



BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-UV1-014
Address: 6805 Rockville Road (approximate address)
Location: Wayne Township, Council District #16
Zoning: D-2
Petitioner: Margarito Mendoza Galindo, by Tasha Roberts
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor and indoor storage of lawn care equipment, machinery, and materials (not permitted) and the installation of a six-foot tall fence and electric gate within the front yard of Eleanor Street (maximum 42-inch fence height 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 continued from the September 2, 2025, hearing to the October 7, 2025, hearing due to deficient public notice.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ The Comprehensive Plan recommends Suburban Neighborhood uses for the subject site. The proposed outdoor and indoor storage of lawn care equipment, machinery and materials use would be permitted in the C-5, General Commercial Zoning District. The C-5 district is designed to provide for those retail and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

- ◇ The purpose of the D-2 district is to provide for use in suburban areas. Ample yards, trees and passive open spaces easily serving each individual lot are envisioned for this district. The D-2 district has a typical density of 1.9 units per gross acre. Two-family dwellings are permitted on corner lots in this district. This district fulfills the lowest density recommendation of the Comprehensive General Land Use Plan. Public water and sewer facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.
- ◇ Given the increase in intensity between the existing zoning and the proposed use, including the number of commercial equipment and machinery as outdoor storage, approval of this request would over-develop the site and facilitate the intrusion of general commercial uses into an established residential neighborhood. The request would encourage additional encroachment, in a manner violating the development norms and residential aesthetics of the street, and squarely deviating from the recommendations of the Comprehensive Plan.
- ◇ 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-2 and could be used by any number of uses permitted, by right, in the D-2 zoning classification. Any practical difficulty is self-imposed by the desire to use the site to provide for outdoor and indoor storage of lawn care equipment, machinery, and materials.
- ◇ The subject site is similar in size to other nearby properties, that are able to follow the comprehensive plan and zoning ordinance without the need for variances. Therefore, the Comprehensive Plan recommendation should not be disregarded, nor of the clearly residential nature of the surrounding area.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance permits a maximum fence and gate height of 42 inches within the front yard. The purpose of the height limitation is to create an open appearance along public rights-of-way, prevent blocking views at intersections, limit the negative visual impacts on adjacent properties, and prevent a canyonized effect of the streetscape.
- ◇ This parcel being in the Metro Context, would be consider both frontages along Rockville Road and Eleanor Street as front yard frontages, each having the maximum 42-inch fence height requirement.
- ◇ The height requirements are in place to limit bulk, create a consistent density and intensity, and keep the environment at a human-scale. This regulation limits the number of “walls” or abnormally tall structures that can be built to ensure neighborhood compatibility and to prevent unreasonable blockage of sunlight.
- ◇ The fence could be built as proposed in the front yard with a height of 3.5 feet, and additional supplemental plantings, which do not have a height limit, could be added to increase any needed barrier or security.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-3	Single-Family dwelling
South:	D-2	Single-Family dwelling
East:	D-3	Single-Family dwelling
West:	D-2	Single-Family dwelling
Thoroughfare Plan		
Rockville Road	Primary Arterial	135-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	April 18, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	April 18, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends the Suburban Neighborhood typology for the site.

Pattern Book / Land Use Plan

- The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 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.

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

2017-UV3-016; 6675 Rockville Road (east of site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a mortgage business, **denied**.

2015-ZON-040; 6250 Rockville Road; requests rezoning of 0.36 acres from the D-2 District to the C-1 classification to provide for office uses; **approved**.

2013-HOV-029; 6696 Rockville Road; requests variance of development standards of the Sign Regulations to provide for a five-foot tall, 35-square foot illuminated ground sign; **granted**.

2011-UV3-005; 6345 Rockville Road; requests variance of use of the Commercial Zoning Ordinance to provide for a tattoo parlor within 500 feet of a protected district without the grant of a special exception; **denied**.

2010-UV2-006; 377 Rockville Road; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a copying, digital color printing, offset printing and related services and to provide for the construction of a 330-square foot carport, with a four-foot west side setback and with a rear graveled parking area with a six-foot west side yard and a zero-foot side east yard and a zero-foot rear south yard, in D-2; **granted**.

2007-DV1-060; 6714 Rockville Road; requests variance of development standards of the Sign Regulations to provide for a six-foot tall, 90-square foot, internally illuminated pylon sign within 56 feet of a protected district, and with a 10-foot front setback from the proposed right-of-way of Rockville Road; **denied**.



Department of Metropolitan Development
Division of Planning
Current Planning

2006-HOV-052; 6714 Rockville Road; requests variance of development standards of the Sign Regulations to provide for a 16.375-foot tall 60.525-square foot pole sign within 66 feet of a protected district, in C-1; **withdrawn.**

2006-UV2-028; 6379 and 6383 Rockville Road; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for office uses and to legally establish a 408.8 square foot detached garage with a sixteen-foot front setback from the right-of-way of Mission Street, between the established front building line of the primary structure and the right-of-way of Mission Street, and a variance of development standards of the Sign Regulations to provide for a four-foot tall, twenty-square foot ground sign, in D-2; **denied.**

2004-UV3-035; 6501 Rockville Road; requests variance of use of the Dwelling Districts Zoning Ordinance and a variance of development standards of the Sign Regulations to provide for an insurance agency, and a 32-square foot ground sign; **denied.**

2004-UV3-032; 6502 Rockville Road; requests variance of use of the Dwelling Districts Zoning Ordinance to legally establish a doctor's office; **denied.**

2004-UV1-035; 6451 Rockville Road; requests variance of use of the Dwelling Districts Zoning Ordinance and a variance of development standards of the Sign Regulations to legally establish a religious meeting and counseling facility, with meetings of up to thirty people in the basement of an existing single-family dwelling, and with a seven-foot tall, sixteen square foot pylon sign within the right-of-way of Brandt Street and Rockville Road; **withdrawn.**

91-UV2-56; 6733 Rockville Road; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit an office for four attorneys and the placement of a 40-square foot animated sign; **denied.** (D intensity and precedent)

83-Z-115; 6710 Rockville Road; requests rezoning of 0.90 acre, being in the C-1 and D-3 Districts, to the C-1 classification to provide for a one-story office building; **denied.**

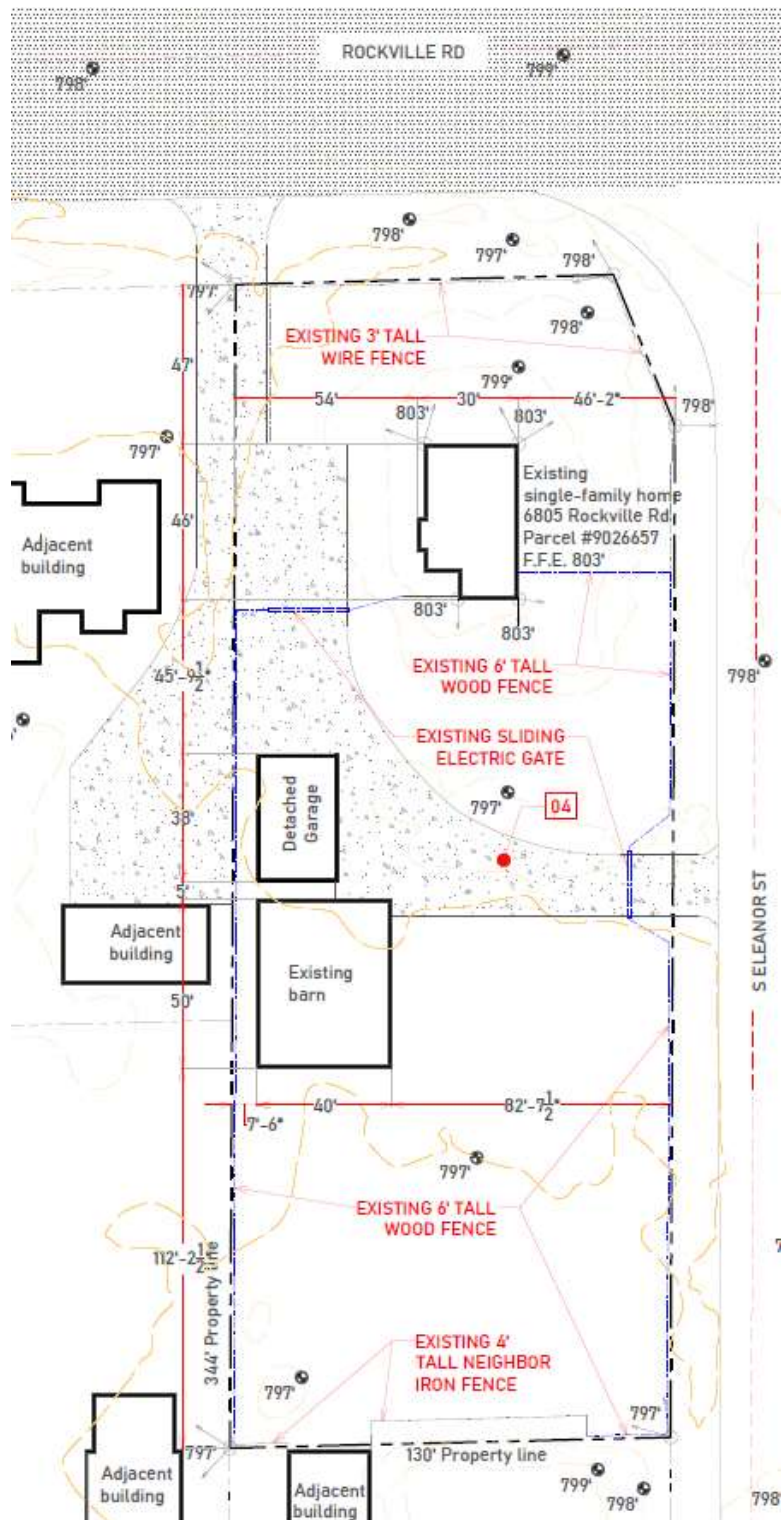
RU

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 fence is only a few inches higher than allowed by ordinance. The fence provides ample privacy between the owner and neighbors. The fence does not impair driver/traffic visibility.

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 fence and barn are made of high-quality material and woodwork. The fence and barn increase property values rather than decrease them.

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

The existing fence and barn was constructed with assurances that it met code will have to be removed.

Photographs



Subject property looking south.



Subject property looking north from Eleanor Street.



Subject property looking west from Eleanor Street.



Adjacent Single Family Dwelling to the south of subject site, looking northwest.



Adjacent Single Family Dwelling to the east of subject site, looking north.



Adjacent Single Family Dwelling to the north of subject site.