

BOARD OF ZONING APPEALS DIVISION II

July 14, 2026

Case Number: 2026-UV2-010
Property Address: 543 East Market Street (approximate address)
Location: Center Township, Council District #18
Petitioner: Temco Holdings LLC, by Wooton Hoy, LLC and JJ Capital, LLC
Current Zoning: CBD-2 (TOD) (RC) (FF)
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to permit a single-family residence within an existing structure (single-family dwellings not allowed in the CBD-2 district).
Current Land Use: Office Commercial
Staff Recommendations: Staff recommends **approval** of this petition, subject to commitments.
Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This petition will require a two-day waiver of notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to the following commitment being reduced to writing on the BZA's Exhibit A forms:

- Should the structure be destroyed, the variance will sunset and future use would be tied to the primary zoning district.

PETITION OVERVIEW

- 543 East Market Street is an existing brick structure on Market Street near the corner of Park Avenue. The property is currently zoned CBD-2 and has been used as an office for a variety of businesses. Neighboring properties in all directions are also zoned CBD-2.
- In 1992, the property was rezoned from I-3-U to CBD-2 to allow for the property to be used as a law office. The 1992 petition (92-Z-39) indicated that the subject site was, at that time, a 2-story brick residence. As this property is part of the Regional Center, the 1992 rezoning petition also required Regional Center approval. The 1992 approval petition (92-AP-45), provided some additional context, identifying the subject site as an 1850's brick residence. A Sanborn map from 1887 confirms a brick dwelling structure at this site. This confirms that, while the property has been used for office space for the past 30+ years, the subject site does also have a long history or residential use.

- The Ordinance indicates that the purpose of the CBD-2 district “is for the general downtown area of Indianapolis, surrounding the CBD-1 and CBD-3 districts. The district represents the typical urban core of Indianapolis to be developed at a very high density. It is a pedestrian oriented environment that is also the focus of the City’s transit system by providing excellent accessibility. The grid pattern of streets are mostly high volume arterials which function efficiently due to the service areas being accessed by a thorough network of alleys. The CBD-2 district accommodates a diverse mixture of uses including residential, retail, restaurants, entertainment, major public facilities, major convention facilities, sports venues, hotels and memorials.”
- The Comprehensive Plan’s Land Use Plan Pattern Book assigns this parcel the “Urban Mixed-Use” typology. This typology “provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut-through’s. This typology has a residential density of at least 25 to 75 units per acre.”
- Staff will note that a single-family home does not provide the density called for in either the CBD-2 district or within the Urban Mixed-Use typology. This is presumably why the use is not permitted by-right within the CBD-2 district. Staff will, however, also note the long history of use as a single-family residence before the 1990s. Furthermore, as this site is already developed, the petitioner is limited in what they are able to do with the existing structure. Had this been a vacant lot, the petitioner would have more flexibility in building a residential unit from the ground up that meets CBD-2 density standards. Keeping the current building in place limits the types of residential uses that can be used.
- With a commitment to sunset the single-family use should the building be destroyed, approval of this variance would be limited in scope and would fit with the historical context of the site. As such, staff recommends approval, subject to the aforementioned commitment.
- Staff will also note that, should this building revert back to office use, commitments and conditions from 92-Z-39 and 92-A-45 do dictate the location, materials, dimensions, and colors of office developments on this site. Additionally, all development on this site, unless and until a modification of commitments is filed, is subject to the landscape plan approved on January 29, 1993.

GENERAL INFORMATION

Existing Zoning	CBD-2 (TOD) (RC)	
Existing Land Use	Office Commercial	
Comprehensive Plan	Urban Mixed-Use	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	CBD-2	North: Commercial
South:	CBD-2	South: Commercial
East:	CBD-2	East: Commercial

West:	CBD-2	West: Commercial
Thoroughfare Plan		
Market Street	Primary Collector	80-foot existing right-of-way and 56-foot proposed right-of-way
Park Avenue	Local Street	30-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	05/18/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	06/08/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut-through's. This typology has a residential density of at least 25 to 75 units per acre.

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

92-Z-39; 547, 543, & 541-39 East Market Street, Rezoning of 0.25-acre from the I-3-U district to the CBD-2 district to allow for law offices at 543 East Market Street, **approved subject to commitments.**

92-AP-45; 547, 543, & 541 East Market Street, Regional Center approval to provide for a law office with parking, **approved subject to conditions.**

2011-REG-160; 543 East Market, Regional Center approval to provide for a projecting sign on the north elevation of a two-story commercial building, **approved subject to conditions.**

ZONING HISTORY – VICINITY

2000-ZON-156; 608 East Market Street (northeast of site), Rezone of 0.5-acre from I-3-U to CBD-2 to provide for a tavern and general retail uses, **approved.**

2004-ZON-124; 531 East Market Street (west of site), Rezone of 0.48-acre from the I-3-U district to the CBD-2 district to provide for a union hall, **approved.**



**Department of Metropolitan Development
Division of Planning
Current Planning**

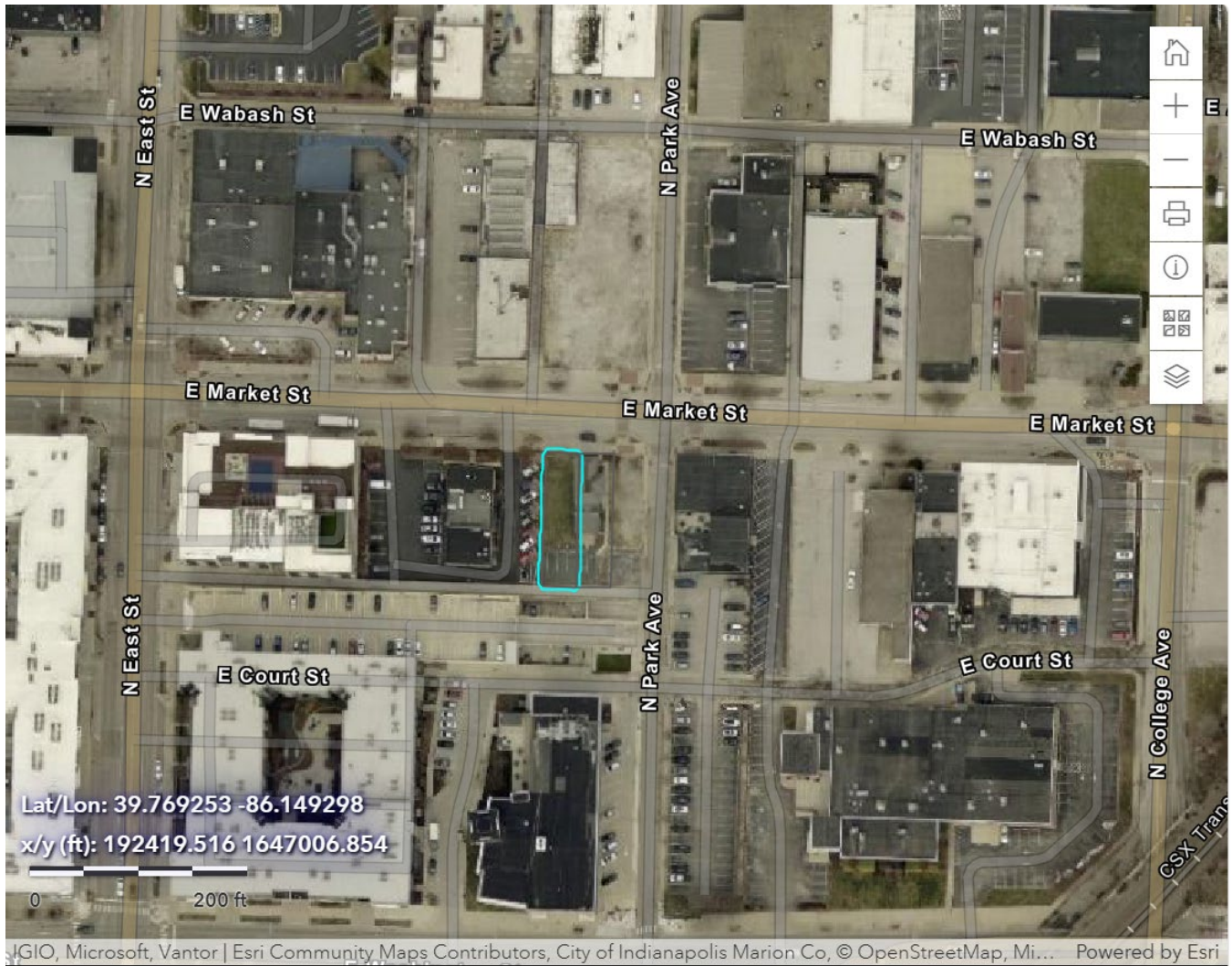
2006-ZON-012; 603, 605, and 613 East Market Street (east of site), Rezoning of 0.33-acre from the I-3-U district to the CBD-2 district to provide for a tavern use, **approved**.

2018-ZON-110; 536 East Market Street (north of site), Rezone of 0.91-acre from the I-3 district to the CBD-2 district, **approved**.

2018-CMP-844; 550 East Washington Street (south of site), Rezoning of 2.775 acres from the I-3 and CBD-2 districts to the CBD-2 district; Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for one 30-foot by 12-foot loading space, **approved**.

EXHIBITS

2026UV2010; Aerial Map



2026UV2010; Site Plan



2026UV2010; Findings of Fact

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

approval will create more housing in the area that will benefit occupants and surrounding property owners and tax benefits. The property has been used for residential purposes already so there will be no injurious impact from the continued residential use.

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 existing structure is already in place and has been used for residential purposes so will not have any negative impact on surrounding area or property values.

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

the property is zoned fCBD-1 but does not permit single-family detached dwellings. The existing structure is used for single-family detached dwellings and has historically been used for that purpose. The parcel already contains the necessary structure and cannot be used without the variance for detached single-family dwelling use.

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 current zoning standards do not permit detached single-family dwelling use at the subject property but do permit other residential uses. The existing structure is a detached single-family dwelling structure which cannot be lawfully used without the variance.

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

the property is zoned CBD-1 which permits a variety of housing but only for townhomes, multi-family, and live-work units. The single-family dwelling use will not interfere with the comprehensive plan since it is similar to other permitted residential uses.

2026UV2010; Photographs



Photo 1: Subject site as seen from southeast parking lot on Park Ave

2026UV2010; Photographs (continued)



Photo 2: Park Avenue looking south

2026UV2010; Photographs (continued)



Photo 3: East-west alley behind subject property

2026UV2010; Photographs (continued)



Photo 4: Park Avenue looking north

2026UV2010; Photographs (continued)



Photo 5: Intersection of Park Avenue and Market Street looking east

2026UV2010; Photographs (continued)



Photo 6: A recent image of the front of the subject site

2026UV2010; Photographs (continued)



Photo 7: Looking west on Market Street

2026UV2010; Photographs (continued)



Photo 8: Looking northwest on Market Street

2026UV2010; Photographs (continued)



Photo 9: Looking north across Market Street