



BOARD OF ZONING APPEALS DIVISION III

March 19, 2024

Case Number: 2024-SE3-001
Address: 8550 East 30th Street (approximate address)
Location: Warren Township, Council District #9
Zoning: I-2
Petitioner: Marita y Castro Rivas, by David Kingen
Request: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an expanded parking area with a zero-foot rear yard setback (30-foot setback required).

Current Land Use: Vacant Veterinary Office

Staff Recommendation: Staff recommends **approval** of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for religious uses in an I-2 district.
- ◇ The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.
- ◇ The site falls within the Industrial Reserve (IR) overlay, which is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.



- ◇ The subject site was originally developed as a commercial building for a veterinarian’s office and clinic, and the proposed use will continue to use the existing building in a similar manner as the previous use.
- ◇ The subject site is limited in expansion due to the East 30th Street frontage and the proximity of a railroad right of way to the rear. Therefore, the proposed use should not negatively impact adjacent properties.
- ◇ The proposed rear setback reduction would have minimal impact due to the adjacent parcel’s use as a similar parking area and drive aisle, in additional being adjacent to a railroad right of way.

GENERAL INFORMATION

Existing Zoning	I-2		
Existing Land Use	Vacant Commercial		
Comprehensive Plan	Light Industrial Development		
Surrounding Context	Zoning	Surrounding Context	
	North:	I-2	North: Industrial Use / Railroad
	South:	I-3	South: Industrial Use
	East:	I-3	East: Industrial Use
	West:	I-2	West: Industrial Use

Thoroughfare Plan		
East 30 th Street	Primary Arterial	60-foot existing right-of-way and an 80-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Industrial Reserve	
Wellfield Protection Area	No	
Site Plan	January 24, 2024	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	January 25, 2024, and March 12, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends light industrial development.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Light Industrial typology for this site. This typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.
- THE pattern Book recommends this site as part of the Industrial Reserve overlay. This overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.

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

PREVIOUS CASES

2023-ZON-123; 8550 East 30th Street (subject site), Rezoning of 0.64 acre from the I-2 district to the SU-1 district, to provide for religious uses, **withdrawn to file for a Special Exception instead.**

84-UV3-46; 8550 East 30th Street (subject site), Rehearing of 84-UV3-46, variance of use of the Industrial Zoning Ordinance to provide for the construction of a 40 x 50-foot building for an animal clinic, to modify the building and site plans to provide for 60-foot setback from the right-of-way as opposed to a 70-foot setback previously approved, **granted.**



ZONING HISTORY – VICINITY

2008-ZON-082; 8620 East 30th Street (east of site), Rezoning of 0.919 acre, being in the C-S District, to the C-S classification to provide for all I-2-S uses, **approved**.

2005-ZON-159; 8535 and 8600 East 30th Street (south of site), Rezoning of eleven acres from I-2-S and I-3-S to SU-1, **withdrawn**.

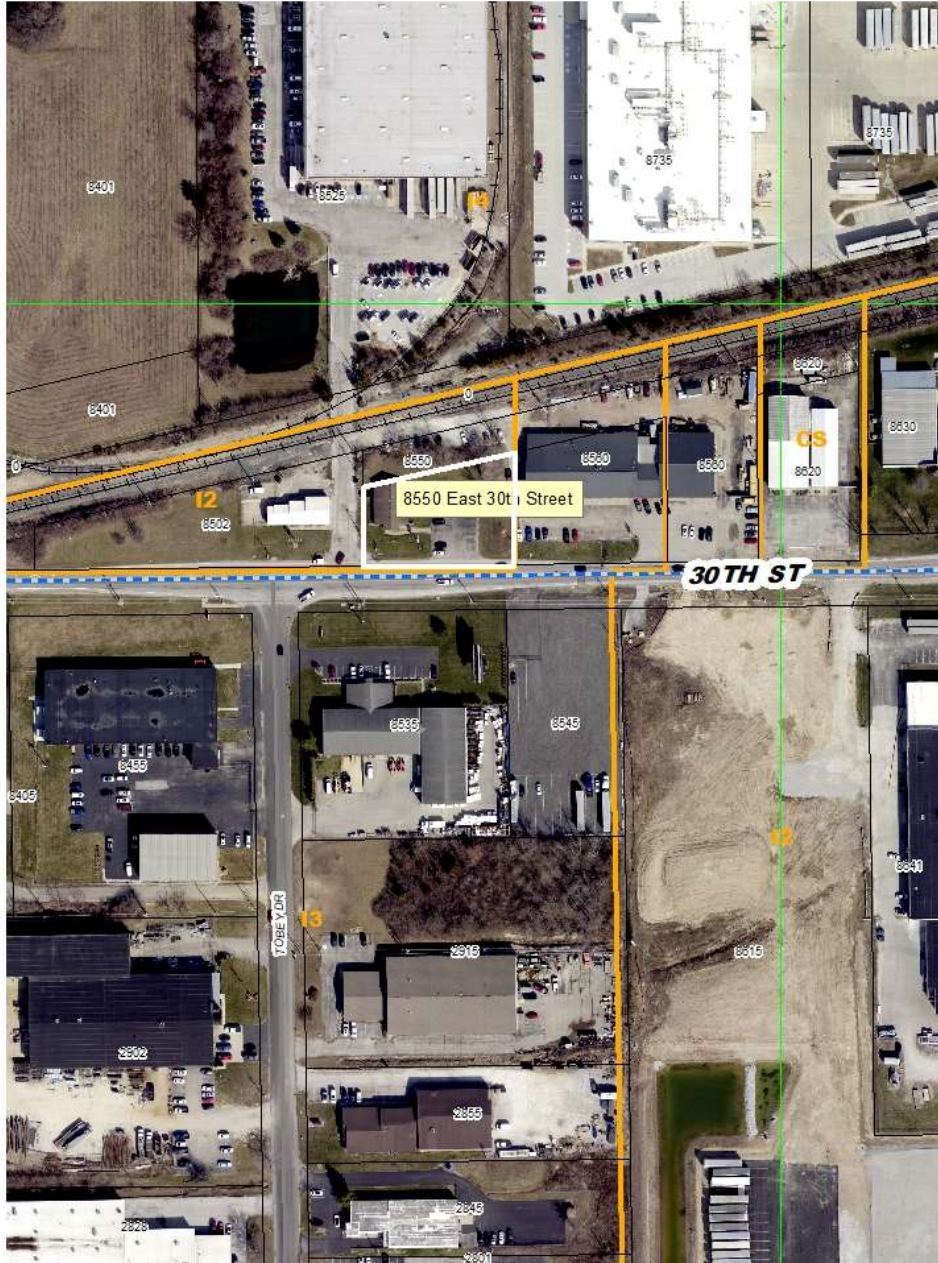
90-Z-192; 8309 East 30th Street (southwest of site), Rezoning of 1.25 acres, being in the I-3-S District to the SU-18 classification to provide for the construction of an electrical substation, **approved**.

87-Z-25; 2502 North Post Road (southeast of site), Rezoning of 98.35 acres, being in the I-2-S, I-3-S, D-7, C-1, and C-4 districts, to the C-S classification, to provide for a mixed-use complex consisting of a water park, outdoor recreation, offices, restaurants, motels, neighborhood retail uses, light industrial uses, and office-warehouses, **withdrawn**.

76-Z-86; 8620 East 30th Street (formerly 8630 East 30th Street) (east of site), Rezoning of 0.67 acre from I-2-S to C-S to provide for warehouse storage, parts distribution, and sales and service of lawn mowers, **approved**.

EXHIBITS

Location Map



Site Plan





Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

**PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because
A religious use shall function on the property and within the structure

2. The proposed use will not injure or adversely affect the adjacent area or property values in that
area because

The building located on East 35th Streets the size needed for a small church and the building was
constructed for a commercial use and not for an industrial use. The property shall be used primarily
on Sundays or in the evening hours during the week, times when many of the nearby industrial uses
will be closed.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of
adjoining property because

Many of the nearby or adjoining industrial uses will be closed on sundays or during the evening hours when the
proposed religious use shall be functioning.

4. The proposed use will be compatible with the character of the district, land use authorized therein
and the Comprehensive Plan for Marion County because

Being located on a primary arterial, the proposed use will function and be compatible with the existing and adjoining industrial district
and will continue to recommend industrial use for the subject property in the Comprehensive Plan.



5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because

The proposed religious use shall conform to the industrial standards for the I2 industrial district that it will be located within.

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

The religious use shall operate within the building with no outdoor activity which is typically found in the I2 Industrial District that it is located within.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

The religious use shall operate with the building, with no outdoor activity.

DECISION

IT IS THEREFORE the decision of this body that this SPECIAL EXCEPTION petition is APPROVED.

Adopted this _____ day of _____, 20 ____



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 potential parking lot expansion would be in the rear yard abutting a railroad track

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 reduction in the rear yard setback will not affect in any adverse manner for the reduction shall be in the direction of the railroad track in an east/west direction at the rear of the property and shall not influence any adjoining property.

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

The strict application would prohibit the potential needed expansion of the the parking lot to the north.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

Photographs



Photo of the Subject Property primary building: 8550 East 30th Street



Photo of the Subject Property existing parking area: 8550 East 30th Street



Photo of proposed parking area expansion/setback, looking northwest.



Photo of the railroad north of the subject site looking north.