

BOARD OF ZONING APPEALS DIVISION III

July 15th, 2025

Case Number: 2025-DV3-015 (Amended)
Property Address: 3080 East Midland Road
Location: Perry Township, Council District #23
Petitioner: Mark Adams, by Kris Holeyfield
Current Zoning: D-1
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the placement of a shipping container (not permitted) within the front yard (not permitted).
Current Land Use: Residential
Staff Recommendations: Staff is recommending **denial** of this variance petition.)
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this variance petition.

STAFF RECOMMENDATION

Staff is recommending **denial** of this variance petition.

PETITION OVERVIEW

- The petitioner for this variance is requesting to maintain the placement of a commercial vehicle (shipping container) in the front yard of a dwelling.
- This property is 0.92-acre in a D-1 zoning district.
- Staff wanted to note that we were not permitted on the site by the property owner to take photos of the property. A shipping container, by definition, is considered a commercial vehicle.
- The Ordinance states that no commercial vehicles or trailers shall be parked, stored, maintained or kept on any property in a Dwelling district.
- The shipping container is being used to store personal items.
- The Findings of Fact states that this shipping container will not obstruct pedestrians, vehicles or public utilities. However, the issue in this matter is that it will begin a precedent to allow commercial vehicles in the fronts of homes in this area; a use that is not permitted and does not meet the Building Code for use as a storage building.

- Staff is recommending **denial** of this variance petition because there is no practical difficulty. This subject site has a large backyard that could be used to construct a permitted accessory structure to store personal items.

GENERAL INFORMATION

Existing Zoning	D-1	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-A	North: Rural or Estate Neighborhood
	South: D-5	South: Suburban Neighborhood
	East: SU-1	East: Regional Special-Use
	West: D-1	West: Suburban Neighborhood
Thoroughfare Plan		
Midland Road	Local Street	50 feet of right-of-way existing and 50 feet proposed.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	4/18/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	4/18/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be

treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

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

- N/A

ZONING HISTORY – SURROUNDING AREA

- 2002-UV2-005: 5424 McFarland Road
 - Variance of Use of the Commercial Zoning Ordinance to provide for automobile and transmission service in an existing 28 by 46-foot or 1288 square-foot commercial building (not permitted).
 - Approved
- 2002-ZON-825 / 2002-PLT-825: 5090 McFarland Road
 - Rezone 4.24 acres from D-A to D-1, to provide for residential development.
 - To provide for the subdivision of 4.24 acres into 3 lots, which would result in a density of 1.4 units per acre.
 - Approved
- 2003-DV1-044: 2551 East Epler Avenue
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a 4,000 square foot detached accessory structure resulting in 4,896 square feet of detached accessory building area or 331.93 percent of the main floor area of the primary dwelling (maximum 1,106.25 square feet or 75 percent of the main floor area of the primary dwelling permitted) and 4,896 square feet of total accessory use area or 331.93 percent of the total floor area of the primary dwelling (maximum 1474.85 square feet or 99.99 percent of the total floor area of the primary dwelling permitted).
 - Denied
- 2004-UV2-039: 2551 East Epler Avenue
 - Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a two-family dwelling (not permitted).
 - Denial
- 2004-ZON-068: 2423 – 2447 East Thompson Road
 - Rezoning of 5.70 acres, being in the D-A and SU-1 Districts, to the SU-1 classification to legally establish a playground and provide for a 2,450-square foot shelter house.
 - Approved
- 2007-DV1-001: 2616 Fairfax Road
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a sixteen-foot tall, 1,512-square foot pole barn (maximum height of 12 feet, or the height of the primary structure, permitted), with a seven-foot west side setback (minimum 35-foot side setback required), and to legally establish a 353-square foot deck and a 1,600-square foot game court, resulting in an accessory use area of 3,464 square feet or 163.2 percent of the total living area of the primary dwelling (maximum 2,121 square feet or 99.99 percent of the total living area permitted).
 - Approved

- 2007-DV1-014: 2430 East Epler Avenue
 - Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish the storage of a commercial vehicle (not permitted).
 - Denied
- 2017-ZON-046: 5409 McFarland Road
 - Rezoning of 5.3 acres from the D-A District to the SU-1 classification.
 - Approved
- 2019-ZON-070: 5495 McFarland Road
 - Rezoning of 5.33 acres from the D-3 district to the SU-1 district.
 - Approved
- 2023-UV3-017: 5418 – 5420 McFarland Road
 - Amended Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 19,966 square foot parcel (24,00 square feet required), with a street frontage and width of 43-feet wide (minimum 45-foot-wide street frontage and lot width of 90 feet required), and to provide for a dwelling with a five foot south side setback, and a 16 foot north side setback (eight-foot side yard setback and twenty-two-foot aggregate side yard setback required).
 - Approved

EXHIBITS

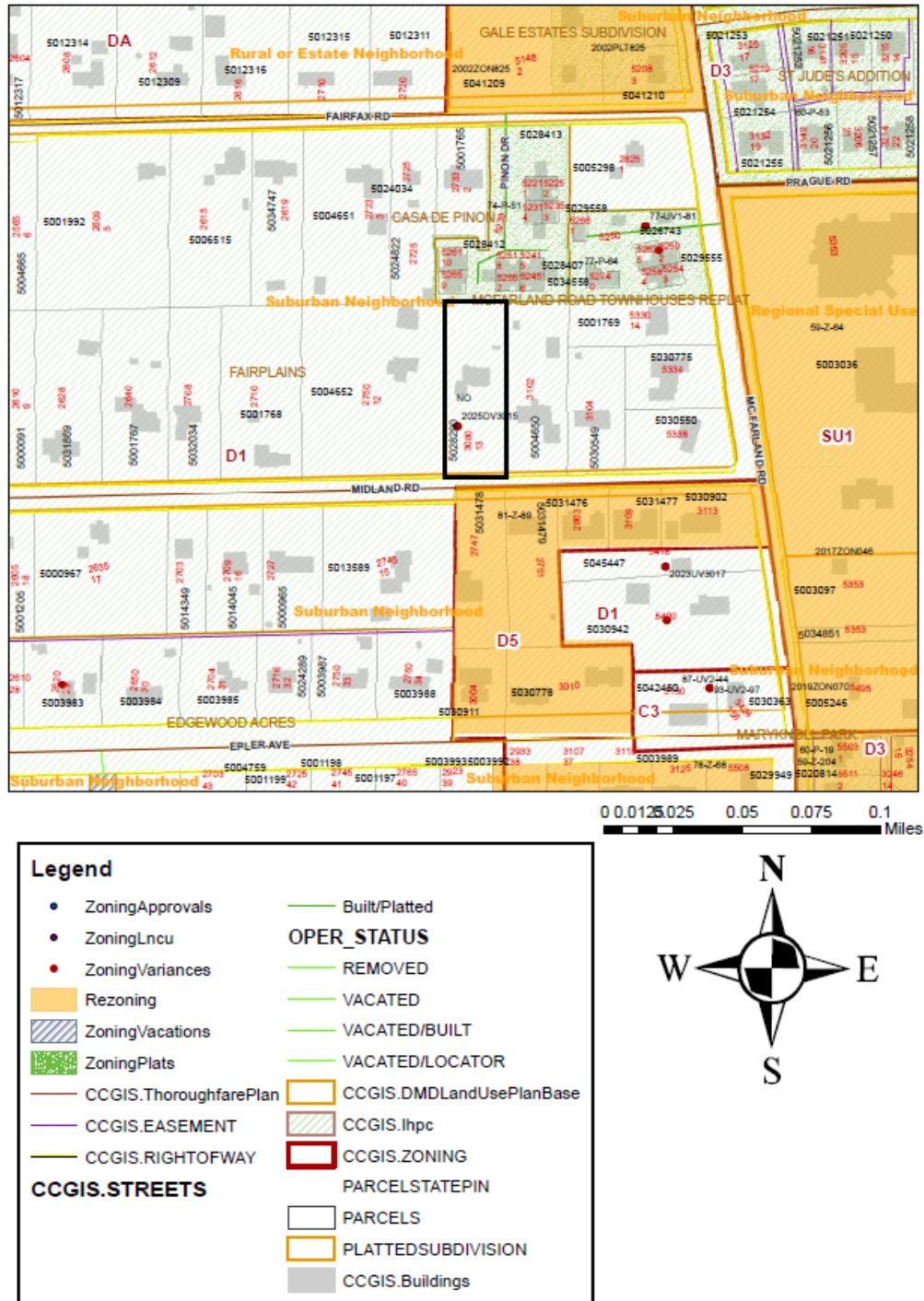


Exhibit 1: ArcGIS map of the subject site and surrounding area.

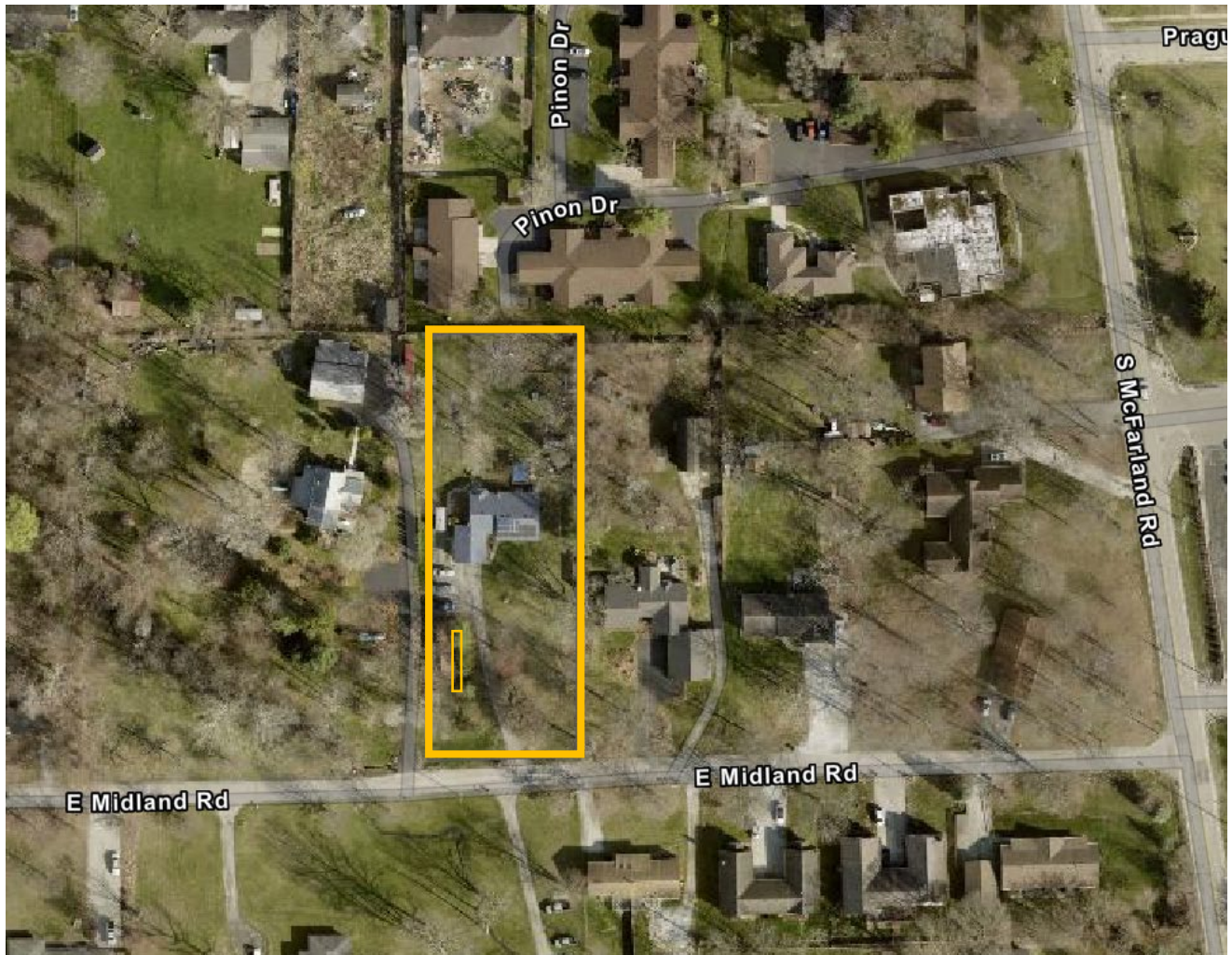


Exhibit 2: Aerial of the subject site.

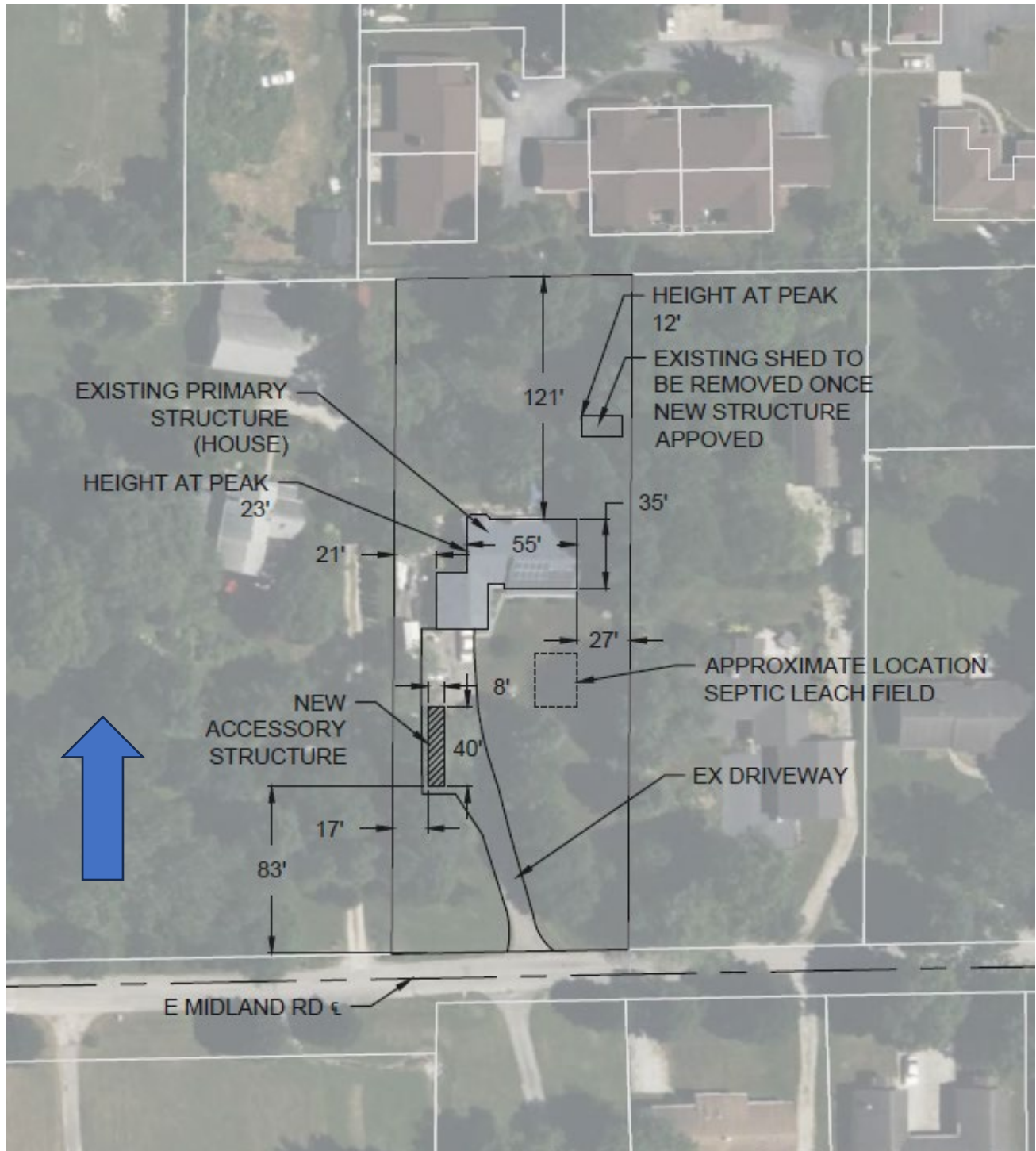


Exhibit 3: Site plan of the subject site.



Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The structure is sound and located on a stone foundation. The placement will not obstruct visibility for pedestrians or vehicles, nor will it interfere with public utilities or drainage systems. The structure will serve a private, residential purpose, consistent with the character of the surrounding community, and will not introduce activities or uses that could negatively impact the morals or general welfare of neighboring residents.

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 structure will not encroach on neighboring properties. Existing vegetation provides sufficient screening of the structure from surrounding properties.

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

The configuration of the lot with the primary structure set back approximately 160 feet from the road limits the viable options for placing the accessory structure behind the primary structure. Strict adherence to the zoning ordinance will prevent the owner from utilizing the property in a reasonable and functional manner consistent with their needs, creating an unnecessary hardship. Granting the variance allows for practical use of the front yard space.

Exhibit 4: The submitted Findings of Fact.



Exhibit 5: The primary dwelling on the subject site. Image pulled from VIO24-004055 site visit conducted by The Department of Business and Neighborhood Services.



Exhibit 6: The commercial vehicle on the subject site. Image pulled from VIO24-004055 site visit conducted by The Department of Business and Neighborhood Services.



Exhibit 7: The commercial vehicle on the subject site and property driveway. Image pulled from VIO24-004055 site visit conducted by The Department of Business and Neighborhood Services.



Exhibit 8: Looking at the commercial vehicle from Midland Road. Image pulled from VIO24-004055 site visit conducted by The Department of Business and Neighborhood Services.



May 15, 2024

Case #: VIO24-004055

ADAMS, MARK S & JANICE K
3080 E MIDLAND RD
INDIANAPOLIS, IN 46227

RE: 3080 E MIDLAND RD

Dear ADAMS, MARK S & JANICE K:

A recent inspection of the above referenced property indicated violation (s) of the Revised Code of Indianapolis and Marion County as follows:

Section 740 -1005.A.3. Civil Zoning Violation

Specific Violation: The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Tree limbs & debris, and other miscellaneous items throughout the property).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-1 district; (743-306.Y.1- The storage of portable storage units is limited to 30 days.....shipping container).

The City of Indianapolis requests your cooperation in correcting the violation(s). If the violation(s) have not been abated before June 13, 2024, this will result in further enforcement action, which could include:

- 1.) Issuance of a citation for each violation (Section 103-3) and / or
- 2.) Assessment of an administrative fee in the amount of two hundred fifteen dollars (\$215.00) for each scheduled visit to the property and the violation is not abated (Section 536-609) and / or
- 3.) Lawsuit with fines up to \$2,500 for each violation plus court costs (Section 103-3)

*** If you are the property owner and have leased / rented the property noted above, please notify the undersigned immediately with tenant information.**

To further research the Marion County code section mentioned above , please visit www.municode.com.

Exhibit 9: Notice of Violation for the subject site.