



**BOARD OF ZONING APPEALS DIVISION II**

**December 9, 2025**

**Case Number:** 2025-UV2-014 (Amended)  
**Address:** 15 and 19 Iowa Street (approximate address)  
**Location:** Center Township, Council District #18  
**Zoning:** D-5  
**Petitioner:** Shannon Moody, by David E. Dearing  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the use of two shipping containers as a detached garage (commercial vehicles not permitted).

**Current Land Use:** Single Family Dwelling

**Staff Recommendation:** Staff recommends Denial of this petition.

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This petition was previously continued from the November 18, 2025, hearing, to the December 9, 2025, hearing.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this amended petition.

**PETITION OVERVIEW**

- ◇ The two (2) proposed portable shipping containers are considered commercial vehicles and are not permitted to be used as a permanent storage building in Dwelling Districts.
- ◇ Commercial vehicles or shipping containers, when located on appropriately zoned properties, require transitional yards to buffer such intense uses from Protected Districts which include dwellings, parks and schools. In this instance, the proposed use would not be required to provide such buffer areas since the D-5 District is intended to be utilized for less intense uses such as residential neighborhoods. Therefore, the site provides insufficient screening to the surrounding dwellings, which staff finds concerning.
- ◇ The shipping containers are proposed to be used in conjunction with a new garage structure. A permanent garage structure could be provided through a permitted accessory structure that is built, has a building form, and meets the Zoning Ordinance, without the need for a Use Variance.

- ◇ Staff has concerns if this petition were to be approved, that the use of portable shipping containers for accessory storage could potentially expand on surrounding residential lots, and continue the disregard of the Comprehensive Plan recommendation, and the clearly residential nature of the surrounding area.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned D-5 and could use appropriate accessory garage structures by right, in the D-5 zoning classification without any variances. The need for the requested variance for the shipping containers as part of a garage structure is self-imposed and could be addressed without a variance, by using permitted garage structures. Any practical difficulty is self-imposed by the petitioner's desire to choose to not follow the ordinance and use the site with portable shipping containers instead.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5		
<b>Existing Land Use</b>	Single Family Dwelling		
<b>Comprehensive Plan</b>	Traditional Neighborhood uses		
<b>Surrounding Context</b>		<b><u>Zoning</u></b>	<b>Surrounding Context</b>
	North:	D-5	Two Family Dwelling
	South:	D-5	Single Family Dwelling
	East:	D-5	Single Family Dwelling
	West:	D-8	Single Family Dwellings
<b>Thoroughfare Plan</b>			
	Iowa Street.	Local Street	40-foot existing right-of-way and 48-foot proposed right-of-way
<b>Context Area</b>	Compact area		
<b>Floodway / Floodway Fringe</b>	N/A		
<b>Overlay</b>	N/A		
<b>Wellfield Protection Area</b>	N/A		
<b>Site Plan</b>	August 21, 2025		
<b>Landscape Plan</b>	N/A		
<b>Findings of Fact</b>	August 21, 2025		

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood uses for the site.

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

### 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

**2022-UV3-039; 1751 South Meridian Street (south of site)**, requested a Variance of Use and Development Standards to provide for the operation of an event center and eating establishment, with a parking area maintaining a zero-foot transitional yard along the alley and a two-foot north transitional yard, a trash enclosure, and an outdoor patio with a five-foot transitional yard along Caven Street, **granted**.

**2022-DV2-046; 14 East Caven Street (south of site)**, requested a Variance of Development Standards to provide for the construction of a multi-unit house on a 30-foot wide, 3,000-square foot lot, encroaching into the clear sight triangles of Caven Street and the intersecting alley, and the intersecting alleys along the rear and western lot lines, **granted**.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**2021-ZON-097; 1747 South Meridian Street (south of site),** requested the Rezoning of 0.09 acre from the C-1 district to the D-8 district, **approved.**

**2018-HOV-057; 21 East Caven Street (east of site),** requested a Variance of Development Standards to provide for a single-family dwelling, with a 15-foot front setback and with seven and nine feet between dwellings, **approved.**

**2004-UV2-001; 13 East Caven Street and 14, 18, and 22 Adler Street (south of site),** requested a Variance of Use to provide for a parking lot for a popcorn production, distribution, and retail outlet, **granted.**

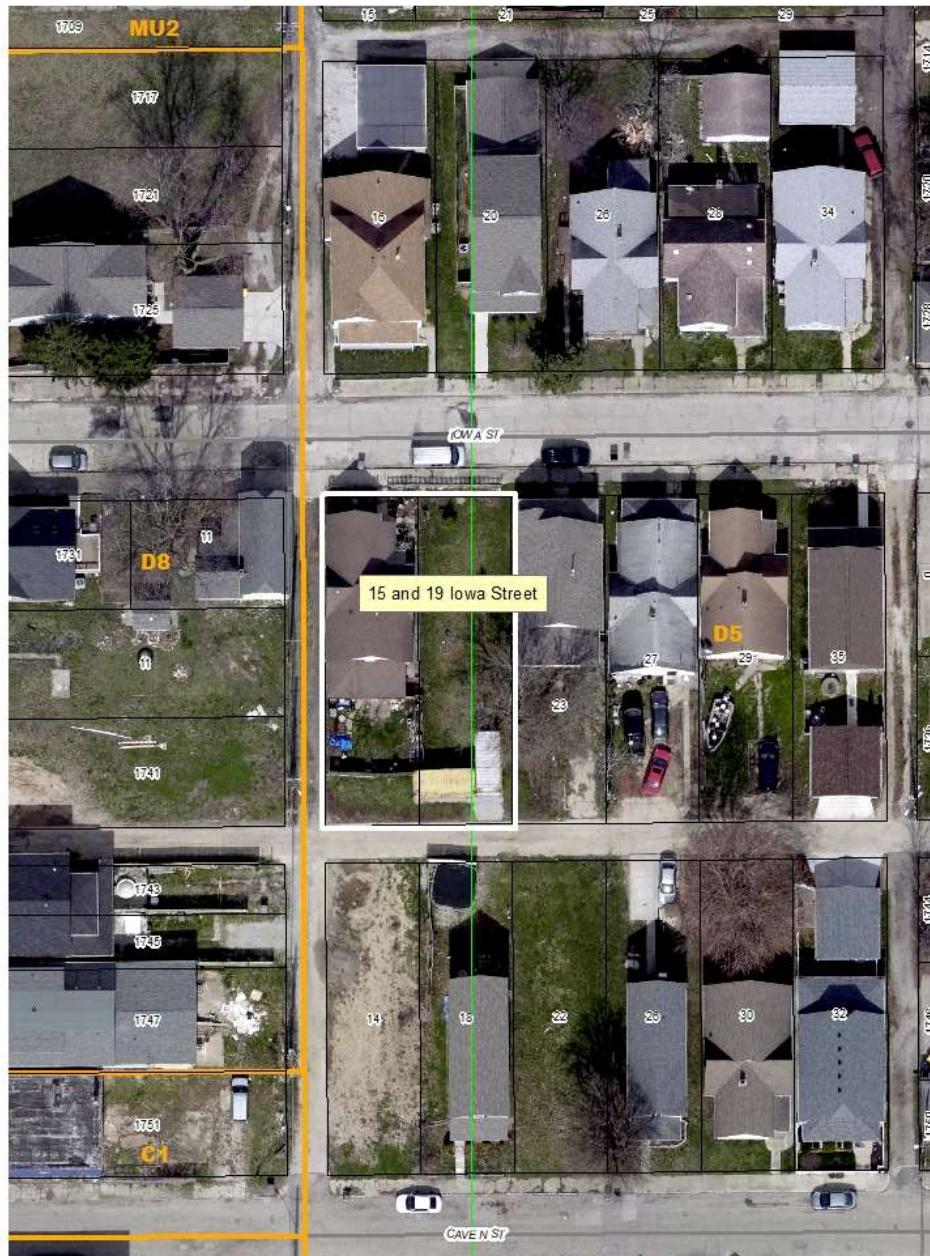
**2003-ZON-035; 1805, 1807, 1817, 1821, and 1827 South Meridian Street (south of site),** requested the Rezoning 0.66 acre from D-8 and C-1 to the C-S classification to legally establish a popcorn production, distribution, and retail outlet, **approved.**

**2001-UV3-033; 1741 South Meridian Street (west of site),** requested a Variance of Use to legally establish a contractor's warehouse and a variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 1,943-square foot commercial warehouse, with a 6.5-foot setback from Meridian Street, a zero-foot side setback from the south property line and a two-foot side setback from the north property line and a two-foot aggregate side setback; and a garage with a two-foot rear setback and a nine-foot aggregate side setback, **granted.**

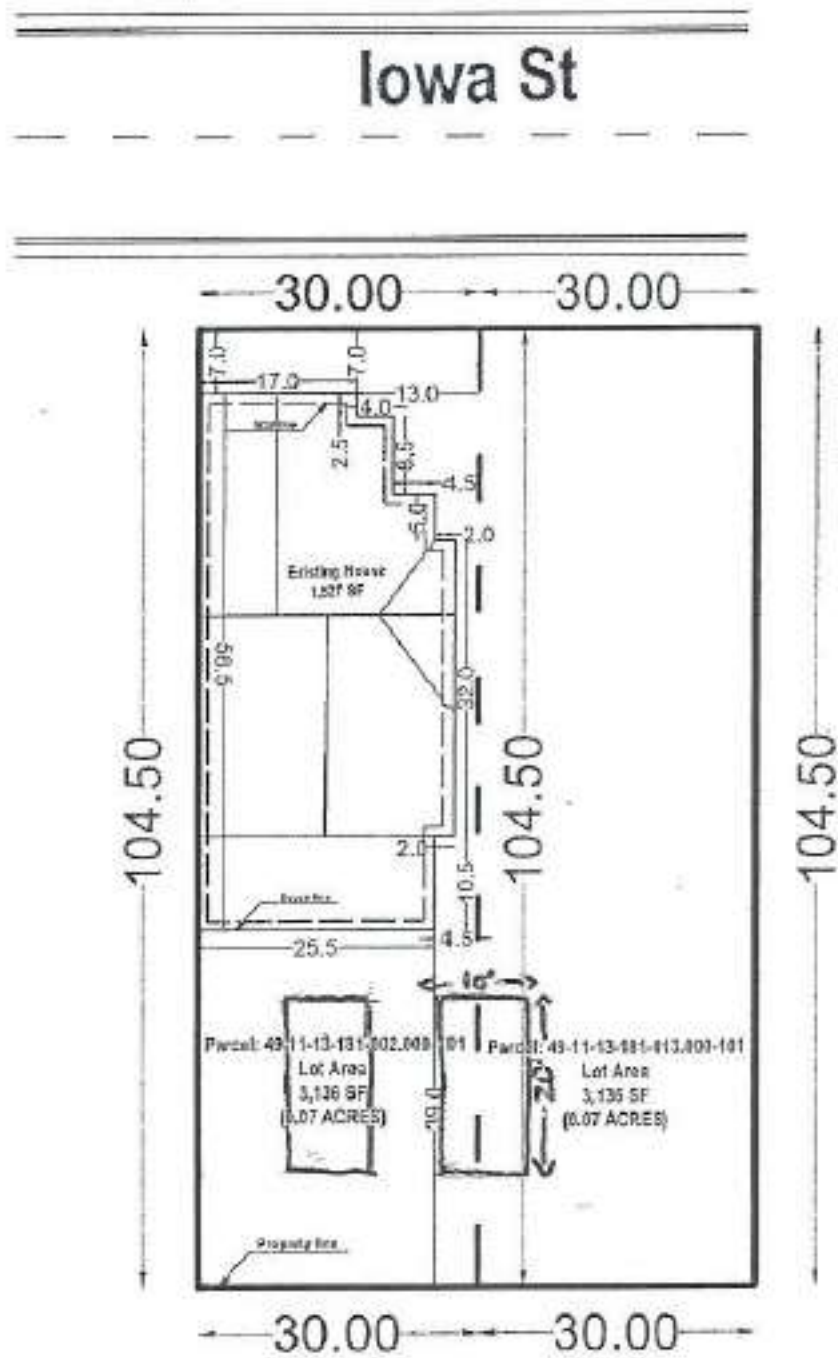
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### Location Map



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 garage will be confined to the Petitioner's property, will be subject only to her personal use, and thus lacks the capacity to affect the public's health, safety, morals or general welfare.

**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 two containers will be topped with a gable roof and thus will be similar in appearance to other garages in the area.

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

the property is zoned in a classification (residential) that effectively prohibits the presence of items that have been repurposed to enhance the residential characteristics of the property.

**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**

it would prevent the Petitioner from improving the property in a manner consistent with residential use merely because the materials comprising the garage originally served a commercial purpose.

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

the garage will have a residential appearance and serve a residential purpose.

**Photographs**



Subject site, looking south.



Subject site, existing shipping containers on site, looking south.



Subject site, existing shipping containers on site, looking northeast.



Subject site, existing shipping containers on site, looking northwest.



Adjacent dwelling garage structures along alley, looking east from subject site.



Adjacent dwellings garage structures along alley north of Iowa Street, looking east.