

BOARD OF ZONING APPEALS DIVISION III

June 16, 2026

Case Number: 2026-UV3-010
Address: 2714 North Harding Street (approximate address)
Location: Center Township, Council District #12
Zoning: D-5
Petitioner: Devon Development Group, LLC, by David Gilman
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a small business consulting classroom and training facility, per plans filed.

Current Land Use: Single Family Dwelling

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to the following commitment:

1. The Variance grant shall be subject to an updated plan of operation, that shall be submitted for Administrator's Approval.

PETITION OVERVIEW

VARIANCE OF USE REQUEST

- ◇ The proposed use would be similar to a home occupation as permitted under the current Ordinance, other than exceeding the permitted number of visitors/customers.
- ◇ The proposed hours of operation in the plan of operation seem excessive, and the number of visitors and customers per class and the frequency of the classes is not clear in the submitted plan of operation. Therefore, Staff has requested that an updated plan of operation be submitted that limits the Saturday hours of operation from 10am to 4pm and indicates the number of visitors and classes so that the proposed use would limit the impact on adjoining properties. The petitioner has agreed to this.

- ◇ While there will be no change to the property, and the petitioner will live on site, the grant of the variance will increase the amount of foot traffic to the site during the scheduled classes. With the amount of available on street parking, and the proposed use being similar to a book club, or neighborhood meeting, Staff finds that this request should not have an effect on surrounding property owners. Therefore, staff does recommend approval, subject to the updated plan of operation to be submitted for Administrator’s Approval, that will address these concerns.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Dwellings 3.5-5.0 units per acre	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 Single-Family Dwelling
	South:	D-5 Single-Family Dwelling
	East:	D-5 Single-Family Dwelling
	West:	D-5 Single-Family Dwellings
Thoroughfare Plan		
North Harding Street	Primary Collector	65-foot existing right-of-way and 78-foot proposed right-of-way
Context Area	Compact Area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	May 11, 2026	
Plan of Operation	April 15, 2026	
Landscape Plan	N/A	
Findings of Fact	May 11, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 3.5-5.0 dwelling units per acre for the site.

Pattern Book / Land Use Plan

- Not Applicable to the 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.

ZONING HISTORY

2008-DV3-038; 1439 West 27th Street (west of site), requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 768-square foot detached garage with a ten-foot front setback from the proposed right-of-way of Koehne Street, resulting in a lot open space ratio of 58.79 percent, **granted**.

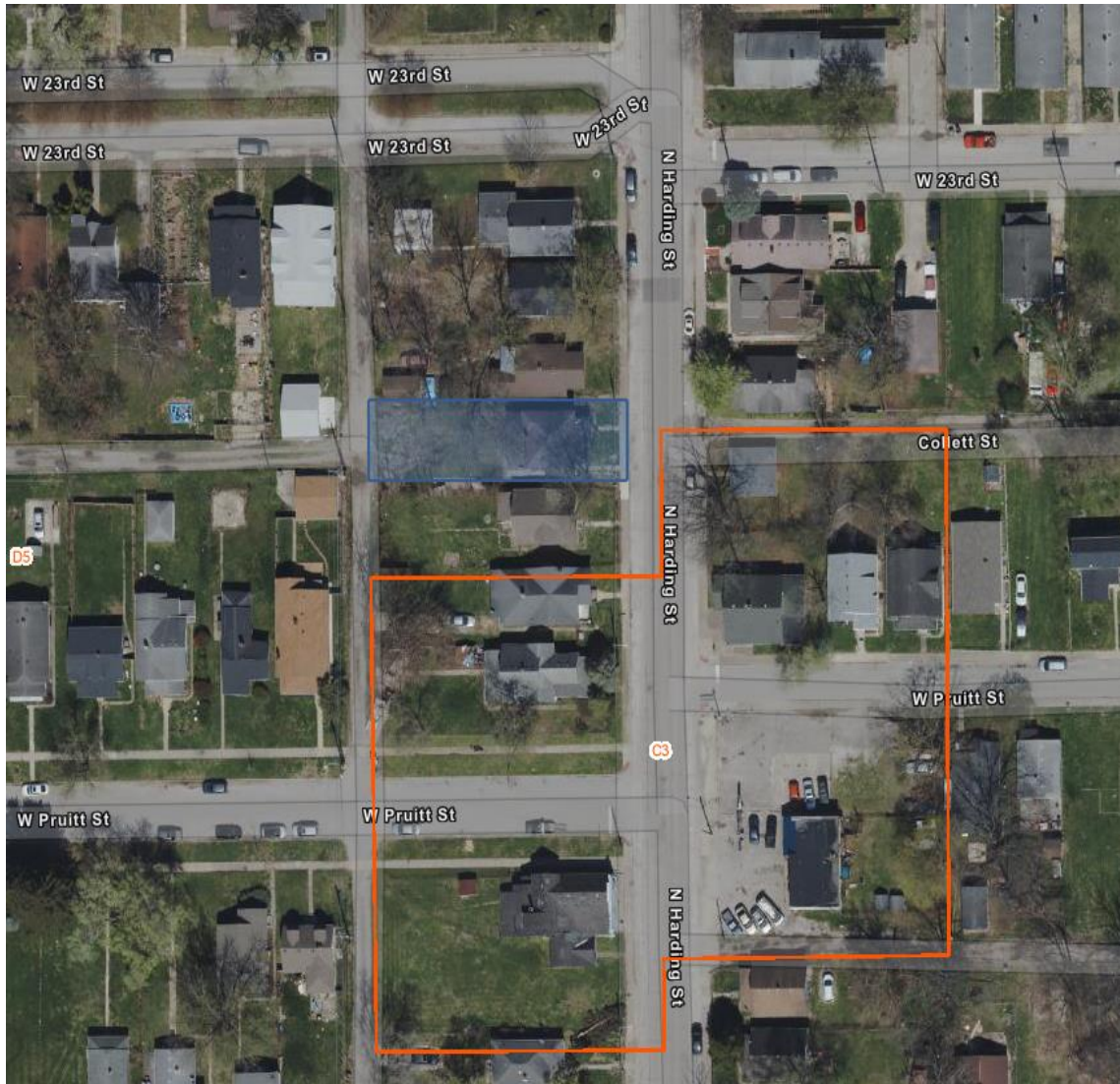
2007-DV2-052; 1502 West Roache Street (south of site), requests a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 616-square foot detached garage with a 13-foot front setback from the right-of-way of Koehne Street, and located in front of the established front building line, in D-5, **granted**.

95-V1-105; 1440 West Roache Street (south of site), requests a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 24 by 40-foot detached garage, resulting in an open space ratio of 59 percent, and an accessory building area of 83 percent of the main floor area of the primary structure, and having a nine-foot aggregate side yard setback, in D-5, **granted**.

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EXHIBITS

Location Map



Plan of Operation file-dated April 15, 2025

Plan of Operation
2714 N Harding Street
4/15/26

BACKGROUND

The subject site is located on the west side of N. Harding Street, just north of 27th Street. The site is improved with a single-family residence and is zoned D5.

Proposed Use

The proposed use will be a consulting service to teach and train small business entrepreneurs in consulting, marketing, communication and community engagement for their prospective business ventures.

Compatibility and Harmony

There will be no external changes to the residence and the classroom will occur in the living room area of the home.

Workforce

The resident owner and 1 guest speaker will be person instructing the classes.

Hours of Operation

The classes will be approximately 2-to-3-month sessions and include up to 10 students. The hours of operation will be from 10am to 8pm Monday to Saturday.

Off-Street Parking

The student will utilize the ample parking available during the day on Harding Street.

Signage

There will be no signage required.

Clients and Customers

Registered students

Lights

Only the existing street lights and porch light will be used.

Shipping and Receiving

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

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.



Findings of Fact

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 property is fully served by public water, sewer, and all required utilities, ensuring a safe, sanitary, and code

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 request to allow up to six additional students within the Home Occupation Classroom represents a modest intensification of a low instructional use that will occur entirely indoors and does not generate noise, emissions, or activity detrimental to public health or safety.
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3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The ordinance's fixed limit of four students does not reflect the actual capacity of this particular property, which has adequate interior space, safe access, and sufficient on

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

Strict enforcement of the student cap would prevent the owner from accommodating existing demand from individuals who rely on this specialized instruction, thereby restricting the property to a level of use that is unnecessarily burdensome and not reflective of its actual capacity.

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

The scale of the use remains residential in character, and the small increase in student attendance does not alter the established pattern of the neighborhood or introduce any conditions that would be out of character of the developed area.

Photographs



Subject site, looking west.



Single-family dwelling and religious use to the south of subject site, looking southwest



Single-family dwellings to the north of subject site, looking northwest



Single family dwellings to the east of subject site.