



Board of Zoning Appeals
Board of Zoning Appeals Division III (April
15, 2025)
Meeting Agenda

Meeting Details

Notice is hereby given that the Metropolitan Board of Zoning Appeals will hold public hearings on:

Date: Tuesday, April 15, 2025

Time: 1:00 PM

Location: Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street

Business:

Adoption of Meeting Minutes:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2025-DV3-010 | 909 Wright Street**
Center Township, Council District #18, zoned D-8 (TOD)
8424 Bravestone LLC, by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a one-foot front yard setback (10-feet required), a three-foot south side yard setback (five-feet required), a three-foot rear yard setback (20 feet required), an open space of 30 percent (40 percent required) and a front loaded garage (prohibited).

****A Registered Neighborhood Organization has filed a timely automatic continuance, continuing this to the May 20, 2025 hearing of Division III**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 2. 2025-DV3-004 (Amended) | 5930 East 82nd Street**
Lawrence Township, Council District #4, zoned C-4
GMX Real Estate Group LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an eating establishment with two stacking spaces within the front yard of East 82nd Street (not permitted), and 21 parking spaces (maximum nine permitted).

- 3. 2025-DV3-007 | 426 Panola Court**
Warren Township, Council District #20, zoned D-3
Donald and Sarah Richards, by Simeon Langham

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition encroaching within a platted easement (not permitted).

- 4. 2025-DV3-009 | 7151 East 35th Street**
Warren Township, Council District #9, zoned SU-2 / C-S
Indianapolis Public Schools, by Russell McClure

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a six-foot (limited to 3.5-foot tall) chain link fence within the front yard of 34th Street (not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 5. 2024-DV3-037 (Amended) | 1625 Shelby Street**
Center Township, Council District #18, zoned C-3 (TOD)
Jugaad LLC, by David Retherford

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience store with a front building line width ratio of 10.64 (80 percent required) and deficient transparency along Shelby Street (40 percent required), and with deficient landscaping.

PETITIONS FOR PUBLIC HEARING (New Petitions):

- 6. 2025-DV3-008 | 5101 East Thompson**
Franklin Township, Council District #24, zoned C-4
BT Indianapolis LLC, by Michael Timko

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station and convenience store with facade transparency as low as zero percent (40 percent required), a drive-through without a bypass lane (required), and overall deficient site landscaping.

- 7. 2025-DV3-011 | 1022 Grassy Branch Drive**
Warren Township, Council District #20, zoned D-3 (FF)
Taylor Morrison of Indiana LLC, by John Cross

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling resulting in an open space of 67 percent (70 percent required).

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov, before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.



BOARD OF ZONING APPEALS DIVISION III

April 15, 2025

Case Number: 2025-DV3-010 (Amended)
Address: 909 Wright Street (approximate address)
Location: Center Township, Council District #18
Zoning: D-8 (TOD) (RC)
Petitioner: 8424 Bravestone LLC, by Mark & Kim Crouch
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a three-foot south side yard setback (five-foot required), a three-foot rear yard setback (20 feet required), and an open space of 30 percent (40 percent required).

Current Land Use: Undeveloped

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

This request has been amended from the original legal notice. This property is located within the Regional Center overlay, which was not originally indicated. The Regional Center overlay does not require a front yard setback, therefore the request for a one-foot front yard setback was withdrawn. In addition, the site plan was changed to remove the request for the front-loaded garage. No new notice is required for these changes.

This petition was **automatically continued to the May 20, 2025, hearing**, from the April 15, 2025, hearing, by a Registered Neighborhood Organization. This would just require the Board’s acknowledgement.



BOARD OF ZONING APPEALS DIVISION III **April 15th, 2025**

Case Number: 2025-DV3-004 (Amended)

Property Address: 5930 East 82nd Street (Approximate Address)

Location: Lawrence Township, Council District #4

Petitioner: GMX Real Estate Group LLC, by Joseph D. Calderon

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an eating establishment with two stacking spaces within the front yard of East 82nd Street (not permitted), and 21 parking spaces (maximum nine (9) permitted).

Current Land Use: Commercial

Staff Recommendations: Staff recommends **approval** of this variance petition.

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the third public hearing for this variance petition.

The second public hearing for this variance petition was continued to allow additional time for staff to discuss the variance petition with the petitioner.

The first public hearing for this variance petition was continued due to allow additional time for discussion of the petition with relevant neighborhood associations and make changes to the variance request.

STAFF RECOMMENDATION

Staff recommends **approval** of this variance petition.

PETITION OVERVIEW

- The variance petitioner is requesting two items: 1) a Development Standards Variance for two (2) staking spaces within the front yard of East 82nd Street, and 2) to allow 21 parking spaces.
- This property is 1.046 acres in a C-4 zoning district.
- There are plans to construct a Dutch Bros coffee shop with two (2) drive-thru lanes on this property.
- This parcel was once conjoined with the parcel to the east (Krispy Kreme's current location), but in 2020, it was divided into two (2) parcels through a plat petition case 2020-PLT-103.



Department of Metropolitan Development
 Division of Planning
 Current Planning

- In 2021, the owners of the two (2) parcels established a private, reciprocal easement agreement stating that the northern portion of the subject site's property would be non-curbed parking and shared with the Krispy Kreme located to the east.
- Stacking spaces permit customers to receive services or obtain goods in or on a motor vehicle. For a one-service unit eating establishment or food preparation location, such as Dutch Bro's, in a Metro context area, two (2) stacking spaces must be at the service unit's exit.
- These stacking spaces are not permitted in the front yard along the right-of-way, which exceeds 30 feet in width (East 82nd Street is roughly 145 feet in width). However, in this subject site, with the orientation of the building, the placement of the surrounding commercial buildings, and the easement to the north, there is no location for these stacking spaces except for the front yard.
- The petitioner has submitted a landscaping plan that will obscure the two (2) stacking spaces from view to drivers on East 82nd Street.
- The proposed development on the subject site has 21 parking spaces: two (2) stacking spaces in the south, nine (9) spaces beside the service unit (including two (2) ADA-compliant spaces), and ten (10) in the north area of the property.
- For a food preparation establishment, the maximum number of parking spaces is determined by calculating one (1) space per 100 sqft of the total floor area. The proposed Dutch Bro's building is planned to be 950 sqft in size, meaning that with the current Ordinance standards, the property can have a maximum of nine (9) off-street parking spaces.
- Due to the easement, the petitioners cannot remove the ten spaces to the north. Additionally, the ordinance requires two (2) stacking spaces, necessitating a variance.
- Staff recommends **approval** of this variance petition due to practical difficulty with the property's location next to an integrated center, the past easement to the north, and current Ordinance standards.
- With its approval will include the commitment "So long as the proposed use on the Subject Property has a maximum number of nine (9) parking spaces permitted under the City of Indianapolis Consolidated Zoning / Subdivision Ordinance (the "Zoning Ordinance"). The ten (10) parking spaces located on the north side of the Subject Property and labeled as "Shared Parking Spaces" as shown on the Site Plan attached hereto as Exhibit "A" shall be reserved for the existing Krispy Kreme use on the adjacent parcel, commonly known as 5940 East 82nd Street (Lot 1 in Castleton Square Corner) (the "Adjacent Parcel"), or any other use on the Adjacent Parcel using the existing building consisting of 3500 s.f. and having a minimum parking space requirement under the Zoning Ordinance exceeding the actual number of on-site parking spaces".

GENERAL INFORMATION

Existing Zoning	C-4
Existing Land Use	Vacant
Comprehensive Plan	Regional Commercial
Surrounding Context	Zoning
North:	C-4
South:	C-3
East:	C-4
	Surrounding Context
	North: Regional Commercial
	South: Community Commercial
	East: Regional Commercial



West:	C-4	West: Regional Commercial
Thoroughfare Plan		
82 nd Street	Primary Arterial	145 feet of right-of-way existing and 134 feet proposed.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	1/23/2025	
Site Plan (Amended)	N/A	
Elevations	1/23/2025	
Elevations (Amended)	N/A	
Landscape Plan	3/4/2025	
Findings of Fact	1/23/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers (pg 20).

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.



Department of Metropolitan Development
Division of Planning
Current Planning

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

- 2020-PLT-103: 6022 East 82nd Street
 - Approval of a Subdivision Plat to be known as 6022 East 82nd Street Subdivision, dividing 1.759 acres into two lots.
 - Approved
- 2021-DV3-025: 6022 East 82nd Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall, 71-square foot monument sign within 289 feet of an existing sign to the west and 172 feet of an existing sign to the east, being the eighth sign along the 82nd Street frontage (300-foot separation required, maximum sign area of 300 square feet per site and maximum two freestanding signs permitted).
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2000-UV3-057: 6070 East 82nd Street
 - Auto glass replacement shop.
 - AP
- 2001-DV1-040: 6161 East 82nd Street
 - 58.5 sqft advertising sign.
 - D
- 2001-ZON-031: 6081 East 82nd Street
 - 122.13 acres from C-2, C-7 & I2S to CS office-commercial industrial business park with an emphasis on office, light warehousing and related commercial uses.
 - WD
- 2003-ZON-099: 5920 Castleway W Drive
 - To be used for adult/secondary educational purposes only.
 - AP
- 2005-DV2-053: 6110 East 82nd Street
 - Provide for a forty-foot tall, 153.75-square foot pole sign located 196.1 feet from an existing freestanding sign within an integrated center (minimum 300-foot separation required between freestanding signs in an integrated center) in C-4.
 - AP
- 2007-DV3-030: 6020 East 82nd Street
 - Variance of Development Standards of the Sign Regulations provide for the construction of a 56.75-foot tall, 635.82-square foot pole sign (maximum 40-foot height permitted), with a 368 square foot electronic variable message sign component or 57.8 percent of the total sign area (maximum 254-square feet or 40 percent of the total sign area permitted), being within fifteen feet of a signalized traffic intersection (minimum 125-foot separation required).
 - AP

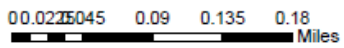
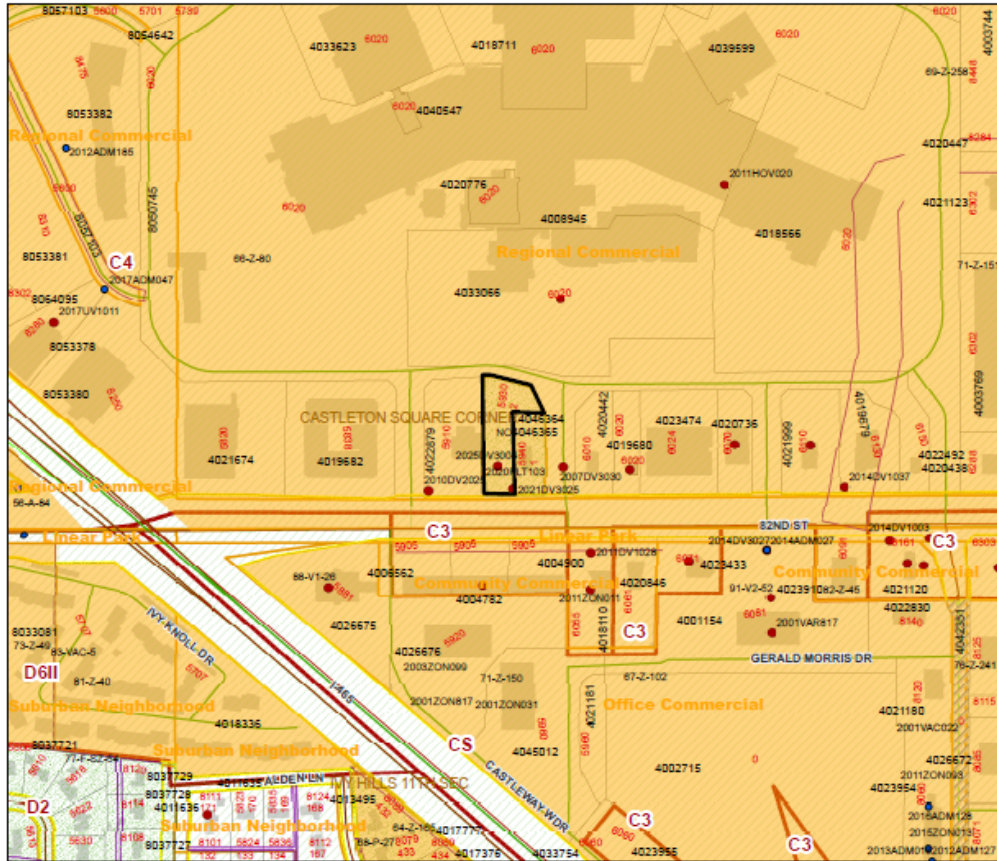
- 2007-DV3-054: 6020 East 82nd Street
 - Variance of Development Standards of the Sign Regulations to provide for a 34-foot tall, 228.67-square foot pole sign with an approximately 740-foot front setback from East 82nd Street, resulting in a total sign area of 1,558.67 square feet within an integrated center (maximum 900-square feet permitted).
 - AP
- 2008-HOV-004: 6055 East 82nd Street
 - Outdoor seating variance.
 - WD
- 2010-DV2-025: 5910 East 82nd Street
 - Variance of Development Standards of the Sign Regulations to provide for a 22-foot tall, 148.5-square foot free-standing sign, with a 11.5-foot setback from 82nd Street (15-foot front setback required) and an 11.17-foot setback from Castleway Drive
 - Approved
- 2011-DV1-028: 6055 East 82nd Street
 - Variance of Development Standards of the Sign Regulations to provide for a freestanding sign 133 feet from a freestanding sign (600 feet of separation required).
 - Approved
- 2011-ZON-011: 6055 East 82nd Street
 - Rezoning of 1.52 acres, from the C-3 District, to the C-4 classification to provide for commercial uses.
 - Approved
- 2011-ZON-093: 8060 Knue Road
 - Rezoning of 4.19 acres, from the C-S District, to the C-S classification, with a modification of Commitment Two of 2001-ZON-817 (Instrument # 2001-0152908) to provide for hospital uses, including acute care services.
 - Approved
- 2012-HOV-020: 595 East 82nd Street
 - Variance of Development Standards of the Commercial Zoning Ordinance to provide for a 486-square foot outdoor seating area (not permitted).
 - Approved
- 2014-DV1-003: 6161 East 82nd Street
 - Variance of Development Standards of the Sign Regulations to provide for a six-foot tall (ground signs cannot exceed four feet in height, minimum clearance of nine feet required), off-site business park advertising sign located in the right-of-way of 86th Street (signs not permitted within the right-of-way, 10-foot setback from proposed right-of-way required), approximately 215 feet from an existing advertising sign to the west (1,000 feet radial separation required).
 - Approved
- 2014-DV1-037: 6130 East 82nd Street
 - Variance of Development Standards of the Sign Regulations to provide for a 40-foot tall, 150-square foot pylon sign within approximately 195 feet of an existing freestanding sign to the west (minimum 300 feet of separation required), with an 11.25-foot front setback (minimum 15-foot setback required).



Department of Metropolitan Development
Division of Planning
Current Planning

- Approved
- 2014-DV2-046: 6161 East 82nd Street
 - Variance of Development Standards of the Sign Regulations to provide for a 25-foot tall, approximately 150-square foot freestanding sign, exceeding the maximum integrated center sign area, being the ninth sign along this approximately 2300-foot frontage, within 105 feet of an existing freestanding sign (maximum 900 square feet of sign area permitted, maximum seven signs permitted, minimum 300 feet of separation).
 - Approved
- 2014-DV3-027: 6081 East 82nd Street
 - Variance of Development Standards of the Sign Regulations to provide for two signs within two feet of each other (300 feet of separation required).
 - Approved
- 2022-DV3-048: 6303 East 82nd Street
 - (Amended) Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dumpster within the front yard of Knue Road (not permitted).
 - Approved
- 2024-DV3-002: 6161 East 82nd Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a drive-through and stacking space within the front yard of Knue Road, without the required service unit screening (not permitted within front yards along rights-of-way greater than 30 feet wide, and screening required).
 - Approved

EXHIBITS



Legend

- ZoningApprovals
- ZoningLncu
- ZoningVariances
- Recoloring
- Zoning/Vacations
- ZoningPlats
- CCGIS.ThoroughfarePlan
- CCGIS.EASEMENT
- CCGIS.RIGHTOFWAY
- CCGIS.STREETS
- Built/Platted
- OPER_STATUS
- REMOVED
- VACATED
- VACATED/BUILT
- VACATED/LOCATOR
- CCGIS.DMDLandUsePlanBase
- CCGIS.lhpc
- CCGIS.ZONING
- PARCELSTATEPIN
- PARCELS
- PLATTEDSUBDIVISION
- CCGIS.Buildings



Exhibit 1: Area map of surrounding context around 5930 East 82nd Street.



**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 two stacking spaces at the end of the pick up window would meet applicable front setbacks and will rarely be used, and the proposed sign meets the required front setback and will not be located in any clear sight triangle.

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:

neither the two stacking spaces in front of the building, nor the proposed sign will interfere with access or visibility to or from any 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 shape of the property being narrow but deep, dictates the drive through stacking, resulting in the spaces located of the pick up window being located in the front yard. The monument sign proposed is one sign on an independently owned lot and has one user.

Exhibit 2: The submitted Findings of Fact.

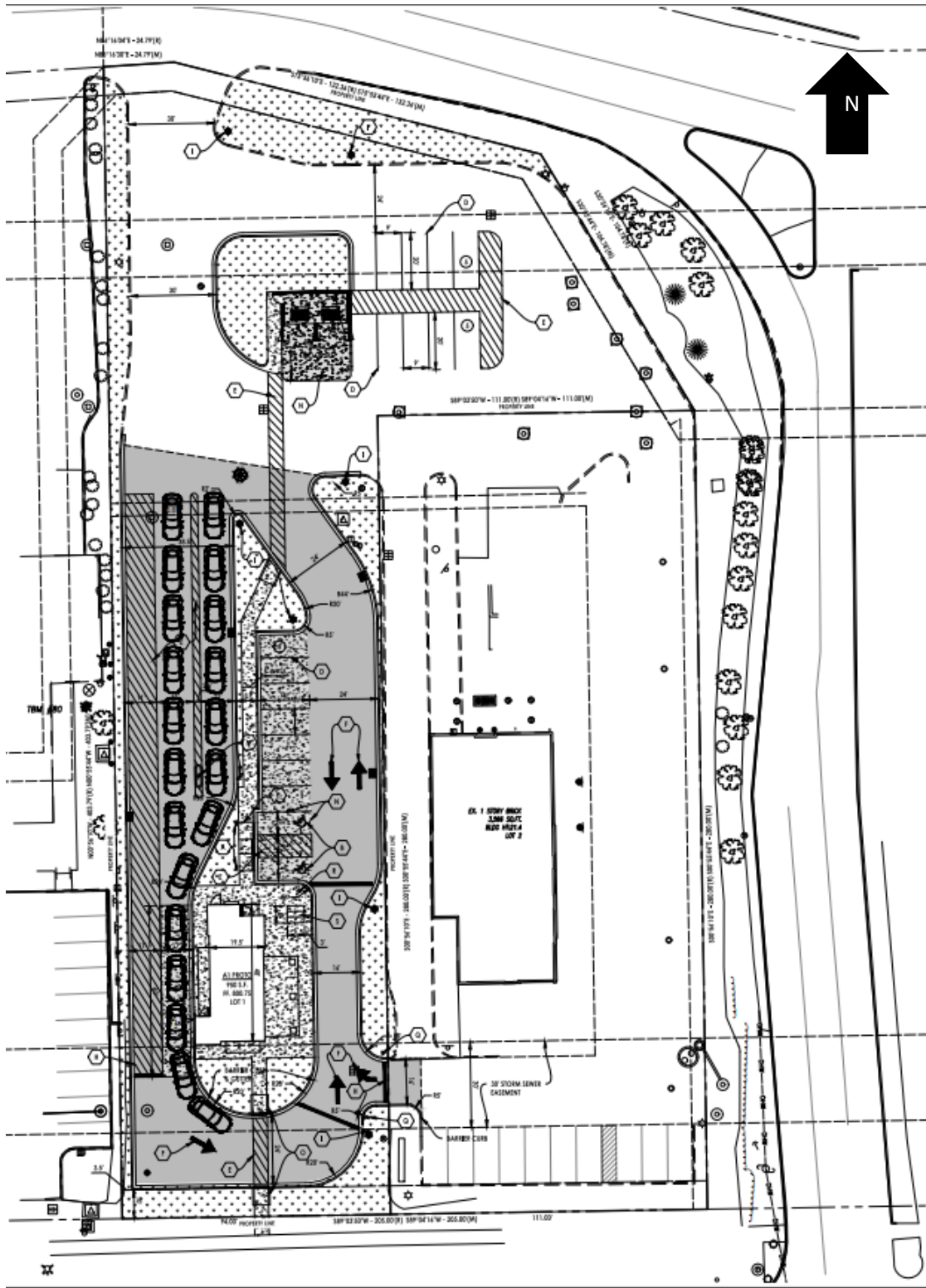


Exhibit 3: Proposed site plan.

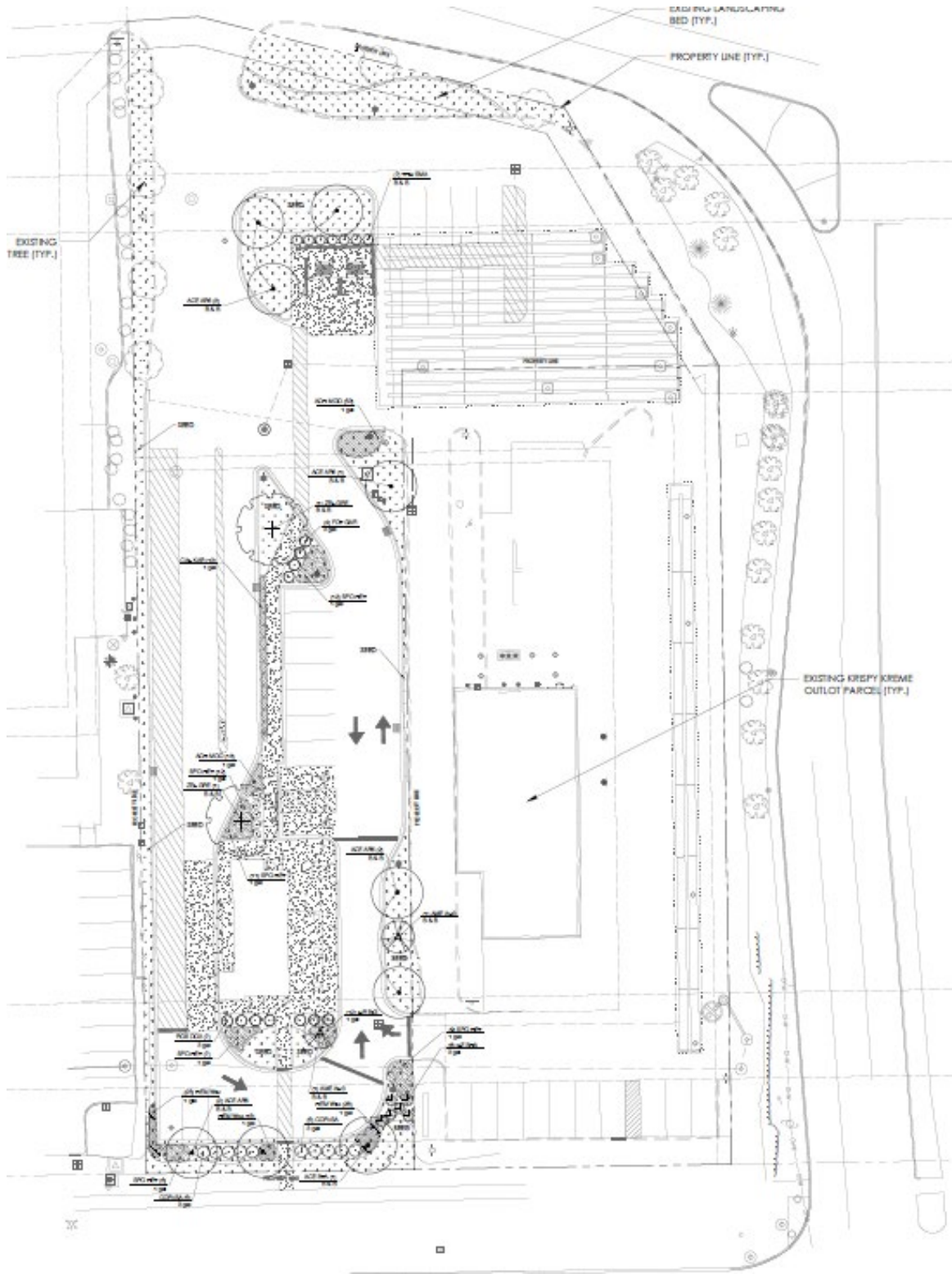
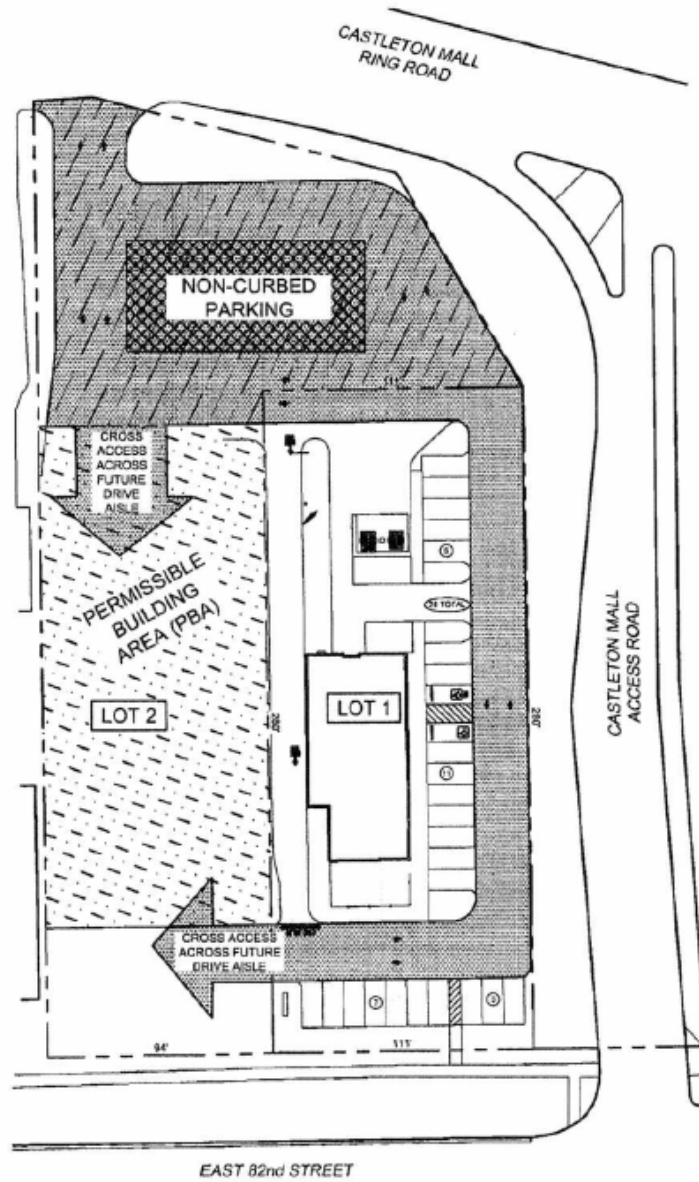


Exhibit 4: Proposed landscape plan.



-  CROSS ACCESS
-  PERMISSIBLE BUILDING AREA
-  PROTECTED TRUCK DELIVERY AREA
-  NON-CURBED PARKING, PER MUNICIPAL APPROVAL

Exhibit 5: Reciprocal Easement Agreement map between the subject property and the Krispy Kreme next door.



Exhibit 6: Proposed site for the Dutch Bros looking north.



Exhibit 7: Proposed site for the Dutch Bros looking south.



Exhibit 8: Longhorn Steakhouse to the west of the subject property (sign is 185 feet from the proposed Dutch Bro's sign location).



Exhibit 9: Krispy Kreme and Castleton square sign to the east of the subject property (Krispy Kreme sign is 104 feet from the proposed Dutch Bro's sign location).



Exhibit 10: The shared non-curbed parking area looking east.



Exhibit 11: The shared non-curbed parking area looking north.



Exhibit 12: Looking east down East 82nd Street.



Exhibit 13: Looking west down East 82nd Street.



Exhibit 14: Looking across East 82nd Street.



Exhibit 15: Castleton Square behind the subject site.



Exhibit 16: Aerial of the subject site and surrounding area.



BOARD OF ZONING APPEALS DIVISION III

April 15, 2025

Case Number: 2025-DV3-007

Property Address: 426 Panola Court (*approximate address*)

Location: Warren Township, Council District #20

Petitioner: Donald & Sarah Richards, by Simeon Langham

Current Zoning: D-3

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition encroaching within a platted easement (not permitted).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 426 Panola Street is a corner lot property that is currently improved with a 2-story single-family home. It is located within the Creekside Woods residential subdivision and is surrounded by other single-family homes on all sides. The site also contains a drainage and utility easement that runs parallel to the northern, western, and eastern property lines (see Exhibits).
- Permit applications were made in late 2023 to allow for the construction of a single-story addition that would contain an additional bedroom and bathroom. At its closest point, the proposed addition would have a front-yard setback of 25 feet from Creekside Woods Drive. Although this would comply with the 25-foot setback requirement for D-3 zoning, it would also partially encroach into the separation area (around 33 feet) required by the easement. For the addition to be built legally, issuance of both an encroachment license from the Department of Business and Neighborhood Services and a zoning variance would be required. An application for the encroachment license was made in early 2025 which could be issued by BNS upon approval of this variance request.



Department of Metropolitan Development
Division of Planning
Current Planning

- The subject site is zoned D-3 to allow for low or medium intensity residential development (predominantly single-family residences) with good thoroughfare access, flat topography, and pedestrian connections to community services. Similarly, the Comprehensive Plan Pattern Book recommends it to the Suburban Neighborhood living typology to allow for predominantly single-family housing supported by neighborhood services and amenities. Infill Housing Guidelines indicate that front setbacks should match their surrounding context in areas with uniform front setbacks, and that the front setbacks on corner lots should reflect both frontages.
- It is likely that the atypically large width of the easement within the northern front yard of the site was a preventative measure due to the existing stream and floodway to the west and a lack of certainty about the potential runoff that might occur. Utilities that would typically access this easement include communications companies (AT&T) and electrical and energy services (AES, Citizens). For construction into platted easements, 'vacation of platted easement' petitions are sometimes utilized instead of variances of development standards. Although either petition type is allowable, staff typically reserves vacations of platted easements for commercial development where the likelihood of additional future encroachments is higher. Since this would likely be a one-time encroachment, the variance of development standards is the more appropriate petition type.
- Findings of Fact provided by the applicant indicate that one of the primary occupants of this property is wheelchair-bound and would benefit from ground-level bedroom and bathroom facilities, that the existing utility easement is abnormally large, and that they are in receipt of correspondence from their HOA and several utility agencies indicating a lack of opposition to the proposed addition. That correspondence is provided below within staff's report: the letter from Creekside Woods HOA indicates approval if the required zoning variance were to be approved, the Citizen's Energy letter indicates that 10 feet of horizontal separation from the existing sewer main would need to be maintained, and the other two letters limit their indication of approval to the specifics of this proposed expansion. Additionally, a representative from the Stormwater division of the Department of Public Works indicated to staff that they did not have concerns about approval of this encroachment since stormwater infrastructure is already present within the neighborhood and would not be impacted by this petition.
- Given that the proposed addition would comply with the setback required by Ordinance, has explicit permission granted by relevant utility holders and stormwater administrators, and would only constitute a minor deviation from Infill Housing Guideline recommendations due to the intervening street and distance from the house to west, staff would recommend approval of this variance application. Staff also notes that this property is somewhat unique in that 57% of the lot's area is comprised of easement, and that this recommendation of approval would not necessarily serve as precedent for other petitions related to easement encroachment.



GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Residential
	South:	South: Residential
	East:	East: Residential
	West:	West: Residential
Thoroughfare Plan		
Panola Court	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Creekside Woods Dr	Local Street	60-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	02/18/2025	
Site Plan (Amended)	N/A	
Elevations	02/18/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	02/18/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Pattern Book recommend this property to the Suburban Neighborhood living typology to allow for predominantly single-family housing interspersed with attached and multifamily housing where appropriate and supported by a variety of neighborhood-serving businesses and amenities. Natural features should be preserved, and streets should be well-connected.



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

- Front setbacks help to shape the perceived size of streets by establishing the visual distance from streets and sidewalks to houses. The Guidelines recommend that in areas where front setbacks are uniform that development should match existing contexts, and that corner sites should reflect the context of both streets.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

88-Z-280, rezoning of 129.9 acres from the A-2 to the D-2 zoning designation to allow for single-family residential development, **approved**.

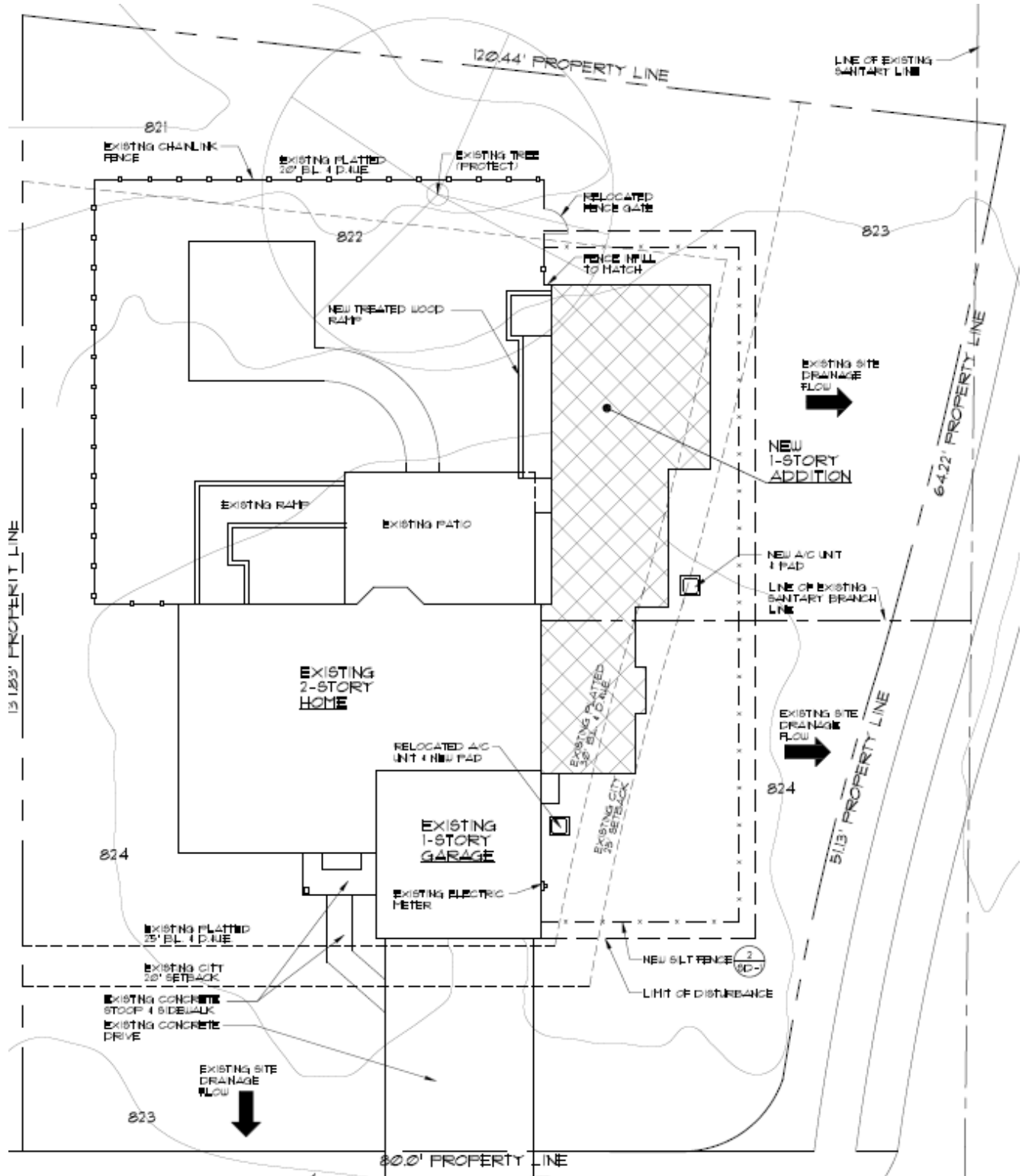
88-Z-71, rezoning of 135.50 acres from the A-2 to the D-3 zoning designation, **denied**.

EXHIBITS

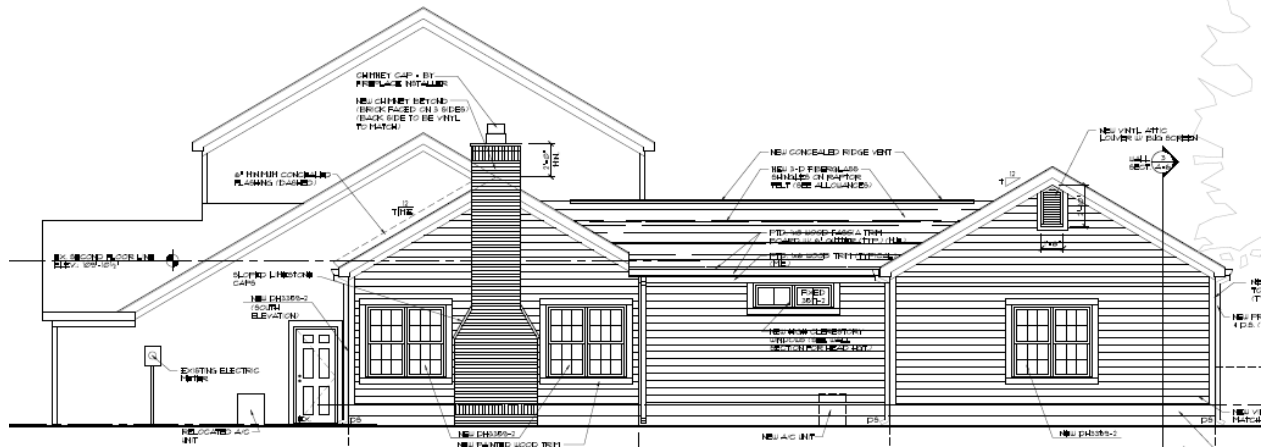
2025DV3007 ; Aerial Map



2025DV3007 ; Site Plan



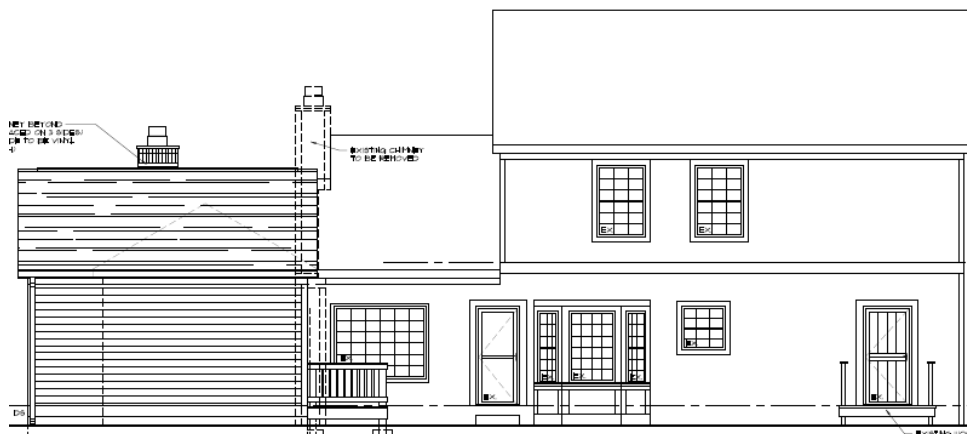
2025DV3007 ; Proposed Northeastern Elevation (visible from Creekside Woods Dr)



2025DV3007 ; Proposed Southwestern Elevation (visible from 430 Panola)



2025DV3007 ; Proposed Northwestern Elevation (visible from 10511 Creekside Woods)





2025DV3007 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

Grant of encroachment does not present any danger to the public health, safety, morals, and general welfare of the community because, it does not adversely affect the extra large utility easement or encroach in any significant way to affect health, safety or welfare of any citizen as proofed by approval documentation provided by the utility companies themselves.

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 encroachment does not significantly encroach on the utility easement. Current utility easement is larger than typical. The original subdivision Developer granted additional utility easement to the utility companies at the time of original land development .

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

It will not allow for the addition of an ADA compliant master bedroom and bathroom addition to be constructed for the disabled veteran who is wheelchair bound and is a long time resident of this residence and community. Afore mentioned resident has not been able to shower or access current dwelling facilities that allow for the typical creature comforts and quality of life necessary to continue occupying the dwelling in its current state.

2025DV3007 ; Easement Boundaries (yellow dashes)





Department of Metropolitan Development
Division of Planning
Current Planning

2025DV3007 ; Citizens Energy Letter



REAL ESTATE

2150 Dr. Martin Luther King Jr. St. | Indianapolis, IN | 46202

September 24, 2024

Via Email

Simeon Langham
Sapphire Home Improvements, LLC
7002 Graham Road, Suite 204
Indianapolis, IN 46220

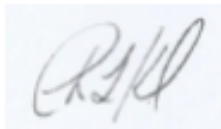
RE: Property located at: 426 Panola Court

Dear Mr. Langham:

CWA Authority, Inc has reviewed your plans for the proposed project at 426 Panola Court in Creekside Woods Section 1, Lot 49. CWA Authority, Inc. has no objection to the encroachment into the existing 30' Drainage and Utility Easement along the north side of Lot 49 per the Plat for Creekside Woods Section 1, Recorded as Instrument #890079160 in the Office of the Recorder of Marion County, Indiana. A minimum of 10' of horizontal separation from the existing sewer main should be maintained.

Thank you very much for your time and attention to this matter. Should you have any questions please feel free to contact me at your convenience.

Sincerely,



Chris L. Kehl
Real Estate – Supervisor
2150 Dr. Martin Luther King Jr. St.
Indianapolis, IN 46202
Office 317-927-4538
Mobile 317-512-4353
ckehl@citizensenergygroup.com
Enclosures



Department of Metropolitan Development
Division of Planning
Current Planning

2025DV3007 ; AT&T Letter



Network Services
5870 N College Ave
Indianapolis, IN 46220
Phone: 317-292-3888

Joshua P Hewitt
Right of Way Manager

May 23rd, 2024

Simeon Langham
Sapphire Home Improvements

RE: Encroachment upon Utility Easement

To whom it may concern,

In response to the request to encroach onto or upon the public utility easement for the construction of a home addition within the property commonly known as;

426 Panola Ct, Indianapolis, In 46239 Lot 49 in Creekside Woods

AT&T has no objection to this request subject to the following conditions.

Indiana Bell Telephone Company dba AT&T Indiana, an Indiana corporation hereby waives its rights to maintain suit for the removal of said encroachment but otherwise retains all of its rights in and to said easement including, but not limited to, the recovery of damages for injury to its plant whether buried or aerial or to its employees cause by you or your agents, employees, contractors, successors or assigns whether resulting from the erection, maintenance or use of said encroachment or otherwise. Furthermore, the company will not pay for any relocation of the plant for said encroachment should it be deemed necessary.

Moreover, where said encroachment is located in close proximity to aerial plant serviced, altered, replaced, modified or maintained by Indiana Bell Telephone Company dba AT&T Indiana, an Indiana Corporation, said Company's liability to you for damage to said encroachment resulting from such servicing, alteration, replacement, modification or maintenance is limited to restoring said encroachment to its prior existing state to the extent such can reasonably be done under the circumstances.

Sincerely,

Joshua Hewitt
AT&T Right of Way Manager



Department of Metropolitan Development
Division of Planning
Current Planning

2025DV3007 ; AES Consent to Encroachment

CONSENT TO ENCROACHMENT

THIS INDENTURE WITNESSETH:

WHEREAS, Indianapolis Power & Light Company d/b/a AES Indiana (hereinafter referred to as the "Company"), has an interest in the following described real estate located in Marion County, Indiana, to-wit:

Lot 49 in Creekside Woods, Section 1, a subdivision in Marion County, Indiana as per plat thereof recorded August 15, 1989 as Instrument Number 89-79160 (A198900079160 in the office of the Recorder of Marion County, Indiana.

because of the existence of a platted Utility Strip (hereinafter referred to as "easement") adjoining the east side of said Lot 49, and

WHEREAS, a room addition to be built upon said real estate and extending into and encroaching upon said easement approximately 10', as shown on the drawing attached hereto, made a part hereof and marked "Exhibit A" (hereinafter referred to as the "encroachment"), and

WHEREAS, the encroachment does not interfere with the operation of the Company insofar as such operations involve the use of said easement;

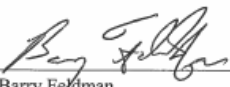
NOW, THEREFORE, in consideration of the premises and other valuable consideration, receipt of which is hereby acknowledged, the Company, by and through its duly authorized officials, does hereby grant unto Donald R. Richards and Sarah H. Richards, husband and wife, the present owners of record of said real estate per Warranty Deed recorded as instrument number A199100048292, in the Office of the Recorder of Marion County, Indiana, their successors and assigns, its consent to the encroachment; provided, that the encroachment shall be limited to that as described above and on Exhibit A, attached hereto and made a part hereof, except that repairs and maintenance may be performed so long as the height and area thereof within said easement is not increased or otherwise extended; that such limitation shall be construed also as a condition upon which this grant is made and accepted, for breach of which the Company may recover damages and, without prejudice thereto, may compel by injunction or otherwise the removal of all or any part of the encroachment.

The owners of said real estate, by acceptance of this instrument hereby agree for themselves, their successors and assigns, to indemnify and save harmless the Company, its successors and assigns, from and against any and all damages and loss that may result to the facilities and equipment or any property owned or used by the Company upon said easement, and from and against any and all legal and other expenses, claims, costs, losses, suits and judgment for damages or injuries resulting to persons or property by reason of the encroachment.

This instrument shall not be construed as a release or waiver of any rights of the Company in the aforesaid easement other than the right to object to the encroachment as proposed to be built and described.

IN WITNESS WHEREOF, Indianapolis Power & Light Company d/b/a AES Indiana, has caused this indenture to be executed by its duly authorized officials this 13 day of AUGUST, 2024.

INDIANAPOLIS POWER & LIGHT
COMPANY, d/b/a AES Indiana



Barry Feldman
T&D Metering & Operations
Technology Sr. Director, T&D Operations



Department of Metropolitan Development
Division of Planning
Current Planning

2025DV3007 ; Creekside Woods HOA Letter



The Creekside Woods Homeowners Associations, Inc

March 5, 2024

Donald & Sarah Richards
426 Panola Court
Indianapolis, IN 46239

Reference: 426 Panola Court, Lot

Dear Donald & Sarah Richards:

We are pleased to inform you that the Committee of The Creekside Woods Homeowners Associations, Inc has approved your application for the listed item(s) with the following stipulation(s):

Item(s): ADA Certified House Addition.

Stipulation(s): Agree with 10' extension into City Easement if City of Indianapolis will approve it.

The approval is contingent upon compliance with the specifications set forth in the approved application to include the above stated stipulation(s). If your change or addition requires a county permit, it must be obtained before construction. Please retain this approval as it should be passed on to future owners if the property is sold.

If you have any questions, please contact our community manager with Community Association Services of Indiana, Kelli Stallworth at (317) 875-5600.

Sincerely,

The Creekside Woods Homeowners Associations, Inc

2025DV3007 ; Photographs



Photo 1: Subject Site Viewed from East



Photo 2: Subject Site Viewed from North

2025DV3007 ; Photographs (continued)



Photo 3: Easement Area/Proposed Addition Site Viewed from East



Photo 4: Adjacent Property to South

2025DV3007 ; Photographs (continued)



Photo 5: Adjacent Property to West



Photo 6: Adjacent Property to East

2025DV3007 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to Northwest



BOARD OF ZONING APPEALS DIVISION III **April 15th, 2025**

Case Number: 2025-DV3-009

Property Address: 7151 East 35th Street (Approximate Address)

Location: Warren Township, Council District #9

Petitioner: Indianapolis Public Schools, by Russell McClure

Current Zoning: SU-2 / C-S

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a six-foot (limited to 3.5-foot tall) chain link fence within the front yard of 34th Street (not permitted).

Current Land Use: Elementary School

Staff Recommendations: Staff is recommending **approval** of this variance petition.

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing of this variance petition.

STAFF RECOMMENDATION

Staff is recommending **approval** of this variance petition.

PETITION OVERVIEW

- This property is 13.38 acres in a primarily SU-2 zoning district.
- The petitioner is requesting a variance to allow six-foot (6) fence in one of the front yards on the property to protect the parking lot area at the IPS George H. Fisher Elementary School #93.
- A second fence will also be constructed closer to Kensington Drive, but this fence does not require a variance.
- In an SU-2 zoning district, the Ordinance requires that all fences in the front yard of the property be no more than three and a half feet (3.5 feet) in height.
- The rights of way are location on both the north and south sides of the property, so the subject site has two front yards (north and south) and two side yards (east and west).
- A second fence will also be constructed closer to Kensington Drive, but this fence does not require a variance.
- The petitioner states in the Findings of Fact that the fence is necessary to provide security and prevent the school's ongoing issue with vehicles being broken into or stolen.

- Due to a lack of funding, there is no permanent School Resource Officer at the subject site. One is sometimes borrowed from a high school but cannot always be at the elementary school.
- The chain-link fence will be installed 125 feet north of 34th Street.
- The fence gate is currently planned to be opened from 7-8 a.m. and 1-3 p.m. to provide for student drop-off and pick-up but closed at all other times. Staff will then always have access to the fenced area with a key card.
- The school has one (1) bus that loads and unloads off of 35th Street.
- Staff is recommending **approval** of this variance petition; the fence is far enough from the road that it does not obscure the view of drivers on 34th Street and could provide crime deterrence on the site.

GENERAL INFORMATION

Existing Zoning	SU-2 / C-S	
Existing Land Use	Elementary School	
Comprehensive Plan	Special Use	
Surrounding Context	Zoning	Surrounding Context
North:	D-7	North: 8-15 Residential Units per Acre
South:	D-3	South: Suburban Neighborhoods
East:	D-5	East: 3.5 – 5 Residential Units per Acre
West:	C-S	West: Community Commercial Uses
Thoroughfare Plan		
35 th Street	Local Street	60 feet of right-of-way existing and 48 feet proposed.
Kensington Drive	Local Street	60 feet of right-of-way existing and 48 feet proposed.
34 th Street	Primary Collector	65 feet of right-of-way existing and 56 feet proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	3/13/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/13/2025	



**Findings of Fact
(Amended)** N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan: Pattern Book

Pattern Book / Land Use Plan

- LARGE-SCALE SCHOOLS, PLACES OF WORSHIP, AND OTHER PLACES OF ASSEMBLY
Schools, places of worship, and other places of assembly that are generally more than five acres in size. Particularly large centers of education such as township high schools and universities would not be included in this definition and are considered to be regional special uses.

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

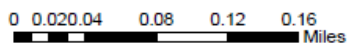
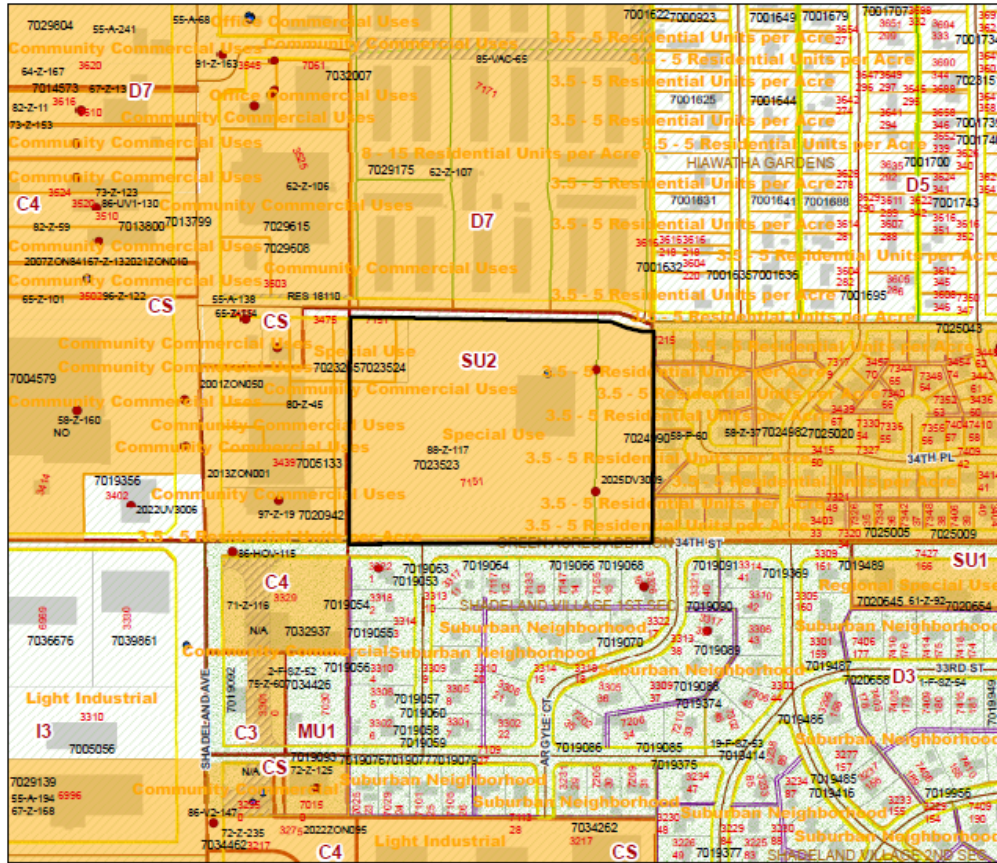
- 88-Z-117: 7151 East 35th Street
 - Request the rezoning of 11.85 acres being in the A-q district, to the SU-2 classification to conform the zoning with the existing school.
 - AP

ZONING HISTORY - SURROUNDING AREA

- 2006-UV3-040: 3414 Shadeland Avenue
 - (Amended) Variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for the rental of trucks (not permitted) in a 1,200 square foot tenant space, and to provide for outdoor operations (not permitted) within a 31,000-square foot area enclosed by a fence, which includes an 1,800-square foot wash bay and a 7,290-square foot parking area.
 - AP
- 2007-UV1-012: 3610 North Shadeland Avenue
 - Variance of Use and Development Standards of the Commercial Zoning Ordinance Zoning Ordinance to legally establish the sale of industrial conveyors and related equipment (not permitted), and an approximately 5,400-square foot outdoor storage and display area and an approximately 38,000-square foot outdoor storage area (maximum 200-square foot outdoor display area permitted).
 - AP
- 2007-UV3-005: 3524 N Shadeland Avenue
 - Variance of Use of the Commercial Zoning Ordinance to provide for a religious use (not permitted).
 - AP
- 2007-ZON-841: 3502 North Shadeland Avenue
 - Rezoning of 21.435 Acres from I-2-S to C-S to provide for mini-warehouses and repair of automobiles, trucks, and buses with gravel outdoor storage and parking of vehicles.
 - AP
- 2007-VAR-841: 3502 North Shadeland Avenue
 - Variance of Development Standards of the Commercial Zoning Ordinance to provide for a ten-foot east side transitional yard (minimum fifteen-foot side transitional yard required) along a 60-foot section of the east property line.
 - AP
- 2008-UV3-026: 2432 North Shadeland Avenue
 - Variance of Use of the Commercial Zoning Ordinance to provide for an automobile body shop with a paint booth (not permitted), within a 3,307.5-square foot tenant space in an existing building.
 - WD
- 2011-SE3-001: 3322 Englewood Drive

- Special Exception of the Dwelling Districts Zoning Ordinance to provide for a religious use, with up to 20 off-street parking spaces, a handicapped ramp and a freestanding ground sign.
 - Denied
- 2012-UV2-021: 3401 North Shadeland Avenue
 - Variance of Use of the Commercial Zoning Ordinance to provide for the sale of scooters, exceeding 50cc displacement (not permitted).
 - Withdrawn
- 2013-ZON-001: 3401 North Shadeland Avenue
 - Rezoning of 2.47 acres, from the C-S District, to the C-S classification to provide for the sale of scooters exceeding 50cc displacement.
 - Approved
- 2014UV3005: 3510 North Shadeland Avenue
 - Variance of Use of the Commercial Zoning Ordinance to provide for an automobile body and paint shop (not permitted).
 - Approved
- 2021-ZON-042: 3610 North Shadeland Avenue
 - Rezoning of 1.47 acres from the C-4 district to the C-5 district.
 - Approved
- 2022-UV3-006: 3402 North Shadeland Avenue
 - Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for vehicle sales and leasing (not permitted).
 - Approved
- 2023-CVR-866: 3502 North Shadeland Avenue
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 15,000-square foot building with a five-foot north side setback (minimum 10-foot setback required).
 - Approved

EXHIBITS



Legend

- ZoningApprovals
- ZoningLncu
- ZoningVariances
- Recoloring
- ZoningVacations
- ZoningPlats
- CCGIS.ThoroughfarePlan
- CCGIS.EASEMENT
- CCGIS.RIGHTOFWAY
- CCGIS.STREETS
- Built/Platted
- OPER_STATUS
- REMOVED
- VACATED
- VACATED/BUILT
- VACATED/LOCATOR
- CCGIS.DMDLandUsePlanBase
- CCGIS.lhpc
- CCGIS.ZONING
- PARCELSTATEPIN
- PARCELS
- PLATTEDSUBDIVISION
- CCGIS.Buildings



Exhibit 1: ArcGIS map of the subject site and surrounding area.



Exhibit 2: Aerial of the subject site and surrounding area.



**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 fence height will not have an adverse effect on the adjoining property owners since the variance is only for fence height, which will not affect neighboring land uses. This school has a problem with security including vehicles being broken into and a vehicle that was stolen during the day. The fence will also allow for a measure of security that is not possible with a fence height that would be compliant with the ordinance.

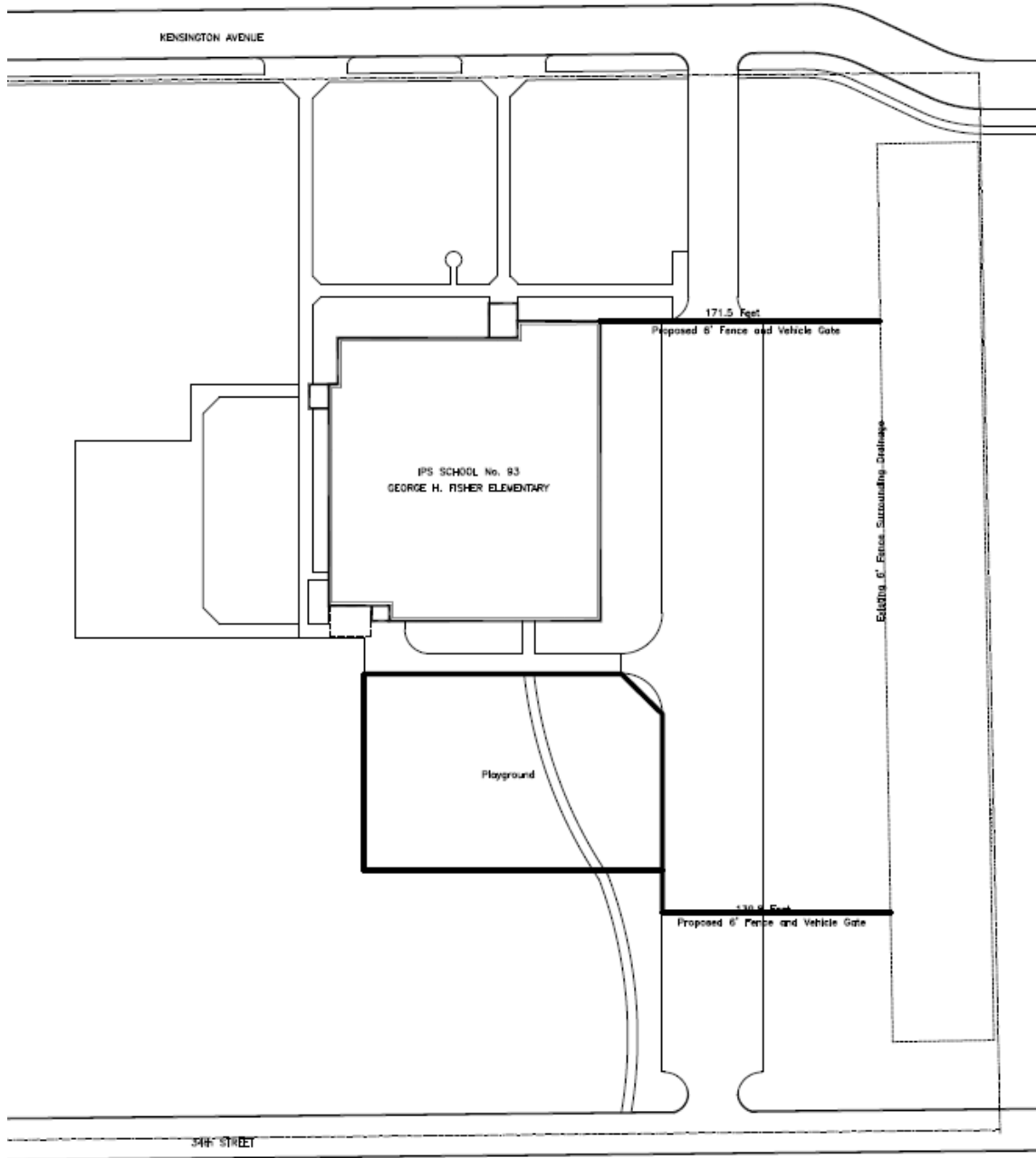
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

This fence will not interfere with any surrounding property uses or value. The fence will be installed 125 feet from the public right of way of 34th Street and still meet the security needs of the district. Also, the fence will be installed 188 feet from the properties along 34th Street.

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

The ordinance allows for a 3.5 foot tall fence, which is not sufficient for security of the site. The parking lot is used by building staff on this site where security is critical. This security is necessary for the security of IPS property but is also necessary for the protection of anyone who may wander onto the property. In addition, this building has two front yards, and if the fence was installed to comply with the ordinance, well over half of the needed parking would not be able to be secured.

Exhibit 3: Findings of Fact submitted by the petitioner.



SITE PLAN
SCALE: 1" = 40'



Exhibit 4: Site plan.



Exhibit 5: IPS George H. Fisher Elementary School #93



Exhibit 6: Back of school with existing playground fence.



Exhibit 7: Another view of the back of the school with existing playground fence.



Exhibit 8: Parking area looking south in general area of the proposed north side of fence.



Exhibit 9: Parking area looking north in general area of the proposed south side of fence.



Exhibit 10: Homes to the south of the subject site off of 34th Street.



Exhibit 11: Apartments to the north of the subject site off of Kensington Drive/35th Street.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION III

April 15, 2025

Case Number: 2024DV3037 (Amended)

Property Address: 1625 Shelby Street (*approximate address*)

Location: Center Township, Council District #18

Petitioner: Jugaad LLC, by David Retherford

Current Zoning: C-3 (TOD)

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience store with a front building line width ratio of 10.64 (80 percent required) and deficient transparency along Shelby Street (40 percent required), and with deficient landscaping.

Current Land Use: Vacant Commercial

Staff Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

3/18/25: This petition was continued by petitioner request to allow them additional time to discuss the proposal with neighborhood groups. Given that this was the third for-cause continuance request made by the petitioner and the previous indecisive vote taken in January, staff would be unlikely to support additional continuance requests in the future for this petition.

2/18/25: This petition received an indecisive 1-2 vote at the January 21st hearing of Division III and was therefore automatically continued to the February 18th hearing date. The petitioner was not available to provide testimony on this date, and staff requested a continuance to the March 18th date on their behalf.

1/21/25: This petition was continued from the December 17th, 2024 hearing date by petitioner request to allow for additional discussion with staff and relevant neighborhood stakeholders. In the intervening period, updated plans were provided that incorporated the following amendments: (a) closure of the southernmost curb cut and addition of new curb island along Shelby, (b) an alternate location for placement of a new sign that would comply with current standards, (c) placement of a new window on the western elevation, and (d) addition of small landscaped areas along Pleasant Run and at the southwest corner of the property. These new plans and updated Findings of Fact documents have been added to the report, which otherwise was written to reflect the initial site plan submitted. Staff is appreciative of the changes made because of these discussions, but core objections related to how little the proposed layout comports with relevant Transit-Oriented Development standards remain. Therefore, staff continues to recommend **denial** of the petition.



STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 1625 Shelby Street is a triangular lot which has historically contained a fueling station use that was initially constructed between 1972 and 1978. The property contained two fuel canopies, three accessory structures, a pole sign, and four existing curb cuts. In late 2023 or early 2024, the fueling station use ceased operations and the accessory buildings were demolished without issuance of a wrecking permit (which resulted in the violation case VIO24-001821 being opened); fuel pumps and two canopies remain at the site. Surrounding land uses and improvements include the I-65 interstate to the east, the Pleasant Run Creek and greenway to the south, a fueling station and retail uses to the southwest, and a thrift store use to the northwest. The site is located near the Fountain Square neighborhood to the north.
- A Red Line BRT bus stop exists at the intersection of Shelby Street and Pleasant Run Parkway SDR to the south of the property, and there is approximately 485 feet separating the edge of the transit station from the edge of this parcel. Given this proximity, TOD restrictions on uses and development standards would apply. The addition of any new or relocated fuel pumps beyond the three currently existing underneath the remaining canopies would require a variance of use for legal operation. However, since (a) the pumps and canopies predate ordinance rules disallowing fueling station uses within C-3 zoning and the TOD overlay, and (b) the zoning ordinance allows for five years of vacancy before a nonconforming use would be considered discontinued (740-603), no use variance would be required for the addition of a new convenience store structure.
- However, the proposed convenience store shown on submitted plans would require multiple variances of development standards related to the TOD overlay guidelines introduced in 2021 to allow for pedestrian-friendly development along activated streetscapes. Required variances relate to: (a) the width of the building as a ratio of the width of the Shelby frontage (80% required and only 10.64% proposed), (b) the percentage of transparent materials comprising the western building façade closest to the Shelby frontage (40% required and 0% proposed), (c) the required setback for parking areas from the Pleasant Run frontage (25 feet required and 17 feet proposed), and (d) deficient landscaping at the site (both width of landscape strip along Shelby and required screening of parking areas from rights-of-way per 744-702.D.3.d of the Ordinance).
- Review of the Improvement Location Permit application for this project was initially conducted earlier this year and noted similar dimensional standards issues. That reviewer also noted issues with light-level standards exceeding maximum allowable limits. Lighting details were not provided for DMD review, and any outstanding issues related to lighting would need to be addressed separately should the petition be approved. Additionally, the number of curb cuts and driveway widths at the site would not meet current standards and, regardless of approved land use, staff would be generally supportive of efforts to close off some of those access points.



Department of Metropolitan Development
Division of Planning
Current Planning

- This property is zoned C-3 (Neighborhood Commercial District) to allow for the development of an extensive range of retail sales and personal/professional services with accessibility for all modes of travel being provided and maintained. This zoning district previously allowed for the placement of fueling stations by-right but this is no longer a permitted use. The Pattern Book recommends this site to the Village Mixed-Use typology to allow for neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. Development in this typology should be compact and walkable with parking at the rear of buildings, entrances and large windows facing streetways, and with pedestrian-scale amenities such as landscaping contributing to the walkable environment. Mixed-use structures are preferred, and automotive uses (such as gas stations and auto repair) are not a contemplated land use. Similarly, the Red Line TOD Plan envisions mixed-use commercial nodes placed near BRT stops and discourages both automotive uses and parking within surface lots near stations.
- Findings of Fact submitted by the applicant indicate that the primary hardships preventing them from full ordinance compliance are the unusual parcel shape and the existing fuel canopies limiting options for placement of buildings on the site. Staff would note that the legally non-conforming pumps and canopies are not required to be placed at the site, and that their existence would not constitute a site-specific practical difficulty. Additionally, their removal could facilitate development of a convenience store that conforms much more closely with TOD requirements for building placement/width and parking similar to the recent pedestrian-oriented development to the northwest of the site (see Photo 6 within Exhibits).
- In addition to the close proximity between this site and the Pleasant Run Red Line stop, staff would note that this property sits between the Pleasant Run Greenway to the south and the Fountain Square station to the north (which has direct access to the Cultural Trail and a Pacers Bikeshare kiosk) and is bordered by a protected bike lane to the west. Given the high visibility of this area and proximity to several multi-modal travel options, staff contends that development and land uses should maximize the potential offered by the TOD overlay by meeting ordinance and Plan guidance as closely as possible. The proposed use of a convenience store is not incongruous with this vision, but the proposed building layout offers zero pedestrian activation along the Shelby frontage through a building width that is around one-eighth of ordinance requirements and a building façade with no windows or architectural features.
- Since the presence of multiple fueling canopies is neither required by the property's primary and secondary zonings nor a prerequisite for the successful operation of a convenience store, staff does not feel that their existence constitutes a site-specific practical difficulty. Their presence (and related fueling station use) would not be permitted by current ordinance standards and constitutes a direct impediment to development of the property in a manner compliant with ordinance and Plan guidance that envisions a vibrant and pedestrian-friendly streetscape. Removal of one or more of the canopies could allow for placement of a building that comprises a much larger portion of the Shelby frontage with additional windows and pedestrian features (and fewer extraneous curb cuts). Additionally, it could allow for reconfiguration of the proposed parking area further from property lines and for the installation of the required landscaping strip along Shelby. Staff feels



Department of Metropolitan Development
 Division of Planning
 Current Planning

that even accounting for the irregular lot shape, the proposed layout deviates substantially from both compliance and intent of relevant guidelines and recommends denial of the variances.

GENERAL INFORMATION

Existing Zoning	C-3 (TOD)	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
	North: C-3	North: Interstate
	South: PK-1	South: Pleasant Run Creek
	East: C-3	East: Interstate
	West: C-3 / I-3	West: Commercial
Thoroughfare Plan		
Shelby Street	Primary Arterial	62-foot existing right-of-way and 56-foot proposed right-of-way
Pleasant Run Pkwy NDR	Primary Collector	90-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	11/21/2024	
Site Plan (Amended)	01/10/2025	
Elevations	11/21/2024	
Elevations (Amended)	12/23/2024	
Landscape Plan	11/21/2024	
Findings of Fact	11/21/2024	
Findings of Fact (Amended)	01/10/2025	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line Transit-Oriented Development Strategic Plan

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Village Mixed-Use typology to allow for neighborhood gathering places (either in historically small neighborhood centers or newly created ones) with a wide range of small businesses, housing types, and public facilities. Development in this typology should be compact and walkable with parking at the rear of buildings, entrances and large windows facing streetways, and with pedestrian-scale amenities such as landscaping contributing to the walkable environment. Mixed-use structures are preferred, and automotive uses (such as gas stations and auto repair) are not a contemplated land use.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line Transit-Oriented Development Strategic Plan recommends this site to the Walkable Neighborhood TOD typology given its proximity to the Pleasant Run Red Line stop. The desired land-use mix for these areas is primary residential but with a commercial node of mixed-use development near transit stops. Off-street parking within surface lots and “car-only uses” are discouraged.

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

N/A

ZONING HISTORY – VICINITY

2018ZON129 ; 1618 Shelby Street (west of site), Rezoning of 0.55 acre from the I-3 district to the C-3 classification, **approved**.

2001VAR830 ; 1638 Shelby Street (southwest of site), variance of development standards of the Commercial Zoning Ordinance to legally establish eleven off-street parking spaces, for the storage of trucks and trailers, located within the side transitional yard (off-street parking not permitted within the side transitional yard), **approved**.

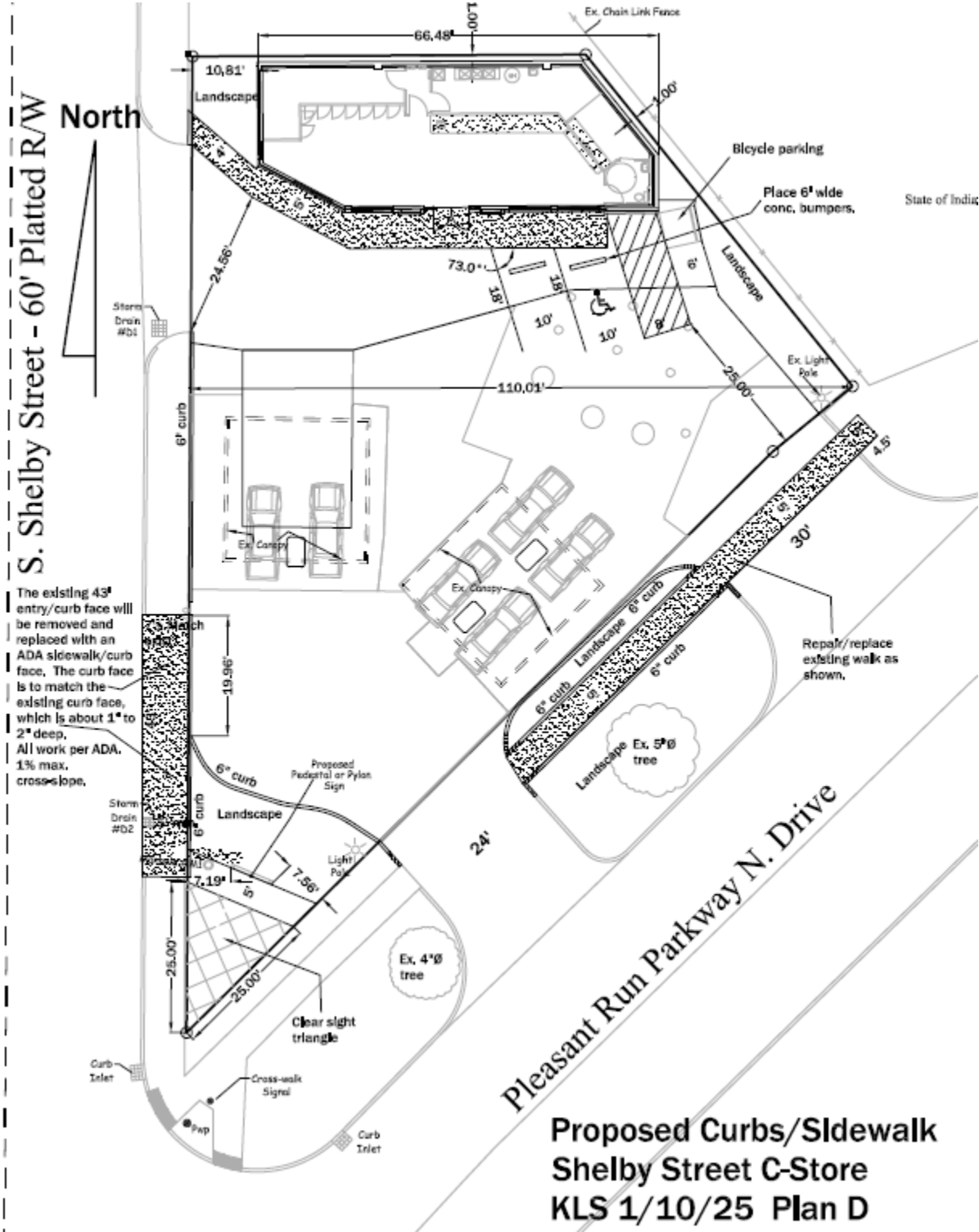
2001ZON830 SW ; 1638 Shelby Street (southwest of site), rezoning of 0.566 acres from the I-3-U district to the C-3 classification, **approved**.

EXHIBITS

2024DV3037 ; Aerial Map



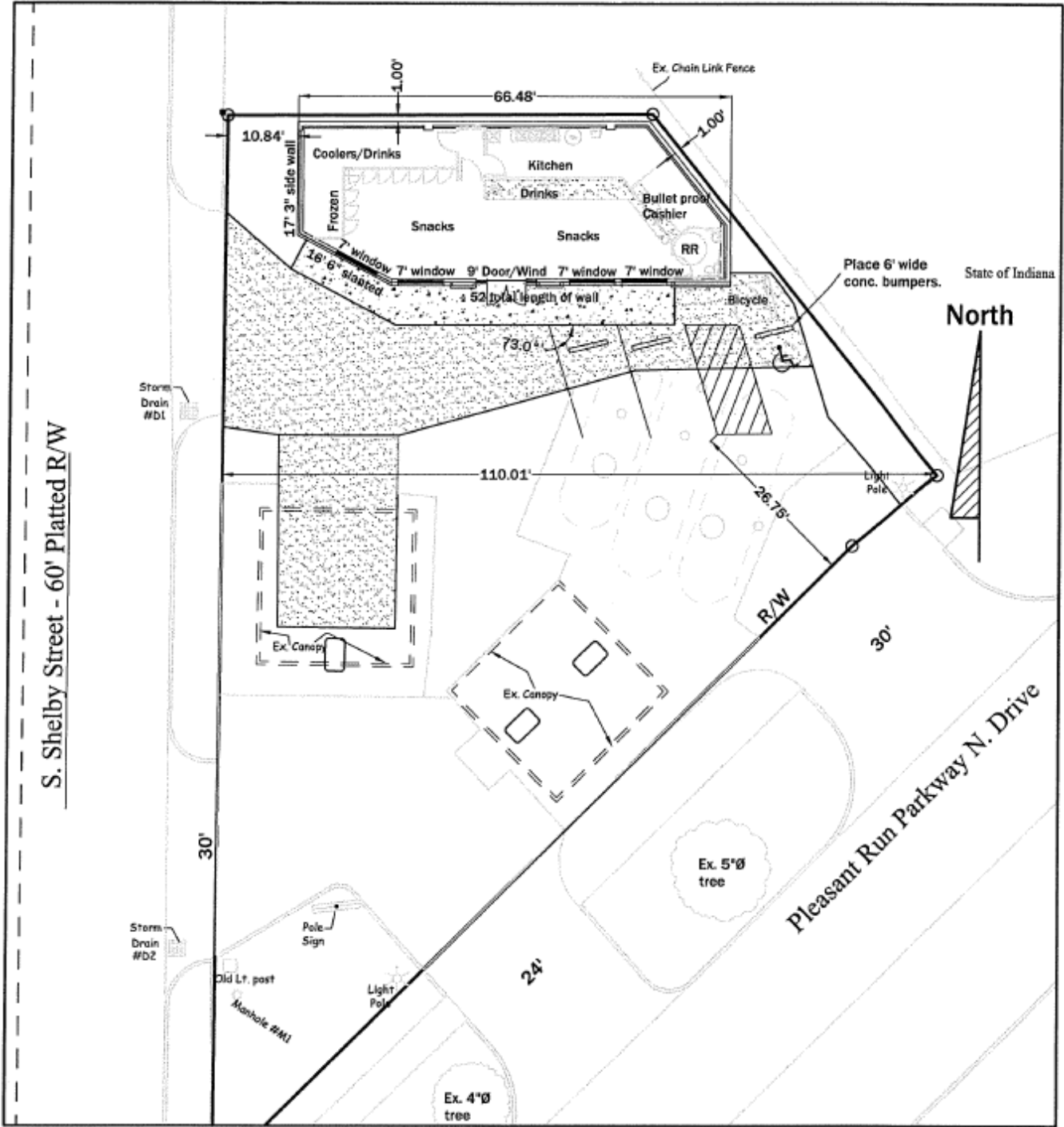
2024DV3037 ; Site Plan (amended 01/10/25 submittal)



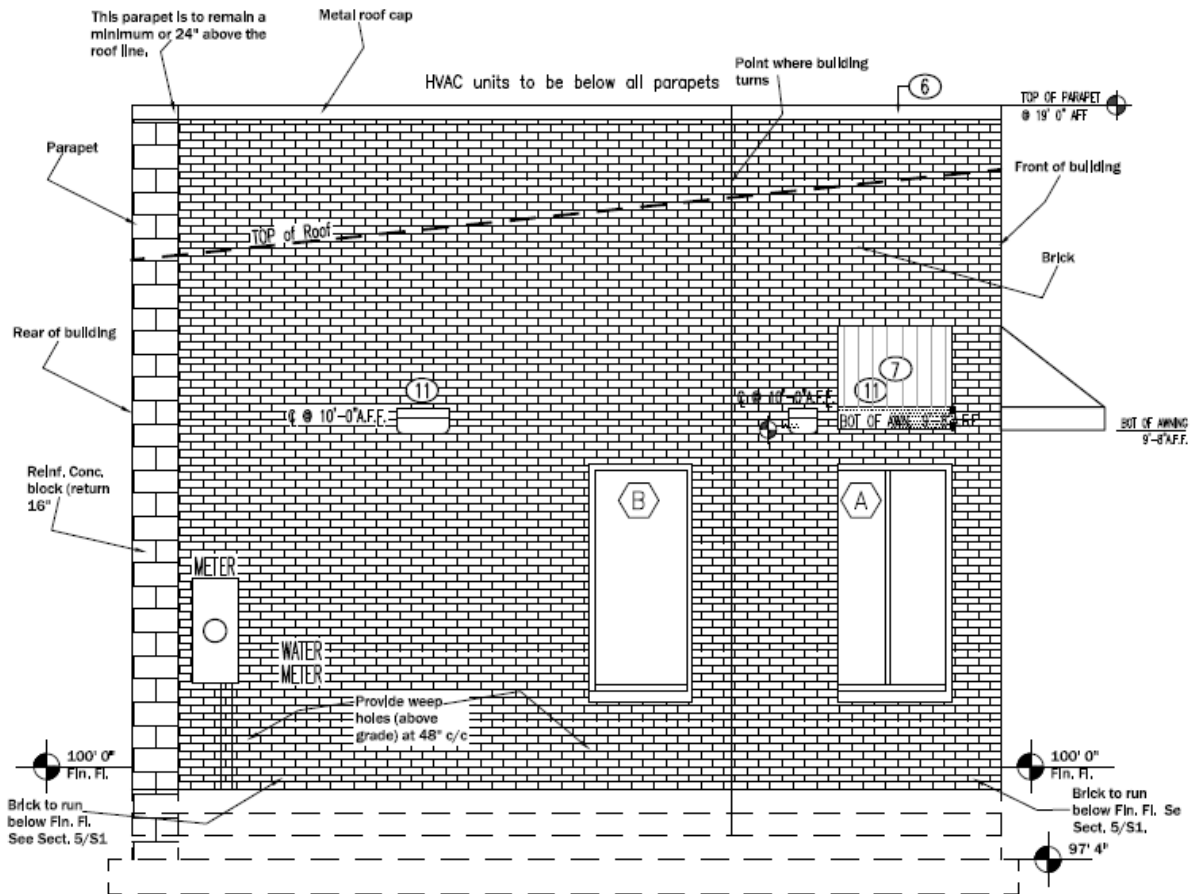
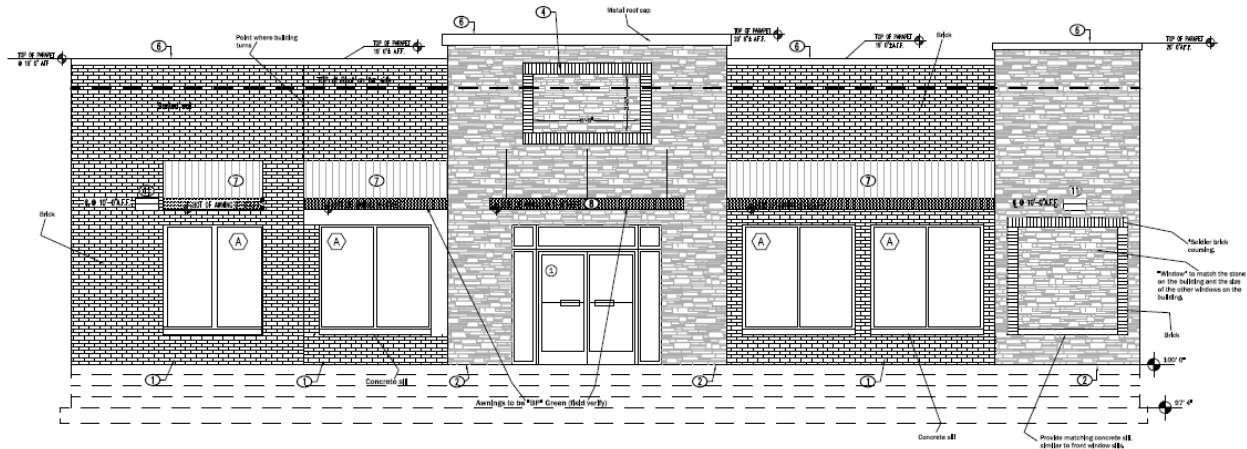
The existing 45' entry/curb face will be removed and replaced with an ADA sidewalk/curb face. The curb face is to match the existing curb face, which is about 1" to 2" deep. All work per ADA. 1% max. cross-slope.

**Proposed Curbs/Sidewalk
 Shelby Street C-Store
 KLS 1/10/25 Plan D**

2024DV3037 ; Site Plan (initial 11/21/24 submittal)



2024DV3037 ; Elevations (South and West/Southwest)





2024DV3037 ; Findings of Fact (Transparency)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Approving the exterior design of the building with the 17' foot long west facing wall only containing 17.5% transparency instead of the required 40% is not likely to create such injury. This wall does not contain a public entrance. The desired visibility into the building is provided in a reasonable fashion by the 3' X 5" window in the south portion of that wall, which allows direct view of the cash register location. In addition, the true front facing wall of the building contains 58% transparency, and the angled wall between the front wall and the west wall contains 42% transparency. In addition, if the three walls were measured as one no variance would be required as the overall transparency would exceed 40%. To resolve any potential security concerns the cash register location is also located within a transparent bullet proof enclosure for safety.

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 subject property has been developed and utilized continually as a gasoline service station with a small associated store and public restrooms for at least four decades, and while the gas station use is integral to the success of the convenience store operation, the gas station is legally permitted and established and is not being expanded. The site sits at the intersection of Shelby Street and the sharply angled Pleasant Run North Drive, so it is a very small triangular parcel. The two rear yards of the site abut I-65 to the North and northeast. Across Pleasant Run to the East and Southeast is the heavily wooded Greenways corridor and then South drive, before any residential lots even exist. Across Shelby Street to the West are three properties. Two are zoned C-3. The north parcel contains a commercial building owned by the Archdiocese, and the south parcel contains Nelson's Marathon gas station. The middle parcel appears to contain a residential rental. Installing a new attractive masonry building with canopies, and adding a new landscaping area directly west of the west facing wall with the 17.5 % transparency, when combined with the elimination of the former public restrooms that had created a well-known homeless population immediately to the North which is blamed for a history of vandalism and police calls, is actually likely to positively impact the use or value of the adjacent properties if the request is approved.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: Although Shelby Street is the front yard of the site per the ordinance, the front of this building actually faces the intersection, so the 17' long west wall is a side wall. This wall does not contain a public entrance, and the only area inside the store where the full height coolers can practically be located is along this same west wall. Since the original petition was filed, the Petitioner has added a window in this west wall which eliminates three of the originally designed coolers, and there is no practical way to replace any additional coolers if the full 40% is required for this wall.



2024DV3037 ; Findings of Fact (Landscaping)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Permitting the landscaping required along the approximately 20' of the frontage along Shelby Street which abuts the short term parking space used when refueling at the single pump station along that frontage, does not present any risk of such injury in this case where the Petitioner is adding significant landscaping to the site at each end of the Shelby Street frontage per the Site Plan; and it also willing to close the existing southernmost entrance onto Shelby Street, and to solve a long-time existing risk by installing a new curb separating the pedestrian traffic on the existing sidewalk along Shelby Street from the internal vehicular traffic on the site.

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 site sits at the intersection of Shelby Street and the sharply angled Pleasant Run North Drive, so it is a very small triangular parcel. The two rear yards of the site abut I-65 to the North and northeast. Across Pleasant Run to the East and Southeast is the heavily wooded Greenways corridor and then South drive, before any residential lots exist. Across Shelby Street to the West are three properties. Two are zoned C-3. The north parcel contains a commercial building owned by the Archdioces, and the south parcel contains Nelson's Marathon gas station. The middle parcel appears to contain a residential rental. The subject property has been utilized in the past as a gasoline service station with a very small associated C-store and also public restrooms, for at least four decades. If the variance is approved, the legally permitted gas station use would be refreshed and modernized, a new and attractive C-store built, and the entire site landscaped along with several significant improvements to the safety and appearance of the site. Permitting these upgrades to be made by approving this variance is preferable to denying it based on the minor variance being requested which abuts only the side of one parking space, as opposed to the front or back of said space.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: This is a very small site, triangular in shape. In addition to parking space adjacent to the pump for a vehicle that is being refueled, a traffic lane to pass the parked vehicle is required for public safety and emergency access. This access is especially important on the Shelby Street side due to the impact of the agreement by the Petitioner to close the southernmost entrance onto Shelby Street. The proposed new curb will be installed on the existing right of way line, which is also the east edge of the existing sidewalk. This presents a practical difficulty in that there is no room between the right of way line/existing sidewalk and the access around this fuel island for the typical landscape island along this short length of frontage. The legally existing pump and fuel island cannot practically be relocated due to the other improvements on the site, and it is not required to be removed. A site specific practical difficulty exists here; and the solution proposed by the Petitioner to landscape at the intersection and west of the building as shown on Site Plan, and also to add additional landscaping within the new island/areas along Pleasant is a satisfactory solution in this unique situation.



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

2024DV3037 ; Findings of Fact (Building Width)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Locating the proposed new building as far off the intersection as possible, and also aligning it so the attractive front of the building actually faces the intersection as proposed by the Petitioner, is a better option than waiting for an unknown future owner who would possibly be willing to remove the existing pumps, tanks and gas station improvements and completely redevelop the site with a small office building facing Shelby Street that would most likely still require multiple variances due to the small size and shape of the subject site. The Petitioner's proposal includes locating the building and the associated parking and related pedestrian store activity as far from the intersection as possible, which is likely safer than a location closer to the intersection, or even with the back of the building exposed to Pleasant Run. The Petitioner is willing to close the existing southernmost entrance onto Shelby Street, which would not be required by a different proposed use that did not require a rezoning. The Petitioner is also willing to solve a long-time existing risk by installing a new curb separating the pedestrian traffic on the existing sidewalk along Shelby Street from the internal vehicular traffic on the site. The Petitioner is willing and ready to invest hundreds of thousands of dollars in the proposed redevelopment of this decayed site, one which has a history under prior owners of being a haven for homeless people and associated crime. For all these reasons it is likely that the approval of this request would benefit public safety, morals and general welfare more than denying it and then waiting on an unknown future user and their plans.

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 site sits at the intersection of Shelby Street and the sharply angled Pleasant Run North Drive, so it is a very small triangular parcel. The two rear yards of the site about I-65 to the North and northeast. Across Pleasant Run to the East and Southeast is the heavily wooded Greenways corridor and then South drive, before any residential lots exist. Across Shelby Street to the West are three properties. Two are zoned C-3. The north parcel contains a commercial building owned by the Archdioces, and the south parcel contains Nelson's Marathon gas station. The middle parcel appears to contain a residential rental. The subject property has been utilized in the past as a gasoline service station with a very small associated C-store and also public restrooms, for at least four decades. If the variance is approved, the legally permitted gas station use would be refreshed and modernized, a new and attractive C-store built, and the entire site landscaped along with several significant improvements to the safety and appearance of the site. Denying this request based on the proposed orientation of the building likely just results in it staying vacant and an eyesore for the foreseeable future, and the current opportunity to actually have a positive impact on the adjacent properties and this area would be lost.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: Even though it is a sharp cornered lot, the ordinance requires a new building to face Shelby Street, and also for the width of that building to cover at least 60% of the length of that frontage. The site is not likely large enough to accommodate a flatiron style building with the associated parking and accesses, setbacks, landscaping, etc. Any typical rectangular building would likely require similar variances to be granted due to the practical difficulty that complying with the TCO ordinance presents on this particular site. By orienting the building towards the intersection, thereby providing views of the front of the building from the intersection also from both of the abutting streets, the Petitioner presents a reasonable solution to the practical difficulty this site presents. This proposal is likely to get this vacant site cleaned up and back on the tax rolls soon, and it makes practical sense here to approve the building as oriented as it actually does cover more than the required 60% of the lot width if that measurement is simply taken at the most practical location on this triangular site, which is across the back portion of the lot and immediately in front of the proposed building. It is also likely that the costs and delays which would result from any effort to remove the existing tanks, pumps and lines in compliance with the regulations of IDEM and the EPA are a significant practical difficulty which was not self-imposed, which would make it difficult at best to justify changing the use to anything different than a remodel of the existing gas station use on this unique site.

2024DV3037 ; Photographs



Photo 1: Subject Site from Southwest



Photo 2: Subject Site from Pleasant Run Pkwy NDR

2024DV3037 ; Photographs (continued)



Photo 3: Subject Site from Shelby Street



Photo 4: Subject Site from West (taken August 2023)

2024DV3037 ; Photographs (continued)



Photo 5: Adjacent Property to the Southwest



Photo 6: Adjacent Property & Bike Plane to the Northwest (September 2024)

2024DV3037 ; Photographs (continued)



Photo 7: Existing Curb Cuts along Shelby Street



Photo 8: Existing Curb Cuts along Pleasant Run Pkwy NDR



BOARD OF ZONING APPEALS DIVISION III **April 15, 2025**

Case Number: 2025-DV3-008

Property Address: 5101 East Thompson Road (*approximate address*)

Location: Franklin Township, Council District #24

Petitioner: BT Indianapolis LLC, by Michael Timko

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station and convenience store with facade transparency as low as zero percent (40 percent required), a drive-through without a bypass lane (required), and overall deficient site landscaping.

Current Land Use: Vacant Commercial

Staff Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 5101 East Thompson Road is currently an approximately 7.5-acre parcel near the intersection of Thompson Road and Emerson Avenue. The parcel is currently developed with a vacant retail structure to the south and paved parking areas to the north. It is also a part of the Emerson Plaza shopping center and is bordered by additional commercial uses to the north and east, residences to the west, and a garden center to the south.
- The plat petition 2024-PLT-009 was approved last year to divide this existing parcel into four (4) separate lots to allow for new commercial development (see “Development for Lots 1-3” within the Exhibits below). The northernmost three lots were designed for multitenant commercial use, fast food restaurant with drive-through, and automobile wash facility. A separate variance petition 2024-DV1-027 was also approved last year related to the northernmost three (3) lots.



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

- The scope of this variance petition would be limited solely to the development proposed for Lot 4 (address not yet assigned). The currently proposed development would allow for placement of a fueling station and convenience store at this site which would include both 10 accessory fuel pumps under a fuel pump canopy as well as placement of stacking spaces along the northern façade. The proposed drive through (referred to as a “fly-thru” within the submitted Plan of Operation) would not include an order box for placement of on-site orders and would only be utilized by patrons that had previously placed a food order remotely. The business would employ 40 employees, would be open 24 hours a day, and would receive deliveries 1-2 times a day.
- As proposed, this site layout would require the approval of three (3) separate variances of development standards: (a) the proposed rear façade containing a public pedestrian entrance does not provide for transparent materials on either side of the doorway; (b) the proposed drive through does not contain a dedicated bypass aisle; and (c) the proposed landscape plan does not meet Green Factor checklist standards, and it is unclear if requirements for interior landscaping within parking areas or for transitional yard landscaping would be fulfilled either. Submitted plans do not show bicycle parking, but the applicant has indicated this will be added.
- This property is zoned C-4 (Community-Regional District) to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. Typical uses might include home improvement stores, department stores, and theaters. Similarly, the Comprehensive Plan Pattern Book recommends this site to the Regional Commercial working typology to allow for general commercial and office uses with thoroughfare access and pedestrian connection between businesses that serve a significant portion of the county.
- Regulations on building transparency within the Ordinance exist to ensure both public safety and visibility for emergency responders as well as to allow for activation of facades that contain public pedestrian entrances. While the proposed front façade to the west would meet the 40% standard required for C-4 zoning, the rear entrance along the eastern façade wouldn’t contain any transparency at all (other than the doorway itself which would not count toward the required 40%). Findings submitted by the applicant indicate that they would be unable to meet this standard due to the placement of private bathroom and office areas on either side of the rear doorway and that that one of the two public entry points would comply. Staff would note that the design choice to place sensitive areas such as bathrooms near the rear doorway would qualify as a self-imposed practical difficulty instead of a site-specific hardship.
- The Ordinance also requires a bypass lane for drive throughs within the Metro context to allow for egress by motorists in cases of emergencies or car breakdowns. Applicant findings noted that the proposed “fly-thru” differs from standard drive throughs given the lack of an order box service unit and claimed that a bypass lane would result in the loss of required parking spaces. Staff notes that the proposed use would only require provision of 25 parking spaces and that the current site layout shows 61 parking spaces (well above the required minimum). It appears to staff that adequate flexibility would exist to both include both the required bypass aisle as well as all required parking spaces, and do not feel the submitted Findings present a practical difficulty.



Department of Metropolitan Development
 Division of Planning
 Current Planning

- Finally, the Ordinance places minimum requirements for placement of landscaping for new development to foster aesthetically pleasing, environmentally beneficial, and sustainable development. In 2016, the Green Factor requirement was added to ensure that each new development site is developed in a sustainable manner with resilient native plantings and for additional flexibility in the type and placement of landscaping elements. Although the existence of overhead power lines along the western property line does create some limitation on the placement of shade trees, staff would still note that the proposed score of 0.15 would meet neither the 0.30 required for previously undeveloped lots or the 0.22 required for land with previous commercial development (an exception for redevelopment of this nature already written into Ordinance). Staff would also disagree that the existence of surrounding properties with lower overall Green Factor scores would qualify as a site-specific practical difficulty preventing the drafting of a landscaping plan that meets Green Factor requirements as well as standards for interior and transitional yard landscaping.
- During the petition review process, staff reached out to the applicant about the concerns outlined above as well as potential pedestrian safety concerns that could result from the internal pathway that would cross over the proposed “fly-thru” lane. The applicant indicated to staff that they planned to add additional landscaped on the northwest and northeast corners of the building as well as along the northern edge of a slightly expanded drive-thru lane. Since that response and amended plans were not provided prior to the publication deadline of this report, staff would be unable to consider those changes in full without additional time facilitated by a continuance to the May hearing date (the petitioner was not amenable to allowing for additional discussion time).
- Staff does not feel the site layout provided for initial review represents an approximation of ordinance requirements or intent and feels that flexibility could exist to amend plans in a manner that would reduce or remove the need for these variances. In particular, the amount of paved area vs. landscaped area shown on plans (resulting in a deficient Green Factor score) does not advance quality of life principles found within Ordinance that would lead to a reduction in urban heat island effects and are an important piece of climate resiliency efforts. Though the surrounding land uses have historically been placed within a heavily paved context, the Green Factor requirements take previous land use context into account and broader contexts cannot change unless the permitting and petition process reinforce existing rules. Given the lack of practical difficulty presented and the importance of these regulations, staff recommends denial of this petition based on plans submitted prior to new information and publishing deadlines.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Commercial
South:	C-S	South: Commercial
East:	C-4	East: Commercial



West:	D-A	West: Residential
Thoroughfare Plan		
Emerson Avenue	Primary Arterial	100-foot existing right-of-way and 112-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	02/26/2025	
Site Plan (Amended)	N/A	
Elevations	02/26/2025	
Elevations (Amended)	N/A	
Landscape Plan	02/26/2025	
Findings of Fact	02/26/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Regional Commercial working typology for provide for general commercial and office uses that serve a significant portion of the county rather than just surrounding homes. Uses are typically in large freestanding buildings or integrated centers and should provide pedestrian connection between buildings.

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

2024DV1027, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of two drive-throughs and stacking spaces within the front yard of Thompson Road (not permitted) and without required bypass aisles, deficient compliance with various landscaping standards, and 64 parking spaces accessory to a restaurant use (maximum 25 spaces permitted for proposed square footage), **approved**.

2024PLT009, Approval of a Subdivision plat to be known as BT Indianapolis, dividing 7.527 acres into four lots, with a waiver of the sidewalk requirement, **approved**.

91-UV1-41, variance of use of the Commercial Zoning Ordinance to permit an expansion of a garden shop resulting in 9,370 square feet (200 square feet permitted) and a variance of development standards to permit a reduction in the number of required parking spaces from 409 to 356, **approved**.

ZONING HISTORY –VICINITY

2020DV2053B ; 5255 E Thompson Road (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to permit exit stacking spaces in the front yard of Thompson Road (not permitted), **approved**.

95-HOV-23 ; 5095 E Thompson Road (northwest of site), variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a drug store with a drive-through customer service window located on the west side of the building, being 87.92 feet from a residential zoning district (drive-through service units not permitted on the side or rear of a building and not permitted less than 100 feet from a protected district), **approved**.

94-HOV-130 ; 5079 E Thompson Road (west of site), variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a drug store with a drive-through customer service window located on the south side of the building being 49 feet from a residential zoning district (drive-through service units not permitted on the side or rear of a building and not permitted less than 100 feet from a protected district), **approved**.

88-UV2-122 ; 5130 E Thompson Road (north of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for a restaurant drive-through window within 100 feet of a residential district and within the required front yard (seventy-feet required), **denied**.

87-UV3-101 ; 4925 S Emerson Avenue (north of site), variance of use of the Commercial Zoning Ordinance to provide for a restaurant with drive-through and carry-out service within 100 feet of a residential zoning district, **withdrawn**.

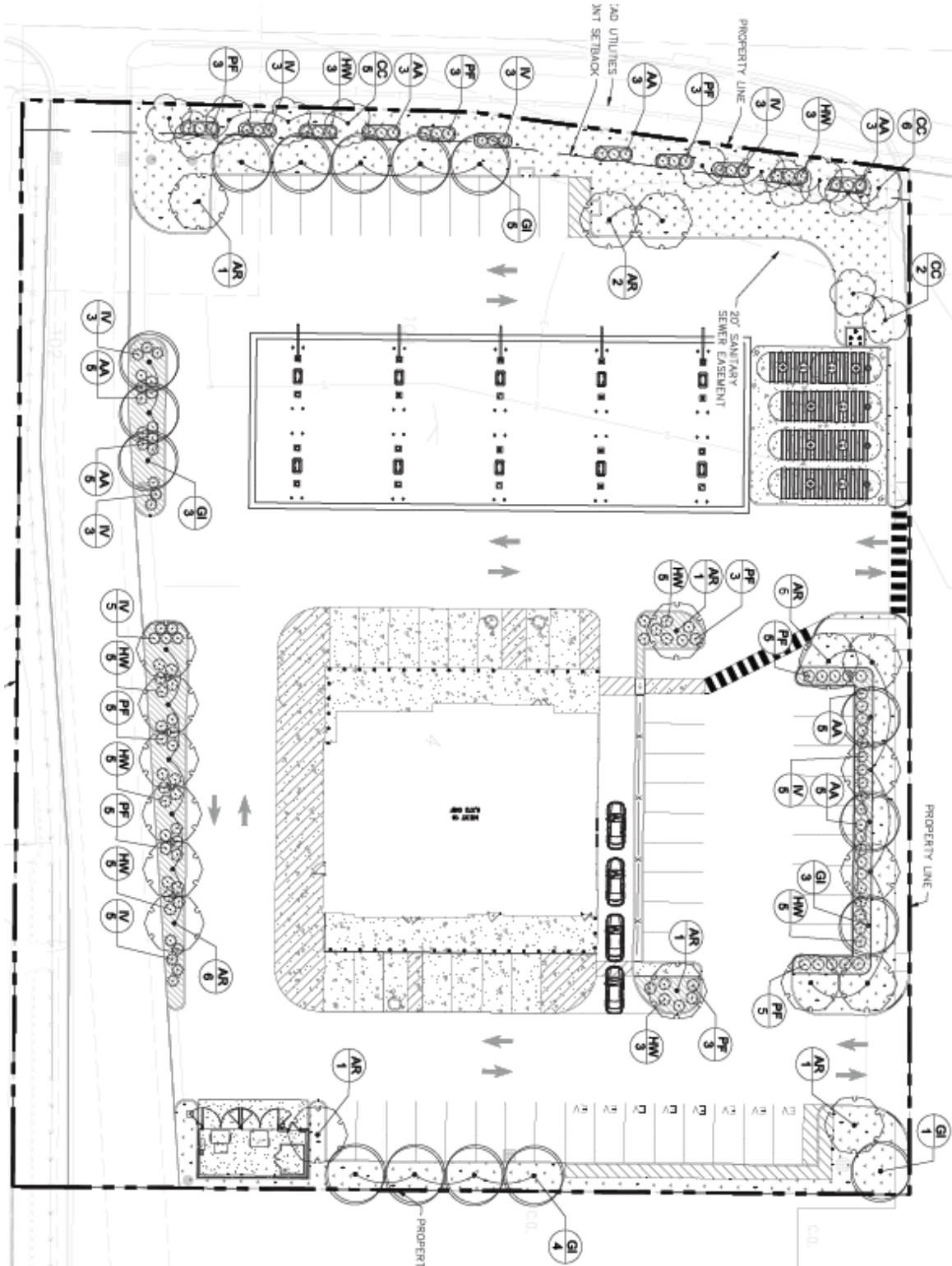
EXHIBITS

2025DV3008 ; Aerial Map



Note: scope of variance approval would solely include the southern half of the subject site (Lot 4 as created by 2024PLT009, area comprising the retail building to be demolished)

2025DV3008 ; Site & Landscape Plan



2025DV3008 ; Elevations





Department of Metropolitan Development
Division of Planning
Current Planning

2025DV3008 ; Plan of Operation



February 24, 2025

RE: *Wawa 5101 East Thompson Road, Variance Petition*

Plan of Operation

The proposed Wawa is a convenience store and fuel station. The specific site is proposed to have an approximately 6,300 square foot convenience store and ten fuel pumps. The convenience store floor plan is made up of approximately 3,300 square feet of retail, restrooms, and self-service, 1,300 square feet of food preparation space, and the remainder being office and storage space. This store is also proposed to have a "fly-thru", which is a mobile order only drive-thru pickup window. The food component of a Wawa typically sees a higher output than a traditional fuel station convenience store, which is why the site is designed in such a way that provides convenience to customers that are not purchasing fuel to navigate the site and enter the building. The peak hours of Wawa sales generally follow that of the surrounding traffic pattern as many of the customers visit Wawa out of its convenience in their daily commute route.

A typical Wawa employs approximately 40 employees over three shifts. The store is open 24 hours a day. The relatively high number of employees is due to the food demand as well as Wawa's exceptionally high standards for cleanliness and security both inside and outside the building. Wawa prides itself on being the preferred location for customers to stop whether it's in the middle of the lunch hour or middle of the night.

Due to the exceptional standards of food production, deliveries are made 1-2 times per day to ensure fresh food products are being sold. These deliveries are prohibited during peak hours. There is a designated loading zone reserved for these deliveries so that the impact to the function of the site is minimized. A dumpster enclosure is provided as a part of the site design. This has been placed in a location that is least visible from the public right of way, but still convenient for Wawa employees and the waste management provider to utilize. Naturally as a part of the proposed use, there are proposed fuel storage tanks. All tanks are underground and double-walled. Wawa utilizes quality tank materials and monitoring systems to ensure safe containment of the fuel.

Wawa is new to the Indiana market but is excited to be a partner in the communities that they look to serve. Their reputation and customer following in other regions of the country speak for itself.

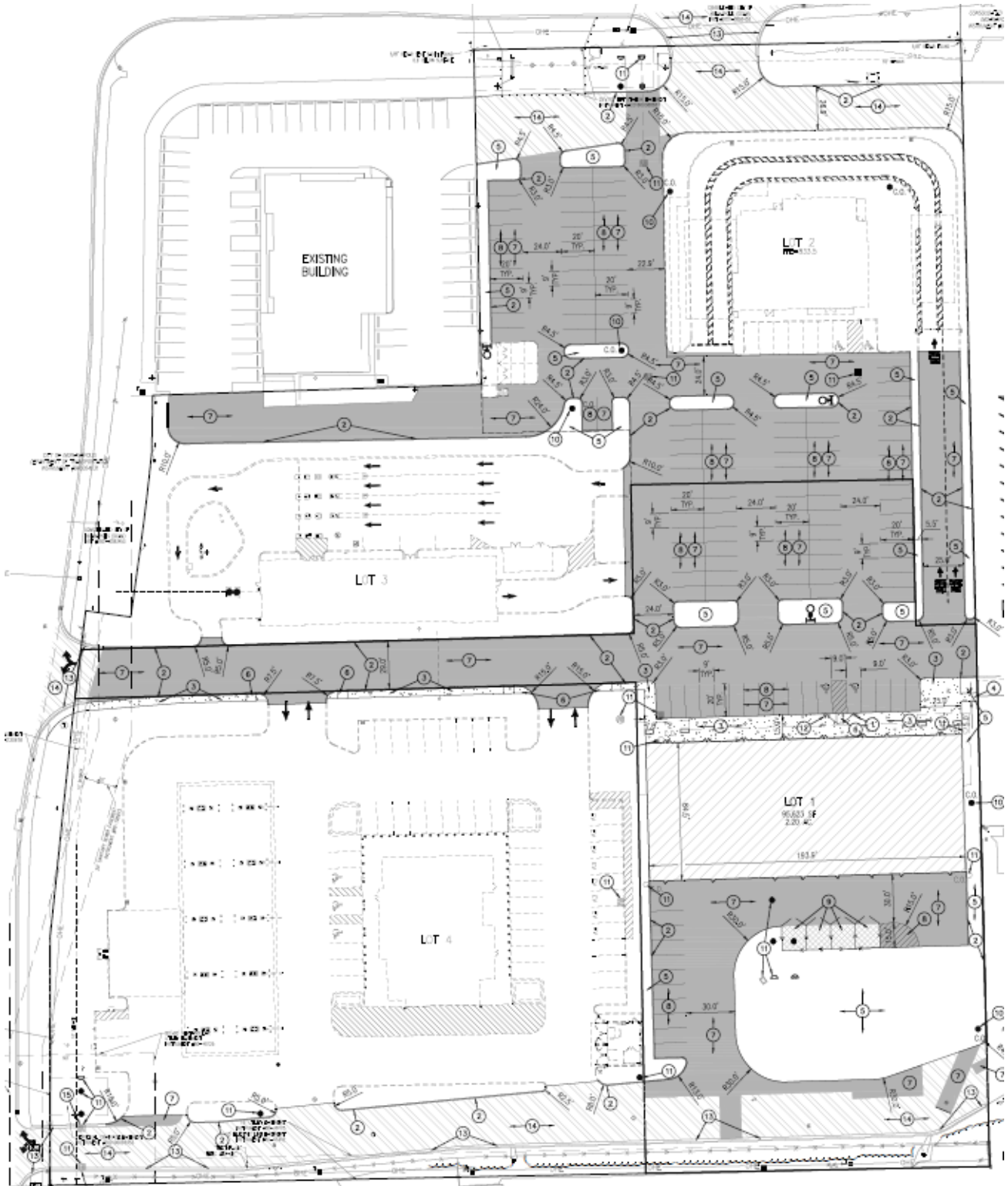
Please contact me at (317) 218-9566 or mike.timko@kimley-horn.com should you have any questions for further comments.

Sincerely,
Mike Timko, P.E.



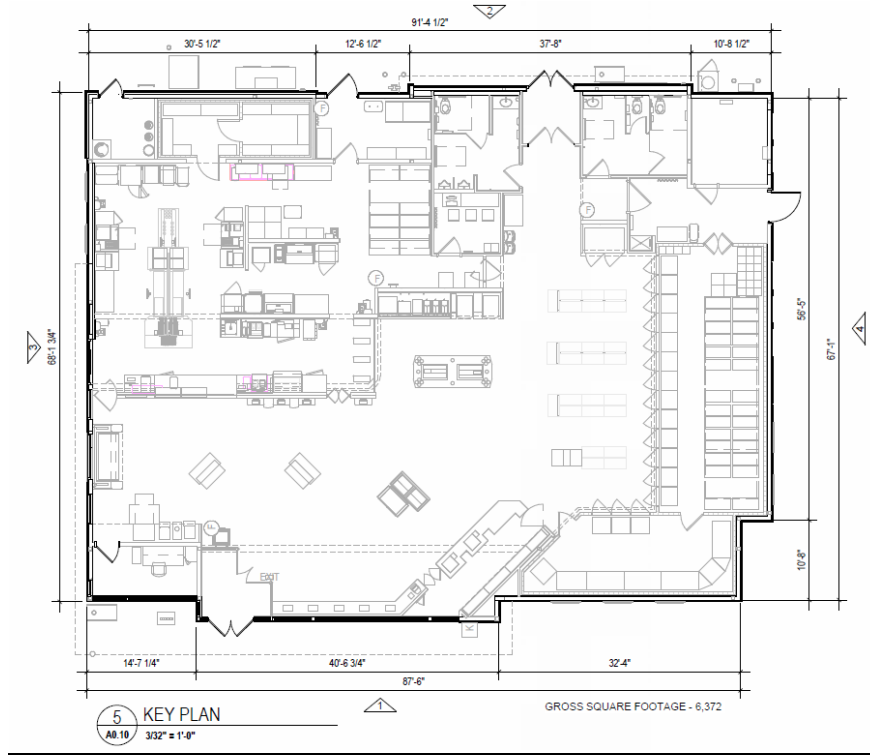
Department of Metropolitan Development
Division of Planning
Current Planning

2025DV3008 ; Development for Lots 1-3 (approved via 2024DV1027)





2025DV3008 ; Floorplan



2025DV3008 ; Findings of Fact (Bypass Aisle)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The petition request to not provide a bypass lane for a "drive-thru" is based on the unique model of "drive-thru" being proposed. The proposed drive-thru is for mobile order pickups only. There is not an order point. Customers are notified via the mobile app when their order is ready and to proceed to the pickup window. This model limits the amount of stacking experienced during the food pickup process. This difference from a traditional drive-thru eliminates the safety concerns and need for additional circulation of a bypass lane that is required of traditional drive-thru's.
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:

A drive-thru bypass lane would not be of benefit to surrounding properties. The additional parking spaces that can be provided in lieu of the bypass lane, will be beneficial to the surrounding properties as the overall development.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The bypass lane will not be of benefit to customers and could create confusion for traffic circulating the site. The bypass lane would use valuable space that could be better utilized for parking spaces that will ensure adequate parking is available on site.



2025DV3008 ; Findings of Fact (Landscape/Green Factor)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The reduction in landscaping will not be detrimental to the community because landscaping is still being provided on all four sides of the site and within the green spaces internal to the parking lot. The landscaping proposed as a part of this project is a significant upgrade from the existing condition.

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 surrounding properties have far less landscaping than what is being proposed for this project. The other lots of the overall development received variance approval for a greater reduction in landscaping than what is being proposed.

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

This property is unique in that it has overhead power lines and a sanitary sewer main running along the frontage of the property. Those existing conditions greatly hinder our ability to install landscaping, specifically trees that carry a higher green factor multiplier.

2025DV3008 ; Findings of Fact (Transparency)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The intention of the variance request is to prevent visibility into sensitive areas of the building such as restrooms, mechanical rooms, and kitchen. Opaque glass is being proposed for portions of the facade to prevent viewing sensitive areas of the building that would otherwise be potentially injurious to the public health, safety, morals, and general welfare of the community should fully transparent windows be provided per code.

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 intention of the code will still be met. A granting of this standards variance would not result in any noticeable changes from street level as the same percentage of the facade would still be glass, but a portion of that glass would be opaque. By providing an equivalent visual appearance as required by code, adjacent value of the area will not be negatively impacted.

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

The significant transparency requirements on the building facades would result in the placement of transparent glass that would allow viewing into sensitive areas of the building such as restrooms and storage rooms. This difficulty is unique because the end user utilizes both sides of the convenience store for public entry. The fuel users have their traditional, convenient entry point, but there is also a second public entry point that is convenient for users that are not purchasing fuel.

2025DV3008 ; Photographs



Photo 1: Subject Property Viewed from North



Photo 2: Subject Site Viewed from Northwest

2025DV3008 ; Photographs (continued)



Photo 3: Subject Site Viewed from West



Photo 4: Subject Site Viewed from Southwest

2025DV3008 ; Photographs (continued)



Photo 5: Adjacent Property to North



Photo 6: Adjacent Property to Northwest

2025DV3008 ; Photographs (continued)



Photo 7: Adjacent Property to West



Photo 8: Adjacent Property to Southwest

2025DV3008 ; Photographs (continued)



Photo 9: Adjacent Property to South



Photo 10: Adjacent Property to Southeast



BOARD OF ZONING APPEALS DIVISION III

April 15, 2025

Case Number:	2025-DV3-011
Property Address:	1022 Grassy Branch Drive (approximate address)
Location:	Warren Township, Council District #20
Petitioner:	Taylor Morrison of Indiana LLC, by John Cross
Current Zoning:	D-3 (FF)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling resulting in an open space of 67 percent (70 percent required).
Current Land Use:	Vacant
Staff Recommendations:	Staff recommends denial for this petition
Staff Reviewer:	Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends denial of this petition.

PETITION OVERVIEW

- This petition would allow for the construction of a single-family dwelling resulting in an open space of 67 percent (70 percent required).
- The subject site is currently vacant and is of sufficient lot area, lot frontage, and lot width for the standards for the site's D-3 zoning classification. The subdivision where it is located was platted in 2022 with all of the lots containing sufficient lot size standards as well. Since the subdivision was approved in 2022, almost all of the lots have been developed, with none of the new residences requesting variances for any of the development standards, including the open space requirement of 70%. The open space is in place to provide consistent form and massing, allow for additional greenery, and reduce runoff in environmentally sensitive areas.
- Staff does not find there to be any reasonable practical difficulty for needing the requested variance, as this lot is newly platted, with sufficient sizing for the D-3 district. Staff also finds that the proposal is not in accordance with the Infill Housing Guidelines recommendation of reinforcing the existing spacing on the block. With all other residences providing at least 70% open space, a variance request



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Current Planning**

for a reduction from that standard is unprecedented for this block. Given these points, Staff does not find it appropriate to recommend approval of such a request, and seeks to uphold the Ordinance standards for lots of sufficient sizing. Staff recommends denial of the request and suggests the petitioner revise the site plan to show compliance.

GENERAL INFORMATION

Existing Zoning	D-3 (FF)	
Existing Land Use	Vacant	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-3 (FF)	North: Single-family residential
South:	D-3 (FF)	South: Single-family residential
East:	D-3 (FF)	East: Single-family residential
West:	PK-1 (FF)	West: Park / Wetlands
Thoroughfare Plan		
Grassy Branch Drive	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	Yes, 500-Year	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	3/13/25	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/13/25	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan



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- The Marion County Land Use Plan pattern Book recommends the Suburban Neighborhood typology for this site.

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

- With regards to open space, the Infill Housing Guidelines recommends:
 - Reinforce spacing on the block

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

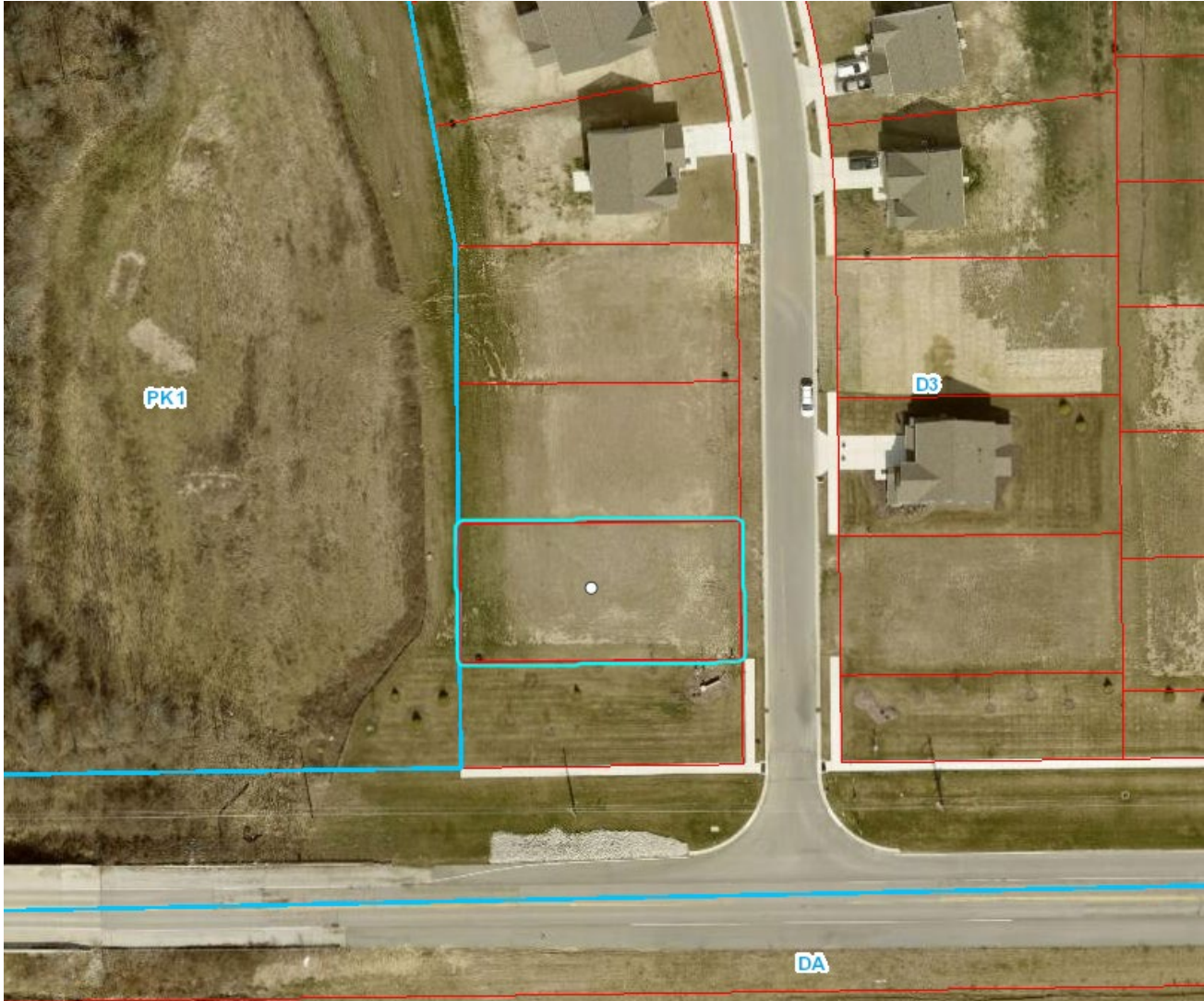
2005ZON007, Petitioner requests the rezoning of 41.6 acres from D-A (FW)(FF) to D-3 (FW)(FF) to provide for the development of a single-family residential community, **approved**.

ZONING HISTORY – VICINITY

2023ZON040; 10600 Prospect Street (west of site), Rezoning of 10.45 acres from the D-3 (FW) (FF) district to the PK-1 (FW) (FF) district to park uses, **approved**.

98-Z-82; 1550 South German Church Road (south of site), rezone of 65.79 acres from D-A (FF) (FW) to DP (FF) (FW) to provide for a single-family residential community of 135 units, **denied**.

EXHIBITS





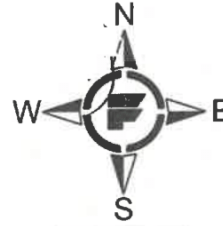
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PLOT PLAN

THIS DOCUMENT HAS BEEN PREPARED AND BASED UPON THE CONSTRUCTION DOCUMENTS, RECORD DRAWINGS AND ADDITIONAL INFORMATION PREPARED FOR THIS DEVELOPMENT BY OTHERS. THIS DOCUMENT IS NOT A FIELD SURVEY AND FOREFRONT SURVEYING AND ENGINEERING DOES NOT WARRANT THE ACCURACY OR COMPLETENESS OF THIS INFORMATION.

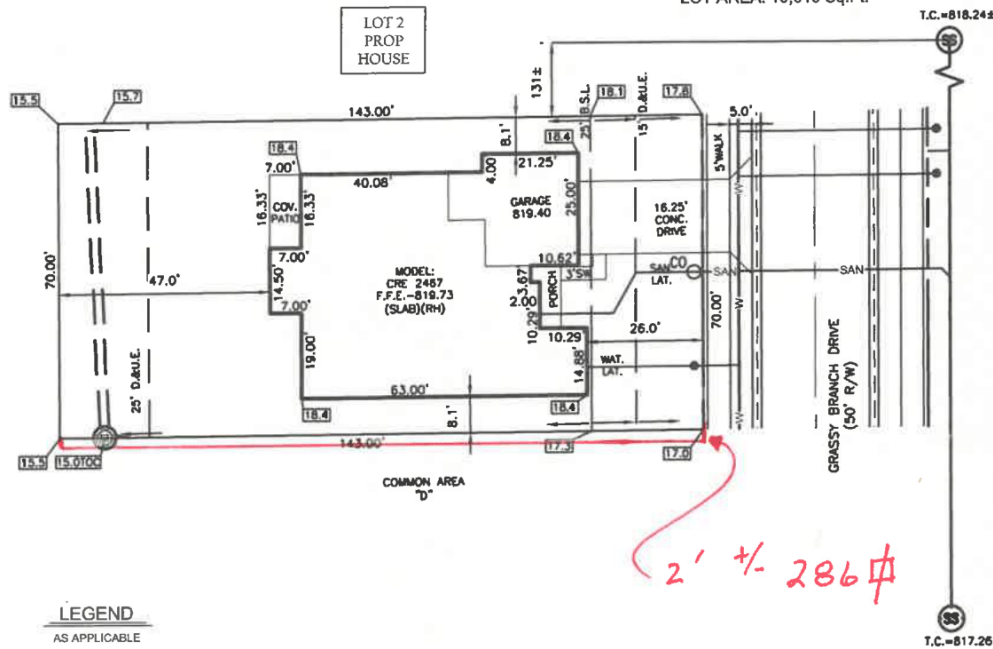
1022 GRASSY BRANCH DRIVE
INDIANAPOLIS, IN, 46239
WARREN TOWNSHIP
MARION COUNTY

LOT 1
HIGHLANDS AT GRASSY CREEK
SECTION ONE
NST. #A202100170873



0 15 30
SCALE: 1" = 30'

LOT AREA: 10,010 Sq.Ft.



2' +/- 286#

LEGEND

AS APPLICABLE

- ELEVATION PER PLAN
- SANITARY MANHOLE
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- STORM STRUCTURE
- CURB INLET
- END SECTION
- SITE BENCHMARK
- EMERGENCY FLOOD ROUTE
- B.L. BUILDING LINE
- D.&U.E. DRAINAGE & UTILITY EASEMENT
- D.U.&S.S.E. DRAINAGE, UTILITY & SANITARY SEWER EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- T.F. TOP OF FOUNDATION
- EXC. EXCLUSIVE
- F.P. FIREPLACE

MINIMUM LOWEST
ADJACENT GRADE=818.4

BUILDING SETBACK LINES:
6' MINIMUM SIDE YARD
16' MINIMUM AGGREGATE
20' MINIMUM REAR YARD

FLOOD HAZARD STATEMENT: A portion of this Property DOES lie in a special Flood Hazard Zone per the Flood Insurance Rate Map, Community Panel Number 18097C0188 F, dated April 19, 2016.

SOD: 1,764 Sq.Ft.
SEED: 4,730 Sq.Ft.
PRIVATE WALK: 38 Sq.Ft.
PUBLIC WALK: 269 Sq.Ft.
DRIVEWAY: 653 Sq.Ft.

Certified this 27th day of November, 2024

Dewey L. Witte

Dewey Witte
Professional Land Surveyor
Indiana No. LS29800022



PREPARED FOR: TAYLOR MORRISON
JOB #: 24SE-946



FOREFRONT
SURVEYING + ENGINEERING

17241 Foundation Pkwy, Westfield, IN 46074
requests@forefrontse.com

REV. NO.	DATE	REVISIONS	DRAWN BY: CML
			CHECKED BY: DLW
			DATE: 11/27/2024
			PAGE 1 OF 1



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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:

the variance is a minimal deviation from the required open space total so will not have an injurious impact on the community.

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 variance is a minimal deviation from the required open space total and will permit the construction of a single-family dwelling comarable to those on nearby lots so that it will not have any substantial adverse impact on adjacent properties.

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

the house to be built is similar to nearby properties but cannot be built given the additional open space factors. The lot is comparable in size to other properties and the to-be-constructed home is as well, so the home cannot be built without the variance. Without a variance the home cannot be constructed consistently with neighboring homes.

DECISION

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

Adopted this _____ day of _____, 20 ____





