

BOARD OF ZONING APPEALS DIVISION III

September 15, 2026

Case Number: 2026UV3013

Property Address: 5930 McFarland Rd

Location: Perry Township, Council District 24

Petitioner: Noah Worley

Current Zoning: D-A

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a home occupation (electrical contractor office and material storage) within 500 square feet of an existing 4,000-square-foot accessory structure, to legally establish a 4,000-square-foot accessory structure with a horizontal land area greater than the primary building (accessory building larger than primary building not permitted), and an accessory structure with a 13.5-foot side setback (15-foot side setback required).

Current Land Use: Single-Family Residential

Staff Denial of the Use Variance, Approval of the Development Standard

Recommendations: Variance for Accessory Structure Size, Denial of the Side Setback Variance.

Staff Reviewer: Noah Pappas, Manager – Current Planning

PETITION HISTORY

This is the first hearing for this petition

STAFF RECOMMENDATION

Denial of the Use Variance, **Approval** of the Development Standard Variance for Accessory Structure Size, **Denial** of the Side Setback Variance.

If approved over staff's recommendation, it is requested that the Board include two commitments to better shield adjacent property owners.

Commitment 1: Along the northern and southern property line, beginning at the far western corners of the building and extending east 150 feet, the petitioner provide buffering consisting of a dense vegetative screen including one evergreen tree for every 25 linear feet of lot line and 4 large shrubs per 25 linear feet of lot line. This would constitute a total of 6 trees and 24 large shrubs on each frontage, for a total of 12 trees and 48 shrubs.

Commitment 2: The approval is tied to the provided plan of operation.

PETITION OVERVIEW

- In September 2025, VIO25-008479 was opened, noting violations on site. Several items were noted on that violation notice including:
 1. The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for an accessory structure exceeding 200sq. feet).
 2. The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Vehicle, regardless of weight, used or designed to be used as a excavator).
 3. The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, with a cargo holder exceeding 12ft. in length).
 4. The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, holding landscaping or construction equipment...excavator storage)
 5. The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - A construction contractor is not a permitted use in a D-A zoning district..."Branch Electric LLC").
 6. Failure to comply with use-specific standards and zoning district development standards for the D-A district; (743-306.A.1.a.Any accessory use shall be customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot).
 7. Failure to comply with use-specific standards and zoning district development standards for the D-A district; (743-306.JJ.3. - Required 5ft. fencing not installed for an above ground swimming pool exceeding 18 inches in depth).
- The petitioner is requesting to utilize 500 square feet of a 4,000 square foot accessory structure to house an electrical contractor and related material storage, to allow an accessory structure that is larger than the primary (approximately 1100 square feet, and to allow the accessory structure to have a side setback of 13.5 feet when a 15 foot side setback would be required.
- As noted above, the existing house is approximately 1100 square feet. This is 2900 square feet smaller than the accessory structure. The ordinance restricts accessory structures to be no larger in horizontal land area than the primary structure. This accessory structure was constructed without proper permits in 2022 according to aerial photography. It should be noted that a business has been operating at this location for approximately fifteen years, with the accessory structure only being around for the last four.
- The stated purpose of needing the larger accessory structure than would otherwise be permitted is to (1) house the electrical contractor business, (2) provide storage of work vehicles, (3) storage of personal vehicles, yard maintenance items and hobby/ interest items.

- This proposed use would not be anticipated to generate meaningful traffic from the site, with the petitioner stating that there is minimal traffic (no more than 2 persons daily) from employees and no retail footprint.
- While this use is utilized by the petitioner as a business run at his residence, the business more closely resembles that of Commercial and Building Contractor, which is defined in the ordinance as, “**Commercial and Building Contractor:** Establishment or activity that supplies materials and labor to fulfill work at a remote site, typically a building trade or activity associated with construction or maintenance. This definition may include offices for operation of the contracting business, but does not include retail sales of goods to the public, unless such retail sales are permitted by the district. This includes uses such as contractors for awning; building/construction; carpentry work; concrete; decorating; demolition; electrical; excavation; extermination/disinfection; fence; flooring; home remodeling; masonry/stonework/tile/setting; painting; pest control; plastering/drywall; plumbing; roofing; septic system; sheet metal; siding; sign; storm door; window; construction companies, contractors, lumber yards; swimming pool installation and services; home remodeling companies; heating; air conditioning; landscaping; lawn services; tree services; and water softener services.” As noted above, the ordinance specifically calls out Electrical as part of this definition.
- Conversely, a Home Occupation is defined as, “**Home Occupation:** An occupation, profession, craft, service, or business activity carried on within a legally established dwelling unit, or associated legally established accessory building, by a resident of a dwelling unit on the same lot or parcel, where the occupation or business activity is clearly incidental and subordinate to the residential use. Examples of professional services that are permitted home occupations include but are not limited to accounting, counseling, cabinet making, computer programming, web design, graphic design, law, medicine, dentistry, architecture, engineering, sewing, real estate brokerage, tailoring, weaving, therapy provided by a practitioner licensed by the State of Indiana, tutoring, writing, painting, photography, music instruction, web design, and such services as are provided by clergyman, insurance agents, and manufacturer’s agents. A child care home is not a home occupation.
- According to the Ordinance, the D-A district “holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying necessary uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as part of such agricultural uses. A secondary provision of this district is a large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.”
- While the site in question is within the Rural or Estate Neighborhood land use typology, it directly borders Southport Middle School and Clinton Young Elementary, which fall under the Regional

Special Use typology. Although this typology provides some non-residential uses, staff will note that the Commercial and Building Contractor use is not a by-right use until the C-5 district, a district more compatible with the Heavy Commercial typology. The Pattern book stresses importance of in harmony with the surrounding area.

- The existing lot is approximately 100 feet wide. With a northern side setback of approximately 28.5 feet, there is an additional 13.5 feet available to meet the 15 foot setback requirement on both property lines.
- During staff's site visit, a drop in grade was observed from the house to the site of accessory building where the ground levels out. Using GIS staff was able to determine a drop in grade from 798 feet at the house, down to 788 feet at the accessory structure. This grade difference would have made it difficult to build this accessory building as an addition to the house.
- The location of the accessory building is approximately 175 feet away from the neighbor to the south's residence, and approximately 75 feet away from the northeastern neighbor. The petitioner has stated that part of the reason the accessory structure encroaches into the southern side setback is to provide as much separation from the northern neighbor as possible.
- Staff will note, that the home occupation of an electrical contractor can represent a less intense use than one where an electrical contractor's office is also conducted. While an electrical contractor on its own would not be suitable in the D-A district, a Home Occupation is contemplated. Per the petitioner, the predominant business activities on this site is for office and business / business vehicle storage.
- Outlined in the Ordinance definition above, for home occupations to be permitted they must be "clearly incidental and subordinate to the residential use". While the accessory structure itself is larger than the 1100 square foot residence, the 500 square feet of the accessory structure which the electrical contractor business resides in *would* represent a subordinate use. However, taken in context with the scope of the 4,000 square foot accessory structure, the overall development is neither incidental nor subordinate. Staff will note that 3500 of the 4000 square-foot building is used for personal storage and is not related to the business. Ultimately there is nothing peculiar to this property which would limit it from being utilized for what it is permitted for, which is single-family residential. Given that fact, staff is recommending **denial** of the use variance.
- The steep change in grade *does* present practical difficulty in that it would make it difficult for the petitioner to attach the development to the house. Had this been able to be attached directly to the house, without the grade change, a 4,000 square foot addition would have been allowed. For that reason, staff is recommending **approval** of the Development Standard Variance for an accessory structure larger than the primary.
- However, given the fact that there is an additional 13.5 feet to the north which would allow for both south and north side setback to be met, staff is recommending **denial** of the southern yard side setback variance.

- If approved over staff's recommendation, it is requested that the Board include two commitments to better shield adjacent property owners.
 - Commitment 1: Along the northern and southern property line, beginning at the far western corners of the building and extending east 150 feet, the petitioner provide buffering consisting of a dense vegetative screen including one evergreen tree for every 25 linear feet of lot line and 4 large shrubs per 25 linear feet of lot line. This would constitute a total of 6 trees and 24 large shrubs on each frontage, for a total of 12 trees and 48 shrubs.
 - Commitment 2: The approval is tied to the provided plan of operation.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single-Family Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North:	D-A, SU-2 North: Estate Single-Family Residential, School
	South:	D-A South: Estate Single-Family Residential
	East:	D-A, D-3 East: Estate and Suburban Single Family Residential
	West:	D-A, SU-2 West: Estate Single-Family Residential and School
Thoroughfare Plan		
McFarland	Primary Collector	
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 9, 2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	June 9, 2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019).

Pattern Book / Land Use Plan

- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing
- Recommended land uses include: Detached Housing, Working Farms, Group Homes, Bed and Breakfast, Wind or Solar Farms.
 - **Detached Housing** - Should preserve open space. In older, established historic areas, lots should be deep and narrow with deep setbacks. This allows for city services such as streets and sewer lines to be used more efficiently. Mature trees should be preserved whenever possible. In more rural areas, the protection of open space is even more critical. Lots should be both deep and wide. Denser development is appropriate only if the houses are clustered together and public open space is provided. “Flag lots” (lots that are behind other lots, buildings, or otherwise not visible from the road) should be avoided. Lots should be no larger than one and a half times the adjacent lots.
 - **Working farms** - Livestock feedlots, open food composting, or other uses emitting significant and unmitigated odors should be separated from all other land use typologies with the exception of Heavy Commercial, Light Industrial, and Heavy Industrial by a minimum of 500 feet.
 - **Group Homes** - Should be in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location, and vehicle and service areas. Should be located adjacent to residential uses.
 - **Bed and Breakfast** - Should be in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location, and vehicle and service areas.
 - **Wind or Solar Farms** - Recommended only where it is unlikely to have an impact on areas of exceptional topography or sight-lines.

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)

Thoroughfare Plan identifies McFarland as a Primary Collector.

The Pedestrian Plan identifies McFarland as a Priority one Area. \

The Bicycle Master Plan identifies McFarland as having a proposed Bikeway.

ZONING HISTORY

56-A-157, 60-Z-207, 94-Z-63, 2004ZON137, 2017ZON066 and 2005ZON114 are all rezonings tied to area schools (Southport Middle Schools and Clinton W Young Elementary).

88-Z-60 to permit the Perry Woods II subdivision.

Note to future Noah. Fill in additional school related variances.



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

EXHIBITS

**METROPOLITAN DEVELOPMENT COMMISSION
METROPOLITAN BOARD OF ZONING APPEALS
PLAT COMMITTEE
HEARING OFFICER
OF MARION COUNTY, INDIANA**

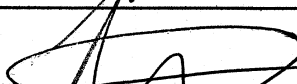
CONSENT FORM

The undersigned, Noah Worley, being the owner of the property commonly known as 5930 Mc Farland Rd, hereby authorizes Noah Worley to file land development petitions necessary for the aforementioned address.

This consent shall (*check one*):

- ☒ remain in effect until revoked by a written statement filed with the Planning Division of the Department of Metropolitan Development.
- ☐ remain in effect until _____.
- ☐ remain in effect until these land development petitions are resolved.

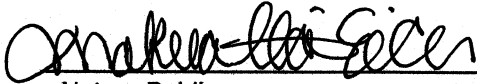
Noah Worley


Signature(s) of Owner (s)

STATE OF INDIANA,
COUNTY OF MARION, SS:

Subscribed and sworn to before me this

2nd day of June, 2024


Notary Public

Makenna Thais Emrich

Printed Name of Notary Public

My Commission expires: 11/13/2030

My County of residence: Johnson

Consent Form.doc
Revised 12/15/05

MAKENNA THAIS EMRICH
Notary Public - Seal
Johnson County - State of Indiana
Commission Number NP0744896
My Commission Expires Nov 13, 2030

Signature(s) of Owner(s)

STATE OF INDIANA,
COUNTY OF MARION, SS:

Subscribed and sworn to before me this

____ day of _____, 20____

Notary Public

Printed Name of Notary Public

My Commission expires: _____

My County of residence: _____

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:
We Have been using our home/property for our small business for 15 years. We do not create nuisance via Noise, Traffic, Trash or Activity.
Non of our neighbors have ever complained about our activities.
In fact we help our neighbors on the street with our knowledge, tools and personal labor when they could not have afforded professional services.

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 Building in question was built inline with both of my adjacent neighbors knowledge, I included them in on the size, placement, style.
My Northern neighbor wanted the building over as far as possible so I tried to abide by that.
My Southern neighbor didn't care.
They have both voiced to my family recently that we are the best neighbors they interact with on the street.
I did admittedly accidentally place the building 6"-1.5' to close to my sourthern neighbor, she has stated shes willing to sign that it is not impacting her and she does not care.
All of our surrounding neighbors have voiced that the property has only gotten "prettier" as we've worked on it and brought yard maintenance items under roof

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
We do run a small business out of the building in question.
It is our livelihood and we can't currently afford the steep price of commercial rent for our sized business.
We need the building for first and formost a "garage" we have no room to add a 3 car garage to our home and we have 3 going on 4 drivers.
The building footprint is larger than our home but we use it for our familys storage needs and operation primarily and then a home office/Minor material storage

DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____

**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

We Have been using our home/property for our small business for 15 years. We do not create nuisance via Noise, Traffic, Trash or Activity.

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 Building in question was built inline with both of my adjacent neighbors knowledge, I included them in on the size, placement, style.

My Northern neighbor wanted the building over as far as possible so I tried to abide by that.

My Southern neighbor didn't care.

They have both voiced to my family recently that we are the best neighbors they interact with on the street.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

I would like to continue to use my home and property including my accessory building for our business activites as long as we are a small community company.

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

I would no longer be able to opperate out of my home office or store a very modest ammount of tools and parts.

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

I appologize but I am unfamiliar with "the plan"

DECISION

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

Adopted this _____ day of _____, 20 ____

Noah Worley

5930 Mcfarland Rd
Indianapolis, IN 46227
(123) 456-7890
Noah Worley

6th of June 2026

Metropolitan Board of Zoning Appeals

Plan of Operation for 5930 Mcfarland rd.

The current building in question is a 4,000 sq' building.

The building is used as my Electrical contracting office, our family's garage since we can't build an attached garage to our home and we have 3 drivers soon to be 4.

It houses our yard maintenance items, personal vehicles, hobby/interest items.

Also it acts as our business materials storage (roughly 500 sq')

Currently we have 5 employees including myself. Employees don't come to the shop daily, the work is done remote from company vehicles taken home by employees. Our business traffic on the property daily is 0-2 persons and we have no retail foot traffic.

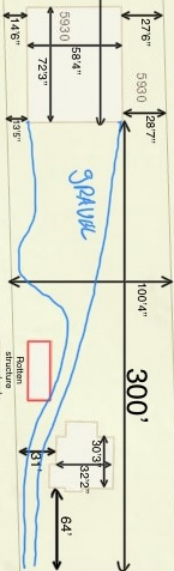
We are very quiet and have the building so that items once having to be stored outside and unsightly are now in a well maintained structure.

Sincerely,

Noah Worley

5920

391'



5936



Record No: VAR-26-155

Variance Petition

Status: Active

Submitted On: 6/9/2026

Staff Review

Accela Case 

2026-PTN-128

Public Notice Blurb 



PAST STAFF DISCUSSION NOTICE: Applicant has previously discussed project with City Staff. Staff should reach out to the listed staff / departments for information that was discussed.

Project Information

Are you requesting a Variance of Use?*

Yes

What is the proposed use?*

My Business office and minor storage of basic parts 500 sq'

Is the propsed use non-residential?*

Yes

Is the proposed use a multiple dwelling project or is in a D-6, D-6II, D-7, D-8, D-9, or D-10 dwelling district?

No

Are you requesting a Variance of Development Standards?*

Yes

Are you requesting a Variance of the Flood Control Districts Zoning Ordinance?*

No

Provide a detailed description of the proposal. *

The building is 1.5 feet too close to the property line (13.5)
The foot print of the building is larger than the home on the same property
I also want to keep running my small business of 15 years out of it

Specify any specific condition(s), commitment(s), and/or regulation(s) sought to be modified.*

Sec. 743-306-A.2.B: Accessory and Temporary Uses
Table 744-201-1: Dimensional Standards for D-A through D-5II

Has applicant discussed this project or parcel with any city staff?*



Yes

Please list the city departments and staff.*

Adam Cooper, Kathleen Blackham

IndyGo Coordination - Are there stops at or adjacent to the site?*

No

Are you filing this petition along with another zoning request (a companion petition)?*

No

Zoning Information

Current Primary Zoning Classification*

D-4

Current Secondary Zoning Classification

Ag

What is the future Land Use recommendation found in the city's Comprehensive Plan?*

variance of use and a variance of development standards

Existing Use of the Subject Property* ?

Primary residence/small business

Existing Improvements on the Subject Property* ?

Accessory building/Removal of former accessory building that was falling down

Property Information

Local Tax Parcel Numbers* ?

5011887

Property Acreage*

1.6

Township(s)*

Perry

Is this property the subject of any code enforcement action?*

No

Was this property the subject of any previous land use petition(s)?*

No

Legal Description

A copy of the legal description is required for an application to be considered submitted.

What type of legal description does this property have?*

Not sure

A legal description may be obtained in a variety of ways:

1. A legal description is part of the deed to the property. Get the deed and make a copy of the legal description. If there is a mortgage, the lending institution may have a copy of the deed.
 2. Go to the Township Assessor's Office with the name of the owner of record and the address of the property. The Township Assessor's Office can provide the month and year the property was purchased along with the instrument number for the recorded legal description. The Marion County Recorder's office can provide property legal descriptions.
 3. From the Office of the Marion County Recorder:
 1. If the property was purchased before 1964, the month and year of purchase will be needed. Take that information, and the name of the owner of record, to the Office of the Marion County Recorder to obtain the most recent deed.
 2. If the property was purchased after 1964, take the name of the owner of record and the address of the property to the Office of the Marion County Recorder to obtain a copy of the most recent deed.
 3. A copy of the most recent deed may also be obtained from the Office of the Marion County Recorder if the abbreviated legal description that is on the tax receipt is provided to them.
 4. If the property involved has been or is being purchased by a contract sale, then the legal description should be obtained from the owner of record. The owner of record must also sign all documents pertaining to the petition.
-

Property Owner Consent**Is the Petitioner the same as the Property Owner?***

Yes

Does the petitioner own 100% of the land involved in the petition?*

Yes

Oath

The provided information, to my knowledge and belief, is true and correct. *

Noah Levi Worley

Jun 2, 2026

Attachments

	Property Owner Consent Form Consent.pdf Uploaded by Noah Worley on Jun 8, 2026 at 10:39 PM	REQUIRED
	Legal Description A200400010862.pdf Uploaded by Noah Worley on Jun 9, 2026 at 9:11 AM	REQUIRED
	Site Plan Site plan w_requested alterations (1).pdf Uploaded by Noah Worley on Jun 2, 2026 at 11:43 AM	REQUIRED
	Findings of Fact - Variance of Use FOF Use Anno.pdf Uploaded by Noah Worley on Jun 8, 2026 at 9:02 AM	REQUIRED
	Findings of Fact - Variance of Development Standards FOF Standards Anno.pdf Uploaded by Noah Worley on Jun 8, 2026 at 9:03 AM	REQUIRED
	Plan of Operation Plan of Operation.pdf Uploaded by Noah Worley on Jun 2, 2026 at 11:38 AM	REQUIRED

Record Activity

Noah Worley started a draft Record

06/02/2026 at 9:54 am





