



Board of Zoning Appeals
Board of Zoning Appeals Division III
5/28/2024
Meeting Agenda

Meeting Details

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

Date: Tuesday, May 28, 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:

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 1. 2024-DV3-004 | 1328 Lawrence Avenue**
Perry Township, Council District #23, Zoned D-4
Amy DiVincenzo & William Esquivel Najera

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall fence that faces the primary entrance of the dwelling unit across Otterbein Avenue (fence heights on corner lots in the Compact Context Area limited to 3.5 feet when facing a primary entrance of a dwelling unit across the street), and that encroaches into the clear sight triangle (not permitted).

- 2. 2024-DV3-016 | 2538 Fisher Road**
Warren Township, CD #20, Zoned D-A
Lars Fanning IUTMA, by Mitchell Cooper

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 3,000-square-foot detached accessory structure, being larger than the primary dwelling (not permitted).

- 3. 2024-DV2-017 | 4361 East 75th Street**
Washington Township, Council District #3, Zoned D-A
Michael & Carly Dury, by Michael Mattingly

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage within the front yard (not permitted) and a second residential accessory structure with a height of 32 feet (maximum height of 24 feet permitted).

- 4. 2024-UV2-007 | 5314 West 38th Street**
Pike Township, Council District #5, Zoned C-4
Rama Inc., by Pat Rooney

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway with stacking spaces located within the front yard and a service unit facing 38th Street (not permitted).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 5. 2024-DV3-003 | 3308 North Mitthoefer Road**
Warren Township, Council District #15, Zoned I-3 / I-4
The Finish Line Inc., by Joseph D. Calderon

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

**** Petitioner to withdraw**

- 6. 2024-DV3-010 (Amended) | 1635 West Michigan Street**
Center Township, Council District #18, Zoned SU-7 / CBD-S (RC)
INDPL Goodwill Industries Inc., by Alan S. Townsend

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

- 7. 2024-DV3-012 | 2916 West Banta Road**
Perry Township, CD #22, Zoned D-A (GSB) (W-5)
Martin Marietta Materials Inc., by Jennifer Milliken

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

- 8. 2024-UV3-004 | 2308 Shelby Street**
Center Township, Council District #19, Zoned C-3 (TOD)
Walter Resinos

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

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

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

**** Petitioner to request a continuance to the July 16, 2024 hearing of Division III**

PETITIONS FOR PUBLIC HEARING (New Petitions):

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

May 28, 2024

Case Number: 2024-DV3-004
Property Address: 1328 Lawrence Avenue (approximate address)
Location: Perry Township, Council District #23
Petitioner: Amy DiVincenzo & William Esquivel Najera
Current Zoning: D-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall fence that faces the primary entrance of the dwelling unit across Otterbein Avenue (fence heights on corner lots in the Compact Context Area limited to 3.5 feet when facing a primary entrance of a dwelling unit across the street), and that encroaches into the clear sight triangle (not permitted).

Current Land Use: Residential
Staff Recommendations: Staff recommends approval of this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR MAY 28, 2024 BZA III HEARING

- This petition is to be continued to amend the language of the request, requiring new mailed notice. The petitioner has requested a two-month continuance to the May 28, 2024 BZA Division III hearing due to a scheduling conflict during the April 16, 2024 BZA Division III hearing.

STAFF RECOMMENDATION

- Staff recommends approval of this petition.

PETITION OVERVIEW

- This petition would allow for a six-foot tall fence that faces the primary entrance of the dwelling unit across Otterbein Avenue (fence heights on corner lots in the Compact Context Area limited to 3.5 feet when facing a primary entrance of a dwelling unit across the street), and that encroaches into the clear sight triangle (not permitted).
- Permits are not required to construct fences. The fence in question was flagged for a violation in late 2023 at which point, the owner filed for the variance.



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

- The subject site is a corner lot and contains frontage along both Lawrence Avenue and Otterbein Avenue. The front lot line of corner lots in D-4 zoning districts in the Compact Context Area is the lot line along the street that has the greater number of lots fronting upon it, and the other lot line is to be considered a side lot line. Therefore, the lot line along Lawrence Avenue is considered the front lot line, and Otterbein Avenue is considered a side lot line. Typically, residential fences are permitted to be up to six feet in height in side yards. However, in the Compact Context Area, any yard that faces a primary entrance of a dwelling unit on the opposite side of the street is limited to 3.5 feet in height, per Chapter 744. Article V. Section 10C. This standard is in place because, on corner lots such as the subject site- where one of the lot lines with frontage is, by definition, a side lot line- the side lot line still functions as a front lot line in that it fronts right-of-way and has front entrances to other dwellings facing it. Further, the standard promotes orderly development that enhances the pedestrian experience along sidewalks and overall visual character of the neighborhood.
- The residence on the subject site has deficient front and rear setbacks. The ability to operate a back yard is difficult since the property fronts three rights-of-way, and the rear of the residence contains approximately 10 feet of depth. Therefore, Staff does find the request for a privacy fence in one of the remaining yards that fronts along public right-of-way to be reasonable. While privacy fences that are six feet in height along right-of-way are not preferred by Staff nor commonplace, it is noteworthy that only a portion (approximately 37 feet) of the side yard along Otterbein Avenue contains the six-foot privacy fence, with the remaining 21 feet containing a compliant 3.5-foot see-through fence, reducing the impact on neighborhood character and visibility from across the street.
- Additionally, the fence in question impedes into the clear sight triangle by approximately 3 feet in distance. Otterbein Avenue and Lawrence Avenue create a 3-way stop intersection and are both local streets containing a speed limit of 30 miles per hour. While the fence does inhibit visibility of the line of sight in between these two streets to a degree, the encroachment of the clear sight triangle is minor and the vast majority remains visible. Further, no members from DPW raised concerns regarding motorist visibility as a result of the fence.
- To conclude, while Staff does find there to be a minor impact on the neighborhood character and experience, there is a substantial practical difficulty for the petitioner to have privacy given the nature of the subject site and, therefore, does recommend approval of the variances requested.

GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-4	North: Single-family residential



Department of Metropolitan Development
 Division of Planning
 Current Planning

South:	D-3	South: Single-family residential
East:	D-4	East: Single-family residential
West:	D-4	West: Single-family residential
Thoroughfare Plan		
Lawrence Avenue	Local Street	40 feet of right-of-way existing and 48 feet proposed
Otterbein Avenue	Local Street	52 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	12/19/23	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/19/23	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Traditional Neighborhood typology for this site.

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

- With regards to fencing, the Infill Housing Guidelines document recommends:
 - Ornamental elements, such as fences, should be simple and fit the context of the block and neighborhood
 - Build thoughtful fences- fencing around dwelling should be carefully placed

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

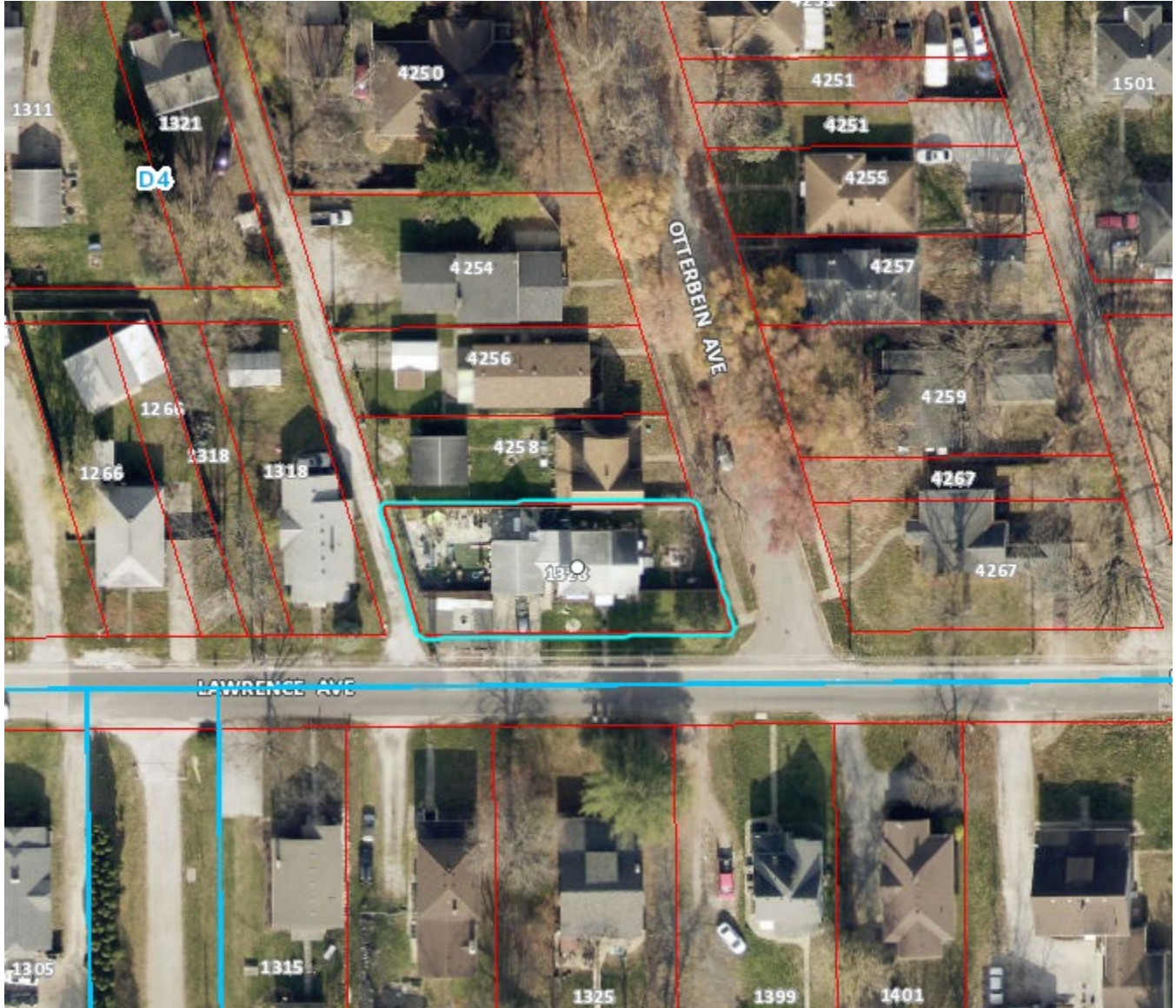
N/A

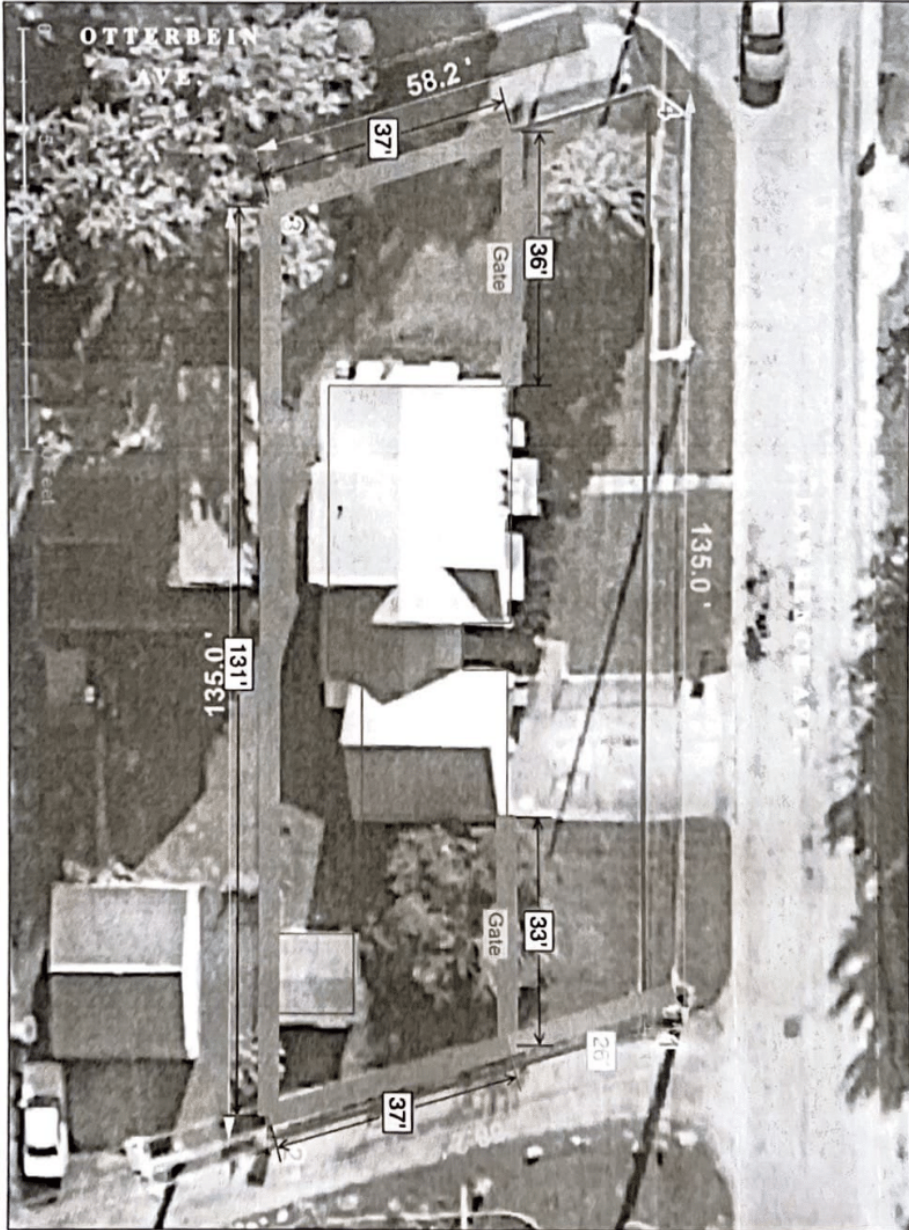
ZONING HISTORY – VICINITY

2018DV1027; 1266 Lawrence Avenue (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a seven-foot tall fence (maximum six-foot tall fence permitted), **approved.**

2019ZON011; 1200 Lawrence Avenue (south of site), Rezoning of 6.194 acres from the D-3 and C-3 Districts to the SU-18 classification to provide for a wireless communications facility on the site of the existing substation, **approved.**

EXHIBITS





HOA FENCE COMPANY
HOAFence.com
Home Owner Approved


-This is a non-certified site plan accurate to the GIS lot lines. No liability will be assumed for any use of the data for new construction projects or fences.

Client Name : Amy DiMincenzo
Address : 1328 Lawrence Ave., Indianapolis IN 46227
Lot Area : 7,536.4 sqft
Lot Perimeter : 386.4 ft
Year built : 1951

Legend Key

- Eaves Line
- Property Line

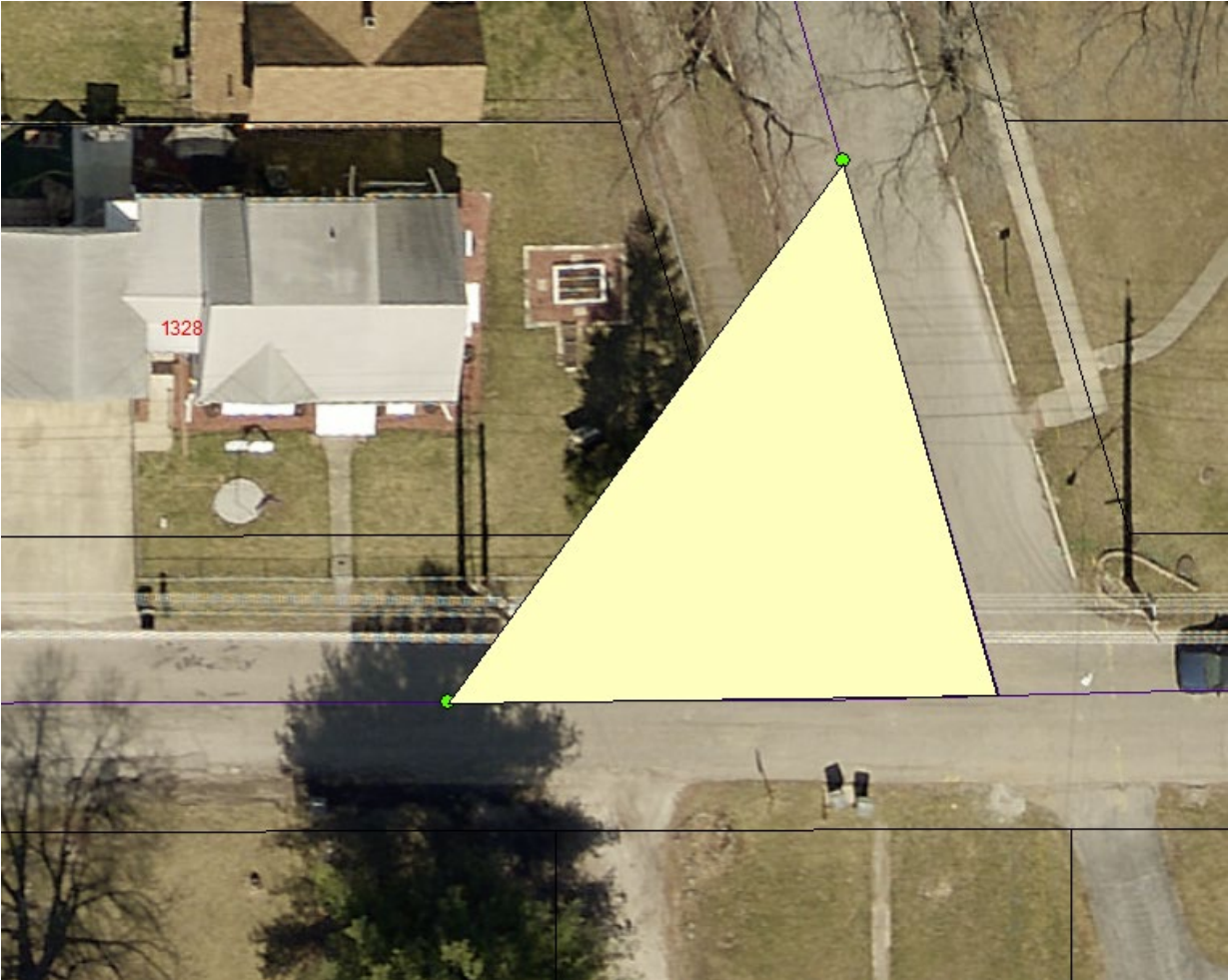
Scale Reference
1" = 17'



Site Plan Coordinates

ID	Longitude	Latitude
1	86° 8' 3.528" W	39° 42' 10.2407" N
2	86° 8' 3.744" W	39° 42' 10.7907" N
3	86° 8' 2.017" W	39° 42' 10.801" N
4	86° 8' 1.801" W	39° 42' 10.251" N

Projection Information
WKID: 2985 Authority: EPSG
Projection: Transverse Mercator
Geographic Coordinate System:
GCS North American 1983
Production Date : 8/07/2023





Department of Metropolitan Development
Division of Planning
Current Planning

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 fence is of high quality and professional installed. In addition, the fence does not impede clear sight of vehicles, pedestrians or cyclists when traversing the intersection of Otterbein Avenue and Lawrence Avenue, nor the intersection of the adjacent alley and Lawrence Avenue. The fence would improve public health and safety by preventing property encroachments from neighboring canines and ensure school aged children and pets residing at the property cannot leave the premises unauthorized.

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 fence is of a material and installation quality that is commonly applied in residential settings, including the immediate area that the property is located within.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
The property is substandard, particularly when compared to lot dimensions commonly associated with corner lots, as evidenced by the failure of the property to meet modern minimum front and rear yard setbacks. This results in a severely limited area to erect a fence of the maximum height permitted by the zoning ordinance. This unduly limits the ability of the property owners to enjoy an enclosed, secure, outdoor private area as enjoyed by other residents of the area.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____













BOARD OF ZONING APPEALS DIVISION III **May 28, 2024**

Case Number: 2024-DV3-016

Property Address: 2538 Fisher Road (approximate address)

Location: Warren Township, Council District #20

Petitioner: Lars Fanning IUTMA, by Mitchell Cooper

Current Zoning: D-A

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 3,000-square-foot detached accessory structure, being larger than the primary dwelling (not permitted).

Current Land Use: Agricultural

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 3,000-square-foot detached accessory structure, being larger than the primary dwelling (not permitted).
- The proposed structure would house agricultural materials such as animal feed, substrate/bedding, freezers, coolers, landscaping equipment, etc. The subject site is zoned D-A, the use of the property is agricultural in nature, and there are no active residential uses on site. The grant of the variance would allow for the continued operation and location of the proposed structure on the subject site, should the use of the structure and/or property cease to be primarily agricultural and become a non-agricultural use.
- Given that the primary use is and always has been agricultural, Staff is supportive of the expansion of the agricultural uses on site through the construction of a new accessory structure.



GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Agricultural	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Agricultural
	South:	South: Government Grounds
	East:	East: Agricultural
	West:	West: Agricultural
Thoroughfare Plan		
Fisher Road	Primary Collector	90 feet of right-of-way existing and 80 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	3/4/24	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/29/24	
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 the Suburban Neighborhood typology for this site.

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

ZONING HISTORY – SITE

2004DV3042; variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 2560 square foot detached accessory structure resulting in 3280 square feet of detached accessory building area or 296.24 percent of the main floor area of the building (maximum 830.24 square feet or 75 percent of the main floor area of the primary dwelling permitted), and resulting in 5634.35 square feet of accessory use area or 508.97 percent of the total floor area of the primary dwelling (maximum 1106.99 square feet of 99.99 percent of the primary dwelling permitted).

ZONING HISTORY – VICINITY

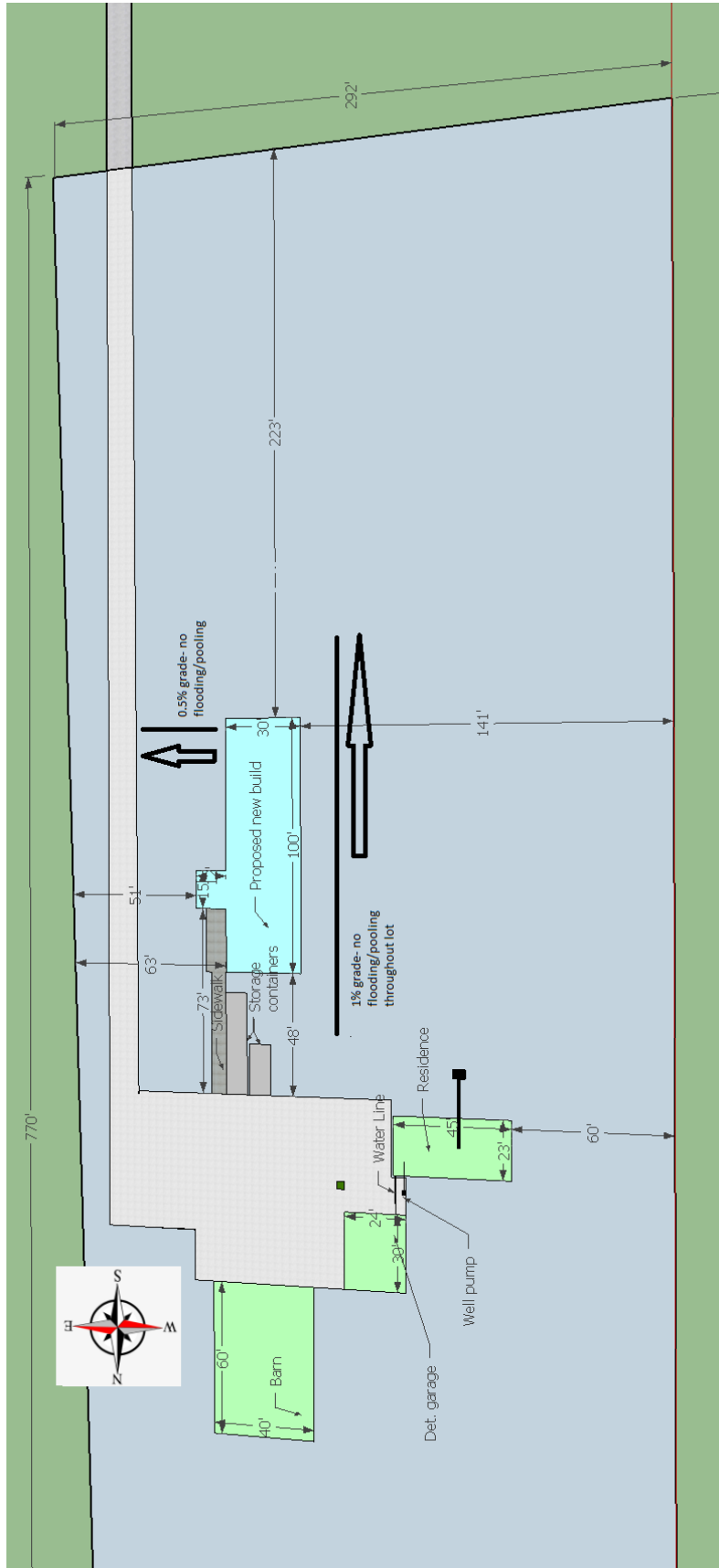
2003ZON814; 2507 Fisher Road (east of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for two parcels without direct access to a public right-of-way of without street frontage (all lots required direct access to a public right-of-way, minimum 90 feet of street frontage required), **approved.**

97-V1-23; 2507 Fisher Road (east of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family residence with a) a lot width of zero feet (minimum lot width of 125 feet maintained between the right-of-way line and the front setback line required) and b) zero feet of public street frontage with an access easement of 30 feet provided (minimum 125 feet of frontage on a public street and direct access required), **granted.**

94-V2-71; 2538 Fisher Road (east of site), variance of development standards to legally establish a 1035 square foot non-conforming single-family residence with zero-foot lot with and no street frontage, **granted.**

EXHIBITS





<p>MANUFACTURED BY:</p>		<h3 style="text-align: center;">REGULAR / A-FRAME 30'-0" WIDE CARPORT STYLE BUILDINGS</h3>	<p>DRAWING INFORMATION</p> <p>PROJECT: 30'-0" WIDE BUILDINGS</p> <p>LOCATION: STATE OF INDIANA</p> <p>PROJECT NO.: 451-22-1570</p> <p>SHEET TITLE: COVER SHEET</p> <p>SHEET NO.: 1 / 11</p> <p>DRAWN BY: A.W. DATE: 5/16/22</p> <p>CHECKED BY: OAA DATE: 5/16/22</p>																						
<p>DESIGN NOTES</p> <ol style="list-style-type: none"> ALL CONSTRUCTION SHALL BE PROVIDED IN ACCORDANCE WITH IBC 2012, OSHA, AISC 360, AISC 100, ASCE 7-10, AWS D1.3 COPES AND ALL APPLICABLE LOCAL REQUIREMENTS. ALL MATERIALS IDENTIFIED BY MANUFACTURER NAME MAY BE SUBSTITUTED WITH MATERIAL EQUAL OR EXCEEDING ORIGINAL. ALL SHOP CONNECTIONS SHALL BE WELDED CONNECTIONS. ALL STRUCTURAL FIELD CONNECTIONS SHALL BE #12-14 X 3/4" SDS (ESR-2196 OR EQ) WITHOUT WASHERS. STEEL SHEATHING SHALL BE 29GA CORRUGATED GALV. OR PAINTED STEEL - MAIN RIB HT. 3/4" (FY=80KSI) OR EQ. CONNECTIONS SHALL BE #12-14 X 3/4" SDS (ESR-2196 OR EQ) WITH NEOPRENE WASHERS. ALL STRUCTURAL LIGHT GAUGE TUBING AND CHANNELS SHALL BE GRADE 50 STEEL (FY = 50 KSI, FU = 65 KSI). STRUCTURAL TUBE 2 1/2" X 2 1/2" - 14GA. IS EQUIVALENT TO TS 2 1/2" X 2 1/4" - 12GA AND EITHER ONE MAY BE USED IN LIEU OF THE OTHER. GYPSONUM BOARD OR DRYWALL FINISH OR ANY BRITTLE BASE MATERIAL IS NOT CONSIDERED OR ACCOUNTED FOR ON THE DESIGN CRITERIA. ALL DESIGN CRITERIA MUST BE INCREASED TO THE NEXT HIGHER INCREMENT BASED ON THE TABLES ON PAGE 4. NO INTERPOLATION IS ALLOWED. 	<p>DESIGN CRITERIA</p> <p>PREVAILING CODE: INBC 2014 (IBC 2012)</p> <p>USE GROUP: U (CARPORTS, BARN)</p> <p>RISK CATEGORY: I</p> <ol style="list-style-type: none"> ROOF DEAD LOAD (D) D = 4 PSF ROOF LIVE/SNOW LOAD (Lr) Lr = 20 - 61 PSF (AS PER SNOW LOAD SEE TABLE 4) SNOW LOAD (S) GROUND SNOW LOAD IMPORTANCE FACTOR Is = 0.8 THERMAL FACTOR Ct = 12 EXPOSURE FACTOR Ce = 1.0 ROOF SLOPE FACTOR WIND LOAD (W) Vult = 105 - 150 MPH BASIC WIND SPEED EXPOSURE SEISMIC LOAD (E) DESIGN CATEGORY D IMPORTANCE FACTOR Ie = 1.00 LOAD COMBINATIONS: <ol style="list-style-type: none"> D + (Lr OR S) D + (Lr OR S) + (E) D + 0.75 (0.6W OR +0.7E) + 0.75 (Lr OR S) 0.6D + (0.6W OR +0.7E) 	<p>DRAWING INDEX</p> <table border="1"> <tr><td>COVER SHEET</td><td>1</td></tr> <tr><td>SCHEDULES & MEMBER - SECTIONS</td><td>2</td></tr> <tr><td>FRAME SECTIONS & DETAILS</td><td>3</td></tr> <tr><td>SPACING SCHEDULES - & ENCLOSURE NOTES</td><td>4</td></tr> <tr><td>PURLIN & GIRT SCHEDULES</td><td>5</td></tr> <tr><td>SHEATHING OPTIONS</td><td>6</td></tr> <tr><td>SIDE WALL FRAMING & OPENINGS</td><td>7-A, 7-B</td></tr> <tr><td>END WALL FRAMING & OPENINGS</td><td>8-A, 8-B</td></tr> <tr><td>CORNER BRACING DETAILS</td><td>9</td></tr> <tr><td>OPTIONAL LEAN-TO ADDITION</td><td>10</td></tr> <tr><td>FOUNDATION OPTIONS</td><td>11-A TO 11-D</td></tr> </table>	COVER SHEET	1	SCHEDULES & MEMBER - SECTIONS	2	FRAME SECTIONS & DETAILS	3	SPACING SCHEDULES - & ENCLOSURE NOTES	4	PURLIN & GIRT SCHEDULES	5	SHEATHING OPTIONS	6	SIDE WALL FRAMING & OPENINGS	7-A, 7-B	END WALL FRAMING & OPENINGS	8-A, 8-B	CORNER BRACING DETAILS	9	OPTIONAL LEAN-TO ADDITION	10	FOUNDATION OPTIONS	11-A TO 11-D	<p>LEGAL INFORMATION</p> <p>ANY DUPLICATION OF THIS DRAWING IN WHOLE OR PART IS STRICTLY FORBIDDEN. ANY ONE DOING SO WILL BE RESPONSIBLE FOR ALL DAMAGES AND COSTS INCURRED. DRAWINGS VALID UP TO 1 YEAR FROM DATE OF ISSUE.</p> <p>SEAL:</p> <p>DATE EXPIRES: 07-31-2022 DATE SIGNED: 05-20-2022</p>
COVER SHEET	1																								
SCHEDULES & MEMBER - SECTIONS	2																								
FRAME SECTIONS & DETAILS	3																								
SPACING SCHEDULES - & ENCLOSURE NOTES	4																								
PURLIN & GIRT SCHEDULES	5																								
SHEATHING OPTIONS	6																								
SIDE WALL FRAMING & OPENINGS	7-A, 7-B																								
END WALL FRAMING & OPENINGS	8-A, 8-B																								
CORNER BRACING DETAILS	9																								
OPTIONAL LEAN-TO ADDITION	10																								
FOUNDATION OPTIONS	11-A TO 11-D																								
<p>DESIGN LOADS</p> <p>GROUND SNOW: 40</p> <p>ROOF LIVE LOAD: 27</p> <p>BASIC WIND SPEED: 115</p>		<p>BUILDING INFORMATION</p> <p>WIDTH: 30</p> <p>LENGTH: 100</p> <p>HEIGHT: 12</p>		<p>CERTIFICATION VALIDITY NOTICE</p> <p>DATE OF PLANS EXPIRATION: 05-20-2023</p> <p>CERTIFICATION ON THESE DRAWINGS IS VALID FOR ONE YEAR FROM DATE OF ISSUE</p>																					
<p>CUSTOMER INFORMATION</p> <p>OWNER: Chris Foley</p> <p>ADDRESS: 2538 Fisher Rd. Indianapolis, IN 46239</p>		<p>FRAME TYPE: <input checked="" type="checkbox"/> A-FRAME <input type="checkbox"/> REGULAR</p> <p>ENCLOSURE TYPE: <input type="checkbox"/> FULL <input type="checkbox"/> PARTIAL <input type="checkbox"/> OPEN</p>																							

MANUFACTURED BY:

DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS
LOCATION: STATE OF INDIANA
PROJECT NO.: 4P1-22-1570
SHEET TITLE: FRAME SECTIONS & DETAILS
SHEET NO.: 3 / 11
DRAWN BY: A.W. DATE: 5/16/22
CHECKED BY: OAA DATE: 5/16/22

LEGAL INFORMATION

ANY DUPLICATION OF THIS DRAWING IN WHOLE OR PART IS STRICTLY FORBIDDEN. ANYONE DOING SO WILL BE PROSECUTED UNDER THE FULL EXTENT OF THE LAW. DRAWINGS VALID UP TO 1 YEAR FROM DATE OF ISSUE.

DATE EXPIRES: 07-31-2022
DATE SIGNED: 05-20-2022

TYP. A-FRAME SECTION
SCALE: NTS

[1] COLUMN POST
[2] ROOF BEAM
[3] BASE RAIL
[4] PEAK BRACE
[5] KNEE BRACE - ATTACH W/ (2) [23] FASTENERS E.S.
[6] 6" LG. CONNECTOR SLEEVE - FIELD BOLT W/ [23] FASTENERS - SEE TABLE 3.2 FOR NO. OF FASTENERS REQD.

EAVE DETAIL 1
SCALE: NTS

A-A-FRAME
 B. REGULAR FRAME

TYP. REGULAR FRAME SECTION
SCALE: NTS

[1] COLUMN POST
[2] ROOF MEMBER
[3] BASE RAIL
[4] PEAK BRACE - DOUBLED ALONG ROOF MEMBER TILL EAVE ATTACH.
[5] KNEE BRACE - ATTACH W/ (2) [23] FASTENERS E.S.
[6] 6" LG. CONNECTOR SLEEVE - FIELD BOLT W/ [23] FASTENERS - SEE TABLE 3.2 FOR NO. OF FASTENERS REQD.

PEAK BRACE CONNECTION DETAILS 2
SCALE: NTS

[1] COLUMN POST - FIELD BOLT W/ [23] FASTENERS @ 12" STAGGERED
[2] ROOF BEAM
[3] BASE RAIL
[4] PEAK BRACE
[5] KNEE BRACE - ATTACH W/ (2) [23] FASTENERS E.S.
[6] 6" LG. CONNECTOR SLEEVE - FIELD BOLT W/ [23] FASTENERS FOR NO. OF FASTENERS REQD.

BASE DETAIL 3
SCALE: NTS

[1] COLUMN POST - FOR LEVELING. MANUFACTURER IS NOT RESPONSIBLE FOR LEVELING OF GROUND AND/OR CONCRETE SURFACE PROVIDED BY OTHERS.
[2] ROOF BEAM
[3] BASE RAIL
[4] PEAK BRACE
[5] KNEE BRACE - ATTACH W/ (2) [23] FASTENERS E.S.
[6] 6" LG. CONNECTOR SLEEVE - FIELD BOLT W/ [23] FASTENERS FOR NO. OF FASTENERS REQD.

PB SUPPORT DETAIL 4
SCALE: NTS

[1] COLUMN POST
[2] ROOF BEAM
[3] BASE RAIL
[4] PEAK BRACE
[5] KNEE BRACE - ATTACH W/ (2) [23] FASTENERS E.S.
[6] 6" LG. CONNECTOR SLEEVE - FIELD BOLT W/ [23] FASTENERS FOR NO. OF FASTENERS REQD.

TABLE 3.1: KNEE BRACE SCHEDULE

EAVE HEIGHT	KNEE BRACE LENGTH
<input type="checkbox"/> UP TO 8'	24"
<input checked="" type="checkbox"/> 9' TO 12'	36"

TABLE 3.2: FASTENER SCHEDULE

WIND SPEED (MPH)	NO. OF FASTENERS
<input checked="" type="checkbox"/> 105 TO 125	4
<input type="checkbox"/> 130 TO 135	6
<input type="checkbox"/> 160 TO 180	8



Department of Metropolitan Development
Division of Planning
Current Planning



Cold Blooded Café
2538 Fisher Rd.
Indianapolis, IN 46239
317-385-7694
admin@coldbloodedcafe.com

Re: Building plans

To whom it may concern,

The purpose of the intended structure is for agricultural storage. We are currently utilizing several unsightly Connex shipping containers that are in disrepair and no longer watertight. As we expand our operations, the need for buying supplies in bulk wholesale and more storage continues to grow. The goal here is to condense storage into a single organized building that is protected from the elements.

Stored items may contain things such as animal feed, substrate/bedding, freezers, tools, landscaping equipment, etc. This building will always remain under lock and key and will have limited access to the business owner, managers, and keyholder staff.

Please let me know if there are any further questions.

Sincerely,

Chris Foley
Manager
Cold Blooded Café LLC









BOARD OF ZONING APPEALS DIVISION II

May 21, 2024

Case Number: 2024-DV2-017
Address: 4361 East 75th Street (approximate address)
Location: Washington Township, Council District #3
Zoning: D-A
Petitioner: Michael & Carly Dury, by Michael Mattingly
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage within the front yard (not permitted) and a second residential accessory structure with a height of 32 feet (maximum height of 24 feet 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 previously scheduled to be heard on May 21, 2024. Due to the lack of a quorum, this petition was continued from the May 21, 2024, Board II hearing, and transferred to the May 28, 2024, Board III hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the construction of a detached garage within the front yard and a second residential accessory structure with a height of 32 feet
- ◇ 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 limiting the height regulates the building mass impact to surrounding property owners.
- ◇ The proposed detached garage location would be located approximately 890 feet south of East 75th Street, behind another primary dwelling on an adjacent parcel to the north, further limiting any negative impacts to adjacent properties.



- ◇ This request would permit the second residential accessory structure to have a height of 32 feet. The proposed structure would be developed in a similar style to match the primary dwelling and appear as an extension of the dwelling. This would be appropriate for a large lot zoned D-A that has rural characteristics and a significant separation from adjacent dwellings.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Suburban Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North:	D-A Single-Family dwelling
	South:	D-2 Single-Family dwellings
	East:	D-2 Single-Family dwellings
	West:	D-S Single-Family dwelling

Thoroughfare Plan		
East 75 th Street	Primary Collector	40-foot existing right-of-way and an 80-foot proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	April 4, 2024	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	April 4, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood typology, which 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 organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended 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

2023-CZN-821/2023-CVR-821/2023-CPL-821; 4359 and 4361 East 75th Street (west of site), requested the rezoning of 7.194 acres from the D-A district to the D-S district, **approved**; requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish two existing parcels with zero-feet of street frontage and to provide for a subdivision creating a third lot, also without street frontage, **approved**; requested approval of a subdivision plan to be know as Mattingly Subdivision, dividing 3.884 acres into two lots, **approved**.

2020-DV1-026; 4421 East 75th Street (northeast of site), requested a variance of development standards to provide for a detached garage in the front yard of the single-family dwelling, **granted**.

2018-DV2-025; 4635 East 75th Street (northeast of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an in-ground pool, pool equipment and spa / hot tub in the front yard of 75th Street, **granted**.

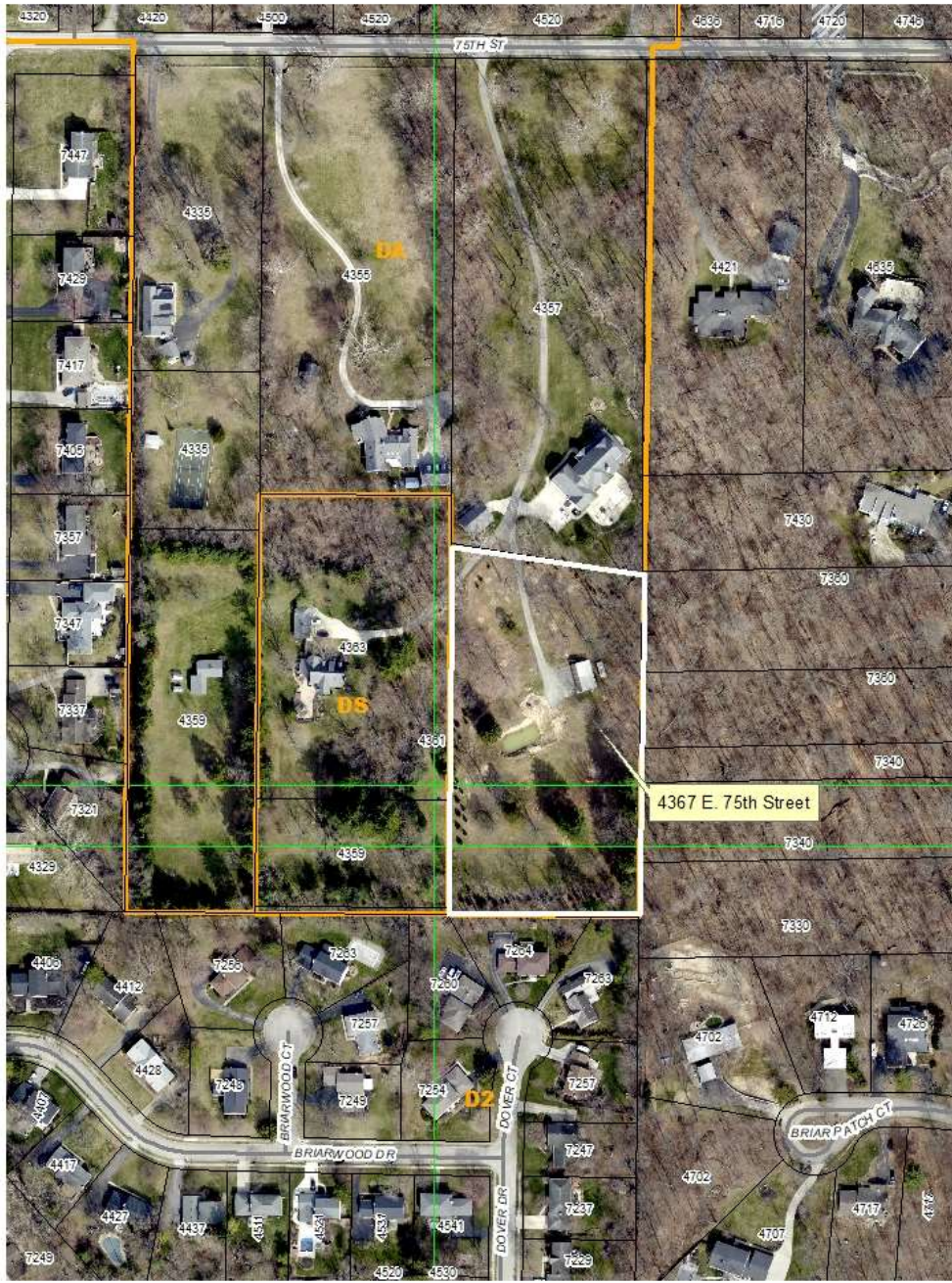
2015-DV3-046; 4357 East 75th Street (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 24.5 by 40.5-foot, 33-foot tall storage barn and chicken coop, with a three-foot west side setback, **granted**.

2007-DV2-027; 5035 East 76th Street (northeast of site), requested a variance of development standards to provide for the construction of an 830-square foot cabana and in-ground swimming pool in front of the established front building lines along East 75th Street and Allisonville Road, **granted**.

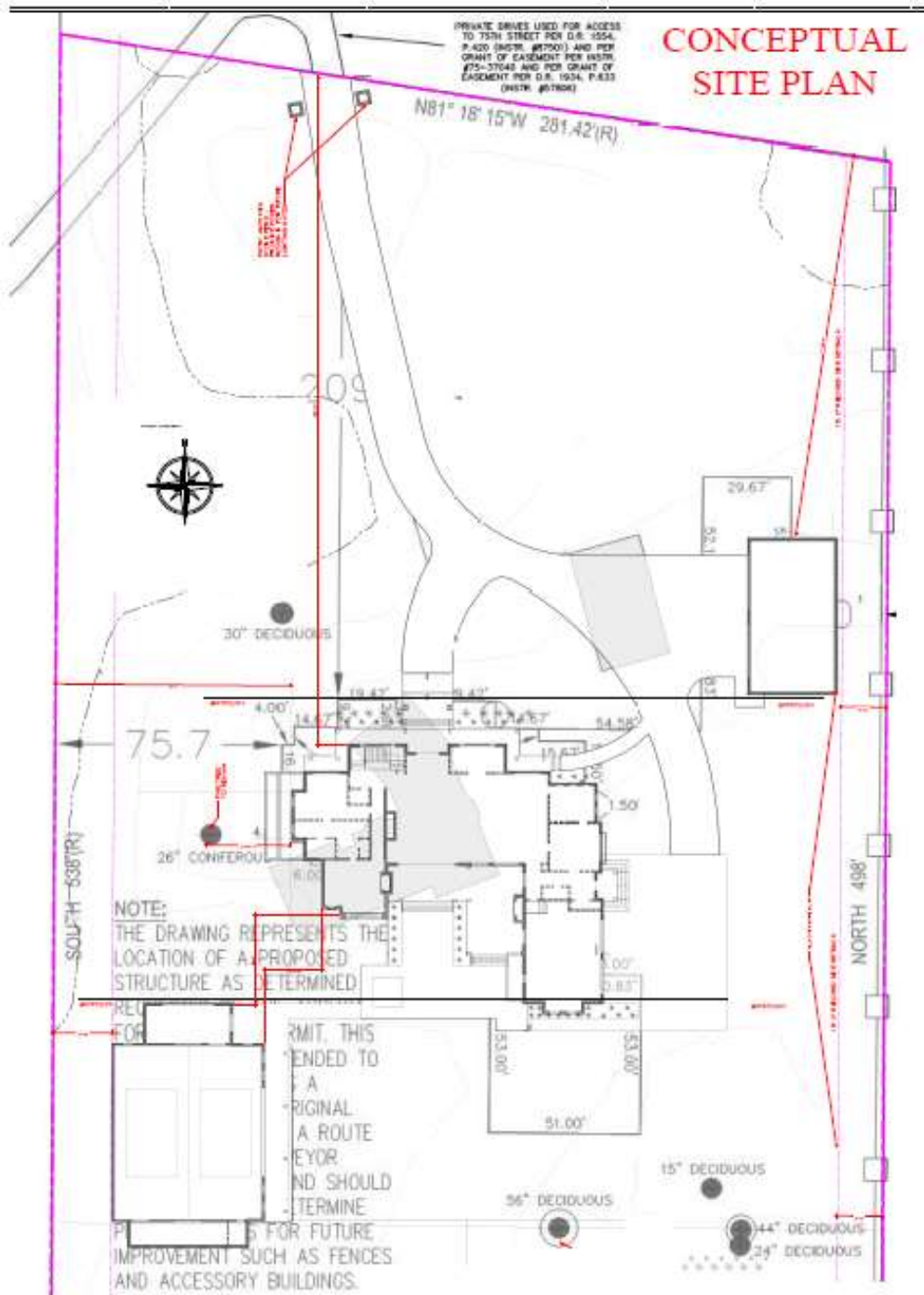
RU

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 existing property under D-S allows for the maximum primary residence height of 35'.
- The proposed primary residence structure height is 32'.
- The proposed accessory structure is directly adjacent to the primary residence.
- The proximity of the accessory structure to the primary residence creates visible alignment.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

- The existing 3.364 acre property will contain a custom built new home, replacing the prior home, which will benefit the value of the area adjacent to the property.

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

- The existing property under D-S does not allow the accessory structure height to match or mirror the primary residence structure height;

Photographs



Photo of driveway entrance form East 75th Street, looking south.



Photo of the subject site, with existing garage to be demolished, looking south.



Photo of adjacent dwelling, from proposed dwelling location, looking west.



Photo of proposed dwelling and accessory structure area, looking towards East 75th Street, at approximately 890 feet to the north.



BOARD OF ZONING APPEALS DIVISION II

May 21, 2024

Case Number: 2024-UV2-007
Address: 5314 West 38th Street (approximate address)
Location: Pike Township, Council District #5
Zoning: C-4
Petitioner: Rama Inc., by Pat Rooney
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway with stacking spaces located within the front yard and a service unit facing 38th Street (not permitted).

Current Land Use: Vacant Commercial land

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously scheduled to be heard on May 21, 2024. Due to the lack of a quorum, this petition was continued from the May 21, 2024, Board II hearing, and transferred to the May 28, 2024, Board III hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the construction of a car wash having a driveway with stacking spaces located within the front yard and a service unit facing 38th Street
- ◇ The Ordinance notes that “no off-street stacking space shall be located in a front yard that is along a public right-of-way that exceeds 30 feet in width regardless of proximity”. Due to use of the site, the required stacking spaces at the exit of the units would not be used for additional services and would simply be used to maneuver in and out of the site. Therefore, staff has no objection to the requested stacking spaces.
- ◇ The proposed development is oriented to the length of the lot, with the service unit exit facing West 38th Street. This standard was originally intended for fast food drive through operations. The service unit exit façade for the proposed car wash is minimal in scale and size, limiting any negative impacts to adjacent properties.
- ◇ For the reasons detailed above, Staff would regard these variance requests as minor and acceptable deviations from the requirements of the Ordinance.



GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Undeveloped	
Comprehensive Plan	Commercial Retail and Service	
Surrounding Context	Zoning	Surrounding Context
	North: C-4	Community Commercial use
	South: C-5	Automotive Repair
	East: C-5	Automobile Sales
	West: C-4	Community Commercial uses

Thoroughfare Plan		
West 38th Street	Primary Arterial	134-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	April 2, 2024	
Elevations	N/A	
Landscape Plan	April 2, 2024	
Findings of Fact	April 2, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Commercial Retail and Service uses for the site.

Pattern Book / Land Use Plan

- The purpose of the Commercial Retail and Service uses is to provide 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

- 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

94-HOV-10; 5318 West 38th Street (west of site), requested a variance of development standards to provide for the placement of an illuminated awning on an existing building, **granted**.

83-Z-141; 5252 West 38th Street (east of site), requested the rezoning of 6.18 acres, being in the C-4 district, to the C-5 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 USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE
this grant will not drastically change the use of the property, but will only result in a drive-through component to the car wash facility, allowing for a more efficient business strategy.

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
this grant will increase the value of the property and the adjacent properties by making the subject property functional.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE
the property is a deep skinny property and there is no other way to have a car wash facility without the drive-through component set up as planned and depicted in the site plan.

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
otherwise the property will not be useable as a car wash facility with Petitioner having already purchased the property and had a full set of construction plans made based upon Petitioner's engineers and contractors informing Petitioner that no variances would be necessary to construct the car wash facility as depicted in the site plan.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE
this grant would allow the subject property to be used for commercial retail and service.

Photographs



Photo of subject site from West 38th Street frontage, looking north.



Photo of rear of subject site looking northeast.



Photo of adjacent automotive sales facility to the east, looking northeast.



Photo of adjacent community commercial shopping center to the west, looking northwest.



BOARD OF ZONING APPEALS DIVISION III

May 28, 2024

Case Number: 2024-DV3-003

Property Address: 3308 North Mitthoefer Road (approximate address)

Location: Warren Township, Council District #15

Petitioner: The Finish Line Inc., by Joseph D. Calderon

Current Zoning: I-3 / I-4

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

Current Land Use: Industrial

Staff Recommendations: Staff has no recommendation for the request

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR MAY 28, 2024 BZA DIVISION III HEARING

- This petition is to be withdrawn, which requires the Board's acknowledgement.



BOARD OF ZONING APPEALS DIVISION III **May 28, 2024**

Case Number: 2024-DV3-010
Property Address: 1635 West Michigan Street
Location: Center Township, Council District #18
Petitioner: INDPL Goodwill Industries, Inc., by Alan S. Townsend
Current Zoning: SU-7 / CBD-S (RC)

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

Current Land Use: Not-for-profit organization

Staff Recommendations: Denial

Staff Reviewer: Jeffrey York, Principal Planner I

PETITION HISTORY

This petition was originally scheduled for hearing on April 16, 2024. It was continued to the May 28, 2024, hearing, by request of staff, with notice, due to the original Legal Notice not including specific information regarding permitted sign height and size permitted within the Regional Center. As of this writing, no new information has been submitted to the file.

STAFF RECOMMENDATION

Staff recommends **denial**.

PETITION OVERVIEW

HISTORY

- This request would replace an existing pylon sign for a multi-use not-for-profit organization. In 2005, a variance of development standards petition was granted for the existing 18.25-foot-tall, 64-square-foot pylon sign, being within close proximity of a protected district and with a five-foot front yard setback.
- This site is within the Regional Center, which is a downtown design overall zone and the most urbanized portion of the city. At the time of this variance grant, pylon signs were permitted at a



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

height of 25 feet, with generous limits on size (3% of the building façade to which the sign is oriented, or 240 square feet, whichever is less). In 2008, the Ordinance was amended to place further restrictions on signage type, height, and size, depending on the location within the Regional Center. There are three areas of the Regional Center: The Mile Square, North Meridian Street Corridor, and all other areas outside of the Mile Square and North Meridian Street Corridor. This site is within all other areas outside of the Mile Square and North Meridian Street Corridor of the Regional Center.

REQUEST

- The Zoning Ordinance revision for signage within the Regional Center became effective in 2008. The revision includes pylon signs limited to eight feet in height and 36 square feet in size. This petition seeks to replace the existing 18.25-foot-tall, 64-square-foot pylon sign, with an 18.33-foot-tall, 106.66-square-foot pylon sign, in the same location as the existing pylon sign. The other variances include a five-foot front yard setback and being within 300 feet of a protected district.
- The site is located just west of White River and White River Parkway, West Drive. Michigan Street is the north border of this site, and the sign would be located at the northeast corner of the site. To the east are multi-family dwellings, to the north, across Michigan Street is a large industrial use, to the west is a railroad and surface parking and to the south is a low-density residential neighborhood.
- The purpose of the more restrictive revision of the Ordinance in 2008 was to promote and to protect the more urban fabric of the downtown. Smaller signs promote urban sites by reducing sign clutter and less reliance on vehicles.
- The City of Indianapolis has recently invested heavily into street calming of Michigan Street. The Department of Public Works is nearly complete in the reconstruction of Michigan Street, directly in front of this site. This reconstruction included reducing the travel lanes from five, including a turn lane, to two travel lanes, with a large landscape buffer zone and a wide bike and pedestrian zone. Additionally, the bus stop that was located along Michigan Street in front of this site was moved further into the right-of-way of Michigan Street, abutting the east-bound travel lane (see photos).
- An overly large freestanding sign is in direct opposition of promoting an urban, walkable neighborhood. Such signs are intended for outer areas of the city, which are more vehicle oriented. There is no practical difficulty in the use of the property as an eight-foot-tall, 36-square-foot monument or pylon sign would be sufficient to promote the uses of the site, in addition to the multiple opportunities for other types of the signage that could be placed on the building, such as wall signs and projecting signs. Finally, while this sign is essentially the same height of the existing sign, it would have significantly more signage placed on it, with a proposed 106.66 square feet of signage, which would be 60% more than the existing 64 square feet of signage, and nearly 300% more the permitted signage size of 36 square feet. Therefore, staff **recommends denial** of this request.



REGIONAL CENTER

- The site is within the Regional Center. A Regional Center Approval petition was previously filed in 2023, through 2023-REG-022, for a 25-foot-tall pylon sign. The review for a freestanding sign would be subject to the grant or denial of this variance petition.

GENERAL INFORMATION

Existing Zoning	SU-7 / CBD-S (RC)	
Existing Land Use	Not-for-profit organization	
Comprehensive Plan	Special Use	
Surrounding Context	Zoning	Surrounding Context
North:	I-4 / MU-2 (RC)	Office / industrial
South:	D-8 / I-4 (RC)	Residential / surface parking
East:	CBD-S / C-3 (RC)	Residential / surface parking
West:	I-4 (RC)	Railroad / surface parking
Thoroughfare Plan		
Michigan Street	Primary arterial	78-foot right-of-way existing and proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Regional Center. Design of new construction would require the submittal and approval of a Regional Center Approval petition	
Wellfield Protection Area	No	
Site Plan	March 7, 2024	
Site Plan (Amended)	March 26, 2024	
Elevations	March 21, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	March 7, 2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS
 Comprehensive Plan

- Center Township Land Use Plan
- Regional Center Urban Design Guidelines



Pattern Book / Land Use Plan

- The Center Township Land Use Plan recommends Special Use development for this site, recognizing the existing not-for-profit organization.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not applicable to the Site.

Neighborhood / Area Specific Plan

- The site is within the Neighborhood Residential typology of the Regional Center Urban Design Guidelines.

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

2023-REG-022; requests Regional Center for a 25-foot-tall pylon sign to replace an existing 18.25-foot-tall pylon sign, **pending**.

2005-DV1-052; requested a variance of development standards variance for an 18.25-foot-tall, 64-square-foot pylon sign located 365 feet from a protected district, with a five-foot front yard setback, **granted**.

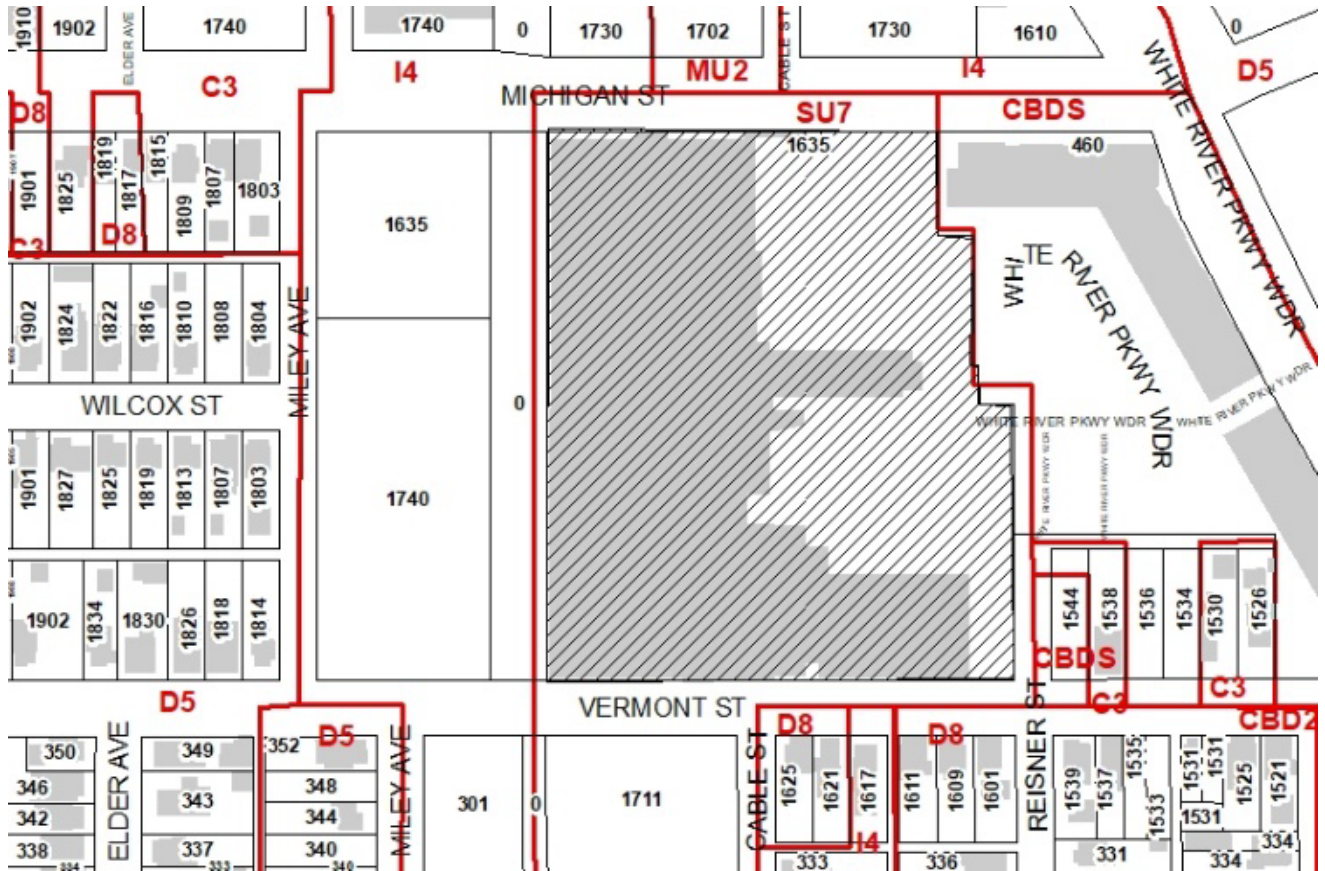
ZONING HISTORY – VICINITY

None



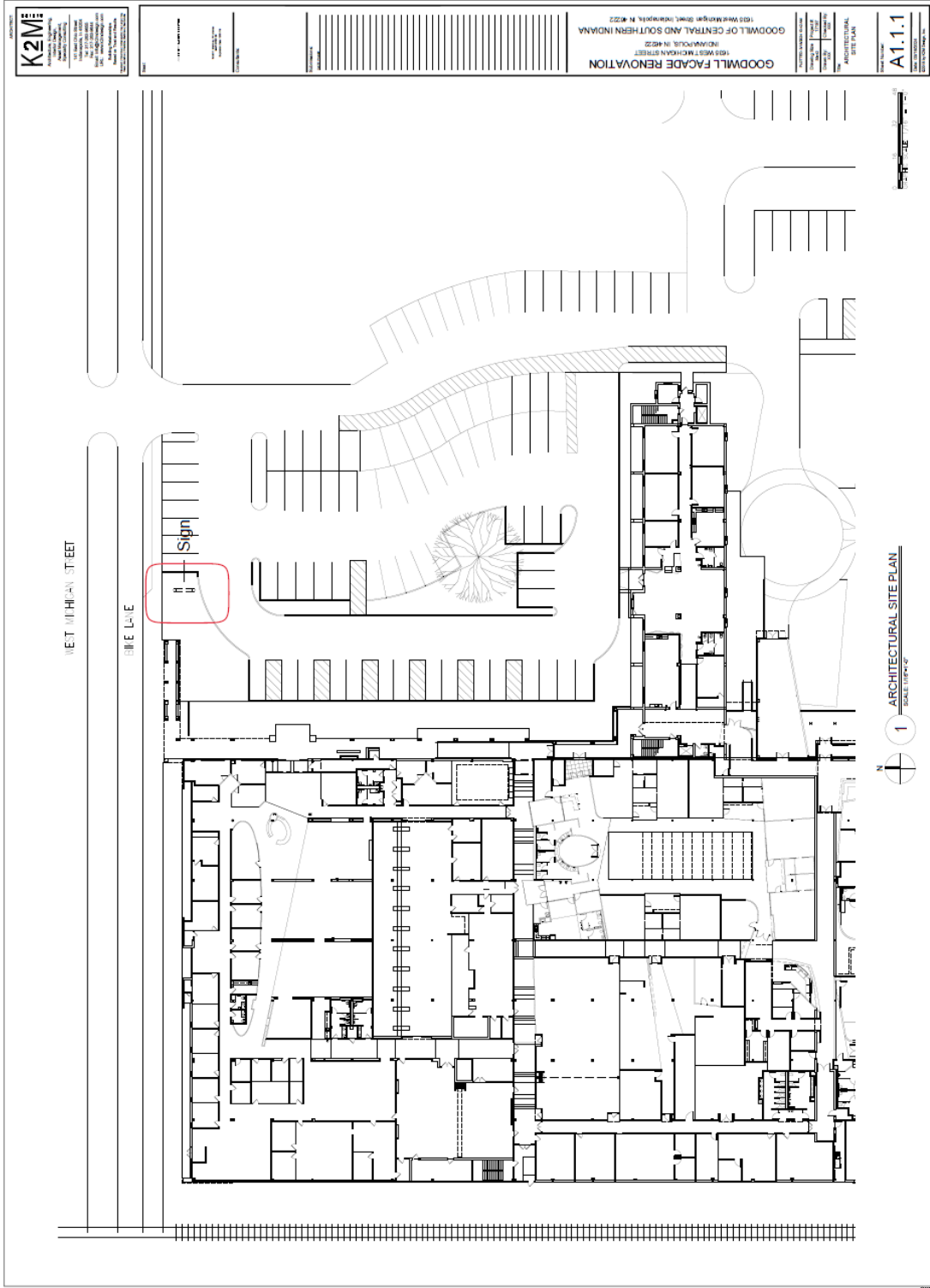
EXHIBITS

2024-DV3-010: Maps





2024-DV3-010; Site plan



2023-DV3-010; Elevations

GOODWILL • CORPORATE

RENDERING #: 1122-0105G

66-66-50 FT
FABRICATE AND INSTALL QTY 1 PYLON SIGN WITH DVF INTERNALLY ILLUMINATED CABINETS

"GOODWILL OF CENTRAL...INDIANA" CABINET
BODY - 2" ALUMINUM ANGLE SKINNED IN .090 ALUMINUM PAINTED TO MATCH SPECS
SIGN COMP - 2" RETRO FRAME WITH RETRO FRAME COVER PAINT #2112/2115
FACES - FLEX FACE MATERIAL TO MATCH SPECS
RETAINERS - 2 3/8" TO MATCH SPECS
DIVIDER BARS - 1 1/2" TO MATCH SPECS
LEDS - WHITE

"EXCEL CENTER" & "INDIANAPOLIS...SCHOOL" CABINETS
BODY - 2" ALUMINUM ANGLE SKINNED IN .090 ALUMINUM PAINTED TO MATCH SPECS
POLE COVERS - 2" ALUMINUM ANGLE SKINNED IN .090 ALUMINUM PAINTED TO MATCH SPECS
POLES - 8" SCH 40
POLE COVERS - 2" ALUMINUM ANGLE SKINNED IN .090 ALUMINUM PAINTED TO MATCH SPECS
LEDS - WHITE

INSTALLATION - POLES BURIED IN GRADE, CABINETS & BASE MOUNTED TO POLESET

SignCraft INDUSTRIES

COLOR SPECIFICATIONS

- ① JIG PRINT IN PMS 3505 BLUE
- ② JIG PRINT IN PMS 3507 BLUE
- ③ JIG PRINT IN PMS 3508 GREEN
- ④ JIG PRINT IN PMS 3509 ORANGE
- ⑤ JIG PRINT IN PMS 3506 RED
- ⑥ JIG PRINT IN PMS 3504 BLUE

SC REVISIONS

NO.	DATE	DESCRIPTION
1	12/01/2022	DATE

PERMIT INFORMATION:
25 MAY 2023 FODDGE MAX
FINAL DATE & BY: 1/1

ART SCALE: 1/4" = 1'-0"

NOTE: THESE ARE COLOR REPRODUCTIONS FROM THIS PRINTED DRAWING. TO THE FINEST PRACTICE, COLORS ARE APPROXIMATE. FOR THE MOST ACCURATE COLOR REPRODUCTION, PLEASE REFER TO THE ORIGINAL DRAWING. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED. THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE INDIANAPOLIS ELECTRICAL CODE AND OTHER APPLICABLE CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

© 2020 - SIGNCRAFT INDUSTRIES. ALL RIGHTS RESERVED - 8816 CORPORATION DR. - INDIANAPOLIS, INDIANA 46256 - 317-842-8664 - SIGNCRAFTIND.COM



2023-DV3-010; Findings of Facts

FINDINGS OF FACT
PETITION FOR VARIANCE
OF DEVELOPMENT STANDARDS

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

the existing on-premise sign that is being improved pursuant to this grant of variance has been in place for many years without causing any injury to the public health, safety, morals, and general welfare of the community. The existing on-premise sign is being improved because it is both deteriorating and outdated. Once improved, it will accurately identify four of the groups operating from 1635 W. Michigan Street (Goodwill of Central and Southern Indiana, The Excel Center®, Indianapolis Metropolitan High School, and Per Scholas).

There is no evidence that the existing on-premise sign has caused any injury, in any manner, to the public health, safety, morals, and general welfare of the community. The improved on-premise sign will conform to industry standards with regard to construction and safety.

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 existing on-premise sign that is being updated pursuant to this grant of variance has been in place since approximately 2005 without affecting the neighboring properties in a substantially adverse manner. The location of the already existing on-premise sign is in an area of the City of Indianapolis appropriate for on-premise signs.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property for which the variance is sought because:

the existing on-premise sign that is being improved pursuant to this grant of variance has been in place for many years without generating any adverse impact. And the location of the existing on-premise sign is in an area of the City of Indianapolis (oriented to Michigan Street) appropriate for signage. Without this variance, the strict application of the ordinance would prohibit Goodwill of Central and Southern Indiana from effectively identifying four of the groups operating from 1635 W. Michigan Street (Goodwill of Central and Southern Indiana, The Excel Center®, Indianapolis Metropolitan High School, and Per Scholas).

2024-DV3-010; Photos



View of Michigan Street bike lane and landscape buffer zone (newly installed) and multi-family dwellings east of subject site, looking east



View of bike lane, landscape buffer zone and the two travel lanes of Michigan Street



View of the existing pylon sign, bus stop, bike lane, landscape buffer zone and the two travel lanes of Michigan Street, looking west



View of the existing pylon sign and the building on the subject site.



Close-up view of bus stop, bike lane, landscape buffer zone and the two travel lanes of Michigan Street, looking west



View of the existing pylon sign looking east



BOARD OF ZONING APPEALS DIVISION III **May 28, 2024**

Case Number: 2024-DV3-012

Property Address: 2916 West Banta Road

Location: Perry Township, Council District #22

Petitioner: Martin Marietta Materials Inc., by Jennifer Milliken

Current Zoning: D-A (GSB) (W-5)

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

Current Land Use: Single-family dwelling

Staff Recommendations: Staff recommends approval, With Commitments

Staff Reviewer: Eddie Honea, Principal Planner II

PETITION HISTORY

This petition was continued, at Staff’s request, from the April 16, 2024 hearing, to the May 28, 2024 hearing of Division III in order to further review the request and engage with the petitioner.

STAFF RECOMMENDATION

Staff recommends approval of the request, subject to the following Commitments:

1. No blasting or use of explosives shall occur on the Real Estate;
2. No dewatering shall occur on the Real Estate unless necessary due to flooding;
3. All extraction of sand and gravel shall use wet extraction methods;
4. Materials excavated will be moved via pipeline to the processing plant. Trucks and conveyors belts for the transportation of sand or gravel to the processing plant are prohibited;
5. Only extraction of sand and gravel shall be permitted. Processing of aggregate on the Real Estate shall be prohibited;
6. Owner shall not request any additional curb cuts onto the Real Estate from adjacent rights-of-way. Access, except for emergencies or the installation and maintenance of landscaping and mounding, shall utilize internal access to the existing mining operation to the north of the Real Estate;
7. Any dredge used on the Real Estate shall be electric;
8. Extraction shall be limited to hours of 6am-7:30pm Monday through Saturday, unless required by a government project that requires the delivery of aggregate during different hours; and



Department of Metropolitan Development
Division of Planning
Current Planning

- 9. The operation shall not deviate from the projections outlined within the Dredge Noise Analysis, file-dated May 10, 2024.

PETITION OVERVIEW

- The subject site was rezoned within the GSB overlay district as part of the approval of 2006-ZON-852, which encompassed 144.36 acres. This district represents the sole zoning classification that allows for Gravel Sand and Borrow operations in Marion County.
- The grant of this 2006 rezoning request was subject to numerous commitments, which remain in full force and effect for the subject property. Among the various commitments imposed on the property, include the following: exclusive use of an electric suction dredge; the use of a floating curtain to be maintained in good condition to protect the wellfield; the prohibition of blasting; and the prohibition of using adjacent public streets for the purposes of transporting sand and gravel from the site to adjacent sand and gravel sorting plants. Should the request be granted, these commitments are further reinforced by Commitments submitted by the petitioner as part of this variance filing.
- The request, as proposed, would allow for 100-foot setbacks along Banta Road and Concord Street, where 150-foot setbacks are required. The request would also provide for a 100-foot eastern side yard setback, where 175 feet are required. The request also proposes a seven-foot-tall berm along the frontages and eastern side yard setback. The berm would be topped with trees and other vegetation.
- While Staff initially had concerns about noise related nuisance issues, particularly upon the residential community directly to the East, various factors mitigate this concern. Gravel Sand and Borrow operations are typically characterized by intermittent blasting, heavy vehicle traffic patterns and other generators of loud noises. Given that the commitments, both existing and proposed for the site, prohibit and cause operations on this site to function as part of a larger operation located to the North, Staff believes reduced setbacks would be appropriate.
- In addition, the petitioner has provided a Dredge Noise Analysis, performed by Vibra-Tech Engineers, which indicates that operations, as proposed, would not likely emit sound beyond 53 dBa (measurement of sound level perceived by human ears). The Marion County Noise Ordinance has a limit of 60 dBa at perimeter lot lines.

GENERAL INFORMATION

Existing Zoning	D-A (GSB) (W-5)
Existing Land Use	Single-Family Residential
Comprehensive Plan	Suburban Neighborhood



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

Surrounding Context	Zoning	Surrounding Context
North:	D-A (GSB)	Gravel Sand and Borrow Operations
South:	D-P	Single-family dwellings
East:	D-P	Single-family dwellings
West:	D-A (GSB)	Gravel Sand and Borrow Operations
Thoroughfare Plan		
	Banta Road	Primary Collector
	Concord Street	Primary Collector
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	GSB and W-5	
Wellfield Protection Area	W-5	
Site Plan	March 14, 2024	
Site Plan (Amended)	April 2, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	Included with Site Plan File-dated March 14, 2024	
Findings of Fact	April 2, 2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Land Use Pattern Book

Pattern Book / Land Use Plan

- Suburban Neighborhood, within the Environmentally Sensitive Overlay

The Suburban Neighborhood land use recommendations contemplates low to moderate single-family residential uses, with limited commercial activities. Given Gravel Sand and Borrow operations classification as a land use classification, it is not directly contemplated by the Land Use Pattern Book.

The Land Use Pattern Book identifies portions of the subject site within the Environmentally Sensitive Overlay. This overlay strives to protect waterways, ensure the preservation of trees and the implementation of landscaping, when possible.

Red Line / Blue Line / Purple Line TOD Strategic Plan



Department of Metropolitan Development
Division of Planning
Current Planning

- Not Applicable

Neighborhood / Area Specific Plan

- Not Applicable

Infill Housing Guidelines

- Not Applicable

Indy Moves

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

- Banta Road and Concord Street are both classified as Primary Collectors within the Thoroughfare Plan



ZONING HISTORY

Site:

2006-ZON-852 and 2006-VAR-852; 2916 West Banta Road and 6300 South Concord Street; requests rezoning of 144.36 acres from the secondary zoning classification of the D-A (FF) (W-1) (W-5) District, to the D-A (FF) (W-1) (W-5) (GSB) classification to provide for the a dredging operation; and a variance of development standards of the Gravel Sand-Borrow Zoning Ordinance to provide for mining operations within 90 feet of an existing public right-of-way of Concord Avenue and mining operations within 25-feet of the east side property line and a variance of development standards of the Dwelling Districts to permit a mining operation with a 25-foot east side setback; rezoning approved, **variances withdrawn.**

Vicinity:

2022-CZN-807, 2022-CAP-807, 2022-CVR-807; 5540 South Belmont Avenue; requested Rezoning of 10 acres from the D-A (GSB) (FF) to the SU-23 (GSB) (FF) district to provide for sand and gravel extraction and concrete processing plant; and the Modification of Commitments associated with rezoning petitions 72-Z-233, 87-Z-91, 97-Z-78, 97-Z-79 and 99-Z-199 to terminate all prior zoning commitments and replace them with commitments filed with this petition.; and a Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of two concrete plants (not permitted); **granted and approved**

2008-UV2-012; 5540 South Belmont Avenue; requests variance of use of the Special Districts Zoning Ordinance to provide for the location of a 10,000 gallon above-ground, outdoor storage tank for diesel fuel storage; **granted.**

2000-UV2-004; 5320 South Belmont Avenue; requests variance of use of the Special Districts Zoning Ordinance to provide for a temporary concrete plant; **granted.**

99-Z-199; 5719 South Concord Street; requested rezoning of 30 acres from the D-A District to the SU-21 classification to provide for a permanent sand and gravel processing facility and associated accessory uses; **approved.**

98-UV1-41; 5502 South Belmont Avenue; requests variance of use of the Special Districts Zoning Ordinance to provide for a concrete processing facility; **granted.**

97-Z-79; 5730 South Concord Street; requested rezoning of 10 acres from the D-A (FF) (GSB) to SU-23 (FF) (GSB) classification to provide for the operation of a sand and gravel processing plant and stockpiling; **approved.**

97-Z-78; 5719 South Concord Street; requested rezoning of 10 acres from D-A (FF) (GSB) to SU-23 (FF) (GSB) classification to provide for the operation of a sand and gravel processing plant and stockpiling; **approved.**



Department of Metropolitan Development
Division of Planning
Current Planning

97-HSE-1; 5719 South Concord Street; requested Special Exception of the Wellfield Protection Zoning Ordinance to provide for the operation and expansion of mining extraction of sand and gravel products including a primary processing plant; **approved.**

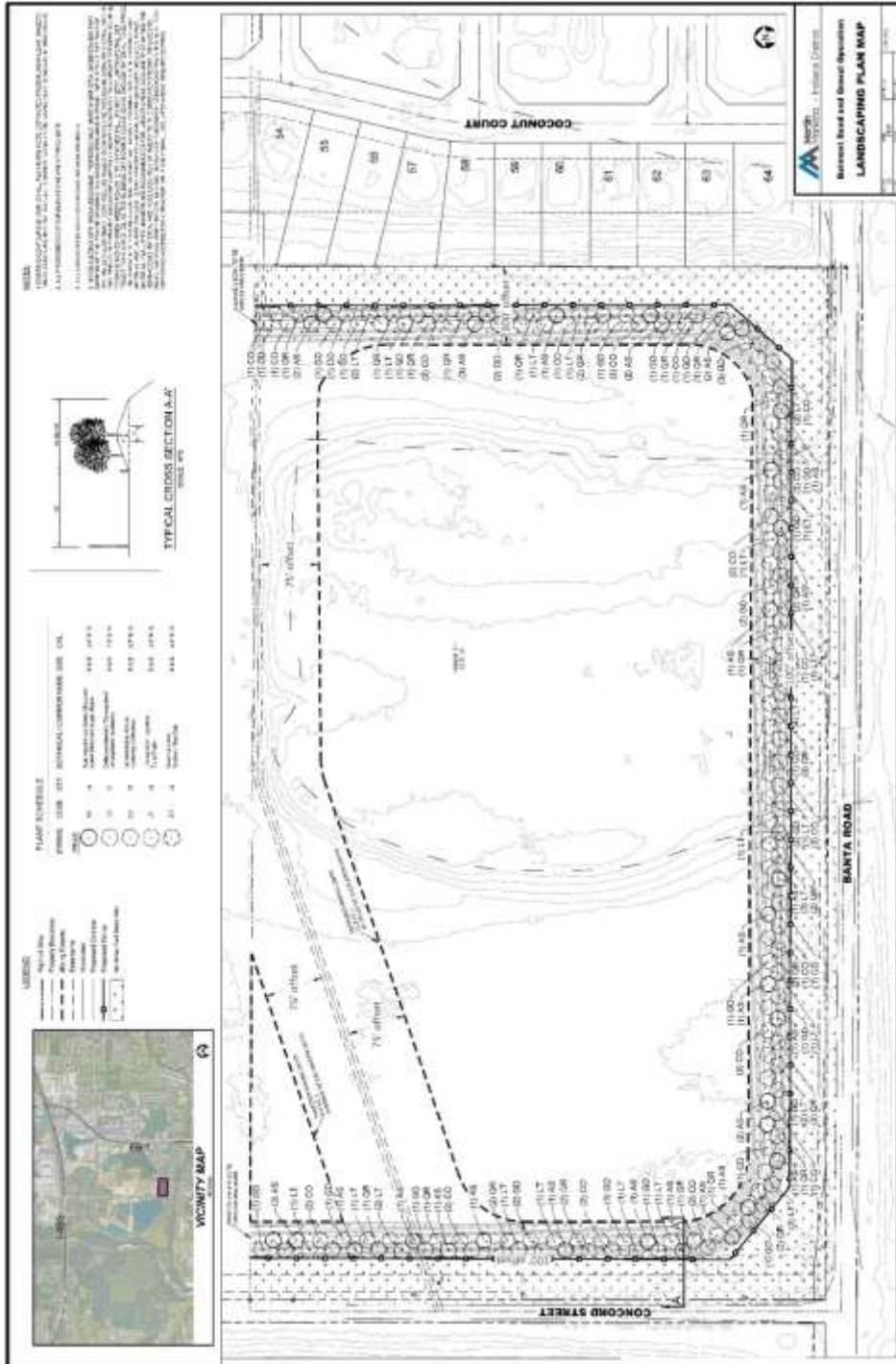
94-UV3-121; 5950 South Belmont Avenue; requests variance of use and development standards of the Industrial Zoning Ordinance and Special Use Districts Zoning Ordinance to provide for the construction of an office/equipment maintenance facility for contractors use (not permitted), outside storage of materials without screening (storage within 500 feet of a residential boundary required to be enclosed and screened) and storage of some materials to exceed the height of the fence (maximum six feet permitted), with total outside operations exceeding 25% of the enclosed buildings (maximum 25% permitted), without screening or landscaping in the required yards and without off-street loading berths; **granted.**

90-UV1-61; 2103 West Epler Avenue; requests variance of use and development standards of the Special Use Zoning Ordinance to permit the temporary placement of asphalt processing plant without the required paved driveway and parking areas for a period of two years; **granted.**

87-Z-91; 2121 West Epler Avenue; requests rezoning of 25 acres being in the I-3-S (GSB) district, to the SU-23 (GSB) classification, to provide for permanent aggregate processing plans; **approved.**

72-Z-233; 5855 Concord Street; requests rezoning of 281 acres, being in the A-2, I-2-S and I-3-S districts to the GSB classification to permit gravel and sand excavation; **approved.**

EXHIBITS





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

Dredge Noise Level Study
Martin Marietta Belmont Sand & Gravel
April 26, 2024

Under the current ordinance of 175’ offset on the east property line, the closest the dredge motor, the major noise source associated with the dredge, will be from the east property line will be 305’. This distance will be reduced to 230’ under the requested variance. Using these distances, the reference dredge noise levels, the measured noise attenuation of the berm at elevation 674, and the proposed berm elevation of 677, the maximum noise levels resulting from the operation of the dredge at the east property line were determined. The maximum dBA and dBC noise levels are provided in Table 3.

Table 3. Maximum dredge noise levels at east property line of Belmont Sand and Gravel under current offset ordinance and 75’ variance request.

Condition	Offset to East PL (ft.)	Distance Dredge Motor to PL (ft.)	L _{Max} dBA	L _{Max} dBC
Current Ordinance	175	305	51	61
Variance Request	100	230	53	63

CONCLUSIONS

Based on the results of the noise measurement and analysis for the dredge operation at Martin Marietta Belmont Sand and Gravel, the expected noise levels resulting from the requested 75’ variance to the 175’ offset ordinance will be in compliance to the City of Indianapolis Noise Ordinance of 60 dBA and 70 dBC.

Respectfully submitted,
Vibra-Tech Engineers, Inc.

Jonathan A. Ferdinand
Jonathan A. Ferdinand
Vibration and Sound Specialist



Photo One: Banta Road facing West



Photo Two: Banta Road Facing West



Photo Two: South Across Banta Road



Photo Three: North, Toward Interior of Site



BOARD OF ZONING APPEALS DIVISION III

May 28, 2024

Case Number: 2024-UV3-004

Property Address: 2308 Shelby Street (approximate address)

Location: Center Township, Council District #19

Petitioner: Walter Resinos

Current Zoning: C-3 (TOD)

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

Current Land Use: Commercial

Staff Recommendations: Staff recommends denial of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR MAY 28, 2024 BZA DIVISION III HEARING

- This petition was continued from the April 16, 2024 BZA Division III hearing to the May 28, 2024 BZA Division III hearing due to unpaid filing fees.

STAFF RECOMMENDATION

- Staff recommends denial of this petition

PETITION OVERVIEW

- This petition would provide for the operation of a tattoo parlor within 55 feet of a protected district (not permitted within 500 feet of a protected district). The plan of operation states that the business would be open from 10am to 9pm from Monday to Saturday.
- The required spacing of certain uses is in place to provide for increased protection of sensitive land uses such as parks, schools, religious uses, dwelling districts, etc. from land uses that may potentially cause nuisances or are of increased intensity. The subject site is located adjacent to a D-5 dwelling district to the west. The Zoning Ordinance calls for at least 500 feet of separation between any protected district and tattoo parlors when located in C-3 districts.
- Staff would note that while the proposal represents a significant deviation from the permitted separation, the Zoning Ordinance is particularly restrictive of tattoo parlors, relative to other land uses that represent a similar or even greater intensity. Examples of such uses that are permitted to be



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

closer to protected districts than tattoo parlors include night clubs, liquor stores, as well as bars and taverns, all of which are permitted to be located as close as 100 feet from protected districts.

- Staff would note that Shelby Street is an emerging commercial corridor located within the Red Line TOD Overlay District with the subject site being located under ¼ mile from the Shelby Street and Raymond Street transit station, and under ½ mile from the Garfield Park transit station.
- Finally, Staff does believe that the subject site has the capability of operating as something other than a tattoo parlor, and would note that the submitted Findings of Fact do not state a practical difficulty related to the variance for the proposed use. While Staff does find the standard related to tattoo parlors to be antiquated, Staff does recommend denial of the variance requested.

GENERAL INFORMATION

Existing Zoning	C-3 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-3 (TOD)	North: Community Commercial
South:	C-3 (TOD)	South: Community Commercial
East:	C-3 (TOD)	East: Community Commercial
West:	D-5 (TOD)	West: Single-family residential
Thoroughfare Plan		
Shelby Street	Secondary Arterial	60 feet of right-of-way existing and 78 feet proposed
Hervey Street	Local Street	50 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	3/8/24	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/8/24	
Findings of Fact (Amended)	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within ¼ mile of the Shelby Street and Raymond Street transit station. This area has been classified under the community center typology, which is characterized by a dense mixed-use neighborhood center, a minimum of 2 stories at the core, no front or side setbacks at the core, and the presence of multi-family housing with a minimum of 3 units .

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

94-Z-130; rezoning of 4.43 acres, being in the C-1, C-2, C-3, and D-5 districts to the C-3 classification to conform zoning to the Garfield Park/Pleasant Run Neighborhood Plan, **approved.**

ZONING HISTORY – VICINITY

2022ZON105; 2340 & 2344 Shelby Street (south of site), Rezoning of 0.24 acre from the C-3 (TOD) district to the MU-2 (TOD) district, **approved.**

2015DV2005; 2242 Shelby Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for: a) the construction of a 384-square foot detached garage for bicycle repair, an addition to the main dwelling, to be used for an espresso bar, bicycle sales and display, and bicycle and supply storage, and two decks for outdoor seating (not permitted), b) with five parking spaces (seven parking spaces required), with deficient maneuvering (not permitted), and c) to provide for a handicapped ramp, with a zero-foot front setback from Shelby Street or 30 feet from the centerline (70 feet from the centerline required), and d) to provide for a 6.25-square foot suspended sign, with less than eight feet of clearance (maximum five square feet permitted, minimum eight feet of clearance required) and a 40 square foot wall sign on the front porch parallel to Shelby Street, **approved.**

99-UV2-64; 2230-2340 Shelby Street (north of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for the expansion of a tavern within 100 feet of a protected district, liver entertainment and no off-street parking, **granted.**

98-UV3-81; 2320 Shelby Street (south of site), requested a variance of use to permit the sale and repair of major appliances, **denied.**

95-UV1-35; 2320 Shelby Street (south of site), requested a variance of use to provide for a mechanical contractor operation and heavy equipment storage of an HVAC company, including storage of materials and tools *such as sheet metal fabricators, arc welder, and cleaning solvents* for HVAC service, **denied.**

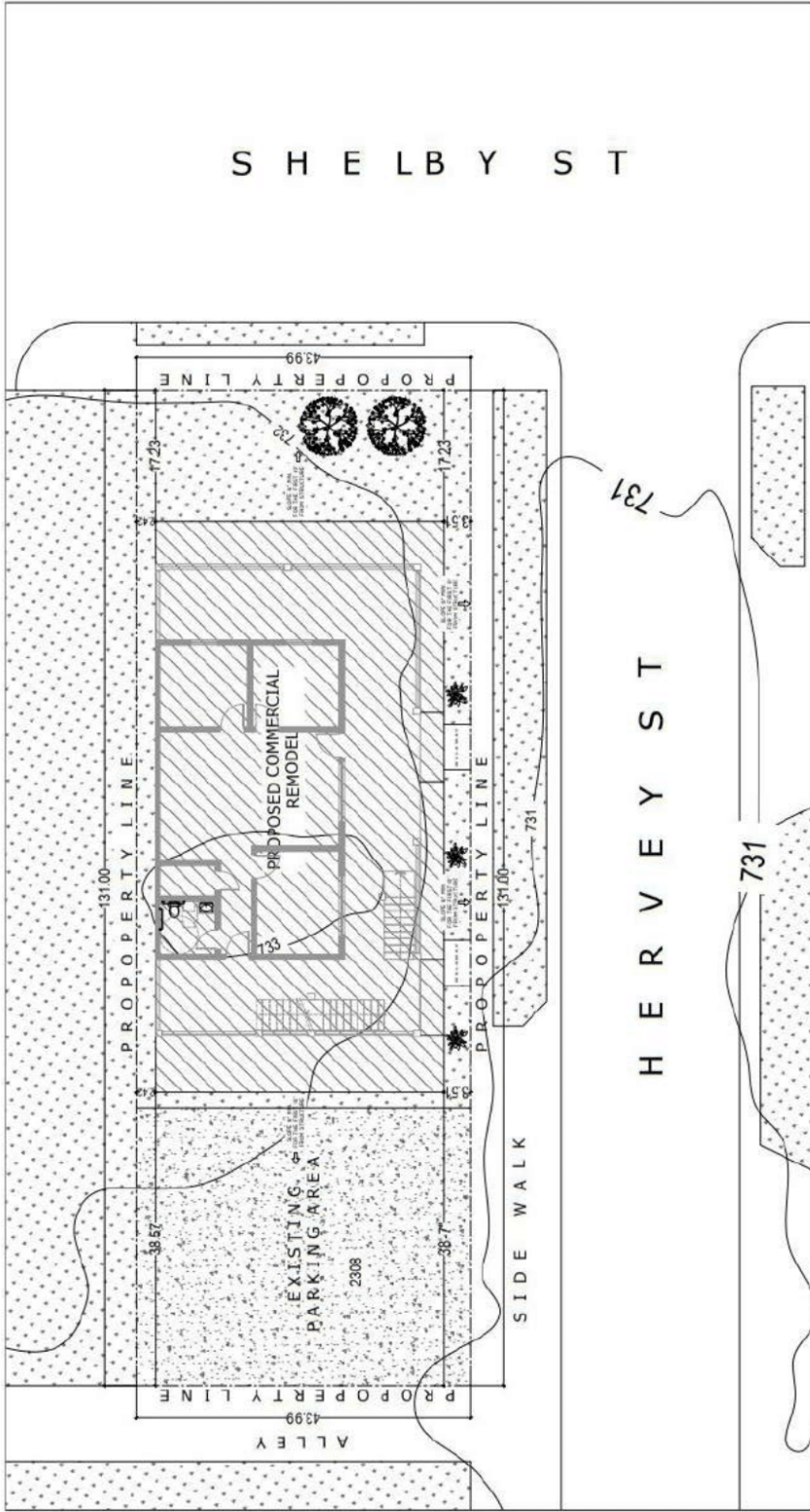
89-UV3-73; 2242 Shelby Street (north of site), requested a variance of use to permit retail sale of jewelry, coins and metals, **granted.**

87-UV2-29; 2236 Shelby Street (north of site), requested a variance of use to permit an automobile clean-up business, **denied.**

83-UV3-4; 2310 Shelby Street (north of site), requested a variance of use and development standards to permit a site-down restaurant, **granted.**

EXHIBITS





2308 SHELBY ST.
 LOT 03
 ST. CATHERINES GARFIELD PARK ADDITION

SITE PLAN

LEGAL DESCRIPTION

St. Catherines Garfield park
 ADD L3

Parking

- Parking is available in the parking lot or the street.
- Parking will be minimal since most tattoos are done by appointments. Walk ins are not encouraged.

Hours of Operation

- The tattoo shop will be open from Monday through Saturday.
- Flexible hours of operations depending on the demand/ appointments. Some days the shop will close earlier depending on the work load.
- Official hours of operations will be around 10 a.m. to 9 p.m.

Safety & Security provisions

- 360-degree security camera system outside the building.
- Camera system inside the building as well. Everyone entering the building/ tattoo shop will be recorded.
- All exits are marked.
- Smoke detectors are present in hallways, waiting areas and all offices.
- Fire extinguisher easily accessible and displayed.
- No smoking allowed inside the building.
- Since most tattoos will be done by appointment only, it will minimize the amount of people present inside the building at one time.
- Hazardous materials including needles will be safely handled and stored to prevent accidents.

Clients and Customers

- The typical clients include upstanding citizens who are interested in getting tattoos and can afford them.
- The average price of a typical tattoo starts around \$150 an hour.
- Loitering around the property is prohibited.

Materials used

- Tattoo ink, needles, sterilization chemicals, cleaning chemicals, anesthetic creams and ointments.

Shipping and receiving

- Regular shipping and receiving have their own designated areas.

Waste

- Hazardous waste materials including needles are collected by hazardous waste removal companies.

Process conducted on site

- Once the client has been checked in, he/she fills in a consent form and a copy of their ID is taken.
- Clients select the tattoo and the location they want it tattooed on their body.
- The client is placed on a special chair/ tattoo bed.
- There are bathroom breaks from time to time till completion.
- Once the process is done, the tattooist offers consultation services on how to care for the tattoo until it's completely healed, concluding the process.



Department of Metropolitan Development
Division of Planning
Current Planning

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

It will be rented to licensed professionals that are bound to local laws & regulations that are enforced by the board of health

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 an old fire station that is currently being used for storage. It will rather bring value to the adjacent property as it will be surrounded by more businesses.

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

the existing C-3 commercial zoning doesn't allow for a "Body Art / Tattoo Shop" to be operated on the premises without a variance of use

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

it will limit the additional rent income that the property can generate from the potentially multi-use building that can host various types of licensed businesses. It will hinder the growth of the local business community due to the limited services and operations that can be provided in the area.

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

The Variance that is being requested does not interfere in any way with the other surrounding businesses. it will not be near a church/house of service. It will not change the vibe of the neighborhood as there is a brewery across from the property. The Licensed Tattoo Shop will be adhering to the local safety regulations & ordinances from the board of health.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____









BOARD OF ZONING APPEALS DIVISION III **April 16, 2024**

Case Number: 2024-UV3-005
Address: 6901 East 38th Street (approximate address)
Location: Warren Township, Council District #9
Zoning: C-5 (TOD)
Petitioner: Equipment Share, by Michael Rabinowitch
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of heavy equipment sales and rental business (not permitted).

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

The petitioner previously filed an automatic continuance, continuing this petition from the April 16, 2024, hearing, to the May 28, 2024, hearing.

The petitioner has indicated they will be requesting that this petition be **continued for cause, from the May 28, 2024, hearing, to the July 16, 2024,** hearing. This will allow time for Staff to review an updated site plan and landscaping plan. Staff has no objection to the request.