

BOARD OF ZONING APPEALS DIVISION I

February 04, 2025

Case Number: 2025-DV1-002

Property Address: 8751 Michigan Road (approximate address)

Location: Pike Township, Council District #1

Petitioner: C-4

Current Zoning: Drive-In of Evansville Inc., by Joseph D. Calderon

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment with 43 parking spaces (maximum 23 spaces permitted) and a drive-through with a service unit facing Bethany Road, stacking spaces within the front yards of Bethany and Founders Road (not permitted) and without an exclusive bypass aisle (required).

Current Land Use: Commercial

Staff Recommendations: Staff recommends approval of this petition.

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff is recommending **approval** of a drive-through with a service unit & stacking spaces within the front yard. Staff is recommending **denial** of the increase the maximum parking to 43 spaces. Staff is recommending **removal of the without an exclusive bypass's aisle.**

PETITION OVERVIEW

The subject property, located at 8751 Michigan Road, is a vacant lot that was previously occupied by Chase Bank. The site has existing drive-thru lanes, parking spaces, and access points. The proposed project is an infill development along Michigan Road, situated in an area with a mix of restaurant, office, and some residential uses. Notable businesses nearby include Stake 'N Shake, White Castle, and Panda Express across Michigan Road, as well as Zaxby's located across Bethany Road, all of which feature drive-thru facilities.

Zoning and Development Standards:

Sec. 744-402.B (Table 744-402-1)- Maximum Parking Requirement.

Table 744-402-1	Off-Street Vehicle Parking Spaces Required	
LAND USE	Minimum	Maximum
Eating Establishment or Food Preparation	1 per 150 sf	1 per 100 sf

The proposed site plan includes a 2,350-sf building. This would allow for a maximum of 23 parking spots (2350sf /100sf). The petitioner is requesting a variance allowing 43 spaces, an 87% increase in the maximum required parking. The petitioner is providing 22 parking spots in the carhop area alone.

It is anticipated that most customers will use either the Carhop area or the drive-thru, given the nature of the establishment (Sonic). With the peak employee count of 8 staff members, staff recommends **approval** of 31 parking spaces.

Sec. 743-306. I.3 – Stacking & Front Yard Variance Request.

“No service unit shall be located on a façade that is adjacent to or faces a public right-of-way that exceeds 30 feet in width. No off-street stacking space shall be located in a front yard that is along a public right-of-way that exceeds 30 feet in width.”

The subject property is a triple-frontage lot, a unique characteristic that poses challenges for strict adherence to certain zoning ordinance requirements (**Sec. 741-301. B.2**). However, the C-4 zoning district, which permits eating establishments and food preparation uses, allows for the development of drive-thru facilities. Staff recognizes that the hardship in this case arises from the unique site conditions and the constraints imposed by the zoning ordinance.

Sec. 744-4-06. C.5

“In the Metro Context area, sites with stacking spaces shall include an exclusive bypass aisle, driveway or other circulation area in the parking lot design to allow vehicles to bypass the stacking area.”

The petitioner has provided a site plan which shows an exclusive bypass lane. Therefore, this variance is no longer required.

Project Description:

The proposed development is an eating establishment with a drive-thru, which will facilitate the service of food and beverages directly to patrons in motor vehicles. The proposed use aligns



with the definitions provided for "Restaurant, Drive-in or Drive-through" and "Eating Establishment or Food Preparation" as outlined in the zoning code.

The C-4 zoning district is designed to accommodate large-scale commercial and regional business uses, including drive-thru facilities, and the proposed development fits within the intended scope of the district.

In conclusion, this petition seeks approval for variances related to parking, stacking, and the location of service units, acknowledging the unique characteristics of the property and its conformance with the C-4 zoning district regulations. The applicant requests that the Board of Zoning Appeals approve the proposed plan and variance requests based on the existing site conditions and practical difficulties associated with strict application of the zoning ordinance.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
	North: C-4	North: Residential
	South: D-P	South: Residential
	East: C-4	East: Golf Course
	West: C-4	West: Residential
Thoroughfare Plan		
Founders Road	Local Street	50-foot existing/proposed right-of-way
Bethany Road	Local Street	50-foot existing/proposed right-of-way
Michigan Road	Primary Arterial	134-foot existing/proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/09/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	01/29/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to The Community Commercial 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.
- The use of Sonic restaurant is in harmony should be in harmony with the character of the surrounding commercial properties in terms of materials, building placement, entrance location, and vehicle and service areas.

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

71-Z-223-B; 9301-9501 North Michigan Road, Request rezoning of 61.493 acres of land being in C-2 and C-4 districts to a C-2 Classification to conform zoning boundaries to be platted. **Approved.**

ZONING HISTORY – VICINITY

83-Z-79; 3521 Founders Lane, Request rezoning of 2.98 acres from the C-4 district to the C-6 classification to provide for commercial development. **Approved**

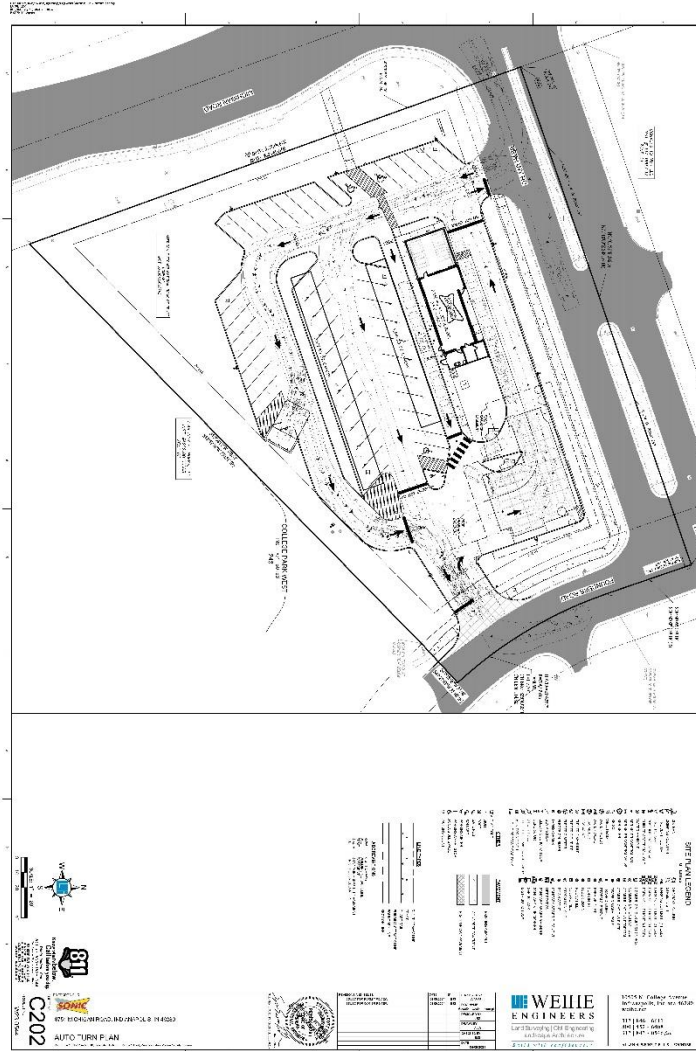
2021ZON016; 3553 Founders Road, Request the rezoning of 2.92 acres from the C-4 district to the D-P district to provide for 88 multifamily units at a density of 30 units per acre. **Approved.**

EXHIBITS

2025DV1002 ; Aerial Map



2025DV1002; Site Plan





2025DV1002; 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:

- i) the variance for a drive through service unit facing Bethany Road will not interfere with traffic or visibility to or from Bethany Road;
- ii) the variance for stacking spaces fronting on Bethany and Founders Roads have no risk of stacking into the right-of-way; and
- iii) the variance for exceeding the maximum number of parking spaces will not result in the reduction of required yards or setbacks.

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 use and features triggering the variances will not result in any spill over from the subject property to adjoining properties, all setbacks will be met, and the previous use had a drive through operation as well.

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

the subject property has three front yards, which makes it impossible to meet all of the drive through requirements, and the proposed operation has a "drive-in" component, which counts towards off street parking spaces.

DECISION

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

Adopted this _____ day of _____, 20 ____

2025DV1002 ; Photographs



View looking at subject site



View on founders road look at surrounding commercial uses.



View south



View across Bethany Road to Zaxby's



View across Michigan looking at Stake N Shake.