

BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number:	2026-DV3-021
Property Address:	3919 Madison Avenue (approximate address)
Location:	Perry Township, Council District #23
Petitioner:	HRSV LLC, by Jason Burk
Current Zoning:	C-7 (TOD)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience store building and fueling canopy with a front building line width of 43 percent (60 percent required).
Current Land Use:	Undeveloped Commercial Outlot
Staff Recommendations:	Staff recommends approval of this petition, subject to commitments.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

6/16/26: A timely automatic continuance was filed by a registered neighborhood organization.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to two commitments:

1. Elevations provided for review of the Improvement Location Permit shall substantially comply with these elevations file-dated April 28th, and substantial deviation from those elevations shall require administrative approval.
2. Overflow parking areas to the north and east of the property shall not be utilized for the parking of semi-trucks and trailers.

PETITION OVERVIEW

3919 Madison Avenue is a commercial outlot with a size of 1.22 acres at the northeastern corner of the intersection of Madison and Hanna Avenue. The property currently contains a multitenant sign on the southwestern portion, paved parking area on the eastern portion, and sidewalks along both frontages. Surrounding land uses include multitenant commercial development (restaurants, a school, a DMV branch, etc.) to the north and east, a dollar store to the south, a fueling station to the southwest, and additional commercial development to the west. The University of Indianapolis campus is to the northeast.

The subject property is also located approximately 715 linear feet from an existing Bus Rapid Transit stop of IndyGo's Red Line (the University of Indianapolis station to the northeast). Since the site is within 1000 linear feet of a BRT stop, it would be subject to both use limitations and private frontage design

standards for the Transit-Oriented Development (TOD) secondary zoning layer. The proposed use of a fueling station for the site would be disallowed within 600 feet of the transit station, but since the property is approximately 715 feet away, a maximum of 8 pump islands would be permitted.

Plans provided in relation to this variance request by the applicant detail the construction of both a convenience store as well as the placement of a fueling canopy covering 8 total pumps in the rear yard (along with related underground fueling storage tanks). The proposed development would utilize existing curb cut access points, would maintain the existing sidewalks and multitenant freestanding sign, and would result in the placement of additional accessory parking areas, landscaping, and internal walkways.

Approval of this petition would grant the applicant relief from only 1 applicable development standard: the TOD secondary overlay would require a front building line (FBL) width of at least 60% of the width of the frontage for new development (in this case, a building width of around 129.6 feet). The proposed building width would be 95 linear feet, which would only comprise 43% of the requirement and would require the issuance of a Variance of Development Standards.

No Variance of Use would be required, and the site plan provided appears to comply with other standards related to frontage design, building placement and form, and building scale and design. However, grant of this petition would not be an exemption from any other applicable rules related to frontage landscaping that were noted by the Department of Business and Neighborhood Services in their review of the plans.

Staff would note that the Department of Public Works project ST-39-059 is planned along the portion of Madison Avenue directly to the west of the property, which is a road diet project that will result in reconfiguration of existing vehicle travel lanes. Although this will likely have an impact on placement of the IndyGo bus shelter directly to the west of the site and might have an impact on the placement of the adjacent curb cut along Madison Avenue, it likely will not have a direct impact on the site layout provided for staff review or result in the need for substantial revisions or new variances. Additionally, the Greenways Plan indicates that the Interurban Trail is contemplated for this portion of Madison Avenue (although it is not yet decided if that trail would be placed on the western or eastern portion of the street).

This property is zoned C-7 to allow for specific areas and commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. A petition to rezone both this parcel and areas to the north and east to the C-4 designation was withdrawn in 2025 (C-4 would have still allowed for this proposed use). The Shelby Street Corridor Plan indicates that the property should be developed with Community Commercial Uses. Additional guidance from both that plan as well as the Red Line TOD Strategic Plan is located within the Comprehensive Plan Analysis portion of the staff report below.

Findings of Fact provided by the applicant indicate that widening the proposed convenience store or shifting it closer to the southwestern corner of the lot would result in impacts on the existing drainage feature and signage on the lot and would also result in the need for a second entry feature. Staff would note that the petitioner was amenable to staff feedback in pre-filing discussions to approximate the standards of the TOD district as closely as possible in their site design, and that the 9 other standards within Table 744-701-2 of the Ordinance for TOD areas appear to be met. Staff would also note that the

development would be screened from view on Hanna Avenue by multiple lines of landscaping, and that the petitioner was open to a commitment that the building elevations substantially comply with the design and levels of window transparency shown during the variance process. Given these reasons and that the requested reduction of the FBL would be less than one-third, staff recommends **approval** of this request.

GENERAL INFORMATION

Existing Zoning	C-7 (TOD)	
Existing Land Use	Undeveloped Commercial Outlot	
Comprehensive Plan	Community Commercial Uses	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	C-7	North: Commercial
South:	C-3	South: Commercial
East:	C-7	East: Commercial
West:	C-4	West: Commercial
Thoroughfare Plan		
Madison Avenue	Secondary Arterial	124-foot existing right-of-way and 88-foot proposed right-of-way
Hanna Avenue	Primary Arterial	81-foot existing right-of-way and 88-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	04/28/2026	
Site Plan (Amended)	N/A	
Elevations	04/28/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	04/28/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Shelby Street Corridor Plan
- Red Line Transit Oriented Development Strategic Plan

Pattern Book / Land Use Plan

- Not Applicable to the Site. See Neighborhood / Area Specific Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Given proximity to the University of Indianapolis BRT station, this property falls within a District Center (DC) TOD typology. This typology is intended for walkable areas of multiple city blocks serving as cultural and commercial hubs for multiple neighborhoods with a mix of office, retail, entertainment and residential uses with high densities at the center desired. Off-street parking is discouraged and should be limited to garages visually separate from the street to allow for clear and regular pedestrian and vehicle connections.

Neighborhood / Area Specific Plan

- The Shelby Street Corridor Plan recommends this site be developed with Community Commercial Uses. This land use category is for low-intensity retail commercial and office uses, which serve a predominantly residential market adjacent to, or very near, the location of the use. The uses in this land use category are designed to fulfill a broad range of retail, personal, professional and business services and are either freestanding or part of a small integrated center typically anchored by a grocery store. These centers contain no, or extremely limited, outdoor display of merchandise.

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

2025ZON029, Rezoning of 7.79 acres from the C-7 (TOD) district to the C-4 (TOD) district to provide for a school and existing commercial retail uses, **withdrawn**.

ZONING HISTORY – VICINITY

2019DV1045 ; 902 East Hanna Avenue (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a retail drug store with 26 parking spaces (maximum 12 parking space spaces (1 per 200 square feet) permitted), **approved**.

2015SE2003 ; 3820 Madison Avenue (northwest of site), Special Exception of the Commercial Zoning Ordinance to provide for a substance abuse treatment center (not permitted), **withdrawn**.

2010UV3016 ; 933 East Hanna Avenue (southwest of site), Variance of use of the Commercial Zoning Ordinance to provide for a school and daycare use (not permitted), **approved**.

2010HOV009 ; 4024 Madison Avenue (southwest of site), Variance of use and development standards of the Commercial Zoning Ordinance to provide a 5,000-square foot building expansion for an existing Head Start program (not permitted), with the building expansion, parking lot expansion and air-conditioning units encroaching into the south transitional yard, creating a 10-foot south transitional yard, and to provide for a playground with a zero-foot west and south side transitional yard (20-foot transitional yard required), **approved**.

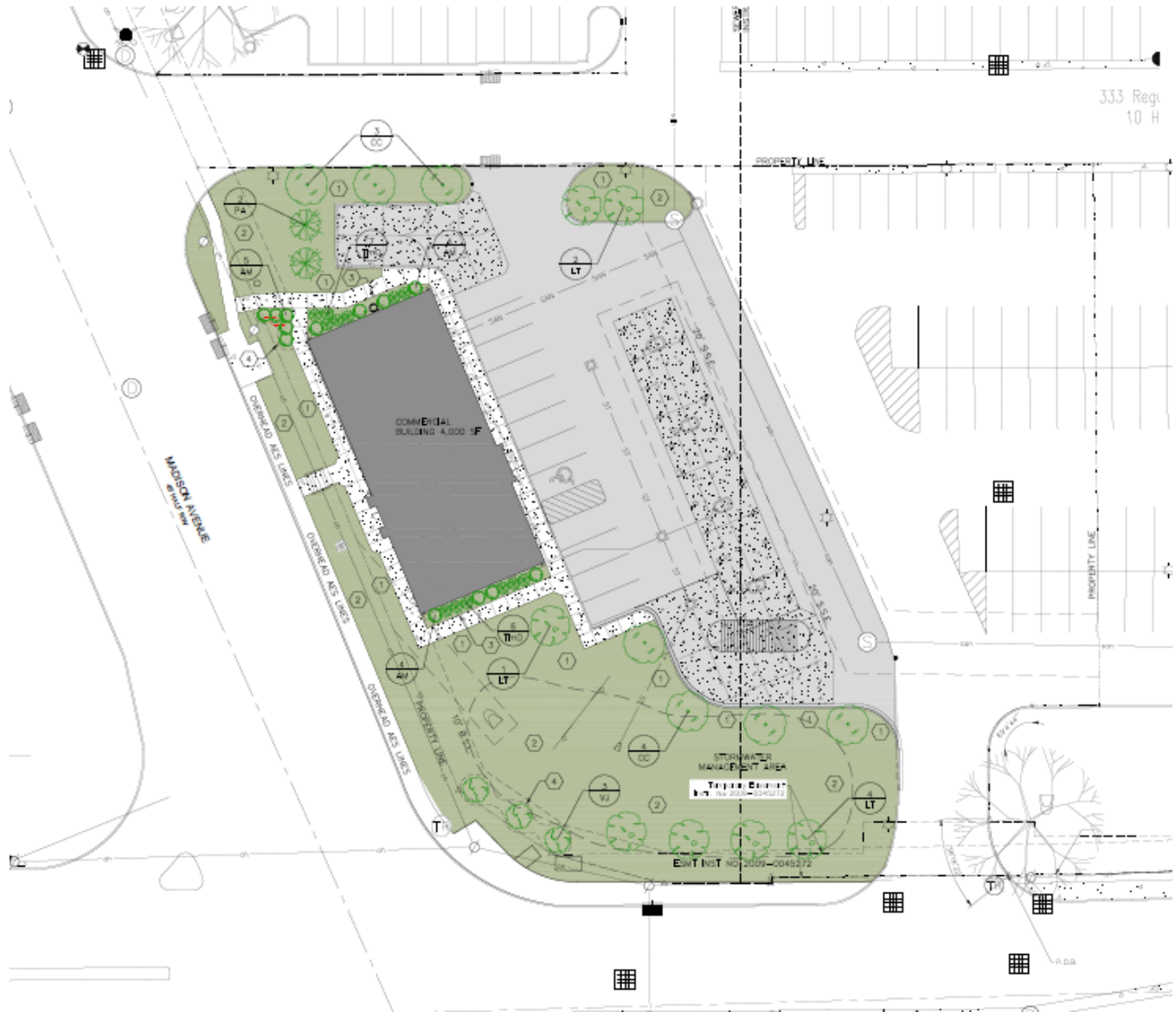
2007DV2063 ; 3814 Madison Avenue (northwest of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a 200 square foot display area and a 2460-square foot outdoor storage area (maximum 200-feet of outdoor display and storage area permitted) related to a lawn mower sales and repair business, **approved**.

EXHIBITS

2026DV3021 ; Aerial Map



2026DV3021 ; Site/Landscape Plan



The architectural drawings show four elevations of a building facade, each with detailed material and construction callouts.

- Elevation 4: NORTHEAST ELEVATION** (SCALE: 3/8" = 1'-0") shows a side view with a central entrance door and large multi-paned windows. Callouts include: TURNBURY LUGS, TURNBURY LUGS, TURNBURY LUGS, COMPANY NAME, FIRST FLOOR, and various material codes (e.g., 1.06 ALUMINUM CLADDING, 1.07 BRICKWORK).
- Elevation 3: NORTHWEST ELEVATION** (SCALE: 3/8" = 1'-0") shows another side view with a central vertical element. Callouts include: TURNBURY LUGS, TURNBURY LUGS, TURNBURY LUGS, and material codes (e.g., 1.06 ALUMINUM CLADDING, 1.07 BRICKWORK).
- Elevation 2: SOUTHEAST ELEVATION** (SCALE: 3/8" = 1'-0") shows a side view with a central vertical element. Callouts include: TURNBURY LUGS, TURNBURY LUGS, TURNBURY LUGS, and material codes (e.g., 1.06 ALUMINUM CLADDING, 1.07 BRICKWORK).
- Elevation 1: SOUTHWEST ELEVATION** (SCALE: 3/8" = 1'-0") shows a front-facing view with a central entrance door and large multi-paned windows. Callouts include: TURNBURY LUGS, TURNBURY LUGS, TURNBURY LUGS, COMPANY NAME, FIRST FLOOR, and various material codes (e.g., 1.06 ALUMINUM CLADDING, 1.07 BRICKWORK).

2026DV3021 ; 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 design and site layout is functionally appropriate given the constraining site conditions and complies with local and State regulatory requirements with respect to public access, accessibility, fire department and emergency personnel access, pedestrian visibility, automobile circulation standards, applicable building codes, and the nearby built context containing primarily light-commercial development. The site was only recently made available for development and the existing features that the current design accommodates pre-date modern zoning requirements by decades.

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 applicable zoning ordinance for which a variance is being sought provides little substantial value to the area adjacent to property. The vast majority of the surrounding area has already been developed with infrastructure and design accommodations that were established many decades ago. The site was only recently limited by the criteria adopted in the Transit Oriented Development (TOD) overlay district because of its linear distance from the TOD, not because of a legitimate physical or contextual connection. The current well-established site is primarily developed for automobile access. Although the required pedestrian and landscaping infrastructure is still being proposed as required by the current ordinance, future infrastructure connecting the site to the adjacent TOD area is unlikely to be installed due to cost and physical limitations.

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

The site cannot cost-effectively be developed to meet the requirements of the ordinance for which we seek a variance. The ordinance requires a building with at least 60% lot frontage and a maximum set-back of 25' from the property line. This lot is a corner lot with two frontages required to meet these provisions. The ordinance effectively would effectively require a building on this site to be more than twice the square footage as what is desired! Additionally, the frontage corner of this site contains a large existing drainage feature which serves the adjacent development as well as the public ROW and a large existing sign that would have to be removed to make way for any building development in compliance with the ordinance. Working around the limiting conditions is the primary practical difficulty with cost and the lack of contextual necessity closely following.

2026DV3021 ; Photographs



Photo 1: Subject Site Viewed from East



Photo 2: Subject Site Viewed from South

2026DV3021 ; Photographs (continued)



Photo 3: Subject Site Viewed from North



Photo 4: Adjacent Property to South + Existing Multitenant Sign

2026DV3021 ; Photographs (continued)



Photo 5: Site Access from Madison Avenue



Photo 6: Site Access from Hanna Avenue

2026DV3021 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to East

2026DV3021 ; Photographs (continued)



Photo 9: Adjacent Property to Southwest



Photo 10: Adjacent Property to West