



Board of Zoning Appeals Board of Zoning Appelas Division I (June 3, 2025) Meeting Agenda

Meeting Details

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

Date: Tuesday, June 03, 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

[2025-DV1-017](#) | 1421 East Michigan Street

Center Township, Council District #13, zoned D-8

Indy Real Estate Consulting LLC, by David and Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for subdivision of a lot for construction of a duplex resulting in lot widths of 19.98 feet (60-foot lot widths required) and a total lot area of 6,240 square feet (7,200 square feet of lot area required), with a two-foot western side yard setback (five feet required).

****Staff to make request, on petitioners behalf, to continue and transfer this petition to the June 10, 2025 hearing of Division II**

[2025-DV1-023](#) | 6714 Balmoral Road

Wayne Township, Council District #17, zoned D-3

Roberto & Hestia Campos

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall fence within the front yards and clear sight triangle of Balmoral Road and Haymount Drive (3.5-foot tall fence permitted, encroachment of clear sight triangle prohibited).

****Staff requesting a continuance to the July 1, 2025 hearing of Division I due to insufficient notice**

[2025-DV1-025](#) (Amended) | 1002 Hosbrook Street & 815 Grove Avenue

Center Township, Council District #18, zoned D-8 (TOD)

Ethan & Madisson Riddle, by Micah Hill

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a four-foot-tall fence within the front yards, clear sight triangles, and right-of-way of Grove Avenue and Hosbrook Street and Grove Avenue and the abutting alley (height limited to 3.5-foot tall, encroachment of clear sight triangles not permitted, encroachment of right-of-way not permitted).

****Staff requesting a continuance to the July 1, 2025 hearing of Division I due to amended notice**

[2025-DV1-027](#) | 8104 Englewood Road

Washington Township, Council District #2, zoned D-S (TOD)

Patrick & Katheryn Thompson, by Chris Schmidt

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in an 11-foot north side yard setback (15 feet required).

****Petitioner to request a continuance and transfer to the June 10, 2025 hearing of Division II**

PETITIONS REQUESTING TO BE CONTINUED:

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 1.** 2025-DV1-016 (Amended) | 3406 Lafayette Road
Wayne Township, Council District #5, zoned C-3 (FF)
LK Foodmart Inc., by Joseph Lese

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience store with a dumpster located within the front yard (not permitted) and deficient landscaping.

- 2.** **2025-DV1-026 | 29 West Arizona Street**
Center Township, Council District #18, zoned D-5
Ana Pereira, by Daniel Salazar

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of primary and accessory structures with three-foot side yard setbacks (five feet required).

- 3.** **2025-DV3-008 | 5101 East Thompson Road**
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.

- 4.** **2025-UV1-008 | 6158 West 10th Street**
Wayne Township, Council District #16, zoned D-3 (W-1) (W-5)
Homes In Motion LLC, by John Cross

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for Office: Business, Professional or Government uses (not permitted) and a second vehicular access point (not permitted) and parking areas up 157 feet wide within the front yards of Vinewood Street and High School Road (30-foot width permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 5.** **2025-SE1-001 | 2205 North Sherman Drive**
Center Township, Council District #8, zoned I-4
ABG Property Inc., by Suzanne Baker

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot.

- 6.** **2025-DV1-009 (Amended) | 8415 West Washington Street**
Wayne Township, Council District #17, zoned I-1 / C-3
Greg & Seth Dotson

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of two buildings, resulting in 20-foot side yard setbacks (30-foot side yard setback and 50-foot side transitional yard setback required).

7. 2025-UV1-006 | 5451 Moller Road

Pike Township, Council District #5, zoned D-A / D-P
Maribel Morales Picon, by David D. Dearing

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the storage of two food trucks (prohibited) with a gravel parking area (parking areas must be paved).

PETITIONS FOR PUBLIC HEARING (New Petitions):

8. 2025-DV1-024 | 3830 Meadows Drive

Washington Township, Council District #8, zoned C-4 / D-P / D-5 (TOD)
Health & Hospital Corporation, by Chad Butler

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a laboratory-office complex with driveways up to 36-foot wide (limited to 16-foot wide).

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 I

June 3, 2025

Case Number: 2025-DV1-017

Property Address: 1421 East Michigan Street (approximate address)

Location: Center Township, Council District #13

Petitioner: Indy Real Estate Consulting LLC, by David and Justin Kingen

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for subdivision of a lot for construction of a duplex resulting in lot widths of 19.98 feet (60-foot lot widths required) and a total lot area of 6,240 square feet (7,200 square feet of lot area required), with a two-foot western side yard setback (five feet required).

Current Land Use: Residential

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

6/3/25: The petitioner indicated to staff that they will be unable to attend the June 3rd hearing date. Staff will request a continuance and transfer to the June 10th hearing date of Division II on their behalf.

5/6/25: A timely automatic continuance request was filed by a registered neighborhood organization, continuing this petition from the May 6th hearing date to the June 3rd hearing date.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 1421 East Michigan Street is currently zoned D-8 and is improved with a two-family structure and detached garage. It is located within the Holy Cross neighborhood and is directly to the south of Arsenal Technical High School. Other directly adjacent land uses are residential in nature, and most properties on the block are also zoned D-8 and improved with two-family structures.
- The permits to allow for construction of the two-family structure currently existing on the site were issued in 2023 via ILP23-02890. Plans associated with those approvals indicated a 5-foot setback from both side property lines. A two-family structure was constructed on the site; however, it does not meet the setbacks that were represented on the site plan associated with the permits that

were issued. The plans submitted for this variance show a building with the same dimensions but with a 2.2-foot western setback and 7.8-foot eastern setback. It appears that the building was constructed in a location approximately 3 feet to the west of what had been proposed.

- In early 2025, the plat petition 2025PLT010 was filed to allow for the replat of 1421 E Michigan into two lots for individual sale of duplex units (the planned subdivision had not been shown on plans submitted for the ILP, and the result of the plat petition is pending the result of this variance). Per ordinance regulations related to duplexes within D-8 zoning instituted in November of 2021, variances would be required for the lot area and lot widths proposed by the replat. Additionally, this variance petition would legally establish the structure with a deficient 2-foot western side setback (a new or amended ILP would also be required should this variance be approved).
- The existing detached garage on the property is not a part of the variance request: its placement on the site predates the construction of the two-family dwelling. Permits approved in 2023 indicated construction of a new garage with 8-foot side yard setbacks, and the option to utilize the existing garage (or footprint of that garage per 744-202.E of the Ordinance) as an accessory structure for the primary use would also exist.
- This property is zoned D-8 to allow for a variety of housing formats, with a mix of small-scale multi-unit building types. Similarly, the Comprehensive Plan Pattern Book recommends it to the Traditional Neighborhood typology to allow for a full spectrum of housing types, ranging from single-family homes to large-scale multifamily development. Infill Housing Guidelines indicate that new construction should avoid irregular spacing and uncharacteristically large gaps between houses on established residential blocks, and that insufficient spacing can create maintenance issues and increase the risk of fires spreading between buildings.
- Findings of Fact provided by the applicant indicate that some properties on this block have similarly narrow setbacks and that denial of this variance would require them to demolish the structure recently constructed at the site. Staff would note that there does not appear to be a site-specific practical difficulty requiring development of the site in such a manner, and that the difficulty of having previously constructed the duplex in the incorrect location would be a fully self-imposed hardship. Additionally, it does not appear that any of the previous setbacks for neighboring sites were established by petition, and the neighboring property to the west appears to have a 0-foot side setback which results in a narrow separation of about 2 feet between the two structures. Given the lack of practical difficulty, lack of accordance with Infill Housing Guidelines, and potential maintenance and safety issues given the narrow space between the subject site and property to the west, staff recommends denial of this request.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	SU-2	North: High School
South:	D-8	South: Residential
East:	MU-1	East: Residential
West:	D-8	West: Residential
Thoroughfare Plan		
Michigan Street	Primary Arterial	60-foot existing right-of-way and 78-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	03/11/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/11/2025	
Findings of Fact (Amended)	04/24/2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

- Infill Housing Guidelines

Pattern Book / Land Use Plan

- This Marion County Land Use Plan Pattern Book recommends this site to the Traditional Neighborhood typology to allow for a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. Development should be compact and well-connected, with access to individual parcels via alleys and building forms that promote social connectivity and continue the existing visual pattern, rhythm, and orientation of surrounding buildings when possible.

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

- Spacing between houses establishes a rhythm and pattern along a street, and insufficient spacing can create maintenance issues and increase the risk of fire spreading across buildings. New construction should reflect and reinforce the regular or irregular spacing on the block, and uncharacteristically large gaps between houses should be avoided.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2025PLT010, Approval of a Subdivision Plat to be known as Replat of Lot 6 of North Arsenal Park Addition, dividing 0.14-acre into two lots, **pending**.

2021ZON102, Rezoning of 0.72 acre from the MU-1 district to the D-8 district, **approved**.

ZONING HISTORY – VICINITY

2021UV3009 ; 1429 E Michigan Street (east of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a wood deck with a 7.5-foot west side setback and a detached garage with a five-foot west side setback and a 10-foot south transitional rear setback, accessory to a single-family dwelling (single-family development not permitted, 10-foot side setback and 15-foot rear transitional setback required), **approved**.

2005HOV026 ; 1417 E Michigan Street (west of site), Variance of use of the Commercial Zoning Ordinance to legally establish a two-story, 1,802-square foot single-family dwelling, and to provide for the construction of a 720-square foot detached garage (single-family dwellings and related accessory uses and buildings not permitted), **approved**.

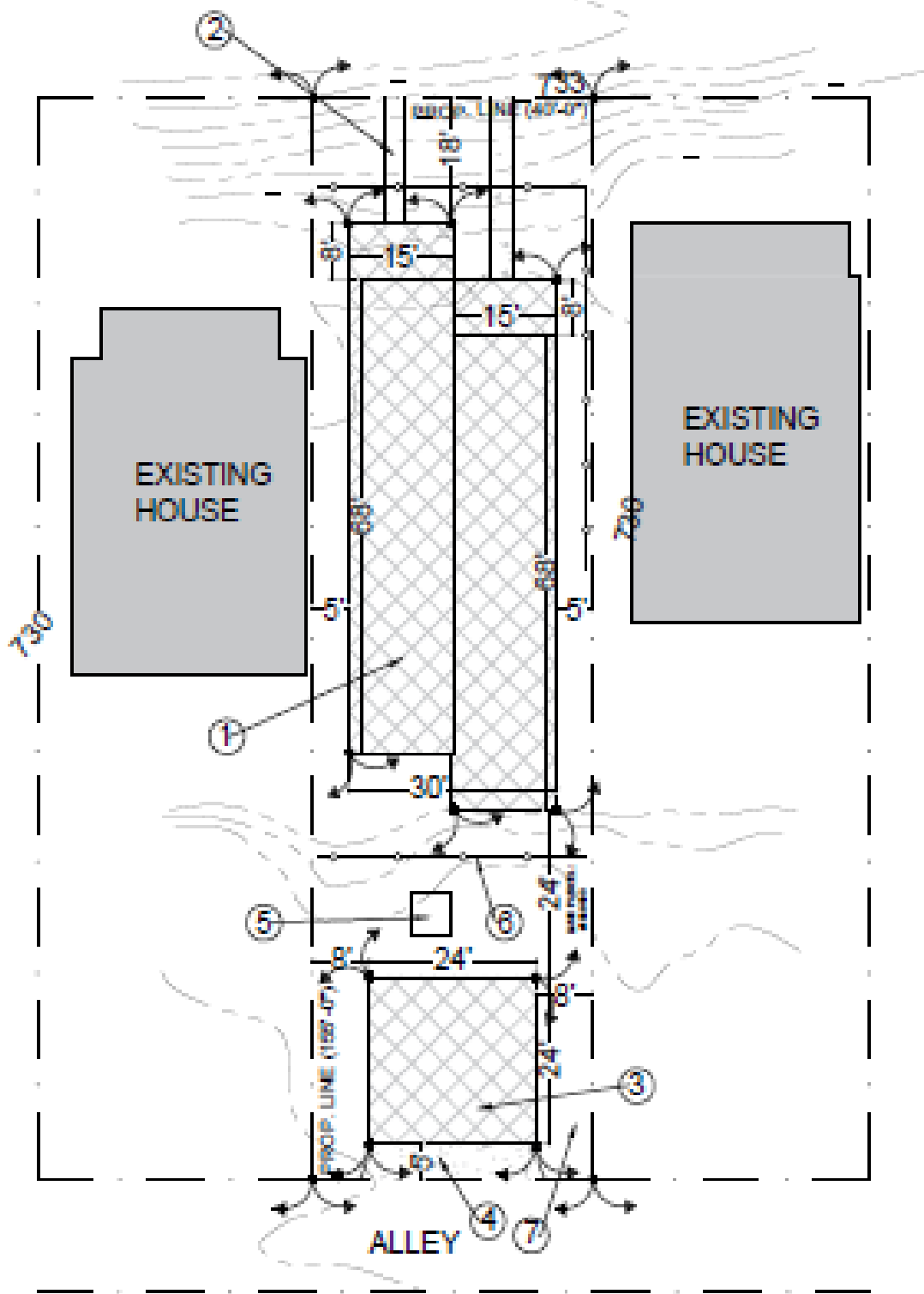
92-Z-99 ; 1401 East 10th Street (north of site), rezoning of 80 acres to the SU-2 district, **approved**.

EXHIBITS

2025DV1017 ; Aerial Map



2025DV1017 ; Site Plan Approved for Permits (ILP23-02890)



2025DV1017 ; Findings of Fact

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

The existing residential structure contains a similar side-yard setbacks to the other residences along this block of East Michigan Street as well a significant amount of residential properties in the Holy Cross Neighborhood. There are two existing duplexes to the west of the subject along East Michigan Street that have similar lot widths and lot areas. Thus, granting this variance request will not be injurious to the public health as the existing residential structure and its setbacks, lot width and lot area are consistent with the character of this neighborhood.

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 use of the property is consistent with the Marion County Land Use Plan Pattern Book and the value of the nearby residences won't affected in an adverse manner given that this is an existing residential structure that contains side-yard setbacks, lot width and lot area that are consistent with the residential properties in the immediate vicinity.

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

This variance request for the reduction of the side-yard setback, reduction of the lot width and reduction of the lot area will will legally establish the existing duplex. The practical difficulty exists due to the fact that this structure would be required to be razed if the variance request is not granted.

2025DV1017 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from Across Michigan St

2025DV1017 ; Photographs (continued)



Photo 3: Separation from Western Neighbor Viewed from North

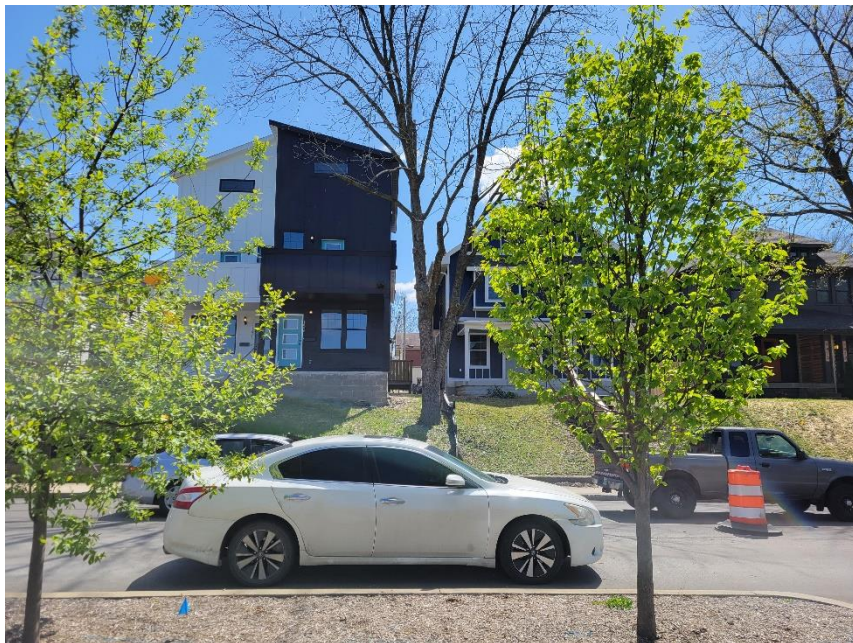


Photo 4: Separation from Western Neighbor Viewed from Across Michigan St

2025DV1017 ; Photographs (continued)



Photo 5: Adjacent Property to North



Photo 6: Subject Site + Separation from Western Neighbor Viewed from South

BOARD OF ZONING APPEALS DIVISION I

June 3rd, 2025

Case Number: 2025-DV1-023
Property Address: 6714 Balmoral Road
Location: Wayne Township, Council District #17
Petitioner: Roberto & Hestia Campos
Zoning: D-3
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall fence within the front yards and clear sight triangle of Balmoral Road and Haymount Drive (3.5-foot-tall fence permitted, encroachment of clear sight triangle prohibited).
Current Land Use: Residential
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This petition is required to be continued to the **July 1st, 2025**, Division I Hearing due to insufficient notice. A full staff report will be available in advance of that hearing.

BOARD OF ZONING APPEALS DIVISION I

June 3rd, 2025

Case Number: 2025-DV1-025
Property Address: 1002 Hosbrook Street and 815 Grove Avenue
Location: Center Township, Council District #18
Petitioner: Ethan & Madisson Riddle, by Micah Hill
Zoning: D-8 (TOD)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a four-foot-tall fence within the front yards, clear sight triangles, and right-of-way of Grove Avenue and Hosbrook Street and Grove Avenue and the abutting alley (height limited to 3.5-foot tall, encroachment of clear sight triangles not permitted, encroachment of right-of-way not permitted).
Current Land Use: Residential
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This petition is required to be continued to the **July 1st, 2025**, Division I Hearing due to insufficient notice and an issue found on the legal notice. A full staff report will be available in advance of that hearing.

BOARD OF ZONING APPEALS DIVISION I

June 3, 2025

Case Number: 2025-DV1-027
Property Address: 8104 Englewood Road (approximate address)
Location: Washington Township, Council District #2
Petitioner: Patrick & Katheryn Thompson, by Chris Schmidt
Current Zoning: D-S (TOD)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in an 11-foot north side yard setback (15 feet required).
Current Land Use: Single-family residential
Staff Recommendations: N/A
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition is to be continued due to insufficient notice. The petitioner is requesting a continuance and transfer to the BZA Division II hearing on June 10, 2025.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

June 3, 2025

Case Number: 2025-DV1-016 (Amended)

Property Address: 3406 Lafayette Road (*approximate address*)

Location: Wayne Township, Council District #5

Petitioner: Lk Foodmart Inc., by Joseph Lese

Current Zoning: C-3 (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience store with a dumpster located within the front yard (not permitted) and deficient landscaping.

Current Land Use: Commercial

Staff Recommendations: Staff recommends **approval** of this petition subject to a commitment.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This petition was continued by the petitioner's request to the June 3, 2025 hearing to allow for amendments to the site plan to be made. Revised plan drawings were provided that reduced the square footage of the proposed structure, removed one of the proposed tenant spaces, added two (2) additional parking spaces and additional landscaping along the Lafayette and 34th Street frontages, and closed off two of the four proposed curb cuts (one each on the Lafayette and 34th frontages). These amendments did not require the mailing of new notice and removed the need for a parking variance from the request.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to the landscaping plan approved for the Improvement Location Permit matching the most recent submittal (filed-dated May 22nd) provided to Staff.

PETITION OVERVIEW

- 3406 Lafayette Road is a commercial parcel with four (4) front yards that is currently developed with a fueling station comprised of eight (8) pumps and a small convenience store with an area of around 450 square feet. It is located near the intersection of Lafayette Road and 34th Street and falls outside of the area specified by the Lafayette Square Area Plan (2010). The subject site was fully rezoned to C-3 in the early 1990s and is predominantly located within the Floodway Fringe. Five (5) curb cuts currently exist at the site; the proposed development would remove two vehicle access points to the southwest along 34th Street and one to the southeast along Lafayette Rd.



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

- Approval of this petition would allow for an expansion of the convenience store building to accommodate one (1) additional tenant space and increase the structure's area to 5000 square feet (original submittal had contemplated two tenant spaces and 6500 square feet). Although the use of a fueling station is not currently allowed within C-3 zoning and any expansion of the fueling pumps/canopy would require a Use Variance, the fueling use was permitted at the time of initial construction and this proposal would only increase the square footage of the retail component of the site. This is why a Variance of Use would not be required.
- However, the site and landscaping layout proposed by this petition would require two (2) Variances of Development Standards to be legally established. The layout would result in placement of a dumpster within the front yard abutting 34th Street to the north. Additionally, the proposed landscaping plan does not fully meet ordinance standards for plantings along either the Lafayette or 34th frontages. Original plans provided would have also required variances for number of vehicle/bicycle parking spaces and placement of frontage sidewalks, but amended plans indicate compliance with those standards.
- Staff notes that neither a lighting plan nor building elevations were provided along with the petition application. Elevations provided along with previous permit applications utilizing the older site design did not appear to show compliance with building transparency standards near primary entrances, but the applicant has indicated their ability to amend those facades into compliance. Additionally, photos taken during staff's site visit indicate the placement of various unpermitted signs at the property (both on the existing canopy and building as well as along the Lafayette frontage). This variance would not legally establish unpermitted signage, which could be subject to zoning violations if unaddressed.
- During review of the petition documents, staff noted that placement of property lines shown within existing GIS mapping software did not match the parcel boundaries shown on the site plans and survey provided by the applicant. Specifically, the GIS boundaries appear to be noticeably to the east of where the survey boundaries are shown. Staff would be unable to amend maps within GIS to match what's shown on the survey since their currently existing placement is based on the established centerline of Lafayette Road, and an amendment to that centerline would have an impact on all western Lafayette Road property lines between 30th and 38th Street. It does not appear that required zoning setbacks or other applicable dimensional standards would be impacted by this discrepancy, and although there might be an impact on the ability to have permits pulled, this would not prevent hearing of the variance petition.
- This property is within the C-3 (Neighborhood Commercial) zoning district to allow for an extensive range of retail sales and personal and professional services required to meet the demands of a fully developed residential neighborhood. As of 2016, the use of a fueling station is not one of the indoor retail and business functions contemplated for this district. The site is also located within the Floodway Fringe, which indicates a 1% chance for significant flooding each year as well as shallow flooding in any given year. Recommendations from the Marion County Comprehensive Plan Pattern Book can be found in detail below.



Department of Metropolitan Development
Division of Planning
Current Planning

- The Indianapolis Zoning Ordinance has numerous landscaping requirements for development or redevelopment of commercial sites to ensure aesthetically pleasing and environmentally sustainable development throughout the city. The proposed landscaping shown on revised plans submitted on May 22nd indicates compliance with several areas of these requirements (Green Factor checklist standard met, required transitional yard along the western property line) but is deficient in the number of trees and shrubs placed along the northeastern Lafayette and southern 34th frontages. Placement of compliant landscaping along the Lafayette frontage would be complicated due to the existence of overhead utilities and an unusually acute angle at the main intersection which could result in clear-sight issues, but amended plans show placement of additional shrubs below 2.5 feet in height to allow for additional beautification without blocking the view of traffic turning onto Lafayette from 34th (see Photo 5 in Exhibits). Additionally, the 34th Street frontage is only deficient by three (3) trees (7 required, 4 proposed).
- Staff feels that the original plan presented would have constituted overdevelopment of the site and that having all four curb cuts remain in place would have been excessive. The applicant was flexible in their ability to amend plans to incorporate staff feedback, and the resulting plan would add sidewalks along the Lafayette frontage, close off two of the four vehicle access (while still allowing for successful fuel truck maneuvering) and would allow for additional landscaping along all frontages (especially the southern frontage where a future greenway may be installed). The Placement of the dumpster within a front yard would be unavoidable given the property is exclusively comprised of front yards, and the relief requested from landscaping standards is minor in nature. Staff recommends approval of the petition on the condition that the landscaping plan approved for permits matches the plans submitted on May 22nd.

GENERAL INFORMATION

Existing Zoning	C-3 (FF)	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Medical Office
South:	SU-1 / C-S	South: Church / Self-Storage
East:	C-5	East: Shopping Center
West:	D-4	West: Undeveloped
Thoroughfare Plan		
Lafayette Road	Primary Arterial	100-foot existing right-of-way and 102-foot proposed right-of-way
34 th Street (to S)	Local Street	48-foot existing right-of-way and 80-foot proposed right-of-way
34 th Street (to NW)	Local Street	80-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	



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

Overlay	Yes
Wellfield Protection Area	No
Site Plan	12/13/2024
Site Plan (Amended)	05/22/2025
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	01/30/2025
Findings of Fact	12/16/2024
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 Community Commercial working typology to allow for low-intensity commercial and office uses that serve nearby neighborhoods: examples of contemplated uses include small-scale shops, personal and professional services, grocery and drug stores, restaurants, and public gathering spaces.
- The property is also located within an Environmentally Sensitive overlay which is intended for areas containing high-quality woodlands, wetlands, or other natural resources that should be protected. The plan recommends that development in these overlays should preserve or add at least 20% of the entire parcel as tree canopy or naturalized area.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

91-Z-33, rezoning of 0.475 acres to the C-3 designation, **approved**.

85-Z-30, rezoning of 0.372 acres to the C-3 designation, **approved**.

85-CV-8, variance of front yard setback to permit erection of a canopy 6.5 feet from the right-of-way (10 feet required) and of Sign Regulations to permit canopy signs 57 feet from the centerline (70 feet required), **approved**.

ZONING HISTORY – VICINITY

2015ZON085 ; 3821 W 34th Street (southeast of site), Rezoning of 1.14 acres from the SU-1 District to the C-S classification to provide for the expansion of a self-storage facility, **approved**.

2000ZON103 ; 3801 W 34th Street (south of site), rezoning of 2.42 acres from D-5 and C-4 districts to SU-1, to provide for religious uses, **approved**.

2000ZON006 ; 3350 Lafayette Road (south of site), rezoning of 5.82 acres from C-4 to C-S to provide for C-4 commercial uses and a self-storage facility, **approved**.

98-HOV-50E ; 3437 Lafayette Road (north of site), variance of development standards of the Commercial Zoning Ordinance to provide for the placement of beverage vending machine on gasoline pump islands (required placement against the wall of the primary building), **approved**.

93-V1-72 ; 3330 Lafayette Road (south of site), variance of development standards of the Commercial Zoning Ordinance to permit one parking space for each 250 square feet of gross floor area (minimum one space for each 150 square feet required), **approved**.

90-V2-40 ; 3437 Lafayette Road (north of site), variance of development standards of the Sign Regulations of Marion County Zoning Ordinance to permit 2 ground signs with gasoline pricing panels, 5 feet in height (maximum height 4 feet allowed) with each sign being 20 square feet in height (20 square feet permitted), **approved**.

87-Z-117 ; 3401 Lafayette Road (east of site), rezoning of 8.8 acres to the C-5 designation, **approved**.

84-UV3-78 ; 3821 W 34th Street (southwest of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for a 1600 square foot addition to the existing church building, **approved**.

80-Z-173; 3420 Lafayette Road (northwest of site), rezoning of 4.583 acres from D-4 to C-4, **approved**.

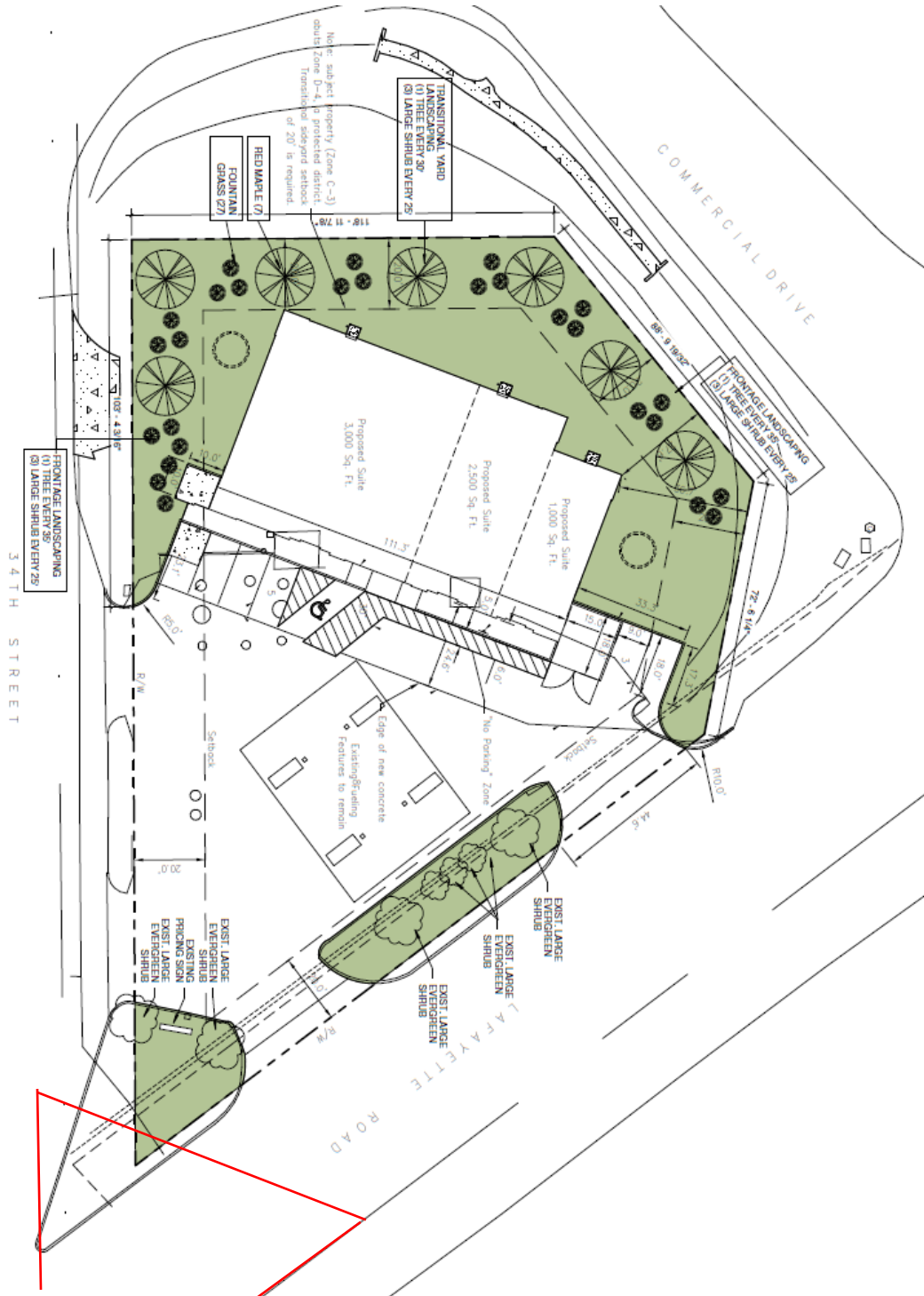
EXHIBITS

2025DV1016 ; Aerial Map





2025DV1016 ; Site Layout & Landscaping Plan (01/2025 submittal)



(note: approximate clear-sight triangle location added by staff in red)

Department of Metropolitan Development
Division of Planning
Current Planning

2025DV1016 ; Green Factor Calculation (from 01/2025 submittal)

Table 744-509-1: Green Factor Calculation				
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	Number of Plants	Measured Area or Area Equivalent In Sq. Ft.	Multiplier	Score
Parcel Size		31,529		
Landscaped areas with uncompacted soil depth less than 24 inches				
Area of lawn, grass pavers, ground covers, or other plants typically less than 3 ft tall at maturity		623	0.2	125
Large shrubs or ornamental grasses [1]	7	18 sq. ft. per	0.3	3.78
Landscaped areas with uncompacted soil depth of 24 in. or more				
Required Yards with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity		8,705	1.0	8,705
Area of other areas with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity		—	0.7	—
Large shrubs or ornamental grasses [1]	27	18 sq. ft. per	0.3	130
Small trees [2]	—	50 sq. ft. per	0.3	—
Medium trees [3]	—	100 sq. ft. per	0.4	—
Large trees [4]	7	200 sq. ft. per	0.4	560
Undisturbed Areas [5]				
Undisturbed areas less than 10,000 sf		8,705	0.8	6,964
Undisturbed areas 10,000 sf or more		2320	1.5	3,480
Significant Trees over 10 in. DBH preserved	—	250 sq. ft. per	0.5	0
Heritage Trees over 8 in. DBH preserved	—	250 sq. ft. per	0.5	0
Tree Preservation Credits as per Sec. 503.L for preserved Significant or Heritage Trees	—	250 sq. ft. per	0.5	0
Building or Structural Features				
Permeable paving for walkways, parking lots, etc.		—	1.2	0
Photocatalytic pavement or building exterior		—	1.5	0
White roof area		4,500	0.1	450
Vegetated walls - area of wall covered		—	0.7	0
Infiltration areas, underground chambers or surface, such as sand filters		11,441	1.5	17,161
Green roofs:				
Area of green roof with more than 2 in. but not more than 4 in. growing depth		—	1.2	0
Area of green roof with over 4 in. growing depth		—	1.4	0
Off-site improvements				
Tree credit to the Tree Fund [6]	—	100 sq. ft. per	0.4	0
Bonuses applied to factors above				
Bioretention areas such as rain gardens, stormwater planters, and bioretention swales		—	1.5	0
Landscaping that consists entirely of drought-tolerant or native species, as defined by the Administrator		—	0.4	0
Landscaped areas where at least 50% of annual irrigation needs are met through the use of harvested rainwater or grey water		—	0.2	0
Landscaping visible to passersby (adjoining & up to 85 ft depth)		—	0.1	—
Landscaping to be maintained in food cultivation	—	—	0.1	0

Table 744-509-1: Green Factor Calculation				
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	Number of Plants	Measured Area or Area Equivalent In Sq. Ft.	Multiplier	Score
Landscape area utilizing structural soil [7]	—	—	0.1	0
Total Green Factor Score				0.38
Notes for Green Factor				
[1] Large shrubs or ornamental are those that reach 3 ft or more in height at maturity				



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2025DV1016 ; Findings of Fact (Landscaping)

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

the majority of available green space will need to be lawn or low plants as there are planned stormwater utility improvements as well as existing utilities that trees would otherwise interrupt. This is also necessary due to the proximity of multiple intersections around the property and maintaining clear sight triangles will promote 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 use of the property will largely remain the same as it currently is, with improvements for stormwater drainage and maintenance. This will be an added value to this property and the surrounding immediate area.

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

the property is fronted by multiple streets and landscaping larger than a shrub will impact sight lines by traffic, as well as interfere with

2025DV1016 ; Findings of Fact (Dumpster)

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

The trash enclosure will be held tight to the building and landscaped with evergreen shrubs to help soften the view from the multiple front yards.

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 trash enclosure placement will not impact sight line triangles, view sheds, and does not impact the use of adjacent properties as the enclosure ensures all waste removal activity remains on site.

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 this particular site is unique which creates multiple front yards, and locating the trash enclosure behind the building would require maneuvering of trash vehicles in the street which would be difficult for containers without blocking traffic.

2025DV1016 ; Photographs



Photo 1: Existing Canopy Viewed from Southeast



Photo 2: Existing Convenience Store Viewed from East

2025DV1016 ; Photographs (continued)



Photo 3: Existing Convenience Store + Dumpster Viewed from South



Photo 4: Existing Improvements Viewed from North

2025DV1016 ; Photographs (continued)



Photo 5: Lafayette Road Frontage Looking Northwest (June 2019)

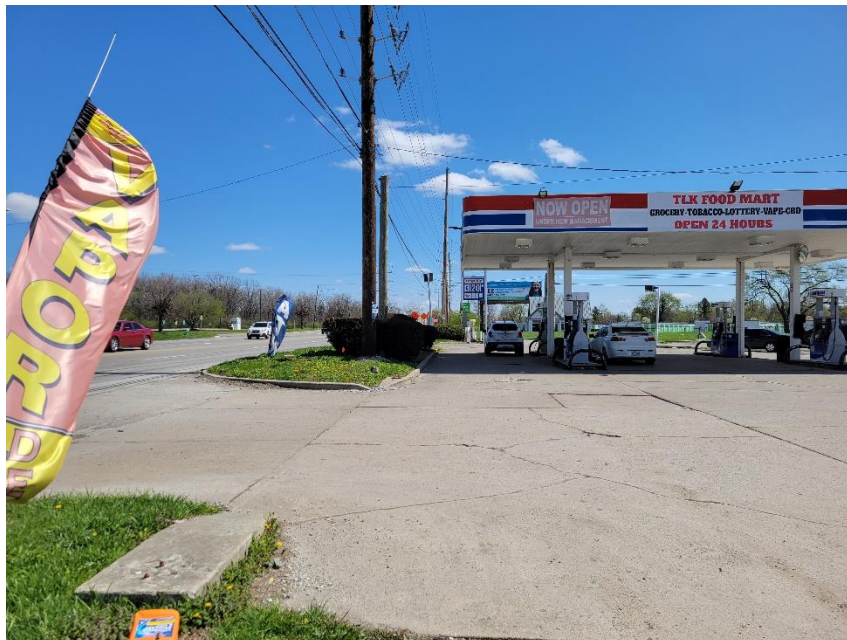


Photo 6: Lafayette Road Frontage Looking Southeast

2025DV1016 ; Photographs (continued)



Photo 7: 34th Street Frontage Looking East



Photo 8: 34th Street Frontage Looking West

2025DV1016 ; Photographs (continued)



Photo 9: Adjacent Property to Northeast



Photo 10: Adjacent Property to South

2025DV1016 ; Photographs (continued)



Photo 11: Adjacent Property to North



Photo 12: Adjacent Property to West



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BOARD OF ZONING APPEALS DIVISION I

June 3, 2025

Case Number: 2025-DV1-026

Property Address: 29 West Arizona Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Ana Pereira, by Daniel Salazar

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of primary and accessory structures with three-foot side yard setbacks (five feet required).

Current Land Use: Vacant

Staff Recommendations: Staff **recommends approval** for this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff **recommends approval** of this petition

PETITION OVERVIEW

- This petition would allow for the development of primary and accessory structures with three-foot side yard setbacks (five feet required).
- The subject site was platted in 1898 and has been vacant since the former residence was torn down in approximately 2002. The site is zoned D-5 and has a lot width of approximately 34 feet, which is deficient from the lot width standard of 40 feet for the Detached House-Small Lot typology. Staff finds this to represent a reasonable practical difficulty for being able to meet the side setback requirement of 5 feet, which was designed for lots of at least 40 feet in width.
- Further, with reduced setbacks being present in the immediate vicinity, Staff does not find the proposal to be out of character for the neighborhood. Likewise, Staff finds the proposal to be in accordance with the Infill Housing Guidelines recommendations for building spacing and setbacks, which include, reinforce the existing spacing on the block, leaving room for maintenance, and avoid uncharacteristically large gaps in between houses.



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- With Staff finding practical difficulty for meeting side setbacks, and with reduced setbacks being common in the area, Staff is unopposed to the request.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	C-S	North: Industrial
South:	D-5	South: Single-family residential
East:	D-5	East: Single-family residential
West:	D-5	West: Single-family residential
Thoroughfare Plan		
West Arizona Street	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/8/25	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/8/25	
Findings of Fact (Amended)	N/A	



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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Traditional 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 setbacks and building spacing, the Infill Housing Guidelines recommends:
 - Reinforce existing spacing on the block
 - Leave room for maintenance
 - Limit uncharacteristically large gaps in between houses

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

N/A

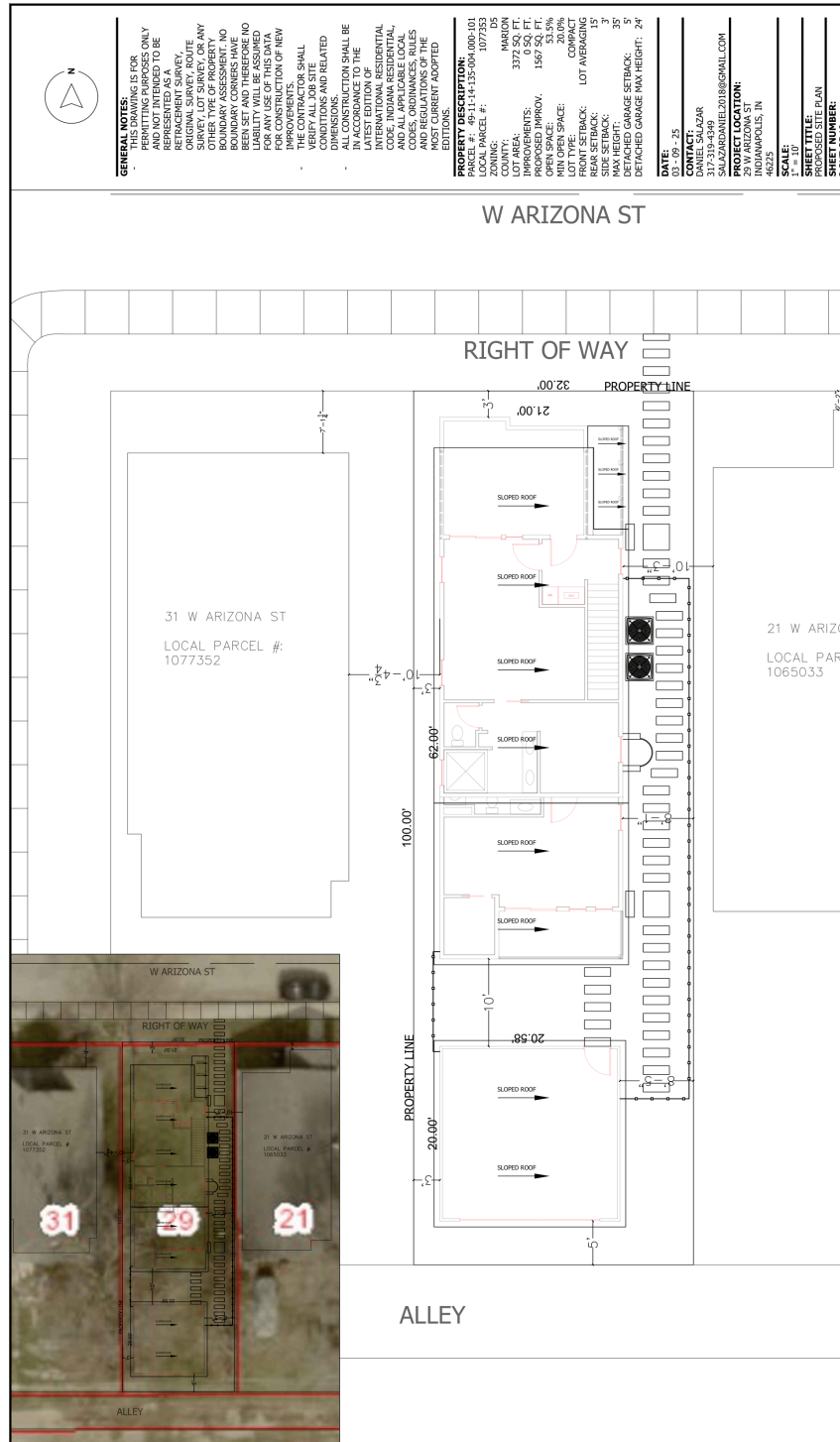
ZONING HISTORY – VICINITY

2015-CZN / CVR-830; 1307 S Meridian Street (north of site),

Rezoning of 4.89 acres from the I-3-U, D-8 and C-1 districts to the C-S classification to provide for a 17,500-square foot building addition and the manufacturing of construction equipment, air compressors and electric motor assemblies and I-2U uses, with exceptions (1334 and 114), C-3C uses (180 feet deep along the west side of Meridian Street (1334) and 100 feet deep along the east side of Meridian Street (1307 and 1319)) and multi-family dwelling units (1307, 1319, 1334 and 114), **approved**.

Variance of development standards of the Commercial Zoning Ordinance (1307 and 1319) to legally establish and provide for a six-foot transitional north front setback along Orange Street, a six-foot west side setback along Meridian Street and a 10-foot front transitional setback along Charles Street (10-foot front yard for parking and 70-foot setback from the centerline for buildings and a 20-foot front transitional yard required). Variance of development standards of the Commercial Zoning Ordinance (1334 and 114) to provide for a zero-foot front setback along Wisconsin Street (10-foot front and 20-foot front transitional yards required), a zero-foot front yard along Meridian Street (10-foot front yard for parking and 70-foot setback from the centerline for buildings required), and 10-foot south front and west side transitional yards (20-foot front transitional setback and 15-foot side transitional setback required), **granted**.

EXHIBITS









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BOARD OF ZONING APPEALS DIVISION III

June 3, 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 **approval** of this petition subject to commitments.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This petition was continued and transferred from the April 15, 2025 hearing date for Division III to the June 3, 2025 hearing date for Division I in order to allow time for additional discussion with the Franklin Township Civic League and for a new member of the applicant's team to familiarize themselves with the case. The applicant provided amended plans indicating the addition of (a) landscape islands, (b) a new Green Factor score of 0.19, and (c) a slightly wider drive-through lane to the property as well as a list of commitments in consultation with Staff and with the FTCL that would alleviate concerns about the Green Factor score of the site. Those updated plans and commitments have been added to the original report. Staff feels that these revisions and commitments alleviate most concerns, and that remaining variances are minor in scope. Subject to the below commitments within Exhibits, staff recommends **approval**.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to commitments.

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



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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.
- 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.

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- 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.
- 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. Amended plans were not provided prior to the publication deadline of this report, and staff would be unable to consider those proposed 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 context has historically been heavily paved, the Green Factor requirements take previous land use context into account and broader contexts cannot change unless the permitting and petition process reinforce these rules. Given the lack of practical difficulty presented and the importance of these regulations, staff recommend denial of this petition based on initial plans submitted.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Regional Commercial	
Surrounding Context	<u>Zoning</u>	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)	05/28/2025	
Elevations	02/26/2025	
Elevations (Amended)	N/A	
Landscape Plan	05/28/2025	
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



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- 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.



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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)

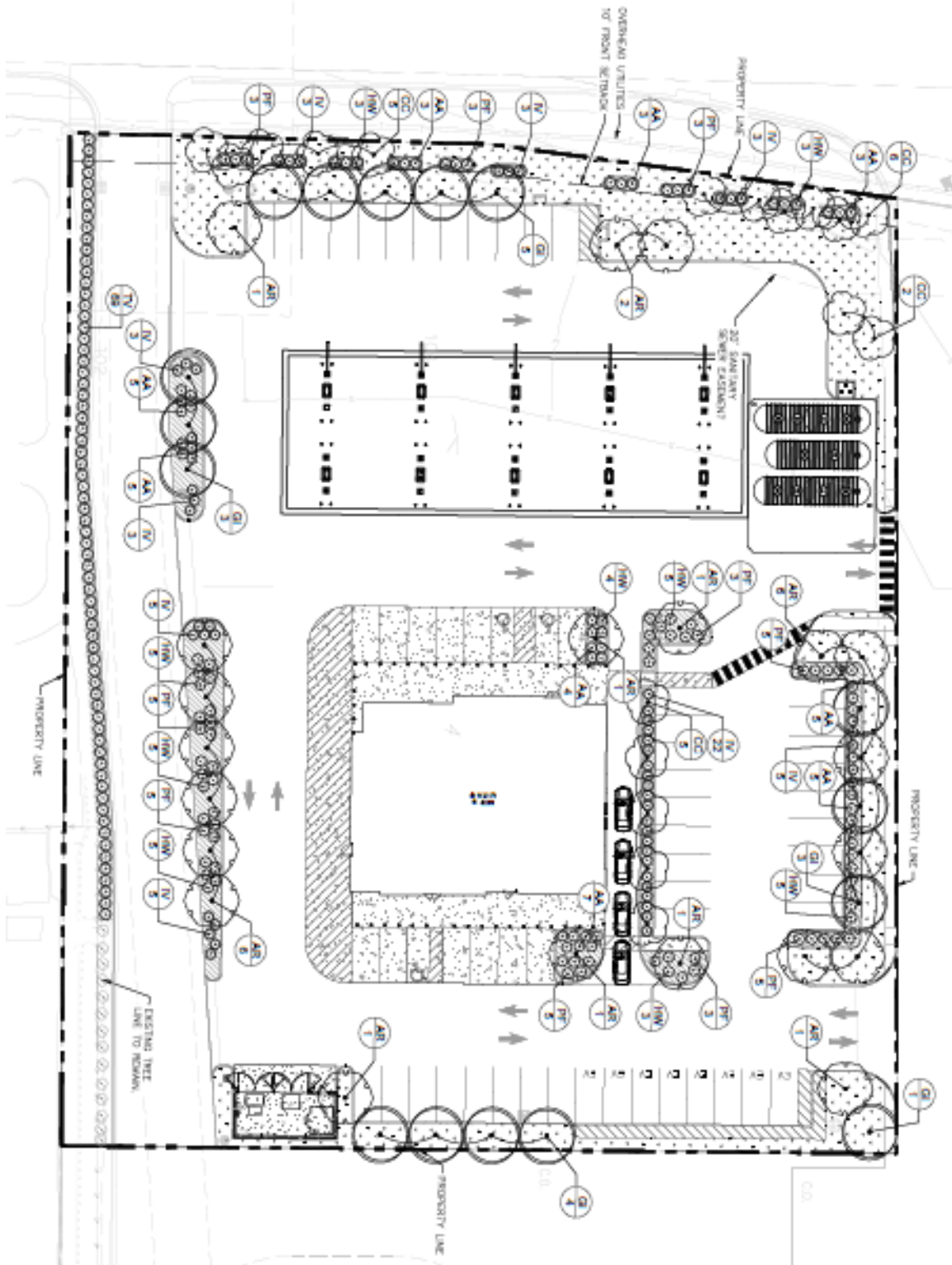


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2025DV3008 ; Proposed Commitments

1. No “off-premises sign”, as such term is defined in Ch. 744, Art. IV, Sec. 02 of the City of Indianapolis Consolidated Zoning / Subdivision Ordinance (the “Zoning Ordinance”) shall be erected on the Subject Property.
 2. There shall be no order board or order system available on the Subject Property to facilitate drive through pick up orders.
 3. There shall be a security system featuring cameras which will allow employees to monitor the exterior and the premises, including the area which includes the east public entrance. The parking areas and entrances shall provide lighting to meet the requirements of the Zoning Ordinance.
 4. A handrail will be installed near the northwest corner of the façade in order to minimize pedestrian conflicts with the drive through lane.
 5. The developer of the Subject Property will neither remove nor relocate the existing bus stop bench located at the edge of the sidewalk along the Emerson Avenue frontage of the Subject Property.
 6. The Owner will make a contribution to the Tree Fund of the City of Indianapolis in an amount necessary for the Subject Property to comply with the applicable Green Factor requirement, as set forth in the Zoning Ordinance.
 7. The variance approval is subject to a final landscaping plan consistent with the landscaping plan file dated May 28, 2025, being submitted for Administrator’s Approval prior to obtaining an Improvement Location Permit.
-

2025DV3008 ; Site & Landscape Plan (amended May submittal)





2025DV3008 ; Elevations





Department of Metropolitan Development
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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.

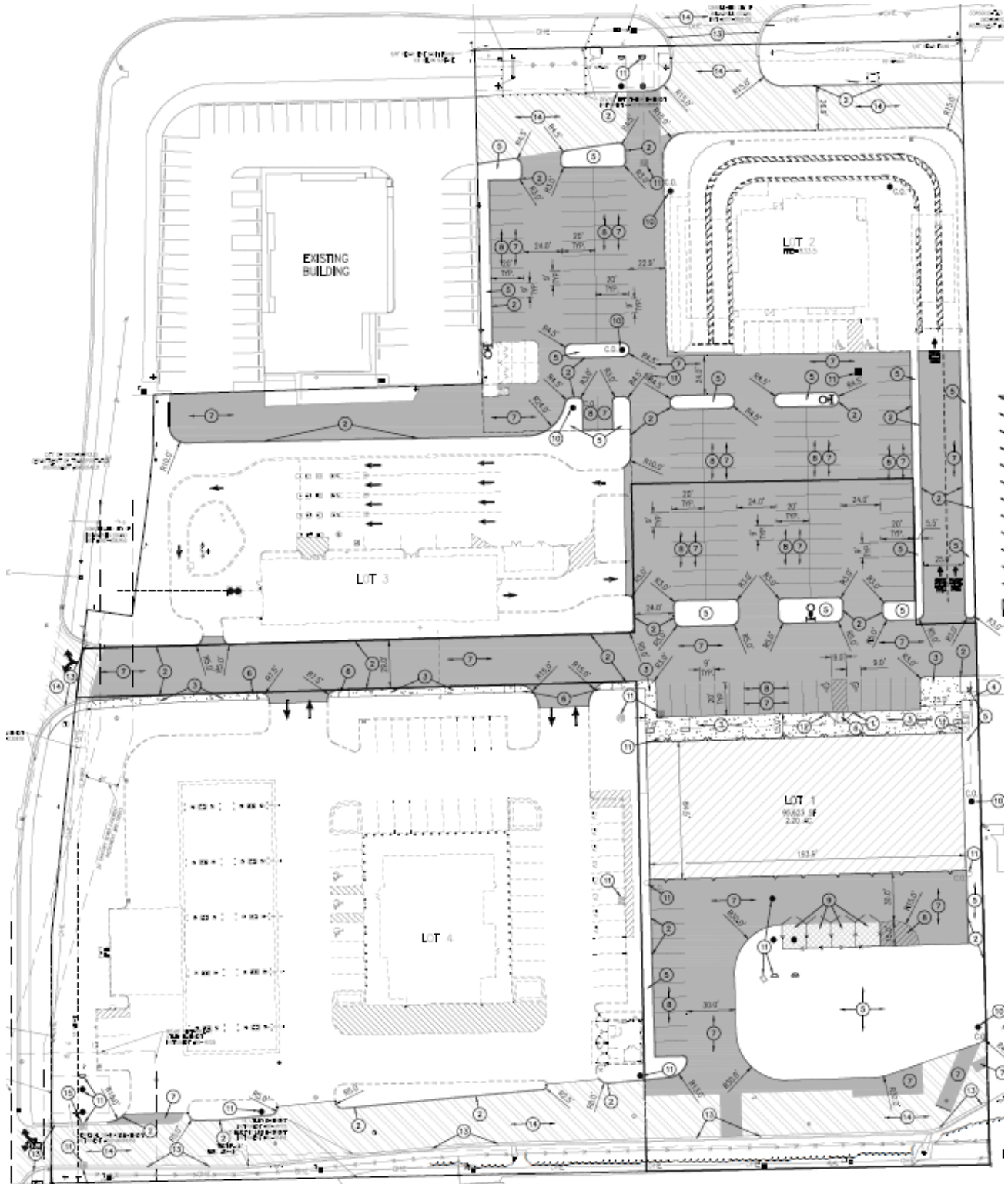
Please contact me at (317) 218-9566 or mike.timko@kimley-horn.com should you have any questions for further comments.

Sincerely,
Mike Timko, P.E.

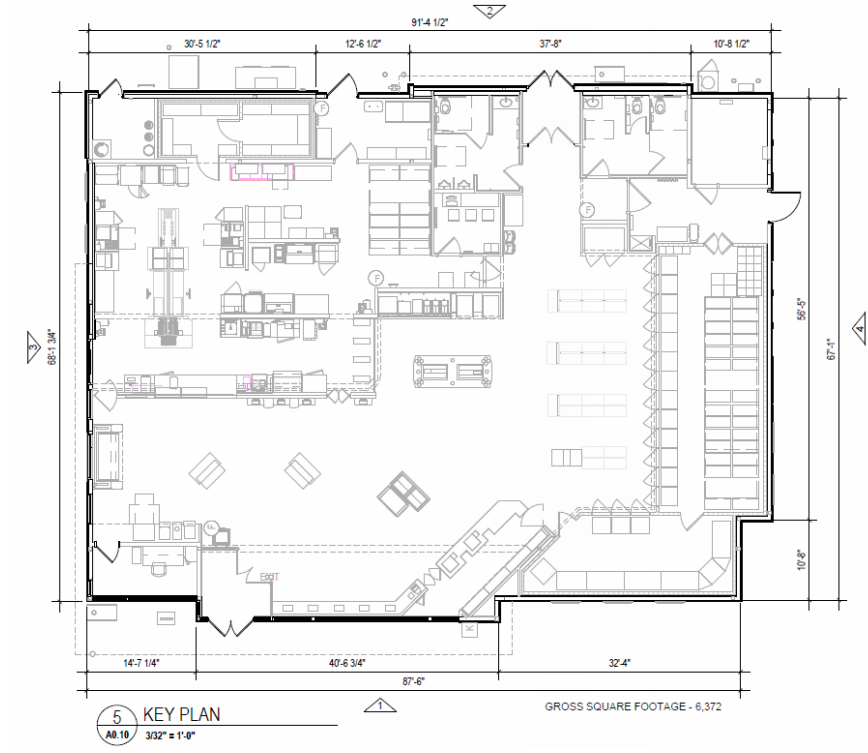


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2025DV3008 ; Development for Lots 1-3 (approved via 2024DV1027)



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.



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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



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

June 3, 2025

Case Number: 2025-UV1-008 (Amended)
Address: 6158 West 10th Street (approximate address)
Location: Wayne Township, Council District #16
Zoning: D-3 (W-1) (W-5)
Petitioner: Homes In Motion LLC, by John Cross
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for Office: Business, Professional or Government uses (not permitted) and parking areas up 157 feet wide within the front yards of Vinewood Street and High School Road (30-foot width permitted).

Current Land Use: Commercial office

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 petition was amended to remove the request for a second vehicular access point. No new notice will be required as this amended request is less intense than the original published request.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The subject site is developed with a single-family dwelling, detached garage, paved parking, gravel parking lot, and enclosed fenced in area. A real estate office, one 24-square foot ground sign, and two 15-square foot wall signs were approved per 2019-UV2-005.

VARIANCE OF USE

- ◇ The requested variance of use to provide for Office: Business, Professional or Government uses, would provide for additional office uses beyond the permitted by variance real estate office use.

- ◇ The site is currently used as a real estate office per a use variance granted in 2019. Providing for additional commercial offices would allow the site, that is not likely to be used residentially again, to be a buffer between the more intense C-5 district to the south and the less intense D-3 district to the north.
- ◇ The suburban neighborhood recommendation of the Comprehensive Plan supports a variety of neighborhood-serving businesses, institutions, and amenities which means the proposed use would align with this recommendation.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The requested variance of development standards to provide for a parking area up 157 feet wide within the front yards of Vinewood Street and High School Road, is a result of the subject site having three frontages. The frontage on West 10th Street has a 15-foot front setback after numerous road expansions, leaving little room if any for appropriate parking. Resulting in the need to place the parking area in the front yards of Vinewood Street and High School Road.
- ◇ In Staff's opinion, the request is consistent with the existing surrounding commercial uses and would represent a minor deviation from the Ordinance.
- ◇ Generally, staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Commercial Office	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-3	Single-family dwellings
	South: C-5	Commercial retail
	East: D-3	Single-family dwellings
	West: D-3	Single-family dwellings
Thoroughfare Plan		
10th Street	Primary Arterial Street	112-foot proposed right-of-way and 285-foot existing right-of-way.
Vinewood Avenue	Primary Collector Street	80-foot existing right-of-way, and an 80-foot proposed right-of-way.
High School Road	Primary Collector Street	65-foot existing right-of-way and 80-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	

Overlay	N/A
Wellfield Protection Area	Yes
Elevations	N/A
Landscape Plan	N/A
Site Plan	May 29, 2024
Findings of Fact	September 11, 2024

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends suburban neighborhood development for the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
 - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres. Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded. Should not include outdoor display of merchandise.



Department of Metropolitan Development
Division of Planning
Current Planning

- Office uses are contemplated within the suburban neighborhood typology, which is why staff determined the request would be supportable.

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)

- Indy Moves Plans Indy Moves Transportation Integration Plan (2018) proposes an off-street multi-use path from Railroad Tracks to Beachway Drive.

ZONING HISTORY

2024-ZON-096; 6158 West 10th Street (subject site), Rezoning of 1.00 acre from the D-3 (W-1) district to the C-1 (W-1) district to provide for a second driveway and parking lot of a Real Estate Office, **Withdrawn**.

2024-VAR-013; 6158 West 10th Street (subject site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an expansion of an existing accessory structure, with a total accessory structure size of 1,215.35 square feet, a six-foot-tall fence and to permit outdoor storage and operations consisting of four trailers, one skid steer loader, one mini excavator and one mini backhoe, **Granted**.

2019-UV2-005; 6158 West 10th Street (subject site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a real estate office (not permitted) and one 24-square foot ground sign and two 15-square foot wall signs (ground signs permitted for subdivision and projects only, one wall sign permitted and sign area of three percent of façade permitted), **approved**.

2006-DV2-016; 1010 Center Drive (northeast of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 13-foot tall, 766-square foot detached garage located between the established front building line and the right-of-way (not permitted), **granted**.

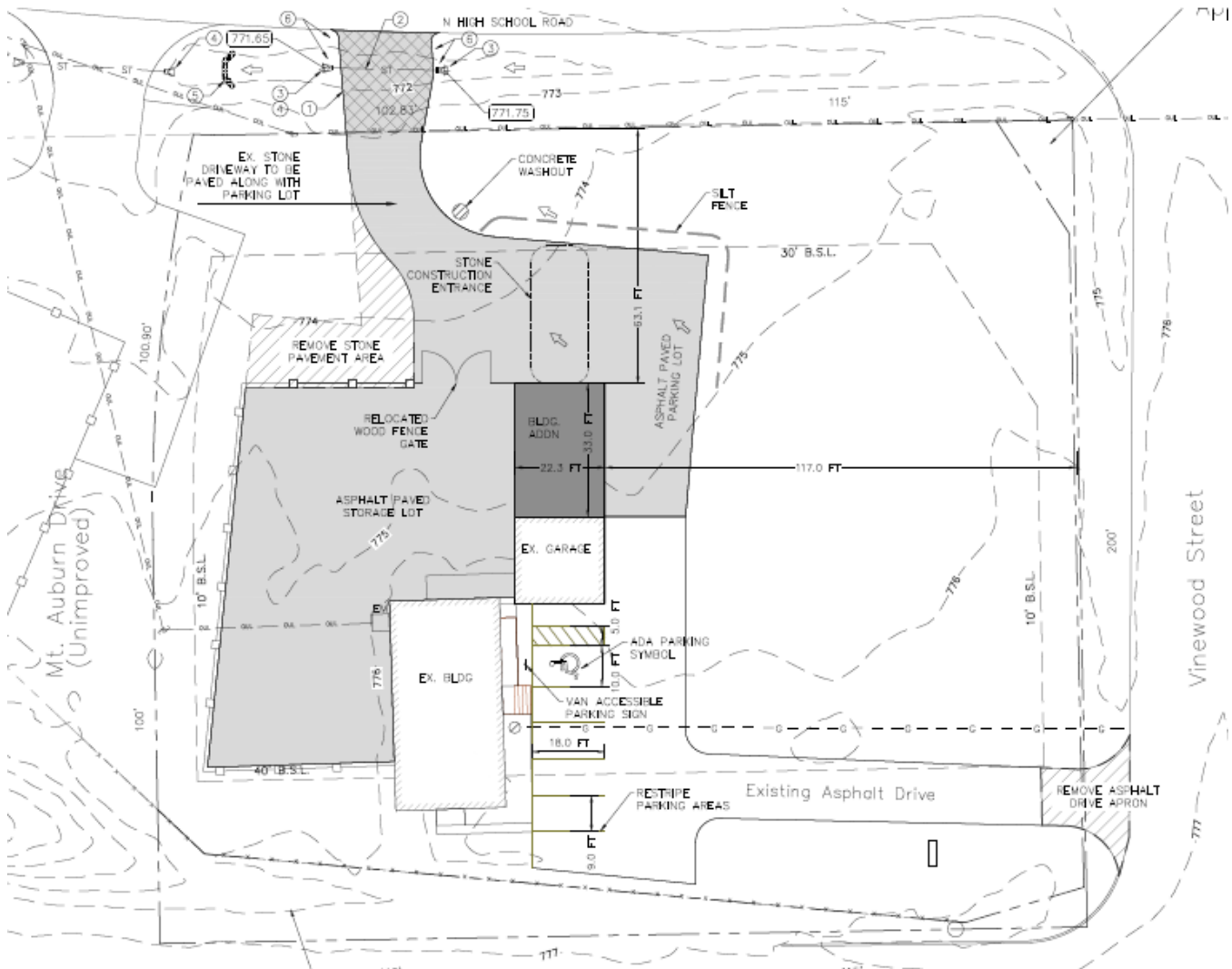


Department of Metropolitan Development
Division of Planning
Current Planning

99-UV1-160; 6158 West 10th Street (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an assisted transportation business for handicapped persons, with parking for 2 vans in a detached garage, **denied**.

70-UV3-34; 1010 North High School Road (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for general office use, within an existing building, **granted**.

RU





Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

the property has been used as a real estate office since 2019 under a variance use. The property's location makes it well-suited for general office use and will have no negative impact on the surrounding area. Approval will not create objectionable characteristics extending beyond the lot lines. General office business use will not adversely impact traffic on surrounding streets especially with the additional access drive. This approval will not establish a precedent for other properties rezoning to commercial districts.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

the property has a history of being used as a business office without having any negative impact on surrounding property values.

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

the location of the property along 10th Street and 465 on-ramp make it more suitable for light office use instead of residential use.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

the property is already permitted to be used as a real estate office as long as the owner owns the property. This change has reflected well on the property given its location. The MDC previously approved the property being rezoned to C-1 which was then withdrawn so this approval will fulfill the general office use of the property while remaining a residential district.

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

Approval will not create objectionable characteristics extending beyond the lot lines. The MDC previously approved the property being rezoned to C-1 which was then withdrawn so this approval will be consistent with the MDC's prior approval and staff's prior suggestion of rezoning to C-1.

DECISION



Department of Metropolitan Development
Division of Planning
Current Planning

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 additional driveway access and parking are will benefit the real estate use of the property as additional parking is needed.

The additional access point will help divert traffic away from Vinewood St. as there is minimal space there to turn in and out of the property.

The additional access point will help traffic flow and not add congestion. The additional parking area will not be uncharacteristic with the larger drive and parking area for the property abutting on the west. The variance will not negatively impact surrounding properties and not have an effect on W 10th St to the south.

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 additional parking and drive will not add congestion but will help divert traffic away from the intersection of Vinewood and 10th St where

the only access drive currently is. The real estate office use does not generate enough traffic to have a substantial impact on traffic in the area.

The additional parking area will not be uncharacteristic with the larger drive and parking area for the property abutting on the west.

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

the property was approved a variance of use for a real estate office. Currently additional parking is needed to accommodate that use.

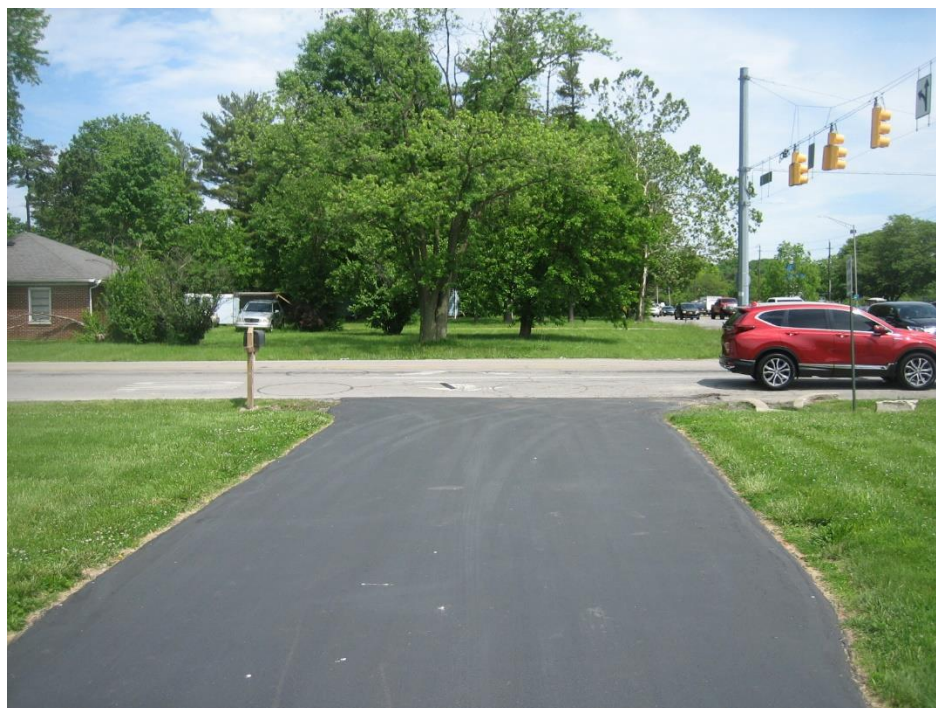
The best location for the parking area is behind the property accessing N. High School Rd. This will help traffic flow and lessen congestion more so than if additional parking is added to the existing drive that accesses Vinewood St.

DECISION

Photographs



Subject property looking west.



Subject property, existing entrance from Vinewood Street to be closed, looking east



Subject property, proposed entrance from High School Road, looking southeast



Adjacent property to the east, looking north.



Adjacent property to the north, looking northeast.



Adjacent property to the west, looking south.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

May 6, 2025

Case Number: 2025-SE1-001
Address: 2205 North Sherman Drive (approximate address)
Location: Center Township, Council District #8
Zoning: I-4
Petitioner: ABG Property Inc., by Suzanne Baker
Request: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot.

Current Land Use: Vacant lot

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause from the May 6, 2025, hearing, to the June 3, 2025, hearing at the request of the petitioner. No additional information has been provided at the time of publication.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

SPECIAL EXCEPTION

- ◇ A commercial parking lot is permitted in the I-4 District by the grant of a Special Exception, which must include findings that the proposed use will not injure or adversely affect the adjacent area or property values in that area, and any grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property.
- ◇ Each Special Exception request must show that the grant would not be injurious to the public health, safety, convenience, and general welfare of the community. The proposed parking lot use would provide exclusive parking for approximately twenty (20) semi-truck and trailer rigs with no proposed supporting structure, trash dumpster, or restroom facilities on site. The plan of operation indicates that pole lights will be used to illuminate the site, and the site will be accessible to drivers 24 hours a day.
- ◇ This portion of North Sherman Avenue is deficient of public right of way width, where only 55 feet or right of way width is provided, and an 88-foot right-of-way width is proposed. This deficient right of way could provide safety issues in the maneuvering of the semi-trucks and rigs along this portion of North Sherman Avenue, possibly into oncoming north bound or south bound traffic.



Department of Metropolitan Development
Division of Planning
Current Planning

- ◇ It is anticipated the trucks would either travel north or south on Sherman Avenue, presumably to access a nearby interstate interchange on Emerson Avenue. The intersection to the north, at Sherman Avenue and Massachusetts Avenue has deficient sight lines and turning radius angles due to the angled intersection with Massachusetts Avenue and the parallel railroad. Accessing South bound Sherman Avenue would result in the trucks traveling through residential neighborhood on East 21st Street to access the interstate interchange on Emerson Avenue.
- ◇ The Special Exception must indicate that the grant would not injure or adversely affect the adjacent area or property values.
- ◇ The proposed use for a parking lot is a generational use that would take away from the land available for the proposed Heavy Industrial and Industrial Reserve overlay uses and services. As a result of displacing a potential heavy industrial user with higher property values, the lower property valued parking lot could decrease property values in the area.
- ◇ This site is located across Sherman Avenue from approximately three (3) residential dwellings with a Comprehensive Plan recommendation for Traditional Neighborhood. Additional dwellings are located further west in a D-5 district. The subject site is also located across Sherman Avenue northeast from a University Quarter District 1. In Staff's opinion, the proposed parking lot would have a negative effect on the property values of these dwellings and surrounding residential neighborhood.
- ◇ The presence and impact of the semi-truck and trailer rigs operating 24 hours a day, with associated security lighting as well, would have an adverse and detrimental impact on the single-family dwellings to the west, and the University Quarter protected district to the southwest. For this residential neighborhood to remain viable, it would be important to protect these dwellings from the more intense use of the requested commercial parking lot in proximity to dwellings.
- ◇ In Staff's opinion, the request would jeopardize the public safety by increasing the amount of semi-truck and trailer traffic adjacent to an area that is recommended for traditional neighborhood uses. The proposed parking lot could be more appropriately located on sites that are not adjacent to residential uses and protected districts.
- ◇ Additionally, the grant must be in harmony with the character of the district and the land use authorized therein. The subject site is located within the I-4 zoning classification, with an Industrial Reserve overlay district. A parking lot could be an accessory to an industrial use, but it is not generally considered as a primary industrial use by itself. As the east side of Sherman Avenue corridor in this area contains heavy industrial uses, and the overlay district recommends this site be reserved for Industrial uses, the proposed commercial parking lot would be out of character with the adjacent districts and land uses on surrounding properties. The proposed parking lot would not be compatible with the Marion County Comprehensive Land Use Plan recommendation of Heavy Industrial and the Industrial Reserve Overlay district for the site.
- ◇ Summarily, in Staff's opinion, permitting a commercial parking lot in an Industrial Reserve overlay district, and adjacent to residential dwellings and a University Quarter District as proposed, would be wholly inappropriate, particularly considering the general increase of truck use intensity adjacent to the residential uses.

GENERAL INFORMATION

Existing Zoning	I-4		
Existing Land Use	Vacant Lot		
Comprehensive Plan	Heavy Industrial		
Overlay	Industrial Reserve		
Surrounding Context	<u>Zoning</u>	<u>Surrounding Context</u>	
	North:	I-4	Commercial Truck Repair and Service
	South:	I-4	Stone Fabricator
	East:	I-4	Shipping Terminal
	West:	I-3	Single-Family Dwellings
Thoroughfare Plan			
Sherman Drive	Primary Arterial	55-foot existing right-of-way and 88-foot proposed right-of-way.	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Wellfield Protection Area	No		
Site Plan, Revised	March 18, 2025		
Elevations	N/A		
Commitments	N/A		
Landscape Plan	N/A		
Findings of Fact	March 18, 2025		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Heavy Industrial uses for the site, with an Industrial Reserve Overlay.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends Heavy Industrial uses for this site. The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic.
- The Industrial Reserve overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.



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

2023-DV3-015; 2300 North Sherman Drive (north of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an unmarked and unpaved parking area (parking areas must be hard surfaced with durable markings), **denied**.

2004-ZON-011; 2187 North Gale Street and 2186 North Sherman Drive (southwest of site), requested the rezoning of 0.8 acre from the D-5 and I-3-U districts to the UQ-1 classification to provide for higher education uses, **granted**.

2001-HOV-047; 4101 Massachusetts Avenue (northeast of site), requested a special exception to provide for the development of a 78.473-acre industrial park with one private street for eleven lots, **granted subject to the site plan**.

99-CP-37Z / 99-CP-37V / 99-CP-37VAC / 99-CP-37AP; 2169-2197 North Gale Street, 2161, 2171, 2181-2198 Avondale Place, 2162-2190, 2194 Station Street, and 2164-2172 North Sherman Drive (southwest of site), requested the rezoning of 3.6 acres from D-5 and I-3-U to UQ-1 to legally-establish, and provide for the expansion of, a university; with a number of variances, **approved**.

93-DV1-120; 3823 Massachusetts Avenue (north of site), requested a variance of development standards to permit an addition to a building extending the existing front setback of 36.75 feet from the centerline of Massachusetts Avenue, **granted**.

RU

EXHIBITS

Location Map







Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division III
OF MARION COUNTY, INDIANA**

**PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because

As defined a "Parking Lot, Commercial" is a parking lot that is a primary use of land. The site will specifically be used just for truck parking with no other structures on site besides a moveable loading dock.

2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because

The proposed use will not injure or adversely affect adjacent area or property values because it is a similar and compatible use with the surrounding uses of the property and it will also improve a now vacant and overgrown site. Surrounding uses include a truck repair facility, FedEx trucking fleet terminal, a stone supplier, and a manufacturing company of burial vaults. This site and surrounding sites are well served and encourage trucking industry uses due to the close proximity to Interstate 70 and is also currently zoned the most intense industrial classification.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because

The site will not materially or substantially interfere with the lawful use and enjoyment of the adjoining property because the site will be secured and provide for lighting. Additionally, Sherman Drive is already equipped for trucks as the surrounding uses of truck repair north of the site, which is a much larger site than the subject site.

4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because

This site will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan because the future land use recommendation for the site indicates for Heavy Industrial. Further this site is zoned the most intense industrial zoning classification and is surrounded by both industrial zoning and similar and compatible uses to our proposed commercial parking lot.



Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact Cont'd

5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because

The proposed use will conform to the development standards set forth in Chapter 744. With the proposed use there will be minimal improvements needed to make to the site, with only 20 parking spaces which will abide by other City regulations and requirements as well.

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

The proposed use will conform to the performance standards set forth in Chapter 740 and the development standards set forth in Chapter 744. With the proposed use there will be minimal improvements needed to make to the site, with only 20 parking spaces which will abide by other City regulations and requirements as well.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

The proposed Parking Lot, Commercial on the subject site will comply with the use-specific standards outlined in Chapter 743, Article III, Section 5, CC. Specifically, #1-3 do not apply to this location. #4, Parking lots, Commercial shall be limited to a maximum of 2 acres and the subject site is 1.36 acres.

DECISION

Photographs



Subject site northern portion with proposed entrance, looking east.



Subject site southern portion, looking east



Adjacent single-family dwellings on west side of Sherman Avenue, looking northwest.



Adjacent University Quarter District to the southwest



Adjacent industrial Stone Fabricator use to the south, looking southeast.



Adjancet commercial Truck Repair and Service to the north, looking northeast.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

June 3rd, 2025

Case Number: 2025-DV1-009 (Amended)

Property Address: 8415 West Washington Street (Approximate Address)

Location: Wayne Township, Council District #17

Petitioner: Greg & Seth Dotson

Current Zoning: I-1 / C-3

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of two buildings, resulting in 20-foot side yard setbacks (30-foot side yard setback and 50-foot side transitional yard setback required).

Current Land Use: Commercial

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

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the third public hearing for this variance petition.

At the second public hearing this petition was continued by staff due an error being found in the legal notice, causing this variance petition to be continued from the May 6th to the June 3rd Division I Hearing.

This variance petition was continued by staff at its first public hearing on April 1st to the May 6th Division I Hearing due to an unexpected publication error that impacted the printing of this petition's information within newspapers as required by statute.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- The petitioner is requesting a reduction in both side yard setbacks to allow a third row of parking spaces. The spaces would be located in between two (2) proposed warehouse/flex space/workspace buildings (rental units).
- This property is 3.5 acres, primarily in an I-1 and C-3 zoning district.
- The side yard setback is the distance between the side lot line and primary building or other structures. Side yard setbacks are essential, especially in industrial uses, because of potential hazards such as noise, increased traffic, waste, fumes, or other industrial by-products.

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

- Due to a D-3 Dwelling zoning district being to the east of the subject site, the property has to meet the 50-foot side transitional yard setback to allow additional spacing to separate dwellings from the industrial uses.
 - The Ordinance requires one (1) parking space per 1000 sqft for the type of Industrial Use proposed on this site. The proposed buildings combined will be 39,600 sqft, meaning they are required to have a total of 39.6 parking spaces.
 - The current site plan shows around 90 parking spaces; the original site plan that was submitted (prior to this second hearing) showed approximately 60 spaces.
- Staff is recommending **denial** of this variance petition. If approved the reduction in the normal setback and the transitional yard to the east, would be completely removing all separation between the differing uses in this area. As shown in the previous site plan, there is sufficient space on the site before the additional parking spaces to provide nearly double the number of parking spaces that the Ordinance requires for buildings of this use and size. Approving this variance will result in a large parking area for two (2) buildings, with no predictors for the type of business or amount of traffic on the site and has the potential to become a large unused slab of concrete, destroying a significant amount of green space in an area that already lacks it.

GENERAL INFORMATION

Existing Zoning	I-1 / C-3	
Existing Land Use	Vacant	
Comprehensive Plan	Office/Industrial Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-S	North: Community Commercial
South:	SU-46	South: Regional Special Use
East:	D-3	East: Office/Industrial Mixed-Use
West:	C-3	West: Office/Industrial Mixed-Use
Thoroughfare Plan		
Washington Street	Primary Arterial	118 feet of right-of-way existing and 102 feet proposed
North Perimeter Road	Special Corridor	50 feet of right-of-way existing and 50 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	1/28/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	1/28/2025	



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

**Findings of Fact
(Amended)**

N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Office/Industrial Mixed-Use (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/residential traffic in this typology.

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

- 2018-ZON-039: 8415 West Washington Street
 - Rezoning of 3.6 acres from the C-4 district to the C-7 classification.
 - Denied
- 2020-ZON-057: 8639 and 8415 West Washington Street
 - Rezoning of 1.37 acres from the C-3 district to the I-1 district.
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2011-UV1-029: 8514 West Washington Street
 - Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance and the Commercial Zoning Ordinance to legally establish a) automobile repair and towing service, with outdoor storage (not permitted, storage not permitted within 500 feet of a protected district without the required solid fence or wall), b) to legally establish a trash container in front of the established front building line (not permitted), with a 14-foot west side transitional yard c) to legally establish parking with a two-foot east side yard and east side transitional yard, without landscaping (10-foot yard and 20-foot transitional yard, with landscaping required), and d) to legally establish a paved asphalt area, with a zero foot setback from Washington Street (10-foot front setback, with landscaping required), and e) to legally establish one handicapped parking space (two spaces required).
 - Approved
- 2012-VAR-004: 8616 West Washington Street
 - Variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for automobile sales (not permitted), to legally establish a dwelling (not permitted), with a front setback 74 feet from the centerline of Washington Street (80 feet from the centerline required), on a lot having 39.7 feet of frontage (50 feet of frontage required).
 - Approved
- 2012-ZON-022: 8616 West Washington Street
 - Rezoning of 1.62 acres, being in the C-S District, to the C-5 classification to provide for commercial uses.
 - Approved
- 2013-CVR-827: 8480 West Washington Street
 - Variance of Development Standards of the Commercial Zoning Ordinance to provide for a trash container in front of the established building line (not permitted), and a five-foot tall sign, with a 9.5-foot front setback from Washington Street (15-foot front setback required).
 - Approved
- 2016-UV1-026: 8639 West Washington Street
 - (Amended) Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the rental and leasing of vans (not permitted).
 - Approved



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- 2017-ZON-051: 8610 West Washington Street
 - Rezoning of 1.972 acres from the C-S (FF) district to the C-5 (FF) classification to provide for automobile sales.
 - Denied
- 2017-ZON-069: 8516 West Washington Street
 - Rezoning of 1.96 acres from the SU-1 and D-3 districts to the C-7 classification.
 - Withdrawn
- 2021-ZON-068: 8215 West Washington Street
 - Rezoning of 2.625 acres from the SU-46 district to the I-1 district.
 - Withdrawn
- 2022-CVR-827: 8501 West Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 105,000-square foot industrial building with parking totaling more than 10% of the front yard area (parking limited to 10% of the front yard area) and located within the front transitional yard (not permitted).
 - Approved
- 2022-DV1-030: 8501 West Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 105,000-square foot industrial building with parking totaling more than 10% of the front yard area (parking limited to 10% of the front yard area) and located within the front transitional yard (not permitted).
 - Withdrawn
- 2024-CVR-819: 8215 West Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 25,730 square feet of outdoor storage (maximum of 8,805 square feet or 25% of gross floor area of all enclosed buildings) and approximately 140 feet from a protected district to the west and 400 feet from a protect district to the east (minimum separation of 500 feet required from a protected district).
 - Approved
- 2024-CZN-819: 8215 West Washington Street
 - Rezoning of 2.7 acres from the SU-46 district to the I-1 district for light industrial uses.
 - Approved

EXHIBITS

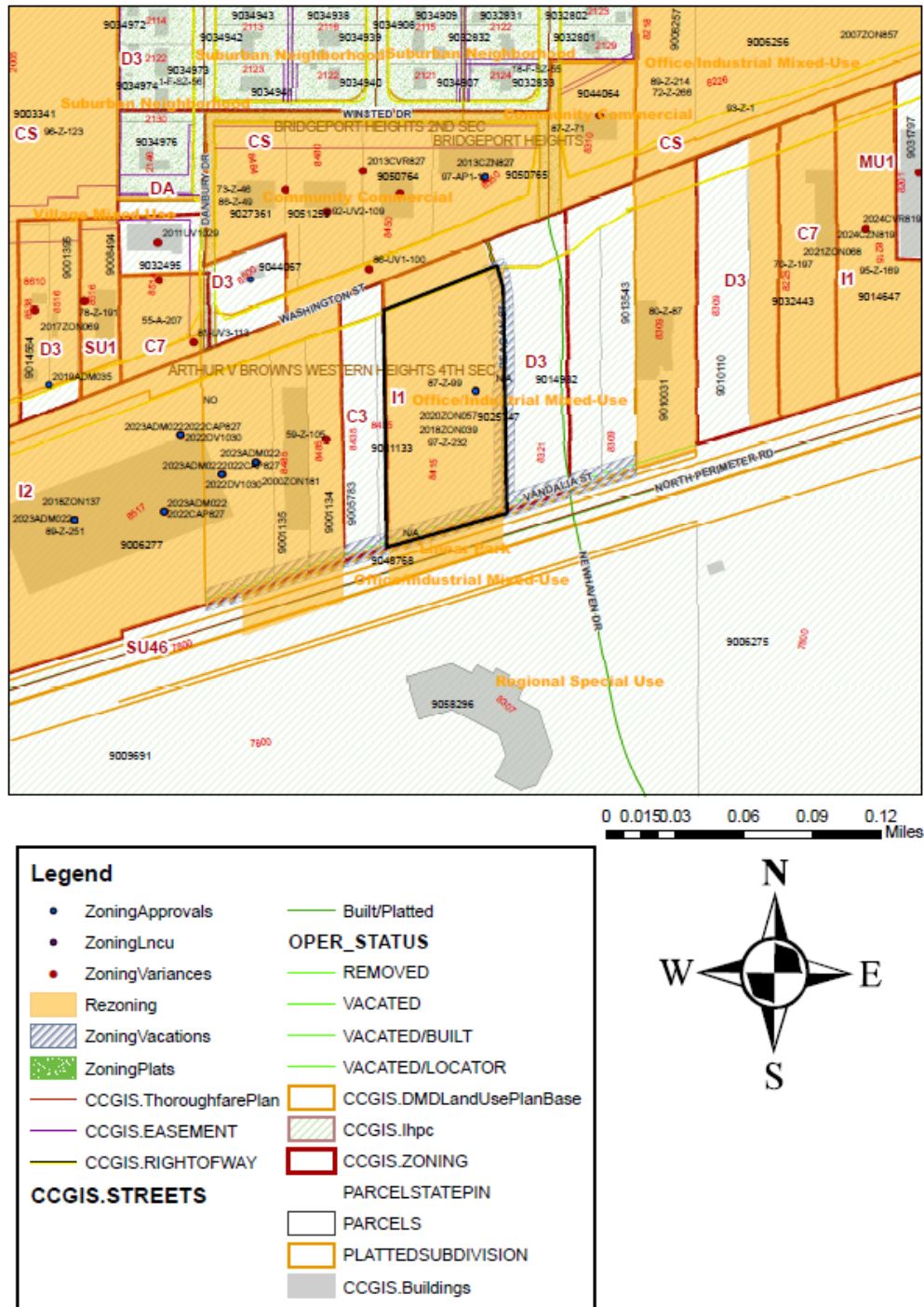


Exhibit 1: ArcGIS map of the subject site and surrounding area.



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



Department of Metropolitan Development
Division of Planning
Current Planning

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:

REQUEST IS CONSISTENT WITH OTHER PROPERTIES IN THE AREA.

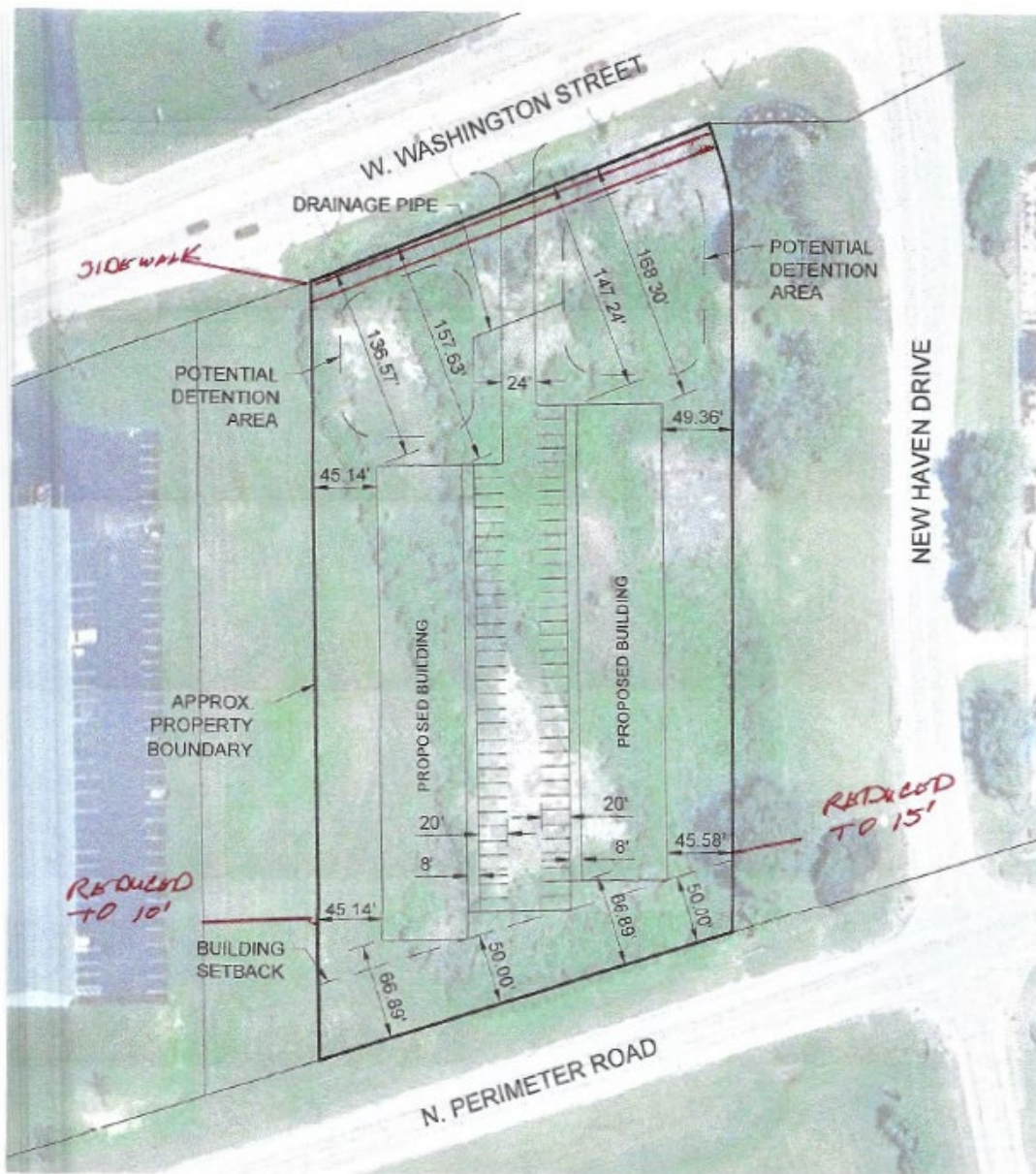
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

REQUEST IS CONSISTENT WITH OTHER PROPERTIES IN THE AREA.

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

CURRENT SETBACKS CUT PARKING SPACE TO A BARE MINIMUM OR BELOW.

Exhibit 3: Findings of fact, submitted by the petitioner.



NOTE: ALL DIMENSIONS ARE FROM BUILDING EDGE TO PROPERTY LINE



8415 W. WASHINGTON STREET
 PROPOSED LAYOUT
 INDIANAPOLIS, IN 46231



Exhibit 4: The originally submitted site plan.

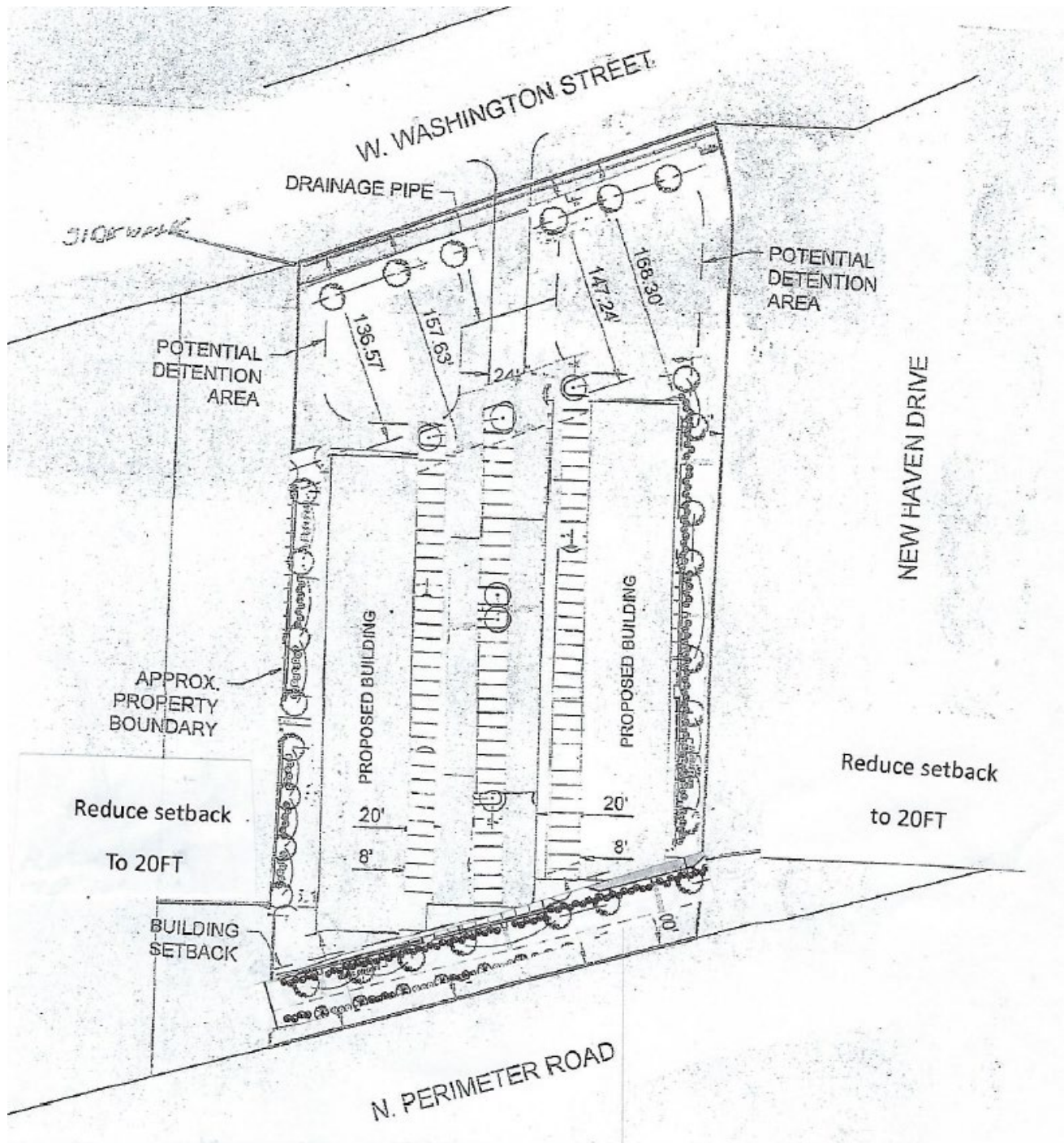


Exhibit 5: The site plan with the additional parking.

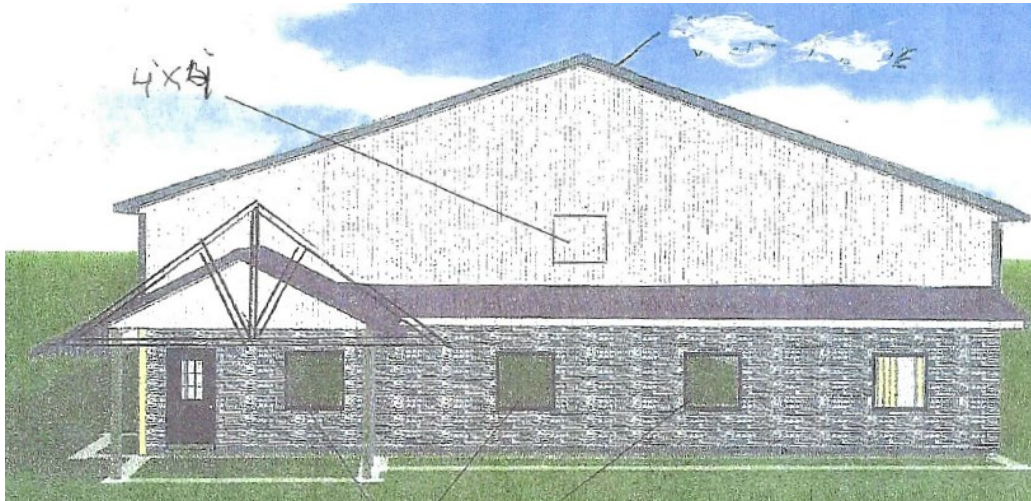


Exhibit 6: North elevation of one of the proposed buildings.



Exhibit 7: North and side elevation of one of the proposed buildings.



Exhibit 8: North and side elevation of one of the proposed buildings.

PLAN OF OPERATION

Petitioner's plan is to construct one, eventually two, 60 ft. x 330 ft. warehouse/flex space/workspace, for lease under the I1 classification. Request is consistent with uses of three buildings directly west and five buildings directly across the street. Security cameras shall be installed per rezoning commitment 2020-zon-57.

Workforce – We can't attest to as companies, (tenants) may be national companies or start-up companies with a couple of employees.

Clients & customers – We can't predict.

Processes conducted on sight would be activity allowed in I1 zoning classification. We have a pretty strict lease that states no work is to be conducted outside buildings.

Materials used – Again our leases prohibit any use of or storage of hazardous chemicals.

Waste – We do not lease to anyone who creates or disposes of hazardous waste, including no auto repair.

Exhibit 9: The submitted plan of operation.



Exhibit 10: Looking southeast at the subject site.



Exhibit 11: Looking north towards the subject site.



Exhibit 12: Looking west down West Washington Street.



Department of Metropolitan Development
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BOARD OF ZONING APPEALS DIVISION I

June 3, 2025

Case Number: 2025-UV1-006 (Amended)
Address: 5451 Moller Road (approximate address)
Location: Pike Township, Council District #6
Zoning: D-A / D-P
Petitioner: Maribel Morales Picon, by David E. Dearing
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the storage of two food trucks (prohibited).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued at the request of a registered neighborhood organization, from the May 6, 2025, hearing, to the June 3, 2025, hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ The request would provide for the storage and parking of two commercial food trucks on the lot. Traditionally, these requests have not been supported due to their impact on the visual aesthetics of the surrounding area.
- ◇ The Comprehensive Land Use Plan recommends Suburban Neighborhood uses for this site and the adjacent parcels.
- ◇ The Suburban Neighborhood typology is predominately made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

- ◇ The introduction of commercial vehicles into a predominately residential area would have a negative impact on the area. The two commercial food trucks can easily be parked off site where property zoned, as other commercial food trucks have managed to do so without any practical difficulty.
- ◇ The petitioner has indicated that the two commercial food trucks would be parked to the rear of the dwelling on a paved area. However, an updated site plan has not been submitted to reflect this. In addition, a portion of the driveway that the food trucks would use to access the rear of the site, and to leave the property, is paved with loose gravel. The use of loose gravel is not permitted for commercial uses due to the intensity of the use, and the increase in destruction of the public right of way roads that are financed with taxpayer dollars.
- ◇ There is no unusual and unnecessary hardship associated with the subject site that would warrant the grant of this variance. The subject site has no natural or manmade physical obstacles that would prohibit compliance with the permitted uses. Any hardship is self-imposed by the petitioner's desire to not park the vehicles off site at an appropriately zoned site.
- ◇ Summarily, in Staff's opinion, permitting two commercial food trucks to park in a predominately residential area district as proposed would be wholly inappropriate, particularly considering the general increase in intensity from multiple commercial vehicles within a residential area.

GENERAL INFORMATION

Existing Zoning	D-A / D-P	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Suburban Neighborhood Use	
Overlay	No	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-A	Single Family Dwelling
	South: D-P	Two- Family Dwelling
	East: D-A	Single Family Dwelling
	West: SU-2	School
Thoroughfare Plan		
	Moller Road	Local Street 60-foot existing and proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Wellfield Protection Area	No	
Site Plan	March 13, 2025	
Elevations	N/A	
Commitments	N/A	
Landscape Plan	N/A	
Findings of Fact	March 13, 2025	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends suburban neighborhood use for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood typology is predominately made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

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

None

RU

EXHIBITS

Location Map



Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

all of the subject activities will be confined to the landowner's property with no capacity to affect the public health, safety, morals or general welfare.

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:

all of the subject activities will be confined to the landowner's property, which is well screened from neighboring properties by tree cover.

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

the landowner will not be able to utilize her property to protect her food trucks from the theft and vandalism they would be subject to if parked overnight elsewhere.

DECISION

Photographs



Subject site, single family dwelling, looking east.



Subject site, two commerical food trucks parked on side of dwelling, looking east



Adjacent two-family dwelling to the south, looking west.



Adjacent single family dwelling to the north, looking east.



BOARD OF ZONING APPEALS DIVISION I

June 3, 2025

Case Number: 2025-DV1-024
Address: 3830 (3810 parcel address) Meadows Drive
Location: Washington Township, Council District #8
Zoning: C-4 / D-P / D-5 (TOD)
Petitioner: Health & Hospital Corporation, by Chad Butler
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a laboratory-office complex with driveways up to 36-foot wide (limited to 16-foot wide).

Current Land Use: Under development

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.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The subject site is currently under development to provide for a medical laboratory. The subject site is on a selected segment along the Purple Line bus rapid transit system. Therefore, the property is also located within the Transit Oriented Development Overlay district, which is more restrictive on automotive uses. The surrounding neighborhood consists of previously developed commercial uses.
- ◇ The Transit Oriented Development Secondary District is established on all lots, wholly or partially, within 1,000' from centerline of a Bus Rapid Transit (BRT) Line. The intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:



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- Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
- Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
- Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
- Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ For the request to provide for driveways up to 36-foot wide, in Staff's opinion, there is a practical difficulty in developing the site due to the multiple frontages around the site, which create access and circulation issues if the proposed driveways were required to meet the 16-foot width limitation for this proposed development.
- ◇ The subject site is bordered on all four sides by throughfares, which all have limitations in providing access to the site, resulting in a practical difficulty in meeting the standards that require the driveways to be no greater than 16 feet in width.
- ◇ Rural Street in this instance does act as a service drive, as it is adjacent to other parking areas and a rear service entrance, however, it is limited with its access to East 38th Street being right in and right out only. No left turns are allowed limiting its use as a delivery entrance.
- ◇ The 41st Street frontage to the north is partially residential and, agreements were made not to route additional traffic through these residential neighborhoods to the west.
- ◇ The existing driveway entrance on Meadows Drive to the north of the site is not a public right-of-way and is controlled by another property owner, therefore limiting its perpetual access for deliveries. Also due to its configuration, it is difficult to maneuver for delivery vehicles and frequently experiences traffic backups.
- ◇ The frontage on Meadows Drive, which was developed in the 1950's as a Primary Collector with an 80-foot wide right of way, is proposed to have a 36-foot wide driveway, providing for three lanes of ingress/egress including a turning lane. This proposed driveway will line up with the existing 50-foot wide East 39th Street intersection on the east side of Meadows Drive.
- ◇ The intent of the 16-foot wide driveway is to limit pedestrian conflict and interactions. In this case, the driveway will act as a smaller intersection, being aligned with East 39th Street, and not as a singular driveway. Existing sidewalks and pedestrian crossings will provide for safe pedestrian passage at this intersection in this TOD area.
- ◇ The driveway as proposed, will meet the Department of Public Works minimum requirements for driveways.

GENERAL INFORMATION

Existing Zoning		D-P / C-4 / D-5	
Existing Land Use		Under development	
Comprehensive Plan		Village Mixed Use	
Surrounding Context		<u>Zoning</u>	Surrounding Context
	North:	D-P	Fitness Center and Health Clinic
	South:	C-3 / C-4	Commercial Retail
	East:	C-4	Commercial Office and Retail
	West:	C-1 / C-4	Commercial Office and Retail
Thoroughfare Plan			
	East 38 th Street	Primary Arterial	90-foot existing and proposed right-of-way.
	Meadows Drive	Primary Collector	80-foot existing and proposed right-of-way
Context Area		Compact area	
Floodway / Floodway Fringe		No	
Overlay		N/A	
Wellfield Protection Area		5 year	
Site Plan		April 7, 2025	
Elevations		N/A	
Landscape Plan		N/A	
Findings of Fact		April 7, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Village Mixed Uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Village Mixed-Use typology which creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.



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Red Line / Blue Line / Purple Line TOD Strategic Plan

- This site falls within the Purple Line Bus Rapid Transit Oriented Development (TOD) overlay. The TOD overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

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.

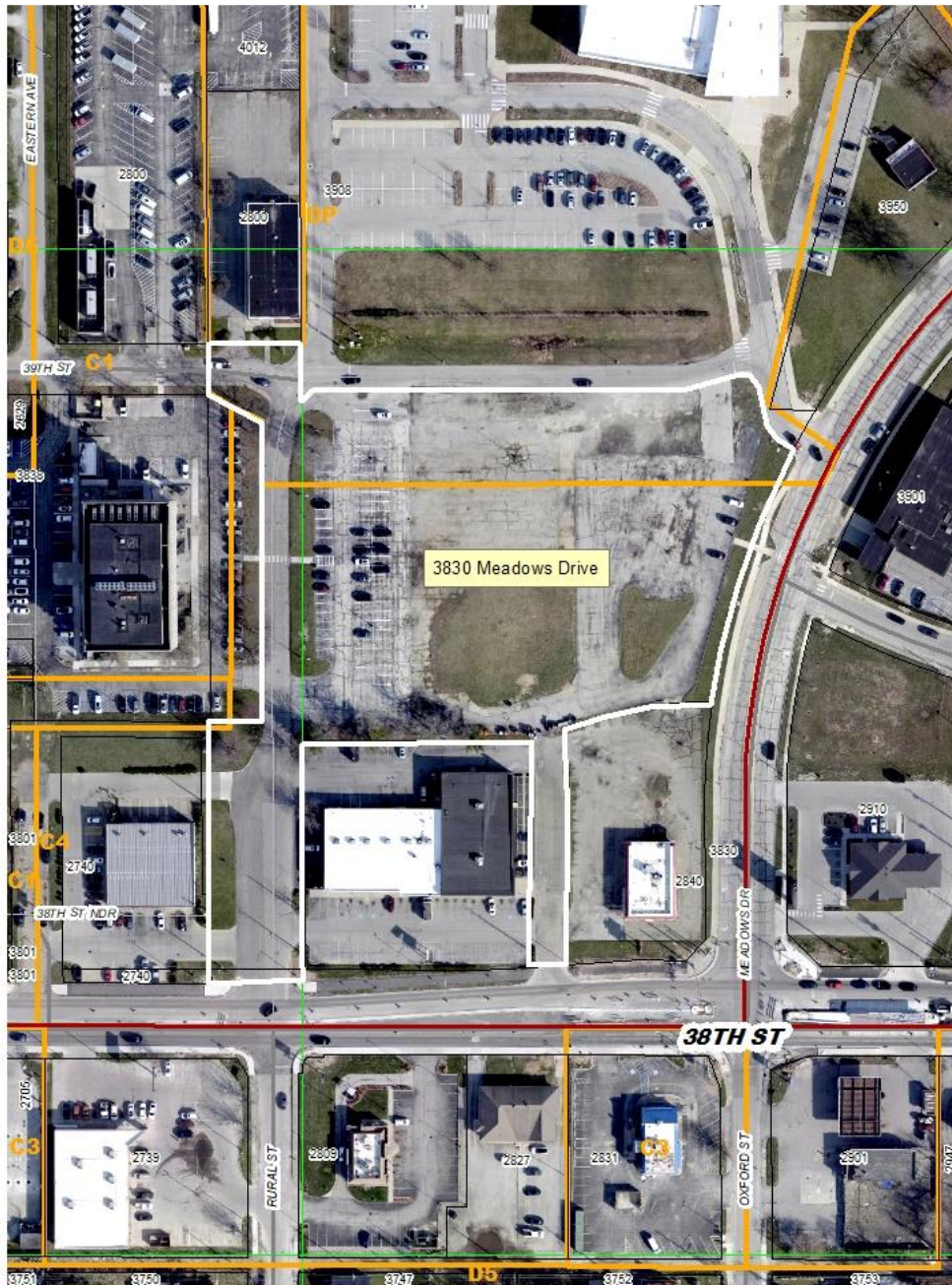
ZONING HISTORY

2024-DV1-049; 3830 Meadows Drive (subject site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a medical laboratory with a 28 percent front building line along Meadows Drive, one public entry on the east façade and a loading/service area within the front yard of Rural Street with a parking area providing a 9.-7-foot front yard setback from Meadows Drive, **granted**.

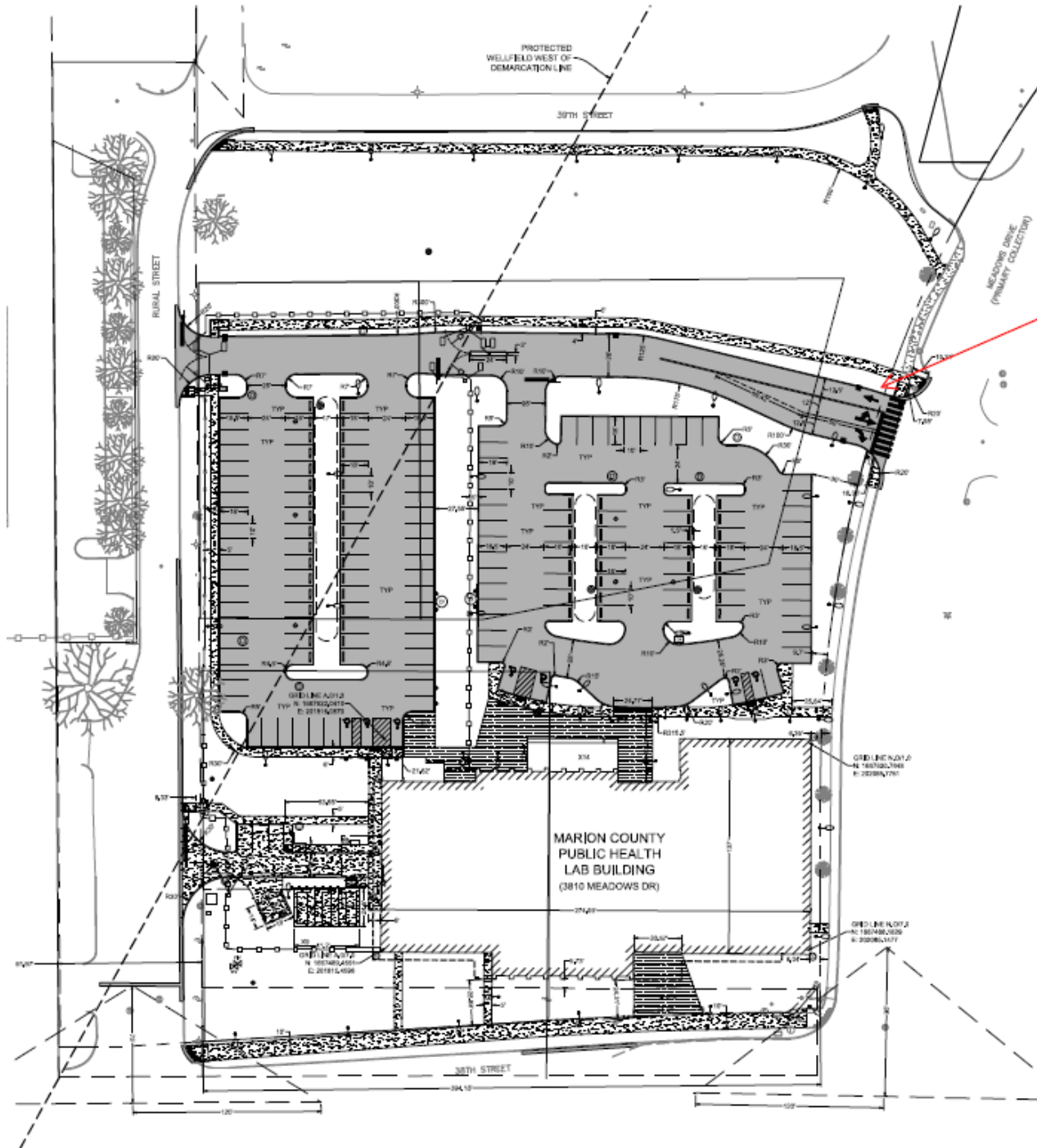
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EXHIBITS

Location Map



Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

Table 744-702-3
- Meadows Dr. entry maximum width of 16'.

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

The proposed driveway width is sized per the DPW commercial driveway requirements and is a standard configuration that would be familiar and expected by drivers visiting commercial property in Indianapolis. A 16 ft. driveway width would require a separate variance from geometric requirements that were enforced to obtain the BNS Infrastructure permit, which requires a minimum 36 ft. driveway width in accordance with DPW Transportation Standards Figure 701.01 for commercial driveways. The driveway is located to be aligned with an existing commercial strip area driveway east of Meadows Dr. in order to not introduce offset turning movements, which would create confusion and potential for vehicular or pedestrian accidents.

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 proposed driveway width will allow for safer and easier turning movements from Meadows Dr., which is a frequented pedestrian route due the adjacency of the Purple Line, YMCA, schools, and Churches. The surrounding community attended several coordination meetings and indicated vehicular and pedestrian safety as a priority design goal. The proposed width is an attempt to meet this goal, whereas frequent accidents and property damage if a more difficult entrance is installed would have a negative effect on surrounding 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 proposed driveway width provides safer turning movements from Meadows Ave. and provide both a left and right turn out of the property provides better vehicle queuing and sightlines. Additionally, because both Rural St. and 39th St. are private property and not public streets, 38th St and Meadows Dr. were considered the most appropriate access points. A 38th St. entrance does not allow for left turns after completion of the Purple Line, therefore Meadows Ave. was considered the only viable access point. Meadows Ave. is a curved road, and is also a frequented by YMCA visitors and students of the adjacent schools. A 16 ft. driveway introduces difficult turning movements from a curved road, and in the event a driver cannot manage the difficult turning movement they would need to reverse back onto Meadows Dr. to reconfigure vehicle alignment. This can create significant vehicle and pedestrian safety issues, where a comfortable turning movement to minimize unsafe and unexpected vehicle movements is preferred. Multiple community coordination meetings returned the feedback the safety of users of Meadows Dr. is a paramount design consideration.

DECISION

Photographs



Photo of proposed area for driveway entrance, looking west.



Photo of existing East 39th Street intersection driveway will line up with, looking east.



Photo of Meadows Drive, looking south.



Photo of Meadows Drive, looking north.