Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II — November 17, 2026

Case Number:	2026-DV2-030
Property Address:	7380 New Augusta Road
Location:	Pike Township, Council District #1
Petitioner:	Brian Burtch, NEON Architecture
Current Zoning:	I-2 (FW) (FF)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit a 6-foot-tall fence in front yard (3.5-foot-tall permitted).
Current Land Use:	Event Center
Staff Recommendations:	Staff recommends **denial**
Staff Reviewer:	Sam Sparzo, Senior Planner

PETITION HISTORY

An automatic continuance was filed by a registered neighborhood group at the October 13th BZA II meeting

STAFF RECOMMENDATION

Staff recommend **denial** of the requested variance

PETITION OVERVIEW

- The subject site is zoned I-2 which is intended for industries that present minimal risk and typically do not create objectionable nuisance characteristics (dirt, noise, glare, heat, odor) that go beyond the lot lines. When possible, the I-2 district is located between heavier industrial areas and protected districts. The subject site serves as a buffer between an I-3 district and railroad to the west and the protected Dwelling Districts to the east.
- Table 744-510-2 lists the development standards, Maximum Fence and Wall Height, for the I-2 district.
    - Front yard: 3.5 feet
    - Side and rear yards: 10 feet
    - Transitional yard: 10 feet
- The subject site's current fence is 6 feet tall and made of chain-link. The 6-foot fence is not permitted in the front yard (3.5 feet permitted). The same fence does not extend to the southern side yard or the rear yard of the subject site. The subject site's rear yard (west yard) abuts a CSX railroad and DA and CS district further west beyond the railroad.

- In 2024, VIO24-007448 indicated that the fence was not compliant with the development standards within the ordinance.
- The petitioner's Findings of Facts has indicated that historically there has been dumping on their property stemming from the proximity to the railroad, warranting their need for a fence on their property and that a 3.5-foot fence would not prevent the continued dumping. The petitioner has highlighted that their property being on land with significant grade change on the western portion of their property (towards the railroad) has made illegal dumping easier. The GIS site map and site photos do not show any significant land grade changes.
- The current 6-foot fence is located within the front yard (East) and northern side-yard of the property, far from the CSX railroad and the area of change in elevation on the site.
- Staff would note that a fence could remain in the current location with a height reduced to 3.5 feet instead of 6 feet, as indicated during the inspector's violation. The property to the west of the subject site has a fence that is 3.5 feet tall.
- Given the subject sites lack of site-specific practical difficulties justifying the grant of the petition, staff recommend **denial** of the request.

GENERAL INFORMATION

Existing Zoning	I-2 (FW) (FF)	
Existing Land Use	Event Center	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	D-6II	North: Multi-Family Dwelling
South:	I-3	South: Auto repair (Railroad)
East:	D-5II	East: Single-Family Dwelling
West:	D-A	West: Landscaping Contractor (Railroad)
Thoroughfare Plan		
New Augusta	Primary Collector	55-foot ROW
Context Area	Metro	
Floodway / Floodway Fringe	Yes (FW) (FF)	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	8/11/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/11/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Village Mixed-Use for this site

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

93-UV3-46; 7380 New Augusta Road: Variance of use to provide for automobile repair (not permitted) with outdoor storage of automobiles, **approved**.

ZONING HISTORY – VICINITY

88-Z-184; 8505 New Augusta Road (north of site): Rezoning of 76.94 acres, being in the D-A District, to the D-3 classification to provide for residential development, **approved.**

89-Z-206; 7567 New Augusta Road (north of site)**:** Request rezoning of 143 acres, being in the D-3 and D-A Districts, to the DP classification to provide for the development of a single-family residential community, public golf course and driving range, **denied.**

90-Z-73; 7376 New Augusta Road (east of site): Rezoning of 143.13 acres, being in the D-A and D-3 Districts, to the D-P classification to provide for a golf course, volleyball courts, and residential development, **approved**.

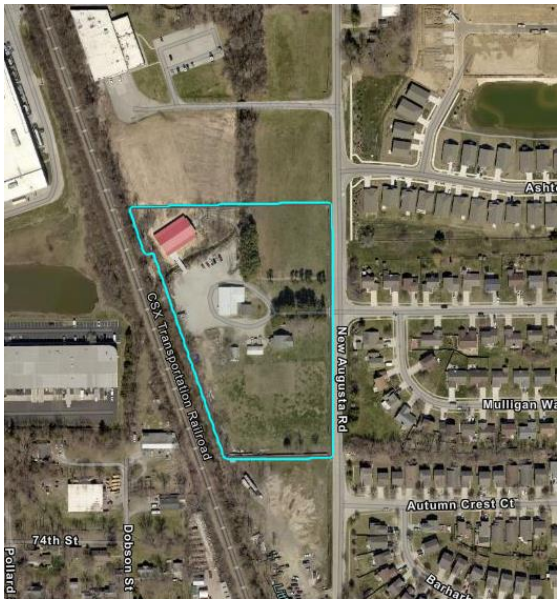
91-HOV-34; 7509 New Augusta Road (north of site): Variance of development standards to provide for a 4-foot-tall free standing identification sign in D-P, **granted.**

93-Z-153; 7450 New Augusta Road (east of site): Rezoning of 37.8 acres, being in the D-A District, to the D-3 classification to provide for residential development, **approved.**

96-V3-84; 7385 New Augusta Road (south of site): Variance of development standards to provide for the construction of six single-family dwelling built with a Flood Protection Grade at the Base Flood Elevation (BFE), rather than the required elevation of two feet above BFE, **granted**.

EXHIBITS

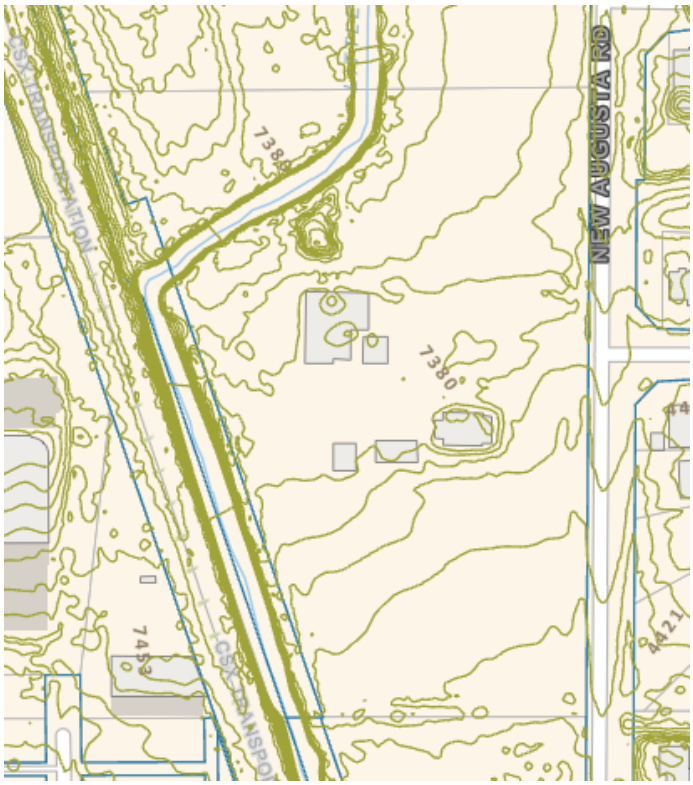
2026DV2030; Aerial Map



2026DV2030; Aerial Map with Flood Zones

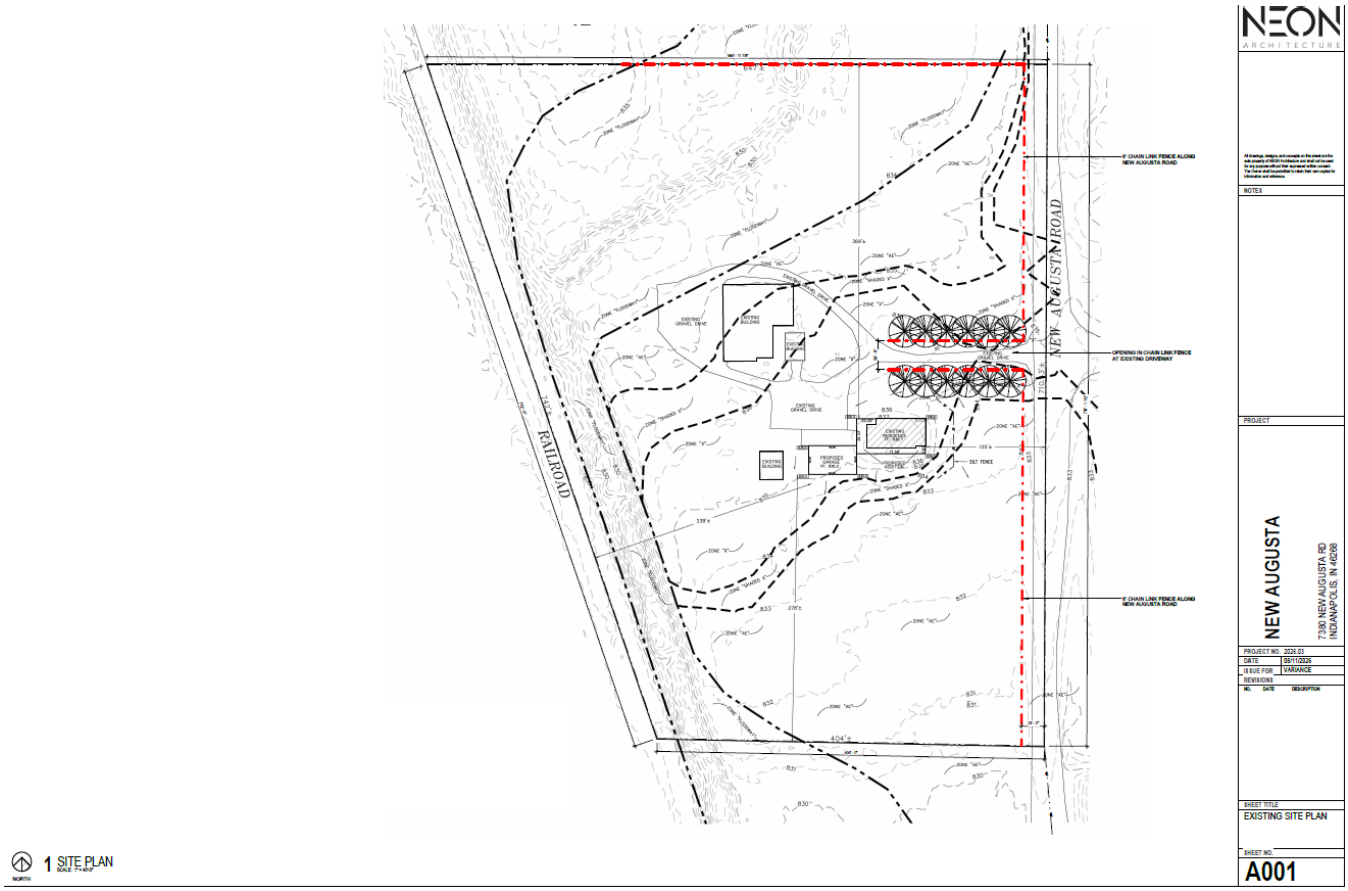


2026DV2030; Aerial GIS Map with Topographic Layer



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2026DV2030; Site Plan



2026DV2030; Site Photos



Subject Site: Facing West from New Augusta Road; 6-foot chain link fence; Lack of grade change



Subject Site: Facing West from New Augusta Road; 6-foot chain link fence along vehicle entrance; Lack of grade change



Subject Site: Facing Northwest from New Augusta Road; 6-foot chain link fence along front property line; Lack of grade change



Subject Site: Southern property line from New Augusta Road; 6-foot fence abutting neighbor's shorter fence