Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II — November 17, 2026

Case Number:	2026-DV2-034
Property Address:	2005 North Sherman Drive (approximate address)
Location:	Center Township, Council District #8
Petitioner:	Dhaliwal LLC, by Thomas Pottschmidt
Current Zoning:	I-3
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a gravel surface parking lot (not permitted unless for agricultural, animal-related, or food production uses in the D-A district), to allow for a 0-foot transitional yard (40-foot rear transitional yard required), and to allow for the omission of required screening/buffering (industrial districts abutting parks are required to provide a landscape buffer).
Current Land Use:	Fleet Terminal
Staff Recommendations:	Staff recommends **denial** of this petition
Staff Reviewer:	Josh Levesque, Manager—Code Revision and Compliance

PETITION HISTORY

This case was automatically continued from the October 13, 2026, BZA II hearing to the November 17, 2026, BZA II hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition

PETITION OVERVIEW

2005 North Sherman Drive is a 5.274 acre lot that currently operates as a fleet terminal for a semi-trailer company. The property was rezoned from SU-16 to I-3 in 2018 as part of 2018ZON055. Prior to this fleet terminal use, it appears that the parcel served as the Metro Sports Complex and included some baseball and/or softball diamonds. Properties to the north and south are also zoned I-3. The property to the west across Sherman Drive is zoned C-S. To the east, the property is zoned PK-1 and is home to Forest Manor Park.

The petitioner is requesting three (3) variances:

- First, they are seeking a variance to allow for a gravel surface parking lot. 744-404-6 lays out the standards required for a surface parking lot. It requires parking lots to either: 1) be paved with

bricks or concrete; or 2) be improved with a compacted aggregate base & surfaced with asphaltic pavement; or 3) be improved with a compacted aggregate base and surfaced with permeable pavers. This is especially important in areas where heavy vehicles are often used as heavy vehicles could create large plumes of dust in dry conditions.

- Second, they are seeking a variance to allow for a 0-foot transitional yard in lieu of the required 40 feet for I-3 in the Compact Context area. A foot transitional yard is required when a higher intensity use abuts a protected district (PK-1 is a protected district). A transitional yard is intended to act as a buffer between the different uses.
- Third, they are seeking a variance to allow for the omission of required screening/buffering. Similar to a transitional yard, certain uses are required to either provide screening or buffering along a protected district to minimize the visual impact of the use. An industrial district abutting a park must either provide a landscape buffer area 10 feet in width along the shared border or they must provide an opaque wall, berm, fence or dense vegetative screen at least 6 feet tall with one shade tree provided for every 50 linear feet of lot line.

A gravel driveway is only permitted as a temporary measure (not to exceed one year) under the aforementioned 744-404-6. Gravel would also raise concerns about the possibility of oils and other chemicals from the trucks leaching into the ground. This is particularly salient as Pogue's Run Creek is directly to the east along Forest Manor Park's borders. A paved lot would be subject to permit review ensure that proper drainage would be installed, helping to mitigate runoff to the creek. Furthermore, the installation of landscaping or even bioswales would also help to mitigate runoff of the creek.

While a 40-foot transitional yard will lessen the amount of usable area for this site, it is important to note that is does not preclude this site from being used for I-3 purposes or even as a fleet terminal. Rather, it defines what the appropriate usable area for this site is given the context of the surrounding uses. The I-3 district does have strict standards as it allows for some of the most intense uses contemplated in the Ordinance.

While the western border of Forest Manor Park along the creek has numerous trees and a variety of landscaping, staff must consider the site at hand. The requirements that one parcel must meet cannot be displaced or waived due to the existence of those requirements on a separate parcel. It is the responsibility of the I-3 parcel to meet the transitional yard and buffering standards, not the park's. Additionally, if the park were to remove the trees, the buffering that currently exists no longer would. Therefore, the buffering must remain on the parcel of the subject property.

For a variance of development standards to be granted, it must meet the following three (3) findings of fact:

1. The grant will not be injurious to the public health, safety, morals, 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 an adverse manner
3. The strict application of these terms of the zoning ordinance will result in practical difficulties in the use of the property.

Regarding the first finding, gravel is a permeable surface and can allow chemicals to leach into the ground potentially contaminating groundwater and running off into Pogue's Run Creek, causing concerns for public health. Lack of landscaping to mitigate this runoff can exacerbate this issue. DPW's Stormwater Department indicated that gravel stains and direct discharge into Pogue's Run represents a big environmental concern and suggested that a best management practice be a condition of the variance.

Regarding the second finding, I-3 uses are contemplated by the Ordinance as intense uses, hence the requirement for transitional yards and buffering. The Ordinance indicates that I-3 districts is for "industries that present moderate risks to the public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts" (742-107-D.1). Lack of buffering and a transitional yard would cause adverse effects to the neighboring protected park district by increasing the visual intensity as well as the sound of the semis coming and going.

Regarding the third finding, the Ordinance does not prohibit an I-3 use next to a park district. Rather, it sets the standards under which such a district can exist. I-3 allows for uses such as: Agricultural Machinery and Equipment Sales, Rental or Repair; Processing, and Packaging of Food and Beverages; Auctioneering and Liquidating Services; Consumer Services or Repair of Consumer Goods; Printing Services; Commercial and Building Contractors; Artisan Manufacturing, Light and Medium Manufacturing; Various types of R&D; and more. Fleet Terminals are also allowed within the I-3 district. The size of the parcel can help dictate development. In this matter, the size of the parcel and the Ordinance standards guide us toward an I-3 development that has a smaller footprint so that the standards can be met.

GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Fleet Terminal	
Comprehensive Plan	Light Industrial	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	I-3	North: Industrial
South:	I-3	South: Industrial
East:	PK-1	East: Park
West:	C-S	West: Heavy Commercial / Industrial
Thoroughfare Plan		
Sherman Drive	Primary Arterial	82-foot existing right-of-way and 88-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	7/14/2026	

Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	7/14/2026
Findings of Fact (Amended)	9/11/2026

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.”

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

80-AP-49; 2005 North Sherman Drive, PK-1 approval to build a second softball diamond at a park, **approved.**

91-Z-53; 2005 North Sherman Drive, Rezoning of 5.38 acres from PK-1 to SU-16, **approved.**

2018-ZON-055; 2005 North Sherman Drive, Rezoning of 5.22 acres from SU-16 to I-3, **approved.**

ZONING HISTORY – VICINITY

86-Z-186; 1901 North Sherman Drive, Rezoning of 1.99 acres from I-3-U/PK-1 to I-3-U**, approved.**

87-HOV-10; 1901 North Sherman Drive, Variance of Development Standards of the Industrial Zoning Ordinance to provide for a building located within the required setback and with parking in the required front yard, **approved.**

88-Z-123; 1901 North Sherman Drive, Rezoning of 0.031 acre from PK-1 to I-3-U, **approved.**

2002-ZON-166; 3500 East 20th Street, Requesting rezoning of 29.39 acres from I-3-U to C-S, **approved.**

2023-CZN-825; 1940 Forest Manor Avenue, Requesting rezoning of 12.77 acres from D-5/I-3 to PK-1, **approved.**

2024-MOD-015; 3500 East 20th Street, Modification of Commitments #6 and #7 related to petition 2002-ZON-166 to allow for a Security/Scale House, Maintenance/Repair Shop, Drywall Recycling Facilities, Construction Equipment Storage, Contractor Yard, and Concrete Recycling Operation, **approved.**

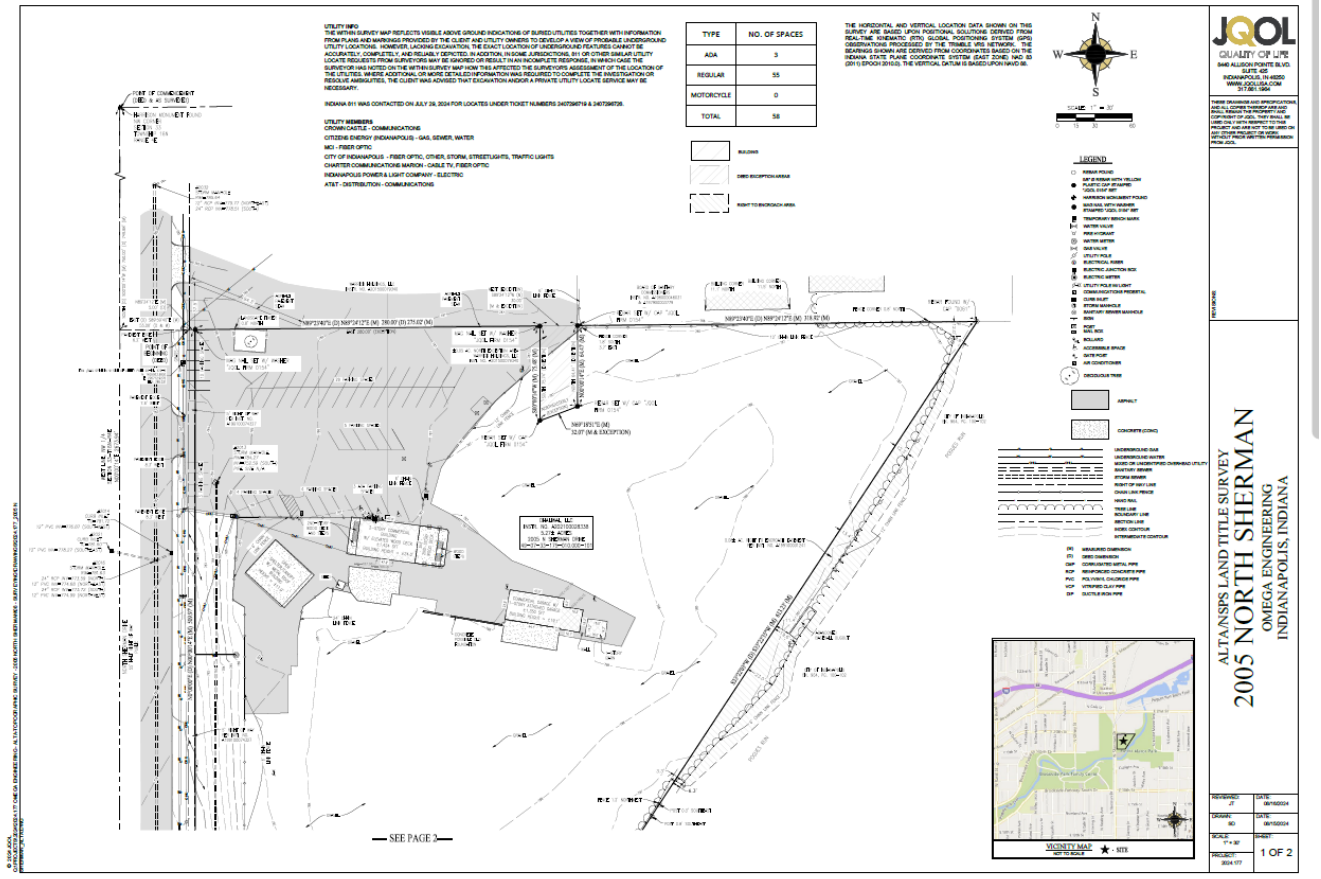
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EXHIBITS

2026DV2034; Aerial Map



2026DV2034; Site Plan



2026DV2034; Findings of Fact

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

If the parking lot is to remain a gravel lot and if the transition yard with landscape buffer is not installed, it will not be injurious to the public health, safety, morals, and general welfare of the community because gravel is an inert material and does not react to other substances. It will not have any health effect to the environment, as a matter of fact, it will be less injurious to the environment than asphalt which consists of oil. Plus, if it were asphalt it would eventually break up due to heavy truck traffic and become an even more of an environmental issue. The transition yard with landscape buffer has no effect on the general welfare of the community as it will not be seen by anyone.

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 area around this property will certainly not be affected as this is an industrial area and this parcel is "hidden" by trees and/or fencing and will not be noticed by neighbors.

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

This area is used for parking semi-truck parking and if asphalt surfaced would dilapidate quickly due to the heavy vehicular traffic causing constant maintenance and repair issues. Using concrete would help with this issue; however, that would be an exorbitant cost and cannot be considered. If a transition yard was installed it would be detrimental to the space requirements for the truck parking. There simply would not be enough space to parking trucks and would prohibit the use of the property for which it was intended. A landscape buffer cannot be seen anyone as the large trees to the east block any view from the adjoining parcel

2026DV2034; Photographs



Photo 1: View of subject site with semis parked on gravel lot

2026DV2034; Photographs (continued)



Photo 2: Additional view of semis parked on gravel. Ruts in gravel can already be seen and some are filled with water

2026UV2034; Photographs (continued)



Photo 3: Material being used for surface lot

2026DV2034; Photographs (continued)



Photo 4: Additional view showing material being used for surface lot

2026DV2034; Photographs (continued)



Photo 5: Looking towards Sherman Drive from subject property

2026UV2034; Photographs (continued)



Photo 6: Landscaping shown is from adjacent park property