



BOARD OF ZONING APPEALS DIVISION III

September 17, 2024

Case Number: 2024-UV3-011
Address: 7941 East 30th Street (approximate address)
Location: Warren Township, Council District #9
Zoning: C-3
Petitioner: SARBKAM 2 LLC, by Thomas Pottschmidt
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a liquor store (not permitted).

Current Land Use: Commercial retail center

Staff Recommendation: Staff recommends approval 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 20, 2024, hearing, to the September 17, 2024, hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The requested variance of use would provide for a liquor store within the existing commercial building. Liquor stores are permitted in the C-4, C-5, C-7, MU-2, and the CBD Districts. As this site is zoned C-3, the petitioner is required to seek a use variance for the proposed use.
- ◇ The use is also required to have a 100-foot separation in any direction from any protected district, which it does at this location.
- ◇ This tenant bay location was previously occupied by a bar with a three-way liquor license. The three-way license permitted retail carry out sales in conjunction with the bars liquor license. That bar closed in 2022.
- ◇ The surrounding businesses are permitted in the C-4 or greater zoning districts. Therefore, the proposed request would be similar in intensity and would not have a negative impact on their operations.
- ◇ The closest protected district is located approximately 275 feet to the northwest, greater than the 100 feet required separation. It is visually obstructed by brush vegetation and privacy fencing, and is also buffered by an adjoining commercial use.

- ◇ In Staff’s opinion, the request is consistent with the existing surrounding commercial and light industrial 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	C-3	
Existing Land Use	Commercial retail center	
Comprehensive Plan	Recommends Light Industrial uses	
Surrounding Context	Zoning	Surrounding Context
	North:	C-4 Convenience store with gas station
	South:	I-3 Railroad tracks / Warehouse
	East:	C-3 Garden Center with variance
	West:	I-3 Warehouse
Thoroughfare Plan		
East 30 th Street	Primary Arterial	100-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan	May 29, 2024	
Findings of Fact	September 11, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends light industrial uses for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Light Industrial typology which provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.



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

95-UV1-25; 8005 East 30th Street (east of site), requested a variance of use to provide for an addition for an existing garden center, originally approved by petitions 83-UV1-46A and 86-UV1-124, **granted**.

86-UV1-124; 8005 East 30th Street (east of site), requests a variance of use of the Commercial Zoning Ordinance to provide for the construction of a greenhouse to be used for an existing retail garden center, **approved**.

83-UV1-46A; 8005 East 30th Street (east of site), requests a variance of use to permit a retail garden center with outdoor display of plant materials, statuary, and garden materials, **approved**.

80-V3-117; 3002 North Franklin Road (north of site), requests a variance of development standards to permit the erection of an addition to existing abandon service station, with 10-foot setback, to be used as a dairy center, **approved**.

71-Z-212; 7941 East 30th Street (subject site), requested the rezoning of 1.50 acres being in the I-3 District to the C-3 classification to provide for retail and service additions to existing restaurant–lounge, **approved**.

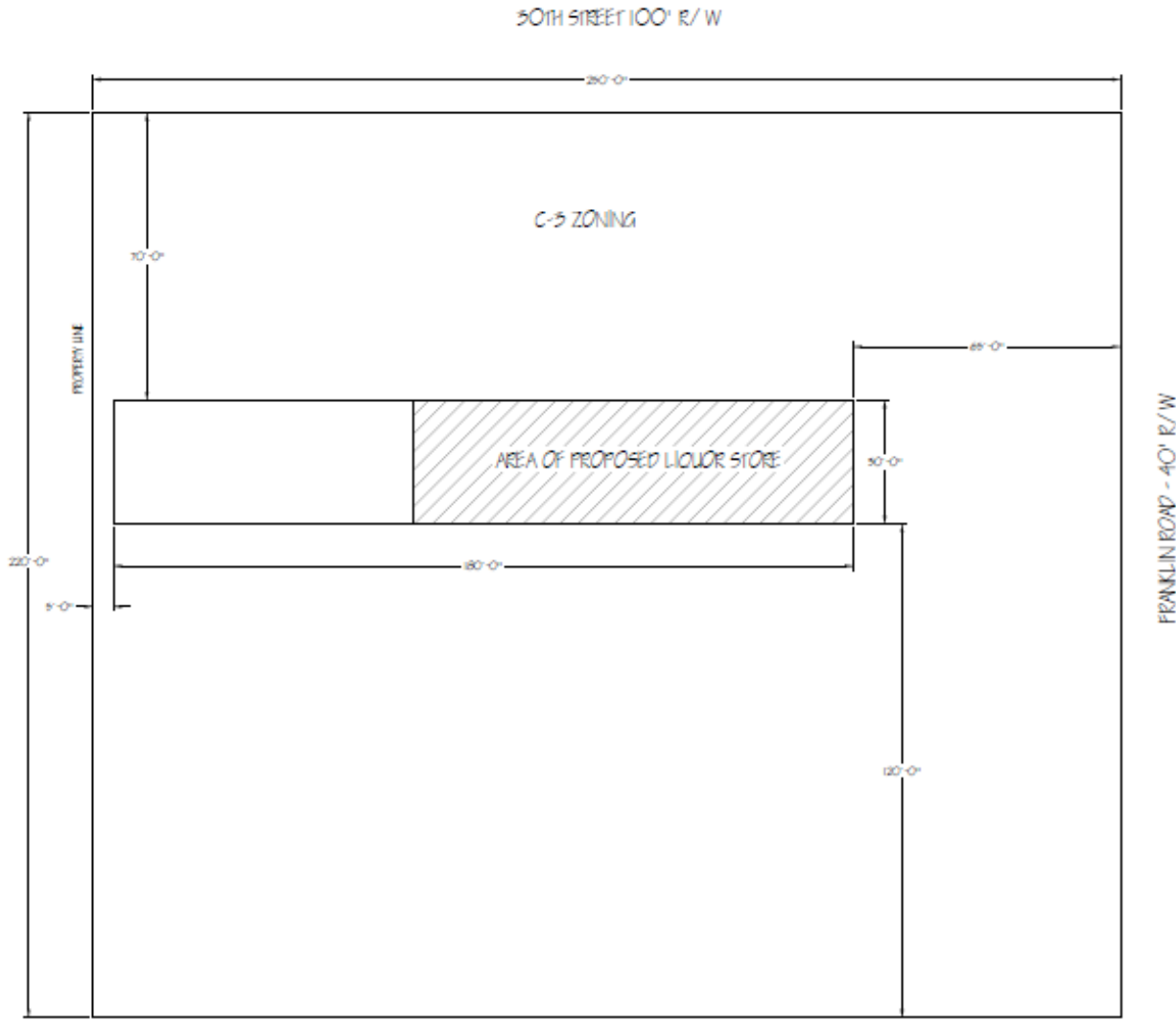
RU

EXHIBITS

Location Map



Site Plan



Plan of Operation

7941 E 30th Street Liquor Store (proposed)

Indianapolis, IN 46219

Workforce:

There will be 1-3 employees in the store depending on when shipments come in and during busier hours. They will always be on-site and will be using their own transportation and will park in the parking lot adjacent to the building. There are no plans for security.

Clients & Customers:

Customers will come from all types of backgrounds and will come to the store through various means of transportation, including personal vehicles, taxis, Uber rides, Lyft rides, and walking to the store. If they take their own transportation, they will park in the parking lot adjacent to the building.

Processes Conducted on Site:

The process would be for shipments to be received, inventoried, and either placed in storage or in the store area. There will be bullet-proof glass installed for the cashier(s) and a locked door on any access to the cashier area from public areas.

Materials Used:

Boxes will be used for shipment of the product and will be recycled. No hazardous materials will be on the premises.

Shipping and Receiving:

Trucks will bring the product in and two-wheel, hand trucks will be used to move the product from the truck into the store. Shipments will be made during daylight hours and the frequency will depend on the volume of sales.

Waste:

As mentioned, cardboard boxes will be used by employees to haul the product when it is received, and they will be placed in the on-site recycle bin when they are no longer required. There will be no hazardous waste generated and other trash will be in small amounts.



Findings of Fact

Petition Number 2024-UV3-011

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

It would actually reduce the number of parking spaces as customers will be only there to purchase their product and then leave. This is in lieu of going to a bar and grill and being there for potentially hours. Plus, there will be no consumption of alcoholic beverages on the premises which will lower the risk of inappropriate behavior.

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

It is the owner's opinion that a liquor store will actually be less of an impact to the area than a bar and grill. The owner's plan on remodeling the interior and exterior of the building along with landscaping to make it more aesthetically pleasing

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

This property is zoned C-3 which does not allow for a liquor store. Although there were packaged liquor sales that occurred when this was a bar, the owner believes that a strict adherence of zoning is required and thus the variance.

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

A liquor store will be a much more viable alternative to this property than what a bar and grill would be. It will be retail which would better match the other uses of the building which consists of a barber shop and a dry cleaners.

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

Other properties in the area consist of retail and thus turning this into retail would better match what is in the area. Therefore, it not only does not interfere with the comprehensive plan it fits in more reasonably.

DECISION

Photographs



Subject property looking southwest.



Subject property, tenant bay location, looking southeast



Adjacent property to the east.



Adjacent property to the north.



Adjacent industrial property to the west.



Adjacent industrial property to the south, looking west.