



Board of Zoning Appeals Division II (June 13, 2023) Meeting Agenda

Meeting Details

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

Date: Tuesday, June 13, 2023

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. 2023-DV2-011 | 7762-7798 and 7735-7787 Garnet Avenue, 3046-3064 Crooked Creek Parkway East Drive, 2903-2945 and 2902-2958 Ruby Boulevard, 2940 and 2939 Moonstone Street, 3103-3157, 3138-3156 and 3102-3126 Sardonyx Street**
Pike Township, Council District #1, Zoned D-5
Arbor Homes & Apex Realty Group, by Caitlin Dopher

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings on each lot with a 20-foot front yard setback, a minimum main floor area of 539 square feet and an open space of 40 percent (25-foot front yard setback, 660 square foot main floor area and 60 percent open space required).

****Automatic Continuance by remonstrator to July 11, 2023 to be acknowledged**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 2. 2023-UV2-002 (Amended) | 6627 Mann Road**
Decatur Township, Council District #20, Zoned D-A (FF) (FW)
Dennis Brackenridge, by Aaron McGee

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of five secondary dwellings, with entries not visible from the right-of-way (only one secondary dwelling permitted, entries must be visible from the right-of-way), with one of the secondary dwellings being taller than the primary dwelling (not permitted), on a lot where the property owner does not maintain their permanent residence (owner occupancy required) for use as part of a commercial campground (not permitted).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 3. 2023-DV2-005 | 4540 North Park Avenue**
Washington Township, Council District #7, Zoned D-2 (TOD)
Thomas and Kelly Creveling, by Mark Demerly

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house with a secondary dwelling containing 850 square feet (maximum 720 square feet), resulting in an open space of 72 percent (75 percent open space required).

4. 2023-DV2-008 | 3802 East 10th Street

Center Township, Council District #12, Zoned C-4
Jabbo Investments LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an automobile fueling station and laundromat with zero percent building transparency on the façade facing 10th Street and a maximum light level of 20.2 (average of 16.2) foot-candles under the fueling station canopy (40% façade transparency required, maximum average light level of 4.5 foot-candles permitted).

5. 2023-DV2-009 | 6151 North Keystone Avenue (2419 East 62nd Street parcel address)

Washington Township, Council District #2, Zoned C-4 / D-P
Kite Realty Group, by H.C. Klover Architect

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant with a drive through with service units and stacking spaces within the front yard, and without the required screening (service units and stacking spaces not permitted within the front yard, screening from public rights-of-way required), with 24 parking spaces (maximum of 23 parking spaces permitted).

6. 2023-UV2-005 | 3721 East 10th Street

Center Township, Council District #12, Zoned MU-1 / I-4
Miller Land LLC, by Cynthia A. Bedrick

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile repair shop (not permitted) with 11 parking spaces (20 spaces required).

**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.

STAFF REPORT**Department of Metropolitan Development
Division of Planning
Current Planning Section**

Case Number: 2023-DV2-011
Address: 7762-7798 and 7735-7787 Garnet Avenue, 3046-3064 Crooked Creek Parkway East Drive, 2903-2945 and 2902-2958 Ruby Boulevard, 2940 and 2939 Moonstone Street, 3103-3157, 3138-3156 and 3102-3126 Sardonyx Street (approximate address)
Location: Pike Township, Council District #1
Zoning: D-5
Petitioner: Arbor Homes & Apex Realty Group, by Caitlin Dopher
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings on each lot with a 20-foot front yard setback, a minimum main floor area of 539 square feet and an open space of 40 percent (25-foot front yard setback, 660 square foot main floor area and 60 percent open space required).

A timely automatic continuance request was submitted by a registered neighborhood organization, **continuing this matter from the June 13, 2023, hearing to the July 11, 2023, hearing.** This would require the Board's acknowledgement.

AR: hss

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV2-002
Address: 6627 Mann Road (approximate address)
Location: Decatur Township, Council District #20
Zoning: D-A (FF) (FW)
Petitioner: Dennis Brackenridge, by Aaron McGee
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of five secondary dwellings, with entries not visible from the right-of-way (only one secondary dwelling permitted, entries must be visible from the right-of-way), with one of the secondary dwellings being taller than the primary dwelling (not permitted), on a lot where the property owner does not maintain their permanent residence (owner occupancy required) for use as part of a commercial campground (not permitted).

June 13, 2023

Due to an error related to publication of the notice, this petition was continued to another hearing of Division II, with additional notice.

This petition was automatically continued **from the April 13, 2023 hearing to the May 16, 2023 hearing.**

RECOMMENDATIONS

Staff recommends approval of the request with the following commitments:

1. Approval of the variance will be subject to the plan of operation file dated April 20, 2023.
2. No recreational vehicles are permitted except for personal use or property maintenance.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-A	Metro	Single-Family Residential and Agricultural
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SURROUNDING ZONING AND LAND USE

North	D-A	Agriculture
South	D-A	Single-Family Residential
East	SU-13	Undeveloped / White River
West	D-7 / C-4	Multi-Family Residential / Undeveloped

LAND USE PLAN

The Comprehensive Plan recommends Rural or Estate Neighborhood and Floodway development.

(Continued)

STAFF REPORT 2023-UV2-002 (Continued)

- ◇ The subject site is approximately 25 acres and within the floodplain along the White River. The site is developed with a single-family dwelling and accessory structures, one secondary dwelling, and a barn for boarding livestock. The rear of the property is on the bank of the White River. This site also contains Mann Creek and a tributary stream, and a pond. Much of the site is covered by existing trees and vegetation.

VARIANCE OF USE

- ◇ This request would provide for the construction of five secondary dwellings, on a lot where the property owner does not maintain their permanent residence for use as part of a commercial campground.
- ◇ The land use recommendation for this site is Rural or Estate Neighborhood with the environmentally sensitive overlay for the floodway. This typology may include bed and breakfast uses, which are comparable to the camping use proposed. The camping use per the plan of operation would be limited to cabin rentals (the proposed secondary dwellings) and existing house. The floodway overlay would limit the area of developable land. The proximity to rivers and streams would support recreational activities such as walking trails, docks, and picnic shelters. Therefore, staff would not be opposed to recreational use for this site.
- ◇ Staff would note that it would be preferable to rezone this site to the SU-16 district for outdoor recreation; however, the existing single-family dwelling and agricultural use would necessitate that at least part of the site should remain within the D-A zoning district. Much of this site is within the floodplain, which limits the development potential of the site. Staff discussed the possibility of rezoning, and subdividing the property to retain the single-family and agricultural use, but the limits of the floodplain would require an additional variance of development standards to have less than the minimum three acres for a lot in the D-A district. Given the constraints of the site and the existing agricultural use, staff would not oppose a variance of use instead of a companion rezoning, plat, and variance of development standards.
- ◇ The use-specific standards for secondary dwellings limit one secondary dwelling per lot developed with a single-family dwelling, and the primary or secondary dwelling must be the property owner's primary residence. Given that the purpose of these secondary dwellings is for a campground use instead of a primary residence, staff is not opposed to a variance where the property owner does not reside in one of the proposed dwellings.
- ◇ The secondary dwellings proposed are rental cabins for a commercial campground use, but they are classified as secondary dwellings due to the retention of the dwelling district zoning and existing primary dwelling. Staff is not opposed to the variance to permit additional dwelling structures where they are associated with a commercial campground.
- ◇ Staff would note that there is a planned greenway at the rear of this site—White River Greenway. Staff would highly recommend a land dedication for construction of this greenway in the future.

(Continued)

STAFF REPORT 2023-UV2-002 (Continued)**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for five secondary dwellings with entries not visible from the right-of-way. The ordinance also requires that accessory structures must be located no closer to the front yard than the primary structure. The existing setbacks and topography of the site limit the visibility of any structure located behind the existing dwelling and barn. Staff believes the existing conditions create a practical difficulty in meeting the ordinance and therefore would not be opposed to this variance.
- ◇ This request would provide for one of the secondary dwellings being taller than the primary dwelling. The existing site has hilly topography, and one proposed secondary dwelling would be taller than the primary dwelling. The purpose of this standard is so that secondary structures will be clearly subordinate to the primary dwelling. This proposed secondary dwelling is only 574 square feet, which is well below the maximum 720 square feet permitted for a secondary dwelling. The existing primary dwelling is a one-story ranch style house with a low roofline. The proposed secondary dwelling is also one story, but is situated on a slope that would result in it being taller than the primary dwelling. Staff would not be opposed to a variance for a secondary dwelling taller than the primary dwelling where it is affected by topography changes and the secondary dwelling is a one-story structure.

GENERAL INFORMATION

THOROUGHFARE PLAN	Mann Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 50-foot existing right-of-way and a 119-foot proposed right-of-way.
SITE PLAN	File-dated March 7, 2023
PLAN OF OPERATION	File-dated April 20, 2023
FINDINGS OF FACT	File-dated March 7, 2023

ZONING HISTORY – SITE

EXISTING VIOLATIONS: VIO23-001443, failure to obtain an Improvement Location Permit when one is required; the conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district: outdoor recreation and/or camping grounds is not a permitted use in the D-A zoning district; only one secondary dwelling unit is permitted per single family detached dwelling; use of a commercial dumpster is not a permitted accessory use in the D-A zoning district; the height of any accessory building or minor residential structure shall be less than the height of the primary building.

PREVIOUS CASES: None

ZONING HISTORY – VICINITY

2018-ZON-082, 5500 Mills Road, rezoning of 9.363 acres from the D-7 and D-6II districts to the C-3 district, **approved**.

2014-UV2-008, 6501 Mann Road, variance to provide for a wireless communications facility, with a 145-foot-tall monopole, topped by a five-foot-tall lighting rod, with accessory equipment cabinets, **withdrawn**.

2013-ZON-016, 5500 Milles Road, rezoning of 15.52 acres from the D-7, D-11, and C-4 districts to the C-S classification, **approved**.

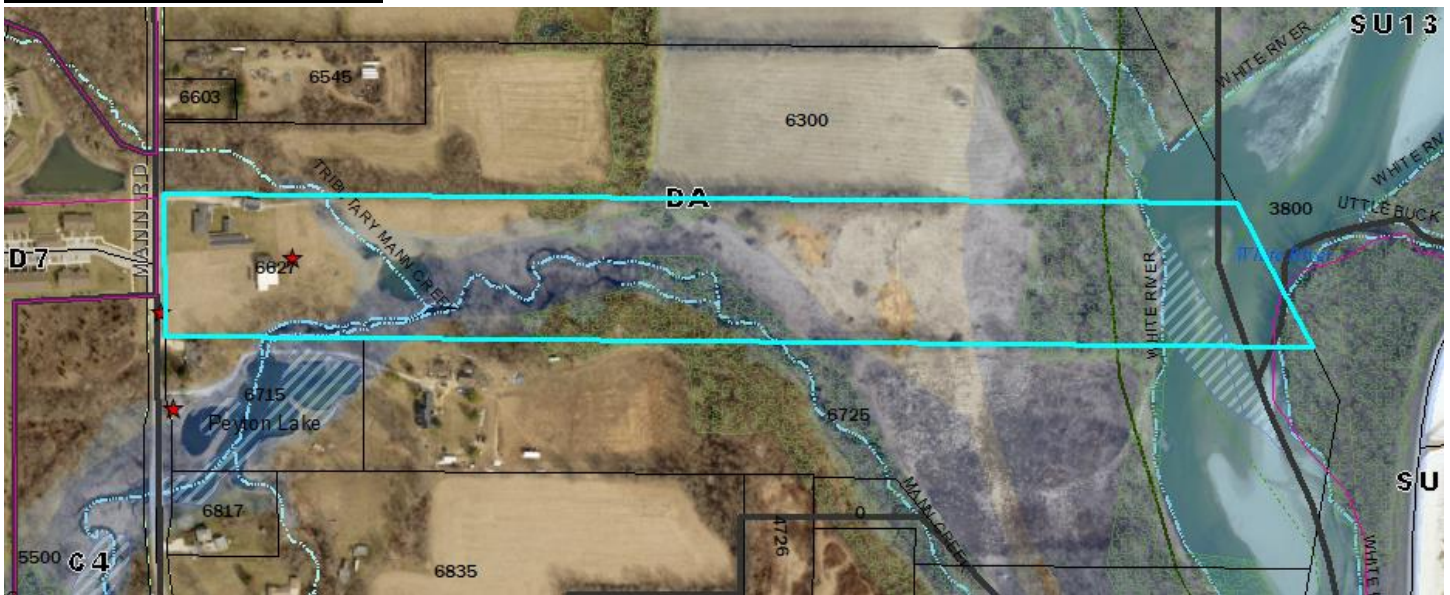
2000-ZON-098, 5500 Mills Road, rezoning of 97 acres from the D-A district to the D-P district, withdrawn.

97-UV3- 86, 6715 Mann Road, variance to provide for a second single-family dwelling on one lot, **approved**.

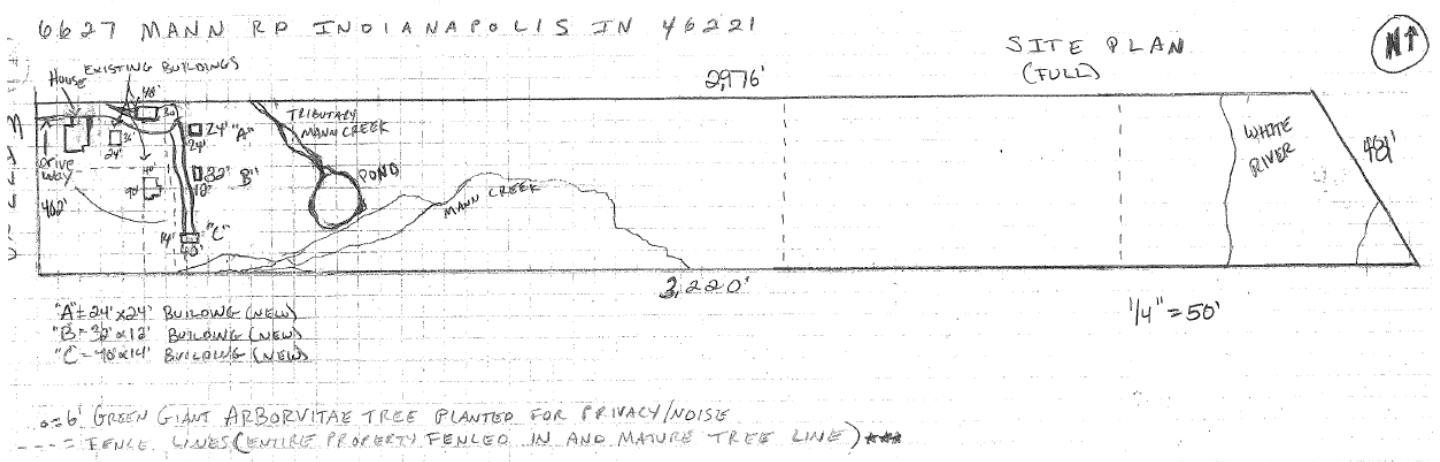
83-V3-109, 6725 Mann Road, variance to provide for the construction of a single-family dwelling and detached garage on a lot with no public street frontage, **approved**.

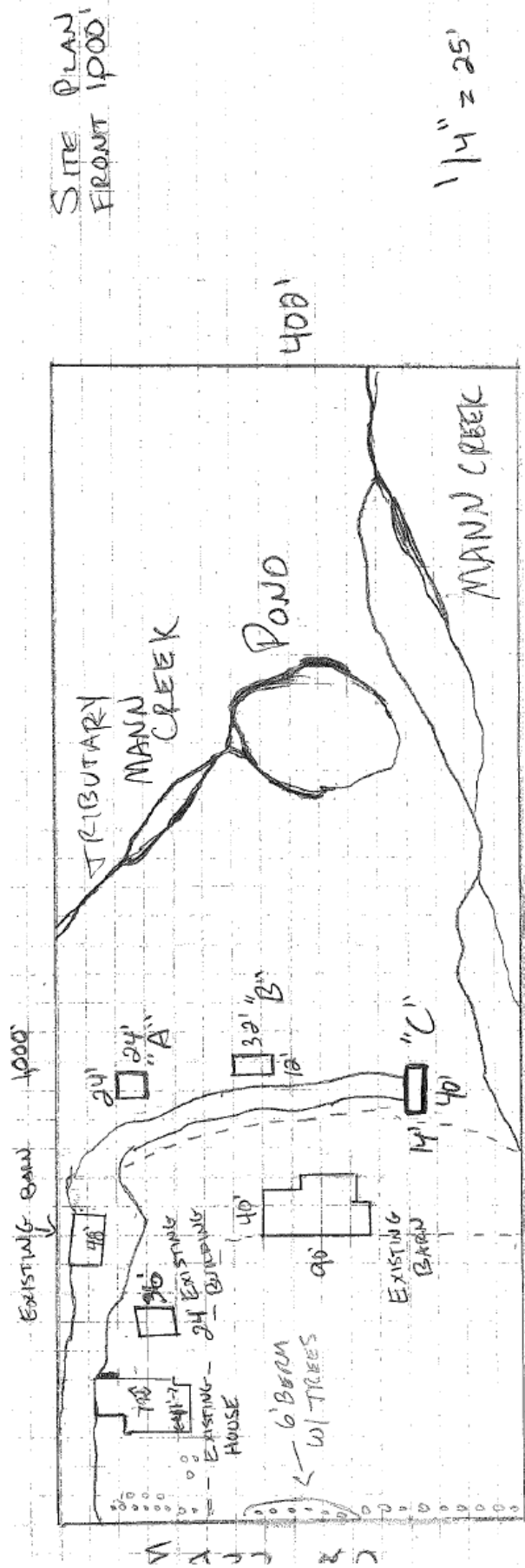
AR

2023-UV2-002 Aerial Map



2023-UV2-002 Site Plan





2023-UV2-002 Plan of Operation**PLAN OF OPERATION**

6627 Mann Rd. Indianapolis IN 46221

April 20, 2023**Introduction**

The long-term goal of Nature Stay Getaways is to offer temporary short-term lodging, and vacationers get-away from all the hustle and bustle of everyday life. Nature Stay Getaways specializes in personalized service. It's unique location is one of the most attractive parts of Indianapolis. We plan to be more than a great lodging and vacationer's paradise. We plan to create an environment of leisure that surpasses the standard weekend retreat for Indianapolis. All while keeping our beautiful 60-acre property a natural green space and wildlife natural habitat on the majority of the property. The front 3 acres out of the floodplain will remain agriculturally used for horse stables and animals.

Location

Nature Stay Getaways is located along the white river just north of southwest way park. A great central location between our downtown and the Indianapolis airport.

Operation

Nature Stay Getaways is an established short term vacation rental operation and has been in business for the last 4 years. After taking possession of our 35 acres and our first short term rental nearly 5 years ago, we added a Ranch house and 25 acres next door to our current establishment.

This summer we plan on adding three new cabins, and possibly 1 more in the future. No more than 5 total cabins on the property.

Check in hours are between 4 pm and 10 pm. Check out is before 10 am.

Mandatory quiet hours are after 10 pm

All campfires are only to be in designated brick fire pits. Fires must be attended to at all times, and put out when no one is present.

Stays are to be 14 days or less. No long term stays.

2 parking spots per cabin.

A dumpster will be on site for all trash. Part of cleaners duties is to keep trash picked up including along Mann Road where litter has become a major issue for our community.

Cabins will tie into septic system.

No parties allowed

Cabins are mainly for 2 people but can accommodate up to 4 adults above the age of 16 plus children.

Staff will include 3 cleaners and 1 maintenance man. Owners also live next door to oversee and be available after hours, if needed. Staff will be present typically from 7 am to 7 pm.

Our Services

Each of our luxury cabins are furnished with a king or queen bed in the bedroom. They also include a kitchen, living room and full bathroom. Each cabin has its own designated hot tub. TVs in the living room and bedroom. They will have Wi-Fi, Board games, and a fireplace.

There is an outdoor grill and seating area at each location.

Designated walking trails near the river, lake, creeks, pond, and wooded area.

Fishing in the private lake and pond. As well as the river for guests with fishing license.

(Continued)

2023-UV2-002 Plan of Operation (Continued)

Bird watching with Herron, geese, ducks, and eagles visiting commonly.

Guests can visit the flower fields and our unique garden with pavilion.

Designated picnic tables and seating areas.

We offer a guided farm animal experience with opportunities for photos and to learn about the animals.

The Market

Nature Stay Getaways target market strategy is based on becoming a destination of choice for people searching for a rustic place to relax or recharge. The target markets that we are going to pursue are people or families looking for a vacation destination, honeymooners, family reunions, local get aways and anyone else who loves nature. Our country style setting and facilities are a natural choice for couples or small families to visit with having so many outdoor things to do along the white river. Our major customer segments are tourists, locals, and anyone looking to enjoy nature from all over the United States.

2023-UV2-002; Findings of Fact

**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:

There will be no farm/ environmental waste created on the property preventing further pollution to the White River.

There will be environmental benefits to keeping landscape natural along the river. The conservation Reserve enhancement

Program's critical area will be honored.

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:

There are three existing similarly operated properties within one mile of the property. There will be minimal

additional traffic. There are supportive neighbors. The petitioner lives in the adjacent

property and is invested in orderly operation. The property is bordered by trees as well as fencing.

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

There is limited developable area due to floodplain consuming 90% of the property. Rezoning and platting would require

multiple Variances for development standards due to D-A having 3 acre minimum and only 3 of the 25 acre parcel

are not in floodplain. The comprehensive plan supports recreation on riverfront properties.



Existing primary dwelling, looking east



Existing front yard, looking south



Existing front yard and west of site, looking west



Distance from existing solar panels to Mann Road, looking west



Picnic area behind the primary dwelling



Solar panels on side/rear yard, looking east



Existing barn and livestock recreation area, looking east



Existing secondary dwelling remodeled from an accessory building, looking south



Existing patio behind the secondary dwelling



Accessory storage building for lawn maintenance equipment, looking west



Secondary dwelling cabin—taller than the primary dwelling, looking east



Secondary dwelling cabin, looking east



Stream and pond, looking east



Stream and pond, looking east



Secondary dwelling cabin, looking south



Location of proposed campfire area, looking east



South of site (petitioner's residence)



Existing barn and livestock, looking west



Existing barn and accessory storage building, looking north



Utility meter, looking west



Existing barn, looking south

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV2-005
Address: 4540 Park Avenue (approximate address)
Location: Washington Township, Council District #7
Zoning: D-2 (TOD)
Petitioner: Thomas and Kelly Creveling, by Mark Demerly
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house with a secondary dwelling containing 850 square feet (maximum 720 square feet), resulting in an open space of 72 percent (75 percent open space required).

June 13, 2023

Due to an error related to publication of the notice, this petition was continued to another hearing of Division II, with additional notice.

RECOMMENDATIONS

Staff **recommends approval** of the request to provide for the construction of a detached carriage house resulting in an open space of 72 percent.

Staff **recommends denial** of the request to provide for a secondary dwelling containing 850 square feet.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-2	Compact	Single-Family residential
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SURROUNDING ZONING AND LAND USE

North	D-2	Single-Family residential
South	D-2	Single-Family residential
East	D-2	Single-Family residential
West	D-2	Single-Family residential

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood development
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- ◇ The subject site is an 11,172 square foot lot in the D-2 district, and is developed with a single-family dwelling and a detached garage (to be demolished). This house is near the Oliver Johnson's Woods Historic District of the National Register of Historic Places.

(Continued)

STAFF REPORT 2023-DV2-005 (Continued)**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for the construction of a detached carriage house, with a secondary dwelling containing 850 square feet, resulting in an open space of 72 percent.
- ◇ The minimum required open space for the D-2 district is 75 percent. This standard is based on a minimum lot area of 15,000 square feet. The existing lot is 11,127 square feet. Staff would not be opposed to a slight reduction of the open space for a lot less than the minimum lot area.
- ◇ This request would provide for a secondary dwelling with 850 square feet. The ordinance allows a secondary dwelling with a maximum square footage of 720 square feet. This standard's purpose is to ensure the incidental and subordinate use for accessory structures. Staff would note that the applicant could reduce the size of the secondary dwelling to meet the ordinance, therefore there is no practical difficulty for this request.

GENERAL INFORMATION

THOROUGHFARE PLAN	Park Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and proposed right-of-way.
SITE PLAN	File-dated April 5, 2023
ELEVATIONS & FLOOR PLANS	File-dated April 5, 2023
SITE SURVEY	File-dated April 5, 2023
FINDINGS OF FACT	File-dated April 5, 2023

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

2021-DV3-023, 4519 Central Avenue, variance to provide for a detached garage with a four-foot south side setback and 72% open space, **approved**.

2020-DV3-017, 4545 Central Avenue, variance to provide for a dwelling addition with a 4.5-foot north side setback, **approved**.

2018-DV2-003, 4535 Park Avenue, variance to provide for the construction of a detached garage, with access from Park Avenue, **approved**.

2018-DV1-047, 4565 Park Avenue, variance to legally establish a six-foot tall opaque fence in the front yard of 46th Street and within the clear sight triangle of the abutting street and alley, and to legally establish a four-foot-tall wrought iron fence in the right-of-way of Park Avenue and the clear sight triangle of the abutting streets, **approved**

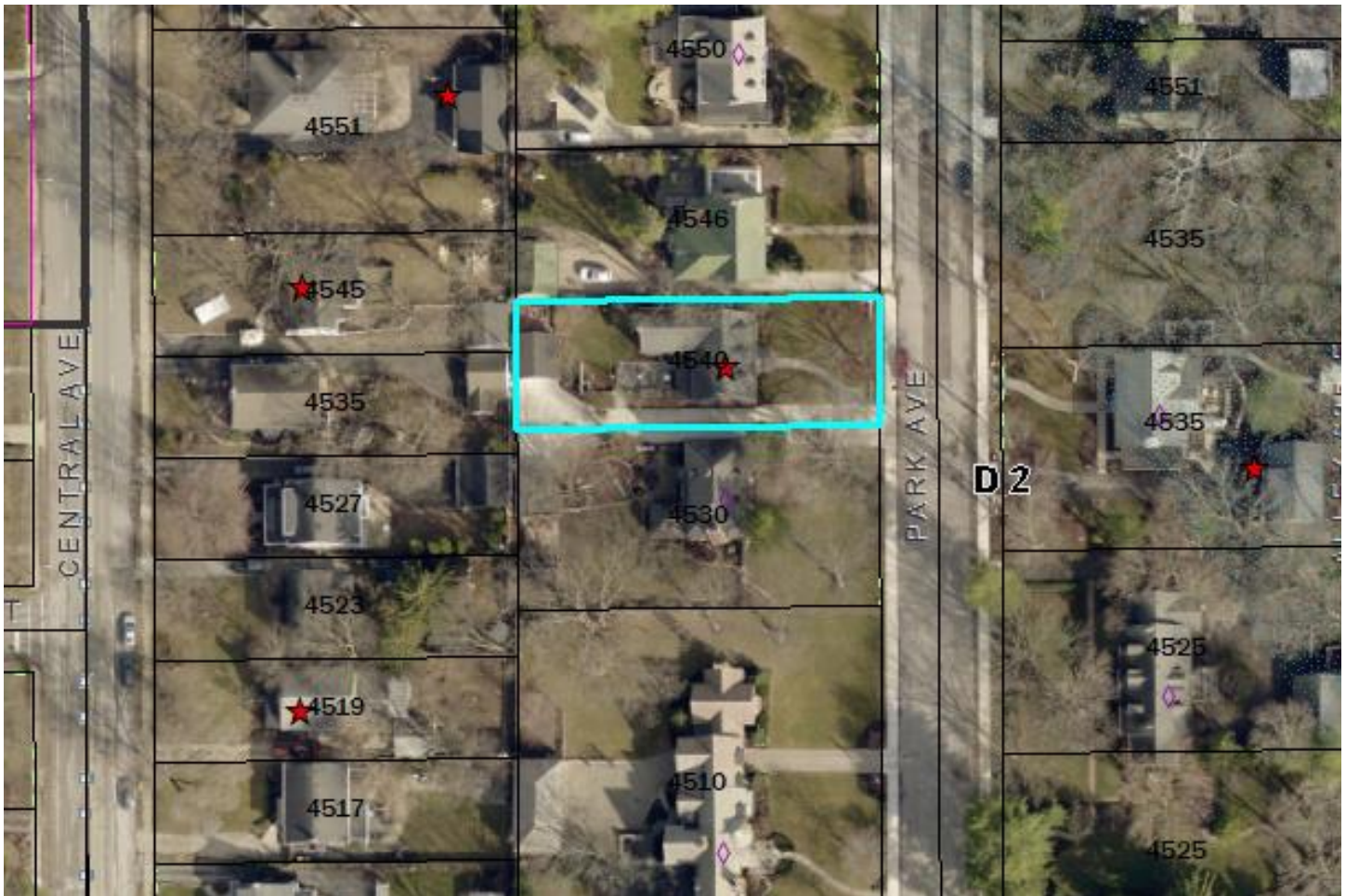
2016-DV2-011, 4551 Central Avenue, variance to provide for the construction of a detached garage, with a 1.75-foot rear setback, **approved**.

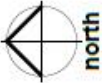
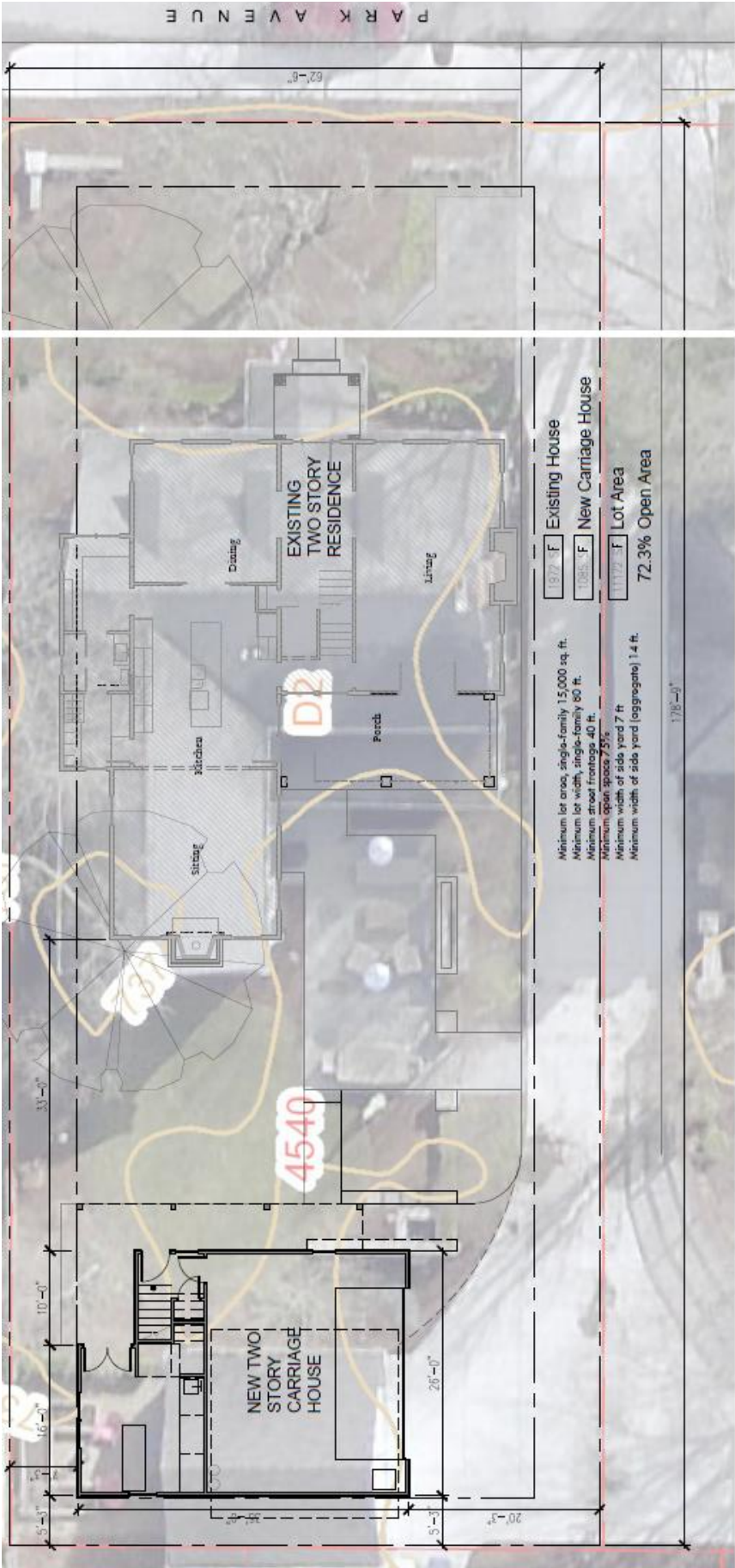
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STAFF REPORT 2023-DV2-005 (Continued)

2014-DV1-046, 4559 Central Avenue, variance to provide for single-family dwellings on two proposed 8,228-square foot lots, a) with the single-family dwelling on the northern lot having a 10.5-foot front setback from 46th Street, b) with the detached garage on the northern lot having an approximately 20-foot front setback from 46th Street and five-foot side setbacks for a 10-foot aggregate side yard, c) with the single-family dwelling on the southern lot having a 18-foot aggregate side setback, d) with the detached garage on the southern lot having a five-foot side setback, e) with the southern lot having a lot width of 46 feet, and f) with both lots having an open space of 73%, **withdrawn.**

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2023-DV2-005; Aerial Map



1 Site Plan
1"=10'-0"



DemerlyArchitects

Creveling Carriage House 001

4540 Park Ave. Indianapolis





2 South
Exterior Elevation
3/16"=1'-0"

1 Front East
Exterior Elevation
3/16"=1'-0"

DemerlyArchitects
ARCHITECTURE / INTERIORS / PLANNING

Creveling Carriage House 201
4540 Park Ave., Indianapolis 11.22.22
SD

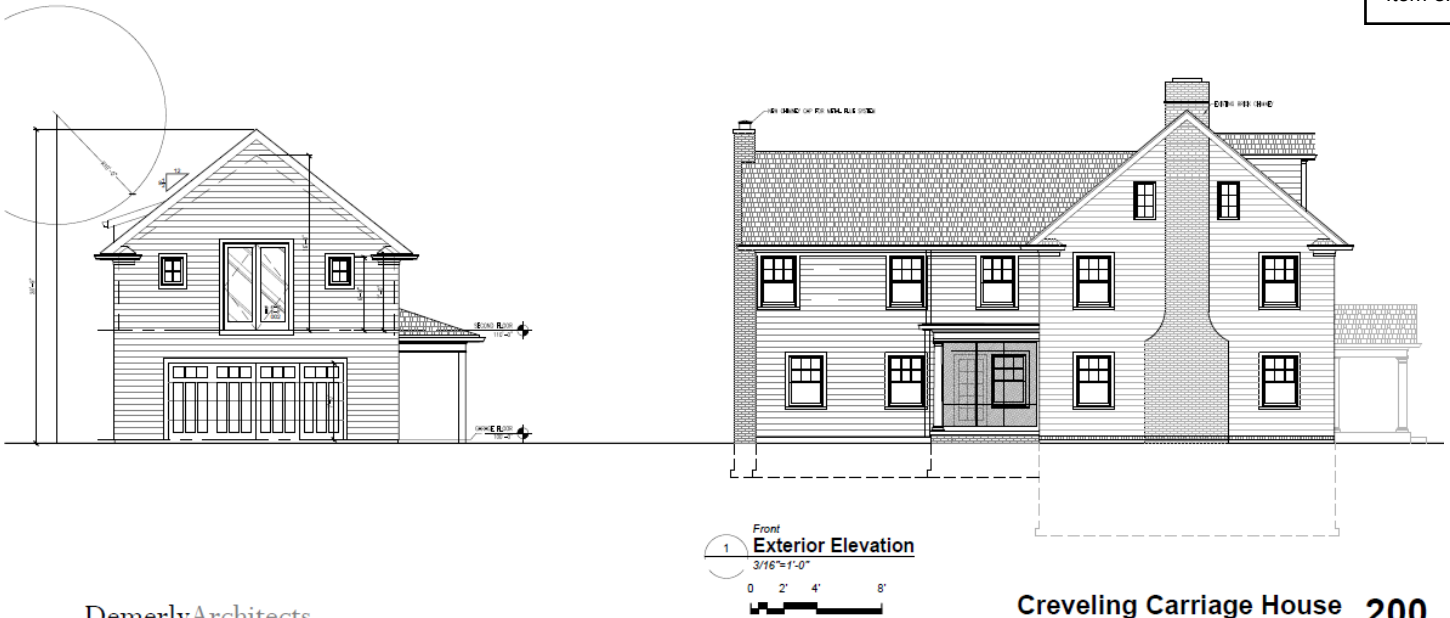


3 North
Exterior Elevation
3/16"=1'-0"

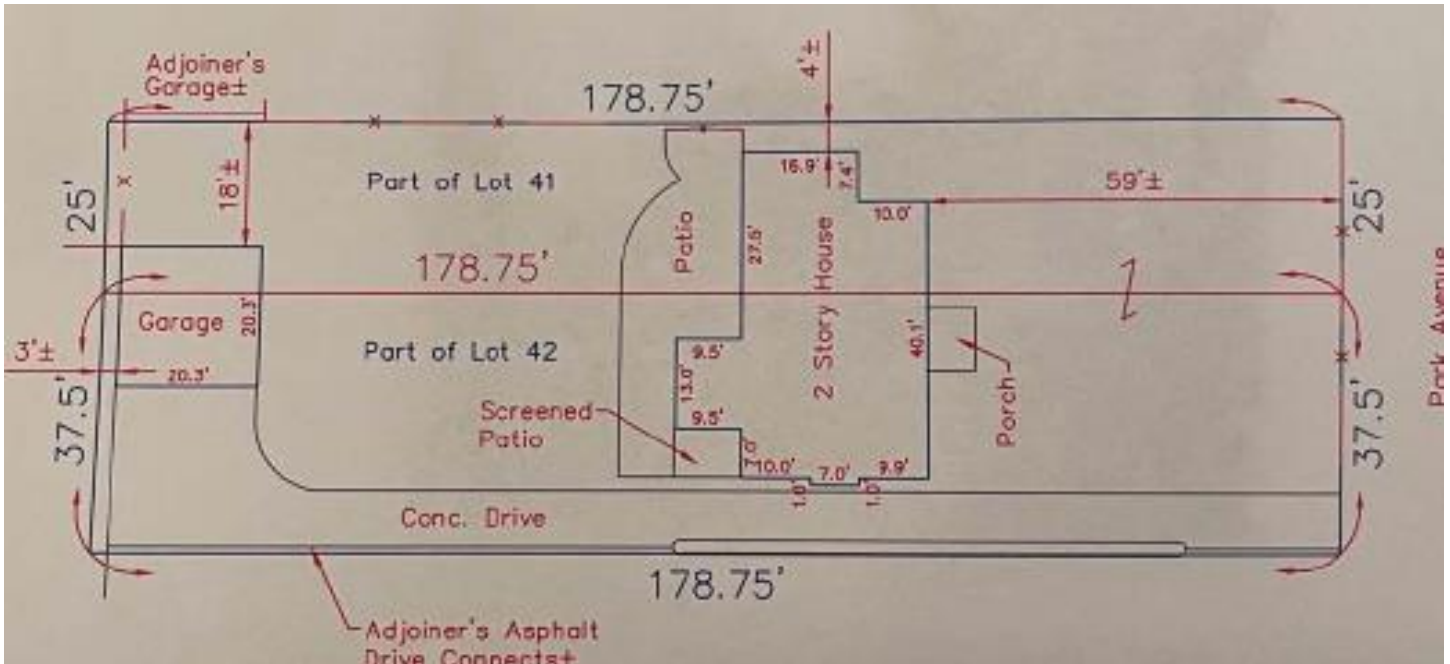
4 West
Exterior Elevation
3/16"=1'-0"

DemerlyArchitects
ARCHITECTURE / INTERIORS / PLANNING

Creveling Carriage House 202
4540 Park Ave., Indianapolis 11.22.22
SD



2023-DV2-005; Site Survey Existing



2023-DV2-005; Findings of Fact

**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:

There are existing conditions within the neighborhood that are consistent with the proposed less than 75 percent open area.

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 condition of a less than 75% open area is already present 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 buildable width of the lot would be too narrow for the proposed two car carriage house with a first floor office. According to Table 742.103.04, D-2 is required a minimum 75 percent open area. Given that the existing historical plotted lot is smaller than the required 15,000 SF lot for a D-2 zoning, the open area requirement of 75 percent is excessive for a lot of this size.



Subject site, Park Avenue Frontage, looking west



Adjacent site to the south, looking west



Existing shared driveway



Existing detached garage to be replaced with the proposed carriage house, looking northeast



View of rear yard, looking north

STAFF REPORT**Department of Metropolitan Development
Division of Planning
Current Planning Section**

Case Number: 2023-DV2-008
Address: 3802 East 10th Street (approximate address)
Location: Center Township, Council District #12
Zoning: C-4
Petitioner: Jabbo Investments LLC, by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an automobile fueling station and laundromat with zero percent building transparency on the façade facing 10th Street and a maximum light level of 20.2 (average of 16.2) foot-candles under the fueling station canopy (40% façade transparency required, maximum average light level of 4.5 foot-candles permitted).

The petitioner has filed an automatic continuance, continuing this petition to the July 11, 2023, hearing of Division II.

EDH

STAFF REPORT**Department of Metropolitan Development
Division of Planning
Current Planning Section**

Case Number: 2023-DV2-009
Address: 6151 North Keystone Avenue (2419 East 62nd Street parcel address)
Location: Washington Township, Council District #2
Zoning: C-4 / D-P
Petitioner: Kite Realty Group, by H.C. Klover Architect
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant with a drive through with service units and stacking spaces within the front yard, and without the required screening (service units and stacking spaces not permitted within the front yard, screening from public rights-of-way required), with 24 parking spaces (maximum of 23 parking spaces permitted).

This petition has been amended requiring additional notice. Therefore, Staff requests that this petition be **continued to the July 11, 2023** hearing of Division II. In addition, Staff would note that the Greater Allisonville Community Council has also requested a continuance in order to meet with the petitioner.

EDH

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV2-005
Address: 3721 East 10th Street (approximate address)
Location: Center Township, Council District #12
Zoning: MU-1 / I-4
Petitioner: Miller Land LLC, by Cynthia A. Bedrick
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile repair shop (not permitted) with 11 parking spaces (20 spaces required).

RECOMMENDATIONS

Staff **recommends approval** of the request, subject to the following commitment:

1. The grant of the request shall be subject to the site plan and plan of operation, each file-dated April 11, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

MU-1	Compact	Vacant industrial building
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SURROUNDING ZONING AND LAND USE

North	C-5 / I-4	Auto dealership
South	I-4	Warehousing and Railroad Tracks
East	I-4	Warehousing and Railroad Tracks
West	MU-1 / D-5	Retail and Professional Services and Single-family Dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Light Industrial development.
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- ◇ This 2.83-acre lot, zoned MU-1 and I-4 is currently improved with two warehousing and light manufacturing buildings, and a commercial garage. The building related to the request is wholly within the MU-1 zoned portion of the property, fronting East 10th Street. The remainder of the site is within the I-4 District.
- ◇ North of the subject site is an automobile dealership, within the C-3 and I-4 Districts. The site is bound to the south and East by a railroad track. To the west are commercial retail, professional services, and single-family dwellings, within the MU-1 and D-5 Districts.

(Continued)

- ◇ The MU-1 District is a mixed-use district intended for the development of high-rise office and residential uses, with limited commercial intended primarily for residents and guests of the building.

VARIANCE

- ◇ The request would allow for an existing 9,600 square foot building to be used for light vehicle automotive repair and service. As proposed, the request would allow for 10 service bays within the building, with four vehicle lifts. A maximum of eight employees would be on site at any given time. No outdoor storage or operations are proposed.
- ◇ Light vehicle service and repair is permitted by-right within the C-4, C-5, C-7, I-3 and I-4 Districts. Within the C-4 District, no outdoor storage or operations associated with the use are permitted.
- ◇ This portion of the site is inappropriately zoned MU-1 given the comprehensive plan recommendation of light industrial and the lack of area typically associated with the district in order to accommodate the high density it is intended to provide.
- ◇ The building in question is improved with two overhead garage bay doors, each on opposite walls parallel to each other, providing through access of the building from 10th Street. This style of building lends itself to warehousing, wholesale and automotive style uses, complicating adaptive reuse potential. Staff believes that this building style, combined with its integration with the warehousing, manufacturing and vehicle storage uses elsewhere on the site represent a substantial hardship.
- ◇ Staff would also note that East 10th Street is undergoing substantial economic revitalization. Should the site be wholly redeveloped in the future, Staff believes that a rezoning of the property to accommodate any future uses that support the implementation of the comprehensive plan would be appropriate and strongly encouraged.
- ◇ The proposed use is typically characterized by outdoor storage of automobiles awaiting repair. Unless specifically permitted by the district, such storage is not permitted for periods longer than 24 hours. For this reason, the Ordinance requires two parking spaces per service bay. A service bay is defined as: *“Individual area within an automobile repair or service facility where services, including but not limited to vehicle washes, oil changes and repairs are performed on a motor vehicle”*.
- ◇ While the request proposes 10 service bays, the plan of operation notably states that no outdoor storage of automobiles awaiting repair will be located outdoors. The proposed 11 parking spaces would be for the use of employees and vehicles providing transportation for customers of the business during the repair of vehicles. In addition, Staff would note that two on-street parking spaces are located along 10th Street directly in front of the building, further reducing the impact of the request. For this reason, Staff requests that if this request is approved, the grant be subject to the filed site plan and plan of operation.

(Continued)

STAFF REPORT 2023-UV2-005 (Continued)**GENERAL INFORMATION**

THOROUGHFARE PLAN	This portion of East 10 th Street is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed right-of-way of 80 feet.
SITE PLAN	File-dated April 11, 2023.
PLAN OF OPERATION	File-dated April 11, 2023
FINDINGS OF FACT	File-dated April 11, 2023.

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2005-HOV-012; 3701 East 10th Street; requests variance of use of the Commercial Zoning Ordinance to legally establish a 948.7-square foot single-family dwelling with a 42.5-square foot concrete stoop, and an 80-square foot wood deck; **granted.**

99-Z-205; 3702 East 10th Street; requests rezoning of 0.26 acres, from the I-4-U to C-3, to provide for commercial uses; **granted.**

99-UV1-152; 3627 East 10th Street; requests a variance of use of the Industrial Zoning Ordinance to legally establish the continued display and sales of automobiles; **granted.**

95-HOV-88; 3616 East 10th Street; requests variance of development standards of the Commercial Zoning Ordinance to legally establish an enclosed trash dumpster with a three-foot setback from the north property line; **granted.**

94-UV2-1; 3726 East 10th Street; requests variance of use of the Industrial Zoning Ordinance to provide for the continued display and sales of automobiles; **granted.**

90-UV2-91; 3726 East 10th Street; requests variance of use to provide for the continued outdoor display and sale of automobiles; **granted (temporary).**

87-UV2-96; 3726 East 10th Street; requests variance of use to provide for the continued display and sale of automobiles; **granted (temporary).**

82-UV2-33; 3726 East 10th Street; requests variance of use to provide for the continued outdoor display and sale of automobiles; **granted (temporary).**

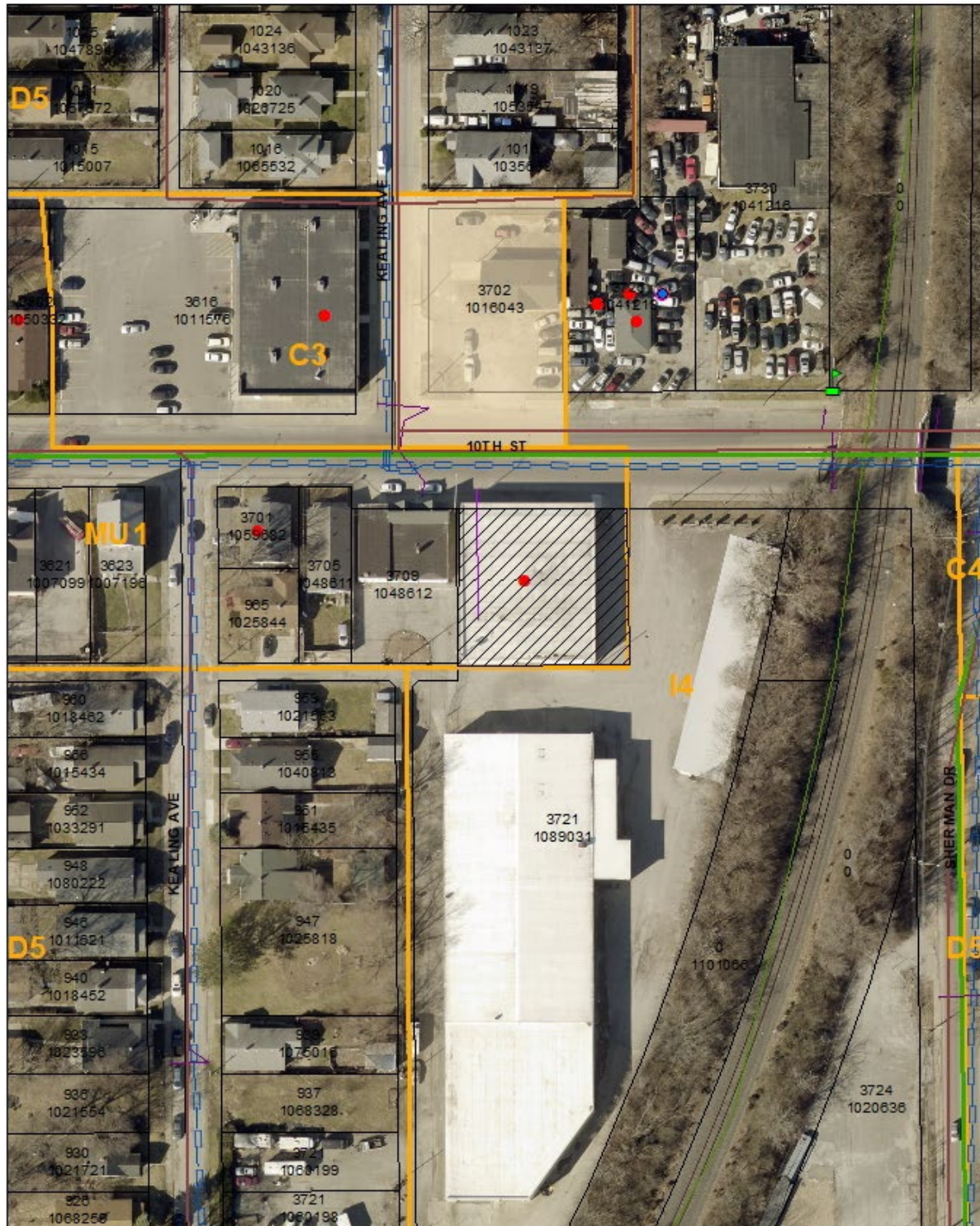
(Continued)

STAFF REPORT 2023-UV2-005 (Continued)

74-UV3-141; 3726 East 10th Street; requests variance of use to provide for the continued outdoor display and sale of automobiles; **granted (temporary).**

72-UV2-68; 3726 East 10th Street; requests variance of use to provide for the continued outdoor display and sale of automobiles; **granted (temporary).**

EDH



00.005.01 0.02 0.03 0.04 Miles



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 Building that will house the proposed use has been use for industrial purposes, and the proposed use is less intense than industrial uses. The Property has railroad tracks on the East Property line and 10th Street on the North Property line - the proposed use will not add any noticeable, additional traffic, noise, pollutants, or nuisances considering these factors.

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 operations of the business will be completely concealed within an existing Building on a Property that has traditionally been used for industrial purposes. Many similar business have operated in close proximity to the Property without issue, and the Building being occupied as opposed to vacant increases the values of surrounding properties and potential brings new customers to the area.

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

The remainder of hte Property is zoned industrial and the buildings constructed on the Property were constructed for industrial type uses. Converting the Building to those traditional uses in the MU-1 distrist is infeasible, meaning that if the building cannot be used for the intended use it will most likely sit vacant for the foreseeable future.

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 Building has traditionally been used as a shipping and storage building to support the industrial operations on the remainder of the Property and it is set up for industrial-type uses. The most cost-effective use of the currently constructed Building is converting to a less intense industrial type use, which the proposed use would be.

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

The comprehensive plan calls for this Property to be used for industrial purposes, under which the proposed use would be permitted without a variance request.

DECISION

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

Adopted this _____ day of _____, 20 ____

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 proposed use will not require more parking than the existing spaces as business operations will be fully contained within the structure at the Property.
The proposed use should not add any noticeable, additional traffic, noise, pollutants, or nuisances by granting the variance.

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 operations of the business will be completely concealed within an existing Building on a Property that has traditionally been used for industrial purposes.
Many other business with comparable parking have operated in close proximity to the Property without issue, and the Building has existing parking sufficient to handle the proposed business operations.

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

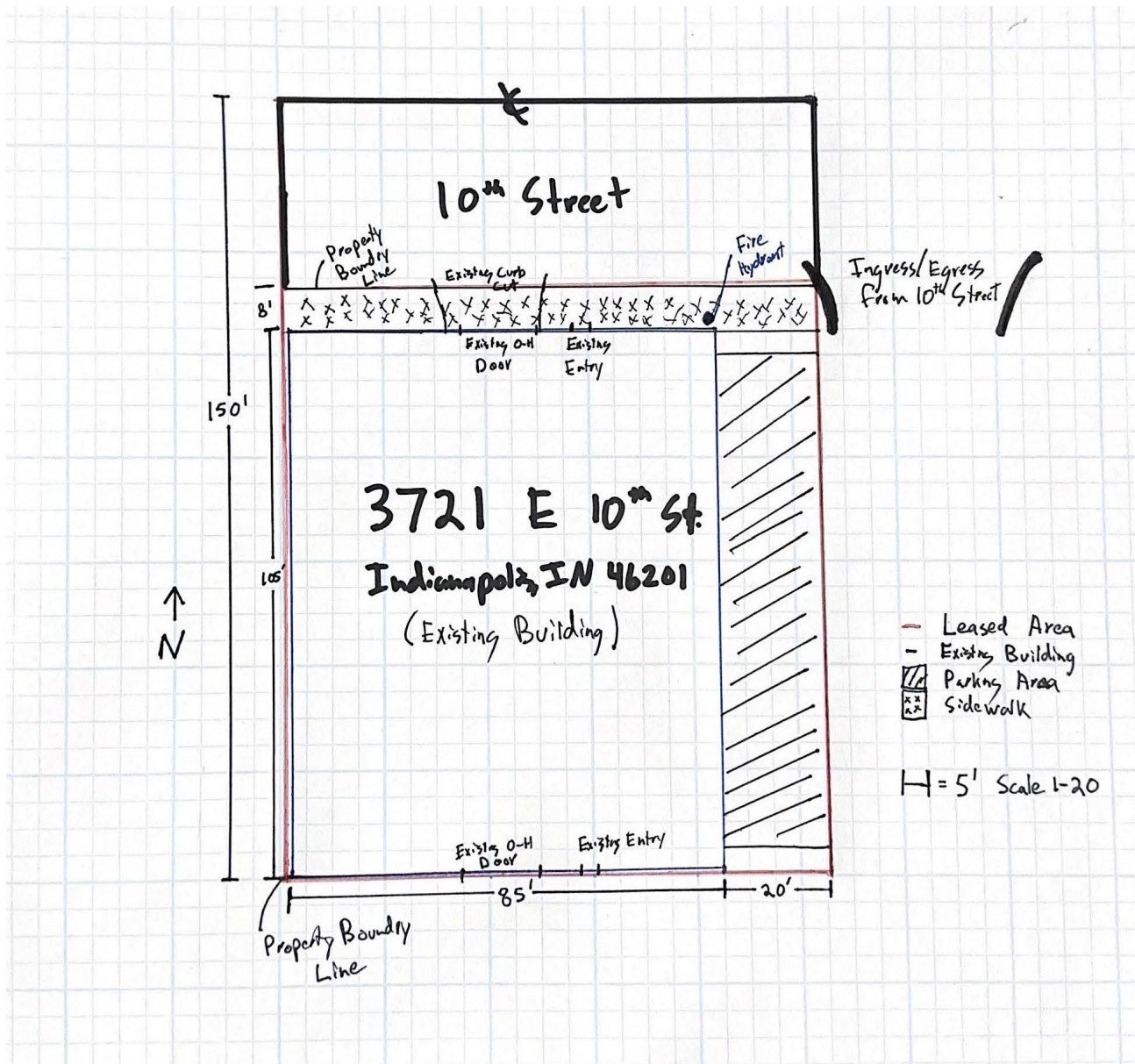
The Property only consists of an existing, industrial building and the existing parking that supported that use. There is no space at the property to install additional, compliant parking spots. Strict application of the zoning ordinance would make the property unusable under the current zoning standards.

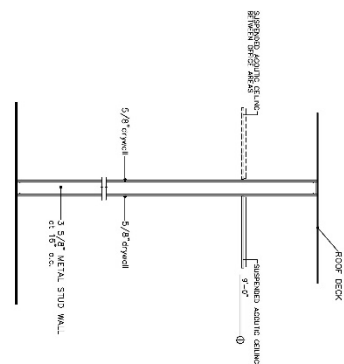
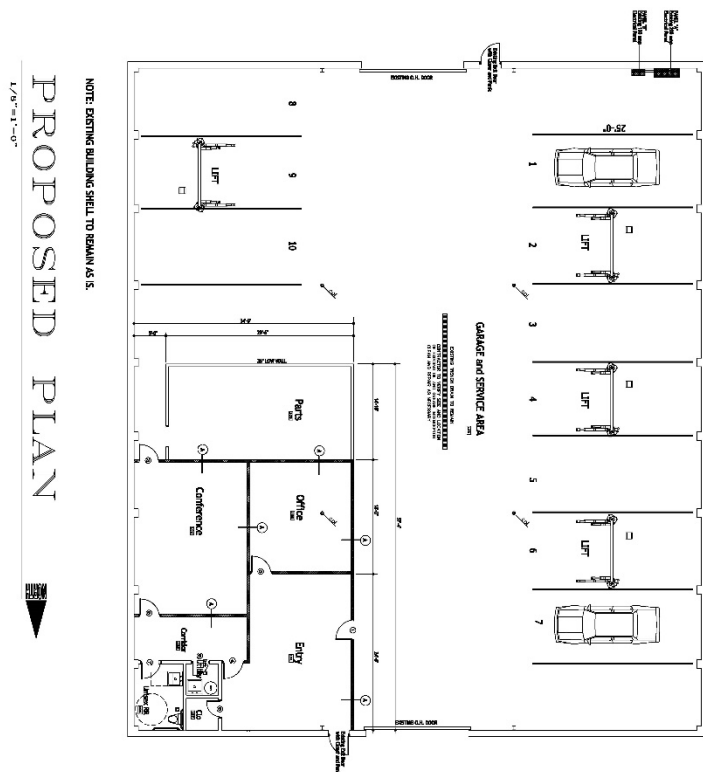
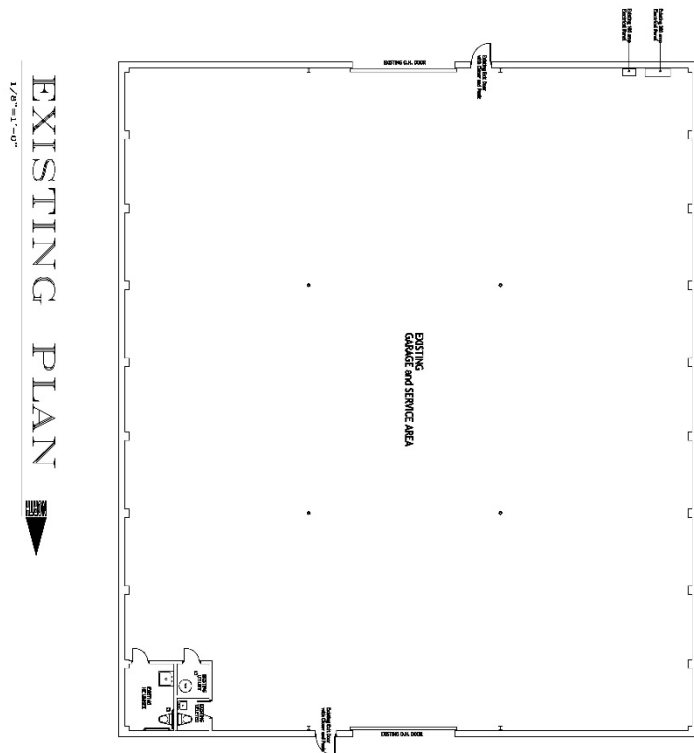
DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____





TYPICAL WALL DETAIL (A)

PROPOSED REVODEL PROJECT FOR :
BUILDING #8 REMODEL
3721 EAST 10th STREET
INDIANAPOLIS, INDIANA



പ്രകാശകരണ
ഉപകരണ
യന്ത്രങ്ങൾ
അനുബന്ധ



2023-UV2-005; Plan of Operation – File-dated April 11, 2023**Plan of Operations**

In support of the requested Variance of Use for the Property located at 3721 E. 10th Street, Indianapolis, IN 46201 (the “Property”), Petitioner, McNeelyLaw LLP, on behalf of the Property owner, Miller Land, LLC, submits the following plan of operations related to the proposed use of the Property.

Proposed Use	Automotive Repair and Service of Light Vehicles in an existing building on the Property, containing approximately 9,600 sqft. All operations associated with the proposed use will be conducted within the building, which has a capacity of approximately 20 cars.
Hours of Operation	Open 8am – 6pm Monday-Friday; 8am – 2pm Saturday; Closed Sunday
Workforce	The business will employ approximately 8 mechanics and support staff. The employees will park in existing parking spaces immediately to the East of the building.
Clients & Customers	Customers typically drop off vehicles for repairs, however, there will be a small waiting area for customers that require only quick repairs.
On-Site Processes & Security	All customer cars will be in the building during repairs and for storage purposes; no outside storage of vehicles will occur on the Property. Alarm systems, security cameras, and fire extinguishers will be installed in the building to ensure the safety of all customers and employees.
Materials Used	Automotive businesses utilize and come in contact with various chemicals and compounds in the normal course of operations. These include, but are not limited to, acetylene, engine and transmission oils, fuels, antifreeze, and other various lubricants. The intended user has an existing repair shop with no prior incidents of unsafe handling, disposal, or spills related to the handling of these types of materials.
Shipping & Receiving	Parts and supplies will be delivered to support the proposed use, mostly from local vendors such as Speedway Auto Parts, TBA, Smyth Auto, and Autozone. These deliveries are mostly made with small trucks (infrequent, if ever, semi traffic), and the Property has ample space to handle any deliveries without blocking any traffic on the street.
Waste & Disposal	Republic Services will provide a dumpster to handle normal waste, and will be placed at the back of the building out of public views. The intended user stores old oils and fluids in safe containers and contracts with Crystal Clean to collect and properly dispose of any potential harmful substances.



Photo One: Looking East along 10th Street. Subject building in midground



Photo Two: Looking West along 10th Street



Photo Three: Facing North across 10th Street



Photo Four: Internal to site. Subject building and overhead door on the right



Photo Five: Garage within the integrated center



Photo Six: Proposed parking area, other structures within integrated center in background