

**BOARD OF ZONING APPEALS DIVISION II**

**April 8, 2025**

**Case Number:** 2025UV2001 (Amended)  
**Property Address:** 2454 North Illinois Street (*approximate address*)  
**Location:** Center Township, Council District #12  
**Petitioner:** Sheref Nessem, by Justin Kingen  
**Current Zoning:** D-8 (TOD) (RC)

**Request:** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of either an HVAC commercial contractor (not permitted) or C-1 uses (not permitted), the location of a six-foot tall fence within the front yards of and clear-sight triangle created by Fall Creek Parkway Drive S and Illinois Street (maximum 3.5-foot tall fence permitted, encroachment into clear-sight triangles not permitted), with a zero-foot side yard setback (four-feet required), and being greater than 30-foot wide within the front yards of Fall Creek Parkway Drive S and Illinois Street (not permitted), and a 12 square foot wall sign to be located on the eastern elevation (maximum sign area of 3% of the front elevation required).

**Current Land Use:** Commercial

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

**PETITION HISTORY**

**4/8/25:** The petitioner indicated their intention to make a for-cause continuance request to allow for them to meet with the Near North Development Corporation neighborhood group on April 10<sup>th</sup>. Staff does not oppose their request to have the petition continued to the May 13<sup>th</sup> hearing date to facilitate that meeting but would not support additional continuance requests.

**3/11/25:** The petitioner indicated that they will make a for-cause continuance request to the April 8, 2025 hearing date to allow additional time for discussion of the petition with relevant neighborhood associations and with staff. An updated plan of operation was provided that gave additional context on the shipping and storage of HVAC parts. No changes were made either to staff's recommendation or to how the existing use at the site would be classified per the city's zoning ordinance.

**2/11/25:** The petitioner made a for-cause continuance request at the February 11, 2025 Division II hearing to allow sufficient time for legal notice to be sent. In the intervening period, the petitioner amended the request to (a) remove the unscreened dumpster request (b) replace the monument sign with a wall sign and (c) added a request for C-1 uses to function at the site (a separate and distinct category from the requested contractor use). The petitioner also provided a set of proposed commitments and made minor changes to the site plan.