

BOARD OF ZONING APPEALS DIVISION III

February 18, 2025

Case Number: 2025-UV3-002
Property Address: 10453 East 10th Street (approximate address)
Location: Warren Township, Council District #20
Petitioner: Ghassan Rajabi
Current Zoning: D-1 / D-7 (FF)
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an open air 10-car vehicle sales operation (not permitted) with a gravel parking lot (hard surface required).
Current Land Use: Commercial
Staff Recommendations: Staff recommends denial of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR FEBRUARY 18TH, 2025

- This petition was automatically continued by a registered neighborhood organization from the January 21, 2025 hearing to the February 18, 2025 hearing.

STAFF RECOMMENDATION

- Staff recommends **denial** of this petition

PETITION OVERVIEW

- This petition would provide for the operation of an open air 10-car vehicle sales operation (not permitted) with a gravel parking lot (hard surface required).
- The subject site is zoned D-1, except for a small sliver of the southern portion of the lot which is zoned D-7. The surrounding uses include multi-family residential to the east and south, agricultural and cemetery uses to the north, and to the west there is an undeveloped lot, Grassy Creek, as well as regional-commercial uses (Washington Square Mall).
- The site received variance approval (2008UV3022) to legally establish an automobile and repair shop in the existing garage, subject to commitments to remove an existing semi-trailer and to pave at least 20 feet of the driveway leading to 10th Street. Automobile repair is classified as a C-4 use and is generally considered less intense of a use than automobile sales due to a vast majority of operations

occurring inside a permanent structure. Conversely, a fundamental feature of automobile sales is the storing and displaying of vehicles outside on the premises.

- Staff believes the request for a C-5 use at this location to be wholly inappropriate for numerous reasons. First, the Comprehensive Plan recommendation for this site is the site is Suburban Neighborhood, and the proposed use represents a further deviation from this recommendation. Second, the site is zoned for low-density residential and Staff does not find there to be any reason for needing the requested variance due to difficulties related to the site itself. Further, the surrounding land uses are wholly incompatible with an automobile sales operation; surrounding land uses are far less intense and there are no C-5 uses present in the immediate area. Additionally, and perhaps most concerning to Staff, requests such as these have a high likelihood of future expansion either by the current owner, or any future owners that may wish to expand operations.
- With regards to Variance of Development Standards for the gravel parking lot, Staff is not in favor of said variance due to the fact that gravel lots and driveways tend to add unnecessary damage to public streets, and are generally aesthetically unsightly compared to properly paved lots. Further Staff sees no practical difficulty or legitimate reason for needing said variance and believes that the petitioner should meet the applicable standards and provide proper pavement.
- To summarize, Staff finds the proposed use to be completely out of character for the area and inappropriate for the site due the zoning, the Comprehensive Plan, and the surrounding land uses. Staff has significant fears about future expansion of the C-5 use if this variance is approved. Lastly, Staff finds zero practical difficulty or reason for needing variances from the requirements set forth by the Ordinance, and does not find the submitted Findings of Fact meet the burden of proof for the request. For these reasons, Staff recommends denial of the petition in its entirety.

GENERAL INFORMATION

Existing Zoning	D-1 / D-7 (FF)	
Existing Land Use	Commercial	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-A	North: Agricultural Uses
South:	D-7	South: Multi-family residential
East:	C-4	East: Commercial
West:	C-4	West: Commercial
Thoroughfare Plan		
East 10 th Street	Secondary Arterial	64 -105 feet of right-of-way existing and 90 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	Yes, 100-year	
Overlay	No	

Wellfield Protection Area	No
Site Plan	11/22/24
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	11/22/24
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 Suburban Neighborhood living 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

- 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

2008UV3022, VARIANCE OF USE AND DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance and the Sign Regulations to legally establish an automobile and motorcycle repair shop (not permitted), to legally establish the temporary use of a semi trailer as an office related to the automobile and motorcycle repair shop (not permitted) and to legally establish a 5.5-foot tall, 27.5-square foot freestanding sign located ten feet from the existing right-of-way of 10th Street (15-foot setback required), **approved**.

2008ZON067, requests a rezoning of 8.9304 acres, being in the D-1 (FF) and C-4 districts, to the C-4 (FF) classification to provide for community-regional commercial uses, **withdrawn**.

ZONING HISTORY – VICINITY

74-Z-203; 10555 East 10th Street (including easternmost portion of subject site and abutting sites to east and south), rezoning of 41 acres from D-1 to C-4 to provide for community-regional commercial development, **granted**.

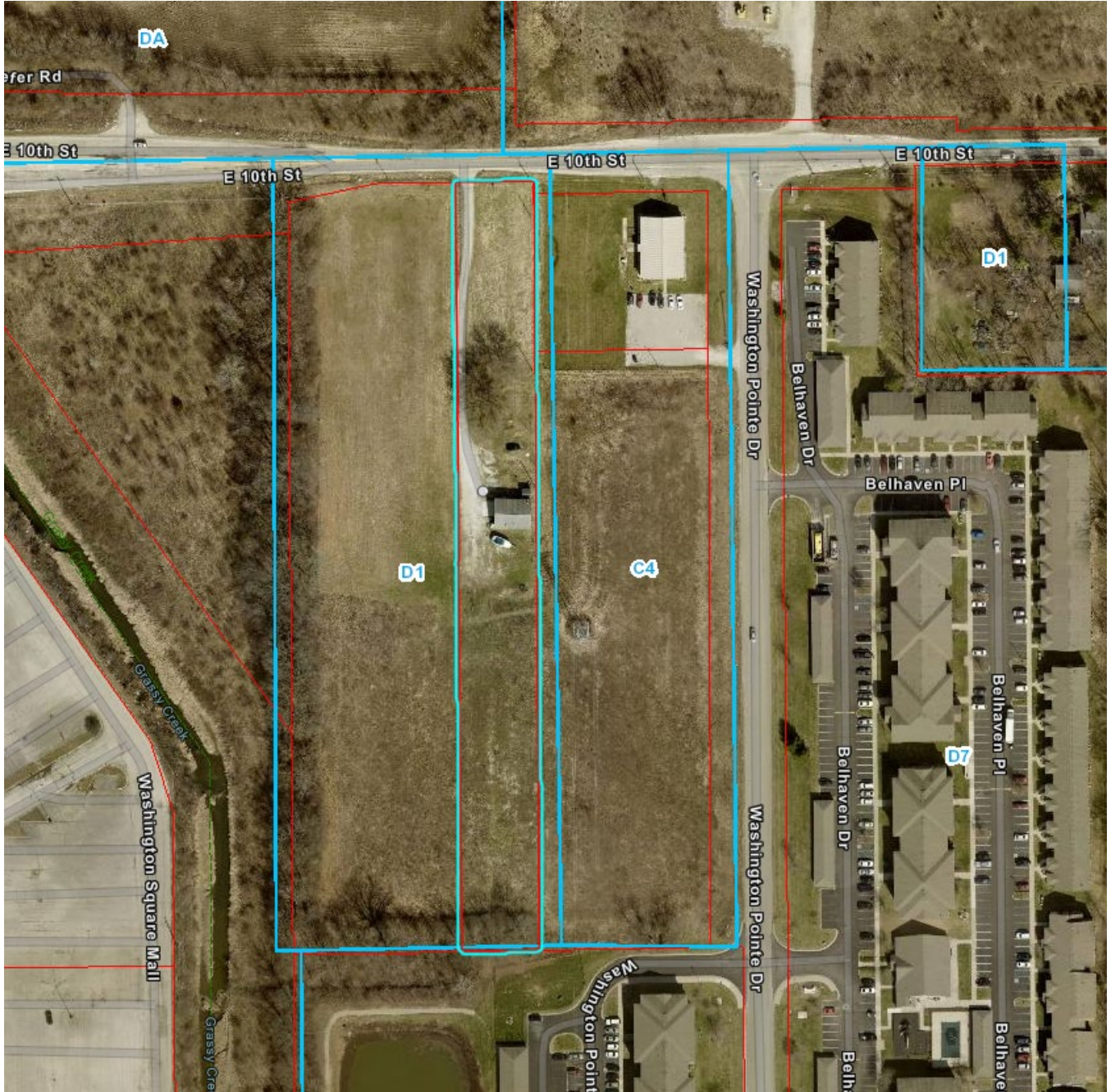
2004ZON062; 10601 East 10th Street (east and south of site), rezoning of 16.59 acres from C-4 (FF), D-1, and SU-10, to D-7 to provide for multi-family residential development, **granted**.

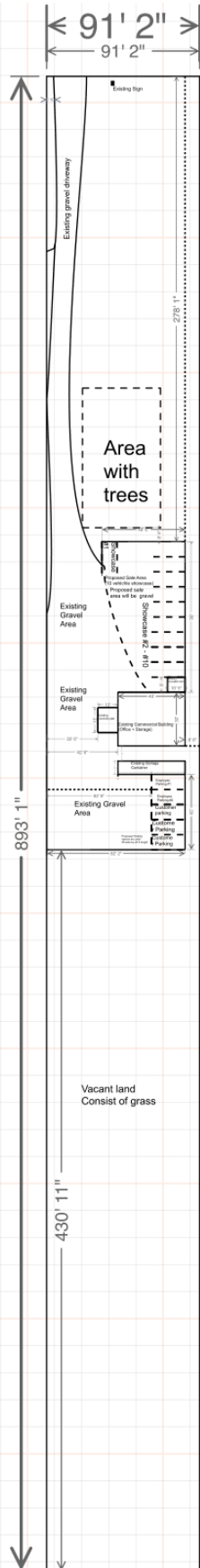
2000ZON044; 601 Washington Point Drive (east of site), rezoning of 11.48 acres from C-4 to C-2 to provide for commercial and multi-family residential development, **withdrawn**.

94-Z-143; 10602 East 10th Street (northeast of site), rezoning of 91.9 acres from D-2 and D-3 to SU-10 to provide a cemetery, mausoleum and related uses, **approved**.

68-Z-212; 10202 East Washington Street (west of site); rezoning of 136 acres to B-2 (now C0=-4) to provide for community-regional commercial development (Washington Square Mall), **approved**.


EXHIBITS

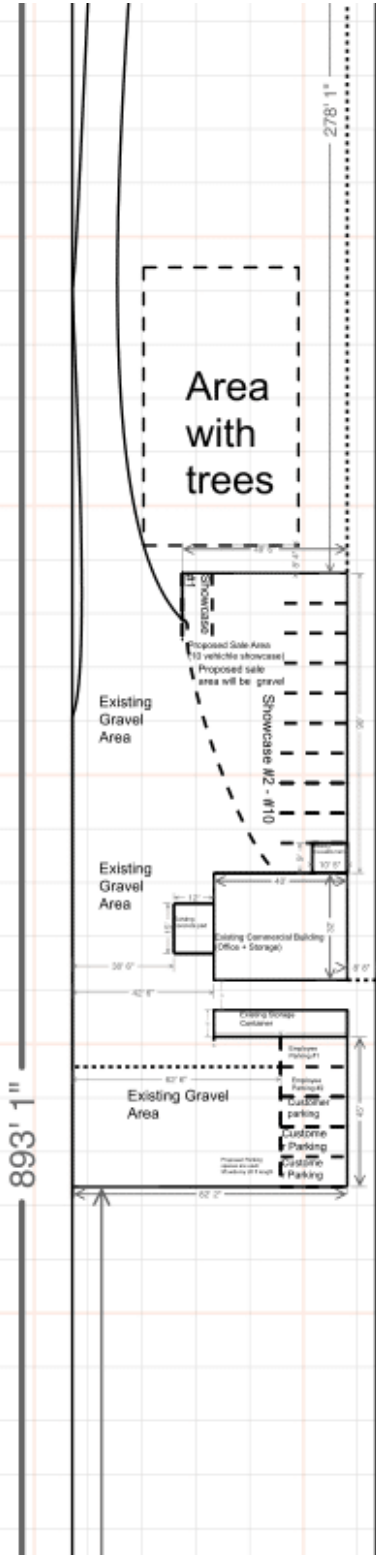




■ = 3' x 3'

10465 E 10th St.
 Parcel II 1.855 Acres
 Proposed Variance of use
 C5 dealership zoning





Proposed parking/showcase area as shown within the dotted lines area will be filled in with gravel once accepted

Proposed showcase spaces are each 9 ft x 20 ft

Property: 10465 E 10th St. Indianapolis, Indiana 46239

Plan of Operation for Vehicle Dealership

1. Business Overview

- **Business Type:** Vehicle Dealership
- **Ownership:** The business will be owner-operated with no employees initially.
- **Primary Service:** Advertising and selling vehicles to customers.

2. Workforce

- **Owner-Operated:** No additional employees will be present at this time.
- **Work Hours:** The business will operate from **9 AM to 5 PM**, Monday to Friday.
- **Owner Responsibilities:** Managing daily operations, customer interactions, sales, and receiving deliveries during business hours.

3. Clients & Customers

- **Customer Base:** The primary customers are individuals shopping for vehicles.
- **Customer Access:** Customers are able to visit the property to view and purchase vehicles.
- **Parking:** Designated parking areas are available for customers on the dealership lot.

4. Safety & Security

- **Surveillance:** 24/7 security surveillance will be implemented to protect assets, customers, and personnel.
 - **Cameras:** Strategically placed security cameras will monitor key areas of the lot.
 - **Alarm Systems:** An alarm system will be active at all times to safeguard the property.
- **Security Focus:** Emphasis is placed on ensuring the safety of vehicles, customers, and the business premises.

5. Processes Conducted On-Site

- **Core Activity:** The dealership will focus on advertising, displaying, and selling vehicles.
- **Hours of Operation:** All business transactions, including receiving and selling vehicles, will be conducted within the regular business hours of 9 AM to 5 PM.
- **On-Site Work:** Operations will include customer interactions, sales transactions, and any vehicle preparations or maintenance required.

6. Shipping & Receiving

- **Receiving Deliveries:** Vehicle deliveries and other shipments will only take place during business hours (9 AM to 5 PM).

- **Logistics:** Vehicles will be delivered via car carriers or similar means and will be unloaded and inspected during business hours.

7. Waste Management

- **Waste Types:** Any waste generated from normal business operations (e.g., packaging or materials from vehicle shipments) will be disposed of properly.
- **Hazardous Waste:** No hazardous waste is expected to be generated at this time.

This plan of operation outlines the key aspects of how the dealership will run, ensuring sa



Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division III
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 petitioner will ensure that proposed dealership will comply with all public health and safety laws and regulations.
The proposed dealership and property would instead have a positive impact on the community providing sales and services to keep safe cars on the road.

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 operation of the dealership will be presented in a professional manner keeping a aesthetic and clean look, to keep the area in high value.
The petitioner will ensure the dealership is conducted in a mindful way of our adjacent neighbors will not be disrupted or affected negatively in any way.
For example keeping landscape properly cut and visually aesthetically pleasing, as well as keeping disruptions to a minimum.

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

The current zoning restrictions do not allow for dealership sales, this creates a situatuon where a variation of use is needed in order to bring the property to its full potential.

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

it would prevent the petitioner from utilizing the property in a manner that aligns with its potential use.
The current zoning imposes restrictions that significantly limit the economic potential of the property, making it difficult for the petitioner to operate a viable business without the requested variance.

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

The proposed dealership is consistent with the broader goals of community development as outlined in the plan.
The petitioners intended use of the property supports local economic growth and enhances the availability of essential services, all while adhering to the principles and guidelines set forth in the comprehensive plan.

DECISION

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

Adopted this _____ day of _____, 20 ____









