

**BOARD OF ZONING APPEALS DIVISION III**

**December 16, 2025**

**Case Number:** 2025-DV3-020 (Amended)  
**Property Address:** 4102 Madison Avenue (approximate address)  
**Location:** Perry Township, Council District #23  
**Petitioner:** Sanchez Family Inc., by Kevin Lawrence  
**Current Zoning:** C-4 (TOD)  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishment with a covered porch within the right-of-way of Castle Avenue (not permitted), deficient landscaping, reduced off-street parking, with parking spaces and maneuverability within the right-of-way of Madison Avenue (15 spaces required, parking spaces and maneuverability within street rights-of-way not permitted).  
**Current Land Use:** Commercial  
**Staff Recommendations:** Staff recommends denial of this petition  
**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- This petition was automatically continued by the petitioner from the June 17, 2025 hearing to the July 15, 2025 BZA Division III hearing.
- The petition was required to be continued due to insufficient notice to the August 19, 2025 BZA Division III hearing.
- This petition was continued to the September 16, 2025 BZA Division III hearing with new notice.
- The petitioner and Staff agreed to a continuance to the October 21, 2025 hearing to allow for additional revisions to be made.
- The petition was automatically continued by a registered neighborhood organization to the November 25, 2025 BZA Division III hearing.
- The petition was continued to the December 16, 2025 Division III hearing to allow for additional information to be submitted.

**STAFF RECOMMENDATION**

- Staff **recommends denial** of this petition

## PETITION OVERVIEW

- This petition would provide for an eating establishment with a covered porch within the public right-of-way of Castle Avenue, deficient landscaping, and parking spaces with maneuverability within the right-of-way of Madison Avenue, as well as reduced off-street parking.
- The updated site plan is showing a proposed sidewalk to and from a nearby property (4132 Madison Ave) which is owned by the same property owner and would provide up to 13 additional parking spaces in addition to the 5 spaces indicated on the subject site. However, the revised site plan does not indicate specific sidewalk widths, and the specific location of the sidewalk is not clearly indicated. Therefore, Staff does not believe the current site plan contains a valid pedestrian connection from the shared parking which means the proposed shared parking spaces cannot currently be counted towards the required off-street parking spaces.
- Generally, Staff does not find the proposal to constitute orderly and quality development. Firstly, the covered porch in the right-of-way of Castle Avenue was constructed without the necessary permits. Likewise, Staff finds private property located in public rights-of-way to be poor precedent, and a potential hazard to members of the public. Additionally, Staff does not find there to be any practical difficulty for needing the covered porch to be located within the right-of-way. Therefore, Staff recommends denial of the covered porch within the right-of-way.
- Second, while the updated site plan indicates fewer parking spaces having maneuverability in the Madison Avenue right-of-way, the two northern-most spaces would need right-of-way for maneuverability. Staff believes this represents a hazard that increases the chances of collisions or near collisions with passing motorists and, likewise, to be a highly undesired precedent. Further, DPW has indicated that there are future plans for a multi-use path on this side of Madison Avenue- allowing for these parking spaces to have maneuverability within the right-of-way would likely conflict with this future multi-use path and its users. For these reasons, Staff recommends denial of any parking spaces with maneuverability within any right-of-way.
- Additionally, while the updated site plan calls for landscaping on site, there has been no indication of what specific landscaping would be proposed, and there has not been a landscape plan submitted. Therefore, Staff is not in support of the request for deficient landscaping and suggests that the petitioner provide more details on the amount and types of plantings that they are willing to provide.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-4 (TOD)	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-3 (TOD)	North: Commercial
South:	C-4 (TOD)	South: Residential

East:	D-3 (TOD)	East: Residential
West:	D-3 (TOD)	West: Residential
<b>Thoroughfare Plan</b>		
Castle Avenue	Local Street	50 feet of right-of-way existing and 48 feet proposed
Madison Avenue	Secondary Arterial	158 feet of right-of-way existing and 88 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes, Transit-Oriented Development overlay	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	8/4/25	
<b>Site Plan (Amended)</b>	12/2/25	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	5/5/25	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Community Commercial typology for this site.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within the Red Line TOD overlay, and is approximately 1500 feet from the University of Indianapolis transit station, which is categorized as a district center.
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### 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

**99-Z-117;** rezoning of 0.177 acres from D-3 to C-4 to legally establish an existing commercial structure, **approved.**

**73-UV1-13;** requests a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide for a new pylon sign on the previous base and a new wall sign, **granted.**

### ZONING HISTORY – VICINITY

**2005SE1002; 925 E Castle Ave (west of site),** provide for religious uses within an existing 1,782-sq.ft. single-family dwelling, with a 12.45-foot rear yard setback, with a proposed 4,464-sq.ft. asphalt parking area in the front yard, and a six-foot tall, fifteen-square foot pylon sign located one-foot from the right-of-way of Castle Avenue in a D-3 zoning district, **withdrawn.**

**89-UV1-56; 4030 Madison Ave,** requests a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the conversion of an existing single-family residence to an insurance office, **granted.**

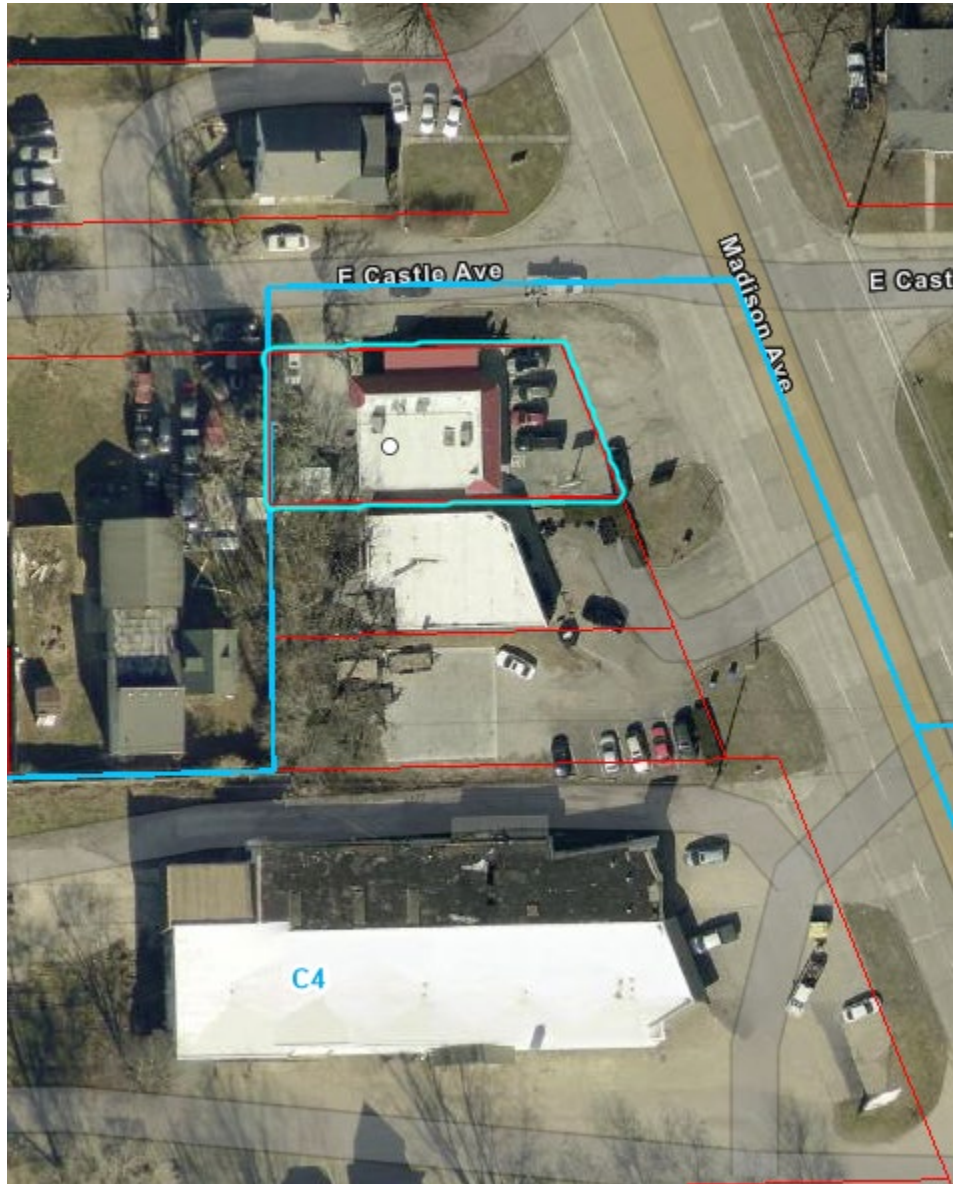
**87-UV2-95; 4108 Madison Avenue,** requests a Variance of Use of the Commercial Zoning Ordinance to provide for the outdoor display and sale of motorcycles, **granted.**

**87-UV1-78; 4030 Madison Avenue,** requests a Variance of Use of the Commercial Zoning Ordinance to provide for the use of an existing building for a fence contractor with outdoor storage of materials and vehicles, **granted.**

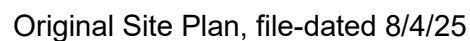
**85-UV2-58; 925 E Castle Ave,** requests a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the conversion of a single-family residence to a dance-studio, **granted.**

**79-UV3-43; 4138 Madison Avenue,** requests a Variance of Use and Development Standards to permit a motorcycle repair and sales shop, **granted.**

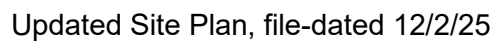
EXHIBITS



Aerial Photo











Department of Metropolitan Development  
Division of Planning  
Current Planning

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 subject property is located in a commercially zoned district along Madison Avenue designed to accommodate mixed-use activity. The site previously operated as a Amazing Cakes cake shop demonstrating a longstanding history of compatible food-service use without generating adverse impacts on the public health, safety, morals, and general welfare of the community. A small reduction in the number of required off-street parking spaces, and the ability for a slight encroachment of the patio will preserve the site's existing commercial purpose, reinforce neighborhood vitality, and support the community's economic and social welfare without introducing additional risks to public health or 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:

This business has previously operated as a customer facing business and is adjacent to other commercial uses along Madison Avenue including a tire shop and a law office. Petitioners rehabilitation of this previously vacant building will foster a vibrant commercial environment, benefit surrounding business and provide fresh opportunities for community connection. By revitalizing the site and enhancing its appeal, the restaurant represents a clear net positive for the use and value of the adjacent properties.

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

The usable space for business invitees is limited to the first floor, which accommodates only 10–11 tables. Accordingly, requiring one parking space per 150 square feet of building area creates a practical difficulty, as the limited parking demand does not align with the calculated parking demand based on total building square footage. The right of way adjacent to the property is unusually large, complicating compliance with setback requirements. The original plat indicates a five-foot distance from the right-of-way, demonstrating the patio's minor encroachment is consistent with historical site design. The existing patio's location, which is buffered by greenery, is constrained by the property's fixed dimensions and existing structures, making relocation impossible without eliminating functional outdoor dining space that was added to allow the business to stay viable during COVID.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_



Subject site looking southwest



Subject site looking west down Castle Ave





Looking south



Looking north up Madison Ave





Looking south down Madison Ave



Looking east down Castle Ave



Looking southeast at the patio addition



Gravel parking lot looking north