

**BOARD OF ZONING APPEALS DIVISION I**

**August 5<sup>th</sup>, 2025**

**Case Number:** 2025-DV1-037  
**Property Address:** 8310 Rockville Road  
**Location:** Wayne Township, Council District #17  
**Petitioner:** Menaal Holdings LLC, by David Gilman  
**Current Zoning:** C-3 (FF)  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to an existing convenience market, resulting in a front setback of 148 feet from Rockville Road (maximum setback of 85 feet permitted).  
**Current Land Use:** Commercial  
**Staff Recommendations:** Staff is recommending **approval** of this variance petition with commitments.  
**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the first public hearing of this variance petition.

**STAFF RECOMMENDATION**

Staff is recommending **approval** of this variance petition with commitments.

**PETITION OVERVIEW**

- The petitioner is requesting to maintain a front setback of 148 feet from Rockville Road.
- The property is currently proposing to add an addition to the Kwikmart on the subject site to allow space for a beauty supply shop. However, upon applying for permits, an oversized front setback was discovered.
- This property is 1.04 acres in a C-3 zoning district.
- Historical Aerials show that a gas station has been on this site, with the large front setback, since 1995.
- Per the Ordinance, a C-3 zoned property in the metro context area is permitted to have a front setback ranging from 10 to 85 feet.
- Due to the age of the site, staff believes the larger front yard setback will not affect the site and the surrounding area. The Kwikmart on the property is still visible from both Rockville Road and County Club Road, and with the traffic light at the intersection of this corner lot, provides drivers with time to get to the correct lanes to pull onto the site.

- Staff is recommending **approval** of this variance petition with two commitments:
  - Sidewalks shall be installed along County Club Road by the petitioner and connect to the sidewalks to be installed by INDOT along Rockville Road, project number R-41781, 1800037
  - A landscape plan for the frontages along Rockville Road and County Club Road shall be provided for Administrator's approval, prior to obtaining an Improvement Location Permit (ILP).

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-3 (FF)	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	SU-1	North: Suburban Neighborhood
South:	C-1	South: Office Commercial
East:	C-3	East: Community Commercial
West:	C-3	West: Community Commercial
<b>Thoroughfare Plan</b>		
Rockville Road	Primary Arterial	183 feet of right-of-way existing and 112 feet proposed.
County Club Road	Secondary Arterial	138 feet of right-of-way existing and 90 feet proposed.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	7/6/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	7/6/2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	7/6/2025	
<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 Community Commercial typology provides for low intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

#### **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

- 93-Z-37 (Amended): 8424 Rockville Road
  - Rezoning of 8.68 acres, being in the D-A, SU-43, and SU-34/FF District to the C-3/FF classification to provide for commercial development.
    - Approved

### ZONING HISTORY – SURROUNDING AREA

- 2007-ZON-053: 220 North Country Club Road
  - Rezoning of 23.854 acres, from the SU-34 (FW)(FF), D-5II (FW)(FF), and SU-43 (FW)(FF) District, to the SU-1 (FW)(FF) classification to provide for religious uses.
    - Approved
- 2007-ZON-136: 8121 Frito Lay Drive
  - Rezoning of 9.058 acres, from the I-3-S (FF) District to the C-4 (FF) classification to provide for community-regional commercial uses.
    - Approved
- 2009-DV3-007: 8150 Rockville Road
  - Variance of Development Standards of the Sign Regulations to provide for a 52-square foot electronic variable message sign component (not permitted), on an existing 25.5-foot tall, 215-square foot pole sign within 20 feet of a signalized intersection (minimum 125-foot separation from a signalized intersection required).
    - Denied
- 2009-ZON-034: 7400 Acton Road, 5706 North Meridian Street, 2605 Kentucky Avenue, 9501 East 36<sup>th</sup> Place, 5335 & 5353 South High School Road, and 6038-6240 Valley Lane, 8401 Rockville Road, 1934 North DeQuincy Street, 5398 Millhouse Road, 750 Greer Street, 4241 Fairview Road, 7425 Mendenhall Road, 1313 Madison Avenue, 254 East Beecher Street, 5624 South Carroll Road, 4900 West Southport Road, 1616 East 71<sup>st</sup> Street, 1603 and 1625 West Ohio Street, 1618 Everett Street, 120 North Reisner Street, and 135 North Richland Street, 4459 Shelbyville Road, 5700 East 23<sup>rd</sup> Street, and 1701 East Washington Street
  - Rezoning of 463.544 acres from multiple zoning classification to the PK-1 classification to provide for park and recreational uses.
    - Approved
- 2012-DV1-037: 8301 Rockville Road
  - Variance of Development Standards of the Commercial Zoning Ordinance to provide for outdoor kennels and play areas (not permitted) for a pet hotel, pet daycare, dog grooming and training facility, with overnight boarding, with 44 parking spaces.
    - Approved
- 2016-DV3-031: 8301 Rockville Road
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant, with 75 parking spaces (maximum 43 parking

- spaces permitted), and to provide for a transparencies of 15% and nine percent on the two building facades, with public entrances (40% transparency required).
- Approved
  - 2019-CZN-840 / 2019-CVR-840: 8150 Rockville Road
    - Rezoning of 8.86 acres from the C-3 district to the C-4 district.
    - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 120 parking spaces for a plasma center (maximum 96 permitted).
      - Approved
  - 2020-ZON-017: 8531 Rockville Road
    - Rezoning of 27.89 acres from the D-A, D-4, C-3 and C-S districts to the MU-2 classification.
      - Approved
  - 2025-DV1-012: 8130 Rockville Road
    - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the alteration of an existing freestanding sign requiring compliance with the sign regulations, including being the third freestanding sign along Rockville Road and being within 210 feet of an existing sign to the east (maximum two signs permitted along a frontage, 300 feet of separation required).
      - Approved

EXHIBITS

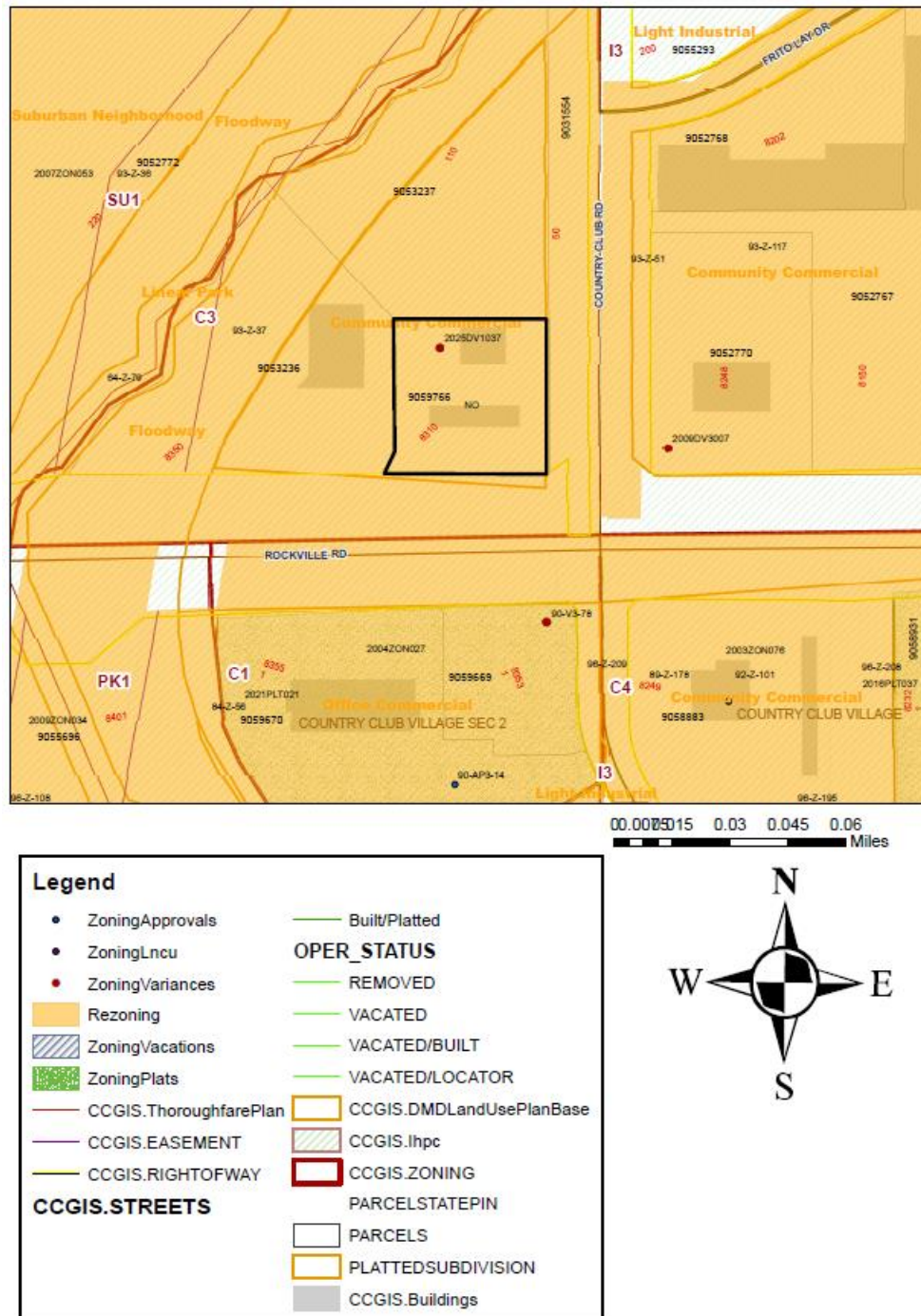


Exhibit 1: ArcGIS map of the subject site and the surrounding area.



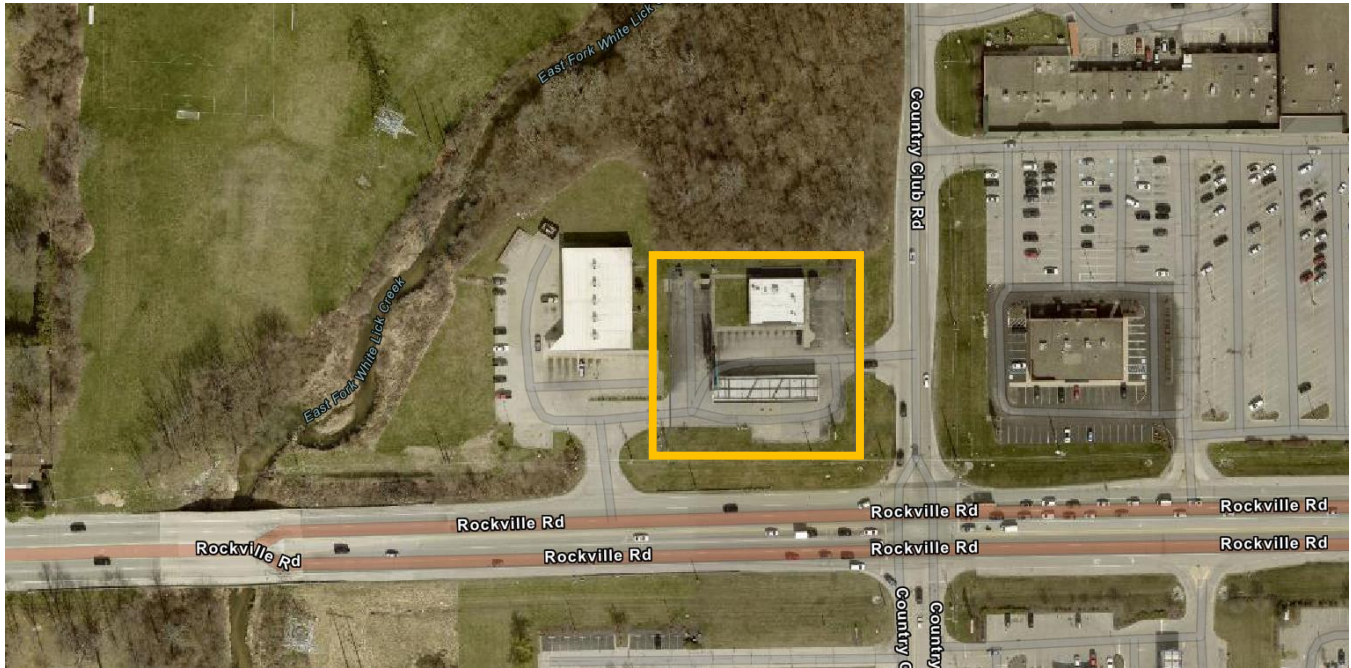


Exhibit 2: Aerial of the subject site.



Exhibit 3: Elevation rendering of the subject site.

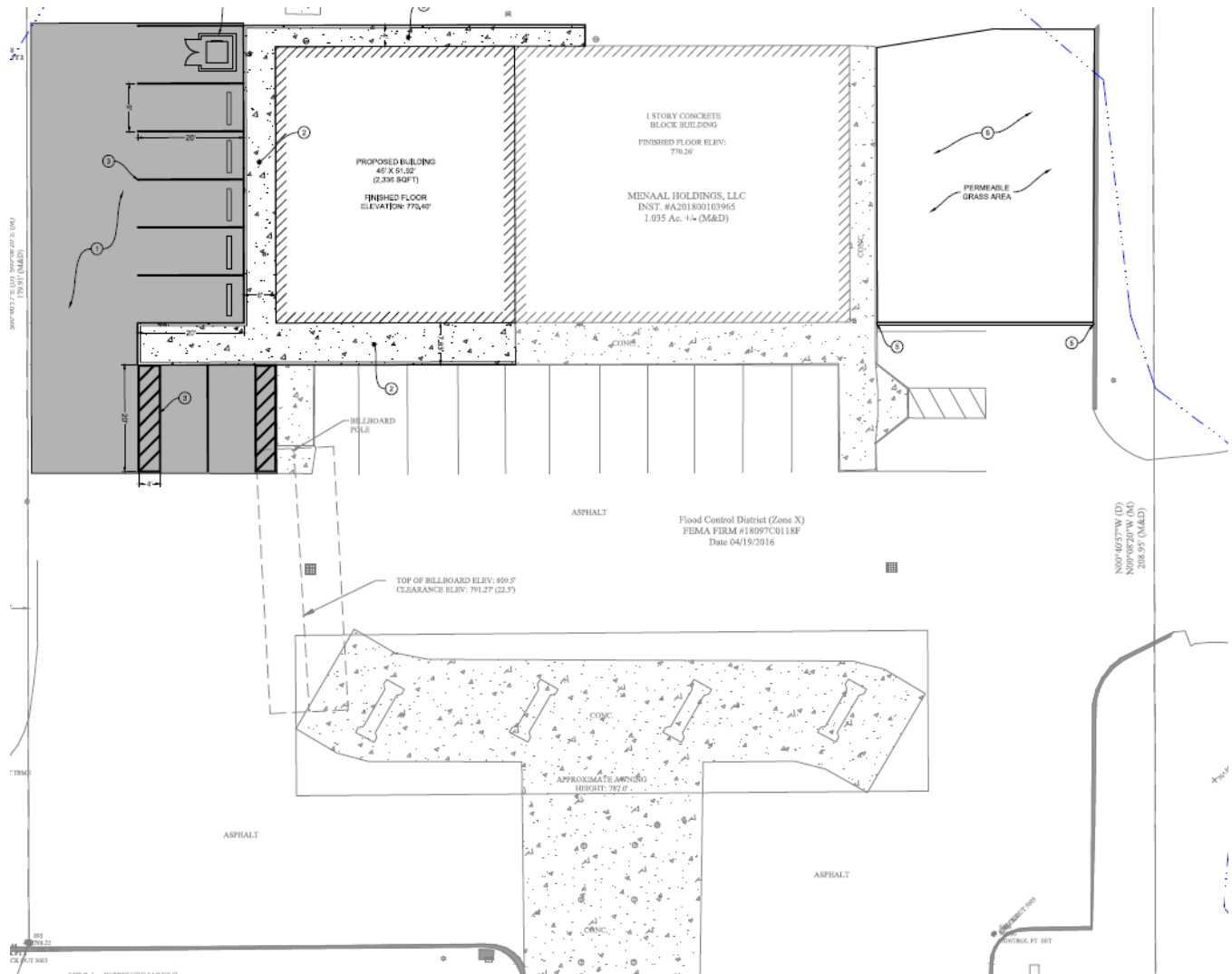


Exhibit 4: Site plan of the subject site.



**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 petitioner seeks to add a beauty supply shop, an allowable C-3 use. The addition of 2,336 of additional retail sales will only nominally change the existing nature of the site. Ample parking and site amenities will be provided and all ordinance standards will be met with the exception of the maximum setback. The retail shop will be open during traditional store hours.

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 site has functioned as a filling station for over 30 years. The addition of ~2,336 of retail sales will only nominally change the nature of the existing site. Ample parking and other site amenities will be provided in accord with the zoning ordinance. The site will maintain the existing front and rear setbacks from Rockville Road. A side setback of approx 45' will be provided along the west side of the addition, continuing to provide an ample buffer to the adjacent auto parts store.

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

In order to meet the 85'-foot front setback standard, a separate structure would need to be built. This would not be feasible considering the nature of the site and existing structures including the gas station canopy. When the site was re-zoned to C-3 in 1993 via petition 93-Z-37, a maximum setback was not a C-3 requirement, so it would not have been contemplated at that time. The only way practical way in which to develop the property is the manner the petitioner is seeking.

Exhibit 5: The submitted Findings of Fact.



Exhibit 6: The subject site.





Exhibit 7: Looking to Rockville Road from the front of the Kwik mart.



Exhibit 8: Looking at the subject site from Rockville Road.



Exhibit 9: Looking east down Rockville Road.



Exhibit 10: Looking west down Rockville Road.





Exhibit 11: Looking north up County Club Road.



Exhibit 12: Looking south down County Club Road.



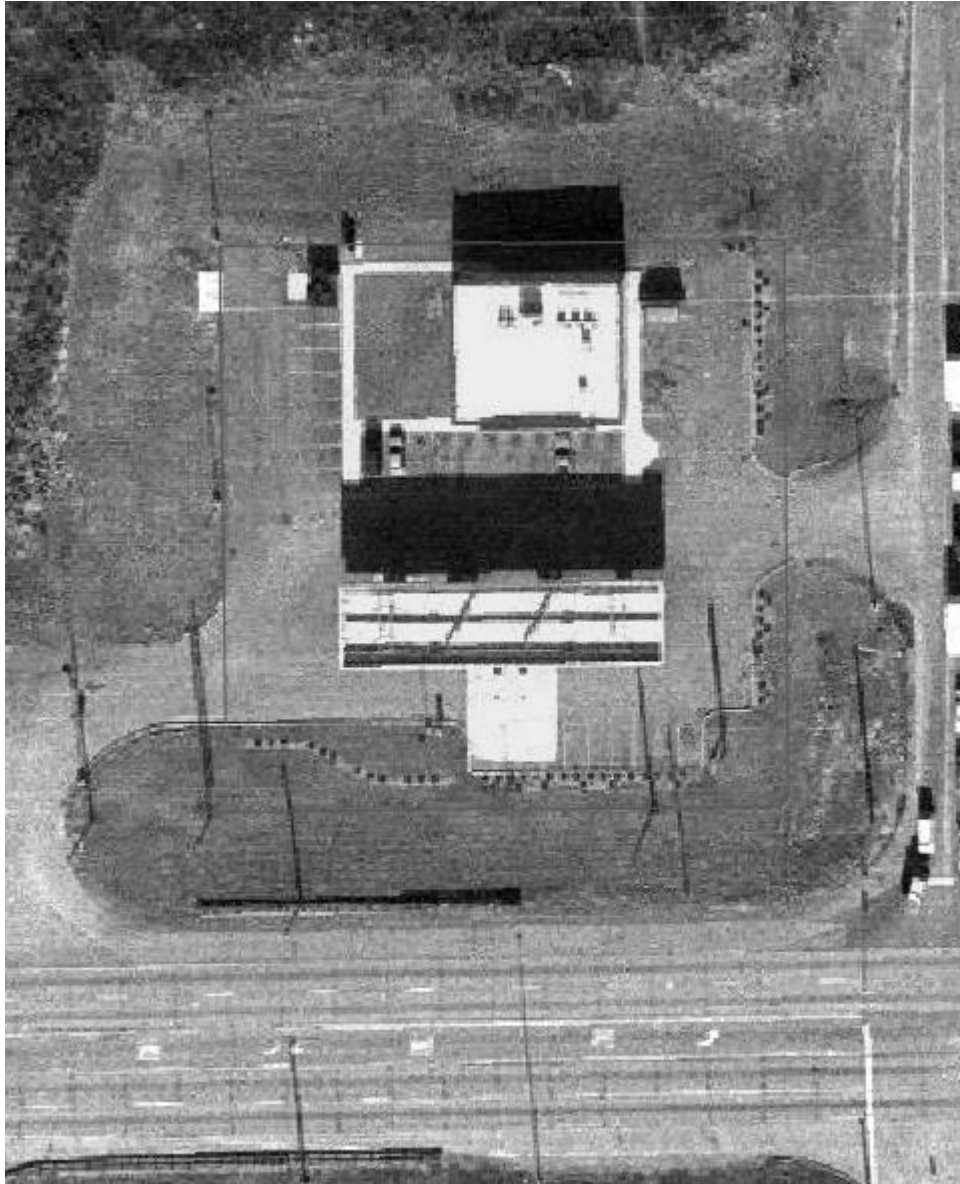


Exhibit 13: Historical Aerial of the subject site from 1995 (pulled from MapIndy).