



Board of Zoning Appeals Board of Zoning Appeals Division I (July 7, 2026) Meeting Agenda

Meeting Details

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

Date: Tuesday, July 07, 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. **2026-DV1-020 (Amended) | 6129 South Emerson Avenue**

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

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 4,800-square foot detached accessory structure, with a larger foot-print than the primary dwelling (accessory structures must be smaller than the primary dwelling).

**** Request to continue to the 8-4-26 hearing.**

2. **2026-DV1-028 | 1019 N Beville Avenue**

Center Township, Council District #13, zoned D-5
Nickolas Gonzalez

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 7.5-foot tall privacy fence in the side and rear yards (maximum six-foot tall fence permitted in side and rear yards).

**** Request to continue, with notice to the 8-4-26 hearing.**

3. **2026-UV1-002 | 5301 West 56th Street (approximate address)**

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

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

**** Request to continue to the 8-4-26 hearing.**

4. **2026-UV1-008 | 1852 Shelby Street**

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

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

**** Continuance requested by the petitioner to the 8-4-26 hearing**

5. 2026-UV1-015 | 1902 East 46th Street

Washington Township, Council District #7, zoned C-3 (W-1)
DAST 2 LLC, by Thomas Kervan

Variance of Use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a temporary storage container with an off-premises sign (not permitted).

**** Request to continue to the 8-4-26 hearing.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

6. 2026-DV1-012 (Amended) | 3675 West 11th Street

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

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached structure with a 3-foot side setback (7-foot required), a 4-foot rear setback (5-foot required), and within an easement (encroachment into easements prohibited).

7. 2026-DV1-022 (Amended) | 510 West Hampton Drive

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

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

8. 2026-DV1-025 | 7279 North Keystone Avenue

Washington Township, Council District #3, zoned C-4 (FF)
Midland Realty LLC, by Greg Dempsey

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 north side building facade transparency (40 percent required), per plans submitted.

9. 2026-DV1-026 | 1814, 1838, 1857, 1859, 1918 & 1941 Tallman Avenue, and 2741 & 2755 Columbia Avenue

Center Township, Council District #8, zoned D-5
City of Indianapolis Department of Metropolitan Development, by Matthew Hostetler

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of duplexes on lots with deficient width (60-foot width required) and 4.5-foot building setbacks and reduced walkway setbacks on lots with a width of 35 feet (5-foot building setbacks and 2-foot walkway setbacks required).

10. 2026-DV1-027 | 330 North Arsenal Avenue

Center Township, Council District #13, zoned D-8
330 N Arsenal Ave LLC, by Alltrue Construction LLC

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a deck and stairs to protrude 4 feet into the required corner side yard setback (8-foot corner side setback required).

11. 2026-DV1-029 | 1114 Roache St

Center Township, Council District #12, zoned D-5
Canal Village III LP, by Joseph Csikos

Construction of a new single- family residence with a five-foot corner side yard (minimum eight-foot corner side yard required), and within the Clifton Avenue/Roache Street collector- street clear- sight triangle (not permitted).

12. 2026-DV1-030 | 1406 South Capitol Avenue

Center Township, Council District #18, zoned D-8
Central at Old Southside, LP, by Carl Frey

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 227-unit residential development with parking in front of the front building line (not permitted) and a front building line beyond the allowable front building line range (the front building line must be between 20 and 50 feet in the neighborhood yard frontage type).

13. 2026-DV2-018 | 2230 East 75th Street

Washington Township, Council District #2, zoned D-S (FF)
Luis Cordon, by Avouch Contractors (David Stevens)

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family residence with a 3-foot west side setback and a 9-foot east side setback (15-foot side setback and 35-foot combined side setback required), a 40-foot rear setback (50 feet required), a 36-foot front setback (60-foot setback required based on average setbacks), to permit 2 minor residential structures in the front yard setback (not permitted), to legally establish a utility shed partially within the floodway fringe, and to provide for development with deficient open space (85% open space required).

14. 2026-UV1-013 | 8005 East Thompson Road

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

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

15. 2026-UV3-009 | 5 West Epler Avenue

Perry Township, CD# 22, zoned D-A
Leedom & Terrell, LLC, by Jacob Bowman

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for commercial and building contractor usage (not permitted in D-A) with outdoor storage and operations (not permitted in D-A).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

16. 2026-DV1-013 (Amended) | 2440 Lafayette Road

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

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall perimeter chain link fence utilizing barbed wire and within a rear-yard easement (maximum 3.5-foot-tall

fence permitted in front yards, chain link not permitted within front yards, barbed wire not permitted, encroachment into easements not permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

17. 2026-UV1-012 | 2355 West Morris Street, and 1211 and 1220 South Tremont Street

Wayne Township, Council District #17, zoned D-5 / C-4
Hurst Properties LLC, by Heath Hurst

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for administrative office space (not permitted in D-5) and for office uses with deficient vehicle and bicycle parking spaces (10 vehicle and 3 bicycle spaces required).

18. 2026-UV1-014 | 7711 West 10th Street

Wayne Township, Council District #16, zoned C-3
EMP Property LLC, by Abdelmonem Habib

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for automobile sales and display (not permitted).

19. 2026-UV1-016 | 1504 South Grant Avenue

Center Township, Council District #19, zoned D-3
Ashley L. Ricardo

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for outdoor storage and operations related to property maintenance and contractor operations (outdoor storage not permitted in the D-3 district).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a parking area larger than 30 feet (parking areas in D-3 restricted to 30 feet in width or 50% of the lot width, whichever is lesser), to allow for the combined square footage of detached accessory structures to equal 1,656 square feet when the primary dwelling unit is 1,500 square feet (the sum of the square footage of all detached accessory structures may not exceed the square footage of the primary dwelling unit), to allow for an unpaved parking area (parking lots shall provide a durable and dust-free surface area).

20. 2026-UV1-017 (Amended) | 1215 South Girls School Road

Wayne Township, Council District #17, zoned C-3
Elite9 Investments LLC, by Bill Niemier

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing fueling station use (not 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
Peter Nelson, Chair	Mayor's Office	January 1, 2025 – December 21, 2025
David Duncan, Secretary	Mayor's Office	January 1, 2025 – December 21, 2025
Jennifer Whitt	City-County Council	January 1, 2025 – December 21, 2025
Andrew Katona	Metropolitan Development Commissions	January 1, 2025 – December 21, 2025
VACANT	City-County Council	N/A



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number: 2026-DV1-020 (amended)
Address: 6129 South Emerson Avenue (approximate address)
Location: Franklin Township, Council District #24
Zoning: D-A
Petitioner: Daniel and Jennifer Taylor, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 4,800-square foot detached accessory structure, with a larger foot-print than the primary dwelling (accessory structures must be smaller than the primary dwelling).

Current Land Use: Vacant lot

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued from the June 2, 2026, hearing, to the July 7, 2026, hearing, to allow time to amend the petition and provide new notice.

The petitioner has requested that this petition be continued for cause from the July 7, 2026, hearing, to the August 4, 2026, hearing to allow time to meet with a neighborhood organization and provide new notice.



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BOARD OF ZONING APPEALS DIVISION I**July 7, 2026**

Case Number: 2026-DV1-028
Address: 1019 N Beville Avenue (approximate address)
Location: Center Township, Council District #13
Zoning: D-5
Petitioner: Nickolas Gonzalez
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 7.5-foot tall privacy fence in the side and rear yards (maximum six-foot tall fence permitted in side and rear yards).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition will need to be continued for cause from the July 7, 2026, hearing, to the August 4, 2026, hearing, to allow time for the petitioner to provide legal notice.



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BOARD OF ZONING APPEALS DIVISION II

July 7, 2026

Case Number: 2026-UV1-002

Property Address: 5301 West 56th Street (approximate address)

Location: Pike Township, Council District #6

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

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

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

Current Land Use: Residential

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

7/7/26: The petitioner has indicated that they are in the process of seeking variances related to the fire code for this property. Staff would find it most appropriate for that process to conclude prior to the zoning hearing, and would be supportive of an additional continuance request prior to publication of a full report. The petitioner has indicated their desire to continue the petition to the October 6, 2026 hearing date.

6/2/26: The initial fire inspection found 10 violations at the site. Several of those violations were resolved, but the petitioner is continuing to explore options related to the width of the access road and lack of fire hydrant. An additional continuance will be requested to the July 7th hearing date.

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

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



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Board of Zoning Appeals Division I

July 7, 2026

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

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

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

PETITION HISTORY

A registered neighborhood organization previously filed a timely automatic continuance from the May 12th to the June 2nd BZA I hearing. Staff previously requested a continuance for cause to the July 7th, 2026, hearing. Petitioner is requesting a one-month continuance to the August 4th, 2026, BZA I hearing.



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BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number: 2026-UV1-015
Address: 1902 East 46th Street (approximate address)
Location: Washington Township, Council District #7
Zoning: C-3 (W1)
Petitioner: DAST 2 LLC, by Thomas Kervan
Request: Variance of Use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a temporary storage container with an off-site advertising sign (not permitted).

Current Land Use: Commercial building

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition will need to be continued for cause from the July 7, 2026, hearing, to the August 4, 2026, hearing, to allow time to amend the petition and provide new notice.



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BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number: 2026-DV1-012 (Amended)

Property Address: 3675 West 11th Street (*approximate address*)

Location: Wayne Township, Council District #12

Petitioner: Manuel Alonso Marrufo Villa & Maria Elena Marrufo, by Epifanio Carbajal

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached structure with a 3-foot side setback (7-foot required), a 4-foot rear setback (5-foot required), and within an easement (encroachment into easements prohibited).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** of the requests.

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

6/2/26: This petition received an indecisive 1-2 vote at the June 2nd hearing date. Between then and the July hearing date of Division I of the BZA, the petitioner provided an amended site plan showing removal of the eastern driveway accessing the detached structure (see Exhibits below). This amendment resulted in the removal of one of the remaining variances related to front-yard driveway width. Given the odd shape of the lot, the reduced likelihood of commercial activity at the site given the driveway removal, and the previous letter from AES indicating their approval of the encroachment, staff now recommends **approval** of the petition.

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

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

STAFF RECOMMENDATION

Staff recommends **approval** of the requests based on the revised site plan sent on June 17, 2026.

PETITION OVERVIEW

- 3675 West 11th Street is a triangularly-shaped residential parcel with a size of approximately 0.25 acres. As of 2023, the property was developed with a single-family residence and detached front-loaded garage to the west of the home. Adjacent land uses include other residences to the north and east, and a rail line to the southwest. Overhead power lines exist roughly parallel with the property's eastern boundary line, and the site is only accessible via multiple local streets.
- In 2024, the property was improved with an additional gravel driveway and parking area along the eastern portion of the site. It does not appear that a driveway permit was obtained to allow for the vehicle access. Similarly, construction began on a detached garage in 2025 for which no permits were sought from or approved by the Department of Business and Neighborhood Services.
- The violation case VIO25-010512 was opened in November of 2025 in response to a complaint filed with the Mayor's Action Center. The full text of the 15 violations cited at the property is within the Exhibits below. Non-conformities noted by that inspection included the need for permits for the partially built structure as well as an addition onto the primary residence, the encroachment of that new building into required setbacks, outdoor storage of miscellaneous debris and vehicle parts, the parking of commercial and recreational vehicles and a trailer, the width of front-yard driveways, and the unpermitted operation of a construction contractor use in a residential zone.
- Approval of this petition would allow for the property owner to keep and complete construction of the second, partially built detached garage in its current location. They would also reduce the width of the new gravel driveway on the east of the site from the 19 feet shown within aerial photography (see Exhibits) to 10 feet for a total of 60 feet of driveway area in the front yard. Per correspondence from the applicant received in February of 2026, "the homeowner has acquired a warehouse, and that is where he has been and will continue to store his construction and recreational vehicles". Approval of this variance would not allow for any commercial activity or operation at the site.
- Based on the contents of VIO25-010512, discussion with the petitioner, and staff's own review of applicable dimensional standards, the following variances would be required:
 - The partially built detached garage has a side setback of three (3) feet from the eastern property line where seven (7) feet would be the applicable minimum.
 - The partially built detached garage has a rear setback of three (3) feet from the southwestern property line where five (5) feet would be the applicable minimum.
 - Due to the existence of overhead power lines along the eastern property line, there is a 4-foot easement that runs parallel to the eastern property line. The partially built detached garage is partially within this easement (which is not permitted).
 - The width of front-yard driveway and parking areas would total 60 feet: 10 feet for the gravel driveway and 50 feet in front of the existing house and detached garage. This would be double the applicable maximum of 30 feet.



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- The driveway addition would also result in only 54.2% of the front yard area being comprised of grass or other landscaped materials. This zoning district and frontage type would require a front yard with at least 65% landscaped materials.
- Staff's review also concluded that variances related to the size and height of the garage as compared to the existing residence would not be required (the primary building would have a height of 15.5 feet and an area of 1210 square feet, while the garage would have a height of 14.5 feet and an area of 1188 square feet). Additionally, the open space ratio would be compliant, and no alley access would exist for this property unlike neighboring parcels to the east. However, staff would note that approval of this petition would not exempt the property owner from the need for a driveway permit, and that the Department of Public Works has a separate set of rules distinct from the Zoning Ordinance that would disallow two driveways on a single residential property. Even if variances are approved, it is unlikely that a driveway permit would be issued for a second access point for the same property where a 50-foot access already exists.
- The subject site is zoned D-5 (Dwelling District Five) to allow for medium- and large-lot housing formats, primarily for detached houses in either new, walkable suburban neighborhoods or for infill situations in established urban areas. Similarly, the Near West Neighborhood Land Use Plan recommends residential development with a density of 5-8 dwelling units per acre for this area. Finally, Infill Housing Guidelines indicate that setbacks should reflect existing spacing on the block while allowing room for maintenance, and that front-yard areas should utilize trees and landscape areas to create aesthetically pleasing and sustainable residential communities.
- Findings of Fact provided by the applicant in support of this filing are minimal, and mention that grant of these variances would allow for on-site vehicle parking as opposed to the utilization of on-street parking. Staff would note that no site-specific practical difficulty was identified by these Findings, and that if permits had been sought prior to the placement of improvements on the property these dimensional standards issues could have been identified and plans could have been altered prior to construction. Additionally, compliance with applicable residential building standards, Fire Code, and drainage requirements could be verified during the permitting process. This would be a self-imposed hardship, and staff would want to avoid the negative precedent of granting relief by variance for instances of "asking forgiveness, not permission".
- Regulations on setbacks exist to ensure adequate separation between structures on adjoining lots for reasons related to public safety, maintenance, aesthetics, and privacy. Although the odd triangular shape of the lot does reduce feasible options for rear yard development, staff would note that an exemption exists for the rear setbacks of detached accessory structures that would allow for five (5) feet instead of 20 feet (a reduction of 75%). The proposed structure with a size of 1188 square feet would be comparable to the size of the house and would be the second detached garage placed on the property (Ordinance only requires 1 parking space per dwelling unit). Staff feels that even given the triangle lot, the proposed size of the structure and the fact that construction began without permits would be a self-imposed difficulty. A smaller version of the garage might be more contextually appropriate (especially since commercial use of the site

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has been abated, per the petitioner) and could allow for compliance with setback standards. For these reasons, staff recommends denial of the setback variances.

- With regards to variances related to the driveway width and front-yard landscaped areas, staff would note that a potential pathways to compliance might be to either (a) remove the new gravel driveway on the eastern portion of the property or (b) reduce front-yard parking areas in front of the existing house (most recently used for housing of commercial vehicles, per photographs within Exhibits) to allow for placement of a new driveway while remaining under the 30-foot requirement. Adjacent property owner appear able to meet the standard for front-yard landscaped area despite having narrower lots, and staff feels that utilization of either of the above options could allow for compliant site development that would more closely align with Ordinance and Plan goals. For these reasons, staff also recommends denial of the variances related to the width of front-yard parking areas and landscaped areas along the frontage.
- Finally, staff would also note the placement of the detached garage within the easement related to overhead power lines (see Photo 4 of Exhibits). No practical difficulty exists that would require encroachment of a structure into the required easement area, and placement of a building here could create complications for any future maintenance that might be required either for the power line or for the structure on this property. At the time of publication, it is unclear if AES has granted or if AES would grant permission for construction within their easement. For these reasons, staff recommends denial of the variance for encroachment into the easement.

GENERAL INFORMATION

Existing Zoning	D-5	
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: Railroad
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
11 th Street	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	02/17/2026	
Site Plan (Amended)	06/17/2026	
Elevations	02/23/2026 (from STR25-05866)	



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Elevations (Amended)	N/A
Findings of Fact	02/17/2026
Findings of Fact (Amended)	02/26/2026

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

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

Infill Housing Guidelines

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

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

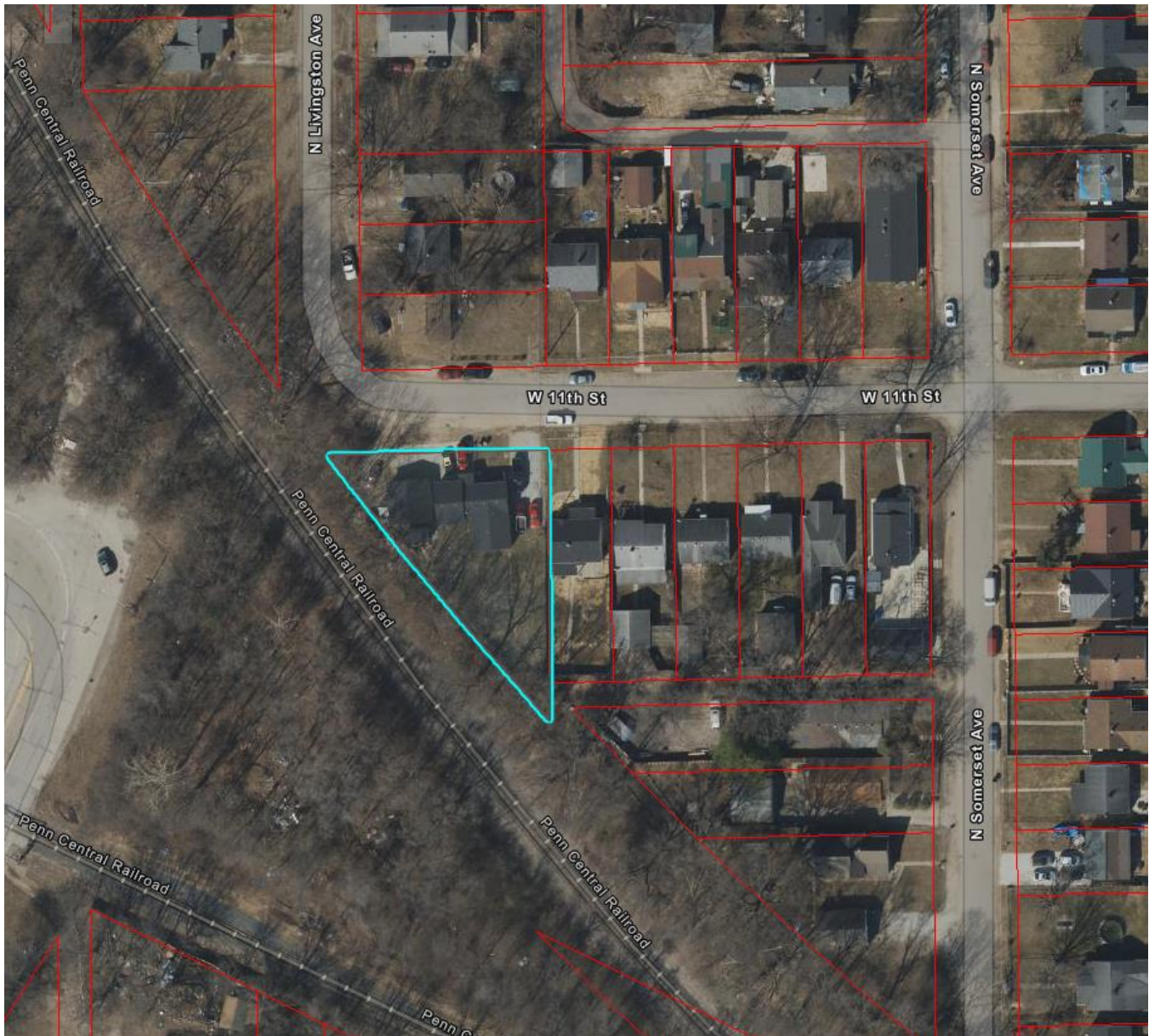
N/A

ZONING HISTORY – VICINITY

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

EXHIBITS

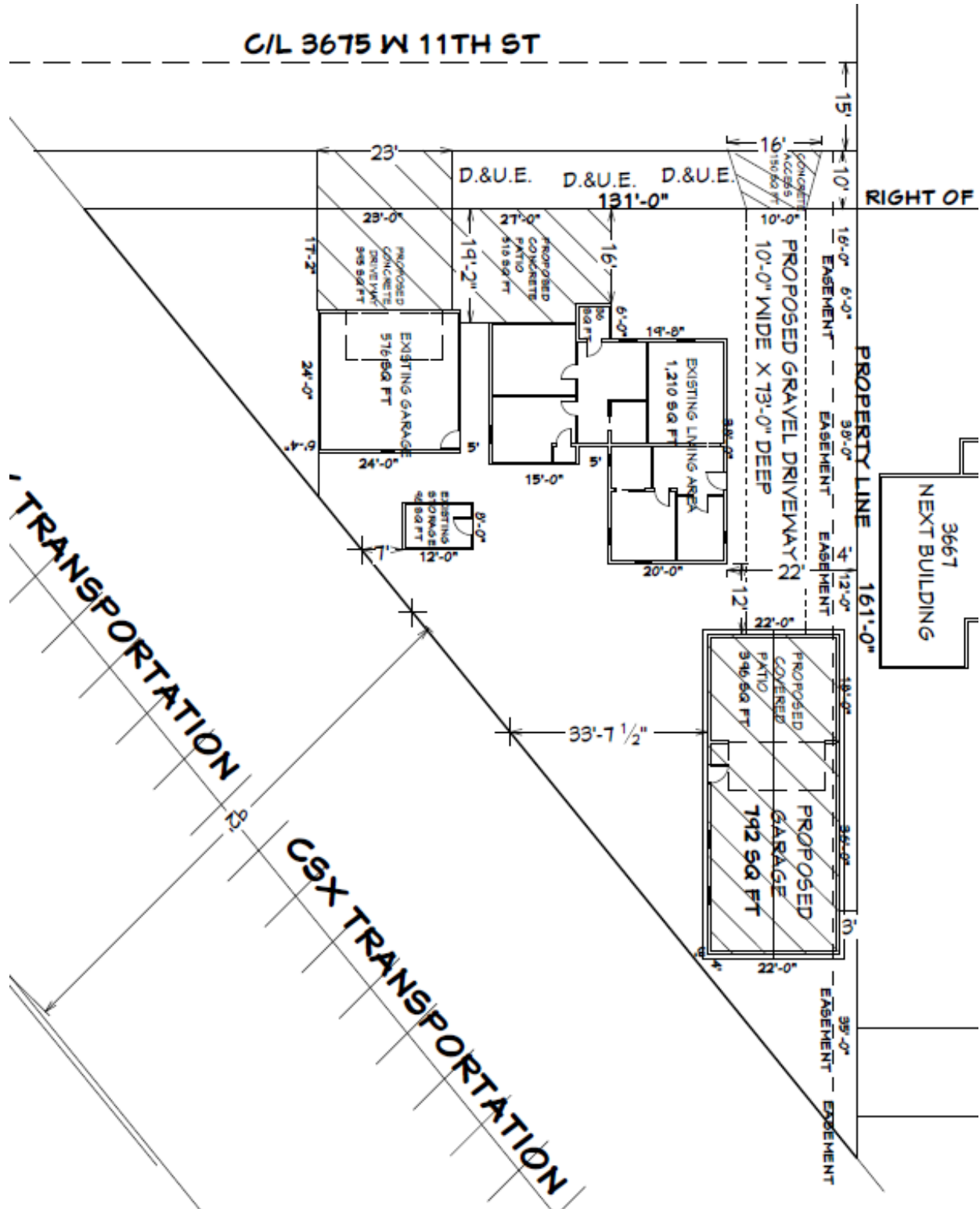
2026DV1012 ; Aerial Map



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



2026DV1012 ; Site Plan (February 2026)

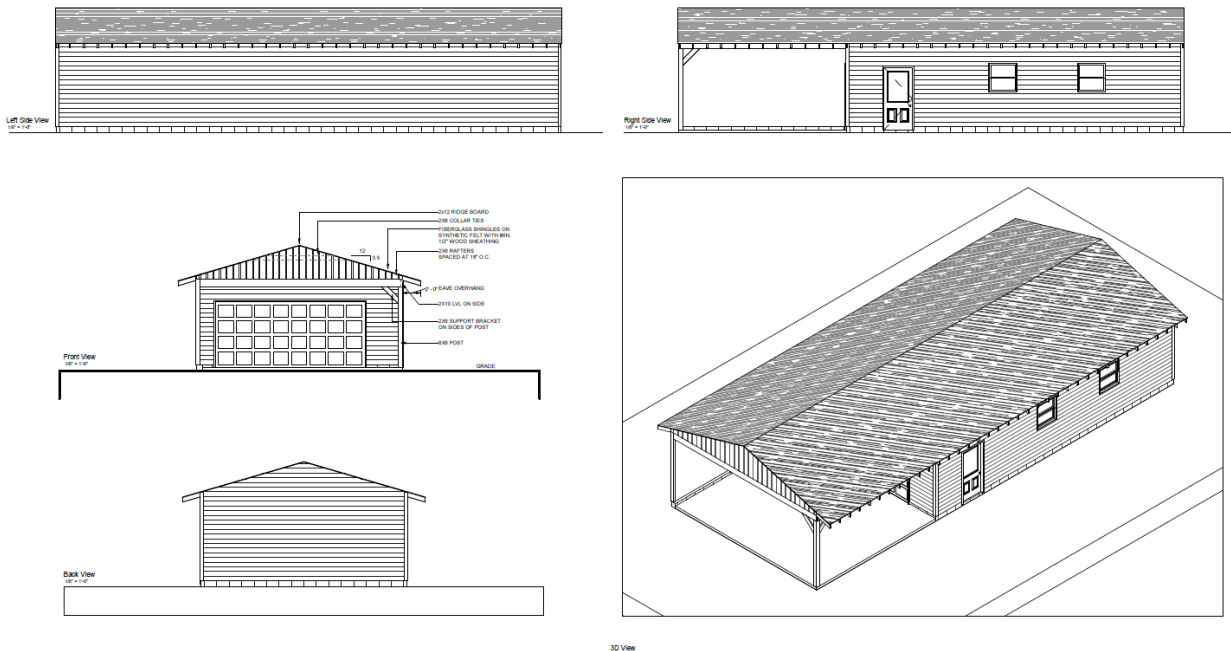


2026DV1012 ; Aerial View of Northern Portion of Parcel + Easement (2023)



Note: easement boundary represented by dashed yellow line

2026DV1012 ; Elevations (STR25-05866)



2026DV1012 ; Driveway Width Diagram



2026DV1012 ; Findings of Fact

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

the subject addition will be an accessory structure in the rear yard and the driveways will be used to access the garages.

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

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

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

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



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2026DV1012 ; Notice of Violation (VIO25-010512)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

2026DV1012 ; AES Consent to Encroach

CONSENT TO ENCROACHMENT

THIS INDENTURE WITNESSETH:

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

SIMKO HTS L46

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

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

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

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

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

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

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

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

Blane E. Boyd
Manager, Real Estate and Surveying

2026DV1012 ; Photographs



Photo 1: Subject Residence Viewed from North



Photo 2: Unpermitted Driveway and Accessory Structure Viewed from North

2026DV1012 ; Photographs (continued)



Photo 3: Subject Site Front Yard Viewed from East



Photo 4: Overhead Power Lines/Easement Intersecting Property

2026DV1012 ; Photographs (continued)



Photo 5: Adjacent Property to East of Subject Site



Photo 6: Adjacent Property to North

2026DV1012 ; Photographs (continued)



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



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

2026DV1012 ; Photographs (continued)



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



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



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number:	2026-DV1-022 (Amended)
Property Address:	510 West Hampton Drive (approximate address)
Location:	Washington Township, Council District #7
Petitioner:	Michael and Sara Mitchell, by Josh Smith
Current Zoning:	D-5
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-foot side yard setback (seven feet required) and a three-foot rear yard setback (five feet required) for a detached structure.
Current Land Use:	Residential
Staff Recommendations:	Staff recommends approval of the requested variances.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

6/2/26: A continuance was granted to the petitioner to allow for them to amend the request to include a rear setback variance as well as the side setback. Additional time was required for mailing of legal notice.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

510 West Hampton Drive is a 0.21-acre parcel currently developed with a single-family home and attached garage built in 1928 (per the property card) with a footprint of approximately 1725 square feet. The property is accessed by an existing driveway from Hampton to the south, and lacks alley access. Immediately adjacent land uses are residential in nature (zoned D-5 and within the Butler-Tarkington neighborhood), and areas zoned UQ-1 and associated with Butler University are to the west of the property along Sunset Avenue.

Approval of this petition would allow for construction of a detached garage in the northwest corner of the lot, in addition to the existing side-loaded attached garage. The garage door of the new structure would be roughly parallel with the existing driveway location, which would not be altered by this project. The 70-foot width of the lot would require a side yard setback of seven (7) feet to the west, and an exception for detached accessory residential structures would allow for a rear setback of five (5) feet. The variances sought would allow for a 3-foot setback to the west as well as a 3-foot setback to the north, a deviation of four (4) feet and two (2) feet from Ordinance requirements respectively.



Department of Metropolitan Development
Division of Planning
Current Planning

The property is zoned D-5 (Dwelling District Five) to allow for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. Similarly, the property is recommended for Traditional Neighborhood uses and placed within a Residential Corridor Reserve overlay by the Comprehensive Plan Pattern Book (additional information below). Finally, relevant Infill Housing Guidelines indicate that building spacing should reflect existing spacing along the block while also allowing for maintenance of buildings.

Findings of Fact provided by the applicant indicate that usage of solely the existing attached garage located around the corner of the established building creates difficulties in maneuvering, and that the placement of this garage would maintain the visual layout of the rest of the neighborhood where reduced side- and rear-yard setbacks for garages are not uncommon. Staff would concur that the placement of the garage would not violate applicable Infill Housing Guidelines, that adequate fencing and landscape placement exists near property lines to provide buffering, and that the adjacent lot to the west (owned by the university) does not have current plans for future development. For these reasons, staff recommends **approval** of the requests related to setbacks.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Undeveloped
Thoroughfare Plan		
Hampton Drive	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	04/17/2026	
Site Plan (Amended)	06/02/2026	
Elevations	06/16/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	04/17/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible.
 - The Residential Corridor Reserve (RR) overlay is intended for areas where the residential nature of a corridor is at risk due to encroachment from other land uses. An example might be residential areas that are being overtaken by schools, hospital, or corporate campuses.
 - Detached housing is a contemplated land use for both this typology and this overlay.

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

- Spacing between buildings should establish a rhythm and pattern along a street, with existing spacing on the block reinforced, limits on uncharacteristically large gaps between houses, and adequate room for maintenance of homes and buildings.

Indy Moves

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

- Not Applicable to the Site.



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Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2024DV2005 ; 435 West Hampton Drive (southeast of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with four-foot east side yard setback (seven-foot side yard setback required), **approved**.

2023DV1054 ; 530 West 44th Street (southwest of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 754-square foot carriage house (maximum square footage of 720 square feet permitted) with a five-foot corner side yard setback from Sunset Avenue (10-foot required) and a 2.5-foot rear yard setback (five-foot setback required), **approved**.

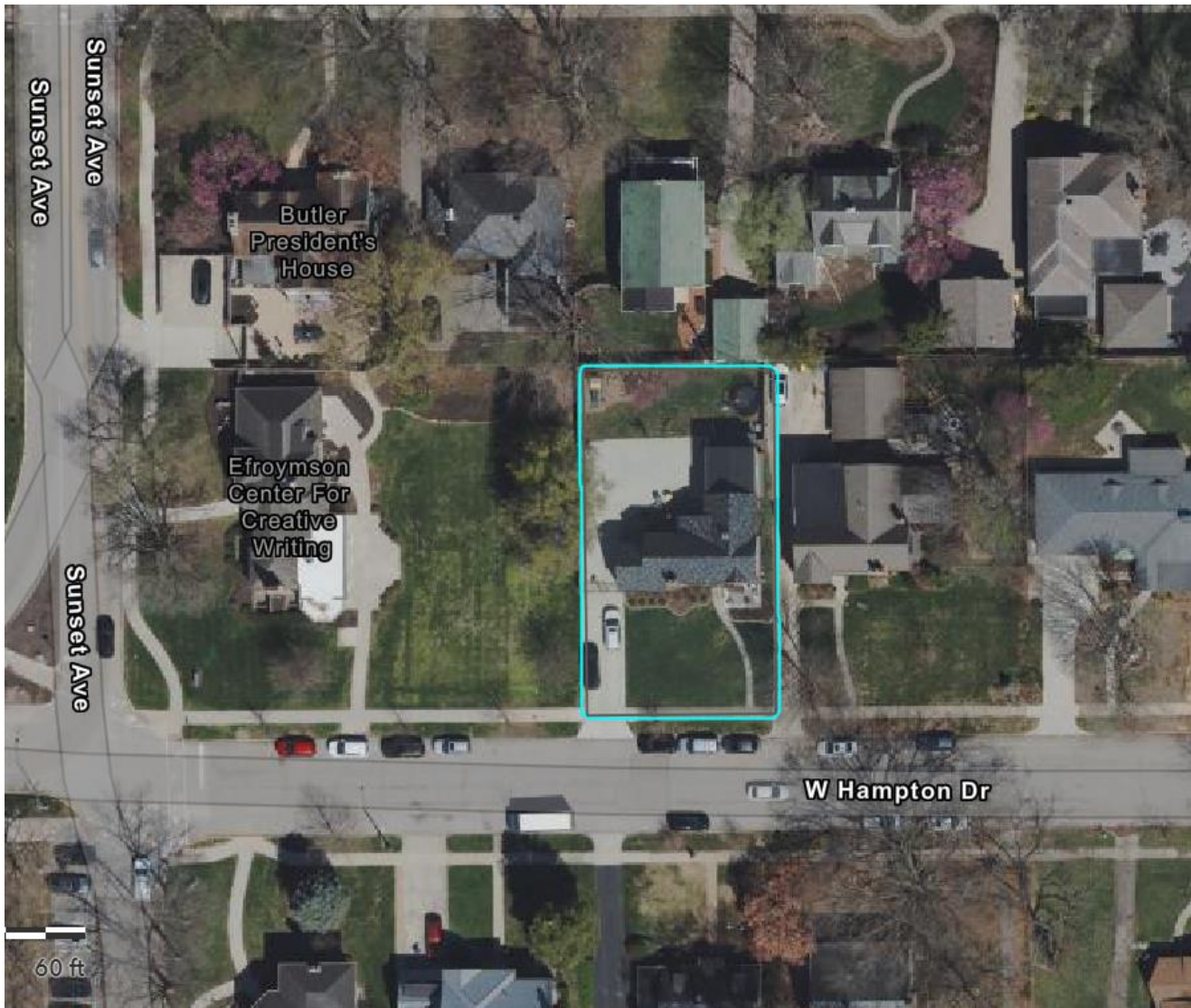
2011CVR824 ; 525 Blue Ridge Road (west of site), Variance of use and development standards of the Special Districts Zoning Ordinance to provide for the University President's House (Carter House; 525) and the Efroymsen Center for Creative Writing (530), which would have lectures by visiting writers and authors and other university uses, as well as provide for housing for the writers, authors and up to three graduate students, and to provide for an attached garage, with a 0.75-foot front setback from Sunset Avenue (25-foot front setback required), **approved**.

2011CZN824 ; 525 Blue Ridge Road (west of site), Rezoning of 0.645 acre from the D-5 District to the UQ-1 classification to provide for the University President's House (Carter House; 525) and the Efroymsen Center for Creative Writing (530), which would have lectures by visiting writers and authors and other university uses, as well as provide for housing for the writers and authors, **withdrawn**.

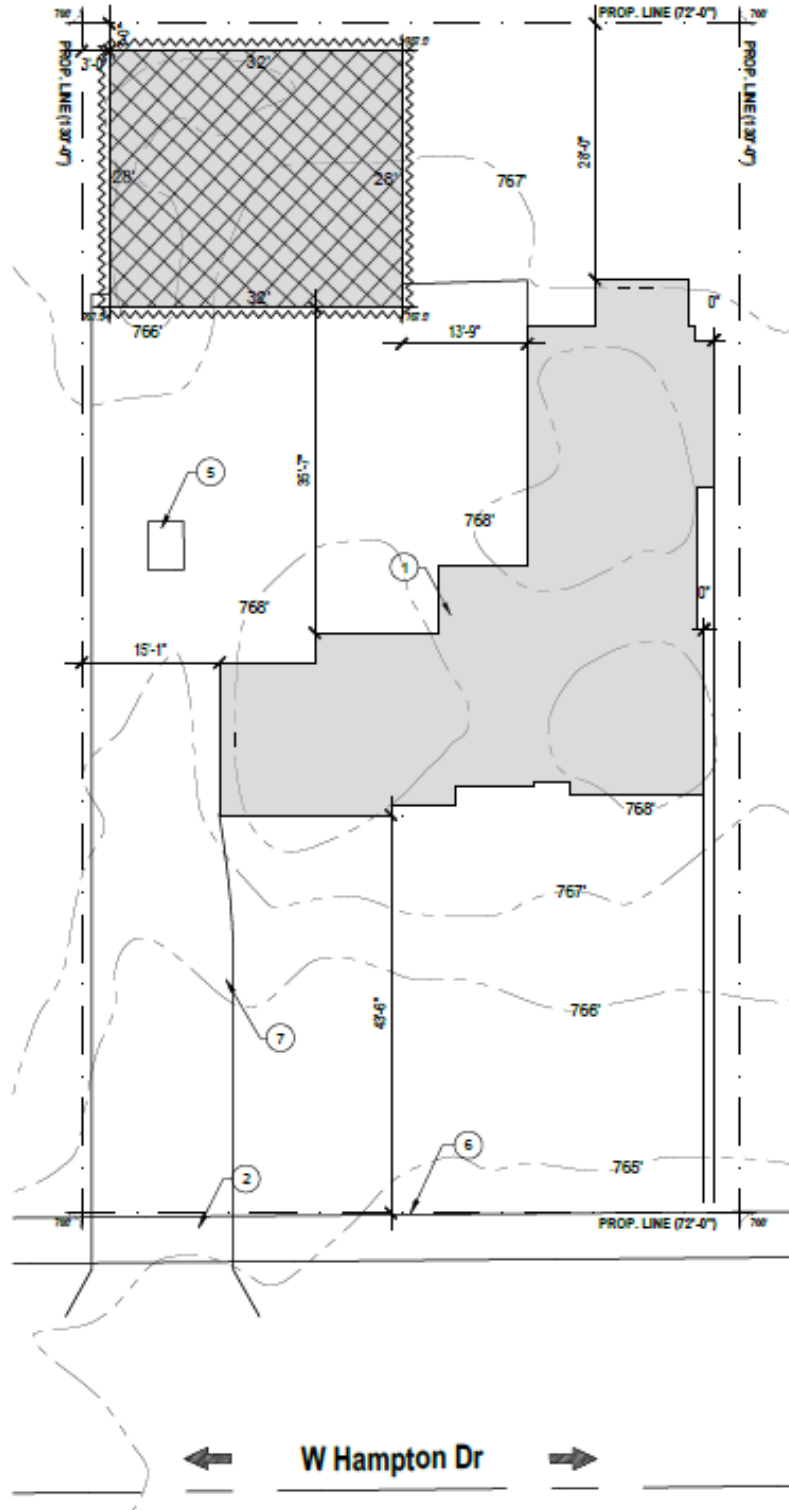
2006UV2040 ; 525 West Hampton Drive (southwest of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the location of the Butler University Police Department within the existing structure on site (not permitted), and to legally establish five parking spaces partially within and with maneuvering area within the right-of-way of Sunset Avenue (parking spaces and maneuvering area in the right-of-way not permitted), **approved**.

EXHIBITS

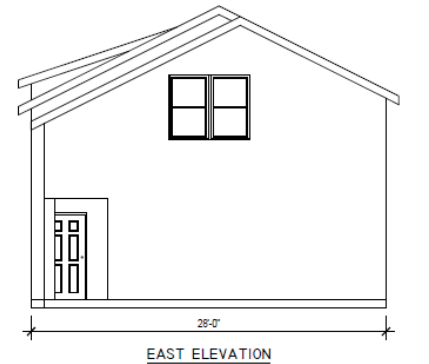
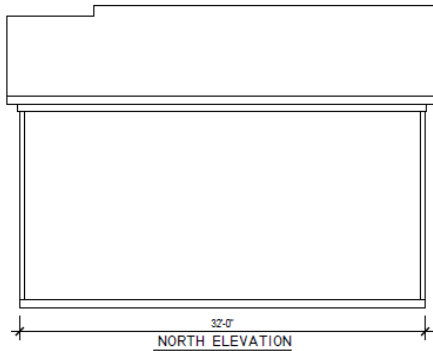
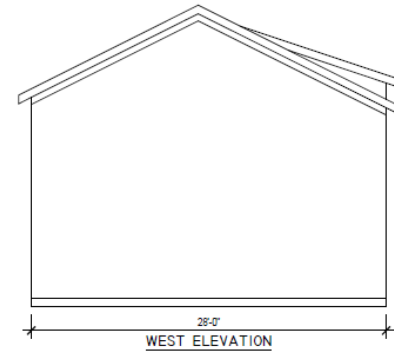
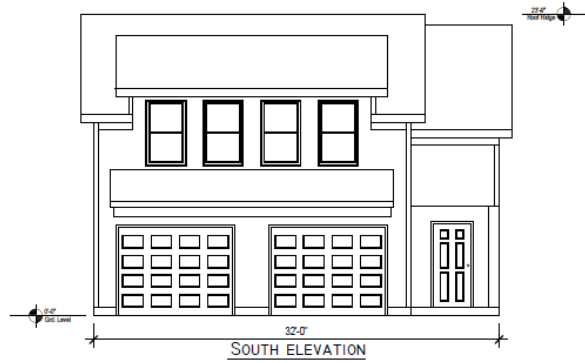
2026DV1022 ; Aerial Map



2026DV1022 ; Site Plan



2026DV1022 ; Elevations



Proposed

2026DV1022 ; Findings of Fact

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

This property will remain residential and in compliance with all other D5 regulations

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

This variance allows the expansion of the residential use with additional garage and space above the garage. The design follows the character of the existing home and surrounding neighborhood.

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

Due to the non-traditional layout of the home on this lot, the existing garage is on the backside of the home with a driveway that wraps around the west side of the home. By building the proposed structure closer to the west property line, this leaves more room for driveway vehicle access to remain for the attached garage.

2026DV1022 ; Photographs



Photo 1: Subject Property Viewed from South

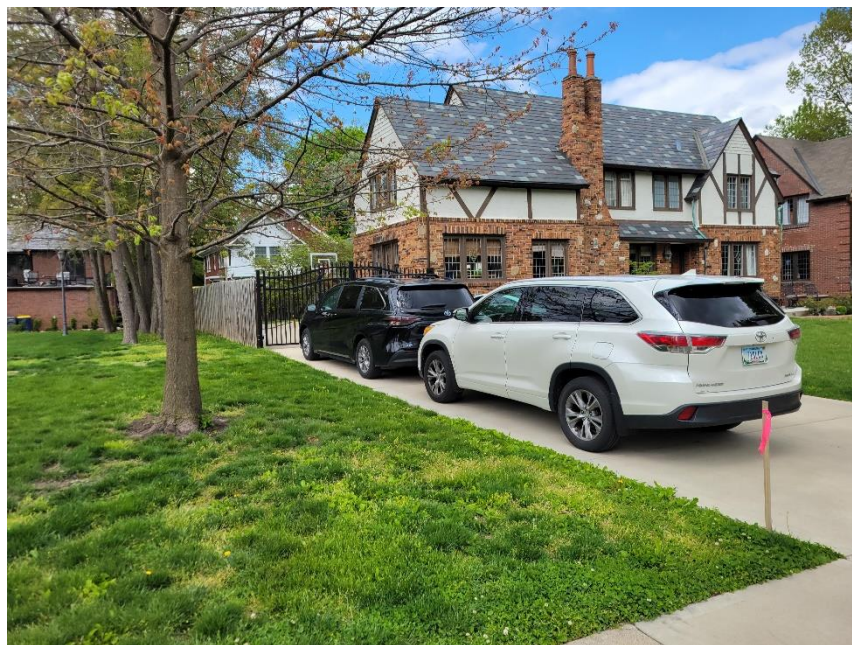


Photo 2: Subject Fence Viewed from Southwest

2026DV1022 ; Photographs (continued)



Photo 3: Location of Proposed Detached Garage Viewed from South



Photo 4: Existing Attached Garage Viewed from West

2026DV1022 ; Photographs (continued)



Photo 5: Adjacent Property to West



Photo 6: Adjacent Property to South



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

BOARD OF ZONING APPEALS DIVISION III

July 7, 2026

Case Number:	2026-DV1-025
Address:	7279 North Keystone Avenue (approximate address)
Location:	Washington Township, Council District #3
Zoning:	C-4 (FF)
Petitioner:	Midland Realty LLC, by Greg Dempsey
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 north side building 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.
- 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 Community Commercial working typology to allow for low intensity commercial and office uses that serve nearby neighborhoods.
- 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 south would meet the 40% standard required for C-4 zoning, the rear entrance along the northern façade wouldn't contain any transparency at all (other than the doorway itself which would not count toward the required 40%).



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

- While Staff is hesitant to recommend approval of such variations, Staff would note that a majority of the area adjacent to the northern façade is associated with bathrooms, limiting the amount of public window transparency. The primary and public retail area is adjacent to the southern 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	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	Commercial
South:	C-4	Commercial
East:	C-4	Commercial
West:	C-4	Commercial
Thoroughfare Plan		
North Keystone Avenue	Primary Arterial	135-foot existing and proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	500-year	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	05/12/2026	
Elevations	05/12/2026	
Landscape Plan	N/A	
Findings of Fact	05/12/2026	

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 Community Commercial working 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.



Department of Metropolitan Development
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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

2000-DV1-067; 7279 North Keystone Avenue (subject site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a 2,000 square foot building, with 14 off-street parking spaces located within the proposed right-of-way of Keystone Avenue with a six-foot wide landscape buffer along the existing right-of-way of Keystone Avenue, and without the required decorative fence along the perimeter of the outdoor seating area, **withdrawn**.

RU

EXHIBITS

Aerial Map











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

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 intent of the variance is to prevent the pedestrians and customers from being able to see into sensitive areas of the building such as, restrooms, kitchen, storage areas, and mechanical rooms. Opaque spandrel glass is being proposed in lieu of full transparent windows to prevent viewing of sensitive areas of the building that would otherwise be injurious to the public health, safety, morals and general welfare of the community

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

The intent of the ordinance is being met. Granting the variance will not result in a visibly obvious from the outside of the building. The sum total of the translucent and opaque spandrel glass will meet the requirements of the ordinance, 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:

Strict adherence to the transparency requirements on the rear, north, facade will result in creating both privacy and security issues by allowing visibility into sensitive areas such as restrooms, storage areas, kitchen and mechanical room. Customers will still have access into the store through the front, south, entrance as well as a secondary public entrance on the rear, north, side of the building.

Photographs



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



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



Adjacent commercial to the west of subject site.



Adjacent commercial to the east of subject site.



Adjacent commercial to the north of subject site.



Adjacent commercial to the south of subject site.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number:	2026-DV1-026
Property Address:	1814, 1838, 1857, 1859, 1918 & 1941 Tallman Avenue, and 2741 & 2755 Columbia Avenue (<i>approximate addresses</i>)
Location:	Center Township, Council District #8
Petitioner:	City of Indianapolis Department of Metropolitan Development, by Matthew Hostetler
Current Zoning:	D-5
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of duplexes on lots with deficient width (60-foot width required) and 4.5-foot building setbacks and reduced walkway setbacks on lots with a width of 35 feet (5-foot building setbacks and 2-foot walkway setbacks required).
Current Land Use:	Undeveloped
Staff Recommendations:	Staff recommends approval of the requested variances.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

This land use request encompasses eight (8) total parcels in the Martindale-Brightwood area: six (6) of the subject lots are located along Tallman Avenue (both east and west) near the intersections of Hillside Avenue, Langley Avenue, and Lawrence Street, while the other two (2) properties front on Columbia Avenue near the 28th Street intersection around 1.5 miles to the north of the Tallman parcels. The lots are owned by the City of Indianapolis, have widths ranging from 35 to 45 feet, and are not developed.

Approval of these variances would allow for the construction of stacked duplexes on each of the subject lots in a manner similar to the site plan, elevations, and floor plans provided within the Exhibits below (with small variations on applicable setbacks and the design of front elevations between each individual building). There would be one (1) dwelling unit on each floor of the proposed buildings, which would have footprints of approximately 1460 square feet and would have a combination of on-street parking and rear yard parking pads to provide vehicle spaces in accordance with Ordinance minimums.



Department of Metropolitan Development
Division of Planning
Current Planning

These designs would require the grant of three (3) variances of development standards:

- The minimum required lot width for construction of duplexes within the D-5 zoning district is 60 feet. Each of the eight (8) parcels would require a variance to allow for duplex construction on lots ranging from 35 to 45 feet in width.
- The side setbacks proposed for lots with 35 feet of width are marked as being 4.5 feet from side property lines on plans. The minimum requirement would be 5 feet, which would mean that five (5) of the eight (8) properties would require variance relief for building side setbacks.
- The Ordinance classifies internal walkways as minor residential features, which would require a setback of at least 2 feet. Provided site plans indicate encroachment of walkways into this required separation, which would be the third and final variance required.

Findings of Fact provided by the applicant indicate that the construction of duplexes in this area would add affordable housing to the neighborhood (through the Vacant 2 Vibrant program), and that building duplexes on standard-width city lots would be impossible without grant of this variance. Staff notes that lots in this area almost exclusively have widths less than 60 feet, and that although many properties along Tallman and Columbia are single-family homes **(a)** the use of a duplex is permitted by-right in D-5 and **(b)** each block *does* appear to have two-unit structures, meaning that this would not be an introduction of a new typology or inconsistent with Infill Housing Guidelines. Additionally, the setback variances requested are minor in nature (0.5 feet) and the encroachment of walkways into side yards would not create negative externality for surrounding properties. For these reasons, staff recommends **approval** of the requested variances.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
Tallman Avenue	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Columbia Avenue	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	05/20/2026	



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

Site Plan (Amended)	N/A
Elevations	05/20/2026
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	05/20/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. Detached housing is a contemplated land use for this typology.

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

- Spacing between buildings should establish a rhythm and pattern along a street, with existing spacing on the block reinforced, limits on uncharacteristically large gaps between houses, and adequate room for maintenance of homes and buildings.

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2026DV1019 ; 1630 East 18th Street (south of Tallman properties), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with a 4.5-foot west side yard setback (five feet side setback required), and a 9-foot rear setback (20-foot rear setback required), **approved.**

2024DV3034 ; 2739 Columbia Avenue (south of Columbia properties), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit-multi-unit-house with walkways and parking areas maintaining zero-foot side yard setbacks (two and five feet required, respectively) with vehicles encroaching within the alley clear sight triangle (not permitted), **withdrawn.**

2024DV3033 ; 2731 Columbia Avenue (south of Columbia properties), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit-multi-unit-house with walkways and parking areas maintaining zero-foot side yard setbacks (two and five feet required, respectively) with vehicles encroaching within the alley clear sight triangle (not permitted), **approved.**

2012HOV004 ; 2734 Columbia Avenue (west of Columbia properties), Special Exception to provide for a religious to add a 484-square foot addition for ADA restrooms, **approved.**

2010SE1003 ; 2748 Doctor A.J. Brown Avenue (east of Columbia properties), Special exception of the Dwelling Districts Zoning Ordinance to provide for a 1,287-square foot building addition for a religious use, with off-street parking with a two-foot rear setback (20-foot setback required) and to provide for a five-foot tall free-standing sign with a eleven-foot front setback (15-foot front setback required), **approved.**

2009SE3004 ; 1802 Tallman Avenue (south of Tallman properties), Special Exception of the Dwelling Districts Zoning Ordinance to provide for the expansion of a religious use, with a 3,200-square foot building addition, with an 8.5-foot front setback from the existing right-of-way line of Roosevelt Drive (minimum 30-foot front setback required), with 30 existing off-street parking spaces, **approved.**

EXHIBITS

2026DV1026 ; Aerial Map with Site Locations (Tallman Addresses)



2026DV1026 ; Aerial Map with Site Locations (Columbia Addresses)





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

2026DV1026 ; Project Description

Bentley Construction LLC is redeveloping Vacant to Vibrant properties in the Martindale Brightwood Neighborhood with stacked duplexes. These properties are being developed for resale. These duplexes will conform with the context of the neighborhood and conform to the infill housing guidelines.

Development is proposed on the following City-owned properties:

Address	Parcel	Current Zoning	Effective Frontage	Effective Depth	Deficient Side Setback	Deficient Lot Width
1941 Tallman Ave.	1035671	D5	35	140	Yes	Yes
1918 Tallman Ave.	1035054	D5	35	140	Yes	Yes
1859 Tallman Ave.	1046931	D5	35	140	Yes	Yes
1857 Tallman Ave.	1033374	D5	35	140	Yes	Yes
1838 Tallman Ave.	1059843	D5	35	140	Yes	Yes
1814 Tallman Ave.	1023532	D5	45	140	No	Yes
2755 Columbia Ave.	1078040	D5	41	140	No	Yes
2741 Columbia Ave.	1066574	D5	40	140	No	Yes

2026DV1026 ; Findings of Fact

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

This stacked duplex will conform to the neighborhood context.

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 house will fit into the neighborhood and will add new affordable housing to the area.

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

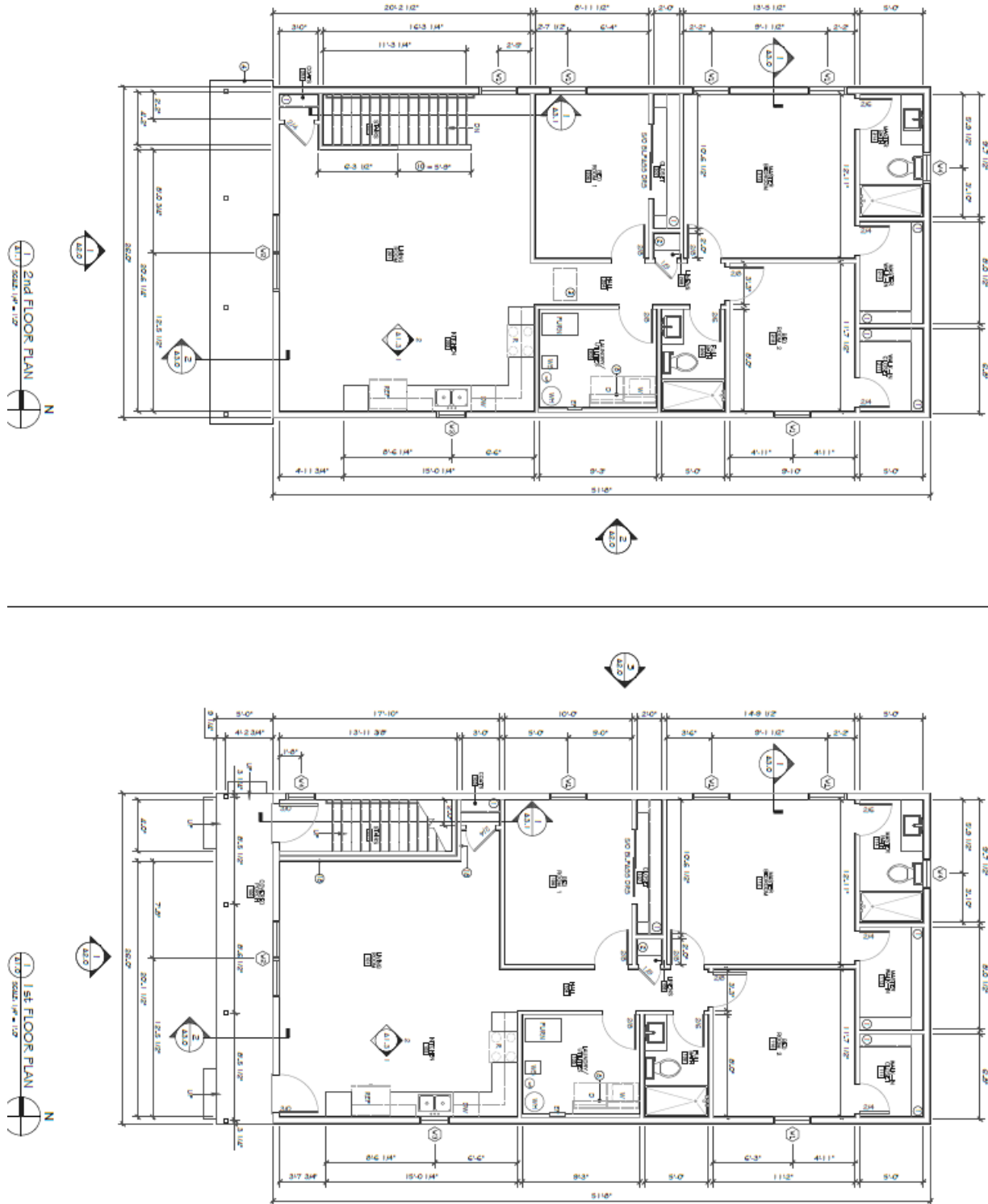
The strict application of the terms of the zoning ordinance would make it impossible to build duplexes in this area on a standard city lot.

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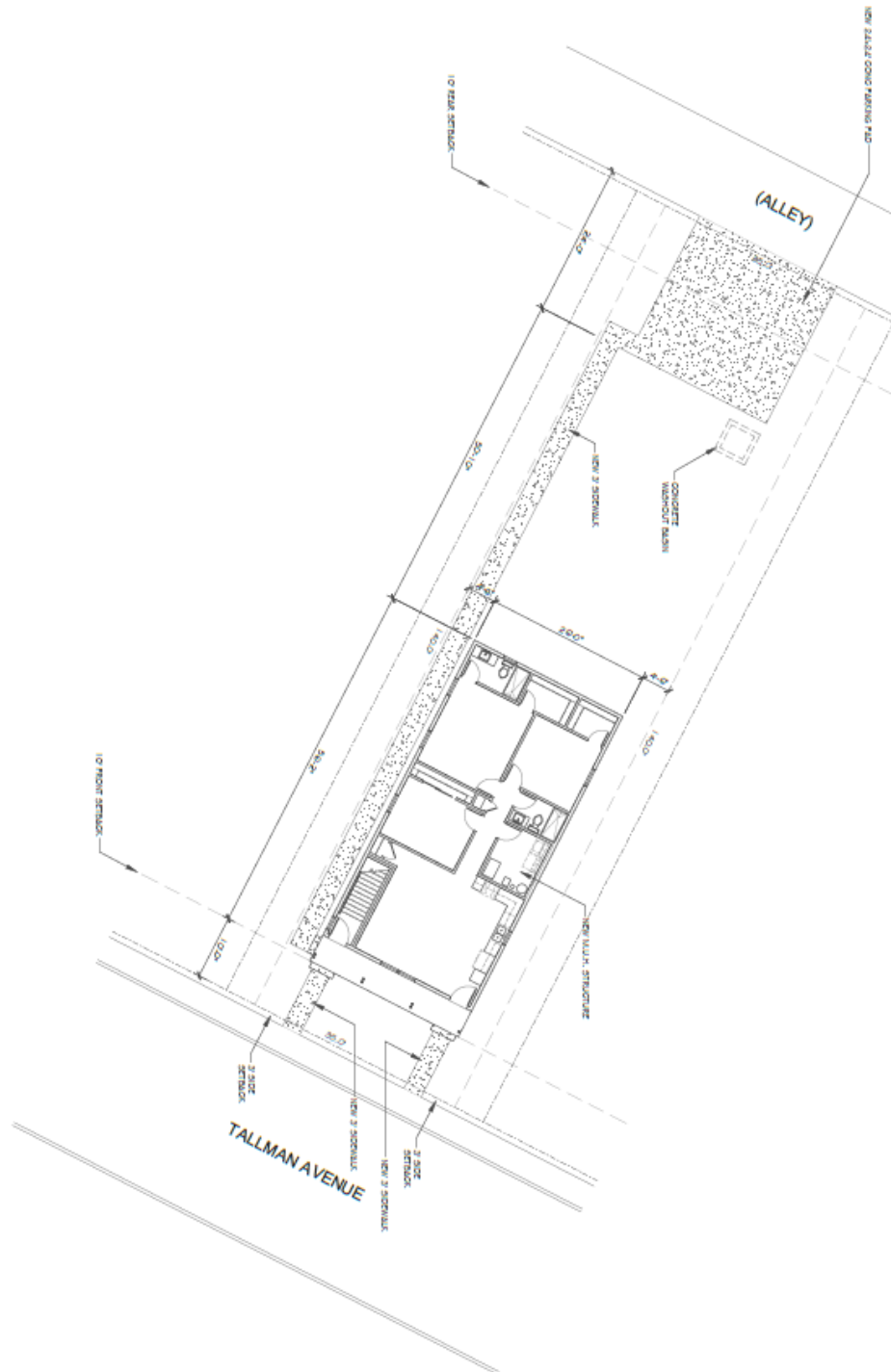
2026DV1026 ; Elevations (1814 Tallman; Similar for Each)



2026DV1026 ; Floorplans (1814 Tallman; Similar for Each)



2026DV1026 ; Site Plan (1814 Tallman; Similar for Each)



2026DV1026 ; Photographs



Photo 1: 1814 Tallman Avenue



Photo 2: 1838 Tallman Avenue

2026DV1026 ; Photographs (continued)



Photo 3: 1857 Tallman Avenue



Photo 4: 1859 Tallman Avenue

2026DV1026 ; Photographs (continued)



Photo 5: 1918 Tallman Avenue

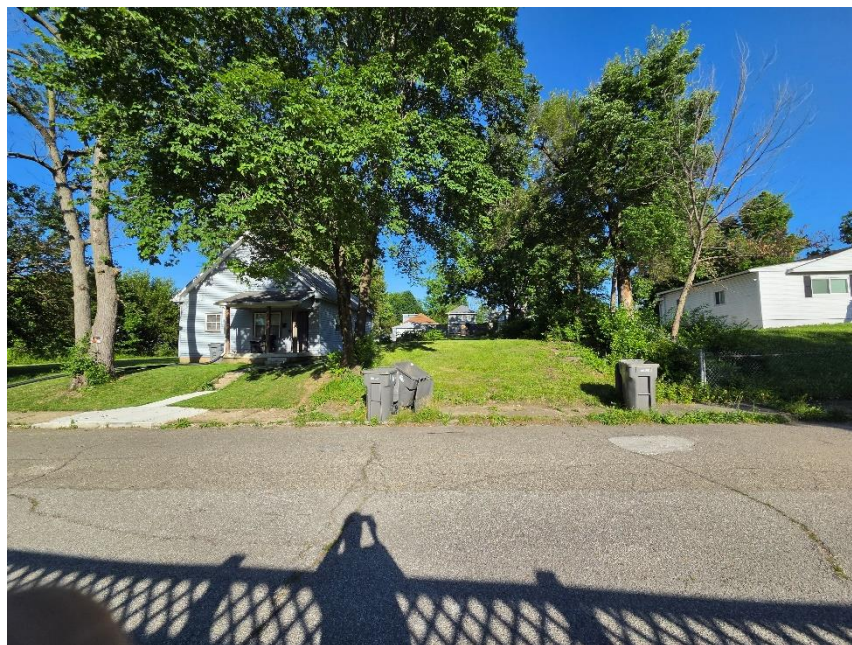


Photo 6: 1941 Tallman Avenue

2026DV1026 ; Photographs (continued)



Photo 7: 2741 Columbia Avenue



Photo 8: 2755 Columbia Avenue

BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number: 2026-DV1-027

Property Address: 330 North Arsenal Avenue (approximate address)

Location: Center Township, Council District #13

Petitioner: 330 N Arsenal Ave LLC, by Alltrue Construction LLC

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a deck and stairs to protrude 4 feet into the required corner side yard setback (8-foot corner side setback required).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** of the variance.

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

N/A

STAFF RECOMMENDATION

Staff recommends **approval** of the variance.

PETITION OVERVIEW

- 330 North Arsenal Avenue is a duplex on the southwest corner of Arsenal Avenue and New York Street. While it is unclear as to when exactly this property became a duplex, property record cards indicate the structure has been on the property since around 1900.
- The property is zoned D-8 as are properties to the north and west. Properties to the south and east are zoned D-5.
- The petitioner is requesting a variance to allow for a deck and stairs to encroach into 4 feet into the required 8-foot corner side setback.
- Under current Ordinance standards, the minimum lot width for a duplex is required to be 60 feet. This duplex, which predates those standards, is on a lot roughly 38 feet wide. This deficient lot width limits the amount of buildable space available to the petitioner. The petitioner has 22 feet less space to work with.
- Staff will note that these stairs are an important secondary means of ingress and egress and the stairs, as constructed, still leave room to walk alongside the house if needed. Furthermore, the house is separated from the multi-use path by a retaining wall. The stairs exit into the rear yard

**Department of Metropolitan Development
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Current Planning**

as opposed to onto the multi-use path and the retaining wall adds an element of visual separation between the stairs and the path. Staff has also confirmed that the stairs do not impact the clear sight triangle.

- Based on the existing lot's deficient width making it difficult to meet duplex development standards, the fact that the stairs do not cause conflicts with pedestrians and bikers using the multi-use path, and as there are no clear sight triangle concerns, staff recommends approval of this petition.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-8	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-8	West: Residential
Thoroughfare Plan		
New York Street	Primary Arterial	50-foot existing right-of-way and 78-foot proposed right-of-way
Arsenal Avenue	Local Street	60-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	5/11/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/11/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY



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ZONING HISTORY – SITE

N/A

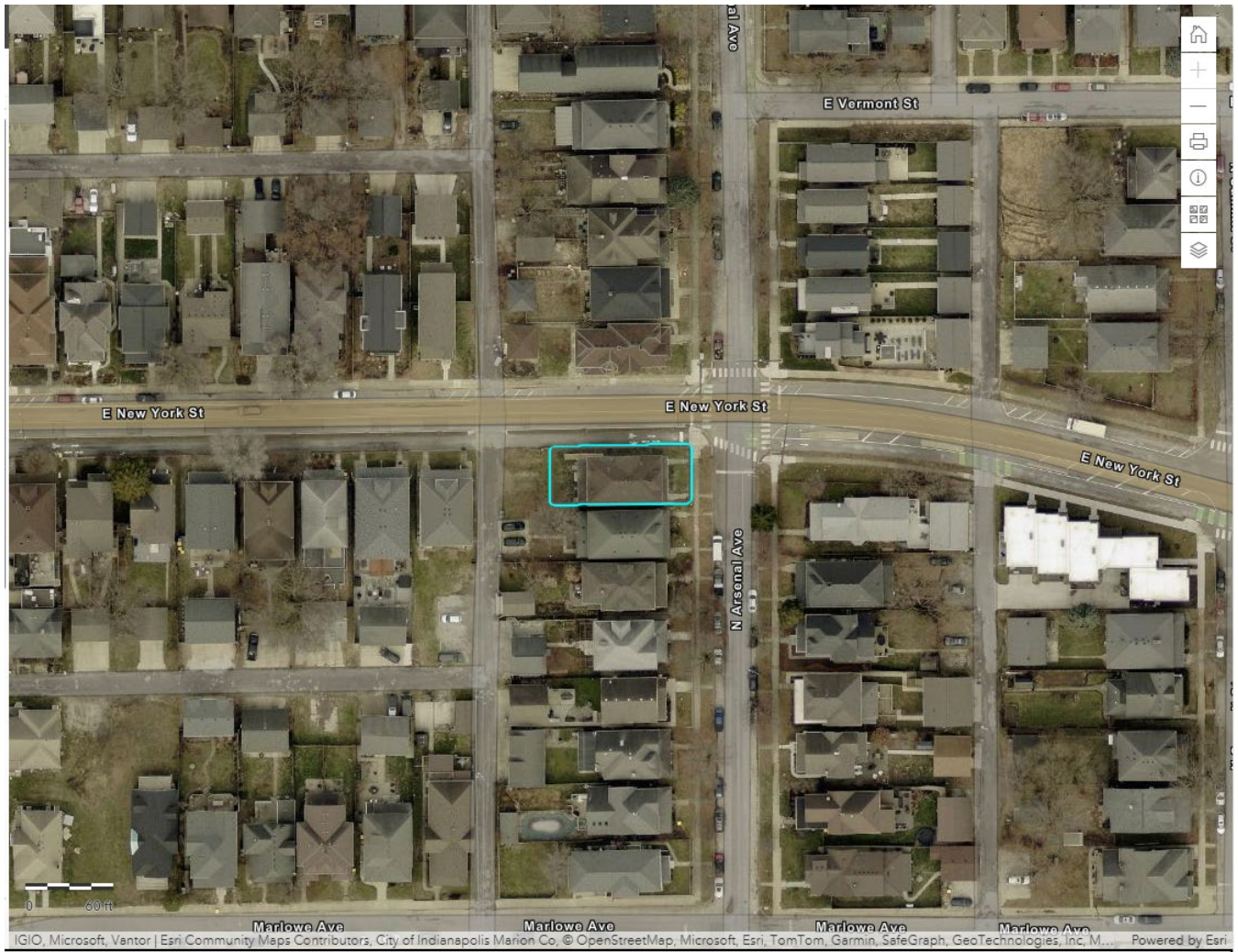
ZONING HISTORY – VICINITY

96-UV2-79; 1421 East New York Street (west of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a staircase with a 1-foot side yard setback, **approved subject to conditions.**

2000-UV2-023; 1430 East New York Street (northwest of site), Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish an off-site parking lot (not permitted) associated with a multi-family dwelling, **denied.**

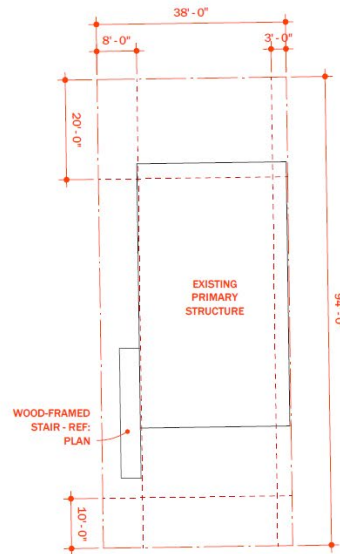
EXHIBITS

2026DV1027; Aerial Map



Department of Metropolitan Development
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2026DV1027; Site Plan



ZONING: D-8 DISTRICT
 SETBACKS:
 - FRONT: 20'
 - SIDE: 3'
 - SIDE: 8' (CORNER)
 - REAR: 10'
 MAX HEIGHT:
 - 2.5 STORIES
 - 35 FEET
 OPEN SPACE REQ'D:
 - 20%

1,720 SF LOT COVERAGE
 3,567 SF LOT SIZE
 ~52% OPEN SPACE

NOTE:

- Contractor shall maintain debris removal to the work site.
- Material staging and delivery shall be maintained on work site.
- Existing drainage patterns shall be maintained. No modifications to existing drainage patterns or systems.



2 Site Plan
 SCALE: 1/16" = 1'-0"

1 Vicinity Map
 SCALE: 1" = 160'-0"

the ARSENAL
 330 N Arsenal Ave, Indianapolis, IN 46201

Project No. 2023

02.27.2026

Revisions

Project North

Scale As Indicated

COVER SHEET

A0.0

Sheet No. 02026

2026DV1027; Findings of Fact

1. There exists a good and sufficient cause for the requested variance because:

It will allow for adequate egress from the second floor. It will improve health and safety of the residence of the subject property.

2. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant because:

It will prevent free enjoyment of the subject property.

3. The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with other applicable laws or ordinances because:

The property sits in an area that has no active flood plane and the variance will not change any drainage from the property.

2026DV1027; Photographs



Photo 1: Subject site (partially obstructed by tree) as seen from Arsenal Avenue

2026DV1027; Photographs (continued)



Photo 2: Close-up subject site from corner of Arsenal Avenue and New York Street

2026DV1027; Photographs (continued)



Photo 3: View of stairs seen from multi-use path on New York Street looking west.

2026DV1027; Photographs (continued)



Photo 4: Another view of stairs from rear of property

BOARD OF ZONING APPEALS DIVISION I

July 07, 2026

Case Number: 2026-DV1-029

Property Address: 1114 Roache Street (approximate address)

Location: Center Township, Council District #12

Petitioner: Joseph Csikos, by Canal Village III LP

Current Zoning: ID-5

Request: A variance of development standards of the Consolidated Zoning and Subdivision Ordinance to permit construction of a new single-family residence with a five-foot corner side yard (minimum eight-foot corner side yard required), and within the Clifton Avenue/Roache Street collector-street clear-sight triangle (not permitted).

Current Land Use: Residential

Staff

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

Staff Reviewer: Adrienne Baker, Principal Planner II

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff are recommending **approval** of the variance

PETITION OVERVIEW

- This site is a 3,777-square foot residential lot in Braden's North Indianapolis Subdivision in the Near Westside—Riverside Neighborhood. This site is located east of the Indianapolis Water Company Canal, and southwest of the Interstate-65 exit on Dr. Martin Luther King, Jr. Street. Several IndyGo Bus Routes are located nearby, including Route #15 one block to the north, and Routes #30 and #34 four blocks to the east. The surrounding area is mostly residential with some commercial and industrial uses west of the canal and to the east along Dr. Martin Luther King, Jr. Street.
- However, on corner lots in the D-3, D-4, D-5, D5II, and D-8 districts in the Compact Context Area, the front lot line is along the street that has the greater number of lots fronting upon it and the other lot line along a right-of-way is to be considered a side lot line. (pg. 44)

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Current Planning**

- The D-5 zoning district is intended for medium and large-lot housing formats (primarily detached houses) either within new walkable suburban neighborhood contexts or for infill situations within established urban areas. Similarly, the United Northwest Neighborhood Plan identifies these sites as “prime area for new residential development” and recommends a density of 3.5 to 5 units per acre (typical for single-family residences). Additionally, Infill Housing Guidelines indicate that spacing between properties should reinforce spacing on the existing block, that uncharacteristically large gaps between houses should be avoided, and that adequate room should remain between structures for maintenance.
- The Findings of Fact submitted by the applicant indicate that the proposed development would facilitate reinvestment within an area characterized by high poverty rates, adhere to applicable infill development and walkable neighborhood principles, and expand the availability of housing options across a range of price points. The Findings further identify the need for ADA-compliant front entry features and reference the involvement of the Canal Village III Tax Credit project in advancing the development of these properties for affordable housing. The complete Findings of Fact are provided in the Exhibits below.
- The clear-sight triangular area is formed by the right-of-way centerline and the centerline of the driveway and the line connecting the two end points. In districts other than Industrial districts, the distance along the centerline of the driveway must extend 20 feet from the street edge of pavement extended across the driveway. The distance along the right-of-way centerline must be 150 feet for a collector street.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Planned Development, Primarily Residential	
Surrounding Context	<u>Zoning</u>	<u>Surrounding Context</u>
	North: D-5, C-3, and D-8	North: Planned Development
	South: D-8 and I-2	South: Planned Development
	East: C-3 and D-5	East: Planned Development
	West: D-8	West: Planned Development
Thoroughfare Plan		
Roache Street	Primary Collector	56-foot existing right-of-way and 56-foot proposed right-of-way
Clifton Street)	Primary Collector	56-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 29, 2026	

Site Plan (Amended)	NA
Elevations	May 29, 2026
Elevations (Amended)	NA
Landscape Plan	NA
Findings of Fact	May 29, 2026
Findings of Fact (Amended)	NA

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- “The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book”.

Pattern Book / Land Use Plan

- Enter Recommendation by Pattern Book or “Not Applicable to the Site. Please see Neighborhood / Area Specific Plan (etc.) below”. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park”.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- United Northwest Neighborhood Plan (2008) recommends planned development, primarily residential. “This land use is envisioned as being predominately residential and may include supportive commercial and/or industrial development. All land uses must conform to the dwelling district regulations. Densities and development are regulated and reviewed by the Metropolitan

Development Commission. Creative site planning, variety in physical development, and imaginative uses of open space are objectives.

Infill Housing Guidelines

- The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts”.

These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

“As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs; it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood”.

“If setbacks are varied, new construction should fall in range between the shortest and longest distances from the right-of-way (i.e. streets or sidewalks) to houses”.

“On conforming corner sites where two streets meet, building setbacks should reflect context from both streets”.

Indy Moves

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

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area”.

The following listed items describe the purpose, policies, and tools:

- Classify roadways based on their location, purpose in the overall network and what land they use.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW) identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

ZONING HISTORY

ZONING HISTORY – SITE

NA

ZONING HISTORY - VICINITY

2025-CPL-817 / 2025-CVR-817; 866 West 26th Street (east of site), requested approval of a Subdivision Plat to be known as Replat of Lot 24 and part of Lot 23 in Block 29 in Roaches North Indianapolis Addition, dividing 0.13 acre into two lots and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two, single-family detached dwellings, with reduced lot square footage, lot width and side yards, **pending**.

2020-ZON-052; 1077 West 27th Street and 1149 Roache Street (south of site), requested rezoning of 0.22 acre from the C-3 and I-2 districts to the D-8 district, **approved**.

2018-CZN-835 / 2018-CVR-835. 1066, 1114, 1121 and 1122 Roache Street, 1002 and 1102 West 28th Street, 1045 Udell Street and 2702 Clifton Street (east of site), requested rezoning of 0.70 acre from the C-1 (W-5), C-3 (W-5) and I-2 (W-5) districts to the D-5 (W-5) classification; and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling on a 5,760-square foot lot (7,200 square feet) at 1122 Roache Street, to provide for single-family dwellings with 620-square foot main floor areas at 1002 and 1102 West 28th Street and 1045 Udell Street and 1121 Roache Street, to provide for a single-family dwelling with 1.5 and two-foot side setbacks and two feet between dwellings at 1066 Roache Street and to provide for a single-family dwelling at 1045 Udell Street, with 4.5 feet between dwellings, **approved and granted**.

2018-ZON-114; 1005 and 1025 West 25th Street, 1073 West 27th Street, 1252 West 30th Street, 2534 and 2646 Burton Avenue, 1175 Udell Street, 1111 Eugene Street and 2605 Rader Street (east of site), requested rezoning of 1.6 acres from the C-1 (W-5), C-3, C-3 (W-5), I-2 (W-5) and I-3 (W-5) districts to the D-5 and D-5 (W-5) classification, **approved**.

2018-ZON-097; 1117 Roach Street (west of site), requested rezoning of 0.09 acre from the I-2 (W-5) district to the D-5 (W-5) classification, **approved**.

2005-ZON-207; 1031, 1033, 1058, 1062, AND 1159 Udell Street (north of site), requested rezoning of 0.43 acre from C-3 (W-5) and PK-1 (W-5) Districts to the D-5 (W-5) classification to provide for the construction of five single-family dwellings, **approved**.

2005-ZON-119; 1059 and 1061 Udell Street (north of site), requested rezoning of 0.173 acre, being in the C-3 (W-5) district, to the D-5 (W-5) classification to provide for residential uses, **approved**.

2004-UV2-024, 1209 West Eugene Street (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a church parking lot (not permitted), **granted**.

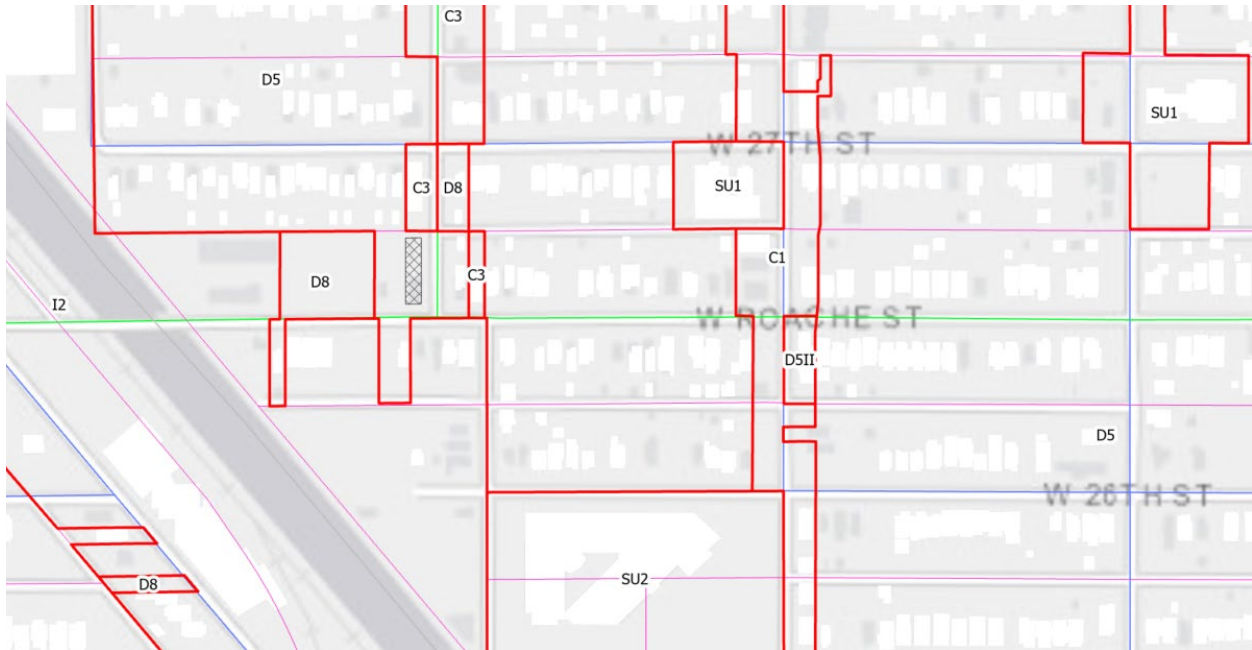
**Department of Metropolitan Development
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2002-ZON-059, 962 and 970 West 30th Street (north of site), requested rezoning of 0.30 acre from the C-3 district to the D-5 district to provide for single-family residential development, **granted**.

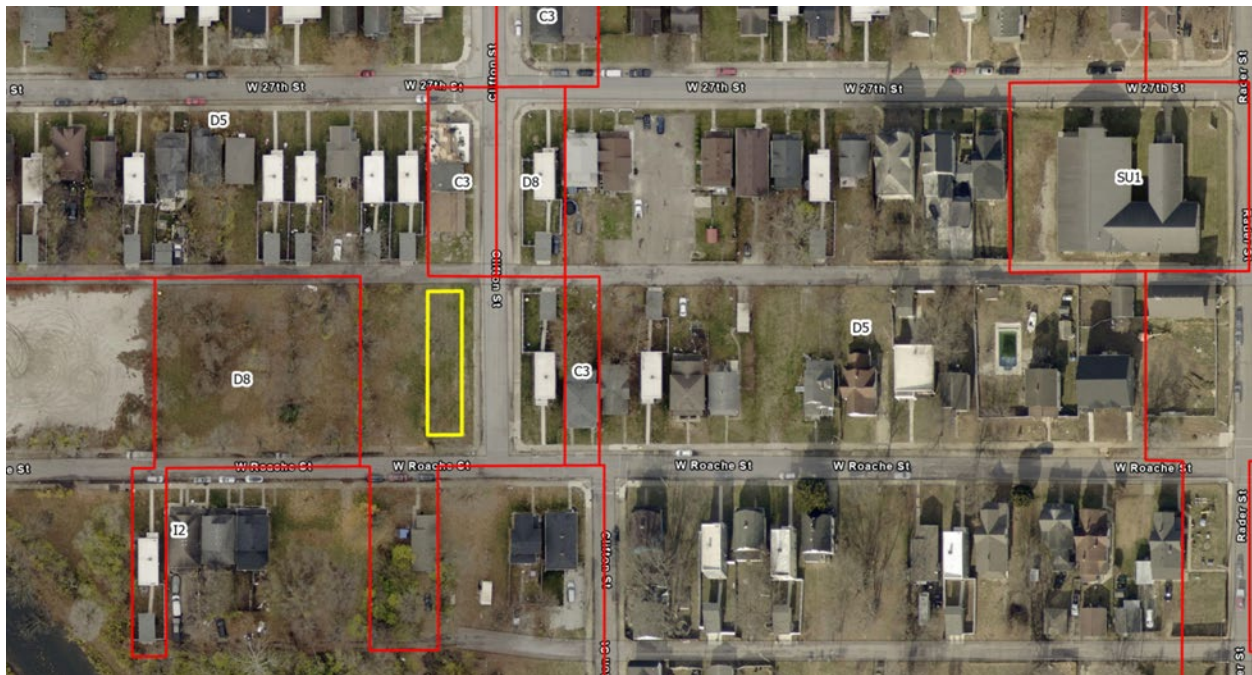
2002-DV3-048, 430, 431, 434, 438, and 625 West 28th Street, 842, 846, and 917 West 29th Street, 1141 West 27th Street, 530 West 26th Street, 538, 542, and 754 West 25th Street 1021 and 1141 West 30th Street, 850, 854, 858, 1139, 1241, and 1245 Eugene Street, and 806 Udell Street (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of townhomes with 580 square feet of main floor area (minimum 660 square feet of main floor area required), with a minimum 6-foot front setback, **granted**.

EXHIBITS

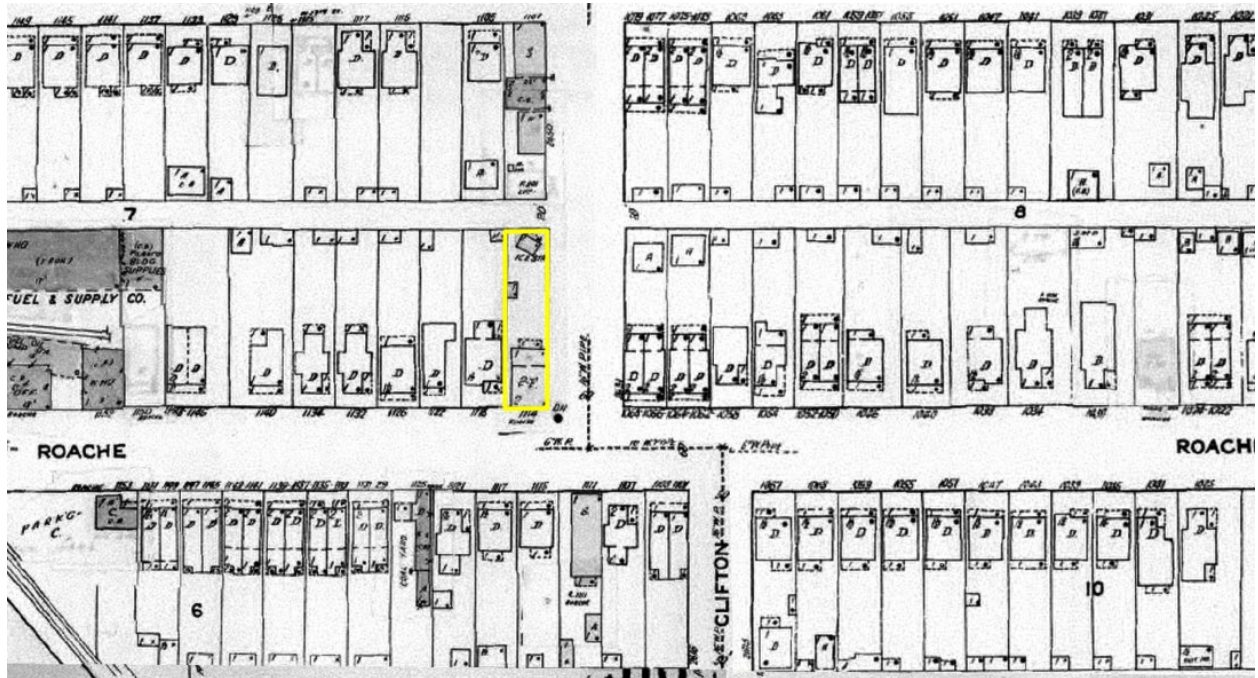
2026DV1029 : Zoning Map



2026DV1029 : Aerial Map



2026DV1029 : 1956 Sanborn Map



2026DV1029 : 1956 Sanborn Map





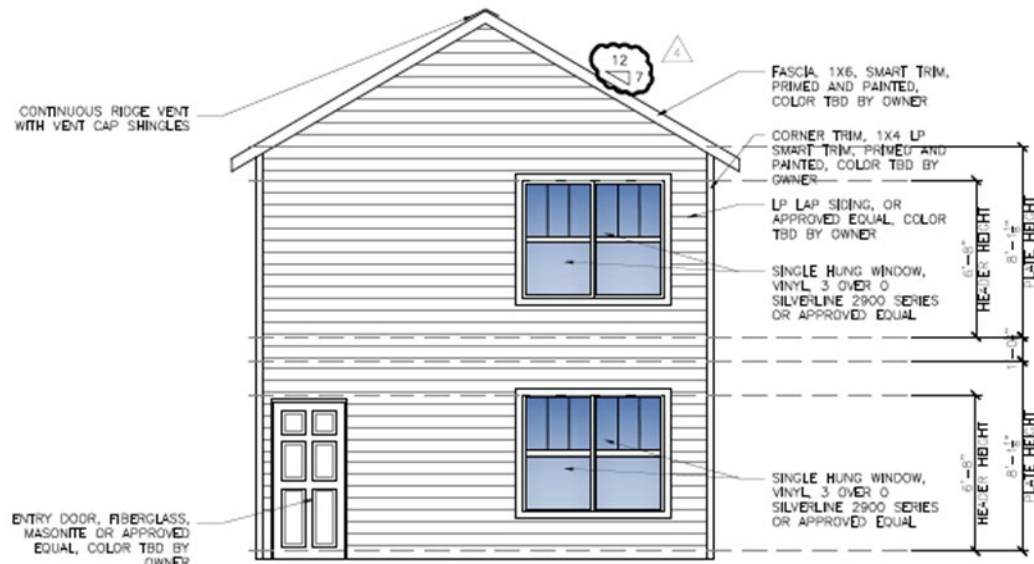
Department of Metropolitan Development
 Division of Planning
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2026DV1029 : Elevations



Department of Metropolitan Development
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 Current Planning

2026DV1029 : Elevations



REAR EXTERIOR
2C ELEVATION
 1/4" = 1'-0" 4' 6'



FRONT EXTERIOR
2A ELEVATION
 1/4" = 1'-0" 4' 6'

2026DV1029 : Findings of Fact

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

The granting of the variance will not be injurious to the public health, safety, morals, and general welfare of the community as the roadways bordering the subject property, although classified as collector streets, carry extremely low AADT. According to the Indianapolis MPO; Replica 2024 AADT Estimates, Roach Street sees an AADT of 146, with Clifton St seeing an AADT of 168. These traffic volumes are more indicative of a local street classification. Additionally, the intersection is stop controlled on Clifton St. Roache St also permits parking on both sides of the street effectively acting as traffic calming along the corridor.

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 site plan is consistent with the use and character of the surrounding neighborhood by maintaining traditional setback dimensions and structure orientation to the public space. The corner side setback proposed is consistent with other structures, both traditional and redeveloped, along the Clifton St corridor. The encroachment into the clear sight triangle permits the front yard setback, along Roache St, to be consistent with the block and neighborhood as a whole which will not impact the use or value of the area adjacent to the proposal in a substantially adverse manner.

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

The strict application of the terms of the zoning ordinance results in a practical difficulty for the development of the parcel as:

(1) meeting the required corner side setback would result in a reduced side yard on the west property line requiring a variance or reduction of the living area of the proposed structure and (2) shifting the structure to meet the collector street standard for clear sight at the intersection results in a reduction of usable rear yard space as well as shifting the structure away from the Roache St frontage resulting in a setback that is inconsistent with the surrounding block and, likely, contrary to the Walkable Neighborhood Design Standards within Section 744-701 and the Infill Housing Guidelines.

2026DV1029 : Site Photos



Looking South towards the intersection of Clifton and Roache



Looking East



Looking Southeast



Looking Northeast

Department of Metropolitan Development
Division of Planning
Current Planning



Looking East



Looking Southeast towards the alley

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Division of Planning
Current Planning



Looking West towards Clifton Street



Looking East down Roache Street

BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number: 2026-DV1-030

Property Address: 1406 South Capitol Avenue (approximate address)

Location: Center Township, Council District #18

Petitioner: Central at Old Southside, LP, by Carl Frey

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 227-unit residential development with parking in front of the front building line (not permitted) and a front building line beyond the allowable front building line range (the front building line must be between 20 and 50 feet in the neighborhood yard frontage type).

Current Land Use: Undeveloped

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

N/A

STAFF RECOMMENDATION

Staff recommends **approval** of the variance.

PETITION OVERVIEW

- 1406 and 1419 South Capitol Avenue are two contiguous lots just south of the intersection of South Capitol Avenue and Arizona Street. These parcels comprise roughly 6.28 acres and are set for development of a large apartment complex. The parcels are flanked by D-5 to the north and east. To the south is the I-1 district and to the west is an I-4 district.
- The petitioner is requesting that they be able to build their 227-unit apartment (allowed for under 2025CZN813) with parking in front of the front building line. They are also requesting allowance for their building to be set back beyond the allowable front building range of between 20 and 50 feet. Staff will note that a 227-unit apartment building is already permitted at this site per 2025CMP813. This petition focuses on specific development standards for this apartment building.

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- The requested variances do not stem from a substantial change to the site plans or a drastic deviation from the site plans shown in 2025CMP813. Rather, these variances represent a corrective measure allowing the project to move forward as intended.
- Staff will note the odd shape of the lot. The applicable frontage and parking placement standards are generally intended for regularly shaped parcels. Requiring the developer to adhere to the strict application of these standards would not only impact the way in which vehicles access the property, it would also impact maneuverability and impair the property's development in a manner consistent with its intended multifamily use. Additionally, as both Capitol Avenue and Illinois Street dead end, the ability of the apartment complex to offer off-street parking will be crucial to limiting competition for on-street parking and disruptions to the neighborhood.
- Given the odd shape of the lot, meeting the necessary frontage standards would create a difficulty functionally impacting the development. It is roughly 150 feet from the front lot line off of Illinois Street to the rear lot lines of the single-family homes fronting on Illinois. The stretch of parcel from Illinois Street to the complementary rear lot lines is too narrow for a building of this size. Forcing this building to wedge itself into this narrow area would: 1) create an awkward massing between the apartment and the single-family homes on the corner of Arizona Street and Illinois Street and 2) cut off a vital access drive for parking. While the D-8 district is intended to be a walkable neighborhood district, the fact that both Capitol and Illinois dead end changes the context as dead-end streets do not contribute significantly to walkability.
- Given the odd shape of the lot, the need to accommodate off-street parking in such a way that it lessens conflict with the neighborhood, and the fact that longer setbacks will help to create a better buffer between the new development and the established character of the neighborhood, staff recommends **approval** of this petition.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Residential	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Residential
South:	I-1 / I-4	South: Undeveloped / Industrial
East:	D-5	East: Residential
West:	I-4	West: Industrial
Thoroughfare Plan		
Capitol Avenue	Local Street	40-foot existing right-of-way and 48-foot proposed right-of-way
Illinois Street	Local Street	48-foot existing right-of-way and 48-foot proposed right-of-way

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Arizona 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	5/15/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/29/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book assigns this property the “Light Industrial” working typology. This typology “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

ZONING HISTORY – SITE

2025-CMP-813: All approved subject commitments/conditions

- Rezoning of 5.17 acres from the I-1 and D-5 district to the D-8 district to provide for multi-family dwellings
- Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family residential development using the Large Apartment Residential Building Type Standards to the subject site, to provide for minimum livability space ratio of 0.57, and for a floor area ratio of 0.83.
- Vacation of numerous streets and alleys with a waiver of the assessment of benefits

ZONING HISTORY – VICINITY

2010-ZON-018; 114 West Arizona Street (current address) (north of site), Rezoning of 0.30-acre, from the D-5 district, to the I-3-U classification to provide for medium industrial uses, **approved subject to commitments**

2015-CMP-837; 1334 South Meridian Street (current address) (north of site): All approved subject to commitments/conditions

- Rezoning of 4.89 acres from the I-3-U, D-8, and C-1 districts to the C-S classification to provide for a 17,500-square foot building addition and the manufacturing of construction equipment, air compressors and electric motor assemblies and I-2U uses, with exceptions, C-3C uses, multi-family dwelling units, and an off-site parking lot
- Variance of Development Standards of the Commercial Zoning Ordinance to legally establish and provide for a building and / or off-site parking lot, with a six-foot transitional north front setback along Orange Street, a six-foot west side setback along Meridian Street and a 10-foot front transitional setback along Charles Street

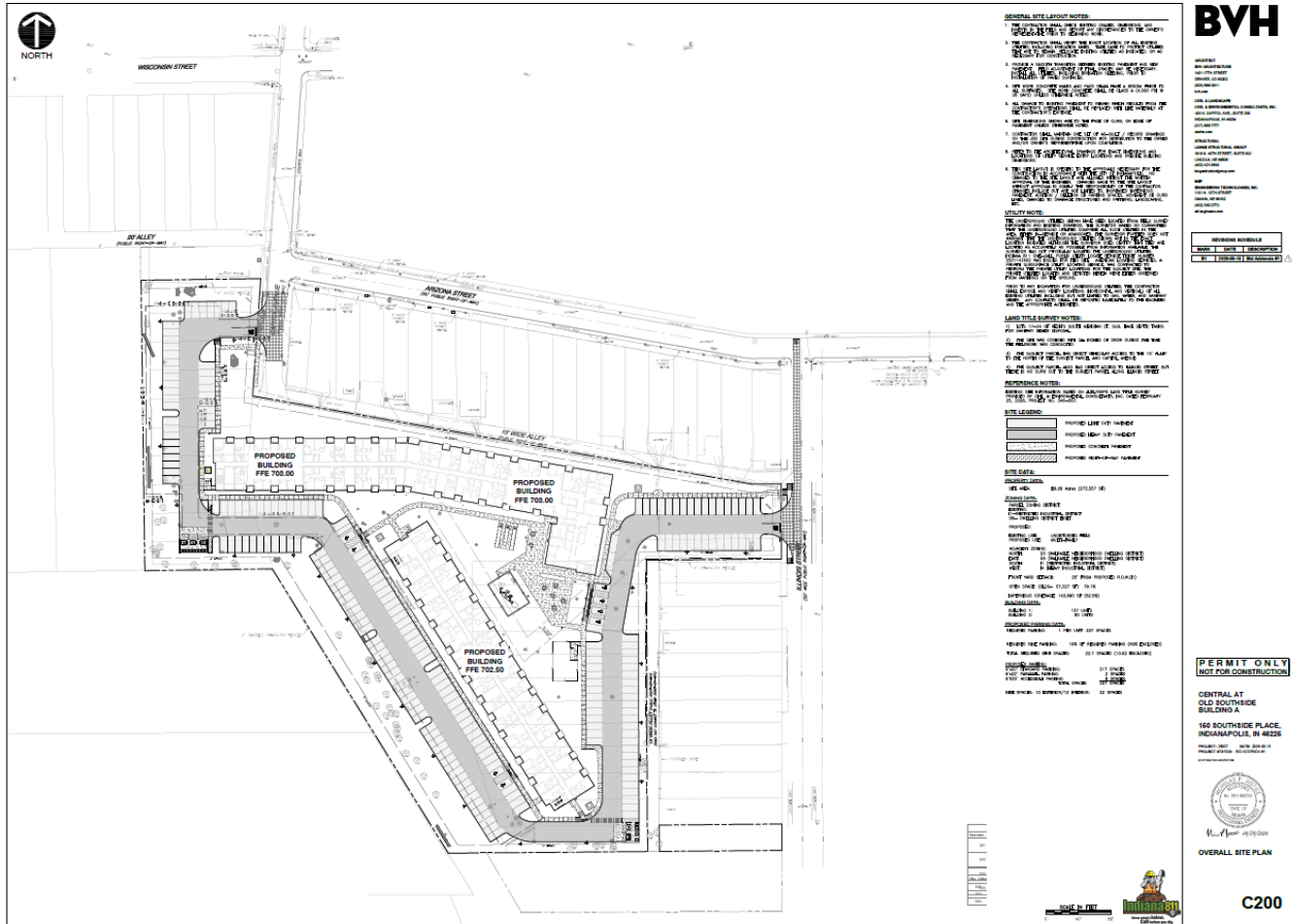
- Variance of Development Standards of the Commercial Zoning Ordinance to provide for a zero-foot front setback along Wisconsin Street, a zero-foot front yard along Meridian Street, and 10-foot south front and west side transitional yards

EXHIBITS

2026DV1030; Aerial Map



2026DV1030; Site Plan



2026DV1030; Findings of Fact (1)

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

The irregular configuration of the subject property and limited street frontages on two dead end roads, do not contribute significantly to walkable streetscapes and the mass of the proposed buildings would be inconsistent with the neighborhood character if similarly setback.

The requested variance allows for a coordinated and coherent site design with clearly defined vehicular access, improved sightlines, and a more appropriate separation between pedestrian and vehicular movements. This results in safer and more efficient site access and internal circulation than would otherwise be achievable under strict compliance.

Further, absent the variance, the site would be unable to reasonably accommodate necessary parking demand in a functional manner. This would shift parking demand to adjacent public streets, creating congestion, limiting parking availability for nearby properties, and potentially interfering with emergency access. The requested variance ensures that parking demand is accommodated on-site in a controlled and designed environment.

Accordingly, the variance facilitates a safer and more orderly development pattern and will not be injurious to the public health, safety, morals, or general welfare of the community.

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

The requested variance is for parking adjacent to an alley on one side and maintains existing open space against adjacent to single family housing. By accommodating parking demand internally, the development avoids adverse off-site impacts such as congestion and competition for on-street parking in the surrounding area. Landscape buffers will be incorporated as required to further enhance the areas adjacent the property.

The resulting site design will be orderly, with clearly defined access and circulation patterns, and will maintain and improve the undeveloped frontages. The development is appropriately situated to function as a transitional use between nearby single-family residential properties and adjacent industrial uses, thereby supporting compatibility within the surrounding context.

The variance does not introduce any impacts that would impair the use or enjoyment of adjacent properties. Rather, it ensures that the site can be developed in a coordinated and functional manner consistent with its zoning classification.

2026DV1030; Findings of Fact (2)

For these reasons, the requested variance will not adversely affect the use or value of adjacent properties in a substantially adverse manner.

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

The subject property is characterized by a unique and irregular configuration.

The applicable frontage and parking placement standards are generally intended for regularly shaped parcels and do not readily accommodate the subject property's atypical geometry. Strict compliance would require the building to be configured in a manner that introduces an artificial and impractical protrusion toward the street solely to meet frontage requirements, resulting in a disjointed building form and compromised site functionality.

Such a configuration would disrupt internal circulation, reduce the efficiency and amount of parking, and impair safe and direct access within the site. As a result, there is no reasonable conforming design alternative that would allow the property to be developed in a functional manner consistent with its intended multifamily residential use while fully complying with the ordinance.

The requested variance represents the minimum necessary relief to accommodate the property's unique physical constraints and to permit a safe, efficient, and coordinated site design. Accordingly, strict application of the ordinance results in practical difficulties in the use of the property.

2026DV1030; Photographs



2026DV1030; Photographs (continued)



2026DV1030; Photographs (continued)



2026DV1030; Photographs (continued)



2026DV1030; Photographs (continued)



BOARD OF ZONING APPEALS DIVISION I

July 7th, 2026

Case Number: 2026-DV2-018 (Amended)
Property Address: 2230 East 75th Street (approximate address)
Location: Washington Township, Council District #2
Petitioner: Luis Cordon, by Avouch Contractors (David Stevens)
Current Zoning: D-S (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family residence with a 3-foot west side setback and a 9-foot east side setback (15-foot side setback and 35-foot combined side setback required), a 40-foot rear setback (50 feet required), a 36-foot front setback (60-foot setback required based on average setbacks), to permit 2 minor residential structures in the front yard setback (not permitted), to legally establish a utility shed partially within the floodway fringe, and to provide for development with deficient open space (85% open space required).

Current Land Use: Residential

Staff

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This petition was continued and transferred from the June 9th BZA II hearing to the July 7th BZA I hearing to allow for corrections in the legal notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 2230 East 75th Street is a single-family home on East 75th Street between Caroline and Keystone Avenues. Property record cards indicate a dwelling has existed on this property since the 1920s and a utility shed has existed on the site since 1989. Properties on the north side of 75th Street are zoned D-S. Except for the properties west of Caroline Avenue, almost all properties on this block would appear to have deficient lot widths and areas for the D-S district. Additionally, the White River borders these homes to the north. To the south are single-family homes in the D-3 zoning district. Most of the lots appear to meet the minimum width and area requirements for this district.

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- Based on current Ordinance standards, a D-S lot is required to have a minimum lot width of 150 feet. The setbacks of each district are based on the size of each lot. The Ordinance states that D-S properties in the compact context area must have the greater of 40 feet or the average setback for their front setback. Averaging the setbacks of the property to the east and to the west, this property would be expected to have a setback of 60 feet. The lot itself is only about 160 feet long. Additionally, the Ordinance requires D-S properties in the compact context area to have setbacks of 15 feet on each side yard¹. For a lot that is approximately 56 feet wide in the middle, this would leave roughly 26 feet of buildable space. As the Ordinance prohibits minor residential structures (like garages) from being located any closer to a “front or side lot line than the required minimum front and side yard setbacks”, the garage would be to either be placed next to or behind the house. 26 feet of buildable space would be difficult to split between a garage and a home.
- While this is not infill development, the Infill Housing Guidelines can help us understand what would be expected here if it had been. The guidelines state that “accessory buildings should be located behind the existing building unless there is a precedent otherwise.” Staff will note that several homes on this block have garages in the front yard so as to not obstruct views of the river.
- Infill Housing Guidelines also instruct us how to consider front and side yard setbacks. The guidelines state that when “setbacks are varied, new construction should fall in range between the shortest and longest distances from the right-of-way.” While a 36-foot front setback would be closer to the right-of-way than either front setback of the adjacent properties, staff will note that multiple properties on this block have detached accessory structures with setbacks of less than 40 feet. A 36-foot setback would still largely fit within the context of the block. The Ordinance also indicates that new construction “should reflect and reinforce the character of spacing found in its block.” Estimated measurements of aerial imagery show that multiple homes on this block do not meet the required 15-foot side setbacks. Some seem to have as little as 2 or 3 feet. A 3-foot side setback would not be out of context with the neighborhood and would still provide enough spacing for egress.
- While each case should be assessed individually based on its unique contexts, staff will note that similar variance requests have been approved on this block in the past, indicating a sort of precedent.
- Upon conducting a site visit, staff noticed that the existing shed had been torn down. If the petitioner wishes to amend their request to limit the variance to one building in the front setback and to remove the portion regarding a shed in the floodway fringe, staff would be supportive. Should the petitioner wish to rebuild the shed on its existing footprint, approximately one-third of the shed would be within the floodway fringe. Given that the shed is a small tool shed, without the ability to support dwelling units or large vehicles, staff has no concerns about this shed being partially within the floodway fringe.
- Based on the site-specific practical difficulties that come from a deficient lot, an established precedent of properties on this block having garages in the front setback, and the context of existing setbacks for surrounding properties, staff recommends approval of this petition.

¹ The legal notice indicated that the side yard setbacks had to be 15 feet on each side with an aggregate setback of 35 feet. These are the standards for the D-S district in the metro context. However, as this is a less intense

GENERAL INFORMATION

Existing Zoning	D-S	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-P	North: Residential
South:	D-3	South: Residential
East:	D-S	East: Residential
West:	D-S	West: Residential
Thoroughfare Plan		
East 75 th Street	Local Street	45-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/24/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	04/24/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- “The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is

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recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

91-V1-85 (east of site), Variance of Development Standards of the Dwelling District and Flood Control Zoning Ordinances to permit the construction of a single-family residence with 60 feet of public street frontage and a side yard setback of 5 feet, with an aggregate of 22 feet, all within a floodway, **approved subject to conditions**.

98-V3-51; 2226 East 75th Street (west of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 16 by 16 foot addition to an existing single family residence and a 24 by 24 foot attached garage with: a minimum floor area of 1153 square feet; a side yard of 3 feet resulting in an aggregate side yard of 18 feet, and; open space of 75%

2001-DV1-026; 2334 East 75th Street (east of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish an existing 24 by 24-foot detached garage with a side yard setback of 4.5 feet within the established front yard of East 75th Street and to provide for the construction of a 17 by 38-foot attached carport with a side yard setback of 7 feet and an aggregate side yard of 14 feet, **approved subject to conditions**.

2001-DV2-030; 2330 East 75th Street (east of site), Variance of Development Standards of the Dwelling Districts and the Flood Control Districts Zoning Ordinances to provide for the construction of a single-family dwelling with the proposed 2nd story living area being two-feet above the base flood elevation, and to convert an existing dwelling structure to a 23 by 22-foot detached garage, with a side yard setback of six feet for the single-family dwelling, with a side yard setback of ten feet for the single-family dwelling, resulting in a minimum open space of 80% of the lot, with the detached garage located in the established front yard, and a six-foot side yard setback, and with the exterior walls of attached non-habitable accessory enclosure with wall openings to meet the federal standard of one square foot for every 144 square feet of enclosed floor area subject to flooding, **approved subject to conditions**.

2016-HOV-005; 2260 East 75th Street (east of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-story single-family dwelling, with a 5-foot east side setback and 10-foot west side setback, on a lot with 60 feet of frontage and an open space of 68%, **approved**.

2020-DV2-016; 2222 East 75th Street (west of site), Variance of Development Standards to provide for a garage in the front yard of the primary dwelling unit with a 10-foot east side setback, **approved**.



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2020-DV2-034; 2222 East 75th Street (west of site), Variance of Development Standards to provide for a garage in the front yard of the primary dwelling with a 10-foot east side setback with 78% open space, **approved.**

EXHIBITS

2026DV2018; Aerial Map



2026DV2018; 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:

This new home will not negatively impact this community. It will only enhance the neighborhood.

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

It will add to property value.

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

This lot and adjacent lots are narrow and many have homes and accessory buildings that do not adhere to set back distances and reduced open space requirements. This project is in line with existing and established developments.

2026DV2018; Photographs



Photo 1: Subject site on left; concrete pad where shed used to be; stakes indicating property line

2026DV2018; Photographs (continued)



Photo 2: View of property seen from 75th Street

2026DV2018; Photographs (continued)



Photo 3: View of western side of property with stake showing property line

2026DV2018; Photographs (continued)



Photo 4: Looking east on 75th Street

2026DV2018; Photographs (continued)



Photo 5: Looking west on 75th Street

2026DV2018; Photographs (continued)



Photo 6: Neighboring property to the east with garage in established front yard

2026DV2018; Photographs (continued)



Photo 7: View of properties to the west with garages in front yard

Board of Zoning Appeals Division I

July 7, 2026

Case Number:	2026-UV1-013
Property Address:	8005 East Thompson Road (<i>approximate address</i>)
Location:	Franklin Township, Council District #25
Petitioner:	Sergio Pantoja Sanchez, by Justin Kingen
Current Zoning:	D-A
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for a commercial contractor producing canopies, awnings, and similar fabric material to operate within an existing detached accessory structure (non-agricultural commercial operations not permitted within D-A) and a Variance of Development Standards to permit a 4,218-square-foot barn being larger than the 1,960-square-foot dwelling (barns in the D-A district may only be larger than primary dwellings if used for agricultural-related purposes).
Current Land Use:	Single-family home; pole barn
Staff Recommendations:	Staff recommends approval of this petition, subject to commitments and the plan of operations.
Staff Reviewer:	Josh Levesque, Senior Planner

PETITION HISTORY

This petition was continued from the June 2nd, BZA I hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to commitments, as noted below, and the plan of operations.

PETITION OVERVIEW

- 8005 East Thompson Road is an 8.798-acre parcel that is currently developed with a single-family home and a pole barn towards the front of the lot. While the home appears to have been built around 2003, property records seem to indicate the existence of the pole barn since the early 1980s. Prior to 2003, it appears a different house existed on the property. This house is much closer to Thompson Road, with its front building line ahead of the barn. The area where the current house stands appears to have been used for agricultural purposes. The property is currently zoned D-A. Properties immediately to the west are zoned D-A while those immediately to the east are zoned D-4. Across Thompson to the north, properties are zoned D-2 and D-P. To the south, properties are zoned D-3 and D-4.

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- According to the Ordinance, the D-A district “holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying necessary uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as part of such agricultural uses. A secondary provision of this district is a large estate development of single-family dwellings. This district fulfills the very low density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.”
- The Ordinance defines Commercial and Building Contractor as an “establishment or activity that supplies materials and labor to fulfill work at a remote site, typically a building trade or activity associated with construction or maintenance.” The Ordinance goes on to specifically list contractors for awnings as part of this definition.
- While the site in question is within the Suburban Neighborhood land use typology, it directly borders the Community Commercial typology to the west. Although this typology provides some context for commercial use in the area, staff will note that the Commercial and Building Contractor use is not a by-right use until the C-5 district, a district more compatible with the Heavy Commercial typology.
- Staff will note, however, that the manufacturing of the fabric or textile material of the awnings/canopies can represent a less intense use than one where the manufacturing of framing for said awnings/canopies is also conducted. This lower intensity use better fits within the community commercial context and steps can be taken to mitigate the intensity. As such, staff would request the following commitments:
 - That the use is limited to the manufacturing of fabric and textiles for canopies and awnings and that no manufacturing of the frames to support such awnings/canopies is to be done.
 - That the pole barn be restricted to its existing square footage and that all operations are conducted within the existing pole barn
 - That no outdoor storage or operations occur, except the parking of no more than 4 commercial vehicles
 - That, should this petition be granted, the petitioner will, at their own expense, close the eastern curb cut on their property within 180 days of this petition’s approval.
 - That the petitioner will provide landscaping plan showing screening on the northern and eastern sides of the barn as well as the parking area by the barn’s eastern bay doors. This plan shall be subject to the Administrator’s approval.
 - That approval of this petition be conditioned to the Plan of Operations submitted in the petitioner’s filing. Where the Plan of Operations and commitments conflict, the commitments shall control.
- The size of the current barn limits the scope and intensity of the use to something that better fits within the community commercial typology directly to the west of this parcel. A contractor use requiring a larger space would be indicative of overdevelopment and an intensity not compatible with this area.
- Providing a single curb cut would give the property more a residential appearance and would visually tie in with other residential properties along Thompson Road.

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- Finally, landscaping along the barn and parking pad would help to screen the parked trucks.
- This narrow use of the fabrication of textiles for awnings/canopies represents a less intense use than many other commercial and building contractor uses. Furthermore, the commitments suggested by staff make this visually less intense than other commercial building and contractor enterprises. This specific use fits within a community commercial context and fits the site. For these reasons, staff recommends approval of the petition, subject to the aforementioned commitments.
- Staff will note that our recommendations are case specific and based on factors like intensity and surrounding context. Approval of this petition should not be construed as a precedent for other petitions.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single-Family Residence; Pole Barn	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-2 / D-P	North: Residential
South:	D-4 / D-3	South: Residential
East:	D-4	East: Residential
West:	D-A	West: Residential
Thoroughfare Plan		
Thompson Road	Primary Arterial	75-foot existing right-of-way and 119-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	4/28/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	4/28/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not applicable to the site

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Building Elevations and Architectural Elements
 - Architectural elements contributed to the character of the neighborhood, and neighborhoods benefit by new buildings relating to and complementing the surrounding style.
 - Front entry features create “human-scale” massing elements that relate buildings to the frontages and streetscape and social spaces that activate that streetscape. They provide endless opportunities for unique design with subtle variations to building patterns but create a consistent form and scale along streets. This helps reinforce a neighborhood character by creating distinctions between the same or similar building type and creating compatible relationships between buildings of different size or type.

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

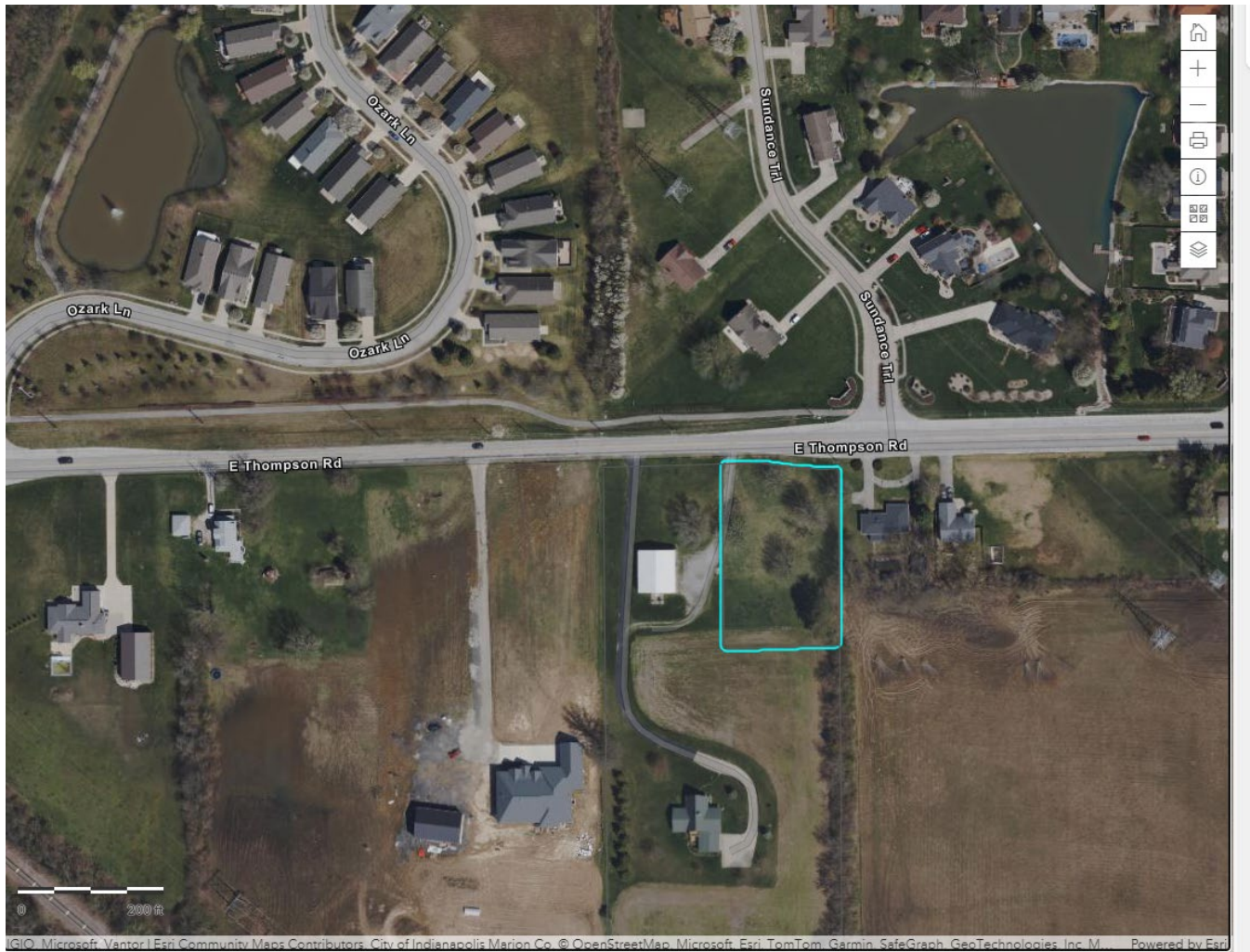
86-Z-272; 8124 East Thompson Road (north of site); Rezoning of 66.16 acres from the A-2 district to the D-2 district to provide for residential use by platting, **approved.**

2004-ZON-803; Multiple addresses along Hanna Avenue and Ferguson Road (north of site), Rezoning of 231.8 acres from the D-A and D-2 districts to the D-P district, **approved.**

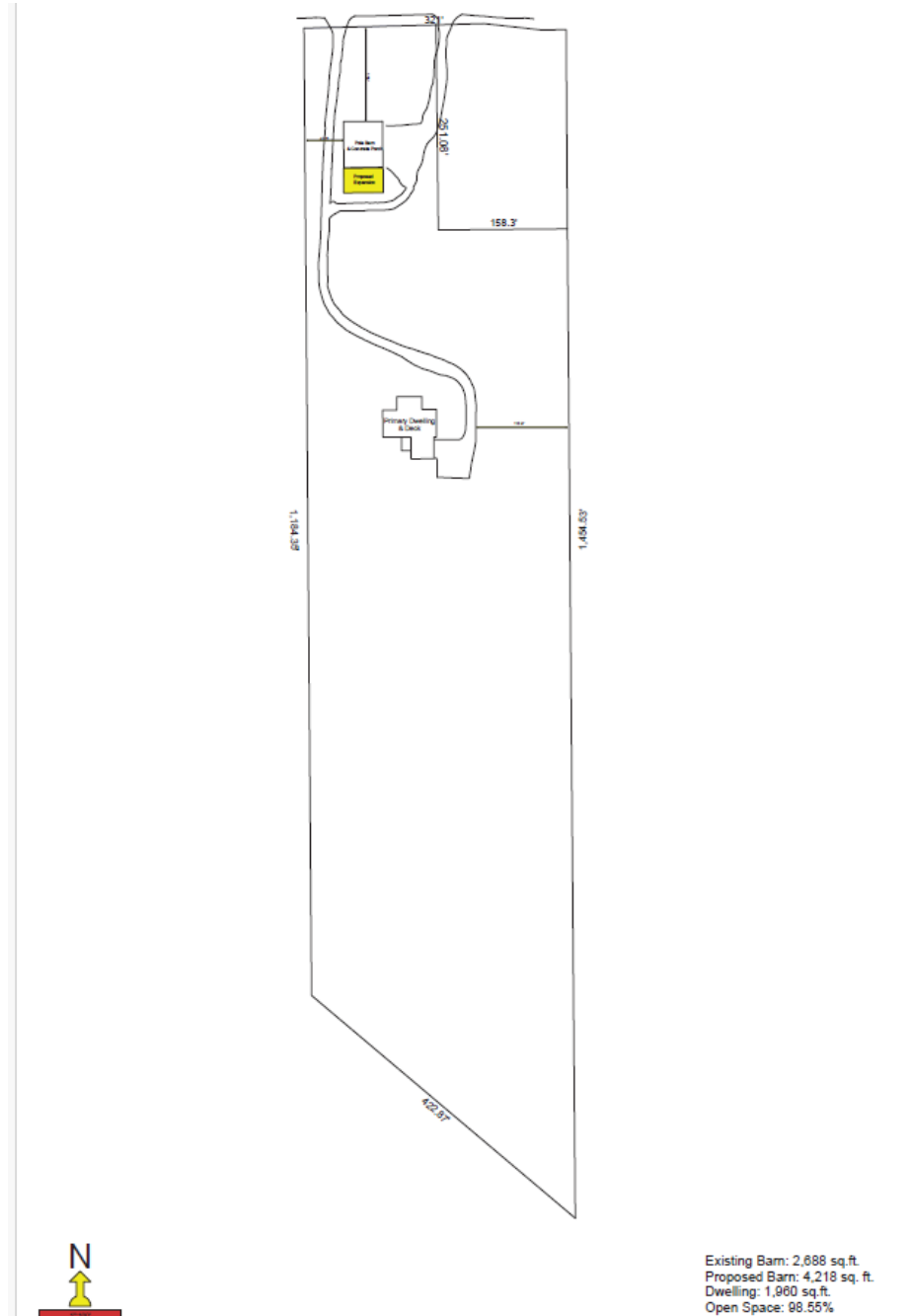
2004-ZON-028; 5332 South Franklin Road (east of site), Rezoning of 75.3 acres from the D-A district to the D-4 district to provide for single-family residential development, **approved.**

EXHIBITS

2026UV1013; Aerial Map



2026UV1013; Site Plan



The site plan is to be amended to show the barn maintaining its existing size

2026UV1013; Photographs



Photo 1: View of pole barn from driveway off Thompson Road

2026UV1013; Photographs (continued)



Photo 2: Surrounding land context to the east

2026UV1013; Photographs (continued)



Photo 3: Surrounding context to the north

2026UV1013; Photographs (continued)



Photo 4: Surrounding context to the west.

2026UV10013; Photographs (continued)



Photo 5: View of single-family home in background

Board of Zoning Appeals Division I

July 7, 2026

Case Number: 2026-UV3-009

Property Address: 5 West Epler Avenue (*approximate address*)

Location: Perry Township, Council District #22

Petitioner: Leedom & Terrell, LLC, by Jacob Bowman

Current Zoning: D-A

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for commercial and building contractor usage (not permitted in D-A) with outdoor storage and operations (not permitted in D-A).

Current Land Use: Developed, Commercial Use

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This petition was continued and transferred from the June 16th, 2026, BZA III hearing to the July 7th, 2026, BZA I hearing to allow for the recording of a deed related to the proposed commitments

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to commitments detailed in the report below.

PETITION OVERVIEW

- 5 West Epler is the site of a commercial boiler and welding company in the D-A zoning district. Based on previous staff reports and petition history for this site, it appears the current business was provided for by 82-UV3-100 with expansions provided for in 2000-UV2-005 and 2012-UV1-004, establishing a long history of heavy commercial and contractor-like uses at this location.
- While 2000-UV2-005 and 2012-UV1-004 sought to expand the footprint of the boiler and welding business beyond the original 1982 variance, this request does not seek to expand the footprint of the building. Rather, it seeks to make a lateral change between heavy commercial uses.
- Staff will note that, while this use does not fit with either the D-A zoning district or the community commercial typology, this use does fit with precedent for this location. Additionally, this lot is far too small to meet D-A lot width and area standards. This property is also part of small commercial node on the corner of West Epler and South Meridian, with a bar, flooring company, and auto repair shop all near the intersection.
- The 2012 staff report indicated that the main reason for previous approvals was that the use would be contained on site and would not affect the surrounding businesses and dwellings. Site photos show that the subject site is largely surrounded by a fence and retaining wall, except for the front

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Division of Planning
Current Planning**

façade. Furthermore, the plan of operations indicates that no changes to the facility are anticipated. A small segment of land on the western side of the property was deeded to the current owners as part of this petition to align their western boundary with the existing fence and paved area.

- As this property has a long history of commercial use, the requested change in use is similar in intensity to the existing use, and as the property is largely screened, staff recommends approval of this petition subject to the following commitments:
 - Outdoor storage and operations shall be limited to the parking of “Commercial Vehicles” as defined under the City of Indianapolis Consolidated Zoning / Subdivision Ordinance – Effective March 2, 2026 and that this commitment not be subject to Commitment 5 from 2012-UV1-004 (Instrument No: 2012-00052315).
 - That all commitments from 2012-UV1-004 (Instrument No: 2012-00052315) shall continue in force until, as per commitment 5, the business operated on the site is not owned and operated by Mr. Chris Hutson, his immediate family, or an entity which is at least 515 owned by Mr. Chris Hutson and/or members of his immediate family.
 - That this petition be tied to the plan of operations filed on April 27th, 2026. Where the plan of operations and the aforementioned commitments, conflict, the commitments shall control.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Developed; Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-3	North: Residential / Commercial
South:	SU-1	South: Religious Uses
East:	C-3	East: Commercial
West:	SU-1 / D-3	West: Vacant / Residential
Thoroughfare Plan		
Epler Avenue	Primary Collector	50-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/1/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	4/21/2026	

Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

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.

ZONING HISTORY

ZONING HISTORY – SITE

82-UV3-100; Variance of Use to use an existing commercial building for an office for a boiler and welding service, with storage inside of the building and no welding done on site, **approved subject to conditions**

2000-UV2-005; Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 3,835-square foot addition to an exiting boiler and welding company on a 0.55-acre lot, with 90 feet of street frontage, open space of 70.5%, a side setback of 3.2 feet and an aggregate side setback of 15.2 feet and a main floor area of zero feet, **approved subject to conditions.**

2012-UV1-004; Variance of Use of the Dwelling Districts Zoning Ordinance to provide a 7,200-square foot building to permit the expansion of an existing boiler and welding company, with off-street parking and additional driveways from Meridian Street and Epler Avenue, **approved subject to commitments.**

ZONING HISTORY – VICINITY

55-A-14; 10 West Epler (current address) (north of site), Rezoning of a 0.374-acre tract from the A-2 (agriculture) district to a B-4 classification to provide for the construction and operation of a gasoline service station, **approved.**

59-Z-95; 10 West Epler (current address) (north of site), Rezoning to the B-2 district to provide for the construction of a real estate and contractors office building, **approved.**

90-V3-94; 5505 South Meridian Street (current address) (east of site), Variance of Development Standards of the Commercial Zoning Ordinance to permit the construction of an addition to an existing carpet store with 20 parking spaces, **approved subject to conditions.**

99-Z-161; 5610 South Meridian Street (current address) (south of site), Rezoning of 1.0 acre from D-A to C-S to provide for certain C-3 uses and a tool and die shop and a machine shop, **withdrawn.**

2000-UV1-012; 5610 South Meridian Street (current address) (south of site), Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide the construction of a 2,4000-square foot building for the operation of a tool and mold facility, with a detached accessory use area of 3,040-square feet or 361.9 percent of the main floor area of the primary dwelling, with a 42-foot rear setback, a side yard setback of 25-feet, and an aggregate side yard of 53-feet, **approved subject to conditions.**

2011-UV2-021; 5525 South Meridian Street (current address) (southeast of site), Variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for a banquet hall / family restaurant and tavern with outdoor seating and live entertainment, and with 44 proposed parking spaces, **approved subject t**



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2012-DV1-034; 5506 South Meridian Street (current address) (east of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for 1,434-square foot deck for outdoor seating with 28 parking spaces and to legally establish a tavern with a five-foot separation from a protected district and parking with a zero-foot setback from West Epler Avenue and South Meridian Street, **approved**.

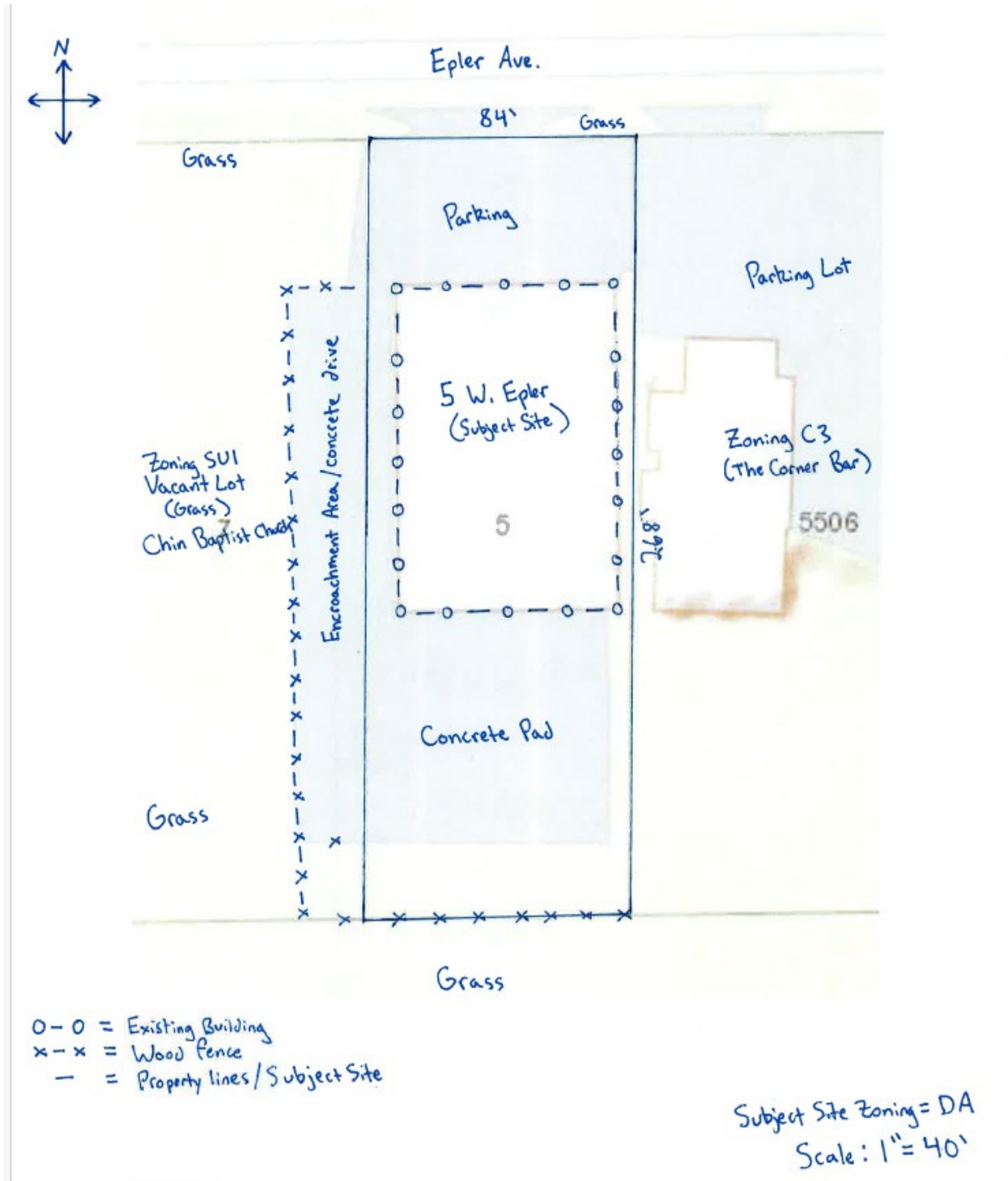
2017-ZON-090; 7 West Epler and 5610 South Meridian Street (current addresses) (west and south of site), Rezoning of 1.62 acres from the D-A district to the SU-1 classification to provide for secondary access to Epler Avenue, **approved subject to commitments**.

EXHIBITS

2026UV3009; Aerial Map



2026UV3009; Site Plan



2026UV3009; Plan of Operations

**ANTICIPATED
PLAN OF OPERATION**

1. Description of Facilities

The facility consists of an approximately 7,020 sq. ft. office and warehouse/flex type space. The current use of the facility is for office space of Hutson Industrial Services, Inc., along with storage of some equipment/vehicles and materials. The subject site is almost completely surrounded by a privacy fence, with the exception of the front façade. Photographs of the subject property from street view are included below. It is anticipated that the facilities will not be changed.

2. Number of Employees

It is anticipated that the number of employees working at the facility will be approximately between 5 and 10, with certain employees picking up materials/work orders to begin their work off site. The number of employees is not anticipated to be substantially more than the current employees working on the subject property.

3. Security Provisions

Standard security measures are in place for the building, including, without limitation, locked doors and security cameras. Cash is likely to be rarely kept on site, as most customers pay with debit/credit cards or are separately invoiced in accordance with standard practices of Commercial and Building Contractors.

4. Presence of Hazardous or Explosive Materials

No hazardous or explosive materials are currently located on site, and it is not anticipated that any Commercial and Building Contractor will bring in hazardous or explosive material as part of their work.

5. Hours of Operation, Typical Customer

Hours of operation are anticipated between 7:00 a.m. and 6 p.m. Monday to Friday. No customers are expected to be on site, apart from occasional meetings. Both being consistent with the use of the subject property by a Commercial and Building Contractor.

2026UV3009; Findings of Fact

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

The property has been used as a Commercial and Building Contractor-- boiler company--use for decades and the proposed variance would continue that use and expand to other uses applicable to the Commercial and Building Contractor definition, including without limitation electrical contractors roofing contractors, and HVAC contractors.

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 property has been used as a Commercial and Building Contractor use for decades. Prior to any adjacent property owner purchasing their property, they were aware that the space was being used as a Commercial and Building Contractor space; the nature of the use of the property will not be changed. The use is compatible with neighboring property uses and general uses in the area, which include a neighborhood bar, a flooring store, auto repair shop, and a fueling station.

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

The property is zoned DA, though the comprehensive plan calls for the property to be community commercial. The DA zoning classification does not allow for Commercial and Building Contractor uses but the property has been used as a commercial boiler contractor space for decades. The proposed use variance will allow that use to continue and expand to other Commercial and Building Contractor uses that are compatible with the surrounding area.

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

Over the decades, the site was developed for Commercial and Building Contractor uses, which includes an office/warehouse structure. The space cannot be used for "white collar" office space as proposed in the future land use map/comprehensive plan without the demolition of the current structure, which is cost prohibitive. The current use variance is too restrictive and only allows for a boiler company, and there is no permitted use under the current DA zoning classification that would be compatible with the improvements on the property.

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

The comprehensive plan calls for the subject property to be community commercial. The proposed use variance, limited to Commercial and Building Contractors, is a reasonable extension of the comprehensive plan considering the historical development of the subject site.

2026UV3009; Previous Commitments from 2012-UV1-004

Exhibit "B"

VARIANCE COMMITMENTS
CASE #2012-UV1-004 - 5 & 13 W. Epler Ave. and 5520 S. Meridian St.
5/1/2012

METROPOLITAN DEVELOPMENT
MAY 01 2012
DIVISION OF PLANNING

- 1.) Development of the site shall be substantially similar to the Site Plan file dated May 1, 2012 (the "Site Plan").
- 2.) The Site Plan illustrates both the existing entry onto Epler Avenue, and a new proposed entry further to the West on Epler which would be between 20 and 30 feet in width. If the Petitioner elects to keep the existing entry onto Epler, the proposed new entry to the West will not be constructed. If the Petitioner elects to construct the new entry onto Epler, then the existing entry onto Epler shall be closed.
- 3.) There shall be no boiler manufacturing operations done on site.
- 4.) There shall be no welding operations for customers done on site, with the exception that occasional minor welding may be performed indoors on the site so long as the total revenue generated by such on site welding services does not exceed \$5,000 annually. The repair and/or straightening of metal portions of a lawn mower, and welding work of similar scope and impact, is the type of "minor" work which the exception to this Commitment is intended to permit.
- 5.) The variance shall automatically expire if the business operated on the site is not owned and operated by Mr. Chris Hutson, his immediate family, or an entity which is at least 51% owned by Mr. Chris Hutson and/or members of his immediate family.
- 6.) All outdoor storage on the site shall be limited to the areas within the privacy fence shown on the Site Plan. No new, used or scrap trucks shall be stored outdoors on the site for any period longer than thirty (30) consecutive days. Temporary outdoor storage of large boiler parts may occur for periods of time not to exceed fourteen (14) consecutive days.
- 7.) The proposed privacy fence shall be approximately six (6) foot tall, may be comprised of wood and/or plastic or a combination thereof, and shall provide a solid visual screen with the exception of the proposed gate(s) and the areas immediately abutting said gate(s).
- 8.) There are several areas shown on the Site Plan wherein trees are proposed to be planted. The requirements for those areas are as follows:
 - A. The row of trees to be planted immediately West of the fence running between the detention area and the parking areas, and also the short row of trees to be planted North of the new entry drive connecting to S. Meridian Street (immediately East of the fence East of the new building) shall be installed within 6 months of the occupation of the new building (weather permitting), shall be evergreen trees of any species other

2026UV3009; Previous Commitments from 2012-UV1-004 (continued)

than White Pine, and shall be at least 5 feet in height at the time of planting. These trees shall be spaced between 18 and 22 feet apart.

B. The double row of trees to be planted along the Eastern portion of the South line of the Site, East of the fence, shall be installed within 6 months of the occupation of the new building (weather permitting), shall be evergreen trees of any species other than White Pine, and shall be at least 5 feet in height at the time of planting. These trees shall be installed in two staggered rows, with the trees in each row being spaced no more than 25 feet apart, and the two rows being separated by no more than 25 feet.

C. At least six (6) new trees shall be planted along the West side of the detention area, and at least two (2) new trees shall be planted along the North side of the detention area, all approximately as shown on the Site Plan. These trees shall be planted within 1 year of the occupation of the new building. These trees may be either evergreen trees of any species other than White Pine, which shall be at least 5 feet in height at the time of planting; or any number of the proposed trees may be a deciduous over-story or ornamental species of tree, which shall be at least 1 inch caliper at the time of planting.

D. All such screening trees shall be well maintained by the Petitioner, and dead trees shall be replaced annually.

9.) In the event that the property which abuts the South line of the Site ever becomes a public park, then in such case, within 1 year of such conversion, the portion of the privacy fence on the Site which abuts the South shall be relocated to the North as necessary to create a buffer area between the new park and the privacy fence at least 30 feet in width, and within said buffer area between the privacy fence and the South line of the Site, a staggered row of evergreen trees shall be installed similar to the trees installed pursuant to Commitment 8(B) above.

2026UV3009; Photographs



Photo 1: Subject site as seen from Epler Avenue

2026UV3009; Photographs (continued)



Photo 2: Fenced area that has been deeded to petitioner for outdoor storage

2026UV3009; Photographs (continued)



Photo 3: Looking east on Epler

2026UV3009; Photographs (continued)



Photo 4: Looking north across Epler

2026UV3009; Photographs (continued)



Photo 5: Looking west on Epler

BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number: 2026-DV1-013 (Amended)
Property Address: 2440 Lafayette Road (approximate address)
Location: Wayne Township, Council District #11
Petitioner: Lafayette Center LLC, by Sean Mastain
Current Zoning: C-4
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall perimeter chain link fence utilizing barbed wire and within a rear-yard easement (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, barbed wire not permitted, encroachment into easements not permitted).
Current Land Use: Commercial
Staff Recommendations: Staff recommends **denial** of the requested variances.
Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

6/2/26: A timely automatic continuance request was filed by a registered neighborhood group.

5/12/26: This petition was continued from the May 12, 2026 hearing date of Division I to allow for the mailing of amended notice that mentioned the need for a variance related to the easement.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

2440 Lafayette Road is a 2.43-acre parcel currently improved with a multitenant commercial structure containing six (6) tenant bays. Current tenants appear to include an event center, several restaurants, and a clothing store. Surrounding land uses include residences to the southwest as well as other commercial uses to the northwest, southeast and on the other side of the street.

Between 2024 and 2025, 1225 linear feet of chain link fence was placed around the perimeter of the subject site, per the site plan within Exhibits. The fence appears to have a height of six (6) feet and is topped with barbed wire for entirety of the fence's length. Three (3) separate complaints were filed with the Mayor's Action Center in relation to the fence: the first two (2) complaints were from adjacent homeowners expressing concern about barbed wire and encroachment of the fence into their properties' rear yards (see Photo 4 within Exhibits), and the third was from an adjacent business owner at 2450

Lafayette Road to the northwest indicating that the newly installed fence was built within an easement and was therefore negatively impacting trash service for their property.

As a result of those complaints, the violation case VIO25-009822 was opened in October of 2025 in relation to the fence height and material, as well as the condition of the parking area and a wall sign. Approval of these variances would allow for the fence to remain, but would not provide relief from the non-fence standards cited by the violation (full text within Exhibits). Specifically, four (4) variances would be required to allow for the fence: (a) the height would be limited to 3.5 feet in front-yard areas; (b) the usage of chain-link fencing in commercial zoning districts would be limited to side and rear yards when coated with dark-color vinyl; (c) barbed wire would not be permitted; and (d) the fence would be within the rear-yard electrical easement given proximity to overhead power lines.

Lafayette Road has traditionally been a commercial corridor with a mix of low- and medium-intensity commercial uses. Adjacent properties either do not have tall front-yard fences (see Photos 6-8 within Exhibits) or have had those fences added within the past few years in a manner that does not appear to comply with current Ordinance and could potentially be citable (see Photos 9-14 within Exhibits). Additionally, no adjacent properties appear to contain barbed wire along their fences.

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 to neighborhoods to a major segment of the total metropolitan area. Similarly, the Comprehensive Plan recommends the site to the Community Commercial typology to allow for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Neither the zoning nor the Plan contemplate tall front-yard fences with barbed wire placed between frontages and business entry points, and Plan recommendations are directly based on neighborhood input and feedback for their vision for communities (in addition to the three adjoining who lodged complaints with the Mayor's Action Center about this specific fence).

The circumstances where barbed-wire or razor-wire fencing is permitted by the Ordinance are narrow: it is prohibited throughout the City except for when being used to enclose livestock on agricultural sites or when associated with correctional or penal institutions. The use of a multitenant commercial center bears no similarity to either of those exceptions, and creates a direct and negative visual impact for potential customers seeking the services of businesses within the center (see photo 3 of Exhibits). Rules limiting chain link and fence height are based on a similar logic of creating vibrant and pedestrian-friendly store fronts. The presence of multi-use path along Kessler Blvd NDR to the east of the site implies potential for future increased walkability along this corridor, and a tall barbed-wire fence would likely have a negative impact on both foot traffic and vehicle traffic for businesses within the center. In addition to aesthetic commercial impacts, the rear-yard portions of the fence in particular would be likely to cause a negative impact for any needed maintenance on existing power lines running along the southern border of the property (see Photo 5 within Exhibits).

Findings of Fact provided by the petitioner cite the need for security around the perimeter of the site and a surrounding context of front-yard fencing. The second paragraph on this page provides additional information about surrounding properties and why this should not be considered legal continuation of a trend, and staff also feel that alternate security measures could be put in place beyond the placement of

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fencing in violation of multiple Ordinance rules. On the contrary, the usage of barbed wire would likely *reduce* public safety given the risk of cuts or lacerations for either pedestrians wildlife, or potential AES maintenance workers.

The fence runs directly counter to Plan and Ordinance guidance, and the multiple filed complaints from neighboring properties indicate direct negative impact on both residential neighbors, the commercial property to the northwest who indicated difficulties with trash pickup, and with maintenance of power lines within the easement area. The gates placed along the rear-yard access drive as well as the placement of barbed wire could complicate efforts to restore power in the event of outages, and no written consent was provided by AES indicating their approval of the fence encroaching into their easement. Given that none of the three state-required burdens of proof have been met by the Findings, staff recommends **denial** of the variances.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	C-4	North: Commercial
South:	D-5	South: Residential
East:	C-4 / D-4	East: Commercial
West:	D-5	West: Residential
Thoroughfare Plan		
Lafayette Road	Primary Arterial	90-foot existing right-of-way and 102-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	01/20/2026	
Site Plan (Amended)	04/13/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	01/20/2026	
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.

ZONING HISTORY

ZONING HISTORY – SITE

87-UV1-130, variance of use of the Commercial Zoning Ordinance to provide for the outside display and sale of vehicles, **approved**.

86-SE3-12, Special Exception to provide for an amusement arcade with 20 machines, **approved**.

86-UV3-113, Variance of Use of the Commercial Special Exception Ordinance to provide for the operation of an amusement arcade within 500 feet of a residential zoning district, **approved**.

ZONING HISTORY – VICINITY

2023ZON053 ; 2500 Lafayette Road (northwest of site), Rezoning of 0.762 acres from the C-4 district to the C-5 district to allow for vehicle sales, **approved**.

2020DV1029 ; 3203 Roberta Drive (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front porch addition to a single-family dwelling, with a five-foot front setback (25-foot front setback required), **approved**.

2011ZON052 ; 2405 Lafayette Road (east of site), Rezoning of 0.38 acre, from the D-4 (W-5) District to the C-4 (W-5) classification to provide for commercial uses, **approved**.

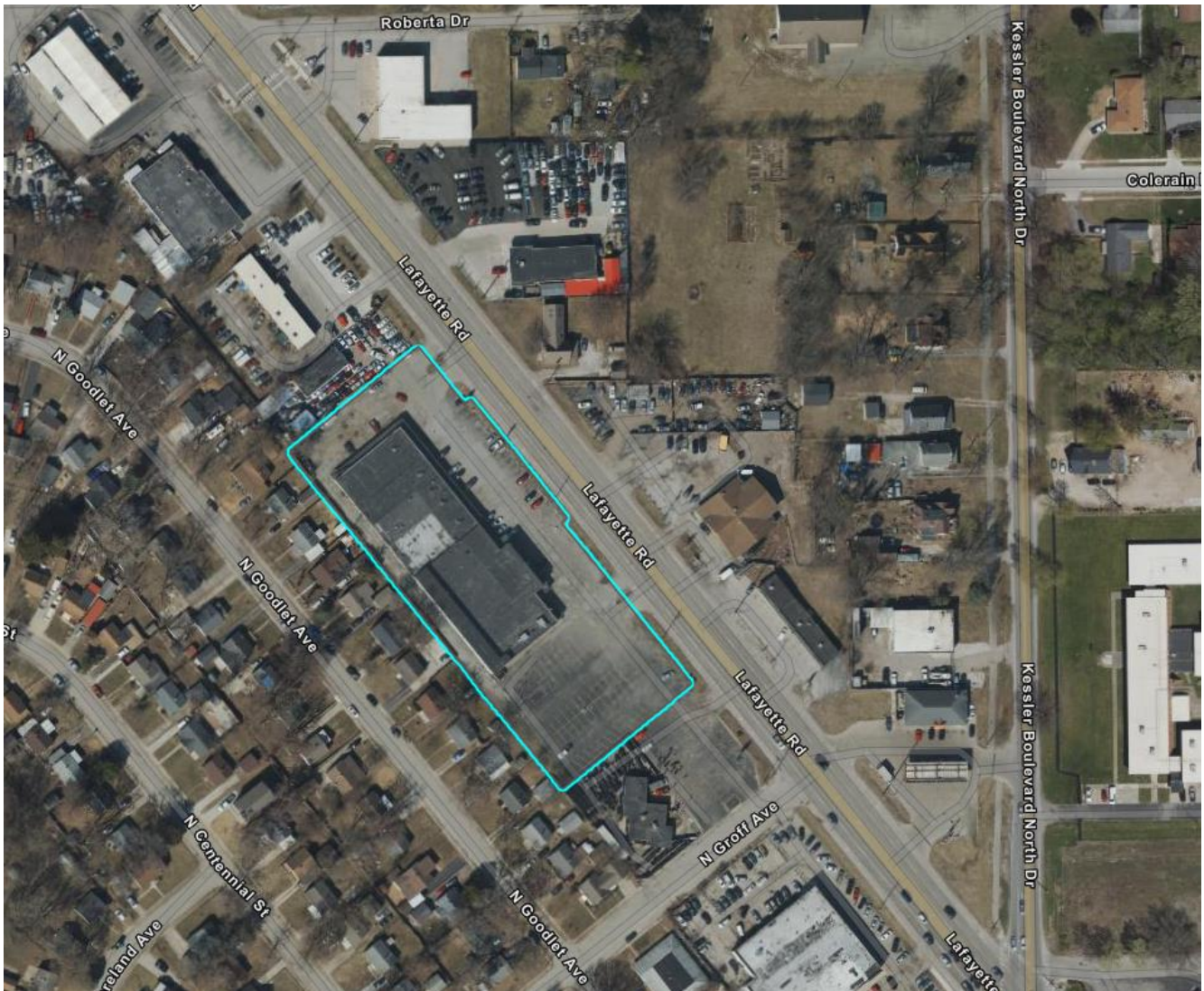
2011DV1034 ; 2409 Lafayette Road (east of site), Variance of development standards of the Commercial Zoning Ordinance to provide for carryout food service within 65 feet of a protected district (100-foot separation required) and to provide for a trash container in front of the established front building line along Lafayette Road (not permitted), **approved**.

2011HOV008 ; 2535 Lafayette Road (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an office and storage inside an existing building and storage shed at 2535 Lafayette Road (not permitted), related to automobile sales and display at 2545 Lafayette Road, **approved**.

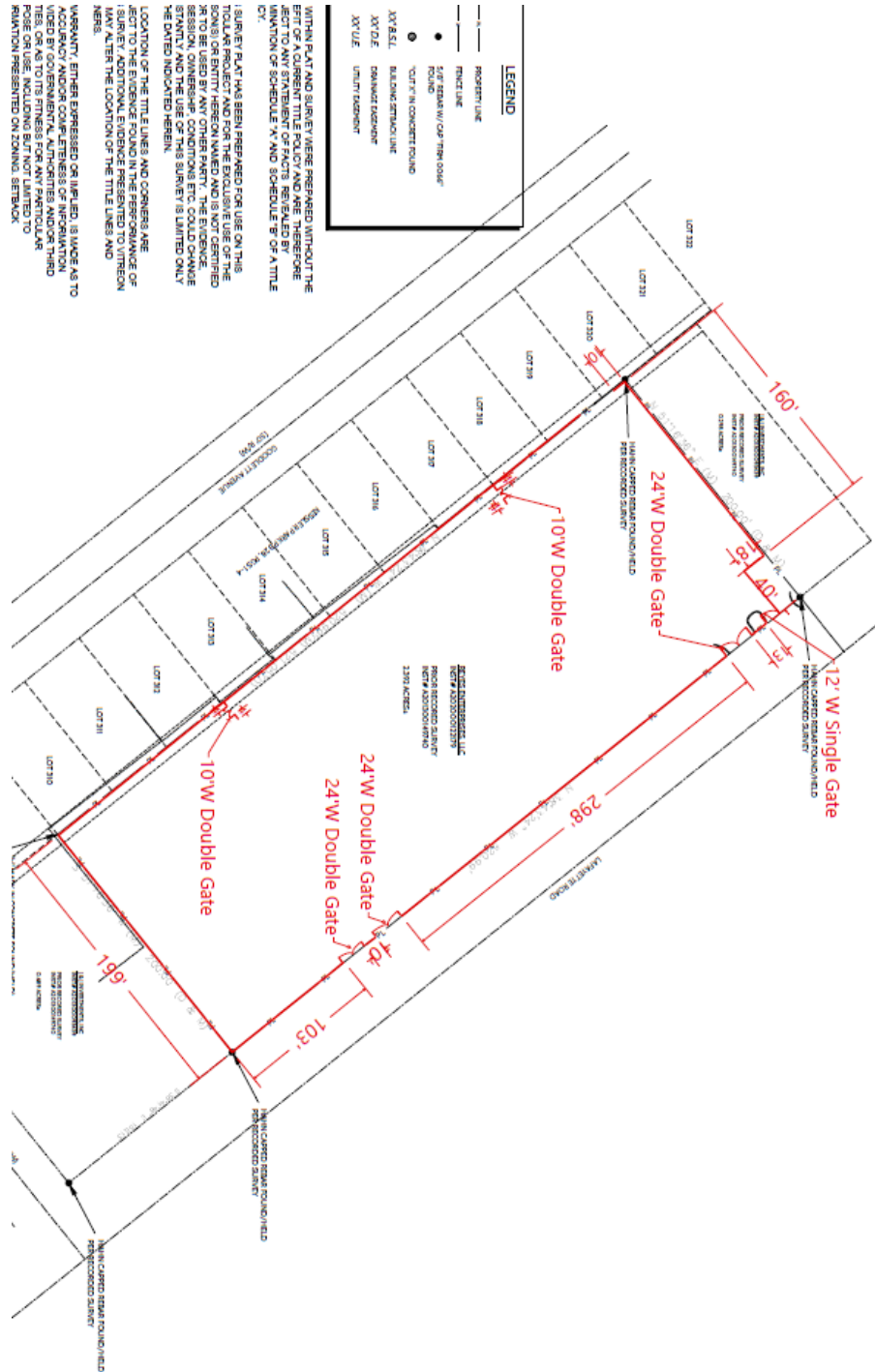
2003UV1050 ; 2366 Lafayette Road (southeast of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for a 10,458 square foot expansion to an existing food distribution warehouse (not permitted) resulting in a zero-foot south transitional yard, and with parking and a trash container within the fifteen-foot west transitional yard (parking and trash containers not permitted in the required transitional yard, minimum twenty-foot transitional yard required when abutting a protected district), **approved**.

EXHIBITS

2026DV1013 ; Aerial Map



2026DV1013 ; Site Plan



2026DV1013 ; Findings of Fact

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

Public Health – It should not pose risks such as injury, disease transmission, or environmental hazards.

Safety – The fence will not create a hazard to people (especially children), vehicles, or emergency access

Morals – It shouldn't offend community standards, for example, excessively intimidating structures.

General Welfare – It should not negatively impact the overall well-being, enjoyment, or property values in the community.

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

The installation of a 6-foot-tall fence with barbed wire along the applicant's property line will not substantially adversely affect the use,

the proposed fence is designed primarily for security and safety purposes and will be located entirely within the property boundaries.

The height and materials are consistent with similar security fencing found in the area and will not obstruct existing access, visibility,

or light for neighboring parcels. No evidence has been presented indicating that the fence will diminish adjacent property values or interfere

with current lawful uses. Therefore, the requested variance will not result in any substantial negative impact to surrounding properties.

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

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because a 6-foot tall fence with barbed wire is necessary to ensure adequate security, privacy, and protection of the premises. Without the ability to install this fence the property cannot be reasonably used for its intended purpose due to heightened risks of trespass, theft, vandalism, or liability. The unique conditions of this site such as its location, existing security challenges, adjacent land uses create a practical difficulty that does not generally apply to other properties in the same zoning district. Therefore, adherence to the ordinance would deprive the owner of a reasonable and functional use of the property

2026DV1013 ; Notice of Violation (VIO25-009822)

Section 740 -1005.A.1. Civil Zoning Violation

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-904.A. - All signs and sign structures including all supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of the signs. Unmaintained signs shall be removed or brought into compliance...wall sign with missing sign copy area).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-404.A.6.e – Parking lots used for access or maneuverability shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-510.A.1. - Barbed/razor wire fences are prohibited).

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

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard).

2026DV1013 ; Photographs



Photo 1: Subject Fence Viewed from Southeast



Photo 2: Subject Fence Viewed from Northwest

2026DV1013 ; Photographs (continued)



Photo 3: Close-Up of Barbed Wire Fence



Photo 4: Subject Site Viewed from East (July 2024)

2026DV1013 ; Photographs (continued)



Photo 5: Fencing in Rear Yard + Adjacent Property to West



Photo 6: Adjacent Property to South

2026DV1013 ; Photographs (continued)



Photo 7: Adjacent Property to Southeast



Photo 8: Adjacent Property Further Southeast

2026DV1013 ; Photographs (continued)



Photo 9: Adjacent Property to Northwest (November 2016)



Photo 10: Adjacent Property to Northwest

2026DV1013 ; Photographs (continued)



Photo 11: Adjacent Property to North (August 2009)



Photo 12: Adjacent Property to North

2026DV1013 ; Photographs (continued)



Photo 13: Adjacent Property to East (July 2019)



Photo 14: Adjacent Property to East

BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number:	2026-UV1-012
Property Address:	2335 West Morris Street, and 1211 & 1220 South Tremont Street (approximate addresses)
Location:	Wayne Township, Council District #17
Petitioner:	Hurst Properties LLC, by Heath Hurst
Current Zoning:	D-5 / C-4
Request:	Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for administrative office space (not permitted in D-5) and for office uses with deficient vehicle and bicycle parking spaces (10 vehicle and 3 bicycle spaces required).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends denial of this petition.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

This land use request encompasses three (3) total parcels: 2335 West Morris Street, 1211 South Tremont Street, and 1220 South Tremont Street. The Morris property is improved with a single-family residence and detached garage accessed from an alley to the rear, and the two properties along Tremont (a named alley) are accessed from the east. The residences range in size from 1304 to 1445 square feet, and each were built between 1935 and 1957. Surrounding land uses are residential to the east and southeast and land uses to the north of Morris include a church and a lot recently rezoned for apartment development.

In 2024, the property at 2401 West Morris to the west and south of these lots was rezoned to the C-7 designation to allow for a landscaping contractor use utilizing a 2450 square foot retail store, multiple accessory buildings and greenhouses, and fourteen storage bins along the eastern portion of the property. Staff recommended denial of this petition given the proximity of the proposed heavy commercial use and zoning to residential areas, but the petition was approved subject to eight commitments (including but not limited to stipulations that the property would be developed with the plans in Exhibits below and that all commercial vehicles would utilize Lambert Street for access, avoiding residential streets where possible. See full commitments within Exhibits below).

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

Approval of this petition would allow for the use of the three residential properties on the addresses specified above to be utilized as offices associated with the adjacent contractor use. This would be considered a new primary use on each of the lots, as opposed to accessory office uses. The Plan of Operation provided by the applicant indicates that the full company employs around 70 people, that the subject buildings would be open from 8 AM to 6 PM and closed to the public, and that 4-6 staff members *per residence* would utilize the properties as office space for internal meetings, project management, scheduling and coordination, and other clerical duties (full Plan is within Exhibits below).

Specifically, the following variances would be required to allow for this proposal to legally operate:

- The two properties along Tremont Street are zoned D-5, which does not permit primary offices uses and would require a Variance of Use. The Morris property is zoned C-4 which would allow for offices by-right.
- Per aerial photography and staff's visit to the site, it appears that there would not be sufficient parking spaces shared between the three residential properties:
 - 2335 W Morris has a 2-car parking pad in its rear yard (in addition to 1-2 front-yard on-street parking spaces).
 - 1211 S Tremont does not appear to contain any formal parking areas (though vehicles were parked within rear-yard grass areas during staff's visit).
 - 1220 S Tremont is improved with a 2-car garage as well. By staff's estimation, there would be at most 8 eligible parking spaces.
- The square footage of each of the primary buildings would require the provision of at least 10 parking spaces (minimum 1 space per 350 square feet of use). Additionally, the Ordinance would require placement of three (3) bicycle parking for the primary office use.

The southern two (2) properties are zoned D-5 to allow for medium- and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. The northern parcel, despite being improved with a single-family home in a manner consistent with land zoned D-5 to the south, 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. The West Indy Neighborhood Plan indicates that each of these parcels should be developed with residential uses at a density of 5-8 residential units per acre.

Findings of Fact provided by the applicant indicate that the use of these residences as offices for the contractor use would serve as a buffer between the heavy commercial and residential area, and that a hardship is created by the fact that the residences are located near to the subject site. Staff would contend that there is already an existing natural buffer of existing and planned landscaping to separate residences from the contractor use (as shown on the site plan), that a line of demarcation already appears to exist at the eastern boundary of the contractor use (with residential use to the east and additional heavy commercial or industrial use to the west), and that additional encroachment of commercial uses into the residentially developed areas would run directly counter to the guidance of the West Indy Neighborhood Plan for the properties.

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

Staff would also note that vehicle access to these properties is only feasible through utilization of at least one public alley (Tremont Street or the east-west alley running parallel to the south of Morris Street). The widths of the alleys are around 20 feet, and per aerial photography and staff's visit to the site it appears that vehicles regularly utilize space along the alleyways for access to residential properties (see photos in Exhibits). The Plan of Operation indicates that 4-6 staff members would utilize each residence for office space and meetings, which could result in up to 18 additional vehicles accessing these properties concurrently without adequate parking. Staff notes this would introduce a risk of vehicle congestion or of utilization of the alleys for parking and would seek to avoid the introduction of that negative externality.

The current parcels housing the contractor use (2401 Morris) are a total of 3.88 acres in size. Staff would note the feasibility of utilizing this existing area for both office and parking functions, either in existing structures or through the construction of new ones, without the need for variance relief. Additionally, concerns about parking congestion for the utilization of these homes as offices and about additional encroachment of commercial usage into residential areas would lead staff to recommend **denial** of the requested variances.

GENERAL INFORMATION

Existing Zoning	D-5 / C-4	
Existing Land Use	Residential	
Comprehensive Plan	5 – 8 Residential Units per Acre	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-9 / C-4	North: Undeveloped / Church
	South: C-7	South: Contractor
	East: D-5 / C-4	East: Residential
	West: C-7	West: Contractor
Thoroughfare Plan		
Morris Street	Primary Arterial	70-foot existing right-of-way and 78-foot proposed right-of-way
Tremont Street	Named Alley	100-foot existing right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/30/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	04/30/2026	
Findings of Fact	04/30/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- West Indianapolis Neighborhood Land Use Plan (2011)

Pattern Book / Land Use Plan

- Not Applicable. See Neighborhood / Area Specific Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The West Indianapolis Neighborhood Land Use Plan (2011) recommends residential development with a density of 5-8 dwelling units per acre. The Plan indicates that in suburban and rural areas this is a common multi-family density and typically the highest single-family category in suburban areas. In urban areas, it is common for both single-family and multi-family development. Development at this density is appropriate along bus corridors but should not take place in proximity of planned light rail transit stops. Office or contractor uses are not contemplated for this typology.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2025ZON092 ; 2502 Lambert Street (west of site), Rezoning of 4.79 acres from the D-5 (FF) and C-7 (FF) districts to the I-3 (FF) district to provide for a commercial parking lot, **withdrawn**.

2025VAR011 ; 2502 Lambert Street (west of site), Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot for commercial truck and trailer parking, **withdrawn**.

2025CZN840B ; 2302 West Morris Street (north of site), Rezoning of 1.969 acres from the D-5II district to the D-9 district to provide for a medium apartment development, **approved**.

2025CZN840A ; 2302 West Morris Street (north of site), Rezoning of 1.471 acres from the D-5II district to the D-8 district to provide for a single-family residential development, **approved**.

2024ZON060 ; 2401 West Morris Street (west of site), Rezoning of 3.88 acres from the D-5 (FF) and C-4 (FF) districts to the C-7 (FF) district to provide for a landscaping business, **approved**.

2023CZN843 ; 2302 West Morris Street (north of site), Rezoning of 0.706 acre from the C-S district to the D-5II district to provide for six single-family dwellings, **approved**.

2012UV3007B ; 1234 Sheffield Avenue (southeast of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a detached garage converted to a 595.55-square foot single-family dwelling, with a six-foot rear setback, with one parking space, and creating an open space of 61.9% (three dwellings not permitted – only one single-family dwelling or one originally constructed two-family dwelling permitted, minimum 20-foot rear setback required, two parking spaces required per unit, minimum open space of 65% required) on a lot with an existing two-unit dwelling, **approved**.

95-UV2-5 ; 2331 West Morris Street (east of site), Variance of Use of the Commercial Zoning Ordinance to provide for construction of a 400 square foot detached garage (not permitted), **approved**.

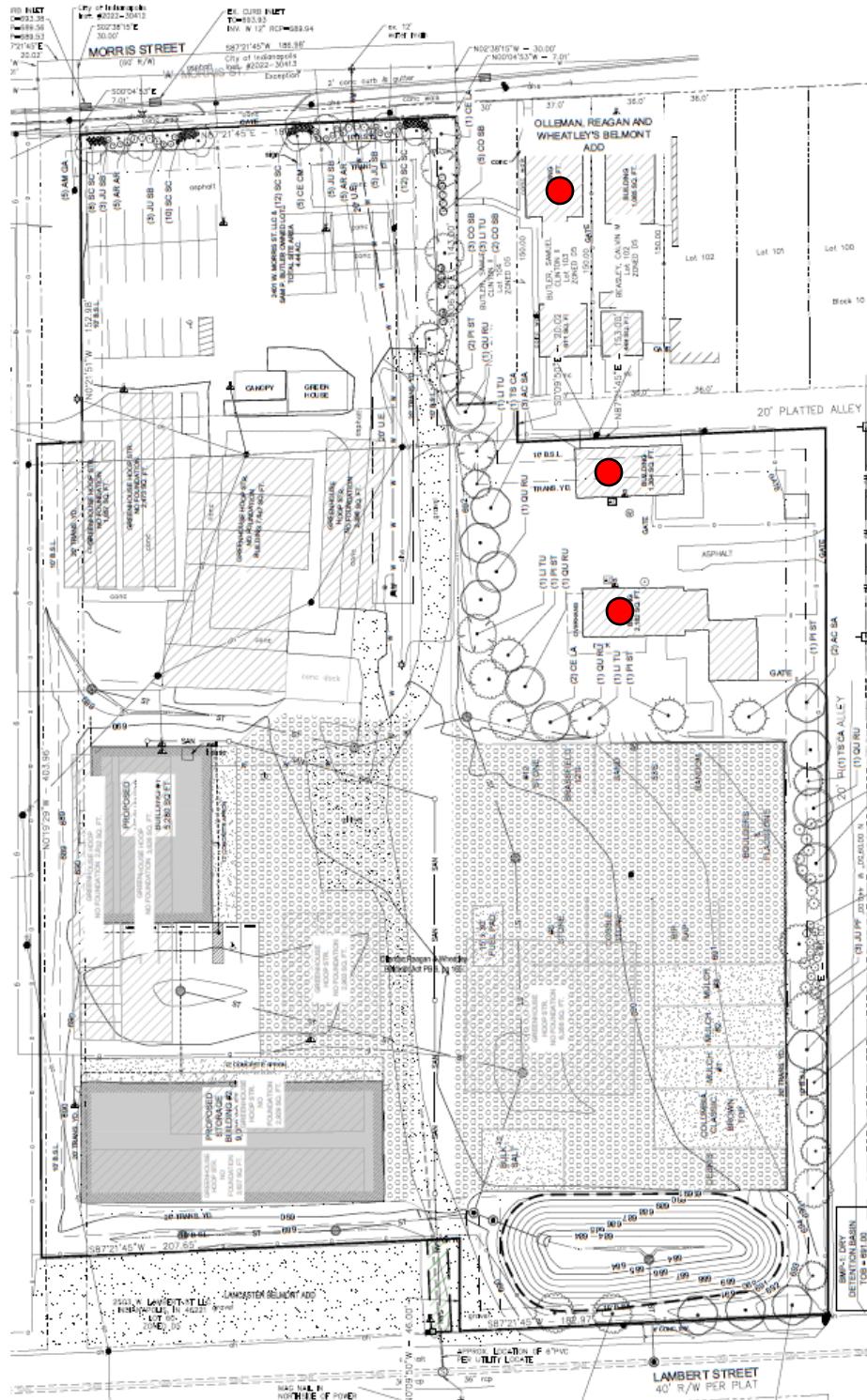
88-UV1-128 ; 2309 West Morris Street (east of site), Variance of Use of the Commercial Zoning Ordinance to provide for an addition to a single-family residence, **approved**.

EXHIBITS

2026UV1012 ; Aerial Map



2026UV1012 ; Site/Landscape Plan (Landscaping Contractor to West)



Note: subject sites marked with red dots by Staff

2026UV1012 ; Commitments Associated with Previous Rezoning to West (2024ZON060)

- 2 The following uses shall be prohibited:
Recycling center, mobile home display, portable storage, recycling collection point, renewable energy facility, temporary fireworks sale, night club or cabaret, clean energy R&D, information technology R&D, life science R&D, logistics R&D, research and development (other), adult entertainment business retail, firearm sales, fireworks sales (ongoing), liquor store, pawn shop, power generating facilities, substations and utility distribution nodes, wireless communications facility, automobile motorcycle and light vehicle sales or rental, motorsports industry, other vehicle sales rental and repair, transit center, truck or heavy vehicle sales rental or repair, Truck stop, automobile rental station, methadone clinic or treatment facility, plasma blood center, substance abuse treatment facility, agricultural machinery and equipment sales rental and repair, check cashing or validation service, dry cleaning plant or industrial laundry, tattoo parlor, adult entertainment business, transportation facilities and accessories, Heavy equipment sales, service or repair, Automobile or vehicle storage or auction, Automobile fueling station, Heavy Vehicle Wash.
- 3 The owner agrees for all commercial vehicles to enter and exit using Lambert Street, continuing onto Morris from Bedford Street, avoiding residential streets where possible.
- 4 The owner agrees not to install any electrified fences.
- 5 The owner agrees to not offer car wash services to the public or automate vehicle washing in any way. The owner will maintain company vehicles and wash them regularly.
- 6 The owner agrees to developing and maintaining the land as a permanent operation.
- 7 Development of the site shall be in substantial compliance with the site plan and landscape plan, file-dated May 8, 2024.
- 8 The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

2026UV1012 ; Findings of Fact (Use)

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

The proposed use involves only limited administrative office activity within existing residential structures. administrative staff members for tasks such as scheduling, accounting, and project coordination. No customer outdoor business activity will occur. Business hours will generally be limited to 8:00 AM through 6:00 PM. electronic locks. Because the use is low intensity and generates minimal traffic or activity, it will not negatively

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 homes will maintain their residential appearance and will not include signage, customer traffic, or other property located at 2401 West Morris Street or at client project sites, and only a small number of administrative occurring at the adjacent commercial site. Because the use is limited to quiet office work and will not generate neighborhood character will not be adversely affected.

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

The properties are uniquely situated directly adjacent to the Heath Outdoor commercial facility located at a location bordering the commercial property, these houses naturally function as a transition area between business makes them well suited for low-intensity administrative office use supporting the commercial site

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

Strict application of the zoning ordinance would prevent the reasonable use of properties that are already the administrative staff supporting the business would have limited space near the existing commercial office use within the homes enables the property owner to reasonably utilize the properties in a manner

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

The proposed use represents a low-impact administrative function that supports an existing local business. residences will continue to maintain their residential appearance and will serve primarily as a buffer between no public access, and limited staff presence, it is compatible with the surrounding area and does not conflict

2026UV1012 ; Findings of Fact (Development Standards)

Requested prior to publication but not provided

2026UV1012 ; Plan of Operation (1 of 4)

Plan of Operation

**Hurst Properties / Heath Outdoor
Variance of Use Petition**

Property Locations

This petition requests approval for Hurst Properties to allow limited office use within residential properties located at:

- 2335 West Morris Street – Indianapolis, IN 46221
- 1220 South Tremont Street – Indianapolis, IN 46221
- 1211 South Tremont Street – Indianapolis, IN 46221

These properties are owned by Hurst Properties and are located directly adjacent to the existing commercial property operated by Heath Outdoor, located at:

2401 West Morris Street – Indianapolis, IN 46221

The intent of this variance is to allow these residences to function as administrative office space supporting the existing landscaping business.

Nature of Business

Heath Outdoor is a landscaping and property maintenance company operating from 2401 West Morris Street. The business employs approximately 70 team members, the majority of whom work in the field or at the primary commercial facility.

The residences included in this petition will not function as customer-facing business locations. They will only be used for internal administrative activities.

Office Use

Each residence will be used by a small number of administrative staff members to perform office tasks such as:

- Scheduling
- Accounting
- Administrative coordination

2026UV1012 ; Plan of Operation (2 of 4)

- Project management
- Internal meetings

Only 4–6 staff members per residence may use the properties as office space on an as-needed basis.

Many administrative staff members work partially remote and may work from home throughout the week.

Hours of Operation

Administrative staff working at the residences will generally operate between the hours of:

8:00 AM – 6:00 PM

No evening or overnight business operations are planned except during snow removal operations.

Parking

Each residence has limited on-site parking spaces that may be used by administrative staff when available.

However, the majority of staff parking will occur at the adjacent commercial property located at:

2401 West Morris Street

This ensures that parking demand at the residential properties remains minimal.

Customer Traffic

These residences will not be open to the public.

Customers and vendors will not visit these addresses.

All customer communication and deliveries will continue to occur through:

- The company PO Box
- The commercial facility located at **2401 West Morris Street**

2026UV1012 ; Plan of Operation (3 of 4)

Mail and Deliveries

All mail and packages for the business will be delivered to the commercial facility at 2401 West Morris Street.

The residences will not serve as delivery locations.

Waste Management

Trash generated by administrative use of the residences will be disposed of in the dumpsters located at the commercial property at 2401 West Morris Street.

No commercial waste services will be required at the residences.

Security

To maintain safety and security, the properties will include:

- Security cameras
- Electronic access locks

These measures ensure controlled access and responsible use of the properties.

Relationship to Existing Commercial Property

The properties included in this petition are directly adjacent to the Heath Outdoor commercial facility at 2401 West Morris Street.

These houses are positioned along the edge of the commercial property and naturally serve as a transition area between the commercial site and the surrounding residential neighborhood. In this way, the properties act as a buffer between the commercial landscaping operation and nearby residences.

Using these homes for low-intensity administrative office space helps maintain that transitional buffer while supporting the operations of the existing business next door.

2026UV1012 ; Plan of Operation (4 of 4)

Neighborhood Impact Statement

The proposed office use is intended to be low-impact and compatible with the surrounding neighborhood.

The residences will maintain their residential appearance and will not generate:

- Customer traffic
- Commercial deliveries
- Outdoor business activity
- Additional noise beyond typical residential levels

Only a small number of administrative staff members will be present during normal daytime hours. The majority of company employees work either at the **2401 West Morris** commercial facility or off-site at client properties.

Because the properties will function solely as administrative workspaces, the use is expected to have minimal impact on neighboring residences.

Site Relationship and Operational Need

The requested variance allows Heath Outdoor to efficiently utilize properties already owned by **Hurst Properties** and located immediately adjacent to the company's commercial facility.

These residences provide an ideal location for administrative staff while keeping the primary commercial activity concentrated at the existing business property at **2401 West Morris Street**.

Allowing these properties to be used as administrative office space will help support the continued operation and growth of the business while maintaining a controlled, low-impact presence in the surrounding area.

2026UV1012 ; Photographs



Photo 1: 2335 Morris Viewed from North



Photo 2: 2335 Morris Viewed from Southeast

2026UV1012 ; Photographs (continued)



Photo 3: 1211 Tremont Viewed from Northeast



Photo 4: 1211 Tremont Viewed from North (July 2011)

2026UV1012 ; Photographs (continued)



Photo 5: 1220 Tremont Viewed from East



Photo 6: 1220 Tremont Viewed from Northeast

2026UV1012 ; Photographs (continued)



Photo 7: Intersection of Tremont and East-West Alley, Looking West



Photo 8: Intersection of Tremont and East-West Alley, Looking East

2026UV1012 ; Photographs (continued)



Photo 9: Contractor Use (2401 Morris) Viewed from North



Photo 10: Contractor Use (2401 Morris) Viewed from Northeast (Alley)

2026UV1012 ; Photographs (continued)



Photo 11: Contractor Use (2401 Morris) Viewed from East



Photo 12: Adjacent Property to East of Tremont Properties

2026UV1012 ; Photographs (continued)



Photo 13: Adjacent Properties to East of Morris Property (September 2024)



Photo 14: Adjacent Property to Northeast

BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number:	2026-UV1-014
Property Address:	7711 West 10 th Street (approximate address)
Location:	Wayne Township, Council District #16
Petitioner:	EMP Property LLC, by Abdelmonem Habib
Current Zoning:	C-3
Request:	Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for automobile sales and display (not permitted).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends denial of this petition.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

7711 West 10th Street is a 1.02-acre lot that is currently zoned C-3 and is improved with a multitenant commercial structure and accessory surface parking lot. The proposal would permit the use of the property as an automobile dealership involving outdoor sales and display and the parking of cars awaiting sale in the existing parking lot. No additional structures are proposed as a part of this filing.

Per the filed Plan of Operation, the car sales use would involve 2-3 on-site employees (with 3-4 designated parking spaces) as well as space for the sales and display of up to 25 vehicles. Vehicle access would come from 10th Street to the north, and typical hours of operation would be from 8 am to 6 pm Monday through Saturday and 12 pm to 4 pm on Sundays. Per the applicant, the car sales office would be housed within the smaller existing building on the southwest of the site while a religious use would continue to operate within the larger building. The full Plan is within the Exhibits below.

The proposed use of the subject site would be an automobile sales lot, which is not a permitted use within the C-3 zoning district. The C-3 zoning district is intended for the development of an extensive range of retail sales and personal, professional and business services required to meet the demand of a fully developed residential neighborhood. This district does not allow for those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. Legal operation of a car sales lot in this district would require the granting of a Variance of Use.

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

Although disallowed in C-3, automobile sales is a permitted use category within the C-5 zoning district. C-5 uses are generally characterized as intense commercial uses with substantial outdoor display and sales, lighting, traffic and noise. The Ordinance indicates that these uses should be grouped on heavy commercial thoroughfares and should avoid locations adjacent to protected districts. This property is bordered by protected districts on three sides: apartment uses are located to the east and south, and athletic fields associated with a school are located to the north across 10th Street.

The lot to the west of the subject property (7115 West 10th Street) previously operated as an automobile sales lot, per the grant of the petition 2014UV2027. This petition was approved over staff's negative recommendation and was subject to six commitments. Aerial photography indicated parking of multiple vehicles at the site in the fall of 2025, but during staff's visit to the site it appeared that all vehicles had been removed from the property and the legally established, legally non-conforming use has ceased.

No variances of development standards are being sought as a part of this petition, and grant of this variance would not allow exemptions from applicable setbacks of cars awaiting sale, from any applicable noise ordinances, or for enforceable standards related to parking stall striping, to outdoor storage of junk/trash/debris and vehicle parts, or to front-yard fencing above 3.5 feet in height.

The Comprehensive Plan Pattern Book recommends this property for Community Commercial uses to allow for low intensity commercial and office uses that serve nearby neighborhoods. This recommendation would be consistent with the property's current C-3 zoning designation. Neither the Pattern Book recommendation nor the site's C-3 zoning envision automobile-heavy uses that include outdoor storage.

Findings of Fact provided by the applicant claim that grant of the variance would be justifiable since "the property cannot be feasibly developed for residential or retail use" due to "traffic volume, lot dimensions, and existing improvements", without additional explanation as to how the lot size and shape or placement of the current multitenant commercial structure would prevent future use for standard C-3 operations. Staff would note that this zoning district allows for 40 primary uses by-right, and previous tenants in this space appear to have included a barbershop and religious uses. Per staff's analysis, the providing Findings fail to establish an undue hardship preventing compliant use of the property for permitted uses.

Staff would also want to avoid both the introduction of potential negative externalities (such as light, noise, or vehicle congestion) for surrounding residential property to the south and east, for facilities related to the educational use to the north, and for the existing religious use occupying the property. A use of this intensity would be more appropriately sited in alternate locations near heavier commercial uses, and given the existence of alternate locations within the County for such uses and the lack of undue hardship justifying placement on this specific lot, staff recommends denial of the requested Variance of Use.

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

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	SU-2	North: Educational (Sports Fields)
South:	D-7	South: Residential
East:	D-7	East: Residential
West:	C-3	West: Commercial
Thoroughfare Plan		
10 th Street	Primary Arterial	85-foot existing right-of-way and 112-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	02/20/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	02/20/2026	
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.

ZONING HISTORY

ZONING HISTORY – SITE

87-UV3-53, Variance of Use of the Commercial Zoning Ordinance to provide for the construction and use of a restaurant with 2 drive-through windows within 100 feet of a residential district, **denied**.

ZONING HISTORY – VICINITY

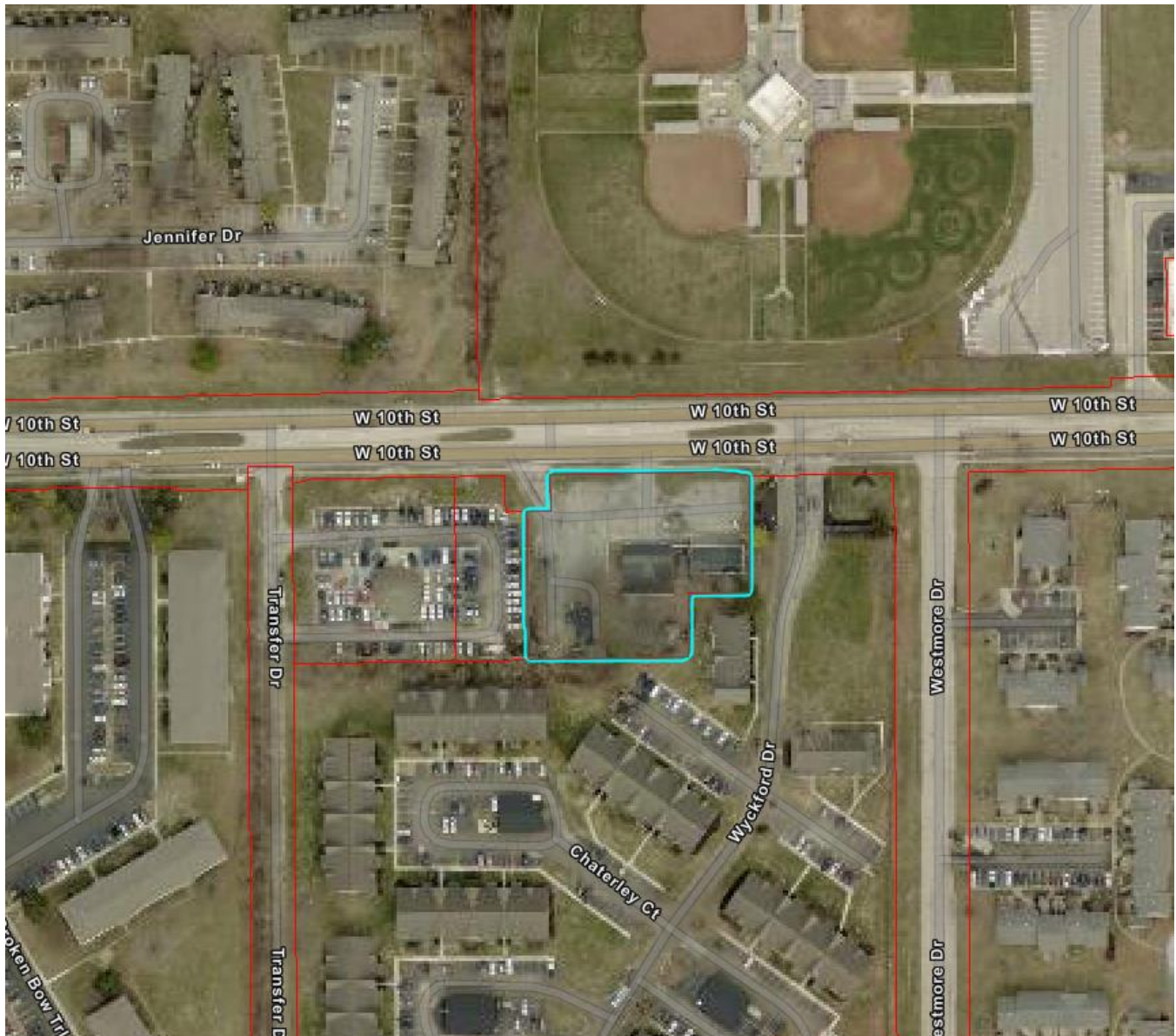
2020UV2018 ; 7875 West 10th Street (west of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an outdoor cooler (not permitted) with a three-foot side transitional side yard (20-foot side transitional yard required), **approved**.

2018UV2010 ; 7950 West 10th Street (northwest of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile sales business (not permitted), **approved**.

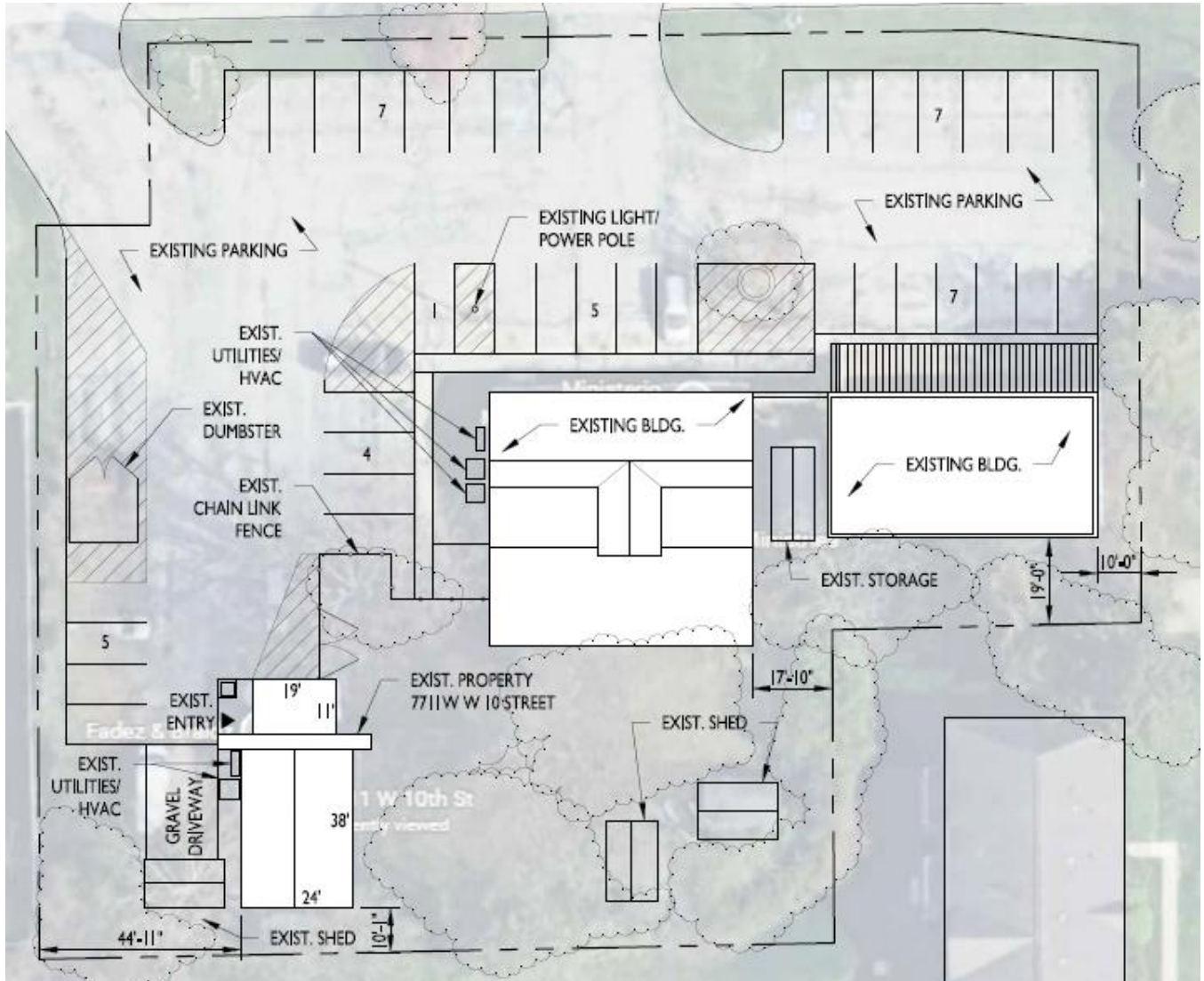
2014UV2027 ; 7115 West 10th Street (west of site), Variance of use of the Commercial Zoning Ordinance to provide for automobile sales and display (not permitted), **approved**.

EXHIBITS

2026UV1014 ; Aerial Map



2026UV1014 ; Site Plan



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

2026UV1014 ; 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 used car dealership will operate as a licensed retail establishment subject to Indiana Secretary of State regulation under IC 9-32-11 . All operations will comply with applicable health and safety codes.

- Specific Fact: Business Type: Small-scale retail sales of quality used automobiles. Primary activities will be sales, customer financing, and vehicle preparation (cleaning, minor reconditioning) The dealership will maintain a fully enclosed showroom/office. All customer and inventory vehicles will be contained on-site with no street parking. Operating hours will be limited to [e.g., 9 AM to 7 PM] to minimize neighborhood impact. Appropriate lighting will be installed and shielded to prevent light trespass onto adjacent properties."]
- The use will not generate noise, emissions, or traffic beyond normal commercial levels for the W. 10th Street corridor.

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

Specific Fact: The Property is located along a major arterial road (W. 10th St.) with existing commercial uses nearby. Adjacent properties include a gas station, a retail store, residential homes set back from the road]. The proposed dealership will be a professionally maintained business with landscaped areas and defined inventory display, consistent with the visual character of the corridor."]

- Used car dealerships are common commercial uses that, when properly maintained, do not negatively impact adjacent property values. This location is suitable for automotive retail given its proximity to major thoroughfares.

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

the Property was previously operated as a parbra shop and contains existing infrastructure (paved lot, concrete pads, utility connections) specifically suited for automotive-related use. Converting this property to a use permitted by right under the current zoning would require substantial and economically unfeasible modification."

- "The Property has a unique configuration [the office on the far back of the lot which give space to show vehicles' irregular shape, limited depth, direct frontage on a high-traffic arterial] that distinguishes it from surrounding parcels and makes it particularly suitable for vehicle display and sales but difficult to develop for standard retail or residential use permitted by right."]
- These physical characteristics are peculiar to this specific property and not generally applicable to other properties in the district.

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

- Under the current zoning classification, the permitted uses do not include used motor vehicle sales. However, the Property's location on a major thoroughfare, its historical use, and its physical characteristics render it unsuitable for many uses permitted by right.
- Specific Fact: "The Property cannot reasonably be developed for [residential/standard retail] use due to [traffic volume / lot dimensions / existing improvements]. Strict application of the zoning ordinance would leave the Petitioner unable to make reasonable economic use of the Property, resulting in continued vacancy and blight. The proposed dealership represents a viable, investment-backed use that will generate tax revenue and provide a local service

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

The Indianapolis Comprehensive Plan recognizes W. 10th Street as a [e.g., "commercial corridor" / "transitional area" / "mixed-use node"]. Automotive retail uses are consistent with the Plan's goals for this area, which include providing employment opportunities and services to residents while maintaining compatible relationships with adjacent neighborhoods.

- Specific Fact: The proposed use will activate a currently [vacant/underutilized] property, improve the streetscape through professional maintenance, and contribute to the economic vitality of the corridor in a manner contemplated by the Comprehensive Plan.

2026UV1014 ; Plan of Operation (Partial; 1 of 2)

2. NUMBER OF EMPLOYEES

- Owner/Manager: 1 (full-time)
- Sales Staff: 1-2 (full or part-time)
- Total On-Site Employees at Any Time: 2 to 3 persons.
- Parking: 3-4 designated employee parking spaces on-site

. SECURITY PROVISIONS

- Lighting: Energy-efficient, shielded LED lighting in parking and display areas, active from dusk until 11:00 PM for security, then on motion-sensor mode until dawn. Lighting will be directed downward to prevent light trespass.
- Surveillance: A minimum of 4-6 security cameras covering vehicle display areas, building entrances, and lot perimeters. Recording system stored on-site.
- Physical Security: All vehicles will be locked after business hours. Lot may be equipped with a perimeter fence or wheel locks for high-value vehicles at owner's discretion.
- Alarm: Monitored burglar alarm for the sales office.

4. PRESENCE OF HAZARDOUS MATERIALS (MINIMAL)

- Primary Materials: Small quantities of standard automotive fluids may be present in the engines of vehicles for sale.
- Operations-Related Materials:
 - Fuel: Only in vehicle tanks (no bulk storage).
 - Vehicle Preparation: A small inventory of non-hazardous cleaning supplies (car wash soap, wax, interior cleaner). May include minor amounts of:
 - Fluids: Oil, coolant, or windshield washer fluid for top-offs, stored in a locked cabinet in original, sealed containers.
 - Batteries: Occasionally a replacement battery, stored properly.
 - Management & Disposal: Any used fluids (e.g., from a battery change or oil top-off) will be collected in sealed containers and removed weekly by a licensed waste carrier. No repairs generating significant waste are planned.
 - Spill Kit: A small, basic spill kit will be maintained.

2026UV1014 ; Plan of Operation (Partial; 2 of 2)

5. HOURS OF OPERATION

- Sales Office Open to Public:
 - Monday - Friday: 10:00 AM – 7:00 PM
 - Saturday: 10:00 AM – 5:00 PM
 - Sunday: 12:00 PM – 4:00 PM (Optional, can be adjusted)
- Vehicle Preparation / Employee Hours: 8:00 AM – 6:00 PM, Monday - Saturday.
- Closed: Major national holidays (Thanksgiving, Christmas Day, New Year's Day).

6. TRAFFIC & PARKING MANAGEMENT

- Customer/Display Parking: Space for approximately 15-25 vehicles displayed for sale, depending on lot layout.
- Customer Parking: 4-5 dedicated spaces.
- Traffic Flow: Single entrance/exit on W 10th Street. No large transport trucks will be stored overnight; vehicle delivery will occur during business hours.

7. ENVIRONMENTAL & NEIGHBORHOOD MITIGATION

- Noise: No outdoor loudspeakers. All customer test drives will adhere to posted speed limits. Vehicle preparation (vacuuming, washing) will occur during daytime hours.
- Lighting: As noted in Security, full cutoff, dark-sky compliant fixtures will be used.
- Appearance: Property will be maintained free of litter, weeds, and debris. Vehicles will be in good repair and parked in an orderly manner.
- Waste: One commercial dumpster for office waste, emptied regularly. No abandonment of parts or tires.

. COMMUNITY BENEFITS

- Provides a local source of affordable, reliable transportation.
- Creates 2-3 local jobs.
- Supports the local business corridor on W 10th Street.
- Maintains a clean, secure, and professionally operated lot that enhances the area.

2026UV1014 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Proposed Office Viewed from North (September 2024)

2026UV1014 ; Photographs (continued)



Photo 3: Adjacent Property to West



Photo 4: Adjacent Property to West Viewed from North (September 2024)

2026UV1014 ; Photographs (continued)



Photo 5: Adjacent Property to North



Photo 6: Adjacent Apartment Entry Point to East (June 2024)

Board of Zoning Appeals Division I

July 7, 2026

Case Number: 2026-UV1-016

Property Address: 1504 South Grant Avenue (approximate address)

Location: Center Township, Council District #19

Petitioner: Ashley L. Ricardo

Current Zoning: D-3

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for outdoor storage and operations related to property maintenance and contractor operations (outdoor storage not permitted in the D-3 district).

Request:

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a parking area larger than 30 feet (parking areas in D-3 restricted to 30 feet in width or 50% of the lot width, whichever is lesser), to allow for the combined square footage of detached accessory structures to equal 1,656 square feet when the primary dwelling unit is 1,500 square feet (the sum of the square footage of all detached accessory structures may not exceed the square footage of the primary dwelling unit), to allow for an unpaved parking area (parking lots shall provide a durable and dust-free surface area).

Current Land Use: Single-family home; commercial contractor

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

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

N/A

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 1504 South Grant Avenue is a single-family home mid-block on Grant Avenue between Terrace Avenue and East Minnesota Street. The Assessor's property record card indicates that this house was constructed in 1957. There is no history of any land-use petition to suggest this has ever been anything but a single-family home. The property is zoned D-3 and the land use plan classifies it as a Suburban Neighborhood. Parcels to the north are zoned D-5 while those to the

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east, south, and west are all zoned D-3; once again highlighting the residential aspect of this neighborhood.

- The Ordinance indicates that the D-3 district “D-3 district provides for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has atypical density of 2.6 units per gross acre. This district fulfills the low density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.”
- According to the Land Use Pattern Book the “Suburban Neighborhood” typology “is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- By contrast, commercial and building contractors (as well as the accessory storage associated with the use) are only allowed by-right starting in the C-5 district. The Ordinance indicates that the C-5 district is “designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfare and should avoid locating adjacent to protected districts.” Staff will note that Grant Avenue is a local street and not a heavy commercial thoroughfare. Furthermore, both the D-3 and D-5 districts are considered protected districts.
- The intensity described in the C-5 district is incompatible with the uses and intensities described in the D-3 district and the Suburban Neighborhood typology.
- The intent of the Ordinance’s restrictions on driveway width and accessory structures is intended to reinforce the character of low-density residential neighborhoods. Large driveways or parking lots can conflict with the low-density residential feeling of a single-family or two-family structure. Accessory structures with more square footage than the primary dwelling unit overshadow the primary residential structure, relegating the residential use to an accessory capacity. Finally, the standard that all vehicles should be parked on a durable and dust-free surface is intended to ensure that vehicles remain on a paved or gravel lot and do not park in the grass. Parking in the

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grass suggests a higher intensity than contemplated by the available parking spaces of a paved or gravel lot. Based on the analysis above, staff recommends denial of this petition.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Single-Family Residence; Commercial Contractor	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Residential
South:	D-3	South: Residential
East:	D-3	East: Residential
West:	D-3	West: Residential
Thoroughfare Plan		
Grant Avenue	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/20/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/20/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be

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treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- Not Applicable to the Site

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

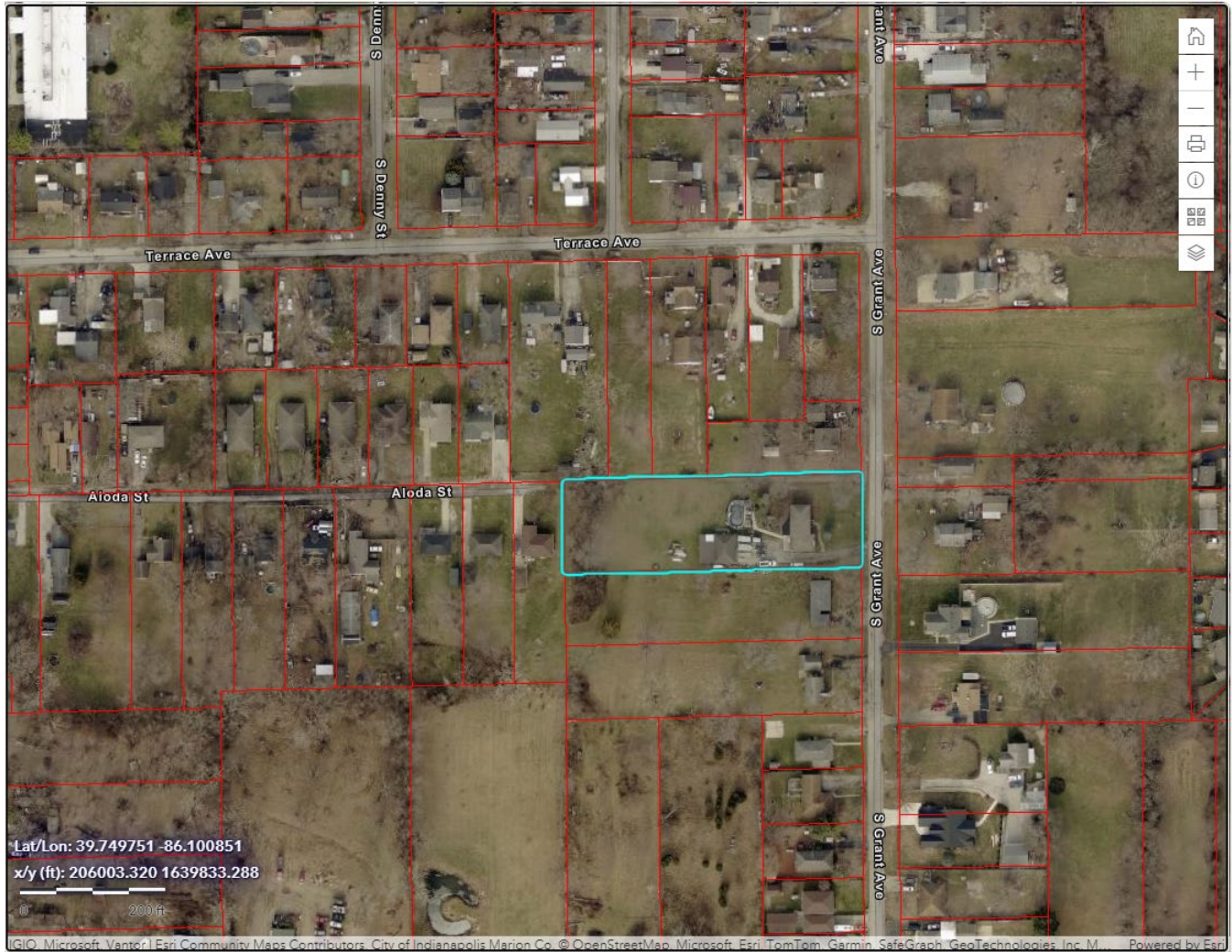
N/A

ZONING HISTORY – VICINITY

N/A

EXHIBITS

2026UV1016; Aerial Map



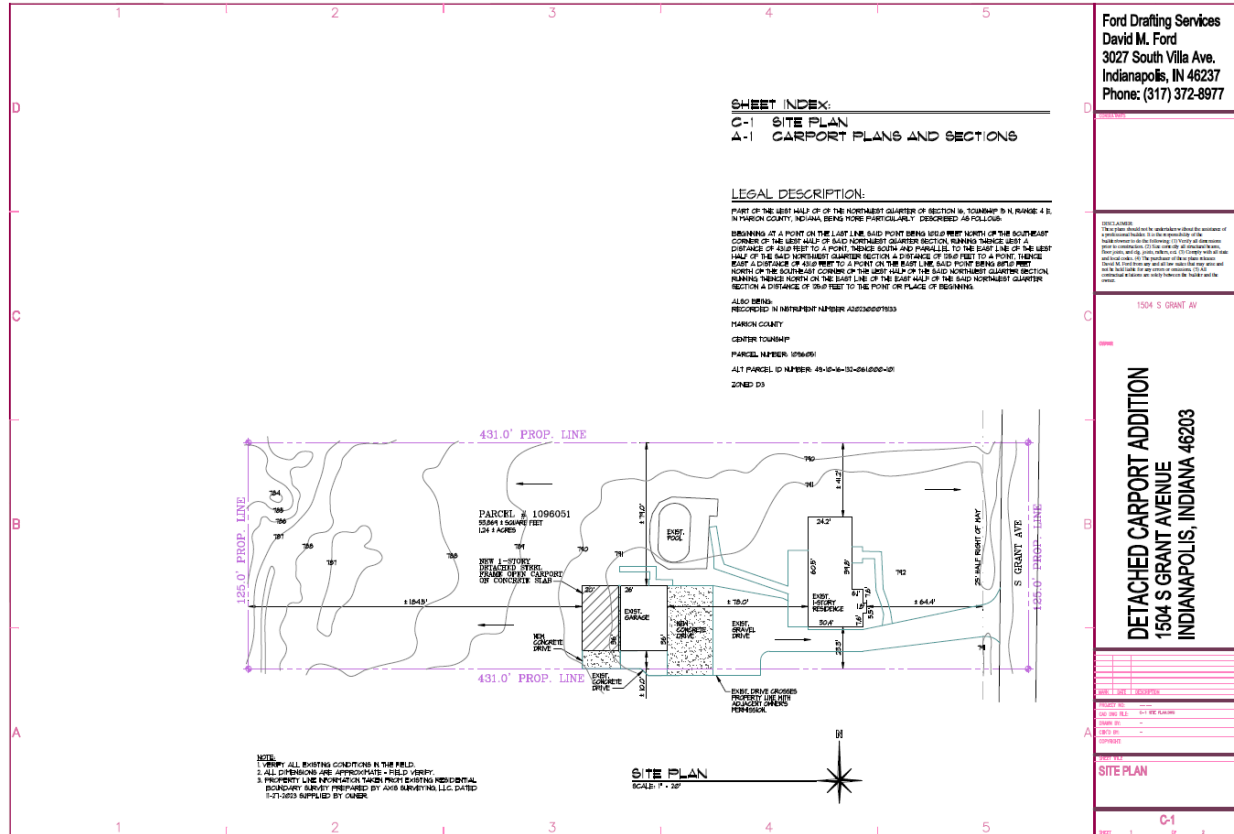
2026UV1016; Aerial Map (showing carport addition to rear of garage)





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2026UV1016; Site Plan



2026UV1016; Variance of Use Findings of Fact

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

The property is maintained in a control manner, and the items stored on-site are not hazardous. Any vehicles or materials are contained within the property boundaries and do not obstruct public right-of-way or create unsafe conditions. Steps are being taken to improve compliance, including organizing material and addressing surface parking concerns such as our driveway.

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 conditions on the property on the property are being actively managed and improved. The property is consistent with other properties in the area that contain, vehicles, trailers or work related materials. The requested variance will allow the property to be brought into more orderly and compliant condition without negatively impacting neighboring properties. Being allowed to have the driveway will help with the organization.

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

The property including limited space for paved parking and the need to store work-related vehicles and materials associated with the ongoing maintenance or business activity. The layout and size of the lot make strict compliance with all zoning requirements difficult without significant financial burden.

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

it would require immediate removal of vehicles, materials and potential structural changes that are not financially feasible at this time. Compliance would impose a significant burden relative to the scale of the property and its current use. The variance would allow a reasonable transition toward compliance.

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

The use remains primarily residential, and any additional use is limited in scale. The variance will help bring the property into better overall condition while allowing continued reasonable use.

DECISION

2026UV1016; 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 conditions on the property do not create hazardous or unsafe situations. Vehicles and materials are kept within property boundaries and do not obstruct sidewalks, streets or visibility. Allowing the existing driveway to remain will provide safe and organized off-street parking while the property owner continues making improvements to the 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 use and condition of the property, including the existing driveway, will not adversely affect the use or value of adjacent properties.

Similar conditions, including vehicle parking and outdoor storage, exist within the surrounding area.

The requested variance will allow continued reasonable use of the property while maintaining orderly parking and improving overall property conditions without negatively impacting neighboring properties.

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

Due to the layout and size of the property, which limits available options for compliant paved parking and storage areas.

Reconstructing or removing the existing driveway would create a financial burden. Bringing the property into full compliance immediately would also require significant financial investment, including removal or relocation of vehicles and materials. These requirements create

a hardship given current limited resources, and the variance would allow reasonable opportunity to address the issues over time.

Allowing the existing driveway to remain would provide a reasonable solution while preserving safe access and functionality of the property.

2026UV1016; Photographs



Photo 1: Inspector photographs showing the width of the driveway beyond 30 feet

2026UV1016; Photographs (continued)



Photo 2: Inspector photo of the trailers stored on site

2026UV1016; Photographs (continued)



Photo 3: Property as seen from the driveway

2026UV1016; Photographs (continued)



Photo 4: View of the front of the property

2026UV10016; Photographs (continued)



Photo 5: On Grant Avenue looking south

2026UV10016; Photographs (continued)



Photo 5: On Grant Avenue looking north

BOARD OF ZONING APPEALS DIVISION I

July 7, 2026

Case Number: 2026-UV1-017 (Amended)
Property Address: 1215 South Girls School Road (approximate address)
Location: Wayne Township, Council District #17
Petitioner: Elite9 Investments LLC, by Bill Niemier
Current Zoning: C-3
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing fueling station use (not permitted).
Current Land Use: Commercial
Staff Recommendations: Staff makes **no recommendation** on the variance of use.
Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff makes **no recommendation** on the variance of use.

PETITION OVERVIEW

1215 South Girls School Road is a 2.08-acre parcel that is improved with a multi-tenant commercial center with accessory parking areas. Since 1989, the northernmost tenant space has contained a convenience store use with accessory fuel pumps placed to the west of the primary building. The property is near the western boundary of Marion County, and other tenants include a pub, salon, and restaurant. Surrounding land uses include a fire station to the west, a roofing contractor to the east, a record storage facility to the north, and undeveloped land zoned for industrial use to the south.

At the time that the fueling station began operation in 1989, the C-3 zoning district allowed for that use by-right without the need for a Variance of Use or other petition relief. However, in 2016 the Indianapolis Zoning Ordinance was amended to remove automobile fueling stations as a permitted use within C-3 (only allowed in districts with C-4 intensity or higher). This would mean that the gas station use would be considered legally non-conforming, and that a variance would only be required for an expansion or reconstruction of the non-conforming use, per 740-601 of the Ordinance.

In October of 2025, applications for two structural permits were filed with the Department of Business and Neighborhood Services related to an expansion of the fueling station use. The first permit application (STR25-05105) sought permission to reconstruct the fueling canopy after removal for a new size of 3192

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square feet (the previous canopy had only been around 1400 square feet). The second application filed with DBNS (STR25-05106) sought to allow for the installation of new underground storage tanks related to the fueling station use.

Although these permits should have been placed on hold given both **(a)** the lack of an accompanying Improvement Location Permit application and **(b)** the fact that the expansion of the use within C-3 would not be allowed by-right, both structural permits were issued in October and the work to expand the fueling station area was completed over the next few months. In January of 2026, the two permits were both placed into abeyance to allow for issuance of the ILP and to address issues related to the expansion of the non-conforming use. Approval of this petition would allow for the canopy and tank additions to remain in place at the property, while denial would require their removal and restoration to previous conditions.

Ordinance also requires the addition of frontage sidewalks for new additions (inclusive of canopy additions) in an amount of 5 linear feet per 100 feet of sidewalk. The petitioner initially requested relief from this standard in addition to the Variance of Use, but after discussions with staff later agreed to have required sidewalk added along Morris Street and to withdraw that sidewalk variance from consideration. Grant of this petition would also not allow for any other deviations from applicable dimensional standards for fuel canopy construction.

The Comprehensive Plan Pattern Book recommends this property for Community Commercial uses to allow for low intensity commercial and office uses that serve nearby neighborhoods. This recommendation would be consistent with the property's current C-3 zoning designation. Neither the Pattern Book recommendation nor the site's C-3 zoning envision automobile-heavy uses as optimal.

Findings of Fact provided by the petitioner in support of the requested Use Variance allude to the recent investments that have been made into the property as a result of the issuance of structural permits. Under typical circumstances, staff would view hardships resulting from construction undertaken without proper zoning approvals in place as a self-imposed difficulty rather than being tied to any sort of hardship related to the property itself. However, in this specific instance, the hardship of having already constructed the improvements was the result of the City having already granted permission by the release of structural permits in October 2025. Given this context, staff makes **no recommendation** on the requested variance of use, with the caveat that this stance would not be precedential for future development unrelated to permits issued in error and later placed into abeyance.

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GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	I-2	North: Industrial
South:	I-3	South: Undeveloped
East:	I-3	East: Industrial
West:	SU-9	West: Fire Station
Thoroughfare Plan		
Girls School Road	Primary Arterial	100-foot existing right-of-way and 112-foot proposed right-of-way
Morris Street	Primary Collector	124-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	05/27/2026	
Site Plan (Amended)	06/25/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	05/27/2026	
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.

ZONING HISTORY

ZONING HISTORY – SITE

2000UV3025, Variance of Use of the Commercial Zoning Ordinance to provide for an amusement arcade, with 19 amusement machines in a restaurant and bar (amusement arcade not permitted in C-3 District), **approved**.

90-HOV-80, Variance of Development of Standards of the Sign Regulations of Marion County to permit the placement of gasoline pricing panels on an existing pole sign, **approved**.

90-HOV-12, Variance of Development Standards of the Sign Regulations of Marion County Zoning Ordinance to permit an illuminated awning, **approved**.

75-Z-10, rezoning of 4.99 acres, being in D-6II district, to C-3 classification to provide for commercial development, **approved**.

ZONING HISTORY – VICINITY

2022DV1032 ; 7310 West Morris Street (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,140-square foot building addition with a twenty-foot setback from Girls School Road (60 feet from the proposed right-of-way required), **approved**.

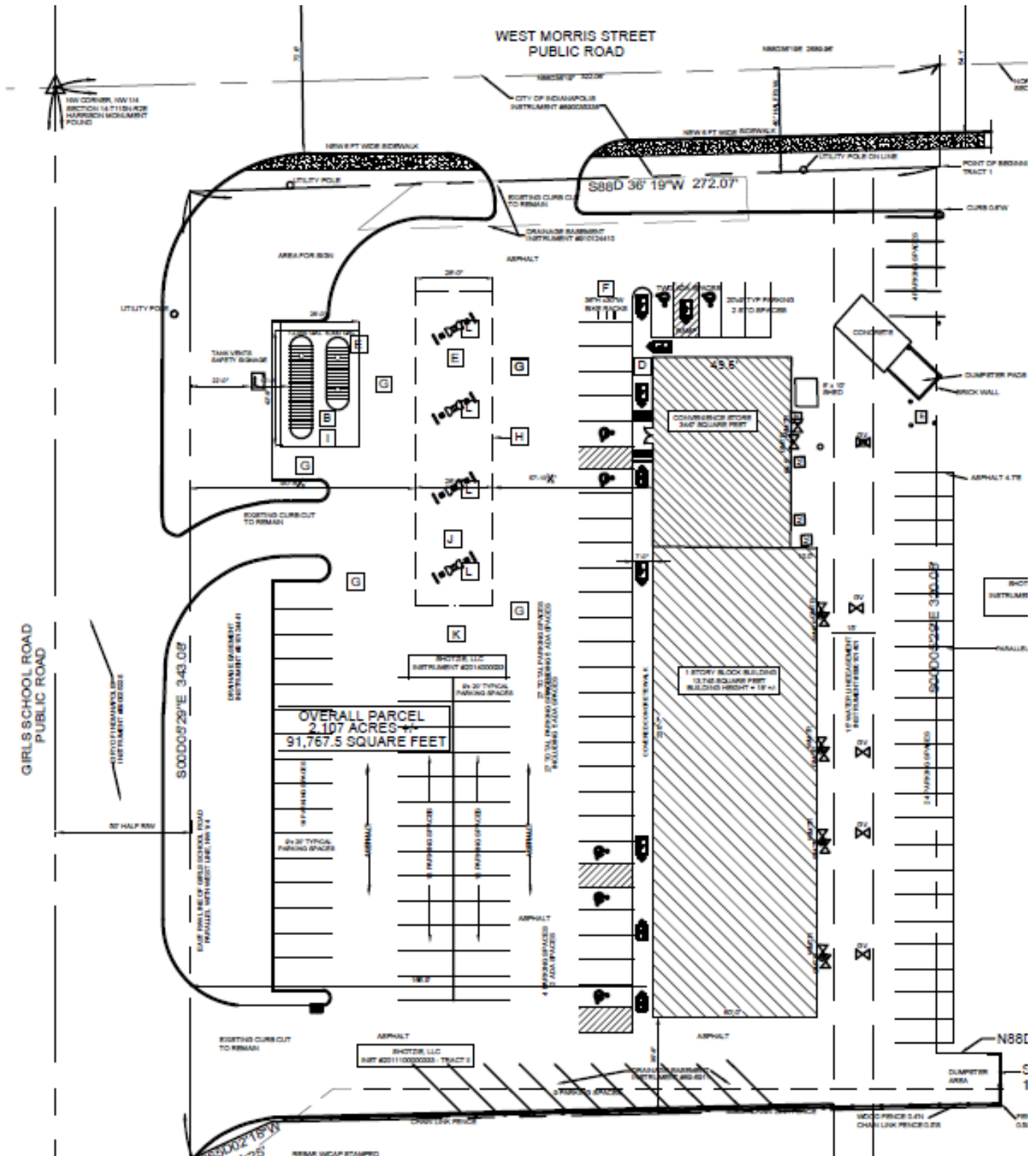
2011UV2005 ; 1013 South Girls School Road (north of site), Variance of Use of the Industrial Zoning Ordinance to provide for a medical waste treatment facility (not permitted), **approved**.

EXHIBITS

2026UV1017 ; Aerial Map



2026UV1017 ; Site Plan



2026UV1017 ; Aerial Map (zoomed; Spring 2025 showing previous canopy)



2026UV1017 ; Plan of Operation

Petitioner is not planning any further development at this property. However, Petitioner applied for and was issued two building permits from the City of Indianapolis to increase the size of the overhead canopy above the fueling pumps and to add one additional island with two fueling pumps at this property. After all work contemplated by said permits was completed, Petitioner was notified that a vehicle fueling center is no longer allowed in the C-3 zoning classification and that said permits were being placed in abeyance until Petitioner either obtained a Use Variance or rezoned this property from C-3 to C-4 zoning classification. This is why Petitioner is seeking a Use Variance to allow the vehicle fueling center that has existed on this property since 1989 to remain at this property.

2026UV1017 ; Findings of Fact (Use)

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

THIS PROPERTY HAS BEEN CONTINUOUSLY USED AS A VEHICLE FUELING CENTER SINCE 1989 AND ALLOWING SUCH USE TO CONTINUE IS CONSISTENT WITH NEARBY COMMERCIAL AND RETAIL USES.

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 PETITIONER'S RECENT INVESTMENT TO IMPROVE THIS PROPERTY AND THE CONTINUED USE OF THIS PROPERTY AS A FUELING CENTER ACTUALLY INCREASES THE VALUE OF ADJACENT AND SURROUNDING PROPERTIES.

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

THE USE OF THIS PROPERTY AS A VEHICLE FUELING CENTER, WHICH STARTED IN 1989, IS NOW ONLY ALLOWED IN A C-3 ZONING DISTRICT WITH A USE VARIANCE BECAUSE OF AMENDMENTS TO THE ZONING ORDINANCE MADE IN 2016.

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

THIS IS A LEGALLY EXISTING NON-CONFORMING USE (GRANDFATHERED USE) FOR WHICH PETITIONER IS REQUIRED TO OBTAIN A USE VARIANCE BECAUSE THE NUMBER OF PUMPS IS INCREASING FROM 4 TO 8. PETITIONER APPLIED FOR, AND WAS GRANTED, TWO BUILDING PERMITS AND COMPLETED THE IMPROVEMENTS BEFORE BEING TOLD IT NEEDED A USE VARIANCE BASED ON AMENDMENTS TO THE ZONING ORDINANCE IN 2016.

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

THE USE OF THIS PROPERTY AS A VEHICLE FUELING CENTER STARTED IN 1989 AND THIS PROPERTY HAS CONTINUOUSLY BEEN USED FOR SUCH PURPOSE SINCE 1989. THE 2016 ZONING ORDINANCE AMENDMENTS NO LONGER ALLOW THIS USE IN A C-3 ZONING DISTRICT WITHOUT A USE VARIANCE. ALLOWING SUCH USE TO CONTINUE IS CONSISTENT WITH NEARBY COMMERCIAL AND RETAIL USES.

2026UV1017 ; Photographs



Photo 1: Extended Canopy Viewed from South



Photo 2: Extended Canopy Viewed from Northwest

2026UV1017 ; Photographs (continued)



Photo 3: Existing Multitenant Commercial Building Viewed from West



Photo 4: Girls School Frontage Looking South

2026UV1017 ; Photographs (continued)



Photo 5: Morris Frontage from Northwest Corner Looking East



Photo 6: Adjacent Property + Morris Frontage to East

2026UV1017 ; Photographs (continued)



Photo 7: Adjacent Property to West



Photo 8: Adjacent Property to North (August 2025)