



**Board of Zoning Appeals
Board of Zoning Appeals Division III
(March 17, 2026)
Meeting Agenda**

Meeting Details

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

Date: Tuesday, March 17, 2026

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-SE3-003 (Amended) | 4555 South Harding Street

Perry Township, Council District #22, zoned I-4 (FF)
Deleitosa Properties LLC, by Marianne McCalip

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 and I-465 by a state agency.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 14-foot by 48-foot off-premise advertising sign, of which the relocated off-premise sign will have a height of 70 feet and be located within 400 feet of another outdoor advertising sign (1,000-foot radial spacing required).

****Staff to request continuance to April 21, 2026.**

2. 2026-SE3-001 | 6490 Massachusetts Avenue

Warren Township, Council District #9, zoned I-2 / I-4 (TOD)
WEB Property Group LLC, by Tyler Ochs

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

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the parking of trucks and semi-trailers within the TOD, on 14.878 acres (not permitted, commercial parking lots limited to a maximum of 2 acres).

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

3. 2026-DV3-001 | 1759 North Whittier Place

Warren Township, Council District #14, zoned D-5
Leticia Lamas and Edgar Morales, by Josh Smith

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage expansion, with a 5-foot south side setback (7-foot required), and a 4-foot rear setback (5-foot required).

4. 2026-DV3-002 | 8704 US 31

Perry Township, Council District #23, zoned C-4
Fountain Creek LLC, by Joe Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a commercial building and parking with a 10-foot side transitional yard (20 feet required).

5. 2026-DV3-003 | 3171 North Pennsylvania Street

Center Township, Council District #8, zoned D-5 (TOD)
John K. Barry, by Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a three-foot north side yard setback (seven feet required) and a one-foot rear yard setback (twenty feet required).

6. 2026-DV3-004 | 8133 East 96th Street

Lawrence Township, Council District #4, zoned C-4
French Associates I LLC, by Ashley Wallis

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station and convenience store with deficient facade transparency (40 percent required), per plans submitted.

7. 2026-DV3-005 | 1759 West Morris Street

Center Township, Council District #18, zoned C-4
Lyles Construction Group by Matthew Lyles

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 5-foot side setback (minimum 8 feet required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

8. 2025-MO3-003 | 3030 North Shadeland Avenue

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

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

PETITIONS FOR PUBLIC HEARING (New Petitions):

9. 2026-DV3-006 | 2747 North Emerson Avenue

Warren Township, Council District #9, zoned I-2 (FW) (FF)
Pridgen Property Holdings LLC S, by Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall chain-link fence within the required front yard (maximum 3.5-foot-tall fence permitted in front yards).

Additional Business:

10. Pursuant to I.C. § 5-14-1.5-6.1, notice is hereby given that the Metropolitan Board of Zoning Appeals, Division I, shall convene and conduct an executive session at 12:30 p.m. on Tuesday, March 17, 2026. The executive session shall take place in Room 1820 of the City-County Building located at 200 E. Washington Street, Indianapolis, Indiana, 46204. The subject matter of the executive session shall be the discussion of strategy with respect to pending litigation pursuant to I.C. § 5-14-1.5-6.1(b)(2)(B).

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

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

Member	Appointed By	Term
Joanna Taft, Chair	Metropolitan Development Commission	January 1, 2025 – December 21, 2025
Bryan Hannon, Vice-Chair	Mayor’s Office	January 1, 2025 – December 21, 2025
Rayanna Binder, Secretary	Mayor’s Office	January 1, 2025 – December 21, 2025
Rod Bohannon	City-County Council	January 1, 2025 – December 21, 2025
Percy Bland	City-County Council	January 1, 2025 – December 21, 2025



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

Case Number: 2025-SE3-003

Property Address: 4555 South Harding Street (approximate address)

Location: Perry Township, Council District #22

Petitioner: Deleitosa Properties LLC, by Marianne McCalip

Current Zoning: I-4 (FF)
Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 and I-465 by a state agency.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 14-foot by 48-foot off-premise advertising sign, of which the relocated off-premise sign will have a height of 70 feet (maximum height of 60 feet permitted) and be located within 400 feet of another outdoor advertising sign (1,000-foot radial spacing required).

Current Land Use: Undeveloped / Industrial

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

3/17/2026: Staff received updated documents related to this petition on March 11, 2026 (past the new information deadline of March 3rd). To allow time for review of those renderings, an additional continuance to the April 21st, 2026 hearing date will be requested by staff.

2/17/26: Staff will plan to request a continuance to the March 17, 2026 hearing date to allow the petitioner additional time to obtain information and generate requested renderings.

1/20/26: A continuance to the February 17, 2026 hearing date of Division III will be required to allow adequate time for mailing and posting of the required legal notice.



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

Case Number: 2026-SE3-001
Address: 6490 Massachusetts Avenue (approximate address)
Location: Warren Township, Council District #9
Zoning: I-2 / I-4 (TOD)
Petitioner: WEB Property Group LLC, by Tyler Ochs
Request: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a Commercial Parking Lot.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the parking of trucks and semi-trailers within the TOD, on 14.878 acres (not permitted, commercial parking lots limited to a maximum of 2 acres).

Current Land Use: Industrial Integrated Center

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

A Registered Neighborhood Organization has filed an automatic continuance, continuing this petition from the March 17, 2026, to the April 21, 2026, hearing. This would require the Board’s acknowledgement.



BOARD OF ZONING APPEALS DIVISION III

February 17, 2026

Case Number: 2026-DV3-001 (Amended)
Address: 1759 North Whittier Place (approximate address)
Location: Warren Township, Council District #14
Zoning: D-5
Petitioner: Leticia Lamas and Edgar Morales, by Josh Smith
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage expansion, with a 5-foot south side setback (7-foot required).

Current Land Use: Single-Family Dwelling.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause at the request of the petitioner, from the February 17, 2026, hearing to the March 17, 2026, hearing.

The petitioner has since amended the request to remove the variance for the 4-foot rear setback. As this would have less intensity than the original legal notice, no new notice was required. With this amended change, Staff does now recommend approval.

STAFF RECOMMENDATION

Staff recommends **approval** of this amended 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 5-foot south side setback as amended, 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

Existing Zoning	D-5	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Traditional Neighborhood Uses	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 Single-Family Dwelling
	South:	D-5 Single-Family Dwelling
	East:	D-5 Single-Family Dwelling
	West:	D-5 Single-Family Dwelling
Thoroughfare Plan		
	Whittier Place	Local Street 50-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan - Amended	February 17, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	January 6, 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

2023-DV3-014; 5464 East 18th Street (west of site), requested a Variance of Development Standards to provide for the construction of a covered addition to an existing garage, resulting in a 3.5-foot south side yard setback, **granted.**

2009-HOV-027; 1756 North Whittier Place (west of site), requested a Variance of Development Standards to provide for the construction of 168-square foot room addition resulting in a 15-foot rear yard setback for the primary structure, **granted.**

RU

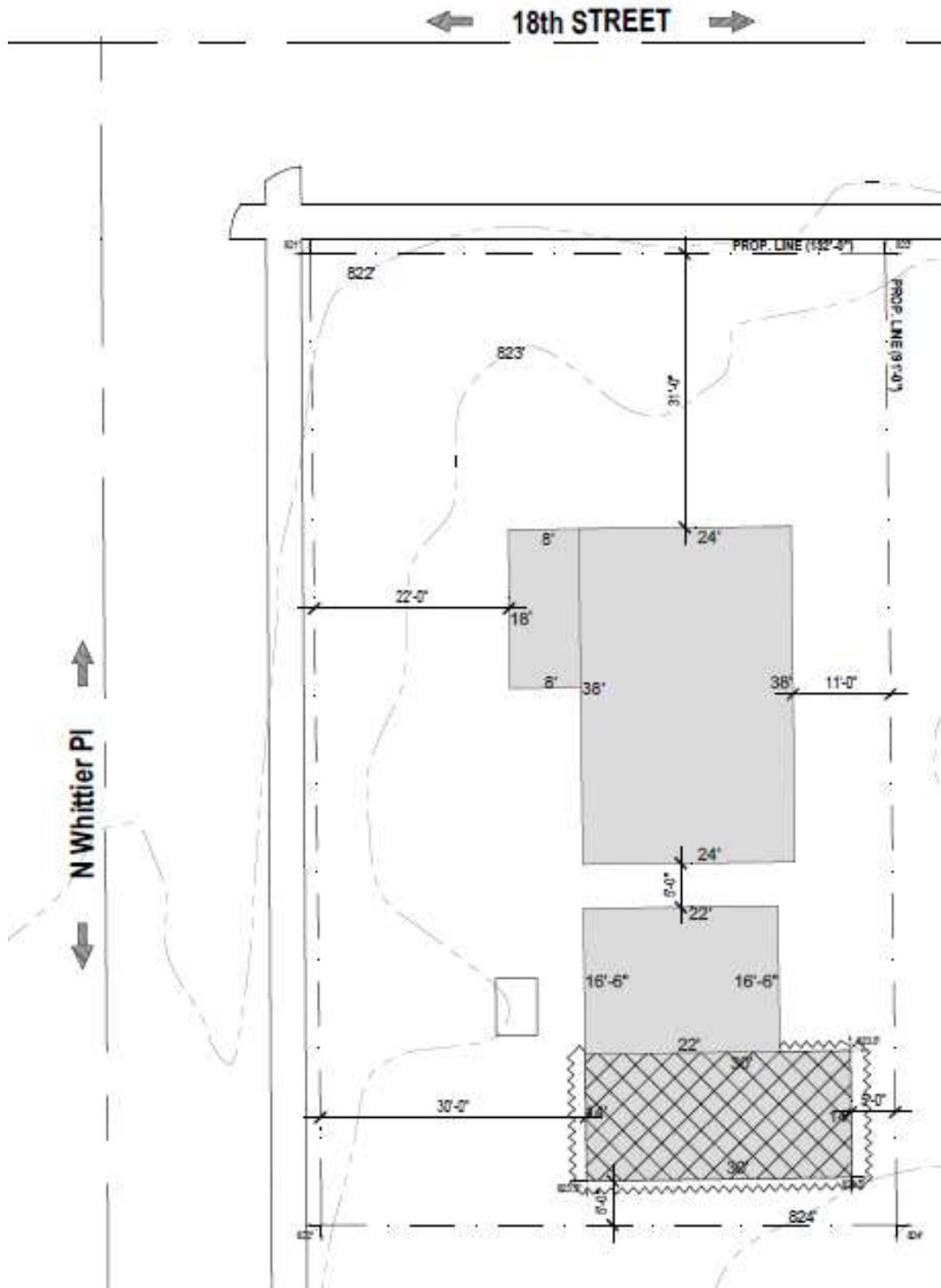
EXHIBITS

Location Map





Site Plan – amended 2-17-2026





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The current and proposed uses will remain the same, this variance will simply allow for an enlargement to the single-car garage so it can hold a 2nd car. The structure will still remain an accessory to the existing single family home.

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 use of the property will remain the same; single family residential.

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

The current layout of the lot does not allow for expansion onto the detached garage without coming into conflict with the setback standard. This variance allows the garage to be converted from a single car garage to an industry-standard two-car garage.

Photographs



Subject site, existing dwelling, looking southeast.



Subject site, proposed/existing garage expansion location, looking east.



Subject site, proposed/existing garage expansion location with 5-foot south side setback, looking east.



Subject site, proposed/existing garage expansion location with 4-foot rear setback, looking south.



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

Case Number: 2025-DV3-002

Property Address: 8704 US 31 (approximate address)

Location: Perry Township, Council District #23

Petitioner: Fountain Creek LLC, by Joseph D. Calderon

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a commercial building and parking with a 10-foot side transitional yard (20 feet required).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 8704 US 31 is a commercial parcel currently being developed at the northwest corner of US 31 and Bipin Way (a private drive). The property and adjacent areas to the north were rezoned to the C-4 zoning designation via the petition 2020-ZON-094 to allow for commercial development. Surrounding land uses include commercial development to the south, east, and north (pending), as well as parking for Community Hospital South further to the west of the site. None of the commercial buildings to the south of the private driveway are utilized for medical purposes.
- Development of this property is underway to construct a commercial building with accessory parking areas and landscaping, per plans below. The building would contain two (2) tenant spaces: one would be for a restaurant, and the other would be retail sales for a mobile telecommunications company. The project has already received administrative approval (2025-ADM-305) and an Improvement Location Permit (ILP25-01149), based on an Early Conditional Permit letter issued to the petitioner on February 9, 2026 (within Exhibits below). The petitioner would assume any risk of investment or activity made based on that letter pending the results of this hearing.



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

- Although the development on the southern side of Bipin Way is also zoned C-4 and developed with commercial structures unaffiliated with the hospital, the private drive itself was rezoned to the HD-1 designation via the petition 2005-ZON-103 (a sign associated with the hospital and oriented to US 31 was installed shortly after this rezoning, visible in Photo 3 of the Exhibits). Because of this transitional yard, the applicable southern setback would be 20 feet instead of zero feet. Approval of this petition would allow for construction of the commercial building and parking areas with a setback of 10 feet, which would be permitted if the private access drive were not zoned HD-1 in association with the hospital use to the west.
- This property is zoned C-4 (Community-Regional District) to allow for the development of major business groupings and regional-size shopping center to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. Similarly, the Comprehensive Plan recommends it to the Regional Commercial typology, as described below.
- Findings of Fact provided by the applicant reference the lack of any negative impacts on surrounding property to the south as well as the fact that adequate transitional yard landscaping would be provided between their development and the private access drive to the south. Staff would also note that only around 2% of the proposed building would encroach into the required 20-foot setback areas, in addition to similarly minimal encroachments by proposed parking areas. Given this context, and that the proposed setback of 10 feet would exceed the standard that would be applicable if the zoning directly to the south of the parcel matched the commercial land uses to the south (Photo 5 within Exhibits), staff recommends approval of the variance.

GENERAL INFORMATION

Existing Zoning	C-4		
Existing Land Use	Commercial		
Comprehensive Plan	Regional Commercial		
Surrounding Context	Zoning	Surrounding Context	
	North:	C-4	North: Commercial
	South:	HD-1	South: Private Drive / Commercial
	East:	C-4	East: Commercial
	West:	C-4	West: Commercial
Thoroughfare Plan			
US 31	Primary Arterial	140-foot existing right-of-way and 124-foot proposed right-of-way	
Bipin Way	Private Drive		
Context Area	Metro		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	01/09/2026		



Site Plan (Amended)	N/A
Elevations	02/11/2026 (ILP25-01149)
Elevations (Amended)	N/A
Landscape Plan	01/09/2026
Findings of Fact	01/09/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2020ZON094, Rezoning of 6.2 acres from the SU-1 and D-A district to the C-4 district, **approved**.

ZONING HISTORY – VICINITY

2013DV3017 ; 8820 US 31 (south of site), Variance of development standards of the Sign Regulations to provide for a freestanding sign, with a nine-foot front setback (15-foot front setback required), being within approximately 155 feet of a freestanding sign to the north and approximately 170 feet of a freestanding sign to the east, being the fifth sign on a frontage of less than 1,400 linear feet (maximum four freestanding signs permitted), **approved**.

2005VAR837 ; 8616 US 31 (south of site), Provide for a 20-ft. tall, 200-sq.ft. illuminated pylon sign located 5 ft. from a dwelling district in HD-1 (illuminated signs not permitted within 50 ft. of a dwelling district; maximum 4-ft. tall sign permitted within 600 ft. of a dwelling district), **approved**.

2005ZON103 ; 8616 US 31 (south of site), Rezoning from the D-A district to the HD-1 classification to allow for the construction of an access drive from U.S. 31 to Community Hospital South, **approved**.

81-Z-160 ; 1402 East County Line Road (west of site), Rezoning of 48.40 acres, being in D-P district, to HD-1 classification, to provide for a 150 bed general hospital and attached medical staff office building, **approved**.

EXHIBITS

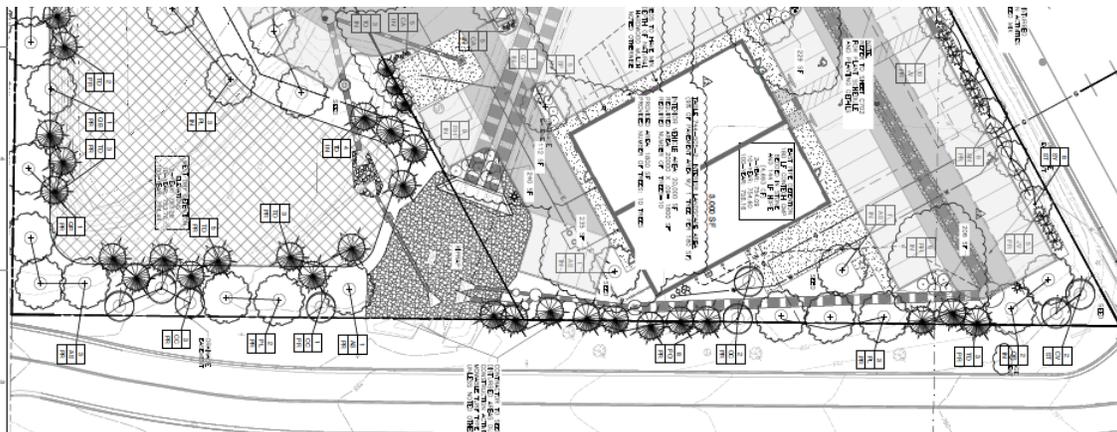
2026DV3002 ; Aerial Map



2026DV3002 ; Site Plan



2026DV3002 ; Landscaping Plan (southern property line)



2026DV3002 ; Elevations (ILP25-01149)



2026DV3002 ; Findings of Fact

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

The Variance of Development standards will not be injurious to the public health, safety, morals, and general welfare of the community because an adequate buffer will be maintained along the south property line with the required number of plantings. The reduced setback does not create a clear sight triangle issue, nor does it otherwise impede or endanger vehicular or pedestrian traffic

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

The use or value of the area adjacent to the property included in the variance will not be adversely affected by the granting of the variance, as it will provide a better buffer along the adjoining private street (Bipin Way) than the south adjoinder does. Furthermore, the portion of the subject property requiring the setback variance is a private street, and no building structures can be built on the narrow area. Finally, the reduced setback does not impede with access or visibility to or from the adjoining uses.

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

The strict application of the terms of the zoning ordinance will result in a practical difficulty in use of the property given the unique site constraints of the property. There is an existing storm sewer box culvert and the angle of US 31 and Bipin Way is not a 90 degree angle. This results in site constraints on the property.

The required landscaping and buffer can be maintained along the south property line, however the width of the buffer yard varies between 10' and 29' wide.



Department of Metropolitan Development
 Division of Planning
 Current Planning

2026DV3002 ; Early Conditional Permit Release Letter



February 9, 2026

Joseph D. Calderon
 11 South Meridian Street
 Indianapolis, IN 46204

RE: Early Conditional Permit
 2026-DV3-002 – 8704 US 31 South
 Perry Township, Zoned C-4

Dear Mr. Calderon,

I am in receipt of your request that the Planning Division consider authorizing conditional applications for Improvement Location Permits (ILP) pursuant to the above-referenced address.

The planning staff of the Planning Division indicates that they will be recommending approval of your petitions. Therefore, you may proceed with making application for said permit. Please be advised that, as the attached agreement indicates, you would be assuming all risk for any activity or investment made in reliance on such permit pending the outcome of the public hearing on your petitions.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Edward D. Honea Jr.'

Edward D. Honea Jr.
 Current Planning Administrator

2026DV3002 ; Photographs



Photo 1: Subject Site Viewed from South



Photo 2: Subject Structure Viewed from Southwest

2026DV3002 ; Photographs (continued)



Photo 3: Subject Site and Hospital Signage Viewed from Southeast



Photo 4: Adjacent Property & Bipin Way to West

2026DV3002 ; Photographs (continued)



Photo 5: Adjacent Property & Bipin Way to South



Photo 6: Adjacent Property to East



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

Case Number: 2026-DV3-003

Property Address: 3171 North Pennsylvania Street (*approximate address*)

Location: Center Township, Council District #8

Petitioner: John K. Barry, by Justin Kingen

Current Zoning: D-5 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a three-foot north side yard setback (seven feet required) and a one-foot rear yard setback (twenty feet required).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 3171 North Pennsylvania Street is a residential parcel with a size of 7612 square feet that is current improved with a single-family residence. The structure on the lot has an attached garage that is both front-loaded from an existing driveway from Pennsylvania and has a rear garage door adjacent to the existing rear-yard fence (see Photo 2 of Exhibits). Adjacent land uses are either residential or undeveloped land zoned residentially. The site is part of the Meridian Park Historic District within the National Register of Historic Places.
- Approval of this petition would allow for a building addition onto the existing property for both an expansion of the existing attached garage as well as a new mud room, per site plan below (no elevations were provided for review). The addition as shown would create the need for two (2) separate Variances of Development Standards related to the northern side yard setback (3-foot proposed and 7-foot required) and eastern rear yard setback (1-foot proposed and 20-foot required).



Department of Metropolitan Development
 Division of Planning
 Current Planning

- Although there is a legally established side yard setback of three (3) feet for the existing structure, this addition would result in an expansion along that non-conformity by more than 50%, which would not qualify for the exception found within 744-202.E of the Ordinance. The proposed layout would also narrowly comply with open space requirements for the district, and although the placement of a *new* front-loaded driveway would be disallowed the existing front-yard access from Pennsylvania is not being expanded and would be considered legally non-conforming.
- This property is zoned D-5 to allow for medium- and large-lot housing formats, primarily for detached houses but with small-scale multi-unit buildings in strategic locations. Similarly, the Meridian Kessler Neighborhood Plan recommends 5-8 residential units per acre and TOD strategic plans place it within the Community Center typology which contemplates residential use. Finally, Infill Housing Guidelines indicate that building setbacks should reinforce existing spacing and patterns within the context of the larger block, and should allow for adequate room for maintenance while limiting uncharacteristically large gaps between structures.
- Findings of Fact provided by the applicant indicate that the proposed addition would match the neighborhood context where small side and rear setbacks are common, would not impact existing traffic patterns or frequency, and that the placement of the current residence on the lot limits their ability to improve the site with a building addition in a compliant manner.
- Staff would note that the current building has an existing rear setback of 19 feet, which would mean that any sort of building addition to the east would not be possible absent a variance to build within the required 20-foot setback. Additionally, the expansion of approximately 68.4% along the existing side yard setback would be comparable to the 50% expansion that would be permitted and would not result in new building being placed directly adjacent to development on the property to the north. Given the practical difficulty caused by existing building placement on the site and that the addition would appear to comport with Infill Housing Guidelines, staff recommends approval of the petition.

GENERAL INFORMATION

Existing Zoning	D-5 (TOD)	
Existing Land Use	Residential	
Comprehensive Plan	5-8 Residential Units per Acre	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Undeveloped
Thoroughfare Plan		
Pennsylvania Street	Primary Arterial	x-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	



Floodway / Floodway Fringe Overlay	No
Wellfield Protection Area	No
Site Plan	01/26/2026
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	01/26/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Mapleton Fall Creek Neighborhood Land Use Plan (2013)
- Red/Purple Line Transit-Oriented Development Strategic Plan
- 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

- The Red and Purple Line TOD Strategic Plans recommend this property to the Community Center TOD typology given its proximity to the 34th Street BRT stop. This typology allows for walkable commercial centers with a range of commercial types as well as a mix of retail, entertainment, office, and residential uses as desired. Surface parking should be consolidated and placed behind buildings.

Neighborhood / Area Specific Plan

- The Mapleton Fall Creek Neighborhood Land Use Plan notes this property is located within the Meridian Park Historic District and recommends land use of 5-8 residential units per acre. The Plan views the current D-5 zoning of the parcel as being appropriate.



Department of Metropolitan Development
Division of Planning
Current Planning

Infill Housing Guidelines

- Infill Housing Guidelines indicate that spacing between houses should establish a rhythm and pattern on the block, with uncharacteristically large gaps between houses and inadequate room for maintenance discouraged.

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

2023DV2023 ; 3159 N Pennsylvania Street (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a five-foot rear yard setback (20-foot rear yard setback required), **approved**.

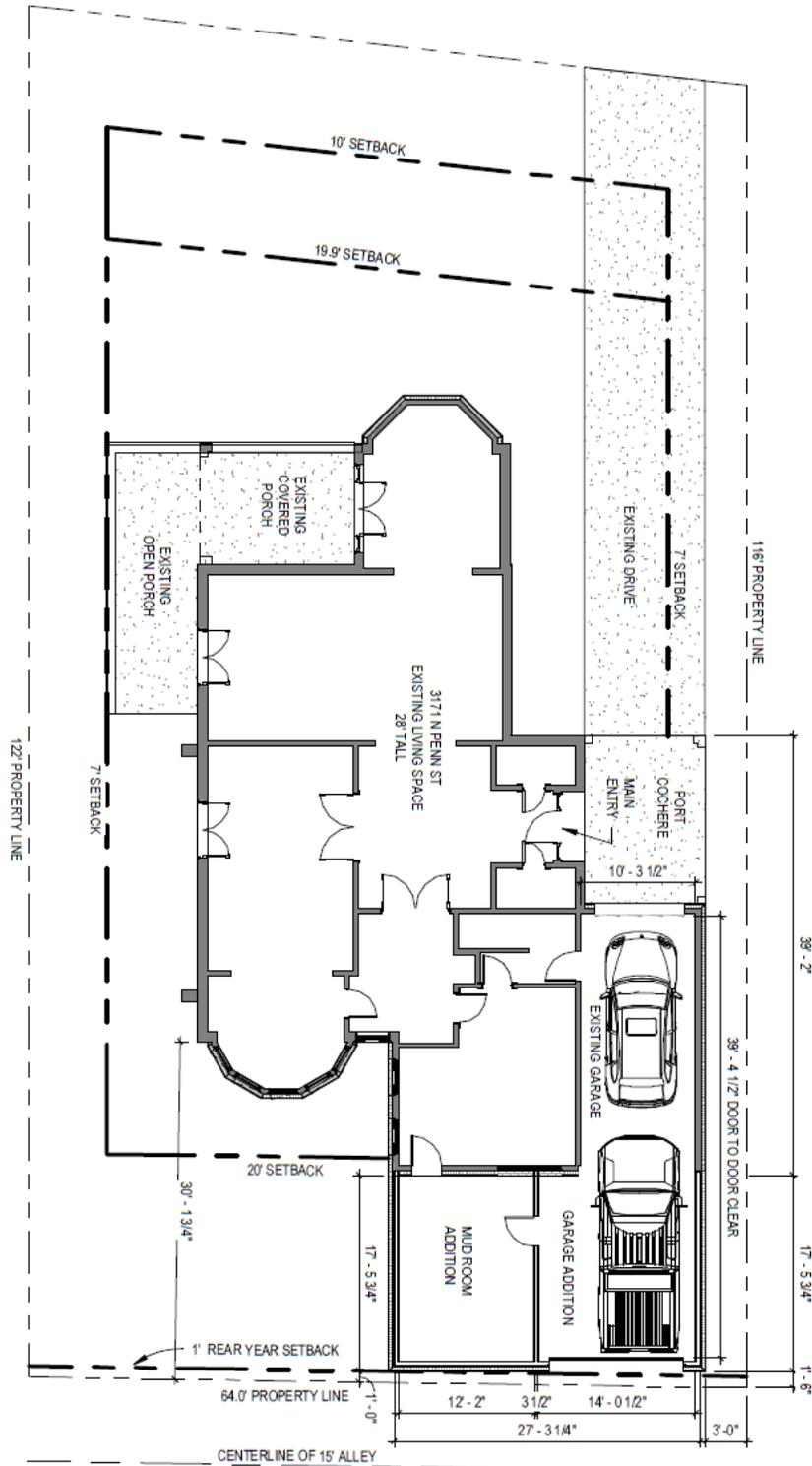
83-V2-18 ; 3177 N Pennsylvania Street (north of site), variance of development standards of 66-AO-2, Section 2:15 B.1 (2) to reconstruct a detached garage on an existing foundation two feet from the rear property line, as per plans filed, **approved**.

EXHIBITS

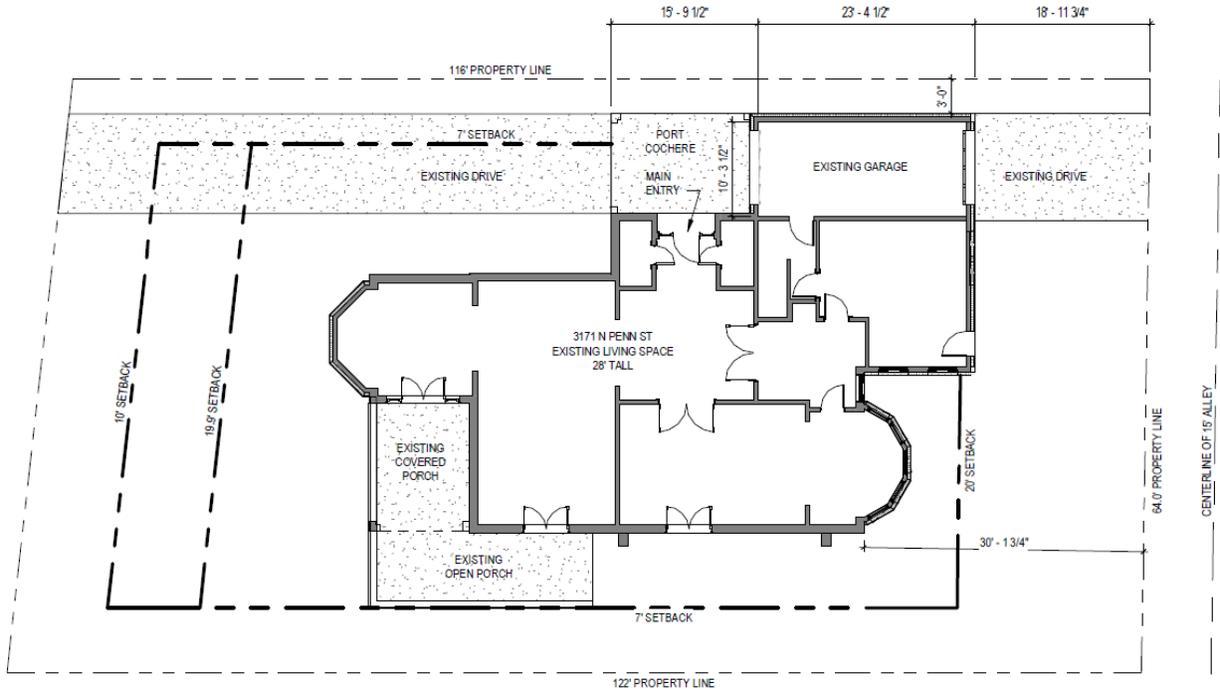
2026DV3003 ; Aerial Map



2026DV3003 ; Site Plan



2026DV3003 ; Site Plan (existing, without proposed addition)



2026DV3003 ; Findings of Fact

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

The proposed variances will allow for the construction of an attached garage addition that is subordinate to the existing single-family residence and consistent with the established residential character of the surrounding neighborhood. The improvements will not increase density, introduce a new use, or alter traffic patterns. The proposed garage will be located behind the primary building façade and will not adversely affect visibility, access, or public safety. The rear yard setback of the proposed attached garage addition will be similar to existing garage setbacks along the alley behind the subject property.

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

The proposed garage addition will be compatible in scale, massing, and placement with nearby residential structures. Similar setback conditions exist on adjacent and nearby properties, reflecting the development pattern of the neighborhood. The variances will not negatively impact light, air, or privacy for adjoining properties, nor will they introduce noise, traffic, or activity beyond what is customary for a single-family dwelling. The proposed project is not anticipated to adversely affect nearby property values.

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

The subject property contains an existing attached garage with non-conforming yard setbacks, which limits the ability to construct a code-compliant garage addition. Strict enforcement of the current side and rear yard setback requirements would prevent reasonable expansion of the existing attached garage and restrict the homeowner's ability to provide functional off-street parking and storage. The lot's dimensions, existing building placement, and established development pattern create practical difficulties that are not self-imposed and are unique to the property.

2026DV3003 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site Viewed from East

2026DV3003 ; Photographs (continued)



Photo 3: Alley to East of Subject Site, Viewed from North



Photo 4: Adjacent Property to North

2026DV3003 ; Photographs (continued)



Photo 5: Adjacent Property to West



Photo 6: Adjacent Property to South



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

Case Number: 2026-DV3-004
Address: 8133 East 96th Street (approximate address)
Location: Lawrence Township, Council District #4
Zoning: C-4
Petitioner: French Associates I LLC, by Ashley Wallis
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station and convenience store with deficient facade transparency (40 percent required), per plans submitted.

Current Land Use: Vacant Commercial Restaurant Building
Staff Recommendations: Staff recommends **approval** of this petition subject to plans submitted.
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to plans submitted.

PETITION OVERVIEW

- The currently proposed development would allow for placement of a fueling station and convenience store at this site which would include both 12 accessory fuel pumps under a fuel pump canopy as well as placement of stacking spaces along the eastern façade.
- This property is zoned C-4 (Community-Regional District) to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. Typical uses might include home improvement stores, department stores, and theaters. Similarly, the Comprehensive Plan Pattern Book recommends this site to the Regional Commercial working typology to allow for general commercial and office uses with thoroughfare access and pedestrian connection between businesses that serve a significant portion of the county.



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

- Regulations on building transparency within the Ordinance exist to ensure both public safety and visibility for emergency responders as well as to allow for activation of facades that contain public pedestrian entrances. While the proposed front façade to the north would meet the 40% standard required for C-4 zoning, the rear entrance along the southern façade wouldn't contain any transparency at all (other than the doorway itself which would not count toward the required 40%).
- While Staff is hesitant to recommend approval of such variations, Staff would note that a majority of the area adjacent to the southern façade is associated with bathrooms, limiting the amount of public window transparency. The primary and public retail area is adjacent to the northern façade and has ample windows, therefore, Staff believes that the convenience markets design meets the intent of the Ordinance.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Surrounding Context
	North: Hamilton County	Commercial
	South: C-4	Commercial
	East: C-4	Commercial
	West: C-4	Commercial
Thoroughfare Plan		
East 96 th Street	Primary Arterial	136-foot existing and proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	02/09/2026	
Elevations	02/09/2026	
Landscape Plan	N/A	
Findings of Fact	02/09/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book



Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Regional Commercial working typology for provide for general commercial and office uses that serve a significant portion of the county rather than just surrounding homes. Uses are typically in large freestanding buildings or integrated centers and should provide pedestrian connection between buildings.

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

2025-CPL-861 / 2025-CVR-861; 9425 Hague Road (west of site), requested the Approval of a Subdivision Plat, to be known as Waffle House Addition, dividing 1.65 acres into two lots, and a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a restaurant with 32 parking spaces, **Approved.**

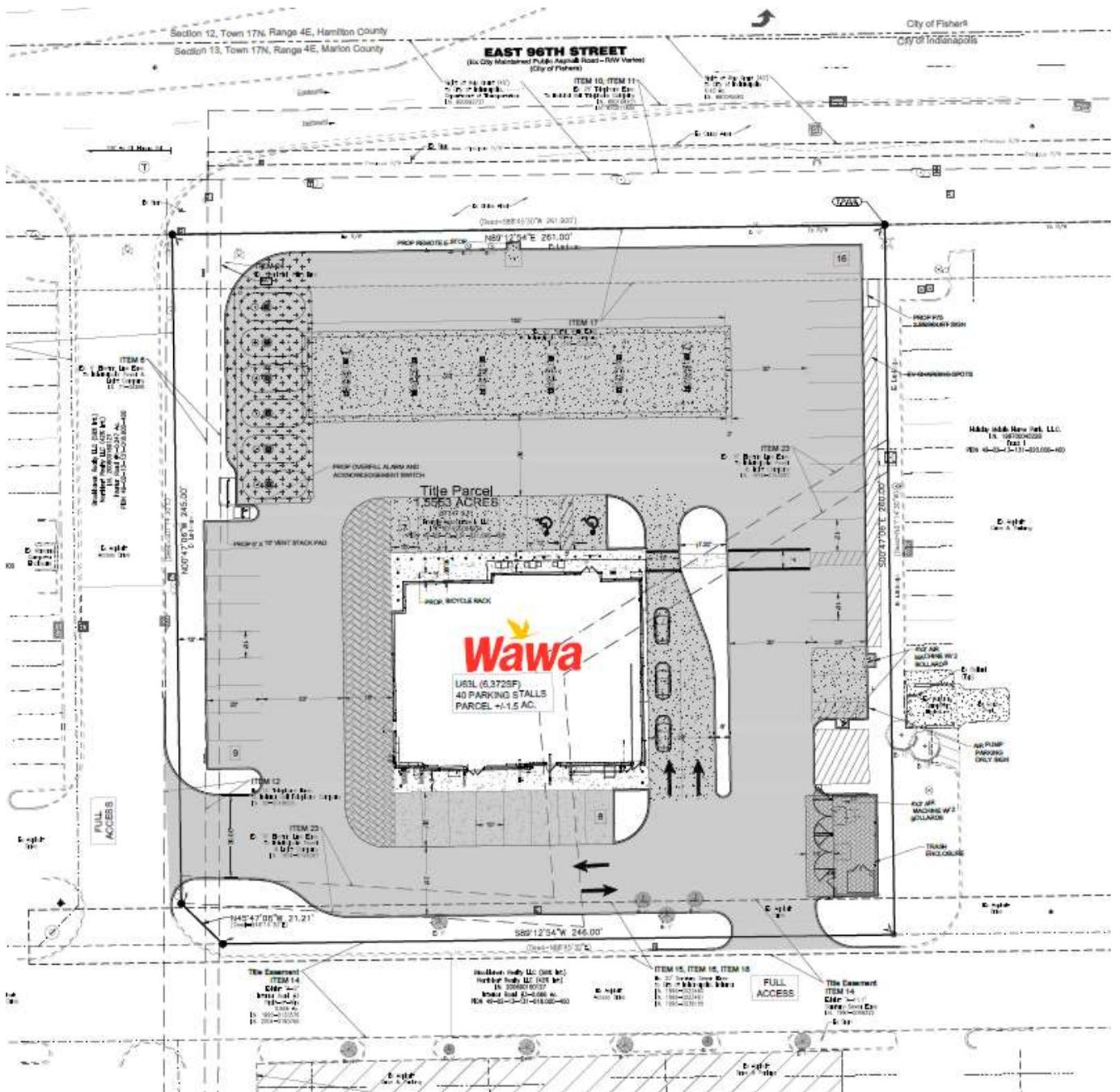
RU

EXHIBITS

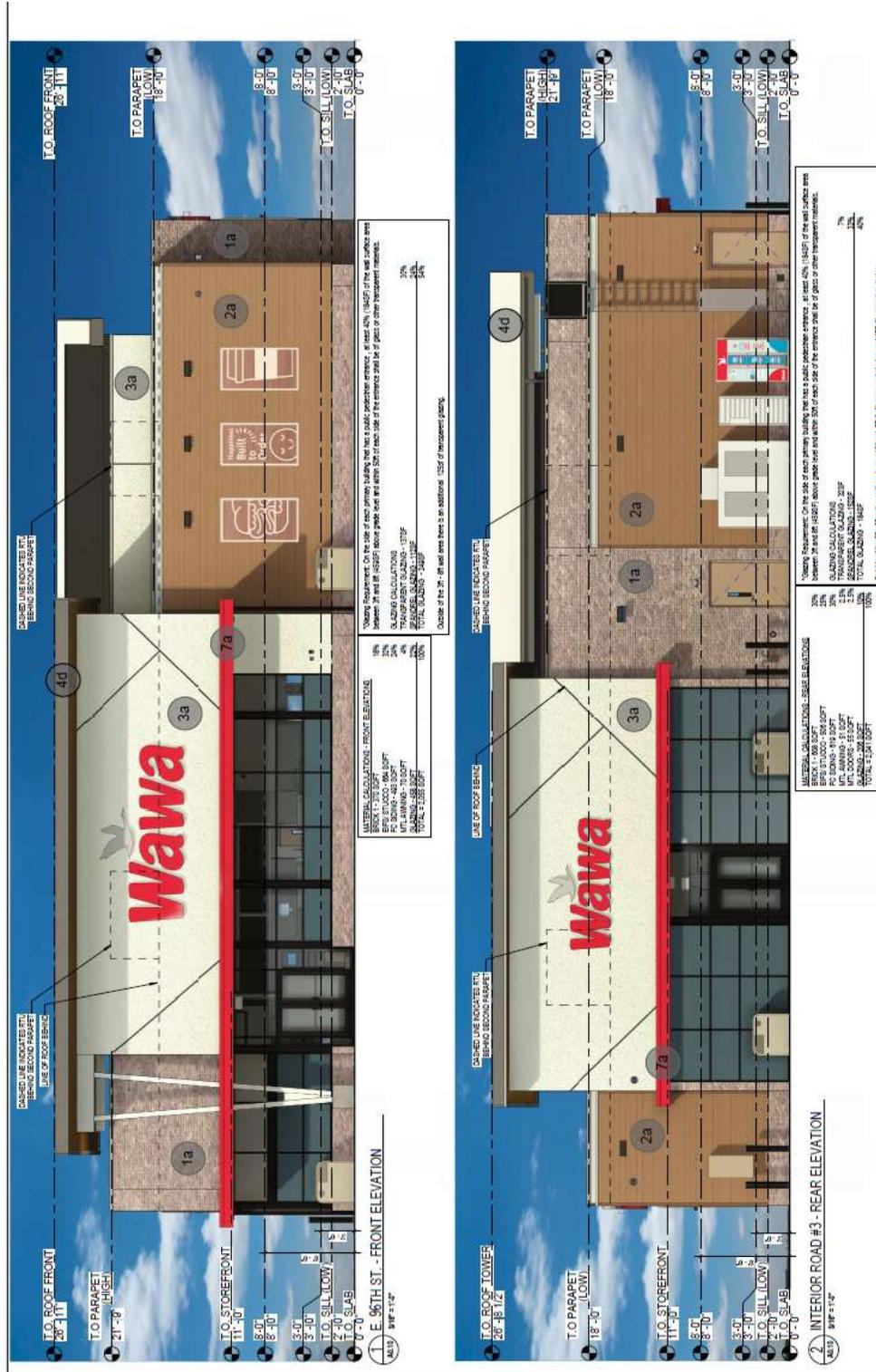
Aerial Map



Site Plan



Elevation Plans







Department of Metropolitan Development
Division of Planning
Current Planning

Plan of Operation



Plan of Operation

Proposed Wawa Store 7443

8133 E 96th Street, Indianapolis, IN

The proposed Wawa store is a convenience store and fuel station. The specific site is proposed to have an approximately 6,372 square foot convenience store and eight fuel pump islands. The convenience store floor plan is made up of approximately 3,300 square feet of retail, restrooms, and self-service, 1,300 square feet of food preparation space, and the remainder being office and storage space. The food component of a Wawa typically sees a higher output than a traditional fuel station convenience store, which is why the site is designed in such a way that provides convenience to customers that are not purchasing fuel to navigate the site and enter the building. The peak hours of Wawa sales generally follow that of the surrounding traffic pattern as many of the customers visit Wawa out of its convenience in their daily commute route.

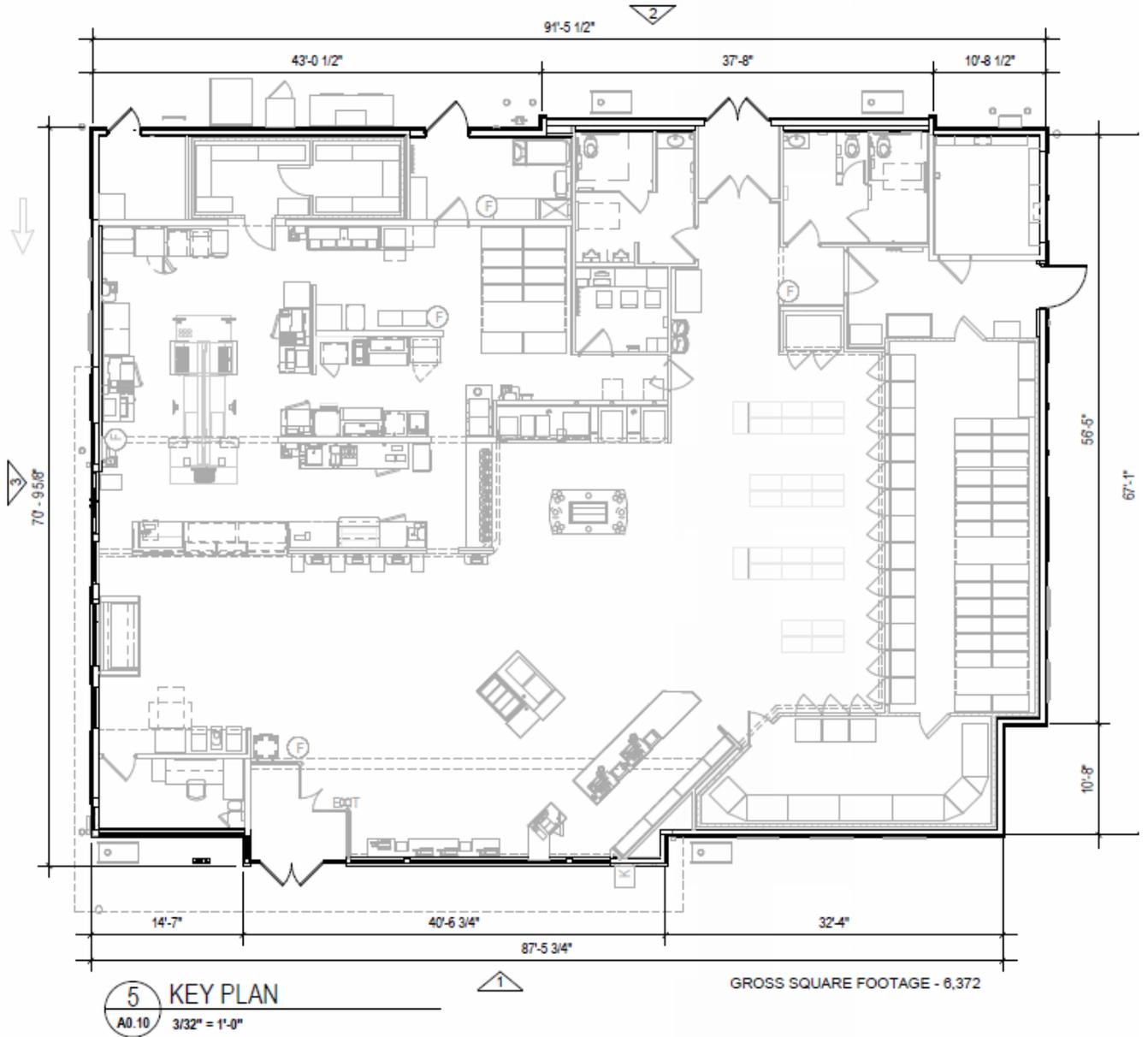
The Wawa store will be open 24/7. In order to support the store, Wawa employs between 40-50 employees to cover the 24-hour operation. The higher number of employees at the Wawa stores is due to the food demand as well as Wawa's exceptionally high standards for cleanliness and security both inside and outside the building. Wawa prides itself on being the preferred location for customers to stop whether it's in the middle of the lunch hour or middle of the night.

Due to the exceptional standards of food production, our bakery partner delivers fresh baked bread/rolls and other products daily. These deliveries are restricted to be outside of peak operating hours. Each of our stores has a designated delivery area for our vendors to use; this designated delivery area improves customer safety when our vendors are on site. A remote dumpster enclosure is provided as a part of the site design. The enclosure is typically located in an area with minimum visibility from the public right of way, but still convenient for Wawa employees and the waste management provider to utilize. In addition to the store operations, the site will incorporate underground fuel tanks for the fuel component of the business. All tanks are double-walled, and the fuel lines meet or exceed current standards. Wawa utilizes quality tank materials and monitoring systems to ensure safe containment of the fuel.

Wawa is growing within the Midwest market and is excited to be a partner in the communities that are served. Their reputation and customer following in other regions of the country speak for itself.

Sincerely,
Patrick Moone, PE
Wawa Real Estate Project Engineer

Floorplan





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The intention of the variance request is to prevent visibility into sensitive areas of the building such as restrooms, mechanical rooms, storage spaces, and the kitchen. Opaque glass is being proposed for portions of the facade to prevent viewing of the sensitive areas of the building that would otherwise be injurious to the public health, safety, morals and general welfare of the community should translucent glass be installed.

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 intent of the code is being met. Granting of the variance will not result in a noticeable change from the street level. The sum of the spandrel and translucent glazing will meet the require 40% per the City codes. By providing the total glazing (translucent and spandrel, required by the code, the adjacent areas will not be adversely affected.

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

The significant transparency requirements on the rear facade will result in the placement of translucent glazing that will allow viewing into sensitive areas of the building such as restrooms, storage areas and equipment areas. Customers arriving for fuel will use the entrance along the front of the store, while customers wanting just coffee, food or other convenience items may park and enter through the rear public entry in a safe manner.

Photographs



Subject site, existing building to be demolished, looking southeast.



Subject site, existing building to be demolished, looking southeast.



Adjacent commercial to the west of subject site.



Adjacent commercial to the east of subject site.



Board of Zoning Appeals Division III **March 17, 2026**

Case Number: 2026-DV3-005

Property Address: 1759 West Morris Street (*approximate address*)

Location: Center Township, Council District #18

Petitioner: Lyles Construction Group by Matthew Lyles

Current Zoning: C-4 (pending rezone to D-8)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 5-foot side setback (minimum 8 feet required).

Current Land Use: Developed, Single-Family Residence

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 1759 West Morris Street is a corner parcel on the southeastern corner of west Morris Street and Lee Street. The property appears to have first been developed as a single-family residence before being converted into a chiropractic office (see Photo 1 of Exhibits). Between 2019 and 2024, this property appears to have reverted to a use as a single-family residence. Adjacent land uses, while seemingly residential in nature are zoned C-4. To the south of this property, separated by an alley is a residential neighborhood zoned D-5. This property has access to an improved alley in the south.
- The property is currently in the process of being rezoned from C-4 to D-8 to facilitate the remodeling of, and addition to, the existing single-family structure. The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential. Similarly, the West Indianapolis Neighborhood Land Use Plan, classifies this property as being suitable for residential development greater than 5.00 and equal to or less than 8.00 units per acre. The proposed zoning and land use would be consistent with the Comprehensive Plan recommendation.



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

- With a lot size just above 5,600 square feet and a lot width of 40 feet, this property would be considered a detached house small lot by D-8 standards. Under such standards, a corner side setback must be 8 feet. The pre-existing structure has a corner setback of 5 feet. Site plans provided show that part of the existing foundation will be removed and replaced along the existing 5-foot setback. While the property would have been considered a legal non-conformity in its previous C-4 classification, a combination of rezoning and remodeling means that the property must meet the standards of its new zoning classification.
- Approval of this variance request would allow the petitioner to build and add to the existing structure along the existing footprint. Strict adherence to the Ordinance would not be possible unless the existing structure were demolished which presents a practical difficulty.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Developed; Residential	
Comprehensive Plan	Dwellings 5.0 – 8.0 Units per Acre	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Residential
South:	D-5	South: Residential
East:	C-4	East: Residential
West:	C-4	West: Residential
Thoroughfare Plan		
Morris Street	Primary Arterial	48-foot existing right-of-way and 48-foot proposed right-of-way
Lee Street	Local Street	48-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	2/5/2026	
Site Plan (Amended)	N/A	
Elevations	2/5/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	2/5/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- West Indianapolis Neighborhood Land Use Plan (2011)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The West Indianapolis Neighborhood Land Use Plan recommends this property for residential with a density of 5.00 to 8.00 units per acre.

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

2025ZON134; 1759 West Morris Street, Rezoning of 0.129 acres from the C-4 district to D-8 to provide for residential uses, **ongoing**.

ZONING HISTORY – VICINITY

97-Z-139; 1727 West Morris Street (one block east of site), Rezoning of 1701 through 1731 of West Morris Street to D-5, **approved**.

2024ZON033; 1802 and 1808 West Morris Street (northwest of site), Rezoning of 0.31 acres from the C-4 district to the D-5 to allow for the construction of two single-family homes, **approved**.

EXHIBITS

2025ZON134; Aerial Map



2025ZON134; Photographs



Photo 1: Subject Parcel from Morris Street

2025ZON134; Photographs (continued)



Photo 2: Google Image of subject parcel (from Morris Street) in 2019 as chiropractic clinic.



Department of Metropolitan Development
Division of Planning
Current Planning

2025ZON134; Photographs (continued)



Photo 3: 2024 Google Image of subject parcel highlighting narrow side setback off Lee Street.

2025ZON134; Photographs (continued)



Photo 4: Surrounding Properties to the west on Morris Street

2025ZON134; Photographs (continued)



Photo 5: Surrounding properties to the east on Morris Street

2025ZON134; Photographs (continued)



Photo 6: Subject property from rear alley looking north

2025ZON134; Photographs (continued)



Photo 7: Rear alley and garage looking west



BOARD OF ZONING APPEALS DIVISION III

March 17, 2026

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

Current Land Use: Vacant commercial bank

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

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

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

STAFF RECOMMENDATION

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

PETITION OVERVIEW

SITE HISTORY

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

MODIFICATION REQUEST

- ◇ The 2022-UV3-034 variance grant was subject to 13 commitments (attached). The petitioner requests to modify commitments 5, 12, and 13m. Commitment 5 limited business hours from 9am to 7pm Monday through Saturday. Commitment 12 required a secure entrance gate/chain to be installed and kept in good working order. Commitment 13m excluded (prohibited) an Automobile fueling station a C-4 permitted use from the site.



- ◇ The commitments restricting site development and layout were the result of negotiation between a previous petitioner and interested parties during the 2022 variance process. Staff played no role in the negotiation of the subject commitments, and ordinarily provides no recommendation under such circumstances. Staff would note, however, that the commitments were negotiated in good faith between interested parties during the petition process, and their agreement was contingent upon all commitments being included with the variance petition.

GENERAL INFORMATION

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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

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

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

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

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

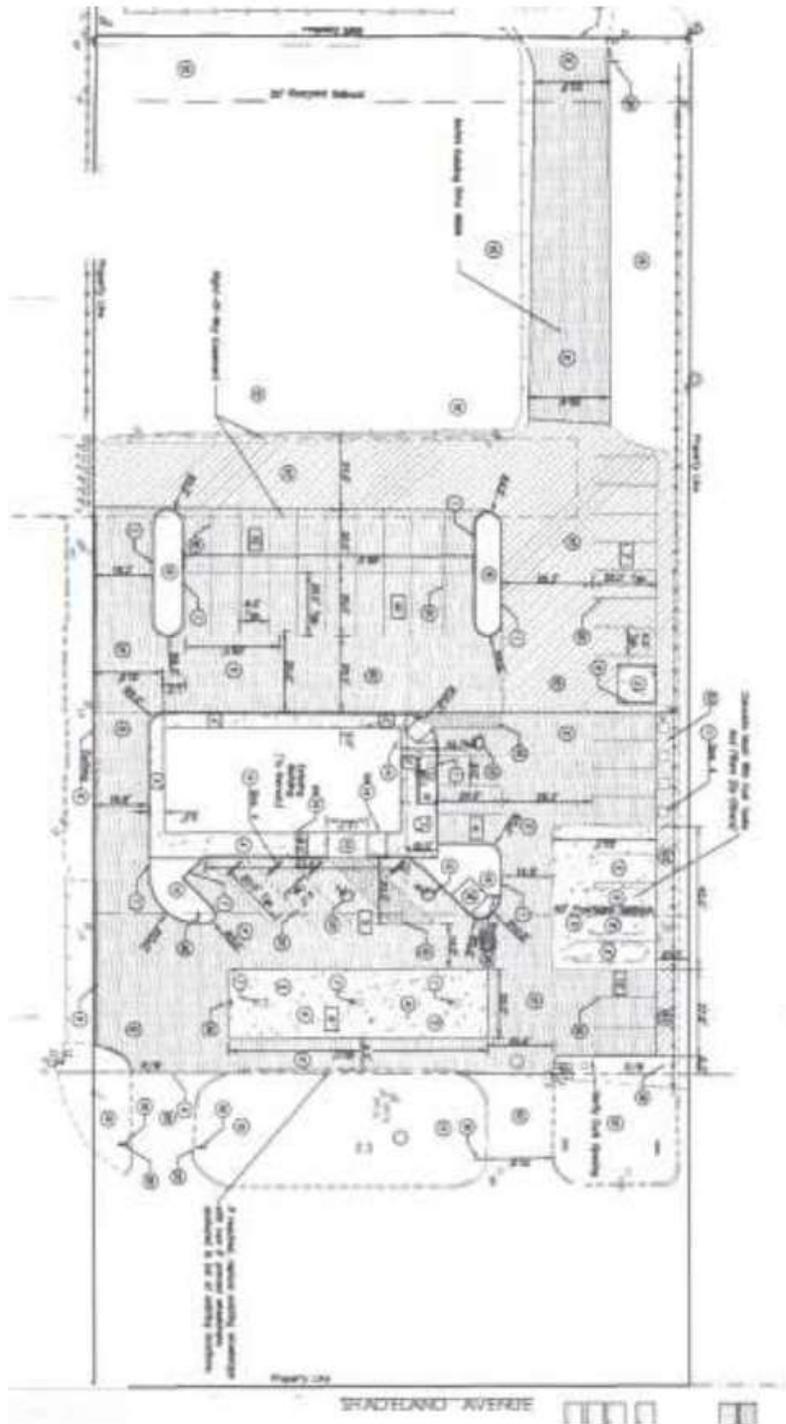
RU

EXHIBITS

Location Map



Site Plan





Commitments - Current

A202300016080

03/02/2023 10:41 AM

**FAITH KIMBROUGH
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 4

By: JS

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

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

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

Statement of COMMITMENTS:

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

BZA's Exhibit A -- Page 1 of 3



Commitments – Current continued

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

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

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

These COMMITMENTS may be enforced jointly and severally by:

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

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



Commitments - Proposed

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

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

Legal Description: See attached Exhibit A.

Statement of Modification or Termination of COMMITMENTS:

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

The real estate shall be developed as a retail gas station and convenience store pursuant to the site plan prepared by Abonmarche last dated 05/09/2024 and attached hereto.

- 3. Commitment No. 13(m) is terminated and deleted in its entirety.

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

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

These COMMITMENTS may be enforced jointly and severally by:

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

BZA's Exhibit B -- page 1 of 3

Photographs



Subject site existing building, looking west.



Subject site, rear of existing building looking west.



Adjacent commercial uses to the north, looking northwest



Adjancet commercial uses to the south, looking southwest.



BOARD OF ZONING APPEALS DIVISION III

March 17, 2026

Case Number: 2026-DV3-006
Address: 2747 North Emerson Avenue (approximate address)
Location: Warren Township, Council District #9
Zoning: I-2 (FW) (FF)
Petitioner: Pridgen Property Holdings LLC S, by Justin Kingen
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall chain-link fence within the required front yard (maximum 3.5-foot-tall fence permitted in front yards).

Current Land Use: Integrated Industrial Warehouse Center

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance permits a maximum fence height of 42 inches within the front yard for fences, 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.
- ◇ 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 3.5 feet, and then increasing to six (6) feet behind the first building facade. Or the proposed 6-foot fence could be re-positioned to be located behind the front façade of the first building without the need for a Variance, as indicated in red on Staff Exhibit A. In either option a Variance would not be needed.



GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Integrated Industrial Warehouse Center	
Comprehensive Plan	Light Industrial uses	
Surrounding Context	Zoning	Surrounding Context
	North: I-2	Commercial Contractor
	South: I-2	Industrial Warehouse
	East: D-4	Single-Family dwellings
	West: I-3	Undeveloped
Thoroughfare Plan		
Emerson Avenue	Primary Arterial	122-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	Yes	
Overlay	Environmentally Sensitive – 100-year Flood Plain	
Wellfield Protection Area	No	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan	February 5, 2026	
Findings of Fact	February 5, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Light Industrial typology that 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

2025-DV3-024; 2747 North Emerson Avenue (subject site), requested a Variance of Development Standards to allow for a waiver of the requirement to install pedestrian connectivity between a freestanding building and the existing sidewalk network along the right-of-way of Emerson Avenue, **granted**.

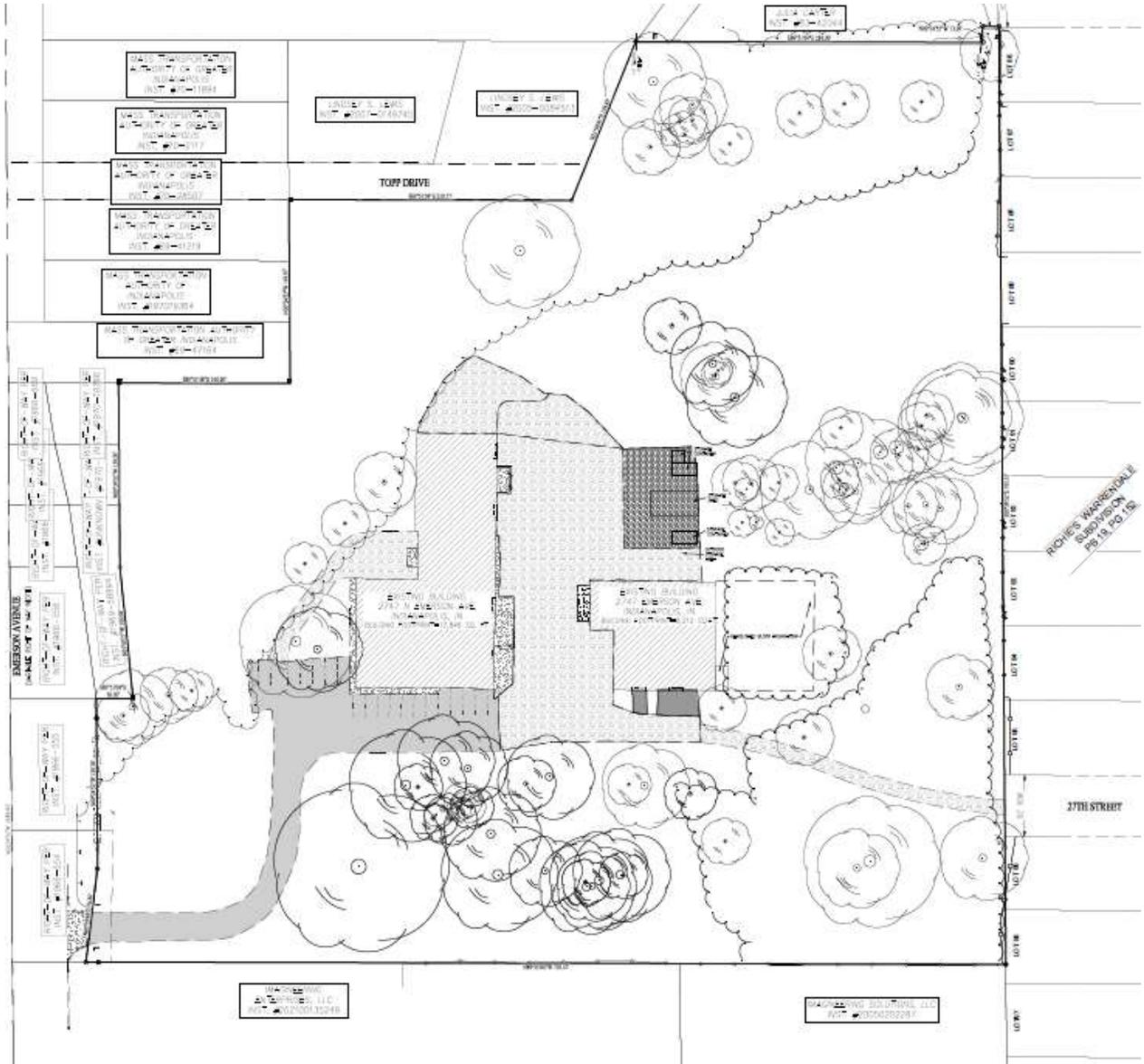
2005-SE3-003; 2627 and 2719 N. Emerson Avenue (south of site), requested a Special Exception of the Industrial Zoning Ordinance to provide for a metal finishing facility, within an existing two-story building, **granted subject to conditions**.

2004-UV2-26; 2545 Emerson Access (south of site), requested a Variance of Use to provide for an automobile storage lot for inoperable automobiles, **granted**.

97-Z-125; 2601-2607 North Emerson Avenue (south of site), requested the rezoning of 0.42 acre from the I-2-U to C-4, **approved**.

RU

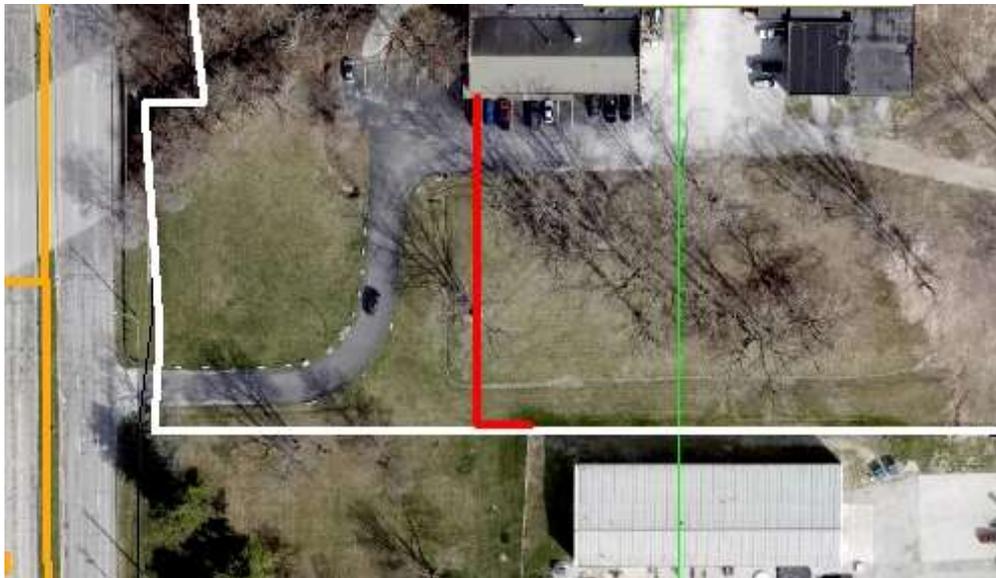
Site Plan



Proposed Fence Location



Staff Exhibit A





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed fence is intended to improve site security for an existing industrial property that has experienced repeated instances of trespassing and theft. The installation of a six-foot chain-link fence within the front yard will help control unauthorized access, reduce criminal activity, and protect employees, visitors, and property. The fence will not obstruct emergency access or interfere with public infrastructure, and its location & design maintains visibility along Emerson Avenue while enhancing overall site safety.

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 subject property is located within an established industrial corridor zoned I-2, with surrounding properties primarily used for industrial and commercial purposes. Chain-link fencing is a common and expected feature in industrial areas and is compatible with the character of the surrounding development. The proposed fence will not introduce new uses, increase intensity of activity, or create adverse visual impacts beyond what is typical for similar industrial sites. As such, the variance will not negatively affect the use or value of adjacent properties.

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

Strict enforcement of the maximum permitted front-yard fence height would limit the property owner's ability to adequately secure the site and address ongoing trespassing and theft issues. Given the size of the parcel, its frontage along a primary arterial, and the industrial nature of on-site operations, a fence limited to three feet, six inches in height does not provide a reasonable level of security. The requested variance represents the minimum relief necessary to allow continued and safe use of the property while remaining consistent with the intent of the zoning ordinance.

Photographs



Subject site, looking east from Emerson Avenue



Proposed fence location in front yard, looking east.



Proposed fence extension location in front yard, looking south.



Existing first buildign warehouse on site, location of recommended compliant fence location, looking northeast.