

BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number:	2026-DV3-019 (Amended)
Property Address:	6838 South East Street (approximate address)
Location:	Perry Township, Council District #22
Petitioner:	CKJ Property LLC, by David Gilman
Current Zoning:	C-1
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition and new parking area with a 6-foot front transitional yard setback (20 feet required), a 5-foot rear transitional yard setback (15 feet required), a total of 29 parking spaces (maximum of 24 spaces permitted), and no frontage sidewalks (130 linear feet of sidewalk responsibility).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends approval of variances related to setbacks and parking. Staff recommends denial of the variance related to sidewalks.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

6/16/26: Staff requested a continuance to the July 21, 2026 hearing date to allow additional time to obtain information about the status and the proposed plans for an Indiana Department of Transportation project that would have resulted in the installation of sidewalk along the US 31 frontage (this project has since been cancelled by INDOT).

STAFF RECOMMENDATION

Staff recommends **approval** of variances related to setbacks and parking. Staff recommends **denial** of the variance related to the petitioner not placing required frontage sidewalks.

PETITION OVERVIEW

6838 South East Street is a 0.84-acre parcel that is currently used as a financial services office. The structure on the property was initially constructed as a single-family residence that received a Variance of Use to operate as a photography studio in 1985; the site was subsequently rezoned to the C-1 zoning designation in 2001. The lot forms an irregularly long and thin triangle caused by the curvature of the state road US 31 to the northeast, with most of the lot to the north having a width of less than 65 feet. Surrounding land uses include additional offices to the south, single-family residences to the west separated by an existing fence and trees, and apartments to the northeast (buffered by the six-lane state road). The nearest major intersection is US 31 and Southport to the south, and the IndyGo Route 31 runs along US 31 with bus stops along both the east and west of the road to the south of the site.

Approval of this petition would allow for the placement of both a substantial building addition onto the northern portion of the existing structure as well as for the placement of additional parking areas to the east of the existing office and to the north of the proposed addition, per plans within the Exhibits below. This project would maintain the existing fence and tree line near the western property line in addition to the provision of additional shrubs. Submitted plans do not indicate the placement of any sidewalk along the northeastern frontage.

The following variances would be required to legally develop the site per provided plans:

- The front transitional setback for new parking areas would be 6 feet from the property line to the northeast when Ordinance would require separation of at least 20 feet.
- The rear transitional setback for new parking areas would be 5 feet from the property line to the west when Ordinance would require separation of at least 15 feet.
- This layout shows the placement of 29 accessory parking spaces for the primary office use when Ordinance allows for a *maximum* of 24 spaces for the proposed use and square footage.
- Ordinance also requires the placement of 5 linear feet of sidewalk per 100 square feet of building addition for projects where frontage sidewalks do not already exist. In this instance, 130 linear feet of sidewalk would be required for the addition size (0 feet of sidewalk is shown on plans).

Original plans filed by the petitioner also indicated the need for variances related to interior landscaping and a lack of bicycle parking, but amendments provided to staff on June 2nd indicated compliance with those standards and the request language was amended to remove those requests.

This property is zoned C-1 (Office Commercial) to both act as a buffer between uses and to allow for the development of offices and office-type uses, such as medical and dental facilities or education services, with the assurance that retail and other heavier commercial uses with incompatible characteristics. Similarly, the Comprehensive Plan recommends it to the Office Commercial typology to allow for single and multi-tenant office buildings. The Plan explicitly indicates that all development within this typology, regardless of land use type, should include sidewalks along the street frontage.

Findings of Fact provided by the applicant cite the abnormal shape and dimensions of the lot as constituting a practical difficulty that would severely limit their ability to construction building or parking additions without the need for petition relief. Staff would note that the front transitional yard requirement is based on apartments to the northeast that are on the other side of the busy and multi-lane state road, and that the proposed plans show the addition of new shrubs and the preservation of extensive buffering (both fence and trees) near the western property line.

Additionally, only the proposed parking areas would encroach into required setbacks and the building addition itself would not require any setback relief. Staff would also note that the proposed parking layout would allow for placement of ADA spaces closer to the building entrance and would allow for more maneuvering space in an oddly shaped parking lot. Given the practical difficulty caused by the lot dimensions and the steps taken to reduce negative externality for properties to the west, staff recommends **approval** of variances related to setbacks and parking.

Although there were recent plans for sidewalk to be installed along the western portion of the East Street frontage via the INDOT project #2200074, this project was cancelled in May of 2026 with no certain timeline for if the project might be rescheduled. The right-of-way bordering this site falls under INDOT jurisdiction and would require INDOT permitting for placement of the partial sidewalk required, but that jurisdiction would not impact the applicability of the Indianapolis Zoning Ordinance requirement for placement of frontage sidewalks.

Plans showing the location of the proposed sidewalk were drafted (see Exhibits below), which demonstrate the feasibility of having sidewalk installed along this frontage: although a contact with INDOT indicated that the plans shown below were likely to change, the cancellation of the project was based on funding and not related to feasibility of site engineering. No indication from INDOT has been provided to staff indicating a lack of ability for the petitioner to obtain permission for partial sidewalk installation as required by Ordinance. Findings of Fact submitted by the petitioner reference the existing drainage ditch along the frontage, which would complicate but not preclude the placement of required sidewalks.

The petitioner's Findings related to the sidewalk variance also indicate that installation along the frontage should be the responsibility of the State. There is no indication of if or when the proposed INDOT project might be resumed in the future, and absent a replatting of the site (highly unlikely), the requirement for sidewalk placement at the time of building additions is the only mechanism by which the City could compel sidewalk placement. A connected sidewalk network is a core part of the Vision Zero framework, and DMD staff is fully supportive of those efforts to increase transportation choices throughout the City. For this reason, as well as for the lack of extreme site difficulty preventing installation, staff recommends **denial** of the requested variance to exempt the petitioner from placement of sidewalks.

GENERAL INFORMATION

Existing Zoning	C-1	
Existing Land Use	Commercial	
Comprehensive Plan	Office Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-6II	North: US 31
	South: C-1	South: Commercial
	East: D-6II / SU-1	East: Apartments / Religious Use
	West: D-3	West: Residential
Thoroughfare Plan		
East Street / US 31	Primary Arterial	137-foot existing right-of-way and 124-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/23/2026	
Site Plan (Amended)	06/02/2026	

Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	06/02/2026
Findings of Fact	04/23/2026
Findings of Fact (Amended)	06/05/2026

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

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 and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. All development, regardless of land use type, should include sidewalks along the street frontage.

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

2001ZON107, Rezone 0.90 acre from D-A to C-1 to provide for office uses, **approved**.

85-UV3-19, Variance of Use of the Marion County Master Plan Permanent Zoning Ordinance and the Sign Regulations to provide for a photography studio in an existing residence with a ground sign, **approved**.

ZONING HISTORY – VICINITY

2021UV2022 ; 510 East Southport Road (south of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a convenience market, **approved**.

2009DV3054 ; 445 Tulip Drive (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 232-square foot accessory building, without a permanent foundation, with a zero-foot south side setback (minimum six-foot side setback and aggregate side setback of 16 feet required), and to provide for a six-foot tall fence in the front yard of Tulip Drive and within the sight-distance triangle of the driveway and Tulip Drive (42-inch tall fence not permitted within the front yard, structures taller than 2.5 feet tall are not permitted within the sight distance triangle, **approved**.

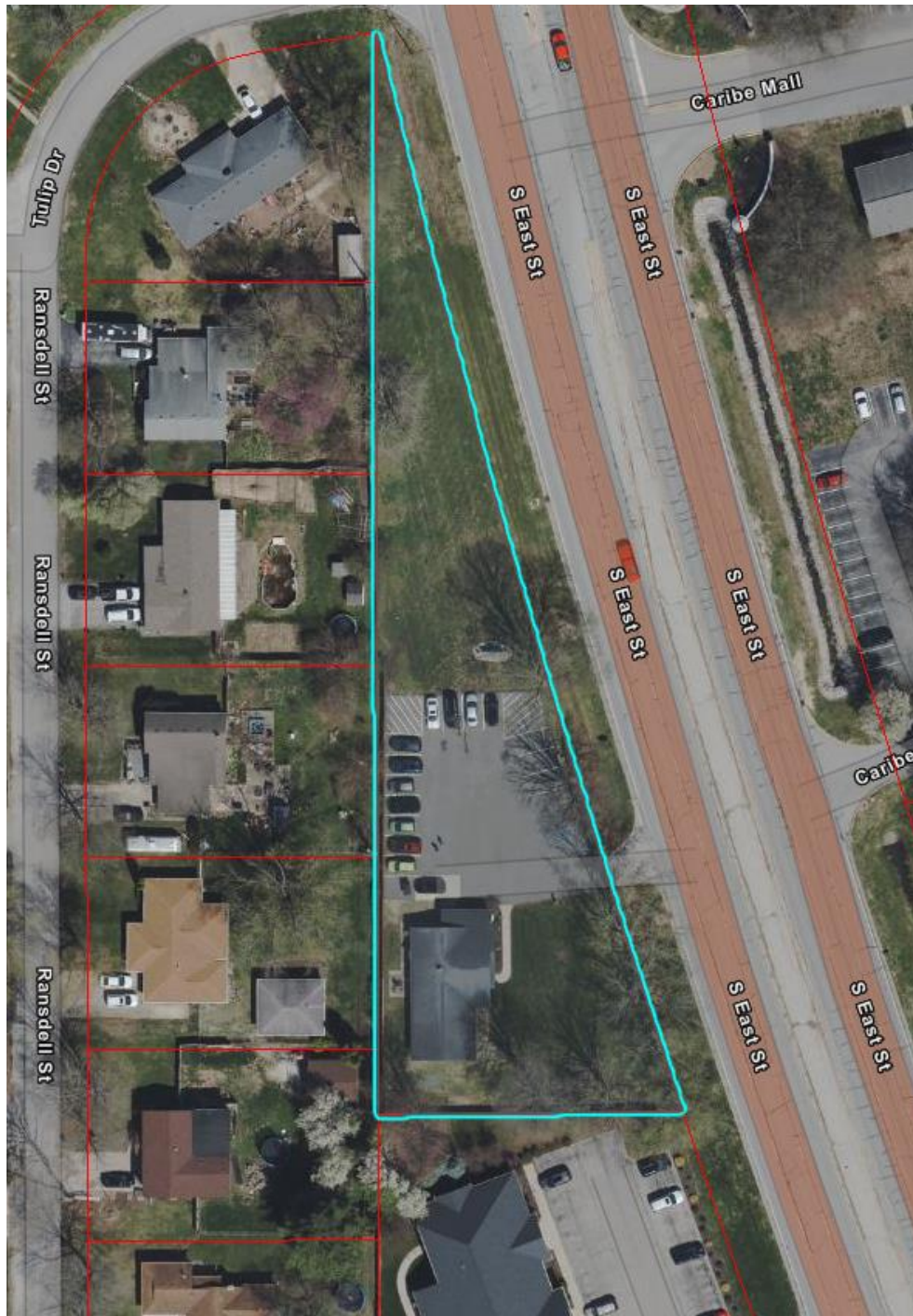
2008HOV024 ; 610 East Southport Road (southeast of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the construction of a 20,000 square-foot medical office building resulting in a deficient total of required parking spaces (72 spaces deficient) for a temporary period during construction of the new office building, **approved**.

2006UV1021A ; 500 East Southport Road (south of site), Variance of Use of the Commercial Zoning Ordinance to provide for the retail sale and storage of garage door openers, components, windows and panels (not permitted), **approved**.

2006UV1021B ; 500 East Southport Road (south of site), Variance of Development Standards of the Sign Regulations to provide for the construction of a 25-foot tall, 124-square foot internally illuminated pylon sign within 60 feet of a protected district (minimum 600-foot separation required), **denied**.

EXHIBITS

2026DV3019 ; Aerial Map (Subject Site)



[illegible]

2026DV3019 ; Findings of Fact (Setbacks)

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

The transitional yard reduction provides the maneuvering space needed on this uniquely shaped parcel to ensure safe on-site circulation.

The expanded parking area will meet all required design and circulation standards, supporting safe movement for both vehicles and pedestrians.

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 homes to the rear are fully screened by an existing solid opaque fence, which effectively blocks views and activity on the site. In addition, the site's operations are limited to daytime hours,

further reducing any potential for disturbance. The apartments to the east are separated by a (6) lane State thoroughfare and mature tree cover, providing substantial physical and visual buffering.

The parking lot will not require any lighting above the height of the existing fence, ensuring that no light spillover or glare reaches the adjacent residential properties. With all fixtures contained below the fence line, illumination remains fully shielded and directed inward, eliminating any potential impact on neighboring homes.

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 business already functions as a natural professional office buffer between the residential neighborhood and the heavily traveled State thoroughfare, and its ability to expand is essential to meeting the growing demand for its services. The business must also be able to provide adequate customer and employee parking to operate safely and efficiently.

The proposed expansion plan is modest and designed to accommodate the business's future needs without altering the character of the area. Importantly, the property's odd pie shaped configuration makes full compliance with the transitional yard requirements impractical.

2026DV3019 ; Findings of Fact (Parking Maximum)

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

The inherent nature of the financial services business conducted on the site requires multiple real estate closing transactions each day, many of which involve several owners, agents, and related parties arriving separately. This operational pattern results in a higher than typical number of short duration visits throughout the business day.

The additional parking spaces is necessary to safely accommodate the customer volume already inherent to the business.

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:

Because the parking area is internal to the site and serves only the business's customers and invited parties, it does not generate public traffic or create conditions detrimental to surrounding properties. The design and layout maintain a professional appearance consistent with the area and do not introduce noise, glare, or activity levels that would adversely affect neighboring uses.

The site has direct access to a state highway which has more than adequate capacity to handle the proposed traffic volume.

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

Providing additional parking spaces is necessary to ensure safe and orderly on site circulation, accommodate the number of vehicles inherent to daily operations, and allow the business to function as intended. The physical layout of the site supports these additional spaces without compromising maneuverability, sight lines, or internal traffic flow.

2026DV3019 : Findings of Fact (Sidewalks)

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

The Indiana Department of Transportation (INDOT), under Project Number B570, has already approved a comprehensive roadway improvement project that includes the future installation of sidewalks along this corridor.

INDOT's planned improvements are fully engineered, coordinated, and designed to function as a continuous, safe pedestrian facility. Installing a small, isolated segment of sidewalk in advance of this state project would provide no public benefit, would not connect to any existing pedestrian network, and would not be used by the public.

The requested relief is consistent with the Board of Zoning Appeals' recent decision for 8310 Rockville Road, where on August 5, 2025, the Board approved a variance deferring sidewalk installation along a

INDOT controlled highway corridor. In that case, the Board determined that because INDOT had a programmed roadway project including

future sidewalks, it was appropriate to defer sidewalk construction to the State rather than require a private property owner to install an isolated segment.

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 site fronts a limited access state highway, a corridor that is not currently designed or used for pedestrian travel and does not contain sidewalks along residential or commercial frontage anywhere along its frontage.

Because no pedestrian network exists in the surrounding area, the installation or non installation of a sidewalk on this single parcel has no functional relationship to how neighboring properties are used or valued.

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 parcel contains a deep drainage ditch within the area where a sidewalk would be located. Constructing a sidewalk over this ditch would require extensive engineering, grading, and structural work

far beyond the scope and cost of a typical sidewalk installation. These improvements are best addressed as part of INDOT's

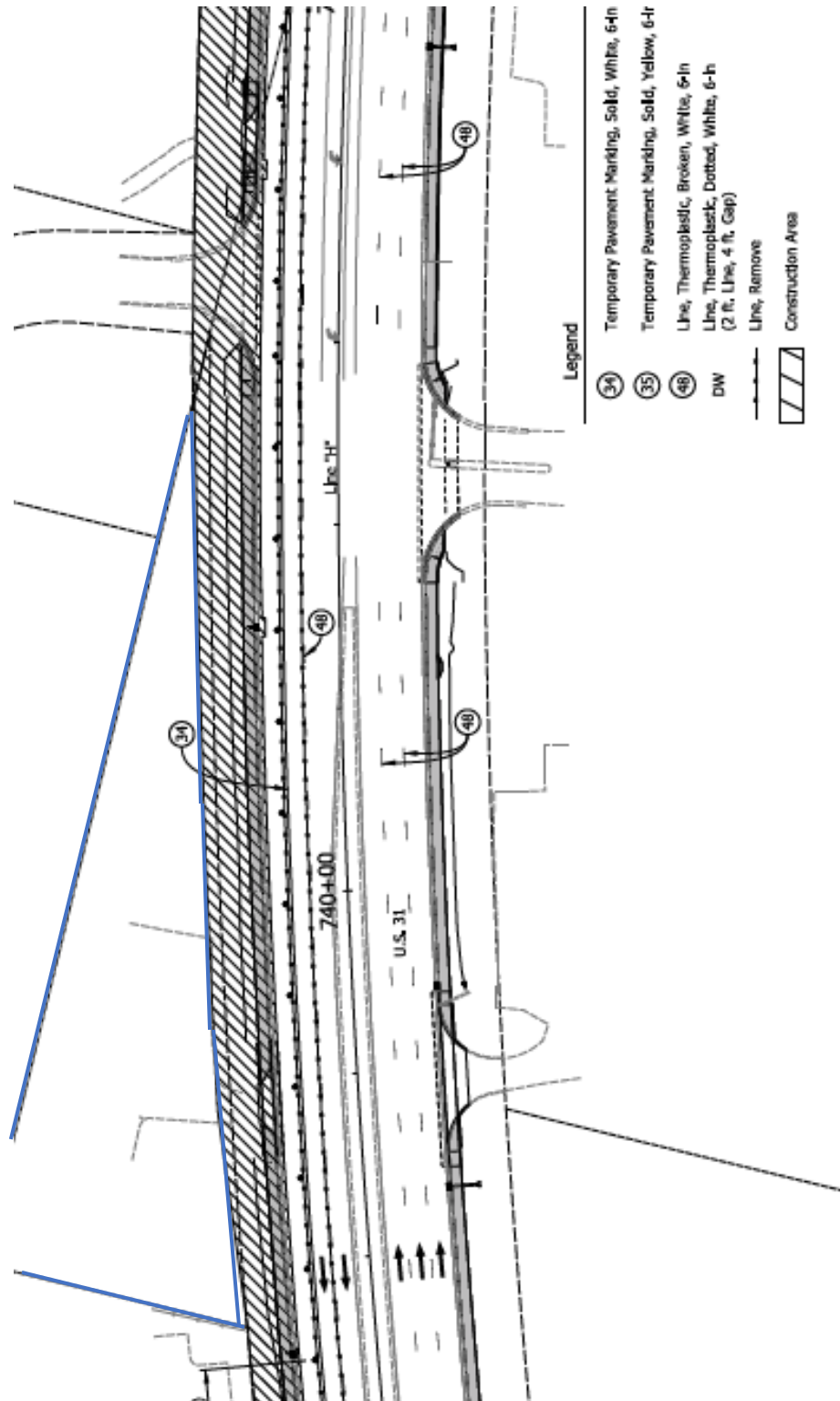
comprehensive project, which is already designed to manage drainage, grading, and pedestrian accommodations holistically.

Requiring a single small business owner to construct a sidewalk segment in this location is inappropriate, premature, and unreasonable, particularly when the State has already

committed to installing the full, continuous facility as part of its capital project. A piecemeal installation would not improve safety and could create confusion or

maintenance issues until INDOT's project is constructed.

2026DV3019 ; INDOT Sidewalk Location (Proposed Prior to Cancellation)



2026DV3019 ; Photographs



Photo 1: Subject Site and Building Addition Area Viewed from East



Photo 2: Proposed Southern Parking Area + Adjacent Property to South

2026DV3019 ; Photographs (continued)



Photo 3: Potential Sidewalk Area to South of Driveway (June 2025)



Photo 4: Potential Sidewalk Area to North of Driveway (June 2025)

2026DV3019 ; Photographs (continued)



Photo 5: Proposed Building Addition Area Viewed from North



Photo 6: Proposed Northern Parking Area Viewed from South

2026DV3019 ; Photographs (continued)



Photo 7: Existing Buffering Along Western Property Line



Photo 8: Adjacent Property to East