

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV2-005
Address: 3721 East 10th Street (approximate address)
Location: Center Township, Council District #12
Zoning: MU-1 / I-4
Petitioner: Miller Land LLC, by Cynthia A. Bedrick
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile repair shop (not permitted) with 11 parking spaces (20 spaces required).

RECOMMENDATIONS

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

1. The grant of the request shall be subject to the site plan and plan of operation, each file-dated April 11, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

MU-1	Compact	Vacant industrial building
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SURROUNDING ZONING AND LAND USE

North	C-5 / I-4	Auto dealership
South	I-4	Warehousing and Railroad Tracks
East	I-4	Warehousing and Railroad Tracks
West	MU-1 / D-5	Retail and Professional Services and Single-family Dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Light Industrial development.
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- ◇ This 2.83-acre lot, zoned MU-1 and I-4 is currently improved with two warehousing and light manufacturing buildings, and a commercial garage. The building related to the request is wholly within the MU-1 zoned portion of the property, fronting East 10th Street. The remainder of the site is within the I-4 District.
- ◇ North of the subject site is an automobile dealership, within the C-3 and I-4 Districts. The site is bound to the south and East by a railroad track. To the west are commercial retail, professional services, and single-family dwellings, within the MU-1 and D-5 Districts.

(Continued)

STAFF REPORT 2023-UV2-005 (Continued)

- ◇ The MU-1 District is a mixed-use district intended for the development of high-rise office and residential uses, with limited commercial intended primarily for residents and guests of the building.

VARIANCE

- ◇ The request would allow for an existing 9,600 square foot building to be used for light vehicle automotive repair and service. As proposed, the request would allow for 10 service bays within the building, with four vehicle lifts. A maximum of eight employees would be on site at any given time. No outdoor storage or operations are proposed.
- ◇ Light vehicle service and repair is permitted by-right within the C-4, C-5, C-7, I-3 and I-4 Districts. Within the C-4 District, no outdoor storage or operations associated with the use are permitted.
- ◇ This portion of the site is inappropriately zoned MU-1 given the comprehensive plan recommendation of light industrial and the lack of area typically associated with the district in order to accommodate the high density it is intended to provide.
- ◇ The building in question is improved with two overhead garage bay doors, each on opposite walls parallel to each other, providing through access of the building from 10th Street. This style of building lends itself to warehousing, wholesale and automotive style uses, complicating adaptive reuse potential. Staff believes that this building style, combined with its integration with the warehousing, manufacturing and vehicle storage uses elsewhere on the site represent a substantial hardship.
- ◇ Staff would also note that East 10th Street is undergoing substantial economic revitalization. Should the site be wholly redeveloped in the future, Staff believes that a rezoning of the property to accommodate any future uses that support the implementation of the comprehensive plan would be appropriate and strongly encouraged.
- ◇ The proposed use is typically characterized by outdoor storage of automobiles awaiting repair. Unless specifically permitted by the district, such storage is not permitted for periods longer than 24 hours. For this reason, the Ordinance requires two parking spaces per service bay. A service bay is defined as: *“Individual area within an automobile repair or service facility where services, including but not limited to vehicle washes, oil changes and repairs are performed on a motor vehicle”*.
- ◇ While the request proposes 10 service bays, the plan of operation notably states that no outdoor storage of automobiles awaiting repair will be located outdoors. The proposed 11 parking spaces would be for the use of employees and vehicles providing transportation for customers of the business during the repair of vehicles. In addition, Staff would note that two on-street parking spaces are located along 10th Street directly in front of the building, further reducing the impact of the request. For this reason, Staff requests that if this request is approved, the grant be subject to the filed site plan and plan of operation.

(Continued)

STAFF REPORT 2023-UV2-005 (Continued)

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of East 10 th Street is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed right-of-way of 80 feet.
SITE PLAN	File-dated April 11, 2023.
PLAN OF OPERATION	File-dated April 11, 2023
FINDINGS OF FACT	File-dated April 11, 2023.

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2005-HOV-012; 3701 East 10th Street; requests variance of use of the Commercial Zoning Ordinance to legally establish a 948.7-square foot single-family dwelling with a 42.5-square foot concrete stoop, and an 80-square foot wood deck; **granted.**

99-Z-205; 3702 East 10th Street; requests rezoning of 0.26 acres, from the I-4-U to C-3, to provide for commercial uses; **granted.**

99-UV1-152; 3627 East 10th Street; requests a variance of use of the Industrial Zoning Ordinance to legally establish the continued display and sales of automobiles; **granted.**

95-HOV-88; 3616 East 10th Street; requests variance of development standards of the Commercial Zoning Ordinance to legally establish an enclosed trash dumpster with a three-foot setback from the north property line; **granted.**

94-UV2-1; 3726 East 10th Street; requests variance of use of the Industrial Zoning Ordinance to provide for the continued display and sales of automobiles; **granted.**

90-UV2-91; 3726 East 10th Street; requests variance of use to provide for the continued outdoor display and sale of automobiles; **granted (temporary).**

87-UV2-96; 3726 East 10th Street; requests variance of use to provide for the continued display and sale of automobiles; **granted (temporary).**

82-UV2-33; 3726 East 10th Street; requests variance of use to provide for the continued outdoor display and sale of automobiles; **granted (temporary).**

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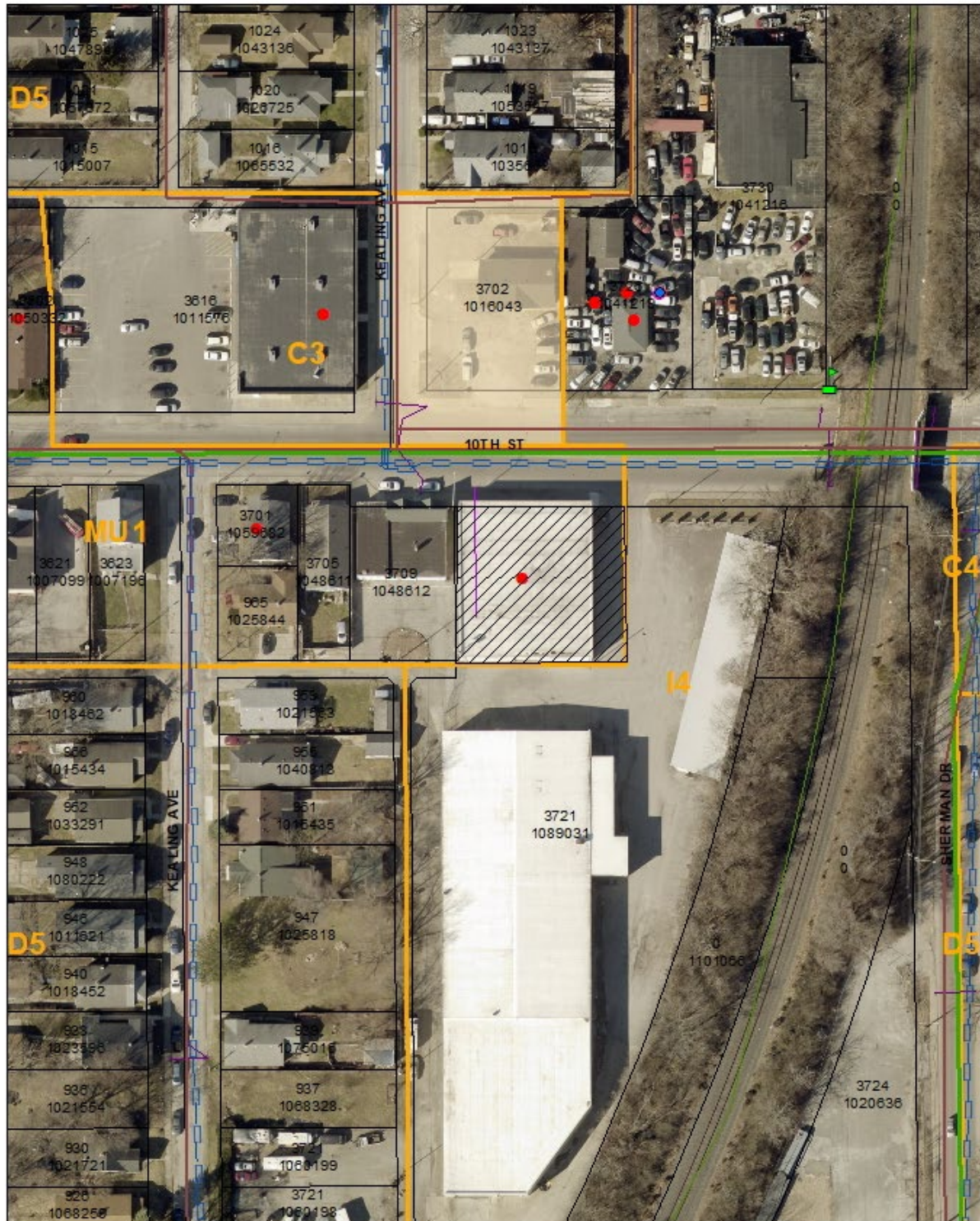
STAFF REPORT 2023-UV2-005 (Continued)

74-UV3-141; 3726 East 10th Street; requests variance of use to provide for the continued outdoor display and sale of automobiles; **granted (temporary).**

72-UV2-68; 3726 East 10th Street; requests variance of use to provide for the continued outdoor display and sale of automobiles; **granted (temporary).**

EDH

2023-UV2-005; Location Map



00.005.01 0.02 0.03 0.04 Miles



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 Building that will house the proposed use has been use for industrial purposes, and the proposed use is less intense than industrial uses. The Property has railroad tracks on the East Property line and 10th Street on the North Property line - the proposed use will not add any noticeable, additional traffic, noise, pollutants, or nuisances considering these factors.

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 operations of the business will be completely concealed within an existing Building on a Property that has traditionally been used for industrial purposes. Many similar business have operated in close proximity to the Property without issue, and the Building being occupied as opposed to vacant increases the values of surrounding properties and potential brings new customers to the area.

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

The remainder of the Property is zoned industrial and the buildings constructed on the Property were constructed for industrial type uses. Converting the Building to those traditional uses in the MU-1 district is infeasible, meaning that if the building cannot be used for the intended use it will most likely sit vacant for the foreseeable future.

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

The Building has traditionally been used as a shipping and storage building to support the industrial operations on the remainder of the Property and it is set up for industrial-type uses. The most cost-effective use of the currently constructed Building is converting to a less intense industrial type use, which the proposed use would be.

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

The comprehensive plan calls for this Property to be used for industrial purposes, under which the proposed use would be permitted without a variance request.

DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

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:

the proposed use will not require more parking than the existing spaces as business operations will be fully contained within the structure at the Property.
The proposed use should not add any noticeable, additional traffic, noise, pollutants, or nuisances by granting the variance.

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:

The operations of the business will be completely concealed within an existing Building on a Property that has traditionally been used for industrial purposes.
Many other business with comparable parking have operated in close proximity to the Property without issue, and the Building has existing parking sufficient to handle the proposed business operations.

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

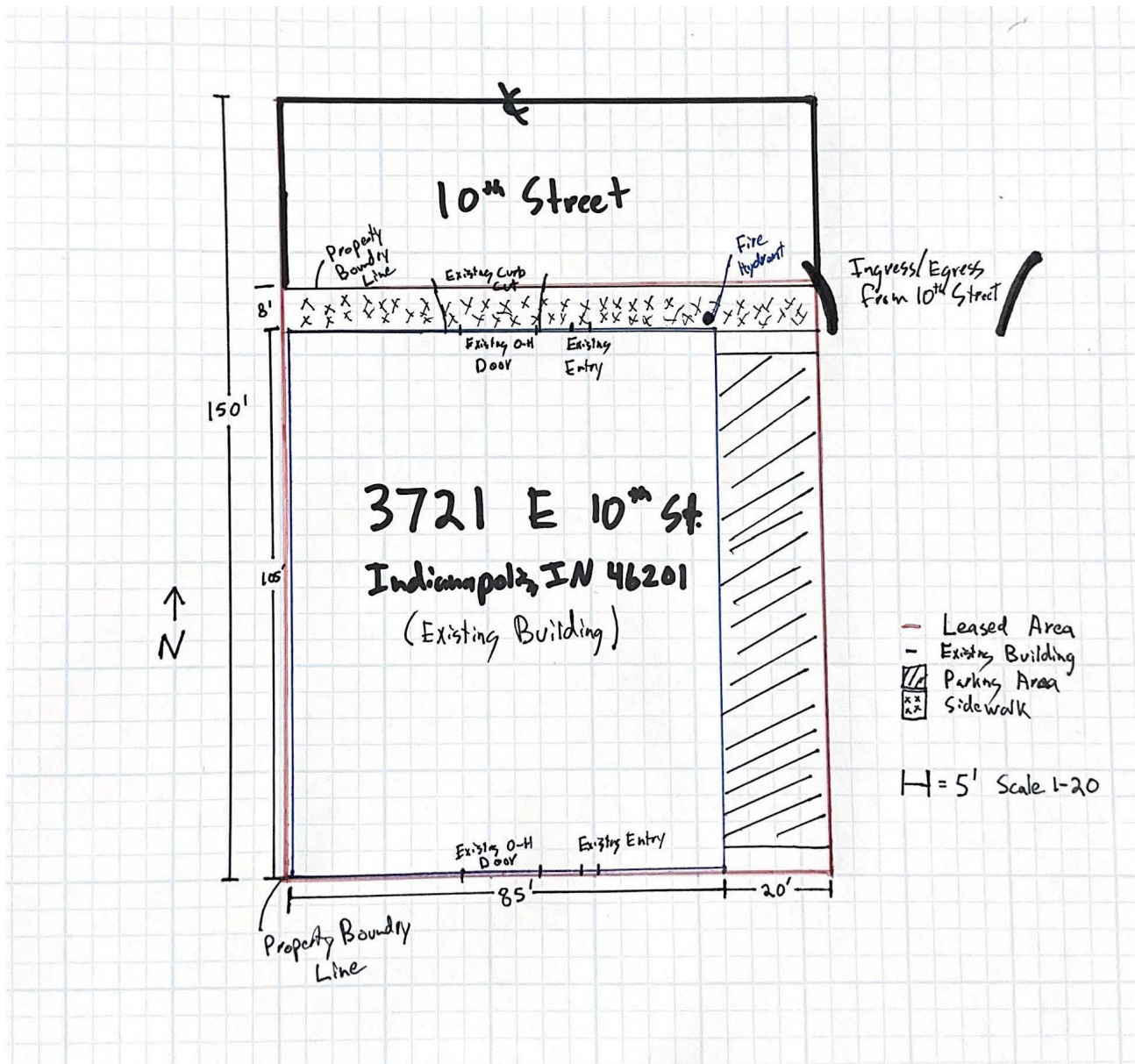
The Property only consists of an existing, industrial building and the existing parking that supported that use. There is no space at the property to install additional, compliant parking spots. Strict application of the zoning ordinance would make the property unusable under the current zoning standards.

DECISION

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

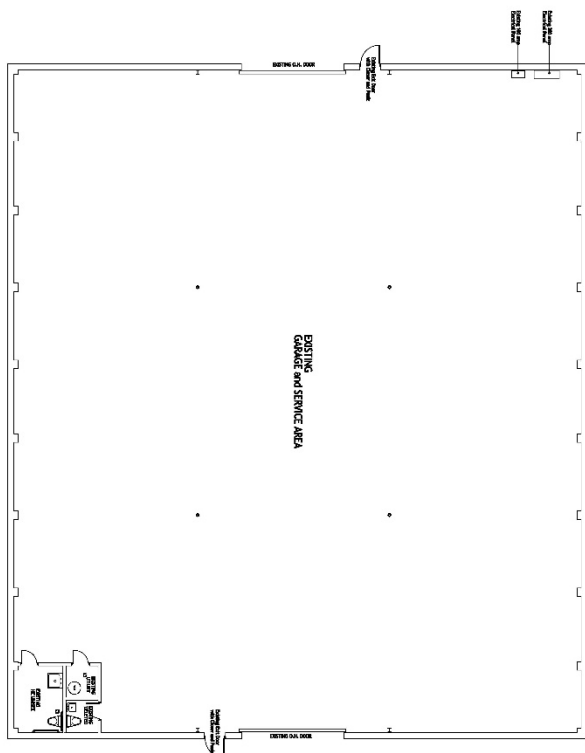
Adopted this _____ day of _____, 20 ____

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EXISTING PLAN

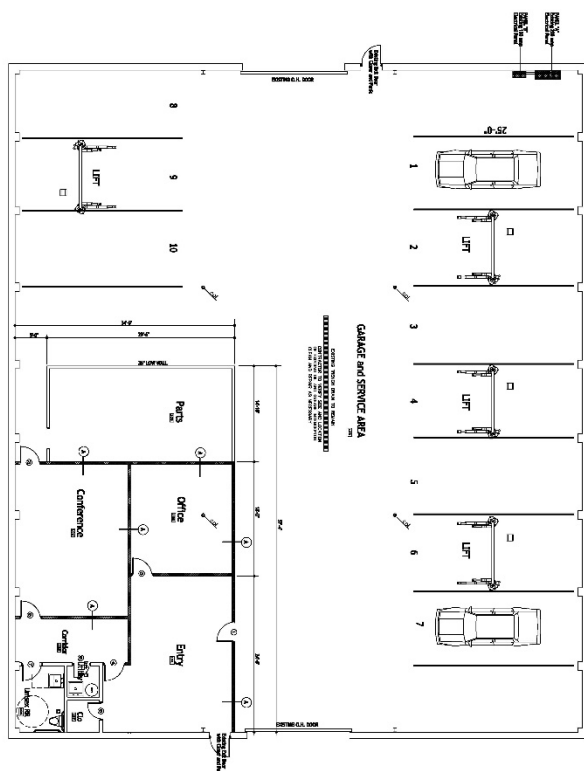
1/8" = 1'-0"



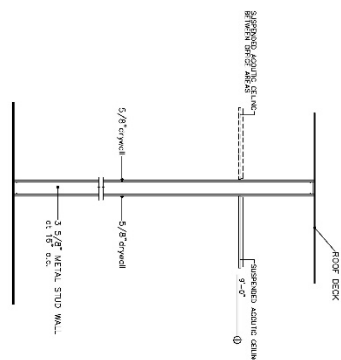
PROPOSED PLAN

1/8" = 1'-0"

NOTE: EXISTING BUILDING SHELL TO REMAIN AS IS.



TYPICAL WALL DETAIL (A)



A1

PROPOSED REVODEL PROJECT FOR :
BUILDING #8 REMODEL
3721 EAST 10th STREET
INDIANAPOLIS, INDIANA



David M. Smith
Professional Engineer
State of Indiana
License No. 12345
dated 12/15/2023



David M. Smith
Professional Engineer
State of Indiana
License No. 12345
dated 12/15/2023

2023-UV2-005; Plan of Operation – File-dated April 11, 2023

Plan of Operations

In support of the requested Variance of Use for the Property located at 3721 E. 10th Street, Indianapolis, IN 46201 (the “Property”), Petitioner, McNeelyLaw LLP, on behalf of the Property owner, Miller Land, LLC, submits the following plan of operations related to the proposed use of the Property.

Proposed Use	Automotive Repair and Service of Light Vehicles in an existing building on the Property, containing approximately 9,600 sqft. All operations associated with the proposed use will be conducted within the building, which has a capacity of approximately 20 cars.
Hours of Operation	Open 8am – 6pm Monday-Friday; 8am – 2pm Saturday; Closed Sunday
Workforce	The business will employ approximately 8 mechanics and support staff. The employees will park in existing parking spaces immediately to the East of the building.
Clients & Customers	Customers typically drop off vehicles for repairs, however, there will be a small waiting area for customers that require only quick repairs.
On-Site Processes & Security	All customer cars will be in the building during repairs and for storage purposes; no outside storage of vehicles will occur on the Property. Alarm systems, security cameras, and fire extinguishers will be installed in the building to ensure the safety of all customers and employees.
Materials Used	Automotive businesses utilize and come in contact with various chemicals and compounds in the normal course of operations. These include, but are not limited to, acetylene, engine and transmission oils, fuels, antifreeze, and other various lubricants. The intended user has an existing repair shop with no prior incidents of unsafe handling, disposal, or spills related to the handling of these types of materials.
Shipping & Receiving	Parts and supplies will be delivered to support the proposed use, mostly from local vendors such as Speedway Auto Parts, TBA, Smyth Auto, and Autozone. These deliveries are mostly made with small trucks (infrequent, if ever, semi traffic), and the Property has ample space to handle any deliveries without blocking any traffic on the street.
Waste & Disposal	Republic Services will provide a dumpster to handle normal waste, and will be placed at the back of the building out of public views. The intended user stores old oils and fluids in safe containers and contracts with Crystal Clean to collect and properly dispose of any potential harmful substances.

2023-UV2-005; Photographs



Photo One: Looking East along 10th Street. Subject building in midground



Photo Two: Looking West along 10th Street



Photo Three: Facing North across 10th Street



Photo Four: Internal to site. Subject building and overhead door on the right



Photo Five: Garage within the integrated center



Photo Six: Proposed parking area, other structures within integrated center in background