



**BOARD OF ZONING APPEALS DIVISION II**

**January 13, 2026**

**Case Number:** 2025-UV1-022 (Amended)  
**Address:** 4502 East Michigan Street (approximate address)  
**Location:** Center Township, Council District #13  
**Zoning:** D-5  
**Petitioner:** Jose Luis Tapia Camacho, by Justin Kingen  
**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, and Business, Professional or Government Office uses (not permitted) and a parking area greater than 30-foot wide within the front yards of Linwood Avenue and Michigan Street (not permitted).

**Current Land Use:** Vacant Automotive Repair building

**Staff Recommendation:** Staff recommends approval of the request.

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This petition was continued for cause by the petitioner, from the December 2, 2025, Board I hearing, and transferred to the December 9, 2025, hearing of Board II.

This petition was continued for cause by the petitioner a second time from the December 9, 2025, hearing, to the January 13, 2026, hearing.

The petitioner amended the petition from all C-3 uses, to allow only Business, Professional or Government Office uses along with the Automobile, Motorcycle and Light Vehicle Service or Repair facility use. As the amended request is less intense than the original request, no new notice would be required.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the request as amended subject to the to the following commitment:

1. The Variance of Use and Variance of Development Standards grant shall be subject to the use of the existing building and existing parking area only. If the building is demolished or removed, then any granted variance for the use and the parking area will no longer be in effect. Any expansions of the building, parking area or use on the site will require a rezoning or additional variance.

## PETITION OVERVIEW

### VARIANCE OF USE

- ◇ The requested Variance of Use for an Automobile, Motorcycle and Light Vehicle Service or Repair facility and Business, Professional or Government Office uses would use the existing commercial building, and parking lot orientation.
- ◇ The existing building was originally designed for commercial uses, specifically as an automotive repair facility prior to the current Zoning Ordinance. As the building is not designed as a residential use that is compatible with the D-5 Zoning District, it is not likely to be used for future D-5 residential uses. Therefore, Staff is recommending approval due to the commercial nature of the existing building, subject to a commitment that the Variance shall subject to the use of the existing building only.
- ◇ Staff is requesting a commitment that the variance grant shall be subject to the use of the existing building only, since it was designed for the proposed Automobile, Motorcycle and Light Vehicle Service or Repair use, and the Office use would be an acceptable alternative.
- ◇ If the building is demolished or removed, then the variance will no longer be in effect, as the property could be redeveloped with the existing D-5 zoning. Any expansions of the building or new use on the site will require a rezoning or additional variance.
- ◇ Staff is requesting this commitment, as any change in the originally developed site could facilitate other commercial uses in the D-5 zoned district, which Staff believes the site should instead be rezoned to the C-3 District to provide for the appropriate Development Standards to address any adjacent protected districts.
- ◇ While Sanborn Fire Insurance Maps, as early as 1956, indicate the presence of an automotive repair facility on the subject site, similar to the proposed Automobile, Motorcycle and Light Vehicle Service or Repair facility, Staff would note that such construction would have predated the implementation of zoning in Marion County and Zoning Ordinance requirements, specifically for Use and Development Standards.
- ◇ If any future commercial uses are proposed, then Staff recommends the site be rezoned to provide for any requested for future C-3 uses due to the existing D-5 zoning being a legacy zoning and outdated for any other Commercial uses on the site.

### VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The existing parking area greater than 30-foot wide within the front yards of Linwood Avenue and Michigan Street appears to have been originally designed for a commercial use prior to the current Zoning Ordinance.
- ◇ As the parking area is not designed as a residential use that is compatible with the D-5 Zoning District, it is not likely to be used for future D-5 residential uses.

- ◇ Therefore, Staff is recommending approval subject to the existing building and parking area only. Staff is requesting a commitment that the variance grant shall be subject to the use of the existing parking lot only. If the building is demolished or removed, then any granted variance will no longer be in effect. Any expansions of the building, parking area or use on the site will require a rezoning or additional variance.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Vacant Automotive Repair building	
<b>Comprehensive Plan</b>	Recommends Traditional Neighborhood uses	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-5	Single-family dwellings
	South: MU-2	Automobile sales facility
	East: D-5	Single-family dwellings
	West: C-3	Undeveloped
<b>Thoroughfare Plan</b>		
East Michigan Street	Primary Arterial	62-foot existing right-of-way and 78-foot proposed right-of-way.
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	No	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Site Plan</b>	May 29, 2024	
<b>Findings of Fact</b>	September 11, 2024	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood uses for the site.

### Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single-family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.



#### 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

**2017-ZON-077; 4501 East Michigan Street (south of site)**, requested the Rezoning of 0.15 acre, from the D-5 District, to the MU-2 classification, **approved**.

**2009-ZON-058; 4606 East Michigan Street (east of site)**, requested the Rezoning 0.115 acre, from the D-5 District, to the C-3C classification to provide for corridor commercial uses, **granted**.

**94-UV3-128, 4501 East Michigan Street (south of site)**, requested a Variance of Use of the Dwelling Districts Zoning Ordinance to provide for vehicle sales, **approved**.

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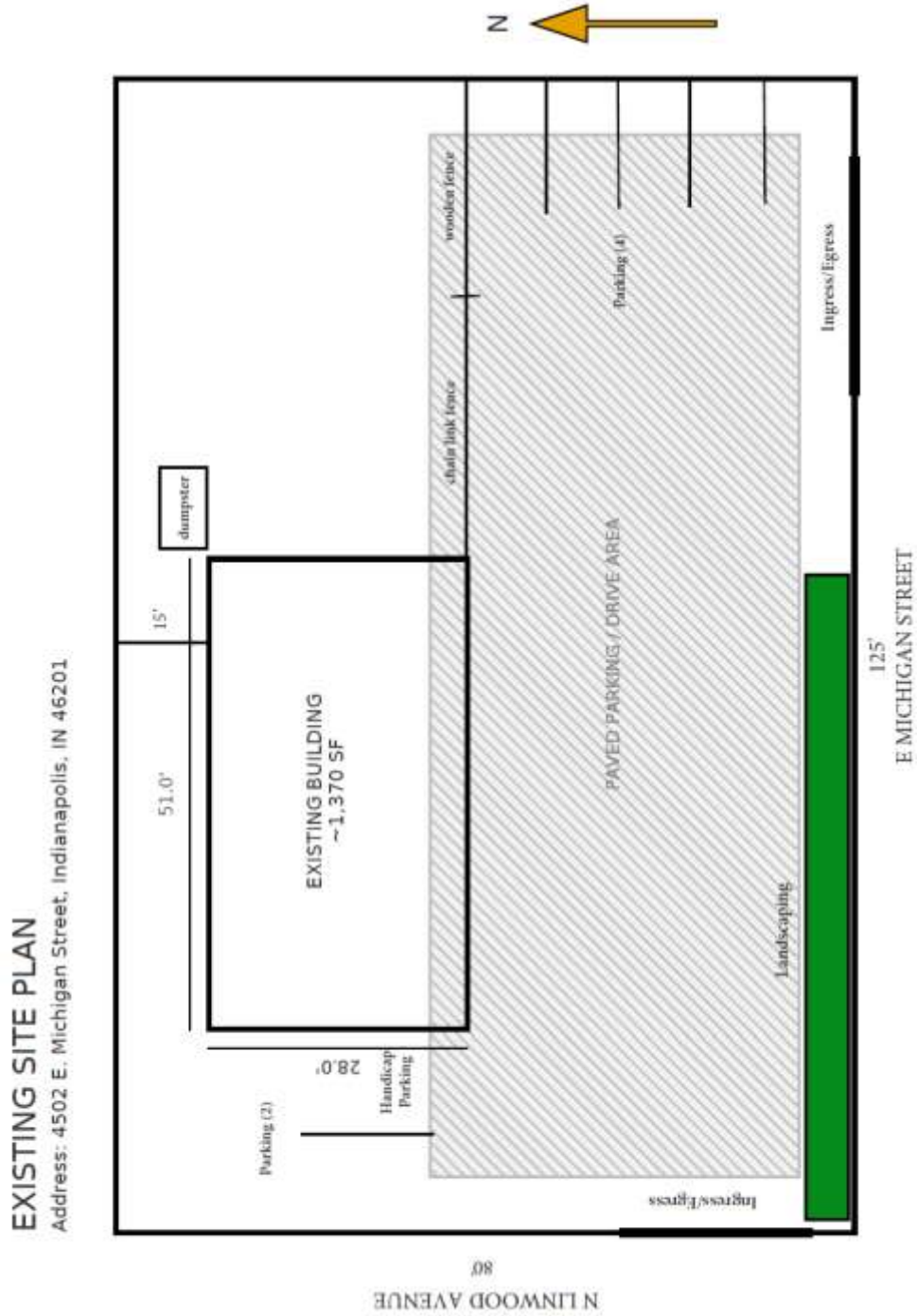


## EXHIBITS

### Location Map



Site Plan



**Plan of Operation (1-5-2026)**

**4502 East Michigan Street - Plan of Operation**

- Use:
  - Automobile, Motorcycle and Light Vehicle Service or Repair
  - Office use: Business, Professional or Government
- Staff:
  - Three (3) full-time employees
- Hours of Operation:
  - Open to the public: 8:00am – 10:00pm (7 days a week)
  - Staff is able to access the building outside of those hours to utilize resources
- Building:
  - 1,370 square foot commercial building
- Clients & Customers:
  - Commercial operation will be open to the public
- Safety & Security Measures:
  - The office building has security cameras, and an alarm installed.
- Materials Used:
  - No hazardous waste is used on site.
- Shipping, Receiving & Storage:
  - Deliveries will be made via box-truck and enter the building through the overhead door on the east side of the building, per the site plan on file.
- Waste:
  - Commercial Dumpster will be located on the east side of the commercial structure and behind the existing fence. It will be set out in the parking lot on the weekly pick-up day. Disposal of trash will occur between the hours of 8am and 6pm, Monday through Friday.
- Parking
  - There are six (6) parking spaces, one (1) of which is an ADA space, all of which are paved, as indicated on the site plan on file.





**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 site has been used and developed commercially, specifically with an automobile use over the past several decades.

It was a fueling station in the 1950's, with an auto repair shop in the 1980's. Also the site across the street to the south has historically had an automobile related structure and operation.

**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 use and value of the area adjacent to the property will not be adversely affected due to the fact that the subject site has been developed and used commercially, with an automobile related use, historically. Thus, granting the proposed use will not adversely affect the area.

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

A practical difficulty exists in that this site was developed several decades ago, and has been used for several decades, commercially despite being zoned with a residential use. Therefore, a practical difficulty exists in that the site would have to be completely redeveloped for residential use should this variance petition not be granted.

**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**

According to historical maps, a number of commercial uses have existed on the site dating back as far as the 1950s.

The strict application of the Ordinance would constitute a hardship, as it would disallow the historic commercial use of the site.

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

Granting the variance of use allows for the historical commercial uses as well as the proposed commercial use to be compliant, and therefore does not interfere substantially with the comprehensive plan.





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**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:

A commercial structure has existed in its present location the subject for at least the last 1956, according to the Sanborn Map, as copy of which has been filed as part of this variance petition. Therefore this site has historically had a deficient northside rear transitional yard setback that predates the City's Zoning Ordinance. Furthermore, the existing fifteen foot (15') transitional yard setback is a greater setback than numerous commercial structures/properties in the East Michigan Street corridor.

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 fifteen foot (15') rear transitional yard setback on the site has existed since before the city's zoning ordinance was enacted. Legally establishing the setback will not negatively affect the value or use of the area adjacent to the subject site.

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

A commercial structure has existed in its present location on the subject site for over a half century. A strict application of the terms of the zoning ordinance would require that the building either be razed or moved.

**Photographs**



Subject property looking north.



Subject property looking east



Adjacent D-5 residential property to the north, looking east.



Adjacent D-5 residential property to the east.