

BOARD OF ZONING APPEALS DIVISION III

July 15th, 2025

Case Number: 2025-UV3-013
Property Address: 9045 East 30th Street
Location: Warren Township, Council District #15
Petitioner: Calvary Temple Assembly of God, Inc., by David Gilman
Current Zoning: SU-1
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for commercial offices within an existing building (not permitted).
Current Land Use: Religious Use
Staff Recommendations: Staff is recommending **denial** of this variance petition.)

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the second hearing for this variance petition.

The first hearing occurred on June 17th, 2025 and was continued due to a split vote by the Board of Zoning Appeal Division I.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- 9045 East 30th Street is a parcel that is approximately 0.758 acres in size and fronts along 30th Street to the north. Although individually platted, the previous use of the structure was as an accessory structure utilized as classrooms and office space for the large religious use structure at 2901 North Post Road. The property to the south also contains a large rear yard accessory parking area to the southeast of the subject site.
- Approval of this petition would allow for the existing structure to function as a commercial office for Helix Development, a real estate company that specializes in modular construction (per the company website). Since the real estate office use would be unrelated to the primary religious use to the south or to any other religious use, it would not be permitted within SU-1 zoning and would therefore require a zoning petition

to be legally established. It appears that the non-conforming use was noticed during review of an application for a sign permit.

- The Plan of Operation provided by the applicant indicates that the use would utilize existing parking at the site, would employ 7-12 workers, and would operate within normal business hours (7 AM to 7 PM Monday to Friday, 8 AM to 4 PM on Saturday). Applicant Findings also assert that the proposed scale of the use would be similar to the previous office that had operated in an accessory fashion for the religious use.
- Staff would note that if office uses were likely to continue at the site without affiliation with a religious use (as appears to be the case here), having the property rezoned to the C-1 zoning designation would be the more appropriate zoning petition as opposed to a variance of use that would create a mismatch between the land use and zoning district. C-1 zoning would also allow for more favorable zoning standards for the proposed monument sign (shown within Exhibits below). The applicant was made aware of this and chose to proceed with requesting relief via a variance of use.
- Staff would note that it appears that the use at this site currently operates both outside of the existing property boundaries of 9045 East 30th as well as operating at an intensity that goes beyond the definition of Offices uses as contemplated by the Ordinance. Aerial photography and recent site photography (see Exhibits 3 and 8) appear to show the outdoor storage of dozens of modular home units that are likely associated with the current user.
- Outdoor storage at this scale would not be permitted within the SU-1 zoning district (since likely unaffiliated with the religious use) and would also not be permitted in such proximity to protected zoning districts. Staff would note that approval of this variance would *not* allow for outdoor storage of modular homes in association with any real estate office, and that their placement would be open to citation and violation by the Department of Business and Neighborhood Services.
- Since the proposed use of real estate offices (a) would be unaffiliated with a religious use and therefore more appropriately approved via a rezoning petition and (b) appears to be associated with extensive outdoor storage of contractor materials beyond the scope of an office use, staff does not feel that evidentiary Findings have been met. Even if assurances or commitments were provided indicating the removal of the contractor storage at this and related sites, staff still feels that a risk of encroachment beyond the definition of office uses would be likely and recommends denial of the petition.

GENERAL INFORMATION

Existing Zoning	SU-1	
Existing Land Use	Religious Use	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	I-3	North: Heavy Industrial
South:	D-4	South: Suburban Neighborhood
East:	D-7	East: Suburban Neighborhood
West:	SU-2	West: Suburban Neighborhood
Thoroughfare Plan		
30 th Street	Secondary Arterial	100 feet of right-of-way existing and 80 feet proposed.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	4/18/2025	
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

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

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

- 82-Z-64: 2901 Post Road
 - Rezoning of 6 acres, being in C-2 district, to SU-1 classification, to provide for church purposes.
 - Approved
- 94-Z-92: 9041 East 30th Street
 - Rezoning of 0.758 acre, being in the C-3 District, to the SU-1 classification to provide for the construction of a paved parking lot for an existing church.
 - Approved
- 99-Z-148: 9045 East 30th Street
 - Rezoning of 0.758 acre, being in the C-3 District to the SU-1 classification to provide for religious uses.
 - Approved

ZONING HISTORY – SURROUNDING AREA

- 2003-DV2-042: 8931 East 30th Street
 - Variance of Development Standards of the Sign Regulations to provide for a five-foot tall, forty square foot pylon sign (not permitted) with a twenty-four square foot electronic variable message display component (not permitted).
 - Approved
- 2004-UV2-027: 2961 North Post Road
 - Variance of Use of the Commercial Zoning Ordinance to provide for the annual temporary seasonal sales of fireworks and Independence Day – related party supplies (not permitted) between June 1st and July 10th.
 - Approved
- 2020-UV1-011: 3049 North Post Road
 - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a convenience market (not permitted), associated with an automobile fueling station, with a 10-foot front setback from the proposed right-of-way of Post Road and 30th Street, a 10-foot front transitional yard along 30th Street, a freestanding sign with a three-foot front setback along 30th Street and 10-foot side yards (60-foot front setback from the proposed right-of-way, 150-foot front transitional yard, five-foot front sign setback and 30-foot side setback required).
 - Denied

EXHIBITS

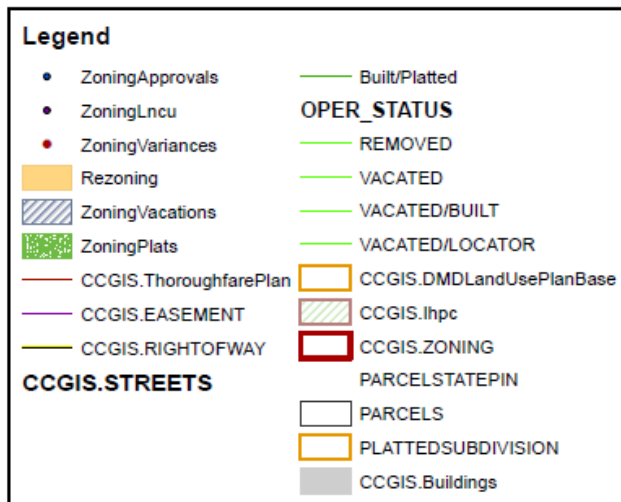
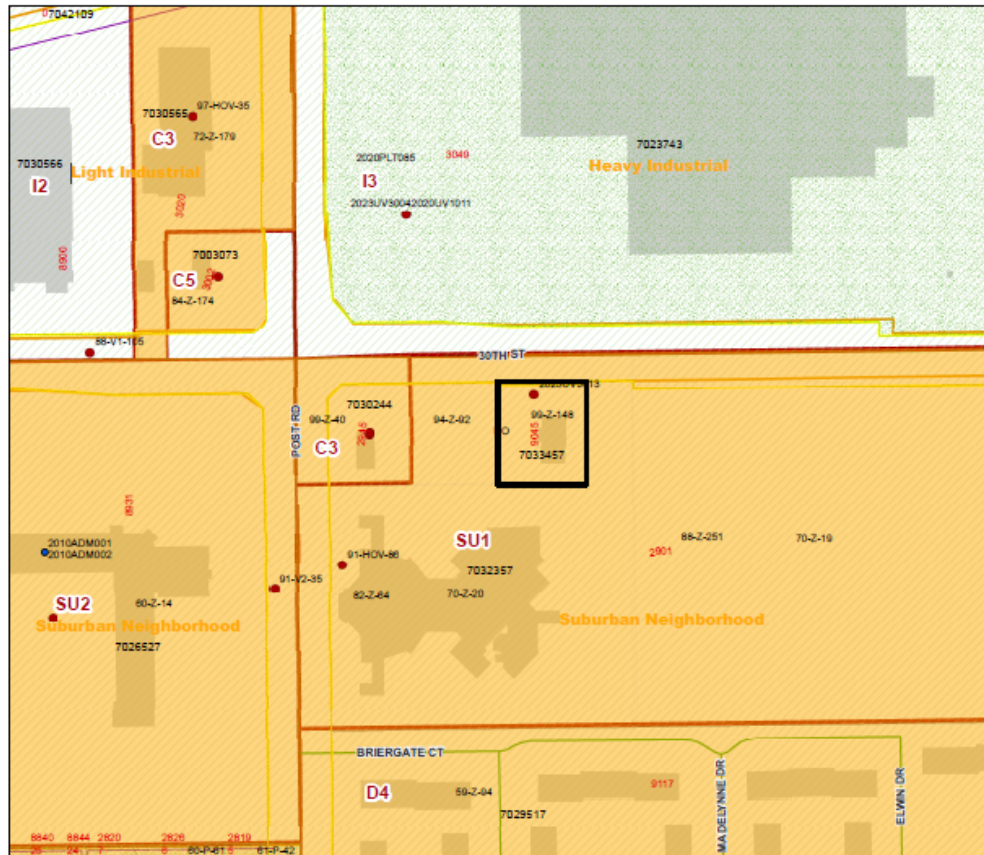


Exhibit 1: ArcGIS map of subject site and surrounding properties.



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 proposed use for office space will be served with the required parking, access to all utilities and meet the C-1 development standards.

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 proposed business office use is very similar to the accessory use for classrooms, offices or administration.

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

The accessory building was approved as an accessory use to the primary religious use. The building is now vacant and is no longer needed for its intended purpose.

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

The existing building is no longer needed for its original purpose and remains vacant. The vacant building will be repurposed for a new use that is very similar to its intended use and will allow for the occupancy, investment and maintenance in the building and site improvements.

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

The grant of the use variance will allow a use very similar to the approved religious accessory use and will not change the underlying zoning.

The Suburban Residential Land Use Pattern Book allows for small scale office uses similar to the proposed use. There is sidewalk connectivity to the adjacent residential communities and the site is located in close proximity to a primary arterial street.

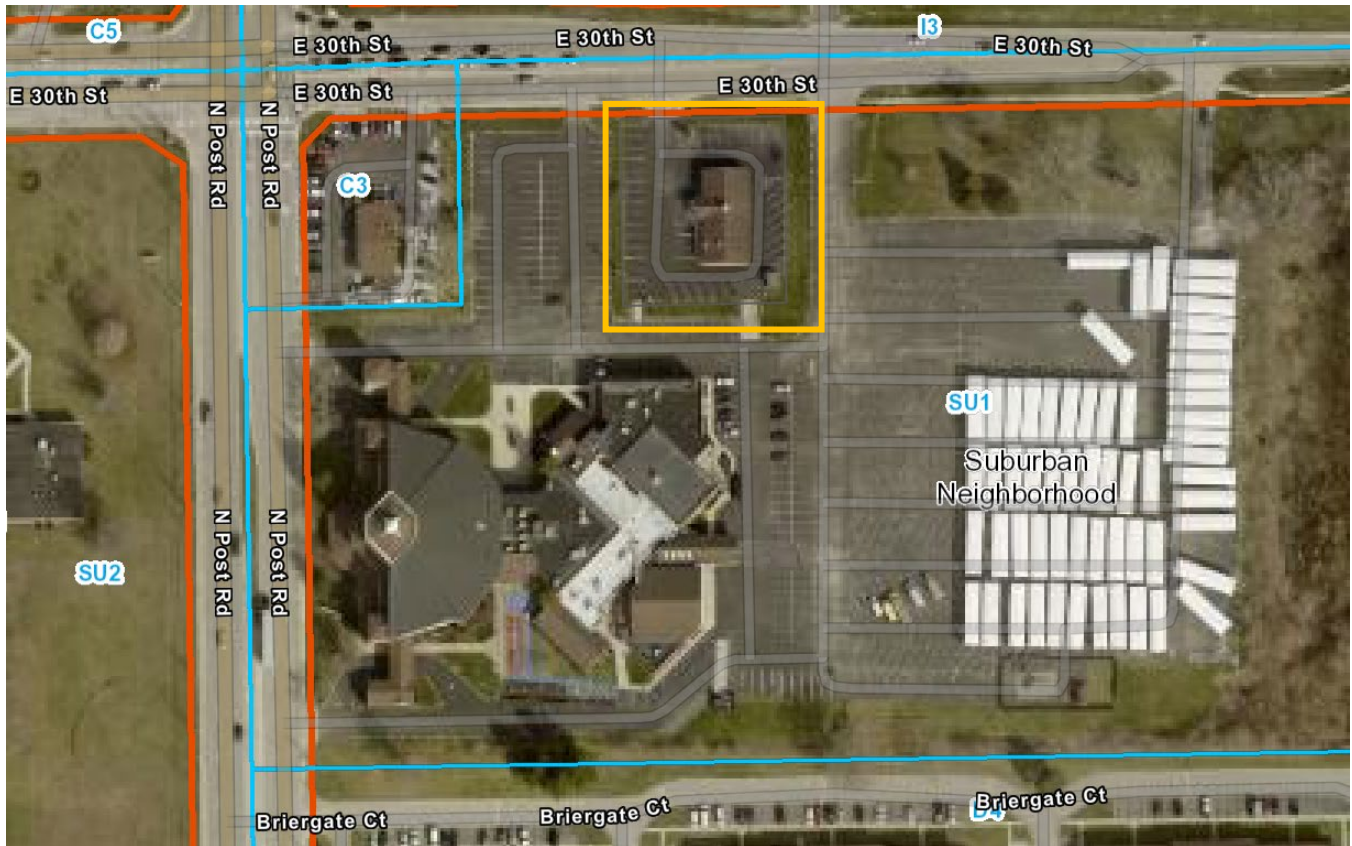


Exhibit 3: Aerial of the subject site.

SITE PLAN
9045 EAST 30TH STREET
 SCALE 1:10

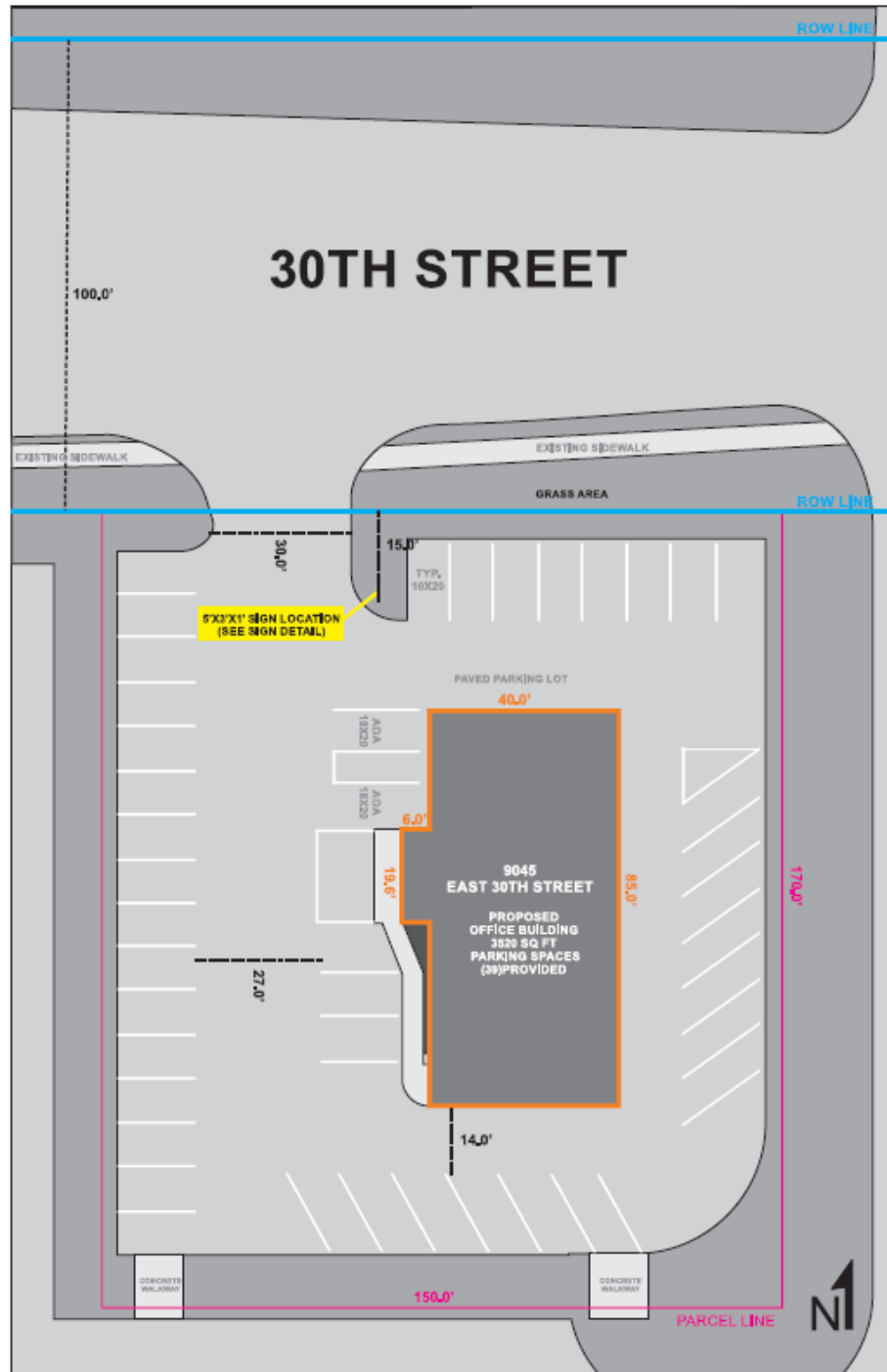


Exhibit 4: The submitted site plan.

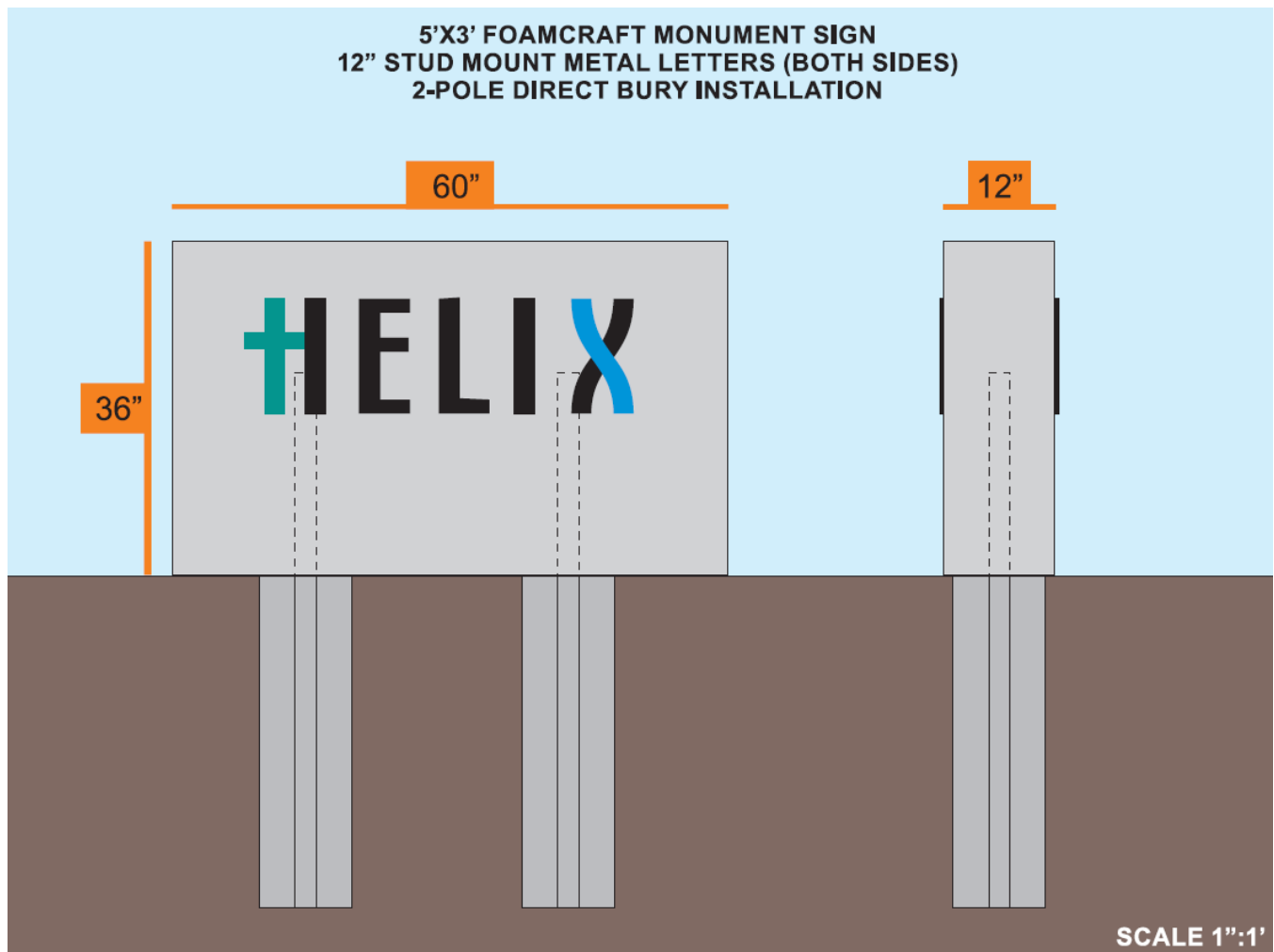


Exhibit 5: Submitted sign plans.

Plan of Operation
9045 E 30th Street
4/4/2025

BACKGROUND

The subject site is located just east of Post Road on the south side of East 30th Street. The site consists of 0.758 acres and is zoned SU-1 (Religious Use). The building was previously used for classrooms and offices to support the religious use on the parent property. The church no longer needs the space and would like to lease it as an office space for a nearby growing business.

Business Use

The petitioner seeks to operate a small professional office from the building. The site has an existing parking lot adequate to serve the proposed use. The petitioner will restripe the parking lot upon the variance approval.

Workforce

The office workforce will consist of 7-12 employees.

Hours of Operation

Business hours will be 7am to 7pm, Monday to Friday, Saturday 8am to 4pm and closed on Sundays.

Off-Street Parking

There are forty (40) customer and employee parking spaces provided, including 2 van accessible handicap spaces.

Signage

A 3 ft by 5 ft ground sign is proposed and shall comply with the current Sign Ordinance. (See Sign Details).

Clients and Customers

Clients and customers will be able to visit the site as there is ample room for parking.

Lights

Only small wall pack security lights will be installed at the designated entrance and exit to the building.

Shipping and Receiving

All shipping and receiving will be delivered by normal postal services.

Drainage

The stormwater drainage system is in place with the development of the church and parent property. There are no new improvements proposed that would impact the existing drainage system.

Waste

All waste would be picked up by utilizing a private or City waste disposal service. There will be no storage of hazardous materials on site.



Exhibit 7: The subject site.



Exhibit 8: Existing Outdoor Storage of Modular Homes (taken October 2024)