

STAFF REPORT

**Department of Metropolitan Development
Division of Planning
Current Planning Section**

Case Number: 2023-UV3-022
Address: 8345 Bash Street (approximate address)
Location: Lawrence Township, Council District #3
Zoning: C-4
Petitioner: CF Laughner Associates, by David Gilman
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building to be used for automobile sales (not permitted).

ADDENDUM FOR MARCH 20, 2024, Metropolitan Development Commission meeting

This petition was approved by the Metropolitan Board of Zoning Appeals Division I on March 5, 2024. The City County Councilor for District 3 (2023), and the City County Councilor for District 4 (2024), have filed a joint appeal of this decision to the Metropolitan Development Commission (see attached appeal letter).

ADDENDUM FOR MARCH 5, 2024

Due to a lack of quorum, this petition was continued from the February 20, 2024, Board III hearing, and transferred to the March 5, 2024, Board I hearing.

February 20, 2024

This petition was automatically continued from the December 19, 2023, hearing, to the January 16, 2024, hearing, and continued for cause from the January 16, 2024, hearing, to the February 20, 2024, hearing, both at the request of the petitioner’s representative.

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

C-4 Undeveloped

SURROUNDING ZONING AND LAND USE

North - C-4 Commercial Restaurant
South - C-4 Commercial Hotel
East - C-4 Commercial Hotel
West - C-S Future Nickle Plate Trail / Commercial office park

COMPREHENSIVE PLAN The Comprehensive Plan community commercial uses for the site.

(Continued)

STAFF REPORT 2023-UV3-022 (Continued)

VARIANCE OF USE

- ◇ This request would provide for automobile sales, a C-5 use, within an area associated with community commercial development, with C-4 and C-S zoning. A use compatible with a C-5 zoning at this location would represent a deviation from the Comprehensive Plan recommendation of community commercial uses. In addition, the Castleton Strategic Revitalization Plan, recommends pedestrian oriented development and a mix of uses including office, retail, dining, entertainment, hospitality, and housing along the future Nickle Plate Trail, which abuts the site to the west.
- ◇ Retail automobile, motorcycle and light vehicle sales and rentals are generally considered a high-intensity commercial use, along with go-cart raceways, tractor sales, outdoor flea markets, and newspaper printing and publishing. The C-5 zoning classification where automobile sales are permitted, is intended for uses that often tend to have extensive outdoor display and activity, bright lighting, and noise; characteristics that negatively affect lesser zoned districts.
- ◇ The proposed use would allow for the extensive outdoor storage of product, materials, and equipment, compared to uses that are permitted in the C-4 district. Staff believes that this request, if approved, would run counter to the intent of the C-4 District, and would detract from a streetscape that has no uses that require outdoor storage.
- ◇ Staff has concerns that recommending approval of the variance request would encourage the encroachment of other heavy commercial and C-5 uses in the corridor.
- ◇ There is no hardship associated with this property that necessitates a grant of this variance. It is currently zoned C-4 and can be utilized for C-4 uses without the benefit of a use variance.
- ◇ The petitioner has submitted a proposed site plan to the file. If the Board should approve the petition, Staff recommends that approval be subject to the submitted amended site plan file-dated February 8, 2024.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Bash Street is indicated in the Official Thoroughfare Plan as a primary collector, with a 103-foot existing and proposed right-of-way.
SITE PLAN (AMENDED)	File-dated February 8, 2024.
FINDINGS OF FACT	File-dated November 2, 2023.

ZONING HISTORY

2017-DV3-036; 8301 Bash Street (south of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for transparency only adjacent to public areas at public entrances, **granted**.

85-Z-170; 6902 East 82nd Street (includes subject site), requested a rezoning of 4.7 acres, being in the C-4, SU-2, and I-1-S Districts, to the C-6 classification, to provide for highway-oriented commercial uses, **approved**.

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STAFF REPORT 2023-UV3-022 (Continued)

2023-UV3-022; EXHIBIT 1 - APPEAL LETTER



**THE COUNCIL
CITY OF INDIANAPOLIS
MARION COUNTY**

March 12, 2024

Via Email: Matt.Pleasant@indy.gov

Department of Metropolitan Development
Division of Current Planning
Matt Pleasant, Administrator
200 East Washington Street
Suite 1800
Indianapolis, Indiana 46204

Re: 2024-UV3-022 – 8345 Bash Street

To Whom it May Concern:

Please allow this letter to serve as official notification of the intent to appeal the March 5, 2024, decision of the Board of Zoning Appeals (Division I) regarding Petition No. 2024-UV3-022 (8345 Bash Street). The subject property currently lies within Councilor Roberts's District 4, while it was located originally in Councilor Boots's District 3 when the petition was filed in 2023.

The decision of the BZA raises a substantial question of zoning policy appropriate for consideration by the Commission. The BZA ruling runs contrary to the policies previously adopted by the City and, as such, is improper. The Greater Allisonville Community Council (GACC) and Binford Redevelopment and Growth, Inc. (BRAG), are all opposed to the Use Variance granted by the BZA I. (Attached are copies of the opposition letters of both GACC and BRAG.)

The establishment of a used car lot immediately across the street from the Nickel Plate Trail is not acceptable or consistent pursuant to the Castleton Revitalization Plan (Plan). The Plan, commissioned and prepared by the Dept. of Metropolitan Development (DMD) (released Feb. 2020), serves as a strategic guide for the commercial and residential development in the Castleton area. Further, the DMD staff's recommendation of DENIAL, as well as opposition to the petition by the local community (BRAG and GACC), is paramount. Such use of this site is not supported by the Plan and would be a disservice to the local community.



**THE COUNCIL
CITY OF INDIANAPOLIS
MARION COUNTY**

Please accept this letter as official notification of the intent to appeal the above action of the Board of Zoning Appeals, Division I. Thank you for your due consideration.

Respectfully,

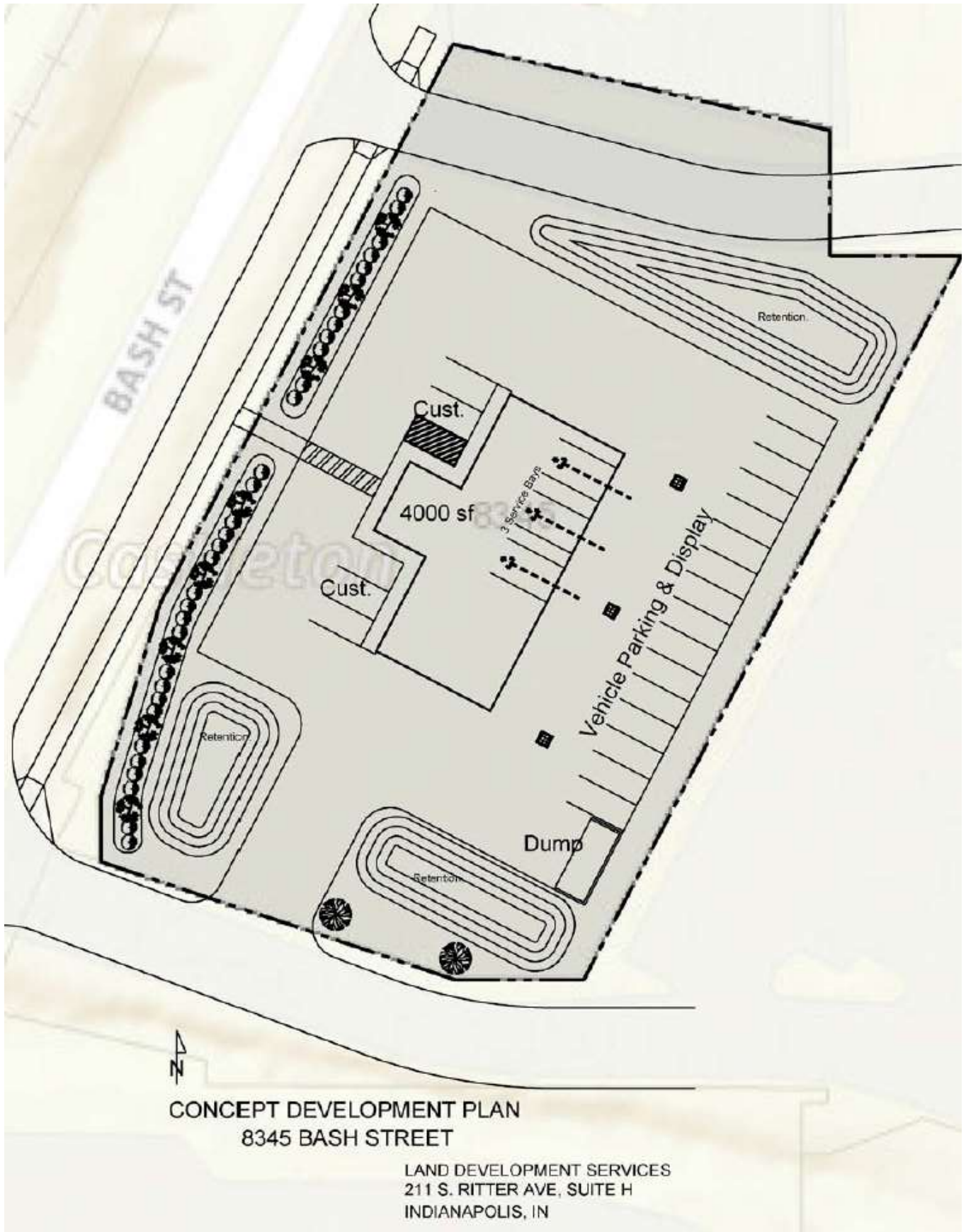
Daniel Boots
Councilor - District 3

Nicholas Roberts
Councilor - District 4

cc: David Gilman
Greater Allisonville Community Council (GACC)
Binford Redevelopment and Growth, Inc. (BRAG)

2023-UV3-022: Location Map





CONCEPT DEVELOPMENT PLAN
8345 BASH STREET

LAND DEVELOPMENT SERVICES
211 S. RITTER AVE, SUITE H
INDIANAPOLIS, IN

2023-UV3-022: Plan of Operation

Plan of Operation 8345 Bash Street 12/18/2023

BACKGROUND

The subject site is located just north of 82nd Street on the east side of Bash Street. The site consists of one (1) acre and is zoned C4 (Integrated Center). The site will require on-site detention and is located on the less travelled Bash Street. There is little opportunity for new C4 users that are not already in the immediate area, specifically along East 82nd Street. The site's location and size are the main reason it has remained undeveloped since 1990 while all the surrounding area has developed.

Business Use

The petitioner seeks to operate a small auto repair business and a maximum of ten (10) cars that he would like to be able to sale. The petitioner is a talented auto mechanic and has years of experience restoring automobiles for resale. The auto sales portion of the business will be incidental to the auto-repair use and allow a 2nd revenue source that would contribute to the overall success of the business. The building will be a 3,200 sq ft footprint.

Workforce

The auto sales workforce will consist of 2-3 full-time employees. The auto repair business would have 2 service bays.

Hours of Operation

Business hours will be 8am to 8pm Monday to Saturday and closed on Sundays.

Off-Street Parking

There shall be a total of nine (9) customer and employee parking spaces proposed, including van accessible handicap space.

Signage

Any ground sign or business wall sign shall comply with the current Sign Ordinance.

Clients and Customers

Many customers will first make inquiries on-line and call for an appointment. There will also be a few customers that will drive by and browse a vehicle on-site for sale or make an appointment for service of their vehicle.

Lights

Only one (1) or two (2) outdoor pole lights are anticipated since the business will be closed in the evenings. However, in the event the owner installs pole lights they will be fully shielded light fixtures.

Shipping and Receiving

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

Drainage

The stormwater will be discharged to a dry detention basin and released at a controlled rate to the natural drainage ditch located on the south side of the property.

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.

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 site will be developed in a manner that will not create a traffic hazard or impede proper drainage and has all required utilities. The proposed building will be constructed to meet the applicable building codes and health department 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 auto sales use will be compatible with the developed area. The site is small and the use will have little impact on the current traffic patterns. The site will be developed with a new building, paved parking and landscape frontage.

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

The site is too small for most retail uses and restaurants and is not located on a heavily travelled thoroughfare. The site has been actively marketed for several months with most inquiries rejecting the site because of its limitations for adequate parking and buildable 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

The site is too small to allow for most retail or restaurant uses permitted under the current zoning. The current zoning district allows for auto repairs and service but does not allow for any auto sales even if it is limited to a small number of vehicles on display.

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

The land use recommendation for community commercial would allow for the proposed use given the surrounding more intense uses.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

2023-UV3-022: Photographs



subject site looking east



subject site looking east



Adjacent community commercial restaurant use to the north of site.



Adjacent community commercial hotel use to the east of site.



Adjacent community commercial hotel use to the south of site, looking southeast.



Adjacent future Nickle Plate Trail and office commercial use to the west of site