



BOARD OF ZONING APPEALS DIVISION III

March 17, 2026

Case Number: 2025-MO3-003
Address: 3030 North Shadeland Avenue (approximate address)
Location: Warren Township, Council District #9
Zoning: C-4
Petitioner: Shadeland Holdings Inc., by Patrick Rooney
Request: Modification of Commitments associated with 2022-UV3-034 to modify Commitment Twelve to read as follows: “The real estate shall be developed as a retail gas station and convenience store pursuant to the site plan prepared by Abonmarche last dated 5/09/2024 and attached hereto.”; and to terminate Commitments Five and Thirteen-M which restricted the days and hours of business operation and prohibited an automobile fueling station.

Current Land Use: Vacant commercial bank

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued for cause by the petitioner from the December 16, 2025, hearing, to the January 20, 2026, hearing, and from the January 20, 2026, hearing, to the February 17, 2026, hearing.

A Registered Neighborhood Organization filed an automatic continuance, continuing this petition from the February 17, 2026, hearing, to the March 17, 2026, hearing.

A Registered Neighborhood Organization requested a continuance for cause, from the March 17, 2026, hearing, to the April 21, 2026, hearing, and from the April 21, 2026 hearing, to the May 26, 2026, hearing.

STAFF RECOMMENDATION

Staff makes **no recommendation** for the modification of commitments.

PETITION OVERVIEW

SITE HISTORY

- ◇ On December 20, 2022, petition 2022-UV3-034, was granted approval for a Variance of Use to provide for the operation of an auto sales lot. Approval was subject to the commitments recorded as Instrument No: A202300016080.



MODIFICATION REQUEST

- ◇ The 2022-UV3-034 variance grant was subject to 13 commitments (attached). The petitioner requests to modify commitments 5, 12, and 13m. Commitment 5 limited business hours from 9am to 7pm Monday through Saturday. Commitment 12 required a secure entrance gate/chain to be installed and kept in good working order. Commitment 13m excluded (prohibited) an Automobile fueling station a C-4 permitted use from the site.
- ◇ The commitments restricting site development and layout were the result of negotiation between a previous petitioner and interested parties during the 2022 variance process. Staff played no role in the negotiation of the subject commitments, and ordinarily provides no recommendation under such circumstances. Staff would note, however, that the commitments were negotiated in good faith between interested parties during the petition process, and their agreement was contingent upon all commitments being included with the variance petition.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant commercial bank	
Comprehensive Plan	Community Commercial	
Overlay	N/A	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: C-4	Commercial contractor
	South: C-4	Commercial office / restaurant
	East: C-4 / I-2	Commercial retail / Industrial warehouse
	West: I-3	Industrial warehouse
Thoroughfare Plan		
N. Shadeland Avenue	Primary Arterial	150-foot existing and proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	N/A	
Wellfield Protection Area	No	
Site Plan	December 11, 2025	
Elevations	N/A	
Commitments	December 11, 2025	
Landscape Plan	N/A	
Findings of Fact	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends community commercial uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial typology for this site. This typology provides for low intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

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

2022-UV3-034; 3030 North Shadeland Avenue (subject site), requested a Variance of Use to provide for the operation of an auto sales lot, **granted with commitments**.

2017-DV1-053; 3035 and 3169 North Shadeland Avenue (east of site), requested a Variance of Development Standards to provide for loading areas within the front setback and front yard along Shadeland Avenue, **granted**.

2007-ZON-078; 3110 N. Shadeland Avenue (north of site), requested the Rezoning of 2.4 acres, from the I-3-S District to the C-4 classification to provide for community-regional commercial uses, **approved**.

2000-DV3-012; 3005 North Shadeland Avenue (east of site), requested a Variance of Development Standards to provide for the reconstruction of a convenience store/gasoline station, with paving in the required setback of Shadeland Avenue instead of landscaping, **granted, subject to the provision of landscaping**.

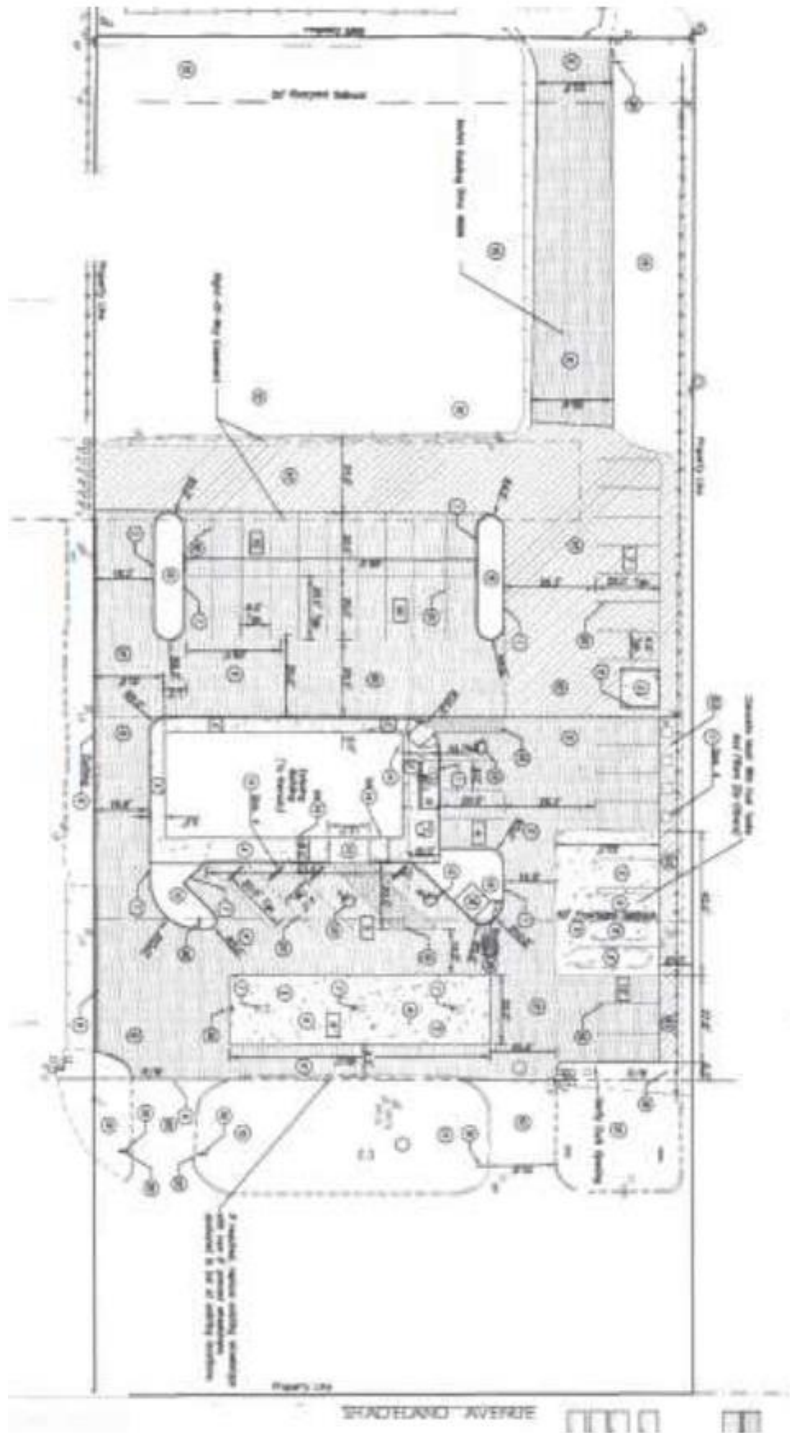
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EXHIBITS

Location Map



Site Plan



Commitments - Current

A202300016080

03/02/2023 10:41 AM

**FAITH KIMBROUGH
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 4

By: JS

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE
IN CONNECTION WITH A VARIANCE, SPECIAL EXCEPTION OR APPROVAL GRANT.**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the parcel of real estate:

Legal Description: 3030 North Shadeland Avenue (See Attached Exhibit A)

Statement of COMMITMENTS:

1. No "buy here, pay here" operation shall be permitted on the premises.
2. No banners or string lights shall be permitted.
 - a. There shall be only outside lighting for security purposes.
3. No junk, wrecked, or inoperable vehicles or storage of auto parts shall be permitted to be stored on the subject real estate at any time.
4. There shall be no vehicle repair on the subject real estate.
5. Business hours shall be no longer than 9 AM to 7 PM, Monday through Saturday.
6. Only one free standing sign shall be permitted on the property.
 - a. No electronic variable message sign (EVMS) component shall be permitted.
7. All lighting shall be of the shielded type.
8. There shall be no vending machines located on the outside of the building.
9. The maximum number of vehicles will be 40 cars (only).
10. Landscaping will be professionally maintained including plants, shrubs, and trees to be replaced expeditiously if / when they die.
11. Ornamental fencing shall be installed and maintained along the eastern frontage and on the two sides back to a point equal to the front façade of the building.
12. A secure entrance gate/chain arrangement shall be installed and kept in good working order.
13. Petitioner commits to exclude the following C-4 uses from the subject site:
 - a. Emergency shelter
 - b. Adult Entertainment
 - c. Greenway
 - d. Garden as primary use
 - e. Check cashing or validation service
 - f. Outdoor advertising off premise sign (new)
 - g. Night club or cabaret

Commitments – Current continued

- h. Firearm sales or gun sales
- i. Fireworks sales on-going
- j. Pawn shop
- k. Power generating facility
- l. Automobile, motorcycle and light vehicle service or repair
- m. Automobile fueling station
- n. Vape shop, solely
- o. Methadone clinic
- p. Plasma center
- q. Substance abuse treatment facility
- r. Tavern
- s. Motel or Hostel
- t. Gun Store
- u. Liquor Store

These COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest in the real estate. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Board of Zoning Appeals made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the grant of variance, special exception or approval petition #2022-UV3-034 by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and,
2. Owners of all parcels of ground adjoining the real estate depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various township assessors of the Marion County, which the current owners of record at the time the notice shall be sent. (This paragraph defines the category of persons entitled to receive personal notice of the variance, special exception or approval petition under the rules of the Board in force at the time the COMMITMENT was made); and,

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2022-UV3-034.

Commitments - Proposed

COMMITMENTS MODIFYING OR TERMINATING EXISTING COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH VARIANCE OR SPECIAL EXCEPTION GRANT.

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of commitment(s) concerning the use and development of the parcel of real estate:

Legal Description: See attached Exhibit A.

Statement of Modification or Termination of COMMITMENTS:

1. Commitment No. 5 is terminated and deleted in its entirety.
2. Commitment No. 12 is amended so that it shall now read as follows:

The real estate shall be developed as a retail gas station and convenience store pursuant to the site plan prepared by Abonmarche last dated 05/09/2024 and attached hereto.
3. Commitment No. 13(m) is terminated and deleted in its entirety.

These modified COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest therein. These modified COMMITMENTS may be further modified or terminated by a decision of the Metropolitan Board of Zoning Appeals made at a public hearing after proper notice has been given.

Modified COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Board of Zoning Appeals in petition # _____.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships but not exceeding six hundred sixty (660) feet from the perimeter of the real estate. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various township assessors of Marion County, which list the current owners of record at the time the notice shall be

Photographs



Subject site existing building, looking west.



Subject site, rear of existing building looking west.



Adjacent commercial uses to the north, looking northwest



Adjacent commercial uses to the south, looking southwest.