

BOARD OF ZONING APPEALS DIVISION I

June 2, 2026

Case Number: 2026-UV1-011
Address: 3922 East 26th Street (approximate address)
Location: Center Township, Council District #8
Zoning: D-5
Petitioner: Fancy Towing LLC, by Nyenell Odom
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a gravel parking lot to store recently towed vehicles (not permitted, parking areas must be paved), with zero-foot front, side and rear setbacks (10-foot front setback, 5-foot side setbacks and 20-foot rear setback required) and a six-foot privacy screened fence surrounding the site (maximum 3.5-tall fence permitted).

Current Land Use: Undeveloped

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued for cause from the May 12, 2026, hearing, to the June 2, 2026, hearing, to provide new notice to surrounding property owners and registered organizations.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the operation of a gravel parking lot to store recently towed vehicles, with zero-foot front, side and rear setbacks and a six-foot privacy screened fence surrounding the site.
- ◇ The purpose of the D-5 district is to provide for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book

VARIANCE OF USE

- ◇ The proposed use is permitted in any Commercial or Industrial District only with the granting of a Special Exception, that shows no adverse impact on surrounding properties.

- ◇ Given the increase in intensity between the existing zoning and the proposed use, including the number of vehicles as outdoor storage, approval of this request would over-develop the site and facilitate the intrusion of heavy commercial uses into a residential neighborhood north of East 26th Street. The request would encourage additional encroachment, in a manner violating the development norms and residential aesthetics of the street,
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned D-5 and could be used by any number of uses permitted, by right, in the D-5 zoning classification. Any practical difficulty is self-imposed by the desire to use the site for operation of a parking lot for towed vehicles.
- ◇ The subject site is similar in size to other nearby properties that are able to follow the comprehensive plan and zoning ordinance without the need for variances. For these reasons, staff recommends its denial for the variance of use.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The proposed use of the site for a non-permitted use, also requires the following variance of development standards: gravel parking, zero-foot front, side and rear setbacks, and a six-foot privacy screened fence surrounding the site. As the proposed use is no-complaint, as are these requested accessory uses.
- ◇ The subject site is similar in size to other nearby properties that are able to follow the comprehensive plan and zoning ordinance without the need for variances. For these reasons, staff recommends denial of these requested variances.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Light Industrial uses	
Overlay	No	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 Undeveloped / Single Family Dwellings
	South:	C-7 Heavy Commercial
	East:	D-5 Undeveloped
	West:	D-5 Undeveloped
Thoroughfare Plan		
	East 26 th Street	Local Street 49-foot existing and proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	N/A	
Wellfield Protection Area	No	
Elevations	N/A	
Landscape Plan	N/A	
Plan of Operation		
Site Plan		
Findings of Fact		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial uses.

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends light industrial uses for the subject site which provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.

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

95-UV1-24; 3906, 3910, 3914, 3918, and 3922 East 26th Street (west of site), requested a Variance of Use to provide for construction of a parking lot and office building for a truck dispatch operation, **granted**.

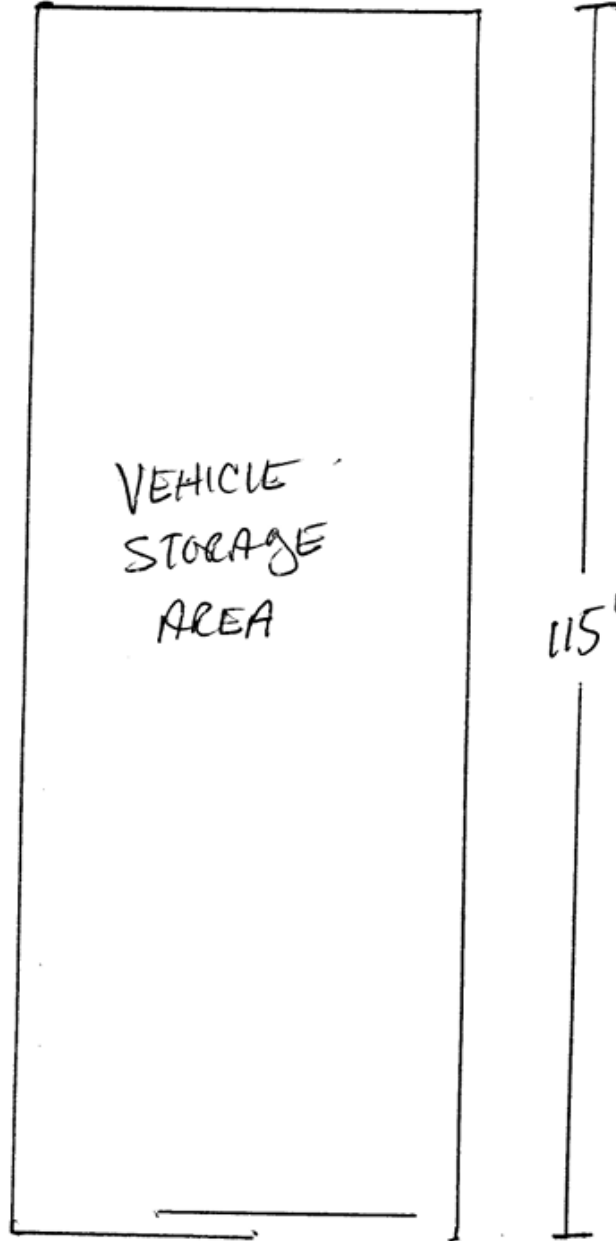
92-UV2-42; 3925 East 26th Street (south of site), requested a Variance of Use to provide for the construction of a building to be used as storage for an existing trucking company; a Variance of Development Standards to permit a front setback of 53 feet, **approved**.

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Site Plan

3922 E 26th St.

40'



18' Slidding GATE



Findings of Fact

**METROPOLITAN DEVELOPMENT COMMISSION
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

The proposed use meets the definition of that use in Chapter 740, Article II because it consists solely of secure, temporary vehicle storage associated with towing operations, without any repair, dismantling, fluid removal, or salvage activity, and therefore aligns with the ordinances definition of low impact vehicle storage rather than automotive salvage or processing.

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

It is pasive, low-intensity storage use with no mechanical operations or activity beyond placing and removing vehicles, the privacy-screened fencing minimizes visual impacts from neighboring properties and the public right-of-way existing drainage patterns remain unchanged and the absence of repairs,dismantling,or fluid handling eliminates risks of spills or nuisance conditions,and the overall configuration supports orderly,contained operations consistent with Marion County's standards for secure, low-impact storage uses.

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

The proposed activity is passive ,low-intensity storage use with no mechanical operations or-onsite work,is fully screened from view by privacy fencing, maintains existing drainage patterns without creating off-site impacts. and operate in an orderly, contained manner consistent with Marion County's standards for secure,low-impact storage uses.

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

It functions as a low-intnsity, non hazardous storage use; introduces no repair activity, dismantling, or fluid handling: is fully screened to minimize visual impacts: maintains existing drainage pattens; and operates in an orderly, contained manner consistent with the development stardards and land-use objectives for this area,

5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because it involves a low-intensity, non-hazardous storage function; introduces no repair activity, dismantling, or fluid handling; maintains existing drainage patterns; and incorporates perimeter fencing and screening that meet the district’s requirements for secure, orderly, and visually mitigated storage areas.

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

It operates as a low-intensity, or non-hazardous storage use with no repair activity, dismantling, or fluid handling; maintains existing draining patterns without creating off-site impacts; and incorporates perimeter fencing and screening that ensure, orderly, and visually mitigated site operations consistent with the ordinance’s performance and development requirments,

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

It functions as a low-intensity, non-hazardous storage use with no repair activity, dismantling, or fluid handling; maintains exisiting drainage patterns without creating off-site impacts; and incorporates perimeter fencing, and visually mitigated, site conditions with the requirments established for this use category,

Photographs



Subject site, looking north



Adjacent Heavy Commercial use to the south.



Adjacent undeveloped residential to the west, looking northwest.



Non-compliant landscaping contractor to the east in D-5 district, looking north.