

BOARD OF ZONING APPEALS DIVISION I

October 06, 2026

Case Number: 2026UV1026
Property Address: 3434 Garden Ave
Location: Wayne Township, Council District #16
Petitioner: Pat Rooney
Current Zoning: D-5
Request: Variance of Use and Development Standards of the Consolidated Zoning Ordinance to permit vehicle repair in a D-5 zone (not permitted), 13-foot front corner setback on Garden Ave (20-foot required), seven-foot front corner setback on Tibbs Ave (20-foot required), seven-foot side setback (10-foot required).
Current Land Use: Residential
Staff Recommendations: TBD
Staff Reviewer: Adrienne Baker, Principal Planner I

PETITION HISTORY

Staff requests a **continuance** to the **November 10, 2026**, hearing to continue discussions with the petitioner.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Commercial	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	I-2	North: Industrial
South:	D-5	South: Residential
East:	I-3	East: Commercial
West:	D-5	West: Residential
Thoroughfare Plan		
Tibbs Ave	Primary Collector	Proposed ROW: 56 Existing ROW: 67
Garden Ave	Local Street	Proposed ROW: 48 Existing ROW: 48
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	

Wellfield Protection Area	No
Site Plan	August 10, 2026
Site Plan (Amended)	N/A
Elevations	August 10, 2026
Elevations (Amended)	N/A
Landscape Plan	August 10, 2026
Findings of Fact	August 10, 2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

Front Setback Exceptions: The minimum required front setback for a site may be reduced to the average setback derived from the established front setbacks of the nearest lot on each side of the site that is improved with an existing primary building facing the same street and is within 200 feet of the site. In the case of a corner lot, the average is derived from the established front setback of the nearest improved lot and the setback established by ordinance.

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

Fences incorporating barbed wire or razor-wire are prohibited except:

- When used to enclose livestock on a site where the primary property use is agricultural uses, buildings, or structures; or
- When used for public safety or security purposes for a public facility or correctional or penal institution.

All outdoor storage and operations within 500 feet of a protected district must be effectively contained by a chain link, solid, lattice or similar type fence or wall and gate. The height of such fence or wall shall be at least 6 feet and shall not exceed 10 feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the

provisions for landscaping and screening of required transitional yards. The storage of materials or products within the enclosure may not exceed the height of the fence.

Outdoor Storage, Heavy: The keeping of any goods, material, or merchandise outdoors and typically weighing more than 75 pounds for the long-term deposit (more than 24 hours) and does not meet the definition of Automobile and Vehicle Storage or Auction. This definition includes uses such as storage of heavy equipment; railroad equipment; rail yard and terminal; and utility pole yards and pipe yards.

- Outdoor storage and operations shall not be located in any transitional yard or edge buffering area or required landscape area.
- Maximum height of outdoor storage shall be 10 feet with solid screening required and no storage higher than the screening if located within 300 feet of a protected district in the Compact Context area.

Automobile, Motorcycle, and Light Vehicle Service or Repair: 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 conditioning equipment repair; automobile body 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.

Other Vehicle Sales, Rental, or Repair: Sales, rental, or repair of vehicles not included in Automobile, Motorcycle, and Light Vehicle Sales or Rental; or Truck or Heavy Vehicle Sales, Rental, or Repair. This definition includes uses such as boat dealers; recreational vehicle dealers; mobile home dealers, and manufactured home dealers. An inherent characteristic of this use is the outside display of vehicles offered for sale which is considered a primary facet of the use; as a primary use, this display must meet the development standards as a primary use and not the standards associated with an accessory use.

Truck or Heavy Vehicle Sales, Rental, or Repair: The storage, display, sale, lease, rental, or repair of new or used self-propelled vehicles, including trailer, truck, or bus rental; truck or bus rustproofing; truck or bus maintenance garage; and truck or bus dealer (of any load capacity). This definition does not include any use or activity included in the definition of other or light vehicle sales, rental, or repair. An inherent characteristic of this use is the outside display of vehicles offered for sale which is considered a primary facet of the use; as a primary use, this display must meet the development standards as a primary use and not the standards associated with an accessory use. All servicing, motor repair, or body repair shall be conducted within an enclosed building.

Pattern Book / Land Use Plan

The Light Industrial typology provides for industrial; production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.

Development should be supportive of pedestrian activity (e.g., compact, connected to a pedestrian system, no more than one third of the frontage used for parking.) Only small-scale light industrial uses are appropriate in this overlay.

Light Industrial Uses should be removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

- **Heavy Commercial Uses** should be removed as a recommended land use where they would be adjacent to a living typology.
- The **Heavy Commercial** typology provides for consumer-oriented general commercial and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of goods. Examples include vehicle sales and commercial lumber yards.

The **Heavy Industrial** typology provides for industrial; production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common.

- **Heavy Industrial Uses** should be removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

Environmental Equity: Some uses, such as light and heavy industrial uses, are never appropriate in a neighborhood setting. Like many cities across the nation, Indianapolis has a history of disproportionate burden of environmental hazards in low-income and minority neighborhoods. Hazardous uses should never be located in proximity to residential areas, regardless of race or income.

Compatibility between land uses is key to maintaining stable property values and resilient neighborhoods. Compatibility should be considered at the typology level, where transitions in scale and character between typologies should happen gradually rather than abruptly. It should also be considered parcel by parcel, where uses integrated into residential neighborhoods should respect the existing scale and character of the built environment. Uses that create a higher level of disturbance (such as loading zones or pick-up/drop-off areas) should include buffers along their perimeter.

Development should always be **sensitive to its context** and respond with similar development patterns and appropriate transitions in scale and intensity.

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

Zoning History – Site

76-UV2-129; 3434 Garden Ave; Request for variance of use and Development Standards to permit erection of a building for repair of autos and trucks, with sign on building, as per plans filed, off-street parking provided; **approved**, provided that final site plans be submitted to the Administrator of the Division of Planning and Zoning for approval prior to the issuance of an Improvement Location Permit, with landscaping along Tibbs Avenue shown. Unless an Improvement Location Permit is obtained within one year this variance is void.

Zoning History – Vicinity

98-Z-93; 3306 W St Clair St; The present zoning of the five lots fronting St. Clair Street is I2U (Light Industrial Urban District) and of the two lots with frontage on Centennial Street is D-5 (Dwelling District 5). A change in the zoning classification to D-P (Planned Unit Development District) is being requested in order to redevelop the parcels under the Indianapolis Housing Agency's "Hope VI/Urban Revitalization Demonstration (URD) Program. The change in zoning classification is being requested to convert the St. Clair Street Parcel from a light industrial to a residential use and to allow a more creative approach in land planning with regards to setbacks, yard requirements, and the provision of off-street parking for the Centennial Street Parcel; **approved**.

97-Z-211; 3445 W 10th St; A change of zoning for the property known as 3445 West 10th Street for the past 11 years. The petitioner has maintained a Pallet Recycling business at this address. The Zoning Ordinance for Marion County was rewritten in June of 1996. The property in question is currently zoned I-2-U. The pallet re-cycling operation that the petitioner has enjoyed for the past 11 years; **withdrawn**.

96-Z-190; 792 N Centennial St; A change in zoning from D-7 to D-P to allow for multi-family housing: two-story apartment buildings, parking facilities, walks, and infrastructure improvements; **approved**.

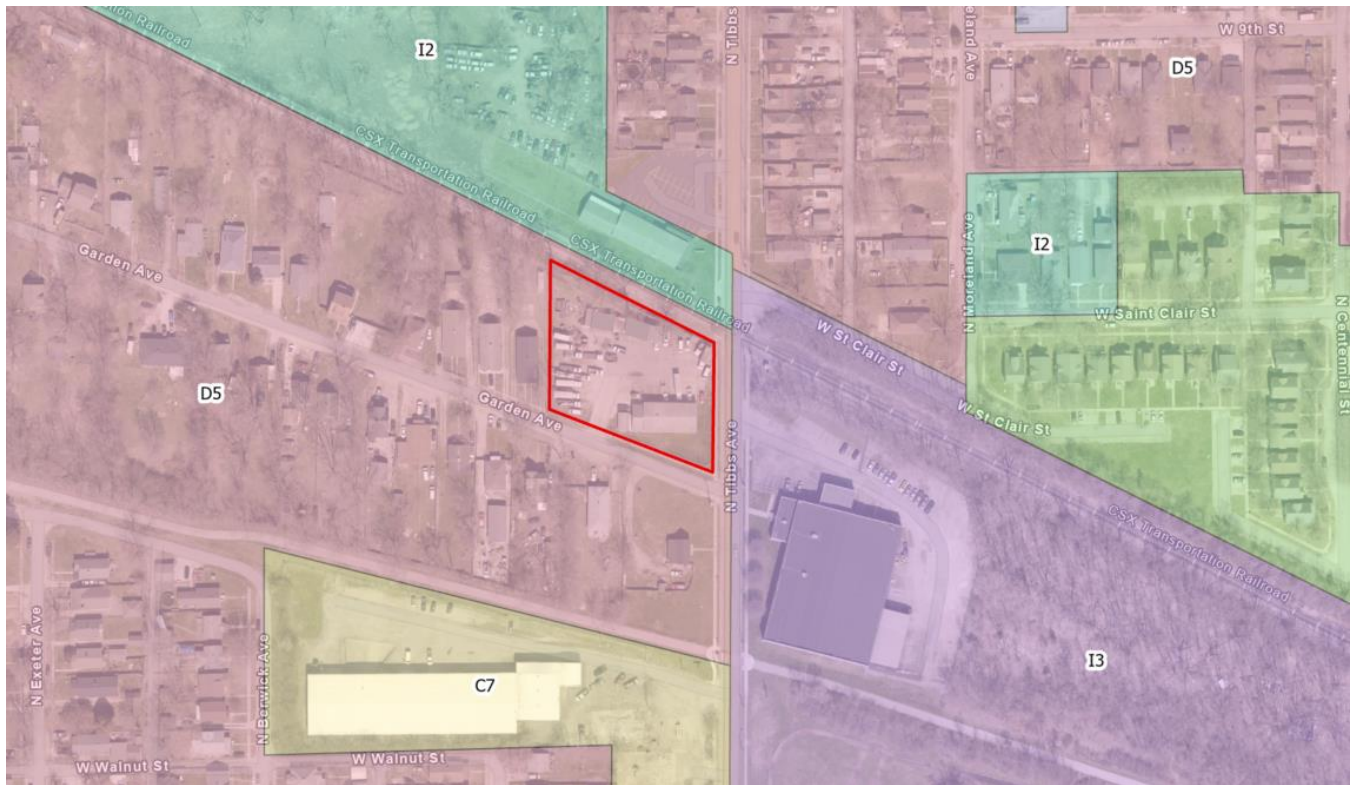
85-Z-111A; 3125 Concord Ct/ 2857 W Walnut St; Metropolitan Development Commission requests the rezoning of 15.9 acres from I-2-U and I-3-U districts to the D-7 classification to conform zoning to its use by the Indianapolis Building Authority. The housing development that exists on the site is known as Concord Village; **approved**.

EXHIBITS

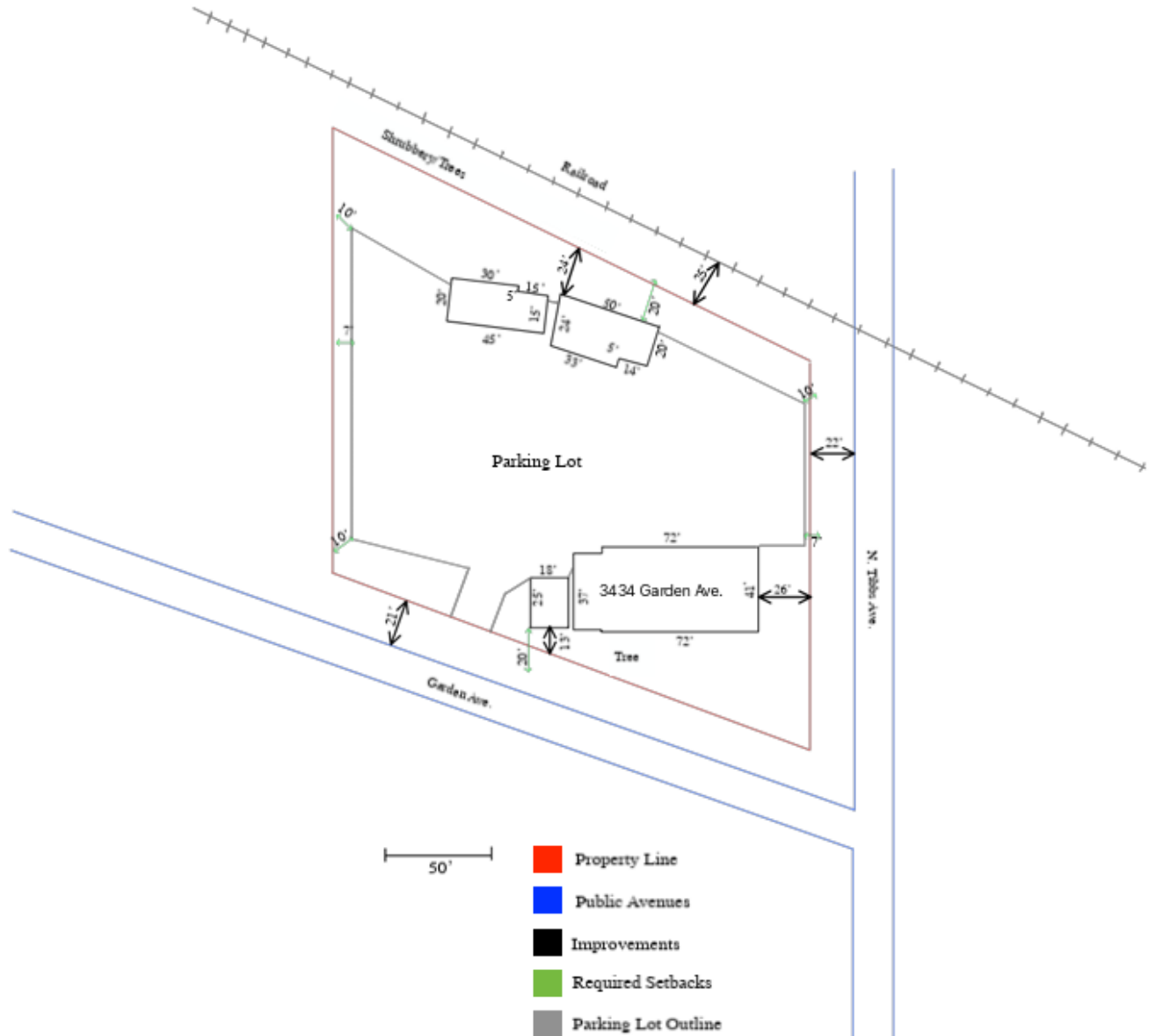
Aerial View:



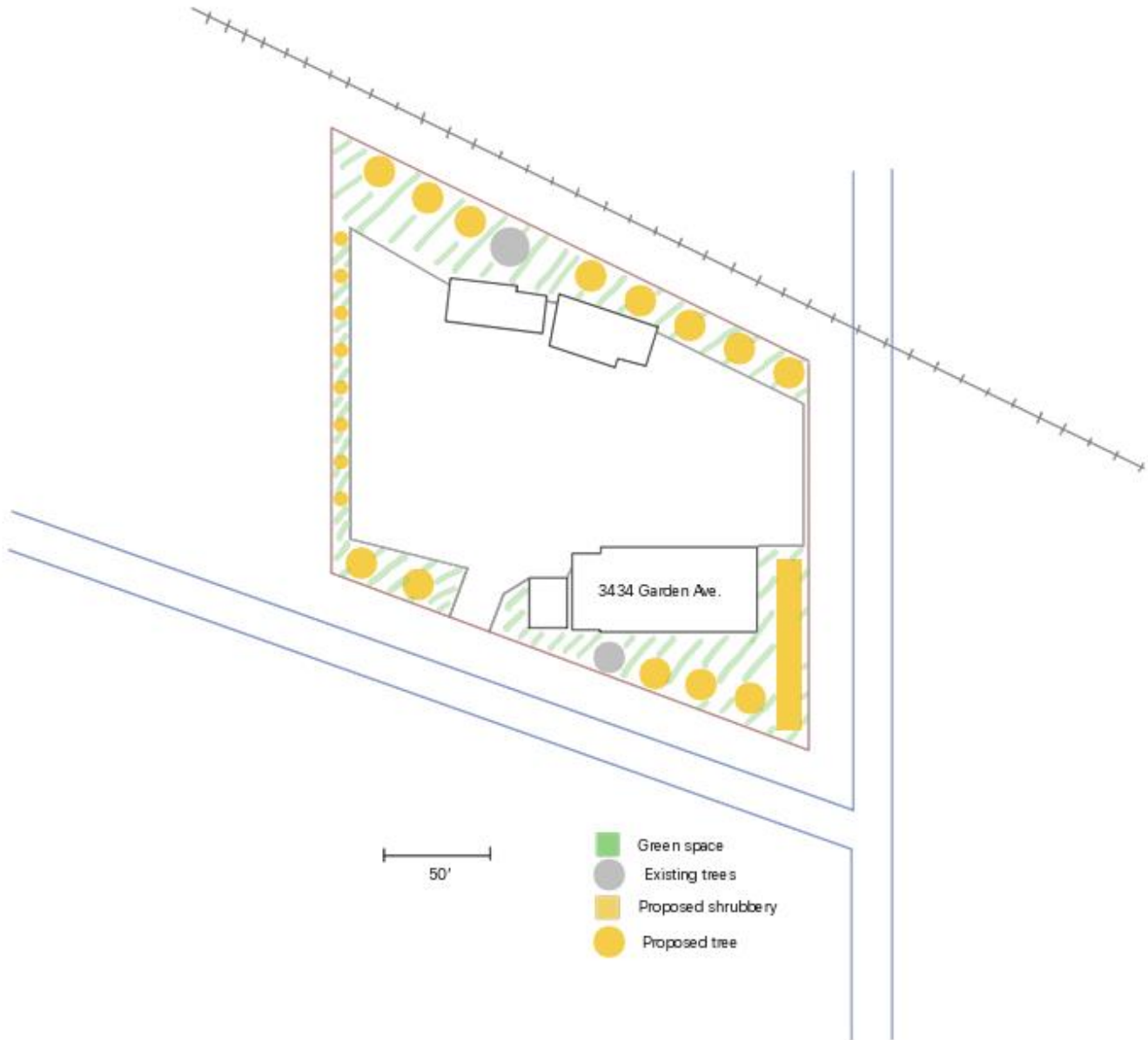
Zoning:



Site Plan:



Landscape Plan:



Findings Of Fact (Variance Of Development Standards):

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

The grant will not alter the property. The grant will only allow petitioners to avoid the strict setback requirement with respect to the pre-existing building on the property so that its existing use is fully in compliance. Petitioners would prefer not to rely solely on the 50 year old variance. The operation of the property and the improvements located on the property will not be altered following this grant. The Property shall remain as it was prior to the grant.

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 grant will not alter the property. The use or value of the area will remain the same after the grant as it was before the grant. Thus, the grant will not affect the adjacent area in a substantially adverse way. There are other commercial and light industrial business in the adjacent area that conduct a similar class of operations, and the grant would allow Petitioners to continue to operate pursuant to the long-standing use of the Property.

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

As it stands, there is a building on the Property that has existed prior to Petitioners owning the property, and it does not strictly comply with the setback requirements. A denial of this petition would force Petitioners to demolish the existing building, which has been on the Property for nearly 50 years. Petitioners are also unsure as to whether the prior variance, 76-UV2-129, is actually in effect as a result of delays Petitioners predecessor-in-interest had in obtaining the ILP.

Findings Of Fact (Variance Of Use):

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

The grant will not alter the property. The grant will only allow petitioners to avoid the strict setback requirement to the pre-existing building on the property so that its existing use is fully in compliance. Petitioners would prefer not to rely solely on the 50 year old variance. The operation of the property and the improvements located on the property will not be altered following this grant. The Property shall remain as it was prior to

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 grant will not alter the property. The use or value of the area will remain the same after the grant as was before the grant. Thus, the grant will not affect the adjacent area in a substantially adverse way. The other commercial and light industrial business in the adjacent area that conduct a similar class of operation and the grant would allow Petitioners to continue to operate pursuant to the long-standing use of the Property.

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

Petitioners' predecessor-in-interest constructed the existing buildings on the property without complying with the setback requirements. The predecessor sought and was granted a variance under 76-UV2-129, but that variance may have lapsed due to delay in the predecessor obtaining the needed ILP. Without a variance, Petitioners will be forced to demolish the existing improvements to strictly comply with the ordinance.

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

It would necessitate the Petitioners demolishing the improvements currently located on the Property. However, if the variance is granted, Petitioners will be able to continue to operate the Property in the manner in which it has operated for the previous 50 years. Granting the variance will allow the Property, and surrounding area, to continue to exist as it has, and is the course of action that requires the least dramatic change.

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

The current comprehensive plan recommendation includes light-industrial use, which is how Petitioners are currently operated, and plan to continue operating, the Property. The Property meshes well with the surrounding area, which includes other light-industrial properties used for commercial or industrial purposes.

Plan Of Operations:

Petitioners plan to have the Property continue with its operation as an existing repair shop. All repairs shall continue to be completed inside of the building during normal business hours. The repair shop only performs work on everyday cars and trucks, and does not perform work on semi-trucks, tractor-trailers, and heavy industrial vehicles. Some vehicles, either before they are repaired or after they are repaired and are awaiting retrieval, will be parked on the parking lot located on the Property. These parked vehicles will not be visible from the road or adjacent properties as a result of the planned landscaping improvements to be made by Petitioners, namely additional hedges, shrubs, and trees, depicted in the “Landscaping Plan” submitted with this application. The continued operation of the Property in accordance with its existing use will not provide any disruption to the community or adjacent area.

Site Photos:











