



BOARD OF ZONING APPEALS DIVISION II

October 14, 2025

Case Number: 2025-SE2-002
Address: 8540 and 8520 Michigan Road (approximate address)
Location: Pike Township, Council District #1
Zoning: C-4
Petitioner: BFC Property Group LLC, by Jennifer Milliken
Request: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a flooring commercial contractor.

Current Land Use: Flooring Commercial Contractor.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued from the September 9, 2025, hearing to the October 14, 2025, hearing.

STAFF RECOMMENDATION

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

- The Special Exception shall be subject to the Plan of Operations filed dated October 7, 2025.

PETITION OVERVIEW

- ◇ The Use Specific Standards for Commercial Contractors require that the approval of a Special Exception is automatically subject to the Plan of Operation. Therefore, Staff is requesting that the approval be subject to the attached amended plan of operation as a commitment.
- ◇ The subject site is located in a regional commercial corridor area. The proposed use, as operated by the revised plan of operations, would be similar in scale and operations to adjacent uses and would not be detrimental to, or out of context with the existing community and surrounding area.
- ◇ Generally, staff supports legally establishing property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request; additionally, no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning		C-4	
Existing Land Use		Commercial Flooring Contractor	
Comprehensive Plan		Regional Commercial	
Surrounding Context		<u>Zoning</u>	Surrounding Context
	North:	C-S	Commercial Retail
	South:	C-S	Regional Commercial Retail
	East:	C-4	Commercial Retail
	West:	D-6II	Multi-Family Dwellings
Thoroughfare Plan			
Michigan Road		Primary Arterial	175-foot existing and proposed right-of-way.
Context Area		Metro area	
Floodway / Floodway Fringe		No	
Overlay		N/A	
Wellfield Protection Area		No	
Site Plan		August 5, 2025	
Plan of Operation Revised		October 7, 2025	
Landscape Plan		N/A	
Findings of Fact		August 5, 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 Regional Commercial typology which provides for general commercial, and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers.

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

97-UV3-54; 8561 Michigan Road (east of site), requested a Variance of Use of the Commercial Zoning Ordinance to legally-establish the continued operation of an automobile rental business, **granted**.

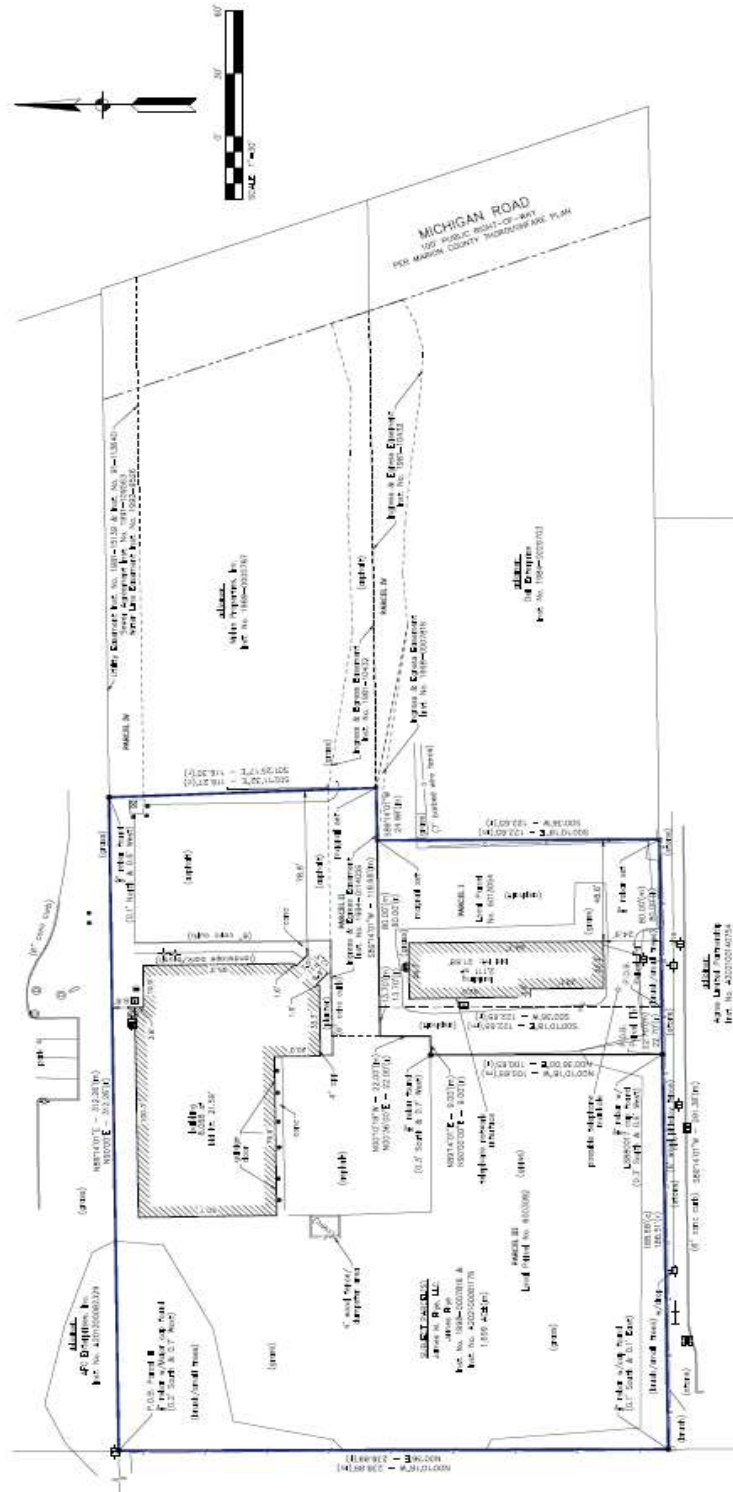
96-UV3-38; 8516 Michigan Road (east of site), requested a Variance of Use of the Commercial Zoning Ordinance to legally-establish the continued operation of an automobile rental business, **denied**.

84-UV1-7; 8520 Michigan Road (includes subject site), requested a Variance of Use of the Commercial Zoning Ordinance to provide for the construction and use of a transmission sales, repair, and service store, **approved**.

80-Z-161; 8530 Michigan Road, requested the Rezoning of 3.26 acres, being in the A-2 District, to the C-4 classification, to provide for a muffler shop, **approved**.

RU

Site Plan



Plan of Operation Revised, file dated October 7, 2025

Plan of Operation
Brothers Floor Covering, 8540 and 8520 Michigan Road

Brothers Floor Covering is a family-owned and operated residential flooring business that has been in operation for over 50 years. Operations at 8540 and 8520 Michigan Road includes a retail showroom, sales and operations offices, and storage of flooring material stock awaiting installation. The showroom and sales are open Monday – Thursday from 8:00am to 6:00pm, Fridays from 8:00am to 5:00pm and Saturdays from 10:00am to 2:00. Brothers Floor covering is closed on Sundays. While ordering can be done remotely, most customers visit the showroom at least once to pick out their flooring choices.

Four employees are typically present on site during normal business hours, which usually includes at least one family member. 17 parking spaces are provided on site. The existing building is approximately 8,000 square feet, and the proposed building is approximately 2,000 square feet in size and will be used solely for the storage of flooring stock.

Two to three deliveries of flooring stock are typically received a day during business hours. Deliver trucks include semi-trucks and box trucks. Delivers are received at two overhead doors and immediately unloaded. No outdoor storage of flooring stock or other materials occurs on site. Installation is typically by third party contractors, who pick up materials in vans, pick-up trucks and box trucks via the same overhead doors. No vehicles are stored on site. Approximately 99% of Brothers Floor Covering's business is residential.

No hazardous material is used or stored on site. Waste material is placed in a 30-yard dumpster and removed for disposal when full by a third party waste management company.

Security lighting exists on the site, and 24-hour surveillance cameras for all parts of the property are in place and utilized. Access to the storage/warehousing is restricted to employees and contractors with scheduled appointments to pick up flooring stock. The building is locked and secured during non-business hours.



Findings of Fact

Petition Number _____

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

**PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because

The definition of Commercial and Building Contractor describes an establishment or activity that supplies materials to fulfill work at a remote site, typically a building trade or activity associated with construction or maintenance. Flooring is specifically listed.

The definition also provides that retail sales of goods to the public is permitted IF such retail sales are permitted by the district.

"Retail, Heavy General" is a Permitted use in the C-4 District.

2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because

The use has existed on parcel 1 (8540/8550 Michigan Road) for many years without adversely impacting the area.

Both parcels sit more than 228 feet back from the public street (Michigan Rd.) and are accessed by a private drive and access easement.

The use is of similar intensity to surrounding commercial uses, which include auto services, fast food, and a Goodwill store. There is also an apartment complex nearby, zoned D6II, but the primary building sits approximately 111 feet from that property line, and the new accessory building will sit approximately 216 feet from that parcel line. Approximately 50% of parcel 1 is grassy open space.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because

The use is appropriate to the C4 District. There is no outdoor storage. The buildings have substantial setbacks from the nearby apartment complex.

4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because

The use is appropriate to the C4 Zoning District and to the Comprehensive Plan recommendation for Regional Commercial. It is close to the intersection of 86th Street and Michigan Road, both of which are arterials and, therefore, suitable for commercial uses. Commercial uses line both 86th and Michigan as they extend away from the intersection.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because

Both buildings meet the required Dimensional Standards for C4 (Metro Context Area) in Table 744-201-3.
Table 744-402-1, Required Parking, calls for 1 space per 1,000 sq ft minimum and no maximum. The 10,199 sq ft total between the two buildings would require 10 parking spaces. There are 16 regular spaces and 1 ADA space currently on Parcel 1. One the parcels are combined, all required parking will be on one site. No Loading space is required since the use is less than 25,000 sq ft.
No other sections of Chapter 744 are applicable to this project.

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

The site plan, plan of operation and documents submitted with the petition demonstrate that it meets the provisions of the UDO.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

Outdoor retail is not permitted on the property and no other use-specific standards apply to Retail, Heavy Use. The site plan and plan of operation submitted with the application satisfy the only use-specific standard associated with the use of Commercial and Building Contractors.

Photographs



Subject site, existing building for commercial flooring contractor, looking northwest.



Subject site, proposed accessory building location, looking south.



Adjacent Commercial retail to the east, looking west.



Adjacent Commercial retail to the east, looking southwest.