



Board of Zoning Appeals Board of Zoning Appeals Division III (August 19, 2025) Meeting Agenda

Meeting Details

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

Date: Tuesday, August 19, 2025

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2025-DV3-020 | 4102 Madison Avenue**
Perry Township, Council District #23, zoned C-4 (TOD)
Sanchez Family Inc., by Kevin Lawrence

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishment with a parking area with zero-foot setbacks from Castle Avenue and Madison Avenue, no frontage landscaping, and three spaces maneuvering within the right-of-way of Castle Avenue (15 spaces and landscaping required, maneuvering within street rights-of-way not permitted).

****Petitioner to request continuance to the September 16, 2025 hearing of Division III in order to amend the request**

- 2. 2025-DV3-025 | 980 South Kitley Avenue**
Warren Township, Council District #20, zoned I-4 / I-3
980 Kitley LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding building with a two-foot front yard setback from Kitley Avenue (60 feet required), without required landscaping and sidewalk installation.

****Staff to request continuance to the September 16, 2025 hearing in order to review revised materials**

- 3. 2025-UV3-018 | 7802 Hague Road**
Lawrence Township, Council District #3, zoned SU-2
Metropolitan School District of Lawrence Township, by Joseph D. Calderon

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 12-foot-tall monument sign (five-foot height permitted) with digital display within 80 feet of a protected district (digital display prohibited, 400 feet of separation required).

- 4. 2025-UV3-023 | 125 S Bonar Avenue**
Warren Township, Council District #20, zoned I-2
Rayo Vivar Investments Corp, by Josh Smith

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, subject to the filed site plan (not permitted).

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

5. 2025-SE3-001 | 420 North Galeston Avenue

Warren Township, Council District #14, zoned D-3 (FW) (FF)
Eduardo Vasquez

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a manufactured home.

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

6. 2025-MO2-001 | 5510 Millersville Road

Washington Township, Council District #3, zoned C-4
R. Michael Thomas, by Ted W. Nolting

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

7. 2025-DV3-023 | 3640 North Post Road

Warren Township, Council District #9, zoned C-4 (TOD)
Post Holdings LLC, by Patrick Rooney

(Amended) Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fifth freestanding sign along Post Road, within 232 feet and 243 feet of other freestanding signs (maximum of two freestanding signs per frontage, 300-foot separation required).

8. 2025-DV3-024 | 2747 North Emerson Avenue

Warren Township, Council District #9, zoned I-2 (FW) (FF)
Pridgen Property Holdings LLC S, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a waiver of the requirement to install pedestrian connectivity between a freestanding building and the existing sidewalk network along the right-of-way of Emerson Avenue (required).

9. 2025-DV3-026 | 95 South Mitthoefer Road

Warren Township, Council District #20, zoned C-4 (TOD)
Indiana Federal Credit Union, by Misha Rabinowitch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for site improvements resulting in a south transitional yard setback ranging from 0.5-feet to 11 feet (20 feet required).

10. 2025-UV3-006 | 2308 Shelby Street

Center Township, Council District #19, zoned C-3 (TOD)
Walter Resinos

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor recreation and entertainment (not permitted) on a proposed deck with a 2.5-foot setback from Shelby Street, a 3.7-foot setback from Hervey Street, and encroaching within the clear sight triangle of their intersection (10-foot front yard setbacks required, encroachment of clear sight triangles not permitted).

11. 2025-UV3-012 (Amended) | 2319, 2327, and 2331 North Gale Street

Center Township, Council District #8, zoned D-5 / C-5
ICNA Relief USA Programs Inc., by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a transitional living quarters use.

12. 2025-UV3-016 | 1659 East Sumner Avenue

Perry Township, Council District #23, zoned D-5
Cronus LLC, by Eric Donovan

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,414-square-foot second primary building (not permitted) with a four-foot east side yard setback (seven feet required).

13. 2025-UV3-020 (Amended) | 3615 South Rural Street

Perry Township, Council District #19, zoned D-A
Lopez Rentals LLC, by Maurice R. Scott

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for operation of an event center (not permitted) without bicycle parking (minimum of 10% of required vehicle parking spaces required) with gravel parking areas (hard surfacing required) containing 114 vehicle spaces (maximum 100 spaces permitted for proposed capacity) and a 10-foot rear yard setback (75-foot setback required) with individual parking stalls containing 162 square feet (180 square feet required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

14. 2025-DV3-027 | 3303 South State Street

Perry Township, Council District #19, zoned D-4
GOPRO Investments LLC, by David E. Dearing

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 65-foot wide gravel parking area within the front yard for the parking of three recreational vehicles (parking areas limited to 30-foot width in front yards, maximum two recreational vehicles permitted, hard surfacing required), and a six-foot tall fence within the front yard (maximum 3.5-foot tall fence permitted in front yards).

15. 2025-UV3-021 | 4038 & 4040 Otterbein Avenue

Perry Township, Council District #23, zoned D-4 (TOD)
Robert Lopez, by Anthony S. Ridolfo

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,172 square foot second primary building with a 3.5-foot western side yard setback and a six-foot rear yard setback (one primary building permitted per lot, four-foot side, 20-foot rear yard setbacks required).

16. 2025-UV3-022 | 6520 East 82nd Street

Lawrence Township, Council District #4, zoned C-3
CIL Castleton LLC, by Patrick Rooney

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 30-foot tall illuminated pole sign (pole signs and internal illumination not permitted), being the seventh freestanding sign along East 82nd Street, within 116 and 273 feet of other freestanding signs (maximum of two signs permitted per frontage per lot, 300-foot separation required).

17. 2025-UV3-024 | 10859 East Washington Street

Warren Township, Council District #20, zoned C-4 (TOD)
East Washington Real Estate LLC, by Andi M. Metzel

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a furniture warehousing, wholesaling and distribution facility (not permitted) and a chain-link fence with a height of 6 feet within front and side yards (maximum fence height of 3.5 feet permitted within front yards, chain-link fencing disallowed within front yards and coating required in side yards).

Additional Business:

18. RESOLUTION NO. 2025-BZ3-001

Authorizes Eddie Honea, Current Planning Administrator for the Department of Metropolitan Development, to participate in and represent its interests at the Court ordered mediation under Cause No. 49D01-2007-PL-023390

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

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

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



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-DV3-020

Property Address: 4102 Madison Avenue (approximate address)

Location: Perry Township, Council District #23

Petitioner: Sanchez Family Inc., by Kevin Lawrence

Current Zoning: C-4 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishment with a parking area with zero-foot setbacks from Castle Avenue and Madison Avenue, no frontage landscaping, and three spaces maneuvering within the right-of-way of Castle Avenue (15 spaces and landscaping required, maneuvering within street rights-of-way not permitted).

Current Land Use: Commercial

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was automatically continued from the June 17, 2025 hearing to the July 15, 2025 BZA Division III hearing.
- The petition was required to be continued to insufficient notice to the August 19, 2025 BZA Division III hearing.
- Upon reviewing an updated site plan, Staff has discovered that additional variances are needed for this petition. Therefore, this petition is to be continued to the September 16, 2025 BZA Division III hearing with new notice.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-DV3-025

Property Address: 980 South Kitley Avenue (approximate address)

Location: Warren Township, Council District #20

Petitioner: 980 Kitley LLC, by David Gilman

Current Zoning: I-4 / I-3

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding building with a two-foot front yard setback from Kitley Avenue (60 feet required), without required landscaping and sidewalk installation.

Current Land Use: Industrial

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued to the August 12, 2025 BZA Division III hearing due to insufficient notice.
- The petition is to be continued to the September 16, 2025 BZA Division III hearing to allow for additional time to review revised materials.



Department of Metropolitan Development
Division of Planning
Current Planning

Board of Zoning Appeals Division III

August 19, 2025

Case Number: 2025-UV3-018

Property Address: 7802 Hague Road

Location: Lawrence Township, Council District #3

Petitioner: Metropolitan School District of Lawrence Township, by Joseph D. Calderon

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 12-foot-tall monument sign (five-foot height permitted) with digital display within 80 feet of a Protected District (digital display prohibited, 400 feet of separation required).

Staff Reviewer: Eddie Honea, Current Planning Administrator

CONTINUANCE

A remonstrator has filed an Automatic Continuance, continuing this petition from the August 19, 2025, hearing, to the September 16, 2025, hearing. This will require the Board's acknowledgement.

EDH



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-UV3-023

Property Address: 125 S Bonar Avenue (approximate address)

Location: Warren Township, Council District #20

Petitioner: Rayo Vivar Investments Corp, by Josh Smith

Current Zoning: I-2

Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, subject to the filed site plan (not permitted).

Current Land Use: Residential

Staff Recommendations: N/A

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition is required to be continued with notice to the September 16, 2025 BZA Division III hearing as the legal notices were not provided to the petitioner in time to meet the notice deadline.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-SE3-001
Property Address: 420 North Galeston Avenue (approximate address)
Location: Warren Township, Council District #14
Petitioner: Eduardo Vasquez
Current Zoning: D-3 (FW) (FF)
Request: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a manufactured home.
Current Land Use: Vacant
Staff Recommendations: Staff **recommends approval** of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff **recommends approval** of this petition.

PETITION OVERVIEW

- This petition would allow for the location of a manufactured home.
- The subject site is vacant, zoned D-3, and is located within the Floodplain and partially within the Floodway. The site contained a single-family residence as recently as 2013, which was subsequently demolished via DEM13-00283 and WRK13-00091. The request would provide for the placement of a manufactured home on site, with the submitted site plan indicating that all development standards would be met and that the structure would not be located within the Floodway (the structure would be located within the Floodplain).
- The petition is consistent with the recommendations of the Comprehensive Plan, which recommends low density residential development. Likewise, the orientation and elevations of the proposed residence would be consistent with other dwellings in the area, most of which are one-story frame homes with shallow pitched roofs. Given that the proposal would meet development standards (including being located outside of the Floodway), would match surrounding housing characteristics, and would be in line with the Comprehensive Plan, Staff is unopposed to the request.

GENERAL INFORMATION

| | | |
|-----------------------------------|---|---|
| Existing Zoning | D-3 (FW) (FF) | |
| Existing Land Use | Vacant | |
| Comprehensive Plan | Suburban Neighborhood | |
| Surrounding Context | Zoning | Surrounding Context |
| North: | D-3 (FW) (FF) | North: Single-family residential |
| South: | D-3 (FW) (FF) | South: Vacant |
| East: | D-3 (FW) (FF) | East: Single-family residential |
| West: | D-3 (FW) (FF) | West: Single-family residential |
| Thoroughfare Plan | | |
| North Galeston Avenue | Local Street | 50 feet of right-of-way existing and 50 feet proposed |
| Context Area | Metro | |
| Floodway / Floodway Fringe | Yes, Floodway, 100-year floodplain, 500-year floodplain | |
| Overlay | No | |
| Wellfield Protection Area | No | |
| Site Plan | 6/23/25 | |
| Site Plan (Amended) | N/A | |
| Elevations | 6/23/25 | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | 6/23/25 | |
| Findings of Fact (Amended) | N/A | |



Department of Metropolitan Development
Division of Planning
Current Planning

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 the Suburban Neighborhood typology for this site.

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.



Department of Metropolitan Development
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ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

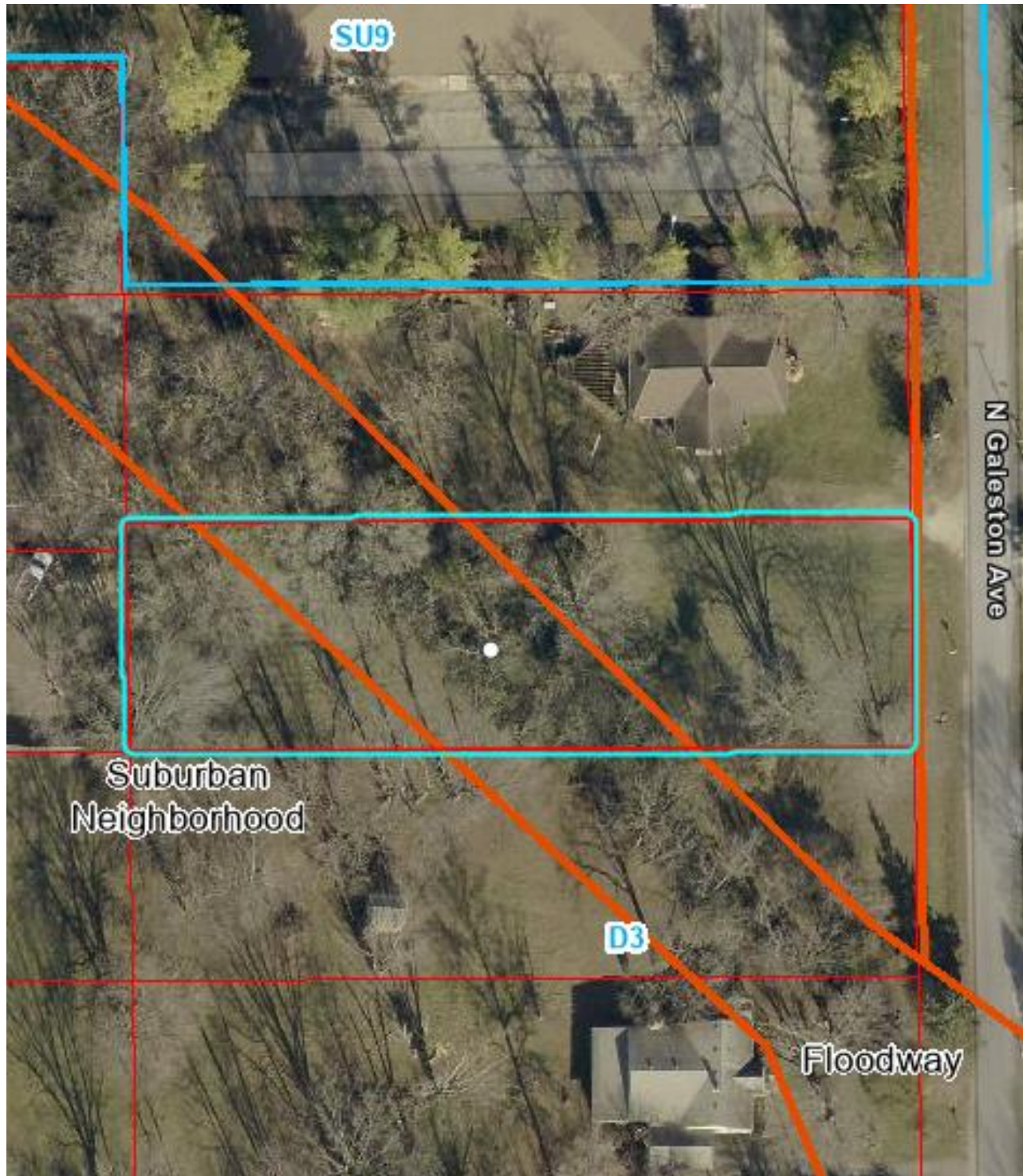
2024-CVR/PLT-800; 429 North Post Road (west of site), Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a new single-family residential lot with a 60-foot lot width (70 feet required). Approval of a Subdivision Plat, to be known as Donn's Pass, a replat of Part of Lots 6 & 7 in Easton Addition, dividing 0.93 acre into two lots, **withdrawn**.

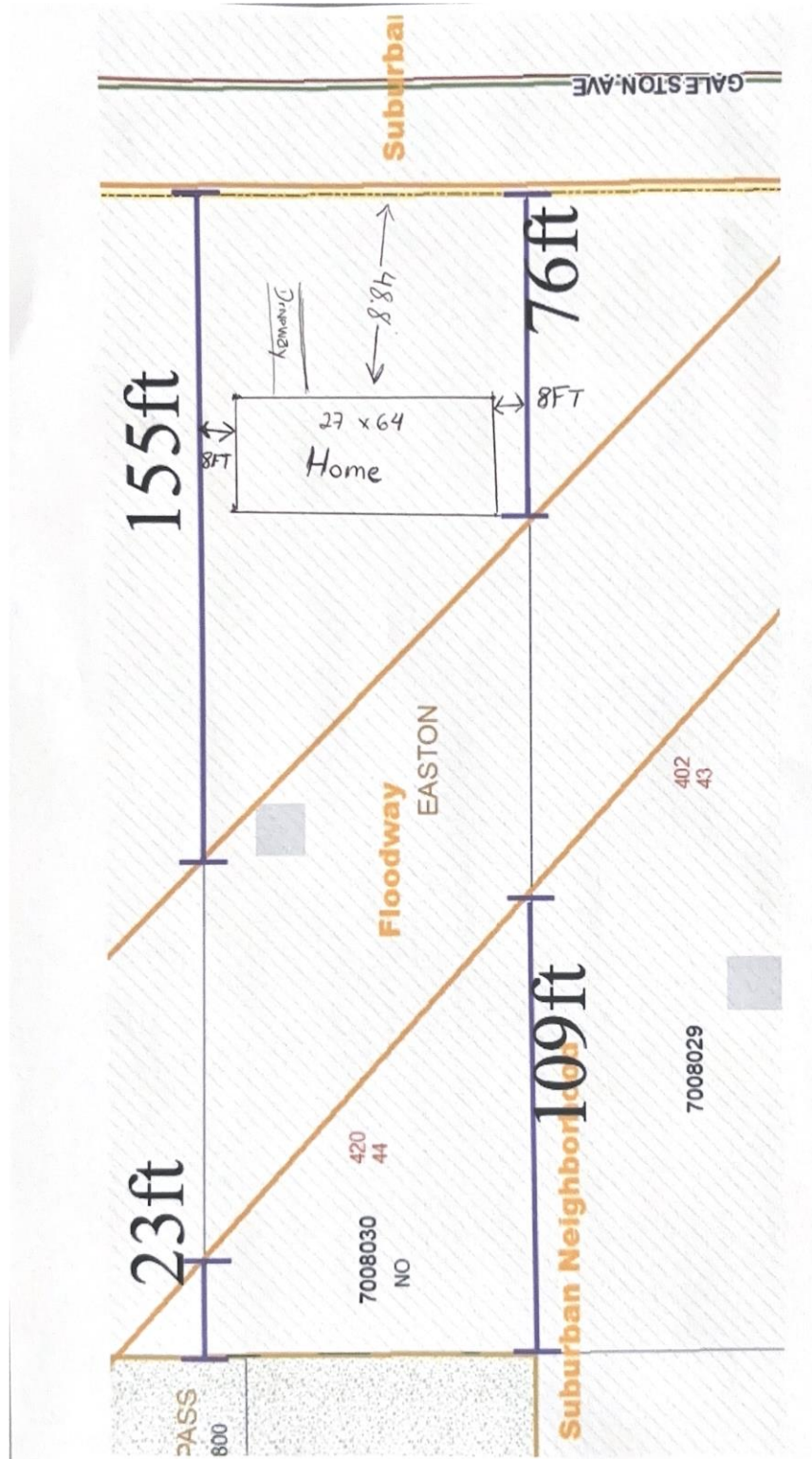
2008UV3015; 189 North Post Road (south of site), Variance of Use and Development Standards of the Dwelling District Zoning Ordinance to: a) provide for an office use (not permitted) in an existing single-family dwelling, b) legally establish a two-story, 1,772-square foot single-family dwelling with a 19.53-foot front setback from the proposed (existing) right-of-way of New York Street (minimum 25-foot front setback required) and a 22.36-foot front setback from the proposed right-of-way of North Post Road (minimum 40-foot front setback required), c) legally establish a 624-square foot detached garage with a 0.9-foot front setback from the proposed (existing) right-of-way of New York Street (minimum 25-foot front setback required), being located in front of the established front building line along New York Street (not permitted), d) legally establish a four-foot tall chain link fence within the required 25-foot front yard along New York Street (maximum 3.5-foot tall fence permitted), e) legally establish a four-foot tall decorative fence within the right-of-way of New York Street (not permitted), and f) provide for a four-space parking area with maneuvering area within the public right-of-way (not permitted), and with a zero-foot front setback from the right-of-way of New York Street (minimum 25-foot front setback required), **denied**.

2003SE1005; 445 North Galeston Avenue (east of site), Special exception of the Dwelling Districts Zoning Ordinance to provide for a 1,802 square-foot manufactured home, **granted**.

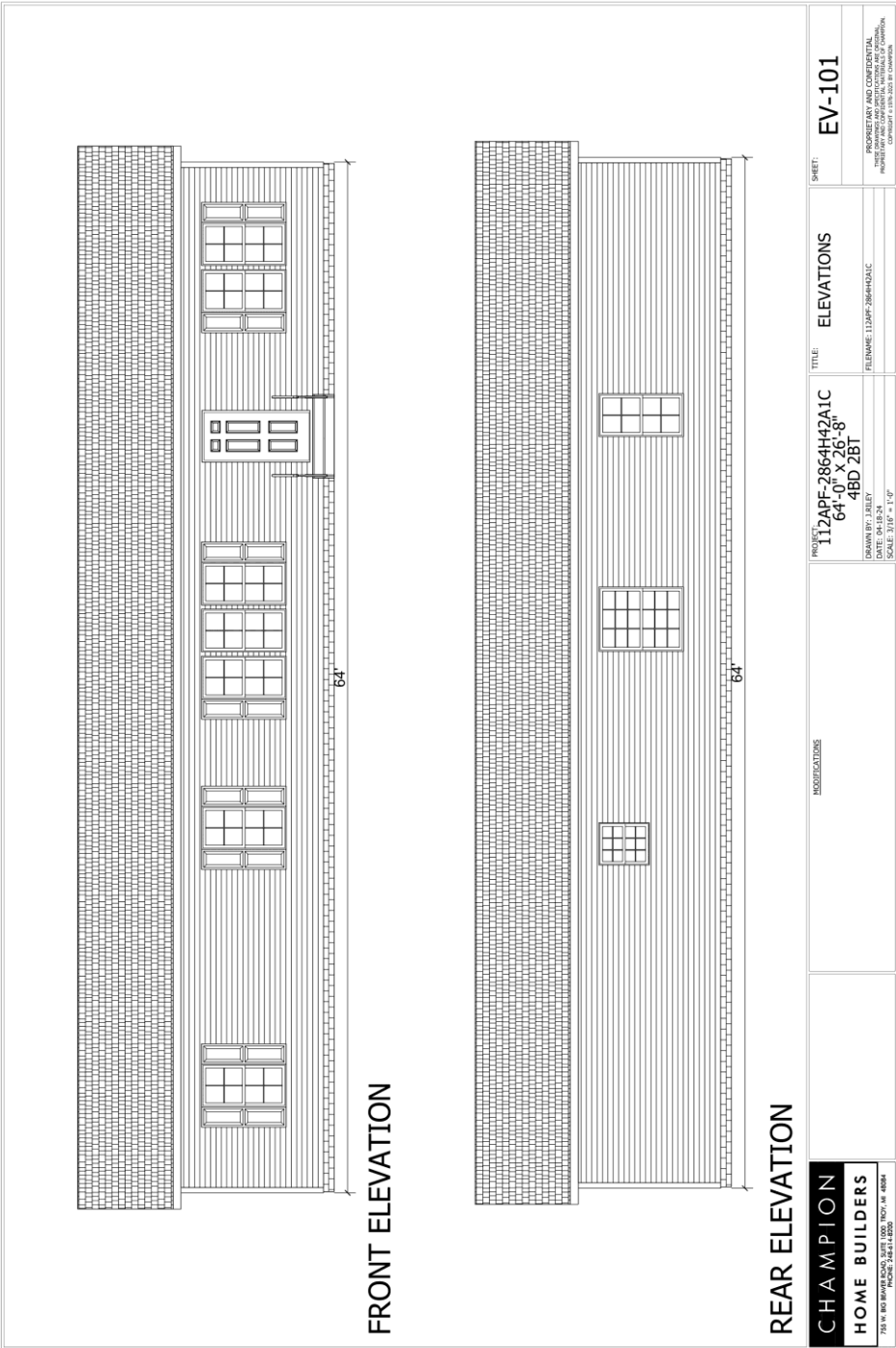
82-Z-58; 901 North Post Road (north of site), Rezoning of 32.00 acres, being in D-3 and SU-2 classification, to the SU-9 classification to permit the use of the school by various governmental agencies, **approved**.

EXHIBITS

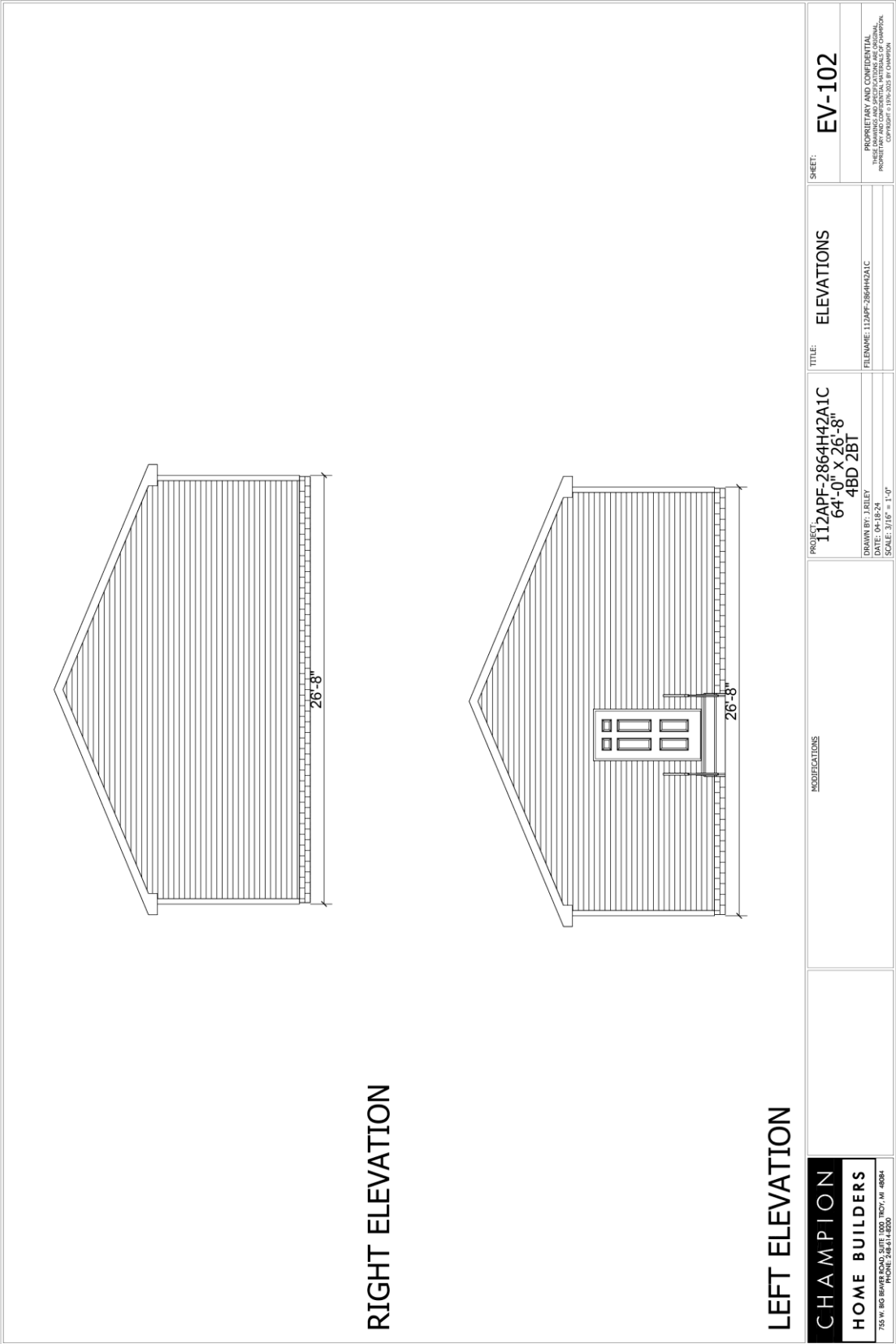




Site plan, file-dated 6/23/25



Elevations, file-dated 6/23/25



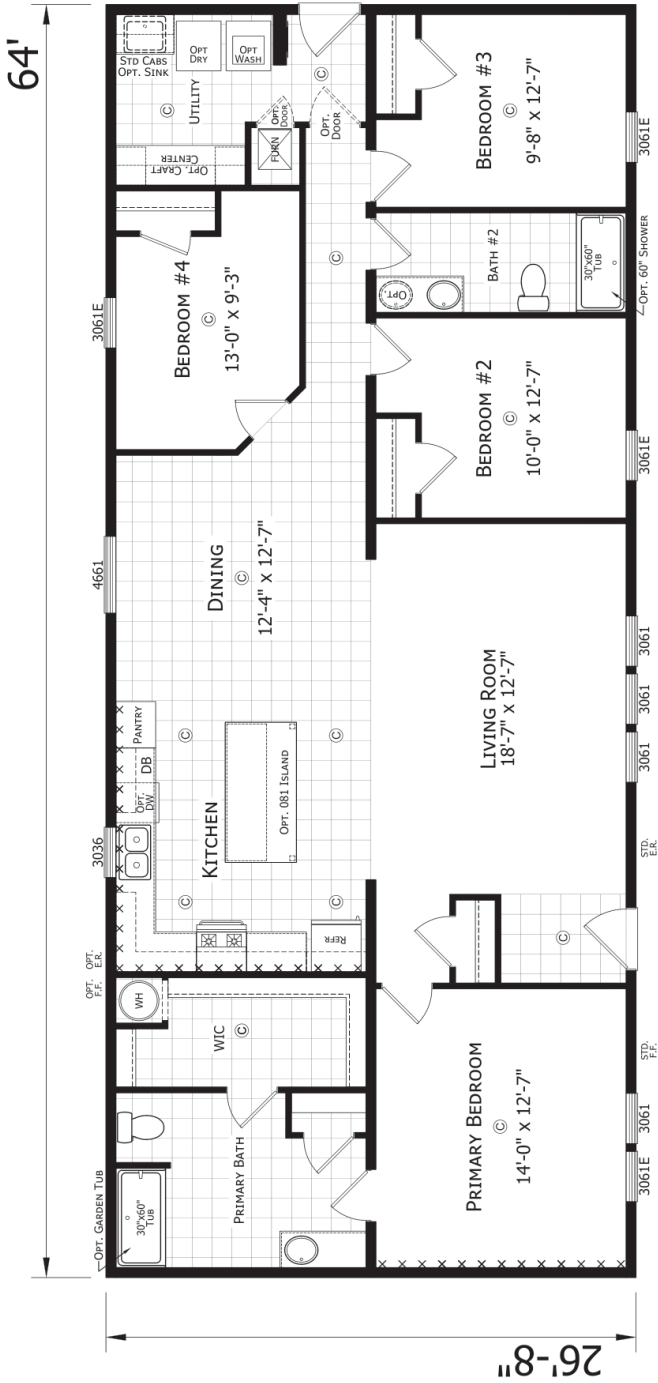
Preble

Dutch Aspire - Multi-Section Series

1,707 SQ. FT. (Approximate) 4 Bedroom, 2 Bath

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Last Updated: 2-8-24



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I authorize Champion Homes Center to build my house, per this plan.

X _____
Customer Signature/Date



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

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division 3
OF MARION COUNTY, INDIANA**

**PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because
The use involves the placement of a manufactured home intended for permanent residential occupancy,
which falls under the definition of a "Dwelling, Single-Family Detached" as established in Chapter 740, Article II.
The home is factory-built to HUD standards and will be installed on a permanent foundation,
consistent with zoning definitions for permitted residential structures.

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

The proposed manufactured home is a high-quality, professionally designed structure (Dutch Aspire Multi-Section Series, 64' x 26'-8", 1,707 sq. ft.)
manufactured by Champion Homes. It includes modern amenities and a standard residential layout with 4 bedrooms and 2 bathrooms.
It will be well maintained as the owners' primary residence, and its appearance and scale are compatible with surrounding homes,
thereby preserving neighborhood character and supporting property values.

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

The home will be placed on a vacant lot that is zoned for residential use, and its orientation, setbacks, and utility
connections will conform to local development standards. The installation will include permanent skirting, a front entry,
and aesthetic features to ensure the structure is indistinguishable from site-built homes.

This ensures neighbors' use and enjoyment of their properties remains unaffected.

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

The area is designated for low-density residential development under the Comprehensive Plan, and
the proposed manufactured home is consistent with this designation. It aligns with the district's
residential character and land use policy by providing long-term housing in a manner that
complements the surrounding built environment.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the
zoning district in which it is located because

The site plan for the property will comply with all dimensional requirements for the zoning district, including lot coverage
building height, and required setbacks. The manufactured home model selected adheres
to conventional residential design with a pitched roof, standard siding, and appropriate width and length, ensuring full conformity
with the intent of the applicable development standards.



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

The home will be placed on a permanent foundation and connected to public utilities (water, sewer, and electricity).

All construction and site work will be performed according to code, and the use will not create noise, pollution, traffic congestion, or other disturbances beyond those typical of residential occupancy. Compliance with these standards ensures safety, habitability, and aesthetic continuity

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

The home complies with the design, installation, and occupancy standards for manufactured dwellings permitted under a Special Exception. It will include all required utility hookups, permanent foundation anchoring, and exterior design features such as front/rear egress, siding, roofing materials, and skirting consistent with traditional site-built homes, fulfilling the conditions set forth in Chapter 743.

DECISION

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

Adopted this _____ day of _____, 20 ____

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |



Subject site, looking west



Looking south down North Galeston Ave



Subject site looking west



Adjacent property to the north



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

July 8, 2025

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

Current Land Use: Integrated Commercial Shopping Center

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

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

At the July 8, 2025, hearing, the petitioner continued for cause this petition, and transferred it to the August 19, 2025, hearing of Board III.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

HISTORY

- ◇ On May 11, 2021, petition 2021-DV2-019, was granted approval for a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a temporary modular building with a three-foot south side transitional setback, where a 20-foot transitional setback is required. Approval was subject to commitments that limited the request to two (2) years.



Department of Metropolitan Development
Division of Planning
Current Planning

- ◇ On May 16, 2023, petition 2023-MO2-001, was granted approval for a Modification of Commitments related to 2021-DV2-019, which provided for the location of a temporary modular building with a three-foot south side transitional setback, to modify and extend the expiration date of the commitment an additional two (2) years to May 11, 2025.

MODIFICATION REQUEST

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

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

GENERAL INFORMATION

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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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



Department of Metropolitan Development
Division of Planning
Current Planning

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2023-MO2-001; 5510 Millersville Road (subject site), requested a Modification of Commitments related to 2021-DV2-019, which provided for the location of a temporary modular building with a three-foot south side transitional setback, which would expire two years from the date of approval, being May 11, 2021. The request is to extend this expiration date to May 11, 2024, **granted**.

2021-DV2-019; 5510 Millersville Road (subject site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a temporary modular building with a three-foot south side transitional setback, **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

93-UV3-100; 5504 Millersville Road (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to permit the conversion of a single-family residence into a four-unit multi-family structure, **granted**.

90-V1-126; 5510 Millersville Road (subject site), requested a variance of development standards of the Commercial Zoning Ordinance to permit an addition to an existing veterinary office with an apartment with a 16-foot side yard, **approved**.

69-Z-199; 5510 Millersville Road (subject site), requested the rezoning of 0.85 acre, being in the D-3 district, to C-4 classification to provide for a small animal clinic, **approved**.

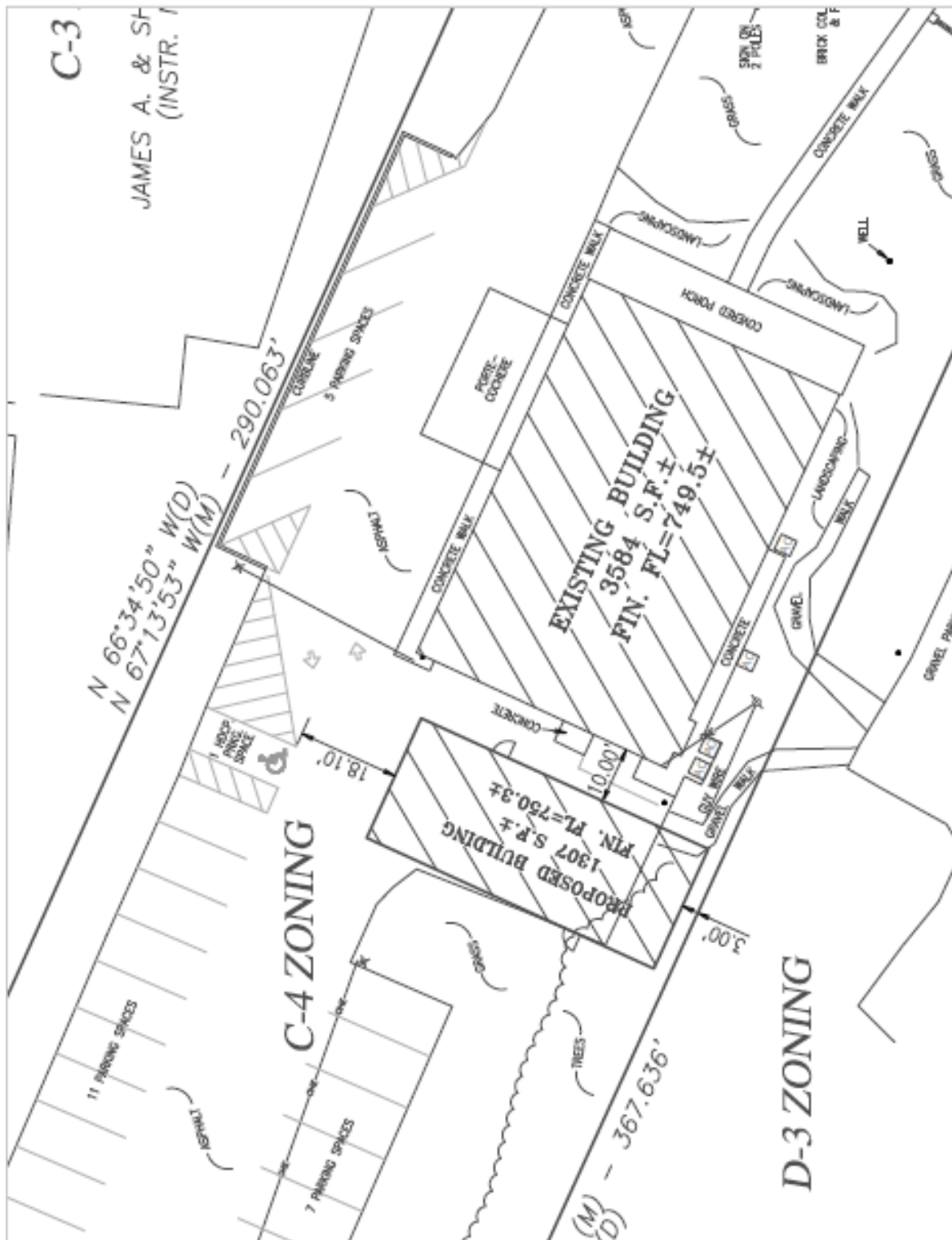
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EXHIBITS

Location Map Subject Site



Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact 2025-MO2-001

METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

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

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

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

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

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

Photographs



Subject site, looking west.



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



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



Adjacent commercial use to the east, looking south.



BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-DV3-023 (Amended)
Address: 3640 North Post Road (approximate address)
Location: Warren Township, Council District #9
Zoning: C-4 (TOD)
Petitioner: Post Holdings LLC, by Patrick Rooney
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a fifth freestanding sign along Post Road, within 232 feet and 243 feet of other freestanding signs (maximum of two freestanding signs per frontage, 300-foot separation required).

Current Land Use: Integrated Commercial Center under development

Staff Recommendation: Staff recommends Denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause by the petitioner, from the July 15, 2025, hearing, to the August 19, 2025, hearing.

Amended Petition: The petitioner has submitted an updated site plan, which relocates the sign, and increases the separation distance between signs from five feet and 100 feet, to 232 feet and 243 feet. The sign separation is still deficient of the 300 foot required separation, and the proposed sign still remains the fifth freestanding sign along Post Road. No new notice would be required as the amended petition would be less intense than the original published notice. Staff continues to recommend denial of this amended request.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ Standards of the Sign Regulations are intended to promote quality sign displays that are integrated with developments and reduce potential hazards to pedestrians and motorists. These standards include the number of signs and separation requirements.
- ◇ The Sign Regulations allow two (2) freestanding signs for an integrated center. In addition, a separation distance of 300 feet is required between individual signs. These requirements are designed to mitigate the proliferation of freestanding signs and the visual conflicts and negative aesthetics associated with multiple signs in close proximity to one another.

- ◇ This request would provide for the erection of a fifth freestanding sign along this portion of North Post Road, where a maximum of two (2) freestanding signs are permitted as part of an integrated center development.
- ◇ This request would also allow for the freestanding sign to be located within 232 feet and 243 feet of other freestanding signs where a 300-foot separation between signs is required for legally permitted signs.
- ◇ The practical difficulty noted in the Findings of Fact for the requested fifth freestanding sign is that the business will suffer greatly without being able to advertise their business. Any potential financial gain and/or losses associated with the petitioner's investment were self-created by their desire to locate at this location without doing any prior due diligence on signage limitations and are not considered in the statutory criteria for Development Standards Variances. The BZA should not consider these issues when entering into a decision.
- ◇ Appropriate building or façade signs can provide the needed advertising and location identification without the need for a freestanding sign. With the newly constructed building being on an out lot, there is no obstructive buildings or structures in front of the proposed building that would restrict any building or façade signage from passing motorists. The use of building or façade signage would also reduce the potential hazard of additional freestanding signs and allow for the location of the business to be found safely.
- ◇ A basic tenet of the 2019 Sign Code revision was to allow the use of a variety of sign types in Commercial districts, lessening the need and reliance on free-standing signage. Staff believes that a sign plan that promotes a variety of sign types is particularly helpful in reducing sign proliferation along the right-of-way.
- ◇ Since the site is under development, the requested variance is a result of the specific design and development and not a result of the site. The site has no limiting factors, therefore, the site can be designed to meet the requirements of the Ordinance without the need of the requested variance and provide orderly development as other adjacent developments have been able to do so. Therefore, Staff does recommend denial of the requested variances due to no practical difficulty being imposed by the site.

GENERAL INFORMATION

| | | |
|-----------------------------------|--|--|
| Existing Zoning | C-4 | |
| Existing Land Use | Commercial Gas Station under development | |
| Comprehensive Plan | Community Commercial uses | |
| Surrounding Context | Zoning | Surrounding Context |
| | North: C-4 | Commercial Retail uses |
| | South: D-4 | Single-Family dwellings |
| | East: D-4 | Single-Family Dwellings |
| | West: D-4 / C-4 | Single-Family Dwellings / Commercial Retail |
| Thoroughfare Plan | | |
| North Post Road | Primary Arterial | 100-foot existing right-of-way and 112-foot proposed right-of-way. |
| Context Area | Metro area | |
| Floodway / Floodway Fringe | No | |
| Overlay | Transit Oriented Overlay – Partial Site | |
| Wellfield Protection Area | No | |
| Site Plan - Amended | June 6, 2025 | |
| Sign Elevations | June 6, 2025 | |
| Landscape Plan | N/A | |
| Findings of Fact | June 6, 2025 | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial typology which 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

2007-DV2-002; 3745 North Post Road (north of site) requested a Variance of development standards of the Commercial Zoning Ordinance to legally establish a drive-through by-pass lane with a 1.8-foot front setback from the proposed (existing) right-of-way of East 38th Street, **granted**.

2006-DV2-026, 9050 East 38th Street and 3829 North Post Road (north of the site), requested a variance of development standards of the Sign Regulations to provide for replacement of a manual reader-boards on two existing signs with 40-square foot electronic variable message sign components with one sign being within 130 of another freestanding sign along 38th Street with an approximate street frontage of 560 feet and within 325 feet of a protected district (minimum 300-foot separation required between freestanding signs, minimum 600 feet of frontage required, minimum 600-foot separation from a protected district required), and one sign being within 145 feet from another freestanding and within 260 feet of a protected district (minimum 300-foot separation required between freestanding signs, minimum 600-foot separation from a protected district required), with an eleven-foot front setback from Post Road (minimum fifteen-foot front setback required), **withdrawn**.

2002-DV1-021; 3863 North Post Road (north of the site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for a drive-through service unit located zero feet from a protected district (minimum 100-foot separation from a protected district required), without the required screening and landscaping and to provide for a stacking spaces located within the maneuvering area of a parking lot (stacking spaces not permitted with parking or maneuvering areas), **granted**.

2001-DV3-041; 8939 East 38th Street (north of site), requested a variance of development standards to provide for a sign copy area of 31.7 percent of the canopy elevation (maximum 25 percent) on the south façade of an existing gasoline service station, **denied**.

2000-DV2-030; 9021 East 38th Street (north of the site), requested a variance of development standards of the Sign Regulations to provide for an 8 by 12.5-foot, 40-foot tall pole sign, located 30-feet from an existing pole sign front on 38th Street, within an integrated center (minimum 300-foot separation between signs fronting on the same street, within an integrated center, required), **withdrawn**.

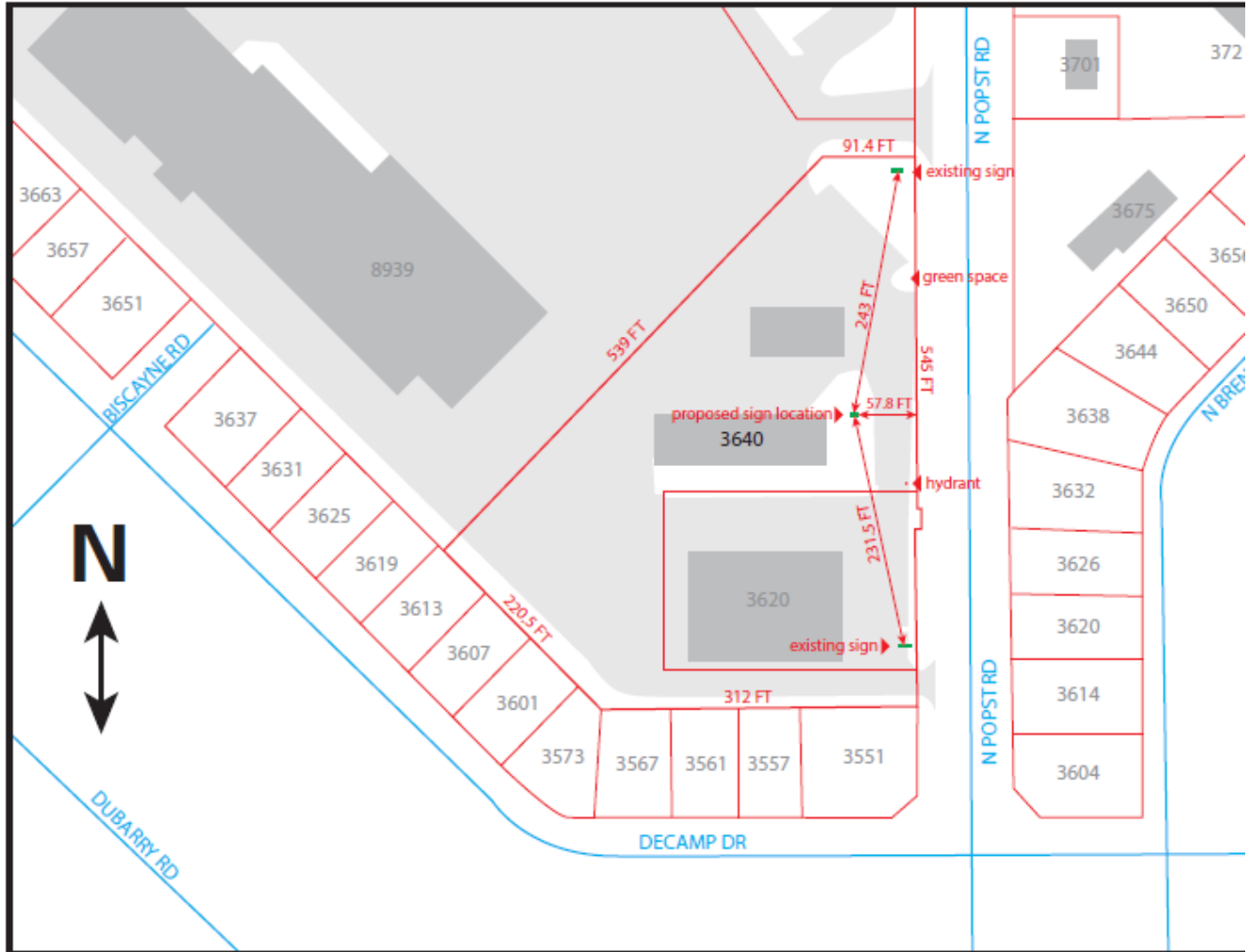
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EXHIBITS

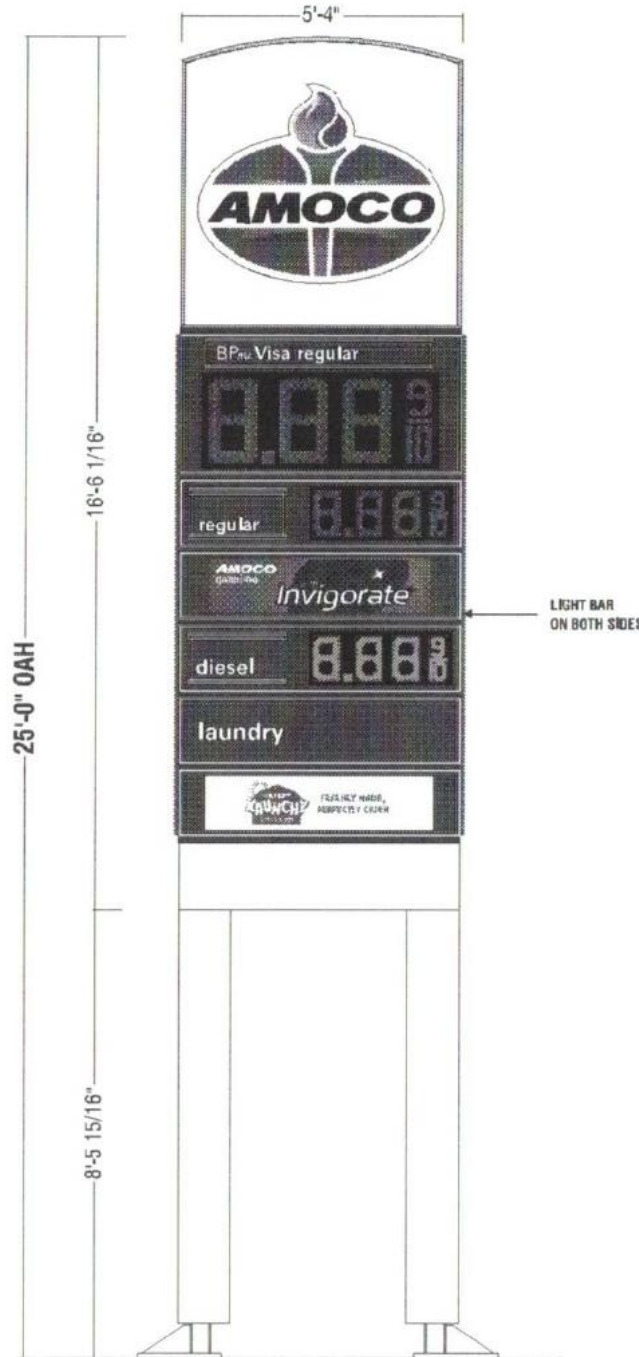
Location Map



Site Plan - Amended



Sign Elevation



PROPOSED SIGNAGE



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 variance will only be used to allow for a pylon sign on the property. This sign will allow potential customers to be able to conveniently see the gas prices being offered at the station, as well as the services being offered by the two other entities occupying the Subject Property. Without this sign, customers will not be able to see the prices of gas being offered and other services being provided, which would be a harm to the general welfare and economic participation of the community so that allowing the sign will be a benefit the the 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 addition of a pylon sign is a very minor, yet important, addition to the Subject Property. The sign will only take up about five feet of ground space. The pylon sign will serve to attract customers to the Subject Property as well as the adjacent shopping centers/retail locations, allowing for greater economic growth in the area, benefitting the Petitioners, adjacent owners, tenants, and the community as a whole.

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

if the Petitioner's variance is not granted, then gas station business will suffer greatly. Petitioner needs a pylon sign so that they may advertise their business, tenant's businesses, and gas pricing. The adjacent properties which comprise the shopping center are wholly separate from the Petitioner and there is not room on the existing signage for the necessary signage for the Petitioner and its tenants.

Photographs



Subject site commercial gas station under construction, looking south.



Approximate proposed sign location, five feet in front of existing center sign, looking northeast.



Existing frontage signs, with 100 feet and ten feet of separation from proposed sign, looking south



Existing outlot development to the north with one freestanding sign



Adjacent integrated commercial development, looking west.



Existing outlot development to the south with one freestanding sign, looking west.



BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-DV3-024
Address: 2747 North Emerson Avenue (approximate address)
Location: Warren Township, Council District #9
Zoning: I-2 (FW) (FF)
Petitioner: Pridgen Property Holdings LLC S, by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a waiver of the requirement to install pedestrian connectivity between a freestanding building and the existing sidewalk network along the right-of-way of Emerson Avenue (required).

Current Land Use: Integrated Industrial Warehouse Center

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued from the July 15, 2025, hearing, to the August 19, 2025, hearing, at the request of a Registered Neighborhood Organization.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ This request is to waive the requirement to install pedestrian connectivity between a freestanding building and the existing sidewalk network along the right-of-way of Emerson Avenue.
- ◇ The requirement for the pedestrian connectivity is a result of the proposed four (4) new warehouses, along with the existing two (2) warehouses that predate the Ordinance requirement.
- ◇ Sidewalk requirements in Industrial redevelopment zones are addressed in the Consolidated Zoning and Subdivision Ordinance Section 744-300. 744-301(F)(2) specifically states for Internal Connectivity: "Within a freestanding lot, project, or integrated center, hard-surfaced walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's main front entrances with the sidewalk located in the public right-of-way of each of the freestanding lot or integrated center's eligible public streets. Nonresidential and mixed-use developments containing more than one primary building on a single lot shall include an unobstructed walkway or pathway at least 5-feet wide providing access between the primary buildings."

- ◇ The purpose of the pedestrian connectivity is to provide a safe route to the buildings from the public right of way, without having to use a driveway which is the main means for vehicular access.
- ◇ The petitioners' Findings of Fact indicate that pedestrian connectivity from the right-of-way does not benefit the community and only enhances risks inherent in co-mingling pedestrian traffic with industrial traffic.
- ◇ Staff disagrees that there is a practical difficulty preventing the installation of any pedestrian connectivity. The existing driveway can be widened to create an adjacent walking path along the side of it, allowing employees a safe pedestrian connection from the street to the buildings.
- ◇ Staff agrees there are risks with co-mingling pedestrian traffic and industrial traffic, which is the need for the required walkway and the reasoning for the Ordinance requirement. There is nothing preventing employees to use the mass transit system, or a ride share program that lets them out at the Emerson Avenue frontage driveway entrance, resulting in their need to safely walk to the interior existing and proposed warehouses.
- ◇ The Indianapolis Department of Public Works has a project (ST-26-501) to rehab the pavement on Emerson Avenue between 21st and 30th Streets, where the subject site is located. This project has plans for the installation of sidewalks along this portion of Emerson Avenue, as a result of a road diet, allowing the use of existing right-of-way for that sidewalk installation. The required pedestrian connectivity would connect to those planned sidewalks, allowing for further safe passage for pedestrians.

GENERAL INFORMATION

| | | |
|-----------------------------------|--|--|
| Existing Zoning | I-2 | |
| Existing Land Use | Integrated Industrial Warehouse Center | |
| Comprehensive Plan | Light Industrial uses | |
| Surrounding Context | <u>Zoning</u> | Surrounding Context |
| | North: I-2 | Commercial Contractor |
| | South: I-2 | Industrial Warehouse |
| | East: D-4 | Single-Family dwellings |
| | West: I-3 | Undeveloped |
| Thoroughfare Plan | | |
| Emerson Avenue | Primary Arterial | 122-foot existing and proposed right-of-way. |
| Context Area | Compact area | |
| Floodway / Floodway Fringe | Yes | |
| Overlay | Environmentally Sensitive – 100-year Flood Plain | |
| Wellfield Protection Area | No | |
| Elevations | N/A | |
| Landscape Plan | N/A | |
| Site Plan | May 8, 2025 | |
| Findings of Fact | May 8, 2025 | |



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

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

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

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

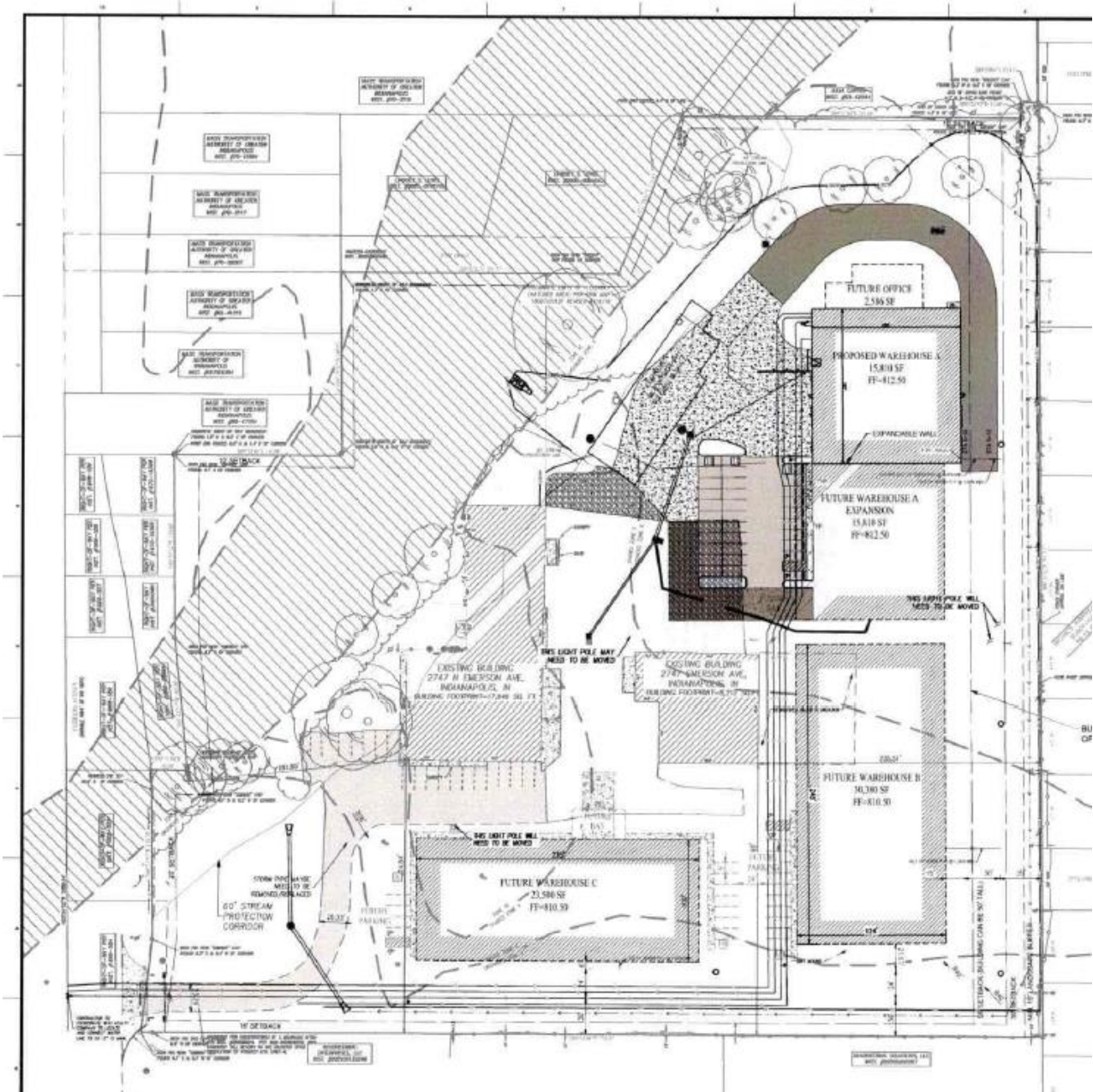
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EXHIBITS

Location Map



Site Plan





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 operation on the subject property is a long standing industrial use which is not visited by the public via sidewalk, and the variance, if granted, will actually enhance public safety by not creating a conflict between pedestrian traffic and industrial vehicular/truck traffic.

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

the variance would not impact any adjoining property because the required improvements on the subject property would only connect to Emerson Avenue, and there is existing access to Emerson Avenue for adjoining properties.

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

pedestrian connectivity to industrial buildings from the public right-of-way in this instance does not benefit the community and only enhances risks inherent in commingling pedestrian traffic with industrial vehicular/truck traffic.

Photographs



Existing subject site driveway, looking west towards Emerson Avenue from the parking lot.



Existing warehouse on site, looking northeast



Proposed warehouse location, looking southwest.



Proposed warehouse location, looking north.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

August 19th, 2025

Case Number: 2025-DV3-026
Property Address: 95 South Mitthoefer Road
Location: Warren Township, Council District #20
Petitioner: Indiana Federal Credit Union, By Misha Rabinowitch
Current Zoning: C-4 (TOD)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for site improvements resulting in a south transitional yard setback ranging from 0.5-feet to 11 feet (20 feet required).
Current Land Use: Commercial
Staff Recommendations: Staff is recommending **denial** of this variance petition.)
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the second public hearing of this variance petition.

The first public hearing for this variance petition took place on July 15, 2025, at the Board of Zoning Appeals Division II Hearing, where the petition was continued to allow further discussions between staff and the petitioner.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- The petitioner is requesting a reduction of the south transitional yard setback to allow for an addition to the commercial building on the site.
- This site is 1.5 acres in a C-4 zoning district and Transit Oriented Development Overlay.
- A transitional yard is a buffer area in a yard adjacent to a Protected District, with a minimum depth set by zoning regulations. It serves to separate land uses of different intensities and can replace the minimum required front, side, or rear yard when necessary.
- The Pennsy Trail, which runs along the south property line of the subject site, requires a transitional yard.

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

- The variance is being requested due to the proposed addition to the Indiana Members Credit Union on the subject site. The addition will relocate the parking lot area on the south side of the property further into the green space currently used as the transitional yard.
- Per the Ordinance, financial and insurance services, such as banks and check cashing or validation services, are required to have a minimum of 5 (five) off-street parking spaces or 1 per 350 sqft (whichever is greater). The Indiana Members Credit Union, located on the site with the proposed additions, will be 3,538 sqft in size and is therefore required to have 10 parking spaces on the site.
- Currently, the site has 38 parking spaces (excluding ADA parking spaces), meaning that all the parking spaces within the transitional yard could be removed from the site, and the property would still meet the minimum required parking space standard.
- If the additional parking spaces on the site are necessary, then this would be an example of the business on the subject site outgrowing what is possible on the site, and would be more appropriate for the company to be moved to another site that can accommodate the number of people that are visiting the site and avoiding the destruction of green space.
- Staff is recommending denial because there is no practical difficulty; the addition to the building and the location selected are a design choice for a property that has already been overdeveloped. The Pennsy Trail has been in this location for at least five (5) years and should have been taken into consideration before the addition plans began. The Pennsy Trail is a dynamic, public amenity that Staff believe should be protected and its use and views preserved as development occurs.

GENERAL INFORMATION

| | | |
|-----------------------------------|--------------------|---|
| Existing Zoning | C-4 (TOD) | |
| Existing Land Use | Commercial | |
| Comprehensive Plan | Office Commercial | |
| Surrounding Context | Zoning | Surrounding Context |
| North: | C-4 | North: Regional Commercial |
| South: | D-1 | South: Suburban Neighborhood |
| East: | D-A | East: Suburban Neighborhood |
| West: | I-4 | West: Suburban Neighborhood |
| Thoroughfare Plan | | |
| Mitthoefer Road | Secondary Arterial | 100 feet of right-of-way existing and 80 feet proposed. |
| Context Area | Metro | |
| Floodway / Floodway Fringe | No | |
| Overlay | Yes | |
| Wellfield Protection Area | No | |
| Site Plan | 6/4/2025 | |
| Site Plan (Amended) | 7/21/2025 | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |



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

| | |
|---------------------------------------|----------|
| Landscape Plan | N/A |
| Findings of Fact | 6/4/2025 |
| Findings of Fact (Amended) | N/A |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Blue Line Transit-Oriented Development Strategic Plan
- Indy Greenways Full Circle Master Plan

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Walmart at Washington Pt. Drive. (Blue Line)
 - Investment Framework: Plan and Partner
 - These station areas are not currently ripe for direct TOD investments, since they generally don't have the physical features or market strength to support major private investment.
 - Given their transit accessibility, these areas are ideally suited for station area planning and technical assistance for development implementation (e.g., visioning and planning for station areas, establishing a BID, etc.).
 - These areas can be an important focus for the non-profit and philanthropic sectors, to lay a groundwork for public and private sector investment.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.



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

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The Pennsy Trail corridor utilizes the old Penn Central Railroad corridor between Pleasant Run Parkway and the Town of Cumberland to the east, a distance of approximately 7 miles. It is the second rail-trail project to be initiated in the Indy Greenways system and is one of four former rail corridors planned for the system. The Pennsy Trail is part of the former Indiana Central Railroad corridor which spanned 78 miles from Indianapolis to Richmond and was completed in 1853. It was over this railroad on April 30, 1865, that the slain body of President Abraham Lincoln was returned to Springfield, Illinois. After numerous acquisitions and name changes, the Pennsylvania Railroad began operating the line in 1921, which was later abandoned, and its track pulled up in 1980. The Pennsy Trail will establish a significant east-west connection on Marion County's east side and will provide connections to Irvington, the Town of Cumberland, Hancock County, and other east-side neighborhoods. It will further serve as an essential eastern route as part of the proposed Marion County Bicycle and Pedestrian System. The proposed 7.2-mile trail route runs just south of Washington Street, between Ritter Avenue and German Church Road. It will ultimately connect Irvington to the Town of Cumberland and extend to Greenfield and beyond. Other possible connections and areas of interest include Pleasant Run Greenway, Ellenberger Park, the proposed Lick Creek Greenway, the proposed Grassy Creek Greenway, the proposed Buck Creek Greenway, the Eastgate commercial area and Washington Square Mall. In addition, the Town of Greenfield has three miles of trails on the same railway and would like to connect with Cumberland.



ZONING HISTORY

ZONING HISTORY – SITE

- 73-Z-49: 10001 East Washington Street
 - Petitioner requests rezoning of a 9.561-acre parcel of land being in an A-2 district to a C-4 classification to provide for a commercial development.
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2010-DV2-005: 10002 East Washington Street
 - Variance of development standards of the Sign Regulations to provide for an 18-foot tall, 42.5-square foot freestanding sign, within the sight-triangle of Mithoeffer Road and Washington Street, with a five-foot front setback from Washington Street (15-foot setback from the existing right-of-way required, structures cannot be within the sight-distance triangle).
 - Denied
- 2011-HOV-006: 10009 East Washington Street
 - Variance of Use of the Commercial Zoning Ordinance to provide for an amusement arcade within 500 feet of a protected district without the grant of a special exception (not permitted).
 - Approved
- 2011-UV2-018: 10009 East Washington Street
 - Variance of Use of the Commercial Zoning Ordinance to provide for a daycare center in a 4,200-square foot tenant space (not permitted).
 - Approved
- 2019-DV1-032: 9701 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to add sign panels to an existing non-conforming sign with a zero-foot front setback from Mithoeffer Road (15-foot front setback required).
 - Approved
- 2021-DV2-012: 9961 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through lane within the front yard, with a six-foot front setback, with less landscape area than and screening than required, and to provide for an additional freestanding sign within the integrated center along East Washington Street (10-foot front setback with landscaping, screening required for drive-through, maximum two signs permitted per integrated center site).
 - Approved
- 2021-DV3-026: 9605 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an additional freestanding sign and sign area along the East Washington Street frontage, being a 17-foot tall, 64-square foot pole sign located within



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70 feet of an existing freestanding sign to the east (300-foot separation required, maximum sign area of 300 square feet per site and maximum two freestanding signs permitted).

- Denied
- 2022-UV3-031: 10435 East Washington Street
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business (not permitted on lots greater than 0.5-acres) with a 23.5-foot front building line, 4% of the building line (60% front building line required).
 - Withdrawn
- 2023-CVR-808 / 2023-CPL-808: 10435 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business with a 30-foot front building line or 22% of the building line (60% front building line required).
 - Approval of Subdivision Plat to be known as Washington Market Commercial Subdivision, dividing 10.90 acres into two lots and one block.
 - Approved
- 2023-DV3-004: 10220 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an integrated center with: a) an accessory drive through within 600 feet of a transit station with access provided by a private drive (alley access required); b) a surface parking area within the minimum 50-foot front yard setback (not permitted); c) all buildings maintaining a 20-foot front yard setback (maximum 10-foot setback permitted); d) and a 46% front building line (80% required).
 - Approved
- 2024-DV3-013: 10220 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a bank with one primary entry (two required).
 - Approved
- 2024-DV3-024: 102220 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive through without an exclusive bypass aisle (bypass aisle required) and the construction of freestanding buildings with front building line setbacks of up to 33 feet (maximum 20-feet permitted per 2023-DV3-004), a front building line width of 33.5 percent (46 percent required per 2023-DV3-004), and deficient first-story transparency on the front façade of the westernmost building (60% transparency required).
 - Denied

EXHIBITS

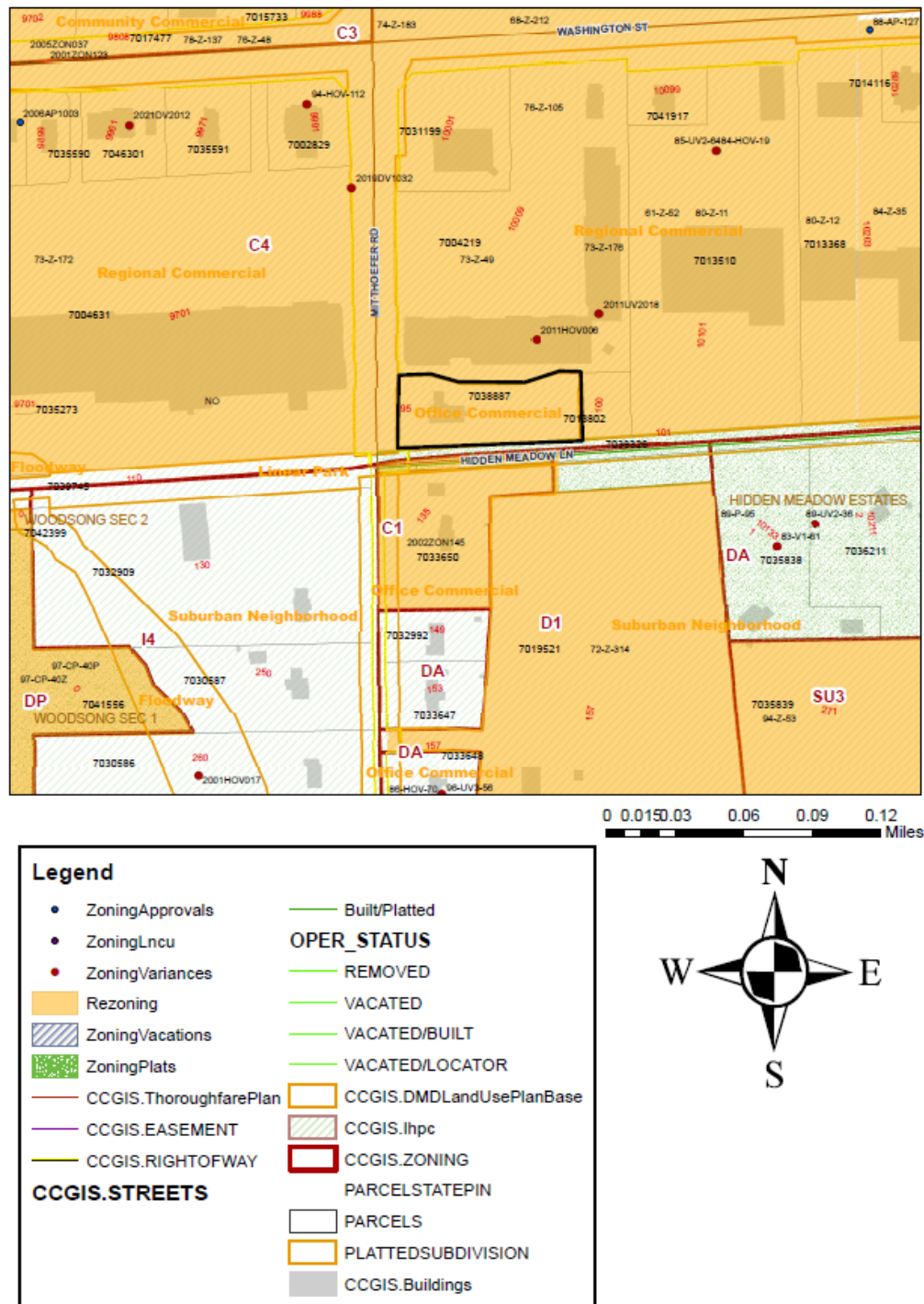


Exhibit 1: ArcGIS map of the subject site and surrounding area.

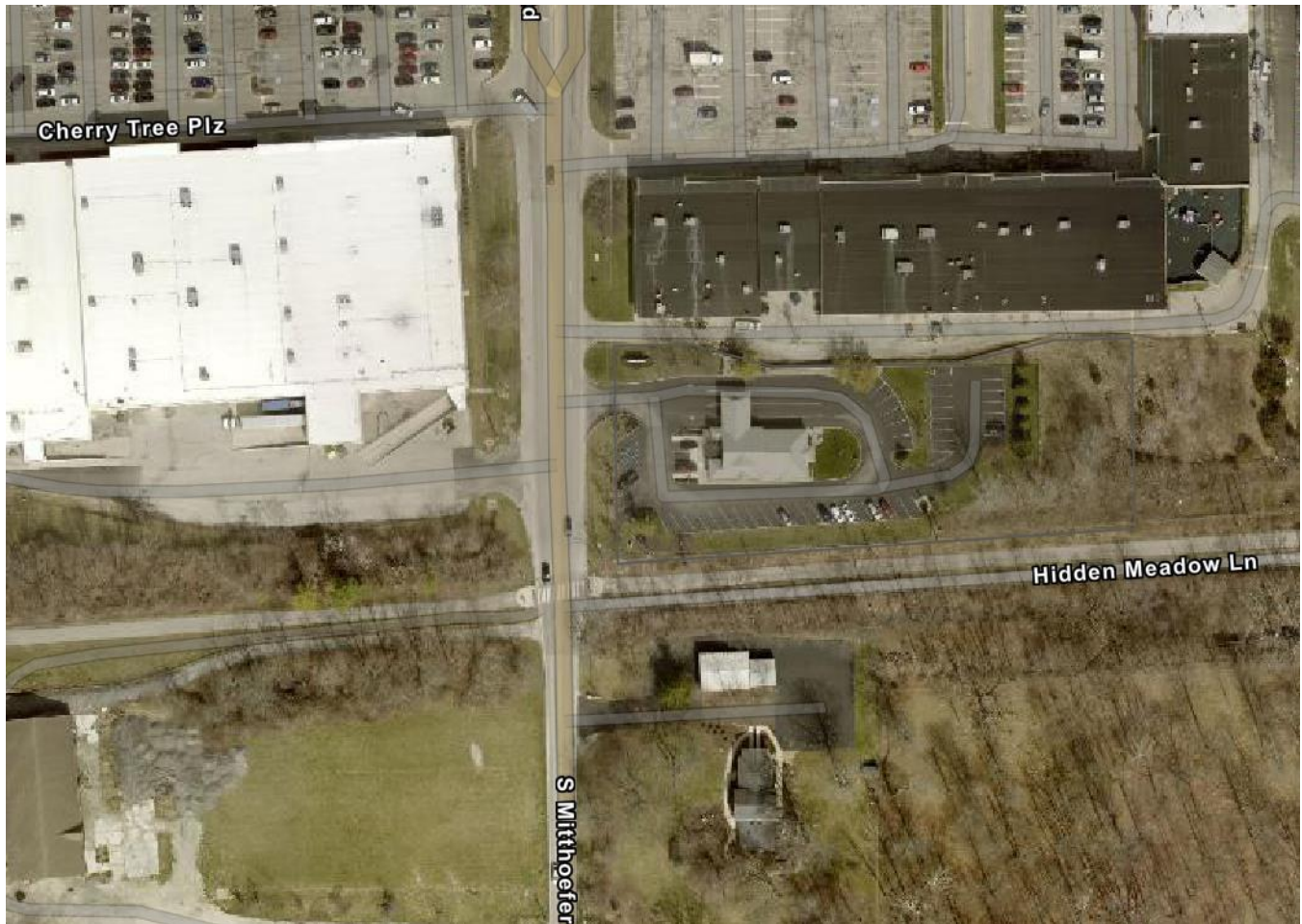


Exhibit 2: Aerial of the subject site.



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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:

permitting the proposed encroachment into the south sideyard setback will permit necessary expansion and updates to existing building improvements and provide for necessary and convenient parking, while at the same time permitting appropriate landscape screening for the adjacent Pennsy Trail.

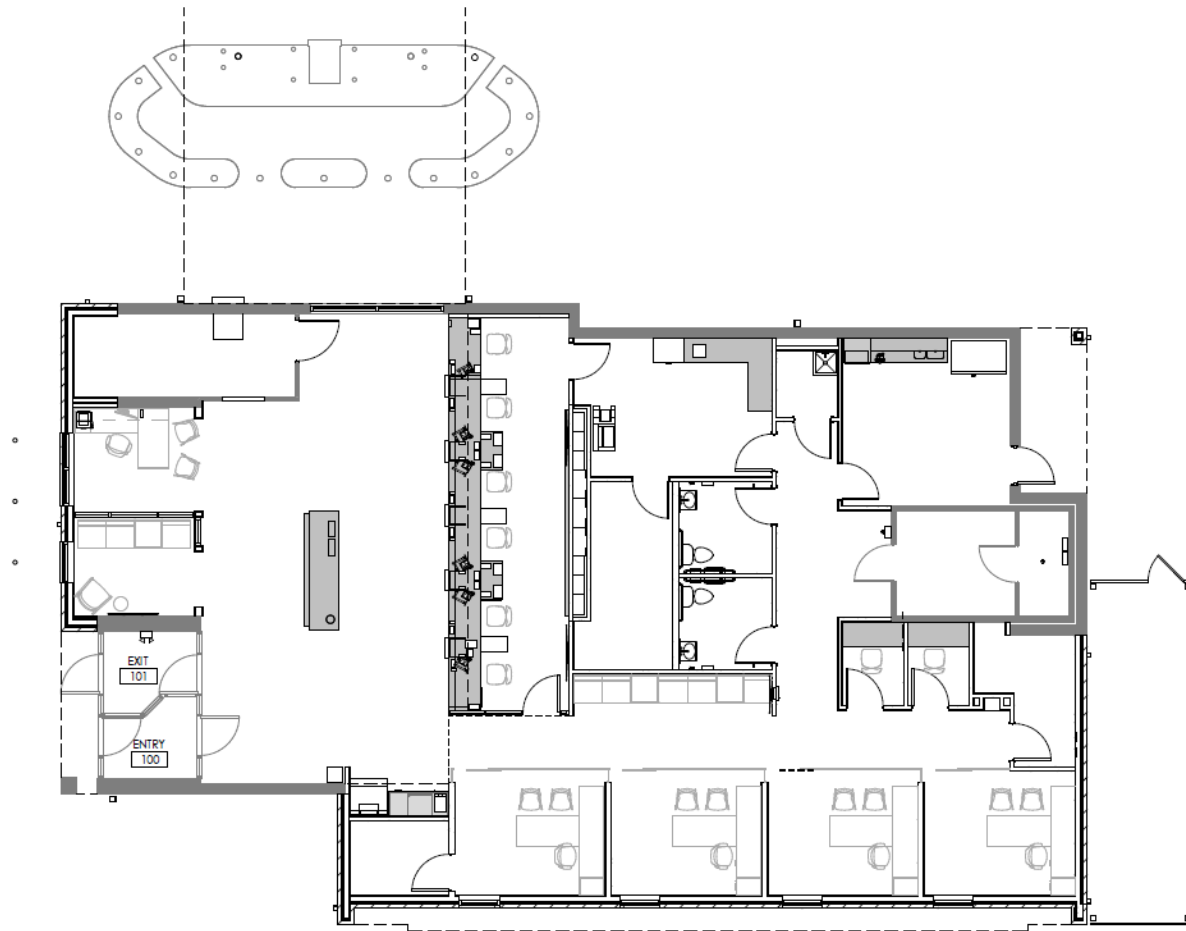
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

permitting the proposed encroachment into the south sideyard setback will permit necessary expansion and updates to existing building improvements and provide for necessary and convenient parking, while at the same time permitting appropriate landscape screening for the adjacent Pennsy Trail.

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

the existing commercially zoned parcel is deep and narrow and the adjacent, recently developed, Pennsy Trail makes it a challenge to meet the transitional yard setback standard yet still permit the subject parcel to be used commercially and meet current operational standards.

Exhibit 3: The submitted Findings of Fact.



Indiana Members Credit Union - Eastside Branch -
 95 S Mitthoeffer Rd - Plan
 1/8" = 1'-0"



STUDIO AXIS

07/11/25

Exhibit 4: Floor plan of the Indiana Members Credit Union with proposed addition.

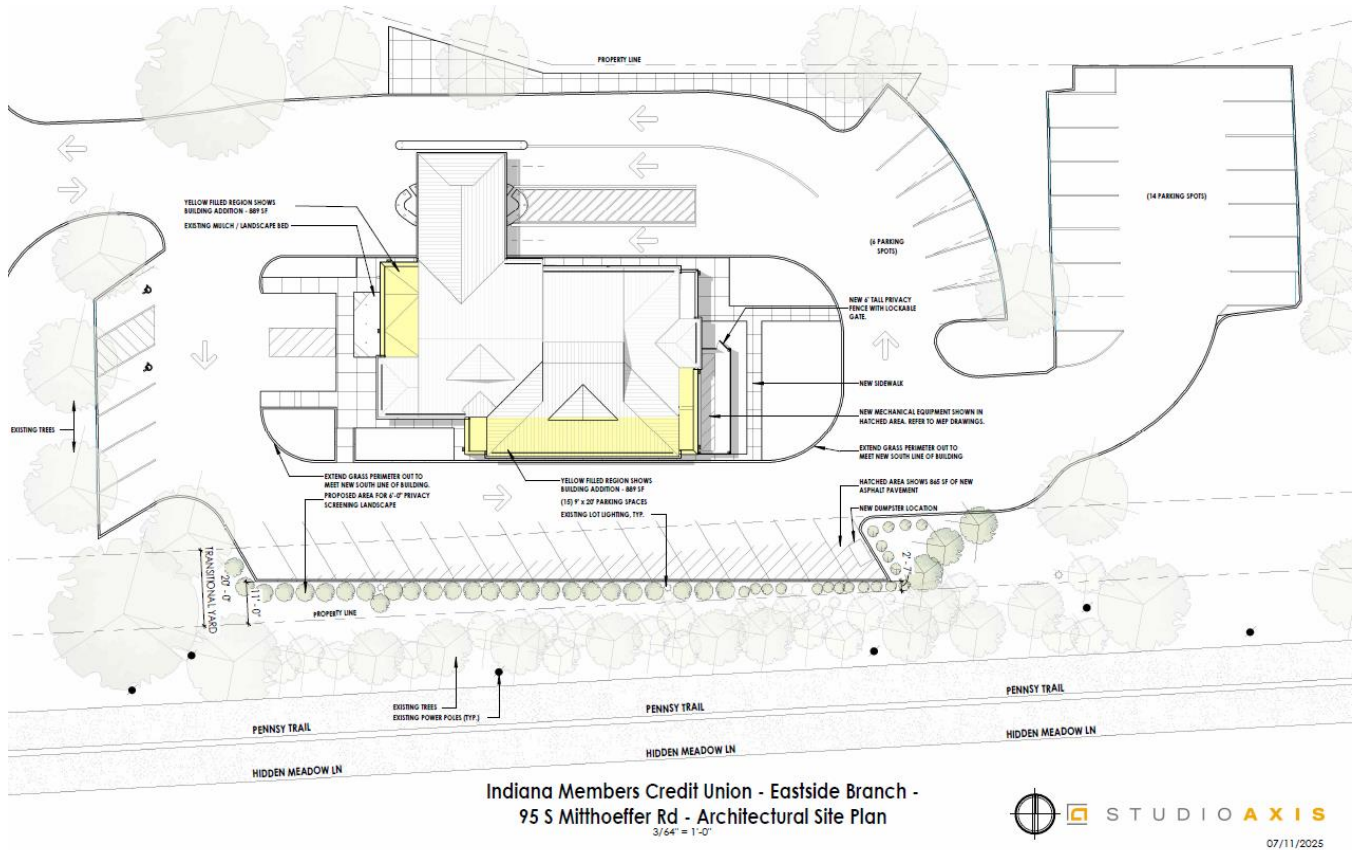


Exhibit 5: The site plan of the proposed addition and landscaping .



Exhibit 6: The commercial business on the subject site.



Exhibit 7: The south transitional yard looking east.



Exhibit 8: The south transitional yard looking west.



Exhibit 9: The Pennsy Trail and the fence to the subject site that runs along the south property line.

BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-UV3-006

Property Address: 2308 Shelby Street (approximate address)

Location: Center Township, Council District #19

Petitioner: Walter Resinos

Current Zoning: C-3 (TOD)

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor recreation and entertainment (not permitted) on a proposed deck with a 2.5-foot setback from Shelby Street, a 3.7-foot setback from Hervey Street, and encroaching within the Clear Sight Triangle of their intersection (10-foot front yard setbacks required, encroachment of Clear Sight Triangles not permitted).

Current Land Use: Commercial

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

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued from the May 20, 2025 hearing to the June 17th, 2025 hearing due to insufficient notice.
- This petition was automatically continued by a Registered Neighborhood Organization from the June 17, 2025 hearing to the July 15, 2025 BZA Division III hearing.

STAFF RECOMMENDATION

- Staff **recommends denial** of this petition.

PETITION OVERVIEW

- This petition would allow for outdoor recreation and entertainment use (not permitted) on a proposed deck with a 2.5-foot setback from Shelby Street, a 3.7-foot setback from Hervey Street, and encroaching within the Clear Sight Triangle of their intersection (10-foot front yard setbacks required, encroachment of Clear Sight Triangles not permitted).
- The subject site is corner lot that is zoned C-3 (TOD), and is improved with a single-story commercial building. With regards to the Variance of Use, the approval of this petition would allow for outdoor recreation and entertainment in the C-3 zoning district, which is reserved for the C-5 and C-7 zoning districts.

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- The outdoor recreation and entertainment use is defined as:
 - An open area offering entertainment or sports, athletics or games of skill to the general public. This definition includes facilities such as golf courses, swimming pools, baseball/softball fields; live entertainment or performances; boat and canoe rentals (as accessory use to a fishing lake operation); fishing lake operations (commercial or private); go cart raceways; scenic railroads; and drive-in theaters. This definition does not include Sports Stadium.
- Outdoor recreation and entertainment uses are limited to C-5 and C-7 districts due to the heightened intensity that generally comes with live entertainment performances and events occurring outside, particularly with regards to noise from music and the large crowds that these events can generate. Further, these uses are reserved for C-5 and C-7 due to the increased amount of space that outdoor recreation and entertainment typically requires to accommodate crowds and venue space. With C-3 characterized as Neighborhood Commercial, these lots are typically smaller and neighborhood scale, meaning that lots in C-3 districts are usually not large enough to accommodate these uses. With this lot being zoned C-3 and only 0.13 acres in size, Staff does not find the proposed use to be appropriate and to be too intense for the site.
- With regards to the Variance of Development Standards for reduced front yard setbacks and encroachment into the Clear Sight Triangle, this petition would allow for an outdoor deck to be added to the building in both front yard setbacks along Hervey Street and Shelby Street that would encroach into the Clear Sight Triangle by approximately 10 feet. With Hervey Street being a local street, and Shelby Street being a secondary arterial, the Clear Sight Triangle is measured 75 feet along Hervey Street and 120 feet along Shelby Street starting from the intersection of the centerlines. Staff is concerned about the proposal as the deck and associated fence partially blocks visibility of Shelby Street when looking from Hervey Street (see site photos below). Staff does not find there to be any practical difficulty for these requests, as the site is of sufficient size for C-3 standards, and is self-imposed. Staff would note that there is no exception in the Ordinance for partially transparent fences encroaching into the Clear Sight Triangle, as even transparent fences can impact visibility and the ability of motorists to see oncoming traffic from the intersecting street, which Staff finds to be the case in this situation. Further, Staff believes that any unnecessary obstructions should not be located within the Clear Sight Triangle to ensure maximum visibility of roadways. Therefore, Staff is opposed to the variances for reduced front yard setbacks and encroachment into the Clear Sight Triangle and recommends denial of these requests.
- Additionally, Staff does not believe that the submitted site plan to be accurate with regards to the location of the deck. Firstly, the diagonal line is not an accurate depiction of the Clear Sight Triangle at this location. Second, based on the scale of the plan, the location of diagonal portion of deck is shown at almost 10 feet from the intersection of the two sidewalks, while the site photos show the deck much closer than 10 feet.

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GENERAL INFORMATION

| | | |
|-----------------------------------|-----------------------------------|---|
| Existing Zoning | C-3 (TOD) | |
| Existing Land Use | Commercial | |
| Comprehensive Plan | Village Mixed-Use | |
| Surrounding Context | Zoning | Surrounding Context |
| North: | C-3 (TOD) | North: Community Commercial |
| South: | C-3 (TOD) | South: Community Commercial |
| East: | C-3 (TOD) | East: Community Commercial |
| West: | D-5 (TOD) | West: Single-family residential |
| Thoroughfare Plan | | |
| Shelby Street | Secondary Arterial | 60 feet of right-of-way existing and 78 feet proposed |
| Harvey Street | Local Street | 50 feet of right-of-way existing and 48 feet proposed |
| Context Area | Compact | |
| Floodway / Floodway Fringe | No | |
| Overlay | Yes, Transit Oriented Development | |
| Wellfield Protection Area | No | |
| Site Plan | 3/27/25 | |
| Site Plan (Amended) | N/A | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | 3/27/25 | |
| Findings of Fact (Amended) | N/A | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- TOD Red Line Strategic Plan

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within ¼ mile of the Shelby Street and Raymond Street transit station. This area has been classified under the community center typology, which is characterized by a dense mixed-use neighborhood center, a minimum of 2 stories at the core, and the presence of multi-family housing with a minimum of 3 units.

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

2024UV3004; Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor within 55 feet of a protected district (not permitted within 500 feet of a protected district), **granted**.

94-Z-130; rezoning of 4.43 acres, being in the C-1, C-2, C-3, and D-5 districts to the C-3 classification to conform zoning to the Garfield Park/Pleasant Run Neighborhood Plan, **approved**.

ZONING HISTORY – VICINITY

2022ZON105; 2340 & 2344 Shelby Street (south of site), Rezoning of 0.24 acre from the C-3 (TOD) district to the MU-2 (TOD) district, **approved**.

2015DV2005; 2242 Shelby Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for: a) the construction of a 384-square foot detached garage for bicycle repair, an addition to the main dwelling, to be used for an espresso bar, bicycle sales and display, and bicycle and supply storage, and two decks for outdoor seating (not permitted), b) with five parking spaces (seven parking spaces required), with deficient maneuvering (not permitted), and c) to provide for a handicapped ramp, with a zero-foot front setback from Shelby Street or 30 feet from the centerline (70 feet from the centerline required), and d) to provide for a 6.25-square foot suspended sign, with less than eight feet of clearance (maximum five square feet permitted, minimum eight feet of clearance required) and a 40 square foot wall sign on the front porch parallel to Shelby Street, **approved**.

99-UV2-64; 2230-2340 Shelby Street (north of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for the expansion of a tavern within 100 feet of a protected district, liver entertainment and no off-street parking, **granted**.

98-UV3-81; 2320 Shelby Street (south of site), requested a variance of use to permit the sale and repair of major appliances, **denied**.

95-UV1-35; 2320 Shelby Street (south of site), requested a variance of use to provide for a mechanical contractor operation and heavy equipment storage of an HVAC company, including storage of materials and tools *such as sheet metal fabricators, arc welder, and cleaning solvents* for HVAC service, **denied**.

89-UV3-73; 2242 Shelby Street (north of site), requested a variance of use to permit retail sale of jewelry, coins and metals, **granted**.

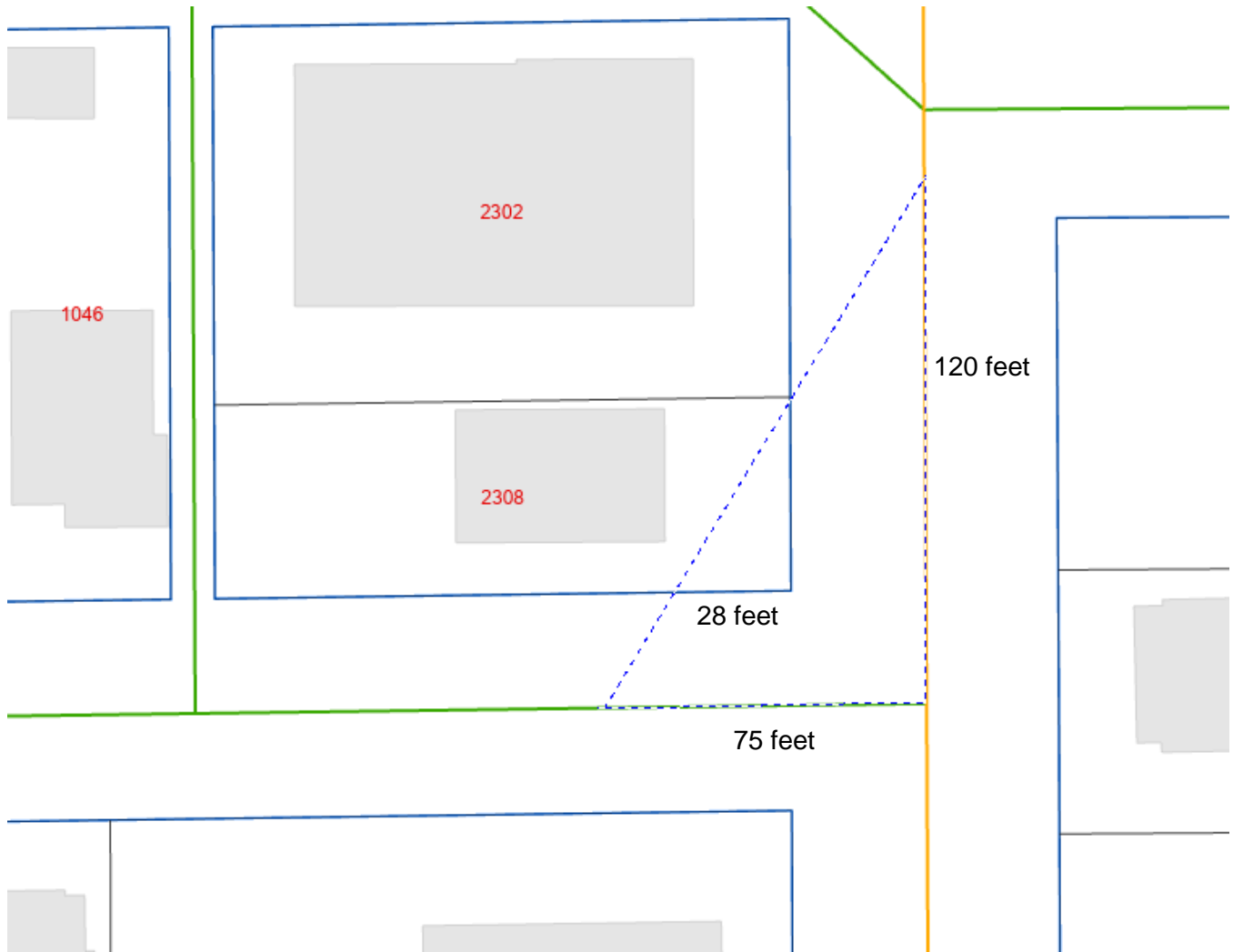
87-UV2-29; 2236 Shelby Street (north of site), requested a variance of use to permit an automobile clean-up business, **denied**.

83-UV3-4; 2310 Shelby Street (north of site), requested a variance of use and development standards to permit a site-down restaurant, **granted**.

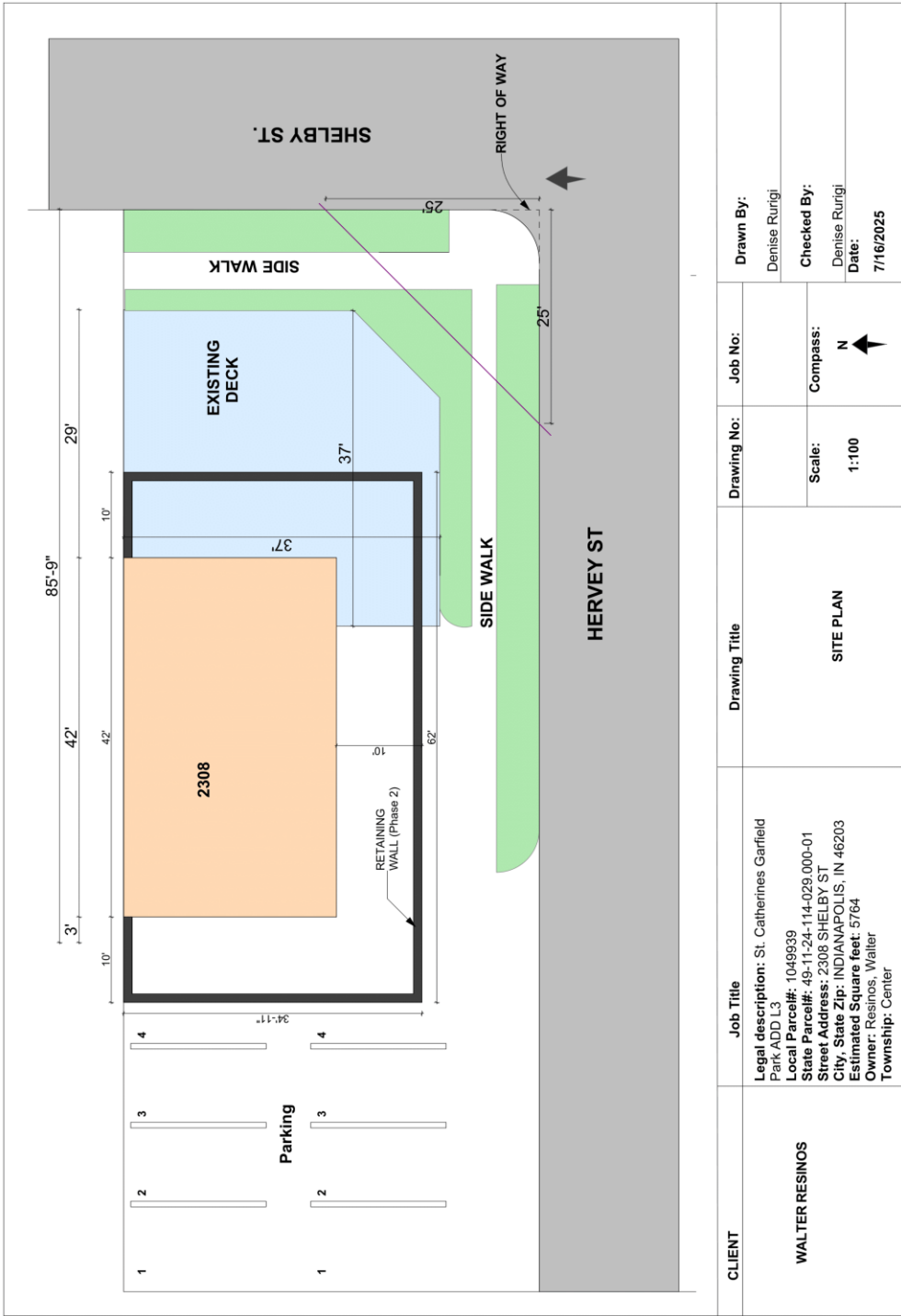
EXHIBITS



Aerial Photo



Clear Sight Triangle Exhibit



Updated site plan, file-dated 8/4/25



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

1. The deck will be used for business access & for recreational purposes.
2. Under phase 2, the retaining wall will expand the available exterior space by providing additional space for the customers.
3. Under phase 2, the second floor addition will provide additional interior space that will be used by the customer & or anyone entering the building.

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

it is an old fire station that is currently being used for storage. It will rather bring value to the adjacent property as it will be surrounded by more businesses.

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

1. the existing C-3 commercial zoning doesn't allow for an exterior deck for entertaining/ recreational purposes without a variance of use.
2. The deck and the proposed retaining wall under phase 2, encroaches into the required 10'-deep front yards from the property line.

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

1. It will limit the growth of the business community.
2. It will hinder the operations of the existing business currently on the property because it will limit the use of the exterior space. It will limit the number of customer access points to the building.
3. It will limit the use of the exterior space and prevent the use of the deck for recreational purposes.

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

The Variance that is being requested does not interfere in any way with the other surrounding businesses or adjacent properties.
Under phase 2, the proposed retaining wall and second floor addition will be built in adherence to the local safety regulations & building codes.

DECISION

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

Adopted this _____ day of _____, 20 ____



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

1. The deck poses no risk to pedestrians as it was built at ground level & within the property line. It does not interfere with the pedestrian traffic neither does it block the view since the railing is a see-through horizontal cable railing.

2. Under phase 2, The retaining wall will not pose any risk neither will it block the view as it will be built below ground level.

3. Under phase 2, the second floor addition will not pose any risk as it will be built as per building safety standards and following local building codes

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

1. The adjacent property is an old fire station that is currently being used for storage. The existing deck was built in the corner of Shelby & Hervey St. away from the adjacent property.

2. Under phase 2, the retaining wall will not affect or interfere with the adjacent property in any way as it will be built on the opposite side facing Hervey St.

3. Under phase 2, the proposed second floor addition will not affect the use or value of the adjacent property as it will be constructed on top of the existing building.

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

It will hinder the operations of the existing business currently on the property because it will limit the use of the exterior space. It will limit the number of customer access points to the building.

DECISION

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

Adopted this _____ day of _____, 20 ____



Looking north along Shelby Street



Looking northwest at primary building



Looking northwest at fence and deck



Looking west at subject site from other side of Shelby Street



Looking northeast



Looking north at deck and building

BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-UV3-012 (Amended)
Property Address: 2319, 2327 and 2331 North Gale Street (*approximate addresses*)
Location: Center Township, Council District #8
Petitioner: ICNA Relief USA Programs Inc., by David Gilman
Current Zoning: D-5 / C-5
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a transitional living quarters use.
Current Land Use: Residential
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

7/15: Staff became aware that at least one nearby property owner was mailed a version of the legal notice that incorrectly listed June 17th as the hearing date despite being postmarked as being sent on June 20th. It is likely that all mailed notices accidentally were sent indicating an incorrect hearing date that had already occurred. To allow time for sufficient notice with an accurate hearing date to be mailed, this petition was continued to the August 19th hearing date of Division III.

6/17: The petitioner made a continuance request at the June 17th hearing of Division III to allow time for legal notice to be sent and posted and to provide updates to the site plan. The updated site plan resulted in the blurb being amended to reflect a reduction in parking spaces requested (from 8 to 4).

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- The subject site is comprised of three split-zoned parcels: the southernmost parcel is developed with a duplex and accessory garage with vehicle access from the rear yard, while the northern two (2) parcels are undeveloped. The duplex was originally constructed in 1930 and is a two-story building with multiple exterior stairs that appears to contain two (2) dwelling units. Surrounding land uses include an elementary school to the west, residential uses to the north, an auto repair shop and rail tracks to the south, and industrial uses to the east. A variance was approved in 2009 to legally establish both structures with existing setbacks and partially within C-5 zoning. Parking facilities exist to the rear of the current duplex structure as well.

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- Approval of this petition would allow for the site to be utilized as a transitional living quarters. This is a distinct use category from a group home or daily emergency shelter and would allow for residential facilities providing temporary lodging for women and children in immediate need for up to two (2) years. Neither the C-5 zoning district to the south or the D-5 district to the north of the site would allow for this use (permitted only in higher-intensity residential zonings).
- Previous site plans submitted by the applicant indicated expansion of the parking area in amount of up to ten on-site parking spaces. This parking addition would have required a Variance of Development Standards since for the closest comparable land use type, the Ordinance indicates that the maximum allowable parking would be two (2) parking spaces per three (3) habitable units. The most recent site plan submitted on August 8th indicates that only two parking spaces would be present, and that bicycle parking would be made available. This removes the need for any relief related to parking standards (though expansion of the parking would not be permitted without a petition given the maximum of 2 spaces per 3 units). Additionally, although the southeastern vehicle access point is oddly structured it does not appear to violate Ordinance rules about exclusive vehicle access from alleyways. However, placement of an ADA parking space as noted on plans would require the addition of a van-accessible aisle with a width of at least 96 inches. Approval of this variance would not replace or supersede any State certification requirements for legal operation of the use.
- This property is zoned both C-5 (General Commercial district) to the south to allow for retail sales and service functions typically characterized by automobiles and outdoor operations and D-5 (a residential zoning district) to the north to primarily allow for detached houses and some small multi-unit building types in strategic locations. The Comprehensive Plan (Land Use Plan Pattern Book, Martindale-Brightwood Quality of Life Plan) recommend the southern portion of the site for commercial office uses and the northern portion for low to medium density residential uses.
- The Plan of Operation provided by the applicant implies that the use would be housed within the existing duplex and that it would serve as a safe alternative housing option for women and their children working towards self-sufficiency. It also indicates that while there would be “occasional counselors, service providers or support personnel” visiting occupants, no full-time staff would be located on-site. The organization that would own and operate the use is a religiously affiliated social services organization with a national scope that focuses on health services, hunger prevention, transitional homes, and more (per their website). However, staff would emphasize that the proposed use is defined by Ordinance as a religious use and is instead residential in nature with all associated standards and regulations for residential development being applicable.
- Findings of Fact provided by the applicant indicate that the proposed use would be appropriate for the surroundings given that the existing structure and proposed parking would be residential in character and compatible with surrounding land uses. Staff would note that if the proposed use were to expand further north on the site beyond the existing duplex, placement of additional buildings or parking would bring the use and parking out of harmony with the lower-density residential development to the north. Staff feels that approval of this variance could make the likelihood of future requests to expand the unpermitted use more likely in the future.

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- In addition to staff concerns about future expansion onto the parcels to the north, it is unclear why the petitioner would require a variance of use to fulfill their stated objective of housing 1-2 family units of women and children on a temporary basis. The property is currently legally established as a duplex which would allow for such lodging without the need for relief via a zoning petition; therefore, staff does not feel that undue hardship has been established (a statutory requirement for variance approval).
- Since (a) the proposed use is prohibited within both of the zoning districts of the property; (b) the site could legally function with a similar residential use (duplex/two-family dwelling) without the need for a Variance of Use; and (c) approval could result in future expansion of the prohibited use further north onto the subject site, staff recommends denial of the petition.

GENERAL INFORMATION

| | | |
|-----------------------------------|--|---|
| Existing Zoning | D-5 / C-5 | |
| Existing Land Use | Residential | |
| Comprehensive Plan | Traditional Neighborhood / Office Commercial | |
| Surrounding Context | Zoning | Surrounding Context |
| North: | D-5 | North: Residential |
| South: | C-5 | South: Commercial |
| East: | C-4 / C-5 | East: Commercial |
| West: | SU-2 | West: Institutional (School) |
| Thoroughfare Plan | | |
| Gale Street | Local Street | 50-foot existing right-of-way and 48-foot proposed right-of-way |
| Roosevelt Avenue | Local Street | 34-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 | 03/20/2025 | |
| Site Plan (Amended) | 08/08/2025 | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | 03/20/2025 | |
| Findings of Fact (Amended) | 06/20/2025 | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Martindale-Brightwood Neighborhood Plan (2011)
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The northern portion of the site is recommended to the Traditional Neighborhood living typology to allow for a variety of housing types ranging from single family homes to large-scale multifamily housing. Access to parcels should come from alleys when practical, and building form should promote the social connectivity and continue the visual pattern of the neighborhood. Typical residential density of 5 to 15 dwelling units per acre is recommended.
 - Small-scale multifamily housing uses should be placed near intersections or collector streets, should not comprise over 25% of blocks that also contain single-family homes (and should have similar size and orientation to single-family homes when possible), and should have parking either behind or interior to the development.
- The southern portion of the site is recommended to the Office Commercial typology to allow for single and multi-tenant office buildings and a buffer between higher and lower intensity land uses.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Similarly to the Pattern Book, the Martindale-Brightwood Quality of Life Plan recommends the northern portion of the site for low density residential uses and the southern portion for commercial office uses. The plan also emphasizes decreasing the number of abandoned homes.

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

2009UV1028, Variance of Use and Development Standards of the Commercial Zoning Ordinance to legally establish: (a) a single-family dwelling (not permitted) with a zero-foot front setback from the existing right-of-way of Gale Street (minimum ten-foot front setback required) and a zero-foot north side transitional setback (minimum twenty-foot north transitional yard required); and (b) a 270-square foot detached garage with a zero-foot front setback from Roosevelt Avenue (minimum ten-foot front setback required), and a nine-foot north transitional side setback (minimum twenty-foot north transitional yard required), **approved**.

ZONING HISTORY – VICINITY

2013HOV041 ; 2429 N Gale Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a single-family dwelling, with a 9.4-foot aggregate side setback (10-foot aggregate side setback required), **approved**.

2012HOV012 ; 2333 N Gale Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for: (a) a two-foot porch / stoop side setback and eight-foot aggregate setback for 2333 and 2402 Gale Street (four-foot minimum setback and 10-foot aggregate setback required); (b) to provide for 0.7-foot porch /stoop side setback and 8.4-foot aggregate side setback at 2367 Gale Street (four-foot minimum setback and 10-foot aggregate setback required); and (c) to provide for a one-foot setback for a parking pad and a 2.5-foot setback for a storage shed, creating an aggregate side setback of 3.5 feet at 2333 Gale Street (four-foot minimum setback and 10-foot aggregate setback required), **approved**.

2012HOV010 ; 2427 N Gale Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a side porch, with a zero-foot north side setback, creating a 4.7-foot aggregate side setback (minimum four-foot side setback and 10-foot aggregate side setback required), **approved**.

2007UV3013 ; 2436 Station Street (northeast of site), VARIANCE OF USE AND DEVELOPMENT STANDARDS of the Commercial Zoning Ordinance to legally establish an excavating contractor (not permitted), and to legally establish six parking spaces with insufficient maneuvering area (proper maneuvering area required), **approved**.

EXHIBITS

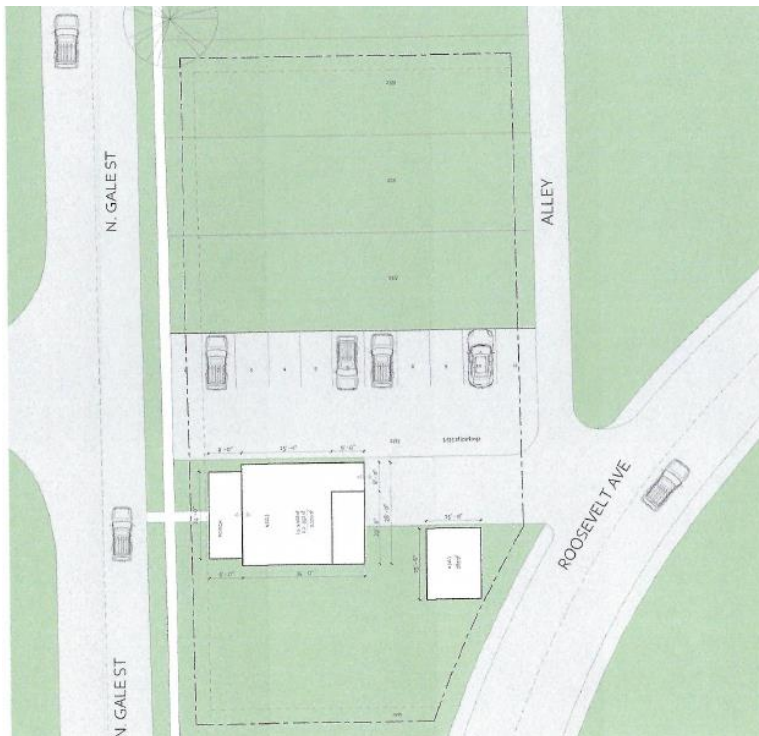
2025UV3012 ; Aerial Map



2025UV3012 ; Site Plan (8/8/25)



2025UV3012 ; Site Plan (3/20/25)



2025UV3012 ; Plan of Operation

BACKGROUND

The subject site is located on the east side of N. Gale Street just north of Roosevelt Avenue. The site consists of 0.45 acres and is zoned D5 and C5. The existing improvements consist of a 2,496 sqft duplex dwelling with a detached storage building. The surrounding zoning is SU2 to the west (Elementary School), C5 to the south (Automobile Repair), D5 to the north (Single-Family) and C4 and I3 to the east (Vacant Commercial and Industrial Buildings).

Proposed Use

The proposed use will be Transitional Living Quarters for homeless women and their children to provide safe alternative housing which fosters healing and growth while working towards self-sufficiency.

Compatibility and Harmony

The proposed use will require minimal improvements to the existing duplex and will be compatible with other residences in the immediate area. The site is surrounded by a wide variety of uses consisting of a school, residential, commercial, and industrial. The paved parking area will only have access from the alley and contain landscape plantings to screen and buffer the Gale Street frontage and residential to the north. The parking area will have connectivity to the home with walkways and an outdoor communal area.

Workforce

There will not be any full-time staff at the site. There may be an occasional counselor, service provider or support personnel(s) visiting the families living at the home.

Hours of Operation

There will be no business hours at the home.

Off-Street Parking

There are nine (9) parking spaces provided, including 1 van accessible ADA space. The parking is designed to accommodate the tenants, counselors, service providers and support personnel.

Signage

There will be no signage required.

Clients and Customers

There will be no clients or customers at the site.

Lights

Only small wall pack security lights will be installed at the designated entrance and exit to the home.

Shipping and Receiving

All shipping and receiving will be delivered by normal postal services.

Drainage

The stormwater drainage system will be designed to accommodate the paved parking lot and discharge into a storm sewer inlet located approximately 200 feet from the proposed parking lot.

Waste

All waste would be picked up by utilizing a private or City waste disposal service. There will be no storage of hazardous materials on site.

2025UV3012 ; 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 will be located within an existing residence that has direct access to a public street, all necessary utilities and will provide a living quarter for women needing assistance.

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 exterior of the dwelling will maintain its residential character and the proposed use will be compatible with the adjacent uses in the immediate area.

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

The site is zoned for commercial and residential use and the Transitional Living Quarters is not permitted in a portion of the existing residence.

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

The residence is split with a residential and commercial zoning district. The use variance is necessary to allow the entire residence to be used for a Transitional Living Quarters.

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

The use variance will not change the underlying zoning districts.

2025UV3012 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site Viewed from Northwest

2025UV3012 ; Photographs (continued)



Photo 3: Subject Site Viewed from Northeast



Photo 4: Subject Site Viewed from East

2025UV3012 ; Photographs (continued)



Photo 5: Subject Site Viewed from Southeast



Photo 6: Subject Site Viewed from Southwest

2025UV3012 ; Photographs (continued)



Photo 7: Building Access/Alley Viewed from East (Roosevelt)



Photo 8: Building Access/Alley Viewed from North (Alley)

2025UV3012 ; Photographs (continued)



Photo 9: Adjacent Property to North



Photo 10: Adjacent Property to South (Viewed from Roosevelt)

2025UV3012 ; Photographs (continued)



Photo 11: Adjacent Property to Southeast



Photo 12: Adjacent Property to Northeast

BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-UV3-016

Property Address: 1659 East Sumner Avenue (approximate address)

Location: Perry Township, Council District #23

Petitioner: Cronus LLC, by Erin Donovan

Current Zoning: D-5

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,414-square-foot second primary building (not permitted) with a four-foot east side yard setback (seven feet required).

Current Land Use: Residential

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

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was continued to the August 19, 2025 BZA Division III hearing due to insufficient notice.

STAFF RECOMMENDATION

- Staff **recommends denial** of this petition

PETITION OVERVIEW

- This petition would allow for a 1,414-square-foot second primary building (not permitted) with a 4-foot east side yard setback (seven (7) feet required).
- The subject site is zoned D-5 and is improved with a single-family residence. The accessory structure in question was built without the issuance of the required permits and subsequently received violations for the ongoing work (VIO25-003658, VIO24-008966).
- With the proposed structure being over 900 square feet, Staff classifies this as a second primary building and not an accessory structure, thus triggering a Variance of Use as opposed to a Variance of Development Standards. Staff sees additional residential structures over 900 square feet to be primary structures because at this size the structure is often no longer clear subordinate to the original structure in use and size.

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

- Staff has numerous concerns about this proposal. First, the proposed structure has been built illegally and in a manner that is not compliant with the Ordinance. Staff finds this to represent poor building practice and to be an undesired precedent for future development. Additionally, the structure is far larger than the permitted 720 square feet for a Secondary Dwelling Unit. This standard is in place to limit overdevelopment and to maintain consistent building form and characteristics. Staff finds this proposal to be entirely out of character for the area, and to constitute overdevelopment of the site.
- With regards to the variance for the reduced side yard setback, Staff does not find there to be any practical difficulty for needing the reduced setback, as the lot is of sufficient width and area for an accessory structure, just not the structure that is proposed which rivals the existing dwelling unit on site. Additionally, the request for reduced setbacks on a lot that is of sufficient width furthers Staff's belief that this proposal constitutes overdevelopment of the property.
- In summary, Staff finds the proposal to represent a circumventing of the Subdivision Control Ordinance, that is overdevelopment and does not have any practical difficulty for the requested variances. Therefore, Staff is opposed to the request and recommends denial of the petition. Staff would note that a secondary dwelling can be constructed on this property, and urges the petitioner to alter the plans to allow for a compliant structure.
- Finally, Staff would note that the submitted site plan and Findings of Fact indicate that the property is bordered by an easement to the east. This is inaccurate, as the property is bordered by an alley to the east which is public right-of-way. Staff has not found any indication of a recorded easement existing at this location.

GENERAL INFORMATION

| | | |
|-----------------------------------|---------------------------|---|
| Existing Zoning | D-5 | |
| Existing Land Use | Single-family residential | |
| Comprehensive Plan | Traditional Neighborhood | |
| Surrounding Context | <u>Zoning</u> | Surrounding Context |
| North: | C-3 | North: Vacant |
| South: | D-5 | South: Residential |
| East: | D-5 | East: Residential |
| West: | D-5 | West: Single-family residential |
| Thoroughfare Plan | | |
| East Sumner Avenue | Primary Collector | 70 feet of right-of-way existing and 56 feet proposed |
| Context Area | Compact | |
| Floodway / Floodway Fringe | No | |
| Overlay | No | |
| Wellfield Protection Area | No | |
| Site Plan | 5/2/25 | |

| | |
|----------------------------|--------|
| Site Plan (Amended) | N/A |
| Elevations | 5/2/25 |
| Elevations (Amended) | N/A |
| Landscape Plan | N/A |
| Findings of Fact | 5/2/25 |
| 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 Marion County Land Use Plan pattern Book recommends the Traditional Neighborhood typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- With regards to accessory structures, the Infill Housing Guidelines recommends:
 - Do not overshadow primary building: the scale, height, size, and mass should not overshadow the primary structure

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

2022ZON102; 3431 Carson Avenue (northeast of site), Rezoning of 0.52 acre from the D-4 district to the C-1 district to provide for commercial uses, **approved**.

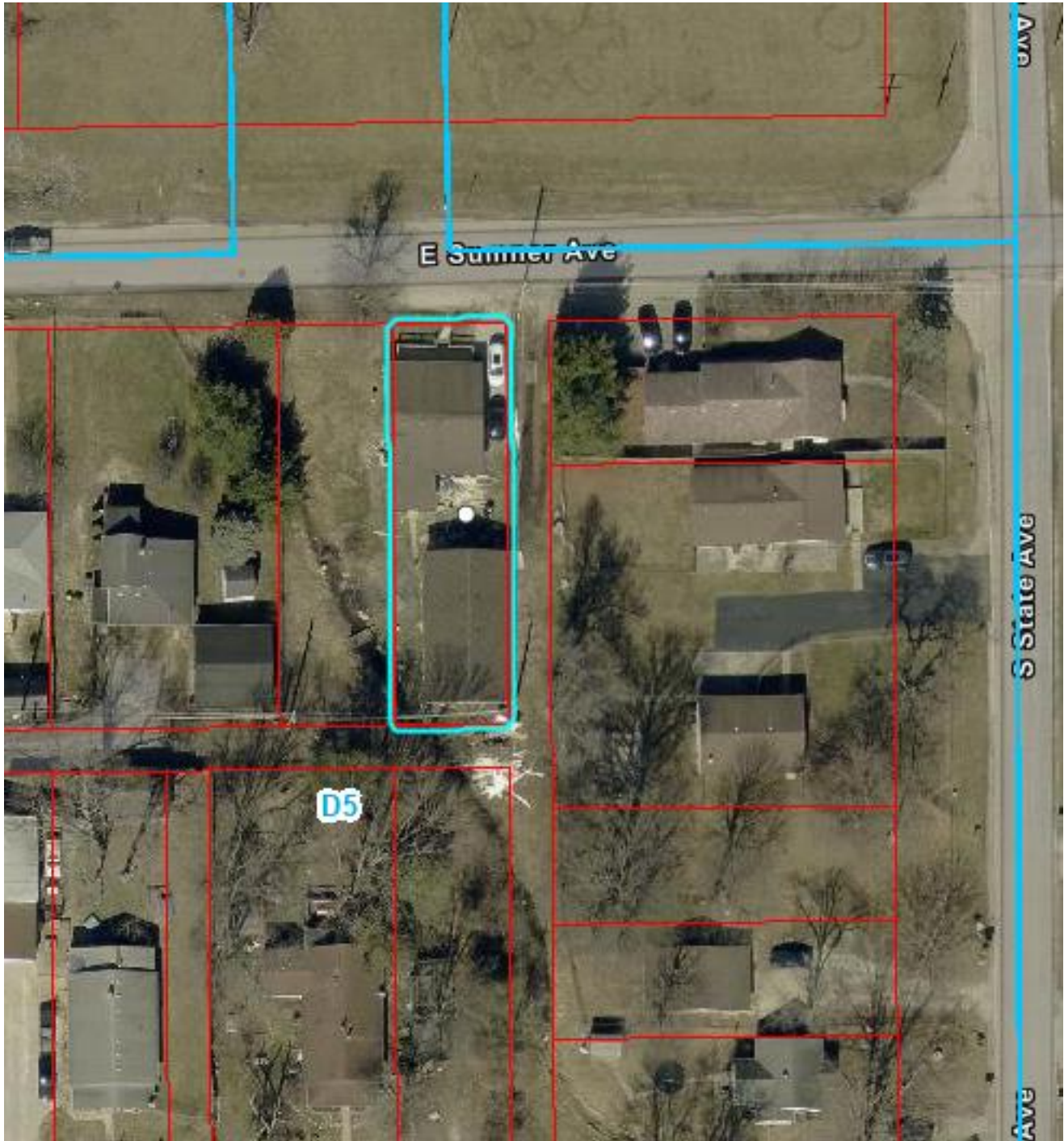
99-V2-9; 1526 Edgecomb Drive (west of site), variance of development standards of the Dwelling Districts Ordinance to provide for the construction of a 22 by 48-foot single family residence 15 feet from the existing right-of-way line of Draper Street (minimum 25 feet required), **granted**.

96-UV3-93; 3450 Carson Ave (northeast of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an office and commercial storage facility, **granted**.

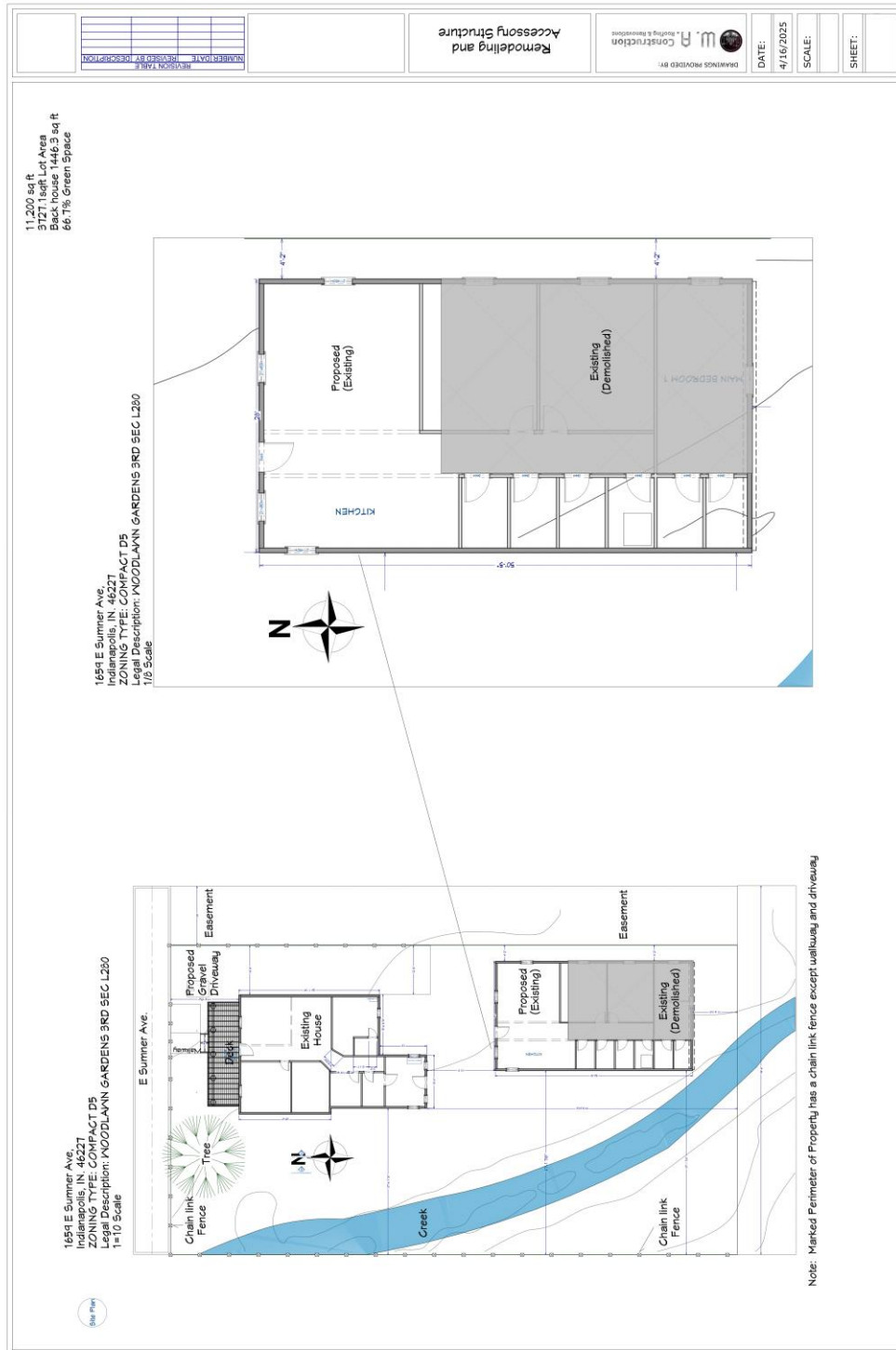
94-UV1-65; 3481 Carson Ave (east of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for construction of a 2,204 square foot building to be used as an office and storage facility for commercial materials, being 15 feet from the proposed right-of-way of Carson Avenue, **granted**.

79-Z-177; 3438 Carson Ave (north of site), requested rezoning of 0.68 acre, being in the D-5 District, to the C-3 classification to provide for commercial use, **granted**.

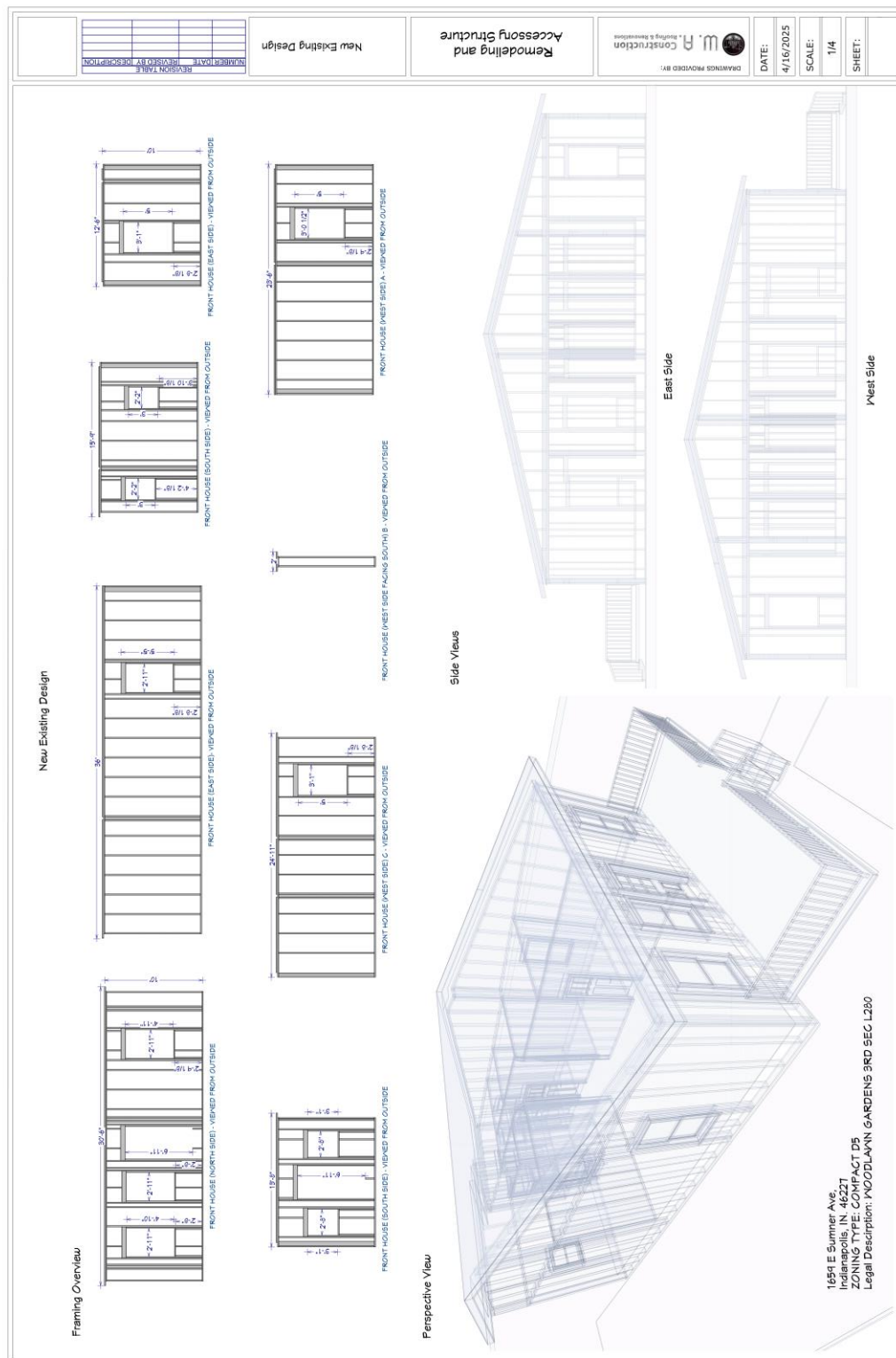
EXHIBITS



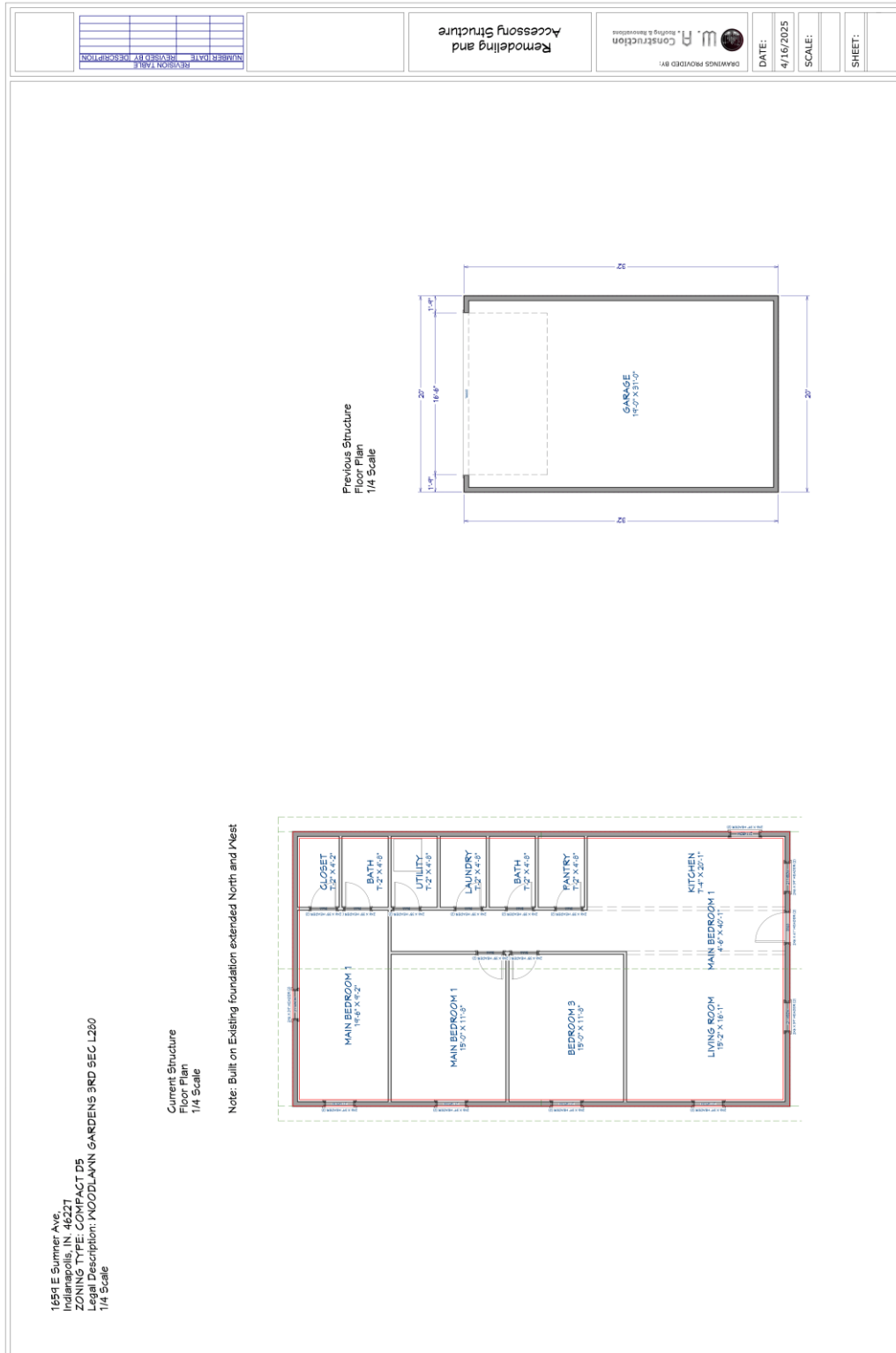
Aerial Photo

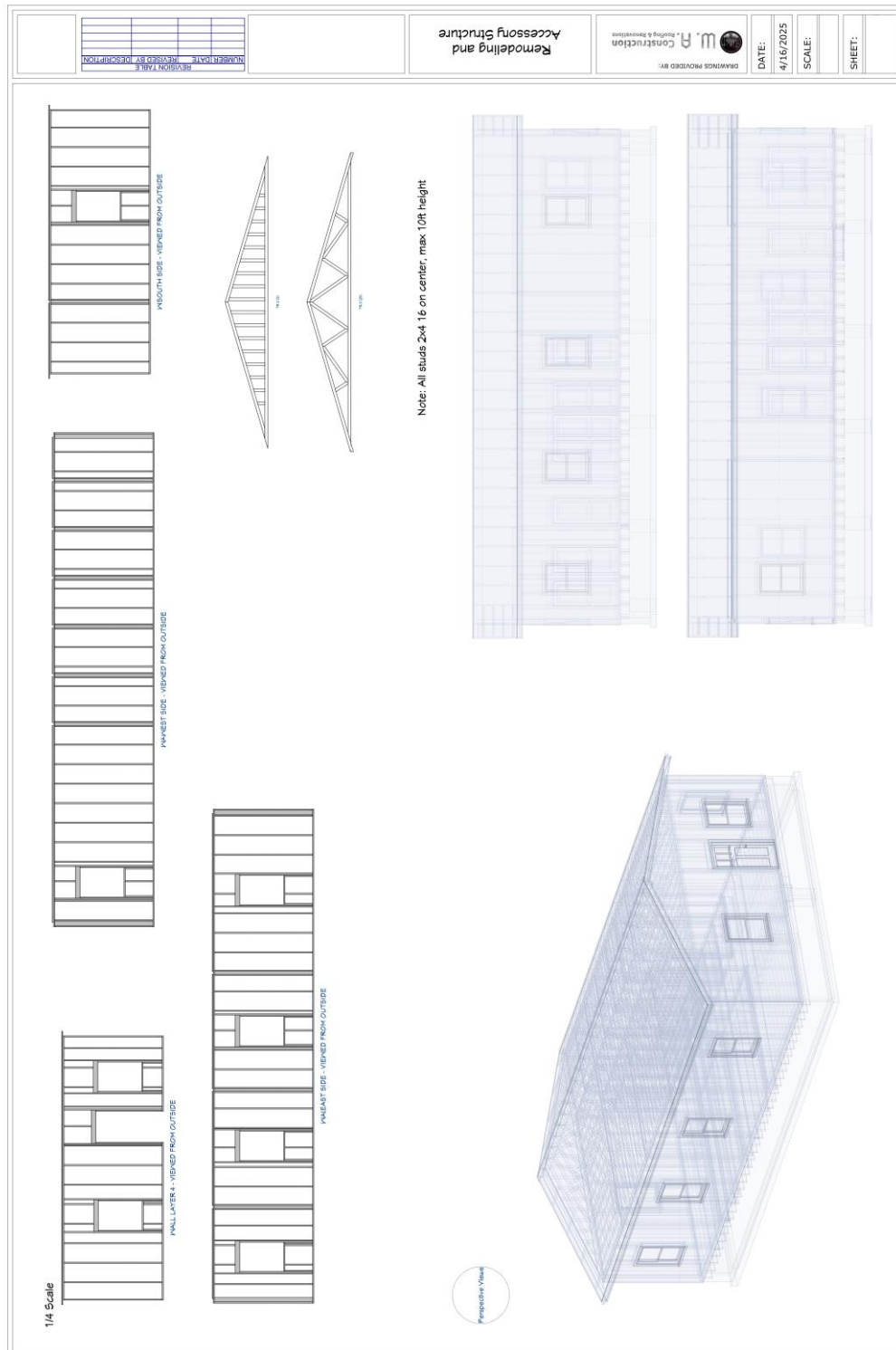


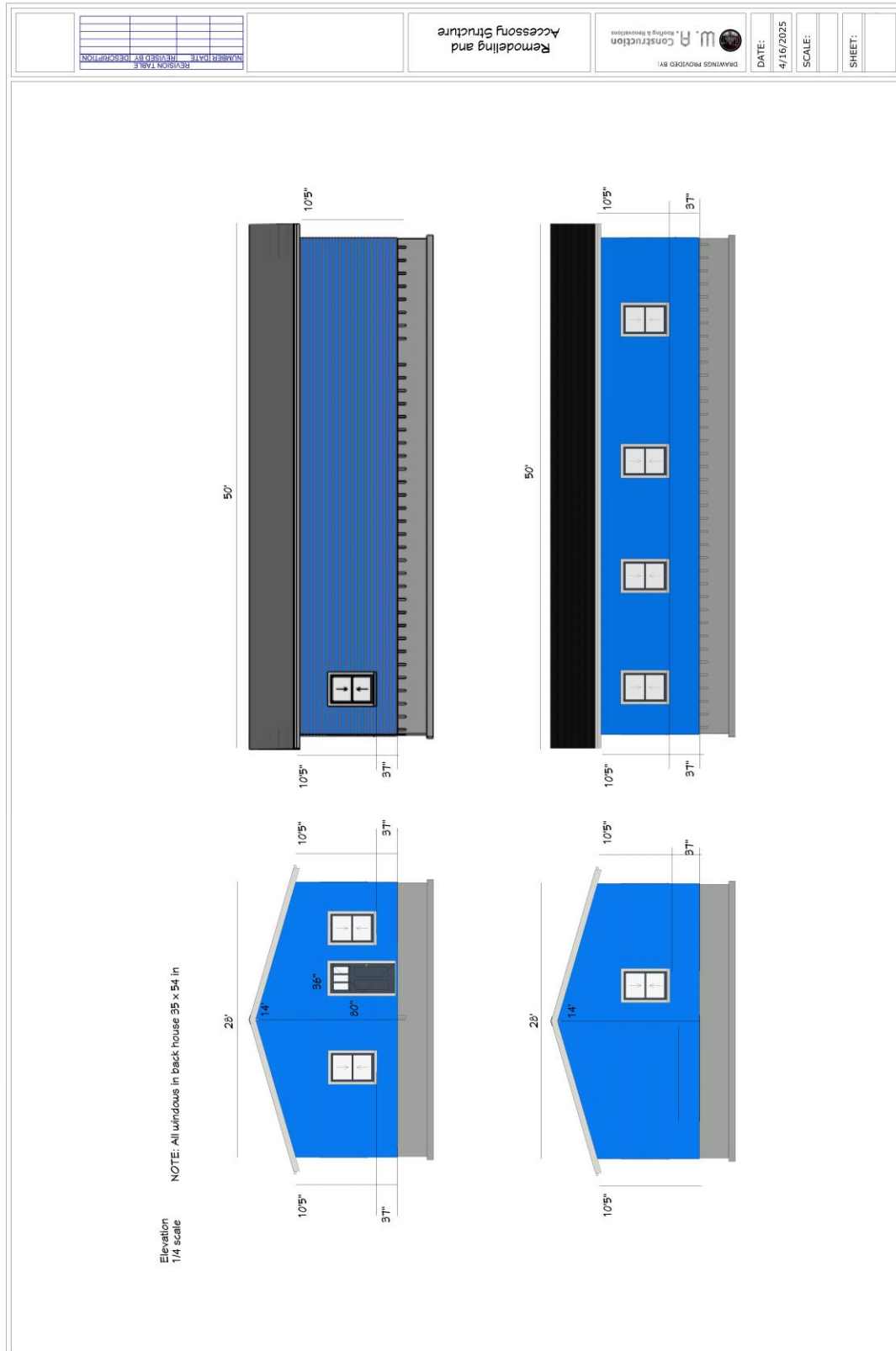
Site plan, file-dated 5/2/25













Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

All building codes will be followed to ensure a safe, modern, and compliant structure that reflects the scale and character of nearby residential properties. The proposed porch is modest in size and complements the architectural design of the home. While the porch extends slightly beyond the standard setback requirement, this minor deviation does not compromise visibility, access, or the safety of the public or adjacent properties. The property is bordered by a city drainage easement and a public street, with no immediate neighboring lots impacted by construction activity or increased traffic. The closest neighboring homes are located approximately 70 feet to the east and west, 100 feet to the south, and 570 feet to the north—well beyond any threshold of concern. The construction will not obstruct views or disrupt the flow of the neighborhood. Proper drainage and utility installation will be implemented and inspected to ensure the project enhances the safety and function of the area. Additionally, this improvement is expected to increase the property's value and contribute positively to the surrounding neighborhood, which consists largely of older, less modernized structures. The project promotes responsible development while upholding the intent of the zoning ordinance and community standards.

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:

Adding a new, modern house on the back portion of the property and a new deck on the front is expected to increase the overall value of the property. It will also potentially elevate surrounding property values because an attractive, well-maintained new construction often contributes to neighborhood desirability. Additionally, because this second house will be situated away from other properties surrounded by the existing house in the front, a city easement, and the creek—there will be no negative impact on neighbors' enjoyment of their land (no new noise sources adjacent to their yards, no obstruction of views, etc.). The property is bordered by the street to the north, the city's drainage easement to the west, and a creek at the rear; there are no direct neighbors adjoining the build site. As a result, there is no traffic or pedestrian disruption, and emergency vehicles or city maintenance crews will still have the same level of access they currently enjoy. No road or neighbor's property touches any part of the structure, and as such no neighbor will be impacted by the structure. Rather, the improvement to the property will maintain or even boost the neighborhood's aesthetic and market appeal, which is a benefit to all property owners in the neighborhood.

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

The petitioner's situation is not typical. The petitioner owns two adjacent plots, yet one is almost entirely occupied by the city's storm drainage system. Despite paying full taxes on that parcel and bearing all maintenance costs—removing debris, landscaping, and ensuring no blockages—the parcel cannot be used for building or any meaningful purpose. Although the law permits splitting double parcels and constructing two separate structures with distinct addresses, the restrictions imposed by the city's drainage system prevent this. Granting this variance would allow the petitioner to recoup the normal value expected if both parcels were buildable. Approval aligns with the principles of fairness and does not compromise the intent of zoning ordinances, as legally, two parcels contain two properties. Public safety will not be harmed, nor will neighbors be negatively impacted, as they are able to split their double parcels in the absence of a storm sewer on their land.

DECISION

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

Adopted this _____ day of _____, 20 _____



Subject site with secondary structure in the rear



Primary residence



Subject site with accessory structure in rear



Accessory structure in rear

BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-UV3-020 (Amended)

Property Address: 3615 South Rural Street (*approximate address*)

Location: Perry Township, Council District #19

Petitioner: Lopez Rentals LLC, by Maurice R. Scott

Current Zoning: D-A

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for operation of an event center (not permitted) without bicycle parking (minimum of 10% of required vehicle parking spaces required) with gravel parking areas (hard surfacing required) containing 114 vehicle spaces (maximum 100 spaces permitted for proposed capacity) and a 10-foot rear yard setback (75-foot setback required) with individual parking stalls containing 162 square feet (180 square feet required).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This petition was continued from the July 15th hearing date to allow time for amended notice to be sent.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 3615 South Rural Street is a 4.81-acre parcel that is currently developed with a primary dwelling unit containing three (3) bedrooms as well as several accessory structures and barns (one of which contained a painted 600 SF sign on the barn roof). That sign and other buildings were previously associated with a distillery and bed/breakfast use that was granted approval via the variance petition 2018UV3012. It appears that the distillery use is no longer active at the site and that the property is currently used solely for residential functions.
- Surrounding land uses include undeveloped land to the east (zoned SU-1 for religious uses in association with a church to the southeast), single-family residences to the north, an interstate expressway to the south, and a labor union hall to the west.

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

- Approval of this petition would allow for the site to function as an event center primarily used for weddings but that could also include birthday parties, corporate gatherings, and meetings. To accommodate the use, the site would also be improved with new parking areas containing 114 spaces and the addition of a second driveway further north on Rural Street leading to the gravel parking area. It appears that the drives would be paved while the parking lot would be gravel, and that additional lighting and landscaping would be added sporadically throughout the site.
- A Use Variance would be required since the proposed use of an event center would not be permitted within D-A zoning (allowed as a primary use within higher-intensity commercial/mixed-use as well as CBD districts). Additionally, the proposed parking lot size and layout would require several Variances of Development Standards: **(a)** the parking area would encroach into the required eastern rear yard setback (required 75 feet respectively and proposed 10 feet); **(b)** the parking area would be comprised of gravel when paving is required; **(c)** the proposed dimensions of individual parking stalls noted on the site plan (9 feet by 18 feet) would not meet the minimum size requirement of 180 square feet per space; **(d)** no bicycle parking appears to be provided when 10% of the required vehicle parking spaces would be required; and **(e)** 114 vehicle parking spaces would exceed the maximum parking allowed for the proposed capacity of the event center (200 people with maximum parking allowance of 1 space per 2 seats).
- This property is zoned D-A to allow for a variety of agricultural uses (including animal and poultry husbandry, farming, cultivation of crops, and more) as well structures and lands for housing products resulting from agricultural use. A secondary provision of this district is large estate development of single-family dwellings (either with or without an accompanying agricultural use). Event center uses are not permitted within D-A or other residential zoning districts. The Comprehensive Plan recommends the site to the Suburban Neighborhood typology to allow for a variety of residential uses supported by of neighborhood-serving businesses, institutions, and amenities. Places of assembly (i.e. churches, schools, or event centers) are a contemplated land use type only in instances in which the development is along arterial streets, has pedestrian accessibility, is isolated from highways, near transit, and developed in harmony with the surrounding neighborhood with parking areas adequately screened.
- The submitted plan of operation indicates that the event center would operate based on reservations but would be available for rental from 10 AM to midnight on Monday through Saturday and noon to 6 PM on Sundays. The property would otherwise remain locked and would employ an on-site manager to allow for tours and security. Although the plan initially provided for staff review didn't specify maximum capacity, later correspondence with the applicant indicates that maximum number of guests that could attend an event would be 200, unless fire code required a smaller number.
- Findings of Fact provided by the applicant indicate that the proposed use would be less intrusive than the previous distillery and bed & breakfast uses since it would not involve distribution of whiskey barrels by truck to and from the site, that fencing and adequate separation would be provided, and that the proposed use would be compatible with the Comprehensive Plan recommendation for the site.

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

- Staff would note that although the proposed use likely wouldn't involve distribution of goods via larger trucks, conducting events that would result in parking above allowable ordinance maximums and solely accessible by local streets would likely place substantial burden onto roads and houses along Rural Street and Sumner Avenue. Given the size of the lot and proximity to residences to the north, staff would also disagree that practical difficulty justifying placement of parking that doesn't meet ordinance standards is present. Finally, the Pattern Book only recommends 'places of assembly' uses within the Suburban Neighborhood typology in areas along arterial streets, with pedestrian accessibility if near residential development, away from highways, within a half mile of transit, in harmony with the surrounding neighborhoods, and with screening of parking areas (many of these standards are not met for the subject property).
- Overall, staff's concerns center on the creation of sound, dust, and road impact in the immediate area (particularly for residences to the north of the site). Placement of gravel parking to the east would also likely create issues related to the marking of parking stalls and site drainage. No undue hardship exists that would prevent this site from functioning either as a single-family residence (with or without accompanying agricultural uses) or with uses via the previous petition at this site, and the fact that five (5) separate variances of development standards would be required shows that the proposed parking area deviates substantially from what the ordinance and Plan envision. Staff recommends denial of the petition.

GENERAL INFORMATION

| | | |
|-----------------------------------|-----------------------|---|
| Existing Zoning | D-A | |
| Existing Land Use | Residential | |
| Comprehensive Plan | Suburban Neighborhood | |
| Surrounding Context | Zoning | Surrounding Context |
| North: | D-3 / D-A | North: Residential |
| South: | D-A | South: Interstate |
| East: | SU-1 | East: Undeveloped |
| West: | C-1 | West: Institutional |
| Thoroughfare Plan | | |
| Rural Street | Local Street | 28.5-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 | 06/12/2025 | |
| Site Plan (Amended) | 07/24/2025 | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | 06/12/2025 | |
| Findings of Fact | 06/12/2025 | |

**Findings of Fact
(Amended)**

07/24/2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Pattern Book recommends this site to the Suburban Neighborhood living typology to allow for predominantly single-family housing, but is interspersed with attached and multi-family housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural corridors should be treated as focal points or organizing systems for development. Residential density is typically 1 to 5 dwelling units per acre.
 - Although places of assembly (such as schools, places of worship or other neighborhood-serving institutions) are a contemplated land use, the Plan recommends they be placed along arterial streets, with pedestrian accessibility if near residential development, away from highways, within a half mile of transit, and in harmony with the surrounding neighborhoods and screen parking and service areas to buffer nearby residential uses.

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

2018UV3012, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 600-square foot sign on the roof of a barn (not permitted) and to provide for the warehouse storage of barrels of whiskey for aging, with distribution of barrels to and from the site (not permitted), **approved**.

2016ZON084, Rezoning of 5.004 acres from the SU-1 district to the D-A classification, **approved**.

96-Z-58, Rezoning of 30.4 acres from the D-A and D-3 districts to the SU-1 classification, **approved**.

ZONING HISTORY – VICINITY

2024CZN820 ; 3107 E Sumner Avenue (northeast of site), Rezoning of 0.924 acre from the D-A district to the D-5 district to provide for residential uses, **approved**.

2006ZON092 ; 3650 S Rural Street (west of site), rezoning of 4.87 acres, from the D-5 District, to the C-1 classification to provide for office-buffer commercial uses, **approved**.

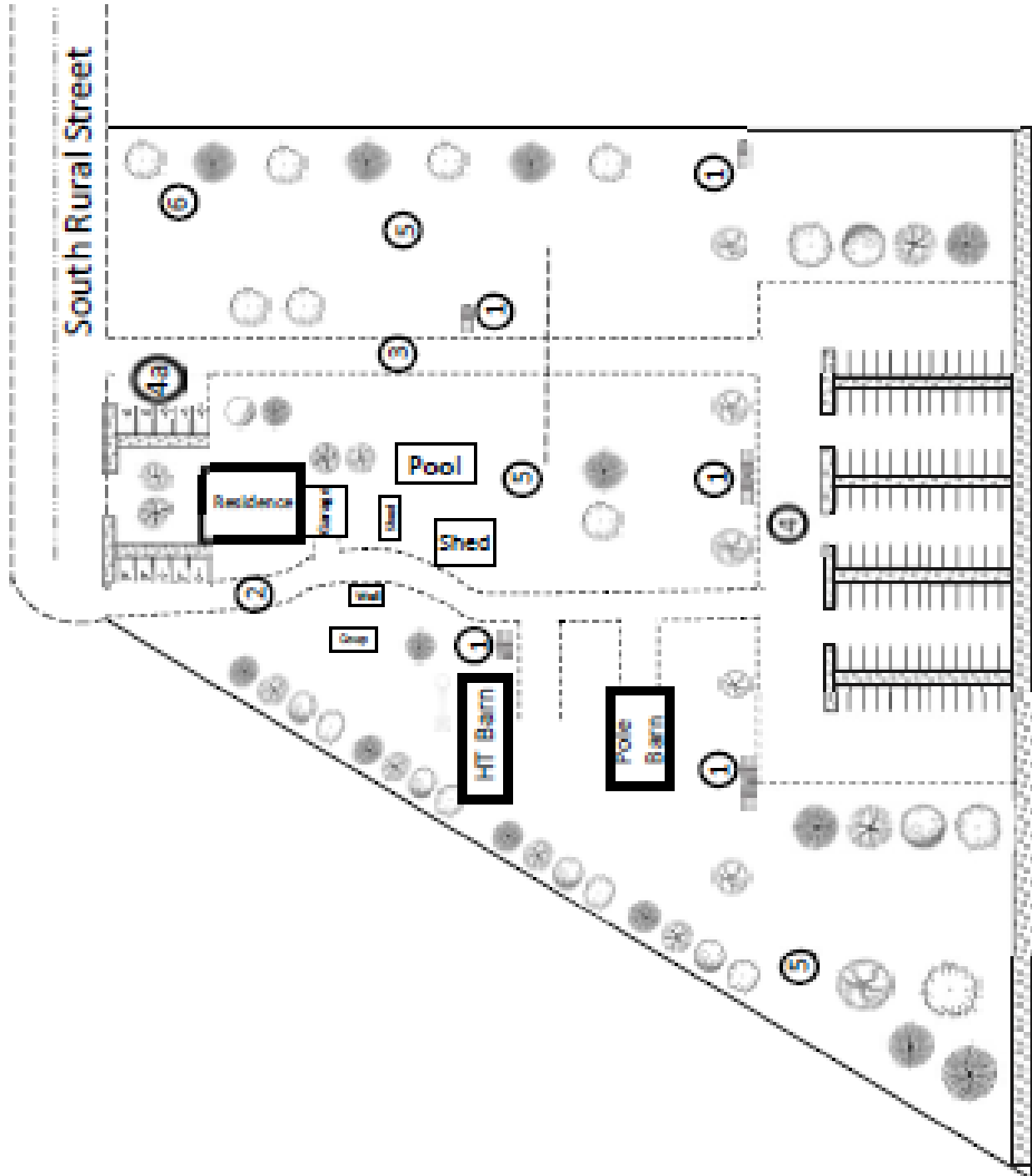
2005DV2023 ; 3740 Dearborn Street (southeast of site), legally establish a 25-ft. tall, 89.91-sq.ft. pylon sign with a 24.11-sq.ft. electronic variable message component (EVMS not permitted in SU-1 district), located 130 ft. from a protected district (pylon signs not permitted within 600 ft. of a protected district), **denied**.

EXHIBITS

2025DV1005 ; Aerial Map



2025DV1005 ; Site Plan (not to scale; 07/24/25 version)



2025DV1005 ; Plan of Operation

Lopez Rentals, LLC will operate a five-acre property located at 3615 S. Rural Street, Indianapolis, Indiana. The property has a house, with attached two-car garage, two large barns, and three smaller sheds. The largest of the two barns will have a painted sign on the roof identifying the farm.

The house is a three bedroom, and a half bathroom, suitable for two to three renters living in the house at one time.

Lopez Rentals plans to utilize the barns as event spaces for birthday parties, corporate gatherings, meetings, and mainly weddings. The farm is an ideal wedding venue as it picturesque. Lopez rentals will require security for all booked events.

The event space will operate subject to booked events. An event planner/manager will remain on site for tours and to resolve issues of persons who are using the property. The earliest expected operating hours would be 10 a.m. and close at 12 a.m. during the week. Sunday hours will be limited to 12:00 p.m. to 6:00 p.m. Once events are concluded the gates to the property will be locked so that no one can enter the premises.

Vehicles will be parked in the gravel patch between the barns. When the weather permits, the gravel pitch will be paved and lined with designated parking spaces, including handicap spaces to comply with the municipal code.

2025DV1005 ; Sign Approved via 2008 Variance



2025DV1005 ; 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 use of the property will be less intrusive than its current use. Heavy trucks will not be entering the property possibly tearing the streets to get to the property. Significant on-site surface parking is provided. The surface parking will be appropriately landscaped. Negative impact on traffic as the development is located at a dead end street.

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 owner will maintain the business in a first-class manner similar to the other event centers. The event center will maintain quiet hours and limit the amount of vehicles and persons allowed on the property at one time. There is adequate separation between the property and other structures in the neighborhood. A fence separates the property from residents.

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

The property currently allows for a distillery and/or storage of alcohol. A distillery is no longer needed as the current owner is not in the alcohol business. The buildings and landscape are ideal for events such as weddings, business meetings, and community events.

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

The storage barns are ripe to serve as a venue space. No agriculture or storage activities take place on the property.

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

The comprehensive plan is to create a suburban area. Within suburban areas are everyday activities where residents do not have to travel to the inner city.

2025DV1005 ; Findings of Fact (Development Standards)

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

The use of the property will be less intrusive than its current use. Heavy trucks will not be entering the property tearing the streets to get to the property. Significant on-site surface parking is provided. The surface parking will be appropriately landscaped. Negative impact on traffic as the development is located at a dead end street. The parking will not be more than allowed by the municipal code.

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 owner will maintain business in a first-class manner similar to other event centers. The event center will maintain quiet hours and limit the amount of vehicles and persons allowed on the property at one time. There is adequate separation between the property and other structures in the neighborhood. A fence separates the property from residents.

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

The storage barns are ripe to serve as venue space. No agriculture or storage activity takes place on the property.

2025DV1005 ; Photographs



Photo 1: Site Entrance Viewed from West (provided by applicant)



Photo 2: Existing Residence Viewed from East (provided by applicant)

2025DV1005 ; Photographs (continued)



Photo 3: Existing Barn (provided by applicant)



Photo 4: Existing Building Proposed as Event Center (provided by applicant)

2025DV1005 ; Photographs (continued)



Photo 5: Proposed Parking Area & Adjacent Property to East (provided by applicant)



Photo 6: Accessory Structures Viewed from Interstate to South (May 2024)

2025DV1005 ; Photographs (continued)



Photo 7: Existing Accessory Structures Viewed from North (provided by applicant)



Photo 8: Existing Accessory Structures Viewed from West (provided by applicant)

2025DV1005 ; Photographs (continued)



Photo 9: Property Line to North Viewed from West



Photo 10: Adjacent Property to West

BOARD OF ZONING APPEALS DIVISION III

September 16, 2025

Case Number: 2025-DV3-027 (Amended)
Property Address: 3303 South State Street (*approximate address*)
Location: Perry Township, Council District #19
Petitioner: GOPRO Investments LLC, by David E. Dearing
Current Zoning: D-4
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 65-foot wide gravel parking area within the front yard for the parking of three recreational vehicles (parking areas limited to 30-foot width in front yards, maximum two recreational vehicles permitted, hard surfacing required), and a six-foot tall fence within the front yard (maximum 3.5-foot tall fence permitted in front yards).
Current Land Use: Residential
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This hearing was continued by petitioner request from August 19th to allow for mailing of amended notice.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 3303 South State Street is a residential parcel that is currently improved with a single-family residence and accessory garage within the front yard (both built in 1953). Surrounding land uses are residential, and the site is bordered by Interstate-65 to the southwest. Most of the property's front yard contains a gravel parking area screened by a 6-foot wooden fence placed in 2023 (not permitted). The gravel parking area was expanded in late 2023 (see Photos #5-6 in Exhibits).
- VIO25-001550 was opened in April of 2025 in response to a neighbor complaint and cited this property for (a) a fence within the front yard with a height exceeding 42 inches and (b) a parking area with a width of 65 feet within a residential front yard. Photographs associated with that violation show placement of three (3) recreational vehicles within the front yard.

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- Approval of this petition would allow for the currently existing gravel vehicle area to park three (3) separate recreational vehicles at once behind the non-compliant 6-foot fence. Required variances would be for **(a)** the width of the parking area; **(b)** the height of the fence; **(c)** the expanded use of gravel as the parking surface (only allowed for single-family residences and with clearly enclosed edges); and **(d)** parking of three (3) RVs when the Ordinance allows for a maximum of two (2) RVs to be parked on any one residential lot. The application provided along with this petition mentioned a width of 40 feet for the parking area and a height of 4.5 feet for the front-yard fence, but staff is utilizing the measurements taken by inspectors in April for the wording of this request since no indication has been given that the existing height or width will be reduced.
- Provided application documents and documentation from the related zoning inspection did not indicate that the recreational vehicle parked on the property is occupied (owner's daughter indicated to an inspector that the trailers and RV are used for "removal of fallen tree limbs when necessary or transporting cosplay items"). Occupancy of a recreational vehicle for a period longer than 15 days twice a year would not be permitted, and approval of this variance would not serve to allow for deviation from that occupancy standard. Additionally, the inspector for the 2025 violation determined that the two (2) trailers and panel truck parked at the site during their visit would not meet the weight or function to be considered "commercial vehicles" (this is why the request references parking of three *recreational* vehicles).
- The fence as it currently exists encroaches within public right-of-way at the southwest corner of the property. Approval of this variance would not allow for the southwest corner of the fence to maintain its current location approximately 3.5 feet to the west of the property line. The petitioner indicated their intention to have the currently existing fence moved out of the public right-of-way area and that a new site plan would be submitted indicating the new position. That site plan was not provided prior to publication of this report, and the version shown within Exhibits approximates the current fence location based on measurements from aerial photography and the applicant.
- This property is zoned D-4 (Dwelling District Four) to allow for low or medium intensity single-family and two-family residential development where trees fulfill an important cooling and drainage role for individual lots and environmental and aesthetic considerations should be incorporated into development. Similarly, the Comprehensive Plan recommends this site to the Suburban Neighborhood typology for predominantly single-family uses. Finally, Infill Housing Guidelines indicate that front yard fences should be ornamental in style (as opposed to privacy fences).
- Findings of Fact provided by the applicant indicate that the proposed parking of recreational vehicles and front yard fence would be justifiable since the property is close to the interstate and the fence protect the property from theft/vandalism and confinement of the tenants' dog. Staff would note that legal options to buffer the property from traffic noise would exist (landscaping), and it is unclear how an unenclosed fence area of any height would prevent ingress or egress from the site. The Findings also don't provide any context about the need for three (3) recreational vehicles or for the use of gravel for the parking area, and it also unclear why the stated goals of storage and occasional yard work couldn't be accomplished with fewer recreational vehicles.

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- Staff has concerns that the allowance for parking of the RV and trailers might serve to increase the likelihood of either (a) occupancy of the recreational vehicle (the third photo within Exhibits shows curtains drawn over the front windows of the RV) or (b) the parking of vehicles or trailers at the site whose weight and function would be classified as commercial vehicles. This property has been the subject of past enforcement actions related to commercial functions (VIO20-007481 for vehicle repair/tree service uses in 2020 and VIO23-003346 for a lawn service use in 2023), and approval of this petition for multiple trailers might serve to encourage similar commercial uses.
- The Zoning Ordinance places restrictions on the height of front yard fences and width of front yard parking areas in residential contexts to allow for vibrant and pedestrian-friendly streetscapes and to reduce any visual impairment by motorists or pedestrians (this is also why fences would be disallowed within public right-of-way). Regulations on the number of heavy vehicles in residential areas exist to ensure harmonious development with uses of differing intensity and varying road capacities separated, and limits on gravel parking exist to avoid negative externalities of dust, mud, or negative drainage impacts. Parking width and material regulations also are partially intended to allow for landscaping and green areas within residential front yards.
- Given the lack of site-specific practical difficulty to justify the deviation from multiple ordinance standards, the lack of information on the frequency that the recreational vehicles would enter or exit the property, and the risk that approval of this petition would facilitate either RV occupancy or additional commercial activity, staff recommend denial of the requests.

GENERAL INFORMATION

| | | |
|-----------------------------------|-----------------------|---------------------------------------|
| Existing Zoning | D-4 | |
| Existing Land Use | Residential | |
| Comprehensive Plan | Suburban Neighborhood | |
| Surrounding Context | Zoning | Surrounding Context |
| North: | D-4 | North: Residential |
| South: | D-4 | South: Residential |
| East: | D-4 | East: Residential |
| West: | D-4 | West: Residential |
| Thoroughfare Plan | | |
| South State Avenue | Local Street | 90-foot existing and 48-foot proposed |
| Context Area | Metro | |
| Floodway / Floodway Fringe | No | |
| Overlay | No | |
| Wellfield Protection Area | No | |
| Site Plan | 06/26/2025 | |
| Site Plan (Amended) | 08/04/2025 | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |

| | |
|----------------------------|------------|
| Landscape Plan | N/A |
| Findings of Fact | 06/26/2025 |
| Findings of Fact (Amended) | 07/30/2025 |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommend this site to the Suburban Neighborhood typology to allow for predominantly single-family housing interspersed with attached and multifamily housing where appropriate.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Enter Recommendation by TOD Plans or "Not Applicable to the Site."

Neighborhood / Area Specific Plan

- Enter Recommendation by Pattern Book or "Not Applicable to the Site."

Infill Housing Guidelines

- The Infill Housing Guidelines indicate that in front yards, fences should be ornamental in style and that privacy fence should not be installed within front-yard contexts.

Indy Moves

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

- Enter Recommendation by Indy Moves Plans or "Not Applicable to the Site."

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2024UV3007 ; 3304 S Walcott Street (southeast of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 4,800 square foot building to be used for storage of commercial vehicles, equipment, and supplies for a concrete contractor (not permitted), **withdrawn**.

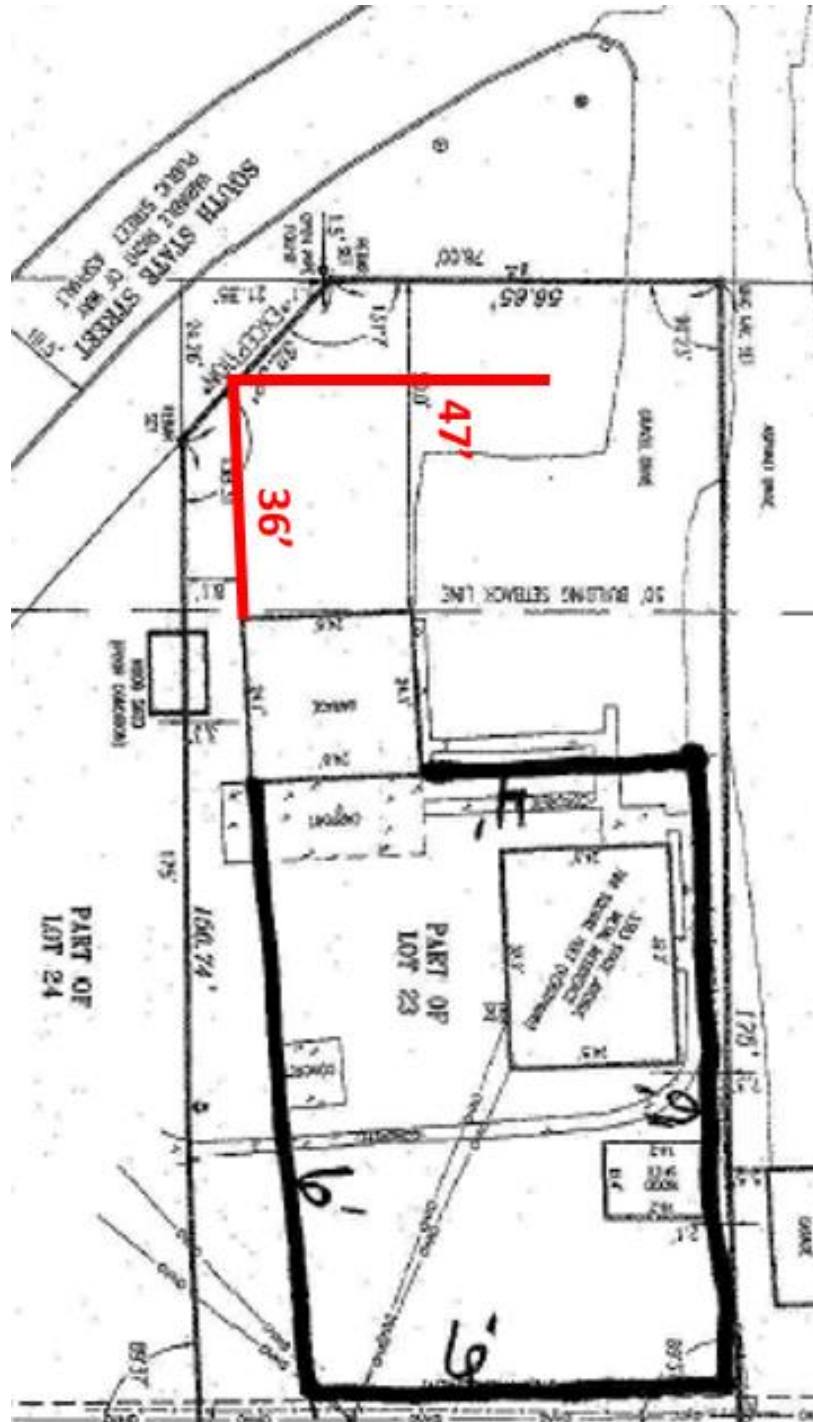
2005DV2021 ; 3026 S State Avenue (north of site), provide for a 2,763-sq.ft. addition to an existing 1,659-sq.ft. single-family dwelling resulting in an 18.38-foot front yard setback (min. 25-foot front yard setback req.), a 3-foot north side yard setback (min. 4-foot side yard setback req.), and a lot open space of 59.63 percent (min. open space of 65 percent req.) in D-5, **approved**.

87-HOV-122 ; 3227 S State Street (west of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an attached garage at 15 feet from the front property line and 12 feet from the the rear property line (25 and 20 feet required respectively), **approved**.

EXHIBITS

2025DV3027 ; Aerial Map





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2025DV3027 ; Notice of Violation (VIO25-001550)



March 4, 2025

Case #: VIO25-001550

GOPRO INVESTMENTS LLC
6638 CORDOVA DR
INDIANAPOLIS, IN 46221

RE: 3303 S STATE AVE

Dear GOPRO INVESTMENTS LLC:

A recent inspection of the above referenced property indicated violation (s) of the Revised Code of Indianapolis and Marion County as follows:

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-4 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.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-4 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard with more than 30% opacity...privacy fence).

2025DV3027 ; Plan of Operation

The three vehicles consist of a Condor RV and two trailers. They would be parked where they are currently located, in front of the house.

There is no set schedule for the parking of the vehicles. They would be there any time that they are not in use.

2025DV3027 ; Findings of Fact (vehicle parking)

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

the presence of commercial vehicles does not have the capacity to affect the public health, morals or general welfare.

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:

all of the subject activities will be confined to the Petitioners' property, which is screened.

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

Petitioners would be denied the use of their property to protect their vehicles from theft and vandalism which would occur if they were parked elsewhere

2025DV32027 ; Findings of Fact (fence)

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

the fence is confined to the Petitioner's property, does not obstruct a clear sight triangle, and thus does not have the capacity to injure the public health, safety, morals or general welfare.

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 fence is confined to the Petitioner's property and does not affect the adjacent property owners' ability to use their property.

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

it will make it more difficult to screen the property from the tens of thousands of vehicles that pass by every day on I-465, to shield the property from traffic noise, and to confine the tenants' Bernese Mountain dog.

2025DV3027 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site Viewed from Southwest (April 2025)

2025DV3027 ; Photographs (continued)



Photo 3: Gravel Parking Area and Vehicles (April 2025)



Photo 4: Subject Site Viewed from Interstate 65 (May 2025)

2025DV3027 ; Photographs (continued)



Photo 5: Aerial Photo Showing Parking Area Width



Photo 6: Aerial Photo prior to Gravel Parking Addition (Fall 2023)

BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-UV3-021
Property Address: 4038 & 4040 Otterbein Avenue (approximate address)
Location: Perry Township, Council District #23
Petitioner: Robert Lopez, by Anthony S. Ridolfo
Current Zoning: D-4 (TOD)
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 1,172 square foot second primary building with a 3.5-foot western side yard setback and a six-foot rear yard setback (one primary building permitted per lot, four-foot side, 20-foot rear yard setbacks required).
Current Land Use: Residential
Staff Recommendations: Staff recommends denial of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends denial of this petition

PETITION OVERVIEW

- This petition would allow for a 1,172 square foot second primary building with a 3.5-foot western side yard setback and a six-foot rear yard setback (one primary building permitted per lot, four-foot side, 20-foot rear yard setbacks required).
- The subject site is two (2) parcels, zoned D-4, and is improved with two (2) separate primary buildings. The original primary building, which is located on the corner of Otterbein Avenue and Windermire Street, was built in approximately 1923, according to the property card. This structure was built on top of the lot line separating the parcels, according to the original plat and available Sanborn and Baist maps. The second structure was built around 1953, according to available imagery, and is located entirely on 4040 Otterbein Avenue.
- Being that the second structure is over 900 square feet, Staff classifies this as a primary residence as opposed a secondary dwelling unit (limited to 720 square feet). Staff does not believe the development represents good building practice, does not find there to be hardship for needing the

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variances requested, and does not find it appropriate to recommend approval. Likewise, Staff does not find this development to be in line with the surrounding area, as there is no precedent for multiple primary residences on the same lot. Therefore, Staff recommends denial of the petition in its entirety.

GENERAL INFORMATION

| | | |
|-----------------------------------|-----------------------------------|---|
| Existing Zoning | D-4 (TOD) | |
| Existing Land Use | Residential | |
| Comprehensive Plan | Traditional Neighborhood | |
| Surrounding Context | Zoning | Surrounding Context |
| North: | UQ-1 | North: University |
| South: | D-4 | South: Residential |
| East: | UQ-1 | East: University |
| West: | D-4 | West: Residential |
| Thoroughfare Plan | | |
| Otterbein Avenue | Local Street | 50 feet of right-of-way existing and 48 feet proposed |
| Windermire Street | Local Street | 50 feet of right-of-way existing and 48 feet proposed |
| Context Area | Compact | |
| Floodway / Floodway Fringe | No | |
| Overlay | Yes, Transit-Oriented Development | |
| Wellfield Protection Area | No | |
| Site Plan | 7/7/25 | |
| Site Plan (Amended) | N/A | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | 7/28/25 | |
| 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 Marion County Land Use Plan pattern Book recommends the Traditional Neighborhood typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- With regarding to additional buildings, the Infill Housing Guidelines recommends:
 - Do not overshadow primary buildings
 - Reinforce existing spacing on the block

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

2017UV3002; 4021 Otterbein Avenue (east of site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for offices and training rooms for the Indianapolis Neighborhood Housing Partnership in the existing Stierwalt Alumni House (not permitted), and to allow the grant of this variance to satisfy the requirement of filing an Approval petition for review and approval by the Metropolitan Development Commission, **approved.**

2017-CZN-CAP-CVR-CVC-838; 4018 Bowman Avenue, 1227 and 1233 East Hanna Drive, 4002 Otterbein Avenue, 1218 and 1224 Windermire Street, 1402 1406, 1412, 1414, 1420, 1428, 1432, 1502, 1508, 1514, 1526 East Castle Avenue, Rezoning of 4.7 acres from the D-4 and SU-1 districts to the UQ-1 classification. University Quarter-One Approval to provide for an academic training laboratory, with two wall signs at 4018 Bowman Avenue, and to provide for office, classroom, gathering places,

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collaboration space, meeting space, signs and a chapel for university departments and the SU-1 religious uses at 4002 Otterbein Avenue, and to provide for the expansion of an existing parking lot, with landscaping and illumination. Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the shared use by the Criminal Justice Education Lab of the University of Indianapolis and the Indianapolis-Marion County Forensic Services Agency to allow for combined training, simulation and testing purposes (non-university uses not permitted). Vacation of the first north-south alley west of Otterbein Avenue, being 15 feet wide, from the south right-of-way line of Hanna Avenue, 281.22 feet south to the north right-of-way line of Windermire Street. Vacation of the first east-west alley south of Hanna Avenue and north of Windermire Street, being 15 feet wide, from the west right-of-way line of the first north-south alley west of Otterbein Avenue, 320.25 feet west to the east right-of-way line of the first north-south alley east of Bowman Avenue. Vacation of the first east-west alley south of Windermire Street and north of Castle Avenue, being 15 feet wide, from the west right-of-way line of Matthews Avenue, 772.59 feet to the east right-of-way line of the first north-south alley east of Otterbein Avenue. Vacation of the first north-south alley east of Otterbein Avenue, being 15 feet wide, from the north right-of-way line of Castle Avenue, 156.71 feet to the north to the north line extended of the first east-west alley south of Windermire Street and north of Castle Avenue, **approved**.

EXHIBITS



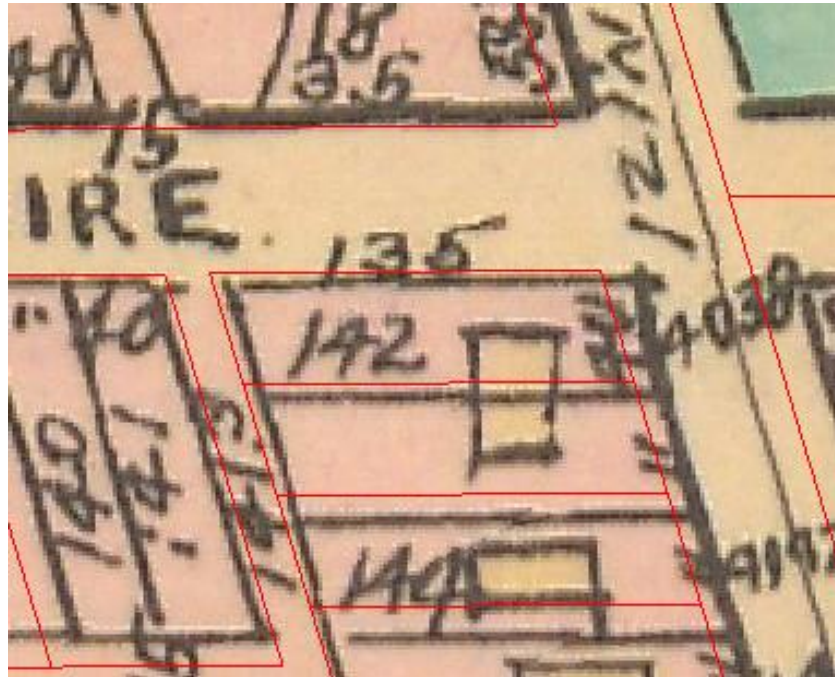
Aerial Photo



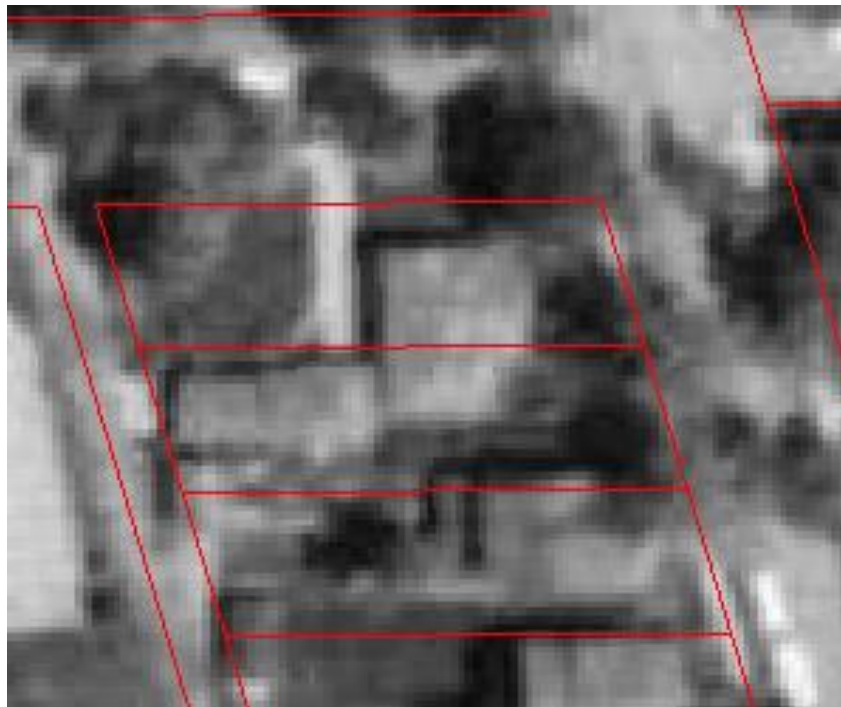
Zoomed in aerial photo



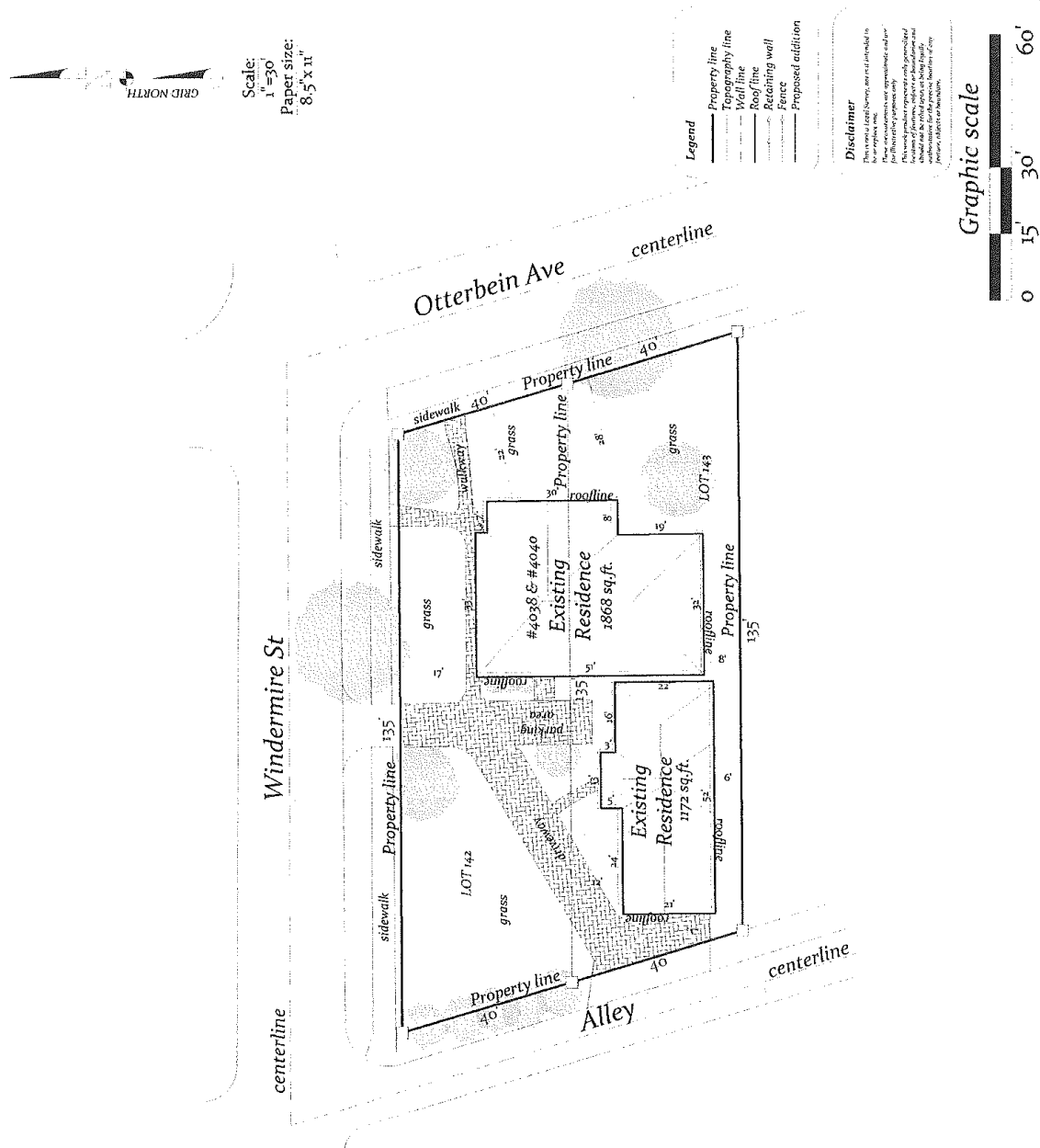
Original Plat showing two separate parcels (Russell was later renamed Windermere)



1941 Sanborn Map



1956 aerial photo, showing the second structure on 4040 Otterbein Ave



SITE PLAN

Address:
 4038 & 4040 Otterbein Ave
 Indianapolis, IN 46227

Assessor's Parcel Number:
 LOT 142
 142-49-10-31-101-001.080-501
 LOT 143
 143-49-10-31-101-001.081-501

Parcel Area:
 LOT 142: 0.12 Acres
 LOT 143: 0.12 Acres

Land Use:
 Residential
 Single Family Residence

Zoning:
 LOT 142: R001
 LOT 143: R001

Legal Description:
 LOT 142: WILLIAM L ELDERS
 UNIVERSITY HTS L42
 LOT 143: WILLIAM L ELDERS
 UNIVERSITY HTS L43

Subdivision:
 LOT 142: 1
 LOT 143: 1

Owner: LOPEZ, ROBERTA

Paper size & scale:
 8.5" x 11"; 1" = 30'

Date: June, 2025



Site plan, 7/7/25

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

Petition Number _____

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

PETITION FOR VARIANCE OF 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 proposed use will not create any adverse neighborhood impairments. The proposed use will be consistent with the surrounding area as many single family residences are within reasonably close proximity.

The proposed use allows for an additional residence to be inhabited, therefore increasing consumer expenditure in the immediate community and creating additional income for local businesses.

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

Approval of this petition and resulting variance will allow the existing property with a newly remodeled roof to operate as a primary dwelling unit available for rent. Therefore, it is reasonable to assume that the value of adjacent properties will only increase, as a residence with a newly remodeled roof is a substantial benefit to property value. The proposed use will not affect the current or future use of the adjacent properties.

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

upon information and belief, the subject property has been used as a secondary dwelling unit available to rent. The roof of the secondary dwelling unit became deteriorated, and, to prevent further damage, the roof was remodeled. The proposed use allows the secondary dwelling unit to become a primary dwelling unit and be rented without requiring the unnecessary destruction of a newly constructed roof or the dwelling owner to reside in either primary dwelling unit.

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

the subject property cannot yield a reasonable return if used only for the allowed zoned purpose. Further, the subject property is located across the street from the University of Indianapolis, with the vast majority of tenants being students. The strict application of the zoning ordinance creates substantial limitations on the use of the subject property and the granting of this petition shall remedy that fact.

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

the proposed use maintains the traditional neighborhood classification of the subject property. The comprehensive plan explicitly states that secondary detached housing units are encouraged. Therefore, the grant of this petition will not interfere substantially with the comprehensive plan.

DECISION

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

Adopted this _____ day of _____, 20 ____



Subject site looking west



Subject site looking southwest

Department of Metropolitan Development
Division of Planning
Current Planning



Subject site looking south



Subject site looking southeast



Looking east down Wildermire Street



Looking west down Wildermire Street

BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-UV3-022

Property Address: 6520 East 82nd Street (*approximate address*)

Location: Lawrence Township, Council District #4

Petitioner: CIL Castleton LLC, by Patrick Rooney

Current Zoning: C-3

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 30-foot tall, illuminated pole sign (pole signs and internal illumination not permitted), being the seventh freestanding sign along East 82nd Street, within 116 and 273 feet of other freestanding signs (maximum of two signs permitted per frontage per lot, 300-foot separation required).

Current Land Use: Multitenant Commercial

Staff

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 6520 East 82nd Street is currently improved with a commercial multi-tenant structure containing office and light retail uses. The western tenant space is currently utilized by a smoke shop, and other tenants include a cell phone store, an attorney's office, an automobile rental agency, a bagel shop, and a beauty salon. The smoke shop tenant had a permit for building signage approved earlier this year, and the site is also improved with a multi-tenant freestanding sign.
- The multi-tenant commercial center and other businesses along this portion of 82nd Street (between Center Run Drive and Craig Street) comprise an integrated center with shared frontage. There are seven (7) primary freestanding signs oriented toward traffic including the sign on the subject site (see Exhibits). Placement of new signage or modification of existing primary freestanding signs along the shared frontage wouldn't be allowed without a variance.

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- The scope of work proposed for this project would be the placement of an additional tenant panel onto the existing multi-tenant pole sign that would be attached between the existing support columns. The additional panel would not increase the height of the existing sign but would result in the sign area increasing by about 30 square feet; therefore, the sign would be required to comply with all current ordinance standards applicable for primary freestanding signs.
- For the proposed new tenant panel to be placed, the following Variances of Development Standards would be required: **(a)** placement of a pole sign within C-3 zoning (only pylon signs and monument signs allowed); **(b)** placement of a 30-foot tall pole sign (current maximum height for pole signs is 20 feet); **(c)** internal illumination of signage within C-3 zoning (only halo and external lighting permitted); **(d)** placement of a seventh sign along the shared frontage (maximum two signs per integrated center allowed); **(e)** separation of 273 feet from the tire shop sign to the east; and **(f)** separation of 116 feet from the restaurant sign to the west (300 feet required).
- Staff would note that the provided elevation rendering doesn't appear to perfectly match the dimensions of the currently existing sign, and that an accurate elevation would be required for permitting should the sign be approved. Additionally, there is an off-premises billboard advertising sign around 70 feet to the northwest that would not count toward the total of primary freestanding signs but does contribute to existing saturation of signage along the shared frontage. Finally, staff's visit to the site indicated the placement of several signs that appear to have been placed without proper permits in place (additional banner signs on the building, air dancer in the parking area, and freestanding sign along the 82nd Street frontage). This variance wouldn't allow for placement of unpermitted signage, and those signs could be subject to enforcement action.
- This property is zoned C-3 (Neighborhood Commercial) to allow for an extensive range of retail sales and professional services to meet the demands of residential neighborhoods. Similarly, the Comprehensive Plan recommends it to the Community Commercial typology to allow for low-intensity commercial and office uses. Although not formally adopted by the City, the Castleton Strategic Revitalization Plan (2020) notes that a needed improvement along the 82nd Street corridor is a reduction in "sign clutter" since the lack of unifying standards creates a "cluttered and chaotic streetscape". It recommends that signage should be consolidated and limited to building facades and monument signage advertising multiple businesses, while "existing pole signs and billboards along the corridor should be retired as redevelopment occurs".
- Findings of Fact provided by the applicant indicate that the addition of the new tenant panel would be required to allow for this tenant to advertise their business, and that an economic hardship would result since other tenants are able to utilize the existing pole sign while they cannot. Staff would note that it appears that at least two (2) businesses within this building (the law firm and the beauty salon) also do not currently utilize the multi-tenant sign, and that options would exist to advertise the business either through modifications to the existing tenant panels or alternate means of legal advertising such as the currently existing roof-integral sign. Any expansion of the sign would forfeit legally non-conforming status, and no site-specific practical difficulty has been identified to justify approval of the six required variances to expand the size of this sign along a corridor already saturated with freestanding signage. Therefore, staff recommends denial.

GENERAL INFORMATION

| | | |
|-----------------------------------|------------------------|---------------------------------|
| Existing Zoning | C-3 | |
| Existing Land Use | Multitenant Commercial | |
| Comprehensive Plan | Community Commercial | |
| Surrounding Context | <u>Zoning</u> | Surrounding Context |
| North: | C-S | North: Commercial |
| South: | C-S | South: Commercial |
| East: | C-1 | East: Commercial |
| West: | C-4 | West: Commercial |
| Thoroughfare Plan | | |
| East 82 nd Street | Primary Arterial | 142' existing and 134' prop ROW |
| Context Area | Metro | |
| Floodway / Floodway Fringe | No | |
| Overlay | No | |
| Wellfield Protection Area | No | |
| Site Plan | 07/09/2025 | |
| Site Plan (Amended) | N/A | |
| Elevations | 07/09/2025 | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | 07/09/2025 | |
| Findings of Fact (Amended) | N/A | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan 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."

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan



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

- 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

2006DV3035, VARIANCE OF DEVELOPMENT STANDARDS of the Commercial Zoning Ordinance to provide for the construction of restaurant drive-through with one stacking space after the final component of the drive-through (minimum two stacking spaces required), **approved**.

2002UV2006, variance of use of the Commercial Zoning Ordinance to provide for automobile rental and parking (not permitted), **approved**.

95-Z-181, rezoning of 1.36 acres from C-1 to C-3 for retail and office uses, **approved**.

ZONING HISTORY – VICINITY

99-V1-56 ; 6530 E 82nd Street (east of site), variance of development standards of the Sign Regulations to provide for: (a) the installation of a 30-foot tall, 188 square foot, illuminated pole sign in an integrated center, 162 feet east of an existing 26-foot tall, 160 square foot illuminated pole sign, and 42 feet west of an existing 29-foot tall, 184 square foot illuminated pole sign (not permitted); (b) to provide for total signage area of 532 square feet (maximum 500 square feet permitted); and (c) to provide for a total of three pole signs along 440 feet of street frontage (only one sign permitted on a lot with less than 600 feet of street frontage), **approved**.

97-V2-4 ; 6450 E 82nd Street (west of site), variance of development standards of the Sign Regulations to provide for the placement of a 128 square foot pole sign, 25 feet in height, being located 208 feet from another pole sign within an integrated center along East 82nd Street (minimum 300 feet separation between freestanding signs in an integrated center required), **approved**.

83-UV1-102B ; 6450 E 82nd Street (west of site), variance of the Sign Regulations to allow for an individual pole sign in an integrated center, **dismissed**.

EXHIBITS

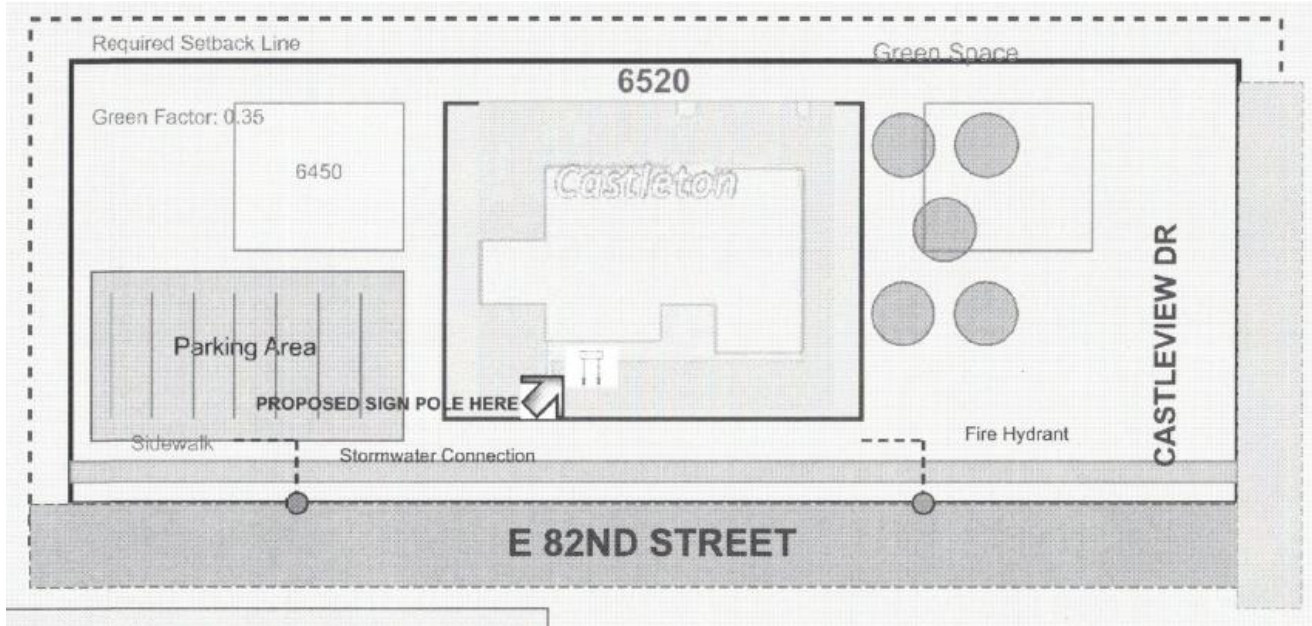
2025UV3022 ; Aerial Map



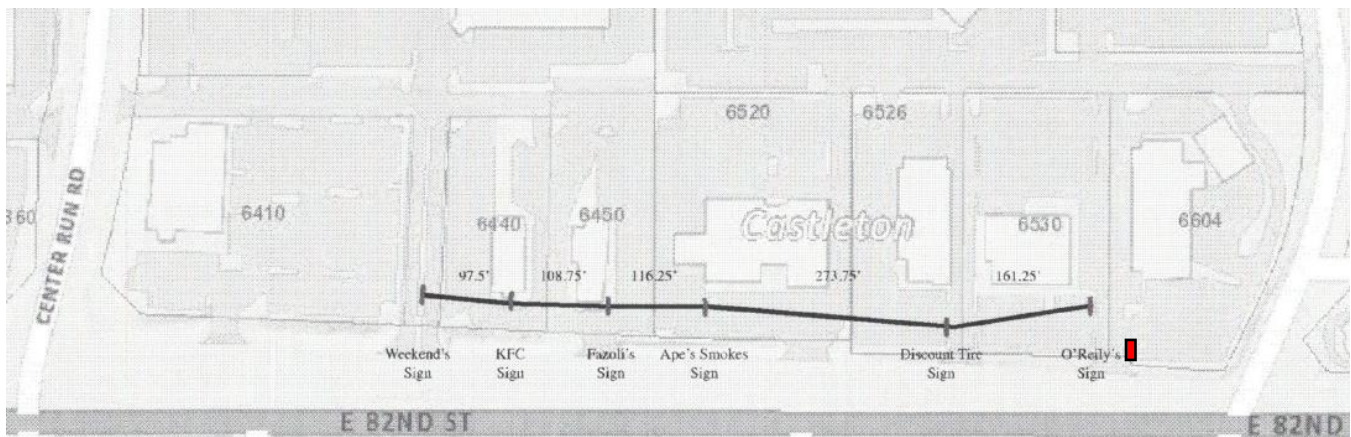
2025UV3022 ; Aerial Map (zoomed to site)



2025UV3022 ; Site Plan

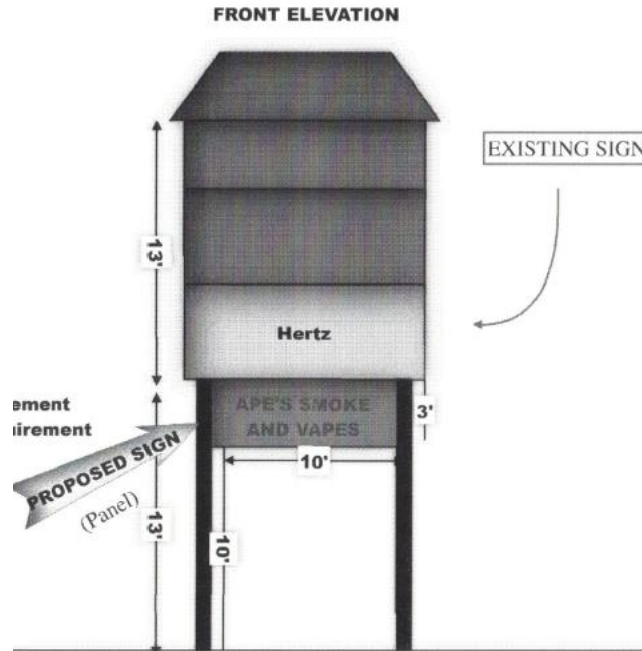


2025UV3022 ; Distance from Other Signs within Integrated Center



Note: a primary freestanding sign for a car wash also exists on the 6604 parcel to the east (added in red); proposed addition to the sign on the subject site would constitute the seventh overall sign along the frontage

2025UV3022 ; Elevation



2025UV3022 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
 the variance will only to be used to add a panel to the existing pole sign. This additional panel will allow all potential customers and members of the public to be able to see establishments that offers goods for sale in the strip center.

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 addition of a panel to the existing pole sign would be a minor, but very important, addition to the Subject Property. The additional panel will not have any negative effect on the surrounding area, and will increase customer awareness of the products available in the area.
 Additionally, the existing sign previously utilized internal illumination, and Petitioner will merely be fixing illumination on the sign and adding it to Petitioner's panel.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
 if Petitioner's variance is not granted, then he will not have additional signage commensurate to the surrounding business, which will cause Petitioner's business to economically suffer. The addition of a single panel to the existing pole sign will be a minor addition to the Subject Property, with no negative impact on any other surrounding owners, and will help Petitioner's business survive.

2025UV3022 ; Photographs



Photo 1: Subject Sign Viewed from the East



Photo 2: Subject Sign Viewed from the Northwest

2025UV3022 ; Photographs (continued)



Photo 3: Commercial Structure Viewed from the North



Photo 4: Commercial Tenant Bay Viewed from the North

2025UV3022 ; Photographs (continued)



Photo 5: Adjacent Freestanding Signs to the West



Photo 6: Adjacent Freestanding Signs to the East

BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-UV3-024

Property Address: 10859 East Washington Street, Council District #20

Location: Warren Township, Council District #20

Petitioner: East Washington Real Estate LLC, by Andi M. Metzel

Current Zoning: C-4 (TOD)

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a furniture warehousing, wholesaling and distribution facility (not permitted) and a chain-link fence with a height of 6 feet within front and side yards (maximum fence height of 3.5 feet permitted within front yards, chain-link fencing disallowed within front yards and coating required in side yards).

Current Land Use: Commercial

Staff Recommendations: Staff recommends **approval** of the Use Variance subject to commitments. Staff recommends **denial** of the Development Standards Variances related to fence height and materials.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the Use Variance subject to the following commitments:

1. The Variance of Use shall only be applicable for the proposed tenant University Lofts and would expire should they vacate the premises.
2. Bicycle parking in accordance with minimum amounts from Table 744-402-1 of the Ordinance shall be installed near the proposed retail component on the southwest corner of the site.
3. Internal landscaping islands and trees in compliance with requirements from 744-505 of the Ordinance shall be installed within the site's front yard area prior to occupancy of the building.

Staff recommends **denial** of the Development Standards variances for fence height within the front yard and fence materials within the front and side yards.

PETITION OVERVIEW

- 10859 East Washington Street is a commercial parcel located within a large multi-tenant shopping center that is improved with a commercial structure with an approximate size of 138,000 square feet. The building currently is in use as a playground equipment distributor and wholesaler per the approval of 2020-UV1-004. Surrounding land uses include a Wal-Mart Supercenter to the west, self-storage rental units to the east, commercial outlot development to the north, and the Pennsy Trail to the south. The property is located near a proposed Blue Line BRT stop.
- Approval of this variance would allow for the subject building to be utilized as a warehousing and wholesaling facility for furniture (a similar, but distinct, use from the current playground equipment warehouse and wholesaler use). A new petition would be required since grant of the previous petition specified “playground equipment” and was subject to separate commitments. The proposed use would only be allowed by-right within C-7 zoning or industrial areas, but the Ordinance also would permit warehousing and wholesaling within C-5 zoning in cases where the building had been vacant for more than 5 years.
- Additionally, in 2024 the current playground equipment tenant installed a 6-foot chain link fence around areas of the site within the front and eastern side yards (see Exhibits for precise location). This fence does not and did not comply with applicable Ordinance standards for fencing: a maximum of 3.5 feet and no chain link fencing is allowed within the front yard, and chain link fencing requires coating in black, brown, or dark green vinyl in commercial side yards. These zoning non-conformities were not noted until this variance application was made, but for the fence to be legally established, Variances of Development Standards would be required.
- The change of use would also require that the site comply with current Ordinance regulation on landscaping and parking. The site exceeds minimum required parking for the proposed use and area, and the applicant has indicated that they would add (a) bicycle parking near the proposed retail component of the use and (b) internal landscaping in their parking area at or above 6% of the vehicle area to comply with standards and avoid the need for additional Variances. Staff would note that the installation of internal landscaping was also a commitment associated with the 2020 approval (this work was never completed) and approval of the Use Variance component of the request should be conditioned upon the installation of the landscaping.
- This property is zoned C-4 (Community-Regional) to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a single neighborhood to a major segment of the total population area. Similarly, the Marion County Land Use Plan Pattern Book recommends it to the Regional Commercial typology to allow for general commercial and offices uses within large freestanding building or integrated centers with limited outdoor storage (would also be disallowed within C-4 zoning).

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

- Since this property is located near the proposed Wal-Mart stop of the Blue Line, the Blue Line Transit-Oriented Development Plan recommends it to the Community Center typology to allow for walkable commercial centers with a range of commercial land uses (retail, entertainment, office, and residential as desired) with surface parking consolidated and placed behind buildings to allow for pedestrian orientation at the street level. The existing site layout and chain-link fence do not match the type of pedestrian-oriented development contemplated by the Plan and district.
- The Plan of Operation provided by the applicant indicates that the proposed user would be a furniture design and manufacturing company that would utilize around 80% of the existing structure for warehousing with accessory uses of minor furniture assembly, offices, and around 10,000 square feet of retail sales. Hours of operation would be from 7am to 5pm from Monday to Friday, and the business would employ 30-40 office workers and around 25 warehouse employees (55-65 total). The retail component would attract around 8-10 walk-in customers a day, and the use would be serviced by 6 (six) loading docks on the southeastern portion of the site as well as 246 parking spaces (the majority of which would be placed behind fencing).
- Findings of Fact for the Use Variance provided by the applicant indicate that the proposed use would be an adaptive reuse in a similar category as previous tenants, that the placement of three outlot building to the north would screen front-yard parking areas from view of the bus line, and that hardship would exist in finding tenants with a need for this much physical space. Findings related to the fence request indicate that it would be needed to ensure safe employee parking distinct from surrounding high-traffic areas and that the fence wouldn't encroach upon neighbors.
- Staff feels that the proposed use would be an appropriate example of a fully internal adaptive reuse of the vacant building with a large enough footprint that finding plausible tenants could be difficult. The Use Table of the zoning ordinance does include some allowances for reuse of large vacant buildings for alternate use categories that might not be contemplated otherwise (including the proposed wholesaling use within C-5 zoning). Although the proposed use is not fully compatible with the types of walkable development contemplated by the Transit-Oriented Development district, the commitment limiting the approval to this tenant would allow for this to be a transitional use at the site consistent with the previous use while allowing for more pedestrian-friendly development in the future.
- Limitations on fence height and materials exist to allow for vibrant and pedestrian-friendly storefronts, and these regulations would take on a greater importance in areas set aside for transit-oriented development. The size and location of the current fence would constitute a self-imposed practical difficulty (even if placed by the previous tenant), and staff does not feel that the submitted Findings have indicated a true difficulty justifying the illegal fence that encloses the full front area of the site to remain in place. It is unclear what safety or security advantages would result from the 6-foot fence as opposed to other compliant options (fence with shorter height and compliant materials, landscape buffering, etc.), and staff would note that other properties within the integrated center seem to be able to function without the need for front-yard fencing of any sort. The front-yard fence could also incentivize or give the appearance of outdoor storage or operations at the site, which would be disallowed by the district.

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

- Shortly before publication of this report, the petitioner indicated their openness to having the existing fence removed once construction was completed and instead installing a 5-foot fence made of compliant cast-iron materials and set back further within the lot to only enclose fewer spaces. Although that would be preferable to the current illegal fence, staff still does not feel that sufficient practical difficulty has been demonstrated to allow for a tall front-yard fence within an area designated for walkable and human-centric layouts, and that alternate options would exist to allow for employee parking with security and traffic calming without the need for variance relief.
- Staff recommends approval of the Use Variance subject to the three (3) commitments listed on the first page of this report, and recommends denial of the variances related to fencing.

GENERAL INFORMATION

| | | |
|-----------------------------------|---------------------|---|
| Existing Zoning | C-4 (TOD) | |
| Existing Land Use | Commercial | |
| Comprehensive Plan | Regional Commercial | |
| Surrounding Context | Zoning | Surrounding Context |
| North: | C-4 / SU-10 | North: Commercial / Cemetery |
| South: | D-3 | South: Residential |
| East: | C-4 | East: Commercial |
| West: | C-4 | West: Commercial |
| Thoroughfare Plan | | |
| Washington Street | Primary Arterial | 100' existing right-of-way and 102' proposed right-of-way |
| Context Area | Metro | |
| Floodway / Floodway Fringe | No | |
| Overlay | No | |
| Wellfield Protection Area | No | |
| Site Plan | 07/11/2025 | |
| Site Plan (Amended) | N/A | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | 07/11/2025 | |
| Findings of Fact (Amended) | 07/22/2025 | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Blue Line Transit-Oriented Development Strategic Plan

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Regional Commercial typology to allow for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are typically in large freestanding buildings or integrated centers, and outdoor display of merchandise should be limited.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Blue Line Transit-Oriented Development Plan recommends this site to the Community Center TOD typology to allow for walkable community centers with a range of commercial types (retail, entertainment, office, and residential as desired). Surface parking should be consolidated and placed behind buildings to allow for pedestrian orientation at the street while still allowing for vehicle parking.

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

2020UV1004, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial playground equipment distributor and wholesaler (not permitted), **approved**.

91-Z-21, rezoning of 25.75 acres from A-2 to the C-4 district to allow for development of an integrated retail community shopping center, **approved**.

ZONING HISTORY – VICINITY

2022UV3032 ; 10859 E Washington Street (north of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment with a 27.3-percent required front building line (minimum 60% front building line required) and with 43 parking spaces provided (maximum 21 spaces permitted), **approved**.

2019UV3009 ; 10901 E Washington Street (east of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a self-storage facility (not permitted), **approved**.

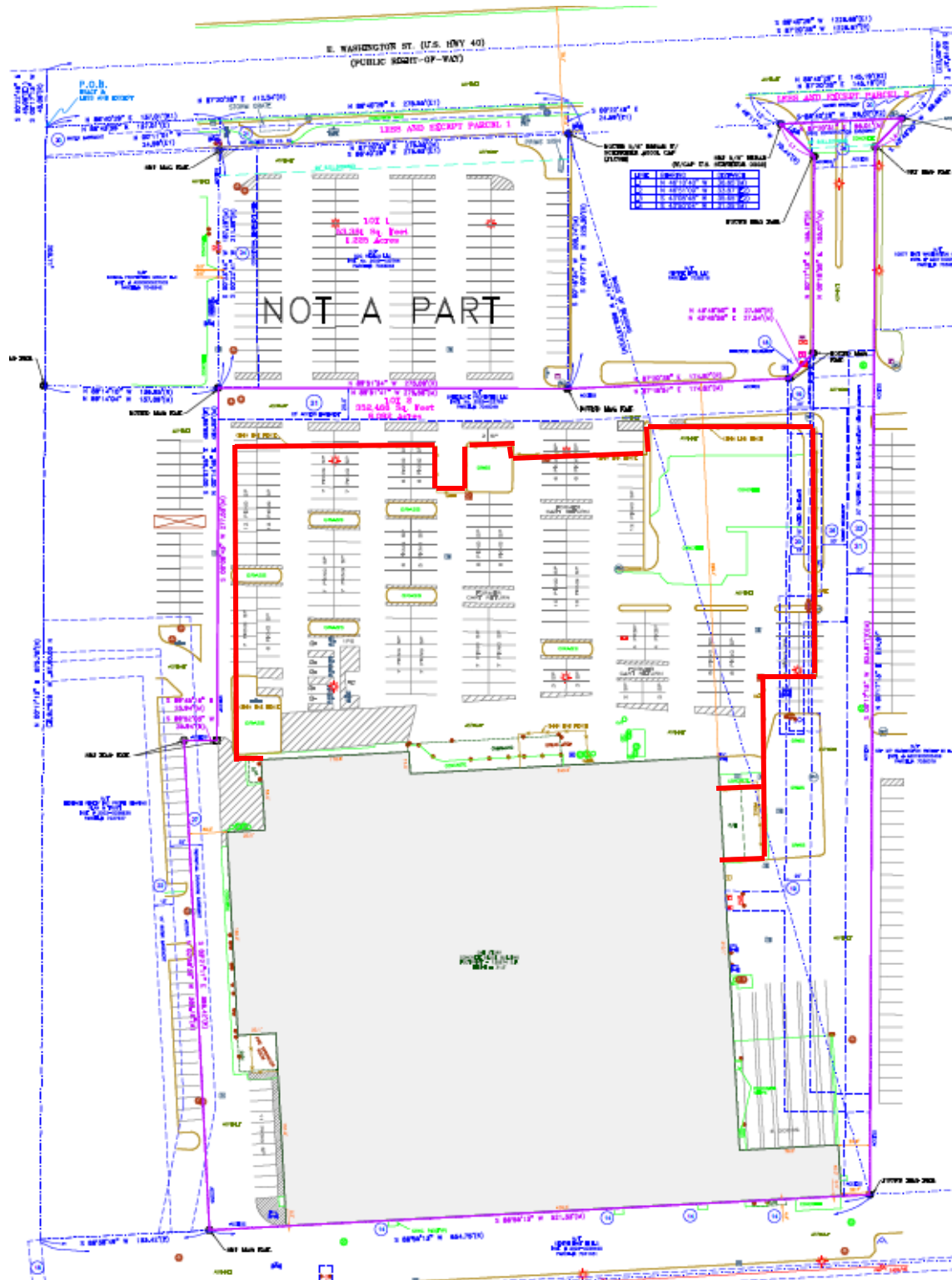
99-V2-88 ; 10611 E Washington Street (west of site), variance of development standards of the Commercial Zoning Ordinance to provide for 27,666 square feet of outdoor display and sale of merchandise (maximum 1% of gross floor area, or 2,118 square feet permitted), **approved**.

EXHIBITS

2025UV3024 ; Aerial Map



2025UV3024 ; Site Plan (fence outline in red)



2025UV3024 ; Plan of Operation (1 of 2)

University Loft Company ("University Loft") has been at the forefront of innovative furniture design and manufacturing since 1986. University Loft operates as a contract furniture manufacturer serving the college, university, student housing developer, hospitality and military markets and offers a wide range of products including seating, beds, cabinetry solutions, upholstered products and even accessories.

University Loft prides itself on its commitments to producing top-quality furniture that provides the best overall value and to being responsible stewards of the environment.

10859 E. WASHINGTON ST. ("the Property")

The primarily vacant Property was previously approved for a use variance and operated by a commercial playground equipment distributor and wholesaler, permitted under Petition 2020-UV1-004.

The Property and University Loft operations will be dedicated primarily to warehousing furniture products, assembly of furniture components, receiving shipments, fulfilling customer orders and deliveries, and a small retail sales component.

University Loft intends to utilize the existing single-story 135,974 sf concrete block building (the "Building") for operations performed entirely indoors, that will include:

- Office Uses located in approximately 10% of the Building
- Assembly Operations located in approximately 10% of the Building
- Warehousing Operations located in approximately 80% of the Building.
- A small portion Warehousing Operations area will be designated to function as a Public Retail Sales Area, not likely to exceed 10,000 sf, offering miscellaneous and limited inventory items to the public for sale and purchase on-site. The Public Retail Sales Area will be confined to the southwest portion of the Building that has existing, publicly accessible parking.

2025UV3024 ; Plan of Operation (2 of 2)

HOURS OF OPERATION

University Loft has single shift operations between the hours of 7:00 AM – 5:00 PM Monday through Friday.

The Public Retail Sales Area will be open from 8:00 AM to 5:00 PM Monday through Friday.

WORKFORCE

- Office workforce is projected to be between 30-40 employees.
- Assembly and Warehouse workforce is projected to be 25 employees.
- At least 1 Warehouse employee will be assigned to the Public Retail Sales Area. From experience at other locations, University Loft estimates in the range of 8-10 customers per day visiting the Public Retail Sales Area.

EMPLOYEE & VISITOR PARKING

- There are a total of 246 existing parking spaces on the Property.
- Employees will utilize the ample parking spaces located within the existing, secured/fenced parking area.
- Visitors are scattered throughout the United States. From experience at other locations, University Loft estimates there will be fewer than 4 visitors typical per day. Visitors will be directed to enter through security gates and to utilize the existing, secured/fenced parking area.
- There are 11 existing, publicly accessible parking spaces located on the west side of the Building to accommodate visitors to the Public Retail Sales Area.

LOADING, DELIVERIES AND SHIPMENTS

Truck traffic for loading, deliveries and shipments will be confined to and will utilize the existing 6 loading docks on the east side of the Building.

SAFETY & SECURITY & LIGHTING

University Loft will utilize the existing lighting, cameras, and secured and fenced parking area and will maintain the security and safety of the Building and premises.

WASTE MANAGEMENT

Licensed providers will manage waste and recycling. No hazardous waste is generated.

LANDSCAPING

University Loft will maintain the existing landscaping and vegetation, including regular pruning and cleanup along the southern Property border along the Pennsy Trail.

FUTURE IMPROVEMENTS

University Loft shall submit a site plan showing Building modifications and improvements and parking areas to the Administrator for review and approval prior to applying for an Improvement Location Permit.

2025UV3024 ; 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 use is consistent with prior approved uses at this location and in the vicinity. Approval will permit an adaptive reuse of the property and does not interfere with the now developed retail out lots or surrounding properties.

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

the use of the freestanding building and commencement of new operations will further activate the transit corridor. The site is readily accessible from Washington St. The building has a history of uses for commercial distribution and wholesale operations without having a negative impact on the surrounding properties.

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

economic utility of large retail box-stores is challenging given the high rate of retail vacancies and proliferation of e-commerce activity. The location of the large building behind other retail operations along the transit corridor makes it suitable for uses that are not strictly retail or otherwise permitted in the C-4 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

The existing building is nearly vacant and likely to remain so given the size of the building, high rate of retail vacancies, and the proliferation e-commerce activity. The configuration of the property and building location that is somewhat shielded from the transit corridor by other buildings limits its functionality as traditional retail/commercial property.

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

The grant of the use variance will permit a use similar to the prior approved use and will not change the underlying zoning. The Comprehensive Plan recommends Regional Commercial development which provides for the development of major business groupings, including large traffic generators with access to major thoroughfares. The proposed use does not generate significant traffic by comparison and will not interfere with surrounding businesses or properties.

2025UV3024 ; Findings of Fact (Development Standards)

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

the use of the existing fence and secure/fenced parking area is consistent with prior uses at this location and will not introduce activities or uses that could negatively impact surrounding businesses, the trail or nearby 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:

the existing fence and secure/fenced parking area does not encroach upon or impact other neighboring properties and instead delineates safe employee parking and avoids traffic conflicts and parking spill over. The existing fence has a proven track record of use and utility for the prior user without negatively impacting the use or value of the adjacent area or 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 existing building is nearly vacant and likely to remain so given the size of the building, high rate of retail vacancies, and the proliferation of e-commerce activity. The configuration of the property and building location is somewhat shielded from the transit corridor by other buildings that limits its functionality as traditional retail/commercial property. Secure and safe parking, separate from the high volume and constant retail traffic associated with surrounding commercial operations is necessary to provide an adaptive reuse of this uniquely situated property having an estimated 55-65 daily employees.

2025UV3024 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from West

2025UV3024 ; Photographs (continued)



Photo 3: Subject Site Viewed from East



Photo 4: Fenced Side Yard Area Viewed from Southeast

2025UV3024 ; Photographs (continued)



Photo 5: Loading Docks on Southeast of Building



Photo 6: Proposed Retail Area on Southwest of Building

2025UV3024 ; Photographs (continued)



Photo 7: Existing Screening along Pennsy Trail to South of Building



Photo 8: Adjacent Outlot to North of Subject Site

2025UV3024 ; Photographs (continued)



Photo 9: Adjacent Outlot to Northeast of Subject Site



Photo 10: Adjacent Outlot to Northwest of Subject Site

2025UV3024 ; Photographs (continued)



Photo 11: Adjacent Property to East of Subject Site



Photo 12: Adjacent Property to West of Subject Site

MARION COUNTY, INDIANA METROPOLITAN BOARD
OF ZONING APPEALS
DIVISION III

RESOLUTION NO. 2025-BZ3-001

WHEREAS, on or about June 16, 2020, the Metropolitan Board of Zoning Appeals, Division III (“BZA”) conducted a public hearing on Petition 2020-DV3-003, wherein Brad Pierson, as Petitioner, sought a variance of development standards of the Zoning Ordinance for Marion County, Indiana regarding a fence on property located at 325 W. Morris St. and 350 Kansas St, Indianapolis, Indiana.; and

WHEREAS, at the conclusion of the public hearing, the BZA voted to deny the variance request; and

WHEREAS, pursuant to I.C. 36-7-4-1016, the Petitioner filed a Verified Petition for Judicial Review on July 15, 2020, in Marion County Superior Court as Cause No. 49D01-2007-PL-023390, challenging the BZA’s denial of the variance request; and

WHEREAS, on June 2, 2025, the Court granted Petitioner’s Motion for Mediation and ordered the parties to submit all issues to mediation, and

WHEREAS, The BZA desires that Eddie Honea, Current Planning Administrator for the Department of Metropolitan Development, participate in and represent its interests at the court ordered mediation.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Metropolitan Board of Zoning Appeals, Division III hereby authorizes Eddie Honea, Current Planning Administrator for the Department of Metropolitan Development, to participate in and represent its interests at the Court ordered mediation under Cause No. 49D01-2007-PL-023390 and to negotiate a possible settlement of the issues therein, with the understanding that any agreement resulting from mediation is subject to final approval by the BZA in accordance with Indiana’s Open Door Laws.

Adopted this ____ day of _____, 20____.

Resolution 2025-BZ3-001

Approved as to legal form and adequacy
This ____ day of _____, 2025

Christopher Steinmetz
Assistant Corporation Counsel

RESOLUTION NO. 2025-BZ3-001

Authorizes Eddie Honea, Current Planning Administrator for the Department of Metropolitan Development, to participate in and represent its interests at the Court ordered mediation under Cause No. 49D01-2007-PL-023390