

BOARD OF ZONING APPEALS DIVISION I

August 4, 2026

Case Number: 2026-UV1-012

Property Address: 2335 West Morris Street, and 1211 & 1220 South Tremont Street
(approximate addresses)

Location: Wayne Township, Council District #17

Petitioner: Hurst Properties LLC, by Heath Hurst

Current Zoning: D-5 / C-4

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for administrative office space (not permitted in D-5) and for office uses with deficient vehicle and bicycle parking spaces (10 vehicle and 3 bicycle spaces required).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** of this petition, subject to commitments.

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

7/7/26: The petition received an indecisive 2-2 vote at the July hearing of Division I of the Board of Zoning Appeals, and was therefore automatically continued to the August 4, 2026 hearing date. In that time, the petitioner provided staff with additional information and commitments limiting the impact of the proposed use on residential areas while also allowing for potential future reuse of the properties as residences in the future. Based on these commitments and continued conversations, staff now recommends **approval** of the requested variances, subject to the three commitments within the 'Staff Recommendation' section below.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested variances, subject to commitments that:

1. Grant of the variance shall be tied to the three existing residential structures on the properties to allow for potential residential reuse in the future. The variance shall cease to be valid should the residential structures be demolished or substantially altered.
2. The office uses at each property shall be serviced by a maximum of two (2) parking spaces (either within existing garages or on parking pads meeting dimensional requirements for paving and setbacks from property lines). Any additional site access or parking shall be routed from the related contractor use to the west at 2401 West Morris Street.
3. Perimeter landscaping between 2401 West Morris Street and the subject properties shall be installed within one (1) year of variance approval, consistent with the landscape plan approved by the previous rezoning petition 2024-ZON-060.

PETITION OVERVIEW

This land use request encompasses three (3) total parcels: 2335 West Morris Street, 1211 South Tremont Street, and 1220 South Tremont Street. The Morris property is improved with a single-family residence and detached garage accessed from an alley to the rear, and the two properties along Tremont (a named alley) are accessed from the east. The residences range in size from 1304 to 1445 square feet, and each were built between 1935 and 1957. Surrounding land uses are residential to the east and southeast and land uses to the north of Morris include a church and a lot recently rezoned for apartment development.

In 2024, the property at 2401 West Morris to the west and south of these lots was rezoned to the C-7 designation to allow for a landscaping contractor use utilizing a 2450 square foot retail store, multiple accessory buildings and greenhouses, and fourteen storage bins along the eastern portion of the property. Staff recommended denial of this petition given the proximity of the proposed heavy commercial use and zoning to residential areas, but the petition was approved subject to eight commitments (including but not limited to stipulations that the property would be developed with the plans in Exhibits below and that all commercial vehicles would utilize Lambert Street for access, avoiding residential streets where possible. See full commitments within Exhibits below).

Approval of this petition would allow for the use of the three residential properties on the addresses specified above to be utilized as offices associated with the adjacent contractor use. This would be considered a new primary use on each of the lots, as opposed to accessory office uses. The Plan of Operation provided by the applicant indicates that the full company employees around 70 people, that the subject buildings would be open from 8 AM to 6 PM and closed to the public, and that 4-6 staff members *per residence* would utilize the properties as office space for internal meetings, project management, scheduling and coordination, and other clerical duties (full Plan is within Exhibits below).

Specifically, the following variances would be required to allow for this proposal to legally operate:

- The two properties along Tremont Street are zoned D-5, which does not permit primary offices uses and would require a Variance of Use. The Morris property is zoned C-4 which would allow for offices by-right.
- Per aerial photography and staff's visit to the site, it appears that there would not be sufficient parking spaces shared between the three residential properties:
 - 2335 W Morris has a 2-car parking pad in its rear yard (in addition to 1-2 front-yard on-street parking spaces).
 - 1211 S Tremont does not appear to contain any formal parking areas (though vehicles were parked within rear-yard grass areas during staff's visit).
 - 1220 S Tremont is improved with a 2-car garage as well. By staff's estimation, there would be at most 8 eligible parking spaces.
- The square footage of each of the primary buildings would require the provision of at least 10 parking spaces (minimum 1 space per 350 square feet of use). Additionally, the Ordinance would require placement of three (3) bicycle parking for the primary office use.

The southern two (2) properties are zoned D-5 to allow for medium- and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. The northern parcel, despite being improved with a single-family home in a manner consistent with land zoned D-5 to the south, is zoned C-4 (Community-Regional District) to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. The West Indy Neighborhood Plan indicates that each of these parcels should be developed with residential uses at a density of 5-8 residential units per acre.

Findings of Fact provided by the applicant indicate that the use of these residences as offices for the contractor use would serve as a buffer between the heavy commercial and residential area, and that a hardship is created by the fact that the residences are located near to the subject site. Staff would contend that there is already an existing natural buffer of existing and planned landscaping to separate residences from the contractor use (as shown on the site plan), that a line of demarcation already appears to exist at the eastern boundary of the contractor use (with residential use to the east and additional heavy commercial or industrial use to the west), and that additional encroachment of commercial uses into the residentially developed areas would run directly counter to the guidance of the West Indy Neighborhood Plan for the properties.

Staff would also note that vehicle access to these properties is only feasible through utilization of at least one public alley (Tremont Street or the east-west alley running parallel to the south of Morris Street). The widths of the alleys are around 20 feet, and per aerial photography and staff's visit to the site it appears that vehicles regularly utilize space along the alleyways for access to residential properties (see photos in Exhibits). The Plan of Operation indicates that 4-6 staff members would utilize each residence for office space and meetings, which could result in up to 18 additional vehicles accessing these properties concurrently without adequate parking. Staff notes this would introduce a risk of vehicle congestion or of utilization of the alleys for parking and would seek to avoid the introduction of that negative externality.

The current parcels housing the contractor use (2401 Morris) are a total of 3.88 acres in size. Staff would note the feasibility of utilizing this existing area for both office and parking functions, either in existing structures or through the construction of new ones, without the need for variance relief. Additionally, concerns about parking congestion for the utilization of these homes as offices and about additional encroachment of commercial usage into residential areas would lead staff to recommend **denial** of the requested variances.

GENERAL INFORMATION

Existing Zoning	D-5 / C-4	
Existing Land Use	Residential	
Comprehensive Plan	5 – 8 Residential Units per Acre	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-9 / C-4	North: Undeveloped / Church
	South: C-7	South: Contractor
	East: D-5 / C-4	East: Residential

West:	C-7	West: Contractor
Thoroughfare Plan		
Morris Street	Primary Arterial	70-foot existing right-of-way and 78-foot proposed right-of-way
Tremont Street	Named Alley	100-foot existing right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/30/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	04/30/2026	
Findings of Fact	04/30/2026	
Findings of Fact (Amended)	07/01/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- West Indianapolis Neighborhood Land Use Plan (2011)

Pattern Book / Land Use Plan

- Not Applicable. See Neighborhood / Area Specific Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The West Indianapolis Neighborhood Land Use Plan (2011) recommends residential development with a density of 5-8 dwelling units per acre. The Plan indicates that in suburban and rural areas this is a common multi-family density and typically the highest single-family category in suburban areas. In urban areas, it is common for both single-family and multi-family development. Development at this density is appropriate along bus corridors but should not take place in proximity of planned light rail transit stops. Office or contractor uses are not contemplated for this typology.

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

2025ZON092 ; 2502 Lambert Street (west of site), Rezoning of 4.79 acres from the D-5 (FF) and C-7 (FF) districts to the I-3 (FF) district to provide for a commercial parking lot, **withdrawn**.

2025VAR011 ; 2502 Lambert Street (west of site), Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot for commercial truck and trailer parking, **withdrawn**.

2025CZN840B ; 2302 West Morris Street (north of site), Rezoning of 1.969 acres from the D-5II district to the D-9 district to provide for a medium apartment development, **approved**.

2025CZN840A ; 2302 West Morris Street (north of site), Rezoning of 1.471 acres from the D-5II district to the D-8 district to provide for a single-family residential development, **approved**.

2024ZON060 ; 2401 West Morris Street (west of site), Rezoning of 3.88 acres from the D-5 (FF) and C-4 (FF) districts to the C-7 (FF) district to provide for a landscaping business, **approved**.

2023CZN843 ; 2302 West Morris Street (north of site), Rezoning of 0.706 acre from the C-S district to the D-5II district to provide for six single-family dwellings, **approved**.

2012UV3007B ; 1234 Sheffield Avenue (southeast of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a detached garage converted to a 595.55-square foot single-family dwelling, with a six-foot rear setback, with one parking space, and creating an open space of 61.9% (three dwellings not permitted – only one single-family dwelling or one originally constructed two-family dwelling permitted, minimum 20-foot rear setback required, two parking spaces required per unit, minimum open space of 65% required) on a lot with an existing two-unit dwelling, **approved**.

95-UV2-5 ; 2331 West Morris Street (east of site), Variance of Use of the Commercial Zoning Ordinance to provide for construction of a 400 square foot detached garage (not permitted), **approved**.

EXHIBITS

2026UV1012 ; Aerial Map



2026UV1012 ; Site/Landscape Plan (Landscaping Contractor to West)



Note: subject sites marked with red dots by Staff

2026UV1012 ; Commitments Associated with Previous Rezoning to West (2024ZON060)

- 2 The following uses shall be prohibited:
Recycling center, mobile home display, portable storage, recycling collection point, renewable energy facility, temporary fireworks sale, night club or cabaret, clean energy R&D, information technology R&D, life science R&D, logistics R&D, research and development (other), adult entertainment business retail, firearm sales, fireworks sales (ongoing), liquor store, pawn shop, power generating facilities, substations and utility distribution nodes, wireless communications facility, automobile motorcycle and light vehicle sales or rental, motorsports industry, other vehicle sales rental and repair, transit center, truck or heavy vehicle sales rental or repair, Truck stop, automobile rental station, methadone clinic or treatment facility, plasma blood center, substance abuse treatment facility, agricultural machinery and equipment sales rental and repair, check cashing or validation service, dry cleaning plant or industrial laundry, tattoo parlor, adult entertainment business, transportation facilities and accessories, Heavy equipment sales, service or repair, Automobile or vehicle storage or auction, Automobile fueling station, Heavy Vehicle Wash.
- 3 The owner agrees for all commercial vehicles to enter and exit using Lambert Street, continuing onto Morris from Bedford Street, avoiding residential streets where possible.
- 4 The owner agrees not to install any electrified fences.
- 5 The owner agrees to not offer car wash services to the public or automate vehicle washing in any way. The owner will maintain company vehicles and wash them regularly.
- 6 The owner agrees to developing and maintaining the land as a permanent operation.
- 7 Development of the site shall be in substantial compliance with the site plan and landscape plan, file-dated May 8, 2024.
- 8 The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

2026UV1012 ; Findings of Fact (Use)

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

The proposed use involves only limited administrative office activity within existing residential structures. Each residence will be used by approximately 4-6 administrative staff members for tasks such as scheduling, accounting, and project coordination. No customers or vendors will visit the residences and no outdoor business activity will occur. Business hours will generally be limited to 8:00 AM through 6:00 PM. The properties will be secured with cameras and electronic locks. Because the use is low intensity and generates minimal traffic or activity, (continued on attached document)

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 homes will maintain their residential appearance and will not include signage, customer traffic, or outdoor business operations. The majority of the company's employees work at the adjacent commercial property located at 2401 West Morris Street or at client project sites, and only a small number of administrative staff will utilize the residences. Parking demand will be minimal, with most parking occurring at the adjacent commercial site. Because the use is limited to quiet office work and will not generate noticeable activity beyond typical residential use, (continued on attached document)

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

The properties are uniquely situated directly adjacent to the Heath Outdoor commercial facility located at 2401 West Morris Street and are owned by the same property owner, Hurst Properties. Due to their location bordering the commercial property, these houses naturally function as a transition area between the commercial operation and the surrounding residential neighborhood. Their proximity to the existing business makes them well suited for low-intensity administrative office use supporting the commercial site next door.

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

Strict application of the zoning ordinance would prevent the reasonable use of properties that are already directly connected to and fundamentally related to the adjacent commercial operation. Without the variance, the administrative staff supporting the business would have limited space near the existing commercial facility despite the availability of these adjacent properties owned by the same entity. Allowing limited office use within the homes enables the property owner to reasonably utilize the properties in a manner consistent with their location and relationship to the commercial site.

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

The proposed use represents a low-impact administrative function that supports an existing local business already operating at the adjacent commercial property at 2401 West Morris Street. The residences will continue to maintain their residential appearance and will serve primarily as a buffer between commercial property and the nearby residential areas. Because use involves minimal activity, no public access, and limited staff presence, it is compatible with the surrounding area and does not conflict with the intent of the comprehensive plan.

2026UV1012 ; Findings of Fact (Development Standards)

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

The proposed use involves allowing parking for limited administrative office activity within existing residential structures. Local ordinance states there must be one parking space per 350 square feet of office use, requiring 10 parking spaces combined for the three structures. There is ample available space amongst the three properties to comfortably allow for the required parking allotment. Because the use is low intensity and generates minimal traffic or activity, it will not negatively affect the public health, safety, or general welfare of the surrounding 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:

There is currently ample space available between the three parcels to allow for the required 10 parking spaces. No additional encroachment or encumbrance upon the surrounding community will occur. The minimal traffic and activity associated with the administrative offices will ensure cohesion with adjacent properties. Because the parking demand for the request is minimal and the associated offices will not generate noticeable activity beyond typical residential use, surrounding property values and neighborhood character will not be adversely affected.

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

The proposed variance requests parking spaces for administrative offices associated with the existing commercial operation located at 2401 West Morris Street. The offices (which will operate out of existing residential structures) will serve as a natural transition area between the commercial operation and the surrounding residential neighborhood. These administrative offices will serve as an integral component of the commercial operation, and require their own parking in order to operate within their scope. Strict application of the zoning ordinance will significantly denigrate the functionality of the properties as intended.

2026UV1012 ; Plan of Operation (1 of 4)

Plan of Operation

**Hurst Properties / Heath Outdoor
Variance of Use Petition**

Property Locations

This petition requests approval for Hurst Properties to allow limited office use within residential properties located at:

- 2335 West Morris Street – Indianapolis, IN 46221
- 1220 South Tremont Street – Indianapolis, IN 46221
- 1211 South Tremont Street – Indianapolis, IN 46221

These properties are owned by **Hurst Properties** and are located directly adjacent to the existing commercial property operated by **Heath Outdoor**, located at:

2401 West Morris Street – Indianapolis, IN 46221

The intent of this variance is to allow these residences to function as **administrative office space** supporting the existing landscaping business.

Nature of Business

Heath Outdoor is a landscaping and property maintenance company operating from **2401 West Morris Street**. The business employs approximately **70 team members**, the majority of whom work in the field or at the primary commercial facility.

The residences included in this petition will **not function as customer-facing business locations**. They will only be used for internal administrative activities.

Office Use

Each residence will be used by a small number of administrative staff members to perform office tasks such as:

- Scheduling
- Accounting
- Administrative coordination

2026UV1012 ; Plan of Operation (2 of 4)

- Project management
- Internal meetings

Only 4–6 staff members per residence may use the properties as office space on an as-needed basis.

Many administrative staff members work partially remote and may work from home throughout the week.

Hours of Operation

Administrative staff working at the residences will generally operate between the hours of:

8:00 AM – 6:00 PM

No evening or overnight business operations are planned except during snow removal operations.

Parking

Each residence has limited on-site parking spaces that may be used by administrative staff when available.

However, the majority of staff parking will occur at the adjacent commercial property located at:

2401 West Morris Street

This ensures that parking demand at the residential properties remains minimal.

Customer Traffic

These residences will not be open to the public.

Customers and vendors will not visit these addresses.

All customer communication and deliveries will continue to occur through:

- The company PO Box
- The commercial facility located at **2401 West Morris Street**

2026UV1012 ; Plan of Operation (3 of 4)

Mail and Deliveries

All mail and packages for the business will be delivered to the commercial facility at 2401 West Morris Street.

The residences will not serve as delivery locations.

Waste Management

Trash generated by administrative use of the residences will be disposed of in the dumpsters located at the commercial property at 2401 West Morris Street.

No commercial waste services will be required at the residences.

Security

To maintain safety and security, the properties will include:

- Security cameras
- Electronic access locks

These measures ensure controlled access and responsible use of the properties.

Relationship to Existing Commercial Property

The properties included in this petition are directly adjacent to the Heath Outdoor commercial facility at 2401 West Morris Street.

These houses are positioned along the edge of the commercial property and naturally serve as a transition area between the commercial site and the surrounding residential neighborhood. In this way, the properties act as a buffer between the commercial landscaping operation and nearby residences.

Using these homes for low-intensity administrative office space helps maintain that transitional buffer while supporting the operations of the existing business next door.

2026UV1012 ; Plan of Operation (4 of 4)

Neighborhood Impact Statement

The proposed office use is intended to be low-impact and compatible with the surrounding neighborhood.

The residences will maintain their residential appearance and will not generate:

- Customer traffic
- Commercial deliveries
- Outdoor business activity
- Additional noise beyond typical residential levels

Only a small number of administrative staff members will be present during normal daytime hours. The majority of company employees work either at the **2401 West Morris** commercial facility or off-site at client properties.

Because the properties will function solely as administrative workspaces, the use is expected to have minimal impact on neighboring residences.

Site Relationship and Operational Need

The requested variance allows Heath Outdoor to efficiently utilize properties already owned by **Hurst Properties** and located immediately adjacent to the company's commercial facility.

These residences provide an ideal location for administrative staff while keeping the primary commercial activity concentrated at the existing business property at **2401 West Morris Street**.

Allowing these properties to be used as administrative office space will help support the continued operation and growth of the business while maintaining a controlled, low-impact presence in the surrounding area.

2026UV1012 ; Photographs



Photo 1: 2335 Morris Viewed from North



Photo 2: 2335 Morris Viewed from Southeast

2026UV1012 ; Photographs (continued)



Photo 3: 1211 Tremont Viewed from Northeast



Photo 4: 1211 Tremont Viewed from North (July 2011)

2026UV1012 ; Photographs (continued)



Photo 5: 1220 Tremont Viewed from East



Photo 6: 1220 Tremont Viewed from Northeast

2026UV1012 ; Photographs (continued)



Photo 7: Intersection of Tremont and East-West Alley, Looking West



Photo 8: Intersection of Tremont and East-West Alley, Looking East

2026UV1012 ; Photographs (continued)



Photo 9: Contractor Use (2401 Morris) Viewed from North



Photo 10: Contractor Use (2401 Morris) Viewed from Northeast (Alley)

2026UV1012 ; Photographs (continued)



Photo 11: Contractor Use (2401 Morris) Viewed from East



Photo 12: Adjacent Property to East of Tremont Properties

2026UV1012 ; Photographs (continued)



Photo 13: Adjacent Properties to East of Morris Property (September 2024)



Photo 14: Adjacent Property to Northeast