



**Board of Zoning Appeals
Board of Zoning Appeals Division III (Sept.
17, 2024)
Meeting Agenda**

Meeting Details

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

Date: Tuesday, September 17, 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

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2024-DV3-024 | 10220 East Washington Street**
Warren Township, Council District #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 location of a drive through in a front yard without an exclusive bypass aisle or screening (stacking spaces disallowed within front yard, bypass aisle and screening required) and within 100 feet of a transit stop (prohibited within 600 feet unless located behind building) and the construction of freestanding buildings with front yard setbacks of up to 60 feet (maximum 10-feet permitted), a front building line of 18.5 percent (80 percent required), and deficient first-story transparency on the front façade of the westernmost building (60% transparency required).

**** Automatic continuance filed by a registered neighborhood organization, continuing this petition to the October 15, 2024 hearing of Division III**

- 2. 2024-DV3-026 | 7140 & 7142 East Washington Street**
Warren Township, Council District #14, zoned C-4 (TOD)
Fieldstone Financial LLC and 7142 East Washington LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station with 16 pump islands/service areas (eight permitted) with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required).

****Automatic continuance filed by a registered neighborhood organization, continuing this to the October 15, 2024 hearing of Division III**

- 3. 2024-UV1-009 (Amended) | 1307 High School Road**
Wayne Township, Council District #17, zoned C-4 (TOD)
Sohum Hotels Indy West LLC, by Russell Brown

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 122-unit hotel (not permitted), with one primary entry (four required), and 111 parking

spaces (122 parking spaces required), and a chain link fence within the front yard of Washington Street (not permitted).

****A registered neighborhood organization has filed a timely automatic continuance, continuing this petition to the October 15, 2024 hearing of Division III**

4. 2024-UV3-008 (Amended) | 2649 Fisher Road

Warren Township, Council District #20, zoned D-A

German Mendez Sanchez and Ana Laura Miranda Dominguez, by Josh Smith

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an event center (not permitted), with a gravel and grass parking area (parking area must be paved), and the expansion of an accessory structure resulting in it being located forward of the primary building and a five-foot south side yard setback (accessory structures may not be located in front of primary building, 15-foot side yard setback required).

****Petitioner to request a continuance to the October 15, 2024 hearing of Division III**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

5. 2024-DV3-021 | 125 Muessing Road

Warren Township, Council District #20, zoned D-A / SU-1

Brad Knapp & Nadine Murphy, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory building within the front yard of Muessing Road (not permitted).

6. 2024-DV3-025 | 2204 and 2220 North Meridian Street

Center Township, Council District #12, zoned MU-2 (TOD)

M22 Housing LP, by Daniel Hubbard

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a mixed-use building with 32 off-street parking spaces provided (57 required).

7. 2024-UV3-011 | 7941 East 30th Street

Warren Township, Council District #9, zoned C-3

SARBKAM 2 LLC, by Thomas Pottschmidt

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a liquor store (not permitted).

8. 2024-UV3-013 | 5640 East 38th Street

Lawrence Township, Council District #9, zoned SU-1 (TOD)

New Direction Church, by Marita Gordon

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a beauty, barber, and body care vocational uses (not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

9. 2024-UV3-010 | 6332 Massachusetts Avenue

Warren Township, Council District #9, zoned D-3

Baljeet Singh, by David Gilman

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the storage of six commercial vehicles, being three semi-tractor trucks and three associated trailers and the

location of a six-foot tall fence within the front yard (not permitted, 3.5-foot tall fencing permitted within front yards).

PETITIONS FOR PUBLIC HEARING (New Petitions):

10. 2024-DV3-023 | 11700, 11850 East 38th Street and 4002 North Carroll Road

Lawrence Township, Council District #15, zoned D-5 (FF)
Laibe & Russell Investments LLC, by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings with front loaded garages comprising up to 65% of the front façade (maximum 45%) for a future 138 lot subdivision.

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.



BOARD OF ZONING APPEALS DIVISION III **September 17, 2024**

Case Number: 2024DV3024
Property Address: 10220 East Washington Street (approximate address)
Location: Warren Township, Council District #20
Petitioner: Indy WS40 LLC, by Joseph Calderon
Current Zoning: C-4 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a drive through in a front yard without an exclusive bypass aisle or screening (stacking spaces disallowed within front yard, bypass aisle and screening required) and within 100 feet of a transit stop (prohibited within 600 feet unless located behind building) and the construction of freestanding buildings with front yard setbacks of up to 60 feet (maximum 10-feet permitted), a front building line of 18.5 percent (80 percent required), and deficient first-story transparency on the front façade of the westernmost building (60% transparency required).

Current Land Use: Vacant Commercial

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization. This petition will be continued to the October 15th hearing date.



BOARD OF ZONING APPEALS DIVISION III

September 17, 2024

Case Number: 2024-DV3-026

Property Address: 7140 and 7142 East Washington Street (approximate address)

Location: Warren Township, Council District #14

Petitioner: Fieldstone Financial LLC and 7142 East Washington LLC, by Joseph D. Calderon

Current Zoning: C-4 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station with 16 pump islands/service areas (eight permitted) with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required).

Current Land Use: Commercial

Staff Recommendations: Staff has no recommendation for this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.
- A timely automatic continuance was filed by a registered neighborhood organization, continuing this petition to the October 15, 2024 BZA III hearing.



BOARD OF ZONING APPEALS DIVISION I

September 17, 2024

Case Number: 2024-UV1-009 (Amended)
Address: 1307 South High School Road (approximate address)
Location: Wayne Township, Council District #17
Zoning: C-4 (TOD)
Petitioner: Sohum Hotels Indy West LLC, by Russell Brown
Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 122-unit hotel (not permitted), with one primary entry (four required), and 111 parking spaces (122 parking spaces required), and a chain link fence within the front yard of Washington Street (not permitted).

Current Land Use: Vacant parking lot.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued at the request of the petitioner, from the July 2, 2024, hearing, to the August 6, 2024, hearing, and continued for cause at the request of the petitioner from the August 6, 2024, hearing, to the September 3, 2024, hearing. At the September 3, 2024 hearing, the petitioner continued and transferred this petition to the September 17, 2024, BZA3 Board.

A registered neighborhood organization **has automatically continued this petition from the September 17, 2024, hearing, to the October 15, 2024, hearing.**

STAFF RECOMMENDATION

Staff recommends **approval** of this petition as amended.

PETITION OVERVIEW

- ◇ The request would provide for the construction of a 122-unit hotel, with one primary entry, and 111 parking spaces, and a chain link fence within the front yard of Washington Street.
- ◇ The proposed use is permitted in the existing C-4 district, but this site is also located in the Transit Oriented Development secondary or overlay district (TOD), which limits the scale of the proposed use. The TOD does allow for lodging uses up to 100 guest rooms in the C-4 district. Lodging uses that are larger than 100 units are not permitted within the C-4 district in the TOD, thus a variance of use is required to allow for the proposed use based on the hotel size.
- ◇ Hotels are limited in size within the TOD as larger uses tend to have a higher volume of automobile traffic, instead of customers that access the existing transit infrastructure.



- ◇ Although this site is still designated as in the TOD. The proposed Blue Line route has been amended in that it will now access the airport via Holt Road and the I-70 Interstate, instead of this portion of West Washington Street. The TOD layer has not been amended to reflect this recent change, so the variance of use is still required.
- ◇ Staff also feels that the due to its proximity to the airport, the proposed hotel use would not be a large traffic generator in that some customers may arrive at the site from the airport via shuttle, taxi or even the existing regular bus line. In addition, it would be occupying an out lot location for a commercial retail site that has remained under-developed, reducing a portion of its large empty parking lot. In Staff’s opinion, this request would be a minor deviation and consistent with the adjacent commercial properties.
- ◇ In addition, the petition is requesting a reduced amount of parking spaces from the required 120, to 111 spaces. This reduction will also encourage the reduction of onsite vehicular traffic due to the reduced amount of parking spaces. Again, encouraging users to access available shuttle, taxi or the existing regular bus line if arriving from the airport. In Staff’s opinion, this request would be a minor deviation.
- ◇ The request for one primary entry, where four entries are required is due to the site location being adjacent to an Indiana Department of Transportation (INDOT) interstate exit right of way for the I-465 Interstate that does not allow for any curb cuts or entrances along this portion of West Washington Street. The site does have a primary easement that allows for access to South High School Road through the adjacent commercial retail parking lot. Two additional access entries to South High School are also available via the adjacent parking lot.
- ◇ Staff feels that this limitation by INDOT is a practical difficulty in that any use on this site would be limited in the number of primary entry’s due to the INDOT requirement. Therefore, in Staff’s opinion, this request would be a minor deviation.
- ◇ The request for a chain link fence in the front yard, is another requirement imposed by INDOT to limit any pedestrian traffic from accessing the adjacent I-465 interchange. As it is on the joint property line placed there by INDOT, any removal would need to be with INDOT’s permission. In Staff’s opinion, this request would be a minor deviation.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Parking lot	
Comprehensive Plan	Community Commercial	
Overlay	Blue Line TOD	
Surrounding Context	Zoning	Surrounding Context
	North: C-4	Commercial shopping center
	South: C-S	Motel
	East: C-4	I-465 Interstate interchange
	West: C-4	Automotive repair and Commercial Bank
Thoroughfare Plan		
South High School Road	Primary Collector	100-foot existing and proposed right-of-way.



Context Area	Compact
Floodway / Floodway Fringe	No
Wellfield Protection Area	No
Site Plan - Amended	August 13, 2024
Elevations	N/A
Commitments	N/A
Landscape Plan	N/A
Findings of Fact - Original	May 27, 2024

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Community Commercial typology which provides for low intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a rapid transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- Modified Uses
 - Small-Scale Offices, Retailing, and Personal or Professional Services - Development should be supportive of pedestrian activity (e.g., compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
 - Large-Scale Offices, Retailing, and Personal or Professional Services - Development should be supportive of pedestrian activity (e.g., compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
 - Large-Scale Schools, Places of Worship, Community- Serving Institutions/Infrastructure, and Other Places of Assembly - Development should be supportive of pedestrian activity (e.g., compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
 - Small-Scale Parks - Bollards or other vehicular barriers should be present.



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

2019-DV1-028; 12159 South High School Road (west of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 13-foot front setback and zero-foot side setback for a freestanding sign within approximately 80 feet and 100 feet of existing freestanding signs, **granted**.

2014-DV3-048; 1225 South High School Road (north of site), requested a variance of development standards of the Sign Regulations to increase the height of an existing 32-foot tall, 144-square foot freestanding sign to 40 feet, within approximately 80 feet and 195 feet of existing freestanding signs, **granted**.

2008-DV2-063; 1220 South High School Road (northwest of site), requests a variance of development standards of the Sign Regulations to legally establish a 6.083-foot tall, 33.33-square foot pylon sign, containing a 24-square foot electronic variable message sign component being 72 percent of the total sign area, within approximately 155 feet of a protected district, **granted**.

2008-DV2-064; 1155 South High School Road (north of site), requests a variance of development standards of the Sign Regulations to legally establish a 6.083-foot tall, 33.33-square foot pylon sign, containing a 24-square foot electronic variable message sign component being 72 percent of the total sign area, within approximately 60 feet of a protected district, **granted**.

95-V1-110; 6240 West Washington Street (west of site), requests a variance of development standards of the Sign Regulations to provide for the installment of illuminated awnings signs, exceeding the front, side, and rear façade restrictions, and illumination within 600 feet of a protected district, **granted**.

86-V1-78; 1259 South High School Road (west of site), requests a variance of development standards of the Sign Regulations relative to the number of integrated center signs to allow for the replacement of an existing sign with a new sign in the same location at equal or less total square footage, **granted**.

RU

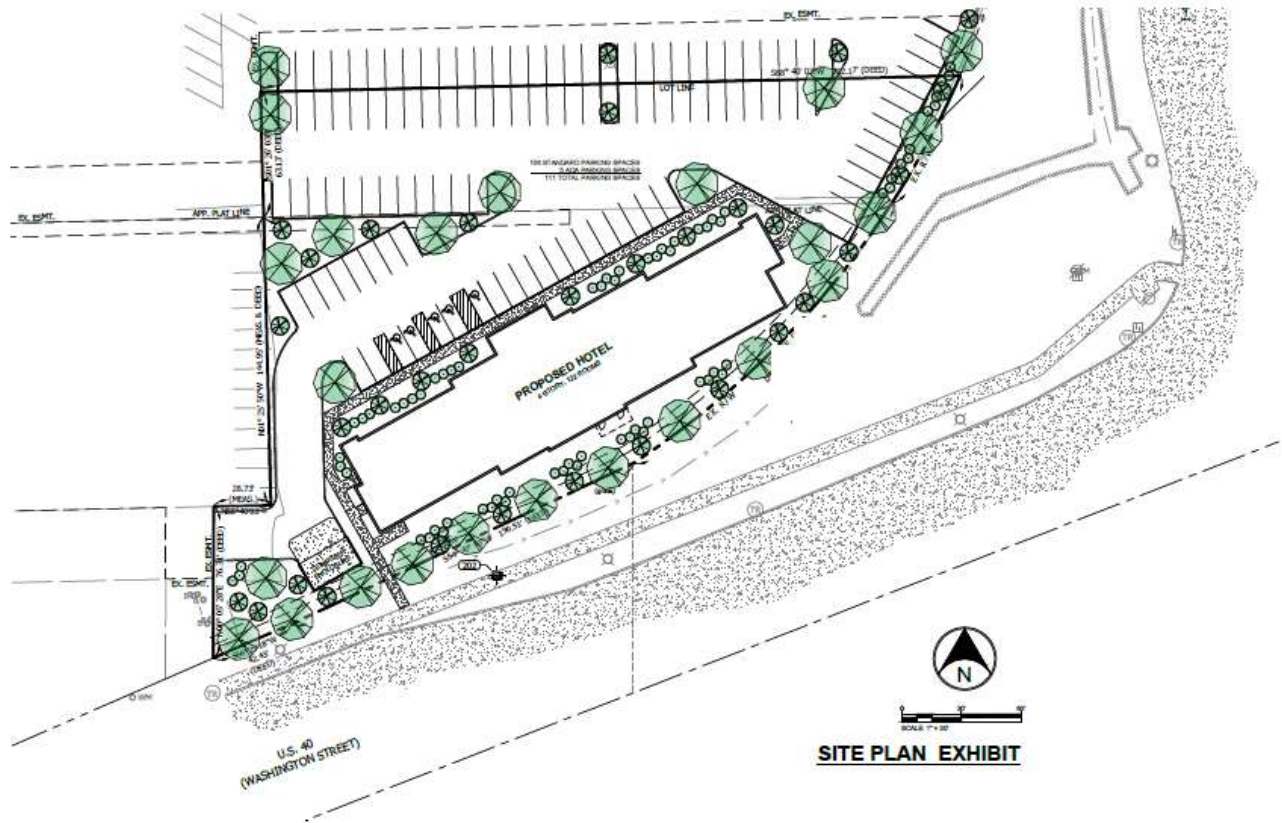
EXHIBITS

Location Map





Site Plan – Amended 8-13-2024



Photographs



Subject site West Washington Street frontage, looking east.



Subject site, looking south towards West Washington Street.



Subject site, proposed parking lot area, looking east



Subject site primary entry from South High School Road via an easement through the adjacent commercial retail parking lot, looking west.



Adjacent commercial retail intergaged center, looking north.



Adjacent commercial retail, looking west.



Adjacent commercial motel, pre-dating the TOD, looking south.



Adjacent I-465 interstate interchange, looking east.



BOARD OF ZONING APPEALS DIVISION III

August 20, 2024

Case Number: 2024-UV3-008 (Amended)
Address: 2649 Fisher Road (approximate address)
Location: Warren Township, Council District #20
Zoning: D-A
Petitioner: German Mendez Sanchez and Ana Laura Miranda Dominguez, by Josh Smith
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an event center (not permitted), with a gravel and grass parking area (parking areas must be paved), and the expansion of an accessory structure resulting in it being located forward of the primary building and a five-foot south side yard setback (accessory structures may not be located in front of primary building, 15-foot side yard setback required).

Current Land Use: Single Family Dwelling and Event Center

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued at the request of a registered neighborhood organization, from the July 16, 2024, hearing, to the August 20, 2024, hearing; and continued for cause at the request of the petitioner from the August 20, 2024, hearing to the September 17, 2024, hearing.

The petitioner has indicated they will be requesting a **continuance for cause to the October 15, 2024, hearing.**

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the operation of an event center a C-4 use, with a gravel and grass parking area, in a D-A district.
- ◇ The purpose of the D-A district is to provide for a variety of agricultural enterprises, with a secondary intent for the development of large estate or rural single-family dwellings.



Department of Metropolitan Development
Division of Planning
Current Planning

- ◇ The Comprehensive Plan recommends suburban neighborhood uses for the subject site. The proposed use would be permitted in the C-4, Community - Regional District. The C-4 district is designed to provide 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. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.
- ◇ Staff is concerned with the access to the site from Fisher Road being a single lane residential driveway entrance, located on an interstate overpass. The entrance has limited visibility in Staff's opinion, and is adjacent to the overpass guard rails, further limiting visibility for a commercial use. The approximately 60-100 vehicles attending each event to accommodate the proposed 250 customers maximum may be problematic in locating the entrance in a safe manner, or other issues may occur with passing vehicles due to the limited visibility of the access.
- ◇ Staff also has concern's that emergency services may not be able to access the entrance and site as well. No contingency plan or information on this access has been provided.
- ◇ Although not indicated in the plan of operation, the petitioner has indicated that exiting vehicles would use a side yard gate to access the adjacent Marion County Fairgrounds parking field, and their exit onto Fisher Road.
- ◇ Gravel parking is permitted by the Ordinance for residential uses only. As the proposed use is a commercial use, the paving of the parking area is required in association with that use.
- ◇ Gravel parking areas used in conjunction with commercial uses are always a cause for concern because of potential impacts upon surrounding property and public rights-of-way. Gravel parking can generate dust and air quality issues that can leave the site and impact surrounding properties; erosion control and run-off associated with exposed gravel and soil; negative aesthetic impacts; and the inefficient use of space due to lack of striping. Furthermore, loose stones can enter the public right-of-way and become a hazard for passing vehicles and accelerate the deterioration of taxpayer funded street surfaces.
- ◇ The request would also provide for the expansion of an accessory structure resulting in it being located forward of the primary dwelling and with a five-foot south side yard setback.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Zoning Ordinance, specifically those relating to accessory building use, are intended to ensure the dwelling remains the primary use of the property. Additionally, limiting the location of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.



- ◇ The proposed accessory structure would extend approximately 90 feet in front of the established front building line of the primary dwelling onsite. This accessory structure location would disrupt and adversely impact the relationship and scale between the primary structure and accessory structures. Additionally, the residential scale of the site would be affected in an adverse manner.
- ◇ The petitioner has requested a setback reduction to five feet, where a 15-foot setback is required. The reduced setback would be for the event center, which was added to the existing zoning complaint barn. It is believed that the event center was constructed without all of the proper permits. Had the permits been obtained, the reduced setback could have been addressed and remedied before construction began.
- ◇ Staff feels the proposed reduced five-foot setback would be insufficient in buffering adjacent properties from the activities associated with the event center. Any reduction in setback would provide less of the required and needed separation from surrounding properties.
- ◇ 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-A and could be used by any number of uses permitted, by right, in the D-A zoning classification. Any practical difficulty is self-imposed by the desire to use the site for operation of an event center.
- ◇ The subject site is similar to other nearby residential properties, that are able to follow the comprehensive plan and zoning ordinance without the need for variances. Therefore, the Comprehensive Plan recommendation should not be disregarded, nor of the clearly residential nature of the subject site. For these reasons, staff recommends its denial.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Suburban Neighborhood	
Overlay	No	
Surrounding Context	Zoning	Surrounding Context
	North: SU-9	North: County Fairgrounds parking area
	South: SU-9	South: County Fairgrounds parking area
	East: SU-9	East: County Fairgrounds parking area
	West: SU-9	West: County Fairgrounds
Thoroughfare Plan		
Fisher Road	Primary Collector	80-foot existing and proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	N/A	
Wellfield Protection Area	No	
Site Plan	June 19, 2024	
Elevations	June 19, 2024	
Plan of Operation	July 25, 2024	
Commitments	N/A	
Landscape Plan	N/A	
Findings of Fact	July 25, 2024	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood uses.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood typology for this site. This typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology has a residential density of 1 to 5 dwelling units per acre, but a higher density is possible if the development is within a quarter mile of a frequent transit line, greenway, or park.

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

98-Z-206; 2801 South Fisher Road (north, east, and south of site), requested the rezoning of 43.0 acres from the D-A district to the SU-9 classification, **granted.**

95-HOV-73; 7300 Troy Avenue (southwest of site), requested a variance of development standards to provide for the placement of a pylon sign, 17 feet wide and 13 feet in height, being located within 600 feet of a dwelling district, **granted.**

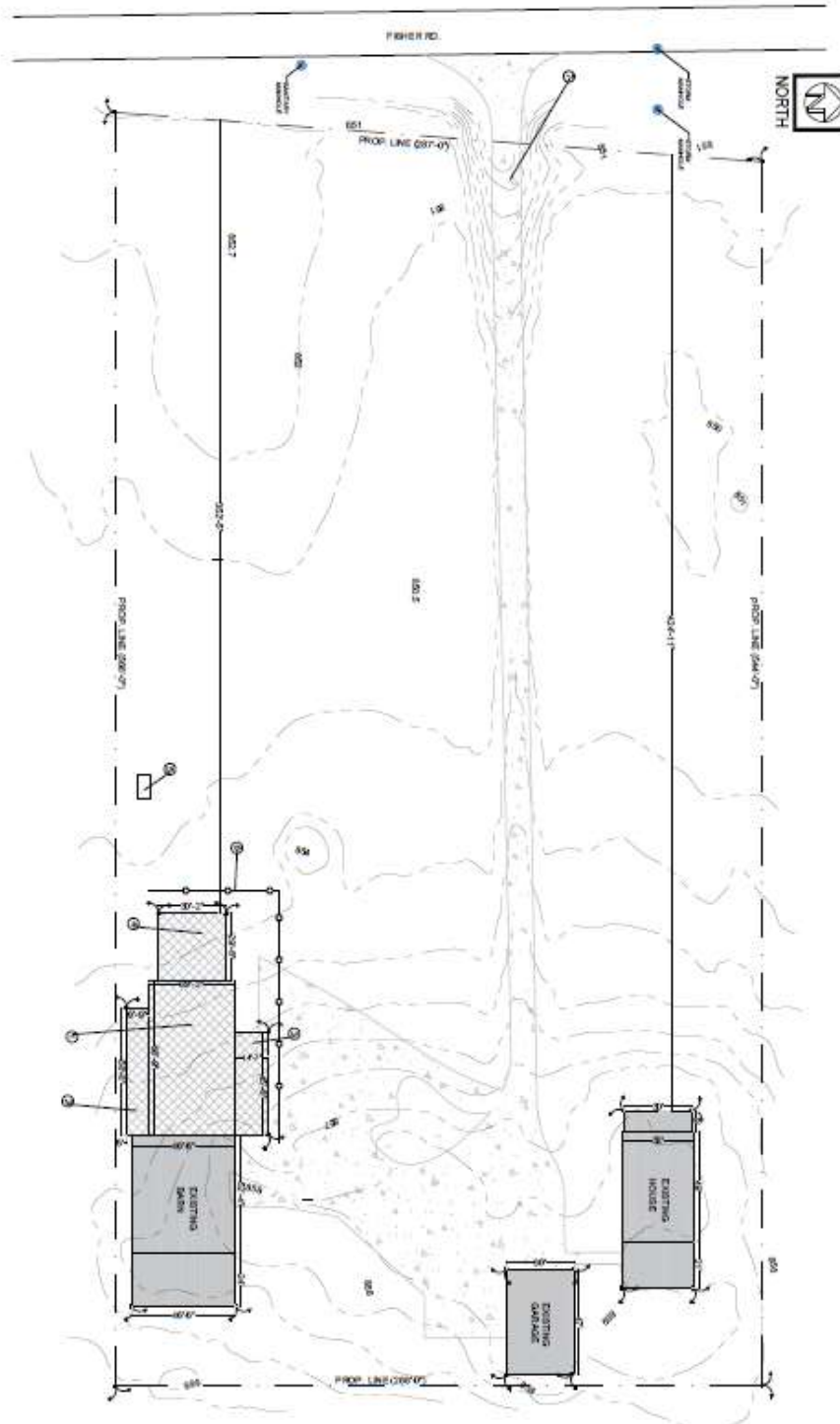
RU

EXHIBITS

Location Map



Site Plan





Plan Of Operation

2649 Fisher Road – El Granero Rancho Mèndez

Plan/Description of Operation

- We currently offer our 3,000 sf barn for event/gathering space
- We offer our event spaces for community events, weddings, wedding receptions, birthday parties, anniversaries, graduation parties, Quinceañeras, small awards banquets, family reunions, and general celebrations. These will always be private events and not open to the general public.
- Currently we are hoping to host between 2 and 4 events per month. There will be some winter months with no events.
- We plan to keep event attendance limited to 250 attendees or less.
- If requested by our customers, we will allow DJs and events to occur outdoors on the porch/patio areas.
- All vehicles and parking will be located on our property within the gravel lot and occasional overflow onto the grassy areas for events with larger attendance. Attendees will not be allowed to park on the public street or on the Fairgrounds property.
- Security will be hired as needed. Most of our events will not require any security. If needed, we will hire through a private security company to assist with the events and traffic control.
- We do not currently hold nor plan to ever apply for an alcoholic beverage license. If any events wish to have beer or wine, we will work with them to hire a licensed caterer and make sure any one-time beverage permits are in place prior to the events.
- We will follow all noise ordinance requirements. All loud noises and outdoor portions of events will stop prior to 10pm. We currently have no plan to allow or offer any fireworks or pyrotechnics at our facilities. If we ever pursue this, it will only be done in consultation with the local fire station and licensed providers.



Findings of Fact - Use

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The occasional use of the barn space as an event space will not have adverse effects on the community because of the nature of events that will be permitted and managed by the owner. The events and scale will consistently be smaller and quieter than the events held by the surrounding property owner and the owner across the street at the Marion County Fairgrounds.

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 surrounding property on all sides is owned by the Marion County Fairgrounds. This property having an occasional use as an event venue will not adversely affect the value of the Interstate highway to the north or the surrounding property belonging to the largest event venue in the area..

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

The property was previously as a larger agricultural operation and is still used for farm animals such as horses, chickens, & geese. The property is located within a mile of 7 different churches and the location is great for weddings and other events. At the same time, the natural, existing tree buffer and surrounding fairground land create a rural atmosphere that separates and screens the barn from the further surrounding residential uses

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 zoning of the property permits single-family residential and agricultural use. However, the unique location, proximity to several churches and conditions of the property create a great location for an event barn which would be beneficial to the community, but limited by the zoning of the site.

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

The comp plan shows the surrounding properties all being dedicated to special use/public/institutional around the county fairgrounds property. The variance of use for occasional use as an event venue would be in-line with this.

DECISION



Findings of Fact - Parking

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 off-street parking will be contained to the site, limited to the same number of events as the facility, and limited to the attendees for the events held at this same property. The grassy area that would be used for this parking space is screened from the street by an existing mature tree line. This would not be used as an overflow lot nor a paid/commercial parking area for the events held across the street at the County Fairgrounds.

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 adjacent to the north, east, and south is currently a large grassy field that is used as the overflow/off street parking area for the Marion County Fairgrounds during the county fair and larger events held at their venue.

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

The current hard surface and gravel areas that can be used for event parking will hold roughly 40 vehicles. When there are events needing space for more vehicles they will use the grassy area between the barn addition and the street. Without allowing for cars to overflow onto the grassy areas, this will adversely limit the number of attendees to the events or it will require the addition of more hard surface area for parking.

DECISION



Findings of Fact - Setback

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:

While being closer to the street than the home, the barn is setback over 350 feet from the right of way; further than all other buildings on the next block north or south. The barn addition is a consistent design to the other structures on the lot and other agricultural buildings in the vicinity.

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 surrounding property on all sides is owned by the Marion County Fairgrounds. The barn addition on this property not adversely affect the value of the Interstate highway to the north or the surrounding property belonging to the largest event venue in the area. The exterior of all structures will still have the appearance of a barn consistent with the agricultural buildings in the area.

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

The original farmhouse on this parcel was built near to the rear line of this parcel. There is no room on this parcel for a substantial barn addition without going towards the front of the property. Any redesign to use space further back on the parcel results in blocking access to other existing structures, removing mature tree canopy of blocking/removing internal driveways.

DECISION

Photographs



Subject site single family dwelling, looking north.



Subject site event center, looking south



Subject site event center with five foot south side setback, looking east



Subject site single lane driveway access from Fisher Road, looking east.



Subject site gravel and grass parking area for event center, looking west.



Subject site gravel and grass parking area for event center, looking north.



Proposed side yard traffic exit onto adjoining county fairgrounds property, looking south



Driveway entrance to the site from Fisher Road, looking south.



BOARD OF ZONING APPEALS DIVISION III

September 17, 2024

Case Number: 2024-DV3-021
Address: 125 South Muessing Road (approximate address)
Location: Warren Township, Council District #20
Zoning: D-A / SU-1
Petitioner: Brad Knapp & Nadine Murphy, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory building within the front yard of South Muessing Road (not permitted).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued at the request of a registered neighborhood organization from the August 20, 2024, hearing to the September 17, 2024, hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- The subject site is adjacent to industrial developed properties in the I-4 District to the west, and the I-3 District to the north and east. There is a religious use in the SU-1 District to the south.
- Development Standards of the Consolidated Zoning and Subdivision Zoning Ordinance, specifically those relating to accessory building use, are intended to ensure the dwelling remains the primary use of the property. Additionally, limiting the location of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.
- The proposed building location would be located in front of the primary dwelling on site. The subject site has a practical difficulty in locating the garage to the rear of the primary dwelling due to the location of a septic field and a draining swale.
- In Staff's opinion, the request would be consistent with surrounding structures, and would not be out of place, as there are minimal residential uses in the immediate area. The proposed location of the accessory building would still provide adequate space to mitigate any adverse impacts and provide the minimum area necessary for maintenance similar to or greater than adjacent parcel accessory structures. The request would represent a minor deviation from the Ordinance.



- Generally, staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-A / SU-1	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Recommends Rural or Estate Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North: I-3 / I-4	North: Pennsy Trail greenway / Commercial contractor
	South: SU-1	South: Religious use
	East: I-3	East: Biotech laboratory
	West: I-4	West: Building materials supplier
Thoroughfare Plan		
Muessing Road	Local Street	30-foot existing right-of-way and 50-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	Blue Line TOD	
Wellfield Protection Area	No	
Elevations	June 24, 2024	
Landscape Plan	N/A	
Site Plan	June 24, 2024	
Findings of Fact	June 24, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends rural, or estate neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Rural or Estate Neighborhood uses typology which includes both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Blue Line Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

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

2007-ZON-014; 230 South Munsie Street (west of site), requested the rezoning of 36.296 acres, from the D-A District to the I-4-S classification to provide for heavy industrial uses, **approved**.

97-Z-50, 125 South Muessing Road (south of site), requested the rezoning of 7.849 acres, being in the D-A District, to the SU-01 classification to provide for the construction of a church and associated religious uses, **approved**.

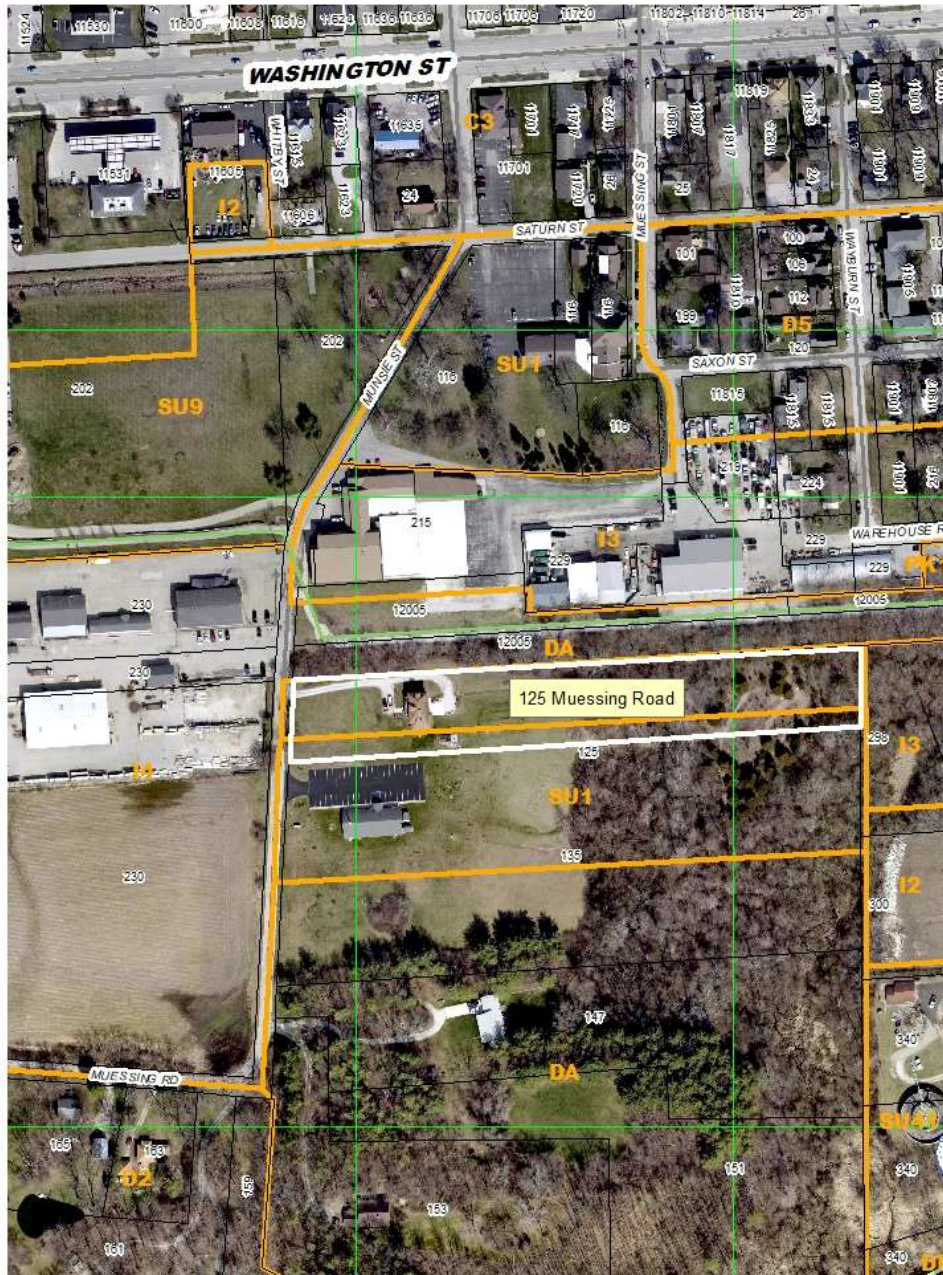
96-V3-76; 155 South Muessing Road (south of site), requested a variance to permit two single-family dwellings with reduced setbacks, **granted**.

87-Z-209; 230 South Muessing Road (north of subject site) requested a rezoning of 17.30 acres, being in the A-2 Agricultural, SU-1 Special Use, C-5 Commercial and I-2-S and I-3-S Industrial Districts to the I-5-S Industrial classification, **approved**.

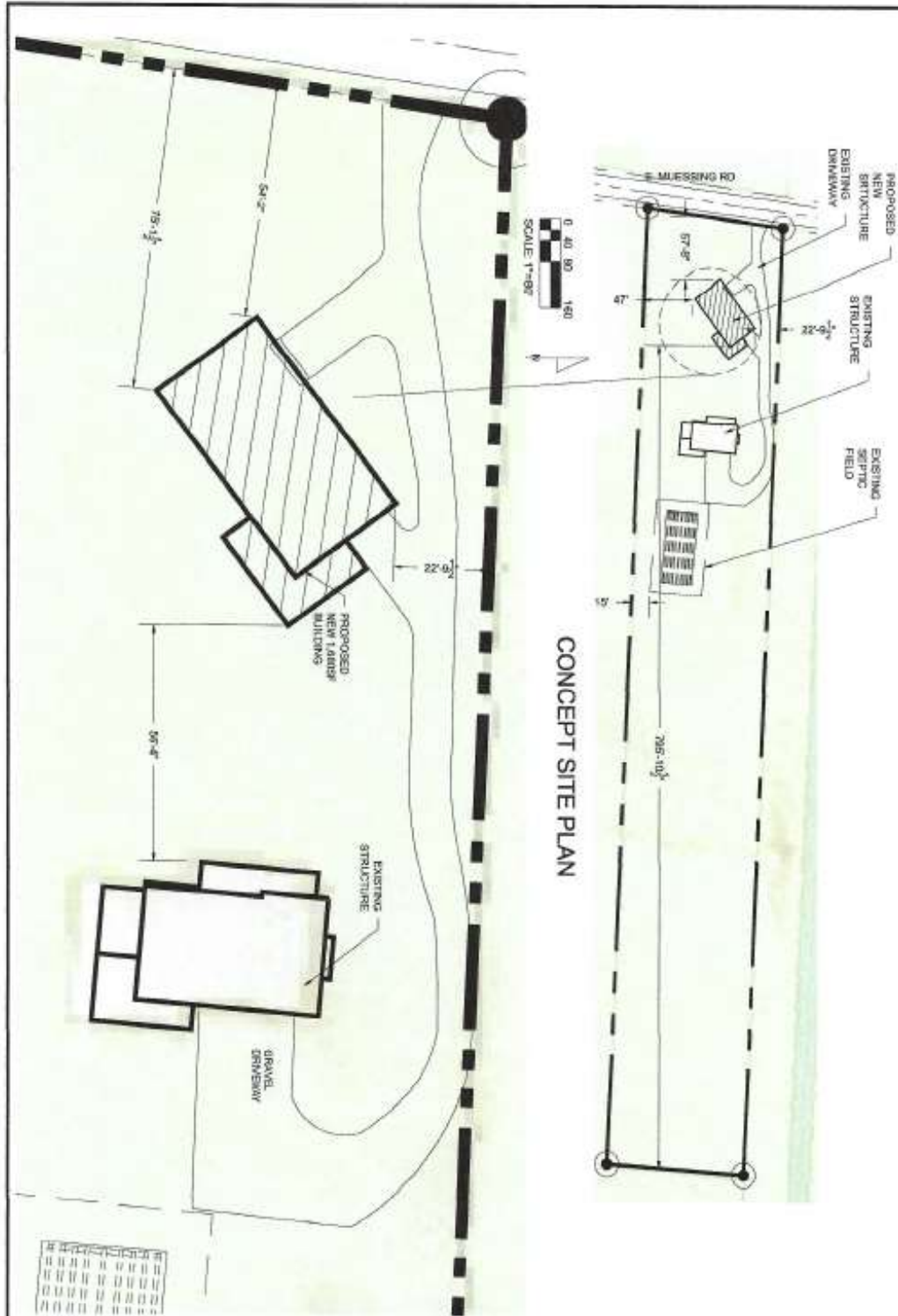
RU

EXHIBITS

Location Map



Site Plan





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 new accessory building will be constructed to match the architectural of the rural developed community and will meet the building code requirements.

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 adjacent development is the Pency Trail and commercial to the north, heavy industrial and outdoor storage to the west, religious use to the south and woods and industrial to the east. The accessory barn will not impact the developed area and will help block the view of the outdoor industrial storage from the front of the residence.

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

The rear and side yards of the existing residence are encumbered by the septic field, excessive slopes and a drainage swale.

DECISION

Photographs



Subject property looking east.



Subject property septic field and drainage swale to the rear of dwelling, looking east.



Proposed location of accessory building in front yard, looking west.



Adjacent religious use to the south.



Adjacent industrial use to the west, looking northwest.



Adjacent industrial use to the north, looking northeast.



BOARD OF ZONING APPEALS DIVISION III

September 17, 2024

Case Number: 2024-DV3-025

Property Address: 2204 and 2220 North Meridian Street (approximate address)

Location: Center Township, Council District #12

Petitioner: M22 Housing LP, by Daniel Hubbard

Current Zoning: MU-2 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a mixed-use building with 32 off-street parking spaces provided (57 required).

Current Land Use: Commercial

Staff Recommendations: Staff recommends approval of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends approval of this petition

PETITION OVERVIEW

- This petition would provide for the construction of a mixed-use building with 32 off-street parking spaces provided (57 required). The site is located within the Regional Center secondary zoning district.
- The subject site is improved with two vacant commercial buildings and associated off-street parking lots. The subject site is also located within the Red Line Transit-Oriented Development overlay and, likewise, is at the same intersection as the Meridian and 22nd Street transit station.
- The request for the variance for reduced off-street parking spaces stems from the location of the subject site, being not only within the TOD overlay, but also along the physical Red Line Meridian Street corridor itself. The petitioner is seeking to meet the intent of the Transit-Oriented Development secondary zoning district which is “to coordinate more compact, walkable and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips”. Given the location



Department of Metropolitan Development
 Division of Planning
 Current Planning

and the intentions of the TOD overlay, Staff believes that the request for a reduction of off-street parking to be appropriate, and finds that the proposal would advance these goals.

- Additionally, Staff finds that the proposal would further the Ordinance’s Livability Principles of providing more transportation choices, promoting equitable and affordable housing, enhancing economic competitiveness, and supporting existing communities. Therefore, Staff does recommend approval of the variance request.

GENERAL INFORMATION

Existing Zoning	MU-2 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Medium-Density Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
	North: SU-2	North: Commercial
	South: MU-2	South: Commercial
	East: C-4	East: Commercial
	West: C-4	West: Commercial
Thoroughfare Plan		
North Meridian Street	Primary Arterial	70 feet of right-of-way existing and 78 feet proposed
East 22 nd Street	Primary Arterial	60 feet of right-of-way existing and 78 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	8/20/24	
Site Plan (Amended)	N/A	
Elevations	9/11/24	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/20/24	



**Findings of Fact
(Amended)** N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line TOD Strategic Plan
- Indy Moves

Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Medium-Density Mixed-Use typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located at the same intersection (East 22nd Street and North Meridian Street) as the Meridian and 22nd Red Line transit station.
- The plan identifies the District Center typology for this transit station, which is categorized by:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
- The proposal meets the recommendations and characteristics of the District Center typology and the TOD goals in general

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)

- The subject site is located directly adjacent to the 22nd Street Cycle Track

ZONING HISTORY

ZONING HISTORY – SITE

2022REG066; Regional Center Approval to provide for updated plans for a transit-oriented mixed-use development, previously approved through 2020-REG-006, to include 115 multi-family dwellings, 2,900 square feet of commercial tenant space, resident amenity space, courtyard, and a 32-space parking garage, plus, a proposed townhome development, with 12, three-bedroom units, a dog park, and a surface parking area with 35 spaces, **approved.**

2020DV1010; Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a sixty-foot tall mixed-use building and a 10-foot north transitional yard (maximum 35-foot height permitted and 15-foot transitional yard required), **approved.**

2020REG006; New MU-2 Development, **approved.**

2019ZON127; Rezoning of 1.43 acres from the C-4 (RC) (W-5) district to the MU-2 (RC) (W-5) district, **approved.**

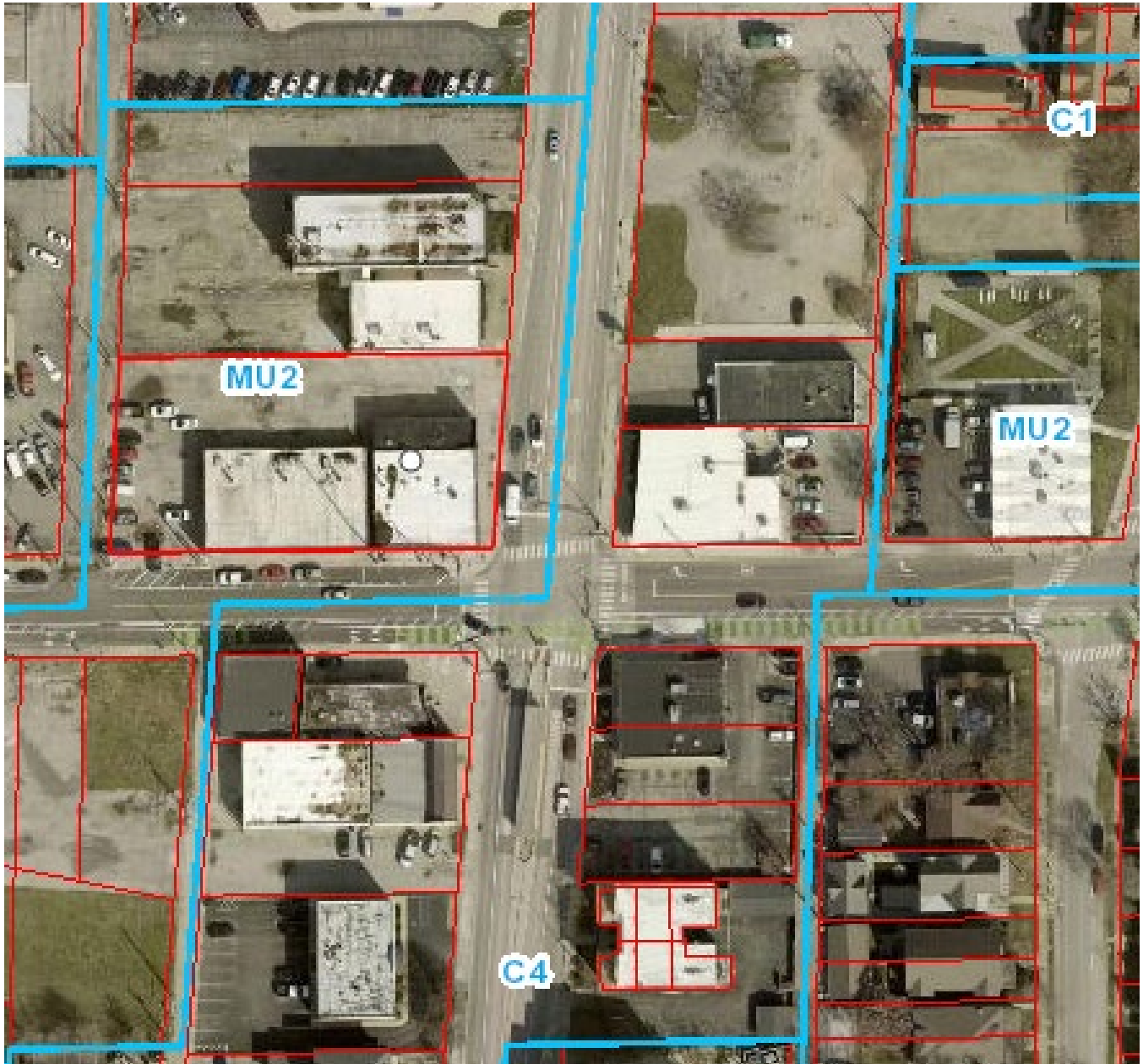
ZONING HISTORY – VICINITY

2021ZON025; 22 E 22nd Street (east of site), Rezoning of 0.524 acre from the D-8 district to the MU-2 district, **approved.**

2019ZON046; 17 W 22nd Street (south of site), Rezoning of 0.731 acre from the C-4 (RC) (W-5) District to the MU-2 (RC) (W-5) classification, **approved.**

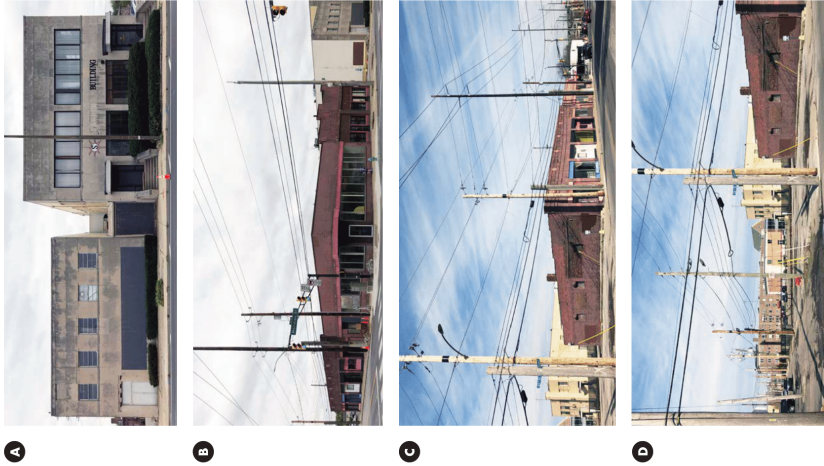
2014CZN806; 2127 N Meridian Street (south of site), Rezoning of 1.03 acres from the C-4 (RC) (W-5) to the C-3C (RC) (W-5) classification to provide for multi-family development, **approved.**

EXHIBITS



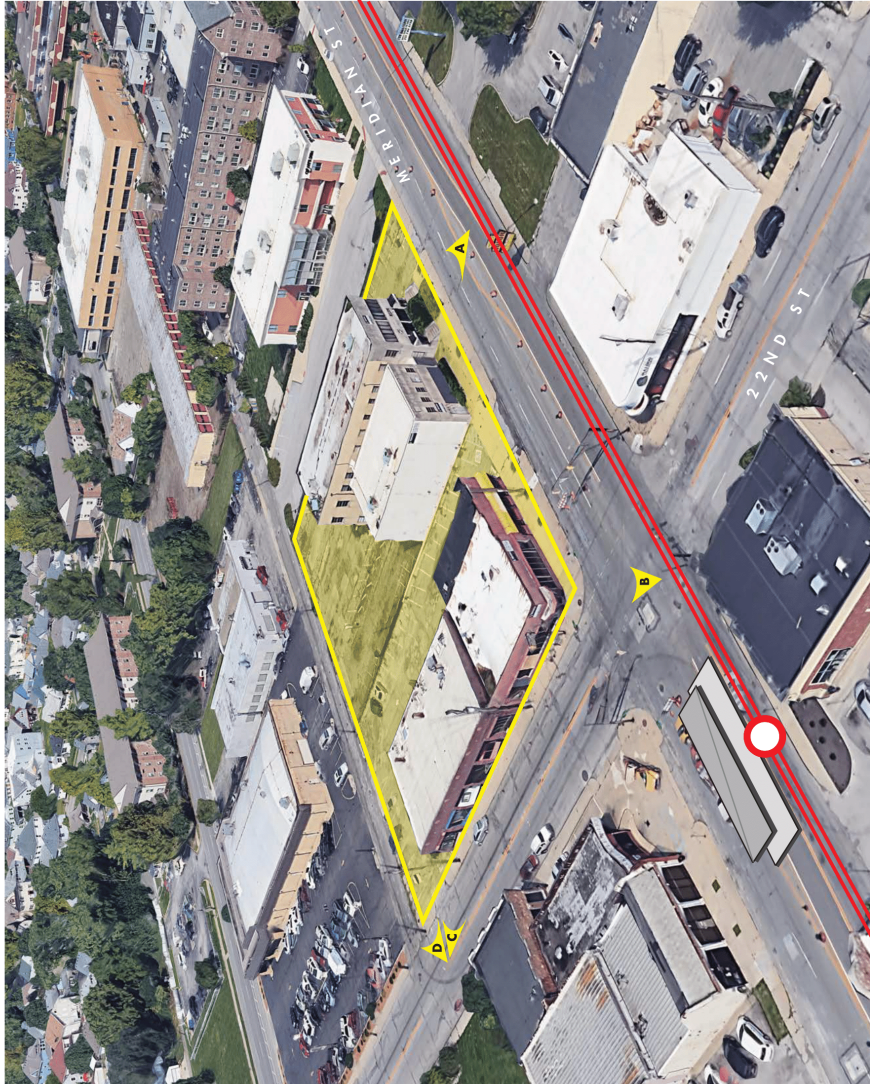
11.29.2022 | CONCEPT DESIGN | PAGE 6

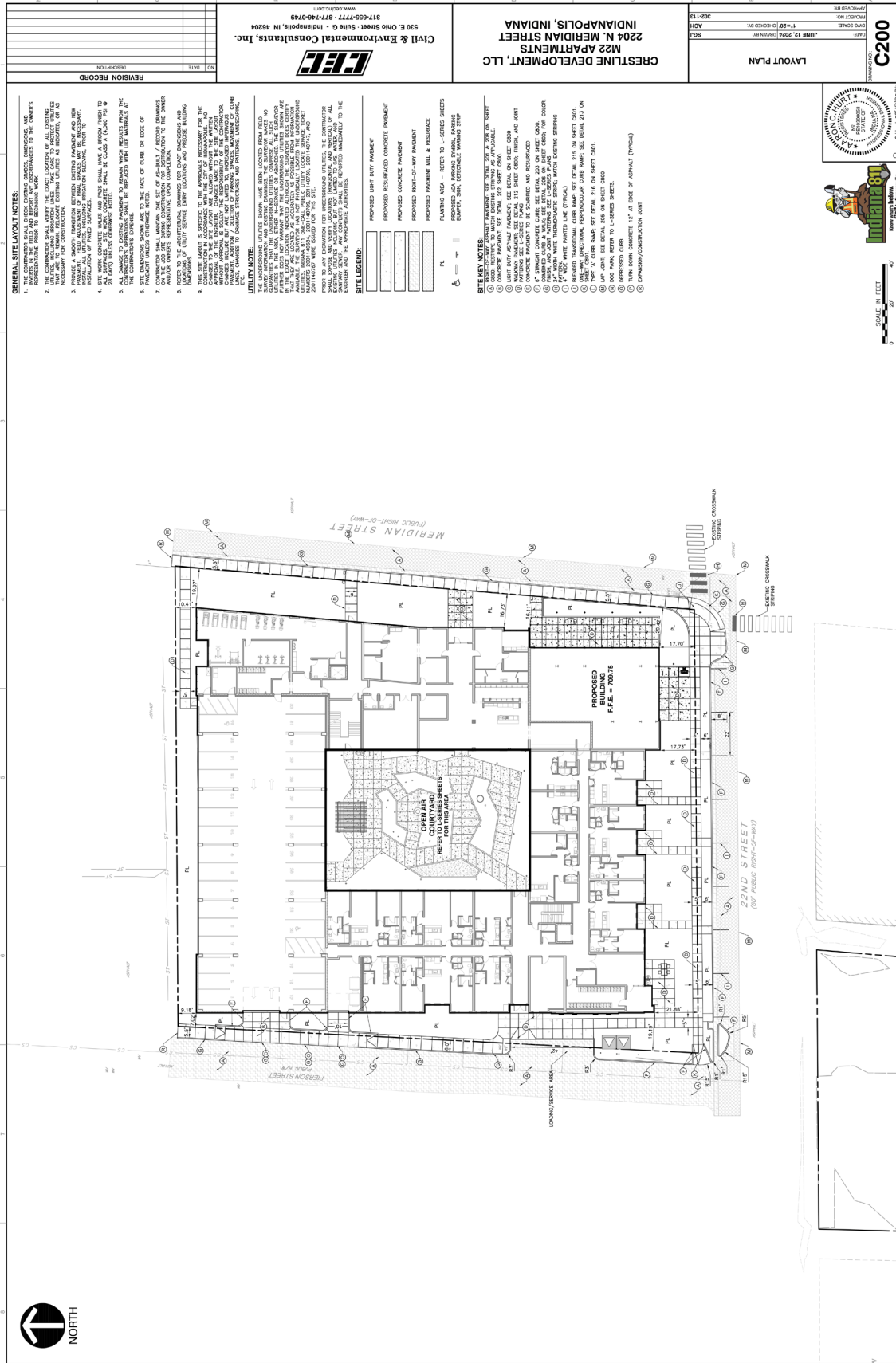
VACANT SITE STRUCTURES



EXISTING CONDITIONS
SITE AERIAL

CRESTLINE M22





GENERAL SITE LAYOUT NOTES:

1. THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS, ENCLOSURES, AND FEES REPRESENTATIVE PRIOR TO BEGINNING WORK.
2. THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS, ENCLOSURES, AND FEES REPRESENTATIVE PRIOR TO BEGINNING WORK.
3. THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS, ENCLOSURES, AND FEES REPRESENTATIVE PRIOR TO BEGINNING WORK.
4. THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS, ENCLOSURES, AND FEES REPRESENTATIVE PRIOR TO BEGINNING WORK.
5. THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS, ENCLOSURES, AND FEES REPRESENTATIVE PRIOR TO BEGINNING WORK.
6. THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS, ENCLOSURES, AND FEES REPRESENTATIVE PRIOR TO BEGINNING WORK.
7. THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS, ENCLOSURES, AND FEES REPRESENTATIVE PRIOR TO BEGINNING WORK.
8. THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS, ENCLOSURES, AND FEES REPRESENTATIVE PRIOR TO BEGINNING WORK.
9. THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS, ENCLOSURES, AND FEES REPRESENTATIVE PRIOR TO BEGINNING WORK.

- UTILITIES:** UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY. UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY. UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY.
- PROPOSED LIGHT DUTY PARKING**
- PROPOSED RESURFACED CONCRETE PAVEMENT**
- PROPOSED CONCRETE PAVEMENT**
- PROPOSED BUILT-UP HOT OIL PAVEMENT**
- PROPOSED PAVEMENT MILL & REFINISH**
- PAVING AREA - REFER TO L-SERIES SHEETS**
- PAVING AREA - REFER TO L-SERIES SHEETS**
- PAVING AREA - REFER TO L-SERIES SHEETS**

SITE LEGEND:

- LIGHT DUTY ASPHALT PAVEMENT, SEE DETAIL 201 ON SHEET C200
- CONCRETE PAVEMENT, SEE DETAIL 202 ON SHEET C200
- BUILT-UP HOT OIL PAVEMENT, SEE DETAIL 203 ON SHEET C200
- PAVEMENT MILL & REFINISH, SEE DETAIL 204 ON SHEET C200
- REPAVING, SEE DETAIL 205 ON SHEET C200
- GRANITE CURB, SEE DETAIL 206 ON SHEET C200
- TRAP, SEE DETAIL 207 ON SHEET C200
- MANHOLE, SEE DETAIL 208 ON SHEET C200
- REINFORCED TRANSITION CURB RAMP, SEE DETAIL 210 ON SHEET C200
- CURB RAMP, SEE DETAIL 211 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 212 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 213 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 214 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 215 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 216 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 217 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 218 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 219 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 220 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 221 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 222 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 223 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 224 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 225 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 226 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 227 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 228 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 229 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 230 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 231 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 232 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 233 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 234 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 235 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 236 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 237 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 238 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 239 ON SHEET C200
- SHEET CURB RAMP, SEE DETAIL 240 ON SHEET C200

NOTE:

- NOTE: ALL DIMENSIONS ARE TO THE FACE UNLESS INDICATED OTHERWISE.
- NOTE: THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS, ENCLOSURES, AND FEES REPRESENTATIVE PRIOR TO BEGINNING WORK.
- NOTE: THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS, ENCLOSURES, AND FEES REPRESENTATIVE PRIOR TO BEGINNING WORK.

REVISION RECORD

NO.	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.
 530 E. Ohio Street, Suite G - Indianapolis, IN 46204
 317-635-7777 FAX: 317-635-0179
 www.civil.com

CRESTLINE DEVELOPMENT, LLC
 2204 N. MERIDIAN STREET
 INDIANAPOLIS, INDIANA

LAYOUT PLAN

DATE: JUNE 12, 2024 (REVISED BY)
 SCALE: 1"=20'
 SHEET: 13 OF 13

C200

PROJECT NO. 2024-13
 SHEET NO. 13 OF 13

INDIANAPOLIS, INDIANA
 PLANNING DEPARTMENT
 DIVISION OF PLANNING

PREPARED BY: [Signature]
 CHECKED BY: [Signature]
 APPROVED BY: [Signature]

DATE: JUNE 12, 2024





ARCHITECT
AMERSON BUILDING LLC
1000 W. 15th Street, Suite 200
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101
www.amersonbuilding.com

CONTRACTOR
AMERSON BUILDING LLC
1000 W. 15th Street, Suite 200
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101
www.amersonbuilding.com

GENERAL ENGINEER
AMERSON BUILDING LLC
1000 W. 15th Street, Suite 200
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101
www.amersonbuilding.com

MECHANICAL ENGINEER
AMERSON BUILDING LLC
1000 W. 15th Street, Suite 200
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101
www.amersonbuilding.com

ELECTRICAL ENGINEER
AMERSON BUILDING LLC
1000 W. 15th Street, Suite 200
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101
www.amersonbuilding.com

PLUMBING ENGINEER
AMERSON BUILDING LLC
1000 W. 15th Street, Suite 200
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101
www.amersonbuilding.com

MECHANICAL ENGINEER
AMERSON BUILDING LLC
1000 W. 15th Street, Suite 200
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101
www.amersonbuilding.com

ELECTRICAL ENGINEER
AMERSON BUILDING LLC
1000 W. 15th Street, Suite 200
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101
www.amersonbuilding.com

PLUMBING ENGINEER
AMERSON BUILDING LLC
1000 W. 15th Street, Suite 200
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101
www.amersonbuilding.com

MECHANICAL ENGINEER
AMERSON BUILDING LLC
1000 W. 15th Street, Suite 200
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101
www.amersonbuilding.com

ELECTRICAL ENGINEER
AMERSON BUILDING LLC
1000 W. 15th Street, Suite 200
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101
www.amersonbuilding.com

PLUMBING ENGINEER
AMERSON BUILDING LLC
1000 W. 15th Street, Suite 200
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101
www.amersonbuilding.com

LEGEND - LAYOUT & MATERIALS

- Concrete Framework
- ▨ Specialty Finish Concrete Framework
- ⊕ Exterior Gate Table & Chain (By owner or request)
- Planter
- ⊙ Letter and Recycling Bin (By owner or request)
- Path Light

NOTES - LAYOUT AND MATERIALS

1. Contractor responsible for field layout of all new improvements.
2. Digital files of generic information will be provided upon request in order to facilitate coordination with other trades.
3. Contractor to coordinate with other trades to ensure proper sequencing of all work by Owner. Representative prior to construction. No work to be performed until approved by Owner. Representative prior to construction.
4. Contractor responsible to maintain all layout stakes during construction.
5. Contractor to provide layout stakes every 10 feet minimum for large areas.
6. Contractor responsible to take delivery, assemble and install all materials and furnishings per manufacturer's instructions and notes.
7. Place control and expansion joints as shown on plans and details for concrete. Joints shall be a maximum of 20 feet on center. Joints shall not show. Place control joints a maximum of 20 feet on center. Joints shall be a maximum of 20 feet on center, and between all separate pours.

M22 PARKING REQUIREMENTS

Mixed-Use Building
 75% of the total floor area shall be used for residential use.
 87 parking spaces required
 87 parking spaces required

30% TOD Overlay District Regulation, Chapter 744, Section 3, Paragraph D.1
 61 parking spaces required
 61 parking spaces required

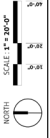
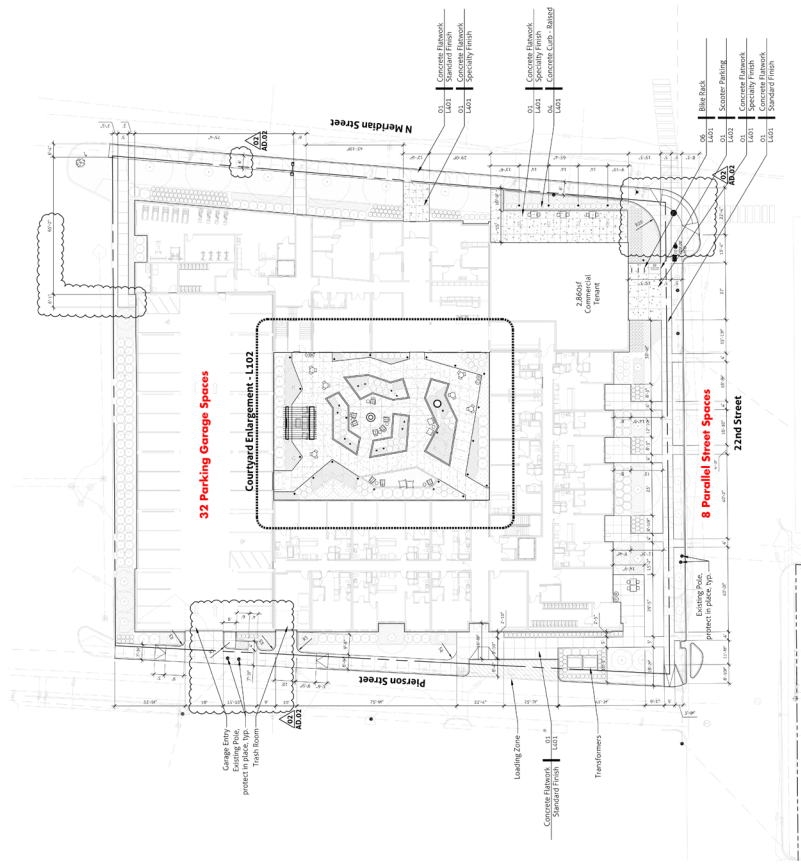
2.848 SF of 1st Floor Retail Space / 744-4021
 9 parking spaces required
 9 parking spaces required

30% TOD Overlay District Regulation, Chapter 744, Section 3, Paragraph D.1
 7 Retail parking spaces required
 7 Retail parking spaces required

Shared Parking Regulation, Section 1.2, for multi-family and retail
 01 + 7 = 08 / 1,2 = 57 parking spaces required

40 Parking spaces provided between the parking garage and street parking along 22nd Street

Total combined parking required: 57
Total combined parking provided: 40



1101
SITE LAYOUT AND MATERIALS PLAN - MIXED USE
M22
MACHONICK & ASSOCIATES
2204 N. BERENSON STREET
DENVER, CO 80208
06/17/2024
PRINT SET



11.29.2022 | CONCEPT DESIGN | PAGE 13

MATERIAL PALETTE



BRICK
FULL RANGE WIRECUT



BRICK
FULL RANGE WIRECUT
MERIDIAN DOMINO
DARK COLORED MORTAR



FIBER CEMENT PANEL
RAIN SCREEN OVER WRB



PERFORATED METAL
VENTILATION FOR GARAGE
PRE-FINISHED



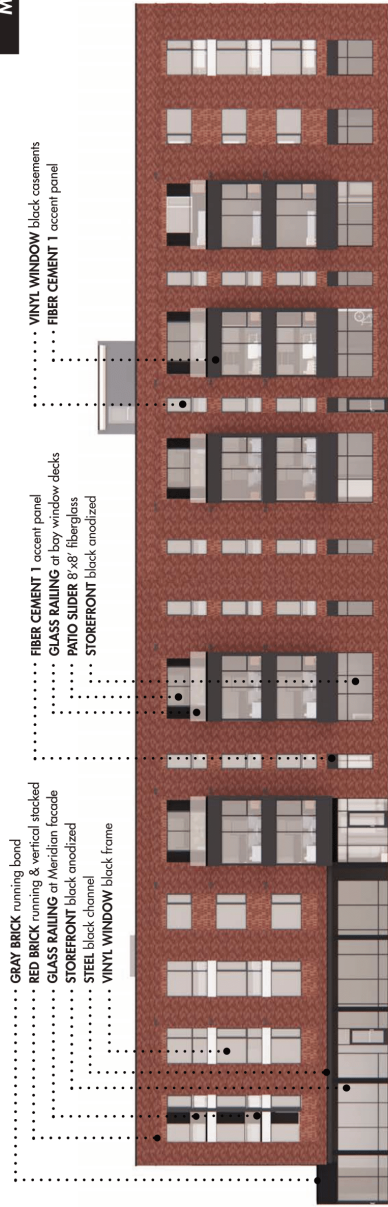
CAST CONCRETE
PODIUM CONSTRUCTION



GLAZING TRIM
BLACK ANOD. ALUM. STOREFRONT

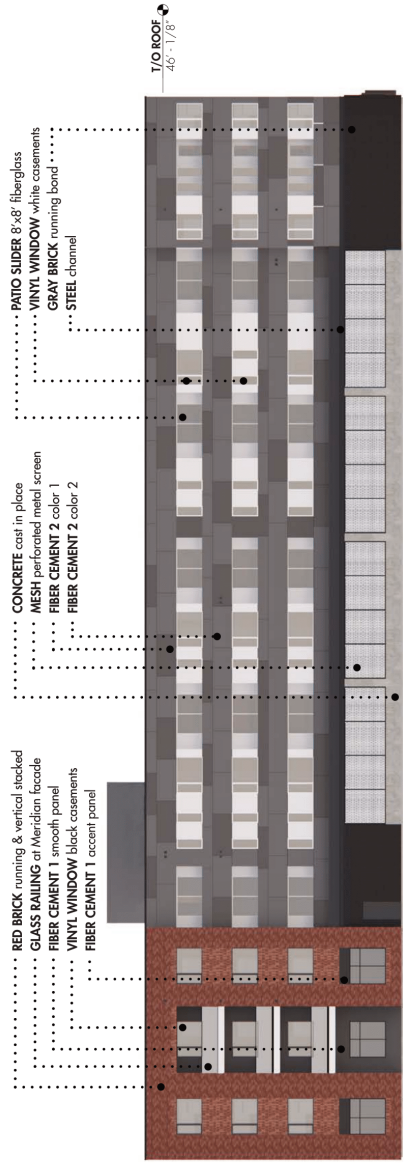
EXTERIOR ELEVATIONS
BLDG 1 - EAST & NORTH

CRESTLINE M22



EAST ELEVATION

- GRAY BRICK running bond
- RED BRICK running & vertical stacked
- GLASS RAILING at Meridian facade
- STOREFRONT black anodized
- STEEL black channel
- VINYL WINDOW black frame
- FIBER CEMENT 1 accent panel
- PATIO SLIDER at bay window decks
- PATIO SLIDER 8'x8' fiberglass
- STOREFRONT black anodized
- VINYL WINDOW block casements
- FIBER CEMENT 1 accent panel



NORTH ELEVATION
scale: 1" = 20' - 0"

- RED BRICK running & vertical stacked
- GLASS RAILING at Meridian facade
- FIBER CEMENT 1 smooth panel
- VINYL WINDOW block casements
- FIBER CEMENT 1 accent panel
- CONCRETE cast in place
- MESH perforated metal screen
- FIBER CEMENT 2 color 1
- FIBER CEMENT 2 color 2
- PATIO SLIDER 8'x8' fiberglass
- VINYL WINDOW white casements
- GRAY BRICK running bond
- STEEL channel

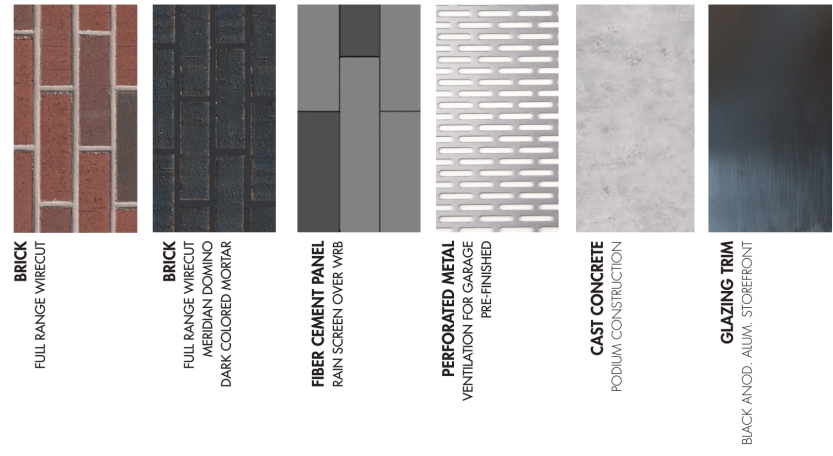
T/O ROOF
46' - 11/8"

Department of Metropolitan Development
 Division of Planning
 Current Planning



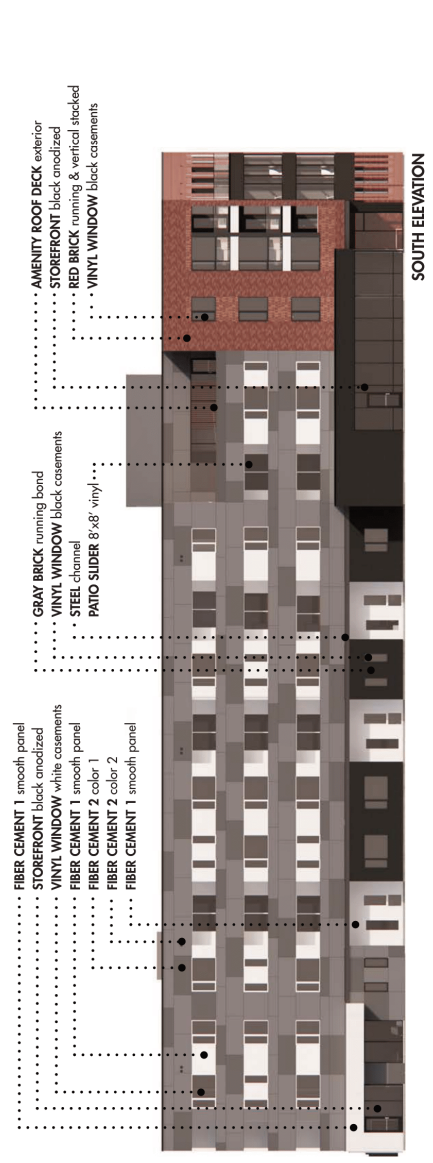
11.29.2022 | CONCEPT DESIGN | PAGE 14

MATERIAL PALETTE

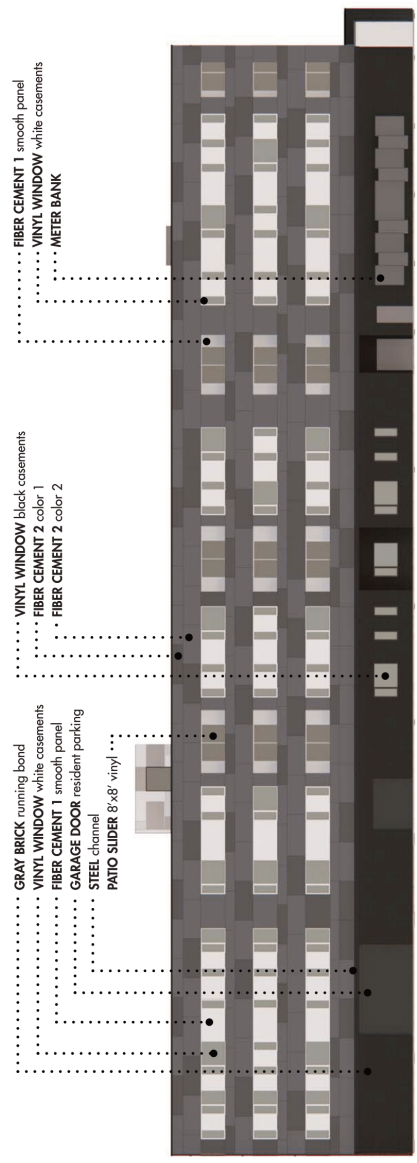


EXTERIOR ELEVATIONS
 BIDG 1 - SOUTH & WEST

CRESTLINE M22



SOUTH ELEVATION



WEST ELEVATION
 scale: 1" = 20' - 0"











BOARD OF ZONING APPEALS DIVISION III

September 17, 2024

Case Number: 2024-UV3-011
Address: 7941 East 30th Street (approximate address)
Location: Warren Township, Council District #9
Zoning: C-3
Petitioner: SARBKAM 2 LLC, by Thomas Pottschmidt
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a liquor store (not permitted).

Current Land Use: Commercial retail center

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued at the request of a registered neighborhood organization from the August 20, 2024, hearing, to the September 17, 2024, hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The requested variance of use would provide for a liquor store within the existing commercial building. Liquor stores are permitted in the C-4, C-5, C-7, MU-2, and the CBD Districts. As this site is zoned C-3, the petitioner is required to seek a use variance for the proposed use.
- ◇ The use is also required to have a 100-foot separation in any direction from any protected district, which it does at this location.
- ◇ This tenant bay location was previously occupied by a bar with a three-way liquor license. The three-way license permitted retail carry out sales in conjunction with the bars liquor license. That bar closed in 2022.
- ◇ The surrounding businesses are permitted in the C-4 or greater zoning districts. Therefore, the proposed request would be similar in intensity and would not have a negative impact on their operations.
- ◇ The closest protected district is located approximately 275 feet to the northwest, greater than the 100 feet required separation. It is visually obstructed by brush vegetation and privacy fencing, and is also buffered by an adjoining commercial use.



- ◇ In Staff’s opinion, the request is consistent with the existing surrounding commercial and light industrial uses and would represent a minor deviation from the Ordinance.
- ◇ Generally, staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial retail center	
Comprehensive Plan	Recommends Light Industrial uses	
Surrounding Context	Zoning	Surrounding Context
	North:	C-4 Convenience store with gas station
	South:	I-3 Railroad tracks / Warehouse
	East:	C-3 Garden Center with variance
	West:	I-3 Warehouse
Thoroughfare Plan		
East 30 th Street	Primary Arterial	100-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan	May 29, 2024	
Findings of Fact	September 11, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends light industrial uses for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Light Industrial typology 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-UV1-25; 8005 East 30th Street (east of site), requested a variance of use to provide for an addition for an existing garden center, originally approved by petitions 83-UV1-46A and 86-UV1-124, **granted**.

86-UV1-124; 8005 East 30th Street (east of site), requests a variance of use of the Commercial Zoning Ordinance to provide for the construction of a greenhouse to be used for an existing retail garden center, **approved**.

83-UV1-46A; 8005 East 30th Street (east of site), requests a variance of use to permit a retail garden center with outdoor display of plant materials, statuary, and garden materials, **approved**.

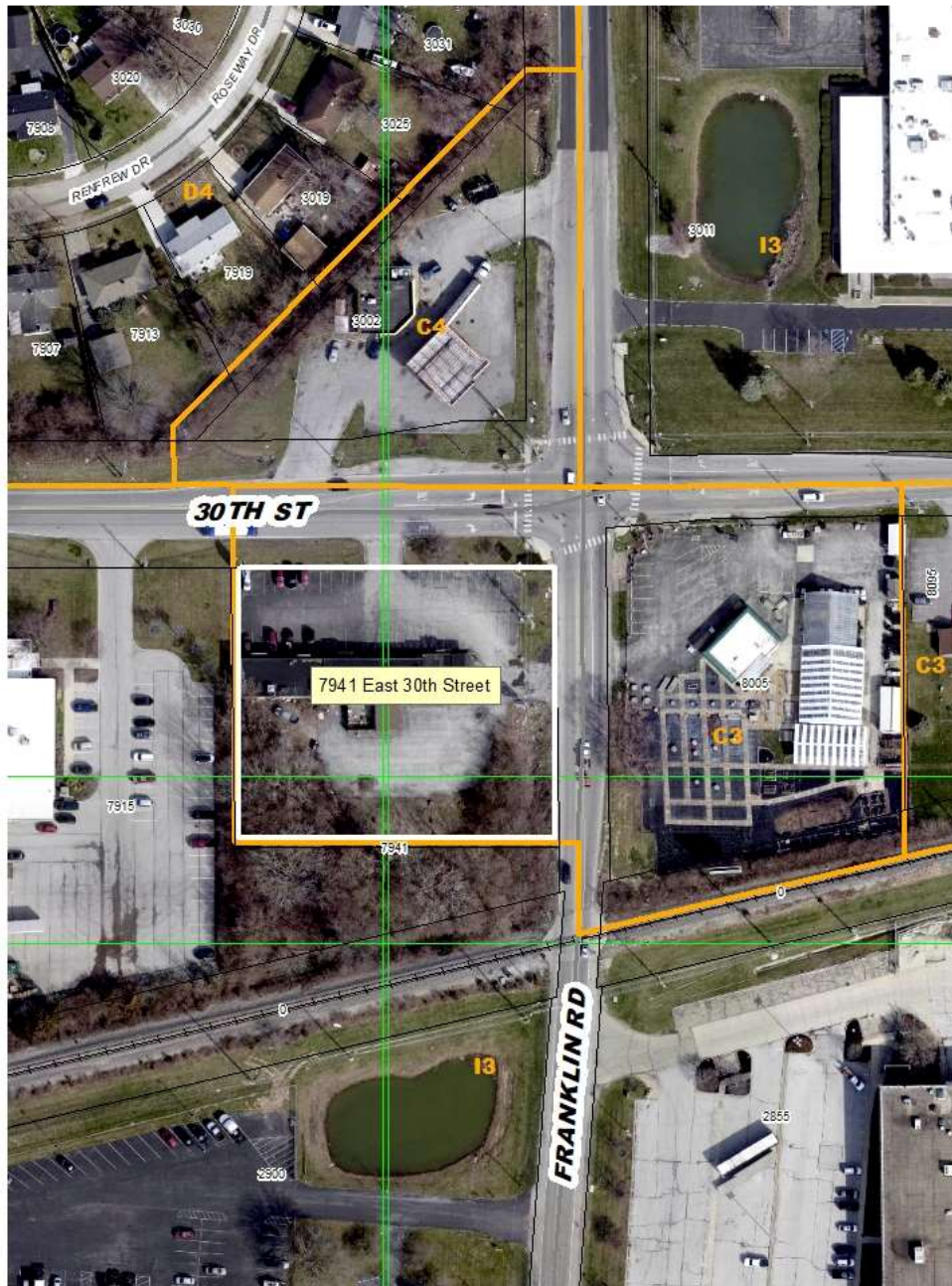
80-V3-117; 3002 North Franklin Road (north of site), requests a variance of development standards to permit the erection of an addition to existing abandon service station, with 10-foot setback, to be used as a dairy center, **approved**.

71-Z-212; 7941 East 30th Street (subject site), requested the rezoning of 1.50 acres being in the I-3 District to the C-3 classification to provide for retail and service additions to existing restaurant–lounge, **approved**.

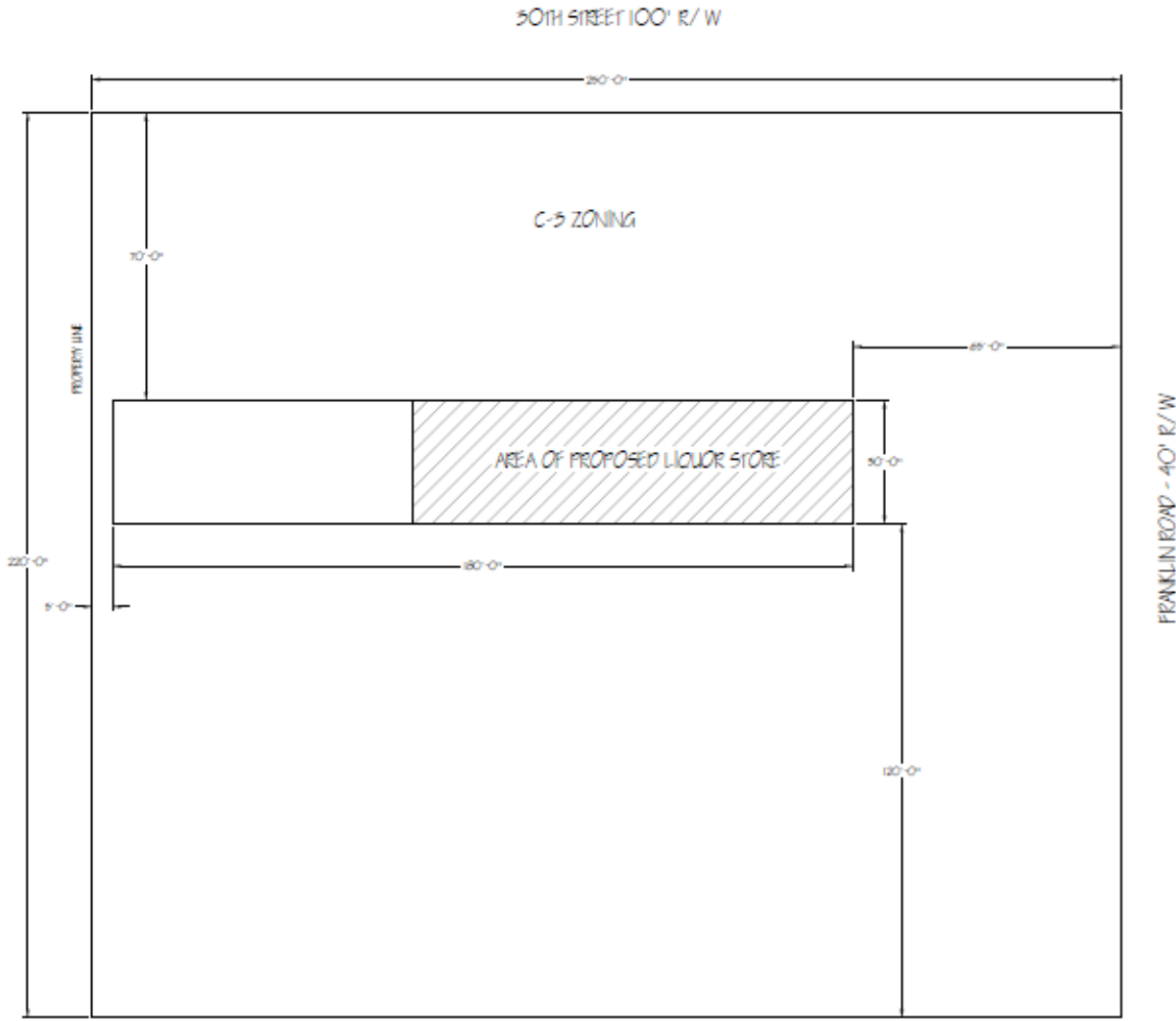
RU

EXHIBITS

Location Map



Site Plan





Plan of Operation

7941 E 30th Street Liquor Store (proposed)

Indianapolis, IN 46219

Workforce:

There will be 1-3 employees in the store depending on when shipments come in and during busier hours. They will always be on-site and will be using their own transportation and will park in the parking lot adjacent to the building. There are no plans for security.

Clients & Customers:

Customers will come from all types of backgrounds and will come to the store through various means of transportation, including personal vehicles, taxis, Uber rides, Lyft rides, and walking to the store. If they take their own transportation, they will park in the parking lot adjacent to the building.

Processes Conducted on Site:

The process would be for shipments to be received, inventoried, and either placed in storage or in the store area. There will be bullet-proof glass installed for the cashier(s) and a locked door on any access to the cashier area from public areas.

Materials Used:

Boxes will be used for shipment of the product and will be recycled. No hazardous materials will be on the premises.

Shipping and Receiving:

Trucks will bring the product in and two-wheel, hand trucks will be used to move the product from the truck into the store. Shipments will be made during daylight hours and the frequency will depend on the volume of sales.

Waste:

As mentioned, cardboard boxes will be used by employees to haul the product when it is received, and they will be placed in the on-site recycle bin when they are no longer required. There will be no hazardous waste generated and other trash will be in small amounts.



Findings of Fact

Petition Number 2024-UV3-011

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

It would actually reduce the number of parking spaces as customers will be only there to purchase their product and then leave. This is in lieu of going to a bar and grill and being there for potentially hours. Plus, there will be no consumption of alcoholic beverages on the premises which will lower the risk of inappropriate behavior.

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

It is the owner's opinion that a liquor store will actually be less of an impact to the area than a bar and grill. The owner's plan on remodeling the interior and exterior of the building along with landscaping to make it more aesthetically pleasing

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

This property is zoned C-3 which does not allow for a liquor store. Although there were packaged liquor sales that occurred when this was a bar, the owner believes that a strict adherence of zoning is required and thus the variance.

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

A liquor store will be a much more viable alternative to this property than what a bar and grill would be. It will be retail which would better match the other uses of the building which consists of a barber shop and a dry cleaners.

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

Other properties in the area consist of retail and thus turning this into retail would better match what is in the area. Therefore, it not only does not interfere with the comprehensive plan it fits in more reasonably.

DECISION

Photographs



Subject property looking southwest.



Subject property, tenant bay location, looking southeast



Adjacent property to the east.



Adjacent property to the north.



Adjacent industrial property to the west.



Adjacent industrial property to the south, looking west.



BOARD OF ZONING APPEALS DIVISION III **September 17th, 2024**

Case Number: 2024-UV3-013

Property Address: 5640 East 28th Street

Location: Lawrence Township, Council District #9

Petitioner: New Direction Church, by Marita Gordon

Current Zoning: SU-1 (TOD)

Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a beauty, barber, and body care vocational uses (not permitted).

Current Land Use: Religious Use

Staff Recommendations: Staff recommends **approval** of this variance request.

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this variance request.

PETITION OVERVIEW

- This petition would provide for the operation of a vocation school with classes in cosmetology, barbering, esthetics, manicurists, and educator training within the, soon to be renovated, New Direction Church.
- The Fuqua Institute of Beauty Culture will be a program within the church to assist aspiring professionals in the beauty and barbering industry learn the trade and then present student a license to practice in the state of Indiana.
- This vocational school will operate 8:00 am to 8:00 pm Monday, Tuesday and Thursday. Then be open Wednesday 8:00 am to 6:00pm, Friday 8:00 am to 5:00pm, and finally Saturday 8:00 to 4:00 pm. Providing use within the church on days where there typically are not services. In total there will be five employees, forty students, and the school will be open to the public to be clients for the school.



**Department of Metropolitan Development
Division of Planning
Current Planning**

- The parking lot at this property provides ample space for the church, vocational school, clients and other surrounding uses. This location also provides a separation from the surrounding residential area so each should not be affected by the other in terms of noise and parking.
- Given this information and the fact that this will be a positive resource for this area and conforms with the comprehensive plan, staff recommends **approval** of this request.

GENERAL INFORMATION

Existing Zoning	SU-1 (TOD)	
Existing Land Use	Religious Use	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
	North: D-10	North: Suburban Neighborhood
	South: C-1	South: Community Commercial
	East: D-5	East: Community Commercial
	West: D-5	West: Suburban Neighborhood
Thoroughfare Plan		
Lesley Avenue	Local Street	50ft right-of-way existing and 48ft right-of-way proposed.
Audubon Road	Local Street	50ft right-of-way existing and 48ft right-of-way proposed.
38 th Street	Primary Arterial	75ft right-of-way existing and 88ft right-of-way proposed.
38 th Street NDR	Local Street	50ft right-of-way existing and 48ft right-of-way proposed.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	Yes	
Site Plan	08/30/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/20/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Pattern Book
- Red Line TOD Strategic Plan
- Purple Line TOD Strategic Plan
- Indy Moves

Pattern Book / Land Use Plan

- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces. (Pattern Book pg 20)
- Small-Scale Schools, Places of Worship, Neighborhood Serving Institutions/Infrastructure, and Other Places of Assembly. If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided. Schools should not be within 1000 feet of a highway, freeway, or expressway (pg 80).

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Red Line TOD Strategic Plan
 - The Purple Line and Red Line share the stations between the Carson Transit Center and 38th and Park (pg).
 - Stations in the Central Business District had the strongest market strength scores while station at Virginia and New Jersey and Meridian and 34th and 38th Street had high TOD readiness scores (pg. 6).
 - RED LINE SEGMENT 1: The Red Line has the strongest TOD potential in the Central Business District. The strongest scoring station in the analysis was at the Carson Transit Center. Red Line buses will share the stations in this section with Purple Line vehicles. Carson Transit Center - 38th St. and Park Ave (pg 7).
 - RED LINE SEGMENT 2: Stations at 54th Street, 52nd Street, and Broad Ripple Avenue scored were the highest scoring stations in this segment. These stations have grid-style housing surrounding them with walkscores as high as the Central Business District. These stations have neighborhood-style development immediately adjacent to the station. 38th St. and Park - College and 91st (pg 7).
- Purple Line TOD Strategic Plan



**Department of Metropolitan Development
Division of Planning
Current Planning**

- This corridor has a strong market for TOD with significant potential for public investment leverage because of the market strength and TOD readiness for many stations. Additionally, the Purple Line will share route alignment and stations with the Red line from the downtown to 38th Street. These shared stations are prime locations for TOD because riders from 2 of 3 BRT routes may reach them. The longest stretch of strong TOD potential occurs from the Central Business District to 38th and Meridian. Catalyze + Connect areas that are best positioned for public investment include Capitol and 18th, near 28th and Keystone, and the eastern end of 28th Street. (pg 5)
- The far east side along 38th street just south of Lawrence has several consecutive stations ripe for catalytic projects to grab the attention of private investors. Existing commercial development surrounds the 38th and Post Station (pg 5).
- The neighborhood has a good mix of existing commercial development and housing options. There are a number of government and community services located on 38th Street between Keystone and Sherman as well as a school. This area has land available for further development but required some projects that inspire further private investment (pg 5).
- The TOD Potential analysis revealed the stations with the strongest TOD potential were located near the Central Business District. Outside of the downtown, station along meridian Street, on the eastern and western end of 38th Street and near Lawrence were high scorers outside of the Central Business District (pg 7).
- PURPLE LINE SEGMENT 1 The Purple Line has the strongest TOD potential in the Central Business District and at stations along Meridian Street. The strongest scoring station was at Capitol and Vermont. Purple Line buses will share these stations with Red Line vehicles, which started operational service in September of 2019. Carson Transit Center - 38th St. and Park Ave (pg 7).
- PURPLE LINE SEGMENT 2 There is only one station in this segment at the Indiana State Fairgrounds on 38th Street. This station was low-scoring potentially due to the quantity of land area taken up by the fairgrounds negatively affecting population density, intersections per square mile, and other variables. However, the fairgrounds as a major trip generator did help boost the score. Additionally, Fall Creek and the area around it serves as a large physical barrier that also reduces the amount of land available for development within a half mile of the station. State Fairgrounds/38th St. and Coliseum Ave (pg 7).
- PURPLE LINE SEGMENT 3 The stations at 38th and Keystone and 38th and Meadows were the highest-scoring stations in this segment. The NMTC eligibility, percentage of land in TIF, and residential vacancy rate were the major factors contributing to the higher scores of these stations. Overall, this segment had the lowest scoring station in the analysis at 38th and Arlington. 38th St. and Orchard Ave. - 38th St. and Arlington Ave (pg 7).
- PURPLE LINE SEGMENT 4 This segment scored on the lower end of the analysis. However, the station at 38th and Post had one of the highest scores outside of the downtown and Meridian St. corridor. This station scored very well for TOD in residential vacancy rate, NMTC eligibility, sidewalk ratio, and population density. Stations in this segment tended to have more variables that were not favorable for TOD but also not discouraging of it. 38th St. and Shadeland - 38th and Post Rd (pg 7).
- Existing conditions: 38th Street itself is a very busy arterial throughfare with a large amount of crosstown traffic. It has been upgraded with a planted median and decorative lights and crosswalks (pg P1).

Neighborhood / Area Specific Plan



Department of Metropolitan Development
Division of Planning
Current Planning

- 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)

- Indy Moves Final Plan: Project List (Appendix D, pg 6)
 - Nickel Plate Trail
 - The objective of the Nickel Plate Trail is to maximize the usability of a retired railroad line and improving connectivity to other nearby walking and bicycling facilities. Within Marion County, the Nickel Plate Trail will connect to the Monon via 42nd street, enabling Nickel Plate Trail users travelling south to benefit from the Monon's upcoming multi-use trail bridge over 38th Street.
 - Post Road Multi-Use Path (Phase 1)
 - Phase 1 of the Post Road multi-use path will provide a safe means of access for people walking and bicycling to and from Fort Benjamin Harrison State Park, commercial development along Pendleton Pike and 38th Streets, and residential areas currently underserved by pedestrian and bicycle facilities.
 - Post Road Multi-Use Path (Phase 2)
 - Phase 2 of the Post Road multi-use path will provide a safe means of access for multi-modal users between the Pennsy Trail near Irvington, commercial development along Washington, 21st, and 38th Streets, and residential areas currently underserved by pedestrian and bicycle facilities.



ZONING HISTORY

ZONING HISTORY – SITE

- **2023-UV3-014**
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of up to 50 multi-family dwelling units and independently operated social services (not permitted). **Approved.**
- **2013-UV2-010**
 - Variance of use of the Dwelling Districts Zoning Ordinance to provide for outdoor seating (not permitted) for a restaurant approved by 69-V2-154. **Approved.**
- **2003-UV3-016**
 - Advertising sign with EVMS. **D.**
- **2000-uv2-026**
 - Retail Sale of Church Supplies. **AP.**

ZONING HISTORY – SURROUNDING AREA

- **2004-UV2-019 – 3950 Lesley Ave**
 - Legally Establish a child day care. **AP.**

EXHIBITS

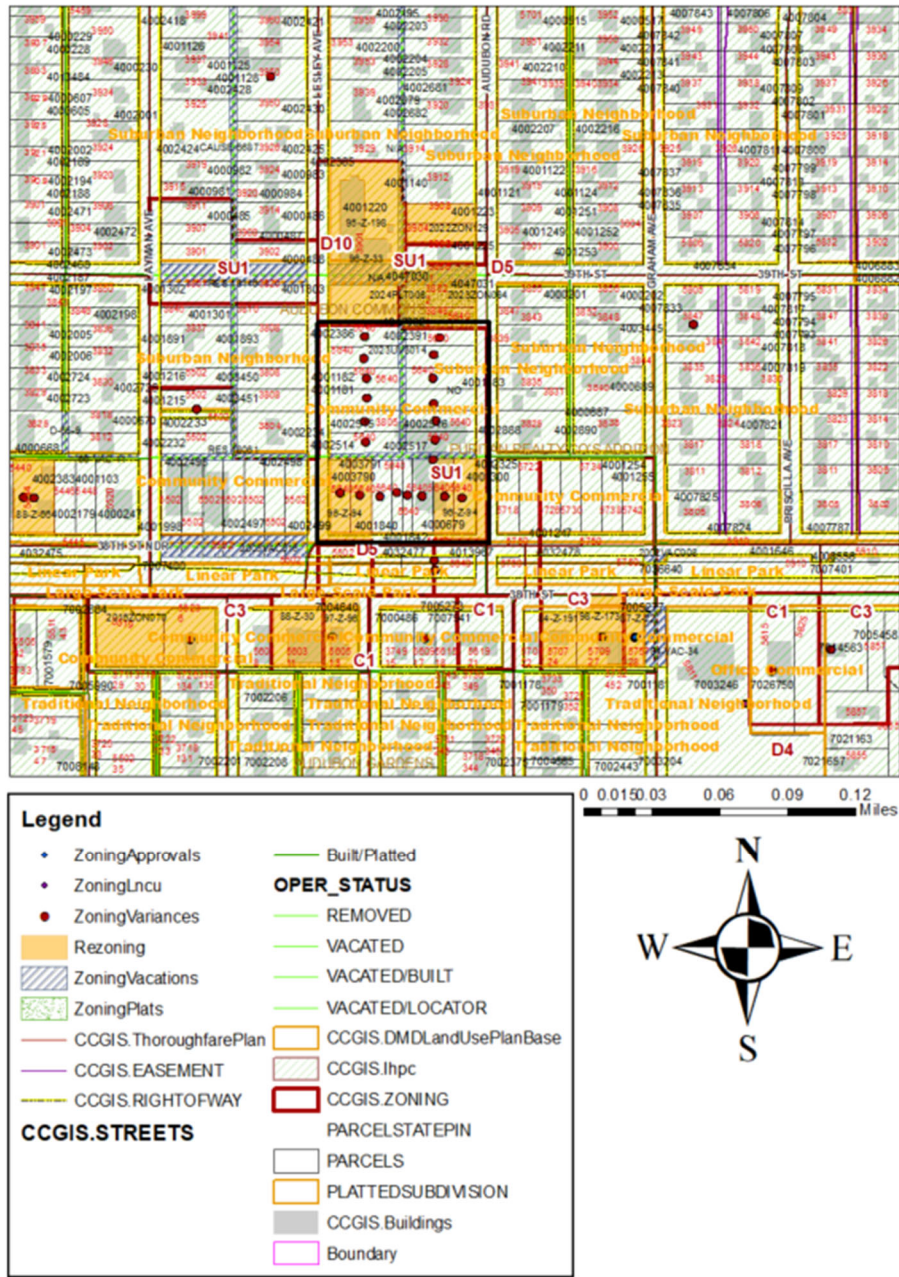
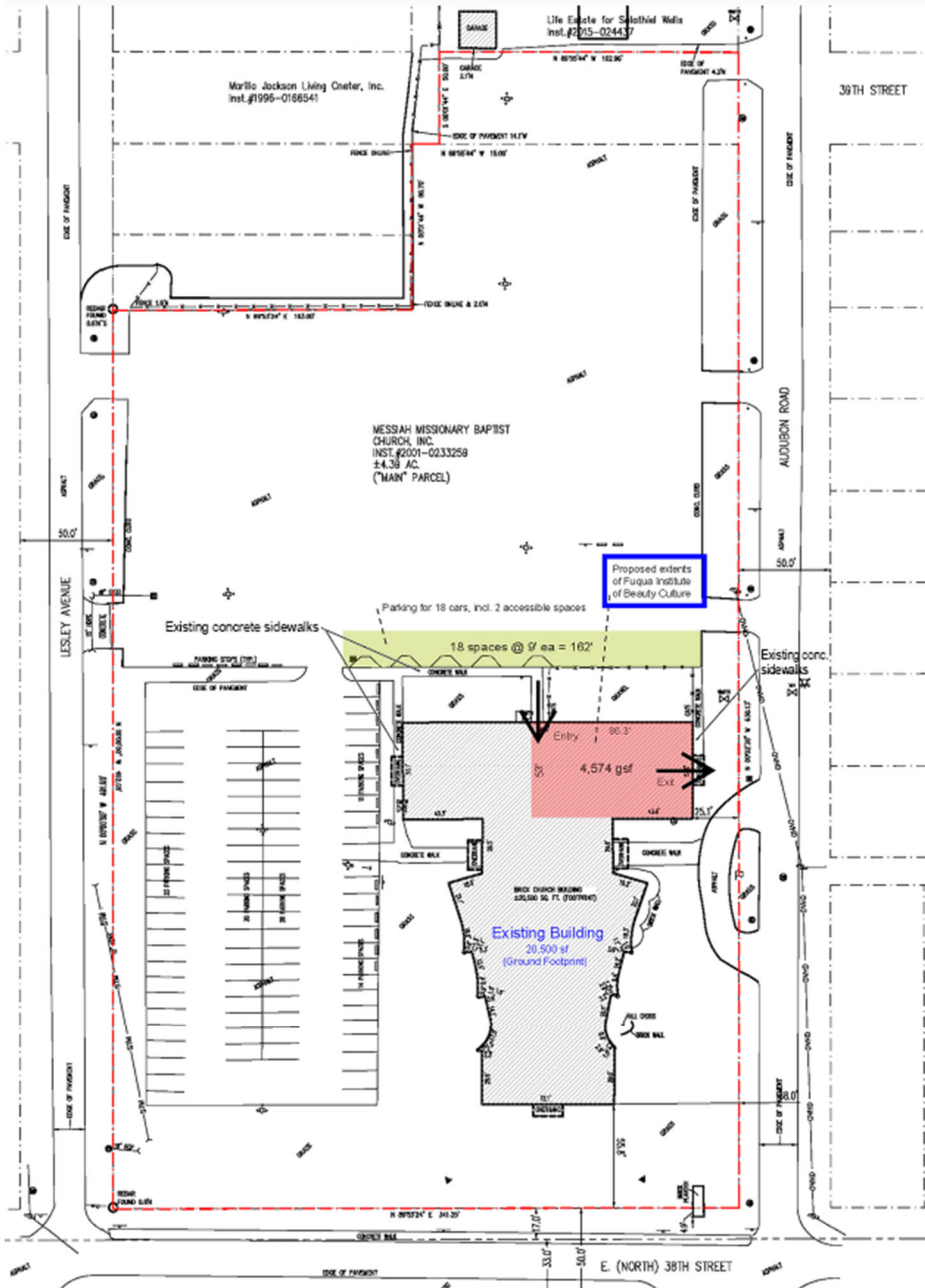


Exhibit 1: Area map surround 5640 E 38th Street.



SITE PLAN

Scale: 1" = 40'-0"



FUQUA INSTITUTE OF BEAUTY CULTURE

5640 East 38th Street
Indianapolis, IN 46218

PROJECT LOCATED IN:
Section 15 - Township 16 North
- Range 04 East

Marion County, Indiana

VICINITY MAP - NOT TO SCALE



Exhibit 2: Site Plan for 5640 E 38th Street.

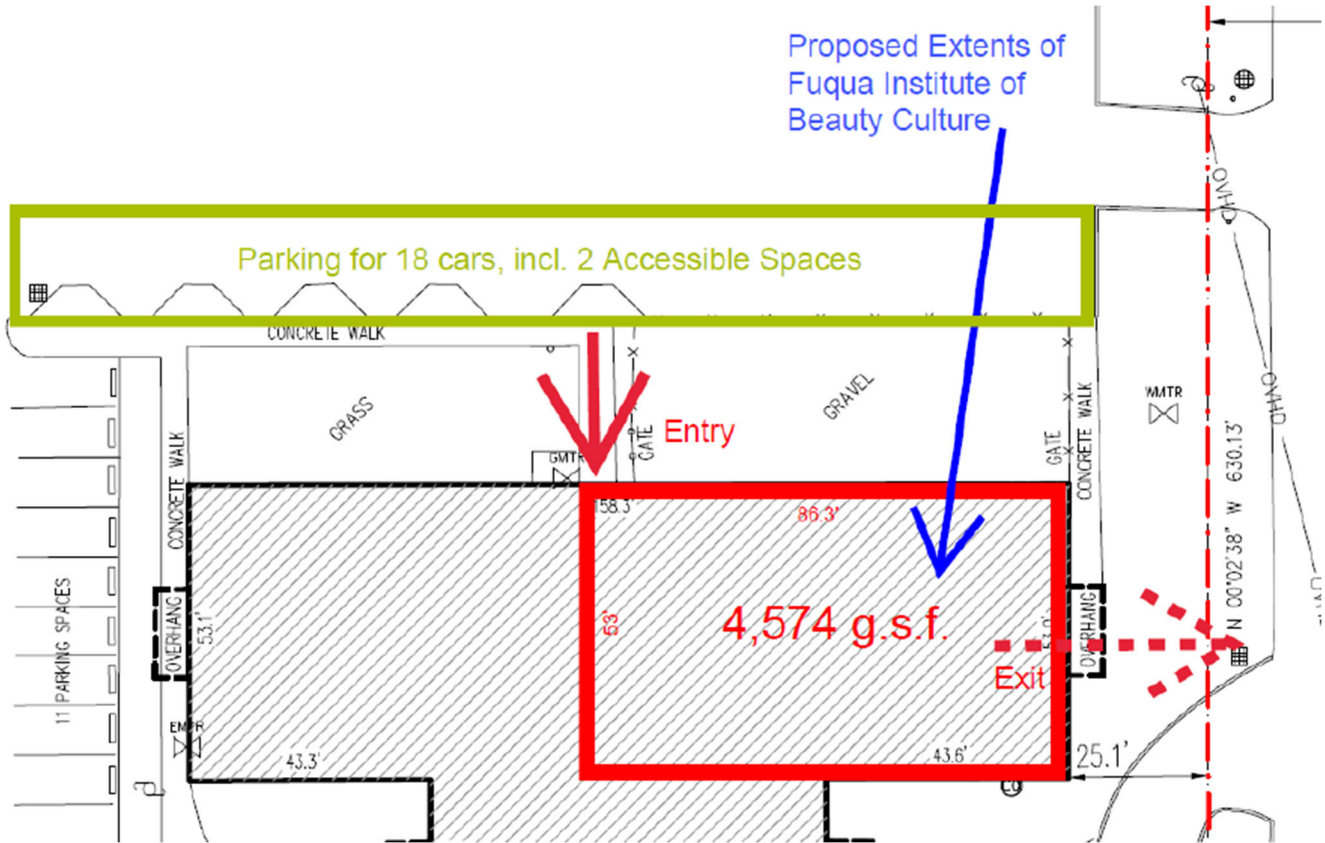


Exhibit 3: Zoomed in site plan for vocational school inside 5640 E 38th Street.



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]
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:

Petitioner's will be an asset to the community and surrounding area offering a state approved vocational training program in cosmetology, barber, esthetics, manicurists, and educator training.

After completion students will qualify to take the state exam. All state requirements will be followed to ensure no risk to the public health, safety, morals, and general welfare of community.

Petitioner will occupy a separate area within New Direction Church with state requirement minimum of 3,000 square feet and all training will be done on site by professional educators.

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:

All beauty culture services will be preformed by students at reduced prices and open to the public. There are plenty of parking spaces and it its also on the purple line with easy access to the institute. Bringing a professional vocational institute within this area can open a lot of opportunities for individuals seeking a professional career. Any service offered by the institute will benefit every member of the household and community where by making this a significant investment in the community and neighborhood.

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

Variance is required because petitioner requests to operate as a beauty culture institute on religious property that is currently zoned SU1.

Exhibit 4: Findings of Fact for 2024-UV3-013



Exhibit 5: North right-side where vocational beauty school and dedicated parking spots will be located, facing southwest.



Exhibit 6: North left-side of the church building, facing southeast.



Exhibit 7: West side of the church building, facing east.



Exhibit 8: South and east side of the church building, facing north.



Exhibit 9: North Audubon Road on the east side of the building, facing south. Road directly beside proposed beauty vocational school and dedicated parking spots.



BOARD OF ZONING APPEALS DIVISION III

September 17, 2024

Case Number: 2024-UV3-010

Property Address: 6332 Massachusetts Avenue (approximate address)

Location: Warren Township, Council District #9

Petitioner: Baljeet Singh, by David Gilman

Current Zoning: D-3

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the storage of six commercial vehicles, being three semi-tractor trucks and three associated trailers and the location of a six-foot tall fence within the front yard (not permitted, 3.5-foot tall fencing permitted within front yards).

Current Land Use: Residential

Staff Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization that continued this petition from the August 20th hearing to the September 17th hearing date.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- The subject site is a narrow and deep lot currently zoned D-3 and improved with a single-family residence near the front property line. It is surrounded by another single-family home to the southwest, a contractor that assembles traffic control systems to the north and east, other residential and institutional uses on the other side of Massachusetts Avenue. The site also has an existing landscape buffer of trees along the southwest property line.
- VIO24-004452 was opened earlier this year in relation to a trucking business being operated at the subject site as well as a fence within the front yard exceeding the height allowed by D-3 zoning. Grant of this variance would allow for the storage of six semi-tractors and trailers on the property as well as the 6-foot fence. The vehicles would be stored on a rear parking pad within

required setbacks and unaffiliated with the nearby storage building owned by the contractor on adjacent property (vehicle access would come from the existing entry on Massachusetts).

- The application filed for this variance did not make explicit reference to legalization of a trucking company use; only to the “personal storage of work vehicles”. If approved, this request would only allow for the parking of commercial vehicles for the property owner, and that any function beyond that scope (such as operating a dispatch center for additional employees) would not be permitted under this variance. Staff has concerns that if granted, this request would result in a use closer in scope to the trucking company use mentioned by the violation (letter within Exhibits) given the multiple commercial vehicles at the site and mention of one additional employee within the plan of operation.
- Staff notes that until recently most of the subject property consisted of grass that has been replaced by ‘asphalt millings’ throughout the backyard (see photographs in Exhibits). The applicant indicates this was added to prevent ruts from being created within the existing grass/stone, presumably a greater risk due to the parking of commercial vehicles at the site. Urbanized areas have increased stormwater runoff volumes and pollutant loadings that can result in a greater concentration of pollutants that can be deposited into stormwater discharges. For this reason, IDEM had standards strictly limiting their use in circumstances under which a MS4 permit would be required. Staff feels that regardless of approval these millings should be removed.
- The plan of operation provided by the applicant indicates that the residence would remain occupied by the owner of the business and that the rear parking area would store three semi-trucks and trailers (staff notes space on the pad for additional vehicles and wrote the blurb for six out of an abundance of caution). The plan also indicates that the trucks would enter or exit the site 2-3 trips per week while engaging in long-haul transports and that the owner also has an employee that would drive for him.
- The current zoning of the property is D-3 to provide for low or medium intensity residential development (predominantly single-family detached dwellings). The Comprehensive Plan recommends most of this property for Suburban Neighborhood uses and a small sliver to the southwest to the Light Industrial typology. Staff would note that (a) the portion of the property recommended for the Light Industrial typology is only a narrow sliver, (b) industrial uses are not a recommended land use when directly adjacent to a living typology (as would be the case here), and (c) ‘light industrial’ uses are typically limited to indoor operations.
- Ordinance regulations on fence heights within front yards exist to facilitate attractive and orderly front yard spaces, and relevant Infill Housing Guidelines discourage placement of privacy fences within front yards. Although the height of neighboring fence is 6 feet (allowed for I-3 zoning), the provided findings of fact are unclear as to what practical difficulty would be created by installation of a compliant 3.5-foot fence. Additionally, since the site is zoned residentially and improved with a residence, this deviation would further reduce the residential character of the site. Staff would recommend denial of the fence height request.



**Department of Metropolitan Development
Division of Planning
Current Planning**

- Staff also feels that approval of this variance would allow for continued operation of a trucking company from the subject site beyond the scope of “personal storage of commercial vehicles” requested by the applicant. No undue hardship would exist that would prevent this site from being developed with standard residential uses (not inclusive of a trucking company), and staff feels that additional industrial encroachment would not be appropriate given the existing church and residences on the other side of Massachusetts. Additionally, staff has concerns about (a) the enforceability of the maximum number of vehicle trips proposed and the (b) placement of asphalt millings throughout much of the property. Staff also recommends denial of the use variance component to allow for parking of trucks.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood/Light Industrial	
Surrounding Context	Zoning	Surrounding Context
North:	I-3	North: Industrial
South:	SU-1	South: Religious Special Use
East:	I-3	East: Industrial
West:	D-3	West: Residential
Thoroughfare Plan		
Massachusetts Avenue	Secondary Arterial	75-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	06/27/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	06/27/2024	
Findings of Fact (Amended)	N/A	

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 most of the subject site for the Suburban Neighborhood living typology which is predominantly comprised of single-family housing (with some attached and multifamily housing development) and supported by a variety of neighborhood-serving businesses and amenities. It does not contemplate industrial uses as a compatible land use type.
- A small portion of the site to the southwest is recommended for the Light Industrial working typology which provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emission of light, odor, noise, or vibrations. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. However, light industrial land uses are removed as a recommended land use where they would be adjacent to a living typology.

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

- The Infill Housing Guidelines indicate that privacy fences should not be installed within the front yards of residential properties and that ornamental fences and other design elements should fit the context of the block and neighborhood.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2022CVR857 ; 3730 N Kitley Avenue (northeast of site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a cement batching plant (not permitted within 500 feet of a protected district) (3766 North Kitley Avenue), **approved**.

2022CZN857B ; 3730 N Kitley Avenue (northeast of site), Rezoning of 9.422 acres from the I-2 (TOD) and D-3(TOD) Districts to the I-2 (TOD) District, **approved**.

2014CVR822 ; 6400 Massachusetts Avenue (southwest of site), Variance of development standards of the Industrial Zoning Ordinance to provide for a building addition, with an approximate 55-foot west side transitional setback, a parking area, with an approximately 85-foot west side transitional setback and 35-foot east side transitional setback (minimum 100-foot side transitional setback required), and approximately 5.042 acres of outdoor storage (maximum 50% of the gross floor area permitted or 15,329 square feet), **approved**.

2014CZN822 ; 6400 Massachusetts Avenue (northeast of site), Rezoning of 8.002 acres from the D-3 district to the I-3-S classification to provide for the building additions, a new office building, additional parking and outdoor storage, related to the expansion of a traffic control systems business, **approved**.

2007UV3022 ; 6400 Massachusetts Avenue (northeast of site), VARIANCE OF USE of the Dwelling Districts Zoning Ordinance to provide for a business involved in the assembly of traffic control systems and related items (not permitted) in an existing 7,490-square foot building, with a 8,320-square foot building addition, 36 off-street parking spaces and an 116, 700 square-foot, or 2.679 acre, gravel outdoor storage area, **approved**.

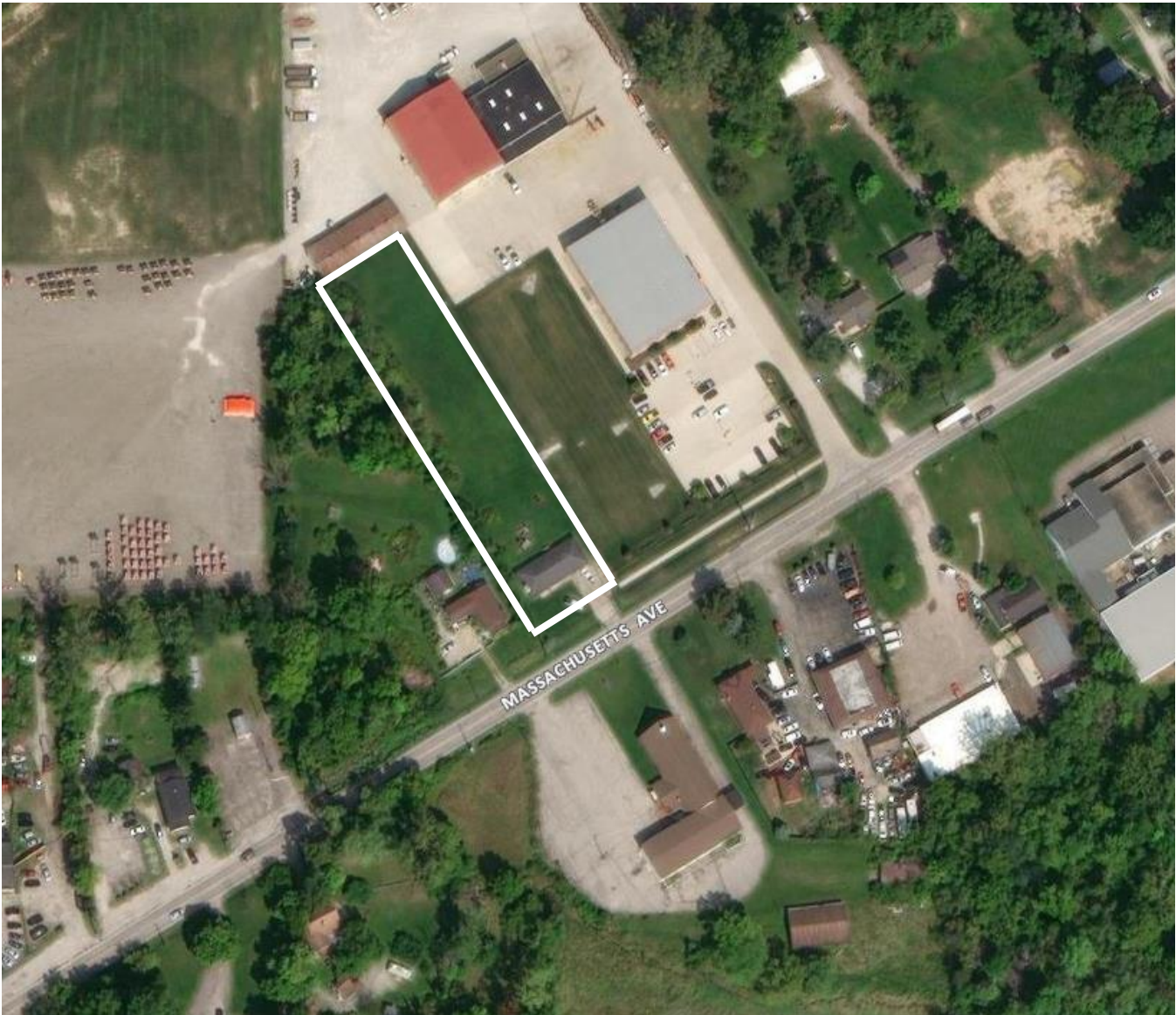
95-Z-202 ; 6405 Massachusetts Avenue (southeast of site), rezoning of 0.62 acres from D-3 to C-S to allow for an auto repair facility, **approved**.

93-Z-46 ; 3730 N Kitley Avenue (northeast of site), rezoning of 5.265 acres from D-3 to I-2-U zoning to allow for several industrial building including office buildings, **approved**.

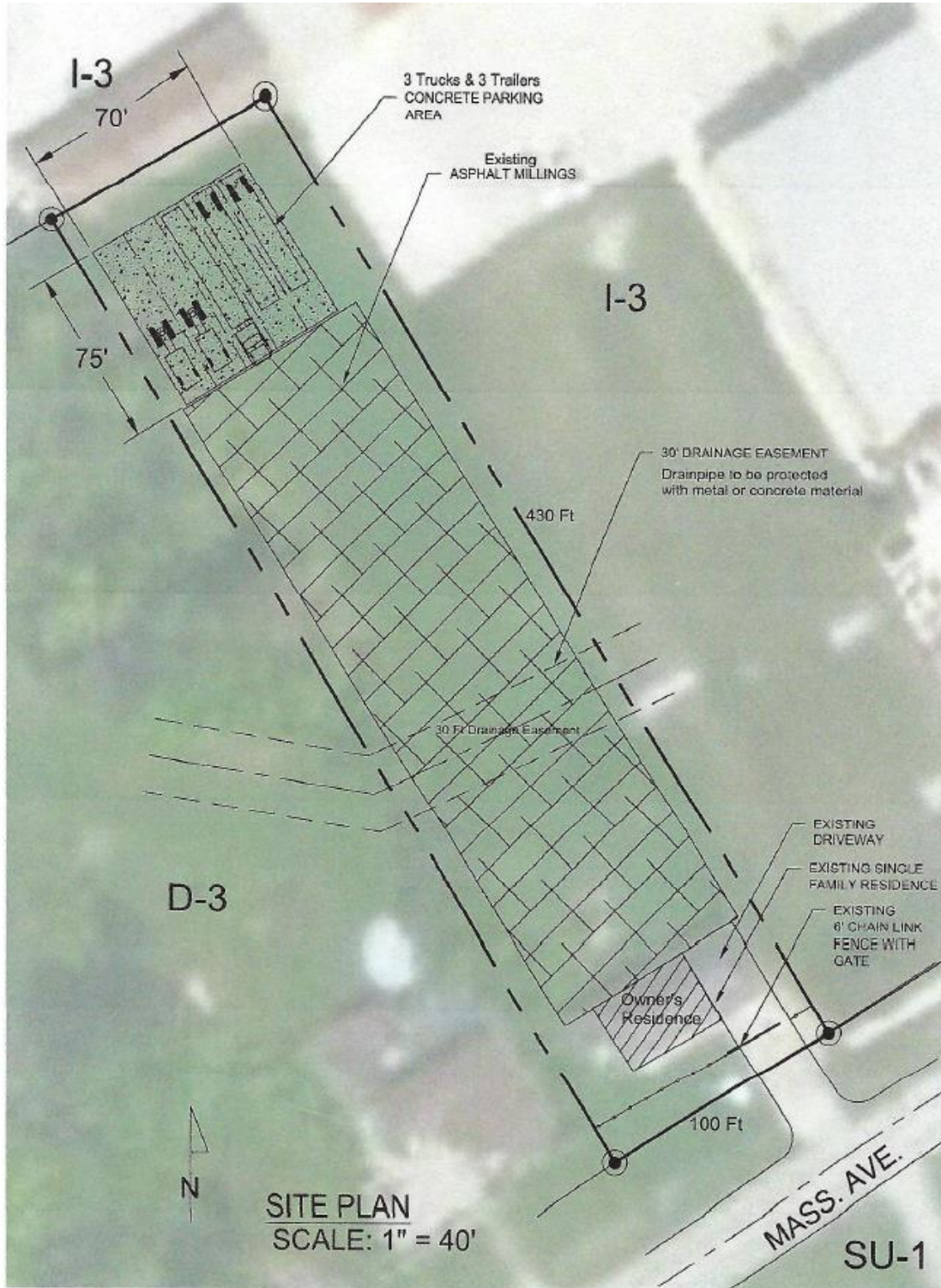
83-V2-21 ; 6580 Massachusetts Avenue (east of site), variance of development standards of the dwelling district zoning ordinance 66-AO-2, as amended to allow for the continued use of a free-standing garage that is not subordinate in area to the primary dwelling as per plans filed, **denied**.

EXHIBITS

2024UV3010 ; Aerial Map



2024UV3010 ; Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

2024UV3010 ; Operation Plan

Plan of Operation
6332 Massachusetts Avenue
7/30/2024

BACKGROUND

The subject site is a 1.00-acre parcel located at 6332 Massachusetts Avenue. The site is adjacent to an existing I3 Industrial business to the east and to the north and the same Industrial user has recently acquired the adjacent property to the west. The site is developed with a single-family residence and has a long narrow asphalt aggregate surfaced rear yard.

Business Use

The owner requests approval to store his three (3) semi-tractor and trailers on site. These vehicles are all his personal property and will only be used for his transport business. The vehicles will not be visible from the public street frontage.

Workforce

The owner has 1 other person that drives for him.

Hours of Operation

Typically, these are long-haul transports so the drivers will be away for 2 to 3 days at a time.

Traffic

Massachusetts Avenue is a primary thoroughfare and the proposed use would only generate 2 to 3 trips per week.

Off-Street Parking

There is more than adequate off-street parking for vehicles.



2024UV3010 ; 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 proposed use is for the storage of the owner's work vehicles and will be placed on a hard surface. The site has direct access to a stormwater drainage pipe to ensure proper drainage. The site has direct access to a public road that is classified as a major city thoroughfare.

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 site is adjacent to I-3 Industrial uses to the east and north. The single family residence to the west is well screened between the property lines. The vehicles will not be visible from the street.

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

The subject property is long and narrow and is adjacent to a heavy industrial use. The site is not suitable for future residential use and they owner purchased the property to benefit from the industrial nature of the developed area with a single family home that will provide the necessary security of his expensive equipment.

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 owner has a long narrow parcel that will be unusable since is not likely to every be developoed for residential use.

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

The proposed use is compatiablr with the existing developed area and will not have a negative impact on the adjacent uses.

2024UV3010 ; 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 existing fence was professionally installed and does not present a threat to any safety or health concern. The gate is operated electronically to ensure easy of entry and existing the site.

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 adjacent industrial use allows a similar type of fence in the front yard area and the residence to the west is recommended for light industrial use.

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

The subject parcel is in a developed industrial area and the site is burdened by residential development standards that do not match the highest and best use for the property or area.



Department of Metropolitan Development
Division of Planning
Current Planning

2024UV3010 ; Notice of Violation (VIO24-004452 ; first page of document)

May 29, 2024

Case #: VIO24-004452

SINGH, BALJEET
6332 MASSACHUSETTS AVE
INDIANAPOLIS, IN 46226

RE: 6332 MASSACHUSETTS AVE

Dear SINGH, BALJEET:

A recent inspection of the above referenced property indicated violation(s) of the Revised Code of Indianapolis and Marion County as follows:

Section 740 -1005.A.5. Civil Zoning Violation

Specific Violation: The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, with a cargo holder exceeding 12ft. in length...53ft. trailer).

Section 740 -1005.A.5. Civil Zoning Violation

Specific Violation: The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Vehicle, regardless of weight, used or designed to be used as a semi-truck).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - A trucking company is not a permitted use in a D-3 zoning district...RAI TRUCKING INC).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (Table 744-510-2: - Fence height exceeding 48 inches in the front yard).

The City of Indianapolis requests your cooperation in correcting the violation(s). If the violation(s) have not been abated before June 28, 2024, this will result in further enforcement action, which could include:

- 1.) Issuance of a citation for each violation (Section 103-3) and / or
- 2.) Assessment of an administrative fee in the amount of two hundred fifteen dollars (\$215.00) for each scheduled visit to the property and the violation is not abated (Section 536-609) and / or
- 3.) Lawsuit with fines up to \$2,500 for each violation plus court costs (Section 103-3)

2024UV3010 ; Photographs



Photo 1: Subject Site Viewed from Southeast (November 2022)



Photo 2: Subject Site (Yard) Viewed from Southeast

2024UV3010 ; Photographs (continued)



Photo 3: Subject Site Viewed from East



Photo 4: Rear of Subject Site Viewed from East

2024UV3010 ; Photographs (continued)



Photo 5: Fence at Subject Site (D-3) and Adjacent Property (I-3)



Photo 6: Adjacent Property to West (viewed from Massachusetts)

2024UV3010 ; Photographs (continued)



Photo 7: Adjacent Property to North/Northeast (viewed from Massachusetts)



Photo 8: Adjacent Property to Southeast



BOARD OF ZONING APPEALS DIVISION III **September 17, 2024**

Case Number: 2023DV3023

Property Address: 11700, 11850 East 38th Street and 4002 North Carroll Road (*approximate addresses*)

Location: Lawrence Township, Council District #15

Petitioner: Laibe & Russell Investments LLC, by Mark and Kim Crouch

Current Zoning: D-5 (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings with front loaded garages comprising up to 65% of the front façade (maximum 45%) for a future 138-lot subdivision.

Current Land Use: Undeveloped

Staff Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- The subject site is currently undeveloped and is surrounded by single-family homes within residential subdivisions to the north, south, and west (Hancock County lies to the east). It was rezoned to the D-5 designation in 2022 to allow for development of additional single-family homes and was replatted for 138 lots in 2023. The site is partially within the floodway fringe and is located near a park to the north as well as Mount Comfort Airport to the east within Hancock County.
- Amendments to the zoning ordinance were introduced in November 2021 to promote walkable neighborhoods that had an impact on allowable development within D-5 zoning districts. These new rules would limit the width of front-loaded garages along neighborhood yard frontages to 30% of the width of the full front façade (or to 45% if the garage were recessed more than 12 feet behind the front of the property). These rules are frequently relevant for infill development within the Compact context area but would be applicable for D-5 zoning areas throughout the county.



**Department of Metropolitan Development
Division of Planning
Current Planning**

- Although the rezoning to D-5 was formally approved in 2022 after these rules had gone into effect, the initial rezoning process for this property began in September 2021 under a voided petition that was seeking a D-P zoning designation. Under the three-year vested rights state statute, older ordinance rules could be utilized for development of site where the petition process had begun prior to new rules being implemented as long as permits were fully issued within three years of the time of the rule change. Rather than modify plans to meet current D-5 standards or attempt to have permits for the 138 homes issued by November 2024, the developer has chosen to pursue a variance to allow for development with non-compliant garage widths without utilization of the vested interest clause.
- The exhibits provided by the applicant show a sample of what front building elevations might look like for homes within the proposed subdivision if the variance is granted. The detail of the plat also shows approximate placement of proposed houses on individual lots, but staff was unable to confirm full compliance with other new Walkable Neighborhood standards from Tables 742.103.03 and 744-701-2 at this level of detail. The only variance requested relates to the width of the front-loaded garages.
- D-5 zoning is intended for medium and large-lot housing formats, primarily for detached houses. This district can be used for new, walkable suburban neighborhoods or for infill situations in established urban areas. The property also falls within the area contemplated by the 38th Street Corridor Plan which recommends it for 'Airport Related Mixed Uses': this term is not defined in the 38th Street or within the Comprehensive Plan, but staff would note that surrounding properties and the D-5 zoning district seem to be a close fit for the Suburban Neighborhood typology which does contemplate placement of single-family homes such as what is proposed.
- The findings submitted by the applicant for this petition indicate that their site-specific hardship results from a lack of alleys onto which garages could front and that if the petition is denied, they would be unable to have front-loaded garages for the houses within this subdivision. Staff disagrees on both fronts: the choice of this zoning classification as well as the specific layout of the lots were chosen by the developer during the rezoning and platting process, which would mean that any lack of alleys would be a self-imposed hardship and that any restrictions on placement of front-loaded garages would be based on the zoning classification they selected.
- Rules within Table 744-701-2 of the ordinance would not disallow front garages entirely: although they would be limited to only 45% of the width of the front façade and would need to be recessed at least 12 feet from the front building boundary. It is unclear to staff why lots with widths that appear to range from 35-40 feet would be unable to facilitate this type of design to fulfill parking minimums for the district (1 parking space per dwelling unit). If the property owner feels that they would be fully unable to construct homes that would meet current D-5 requirements, the option would also exist to pursue a rezoning or replatting that would allow for front-loaded garages with their desired width (example might include a D-4 zoning with the cluster subdivision option). Ultimately, staff feels that development promoting walkability and pedestrian-friendly front yards should be a design priority even within Metro areas, and that any hardships in meeting this standard are self-imposed. Staff recommends denial of the variance request.



GENERAL INFORMATION

Existing Zoning	D-5 (FF)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Airport Related Mixed Use	
Surrounding Context	Zoning	Surrounding Context
	North: D-P / D-3 / D-A	North: Residential
	South: D-7 / D-4	South: Residential / Undeveloped
	East: Hancock County	East: Residential
	West: D-P	West: Residential
Thoroughfare Plan		
38 th Street	Primary Arterial	x-foot existing ROW and 90-foot proposed ROW
Carroll Road	Primary Collector	x-foot existing ROW and 106-foot proposed ROW
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	07/18/2024	
Site Plan (Amended)	N/A	
Elevations	09/03/2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	07/18/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- East 38th Street Corridor Plan (2012)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Neighborhood / Area Specific Plan

- The East 38th Street Corridor Plan recommends this property for Airport Related Mixed Use development and falls within Critical Area 35. Neither this plan nor the Marion County Land Use Plan Pattern Book provide specific definitions or guidance for this typology/critical area, but staff notes that the surrounding area is developed residentially and recommended for Suburban Neighborhood uses (predominantly single-family housing with some multifamily development, neighborhood-serving businesses and natural features interspersed).

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

2022ZON030, Fees paid in 2021-ZON-117. Rezoning of 46.2 acres from the D-A and D-3 (FF) Districts to the D-5 (FF) District, **approved**.

2021ZON117, Rezoning of 46.2 acres from the D-A and D-3 (FF) Districts to the D-P (FF) District, **withdrawn**.

2008ZON049, Rezoning of 20 acres from the D-3 (FF) District to the D-6II (FF) District, **denied**.

2001ZON150, Rezoning of 20.6 acres from the D-A District to the D-3 District, **approved**.

2000ZON058, Rezoning of 20.05 acres from the D-A District to the D-6II District, **denied**.

ZONING HISTORY – VICINITY

2022ZON107 ; 11517 E 38th Street (south of site), Rezoning of 54.46 acres from the D-A (FF) district to the D-7 (FF) district to provide for 204 multi-family dwellings, **approved**.

2014UV1020 ; 3960 Carroll Road (east of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish two single-family dwelling units on one lot (one single-family dwelling permitted), with the second dwelling being 765 square feet (minimum 1,200 square feet required), with a 7.5-foot south side setback (minimum 30-foot side yard setback required), **approved**.

2006APP050 ; 4310 N Carroll Road (north of site), Modification of Site Plan and Development Statement, related to 2004-ZON-080 (2004-DP-004), to provide for the removal of eight alleys from the proposed development and to amend the Third Sentence of Paragraph Five on Page Two of the development statement to remove the words “characterized by alley access to garages, reduced front yard setbacks and front porches”, **approved**.

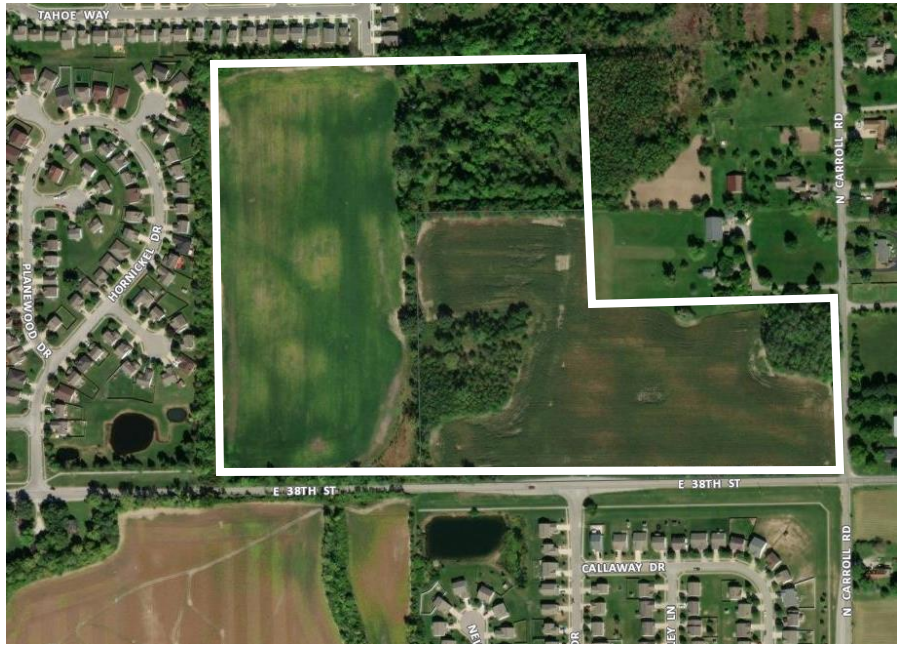
2004ZON070 ; 11717 E 42nd Street (north of site), rezoning of 193 acres from the D-A District to the D-P District, **approved**.

98-HOV-11 ; 11500 E 38th Street (west of site), development of single family dwellings with a minimum floor area for buildings higher than one story of 570 square feet (660 square feet required), **approved**.

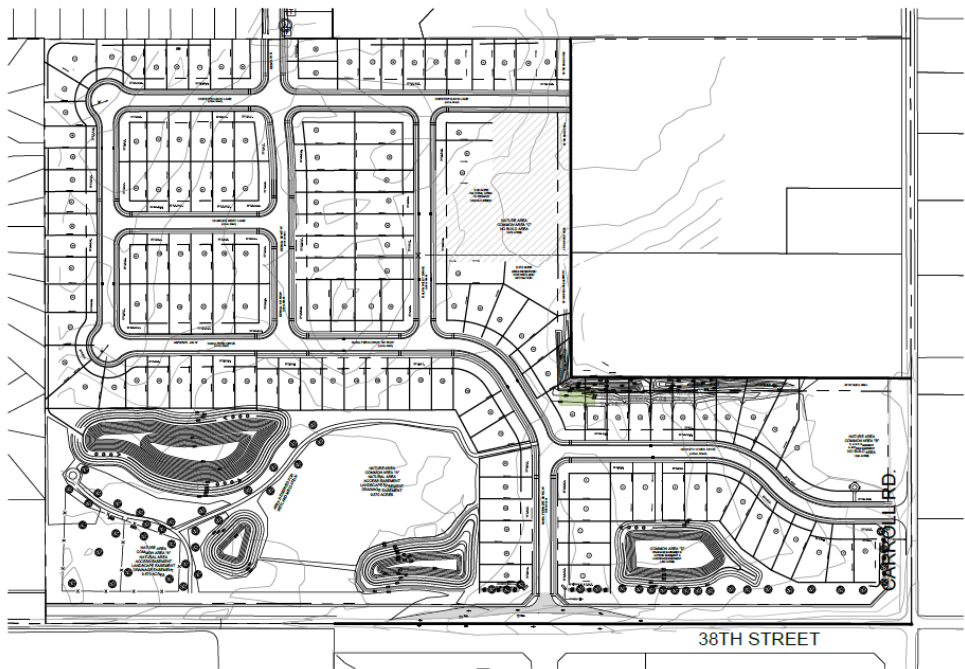
94-HOV-21 ; 11401 E 38th Street (southwest of site), variance of development standards of the Sign Regulations Zoning Ordinance to provide for two 72 square foot entry wall ground signs for a residential subdivision (maximum 1 entrance sign permitted) with a zero foot setback from a corner cut right-of-way line at the intersection of Barberry Drive and 38th Street (minimum 15 foot setback required), **approved**.

EXHIBITS

2024DV2026 ; Aerial Map



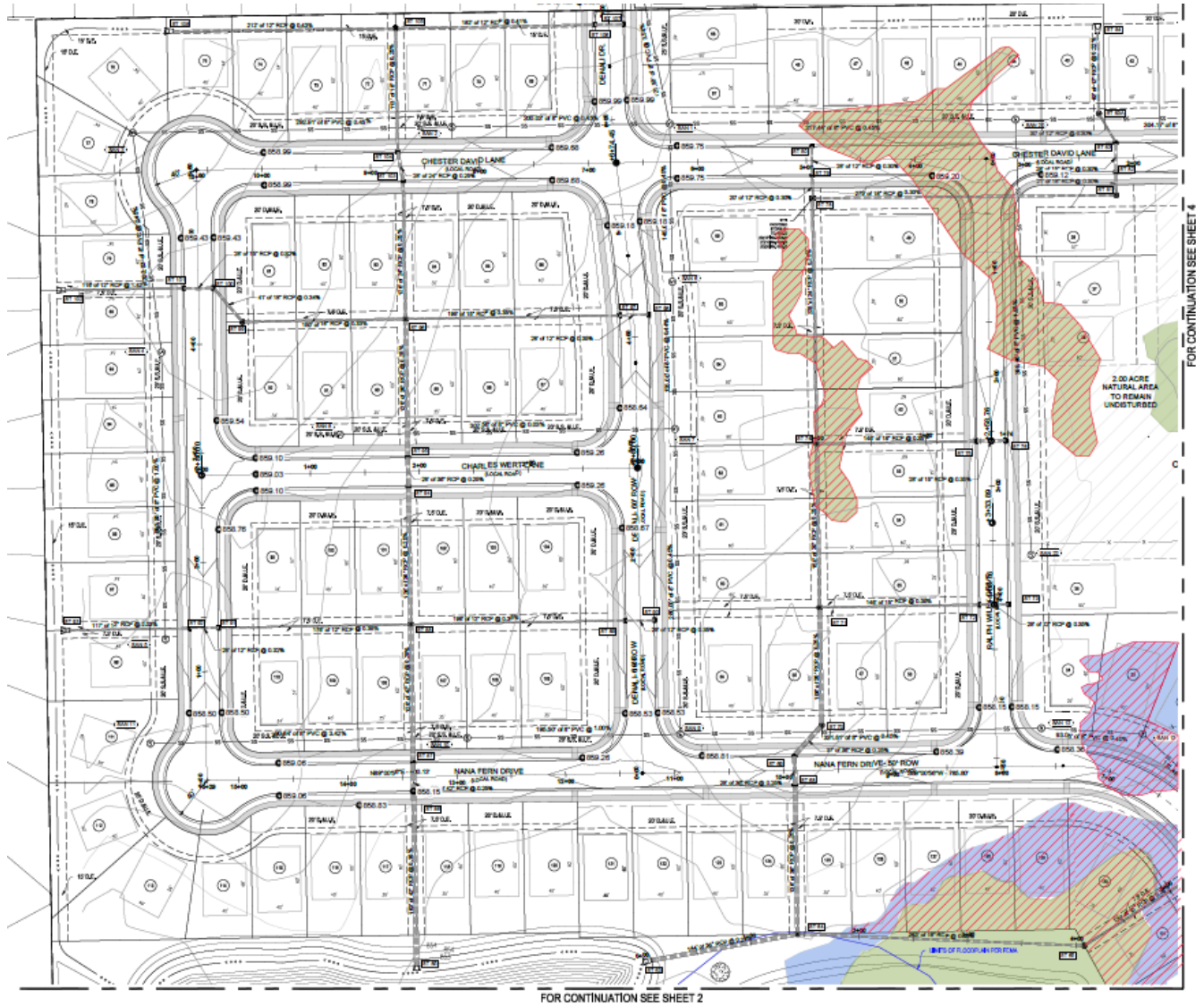
2024DV2026 ; Proposed Site Layout (Full)





Department of Metropolitan Development
Division of Planning
Current Planning

2024DV2026 ; Proposed Site Layout (Detail from Center of Development)



2024DV2026 ; Sample Elevations





2024DV2026 ; Findings of Fact

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

the grant will allow for the construction of a new front load attached garages for private residential use in a planned development.

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 proposed attached garages will be consistent with development in the area and adjacent area.

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

the planned development will not have alleys resulting in a need to allow for larger front loading garages. Without variance approval, proposed front loading garages will not be built.



2024DV2026 ; Photographs



Photo 1: Subject Site from North (Denali)



Photo 2: Adjacent Property to North

2024DV2026 ; Photographs (continued)



Photo 3: Subject Site from South (38th)



Photo 4: Adjacent Property to South

2024DV2026 ; Photographs (continued)



Photo 5: Subject Site from East (Carroll)



Photo 6: Adjacent Property to East (December 2021)