



Board of Zoning Appeals
Board of Zoning Appeals Division III April
16, 2024
Meeting Agenda

Meeting Details

Notice is hereby given that the Metropolitan Board of Zoning Appeals will hold public hearings on:

Date: Tuesday, April 16, 2024

Time: 1:00 PM

Location: Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street

Business:

Adoption of Meeting Minutes:

Special Requests

2024-DV3-005 | 2360 Prospect Street

Center Township, CD #18, Zoned C-4
Linda Thompson, by Daniel Newton

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot-tall perimeter chain link fence within the required clear-sight triangle (maximum 3.5-foot-tall fence permitted in front yards, chain link not permitted within front yards, encroachment into the clear-sight triangle not permitted).

**** Staff requests dismissal due to lack of payment after repeated attempts of contact**

2024-DV3-011 | 6243 Hillcrest Lane

Lawrence Township, CD #3, Zoned D-1 / SU-34
Victor Aguilar, by Patricia Green

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory structure with a 20-foot rear yard setback (25 feet required).

**** Petitioner to request withdrawal and refund of filing fees**

PETITIONS REQUESTING TO BE CONTINUED:

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 1. 2024-DV3-008 | 8155 Talliho Drive**
Lawrence Township, CD #4, Zoned D-6 (W-1)
Kenneth & Mary Farmer

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an enclosed addition with a 3.13-foot north side yard setback (15-foot side yard setback required).

- 2. 2024-DV3-013 | 10220 East Washington Street**
Warren Township, CD #20, Zoned C-4 (TOD)
Indy WS40 LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a bank with one primary entry (two required).

3. 2023-UV3-024 | 2745 and 2815 Curry Road

Warren Township, CD #14, Zoned D-A
David Palacios, by Joseph D. Calderon

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a landscaping contractor, including the indoor and outdoor storage of commercial vehicles, equipment, and materials (not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

4. 2023-DV3-050 | 805 and 825 South Kitley Avenue

Warren Township, CD #20, Zoned I-4 / C-7
Kitley Avenue Properties LLC, by J. Murray Clark and Mark R. Leach

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an eight-foot-tall fence and gate within the front yard of Kitley Avenue (maximum height of six feet permitted).

5. 2024-MO1-001 / 2024-DV1-007 | 7530 Allisonville Road

Washington Township, Council District #3, Zoned D-A (FW) (FF)
Phillip D. Rushton & Joanne Rushton Rev. Trust – Rebecca Patton Successor TTE, by Gregory J. Cagnassola

Modification of Commitments related to 2009-UV2-036, to terminate Commitment Number Eight and Four, which requires compliance with required setbacks of the D-A District, and the use of slick mounted antenna and associated attachments, respectively.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of structures related to the cell phone tower resulting in a seven-foot south side and 0.5-foot north side yard setback and a 2.5-foot rear yard setback, resulting in a 7.5-foot aggregate side yard setback (30-foot side yard, 75-foot aggregate side yard, 75-foot rear yard setbacks required) and a lot line adjustment resulting in a 0.606-acre lot and a 40-foot frontage (minimum three acres and frontage of 125 feet required).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

6. 2024-SE3-002 | 6760 Dalton Street

Lawrence Township, CD #4, Zoned C-4
Reagan Outdoor Advertising, by Michelle Noppenberger

Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-69 and I-465 by a state agency.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 14-foot by 48-foot, 50-foot tall off-premise advertising sign, of which the relocated off-premise sign will have a height of 65 feet (maximum height of 40 feet permitted) and will be considered a multi-sided sign with faces 33 degrees and 30 feet apart (maximum 15 degrees or 42 inches of separation permitted), to a 7,170 square-foot lot (maximum 6-foot by 12-foot sign permitted on lots with less than 10,000 square feet of area), with a five-foot setbacks from Bash Street, Dalton Street and the western property line (10-foot setback required), located 345 feet from the centerline of an interstate exit roadway (500-foot separation required from interstate ramp entries), within 605 and 975 feet from other outdoor advertising signs (1,000-foot radial spacing required).

7. 2024-DV3-003 | 3308 North Mitthoefer Road

Warren Township, CD #15, Zoned I-3 / I-4
The Finish Line Inc., by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of two incidental signs, each encroaching 4.5-feet into the right-of-way of Mitthoefer Road (prohibited), with the north sign located 70-feet from a dwelling district (100-foot transitional yard required).

8. **2024-DV3-006 | 3805 South East Street**
Perry Township, CD #23, Zoned C-5
S & L Properties Indianapolis East LLC, by Emily Bublitz

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment with the location of a drive through and stacking spaces within the front yard of National Avenue without the required screening of a service unit (not permitted) and 120 parking spaces and zero bicycle parking (maximum 46 spaces permitted, three bicycle parking spaces required) and deficient landscaping.

PETITIONS FOR PUBLIC HEARING (New Petitions):

9. **2024-DV3-009 | 801 North Layman Avenue**
Warren Township, CD #14, Zoned D-4
Paul & Adrienne Du Rant

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building expansion including a driveway accessing St. Clair Street (exclusive vehicular access from improved alley required), resulting in a 65.82 percent open space and a four-foot north side yard setback (65 percent open space, five-foot side yard setback required).

10. **2024-DV3-010 | 1635 West Michigan Street**
Center Township, CD #18, Zoned SU-7 / CBD-S (RC)
INDPL Goodwill Industries Inc., by Alan S. Townsend

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an 18.33-foot-tall freestanding pylon sign (eight-foot-tall sign permitted), with a sign area of 106.66 square feet (36 square feet permitted), with a five-foot front yard setback from West Michigan Street (10-foot required) and located within 300 feet of a protected district (600 feet of separation required).

11. **2024-DV3-012 | 2916 West Banta Road**
Perry Township, CD #22, Zoned D-A (GSB)
Martin Marietta Materials Inc., by Jennifer Milliken

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for Gravel, Sand and Borrow operations with a front yard setback of 100 feet from Banta and Concord Roads and a 100-foot east side yard setback (150-foot front yard setback, 175-foot side yard setback required).

12. **2024-UV3-004 | 2308 Shelby Street**
Center Township, CD #19, Zoned C-3 (TOD)
Walter Resinos

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor within 55 feet of a protected district (not permitted within 500 feet of a protected district).

13. **2024-UV3-005 | 6901 East 38th Street**
Warren Township, CD #9, Zoned C-5 (TOD)
Equipment Share, by Michael Rabinowitch

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of heavy equipment sales and rental business (not permitted).

**** Petitioner has filed a timely automatic continuance, continuing this petition to the May 28, 2024 hearing of Division III**

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at dmdpubliccomments@indy.gov, before the hearing and

such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.