

BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number: 2026-DV3-009 (Amended)

Property Address: 6111 and 6215 Lakehaven Lane (*approximate address*)

Location: Perry Township, Council District #22

Petitioner: Lakehaven Realty LLC & RH Malin, Inc., by David Gilman

Current Zoning: C-7 (FF) / I-2 (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and rental of heavy construction equipment within 30 feet of a protected district (500-foot separation from protected districts required), utilizing gravel for parking and vehicle maneuvering area (hard surfacing required), and with a height exceeding 10 feet (not permitted), deficient transitional yard landscaping (required), and deficient screening around outdoor storage areas (required).

Current Land Use: Industrial Storage

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

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

5/26/26: To allow for additional discussion about the floodplain status of the property and for the drafting of a new site plan to amend the southern transitional yard setback, staff requested an additional continuance to the July 21st hearing date of Division III, on the petitioner's behalf.

4/21/26: To allow for additional review of case history and potential amendments to the submitted plans, staff requested a continuance for cause to the May 26th, 2026 hearing date of Division III of the BZA.

STAFF RECOMMENDATION

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

1. The existing treeline at a height of 25-30 feet and thick undergrowth along the southern property line shall be preserved in its current state by the property owner.
2. The height of outdoor storage and heavy construction equipment shall not exceed 20 feet in height within 500 feet of the protected district to the south.
3. The owner(s) shall provide the necessary Best Practice Management (BPMs) for detention and water quality for all impervious surface, as required by the Department of Business and Neighborhood Services.

4. Any major repairs to a truck, vehicle, or equipment shall be done within buildings and no major repairs (defined as rebuilding, removing, or replacing engines, transmissions, or hydraulic systems) shall occur in outdoor storage areas.
5. The outdoor storage area shall be inherently used for the display of trucks, vehicles, or equipment for sale or rent. All trucks, vehicles, or equipment in the outdoor storage area shall be in good condition and fully operable.
6. All internal drives within the outdoor storage areas shall be paved with a hard surface.
7. Additional trees and shrubs shall be planted within the southern transitional yard generally consistent with the landscape plan file-dated June 30, 2026.

PETITION OVERVIEW

The subject property contains three parcels in total with a combined area of around 11.21 acres. The two northern parcels have an address of 6111 Lakehaven Lane and are zoned C-7, and the southern parcel has an address of 6215 Lakehaven Lane and is zoned I-2. The parcels are fully located within the Floodway Fringe, as are adjacent properties on each side. Surrounding land uses are industrial in nature to the north, east and to the west (bordering the 6111 parcel), while land to the west (bordering the 6215 parcel) and south is not developed. The property is to the east of State Road 37 (no direct access exists) and is to the north of a Wellhead Protection Area.

Currently, the property is developed with outdoor storage areas paved with gravel on each of the three subject parcels, in addition to a primary building and hardscaped parking area. The building and parking have existed since at least 2007, while the gravel outdoor storage additions appear to have been placed in 2025 per aerial photography. Although a drainage permit and flood permit were obtained in 2024 to allow for those gravel areas (DRN24-02128 and FLD24-00168 respectively), the zoning permit application made (ILP24-01729) remains unissued.

These parcels have been the subject of several previous zoning petitions related to outdoor storage and operations uses:

- The petitions 2007ZON828 and 2007VAR828 were approved for the southern 6215 Lakehaven parcel as well as for the parcel to the west of that site (1846 W Banta). Approval of these petitions rezoned the site to the I-2-S zoning district and gave permission for outdoor storage and rental of large construction equipment without public street access and exceeding height and square footage limits applicable at the time. It does not appear that the sites were developed because of that approval, but grant of those variances would still apply for the southern parcel.
- The petitions 2020ZON058 and 2020DV2058 were approved for the northern two parcels of the subject site, and both **(a)** rezoned the properties from I-2 to C-7 and **(b)** gave permission for the use of gravel areas for parking and vehicle maneuvering.
- Finally, the petition 2021DV2061 was approved to allow for 100% outdoor storage on the southern parcel, without a mention of additional relief for standards related to paving or height.

Approval of this petition would seek to allow the expansion of the outdoor storage area in a manner similar (but not identical) to what unpermitted additions currently exist at the property, and with some consistency with the previous petitions described above. However, the following variances would be required for some or all of the property to allow for legal operation:

- The outdoor storage and rental areas on the 6215 Lakehaven parcel (zoned I-2) would have a 30-foot separation from the southern property line. The property to the south is zoned D-A (a protected district) and would therefore require at least 500 feet of separation between the outdoor storage and the property line. Grant of this variance was not included in previous filings.
- The use of gravel parking and maneuvering areas for vehicles and equipment would not be allowed within either zoning district. The grant of the 2020 petition allowed gravel parking to the north (on the condition that drive aisles be paved), but neither of the petitions applicable for the southern property.
- The maximum height allowed for outdoor storage within 500 feet of a protected district in both zoning districts would be 10 feet. Although the property to the south was granted permission to exceed that limit via 2007VAR828, no such permission currently exists for the northern parcels.
- Similarly, outdoor storage near protected districts would require screening at the boundaries of the storage areas in accordance with the stipulations of 744-508.C. The current layout and submitted plans do not show compliance with these standards.
- Although the petitioner has agreed to reduce the outdoor storage on the 6215 Lakehaven parcel by 20 feet to increase the separation from 10 feet to 30 feet (and therefore meet the required transitional yard setback for the I-2 district), there would still be requirements for transitional yard *landscaping* that do not appear to be met in full, which would require a fifth variance.

Staff would note that grant of these variances would not exempt the petitioner from the need to both **(a)** obtain the required Improvement Location Permit for the gravel outdoor storage areas and **(b)** to have the issued drainage and flood permits updated to reflect the storage areas on the southern parcel as well as the northern ones. Approval would also not allow for the current layout to remain unaltered: an amended site plan was provided and the petition was subsequently amended to remove the 10-foot southern setback from the property, and this change would also need to be reflected in the field.

Findings of Fact provided by the applicant indicate that grant of these variances would be justified given **(a)** that the intent of previous Boards would have been to allow for this sort of development by way of past petition approvals including similar requests and **(b)** that the surrounding context is largely heavy commercial and industrial with the exception of the D-A zoned areas to the south which would be unlikely for future residential development given their placement within the Floodway Fringe. Specifically, the petitioner indicates that development of the property to the south (1846 W Banta Road) with a residential subdivision would require either several feet of fill or a watershed study of over 1000 acres (in addition to any complications related to compensatory storage), and that both options would be cost-prohibitive.

Although staff would not infer any previous support for additional variances based on previous Board votes on past ones, it is accurate that several of the variances requested by this filing have been granted approval for a *portion* of the subject area (northern portion allowed gravel parking, southern portion has permission for height above 10 feet and to exceed 25% of the lot area with outdoor storage).

Additionally, communication with a floodplain official with the Department of Business and Neighborhood Services indicates that although development of the Banta parcel to the south would be possible, that they “do agree with the engineer’s assessment that development on the site, especially a subdivision, would be hard to achieve given the flood zone and applicable requirements”. Staff would also note that the Comprehensive Plan recommendation for that property would be for Office and Industrial Mixed Uses, which would not align with the property’s current zoning or typically include zoning districts that would trigger the requirement for a 500-foot separation.

In consultation with the petitioner as well as based on commitments applicable for previous petitions, staff requested seven total commitments written in full above. These commitments would ensure some level of buffering and additional protection for any future development to the south (residential or otherwise) and more closely approximating the intent of the Ordinance with relation to buffering, height limitations, and paving. Subject to these commitments, staff recommends **approval** of the petition with the caveat that the previous placement of storage at the site without permits did not serve as a factor in formulation of the recommendation, and that this recommendation should not serve as precedent for “asking forgiveness instead of permission”.

GENERAL INFORMATION

Existing Zoning	C-7 (FF) / I-2 (FF)	
Existing Land Use	Industrial Storage	
Comprehensive Plan	Light Industrial + Office/Industrial Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	I-3 / I-2	North: Industrial
South:	D-A / I-2	South: Undeveloped / Industrial
East:	I-2	East: Industrial
West:	C-S / I-2	West: Commercial / Undeveloped
Thoroughfare Plan		
Lakehaven Lane	Private Drive	
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	02/23/2026	
Site Plan (Amended)	06/01/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	06/30/2026	
Findings of Fact	02/11/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Light Industrial typology (applicable for the northern two parcels) 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.
- The Office/Industrial Mixed-Use typology (applicable for the southern parcel) is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/residential traffic in this typology.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

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

2021DV2061 (6215 Lakehaven), Variance development standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage of large equipment on 100% of the property (storage and operations limited to 25% of the total gross area of enclosed buildings), **approved**.

2020DV2058 (6111 Lakehaven), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the utilization of six inches of aggregate with three inches of compacted milled asphaltic cover for a parking and vehicle maneuvering area (hard surfacing required), **approved**.

2020ZON058 (6111 Lakehaven), Rezoning of 8.2 acres from the I-2 district to the C-7 district, **approved**.

2007VAR828 (6215 Lakehaven), Variance of Use of Development Standards of the Industrial Zoning Ordinance to provide for (a) outdoor storage and rental of large construction equipment (not permitted), such as cranes and lifts; (b) on a lot without direct access to a public street (not permitted); (c) 364,755 square feet of outdoor storage for construction equipment or 2399 percent of the total gross floor area of enclosed buildings (maximum 3800-square feet or 25 percent of the total gross floor area of enclosed buildings permitted); and (d) outdoor storage of construction equipment with a height exceeding ten feet (not permitted), **approved**.

2007ZON828 (6215 Lakehaven), Rezoning of 15.20 acres, from the D-A (FF) (W-1) classification to provide for light industrial uses, **approved**.

2006ZON042 (western 6111 Lakehaven lot), Rezoning of 8.19 acres, from the C-S (FF) (W-1) and I-2-S (FF) (W-1) Districts, to the I-2-S (FF) (W-1) classification to provide for light industrial suburban uses, **approved**.

ZONING HISTORY – VICINITY

2024UV3001 ; 1615 W Edgewood Avenue (north of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses (not permitted), **approved**.

2023UV3012 ; 1735 W Edgewood Avenue (north of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a truck terminal (prohibited in Floodway Fringe District) and parking area with 53-foot front yard setback from Edgewood Avenue and a six-foot east side yard setback (60-foot front yard setback required, 30-foot side yard setback required) and deficient landscaping, **approved**.

2021ZON114 ; 1525 W Edgewood Avenue (northeast of site), Rezoning of 0.417 acre from the D-A district to C-1 district, **approved**.



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

2021ZON086 ; 1735 W Edgewood Avenue (north of site), Rezoning of 2.29 acres from the I-2 (FF) district to the I-3 (FF) district, **approved**.

2020DV2056 ; 6120 S Harding Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition with a fifteen-foot front setback from the proposed right-of-way of Harding Street and to provide for parking outdoor storage and outdoor operations with zero-foot north side yard and west rear yard (30-foot front setback from the proposed right-of-way, 30-foot side and rear setbacks (outdoor storage and operations not permitted within 500 feet of a protected district, limited to 25% of the building area and storage cannot be higher than 10 feet or higher than the required screening), **approved**.

2017DV2013 ; 6020 Lakehaven Lane (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an industrial building, with a 49-foot north front setback and 32-foot east front setback (60-foot front setback from the proposed right-of-way required), **approved**.

2015ZON074 ; 1615 W Edgewood Avenue (north of site), Rezoning of 1.45 acres from the D-A (W-1) district to the C-4 (W-1) classification to provide for a 10,000-square foot building for a haunted house, **approved**.

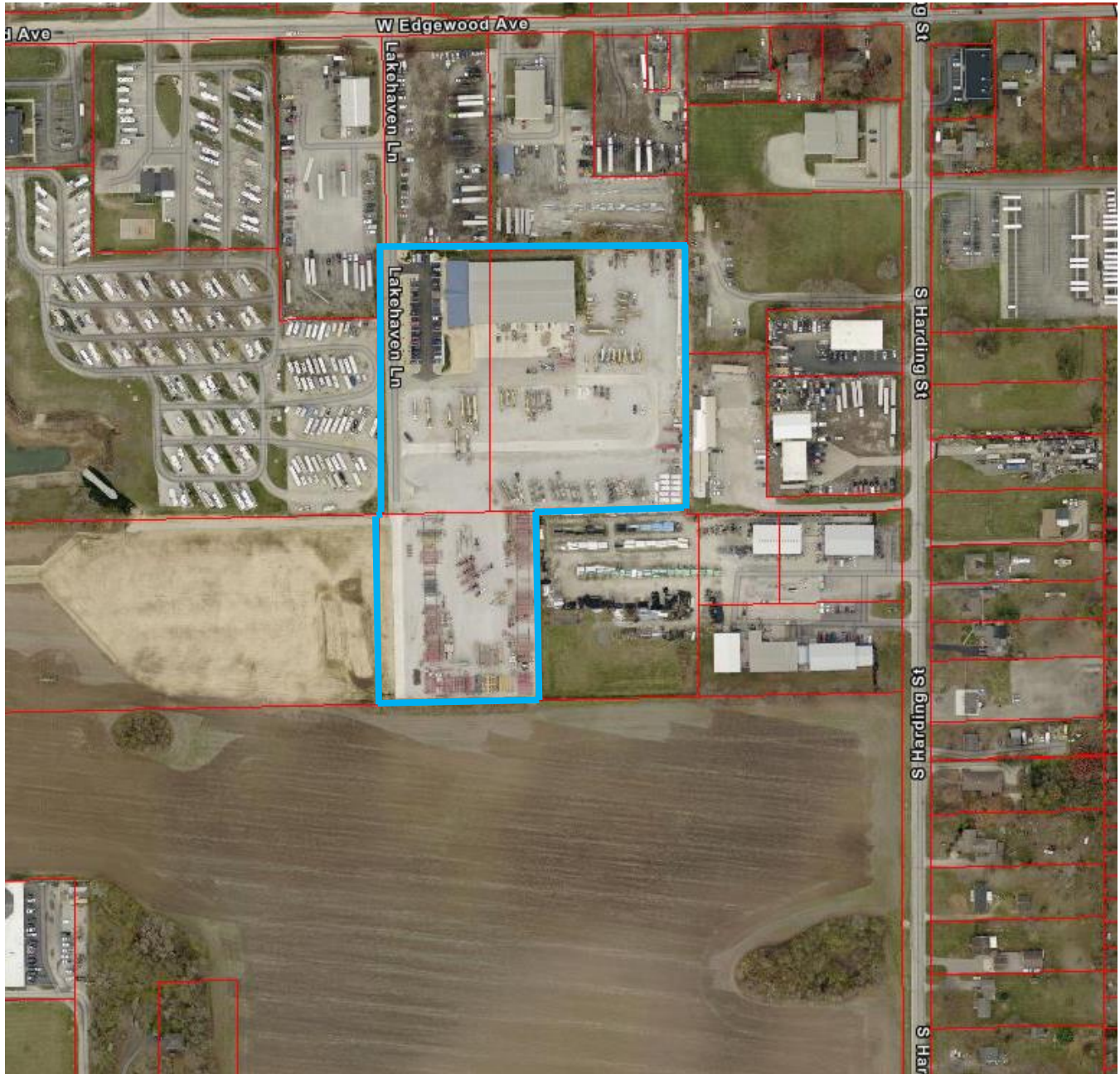
2013ZON055 ; 1739 Edgewood Avenue (northwest of site), Rezoning of four acres from the D-A (FF) (W-1) district to the C-S (FF) (W-1) classification to provide for office use, warehouse use, a distribution facility, with a retail component, and all I-3-S uses, **approved**.

2009ZON067 ; 6020 Lakehaven Lane (northwest of site), Rezoning of 3.06 acres, from the I-2-S (W-1)(FF) and C-S (W-1)(FF) Districts, to the I-3-S (W-1)(FF) classification to provide for medium-intensity industrial uses, **approved**.

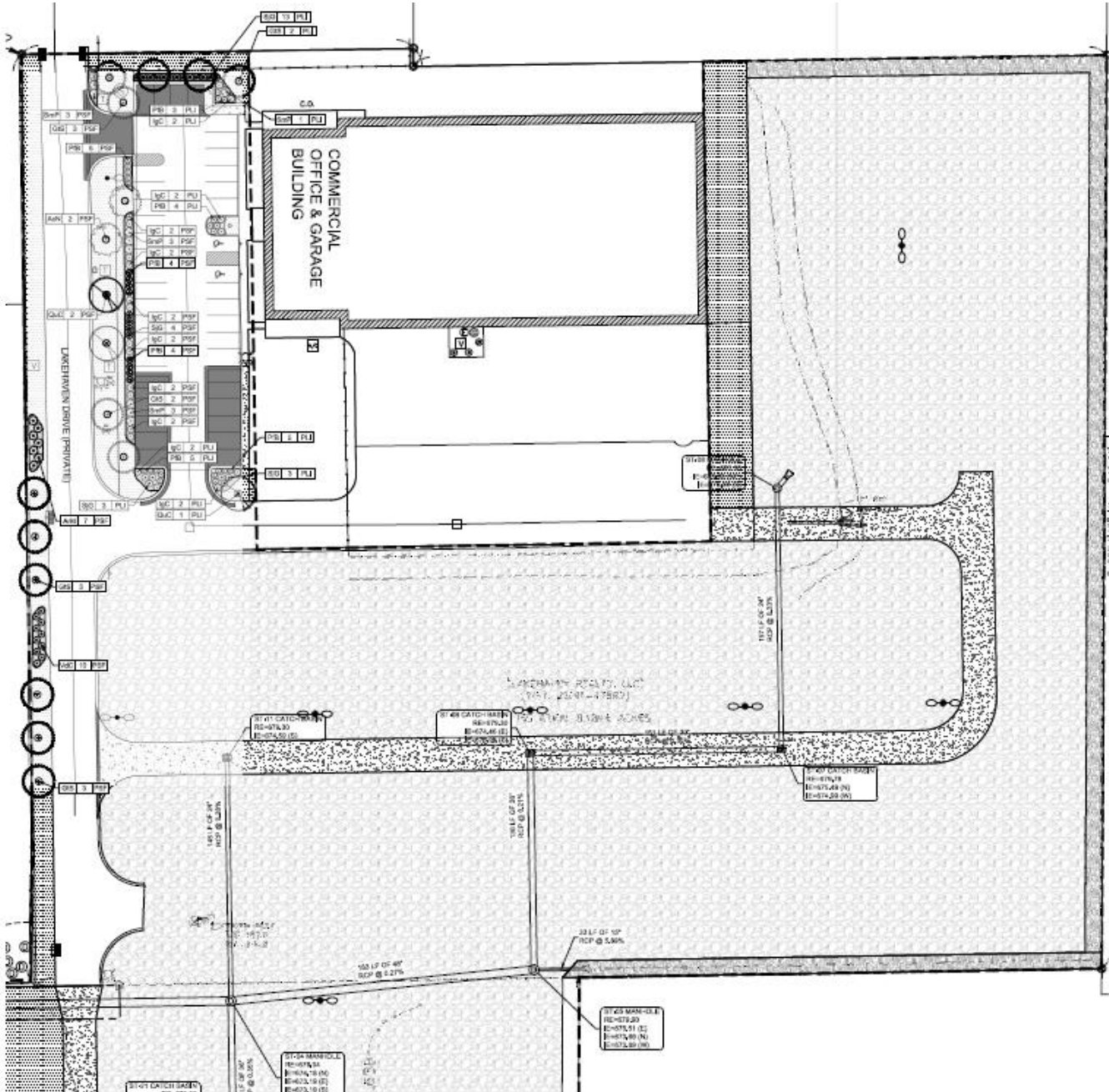
2008UV2008 ; 1735 W Edgewood Avenue (north of site), Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for the rental of recreational vehicles (not permitted), with a 528-square foot office-trailer, and with a 22,275-square foot, gravel outdoor storage area (hard surfacing required), being approximately 4,200 percent of the total area of enclosed buildings (maximum 132-square feet or 25 percent permitted), with outdoor storage of recreational vehicles exceeding the height of the surrounding fence within approximately 250 feet of a protected district (not permitted within 500 feet of a protected district), **withdrawn**.

EXHIBITS

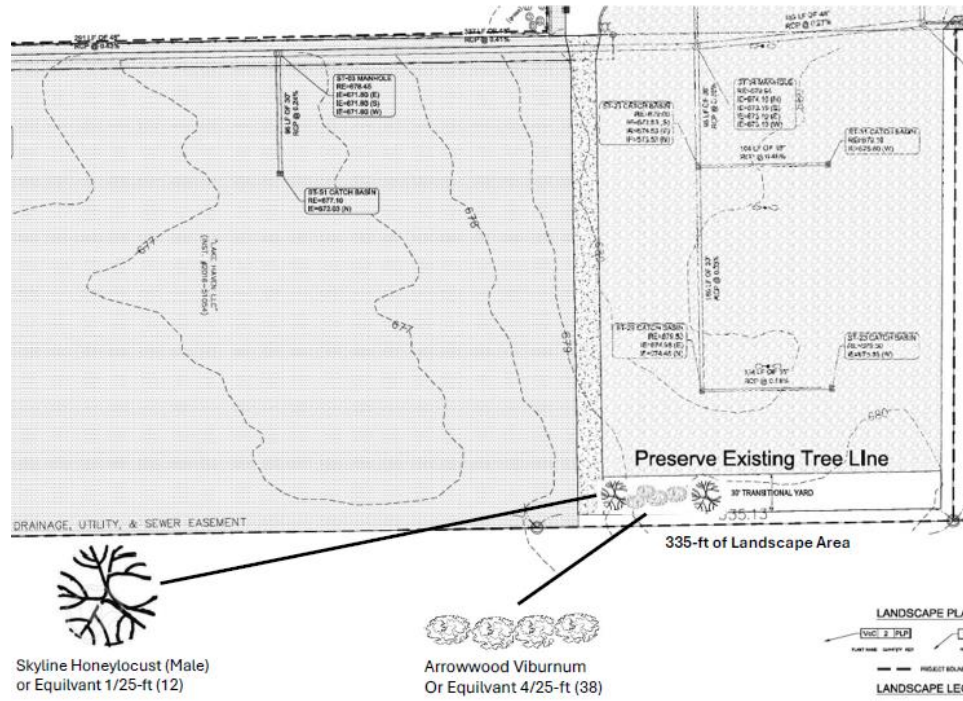
2026DV3009 ; Aerial Map



2026DV3009 ; Site/Landscape Plan (northern portion)



2026DV3009 ; Site/Landscape Plan (southern portion)



2026DV3009 ; 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 has already been deemed appropriate for outdoor storage through the approval of a prior variance, demonstrating that this type of low-intensity use is compatible with the area.

The site is surrounded by established industrial operations and undeveloped floodplain land that is unlikely to support residential development in the future. As a result, the continuation of outdoor storage on this parcel will not introduce new impacts, will not burden nearby properties, and will remain fully consistent with the character and expectations of the surrounding environment.

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

The subject property has already been deemed appropriate for outdoor storage through the approval of a prior variance, demonstrating that this type of low-intensity use is compatible with the area.

The site is surrounded by established industrial operations and undeveloped floodplain land that is unlikely to support residential development in the future. As a result, the continuation of outdoor storage on this parcel will not introduce new impacts, will not burden nearby properties, and will remain fully with the character and expectations of the surrounding environment.

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

The subject property is bordered by heavy commercial and industrial operations, and the remaining adjacent land consists of undeveloped floodplain that is unlikely to support residential development. As a result, the limited encroachment into the buffer does not create any adverse impacts on sensitive uses, nor does it conflict with the purpose of the buffer standards. Enforcing the full setback at this stage would effectively negate the Board's original intent and render the approved outdoor storage use impractical.

2026DV3009 ; Photographs



Photo 1: Existing Building on 6111 Parcel from Southwest



Photo 2: Existing Storage on 6111 Parcels from Northwest

2026DV3009 ; Photographs (continued)



Photo 3: Existing Storage on 6111 Parcels from West



Photo 4: Storage on 6215 Parcel from Northwest

2026DV3009 ; Photographs (continued)



Photo 5: Storage on 6215 Parcel from Southwest



Photo 6: Existing Treeline + Adjacent Property to South

2026DV3009 ; Photographs (continued)



Photo 7: Adjacent Property to West of 6111 Parcels



Photo 8: Adjacent Property to West of 6215 Parcel