

BOARD OF ZONING APPEALS DIVISION III

January 20, 2025

Case Number: 2025-MO3-002

Property Address: 2719 North Emerson Avenue (*approximate address*)

Location: Warren Township, Council District #9

Petitioner: Imagineering Holdco Inc., by Nick Hammer

Current Zoning: I-2
Modification to terminate Conditions Two and Three of 2005-SE3-003 to allow for outdoor storage and operations outside of the existing building (outdoor storage prohibited and operations required to be within the existing building).

Request: Variance of use and development standards of the Consolidated Zoning/Subdivision Ordinance to allow for outdoor storage within 280 feet of a protected district with a height of 13 feet and without required fencing and landscape screening (500 feet of separation required, maximum 10-foot tall height permitted, screening required).

Current Land Use: Industrial

Staff Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

12/16: Due to a lack of quorum, this petition was continued from December 16th to January 20th.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 2719 North Emerson is a parcel with a size of around 5.55 acres that is currently improved with two (2) industrial buildings on the eastern portion of the property. Both buildings are associated with a metal finishing use (Imagineering Finishing Technologies). Adjacent land uses include contractors to the north and south, a fueling station to the southwest, and residences to the east.
- The metal finishing facility was approved at this site in 2005 via the Special Exception petition 2005-SE3-003. That approval was subject to five (5) separate conditions, including that (a) outside storage would not be permitted; and (b) all operations would occur within the existing building. The full list of conditions is within Exhibits below.

- The enforcement case VIO25-003522 was opened in April of 2025 at the subject site, which noted the presence of several civil zoning violations. Some of those violations (related to the paving and striping of vehicle areas, signage, miscellaneous scrap metal and wood, etc.) are being addressed by the petitioner outside of the variance process. A full list of violations is within the Exhibits.
- Approval of this petition would allow for three (3) separate outdoor storage areas at the property (per the site plan within the Exhibits) by modifying the conditions of approval from 2005-SE3-003. Specifically, it would terminate the two (2) conditions related to the prohibition of outdoor storage (Condition Two) and the requirement for internal operations (Condition Three).
- Additionally, Variances of Development Standards would be required related to **(a)** the outdoor storage being within 280 feet of residentially zoned parcels to the east (minimum 500 feet of separation required); **(b)** a height of 13 feet for the outdoor storage materials (maximum of 10 feet permitted); and **(c)** a lack of required fencing or landscaping around the outdoor storage areas per 744-508.C of the Ordinance. The proposed outdoor storage areas appear to comprise 24.9% of the building area at the site, which complies with I-2 requirements per Table 743-306-2 (maximum 25% allowed).
- This property is zoned I-2 (Light Industrial District) to allow for industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Within that zoning district, outdoor operations and storage should be completely screened if adjacent to Protected Districts and limited to a percentage of the total operation. Similarly, the Comprehensive Plan recommends the site to the Light Industrial typology to allow for industrial, production, distribution, and repair uses within enclosed structures.
- Ordinance regulations on the height, screening, and size of outdoor storage when near residential areas exist to ensure that potential hazards and negative externalities are mitigated and separated from all neighborhoods and to ensure compatibility and buffering between adjacent land uses. Although the existing building does provide a level of buffering and visual separation from residences to the east of the outdoor storage areas, the limitations on outdoor storage and requirement for internal operations have been in place for the past 20 years and were a requirement for the Special Exception allowing for the metal finishing use. The applicant is seeking not only to exceed the limitations imposed by commitments but also those typically applicable for the I-2 zoning district (height, lack of screening, residential proximity).
- Staff's primary objection with regards to this petition is the lack of fencing or screening around the proposed outdoor storage areas. If some forms of buffering were in place, it would minimize the visual impact of the storage areas further and would also create a specific boundary ensuring that the storage areas wouldn't exceed the 25% of gross building area requirement for I-2 zoning. Staff indicated to the petitioner that provision of some form of fencing or landscaping around the storage areas could lead to an approval recommendation for the remaining requests, but the petitioner did not indicate openness to this compromise. Given this concern of the site exceeding the 25% requirement in addition to the lack of site-specific practical difficulty prevent compliant indoor storage as contemplated for this business in 2005, staff recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Industrial	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	I-2	North:
South:	C-4 / I-2	South: Commercial / Industrial
East:	D-4	East: Residential
West:	D-4 / C-3	West: Undeveloped
Thoroughfare Plan		
Emerson Avenue	Primary Arterial	120-foot existing right-of-way and 104-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	09/13/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	09/13/2025	
Findings of Fact (Amended)	N/A	

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. Truck traffic should be separated from local or residential.
- Light Industrial land uses are contemplated but removed where they would be adjacent to a living or mixed-use typology.

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

2005SE3003, special exception of the Industrial Zoning Ordinance to provide for a metal finishing facility (not permitted), within an existing two-story building, **approved with conditions**.

ZONING HISTORY – VICINITY

2025DV3024 ; 2747 N Emerson Avenue (north of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a waiver of the requirement to install pedestrian connectivity between a freestanding building and the existing sidewalk network along the right-of-way of Emerson Avenue (required), **approved**.

2006VAR809A ; 2553 Emerson Access (south of site), special exception of the Industrial Zoning Ordinance to provide for retail sales of plants and landscaping related products, **withdrawn**.

2006VAR809 ; 2553 Emerson Access (south of site), variance of development standards of the Industrial Zoning Ordinance to provide for 4,900 square feet or 71.3 percent of the enclosed building area of outdoor display area (maximum 1,716 square feet 25 percent of the enclosed building area of outdoor display permitted), to provide for a zero-foot rear transitional yard (minimum 30-foot transitional yard required), without landscaping in the north and south side yards (landscaping required), **withdrawn**.

2004UV2026 ; 2553 Emerson Access (south of site), variance of use of the Industrial Zoning Ordinance to provide for an automobile storage lot for inoperable vehicles (not permitted), **approved**.

87-UV2-2 ; 2642 N Butler Avenue (east of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for storage, **denied**.

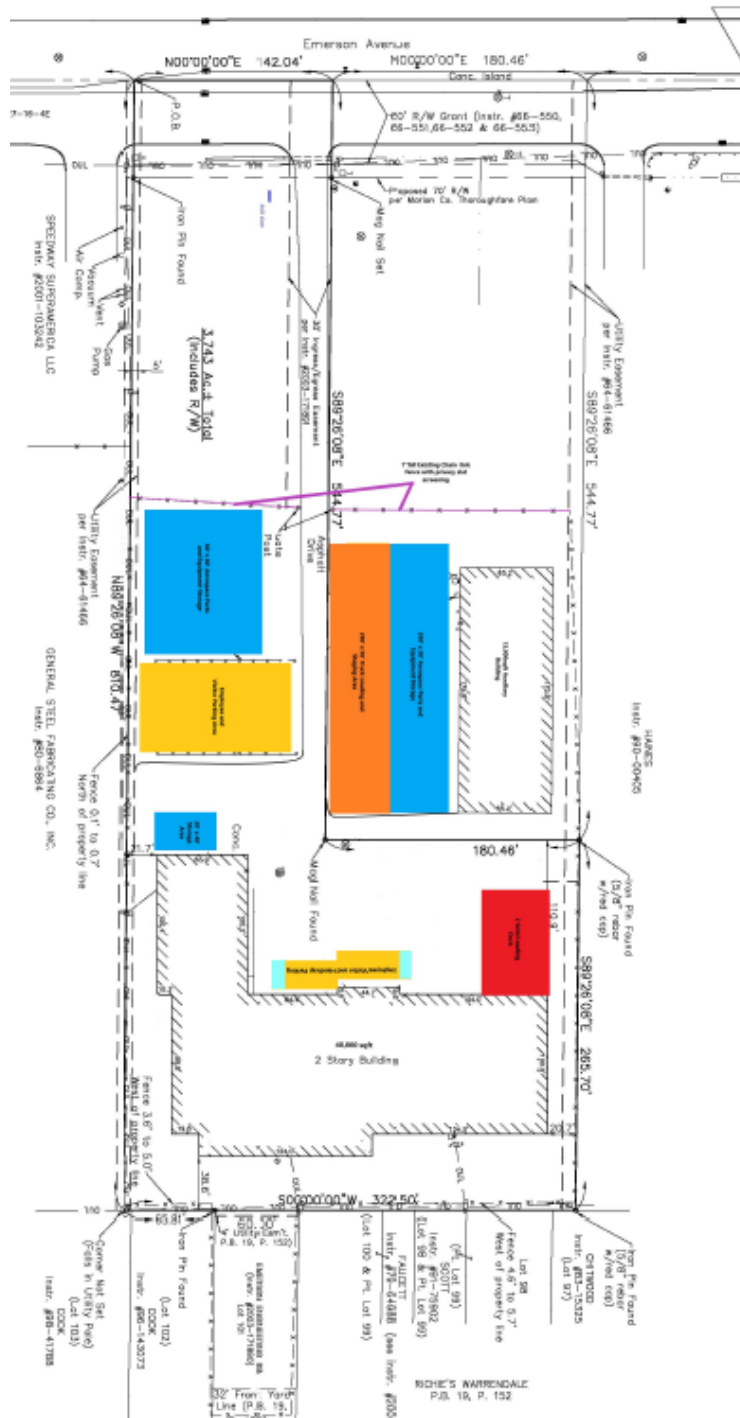
85-UV2-101 ; 2642 N Butler Avenue (east of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for the construction and repair of race cars and the re-building of antique cars, **denied**.

EXHIBITS

2025MO3002 : Aerial Map



2025MO3002 ; Site Plan



Note: size of outdoor storage areas shown do not match the dimension labels provided. An amended site plan with accurate scaling was requested but not provided prior to publication of this report

2025MO3002 ; Findings of Fact

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

The proposed storage involves only non-hazardous, commercially safe goods, eliminating risks of contamination, fire hazards, or other environmental concerns.

Storage areas are clearly defined, orderly, and maintained in a manner that preserves safe circulation for vehicles and emergency responders.

Visual impact will be minimized through fencing, screening, or landscaping, ensuring compatibility with the character of surrounding properties.

The use does not increase traffic hazards, impede public access, or introduce activity inconsistent with community standards. Similar outdoor storage practices already exist within the district without adverse impacts, and this proposal is designed to operate in the same responsible manner.

Accordingly, the request upholds public health and safety while supporting the general welfare and orderly development of the area.

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:

Storage will be limited to designated areas, organized and maintained in an orderly manner that is compatible with surrounding land uses. Screening, fencing, or landscaping will be provided where appropriate to reduce visual impacts and preserve the aesthetic quality of the area. The proposed storage will not introduce noise, odor, or other nuisances that could negatively affect nearby properties. Similar outdoor storage uses exist within the district and have not diminished surrounding property values, and this proposal is designed to operate in the same responsible and consistent manner. Accordingly, the requested use will remain harmonious with the character of the community while safeguarding the value and enjoyment of adjacent properties.

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

Strict enforcement of the prohibition on outdoor storage would create an unnecessary hardship by restricting the petitioner's ability to continue transporting and staging large aerospace components sourced from NASA, Boeing, Lockheed, and Blue Origin for delivery to the Indianapolis market. These components, due to their scale and specialized handling requirements, cannot feasibly be stored within standard enclosed facilities. Outdoor storage in a controlled, screened, and secure area is essential to the petitioner's ongoing operations and ability to serve a critical and growing sector of advanced manufacturing and aerospace supply. Denial of this allowance would impair the petitioner's ability to conduct business effectively and competitively, resulting in a practical difficulty that goes beyond mere inconvenience and instead threatens the viability of a unique and beneficial enterprise within the community. Granting the variance will relieve this hardship while ensuring storage is conducted in a manner consistent with the public interest.

2025MO3002 ; Previous Special Exception Conditions (2005SE3003)

1. Subject to the site plan file-dated August 23, 2005, and the following conditions:
2. Outside storage shall not be permitted.
3. All operations shall occur within the existing building and be subject to the Plan Operation, file-dated September 22, 2005, and identified as Exhibit "A."
4. Any sign identifying the business use shall either be non-illuminated or externally illuminated
5. Subject to the PPC report submitted as part of the Plan of Operation.

2025MO3002 ; Notice of Violation (VIO25-003522)

Section 740 -1005.A.1. Civil Zoning Violation

Specific Violation: The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-903.B. - Failure to obtain a sign permit for the display of a wall sign and free-standing sign).

Section 740 -1005.A.3. Civil Zoning Violation

Specific Violation: The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Scrap metal, wood, and other miscellaneous items throughout the property).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of inoperable vehicles in any zoning district, the provisions of which do not specifically permit such a use; (Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate, or flat tires; or that is otherwise partially dismantled or mechanically inoperable...multiple vehicles).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of vehicle parts in any zoning district, the provisions of which do not specifically permit such a use; (Vehicle tires, dump truck beds and other miscellaneous vehicle parts throughout the property).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.A.6.e – Parking lots used for access or maneuverability shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.D.6.a. - The parking area lacks hard surface and durability...gravel surface).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (744-404.D.7.a. - The parking spaces lack 4 inch durable painted lines, curbs or signage).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the I-2 district; (Table 744-402-2: - Failure to provide the required ADA parking...2 handicap parking spaces are required).

Section 740 -1005.A.9. Civil Zoning Violation

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (Failure to comply with petition #2005-SE3-003; specifically, condition #2...outside storage shall not be permitted). Contact Current Planning, 18th Floor of the City/County Building, 200 E Washington St...317-327-5155.

Section 740 -1005.A.9. Civil Zoning Violation

Specific Violation: The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (Failure to comply with petition #2005-SE3-003; specifically, condition #3...all operations shall occur within the existing building) Contact Current Planning, 18th Floor of the City/County Building, 200 E Washington St...317-327-5155.

2025MO3002 ; Photographs



Photo 1: Primary Building Viewed from West



Photo 2: Accessory Building & Northern Storage Area Viewed from South

2025MO3002 : Photographs (continued)



Photo 3: Northern Storage Area Viewed from East



Photo 4: Northern Storage Area Viewed from Southwest

2025MO3002 : Photographs (continued)



Photo 5: Parking Area Viewed from Northeast

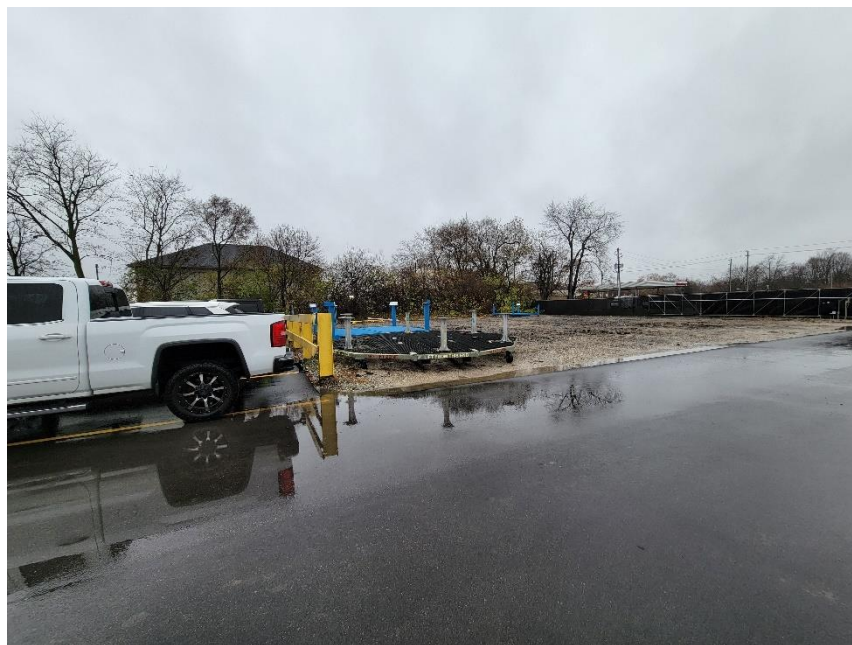


Photo 6: Western Storage Area Viewed from Northeast

2025MO3002 : Photographs (continued)



Photo 7: Southern Storage Area Viewed from Northwest



Photo 8: Southern Storage Area Viewed from Southeast

2025MO3002 : Photographs (continued)



Photo 9: Existing Loading Dock for Primary Building



Photo 10: Primary Building Viewed from Southeast

2025MO3002 : Photographs (continued)



Photo 11: Portion of Primary Building (Southeast)



Photo 12: Adjacent Property to South

2025MO3002 : Photographs (continued)



Photo 13: Adjacent Property to East



Photo 14: Adjacent Property Line to East

2025MO3002 : Photographs (continued)



Photo 15: Existing Fence & Adjacent Property to Southwest



Photo 16: Adjacent Property to North

2025MO3002 ; Photographs (continued)



Photo 17: Subject Site Viewed from Emerson (June 2024)



Photo 18: Adjacent Property to West from Emerson (June 2024)