



BOARD OF ZONING APPEALS DIVISION III

November 25, 2025

Case Number: 2025-UV3-034
Address: 1147 East Troy Avenue (approximate address)
Location: Perry Township, Council District #19
Zoning: C-5 (TOD)
Petitioner: ARA Investments LLC, by Raymond A. Basile
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of two shipping containers for permanent storage (not permitted).

Current Land Use: Automobile, Motorcycle, and Light Vehicle Sales or Rental

Staff Recommendation: Staff recommends Denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this amended petition.

PETITION OVERVIEW

- ◇ The two (2) portable shipping containers located on the subject site are not considered as or intended to be used as permanent storage buildings. Shipping containers, by definition, are commercial vehicles. Permanent accessory structures which are built and have a commercial building form, are regulated by the Commercial Building Code, where portable shipping containers do not.
- ◇ Although the proposed portable storage containers meet the needs of the existing commercial use, staff has concerns if this petition were to be approved, that the use of portable shipping containers for accessory storage could potentially expand on other surrounding lots based on the availability of land.
- ◇ Additional storage could be provided through a permitted accessory structure, such as a stick built or manufactured building that conforms to the Commercial Building Code, without the need for a Use Variance.

- ◇ The strict application of the terms of the Zoning Ordinance does not constitute a practical difficulty for the property, since the site is zoned C-5 and could be used by any number of uses permitted, by right, in the C-5 zoning classification without any variances. The need for the additional storage is self-imposed and could be addressed without a variance, by constructing an addition to the existing building, or using zoning compliant accessory structures. Any practical difficulty is self-imposed by the petitioner's desire to choose to not follow the ordinance and use the site with two portable shipping containers as storage buildings.

GENERAL INFORMATION

Existing Zoning	C-5										
Existing Land Use	Automobile, Motorcycle, and Light Vehicle Sales or Rental										
Comprehensive Plan	Village Mixed Use										
Surrounding Context	<table> <tr> <th><u>Zoning</u></th><th><u>Surrounding Context</u></th></tr> <tr> <td>North: C-5</td><td>Commercial Automobile Sales</td></tr> <tr> <td>South: D-5</td><td>Single Family Dwellings</td></tr> <tr> <td>East: C-5</td><td>Commercial Automobile Sales / Automotive Fueling Station</td></tr> <tr> <td>West: C-5</td><td>Commercial Restaurant</td></tr> </table>	<u>Zoning</u>	<u>Surrounding Context</u>	North: C-5	Commercial Automobile Sales	South: D-5	Single Family Dwellings	East: C-5	Commercial Automobile Sales / Automotive Fueling Station	West: C-5	Commercial Restaurant
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North: C-5	Commercial Automobile Sales										
South: D-5	Single Family Dwellings										
East: C-5	Commercial Automobile Sales / Automotive Fueling Station										
West: C-5	Commercial Restaurant										
Thoroughfare Plan											
East Troy Avenue	Primary Arterial 50-foot existing right-of-way and 78-foot proposed right-of-way										
Context Area	Compact area										
Floodway / Floodway Fringe	N/A										
Overlay	Red Line TOD										
Wellfield Protection Area	N/A										
Site Plan	September 25, 2025										
Landscape Plan	N/A										
Findings of Fact	September 25, 2025										

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Village Mixed Uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Village Mixed Use typology 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

- The subject site is within the (Red Line) Transit Oriented Development Secondary District.
- The Transit Oriented Development Secondary District is established on all lots, wholly or partially, within 1,000' from centerline of a Bus Rapid Transit (BRT) Line. 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. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:
 - Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
 - Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
 - Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
 - Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

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

2025-UV3-025; 3005 Carson Avenue (east of site), requested a Variance of Use and Development Standards to provide for the erection of a monument sign and canopy sign, both containing digital display within 100 feet and 40 feet from a protected district, respectively, with the monument sign maintaining a 2.5-foot setback from Troy Avenue, **granted**.

98-DV1-5; 1202 East Troy Avenue (north of site), requested a Variance of Development Standards of the Sign Regulations to provide for the placement of an illuminated pylon sign with a reader board, being nine-feet in height, and being five by ten feet in size, **granted**.

85-UV1-120; 1147 East Troy Avenue (subject site), requested a Variance of Use to provide for a mobile trailer to be used as an office for an existing auto sales lot, **granted for one year, expiring November 5, 1986**.

84-UV1-119; 2958 Carson Avenue (north of site), requested a Variance of Use to provide for a 14 x 39-foot addition to an existing manufacturing facility, **granted**.

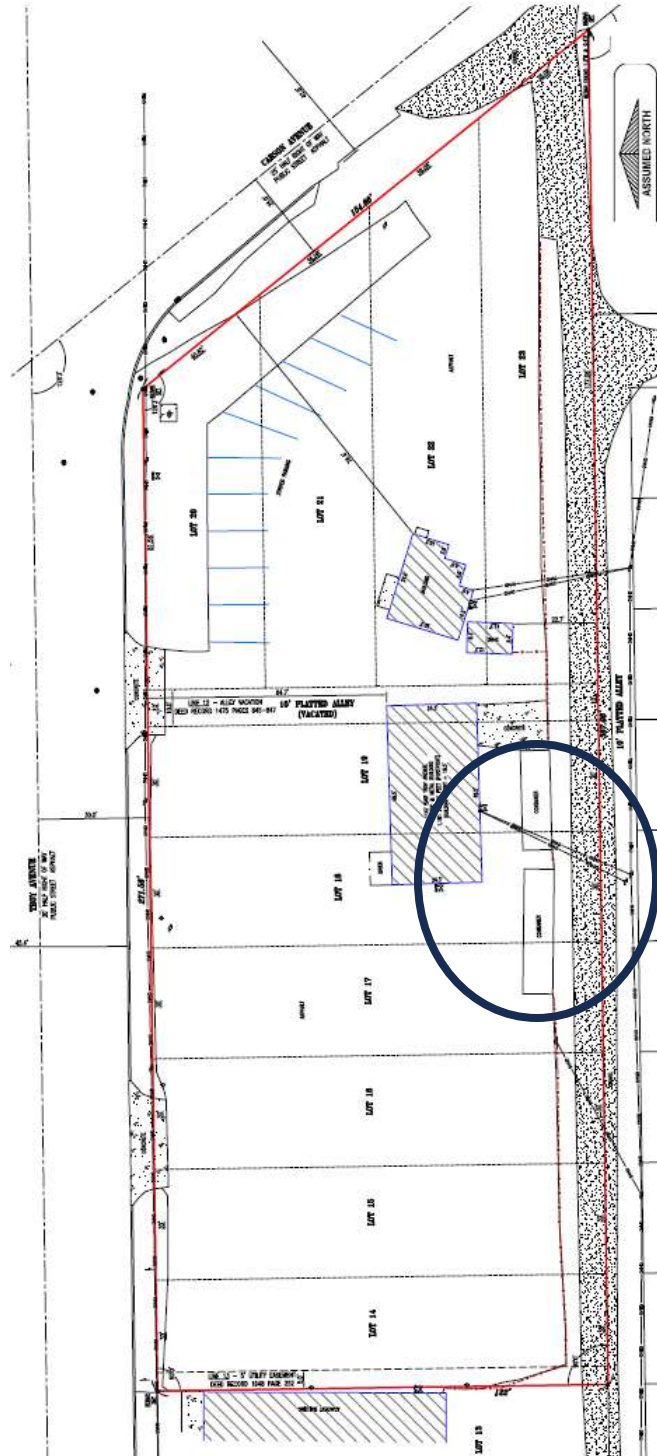
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EXHIBITS

Location Map Subject Site



Site Plan



Plan Of Operation

PLAN OF OPERATION

Operation of Exiting Used Automobile Sales Business

The petitioner is the owner of a C-5 zoned commercial real estate parcel which is leased to two separate used vehicle dealership tenants. The first tenant is Eclipse Auto Sales which operates on the western portion of the property. The business averages approximately 30-40 cars for sale on the parcel at any given time. There is one office building with 2-car garage.

A second automobile dealership is located on the eastern end of the parcel named Petromac Auto Sales which averages approximately 20 cars for sale at any given time. This second dealer utilizes one larger pole barn for detailing vehicles and one smaller barn for storage.

All of these buildings used by the dealerships are permitted and allowed on the property. There are also two connex storage containers located on the far south side of the property which is the subject of this petition.

At peak hours, there are typically two (2) employees on-site. Both dealerships open at 10:00 a.m. and Eclipse closes at 8:00 p.m., while Petromac typically closes at 5:00 p.m. There is ample lighting on and around the property for security at night as well as an alarm system for the buildings.

No hazardous chemicals are present or stored on the parcel with the exception of the gasoline within the fuel tanks of the vehicles awaiting sales.

Findings of Fact

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

**FINDINGS OF FACT FOR PETITION FOR
VARIANCE OF DEVELOPMENT AT 1147 E. TROY AVENUE**

General Welfare: The grant will not be injurious to the public health, safety, morals and general welfare of the community. The petition seeks only for approval to continue using two 40' x 8' connex storage containers on the property that have been in place for at least 20 years without complaint from any neighbors or the City of Indianapolis. The containers are not rusty and are in good condition. They are located on the far south side of the property, partially obscured from Troy Avenue by the used cars and existing buildings. Moreover, there is a 6' privacy fence on the far south boundary of the property that obscures the storage containers from the homes to the south except for their very top edges.

Typically, the only items stored in the containers are car parts that will be used in the future to make the used vehicles more presentable for sale. No hazardous chemicals or other items that could contaminate the ground or air are ever stored in the containers. They are silent and create no noise or light pollution. Finally, they do not attract crime. In the years since the current owner has owned the property, the containers have never been broken into or vandalized.

Use, Value and Compatibility: 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 these are only two clean, well-maintained connex containers that are painted to match the fence and building adjacent to it and blend in with the commercial/retail nature of the business and other structures located along Troy Avenue. They are obscured from vision both from Troy Road and the homes to the south. In fact, the presence and use of these containers enhances the visual appeal of the property as smaller items that might otherwise not be properly stored are neatly contained.

Need: The need for the variance arises from some condition peculiar to the property involved because of the size limitations of the parcel. In order to store and showcase sufficient vehicles to make the property economically viable, there is not sufficient room to build another permanent building which would displace vehicles. The blended connex storage trailers are critical to the operation of the business on this site.

Photographs



Subject site, looking southeast.



Subject site, looking south.



Existing storage container's location on site, along south side alley, looking east.



Existing storage container's location on site, along south side alley, looking west.



Adjacent single family residential, to the south of site and shipping containers.



Adjacent single family residential, to the south of site and shipping containers.