

BOARD OF ZONING APPEALS DIVISION I

June 3, 2025

Case Number: 2025-DV1-016 (Amended)
Property Address: 3406 Lafayette Road (*approximate address*)
Location: Wayne Township, Council District #5
Petitioner: Lk Foodmart Inc., by Joseph Lese
Current Zoning: C-3 (FF)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience store with a dumpster located within the front yard (not permitted) and deficient landscaping.
Current Land Use: Commercial
Staff Recommendations: Staff recommends **approval** of this petition subject to a commitment.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This petition was continued by the petitioner's request to the June 3, 2025 hearing to allow for amendments to the site plan to be made. Revised plan drawings were provided that reduced the square footage of the proposed structure, removed one of the proposed tenant spaces, added two (2) additional parking spaces and additional landscaping along the Lafayette and 34th Street frontages, and closed off two of the four proposed curb cuts (one each on the Lafayette and 34th frontages). These amendments did not require the mailing of new notice and removed the need for a parking variance from the request.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to the landscaping plan approved for the Improvement Location Permit matching the most recent submittal (filed-dated May 22nd) provided to Staff.

PETITION OVERVIEW

- 3406 Lafayette Road is a commercial parcel with four (4) front yards that is currently developed with a fueling station comprised of eight (8) pumps and a small convenience store with an area of around 450 square feet. It is located near the intersection of Lafayette Road and 34th Street and falls outside of the area specified by the Lafayette Square Area Plan (2010). The subject site was fully rezoned to C-3 in the early 1990s and is predominantly located within the Floodway Fringe. Five (5) curb cuts currently exist at the site; the proposed development would remove two vehicle access points to the southwest along 34th Street and one to the southeast along Lafayette Rd.

- Approval of this petition would allow for an expansion of the convenience store building to accommodate one (1) additional tenant space and increase the structure's area to 5000 square feet (original submittal had contemplated two tenant spaces and 6500 square feet). Although the use of a fueling station is not currently allowed within C-3 zoning and any expansion of the fueling pumps/canopy would require a Use Variance, the fueling use was permitted at the time of initial construction and this proposal would only increase the square footage of the retail component of the site. This is why a Variance of Use would not be required.
- However, the site and landscaping layout proposed by this petition would require two (2) Variances of Development Standards to be legally established. The layout would result in placement of a dumpster within the front yard abutting 34th Street to the north. Additionally, the proposed landscaping plan does not fully meet ordinance standards for plantings along either the Lafayette or 34th frontages. Original plans provided would have also required variances for number of vehicle/bicycle parking spaces and placement of frontage sidewalks, but amended plans indicate compliance with those standards.
- Staff notes that neither a lighting plan nor building elevations were provided along with the petition application. Elevations provided along with previous permit applications utilizing the older site design did not appear to show compliance with building transparency standards near primary entrances, but the applicant has indicated their ability to amend those facades into compliance. Additionally, photos taken during staff's site visit indicate the placement of various unpermitted signs at the property (both on the existing canopy and building as well as along the Lafayette frontage). This variance would not legally establish unpermitted signage, which could be subject to zoning violations if unaddressed.
- During review of the petition documents, staff noted that placement of property lines shown within existing GIS mapping software did not match the parcel boundaries shown on the site plans and survey provided by the applicant. Specifically, the GIS boundaries appear to be noticeably to the east of where the survey boundaries are shown. Staff would be unable to amend maps within GIS to match what's shown on the survey since their currently existing placement is based on the established centerline of Lafayette Road, and an amendment to that centerline would have an impact on all western Lafayette Road property lines between 30th and 38th Street. It does not appear that required zoning setbacks or other applicable dimensional standards would be impacted by this discrepancy, and although there might be an impact on the ability to have permits pulled, this would not prevent hearing of the variance petition.
- This property is within the C-3 (Neighborhood Commercial) zoning district to allow for an extensive range of retail sales and personal and professional services required to meet the demands of a fully developed residential neighborhood. As of 2016, the use of a fueling station is not one of the indoor retail and business functions contemplated for this district. The site is also located within the Floodway Fringe, which indicates a 1% chance for significant flooding each year as well as shallow flooding in any given year. Recommendations from the Marion County Comprehensive Plan Pattern Book can be found in detail below.

- The Indianapolis Zoning Ordinance has numerous landscaping requirements for development or redevelopment of commercial sites to ensure aesthetically pleasing and environmentally sustainable development throughout the city. The proposed landscaping shown on revised plans submitted on May 22nd indicates compliance with several areas of these requirements (Green Factor checklist standard met, required transitional yard along the western property line) but is deficient in the number of trees and shrubs placed along the northeastern Lafayette and southern 34th frontages. Placement of compliant landscaping along the Lafayette frontage would be complicated due to the existence of overhead utilities and an unusually acute angle at the main intersection which could result in clear-sight issues, but amended plans show placement of additional shrubs below 2.5 feet in height to allow for additional beautification without blocking the view of traffic turning onto Lafayette from 34th (see Photo 5 in Exhibits). Additionally, the 34th Street frontage is only deficient by three (3) trees (7 required, 4 proposed).
- Staff feels that the original plan presented would have constituted overdevelopment of the site and that having all four curb cuts remain in place would have been excessive. The applicant was flexible in their ability to amend plans to incorporate staff feedback, and the resulting plan would add sidewalks along the Lafayette frontage, close off two of the four vehicle access (while still allowing for successful fuel truck maneuvering) and would allow for additional landscaping along all frontages (especially the southern frontage where a future greenway may be installed). The Placement of the dumpster within a front yard would be unavoidable given the property is exclusively comprised of front yards, and the relief requested from landscaping standards is minor in nature. Staff recommends approval of the petition on the condition that the landscaping plan approved for permits matches the plans submitted on May 22nd.

GENERAL INFORMATION

Existing Zoning	C-3 (FF)	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: C-4	North: Medical Office
	South: SU-1 / C-S	South: Church / Self-Storage
	East: C-5	East: Shopping Center
	West: D-4	West: Undeveloped
Thoroughfare Plan		
Lafayette Road	Primary Arterial	100-foot existing right-of-way and 102-foot proposed right-of-way
34 th Street (to S)	Local Street	48-foot existing right-of-way and 80-foot proposed right-of-way
34 th Street (to NW)	Local Street	80-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	

Overlay	Yes
Wellfield Protection Area	No
Site Plan	12/13/2024
Site Plan (Amended)	05/22/2025
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	01/30/2025
Findings of Fact	12/16/2024
Findings of Fact (Amended)	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 working typology to allow for low-intensity commercial and office uses that serve nearby neighborhoods: examples of contemplated uses include small-scale shops, personal and professional services, grocery and drug stores, restaurants, and public gathering spaces.
- The property is also located within an Environmentally Sensitive overlay which is intended for areas containing high-quality woodlands, wetlands, or other natural resources that should be protected. The plan recommends that development in these overlays should preserve or add at least 20% of the entire parcel as tree canopy or naturalized area.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific 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

ZONING HISTORY – SITE

91-Z-33, rezoning of 0.475 acres to the C-3 designation, **approved**.

85-Z-30, rezoning of 0.372 acres to the C-3 designation, **approved**.

85-CV-8, variance of front yard setback to permit erection of a canopy 6.5 feet from the right-of-way (10 feet required) and of Sign Regulations to permit canopy signs 57 feet from the centerline (70 feet required), **approved**.

ZONING HISTORY – VICINITY

2015ZON085 ; 3821 W 34th Street (southeast of site), Rezoning of 1.14 acres from the SU-1 District to the C-S classification to provide for the expansion of a self-storage facility, **approved**.

2000ZON103 ; 3801 W 34th Street (south of site), rezoning of 2.42 acres from D-5 and C-4 districts to SU-1, to provide for religious uses, **approved**.

2000ZON006 ; 3350 Lafayette Road (south of site), rezoning of 5.82 acres from C-4 to C-S to provide for C-4 commercial uses and a self-storage facility, **approved**.

98-HOV-50E ; 3437 Lafayette Road (north of site), variance of development standards of the Commercial Zoning Ordinance to provide for the placement of beverage vending machine on gasoline pump islands (required placement against the wall of the primary building), **approved**.

93-V1-72 ; 3330 Lafayette Road (south of site), variance of development standards of the Commercial Zoning Ordinance to permit one parking space for each 250 square feet of gross floor area (minimum one space for each 150 square feet required), **approved**.

90-V2-40 ; 3437 Lafayette Road (north of site), variance of development standards of the Sign Regulations of Marion County Zoning Ordinance to permit 2 ground signs with gasoline pricing panels, 5 feet in height (maximum height 4 feet allowed) with each sign being 20 square feet in height (20 square feet permitted), **approved**.

87-Z-117 ; 3401 Lafayette Road (east of site), rezoning of 8.8 acres to the C-5 designation, **approved**.

84-UV3-78 ; 3821 W 34th Street (southwest of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for a 1600 square foot addition to the existing church building, **approved**.

80-Z-173; 3420 Lafayette Road (northwest of site), rezoning of 4.583 acres from D-4 to C-4, **approved**.

EXHIBITS

2025DV1016 ; Aerial Map



[illegible]

2025DV1016 ; Site Layout & Landscaping Plan (01/2025 submittal)



(note: approximate clear-sight triangle location added by staff in red)

2025DV1016 ; Green Factor Calculation (from 01/2025 submittal)

Table 744-509-1: Green Factor Calculation				
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	Number of Plants	Measured Area or Area Equivalent In Sq. Ft.	Multiplier	Score
Parcel Size		31,529		
Landscaped areas with uncompacted soil depth less than 24 inches				
Area of lawn, grass pavers, ground covers, or other plants typically less than 3 ft tall at maturity		623	0.2	125
Large shrubs or ornamental grasses [1]	7	18 sq. ft. per	0.3	213.6
Landscaped areas with uncompacted soil depth of 24 in. or more				
Required Yards with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity		8,705	1.0	8,705
Area of other areas with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity		—	0.7	—
Large shrubs or ornamental grasses [1]	27	18 sq. ft. per	0.3	130
Small trees [2]	—	50 sq. ft. per	0.3	—
Medium trees [3]	—	100 sq. ft. per	0.4	—
Large trees [4]	7	200 sq. ft. per	0.4	560
Undisturbed Areas [5]				
Undisturbed areas less than 10,000 sf		8,705 2320	0.8	1,856
Undisturbed areas 10,000 sf or more		—	1.5	—
Significant Trees over 10 in. DBH preserved	—	250 sq. ft. per	0.5	0
Heritage Trees over 8 in. DBH preserved	—	250 sq. ft. per	0.5	0
Tree Preservation Credits as per Sec. 503.L for preserved Significant or Heritage Trees	—	250 sq. ft. per	0.5	0
Building or Structural Features				
Permeable paving for walkways, parking lots, etc.		—	1.2	0
Photocatalytic pavement or building exterior		—	1.5	0
White roof area		4,500	0.1	450
Vegetated walls - area of wall covered		—	0.7	0
Infiltration areas, underground chambers or surface, such as sand filters		11,414 131	1.5	17,121 197
Green roofs:				
Area of green roof with more than 2 in. but not more than 4 in. growing depth		—	1.2	0
Area of green roof with over 4 in. growing depth		—	1.4	0
Off-site improvements				
Tree credit to the Tree Fund [6]	—	100 sq. ft. per	0.4	0
Bonuses applied to factors above				
Bioretention areas such as rain gardens, stormwater planters, and bioretention swales		—	1.5	0
Landscaping that consists entirely of drought-tolerant or native species, as defined by the Administrator		—	0.4	0
Landscaped areas where at least 50% of annual irrigation needs are met through the use of harvested rainwater or grey water		—	0.2	0
Landscaping visible to passersby (adjoining & up to 85 ft depth)		—	0.1	—
Landscaping to be maintained in food cultivation	—	—	0.1	0

Table 744-509-1: Green Factor Calculation				
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	Number of Plants	Measured Area or Area Equivalent In Sq. Ft.	Multiplier	Score
Landscape area utilizing structural soil [7]	—	—	0.1	0
Total Green Factor Score				0.38
Notes for Green Factor				
[1] Large shrubs or ornamental are those that reach 3 ft or more in height at maturity				

2025DV1016 ; Findings of Fact (Landscaping)

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

the majority of available green space will need to be lawn or low plants as there are planned stormwater utility improvements as well as existing utilities that trees would otherwise interrupt. This is also necessary due to the proximity of multiple intersections around the property and maintaining clear sight triangles will promote safety.

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 of the property will largely remain the same as it currently is, with improvements for stormwater drainage and maintenance. This will be an added value to this property and the surrounding immediate area.

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

the property is fronted by multiple streets and landscaping larger than a shrub will impact sight lines by traffic, as well as interfere with

2025DV1016 ; Findings of Fact (Dumpster)

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

The trash enclosure will be held tight to the building and landscaped with evergreen shrubs to help soften the view from the multiple front yards.

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 trash enclosure placement will not impact sight line triangles, view sheds, and does not impact the use of adjacent properties as the enclosure ensures all waste removal activity remains 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 shape of this particular site is unique which creates multiple front yards, and locating the trash enclosure behind the building would require maneuvering of trash vehicles in the street which would be difficult for containers without blocking traffic.

2025DV1016 ; Photographs



Photo 1: Existing Canopy Viewed from Southeast



Photo 2: Existing Convenience Store Viewed from East

2025DV1016 ; Photographs (continued)



Photo 3: Existing Convenience Store + Dumpster Viewed from South



Photo 4: Existing Improvements Viewed from North

2025DV1016 ; Photographs (continued)



Photo 5: Lafayette Road Frontage Looking Northwest (June 2019)

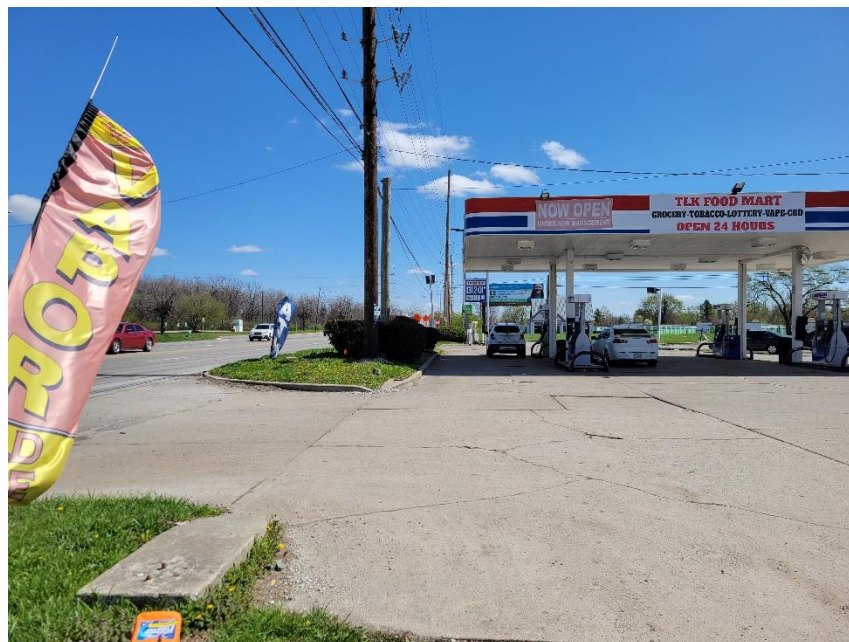


Photo 6: Lafayette Road Frontage Looking Southeast

2025DV1016 ; Photographs (continued)



Photo 7: 34th Street Frontage Looking East



Photo 8: 34th Street Frontage Looking West

2025DV1016 ; Photographs (continued)



Photo 9: Adjacent Property to Northeast



Photo 10: Adjacent Property to South

2025DV1016 ; Photographs (continued)



Photo 11: Adjacent Property to North



Photo 12: Adjacent Property to West