Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I — November 10, 2026

Case Number:	2026-MO1-003
Property Address:	2380 E 54th St
Location:	Washington Township, Council District #7
Petitioner:	Enter Petitioner, Enter Representative Company
Current Zoning:	C-3
Request:	Modification of a statement of commitments placed on the subject property under 2005-UV1-008 to remove a commitment prohibiting the outdoor seating area to be enclosed by a permanent roof or awning.
Current Land Use:	**Vacant Restaurant**
Staff Recommendations:	Approval with Commitments.
Staff Reviewer:	Noah S. Pappas, Manager – Current Planning

PETITION HISTORY

This is the initial public hearing for this petition.

STAFF RECOMMENDATION

Approval with Commitments.

1. **Commitment One:** An amended site plan showing the permanent awning with a compliant setback is provided to the Department of Metropolitan Development staff for Administrative Approval prior to issuance of any ILPs on the subject property.
2. **Commitment Two:** A Landscaping plan, subject to Administrative Approval, shall be provided to the Department of Metropolitan Development prior to issuance of ILPs on the subject property. Said plan shall consist of a mix of grasses, ornamental trees, and shrubs dispersed equally across the subject property frontage to provide screening for the outdoor dining area. All plantings shall be installed by June 1, 2027 These plants shall be continually maintained and replaced if any die or are removed for utility work.

PETITION OVERVIEW

The proposal is to remove a commitment placed on the property under 2005-UV1-008 that prohibited the outdoor seating area from being enclosed by a permanent roof or awning. The petitioner's proposal is not just to enclose what exists, but to expand the permanent outdoor seating area to the maximum extent permissible.

This property has been used historically as a restaurant, with aerial photographs showing the structure dating back to at least 1978.

Zoning for the subject property is C-3. The front setback standard requirement is 10 feet from the property line. The petitioner's provided site plan appears to show some variance in what is requested, ranging between showing approximately 2-4 feet. This would be deficient by 6 feet and would require an additional variance to be permitted. Staff has requested a revised site plan, but at time of publishing had not yet received one. Further, there is some conflicting information between the application submittal material and the site plans regarding to what extent the permanent awning is meant to extend. Regardless, the closest any permanent structure could get to the right-of-way is 10 feet as stated above.

This outdoor seating area is enclosed by an existing 6-foot-tall metal fence which is situated approximately 4 feet from the edge of the 54th street road pavement. As it stands, this offers minimal protection for outdoor diners from the adjacent roadway.

54th Street is classified as a Primary Collector under the Thoroughfare Plan. Collector Streets are "designed and intended to collect traffic from an area and move it to an arterial while also providing substantial service to abutting land uses." (Ordinance Definition for Collector Street, P. 74)

Outdoor seating is contemplated in the Ordinance as a permitted accessory use and is allowed as an Accessory Permitted Use in the C-3 zoning district. This allows for outdoor seating within the front setback even if no awning is present. However, this does not permit the awning to encroach into the minimum required front setback.

As stated above, in 2005 this property had a similar variance petition, 2005-UV1-008, to allow outdoor seating within the required front yard. In looking at past correspondence, it is not clear to staff why the commitment for the awning to be temporary was applied.

Past permit history for this property includes relevant ILP, STR and craft permits obtained in 2005 for the establishment of the Marco's. Since that point there have been various INV cases and VIO cases opened. Most recently, VIO25-002845, which was opened due to the petitioner having begun construction work on a 16 foot by 50 foot (800 square feet) awning addition without first getting relevant permits and removal of the commitment we have been discussing. In 2025 a Structural Permit and Improvement Location Permit were filed with the Department of Business and Neighborhood Services. ILP25-01168 was set as "Revisions Required" on May 15, 2025 and has sat at that status for the last 1.5 years. On June 18, 2026 a Legal (LGL) petition was opened on the subject property due to the lack of progress on addressing the violation. Finally, in early September 2026 this Modification petition was submitted.

Using past street view, staff was able to observe the former presence of significant landscaping along the subject frontage property. The total landscaping present lessened in time and today there is barely any present. Previously, this landscaping served the function to screen the outdoor dining area from the heavily trafficked 54th Street. There are overhead utility lines present, which may limit the capacity to which replacement landscaping can be provided. Using the petitioner's provided site plan there still appears to be adequate space for the provision of some landscaping.

Below are two definitions relevant to the proposal:

1. **Sidewalk Café:** An outdoor seating area accessory to an establishment that serves food or beverage such as a restaurant, coffee shop, café, bar or tavern in the public right-of-way, for consuming of goods purchased from the primary use of the property. See related "Outdoor Seating or Patio (nonresidential)."
2. **Outdoor Seating or Patio (nonresidential):** On-site service facilities or seating areas accessory to a restaurant or establishment serving items to be consumed on site. This definition does not include sidewalk cafes in the public right-of-way.

The proposed use on site would best fit within the Sidewalk Café use classification. As identified in the Use Table, Table 743-1, Sidewalk Café's are a contemplated accessory use in all Commercial and Mixed Use districts.

The petitioner has stated in their provided documents that they would be maintaining all other commitments implemented under the 2005 rezoning and is only seeking to remove the commitment prohibiting the installation of the permanent awning. Therefore, the core issue at hand relative to this modification request is whether a permanent awning should be allowed, and is not inherently speaking to development standards. It will still be necessary for the petitioner to meet all development standards including but not limited to setbacks, parking, landscaping. Staff is supportive of the request to terminate the commitment prohibiting the installation of a permanent outdoor awning. This support should not be construed as support for any other variances. Given that there exists more than enough space to provide for an awning AND given the fact that outdoor seating is allowed in the front setback without the awning, staff **would not** be able to support a development standard variance seeking to expand the awning into the front setback further.

The modification findings ask the question: "THE PROPOSED MODIFICATION OF COMMITMENTS IS IN FURTHERANCE OF THE ORIGINAL VARIANCE OF DEVELOPMENT STANDARDS FOR WHICH THE COMMITMENTS WERE MADE BECAUSE". Staff agrees with the petitioner's stated rational that, "the modification will allow a longer lasting, more aesthetically pleasing and easier to maintain improvement for the property and its customers without impacting the traveling public or the community at large." As stated earlier in this report, the original variance was to allow outdoor seating within the required front yard. Removal of the commitment would allow for greater usage of the outdoor seating area and easier maintenance of the subject property, furthering the original variance. For these reasons, staff is recommending **approval** of the modification request. That approval recommendation comes with two commitments described below.

Due to incongruities between the site plans and appearance that the provided site plan *would not* meet all development standards, staff is requesting two commitments.

1. **Commitment One:** An amended site plan showing the permanent awning with a compliant setback is provided to the Department of Metropolitan Development staff for Administrative Approval prior to issuance of any ILPs on the subject property.
2. **Commitment Two:** A Landscaping plan, subject to Administrative Approval, shall be provided to the Department of Metropolitan Development prior to issuance of ILPs on the subject property. Said plan shall consist of a mix of grasses, ornamental trees, and shrubs dispersed equally across the subject property frontage to provide screening for the outdoor dining area. All plantings shall

be installed by June 1, 2027 These plants shall be continually maintained and replaced if any die or are removed for utility work.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Restaurant	
Comprehensive Plan	Village Mixed Use	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	C-3, C-5	North: Supermarket
South:	C-5	South: Restaurant, Car Dealership
East:	C-5, C-7	East: Various Auto Oriented Uses, Coffee Drive-thru
West:	C-3	West: Retail and Restaurant uses
Thoroughfare Plan		
Enter Street(s)	Primary Collector	54th Street
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	Enter Date	
Site Plan (Amended)	N/A	
Elevations	Enter Date.	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	Enter Date.	
Findings of Fact (Amended)	Enter Date. N/A if not applicable	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- VILLAGE MIXED-USE The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor.

Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

Pattern Book / Land Use Plan

- The Land Use Plan recommends this site for the Village Mixed-Use Typology. The Pattern Book identifies that businesses found in this typology serve adjacent neighborhoods rather than the wider community.

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)

- Thoroughfare Plan Identifies 54th Street as a Primary Collector. The subject property is also located nearby to Keystone, which is an Arterial Street.
- There is a Painted Bike Lane along 54th Street directly adjacent to the subject property, but not on the subject property frontage.
- While sidewalks are nearby the subject property, there are none along the frontage.

ZONING HISTORY

ZONING HISTORY – SITE

86-Z-128 – Rezoning the subject property to C-3.

2005UV1008 – Allowing outdoor seating in the front of the building line.

ZONING HISTORY – VICINITY

2007DV2013 – 2222 E 54th – Variance of Development Standards to provide for a 738 square foot outdoor seating area (not permitted).

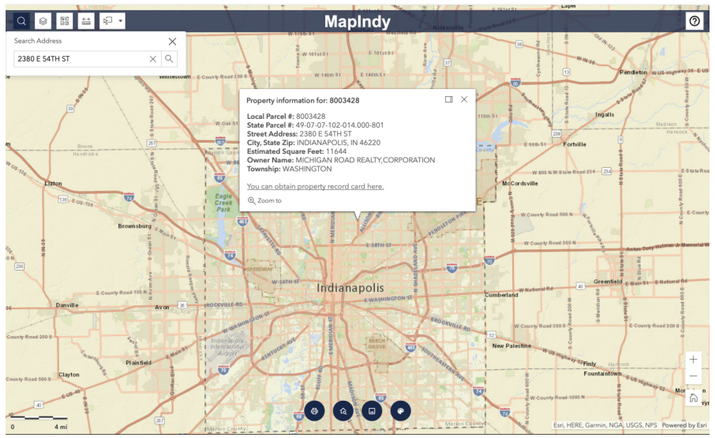
2010UV2002 – 2170 E 54th – Variance of Use to provide for a daycare or headstart use (not permitted).

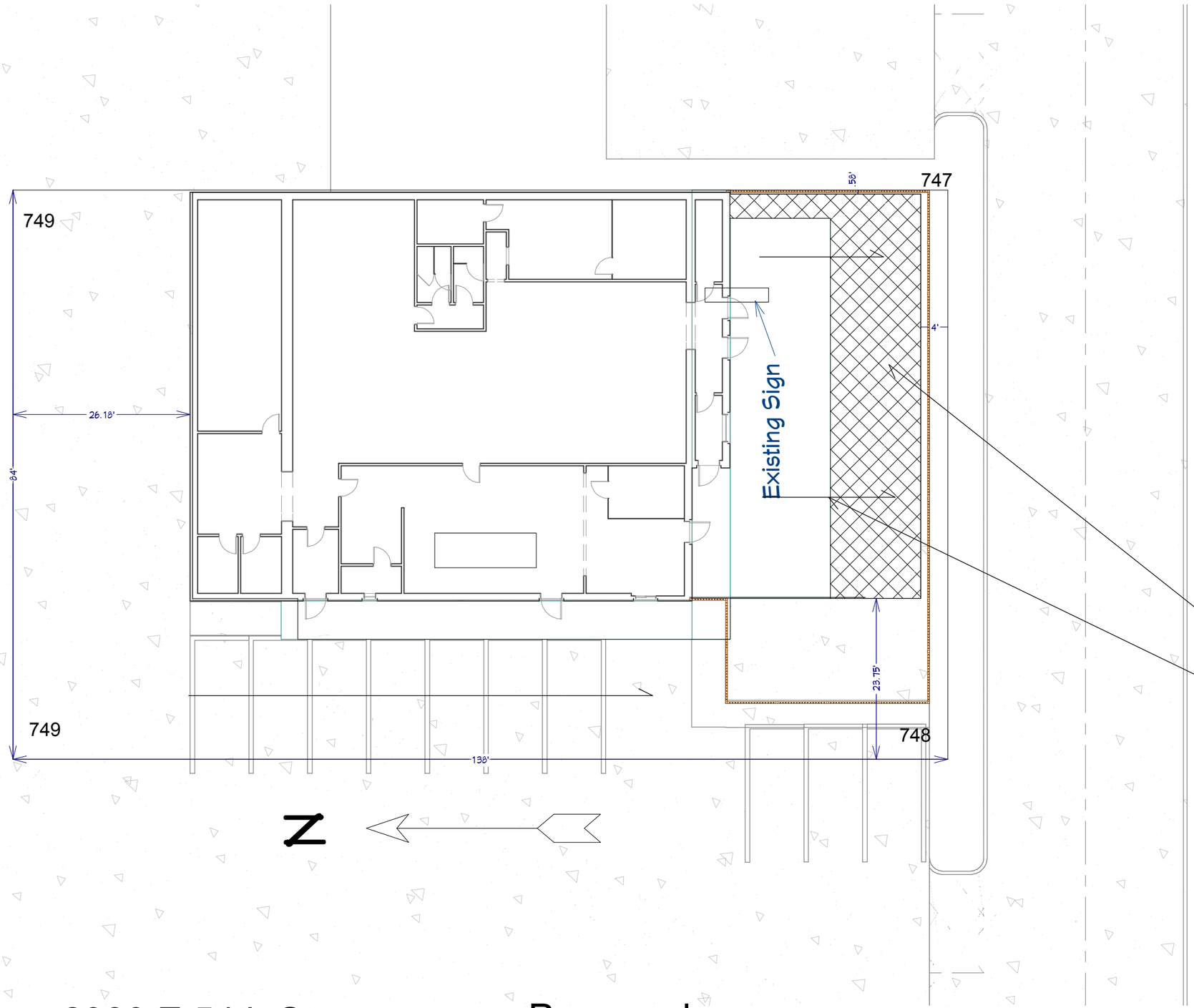
EXHIBITS

2025DV1005 ; Aerial Map

Enter any photographs or site plans

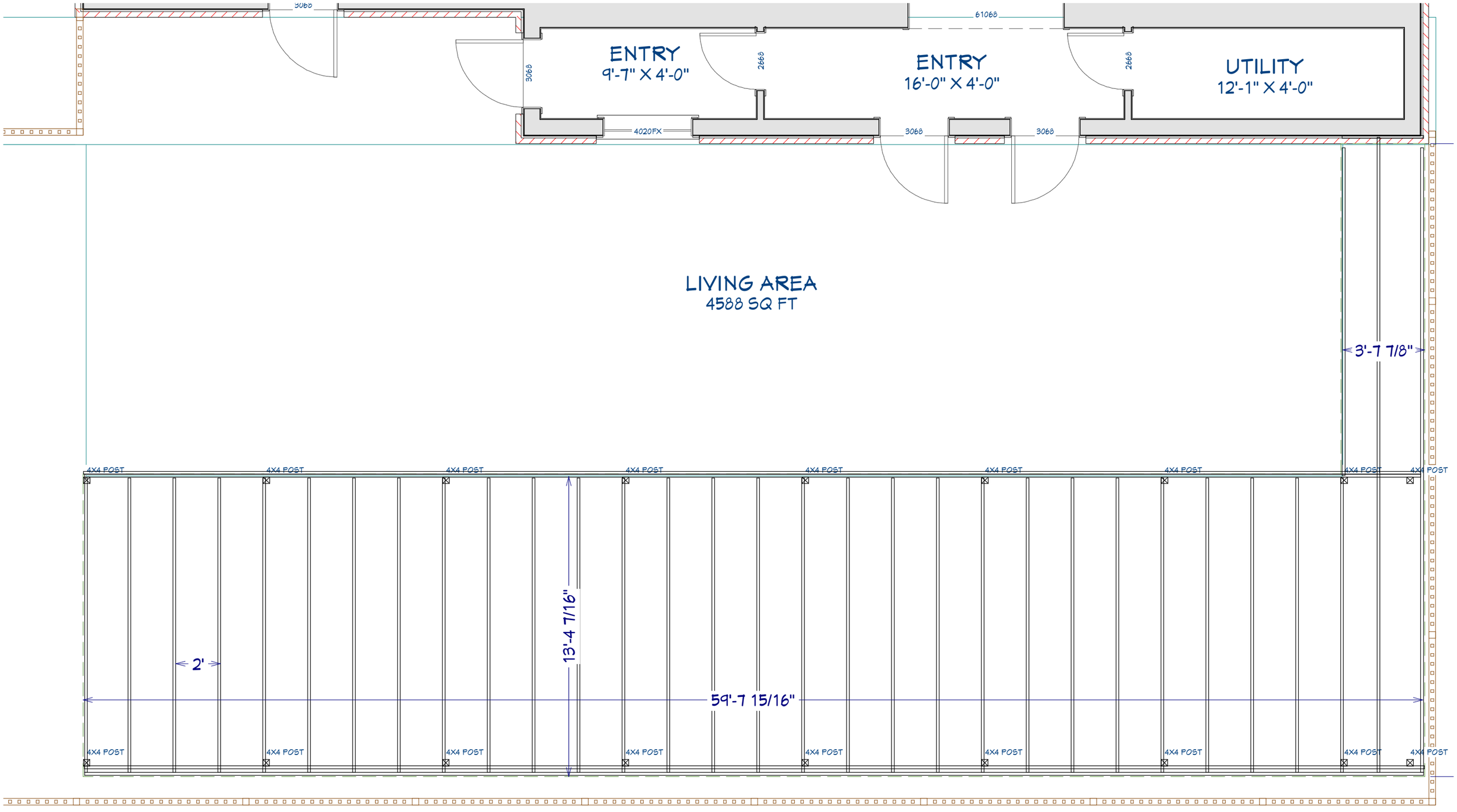
LAYOUT PAGE TABLE		
LABEL	DESCRIPTION	TITLE
PROPOSED	SITE PLAN	1/16"-1'
PROPOSED	FLOOR PLAN	1/4"-1'
ELEVATIONS	PROPOSED	1/8"-1'
PROPOSED	CROSS SECTION	1/4"-1'
PROPOSED	FLOOR PLAN	1/8"-1'



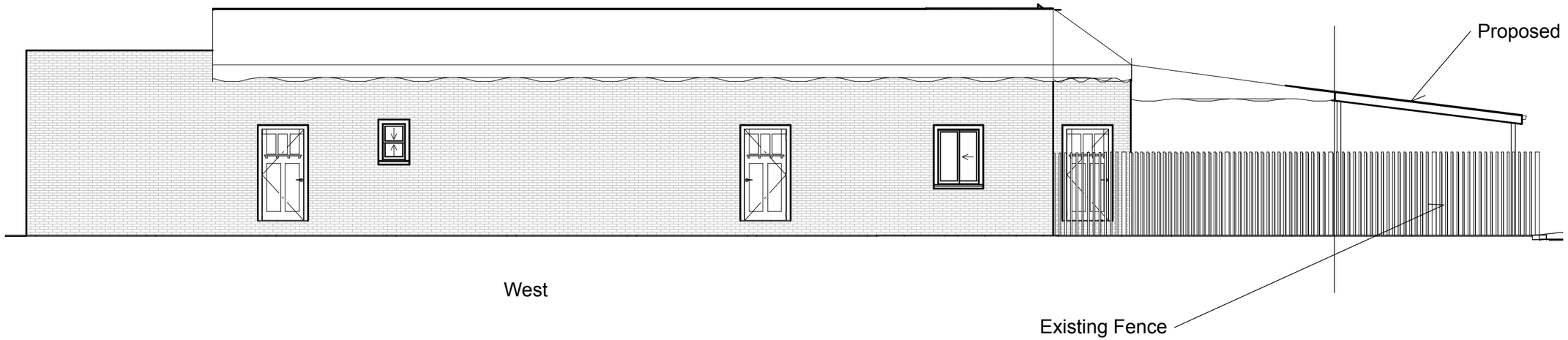


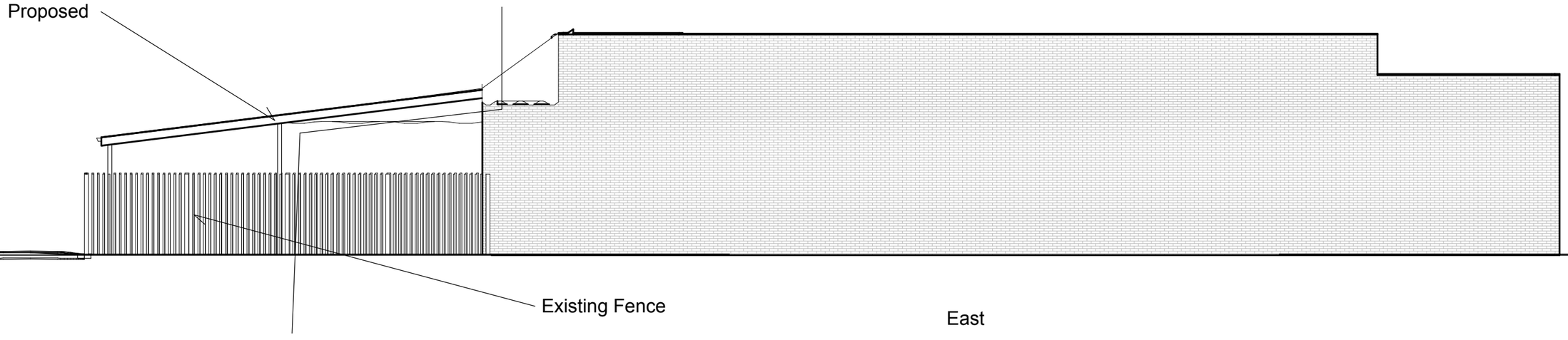
Lot	11,592 sq ft
Existing Impervious	11,592 sq ft
Proposed Impervious	11,592 sq ft
Existing Covered Space	5,977 sq ft
Proposed Covered Space	6,816 sq ft
Disturbed Area	0 sq ft
Proposed Awning	849 sq ft
Water Flow	

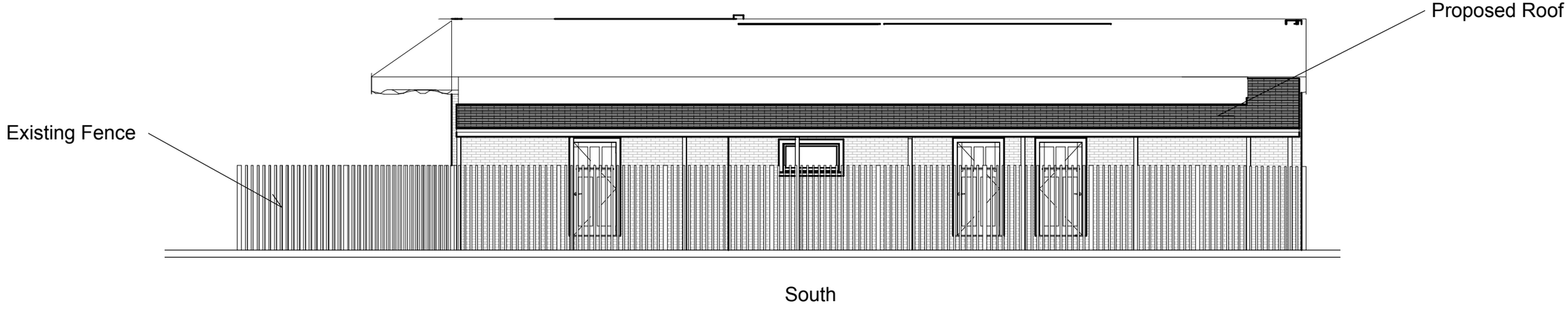
1 2380 E 54th St Proposed Site Plan Scale= 1/16"-1'



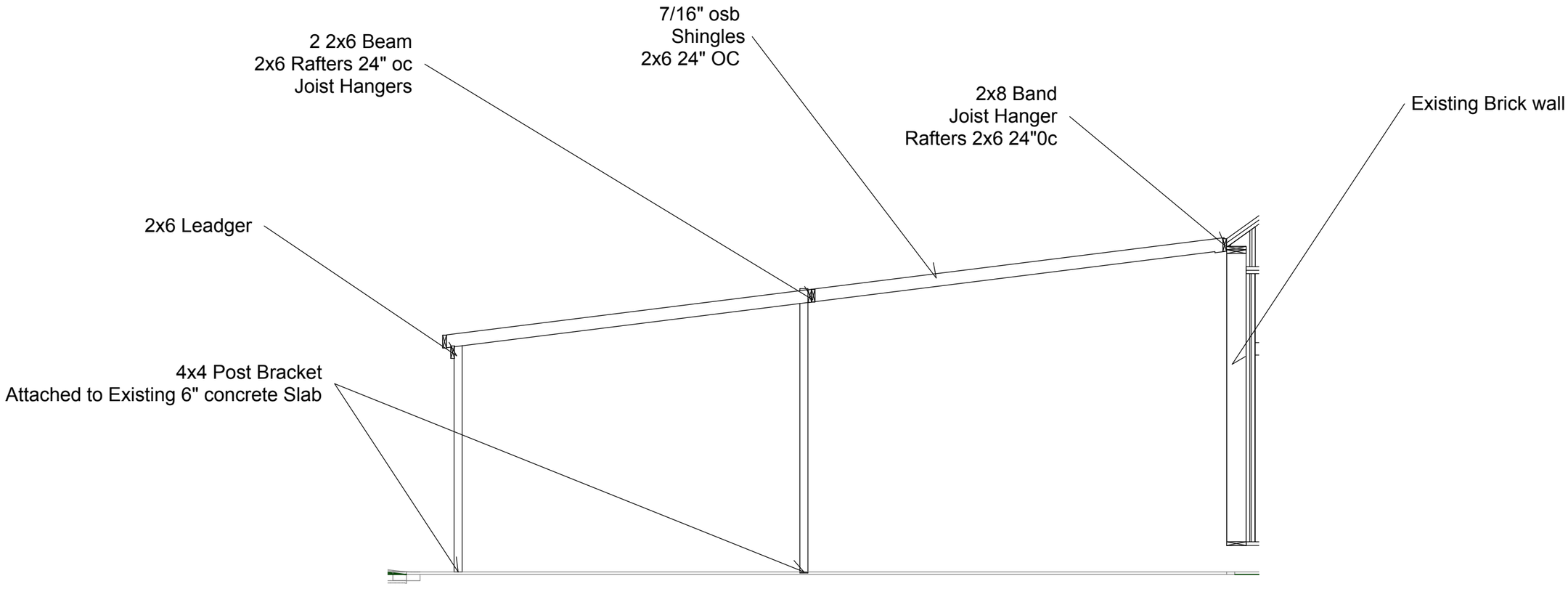
2 2380 E 54th St Proposed Floor Plan Scale= 1/4"-1'



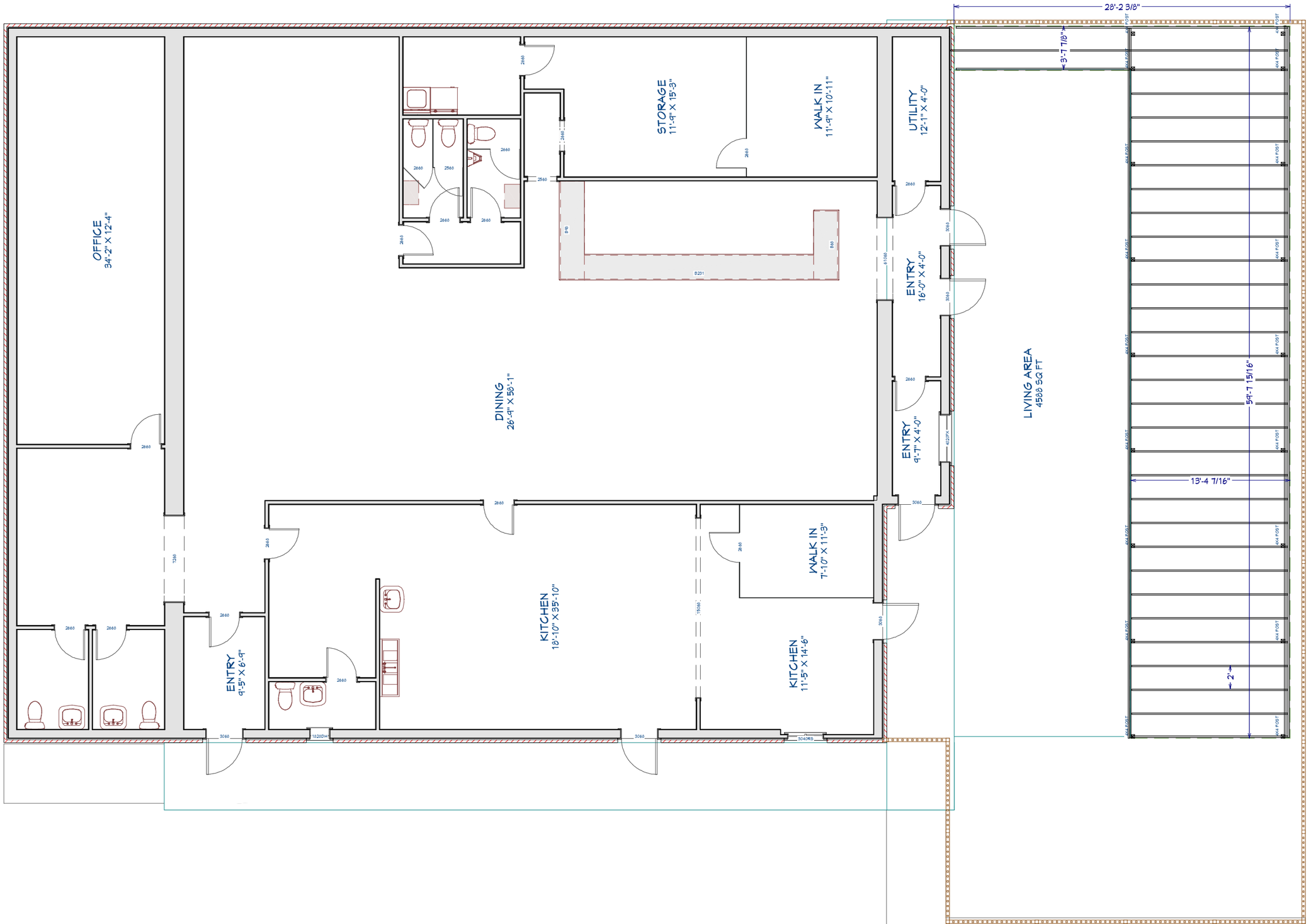




3 2380 E 54th St Elevations Proposed Scale= 1/8"-1'



4 2380 E 54th St Proposed Cross Section Scale= 1/4"-1'



5 2380 E 54th St Proposed Floor Plan Scale= 1/8"-1'

City of
Indianapolis
Bart Peterson, Mayor

May 13, 2005

Clark, Quinn, Moses, Scott & Grahn
Elizabeth Bentz Williams
One Indiana Square, Suite 2200
Indianapolis, IN 46204

Re: 2005-UV1-008 2374 AND 2380 EAST 54TH STREET, INDIANAPOLIS, WASHINGTON TOWNSHIP, MARCO'S RESTAURANT

Dear Ms. Bentz Williams:

The Metropolitan Board of Zoning Appeals, at its regular meeting on May 3, 2005, heard your petition for a variance of use and development standards of the Commercial Zoning Ordinance to provide for outdoor seating (not permitted) located within the required front yard (not permitted). The property is located at 2374 and 2380 East 54th Street, Indianapolis, Washington, Township in a C-3 (W-5) zoning district.

The Board, being fully advised in the matter, granted the variance, and its findings are of record in the office of the Board. The variance is subject to the following conditions:

1. Subject to the commitments recorded as Instrument No: 2005-0074432 in the office of the Recorder of Marion County, Indiana.

An Improvement Location Permit (ILP) shall be obtained as required by the Improvement Location Permit Ordinance, prior to operation. A copy of this letter should accompany the appropriate application and site plans when applying for said permit.

Under the Board's Rules of Procedure, a completion affidavit, showing compliance with the approved plan, must be filed with the Board within thirty days after completion.

Sincerely,

METROPOLITAN BOARD OF ZONING APPEALS

Amy Kotzbauer

Amy Kotzbauer
Secretary

AK: LW/mr

Department of Metropolitan Development
Division of Planning

1821 City County Building
200 East Washington Street
Indianapolis, Indiana 46204

(317) 327-5155
(fax) 327-7682
(TDD) 327-5186
Indygov.org

Instrument #
2005-0074432

RECEIVED

Petition # 2005-UV1-008

MAY 11 2005

May 3, 2005

RECEIVED FOR RECORD

2005 MAY 13 AM 10:06

VIGO G. SIMMONS
RECORDER

COMMITMENTS
METROPOLITAN DEVELOPMENT

NOTE: Article VI, Section 6(b) of the rules of the Metropolitan Board of Zoning Appeals and Article VI, Section 7(b) of the rules of the Hearing Officer require use of this form in recording commitments made with respect to variance or special exception cases in accordance with I.C. 36-7-4-921.

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH VARIANCE OR SPECIAL EXCEPTION GRANT.

In accordance with I.C. 36-7-4-921, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: Set out in Attachment "A" hereto.

Statement of COMMITMENTS:

1. The proposed outdoor seating area shall not be enclosed with a permanent roof or awning.

2. An amended site plan, depicting an area dedicated to a bicycle rack abutting the proposed outdoor seating area, shall be provided for Administrator's Approval prior to issuance of an Improvement Location Permit for the proposed outdoor seating area.

3. A Landscape Plan shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit for the proposed outdoor seating area.

4. Petitioner shall post a sign, outside the entrance to the restaurant, asking customers not to park north of the restaurant. After receiving written approval from the adjoining property owner to the north (Rich Richey), Petitioner shall, on a "one-time-basis", paint (stencil) the open paved area north of the access easement on the north side of the building, with cross-hatched lines and the words "No Parking".

COMMITMENTS contained in this instrument shall be effective upon the grant of variance or special exception petition #2005-UV1-008 by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and

2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the

offices of the various township assessors of Marion County, which list the current owners of record at the time the notice shall be sent. (This paragraph defines the category of persons entitled to receive personal notice of the variance or special exception under the rules in force at the time the COMMITMENT was made).

IN WITNESS WHEREOF, owners(s) has executed this instrument

This 4 day of May, 2005.

Signature Eleanor Maurer
BY: Printed Eleanor Maurer

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Eleanor Maurer, owner of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, state that any representations therein contained are true.

Witness my hand and Notarial Seal this 4th day of May, 2005.

Signature
Printed Tricia Anthony
County of Residence: Hamilton

My Commission expires:
1-18-09

TRICIA L. ANTHONY, PUBLIC NOTARY
MY COMMISSION EXPIRES: 01/18/09
COUNTY OF RESIDENCE: HAMILTON

This instrument was prepared by Robert V. Clutter, Attorney at Law.

ATTACHMENT "A"

LEGAL DESCRIPTION

Lots #4, #5, #6, #7, #8, #9 and 10 feet off the entire east end of Lot #10, all being a part of Holland's 54th Street Resub of Mallott Park (Plat Book 5, Page 2) as per Plat thereof, recorded in Plat Book 25, Page 159, in the Office of the Recorder of Marion County, Indiana.

Also a part of Mallott Park, as per Plat thereof, recorded in Plat Book 5, Page 2, in the Office of the Recorder of Marion County, Indiana, being more particularly described as follows:

50.00 feet, East Line X 150.00 feet South Line, beginning 293.00 feet west of the East Line and 167.59 feet north of the southeast corner of Outlot #4.

Both Tracts containing 1.0569 acres, more or less, and being subject to all highways, rights-of-way, easements and restrictions of record.

METROPOLITAN DEVELOPMENT COMMISSION
METROPOLITAN BOARD OF ZONING APPEALS
PLAT COMMITTEE
HEARING OFFICER
OF MARION COUNTY, INDIANA

CONSENT FORM

The undersigned, Michigan Road Realty Corporation, being the owner of the property commonly known as 2380 E 54th St., Indianapolis, IN, hereby authorizes Clark, Quinn, Moses, Scott & Grahn, LLP to file land development petitions necessary for the aforementioned address.

This consent shall *(check one)*:

☐ remain in effect until revoked by a written statement filed with the Planning Division of the Department of Metropolitan Development.

☐ remain in effect until _____.

☒ remain in effect until these land development petitions are resolved.

Phillip H. Lande

Phillip H Lande, Registered Agent for Michigan Road Realty Corp

Signature(s) of Owner (s)

STATE OF INDIANA,
COUNTY OF MARION, SS:

KARL E. SNIDER
NOTARY PUBLIC
STATE OF INDIANA
SEAL
COMMISSION NUMBER NP0722020
MY COMMISSION EXPIRES Aug. 25, 2027

Subscribed and sworn to before me this
28th *day of* August, *20* 26

Karl E. Snider

Notary Public

Karl E. Snider

Printed Name of Notary Public

My Commission expires: August 25, 2027

My County of residence: Marion

Signature(s) of Owner(s)

STATE OF INDIANA,
COUNTY OF MARION, SS:

Subscribed and sworn to before me this
_____ *day of* _____, *20* ____

Notary Public

Printed Name of Notary Public

My Commission expires: _____

My County of residence: _____

Petition Number _____

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

PETITION FOR MODIFICATION OF COMMITMENTS

FINDINGS OF FACT

THE PROPOSED MODIFICATION OF COMMITMENTS IS IN FURTHERANCE OF THE ORIGINAL VARIANCE OF DEVELOPMENT STANDARDS FOR WHICH THE COMMITMENTS WERE MADE BECAUSE:

A permanent roof structure (with no walls) and a non-permanent awning function identically in that they protect diners from sun and rain, but do not expand the footprint of the building or alter the original structural integrity of the building. The modification will allow a longer lasting, more aesthetically pleasing and easier to maintain improvement for the property and its customers without impacting the traveling public or the community at large.

Petition Number:_____

2380 E 54th St.

Legal Description:

Lots 4 and 5, being part of Holland's 54th Street Resub of Mallot Park (Plat Book 5, Page 2) as per Plat thereof, recorded in Plat Book 25, Page 159, in the Office of the Recorder of Marion County, Indiana.

COMMITMENTS MODIFYING OR TERMINATING EXISTING COMMITMENTS
CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH VARIANCE OR SPECIAL EXCEPTION GRANT.

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of commitment(s) concerning the use and development of the parcel of real estate:

Legal Description:

Lots 4 and 5, being part of Holland's 54th Street Resub of Mallot Park (Plat Book 5, Page 2) as per Plat thereof, recorded in Plat Book 25, Page 159, in the Office of the Recorder of Marion County, Indiana.

Statement of Modification or Termination of COMMITMENTS:

1. *Commitment number one that reads, "The proposed outdoor seating area shall not be enclosed with a permanent roof or awning," shall be terminated.*

2. *All other commitments made in Petition 2005UV1008 remain in full force and effect.*

These modified COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest therein. These modified COMMITMENTS may be further modified or terminated by a decision of the Metropolitan Board of Zoning Appeals made at a public hearing after proper notice has been given.

Modified COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Board of Zoning Appeals in petition #_____.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and

2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various township assessors of Marion County, which list the current owners of record at the time the notice shall be sent. (This paragraph defines the category of persons entitled to receive personal notice of the variance, special exception or approval petition under the rules of the Board in force at the time the commitment was made); and

3. _____

4. _____

5. _____

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of modification and/or termination of commitment(s) of petition #_____ by the Metropolitan Board of Zoning Appeals.

IN WITNESS WHEREOF, owner(s) has executed this instrument this _____day of _____, 20____.

Signature: _____
Printed: _____
Title / Organization Name: _____

Signature: _____
Printed: _____
Title / Organization Name: _____

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared _____ *owner(s) (title / organization name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.*

Witness my hand and Notarial Seal this _____ *day of* _____ *, 20* _____

_____
Notary Public

_____
Printed Name of Notary Public
My Commission expires: _____
My County of residence: _____

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law.

*This instrument was prepared by*_____

This Modification and/or Termination Agreement was approved by the Metropolitan Board of Zoning Appeals on the ____ day of _____, 20_____.

_____
Secretary, Metropolitan Board of Zoning Appeals, Division ___


Public
Hearing


Shadow Lounge
RESTAU
TATTOO


LOUNGE
STEAK N SHAKE


Shadow
Lounge
RESTAURA


THE
Shadow Lounge




Backyard Birds
Two Brothers Roofing