

**BOARD OF ZONING APPEALS DIVISION I**

**October 7, 2025**

**Case Number:** 2025-DV1-047

**Property Address:** 5145 North Keystone Avenue (approximate address)

**Location:** Washington Township, Council District #2

**Petitioner:** DAST 2 LLC, by Joseph Lese

**Current Zoning:** C-7 (W-5)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation of an existing commercial building resulting in zero percent transparency along the north elevation, 19 percent transparency along the south elevation, a .08 Green Factor, an alternative interior parking landscape plan and 19 parking spaces (30 percent transparency required for areas of each façade within 50 feet of the right-of-way, 0.22 Green Factor and compliant landscaping required, 36 parking spaces required).

**Current Land Use:** Vacant Commercial

**Staff**

**Recommendations:** Staff recommends **approval** of the requested variances.

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the requested variances.

**PETITION OVERVIEW**

- 5145 North Keystone Avenue is a parcel currently improved with a vacant commercial structure and small paved areas to the north and south accessed from Keystone located near the intersection of Keystone and 52<sup>nd</sup> Street. The previous use at the site was a furniture company that utilized the existing structure for retail sales with storage areas in the rear; it appears this use was discontinued between 2019 and 2022. The site is bordered by the Nickel Plate Trail to the east, a Dollar General store to the south, offices for a construction company to the north, and a vacant commercial structure to the west (formerly a billiard parlor). The proposed user for the existing space would be the offices for a talent agency (a permitted use within the site's C-7 zoning as well as within commercial zoning districts designated for less intense uses).

- The process of remodeling the existing structure for adaptive reuse as offices (primarily internal work) had begun without the issuance of permits, which resulted in a stop-work order associated with the violation case VIO25-005053. Issuance of an Improvement Location Permit would also be required due to minor building additions and the inclusion of marked parking spaces on the northeastern and southern portions of the site. Issuance of relevant permits would still be required regardless of the result of this variance petition.
- Per the most recent plans submitted, the following variances would be required to allow for the remodeling work and change in use to occur legally: **(a)** the portions of the northern and southern building façades furthest to the west would require windows or other transparency given their proximity to the Keystone frontage; **(b)** the proposed Green Factor and interior landscaping within parking areas would not meet current Ordinance requirements; and **(c)** the use would be supported by 19 parking spaces when the building's use and size would require 36 spaces. Although the width of existing access drives to the north and south of the site would remain unaltered and could be considered legally non-conforming, the abandoned sign along the western frontage of the site would not be allowed to remain abandoned by approval of this variance and could be cited if not removed.
- The property is zoned C-7 (High-Intensity Commercial District) to allow for specific areas for commercial uses which have unusually incompatible features relative to other commercial areas, such as major outdoor storage or display of sizable merchandise and trucks. However, the Comprehensive Plan recommends the site for comparatively less intense Community Commercial uses. The proposed adaptive reuse of this structure for offices would align with the comprehensive plan recommendation. The property is also partially within a Wellhead Protection Area.
- Minimum standards on building transparency exist to allow for storefronts that are inviting for pedestrians as well as viewable to law enforcement or emergency personnel responding to calls. Findings provided by the applicant indicate that the existing building utilizes load-bearing concrete blocks that would not be conducive to removal at the corners of the building for reasons of both price and structural integrity, and that additional transparent area would be added further to the east to partially compensate for this deficiency. Staff agrees that practical difficulty would exist to add transparency in these areas and would note that the western façade directly oriented to Keystone *would* meet transparency requirements per provided elevations. Staff recommends approval of the variances related to building transparency.
- Landscaping requirements exist to allow for aesthetically pleasing, environmentally beneficial, and sustainable development. Findings provided by the applicant indicate that existing levels of paving/impervious areas at the site and power lines along the western property line prevent placement of large trees or landscaping areas that would meet Green Factor requirements. Staff agrees that practical difficulty exists at the site given the adaptive reuse constraints, and that additional internal landscaping would likely impact the maneuverability of vehicles. Staff recommends approval of the variances to allow for the landscape plan within Exhibits below.

- Parking minimums exist to ensure that land uses within the County provide adequate parking facilities for their operation without the creation of negative externality for adjacent properties or public rights-of-way. Findings provided by the applicant in this regard indicate that their parking layout would help define property boundaries in a manner beneficial to neighboring sites, that internal bicycle parking would be provided to allow for alternate methods of site access from the nearby Nickel Plate Trail, and that the existing site and building layout would not allow for additional parking areas without complicating vehicle maneuverability. Staff agrees with these Findings and would note that in addition to the difficulty that results from the constrained site, the proposed user of a talent agency office would be unlikely to be a large traffic generator. Staff recommends approval of the variance related to parking.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-7 (W-5)	
<b>Existing Land Use</b>	Vacant Commercial	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
North:	C-7	North: Commercial
South:	C-7	South: Commercial
East:	C-3	East: Pennsy Trail
West:	C-5 / D-5	West: Commercial
<b>Thoroughfare Plan</b>		
Keystone Avenue	Primary Arterial	100-feet existing right-of-way and 104-feet proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	08/12/2025	
<b>Site Plan (Amended)</b>	09/11/2025	
<b>Elevations</b>	08/12/2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	09/11/2025	
<b>Findings of Fact</b>	08/12/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Community Commercial typology to allow for low-intensity commercial and offices uses that serve nearby neighborhoods (such as small-scale shops, personal services, business services, groceries, etc.).

### 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

N/A

### ZONING HISTORY – VICINITY

**2011HOV024 ; 5198 N Keystone Avenue (northwest of site)**, Variance of development standards of the Commercial Zoning Ordinance to provide for a building addition to a fast-food restaurant and a drive-through located within 54 feet and 70 feet, respectively of a D-7 zoned protected district (100-foot separation required), and to provide for parking, a storage shed and trash container, in an existing paved area, with a zero-foot west side transitional setback, without landscaping (20-foot transitional setback, with landscaping required), **approved**.

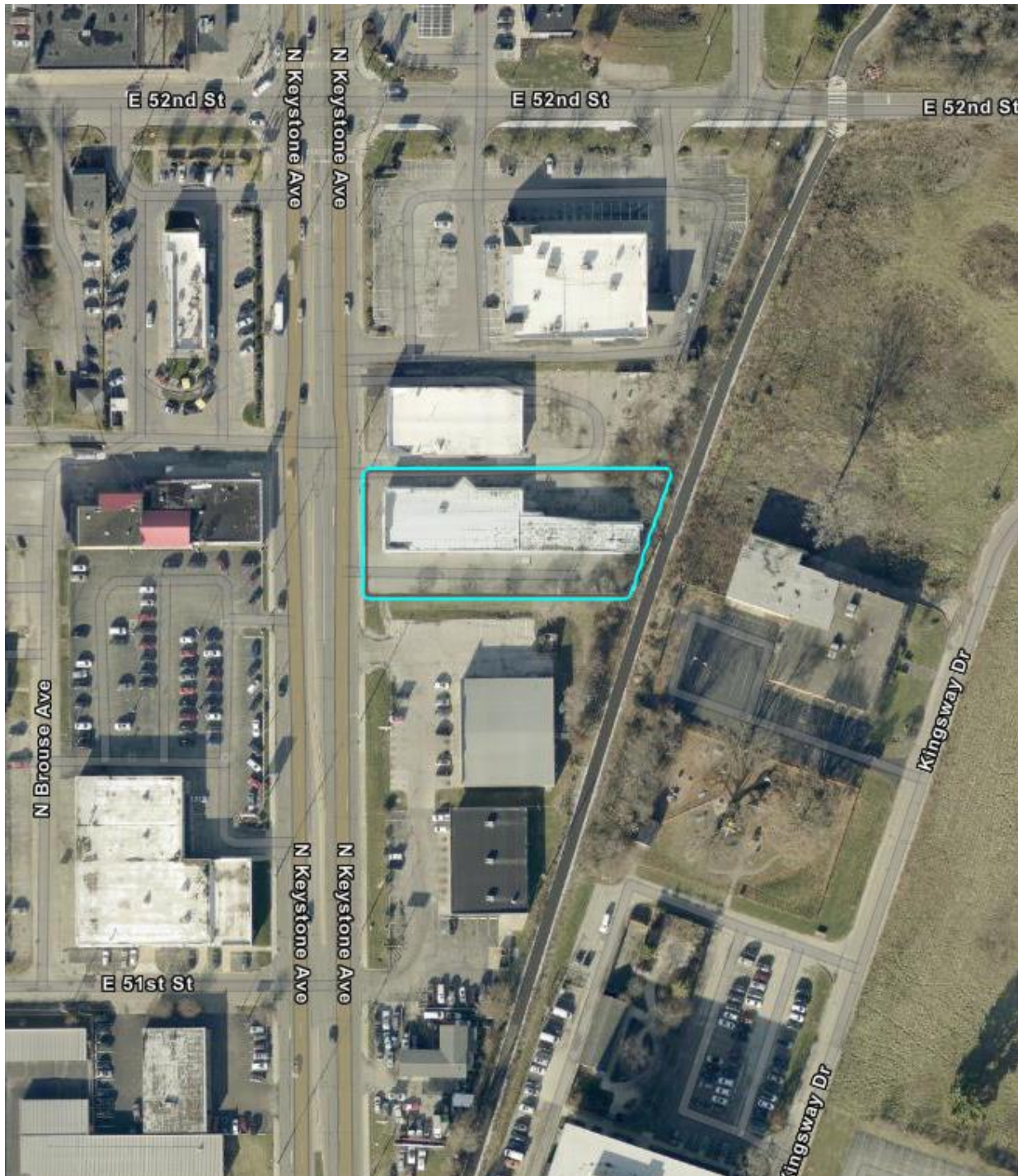
**2010LNU005 ; 5102 N Keystone Avenue (southwest of site)**, Seeking approval for reduced front building setbacks, use of required front yards, and lack of landscaping in required front yards, **approved**.

**98-V2-91 ; 5125 N Keystone Avenue (south of site)**, variance of development standards of the Commercial Zoning Ordinance to provide for the construction of 7,000 square foot commercial building with a rear yard setback of 1 foot (minimum 10 feet required), a northern side yard setback of 5 feet (minimum 10 feet required) and a dumpster within the required rear setback (not permitted), **approved**.

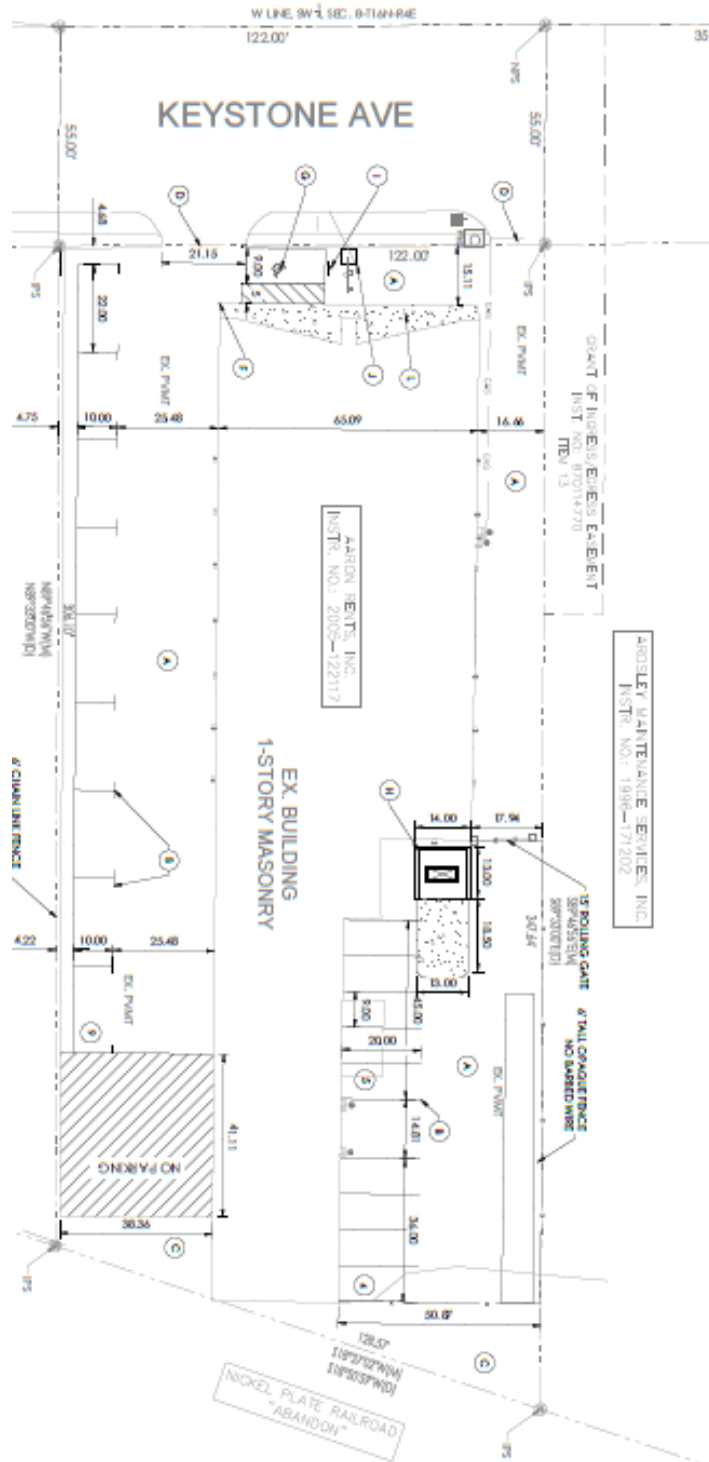


EXHIBITS

2025DV1047 ; Aerial Map



**2025DV1047 ; Site Plan (09/11/2025)**



A detailed site plan for Aaron Rents, Inc. The plan shows a long, narrow 1-story masonry building with a central entrance. To the left of the building is a large parking area labeled "NO PARKING". To the right of the building is a landscaped area with various trees and shrubs, some labeled with dimensions like "8' x 8'", "10' x 10'", and "12' x 12'". A small structure labeled "NICKEL PLATE RAIL" is located near the bottom right. The plan includes numerous dimensions and labels for trees and other features.

AARON RENTS, INC.  
INSTR. NO.: 2005-122117

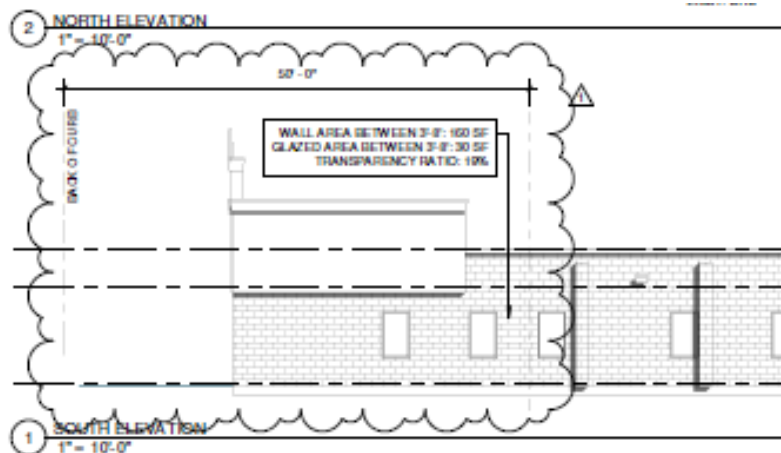
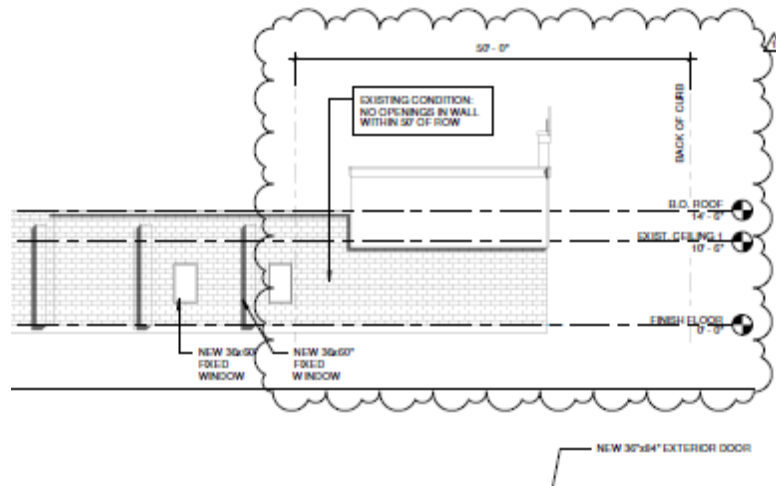
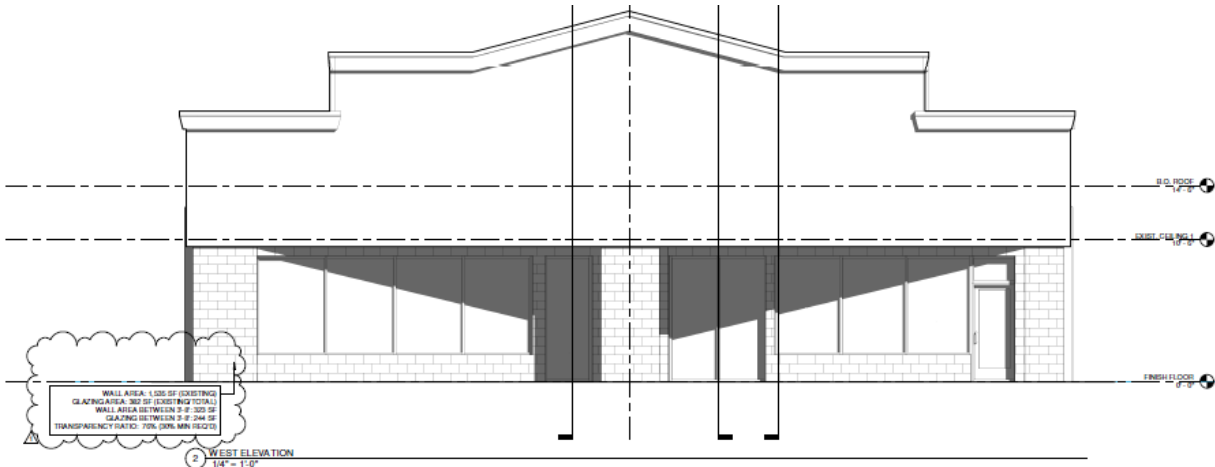
EX. BUILDING  
1-STORY MASONRY

NO PARKING

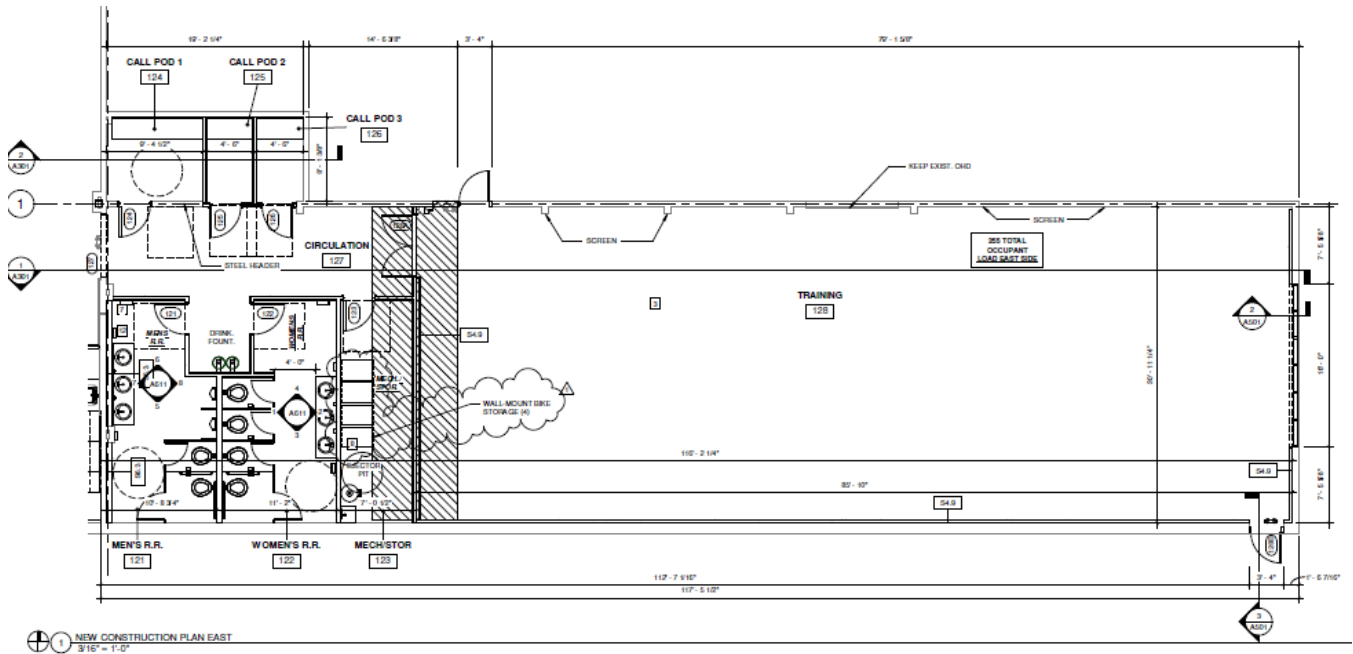
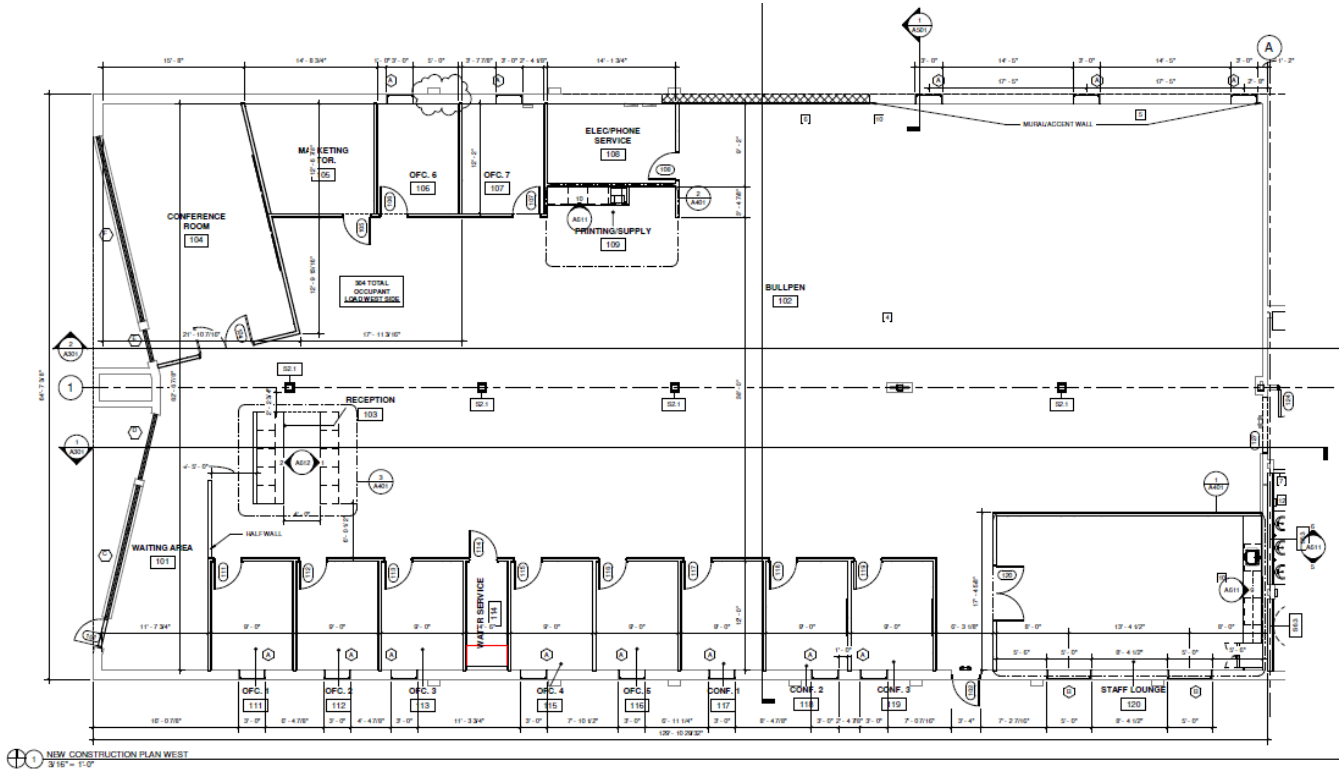
NICKEL PLATE RAIL  
"ABANDONED"



**2025DV1047 ; Elevations (west, partial north and partial south)**



**2025DV1047 ; Proposed Floorplans**



## **2025DV1047 ; Findings of Fact (Transparency)**

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

The historical amount of storefront is being maintained in entirety to the west, where the bulk of the frontage view is visible from the street and sidewalk, and by not adding in windows would not change the appearance from what it is today and therefore not harm or injure the public. While new windows are not being placed within 50' of the right of way, new windows are being placed outside of it to bring in daylight to the employees of the business.

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:

not adding in windows in this particular spot has no bearing on the value of adjacent properties, and does not impact the adjacent property uses on either side. The values of adjacent properties will not be negatively affected because of the grant, but will likely realize either a stabilization in value or an increase due to the number of new windows being added along the north and south elevations.

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

of the structural nature of the building being primarily built out of concrete block in a loadbearing manner, creating that much transparency would require expensive structural modifications just to ensure the building's main facade and corners remain structurally sound as the building was not designed to have large gaps at the ends where the bulk of the shear (lateral) load of the building occurs during a westerly wind event. The owner has elected to add windows to the north and south elevations where practical, but it falls outside the 50' right of way boundary for the most part.

## **2025DV1047 ; Findings of Fact (Parking Space Quantity)**

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

the existing paved area is being improved with striping of parking spaces to assist and guide with safe travel within the parcel, which improves the health, safety, morals and welfare of the public.

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 improvements help define the border of the property whereas prior it did not. This will ensure that visitors to the site will remain on the site, and not impact the adjacent properties to the north or south with use of their drive aisles or parking lots. The stabilization of the site will not adversely affect the values of adjacent properties as it will show financial investments into the property which will influence the image in a positive manner.

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

the parcel is constrained to the north and south with physical limitations, and the existing building presents internal physical constraints. By maximizing the number of parking stalls to the extent practical, while maintaining appropriate parking stall dimensions and drive aisles, this ensures ease of maneuverability within the site whereas increasing density to meet the quantity would impact both of those factors in a negative manner. With interior bicycle parking provided and being adjacent to the Nickel Plate Trail, this offers additional transit solutions for visitors to the site that can offset the parking space quantity deficiency presented.

### **2025DV1047 ; Findings of Fact (Internal Landscaping)**

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

while interior landscaping is not being provided for the parking, landscaping is being provided where practical at the perimeter where the landscaping is most visible which will provide the most benefit to the public health, safety, morals, and general welfare which will result in the most impactful location when compared to the site layout.

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:

by not providing interior landscaping at the parking spaces, this improves maneuverability within the compact site and does not run the risk of unintended consequences such as drainage impacts to adjacent properties. By pushing the landscaping to the perimeter, the use of each property to the north and south are maintained and the values are either stabilized or improved by the improved streetscape and presence.

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

the site is constrained in the north-south direction between the parcel itself and the existing building, and providing interior landscaping for the parking lot would reduce further the required number of parking spaces needed to support the building. By pushing the landscaping to the perimeter and adding as much as possible, while maximizing parking spaces, this provides the best possible solution to support the functions of the building while enhancing the property's use, value, and appearance.

### **2025DV1047 ; Findings of Fact (Green Factor)**

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

landscaping is being added where practical to a site that is 100% paved or impervious, which improves the public health, safety, morals, and welfare by improving the property's natural environment where possible. Adding in landscaping where possible will provide an improvement to the streetscape, stormwater drainage management, and air quality over what currently exists.

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 improvements are solely on the parcel and do not impact visibility, usability, drainage, and the like from adjacent parcels. The value of adjacent properties will stabilize or improve with the improvements to this property.

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

there is insufficient area of site to comply with the Green Factor without putting other functions of the site out of further compliance, most notably the off-street parking capabilities. The physical limitations of the site also preclude the project from planting large street trees and have forced the landscape design to be placed where practical and offer the best change for plantings to thrive.



**2025DV1047 ; Photographs**



Photo 1: Subject Site Viewed from Northwest



Photo 2: Subject Site Viewed from Southwest

**2025DV1047 ; Photographs (continued)**



Photo 3: Parking Area to South of Existing Structure Looking West



Photo 4: Existing Buffer from Nickel Plate Trail



**2025DV1047 ; Photographs (continued)**



Photo 5: Access Drive to North of Existing Structure Looking West



Photo 6: Parking Area to Northeast of Existing Structure

**2025DV1047 ; Photographs (continued)**



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to South



**2025DV1047 ; Photographs (continued)**



Photo 9: Adjacent Property to Northwest



Photo 10: Adjacent Property to Southwest