

BOARD OF ZONING APPEALS DIVISION III

May 26, 2026

Case Number: 2026-SE3-001 (Amended)
Address: 6490 Massachusetts Avenue (approximate address)
Location: Warren Township, Council District #9
Zoning: I-2
Petitioner: WEB Property Group LLC, by Tyler Ochs
Request: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a Commercial Parking Lot.

Current Land Use: Industrial Development

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued, at the request of a Registered Neighborhood Organization, from the March 17, 2026, to the April 21, 2026, hearing. The petition was continued from the April 21, 2026, hearing to the May 26, 2026, hearing due to a lack of quorum.

Amended petition: This petition was amended to withdraw the requests to provide for the parking of trucks and semi-trailers within the Transit-Oriented Development Secondary District (TOD), and for the parking to be on 14.878 acres, where a maximum of two (2) acres is allowed. Industrial zoned parcels are not regulated within TOD Secondary District. In addition, the petitioner's agent indicated that the parking lot area would not exceed two (2) acres. Therefore, those variances were no longer relevant. No new notices was required as the amended request deviated less than the legal notice published request.

STAFF RECOMMENDATION

Staff recommends **denial** of this request.

PETITION OVERVIEW

SPECIAL EXCEPTION

- ◇ A commercial parking lot is permitted in the I-2 District by the grant of a special exception, which must include findings that the proposed use will not injure or adversely affect the adjacent area or property values in that area, and any grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property.
- ◇ The Comprehensive Land Use Plan recommends Suburban Neighborhood uses for the proposed commercial parking lot site and the other adjacent parcels along Massachusetts Avenue. The site originally contained a single-family dwelling, but that was demolished when the site was rezoned to I-2 in 2022. The Suburban Neighborhood typology is compatible with the existing residential uses that front on this portion of Massachusetts Avenue. It would not be compatible with a commercial parking lot as requested.

- ◇ The subject site is located adjacent to residential D-3 zoned districts to the east and west. The proposed parking lot would not be compatible being adjacent to these residential properties and with the Marion County Comprehensive Land Use Plan recommendation of Suburban Neighborhood uses for the site and adjacent properties.
- ◇ Because this request would permit additional heavy truck traffic and vehicle storage in an I-2 district abutting a residential area, staff does have concerns with its impact on the adjacent residential uses, and on the Massachusetts Avenue arterial.
- ◇ Each Special Exception request must show that the grant would not be injurious to the public health, safety, convenience, and general welfare of the community. The proposed parking lot use would provide for a new additional use to the site for the outdoor storage of commercial contractor equipment and the parking of work, box and semi-trucks and trailers on site.
- ◇ The Special Exception must indicate that the grant would not injure or adversely affect the adjacent area or property values. The proposed use for a parking lot is a generational use that would prevent and displace the permitted I-2 uses that are allowed by right, and any recommended suburban neighborhood uses and services further from the adjacent area. As a result of the parking lot, those nearby residential neighbors in the adjacent area would be subjected to an increase in truck traffic and noise in the area, above what is already existing, which would be injurious and adversely affecting in Staff's opinion.
- ◇ In Staff's opinion, deviating from the existing I-2 permitted uses and increasing the negative impact likely to occur to the neighboring dwellings, does not provide for an approval of a Special Exception as requested. Summarily, permitting a commercial parking lot in a suburban neighborhood district as proposed would be wholly inappropriate, particularly considering the general increase of truck, trailer and equipment use intensity adjacent to a residential oriented area.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Overlay	Purple Line TOD	
Surrounding Context	Zoning	Surrounding Context
	North: I-2 / I-4	Cement Plant
	South: D-3	Union Hall
	East: D-3	Single-Family Dwellings
	West: D-3	Single-Family Dwellings
Thoroughfare Plan		
Massachusetts Avenue	Secondary Arterial	75-foot existing and proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Wellfield Protection Area	No	

Site Plan, Revised	April 16, 2026
Elevations	N/A
Commitments	N/A
Landscape Plan	N/A
Findings of Fact	December 31, 2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood typology for this site. This 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

2022-CZN-857A+B / 2022-CVR-857; 3730, 3740 & 3766 North Kitley Avenue and 6490, 6520 & 6522 Massachusetts Avenue (includes subject site), requested the rezoning of 14.878 acres from the I-2 (TOD) and D-3(TOD) Districts to the I-4 (TOD) District, **approved subject to commitments**, and a Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a cement batching plant within 500 feet of a protected district, **granted**.

93-Z-46; 3730 North Kitley Avenue, requested the rezoning of 5.3 acres from the D-3 district to the I-2-S district, **approved**.

88-V1-42; 3765 North Kitley Avenue, requested a Variance of Use to provide for a lawn maintenance business, **approved**.

83-UV3-67; 6490 Massachusetts Avenue, requested a Variance of Use to provide for the seasonal sales of fruits and vegetables and a Variance of Development Standards to provide for an unpaved parking lot, **approved**.

ZONING HISTORY – VICINITY

2021-CZN-857 / 2021-CVR-857; 6205, 6215 and 6225 East 38th Street (north of site), requested the rezoning of 7.3 acres from the C-5 district to the I-1 district and a Variance of Development Standards to provide for excess outdoor storage, **approved**.

2014-CZN-822 / 2014-CVR-822; 6400 Massachusetts Avenue (southwest of site), requested the rezoning of eight acres from the D-3 district to the I-3-S district and a Variance of Development Standards for deficient setback and transitional yard and excess outdoor storage, **approved**.

2007-UV3-022; 6400 Massachusetts Avenue (southwest of site), requested a Variance of Use to provide for the assembly of traffic control devices, **approved**.

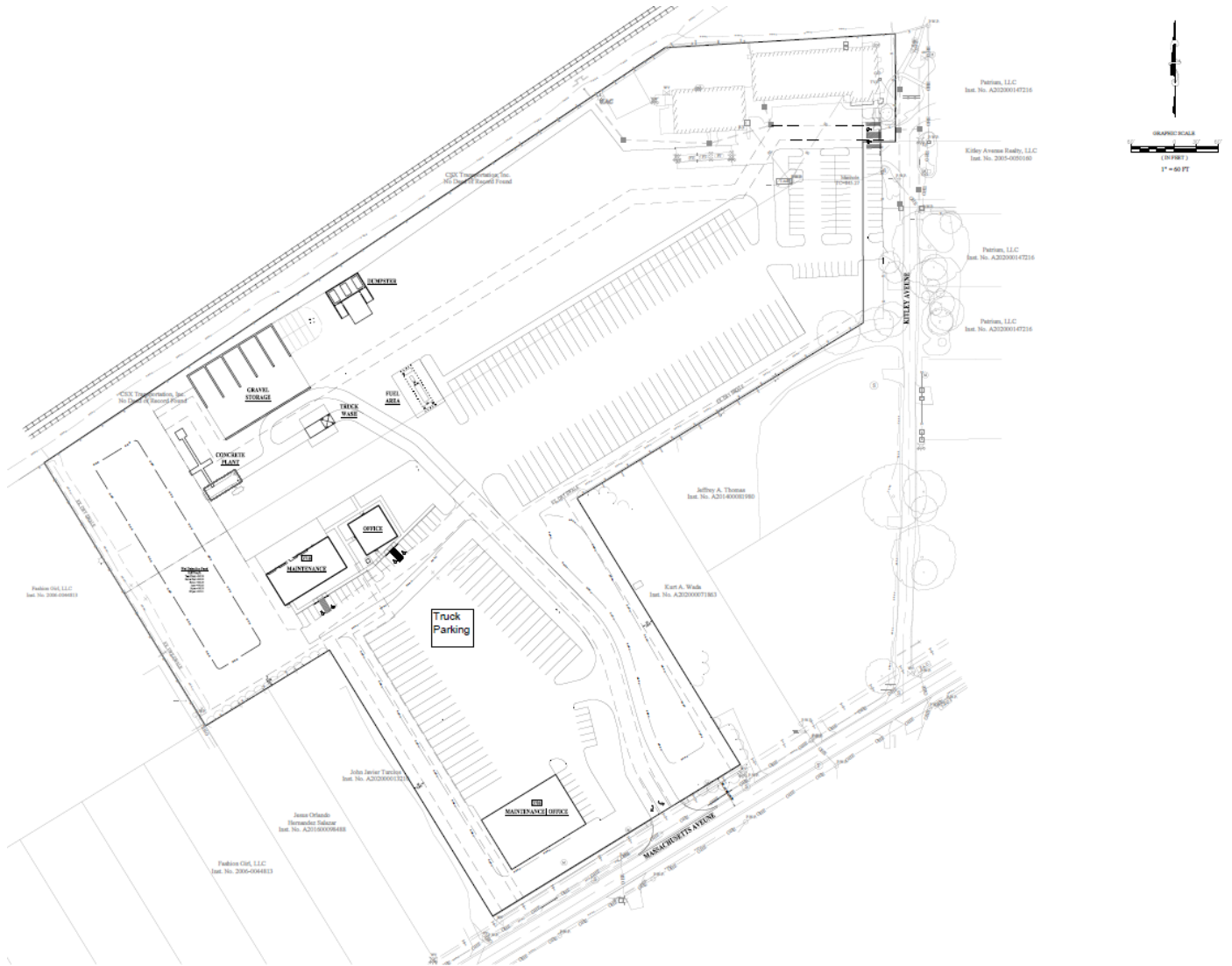
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EXHIBITS

Location Map



Site Plan - Revised



Plan of Operation

PLAN OF OPERATION

WEB PROPERTY GROUP LLC
(W.E. BEATY, INC.)

3730, 3740, & 3766 N. KITLEY AVE. & 6490, 6520, & 6522 MASSACHUSETTS AVE.

INTRODUCTION

Petitioner, WEB Property Group LLC, owns each of the above-listed properties (the “Property”). An affiliate of Petitioner, W.E. Beaty, Inc., operates its family-owned concrete construction company at the Property. The Property is also used for third party outdoor storage for like type businesses. Petitioner received approval to rezone three parcels (3730, 3740, and 3766 Kitley) to I4 to allow the additional uses of an on-site small volume concrete batch plant and related storage and activities. In addition, Petitioner rezoned the remaining parcels on Massachusetts Avenue to I-2 to provide access to the current and proposed uses and allow for a transition from less intensive zoning to the more intensive I-4. Petitioner now seeks a special exception to allow for truck and semi-trailer parking.

CURRENT & PROPOSED USE

Petitioner currently uses the Property for commercial contracting, which is a permitted use under I-2. Specifically, Petitioner and third-party lessees stores their trucks (pick-up, box, and semi-trailers) and related equipment and materials for its concrete, construction and landscape businesses at the Property. Typically, operations on the Property are between 6:00AM to 6:00PM Monday through Friday and from 6:00AM to 2:00PM on Saturdays, even though the Property has 24-hour access by all Property users. During these hours, trucks come and go from the Property to job sites around the city and state. Petitioner, concurrent with the rezone, moved its main access point from N. Kitley and instead, utilized the three Massachusetts Avenue parcels for a new entrance/exit and zoning transition. This has eased the truck traffic pressure on N. Kitley from the site and created a safer ingress and egress by using a permitted entrance onto a secondary arterial versus local street.

The proposed commercial parking lot would be to allow trucks and semi-trailers to park overnight on the property. The trucks already have access to the lot using a secondary arterial, which makes it less intensive on local streets (As stated above) and also allows easy ingress and egress for the stored trucks. There would be no real changes to the current operation of the property, rather, this would allow for trucks in the area to have off-street parking away from Mass Ave.



Findings of Fact – Special Exception

**HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

**PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because
Parking Lot, Commercial: A parking lot that is a primary use of land.

The portion of the property nearest to Mass Ave will be used to park trucks overnight.

2. The proposed use will not injure or adversely affect the adjacent area or property values in that
area because

This property is currently used by W.E. Beaty which is a concrete contractor. This is an industrial area where truck traffic is
already high. This special exception will allow for trucks to park on the property overnight. Due to the industrial area
surrounding the property, and the current and continuing use of the property, this will have no impact on neighboring property values.
This is a less intensive use than the already approved use on the property.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of
adjoining property because

This is a less intensive use than the already approved use on the property. This will allow trucks to park overnight on the
property.

4. The proposed use will be compatible with the character of the district, land use authorized therein
and the Comprehensive Plan for Marion County because

This is an industrial area with heavy truck traffic. This will provide trucks a place to park overnight away from the road.
The property is tucked back by the railroad and 38th street. The current use is for a concrete contractor, which is in line
and character with this request.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the
zoning district in which it is located because

This is adding additional off-street parking spaces which conforms with the parking space requirement under Chapter 744.
The approval of a commercial parking lot would not have any impact on development standards related to building
requirements as no improvements will need to be constructed. This is already an operating concrete contractor site.

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

The approved special exception would be an accessory use that is less intensive than the current approved uses for the property. Therefore, there would be no issue complying with the performance standards in 740 due to the nature of the less intensive use.

This is adding additional off-street parking spaces which conforms with the parking space requirement under Chapter 744. The approval of a commercial parking lot would not have any impact on development standards related to building requirements as no improvements will need to be constructed. This is already an operating concrete contractor site.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

The applicable special use standards are mostly not applicable. Monument Circle access, CBD-1 district access, and regional center access are all not applicable due to location. Point 4 of Subsection CC in Article III, Section 5, states that parking lots, commercial shall be limited to a maximum of 2 acres. This will not be an issue. While the parcel is approximately 14 acres in size, parking will occur on the south side of the parcel, as improvements already exist on the property, so the parking area shall be limited to 2 acres or less.

DECISION

Photographs



Subject site, looking south.



Subject site, looking west



Adjacent single family dwellings zoned D-3, to the east, looking northeast



Adjacent union hall zoned D-3, to the south.