



BOARD OF ZONING APPEALS DIVISION III

March 17, 2026

Case Number: 2026-DV3-004
Address: 8133 East 96th Street (approximate address)
Location: Lawrence Township, Council District #4
Zoning: C-4
Petitioner: French Associates I LLC, by Ashley Wallis
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station and convenience store with deficient facade transparency (40 percent required), per plans submitted.

Current Land Use: Vacant Commercial Restaurant Building
Staff Recommendations: Staff recommends **approval** of this petition subject to plans submitted.
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to plans submitted.

PETITION OVERVIEW

- The currently proposed development would allow for placement of a fueling station and convenience store at this site which would include both 12 accessory fuel pumps under a fuel pump canopy as well as placement of stacking spaces along the eastern façade.
- This property is zoned C-4 (Community-Regional District) to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. Typical uses might include home improvement stores, department stores, and theaters. Similarly, the Comprehensive Plan Pattern Book recommends this site to the Regional Commercial working typology to allow for general commercial and office uses with thoroughfare access and pedestrian connection between businesses that serve a significant portion of the county.



- Regulations on building transparency within the Ordinance exist to ensure both public safety and visibility for emergency responders as well as to allow for activation of facades that contain public pedestrian entrances. While the proposed front façade to the north would meet the 40% standard required for C-4 zoning, the rear entrance along the southern façade wouldn't contain any transparency at all (other than the doorway itself which would not count toward the required 40%).
- While Staff is hesitant to recommend approval of such variations, Staff would note that a majority of the area adjacent to the southern façade is associated with bathrooms, limiting the amount of public window transparency. The primary and public retail area is adjacent to the northern façade and has ample windows, therefore, Staff believes that the convenience markets design meets the intent of the Ordinance.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Surrounding Context
	North: Hamilton County	Commercial
	South: C-4	Commercial
	East: C-4	Commercial
	West: C-4	Commercial
Thoroughfare Plan		
East 96 th Street	Primary Arterial	136-foot existing and proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	02/09/2026	
Elevations	02/09/2026	
Landscape Plan	N/A	
Findings of Fact	02/09/2026	

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 this site to the Regional Commercial working typology for provide for general commercial and office uses that serve a significant portion of the county rather than just surrounding homes. Uses are typically in large freestanding buildings or integrated centers and should provide pedestrian connection between buildings.

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

2025-CPL-861 / 2025-CVR-861; 9425 Hague Road (west of site), requested the Approval of a Subdivision Plat, to be known as Waffle House Addition, dividing 1.65 acres into two lots, and a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a restaurant with 32 parking spaces, **Approved**.

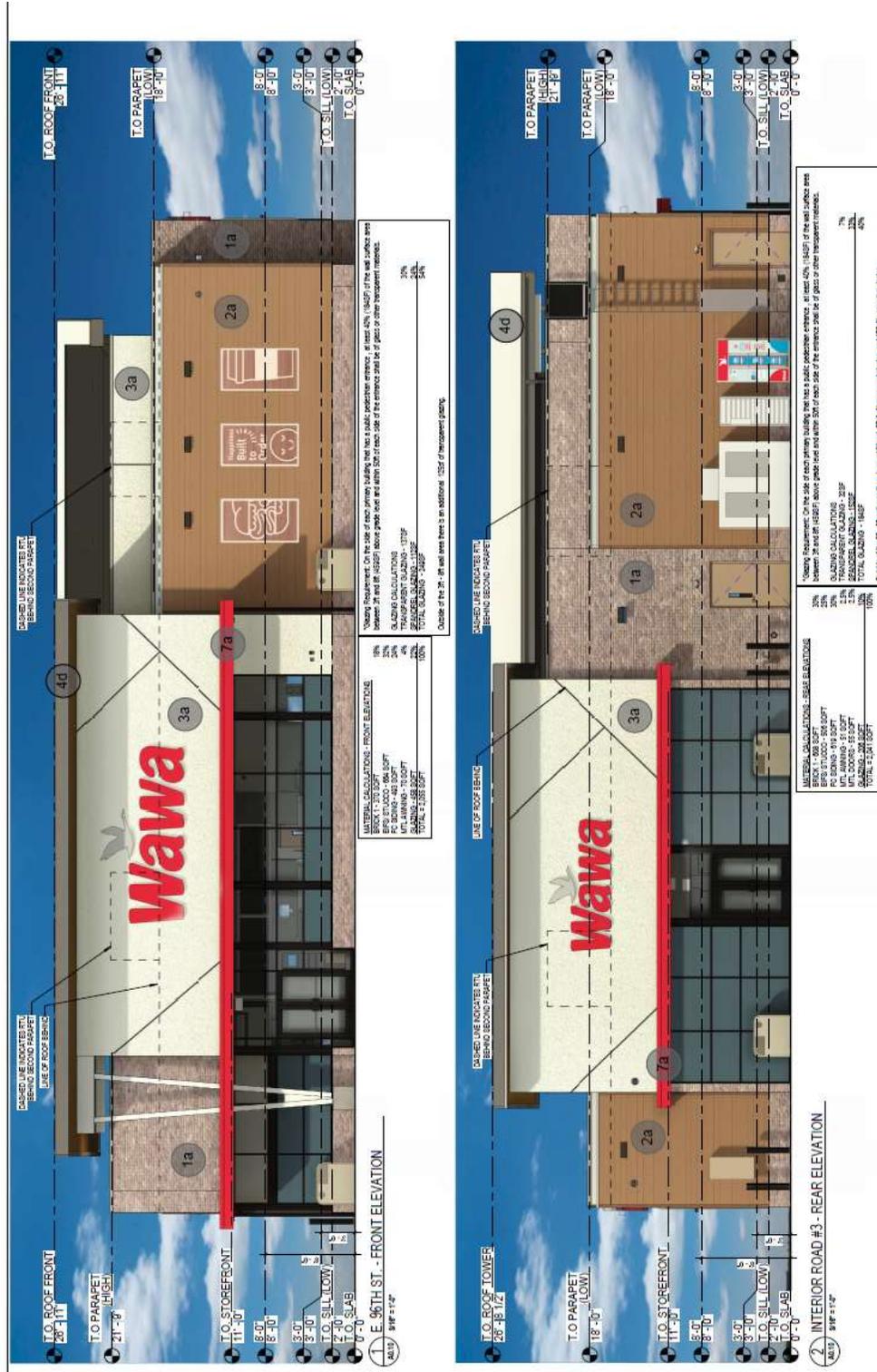
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EXHIBITS

Aerial Map



Elevation Plans





Plan of Operation



Plan of Operation

Proposed Wawa Store 7443

8133 E 96th Street, Indianapolis, IN

The proposed Wawa store is a convenience store and fuel station. The specific site is proposed to have an approximately 6,372 square foot convenience store and eight fuel pump islands. The convenience store floor plan is made up of approximately 3,300 square feet of retail, restrooms, and self-service, 1,300 square feet of food preparation space, and the remainder being office and storage space. The food component of a Wawa typically sees a higher output than a traditional fuel station convenience store, which is why the site is designed in such a way that provides convenience to customers that are not purchasing fuel to navigate the site and enter the building. The peak hours of Wawa sales generally follow that of the surrounding traffic pattern as many of the customers visit Wawa out of its convenience in their daily commute route.

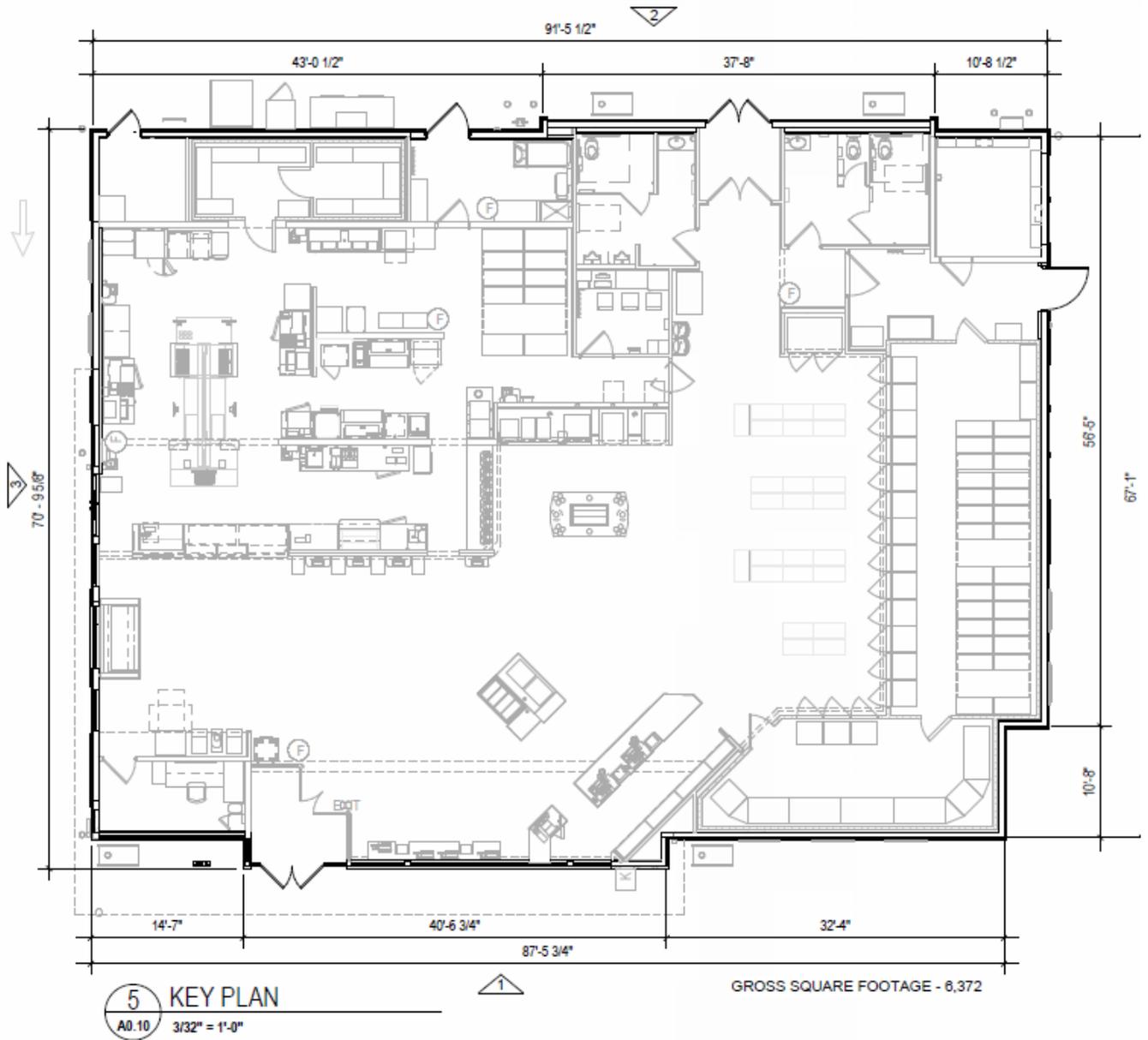
The Wawa store will be open 24/7. In order to support the store, Wawa employs between 40-50 employees to cover the 24-hour operation. The higher number of employees at the Wawa stores is due to the food demand as well as Wawa's exceptionally high standards for cleanliness and security both inside and outside the building. Wawa prides itself on being the preferred location for customers to stop whether it's in the middle of the lunch hour or middle of the night.

Due to the exceptional standards of food production, our bakery partner delivers fresh baked bread/rolls and other products daily. These deliveries are restricted to be outside of peak operating hours. Each of our stores has a designated delivery area for our vendors to use; this designated delivery area improves customer safety when our vendors are on site. A remote dumpster enclosure is provided as a part of the site design. The enclosure is typically located in an area with minimum visibility from the public right of way, but still convenient for Wawa employees and the waste management provider to utilize. In addition to the store operations, the site will incorporate underground fuel tanks for the fuel component of the business. All tanks are double-walled, and the fuel lines meet or exceed current standards. Wawa utilizes quality tank materials and monitoring systems to ensure safe containment of the fuel.

Wawa is growing within the Midwest market and is excited to be a partner in the communities that are served. Their reputation and customer following in other regions of the country speak for itself.

Sincerely,
Patrick Moone, PE
Wawa Real Estate Project Engineer

Floorplan





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:

The intention of the variance request is to prevent visibility into sensitive areas of the building such as restrooms, mechanical rooms, storage spaces, and the kitchen. Opaque glass is being proposed for portions of the facade to prevent viewing of the sensitive areas of the building that would otherwise be injurious to the public health, safety, morals and general welfare of the community should translucent glass be installed.

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 intent of the code is being met. Granting of the variance will not result in a noticeable change from the street level. The sum of the spandrel and translucent glazing will meet the require 40% per the City codes. By providing the total glazing (translucent and spandrel, required by the code, the adjacent areas will not be adversely affected.

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

The significant transparency requirements on the rear facade will result in the placement of translucent glazing that will allow viewing into sensitive areas of the building such as restrooms, storage areas and equipment areas. Customers arriving for fuel will use the entrance along the front of the store, while customers wanting just coffee, food or other convenience items may park and enter through the rear public entry in a safe manner.

Photographs



Subject site, existing building to be demolished, looking southeast.



Subject site, existing building to be demolished, looking southeast.



Adjacent commercial to the west of subject site.



Adjacent commercial to the east of subject site.