

Board of Zoning Appeals Division III

September 15, 2026

Case Number:	2026-UV3-011
Property Address:	2001 West Washington Street (<i>approximate address</i>)
Location:	Center Township, Council District #18
Petitioner:	Don's Legacy LLC, by Jennifer Wright (Joseph Calderon)
Current Zoning:	C-4 (TOD)
Request:	Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile parts and supply store on a lot greater than 0.5-acre (automobile service and repair prohibited on lots larger than 0.5-acre in the TOD district).
Current Land Use:	Vacant tenant bay in commercial strip
Staff Recommendations:	Staff recommends denial of this petition.
Staff Reviewer:	Josh Levesque, Senior Planner

PETITION HISTORY

N/A

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 2001 West Washington Street is a strip mall with accessory parking on a lot of just over 2 acres. The proposed use would see an O'Reilly Auto Parts store occupy the easternmost tenant bay—one that had been previously occupied by a Dollar General.
- The property is zoned C-4 and is part of the Transit-Oriented Development (TOD) overlay district. Properties to the northwest and west are also zoned C-4 while properties to the north, east, and south are generally zoned D-5 with some MU-2 directly to the east of the subject site. A Blue Line Bus Rapid Transit stop is currently being constructed 245 feet to the west at the intersection of Washington Street and Belmont Avenue.
- The petitioner is requesting a variance of use to provide for the operation of an automobile parts and supply store on a lot greater than 0.5-acre. The Ordinance defines an automobile parts and supply store as "Automobile, Motorcycle, and Light Vehicle Service or Repair".¹ The full definition

¹ The Ordinance defines Automobile, Motorcycle, and Light Vehicle Service or Repair as "the major or minor repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar vehicles under 14,000 pounds gross vehicle weight rating (GVWR). This definition includes uses such as automobile oil change or lubrication shop; automobile tune up shop; engine repair shop; air condition equipment repair; automobile body

is provided in Footnote 1. While staff concedes that an O'Reilly Auto Parts has the appearance of a retail store, the Ordinance clearly defines parts and supply stores as part of the Automobile, Motorcycle, and Light Vehicle Service or Repair definition. Variances can be granted to allow a use where it would otherwise not normally be allowed. Variances cannot, however, change how the Ordinance defines uses and staff must couch its analysis in the text of the Ordinance.

- Having established that a parts and supply store is defined as automotive repair and--absent a change in Ordinance--cannot be defined otherwise, the question becomes how such a definition impacts this petition. As part of the Transit Oriented Development standards, Automobile, Motorcycle, and Light Vehicle Service or Repair is prohibited on pedestrian frontages in the TOD district. Where otherwise permitted in the district, it is limited to lots no larger than 0.5-acre. The petitioner is seeking a variance to allow the automobile repair use on a lot that is too large, not a variance to redefine what automobile repair means.
- According to the Ordinance, "the intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments." The Metropolitan Development Commission adopted the TOD changes to the Ordinance in 2021 to provide staff, developers, and the board with guidelines for development in specific areas along transit lines. This has continued to remain a part of the Ordinance for the past five years and remains in full force.
- While certain elements of the Ordinance adopt a more conventional approach to zoning, the TOD aspect of the Ordinance is a form-based code. Rather than focusing on a separation of uses, form-based code regulates the physical form to produce predictable results. Form-based code can be used to steer the shape of the built environment and promote more compact, walkable neighborhoods. Because TOD is a form-based code, it lays out a number of specific guidelines that must be met for development to occur within the district. These guidelines are intended to work in unison to promote more compact, walkable neighborhoods. A deviation from one guideline can undermine the larger goal TOD is trying to achieve. Therefore, any request to deviate from the guidelines must be carefully considered. Each case should be considered on its merits and approval of one petition at one site should not determine the outcome of another.
- The Ordinance does not prohibit the use of Automobile, Motorcycle, and Light Vehicle Service or Repair in a TOD district. What the Ordinance guides one to consider are the standards that such a use and other automobile-centric uses must meet so as to not undermine the compact, urban, and walkable development that the Ordinance envisions in these overlays. Just as the Ordinance helps to guide the types of lots that are suitable for various residential, commercial, and industrial districts, the Ordinance provides a guide as to where an Automobile, Motorcycle, and Light Vehicle Service or Repair use might fit in the context of the surrounding area. Such a use is permitted when the lot is deemed to be part of the "Pedestrian Frontage" or when a lot is less than

repair/paint shop; brake system repair or service; detailing/trim shop; exhaust system (muffler) repair shop; glass replacement shop; rust proofing; speed/tuning shop; parts and supply store; tire alignment, retreading, or repair shop; tire dealers; motorcycle paint shop; motorcycle repair shop; and transmission repair and service shop."

0.5-acre. The issue at hand is not whether the use should be allowed, but whether deviating from the form-based guidelines will undermine the intent of the TOD district.

- A site-specific practical difficulty is related to the unique hardship posed by the site, not the hardship stemming from the proposed development. There are a variety of other C-4 uses that would be permitted on this location under the TOD standards.
- Per state statute, for a board to consider granting a variance, they must find that the petition meets **ALL** five of the following criteria:
 - the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - the need for the variance arises from some condition peculiar to the property involved;
 - the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - the approval does not interfere substantially with the comprehensive plan
- Staff's analysis shows no site-specific practical difficulty and approval of such a variance would substantially interfere with the comprehensive plan and the intended goals of the TOD district. As such, staff recommends denial of this petition.
- Should the board grant approval over staff's recommendation, staff would request the following commitments:
 - No diagnostic testing, vehicle maintenance, or repair may be done on site.
 - This variance will terminate upon the ending of O'Reilly's business operations at this site or upon the sale of the strip mall by the owner, whichever comes first.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Integrated Commercial Center	
Comprehensive Plan	Regional Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-5/C-4/MU-2	North: Residential/Commercial
	South: D-5	South: Residential
	East: MU-2/D-5	East: Residential
	West: C-4	West: Commercial
Thoroughfare Plan		
Washington Street	Primary Arterial	78-foot existing right-of-way and 88-foot proposed right-of-way
Elder Avenue	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	

Overlay	No
Wellfield Protection Area	No
Site Plan	4/15/2026
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	6/4/2026
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- 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.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- IndyGo's Blue Line Strategic Plan classifies the area around the Washington Street and Belmont Street stop as "Walkable Neighborhood". Characteristics of this typology should include:
 - Mix of uses at station area and primarily residential beyond
 - Maximum of 3 stories throughout
 - No front or side setbacks at core; 0-15 ft. front setbacks and 0-20 ft. side setbacks at periphery
 - Mix of multi-family and single-family housing
 - Structure parking at the core and attractive surface parking at the periphery

Neighborhood / Area Specific Plan

- The Near West Neighborhood Land Use Plan (2014) envisions this site as community commercial. One of the objectives of this plan is to “improve the public face of Washington and Michigan streets through streetscaping, façade improvements, pedestrian amenities and stronger connections into the downtown.”

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Thoroughfare Plan indicates that a Primary Arterial Multi-Modal Expansion is planned for Washington Street. This expansion is intended to support multi-modal transportation and support road designs that reflect a more urban, walkable, and compact setting.

ZONING HISTORY

ZONING HISTORY – SITE

89-Z-5, Requesting rezoning of 2.142 acres from C4/D5 to C4, **approved**.

94-Z-145, Requesting rezoning of 0.88 acres from D5 to C4, **approved**.

2006-DV1-018, Variance of Development Standards of the Commercial Zoning Ordinance to provide for the construction of a bank, with each of three drive-through lanes with four stacking spaces before the service unit, each with a stacking space after service units located within the required twenty-foot transitional yard along Maryland Street, with a trash dumpster located within the required twenty-foot transitional yard along Maryland Street and in front of the established building line, and to legally establish a trash enclosure located within the required twenty-foot transitional yard along Elder Avenue and in front of the established building line, **approved subject to commitments**.

ZONING HISTORY – VICINITY

74-UV2-108; 101 South Belmont Avenue (west of site), Variance of use, parking in setback and Variance of Development Standards to permit a parking lot, **approved subject to provisions**.

85-UV3-16; 2041 West Washington Street (west of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the re-development of existing commercial buildings with 51 parking spaced provided on the residentially zoned property, **approved subject to conditions**.

86-UV1-111; 1911 West Washington Street (north of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for the outdoor display and sales of vehicles with a 4x6-foot pole sign, **denied**.

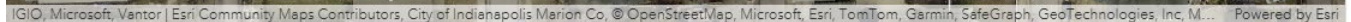


Department of Metropolitan Development
Division of Planning
Current Planning

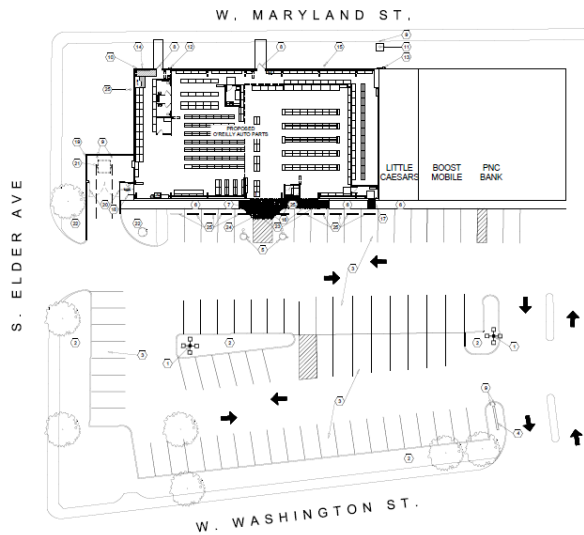
95-V2-31; 2025-2029 West Washington Street (west of site), Variance of Development Standards to provide for the construction of a drug store with: a) the drive-through service unit located on the side of the building; b) with the drive-through service unit located 40 feet from a residential zoning district, **approved subject to conditions**

2019-CZN-844 / 2019-CVR-844; 1847, 1906, and 1910 West Washington Street (north and east of site), Rezoning of 0.52-acre from the D-5 district to the MU-2 district and; Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family residential dwellings and to provide for a proposed mixed-use structure (1910), parking lot and trash container with a five-foot west side transitional setback and an existing mixed-use structure (1906) with a 25-foot front setback and a parking lot with a five-foot east side transitional yard, and a parking lot (1847) with a five-foot south transitional yard and zero-foot east transitional yard, **approved subject to commitments.**

2026UV3011; Aerial Map



2026UV3011; Site Plan



SITE PLAN GENERAL NOTE:

SITE PLAN PROVIDED FOR GENERAL REFERENCE OF EXISTING CONDITIONS. SCOPE OF WORK IS IDENTIFIED IN KEYNOTES ON THIS SHEET.

PARKING LAYOUT AS SHOWN, DRIVE AISLES, PUBLIC WALKWAYS, ADJACENT STRUCTURES, PARKING LAYOUT GRADE SLOPES, ETC. ARE EXISTING CONDITIONS AND NOT VERIFIED. NO NEW PARKING SITE LAYOUT SCOPE.

③ SITE PLAN (NO CHANGE IN BUILDING SQUARE FOOTAGE OR PARKING)
SCALE 1"=20'

SYMBOLS LEGEND

- EXISTING CONDITIONS TO BE REMOVED
- PROPERTY LINE
- ACCESSIBLE PATH OF TRAVEL
- LIGHT POLE

GENERAL NOTES

- A. PLAND SURVEY HAS NOT BEEN PROVIDED. EXISTING SITE CONDITIONS INDICATED. NOTES ARE SHOWN FOR ONLY AND PROPOSED THE GENERAL DIFFERENCE.
- B. SITE CONDITIONS TO FACE OF BUILDING, SIDEWALK, CURB, UTILITY LINE, PROPERTY LINE OR CENTER LINE OF STREET UNLESS OTHERWISE NOTED.
- C. EXISTING CONSTRUCTION TO REMAIN TO BE PROTECTED AS REQUIRED. REPLACE AND/OR REPAIR EXISTING CONSTRUCTION DAMAGED DUE TO CONTRACTOR ACTIVITIES.
- D. ALL DEMOLITION MATERIALS SHALL BECOME PROPERTY OF CONTRACTOR FOR PROPER DISPOSAL. SEE DETAIL 1000-00-00.
- E. PROVIDE SMOOTH ELEVATION AND GRADING TRANSITIONS FROM NEW CONSTRUCTION TO EXISTING CONSTRUCTION TO REMAIN.
- F. CONTRACTOR TO ENSURE EXISTING LANDSCAPING IS FREE OF WEEDS, FREE OF OBSTRUCTIONS AND LIVES, MAINTAINED.

KEYNOTES

1. EXISTING LIGHT POLE
2. EXISTING BASED CONCRETE OR LANDSCAPE ISLAND
3. EXISTING REGULAR STRIPED PARKING
4. EXISTING ILLUMINATED SHOPPING CENTER DISKAGE
5. REPAIR EXISTING ACCESSIBLE PARKING SPACES WITH NEW DISKAGE
6. EXISTING CONCRETE SIDEWALK
7. NEW CONCRETE ACCESSIBLE CURB RAMP AND SIDEWALK
8. EXISTING EXISTING DOOR WITH CONG. PAD
9. EXISTING BOLLARD
10. EXISTING DOWNPOUT
11. EXISTING WATER METER
12. EXISTING ELECTRICAL METER
13. EXISTING GAS METER
14. EXISTING MOWING ELECTRIC
15. EXISTING CLEAN OUT
16. NEW EXTERIOR LIGHT WITH NEW EXTERIOR LIGHT ENTRY / EXIT DOOR
17. NEW EXTERIOR GUTTER DOOR AND NEW CONG. LANDING AT DOOR
18. NEW EXTERIOR DOORS
19. EXISTING DUMPSTER ENCLOSURE
20. NEW DUMPSTER ENCLOSURE SATIS
21. NEW DUMPSTER
22. EXISTING LANDSCAPE AREA
23. NEW/REPAIR USE FOUR IN AND EXTERIOR ELEVATIONS
24. NEW/REPAIR USE FOUR IN AND EXTERIOR ELEVATIONS, PAINT
25. EXISTING EXISTING SURFACE
26. EXISTING EXISTING SURFACE
27. EXISTING EXISTING SURFACE
28. NEW/REPAIR, STOP, SEE DETAIL 1000-00-00

ENVIRONMENTAL GENERAL NOTES

ALL ENVIRONMENTAL ANALYSES HAVE NOT BEEN PERFORMED ON THE EXISTING SITE. IF THE PROJECT COULD AFFECT ENVIRONMENTAL CONDITIONS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER REMEDIATION, HANDLING AND DISPOSAL. FOR ENVIRONMENTAL ANALYSES RECOMMENDATIONS.



Know what's below.
Call before you dig.

CAUTION: INFORMATION ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR COMPLETE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THEREOF.

CABCO
ARCHITECTURAL SITE PLAN

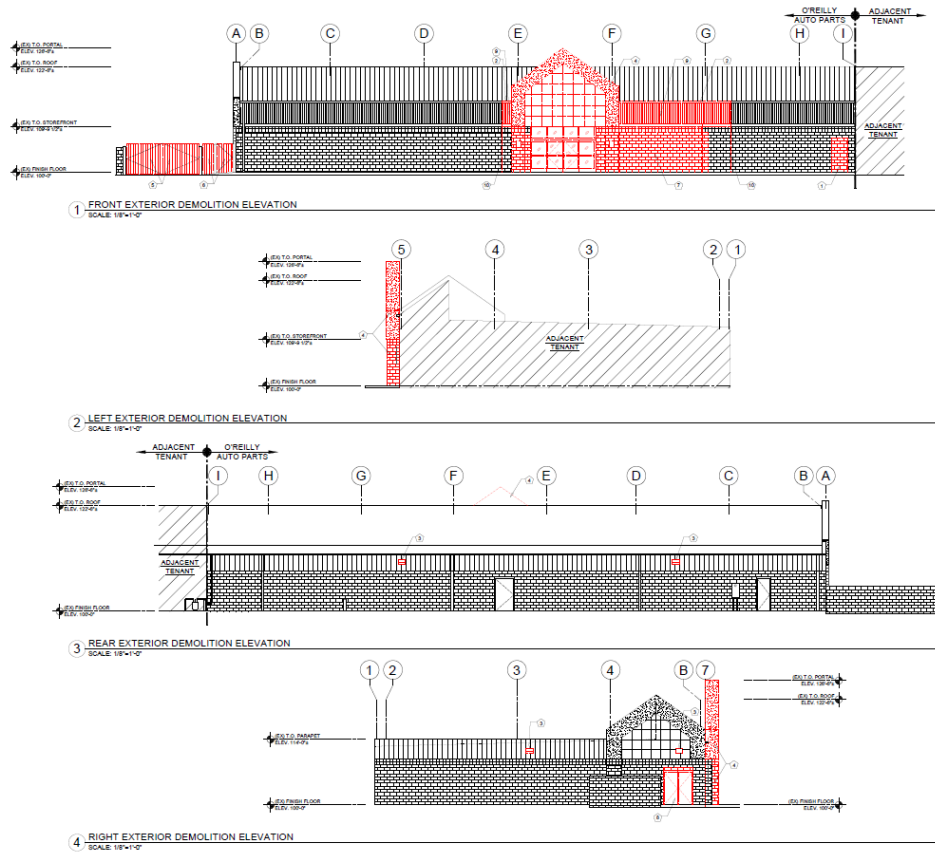
PROJECT: O'REILLY AUTO PARTS STORE - 118
118 W. WASHINGTON ST.,
INDIANAPOLIS, IN 46222

O'Reilly
AUTO PARTS

DATE: 04-15-2026
BY: JLB
2026UV3011

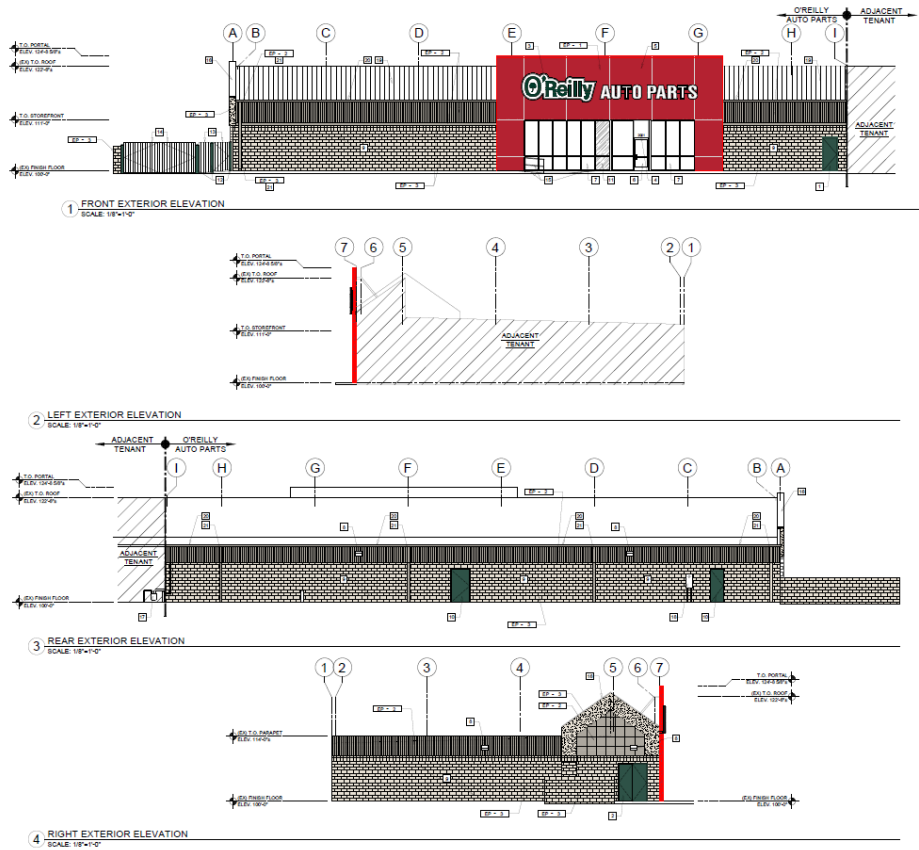
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2026UV3011: Elevations

[illegible]

	
INDIANA DEPARTMENT OF REVENUE 4000 EAST 10TH AVENUE INDIANAPOLIS, IN 46204-4000 TEL: (317) 232-2200 FAX: (317) 232-2201	
CABCO 10000 N. STATE AVENUE INDIANAPOLIS, IN 46260 TEL: (317) 232-2200 FAX: (317) 232-2201	
O'REILLY AUTO PARTS STORE #18 2001 W WASHINGTON ST INDIANAPOLIS IN 46222	
EXTERIOR DEMOLITION ELEVATIONS	
	
A2.2.1	

2026UV3011; Elevations (cont'd)



EXTERIOR FINISH SCHEDULE

NOTE: REFER TO ELEVATIONS FOR FINISH LOCATIONS

STEEL, DOORS AND FRAMES
 MFG. REFER PROJECT MANUAL
 FINISH: FACTORY PRIMED AND FIELD PAINTED, SEMI-GLOSS FINISH
 COLOR: HUNT CLUB GREEN BY SHERRIN WILLIAMS OR APPROVED EQUAL

STAINLESS STEEL SYSTEM
 MFG. ERCO, KAMMEKOR OR VESTA GARD (NO SUBSTITUTES)
 MFG. SPEC. DAIN IVX OR INTERIATA GREEN, RESPECTIVELY

STAINLESS TITANIUM
 MFG. ERCO
 FINISH: LAYER 1 - NIGHT VISION IS (APPLY FIRST); LAYER 2 - FAGERIA, MILWAU (APPLY OVER)
 PCT. BY MANUFACT (612) 325-8509
 NOTE: INSTALL REFER TO INSTALLATION OF INTERIOR GARD, COMBUSTIBLE

FACADE	
ED - 1	FRONT: SHIRSWYN WILLIAMS MTR: INTER-CITY COLOR: SWIFT2 DORIAN GRAY FINISH: EMERALD POSITIVE RESIN GLOSS APP: PER MTR SPECS FOR SURFACE NOTES: / BAREVLOS / 900-100 CLEAR / BILTUNE
ED - 2	FRONT: SHIRSWYN WILLIAMS MTR: INTER-CITY COLOR: SWIFT2 DORIAN GRAY FINISH: EMERALD POSITIVE RESIN GLOSS APP: PER MTR SPECS FOR SURFACE
ED - 3	FRONT: SHIRSWYN WILLIAMS MTR: INTER-CITY COLOR: SWIFT2 BOUT WHITE FINISH: EMERALD POSITIVE RESIN GLOSS APP: PER MTR SPECS FOR SURFACE

EXTERIOR GENERAL NOTES

- A. MANUFACTURER: SHERWIN WILLIAMS SPECIFIED. EQUAL PRODUCTS BY PPG INDUSTRIES ACCEPTABLE (NO SUBSTITUTES).
- APPLICATION: INSTALL PER MANUFACTURER'S RECOMMENDATIONS FOR PROJECT CONDITIONS. EACH COAT SPECIFIED SHALL BE SPRAY APPLIED AND BACK ROLLED. COVERAGE THICKNESS INDICATED IN WET MIL UNITS, UNLESS OTHERWISE INDICATED.
- B.
- C. ALL CORNGG, NEW AND EXISTING, ARE TO BE PAINTED TO MATCH THE WALL BELOW THEM.

EXTERIOR KEYNOTES

- 1 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 2 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 3 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 4 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 5 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 6 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 7 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 8 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 9 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 10 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 11 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 12 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 13 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 14 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 15 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 16 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 17 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 18 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 19 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 20 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN
- 21 NEW 1/2" MINIMUM METAL ORC DRAIN, PANT SWIMMER HUNT CLUB GREEN

	
No. 10-137000 Date 10-12-2024 Subject: Contract for supply of auto parts. Reference: M.O. No. 10-137000 dated 10-12-2024.	
CABCO 100, 101 & 102, Ground Floor, Plot No. 10, Sector 10, Phase I, Indira Park, New Delhi - 110 068.	
ORDER BY AUTO PARTS STORE -118 2001 WASHINGTON ST. INDIANAPOLIS IN 46222	EXTERIOR ELEVATIONS
	
SHEET NO. 1 OF 1 DATE 10-12-2024 DRAWN BY CHECKED BY	SCALE: 1/8" = 1'-0" A2.2.2

2026UV3011; Findings of Fact

FINDINGS OF FACT

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

The proposed use consists of a retail O'Reilly Auto Parts store within an existing commercial building and is compatible with the surrounding commercial corridor and adjacent retail uses. The project does not include automotive repair, body work, vehicle dismantling, or outdoor storage of inoperable vehicles. The use will operate in accordance with all applicable building, fire, and life safety requirements.

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 project is a reuse of an existing commercial retail building and will maintain the commercial character of the area. The proposed improvements include exterior façade updates that will enhance the appearance of the property. The proposed use is consistent with surrounding commercial development patterns and is not anticipated to generate impacts beyond those typical of retail commercial uses in the area.

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

The subject property is located within a C-4 (TOD) zoning district. While the primary C-4 district permits automobile repair-related uses, the TOD overlay only permits those uses on lots smaller than 0.5 acres. The overall subject property is over 2 acres, but our parcel is less than .5 acres. Based on the Ordinance definitions and prior administrative interpretations, the proposed O'Reilly Auto Parts use is classified as an automobile repair use due to the inclusion of automobile parts sales within that definition. The TOD overlay was also adopted after the site was originally developed, creating a unique zoning condition affecting reuse of the existing commercial property.

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

Strict application of the zoning ordinance would prevent reasonable reuse of an existing vacant commercial retail building for a use that is substantially similar in operational characteristics to surrounding commercial uses. Denial of the variance would limit the viable commercial reuse of the property despite the proposed use having minimal impact on adjacent properties and being consistent with the character of the surrounding corridor.

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

The proposed project is consistent with the existing commercial nature of the corridor and represents reinvestment into an existing developed commercial property. The project reuses existing infrastructure, maintains commercial activity within the area, and is compatible with the surrounding land uses and development pattern contemplated by the Comprehensive Plan.

2026UV3011; Photographs



Photo 1: Tenant bay in strip mall where O'Reilly Auto Parts proposes to locate. This was previously home to a Dollar General

2026UV3011; Photographs (continued)



Photo 2: View of strip mall to the west

2026UV3011; Photographs (continued)



Photo 3: Looking north from subject site. Reconstruction of Washington Street to support Blue Line Bus Rapid Transit can be seen in background.

2026UV3011; Photographs (continued)



Photo 4: Looking east from subject site

2026UV3011; Photographs (continued)



Photo 5: Reconstruction of Washington Street to support Blue Line Bus Rapid Transit can be seen in background.