

**BOARD OF ZONING APPEALS DIVISION II**

**May 19, 2026**

**Case Number:** 2026-UV2-008

**Property Address:** 327 South Randolph Street (approximate address)

**Location:** Center Township, Council District #18

**Petitioner:** Michael J. Mitchell Jr. and Pedro Guerrero Godinez, by Angela Guerrero

**Current Zoning:** D-5

**Request:** Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit the use of three (3) myotonic goats to reside on a lot that is less than 1 acre (not permitted) and a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for 0-foot side setbacks (5-foot side setbacks required).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends **denial** of the variance.

**Staff Reviewer:** Josh Levesque, Senior Planner

**PETITION HISTORY**

There is no previous history for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of the variance.

**PETITION OVERVIEW**

- 327 South Randolph Street is a single-family residence mid-block on South Randolph between Southeastern Avenue and English Avenue. The parcel, along with much of the surrounding neighborhood, is zoned D-5. The land use plan contemplates this parcel as “Traditional Neighborhood”.
- The petitioner’s request comes in two parts. The first request is to permit three (3) myotonic (or fainting goats) on a lot that is less than 1-acre. Table 743-306-3 of the Ordinance permits up to three (3) miniature, dwarf, or pygmy goats on a lot size of at least one-quarter (1/4) of an acre. Myotonic goats are not considered to be a miniature/dwarf/pygmy breed. For full-sized goats, the minimum lot size required is one (1) acre.
- The second part of the request pertains to a shed within the side-yard setback. The Department of Business and Neighborhood Services (BNS) cited this encroachment in VIO25-006505. A supervisor within BNS indicated that they have been unable to obtain exact measurements of the

encroachment due to the presence of a “No Trespassing” signs and difficulty in reaching an agreement with the petitioner about accessing the property. Furthermore, site plans do not indicate the degree to which the shed encroaches into the side yard. The rationale for the zero (0)-foot setback request stems from this uncertainty. If a variance were to be granted for a four (4)-foot setback, but the shed in fact encroaches two (2) feet into the side yard, the shed would immediately be in violation. This request gives the greatest latitude for such setbacks. Should the board deny this variance, the petitioner will be required to maintain a five (5)-foot setback. Should the board agree to a reduced setback between zero (0) and five (5) feet, the petitioner will be required to comply with the agreed upon distance or potentially be subject to enforcement action by BNS.

- The petitioner is requesting to house/board 3 full-sized goats on the property during various days of the week. The intent of these goats is to provide emotional support to the petitioner’s mother who lives on site.
- Under the federal Fair Housing Act, individuals may request reasonable accommodations to zoning laws to permit the use of emotional support animals (ESAs).<sup>12</sup> To deny a request of a reasonable accommodation, a local government must show that such an accommodation “would fundamentally alter the local government’s zoning scheme”.<sup>3</sup> The Consolidated Subdivision and Zoning Ordinance defines “personal livestock” as an “accessory activity of raising domesticated poultry, rabbits, sheep, donkeys, mules, alpacas, llamas, horses, and goats, of which may be standard-sized or miniature, pygmy or dwarf for use by the resident or occupant of the property.” As indicated above, standard-sized goats are only permitted on parcels with a minimum lot size of one-acre.
- HUD guidance acknowledges that “while most requests for reasonable accommodations involve one animal, requests sometimes involve more than one animal [...] the decision-making process in this guidance can be used for all requests [...]”. In its guidance on analyzing reasonable requests, HUD indicates that a body does not have to grant an accommodation if information cannot be provided which reasonably supports how each animal provides therapeutic emotional support. The petitioner has received a letter from Damar Services requesting that three goats, three dogs, and four cats, be permitted at this site. While the letter broadly indicates that such emotional support animals will alleviate the client’s symptoms, it does not indicate the specific symptom each animal helps to alleviate or why 10 animals are needed. Furthermore, HUD defines animals commonly kept in households as: dogs, cats, small birds, rabbits, hamster, gerbil, other rodents, fish, turtle, or other small, domesticated animals that are traditionally kept in the home for pleasure. It goes on to say “reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered household animals.”<sup>4</sup> HUD guidance further states that “if the individual is requesting to keep a unique type of animal that is not commonly kept in households [...], then the requestor has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of

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<sup>1</sup> [Joint Statement of the Department of Housing and Urban Developments and of the Department of Justice](#)

<sup>2</sup> [HUD FHEO Assistance Animals Notice 2020.pdf](#)

<sup>3</sup> [Joint Statement of the Department of Housing and Urban Developments and of the Department of Justice](#)

<sup>4</sup> [HUD FHEO Assistance Animals Notice 2020.pdf](#)

animal.”<sup>5</sup> The Ordinance does not have a minimum lot size for rabbits, chickens, quails, pigeons, or ducks. The Ordinance does not prevent individuals from having emotional support animals. What the Ordinance does do is lay out the maximum number of adult animals permitted on a lot and the minimum lot size required for certain animals. As these goats qualify as barnyard animals under HUD’s guidance, the substantial burden is on the petitioner to indicate why the animals permitted by right under the Ordinance cannot serve the needed therapeutic purposes. In staff’s analysis, that burden for reasonable accommodation has not been met.

- In regard to the shed, the site photos show that there are no obstructions preventing the shed from being placed outside of the setbacks. Indiana Code 36-7-4-918.4 highlights *all five (5)* criteria that must be met for a variance to be granted:
  1. the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  2. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  3. the need for the variance arises from some condition peculiar to the property involved;
  4. the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
  5. the approval does not interfere substantially with the comprehensive plan adopted under the 500 series of this chapter.
- In staff’s analysis, no condition peculiar to the property exists. Based on the analysis shown above for both the variance of use and variance of development standards requests, staff recommends denial of the variance petition.

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<sup>5</sup> [HUD FHEO Assistance Animals Notice 2020.pdf](#)

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	North: Residential
	South:	South: Residential
	East:	East: Residential
	West:	West: Residential
<b>Thoroughfare Plan</b>		
South Randolph Street	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	03/10/2026	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	03/10/2026	
<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 Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual

pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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**

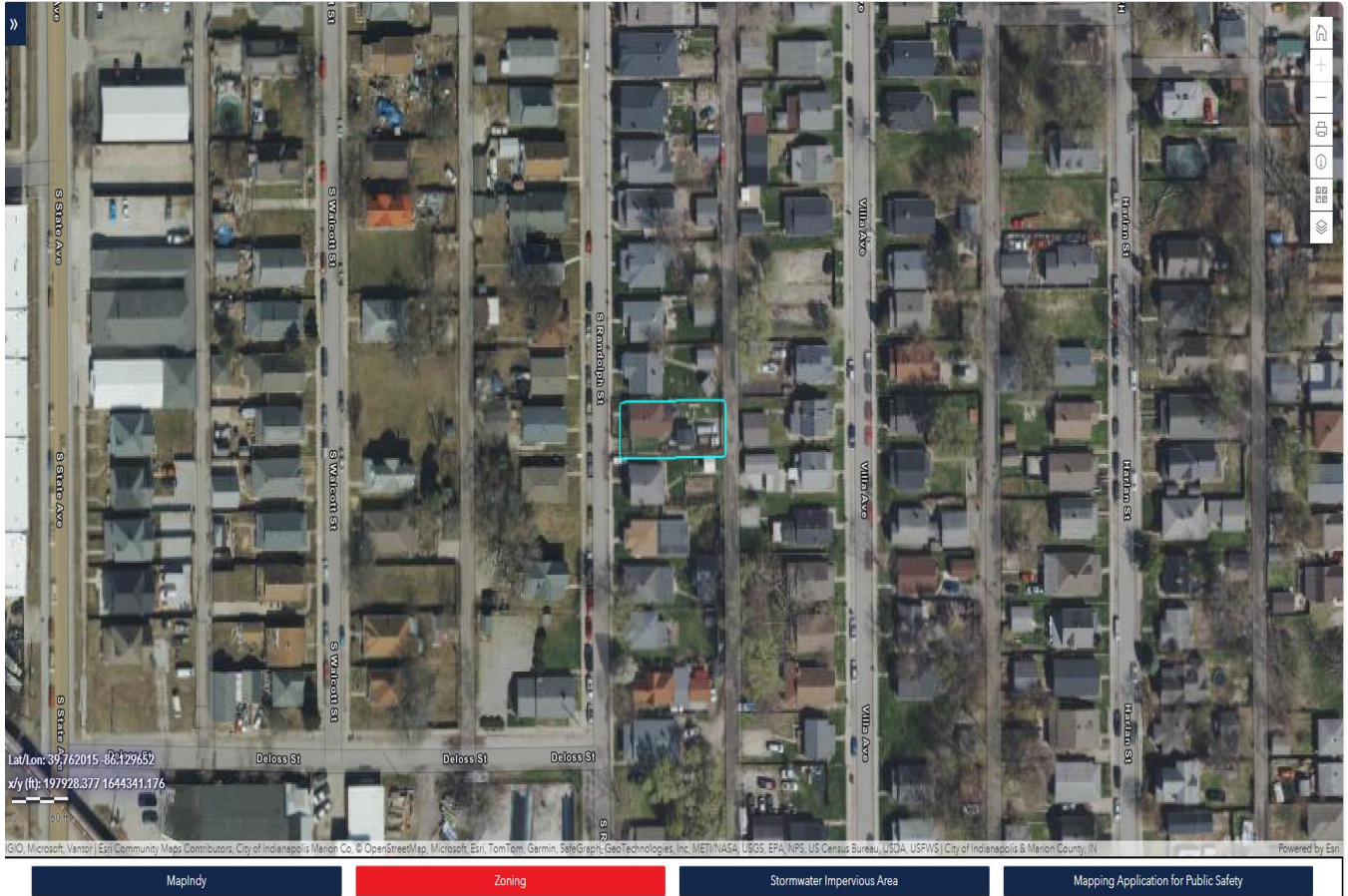
N/A

#### **ZONING HISTORY – VICINITY**

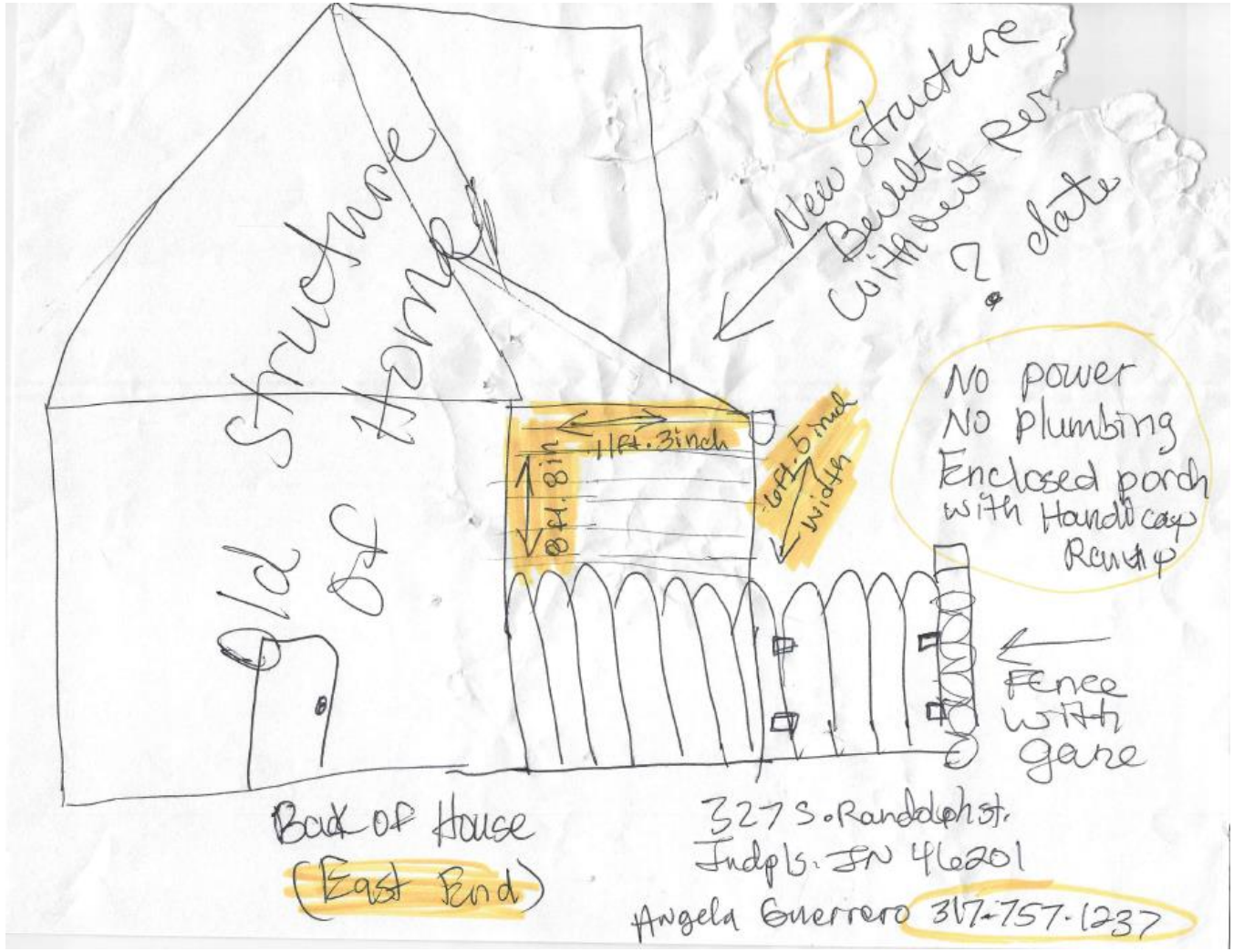
N/A

**EXHIBITS**

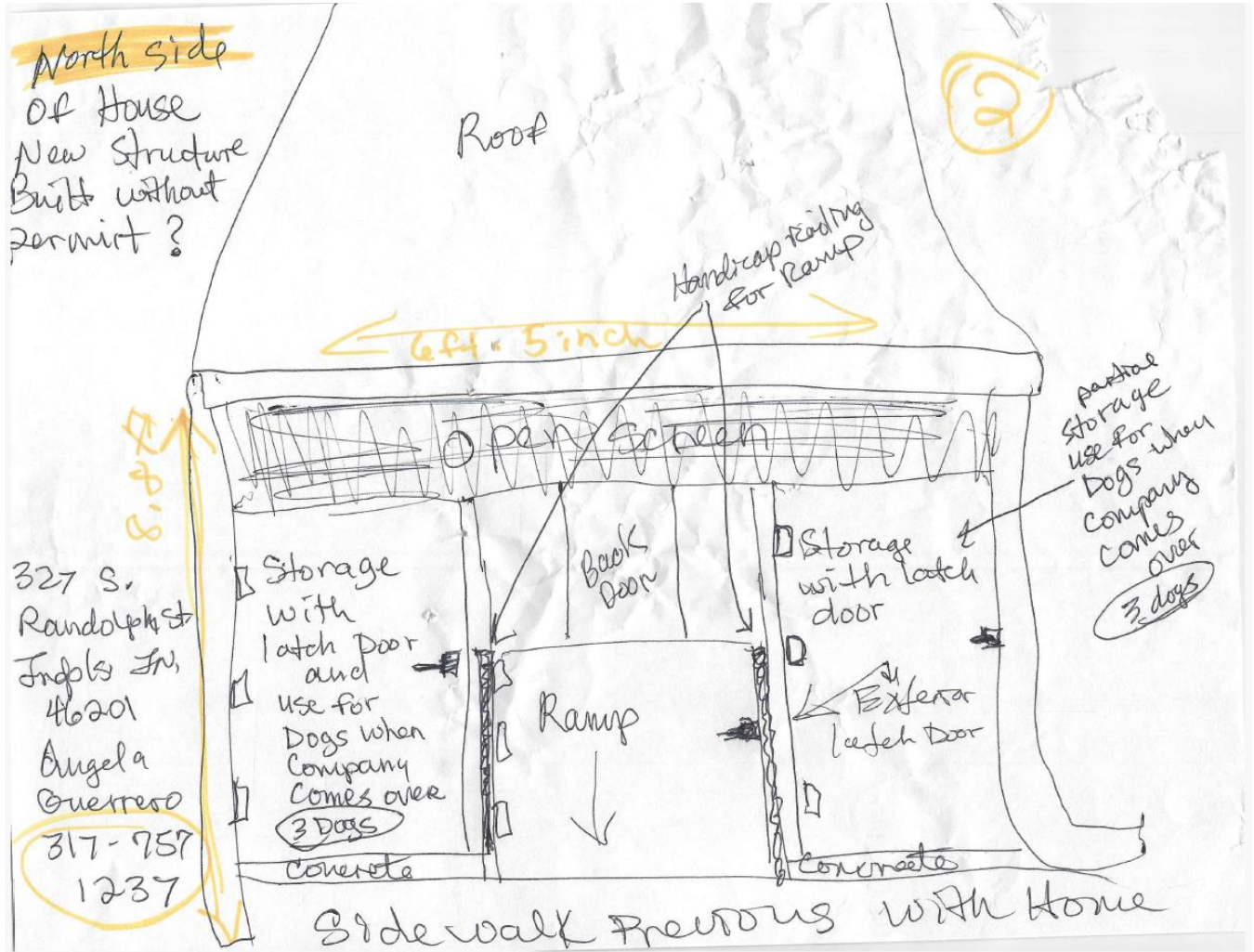
**2026UV2008; Aerial Map**



**2026UV2008; Site Plan**



**2026UV2008; Site Plan (continued)**







**2026UV2008; Findings of Fact**

**1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE**

The are prescribed Emotional support goats and are kept on leashes or contained on the property and no contact with any community members

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**2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE**

No additions or changes are to be made in any way

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**3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE**

As a landlord I am required to petition for the variance for my tenant as they are protected under the Indiana Americans disability act laws and they are prescribed to them as an emotional support animal it is three miniature male tovic goats a white one named Billy a red one named Rose and a red and white or

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**4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE**

The renter is disabled and qualifies under state and federal laws to be allowed to have their emotional support animals present at the property and it will cause a great hardship on the tenant as per the doctor'

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**5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE**

There is no changes in or additions to any existing structure the goats are provided as emotional support therapy during the daytime hours from 8:00 a.m. to 8:00 p.m. for the ten

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**2026UV2008; Permitted Personal Livestock Table**


<b>Table 743-306-3: Permitted Personal Livestock</b>			
<b>Domesticated Animal</b>	<b>Category</b>	<b>Maximum Number of Adult Animals on a Lot [1]</b>	<b>Minimum Lot Size</b>
Rabbits	One	8	No minimum
Chickens, Quail, Pigeons and Ducks	One	12	No minimum
Miniature / Dwarf / Pygmy Goats that are female, or neutered male goats	One	3	1/4 acre
Sheep and Goats that are female or neutered male goats	Two	4	1 acre
Miniature Equine (horses, donkeys, mules) and Lamoids (alpacas, llamas)	Two	2	1 acre
Equine (horses, donkeys, mules)	Two	2	2 acres
Note: [1] Adult animals are those animals 8-months of age and older.			

**2026UV2008; Myotonic Goat Paperwork**



## Myotonic Goat Registry

P.O. Box 141, Adger, AL 35006  
Email: myotonicgoatregistry@yahoo.com  
www.myotonicgoatregistry.net  
Phone: 205-425-5954



Billy

### Purebred Registration Application

Standard Registration Fee: Bucks & Does \$10.00 ea    Wethers \$8.00 ea    Electronic Registration Fee: \$15.00 ea

Current Owner's Name:		MGR Breeder's ID number:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	Email:

I certify, with my signature, I have read the Registration Rules and all information given by me on this application is true and correct according to those rules. I hold myself responsible for such. Questions - review rules / call MGR.

Signature of Current Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Breeder's Herd Name: <b>Sycamore Hill Farm</b>		This is Herd Name of Owner of Dam at time of breeding. Questions - review rules / call MGR.	
Animal's Name:		Current Owner's Herd Suffix:	
No. in Birth: 1	No. of Does: 0	No. of Bucks: 1	Date of Birth: 2/15/2025
Percent Myotonic: 100 %		Sex: Doe <input type="checkbox"/>	Buck <input checked="" type="checkbox"/> Wether <input type="checkbox"/>
USDA Scrapie Tag #:	Microchip #: 840003285124923	Horns: Horned <input type="checkbox"/>	Polled <input type="checkbox"/> Disbud <input checked="" type="checkbox"/>
Tattoo: Right Ear _____	Left Ear _____	Degree of Myotonia: 5 (Use number 1 thru 6 as per instruction sheet.)	Eye Color: _____
Myotonic Line: (optional) Tennessee <input checked="" type="checkbox"/>	Texas <input type="checkbox"/>	Mini <input type="checkbox"/>	Hair Length: (optional) Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Skirted <input type="checkbox"/>
Color and Description:			

Sire's Registered Name: <b>Handley Showstock Solomon JCL</b>	Sire's Registration #: <b>F8826</b>
Name of Owner of Sire at time of service: <b>Michael and Sadie Arney and Bill Reynolds</b>	MGR Breeder's #: <b>2294</b>

If Sire is not owned by Owner of Dam, a Service Memo signed by Owner of Sire shall be attached.

Dam's Registered Name: <b>Arney Family Farms Kathleen JCL</b>	Dam's Registration #: <b>F5504</b>
Name of Owner of Dam at time of breeding: <b>Michael and Sadie Arney and Bill Reynolds</b>	MGR Breeder's #: <b>2294</b>

If animal being registered is bred, a Breeding Memo signed by Breeder shall be attached. A copy should be kept to attach to offspring's registration, if the offspring is to be registered at a later date. If AI is the type of breeding a signed AI Memo should be attached.

If this animal is registered with another organization, please list: Organization, Animal's Full Name and Registration #.
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\*You must have an active Myotonic Goat Registry Breeder Number to register a goat or obtain a replacement certificate.\*

Myotonic Goat Registry, P.O. Box 141, Adger, AL 35006

When providing a check as payment, you authorize MGR to use information from the check to make an electronic fund transfer from your account or to process as a check transaction. Non-sufficient fund (NSF) checks will be processed using FARS (Federal Automated Recovery System). FARS utilizes federal and state laws allowing an electronic fund transfer of a fee from your account if your payment is returned unpaid. Checks must include: Drivers License #, Full Name, Street Address and Phone Numbers.

\*Form Version 3/11/2022\*

**2026UV2008; Photographs**



Photo 1: A BNS inspector's photo of the front of the front of the property.

**2026UV2008; Photographs (continued)**



Photo 2: A BNS inspector's photo of a play structure seemingly encroaching into the side yard setback. Play structures are permitted to encroach into side yard setbacks.

**2026UV2008; Photographs (continued)**



Photo 3: A BNS inspector's photo of the parcel from the rear alley.

**2026UV2008; Photographs (continued)**



Photo 4: A BNS inspector's photo showing the shed encroaching into the side yard setback. Notice the open space where the shed could be moved to comply with setback standards. A goat can be seen in the photograph as well.

**2026UV2008; Photographs (continued)**



Photo 5: A BNS inspector's photo showing another goat on the property.