

BOARD OF ZONING APPEALS DIVISION I

May 6, 2025

Case Number: 2025-UV1-005
Address: 2225 East 10th Street (approximate address)
Location: Center Township, Council District #13
Zoning: MU-1
Petitioner: 1800 BLOK LLC, by Paul J. Lambie
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor (not permitted) and two parking spaces provided (five required).

Current Land Use: Vacant Building

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued for cause from the April 1, 2025, hearing, to the May 6, 2025, hearing due to a lack of published notice.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to the following commitments:

1. The Variance grant shall be subject to the Site plan, file-dated February 20, 2025.
2. The Variance grant shall be subject to the Plan of operation, file-dated February 20, 2025.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ The requested variance of use would provide for a tattoo parlor in the existing commercial building. Tattoo Parlors are permitted by right in the C-4, C-5, and C-7 districts, with a 1,000-foot separation from any protected district, or with a Special Exception in the C-3, MU-3, or MU-4 districts, with a 500-foot separation from any protected district.
- ◇ The proposed use would be located in a commercial corridor directly across the alley from a MU-2 district, and an abutting protected district to the north across East 10th Street. Tattoo parlors, if not properly operated can impact the public health and safety of customers and the general public. It is important to note that tattoo parlors generate infectious waste, which must be properly treated, stored, and disposed.

- ◇ A plan of operation has been submitted that limits the hours of operation by appointment only from 11:00am to 7:00pm Tuesday – Saturday. A site plan has also been submitted that limits the operation to the existing building. Staff believes these commitments would limit the scope of operation, and its intensity, providing for the requested use to be an acceptable use at this location despite the non-permitted zoning district. Therefore, Staff is requesting that approval of this petition shall be subject to the plan of operation and the site plan as commitments.
- ◇ In Staff's opinion, the proposed tattoo parlor would not be dissimilar from other professional services permitted in the surrounding districts. The process of creating a tattoo requires time, ensuring that turnover at the subject site would be limited. Additionally, Staff would also note that the limitations within the plan of operation, including hours of operation, would further reduce the number of customers using the service at any one time.

TATOO PARLOR REGULATION

- ◇ Tattoo parlors are regulated by Title 16, Article 19, Chapter 3, Section 4.1 of the Indiana Code (IC 16-19-3-4.1), which directs the State Department of Health to establish rules related to tattoo parlors, resulting in the adoption of Title 410 of the Indiana Administrative Code, Article 1, Rule 5 (410 IAC 1-5, Sanitary Operation of Tattoo Parlors). These rules also apply to body piercing facilities.
- ◇ The Marion County Health Department (MCHD) in Chapter 19, Article Seven, of the Marion County Health and Hospital Code (19-701 to 19-712) requires tattoo parlors to be licensed, with annual renewals. Disinfection and sterilization equipment must be tested by an approved independent laboratory on a monthly basis. The MCHD has the authority to close a facility or suspend a license if tests results are not submitted in a timely manner, if proper hand-washing facilities are not provided at each station or if general conditions of the operation present an imminent threat to public health or transmission of communicable disease.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The requested variance of development standards would provide for two on street parking spaces, where a minimum of five parking spaces is required.
- ◇ The very small building size at 149 square feet, is limited in the amount of traffic it would generate, with no more than 2-3 individuals at a time maximum due to limited inside space.
- ◇ The subject site is also on a well-travelled bus line, that can provide access to the site without the need for a parking space if the need arises or the clients choose to do so.
- ◇ Therefore, given the close proximity of other public on street parking, and similarly developed properties, staff does not believe this reduction in parking would be a significant deviation from the Ordinance or negatively impact the character of development within the surrounding area, and would therefore, be supportable.

GENERAL INFORMATION

Existing Zoning	MU-1	
Existing Land Use	Vacant building	
Comprehensive Plan	Village Mixed Use	
Surrounding Context	Zoning	Surrounding Context
North:	SU-38	Community Center
South:	MU-1	Undeveloped
East:	MU-1	Undeveloped
West:	MU-2	Multi-family dwellings
Thoroughfare Plan		
East 10 th Street	Primary Arterial	56-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan - updated	February 20, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	February 20, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends the Village Mixed Use typology that creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street.
- Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

2009-UV1-017; 2210, 2236 and 2302 East 10th Street (north of site), requested a variance of use of the Special Districts Zoning Ordinance to provide for a restaurant and caterer with outdoor seating as a primary use within a tenant space of a community center, and to provide for all C-1 and C-3 uses, **granted**.

2009-HOV-014; 2201 East 10th Street (west of site), requested a variance of development standards to provide for nineteen off-street parking spaces, **granted**.

2008-ZON-858/2008-VAR-858; 2201 East 10th Street (west of site), requested the rezoning of 0.358 acre, from the C-2 and D-4 Districts to the C-3C classification to provide for corridor commercial uses, **granted**.

requested a variance of Development Standards of the Commercial Zoning Ordinance to provide for:

- a) a 12,940-square foot building addition with a 26.083-foot front setback from the centerline of East 10th Street (minimum 70-foot front setback from centerline required) and a 4.167-foot front setback from the existing right-of-way of Jefferson Avenue (minimum ten-foot front setback required), within the clear-sight triangle (not permitted),
- b) a fence or wall within the clear-sight triangle (not permitted) on the north side of the proposed driveway,
- c) being 45 feet tall (maximum 35-foot height permitted),
- d) with twenty off-street parking spaces (minimum 35 parking spaces required),
- e) parking and a transformer with a five-foot setback and a trash enclosure with a fourteen-foot setback within the required 20-foot south side transitional yard (not permitted),
- f) parking with a seven-foot setback within the required twenty-foot front transitional yard along Jefferson Street (not permitted) at the southwest corner of the site,
- g) a transformer and portion of a trash enclosure with two-foot east side setbacks within the required ten-foot east side transitional yard (not permitted) at the southeast corner of the site, **granted**.

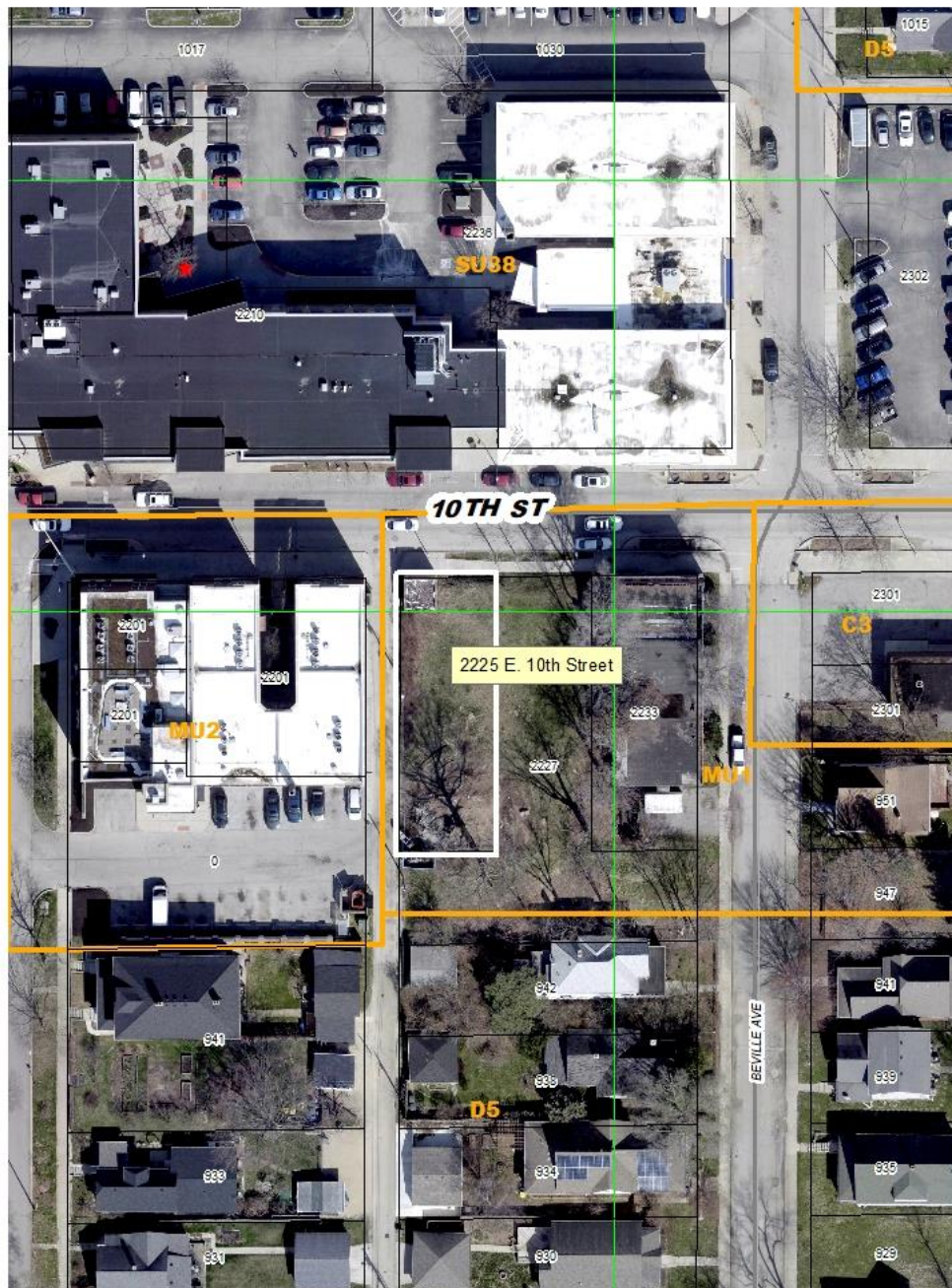
2004-ZON-145; 2210-2302 East 10th Street, 1017 Jefferson Avenue, and 1042 Beville Avenue (north of site), requested a rezoning of 1.99 acres, being in the D-5 and C-2 Districts, to the SU-38 classification, to provide for the expansion of a community center, **approved**.

2003-UV2-037; 958 North Beville Avenue (east of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish the retail sales of motorcycle parts and motorcycle repair, **granted**.

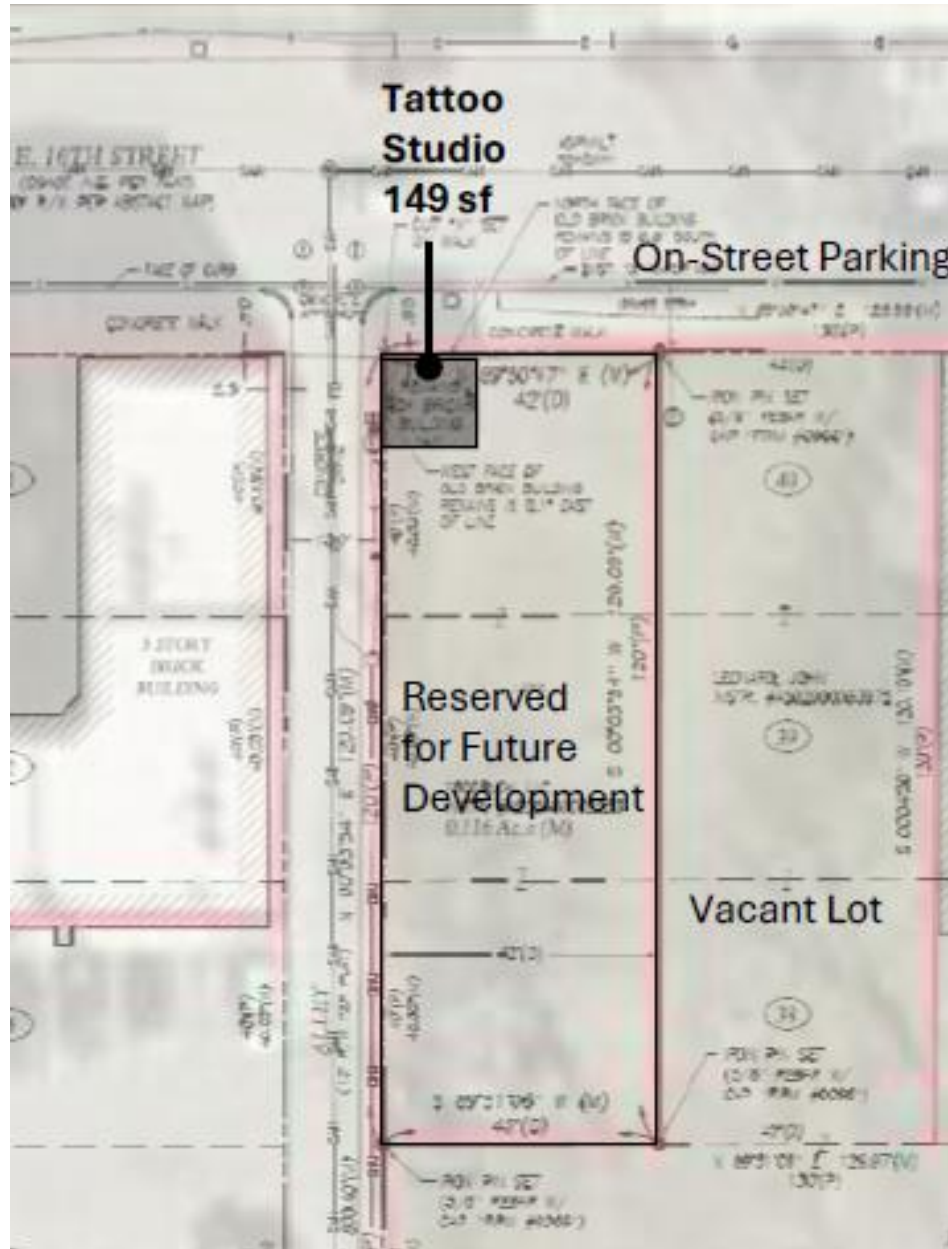
RU

EXHIBITS

Location Map



Site Plan (File-dated February 20, 2025)



Plan of Operation (File-dated February 20, 2025)

Plan of Operation

Business Name: Wing and Wheel Tattoo

Address: 2225 East 10th St., Indianapolis, Indiana

Owner: Dustin Leach

Contact: 317-657-8954 | wingandwheeltattoo@gmail.com

Hours of Operation: Appointment Only (Tuesday – Saturday) 11:00-7:00

1. Business Overview

Wing and Wheel Tattoo is a professional tattoo studio committed to providing high- quality, custom tattoos in a clean, safe, and welcoming environment. Owned and operated by Dustin Leach, a seasoned tattoo artist with 15 years of experience, the studio upholds the highest artistic and professional standards. Dustin also owns Great Day Tattoo in Irvington, a thriving and well-established shop, showcasing his expertise and dedication to the craft. Our artists specialize in various styles, ensuring each client receives unique, meaningful, and expertly executed body art.

The studio will function with impacts similar to nearby existing shops at:

204 South Audubon Road (Great Day Tattoo operated by Dustin Leach), and at

961 North Highland Avenue (Abysm Art Collective), which are zoned C-3 and MU-1 respectively and have received use variances to operate (2020-VHP-022 & 2022-VHP-006).

2. Services Offered

- Custom Tattoo Design
- Black & Grey Tattoos
- Color Tattoos
- Traditional, Neo-Traditional, Realism, and Fine Line Work
- Cover-Ups and Touch-Ups
- Consultations (In-Person & Virtual)

3. Daily Operations

Opening Procedures (Before First Appointment)

- Staff arrives and preps workstations.
- Clean and disinfect all tattooing areas.
- Ensure all supplies are stocked (ink, needles, gloves, etc.).
- Review daily appointments and confirm bookings.

Business Hours (Appointment Only, Tuesday – Saturday)

- Only pre-booked appointments will be accepted. No walk-ins.
- Artists conduct consultations and complete tattoo sessions.
- Maintain cleanliness and sanitation between clients.
- Ensure proper documentation (consent forms, aftercare instructions).

Closing Procedures (After Last Appointment)

- Sanitize all workstations and equipment.
- Dispose of used materials following health regulations.
- Check supply inventory and restock as needed.
- Secure shop and set alarms.

4. Health & Safety Compliance

- All artists follow state health department regulations.
- Use of single-use needles and disposable gloves for each client.
- Thorough sanitization of equipment and workstations after each session.
- Clients must complete consent and health disclosure forms before tattooing.
- Aftercare instructions provided to all clients.
- All employees are trained and certified in bloodborne pathogens and first aid to maintain a safe environment.

5. Staffing & Roles

- Owner/Lead Artist (Dustin Leach): Oversees operations, tattoos clients, and manages shop logistics.
- Tattoo Artist (Employee): Provides tattoo services, maintains hygiene standards, and assists with customer consultations.

6. Customer Policies

- Appointments Only: All tattoo sessions require an appointment. Clients can book via phone, email, or in person. Walk-ins will not be accepted.
- Deposits & Cancellations: A deposit is required to secure an appointment. Cancellations must be made with at least 48 hours' notice to reschedule.
- Age Requirements: Clients must be 18+ with a valid ID. No minors are permitted for tattoo services.
- Behavior Policy: Respectful behavior is required from all clients. The studio reserves the right to refuse service to anyone who does not adhere to shop policies.

7. Marketing & Promotion

- Active social media presence (Instagram, Facebook, etc.).
- Participation in local tattoo conventions and events.
- Customer referral programs and promotions to build clientele.

8. Parking & Accessibility

- Parking is available in front of the building alongside Tenth Street.
- The shop is accessible by bike, car, and public transportation.

9. Materials & Waste Management

Materials Used

- Single-use disposable tattoo supplies (tubes, needles, gloves)
- Sterilization and cleaning supplies (MataCide, sterilized water, soaps, protective barriers, saran wrap)
- Tattoo inks and transfer paper
- Office supplies for scheduling and record-keeping

Waste Disposal

- Biohazard waste (needles, tubes, gloves) is disposed of quarterly through Stericycle.
- Recycling is implemented whenever possible.
- General waste is properly contained and disposed of according to city regulations.

10. Shipping & Receiving

- Supplies and materials will be delivered via USPS and major carriers.
- Deliveries will be received at the front door during business hours, with a typical frequency of 2-3 times per week.

11. Emergency Procedures

- First-aid kit available for minor injuries.
- Contact emergency services if needed.
- Follow health department guidelines for incidents.



Findings of Fact

Petition Number

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

parking needs for a 144-square foot building will be minimal and ample on-street parking is available on 10th Street.

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:

parking needs for a 144-square foot building will be minimal and ample on-street parking is available on 10th Street.

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

the minimum requirement of five spaces that would mandate the same size off-street parking area for any building up to 1,750 square feet would result in a surface parking lot many times larger than the building itself which would not be regularly used and would preclude future development of the remainder of the lot. It should also be noted that if approval is granted to reuse this decades vacant building, it is anticipated that this parcel will be re-platted into two parcels and the resulting parcel will contain less than 5,000 square feet of lot area and would then be exempt from providing any off-street parking spaces.

--

DECISION

Photographs



Photo of subject site, looking south.



Photo of two on street parking spaces, looking east.



Photo of adjacent mixed-use to the west, looking south.



Photo of adjacent community center to the north, looking northwest.