

BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number: 2026DV3026

Property Address: 6400 S Belmont Ave

Location: Perry Township, Council District #22

Petitioner: Midwest Food Bank Corp, by Jacob Brattain

Current Zoning: I-2

Request: A variance of development standards of the Consolidated Zoning and Subdivision Ordinance to permit a fifteen-foot (15') encroachment into the required thirty-foot (30') side yards on the north and south sides of the property within the I-2 zoning district, to allow the construction of access drives.

Current Land Use: Agricultural

Staff

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

Staff Reviewer: Adrienne Baker, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

The subject site consists of a single parcel totaling approximately 8.450 acres and is currently undeveloped. Access to the site is provided from the west side of South Belmont Avenue right-of-way. Adjacent properties to the north and south are developed with light industrial uses. To the east, the site is bordered by the right-of-way of State Road 37. To the west, the site abuts an area planned for a residential subdivision that is currently under development but has not yet been platted. Surrounding land uses include single-family residential to the west and light industrial uses to the north, south, and east.

The requested variance would permit a fifteen-foot (15') encroachment into the required thirty-foot (30') side yards on the north and south sides of the property within the I-2 zoning district, to allow the construction of access drives.

The following exceptions to height limits and encroachments into required setbacks and yard areas are allowed as indicated in Table 744-204-1. Encroachments into Required Yard or Setback: Driveways, Wheelchair Ramps, Walkways may encroach into and cross through a required front, side, rear,

perimeter, or transitional yard in the most direct manner possible to connect a right-of-way line and setback line. The subject site abuts a protected district to the west.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Agricultural	
Comprehensive Plan	Office Commercial, Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: I-2 and DP	Commercial
	South: I-2	Industrial, Exempt
	East: I-3, C-7	Industrial, Commercial
	West: DP	Suburban Neighborhood
Thoroughfare Plan		
Belmont Ave	Local Street	50-ft existing right-of-way and 50-ft proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Environmentally sensitive	
Wellfield Protection Area	No	
Site Plan	April 23, 2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	April 23, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.

- Any operations, service, or processing (except storage and off-street loading) shall be conducted within completely enclosed buildings except in the I-2, I-3, and I-4 districts. In the I-2 and I-3 districts, all operations, servicing, or processing located within 500 feet of a protected district boundary (except storage and off-street loading) shall be conducted within completely enclosed buildings.
- The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer.
- The following exceptions to height limits and encroachments into required setbacks and yard areas are allowed as indicated in Table 744-204-1: Encroachments and Exceptions. Driveways, wheelchair ramps, and walkways may encroach into and cross through the required front, side, rear, perimeter or transitional yard in the most direct manner possible to connect a right-of-way line and setback line.

Pattern Book / Land Use Plan

- Working Typologies are primarily non-residential areas - places where people work. Generally, these typologies are intended for uses that are too intense to be near homes - either because of their scale and form (such as a business park) or because they may cause a nuisance (such as heavy industrial uses).
- The Land Use Plan Pattern Book recommends this site to the Office Commercial working typology to allow single and multi-tenant office buildings. It is often a buffer between land uses of differing intensities and can range from a small freestanding office to a major employment center. Intended uses might include medical and dental facilities, insurance, real estate, financial institutions, legal services, or hair and body care salons. Industrial uses are not contemplated for this typology.
- All development should include sidewalks along the street frontage. If a development is proposed within one-half mile, along an adjoining street, of an existing or approved residential development, continuous pedestrian infrastructure—such as a sidewalk, greenway, or off-street path—should be provided to establish a direct connection between the proposed site and the residential area.
- 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.
- The Wellfield Protection secondary districts are designed to limit certain types of uses, processes and development in areas adjacent to a water wellfield. This is intended to protect significant groundwater and aquifer resources.

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 -

2004-UV1-016, 6400 South Belmont Avenue (subject site), Variance of Use of the Industrial Zoning Ordinance to provide for an outdoor storage facility for construction materials (not permitted), **denied**.

2003-ZON-185, 6400 South Belmont Avenue (subject site), requested a change in zoning from the 1-2-S (W-1) District to the 1-3-S (W-1) District, **withdrawn**.

98-Z-121 6400 South Belmont Avenue (subject site), requested rezoning of 8.449 acres from the D-P District to the 1-2-S District to provide for industrial use, **approved**.

VICINITY -

2008-DV3-020- 6480 South Belmont Avenue, Variance Of Development Standards of the Industrial Zoning Ordinance to: a) legally establish 14 parking spaces within the required 30-foot north and west side yards (not permitted), b) legally establish 11 parking spaces and an interior access drive within the required 50-foot west side transitional yard (not permitted), c) provide for the construction of a two-story, 6,303 square foot building with a 21.75-foot front setback from the existing right-of-way of Banta Road (minimum fifty-foot front setback required), d) provide for ten parking spaces with a 21-foot front setback and a portion of a patio with a 36-foot front setback from the existing right-of-way of Banta Road, being within the reduced required 40-foot front transitional yard (not permitted) with type C landscaping provided, **approved**.

99-Z-105, 6148 South Belmont Avenue

98-Z-17, 6650 South Belmont Avenue (south of site), requested a rezoning of 4.384 acres from D-A to C-3, **withdrawn**.

98-Z-18, 6650 South Belmont Avenue (south of site), requested a rezoning of 38.274 acres from D-A to D-6II, **approved**.

97-Z-14/97-DP-3; 2201 West Southport Road (south of site), requested rezoning of approximately 1131 acres from D-A (FF), SU-23 (GSB), SU-3 (FF), D-6 (FF) and C-3 (FF) to D-P (GSB, FF) to provide for a residential and golf course community development consisting of twelve single-family residential communities, three multi-family residential communities, a twenty-seven hole golf course, a nine hole golf course, a golf academy, club house and practice area, three neighborhood commercial centers, three neighborhood commercial service areas, a Mini warehouse use, recreational amenities and open space areas, **approved**.

95-Z-212/95-DP-11; 2701 West Banta Road (west of site), requested a rezoning of 41.047 acres from D-A (FW)(FF) to D-P(FW)(FF) to provide for multi-family residential development, **approved**.

95-Z-144; 2210 West Southport Road (south of site), requested a rezoning of 16.32 acres from D-A(FF)(W-1) to SU-3(FF)(W-1) to provide for a golf course and driving range, **approved**.

95-HSE-8; 2151 West Banta Road (east of site), requested a special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured home, **granted**.



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Division of Planning
Current Planning

94-UV1-48 2151 West Banta Road (east of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to construct a pole barn on a lot without primary residence, **granted**.

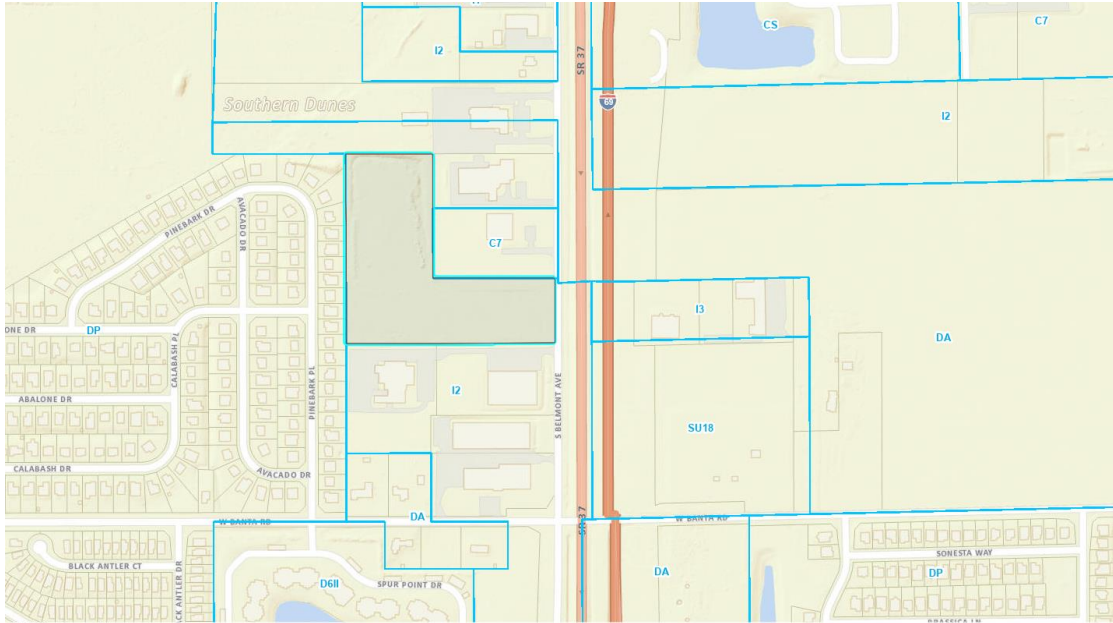
91-Z-80; 2430 West Banta Road (east of site), requested a rezoning of 49.15 acres from D-A to I-2-S to provide for light industrial development, **withdrawn**.

85-Z-14; 6450 South Belmont Avenue (east of site), requested a rezoning of 8.0 acres from A-2 to I-2-S to provide for the manufacture of small airplane parts, **approved**.

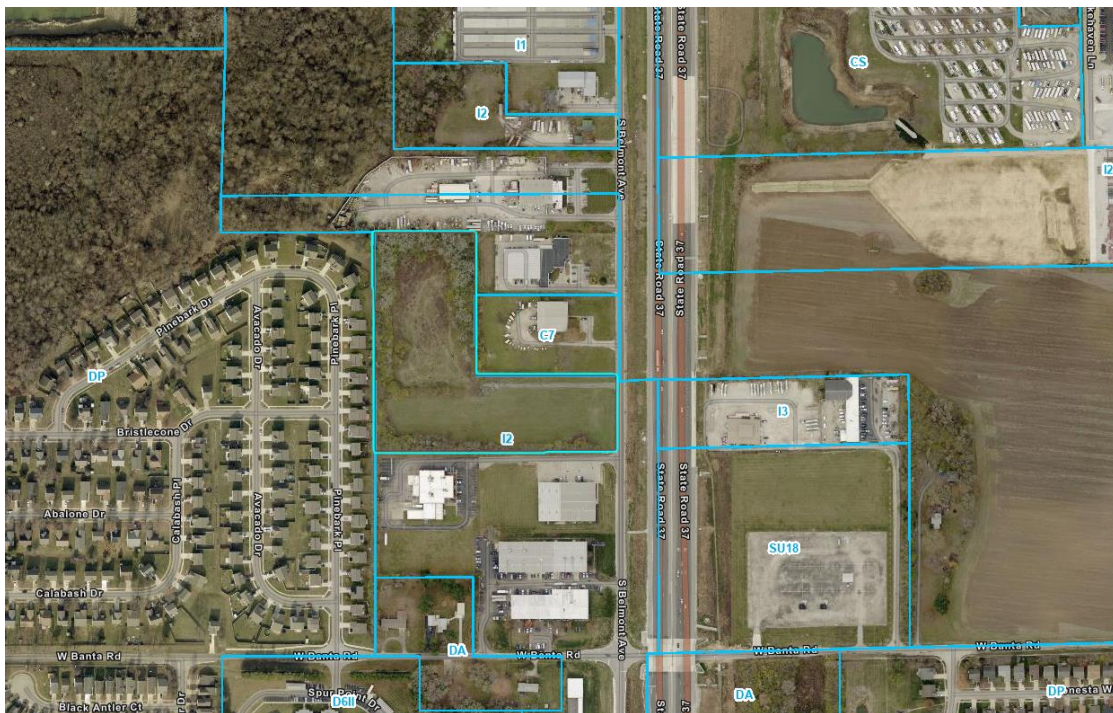
85-Z-139; 6302 South Belmont Avenue (east of site), requested a rezoning of 2.98 acres from A-2 to I-2-S to provide for an office/ warehouse, **approved**.

EXHIBITS

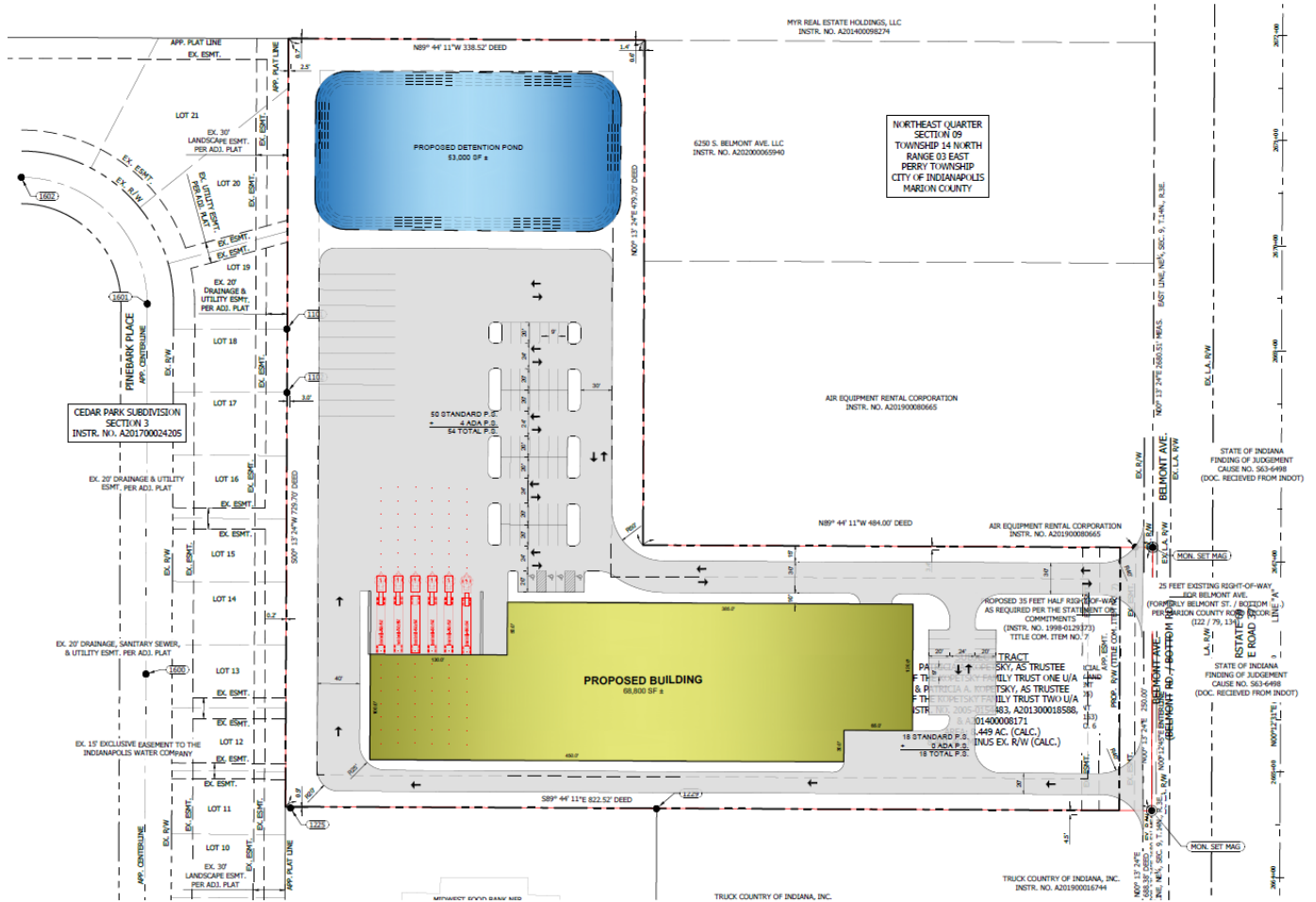
2026DV3026 : Zoning Map



2026DV3026 : Aerial Map



2026DV3026 : Site Plan



2026DV3026 : Findings of Fact

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

This area is already designated to support commercial and industrial operations similar to the proposed use and construction and granting the variance will allow for currently vacant land to be used in a similar manner to the surrounding properties.

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 Property is bounded to the North and South by other industrial properties and to the east by Interstate 69. Many similar properties in the area were constructed with access drives and parking areas encroaching into the current setbacks for the zoning designation, which has not substantially affected the value or use of those 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 Property is a "L" shaped parcel and strict application of the zoning ordinance will make it difficult to utilize the entire parcel for its current zoning designation. The current design allows for parking to support the business to be shielded from the street and allows the main operations to be as close to the road as possible.

2026DV3026 : Site Photos



Facing west from Belmont.



Facing south.



Facing northwest towards proposed development.



Facing west towards proposed development.



Facing southwest towards proposed development.