

Board of Zoning Appeals Division III

September 15, 2026

Case Number:	2026-DV3-032
Property Address:	2522 North Butler Avenue (<i>approximate address</i>)
Location:	Warren Township, Council District #9
Petitioner:	Eastside Coverage I70 LLC, by Barnes & Thornburg LLP (Joseph Calderon)
Current Zoning:	I-2
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the erection of a 6-foot-tall wooden privacy fence within the front yard (fences in front yard limited to 3.5 feet in height or may be 4 feet tall if 30% or less opaque)
Current Land Use:	Industrial / residential
	Staff recommends approval of this petition, subject to the following commitment:
Staff Recommendations:	The 6-foot-tall fence along the front yard shall be limited to the perimeter of the asphalt lot fronting 25th Street and Butler Avenue as shown in the site plan file-dated December 15th, 2025. All other fencing along 25th and Butler must meet Ordinance standards.
Staff Reviewer:	Josh Levesque, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

2025-CZN-852 / 2025-CVR-852 granted the following:

- Rezoning of 1.61 acres from the D-4 district to the I-2 district to provide for light industrial uses
- Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage zero feet from a protected district (minimum 500-foot separation from a protected district required)

STAFF RECOMMENDATION

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

- The 6-foot-tall fence along the front yard shall be limited to the perimeter of the asphalt lot fronting 25th Street and Butler Avenue as shown in the site plan file-dated December 15th, 2025. All other fencing along 25th and Butler must meet Ordinance standards.

PETITION OVERVIEW

- 2522 North Butler Avenue is a parcel totaling roughly 2.15 acres. The property was recently rezoned to I-2 (2025-CZN-852). Properties to the north are zoned D-4. Properties to the east are zoned a mix of D-4 and I-2. Properties to the south and west are zoned I-2.
- The petitioner is requesting a variance of development standards to allow for a 6-foot fence along portions of the front yard when a maximum height of 3.5 feet is permitted.
- The I-2 (Light Industrial 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”.
- The Comprehensive Plan assigns this parcel the “Light Industrial” typology. This typology “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.”
- As noted in the I-2 intent paragraph above, outdoor storage must be screened if adjacent to a protected district. While 2025-CVR-852 granted relief from the 500-foot separation requirement, it did not negate the need for screening and buffering. 744-508-C indicates that “all outdoor storage and operations within 500 feet of a protected district must be effectively contained by a chain link, solid, lattice or similar type fence or wall and gate. The height of such fence or wall shall be at least 6 feet and shall not exceed 10 feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards. The storage of materials or products within the enclosure may not exceed the height of the fence.” Site plans show that the petitioner intends to comply with the landscape requirements. Approval of this variance would allow them to also comply with the necessary screening requirements for outdoor storage.
- The Ordinance requires a 6-foot-tall fence to buffer outdoor storage within 500 feet of a protected district. Yet the Ordinance also limits the height of fences in I-2 front yards to 3.5 feet. The limitations on front yard fence height in I-2 would make compliance with the Ordinance’s screening requirements a practical difficulty.

- Given the practical difficulties that strict adherence to I-2 front yard fence height requirements would impose on screening compliance and the additional landscape buffering the petitioner has included in their site plan, staff recommends **approval** of this petition subject to the following commitment:
 - The 6-foot-tall fence along the front yard shall be limited to the perimeter of the asphalt lot fronting 25th Street and Butler Avenue as shown in the site plan file-dated December 15th, 2025. All other fencing along 25th and Butler must meet Ordinance standards.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Industrial / Residential	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-4	North: Residential
South:	I-2	South: Industrial
East:	D-4 / I-2	East: Residential / Industrial
West:	I-2	West: Industrial
Thoroughfare Plan		
Butler Avenue	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
East 25 th Street	Local Street	68-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	12/15/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	7/22/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan assigns this parcel the “Light Industrial” typology. This typology “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.”

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

2025-CZN-852 / 2025-CVR-852; 5200 East 25th Street and 2522 North Butler Avenue

- Rezoning of 1.61 acres from the D-4 district to the I-2 district to provide for light industrial uses, **approved**.
- Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage zero feet from a protected district (minimum 500-foot separation from a protected district required).



ZONING HISTORY – VICINITY

96-UV2-36; 5206 East 25th Street, Variance of Use of the Industrial Zoning Ordinance to legally establish an automobile repair facility (automotive body repair not permitted) within an existing industrial park, **approved subject to a condition.**

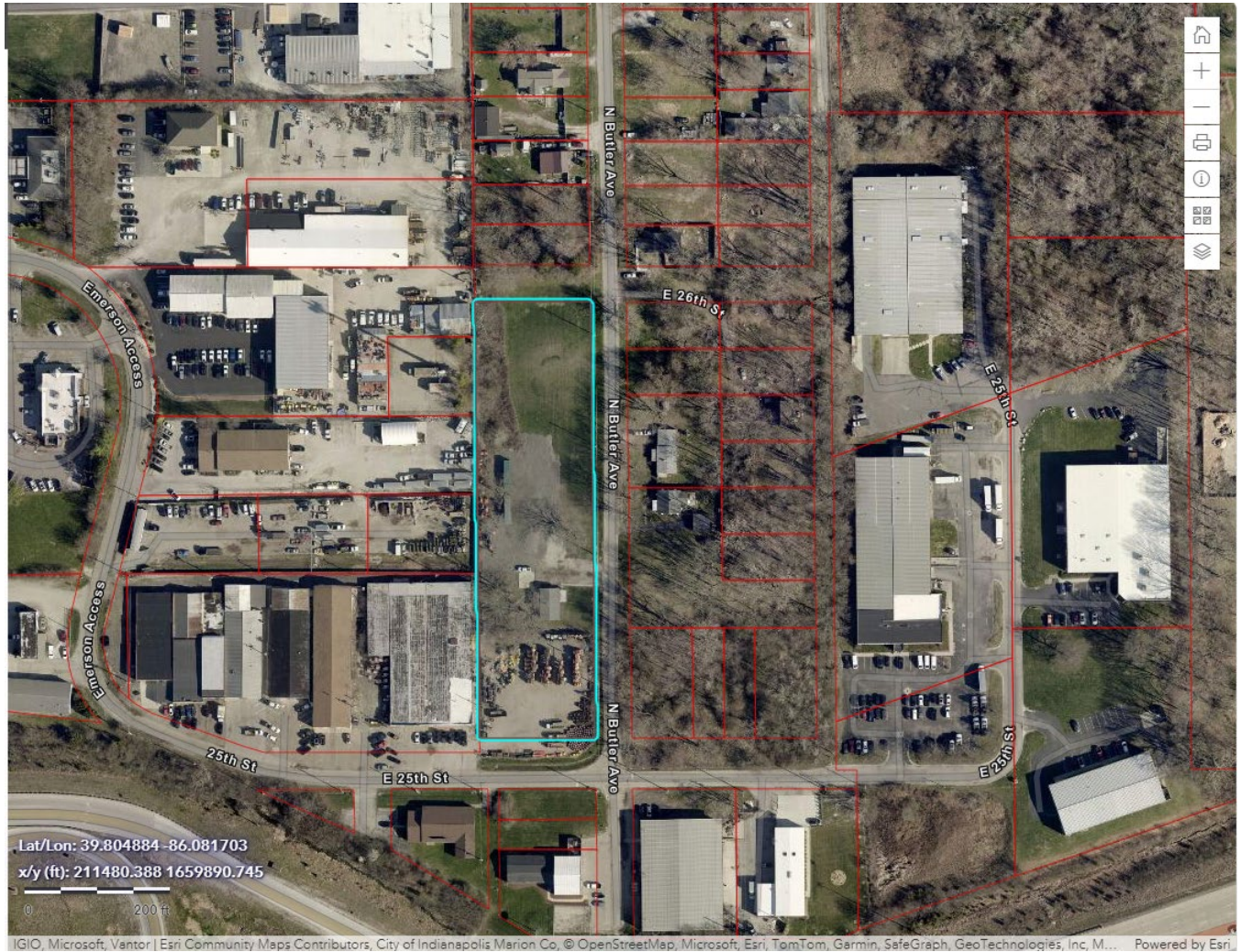
2000-DV3-018; 2551 Emerson Access, Variance of Development Standards of the Wireless Communication Zoning Ordinance to provide for a 15-foot height extension to an existing 135-foot-tall monopole tower (maximum 51.5 feet tall or 25 feet higher than the maximum building height allowed by district, permitted, when located within 300 feet of a Protected District), with a rear transitional yard of 34.5 feet (133-foot rear transitional yard for a 150-foot-tall tower required, or one foot for each additional one foot increase in height above 47 feet, **approved subject to a condition.**

2004-UV2-026; 2545 Emerson Access, Variance of Use of the Industrial Zoning Ordinance to provide for an automobile storage lot for inoperable vehicles (not permitted), **approved subject to conditions.**

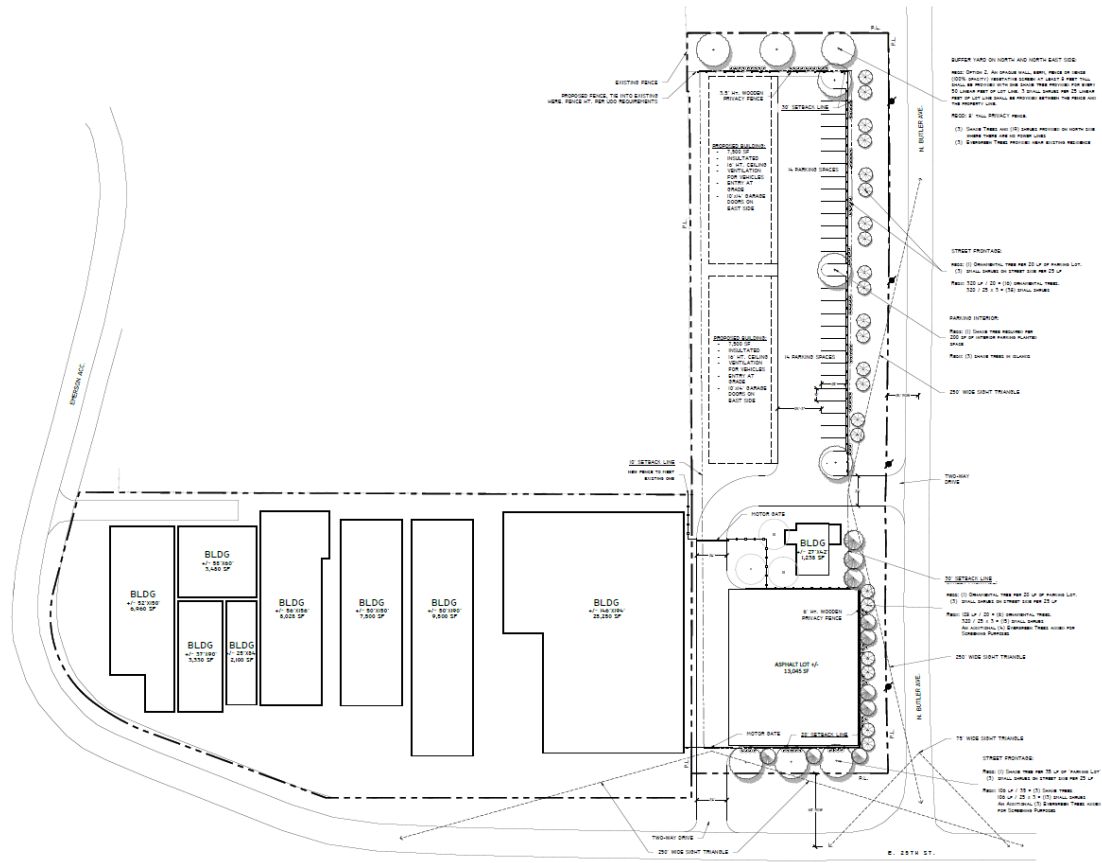
2015-ZON-072; 2500 North Butler Avenue, 5242, 5246, and 5248 East 25th Street, Rezoning of 0.89 acre from the D-4 district to the I-2-U classification, **approved.**

EXHIBITS

2026DV30032; Aerial Map



2026DV3032; Site Plan



EARTH
LANDSCAPE ARCHITECTURE

535 East 106th Street
Carmel, IN 46290

317.564.4731
earthlandarch.com

PREPARED FOR
Joel Kempson

PROJECT
5200 E 25th St.
Indianapolis, IN 46218

NFC

ISSUED		
December 13, 2023		
REVISIONS		
No	Date	Issue

CHECKED BY _____ DRAWN BY _____
 WES _____ BSK _____

SHEET TITLE
Site Improvements
Plan

SCALE: 1" = 30'

0' 15' 30' 90'

NORTH

SHEET NUMBER
L1.2
 (Earth Landscapes Architecture)

2026DV3032; Findings of Fact

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:

The taller fencing is required to effectively screen a permitted outside storage area.

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 fencing will be in conjunction with landscaping, and is needed to provide a new effective screening of industrial use from residential use.

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

The limits of a 3.5 feet tall fence in a front yard reduce the effectiveness of screening industrial use from residential use across Butler Avenue.

2026DV3032; Photographs



Photo 1: Existing fence facing 25th Street. Fence will be moved in.

2026DV3032; Photographs (continued)



Photo 2: Traffic control signage that is being stored on-site and will be screened by fencing

2026DV3032; Photographs (continued)



Photo 3: Additional view of outdoor storage site

2026DV3032; Photographs (continued)



Photo 4: Existing fence line along Butler

2026DV3032; Photographs (continued)



Photo 5: Northern border of existing fence line looking south

2026DV3032; Photographs (continued)



Photo 6: Northern part of property where fence will remain at 3.5-foot height limit