

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
HEARING EXAMINER**

May 14, 2026

The regular meeting of the Hearing Examiner for the Metropolitan Development Commission of Marion County, Indiana, was scheduled for May 14, 2026, at 1:00 P.M., in the Public Assembly Room of the City-County Building, Indianapolis, Indiana, for various purposes, including the holding of a Public Hearing on various petitions listed on the Notice of Public Hearing, and for taking official action upon public business and public Notice thereof as required by IC 5-14-1.5.

Staff members present were Kathleen Blackham, Senior Planner; Robert Uhlenhake, Senior Planner; Michael Weigel, Principal Planner I; Josh Levesque, Senior Planner; Jeffrey York, Manager; and Nancy G. Whitaker, Hearing Specialist.

Judy Weerts Hall, Hearing Examiner, called the meeting to order at 1:00 P.M. She reminded attendees to silence electronic devices and to take any conversations to the hallway. She stated that the public hearings would be conducted in accordance with the Rules of Procedure of the Metropolitan Development Commission (MDC) and noted that planning staff was currently limiting the number of new petitions to ten per hearing for an indefinite period. She explained that Petitioners and Remonstrators each received 15 minutes for sworn testimony, followed by staff recommendation, and then each side had 5 minutes for rebuttal. She stated that any party dissatisfied with a recommendation or decision had an automatic right to appeal, which was required to be filed with the Department of Metropolitan Development within five business days, with additional notice as required under the MDC Rules of Procedure. The Hearing Examiner noted that **recommendations** for Petitions heard that day would be forwarded to the MDC for consideration at its meeting on **Wednesday, June 3, 2026**, with commitments due no later than **May 27, 2026**. She also noted that variance, plat, and vacation decisions made that day would be final unless appealed.

SPECIAL REQUESTS, CONTINUANCES, WITHDRAWALS

2025-ZON-123 | 8500 West 10th Street
Wayne Township, Council District #16
NDZA, by Justin Kingen and David Kingen

Rezoning of 5.96 acres from the C-1 (FW) (FF) district to the D-7 (FW) (FF) district to provide for residential development.

Justin Kingen (6101 North Keystone Avenue, Suite 101, Indianapolis, IN) appeared on behalf of the Petitioner and requested a two-month continuance to the July 9, 2026 hearing. He explained that Staff had indicated the need for additional information, and that the complexity of required site design considerations required an engineering firm needed to now be engaged to study the site and provide suitable site plans.

Kathleen Blackham (Staff) stated that Staff would have no objection to the continuance to the July 9, 2026 meeting, pending receipt of the engineering information.

Hearing no other comments, the Hearing Examiner continued 2025-ZON-123 to the July 9, 2026 hearing.

2026-ZON-016 / 2026-VAR-005 | 3030 Southeastern Avenue
Center Township, Council District #18
JO & CE Real Estate LLC, by Dylan Seesman

Rezoning of 0.34-acre from D-5 (FF) to MU-2 (FF), for an existing building to be renovated for commercial retail uses and up to six dwelling units on the second floor.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 18 parking spaces, including one accessible parking space and one compact parking space (minimum 19 spaces required), with vehicle maneuvering of three parking spaces within the right-of-way of Southeastern Avenue (not permitted).

No one appeared on behalf of the Petitioner. Robert Uhlenhake (Staff) explained that the variance Petition was scheduled for the May 28, 2026 meeting and that this continuance was procedural, to move the zoning Petition to the same hearing date so the companion Petitions could be heard together.

Hearing no other comments, the Hearing Examiner acknowledged the continuance of 2026-ZON-016 to the May 28, 2026 meeting so that it could be heard in conjunction with 2026-VAR-005.

2026-ZON-024 | 5 West Epler Avenue
Perry Township, Council District #22
Leedom & Terrell, LLC, by Jacob Bowman

Rezoning of 0.68 acres from the D-A district to the C-5 district to provide for contractor uses.

No one appeared on behalf of the Petitioner. Kathleen Blackham (Staff) explained that Staff had recommended the Petitioner withdraw the rezoning Petition and refile the request as a use variance, and that the funds from the rezoning filing fee be transferred toward the variance filing. Staff confirmed that the Petitioner had agreed to this approach. The Hearing Examiner noted that Staff would determine the appropriate filing fee amounts, refunds, and/or credits.

Hearing no other comments, the Hearing Examiner acknowledged the withdrawal of 2026-ZON-024.

2026-ZON-030 | 3505 South Harding Street
Perry Township, Council District #22
Jose de Jesus Padilla Zavala, by Jorge Oscar Gonzales

Rezoning of 0.24-acre from the D-4 (FF) district to the C-3 (FF) district to provide for a multi-tenant retail building.

An Automatic Continuance to June 11, 2026 had been filed by a Registered Neighborhood Organization. No one appeared on behalf of the Petitioner. Michael Weigel (Staff) had no additional comments.

Hearing no other comments, the Hearing Examiner acknowledged the Automatic Continuance of 2026-ZON-030 to the June 11, 2026 meeting, filed by a Registered Neighborhood Organization.

2026-ZON-035 | 7323 South Mooresville Road
Decatur Township, Council District #21
Redwood Apartment Neighborhoods, by Clark Quinn Law

Rezoning of 21.66 acres from the D-A (FW) (FF) district to the D-6 (FW) (FF) district to provide for residential uses.

An Automatic Continuance to June 11, 2026 had been filed by a Registered Neighborhood Organization. No one appeared on behalf of the Petitioner. Kathleen Blackham (Staff) had no additional comments.

Hearing no other comments, the Hearing Examiner acknowledged the Automatic Continuance of 2026-ZON-035 to the June 11, 2026 meeting, filed by a Registered Neighborhood Organization.

2026-CVC-803 (2nd Amendment) | 1437 – 1533 (odd) Saulcy Street, 1422 – 1528 (even) Astor Street, and 219 Koehne Street
Center Township, Council District #18
D-8 (RC)
Union Holdings III, LLC, by Michael Rabinowitch

Assessment of Benefits hearing related to the vacation of various alleys previously approved by the Hearing Examiner.

Kathleen Blackham (Staff) requested the transfer the Assessment of Benefits for the vacation petition to the Metropolitan Development Commission. Misha Rabinowitch (One Indiana Square, Suite 1800, 211 North Pennsylvania Street, Indianapolis, IN) appeared on behalf of the Petitioner and had no objection to the transfer. Discussion followed among the Hearing Examiner, Staff, and the Petitioner's attorney regarding whether to transfer the assessment of benefits to the MDC on May 20, 2026, or to the June 3, 2026 MDC meeting. Ms. Blackham (Staff) and Jeffrey York (Manager, DMD) explained the procedural rationale. Mr. Rabinowitch expressed a preference that the transfer go directly to the June 3, 2026 MDC hearing, to avoid confusion at the May 20 hearing where related appeals would be considered. Ms. Blackham (Staff) confirmed that approach was acceptable, with the understanding that if the underlying

vacation matter was not resolved at the May 20 hearing, the assessment of benefits would need to be continued beyond June 3, 2026.

Hearing no other comments, the Hearing Examiner transferred the Assessment of Benefits hearing for 2026-CVC-803 directly to the Metropolitan Development Commission for their hearing on June 3, 2026.

2026-CPL-805 / 2026-CVR-805 | 4200 South East Street

Perry Township, Council District #23

C-4

Southern Plaza SC, LLC, by Brian J. Tuohy

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for one and one-half drive-through stacking spaces in the front yard along a public right-of-way that exceeds 30 feet in width (not permitted), and without a hard-surfaced walkway from the building's main front entrance to the public right-of-way (hard-surfaced walkway required).

Approval of a Subdivision Plat, to be known as Southern Plaza, dividing 26.84 acres into two lots.

An Automatic Continuance to June 11, 2026 had been filed by a Registered Neighborhood Organization. No one appeared on behalf of the Petitioner. Robert Uhlenhake (Staff) had no additional comments.

Hearing no other comments, the Hearing Examiner acknowledged the Automatic Continuance of companion Petitions 2026-CPL-805 and 2026-CVR-805 to the June 11, 2026 meeting, filed by a Registered Neighborhood Organization.

2026-CPL-806 / 2026-CVR-806 | 2366 North College Avenue

Center Township, Council District #8

D-8

Atlas Group, LLC, by John Cross

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a five-unit single-family attached development, consisting of three units with a main floor area of 326 square feet and two units with a main floor area of 341 square feet (minimum main floor area of 660 square feet required).

Approval of a Subdivision Plat to be known as 24th and College Townhomes, dividing 0.19-acre into five lots.

The Petitioner's attorney John Cross (13 North State Street, Suite 241, Greenfield, IN) requested a continuance to the July 23, 2026 meeting. He explained that while Staff supported the current proposal, the neighborhood homeowner association (HOA), which had approval authority under the applicable covenants and declarations, had not been in support of the proposed plans after their April meeting. He stated the parties needed additional time to revise plans and meet with the HOA again. He noted that July 9 was not available due to a prior

commitment and requested continuance to July 23. He confirmed the HOA was aware of the date request.

Kathleen Blackham (Staff) stated that Staff had no objection to July 23, 2026.

Hearing no other comments, the Hearing Examiner continued companion Petitions 2026-CPL-806 and 2026-CVR-806 to the July 23, 2026 hearing.

2026-CVR-810 / 2026-CPL-810 | 6801 Stanley Road

Decatur Township, Council District #21

D-3

Claudia and Garcia Aboyetes & Jose M. Chicas, by David Gilman

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for two primary dwellings on two lots with the provision of a septic system for each dwelling (connection to public or semipublic sanitary sewer facilities required), and to both legally establish a detached accessory structure with a 5.3-foot north side yard setback (minimum 6-foot side yard required) and temporarily allow for a residential lot improved with solely an accessory structure (not permitted).

Approval of a Subdivision Plat to be known as Replat of Lot 42 in Quilin Acres Subdivision, subdividing 2.01 acres into two lots.

The Petitioner's representative, David Gilman (211 South River Avenue, Suite H, Indianapolis, IN 46219), requested a continuance to the June 11, 2026 meeting. He stated the Petitioner would be presenting to the Decatur Township Civic Council (DTCC) on May 18, and that the continuance would allow time to return with the benefit of neighborhood support. He noted this would be the Petitioner's last continuance request.

Michael Weigel (Staff) stated that a representative from DTCC had been copied on Mr. Gilman's continuance request email and had not expressed objection. Mr. Weigel (Staff) had no objection to the continuance.

Hearing no other comments, the Hearing Examiner continued companion Petitions 2026-CVR-810 and 2026-CPL-810 to the June 11, 2026 meeting.

2026-CZN-813 / 2026-CVR-813 | 1127 South East Street

Center Township, Council District #18

Josh Smith

Rezoning of 0.12-acre from the C-5 district to the D-5 district to provide for a multi-unit dwelling, consisting of two units.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-unit dwelling, consisting of two units, with encroachment

within the clear-sight triangle of Morris Street and East Street (not permitted) and no maximum front setback (19.9 feet maximum permitted).

Kathleen Blackham (Staff) requested a continuance for cause. No one appeared on behalf of the Petitioner. Ms. Blackham explained that Staff had suggested the Petitioner pursue rezoning to the D-8 district rather than the D-5 district, which would eliminate some of the requested variances, and that the Petitioner was still in negotiations. If the district designation were changed, a new notice would be required.

Hearing no other comments, the Hearing Examiner continued companion Petitions 2026-CZN-813 and 2026-CVR-813 to the June 11, 2026 meeting, with Notice as needed.

2026-CVR-815 / 2026-CPL-815 | 305 Fintail Drive

Warren Township, Council District #20

I-3

DCB Indianapolis, LLC, by Mindy Westrick Brown

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a data center (not permitted), consisting of up to three buildings, up to a total of 420,000 square feet, with no less than 100 parking spaces (minimum 420 parking spaces required).

Approval of a Subdivision Plat to be known as Replat of Block A of Thunderbird Commerce Center, subdividing 32.406 acres into two lots.

An Automatic Continuance to June 11, 2026 had been filed by a Registered Neighborhood Organization. No one appeared on behalf of the Petitioner. Kathleen Blackham (Staff) had no additional comments.

Hearing no other comments, the Hearing Examiner acknowledged the Automatic Continuance of companion Petitions 2026-CVR-815 and 2026-CPL-815 to the June 11, 2026 meeting, filed by a Registered Neighborhood Organization.

The Hearing Examiner then invited requests for continuance, expediting, or other special requests from the audience.

2025-CZN-812 / 2025-CPL-812 / 2025-CVC-812 | 1349 East 54th Street

Washington Township, Council District #7

Indianapolis Public Schools, by Russell McClure

Rezoning of 2.9 acres from the SU-2 district to the SU-16 district to provide for indoor and outdoor recreational and entertainment uses.

Approval of a Subdivision Plat, to be known as Haverford Subdivision, dividing 8.7 acres into two lots.

Vacation of a portion of Haverford Avenue, being 25 feet to 47.71 feet in width, beginning at the south right-of-way line of 54th Street, south 629.99 feet to a point, with a waiver of the assessment of benefits.

The Petitioners' representative, Russell McClure (Indianapolis Public Schools, 2251 Sloan Avenue, Indianapolis, IN), requested a one-day waiver of the 23-day notification period for written Notice for the companion Petitions. The Hearing Examiner confirmed no one else was present for the Petitions. Kathleen Blackham (Staff) had no objection to the one-day waiver. The Hearing Examiner granted the waiver.

Ms. Blackham (Staff) further suggested, and Mr. McClure agreed, to request that the companion Petitions be placed on the Expedited portion of the docket. The Hearing Examiner confirmed no one was present in opposition.

The Hearing Examiner granted a one-day waiver of the 23-day notification period for written Notice and moved companion Petitions 2025-CZN-812, 2025-CPL-812, and 2025-CVC-812 to the Expedited portion of the docket.

2025-ZON-114 (Second Amended) / 2026-VAR-002 | 4005 East Southport Road
Perry Township, Council District #24
Southport Road Development LLC, by David Gilman

(Second Amended) Rezoning of 3.67 acres from the D-P (FF) (FW) district to the C-S (FF) (FW) district to provide for all C-4 uses, except adult entertainment, and to permit commercial or building contractors, artisan manufacturing (e-commerce), and warehouse, wholesale, and distribution.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial structure with zero feet of street frontage (minimum 50 feet of street frontage required), and for a zero-foot front setback (minimum ten-foot front setback required).

The Petitioner's representative, David Gilman (211 South River Avenue, Suite H, Indianapolis, IN), requested a continuance to the June 11, 2026 meeting. He explained that the Petitioner was one week from completing a traffic study, that the companion Petitions had been through multiple continuances while working to determine the appropriate filing path, and that this would be the last continuance requested. He confirmed materials would be submitted to Staff by the May 28 deadline for the June 11 meeting.

Kathleen Blackham (Staff) confirmed no objection to the June 11, 2026 continuance but stated Staff would not support any further continuances. The Hearing Examiner noted the case had been continued a number of times and said she would not be inclined to grant any further continuances on behalf of the Petitioner.

Hearing no other comments, the Hearing Examiner continued 2025-ZON-114 (Second Amended) and 2026-VAR-002 to the June 11, 2026 meeting, with the understanding that this was the final continuance request on behalf of the Petitioner that would be entertained.

2025-CZN-865 (Amended) / 2025-CVR-865 | 405, 409, and 411 South Shortridge Road
Warren Township, Council District #20
SRMK Realty, LLC, by Justin Kingen

Rezoning of 8.48 acres from C-S to C-S to provide for all C-1 and I-1 uses, truck and trailer parking, auto-related service or repair, outdoor storage of contractor equipment, vehicles awaiting repair, and recreational vehicles.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 140-foot front yard setback (maximum front yard setback of 85 feet permitted), off-street parking areas within the front yard (not permitted), and a ten-foot-tall chain link fence within the side and rear yards (maximum six-foot-tall fence permitted within the side and rear yards).

The Petitioner's representative, Justin Kingen (6101 North Keystone Avenue, Suite 101, Indianapolis, IN), requested a continuance to the June 11, 2026 meeting. He explained that Staff had identified earlier in the week that the variance request was deficient and needed to be updated, which would necessitate a new Notice to be sent to all required parties. He confirmed the one-month continuance would be sufficient to address the issues.

Kathleen Blackham (Staff) confirmed that Staff had been working with Mr. Kingen and had no objection to the June 11, 2026 continuance with Notice, but stated Staff would not support any further continuances.

Hearing no other comments, the Hearing Examiner continued companion Petitions 2025-CZN-865 (Amended) and 2025-CVR-865 to the June 11, 2026 meeting, with Notice, with the understanding that she would not entertain any further continuance requests on behalf of the Petitioner.

The Hearing Examiner then invited requests from Staff.

2026-APP-007 | 7307 West 38th Street
Pike Township, Council District #5
PK-2
Barry Foster, by Justin Taylor

Park District Two Approval to provide for a 35.574 square-foot front entry pylon sign.

Kathleen Blackham (Staff) announced that Staff was unaware of any remonstrance and was recommending approval, and suggested the Petition be placed on the Expedited docket. The Petitioner's representative, Justin Taylor (9668 Allisonville Road, Indianapolis, IN), confirmed he had no objection to expediting. No one else appeared on behalf of or in opposition to the Petition.

The Hearing Examiner placed 2026-APP-007 on the Expedited portion of the docket.

EXPEDITED PETITIONS

The Hearing Examiner explained that Expedited Petitions were those for which Staff had recommended approval and no opposition had been reported. She noted that if any Remonstrators or members of the public were present to object, testimony would be heard before a decision was made.

2026-ZON-006 | 701 Shelby Street

Center Township, Council District #18
Patrick Burtch, by Brian Burtch

Rezoning of 0.143-acre from the C-5 district to the D-5 district to provide for residential uses.

The Petitioner's representative, Brian Burtch (955 Hosbrook Street, Indianapolis, IN), appeared and explained that the property at 701 Shelby Street had been used as a residential property for more than a decade and the rezoning would align the zoning classification with the current use of the site. No one appeared in opposition. Robert Uhlenhake (Staff) had no additional comments.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-ZON-006 to the MDC and placed the Petition on the June 3, 2026 MDC agenda.

2026-ZON-007 | 2107 Columbia Avenue

Center Township, Council District #13
City of Indianapolis, Department of Metropolitan Development, by Antonio Monserrat

Rezoning of 0.119-acre from the I-3 district to the D-8 district to provide for residential development.

The Petitioner's representative, Matt Hostetler, Principal Program Manager for Real Estate, Department of Metropolitan Development (DMD), announced that the City was seeking to rezone the subject site from I-3 to D-8 for residential redevelopment through the Vacant to Vibrant program. No one appeared in opposition. Robert Uhlenhake (Staff) had no additional comments.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-ZON-007 to the MDC and placed the Petition on the June 3, 2026 MDC agenda.

2026-ZON-032 | 6640 Hickory Road (aka 9345 Indian Creek Road South)

Franklin Township, Council District #25
Charles J. & Judith Ann Williams, by David Retherford

Rezoning of 5.56 acres from the D-P district to the D-A district to provide for a single-family detached dwelling.

The Petitioners' attorney, David Retherford (8801 Southeastern Avenue, Indianapolis, IN), explained that his client had retained five acres when selling 140 acres, with the five acres designated as Block A for construction of a custom home. The subdivision development had been delayed, and the D-P zoning requirements prevented the owner from proceeding with the home construction. The rezoning to D-A would allow the client to build the residence. He reported no opposition had been received. No one else appeared on behalf of or in opposition to the Petition. Josh Levesque (Staff) had no additional comments.

After the initial recommendation by the Hearing Examiner, Mr. Retherford added to the record that a Commitment that had been omitted from his testimony. He stated that the Petitioner had agreed with the Franklin Township Civic League to commit to a minimum livable space for the home on the lot of 4,000 square feet. Mr. Levesque (Staff) had no objection to including the Commitment. .

Hearing no other comments, the Hearing Examiner amended her recommendation and recommended Approval of 2026-ZON-032, subject to a Commitment that the minimum livable house size on the lot shall be 4,000 square feet, to the MDC and placed the Petition on the June 3, 2026 MDC agenda.

2026-APP-007 | 7307 West 38th Street
Pike Township, Council District #5
PK-2
Barry Foster, by Justin Taylor

Park District Two Approval to provide for a 35.574 square-foot front entry pylon sign.

The Petitioner's representative, Justin Taylor, Fast Lines (9668 Allisonville Road, Indianapolis, IN), appeared and stated that the Petitioner was seeking approval for the removal of an existing sign and its replacement with a new, updated version. No one appeared in opposition.

Kathleen Blackham (Staff) noted that she had returned a call from a neighbor in the area who had asked what was being proposed. Staff explained the sign replacement to the neighbor, who had no issue with it.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-APP-007 to the MDC and placed the Petition on the June 3, 2026 MDC agenda.

2025-CZN-812 / 2025-CPL-812 / 2025-CVC-812 | 1349 East 54th Street
Washington Township, Council District #7
Indianapolis Public Schools, by Russell McClure

Rezoning of 2.9 acres from the SU-2 district to the SU-16 district to provide for indoor and outdoor recreational and entertainment uses.

Approval of a Subdivision Plat, to be known as Haverford Subdivision, dividing 8.7 acres into two lots.

Vacation of a portion of Haverford Avenue, being 25 feet to 47.71 feet in width, beginning at the south right-of-way line of 54th Street, south 629.99 feet to a point, with a waiver of the assessment of benefits.

The Petitioners' representative, Russell McClure (Indianapolis Public Schools, 2251 Sloan Avenue, Indianapolis, IN), stated that the three companion Petitions addressed three related components. Mr. McClure explained the rezoning and plat requests which also involved the Haverford Little League. He noted that the vacation involved a portion of Haverford Avenue that had never been improved as a street but had long been used as a parking lot for the school. The plat was needed to separately plat the school property and the Little League property. No one appeared in opposition.

Kathleen Blackham (Staff) had no further comments.

The Hearing Examiner granted a one-day waiver of the 23-day notification period for written Notice. After expediting the Petitions, she recommended approval of 2025-CZN-812 to MDC June 3, 2026 meeting. The Hearing Examiner also approved 2025-CPL-812 subject to the conditions in the Staff Report and she approved 2025-CVC-812, adopted the Findings of Fact, and granted waiver to the Assessment of Benefits.

PETITIONS FOR PUBLIC HEARING

2026-ZON-034 | 5400 South Meridian Street
Perry Township, Council District #22
Lucila Noveron Toledo

Rezoning of 0.26-acre from the C-3 district to the C-4 district to provide for commercial uses.

The Petitioner, Lucila Noveron (3935 Towhees Drive, Indianapolis, IN) requested the rezoning of the subject property from C-3 to C-4 in order to operate an automobile repair shop. She described the intended use as mechanical repair only (not body work or painting, etc.), with all work conducted inside the existing 1,400-square-foot building, and with one or two employees. She indicated she had not received any inquiries from neighbors or the public about the proposal after Notices were sent.

Michael Weigel (Staff) said that Staff recommended the denial of the Petition. He described the site as approximately one-fifth of an acre with an approximate 1,400-square-foot commercial structure. Mr. Weigel noted aerial photographs showed outdoor storage of vehicles in the site's front yard in approximately 2020, and that a zoning violation case had been opened in May 2025, citing the property for automobile repair use within a C-3 zoning district, which was a use only allowed in C-4 and higher zoning districts. He confirmed that the point of contact on the violation was the current Petitioner and property owner.

Mr. Weigel (Staff) explained that surrounding land uses included a church zoned C-3 to the north, residential uses zoned C-3 to the west, a residential subdivision further to the north and northwest, and a cemetery zoned SU-10 to the east, with commercial uses and a bar further to the south at the intersection of Meridian Street and Epler Avenue. Mr. Weigel noted that accessory outdoor storage of vehicles awaiting repair would require C-5 zoning or higher, while C-4 would permit only internal repair work and storage within the building. The Comprehensive Plan recommended community commercial uses for the property, which were more closely aligned with the current C-3 zoning. He stated that automobile-centric uses with levels of outdoor storage were typically inappropriate for this typology, and that the C-4 district's greater intensity of permitted uses could result in a negative impact on the surrounding residential, church, and cemetery uses. Mr. Weigel reported that a neighbor, Mark Miller, had called on May 1, 2026, stating concern about early morning operational noise, but no letter about the Petition had been received from the neighbor or from neighborhood organizations.

During rebuttal, Ms. Noveron said she had not known the applicable rules when operations began, that she had paid all violation fees, cleaned up the property, ceased operations, and was now seeking to bring the use into compliance. She stated she wanted to pursue C-5 zoning thereafter if this Petition was approved to C-4 zoning.

The Hearing Examiner noted that even if C-4 zoning were approved, outdoor storage of vehicles awaiting repair would not be permitted, making it very difficult to operate a mechanic shop effectively. She also noted that it was her opinion that C-5 would also be unlikely to receive approval, given the surrounding land uses. The Hearing Examiner noted that Mr. Weigel could assist Ms. Noveron with the process if she desired to appeal the Hearing Examiner's recommendation for the Petition to the MDC. She commended the Petitioner for taking steps to correct the prior violations.

Hearing no further comments, after a public hearing, the Hearing Examiner recommended Denial of 2026-ZON-034 to the MDC and placed the Petition on June 3, 2026 MDC agenda.

2026-CZN-816 / 2026-CVR-816 | 4511 Allisonville Road
Washington Township, Council District #8
Broad Ripple Construction, LLC, by Joseph D. Calderon

Rezoning of 0.21-acre from MU-1 (FF) to C-S (FF) to provide for a contractor's office, offices, light manufacturing, artisan manufacturing, research and development, consumer services and repair of consumer goods, vocational, technical, or industrial school, medical or dental offices, hair and body salon, financial and insurance offices, and a daycare.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a reduction of the transparency requirement of the front facade between three feet and eight feet of the wall surface, within 50 feet of a primary entrance (minimum 40% transparency required), and to provide for a six-foot tall fence within the front yard (maximum height of 3.5 feet permitted).

The Petitioner's attorney, Joseph D. Calderon (11 South Meridian Street, Indianapolis, IN), while referring to paper exhibits, explained that John and Laura Brinkley were proposing to move their small home remodeling business to the subject site, a vacant parcel sandwiched between existing uses, by constructing a new approximately 2,400-square-foot (40 by 60 foot) building. He described the varied mix of commercial, industrial, and residential uses along the Allisonville Road corridor between Fall Creek and 46th Street, including new apartments, a roofing contractor, a photography shop, a fast-food restaurant, a used car lot, a plasma center, and a metal workshop.

Mr. Calderon stated that MU-1 was an inappropriate and not viable zoning classification for this parcel given the surrounding development pattern, and that the C-S zoning with a restricted use list was a more suitable classification. He presented the proposed C-S Statement, which limited permitted uses to eleven categories: commercial building contractor offices, light manufacturing, artisan manufacturing, research and development (flex type office-industrial), consumer services and repair of consumer goods, vocational or technical school, medical or dental offices, hair and body care salon, financial and insurance services, and daycare center or nursery school.

Regarding the variances, Mr. Calderon explained that the transparency variance was requested because the building was not a public-facing retail space and the owners did not wish to invite mischief to the site. He stated the six-foot, decorative wrought iron fence was proposed for security purposes and showed examples of the fence style. He noted the 2,400-square-foot building met all setback requirements. He confirmed that the Technically Qualified Person (TQP) for the well field overlay, Rachel Walker of Mundell, had been consulted and had expressed no concerns regarding the proposed use and materials stored on site, with correspondence included in the Petitioner's exhibit book. He stated no letters or emails of opposition had been received following Notices and noted that there was no remonstrance present at the hearing.

Mr. Calderon addressed the Staff report commitments, stating the Petitioner had no issue with the site maintenance commitment. Regarding the right-of-way dedication, he noted what he believed to be a typographic error in the Staff report referencing Shelbyville Road instead of Allisonville Road and expressed concern that a 63-foot half dedication would exceed the thoroughfare plan's maximum of 119 feet total for this four-lane primary arterial. He agreed the Petitioner was willing to dedicate the right-of-way consistent with the thoroughfare plan requirement. He also confirmed the Petitioner would be willing to submit a landscaping plan for Administrator's Approval.

Laura Brinkley (9650 Copley Drive, Indianapolis, IN), Broad Ripple Construction, LLC, said the family-owned, local home remodeling company focused on interior residential remodels, operating since 2006. She hoped that the Hearing Examiner would allow the operations to continue and allow the business to continue to grow. Jonathan Brinkley (9650 Copley Drive, Indianapolis, IN) reported that no materials or equipment would be stored outside the building, and that the company van would be parked inside the building for security reasons. He noted the business employed approximately six to seven people, most of whom traveled directly to job sites.

Kathleen Blackham (Staff) stated Staff recommended denial of the Petition, noting the proposed use did not align with the office commercial typology recommended by the Comprehensive Plan, which called for small-scale offices, retail, and personal or professional services. She expressed concern that several of the listed permitted uses, including light manufacturing,

commercial building contractor, flex-type office-industrial, and industrial training school, were inappropriate for the size of the parcel and would give the building an industrial appearance inconsistent with the corridor. Ms. Blackham also noted that sidewalks were required but were not shown on the site plan, that the location of the proposed fence was not clearly indicated on the plan, and that while discussions had taken place regarding improvements to the building's appearance, the submitted materials did not reflect the changes. Ms. Blackham (Staff) acknowledged the wellfield concern had been addressed. She reiterated Staff's position that a six-foot front yard fence was inappropriate in the front yard, noting it might be appropriate along the side and rear yards. She noted the presence of a newly constructed multifamily development directly across the street and offices to the north and south, and concluded the proposed use bordered on intense commercial and industrial uses, which were inappropriate for the location. Ms. Blackham confirmed that no remonstrance had been received for the Petition.

The Hearing Examiner observed that Staff appeared to have several unresolved concerns with the Petition, including the permitted use list, the building appearance, the fence location on the site plan, and the right-of-way dedication. She stated her inclination was to recommend denial but offered to continue the Petition to allow the Petitioner to address those concerns.

During rebuttal, Mr. Calderon agreed to return with revisions addressing three items: a refined permitted use list, a revised building rendering showing architectural improvements, and a site plan updated to clearly show the fence location. He indicated the right-of-way dedication expectation was also important to resolve and requested a two-week continuance to the May 28, 2026 hearing. Ms. Blackham said Staff had no objection to the continuance request.

Hearing no further comments, the Hearing Examiner continued companion Petitions 2026-CZN-816 and 2026-CVR-816 to the May 28, 2026 meeting.

ADJOURNMENT

There was no further business before the Hearing Examiner, so the meeting adjourned at 2:32 P.M.



Judy Weerts Hall, Hearing Examiner
Metropolitan Development Commission