



BOARD OF ZONING APPEALS DIVISION III

November 25, 2025

Case Number: 2025-UV3-031
Address: 4240 Bluff Road (approximate address)
Location: Perry Township, Council District #22
Zoning: SU-7
Petitioner: Otis James & Tonya Haimes, by David Gilman
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a three-unit apartment (not permitted).

Current Land Use: A three-unit apartment.

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition as filed.

Staff does recommend the petition be refiled as a rezoning petition to provide for D-6 uses and legally establish the three-unit apartment, as the existing SU-7 zoning is a legacy zoning and outdated for the site.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ This site, along with the larger parcel to the rear, was previously rezoned (78-Z-82) on December 20, 1979, to the SU-7 classification. That rezoning was to provide for a meeting hall and social functions for the Southside Fellowship Center.
- ◇ Staff believes the structure was originally developed as a two-family dwelling sometime around 1900, according to Assessor's records. The petitioner indicates a third apartment was added to the rear of the structure sometime around 1984-1985. However, Staff could not find evidence of a previous petition or evidence for the conversion of the existing duplex into a three-unit apartment permit history. Therefore, Staff believes these changes were illegally made without the proper structural inspections.

- ◇ Since the proposed three-unit apartment use is a significant change in use from the existing SU-7 zoning, Staff has recommended this petition be withdrawn and refiled as a rezoning petition due to the existing zoning being a long-term legacy zoning and outdated for the site. It is not likely the site will be developed as a Special Use again.
- ◇ Staff feels rezoning the property to the D-6 District would be more appropriate. Staff also acknowledges that additional variances may still be needed with the D-6 district, however, those additional variances would address any deficiencies with the current SU-7 District zoning and establish the site as a protected district and require transitional yard setbacks for any new commercial development that is adjacent to the site, where a variance of use in the current SU-7 zoning does not.
- ◇ At the time of printing, the petitioner has indicated their reluctance to file for a rezoning, and their intent to proceed with the variance of use petition as filed due to possible additional costs associated with a rezoning petition. Additional costs associated with a rezoning petition is a self-imposed difficulty, and not a practical difficulty imposed by the Ordinance.
- ◇ With the proposed use being legally established onto a property that is not properly zoned, and the lack of a demonstrable hardship for filing a rezoning petition, Staff does recommend denial of this petition as requested.

GENERAL INFORMATION

Existing Zoning	SU-7	
Existing Land Use	Three-unit apartment	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-A	Automotive repair
	South: D-A	Single-family dwelling and
	East: D-1	Single-family dwellings
	West: SU-7	Horse Barns
Thoroughfare Plan		
	Bluff Road	Primary Arterial 94-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No.	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	September 23, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	September 23, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Rural or Estate Neighborhood Uses for this site.
- 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 is clustered to preserve 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

78-Z-82; 4240 Bluff Road (subject site), requested the Rezoning of 29.00 acres, being in the A-1 district, to the SU-7 classification, to permit a meeting hall, office, and social functions of Southside Fellowship Center, **approved**.

2018-UV2-009; 4200 Bluff Road (north of site), requested a Variance of Use and Development Standards to provide for an automobile repair business and to legally establish setbacks for the existing parking lot, dwelling and commercial building, per plans filed, **granted**.

2013-CZN-801/2013-CVR-801; 4241 Bluff Road (east of site), requested the rezoning of 2.44 acres from the D-A (FF) District to the D-1 (FF) classification to provide for single-family development, **approved**; requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 4.89-acre parcel (D-A) with 90 feet of frontage, **approved**.

89-UV3-59; 4008 Bluff Road (north of site), requested a variance of the Commercial Zoning Ordinance to permit an automotive repair shop, **approved**.

80-UV3-33; 4002 Bluff Road (north of site), requested a variance of use to provide for automobile sales and service, **granted**.

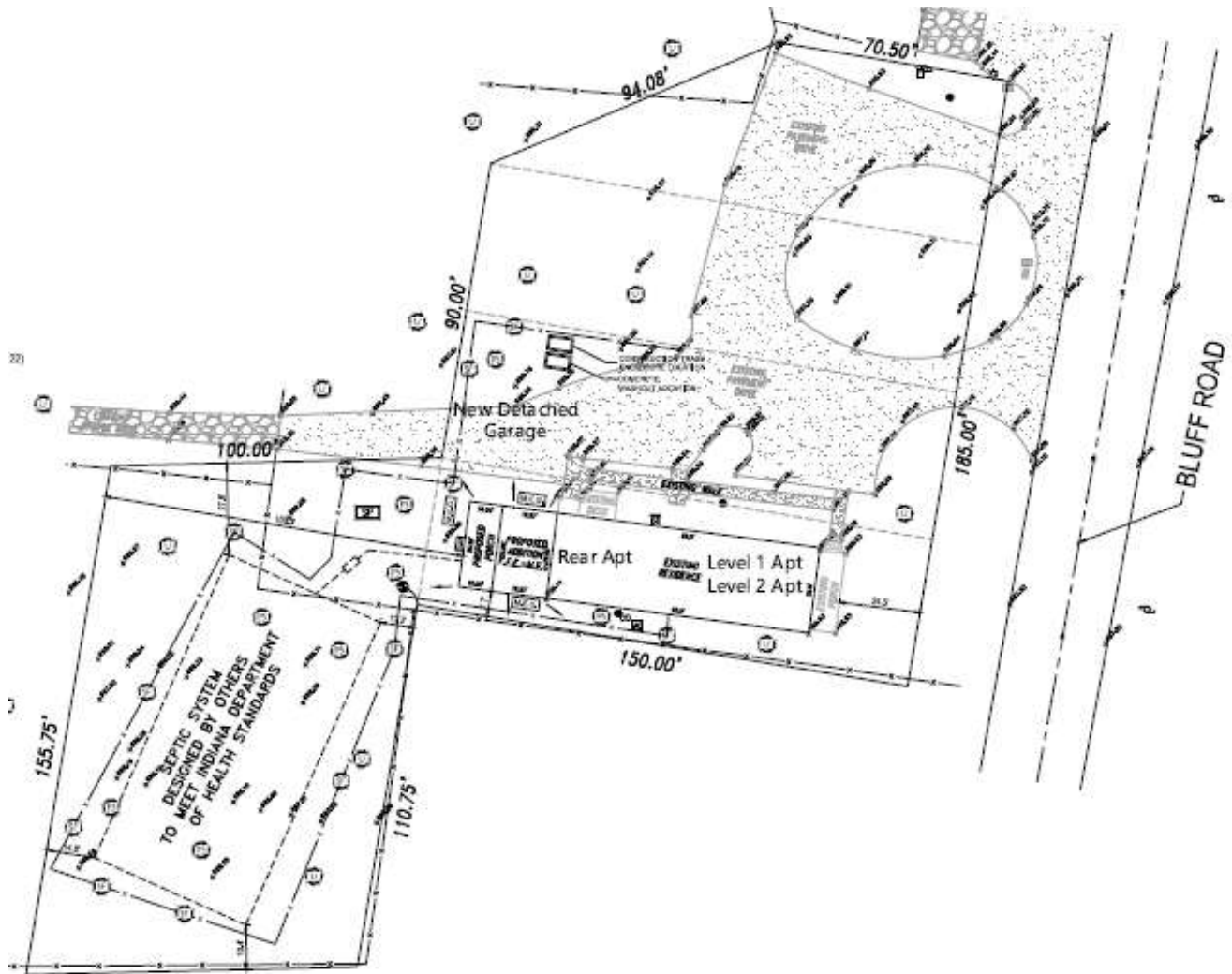
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EXHIBITS

Location Map



Site Plan





Findings of Fact

Petition Number _____

**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

The existing residence has been used for a multi-unit home for over forty (40) years and will be remodeled and permitted to make sure the structure meets the applicable building and health department codes.

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 existing residence has been used for a multiunit home for over 40 years. The exterior of the residence will maintain the rural estate character of the area.

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

The petitioners applied for a building permit to remodel the residence, meet applicable building code standards and to provide for an enclosed patio to the rear of the building. During the permit review, it was discovered the Special Use zoning designation was not clear on the approval of a 3-unit residence. The variance is necessary to make any improvements to the residence.

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

The Special Use zoning designation is for a specific non-profit use and information to that zoning case was not readily available to determine if the 3-unit residence was a permitted use.

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

The existing 3-unit residence is located on a 23-acre horse farm and is one of the original residences along this segment of Bluff Road. It is in alignment with the Rural Estate Residential land use recommendation.

Photographs



Photo of subject site, looking southwest.



Photo of subject site side yard and driveway, looking west.



Photo of single family dwellign and automotive repair to the south, looking west.



Photo of adjacent automotive repair to the north, looking northwest.