

BOARD OF ZONING APPEALS DIVISION II

June 10, 2025

Case Number: 2025-UV2-007
Address: 6248 Allisonville Road (approximate address)
Location: Washington Township, Council District #3
Zoning: C-3 / D-S
Petitioner: Vantage Point LLC, by Brian J. Tuohy
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a fitness center (not permitted).

Current Land Use: Commercial Retail Shopping Center

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued by a Registered Neighborhood Organization from the May 13, 2025, hearing, to the June 10, 2025, hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to the following commitments:

1. The Variance grant allowing for operation of a Fitness/Exercise/Crossfit Business (Fitness Business) shall be conditioned upon the Fitness Business operating in substantial compliance with the Plan of Operation file dated April 2, 2025. Any future significant changes to the Plan of Operation shall be submitted for Administrator's Approval, which approval shall not be unreasonably withheld.
2. The Variance grant allowing for operation of the Fitness Business shall apply only to the portion of the premises identified as "Tenant Space for Fitness" on the survey file dated April 2, 2025, and immediately adjoining space in the event the Fitness Business desires to expand; provided, that any such expansion shall not exceed more than 2,000 additional square feet of space within the existing building.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ The requested variance of use would provide for a fitness center in an existing commercial building. Fitness centers are permitted by right as an indoor recreation and entertainment use in the C-4, C-5, and C-7 districts, and the MU-3, MU-4, CBD-1, CBD-2, and CBD-3 districts.

- ◇ The proposed use would be located in a specific tenant bay, limiting its impact and intensity on the surrounding properties. In addition, a plan of operation has been submitted that limits the hours of operation from 6:00am to 8:00pm Monday through Friday, and 8:00am to 12:00pm noon on Saturday, also limiting its impact and intensity on the surrounding properties.
- ◇ The adjacent parcel to the north on Allisonville Road, is owned by the subject site property owner. It is undeveloped with a Category Two stream, having heavy vegetation and growth in the stream corridor, that provides screening of the existing commercial site, from the D-S dwelling district to the north.
- ◇ Staff believes having the approval subject to the site plan and plan of operation would limit the scope of operation, and its intensity, providing for the requested use to be an acceptable use at this location despite the non-permitted zoning district.
- ◇ In Staff's opinion, the scale of the proposed use as described in the site plan and plan of operation would not be dissimilar from other commercial services permitted in the surrounding districts, and under the Village Mixed-Use Comprehensive Plan recommendation.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial retail shopping center	
Comprehensive Plan	Village Mixed Use	
Surrounding Context	Zoning	Surrounding Context
	North: D-S	Vacant / Single-family dwellings
	South: C-3	Commercial retail uses
	East: C-3	Commercial retail shopping center
	West: D-S	Single-family dwellings
Thoroughfare Plan		
Allisonville Road	Secondary Arterial	50-foot existing right-of-way, and 63-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	April 11, 2025	
Plan of Operation	April 11, 2025	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	April 11, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends the Village Mixed Use typology that creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street.
- Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

2022-UV2-001; 6248 Allisonville Road (subject site), requested a variance of use to allow accessory outdoor display and sales, on-going, **granted**.

2020-UV1-002; 6120-6130 Allisonville Road (south of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the training and housing of service dogs, **withdrawn**.

94-UV2-100; 6160 Allisonville Road (south of site), requested a variance of use to provide for automobile leasing operation, **granted**.

90-UV1-92; 6165 Allisonville Road (south of site), requested a variance of use and development standards to provide for the continued operation of the seasonal produce stand with a front setback of 35 feet from the center line of the Norfolk Southern Railroad right-of-way, **granted with conditions**.

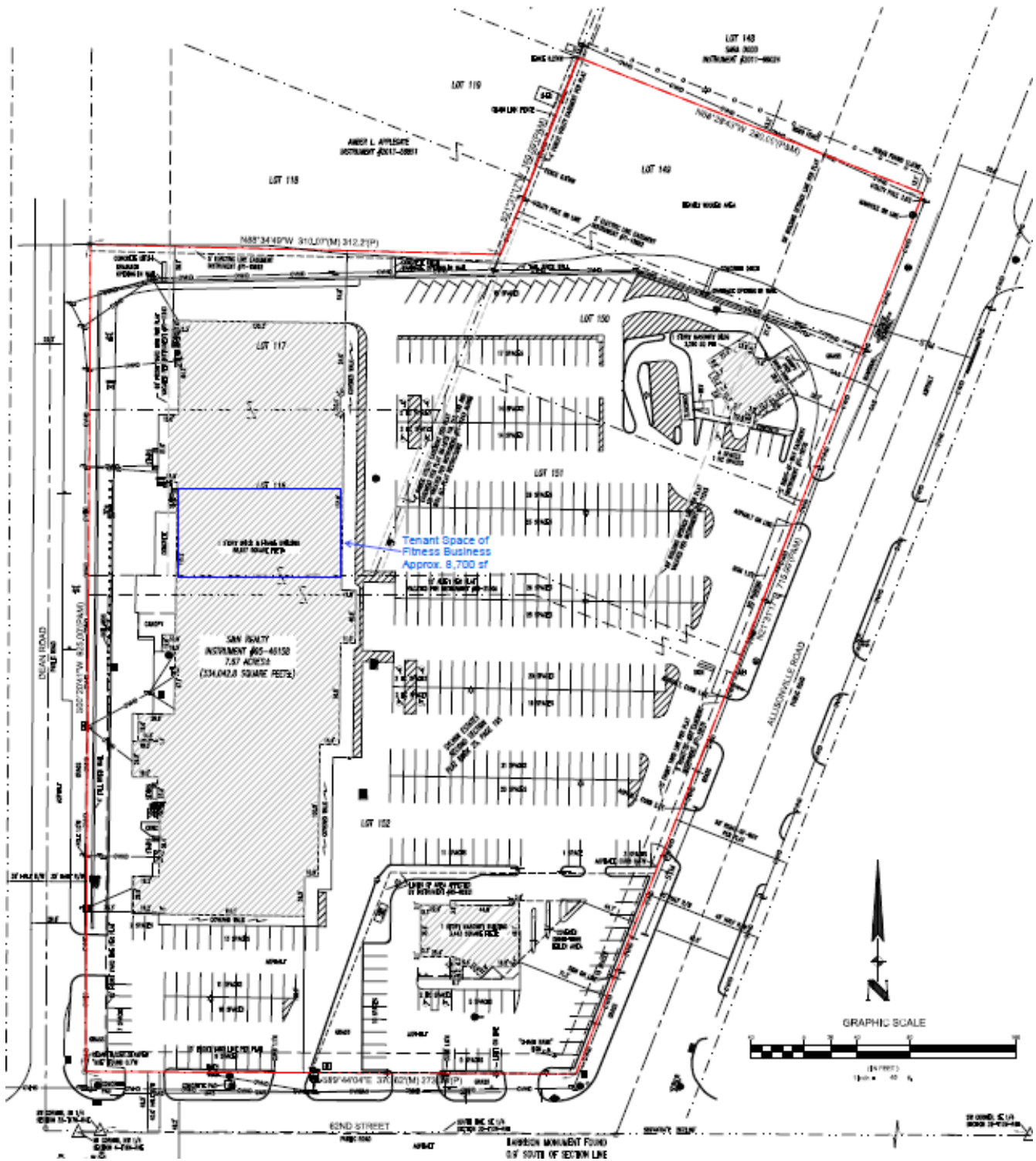
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EXHIBITS

Location Map



Site Plan (File-dated April 11, 2025)



Plan of Operation (File-dated April 11, 2025)

**Plan of Operation for Fitness / Exercise / CrossFit Business
at 6248 Allisonville Road (“Site”)**

The fitness / exercise / crossfit business (“Business”) is one tenant within the existing multi-tenant commercial retail building on the Site. The Business occupies and operates within approximately 8,700 sf of the existing approximately 56,640 sf multi-tenant building.

The hours of operation of the Business are approximately 6:00 a.m. to 8:00 p.m. Monday through Friday and approximately 8:00 a.m. to 12:00 p.m. Saturday. The Business offers individual training sessions, along with exercise / fitness classes (with the number of people attending each class to vary depending on the time of day and the day of the week). Class sizes are limited to twenty people or less. The Business also offers open facility times when individuals may use the various types of personal exercise equipment such as weights, stationary bikes, treadmills and rowing machines offered by the Business. Approximately one full-time and five part-time employees work at the Business.

Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The variance will allow for a fitness/exercise/crossfit business ("Business") to continue to operate on the site. The site is located within the northwest quadrant of Allisonville Rd & 62nd St, which intersection includes commercial uses on each corner. The Business is commercial in nature and compatible with nearby commercial uses and commercial zoning districts. A fitness / exercise facility is classified as "Indoor Recreation & Entertainment". "Indoor Recreation & Entertainment" uses are permitted accessory uses within the site's C-3 zoning classification. The business only occupies a small portion of the Site's existing multi-tenant building and has not been injurious to the general welfare of the community.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

Nearby zoning districts and uses located at the intersection of Allisonville Rd & 62nd St are commercial in nature. Similarly, the Business is commercial and compatible to such nearby uses. The Business only occupies approximately 15% of the existing multi-tenant building on the site. The variance will allow for the continued use of the tenant space by the Business (thereby precluding an empty store front), which Business has not caused any adverse affects to the use or value of the adjacent areas.

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

The site is nearby commercial uses and zoning districts. The Business, which is classified as "Indoor Recreation & Entertainment" is permitted as an accessory use in the site's zoning classification. The Business is not the only use on the site, and it only occupies approximately 15% of the existing multi-tenant building. The Business is comparable to an accessory use on the site, due to its small size and location in a small portion of a multi-tenant building. The existing C-3 zoning classification allows for "Neighborhood Commercial" and "retail and personal and professional service establishments." The Business provides fitness training, but because of its mis-classification as "Indoor Recreation & Entertainment" the use is not permitted on the property.

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 strict application of the terms of the zoning ordinance would prevent the continued operation of the Business on the site, which is a permitted accessory use in the site's C-3 zoning classification. A fitness / exercise facility is classified as "Indoor Recreation & Entertainment" which category of uses includes more intense, typically larger commercial uses, such as bowling alley, ballroom & roller skating rink. The Business is less than 9,000 sf and is one of approximately seven tenants within the existing multi-tenant building. The characteristics of the Business are similar to the characteristics of other C-3 permitted uses, which are uses that are permitted on the site.

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

The Comprehensive Plan recommends "Village Mixed Use" uses for the site, which is described as including a "wide range of small businesses". The grant of the variance does not interfere substantially with the Comprehensive Plan. The small fitness / exercise / crossfit Business is compatible with other commercial uses in the area and the Business operates as a small business providing personal fitness training to its customers.

DECISION

Photographs



Photo of subject site tenant bay, looking west.



Photo of adjacent commercial use to the north within shopping center, looking west.



Photo of adjacent commercial uses to the south within shopping center, looking southwest.



Photo of adjacent commercial shopping center to the east.