pm (Monday – Friday)
 - Staff is able to access the building outside of those hours to utilize resources
- Building:
 - 1,100 square foot office building
 - Detached garage for storage of office equipment and commercial dumpster
- Clients & Customers:
 - Off-site (e.g., in their homes)
 - All of Smart HVAC work will be done at the homes of their customers. None of the operations will take place at the subject site.
- Safety & Security Measures:
 - The office building has security cameras, and an alarm installed. A six-foot chain-link fence, which is locked outside of office hours, surrounds the entire property, per the site plan on file.
- Materials Used:
 - No hazardous waste is used on site.
- Shipping, Receiving & Storage:
 - Equipment (HVAC systems) are delivered directly to the job site, not Smart HVAC office, for commercial jobs. Equipment for residential jobs is picked up at a local supply house and taken directly to the client's residence for work.
 - The accessory garage is used to house tools and the odd, small part (i.e. a HVAC relay switch). The delivery of these small parts are made by USPS, UPS, or Amazon and occur 2-3 times per month.
- Waste:
 - Commercial Dumpster will be located in the accessory structure and will be set out in the parking lot on the weekly pick-up day. Disposal off trash will occur between the hours of 8am and 6pm, Monday through Friday.
- Parking
 - There are currently six (6) parking spaces, all of which are paved, as indicated on the site plan on file.
 - There are three (3) commercial vehicles* that visit the site, typically 1-2 times a week and during office hours only, in order to obtain daily assignments, customer paperwork, and the odd tool and/or spare part. The commercial vehicles are parked off-site overnight.
 - Customers do not visit/park at the site.



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2025UV2001 ; Findings of Fact (Use)

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

The site has been used and developed commercially over the past several decades. It was approved to be used as a beauty salon back in 1997. The proposed use is that of a C-1 office use for a HVAC business. There will be no outdoor storage on the site.

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

The use and value of the area adjacent to the property will not be adversely affected due to the fact that the subject site has been developed and used commercially, historically. Thus, granting the proposed use will not adversely affect the area.

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

The strict application of the Ordinance would constitute a hardship, as it would disallow the historic commercial use of the site.

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

According to historical maps, a number of commercial uses have existed on the site dating back as far as the 1990s. The strict application of the Ordinance would constitute a hardship, as it would disallow the historic commercial use of the site.

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

Granting the variance of use allows for the historical commercial uses as well as the proposed commercial use to be compliant, and therefore does not interfere substantially with the comprehensive plan.

2025UV2001 ; Findings of Fact (Development Standards)

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

This property has been developed and used historically for commercial uses and the granting of the reduced setbacks would bring the site into compliance and would not be injurious to the community.

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

This property has been developed and used historically for commercial uses and the granting of the reduced setbacks would not affect the area adjacent to the subject site in an adverse manner.

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

This property has been developed and used historically for commercial uses and the granting of the reduced setbacks would bring the site into compliance.

2025UV2001 ; Photographs



Photo 1: Subject Site Viewed from East



Photo 2: Subject Site Viewed from North

2025UV2001 ; Photographs (continued)



Photo 3: Existing Rear Garage and Dumpster



Photo 4: Fall Creek Frontage/Possible Sign Location

2025UV2001 ; Photographs (continued)



Photo 5: Adjacent Property to the North



Photo 6: Adjacent Property to the West

2025UV2001 ; Photographs (continued)



Photo 7: Adjacent Property to the South



Photo 8: Adjacent Property to the East

2025UV2001 ; Photographs (continued)



Photo 9: Primary Building Interior (provided by applicant)



Photo 10: Primary Building Interior (provided by applicant)



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BOARD OF ZONING APPEALS DIVISION II

May 13, 2025

Case Number:	2025-DV2-010
Property Address:	2001 East Pleasant Run Parkway South Drive & 1500 Villa Avenue (approximate address)
Location:	Center Township, Council District #19
Petitioner:	St. Paul The Apostle Orthodox Church, by Joe Ringger
Current Zoning:	D-5
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the use of a gravel parking lot for a period of two years (hard surface required).
Current Land Use:	Religious uses
Staff Recommendations:	Staff recommends denial for this petition
Staff Reviewer:	Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- This petitioner is requesting to all for the use of a gravel parking lot for a period of two (2) years (hard surface required).
- The gravel parking lot was placed on the subject site in early 2025 and the site was subsequently issued a violation and citation (VIO-009826, CIT25-000818). The zoning standard to have parking lots paved with hard surface is in place to promote quality and orderly development, allow for ease of access and connectivity, and to limit the damage that is inflicted by loose gravel onto public infrastructure such as sidewalks, streets, and roads.
- Staff believes that parking areas should adhere to the standards set forth by the Zoning Ordinance and that the development of gravel parking lots is an undesired precedent that not only is aesthetically substandard, but perhaps most importantly, causes significant and unnecessary damage to the City's infrastructure through the gradual spreading of gravel debris onto surrounding roads and sidewalks. Upon visiting the site, Staff noted that there is already a substantial amount of gravel that is in the

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road and sidewalk (see photos below). Further, gravel parking areas can cause accessibility issues for individuals that have heightened mobility needs such as people using walkers or wheelchairs.

- Staff does not find that there is practical difficulty associated with the site itself that warrants the need of variance approval, and believes that hard surface can be provided for the parking area. Given the concerns over damage to City infrastructure, undesirable aesthetic and precedent, and lack of practical difficulty, Staff recommends the denial of the request.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Religious Uses	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	PK-1	North: Linear Park
South:	D-5	South: Single-family residential
East:	D-5	East: Single-family residential
West:	D-5	West: Single-family residential
Thoroughfare Plan		
East Pleasant Run Parkway South Drive	Local Street	70 feet of right-of-way existing and 48 feet proposed
Villa Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	4/1/25	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	4/1/25	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book



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- Indy Moves

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The Pleasant Run Greenway is within ¼ mile of the subject site.



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ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

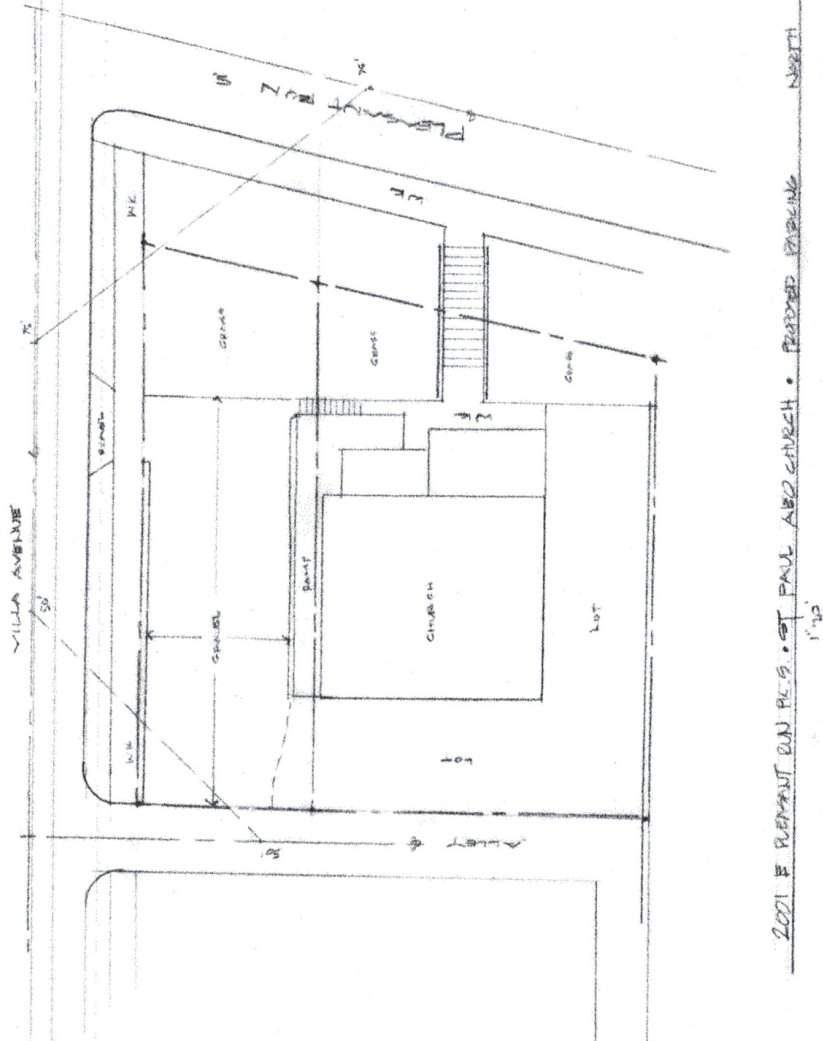
N/A

EXHIBITS

2024 Aerial



SITE PLAN



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Plan of Operation

**St Paul the Apostle Orthodox Church
2001 E. Pleasant Run Pkwy S. Dr.
Indianapolis, In. 46203**

The church has 1 full time employee and 2 part time employees. The seating capacity is 100. They hold services Sunday at 9:30 AM and Wednesday at 7:00 PM. They occasional hold special services. They have fire alarms, lighted exit signs, live video security, and a designated security team. There are no explosives on site. A copy of the parish bylaws is available upon request.

⑦



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Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

Parking vehicles on this portion of the church property will alleviate current street congestion and reduce vehicle maneuvering around pedestrians, which is a benefit to public safety. Allowing a gravel vs. paved surface will have no significant impact on the community well being. The gravel will be contained within the property boundaries.

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 gravel will be boarded by landscaping timbers and topped with fines to maintain a pleasing appearance. In reality, reducing church street parking will benefit adjacent properties by decreasing congestion and allowing more space for residents.

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

Though the congregation has a medium term financial plan to pave the lot, it currently doesn't have the funding. During service, the surrounding streets get congested and members are forced to park farther away. This is difficult for elderly and disabled. Also, presumably associated with nearby crime and homelessness, distantly parked cars have been vandalized during church service.

DECISION

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

Adopted this _____ day of _____, 20 _____

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BOARD OF ZONING APPEALS DIVISION II

May 13th, 2025

Case Number: 2025-DV2-013 (Amended)
Property Address: 3524 North Meridian Street
Location: Center Township, Council District #8
Petitioner: Meridian Radiology LLC 401K Trust, by Joseph D. Calderon
Current Zoning: D-9 (TOD)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a four-foot tall, 12-square-foot vehicle entry point sign (maximum 2.5-foot height, area of six square-feet permitted).
Current Land Use: Commercial
Staff Recommendations: Staff is recommending **denial** of this variance petition.
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this variance petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- The petitioner of this variance petition is requesting a vehicle entry sign larger than the permitted size.
- This property is within the D-9 zoning and Transportation Oriented District (TOD).
- A vehicle entry sign within a Dwelling zoning district is permitted to be 2.5 feet in height and six (6) square feet in size.
- The proposed vehicle entry sign is planned to be four (4) feet tall and twelve (12) square feet in size, which is double the permitted size.
- A vehicle entry sign is defined as a secondary, freestanding, permanent on-premises sign accessory to the primary use of land, located within 10 feet of the right-of-way and the pavement of a driveway.
- Vehicle entry signs typically direct individuals to vehicle parking and list the business's name. This proposed sign prioritizes the business's services, and because of its larger size, it does not follow the typical definition of a vehicle entry sign.

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- Staff is recommending **denial** of this variance petition because it's greater than the permitted size of a vehicle entry sign in a dwelling district. This area is the gateway to the Regional Center and is within TOD, which is meant to promote a pedestrian-friendly area. This sign is larger than the permitted size, doesn't fit the definition of the vehicle entry sign, and has no practical difficulty in making the variance necessary.

GENERAL INFORMATION

Existing Zoning	D-9 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	City Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	C-1	North: Village Mixed-Use
South:	C-1	South: City Neighborhood
East:	SU-2	East: Special Use
West:	D-8	West: Traditional Neighborhood
Thoroughfare Plan		
Meridian Street	Primary Arterial	70 feet of right-of-way existing and 78 feet proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	4/8/2025	
Site Plan (Amended)	N/A	
Elevations	4/8/2025	
Elevations (Amended)	5/1/2025	
Landscape Plan	N/A	
Findings of Fact	4/8/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line Transit-Oriented Development Strategic Plan
- Meridian Street Preservation Area Plan



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Pattern Book / Land Use Plan

- The City Neighborhood typology consists largely of multifamily housing, and is stepped down to other living typologies with attached housing. This typology is dense and walkable with a full range of city services and public amenities. Ideally, block lengths are shorter than 500 feet and publicly-accessible pedestrian connections are provided through large developments. Access to individual parcels is generally by an alley or internal parking structures. Public spaces are typically of a smaller and more intimate scale in the form of smaller parks, streetscapes, and interior courtyards or rooftop spaces. Residential development activates the sidewalk with externalized doors and public or semi-public spaces. The City Neighborhood typology typically has a residential density in excess of 15 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Red Line
 - Meridian and 34th Street
 - These station areas offer some physical and market foundation for supporting TOD and are characterized by either strong urban form with limited Market Strength or limited urban form with more robust market support.
 - Projects that can help catalyze future private development and increase activity level through density and/or urban amenities are appropriate (e.g. parks, plazas and public buildings)
 - There is an opportunity to work with local jurisdictions to identify placemaking and infrastructure needs to enhance the pedestrian orientation of the street network and provide better connectivity of all modes.
 - These areas need projects to catalyze provide development and increase activity which is an important role for the public sector.

Neighborhood / Area Specific Plan

- Meridian Street Preservation Area Plan
 - D-9 – High density multi-family. Permits low-rise to high-rise high density multi family apartments. Maximum height of buildings is unlimited.

Infill Housing Guidelines

- Not Applicable to the Site

Indy Moves

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

Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

- N/A

ZONING HISTORY – SURROUNDING AREA

- 2005-UV1-046: 3501 North Illinois Street
 - Variance of Use of the Dwelling District Zoning Ordinance to provide for a martial arts training facility (not permitted) within an existing building.
 - AP
- 2005-ZON-087: 3401 North Meridian Street
 - Rezoning of 14.71 acres from the D-9 Dwelling Districts to the SU-2 classification to legally establish a middle school and to provide for future improvements that are outside the scope of the dwelling districts zoning ordinance.
 - AP
- 2011-ZON-041: 3444 North Pennsylvania Street
 - Rezoning of 0.72 acre from the D-9 District to the SU-2 classification to provide for educational uses.
 - Approved
- 2014-UV2-016: 3502 North Meridian Street
 - Variance of Use and Development standards of the Dwelling Districts Zoning Ordinance and Sign Regulations to provide for general office uses (not permitted) and a four-foot tall, 31.33-square foot freestanding sign (only permitted at entrance to a residential subdivision or project), with an approximately ten-foot front setback from Meridian Street (15-foot setback required), and with off-street parking, per plans filed.
 - Approved
- 2015-DV3-002: 1 East 36th Street
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a zero-foot front setback (35 feet from the centerline) of Meridian Street (70-foot setback from the centerline required), a five-foot setback from 36th Street (25-foot front setback required), a 5.8-foot south side setback and a zero-foot west side setback (20-foot perimeter yards required), and a parking ratio of 0.735 (parking ratio of 1.00 required).
 - Approved
- 2015-DV3-056: 1 East 36th Street
 - Variance of Development Standards of the Sign Regulations to provide for a four-foot tall, 18-square foot freestanding sign, with a five-foot front setback from Meridian Street, and to provide for two fence signs on the gated driveway entrance on Meridian Street (15-foot setback required, no more than two signs per entrance).
- 2019-ZON-052: 3552 North Pennsylvania Street
 - Rezoning of 0.19 acre from the D-9 district to the D-8 district.

Approved

EXHIBITS

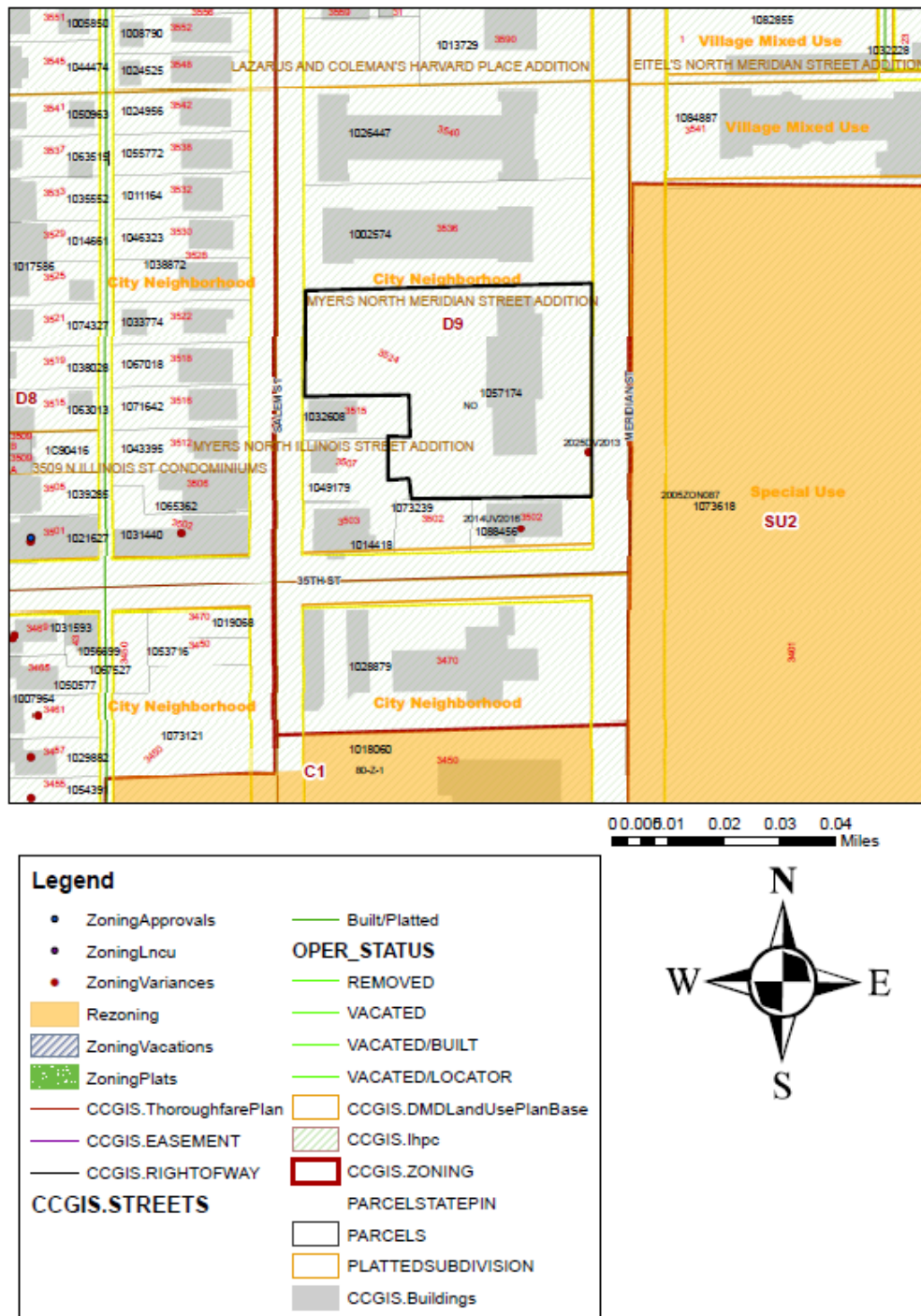


Exhibit 1: ArcGIS map of subject site and surrounding area.



Exhibit 2: Aerial of subject site and surrounding area.



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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 sign will actually help the public enter into the site in a safe manner by providing clear directions to visitors seeking to park on the site and enter the building.

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 sign will not negatively impact access or visibility to or from any adjoining property.

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

the property is and has been used for commercial uses for many years, and the proposed sign merely supports the current use of the subject property.

Exhibit 3: The submitted findings of fact.

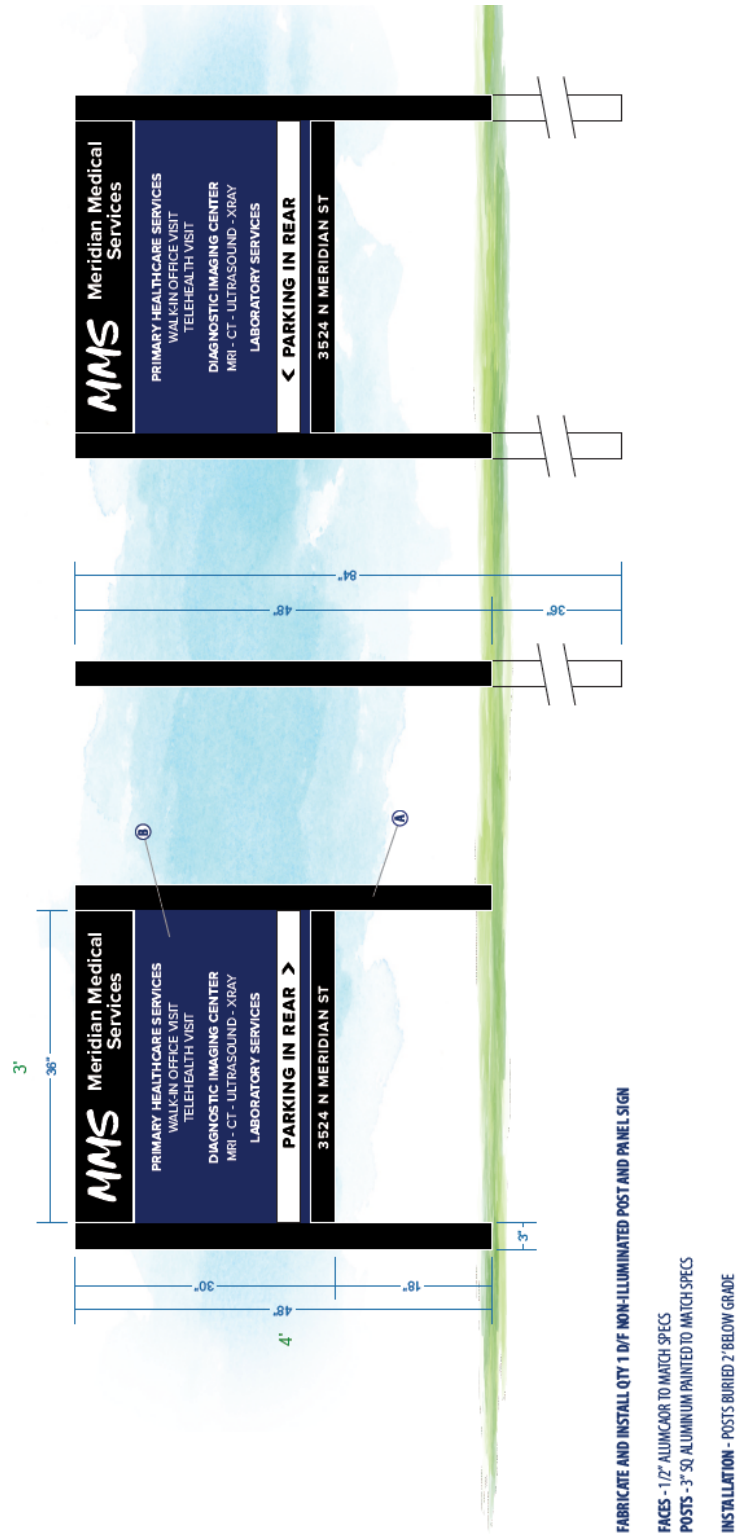


Exhibit 4: Proposed sign elevation.

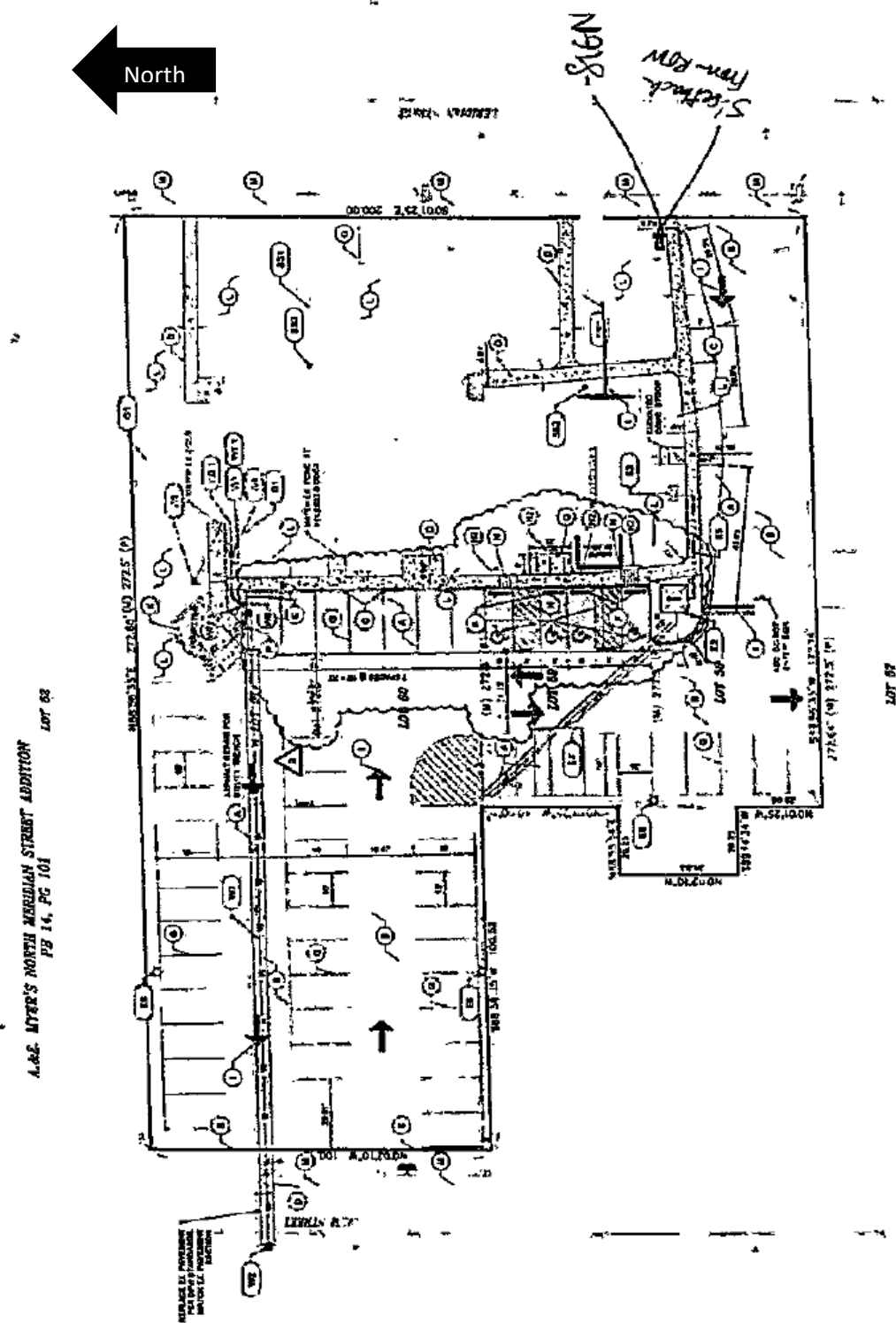


Exhibit 5: Site Plan



Exhibit 6: The primary structure on the subject site.



Exhibit 7: Proposed location for the sign that will be place between the sidewalk and tree besides Meridian Street.



Exhibit 8: An approved sign that neighbors the subject site to the south.



Exhibit 9: Looking south down Meridian Street.



Exhibit 10: Looking north up Meridian Street.