

BOARD OF ZONING APPEALS DIVISION III

January 21, 2025

Case Number: 2024-SE3-003
Property Address: 9910 East Washington Street (approximate address)
Location: Warren Township, Council District #14
Petitioner: AGW Corners LLC, by Joseph D. Calderon

Current Zoning: C-3 (TOD)

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a tattoo parlor.

Request: Variance of Use to allow for the operation of a tattoo parlor within 230 feet of a Protected District (500-foot separation required).

Current Land Use: Integrated Commercial Center

Staff Recommendations: Staff recommends Approval of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This petition was automatically continued by a registered neighborhood organization from the December 17, 2024 hearing to the January 21, 2025 hearing.

STAFF RECOMMENDATION

- Staff recommends approval of this petition.

PETITION OVERVIEW

- This petition would allow for the operation of a tattoo parlor within 230 feet of a Protected District (500-foot separation required).
- The subject site is a retail space located within an integrated commercial center and is currently vacant. The proposed use of a tattoo parlor would be located 230 feet from the D-2 Protected District to the north, with 500 feet separation being required. The separation requirement is in place to allow for sufficient buffer and reprieve for sensitive/vulnerable land uses from uses that are a potential nuisance or intrusive to its surroundings.

- Additionally, the D-2 district to the north at 310 North Mitthoefer Road received a Use variance (2006UV3003) for the operation of beauty salon with off-street parking. The variance was approved and the beauty salon is still in operation. Given the way that this site has developed into a small commercial operation with a moderately sized off-street parking lot, Staff finds it unlikely that the D-2 district will be used for residential purposes for some time. Further, Staff would note that the proposed tattoo parlor would not be visible from the D-2 district, as the integrated center structure blocks the view of the tattoo parlor's retail space from 310 N Mitthoefer Road entirely.
- Considering these factors, Staff does not find the request to be unreasonable, and finds that there would be negligible negative impacts on the D-2 district to the north caused by the proposed tattoo parlor. For these reasons, Staff is unopposed to the request.

GENERAL INFORMATION

Existing Zoning	C-3 (TOD)	
Existing Land Use	Integrated Commercial Center	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
	North: D-2 /C-1	North: Commercial
	South: C-4	South: Commercial
	East: C-4	East: Commercial
	West: C-3	West: Commercial
Thoroughfare Plan		
East Washington Street	Primary Arterial	132 feet of right-of-way existing and 124 feet proposed
North Mitthoefer Road	Secondary Arterial	100 feet of right-of-way existing and 102 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes, Blue Line TOD Overlay	
Wellfield Protection Area	No	
Site Plan	11/21/24	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/21/24	
Findings of Fact (Amended)	N/A	

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Blue Line Transit Oriented Development Plan
- Indy Moves

Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Community Commercial working typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is within ¼ mile of the proposed Washington Square Mall Blue Line station
- The Blue Line TOD Plan calls for the District Center typology for this station. The District Center typology is characterized as:
 - Dense, mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor

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)

- The subject site is approximately ¼ mile away from the Pennsy Trail

ZONING HISTORY

ZONING HISTORY – SITE

2022UV3016; Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a banquet facility (not permitted), **approved, subject to commitments.**

2014UV2020; Variance of use and development standards of the Commercial Zoning Ordinance to provide for live entertainment (not permitted) for a tavern, within approximately 60 feet of a D-2 zoned protected district (100-foot separation required), and outdoor seating and dining (not permitted), **approved.**

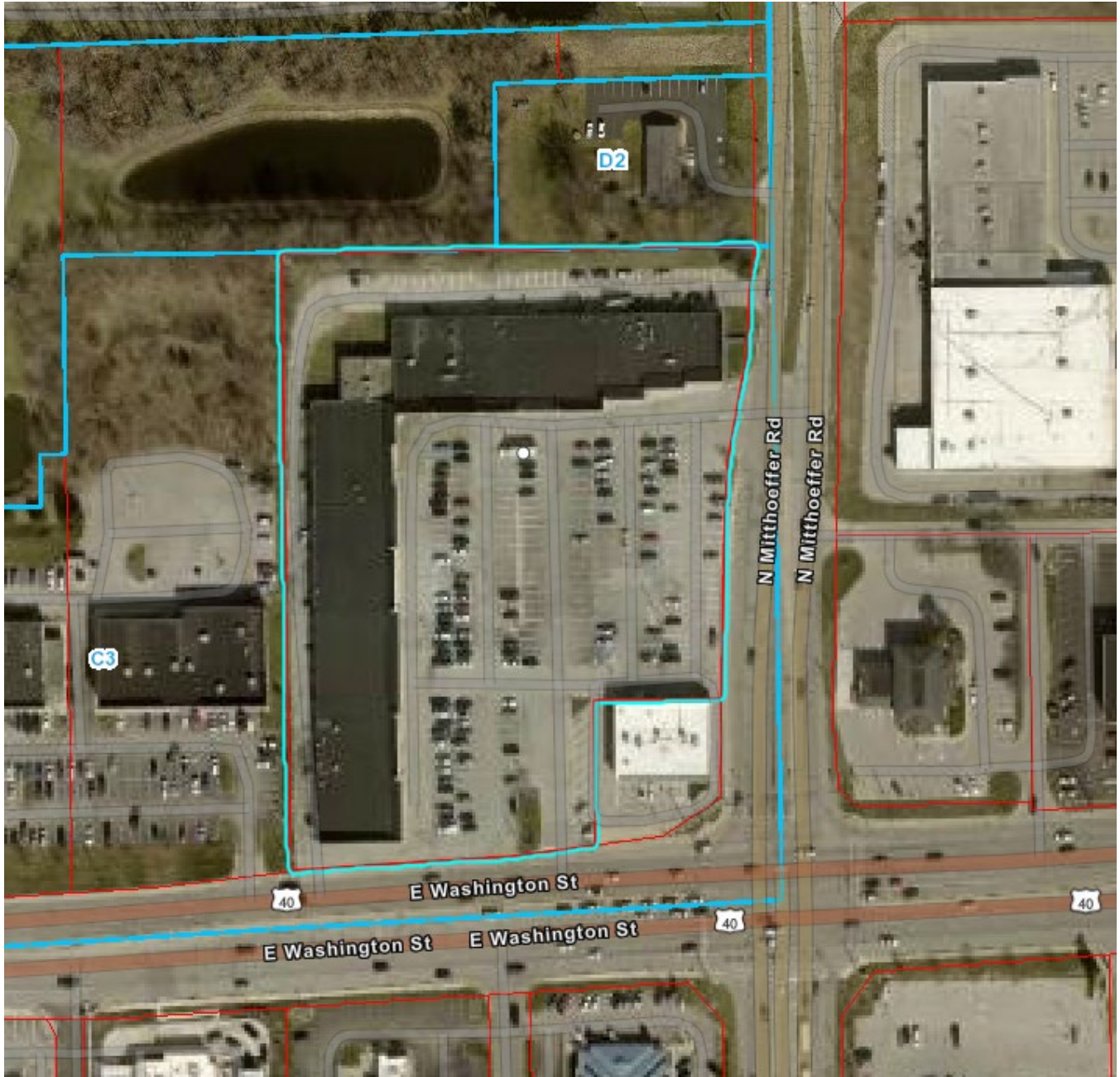
78-Z-137; requests a rezoning of the C-4 classification, to the C-3 district, **approved.**

ZONING HISTORY – VICINITY

2006UV3003, 310 N Mitthoefer Road (north of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for a beauty salon use (not permitted, within an existing single-family dwelling, with proposed off-street parking, **approved.**

2010DV2005, 10002 E Washington Street (east of site), Variance of development standards of the Sign Regulations to provide for an 18-foot tall, 42.5-square foot freestanding sign, within the sight-triangle of Mithoeffer Road and Washington Street, with a five-foot front setback from Washington Street (15-foot setback from the existing right-of-way required, structures can not be within the sight-distance triangle), **denied.**

EXHIBITS





501 INK TATTOO

PLAN OF OPERATION
9910 East Washington Street

THE BUSINESS

501 Ink Tattoo (“Tenant”) is under contract to lease a tenant space in a shopping center located on property commonly known as 9910 East Washington Street (the “Subject Property”).

ZONING

The Subject property is zoned C-3, which permits certain commercial uses. A tattoo parlor is permitted upon the granting of a special exception.

HOURS OF OPERATION

Tenant will have normal operating hours not exceeding 9:00 a.m. to 11:00 p.m., Monday through Friday, and 8:00 a.m. to 11:00 p.m. on Saturday, and 11:00 a.m. to 8:00 p.m. on Sunday. The existing tenants also keep similar hours.

NUMBER OF EMPLOYEES

There are 2 employees working at the Tattoo Parlor.





