



**BOARD OF ZONING APPEALS DIVISION II**

**April 14, 2026**

**Case Number:** 2026-MO2-001  
**Address:** 6417 Carrollton Avenue (approximate address)  
**Location:** Washington Township, Council District #7  
**Zoning:** MU-1 (FF)  
**Petitioner:** Kickshaw Tattoo, LLC, by Patrick Rooney  
**Request:** Modification of Commitments 1, 2, and 3, related to 87-UV2-85, to permit a tattoo parlor, as described in the Plan of Operation (Commitment 1 permitted only for the preparation and delivery of cakes and desserts), to provide for standard deliveries by USPS, FedEx, UPS and Amazon, with standard deliveries of supplies and inventory and no more than two vehicles at any time (Commitment 2 permitted deliveries with a station wagon and van with no more than two vehicles at any time), to provide for up to ten part-time employees with said employees working on alternate days, with a maximum of five employees on any given day (Commitment 3 limited the number of employees to the owner and two full-time employees, with occasional seasonal part-time employees) and to provide for a tattoo parlor (not permitted), with a 3.75-foot south side yard setback and a three-foot rear setback (minimum 10-foot side and rear setbacks required).

**Current Land Use:** Vacant commercial building  
**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff makes **no recommendation** for the modification of commitments.

Staff **recommends approval** of the request for the Tattoo parlor use, and the reduced setbacks as requested, subject to the following commitment:

1. The Variance of Use grant for a tattoo parlor, shall be subject to the Plan of Operation, file-dated November 17, 2025.

**PETITION OVERVIEW**

**SITE HISTORY**

- ◇ On September 15, 1987, petition 87-UV2-85, was granted approval for a Variance of Use to provide for the use of the existing building for the preparation and display of custom wedding cakes. Approval was subject to 10 conditions listed in the approval letter, and 4 commitments.

## MODIFICATION REQUEST

- ◇ Commitment 1 limited business to the preparation and delivery of wedding cakes and desserts only. Commitment 2 limited the type and number of delivery vehicles. Commitment 3 limited the number of employees working on site.
- ◇ The commitments restricting site development and layout were the result of negotiation between a previous petitioner and interested parties during the 1987 variance process. Staff played no role in the negotiation of the subject commitments, and ordinarily provides no recommendation under such circumstances. Staff would note, however, that the commitments were negotiated in good faith between interested parties during the petition process, and their agreement was contingent upon all commitments being included with the variance petition.

## 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 street from a MU-2 district. 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 daily. Staff believes this plan of operation 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 as a new commitment.
- ◇ 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 for a 3.75-foot south side yard setback and a three-foot rear setback would legally establish an existing building and detached garage that has been on site since 1902.
- ◇ Given the close proximity of other similarly developed properties, staff does not believe these setbacks 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**

<b>Existing Zoning</b>	MU-1	
<b>Existing Land Use</b>	Commercial building	
<b>Comprehensive Plan</b>	Village Mixed Use	
<b>Overlay</b>	Red Line TOD	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: MU-1	Mixed Use commercial
	South: MU-1	Commercial office
	East: MU-1	Commercial retail
	West: MU-2	Commercial office
<b>Thoroughfare Plan</b>		
Carrollton Avenue	Local Street	48-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	100-year floodplain	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	November 17, 2025	
<b>Elevations</b>	N/A	
<b>Commitments</b>	November 17, 2025	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Village Mixed-Use typology for this site. This 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 Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
  - Added Uses
    - No uses are added.
  - Modified Uses
    - Small Scale Offices, Retailing, and Personal or Professional Services - 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.)
  - Light Industrial Uses
    - 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.
  - Removed Uses
    - Heavy Commercial Uses

### 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

**2020-DV1-021; 6407-6419 Ferguson Street** (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an office building located within the clear sight triangle of a driveway and alley, with 68 parking spaces, and parking within the right-of-way of 65th Street, **approved**.

**2017-DV1-039; 838 East 65<sup>th</sup> Street** (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a five-foot tall freestanding sign and 42-inch tall aluminum picket fence within the right-of-way of 65th Street, **granted**.

**2016-CZN-843; 6361, 6367 and 6371 Guildford Avenue** (southeast of site), Rezoning of 0.47 acre from the C-4 (FF) District to the MU-2 (FF) classification, **approved**.

**87-UV2-085; 6417 Carrolton Avenue (subject site)**, requested a Variance of Use to provide for the use of the existing building for the preparation and display of custom wedding cakes, granted subject to commitments.

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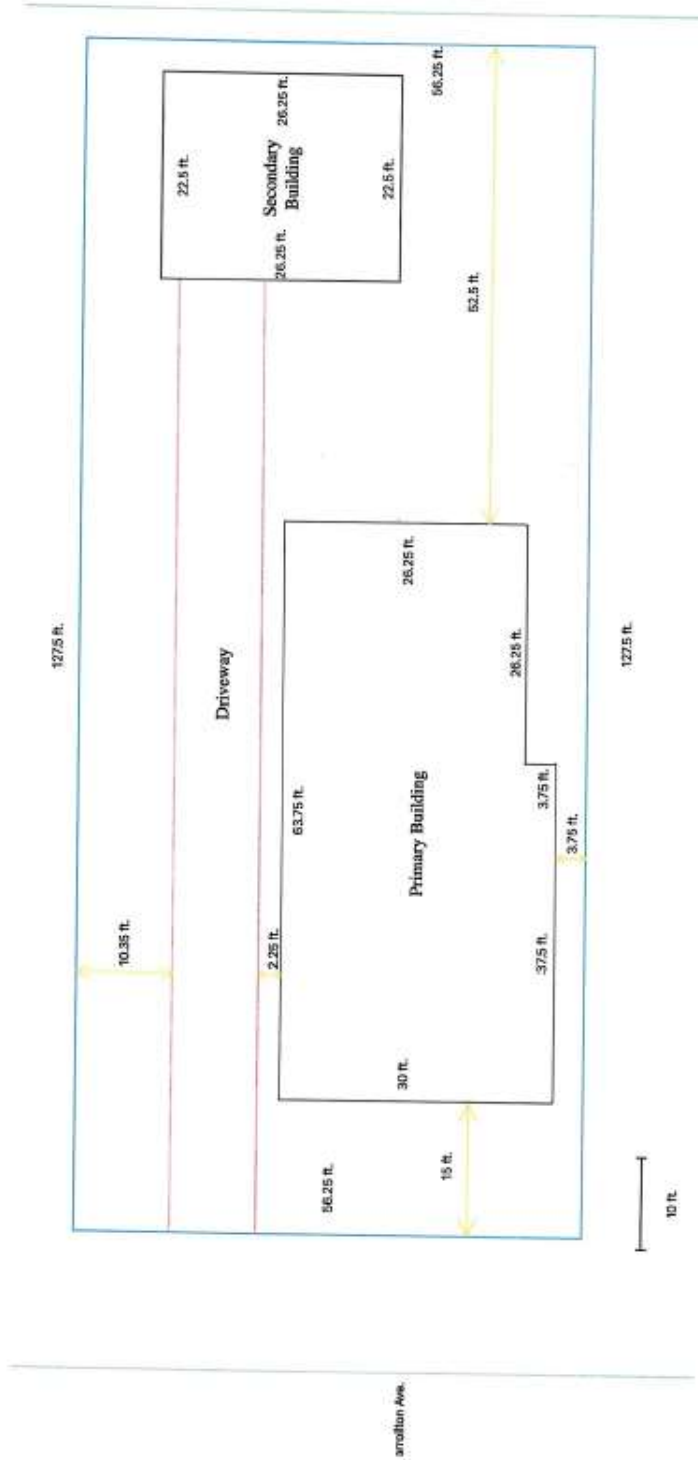
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**EXHIBITS**

**Location Map**



Site Plan



Conditions - Current



JON A. MEEKS  
ADMINISTRATOR

87-UV2-85

CITY OF INDIANAPOLIS

WILLIAM H. HUDNUT, III  
MAYOR

DEPARTMENT OF METROPOLITAN DEVELOPMENT  
DIVISION OF DEVELOPMENT SERVICES  
2101 CITY-COUNTY BUILDING  
INDIANAPOLIS, INDIANA 46204  
(317) 228-5155

September 15, 1987

Stephen D. Mears  
Attorney At Law  
50 South Meridian Street  
Indianapolis, Indiana 46204

Re: 87-UV2-85 - Madelyn C. Bennett

Dear Sir:

The Metropolitan Board of Zoning Appeals, at its regular meeting on September 15, 1987, heard your petition for variance of use of the Commercial Zoning Ordinance to provide for the use of the existing building for the preparation and display of custom wedding cakes. The property is located at 6417 Carrollton Avenue in Indianapolis, Washington Township, in a C-2/FP zoning district.

The Board, being fully advised in the matter, granted the variance, and its findings are of record in the office of the Board. The variance is subject to the following conditions:

1. All use shall comply with the Commercial Zoning Ordinance or that use specifically requested and described in this grant.
2. All development shall comply with the Commercial Zoning Ordinance development standards, except those standards (shown on the plans file-dated June 25, 1987) specifically modified by this variance.
3. All loading, parking and driving areas shall be hard surfaced as required by Sections 2.09 and 2.10 of the Commercial Zoning Ordinance.
4. There shall be no outside storage of delivery vehicles except during daytime hours and then only while loading activities are being conducted.
5. A final landscaping and fencing plan shall be submitted to the Administrator for review and approval prior to applying for an Improvement Location Permit. Such plans shall be submitted to the Division of Development Services, Room 2101, City-County Building.

6. Signs shall be limited to one wall sign not exceeding thirty square feet.
7. The grant of this variance shall be limited to the present petitioner, Madelyn C. Bennett, and shall be void if petitioner no longer owns and operates the subject business.
8. The hours of operation for the business shall be limited to 8:00 a.m to 6:00 p.m.
9. All commitments recorded under Instrument Number 87013574 shall become a part of this grant.
10. Unless an Improvement Location Permit is obtained within one year or prior to the commencement of the use, this variance is void.

Under the Board's rules of procedure, a completion affidavit, showing compliance with the approved plan, must be filed with the Board within thirty days after completion.

Very truly yours,

METROPOLITAN BOARD OF ZONING APPEALS

*Joan Gibbs*  
Joan Gibbs  
Secretary

JG:bg

87-WA-85

Commitments – Current continued

870135074 550  
#300

NOTE: Article VI, Section 6(b) of the rules of the Metropolitan Board of Zoning Appeals and Article VI, Section 7(b) of the rules of the Hearing Officer require use of this form in recording commitments made with respect to variance or special exception cases in accordance with I.C. 36-7-4-921.

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH VARIANCE OR SPECIAL EXCEPTION GRANT.

In accordance with I.C. 36-7-4-921, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning to the use and development of that parcel of real estate:

Legal Description: Lot 37 in Lights Broad Ripple Subdivision as recorded in Plat Book 9, Page 20 in the Office of the Recorder of Marion County, Indiana.

Statement of COMMITMENTS:

1. Owner shall limit her business to the preparation and delivery of wedding cakes and desserts only.
2. Owner shall limit the type and number of delivery vehicles to the following: a station wagon and van, with no more than two (2) vehicles at any time.
3. The number of employees working on premises shall be limited to the owner and two (2) full time employees, with occasional seasonal part time employees.
4. All employee parking shall be on site.
5. Nov 23 1 54 PM '87

These COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest in the real estate. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Board of Zoning Appeals made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the grant of variance or special exception petition # 87-1112-85 by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and

FILED

NOV 23 1987

DEPT. METRO DEVELOPMENT

BY \_\_\_\_\_

MD-171e, 2/83

**Commitments - Proposed**

**COMMITMENTS MODIFYING OR TERMINATING EXISTING COMMITMENTS  
CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN  
CONNECTION WITH VARIANCE OR SPECIAL EXCEPTION GRANT.**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of commitment(s) concerning the use and development of the parcel of real estate:

**Legal Description:**

Lot Numbered 37 in Light's Broad Ripple Subdivision, now in the City of Indianapolis, Marion County, Indiana, as per plat thereof recorded in Plat Book 9, page 20, in the Office of the Recorder of Marion County, Indiana, (commonly known as 6417 Carrollton Avenue, Indianapolis, IN 46220)

**Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:**

1. Modification of Commitment # 1 related to the Variance or Special Exception Grant dated November 20, 1987, recorded November 23, 1987 (Instrument No. 870135074), so that Commitment # 1 shall now read as follows:

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Owner shall limit its business to a tattoo parlor which provides high end tattoos as further described in the Plan of Operations submitted with Variance of Use request submitted simultaneously herewith.

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2. Modification of Commitment # 2 related to the Variance or Special Exception Grant dated November 20, 1987, recorded November 23, 1987 (Instrument No. 870135074), so that Commitment # 2 shall now read as follows:

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Owner shall limit the type and number of delivery vehicles to the following:  
Standard deliveries by USPS, FedEx, UPS, and amazon, together with standard deliveries of supplies and inventory with no more than two (2) vehicles at any time.

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3. Modification of Commitment # 3 related to the Variance or Special Exception Grant dated November 20, 1987, recorded November 23, 1987 (Instrument No. 870135074), so that Commitment # 3 shall now read as follows:

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The number of employees working on premises shall be limited to the Owner and up to ten (10) part-time employees with said employees working on alternating days so that there will be a maximum of five (5) employees on any given day.

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## Plan of Operation

### Plan of Operations

If the Variance of Use and Development Standards and Modification of Commitments for the subject property being commonly known as 6417 Carrollton Avenue, Indianapolis, IN 46220 is approved, then Kickshaw Tattoo LLC ("Petitioner"), Petitioner will have approximately ten (10) artists with the finest quality Body Art Tattooing by using imagery and design for tattooing that is placed as art all over the body. As a destination business, the majority of clients will have scheduled appointments and shall not exceed more than one client per employee during tattooing with all appointments to occur during the normal hours of operation which shall be 11 am to 7 pm daily.

Petitioner shall meet all Health Department regulations and licensing requirements and shall follow standard procedures with sharps containers, and disposal of biohazard materials as well as do its implementing additional safety measures to help the community flatten the curve with respect to the current pandemic, including, without limitation, the following:

- Per Petitioner policy, no patron under the age of 18 years will be permitted to receive body tattooing;
- All patrons MUST bring valid state I.D. or Driver's License;
- All patrons will be required to fill out a release form which will be held and maintained as a personal patron record by the studio for the at least two years;
- Release form list will include: Patrons name, address, age, date tattooed, design of the tattoo, the location of the tattoo on the patrons body, and the name of the artist who performed the work;
- Upon entering the studio, patrons will be required to immediately wash their hands and will be required to complete a Covid-19 checklist;
- Covid-19 Checklist shall include: If patron has had any flu-like symptoms in the last 14 days, and, if so, they will be required to reschedule their appointment;
- Tattoo artists who have experienced any flu-like symptoms will be required to take leave immediately and will refrain from providing any services to patrons for 14 days or until a negative Covid-19 test is taken and proven with documentation;
- Tattoo artists who are experiencing symptoms of acute disease, including, but not limited to: jaundice, draining, open skin infections, boils, impetigo, or scabies, shall refrain from providing any services to patrons;
- All clients who receive a tattoo at Petitioner are sent home with in-depth aftercare instructions that are easy to read and straight forward in order to achieve ultimate success for healing newly tattooed areas; and
- A state of the art security system shall be installed.

It is very important to maintain the integrity and safety of Petitioner and great measures will be taken to ensure that patrons come into a very clean and sterile environment to maintain protection for all parties involved. The safety of the community and all employees is to be taken very seriously and it is certain that Petitioner will work diligently to follow any and all safety protocols, demands and recommendations made by the Marion County Health Department. Hand washing facilities shall be readily accessible where tattooing is provided. All artists' hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment. Only single use disposable towels will be used for drying. All artists will have individual and designated stations with sinks for hand washing.

PPE is to be worn by the artist during all appointments. A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or other possible infectious materials. Disposable gloves such as surgical or examination, shall be worn during the tattooing process. Gloves will be changed and properly disposed of each time there is an interruption in the application of the tattoo, when gloves become torn or punctured or whenever the ability to function as a barrier is compromised. Disposable gloves will not be reused. Gloves will also be worn during decontamination of surfaces and equipment. To prevent any cross contamination, gloves will be removed and thrown away whenever the artist leaves designated tattooing set up and work area. Gloves shall be changed if they are compromised in any way. All gloves are disposable and single use only.

Petitioner will operate using all single use disposable equipment, which is the safest and easiest way to achieve a sterile environment with zero error. There will be no reusable equipment that comes in direct contact with open skin. This eliminates the need for a sterilization/clean room, which can be problematic in itself. To start, all tables and chairs used during tattooing are sterilized after each client with a hospital grade tuberculocidal EPA registered disinfectant spray that also kills HIV, Hepatitis B, Hepatitis C and Covid-19 viruses. All tables are lined with disposable, single use drape cloth. All tattooing set ups consist of: saran wrap covered work surface areas which acts as an additional non-porous barrier, which is then covered in a single use three-ply drape cloth. This is standard for all workstations and any arm rest support that may be used. Pre-packaged, pre-sterilized disposable instruments and needles. Single use cotton rounds, disposable paper towels, disposable q-tips, disposable applicators, disposable single use micro cups that hold a serving size for each different pigment used during tattooing. Single use razors that shall be used to shave the area to be tattooed for body art tattooing. All stencils will be properly disposed of after a single use. If designs are drawn directly onto skin, it shall be applied with a single-use article only. All machines, cords, and power supplies are covered and protected by health department approved tattoo grade barrier tape and sleeves. After finishing, the tattooed area is wiped down with a surgical grade soap to cleanse the area. The tattooed area is bandaged after completion for protection. All of our needles, pigments and inks used in tattooing will be from professional suppliers made specifically for the tattooing of human skin. In preparation of use of pigments and inks, all pigments and inks shall be placed in a clean one-time single use container for each individual client, as stated above. After tattooing, the remaining unused pigment in single use containers shall be discarded. All needles and instruments will be discarded in sharps containers immediately after use. All sharp items containers are leak resistant and puncture resistant containers that are tightly sealed to prevent expulsion. They are labeled with the biohazard symbol and are always effectively treated in accordance with this rule. Sharps containers will have safe proof lids and will be stored out of sight and away from patrons. Infectious wastes that are not contaminated sharps or objects that could potentially become contaminated sharps shall be placed in a lined container that is impervious to moisture and that has sufficient strength and thickness to prevent expulsion and will be fully secured to prevent any leakage.

All work surfaces will be nonabsorbent, easily cleanable, non-porous, smooth and free of any breaks, open seams, cracks, chips, pits and similar imperfections. Our hospital grade disinfectant will be used to clean all surfaces immediately after tattooing. For maximum strength and eradication of harmful infectious waste, disinfectant will be sprayed on all surfaces after being used during tattooing and will sit for a minimum of 3 minutes before wiping down with disposable

paper towels. All cleanup is to always be handled with gloves and those gloves are to be disposed of immediately after to prevent cross contamination. All non-sharps contaminates will be disposed of at the end of the day on every work day. Once sharps containers have reached maximum capacity, a third party by the name of Stericycle will transport sharps to a designated off-site location for safe disposal. Full capacity sharps containers will then be replaced by new, empty containers.

All tattoo artists and anyone employed at Petitioner, acting on behalf of Petitioner, who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or other possible infectious materials shall complete the Blood Borne Pathogens training program that is required under the requirements of the Indiana occupation safety and health administrations BBP standard. All Tattoo artists, anyone employed by Petitioner and anyone acting on behalf of Petitioner, who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials must be trained in the facility's policies on handling infectious waste. We will ensure that a record of training described is maintained for each employee, as required under the Indiana occupational safety and health administrations blood borne pathogens standard. The record shall be made available to the department of health for inspection upon request. All records of training shall be maintained and updated annually. Training will be required for retest annually for every artist employed by Petitioner.



**Findings of Fact**

Petition Number \_\_\_\_\_

**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 grant will allow Petitioner to provide high end tattoos to bolster the already vibrant arts scene in the Broad Ripple area, and most of the nearby properties have already been converted to commercial uses.

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  
Petitioner will bring more customers, foot traffic, and like-minded individuals to the area, which will impact the community and raise the value of the area and adjacent properties.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE  
the subject property was originally zoned and developed for residential uses; however, the surrounding properties have been converted to commercial uses and rezoned to MU-1 or MU-2 resulting in this variance being necessary for the property to have the highest and best use.

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 result in the subject property remaining vacant and unusable, instead of allowing the Petitioner to engage with the community and provide a valuable service.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE  
it will conform with planned mixed use and further the artistic nature of the area by providing a new commercial use while maintaining the historic aesthetics of the subject property.



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:

the Petitioner is just repurposing the subject property by remodeling the interior of the existing house and garage, which were both previously converted to a different commercial use, so Petitioner is not furthering any setback encroachments; instead, Petitioner is merely ratifying the existing location of improvements within the setbacks.

\_\_\_\_\_  
\_\_\_\_\_

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 exterior aesthetics and the locations of the existing improvements on the property will not change, so granting the variance will just allow the property to be used instead of remaining vacant, which will increase the value of the subject property and the surrounding properties.

\_\_\_\_\_  
\_\_\_\_\_

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

it would result in the subject property sitting vacant and unused, instead of allowing Petitioner to begin operating its business and increase the value of the subject property. The property is already not in compliance with the setback requirements and Petitioner is not seeking to increase any encroachment into the setback areas. Due to the small size of the subject property and the immense cost to redevelop the property, which would require demolishing the existing structures and then constructing a new building, it is impractical to require the Petitioner to cure the pre-existing non-compliance.

\_\_\_\_\_  
\_\_\_\_\_

Photographs



Subject site existing building, looking east.



Subject site, rear of parcel looking west.



Adjacent commercial uses to the north, looking east



Adjacent commercial uses to the south, looking east.