



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

Meeting Details

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

Date: Tuesday, July 08, 2025

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

2025-DV2-020 (Amended) | 727 Fairfield Avenue

Washington Township, Council District #8, zoned D-5
Fairfield Lofts LLC, by Josh Compton

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an eight-foot tall fence within the western side yard (maximum six-foot tall fence permitted).

**Petitioner to withdraw

2025-UV2-009 | 3889 West Perry Street

Decatur Township, Council District #21, zoned D-5 (FF)
Alayna & Jayden Bridgeman, by Justin Bridgeman

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a hemp, CBD, health & wellness, and smoking paraphernalia retail business (not permitted) with nine vehicle parking spaces (maximum four spaces permitted) and zero bicycle parking spaces (minimum three spaces permitted).

**Petitioner to withdraw

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-DV2-016 | 1507, 1501, and 1533 West New York Street

Center Township, Council District #18, zoned D-8 (RC)
Lurvey Loft Townhomes LLC, by Adam DeHart

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

****Automatic continuance filed by a remonstrator**

2. 2025-DV2-021 | 1144 Navajo Trail South Drive

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

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

****Petition to be continued due to insufficient notice**

- 3. 2025-DV2-022 | 1337 Olive Street**
Center Township, Council District #18, zoned D-5 (TOD)
Brandon Spitz and Christina Presley, by Sharmin Frye

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

****Automatic continuance filed by a registered neighborhood organization**

- 4. 2025-UV2-010 | 802 Roache Street**
Center Township, Council District #12, zoned D-5
Loving Missionary Baptist Church, by Josh Meyers

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

****Petitioner to request a continuance to the August 12, 2025 hearing**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 5. 2025-DV2-024 | 4353 Washington Boulevard**
Washington Township, Council District #7, zoned D-2
Jeffrey & Andrea Pierson, by Mark Demerly

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

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 6. 2025-MO2-001 | 5510 Millersville Road**
Washington Township, Council District #3, zoned C-4
R. Michael Thomas, by Ted W. Nolting

Modification of Commitments related to 2021-DV2-019 and 2023-MO2-001, which provided for the location of a temporary modular building with a three-foot south side transitional setback, which expired two years from the date of their approval, being May 11, 2021 and May 11, 2025, respectively. The request is to extend this expiration date to May 11, 2027.

- 7. 2025-DV2-018 | 5469 North Capitol Avenue**
Washington Township, Council District #7, zoned D-5 (FF)
Patrick & Jennifer Mikusky

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a five-foot rear yard setback (20 feet required).

- 8. 2025-DV2-019 (Amended) | 3870 Broadway Street**
Washington Township, Council District #7, zoned D-5 (TOD)
Carlos Garcia and Martha Rivas

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 6.5-foot tall fence within the front yards and clear sight triangles of Broadway Street and the front yards, clear sight triangle and encroaching within the right-of-way of 39th Street, with 9.5-foot tall fence posts

(maximum height 3.5-foot-tall fence permitted, fence posts limited to one-foot taller than maximum fence height, encroachment of clear sight triangles not permitted, encroachment of right-of-way not permitted).

9. 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).

PETITIONS FOR PUBLIC HEARING (New Petitions):

10. 2025-DV2-023 | 5338 West Edwards Avenue

Decatur Township, Council District #21, zoned D-5
Austin Young

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a six-foot-tall fence within the front yards of Biltmore and Edwards Avenues (maximum 3.5-foot tall fence permitted within front yards) and the location of a shed within the front yard, and maintaining a five-foot front yard setback from Biltmore Avenue (accessory structures not permitted within front yards).

11. 2025-DV2-025 | 1435 North Hamilton Avenue

Center Township, Council District #13, zoned D-5
Alejandro Aranda-Kenya, by Josh Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a carport with 2.5-foot side yard setbacks (five feet required).

Additional Business:

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

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

Member	Appointed By	Term
Craig Von Deylen, Chair	City-County Council	January 1, 2025 – December 21, 2025
James Duke, Vice-Chair	Mayor's Office	January 1, 2025 – December 21, 2025
Patrice Duckett-Brown, Secretary	City-County Council	January 1, 2025 – December 21, 2025
Beth Brandon	Mayor's Office	January 1, 2025 – December 21, 2025

Tom Barnes	Metropolitan Development Commission	January 1, 2025 – December 21, 2025
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BOARD OF ZONING APPEALS DIVISION II

July 8, 2025

Case Number: 2025-DV2-020 (Amended)
Property Address: 727 Fairfield Avenue (approximate address)
Location: Center Township, Council District #8
Petitioner: Fairfield Lofts LLC, by Josh Compton
Current Zoning: D-5
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an eight-foot tall fence within the western side yard (maximum six-foot tall fence permitted).
Current Land Use: Multi-family residential
Staff Recommendations: N/A
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- The petitioner has indicated that this petition is to be withdrawn, which would require the Board's acknowledgement.

BOARD OF ZONING APPEALS DIVISION II

July 8, 2025

Case Number: 2025-UV2-009

Property Address: 3889 West Perry Street (approximate address)

Location: Decatur Township, Council District #21

Petitioner: Alayna & Jayden Bridgeman, by Justin Bridgeman

Current Zoning: D-5 (FF)

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a hemp, CBD, health & wellness, and smoking paraphernalia retail business (not permitted) with nine vehicle parking spaces (maximum four spaces permitted) and zero bicycle parking spaces (minimum three spaces permitted).

Current Land Use: Commercial

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

The petitioner informed staff of their intent to withdraw this variance of use and refile to pursue a rezoning petition to the C-3 district. It is unclear if the variances of development standards related to vehicle and bicycle parking would be included within the rezoning application (could be processed as a combination petition).



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BOARD OF ZONING APPEALS DIVISION II

July 8, 2025

Case Number: 2025-DV2-016

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

Location: Center Township, Council District #18

Petitioner: Lurvey Loft Townhomes LLC, by Adam DeHart

Current Zoning: D-8 (RC)

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

Current Land Use: Vacant

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued from the June 10, 2025 hearing due to insufficient mailed notice.
- A remonstrator has filed a timely automatic continuance, continuing this case to the August 12, 2025 BZA Division II hearing, which would require the Board's acknowledgement.



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BOARD OF ZONING APPEALS DIVISION II

July 8, 2025

Case Number: 2025-DV2-021

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

Location: Washington Township, Council District #2

Petitioner: Harriet Greenland

Current Zoning: D-2 (FF)

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

Current Land Use: Single-family residential

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition is required to be continued to the August 12, 2025 BZA Division II hearing date due to insufficient mailed notice.



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BOARD OF ZONING APPEALS DIVISION II

July 8, 2025

Case Number: 2025-DV2-022

Property Address: 1337 Olive Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Brandon Spitz and Christina Presley, by Sharmin Frye

Current Zoning: D-5 (TOD)

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

Current Land Use: Single-family residential

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- A registered neighborhood organization has filed a timely automatic continuance, continuing this petition to the August 12, 2025 BZA Division II hearing date, which would require the Board's acknowledgement.



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BOARD OF ZONING APPEALS DIVISION II

July 8, 2025

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

Current Land Use: Religious Use

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

The petitioner will be requesting a continuance for cause, to continue this petition **to the August 12, 2025, hearing**. This will allow time to provide an updated site plan and amend the request. This will require a motion from the Board.

Still will not object to this first continuance request.



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BOARD OF ZONING APPEALS DIVISION II

July 8, 2025

Case Number: 2025-DV2-024

Property Address: 4353 Washington Boulevard (approximate address)

Location: Washington Township, Council District #7

Petitioner: Jeffrey & Andrea Pierson, by Mark Demerly

Current Zoning: D-2

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

Current Land Use: Single-family residential

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

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff **recommends approval** of this petition

PETITION OVERVIEW

- This petition would allow for the construction of a detached garage with a five-foot northern side yard setback (seven feet required).
- The subject site is improved with a single-family residence as well as multiple accessory structures, is zoned D-2, and contains sufficient lot width and lot size for D-2 standards. The proposal would remove one of the accessory structures to construct a detached garage with a five-foot northern side yard setback, as well as an in-ground pool. The proposed north side yard setback for the accessory structure would match the side setback of the primary structure.
- The setback standards are in place to provide for sufficient spacing in between structures, to allow room for maintenance, and limit overdevelopment. With regards to setbacks and building spacing, the Infill Housing Guidelines recommends reinforcing spacing on the existing block, leaving room for maintenance, and limiting uncharacteristically large gaps between houses.



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- Staff finds, with the proposed northern side yard setback shown as matching the existing primary, as well as the site containing numerous trees along the southern portion of the site, thus partially hindering the readily developable land on that side of the property, that the requested reduced setback is reasonable in nature. Further, Staff would note that the aggregate side setback requirement of 14 feet would still be met with this proposal, as the southern side setback would be approximately 26 feet. Additionally, with reduced setbacks being a common development in the surrounding area, and with the accessory structures proposed to match both the north and south side yard setbacks of the primary residence, Staff finds that the proposal is generally in accordance with the Infill Housing Guidelines. Lastly, with the proposal meeting all other development standards, Staff does not find the proposal to represent overdevelopment, and finds the proposal to be minor in nature that would have minimal impact on surrounding properties. Therefore, Staff is unopposed to the request.
- Staff would also note that the floor plans and elevations indicate a second floor on the proposed accessory structure that would include additional living space and amenities associated with the primary structure. This would not be considered a secondary dwelling unit as the drawings do not show finished bedrooms, bathrooms, nor a kitchen space. If a secondary dwelling unit is ultimately proposed for this space, it would need to meet all standards related to secondary dwelling units.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Single-family residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-2	North: Single-family residential
South:	D-2	South: Single-family residential
East:	D-2	East: Single-family residential
West:	D-2	West: Single-family residential
Thoroughfare Plan		
Washington Boulevard	Local Street	60 feet of right-of-way existing and 50 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	6/16/25	
Site Plan (Amended)	N/A	
Elevations	6/16/25	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	6/16/25	



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**Findings of Fact
(Amended)**

N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines
- Meridian Kessler Neighborhood Plan (2016)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Meridian Kessler Neighborhood Plan recommends Traditional Neighborhood for this site.

Infill Housing Guidelines

- With regards to setbacks and building spacing, the Infill Housing Guidelines recommends:
 - Reinforce the existing spacing on the block
 - Match existing context
 - Leave room for maintenance

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

2013HOV042; requests a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for an external stairway, with a six-foot north side setback to the second floor of an existing garage, **granted.**

ZONING HISTORY – VICINITY

2021DV3007; 118 East 44th Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to a single-family dwelling with an open space of 59% (minimum 75% open space required), **granted.**

2018DV3051; 4335 North Pennsylvania Street (west of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a four-foot north side setback for a proposed garage expansion, **granted.**

2018DV1062; 4321 North Pennsylvania Street (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 22-foot by 28.5-foot carport with a 2.6-foot south side setback (seven-foot side setback required), **granted.**

2017DV1013; 4321 North Pennsylvania Street (south of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to a single-family dwelling, with a four-foot north side setback, **granted.**

2014DV1064; 4330 Washington Boulevard (south of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 760-square foot detached garage, with a 4.5-foot south side setback, creating an approximately nine-foot aggregate side setback, **granted.**

2013DV2027; 4320 Washington Boulevard (south of site), requests a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a two-story addition to an existing dwelling, with a five-foot north side setback, **granted.**

2011DV1054; 4421 Central Avenue (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an 800-square foot garage, with a three-foot north side setback (minimum seven-foot side setback required), **granted.**

2010DV3032; 140 East 44th Street (west of site), requests a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 20 by 24-foot accessory building, with zero foot east side and north rear setbacks (minimum seven-foot side setback and five-foot rear setback required), and an open space ratio of 66.8%, **granted.**

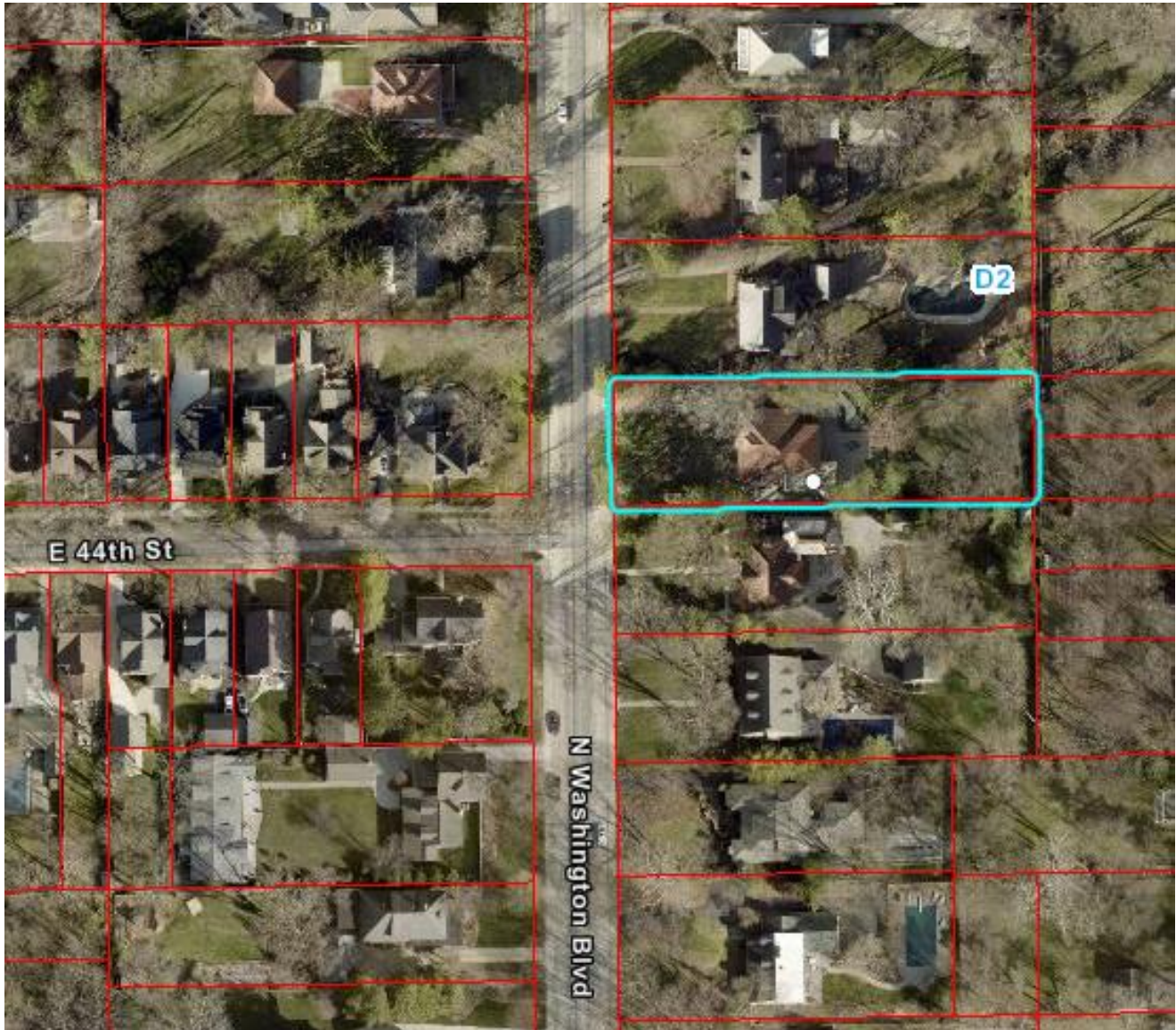
96-HOV-72; 4340 Central Avenue (east of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an attached garage with a side yard of four



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feet (minimum seven feet required) and a room addition with a side yard of five feet (minimum seven feet required) yielding an aggregate side yard setback of nine feet (minimum aggregate side yard of 19 feet required) for an existing single-family residence, **granted**.

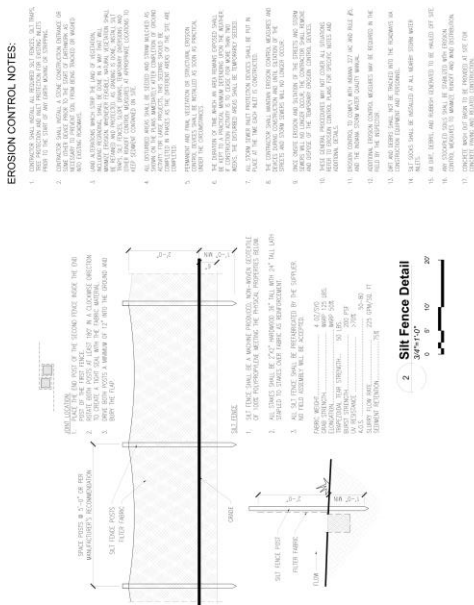
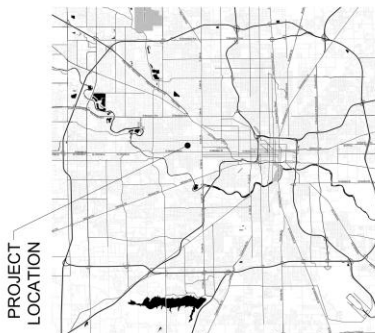
EXHIBITS



Present aerial

Pierson Garage and Pool
4353 Washington Blvd, Indianapolis, IN
Owner Review: June 11, 2025

Architect: Demerly Architects
6144 N Park Ave
Indianapolis, IN 46220



GENERAL NOTES:

- THE OWNER WILL NOT BE ACCEPTING THE RESPONSIBILITY DURING CONSTRUCTION.
- ALL WORK SHALL BE DONE IN ACCORDANCE TO THE 2000 NATIONAL RESIDENTIAL CODE AND ALL OTHER APPLICABLE CODES AND REGULATIONS.
- ONLY WRITTEN CHANGES SHALL BE USED. TO NOT SCALE THE CHANGES, MODIFICATIONS SHALL BE VERIFIED ON THE JOB SITE BY THE ARCHITECT. THE OWNER SHALL BE RESPONSIBLE TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.
- PARAMETERS ARE TO EXIST OF EXISTING CONSTRUCTION, NEW FINISHES OR MACHINERY CONSTRUCTION, UNLESS OTHERWISE NOTED.

SHEET SCHEDULE

- A001 - SITE PLAN
A100 - FOUNDATION PLAN
A101 - FIRST FLOOR PLAN
A102 - SECOND FLOOR & ROOF PLAN
A201 - EXTERIOR ELEVATIONS
A301 - WALL SECTIONS

DRAINAGE NOTES:

- CONTRACTOR TO BEAM FOR, AROUND FOUNDATION TO CHASE 6" FALL WITHIN 10'-0" OF BUILDING OR TO PROPERTY LINE.
- SHOALS TO BE CUT OR FORMED AS REQUIRED TO PREVENT WATER FROM BEING PUSHED OVER NEIGHBORING PROPERTIES.
- WHERE CONCRETE WALLS OR PAVED AREAS ARE PRESENT THEY ARE TO FOLLOW DRAINAGE CONTOURS.

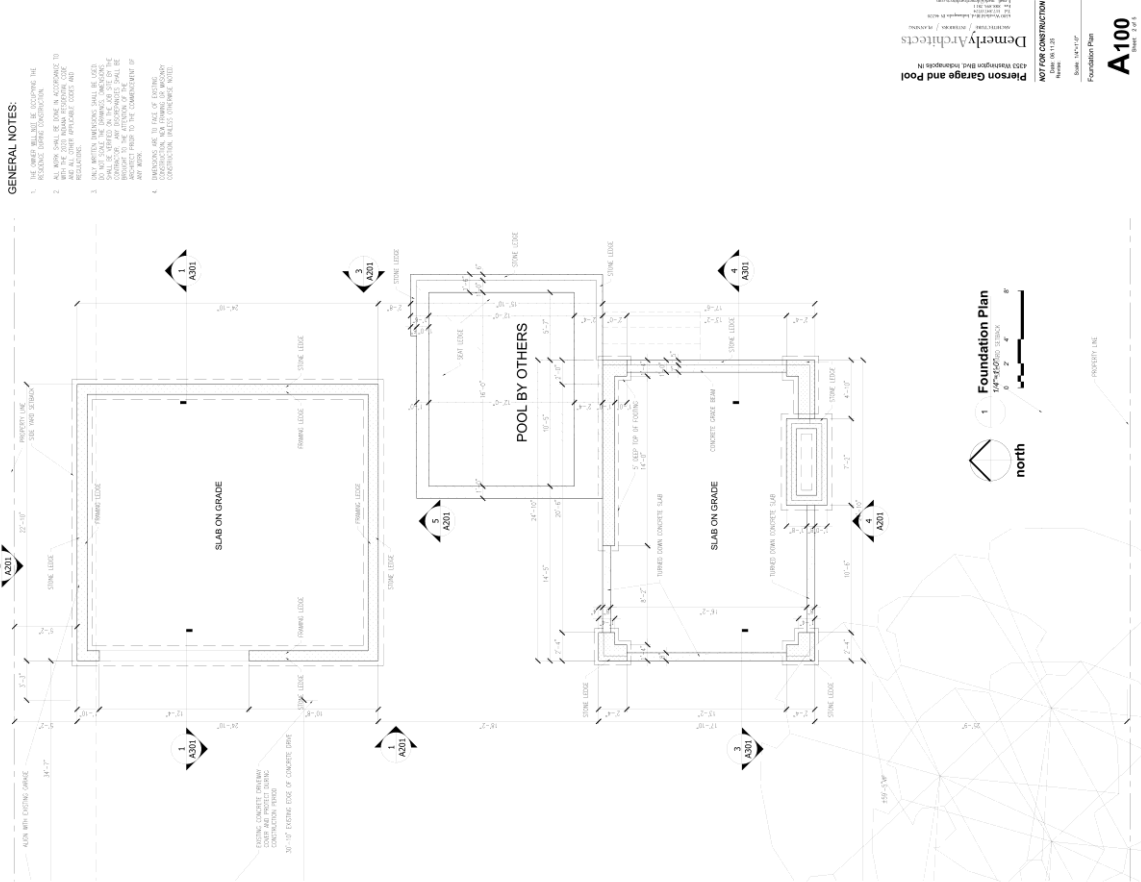
ABBREVIATIONS:

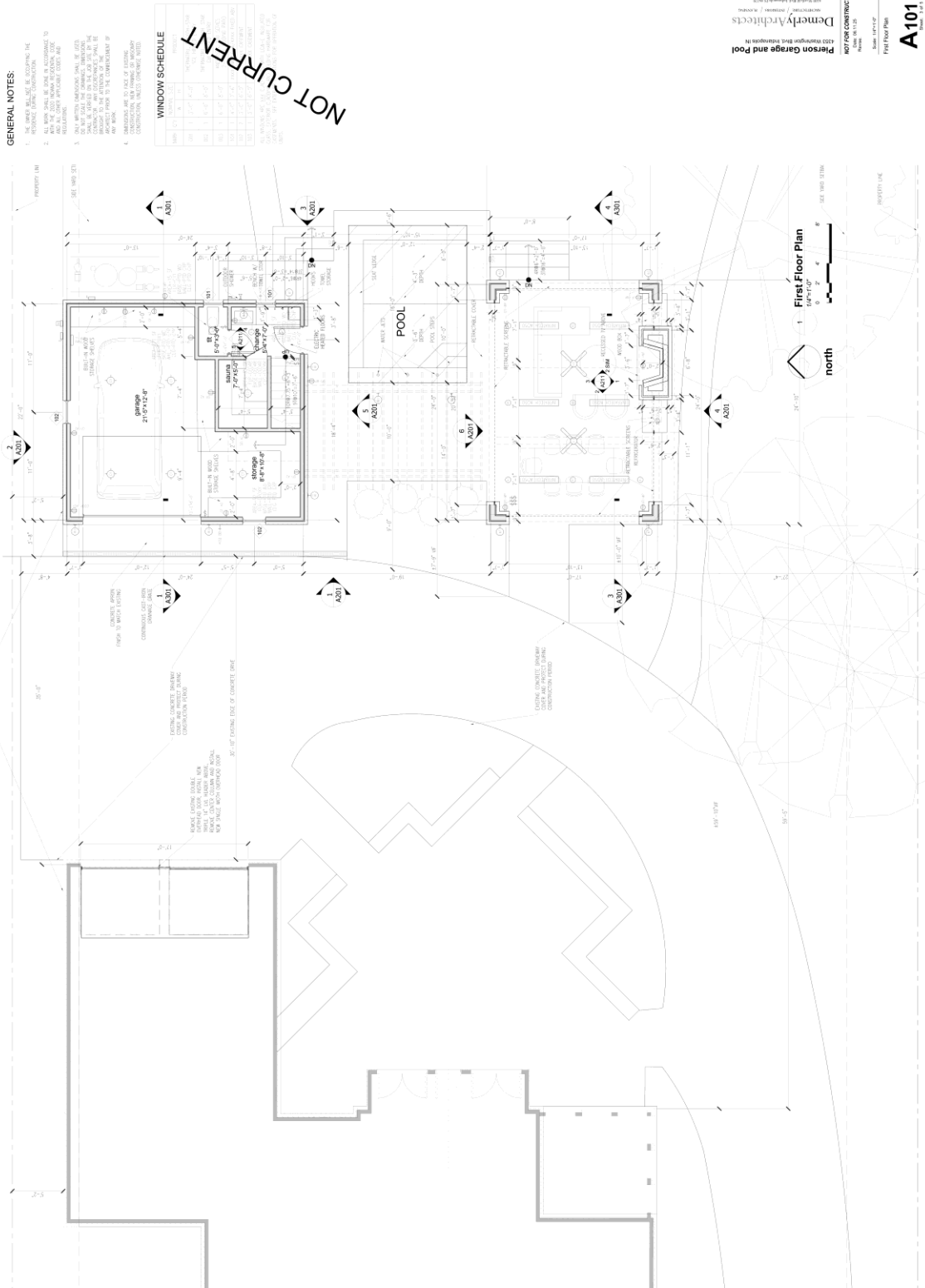
- | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
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| 1 | PLATE 20 | PLATE 21 | PLATE 22 | PLATE 23 | PLATE 24 | PLATE 25 | PLATE 26 | PLATE 27 | PLATE 28 | PLATE 29 | PLATE 30 | PLATE 31 | PLATE 32 | PLATE 33 | PLATE 34 | PLATE 35 | PLATE 36 | PLATE 37 | PLATE 38 | PLATE 39 | PLATE 40 | PLATE 41 | PLATE 42 | PLATE 43 | PLATE 44 | PLATE 45 | PLATE 46 | PLATE 47 | PLATE 48 | PLATE 49 | PLATE 50 | PLATE 51 | PLATE 52 | PLATE 53 | PLATE 54 | PLATE 55 | PLATE 56 | PLATE 57 | PLATE 58 | PLATE 59 | PLATE 60 | PLATE 61 | PLATE 62 | PLATE 63 | PLATE 64 | PLATE 65 | PLATE 66 | PLATE 67 | PLATE 68 | PLATE 69 | PLATE 70 | PLATE 71 | PLATE 72 | PLATE 73 | PLATE 74 | PLATE 75 | PLATE 76 | PLATE 77 | PLATE 78 | PLATE 79 | PLATE 80 | PLATE 81 | PLATE 82 | PLATE 83 | PLATE 84 | PLATE 85 | PLATE 86 | PLATE 87 | PLATE 88 | PLATE 89 | PLATE 90 | PLATE 91 | PLATE 92 | PLATE 93 | PLATE 94 | PLATE 95 | PLATE 96 | PLATE 97 | PLATE 98 | PLATE 99 | PLATE 100 | | | | | | | | | | | | | | | | | | | |

Pleerson Garage and Pool
4355 Westinghouse Blvd., Indianapolis, IN 46226
Demerly Architects
ARCHITECTS / INTERIORS / PLANNING
Tel: 317.329.2012
Fax: 317.329.2013
Email: info@demerlyarchitects.com

NOT FOR CONSTRUCTION
Drawn On 11.28
Scale: N/A
Cover Sheet

A001
Sheet 1 of 8





Plerion Garage and Pool
4353 Watlington Blvd., Indianapolis, IN

Demerly Architects
1400 Westfield Blvd., Indianapolis, IN 46204
Tel: 317.337.2137
Fax: 317.337.2129
www.demerlyarchitects.com

NOT FOR CONSTRUCTION
Date: 05.11.20
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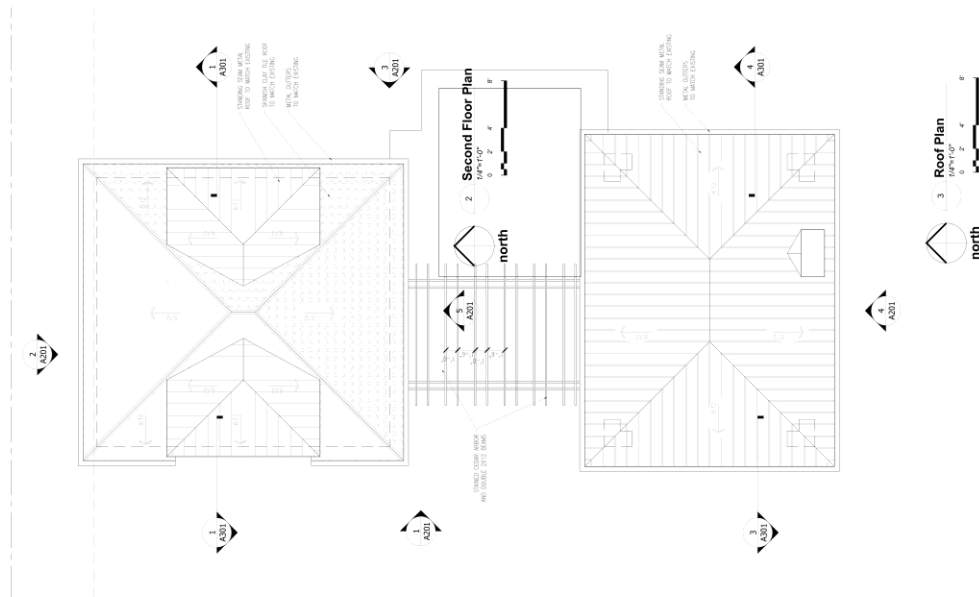
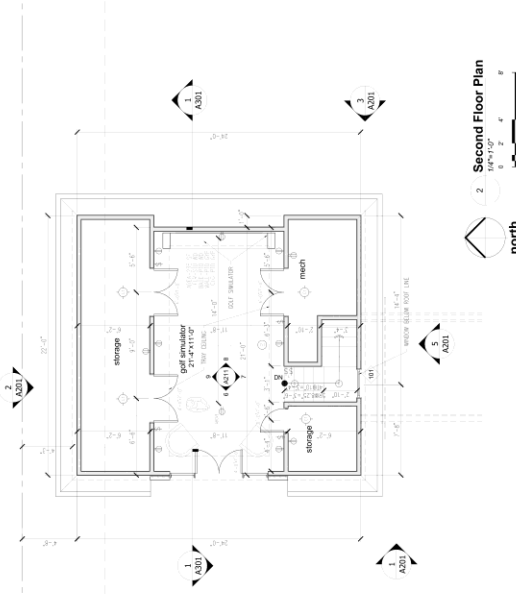
Second Floor & Roof Plan

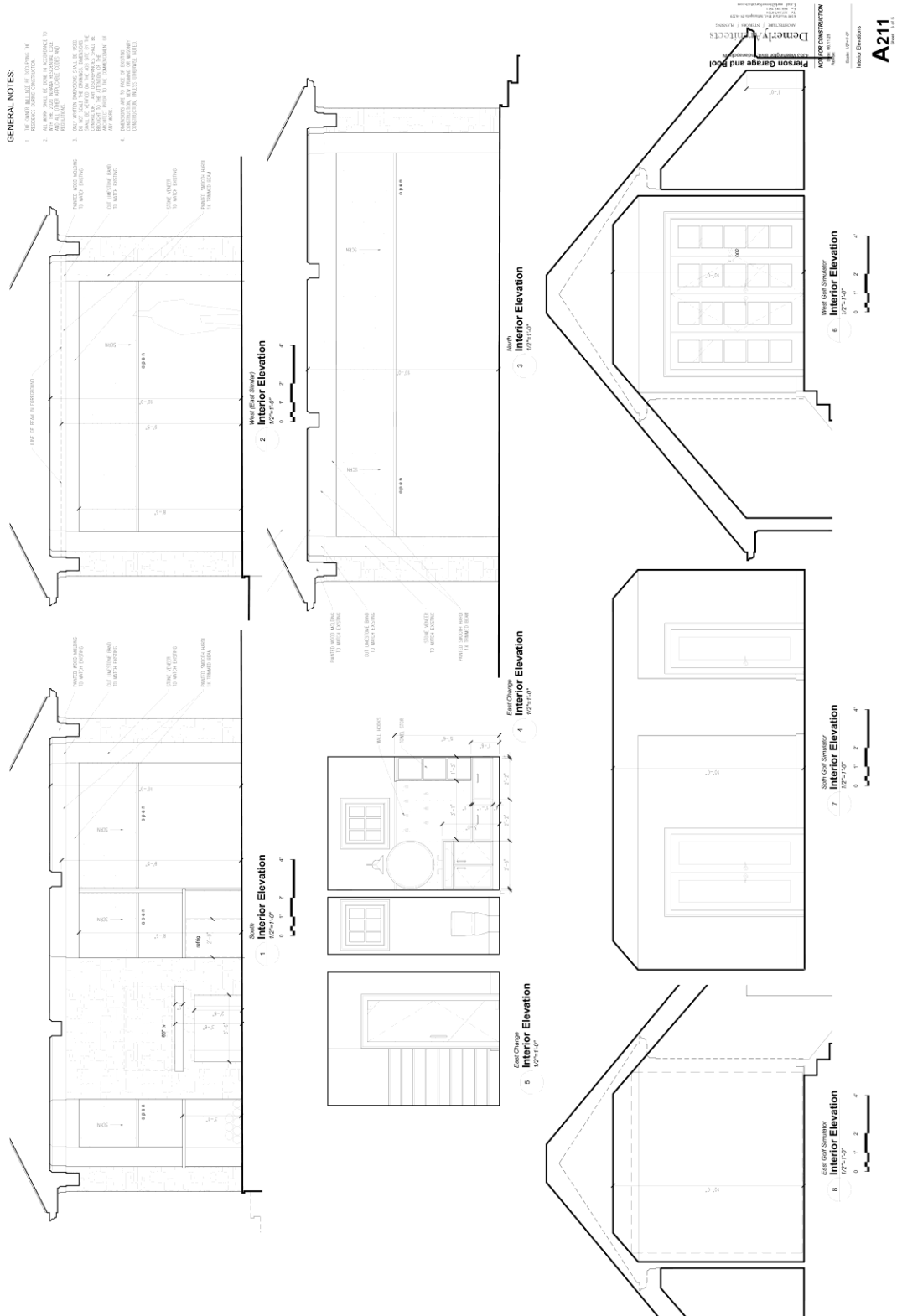
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WINDOW SCHEDULE

WINDOW SCHEDULE			FLOOR 1	
MARK	QTY	REMARKS	NO.	QTY
001	2	1.5' x 6' 6"	1	1
002	1	6' 6" x 6' 6"	2	1
003	1	6' 6" x 6' 6"	3	1
004	1	4' 6" x 6' 6"	4	1
005	2	5' 6" x 6' 6"	5	2

NOT CURRENT







Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

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

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

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

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

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

DECISION

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

Adopted this _____ day of _____, 20 ____



Existing accessory structure to be removed



View of backyard



View of backyard



View of northern side setback of primary residence



View of backyard with trees along southern side yard



View of existing accessory structure



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BOARD OF ZONING APPEALS DIVISION II

July 8, 2025

Case Number: 2025-MO2-001
Address: 5510 Millersville Road (approximate address)
Location: Washington Township, Council District #3
Zoning: C-4
Petitioner: R. Michael Thomas, by Ted W. Nolting
Request: Modification of Commitments related to 2021-DV2-019 and 2023-MO2-001, which provided for the location of a temporary modular building with a three-foot south side transitional setback, which expired two years from the date of their approval, being May 11, 2021, and May 11, 2025, respectively. The request is to extend this expiration date to May 11, 2027.

Current Land Use: Integrated Commercial Shopping Center

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued for cause at the request of Staff, from the June 10, 2025, hearing, to the July 8, 2025, hearing with notice, due to insufficient time to provide legal notice.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

HISTORY

- ◇ On May 11, 2021, petition 2021-DV2-019, was granted approval for a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a temporary modular building with a three-foot south side transitional setback, where a 20-foot transitional setback is required. Approval was subject to commitments that limited the request to two (2) years.
- ◇ On May 16, 2023, petition 2023-MO2-001, was granted approval for a Modification of Commitments related to 2021-DV2-019, which provided for the location of a temporary modular building with a three-foot south side transitional setback, to modify and extend the expiration date of the commitment an additional two (2) years to May 11, 2025.



MODIFICATION REQUEST

- ◇ The subject site's parcel consists of an existing animal care and veterinary service, associated parking, and the previously approved temporary modular building. The temporary modular building is located immediately behind the existing primary structure and has a three-foot south side transitional setback, where 20 feet is required.
- ◇ The petitioner had previously indicated the original 2021 request for the temporary building was due to the increase in rescue group and humane society patients, workflow, and reduced capacity due to COVID restrictions, and the increase in fostering of pets.
- ◇ The 2023 request for the extension was due to the continued need for the temporary building is due to the ongoing increase in rescue group and humane society patients, workflow, and reduced capacity due to COVID restrictions, and the increase in fostering of pets. Those findings also stated the petitioner needed the additional limited two years to finalize plans for a permanent expansion to the hospital.
- ◇ Staff recommended approval of the 2023 Modification request for an additional two (2) years, but since all federal and state level COVID mandates had been lifted by that time, they stated in the staff report and at the hearing, that they will not support any future requests for an extension of this commitment beyond the May 11, 2025, date.
- ◇ For this 2025 Modification request, the petitioner has submitted the same Findings of Fact as what was submitted in 2023.
- ◇ If the petitioner is not prepared to finalize a permanent expansion as they indicated in 2023, and again in 2025, then the temporary building expansion can still be removed from the site, as one of the original reasons for approval was related to COVID restrictions that were in place at the time. Those restrictions have been lifted, and customers are no longer restricted in their interactions with staff and other customers, such as additional space for separation, being required to wait in their car for their appointment, along with other changes back to normal operations. As for the increase in animal intake, the petitioner can regulate the intake to meet the capacity of his building with or without the temporary building expansion. The desire to increase the patient intake for this specific site is creating an overdevelopment situation on the site. The petitioner has seven (7) other animal hospital locations, along with four (4) other emergency care / surgery centers, that can have any continued increase in rescue groups and humane society patients be redirected amongst them.

- ◇ Any deviation from the minimum standards should be related to the property, and not to the proposed development. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site to keep it from being developed according to the Ordinance requirements, as it was previously. The temporary structure could be removed to bring the site into compliance. The choice to extend the commitments another two (2) years, after Staff indicated in 2023 that there would be no support for future extensions, is a result of the petitioner's desire to keep a temporary overdevelopment on the site, and not related by any practical difficulty imposed by the Ordinance.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Integrated Commercial Shopping Center	
Comprehensive Plan	Community Commercial uses	
Surrounding Context	Zoning	Surrounding Context
North:	C-3/C-1	Commercial fast-food restaurant, office, and daycare.
South:	D-3	Four-unit dwelling being used as a non-permitted office associated with subject site.
East:	C-3	Commercial retail
West:	D-3	Single-family dwellings
Thoroughfare Plan		
Millersville Road	Local Street	30-foot existing right-of-way and a 50-foot proposed right-of-way
Context Area	Metro Area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	May 8, 2025	
Plan of Operation	N/A	
Landscape Plan	N/A	
Findings of Fact	May 8, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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



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Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

SUBJECT SITE

2023-UV2-003; 5060 East 62nd Street (subject site, adjacent tenant bay), requested a Variance of Use to provide for indoor entertainment and recreation, including wreck-it rooms, and axe throwing games, **granted**.

2021-UV2-019: 5060 East 62nd Street (subject site), requested a Variance of Use to provide for indoor recreation & entertainment uses, and an indoor spectator venue, **withdrawn**.



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2015-UV2-010; 5060 East 62nd Street (subject site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for a daycare center, with an outdoor play area, **granted.**

VICINITY

2015-UV2-004; 5030 East 62nd Street (west of site), requested a variance of use and development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for a restaurant, with a micro-brewery, an outdoor bar, outdoor seating and dining, live entertainment, urban garden and outdoor recreational area, with carryout food service within approximately 45 feet of the nearest protected district, a fitness facility, office and storage for a pool cleaning and maintenance service, to legally establish a zero-foot west side transitional yard, to legally establish an integrated center sign, with a 10-foot front setback from Binford Boulevard, and to provide for a freestanding sign along 62nd Street within 270 feet of an existing freestanding sign, **granted.**

2012-ZON-015; 5157 East 64th Street (north of site), requested the rezoning of 2.5 acres, from the C-S District, to the C-S classification to provide for the operation of a pet hotel, pet daycare, dog grooming and training facility, with overnight boarding, consistent with the submitted plan of operation and site plan, with restated commitments modifying commitments associated with 95-Z-231 (Instrument #1996-0019805) to eliminate commitments associated with the original building construction and site development related to the warehouse and office building, **denied.**

2001-DV2-043; 5102 East 62nd Street (south of site); requested a variance of development standards of the Commercial Zoning Ordinance to legally establish a gas station with reduced setbacks and reduced aisle width, **granted.**

95-Z-156, 5085 East 64th Street (north of site), requested the rezoning of 2.726 acres from the C-3 District to the C-S classification to provide for the construction of an office/warehouse for the manufacture and sale of awnings, **approved.**

94-V3-83; 5030 East 62nd Street (west of site), requested a variance of the development standards of the Sign Regulations to provide for the replacement of an integrated commercial center sign with a 532-square foot sign, with pole covers resulting in a ground clearance of 8 feet, **granted.**

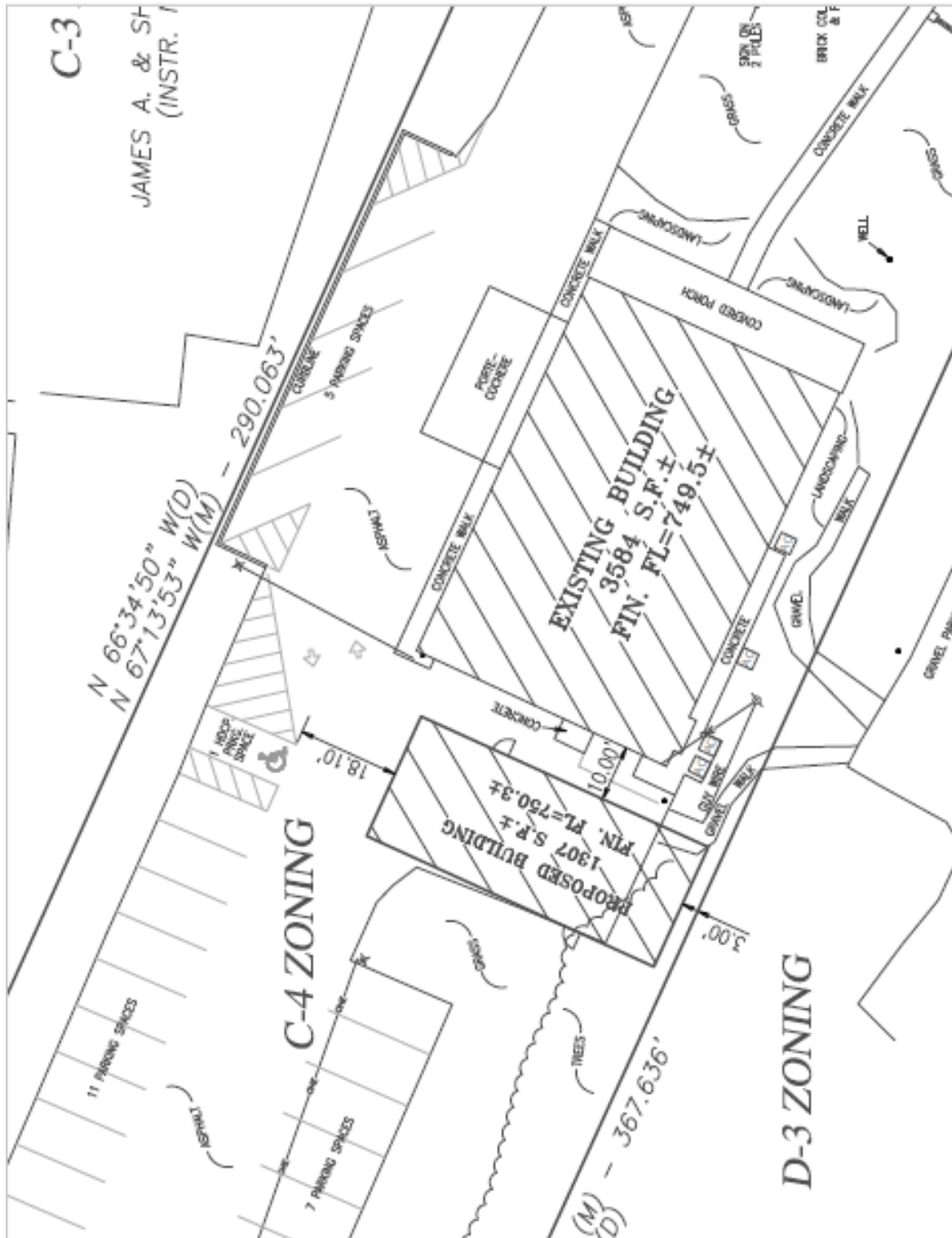
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EXHIBITS

Location Map Subject Site



Site Plan





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Findings of Fact 2025-MO2-001

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 extension of the variance for an additional year will allow the Petitioner to continue to utilize the temporary building in order to maintain the capacity of the animal hospital, which has provided much needed relief and assistance to rescue groups and humane societies. The variance will be limited to an additional two (2) years in order that Petitioner may finalize plans for a permanent expansion to the hospital.

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 petitioner owns the parcel directly to the south of the parcel seeking the variance extension. The parcel has been vacant for many years and will not be adversely affected by the variance. The petitioner plans to ultimately seek a rezone of that parcel in order to finalize the expansion of the animal hospital.

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

The parcel layout makes it difficult to utilize a temporary building to assist with the increased capacity of the animal hospital. The temporary building allows the property to utilize the existing parking spaces at the animal hospital.

Photographs



Subject site, looking west.



Subject site temporary modular building behind the primary building, looking east.



Adjacent dwelling being used as an office related to the subject site, looking southwest.



Adjacent commercial use to the east, looking south.



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BOARD OF ZONING APPEALS DIVISION II

June 10th, 2025

Case Number: 2025-DV2-018

Property Address: 5469 North Capitol Avenue

Location: Washington Township, Council District #7

Petitioner: Partick & Jennifer Mikusky

Current Zoning: D-5 (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a five-foot rear yard setback (20 feet required).

Current Land Use: Residential

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

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing of this variance petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- The petitioner of the variance is requesting for a reduction of the rear setback from twenty (20) feet to five (5) feet to allow addition space for the construction of a single-family dwelling.
- The property is 0.34-acre parcel in a D-5 zoning district and Floodway Fringe (FF).
- For a parcel in a D-5 zoning district, with a small lot size it is required by the Ordinance to have a twenty-foot rear yard setback.
- A setback is a line that establishes the distance a building, structure, or portion thereof, can be located from a lot line or right-of-way line.
- The Infill Housing Guidelines recommends for setbacks of the new construction to be uniform with the neighborhood.
- Staff is recommending **approval** of this variance petition, meeting all development standard and setbacks on the property except that of the rear setback line. The reduction of the rear setback line is consistent with the densely packed surrounding area and will not be a deviation from the designs of the neighborhood.

GENERAL INFORMATION

Existing Zoning	D-5 (FF)	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	SU-16	North: Rural or Estate Neighborhood
South:	D-5	South: Traditional Neighborhood
East:	SU-1	East: Suburban Neighborhood
West:	D-5	West: Traditional Neighborhood
Thoroughfare Plan		
Capitol Avenue	Secondary Arterial	60 feet of right-of-way existing and 56 feet proposed.
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/9/2025	
Site Plan (Amended)	N/A	
Elevations	5/8/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/9/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The 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



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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

- If setbacks are varied, new construction should fall in range between the shortest and longest distances from the right-of-way (i.e. streets or sidewalks) to houses.
- In some neighborhoods, houses were designed to be situated along a street in a nearly straight line. If setbacks are uniform, the setbacks for new construction should also be uniform.
- Trees and other landscaping can provide shade for windows and roofs, which reduces air conditioning needs and cover for outdoor spaces during the hottest parts of the day. Backyards can also be good places for small vegetable and flower gardens. Consider using permanent permeable materials (such as permeable asphalt or unit masonry systems) for patio areas.

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

- 2001-DV1-021: 5464 North Capitol Avenue
 - Variance of Development Standards of the Dwelling District zoning ordinance to provide for a 27.5-foot tall, two-story detached workshop/garage (maximum height of accessory structures not permitted to exceed 20 feet, being 24 by 30, and creating an accessory building area of 1,531.83 square feet or 164.9% (accessory building area not permitted to exceed 75% of the main floor area of the primary dwelling).
 - Approved
- 2001-DV1-051: 5402 Graceland Avenue
 - Variance of Development Standards of the Dwelling District zoning ordinance to provide for a 1,183 square foot addition to an existing single-family dwelling with a 3.5-foot side yard and 8.2-foot aggregate side yard.
 - Approved
- 2024-DV1-048: 5541 North Kenwood Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a 15-foot rear yard setback (20 feet required).
 - Approved
- 2024-ZON-085: 5640 North Illinois Street
 - Rezoning of 22.63 acres from the D-2 (FF) district to the SU-16 (FF) district to provide for indoor and / or outdoor recreation.
 - Approved

EXHIBITS

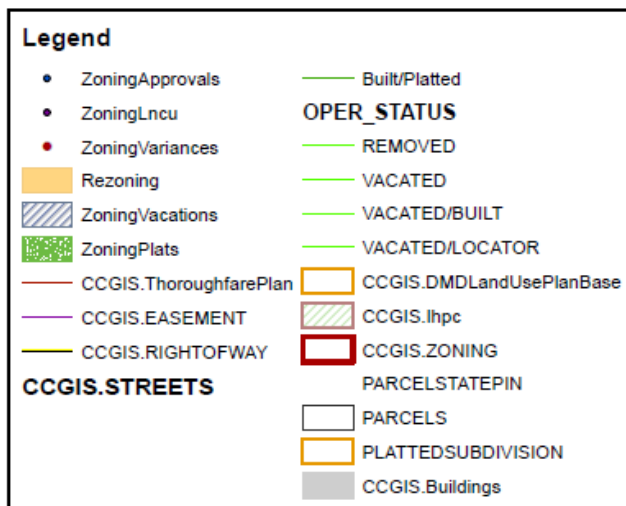
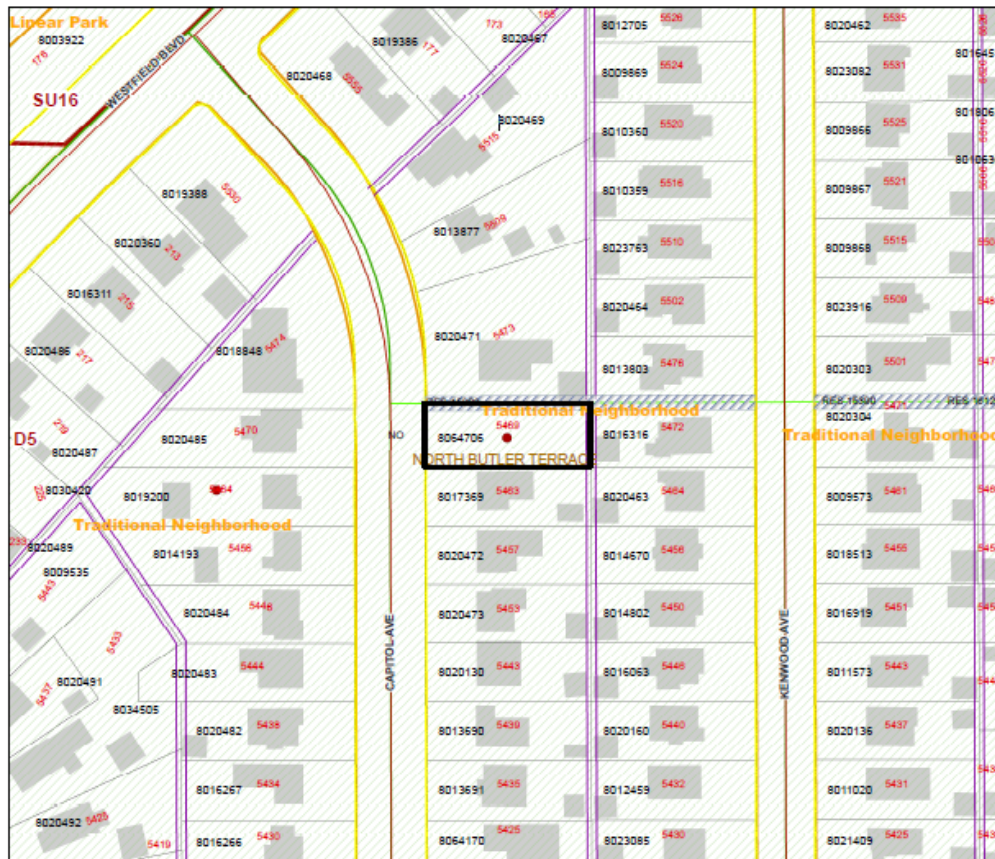


Exhibit 1: ArcGIS map of the subject site and surrounding area.

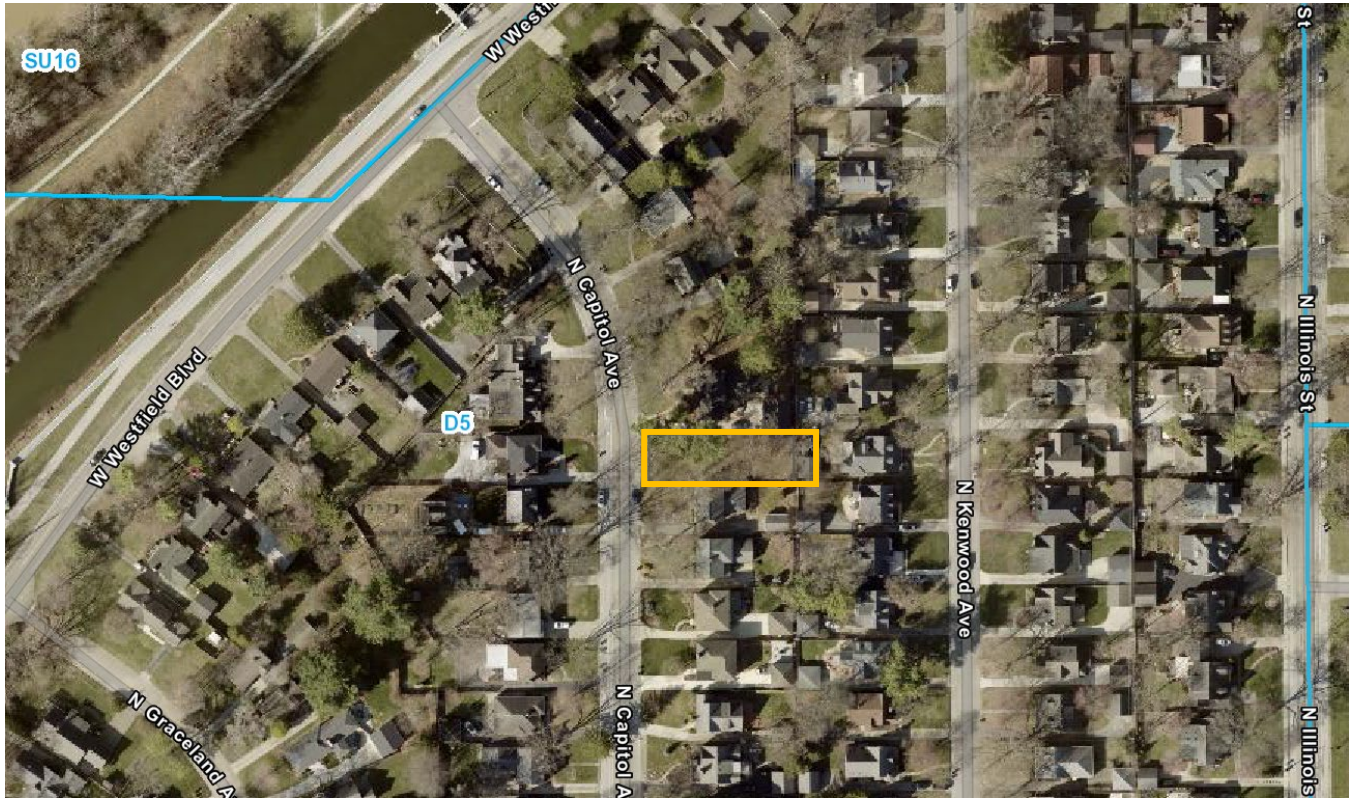


Exhibit 2: Aerial of the subject site.



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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:

This grant will be for a single family residence. All neighbors garages are within the 20' primary setback line.
This garage will be in line with the adjacent neighbor garages. There will be no harm to the public with this location.

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:

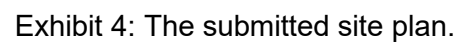
Since this garage will be a similar height as the neighboring garages and in the same location, there will not be an adverse affect on the property values.

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

Since this is a single floor residence, a detached garage will not physically be possible for a 2500sf house.

Exhibit 3: The submitted Findings of Fact.

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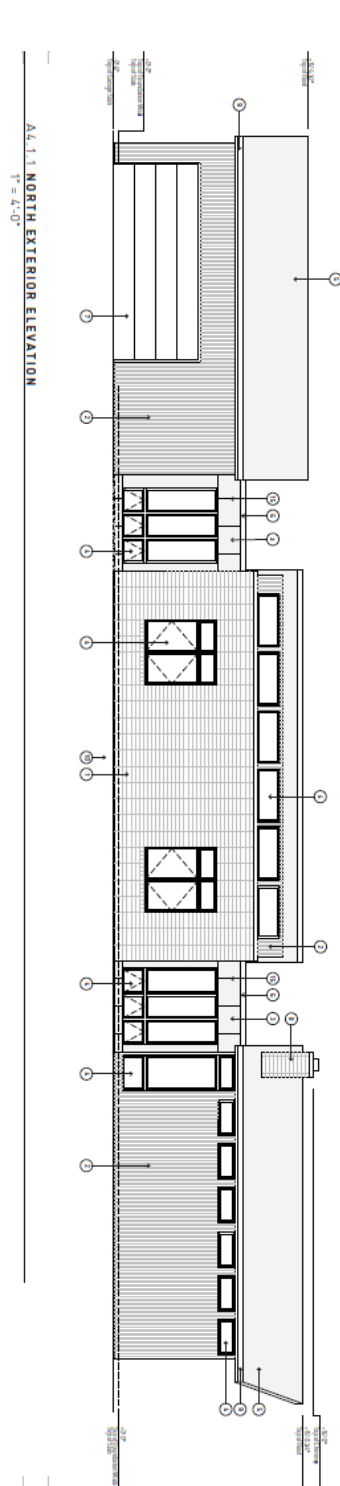


Exhibit 5: North Elevation

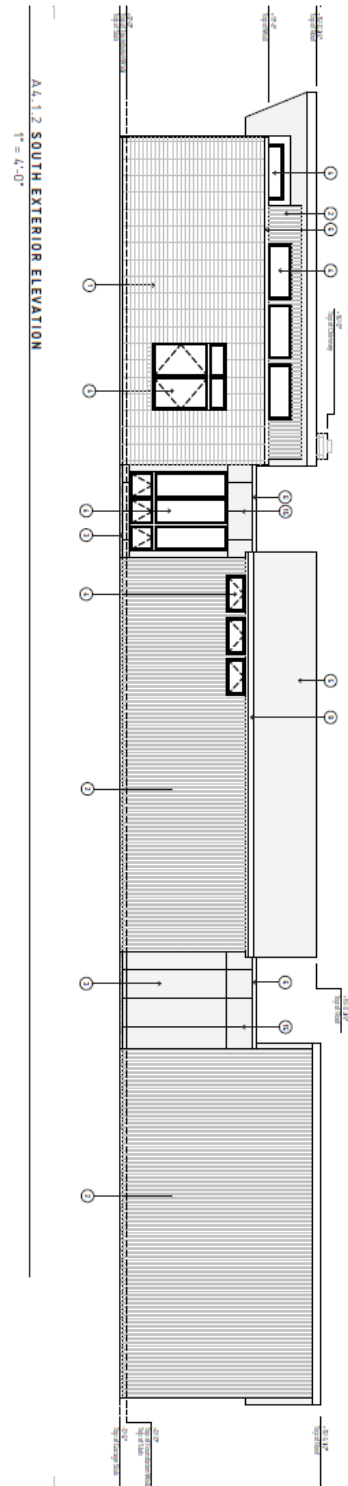


Exhibit 6: South Elevation

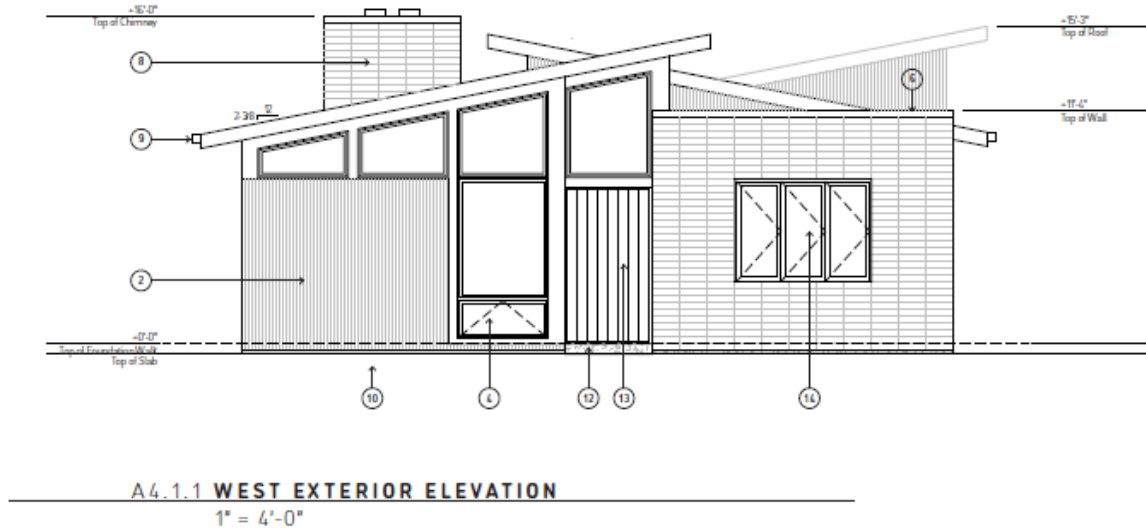


Exhibit 6: West Elevation (Front yard)

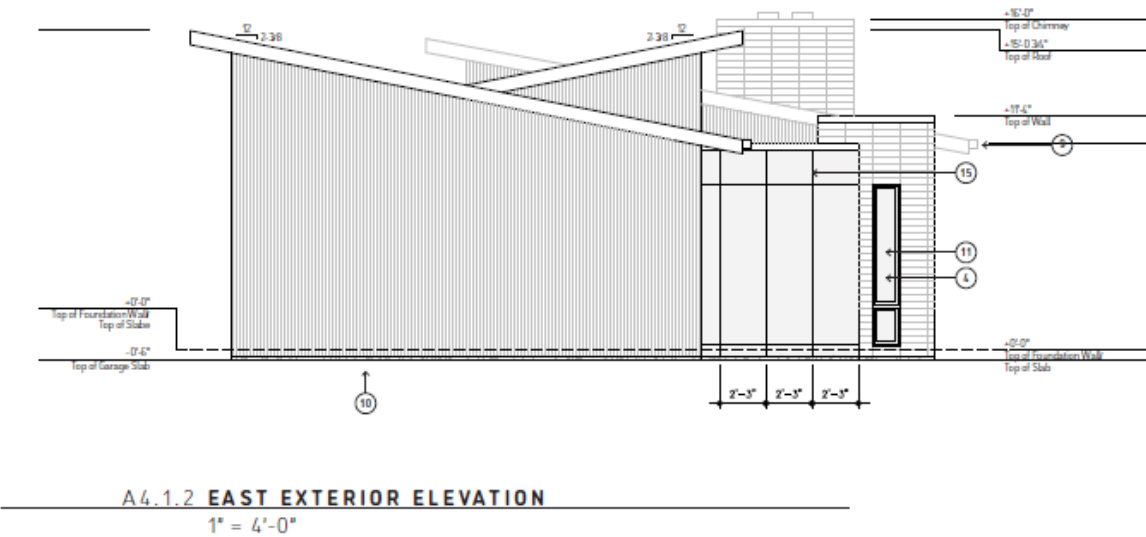


Exhibit 7: East Elevation (Rear yard)



Exhibit 8: The subject site looking east.



Exhibit 9: The subject site looking west.



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BOARD OF ZONING APPEALS DIVISION II

June 10th, 2025

Case Number: 2025-DV2-019 (Amended)

Property Address: 3870 Broadway Street

Location: Washington Township, Council District #7

Petitioner: Carlos Garcia and Martha Rivas

Current Zoning: D-5 (TOD)

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

Current Land Use: Residential

Staff

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

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing of this variance petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- The petitioner of the variance is requesting to maintain an existing six-and-a-half (6.5) foot tall fence that has nine-and-a-half (9.5) foot tall fence posts. The fence is over the permitted height maximum for both of the two (2) front yards of the corner lot and also encroaches into the Clear Sight Triangle and right of way of both Broadway Street and 39th Street.
- The property is 0.071-acre in the D-5 zoning district and is with the Transit Oriented Development overlay.
- In the front yard of a parcel in a dwelling district, a fence is only permitted to be 3.5 feet in height.
- The Infill Housing Guidelines recommend against large fences that obscure the view of the street or homes.

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- The Clear Sight Triangle is a measured distance between two (2) roads that intersect. The Ordinance does not permit encroachment into this area because the Clear Sight Triangle is necessary to allow drivers to see incoming pedestrian or vehicular traffic from the opposite road, allowing the driver to go forward or turn safely.
- The public right-of-way is public property used by the general public for transportation or utilities.
- The fences in these locations meet transparency standards but still encroach into the Clear Sight Triangle, impeding the clear view of drivers. In combination with encroaching into the right of way, the fences in this location pose a potential safety hazard for pedestrians or vehicles coming through this intersection.
- The subject sites are within the Red Line Transit-Oriented Development Strategic Plan area and are beside the 38th & Park Transit stop.
- This area has multiple sidewalks that provide for pedestrian walkability and has a nearby school.
- The addition of the 6 (six) foot wooden fence takes up a large section of the side of the road and prevents drivers heading east down 39th Street, heading north up Broadway Street or turning onto either street to see pedestrians or drivers unless completely pulled forward.
- Staff is recommending **denial** of this variance petition. The fence occupies a large portion of the streetscape, obscuring the view of not only the home but also encroaching into the Clear Sight Triangle and right-of-way. The subject site is within an area designated as a safe and walkable neighborhood. Granting a fence that encroaches on the right-of-way and potentially creates a safety hazard will set a precedent that undermines the work that has already begun in the area.

GENERAL INFORMATION

Existing Zoning	D-5 and TOD	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Traditional Neighborhood
South:	MU-1	South: Village Mixed-Use
East:	C-3	East: Urban Mixed-Use
West:	D-5	West: Traditional Neighborhood
Thoroughfare Plan		
39 th Street	Local Street	50 feet of right-of-way existing and 48 feet proposed.
Broadway Street	Local Street	50 feet of right-of-way existing and 48 feet proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	5/20/2025	
Site Plan (Amended)	N/A	



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Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	5/6/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Red Line (38th & Park)
 - Existing Conditions
 - In the immediate station area is a mixture of historic apartment buildings and older, historic homes, along with a few smaller retail structures with surface parking.
 - The area surrounding the intersection is made up of grid pattern residential neighborhoods, including the historic Watson-McCord neighborhood to the south.
 - 38th Street itself is very busy arterial throughfare with a large amount of crosstown traffic. It has been upgraded with a planted median and decorative lights and crosswalks.
 - Land Use and Property Control
 - Land around the station is primarily low to medium density residential with some commercial properties along 38th Street.



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- There are some mixed-use properties along northern 38th Street and clusters of medium and high-density commercial properties at the meridian and College intersections.
- Properties are mostly privately owned with some brownfields near the station.
- Typology Characteristics
 - Walkable Neighborhood
 - Mix of uses at station area and primarily residential beyond.
 - Maximum of 3 stories throughout
 - No front or side setbacks at core; 0-15 ft front setbacks and 0-20 ft side setbacks at periphery.
 - Mix of multi-family and single-family housing
 - Structured parking at the core and attractive surface parking at the periphery.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Fencing around dwellings should be carefully placed. See-through fencing is the safest. In the front, fences should be ornamental in style. Do not install privacy fences in front yard.
- Design ornamental elements, such as fences and retaining walls, to be simple, fit the context of the block and neighborhood, do not obstruct views of the front of the house, and do not obstruct public sidewalks.

Indy Moves

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

Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

- N/A

ZONING HISTORY – SURROUNDING AREA

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

EXHIBITS

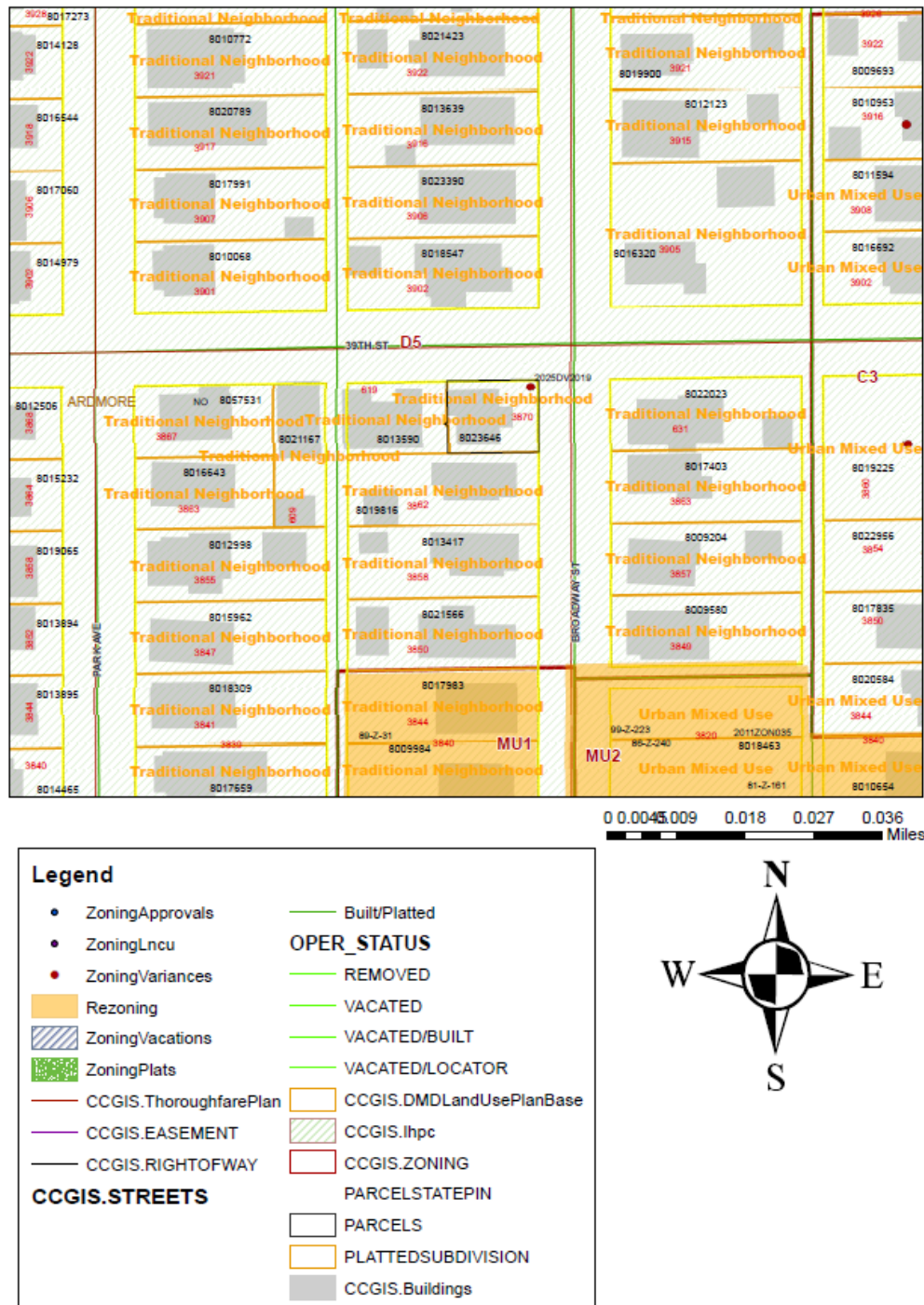


Exhibit 1: ArcGIS map of the subject site and surrounding properties.

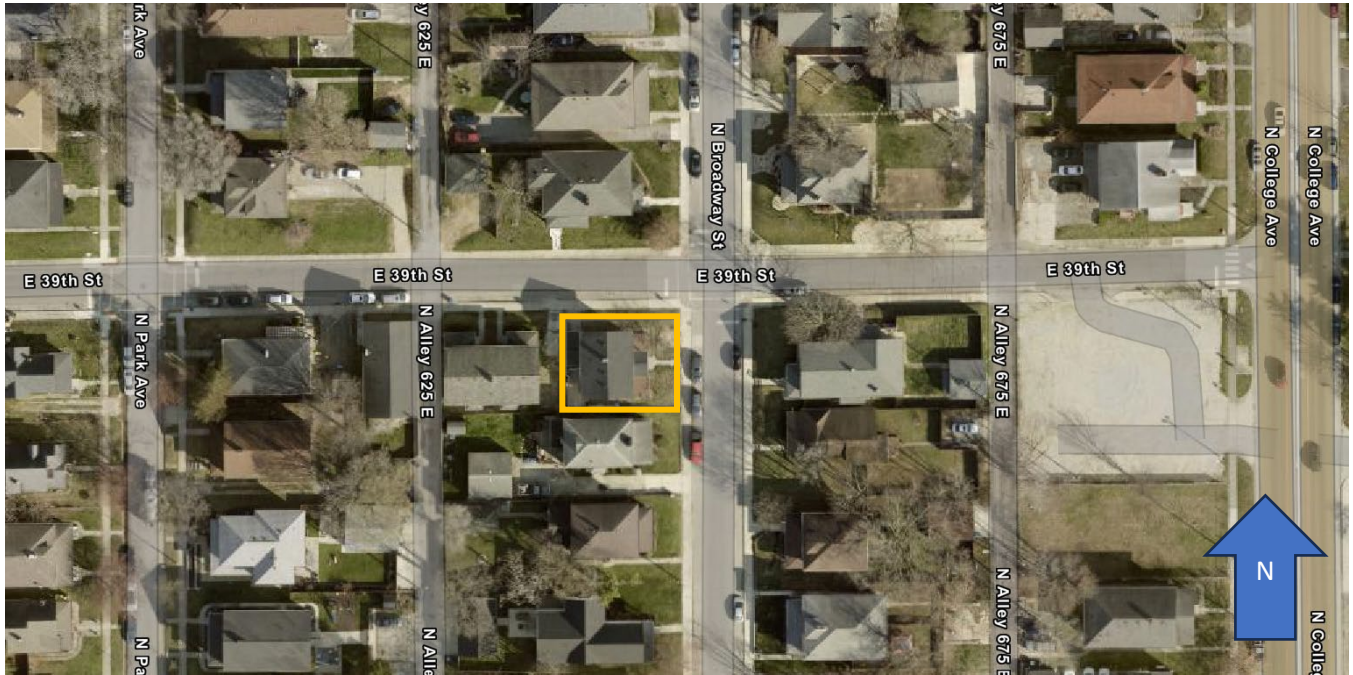


Exhibit 2: Aerial of the subject site.

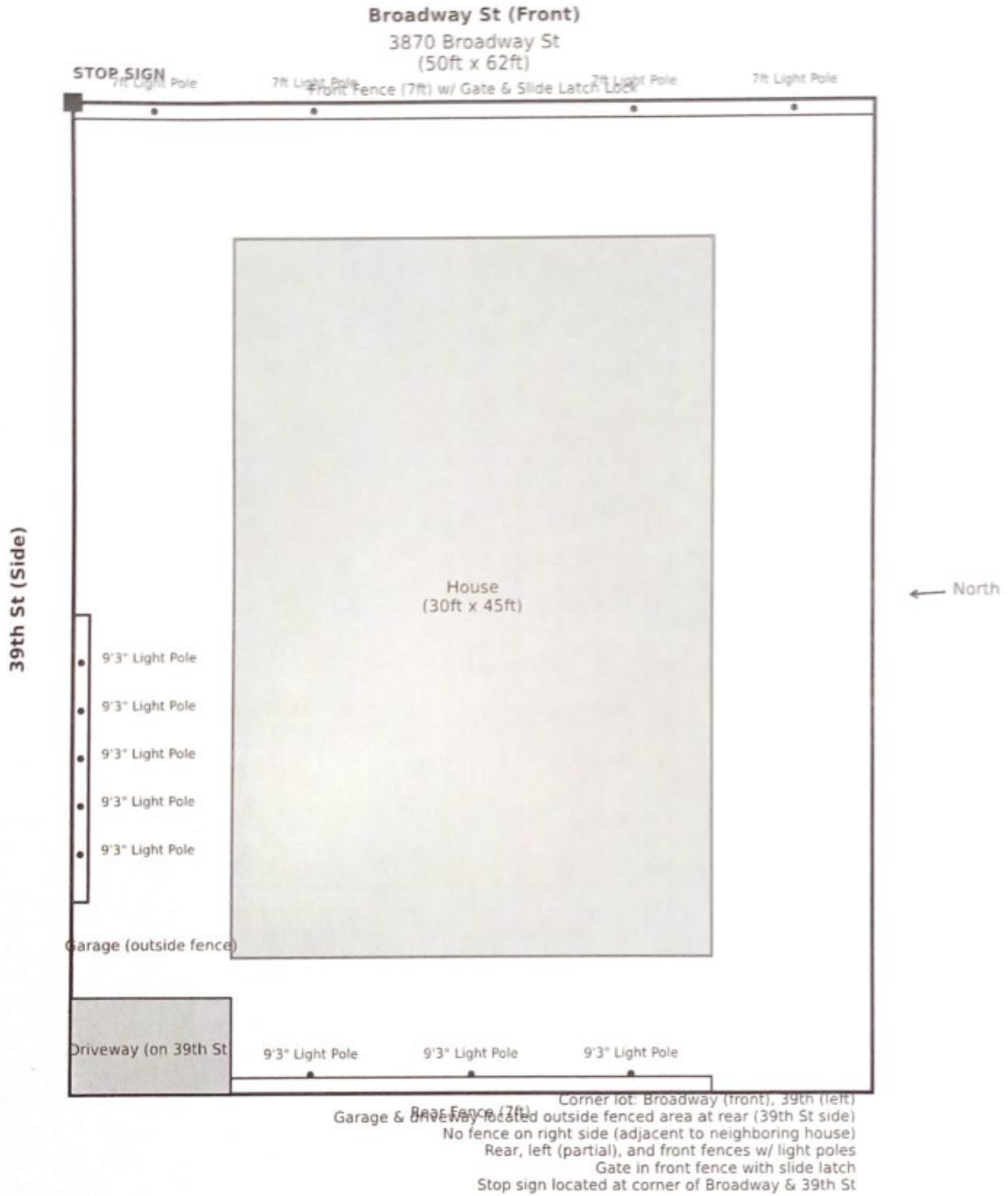


Exhibit 3: The submitted site plan.



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Division of Planning
Current Planning**

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

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

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

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

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

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

Exhibit 4: The submitted Findings of Fact.



Exhibit 5: The subject site looking southwest.



Exhibit 6: The subject site looking northwest.



Exhibit 7: The subject site looking southeast.



Exhibit 8: Looking north up North Broadway Street.



Exhibit 9: Looking east down East 39th Street.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

July 8, 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: Integrated Commercial Shopping Center

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued by Staff, from the May 13, 2025, hearing, to the June 10, 2025, hearing due to insufficient legal notice, and was automatically continued by City Councilor Boots, from the June 10, 2025, hearing to the July 8, 2025, hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ The proposed use would provide for an approximate 12,120-square foot facility as an indoor event center.
- ◇ The maximum capacity outlined in the site plan would be 576 persons. The Grand Ballroom would have a 166-person total capacity, the Royal Ballroom would have a 236-person total capacity, and the Rose Ballroom would have a 161-person total capacity. The remaining 13-person capacity would be used by a co-working space.
- ◇ Event centers are permitted in the C-4 district and are generally considered a high-intensity regional commercial use due to the amount of parking they require and the regional neighborhood base that they serve. The site is currently zoned C-3 for neighborhood commercial uses, which tend to typically serve the surrounding neighborhoods.



Department of Metropolitan Development
Division of Planning
Current Planning

- ◇ Staff is concerned that adequate off-street parking provisions would not be provided due to the amount of parking needed for the proposed use. The submitted site plan indicates the subject site has 109 parking spaces available on site. The requested use, at 12,120 square feet, or 576 persons, would require approximately 144 parking spaces based on the seating / fire code capacity. This would be more than the total 109 spaces provided. Leaving no parking available for the remaining 24,926 square feet of leasable space on the subject site. Typically, one (1) parking space per 400 square feet is required for commercial uses depending on the use, resulting in a need of 62 additional spaces for the remaining leasable space. The total deficiency would equal 97 parking spaces.
- ◇ With a deficient of 92 parking spaces for the site, event attendees and guests would most likely use the larger parking area of the adjoining 5030 East 62nd Street, negatively affecting the ability of those commercial uses to park effectively. Even if attendees and guests did use the side and rear parking areas, they would be placing an undue hardship on the other commercial tenants on the subject site, and their ability to park effectively, due to the deficient amount of parking provided and the demands of the proposed event center.
- ◇ Staff is also concerned, that there is no kitchen or food preparation area indicated on the site plan, as is typical with most event centers. This would indicate the need for off-site food preparation and additional truck and vehicle traffic for such preparation, including but not limited to food trucks. Such a situation would add to the already deficient parking configuration.
- ◇ A previous petition for this tenant bay, 2021-UV2-019, also requested a Variance of Use to provide for indoor recreation & entertainment uses, and an indoor spectator venue. Staff recommended denial for that request as well, which was subsequently withdrawn.
- ◇ The strict application of the terms of the zoning ordinance does not constitute an unusual and unnecessary hardship for the property, nor does a hardship exist in the property which justifies the allowance of a more intense commercial use. The site is currently zoned C-3 and could continue to be used for any number of uses permitted, by right, in the C-3 zoning classification. Any hardship is self-imposed by the desire to use the site for an event center, a C-4 use.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Integrated Commercial Shopping Center	
Comprehensive Plan	Community Commercial uses	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: C-S/D-3	Commercial Contractors / Single Family Dwellings
	South: C-4	Fitness Club
	East: C-4/MU-1	Fitness Club / Office Complex
	West: C-3	Commercial Retail / Multi-family dwellings
Thoroughfare Plan		
Binford Boulevard	Primary Arterial	170-foot existing and proposed right-of-way



Department of Metropolitan Development
Division of Planning
Current Planning

East 62 nd Street	Primary Collector	70-foot existing right-of-way, and an 80-foot proposed right-of-way.
Context Area	Metro Area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	January 9, 2025	
Plan of Operation	January 9, 2025	
Landscape Plan	N/A	
Findings of Fact - revised	June 30, 2025	

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 that 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

SUBJECT SITE

2023-UV2-003; 5060 East 62nd Street (subject site, adjacent tenant bay), requested a Variance of Use to provide for indoor entertainment and recreation, including wreck-it rooms, and axe throwing games, **granted**.

2021-UV2-019; 5060 East 62nd Street (subject site), requested a Variance of Use to provide for indoor recreation & entertainment uses, and an indoor spectator venue, **withdrawn**.

2015-UV2-010; 5060 East 62nd Street (subject site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for a daycare center, with an outdoor play area, **granted**.

VICINITY

2015-UV2-004; 5030 East 62nd Street (west of site), requested a variance of use and development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for a restaurant, with a micro-brewery, an outdoor bar, outdoor seating and dining, live entertainment, urban garden and outdoor recreational area, with carryout food service within approximately 45 feet of the nearest protected district, a fitness facility, office and storage for a pool cleaning and maintenance service, to legally establish a zero-foot west side transitional yard, to legally establish an integrated center sign, with a 10-foot front setback from Binford Boulevard, and to provide for a freestanding sign along 62nd Street within 270 feet of an existing freestanding sign, **granted**.

2012-ZON-015; 5157 East 64th Street (north of site), requested the rezoning of 2.5 acres, from the C-S District, to the C-S classification to provide for the operation of a pet hotel, pet daycare, dog grooming and training facility, with overnight boarding, consistent with the submitted plan of operation and site plan, with restated commitments modifying commitments associated with 95-Z-231 (Instrument #1996-0019805) to eliminate commitments associated with the original building construction and site development related to the warehouse and office building, **denied**.

2001-DV2-043; 5102 East 62nd Street (south of site); requested a variance of development standards of the Commercial Zoning Ordinance to legally establish a gas station with reduced setbacks and reduced aisle width, **granted**.

95-Z-156, 5085 East 64th Street (north of site), requested the rezoning of 2.726 acres from the C-3 District to the C-S classification to provide for the construction of an office/warehouse for the manufacture and sale of awnings, **approved**.

94-V3-83; 5030 East 62nd Street (west of site), requested a variance of the development standards of the Sign Regulations to provide for the replacement of an integrated commercial center sign with a 532-square foot sign, with pole covers resulting in a ground clearance of 8 feet, **granted**.

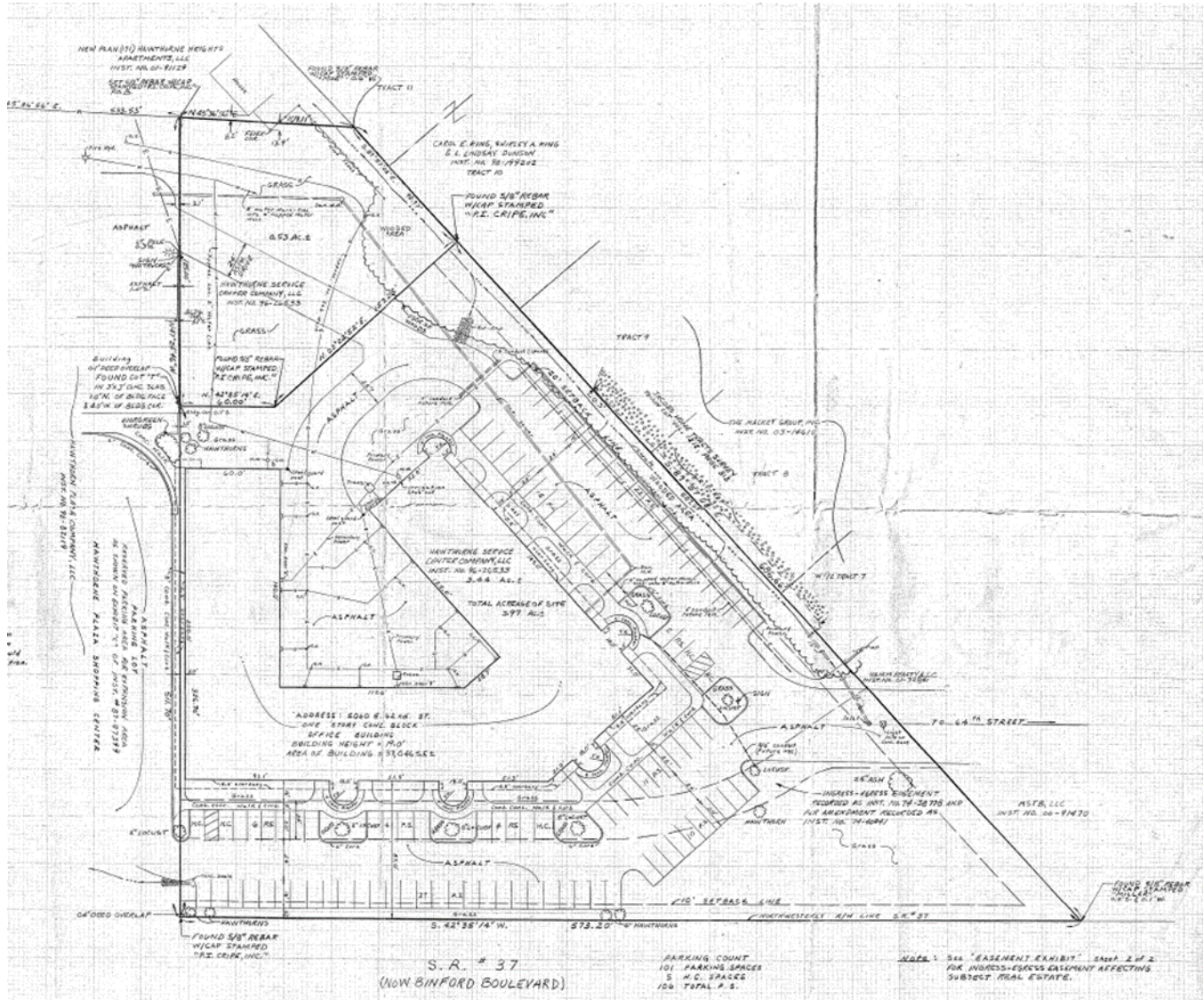
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EXHIBITS

Location Map Subject Site



Site Plan



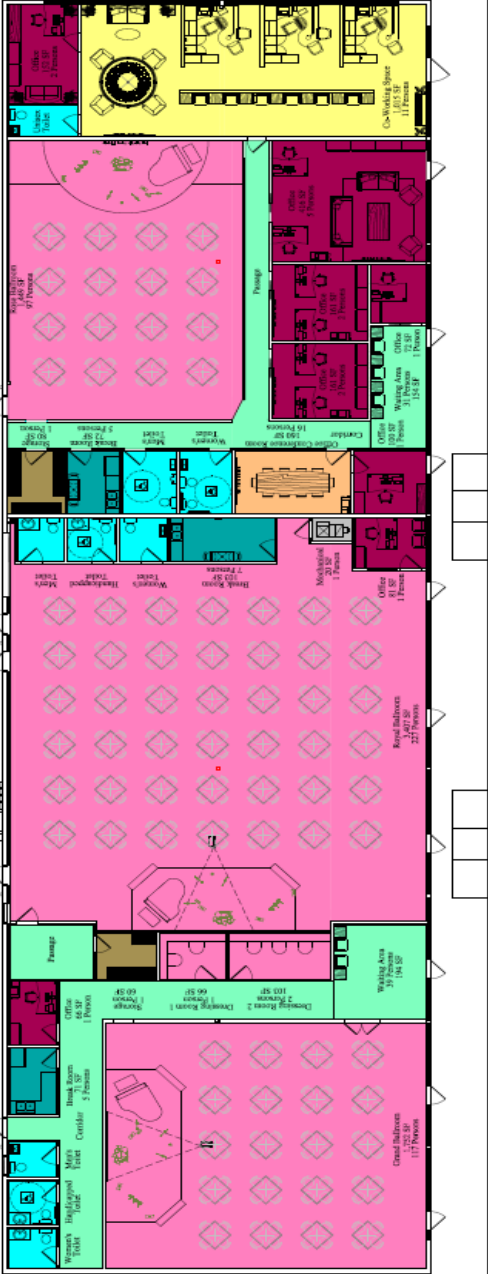


Site Plan – Floor Plan

THE SPOTLIGHT CENTER
NORTHEAST

5060 EAST 62ND STREET
INDIANAPOLIS, INDIANA 46220

COMMUNITY CENTER * CO-WORKING SPACE * OFFICE SPACE



576 PERSON OCCUPANT LOAD		
AREA	ROOM NAME	OCCUPANTS
71 S.F.	Bank Room	2 Persons
65 S.F.	Office	1 Person
65 S.F.	Storage	1 Person
68 S.F.	Dining Room 1	1 Person
103 S.F.	Dining Room 2	2 Persons
124 S.F.	Waiting Area	20 Persons
1,252 S.F.	Grand Ballroom	117 Persons
41 S.F.	Office	1 Person
25 S.F.	Mechanical	1 Person
153 S.F.	Bank Room	7 Persons
5,407 S.F.	Event Ballroom	227 Persons
100 S.F.	Office	1 Person
702 S.F.	Office Conference Room	7 Persons
72 S.F.	Bank Room	2 Persons
65 S.F.	Storage	1 Person
154 S.F.	Waiting Area	11 Persons
71 S.F.	Office	1 Person
161 S.F.	Office	2 Persons
161 S.F.	Office	2 Persons
148 S.F.	Event Ballroom	97 Persons
2,013 S.F.	Co-Working Space	11 Persons
124 S.F.	Office	2 Persons

Plan of Operation

SPOTLIGHT COMMUNITY CENTER NE

5060 EAST 62ND STREET

INDIANAPOLIS, INDIANA 46220

PLAN OF OPERATION

DESCRIPTION OF FACILITY

The Spotlight Community Center Northeast is a one-story facility that is used for weddings, receptions, conferences, birthday parties, retirement parties, worship space, offices & co-working space. The total occupant load is 576 persons.

There are (2) ADA Handicap Accessible Restrooms Available, (3) Women's Restrooms Available, (3) Men's Restrooms Available & (1) Unisex Restroom.

There are (3) Main Gathering Spaces with a two-step Raised Platform in each space for presenters, musicians & presentations. The performance element of the presentations is an Accessory Use to help facilitate the Community Center Presentations. The first community activity space is the Grand Ballroom and it has a 117 person capacity. The second community activity space is the Royal Ballroom and it has a 227 person capacity & the third community activity space is the Rose Ballroom and it has a 97 person capacity.

There are (4) Office Spaces that are leased to local businesses. There is also (1) Co-Working Space that serves up to (9) people that require a remote workspace and place to meet with clientele away from their home offices.

➤ **SIZE OF FACILITY**

The Entire Building is a 12,120 Square Feet Building.

➤ **NUMBER OF EMPLOYEES**

This Facility is Operated by (4) Employees.

➤ **SECURITY PROVISIONS**

This Facility has (2) Licensed & Armed Security Guards with Vehicles.

➤ **HOURS OF OPERATION**

Office Spaces Hours of Operation Are Available 24 Hours A Day & 7 Days A Week

Co-Working Spaces Hours of Operation Are 8:00 AM – 5:00 PM Monday - Friday

Community Center Hours of Operation Are 5:00 PM – 12:00 PM Daily

Community Center Hours of Sales & Space Preparation Are 8:00 AM – 5:PM Daily



Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number 2025-UV2-006

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The Spotlight Center NE is a family oriented community center and office building that serves families, religious organizations, community organizations & businesses that are well managed and provided with adequate security.

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 Spotlight Center NE is occupying 100% of the 12,120 Square Foot Facility at the North End of Binford Plaza. The available parking meets the minimum required parking of 30 spaces as well as the maximum parking of 60 available spaces along with the required handicapped parking spaces. There will also be the 3 required bicycle spaces as well as the handicapped parking spaces.

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

The building site is currently Zoned C3 and allows for the (INDOOR RECREATION & ENTERTAINMENT USE) to be an (ACCESSORY USE). For this to occur would only allow the use of 3,030 Square Feet of the facility to be used for (INDOOR RECREATION & ENTERTAINMENT). The Spotlight Center NE has three ballrooms that have 1,449 SF, 3,407 SF & 1,752 SF that total 6,608 Square Feet or 55% of the existing building. If the Variance of Use for the (Indoor Recreation & Entertainment) to become a (Primary Permitted Use) is allowed the building would be compliant.

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

Only (1) of the (3) ballroom spaces would be available for use and it would need to be reduced in size to be compliant.

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

The current Comprehensive Plan Recommendation for this property is Community Commercial which is consistent with a Community Center, (INDOOR RECREATION & ENTERTAINMENT USE) & Office: Business & Professional Use.

Photographs



Subject site, looking north.



Adjacent commercial tenant bays and parking area east of subject site, looking northeast.



Adjacent commercial tenant bays and parking area north of subject site, looking west.



Adjacent commercial retail to the west.

BOARD OF ZONING APPEALS DIVISION II

July 8, 2025

Case Number: 2025-DV2-023
Address: 5338 West Edwards Avenue (approximate address)
Location: Decatur Township, Council District #21
Zoning: D-5
Petitioner: Austin Young
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a six-foot-tall fence within the front yards of Biltmore and Edwards Avenues (maximum 3.5-foot tall fence permitted within front yards) and the location of a shed within the front yard, and maintaining a five-foot front yard setback from Biltmore Avenue (accessory structures not permitted within front yards).

Current Land Use: Single Family Dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance require that fences not exceed 42 inches in height in the front yard of the primary dwelling to ensure that lots maintain residential qualities and characteristics. Fences taller than 42 inches tend to be commercial or industrial in nature and create a compound aesthetic within residential neighborhoods.
- ◇ Dwellings on corner lots in the Metro Context, are considered to have a front yard frontage on each frontage of the intersecting corner.
- ◇ The findings of fact indicate the Ordinance would reduce the amount of usable yard space and would effectively cut the usable outdoor space nearly in half.
- ◇ The Ordinance does not remove the yard space from the property-owner. The yard space is still present and useable as an intended front yard and can be contained with an appropriate and compliant 42-inch or 48-inch fence depending on materials. The ordinance does restrict using a designated front yard as a rear yard which would be inappropriate.

- ◇ Staff believes that the issues of use could be appropriately mitigated with other measures, such as environmental design and landscape plantings to supplement height compliant fences.
- ◇ The proposed fence along Biltmore could be located approximately 46 feet to the west to the leading edge of the dwelling, and still maintain the proposed six-foot height.
- ◇ The proposed shed could also be relocated behind the leading edge of the dwelling along Biltmore, possibly next to the petitioners' second garage, to be Ordinance compliant.
- ◇ There is no practical difficulty associated with the subject site that would warrant the grant of this variance. The subject site has no natural or manmade physical obstacles that would prohibit compliance with the required fence height requirements of the Ordinance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	Single-family dwelling
South:	D-A	Single-family dwelling
East:	D-5	Single-family dwelling
West:	D-5	Single-family dwelling
Thoroughfare Plan		
West Edwards Avenue	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	June 4, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	June 4, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends the Suburban Neighborhood typology that 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.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

None

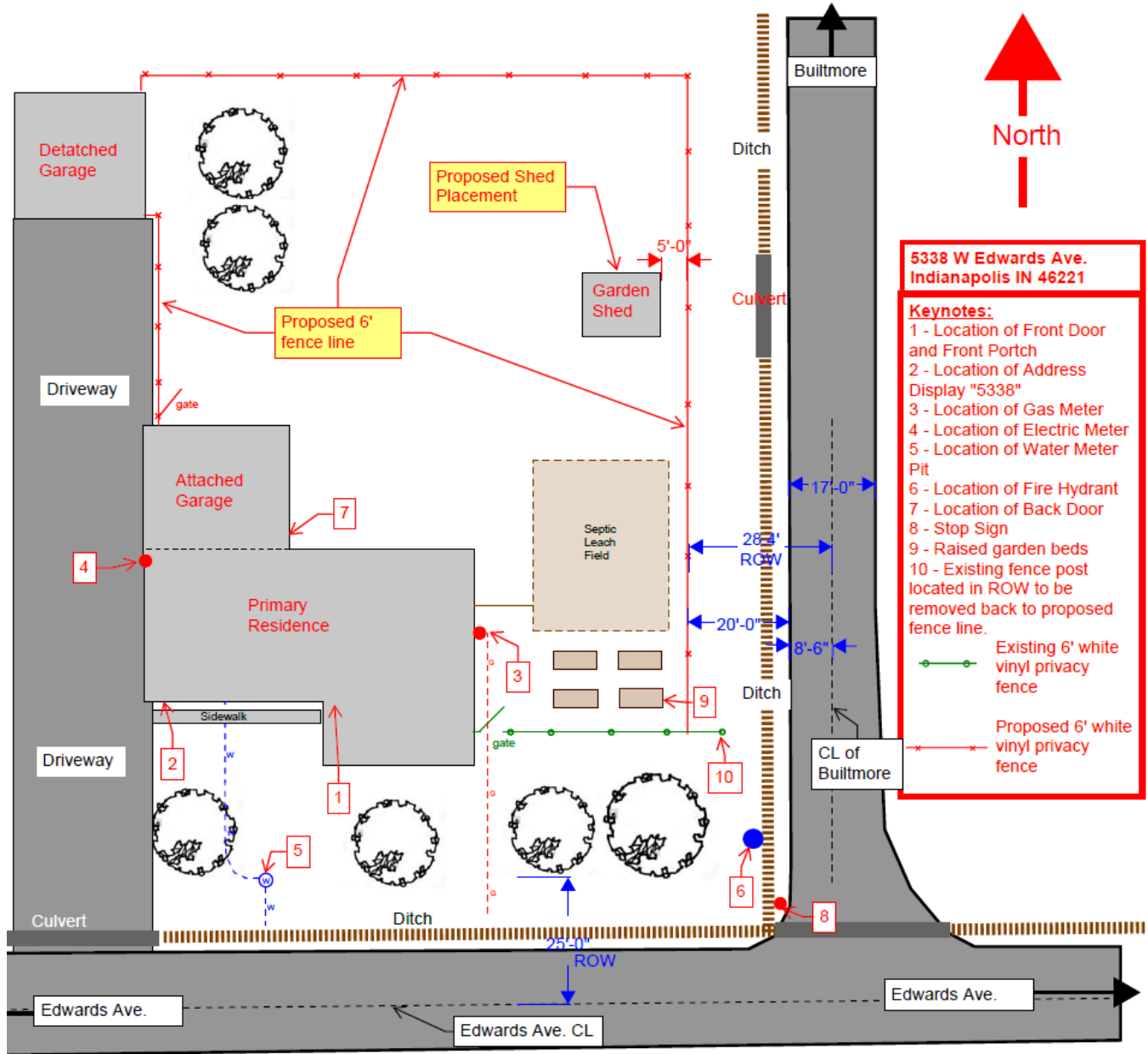
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EXHIBITS

Location Map



Site Plan



Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division II
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 proposed 6' fence and existing garden shed are intended to enhance the safe and responsible use of the property. The fence provides necessary containment for the petitioner's large breed dog, reducing the risk of escape and ensuring the safety of pedestrians. The shed supports the organized storage of tools and equipment, preventing clutter and maintaining a clean, orderly yard. Both structures are designed and placed to respect utility access, maintain required setbacks from the ROW and to enhance overall neighborhood aesthetic. The requested variance for the fence and shed plans will not obstruct any traffic views or create sightline hazards. These improvements contribute to the overall safety, aesthetic cohesion, and property values within the community.

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

The proposed fence and existing shed are consistent with the residential character of the neighborhood and do not interfere with the use or enjoyment of any nearby properties. Both structures are modest in scale, visually appropriate, and located in a portion of the yard that functions as a side yard rather than a traditional front yard. The traditional front yard area located to the south of the home, will remain open to view without any fence or accessory structures. Rather than diminishing nearby property values or uses, the improvements support overall neighborhood appeal by promoting safety, organization, and responsible property upkeep. The petitioner has proactively discussed the fence plans with all of the petitioner's immediate neighbors, and is pleased to share that they have expressed full support for the project. The neighbors understand the need for the increased height to ensure the safety of the petitioner's large breed dog and recognize that the fence will be constructed in a respectful, well-maintained manner.

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

The area in question, while technically designated as a front yard, functions as a side yard due to the orientation and layout of the lot. This creates a situation where typical zoning setbacks and restrictions do not align with the actual use and layout of the property. Furthermore, the strict application of the zoning ordinance would significantly reduce the amount of usable yard space. Enforcing the front yard restrictions would effectively cut the usable outdoor space nearly in half. This reduction would not allow for sufficient use of the yard, particularly for exercising and safely containing the petitioner's large breed dog, who requires ample space to run and play. The remaining yard space, compliant with the ordinance as written, is too limited to meet those needs and would compromise the pets well being and quality of life. Granting the variance would allow for reasonable use of the full yard area as it naturally functions, without negatively impacting neighbors or the surrounding community.

Photographs



Photo of subject site primary dwelling, looking northeast.



Photo of subject site, proposed fence location, looking north from Edwards Avenue.



Photo of subject site, proposed fence location, and shed in front yard of Biltmore Ave. looking south.



Photo of subject site, proposed fence location from Biltmore Ave. looking west.



Photo of adjacent property to the south



Photo of adjacent property to the south



Photo of adjacent property to the north with non-compliant fence



Photo of adjacent property to the north with non-compliant fence, looking south.

BOARD OF ZONING APPEALS DIVISION II

July 8, 2025

Case Number: 2025-DV2-025
Address: 1435 North Hamilton Avenue (approximate address)
Location: Center Township, Council District #13
Zoning: D-5
Petitioner: Alejandro Aranda-Kenya, by Josh Smith
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a carport with 2.5-foot side yard setbacks (five feet required).

Current Land Use: Single Family Dwelling

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The requested variance of development standards would legally establish an existing non-compliant carport, with 2.5-foot side yard setbacks.
- ◇ After initial construction of the carport, zoning violation (VIO24-003311) was issued on April 19, 2024, for failure to obtain an Improvement Location Permit and failure to comply with the setback requirements. On June 27, 2024, a stop work order was issued for failure to obtain a structural permit. On August 29, 2024, an Improvement Location Permit and a Structural Permit were both applied for and are currently on hold pending the outcome of this variance petition.
- ◇ The purpose of the side setback requirements is to buffer the site from surrounding uses and provide a break in the intensity of the uses. In addition, the required setbacks provide room for access to responding public safety and emergency personnel to access and mitigate an emergency situation on site.
- ◇ The proposed carport, with reduced setbacks, would disperse stormwater onto adjoining properties causing them difficulty and distress. In addition, the reduced setbacks would limit access for responding emergency personnel and leave insufficient room for maintenance and accessibility for the property owner, without accessing adjoining properties.

- ◇ The carport as proposed was originally constructed without permits. If proper permits were applied for prior to construction, advice would have been provided on maintaining the required setbacks before construction started. The fact that the carport is already constructed should not warrant approval, as that would only encourage other property owners to construct non-permitted structures first, and then ask for forgiveness later, knowing the Board would be receptive to grant forgiveness based on previous decisions.
- ◇ The request to provide for a reduction in the side setbacks would be an overdevelopment of the site, as a practical two-vehicle 28-foot wide carport could be developed, leaving five feet on each side for the required setbacks.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the individual's needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site that would warrant the proposed reduced setbacks.
- ◇ The existing non-compliant carport can be reduced in width to comply with the standards of the Ordinance, or the site could be re-developed with an Ordinance compliant sized carport. Either option could be accomplished without the need for the requested variance.
- ◇ Possible losses associated with the petitioner's investment to move and adjust the foundation and support structure, or reconstruct the carport, to meet the required setback were self-created by originally installing a non-compliant structure without permits, and was not imposed by the Ordinance, but were the result of locating the carport in a non-compliant location.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: D-5	Two-Family Dwelling
	South: D-5	Single-Family Dwelling
	East: D-5	Single-Family Dwelling
	West: D-5	Single-Family Dwelling
Thoroughfare Plan		
North Hamilton Avenue	Local Street	48-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan - updated	June 4, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	June 4, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

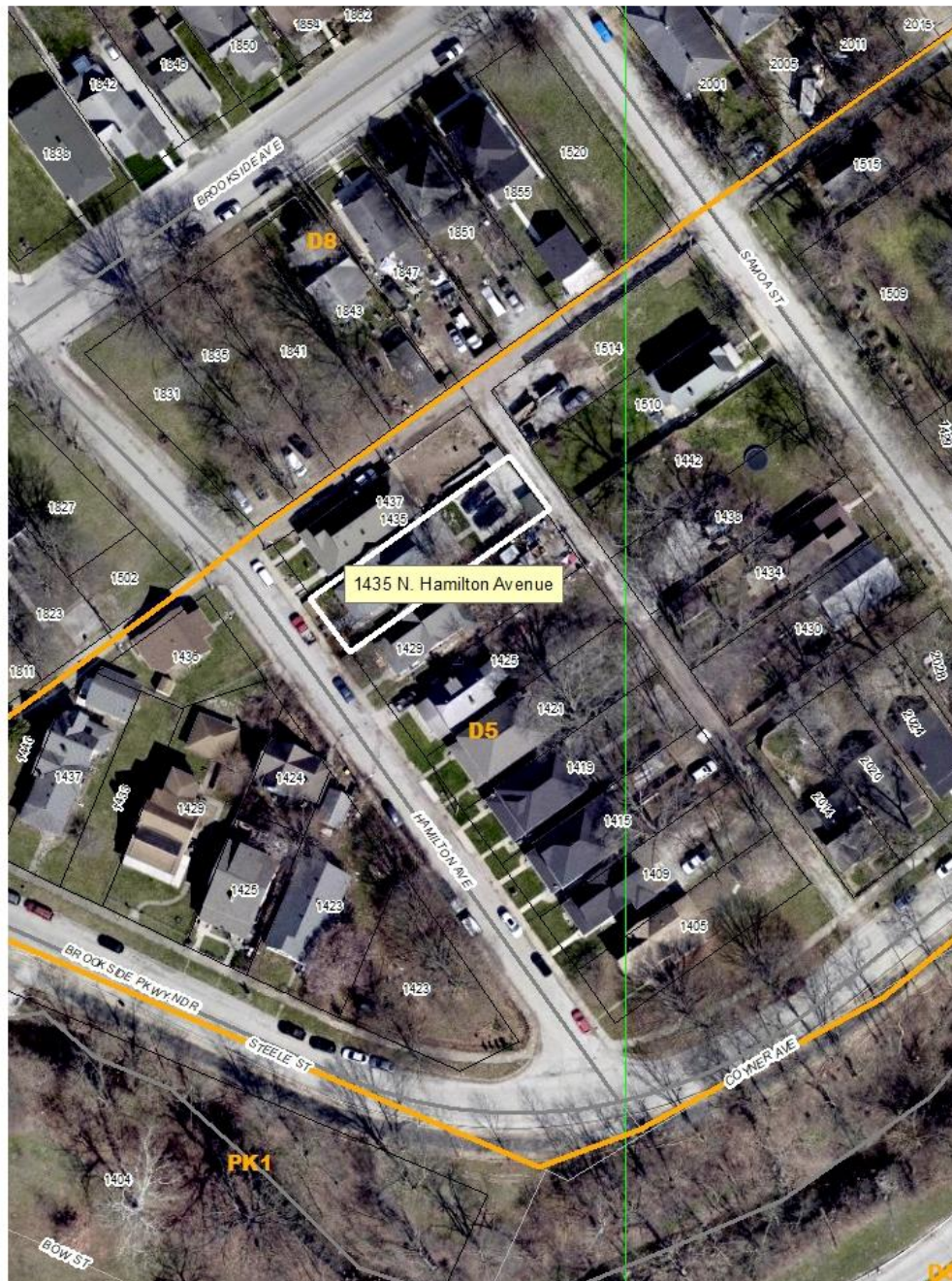
ZONING HISTORY

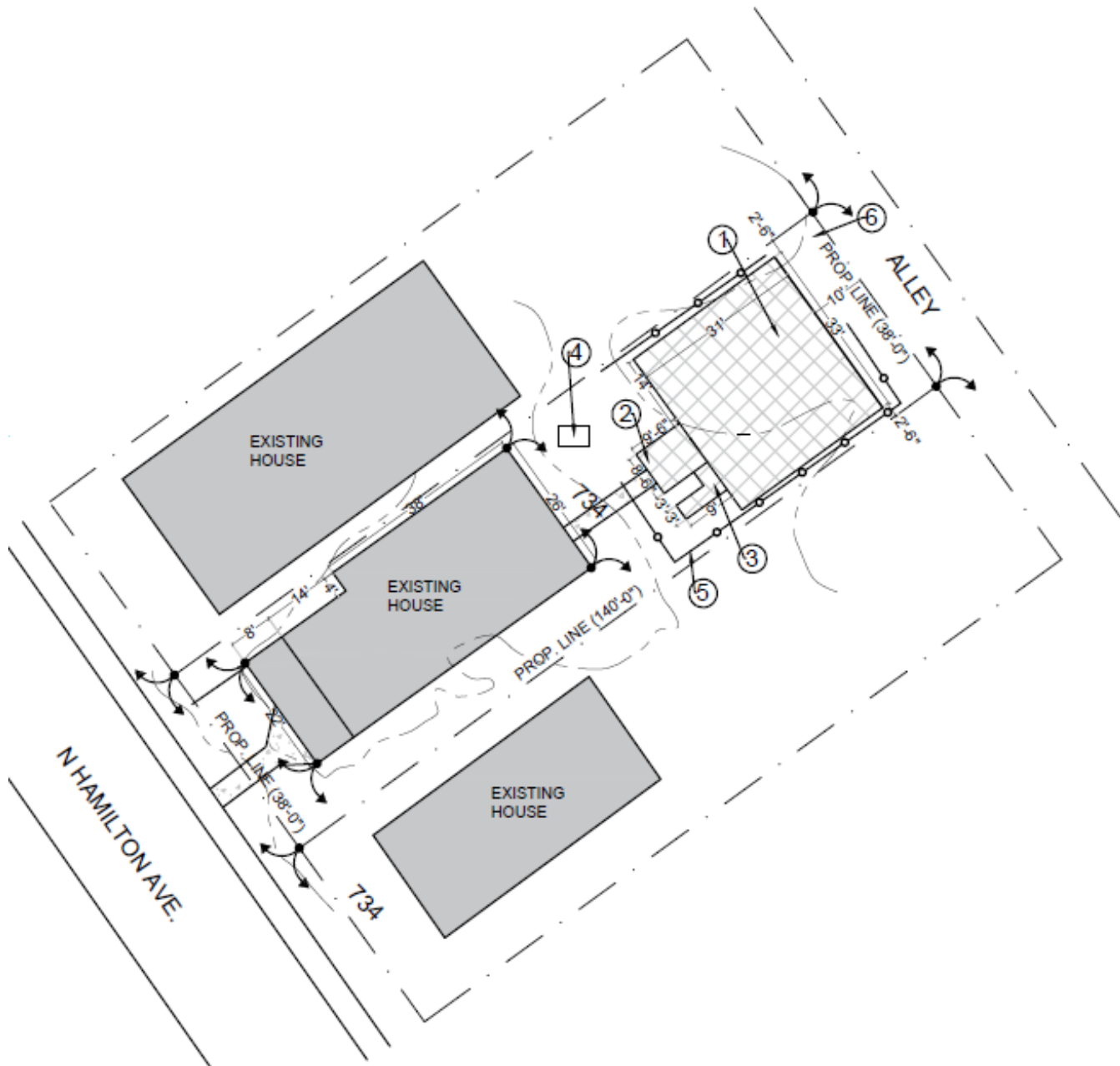
2005-UV3-015; 2102 Brookside Parkway North Drive (east of site), requested a variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to legally establish an existing three-unit dwelling, **denied**.

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EXHIBITS

Location Map





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 new structure is solely for personal/private use in a residential back yard consistent with a residential garage.

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

The use of the property will remain single family and the new structure will be in line with a residential 2-car garage.

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

The structure will maintain 2'-6" setback in lieu of the 3' setback. Requiring the 3ft setback would force demolition of the patio/parking area underneath the carport structure to move and adjust the foundation and support structure. This would also require a significant cost to relocate the foundation and cut down the structure.

Photographs



Photo of subject site primary dwelling, looking east.



Photo of subject site existing carport, looking northwest.



Photo of subject site existing carport north side setback, looking west.

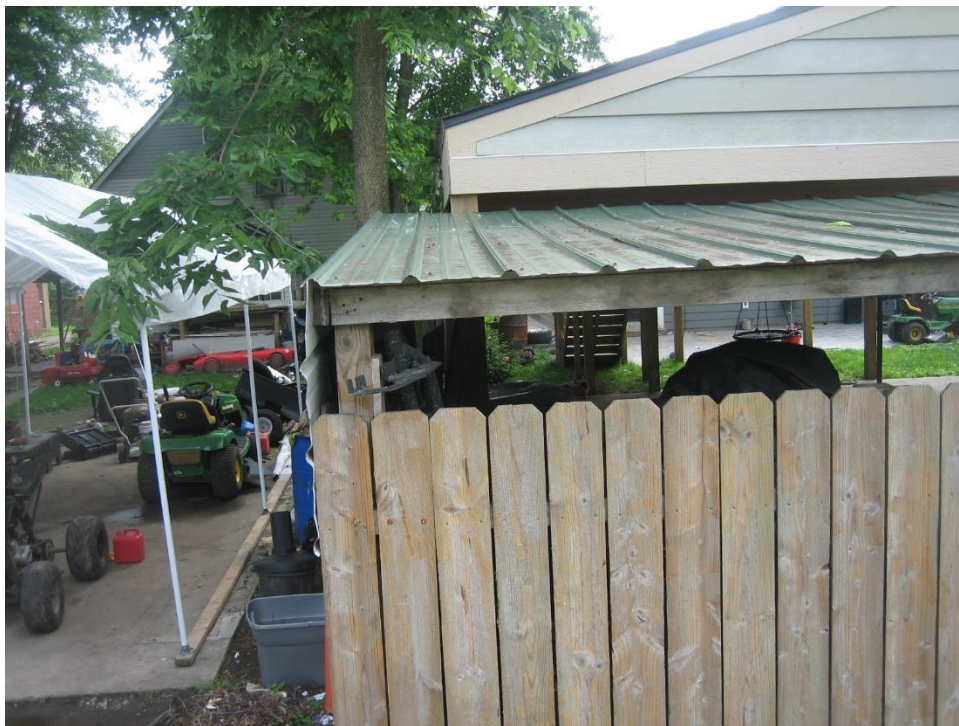


Photo of subject site existing carport south side setback, looking west.



Photo of adjacent single-family dwellings to the south, looking east.



Photo of adjacent two-family dwelling to the north, looking east.