

BOARD OF ZONING APPEALS DIVISION I

October 20, 2026

Case Number:	2026-DV3-041 (Amended)
Property Address:	370, 430 and 450 South Franklin Road (approximate addressees)
Location:	Warren Township, Council District #20
Petitioner:	M&K Warehouse Services LLC, by Robert V. Clutter & Elizabeth Bentz Williams
Current Zoning:	I-2
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with a height of 30 feet (maximum 22 feet permitted), a 62-foot front transitional setback from Franklin Road (minimum 100 feet required), and a 3-foot front transitional setback from English Avenue (100 feet required).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends approval of the variances, subject to a commitment.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the variances, subject to the below commitment:

1. Existing landscaping within public right-of-way shall be either maintained (if a healthy and non-invasive tree species) or removed and replaced at a rate that would result in the placement and maintenance of at least 9 trees with maximum 25-foot spacing to buffer the proposed building extension along English Avenue (in line with transitional landscaping rules from 744-506.C of the Ordinance). These landscaping improvements may also include the removal of brush, and permission from the Department of Public Works shall be granted to allow for any landscaping installation done within the right-of-way.

PETITION OVERVIEW

The subject property is currently developed with a furniture wholesaler building with a size of around 166,650 square feet. The property also contains accessory personal vehicle and truck parking areas primarily to the north of the existing building (approximately 104 vehicle spaces and 56 truck parking spaces in total). The parcel 370 S Franklin Road is currently undeveloped. The parcels addressed 430 and 350 S Franklin Road contain the building, which has access from Franklin to the east and lacks access from English Avenue to the south.

Adjacent land uses include the I-465 interstate to the west, apartments to the south (on the other side of English Avenue), a boat storage facility to the north, residences and industrial uses to the east, and a window installation service at 410 S Franklin Road that is also along the western frontage.

The furniture wholesaler building was originally constructed in 1998 (per the grant of the variance 97-V2-108). The property was expanded by a building and parking addition around 2003 (per the variance 2002DV2016) and a second building and parking addition around 2014 (per the variance 2012CVR815). More recently, the 370 S Franklin parcel was rezoned to the I-2 designation by the petition 2022CZN864B and two accessory structures on the 450 S Franklin parcel were demolished. Additional information on each of those zoning petitions is within the Zoning History section below.

Approval of this variance petition would allow for an additional expansion of the existing warehouse facility at the site. The building addition would consist of 22,288 square feet of new building footprint on the southeastern portion of the property closest to the intersection of Franklin and English. The initial petition filing also included variance requests related to an expansion of existing truck parking areas on the 370 N Franklin parcel, but those variances were withdrawn by petitioner request. The scope of work for this petition would be limited solely to the proposed building addition.

The following variances would be required to allow for the proposed addition:

- The height of the building addition would be 30 feet, and the maximum permitted primary building height along a transitional yard would be 22 feet for this zoning district (Table 744-201-6).
- The eastern front setback of the building addition would be 62 feet, and the minimum required front transitional yard would be 100 feet for this zoning district (Table 744-201-6).
- The southern front setback of the building addition would be 3 feet at its closest point, and the minimum required front transitional yard would be 100 feet (Table 744-201-6).

Staff would note that new parking areas for personal vehicles are being added to the property to allow for the site to meet the required parking minimum (125 spaces) for the proposed use and square footage of the building. Additionally, staff would note that per Table 744-502-1 of the Ordinance (exceptions to landscaping and screening for nonconformities), the building addition would have several exemptions from applicable landscaping standards that might apply for a larger addition resulting in a new overall building size 125% or more of the original square footage.

The property is zoned I-2 (Light Industrial). Per Ordinance, this district is designed to allow for 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. These districts should have limited outdoor storage and operations, and should be placed as a buffer between protected districts and heavier industrial areas when possible. Similarly, the Comprehensive Plan Pattern Book recommends the site to the Light Industrial typology and the Industrial Reserve secondary overlay (see additional information within Comprehensive Plan Analysis below).

With regards to the height variance, staff would note that the variance approved for this site in 2012 allowed for a building height of 31 feet (the 22-foot standard for transitional yard height was not in effect at the time previous variances were filed). Additionally, the proposed addition would not result in the structure being placed any closer to residences on the other side of Franklin to the east and would be

buffered from view of the apartments to the south by landscaping and by the raised right-of-way to the south along English. The placement of the existing building and internal showroom areas would also constitute a hardship in that there would not be adequate space for the extension of existing internal operations and storage. Staff therefore recommends **approval** of the height variance.

Previous variances were approved for this property to allow for separations from Franklin Road of 45 feet (2012CVR815) and 14.5 feet (2002DV2016), though both of those were limited in scope to the specific additions contemplated at the time. Also, staff would note that the Ordinance does have an allowance to allow for one-time expansions along legally established setback lines if the linear footage of that expansion would not exceed 50% of the existing building width along the setback: this proposed addition would result in a 66% expansion which is just above the amount contemplated by the exception. For these reasons, as well as for both the separation between the building and residential development afforded by Franklin Road and for the hardship of previously existing interior layout and northern loading area placement that would prevent alternate building addition locations, staff recommends **approval** of the variance request for a 62-foot eastern front transitional setback.

The proposed southern front setback along English Avenue would range from six feet (where the building currently exists) to a minimum of 3 feet resulting from how the building is oriented compared to the existing right-of-way of the street. Staff would note that although the requested deviation is extreme (the district requires 100 feet given the apartments on the south side of English), there would be no method by which a compliant addition could be constructed in this area given the existing setbacks. Staff would also note that the building addition would be screened from view both by the raised right-of-way of the road as well as from extensive existing landscaping to the south of the building's property line. The petitioner has agreed to a commitment to maintain or plant landscaping along the southern property line to provide sufficient visual buffering, and staff therefore recommends **approval** of the request for a 3-foot southern front transitional setback as well.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Industrial	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
	North: D-A / C-7	North: Industrial / Heavy Commercial
	South: D-6II	South: Multifamily Residential
	East: I-2 / D-2	East: Undeveloped / Residential
	West: D-A	West: Interstate
Thoroughfare Plan		
Franklin Road	Road	90-foot existing right-of-way and 50-foot proposed right-of-way 145-foot existing right-of-way and 80-foot proposed right-of-way
English Avenue	Primary Collector	
Interstate 465	Expressway	
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes ; Industrial Reserve	
Wellfield Protection Area	No	
Site Plan	08/12/2026	
Site Plan (Amended)	09/28/2026	
Elevations	08/12/2026	
Elevations (Amended)	N/A	
Landscape Plan	09/28/2026	
Findings of Fact	08/13/2026	
Findings of Fact (Amended)	09/28/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Light Industrial 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 Industrial Reserve (IR) 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

ZONING HISTORY – SITE

2022CZN864B, Rezoning of 3.45 acres from the D-A district to the I-2 district, **approved**.

2012CVR815, Variance of development standards of the Industrial Zoning Ordinance to provide for a 31-foot tall building addition (maximum 22-foot tall building height permitted), with a 45-foot front building setback and a zero-foot parking and access drive setback (minimum 100-foot setback required), with 45,000 square-feet of outdoor truck/trailer storage (maximum 41,058 square feet or 25% of the total gross floor area of enclosed buildings permitted), **approved**.

2012CZN815, Rezoning of 12.41 acres from the I-2-S and D-A Districts to the I-2-S classification to provide for industrial uses, **approved**.

2012ZON025, Rezoning of 3.9 acres, from the D-A District, to the I-2-S classification, **approved**.

2006ZON002, Rezoning of 1.37 acres, being in the D-A district, to the I-2-S classification to provide for light industrial uses, **approved**.

2002DV2016, Variance of Development Standards of the Industrial Zoning Ordinance to (1) provide for the construction of a 140 by 175-foot, or 24,500 square feet building addition located six feet from the existing right-of-way of English Avenue (minimum 100 feet from proposed right-of-way required for front transitional yard), (2) provide for said addition located 14.5 feet from east property line (minimum 30-foot side yard setback required), and (3) legally establish a parking, loading, and maneuvering area located 5.5 feet from the north property line (parking, loading, and maneuvering areas not permitted in required 50-foot side transitional yards), **approved**.

97-V2-108, Variance of Development Standards of the Industrial Zoning Ordinance to provide for the construction of a warehouse/storage and office building, being 50 by 100 feet with a front setback along English Avenue of 20 feet (minimum setback of 30 feet from the proposed right-of-way or 100 feet from the center line, whichever is greater, required), **approved**.

96-Z-229, Rezoning of 2.562 acre, being in the C-1 district, to the I-2-S classification to provide for light industrial development including a wholesale furniture warehouse and corporate office, **approved**.

96-Z-219, Rezoning of 7.44 acres, being in the D-A district, to the I-2-S classification to provide for light industrial including a wholesale furniture warehouse/corporate office, **approved**.

85-UV1-23, Variance of use and a variance of size, spacing and height development standards of the Sign Regulations to provide for a 14 x 48 foot advertising pole sign at 60 feet from the interstate right-of-way, **approved**.

84-Z-195, Rezoning of 2.56 acres, being in the A-2 district, to the I-2-S classification, to provide for light industrial development, **approved**.

ZONING HISTORY – VICINITY

2025UV3001 ; 385 S Franklin Road (east of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tree and vegetation removal contractor with the outdoor storage of commercial vehicles and equipment (not permitted) and the storage of a recreational vehicle in a non-permitted location, **approved**.

2025HOV001 ; 365 S Franklin Road (east of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 26.5-foot tall storage building (transitional height limited to 22-foot tall), **approved**.

2024ZON036 ; 365 S Franklin Road (northeast of site), Rezoning of three acres from the D-2 district to the I-2 district to provide for light industrial uses including indoor storage of boats, trailers, and other recreational vehicles within a proposed 11,760-square foot storage building, **approved**.

2024VAR006 ; 365 S Franklin Road (northeast of site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a caretaker or on-site employee within the existing single-family dwelling and a 15-foot south transitional yard for the storage building (50-foot south transitional yard required), **approved**.

2022CZN864A ; 370 S Franklin Road (north of site), Rezoning of 3.543 acres from the D-A district to the C-7 district, **approved**.

2015UV1041 ; 370 S Franklin Road (north of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 5,000-square foot maintenance storage building (not permitted) for an adjacent boat sales business, with paved off-street parking and gravel storage areas (not permitted), per plans filed, **approved**.

2020DV3012 ; 375 S Franklin Road (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to an existing single-family dwelling and garage with a 0.5-foot north side setback (seven-foot side setback required), **approved**.

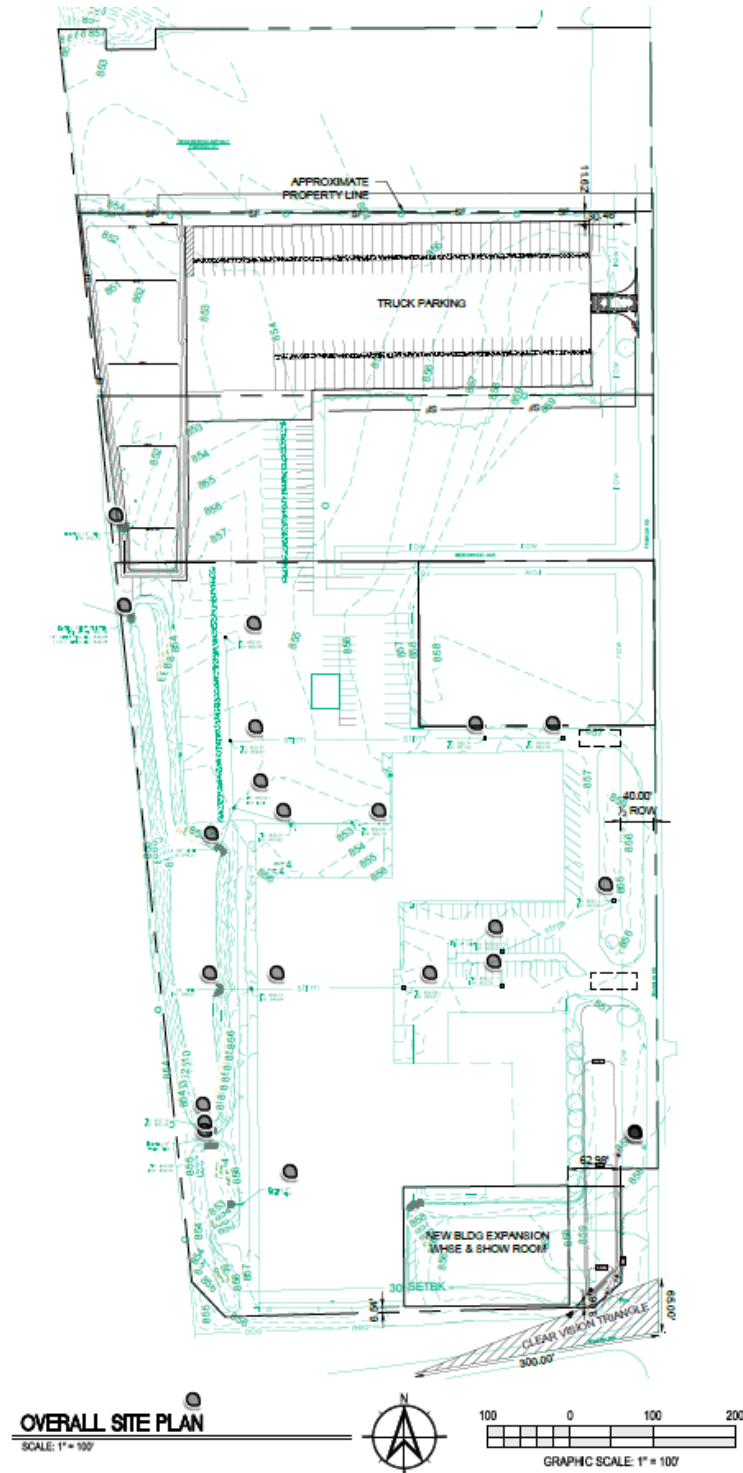
2018UV1028 ; 370 S Franklin Road (north of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of a maintenance / storage building for an adjacent boat sales business (not permitted) with a 28-foot south side setback (30-foot side setback required), **approved**.

EXHIBITS

2026DV3041 ; Aerial Map



2026DV3041 ; Site Plan (Full)



Note: truck parking shown on 370 N Franklin parcel would be part of a future phase of development

[illegible]

2026DV3041 ; Elevations



2026DV3041 ; Findings of Fact (Building Height)

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

The height of the building measured from Franklin Road is 12.79' at the Low Eave (See Elevations) and increases to 30', at 64.5' from Franklin Road (see Floor Plan). The building height measured from English Avenue is 30' measured at approximately 6' from the right of way (variance of setback also requested). The elevation on English Avenue raises along this side yard setback and increases to provide for the overpass for I-465. There is also a heavy tree line between the right of way and the proposed building. The proposal extends the existing building line to provide for this addition matching the setbacks and the building height. There is nothing about the request that would be injurious to the public health, safety and general welfare of the community.

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:

Neighboring properties will experience no loss of privacy or sight-line obstruction because of the increased height. The height at 30' is also less than the 35' permitted height in a residential district.

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 height of 22' would not provide the interior space for the operations necessary and would not match the existing building. There is low visibility of the 30' height of the building due to the elevation of English Avenue and the existing treeline. The applicant has been located at this location for many years and request the variance in order to continue to be viable and successful.

2026DV3041 ; Findings of Fact (Building Setbacks)

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

The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the reducing the front setback setback from 100 feet to 62 feet along Franklin Road and 100 feet to a varying width of 3 to 6 feet along English Avenue, extends the existing building line to provide for the proposed addition and remains far enough from the public right-of-way to maintain the clear vision triangle (See Site Plans, page 3), does not impede emergency vehicle access, and matches open-space patterns of the existing development.

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 use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed setbacks match the existing, it eliminates an existing curb cut and access to the addition is from the existing interior only, with no new exterior entrances. The proposed addition/structure is architecturally consistent with the existing building on site.

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 of the terms of the zoning ordinance will result in practical difficulties in the use of the property because the lot possesses unique physical characteristics including the adjacent interstate highway, the raised right of way of English Avenue and the proposal represents the only logistical place to construct the addition due to the existing floor plan and interior operations.

2026DV3041 ; Photographs



Photo 1: Proposed Addition Area from Southeast



Photo 2: Proposed Addition Area from East

2026DV3041 ; Photographs (continued)



Photo 3: Adjacent Buffering to South of Proposed Building Addition



Photo 4: Adjacent Property to East of Proposed Building Addition