

**BOARD OF ZONING APPEALS DIVISION III**

January 21, 2025

**Case Number:** 2024-UV3-019 (Amended)  
**Address:** 4033 East Southport Road (approximate address)  
**Location:** Perry Township, Council District #24  
**Zoning:** C-4  
**Petitioner:** Akshar Krupa Indiana LLC, by Ron Gandhi  
**Request:** Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of two storage containers (outdoor storage not permitted).

**Current Land Use:** Commercial Motel

**Staff Recommendation:** Staff recommends Denial of this petition.

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

**PETITION HISTORY**

This petition was continued for cause at the request of the petitioner, from the December 17, 2024, hearing, to the January 21, 2025, hearing.

The petitioner has submitted a revised site plan, relocating the two storage containers to another area of the parking lot, and providing them with the required ten-foot transitional side setback. Therefore, the petition was amended to withdraw the Variance of Development Standards request for a two-foot transitional side setback.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this amended petition.

**PETITION OVERVIEW**

- ◇ The two storage containers are portable shipping container boxes and are not intended to be used as permanent storage buildings. Shipping containers, by definition, are commercial vehicles. Permanent accessory structures which are built and have a commercial building form, are regulated by the Commercial Building Code.
- ◇ Although the proposed portable storage containers meet the needs of the existing commercial motel, staff has concerns if this petition were to be approved, that the use of portable shipping containers for accessory storage could potentially expand on other surrounding lots based on the availability of land.
- ◇ Additional storage could be provided through an expansion of the motel building to provide for the needed storage, without the need for a use variance.

- ◇ A stick built or manufactured building that conforms to the Commercial Building Code, would be more appropriate for accessory storage on this site, than the proposed shipping containers, although a use variance would still be required as the C-4 zoning category does not permit any outdoor accessory storage facilities.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned C-4 and could be used by any number of uses permitted, by right, in the C-4 zoning classification without any variances. The need for the additional storage is self-imposed and could be addressed without a variance, by constructing an addition to the existing motel for appropriate storage or using off-site storage facilities for seasonal and infrequently used items. Any practical difficulty is self-imposed by the petitioner’s desire to choose to not follow the ordinance and use the site with two portable shipping containers as storage buildings.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-4	
<b>Existing Land Use</b>	Commercial Motel	
<b>Comprehensive Plan</b>	Community Commercial uses	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: C-4	Commercial Restaurant
	South: PK-1 / D-P	Passive Park Trail / Multi-Family
	East: C-3 / C-5	Commercial Restaurant / Gas Station
	West: D-P	Integrated Commercial Shopping Area
<b>Thoroughfare Plan</b>		
East Southport Road	Primary Arterial	92-foot existing right-of-way and 102-foot proposed right-of-way
<b>Context Area</b>	Metro area	
<b>Floodway / Floodway Fringe</b>	N/A	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	N/A	
<b>Site Plan (Amended)</b>	January 13, 2024	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	November 25, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Community Commercial uses for the site.

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial typology that 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.

### 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

**2015-DV2-034; 7040 McFarland Boulevard (east of site)**, requested a variance of development standards to provide for 2,100 square feet of outdoor seating area associated with a restaurant, **granted**.

**98-Z-129 / 98-DP-18; 3901 East Southport Road (west of site)**, requested the rezoning of 16.39 acres from D6II, C-2, and C-6 (FF)(FW) to DP (FF)(FW) to provide for commercial and park uses, **approved**.

**98-Z-65; 7148 South Sherman Drive (south of site)**, requested the rezoning of 28.41 acres from D-A to D-P to provide for a multi-family residential community consisting of 174 units of doubles and/or quads, **approved**.

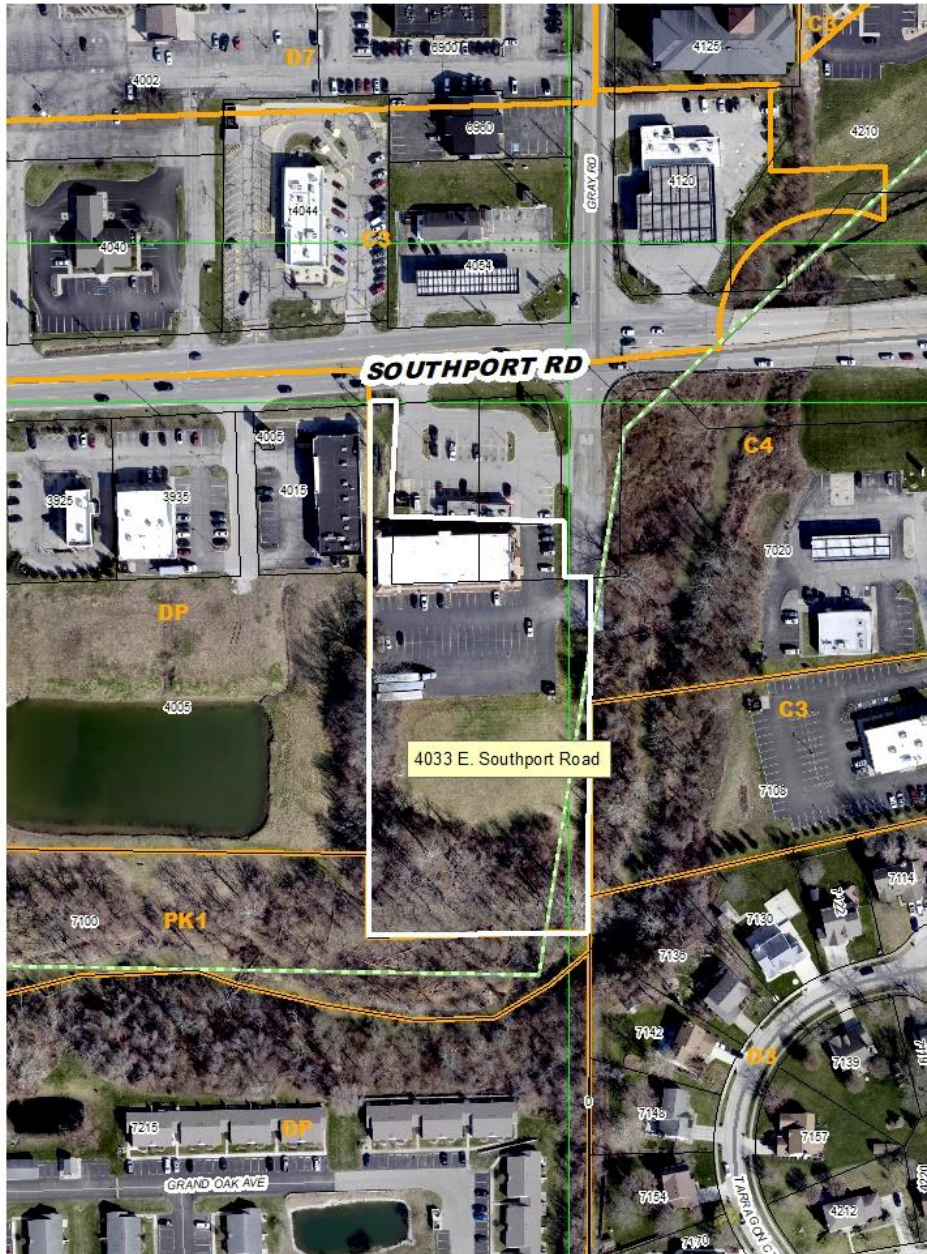
**87-Z-92; 4001 East Southport Road (subject site)**, requested the rezoning of 2.97 acres from the C-2 and C-4 districts to the C-6 classification, **approved**.

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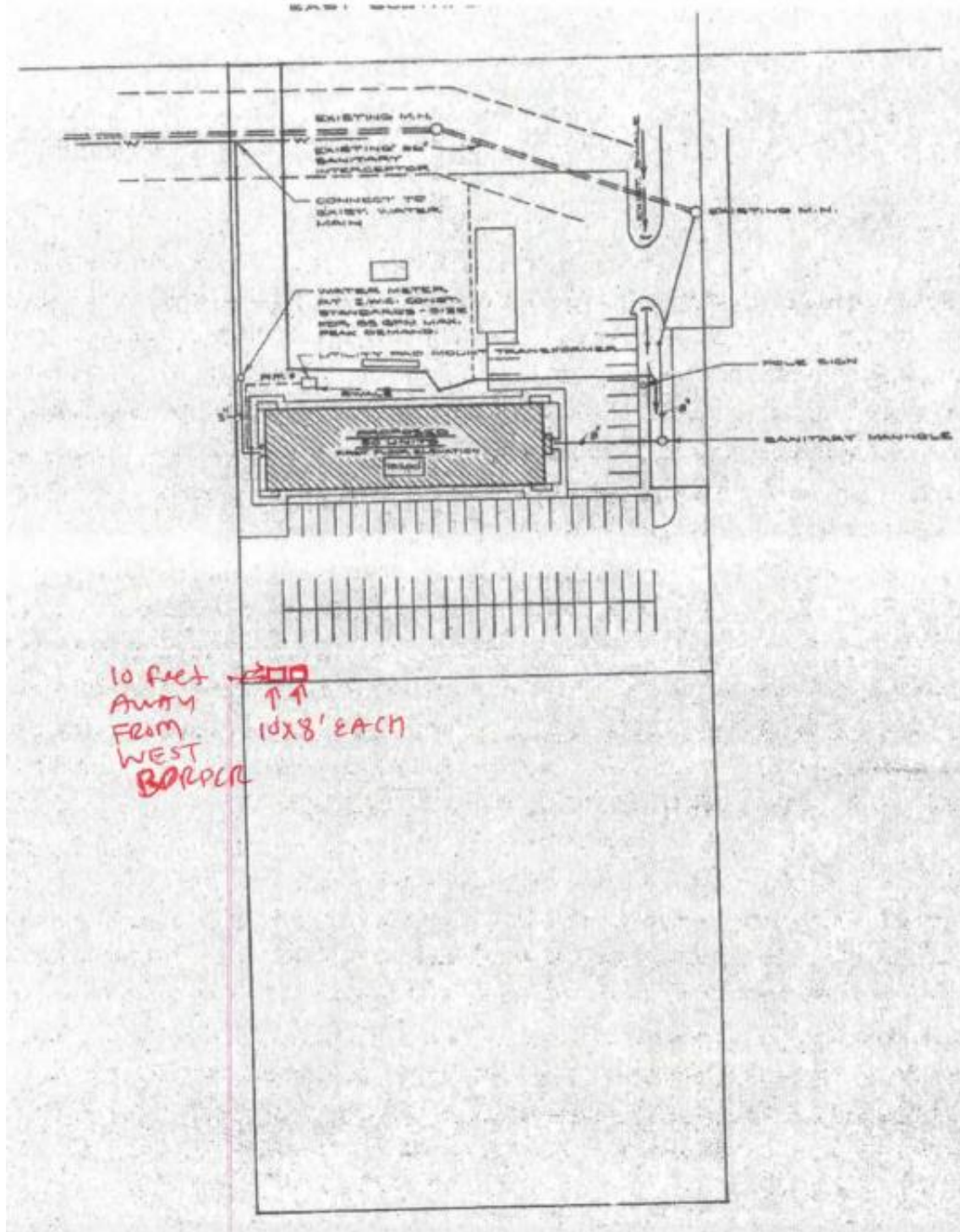
**EXHIBITS**

**Location Map Subject Site**

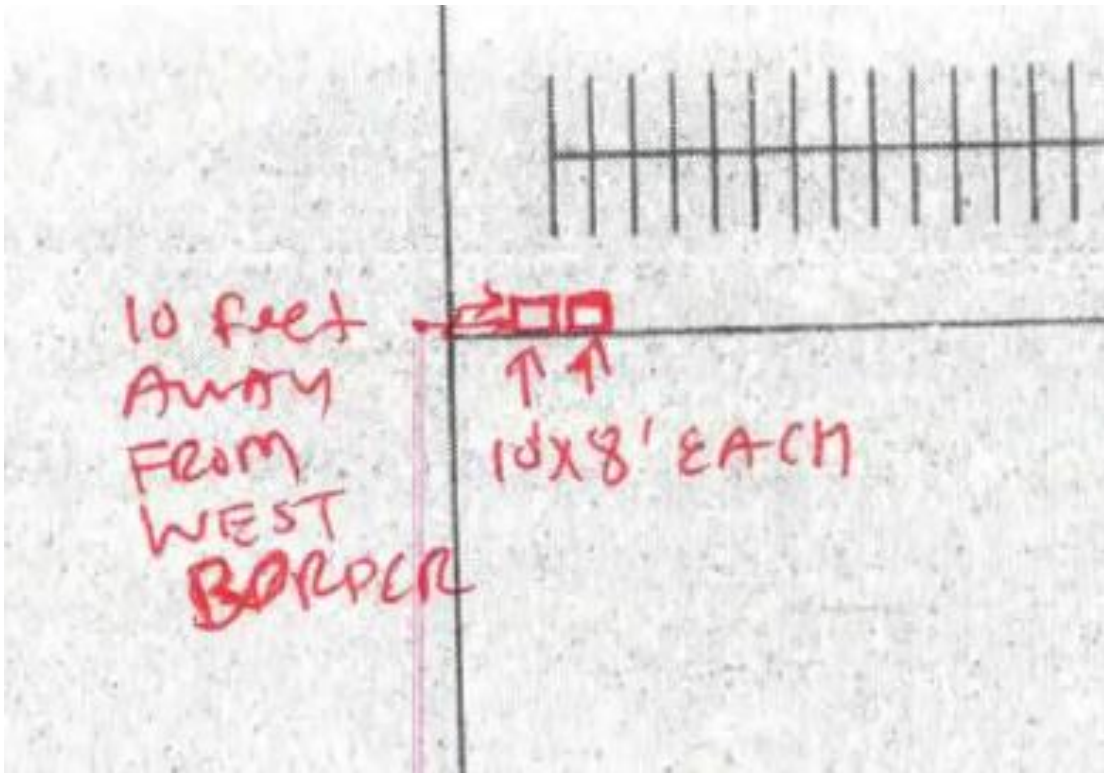




Site Plan - Overall



Site Plan – Close up





**Findings of Fact**

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division [REDACTED]  
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 project is designed with careful consideration for community standards and regulations, ensuring no disruption to public health or safety protocols.

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 proposed changes are designed to align with the surrounding land uses and community standards. The project will not impose any restrictions or burdens on neighboring properties, nor will it obstruct views, access, or light.

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

These particular conditions make it challenging to achieve the intended use or development without a variance. The variance will allow for a reasonable and practical solution that addresses the property's unique characteristics while remaining compatible with surrounding land uses.

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

Granting the variance allows the property to be utilized in a way that respects both the owner's needs and the character of the surrounding area, without causing any harm to the public interest.

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

the proposed use aligns with the goals and intent of the plan, supporting community growth, land use harmony, and economic vitality. The variance will enable development that complements the surrounding area without disrupting planned land use or community resources.



Photographs



Subject site, east façade, looking west.



Subject site, south façade, looking north.





Existing storage container location on site, with two-foot west side setback, looking south.



Proposed relocation site for storage containers with 10-foot west side setback (trucks will be relocated), looking south.



Subject site, rear yard beyond parking lot, looking south.



Adjacent Commercial restaurant to the north, looking west.





Adjacent multi tenant commercial to the west, looking southeast.



Adjacent commercial uses to the east.