

BOARD OF ZONING APPEALS DIVISION III

August 19, 2025

Case Number: 2025-UV3-024

Property Address: 10859 East Washington Street, Council District #20

Location: Warren Township, Council District #20

Petitioner: East Washington Real Estate LLC, by Andi M. Metzel

Current Zoning: C-4 (TOD)

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a furniture warehousing, wholesaling and distribution facility (not permitted) and a chain-link fence with a height of 6 feet within front and side yards (maximum fence height of 3.5 feet permitted within front yards, chain-link fencing disallowed within front yards and coating required in side yards).

Current Land Use: Commercial

Staff Recommendations: Staff recommends **approval** of the Use Variance subject to commitments. Staff recommends **denial** of the Development Standards Variances related to fence height and materials.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the Use Variance subject to the following commitments:

1. The Variance of Use shall only be applicable for the proposed tenant University Lofts and would expire should they vacate the premises.
2. Bicycle parking in accordance with minimum amounts from Table 744-402-1 of the Ordinance shall be installed near the proposed retail component on the southwest corner of the site.
3. Internal landscaping islands and trees in compliance with requirements from 744-505 of the Ordinance shall be installed within the site's front yard area prior to occupancy of the building.

Staff recommends **denial** of the Development Standards variances for fence height within the front yard and fence materials within the front and side yards.

PETITION OVERVIEW

- 10859 East Washington Street is a commercial parcel located within a large multi-tenant shopping center that is improved with a commercial structure with an approximate size of 138,000 square feet. The building currently is in use as a playground equipment distributor and wholesaler per the approval of 2020-UV1-004. Surrounding land uses include a Wal-Mart Supercenter to the west, self-storage rental units to the east, commercial outlot development to the north, and the Pennsy Trail to the south. The property is located near a proposed Blue Line BRT stop.
- Approval of this variance would allow for the subject building to be utilized as a warehousing and wholesaling facility for furniture (a similar, but distinct, use from the current playground equipment warehouse and wholesaler use). A new petition would be required since grant of the previous petition specified “playground equipment” and was subject to separate commitments. The proposed use would only be allowed by-right within C-7 zoning or industrial areas, but the Ordinance also would permit warehousing and wholesaling within C-5 zoning in cases where the building had been vacant for more than 5 years.
- Additionally, in 2024 the current playground equipment tenant installed a 6-foot chain link fence around areas of the site within the front and eastern side yards (see Exhibits for precise location). This fence does not and did not comply with applicable Ordinance standards for fencing: a maximum of 3.5 feet and no chain link fencing is allowed within the front yard, and chain link fencing requires coating in black, brown, or dark green vinyl in commercial side yards. These zoning non-conformities were not noted until this variance application was made, but for the fence to be legally established, Variances of Development Standards would be required.
- The change of use would also require that the site comply with current Ordinance regulation on landscaping and parking. The site exceeds minimum required parking for the proposed use and area, and the applicant has indicated that they would add (a) bicycle parking near the proposed retail component of the use and (b) internal landscaping in their parking area at or above 6% of the vehicle area to comply with standards and avoid the need for additional Variances. Staff would note that the installation of internal landscaping was also a commitment associated with the 2020 approval (this work was never completed) and approval of the Use Variance component of the request should be conditioned upon the installation of the landscaping.
- This property is zoned C-4 (Community-Regional) to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a single neighborhood to a major segment of the total population area. Similarly, the Marion County Land Use Plan Pattern Book recommends it to the Regional Commercial typology to allow for general commercial and offices uses within large freestanding building or integrated centers with limited outdoor storage (would also be disallowed within C-4 zoning).

- Since this property is located near the proposed Wal-Mart stop of the Blue Line, the Blue Line Transit-Oriented Development Plan recommends it to the Community Center typology to allow for walkable commercial centers with a range of commercial land uses (retail, entertainment, office, and residential as desired) with surface parking consolidated and placed behind buildings to allow for pedestrian orientation at the street level. The existing site layout and chain-link fence do not match the type of pedestrian-oriented development contemplated by the Plan and district.
- The Plan of Operation provided by the applicant indicates that the proposed user would be a furniture design and manufacturing company that would utilize around 80% of the existing structure for warehousing with accessory uses of minor furniture assembly, offices, and around 10,000 square feet of retail sales. Hours of operation would be from 7am to 5pm from Monday to Friday, and the business would employ 30-40 office workers and around 25 warehouse employees (55-65 total). The retail component would attract around 8-10 walk-in customers a day, and the use would be serviced by 6 (six) loading docks on the southeastern portion of the site as well as 246 parking spaces (the majority of which would be placed behind fencing).
- Findings of Fact for the Use Variance provided by the applicant indicate that the proposed use would be an adaptive reuse in a similar category as previous tenants, that the placement of three outlot building to the north would screen front-yard parking areas from view of the bus line, and that hardship would exist in finding tenants with a need for this much physical space. Findings related to the fence request indicate that it would be needed to ensure safe employee parking distinct from surrounding high-traffic areas and that the fence wouldn't encroach upon neighbors.
- Staff feels that the proposed use would be an appropriate example of a fully internal adaptive reuse of the vacant building with a large enough footprint that finding plausible tenants could be difficult. The Use Table of the zoning ordinance does include some allowances for reuse of large vacant buildings for alternate use categories that might not be contemplated otherwise (including the proposed wholesaling use within C-5 zoning). Although the proposed use is not fully compatible with the types of walkable development contemplated by the Transit-Oriented Development district, the commitment limiting the approval to this tenant would allow for this to be a transitional use at the site consistent with the previous use while allowing for more pedestrian-friendly development in the future.
- Limitations on fence height and materials exist to allow for vibrant and pedestrian-friendly storefronts, and these regulations would take on a greater importance in areas set aside for transit-oriented development. The size and location of the current fence would constitute a self-imposed practical difficulty (even if placed by the previous tenant), and staff does not feel that the submitted Findings have indicated a true difficulty justifying the illegal fence that encloses the full front area of the site to remain in place. It is unclear what safety or security advantages would result from the 6-foot fence as opposed to other compliant options (fence with shorter height and compliant materials, landscape buffering, etc.), and staff would note that other properties within the integrated center seem to be able to function without the need for front-yard fencing of any sort. The front-yard fence could also incentivize or give the appearance of outdoor storage or operations at the site, which would be disallowed by the district.

- Shortly before publication of this report, the petitioner indicated their openness to having the existing fence removed once construction was completed and instead installing a 5-foot fence made of compliant cast-iron materials and set back further within the lot to only enclose fewer spaces. Although that would be preferable to the current illegal fence, staff still does not feel that sufficient practical difficulty has been demonstrated to allow for a tall front-yard fence within an area designated for walkable and human-centric layouts, and that alternate options would exist to allow for employee parking with security and traffic calming without the need for variance relief.
- Staff recommends approval of the Use Variance subject to the three (3) commitments listed on the first page of this report, and recommends denial of the variances related to fencing.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4 / SU-10	North: Commercial / Cemetery
South:	D-3	South: Residential
East:	C-4	East: Commercial
West:	C-4	West: Commercial
Thoroughfare Plan		
Washington Street	Primary Arterial	100' existing right-of-way and 102' proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	07/11/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	07/11/2025	
Findings of Fact (Amended)	07/22/2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Blue Line Transit-Oriented Development Strategic Plan

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Regional Commercial typology to allow for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are typically in large freestanding buildings or integrated centers, and outdoor display of merchandise should be limited.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Blue Line Transit-Oriented Development Plan recommends this site to the Community Center TOD typology to allow for walkable community centers with a range of commercial types (retail, entertainment, office, and residential as desired). Surface parking should be consolidated and placed behind buildings to allow for pedestrian orientation at the street while still allowing for vehicle parking.

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

2020UV1004, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial playground equipment distributor and wholesaler (not permitted), **approved**.

91-Z-21, rezoning of 25.75 acres from A-2 to the C-4 district to allow for development of an integrated retail community shopping center, **approved**.

ZONING HISTORY – VICINITY

2022UV3032 ; 10859 E Washington Street (north of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment with a 27.3-percent required front building line (minimum 60% front building line required) and with 43 parking spaces provided (maximum 21 spaces permitted), **approved**.

2019UV3009 ; 10901 E Washington Street (east of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a self-storage facility (not permitted), **approved**.

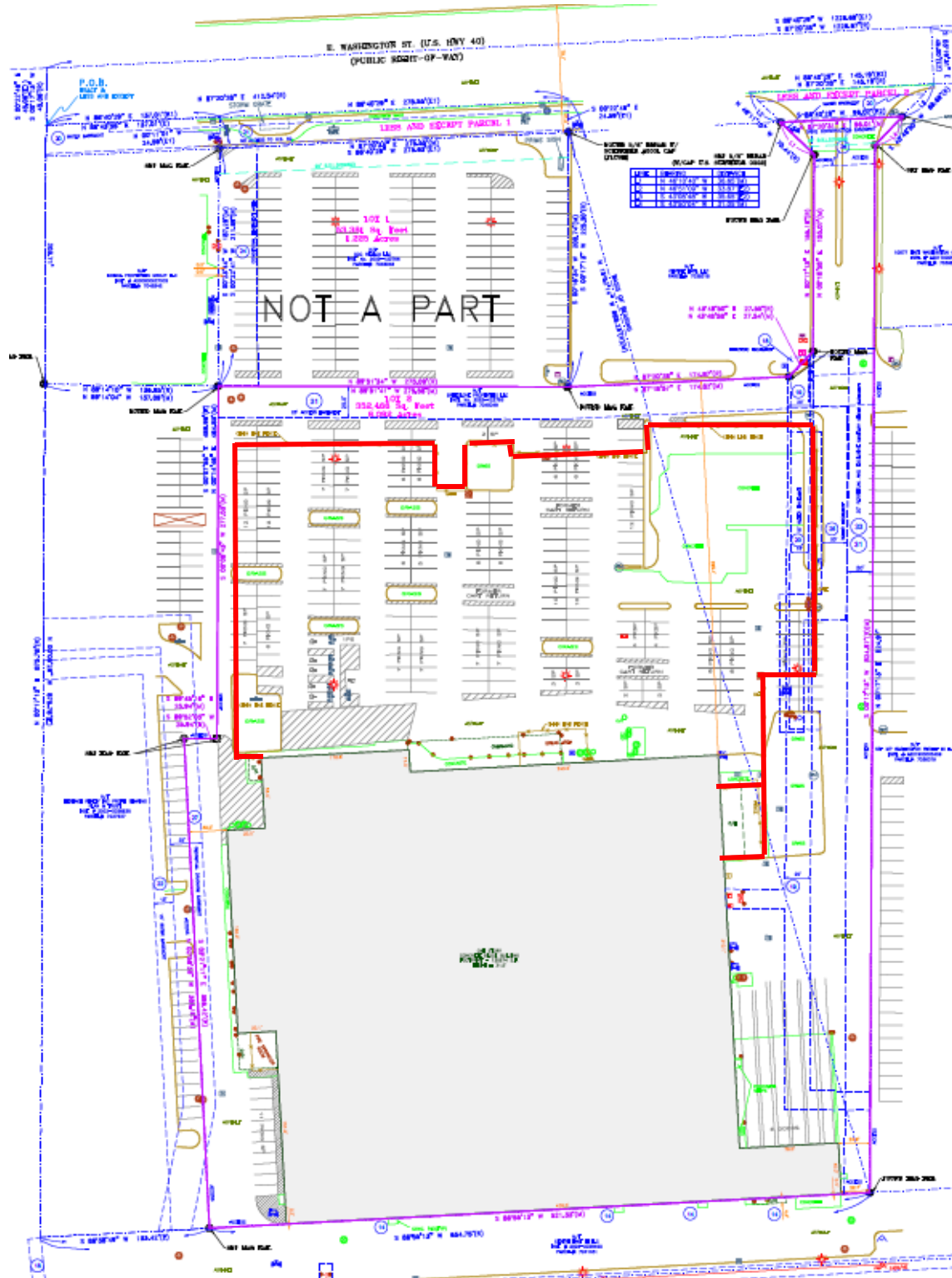
99-V2-88 ; 10611 E Washington Street (west of site), variance of development standards of the Commercial Zoning Ordinance to provide for 27,666 square feet of outdoor display and sale of merchandise (maximum 1% of gross floor area, or 2,118 square feet permitted), **approved**.

EXHIBITS

2025UV3024 ; Aerial Map



2025UV3024 ; Site Plan (fence outline in red)



2025UV3024 ; Plan of Operation (1 of 2)

University Loft Company ("University Loft") has been at the forefront of innovative furniture design and manufacturing since 1986. University Loft operates as a contract furniture manufacturer serving the college, university, student housing developer, hospitality and military markets and offers a wide range of products including seating, beds, cabinetry solutions, upholstered products and even accessories.

University Loft prides itself on its commitments to producing top-quality furniture that provides the best overall value and to being responsible stewards of the environment.

10859 E. WASHINGTON ST. ("the Property")

The primarily vacant Property was previously approved for a use variance and operated by a commercial playground equipment distributor and wholesaler, permitted under Petition 2020-UV1-004.

The Property and University Loft operations will be dedicated primarily to warehousing furniture products, assembly of furniture components, receiving shipments, fulfilling customer orders and deliveries, and a small retail sales component.

University Loft intends to utilize the existing single-story 135,974 sf concrete block building (the "Building") for operations performed entirely indoors, that will include:

- Office Uses located in approximately 10% of the Building
- Assembly Operations located in approximately 10% of the Building
- Warehousing Operations located in approximately 80% of the Building.
- A small portion Warehousing Operations area will be designated to function as a Public Retail Sales Area, not likely to exceed 10,000 sf, offering miscellaneous and limited inventory items to the public for sale and purchase on-site. The Public Retail Sales Area will be confined to the southwest portion of the Building that has existing, publicly accessible parking.

2025UV3024 ; Plan of Operation (2 of 2)

HOURS OF OPERATION

University Loft has single shift operations between the hours of 7:00 AM – 5:00 PM Monday through Friday.

The Public Retail Sales Area will be open from 8:00 AM to 5:00 PM Monday through Friday.

WORKFORCE

- Office workforce is projected to be between 30-40 employees.
- Assembly and Warehouse workforce is projected to be 25 employees.
- At least 1 Warehouse employee will be assigned to the Public Retail Sales Area. From experience at other locations, University Loft estimates in the range of 8-10 customers per day visiting the Public Retail Sales Area.

EMPLOYEE & VISITOR PARKING

- There are a total of 246 existing parking spaces on the Property.
- Employees will utilize the ample parking spaces located within the existing, secured/fenced parking area.
- Visitors are scattered throughout the United States. From experience at other locations, University Loft estimates there will be fewer than 4 visitors typical per day. Visitors will be directed to enter through security gates and to utilize the existing, secured/fenced parking area.
- There are 11 existing, publicly accessible parking spaces located on the west side of the Building to accommodate visitors to the Public Retail Sales Area.

LOADING, DELIVERIES AND SHIPMENTS

Truck traffic for loading, deliveries and shipments will be confined to and will utilize the existing 6 loading docks on the east side of the Building.

SAFETY & SECURITY & LIGHTING

University Loft will utilize the existing lighting, cameras, and secured and fenced parking area and will maintain the security and safety of the Building and premises.

WASTE MANAGEMENT

Licensed providers will manage waste and recycling. No hazardous waste is generated.

LANDSCAPING

University Loft will maintain the existing landscaping and vegetation, including regular pruning and cleanup along the southern Property border along the Pennsy Trail.

FUTURE IMPROVEMENTS

University Loft shall submit a site plan showing Building modifications and improvements and parking areas to the Administrator for review and approval prior to applying for an Improvement Location Permit.

2025UV3024 ; Findings of Fact (Use)

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

the use is consistent with prior approved uses at this location and in the vicinity. Approval will permit an adaptive reuse of the property and does not interfere with the now developed retail out lots or surrounding properties.

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

the use of the freestanding building and commencement of new operations will further activate the transit corridor. The site is readily accessible from Washington St. The building has a history of uses for commercial distribution and wholesale operations without having a negative impact on the surrounding properties.

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

economic utility of large retail box-stores is challenging given the high rate of retail vacancies and proliferation of e-commerce activity. The location of the large building behind other retail operations along the transit corridor makes it suitable for uses that are not strictly retail or otherwise permitted in the C-4 District.

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 existing building is nearly vacant and likely to remain so given the size of the building, high rate of retail vacancies, and the proliferation of e-commerce activity. The configuration of the property and building location that is somewhat shielded from the transit corridor by other buildings limits its functionality as traditional retail/commercial property.

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

The grant of the use variance will permit a use similar to the prior approved use and will not change the underlying zoning. The Comprehensive Plan recommends Regional Commercial development which provides for the development of major business groupings, including large traffic generators with access to major thoroughfares. The proposed use does not generate significant traffic by comparison and will not interfere with surrounding businesses or properties.

2025UV3024 ; Findings of Fact (Development Standards)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

the use of the existing fence and secure/fenced parking area is consistent with prior uses at this location and will not introduce activities or uses that could negatively impact surrounding businesses, the trail or nearby neighborhood.

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 existing fence and secure/fenced parking area does not encroach upon or impact other neighboring properties and instead delineates safe employee parking and avoids traffic conflicts and parking spill over. The existing fence has a proven track record of use and utility for the prior user without negatively impacting the use or value of the adjacent area or surrounding properties.

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

The existing building is nearly vacant and likely to remain so given the size of the building, high rate of retail vacancies, and the proliferation of e-commerce activity. The configuration of the property and building location is somewhat shielded from the transit corridor by other buildings that limits its functionality as traditional retail/commercial property. Secure and safe parking, separate from the high volume and constant retail traffic associated with surrounding commercial operations is necessary to provide an adaptive reuse of this uniquely situated property having an estimated 55-65 daily employees.

2025UV3024 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from West

2025UV3024 ; Photographs (continued)



Photo 3: Subject Site Viewed from East



Photo 4: Fenced Side Yard Area Viewed from Southeast

2025UV3024 ; Photographs (continued)



Photo 5: Loading Docks on Southeast of Building



Photo 6: Proposed Retail Area on Southwest of Building

2025UV3024 ; Photographs (continued)



Photo 7: Existing Screening along Pennsy Trail to South of Building



Photo 8: Adjacent Outlot to North of Subject Site

2025UV3024 ; Photographs (continued)



Photo 9: Adjacent Outlot to Northeast of Subject Site



Photo 10: Adjacent Outlot to Northwest of Subject Site

2025UV3024 ; Photographs (continued)



Photo 11: Adjacent Property to East of Subject Site



Photo 12: Adjacent Property to West of Subject Site