

**BOARD OF ZONING APPEALS DIVISION I**

January 6, 2026

**Case Number:** 2025-DV1-054

**Property Address:** 8752 Michigan Road (8650 Michigan Road parcel address)

**Location:** Pike Township, Council District #1

**Petitioner:** Seven 7 Venture, Inc., by Timothy Ochs and Jennifer Milliken

**Current Zoning:** C-4

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment with a drive-through without two stacking spaces after the final service unit (required).

**Current Land Use:** Commercial

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

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This petition was automatically continued by a registered neighborhood group from December 2<sup>nd</sup>.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- 8752 Michigan Road is a commercial property currently paved as an accessory parking area within the College Park commercial center near the intersection of Michigan Road and 86<sup>th</sup> Street. It was recently subdivided as an outlot from the larger parcel 8650 Michigan Road, and although the associated plat 2025-PLT-047 has not yet been formally recorded, this variance request would not directly relate to the location of existing or proposed property lines. Surrounding land uses include restaurants to the north and south and a multitenant commercial building to the west.
- An application for Administrative Approval (petition number 2025-ADM-223) was denied in September requesting exemptions from dimensional standards related to both the requirement for a bypass drive-thru aisle within the Metro context area as well as for the requirement of stacking spaces after the final service unit. While it appears that the site plan was amended to comply with the bypass aisle standard, this variance would allow for a reduction in the required stacking spaces after the drive-thru ends to avoid placement of drive-thru spaces in the front yard.

- No elevations or landscape plans were provided along with this variance application for review. However, staff would note that at the time of publication, the review of the Improvement Location Permit ILP25-02025 has largely been completed, with the only remaining hold related to the stacking space dimensional standard for which this variance is being sought.
- The subject property is zoned C-4 (Community-Regional District) to allow for the development of major business grouping and regional-size shopping centers. Similarly, the Comprehensive Plan Pattern Book recommends it to the Regional Commercial typology to allow for general commercial and office uses that serve a significant portion of the county rather than just the surrounding areas.
- Findings of Fact provided by the applicant indicate that it would be uncommon for vehicles to queue past the final service unit given their business model, and that they've provided stacking spaces before the service unit in excess of Ordinance requirements. Staff would also note that the space at the final drive window itself would qualify as one of the two required stacking spaces, and that there appear to be front-yard parking areas at the subject property to allow for vehicle parking past the drive-thru window if necessary. Staff finds the requested deviation to be minor in scope and recommends approval of the variance.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-4	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Regional Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-4	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	C-4	West: Commercial
<b>Thoroughfare Plan</b>		
Michigan Road	Primary Arterial	164-foot existing right-of-way and 134-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	10/28/2025	
<b>Site Plan (Amended)</b>	12/12/2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	10/28/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are typically in large freestanding building or integrated centers (i.e. shopping malls, strip centers, etc.).

### 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

**2025ADM223**, seeking a waiver of development standards related to the required drive-thru bypass aisle and stacking spaces after a service unit, **denied**.

**2025PLT047**, Approval of a Subdivision Plat to be known as Replat of Lot 1 of Michigan Road Shoppes Subdivision, subdividing 8.191 acres into two lots, **approved**.

### ZONING HISTORY – VICINITY

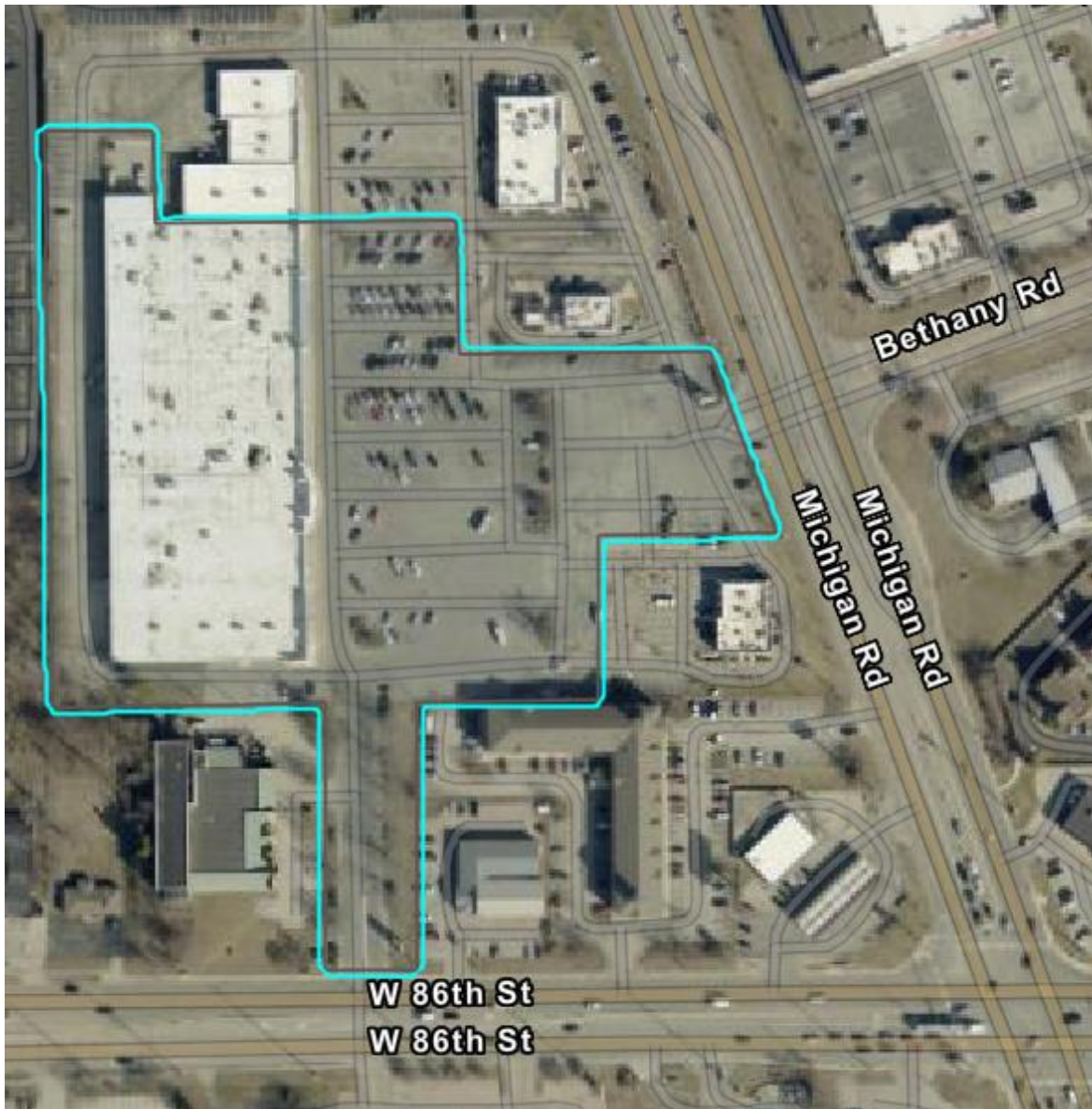
**94-UV2-109 ; 8752 Michigan Road (west of site)**, variance of use of the Commercial Zoning Ordinance to provide for a truck rental operation (not permitted) within an existing retail commercial center, **denied**.

**90-V2-48 ; 8640 Michigan Road (south of site)**, variance of development standards of the Sign Regulations of the Marion County Zoning Ordinance to permit three wall signs in excess of the total square footage allowed (25% permitted), **approved**.

**84-HOV-140 ; 8796 Michigan Road (northwest of site)**, variance of development standards of the Sign Regulations to provide for more than one pole sign in a commercial integrated center, **approved**.

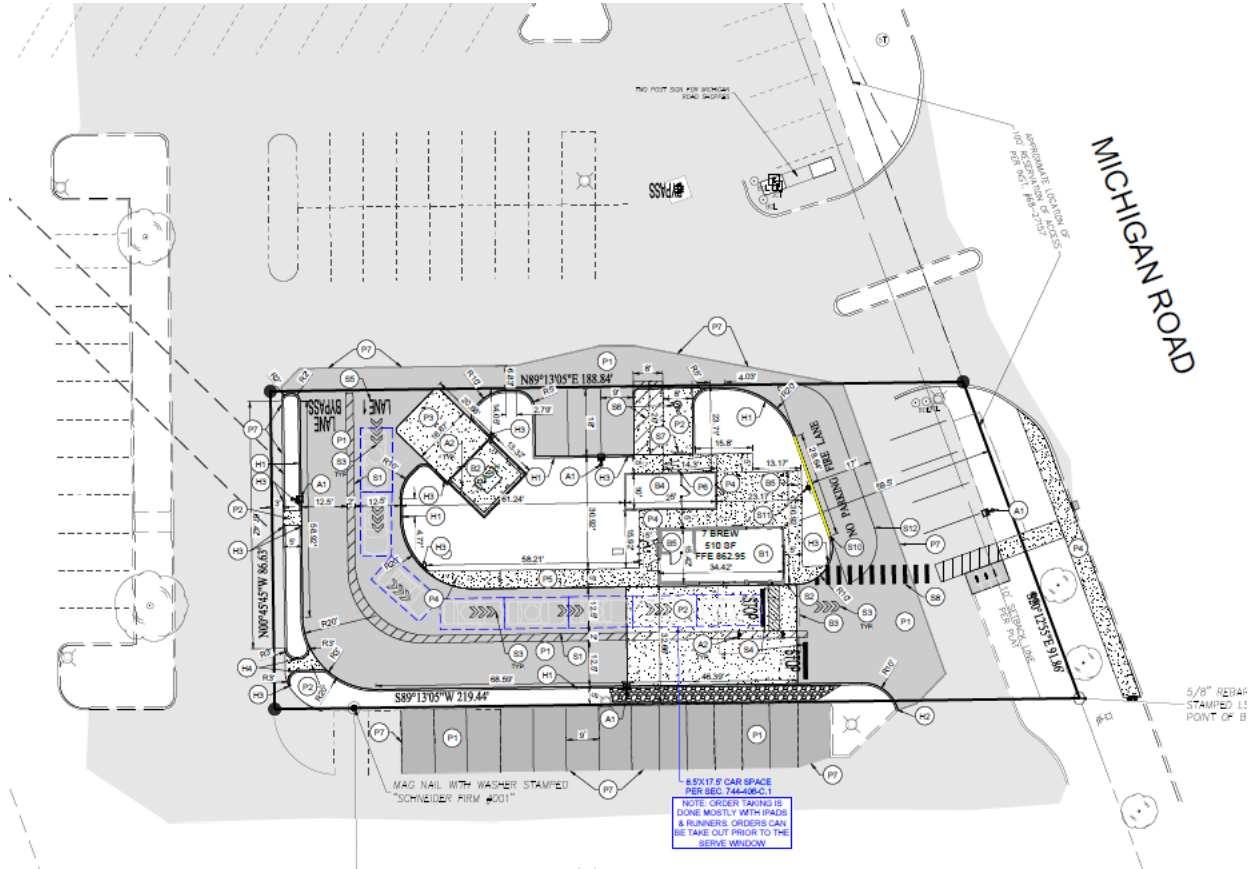
**EXHIBITS**

**2025DV1054 ; Aerial Map**



*Note: subject site is a parcel yet to be formally recorded (subdivided via 2025PLT047). See site plan below.*

**2025DV1054 ; Site Plan**





## **2025DV1054 ; Findings of Fact**

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

All of the provided stacking spaces are located behind the front building line. The applicant has determined that their proposed site plan is the most effective use of available space, based on past business experience. This is an area with several other drive-throughs, and a new drive-through of any configuration is not unexpected or inconsistent with the context. The fact that a new building is being constructed on what was previously only parking will improve the streetscape and increases the economic value of the area. Finally, this grant will make it unlikely for different drive-through businesses to take over the site, since the site is being tailored to the requirements of this particular applicant.

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:

This is an area with several other drive-throughs, and a drive-through of any configuration is not unexpected or inconsistent with the context. The fact that a new building is being constructed on what was previously only parking will improve the streetscape and increases the economic value of the area. This grant will make it unlikely for different drive-through businesses to take over the site, since the site is being tailored to the requirements of this particular applicant.

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

This is an infill site within an existing commercial subdivision. The lot was newly created by replat 2025-PLT-047. Several competing factors impact the layout of the site, including the space available for the new lot, existing driveway aisles, required building setbacks, necessary/desired visibility, building footprint, and necessary/desired stacking spaces. The applicant has determined from past experience that having two stacking spaces beyond the final drive-through component is a waste of space under their business model, where customers are not asked to "pull forward" as they are at certain fast food establishments. The best use of the limited space is to provide more stacking spaces before the final drive-through component, as shown in this site plan.

**2025DV1054 ; Photographs**



Photo 1: Subject Site Viewed from West



Photo 2: Adjacent Property to South



**2025DV1054 ; Photographs (continued)**



Photo 3: Adjacent Property to Northwest



Photo 4: Adjacent Property to East