

BOARD OF ZONING APPEALS DIVISION III

July 21, 2026

Case Number: 2026-SE3-002

Property Address: 6309 South Harding Street (approximate address)

Location: Perry Township, Council District #22

Petitioner: Amanpreet Singh, by Adam G. Hoffer

Current Zoning: C-7 (FF) / D-A (FF)
Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial contractor use and accessory outdoor storage partially within the D-A zoning district (not permitted).

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 0-foot transitional yard setbacks (20-foot transitional yard required), deficient interior and transitional yard landscaping (required), vehicle parking and outdoor storage on a gravel surface (not permitted), and outdoor storage lacking screening within 500 feet of a protected district (screening required).

Current Land Use: Unpermitted Truck Parking

Staff Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

6/16/26: The petitioner requested an additional continuance to allow for them to amend the original petition from a use of commercial truck parking to a commercial contractor use, per the amended site plan and Plan of Operation below. This amendment resulted in the removal of the special exception request and the variance of use request related to the floodway fringe. However, it also resulted in the addition of a variance to allow for the contractor and accessory outdoor storage uses on a lot partially zoned D-A as well as a new variance of development standards related to a lack of screening around the outdoor storage area within 500 feet of a protected district. Staff continues to recommend **denial**.

5/26/26: The petitioner requested a continuance to allow additional time to prepare for the hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

6309 South Harding Street is a parcel with a size of 1.05 acres and a width of around 128 feet that fronts on Harding to the west. The site was rezoned to a commercial designation in 1979, although it appears to have maintained a single-family residential use on the premises until at least 2022. Surrounding land

uses include a single-family residence to the north (zoned C-7 despite the residential use), undeveloped land to the west and southwest zoned D-A, multiple residences and a preschool to the south zoned D-A, and a residential subdivision to the west zoned D-P. Light industrial uses (predominantly zoned I-2 and C-S) are located further to the north and northwest along Harding Street.

In 2024, a row of mature trees along the western portion of the site was removed and a gravel front-yard parking area was installed, per aerial photography. Additionally, in 2025 the areas to the rear of the house had trees removed and gravel vehicle area installed, in addition to placement of a 6-foot privacy fence. No permits were sought or granted related to the site changes or for any new commercial use at the property. These changes resulted in the opening of the violation case VIO25-004939 in August of 2025, which cites the property owner for the lack of permits for the parking area, the parking of inoperable vehicles, and for outdoor storage and operations without required screening. There is also a flood violation opened at the site for development that occurred without proper permitting.

Approval of this petition would allow for a truck parking/vehicle storage use at the site, utilizing the parking areas placed recently placed without permits. Multiple forms of zoning petition relief would be required to allow for this use and layout at the site:

Special Exception:

- The C-7 zoning district only allows for truck/commercial parking as a primary use when a Special Exception petition has been granted to ensure that the intensity of the use would be appropriate for the surrounding context and harmonious with established development and neighborhoods.

Variance of Use:

- Most of the property is located within the Floodway Fringe (see boundaries within Exhibits below). Truck storage is not a permitted use within the Floodway Fringe, which means that a Variance of Use would be required to allow for truck parking on this property.

Variance of Development Standards:

- The parking area installed without permits would violate transitional yard setbacks to the south (0 feet proposed and 20 feet required) and to the east (10 feet proposed and 20 feet required).
 - A transitional yard to the north would not be enforceable since the land is zoned C-7, but if the single-family residence there were zoned appropriately, 20 feet of separation would also be required to the north (only 10 feet proposed).
- Ordinance requires that new parking lots comply with regulations on the placement of landscaping both (a) within vehicle and maneuvering areas and (b) along property boundaries for land with less-intense zoning. Placement of this parking area without permits resulted in the removal of trees from the site, and the proposed perimeter shrubs to the north and east would not meet minimum requirements as outlined within 744-505 and 744-506 of the Ordinance.
- The Ordinance requires that accessory parking areas for most uses be comprised of hardscaping, per 744-404. Plans submitted indicate usage of compacted aggregate base, but staff noted on the site visit that the parking surface appears to be comprised of gravel (see photo 5). This is not permitted, and a third Variance of Development Standards would be needed to maintain it.

The Plan of Operation filed by the petitioner indicates that the would utilize the site for commercial parking behind the existing structure, with the former residence to be utilized for accessory office and dispatch uses. A maximum of 6 employees would be on-site during standard hours, and no refueling, vehicle repair, or loading/unloading of materials would be conducted at the property. The full text of that Plan is within the Exhibits below. The plan provided to staff does not clarify the number of trucks that would be

parked at the site at peak times or during standard operations, and it also does not provide information about the anticipated frequency of ingress and egress of trucks to and from the site onto Harding or on anticipated hours of operation. Upon staff's request, the petitioner indicated that there would be 8-12 vehicles on site at any given time, with 2-3 vehicles per day entering and exiting the property.

Most of this property is zoned C-7 to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or the outdoor parking and storage of trucks, materials, or equipment. C-7 uses are more compatible with industrial than retail commercial activities. Due to the intensity, C-7 districts should never be adjacent to protected districts (such as the residential zones near this site) and should be located on major commercial arterial thoroughfares or near interstates (Harding Street is a primary collector). Additionally, this property is located within a Floodway Fringe area, which is a secondary zoning district that indicates a 1% chance for significant flooding as well as shallow flooding in any given year.

The Marion County Comprehensive Plan Pattern Book recommends this site to the Rural or Estate Neighborhood typology to allow for the preservation of natural features and for large-lot estate-style development of single-family residences. This recommendation is commensurate with existing residential uses to the north, east, and south. Additionally, the Plan places this property within an Environmentally Sensitive Areas overlay. Additional information on the typology and overlay is within the Comprehensive Plan Analysis section below, but neither of them contemplates the placement of heavy commercial uses.

Findings of Fact provided by the petitioner in support of the requested Special Exception indicate that this use would be appropriate for the context since uses of similar intensity exist further along the corridor to the north, that no substantial negative externality would be created for adjacent property owners, and that development standards would otherwise be met. Staff notes that several variances related to development standards would be needed, and would disagree with the assertion that this use would be harmonious with surroundings or that no negative impacts would result. Specifically, staff notes that:

- Residential zoning exists on three (3) of the four (4) sides of this property (west, south, and east), and residential *development* appears to exist on three (3) of four (4) sides as well (south and east as well as the house zoned C-7 to the north of the site). A preschool use also appears to exist about 80 feet to the south of the subject site.
- Harding Street is a two-lane primary collector with a right-of-way of 60 feet and a road width of only around 30 feet. This raises concerns related to both (a) the needed turn radius for trucks entering and exiting the site and (b) the impact of truck traffic on the quality of the two-lane road also utilized by local and residential traffic.
- A more appropriate site for a use of this intensity might be further north on the Harding corridor, which would both (a) encroach less into established residential areas; (b) would mitigate or avoid the use being placed in the Floodway Fringe; and (c) would be closer to the interstate.

For these reasons, staff recommends **denial** of the requested Special Exception.

When contacted about this project, the Floodplain Administrator for the Department of Business and Neighborhood Services indicated that they "have a concern with granting an exemption to allow for truck storage within the flood fringe. That is something [they] would advise strongly against as it goes against the Flood Damage Prevention Ordinance. Furthermore, granting a variance could put the City at risk of non-compliance with the NFIP" (National Flood Insurance Program). For this reason, as well as for a lack of undue hardship identified within the provided Findings to that would prevent the site from alternate,

compliant development with a use not expressly prohibited within the Floodway Fringe (only 'critical facility' uses are disallowed in this way), staff recommends **denial** of the requested Variance of Use.

In addition to the concerns listed above, staff feels that the primary reason relief from applicable development standards is being sought relates not to any specific properties of the site but rather to the substantial changes made to the site without permits in place or verification that the proposed truck parking use would be allowed without multiple variances or a Special Exception. The proposed setbacks ranging from 0 to 10 feet and the proposed shrubs with 10-foot spacing on a 1-foot berm would not provide adequate buffering of parked trucks from land zoned or used residentially to the north, east, or south, and staff has concerns about light and noise impacts that might result for the surrounding area. Given that (a) multiple variances would be required to support a use also not permitted by-right and (b) that no site-specific practical difficulty exists to justify a positive recommendation (which is the statutory burden of proof required), staff recommends **denial** of the variances related to deficient setbacks, landscaping, and parking surface.

GENERAL INFORMATION

Existing Zoning	C-7 (FF) / D-A (FF)	
Existing Land Use	Unpermitted Truck Parking	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: C-7	North: Residential
	South: D-A	South: Residential
	East: D-P	East: Residential
	West: D-A / I-2	West: Undeveloped / Industrial
Thoroughfare Plan		
Harding Street	Primary Collector	60-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	03/23/2026	
Site Plan (Amended)	06/24/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/23/2026	
Findings of Fact (Amended)	05/04/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.
 - Heavy commercial land uses are not contemplated for this typology.
 - The property is also within an Environmentally Sensitive Areas (ES) Overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development.

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

ZONING HISTORY – SITE

79-Z-65, rezoning of 1.138 acres, being in A-2 district, to C-ID classification, to provide for storage of trees, shrubs, equipment of landscape contractor, **approved**.

ZONING HISTORY – VICINITY

2020DV2056 ; 6120 Harding Street (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition with a fifteen-foot front setback from the proposed right-of-way of Harding Street and to provide for parking outdoor storage and outdoor operations with zero-foot north side yard and west rear yard (30-foot front setback from the proposed right-of-way, 30-foot side and rear setbacks (outdoor storage and operations not permitted within 500 feet of a protected district, limited to 25% of the building area and storage cannot be higher than 10 feet or higher than the required screening), **approved**.

2010DV1015 ; 6445 South Harding Street (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 576-square foot detached garage, with a seventeen-foot side setback (30-foot minimum side setback required), **approved**.

2005ZON219 ; 6341 South Harding Street (south of site), rezoning of one acre, being in the D-A (FF) (W-1) District, to the C-S (FF) (W-1) classification to provide for a single-family dwelling use and a wedding chapel and banquet facility, **withdrawn**.

2004ZON018 ; 1319 West Edgewood Avenue (north of site), Rezone 10.73 acres from D-A (FF) (W-1), I-1-S (FF) (W-1), and C-S (FF) (W-1) to the C-S (FF) (W-1) classification to provide for the expansions of an existing school bus maintenance and storage facility, **approved**.

2004VAR005 ; 1319 West Edgewood Avenue (north of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the expansion and additional parking for an existing bus maintenance and storage facility resulting in a zero-foot south transitional yard without the required landscaping (minimum fifteen-foot transitional yard required when abutting a protected district, required transitional yard shall be landscaped), **approved**.

2002DV1027 ; 6310 South Harding Street (northwest of site), variance of development standards of the Industrial Zoning Ordinance to provide for an unlimited amount of outdoor storage and operations (maximum 25 percent of the total gross floor area permitted for outdoor storage and operations), **approved**.

2001ZON161 ; 1500 West Banta Road (east of site), Rezoning of 44 acres, being in the D-A (FF) (W-1) (W-5) District, to the D-P (FF) (W-1) (W-5) classification to provide for 176 single-family residential units, or 4.0 units per acre, **approved**.

98-UV2-85 ; 6207 South Harding Street (north of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a trucking company and transportation brokerage firm (not permitted), within a proposed pole barn, with (a) repair and outdoor parking and storage of commercial vehicles (not permitted); (b) an aggregate side yard setback of 71.83 feet (minimum 75 feet required); (c) a lot width at the required setback line of 111.83 feet (minimum 250 feet required); and (d) a street frontage of 111.83 feet (minimum 125 feet required), **approved**.

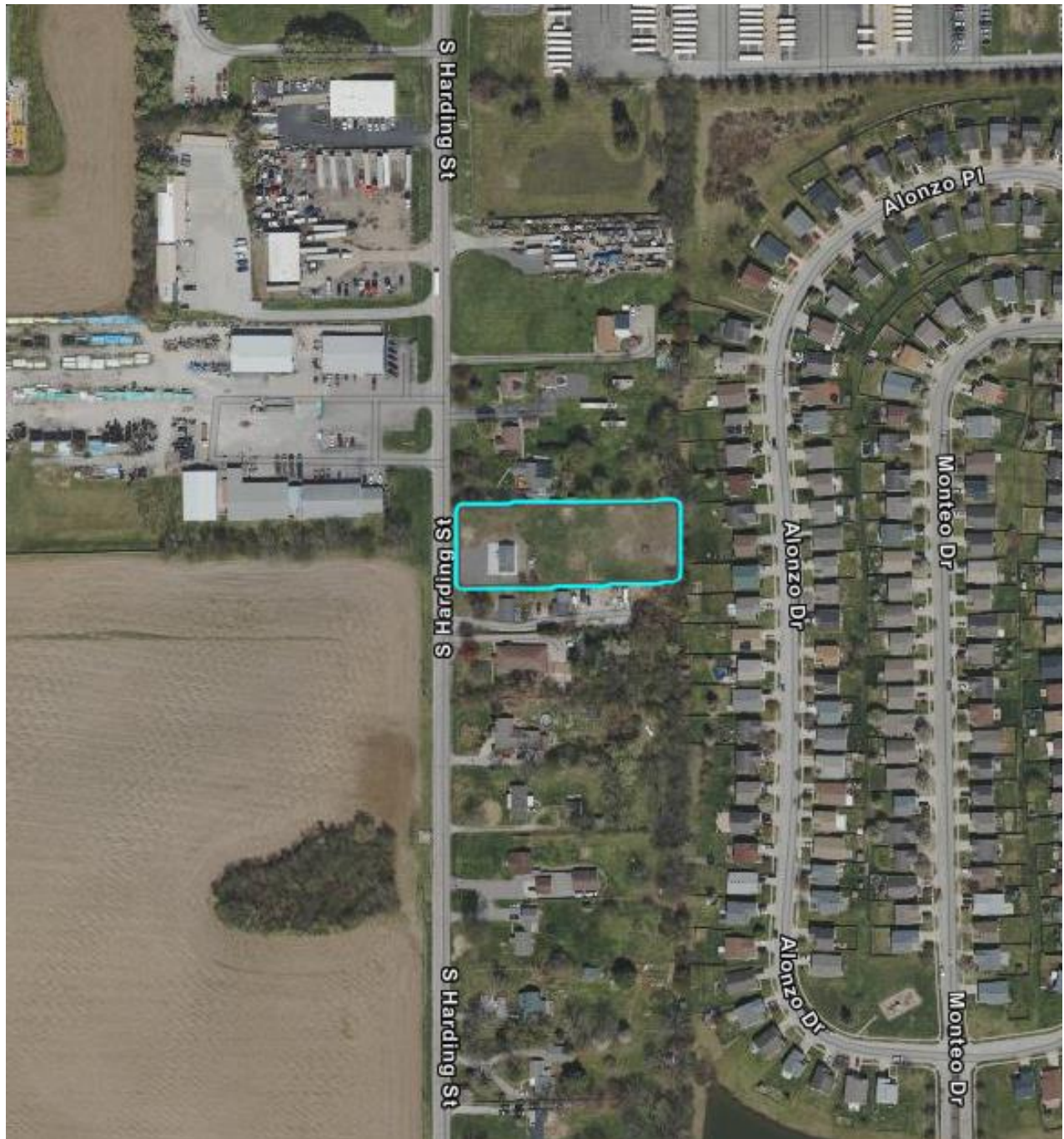
95-UV2-48 ; 6239 South Harding Street (north of site), variance of use of the Commercial Zoning Ordinance to provide for construction of a breezeway addition to connect a detached garage to an existing single-family residence, **approved**.

87-UV3-123 ; 6204 South Harding Street (northwest of site), Variance of Use of the Commercial Zoning Ordinance to provide for the use of existing buildings for the auction sale of personal goods, **withdrawn**.

83-UV2-71 ; 6201 South Harding Street (north of site), variance of use of the Industrial Zoning Ordinance to provide for the sale, service, and reconstruction of automobiles within a 1887.5 square foot existing structure and to construct a 4320 square foot building with all service and reconstruction inside a new building, **approved**.

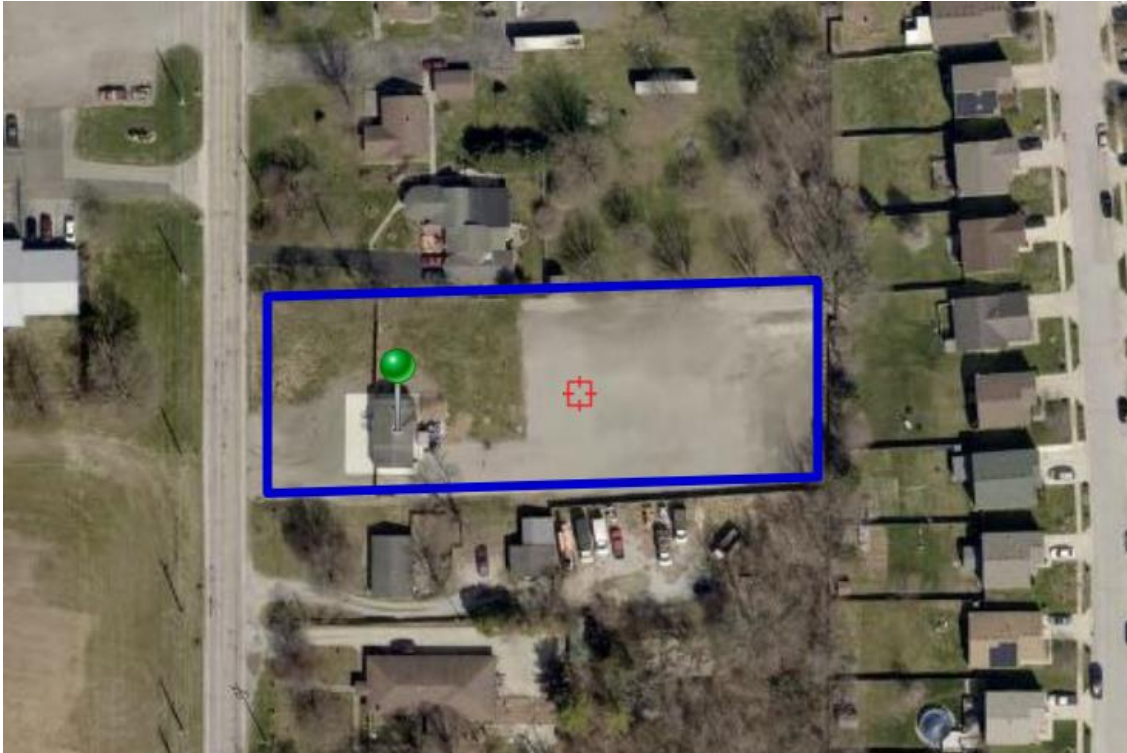
EXHIBITS

2026SE3002 ; Aerial Map



Note: Photo taken before placement of rear-yard gravel parking area

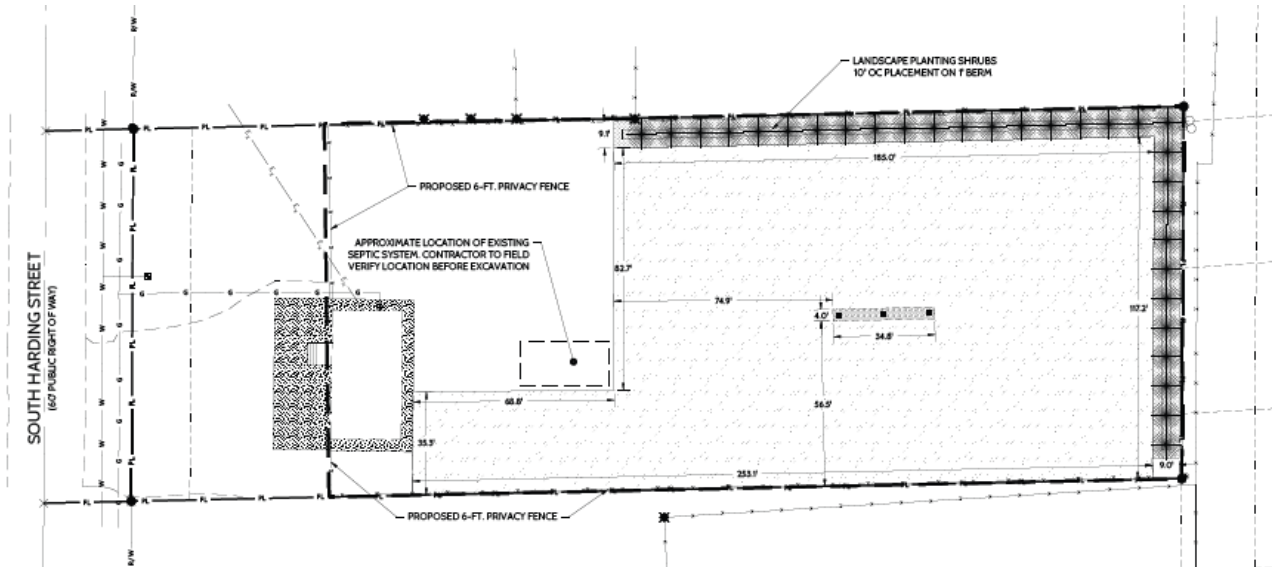
2026SE3002 ; Aerial Map (Zoomed, Gravel Parking Area Shown)



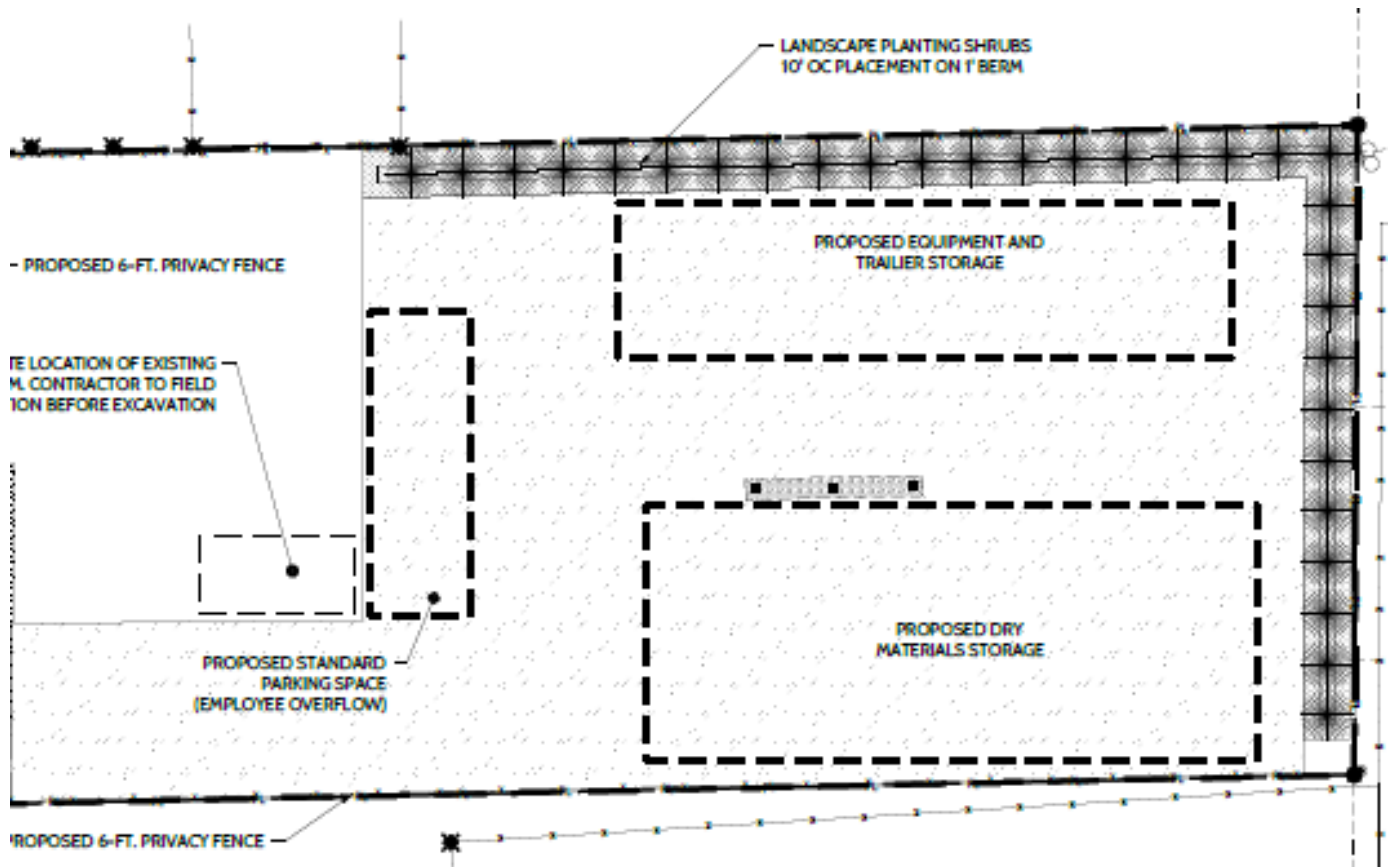
2026SE3002 ; Aerial Map (Floodplain Areas Shown)



2026SE3002 ; Site Plan (03/23/2026; Truck Parking)



2026SE3002 ; Site Plan (06/24/2026; Commercial Contractor Rear Yard)



2026SE3002 ; Plan of Operation

Background:

The subject parcel is currently zoned 'C-7' with an existing single-story structure.

Narrative:

Proposed activities on the site will be operations for a commercial building contractor utilizing the existing structure. This would include such contractors as for awnings; building/construction; carpentry work; concrete; decorating; demolition; electrical; excavation; fence; flooring; home remodeling; masonry/stonework/tile/setting; plastering/drywall; plumbing; roofing; septic system; sheet metal; siding; sign; storm door; window; construction companies, contractors, home remodeling companies; heating; air conditioning; landscaping; lawn services; tree services; and water softener services. The existing single-story structure will be utilized as an office for daily general administration and day-to-day business. The gravel area will be utilized for staff overflow parking and dry storage of construction materials.

Workforce:

The total number of employees on site during standard hours of 8:00am – 6:00pm will have between 6-10 employees. Employee parking shall be contained within the property and utilize front and rear parking areas. Construction of a privacy fence and installation of CCTV security cameras will be utilized for security.

Clients & Customers:

Client visits to the site will be minimal (if ever), and shall park in the designated front parking area. No public sales are planned for this location.

Processes Conducted On-Site:

The primary use of the site will be for operations and storage of dry materials and equipment to be used by the commercial building contractor to perform their day-to-day operations. There will be no maintenance performed onsite.

Material Use:

There will be no active vehicle or equipment maintenance performed on-site. There will be no vehicle refueling performed on-site. Standard office materials and equipment will be utilized to conduct general business administration. Dry materials will be stored within the designated area by the contractor for construction purposes.

Shipping & Receiving:

The commercial building contractor may have construction materials received at the property for use with client construction activities. Any material received will be delivered by box truck or standard flatbed.

No shipping of materials is planned at this property.

Waste:

Waste generated on-site would be due to general business administration – printer/copier paper waste, food waste from the break room area, etc. as well as any scrap material brought back from an active construction site. All waste shall be disposed of by means of a commercial refuse container. No hazardous waste will be generated from day-to-day business being conducted. Currently, there is no information on an active recycling program at the property.

2026SE3002 ; Notice of Violation (VIO25-004939)

Section 740 -1005.A.1. Civil Zoning Violation

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-903.B. - Failure to obtain a sign permit for the display of pole sign).

Section 740 -1005.A.2. Civil Zoning Violation

Specific Violation: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for the construction of a parking lot).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of inoperable vehicles in any zoning district, the provisions of which do not specifically permit such a use; (Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate, or flat tires; or that is otherwise partially dismantled or mechanically inoperable...multiple vehicles with expired or no plates).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the C-7 district; (743-306.U.2. - Outdoor storage and operations must be screened in accordance with Section 744-508.C.).

2026SE3002 ; Findings of Fact (Variance of Development Standards)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the site itself is similar to other sites of the same size and capacity within the area and have had no adverse impacts reported. While there is no planned transitional buffer, there are existing fence lines and vegetation strips along the south and east property lines, which will be protected and enhanced with updated perimeter fencing and interior landscaping where necessary for security and screening. The parking lot would incorporate a compacted gravel surface in lieu of asphalt to aid in stormwater infiltration.

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 use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because there are similar instances of commercial vehicular parking/storage within close proximity of the property in questions. Additionally, properties zoned as Light Industrial within short proximity currently park commercial vehicles and construction material. Surrounding uses include Perry Twp. School Transpo Center, Utility Supply, Quick Repair, and 6207 S. Harding St.

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

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property due to the additional setbacks for the yard transitions creating obstacles in accessing the rear portion of the site and subsequent use of that area. In regards to the use of compacted gravel vs. asphalt, the use of asphalt would create an impervious surface within the designated floodway fringe which can adversely affect stormwater infiltration and lessen flooding. By incorporating compacted gravel we can still channel stormwater towards catch basins while still allowing infiltration.

2026SE3002 ; Findings of Fact (Special Exception)

1. The proposed use meets the definition of that use in Chapter 740, Article II because

As defined, "Parking Lot, Commercial" is the designated primary use of the land. The site will be specifically used as truck parking. There will be no materials received, loaded, or shipped directly from the property.

2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because

The proposed use will not injure or adversely affect adjacent area or property value in the area as there are similar instances of commercial vehicular parking/storage within close proximity of the property in question. Additionally, properties zoned as Light Industrial within short proximity currently park commercial vehicles and construction material. Surrounding uses include Perry Twp. School Transpo Center, Utility Supply, Quick Repair, and 6207 S. Harding St.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because

The site will not materially or substantially interfere with the lawful use and enjoyment of the adjoining property based on landscape screening along the perimeter of the property for privacy, as well as required lighting for security. As the area is already subject to high commercial vehicle traffic, additional noise pollution would be negligible.

4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because

The proposed use of the site would be compatible with the existing district as the area has an existing commercial vehicle presence within the immediate surrounding area. As the current zoning is listed for C-7, a commercial parking lot in the immediate sense would pose little to no incompatibility.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because

The proposed use conforms to the development standards in Chapter 744 as the only minimal improvements will be required to complete construction for the proposed use. Per the included plan set, all site improvements shall conform to City of Indianapolis design/development standards.

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

The proposed use conforms to all provisions of the ordinance, including the standards in Chapter 740 and Chapter 744, in the zoning district in which it is located as the proposed use falls within the definitions of a commercial parking lot, as noted within Table 743-1, and in addition to the applicable site development as beholden to the development standards based on the proposed construction plans.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

The proposed use "Parking Lot, Commercial" being requested at the property will comply with the use-specific standards outlined within Chapter 743, Article III, Section 5, CC - Specifically, #1-3 do not apply to this location. Item #4, regarding maximum acreage of a commercial parking lot being no more than 2 acres - the proposed site location where the special exception is being requested has a maximum size of 1.14 acres.

2026SE3002 : Findings of Fact (Variance of Use)

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the site itself is similar to other sites of the same size and capacity within the area and have had no adverse impacts reported.

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 use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because there are similar instances of commercial vehicular parking/storage within close proximity of the property in questions. Additionally, properties zoned as Light Industrial within short proximity currently park commercial vehicles and construction material. Surrounding uses include Perry Twp. School Transpo Center, Utility Supply, Quick Repair, and 6207 S. Harding St.

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

The need for the variance arises from some condition peculiar to the property involved due to a stipulation that the parking of a commercial vehicle would constitute a "Terminal". The petitioner is requesting that, per current zoning, a commercial parking lot is allowed, and that the owner of the property be allowed to park only commercial vehicles. No other activities that are listed within the city definition of a "Terminal" would be performed.

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 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 due to a stipulation that the parking of a commercial vehicle would constitute a "Terminal". No other activities that are listed within the city definition of a "Terminal" would be performed - only the parking of commercial vehicles.

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

The grant does not interfere substantially with the comprehensive plan because the area the site in question sits in is close proximity to current, and future, light industrial zoning. The current commercial zoning does not substantially interfere with the comprehensive plan, nor will the variance being requested prohibit the site from a future use.

2026SE3002 : Findings of Fact (Flood Variance)

1. There exists a good and sufficient cause for the requested variance because:

There exists a good and sufficient cause for the requested variance because the requested use does not immediately or subsequently impact the floodway fringe.

2. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant because:

The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant due to the fact that the site is currently ~90% within the floodway fringe, and any attempt to utilize the site in a commercial capacity (as is zoned) would render the site unusable.

3. The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with other applicable laws or ordinances because:

The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with other applicable laws or ordinances as there are similar instances of commercial vehicular parking/storage within close proximity of the property in question. There will be no additional permanent structures installed within the floodway fringe, which would not impact the flood area, and the use of compacted aggregate gravel vs. asphalt helps to alleviate any unnecessary impervious surface from blocking stormwater or flood water from infiltrating back into the watershed.

2026SE3002 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Southern Property Line Viewed from West

2026SE3002 ; Photographs (continued)



Photo 3: Rear Gravel Area Behind Fence Viewed from Southeast



Photo 4: Rear Gravel Parking Area Viewed from West (November 2025)

2026SE3002 ; Photographs (continued)



Photo 5: Surface of Parking Area



Photo 6: Adjacent Property to East (January 2026)

2026SE3002 ; Photographs (continued)



Photo 7: Adjacent Property to South



Photo 8: Adjacent Property to North

2026SE3002 ; Photographs (continued)



Photo 9: Adjacent Property to Southwest



Photo 10: Adjacent Property to Northwest