



Board of Zoning Appeals Board of Zoning Appeals Division II (July 14, 2026) Meeting Agenda

Meeting Details

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

Date: Tuesday, July 14, 2026

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 1. 2026-UV2-009 | 6001 Michigan Road**
Washington Township, Council District #2, zoned C-3
Speedway SuperAmerica LLC, by Laura Trendler

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the replacement of underground fuel storage tank tops, product piping, and fuel dispensers related to an automobile fueling station use (not permitted).

- 2. 2026-UV2-010 | 543 East Market Street**
Center Township, Council District #18, zoned CBD-2 (TOD) (RC) (FF)
Temco Holdings LLC, by Wooton Hoy, LLC and JJ Capital, LLC

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit a single-family residence within an existing structure (single-family dwellings not allowed in the CBD-2 district).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

PETITIONS FOR PUBLIC HEARING (New Petitions):

- 3. 2026-DV2-017 | 921 East 66th Street**
Washington Township, Council District #7, zoned MU-2 (FF) (TOD)
KMK Cornell LLC, by Joe Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing daycare/preschool with 31% building transparency on the west façade (40% transparency required), a zero to six-foot west transitional yard (15 foot west transitional yard required), with no

interior parking lot landscaping (interior parking lot landscaping required for parking lots with 15 or more spaces), a 22-foot wide drive aisle (23-foot wide drive aisle required), without the installation of a public sidewalk along East 66th Street or payment into the sidewalk fund (public sidewalks are required along the entire frontage of abutting public rights-of-way), with a five-foot front setback for existing and proposed parking from 66th Street (25 feet minimum required), a 102-foot wide parking lot (limited to 40% of lot width or 41 feet), 21 parking spaces (23 parking spaces required), with 21 parking spaces at 8' 6" (maximum of 7 parking spaces can be sized for small cars), and with parking in portions of the west transitional yard (not permitted).

4. 2026-DV2-021 | 534 and 546 East 38th Street

Washington Township, Council District #7, zoned D-9 (TOD)

Barry Pachciarz

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 60" tall fence in the front yard (maximum height of 48" permitted).

Additional Business:

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

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

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



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

July 7, 2026

Case Number:	2026-UV2-009
Property Address:	6001 Michigan Road (approximate address)
Location:	Washington Township, Council District #2
Petitioner:	Speedway SuperAmerica LLC, by Laura Trendler
Current Zoning:	C-3
Request:	Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the replacement of underground fuel storage tank tops, product piping, and fuel dispensers related to an automobile fueling station use (not permitted).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends approval of the requested variance.
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 variance.

PETITION OVERVIEW

6001 Michigan Road is a parcel with a size of 0.79-acre at the northeastern corner of the intersection of Michigan and 60th Street. The property is currently developed with a fueling station use containing both a convenience store as well as a T-shaped fueling canopy with 5 pump islands underneath and associated underground storage tanks to the northwest. Surrounding land uses include a dollar store to the north, a vape shop and fireworks store to the south, and a construction contractor office and truck rental agency to the west. Residences exist further to the east of the property along 60th Street.

Approval of this petition would allow for the replacement of underground fuel storage tank tops, product piping, and fuel dispensers at the existing facility in a like-for-like manner and with reinstallation of concrete for any disturbed areas (full Plan of Operation within Exhibits below). Although the use of a fueling station was allowed by-right in the C-3 zoning district when the facility was originally constructed in 2005, in 2016 the Indianapolis Zoning Ordinance was amended to remove automobile fueling stations as a permitted use within C-3. This would mean that any use that is “constructed, erected, altered, converted, enlarged, extended, *reconstructed*, or relocated” (740-601.A.2 of the Ordinance; emphasis staff’s) would require conformity with current Ordinance standards. This is why the proposed scope of work would require a Variance of Use.



Department of Metropolitan Development
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If the proposed scope of work included removal and replacement of the *canopy*, the need for compliance with various other Ordinance standards (i.e. placement of sidewalk along frontages commensurate with the size of the replaced canopy) would be required. However, this scope of work would not trigger the need for compliance with these standards given that it would strictly be limited to the replacement of underground tanks, pipes and dispensers.

This property is zoned C-3 to allow 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, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, and personal and professional service establishments. Similarly, the Comprehensive Plan Pattern Book recommends this property for Community Commercial uses to allow for low intensity commercial and office uses that serve nearby neighborhood (see Comprehensive Plan Analysis below).

Findings of Fact provided by the applicant indicate that grant of this variance would be justified since the components of the existing fueling station use require routine maintenance in order to remain functional and compliant with state standards. Staff's analysis would be that the proposed scope of work is closer in nature to maintenance of an existing use than to a full reconstruction or expansion of the use. Although a full removal and replacement of the canopy would be unlikely to be met with staff support, the current use is legally non-conforming and a lack of maintenance would infringe on the petitioner's ability to sell fuel in a safe and legal manner. Staff therefore recommends **approval** of the variance since the reconstruction would be predominantly below-grade and done in a like-for-like manner, with the caveat that a fuller reconstruction (i.e. removal and replacement of the full canopy or any expansion of pump islands, tanks, etc.) would likely not be supportable.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	C-3	North: Industrial
South:	C-3	South: Undeveloped
East:	C-3	East: Industrial
West:	C-3	West: Fire Station
Thoroughfare Plan		
Michigan Road	Primary Arterial	96-foot existing right-of-way and 102-foot proposed right-of-way
60 th Street	Local Street	40-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	



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Wellfield Protection Area	No
Site Plan	06/03/2026
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	06/03/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

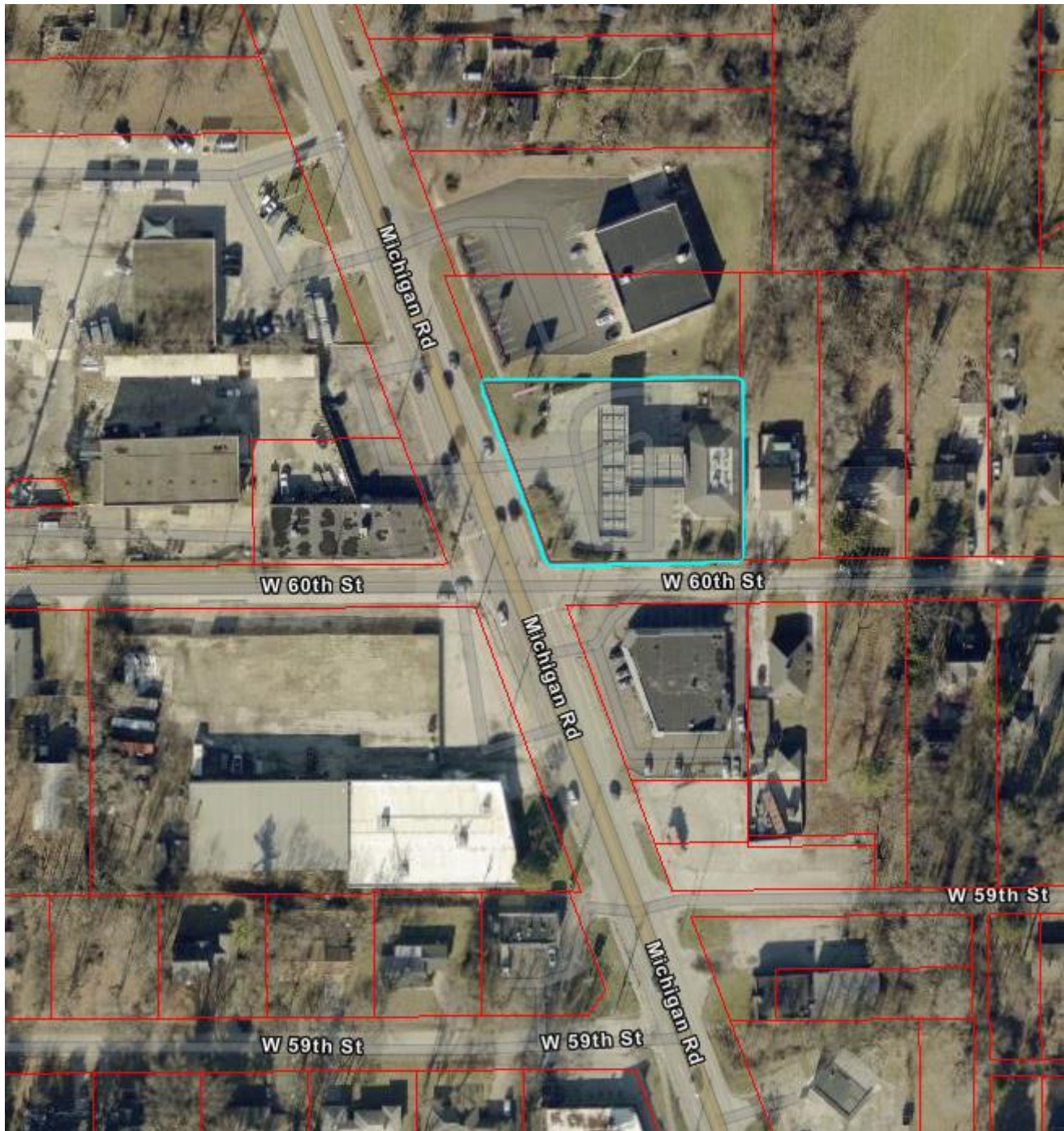
2012ZON023 ; 6002 Michigan Road (west of site), Rezoning of 1.69 acres, from the D-2 and C-3 Districts to the C-S classification, to provide for C-3 and automobile restoration and sales uses, **withdrawn**.

2007UV2013 ; 5988 Michigan Road (southwest of site), Variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for an industrial use primarily engaged in the cleaning and repair of various damaged goods (not permitted), and to legally establish: (a) a 6.5-foot south side transitional yard (minimum twenty-foot transitional side yard required), without landscaping (landscaping required); (b) a zero-foot landscape strip along the existing right-of-way of Michigan Road (ten-foot landscaped strip required); (c) a zero-foot landscape strip along the existing right-of-way of 60th Street (ten-foot landscape strip required); and (d) loading docks in front of the established front building line of the existing approximately 25,500 square foot building along West 60th Street (loading docks not permitted in front of the established front building line). **approved**.

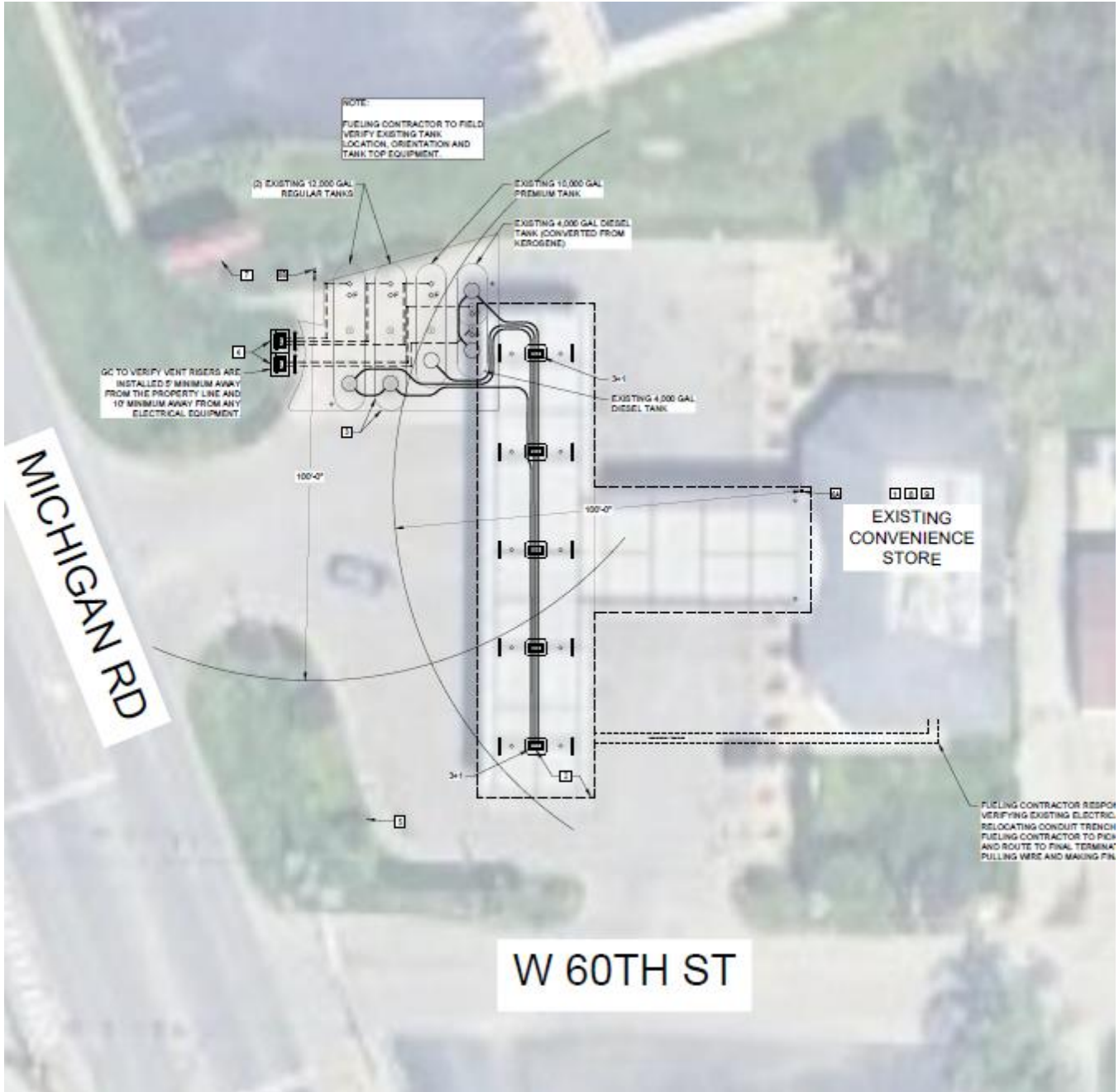
98-UV3-15 ; 2032 West 60th Street (east of site), Variance of Use of the Commercial Zoning Ordinance to provide for the location of an optical transfer node facility, being a facility designed to boost fiber optic signal strength (not permitted), **approved**.

EXHIBITS

2026UV2009 ; Aerial Map



2026UV2009 ; Site Plan





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

2026UV2009 ; Findings of Fact

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

Speedway is requesting a Use Variance to allow replacement of their existing Fuel Dispensers, Underground Storage Tank Tops, and Product Piping for their facility. The replacement will be like-for-like. The project will not be injurious to the public health, safety, morals, and general welfare of the community because the replacement will remove aging equipment and replace it with new equipment that is the latest technology. This maintenance will result in an overall improvement for customers, neighbors, and employees.

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

The use and value of the area adjacent to 6001 Michigan Road will not be affected in a substantially adverse manner because the property is currently being used as a convenience store and fuel sales facility. The proposed equipment replacement will not result in a more intense use, it will merely allow for the existing facility to update its fueling equipment to be compliant with state regulations.

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

It is our understanding that the existing convenience store and fuel sales facility was a Permitted Use at the time it was constructed. The Variance is unique because Speedway's facility utilizes equipment which expires and requires maintenance and repairs to keep the facility up to state standards. Speedway would like to maintain their existing facility and upgrade its equipment to provide a level of services comparable with new facilities.

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 routine maintenance and repairs at the existing fuel facility, equipment will deteriorate overtime. The requested Use Variance will allow Speedway to maintain the current conditions of their business and does not represent an expansion of the current use.

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

The PlanIndy Land Use Map designates the property as "Community, Regional, or Heavy Commercial". We believe the existing use is consistent with the Land Use Map and its surroundings along a commercial corridor. Maintenance to this facility will benefit Speedway's customers and neighbors.

2026UV2009 ; Plan of Operation

Speedway owns and operates an automobile service station located at 6001 Michigan Road, in Indianapolis, Indiana (Parcel Number: 8006123). The subject property is comprised of a convenience store, an auto-fuel canopy over 5 double-sided fuel dispensers, and a dumpster enclosure. Underground fuel storage tanks which serve the facility are located underground in the northwest corner of the property, along Michigan Road. The facility is open 24-hours, 7-days per week, and is staffed by 2 attendants per work shift. The facility is an existing non-conforming use in the C-3 District.

Speedway is proposing to replace the underground fuel storage tank tops, product piping, and fuel dispensers at their facility. In areas where concrete is disturbed for the equipment replacement, concrete will be re-installed in good condition. The equipment replacement will be like-in-kind. To allow maintenance to occur, a Use Variance is being requested. Please reference the Findings of Fact for Additional information. The requested Use Variance will allow Speedway to maintain the current conditions of their business and does not represent an expansion of the current use.

2026UV2009 ; Photographs



Photo 1: Subject Site Viewed from Southwest



Photo 2: Subject Site Viewed from Northwest

2026UV2009 ; Photographs (continued)



Photo 3: Adjacent Property to North



Photo 4: Adjacent Property to Northwest

2026UV2009 ; Photographs (continued)



Photo 5: Adjacent Property to Southwest



Photo 6: Adjacent Property to South

2026UV2009 ; Photographs (continued)



Photo 7: Adjacent Property to Southeast



Photo 8: Adjacent Property to East



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

July 14, 2026

Case Number: 2026-UV2-010

Property Address: 543 East Market Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Temco Holdings LLC, by Wooton Hoy, LLC and JJ Capital, LLC

Current Zoning: CBD-2 (TOD) (RC) (FF)

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit a single-family residence within an existing structure (single-family dwellings not allowed in the CBD-2 district).

Current Land Use: Office Commercial

Staff Recommendations: Staff recommends **approval** of this petition, subject to commitments.

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This petition will require a two-day waiver of notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to the following commitment being reduced to writing on the BZA's Exhibit A forms:

- Should the structure be destroyed, the variance will sunset and future use would be tied to the primary zoning district.

PETITION OVERVIEW

- 543 East Market Street is an existing brick structure on Market Street near the corner of Park Avenue. The property is currently zoned CBD-2 and has been used as an office for a variety of businesses. Neighboring properties in all directions are also zoned CBD-2.
- In 1992, the property was rezoned from I-3-U to CBD-2 to allow for the property to be used as a law office. The 1992 petition (92-Z-39) indicated that the subject site was, at that time, a 2-story brick residence. As this property is part of the Regional Center, the 1992 rezoning petition also required Regional Center approval. The 1992 approval petition (92-AP-45), provided some additional context, identifying the subject site as an 1850's brick residence. A Sanborn map from 1887 confirms a brick dwelling structure at this site. This confirms that, while the property has been used for office space for the past 30+ years, the subject site does also have a long history or residential use.



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- The Ordinance indicates that the purpose of the CBD-2 district “is for the general downtown area of Indianapolis, surrounding the CBD-1 and CBD-3 districts. The district represents the typical urban core of Indianapolis to be developed at a very high density. It is a pedestrian oriented environment that is also the focus of the City’s transit system by providing excellent accessibility. The grid pattern of streets are mostly high volume arterials which function efficiently due to the service areas being accessed by a thorough network of alleys. The CBD-2 district accommodates a diverse mixture of uses including residential, retail, restaurants, entertainment, major public facilities, major convention facilities, sports venues, hotels and memorials.”
- The Comprehensive Plan’s Land Use Plan Pattern Book assigns this parcel the “Urban Mixed-Use” typology. This typology “provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut-through’s. This typology has a residential density of at least 25 to 75 units per acre.”
- Staff will note that a single-family home does not provide the density called for in either the CBD-2 district or within the Urban Mixed-Use typology. This is presumably why the use is not permitted by-right within the CBD-2 district. Staff will, however, also note the long history of use as a single-family residence before the 1990s. Furthermore, as this site is already developed, the petitioner is limited in what they are able to do with the existing structure. Had this been a vacant lot, the petitioner would have more flexibility in building a residential unit from the ground up that meets CBD-2 density standards. Keeping the current building in place limits the types of residential uses that can be used.
- With a commitment to sunset the single-family use should the building be destroyed, approval of this variance would be limited in scope and would fit with the historical context of the site. As such, staff recommends approval, subject to the aforementioned commitment.
- Staff will also note that, should this building revert back to office use, commitments and conditions from 92-Z-39 and 92-A-45 do dictate the location, materials, dimensions, and colors of office developments on this site. Additionally, all development on this site, unless and until a modification of commitments is filed, is subject to the landscape plan approved on January 29, 1993.

GENERAL INFORMATION

Existing Zoning	CBD-2 (TOD) (RC)	
Existing Land Use	Office Commercial	
Comprehensive Plan	Urban Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	CBD-2	North: Commercial
South:	CBD-2	South: Commercial
East:	CBD-2	East: Commercial

West:	CBD-2	West: Commercial
Thoroughfare Plan		
Market Street	Primary Collector	80-foot existing right-of-way and 56-foot proposed right-of-way
Park Avenue	Local Street	30-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	05/18/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	06/08/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

92-Z-39; 547, 543, & 541-39 East Market Street, Rezoning of 0.25-acre from the I-3-U district to the CBD-2 district to allow for law offices at 543 East Market Street, **approved subject to commitments.**

92-AP-45; 547, 543, & 541 East Market Street, Regional Center approval to provide for a law office with parking, **approved subject to conditions.**

2011-REG-160; 543 East Market, Regional Center approval to provide for a projecting sign on the north elevation of a two-story commercial building, **approved subject to conditions.**

ZONING HISTORY – VICINITY

2000-ZON-156; 608 East Market Street (northeast of site), Rezone of 0.5-acre from I-3-U to CBD-2 to provide for a tavern and general retail uses, **approved.**

2004-ZON-124; 531 East Market Street (west of site), Rezone of 0.48-acre from the I-3-U district to the CBD-2 district to provide for a union hall, **approved.**



**Department of Metropolitan Development
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Current Planning**

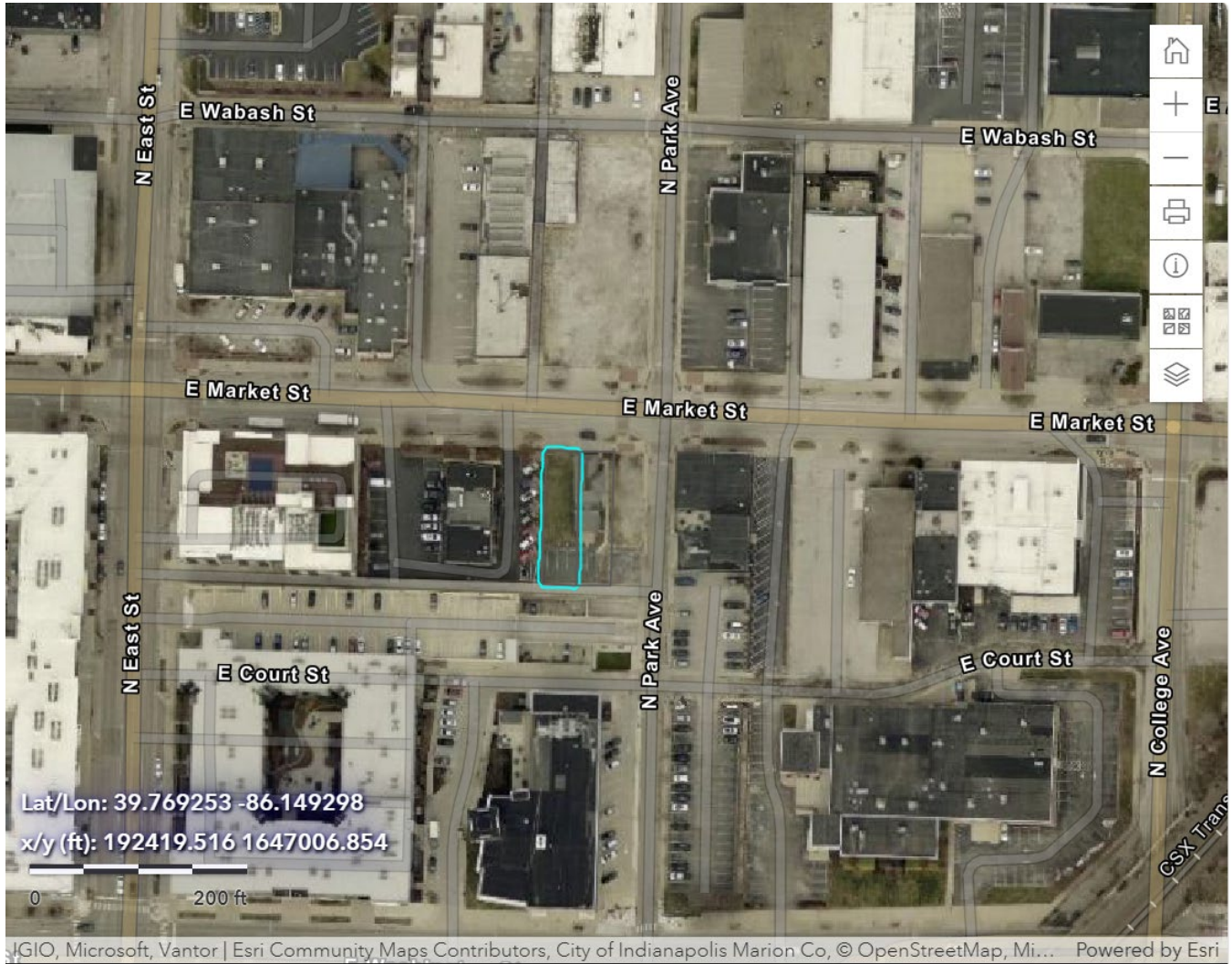
2006-ZON-012; 603, 605, and 613 East Market Street (east of site), Rezoning of 0.33-acre from the I-3-U district to the CBD-2 district to provide for a tavern use, **approved.**

2018-ZON-110; 536 East Market Street (north of site), Rezone of 0.91-acre from the I-3 district to the CBD-2 district, **approved.**

2018-CMP-844; 550 East Washington Street (south of site), Rezoning of 2.775 acres from the I-3 and CBD-2 districts to the CBD-2 district; Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for one 30-foot by 12-foot loading space, **approved.**

EXHIBITS

2026UV2010; Aerial Map







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

2026UV2010; 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

approval will create more housing in the area that will benefit occupants and surrounding property owners and tax benefits. The property has been used for residential purposes already so there will be no injurious impact from the continued residential use.

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

the existing structure is already in place and has been used for residential purposes so will not have any negative impact on surrounding area or property values.

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

the property is zoned fCBD-1 but does not permit single-family detached dwellings. The existing structure is used for single-family detached dwellings and has historically been used for that purpose. The parcel already contains the necessary structure and cannot be used without the variance for detached single-family dwelling use.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

the current zoning standards do not permit detached single-family dwelling use at the subject property but do permit other residential uses. The existing structure is a detached single-family dwelling structure which cannot be lawfully used without the variance.

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

the property is zoned CBD-1 which permits a variety of housing but only for townhomes, multi-family, and live-work units. The single-family dwelling use will not interfere with the comprehensive plan since it is similar to other permitted residential uses.

2026UV2010; Photographs



Photo 1: Subject site as seen from southeast parking lot on Park Ave

2026UV2010; Photographs (continued)



Photo 2: Park Avenue looking south

2026UV2010; Photographs (continued)



Photo 3: East-west alley behind subject property

2026UV2010; Photographs (continued)



Photo 4: Park Avenue looking north

2026UV2010; Photographs (continued)



Photo 5: Intersection of Park Avenue and Market Street looking east

2026UV2010; Photographs (continued)



Photo 6: A recent image of the front of the subject site

2026UV2010; Photographs (continued)



Photo 7: Looking west on Market Street

2026UV2010; Photographs (continued)



Photo 8: Looking northwest on Market Street

2026UV2010; Photographs (continued)



Photo 9: Looking north across Market Street



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

July 14, 2026

Case Number: 2026-DV2-017
Address: 921 East 66th Street (approximate address)
Location: Washington Township, Council District #7
Zoning: MU-2 (FF) (TOD)
Petitioner: KMK Cornell LLC, by Joe Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing daycare/preschool with 31% building transparency on the west façade (40% transparency required), a zero to six-foot west transitional yard (15 foot west transitional yard required), with no interior parking lot landscaping (Interior parking lot landscaping required for parking lots with 15 or more spaces), a 22-foot wide drive aisle (23-foot wide drive aisle required), without the installation of a public sidewalk along East 66th Street or payment into the sidewalk fund (public sidewalks are required along the entire frontage of abutting public rights-of-way), with a five-foot front setback for existing and proposed parking from 66th Street (25 feet minimum required), a 102-foot wide parking lot (limited to 40% of lot width or 41 feet), 21 parking spaces (23 parking spaces required), with 21 parking spaces at 8' 6" (maximum of 7 parking spaces can be sized for small cars), and with parking in portions of the west transitional yard (not permitted).

Current Land Use: Undeveloped.

Staff Recommendation: Staff recommends denial of the request to waive payment into the sidewalk fund.

Staff recommends approval of the remaining variances.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause, from the May 19, 2026, hearing, to the June 9, 2026, hearing, to allow time to provide new notice for the request. The request was continued for cause again by the petitioner from June 9, 2026, to the July 14, 2026, hearing to allow time to meet with a registered neighborhood organization.

The petitioner has submitted a commitment to the file, at the request of a registered neighborhood organization. The commitment is now included in the staff report. With this commitment, the request for the expansion without the installation of a public sidewalk along East 66th Street or payment into the sidewalk fund can be withdrawn. If the request is withdrawn, then Staff would have no remaining opposition to the petition, and the petition can be moved to the expedited portion of the docket. At the time of publication, the petitioner had not agreed to withdraw that specific request.



STAFF RECOMMENDATION

Staff recommends **denial** of the request to waive payment into the sidewalk fund.

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

PETITION OVERVIEW

PAYMENT IN LIEU OF SIDEWALK INSTALLATION.

- ◇ The Ordinance allows for a waiver of the sidewalk installation requirement in locations where site conditions cause extreme difficulty in the construction of sidewalks (744-301.G). The Administrator may, upon written request, waive that portion of sidewalks. Examples of extreme difficulty include, but are not limited to, waterway crossings, significant elevation change, existing deep drainage swales in the right-of-way, and grades steeper than 3:1. The request shall include supporting documentation. The waiver would be pursuant to a written agreement and subject to a contribution in lieu of sidewalks that shall be made to the City for the provision of sidewalks in Marion County. The rate amount shall be set annually.
- ◇ In Staff's review, there are conditions along this portion of the south side of East 66th Street that could limit the installation of sidewalks, specifically a narrow right-of-way, and various utility infrastructure. However, Staff does not agree that the requirement to make a contribution to the City in lieu of installing sidewalks should be waived.
- ◇ As this is a highly pedestrian area, the need for completing the sidewalk network in this area should not be overlooked. The need for sidewalks is even more apparent when the subject site is not providing the required on-site parking, resulting in some of its employees and customers to find parking on the street or in nearby publicly provided parking spaces, and walking to the site.
- ◇ By all appearances, there is sufficient room along the north side of East 66th Street to install sidewalks that would provide pedestrian safety and accessibility for this area. Therefore, the request to not provide the contribution into the sidewalk fund should be denied.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would provide for an expansion and addition onto an existing building, with that addition having a 31% building transparency on the west façade, where a 40% transparency is required. This entrance with the transparency reduction would not be the main entrance and would primarily be used by staff in accessing the parking lot.
- ◇ The request would provide for a zero to six-foot west transitional yard where a 15 foot west transitional yard is required, and with parking in portions of the west transitional yard. This is a continuation of the existing reduced transitional yard and parking that was previously granted by petition 2021-CVR-812. The adjacent parcel is heavily landscaped, which provides for a buffering of this reduction. The reduction in the transitional yard would be associated with on site parking, and not as a result of a structure encroaching into the yard.



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- ◇ As a result of the existing vehicle parking and the proposed expansion of on-site parking, the interior parking lot landscaping would continue to be non-existent. This is a continuation of the existing parking lot that was previously granted by Variance 2021-CVR-812.
- ◇ The proposal will provide for a 22-foot wide drive aisle, where a 23-foot wide drive aisle is required. This is a continuation of the existing 22' drive aisle that was previously granted by Variance 2021-CVR-812.
- ◇ A five-foot front setback for the existing and proposed parking from 66th Street would be provided, where a 25-foot setback is required. This is a continuation of the existing parking lot front setback from 66th Street that was previously granted by Variance 2021-CVR-812.
- ◇ Twenty-one (21) parking spaces will be provided where 23 parking spaces are required. All 21 parking spaces will be sized for small cars at 8' 6", when a maximum of 7 parking spaces can be sized for small cars.
- ◇ A 102-foot wide parking lot will also be provided where parking lots would be limited to 40% of lot width or 41 feet. This is a continuation of the existing 22' drive aisle that was previously granted by Variance 2021-CVR-812.
- ◇ All of these variance requests are related to existing structures, or their proposed expansion. The proposed setbacks, reductions and encroachments will allow for the existing use to continue on site and will not have any known negative impacts or cause any community concern.

Floodway / Floodway Fringe

- ◇ This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.
- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. All uses permitted in the primary zoning district (MU-2) in this request) are permitted, subject to certain development standards of the Flood Control Districts Zoning Ordinance.

GENERAL INFORMATION

Existing Zoning	MU-2		
Existing Land Use	Daycare / Undeveloped		
Comprehensive Plan	Village Mixed Use		
Surrounding Context	Zoning		Surrounding Context
	North:	D-4	Office and Religious uses
	South:	MU-2	Commercial uses
	East:	D-P	Multi-family dwellings
	West:	D-4	Single Family Dwelling
Thoroughfare Plan			
	East 66 th Street	Local Street	45-foot existing right-of-way and 48-foot existing and proposed right-of-way.
	Cornell Street	Local Street	45 existing right-of-way, and 48-foot proposed right-of-way
Context Area	Compact area		
Floodway / Floodway Fringe	100 year		
Overlay	TOD		
Wellfield Protection Area	No		
Site Plan	April 13, 2026		
Elevations	N/A		
Landscape Plan	N/A		
Findings of Fact	April 13, 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 Village Mixed Use typology which creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.



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Red Line / Blue Line / Purple Line TOD Strategic Plan

- Red Line Transit Oriented Development Strategic Plan (2018).
- The subject site is located approximately 950 feet from the 66th and College Avenue Red Line transit station.
- The 66th and College Avenue transit station has been categorized as a Walkable Neighborhood typology.
- District Center stations are areas that are primarily residential but may have a commercial node of one to two city blocks.
 - Characteristics of the Walkable Neighborhood typology are:
 - Mix of uses at station with stabilized residential beyond.
 - Off-street parking is discouraged and should be limited to garage

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

2021-CZN-812 / 2021-CVR-812; 6572 Cornell Avenue (subject site), requested the rezoning of 0.42-acre from the D-4 (FF) district to the MU-2 (FF) district. **Approved.**

2021-CZN-812 / 2021-CVR-812; 6572 Cornell Avenue (subject site), requested a Variance of Development Standards to permit a three-foot front transitional yard along 66th Street, with a wood porch and handrail encroaching into the front transitional setback and right-of-way of 66th Street, to legally establish portions of a four-foot tall and six-foot tall fence in the front yards of 66th Street and Cornell Avenue, portions of the parking lot in the front yard of 66th Street, a playground in the front yard of Cornell Avenue, portions of a parking lot in the west side transitional yard, **granted.**



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2004-UV3-011; 6572 Cornell Avenue, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for an art studio with an administrative office with a 3.6-foot setback from the existing right-of-way of 66th Street and a fourteen-foot setback from the existing right-of-way of Cornell Avenue, **granted**.

84-UV2-89, 921 East 66th Street, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of the existing structure for professional offices, **granted**.

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EXHIBITS

Location Map







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Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

1) the proposed use does not generate parking demand all at once, rather it is used intermittently throughout the day; thus the number of spaces and stall size is sufficient to safely park expected vehicles on site.

2) the transitional yard is created by a zoning district line located in the centerline of an alley, which provides sufficient separation and screening from the D-4 to the West.

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:

1) there is no real risk of parking spilling over on to adjoining properties, as there is available on-street parking as an option.

2) there is ample vegetation separating the western parking spaces from the D-4 zoning to the West.

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

1) the Ordinance, although it does allow adjustments to minimum required parking, does not adjust for intermittent parking demand (drop off/pick up) as is the case with most day care/preschool uses.

2) the transitional yard exception does not apply to an alley which actually serves as a buffer yard.



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Proposed Commitment

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

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

Legal Description: See Exhibit "A" Attached Hereto And Incorporated By Reference (the "Subject Property")

Statement of COMMITMENTS:

1. Petitioner will use its reasonable best efforts to install a sidewalk along the 66th Street frontage of the Subject Property; however, if it is not feasible to do so, Petitioner shall make the required contribution to the sidewalk fund as contemplated by the City of Indianapolis Consolidated Zoning/Subdivision Ordinance.

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

COMMITMENTS contained in this instrument shall be effective upon the grant of variance, special exception or approval petition # 2026-DV2-017 by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

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

Photographs



Subject site, looking southwest.



Subject site expansion area to the south, looking west.



Subject site, looking south east from East 66th Street



Subject site parking area, looking south from East 66th Street



BOARD OF ZONING APPEALS DIVISION II

July 14, 2026

Case Number: 2026-DV2-021
Address: 534 and 546 East 38th Street (approximate address)
Location: Washington Township, Council District #7
Zoning: D-9 (TOD)
Petitioner: Barry Pachciarz
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 60" tall fence in the front yard (maximum height of 48" permitted).
Current Land Use: Multi-Family Apartment building
Staff Recommendation: Staff recommends denial of this petition.
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ As proposed, the requested 60" tall fence would be at grade on top of an elevated three-foot tall solid retaining wall.
- ◇ This would provide for an eight-foot tall security barrier from the sidewalk. The request for the 60-inch tall fence as proposed would not be supportable, as the use or value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner
- ◇ The site plan file-dated May 22, 2026, shows the proposed fence being located directly next to the sidewalk along the 38th Street frontage. There is an approximately three-foot change in elevation from the sidewalk to the area where the fence would be located, making an eight-foot tall barrier and creating an unwelcoming canyon affect for sidewalk pedestrians to walk next to.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance permits a maximum height of 48 inches within the front yard for fences with an opacity of 30% or less, and six (6) feet in the rear yard. The purpose of the height limitation is to create an open appearance along public rights-of-way, prevent blocking views at intersections, limit the negative visual impacts on adjacent properties, and prevent a canyonized effect of the streetscape when multiple properties install overly tall fences adjacent or near the front public right of way.

- ◇ The height requirements are in place to limit bulk and keep the environment at a human-scale. This regulation limits the number of “walls” or abnormally tall structures that can be built to ensure neighborhood compatibility and to prevent unreasonable blockage of sunlight.
- ◇ There is no practical difficulty with the site, as the fence could be built in the front yard where proposed with a height of 48 inches, without the need for a Variance. No other residential properties have requested Variances for an increase in front yard fence heights along this portion of 38th street, and are able to comply with the Ordinance, as this property can.

GENERAL INFORMATION

Existing Zoning	D-9	
Existing Land Use	Multi-Family Dwelling	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	Single-Family Dwelling / Accessory Parking Lot
South:	C-1 / D-8	Commercial Office / Multi-Family Dwellings
East:	MU-1	Multi-Family dwellings
West:	C-3	Commercial retail
Thoroughfare Plan		
East 38 th Street	Primary Arterial	104-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	Transit Oriented Development	
Wellfield Protection Area	No	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan	May 22, 2026	
Findings of Fact	May 22, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Village Mixed Use typology that creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and



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sidewalk furniture also contribute to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2008-DV2-009; 604 East 38th Street (east of site), requests a Variance of Development Standards to provide for an eight-foot tall, solid wall within the required ten-foot front yard along Park Avenue and Broadway Street, **granted**.

97-Z-135/97-CV-13; 502 East 38th Street (west of site), requests the rezone 0.5909 acre from D-5 and D-9 to the D-10 classification to provide for attached multi-family residential uses which may include 19 townhomes, **approved**. Requested a Variance of Development Standards to provide for the construction of three attached multi-family residential buildings with a front setback of 15 feet from Central Avenue (minimum 40 feet setback required), a side setback of 10 feet along the north property line (minimum 20 feet required), a distance between buildings as close as 16 feet (minimum 20 feet required), resulting in the distance between buildings to be less than the sum of the required minimum depths of adjoining yards (not permitted), parking along, and zero feet from, an alley along the east property line (parking not permitted in the required perimeter yard), parking along, and five feet from, the north property line (parking not permitted in the required perimeter yard), a livability space ratio of 0.6541 (minimum 0.660 required) and, a major livability space ratio of 0.00 (minimum 0.110 required), **granted**.

95-UV3-80; 519 East 38th Street (west of site), requests a variance of use and development standards of the Commercial Zoning Ordinance, to provide for a record store in an existing building, **granted**.



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95-SE2-14; 525 East 38th Street and 3757 North Ruckle Street (west of site), requests a Special Exception of the Dwelling Districts Zoning Ordinance to provide for a religious use, **granted**.

90-UV1-117; 519 East 38th Street (west of site), requests a variance of use to permit a convenience store with carry out food items in an existing building, **granted**.

86-UV3-114; 502 East 38th Street (west of site), requests a variance of use of the Dwelling Districts Zoning Ordinance and the Sign Regulations, to provide the use of a portion of the existing apartment building for office and retail use, with wall signs and additional parking, **granted**.

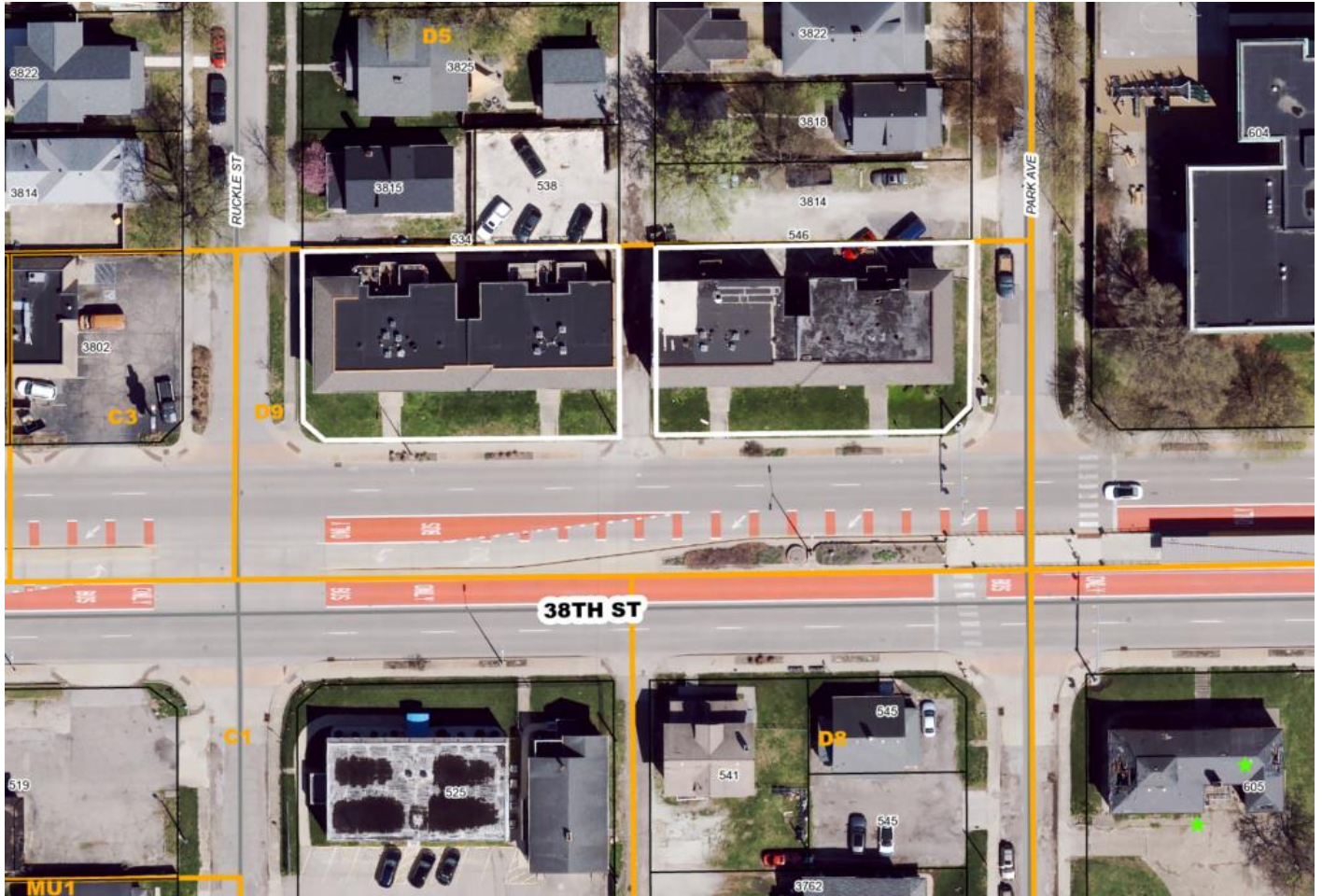
84-UV2-65; 501 East 38th Street, requests a variance of use to permit a carry out pizza restaurant within 100 feet of a dwelling district, **granted**.

84-UV2-31; 501 East 38th Street, requests a variance of use to provide for the conversion of a vacant service station to a convenience store with car wash and gasoline pumps, **dismissed**.

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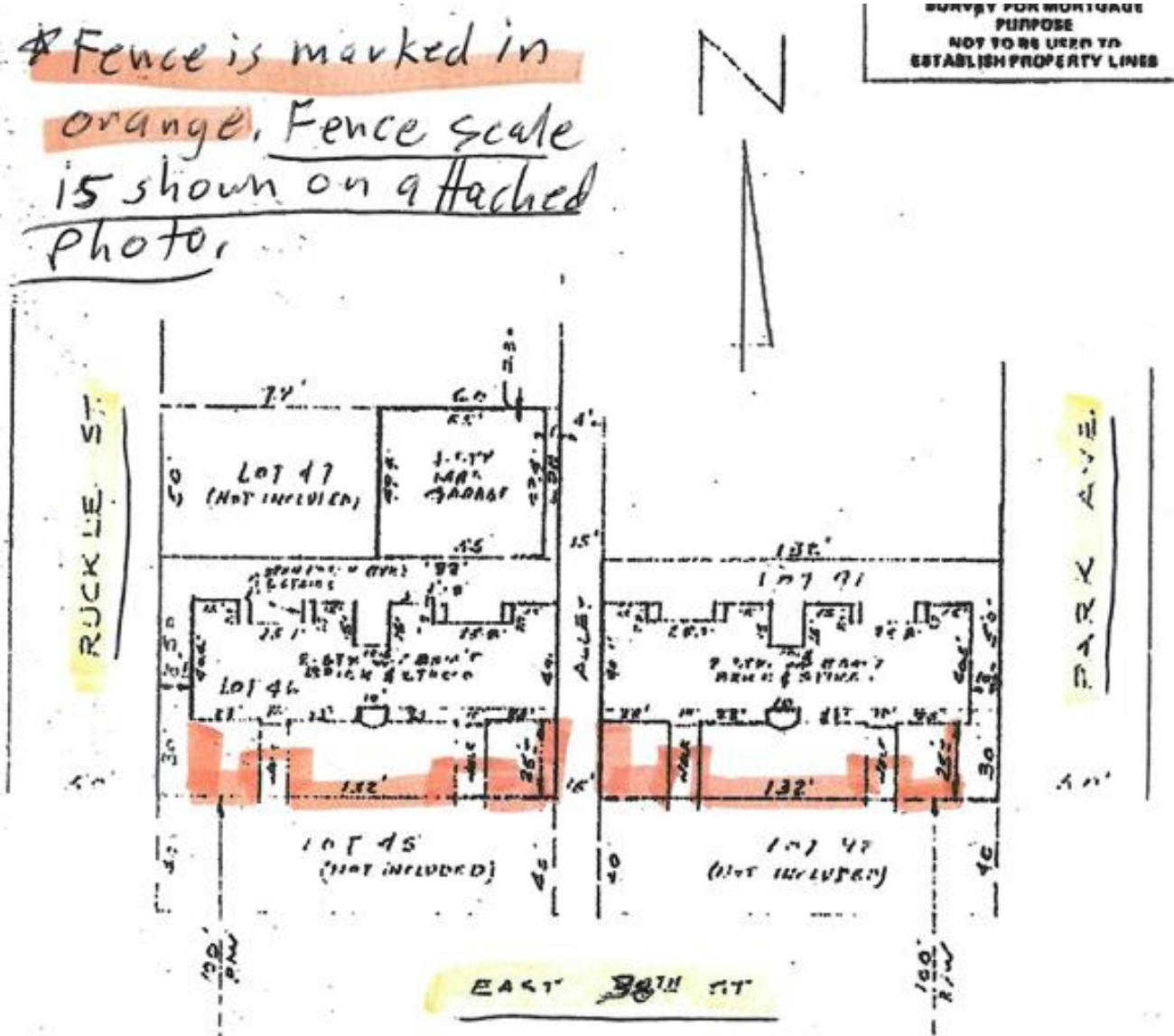
EXHIBITS

Location Map



Site Plan

* Fence is marked in orange.
Fence scale
is shown on attached
photo.





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Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

Since the subject property is located along 38th Street across from a red and purple line bus stop, it has a high rate of vehicular traffic and pedestrians walking along this major corridor. The retaining wall and gated fencing area around the front of the buildings, will serve as a foundational piece of the security plan for our residents. It is a metal, picket style fence that does not impact visibility, but provides for a deterrent for those not residing the property to keep them out of the front yard preventing access to the front doors of the property. A taller fence in the front yard is imperative for people who would live on a busy thoroughfare like 38th Street in our community.

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

There are several properties located along 38th Street and other high traffic streets in the Meridian Kessler area that already have similar fences greater than 48" in height, installed for the same reasons outlined above. Neighbors are not affected, and in fact, we have support of members of the neighborhood association for not only the proposed fencing option, but for the overall renovation/remodel project as it was a burn damaged property and previously owned by a slum lord. We have made significant improvements, which helps property values of all of our neighbors. Additionally, we are partnering with Coburn Place, our neighbor directly to the east on 38th, and are in the process of placing two of their clients in our building.

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

Per the attached photos, the current fencing is 48" above the finished grade of the retaining wall. Reducing the height in any way would be a detriment to the security we have committed to our residents, and would be an obstacle to anyone who would consider living in the community in the future. We already made a considerable investment in the current fencing option, and it would be a significant, non-budgeted cost to reduce the height of the fence, as proposed by the strict application of the zoning ordinance. We have already purchased the same size fence sections for the adjoining property we would like to install the same option there as well, for the aforementioned reasons.

Photographs



Subject site, 546 East 38th Street with existing non-compliant fencing. Looking northwest.



Subject site, 534 East 38th Street, proposed fencing. Looking northeast.



Subject site, 546 East 38th Street, close-up of existing proposed fence height on top of retaining wall, looking east.



Subject site, 546 East 38th Street with existing proposed fence height on top of retaining wall, looking east.