

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

August 13, 2026

Case Number: 2026-CZN-831 / 2026-CVR-831

Property Address: 1144 South Belmont Avenue

Location: Center Township, Council District #18

Petitioner: Alex Kercheval, by Ryan M. Spahr

Current Zoning: D-5

Rezoning of 0.25-acre from the D-5 district to the C-3 district to provide for commercial uses.

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a recording studio (not permitted), without required transitional side and rear yard setbacks (minimum 10-foot side and rear transitional yards setbacks).

Current Land Use: Commercial uses

Staff Recommendations: Approval of the rezoning and variance requests.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the June 25, 2026 hearing, to the August 13, 2026 hearing, at the request of the petitioner's representative and staff.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" form at least three days prior to the MDC hearing:

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. The shipping container shall be placed on a permanent foundation within one year from the date of final approval of the rezoning request.
3. The following uses will be prohibited: check cashing or validation service; firearm sales; fireworks sales; liquor store; logistics R&D; pawn shop; heavy retail; substations and utility distribution nodes; automobile and light vehicle wash; automobile fueling station; auto, motorcycle, and light vehicle services or repair; parking lot; parking garage; transit center; and recycling station.

PETITION OVERVIEW

This 0.25-acre site, zoned D-5, is developed with a governmental building and associated parking. It is surrounded by residential uses to the north, zoned D-5; commercial uses to the south, zoned C-4; religious uses to the east, across South Belmont Avenue, zoned D-5; and a parking lot and residential uses to the west, zoned D-5.

Petition 46-V-113 provided for a variance to allow for construction of a building to be used as the West Indianapolis Branch of the United States Post Office.

REZONING

The request would rezone the site from the D-5 district to the C-3 (Neighborhood Commercial) district to provide for commercial uses. The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of use include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers insignificant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.”

Recommended land uses in this typology include detached / attached / small-scale multi-family / large-scale multi-family housing; assisted living facilities / nursing homes; group homes; bed and breakfast; small-scale offices, retailing and personal or professional services; small- and large-scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; and small-scale parks; artisan manufacturing and food production; structured parking; and community farms / gardens.

As proposed, this request would be consistent with the Comprehensive Plan recommendation of village mixed-use.

Site Plan – May 12, 2026

The site plan, file-dated May 12, 2026, depicts the 2,914-square-foot historic building with a parking lot to the north and a 40-foot by 8-foot shipping container to the rear (west).

Access to the site is derived from South Belmont Avenue, with a privacy fence that secures the parking lot.

Plan of Operation – May 12, 2026

The Plan of Operation describes the operation of the business as appointment-only from Monday through Saturday between the hours of 10:00 a.m. and 6:00 p.m.

Employees consist of one full-time engineer and a part-time business manager, with three on-call engineers.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

VARIANCE OF USE / DEVELOPMENT STANDARDS

This request would allow for conversion of the building to a commercial use, which staff supports because reuse of a historic building for neighborhood commercial uses would maintain the neighborhood character, with minimal impact on surrounding land uses.

This request would legally establish the transitional yard setbacks to the north and west. Because of the historical development of this site, staff believes a practical difficulty exists due to the current Ordinance provisions requiring 10-foot transitional setbacks.

Staff also believes that relief from the Ordinance should be granted because of the changing needs that occur and the closing of the postal operation.

Planning Analysis

As proposed, staff supports the rezoning because it would be consistent with the Comprehensive Plan recommendation of village mixed-use typology that maintains the surrounding character of the neighborhood by converting the use within the existing building.

Initially staff was concerned with the shipping container on the site, but the petitioner has agreed to place this container on a permanent foundation that would continue to be used for storage. Staff believes it would be reasonable to support additional storage space for commercial uses, given the change in use.

Furthermore, the petitioner's agreement to limit some C-3 uses would minimize the impact on the surrounding neighborhood. See Exhibit A.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Recording Studio	
Comprehensive Plan	Village mixed-use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-5	Single-family dwelling
	South: C-4	Commercial uses
	East: D-5	Religious uses
	West: D-5	Parking lot / single-family dwelling
Thoroughfare Plan		
South Belmont Avenue	Secondary Arterial	Existing 47-foot right-of-way and proposed 56-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	

Wellfield Protection Area	No
Site Plan	May 12, 2026
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	May 12, 2026
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends 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 contribute 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 Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types – Village Mixed-Use Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.

- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Small-scale offices, retailing and personal or professional services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet).

- Mixed-use structures are preferred.
- Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
- Should not include outdoor display of merchandise.

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)

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

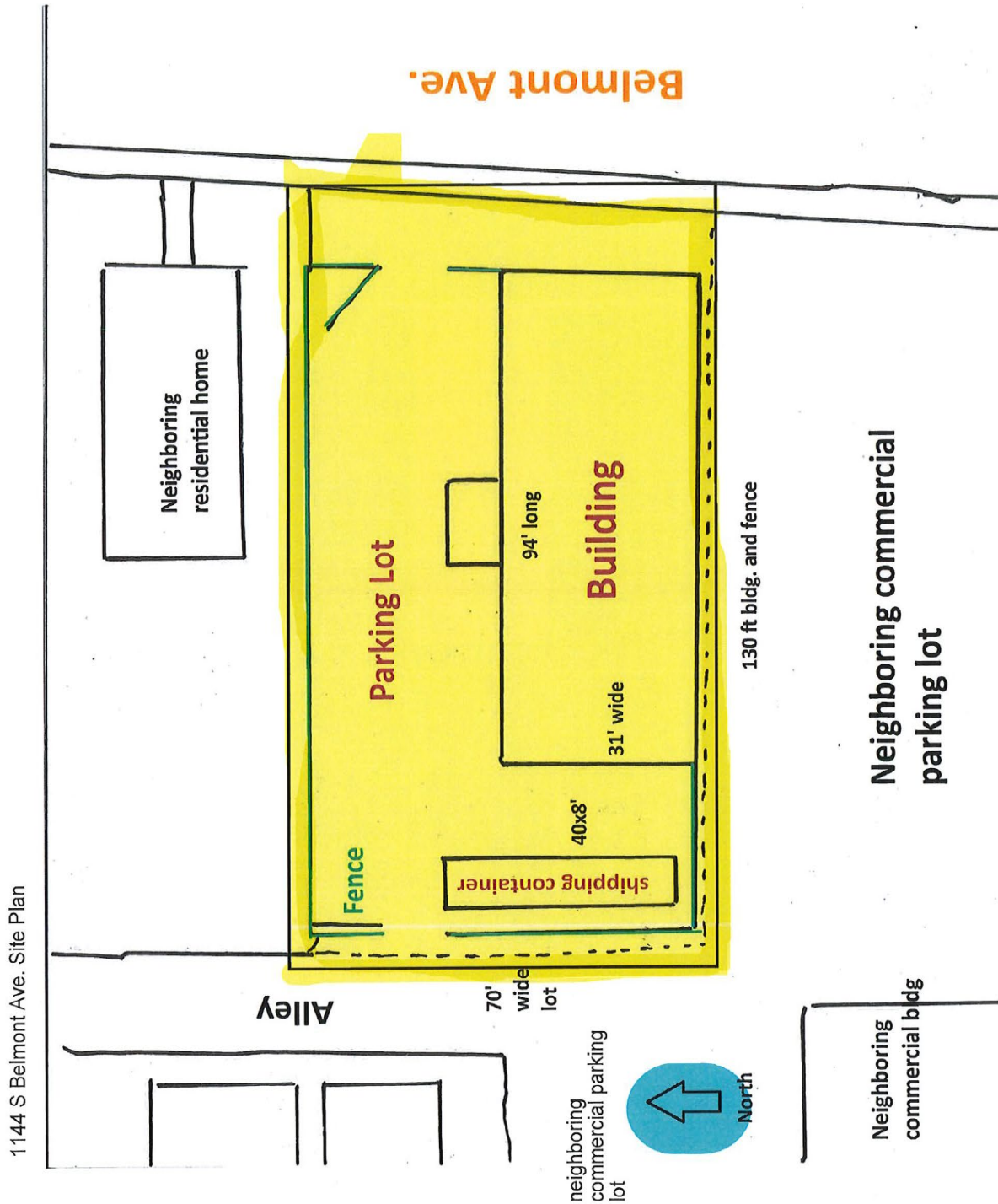


ZONING HISTORY

46-V-113;1130-40 and 1142-44 South Belmont Avenue, requested a variance to allow for the construction of a building to be used as the West Indianapolis Branch of the United States Post Office, **granted**.

EXHIBITS





Plan of Operations – 1144 S. Belmont Ave., Indianapolis, IN 46221

Subject: Proposed Rezoning and Variance for use of a former post-office building as a recording studio. For the purposes of clarity: nothing is proposed to change about operations from the way the business has operated for over a decade. These petitions are being filed to bring the zoning classification into-line with the current and history use.

Proposed Facilities: The building is used as an appointment-only recording studio for musicians of all kinds of music, as well as podcasting and the like. The studio records artists ranging from national musicians to local individuals wanting to record their first song.

Employees

- **Engineers:** One full time engineer on site daily and 3 part time engineers who work as needed .
 - **Support staff:** One part-time business manager who works on site as needed, as well as working from home.
-

Building Use

The main building serves as an appointment-only recording studio. There are two sound-baffled recording spaces (where the musicians actually play the music), a control room where (an) engineer(s) manage the recording on vintage tape equipment, bathroom, and kitchenette spaces for staff and clients. This is a low-capacity process, as only one musician/band can record at one time in a studio. Additionally, a shipping container, which is proposed to be set on a permanent foundation, is used for equipment storage and a small workshop for the repair and restoration of the vintage sound equipment, using primarily small hand tools. The property also contains a small parking lot, and a painted metal privacy fence which encloses the parking lot and shipping container, due to crime, theft, and vandalism in the area.

Typical Operating Hours

Appointment only, but generally available to be booked between 10AM-6PM, Monday through Saturday.

Security Provisions

Because the business is appointment-only, total control is maintained over who is coming to-and-from the building. Additionally, crime, vandalism, and theft in the area have caused the owner to add a fence enclosing the parking lot, and a secured-access door to the building.

No hazardous or explosive materials

The business does not involve the use of hazardous or explosive materials, and no such materials are ever on-site.

Traffic

Traffic to and from the facility is minimal. Only one employee is typically on site at a time, and only one musician/group at a time. Because of the nature of recording music, there is very little coming-and-going while appointments are in-session.

Noise and Outdoor Activity

Outdoor activity is minimal. All activity takes place inside of the building, and the concrete construction of the building, as well as the sound-baffling needed for recording, mean that little to no sound from inside the building can be heard outside the building. Additionally, cars are parked in a private fenced lot. Overall, operations are low-impact, generating minimal noise and congestion.

EXHIBIT A

Petition **2026-CMP-831** at **1144 S Belmont Avenue, Indianapolis, 46221**

Proposed Commitments as of July 29, 2026

1. The existing shipping container storage structure shall be set on a permanent foundation.
2. The permitted uses shall be limited to C-3 uses, except that the following C-3 uses shall not be permitted:
 - Check Cashing or Validation Service
 - Firearm Sales
 - Fireworks Sales
 - Liquor Store
 - Logistics R&D
 - Pawn Shop
 - Heavy Retail
 - Substations and Utility Distribution Nodes
 - Automobile and Light vehicle Wash
 - Automobile fueling station
 - Auto, motorcycle, and light vehicle service or repair
 - Parking Lot
 - Parking Garage
 - Transit Center
 - Recycling Station

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 proposed use will not cause pollution, traffic congestion, unsanitary conditions or negatively impact drainage.

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 property had been used as a post office going back to the 1950s. The proposed use is lower impact than a post-office,

as it is lower volume and lower traffic. Additionally, the properties to the south, south east, and south west are all commercial use.

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

Due to the prior (1950s) conversion of the property to a post office (under a variance), it is no long suited for residential use.

Additionally, the existing, historic sign is original the the attractive 1950s post-war building aesthetic, and its retention is a unique feature to be retained.

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

The proposed use of a recording studio does not explicitly fall it into any existing zoning classifications.

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

The plan calls for uses similar to this proposal in the area.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number 2026 CVR 831

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 requested variance concerns only the existing transitional side and rear yard setbacks applicable to an existing commercial building that has occupied its present location for more than forty (40) years. The structure was originally constructed and operated as a United States Post Office and has long been utilized for commercial purposes. The requested variance does not authorize any expansion of the existing building footprint or any increase in the intensity of the site's development. The proposed appointment-only recording studio is a low-impact commercial use characterized by limited employees, minimal customer traffic, indoor operations within sound-insulated recording rooms, and no hazardous materials. Accordingly, approval of the variance will not be injurious to the public health, safety, morals, or general welfare.

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 existing building has coexisted with surrounding properties for decades, and the requested variance merely recognizes the longstanding location of that structure. The proposed use generates minimal traffic, noise, and outdoor activity, with clients served by appointment only and generally only one recording session occurring at a time. The variance will not materially alter the character of the area, create additional impacts on neighboring properties, or diminish the use or value of adjacent property.

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

The existing building predates the current transitional yard requirements and was lawfully established in its present location long before adoption of the current development standards. Strict application of the transitional setback requirements to this existing structure would unnecessarily impede the continued productive use of an established commercial building without advancing the underlying purpose of the ordinance. The requested variance recognizes the historical placement of the building, does not create a new encroachment or expand the building footprint, and permits the continued reasonable commercial use of the property while preserving the intent of the Consolidated Zoning and Subdivision Ordinance.

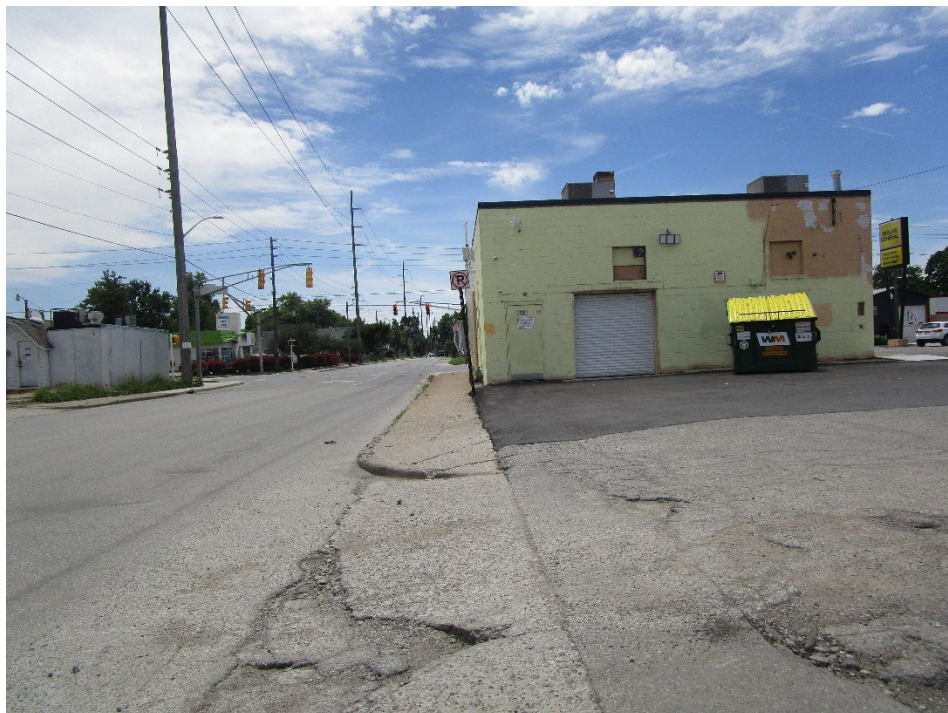
DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 2026.



View looking north along South Belmont Avenue



View looking south along South Belmont Avenue



View of site looking northwest across South Belmont Avenue



View of site looking west across South Belmont Avenue



View of site looking southwest across South Belmont Avenue



View of site looking northwest across east / west alley along the southern site boundary



View of site looking northeast across east / west alley along the southern site boundary



View of site looking east across intersections of alleys to the west and south of site



View of site looking northeast across north / south alley along the rear of site



View looking north along north / south alley to the rear of the site