

**BOARD OF ZONING APPEALS DIVISION I**

**October 6, 2026**

|                               |                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Number:</b>           | 2026-DV1-031 (Amended)                                                                                                                                                                                                                                                                                                                                             |
| <b>Property Address:</b>      | 4850 West 78 <sup>th</sup> Street and 7750 Georgetown Road (approximate addresses)                                                                                                                                                                                                                                                                                 |
| <b>Location:</b>              | Pike Township, Council District #6                                                                                                                                                                                                                                                                                                                                 |
| <b>Petitioner:</b>            | Lilly Indy RLT, by Russell Webster                                                                                                                                                                                                                                                                                                                                 |
| <b>Current Zoning:</b>        | I-2 (FF) / I-3                                                                                                                                                                                                                                                                                                                                                     |
| <b>Request:</b>               | Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for placement of 6-foot tall fence in front yards (maximum 3.5-foot fence permitted in I-2 areas), partially within the required clear-sight triangular area of 78 <sup>th</sup> and Georgetown (not permitted), and partially within easements (not permitted). |
| <b>Current Land Use:</b>      | Industrial                                                                                                                                                                                                                                                                                                                                                         |
| <b>Staff Recommendations:</b> | Staff recommends <b>approval</b> of the height and clear-sight triangle requests. Staff also recommends <b>approval</b> of the easement request, subject to a commitment (below).                                                                                                                                                                                  |
| <b>Staff Reviewer:</b>        | Michael Weigel, Principal Planner I                                                                                                                                                                                                                                                                                                                                |

**PETITION HISTORY**

**9/1/26:** A continuance was requested by the petitioner to allow for time to them to evaluate the request. Per coordination with staff, they agreed to amend the request to have a 6-foot fence within front-yard areas (with side and rear yards still to contain the originally requested 8-foot fence).

**8/4/26:** A timely automatic continuance request was filed by a registered neighborhood organization.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the height and clear-sight triangle requests, and recommends **approval** of the easement request subject to the below commitments:

1. The property owner shall obtain a written consent of encroachment from the owner of the private railroad easement located on the 4850 West 78<sup>th</sup> Street parcel (currently owner by "Park 4910 LLC") prior to construction of portions of the fence that fall within the railroad easement.
2. The formal consent of encroachment from the owner of the private railroad easement shall also be submitted for administrative approval from the Department of Metropolitan Development prior to construction of portions of the fence that fall within the railroad easement.

## PETITION OVERVIEW

4850 West 78<sup>th</sup> Street and 7750 Georgetown Road are two parcels with sizes of 4.53 and 10.45 acres that border Georgetown Road to the east. The private drive 78<sup>th</sup> Street runs between the parcels, and a railroad line runs to the northeast of the northern parcel. Both lots are improved with industrial buildings and accessory parking areas, and the properties are at the eastern edge of the Park 100 industrial park. Surrounding land uses are industrial, except for apartments across Georgetown Road to the east.

The current user of both buildings is a pharmaceutical company that utilizes the properties for the manufacture and delivery of radioligand therapy products directly from the facility to patients, given the short shelf life of the cancer treatment products (full description of facility activities within Exhibits below). The petitioner is seeking permission to install perimeter fencing around the buildings and parking areas, per plans below. Each site would be accessed by the scanning of a key-card, and 78<sup>th</sup> Street would remain publicly accessible (two total fenced areas around the two parcels).

Placement of the fencing as proposed would require three (3) variances of development standards:

- The areas of fence placed in the front yards of the properties would have a height of 6 feet. Although the portions of the site zoned I-3 would allow for a 6-foot fence in the front yard, the northern portions zoned I-2 would only allow for a maximum fence height of 3.5 feet.
- A portion of the fence that would be placed on the northern parcel would fall within the required clear-sight triangular area created by the intersection of 78<sup>th</sup> and Georgetown, to the north (see diagram within Exhibits below showing the level of encroachment).
  - No fencing would fall within the clear-sight triangular areas to the south of the street intersection, or within the CST for the intersection of the rail line and Georgetown Road.
- A portion of the fence on the 4850 West 78<sup>th</sup> Street parcel would fall within a railroad easement related to the rail line to the northeast, as marked on the site plan provided. Encroachment of the fence into this easement would also require a variance.

The original request sought to have fencing with a uniform height of 8 feet in all yards, which would have required an additional variance for exceeding the allowable front-yard height for fences in both the I-2 and I-3 portions of the property. However, in consultation with staff the petitioner agreed to reduce the height of fencing in the front yards to 6 feet while keeping an 8-foot height in side and rear yards (which would be permitted by-right since Ordinance allows 10-foot fencing in side and rear yards for both zones). The “Maximum Fence Heights for Properties” diagram below shows applicable height maximums; only the light blue section of front yard would exceed requirements and require grant of a variance.

The northern section of the property is zoned I-2 to allow for light industrial development with minimal risk or objectionable characteristics that extend beyond the lot lines, and the southern portion is I-3 to allow for medium industrial development with moderate risk to the public with a requirement for buffering and large setbacks when adjacent to protected districts. The Comprehensive Plan recommends both sites to the Light Industrial typology, and places portions of the sites within the Environmentally Sensitive and Industrial Reserve overlays (see Comprehensive Plan Analysis below). The zoning and plan recommendation are consistent with the proposed land use, and the Pattern Book offers no specific guidance on fence height or placement for this typology.

Findings of Fact provided by the petitioner cite the unique security needs of a facility that produces sensitive cancer drugs as justification for a variance to allow for a fence exceeding maximum height requirements. Staff would note that given the petitioner's openness to a reduction of the height of the fence from 8 feet to 6 feet in the front yards, **(a)** only a small overall portion of the proposed fence on the northern parcel would require relief from Ordinance standards and **(b)** the majority of the 6-foot fence on the southern parcel would also meet Ordinance standards. Given the context of the use and the overall ratios of fenced area that *would* be compliant (approximately 93.8% of the northern site and 94.9% of the southern site), staff recommends **approval** of the request to allow for 6-foot fencing in front yards.

With regards to the clear-sight triangle variance requested, staff would note the overall minor level of encroachment into the required space, that the fence doesn't fall within the traffic engineering clear-sight triangle utilized by the Department of Public Works, and that the odd configuration of the intersection (not at a 90-degree angle, Georgetown Road also intersected by a rail line) would mean that vehicles turning onto either street would not have an obstructed line of sight (see Photo 5 in Exhibits below). Staff recommends **approval** of the clear-sight triangle variance request.

At the time of publication of this report, the petitioner had not yet managed to obtain a written letter of consent from the railroad easement holder indicating their permission for the fence to encroach into the small railroad easement area that had been marked on their site plan. It appears that internal sidewalk already exists in the easement area of the site (see Photo 7 in Exhibits). Staff contends that having that written consent from the easement holder in place prior to the installation of the fence would be prudent, and therefore recommends **approval** of the easement request subject to two (2) commitments:

1. The property owner shall obtain a written consent of encroachment from the owner of the private railroad easement located on the 4850 West 78<sup>th</sup> Street parcel (currently owner by "Park 4910 LLC") prior to construction of portions of the fence that fall within the railroad easement.
2. The formal consent of encroachment from the owner of the private railroad easement shall also be submitted for administrative approval from the Department of Metropolitan Development prior to construction of portions of the fence that fall within the railroad easement.

These commitments would allow for installation of most of the proposed fence, while ensuring that the small portions of the fence that would require encroachment into the railroad easement would not be installed until permission was granted in writing and reviewed by staff.

## GENERAL INFORMATION

|                                   |                   |                                                                   |
|-----------------------------------|-------------------|-------------------------------------------------------------------|
| <b>Existing Zoning</b>            | I-2 (FF) / I-3    |                                                                   |
| <b>Existing Land Use</b>          | Industrial        |                                                                   |
| <b>Comprehensive Plan</b>         | Light Industrial  |                                                                   |
| <b>Surrounding Context</b>        | <b>Zoning</b>     | <b>Surrounding Context</b>                                        |
| North:                            | I-2 / C-S         | North: Railroad / Industrial                                      |
| South:                            | I-2               | South: Industrial                                                 |
| East:                             | C-S / D-6II / I-3 | East: Industrial / Apartments                                     |
| West:                             | I-2               | West: Industrial                                                  |
| <b>Thoroughfare Plan</b>          |                   |                                                                   |
| Georgetown Road                   | Primary Arterial  | 102-foot existing right-of-way and 119-foot proposed right-of-way |
| 78 <sup>th</sup> Street           | Private Street    | 60-foot existing right-of-way                                     |
| <b>Context Area</b>               | Metro             |                                                                   |
| <b>Floodway / Floodway Fringe</b> | Yes               |                                                                   |
| <b>Overlay</b>                    | Yes               |                                                                   |
| <b>Wellfield Protection Area</b>  | No                |                                                                   |
| <b>Site Plan</b>                  | 05/29/2026        |                                                                   |
| <b>Site Plan (Amended)</b>        | 06/24/2026        |                                                                   |
| <b>Elevations</b>                 | N/A               |                                                                   |
| <b>Elevations (Amended)</b>       | N/A               |                                                                   |
| <b>Landscape Plan</b>             | N/A               |                                                                   |
| <b>Findings of Fact</b>           | 05/29/2026        |                                                                   |
| <b>Findings of Fact (Amended)</b> | 06/24/2026        |                                                                   |

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Light Industrial 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.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- The Industrial Reserve (IR) overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.
- The Pattern Book offers no specific guidance related to fence height.

### 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

**2011DV3030 ; 4850 West 78<sup>th</sup> Street**, Variance of development standards of the Industrial Zoning Ordinance to provide for parking, with a minimum 2.9-foot setback, within 37.3% of the front yard of Georgetown Road (35% permitted by 2000-UV1-017, 30-foot setback from the proposed 70-foot half right-of-way or 100 feet from the centerline, whichever is greater) and parking, with a minimum six-foot setback, within 36% of the front yard of 78th Street (maximum 10% permitted in front yard, 50-foot front setback required), **approved**.

**2000DV1017 ; 4850 West 78<sup>th</sup> Street**, Variance of development standards of the Industrial Zoning Ordinance to provide for construction of an industrial building with 3634.5-square feet of parking area within the required front yard of Georgetown Road (maximum 1039.4-square feet or 10% of the total area of the required front yard permitted for parking), **approved**.

**85-Z-32B** ; Rezoning of approximately 25 acres, being in the A-2 district, to the I-3-S classification, to provide for industrial development, **approved**.

**80-Z-111** ; Rezoning of approximately 317 acres to an I-2-S zoning classification for use in development of an industrial park, **approved**.

### ZONING HISTORY – VICINITY

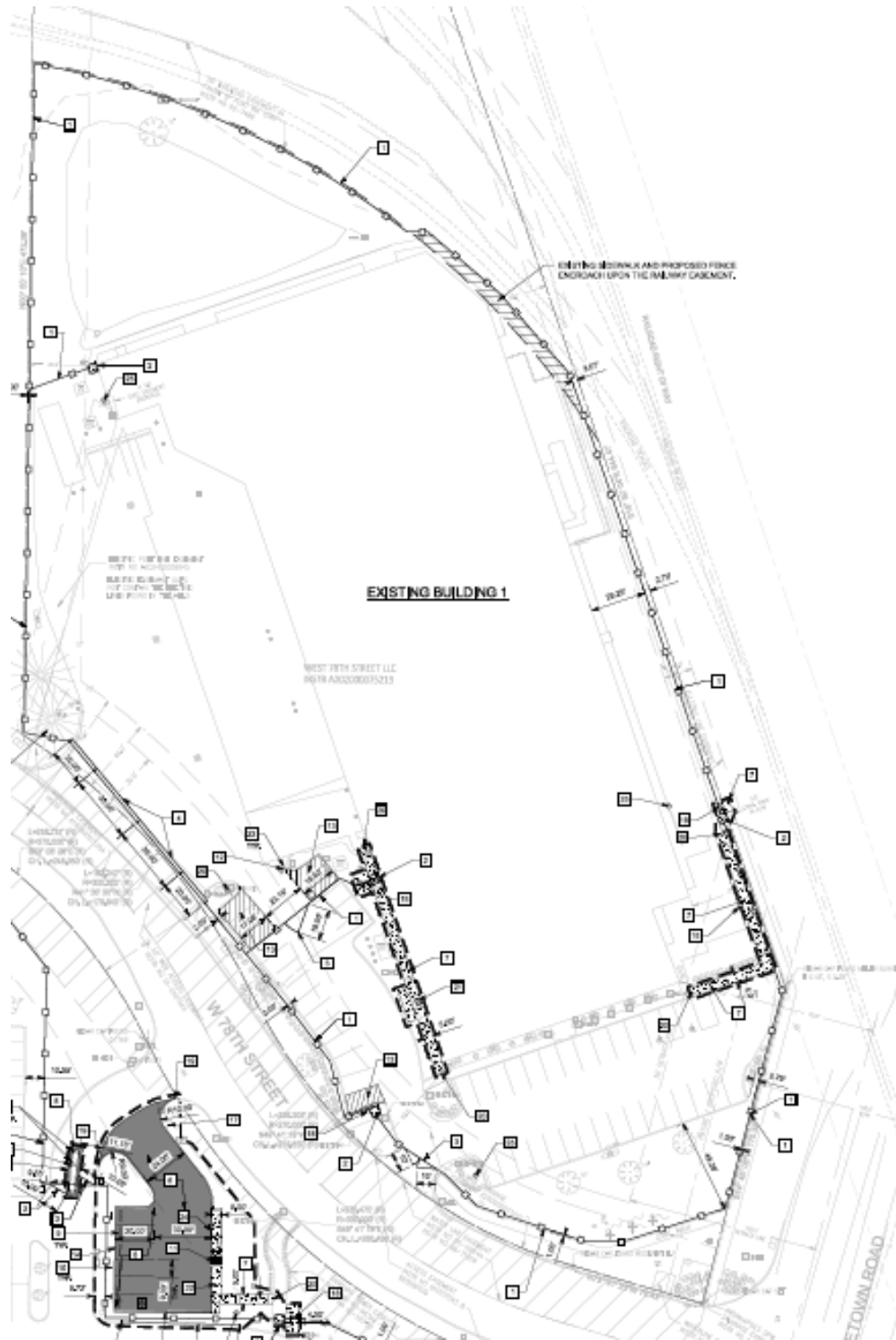
**97-UV2-68 ; 7651 Georgetown Road (southeast of site)**, Variance of Use of the Industrial Zoning Ordinance to provide for the retail sales and distributions of bread and bakery projects (retail sales not permitted) in an existing industrial building, **approved**.

EXHIBITS

2026DV1031 ; Aerial Map

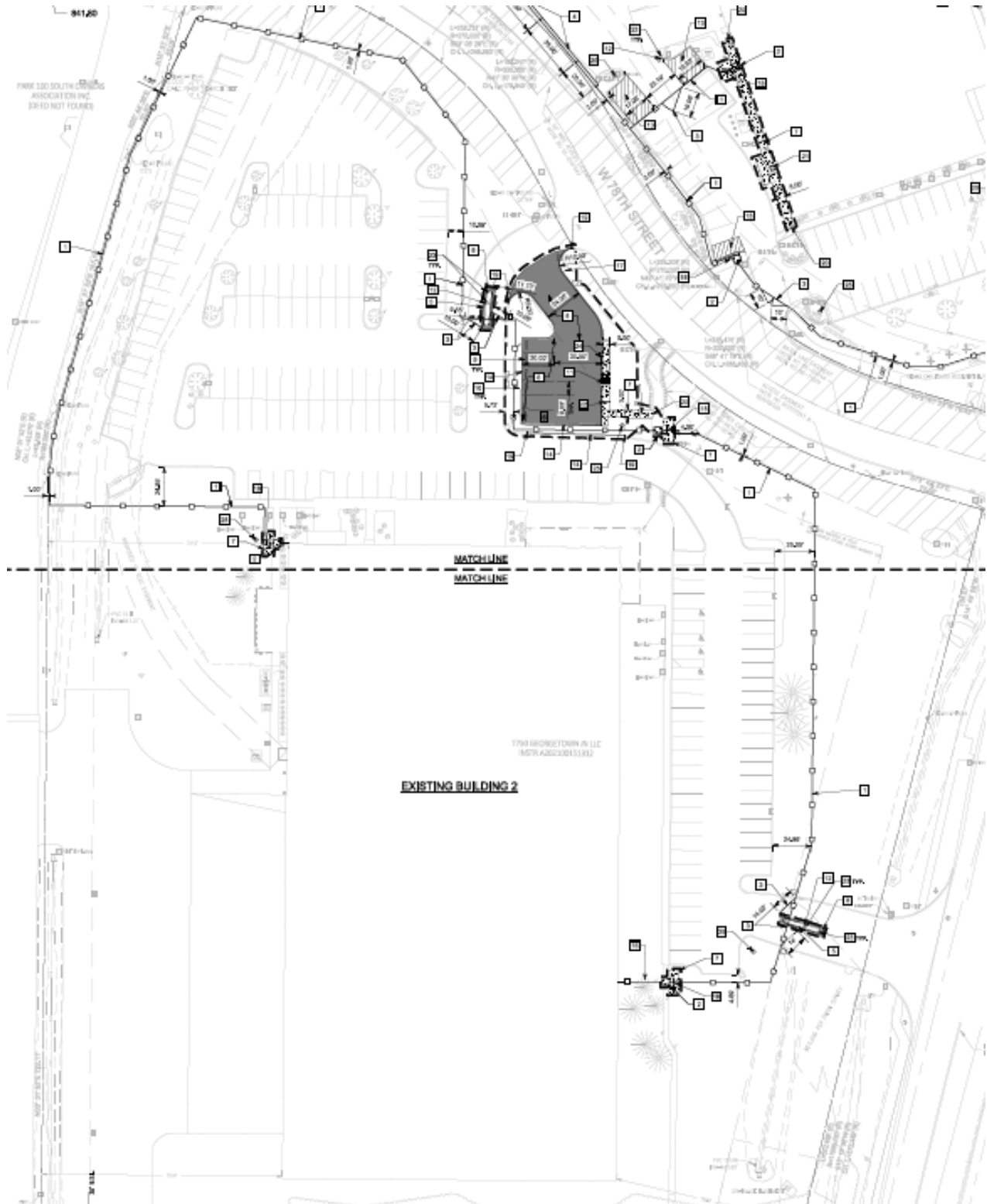


**2026DV1031 ; Site Plan (4850 W 78<sup>th</sup>)**



*Note: railroad easement shown in hashed area to northeast of building*

**2026DV1031 ; Site Plan (7750 Georgetown)**



## **2026DV1031 ; Description of Facility Activities**

*At Lilly, we unite caring with discovery to create medicines that make life better for people around the world. In M&Q, we make these medicines possible by moving our products to market with safety first and quality always. Our investment in manufacturing capabilities demonstrates our commitment to delivering innovative medicines to patients around the world.*

*Our Indy RLT site exists to deliver life-changing radioligand therapies to patients who need them, without delay, by combining scientific innovation with operational excellence. It's about more than just manufacturing products — it's about advancing personalized cancer care, not just making medicine, but making the right medicine for the right patient at the right time.*

*Manufacturing radioligand therapy products occurs just-in-time, meaning there is no stock or inventory of products or radioisotope starting material. Because RLTs have an exceptionally short shelf life — only a few days — they must be produced and delivered to patients within hours of administration. This makes RLT manufacturing a uniquely fast-paced process where right-first-time is critical for success.*

## **2026DV1031 ; Findings of Fact**

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

The petitioner simply requests permission to install a taller than allowed security fence. If anything, this will enhance community health and safety by keeping unwanted trespassers from entering a secure facility.

Additionally, the sight triangle is only impeded slightly and in one direction at one entrance. The other 3 directions between the 2 existing entrances are not impacted by this fence.

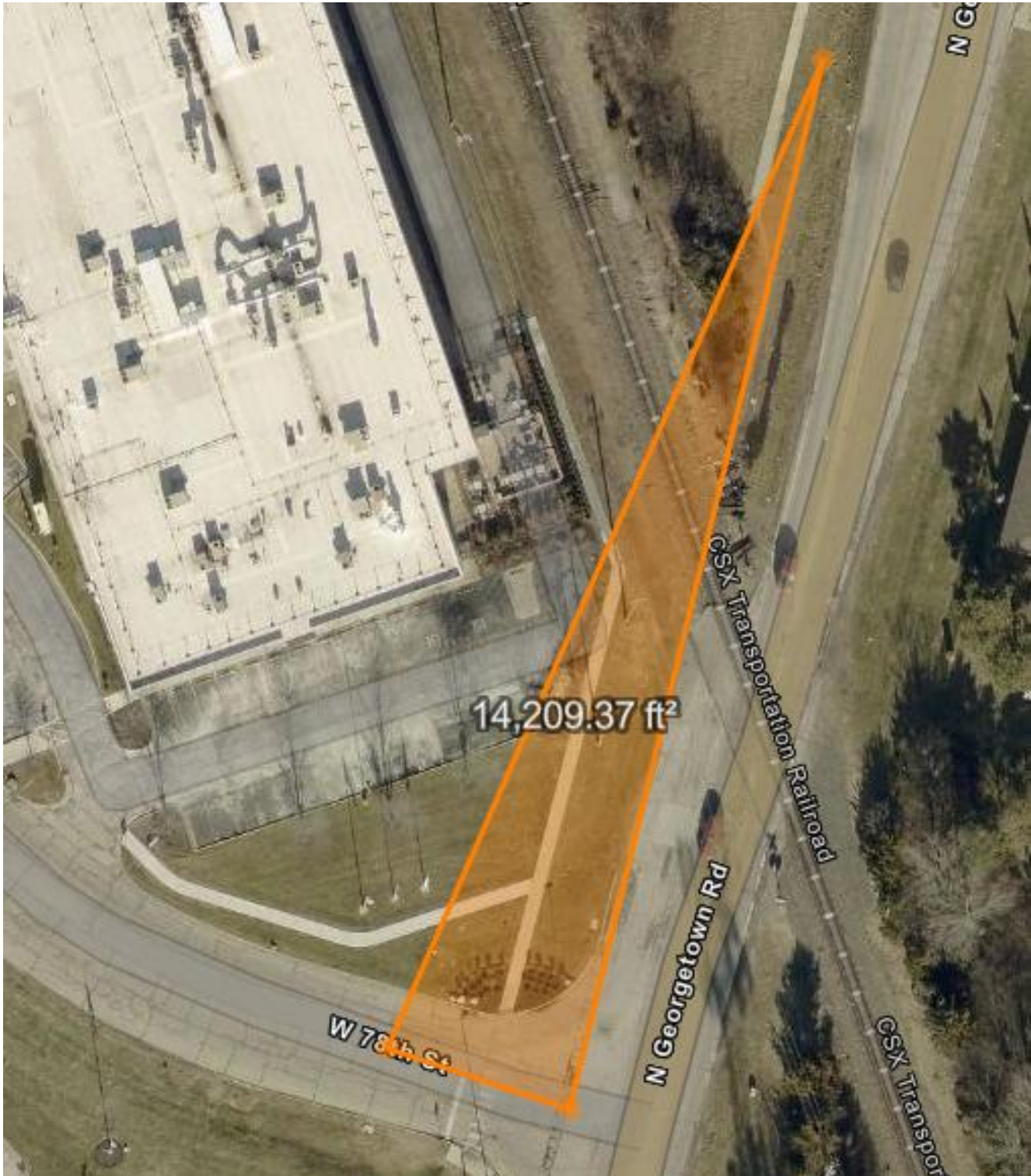
### **2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:**

the request does not in any way impact adjacent property owners. The petitioner simply aims to install a fence that is 8' rather than 3.5' and the fence will face a roadway, and on the other side of the roadway is an apartment complex that, at present, has a similar 8' fence.

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

the only adjoining property across Georgetown Road presently has an existing 8' fence, and the owner requires a security facility, and a 3.5' fence is not secure.

**2026DV1031 ; Clear-Sight Triangle for 78<sup>th</sup> and Georgetown (north)**



**Light Blue:** I-2 front yard, 3.5 feet max  
**Blue:** I-3 front yard, 6 feet max  
**Dark Blue:** side/rear yard, 10 feet max

Map labels include: 4850, 4900, 7750, 7700, 7651, 7699, W 78TH ST, GEORGETOWN RD, CS, 12, 13, Park 100.

**2026DV1031 ; Photographs**



Photo 1: Northern Building Viewed from Southeast



Photo 2: Northern Building Viewed from South

**2026DV1031 ; Photographs (continued)**



Photo 3: Southern Building Viewed from Northeast



Photo 4: Southern Building Viewed from East

**2026DV1031 ; Photographs (continued)**



Photo 5: Portion of Clear-Sight Triangle Viewed from Georgetown (looking south)



Photo 6: 78<sup>th</sup> Street Frontage Viewed from East

**2026DV1031 ; Photographs (continued)**



Photo 7: Existing Railroad Easement Area to Northeast of Northern Building



Photo 8: Northern Building Viewed from Southwest

**2026DV1031 ; Photographs (continued)**



Photo 9: Adjacent Property to East of Northern Building



Photo 10: Adjacent Property to Southeast of Southern Building