

BOARD OF ZONING APPEALS DIVISION II

September 08, 2026

Case Number: 2026DV2027
Property Address: 7009 W Thompson Rd
Location: Decatur Township, Council District #21
Petitioner: Indy's Finest Fence, by Rocky Morton
Current Zoning: CS, (Airspace)
Request: Variance of Development Standards to allow for a lot with asphalt millings (asphalt pavement required), an 8-foot privacy fence (maximum 3 ½ foot required), 0-foot transitional yard (15-foot required), exceeding the maximum outdoor storage (limited to 25% of outdoor building area), no landscaping (landscaping and trees required).
Current Land Use: Single-Family Residential
Staff Recommendations: Staff recommends **denial**.
Staff Reviewer: Adrienne Baker, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial**.

PETITION OVERVIEW

The request proposes several changes to established development standards, including the use of asphalt millings instead of pavement, installation of an 8-foot privacy fence where the maximum allowed height is 3.5 feet, removal of the required 15-foot transitional yard, outdoor storage that exceeds the permitted amount of 25% of the outdoor building area, and elimination of required landscaping. These changes carry added weight given the surrounding context: industrial uses to the north, commercial and residential uses to the south, residential uses to the east, and commercial uses to the west.

The C-S District is intended to support flexible, high-quality development that accounts for access, parking, traffic flow, utilities, and environmental features such as vegetation, topography, drainage, and wildlife. Within AmeriPlex, the C-S District follows I-2 standards for industries with minimal off-site impacts, which require complete screening of outdoor operations near sensitive areas. Under these standards, outdoor storage is not permitted within 500 feet of a protected district. Where storage is allowed farther away, it may not exceed 25 percent of the floor area of enclosed buildings. If storage is located near a protected district, it must be fully screened, kept below 10 feet in height, and remain lower

than the screening itself. Protected districts include residential zoning, historic preservation areas, hospitals, parks, university districts, and the SU-1 (church) and SU-2 (school) districts.

When an industrial use is adjacent to residential zones or a dwelling, a transitional yard with a landscape buffer is required. This may be provided either as a 15-foot natural buffer with evergreen trees and shrubs to help reduce sound and light, or as an opaque wall, berm, fence, or dense vegetation at least 8 feet tall, along with the required trees and shrubs. Additional rules apply to the design and placement of fencing. For outdoor storage within 500 feet of a protected district, screening may be chain link, solid, lattice, or similar materials between 6 and 10 feet in height and must be surrounded by trees or hedges of equal height. Stored materials may not exceed the height of the fence, and fence height must account for grade changes over 2 feet or mounding.

All construction and site work in Marion County must comply with the Zoning Ordinance, the Official Thoroughfare Plan, and other applicable codes. Sites that are largely built out must also meet minimum green space requirements. Within AmeriPlex, outdoor operations and storage are limited to 25 percent of a building's floor area, and large trash containers near protected districts must be screened, kept behind the front building line, and located outside required yards unless placed within an approved parking area. AmeriPlex zoning also permits legally established single-family homes to continue or expand as nonconforming uses, provided any changes meet D-3 residential standards. The development requires a 45-foot landscape easement along all roads and paved parking areas, although gravel may be used temporarily for up to one year when permanent paving is not immediately feasible.

The Light Industrial classification emphasizes indoor activities such as warehousing, assembly, laboratories, wholesaling, and printing. These uses are generally arranged in standalone buildings or campus style clusters, are designed to avoid direct adjacency to homes or mixed-use areas and rely on direct access to major streets so industrial truck traffic does not move through nearby neighborhoods.

Past approvals in the area include accessory storage buildings, new storage structures with gravel improvements, the AmeriPlex rezoning that established C-S zoning and associated sign variances, a nearby residential rezoning, and an amendment clarifying internal boundaries within AmeriPlex. The site also has a substantial enforcement history, including failure to follow an approved site plan, electrical work without a permit, development without required administrative approvals, unpermitted construction, fire safety and structural issues, and construction of a large storage building without proper permitting. Prior investigations also found commercial or industrial activities not permitted by zoning and required correction of a fence taller than allowed. Most past violations were corrected or closed; one remains open for failure to comply with the approved site plan and is overdue as of August 4, 2026 (**VIO24-009093**).

Taken together, the requested variances, including using asphalt millings instead of pavement, building an 8-foot fence where only 3½ feet is allowed, removing the required buffer yard, expanding outdoor storage beyond what is permitted, and eliminating required landscaping, do not align with the standards for this zoning district or with the Comprehensive Plan's vision for well-screened, high-quality industrial development next to sensitive areas. Because of these inconsistencies and the site's enforcement history, staff recommends denial.

GENERAL INFORMATION

Existing Zoning	CS, (Airspace)	
Existing Land Use	Residential	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	CS	North: Industrial
South:	CS, D-3	South: Commercial, Residential
East:	DA	East: Residential
West:	CS	West: Commercial
Thoroughfare Plan		
Thompson Rd	Local Street	Proposed ROW: 50 Existing ROW: 50
Decatur Blvd	Primary Collector	Proposed ROW: 102 Existing ROW: 106
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	07/24/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	07/24/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design, or function, and can be intermixed, grouped, or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.

- Development site plans should incorporate and promote environmental considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.
- All C-S District uses shall be planned, designed, constructed, and maintained in a manner that ensures superior land development consistent with the Comprehensive Plan. Such uses must promote an efficient, economical, and compatible pattern of land use within the district and in relation to adjacent properties; provide adequately designed and appropriately located access, parking, and loading facilities; incorporate effective traffic control measures and ensure coordinated integration with existing and planned public streets and internal access roads; and fully accommodate required sanitation, drainage, and public utility services. Additionally, all sites shall be allocated and designed with suitable character, grade, location, and orientation that are appropriate for the proposed uses, logically related to existing and anticipated topographical and environmental conditions.
- The AmeriPlex CS district abides by the I-2 development standards.
- The I-2 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.
- Outdoor storage is prohibited within 500 feet of a protected district. All outdoor storage and operations are limited to 25% of the total gross floor area of enclosed buildings. Storage located near a protected district may not exceed 10 feet in height and must be fully screened, with no materials extending above the height of the required screening.
 - **Protected District:** Specific classes of zoning districts that, because of their low intensity or the sensitive land uses permitted by them, require buffering and separation when abutted by certain more intense classifications of land use. A protected district does include any dwelling district, historic preservation district, hospital district, parks district, university quarter district, SU-1 (church) district, or SU-2 (school) district.
- Development site plans should incorporate and promote environmental considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.
- That portion of any yard abutting a protected district having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between 2 or more land uses of different intensity. A transitional yard is provided in lieu of the minimum required front, side or rear yard specified for the district in which it is located when an above noted protected district abuts.

- Within Marion County, Indiana, no structure shall be located, erected, altered, or repaired unless the use, character and location of the structure are in conformity with the provisions of the applicable Codes, Official Thoroughfare Plan for Marion County, Indiana, and other ordinances relating to land use, including the Zoning Ordinance.
- 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.
- The measurement of a fence or wall height must be taken from grade level to the top of the fence, exclusive of fence posts. Changes in grade level over 2 feet must be included in the height calculation of the fence or wall. Mounding that increases the elevation of the fence or wall and is inconsistent with the ground level of the land surrounding the fence or wall must be included in the measurement of the fence height.
- Where an industrial district, building or project abuts a dwelling district or lots used for any use listed as a dwelling use in Table 743-1: Use Table, a landscape buffer shall be provided within the transitional yard using either Option 1 or 2 below:
 - A landscape buffer area at least 15 feet wide shall be provided by the industrial project along the shared border. The buffer area shall consist of natural landscape materials such as grasses, ground cover, shrubs, and trees, and shall not contain impervious surfaces. One evergreen tree shall be provided for every 25-linear foot of lot line and 4 large shrubs per 25 linear feet of lot line, with spacing designed to minimize sound, light and noise impacts on dwelling uses.
 - An opaque wall, berm, fence or dense (100% opacity) vegetative screen at least 8 feet tall shall be provided with one shade tree provided for every 50 linear feet of lot line. If a fence or wall is provided, the side facing away from the industrial use shall be at least as finished in appearance as the side facing the industrial use, the fence shall be placed at least 3 feet inside the property line, and 3 small shrubs per 25 linear feet of lot line shall be provided between the fence and the property line. If a vegetative screen is proposed, it shall be at least 6 feet tall at the time of planting.
- **Green Factor Requirements:** The Green Factor requirement applies to all zoning districts except CBD districts, MU districts, D-A through D-5II districts and portions of the D-8 district occupied by single-family detached dwelling and two-family dwellings.
 - Development occurring on land in which 75% or more of the land area was previously developed for purposes other than residential or agricultural must attain a Green Factor of .22 or higher.

- The Green Factor requirement can be met by constructing or modifying the primary building or buildings on-site in a manner that when completed the building or buildings have and maintain an ENERGY STAR rating of 75 or higher. When this alternative is used, all other applicable landscaping standards must be met. For this alternative, Metropolitan Development Commission shall establish additional Improvement Location Permit submission requirements and maintenance requirements.

AmeriPlex:

- **Outside Operations And Storage Area Limitation:**

- 1) In no case shall the total area of outside operations and storage exceed twenty-five (25) percent of the total gross-floor area of enclosed structures and buildings.
- 2) Trash containers. Within one hundred (100) feet, measured in any direction of a Protected District, trash containers exceeding forty-eight (48) cubic feet shall:
 - be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - be located behind the established front building line; and,
 - not be located within a required yard or required transitional yard unless located within a parking area which is permitted in a required yard.

- **Continuation Of Existing Residential Uses:** Any legally established single family residence located within the real estate zoned to the C-S classification by this rezoning petition which would otherwise become a legally established nonconforming use as a result of this rezoning petition shall be permitted to: (i) rebuild if damaged or destroyed, regardless of whether any such damage or destruction is partial or total; or, (ii) continue and expand its otherwise nonconforming residential use; provided, that any such reconstruction, continuation or expansion is in compliance with the use provisions and development standards of the D-3 Dwelling District Zoning Ordinance, 89-A0-2, as amended through and including 95-A0-1.
- **Landscape Easements:** A forty-five (45) foot landscape easement measured from the back of curb shall be maintained along all public and private roadways developed within AmeriPlex. Plantings within this landscape easement area shall be consistent with the standards depicted on the Planting Concept exhibit filed with this rezoning petition.
- **Surface of Parking Area:** All off-street parking area, and access to and from such area, shall be hard surfaced to adequately provide a durable and dust-free surface. A gravel surface may be used for a period not exceeding one (1) year after the commencement of the use for which the parking area is provided, where ground weather conditions are not immediately suitable for permanent surface as specified above.

- Parking area(s), where abutting a required landscaped yard or area, shall be designed and constructed in such a manner that no part of any parked vehicle shall extend beyond the boundary of the established parking area into the minimum required landscaped yard or area or the adjoining property.
- Outdoor displays shall be on a hard-surfaced area, such as concrete, asphaltic pavement, brick, flagstone, or comparable material, and maintained in good condition.
- **Parking lot and other surface elements:** In order to break up or disconnect the flow of runoff over impervious surfaces, the use of permeable pavement materials is encouraged and includes, but is nonlimited to, pervious asphalt, pervious concrete, grid systems, or block pavers. Surface areas constructed with permeable techniques and materials shall not be counted towards the impervious surface cover calculations.
- In addition, any lot that abuts a lot determined to be an integrated center is also considered a part of the integrated center if the abutting lot shares vehicle access to a public street with that integrated center and does not have its own direct vehicle access to a public street.

Pattern Book / Land Use Plan

- The **Light Industrial** typology provides for industrial, production, distribution, and repair use conducted within enclosed structures and is 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.
- Industrial truck traffic should not utilize local residential streets, and internal streets within industrial developments must connect directly to an arterial street. Additionally, industrial uses are not recommended in locations where they would directly abut living or mixed-use typologies.

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

2024ADM010; The addition of an accessory storage building; **approved.**

2019ADM120; New storage building and refurbishing existing gravel area in CS district; **approved.**

95-Z-149; Ameriplex; rezone 1217.24 acres from D-A, D-3, I-2-S, I-3-S, and I-4-S to C-S and a Variance of Development Standards of the C-S District by waiving the current development standards set forth for each of the proposed light industrial areas, heavy industrial areas, and commercial areas and a Variance of Development Standards of the sign regulations to permit the implementation of an overall sign program which includes project monument signs, boundary markers, commercial area signs, industrial user signs, incidental signs, sign setbacks, building identification signs, construction signs and real estate signs; **approved.**

94-Z-46; rezone D-A to D-3 District for the proposed use of residential; **approved.**

ZONING HISTORY – VICINITY

2013ADM082; Amended land use plan - Ameriplex - to clarify internal land use boundaries; **approved.**

ZONING VIOLATIONS – SITE

VIO24-009093; The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (Failure to comply with petition 2024ADM010; specifically, failure to comply with the approved site plan; **8/04/2026: overdue- OCC Legal.**

VIO24-005857; 2018 Indianapolis Building Standards and Procedures Sec. 536-201; 536-609; 536-705; 536-709 Stop Work Order. Stop work order issued For new electrical wiring on a class one structure without first obtaining and posting an electrical permit; **corrected.**

VIO23-006914; 740-1004(a)(1)- Failure to obtain the required administrative approval for new development, the project is not in accordance with 2019adm120. *Any project, current or future, will require administrative approval;* **corrected.**

INV23-24116; Upon inspection of the property found: unpermitted construction; **closed.**

VIO19-009060; Indiana Building Code 2014 718.2 Fire blocking. In combustible construction, fire blocking shall be installed to cut off concealed draft openings (both vertical and horizontal) and shall form an effective barrier between floors, between a top story and a roof or attic space. Fire blocking shall be installed in the locations specified in Sections 718.2.2 through 718.2.7. 2303.1 General. joist hangers shall conform to the applicable provisions of this section; **corrected.**

VIO19-005596; SWO Pole Barn: Indianapolis Building Standards and Procedures 2016 : Section(s) 536-201; 536-609; 536-705; 536-709. Stop Work Order. This Stop Work Order has been issued due to the failure to obtain a structural permit for the construction of a 7,812 square foot Class I storage structure; **closed- complied with stop work order.**

INV19-03127; upon inspection found a commercial use not permitted in a c-s zoning district; **closed.**

VIO19-001430; The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (A wood chipping or processing / fence business is not permitted in the C-S district). 95-Z-149 allows for light industrial/commercial retail uses if developed as such, but the single-family dwelling would need to be removed. The existing single-family dwelling is allowable non-conforming use because of 95-z-149 but would have to maintain as a single-family dwelling use without any other uses; **corrected.**

VIO17-006813; failure to comply with use-specific standards and zoning district development standards for the D-A district; (fence height may not exceed 6' in the back yard); **closed.**



Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

Zoning:



Legend

 Area of Interest (AOI)  ZONING

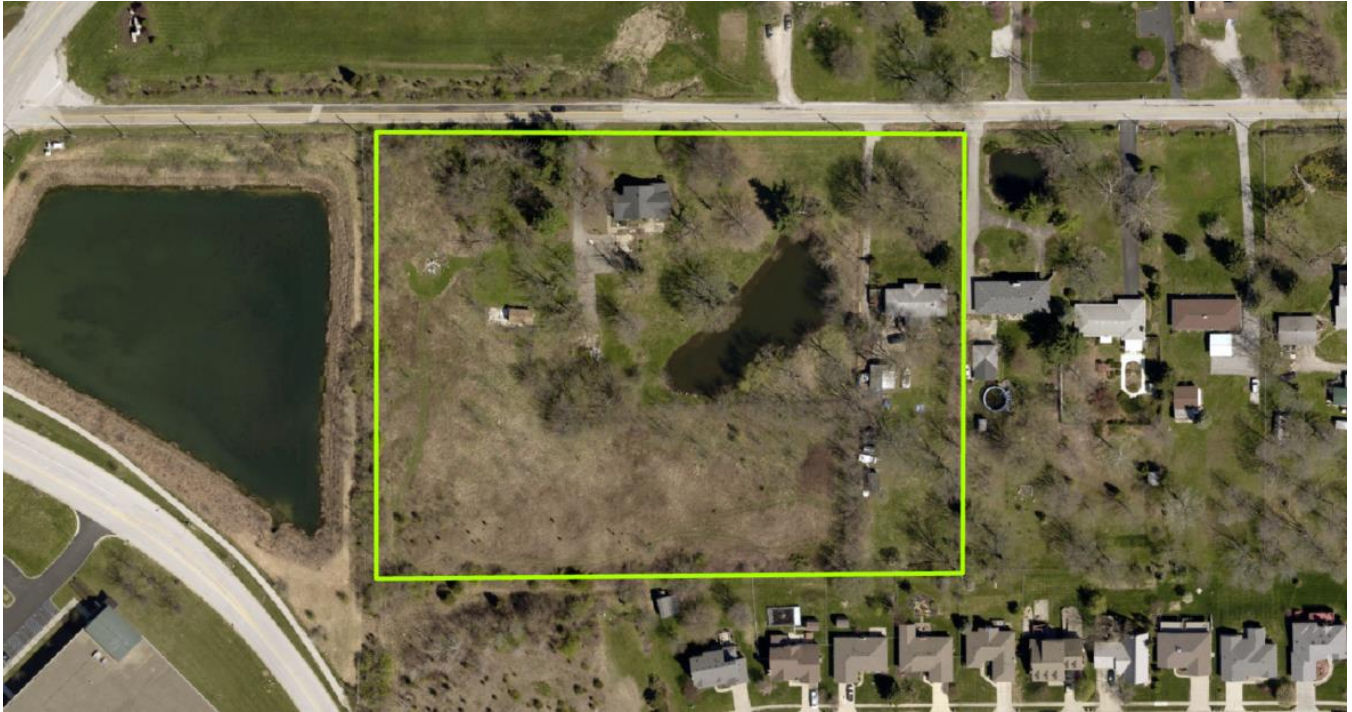
Aerial 2026:



Aerial 2018:



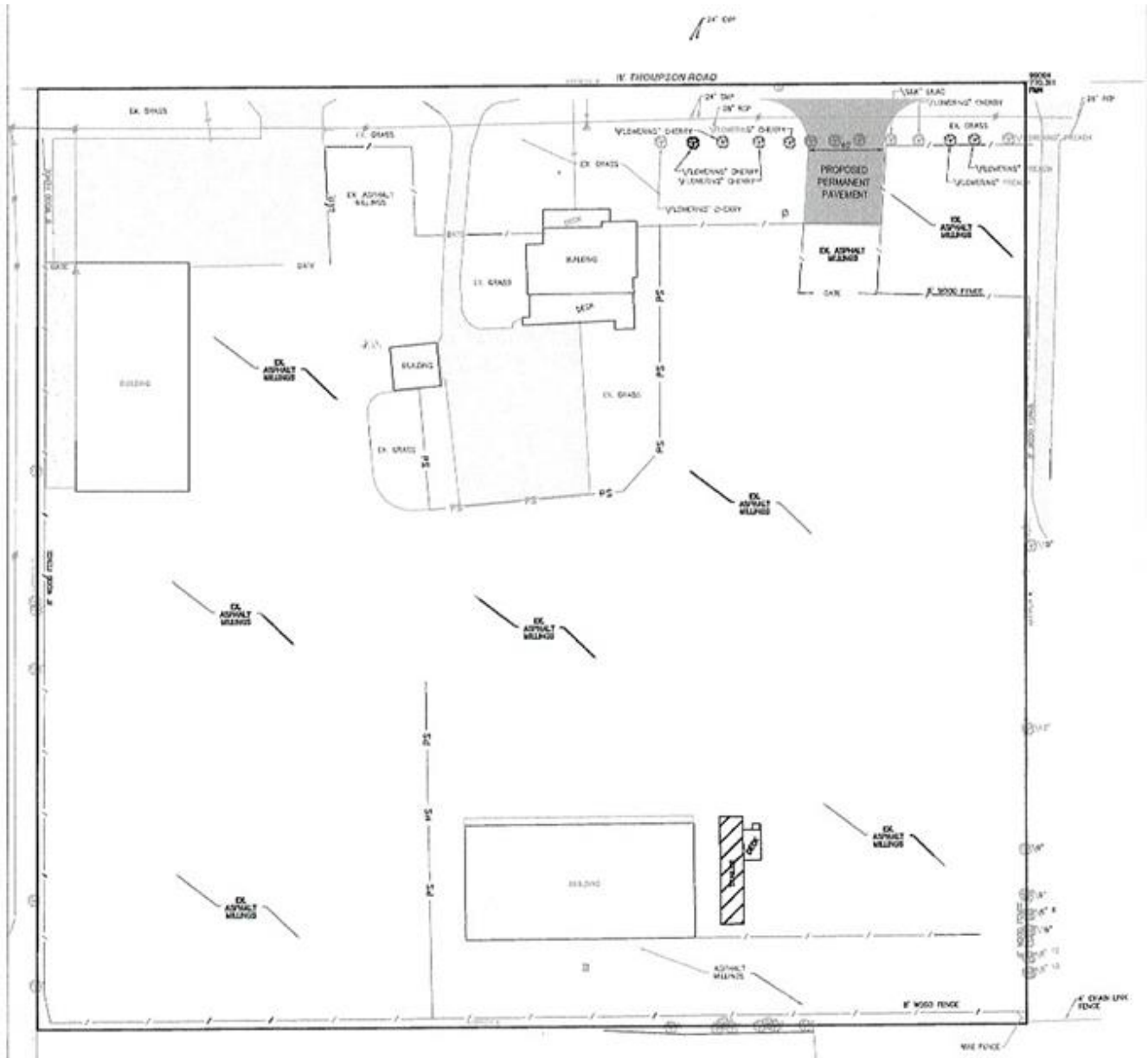
Aerial 2016:



Aerial 1993:



Site Plan:



Site Plan:



Findings Of Fact:

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

The requested variance will not be injurious to the public health, safety, morals, or general welfare of the community. The property is an existing commercial property and the requested variance will allow the continued safe and orderly operation of the site. The property is enclosed by an 8 foot Privacy Fence, and the existing improved areas provide adequate access and maneuvering space for vehicles and equipment. Approval will not create additional traffic, drainage, visibility, or public safety concerns.

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 existing business operations and site improvements are contained within the property and, substantially screened from surrounding properties by an 8 foot Privacy Fence, trees, vegetation. The requested variance does not involve an expansion of the business use onto neighboring property and will not materially change the character or use of the surrounding 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 substantial additional paving and landscape improvements to an existing developed commercial property even though the existing site provides functional vehicle access, parking, maneuvering, drainage, and screening and outdoor storage areas. Requiring removal or replacement of functional existing improvements and extensive additional landscape would impose substantial cost and interfere with the practical operation of the property without benefit to surrounding properties.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Back side →

the existing privacy fencing (8' tall) and vegetation already provide substantial screening, and the requested variance would allow reasonable continued use of the property while maintaining the overall intent of the ordinance. The existing Asphalt Millings provide functional access and maneuvering areas for business vehicles and equipment, and requiring these areas to be removed or replaced with permanent pavement would require substantially alteration of an already functional site. In addition requiring extensive additional landscaping and trees would reduce useable maneuvering and outdoor storage areas and duplicate screening (8' privacy fence) already provided on the property.

Site Photos:





















