

BOARD OF ZONING APPEALS DIVISION III

February 17, 2026

Case Number: 2025-DV3-020 (Amended)
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 covered porch within the right-of-way of Castle Avenue (not permitted), deficient landscaping, reduced off-street parking, with parking spaces and maneuverability within the right-of-way of Madison Avenue (15 spaces required, parking spaces and maneuverability within street rights-of-way not permitted).
Current Land Use: Commercial
Staff Recommendations: Staff **recommends approval** of the deficient landscaping, and **recommends denial** of the covered porch within the right-of-way of Castle Avenue
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was automatically continued by the petitioner from the June 17, 2025 hearing to the July 15, 2025 BZA Division III hearing.
- The petition was required to be continued due to insufficient notice to the August 19, 2025 BZA Division III hearing.
- This petition was continued to the September 16, 2025 BZA Division III hearing with new notice.
- The petitioner and Staff agreed to a continuance to the October 21, 2025 hearing to allow for additional revisions to be made.
- The petition was automatically continued by a registered neighborhood organization to the November 25, 2025 BZA Division III hearing.
- The petition was continued to the December 16, 2025 Division III hearing to allow for additional information to be submitted.
- The petition was continued to the January 20, 2026 hearing due to lack of quorum.
- The petition was continued to the February 17, 2026 BZA Division III hearing.

STAFF RECOMMENDATION

- Staff **recommends approval** of the deficient landscaping, and **recommends denial** of the covered porch within the right-of-way of Castle Avenue

PETITION OVERVIEW

- The subject site is zoned C-4 (TOD), is approximately 0.16 acres, and the proposed use for the site is an eating establishment.
- The revised site plan, file-dated 02/04/26, indicates the removal of the initially proposed parking spaces within the public right-of-way of Madison Avenue. Therefore, this variance is to be removed from the request.
- Additionally, the revised site plan indicates a shared parking arrangement with the nearby property of 4132 Madison Avenue which provides a sufficient amount of parking for the proposed eating establishment use. Staff would note that since this property is owned by the same owner as the subject site, meaning that a signed documentation of the shared parking agreement is not required in this instance. The plan indicates at least 13 additional spaces to be available for the restaurant use at 4102 Madison Avenue as well as sufficient pedestrian connectivity located outside of public right-of-way to and from the additional parking. Further, with the petitioner indicating that 4132 Madison Avenue is presently not being used for any commercial use, the total proposed spaces shown exceeds the minimum required parking amount for the current use. Therefore, the request for reduced off-street parking is to be removed from the request.
- Staff would note that if and when the property owner decides to use 4132 Madison for commercial use, the amount of off-street parking spaces would need to meet the minimum shared parking ratio requirement for the relevant uses as set by the Ordinance in table 744-403-1. Due to the site's proximity to a IndyGo Red Line station, this minimum requirement amount would be reduced from the original standard.
- With regards to landscaping of the subject site, the proposed site plan and landscape plan would be deficient in the street frontage landscaping standards outlined in table 744-505-1 of the Ordinance. Given the size of the subject site, as well as the uncharacteristically wide right-of-way of Madison Avenue, Staff finds there to be a degree of practical difficulty for the petitioner to be able to provide a compliant amount of frontage landscaping on site. Likewise, with the petitioner committing to providing sufficient off-street parking, the space available for new landscaping is limited. Despite this, the landscaping plan still calls for the planting of additional shrubs and trees on site. Therefore, Staff is unopposed to the variance for deficient landscaping.
- With regards to the covered porch located with the right-of-way of Castle Avenue- generally, Staff does not find the proposal to constitute orderly and quality development. Firstly, the covered porch was constructed without obtaining of the necessary permits from the Department of Business and Neighborhood Services. Likewise, Staff finds private property located in public rights-of-way to be poor precedent, a potential hazard to members of the public and the ease of access and flow. To this point, Staff would note that there are not currently sidewalks along this portion of Castle Avenue- if in the future DPW desired to provide sidewalks along this neighborhood street, the location of this patio

could potentially impede or complicate that effort. Additionally, Staff does not find there to be any practical difficulty for needing the covered porch to be located within the right-of-way and believes that the subject site can be used without the presence of the covered porch. Therefore, Staff recommends denial of the covered porch within the right-of-way.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	D-3 (TOD)	North: Commercial
South:	C-4 (TOD)	South: Residential
East:	D-3 (TOD)	East: Residential
West:	D-3 (TOD)	West: Residential
Thoroughfare Plan		
Castle Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
Madison Avenue	Secondary Arterial	158 feet of right-of-way existing and 88 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit-Oriented Development overlay	
Wellfield Protection Area	No	
Site Plan	8/4/25	
Site Plan (Amended)	12/2/25	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/5/25	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within the Red Line TOD overlay, and is approximately 1500 feet from the University of Indianapolis transit station, which is categorized as a district center.

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

99-Z-117; rezoning of 0.177 acres from D-3 to C-4 to legally establish an existing commercial structure, **approved**.

73-UV1-13; requests a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide for a new pylon sign on the previous base and a new wall sign, **granted**.

ZONING HISTORY – VICINITY

2005SE1002; 925 E Castle Ave (west of site), provide for religious uses within an existing 1,782-sq.ft. single-family dwelling, with a 12.45-foot rear yard setback, with a proposed 4,464-sq.ft. asphalt parking area in the front yard, and a six-foot tall, fifteen-square foot pylon sign located one-foot from the right-of-way of Castle Avenue in a D-3 zoning district, **withdrawn**.

89-UV1-56; 4030 Madison Ave, requests a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the conversion of an existing single-family residence to an insurance office, **granted**.

87-UV2-95; 4108 Madison Avenue, requests a Variance of Use of the Commercial Zoning Ordinance to provide for the outdoor display and sale of motorcycles, **granted**.

87-UV1-78; 4030 Madison Avenue, requests a Variance of Use of the Commercial Zoning Ordinance to provide for the use of an existing building for a fence contractor with outdoor storage of materials and vehicles, **granted**.

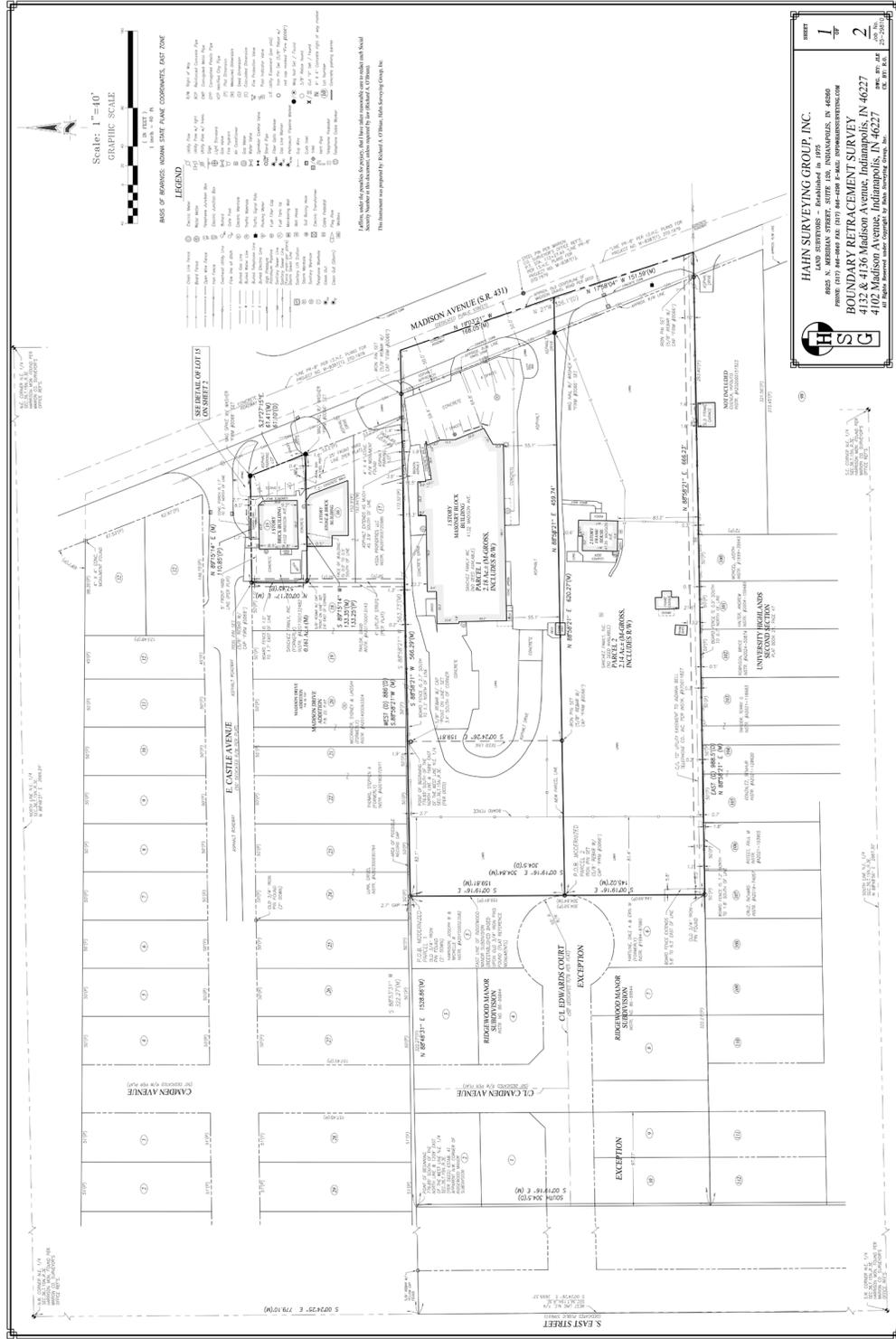
85-UV2-58; 925 E Castle Ave, requests a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the conversion of a single-family residence to a dance-studio, **granted**.

79-UV3-43; 4138 Madison Avenue, requests a Variance of Use and Development Standards to permit a motorcycle repair and sales shop, **granted**.

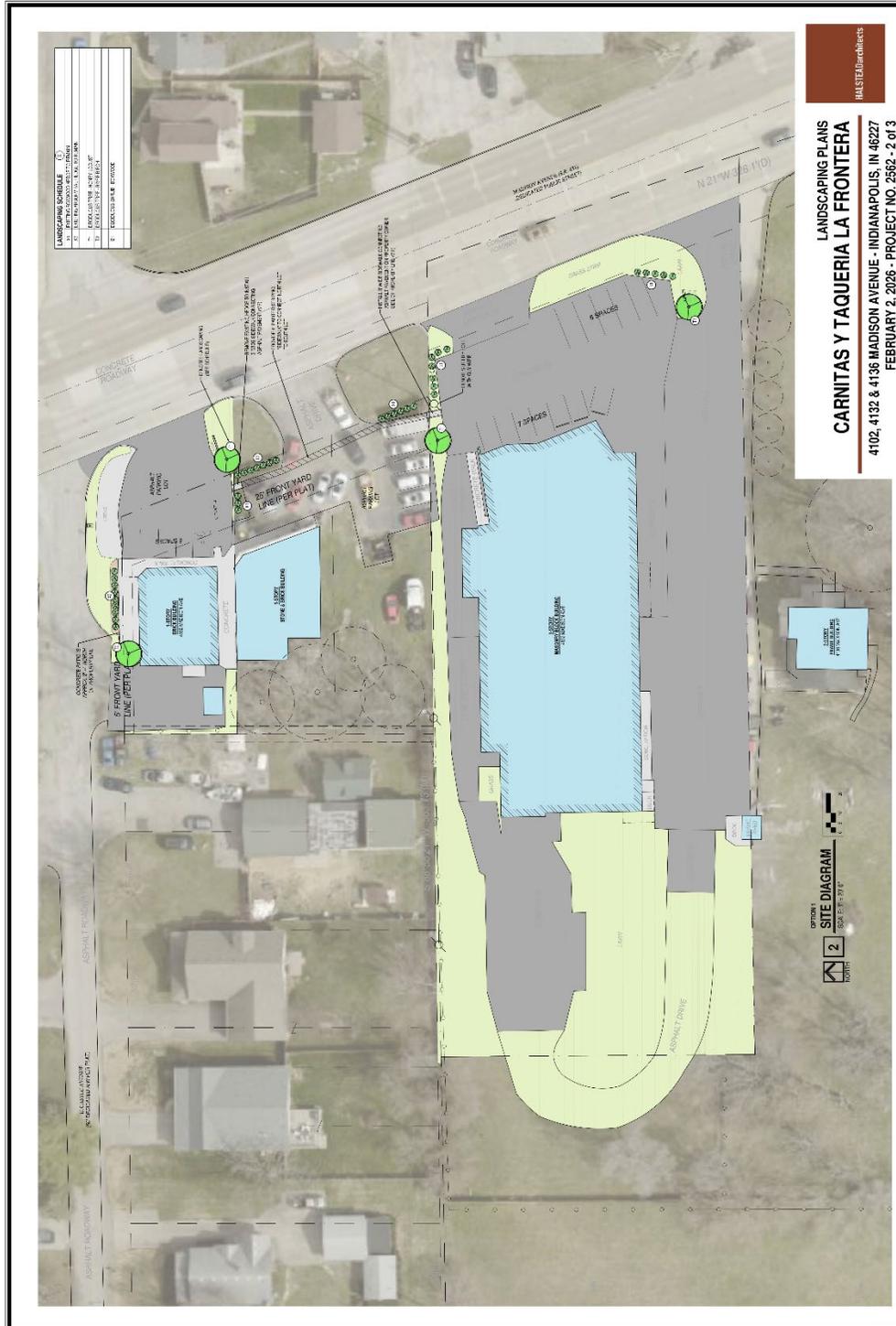
EXHIBITS



Aerial Photo



Original Site Plan, file-dated 8/4/25



Updated Site Plan, file-dated 02/04/26



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 subject property is located in a commercially zoned district along Madison Avenue designed to accommodate mixed-use activity. The site previously operated as a Amazing Cakes cake shop demonstrating a longstanding history of compatible food-service use without generating adverse impacts on the public health, safety, morals, and general welfare of the community. A small reduction in the number of required off-street parking spaces, and the ability for a slight encroachment of the patio will preserve the the site's existing commercial purpose, reinforce neighborhood vitality, and support the community's economic and social welfare without introducing additional risks to public health or safety.

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

This business has previously operated as a customer facing business and is adjacent to other commercial uses along Madison Avenue including a tire shop and a law office. Petitioners rehabilitation of this previously vacant building will foster a vibrant commercial environment, benefit surrounding business and provide fresh opportunities for community connection. By revitalizing the site and enhancing its appeal, the restaurant represents a clear net positive for the use and value of the adjacent properties.

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

The usable space for business invitees is limited to the first floor, which accommodates only 10-11 tables. Accordingly, requiring one parking space per 150 square feet of building area creates a practical difficulty, as the limited parking demand does not align with the calculated parking demand based on total building square footage. The right of way adjacent to the property is unusually large, complicating compliance with setback requirements. The original plat indicates a five-foot distance from the right-of-way, demonstrating the patio's minor encroachment is consistent with historical site design. The existing patio's location, which is buffered by greenery, is constrained by the property's fixed dimensions and existing structures, making relocation impossible without eliminating functional outdoor dining space that was added to allow the business to stay viable during COVID.

DECISION

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

Adopted this _____ day of _____, 20 ____



Subject site looking southwest



Subject site looking west down Castle Ave



Looking south



Looking north up Madison Ave



Looking south down Madison Ave



Looking east down Castle Ave



Looking southeast at the patio addition



Gravel parking lot looking north