



BOARD OF ZONING APPEALS DIVISION II

May 21, 2024

Case Number: 2024-UV2-007
Address: 5314 West 38th Street (approximate address)
Location: Pike Township, Council District #5
Zoning: C-4
Petitioner: Rama Inc., by Pat Rooney
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway with stacking spaces located within the front yard and a service unit facing 38th Street (not permitted).

Current Land Use: Vacant Commercial land

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously scheduled to be heard on May 21, 2024. Due to the lack of a quorum, this petition was continued from the May 21, 2024, Board II hearing, and transferred to the May 28, 2024, Board III hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the construction of a car wash having a driveway with stacking spaces located within the front yard and a service unit facing 38th Street
- ◇ The Ordinance notes that “no off-street stacking space shall be located in a front yard that is along a public right-of-way that exceeds 30 feet in width regardless of proximity”. Due to use of the site, the required stacking spaces at the exit of the units would not be used for additional services and would simply be used to maneuver in and out of the site. Therefore, staff has no objection to the requested stacking spaces.
- ◇ The proposed development is oriented to the length of the lot, with the service unit exit facing West 38th Street. This standard was originally intended for fast food drive through operations. The service unit exit façade for the proposed car wash is minimal in scale and size, limiting any negative impacts to adjacent properties.
- ◇ For the reasons detailed above, Staff would regard these variance requests as minor and acceptable deviations from the requirements of the Ordinance.



GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Undeveloped	
Comprehensive Plan	Commercial Retail and Service	
Surrounding Context	Zoning	Surrounding Context
	North: C-4	Community Commercial use
	South: C-5	Automotive Repair
	East: C-5	Automobile Sales
	West: C-4	Community Commercial uses

Thoroughfare Plan		
West 38th Street	Primary Arterial	134-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	April 2, 2024	
Elevations	N/A	
Landscape Plan	April 2, 2024	
Findings of Fact	April 2, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Commercial Retail and Service uses for the site.

Pattern Book / Land Use Plan

- The purpose of the Commercial Retail and Service uses is to provide for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

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

94-HOV-10; 5318 West 38th Street (west of site), requested a variance of development standards to provide for the placement of an illuminated awning on an existing building, **granted**.

83-Z-141; 5252 West 38th Street (east of site), requested the rezoning of 6.18 acres, being in the C-4 district, to the C-5 classification, **approved**.

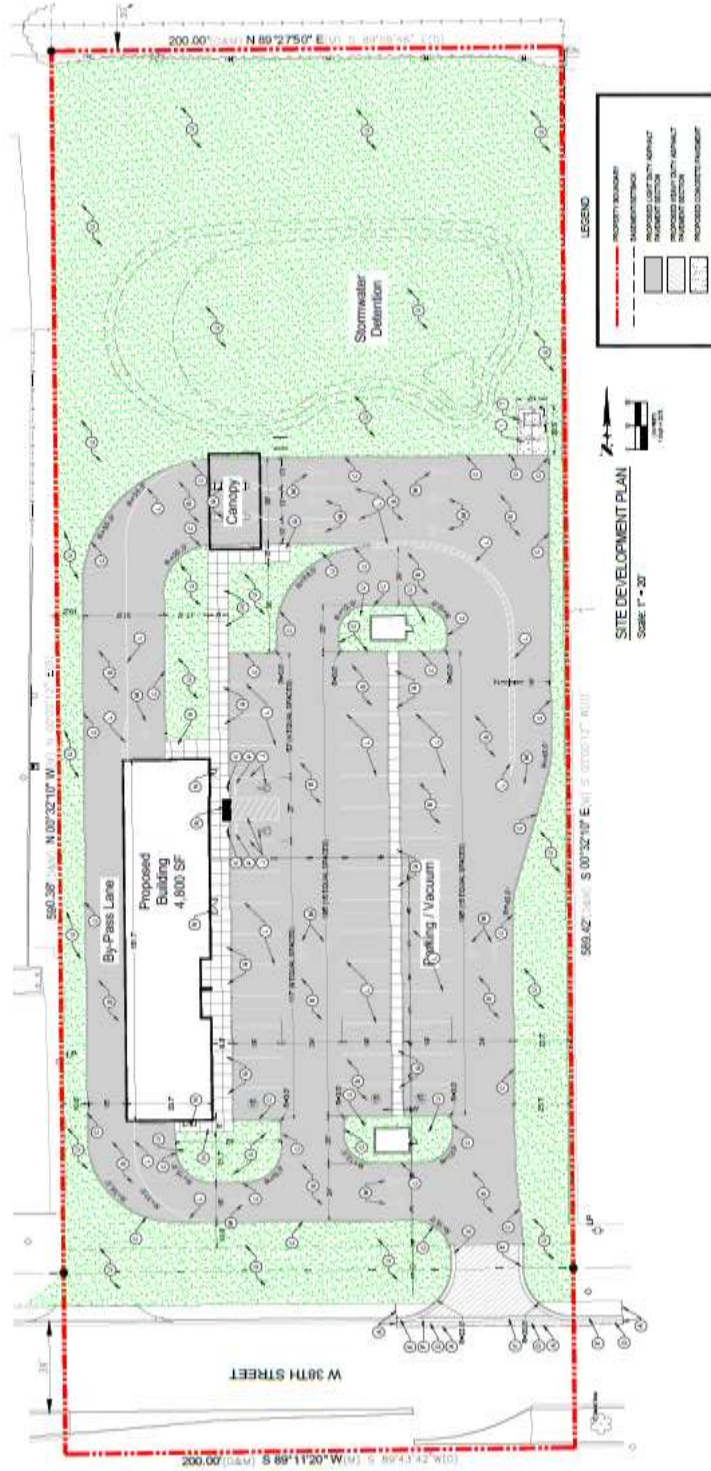
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EXHIBITS

Location Map



Site Plan





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

this grant will not drastically change the use of the property, but will only result in a drive-through component to the car wash facility, allowing for a more efficient business strategy.

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 this grant will increase the value of the property and the adjacent properties by making the subject property functional.

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

the property is a deep skinny property and there is no other way to have a car wash facility without the drive-through component set up as planned and depicted in the site plan.

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

otherwise the property will not be useable as a car wash facility with Petitioner having already purchased the property and had a full set of construction plans made based upon Petitioner's engineers and contractors informing Petitioner that no variances would be necessary to construct the car wash facility as depicted in the site plan.

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

this grant would allow the subject property to be used for commercial retail and service.

Photographs



Photo of subject site from West 38th Street frontage, looking north.



Photo of rear of subject site looking northeast.



Photo of adjacent automotive sales facility to the east, looking northeast.



Photo of adjacent community commercial shopping center to the west, looking northwest.