

BOARD OF ZONING APPEALS DIVISION II

July 14, 2026

Case Number: 2026-DV2-017
Address: 921 East 66th Street (approximate address)
Location: Washington Township, Council District #7
Zoning: MU-2 (FF) (TOD)
Petitioner: KMK Cornell LLC, by Joe Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing daycare/preschool with 31% building transparency on the west façade (40% transparency required), a zero to six-foot west transitional yard (15 foot west transitional yard required), with no interior parking lot landscaping (Interior parking lot landscaping required for parking lots with 15 or more spaces), a 22-foot wide drive aisle (23-foot wide drive aisle required), without the installation of a public sidewalk along East 66th Street or payment into the sidewalk fund (public sidewalks are required along the entire frontage of abutting public rights-of-way), with a five-foot front setback for existing and proposed parking from 66th Street (25 feet minimum required), a 102-foot wide parking lot (limited to 40% of lot width or 41 feet), 21 parking spaces (23 parking spaces required), with 21 parking spaces at 8' 6" (maximum of 7 parking spaces can be sized for small cars), and with parking in portions of the west transitional yard (not permitted).

Current Land Use: Undeveloped.

Staff Recommendation: Staff recommends denial of the request to waive payment into the sidewalk fund.

Staff recommends approval of the remaining variances.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause, from the May 19, 2026, hearing, to the June 9, 2026, hearing, to allow time to provide new notice for the request. The request was continued for cause again by the petitioner from June 9, 2026, to the July 14, 2026, hearing to allow time to meet with a registered neighborhood organization.

The petitioner has submitted a commitment to the file, at the request of a registered neighborhood organization. The commitment is now included in the staff report. With this commitment, the request for the expansion without the installation of a public sidewalk along East 66th Street or payment into the sidewalk fund can be withdrawn. If the request is withdrawn, then Staff would have no remaining opposition to the petition, and the petition can be moved to the expedited portion of the docket. At the time of publication, the petitioner had not agreed to withdraw that specific request.

STAFF RECOMMENDATION

Staff recommends **denial** of the request to waive payment into the sidewalk fund.

Staff recommends **approval** of the remaining variances.

PETITION OVERVIEW

PAYMENT IN LIEU OF SIDEWALK INSTALLATION.

- ◇ The Ordinance allows for a waiver of the sidewalk installation requirement in locations where site conditions cause extreme difficulty in the construction of sidewalks (744-301.G). The Administrator may, upon written request, waive that portion of sidewalks. Examples of extreme difficulty include, but are not limited to, waterway crossings, significant elevation change, existing deep drainage swales in the right-of-way, and grades steeper than 3:1. The request shall include supporting documentation. The waiver would be pursuant to a written agreement and subject to a contribution in lieu of sidewalks that shall be made to the City for the provision of sidewalks in Marion County. The rate amount shall be set annually.
- ◇ In Staff's review, there are conditions along this portion of the south side of East 66th Street that could limit the installation of sidewalks, specifically a narrow right-of-way, and various utility infrastructure. However, Staff does not agree that the requirement to make a contribution to the City in lieu of installing sidewalks should be waived.
- ◇ As this is a highly pedestrian area, the need for completing the sidewalk network in this area should not be overlooked. The need for sidewalks is even more apparent when the subject site is not providing the required on-site parking, resulting in some of its employees and customers to find parking on the street or in nearby publicly provided parking spaces, and walking to the site.
- ◇ By all appearances, there is sufficient room along the north side of East 66th Street to install sidewalks that would provide pedestrian safety and accessibility for this area. Therefore, the request to not provide the contribution into the sidewalk fund should be denied.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would provide for an expansion and addition onto an existing building, with that addition having a 31% building transparency on the west façade, where a 40% transparency is required. This entrance with the transparency reduction would not be the main entrance and would primarily be used by staff in accessing the parking lot.
- ◇ The request would provide for a zero to six-foot west transitional yard where a 15 foot west transitional yard is required, and with parking in portions of the west transitional yard. This is a continuation of the existing reduced transitional yard and parking that was previously granted by petition 2021-CVR-812. The adjacent parcel is heavily landscaped, which provides for a buffering of this reduction. The reduction in the transitional yard would be associated with on site parking, and not as a result of a structure encroaching into the yard.

- ◇ As a result of the existing vehicle parking and the proposed expansion of on-site parking, the interior parking lot landscaping would continue to be non-existent. This is a continuation of the existing parking lot that was previously granted by Variance 2021-CVR-812.
- ◇ The proposal will provide for a 22-foot wide drive aisle, where a 23-foot wide drive aisle is required. This is a continuation of the existing 22' drive aisle that was previously granted by Variance 2021-CVR-812.
- ◇ A five-foot front setback for the existing and proposed parking from 66th Street would be provided, where a 25-foot setback is required. This is a continuation of the existing parking lot front setback from 66th Street that was previously granted by Variance 2021-CVR-812.
- ◇ Twenty-one (21) parking spaces will be provided where 23 parking spaces are required. All 21 parking spaces will be sized for small cars at 8' 6", when a maximum of 7 parking spaces can be sized for small cars.
- ◇ A 102-foot wide parking lot will also be provided where parking lots would be limited to 40% of lot width or 41 feet. This is a continuation of the existing 22' drive aisle that was previously granted by Variance 2021-CVR-812.
- ◇ All of these variance requests are related to existing structures, or their proposed expansion. The proposed setbacks, reductions and encroachments will allow for the existing use to continue on site and will not have any known negative impacts or cause any community concern.

Floodway / Floodway Fringe

- ◇ This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.
- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. All uses permitted in the primary zoning district (MU-2) in this request) are permitted, subject to certain development standards of the Flood Control Districts Zoning Ordinance.

GENERAL INFORMATION

Existing Zoning	MU-2		
Existing Land Use	Daycare / Undeveloped		
Comprehensive Plan	Village Mixed Use		
Surrounding Context		Zoning	Surrounding Context
	North:	D-4	Office and Religious uses
	South:	MU-2	Commercial uses
	East:	D-P	Multi-family dwellings
	West:	D-4	Single Family Dwelling
Thoroughfare Plan			
	East 66 th Street	Local Street	45-foot existing right-of-way and 48-foot existing and proposed right-of-way.
	Cornell Street	Local Street	45 existing right-of-way, and 48-foot proposed right-of-way
Context Area	Compact area		
Floodway / Floodway Fringe	100 year		
Overlay	TOD		
Wellfield Protection Area	No		
Site Plan	April 13, 2026		
Elevations	N/A		
Landscape Plan	N/A		
Findings of Fact	April 13, 2026		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends the Village Mixed Use typology which 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 contributes 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.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Red Line Transit Oriented Development Strategic Plan (2018).
- The subject site is located approximately 950 feet from the 66th and College Avenue Red Line transit station.
- The 66th and College Avenue transit station has been categorized as a Walkable Neighborhood typology.
- District Center stations are areas that are primarily residential but may have a commercial node of one to two city blocks.
 - Characteristics of the Walkable Neighborhood typology are:
 - Mix of uses at station with stabilized residential beyond.
 - Off-street parking is discouraged and should be limited to garage

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

2021-CZN-812 / 2021-CVR-812; 6572 Cornell Avenue (subject site), requested the rezoning of 0.42-acre from the D-4 (FF) district to the MU-2 (FF) district. **Approved.**

2021-CZN-812 / 2021-CVR-812; 6572 Cornell Avenue (subject site), requested a Variance of Development Standards to permit a three-foot front transitional yard along 66th Street, with a wood porch and handrail encroaching into the front transitional setback and right-of-way of 66th Street, to legally establish portions of a four-foot tall and six-foot tall fence in the front yards of 66th Street and Cornell Avenue, portions of the parking lot in the front yard of 66th Street, a playground in the front yard of Cornell Avenue, portions of a parking lot in the west side transitional yard, **granted.**



Department of Metropolitan Development
Division of Planning
Current Planning

2004-UV3-011; 6572 Cornell Avenue, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for an art studio with an administrative office with a 3.6-foot setback from the existing right-of-way of 66th Street and a fourteen-foot setback from the existing right-of-way of Cornell Avenue, **granted**.

84-UV2-89, 921 East 66th Street, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of the existing structure for professional offices, **granted**.

RU

Location Map



The site plan illustrates the proposed development at 10000 10th Ave. The main building footprint is a large, dark-shaded area with a complex, multi-winged design. To the left of the building is a parking area with several parking spaces. A driveway leads from the parking area to the building. The plan includes various annotations such as "NEW PLANTING", "NEW FENCE", "NEW ACCESS", and "NEW DRIVE". A north arrow is located in the upper right corner. The plan also shows the existing building footprint and the proposed building footprint. The site is bounded by 10th Ave to the north and 10th Ave to the south. The plan includes a scale bar and a title block.



Findings of Fact

Petition Number _____

**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:

- 1) the proposed use does not generate parking demand all at once, rather it is used intermittently throughout the day; thus the number of spaces and stall size is sufficient to safely park expected vehicles on site.
- 2) the transitional yard is created by a zoning district line located in the centerline of an alley, which provides sufficient separation and screening from the D-4 to the West.

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:

- 1) there is no real risk of parking spilling over on to adjoining properties, as there is available on-street parking as an option.
- 2) there is ample vegetation separating the western parking spaces from the D-4 zoning to the West.

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

- 1) the Ordinance, although it does allow adjustments to minimum required parking, does not adjust for intermittent parking demand (drop off/pick up) as is the case with most day care/preschool uses.
- 2) the transitional yard exception does not apply to an alley which actually serves as a buffer yard.

Proposed Commitment

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A VARIANCE, SPECIAL EXCEPTION OR APPROVAL GRANT.

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the parcel of real estate:

Legal Description: See Exhibit "A" Attached Hereto And Incorporated By Reference (the "Subject Property")

Statement of COMMITMENTS:

1. *Petitioner will use its reasonable best efforts to install a sidewalk along the 66th Street frontage of the Subject Property; however, if it is not feasible to do so, Petitioner shall make the required contribution to the sidewalk fund as contemplated by the City of Indianapolis Consolidated Zoning/Subdivision Ordinance.*

These COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest in the real estate. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Board of Zoning Appeals made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the grant of variance, special exception or approval petition # 2026-DV2-017 by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various township assessors of the Marion County, which the current owners of record at the time the notice shall be sent. (This paragraph defines the category of persons entitled to receive personal notice of the variance, special exception or approval petition under the rules of the Board in force at the time the COMMITMENT was made); and
3. Broad Ripple Village Association.

Photographs



Subject site, looking southwest.



Subject site expansion area to the south, looking west.



Subject site, looking south east from East 66th Street



Subject site parking area, looking south from East 66th Street