



BOARD OF ZONING APPEALS DIVISION III

November 25, 2025

Case Number: 2025-UV3-033
Address: 5900 South East Street (approximate address)
Location: Perry Township, Council District #22
Zoning: C-1 / D-A
Petitioner: David & Melissa Stehlik, by Rachael Sloop and Eric Prime
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an expansion of a musical instrument manufacturing and repair facility, subject to the filed site plan and plan of operation (not permitted).

Current Land Use: Musical instrument manufacturing and repair facility

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to the following two (2) commitments:

1. All development shall be in compliance with the Site Plan, file-dated August 27, 2025, and the plan of Operation, file dated August 5, 2025.
2. The conditions for Petition 96-UV1-117 shall be terminated.

PETITION OVERVIEW

HISTORY

- ◇ On October 8, 1996, petition 96-UV1-117, was granted approval for a Variance of Use to provide for the remodeling of existing buildings and the construction of a 24.6 by 24.6-foot building addition for the handcrafting of musical instruments. Approval was subject to the following two conditions:
 1. All development shall be in compliance with the plans, file-dated August 16, 1996, and the plan of Operation, file dated September 25, 1996.
 2. The maximum number of employees on the site at any time shall not exceed eight.

VARIANCE OF USE REQUEST

- ◇ The petitioner requests to update the previous variance of use petition with a new site plan, to allow a 240 square foot building addition for indoor storage purposes.

- ◇ The proposed use would continue to remain the same as previously permitted under 96-UV1-117. The proposed building addition would change the previously approved site plan file-dated August 16, 1996, with a 240-square foot addition.
- ◇ The updated proposed operations would reduce the number of employees on site and would be similar to a home-based occupation as permitted under the current Ordinance, other than the permitted use size, in that all operations would occur inside the previous permitted building, including the requested addition.
- ◇ While there will be no change to the use, the grant of the variance will increase the size of the building. Staff finds that this building increase should not have an effect on surrounding property owners, or the original variance. Therefore, Staff does recommend approval of the request.

GENERAL INFORMATION

Existing Zoning	C-1 / D-A	
Existing Land Use	Single-Family Dwelling / Musical instrument facility	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Surrounding Context
	North: SU-1	Religious Use
	South: D-A	Undeveloped
	East: D-1	Veterinary Clinic
	West: D-A	Single-Family Dwellings
Thoroughfare Plan		
South East Street	Primary Arterial	115-foot existing right-of-way and 134-foot proposed right-of-way
Context Area	Metro Area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	N/A	
Site Plan	August 27, 2025	
Plan of Operation	August 5, 2025	
Landscape Plan	N/A	
Findings of Fact - Amended	November 18, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Office Commercial uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Office Commercial typology which provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

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

96-UV1-117; 5900 South East Street (subject site), requested a Variance of Use to provide for the remodel of existing buildings and the construction of a 24.6x24.6-foot building addition for the handcrafting of musical instruments, **granted**.

70-Z-252; 5900 South East Street (subject site), requested the Rezoning of 1 .49 acres, being in the A-2 District, to the C-1 classification to provide for a doctor's office, **approved**.

2008-DV2-045; 5864 South East Street (north of site), requested a Variance of Development Standards to provide for twelve off-street parking spaces with a zero-foot front setback from the existing right-of-way of South East Street, **granted**.

92-2-46; 6047 South East Street (north of site), requested the Rezoning of 2.37 acres, being in the D-A District, to the SU-1 classification to provide for church related activities, **approved**.

78-UV1-113; 5960 South East Street (south of site), requested a Variance of Use of the A-2 zoning classification to permit the redevelopment of an existing service station, **approved**.

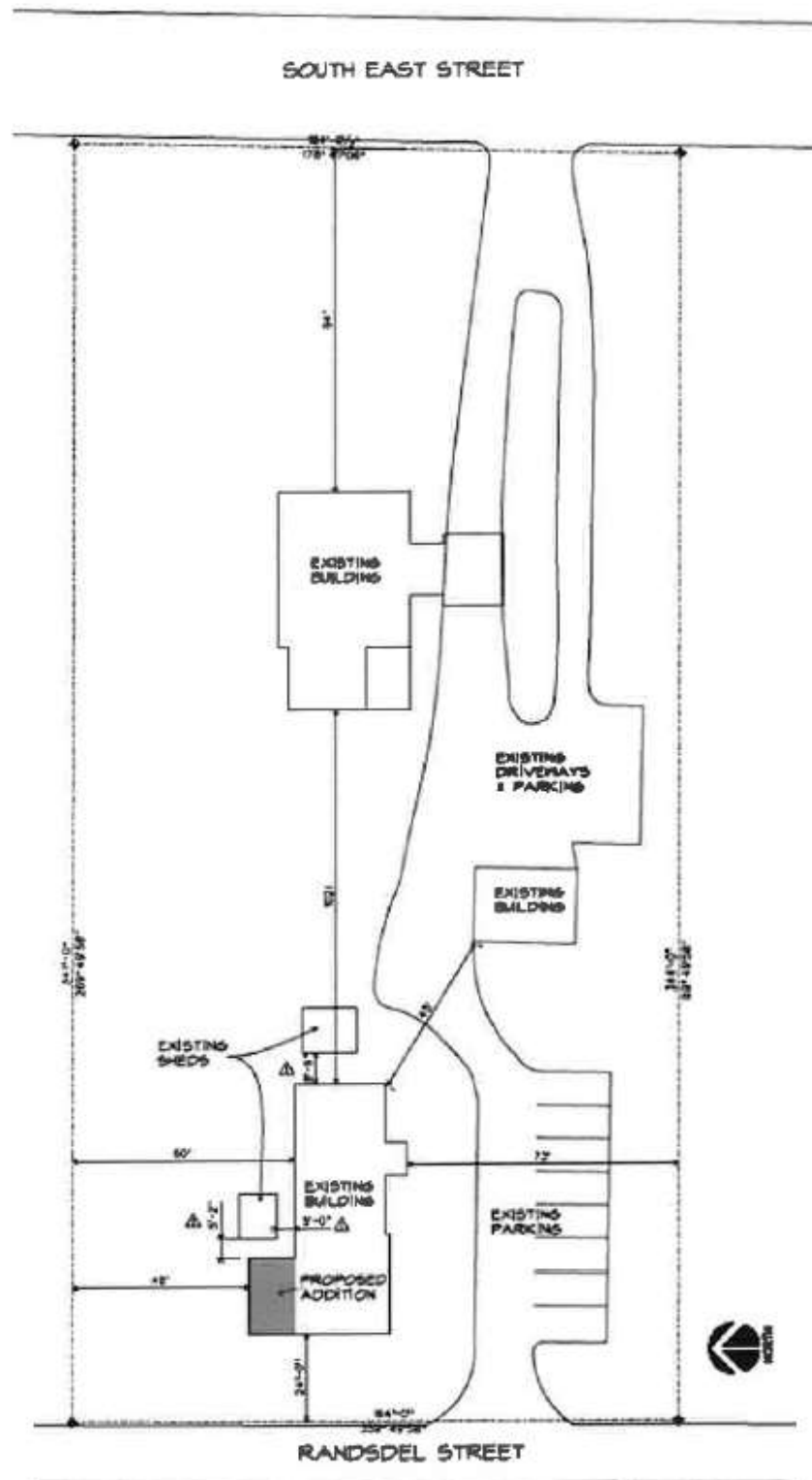
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EXHIBITS

Location Map



Site Plan



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Plan of Operation file-dated August 5, 2025

Straubinger Flutes Variance request Plan of Operation, August 5th, 2025

- The business will need to add an addition to existing building for storage space.
- The additional storage space will be constructed per original addition to contain any undue noise from the business.
- The hours of operation will remain from 9:00 am to 5:30 pm
- The company only has one full-time employee, Joel Straubinger. The owner/President is David Straubinger. All others are offsite contract people with the exception of two, whom facilitate cutting and shipping parts as needed to the offsite people and customers.
- There will be no additional signs added to identify the business.
- The majority of the customer business will still be conducted via U,S, mail, email, and phone, and fax.
- Shipping and receiving materials and instruments will continue as it has in the past.



Findings of Fact

Petition Number 2025-UV3-033

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The approval of this request will not affect the public health, safety, morals, and general welfare of the community because the Real Estate has been utilized for the purpose of handcrafting musical instruments for almost 30 years. The original Plan of Operation for the business, Straubinger Flutes, Inc. (the "Company"), remains largely unchanged since the original Use Variance was approved in 1996. No adverse environmental impacts have occurred and are not anticipated with the proposed use of the Real Estate. The business will not generate any odors or smoke and does not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or person.

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 Real Estate has been utilized for the purpose of handcrafting musical instruments for almost 30 years. The use and value of the area adjacent to the Real Estate has not been affected in a substantially adverse manner since the original Use Variance was approved. The addition of an attached storage area 240 square feet in size will not create a more intense use.

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

Upon petitioning for the Use Variance for the Real Estate in 1996, Petitioner did not adequately anticipate and provide for the future growth of the Company. The 1996 petition was approved as to a specific set of site development and construction plans. The Proposed storage area was not incorporated into those plans therefore, Petitioner must seek an additional use variance for the Real Estate.

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 use of the Real Estate by the Company is currently permitted pursuant to a use variance approved in 1996. The use of the Real Estate for the purpose of handcrafting musical instruments is a very specialized and unique use which is not and likely has never been an anticipated use outlined in the use tables within the prior zoning ordinances. Petitioners desire to add an attached storage area to the previously approved existing structure. Since the use variance was approved based on a specific set of site development and construction plans, the proposed addition requires approval of a new use variance. If Petitioner is unable to expand at the existing location, economic opportunities would be limited, and they may be forced to move. After 30 years in the same location, a move would be very disruptive and expensive.

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

The comprehensive plan provides for a future land use preference for the Real Estate of office/commercial; therefore, Petitioners intended, and long-standing use does not interfere.

Photographs



Subject site, looking northeast.



Subject site proposed building addition area, looking east.