

BOARD OF ZONING APPEALS DIVISION I

July 1, 2025

Case Number: 2025-UV1-008 (2nd Amended)
Address: 6158 West 10th Street (approximate address)
Location: Wayne Township, Council District #16
Zoning: D-3 (W-1) (W-5)
Petitioner: Homes In Motion LLC, by John Cross
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for Office: Business, Professional or Government uses (not permitted); a second vehicular access point (not permitted) and parking areas up 157 feet wide within the front yards of Vinewood Street and High School Road (30-foot width permitted).

Current Land Use: Commercial office

Staff Recommendation: Staff recommends denial of the request for a second driveway
Staff recommend s approval of the remainder of the request.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause at the request of Staff from the July 3, 2025, hearing, to the July 1, 2025, hearing, due to the submittal of an incorrect site plan.

This petition was previously amended to remove the request for a second vehicular access point. The petition was amended a second time to reinsert the request for a second vehicular access point. No new notice will be required as the second amended request is the same as the original published request.

STAFF RECOMMENDATION

Staff recommends **denial** of the request for a second vehicular access point.

Staff recommends **approval** of the remainder of the request.

PETITION OVERVIEW

- ◇ The subject site is developed with an original built single-family dwelling used as a real estate office, detached garage, paved parking, gravel parking lot, an unpermitted gravel driveway, and enclosed fenced in area.
- ◇ A real estate office, with one 24-square foot ground sign, and two (2) 15-square foot wall signs was approved per 2019-UV2-005.

- ◇ The expansion of an existing accessory structure, with a total accessory structure size of 1,215.35 square feet, a six-foot-tall fence and outdoor storage and operations consisting of four (4) trailers, one (1) skid steer loader, one (1) mini excavator and one (1) mini backhoe was approved per 2024-VAR-013.
- ◇ The rezoning of 1.00 acre from the D-3 (W-1) district to the C-1 (W-1) district, with a commitment for the closure of the driveway off Vinewood Street within 60 days of approval, and removal of the driveway pavement within six (6) months of the approval, was initially approved by the MDC per 2024-ZON-096 but was withdrawn prior to City Council approval.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The petition is requesting a Variance of Development Standards to provide for a second vehicular access point.
- ◇ The existing access point off of Vinewood Drive is a result of a previous expansion of this portion of West 10th Street and the I-45 interchange exit. At the time of that access point installation, the property was used as a single-family dwelling, and development along the North High School corridor was minimal.
- ◇ The use of the site was changed from residential to a commercial real estate office in 2019. At that point, only one (1) vehicular access point existed.
- ◇ According to aerial photos, sometime in the spring of 2023, the second vehicular access point on High School Road, the 157-foot wide parking area, and the existing accessory structure expansion with outdoor storage and operations, was installed.
- ◇ The Findings of Fact indicate the second access point is needed to divert traffic away from Vinewood Street as there is minimal space for turn in and out of the property.
- ◇ Staff agrees that the vehicular access point on Vinewood Avenue is an issue for traffic and access but does not agree that a second vehicular access point is needed in order for the Vinewood Street entrance to remain open and contribute to the existing traffic issues and congestion at that intersection.
- ◇ Staff believes that the vehicular access point on High School Road should be legally established as the primary and only vehicular access point. With the access point on Vinewood Road to be closed due to its issues with traffic access and congestion. This would make the site zoning compliant without the need for the requested second vehicular access point variance.
- ◇ Staff feels there is no practical difficulty with the site in relocating the only vehicle entry site to the High School Road entrance as it is currently accessible and closing the Vinewood Street entrance. Therefore, Staff does recommend denial of this variance request.

- ◇ The requested Variance of Development Standards to provide for a parking area up 157 feet wide within the front yards of Vinewood Street and High School Road, is a result of the subject site having three (3) frontages. The frontage on West 10th Street has a 15-foot front setback after numerous road expansions, leaving little room if any for appropriate parking. Resulting in the need to place the parking area in the front yards of Vinewood Street and High School Road.
- ◇ In Staff's opinion, the request is consistent with the existing surrounding commercial uses and would represent a minor deviation from the Ordinance.

VARIANCE OF USE

- ◇ The requested Variance of Use to provide for Office: Business, Professional or Government uses, would provide for additional office uses beyond the permitted by variance real estate office use.
- ◇ The site is currently used as a real estate office per a Use Variance granted in 2019. Providing for additional commercial offices would allow the site, that is not likely to be used residentially again, to be a buffer between the more intense C-5 district to the south and the less intense D-3 district to the north.
- ◇ The Suburban Neighborhood recommendation of the Comprehensive Plan supports a variety of neighborhood-serving businesses, institutions, and amenities which means the proposed use would align with this recommendation.
- ◇ In Staff's opinion, the request is consistent with the existing surrounding commercial uses and would represent a minor deviation from the Ordinance.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Commercial Office	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-3	Single-family dwellings
	South: C-5	Commercial retail
	East: D-3	Single-family dwellings
	West: D-3	Single-family dwellings
Thoroughfare Plan		
10th Street	Primary Arterial Street	112-foot proposed right-of-way and 285-foot existing right-of-way.
Vinewood Avenue	Primary Collector Street	80-foot existing right-of-way, and an 80-foot proposed right-of-way.
High School Road	Primary Collector Street	65-foot existing right-of-way and 80-foot proposed right-of-way.
Context Area	Metro area	

Floodway / Floodway Fringe	No
Overlay	N/A
Wellfield Protection Area	Yes
Elevations	N/A
Landscape Plan	N/A
Site Plan - Amended	June 3, 2025
Findings of Fact	April 18, 2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Suburban Neighborhood development for the site.
- 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.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
 - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres. Should be limited to areas and parcels with adequate space for required screening and buffering.

- Automotive uses (such as gas stations and auto repair) and uses requiring separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded. Should not include outdoor display of merchandise.
- Office uses are contemplated within the Suburban Neighborhood typology, which is why staff determined the request for the Variance of Use would be supportable.

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)

- Indy Moves Plans Indy Moves Transportation Integration Plan (2018) proposes an off-street multi-use path from Railroad Tracks to Beachway Drive.

ZONING HISTORY

2024-ZON-096; 6158 West 10th Street (subject site), Rezoning of 1.00 acre from the D-3 (W-1) district to the C-1 (W-1) district to provide for a second driveway and parking lot of a Real Estate Office, **Withdrawn.**

2024-VAR-013; 6158 West 10th Street (subject site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an expansion of an existing accessory structure, with a total accessory structure size of 1,215.35 square feet, a six-foot-tall fence and to permit outdoor storage and operations consisting of four trailers, one skid steer loader, one mini excavator and one mini backhoe, **Granted.**

2019-UV2-005; 6158 West 10th Street (subject site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a real estate office (not permitted) and one 24-square foot ground sign and two 15-square foot wall signs (ground signs permitted for subdivision and projects only, one wall sign permitted and sign area of three percent of façade permitted), **approved.**



Department of Metropolitan Development
Division of Planning
Current Planning

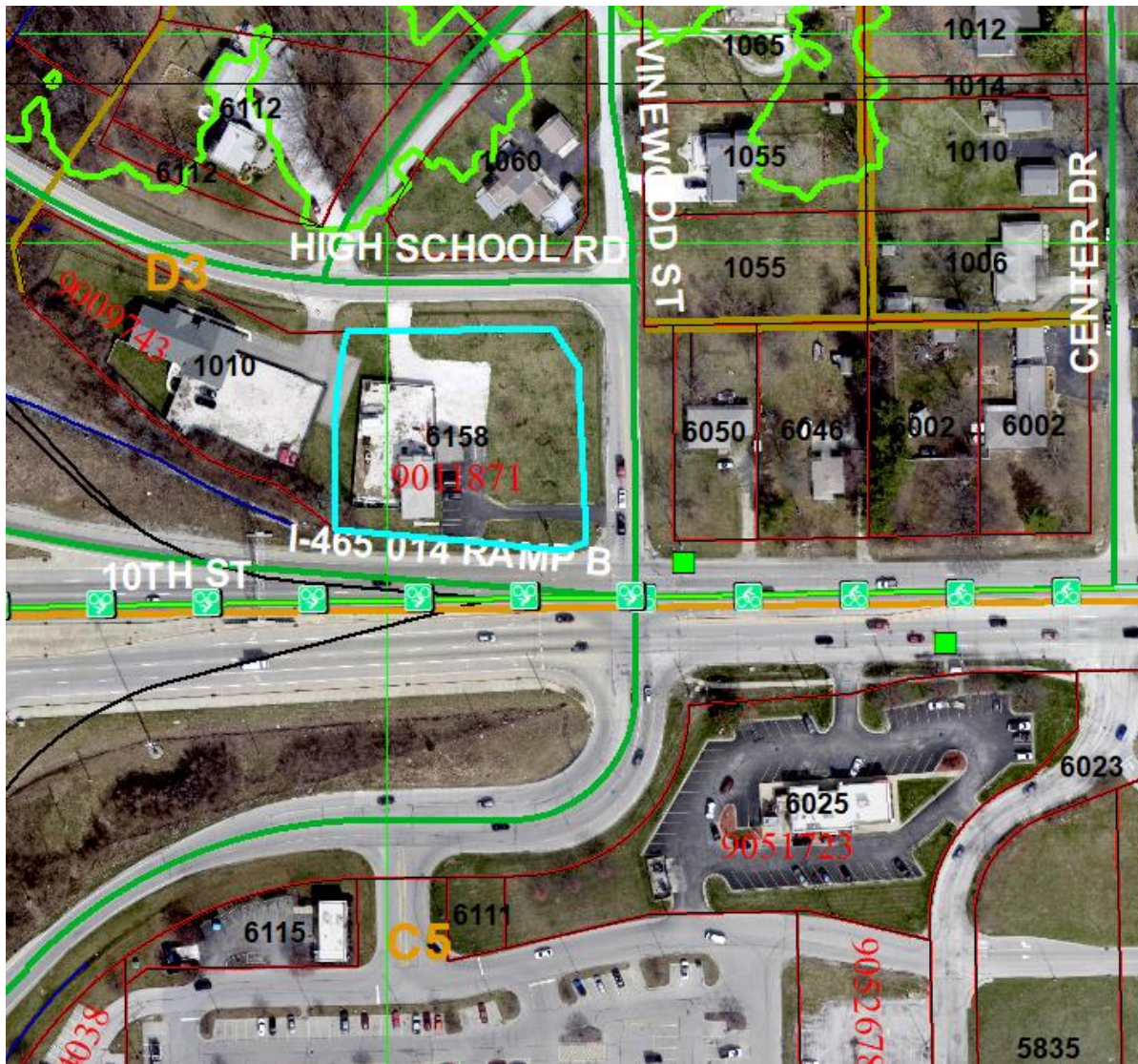
2006-DV2-016; 1010 Center Drive (northeast of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 13-foot tall, 766-square foot detached garage located between the established front building line and the right-of-way (not permitted), **granted**.

99-UV1-160; 6158 West 10th Street (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an assisted transportation business for handicapped persons, with parking for 2 vans in a detached garage, **denied**.

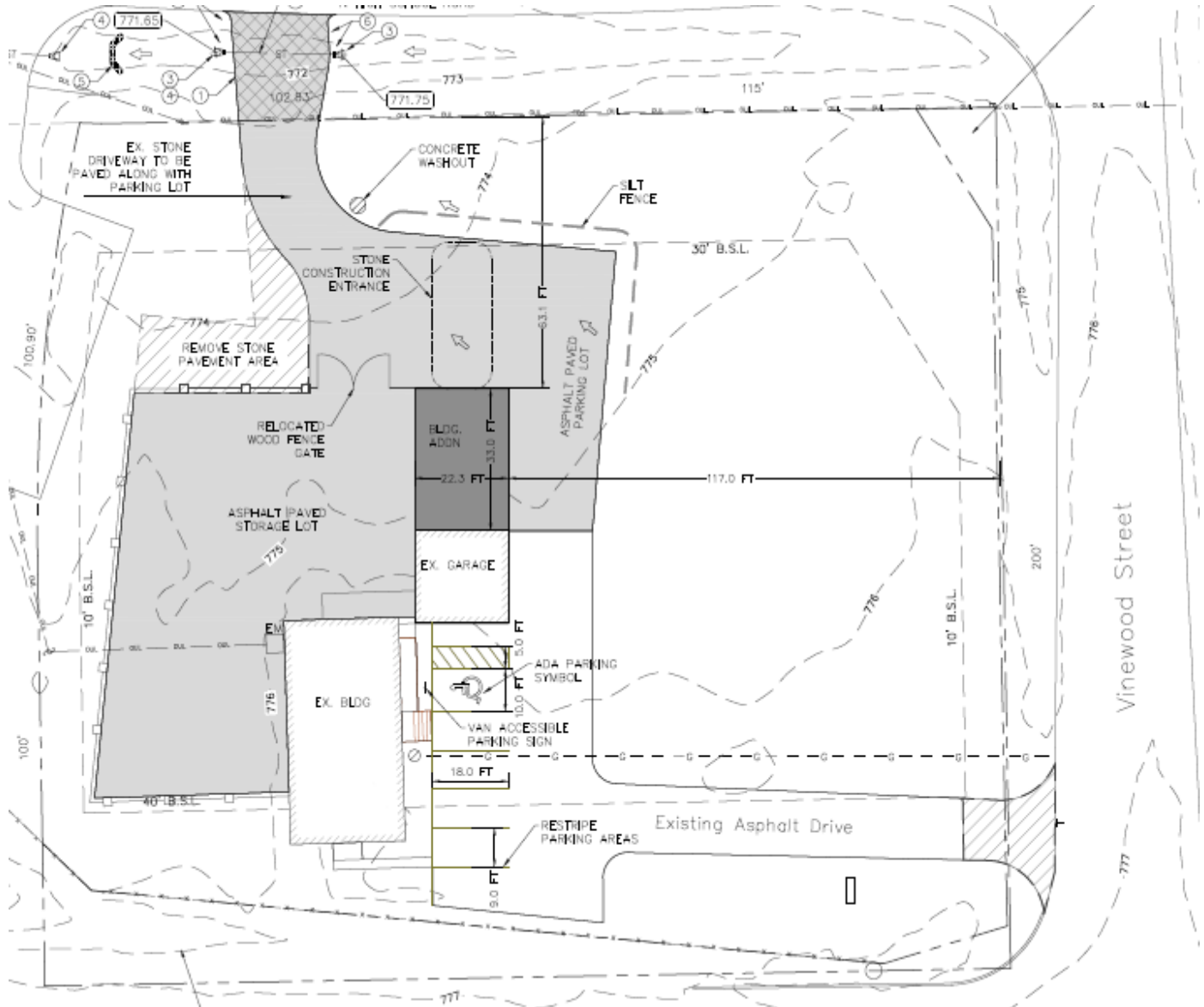
70-UV3-34; 1010 North High School Road (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for general office use, within an existing building, **granted**.

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Location Map



Site Plan - Amended





Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

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 property has been used as a real estate office since 2019 under a variance use. The property's location makes it well-suited for general office use and will have no negative impact on the surrounding area. Approval will not create objectionable characteristics extending beyond the lot lines. General office business use will not adversely impact traffic on surrounding streets especially with the additional access drive. This approval will not establish a precedent for other properties rezoning to commercial districts.

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 property has a history of being used as a business office without having any negative impact on surrounding property values.

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

the location of the property along 10th Street and 465 on-ramp make it more suitable for light office use instead of residential use.

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 property is already permitted to be used as a real estate office as long as the owner owns the property. This change has reflected well on the property given its location. The MDC previously approved the property being rezoned to C-1 which was then withdrawn so this approval will fulfill the general office use of the property while remaining a residential district.

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

Approval will not create objectionable characteristics extending beyond the lot lines. The MDC previously approved the property being rezoned to C-1 which was then withdrawn so this approval will be consistent with the MDC's prior approval and staff's prior suggestion of rezoning to C-1.

DECISION



Petition Number _____

**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:

the additional driveway access and parking are will benefit the real estate use of the property as additional parking is needed.
The additional access point will help divert traffic away from Vinewood St. as there is minimal space there to turn in and out of the property.
The additional access point will help traffic flow and not add congestion. The additional parking area will not be uncharacteristic with the larger drive and parking area for the property abutting on the west. The variance will not negatively impact surrounding properties and not have an effect on W 10th St to the south.

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:

the additional parking and drive will not add congestion but will help divert traffic away from the intersection of Vinewood and 10th St where the only access drive currently is. The real estate office use does not generate enough traffic to have a substantial impact on traffic in the area.
The additional parking area will not be uncharacteristic with the larger drive and parking area for the property abutting on the west.

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

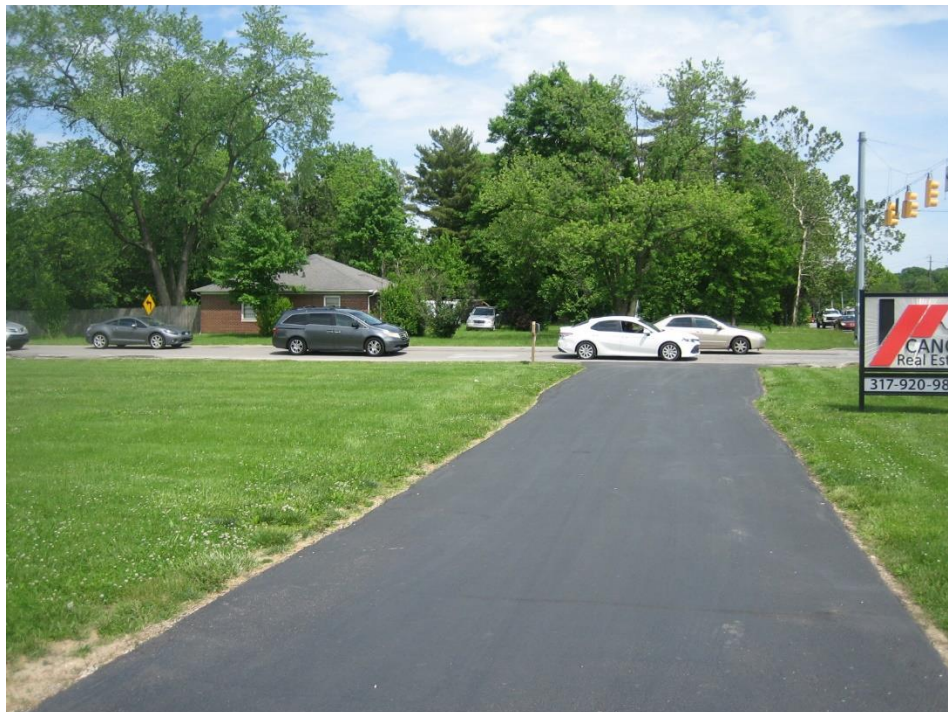
the property was approved a variance of use for a real estate office. Currently additional parking is needed to accommodate that use.
The best location for the parking area is behind the property accessing N. High School Rd. This will help traffic flow and lessen congestion more so than if additional parking is added to the existing drive that accesses Vinewood St.

DECISION

Photographs



Subject property looking west.



Subject property, existing entrance from Vinewood Street, looking east



Subject property, proposed entrance from High School Road, looking southeast



Adjacent property to the east, looking north.



Adjacent property to the north, looking northeast.



Adjacent property to the west, looking south.