

BOARD OF ZONING APPEALS DIVISION III

July 15, 2025

Case Number: 2025-UV3-019 (Amended)
Address: 8641 East 30th Street (approximate address)
Location: Warren Township, Council District #14
Zoning: I-2
Petitioner: FLT Keith Lynn FLTE LLC, by Justin Kingen & David Kingen
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a grocery store (not permitted).

Current Land Use: Light Industrial Warehouse

Staff Recommendation: Staff recommends approval of this petition, subject to 2 commitments.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

This petition was amended to remove the request for a reduction in parking, after it was determined that the site did provide the required amount of parking spaces.

STAFF RECOMMENDATION

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

1. An updated site plan shall be submitted for Administrator's Approval, prior to the application for a commercial structural permit review, showing the location of the sidewalk installation from parcel edge to parcel edge to be built to DPW standards. Installation of the actual sidewalk can be up to one year from the date of the variance approval.
2. A landscape plan showing the installation of street frontage landscaping, shall be submitted for Administrator's Approval, prior to the application for a commercial structural permit review. Street frontage landscaping shall meet minimum commercial construction standards as indicated in Chapter 744, Article V of the Consolidated Zoning and Subdivision Ordinance, with an exception to the depth of the landscaped area being 5 feet. All landscaping shall be installed within 5 months from date of variance approval and maintained as approved indefinitely.

PETITION OVERVIEW

- ◇ The request would provide for the operation of a grocery store in the front portion of an existing light industrial warehouse, in the I-2 district. The remainder of the building would be used for an unrelated zoning compliant light industrial warehouse operation.

- ◇ A portion of the space would also provide warehouse storage for the petitioners' off-site restaurant. The proposed grocery store would therefore act as an accessory to the permitted use of warehouse storage. In Staff's opinion, the request would be similar to Bread Outlet stores, that typically operate in Industrial zoned locations, adjacent to their warehouse and distribution centers.
- ◇ The subject site is also adjacent to a residential subdivision zoned D-5 on the east. In Staff's opinion, the request would lessen the intensity of the Industrial zoned property and would not have a negative impact to on the adjacent residential properties or surrounding industrial properties.
- ◇ Due to the proximity of the residential subdivision, Staff is requesting the variance grant be subject to a commitment for the installation of a sidewalk the width of the parcel, built to DPW standards. The finished installation of the sidewalk shall be within one year from the date of the variance grant. An updated site plan showing the sidewalk installation should be submitted for Administrator's Approval prior to the application for a commercial structural permit review.
- ◇ In addition, Staff is requesting that the variance grant be subject to a landscaping plan to be submitted for Administrator's Approval, prior to the application for a commercial structural permit review. The street frontage landscaping shall be installed the width of the parcel to commercial development standards with a five-foot planting area depth. All plantings should be installed within six (6) months from the date of the variance grant. The petitioner has agreed to both of these commitments.
- ◇ Generally, staff supports 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, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Light Industrial Warehouse	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	I-2	Mechanical Contractor
South:	I-2	Warehouse
East:	D-5	Single-Family dwellings
West:	I-2	Undeveloped
Thoroughfare Plan East 30th St.	Primary Arterial	95-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan - updated	July 9, 2025	
Elevations	N/A	
Plan of Operation	June 4, 2025	
Landscape Plan	To be submitted per commitment	
Findings of Fact	June 4, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Light Industrial typology that 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

2024-SE3-001; 8550 East 30th Street (west of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an expanded parking area with a zero-foot rear yard setback (30-foot setback required), **granted**.

2008-ZON-082; 8620 East 30th Street (west of site), Rezoning of 0.919 acre, being in the C-S District, to the C-S classification to provide for all I-2-S uses, **approved**.

2005-ZON-159; 8535 and 8600 East 30th Street (west of site), Rezoning of eleven acres from I-2-S and I-3-S to SU-1, **withdrawn**.

90-Z-192; 8309 East 30th Street (west of site), Rezoning of 1.25 acres, being in the I-3-S District to the SU-18 classification to provide for the construction of an electrical substation, **approved.**

87-Z-25; 2502 North Post Road (south of site), Rezoning of 98.35 acres, being in the I-2-S, I-3-S, D-7, C-1, and C-4 districts, to the C-S classification, to provide for a mixed-use complex consisting of a water park, outdoor recreation, offices, restaurants, motels, neighborhood retail uses, light industrial uses, and office-warehouses, **withdrawn.**

84-UV3-46; 8550 East 30th Street (west of site), Rehearing of 84-UV3-46, variance of use of the Industrial Zoning Ordinance to provide for the construction of a 40 x 50-foot building for an animal clinic, to modify the building and site plans to provide for 60-foot setback from the right-of-way as opposed to a 70-foot setback previously approved, **granted.**

76-Z-86; 8620 East 30th Street (formerly 8630 East 30th Street) (north of site), Rezoning of 0.67 acre from I-2-S to C-S to provide for warehouse storage, parts distribution, and sales and service of lawn mowers, **approved.**

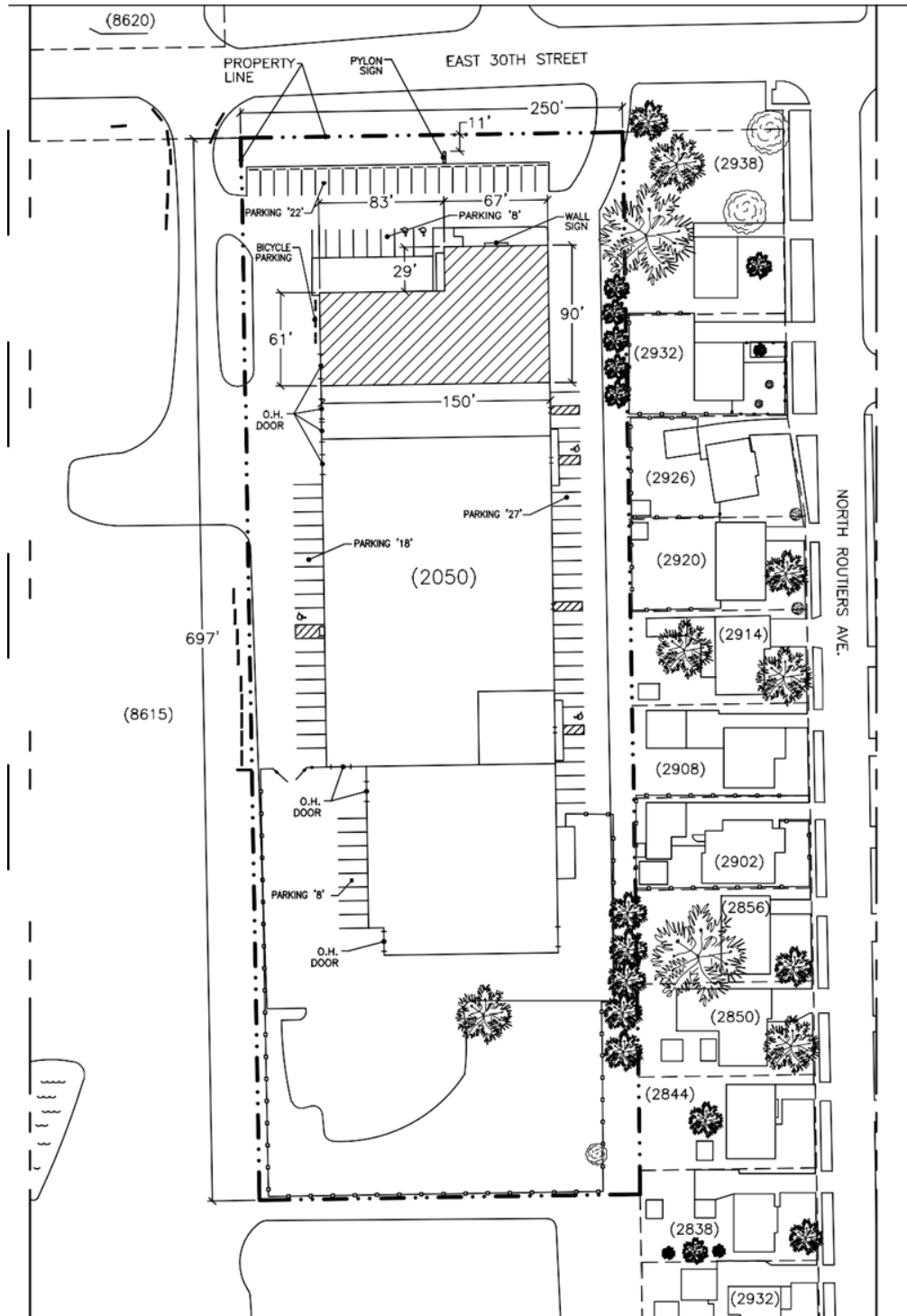
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EXHIBITS

Location Map



Site Plan



Plan Of Operation

8641 East 30th Street - Plan of Operation

- Use:
 - Medium grocery store
- Staff:
 - Three (3) full-time employees
- Hours of Operation:
 - 8:00am – 10:00pm (7 days a week)
 - Staff is able to access the building outside of those hours to utilize resources
- Building:
 - 61,057 square foot industrial building
 - 10,300 square foot space on the north end of the building will be used for the proposed grocery store
- Clients & Customers:
 - Grocery store will be open to the public
- Safety & Security Measures:
 - The office building has security cameras, and an alarm installed.
- Materials Used:
 - No hazardous waste is used on site.
- Shipping, Receiving & Storage:
 - Food and supply deliveries will be made 2-3 times per week during regular business hours.
 - Deliveries will be made via box-truck and enter the building through the overhead door on the westside of the building, per the site plan on file.
- Waste:
 - Commercial Dumpster will be located in the accessory structure and will be set out in the parking lot on the weekly pick-up day. Disposal off trash will occur between the hours of 8am and 6pm, Monday through Friday.
- Parking
 - There are currently thirty (30) parking spaces, two (2) of which are ADA spaces, all of which are paved, as indicated on the site plan on file.

Findings of Fact

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The granting of this variance of use petition will allow for a vacant portion of the existing structure to be used by a proposed medium grocery store in an area that is considered a food desert. The approval of this use/petition will not be injurious to the public, but rather an asset to the community.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The use and value of the area will not be negatively affected by the granting of this petition given that the structure will not be altered, other than a proposed wall sign. The granting of this petition would allow for the reuse of a currently vacant space and will bring a much desired use to the area.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

This subject site and area are in what is considered a food desert. Therefore, allowing the proposed use to be established in front of the existing building, with more than the required amount of parking will bring a highly desirable use to the area.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

Given the location, present vacant space in the existing structure, and parking provided on-site, this is a desirable use for this subject site and surrounding community. The proposed use is not permitted in the I-2 district, which presents a hardship in order to bring this use to the area.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The property will remain zoned I-2, which is consistent with the comprehensive plan. Granting this variance request does not interfere substantially with the comprehensive plan.

Photographs



Photo of the subject site front half with parking area, to be used as grocery store. Looking southeast



Photo of the subject site rearportion, to be used by secondary warehouse operation. Looking southeast



Photo of the existing single-family subdivision to the east, looking southeast.



Photo of undeveloped Industrial zoned land to the west, looking south.