



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**June 11, 2026**

**Case Number:** 2026-CZN-823 / 2026-CVR-823  
**Property Address:** 4240 Bluff Road (*Approximate Address*)  
**Location:** Perry Township, Council District #22  
**Petitioner:** Otis James & Tonya Haines, by David Gilman  
**Current Zoning:** SU-7

Rezoning of 1.14 acres from the SU-7 district to the D-1 district to provide for residential uses.

**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a two-unit residential structure in addition to a detached garage with secondary dwelling unit (not permitted).

**Staff Recommendation:** Staff recommends **approval** of the rezoning and variance requests.

**Staff Reviewer:** Michael Weigel, Principal Planner I

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the rezoning and variance requests.

**PETITION OVERVIEW**

**LAND USE**

The subject parcels, both addressed 4240 Bluff, total 1.14 acres in size and are both zoned SU-7. The easternmost parcel (parcel number 5013172) contains a 3-unit apartment building and circular driveway area, and the second undeveloped parcel to the southwest contains a septic system related to that apartment. The residential structure was converted to a 3-unit apartment in the 1980s but was not legally established until 2025, via the petition 2025UV3031.

The property has frontage on Bluff Road to the east and is bordered by single-family residences to the south and east (zoned D-A and D-1 respectively), a used car sales lot to the north (zoned D-A and operating by a Use Variance), and a large agricultural parcel to the west zoned SU-7.



Approval of this petition would allow for the construction of a new detached garage with a secondary dwelling unit (SDU) on the second floor. Concurrently, the apartment unit would be remodeled to contain only 2 units instead of 3 (meaning that the net dwelling units on the property would remain unchanged).

## REZONING

The rezoning request, if approved, would change the primary zoning designation of this parcel from the SU-7 District to the D-1 District.

The SU-7 District is a special use district that permits charitable, philanthropic and not-for-profit institutions. These parcels and the larger property to the west were rezoned to this designation in 1978 to allow for a meeting hall and social functions for a Southside Fellowship Center, which was never constructed on the subject properties or the lot to the west.

The D-1 District is intended for use in suburban areas. The D-1 district has a typical density of 0.9 units per gross acre which fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. The D-1 District provides for estate-style development characterized by generous front yards for trees and a bucolic atmosphere, appropriately served by gently curving roadways. Under most circumstances, public water and sewer facilities should be present but are not mandatory.

## VARIANCE OF USE

The D-1 district doesn't allow for the current 3-unit apartment use (legally established by a different Variance of Use in 2025). A reduction of the intensity of this structure from 3 units to 2 units would be allowed by-right per previous grant of that variance. However, the proposed accessory use of an SDU is only allowed on lots that are developed with *single-family residences* as a primary use, per relevant use-specific standards from 743-306 of the Ordinance. Since this configuration would result in placement of a new SDU on a lot with a 2-unit primary structure, a Variance of Use would be required.

Minimum setbacks and parking requirements would be met, and staff also confirmed with the Marion County Department of Health that soil reports for the proposed change have already been completed and that, with modifications, the site could support the requested number of units. It does not appear that any Variances of Development Standards would be required to allow for the proposed layout.

## STAFF ANALYSIS

A previous petition application was made earlier in 2026 for solely a Variance of Use that would have allowed for a 2-unit primary building and SDU on the lot while maintaining the SU-7 zoning district originally intended for a fellowship center. The SU-7 district does not allow residential uses by-right (duplexes or SDUs), so staff recommended that the petitioner withdraw and refile for the currently proposed companion petition. The applicant was amendable to this suggestion.

Staff would note that the cessation of residential use and replacement with a nonprofit use on a lot of this size in this location would be relatively unlikely. Additionally, the D-1 zoning district would both match the zoning to the east of the site and would align with both the existing lot sizes and the recommendation



from the Comprehensive Plan for Rural and Estate Neighborhood development. For these reasons, staff would recommend **approval** of the request to rezone the property away from the SU-7 zoning district and to the D-1 zoning district.

Findings of Fact provided by the applicant in support of the requested Variance of Use maintain that “functionally and visually, this arrangement is comparable to a traditional three-unit apartment building, but with greater compatibility to the surrounding residential character”. Staff would note that although a duplex with a secondary dwelling unit would not typically be contemplated for the D-1 zoning district given the resulting density, the proposed change would bring the lot closer to the district intent than the currently existing, legally established 3-unit apartment existing since the 1980s: 2 units in 1 structure is less intense than 3, and secondary dwelling units are allowed in many residential contexts. Given this somewhat unique context, staff recommends **approval** of the requested Variance of Use.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	SU-7	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	SU-7 / D-A	North: Agricultural / Auto Repair
South:	D-A	South: Residential
East:	D-1	East: Residential
West:	SU-7	West: Agricultural
<b>Thoroughfare Plan</b>		
Bluff Road	Primary Arterial	90-foot existing right-of-way and 96-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	03/23/2026	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	03/23/2026	
<b>Elevations (Amended)</b>	04/15/2026	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	03/23/2026	
<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 Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

### 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.

## ZONING HISTORY

### ZONING HISTORY – SITE

**2026UV3006**, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a two-unit residential structure in addition to a detached garage with secondary dwelling unit (not permitted), **approved**.

**2025UV3031**, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a three-unit apartment (not permitted), **approved**.

**78-Z-82**, rezoning to SU-7, **approved**.

### ZONING HISTORY – VICINITY

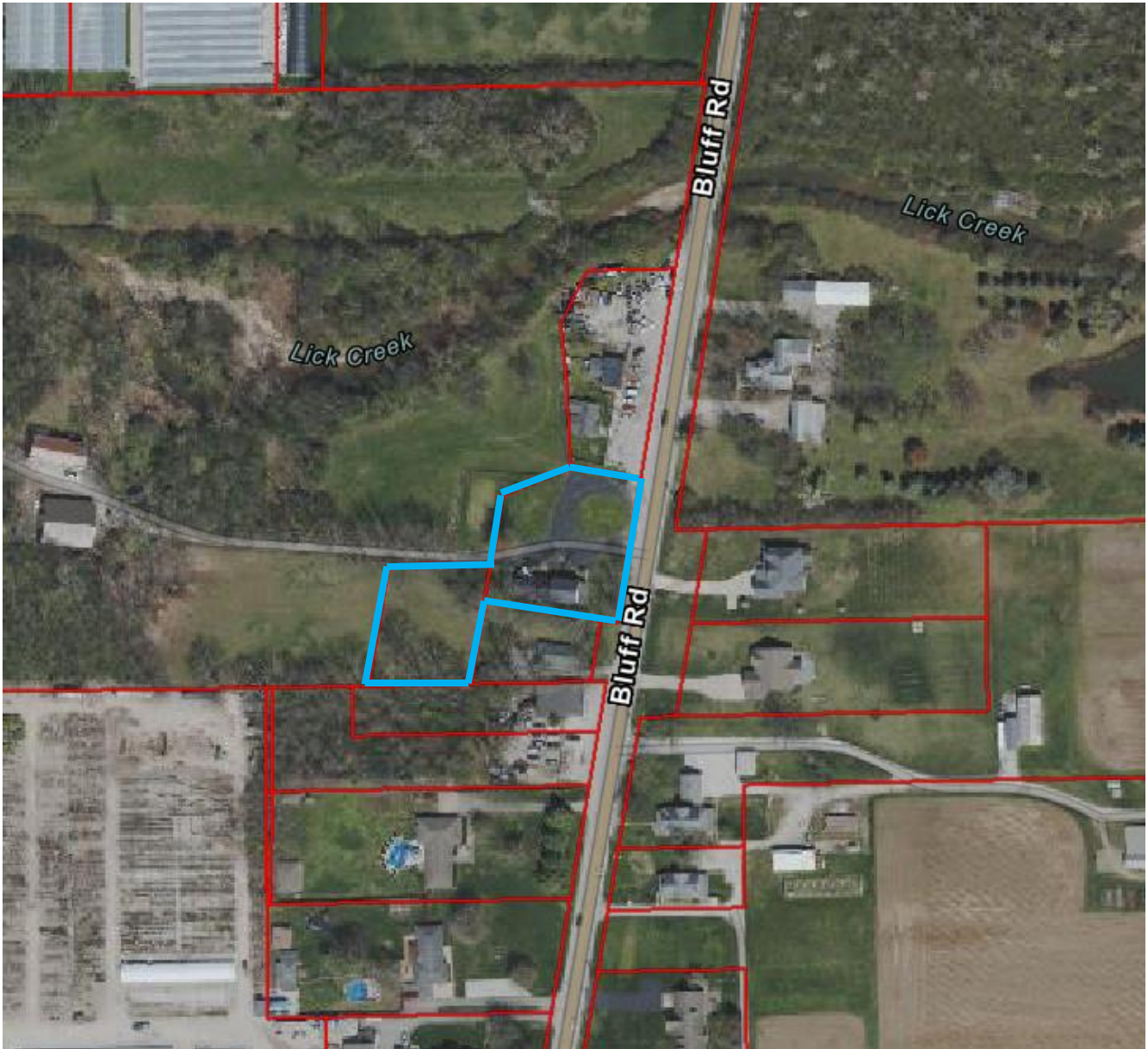
**2018UV2009 ; 4200 Bluff Road (north of site)**, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile repair business (not permitted) and to legally establish setbacks for the existing parking lot, dwelling and commercial building, per plans filed (40-foot front setback from proposed right-of-way, 30-foot side and 75-foot aggregate side and 75-foot rear setback required), **approved**.

**2013CVR801 ; 4241 Bluff Road (east of site)**, Approval of a Subdivision Plat to be known as Kocher Subdivision dividing 2.44 acres into two lots, **approved**.

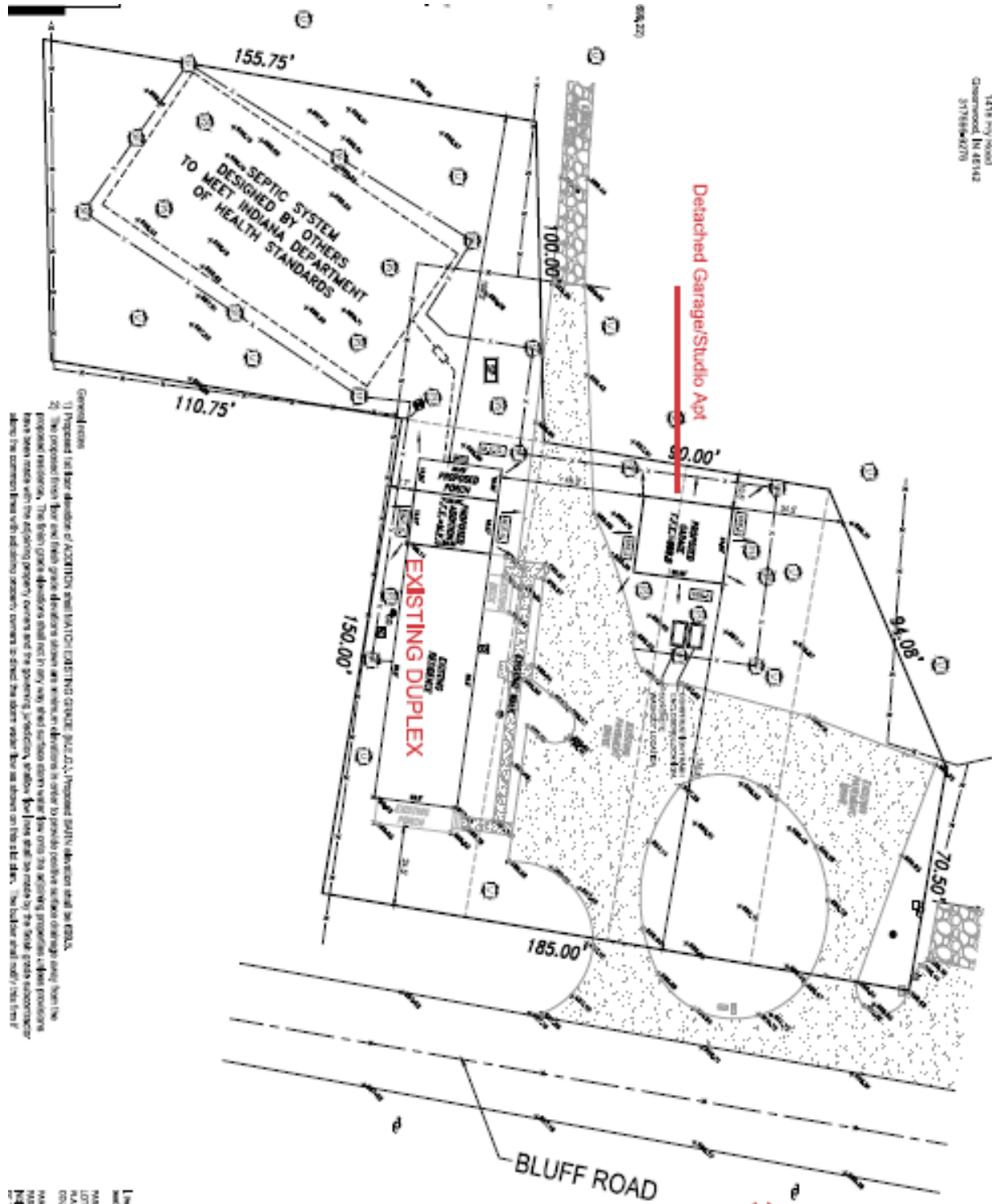
**2013CZN801 ; 4241 Bluff Road (east of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 4.89 acre parcel (D-A) with 90 feet of frontage (125 feet of frontage required), **approved**.

EXHIBITS

2026-CZN-823 / 2026-CVR-823 ; Aerial Map



**2026-CZN-823 / 2026-CVR-823 ; Site Plan**

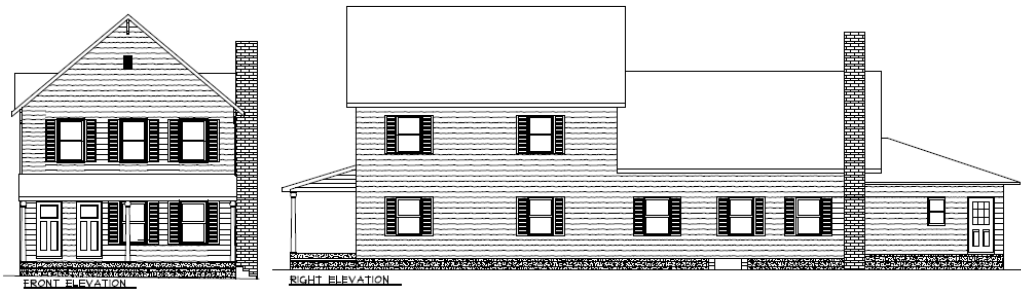
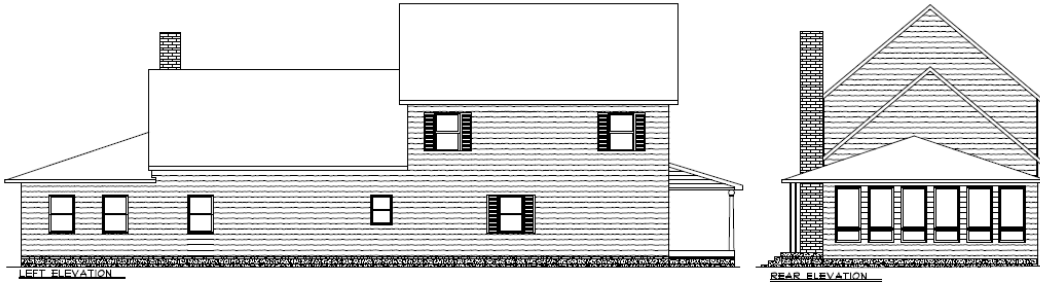


1418 Ely Road  
 Greenwood, IN 47124  
 3178864270

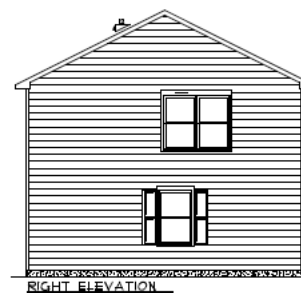
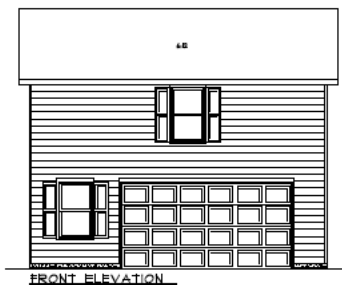
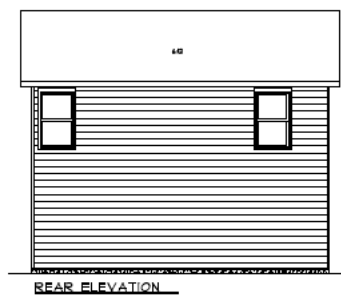
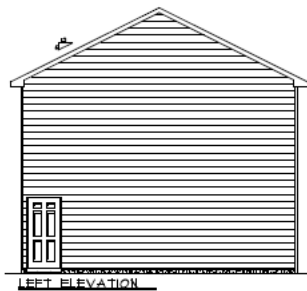
- General notes
- 1) Proposed lot line division of ADDITION shall MATCH EXISTING DEEDS, SURVEYS, Proposed SURVEY, division shall be PERMITS.
  - 2) The proposed front, side and rear lot line divisions shall be in accordance with the Indiana Department of Health standards. The lot line divisions shall not be in any way that create a water flow over the existing structures. When positions have been made with the adjoining property owners and the governing jurisdiction, written approval shall be made by the State Health Commissioner. The lot line shall be made by the State Health Commissioner. The lot line shall be made by the State Health Commissioner. The lot line shall be made by the State Health Commissioner.

1. The owner  
 and of City  
 MARSH, S  
 LOTS 1-14  
 P.L. 1944  
 COUNTY, I  
 MARSH, S  
 PART OF T  
 N. 1/4  
 1418 ELY RD  
 GREENWOOD, IN 47124

**2026-CZN-823 / 2026-CVR-823 ; Elevations (Duplex)**



**2026-CZN-823 / 2026-CVR-823 ; Elevations (SDU/Garage)**



**2026-CZN-823 / 2026-CVR-823 ; Findings of Fact**

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

The existing residence has functioned as a multi-unit dwelling for over forty years, demonstrating long-standing compatibility with the surrounding area

---

As part of this petition, the structure will be remodeled and brought into full compliance with all applicable building and health department codes, ensuring safe occupancy.

---

The proposed studio apartment above the detached garage will likewise meet all relevant building and health standards.

---

The site will be developed to preserve proper drainage and avoid any traffic hazards, with no increase in intensity beyond what is typical for residential use.

---

**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**

The existing residence has operated as a multi-unit home for over forty years, demonstrating longstanding compatibility with the surrounding area.

---

The exterior of the remodeled residence will retain the rural estate character of the neighborhood, preserving its visual harmony and residential appeal.

---

The new detached garage and studio apartment will be constructed using materials and architectural design consistent with the primary residence, ensuring a cohesive and unobtrusive appearance.

---

The adjacent properties are both commercial in nature and will not be affected by the continuation of residential use on the subject site.

---

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

The zoning and variance history of the site supports the continued use of the property for three residential units. The Special Use zoning designation was originally granted to accommodate a specific non-profit use, allowing the existing dwelling to function as a meeting hall. That institutional use has since ceased, and the dwelling is no longer needed for assembly or organizational purposes. The structure is residential in both character and construction, having originally been built as a home. Its scale, layout, and architectural features remain consistent with residential use.

---

**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 Special Use zoning designation is for a specific non-profit use that no longer exist, therefore, the dwelling is no longer needed as a meeting hall.

---

The existing dwelling cannot be used as constructed and the use of the dwelling under the terms of the Special Use zoning is no longer necessary.

---

The approved variance for a three-unit residential use continues to be served by the proposed configuration of a duplex-style primary residence and a detached garage with a second-story studio apartment. Functionally and visually, this arrangement is comparable to a traditional three-unit apartment building, but with greater compatibility to the surrounding residential character.

---

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

The proposed three-unit residential use is well-suited to the site's larger rural setting and will not disrupt the area's established character.

---

The property is a large horse farm and includes one of the original residences along this segment of Bluff Road, contributing to the area's longstanding rural identity.

---

The existing residence is residential in scale and appearance, and its continued use—now in a duplex configuration—preserves the architectural and visual qualities typical of Rural Estate Residential development.

---

The proposed configuration distributes the three units across two structures in a manner that reflects traditional rural development patterns.

---

**2026-CZN-823 / 2026-CVR-823 ; Photographs**



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site Viewed from North

**2026-CZN-823 / 2026-CVR-823 ; Photographs (continued)**



Photo 3: Adjacent Property to West



Photo 4: Adjacent Property to North

**2026-CZN-823 / 2026-CVR-823 ; Photographs (continued)**



Photo 5: Adjacent Property to East



Photo 6: Adjacent Property to South