

BOARD OF ZONING APPEALS DIVISION I

October 06, 2026

Case Number: 2026-DV1-047

Property Address: 2502 North Delaware Street

Location: Center Township, Council District #12

Petitioner: Shawn Jones

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor seating to the north of Building 'A', with planting and no other landscaping, at a two-foot north side transitional yard setback (minimum 15-foot transitional side yard with landscaping required).

Current Land Use: Commercial

Staff Recommendations: Staff recommend **denial** of this petition

Staff Reviewer: Jasmine Dillard Nikolich, Senior Planner

PETITION HISTORY

This is the first public hearing of this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

2502 N. Delaware Street is commercial property currently paved as a parking lot area near the intersection of Delaware Street and 25th Street with public alley access to the south. In 2024, variance petition 2024-CVR-810 was granted for the development of Building 'A' on this parcel as well as Building 'B' on the parcel to the east corner, located at 2460 N. Delaware Street, as a mixed-use development to include 46 dwelling units. The mixed-used structures are currently undeveloped at this time. The parcel to the east also received approval under 2024-CZN-810 for a rezone from D-8, MU-2, and SU-7 (TOD) to MU-2 (TOD). Surrounding land uses include commercial buildings to the north, mixed-use to the east, and residential buildings to the south and west.

An application for Administrative Approval (petition number 2026-ADM-171) is currently pending as a request to approve final plans pursuant to the commitments adopted through petitions 2024-CVR-810 and 2024-CZN-810. The commitments are included under the Exhibit Section below.

Approval of this petition would allow for the development of an outdoor seating area to the north of Building 'A', with planting and no other landscaping, at a two-foot north side transitional yard setback (minimum 15-foot transitional side yard with landscaping required).

This property is zoned D-8 to allow for a mix of small-scale multi-unit buildings for new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendation of the Comprehensive Plan and Traditional Neighborhood. Similarly, the Comprehensive Plan Pattern Book recommends the Traditional Neighborhood typology to allow for large-scale multifamily housing to be compacted and well-connected, with access to individual parcels by an alley when practical. Additionally, a wide range of neighborhood serving businesses, institutions, and amenities should be present.

The subject sites fall within the Transit Oriented Development Secondary Zoning District and Red Line Transit-Oriented Development Strategic Plan (2021). Development within this area would allow for medium-and-high-density residential developments with a comfortable walking environment.

Infill Housing Guidelines indicate that side yard setbacks should reinforce the spacing and context of the block while leaving room for building maintenance with basic tools such as ladders. Additionally, those Guidelines indicate that new construction should reflect and reinforce the character of spacing found in its block. The proposed addition would not comply with this section of the Plan, given that there does not appear to be similarly narrow non-conforming setbacks either on the block or in the immediate vicinity.

Findings of Fact provided by the applicant indicate that the proposed addition would add value to the area and would be impossible to construct without encroaching into the required side transitional yard establishment. Additionally, the applicant has verbally expressed that there is limited amount of transitional yard space available on the parcel due to the narrowed lot size to include the undeveloped residential building and parking spaces approved under 2024-CVR-810. Staff would note that despite the existence of some practical difficulty with the limited amount of space available, staff does not feel that this should justify relief from any and all ordinance standards. Additionally, constructing outdoor seating too close to the neighbor's property line can reduce privacy, increase noise, block maintenance, lower property value, and impact the removal of utility lines when structures are noncompliant to the zoning ordinance.

To conclude, staff does not feel that adequate site -specific practical difficulty has been established since the need for a variance is self-imposed from the applicant's desire to include the outdoor seating addition with limited amount of planting that encroaches into the required side transitional yard establishment. Additionally, there are no narrow non-conforming setbacks within the surrounding area. Staff recommend **denial** of the requested variance.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Commercial	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	DP	North: Residential (Multi-family dwelling)
South:	D-8	South: Residential (Single-family dwelling)
East:	MU-2	East: Residential (Townhouse dwelling)
West:	D-8	West: Residential (Single-family dwelling)
Thoroughfare Plan		
Delaware Street	Primary Arterial Street	78-foot proposed right-of-way and 60 to 65-foot existing right-of-way.
25 th Street	Secondary Arterial Street	56-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	7/7/2026	
Site Plan (Amended)	N/A	
Elevations	7/7/2026	
Elevations (Amended)	N/A	
Landscape Plan	7/7/2026	
Findings of Fact	7/7/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Pattern Book (2019).
- Red Line Transit-Oriented Development Strategic Plan (2021).
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- **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. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park (Page 33).

Red Line / Blue Line / Purple Line TOD Strategic Plan

- This site is located within the Red Line Transit-Oriented (TOD) Development Strategic Plan (2021).
- The Red Line TOD Strategic Plan recommends this site to the Walkable Neighborhood typology given its closest station to the site is located within a ¼ mile northwest at the intersection of Meridian Street and Fall Creek Parkway North Drive. This typology is designed for walkable areas that are primarily within the urban areas to include medium and high-density residential developments.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- On conforming corner sites where two streets meet, building setbacks should reflect context from both streets (Page 10).
- Use the surrounding block to help guide appropriate building orientation (Page 11).
- New construction should reflect and reinforce the character of spacing found in its block. New construction should maintain the perceived regularity or lack of regularity of spacing on the block (Page 12).
- Minimum spacing can be crucial for proper maintenance of homes. For example, additional spacing between tall houses can be key to allowing for maintenance with basic tools, like ladders (Page 12).

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2026ADM171; 2502 North Delaware Street (subject site), Request to approve final plans pursuant to the commitments adopted through petitions 2024-CVR-810 and 2024-CZN-810, **pending**.

2024-CZN-810; 2502 North Delaware Street (subject site), Rezoning of 0.94 acre from the D-8, MU-2, and SU-7 (TOD) districts to the MU-2 (TOD) district for a proposed mixed-use development, consisting of 46 dwelling units and approximately 5,000 square feet of retail space, **approved**.

91-AP2-14; 2502 Delaware Street (subject site), Modification of conditions pursuant to 65-V-60 to permit the placement of a 30-square foot pole sign and pursuant to Petition 84-UV2-51 to permit the continued use of the outdoor advertising signs, **granted**.

91-UV3-41; 2502 North Delaware Street (subject site), Variance of use to permit vending machines and existing wall signs, **granted**.

85-Z-53; 2542 North Delaware Street (subject site), Rezoning from the D-8 District to the SU-7 classification to provide for narcotics treatment, youth education and rehabilitation, **approved**.

84-UV2-51; 2502 North Delaware Street (subject site), Variance of use to permit an addition to a liquor store, **granted**.

65-V-60; 2502 North Delaware Street (subject site), Variance of use to permit a package liquor store, **granted**.

64-V-475; 2502 North Delaware Street (subject site), Variance of use to permit an automobile seat cover business, **granted**.

64-V-400; 2502 North Delaware Street (subject site), Variance of use to permit the sale of alcoholic beverages and a wall sign, **withdrawn**.

60-V-125; 2502 North Delaware Street (subject site), Variance of use to permit an automobile seat cover business, **granted for temporary period of one year**.

59-V-403; 2502 North Delaware Street (subject site), Variance of use to permit an automobile seat cover business, **denied**.

59-V-151; 2502 North Delaware Street (subject site), Variance of use to permit the outdoor display and sale of automobiles, **granted**.

ZONING HISTORY – VICINITY

2024-CVR-810; 2460 North Delaware Street, (subject site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for front building line of 41.3% and 42.4% along 25th Street (minimum of 80% required), parking and maneuvering that extends beyond the building and less than required minimum setback (not permitted beyond the building and a minimum of 50-foot setback required), parking space dimensions of 8.5-foot by 18-foot (minimum of 9-foot by 18-foot and 180 square feet required), alley curb cut and pavement of 14 feet (minimum of 15 feet required), clear sight triangle encroachment for the proposed buildings at the intersection of Delaware Street and 25th Street (not permitted), two-foot side transitional yard for parking areas (minimum 15-foot required) and a two-foot rear transitional yard for parking areas and a trash enclosure (minimum of 10 feet required), **approved**.

2024-CZN-810; 2502 North Delaware Street and 2460 North Delaware Street, (subject site), Rezoning of 0.94 acre from the D-8, MU-2, and SU-7 (TOD) districts to the MU-2 (TOD) district for a proposed mixed-use development, consisting of 46 dwelling units and approximately 5,000 square feet of retail space, **approved**.

2016-CZN-814 / 2016-CVR-814; 2542 North Delaware Street, (north of site), Rezoning of 0.84 acre from the SU-7 district to the D-8 classification to provide for single-family residential uses and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for eight single-family dwellings, with a five-foot front setback (25-foot front setback required), with two-foot side setbacks and 6.5 feet between dwellings (minimum four-foot side setback and 10 feet between buildings required), and with accessory buildings, with two-foot and three-foot side setbacks (minimum four-foot side setbacks required), and to provide for 47% open space (55% open space required), **approved**.

2015-ZON-062; 2449-2457 North Delaware Street (east of site), Rezoning of 0.06 acre from the D-P district to the D-P classification to provide for a tavern with outdoor seating, **approved**.

2014-ZON-042; 2501 North Talbott Street (west of site), Rezone 0.15 acre from the SU-7 and D-8 districts to the D-8 classification, to provide for single-family residential development, **approved**.

2005-ZON-122; 2519 North Delaware Street (east of site), Rezoning of 0.17 acre, being in the C-3 District, to the D-8 classification to provide for the construction of a single-family dwelling, **approved**.

2005-ZON-140; 2449 through 2509 North Delaware Street (east of site), Rezoning of 0.64-acre from D-8 and C-3 to D-P to provide for the construction of two mixed-use buildings, **approved**.

2002-ZON-137; 2505 and 2513 North Talbott Street (west of site), Rezoning of 0.25 acre from SU-7 to D-8, to provide for single-family residential development, **approved**.

95-HOV-26; 236 East 25th Street (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of single-family residences, associated with the Fall Creek Proper Subdivision, with reduced front yard setbacks, **approved**.



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

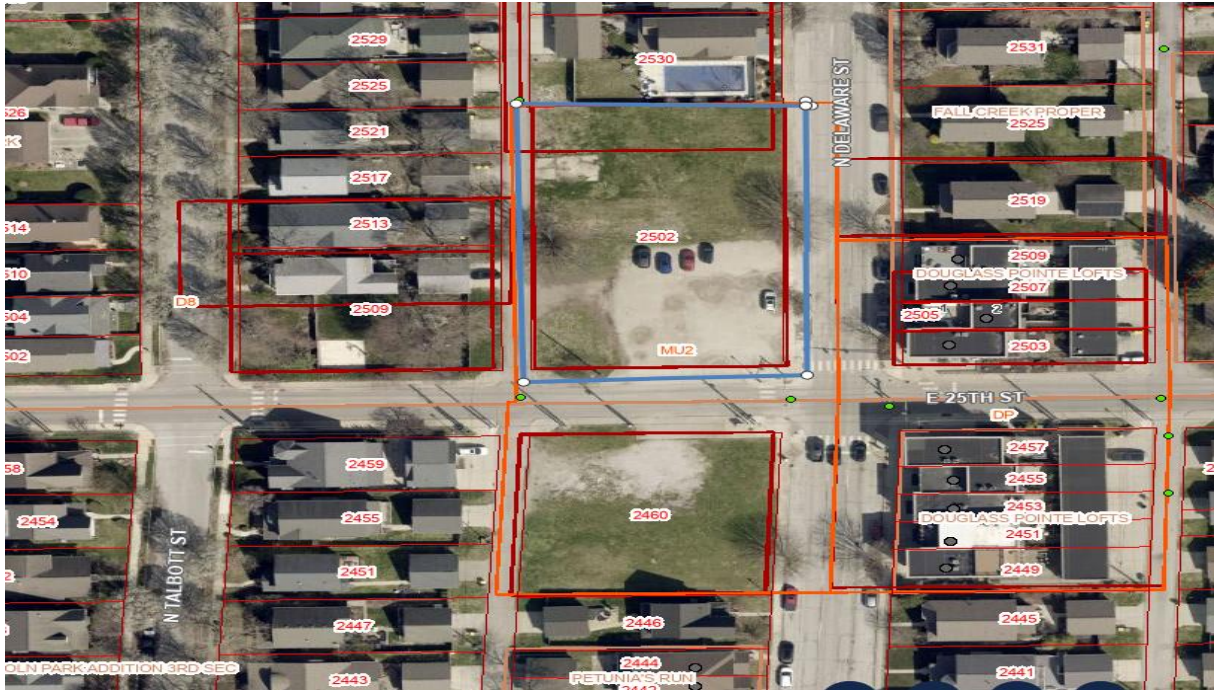
85-Z-53; 2452 North Delaware Street (west and north of site), Rezoning of 1.8 acres from D-8 to SU-7 to provide for non-profit Christian treatment facility and to permit the construction of a small shed, **approved.**

83-Z-3; 2501 North Delaware Street (east of site), Rezoning of 0.26 acre, being in the D-8 district, to the C-3 classification, to provide for commercial use, **approved.**

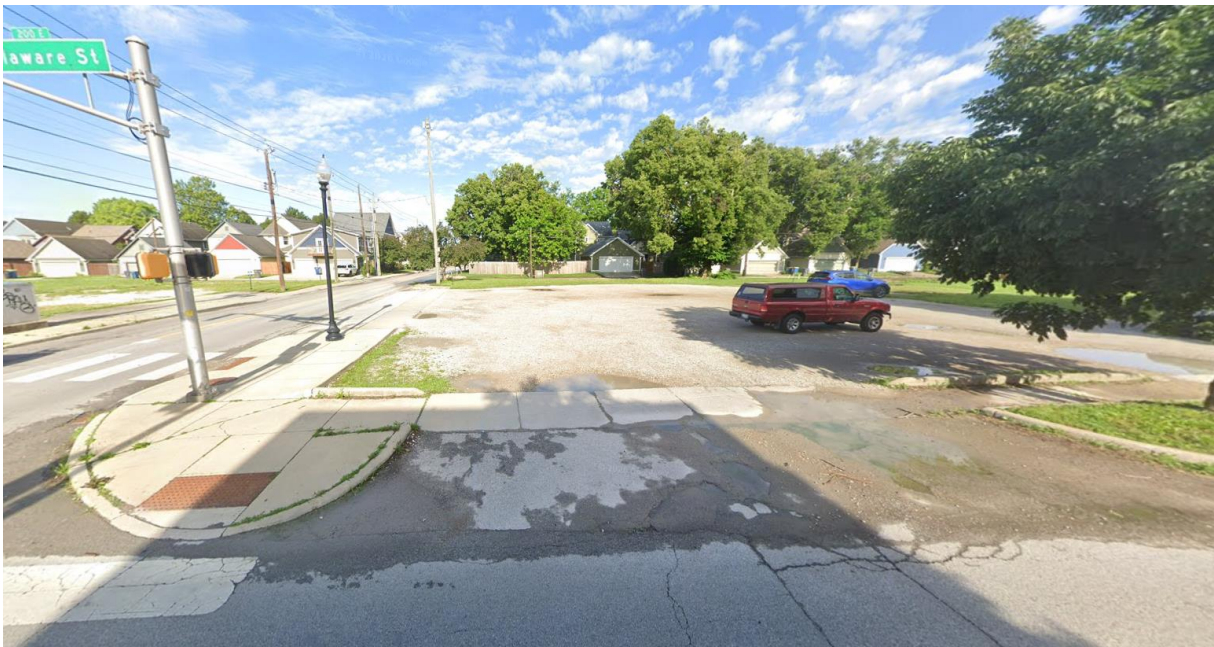
76-UV1-52; 2542 North Delaware Street (north of site), Variance of use and development standards to permit the construction of a youth education and rehabilitation organization with live-in facilities, **granted.**

EXHIBITS

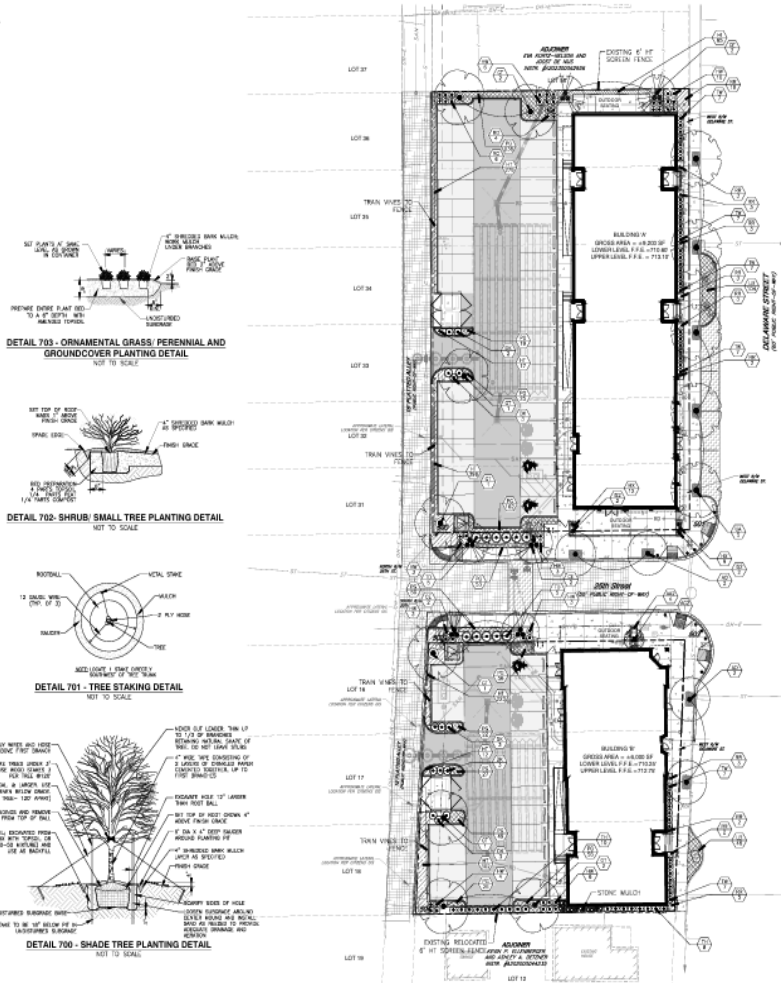
2026-DV1-047; Aerial Map



2026-DV1-047; Google Maps View (June 2024)



2026-DV1-047; Site Plan



GENERAL LANDSCAPE NOTES:

1. ALL CONSTRUCTION MATERIALS AND METHODS MUST COMPLY TO CURRENT STANDARDS AND SPECIFICATIONS OF THE MATERIALS, E.G., SOILS, ETC. BY LOCAL, NATIONAL, AND/OR INTERNATIONAL STANDARDS.
2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS IN THE FIELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES OR ERRORS IN THE FIELD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES OR ERRORS IN THE FIELD.
3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS IN THE FIELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES OR ERRORS IN THE FIELD.
4. NO PLANTING SHALL BE DONE UNTIL THE LANDSCAPE DESIGN IS COMPLETE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES OR ERRORS IN THE FIELD.
5. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS IN THE FIELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES OR ERRORS IN THE FIELD.
6. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE LANDSCAPE DESIGN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES OR ERRORS IN THE FIELD.
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PLANT SCHEDULE

CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	CAULIPER	HEIGHT
TREES					
01	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
02	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
03	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
04	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
05	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
06	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
07	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
08	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
09	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
10	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
SHRUBS					
11	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
12	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
13	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
14	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
15	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
16	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
17	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
18	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
19	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
20	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
GROUND COVERS					
21	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
22	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
23	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
24	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
25	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
26	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
27	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
28	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
29	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.
30	1	ACER FRAXINUS (COMMON) 'NORTHERN PRINCE'	24"		4-6' HT.

SCALE: 1" = 20'



REVISION RECORD

NO.	DATE	DESCRIPTION
1	01/15/2026	ISSUED FOR PERMIT

STUDIO M ARCHITECTS
OXFORD ROW
2460 S. 24TH AVENUE
INDIANAPOLIS, IN 46205

PLANTING PLAN

C700

2026-DV1-047; Findings of Fact

FINDINGS OF FACT

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

The Oxford Row yard is seeking an encroachment from the 15 foot required side yard to a 2 foot planted yard for a proposed seating area north of the multi-family building of the north parcel is consistent with and appropriate in the Traditional Neighborhood typology. The addition of a seating area has been thoughtfully designed to bring high-quality amenity construction to encourage areas for outdoor gathering. This variance will not interfere with traffic; will not deter privacy from adjoining neighbors; is accessible and provides ample space for landscaping.

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 variance will allow for the construction of an additional garden amenity situated with a landscaped area that contributes to and adds value to this immediate area.

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

The proposed seating area would not be possible without the encroachment into the required side transitional yard establish from the prior approved variance petition 2024-CVR-810 and the terms of the zoning ordinance for district MU-2 dimensional standards to maximize outdoor amenity areas.

Commitments from 2024-CVR-810 and 2024-CZN-810 Petitions Approved

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".

MDC's Exhibit B - - page 1 of 6



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2. A final landscape plan shall be submitted for Administrator's Approval showing the street frontage landscaping and screening for transformers and relocation of the dumpster at 2460 Delaware Street prior to the issuance of an Improvement Location Permit.

3. Final building elevations shall be submitted for review and approval by the City Architect.

4.

5.

2026-DV1-047; Photographs

Photo 1: Subject Site Viewed from North from North Delaware Street (August 2026)



Photo 2: Subject Site Viewed from East from 25th Street (August 2026)



Photo 3: Subject Site Viewed from South (August 2026)



Photo 4: Subject Site Viewed from West (August 2026)



Photo 5: Subject Site Viewed from the Alley to the South (August 2026)

