

BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-UV2-012
Address: 2405 West 61st Street (approximate address)
Location: Washington Township, Council District #2
Zoning: D-2
Petitioner: Valdemar Duarte
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a commercial vehicle, being a commercial shipping container (not permitted).

Current Land Use: Single Family Dwelling

Staff Recommendation: Staff recommends Denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this amended petition.

PETITION OVERVIEW

- ◇ The proposed commercial vehicle is a portable shipping container box and is not intended to be used as a permanent storage building. Shipping containers, by definition, are commercial vehicles, and tend to introduce commercial uses such as contractors into a residential district.
- ◇ Commercial vehicles or shipping containers, when located on appropriately zoned properties, require transitional yards to buffer such intense uses from protected districts which include dwellings and schools. In this instance, the proposed use would not be required to provide such buffer areas since the D-2 district is intended to be utilized for less intense uses such as residential neighborhoods. Therefore, the site provides insufficient screening to the surrounding dwellings, which staff finds concerning.
- ◇ Additional storage could be provided through a permanent accessory storage structure that is built, has a building form, and meets the Zoning Ordinance, without the need for a use variance.
- ◇ Staff has concerns if this petition were to be approved, that the use of portable shipping containers for accessory storage could potentially expand on surrounding residential lots based on the availability of land.

- ◇ The large lot size should not allow for disregard of the Comprehensive Plan recommendation, nor of the clearly residential nature of the surrounding area.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned D-2 and could use appropriate accessory structures by right, in the D-2 zoning classification without any variances. The need for the requested shipping container for storage is self-imposed and could be addressed without a variance, by using permitted structures. Any practical difficulty is self-imposed by the petitioner's desire to choose to not follow the ordinance and use the site with a portable shipping container as a storage building.

GENERAL INFORMATION

Existing Zoning	D-2
Existing Land Use	Single Family Dwelling
Comprehensive Plan	Rural or Estate Neighborhood uses
Surrounding Context	Zoning North: D-2 South: D-2 East: D-2 West: D-2
	Surrounding Context Single Family Dwelling Single Family Dwelling Single Family Dwelling Single Family Dwelling
Thoroughfare Plan	
West 61st St.	Local Street 50-foot existing and proposed right-of-way
Context Area	Metro area
Floodway / Floodway Fringe	N/A
Overlay	N/A
Wellfield Protection Area	N/A
Site Plan	August 21, 2025
Landscape Plan	N/A
Findings of Fact	August 21, 2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Rural or Estate Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Rural or Estate Neighborhood typology that 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.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

2022-DV2-047; 2302 and 2304 West 60th Street (southeast of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 15-foot-tall pole barn taller than the primary building, **granted**.

2005-DV1-012; 2245 West 61st Street (east of site), requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for construction of a 1,340-square foot single-family dwelling, with a 426-square foot attached garage, and a 13-square foot covered porch on a lot with zero feet of public street frontage, and without direct access to a public street, **granted**.

2002-DV3-004; 2635 West 60th Street (west of site), Variance of development standards of the Dwelling Districts Zoning to legally establish a 556.78 square foot single-family dwelling with a 4-foot side setback from the west property line and to provide for a 28.7 by 15-foot, or 430.5 square foot addition to said dwelling with a 4-foot side setback, **granted**.

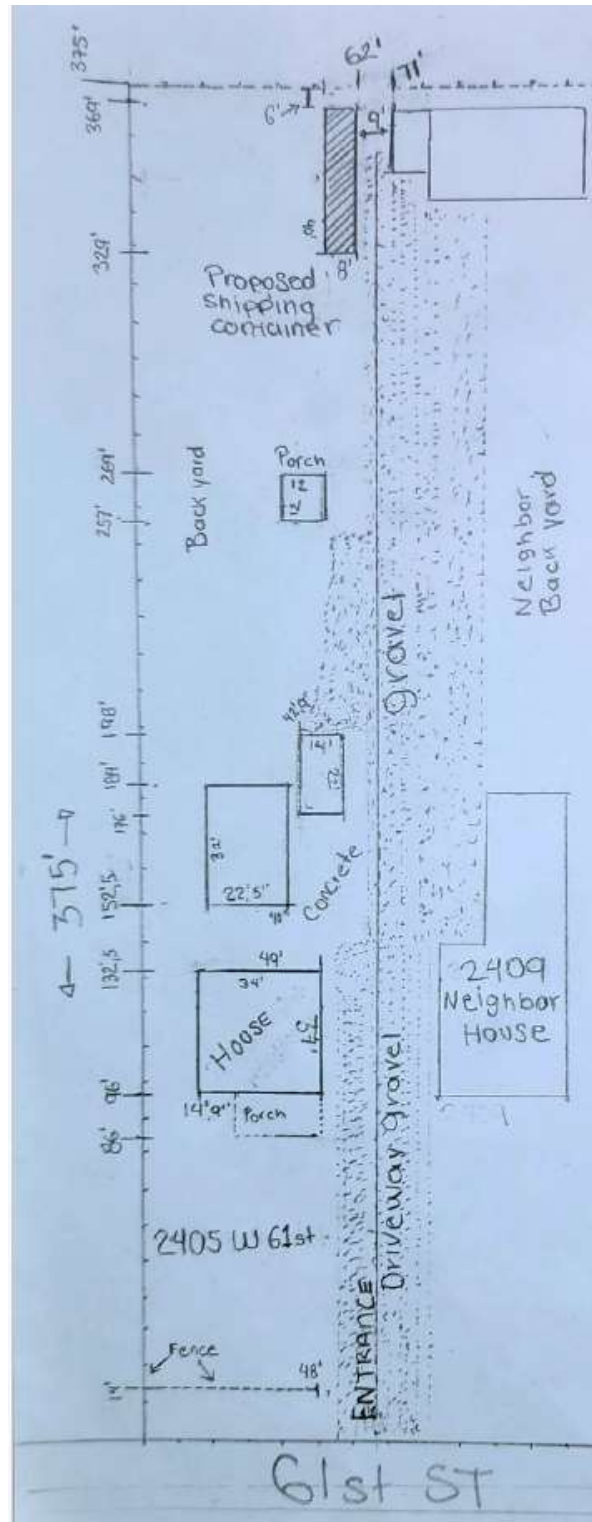
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EXHIBITS

Location Map



Site Plan



Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF USE
FINDINGS OF FACT**

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

The container is not a safety hazard. It is securely fastened, clean, and constantly maintained. It is not an obstacle to any public or emergency access. The container is located in the backyard, away from street view, and the adjacent property owner has not expressed any objections to its placement.

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 container does not interfere with the adjacent property's access, views, or sunlight. It is not a source of foul smells, noises, or an eyesore. The container has been painted to match the petitioner's home, ensuring it does not detract from the neighborhood's aesthetic.

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

There is not enough storage on the property. Additionally, there are enormous trees on an adjacent property that are prone to dropping large branches. One tree in particular is leaning toward the petitioner's property, which the petitioner views as a threat. The presence of this specific environmental risk means the tree needs to be removed before any permanent storage can be safely built.

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

Enforcing the ordinance creates an unnecessary hardship by forcing the petitioner to choose between a vulnerable shed and no secure storage. This hardship is unusual because it arises directly from the specific environmental risk to the property. The container solves these issues as a durable, secure storage solution while not causing any harm or obstacles to the public.

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

The container was carefully remodeled to match the house's aesthetics to give it a more modern, clean look. The container and the house worked together to give the property an outstanding transformation. A few years ago, it used to be one of the most dilapidated buildings. Today, it is now one of the most aesthetically pleasing properties in the community, while keeping a safe and well-maintained neighborhood impression.

Photographs



Subject site, looking south.



Subject site, detached garage, and accessory structure, looking south.



Shipping container location on site, looking south.



Shipping container location on site, looking west.