

BOARD OF ZONING APPEALS DIVISION I

September 2, 2025

Case Number: 2025-UV1-013
Address: 11150 Maze Road (approximate address)
Location: Franklin Township, Council District #25
Zoning: D-A
Petitioner: Michael & Nicole Cole, by Ray Basile
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 350-gallon gasoline above ground storage tank and a 550-gallon diesel fuel above ground storage tank (not permitted), in addition to uses permitted by the grant of 2023-UV1-025.

Current Land Use: Single-Family Dwelling

Staff Recommendation: Staff recommends Denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued at the request of a Registered Neighborhood Organization, from the August 6, 2025, hearing, to the September 2, 2025, hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ A previous Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for operation of a construction contractor, including the on-site storage of 11 commercial vehicles associated with the use (not permitted), was granted for the subject site on November 14, 2023.

VARIANCE OF USE

- ◇ The proposed use would be permitted in the C-7, High Intensity Commercial Zoning District. The C-7 district is designed to provide for specific areas for retail commercial uses which have unusually incompatible features relative to other commercial uses such as major outdoor storage or display of sizeable merchandise and the outdoor parking and maintenance of trucks or equipment essential to the operation of these uses. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares where the gradual and reasonable transition from lesser commercial uses exist. Due to the intensity of the uses, the location of this district adjacent to Protected Districts should be avoided.

- ◇ The purpose of the D-A district is to provide for a variety of agricultural enterprises, with a secondary intent for the development of large estate or rural single-family dwellings. Because no agricultural enterprise exists on the subject site, development of the site would be considered a large estate or rural single-family dwelling. The inclusion of two (2) above ground gasoline and diesel fuel storage tanks would be an intensification of the previously granted variance, and not compatible with the development of large estate or rural single-family dwellings.
- ◇ Given the increase in intensity between the existing zoning and the proposed use, by including the a 350-gallon gasoline above ground storage tank and a 550-gallon diesel fuel above ground storage tank, in an area that is not served by the Citizens water utility, and where drinking water is primarily obtained from on-site underground wells, approval of this request would over-intensify the site, increase the risk of a fuel spill into drink water sources, and negatively impact surrounding property owners.
- ◇ The request would also facilitate the intrusion of additional heavy commercial uses into an established residential rural neighborhood, in a manner violating the development norms and residential aesthetics of the street, and squarely deviating from the recommendations of the Comprehensive Plan.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned D-A and could be used by any number of uses permitted, by right, in the D-A zoning classification. Any practical difficulty is self-imposed by the desire to use the site for two (2) large above ground fuel storage tanks.
- ◇ The subject site is similar in size to other nearby properties, that are able to follow the comprehensive plan and zoning ordinance without the need for above ground fuel storage tank variances. Therefore, the Comprehensive Plan recommendation should not be disregarded, nor of the clearly residential nature of the surrounding area. For these reasons, staff recommends its denial.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Rural or Estate Neighborhood uses	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-A	Agricultural uses
	South: D-A	Single Family Dwelling
	East: D-A	Single Family Dwelling / Agricultural uses
	West: D-A	Single Family Dwelling
Thoroughfare Plan		
Maze Road	Secondary Arterial	30-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	N/A
Site Plan	June 5, 2025
Landscape Plan	N/A
Findings of Fact	June 5, 2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Rural or Estate Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book defines the Rural or Estate Neighborhood typology for the site, which applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

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-UV1-025; 11150 Maze Road (subject site), requested a Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for operation of a construction contractor, including the on-site storage of 11 commercial vehicles associated with the use, **granted**.

2023-DV1-029; 8349-8401 Acton Road (west of site) requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of detached garage with a four-foot south side yard setback, **granted**.

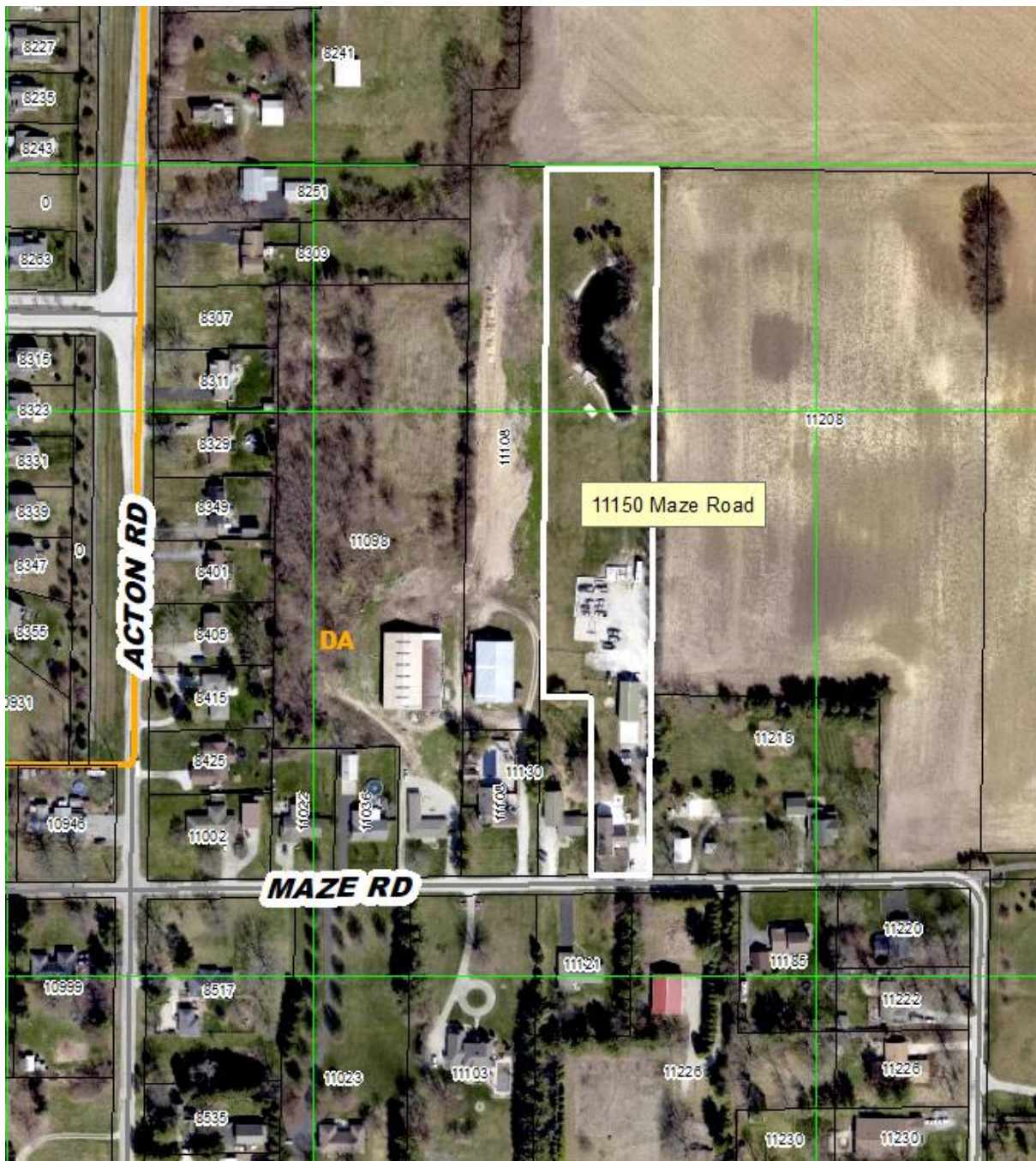
2012-DV2-025; 11185 Maze Road (south of site), requested a Variance of Development Standards to provide for accessory use area of 3,419 square feet or 162.3% of the total floor area of the dwelling, **granted**.

2009-DV1-021; 11224 and 11338 Maze Road (south of site), requested a Variance of Development Standards to provide for Tract "A" to be divided into no more than three residential lots, with reduced street frontage and lot width and Tract "B" to be divided into two lots, with reduced lot width, **granted**.

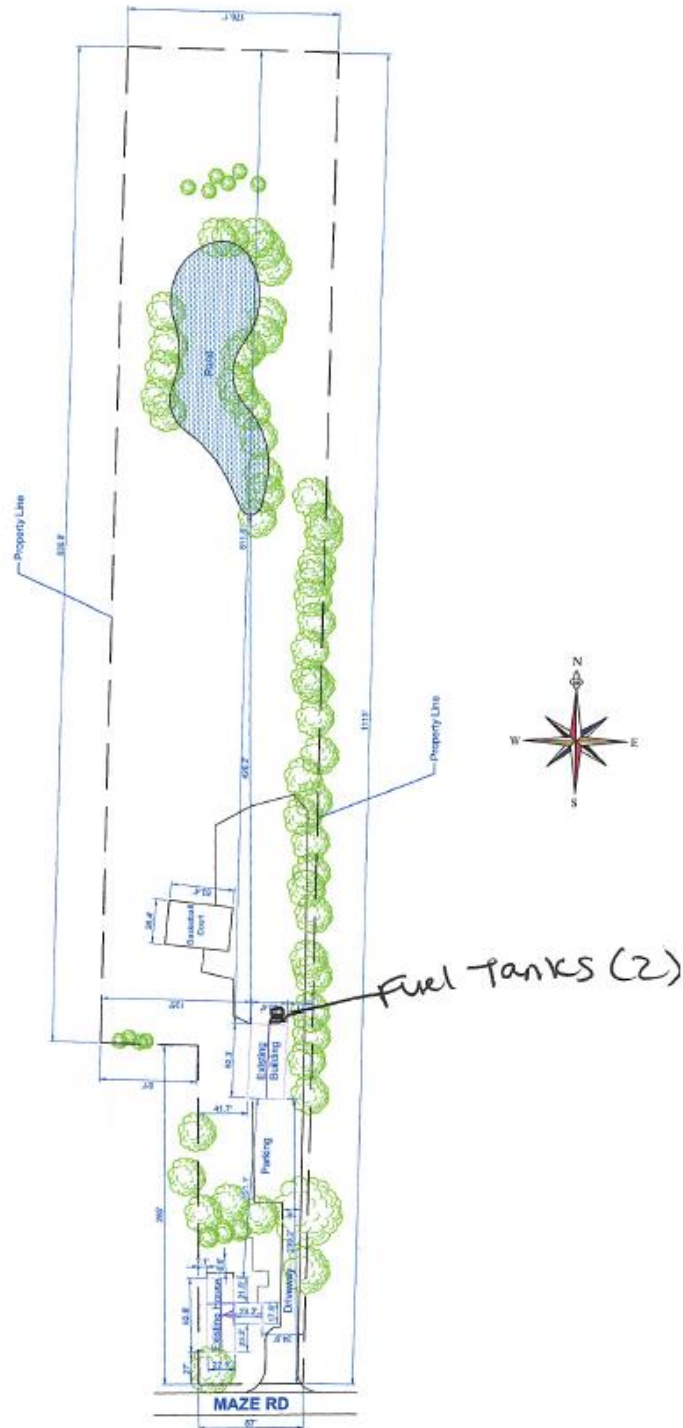
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EXHIBITS

Location Map



Site Plan



Findings of Fact

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, DIVISION ____
OF MARION COUNTY, INDIANA**

**FINDINGS OF FACT FOR PETITION FOR
VARIANCE OF USE AT 11150 MAZE ROAD**

1. **General Welfare:** The grant will not be injurious to the public health, safety, morals and general welfare of the community. The use of above-ground storage tanks on DA-zoned properties for agricultural purposes is permitted by the Indianapolis zoning ordinance and is widespread across Marion County. While the use of the same tanks for limited commercial, rather than agricultural, purposes on a DA-zoned property requires a use variance, the presence and use of the tanks for such commercial purposes imposes no greater threat to public health or safety than the otherwise permitted presence and use of the tanks for agricultural purposes.

Moreover, the tanks are both double-walled to prevent leaks or spills and utilize automatic shut-off fuel dispensers similar to those present at gas stations to ensure no drippage or leakage during the fueling process.

As such, there is nothing about the proposed continued use of the two fuel tanks that would negatively impact upon the public health, safety, morals or general welfare.

2. **Use, Value and Compatibility:** 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 fuel tanks are set back from Maze Road and will not produce noise, light or environmental pollution. There will be no change in the current low levels of traffic due to the presence of these privately-used fuel tanks.

As set forth in the prior approved Variance Petition, there will be no customers on site and only 5-10 employees will continue dropping off and picking up their personal vehicles with the commercial vehicles and trailers remaining on-site in the evening/weekend. The fuel tanks will be located with the parked vehicles and trailers well behind the neighboring residences and are not visible from the street. Consequently, approval of the variance is both compatible with the existing uses in the area and will have minimal impact on the surrounding properties.

Findings of Fact (cont'd)

3. **Need:** The need for the variance arises from some condition peculiar to the property involved because of its location and its historical use. The property is located in a prime, centrally-located area that allows for the efficient parking and fueling of the commercial vehicles and trailers during their off-site operations. The site has been used for this limited commercial parking and for the fuel tanks for years without complaint and without expansion during that time. This request for a variance only came about because the

petitioner was unaware of the requirement for a variance until notified following a random inspection and notification by the City.

4. **Hardship:** 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, as set forth above, the proposed and existing use of the two fuel tanks would have minimal impact upon the surrounding properties. These types and sizes of tanks are identical to the many other such tanks located on other DA-zoned properties in Indianapolis but used for agricultural purposes. Moreover, where the property has been used for the same or similar use for four years without negative impact on neighboring properties, rigid adherence to the zoning ordinance and prohibition of the variance of use for the fuel tanks would certainly cause an unnecessary hardship.
5. **Comprehensive Plan:** The grant does not interfere substantially with the comprehensive plan (Rural or Estate Neighborhood) because the proposed use of the fuel tanks will not in any manner change the current use or intensity of use on the property, which is not inconsistent with or disruptive of the residential designation of this area. Moreover, the number and size of the fuel tanks are not dissimilar to those used by operating farms in Indianapolis. Consequently, the approval of this petition will not interfere with the current comprehensive plan.

Photographs



Subject site, to the rear of single-family dwelling, looking north.



Subject site, to the rear of the single-family dwelling, commercial vehicle storage area, looking north.



Subject site, existing fuel tanks, looking west (picture provided by petitioner).



Subject site, existing fuel tanks, looking south (picture provided by petitioner).