City of
Lawrence
Indiana

Address:	8101 Pendleton Pike (Valvoline Outlot)
Parcel #:	4013145
Docket #	26 LSV 07
Hearing Date:	05/19/2026
Council District #	1 ~ Tyrrell Giles

Petitioner:	Valvoline, LLC Robin.Peck@valvoline.com 937-507-1820 100 Valvoline Way Lexington, KY 40509
Owner:	Thomas Sifferman tsiffermann@sandordev.com 317-925-9011 10689 N Pennsylvania St, Suite 100 Indianapolis, IN 46280
Agent:	Michael Mihalik, P.E. Mike.mihalik@cesoinc.com 937-373-4814 3601 Rigby Rd, Suite 300 Dayton, OH 45342

Request:
Variance of Development Standards of the City of Indianapolis Consolidated Zoning Subdivision Ordinances:

1. Sec 744-301-F ~ Internal Walkways
   Hard-surfaced walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's main front entrances with the sidewalk located in the public right-of-way of each of the freestanding lot or integrated center's eligible public streets. Revised plans showing compliance with this requirement are needed for review.
2. Sec 744-406-1 ~ Required Stacking Spaces
   Provide plans showing space for 2 cars before the oil change area and space for 2 cars after the oil change exit. These spaces should be 8.5’x17.5’.
3. Sec 744-406-1-C ~ Design and Location of Stacking Spaces
   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 bypass aisle should be exclusive and run alongside the drive-through lane. It is meant to be an exit for cars once they are already in the stacking space area/drive through.
4. Sec 744-506 ~ Transitional Yard and Edge Buffering
   Where a commercial district, mixed-use district, hospital district, university quarter district, PK-II districts, or SU district for a public, institutional, or civic building or project abuts a dwelling district, a landscape buffer shall be provided

within the transitional yard. The D5 district across the street is a Protected District regardless of current use.

Staff Analysis:
The petitioner is requesting multiple variances that collectively eliminate key design, safety, and compatibility requirements of the Ordinance. Staff has reviewed the request and finds that the proposal does not meet the intent of the ordinance or the statutory criteria for approval.

1. Internal Walkways (Sec. 744-301-F)
The requirement for internal pedestrian walkways ensures safe and functional pedestrian connectivity between buildings and adjacent public rights-of-way. The submitted plans do not demonstrate compliance, nor do they provide an alternative design that achieves the same intent.

The absence of pedestrian infrastructure is inconsistent with the goals of the Metro Context Area, which emphasizes walkability and multimodal access. Approval of this variance would undermine pedestrian safety and accessibility on the site.

2. Required Stacking Spaces (Sec. 744-406-1)
Stacking spaces are required to prevent vehicle queuing from extending into internal drives or public rights-of-way. The petitioner has not demonstrated that adequate stacking can be accommodated on-site.

Without sufficient stacking, there is a high likelihood that vehicles will queue into drive aisles creating congestion and potential safety hazards. This is particularly concerning given the high-traffic nature of the corridor.

3. Bypass Lane Requirement (Sec. 744-406-1-C)
The ordinance requires an exclusive bypass lane to allow vehicles to exit the stacking queue without obstruction. The submitted plans do not include such a feature.

The lack of a bypass lane reduces site functionality, increases the risk of internal traffic conflicts, and limits emergency access. This requirement is particularly important for drive-through style uses, such as the proposed oil change facility.

4. Transitional Yard / Buffering (Sec. 744-506)
The ordinance requires buffering when commercial uses abut protected districts. Although the D5 district is located across Pendleton Pike, and the property is being used commercially at this time, it is still considered a protected district under the ordinance.

The petitioner has not provided the required landscape buffer or justification for its omission. The absence of buffering fails to mitigate the visual and operational impacts of the proposed commercial use on nearby residentially zoned properties.

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<u>Staff Recommends</u>: Denial
The requested variances represent a significant departure from established development standards intended to ensure safe circulation, pedestrian access, and compatibility with surrounding uses. The petitioner has not demonstrated that the statutory criteria for a variance have been met, nor that the requested deviations are the minimum necessary to allow reasonable use of the property.

Summary of the Subject Property Zoning Standards

Current Zoning Designation:	C4
Surrounding Property Zoning	
North:	C5/D5
South:	D4
East:	D7
West:	C5
Comprehensive Plan Land Use Designation:	
Current Land Use:	Commercial
Compact Context Area:	Metro
Relevant Code Sections:	**744-301-F; 744-406-1; 744-406-1-C; 744-506**

744-301-F

F. On-site Connectivity

1. **Walkways to sidewalks**. For two-family dwellings and single-family attached dwellings, walkways from the sidewalk system shall be provided to each dwelling unit. For all other buildings, at least one walkway from the sidewalk system shall be provided to each public pedestrian entrance.
2. **Internal connectivity.** Within a freestanding lot, project or integrated center, hard-surfaced walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's main front entrances with the sidewalk located in the public right-of-way of each of the freestanding lot or integrated center's eligible public streets. Nonresidential and mixed-use developments containing more than one primary building on a single lot shall include an unobstructed walkway or pathway at least 5 feet wide providing access between the primary buildings.
3. **Markings.** Such private walkways shall provide for identifiable pedestrian crossing markings, such as change in paving material, color, or height, along the functional pedestrian routes wherever the route crosses an interior access drive, street, drive-through lane, or parking lot.

744-406-1

Table 744-406-1: Required Stacking Spaces	
Property Use	**Required Number of Stacking Spaces, Metro Context**
Financial and Insurance Services, (including ATMs)	3 spaces before the final component of each service unit; 1 space after each service unit.
Drive-in Theater	20% of the total off-street parking capacity of the theatre. The inbound reservoir area shall not connect or conflict with exit driveways.
Automobile and Light Vehicle Wash, Self-Service or Hand Wash	2 spaces before the final component of each service unit; 2 spaces at the exit of each unit.

744-406-1-C

C. Design and location of stacking spaces

Each drive-through service unit shall provide stacking spaces as follows:

1. Each stacking space shall be not less than 8.5 feet in width and 17½ feet in length, with additional spaces for necessary turning and maneuvering.
2. The area required for stacking spaces shall be exclusive of and in addition to any required parking space, loading space, driveway, aisle and required yard, unless specifically noted.
3. A parking space at any component of a drive-through service unit (window, menu board, order station, or service bay) shall be considered to be a stacking space.
4. An area reserved for stacking spaces shall not double as a circulation driveway, maneuvering area, and may not include any portion of an alley.
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.

744-506

B. Commercial, Institutional, or Mixed-Use Abutting Dwelling

Where a commercial district, mixed-use district, hospital district, university quarter district, PK-II district, or SU district for a public, institutional, or civic building or project abuts a dwelling district, a landscape buffer shall be provided within the transitional yard using either Option 1 or 2 below.

1. **Option 1.** A landscape buffer area at least 15 feet wide shall be provided by the commercial or institutional project along the shared border. The buffer area shall consist of natural landscape materials such as grasses, ground cover, shrubs, and trees, and shall not contain impervious surfaces. One shade or evergreen tree shall be provided for every 30 linear feet of lot line and 3 large shrubs per 25 linear feet of lot line, with spacing designed to minimize sound, light, and noise impacts on dwelling uses.

2. **Option 2.** An opaque wall, berm, fence or dense (at least 75% opacity) vegetative screen at least 6 feet tall shall be provided with one shade tree provided for every 50 linear feet of lot line. If a fence or wall is provided, the side facing away from the commercial or institutional use shall be at least as finished in appearance as the side facing the commercial or institutional use, the fence or wall shall be placed at least 3 feet inside the property line, and 3 small shrubs per 25 linear feet of lot line shall be provided between the fence and the property line. If a vegetative screen is proposed, it shall be at least 6 ft. in height at the time of planting.

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Aerial:

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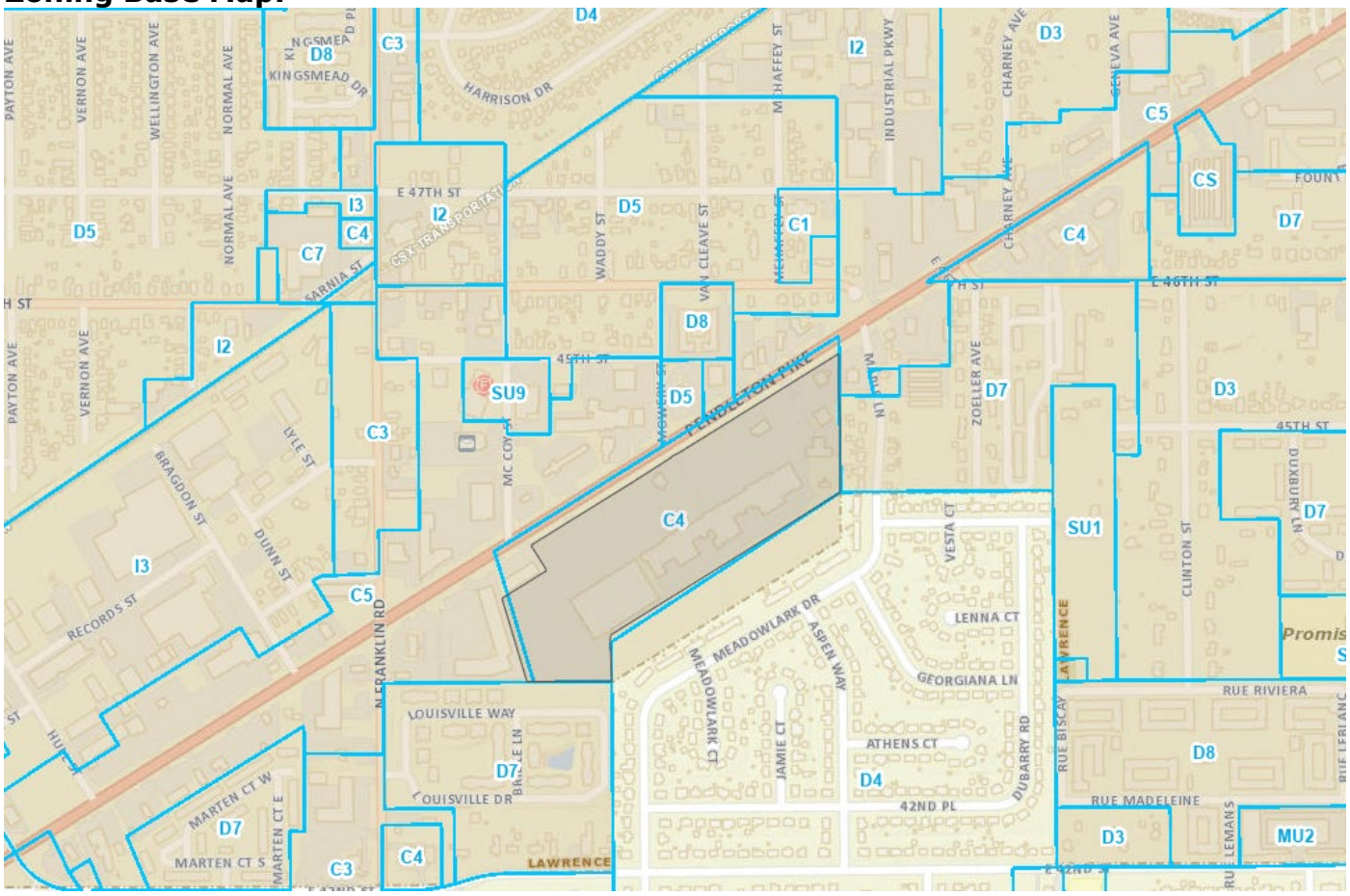
Zoning Base Map:



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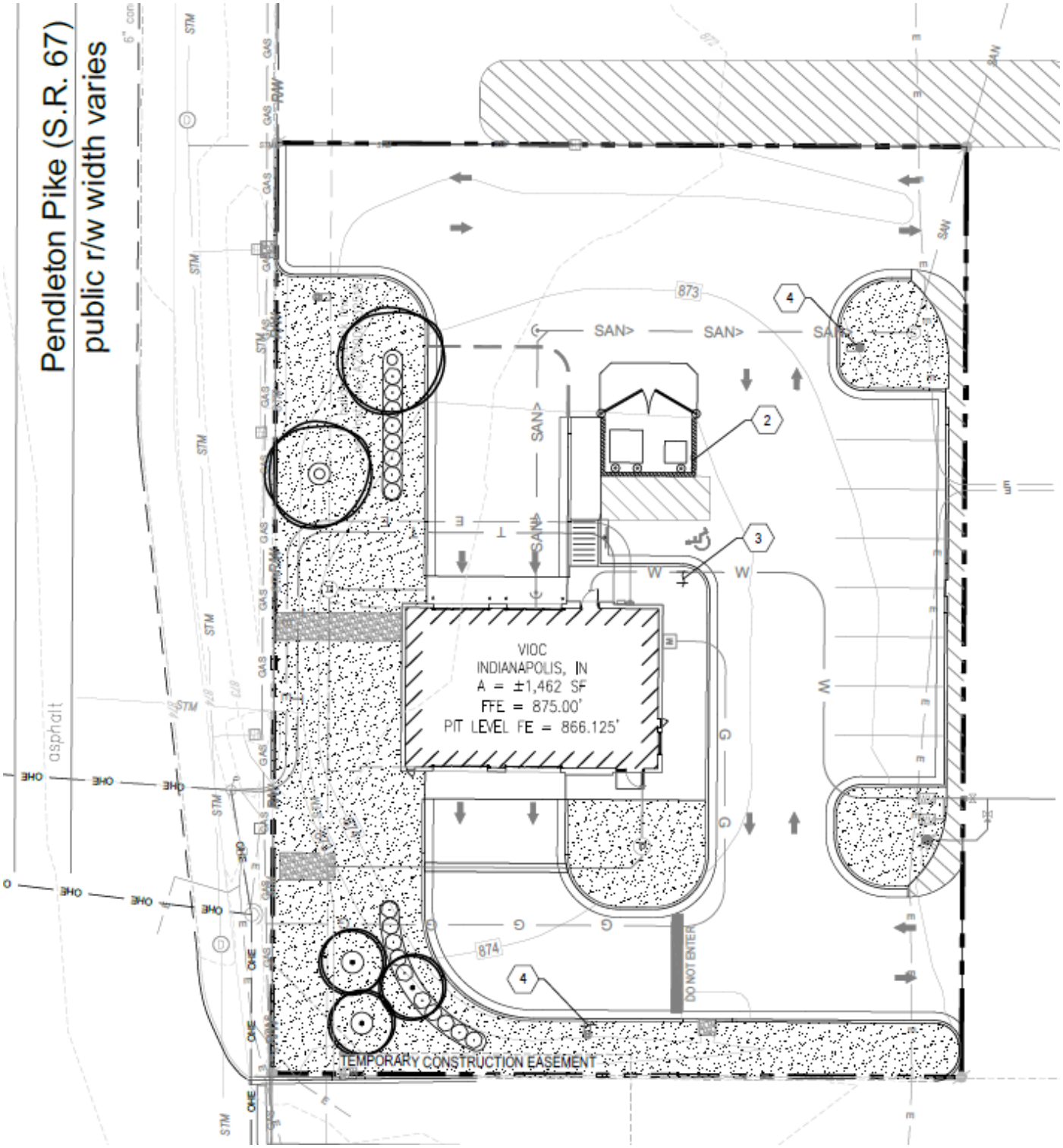
Site Plan:



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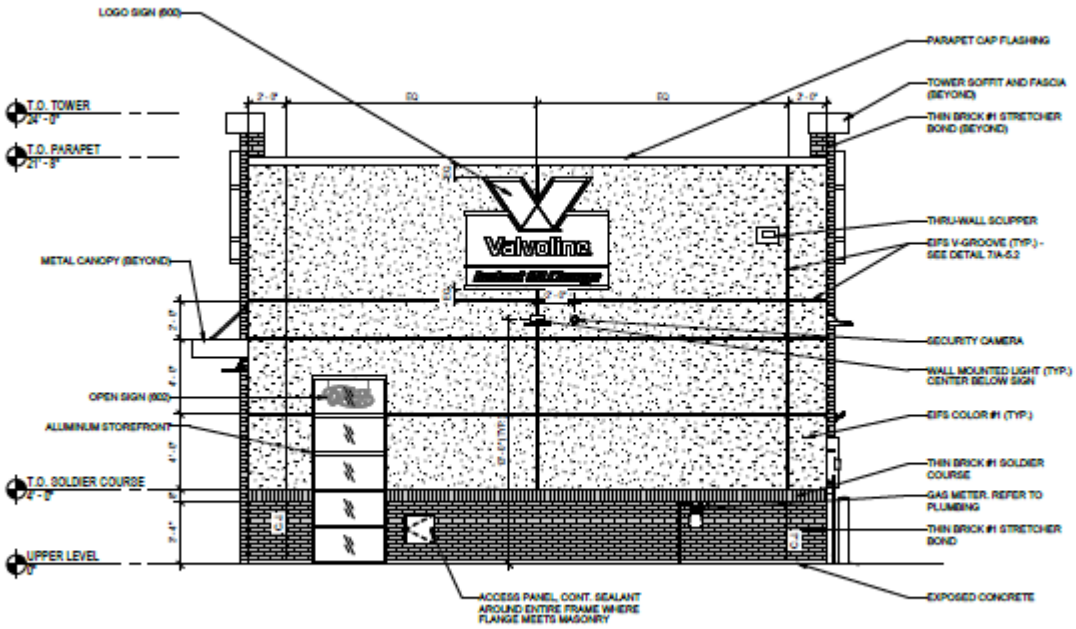
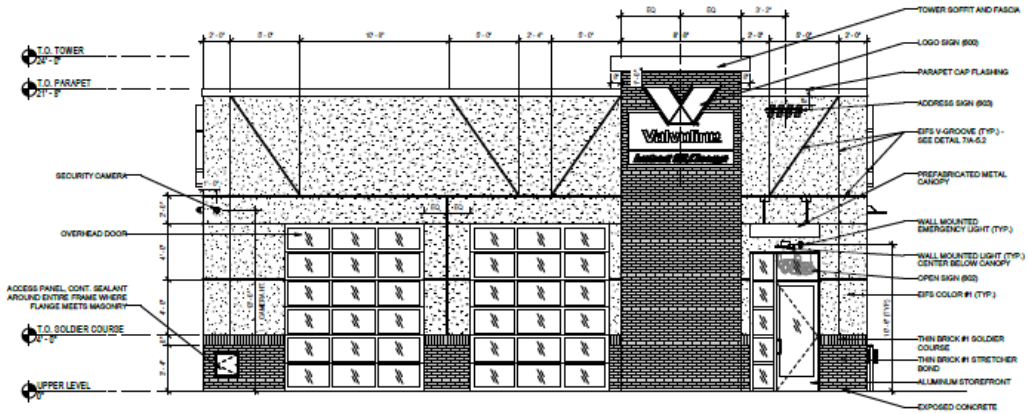
Elevation:



2 A-3.1 EXTERIOR ELEVATION (OVERALL RIGHT)
Scale: 1/4" = 1'-0"



1 A-3.1 EXTERIOR ELEVATION (OVERALL FRONT)
Scale: 1/4" = 1'-0"

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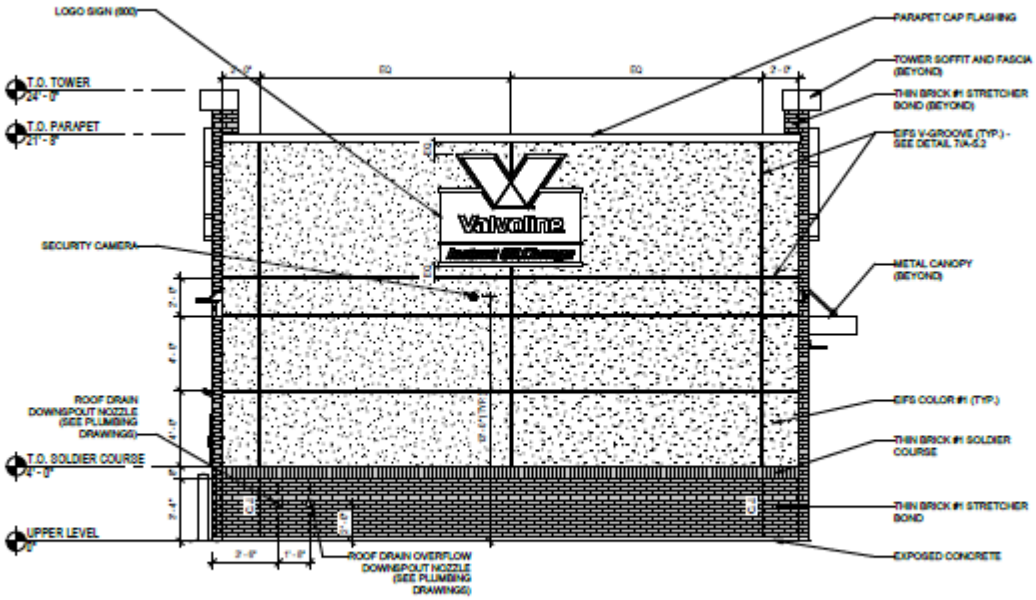
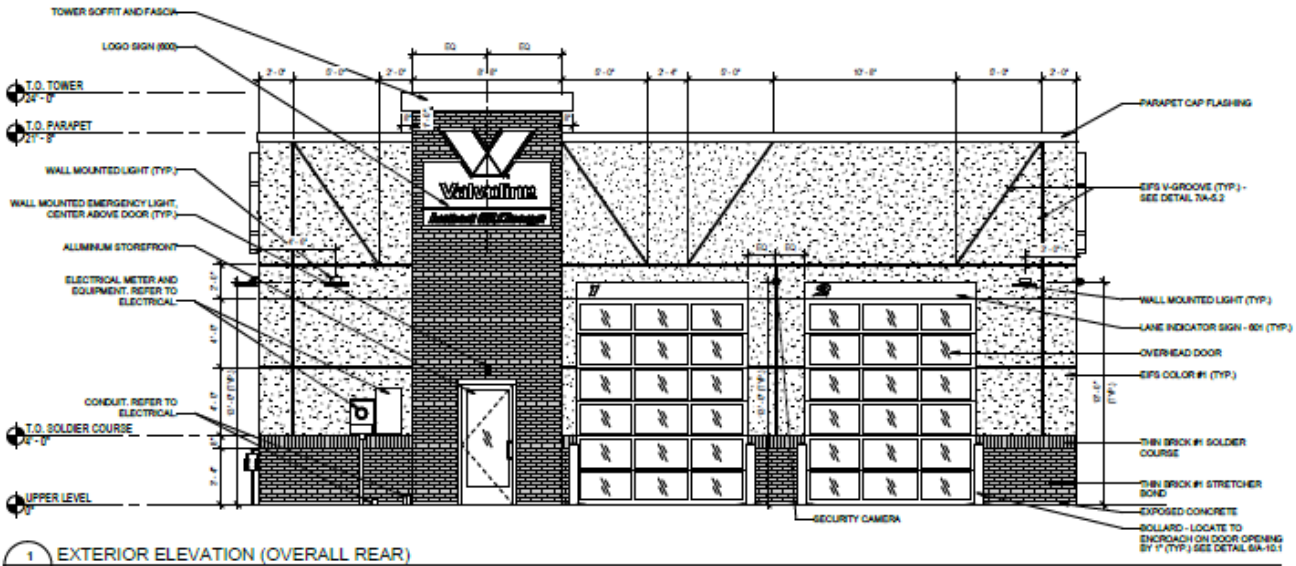


2 A-3.2 EXTERIOR ELEVATION (OVERALL LEFT)
Scale: 1/4" = 1'-0"



1 A-3.2 EXTERIOR ELEVATION (OVERALL REAR)
Scale: 1/4" = 1'-0"

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Findings of Fact (as provided by applicant):

LAWRENCE BOARD OF ZONING APPEALS
OF MARION COUNTY, INDIANA

VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT

744-301-F

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

   THE GRANT WILL MAINTAIN EXISTING DRAINAGE PATHWAYS, SWALES, AND STORM SEWER THAT ARE CRITICAL TO DRAINAGE OF THE SHOPPING CENTER'S PROPERTY, VALVOLINE'S LEASED AREA, AND THE PUBLIC RIGHT-OF-WAY (AS SHOWN ON THE PROPOSED PLANS). MAINTAINING THESE EXISTING DRAINAGE PATHWAYS WILL ALLOW THE PUBLIC TO SAFELY NAVIGATE EXISTING TRAVEL PATHS (PEDESTRIAN AND AUTO) IN AND AROUND THE SUBJECT SITE THAT MAY OTHERWISE BE IMPEDED BY POOR DRAINAGE AND STANDING WATER IF GRANT IS NOT APPROVED. AS SUCH, A GRANT TO WAIVE CONNECTIVITY TO PUBLIC SIDEWALKS 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:

   THE VARIANCE WILL ALLOW DEVELOPMENT OF THE SUBJECT SITE IN A MANNER THAT IS CONSISTENT WITH ADJACENT AND NEIGHBORING PROPERTIES. EXISTING, ADJACENT USES, BUILDINGS, AND PROPERTIES IN THIS AREA LARGELY DO NOT HAVE DIRECT OR HARD SURFACE WALKWAYS THAT CONNECT TO PUBLIC SIDEWALK. AS SUCH, GRANTING THIS VARIANCE WILL HAVE NO IMPACT TO USE OR VALUE OF AREAS ADJACENT TO THE PETITIONER'S PROPERTY.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE

   INSTALLATION OF A HARD SURFACED WALKWAY THAT CONNECTS PUBLIC SIDEWALK TO THE PROPOSED BUIDING WOULD OBSTRUCT CRITICAL, EXISTING DRAINAGE PATHWAYS BETWEEN THE PUBLIC SIDEWALK AND PROPOSED BUILDING. IMPACTS TO THESE DRAINAGE PATHWAYS WOULD CREATE AN UNDUE RISK OF NEGATIVE DRAINAGE AND STANDING WATER THAT MAY IMPACT BUSINESS OPERATIONS AND SAFE USE OF EXISTING PUBLIC TRAVEL PATHS. A WELL DRAINED SITE IS IMPERATIVE TO VALVOLINE'S OPERATIONS TO AVOID FLOODING OR DRAINAGE THAT COULD REACH THE BUILDING AND INUNDATE THE LOWER LEVEL.

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LAWRENCE BOARD OF ZONING APPEALS
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VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT

744-406-1

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

   VALVOLINE'S OPERATION AS A DRIVE THROUGH OIL CHANGE SERVICE DOES NOT REQUIRE THE USE OF POST-EXIT QUEUEING AS OTHER DRIVE-THROUGH USES MAY NEED. AMPLE SPACE IS PROVIDED ON THE EXIT SIDE OF THE BUILDING TO ALLOW VEHICLES TO LEAVE WITHOUT NEGATIVE IMPACTS TO ONSITE AND OFFSITE TRAFFIC FLOW. AS SUCH, THIS GRANT WILL NOT BE INJURIOUS TO 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:

   VALVOLINE'S USE AS A CAR SERVICE/DRIVE THROUGH OIL CHANGE DOES NOT GENERATE LONG QUEUES OR CAR STACKS THAT MAY BE TYPICAL OF NORMAL DRIVE-THROUGHS SUCH AS FOOD ESTABLISHMENTS, CAR WASHES, FINANCIAL INSTITUTIONS/ATMS, ETC.

   AMPLE SPACE IS PROVIDED ON THE EXIT SIDE OF THE BUILDING TO ALLOW VEHICLES TO LEAVE WITHOUT NEGATIVE IMPACTS TO ONSITE AND OFFSITE TRAFFIC FLOW. THE USE AND VALUE OF AREAS ADJACENT TO THE PROPOERTY WILL NOT BE AFFECTED BY GRANTING THIS VARIANCE.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE

   DUE TO SIZE OF AREA ALLOTTED FOR VALVOLINE'S DEVELOPMENT, SPACE IS TOO LIMITED TO PROVIDE DEDICATED STACK SPACES FOR CARS THAT WILL NEVER BE UTILIZED.

   INSTALLING SUCH SPACES IN ADDITION TO THE EXIT DRIVE AISLE WOULD IMPACT PLANNED DRAINAGE PATHWAYS THAT ARE CRITICAL TO PROPERLY DIRECT AND DRAIN ONSITE AND OFFSITE STORMWATER.

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VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT

744-406-1-C

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

   CUSTOMERS WILL BE ABLE TO BYPASS STACKING SPACES VIA OTHER DRIVEWAYS ON THE EAST AND SOUTH SIDES OF THE SITE IF DESIRED.
   VALVOLINE'S UNIQE OPERATIONS AS A DRIVE THROUGH OIL SERVICE, WHERE LONG CAR QUEUES ARE UNCOMMON AND EMPLOYEES OPERATE AND GUIDE CUSTOMERS WITHIN CAR STACK AND DRIVE THRU AREAS, ALLOW CUSTOMER VEHICLES TO BE GUIDED OUT OF THE CAR STACK WITHOUT NEGATIVE IMPACTS TO ONSITE AND OFFSITE TRAFFIC FLOW, IF SUCH A SITUATION WERE TO ARISE. AS SUCH, GRANTING THIS PETITION WOULD NOT BE INJURIOUS TO 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:

   VALVOLINE'S USE AS A CAR SERVICE/DRIVE THROUGH OIL CHANGE DOES NOT GENERATE LONG QUEUES OR CAR STACKS THAT MAY BE TYPICAL OF NORMAL DRIVE-THROUGHS SUCH AS FOOD ESTABLISHMENTS, CAR WASHES, FINANCIAL INSTITUTIONS/ATMS, ETC. AS SUCH, NO NEGATIVE IMPACTS ARE ANTICIPATED FOR ONSITE OR OFFSITE TRAFFIC PATTERNS AS A RESULT OF VALVOLINE'S OPERATIONS. FURTHERMORE, CUSTOMERS CAN STILL BYPASS THE CAR STACK VIA DRIVE AISLES LOCATED ALONG THE EAST AND SOUTH SIDES OF THE SUBJECT SITE. THE USE AND VALUE OF AREAS ADJACENT TO THE PROPERTY WILL NOT BE AFFECTED BY GRANTING THIS VARIANCE.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE

   DUE TO SIZE OF AREA ALLOTTED FOR VALVOLINE'S DEVELOPMENT, SPACE IS LIMITED AND AN EXCLUSIVE BYPASS AISLE WOULD TAKE THE SPACE REQUIRED SUITABLE GRADE TIES, LANDSCAPE, AND SITE UTILITY INFRASTRUCTURE (ELECTRIC/TELEPHONE/SUMP PUMP DRAINAGE). FURTHERMORE, INSTALLATION OF AN ADDITIONAL, EXCLUSIVE BYPASS AISLE ON THE NORTH SIDE OF THE BUILDING COULD IMPACT PROPOSED DRAINAGE PATHS ESTABLISHED FOR ONSITE AND OFFSITE DRAINAGE. IMPACTS TO THESE DRAINAGE PATHWAYS COULD CREATE AN UNDUE RISK OF NEGATIVE DRAINAGE AND STANDING WATER THAT MAY IMPACT BUSINESS OPERATIONS FOR VALVOLINE AND THE SHOPPING CENTER. A WELL DRAINED SITE IS IMPERATIVE TO VALVOLINE'S OPERATIONS TO AVOID FLOODING OR DRAINAGE THAT COULD REACH THE BUILDING AND INUNDATE THE LOWER LEVEL.

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LAWRENCE BOARD OF ZONING APPEALS
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VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT

744-506

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

   THE INTENT OF THE ORDINANCE IS TO SCREEN/VISUALLY PROTECT ABUTTING AND CONFLICTING USES/ZONES FROM NEGATIVE VISUAL IMPACTS. THE PROPERTY THAT THE ZONING ORDINANCE REQUIRES TRANSITIONAL YARD SCREENING IS:
   1. NOT TRULY ABUTTING, IT IS ACROSS 7 LANES OF PENDLETON PIKE
   2. DESPITE ITS ZONING, IS NOT A CONFLICTING USE. THE SITE IS A COMMERCIAL FOOD ESTABLISHMENT (WENDY'S). IF SITE WAS ZONED ACCORDING TO ITS USE, NO YARD WOULD BE REQUIRED.
   3. NO OTHER TRANSITIONAL YARDS OR SCREENING IS PROVIDED ON ANY OTHER ADJACENT OR ABUTTING PROPERTIES IN THE AREA. PETITIONER'S PROPOSED DEVELOPMENT, WITHOUT TRANSITIONAL YARD/SCREENING, IS CONSISTENT WITH ALL OTHER DEVELOPMENT IN THE AREA.
   AS SUCH, GRANTING RELIEF FROM THE TRANSITIONAL YARD REQUIREMENT 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:

   THE PROPERTY THAT THE ZONING ORDINANCE REQUIRES TRANSITIONAL YARD SCREENING IS:
   1. NOT TRULY ABUTTING, IT IS ACROSS 7 LANES OF PENDLETON PIKE
   2. DESPITE ITS ZONING, IS NOT A CONFLICTING USE THAT WOULD REQUIRE A TRANISTIONAL YARD. THE SITE IS A COMMERCIAL FOOD ESTABLISHMENT (WENDY'S). IF THE SITE WAS ZONED ACCORDING TO ITS USE, NO YARD WOULD BE REQUIRED.
   3. NO OTHER TRANSITIONAL YARDS OR SCREENING IS PROVIDED ON ANY OTHER ADJACENT OR ABUTTING PROPERTIES IN THE AREA. PETITIONER'S PROPOSED DEVELOPMENT, WITHOUT TRANSITIONAL YARD/SCREENING, IS CONSISTENT WITH ALL OTHER DEVELOPMENT IN THE AREA.

   AS SUCH, THE USE AND VALUE OF AREAS ADJACENT TO THE PETITIONER'S PROPERTY WILL NOT BE ADVERSELY IMPACTED BY GRANTING THIS VARIANCE.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE

   DUE TO SIZE OF AREA ALLOTTED FOR VALVOLINE'S DEVELOPMENT, SPACE IS LIMITED AND A TRANSITIONAL YARD OR SCREENING FENCE/BERM WOULD TAKE THE SPACE REQUIRED FOR SUITABLE GRADE TIES, PROPOSED TREE LANDSCAPE, AND SITE UTILITY INFRASTRUCTURE (ELECTRIC/TELEPHONE/SUMP PUMP DRAINAGE). FURTHERMORE, INSTALLATION OF SUCH A TRANSITIONAL YARD WOULD BE INCONSISTENT AND VISUALLY CONFLICTING WITH THE SURROUNDING DEVELOPMENTS/BUILDINGS AND REDUCE VALVOLINE'S COMMERCIAL VISIBILITY ALONG PENDLETON PIKE.

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