

**BOARD OF ZONING APPEALS DIVISION I**

**January 7, 2025**

**Case Number:** 2024-UV1-027  
**Property Address:** 7720 West New York Street (approximate address)  
**Location:** Wayne Township, Council District #16  
**Petitioner:** Elite Solutions Group LLC, by Mitch Sever  
**Current Zoning:** I-2

**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a heavy truck and equipment service and repair center, with outdoor storage and operations exceeding 25 percent of the floor area of enclosed building and within 15 feet of a protected district (not permitted, outdoor storage and operations not permitted within 500 feet of a protected district) and providing 20-foot side transitional yards (30 feet required).

**Current Land Use:** Industrial  
**Staff Recommendations:** Staff recommends denial of this petition  
**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- A timely automatic continuance continued this petition from the December 3, 2024 hearing to the January 7, 2025 BZA Division I hearing.

**STAFF RECOMMENDATION**

- Staff recommends denial of this petition

**PETITION OVERVIEW**

- This petition would provide for the operation of a heavy truck and equipment service and repair center, with outdoor storage and operations exceeding 25 percent of the floor area of enclosed building and within 15 feet of a protected district (not permitted, outdoor storage and operations not permitted within 500 feet of a protected district) and providing 20-foot side transitional yards (30 feet required).
- According to aerial imagery, the subject site was undeveloped until late 2019, when the current use of heavy truck equipment service and repair began operations and covered approximately half of the site. The use has since been expanded over the last 5 years and currently utilizes the subject site in its entirety. With the zoning for the site always being I-2 (light industrial), the current use has never been legal and, likewise, goes against the Comprehensive Plan recommendation of light industrial.

- The Ordinance makes a very clear distinction between light industrial uses, and heavier industrial uses. I-1 and I-2 districts are for industrial operations that pose little to no risk or hazard to surrounding properties and that do not create objectionable characteristics (dirt, glare, noise, heat, odor, etc.) that extend beyond the property lines. All outdoor operations are prohibited within proximity to a protected district, and are limited to a percentage of the building operation when non in proximity to a protected district. Contrastingly, I-3 and I-4 zoning districts (heavy industrial) are reserved for industrial uses that present moderate to severe risk to the general public. Outdoor operations are permitted and there is no limit on the amount of area on site that is utilized for outdoor operations.
- Staff finds the variances requested to be extreme deviations from the Ordinance that pose potential hazardous impacts on surrounding protected districts (see 500-foot buffer image below). With residential districts existing to the north and east, Staff finds the heavy industrial use as close as 15 feet from protected districts, as well as the variance request to utilize almost the entire site for outdoor storage (limited to 25% of building area) to be far too intense for and to be wholly inappropriate considering the surrounding context. Further, Staff finds that this use goes directly against the Ordinance and Comprehensive Plan positions that I-2 zoning is to serve as a buffer between protected districts and heavier industrial uses.
- Additionally, Staff would note that the remainder of the sites along this stretch of West New York Street are of typical, appropriate light industrial character, with all operations related to the business being located inside, with landscaping and permeable surfaces present and maintained. Staff does not find there to be a reason why the subject site cannot be developed in a similar manner, and does not find there to be a practical difficulty for the petitioner being unable to use the site for I-2 uses because of any specific issue with the site itself.
- With the current use being illegal, inappropriate/a potential nuisance for the surrounding context, and out of line with the Comprehensive Plan, and with Staff not finding a practical difficulty for needing the requested variances, Staff recommends denial of the petition in its entirety, and strongly recommends that the operation be relocated to a site more suited for the use.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-2	
<b>Existing Land Use</b>	Heavy Vehicle Storage and Repair	
<b>Comprehensive Plan</b>	Light Industrial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-3	North: Single-family residential
South:	I-2	South: Light Industrial
East:	D-7	East: Multi-family residential
West:	I-2	West: Light Industrial
<b>Thoroughfare Plan</b>		
West New York Street	Private Drive	0 feet of right-of-way existing and 0 feet proposed
<b>Context Area</b>	Metro	

<b>Floodway / Floodway Fringe</b>	No
<b>Overlay</b>	No
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	11/4/24
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	11/4/24
<b>Findings of Fact (Amended)</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan pattern Book recommends the Light Industrial working typology for this site.

**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

N/A

### ZONING HISTORY – VICINITY

**2017UV2007, 351 Transfer Drive (west of site);** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for medical or dental offices, centers, or clinics; financial and insurance services; and office: business, professional or government, **approved.**

**2008ZON094, 7550, 7590, 7600, 7620 Rockville Road (south of site);** requested a rezoning of 35.31 acres, being in the D-A and I-2-S districts, to the C-S classification, to provide for C-1 uses, automotive-related uses, business and personal services, eating places, hotels, personal service establishments,, rental or leasing uses, repair services, retail type uses and schools within 350 feet of the northern right-of-way line of Rockville Road, and to provide for I-1 and I-2 industrial uses beyond 250 feet north of the northern right-of-way line of Rockville Road, **approved.**

**2007ZON030, 7550, 7590, 7600 7620 Rockville Road (south of site);** requested a rezoning of 35.51 acres, being in the D-A and I-2-S districts, to the C-S classification to provide for C-1 and C-3 and I-2 uses, hotels and an I-4 use, being a 20-acre outdoor storage are, **denied.**

**2006VAR/ZON836, 7550, 7600, 7620 Rockville Road (south of site);** requested a rezoning of 2.59 acres, being in the D-A district, to the I-2-S classification, to provide for light industrial uses and a variance of development standards of the Industrial Zoning Ordinance, to provide for an interior access drive with a six-foot setback, being in the required 50-foot south transitional yard and without landscaping, **approved.**

**93-UV2-5, 7650 Rockville Road aka 7740 West New York Street (west of site);** requested variance of use and development standards of the Industrial Zoning Ordinance to provide for a government office building with the size of parking spaces to be 162 square feet (180 square feet required), **granted.**

**68-Z-90, 510 Country Club Road (east of site);** requested rezoning of 34.63 acres, being in the D-3 district, to the D-7 classification to provide for the construction of an apartment development, **approved.**

EXHIBITS







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

**Plan of Operation**  
Elite Solutions Group  
7720 West New York Street

1. The number of employes is currently 78. Market conditions may necessitate minor adjustments in that number.
2. The number of truck tractors or other large equipment will not exceed 60 at any given time.
3. The number of trailers will not exceed 45 at any given time.
4. The hours of operation will be 8:00 a.m. to 8:00 p.m., Monday through Friday, occasional Saturday operation from 8:00 a.m. to 12:00 noon.







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 use of the property is consistent with the industrial zoning of the subject property. It is operated in a manner that, among other things, protects the public health, safety, morals and general welfare of the community. Therefore, the grant will not be injurious to the public health, safety, morals and general welfare of the community.

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

A substantial tree line exists along the abutting residential properties. For this reason, there have been no complaints about the outdoor operations and storage occurring on the site. Further provisions in the operation of the use further protect those properties. Therefore, the use and value of the area adjacent to the property included in the variance will not be affect in a substantially adverse manner.

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

The presence of I2 zoning adjacent to residential is less than ideal in terms of land use planning. Practically any industrial use permitted in the zoning district would experience difficulty complying with the restrictions on outdoor storage and activity. In addition, practically any permitted use would include truck or heavy equipment traffic. The requested service and repair of such equipment represents only a minor deviation from what is already permitted.

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 extent of indoor and outdoor operations are primarily a significant distance from the residential zoning districts, and the outdoor storage aspect of the use is relatively passive. As with most any service/repair facility, some degree of outdoor operation and storage is inherent in the use. In the operation of nearly all such uses, the outdoor operations and storage exceeds that of the indoor operations. Due to the specialization of the use, some of that storage may exceed 10' in height. No matter how the property is use, the limitations contained the Table 743-306-02 will prove difficult to comply with. Therefore, in this instance and many other instances, compliance with the standards presents practical difficulties in the use of the property.

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

The proposed use, including the requested outdoor aspects of it, are consistent with the light industrial development proposed by the Comprehensive Plan. In fact, Table 743-1 permits "Heavy Equipment Sales, Service or Repair" but not "Truck or Heavy Vehicle Sales, Rental or Repair." The distinction between heavy equipment and trucks or heavy vehicles is so insignificant that the inclusion of truck or heavy equipment service and repair will not substantially interfere with the Comprehensive Plan. Moreover, the associate outdoor aspects are so well screen that any interference are mitigated.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_



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 use of the property is consistent with the industrial zoning of the subject property. It is operated in a manner that, among other things, protects the public health, safety, morals and general welfare of the community. Therefore, the grant will not be injurious to the public health, safety, morals and 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:

A substantial tree line exists along the abutting residential properties. For this reason, there have been no complaints about the outdoor operations and storage occurring on the site. Further provisions in the operation of the use further protect those properties. Therefore, the use and value of the area adjacent to the property included in the variance will not be affect in a substantially adverse manner.

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

The extent of indoor and outdoor operations are primarily a significant distance from the residential zoning districts, and the outdoor storage aspect of the use is relatively passive. As with most any service/repair facility, some degree of outdoor operation and storage is inherent in the use. In the operation of nearly all such uses, the outdoor operations and storage exceeds that of the indoor operations. Due to the specialization of the use, some of that storage may exceed 10' in height. No matter how the property is use, the limitations contained the Table 743-306-02 will prove difficult to comply with. Therefore, in this instance and many other instances, compliance with the standards presents practical difficulties in the use of the property.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

and storage. The outdoor operations and storage is not permitted within 500' of residential zoning, which abuts the site to the north and

east. The area of the outdoor storage also exceeds 25% of the gross floor area of enclosed buildings. Some storage may exceed 10' in height.







Adjacent light industrial to the west of subject site



Adjacent light industrial to the south of subject site



Looking east towards adjacent residential uses



Subject site on the left-hand side with adjacent light industrial uses on the right-hand side