

BOARD OF ZONING APPEALS DIVISION III

December 16, 2025

Case Number: 2025-DV3-036
Property Address: 2065 Columbia Avenue (approximate address)
Location: Center Township, Council District #13
Petitioner: River West 3 LLC, by Adam DeHart
Current Zoning: I-3
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a freestanding building with a 12.4-foot southern transitional yard (40 feet required).
Current Land Use: Industrial (Demolished)
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

11/25/25: The petitioner requested a for-cause continuance from November to December to allow for additional discussion with staff. The petitioner has also indicated that they will be seeking legal counsel to assist with the petition and that an additional continuance from December to January would be requested to accommodate their schedule. Staff would not object to this second continuance request but would not guarantee support for extensions beyond that point.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 2065 Columbia Avenue is a currently undeveloped parcel that previously contained an accessory structure associated with the sheet metal company that had been housed in a primary structure to the north of the subject site. Adjacent land use is also industrial to the west, undeveloped to the east, and single- and two-family residential to the south and southwest. The site is also near the Monon Trail to the west and is located within a Brownfield as identified by the Indiana Department of Environmental Management.
- Per the applicant, fire damage was sustained by the accessory structure at the site in February of 2025 after the site was purchased by new ownership in April of 2024 (see photos 9-10 in Exhibits). The structure was subsequently demolished via a wrecking permit (WRK25-00117)

issued in April of 2025. After the demolition of the damaged structure, an application for an Improvement Location Permit was made in June of 2025 to allow for the construction of a new building with a footprint and setbacks matching the previous structure at the site (see site plan within Exhibits). ILP25-01573 has not been issued as of publication of this staff report.

- In some instances, the Indianapolis Zoning Ordinance allows for the restoration of non-conformities per the stipulations of 740-602. In this instance, since the structure was fully demolished before the application for a new zoning permit having been made, the rebuild would *not* be eligible for restoration to the previous dimensions by-right. This is due to the inability of the City to conclusively verify the extent of the site damage or the previously existing setback given that the structure has already been demolished. To be eligible for the exception, an application for an ILP for the rebuild would have needed to have been made with the Department of Business and Neighborhood Services prior to demolition of the structure.
- Since the rebuild would be required to comply with current Ordinance regulations, a variance is being sought to allow for a 12.4-foot transitional yard setback to the south of the subject building given that the parcel to the south was rezoned for residential use via the petition 2024-CZN-803. It appears that the proposed site and landscape plan layout would comply with other relevant dimensional standards. The applicant has also indicated that if approved, their intent would be to sell this property to a new user and that any future use at the site would comply with applicable use- and zone-specific limitations on outdoor storage and operations.
- This property is zoned I-3 to allow for industries that present moderate risks to the general public. Additionally, the Comprehensive Plan Pattern Book recommends it to the Heavy Industrial typology to allow for high-intensity industrial production, distribution, and repair uses. Staff would note that **(a)** I-3 zoning districts typically incorporate larger parcels are recommended to be separated from residential districts wherever practical and **(b)** that the Pattern Book discourages both light and heavy industrial land uses when adjacent to living or mixed-use typologies (as would be the case for the proposed structure).
- Per the applicant, Phase 1 and Phase 2 environmental site assessments have been submitted to IDEM per state requirements for development within Brownfield areas, and that mitigation repairs are underway with IDEM approval of those mitigation systems dependent upon completion of their installation. Approval of this petition would not exempt the subject property from any relevant state or local requirements related to brownfield sites.
- Although it is unfortunate that the previous building at the site was demolished prior to application for an Improvement Location Permit in a manner that may have allowed for reconstruction of the non-conforming structure, this lack of awareness of relevant procedure would not constitute a site-specific practical difficulty to justify granting of a variance. Establishing a side setback of 12.4 feet when the zoning district and context area would require 40 feet would be a substantial reduction of around 70% and could create negative externalities for existing or future residential development along the corridor. Staff recommends denial of the requested variance.

GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Industrial (Demolished)	
Comprehensive Plan	Heavy Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North:	I-3
	South:	D-8
	East:	I-3
	West:	I-3
Thoroughfare Plan		
Columbia Avenue	Local Street	57’ existing ROW; 48’ proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	09/19/2025	
Site Plan (Amended)	N/A	
Elevations	Enter Date. N/A if not applicable	
Elevations (Amended)	Enter Date. N/A if not applicable	
Landscape Plan	11/11/2025	
Findings of Fact	09/19/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Pattern Book recommends this site to the Heavy Industrial working typology to provide for industrial production, distribution, and repair uses that are intense and may create emissions of light, odor, noise or vibrations. This typology is characterized by freestanding building or groups of buildings, often within industrial parks. Outdoor operations and storage are common, and industrial or truck traffic should be separated from local or residential traffic.
- Both light and heavy industrial uses are removed as recommended land uses for instances in which they would be adjacent to a living or mixed-use typology.

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

N/A

ZONING HISTORY – VICINITY

2024CVR803 ; 2051 Columbia Avenue (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three-foot side setbacks (five feet required), **denied**.

2024CZN803 ; 2051 Columbia Avenue (south of site), Rezoning of 0.26 acres from the I-3 district to the D-8 district to provide for two, two-unit row homes, **approved**.

2023CZN848 ; 2069 Yandes Street (northwest of site), Rezoning of 0.42 acre from the I-3 district to the D-8 district, **approved**.

2022ZON005 ; 2024 Columbia Avenue (southwest of site), Rezoning of 0.129 acre from the I-3 district to the D-8 district to allow for the construction of a single-family house, **approved**.

2021ZON059 ; 2020 Columbia Avenue (southwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.

2021CVR816 ; 2033 Columbia Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 5-foot front yard setback (18 feet required), **approved**.

2021CZN816 ; 2033 Columbia Avenue (south of site), Rezoning of 0.468 acre from the I-3 district to the D-8 district to provide for four single-family dwellings, **approved**.

2020ZON038 ; 2029 Columbia Avenue (southwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 classification, **approved**.

2020CVR835 ; 2005 Columbia Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of three single-family dwellings, with one single-family dwelling within the clear sight triangle of the abutting streets, with three-foot side setbacks and 47% open space (four-foot side setback and 55% open space), **approved**.

2020CZN835 ; 2005 Columbia Avenue (south of site), Rezoning of 0.29 acre from the I-3 district to the D-8 classification, **approved**.

2019ZON029 ; 2007 Columbia Avenue (south of site), Rezoning of 0.1 acre from the I-3 District to the D-8 classification, **approved**.



**Department of Metropolitan Development
Division of Planning
Current Planning**

2019ZON028 ; 2032 Columbia Avenue (south of site), Rezoning of 0.39 acre from the I-3 District to the D-8 classification, **approved.**

2019HOV020 ; 2015 Columbia Avenue (south of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and secondary single-family residential uses, including, but not limited to a single-family dwelling, with a twelve-foot front setback and two-foot and five-foot side setbacks and a detached garage with eight-foot side setbacks and a 12-foot rear setback (residential uses not permitted, 30-foot front setback and 10-foot side and rear setbacks required), **approved**

2008LNU023 ; 2080 Doctor A.J. Brown Avenue (east of site), Seeking lack of paved parking, lack of handicap spaces, parking access directly from a street, and barbed wire in front setback, **approved.**

2001LNU024 ; 2016 Columbia Avenue (southwest of site), Single-family dwelling zoned I-3-U, **approved.**

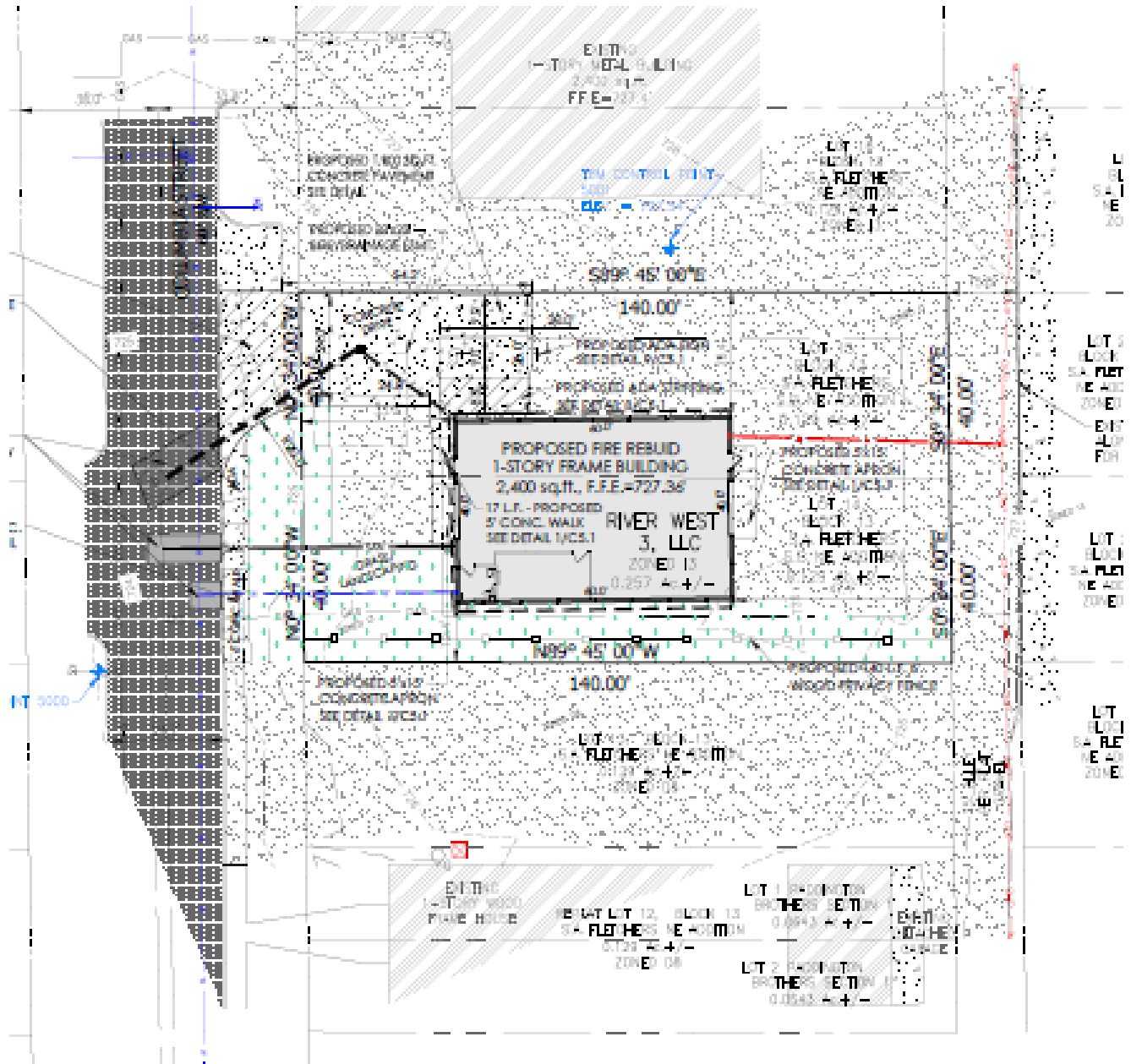
85-VAC-39 ; 2067 Columbia Avenue (north of site), vacation petition, **approved.**

EXHIBITS

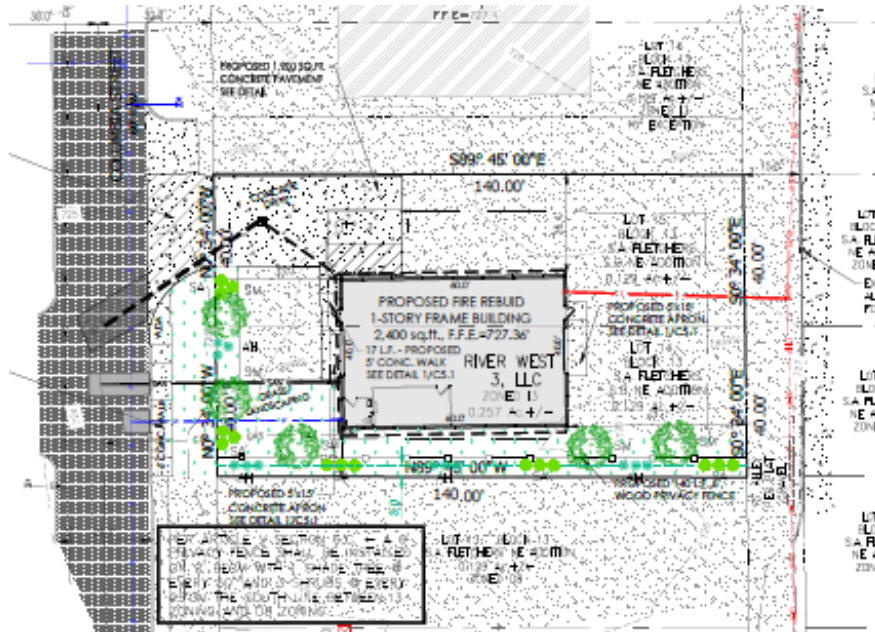
2025DV3036 ; Aerial Map



2025DV3036 ; Site Plan



2025DV3036 ; Landscape Plan



2025DV3036 ; Findings of Fact

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

it is unlikely that the variance request would be injurious to the public health, safety, morals and general welfare of the community as the Emergency Fire Rebuild is consistent with the zoning and use of the real estate prior to the catastrophic fire.

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:

it is unlikely that the use and value of the adjacent undeveloped property will be affected in an adverse manner. The owner and insurance company are investing substantial money in excess of replacement value for the Emergency Fire Rebuild including reconstructing the structure, utility upgrades, site improvements, ADA, buffer yards, increased green space, and fencing.

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

Strict application of the UDO would result in the inability to reconstruct the structure and encumbers the real estate with an additional transition buffer yard requirement as the adjoining southern property was recently rezoned from I3 to R8.

2025DV3036 ; Photographs



Photo 1: Subject Site Viewed from Northwest



Photo 2: Subject Site Viewed from Southwest

2025DV3036 ; Photographs (continued)



Photo 3: Existing Condition of Columbia Frontage



Photo 4: Subject Site Viewed from West (October 2022)

2025DV3036 ; Photographs (continued)



Photo 5: Adjacent Property to South



Photo 6: Adjacent Property to West

2025DV3036 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to Northeast

2025DV3036 ; Photographs (continued)



Photo 9: Damaged Structure Viewed from South (provided by applicant)



Photo 10: Damaged Structure Viewed from West (provided by applicant)