



# Board of Zoning Appeals Division I (June 2, 2026) Meeting Agenda

## Meeting Details

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

**Date:** Tuesday, June 02, 2026

**Time:** 1:00 PM

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

## Business:

### Adoption of Meeting Minutes

### Special Requests

#### 2026-DV1-018 | 3101 North Norfolk Street

Wayne Township, Council District #11, zoned D-4 (FF)  
SLB Assets IV LLC, by Yuliana A. Manzo Llamas

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a mini-shed with a 3-foot northern side yard setback (5-foot setback required) and within an easement (not permitted).

**\*\*Petition to be withdrawn.**

## PETITIONS REQUESTING TO BE CONTINUED:

### 1. 2026-DV1-013 (Amended) | 2440 Lafayette Road

Wayne Township, Council District #11, zoned C-4  
Lafayette Center LLC, by Sean Mastain

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall perimeter chain link fence utilizing barbed wire and within a rear-yard easement (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, barbed wire not permitted, encroachment into easements not permitted).

**\*\*This petition has been automatically continued to the July 7, 2026 hearing.**

### 2. 2026-DV1-020 | 6129 South Emerson Avenue

Franklin Township, Council District #24, zoned D-A  
Daniel and Jennifer Taylor, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory building as a primary use for personal/non-commercial storage (not permitted), with a 30-foot rear setback (75-foot rear setback required).

**\*\*Staff to request continuance to July 7, 2026 to allow petition amendments and new notice.**

### 3. 2026-DV1-022 | 510 West Hampton Drive

Washington Township, Council District #7, zoned D-5  
Michael and Sara Mitchell, by Josh Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-foot side yard setback for a detached structure (seven feet required).

**\*\*Petitioner to request continuance to July 7, 2026 to amend request.**

**4. 2026-UV1-002 | 5301 West 56th Street**

Pike Township, Council District #6, zoned D-A (FF) (FW)  
Mirza W. A. Baig, by David Kingen and Justin Kingen

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to legally establish a four-unit apartment building as a second primary structure on a lot (not permitted).

**\*\*Petitioner to request continuance to July 7, 2026 to allow time for inspections.**

**5. 2026-UV1-008 | 1852 Shelby Street**

Center Township, Council District #18, zoned MU-1  
The 8Forty, LLC, by Justin Kingen

Variance of use to allow for single-family attached dwellings in the MU-1 district (not permitted) and a variance of development standards to allow for a 37.5-foot wide lot (50-foot minimum lot width required), a 12-foot front building line (0-10 feet required), lack of a primary entrance feature on the front façade (not permitted), a front building line encompassing 42.66% of the lot width (minimum 80% required), a trash enclosure within the 15-foot rear yard setback (not permitted), and a 5-foot side yard setback (minimum 10-foot side yard setback required).

**\*\*Staff to request continuance to allow petitioner to provide missing information.**

**6. 2026-UV1-013 | 8005 East Thompson Road**

Franklin Township, Council District #25, zoned D-A  
Sergio Pantoja Sanchez, by INDYZA

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for a commercial contractor producing canopies, awnings, and similar fabric material to operate within an existing detached accessory structure (non-agricultural commercial operations not permitted within D-A) and a Variance of Development Standards to permit a 4,218-square-foot barn being larger than the 1,960-square-foot dwelling (barns in the D-A district may only be larger than primary dwellings if used for agricultural-related purposes).

**\*\*This petition will be continued to the July 7, 2026 hearing.**

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

**7. 2026-DV1-019 | 1630 East 18th Street**

Center Township, Council District #8, zoned D-5  
Dayspring Properties LLC, by Josh Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with a 4.5-foot west side yard setback (five feet side setback required), and a 9-foot rear setback (20-foot rear setback required).

**8. 2026-DV1-021 | 8080 Broadway Street**

Washington Township, Council District #2, zoned D-S  
Kevin and Anne Casey, by Eric Jensen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition, resulting in a 5.5-foot side yard setback (15-foot side setback required), and a 21-foot rear setback (25 feet required).

**9. 2026-DV1-023 | 4000 Michigan Road**

Washington Township, Council District #7, zoned SU-7  
Art Association of Indianapolis Indiana, by Brent Bennett

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of two monument signs along the 38th Street frontage and one monument sign along the Michigan Road frontage, being the second and third primary freestanding signs along 38th Street (maximum two signs

permitted) with heights of 9 feet and 12 feet (maximum 5 feet permitted) and with a separation of 75 feet between the 38th Street signs (300-foot separation required), and a canopy sign with a projection from the wall exceeding 18 inches (maximum 18 inches permitted).

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

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

**10. 2026-DV1-012 (Amended) | 3675 West 11th Street**

Wayne Township, Council District #12, zoned D-5  
Manuel Alonso Marrufo Villa & Maria Elena Marrufo, by Epifanio Carbajal

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a 3-foot side setback (7-foot required), a 4-foot rear setback (5-foot required), and within an easement (encroachment into easements prohibited), accessed by a driveway resulting in a 33-foot width of parking area in the front yard (parking areas limited to 30-foot width in front yards).

**11. 2026-UV1-009 | 3002 East 56th Street**

Washington Township, Council District #3, zoned C-3  
Shvonne Watson, by Table Holdings, dba Every Day Auto

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit an auto sales business (not permitted in the C-3 zoning district).

**12. 2026-UV1-011 | 3922 East 26th Street**

Center Township, Council District #8, zoned D-5  
Fancy Towing LLC, by Nyenell Odom

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a gravel parking lot to store recently towed vehicles (not permitted, parking areas must be paved), with zero-foot front, side and rear setbacks (10-foot front setback, 5-foot side setbacks and 20-foot rear setback required) and a six-foot privacy screened fence surrounding the site (maximum 3.5-tall fence permitted).

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

**Additional Business:**

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

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
Peter Nelson, Chair	Mayor's Office	January 1, 2025 – December 21, 2025

David Duncan, Secretary	Mayor's Office	January 1, 2025 – December 21, 2025
Jennifer Whitt	City-County Council	January 1, 2025 – December 21, 2025
Andrew Katona	Metropolitan Development Commissions	January 1, 2025 – December 21, 2025
VACANT	City-County Council	N/A

**BOARD OF ZONING APPEALS DIVISION II**

June 2, 2026

**Case Number:** 2026-DV1-018

**Property Address:** 3101 North Norfolk Street (approximate address)

**Location:** Wayne Township, Council District #11

**Petitioner:** SLB Assets IV LLC, by Yuliana A. Manzo Llamas

**Current Zoning:** D-4 (FF)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a mini-shed with a 3-foot northern side yard setback (5-foot setback required) and within an easement (not permitted).

**Current Land Use:** Residential

**Staff Reviewer:** Michael Weigel, Principal Planner I

**PETITION HISTORY**

Staff informed the petitioner that since (a) a flood permit had been previously issued for their scope of work and (b) the eastern setback would be a *side* yard setback as opposed to a rear yard setback, no variance of development standards would be required. The petitioner also indicated that they would work to remove an existing detached storage shed outside of the required setback to the north. This petition could be withdrawn at the June 2, 2026 hearing.



**BOARD OF ZONING APPEALS DIVISION I**

**May 12, 2026**

**Case Number:** 2026-DV1-013 (Amended)

**Property Address:** 2440 Lafayette Road (approximate address)

**Location:** Wayne Township, Council District #11

**Petitioner:** Lafayette Center LLC, by Sean Mastain

**Current Zoning:** C-4

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall perimeter chain link fence utilizing barbed wire and within a rear-yard easement (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, barbed wire not permitted, encroachment into easements not permitted).

**Current Land Use:** Commercial

**Staff Reviewer:** Michael Weigel, Principal Planner I

**PETITION HISTORY**

**6/2/26:** A timely automatic continuance request was filed by a registered neighborhood organization, moving this petition to the July 7<sup>th</sup>, 2026 hearing date. A full staff report will be made available in advance of that hearing.

**5/12/26:** During the review process, staff became aware of the need for an additional variance related to the encroachment of the fence into a rear-yard easement. In order to allow time for the mailing of amended notice as well as for the petitioner to discuss the easement with AES, this petition will be continued to the June 2<sup>nd</sup>, 2026 hearing date of Division I. A full staff report will be made available in advance of that hearing.



**BOARD OF ZONING APPEALS DIVISION I**

**June 2, 2026**

**Case Number:** 2026-DV1-020  
**Address:** 6129 South Emerson Avenue (approximate address)  
**Location:** Franklin Township, Council District #24  
**Zoning:** D-A  
**Petitioner:** Daniel and Jennifer Taylor, by David Gilman  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory building as a primary use for personal/non-commercial storage (not permitted), with a 30-foot rear setback (75-foot rear setback required).

**Current Land Use:** Vacant lot

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

**PETITION HISTORY**

This petition will need to be continued for cause from the June, 2, 2026, hearing, to the July, 7, 2026, hearing, to allow time to amend the petition and provide new notice.



**BOARD OF ZONING APPEALS DIVISION I** **June 2, 2026**

**Case Number:** 2026-DV1-022

**Property Address:** 510 West Hampton Drive (approximate address)

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

**Petitioner:** Michael and Sara Mitchell, by Josh Smith

**Current Zoning:** D-5

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-foot side yard setback for a detached structure (seven feet required).

**Current Land Use:** Residential

**Staff Reviewer:** Michael Weigel, Principal Planner I

**PETITION HISTORY**

The petitioner has indicated that they wish to amend the above request to reflect both a reduced side yard and rear yard setback. This would require the mailing of amended notice, and for the petition to be continued to the July 7<sup>th</sup> hearing date to allow for sufficient time between the mailing of amended notice and the hearing. A full staff report will be made available in advance of that hearing date.



**BOARD OF ZONING APPEALS DIVISION II**

June 2, 2026

**Case Number:** 2026-UV1-002

**Property Address:** 5301 West 56<sup>th</sup> Street (approximate address)

**Location:** Pike Township, Council District #6

**Petitioner:** Mirza W.A. Baig, by David Kingen and Justin Kingen

**Current Zoning:** D-A (FF) (FW)

**Request:** Variance of Use of the Consolidated Zoning and Subdivision Ordinance to legally establish a four-unit apartment building as a second primary structure on a lot (not permitted).

**Current Land Use:** Residential

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

**PETITION HISTORY**

**6/2/26:** The initial fire inspection found 10 violations at the site. Several of those violations were resolved, but the petitioner is continuing to explore options related to the width of the access road and lack of fire hydrant. An additional continuance will be requested to the July 7<sup>th</sup> hearing date. A full report will be made available at that point in time.

**4/7/26:** The petitioner was granted a continuance to the May 12, 2026 hearing date in order to allow time for a fire inspection of the unpermitted multifamily dwelling on the property.

**3/3/26:** A timely automatic continuance request was filed by a registered neighborhood organization. This petition will be automatically continued to the April 7, 2026 hearing date of Division I.



**Board of Zoning Appeals Division I** **June 2, 2026**

**Case Number:** 2026-UV1-008  
**Property Address:** 1852 Shelby Street (*approximate address*)  
**Location:** Center Township, Council District #18  
**Petitioner:** The8Forty, LLC, by Justin Kingen  
**Current Zoning:** MU-1 (TOD)

**Request:** Variance of use to allow for single-family attached dwellings in the MU-1 district (not permitted) and a variance of development standards to allow for a 37.5-foot-wide lot (50-foot minimum lot width required), a 12-foot front building line (0-10 feet required), lack of a primary entrance feature on the front façade (not permitted), a front building line encompassing 42.66% of the lot width (minimum 80% required), and a trash enclosure within the 15-foot rear yard setback (not permitted).

**Current Land Use:** Undeveloped  
**Staff Reviewer:** Josh Levesque, Senior Planner

**PETITION HISTORY**

A registered neighborhood organization previously filed a timely automatic continuance from the May 12<sup>th</sup> to the June 2<sup>nd</sup> BZA I hearing. Staff is requesting a continuance for cause as information vital to staff's recommendation is still outstanding.



**Board of Zoning Appeals Division I**

**June 2, 2026**

**Case Number:** 2026-UV1-013  
**Property Address:** 8005 East Thompson Road (*approximate address*)  
**Location:** Franklin Township, Council District #25  
**Petitioner:** Sergio Pantoja Sanchez, by Justin Kingen  
**Current Zoning:** D-A

**Request:** Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for a commercial contractor producing canopies, awnings, and similar fabric material to operate within an existing detached accessory structure (non-agricultural commercial operations not permitted within D-A) and a Variance of Development Standards to permit a 4,218-square-foot barn being larger than the 1,960-square-foot dwelling (barns in the D-A district may only be larger than primary dwellings if used for agricultural-related purposes).

**Current Land Use:** Single-family home; pole barn  
**Staff Reviewer:** Josh Levesque, Senior Planner

**PETITION OVERVIEW**

- Petitioner is requesting a continuance to the July 7<sup>th</sup> BZA I hearing to provide further information and to allow for additional discussion with staff.



**BOARD OF ZONING APPEALS DIVISION I**

**June 2, 2026**

**Case Number:** 2026-DV1-019  
**Address:** 1630 East 18<sup>th</sup> Street (approximate address)  
**Location:** Center Township, Council District #8  
**Zoning:** D-5  
**Petitioner:** Dayspring Properties LLC, by Josh Smith  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with a 4.5-foot west side yard setback (five feet side setback required), and a 9-foot rear setback (20-foot rear setback required).

**Current Land Use:** Single-Family Dwelling.

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

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

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property values by providing for open buffer areas along lot lines, and to ensure adequate access around buildings.
- ◇ The requested 9-foot rear setback is largely a result of the irregular size and orientation of the lot. The lot, at 68 feet in depth, is about half the length of a typical D-5 lot, resulting in the need for a reduced rear setback. There is an undeveloped alley right-of-way behind the lot, that provides additional separation from any adjacent properties.
- ◇ The requested 4.5-foot west side setback would be in line with the existing dwelling which is placed at a slight angle on the site and has a progressively decreasing side setback. The rear dwelling expansion with the deficient west side setback would be similar to a one-time legally non-conforming expansion of 50% or less. The requested west side setback would not be out of context with the neighborhood as it is similar to other dwellings in the area. In Staff’s opinion, this would be a minor deviation, and would not negatively impact surrounding property owners.



- ◇ Generally, staff supports legally establishing property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request; additionally, no public safety or health risks would come from the grant of this variance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Single Family Dwelling	
<b>Comprehensive Plan</b>	Traditional Neighborhood Uses	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-5 Single-Family Dwellings
	South:	D-5 Single-Family Dwelling / Undeveloped
	East:	D-5 Undeveloped
	West:	D-5 Single-Family Dwelling
<b>Thoroughfare Plan</b>		
East 18 <sup>th</sup> Street	Local Street	50-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	April 15, 2026	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	April 15, 2026	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)

**Pattern Book / Land Use Plan**

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



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

- 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**

**2009-SE3-004; 1802 Tallman Avenue (north of site)**, requested a Special Exception to provide for the expansion of a religious use, with a 3,200-square foot building addition, with an 8.5-foot front setback from the existing right-of-way line of Roosevelt Drive, with 30 existing off-street parking spaces, **granted**.

**2008-DV2-033; 1725 Roosevelt Avenue (south of site)**, requested a Variance of Development Standards to legally establish the expansion of a package liquor store within an existing 1,520-square foot building, within 42 feet of a protected district, in C-3, **granted**.

**2006-ZON-101; 1743 and 1747 Roosevelt Avenue (south of site)**, rezone from C-1 to D-8 to provide for residential uses, **approved**.

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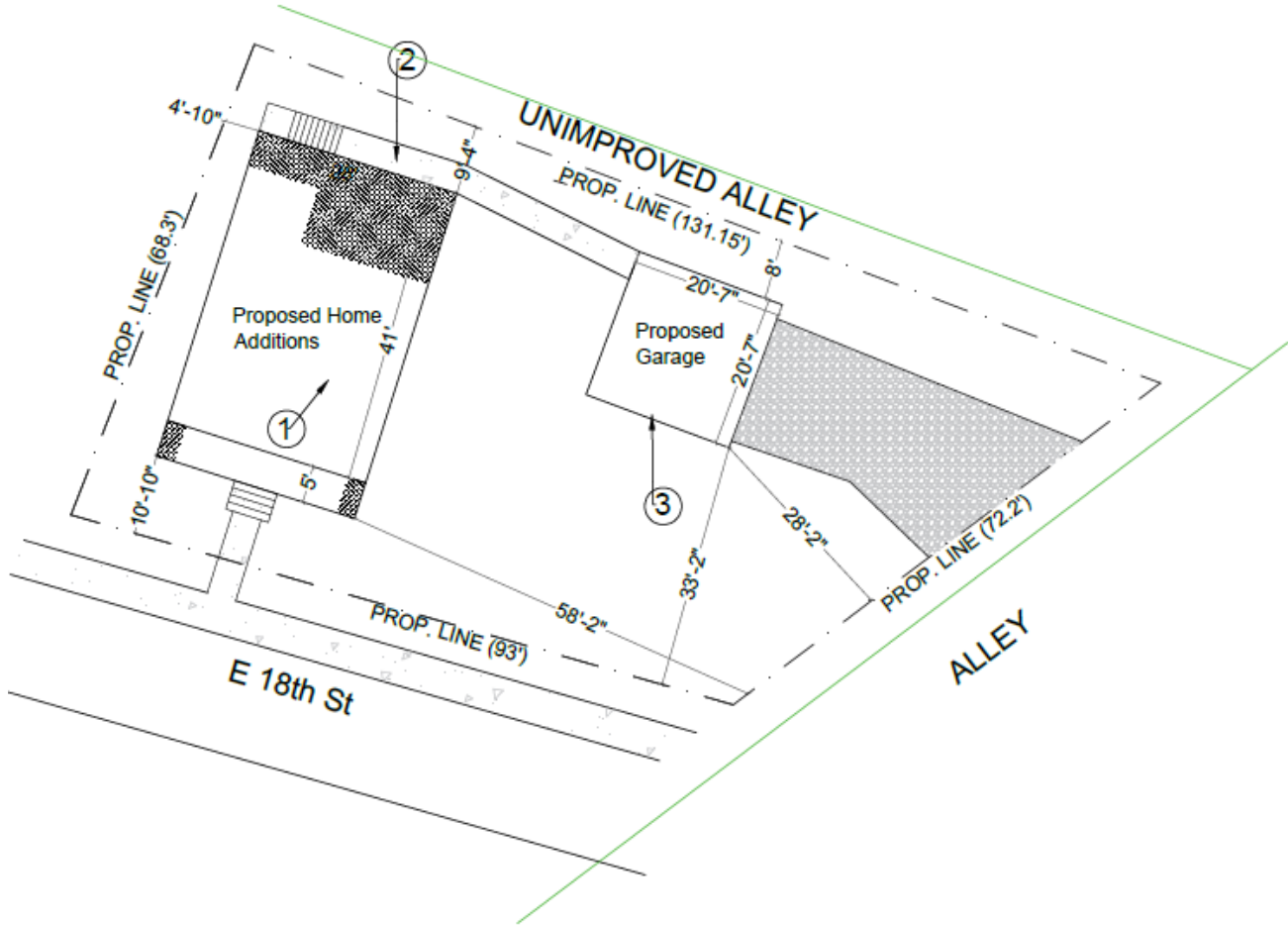
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**EXHIBITS**

Location Map



**Site Plan**



Proposed  
**Site Plan**  
SCALE: 1" = 20'



**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:

This proposal will allow expanding a single family home building within the proposed and recommended uses of the D5 zoning district.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

This variance allows the expansion of the existing single family home. There will be no more intense or changed uses.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Due the non-traditional shape of this lot, the overall shape is wider than it is deep and results in a lot that is less than 70ft deep. The existing home built around 1910 is non-compliant with the side and rear zoning setbacks. The currently proposed modest home addition, while not in compliance with the side/rear setbacks, is in line with the character of the neighborhood.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Photographs**



Subject site, existing dwelling, looking northeast.



Subject site, existing/proposed dwelling expansion location with 9-foot rear setback, looking west.



Subject site, existing/proposed dwelling expansion location to rear with 4.5-foot west side setback, looking north.



Subject site, proposed garage location, looking west.



**BOARD OF ZONING APPEALS DIVISION I**

**June 2, 2026**

**Case Number:** 2026-DV1-021  
**Address:** 8080 Broadway Street (approximate address)  
**Location:** Washington Township, Council District #2  
**Zoning:** D-S (TOD)  
**Petitioner:** Kevin and Anne Casey, by Eric Jensen  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition, resulting in a 5.5-foot side yard setback (15-foot side setback required), and a 21-foot rear setback (25 feet required).

**Current Land Use:** Single-Family Dwelling.

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

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

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- ◇ This parcel is zoned D-S (Dwelling-Suburban) to allow for suburban areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low-density development. Generous front yards with trees along roadways that follow the natural terrain of the land are envisioned for the D-S district. Similarly, the Comprehensive Plan recommends this site for Rural and Estate Neighborhood development and partially places it within an Environmentally Sensitive secondary overlay. Staff would note that the proposed development would have minimal impact on the recommendations of the Comprehensive Plan since it would not have any impact on the number of placement of trees within the existing front yard and would maintain the existing front yard setback.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property values by providing for open buffer areas along lot lines, and to ensure adequate access around buildings.



- ◇ The requested side and rear setbacks are a result of an existing zoning compliant detached garage, that is being attached to the existing dwelling by a structural expansion of the dwelling. Once attached to the dwelling, a different set of development standards for setbacks is required by the Ordinance. The required setbacks would result in the relocation of the garage to the rear of the dwelling, away from the existing driveway and current access.
- ◇ The lot, at 18,731 square feet, is a D-2 sized lot, and the width, at 105 feet wide, is a D-1 sized lot in width, which provides a practical difficulty in complying with development standards for the side and rear setbacks for this lot, which is within the D-S district.
- ◇ Generally, staff supports legally establishing property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request; additionally, no public safety or health risks would come from the grant of this variance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-S	
<b>Existing Land Use</b>	Single Family Dwelling	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-S Single-Family Dwelling
	South:	D-S Single-Family Dwelling
	East:	D-S Single-Family Dwellings
	West:	D-S Single-Family Dwelling
<b>Thoroughfare Plan</b>		
Broadway Street	Local Street	50-foot existing and proposed right-of-way.
<b>Context Area</b>	Metro area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Environmentally Sensitive / Red Line TOD	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	April 20, 2026	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	April 20, 2026	

**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 recommends this site to the Rural or Estate Neighborhood typology to allow for development of estate-style homes on large lots with exceptional natural features (i.e. rolling hills, high quality, woodlands, and wetlands) and low density. Mature trees should be preserved whenever possible, and the preservation of open space is even more critical in rural areas.
- This property is within an Environmentally Sensitive Overlay intended for areas containing natural amenities for which damage should be prevented or mitigated. This overlay is not intended for the preservation of open space, although detached housing should be oriented to minimize impact on the natural environment, including trees, wetlands, and exceptions topography (30% of parcels as tree canopy or naturalized area recommended).

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

- Given its proximity to the potential future College and 91<sup>st</sup> Red Line BRT stop, this property is recommended to the walkable neighborhood TOD typology to allow for walkable areas that are primarily small-lot single-family attached or detached residential uses but with small commercial nodes of one to two blocks. Stabilized residential areas should be placed outside of the immediate area of bus stations, and off-street parking is discouraged and should be limited to garages.

**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**

**2025-DV2-005; 8063 Broadway Street (east of site)**, Variance of Development Standards to provide for the addition of a covered porch and detached garage, resulting in an open space of 76 percent, a ten-foot north side yard setback and an aggregate setback of 23.33 feet, **granted**.

**2009DV1028; 641 E 80<sup>th</sup> Street (south of site)**, Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for an addition to a single-family dwelling with a 7.5-foot west side setback (minimum fifteen-foot side setback required), **approved**.

**2005DV1062; 8028 Morningside Drive (southwest of site)**, provide for the construction of an addition to an existing single-family dwelling with an 8.7-foot west side yard setback (minimum fifteen-foot side yard setback required), resulting in a 24.4-foot aggregate side yard setback (minimum 35-foot aggregate side yard setback required), and to legally establish a storage shed with a 0.6-foot rear yard setback (minimum five-foot rear yard setback for accessory buildings required) in D-S, **approved**.

**2005DV3043; 636 E 80<sup>th</sup> Street (south of site)**, provide a building reconstruction and expansion along an existing non-conforming 7.5-ft. east side yard setback in D-S (min. 15-ft. side setback req.), and legally establish a 28-ft. aggregate side setback and a 21.5-ft. rear setback (min. 35-ft. aggregate side yard; min. 25-ft. rear yard req.), **approved**.

**2003HOV030; 8064 Morningside Drive (southwest of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a single-family dwelling on a 0.70-acre lot with a twelve-foot minimum northwest side yard setback and a 32-foot aggregate side yard setback, resulting in 84 percent open space, **approved**.

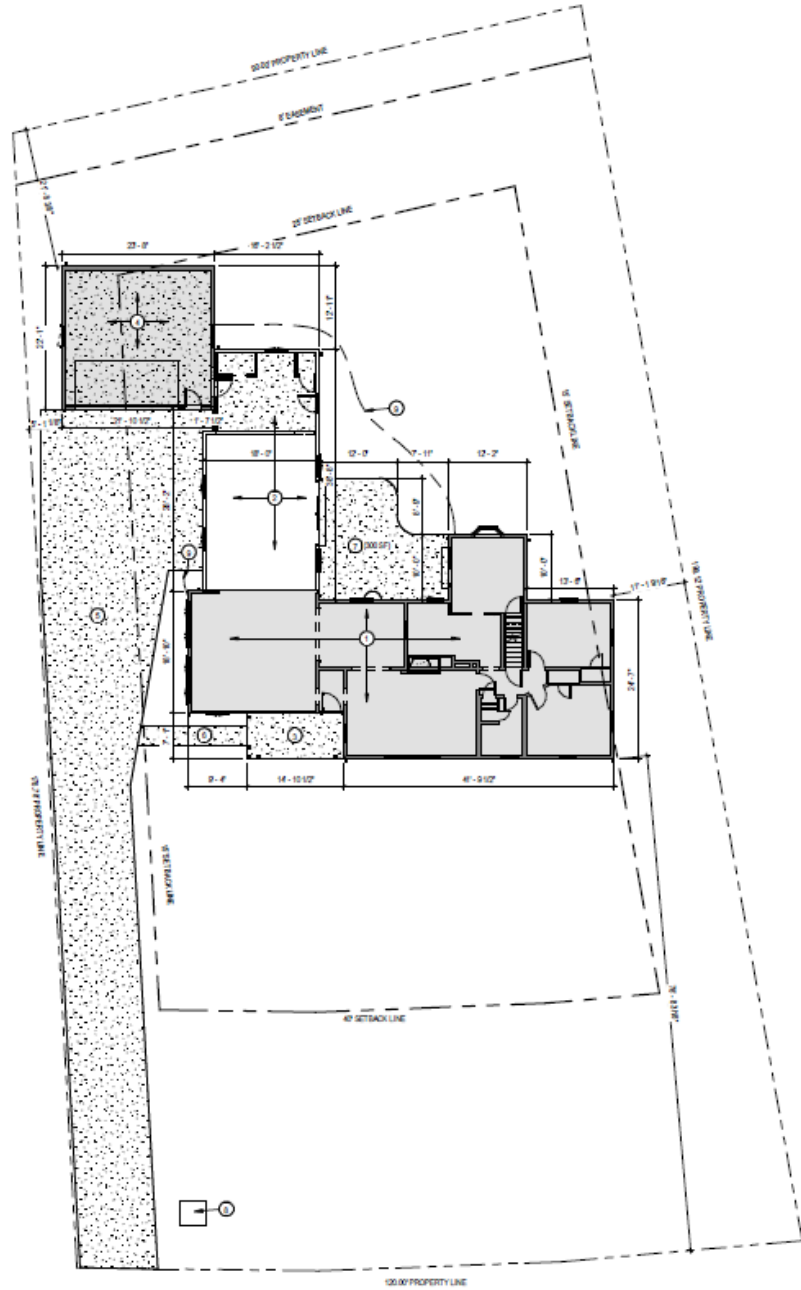
**2000VAR827; 8008 Morningside Drive (southwest of site)**, Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 3,380 square-foot single-family dwelling on a lot containing 80% of open space, **approved**.

RU

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**Site Plan**



1 SITE PLAN  
1" = 10'-0"

BROADWAY ST CENTERLINE SO RIGHT OF WAY





**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:

Similar setbacks can be found within the same block along Broadway St and Morningside Dr  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

Having an attached garage is typically more desirable than the current detached garage arrangement, thus a more desirable property, with value added. Value added to a property will increase the 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:

If current zoning setbacks are imposed at the sides of the property then we will not be allowed to connect the existing garage to the existing house and the project may not proceed.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Photographs**



Subject site, existing dwelling, looking west.



Subject site, existing location of dwelling addition, connecting garage to dwelling, looking northwest.



Existing garage with 5.5-foot side yard setback, looking west.



Existing garage with 21-foot rear setback, looking south.



**BOARD OF ZONING APPEALS DIVISION I** **June 2, 2026**

**Case Number:** 2026-DV1-023

**Property Address:** 4000 Michigan Road (approximate address)

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

**Petitioner:** Art Association of Indianapolis Indiana, by Brent Bennett

**Current Zoning:** SU-7

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of two monument signs along the 38<sup>th</sup> Street frontage and one monument sign along the Michigan Road frontage, being the second and third primary freestanding signs along 38<sup>th</sup> Street (maximum two signs permitted) with heights of 9 feet and 12 feet (maximum 5 feet permitted) and with a separation of 75 feet between the 38<sup>th</sup> Street signs (300-foot separation required), and a canopy sign with a projection from the wall exceeding 18 inches (maximum 18 inches permitted).

**Current Land Use:** Art Museum

**Staff Recommendations:** Staff recommends **approval** of the requested variances.

**Staff Reviewer:** Michael Weigel, Principal Planner I

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the requested variances.

**PETITION OVERVIEW**

4000 Michigan Road is a part of a 152-acre campus that currently contains the Newfields Art Museum as well as garden and nature preserve areas to the west. The art museum portion of the site has an access point from 38<sup>th</sup> Street to the south as well as two (2) access points from Michigan Road to the east. Current signage advertising the museum use visible from those public rights-of-way includes a freestanding pylon sign at the 38<sup>th</sup> Street entrance (see photos 3-4) as well as a sign at the northwest corner of the intersection of 38<sup>th</sup> and Michigan (see photo 8).

Approval of this petition would allow for the placement of four (4) new signs: one sign would be a canopy sign suspended from an existing architectural feature on the main art museum structure (S1), one would be placed on an existing wall at the southernmost Michigan Road entrance (S3), and the final two would be placed on either side of the 38<sup>th</sup> Street entrance (S2), per below plans.



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Current Planning**

Variations would be required for placement of each of those new signs:

- **S1:** The canopy sign proposed (a type of primary building sign) would have a separation of more than 18 inches from the wall of the primary building itself. A maximum projection of 18 inches for canopy signs would be allowed.
- **S2:** These two monument signs would be the second and third overall primary freestanding signs along the 38<sup>th</sup> Street frontage (the 'Newfields' sign at the corner of 38<sup>th</sup> and Michigan would be the first), and a maximum of two primary freestanding signs per shared frontage would be allowed. A distance of 300 feet is required between primary freestanding signs on the same frontage, and the two new S2 signs would be approximately 75 feet apart. Additionally, the sign heights of 9 feet would exceed the maximum 5-foot height for the district.
- **S3:** Placement of this monument sign would result in a sign height of 12 feet (5-foot maximum).

The existing pylon sign along 38<sup>th</sup> Street near the proposed S2 signs would be removed as a part of this scope of work, and would therefore not impact the proximity calculation above.

This property is zoned SU-7 to allow for charitable, philanthropic and not-for-profit uses such as the art museum, gardens, and associated structures that exist at the property. Similarly, the Comprehensive Plan recommends the site for Regional Special Uses as well as placing it within an Environmentally Sensitive Areas overlay. The Plan does not offer any specific guidance related to signage; additional information is available within the 'Comprehensive Plan Analysis' section below.

The design and placement of the proposed canopy sign would not allow for it to be classified as a wall sign per the Ordinance, since the sign itself would be suspended from an architectural feature as opposed to being attached to the building façade. This is a somewhat unique situation, and the current building form would not allow for placement of a canopy sign that would meet the Ordinance standard of being placed within 18 inches of the wall while also still being visible for patrons of the museum. Staff feels that the proposed canopy sign would serve a similar function to a wall sign or other primary building sign, and the canopy sign comfortably meets other standards for sign size, width, etc. Staff therefore recommends **approval** of the requested variance for the canopy sign affixed to the primary building.

Findings of Fact provided by the applicant indicate that the proposed S2 and S3 signs would be of a similar scale and intensity to signs already existing along the busy 38<sup>th</sup> Street and Michigan Road frontages. Staff would note that the existing sign at the corner of 38<sup>th</sup> and Michigan would have substantial separation from the newly proposed signs, to the extent that the existing sign would not be visible from either of the newly proposed locations. Staff also feels that utilizing existing decorative walls for placement of the monument signs would be preferable to establishment of new primary freestanding signs, even if deviating from the maximum height of 5 feet. For these reasons, staff recommends **approval** of the variances related to sign separation, number and height for the proposed S2 and S3 signs.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	SU-7	
<b>Existing Land Use</b>	Art Museum	
<b>Comprehensive Plan</b>	Regional Special Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: SU-7 / SU-2	North: Park / Church
	South: SU-34	South: Country Club
	East: SU-10	East: Cemetery
	West: SU-7	West: Park
<b>Thoroughfare Plan</b>		
38 <sup>th</sup> Street	Primary Arterial	130-foot existing right-of-way and 114-foot proposed right-of-way
Michigan Road	Primary Arterial	100-foot existing right-of-way and 88-foot proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	04/21/2026	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	04/21/2026	
<b>Elevations (Amended)</b>	05/11/2026	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	04/21/2026	
<b>Findings of Fact (Amended)</b>	N/A	



**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**Pattern Book / Land Use Plan**

- The Regional Special Use non-typology land use category provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.
  - The Environmentally Sensitive Areas (ES) overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected.

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

**2018HOV024**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 10-foot tall, 532-square foot freestanding sign, with a seven-foot front setback (maximum 240-square foot sign and 15-foot setback required), **approved**.

**2010DV2016**, Variance of development standards of the Sign Regulations to provide for a seven-foot tall sign within 100 feet of the PK-1 protected district to the south (maximum four-foot tall sign permitted within 600 feet of a protected district) and within the right-of-way of the west-bound exit ramp from West 38th Street (signs not permitted in the right-of-way), **approved**.

**2004HOV032**, Variance of development standards of the Sign Regulations to provide for three fifteen-foot tall, 108-square foot triangular rotating pylon signs (not permitted) and a 51-square foot wall sign resulting in 12.10 percent façade coverage of an architectural landscape wall (maximum three percent façade coverage permitted) with a 1.5-foot setback from the existing right-of-way of West 38<sup>th</sup> Street and Michigan Road (minimum fifteen-foot setback from the existing right-of-way required), and to provide for a 52.5-square foot wall sign resulting in 5.4 percent façade coverage of an architectural landscape wall (maximum three-percent façade coverage permitted) with a five-foot setback from Michigan Road (minimum fifteen-foot setback from the existing right-of-way required), and to provide for a 25.50-square foot wall sign resulting in 13.40-percent façade coverage (maximum three-percent façade coverage permitted) with a 1.82-foot setback from the existing right-of-way of Michigan Road (minimum fifteen-foot setback from the existing right-of-way required), **approved**.

**2001ZON069**, Rezoning of 7.996 acres from D-S to SU-7, **approved**.

**67-Z-20**, Rezoning of approximately 42.712 acres, being in D-S district, to Special Uses (7) classification to provide for the construction and operation of an art museum and theater/auditorium for musical, dramatic, literary and other culture events and civic purposes, **approved**.

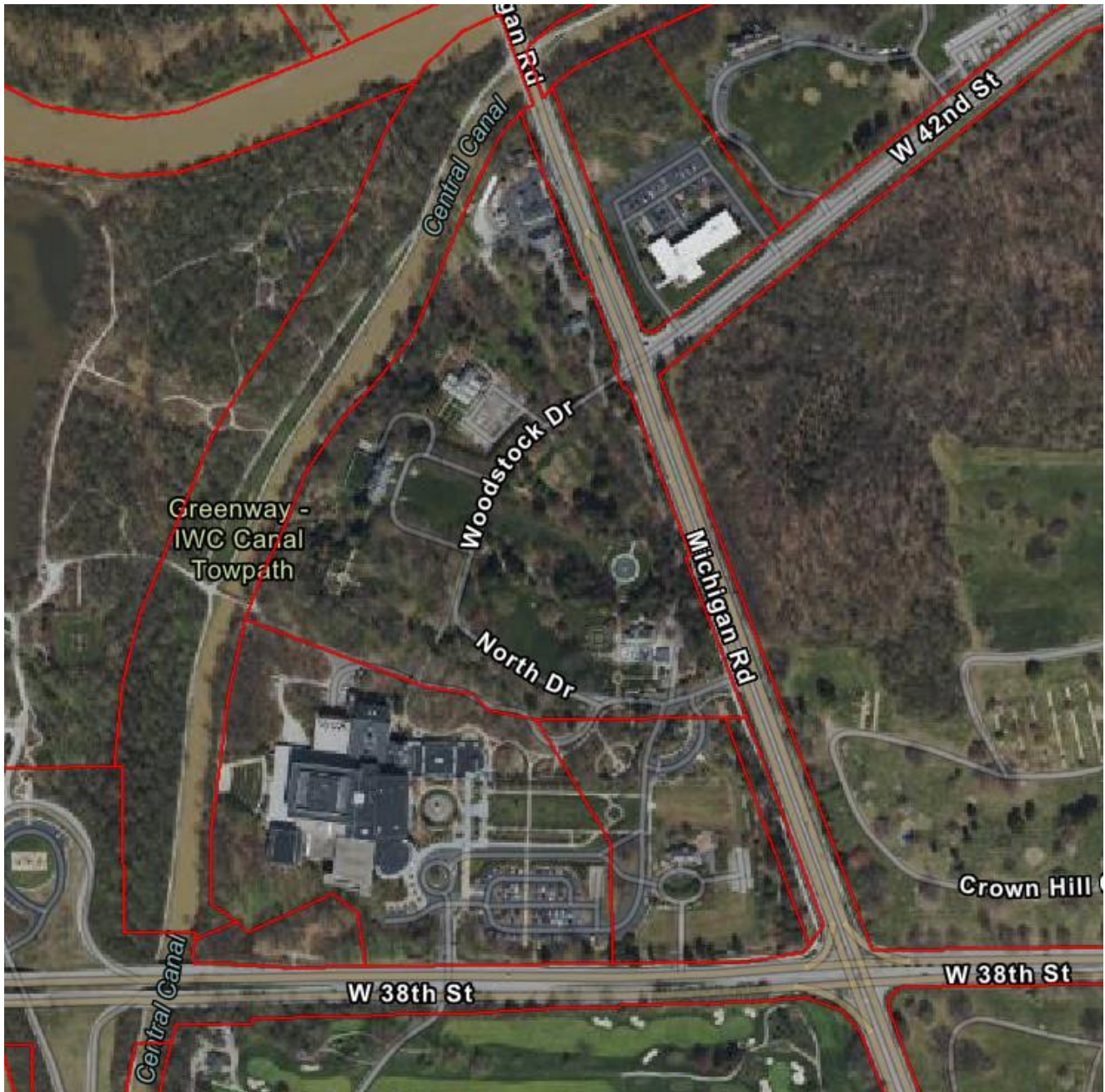
### ZONING HISTORY – VICINITY

**2008ZON026 ; 1850 East 38<sup>th</sup> Street (west of site)**, Rezoning of 80 acres, being in the D-A (FW)(FF) District, to the SU-7 classification to provide for an art and nature park associated with an existing museum, **approved**.

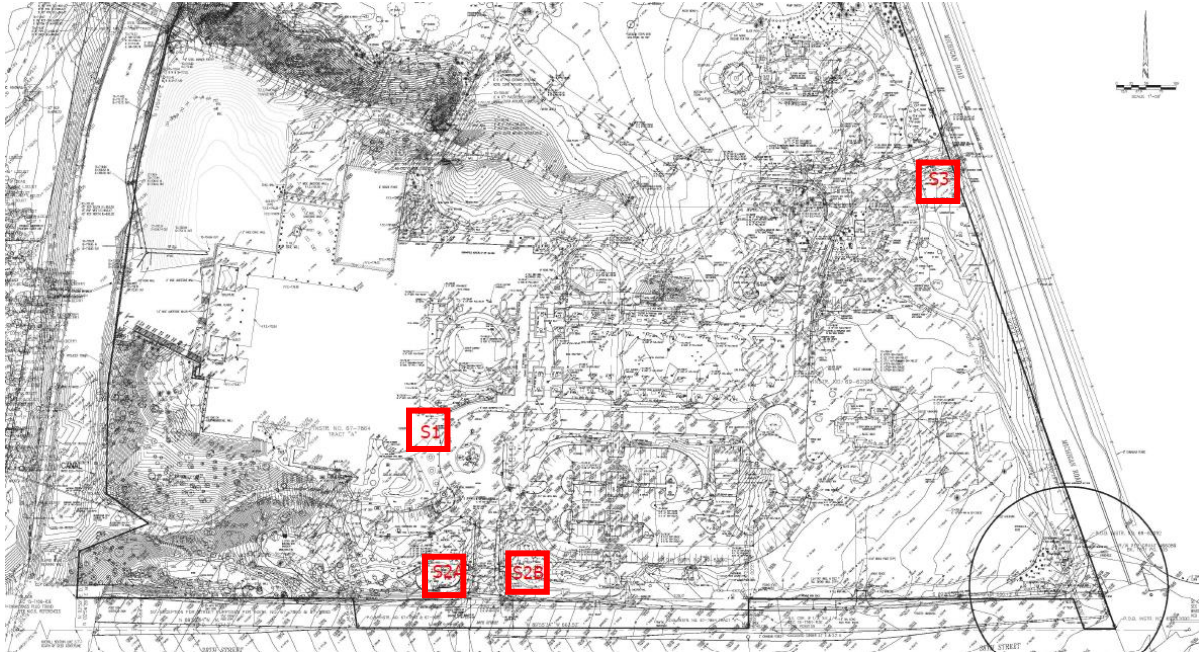
**2008DV2001 ; 3402 Boulevard Place (southeast of site)**, Variance of Development Standards of the Sign Regulations to provide for a sixteen-foot tall, 112.375-square foot pole sign, with a two-foot front setback (minimum fifteen-foot front setback required), **approved**.

**EXHIBITS**

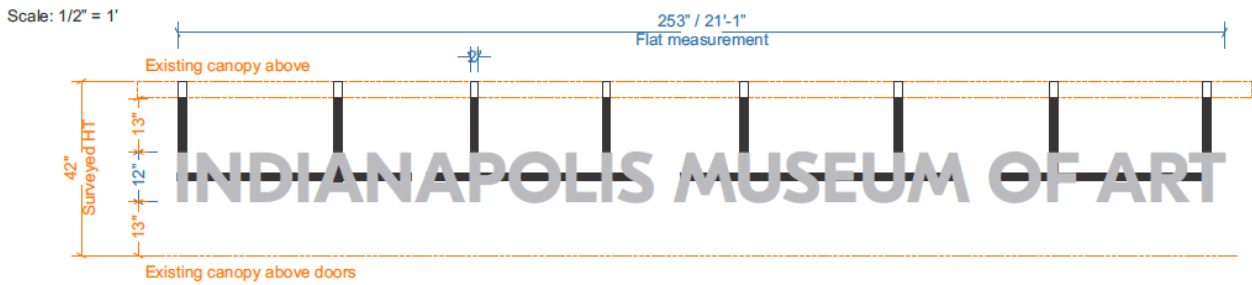
**2026DV1023 ; Aerial Map**



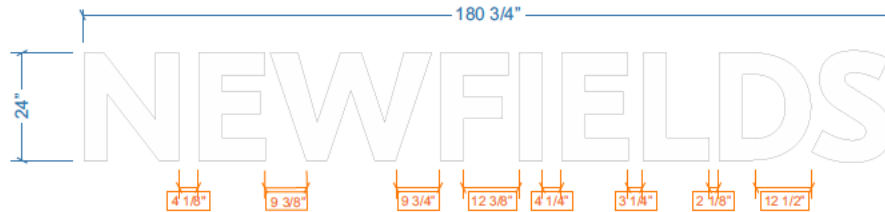
**2026DV1023 ; Site Plan (Partial)**



**2026DV1023 ; Elevations (S1 – Canopy Sign)**



**2026DV1023 ; Elevations (S2 – 38<sup>th</sup> Frontage)**



Scale: 1/2" = 1'

**S2A and S2B • EXTERIOR**

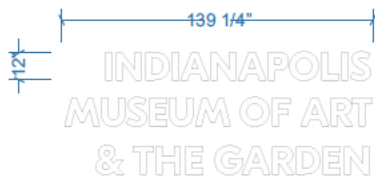
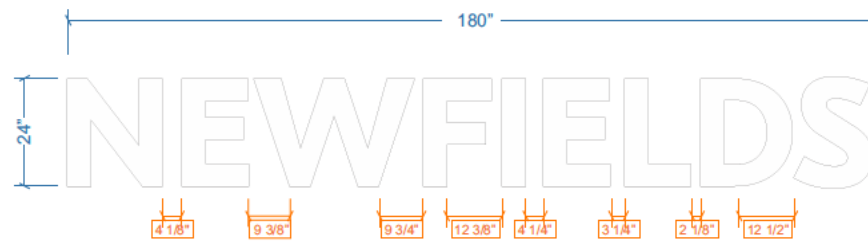
Fabricate and install qty (2) sets of non-lit letters • 1/2" flat-cut acrylic letters painted White  
Stud-mounted via custom aluminum "L" brackets (site survey to determine curvature and conditions of install locations)



Scale: 1/4" = 1'



**2026DV1023 ; Elevations (S3 – Michigan Frontage)**





**2026DV1023 ; Findings of Fact**

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

Granting approval of this petition will not be injurious to the public health or general welfare of the community. The proposed signage is not much taller than the existing signage it is to replace.

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

There will be no adverse manner to the adjacent property's. The proposed signage is meant to help the general public find these locations.

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

These signs will be used as a wayfinding purpose for this Museum. The strict application of the ordinance could lead to difficulty of people not finding this site. This is already a very busy section of road through the City of Indianapolis.

**2026DV1023 ; Photographs**



Photo 1: Primary Building Viewed from South



Photo 2: S1 Sign Location Viewed from West

**2026DV1023 ; Photographs (continued)**



Photo 3: Western S2 Location Viewed from South

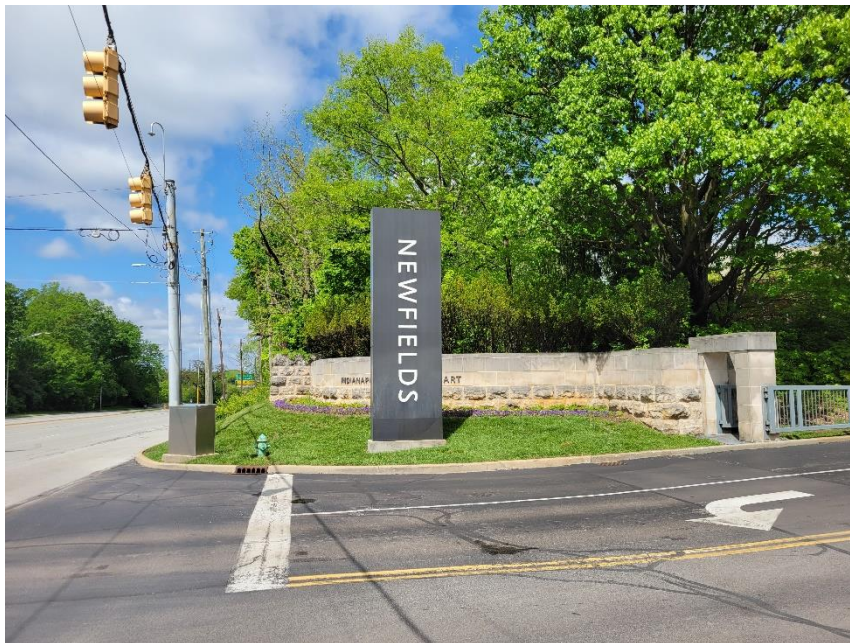


Photo 4: Western S2 Location Viewed from East

**2026DV1023 ; Photographs (continued)**



Photo 5: Eastern S2 Location Viewed from South



Photo 6: Eastern S2 Location Viewed from West

**2026DV1023 ; Photographs (continued)**



Photo 7: S3 Sign Location Viewed from East



Photo 8: Existing Signage at 38<sup>th</sup>/Michigan Intersection

**BOARD OF ZONING APPEALS DIVISION I** **June 2, 2026**

**Case Number:** 2026-DV1-012 (Amended)  
**Property Address:** 3675 West 11<sup>th</sup> Street (*approximate address*)  
**Location:** Wayne Township, Council District #12  
**Petitioner:** Manuel Alonso Marrufo Villa & Maria Elena Marrufo, by Epifanio Carbajal  
**Current Zoning:** D-5  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a 3-foot side setback (7-foot required), a 4-foot rear setback (5-foot required), and within an easement (encroachment into easements prohibited), accessed by a driveway resulting in a 33-foot width of parking area in the front yard (parking areas limited to 30-foot width in front yards).  
**Current Land Use:** Residential  
**Staff Recommendations:** Staff recommends **denial** of the requests.  
**Staff Reviewer:** Michael Weigel, Principal Planner I

**PETITION HISTORY**

**5/12/26:** An additional continuance was sought by the petitioner to obtain a formal letter of encroachment approval from AES. That letter is within the Exhibits below. Staff continues to recommend **denial**.

**4/7/26:** A continuance was requested by the petitioner to allow for additional time to (a) submit an amended site plan that might address the driveway width and landscaping variances and (b) to discuss the easement encroachment with relevant utility holders. The petitioner provided an updated site plan reducing the width of front-yard parking areas to 33 feet as well as an email from AES indicating a lack of objection to the easement encroachment. Staff continues to recommend **denial** of the requests.

**STAFF RECOMMENDATION**

Staff recommends **denial** of the requests.

**PETITION OVERVIEW**

- 3675 West 11<sup>th</sup> Street is a triangularly-shaped residential parcel with a size of approximately 0.25 acres. As of 2023, the property was developed with a single-family residence and detached front-loaded garage to the west of the home. Adjacent land uses include other residences to the north and east, and a rail line to the southwest. Overhead power lines exist roughly parallel with the property’s eastern boundary line, and the site is only accessible via multiple local streets.



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- In 2024, the property was improved with an additional gravel driveway and parking area along the eastern portion of the site. It does not appear that a driveway permit was obtained to allow for the vehicle access. Similarly, construction began on a detached garage in 2025 for which no permits were sought from or approved by the Department of Business and Neighborhood Services.
- The violation case VIO25-010512 was opened in November of 2025 in response to a complaint filed with the Mayor's Action Center. The full text of the 15 violations cited at the property is within the Exhibits below. Non-conformities noted by that inspection included the need for permits for the partially built structure as well as an addition onto the primary residence, the encroachment of that new building into required setbacks, outdoor storage of miscellaneous debris and vehicle parts, the parking of commercial and recreational vehicles and a trailer, the width of front-yard driveways, and the unpermitted operation of a construction contractor use in a residential zone.
- Approval of this petition would allow for the property owner to keep and complete construction of the second, partially built detached garage in its current location. They would also reduce the width of the new gravel driveway on the east of the site from the 19 feet shown within aerial photography (see Exhibits) to 10 feet for a total of 60 feet of driveway area in the front yard. Per correspondence from the applicant received in February of 2026, "the homeowner has acquired a warehouse, and that is where he has been and will continue to store his construction and recreational vehicles". Approval of this variance would not allow for any commercial activity or operation at the site.
- Based on the contents of VIO25-010512, discussion with the petitioner, and staff's own review of applicable dimensional standards, the following variances would be required:
  - The partially built detached garage has a side setback of three (3) feet from the eastern property line where seven (7) feet would be the applicable minimum.
  - The partially built detached garage has a rear setback of three (3) feet from the southwestern property line where five (5) feet would be the applicable minimum.
  - Due to the existence of overhead power lines along the eastern property line, there is a 4-foot easement that runs parallel to the eastern property line. The partially built detached garage is partially within this easement (which is not permitted).
  - The width of front-yard driveway and parking areas would total 60 feet: 10 feet for the gravel driveway and 50 feet in front of the existing house and detached garage. This would be double the applicable maximum of 30 feet.
  - The driveway addition would also result in only 54.2% of the front yard area being comprised of grass or other landscaped materials. This zoning district and frontage type would require a front yard with at least 65% landscaped materials.
- Staff's review also concluded that variances related to the size and height of the garage as compared to the existing residence would not be required (the primary building would have a height of 15.5 feet and an area of 1210 square feet, while the garage would have a height of 14.5 feet and an area of 1188 square feet). Additionally, the open space ratio would be compliant, and no alley access would exist for this property unlike neighboring parcels to the east. However, staff would note that approval of this petition would not exempt the property owner from the need for a



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driveway permit, and that the Department of Public Works has a separate set of rules distinct from the Zoning Ordinance that would disallow two driveways on a single residential property. Even if variances are approved, it is unlikely that a driveway permit would be issued for a second access point for the same property where a 50-foot access already exists.

- The subject site is zoned D-5 (Dwelling District Five) to allow for medium- and large-lot housing formats, primarily for detached houses in either new, walkable suburban neighborhoods or for infill situations in established urban areas. Similarly, the Near West Neighborhood Land Use Plan recommends residential development with a density of 5-8 dwelling units per acre for this area. Finally, Infill Housing Guidelines indicate that setbacks should reflect existing spacing on the block while allowing room for maintenance, and that front-yard areas should utilize trees and landscape areas to create aesthetically pleasing and sustainable residential communities.
- Findings of Fact provided by the applicant in support of this filing are minimal, and mention that grant of these variances would allow for on-site vehicle parking as opposed to the utilization of on-street parking. Staff would note that no site-specific practical difficulty was identified by these Findings, and that if permits had been sought prior to the placement of improvements on the property these dimensional standards issues could have been identified and plans could have been altered prior to construction. Additionally, compliance with applicable residential building standards, Fire Code, and drainage requirements could be verified during the permitting process. This would be a self-imposed hardship, and staff would want to avoid the negative precedent of granting relief by variance for instances of “asking forgiveness, not permission”.
- Regulations on setbacks exist to ensure adequate separation between structures on adjoining lots for reasons related to public safety, maintenance, aesthetics, and privacy. Although the odd triangular shape of the lot does reduce feasible options for rear yard development, staff would note that an exemption exists for the rear setbacks of detached accessory structures that would allow for five (5) feet instead of 20 feet (a reduction of 75%). The proposed structure with a size of 1188 square feet would be comparable to the size of the house and would be the second detached garage placed on the property (Ordinance only requires 1 parking space per dwelling unit). Staff feels that even given the triangle lot, the proposed size of the structure and the fact that construction began without permits would be a self-imposed difficulty. A smaller version of the garage might be more contextually appropriate (especially since commercial use of the site has been abated, per the petitioner) and could allow for compliance with setback standards. For these reasons, staff recommends denial of the setback variances.
- With regards to variances related to the driveway width and front-yard landscaped areas, staff would note that a potential pathways to compliance might be to either (a) remove the new gravel driveway on the eastern portion of the property or (b) reduce front-yard parking areas in front of the existing house (most recently used for housing of commercial vehicles, per photographs within Exhibits) to allow for placement of a new driveway while remaining under the 30-foot requirement. Adjacent property owner appear able to meet the standard for front-yard landscaped area despite having narrower lots, and staff feels that utilization of either of the above options could allow for compliant site development that would more closely align with Ordinance and Plan goals. For



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these reasons, staff also recommends denial of the variances related to the width of front-yard parking areas and landscaped areas along the frontage.

- Finally, staff would also note the placement of the detached garage within the easement related to overhead power lines (see Photo 4 of Exhibits). No practical difficulty exists that would require encroachment of a structure into the required easement area, and placement of a building here could create complications for any future maintenance that might be required either for the power line or for the structure on this property. At the time of publication, it is unclear if AES has granted or if AES would grant permission for construction within their easement. For these reasons, staff recommends denial of the variance for encroachment into the easement.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	5 – 8 Residential Units per Acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-5	North: Residential
South:	D-5	South: Railroad
East:	D-5	East: Residential
West:	D-5	West: Residential
<b>Thoroughfare Plan</b>		
11 <sup>th</sup> Street	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	02/17/2026	
<b>Site Plan (Amended)</b>	02/24/2026	
<b>Elevations</b>	02/23/2026 (from STR25-05866)	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	02/17/2026	
<b>Findings of Fact (Amended)</b>	02/26/2026	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

### Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan below.

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- The Near West Neighborhood Land Use Plan recommends this site for the development of 5-8 residential units per acre and also recommends the current D-5 zoning. In urban areas, 5-8 dwelling units per acre is common for both single-family and multi-family development.

### Infill Housing Guidelines

- Infill Housing Guidelines indicate that setbacks should reflect and reinforce spacing on the existing block while also allowing room for maintenance of homes. Additionally, trees and well designed landscaping areas within front yards are recommended to foster aesthetically pleasing, environmentally beneficial, and sustainable residential development and streetscapes.

### Indy Moves

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

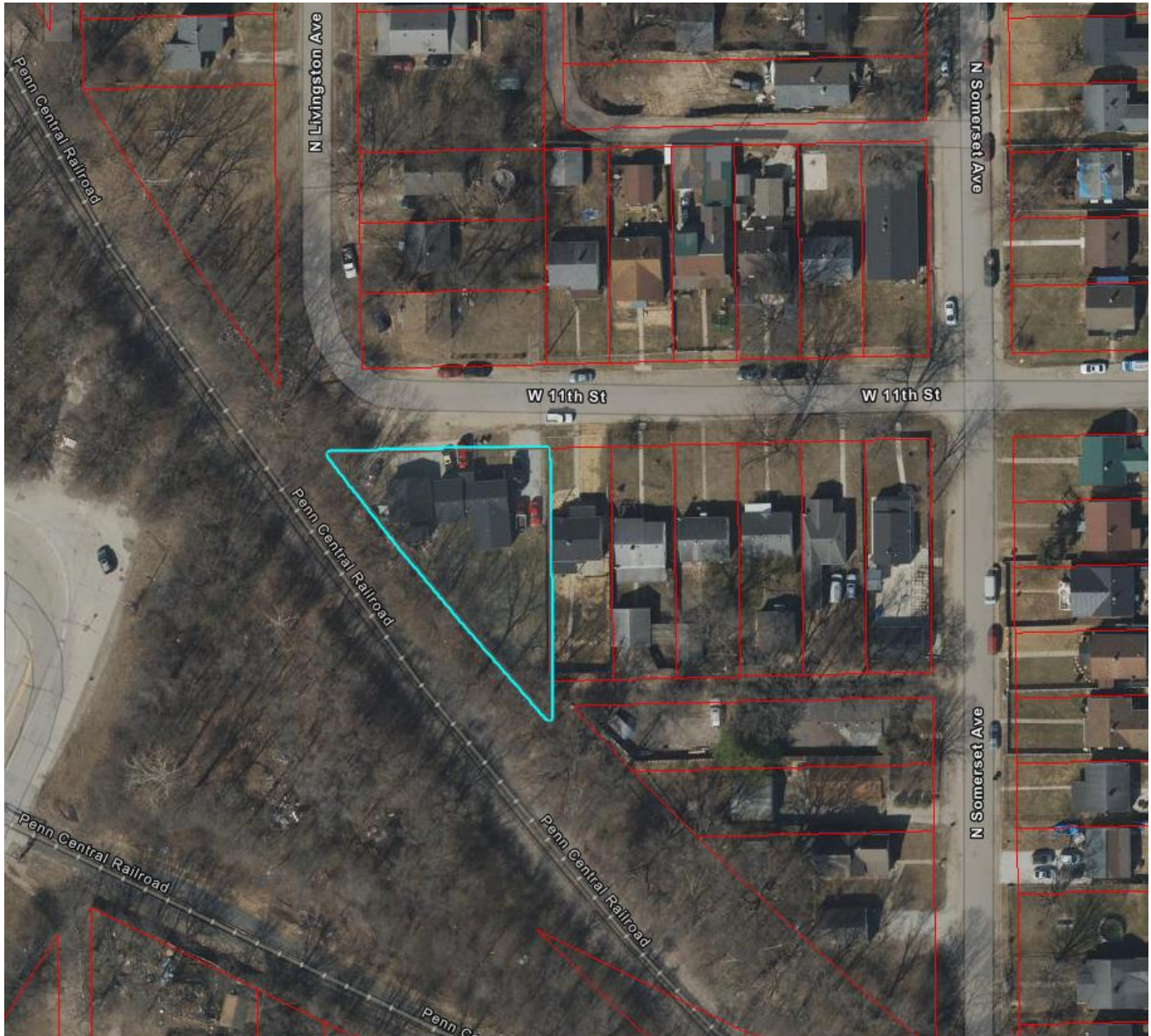
N/A

### ZONING HISTORY – VICINITY

**2007DV1070 ; 1102 North Rochester Avenue (northeast of site)**, Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish the parking of a commercial vehicle (not permitted), **denied**.

**EXHIBITS**

**2026DV1012 ; Aerial Map**

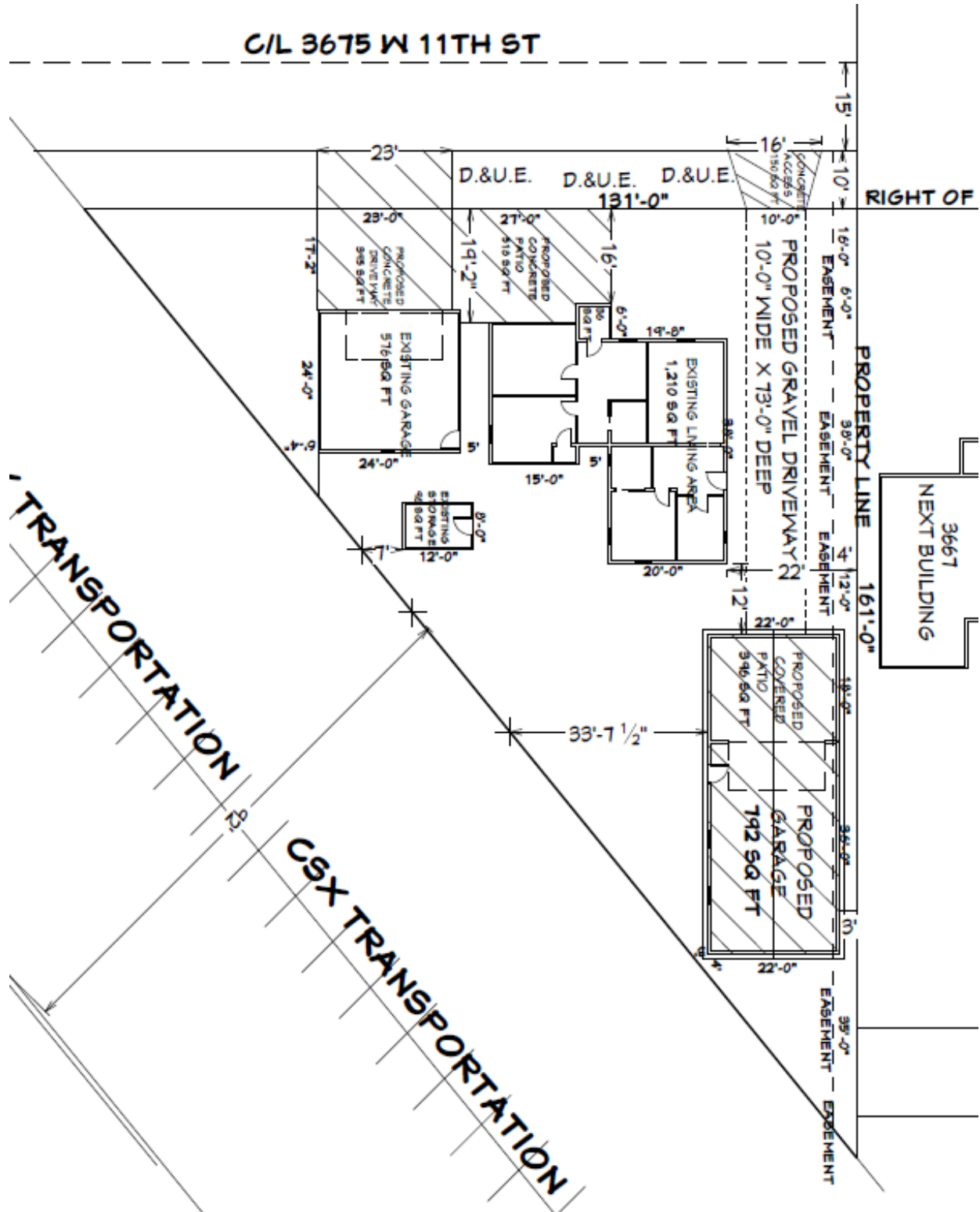


*Note: aerial photograph taken before partial construction of new garage 3 feet from property line to E*



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**2026DV1012 ; Site Plan**

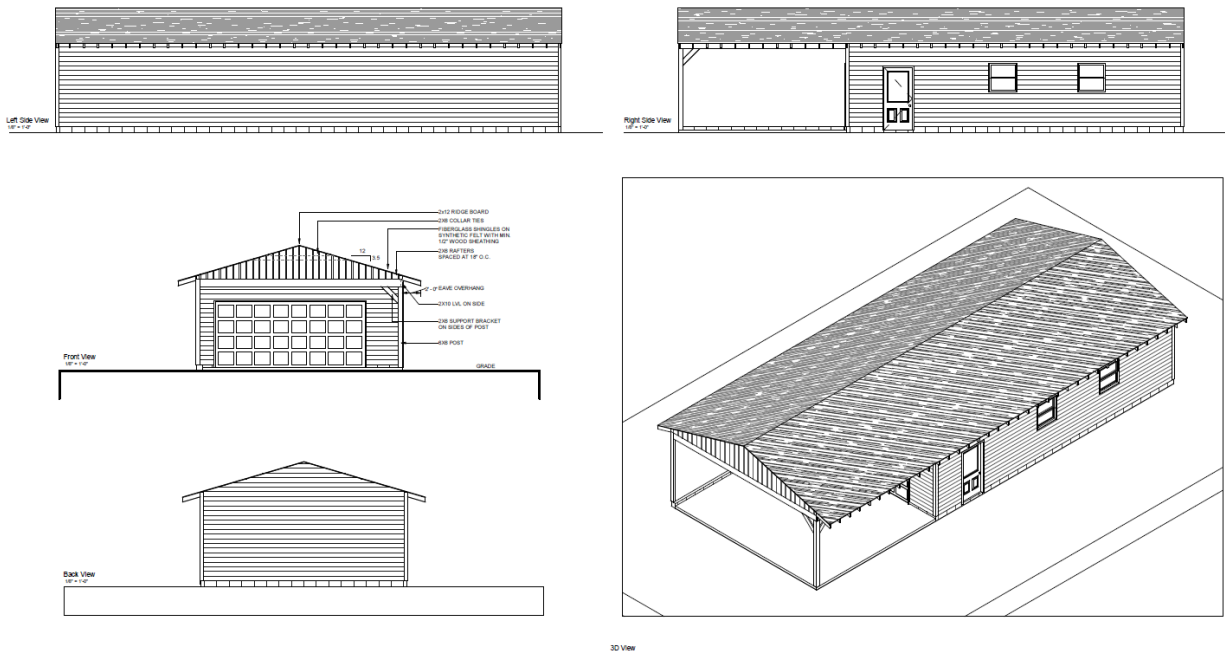


**2026DV1012 ; Aerial View of Northern Portion of Parcel + Easement (2023)**



*Note: easement boundary represented by dashed yellow line*

**2026DV1012 ; Elevations (STR25-05866)**



**2026DV1012 ; Driveway Width Diagram**



**2026DV1012 ; 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 addition will be an accessory structure in the rear yard and the driveways will be used to access the garages.

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

the accessory structure, concrete patio and driveways will all increase the value of the adjacent property and will remain for personal use by the petitioner.

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

without the grant of the requested variances the desired addition, driveway, and concrete patio would not be possible and lead to vehicles parking in the street.

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**2026DV1012 ; Notice of Violation (VIO25-010512)**

**Section 740 -1004.A.1. Stop Work Order**

**Specific Violation:** FAILURE TO OBTAIN THE REQUIRED IMPROVEMENT LOCATION PERMIT (ILP) FOR AN ACCESSORY STRUCTURE EXCEEDING 200SQ FEET.

**Section 740 -1004.A.1. Stop Work Order**

**Specific Violation:** FAILURE TO OBTAIN THE REQUIRED IMPROVEMENT LOCATION PERMIT (ILP) FOR AN ADDITION TO THE PRIMARY STRUCTURE.

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

**Specific Violation:** The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for a change in the roofline configuration of the structure...rear addition to primary structure).

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

**Specific Violation:** The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for increasing the height, size or lateral bulk of the structure...rear addition to primary structure).

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

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

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

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

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

**Specific Violation:** The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, with a cargo holder exceeding 12ft. in length...14ft. and 21ft. trailers).

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

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

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

**Specific Violation:** The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - A construction contractor is not a permitted use in a D-5 zoning district..."Marrufos Concrete LLC").

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

**Specific Violation:** The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Outdoor storage and operations is not a permitted accessory use in a D-5 zoning district...septic tank, concrete mixer, lumber, concrete, construction materials, wheelbarrow, etc.).

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

**Specific Violation:** Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (743-306.AA.1.c. - No recreational vehicle shall be parked outside in a side yard unless parked on a durable and dust-free surface area improved with bricks, concrete, asphaltic pavement, or gravel).

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

**Specific Violation:** Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (Table 744-201-1: - Mini-barn/shed located in the 5ft. rear yard setback).

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

**Specific Violation:** Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (Table 744-201-1: - Mini-barn/shed located in the 7 ft. side yard setback).

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

**Specific Violation:** Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (Table 744-404-1 - The parking area in front yards shall not exceed 30 feet in width or 50% of the lot width, whichever is lesser).

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

**Specific Violation:** The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for mini-barns or sheds exceeding 200sq. feet...1188 sq. ft.).



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**2026DV1012 ; AES Consent to Encroach**

CONSENT TO ENCROACHMENT

THIS INDENTURE WITNESSETH:

WHEREAS, Indianapolis Power & Light Company d/b/a AES Indiana (hereinafter referred to as the "Company"), has an interest in the following described real estate located in Marion County, Indiana, to-wit:

SIMKO HTS L46

because of the existence of a platted Utility Strip (hereinafter referred to as "easement") adjoining the easterly line of lot 46, and

WHEREAS, a part of a garage was constructed upon said real estate and extending into and encroaching upon said easement, as shown on the drawing attached hereto, made a part hereof and marked "Exhibit A" (hereinafter referred to as the "encroachment"), and

WHEREAS, the encroachment does not interfere with the operation of the Company insofar as such operations involve the use of said easement;

NOW, THEREFORE, in consideration of the premises and other valuable consideration, receipt of which is hereby acknowledged, the Company, by and through its duly authorized officials, does hereby grant unto Manuel Alonzo Marrufo Villa & Maria Elena Marrufo Villa as Joint Tenants With Right Of Survivorship, the present owners of record of said real estate per Quitclaim Deed recorded as Instrument Number A201800065614, in the Office of the Recorder of Marion County, Indiana, their successors and assigns, its consent to the encroachment; provided, that the encroachment shall be limited to that as described above and on Exhibit A, attached hereto and made a part hereof, except that repairs and maintenance may be performed so long as the height and area thereof within said easement is not increased or otherwise extended; that such limitation shall be construed also as a condition upon which this grant is made and accepted, for breach of which the Company may recover damages and, without prejudice thereto, may compel by injunction or otherwise the removal of all or any part of the encroachment.

The owners of said real estate, by acceptance of this instrument hereby agree for themselves, their successors and assigns, to indemnify and save harmless the Company, its successors and assigns, from and against any and all damages and loss that may result to the facilities and equipment or any property owned or used by the Company upon said easement, and from and against any and all legal and other expenses, claims, costs, losses, suits and judgment for damages or injuries resulting to persons or property by reason of the encroachment.

This instrument shall not be construed as a release or waiver of any rights of the Company in the aforesaid easement other than the right to object to the encroachment as proposed to be built and described.

IN WITNESS WHEREOF, Indianapolis Power & Light Company d/b/a AES Indiana, has caused this indenture to be executed by its duly authorized officials this 14 day of MAY, 2024.

INDIANAPOLIS POWER & LIGHT  
COMPANY, d/b/a AES Indiana

Blane E. Boyd  
Manager, Real Estate and Surveying

**2026DV1012 ; Photographs**



Photo 1: Subject Residence Viewed from North



Photo 2: Unpermitted Driveway and Accessory Structure Viewed from North

**2026DV1012 ; Photographs (continued)**



Photo 3: Subject Site Front Yard Viewed from East



Photo 4: Overhead Power Lines/Easement Intersecting Property

**2026DV1012 ; Photographs (continued)**



Photo 5: Adjacent Property to East of Subject Site



Photo 6: Adjacent Property to North

**2026DV1012 ; Photographs (continued)**



Photo 7: Unpermitted Garage Viewed from East (November 2025)



Photo 8: Separation Between Unpermitted Garage and Fence to East (November 2025)

**2026DV1012 ; Photographs (continued)**



Photo 9: Commercial Vehicles within Front Yard Viewed from North (November 2025)



Photo 10: Commercial Vehicles within Front Yard Viewed from East (November 2025)



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**BOARD OF ZONING APPEALS DIVISION I**

June 2, 2026

**Case Number:** 2026-UV1-009  
**Property Address:** 3002 East 56<sup>th</sup> Street (approximate address)  
**Location:** Washington Township, Council District #3  
**Petitioner:** Shvonne Watson, by Table Holdings, dba Every Day Auto  
**Current Zoning:** C-3  
**Request:** Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit an auto sales business (not permitted in the C-3 zoning district).  
**Current Land Use:** Commercial  
**Staff Recommendations:** Staff recommends **denial** of the variance.  
**Staff Reviewer:** Josh Levesque, Senior Planner

**PETITION HISTORY**

This petition was automatically continued from the May 12<sup>th</sup>, 2026, BZA I hearing to the June 2<sup>nd</sup>, 2026, BZA I hearing.

**STAFF RECOMMENDATION**

Staff recommends **denial** of the variance.

**PETITION OVERVIEW**

- 3002 East 56<sup>th</sup> Street is currently a multi-tenant office building on the corner of East 56<sup>th</sup> Street and North Parker Avenue. The parcel is zoned C-3 and the land use plan contemplates this parcel as “Office Commercial”.
- The petitioner is requesting a variance of use to allow for auto sales within a C-3 district. Automobile sales are not considered a by-right use until the C-5 district.
- The Ordinance describes the purpose of the Neighborhood Commercial District (C-3) as “for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those



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businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.”

- In contrast, the “C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.”
- While the adjacent property to the east houses a concrete manufacturing and distribution center and is zoned I-2/I-4, this property predates the Ordinance and is an outlier amongst an area contemplated by the Comprehensive Plan as either residential or office commercial. While there are further light industrial uses to the southwest, East 56<sup>th</sup> Street itself does not give the appearance of a heavy commercial corridor.
- Furthermore, the Ordinance indicates that the C-5 district should avoid locating near protected districts. The property sits directly south of a D-3 district with D-5, D-2, and D-3 further along East 56<sup>th</sup> Street in both directions. A variance of use to allow such intensity would go against the Ordinance’s intention to buffer heavy commercial and residential uses.
- Finally, a variance of use is intended for situations where a use has not been contemplated in the Ordinance or the parcel in question has no other viable use. The current C-3 zoning district, the Office Commercial land use designation, and previous use as an office building all point to a variety of by right uses available to the petitioner.
- Given that this request is incompatible with the land use plan, would go against the Ordinance’s intentions to buffer heavy commercial and residential districts, and the fact that there are a number of by-right uses available to the petitioner, staff recommends denial of this petition.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Office Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-3 North: Residential
	South:	I-1 South: Heavy Commercial & Residential
	East: West:	I-2/I-4 C-1 East: Industrial West: Commercial
<b>Thoroughfare Plan</b>		
East 56 <sup>th</sup> Street	Primary Collector	70-foot existing right-of-way and 66-foot proposed right-of-way
Parker Avenue	Local Street	



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	50-foot existing right-of-way and 50-foot proposed right-of way
<b>Context Area</b>	Metro
<b>Floodway / Floodway Fringe</b>	No
<b>Overlay</b>	No
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	03/05/2026
<b>Site Plan (Amended)</b>	04/28/2026
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	03/05/2026
<b>Findings of Fact (Amended)</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**Pattern Book / Land Use Plan**

- The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**



- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.

**ZONING HISTORY**

**ZONING HISTORY – SITE**

N/A

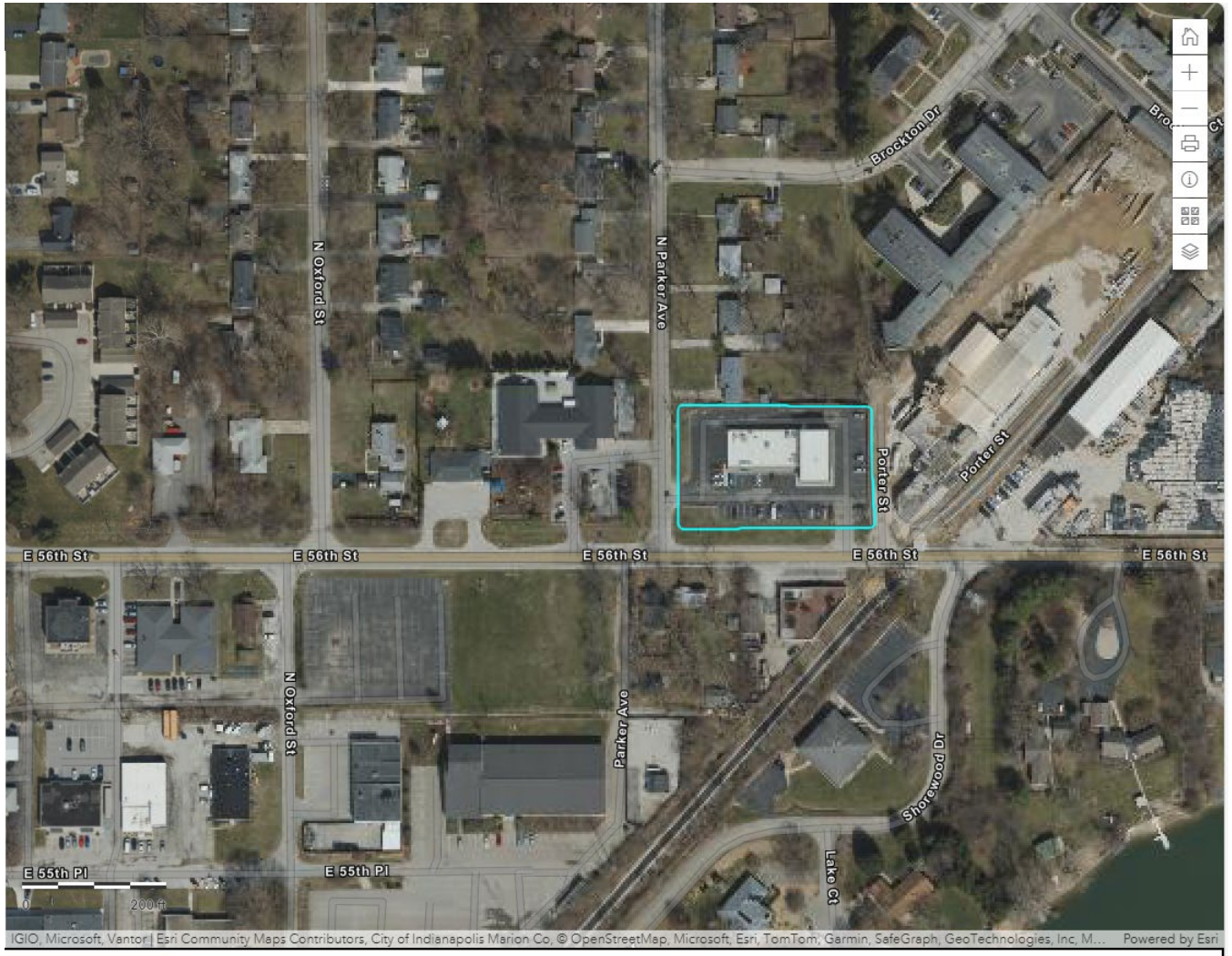
**ZONING HISTORY – VICINITY**

**63-Z-37; 5707 Brockton Drive (northeast of site)**, Rezoning of approximately 12 acres from the U1-A2-H1 and U4-A2-H1 districts to the U2-H1-A4 classification, **approved**.

**88-Z-46; 2861, 2871, 2881, 2921 East 56<sup>th</sup> Street (southwest of site)**, Rezoning of 1.879 acres from the I-1-U district to the C-1 district, **approved**.

**92-Z-107; 2940 East 56<sup>th</sup> Street (west of site)**, Rezoning of 0.5-acre from the C-3 to the C-1 district to provide for a day nursery, **approved**.

**EXHIBITS**  
**2026UV1009; Aerial Map**



**2026UV1009; Site Plan**





**2026UV1009; Findings of Fact**

**FINDINGS OF FACT**

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

There will be a max of 2 employees: Inventory will be kept under 12 vehicles while having over 20 space. No outdoor repair work or mechanical service will be done on-site nor any hazardous material stored on-site. Customer visits will typically be one at a time. Full exterior lighting and 24 hour video surveillance will be utilized.

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

There will be display ready vehicles only, as well as adequate parking. All customer transactions will be conducted inside. There will be continuous site lighting and monitoring.

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

The property contains an existing commercial style building and paved parking area with frontage on east side. However, the current zoning classification does not permit auto sales by right. Strict application of the zoning ordinance limits reasonable commercial use of a site that is otherwise appropriate.

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

Without the requested variance, the property cannot be reasonably utilized for an appropriate small-scale auto sales use. We have deliberately limited our intensity of operation by having minimal staff, limited vehicle inventory, and limited hours of operation.

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

The proposed low-intensity retail auto sales use supports the commercial character of the East 56th Street Corridor.

**DECISION**

**2026UV1009; Photographs**



Photo 1: View of parking lot on east side of property where cars would be stored. At its closest point, the Nickel Plate Trail is approximately 60 feet to the east.

**2026UV1009; Photographs (continued)**



Photo 2: Parking lot at subject site looking west

**2026UV1009; Photographs (continued)**



Photo 3: Parking lot of subject site looking east. Pedestrian beacon for Nickel Plate Trail can be seen in background

**2026UV1009; Photographs (continued)**



Photo 4: Western edge of property looking north. Residential area in background.

**2026UV1009; Photographs (continued)**



Photo 5: View of surrounding properties across 56<sup>th</sup> Street.

**2026UV1009; Photographs (continued)**



Photo 6: Another view of surrounding properties across 56<sup>th</sup> Street.

**2026UV1009; Photographs (continued)**



Photo 7: View of residential properties to the north of the subject site

**BOARD OF ZONING APPEALS DIVISION I**

June 2, 2026

**Case Number:** 2026-UV1-011  
**Address:** 3922 East 26th Street (approximate address)  
**Location:** Center Township, Council District #8  
**Zoning:** D-5  
**Petitioner:** Fancy Towing LLC, by Nyenell Odom  
**Request:** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a gravel parking lot to store recently towed vehicles (not permitted, parking areas must be paved), with zero-foot front, side and rear setbacks (10-foot front setback, 5-foot side setbacks and 20-foot rear setback required) and a six-foot privacy screened fence surrounding the site (maximum 3.5-tall fence permitted).

**Current Land Use:** Undeveloped

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

**PETITION HISTORY**

This petition was previously continued for cause from the May 12, 2026, hearing, to the June 2, 2026, hearing, to provide new notice to surrounding property owners and registered organizations.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- ◇ The request would provide for the operation of a gravel parking lot to store recently towed vehicles, with zero-foot front, side and rear setbacks and a six-foot privacy screened fence surrounding the site.
- ◇ The purpose of the D-5 district is to provide for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book

**VARIANCE OF USE**

- ◇ The proposed use is permitted in any Commercial or Industrial District only with the granting of a Special Exception, that shows no adverse impact on surrounding properties.



- ◇ Given the increase in intensity between the existing zoning and the proposed use, including the number of vehicles as outdoor storage, approval of this request would over-develop the site and facilitate the intrusion of heavy commercial uses into a residential neighborhood north of East 26<sup>th</sup> Street. The request would encourage additional encroachment, in a manner violating the development norms and residential aesthetics of the street,
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned D-5 and could be used by any number of uses permitted, by right, in the D-5 zoning classification. Any practical difficulty is self-imposed by the desire to use the site for operation of a parking lot for towed vehicles.
- ◇ The subject site is similar in size to other nearby properties that are able to follow the comprehensive plan and zoning ordinance without the need for variances. For these reasons, staff recommends its denial for the variance of use.

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The proposed use of the site for a non-permitted use, also requires the following variance of development standards: gravel parking, zero-foot front, side and rear setbacks, and a six-foot privacy screened fence surrounding the site. As the proposed use is no-complaint, as are these requested accessory uses.
- ◇ The subject site is similar in size to other nearby properties that are able to follow the comprehensive plan and zoning ordinance without the need for variances. For these reasons, staff recommends denial of these requested variances.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Light Industrial uses	
<b>Overlay</b>	No	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-5	Undeveloped / Single Family Dwellings
	South: C-7	Heavy Commercial
	East: D-5	Undeveloped
	West: D-5	Undeveloped
<b>Thoroughfare Plan</b>		
East 26 <sup>th</sup> Street	Local Street	49-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Plan of Operation</b>		
<b>Site Plan</b>		
<b>Findings of Fact</b>		

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Light Industrial uses.

**Pattern Book / Land Use Plan**

- The Comprehensive Plan recommends light industrial uses for the subject site which provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.

**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**

**95-UV1-24; 3906, 3910, 3914, 3918, and 3922 East 26<sup>th</sup> Street (west of site)**, requested a Variance of Use to provide for construction of a parking lot and office building for a truck dispatch operation, **granted**.

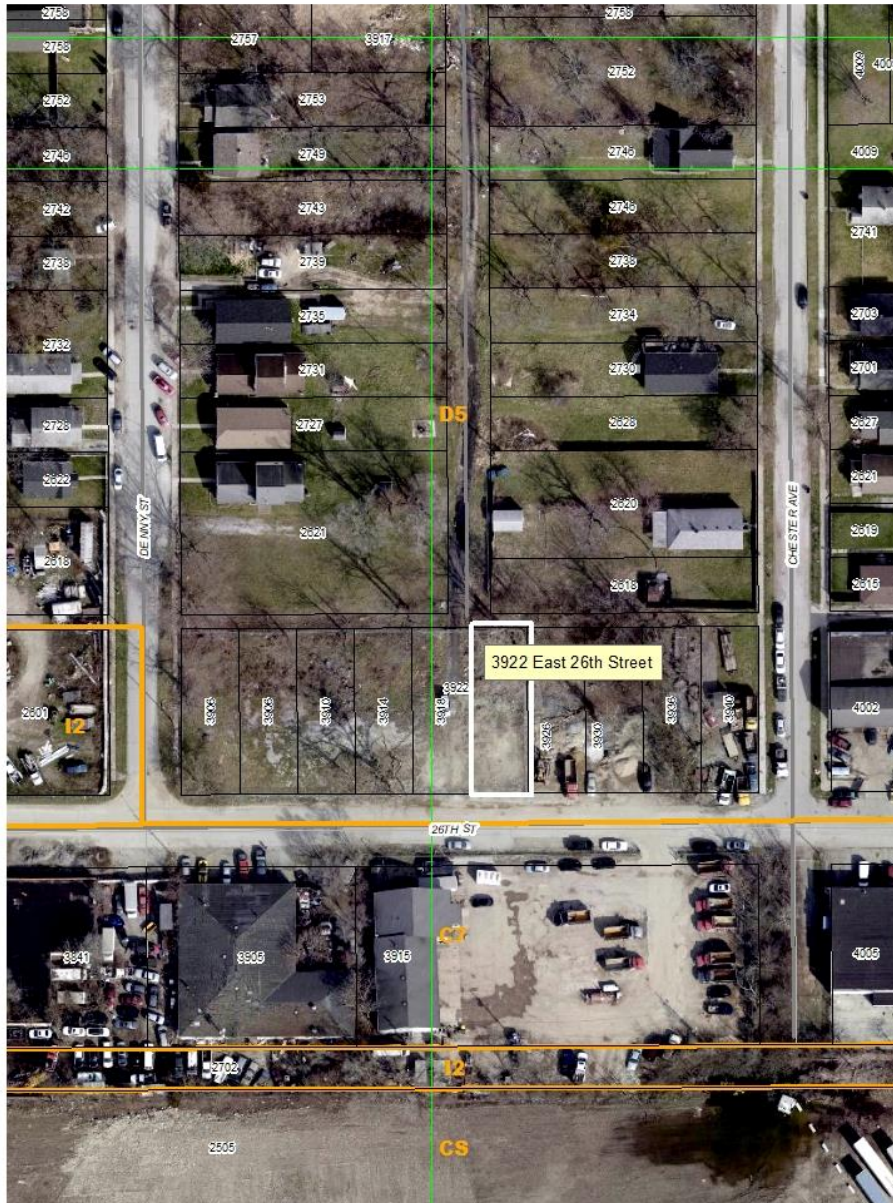
**92-UV2-42; 3925 East 26<sup>th</sup> Street (south of site)**, requested a Variance of Use to provide for the construction of a building to be used as storage for an existing trucking company; a Variance of Development Standards to permit a front setback of 53 feet, **approved**.

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**EXHIBITS**

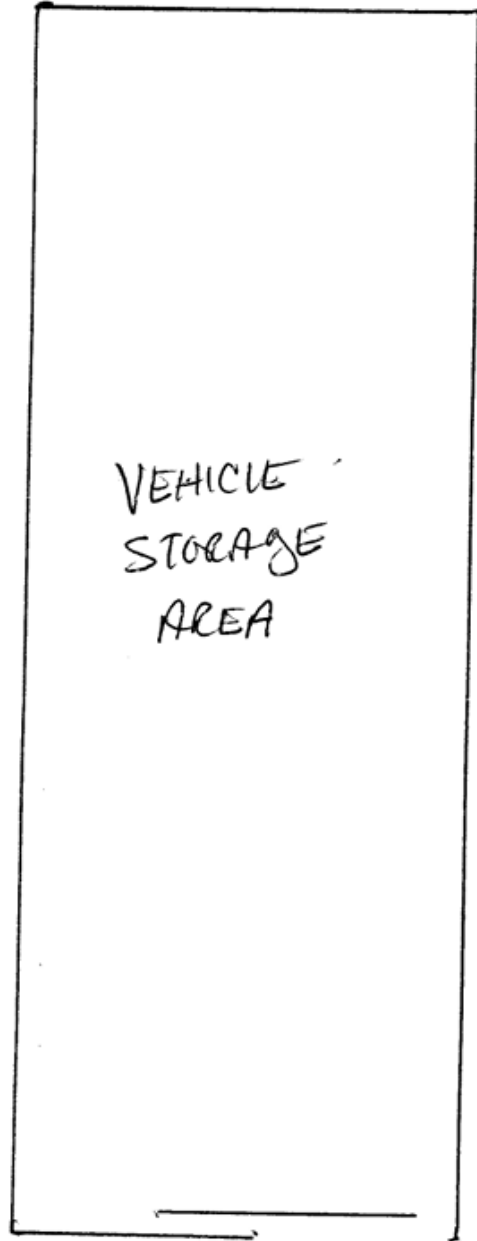
Location Map



Site Plan

3922 E 26th St.

40'



115'

18' sliding GATE



**Findings of Fact**

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

**PETITION FOR SPECIAL EXCEPTION  
FINDINGS OF FACT**

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

The proposed use meets the definition of that use in Chapter 740, Article II because it consists solely of secure, temporary vehicle storage associated with towing operations, without any repair, dismantling, fluid removal, or salvage activity, and therefore aligns with the ordinances definition of low impact vehicle storage rather than automotive salvage or processing.

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

It is pasive, low-intensity storage use with no mechanical operations or activity beyond placing and removing vehicles, the privacy-screened fencing minimizes visual impacts from neighboring properties and the public right-of-way existing drainage patterns remain unchanged and the absence of repairs,dismantling,or fluid handling eliminates risks of spills or nuisance conditions,and the overall configuration supports orderly,contained operations consistent with Marion County's standards for secure, low-impact storage uses.

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

The proposed activity is passive ,low-intensity storage use with no mechanical operations or-onsite work,is fully screened from view by privacy fencing, maintains existing drainage patterns without creating off-site impacts. and operate in an orderly, contained manner consistent with Marion County's standards for secure,low-impact storage uses.

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

It functions as a low-intnsity, non hazardous storage use; introduces no repair activity, dismantling, or fluid handling: is fully screened to minimize visual impacts: maintains existing drainage pattens; and operates in an orderly, contained manner consistent with the development stardards and land-use objectives for this area,

5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because it involves a low-intensity, non-hazardous storage function; introduces no repair activity, dismantling, or fluid handling; maintains existing drainage patterns; and incorporates perimeter fencing and screening that meet the district’s requirements for secure, orderly, and visually mitigated storage areas.

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

It operates as a low-intensity, or non-hazardous storage use with no repair activity, dismantling, or fluid handling; maintains existing draining patterns without creating off-site impacts; and incorporates perimeter fencing and screening that ensure, orderly, and visually mitigated site operations consistent with the ordinance’s performance and development requirments,

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

It functions as a low-intensity, non-hazardous storage use with no repair activity, dismantling, or fluid handling; maintains exisiting drainage patterns without creating off-site impacts; and incorporates perimeter fencing, and visually mitigated, site conditions with the requirments established for this use category,

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**Photographs**



Subject site, looking north



Adjacent Heavy Commercial use to the south.



Adjacent undeveloped residential to the west, looking northwest.



Non-compliant landscaping contractor to the east in D-5 district, looking north.