

BOARD OF ZONING APPEALS DIVISION II

March 05, 2024

Case Number: 2024DV1005
Property Address: 1639 Lafayette Road (approximate address)
Location: Wayne Township, Council District #12
Petitioner: Gardner Glass Products, by Nick Lee
Current Zoning: I-3 (FW)

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of gravel parking and storage areas, within 23 feet of a protected district and partially encroaching into right-of-way (hard surfaced parking area, 40-foot transitional yards required, encroachment into right-of-way disallowed).

Current Land Use: Industrial

Staff

Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- This site currently contains an industrial warehousing and distribution center occupied by the business Gardner Glass Products. The building has existed at the site with its current footprint since the late 1970s. In 1991, variance petition 91-HOV-42 was approved to allow for a reduced transitional yard setback to the north conditioned on substantial compliance with a site plan file-dated June 17, 1991. The property is bordered by a single-family residence to the north, heavy commercial uses to the west, an apartment complex to the south across 16th Street, and the White River to the east.
- Around 2020, the occupant began utilizing a gravel area in the southeast portion of the existing parking lot for parking maneuverability and vehicle storage. Additionally, a gravel area that partially encroaches into city right-of-way was added on the northwest of the property for overnight storage of a tractor trailer.

- Additionally, around 2021, the occupant also added a gravel horseshoe area on the southern edge of the existing parking lot. These expansions of vehicle and storage area were not included on the site plan approved in 1991, and this non-conformity was mentioned within the violation case VIO23-006519 opened in September 2023.
- VIO23-006519 also indicated that durable hard surfaces are required for parking areas and that outdoor storage and operations cannot be in transitional yards. Although not explicitly mentioned by the inspector, encroachment of the gravel parking area into ROW is also a zoning violation.
- This variance would seek to legalize the placement of the three gravel areas used for vehicle parking and maneuverability and would also update the site plan approved under 91-HOV-42 to reflect the current layout of the vehicle area. Grant of the variance would allow for the parking areas within ROW as well as within 23' of protected districts to the northwest and east.
- This property is currently zoned I-3 (Medium Industrial district) to allow for industrial uses that present moderate risks to the public. The current use of warehousing and distribution is allowed by-right since the use is fully enclosed by the structure. I-3 zoning districts require separation from protected districts and are generally buffered by lighter industrial districts.
- The Comprehensive Plan indicates three separate typologies for this property: Heavy Industrial to the south containing the gravel horseshoe area, Community Commercial to the north containing the gravel area partially within right-of-way, and Floodway to the east containing the third gravel area for truck maneuvering and storage. More detailed information on applicable guidance for this property can be found below within the Comprehensive Plan Analysis section of this staff report.
- This property is also located within a floodway and a wellhead protection area. The proposed scope of work would not involve construction of a new building and would be reviewed for compliance with 742-203 of the Ordinance during the flood permitting process. Additionally, ordinance guidance for wellfields would not disallow this scope of work on the property although it would be reviewed by a technically qualified person prior to permitting.
- Limitations on the placement of vehicle areas (industrial or otherwise) near protected districts are crucial for ensuring that residential areas are minimally impacted by negative externalities such as sound, light, and damage to local roads. Although some of the D-5 areas surrounding this property are either commercial uses or rivers, the area to the north contains a single-family home.
- Additionally, encroachment of parking areas for private vehicles into public right-of-way can result in visual obstructions or difficulty in navigation of pedestrian walkways. Recent photography indicates that a truck trailer parked in the northeast gravel area encroaches approximately 25 feet into right-of-way and would be parked as close as 4 feet from the existing sidewalk.
- Supporting documentation provided by the applicant claim that legalization of these gravel areas is needed for optimal maneuverability of the truck fleet, and that the existing southern parking area approximately 65 feet by 180 feet is insufficient for truck trailers with a maximum length of

56 feet. The findings of fact indicate that the horseshoe configuration and additional vehicle areas to the southeast and northwest would allow for full turns on their property while maintaining existing levels of parking and reducing congestion along Lafayette Road and 16th Street.

- Loading and unloading is conducted either (a) outdoors within the southern yard of the property where the gravel horseshow was installed or (b) indoors with trucks entering through the large bay door on the southwestern side of the property. The northern section is used for temporary storage of used wooden pallets. It is unclear from the provided findings of fact why the trailer parked overnight partially within right-of-way could not be parked fully within the paved portion of their property that is fully outside of public ROW. Staff opposes the request to legalize a gravel parking pad that partially encroaches into right-of-way so near the existing sidewalk when ample on-site space to accommodate the truck already exists.
- The desired level of truck parking and storage at this site is not appropriate for the surrounding context and does not comport with comprehensive plan guidance. Given the proximity to residential uses and busy arterials, commercial uses would be more appropriate for the site. Staff is opposed to an increase in the intensification of truck usage and parking at this site and feels that partial utilization of internal loading space accessible from the western side of the property (shown within Photo 6 of the Exhibits) could allow the applicant to maintain existing parking along the southern elevation without additional overdevelopment or congestion along Lafayette Road.
- The zoning ordinance requires the use of durable and dust-free paved surfaces for parking lots to ensure strong, flat surfaces that are simpler to maintain in the long-term and reduce ambient dust particulates within surrounding breathable air. Additionally, gravel vehicle areas in locations prone to rainfall or flooding can easily wash away or create sinkholes or ruts. Staff would recommend denial of the request to utilize gravel parking given the likelihood of erosion during rainfall events and the lack of practical difficulty at the site preventing usage of hardscaping.

GENERAL INFORMATION

Existing Zoning	I-3 (FW)	
Existing Land Use	Industrial	
Comprehensive Plan	Heavy Industrial / Community Commercial / Floodway	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5
	South:	C-5
	East:	D-5
	West:	D-5/C-5
Thoroughfare Plan		
Lafayette Road	Primary Arterial	Existing ROW: 96' Prop ROW: 88'
West 16 th Street	Primary Arterial	Existing ROW: 250' Prop ROW: 88'
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	01/09/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	01/09/2024	
Findings of Fact (Amended)	02/20/2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The northern portion of this property is within the Community Commercial working typology which is designated for low-intensity commercial and office uses that serve nearby neighborhoods. Light Industrial land uses are not recommended within this typology.
- The southern portion of this property is within the Heavy Industrial working typology which is designated for industrial, production, distribution and repair uses that are intense and may create emission of light, odor, noise, or vibrations. Industrial and truck traffic should be separated from local/residential traffic.



- The eastern portion of this property is within the Floodway category which exhibits a great potential for property loss and damage from severe flooding or for water quality degradation. Nonconforming uses currently within a floodway should not be expanded or altered.

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

91-HOV-42, variance of development standards of the Industrial Zoning Ordinance to permit a 77.3 foot transitional yard setback from the north property line (100 feet required, 85 feet permitted per 77-UV1-97), **approved**.

83-Z-42, rezoning of 3.6 acres to the I-3-S zoning district, **approved**.

77-UV1-97, variance of use and development standards to permit erection of an addition to existing building for Wallace Expanding Machines, Inc., as per plans filed, off-street parking provided, **approved**.

ZONING HISTORY – VICINITY

2023DV1024A; 1718 Lafayette Road (northwest of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a 12.5-foot tall, 11.25-square foot pylon sign (not permitted), **approved**.

2023DV1024B; 1718 Lafayette Road (northwest of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 40-square foot wall sign (maximum six-square foot wall sign permitted), **approved**.

2022UV1034; 1718 Lafayette Road (northwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a community center and event center (not permitted) with proposed 65-foot wide parking area in the front yard (parking area greater than 30 feet wide not permitted), **approved**.

2020UV3003; 1718 Lafayette Road (west of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a police station (not permitted), **withdrawn**.

2015UV2021; 1451 N Pershing Avenue (south of site), Variance of use of the Dwelling Districts Zoning Ordinance to legally establish an appliance and light household goods sales, service and repair business (not permitted), **withdrawn**.

2010CZN824; 2215 W 16th Street (south of site), Rezoning of six acres from the D-5 (FW) (W-1) and C-5 (FW) (W-1) Districts to the D-10 classification to provide for multifamily uses, **approved**.

2009LNU021; 2416 W 16th Street (southwest of site), Seeking approval for lack of required 10-foot front landscaping strip, **approved**.

2006ZON139; 1439, 1441, 1500 N Pershing Avenue & 2215 W 16th Street (south of site), rezoning of 6 acres from D-5 to the C-2 zoning designation, **withdrawn**.

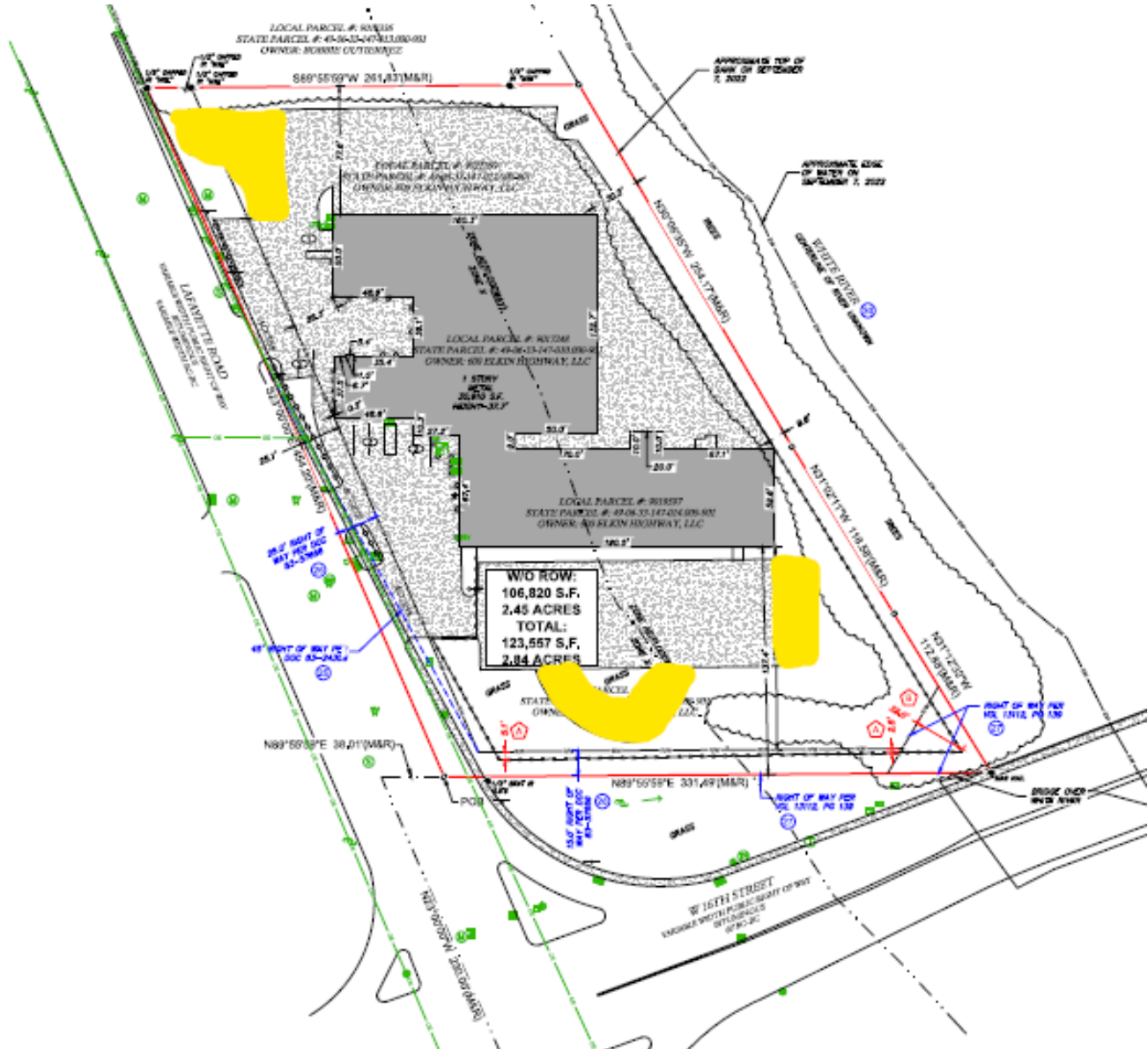
2005ZON131; 2319 W 17th Street (southwest of site), 1.784 acres from D-5, C-3, and C-5 to C-5 to provide for the expansion of an existing automobile dealership, **approved**.

EXHIBITS

2024DV1005 ; Aerial Map



2024DV1005 ; Site Plan



2024DV1005 ; Project Description

Variance Petition – Detailed Description

Gardner Glass is seeking to add three areas to an original site plan, that we have designated parking areas for our fleet vehicles used in day-to-day operations of our business. These areas are instrumental in the flow of our operations, but were not included in the original site plan created in 1991. Not only are they key in our business operations, but they alleviate safety concerns to the citizens of Indianapolis and our employees by not having our fleet trucks utilize heavily trafficked roads to maneuver into and out of our warehouse.

All three areas are highlighted and circled on an attached map provided by a recent survey of our property. The survey map provided already has the designated areas drawn on the map by the surveyor, for your reference.

Designated area #1 includes a gravel horseshoe area on the south-end of our lot, utilized by our vehicles to turn around in the paved parking lot. Due to the length of our trucks and their trailers, our current parking lot is not large enough for our vehicles to maneuver a complete a full turnaround. Without this gravel horseshoe area, our trucks would be required to pull out frequently onto Lafayette Road, holding up traffic at an already busy intersection.

Designated area #2 is a gravel area in the southeast portion of our parking lot, located south of our warehouse along the White River perimeter area. This is being utilized to back in our truck and trailers for parking. This area is required because of the length of our trucks and trailers. It allows us to maximize the space in parking lot to accommodate the trucks/trailers that maneuver in and out of the parking lot.

Designated area #3 is a gravel paved area located on the northwest portion of our property for parking of our truck, unit 320 and the 53' trailer assigned to it. We park this truck on the north end of our property daily after making its scheduled route. Due to limited space in the parking lot area, this designated area is crucial in giving the driver maneuverability to exit the property without having to utilize Lafayette Road and becoming a safety hazard to motorist traveling on the road.

We are asking for these three areas to be approved and added to the site plan. We would like to make some necessary structural improvements to these requested areas, but can't take the steps until we know they have been approved/added by the City of Indianapolis to the original site plan.



2024DV1005 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

It increases the fleet maneuverability in the petitioner's parking lot. Utilizing the proposed variances will improve welfare and safety to the public by allowing the petitioner to avoid using frequently traveled Lafayette Road to position the fleet trucks in the building for loading and unloading activities.

In addition, the gravel area has environmental benefiting factors to the community versus having it paved. Gravel allows for natural infiltration and reduces the risk of flooding in an area adjacent to the White River.

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:

if authorized, will not alter the views, privacy, or access to resources of adjacent properties. The areas the petitioner is requesting to add to the site plan, has no adverse effect to the adjacent properties with the sole purpose being to improve the petitioners maneuverability of its fleet.

Also, having the designated areas graveled maintains flexibility and adaptability for the petitioner. The gravel surface creates greater flexibility for adjustments and modifications, making it easier for future expansions.

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

The petitioner will lose the capabilities of maneuvering fleet vehicles effectively within the zoned boundaries. If not authorized, The petitioner will be required to turn around fleet vehicles at a busy intersection of 16th and Lafayette Road, further congesting traffic, also putting the public and the petitioner's employees at risk while stopping the flow of traffic to move the fleet vehicles. The current parking lot on the southern end of the property is 65' in width by 180' in length. The petitioner's current fleet of vehicles consists of seven (7) trucks with seven (7) trailers. A truck and trailers equal 56' in length. With no other vehicles in our parking lot, petitioner could make the turn without proposed areas, but with the quantity of fleet vehicles, the petitioner cannot turn the vehicles without these areas.

2024DV1005 ; Plan of Operation

PLAN OF OPERATION

Workforce

- Staff
 - Gardner Glass Products employs fifteen (15) full-time employees and one (1) part-time employee at their Indianapolis location.
 - Six (6) full-time employees are categorized as drivers.
 - Six (6) full-time employees are categorized as warehouse employees and one (1) employee is part-time.
 - Two (2) full-time employees work in the office as Inside Sales and one (1) full-time employee is the General Manager.
- Parking
 - Drivers and warehouse staff park in the parking lot located on the south-end of the property.
 - Office employees park in the location nearest to the front office.
 - ADA parking is located at the front office location.
- Security
 - Fence with lock gate located south on the property protects fleet vehicles.
 - Security cameras located inside the building monitors operational activities.
- Hours of Operation
 - Office Staff – Monday through Friday (8:00am – 4:30pm)
 - Warehouse Staff – Monday through Friday, hours vary between (7:00am – 7:00pm)
 - Drivers – Monday through Friday, on the road, ten (10) hour shifts.

Clients and Customers

- A bulk of Gardner Glass Products customers are off-site, located in multiple states.
- Territory includes thirteen (13) states:
 - Indiana, Ohio, Michigan, Kentucky, Tennessee, Alabama, Illinois, Wisconsin, Minnesota, Nebraska, Iowa, Missouri, and Kansas
- There are a few local customers that pick-up product from Gardner Glass Products.
 - These customers utilize our parking lots to turnaround and back their trucks into the building for loading.

2024DV1005 ; Plan of Operation (continued)

Processes Conducted on Site

- Gardner Glass Products is located at 1705 Lafayette Road Indianapolis, IN 46222, operates locally as a distributor of glass and mirror products.
 - Services commercial glazers and glass shops
 - Product is delivered in heavy wooden cases to customers on trucks with an attached crane and trailer. Product is also delivered uncrated, as individual pieces on a smaller scale.
- Outside Activities
 - Trucks are parked and stored outside, waiting to be loaded
- Inside Activities
 - Product is loaded and unloaded inside, utilizing a large overhead crane.
- Safety
 - Gardner Glass takes necessary steps to ensure safety of workforce, as well as, public
 - Utilizes a gravel horseshoe to maneuver trucks without the need of pulling trucks out onto Lafayette Road, blocking traffic.
 - Employees utilize safety vest when working outside
 - Training is provided to employees on how to operate overhead crane(s), as well as, forklifts.

Materials Used

- Wood
- Glass
- Propane for the forklift, stored outside in a metal cage.
- Hydraulic oil in a 55-gallon drum, properly stored in a leak-proof container.

Shipping and Receiving

- Product is loaded and unloaded on a 53' truck and trailer.
 - Anywhere from one (1) to five (5) trucks are loaded each day
 - One (1) to two (2) trucks are received and unloaded daily.
 - Loading and unloading activities are conducted Monday through Friday between the hours of 7:00am and 7:00pm.

Waste

- The only waste generated is from empty wood crates from stock material. Wood is broken down and discard in dumpster located back of the building.

2024DV1005 ; Pictures



Photo 1: Southern Lot Used for Truck Loading, Storage & Maneuvering



Photo 2: Horseshoe Gravel Area For Truck Maneuvering (Installed 2021)

2024DV1005 ; Pictures (continued)



Photo 3: Partial Southern Elevation & Loading/Storage Area



Photo 4: Adjacent River to East & Loading/Storage Area Added 2020

2024DV1005 ; Pictures (continued)



Photo 5: Truck Entrance Area & Partial Western Elevation



Photo 6: Interior Loading Area (Accessed Through Garage Door in Photo #5)

2024DV1005 ; Pictures (continued)



Photo 7: Gravel Parking Area Partially Within ROW on Northwest of Subject Site Added 2020



Photo 8: Proximity of Truck Parked in Northwest Area From Sidewalk

2024DV1005 ; Pictures (continued)



Photo 9: Storage Area on Northern Portion of Subject Site



Photo 10: Neighboring Single-Family Residence to North of Subject Site