

**BOARD OF ZONING APPEALS DIVISION I**

**October 7, 2025**

**Case Number:** 2025-UV1-017

**Property Address:** 7323 East Hanna Avenue (approximate address)

**Location:** Franklin Township, Council District #20

**Petitioner:** Hanna Haunted Acres Inc., by David A. Retherford

**Current Zoning:** D-A

**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a seasonal indoor and outdoor commercial recreational use, including the sale of alcoholic beverages, subject to the filed plan of operation (not permitted).

**Current Land Use:** Commercial / Residential

**Staff Recommendations:** Staff recommends **denial** of this petition.

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

Due to a miscommunication by staff, required written notice was not published within the Indianapolis Business Journal prior to the initial hearing scheduled for September 2<sup>nd</sup>. For this reason, the petition was continued by staff request to the October 7<sup>th</sup> hearing date of Division I.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- 7323 East Hanna Avenue is a residential property that is approximately 78 acres in size and is improved both with a permanent single-family residence as well as various structures, improvements and temporary parking facilities associated with a seasonal indoor and outdoor “haunted” attraction. The indoor and outdoor recreational uses were permitted by the zoning petition 2009-UV2-017, which also allowed gravel parking and a freestanding sign for the use and was subject to the plan of operation and numerous commitments. The site is intersected by the Big Run Creek and is bordered by either undeveloped land or residential subdivisions on all sides.
- Approval of this petition would allow for an expansion of the current seasonal indoor and outdoor recreational use, both in terms of the frequency of the operation and the number of associated structures and outdoor operation areas. Previous variances for the sign and gravel parking would

still be applicable, and the previous commitments and operation plan would be substantially amended and replaced by the version shown within the Exhibits of this report.

- Staff has identified the below as the primary areas of change or deviation between the existing commitments and the plan of operation and the new version proposed by the applicant:
  - An expansion of the allowable days of operation throughout the year to both start earlier and end later during peak periods of activity in the fall as well as to allow for operation around other holidays (Christmas, Valentine's Day, and "Halfway to Halloween") and for potential haunted attraction conventions at unspecified points in time.
    - Under the 2009 commitments, there would be up to **55 days** during which the outdoor use could be active (based on the 2025 calendar), and 50 of those days would fall in between September 1<sup>st</sup> and November 7<sup>th</sup>.
    - Under the proposed commitments, there would be up to **108 days** during which the outdoor use could be active (based on 2025 and 2026 calendars), and 61 of those days would be fall in between September 1<sup>st</sup> and November 7<sup>th</sup> (the "in-season" range established by the initial approval). This would not be inclusive of the proposed escape room, which could operate on a year-round basis.
    - There would also be an expansion of the numbers of days on which the site could operate until either 1 AM, 2 AM, or 3 AM in the morning: additional details are within Commitment #13 as provided by the applicant.
  - The addition of a trail area to the west of the current operating area marked as "Farm Festival Pumpkin Light Show Christmas Lights" on the site plan.
  - Addition of an outdoor venue/stage area within the existing primary operations area, facing away from residences to the east.
  - Potential placement of an escape room structure with a maximum size of 10,000 square feet that would maintain internal operations throughout the year.
  - Explicit confirmation that the sale of alcohol on-site would be permitted (previous documents had solely referenced "snack and beverage sales and service").
- The site plan provided by the applicant indicates that vehicle parking would be provided by a gravel lot as well as two (2) large areas of grass between the primary operations area and the property's frontage along Hanna Avenue. The primary operations area is currently improved with two (2) large pole barns that house internal attractions as well as several smaller buildings and trailers that appear to be utilized for the sale of tickets, merchandise, refreshment, etc. The property also contains a corn field and woods areas to the southeast that are part of the recreational use. The site plan also shows an approximate location for the stage and three (3) potential locations for the proposed escape room attraction.
- In addition to the recreational uses, the site also operates as a farm that produces hay to the north of the primary operations area, corn and beans to areas west of the legal ditch (as well as the corn maze), and potential for lumber from the forest area to the southeast of the site. A single-family residence also exists at the site, to the west of the primary operations area.

- The website associated with the current user (accessed August 22, 2025) indicates the sale of alcoholic beverages at two bars (“Hanna’s Booz” and “Hanna’s Spirits”). Although it is the applicant’s contention that grant of the 2009 variance allowed for alcohol sales, it appears that such sales have not been conducted in the past due to difficulty in obtaining the required permits from the Indiana Alcohol and Tobacco Commission. Approval of this variance would not provide any exemption from State requirements for the sale of alcohol, and the use would also be subject to all applicable noise ordinances or enforceable curfews for unaccompanied minors. Additionally, this variance would not allow for placement of any structures within the required Stream Protection Corridor (one of the potential locations of the “future shop” appears to encroach into the 100-foot boundary) or exempt the proposed stage from any State-level reviews.
- This property is currently zoned D-A to allow for a variety of agricultural uses in addition to large estate development of single-family dwellings. The Comprehensive Plan recommends it to the Suburban Neighborhood living typology to allow for predominantly single-family supported by a variety of neighborhood-serving businesses. Large-scale places of assembly (such as commercial recreational uses) are contemplated for this typology in scenarios where the use is located along arterial streets, contain pedestrian infrastructure if located near residences, near public transit when possible, and developed in harmony with surrounding neighborhoods with screened parking and service areas.
- Many of the protections and limitations on the use instituted by the 2009 Plan of Operation and commitments would remain largely unaltered. Such stipulations include:
  - A maximum of 10 permanent buildings associated with the use, with a maximum aggregate area of 75 thousand square feet between them.
  - Limitations on bonfires within 300 feet of the eastern property line.
  - Requirements for monitoring of noise along the eastern property line, and installation of additional sound absorbing material should the allowed decibel levels be exceeded.
  - Buffering requirements and landscaping preservation for areas near the eastern property line adjacent to the residential subdivision (see Commitments 14-17).
  - Administrative Approval of development plans for new structures at the site.
- Staff expressed preliminary concerns to the applicant about the introduction of alcohol sales into a use that appears to be predominantly targeted at teenagers or young adults that might not be of age to drink. Per information provided by the petitioner, alcohol **sales** would be limited to designated areas within the primary operations area (with IDs checked and State guidelines followed) but that there wouldn’t be specified areas for alcohol **consumption**. Staff feels that without similar precautions in place limiting areas on the site where drinks could be consumed, the risk of underage drinking and related negative externalities of noise or driving while impaired would be increased by the introduction of such sales.
- However, the primary reason for the staff’s recommendation of denial would be that the proposed expansion of both the hours of operation and frequency of both indoor and outdoor operations outside of the primary autumn season would expand the scope of the recreation use to a point where the “haunted” attraction would dominate the site both in terms of public perception and of

any revenues generated. Given that the use is well-established at the site, and to avoid the need for additional variances of use whenever operational changes are contemplated, staff feels that this petition would be more appropriately filed as rezoning petition to the SU-16 zoning district (special use for indoor and outdoor recreation).

- The SU-16 zoning **(a)** would be a better match for the proposed intensity of the land use; **(b)** could allow for existing residential, agricultural, and parking improvements to remain; **(c)** would still require administrative approval of new development; **(d)** could incorporate limiting commitments similar to the proposed Use Variance; and **(e)** and would allow for alcohol sales by-right (within other applicable State or commitment guidelines). Although staff could not guarantee a recommendation of approval for a rezoning to the SU-16 zoning district, it would be supportive of a transfer of fees already filed toward this use variance for such a refiling.
- Staff would also contend that there no undue hardship has been identified that would prevent the site from operating within compliance of either the ordinance (residential and agricultural functions) or within the parameters established by the 2009 Use Variance. For this reason, staff feels that this petition would be more properly filed as a rezoning and recommends denial.

## GENERAL INFORMATION

|                                   |                          |                                                                 |
|-----------------------------------|--------------------------|-----------------------------------------------------------------|
| <b>Existing Zoning</b>            | D-A                      |                                                                 |
| <b>Existing Land Use</b>          | Commercial / Residential |                                                                 |
| <b>Comprehensive Plan</b>         | Suburban Neighborhood    |                                                                 |
| <b>Surrounding Context</b>        | <b>Zoning</b>            | <b>Surrounding Context</b>                                      |
| North:                            | D-3                      | North: Residential (in development)                             |
| South:                            | D-A                      | South: Residential / Undeveloped                                |
| East:                             | D-A / D-P                | East: Residential                                               |
| West:                             | D-A / D-3                | West: Residential / Undeveloped                                 |
| <b>Thoroughfare Plan</b>          |                          |                                                                 |
| Hanna Avenue                      | Primary Collector        | 55-foot existing right-of-way and 80-foot proposed right-of-way |
| <b>Context Area</b>               | Metro                    |                                                                 |
| <b>Floodway / Floodway Fringe</b> | No                       |                                                                 |
| <b>Overlay</b>                    | No                       |                                                                 |
| <b>Wellfield Protection Area</b>  | No                       |                                                                 |
| <b>Site Plan</b>                  | 07/01/2025               |                                                                 |
| <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>           | 07/01/2025               |                                                                 |
| <b>Findings of Fact (Amended)</b> | N/A                      |                                                                 |

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Enter all comprehensive plans applicable to this proposal.

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood typology to allow for predominantly single-family supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural corridors and features should be treated as focal points for development.
- Large-scale places of assembly should be located along arterial streets, contain pedestrian infrastructure if located near residences, near public transit when possible, and developed in harmony with surrounding neighborhoods with screened parking and service areas.

### 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

**2009UV2017** ; Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for indoor and outdoor commercial recreation uses (not permitted), a gravel access drive, parking and maneuvering areas (not permitted). Variance of development standards of the Sign Regulations to legally establish a nine-foot tall, 32-square foot sign with a five-foot front setback from the existing right-of-way of Hanna Avenue (freestanding sign not permitted, minimum fifteen-foot front setback required), **approved**.

### ZONING HISTORY – VICINITY

**2022CZN830 ; 7320 E Hanna Avenue (north of site)**, Rezoning of five acres from the D-A district to the D-3 district, **approved**.

**2021ZON075 ; 7320 E Hanna Avenue (north of site)**, Rezoning of 73.85 acres from the D-A and SU-43 districts to the D-4 district, **approved**.

**2014DV3014 ; 3939 Fisher Road (northeast of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for: (a) a 14-foot tall (accessory buildings cannot be taller than the primary dwelling), 1,440-square foot pole barn; (b) with a 10-foot north side setback (minimum 15-foot side setback required); (c) creating 1,440 square feet of accessory building area or 116% of the main floor area of the primary dwelling and 2,040 square feet of accessory use area or 164% of the total floor area of the primary dwelling (maximum 933 square feet or 75% of the main floor area of the primary dwelling permitted, maximum 1,243 square feet or 99.9% of the total floor area of the primary dwelling permitted), **approved**.

**2007ZON029 ; 4211 Five Points Road (west of site)**, Rezoning of 49.56 acres from the D-A district to the D-3 district, **approved**.

**2004ZON803 ; 7913 E Hanna Avenue (east of site)**, rezoning of 231.80 acres, being in the D-A (FF) (FW) and D-2 (FF) (FW) Districts, to the D-P (FF) (FW) classification to provide for a single-family and two-family residential development, with a maximum density of 2.50 units per acre, **approved**.

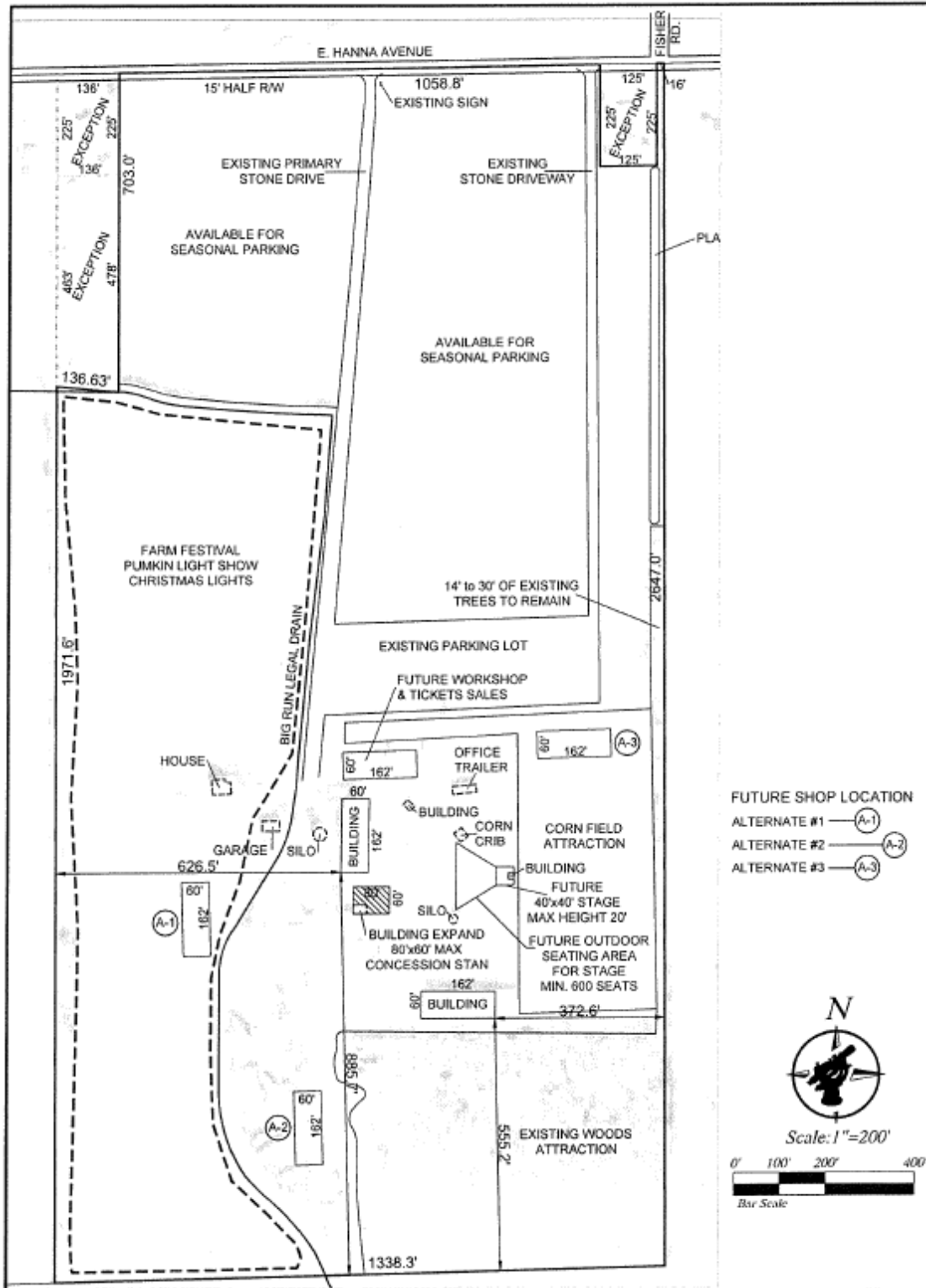


EXHIBITS

2025DV1005 ; Aerial Map



**2025UV1017 ; Site Plan**





## **2025UV1017 ; 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 the continued operation and refocusing of this seasonal outdoor recreational business as proposed presents no reasonable risk of injury to the health, morals or general welfare of the community, as it has operated in this same fashion for several decades without any such injury.
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 property to the South is undeveloped farm property and an active railroad track. The former and existing agricultural parcels to the North, East and West have mostly been rezoned for development as residential subdivisions. The subdivision to the East was protected by the Commitments negotiated in 2009 which are being retained. The subdivision under development across Hanna Avenue to the North is well protected by the commitments pushing all the related operational areas to the South portion of the property. Existing buffering and the low intensity of the operations proposed west of the Weise ditch adequately protect the likely future subdivision on the property to the West. At the time of each of the rezonings occurred on the likely future development to the West and development under way to the North, commitments were negotiated and recorded which require that the Plat Covenants for each of those proposed subdivisions must contain a provision clearly notifying all residents that the Hanna Haunted Hayride business was in operation prior to said rezoning, and that the residents shall not oppose the reasonable growth thereof. As a result, these homes were built with prior knowledge of this existing business. The home abutting the Northeast corner of the subject property has been purchased by the Petitioner since the 2009 variance was approved, and the remainder of the homes on lots around the area have existed for decades while this use has been conducted on the site, without substantial impact to the use or value of said parcels.
3. The need for the variance arises from some condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood because: The subject property is uniquely suited to the types of existing and proposed outdoor recreational uses due to the fact that it is still a substantial open area which contains a significant wooded area perfect for the outdoor "Haunted Hayride" attraction that is the cornerstone of the operation. The open and agricultural appearance of the site can likely be preserved for several more years if these seasonal uses are allowed to continue, and the preservation of this site while development takes place over time around it is preferable to leaving its development for housing as the only viable option.
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 recreational uses proposed by the Petitioner could not be conducted under the existing D-A zoning. The uses are only interim uses until the property is eventually developed as housing, and the buildings and related improvements will be easy to remove at that time. While much of what the Petitioner proposes is not inconsistent in intensity or the activity to what typically occurs on a vegetable farming operation or other D-A approved use, it is likely that the seasonal recreational uses requested herein would actually be classified as C-5 and/or C-4 uses under the existing commercial zoning ordinance. Requiring the rezoning of the site to such a heavy commercial classification to legally permit the continued use of this site as a unique community attraction would be considered spot zoning at best.
5. The grant does not interfere substantially with the Comprehensive Plan because: The Comprehensive Plan proposes Suburban Neighborhood. The substantial wooded area and the legal ditch stream corridor are further designated as sensitive environmental areas and marked for future parks or trails. The approval of the updated Plan of Operation for this interim seasonal use increases the likelihood that the woods and this stream corridor will be preserved until the site is eventually ready for redevelopment, and the types of improvements related to these recreational uses have already been approved in 2009 as not being significant enough to hinder the likelihood of the eventual rezoning and development of the site in compliance with the Plan.

**2025UV1017 ; Plan of Operation (1 of 2; changes from 2009 Plan notated)**

1). **Operation:** Petitioner proposes to continue to operate and expand a seasonal recreational indoor and outdoor “haunted” attraction on the site, which is shared with the long time farming operations on the site and the office/residential use of the home and outbuildings.

2). **Details of Operation:**

A. The existing wooded area in the Southeast corner of the site (as shown on the Site Plan) and the abutting areas North and West of the woods contain multiple existing improvements related to the operation of a seasonal “haunted hayride” attraction. Customers pass through and experience that attraction. The existing uses would continue, and the use could be expanded or intensified within this area. The operations within the woods shall be restricted to an area which is at least thirty (30) feet West of the East property line.

B. A seasonal “Corn Maze” and similar entanglement attractions with various associated “haunted” elements would continue to be operated on the site. This attraction is currently located as shown on the Site Plan, but since its location is based primarily on crops which are planted new every year, it may be moved around on the site year to year. The location of this portion of the operation shall be restricted to an area which is at least 750 feet South of the centerline of Hanna Avenue, is at least 30 feet West of the East property line, and is East of the Wiese ditch which dissects the site.

C. A seasonal attraction containing a variety of “haunted” elements would continue to be operated in the primary operations area. The location of the primary operations area (not to include the accessory operations described in 2A, 2B, 2D and 2E), shall be restricted to an area which is at least 1400 feet South of the centerline of Hanna Avenue, at least 80 feet North of the South line of the property, at least 100 feet away from the East line of the property, and East of the Wiese ditch. The primary operations area shall include various indoor and outdoor operations or attractions, including but not limited to larger individual or grouped recreational attractions, and also related uses such as the staging of customers awaiting entry to the various attractions, ticket sales, ~~snack-and-beverage-service~~, accessory uses, and also various smaller “haunted” attractions which typically connect between the larger “attractions” and the like. The primary operations area shall also include certain “haunted” attractions which are contained within modular buildings/trailers, a stage and associated seating, temporary buildings/tents or the like, and/or permanent buildings as illustrated on the approved Site Plan.

D. A seasonal “pumpkin trail” attraction for customers to walk through, including real and prop pumpkins, related carnival rides, and also the sale of pumpkins may be operated in the area which is West and south of the Weise ditch, as illustrated on the approved Site Plan.

E. A seasonal “Christmas light trail” attraction for customers to walk through, including related carnival rides, may be operated in the area which is West and South of the Weise ditch, as illustrated on the approved Site Plan.

**2025UV1017 ; Plan of Operation (2 of 2; changes from 2009 Plan notated)**

F. Within the primary operations area, a space not to exceed 10,000 square feet may be operated year round as an indoor escape room type of attraction.

G. Within each of the areas in which an attraction is being operated, the uses permitted shall include snack and beverage sales and service (which shall include alcohol if approved via permit from the Alcohol Beverage Commission).

H. The parking areas associated with the seasonal recreational business authorized by this variance shall be located North of the primary operations area, East (or Northeast, as applicable) of the Wiese ditch, at least 50 feet South of the centerline of Hanna Avenue, and at least 30 feet from the East line of the property.

**3). Limits on Days and Hours of Operation:** See Variance Conditions:

**4). Noise:** See Variance Conditions:

**5). Signage:**

A. Temporary directional signage on site shall be used during the primary periods of operation as reasonably necessary to direct vehicular and pedestrian traffic on the site.

B. The only permanent signage related to the ~~seasonal recreational business~~uses authorized by this variance shall be the existing sign authorized by the existing development standards variance ~~portion of the petition~~ (or a replacement which does not exceed the size and/or height of the existing sign)

**6). Workforce:** The operation is managed primarily by the owners of the Petitioner. The employees are hired during the short period of operations, and typically are teenagers or young adults living in the area. The employees shall park in the seasonal parking areas used by customers.

**7). Customers:** Customers are from a wide range of ages and backgrounds. Most live in central Indiana, but many repeat customers travel from out of state to attend.

**8). Waste:** The only waste generated is minor trash left by the customers. It is collected in trash cans which are emptied into dumpsters on site which when full are picked up by contractors hired by Petitioner.

**9). Seasonal Area Surfacing.** The areas used for customer and employee parking, maneuvering areas and internal access drives associated with the uses authorized by this variance are not required to be surfaced with paving, stone or gravel pursuant to the existing development standards variance.



**2025UV1017 ; Plan of Operation (1 of 6; changes from 2009 Commitments notated)**

1. No more than ten (10) separate permanent buildings containing indoor “haunted” attractions (“haunts”) shall be constructed within the Primary Operations Area (as defined in the Plan of Operation); after June 8, 2009, and the total square footage of all of the combined buildings containing the indoor “haunts” and the possible “escape room” attractions built after June 8, 2009 shall not exceed 75,000 square feet.
2. ~~No more than three (3) new~~The total square footage of accessory buildings (for uses such as office, equipment storage, ticket sales, a shop, and the design, fabrication, maintenance, repair, etc of the various attractions) shall be or similar) built after the date of the grant of this variance. These newJune 8, 2009 shall not not exceed 36,000 sq. ft; and all such accessory buildings shall only be constructed within the Primary Operations Area, and the total of new accessory buildings shall not exceed 18,000 sq. ft.,
3. The buildings, trailers and related structures, temporary or permanent, which ~~exist~~existed on the site as of June 8, 2009,the date of approval of this variance shall continue to be permitted for use as a mixture of uses related to the Haunted operations, the farm, and the residential uses on the site; and this variance shall not be interpreted to prevent or limit the construction of future buildings and/or the continued use of the site; which are still used primarily for agricultural and residential uses otherwise permitted by the existing zoning.
4. No bonfires shall be located within 300 feet of the East property line.
- ~~5. Parking shall be prohibited within 150 feet of the West line of the property addressed as 7425 E. Hanna Avenue, and also within 200 feet of the South line of said 7425 E. Hanna Avenue property.~~
5. The approved Site Plan shows the approximate location of a proposed new outdoor entertainment venue/stage within the Primary Operations Area, which is to be considered a permitted accessory use. The associated stage shall not exceed 40’ in width or 40’ in depth, nor shall it exceed 22’ in height. In addition, the venue shall face primarily to the West, and the use of same shall direct any all amplified sound primarily to the West. In addition, the final location of same shall not be any further East than shown on the Site Plan.
6. Any permanent or temporary trailers/buildings used in the seasonal recreational business authorized by this variance shall be located only within the Primary Operations Area, and no closer than 125 feet away from the East property line of the site.
7. Any permanent or temporary trailers/buildings used in the seasonal recreational business authorized by this variance which are located within 300 feet of the East property line of the site shall be installed and utilized so that with the exception of

**2025UV1017 ; Plan of Operation (2 of 6; changes from 2009 Commitments notated)**

possible emergency exits, no exit or entry used by customers of the attraction shall be located on the East facing wall of said building.

8. Any tents, trailers, or similar temporary buildings used in the seasonal recreational business authorized by this variance and which are located within 250 feet of the East property line of the site during the set-up period and/or the period of operations, will be removed or relocated to an area which is at least 250 feet away from the East line within thirty (30) days after the end of each operating season.

9. If the business activities conducted within any permanent buildings or temporary trailers/buildings located within 200 feet of the East property line produce sound(s) which exceed 62 decibels for any more than 2 minutes in any one hour time period, as measured at any point approximately 5 feet above the ground which is also located along the portion of the East property line of the site which is within the Primary Operations Area and which is North of the primary wooded area, then before the following season's operations commence, said building shall be improved via the installation of sound absorbing materials along its interior East wall.

10. ~~The playing of music (defined as live or recorded songs, and not to include With the exception of the soundtracks or similar recorded sounds utilized used in the various haunted attractions, the haunted hayride, corn maze, etc.) during and as a part of the operation of the business, either indoors or outdoors,...~~ the playing of live or recorded music/songs shall not produce sound which exceeds 62 decibels for any more than 2 minutes in any one hour time period, as measured at any point approximately 5 feet above the ground which is located along the portion of the East property line of the site which is within the Primary Operations Area and which is also North of the primary wooded area.

11. For purposes of interpreting and enforcing Conditions 9 and 10 hereinabove, the meter used to measure the sound level of the music at the time this variance was approved (and the 62 decibel figure was approved) was a Radio Shack meter identified as CAT #33-20-55. Upon request, the Petitioner shall purchase another such meter, of the same make and model, for use by Mr. Michael Eagen, who resides at 4350 Viva Lane, Indianapolis, IN – 46239 (or his replacement as selected or approved by the Chessington Grove Homeowners Association) (hereinafter "Mr. Eagen"), to assist in the monitoring the sound levels restricted by Conditions 9 and 10. If the make and model of the meter used by the owner is changed at any time, a comparison test of the new meter with the original meter shall be done utilizing recorded music similar to the measuring process utilized to establish this level initially. If a 62 decibel reading for such music on the original meter at the East property line results in a different level on the new meter, the new comparable decibel level limit shall be set forth in a written instrument signed by Petitioner and provided to Mr. Eagen, and this limit shall be deemed modified thereby for purposes of both Conditions 9 and 10 without need for formal process, other notice or hearing. Upon request at that same time, a new meter of the same make and model of the new meter to be used by the Petitioner shall be provided by the Petitioner to Mr. Eagen. Prior to each operational year commencing, Petitioner shall provide Mr. Eagen contact



**2025UV1017 ; Plan of Operation (3 of 6; changes from 2009 Commitments notated)**

telephone numbers for at least two primary employees of the business, for use during the hours of operation by anyone concerned about possible violations of Conditions 9 or 10.

12. The foregoing Conditions 9, 10, and ~~all~~ 11 shall not be deemed to supersede or otherwise ~~impede~~ impede the enforcement the Marion County Noise Control Ordinance, codified as Section 391-302 of the Marion County Code.

13. ~~The following limits on hours and days of operation shall apply to the business attractions authorized by this variance shall be subject to the following limitations on the annual days and hours of operations:~~

~~A. With the exception of the special event exception contained~~ Unless otherwise specified in subsection C of this Condition, the seasonal recreational business authorized by this variance will ~~Commitment, the haunted attractions (and the "pumpkin trail" shall not commence operations prior to September 1<sup>st</sup>~~ August 15<sup>th</sup>, and will ~~shall not operate any later than November 7<sup>th</sup>; the Sunday of the weekend following Thanksgiving.~~

~~B. Between September 1<sup>st</sup> and September 30<sup>th</sup>, the business~~ August 15<sup>th</sup> and the first Sunday in October, and also between the last Sunday in October (or Halloween day if later) and Thanksgiving Day, the haunted attractions and the pumpkin trail shall only be permitted to operate on Friday nights; and Saturday nights, and ~~until 1:00 AM of the following morning, and on a maximum of two other nights in each week until 11:00 PM.~~

~~C. After the first Sunday in October, and until the last Sunday in October (or Halloween Day if later), the haunted attractions and pumpkin trail shall be permitted to operate on any night, with the attractions closing at midnight on all days except Friday and Saturday, on which operations may operate until as late as 2:00 AM of the following day. In addition, during the primary operations period only, on no more than four (4) the attractions may stay open as late as 3:00 AM of the following day.~~

~~D. The haunted attractions shall also be permitted to operate during the following special event time periods~~

~~(i) "Krampus" or similar: Between Thanksgiving and Christmas, only on Friday, Saturday and Sunday evenings, ceasing operations no later than 1:00 AM of the following morning on Friday or Saturday nights and 11:00 PM on Sunday night.~~

~~(ii) "Haunted Valentine" or similar: Only on the Friday, Saturday and Sunday nights on the weekends before and after Valentine's Day; ceasing operations no later than 1:00 AM of the following morning on Friday or Saturday nights and 11:00 PM on Sunday night.~~

~~(iii) "Halfway to Halloween" or similar: Only on one other night per each week—three day weekend between April 15 and May 31; ceasing operations no later than 1:00 AM of the following morning on midnight on Friday or Saturday nights and 11:00 PM on Sunday night.~~

~~C. The business may be operated for one "special event" outside of the calendar limitations set forth in subsection A of this Condition No. 12, and during such "special event" the business hours shall be as set forth in this section C. In the case of such a "special event", the business may be operated outside of the calendar limitations in subsection A for no more than one seven (7) day time~~

**2025UV1017 ; Plan of Operation (4 of 6; changes from 2009 Commitments notated)**

period each year; and during such "special event" the business shall be operated on no more than five (5) days out of said seven (7) day time period. During this "special event", all attractions shall cease operations no later than midnight if open. (iv) A "Special Event" or similar, typically due to a special request to host an event related to a convention in Indianapolis or a gathering of operators of similar haunted recreation attractions, in which case the attractions could be operated on no more than 5 days out of the specific seven day Special Event period; with all operations ceasing not later than 11:00 PM on a Sunday, Monday, Tuesday, Wednesday, or Thursday; and no later than 1:00 AM of the following day if operated on a Friday or Saturday.

——— D. If operated on a Sunday, Monday, Tuesday, Wednesday, or Thursday which is also more than 15 days prior to the last Friday or Saturday (whichever is later) upon which the business is operated in that year, then all the attractions shall cease operations no later than 11:00 PM.

——— E. If operated on a Sunday, Monday, Tuesday, Wednesday, or Thursday which is within 15 days of the last Friday or Saturday (whichever is later) upon which the business is operated in that year, then all the attractions shall cease operations no later than midnight, with the exception that on no more than three (3) of these operating days the attractions may stay open as late as 1:00 AM of the following day.

——— F. If operated on any Friday or Saturday night which is not one of the last four Fridays or the last four Saturdays on which the business is operated that year, all the attractions shall cease operations no later than 1:00 AM of the following day.

——— G. For the Friday and/or Saturday nights which are one of the last four Fridays and/or the last four Saturdays on which the business is operated that year, all the attractions shall cease operations no later than 2:00 AM of the following day, with the exception that on no more than four (4) of said days the attractions may stay open as late as 3:00 AM of the following day.

——— H. E. The Christmas Light trail shall only operate between Thanksgiving day and Christmas Day; between only from ½ hour before sunset to 10:30 PM.

F. The escape room attraction shall cease operations not later than midnight.

G. Ticket sales shall open no earlier than 2 hours prior to sunset, and ticket sales shall close on the earlier of the following: (i) one hour prior to the deadline to close for that night; or (ii) 1:00 AM of the following day.

14. The existing healthy trees and undergrowth located within thirty (30) feet of the portion of the East property line which abuts the heavily wooded portion of the site located in the Southeast corner, shall not be removed or materially damaged by the Petitioner. In addition, the existing trees within ten (10) feet of the portion of the East property line which is North of the heavily wooded area and along the East side of the area which is actually utilized as the Primary Operations Area, shall not be removed or materially damaged by the Petitioner. Any existing healthy trees of a non-nuisance species which are located within the two preservation areas identified herein, and which are larger than 6 inches caliper (as measured 6 feet off the ground) which are removed or materially damaged by the Petitioner shall be replaced by the Petitioner within 1 year of such incident with two (2) trees of a non-nuisance species. This requirement shall be deemed waived if the removal of the subject trees is authorized by the Administrator as a

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part of an approved landscape plan. If replacement is required, the trees shall be replaced within the same tree preservation area unless otherwise approved by the Administrator.

15. If the North boundary of the Primary Operations Area extends further North than the north edge of the existing trees along its East side (those being preserved pursuant to Condition 14), then ~~starting no earlier than the 2010 operating season, the~~ Petitioner shall install screening within 20 feet of the open portion of said East line of the Primary Operations Area, utilizing one of the following alternatives:

- A. Petitioner shall plant and maintain a natural crop screen, using a seed variety which would typically result in a plant screen at least five (5) feet in height and ten (10) feet in width throughout the period of business operations. For example, the Petitioner could plant 6 rows of corn, sorghum or the like along said border, and then harvest it after the operations ceased for the season.
- B. Petitioner shall plant row of evergreen trees along said open portion, with such trees being at least 5 feet tall at the time of planting, and spaced not more than 25' apart. The Petitioner shall maintain said trees, and shall replace any which die at least annually.
- C. Petitioner shall install an earthen mound not less than 5 feet in height along at least the portions of the East side of the Primary Operations Area which do not contain screening trees within the ten (10) feet of the East property line.

16. If any portion of the parking areas are located within 100 feet of the East property line, then in such case ~~if there are also any residential homes completed on the first row of lots within the proposed subdivision immediately to the East of said parking areas, the Petitioner shall install screening between each said lot containing a completed residencee and said parking area, the~~ Petitioner shall install screening east of said parking areas utilizing one of the following alternatives:

- A. Petitioner shall plant and maintain a natural crop screen, using a seed variety which would typically result in a plant screen at least three (3) feet in height and ten (10) feet in width throughout the period of business operations. For example, the Petitioner could plant 6 rows of soybeans, corn, sorghum or the like along said border and then harvest it after the operating season was over.
- B. Petitioner shall plant a row of evergreen trees along each such area, with such trees being at least three (3) feet tall at the time of planting, and spaced not more than 25' apart. The Petitioner shall maintain said trees, and shall replace any which die at least annually.
- C. Petitioner shall plant a row of shrubs or grasses along each such area, with such plantings being at least three (3) feet tall at the time of planting, and spaced so as cover at least 75% of the open area along said common border. The Petitioner shall maintain said plantings, and shall replace any which die at least annually.
- D. Petitioner shall install an earthen mound not less than 3 feet in height along the applicable portions of the East line of the parking area.

17. The improvements necessary to operate the existing haunted hayride already exist within the wooded area located in the Southeast corner of the site. However, ~~a tree~~



**2025UV1017 ; Photographs**



Photo 1: Seasonal Parking Areas Viewed From Access Drive Looking East



Photo 2: Seasonal Parking Areas Viewed From Access Drive Looking West



**2025UV1017 ; Photographs (continued)**



Photo 3: Adjacent Property to Northeast of Site



Photo 4: Existing Residence Viewed from East (June 2019)

**2025UV1017 ; Photographs (continued)**



Photo 5: Gravel Parking Area Viewed From Northwest



Photo 6: Existing Buffering To East of Gravel Parking Area



**2025UV1017 ; Photographs (continued)**



Photo 7: Northern Seasonal Parking Areas Viewed From Gravel Parking Area



Photo 8: Proposed Pumpkin + Christmas Light Show Trail Area Viewed From East



**2025UV1017 ; Photographs (continued)**



Photo 9: Existing Corn Maze Area Viewed From Gravel Parking Area



Photo 10: Existing Pole Barn Building Viewed From Northwest

**2025UV1017 ; Photographs (continued)**



Photo 11: Operations Area Viewed From Northwest



Photo 12: Operations Area Viewed From West



**2025UV1017 ; Photographs (continued)**



Photo 13: Proposed Stage Location Viewed From West



Photo 14: Existing Pole Barn Furthest South At Subject Site