

BOARD OF ZONING APPEALS DIVISION I

October 7, 2025

Case Number: 2025-DV1-046
Address: 201 Shelby Street (approximate address)
Location: Center Township, Council District #18
Zoning: I-3
Petitioner: Progress House Inc., by James Lingenfelter
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for installation of a six-foot-tall chain link fence within the front yard of Bates Street (maximum height of 3.5 feet permitted in front transitional yards).

Current Land Use: Alcohol and Drug Treatment Facility

Staff Recommendation: Staff recommends denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance permits a maximum fence height of 42 inches within the front yard, and six (6) feet in the rear 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.
- ◇ 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 transitional yard with a height of 3.5 feet, and then increasing to six (6) feet behind the adjacent dwelling. In addition, supplemental plantings could be added to increase any needed barrier or security.

GENERAL INFORMATION

Existing Zoning	I-3										
Existing Land Use	Alcohol and Drug Treatment Facility										
Comprehensive Plan	Light Industrial										
Surrounding Context	<table> <tr> <th>Zoning</th><th>Surrounding Context</th></tr> <tr> <td>North: I-4</td><td>Industrial uses</td></tr> <tr> <td>South: I-4</td><td>Industrial uses</td></tr> <tr> <td>East: I-3/I-4</td><td>Undeveloped</td></tr> <tr> <td>West: D-8</td><td>Single-Family dwelling</td></tr> </table>	Zoning	Surrounding Context	North: I-4	Industrial uses	South: I-4	Industrial uses	East: I-3/I-4	Undeveloped	West: D-8	Single-Family dwelling
Zoning	Surrounding Context										
North: I-4	Industrial uses										
South: I-4	Industrial uses										
East: I-3/I-4	Undeveloped										
West: D-8	Single-Family dwelling										
Thoroughfare Plan											
Bates Street	Local Street 62-foot existing and proposed right-of-way.										
Context Area	Compact area										
Floodway / Floodway Fringe	No										
Overlay	Industrial Reserve										
Wellfield Protection Area	No										
Site Plan	July 9, 2025										
Elevations	N/A										
Landscape Plan	N/A										
Findings of Fact	August 11, 2025										

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial typology for the site. 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.

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 following elements of the Pattern Book apply to this site:
 - Light Industrial Uses
 - Industrial truck traffic should not utilize local, residential streets. Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

- Heavy Commercial Uses
 - Removed as a recommended land use where they would be adjacent to a living typology.
- Small-Scale Offices, Retailing, and Personal or Professional Services
 - Should be subordinate to and serving the primary uses of production, warehousing, and offices.
 - Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology.
 - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.
- Wind or Solar Farms
 - Recommended without additional conditions.
- This site is also located within two (2) overlays, specifically the Industrial Reserve (IR) overlay and the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.
- The Industrial Reserve (IR) 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.
 - Added Uses
 - No uses are added.
 - Modified Uses
 - No uses are modified.
 - Removed Uses
 - Small-Scale Offices, Retailing, and Personal or Professional Services
 - Heavy Commercial Uses
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
 - Added Uses
 - No uses are added.
 - Modified Uses
 - Small Scale Offices, Retailing, and Personal or Professional Services - Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
 - Light Industrial Uses
 - Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.) Only small-scale light industrial uses are appropriate in this overlay.
 - Removed Uses
 - Heavy Commercial Uses

Red Line / Blue Line / Purple Line TOD Strategic Plan

- This site lies within two TOD strategic areas: The Red Line Transit Oriented Development Strategic Plan (2021) and The Blue Line Transit Oriented Development Strategic Plan (2018).
- The Red Line proposed transit station serving this site is identified with a District Center typology.
- The Blue Line proposed transit station serving this site is identified with a Central Business District typology.
 - Red Line - This site is located within a ½ mile walk of the Fletcher Place transit stop located at the intersection of Virginia Street and Merrill Street with a District Center typology.
 - Blue Line - This site is located within a ½ mile walk of the proposed transit station located at the intersection of U.S. 40 (Washington Street) and Southeastern Avenue / Shelby Street with a Central Business District typology.
- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
 - Characteristics of the District Center typology are:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor.
- Central Business Center stations are located in the Regional Center with the region's highest density and largest concentration of employment. Development opportunities include dense infill and redevelopment, office, mixed-use, cultural, and civic institutions, and a focus on enhances placemaking and livability.
 - Characteristics of the Central Business Center typology are:
 - The densest core of the city with the tallest buildings
 - Mix of office, entertainment, civic retail, active public place and residential
 - Minimum of 5 stories throughout with no front or side setbacks
 - Structure parking only with active first floor

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

2024-ZON-041; 1110 Bates Street (west of site), Rezoning of 0.11-acre from the I-4 (TOD) district to the D-8 (TOD) district to legally establish residential uses, **approved**.

2022-UV1-041; 1110 Bates Street (west of site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a six-foot west side yard setback and a seven-foot east side yard setback and a 10-foot rear yard setback, **granted**.

2003-UV2-043; 1127 Bates Street (south of site), Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for the continued operation of a motor vehicle salvage business, with a zero-foot west side setback, in I-4-U, **granted (later dismissed because conditions were not met)**.

99-UV1-48; 1101-1129 East Georgia Street and 1116-1126 East Bates Street (subject site), Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for an alcohol and drug treatment and recovery center, with a parking lot within the required front yards of Georgia and Shelby Streets, with off-street loading using an adjacent alley for vehicle maneuvering and loading, in I-3-U, **granted**.

99-UV1-19; 1129 -1225 East Georgia Street (subject site), Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for an alcohol treatment and recovery center (not permitted) with 8 parking spaces located within the required front yard of Georgia Street and 1 parking space within the required front yard of Leota Avenue (parking not permitted in the required front yard), **granted**.

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Location Map





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 adjacent area is primarily industrial in nature with several properties in the area having similar fences. Will provide additional security to the area by removing places to hide and ambush pedestrians.

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 proposed fence is similar to many other fences within the 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 strict application would result in a fence low enough to be easily jumped over and the property entered. the owner wishes to provide a safe place for the residents of their facility separate from the transient community that often currently use the property as a short cut through the area.

Photographs



Subject property looking southeast from Shelby Street.



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



Subject property, location of proposed fence, looking north from Bates Street.



Subject property, looking south towards Bates Street.