

BOARD OF ZONING APPEALS DIVISION III

July 15th, 2025

Case Number: 2025-DV3-026
Property Address: 95 South Mitthoefer Road
Location: Warren Township, Council District #20
Petitioner: Indiana Federal Credit Union, By Misha Rabinowitch
Current Zoning: C-4 (TOD)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for site improvements resulting in a south transitional yard setback ranging from 0.5-feet to 11 feet (20 feet required).
Current Land Use: Commercial
Staff Recommendations: Staff is recommending **denial** of this variance petition.)
Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing of this variance petition.

STAFF RECOMMENDATION

Staff is recommending **denial** of this variance petition.

PETITION OVERVIEW

- The petitioner is requesting to a reduction of the south transitional yard setback to allow for an addition to be added to the commercial building on the site.
- This site is 1.5 acres in a C-4 zoning district and Transit Oriented Development Overlay.
- A transitional yard is a buffer area in a yard adjacent to a Protected District, with a minimum depth set by zoning regulations. It serves to separate land uses of different intensities and can replace the minimum required front, side, or rear yard when necessary.
- The Pennsy Trail that runs along the south property line of the subject site and requires a transitional yard.
- The variance is required due to an addition that is being added to the Indiana Members Credit Union that is on the subject site. The addition will move the parking lot area further south and remove the green space that is currently present as the transitional yard.
- Staff is recommending denial because there is no practical difficulty, the addition to the building and the location selected for it is a design choice. The Pennsy Trail has been in this location for at least five (5) years and should have been taken into consideration before addition plans begun.

The Pennsy Trail is dynamic, public amenity that Staff believe should be protected and its use and views preserved as development occurs.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Regional Commercial
South:	D-1	South: Suburban Neighborhood
East:	D-A	East: Suburban Neighborhood
West:	I-4	West: Suburban Neighborhood
Thoroughfare Plan		
Mitthoefer Road	Secondary Arterial	100 feet of right-of-way existing and 80 feet proposed.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	6/4/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	6/4/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Blue Line Transit-Oriented Development Strategic Plan
- Indy Greenways Full Circle Master Plan

Pattern Book / Land Use Plan

- The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Walmart at Washington Pt. Drive. (Blue Line)
 - Investment Framework: Plan and Partner
 - These station areas are not currently ripe for direct TOD investments, since they generally don't have the physical features or market strength to support major private investment.
 - Given their transit accessibility, these areas are ideally suited for station area planning and technical assistance for development implementation (e.g., visioning and planning for station areas, establishing a BID, etc.).
 - These areas can be an important focus for the non-profit and philanthropic sectors, to lay a groundwork for public and private sector investment.

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)

- The Pennsy Trail corridor utilizes the old Penn Central Railroad corridor between Pleasant Run Parkway and the Town of Cumberland to the east, a distance of approximately 7 miles. It is the second rail-trail project to be initiated in the Indy Greenways system and is one of four former rail corridors planned for the system. The Pennsy Trail is part of the former Indiana Central Railroad corridor which spanned 78 miles from Indianapolis to Richmond and was completed in 1853. It was over this railroad on April 30, 1865, that the slain body of President Abraham Lincoln was returned to Springfield, Illinois. After numerous acquisitions and name changes, the Pennsylvania Railroad began operating the line in 1921, which was later abandoned, and its track pulled up in 1980. The Pennsy Trail will establish a significant east-west connection on Marion County's east side and will provide connections to Irvington, the Town of Cumberland, Hancock County, and other east-side

neighborhoods. It will further serve as an essential eastern route as part of the proposed Marion County Bicycle and Pedestrian System. The proposed 7.2-mile trail route runs just south of Washington Street, between Ritter Avenue and German Church Road. It will ultimately connect Irvington to the Town of Cumberland and extend to Greenfield and beyond. Other possible connections and areas of interest include Pleasant Run Greenway, Ellenberger Park, the proposed Lick Creek Greenway, the proposed Grassy Creek Greenway, the proposed Buck Creek Greenway, the Eastgate commercial area and Washington Square Mall. In addition, the Town of Greenfield has three miles of trails on the same railway and would like to connect with Cumberland.

ZONING HISTORY

ZONING HISTORY – SITE

- 73-Z-49: 10001 East Washington Street
 - Petitioner requests rezoning of a 9.561-acre parcel of land being in an A-2 district to a C-4 classification to provide for a commercial development.
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2010-DV2-005: 10002 East Washington Street
 - Variance of development standards of the Sign Regulations to provide for an 18-foot tall, 42.5-square foot freestanding sign, within the sight-triangle of Mithoeffer Road and Washington Street, with a five-foot front setback from Washington Street (15-foot setback from the existing right-of-way required, structures cannot be within the sight-distance triangle).
 - Denied
- 2011-HOV-006: 10009 East Washington Street
 - Variance of Use of the Commercial Zoning Ordinance to provide for an amusement arcade within 500 feet of a protected district without the grant of a special exception (not permitted).
 - Approved
- 2011-UV2-018: 10009 East Washington Street
 - Variance of Use of the Commercial Zoning Ordinance to provide for a daycare center in a 4,200-square foot tenant space (not permitted).
 - Approved
- 2019-DV1-032: 9701 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to add sign panels to an existing non-conforming sign with a zero-foot front setback from Mithoeffer Road (15-foot front setback required).
 - Approved
- 2021-DV2-012: 9961 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through lane within the front yard, with a six-foot front setback, with less landscape area than and screening than required, and to provide for an additional freestanding sign within the integrated center along East Washington Street (10-foot front setback with landscaping, screening required for drive-through, maximum two signs permitted per integrated center site).
 - Approved
- 2021-DV3-026: 9605 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an additional freestanding sign and sign area along the East Washington Street frontage, being a 17-foot tall, 64-square foot pole sign located within

70 feet of an existing freestanding sign to the east (300-foot separation required, maximum sign area of 300 square feet per site and maximum two freestanding signs permitted).

- Denied
- 2022-UV3-031: 10435 East Washington Street
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business (not permitted on lots greater than 0.5-acres) with a 23.5-foot front building line, 4% of the building line (60% front building line required).
 - Withdrawn
- 2023-CVR-808 / 2023-CPL-808: 10435 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business with a 30-foot front building line or 22% of the building line (60% front building line required).
 - Approval of Subdivision Plat to be known as Washington Market Commercial Subdivision, dividing 10.90 acres into two lots and one block.
 - Approved
- 2023-DV3-004: 10220 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an integrated center with: a) an accessory drive through within 600 feet of a transit station with access provided by a private drive (alley access required); b) a surface parking area within the minimum 50-foot front yard setback (not permitted); c) all buildings maintaining a 20-foot front yard setback (maximum 10-foot setback permitted); d) and a 46% front building line (80% required).
 - Approved
- 2024-DV3-013: 10220 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a bank with one primary entry (two required).
 - Approved
- 2024-DV3-024: 102220 East Washington Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive through without an exclusive bypass aisle (bypass aisle required) and the construction of freestanding buildings with front building line setbacks of up to 33 feet (maximum 20-feet permitted per 2023-DV3-004), a front building line width of 33.5 percent (46 percent required per 2023-DV3-004), and deficient first-story transparency on the front façade of the westernmost building (60% transparency required).
 - Denied

EXHIBITS

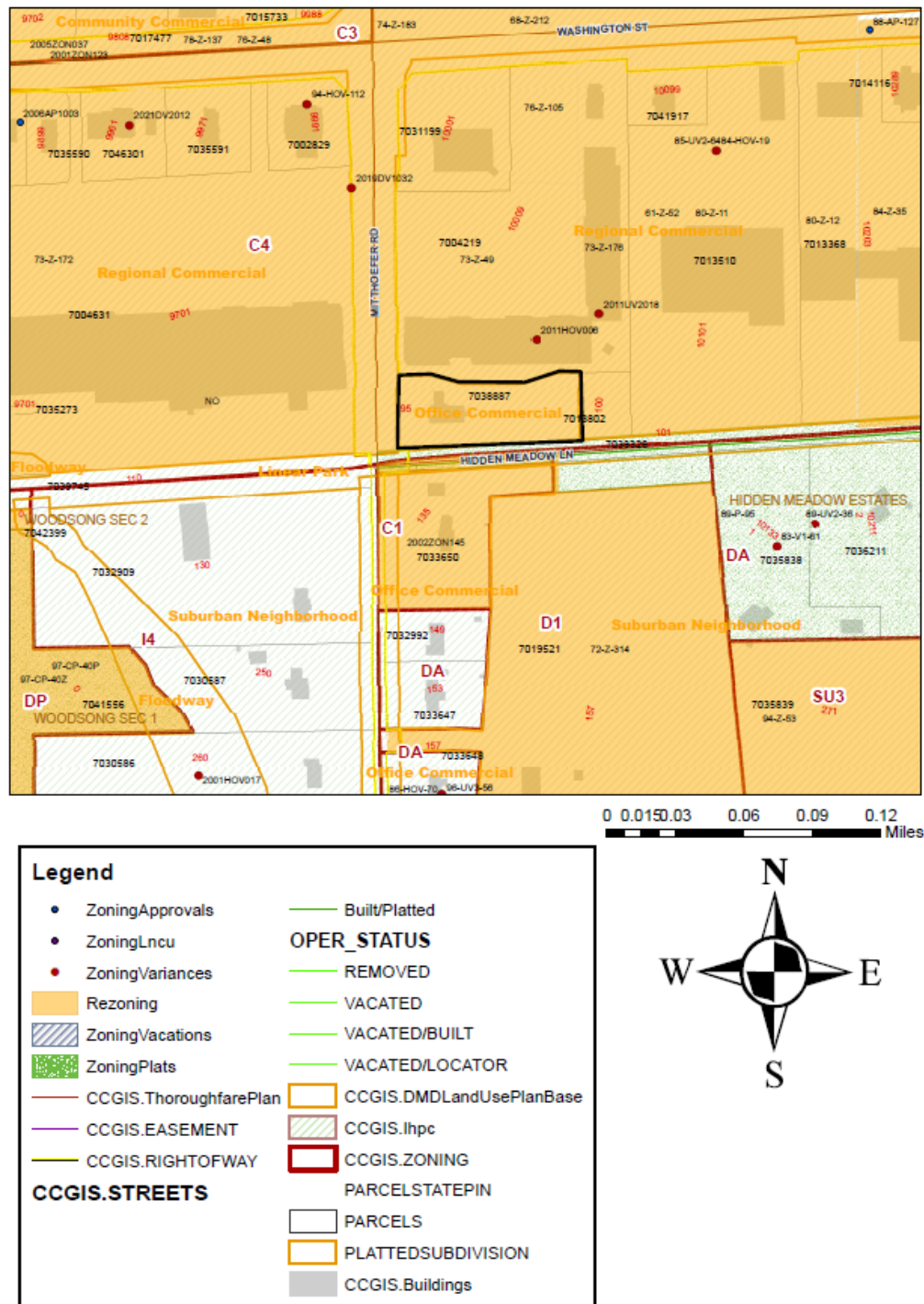


Exhibit 1: ArcGIS map of the subject site and surrounding area.

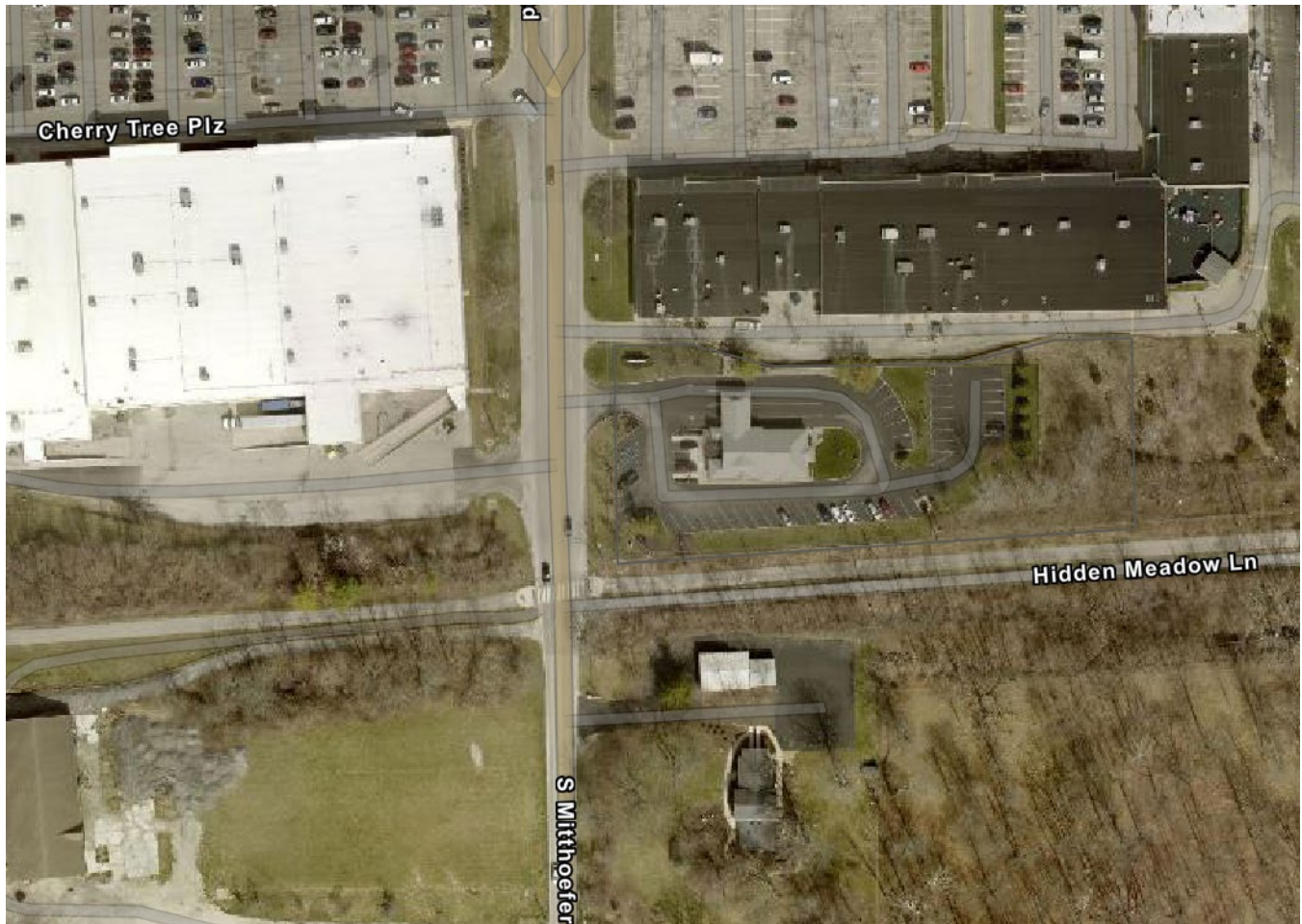


Exhibit 2: Aerial of the subject site.



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:

permitting the proposed encroachment into the south sideyard setback will permit necessary expansion and updates to existing building improvements and provide for necessary and convenient parking, while at the same time permitting appropriate landscape screening for the adjacent Pennsy Trail.

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:

permitting the proposed encroachment into the south sideyard setback will permit necessary expansion and updates to existing building improvements and provide for necessary and convenient parking, while at the same time permitting appropriate landscape screening for the adjacent Pennsy Trail.

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

the existing commercially zoned parcel is deep and narrow and the adjacent, recently developed, Pennsy Trail makes it a challenge to meet the transitional yard setback standard yet still permit the subject parcel to be used commercially and meet current operational standards.

Exhibit 3: The submitted Findings of Fact.

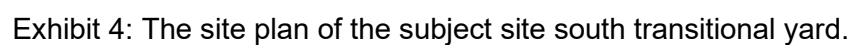






Exhibit 6: The commercial business on the subject site.



Exhibit 7: The south transitional yard looking east.



Exhibit 8: The south transitional yard looking west.



Exhibit 9: The Pennsy Trail and the fence to the subject site that runs along the south property line.