

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

August 13, 2026

Case Number: 2026-ZON-018 / 2026-VAR-004
Address: 5510 Millersville Road (approximate address)
Location: Washington Township, Council District #3
Petitioner: R. Michael Thomas, by Ted Nolting
Request: Rezoning of 2.75-acres from the D-3 and C-4 districts to the C-3 district to provide for a veterinary hospital.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an outdoor animal run/exercise area located 88 feet from a protected district (100-foot separation required).

Current Land Use: Veterinary Hospital
Staff Recommendations: Approval
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued for cause by Staff, to the April 23, 2026, hearing, in order for it to be heard together with associated petition 2026-VAR-004.

City Councilor Boots requested that this petition be continued from April 23, 2026 to May 28, 2026, and from May 28, 2026, to June 25, 2026, and from June 25, 2026, to the August 13, 2026, hearing, to continue discussions between the petitioner and area residents.

The petitioner has amended the site plan by removing the rear access to DeQuincy Street and the outdoor dog run. The revised site plan is now included in the staff report. The petitioner has also requested that the variance petition be withdrawn. The Hearing Examiner will need to acknowledge the withdrawal.

STAFF RECOMMENDATION

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

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

PETITION OVERVIEW

LAND USE

The 2.75-acre site is comprised of a parcel developed with a Veterinary Hospital, and a residential structure being used as offices. The site is adjacent to commercial uses zoned C-3, and single-family dwellings zoned D-3.

REZONING

The request would rezone the property to the C-3 district to allow for the construction of a new Veterinary Hospital that is not permitted in the existing D-3 district.

The C-3 District is intended to provide for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail, and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers insignificant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

VARIANCE OF DEVELOPMENT STANDARDS

The request would allow for an outdoor animal run / exercise area to be located approximately 88 feet from a protected district.

The proposed outdoor animal run. exercise area would be used primarily for the animal patients to relieve themselves under staff supervision. No run structure would be part of the area, instead it would consist of a fenced in grassy area.

STAFF ANALYSIS

The request would rezone the property to the C-3 district to allow for the construction of a new Veterinary Hospital, to replace the existing hospital.

Staff is supportive of the rezoning because it would remove a legacy D-3 zoning that is not compatible with existing commercial uses and would allow for the construction of a new veterinary hospital that is compatible with the surrounding area and would align with the Village Mixed Use recommendation of the Comprehensive Plan.

Staff is supportive of the variance request as it would act as an accessory use to the hospital and would primarily be used for the animal's relief under supervision.

GENERAL INFORMATION

Existing Zoning	C-4 / D-3	
Existing Land Use	Veterinary Hospital and Office Building	
Comprehensive Plan	Village Mixed Use	
Overlay	N/A	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: C-3 / C-1	Commercial retail, office, and daycare
	South: D-3	Single-family dwellings
	East: C-3	Commercial retail
	West: D-3	Single-family dwelling
Thoroughfare Plan		
Millersville Road	Local Street	30-foot existing right-of-way and 50-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	N/A	
Wellfield Protection Area	N/A	
Site Plan - Updated	August 4, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Commitments	N/A	
Findings of Fact	March 17, 2026	
C-S / D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Marion County Land Use Plan Pattern Book recommends the Village Mixed-Use typology that creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types – Village Mixed Use Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

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

2025-MO2-001; 5510 Millersville Road (subject site), requested a Modification of Commitments related to 2021-DV2-019, and 2023-MO2-001, which provided for the location of a temporary modular building with a three-foot south side transitional setback, which expired two years from the date of their approval, being May 11, 2021, and May 11, 2025, respectively. The request is to extend this expiration date to May 11, 2026, **granted**.

2023-MO2-001; 5510 Millersville Road (subject site), requested a Modification of Commitments related to 2021-DV2-019, which provided for the location of a temporary modular building with a three-foot south side transitional setback, which would expire two years from the date of approval, being May 11, 2021. The request is to extend this expiration date to May 11, 2024, **granted**.

2021-DV2-019; 5510 Millersville Road (subject site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a temporary modular building with a three-foot south side transitional setback, **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

90-V1-126; 5510 Millersville Road (subject site), requested a variance of development standards of the Commercial Zoning Ordinance to permit an addition to an existing veterinary office with an apartment with a 16-foot side yard, **approved**.

69-Z-199; 5510 Millersville Road (subject site), requested the rezoning of 0.85 acre, being in the D-3 district, to C-4 classification to provide for a small animal clinic, **approved**.

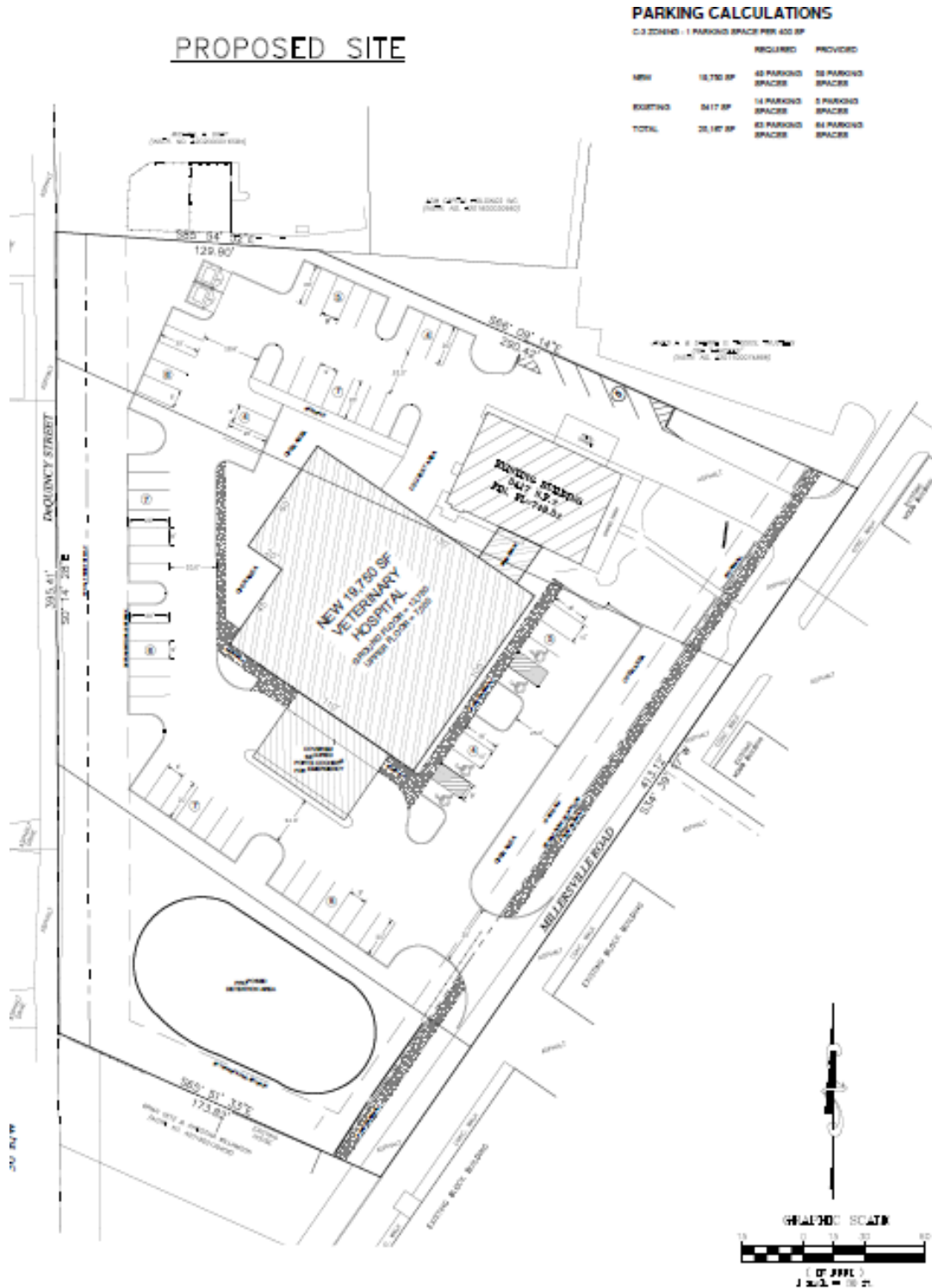
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EXHIBITS

LOCATION MAP



SITE PLAN - Updated



FINDINGS OF FACT

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 proposed animal exercise area will function solely as an accessory area to the veterinary clinic for the brief outdoor movement and exercise of animals receiving treatment at the facility. The area will not be used for kennel operations, long-term boarding, or commercial animal housing. The exercise area will be located approximately eighty-eight (88) feet from the nearest dwelling district and is separated from nearby residential properties by a public street right-of-way, which provides an additional physical buffer. Given the limited and supervised nature of the activity and the separation created by the street, the variance will not create conditions that would adversely affect the public health, safety, morals, or general welfare of the community.

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 proposed animal exercise area is a limited accessory component of the veterinary clinic intended only for the temporary outdoor movement of animals under staff supervision. The area will not function as a kennel, boarding facility, or location for prolonged animal activity. The exercise area will be located approximately eighty-eight (88) feet from the nearest dwelling district and is separated from nearby residential properties by a public street, providing an additional buffer between the area and neighboring homes. Because the use will be intermittent, controlled, and associated with veterinary treatment activities, the variance will not materially diminish the use or value of adjacent properties.

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

the veterinary clinic requires a small, designated outdoor area where animals receiving care may be briefly taken outside for movement and exercise as part of normal veterinary operations. Due to the configuration of the site and the placement of the proposed buildings, parking areas, and circulation drives, there is no reasonable location on the property where such an accessory area can be provided while fully satisfying the 100 foot separation requirement from a dwelling district. Strict enforcement of the 100-foot standard would therefore make it impractical to provide a functional and customary operational feature of a veterinary clinic on the property.

PHOTOS



Subject site, looking west.



Subject site temporary modular building behind the primary building, looking east.



Adjacent dwelling being used as an office related to the subject site, looking southwest.



Adjacent commercial use to the east, looking south.



Adjacent residential property on Dequincy to the west.



Adjacent residential property on Dequincy to the west.