

**BOARD OF ZONING APPEALS DIVISION II**

**March 10, 2026**

**Case Number:** 2026-UV2-003  
**Property Address:** 5675 Michigan Road (approximate address)  
**Location:** Washington Township, Council District #2  
**Petitioner:** 5675 Michigan Road LLC, by Joseph D. Calderon  
**Current Zoning:** C-3 (FW) (FF) / D-2 (FF)  
**Request:** Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile parts and supply store utilizing the existing structure and parking facilities (not permitted).  
**Current Land Use:** Vacant Commercial  
**Staff Recommendations:** Staff recommends **denial** of this petition.  
**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- 5675 Michigan Road is an irregularly shaped parcel with a size of 2.26 acres and with frontage on Michigan Road to the west, Kessler Boulevard West Drive to the south, and 57<sup>th</sup> Street to the north. The property is currently developed with a commercial structure and accessory parking areas and has access points from the west and south. Previous tenants of the subject building included a pharmacy and a discount store that appears to have ceased operations in 2024. Surrounding land uses include residences to the north and east, the Crooked Creek to the north, and a small multitenant commercial center to the south.
- Approval of this petition would allow for the operation of an automobile parts retail store at the property. The Indianapolis Zoning Ordinance would consider the proposed use to be classified as an automotive repair use which would not be allowed within either the portions of the site that are zoned C-3 (containing the current structure) or the southeastern section that is zoned D-2 (contains part of the accessory parking area). A variance of use would be required to allow for legal operation of the proposed use, which would utilize the existing building and parking areas.

- Although the proposed use does share some similarities with a traditional light retail establishment, staff would note that (a) the sale of automotive parts is not explicitly listed within the definition of that use category despite 34 other types of retail uses being enumerated; and (b) that “parts and supply stores” are listed as a potential use component within the definition for automobile repair uses. For this reason and given the likelihood of minor automobile work being conducted on-site by either customers or employees, staff has traditionally considered this use to be most accurately classified as an automobile repair use.
- This property is zoned C-3 (Neighborhood Commercial District) to allow for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood. Similarly, the Michigan Road Corridor Plan recommends this site for C-3 zoning and for commercial uses. Uses that would require outdoor operations are not allowed within C-3, and automobile repair uses are generally considered to be a heavy commercial land use not contemplated for this typology.
- The subject property is also located within the floodway and floodway fringe. Development within the floodway would not be permitted, and there would be limits on allowable uses within the floodway fringe. No new development is proposed as a part of this petition. Staff would note that although the floodway fringe does not disallow automobile repair, it *does* disallow truck repair uses given the risk of having liquids associated with those repairs and maintenance infiltrating areas near waterways.
- The Plan of Operation provided by the applicant indicates that the proposed use would operate within the existing building at the site (which contains approximately 15,000 square feet) to operate a retail store selling a wide assortment of automobile parts and accessories as well as employees that would “help [to] diagnose certain issues faced by customers”. The business would have 7-10 employees on-site at any given time. The full operation plan is within Exhibits below. It is likely that the property would contain some aerosolized, combustible, or flammable materials for sale that would need to be stored per Fire Code and applicable building standards.
- Staff would note the potential for accessory parking spaces to be utilized by employees and customers for minor auto repairs, and that it does not appear that any undue hardship has been identified within the Findings of Fact provided that would prevent the operation of a compliant use.
- Given **(a)** the C-3 commercial zoning recommendation from the Comprehensive Plan; **(b)** the fact that the current C-3 zoning district would allow for 41 different primary uses without the need for variance relief (including the current uses within the multitenant center to the south); and **(c)** the proximity of the auto repair use to residential areas to the east as well as to the Crooked Creek floodway and flood fringe to the north, staff would recommend denial of the requested variance.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-3 (FW) (FF) / D-2 (FF)	
<b>Existing Land Use</b>	Vacant Commercial	
<b>Comprehensive Plan</b>	Commercial, per Michigan Road Corridor Plan	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-2 / D-5	North: Creek / Residential
	South: C-3	South: Commercial
	East: D-2	East: Residential
	West: D-2 / SU-2 / C-3	West: Creek / School / Commercial
<b>Thoroughfare Plan</b>		
Michigan Road	Primary Arterial	118-foot right-of-way existing and 102-foot right-of-way proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes, Environmentally Sensitive	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	12/30/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	12/30/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Michigan Road Corridor Plan (1998)

### Pattern Book / Land Use Plan

- Portions of the site fall within the Floodway typology for areas that exhibit a great potential for property loss and damage from severe flooding, as well as the Environmentally Sensitive Areas (ES) overlay for areas containing high quality woodlands, wetlands, or other natural resources that should be protected.
- Additionally, please see Neighborhood / Area Specific Plan below.



**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- The Michigan Road Corridor Plan recommends this site for C-3 zoning and for commercial uses. It also designates the site as being within Critical Area 11 and advises against encroachment of existing commercial uses at the intersection of Michigan and Kessler past Crooked Creek or into existing residential or institutional areas.

**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

**2010DV3025**, variance of development standards of the Commercial Zoning Ordinance to provide for the sale of alcohol within 25 feet of a D-2 zoned protected district (100-foot separation required), **withdrawn**.

**94-HOV-18**, variance of development standards of the Sign Regulations Zoning Ordinance to provide for the placement of a 12 square foot ground sign (maximum 1 square foot allowed), **approved**.

**93-V1-66**, variance of development standards of the Commercial and Flood Control District Zoning Ordinances to permit the construction of a drug store with a total of 74 parking spaces (87 spaces required), **approved**.

**86-Z-219**, rezoning of 1.3 acres from D-2 to the C-3 zoning classification for a 1-story restaurant and drive-through use, **approved**.

**86-UV1-26**, variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a front yard driveway to an existing restaurant, **approved**.

### ZONING HISTORY – VICINITY

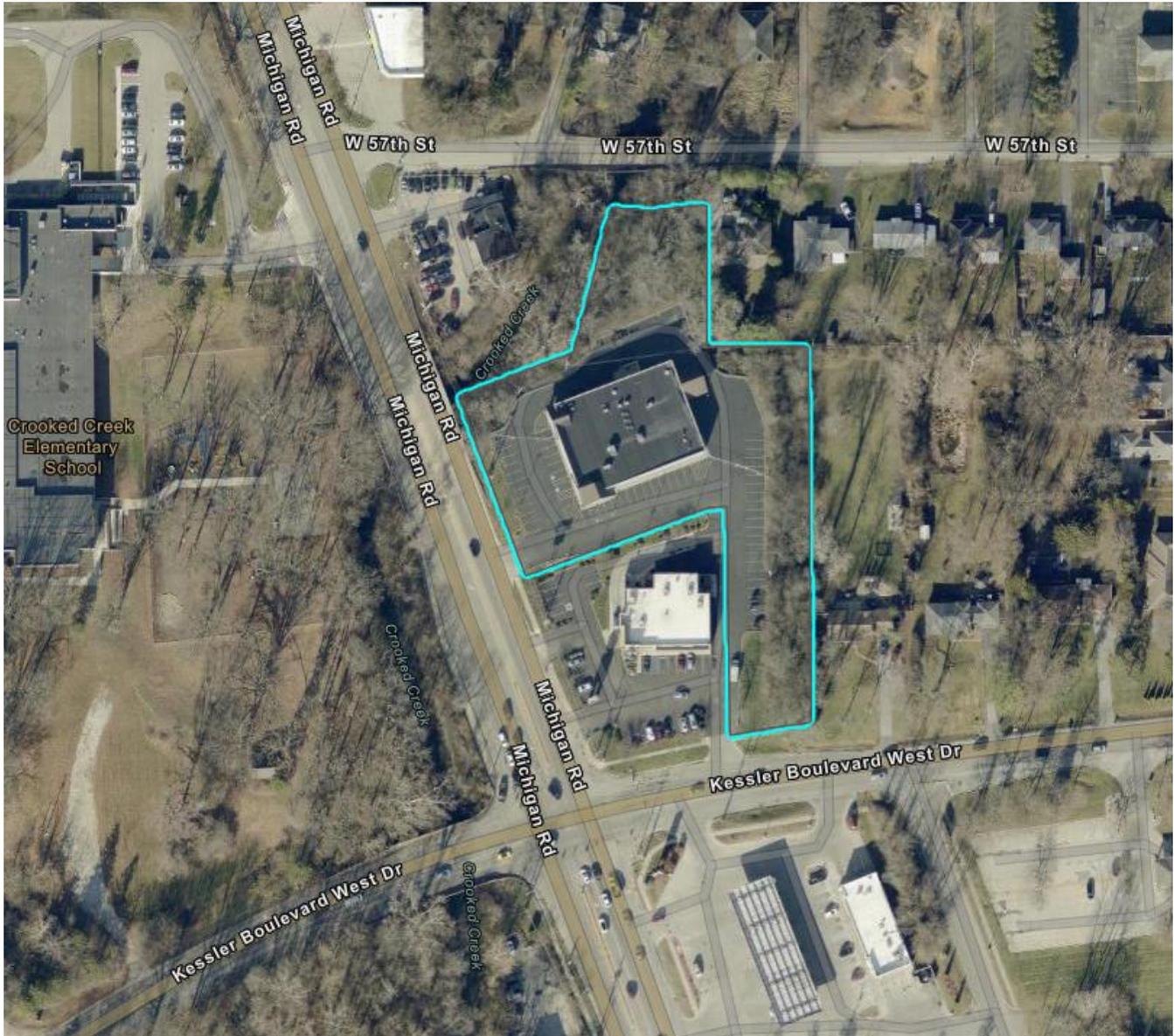
**2006ZON129 ; 1950 Kessler Blvd (south of site)**, Rezoning of 0.805 acre, from the D-2 and C-3 Districts to the C-3 classification to provide for neighborhood commercial uses, **approved**.

**2006UV1035 ; 1950 Kessler Blvd (south of site)**, Variance of Use of the Dwelling Districts Zoning Ordinance to provide for an integrated center with C-3 uses and a drive-through facility (not permitted). Variance of Development Standards to provide for a 300-square foot outdoor seating area for a restaurant (not permitted), with carry-out food and a drive-through within twenty feet of a protected district (minimum 100-foot separation required), provide for a dumpster enclosure with the open side facing the protected district to the east (not permitted), and to provide for seven-foot front landscape strips along Michigan Road (minimum ten-foot front landscape strips required), **approved**.

**96-UV1-113 ; 5681 N Michigan Road (north of site)**, variance of use of the Commercial Zoning Ordinance to provide for the operation of a minor automobile repair and hand automobile wash (not permitted), **approved**.

**EXHIBITS**

**2026UV2003 ; Aerial Map**







**2026UV2003 ; Findings of Fact**

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

the proposed use will generate no more traffic than did the prior use of the subject property.

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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 use will be conducted in substantially the same manner as the prior use, and may, in fact, have lesser hours of operation than the prior pharmacy use.

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

the property has one buildable area which is where the current building is located, resulting in the need to re-use the existing building, which limits the types of uses that can occupy the existing space.

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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 proposed use has more in common with typical retail uses permitted in the C-3 zoning district, and does not have service bays which are typical in auto-repair facilities.

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

the actual use will be consistent with the retail uses contemplated in the "Community Commercial" category.

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**2026UV2003 ; Plan of Operation**

THE BUSINESS

AutoZone Development LLC is under contract to purchase Walgreens Pharmacy located on property commonly known as 5675 Michigan Road (the "Subject Property"), where it intends to occupy the existing building which contains approximately 15,000 square feet in which it will operate a typical AutoZone retail store.

ZONING

The Subject Property is zoned C-3, which contemplates a wide variety of commercial uses, focused principally with retail uses. The proposed business will sell a wide assortment of automotive parts and accessories, but does not perform automobile service or repair. Employees will help diagnose certain issues faced by customers.

HOURS OF OPERATION

AutoZone is planning to operate the facility between 7:30 a.m. to 10:00 p.m. on Monday, Tuesday, and Friday, 9 a.m. to 10 p.m. on Thursday, 7:30 a.m. – 8:00 p.m. on Saturday, and 8:30 a.m. – 8:00 p.m. on Sunday and Wednesday.

NUMBER OF EMPLOYEES

7-10 employees are expected to be working at the facility on the Subject Property at any given time.

**2026UV2003 ; Photographs**



Photo 1: Current Structure Viewed from Southwest



Photo 2: Current Structure Viewed from Southeast

**2026UV2003 ; Photographs (continued)**



Photo 3: Existing Parking Area to West of Structure



Photo 4: Existing Parking Area to South of Structure

**2026UV2003 ; Photographs (continued)**



Photo 5: Adjacent Property to South of Structure From East



Photo 6: Adjacent Property to South of Structure From West

**2026UV2003 ; Photographs (continued)**



Photo 7: Adjacent Property to East



Photo 8: Adjacent Property to North

**2026UV2003 ; Photographs (continued)**



Photo 9: Adjacent Property to West



Photo 10: Adjacent Property to South of Intersection