



**BOARD OF ZONING APPEALS DIVISION II**

**April 14, 2026**

**Case Number:** 2026-DV2-008  
**Address:** 2405, 2407, and 2409 Massachusetts Avenue (approximate address)  
**Location:** Center Township, Council District #8  
**Zoning:** C-7 / D-8  
**Petitioner:** Braun Investments LLC, by Joseph Calderon  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a commercial building, without exclusive access from an improved alley (required).

**Current Land Use:** Commercial Contractor

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

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- ◇ The Ordinance was amended in April of 2016, to regulate access and connectivity for the zoning districts. This property is required to gain exclusive access from the existing improved alley, per Section 744-301 of the Ordinance. The “Access to accessory parking areas” provision states that “... if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley.” In addition, per Section 744-401 of the Ordinance. The “Access to and from parking lots and garages” provision states that “... no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line.”
- ◇ Alley access where available, helps the pedestrian environment by reducing the number of new curb cuts across sidewalks and preserves valuable curbside parking, along with reducing the amount of pavement needed for driveways, which causes significant storm water runoff into city drainage systems.
- ◇ The proposed request would be an expansion of an existing curb cut on Massachusetts Avenue. This curb cut will allow for greater ease of finding the business, instead of driving through a residential alley to a mid-block location to access the subject site. In addition, the alley is “L” shaped and would provide difficulty in coordinating deliveries and customer access.



- ◇ This portion of Massachusetts Avenue is a low pedestrian traffic generator, and the design of the street does not allow for on street parking.
- ◇ The alley right-of-way to Brookside Avenue does exist on paper, however, the physical alley has deteriorated to a point where gravel has been placed down by adjoining neighbors for its limited use.
- ◇ Since the alley to the rear of the subject site, is difficult to orientate due to its “L” shape configuration, and the existence of an existing curb cut on Massachusetts Avenue, in Staff’s opinion, the request would be a minor deviation from the Ordinance, and consistent with surrounding properties.
- ◇ Generally, staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-7 / D-8	
<b>Existing Land Use</b>	Commercial Contractor	
<b>Comprehensive Plan</b>	Recommends Village Mixed-Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: C-7	Undeveloped
	South: C-7	Commercial Contractor
	East: D-8	Single-Family dwellings
	West: I-3	Light Industrial uses
<b>Thoroughfare Plan</b>		
Massachusetts Avenue	Primary Collector	44-foot existing right-of-way and 56-foot proposed right-of-way.
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	March 4, 2026	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	March 4, 2026	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Village Mixed-Use for the site.



**Pattern Book / Land Use Plan**

The Comprehensive Land Use Plan recommends the Village Mixed-Use typology which creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 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**

**2025-DV2-047; 2402 Brookside Avenue (east of site)**, requested a Variance of Development Standards to provide for a single-family dwelling with a two-foot front setback, **granted**.

**2025-DV2-046; 2346 Brookside Avenue (east of site)**, requested a Variance of Development Standards to provide for a single-family dwelling with a three-foot east side setback, **granted**.

**2024-UV1-018; 2243 Massachusetts Avenue (south of site)**; requested a Variance of Use and Development Standards to provide for the construction of a freestanding surface parking lot, **granted**.

RU

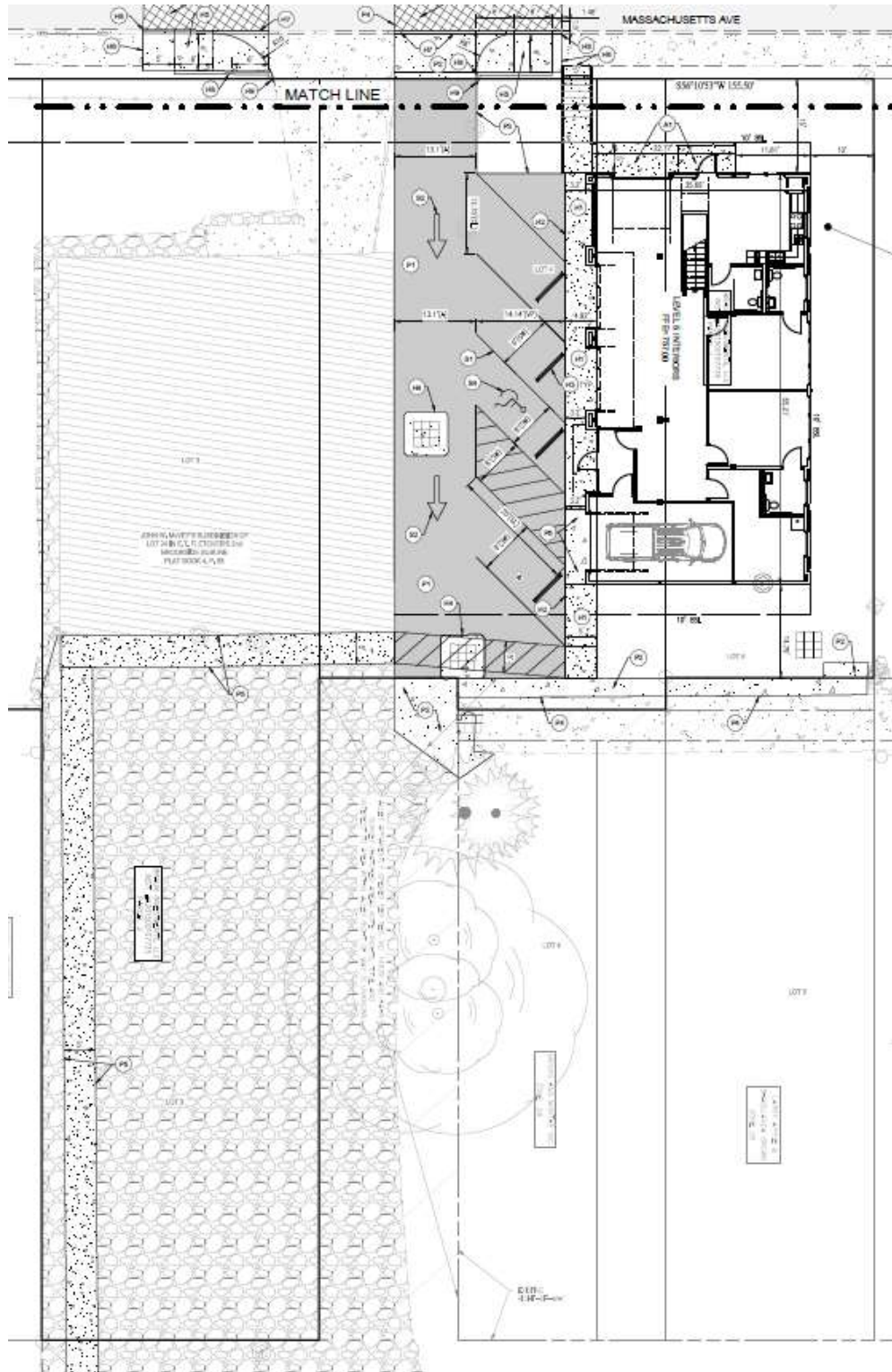
\*\*\*\*\*

**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 DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

The access to the Subject Property from Massachusetts Avenue is wider than a access from the existing alley, which improves public safety.

---

---

---

---

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 Petitioner owns the 2405 parcel to the west, and the east adjoiner is completely segregated by fencing and its own driveway on Massachusetts Avenue.

---

---

---

---

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

The ordinance simply refers to improved alley and does not impose a standard of actual usability, resulting in a mandate that is not always achievable.

---

---

---

---

Photographs



Photo of Subject Site with existing driveway and curbcut on Massachusetts Avenue, looking east



Photo of Subject Site proposed location for curbcut and driveway expansion on Massachusetts Avenue, looking east.



Photo of existing alley right-of-way, improved with gravel, looking west.



Photo of existing alley right-of-way, looking north.