

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number: 2026-DV1-030

Property Address: 1406 South Capitol Avenue (approximate address)

Location: Center Township, Council District #18

Petitioner: Central at Old Southside, LP, by Carl Frey

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 227-unit residential development with parking in front of the front building line (not permitted) and a front building line beyond the allowable front building line range (the front building line must be between 20 and 50 feet in the neighborhood yard frontage type).

Current Land Use: Undeveloped

Staff Recommendations: Staff recommends **approval** of the variances.

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This case was previously continued from the July 7th, 2026, BZA I hearing to the August 4th, 2026, BZA I hearing due to an affidavit of notice not being on file. Said affidavit is now on file. The petitioner has been granted a conditional improvement location permit for this project.

STAFF RECOMMENDATION

Staff recommends **approval** of the variance.

PETITION OVERVIEW

- 1406 and 1419 South Capitol Avenue are two contiguous lots just south of the intersection of South Capitol Avenue and Arizona Street. These parcels comprise roughly 6.28 acres and are set for development of a large apartment complex. The parcels are flanked by D-5 to the north and east. To the south is the I-1 district and to the west is an I-4 district.
- The petitioner is requesting that they be able to build their 227-unit apartment (allowed for under 2025CZN813) with parking in front of the front building line. They are also requesting allowance for their building to be set back beyond the allowable front building range of between 20 and 50 feet. Staff will note that a 227-unit apartment building is already permitted at this site per 2025CMP813. This petition focuses on specific development standards for this apartment building.

- The requested variances do not stem from a substantial change to the site plans or a drastic deviation from the site plans shown in 2025CMP813. Rather, these variances represent a corrective measure allowing the project to move forward as intended.
- Staff will note the odd shape of the lot. The applicable frontage and parking placement standards are generally intended for regularly shaped parcels. Requiring the developer to adhere to the strict application of these standards would not only impact the way in which vehicles access the property, it would also impact maneuverability and impair the property's development in a manner consistent with its intended multifamily use. Additionally, as both Capitol Avenue and Illinois Street dead end, the ability of the apartment complex to offer off-street parking will be crucial to limiting competition for on-street parking and disruptions to the neighborhood.
- Given the odd shape of the lot, meeting the necessary frontage standards would create a difficulty functionally impacting the development. It is roughly 150 feet from the front lot line off of Illinois Street to the rear lot lines of the single-family homes fronting on Illinois. The stretch of parcel from Illinois Street to the complementary rear lot lines is too narrow for a building of this size. Forcing this building to wedge itself into this narrow area would: 1) create an awkward massing between the apartment and the single-family homes on the corner of Arizona Street and Illinois Street and 2) cut off a vital access drive for parking. While the D-8 district is intended to be a walkable neighborhood district, the fact that both Capitol and Illinois dead end changes the context as dead-end streets do not contribute significantly to walkability.
- Given the odd shape of the lot, the need to accommodate off-street parking in such a way that it lessens conflict with the neighborhood, and the fact that longer setbacks will help to create a better buffer between the new development and the established character of the neighborhood, staff recommends **approval** of this petition.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Residential	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Residential
South:	I-1 / I-4	South: Undeveloped / Industrial
East:	D-5	East: Residential
West:	I-4	West: Industrial
Thoroughfare Plan		
Capitol Avenue	Local Street	40-foot existing right-of-way and 48-foot proposed right-of-way
Illinois Street	Local Street	48-foot existing right-of-way and 48-foot proposed right-of-way

Arizona Street	Local Street	48-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/15/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/29/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book assigns this property the “Light Industrial” working typology. This typology “provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.”

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

2025-CMP-813: All approved subject commitments/conditions

- Rezoning of 5.17 acres from the I-1 and D-5 district to the D-8 district to provide for multi-family dwellings
- Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family residential development using the Large Apartment Residential Building Type Standards to the subject site, to provide for minimum livability space ratio of 0.57, and for a floor area ratio of 0.83.
- Vacation of numerous streets and alleys with a waiver of the assessment of benefits

ZONING HISTORY – VICINITY

2010-ZON-018; 114 West Arizona Street (current address) (north of site), Rezoning of 0.30-acre, from the D-5 district, to the I-3-U classification to provide for medium industrial uses, **approved subject to commitments**

2015-CMP-837; 1334 South Meridian Street (current address) (north of site): All approved subject to commitments/conditions

- Rezoning of 4.89 acres from the I-3-U, D-8, and C-1 districts to the C-S classification to provide for a 17,500-square foot building addition and the manufacturing of construction equipment, air compressors and electric motor assemblies and I-2U uses, with exceptions, C-3C uses, multi-family dwelling units, and an off-site parking lot
- Variance of Development Standards of the Commercial Zoning Ordinance to legally establish and provide for a building and / or off-site parking lot, with a six-foot transitional north front setback along Orange Street, a six-foot west side setback along Meridian Street and a 10-foot front transitional setback along Charles Street

- Variance of Development Standards of the Commercial Zoning Ordinance to provide for a zero-foot front setback along Wisconsin Street, a zero-foot front yard along Meridian Street, and 10-foot south front and west side transitional yards

EXHIBITS

2026DV1030; Aerial Map



2026DV1030; Findings of Fact (1)

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

The irregular configuration of the subject property and limited street frontages on two dead end roads, do not contribute significantly to walkable streetscapes and the mass of the proposed buildings would be inconsistent with the neighborhood character if similarly setback.

The requested variance allows for a coordinated and coherent site design with clearly defined vehicular access, improved sightlines, and a more appropriate separation between pedestrian and vehicular movements. This results in safer and more efficient site access and internal circulation than would otherwise be achievable under strict compliance.

Further, absent the variance, the site would be unable to reasonably accommodate necessary parking demand in a functional manner. This would shift parking demand to adjacent public streets, creating congestion, limiting parking availability for nearby properties, and potentially interfering with emergency access. The requested variance ensures that parking demand is accommodated on-site in a controlled and designed environment.

Accordingly, the variance facilitates a safer and more orderly development pattern and will not be injurious to the public health, safety, morals, or general welfare of the community.

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:

The requested variance is for parking adjacent to an alley on one side and maintains existing open space against adjacent to single family housing. By accommodating parking demand internally, the development avoids adverse off-site impacts such as congestion and competition for on-street parking in the surrounding area. Landscape buffers will be incorporated as required to further enhance the areas adjacent the property.

The resulting site design will be orderly, with clearly defined access and circulation patterns, and will maintain and improve the undeveloped frontages. The development is appropriately situated to function as a transitional use between nearby single-family residential properties and adjacent industrial uses, thereby supporting compatibility within the surrounding context.

The variance does not introduce any impacts that would impair the use or enjoyment of adjacent properties. Rather, it ensures that the site can be developed in a coordinated and functional manner consistent with its zoning classification.

2026DV1030; Findings of Fact (2)

For these reasons, the requested variance will not adversely affect the use or value of adjacent properties in a substantially adverse manner.

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

The subject property is characterized by a unique and irregular configuration.

The applicable frontage and parking placement standards are generally intended for regularly shaped parcels and do not readily accommodate the subject property's atypical geometry. Strict compliance would require the building to be configured in a manner that introduces an artificial and impractical protrusion toward the street solely to meet frontage requirements, resulting in a disjointed building form and compromised site functionality.

Such a configuration would disrupt internal circulation, reduce the efficiency and amount of parking, and impair safe and direct access within the site. As a result, there is no reasonable conforming design alternative that would allow the property to be developed in a functional manner consistent with its intended multifamily residential use while fully complying with the ordinance.

The requested variance represents the minimum necessary relief to accommodate the property's unique physical constraints and to permit a safe, efficient, and coordinated site design. Accordingly, strict application of the ordinance results in practical difficulties in the use of the property.

2026DV1030; Photographs



2026DV1030; Photographs (continued)



2026DV1030; Photographs (continued)



2026DV1030; Photographs (continued)



2026DV1030; Photographs (continued)

