

**BOARD OF ZONING APPEALS DIVISION III**

**May 20, 2025**

**Case Number:** 2025-DV3-014

**Property Address:** 6411 East 82<sup>nd</sup> Street (*approximate address*)

**Location:** Lawrence Township, Council District #4

**Petitioner:** 7Venture, Inc., by Timothy Ochs & Jennifer Milliken

**Current Zoning:** C-4 / C-S

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eating establishing with seven parking spaces provided (maximum five permitted) and with one stacking space within the front yard of 82<sup>nd</sup> Street (not permitted).

**Current Land Use:** Commercial

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

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- 6411 East 82<sup>nd</sup> Street is a parcel at the intersection of 82<sup>nd</sup> Street and a portion of Center Run Drive that is private frontage. It is currently developed with a vacant commercial structure that most recently housed a tire shop. Surrounding land uses include a quick-change oil facility to the east, a vacant restaurant structure to the west, 82<sup>nd</sup> Street to the north, and a multi-use office, commercial and industrial park to the south (a small portion of the subject site is zoned C-S in relation to the southern development, but most of the property is zoned C-4).
- ILP25-00144 was applied for earlier this year to allow for development of a drive-through coffee restaurant with accessory freezer and dumpster that would replace the existing vacant structure. The primary structure would have an area of 510 square feet and would be supported by seven (7) vehicle parking spaces to the west of the structure as well as stacking spaces predominantly within the eastern side yard. The stacking spaces would be screened from view on 82<sup>nd</sup> Street by frontage landscaping and would also have access to a bypass aisle per Ordinance requirements.

- As proposed, the parking layout proposed under ILP25-00144 would require two Variances of Development Standards to be legally established. The first variance involves the number of proposed parking spaces. Since parking maximums for this use category are based on the size of the primary building housing the use, the 510 square feet of area would allow for a maximum of five (5) accessory parking spaces for the use. The second variance relates to the placement of stacking spaces. Table 744-406-1 requires placement of two stacking spaces at the *exit* of each service unit/drive-through window, and while the space at the window itself would qualify as one of these two, the second would technically be within the front yard of 82<sup>nd</sup> Street (not permitted).
- The Marion County Land Use Plan Pattern Book recommend the majority of site to the Heavy Commercial working typology to allow for commercial uses that are typically incompatible with less intensive land uses. This recommendation does not appear to align with surrounding land use patterns or Comprehensive Plan guidance for development, and the proposed use and context appears to be a closer match for the Community Commercial typology. The northern portion of the site is recommended for Linear Park land uses in anticipation of development of the Northtown Trail which would potentially run along the southern portion of 82<sup>nd</sup> Street.
- Findings of Fact provided by the applicant indicate that surrounding business (as well as uses typical to the C-4 zoning) have more than seven (7) accessory parking spaces and that this total would be needed to allow for adequate employee parking. Staff feels that both proposed variances are minor deviations from ordinance requirements, and that the ability would also exist to administratively approve reductions of required stacking spaces in a manner that would obviate the need for the second variance. Additionally, the drive-through area is well-screened from the primary 82<sup>nd</sup> Street frontage and that circulation and maneuvering at the site would likely not be impeded by the proposed layout. For these reasons, staff recommends approval of the variance.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-4 / C-S	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Heavy Commercial / Linear Park	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-4	North: Commercial
South:	C-S	South: Commercial
East:	C-4	East: Commercial
West:	C-S	West: Commercial
<b>Thoroughfare Plan</b>		
82 <sup>nd</sup> Street	Primary Arterial	150-foot existing right-of-way and 134-foot proposed right-of-way
Center Run Drive	Primary Collector	56-foot existing right-of-way and 102-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	

Overlay	No
Wellfield Protection Area	No
Site Plan	04/22/25
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	04/22/2025
Findings of Fact	04/22/2025
Findings of Fact (Amended)	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Heavy Commercial working typology which provides for consumer-oriented commercial and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses (i.e. exterior operations and sales for vehicles or lumber).
- The northern portion of the site is bordered by a strip of land recommended for Linear Park uses. This land use category is intended for public or private property designated for active or passive recreation and is primarily used for the passage of people or wildlife (i.e. greenways, trails, etc.)

### 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.

## ZONING HISTORY

### ZONING HISTORY – SITE

**84-HOV-2**, variance of development standards to provide for an existing pole sign to be relocated and recognized as a non-integrated center sign, **approved**.

### ZONING HISTORY – VICINITY

**2023DV3046 ; 6415 E 82<sup>nd</sup> Street (east of site)**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a quick service oil change facility with a drive-through that faces a public right-of-way greater than 30-foot wide (not permitted) with five parking spaces provided (six required), **withdrawn**.

**2022DV3048 ; 6303 E 82<sup>nd</sup> Street (west of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dumpster within the front yard of Knue Road (not permitted), **approved**.

**2013UV1012 ; 6457 E 82<sup>nd</sup> Street (east of site)**, Variance of use of the Commercial Zoning Ordinance to provide for an automotive glass, installation, replacement and repair company (not permitted), **approved**.

**2006DV3035 ; 6520 E 82<sup>nd</sup> Street (northeast of site)**, variance of development standards of the Commercial Zoning Ordinance to provide for the construction of restaurant drive-through with one stacking space after the final component of the drive-through (minimum two stacking spaces required), **approved**.

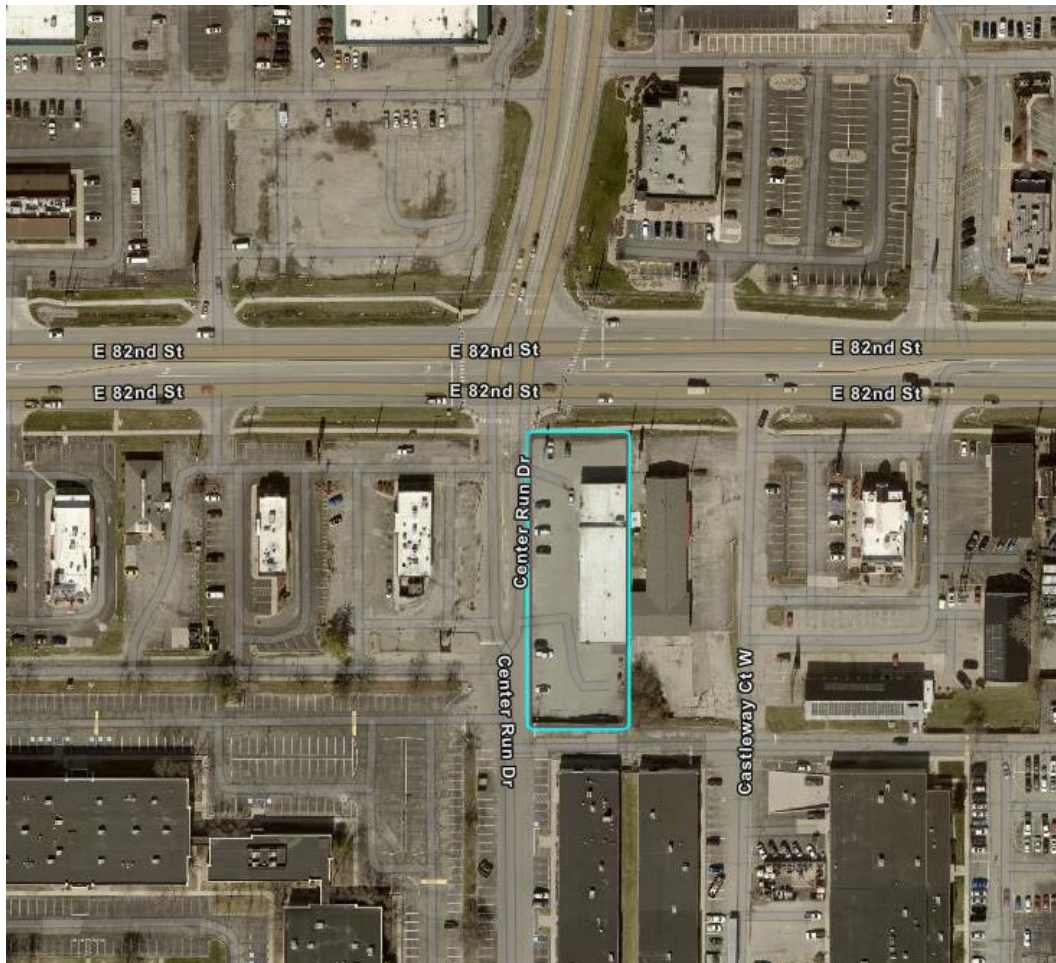
**2002UV2006 ; 6520 E 82<sup>nd</sup> Street (northeast of site)**, variance of use of the Commercial Zoning Ordinance to provide for automobile rental and parking (not permitted), **approved**.

**2001ZON817 ; 6081 E 82<sup>nd</sup> Street (south of site)**, rezone 122.13 acres from C-3, C-4, C-7, and I-2-S to C-S to provide for the development and redevelopment of an office-commercial-industrial park, **approved**.

**2000DV2042 ; 8050 Castleway Drive (southeast of site)**, variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a 372.6-square foot building addition and loading dock, with a 13-foot side yard setback (minimum 30-foot side yard setback required) and the loading space and maneuvering area located in front of the established building line (loading spaces and maneuvering area not permitted in front of the established building line), **approved**.

## EXHIBITS

### 2025DV3014 ; Aerial Map



### 2025DV3014 ; Findings of Fact

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

While the seven (7) parking spaces shown in the site plan exceeds the maximum allowed by ordinance, this is still far fewer spaces than most uses in the area.

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:

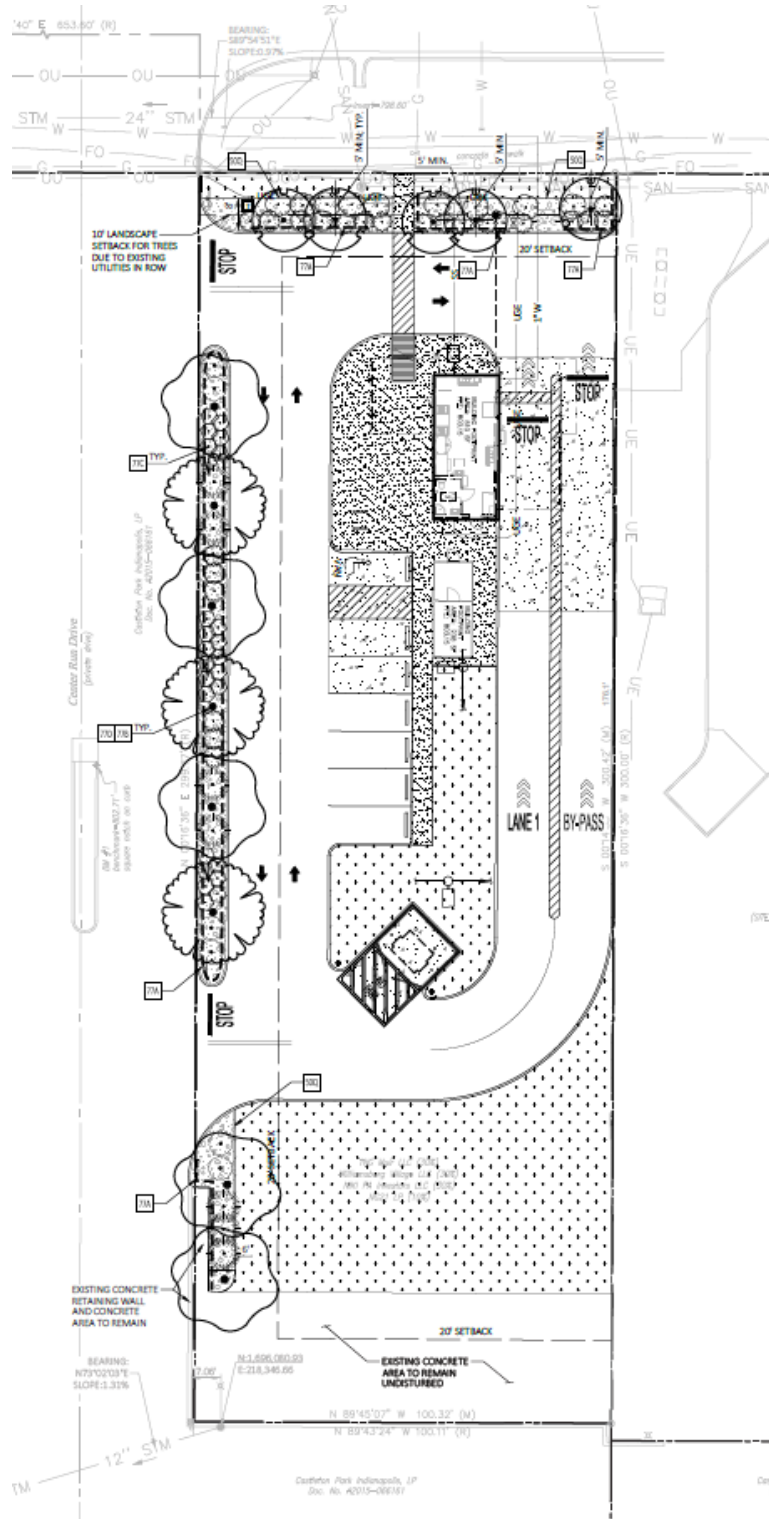
The number of parking spaces provided (7) is well below what is typical in the C4 district in which the project is located.

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

The petitioner requires a minimum of seven spaces (6 standard + 1 ADA) to accommodate the number of employees working on their busiest shift.



**2025DV3014 ; Site/Landscape Plan**



**2025DV3014 ; Photographs**



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from West

**2025DV3014 ; Photographs (continued)**



Photo 3: Existing Building from Northwest



Photo 4: Existing Building from South



**2025DV3014 ; Photographs (continued)**



Photo 5: Existing Vehicle Access at Northwest of Site



Photo 6: Existing Vehicle Access at Southwest of Site

**2025DV3014 ; Photographs (continued)**



Photo 7: Adjacent Property to East



Photo 8: Adjacent Property to West



**2025DV3014 ; Photographs (continued)**



Photo 9: Adjacent Property to North



Photo 10: Adjacent Property to South