



BOARD OF ZONING APPEALS DIVISION I

April 7, 2026

Case Number: 2026-DV1-011

Property Address: 2562 North Bancroft Street (approximate address)

Location: Center Township, Council District #8

Petitioner: Edward Hansen, by John Cross

Current Zoning: I-3/D-4

Request: Variance of Development Standards of the Consolidated Subdivision and Zoning Ordinance to allow for a 1,344 square foot barn with a primary dwelling totaling 1,335 square feet (detached accessory structure larger than primary dwelling are not permitted).

Current Land Use: Residential

Staff Recommendations: Staff recommends **denial** of the variance.

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

There is no previous history for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of the variance.

PETITION OVERVIEW

This petition would legally establish a barn with greater square footage (1,344 square feet) than its primary structure (1,335 square feet). As indicated in VIO24-001564, this barn was constructed without the necessary Improvement Location Permit (ILP), a process intended to ensure developments are constructed to the proper standards.

The violation also cited the barn (a detached accessory structure) for being taller than the primary structure. Chapter 443-306-A2c indicates that “the height of any accessory building or minor residential structure shall be less than the height of the primary building.” The petitioner has indicated, and ILP records (ILP25-01135) show, that they intend to remedy this matter by increasing the height of the roof on the house. While this will solve the height violation, the issue of square footage remains. Chapter 743-306-A2b indicates that “the horizontal land area of any one accessory building or minor residential structure must be less than the horizontal land areas covered by the primary building.”



This matter has previously come before the board in 2024UV1019 when the petitioner requested a use variance (after the barn had been built without the necessary permits) to permit 1) the construction of the barn in the floodway fringe and 2) to allow for it to be taller and larger than the primary structure. The Board denied both variances. In staff’s analysis, no site-specific practical difficulties have emerged since the previous denial and any difficulties are self-imposed. Construction in the floodway is a serious matter and requires approval; the 2024 denial of the variance established the insufficiency of the plan to construct at that time and this is a clear violation of the Board’s order. As such, staff recommends denial of this petition.

GENERAL INFORMATION

Existing Zoning	I-3/D-4	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	I-3 North: Industrial
	South:	D-4 South: Residential/Undeveloped
	East:	D-4 East: Residential
	West:	I-4 West: Industrial
Thoroughfare Plan		
Bancroft Street	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	Yes; Floodway (FW), Floodway Fringe (100), & Floodway Fringe (500)	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	1/28/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	1/28/2026	
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 “Suburban Neighborhood” living typology. This 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 [sic] 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

58-Z-116; Requesting Rezoning of 7.234 acres from an R-4 district to an I-3 district; **approved**.

2024-UV1-019; Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a non-permitted minor residential structure within the floodway fringe, being larger and taller than the primary building, **denied**.

ZONING HISTORY – VICINITY

68-Z-103; **4715 Massachusetts Avenue**, Requesting Rezoning of 19.3 acres from I4U to SU18, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

83-Z-48; 2619 Emerson Avenue, Requesting Rezoning of 0.75 acres from D4 to C3, **approved**.

90-Z-212; 2828 N Emerson Avenue, Requesting Rezoning of 5.9 acres from D4/I3U to I3U, **approved**.

2001ZON021; 2556 N Emerson Avenue, Requesting Rezoning of 1.110 acres from D4 to C3, **approved**.

86-UV1-57; 2554 N Emerson Avenue, Variance of Use of the Dwelling Districts Zoning Ordinance and a variance of the development standards of the Sign Regulations to provide for the addition of a pricing panel to an existing pole sign, **approved**.

88-V3-55; 6717 Massachusetts Avenue, Variance of Development Standards of the Industrial Zoning Ordinance to provide for no street frontage, for a four-foot side yard, and for additional outside storage, **approved**.

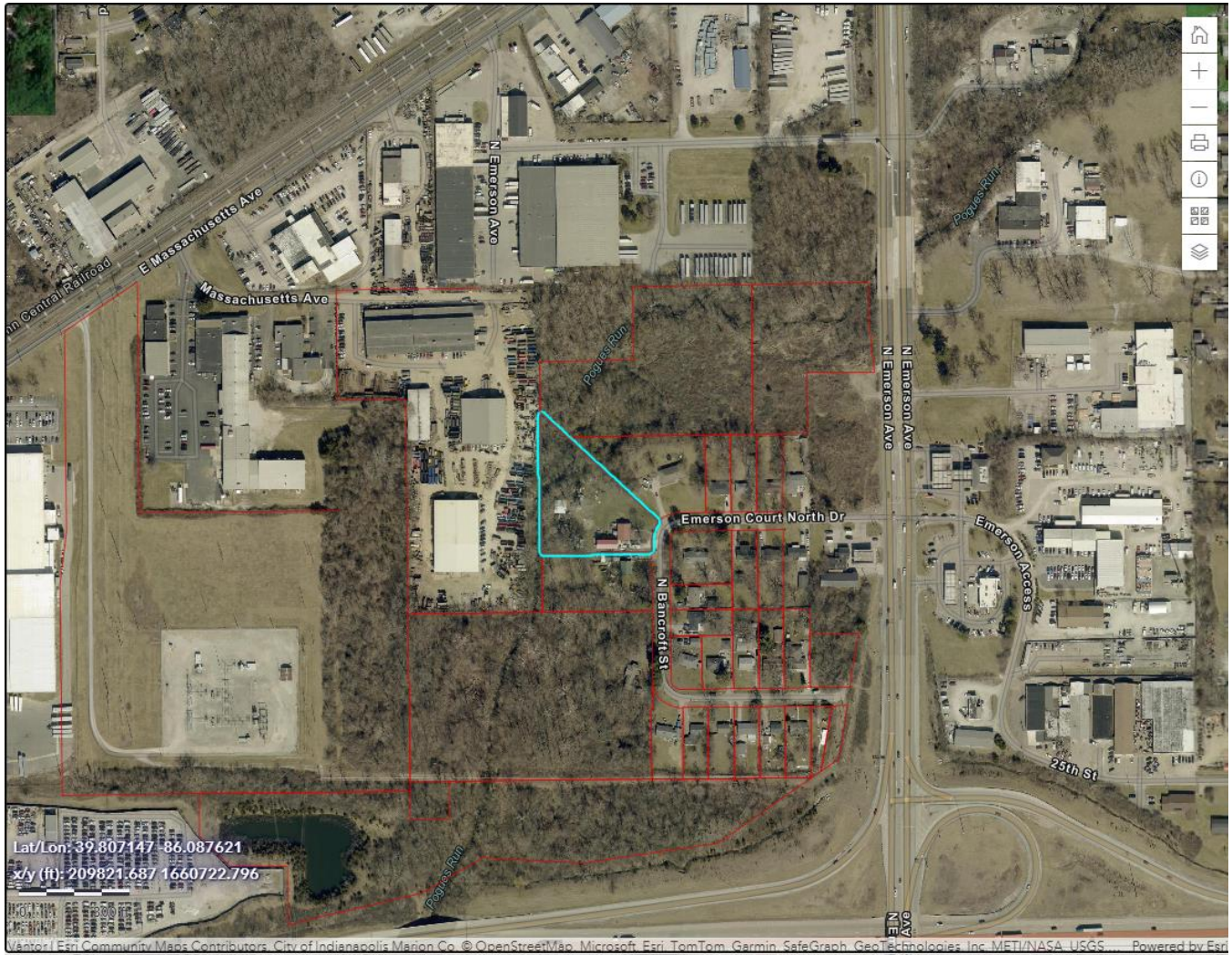
90-HOV-35; 2554 N Emerson Avenue, Variance of Development Standards of the Commercial Zoning Ordinance to permit the placement of gasoline pricing panels on an existing pole sign, **approved**.

94-HOV-72; 2554 N Emerson Avenue, Variance of Development Standards of the Sign Regulations to provide for the placement of a 179.42 square foot illuminated pole sign and to be placed 15 feet from Emerson Avenue and Emerson Court North Drive, for an existing gasoline station and convenience store, **approved**.

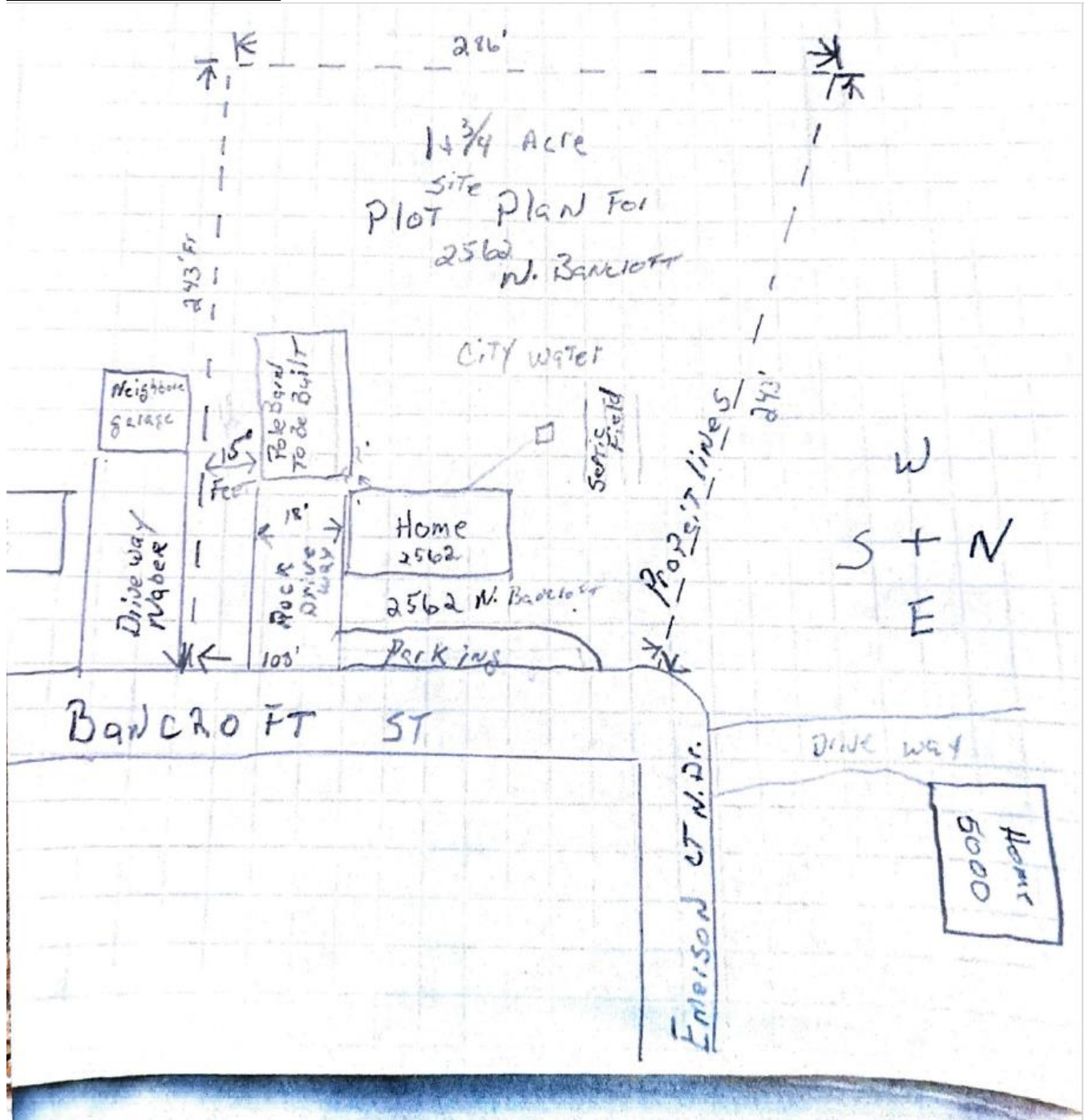
95-HOV-8; 2554 N Emerson Avenue, Variance of Development Standards of the Sign Regulations Zoning Ordinance to provide for the placement of an illuminated canopy sign located 13 feet from Emerson Avenue and a 41 square foot wall sign and reader board, for an existing gasoline station and convenience store, **approved**.

2012UV3002; 2554 N Emerson Avenue, Variance of Use and Development Standards of the Commercial Zoning Ordinance and the Sign Regulations to legally establish a retail tire shop and various other sign and development standards, **approved**.

EXHIBITS
2026DV1011; Aerial Map (Present)



2026DV1011; Site Plan





2026DV1011; Findings of Fact

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

the barn has existed without negative impact to flooding issues on the property or surrounding areas. The property is large and the primary structure and barn square footage are small compared to the lot size. A larger primary structure could be constructed that would support the size of the existing barn. The barn meets all other standards for being in a floodplain. Newly installed retention ponds southwest of the property and just north of I-70 have alleviated flooding issues on the property.

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 property's structures and sizes are comparable to the abutting southern property. The lot is larger than surrounding lots to the east and the structures are not much larger in comparison to surrounding properties. The barn does not impede the use or value of any 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 barn is slightly within the floodplain and less so than structures on the southern property. The barn connects to the existing drive which is on the south of the primary structure making it the ideal location for the barn compared to areas outside the floodplain. The newly installed retention pond north of I-70, southwest of the property, has lessened the

2026DV1011; Photographs



Photo 1: Subject property primary dwelling

2026DV1011; Photographs (cont'd)



Photo 2: Subject property barn (taller than primary dwelling)

2026DV1011; Photographs (cont'd)



Photo 3: Highlighting that barn is detached accessory structure from primary dwelling

2026DV1011; Photographs (cont'd)



Photo 4: Highlighting the footprint of the barn

2026DV1011; Photographs (cont'd)



Photo 5: Surrounding homes for context