



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 28, 2026

Case Number: 2026-ZON-002 / 2026-VAR-006 (Amended)
Address: 456 South Emerson Avenue (*Approximate Address*)
Location: Center Township, Council District #14
Petitioner: Singh Auto Repair LLC, by Steven Brown
Request: Rezoning of 0.42-acre from the D-5 district to the C-3 district to provide for commercial uses.
Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for Automobile, Motorcycle, and Light Vehicle Service or Repair (not permitted).
Staff Recommendations: Approval
Current Land Use: Automotive Repair Facility
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued at the request of the petitioner from the February 26, 2026, hearing, to the March 26, 2026, hearing, and automatically continued at the request of a Registered Neighborhood Organization to the April 23, 2026, hearing.

The petitioner agreed to amend the petition, requiring new notice, and continued the petition from the April 23, 2026, hearing, to the May 28, 2026, hearing with new notice.

Amended petition: The petition was amended to remove the request to rezone the site to C-4, and requested to rezone it to C-3 instead. A variance of use was also added to legally establish the existing business on site. Since the request was an increase in intensity from the original published notice, new legal notice was required.

STAFF RECOMMENDATION

Staff recommends **approval** of the amended request.

PETITION OVERVIEW

LAND USE

The 0.42-acre site is comprised of a parcel developed with a commercial structure. The site is surrounded by single-family dwellings zoned D-5, to the north, west and south. Commercial uses zoned D-5 are adjacent to the South and East.



REZONING

The request would rezone the property to the C-3 district to allow for neighborhood commercial uses that are not permitted in the existing D-5 district.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book

The C-3 district is intended to provide for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers insignificant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

VARIANCE OF USE

The request would legally establish the existing automobile repair commercial use, for continued use until the property can be developed with C-3 uses.

STAFF ANALYSIS

The request would rezone the property to the C-3 district to allow for neighborhood commercial uses to be developed in the future.

According to Sanborn maps, the existing commercial structure was constructed sometime before 1956. Given the Land Use Plan recommendation and the site's history as part of a commercial node at this intersection, it is staff's opinion that a rezoning to a commercial district is warranted.

Staff is supportive of the rezoning because it would allow for commercial development that is compatible with the adjacent residential protected districts. The rezoning would also align with the Community Commercial recommendation of the Comprehensive Plan.

Staff is supportive of the Variance of Use because it would allow for the existing commercial structure to continue to be used, while plans are completed for the future C-3 neighborhood commercial construction.

GENERAL INFORMATION

Existing Zoning	D-5		
Existing Land Use	Commercial automobile repair		
Comprehensive Plan	Community Commercial		
Overlay	N/A		
Surrounding Context	Zoning	Surrounding Context	
	North:	D-5	Single-family dwellings
	South:	D-5	Convenience store and gas station
	East:	D-5	Commercial Automobile repair
	West:	D-5	Single-family dwelling
Thoroughfare Plan			
South Emerson Avenue	Primary Arterial	80-foot existing and proposed right-of-way.	
English Avenue	Primary Arterial	80-foot existing and proposed right-of-way.	
Context Area	Compact		
Floodway / Floodway Fringe	N/A		
Wellfield Protection Area	N/A		
Site Plan	January 13, 2026		
Elevations	N/A		
Landscape Plan	N/A		
Commitments	N/A		
Findings of Fact	April 30, 2026		
C-S / D-P Statement	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends the Community Commercial typology provides 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.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:



Conditions for All Land Use Types – Traditional Neighborhood Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.

Small-Scale Offices, Retailing, and Personal or Professional Services

- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- Should be located along an arterial or collector street.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.

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

2023-ZON-070; 456 South Emerson Avenue (subject site), requested the rezoning of 0.42 acre from the D-5 district to the C-4 district to provide for commercial uses, **withdrawn**.

88-HOV-67; 5055 English Avenue (south of site), requested a variance of development standards to provide for the inclusion of pricing information on a principal identification sign, **approved**.

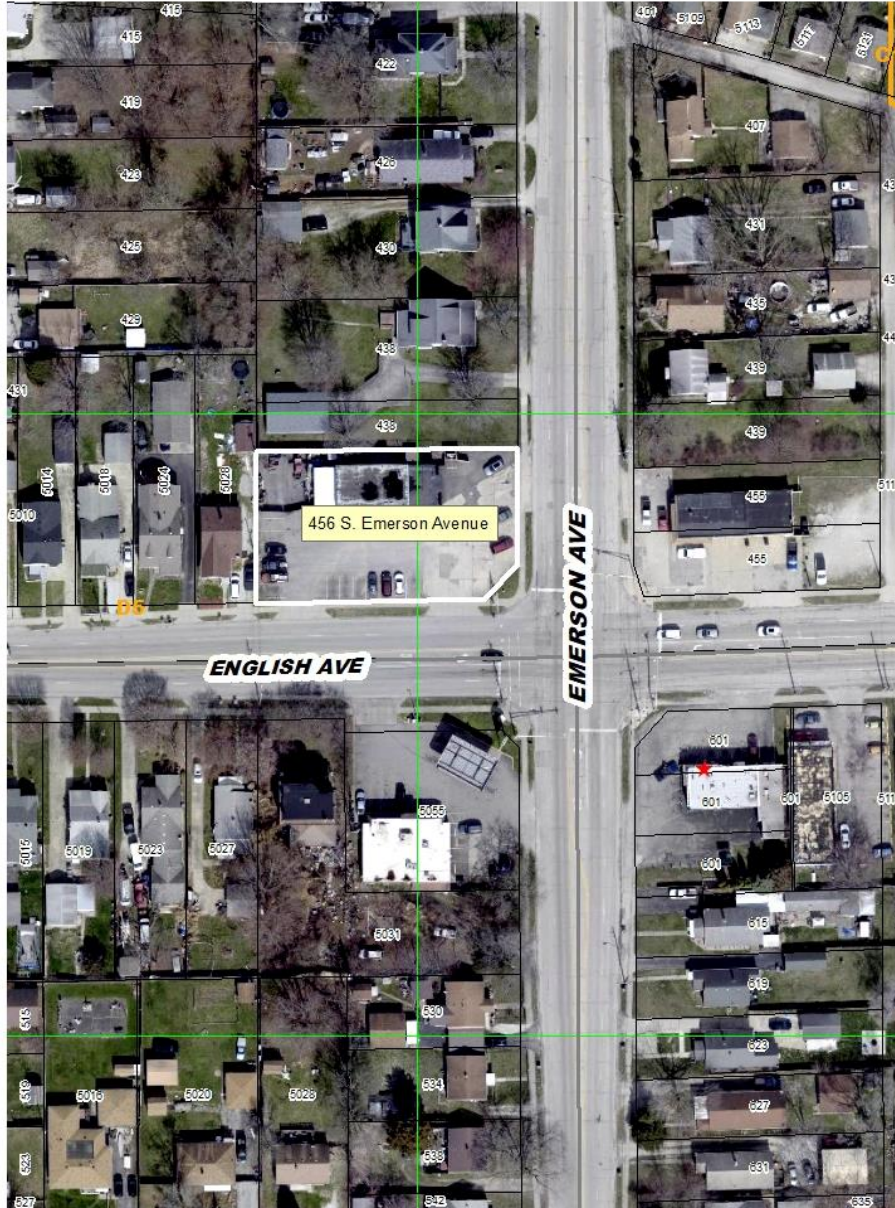
79-UV2-124; 601-609 South Emerson Avenue (southeast of site); requested a variance of development standards to provide for a storage space and additional parking for the existing facility and to legally establish the existing signs, **approved**.

78-UV3-104; 500 South Emerson Avenue (south of site), requested a variance of use and development standards to provide for a convenience store with a gas pump island, **approved**.

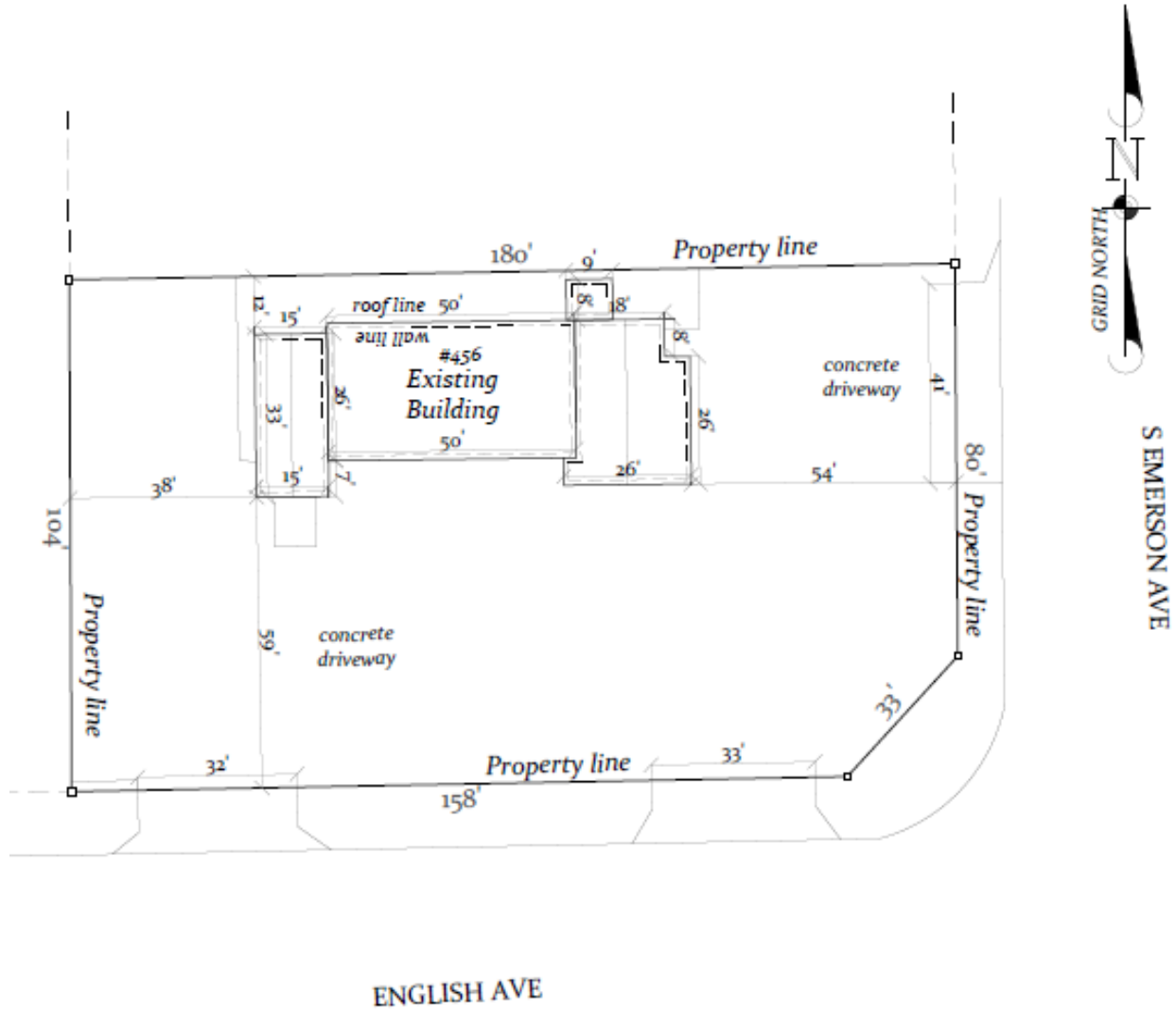
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EXHIBITS

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

The current use of the property will remain the same as it has been used in the past.

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 current use of the property will remain the same as it has been used in the past.

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

The property is currently seeking rezoning to C-3. Once rezoned, the current use as an auto repair facility will not be a compliant use of the property. This variance will allow the current auto repair facility to continue operation until plans are finalized and funding is obtained to construct a building that complies with C-3 zoning.

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 current use of the property will remain the same. It is only because the property is seeking rezoning to revitalize the neighborhood that this variance of use is required. Until plans are finalized and financing is obtained, the need to continue operating the auto repair facility exists.

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

This variance is part of a rezoning petition to revitalize the neighborhood. The rezoning and variance of use falls within the comprehensive plan.

PHOTOS



Photo of subject site, looking north from English Avenue frontage.



Photo of adjacent residential properties to the west, looking northwest.