

Board of Zoning Appeals Division III

October 20, 2026

Case Number: 2026-DV3-037

Property Address: 3080 East Midland Road (*approximate address*)

Location: Perry Township, Council District #23

Petitioner: Mark Adams, by Kris Holeyfield

Current Zoning: D-1

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit the permanent use of a shipping container as a detached accessory structure (portable storage containers limited to 30 consecutive days of use).

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit the proposed detached accessory structure in the front yard (minor residential structures shall not be located closer to any front lot line than the required front setback or the established front yard setback, whichever is greater).

Current Land Use: Single-Family Residential

Staff Recommendations: Staff recommends **denial** of this petition. Should this petition be granted over staff's recommendation, staff would request a commitment.

Staff Reviewer: Josh Levesque, Manager—Current Planning

PETITION HISTORY

A similar petition for this site (2025-DV3-015) was denied. The petitioner has waited the required 12 months and has refiled.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition. Should this petition be granted over staff's recommendation, staff would request the following commitments:

- The shipping container shall be well-maintained, rust-free, and screened with ornamental trees or shrubs as listed in the *Indianapolis Selected Plant List*.
- The petitioner shall submit a landscaping plan for Administrative Approval of the screening.

PETITION OVERVIEW

3080 East Midland Road is a parcel totaling roughly 0.91 acre. The property is zoned D-1. Properties to the north, east, and west are zoned D-1 while properties to the south are zoned D-5.

The petitioner is requesting variances that would allow them to keep a 40-foot-long shipping container in their front yard as a storage unit. The first variance would permit the permanent use of a portable storage unit as a detached accessory structure. The Ordinance currently limits the use of such containers to 30 consecutive days (740-200). The second variance would allow the storage unit to be in the established front yard. This is not permitted under 743-306-4.a.

A container like this is designed to either be attached to a trailer with wheels and an axle or stacked on some sort of flat bed for storage and transportation. While a shed can be stacked on a flatbed for transport, that is not the primary use that a shed is envisioned for. Portable storage units, precisely because they do not appear residential in nature, are not intended by the Ordinance to be permanent structures.

The property is zoned D-1. As indicated in the Ordinance (742-103-D), D-1 is intended for suburban areas. This district provides for “estate-style development characterized by generous front yards for trees and a bucolic atmosphere” and that development plans should “incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.” Furthermore, the Comprehensive Plan’s Land Use Pattern Book classifies this parcel as part of the Suburban Neighborhood typology. In this typology, “natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development.” A permanent shipping container, intended for commercial uses or *temporary* residential uses, does not fit in with the character of a residential neighborhood.

For a variance of development standards to be granted, **all** three of the following criteria **must** be met:

- The grant will not be injurious to the public health, safety, morals, and general welfare of the community.
- The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Focusing on this last criteria, the Ordinance does not prevent the petitioner from having other accessory structures. While the petitioner indicates that the presence of underground utilities limits the area of the backyard they are able to place some sort of accessory structure, staff will note the existing shed on site. Staff’s analysis did not reveal any easements on site. While staff did observe an electrical box near the existing shed, a shed of a similar size and footprint would provide clearance from the box. Furthermore, there is a large open area where a fire pit is where an accessory structure can be placed. Finally, there is no limit on the number of accessory structures permitted on a site. If one shed does not provide the necessary storage space, the petitioner could install another shed, provided all dimensional standards were met.

In the past, staff has recommended approval for similar petitions, but that does not serve as precedent for always recommending approval. Specifically, the petitioner’s findings of fact referenced 2024-DV1-003 and 2020-DV1-025 and staff’s recommendation of approval. Staff will note that each case is site

specific and the cases referenced offer their own unique difficulties not found here. In the case of 2024-DV1-003, staff found that 72.3% of the property consisted of front yard, severely limiting the amount of area an accessory structure could be placed. In this case, the front yard (the area in front of the front building line) accounts for roughly 47% of the property. In the case of 2020-DV1-025, staff noted that the accessory structures in the front yard would be 1,500 feet from the proposed right-of-way. Staff's estimation puts the proposed container at 75 feet from the right-of-way.

Based on this analysis, staff's review shows that this petition fails to meet the third criteria required for a variance to be granted. As such, staff recommends **denial** of this petition. Should the board approve this petition over staff's recommendation, staff would request the following commitments:

- The shipping container shall be well-maintained, rust-free, and screened with ornamental trees or shrubs as listed in the *Indianapolis Selected Plant List*.
- The petitioner shall submit a landscaping plan for Administrative Approval of the screening

GENERAL INFORMATION

Existing Zoning	D-1	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-1	North: Residential
South:	D-5	South: Residential
East:	D-1	East: Residential
West:	D-1	West: Residential
Thoroughfare Plan		
Midland Road	Primary Arterial	25-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/14/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/14/2026	

Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan assigns this parcel the “Suburban Neighborhood” typology. This 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

ZONING HISTORY – SITE



Department of Metropolitan Development
Division of Planning
Current Planning

2025-DV3-015; Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the placement of a shipping container (not permitted) within the front yard (not permitted)

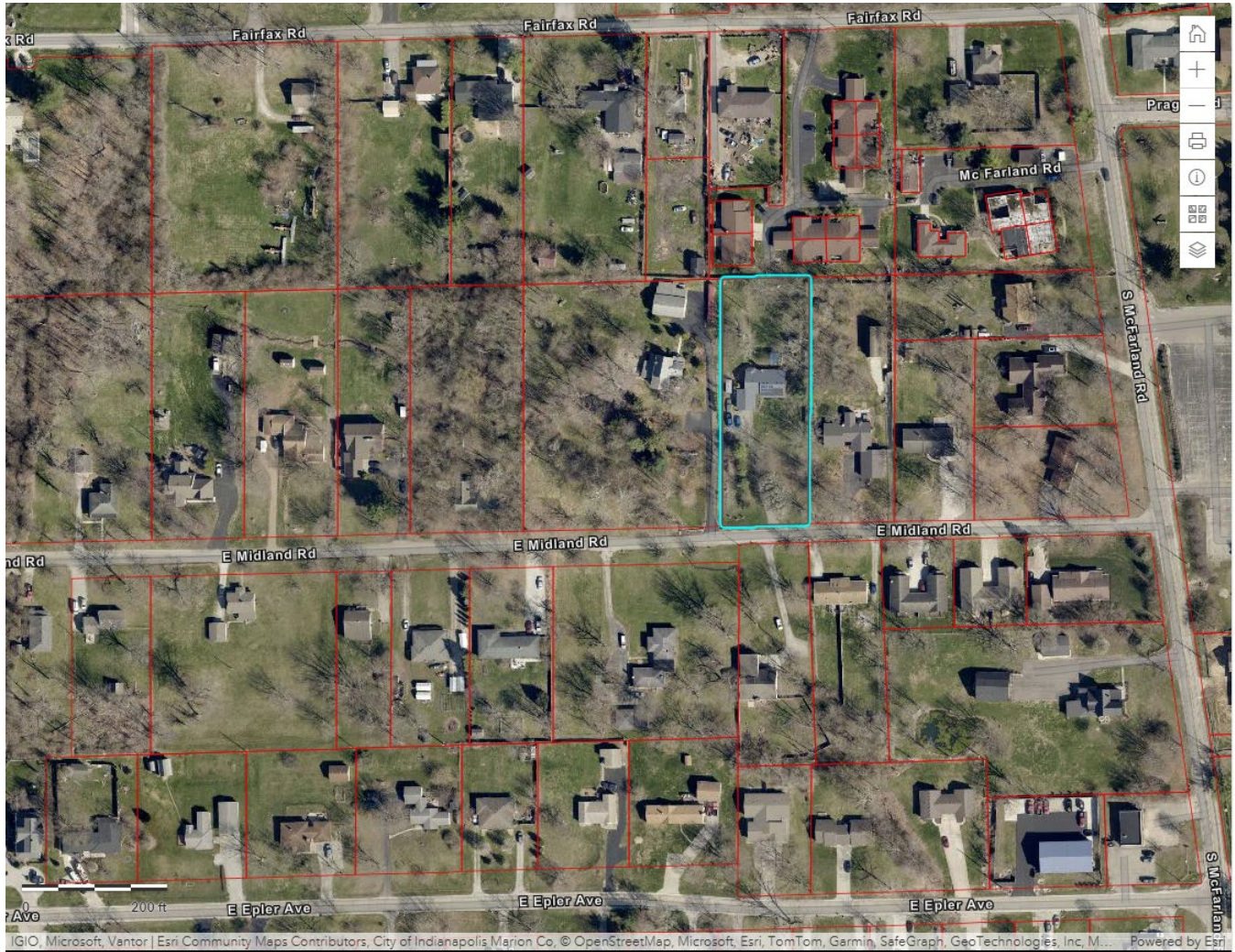
ZONING HISTORY – VICINITY

81-Z-89; 3102 East Epler Avenue, Rezoning of 3.89 acres from the D-1 district to the D-12 district to provide for the construction of double-housing units, **approved.**

2023-UV3-017; 5420-5418 McFarland Road, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 19,966 square foot parcel (24,00 square feet required), with a street frontage and width of 43-feet wide (minimum 45-foot-wide street frontage and lot width of 90 feet required), and to provide for a dwelling with a five foot south side setback, and a 16 foot north side setback (eight-foot side yard setback and twenty-two-foot aggregate side yard setback required), **approved.**

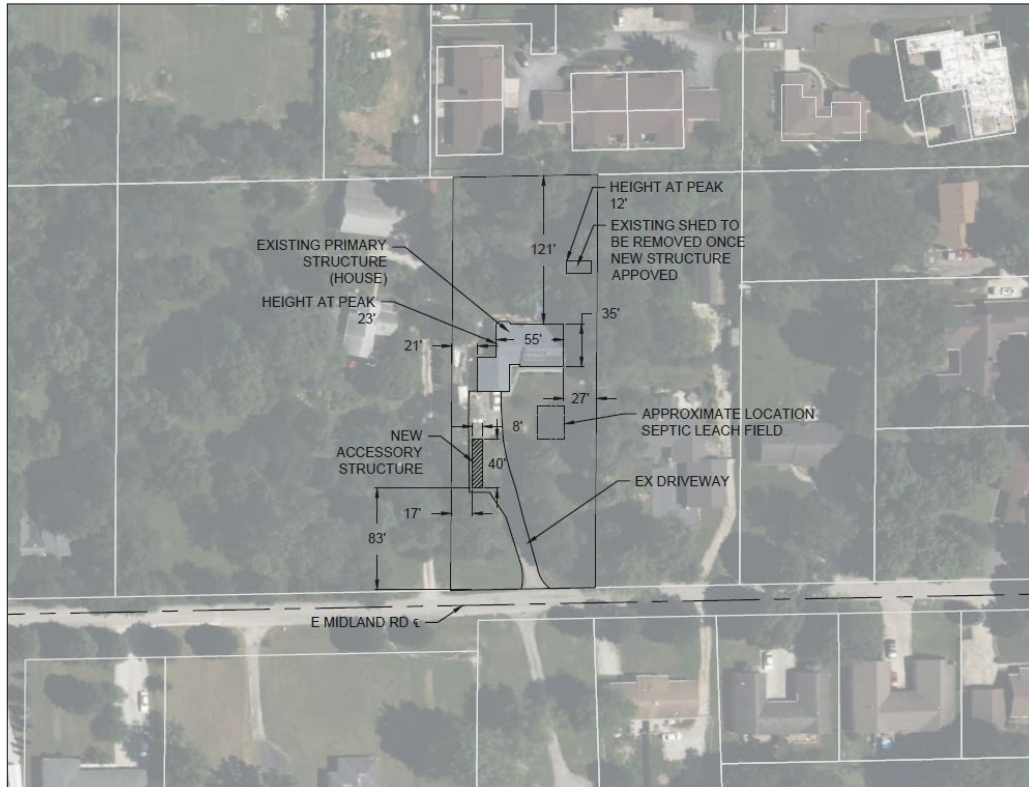
EXHIBITS

2026DV3037; Aerial Map

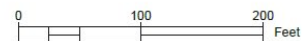


2026DV3037; Site Plan

**SITE PLAN
(NOT FOR CONSTRUCTION)**



3080 E MIDLAND



2026DV3037; Findings of Fact

FINDINGS OF FACT

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

The garage is inside the easement area of the property, and it is located 20 feet from the nearest road. It is also a temporary structure not attached to the property in any permanent way. All of this adds up to having no negative effect on the community.

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 garage is located within the limits of 1633 E Thompson Rd. inside the easement areas. I believe this addition will have zero effect on the surrounding properties. The driveway has not changed in size or location since my purchase.

The driveway is utilized for parking and for access to the garage building structure.

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

As a first time home buyer, I was uneducated on the strict zoning requirements in Marion county. However, meeting the zoning ordinances would create very large practical difficulties for use. The property already contained a single car garage (Est 1950s) that takes the only other place in line with or close to the driveway this structure could be placed.

2026DV3037; Petitioner Photographs

Photo 1 – Existing Electric Utility Lines



View of the rear yard showing the location of existing electric utility lines (marked with orange flags). These utilities run through the usable rear yard area and make it difficult and impractical to place a structure over or immediately adjacent to them.

2026DV3037; Petitioner Photographs (continued)

Photo 2 – Existing Grade / Slope



View looking across the rear yard showing the existing grade and slope. The sloping terrain is not suitable for the placement of a flat structure such as a shipping container.

2026DV3037; Petitioner Photographs (continued)

Photo 5 – View from Street



View of property looking from the driveway. The storage container is completely screened by vegetation.

2026DV3037; Staff Photographs



Existing shed on site

2026DV3037; Staff Photographs (continued)



Additional view of existing shed

2026DV3037; Staff Photographs (continued)



Electric utility box

2026DV3037; Staff Photographs (continued)



Electric utility box with shed in background

2026DV3037; Staff Photographs (continued)



View of storage container (covered by tarp) in front yard

2026DV3037; Staff Photographs (continued)



View of storage container from edge of neighboring driveway

2026DV3037; Staff Photographs (continued)



Close up of storage container

2026DV3037; Staff Photographs (continued)



View of storage container looking from petitioner's driveway towards street