

**BOARD OF ZONING APPEALS DIVISION II**

**February 10, 2026**

**Case Number:** 2025-DV2-045

**Property Address:** 8083 Georgetown Road

**Location:** Pike Township, Council District #1

**Petitioner:** Raul Flores, by Donald W. Fisher

**Current Zoning:** D-2

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 4,000 square-foot accessory building and 2,591 square-foot accessory building, both being larger than the primary building (not permitted) and the 4,000 square-foot building being located within the front yard of the property (not permitted).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends **denial** of this petition.

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

**1/13/26:** The petitioner continued the petition an additional month to allow additional time to discuss the filing and answer questions posed by neighborhood groups.

**12/9/25:** A timely automatic continuance request was filed by a registered neighborhood organization, automatically continuing this petition to the January 13, 2025 hearing date.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- 8083 Georgetown Road is a residential lot with a size of around 5.28 acres that lacks direct frontage onto any public streets. The site is improved with a single-family residence and several accessory structures. Nearby roads include Georgetown Road to the west (which provides site access via a gravel drive from 8101 Georgetown Road) and Clayburn Drive to the south. Surrounding property is developed residentially within D-2 and D-3 zoning districts.
- The violation case VIO24-006966 was opened in August of 2024 per an anonymous compliant filed with the Mayor's Action Center. The violation relates to the partial construction of a 70'x40' pole barn without a structural permit in place. Although no new construction has occurred due to the stop-work order, the partially-completed framing of the structure is still standing (see Exhibits).

- Approval of this variance petition would allow for completion of that structure as well as for construction of a second accessory structure further to the west of the subject property. The accessory structures would be 2591 and 4000 square feet, both of which would be larger than the existing primary residence (1860 square feet). The variance would be to allow for two accessory structures with a larger area than the primary residence, as well as for the placement of the westernmost accessory structure within the site's front yard nearest Georgetown Road. The applicant has also indicated that both accessory structures will be shorter than the primary home.
- Per documentation submitted by the applicant, the use of both structures would be in service of an accessory residential 'hobby farm' at the subject site. Previous correspondence from the applicant has indicated that the hobby farm would include chickens, fruit trees, bees, a hydroponics system within the partially constructed building to the east. Per the applicant, the western building would contain parking and workspace for equipment, vehicles, tractors as well as a work room for keeping of records and documents. Their indication is that the level of production and number of animals at the site would not exceed limitations for personal livestock or gardens and would not be classified as a commercial farm with sales component (not permitted in D-2 zoning; excess crops would be given away to family or friends).
- Approval of this petition would not allow for the operation of a commercial contractor or framing business from the subject site. Staff's visit to the site noted the presence of a vehicle advertising a framing company as well as several dumpsters, a truck with trailer, and a cherry-picker; commercial activity was also mentioned by remonstrators who contacted staff about this petition. No zoning violation is open at this property citing the property for a commercial contractor use, and the applicant is not requesting permission to allow for that use at this property per this petition.
- This property is zoned D-2 to allow for suburban development with ample, yards, trees, and passive open spaces. The zoning does not allow for primary agricultural uses but would allow for accessory personal gardens or livestock. Similarly, the Comprehensive Plan recommends it to the Suburban Neighborhood typology to allow for predominantly single-family housing with working farms not being a contemplated land use. Infill Housing Guidelines indicate that accessory structures should be located behind primary buildings and should not overshadow the main residence in terms of scale, size, height, or mass.
- Findings of Fact provided by the applicant do not identify a site-specific practical difficulty justifying approval of this petition. The petitioner claims that denial would result in the construction of several smaller buildings (which would be allowed by Ordinance assuming other use and dimensional standards had been met) but do not acknowledge that the desire for a large-scale hobby farm requiring several buildings larger than the home is a self-imposed difficulty not required by the site. Staff also notes the risk of these structures being utilized either for commercial agricultural or commercial contractor uses in the future beyond the scope declared by the petition request, and that access to and from the site for any vehicles related to farming or framing would require utilization of a gravel driveway from property to the west which would result in negative externality. Given the lack of congruence with Ordinance and Plan recommendations and the lack of difficulty, staff recommends denial of this petition.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-2	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
North:	D-2	North: Residential
South:	D-2 / D-3	South: Residential
East:	D-3	East: Residential
West:	D-2	West: Residential
<b>Thoroughfare Plan</b>		
Georgetown Road (doesn't directly border)	Primary Arterial	40 to 86-foot existing right-of-way and 119-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	11/07/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	11/07/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Comprehensive Plan Pattern Book recommends this site to the Suburban Neighborhood typology to allow for predominantly single-family housing but is interspersed with other housing typologies where appropriate as well as a variety of neighborhood-serving businesses.
- Working farms are not a contemplated land use within this typology. Community farms and gardens (defined as an area of land less than 2-3 acres in size managed and maintained by a group of individuals to cultivate fruits, flowers, vegetables or ornamental plants) are recommended with the stipulations that they should be limited to 3 acres in size and that they may include the sales of products grown on-site.

**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**

- Accessory structures should be located behind primary building unless there is a precedent otherwise. The scale, height, size, and mass should relate to the primary building and should not overshadow it.

**Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

**74-Z-198**, rezoning of various tracts of land, being A-2 and C-4 districts, to D-1, D-2, D-3 and D-4 classifications to permit single and two-family residences, as designated by maps on file, **approved**.

### ZONING HISTORY – VICINITY

**2017DV1056 ; 8141 Georgetown Road (northwest of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a six-foot tall privacy fence in the front yard of Georgetown Road (maximum 3.5-foot tall fence permitted), **approved**.

**2002DV3020 ; 4606 81<sup>st</sup> Place (north of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 7.5-foot tall fence located along the rear and side lot lines (maximum six-foot tall fence permitted), **approved**.

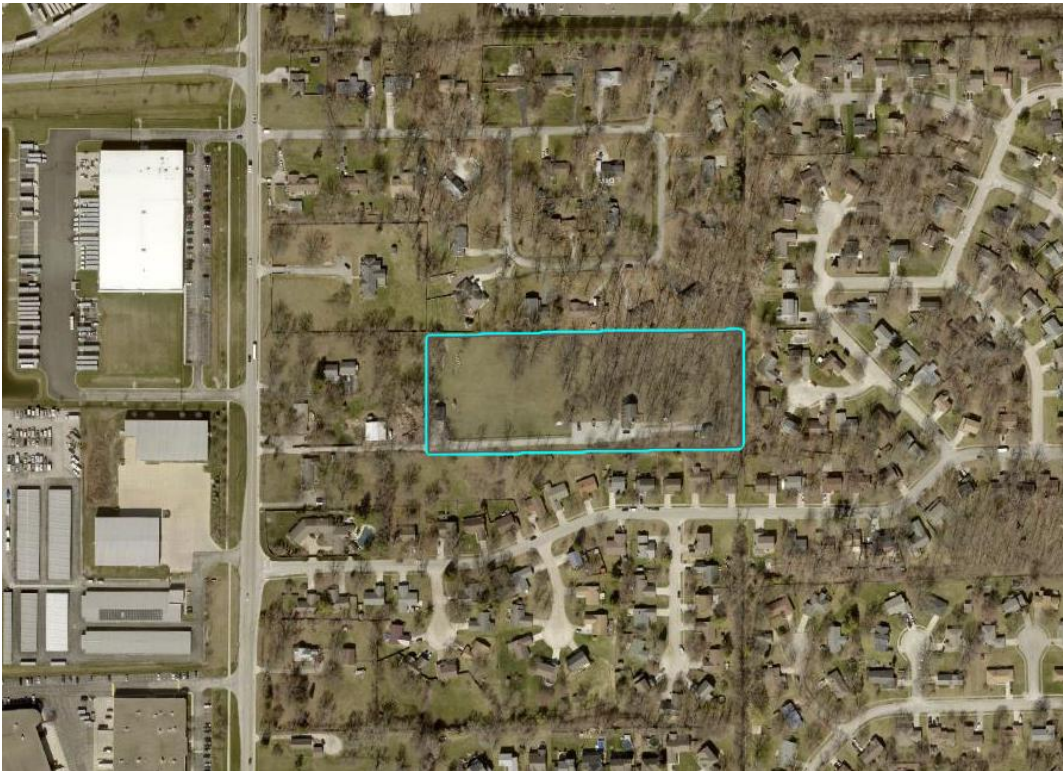
**2002DV2008 ; 8027 Georgetown Road (southwest of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 6-foot tall fence located zero feet from the proposed right-of-way of Georgetown Road (maximum fence height of 42 inches, or 3.5 feet permitted within the required front yard), **denied**.

**82-Z-31 ; 8043 Georgetown Road (south and east of site)**, rezoning of approximately 57 acres from the D-2 zoning classification to a D-3 zoning to permit the feasible development of the real estate for detached single family homes, **approved**.



**EXHIBITS**

**2025DV2045 ; Aerial Map (early 2024)**



**2025DV2045 ; Aerial Map (zoomed closer; late 2024)**





**2025DV2045 ; Site Plan**



**2025DV2045 ; Findings of Fact**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:  
GRANTING THE PETITION WILL ALLOW STORAGE AND WORK OPERATIONS TO BE MOVED INSIDE THE PROPOSED BUILDING AS WELL AS ANIMAL HOUSING. THE BUILDINGS WILL PROVIDE A BETTER ENVIRONMENT FOR THE NEARBY PUBLIC.
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 PROPOSED ACCESSORY BUILDINGS WILL PROVIDE THE OPPORTUNITY TO STORE EQUIPMENT AND SUPPLIES, HOUSE ANIMALS AND PERFORM WORK INSIDE BUILDINGS RATHER THAN OUTDOORS PROVIDING VISUAL AND SOUND BARRIERS FOR NEIGHBORS.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:  
THE FIVE ACRE SINGLE FAMILY PROPERTY IS BETTER SUITED TO BE A SINGLE FAMILY HOBBY FARM RATHER THAN SUBDIVIDED DUE TO LACK OF ACCESS AND UTILITIES. THE STRICT APPLICATION OF THE ZONING ORDINANCE WOULD LEAD TO EITHER CONSTRUCTION OF MANY MORE SMALLER BUILDINGS OR REQUIRE THE FUNCTIONS TO BE PERFORMED OUTDOORS.



**2025DV2045 ; Photographs**



Photo 1: Primary Residence Viewed from Southwest



Photo 2: Gravel Parking Area Near Primary Residence Viewed from South



**2025DV2045 ; Photographs (continued)**



Photo 3: Open Area of Site Viewed from Southeast



Photo 4: Open Area of Site Viewed from Southwest



**2025DV2045 ; Photographs (continued)**



Photo 5: Proposed Area of Western Accessory Structure Viewed from South



Photo 6: Proposed Area of Western Accessory Structure Viewed from North



**2025DV2045 ; Photographs (continued)**



Photo 7: Partial Accessory Structure with Stop Work Order Viewed from Southwest

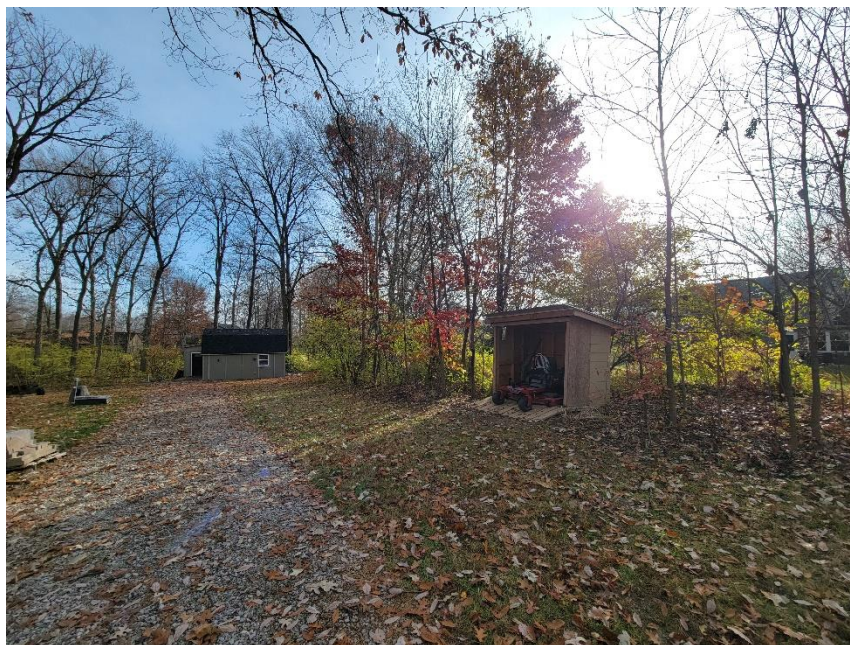


Photo 8: Smaller Accessory Structures to Southeast of Residence Viewed from West



**2025DV2045 ; Photographs (continued)**



Photo 9: Accessory Structure Behind Residence Viewed from East



Photo 10: Accessory Structure Behind Residence Viewed from Southwest



**2025DV2045 ; Photographs (continued)**



Photo 11: Adjacent Property to Northwest + On-Site Dumpsters



Photo 12: Adjacent Property to Northeast + Partially Built Structure



**2025DV2045 ; Photographs (continued)**



Photo 13: Adjacent Residences to South



Photo 14: Existing Accessory Structure + Adjacent Property to West



**2025DV2045 ; Photographs (continued)**



Photo 15: Access Drive at 8101 Georgetown Viewed from West



Photo 16: Subject Site Viewed from Deerview Court to East