

BOARD OF ZONING APPEALS DIVISION I

September 2, 2025

Case Number: 2025-UV1-009

Property Address: 5330 West Morris Street (approximate address)

Location: Wayne Township, Council District #17

Petitioner: Adriano Montas, by Arnoldo Gonzalez Vasquez

Current Zoning: C-3 (TOD)

Request: Variance of Use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an Automobile, Motorcycle, and Light Vehicle Service or Repair facility, with outdoor storage of vehicles awaiting repair (not permitted), with eight parking spaces and zero bicycle parking spaces provided.

Current Land Use: Residential

Staff Recommendations: Staff recommends denial of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- The petitioner automatically continued this petition from the July 1, 2025 hearing to the August 5, 2025 hearing date.
- The petition was continued to the September 2, 2025 hearing due to insufficient notice.

STAFF RECOMMENDATION

- Staff **recommends denial** of this petition

PETITION OVERVIEW

- This petition would allow for the operation of an Automobile, Motorcycle, and Light Vehicle Service or Repair facility, with outdoor storage of vehicles awaiting repair (not permitted), with eight (8) parking spaces and zero bicycle parking spaces provided.
- The subject site is zoned C-3 (TOD) and is improved with a single-family residence and accessory garage structure. The site's residential improvements were legally-established via variance (2023UV1022).
- The automobile, motorcycle, and light vehicle service or repair use is classified as a C-4 use, as a natural element of these types of operations is the generation of automobile traffic to the site and vehicular storage on the site. Additionally, the request to have outdoor storage of vehicles awaiting

repair is not permitted in C-3 districts, due to the increase of intensity and large amount of space that is typically required for that type of use. With the subject site being historically and currently residential in nature, and smaller than typical C-4 lots, Staff believes that the request and proposed plan of operation to be far too intense for the site. Likewise, Staff finds the proposed uses to be wholly incompatible with the legally established residential uses. The incompatibility of these uses is further exemplified by the fact that Automobile, Motorcycle, and Light Vehicle Service or Repair is not a permitted use in any residential district and, conversely, no residential uses are permitted in any of the zoning districts that do permit Automobile, Motorcycle, and Light Vehicle Service or Repair.

- Further, with this site being mid-block along West Morris Street, which is largely residential at this location, Staff does not believe this to be an appropriate location for the proposed uses given the surrounding context. Likewise, Staff does not find the proposal to be in line with the Comprehensive Plan recommendation of Community Commercial. The Land Use Plan Pattern Book indicates that examples of uses within Community Commercial are small-scale shops, professional and business services, grocery stores, drug stores, restaurants, personal services, and public gathering spaces. Lastly, Staff sees this proposal as further infiltration of heavy commercial uses south of Washington Street into primarily residential areas. Staff believes that the proposal would put further pressure on adjacent residential properties to the east and south. Finally, Staff does not believe there to be any practical difficulty for needing the requested variances, as this site has been used in a compliant manner in the past, and believes that the site can continue to operate in a manner permitted by the Zoning Ordinance without the grant of variances. Therefore, Staff is opposed to the request and represents denial of the petition.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Residential/Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: SU-9	North: Government Grounds
	South: D-5	South: Single-Family Residential
	East: C-3	East: Single-Family Residential
	West: SU-9	West: Government Grounds
Thoroughfare Plan		
West Morris Street	Primary Arterial	56 feet right-of-way proposed and 56 feet right-of-way existing
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Transit-Oriented Development	

Wellfield Protection Area	No
Site Plan	1/9/25
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	1/9/25
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 the Community Commercial working typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not applicable to the request

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

2023UV1022, Variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for primary and accessory single-family uses and structures, including the construction of a detached garage, **approved**.

ZONING HISTORY – VICINITY

83-Z-131; 5401 and 5405 W Washington Street (north of site), requests Rezoning of 2 acres being in a C-5 district to the SU-9 classification to provide for a fire station and Township governmental offices, **approved**.

84-Z-199; 1149 South Lynhurst Drive (east of site), requests Rezoning of 0.99 acres, being in the D-3 district, to the C-3 classification to provide for the removal of existing improvements and the construction of a service station and convenience food market, **approved**.

84-UV2-84; 1130 South Lynhurst Drive (east of site), Variance of Use of the Commercial Zoning Ordinance to provide for the erection of a 26 x 40 foot garage to be used for storage of supplies and equipment for an existing automobile repair service, **approved**.

91-V3-98; 1229 South Biltmore Avenue (south of site), Variance of Development Standards of the Dwelling District Zoning Ordinance to permit the construction of an attached garage with a zero foot side yard setback and a six foot aggregate setback (4 foot side yard setback and a 10 foot aggregate required), **approved**.

92-V2-93; 5331 West Washington Street (north of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish an existing pole sign with a front setback of 6 feet from the right-of-way line of Washington Street (15 foot setback required) and a clear distance of 6 feet from the bottom edge of the sign to the grade (9 feet required), **approved**.

97-Z-60; 1205 South Lynhurst Drive (east of site), requests a Rezoning of the adjacent one-third of an acre D3 property to the C4 District to allow for the redevelopment of the site with a new Speedway convenience store, **approved**.

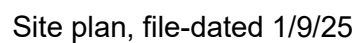
2005SE1004; 5515 West Morris Street (west of site), Special exception of the Dwelling Districts Zoning Ordinance to provide for a 1,144-square foot manufactured home, **approved**.

2011ZON086; 5334 and 5336 West Morris Street (west of site), Rezoning of 0.90 acres, from the C-3 District, to the SU-9 classification to provide for a parking lot for the Wayne Township government center, **approved**.

EXHIBITS



Aerial Photo



5330 W Morris Street Type of Commercial Activity and Plan of Operation.

Operations Plan for Zoning Variance Request: Residential to Commercial Use

Business Description:

The vehicle and truck accessory workshop is dedicated to the sale and installation of new and luxury automotive accessories, including rims and tires. Currently, we operate a fully equipped workshop where all vehicle accessory installations are carried out professionally. There are also plans to expand operations to include mechanical and bodywork services in the near future.

Current Services:

- Sale and installation of luxury rims and tires for vehicles and trucks.
- Installation of new automotive accessories (such as trim kits, spoilers, sound systems, among others).
- Basic preventive maintenance related to the installed accessories.

Future Services:

- Workshop expansion to offer mechanical services.
- Implementation of vehicle bodywork services.

Facility Description:

The workshop currently has 8 parking spaces, which are sufficient for current operations given the nature of services and expected customer volume. Accessory installations are carried out on-site, and the facilities are designed to ensure an efficient and safe workflow.

Facilities Overview:

- Workshop size: [Insert square meters].
- Parking: 8 customer parking spaces available.
- Current number of employees: 2 (with projected hires as the business grows).
- Equipment: Specialized tools for accessory installation, tire diagnostics, alignment and balancing systems, among others.

Future Expansion Plans:

- Expansion of the workshop to incorporate general mechanical services.
- Addition of a vehicle bodywork and paint area.
- Increase in staffing as services expand, including mechanics, bodywork technicians, and administrative personnel.

Impact of Zoning Change:

We are requesting a zoning change from residential to commercial to permit the operation of this automotive accessory workshop and the future expansion into mechanical and bodywork

services. The business will comply with all local regulations regarding noise, safety, and traffic, in accordance with zoning and commercial activity standards.

Considerations:

- The workshop will operate during standard business hours to minimize inconvenience to neighbors.
- The level of traffic generated will be moderate, as most customers are expected to arrive in personal vehicles.
- No substantial changes will be made to the existing structures, preserving the residential area's aesthetic.

Safety and Sustainability Plan:

1. **Site Safety:**
 - The workshop will be equipped with a security camera system to ensure the safety of employees and customers.
 - Proper signage will be installed to support traffic safety within the premises.
2. **Waste Management:**
 - An appropriate waste disposal system will be implemented for used tires, oils, and other chemical products.
 - All waste will be managed in accordance with local environmental regulations.
3. **Noise and Vibrations:**
 - All workshop activities will be conducted to minimize noise and vibrations in compliance with local noise restrictions.
4. **Accessibility:**
 - The workshop will provide adequate access for both vehicles and individuals with reduced mobility, in full compliance with accessibility regulations.

Growth Projections:

The business plans for gradual expansion, starting with automotive accessories and luxury tire sales, progressing toward a full-service mechanical and bodywork facility. It is anticipated that the zoning change will allow for greater customer outreach and local job creation.

1-Year Projections:

- Increase to 5 employees.
- Expansion of basic mechanical services.
- Growth in customer base and accessory sales volume.

3-Year Projections:

- Full development of mechanical and bodywork services.
- Greater business presence in the local community.
- Hiring of additional staff to support business expansion.



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

Conclusion:

We kindly request your consideration in approving the zoning change from residential to commercial use, enabling the growth and development of this business, which will contribute valuable to the local community and provide specialized services in the automotive industry.

We remain at your disposal for any questions or additional requirements during the evaluation process.

Sincerely,



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 USE

FINDINGS OF FACT

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

Zoning Compatibility: The proposed commercial use is consistent with the surrounding zoning regulations, ensuring it aligns with the area's planned development.

Increased Tax Revenue: The change will likely result in increased property tax revenues, which can be reinvested into public services and infrastructure.

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

Harmonious Integration: The proposed commercial use aligns with existing businesses or mixed-use developments in the area, ensuring a seamless transition from residential to commercial.

Economic Vitality: The presence of a well-maintained commercial property can stimulate local economic activity, making the area more attractive to potential buyers or investors.

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

Converting the property to commercial use would be consistent with the existing character of the area, which is already oriented towards retail and service activities.

Optimal Land Use: Utilizing the property for commercial purposes leverages its location within a commercially designated area, promoting efficient and appropriate land 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 inability to convert the property to commercial use diminishes its market value and economic viability, especially when the surrounding area is thriving commercially.

Maintaining the property as residential in a commercial zone represents an underutilization of the land, leading to financial losses for the owner and missed opportunities for community development.

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

The comprehensive plan likely emphasizes economic growth. Granting the variance aligns with this objective by facilitating new business opportunities, increasing local employment, and contributing to the area's economic vitality.

By allowing commercial use, the property can offer essential services or retail options, improving residents' access to goods and services, which is often a component of a comprehensive plan's objectives.

DECISION

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

Adopted this _____ day of _____, 20 ____



Subject site looking north from West Morris Street



Looking south from the alley



Looking south with the adjacent parking lot to the west



Looking north with the adjacent residence to the east



Looking south with the garage structure in the background



Rear gate from the alley



Looking north



Looking west down the alley