



# Board of Zoning Appeals Board of Zoning Appeals Division III (November 19, 2024) Meeting Agenda

## Meeting Details

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

**Date:** Tuesday, November 19, 2024      **Time:** 1:00 PM

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

## Business:

### Adoption of Meeting Minutes:

### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2024-UV3-017 (Amended) | 8949 East Washington Street**  
Warren Township, Council District #20, zoned C-5/D-2 (TOD)  
Integrity Electric & Machine LLC, by David E. Dearing

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of seven shipping containers within the southern side yard (not permitted) without adequate screening by fence and landscaping (required for outdoor storage and operations).

**\*\*Automatic continuance filed by a registered neighborhood organization, continuing this to the December 17, 2024 hearing of Division III**

## Petitions for Public Hearing

#### PETITIONS TO BE EXPEDITED:

- 2. 2024-DV3-030 | 8600 Madison Avenue**  
Perry Township, Council District #23, zoned C-3/C-1 (TOD)  
Francis Michael Laux, by Justin Kingen

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a commercial building with a 15 percent front building line width (40 percent required) and no transparency provided along the building frontage or along the pedestrian entries.

- 3. 2024-DV3-032 | 10410 East 79th Street**  
Lawrence Township, Council District #4, zoned D-A  
Charles & Angela Corkwell, by Robert Hight

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) with a 10-foot east side yard setback (15-foot required).

#### PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

#### PETITIONS FOR PUBLIC HEARING (Continued Petitions):

**4. 2024-DV3-024 (Amended) | 10220 East Washington Street**

Warren Township, Council District #20, zoned C-4 (TOD)  
Indy WS40 LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive through without an exclusive bypass aisle (bypass aisle required) and the construction of freestanding buildings with front building line setbacks of up to 33 feet (maximum 20-feet permitted per 2023-DV3-004), a front building line width of 33.5 percent (46 percent required per 2023-DV3-004), and deficient first-story transparency on the front façade of the westernmost building (60% transparency required).

**5. 2024-DV3-026 | 7140 & 7142 East Washington Street**

Warren Township, Council District #14, zoned C-4 (TOD)  
Fieldstone Financial LLC and 7142 East Washington LLC, by Joseph D. Calderon

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

**6. 2024-DV3-027 | 9621 East 96th Street**

Lawrence Township, Council District #4, zoned D-A  
Chris Shuptar

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a pole barn being larger and taller than the primary building (not permitted).

**7. 2024-DV3-028 | 3810 & 3814 East Southport Road**

Perry Township, Council District #24, zoned C-3 (FW) (FF)  
Indiana Group Investment Inc., by David E. Dearing

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building addition, encroaching within the stream protection corridor of Little Buck Creek (not permitted, 100-foot separation from top of bank required).

**\*\*Petitioner to request continuance to the December 17, 2024 hearing of Division III**

**8. 2024-UV3-014 | 454 East Stop 11 Road**

Perry Township, Council District #23, zoned SU-2  
Perry Township Multischool Building Corporation of 1996, by Lisa Rains

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a monument sign with digital display (prohibited), located zero-feet from a protected district (600-foot separation required), and a zero-foot front yard setback, encroaching within the right-of-way of Stop 11 Road (five-foot setback required, encroachment within right-of-way not permitted).

**9. 2024-UV3-015 (Amended) | 1311 & 1315 Standish Avenue**

Perry Township, Council District #23, zoned D-8 (TOD)  
Maninder Walia, by Thomas L. Pottschmidt

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 12-unit apartment building without exclusive alley access (required) and a parking lot with a zero-foot rear yard setback (10 feet required) and deficient landscaping (frontage and transitional landscaping required) with a livability space ratio of 0.40 (.66 required).

**\*\*Petitioner to request a continuance to the December 17, 2024 hearing of Division III**

**PETITIONS FOR PUBLIC HEARING (New Petitions):**

**10. 2024-DV3-029 | 405 Fintail Drive**

Warren Township, Council District #20, zoned I-3  
Thunderbird CC Land Partners LLC, by Brian J. Tuohy

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a 20.87-acre motor truck terminal (maximum 10-acres permitted).

**\*\*Staff to request a continuance to the December 17, 2024 hearing of Division III**

**11. 2024-DV3-031 | 7031 East 86th Street**

Lawrence Township, Council District #4, zoned I-3  
Amerco Real Estate Company, by Crystal Whitehead

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for installation of three skyline signs on the north façade (one skyline sign per elevation permitted).

**12. 2024-DV3-033 | 2731 Columbia Avenue**

Center Township, Council District #8, zoned D-5  
K&D Epic Holdings LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit-multi-unit-house with walkways and parking areas maintaining zero-foot side yard setbacks (two and five feet required, respectively) with vehicles encroaching within the alley clear sight triangle (not permitted).

**13. 2024-DV3-024 | 2739 Columbia Avenue**

Center Township, Council District #8, zoned D-5  
K&D Epic Holdings LLC, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit-multi-unit-house with walkways and parking areas maintaining zero-foot side yard setbacks (two and five feet required, respectively) with vehicles encroaching within the alley clear sight triangle (not permitted).

**14. 2024-UV3-016 | 425 & 435 South Gibson Avenue**

Warren Township, Council District #20, zoned D-2  
Oscar Garcia Cruz, by Steven A. Brown

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the storage and occupancy of more than two recreational vehicles for more than 15 days per year (maximum of two recreational vehicles may be parked outside per lot, may not be occupied for more than 15 days) within gravel parking areas (hardscaping required) and the location of a six-foot tall privacy fence within the front yard of Gibson Avenue and encroaching within the clear sight triangle of the driveway (limited to 3.5-foot tall, encroachment of clear sight triangles not permitted).

**\*\*Petitioner to request continuance to the January 21, 2025 hearing of Division III**

**Additional Business:**

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing [planneroncall@indy.gov](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [dmdpubliccomments@indy.gov](mailto: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** **November 19, 2024**

**Case Number:** 2024-UV3-017 (Amended)  
**Property Address:** 8949 East Washington Street (*approximate address*)  
**Location:** Warren Township, Council District #20  
**Petitioner:** Integrity Electric & Machine LLC, by David E. Dearing  
**Current Zoning:** C-5 / D-2 (TOD)  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of seven shipping containers within the southern side yard (not permitted) without adequate screening by fence and landscaping (required for outdoor storage and operations).  
**Current Land Use:** Commercial  
**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

A timely automatic continuance request was filed by a registered neighborhood organization to continue this petition from the November 19<sup>th</sup> hearing date to the December 17<sup>th</sup> hearing date. A full staff report will be made available in advance of the December hearing.



**BOARD OF ZONING APPEALS DIVISION III**

**November 19, 2024**

**Case Number:** 2024-DV3-030

**Property Address:** 8600 Madison Avenue (approximate address)

**Location:** Perry Township, Council District #23

**Petitioner:** Francis Michael Laux, by Justin Kingen

**Current Zoning:** C-3 / C-1 (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a commercial building with a 15 percent front building line width (40 percent required) and no transparency provided along the building frontage or along the pedestrian entries.

**Current Land Use:** Vacant

**Staff Recommendations:** Staff **recommends approval** of the construction of a commercial building with a 15 percent front building line width. The variance for no transparency is to be withdrawn.

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

- Staff **recommends approval** of the construction of a commercial building with a 15 percent front building line width.
- The variance for no transparency is to be withdrawn.

**PETITION OVERVIEW**

- This petition would provide for the construction of a commercial building with a 15 percent front building line width (40 percent required) and no transparency provided along the building frontage or along the pedestrian entries. With the petitioner revising the elevations for the proposed building, the structure is to have a sufficient amount of transparency along the building frontage and the pedestrian entry, meaning this portion of the request is no longer needed and can be removed.
- The subject site contains a utility easement that runs through the middle of the property, making the majority of the lot area unbuildable for vertical structures. This presents a practical difficulty with



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

regards to meeting the front building line width requirement of 40% of the lot width. Given the presence of the utility easement, Staff is not opposed to the request for a reduction of the front building line width.

- Additionally, Staff would note that the site plan in the Staff Report shows bicycle parking in the public right-of-way. Bicycle parking is required to meet setbacks and this petition is not related to placement of bicycle parking. The petitioner has agreed to relocate the bicycle parking to an Ordinance-compliant location.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-1 / C-3 (TOD)	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: C-1	North: Commercial
	South: C-3	South: Commercial
	East: C-3	East: Multi-family Residential
	West: D-7	West: Multi-family Residential
<b>Thoroughfare Plan</b>		
Madison Avenue	Secondary Arterial	85 feet of right-of-way existing and 112 feet proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	10/28/24	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	11/8/24	
<b>Elevations (Amended)</b>	N/a	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	10/28/24	
<b>Findings of Fact (Amended)</b>	N/A	



## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line TOD Strategic Plan (2020)

### Pattern Book / Land Use Plan

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

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within the Red Line TOD overlay, however the Red Line ultimately did not end up servicing this portion of Madison Avenue and therefore the Madison Avenue and County Line Road Station mentioned in the 2020 Red Line Strategic Plan that was to be located less the ¼ mile from the subject site was not built.

### 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

**98-Z-40, 8602 Madison Avenue;** rezone from C-1 to C-3, **approved.**

### ZONING HISTORY – VICINITY

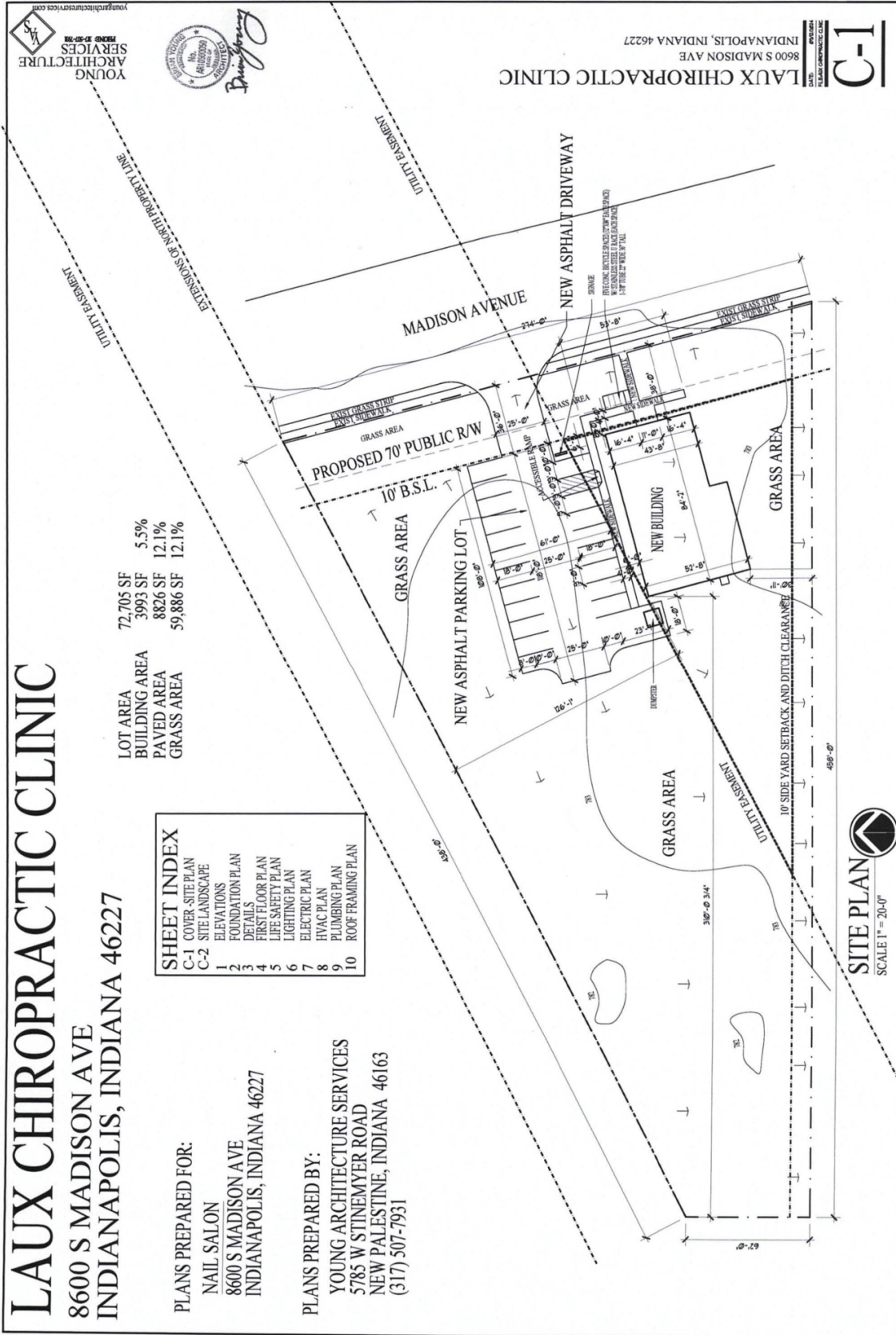
**2000UV1014; 8610 Madison Avenue (north of site),** variance of use to provide for a hair and beauty salon in an existing single-family dwelling (not permitted), **approved, subject to conditions.**

**99-Z-30; 8610 Madison Avenue (north of site),** rezone from D-3 to C-1, **approved.**



**EXHIBITS**















**BOARD OF ZONING APPEALS DIVISION III** **November 19<sup>th</sup>, 2024**

**Case Number:** 2024-DV3-032

**Property Address:** 10410 East 79<sup>th</sup> Street

**Location:** Lawrence Township, Council District #4

**Petitioner:** Charles & Angela Corkwell, by Robert Hight

**Current Zoning:** D-A

**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) with a 10-foot east side yard setback (15-feet required).

**Current Land Use:** Residential

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

**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the first public hearing for this variance petition.

**STAFF RECOMMENDATION**

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

**PETITION OVERVIEW**

- This variance petition requests to place the proposed garage in the front yard five (5) feet closer to the property line than what is permitted.
- The property is currently zoned D-A on two (2) parcels totaling 1.5 acres.
- The primary structure is the only structure on this property. It is approximately 2,408 sqft and 25' 7" tall.
- The proposed garage will be 1,728 sqft and 20' 6" tall and will house the minor service equipment needed to maintain this property and the owner's nearby properties. The items stored shall consist of a small tractor for grass and other tools, and other cold storage personal items. The structure will also be used to store a Recreational Vehicle and another personal vehicle.
- Detached garages are only permitted behind the primary structure in D-A zoned properties.
- This property sits atop a hill, and the backyard quickly drops in elevation. The location where it is flat enough for the proposed garage is either the existing pool or the front yard, which stays flat sufficiently enough for its placement.



Department of Metropolitan Development  
 Division of Planning  
 Current Planning

- Trees obscure the view of the proposed garage from the road. The garage will be located out of the way of the driveway, ensuring that it is not in the public's sight line and is not an eyesore.
- The setback for a D-A side yard must be a minimum of 15 feet from the property line. This petition requests that the proposed garage be 10 feet on the east side.
- The residences on 79th Street have different locations, some built closer or further from 79th Street. In this case, the residence (10410) is closer to 79th Street than that to the east (10430). The garage in the front yard would be around 188 feet from the neighboring house, while the primary structure only sits 72 feet from the adjacent home.
- Trees also prevent the neighbors' home to the east and drivers on their driveway from seeing the proposed garage.
- Staff recommends that this variance petition for **approval**. The property's topography would not allow the garage to be located anywhere except the front yard, and the trees at this location and the lots' size keep the proposed garage away from the neighboring home, even with the smaller setback.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-P North: Suburban Neighborhood
	South:	D-2 South: Suburban Neighborhood
	East:	D-A East: Rural or Estate Neighborhood
	West:	D-A West: Rural or Estate Neighborhood
<b>Thoroughfare Plan</b>		
79 <sup>th</sup> Street	Primary Arterial	30 ft right-of-way existing and 119 ft right-of-way proposed.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	10/07/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	10/7/2024	
<b>Elevations (Amended)</b>	11/7/2024	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	10/07/2024	
<b>Findings of Fact (Amended)</b>	N/A	





**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space (pg 17).

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

The Infill Housing Guidelines indicate that Accessory Structures scale, height, size and mass should relate to the primary building and should not overshadow it. (pg 28)

**Indy Moves**  
 (Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

- N/A

### ZONING HISTORY – SURROUNDING AREA

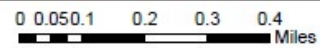
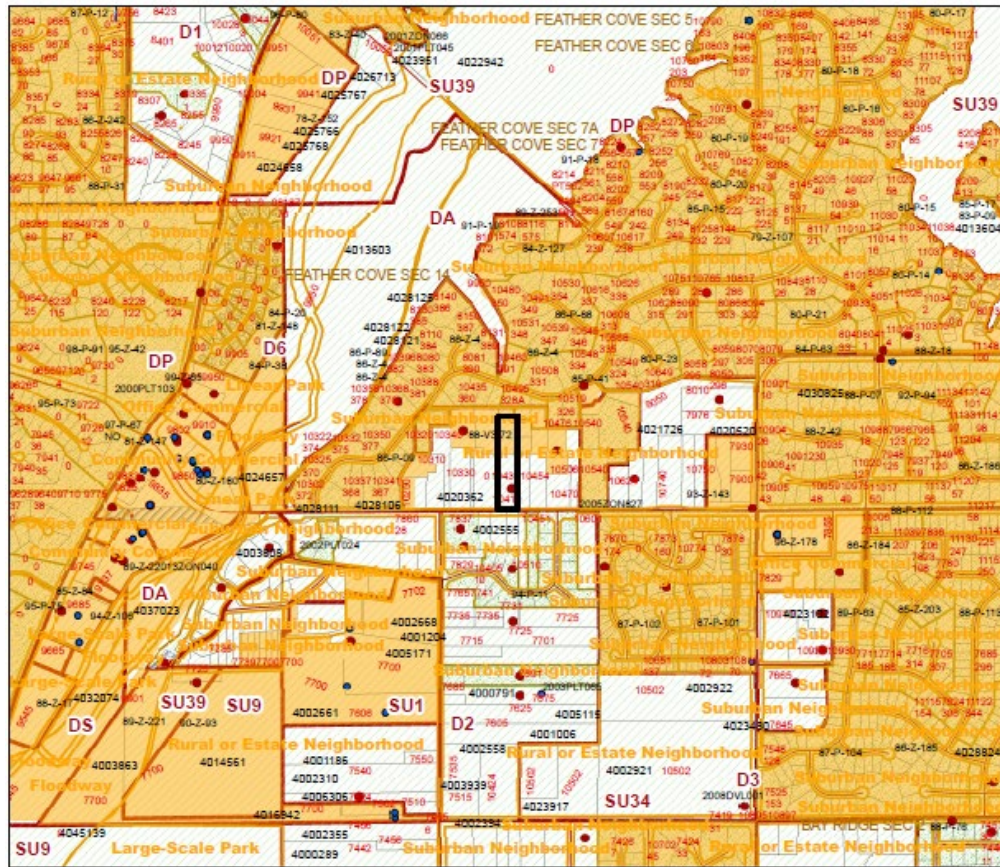
- 2000-DVL-016: 10436 Hermosa Drive
  - As-built setback variances.
    - AP
- 2000-SEL-001: 7700 Indian Lake Drive
  - 120' Tall tower constructed as wood pole co-location.
    - AP
- 2000-UVL-004: 10845 East 79<sup>th</sup> Street
  - EVMS – Protected district, signalized intersection – 100% of sign and in C-3 district.
    - D
- 2001-UVL-004: 7665 Sunnyside Road
  - Automobile storage in a barn, originally filed as 10973 E 77TH ST.
    - AP
- 2003-DVL-028: 7685 Indian Lake Road
  - Lot width
    - AP
- 2003-PLT-035: 10451 East 79<sup>th</sup> Street
  - Petition has put 10445 E. 79th Street as the address on the petition.
    - AP
- 2004-DV1-039: 10623 East 79<sup>th</sup> Street
  - Detached accessory structure with reduced side yard setback; petition was withdrawn on 9-7-04 variance was not needed.
    - WD
- 2005-VAR-827: 10540 East 79<sup>th</sup> Street
  - Provide for six lots without direct access to a public street, with five of those having zero feet of public street frontage.
    - WD
- 2005-ZON-827: 10538 and 10540 East 79<sup>th</sup> Street
  - 8.55 acres from D-A to D-S to provide for single-family residential development. recorded Commitments # 2006-0021124.
    - AP
- 2006-ZON-106: 10035 Sumac Lane
  - Rezoning of 0.331 acre, from the SU-1 District, to the D-2 classification to provide for residential uses.
    - AP
- 2007-DVL-028: 10930 East 77<sup>th</sup> Street
  - Pole barn



Department of Metropolitan Development  
Division of Planning  
Current Planning

- AP
- 2008-UVL-008: 10945 Cork Place
  - Assisted Living Facility
    - AP
- 2011-DVL-020: 10920 East 77<sup>th</sup> Street
  - Variance of development standards for accessory building area and accessory use area.
    - Approved
- 2012-DVL-004: 7837 Indian Lake Road
  - Six-foot tall fence in the front yard.
    - Approved
- 2023-PLT-103: 10945 Cork Place
  - Approval of a Subdivision Plat to be known as Sunnyside Commons Minor Subdivision, dividing 2.826 acres into two lots.
    - Approved

**EXHIBITS**



**Legend**

- ZoningApprovals
- ZoningLncu
- ZoningVariances
- Rezoning
- ZoningVacations
- ZoningPlats
- CCGIS.ThoroughfarePlan
- CCGIS.DMDLandUsePlanBase
- CCGIS.lhpc
- CCGIS.ZONING
- PARCELSTATEPIN
- PARCELS
- PLATTEDSUBDIVISION

Exhibit 1: Area map around 10410 East 79<sup>th</sup> Street.



**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 accessory structure is a pre engineered kit with materials specifically designed for safe use  
in residential areas, There will be no chemicals or any other hazardous materials or applications used during the process  
The accessory structure will be built by hand following all safety guidelines and building codes implemented by  
the marion county division of compliance.

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

the proposed accessory structure in front of home will not be seen by motorists, on 79th st  
due to the existing trees that block the view from the road, as well as the view from the properties on either side.

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

the current attached garage on the property is not sufficient to store the equipment needed to maintain and service the  
property as well as the adjacent property behind that is owned by the current residents.  
There is no room behind the house as there is an existing pool, there is not sufficient room to the east or west of home  
due to a single existing winding driveway shared by this property and the western property, and dozens of trees and a  
substantial drop in elevation to the north of the home make it impossible to place building anywhere else  
but in front of the home.

Exhibit 2: Findings of Facts submitted by the petitioner.

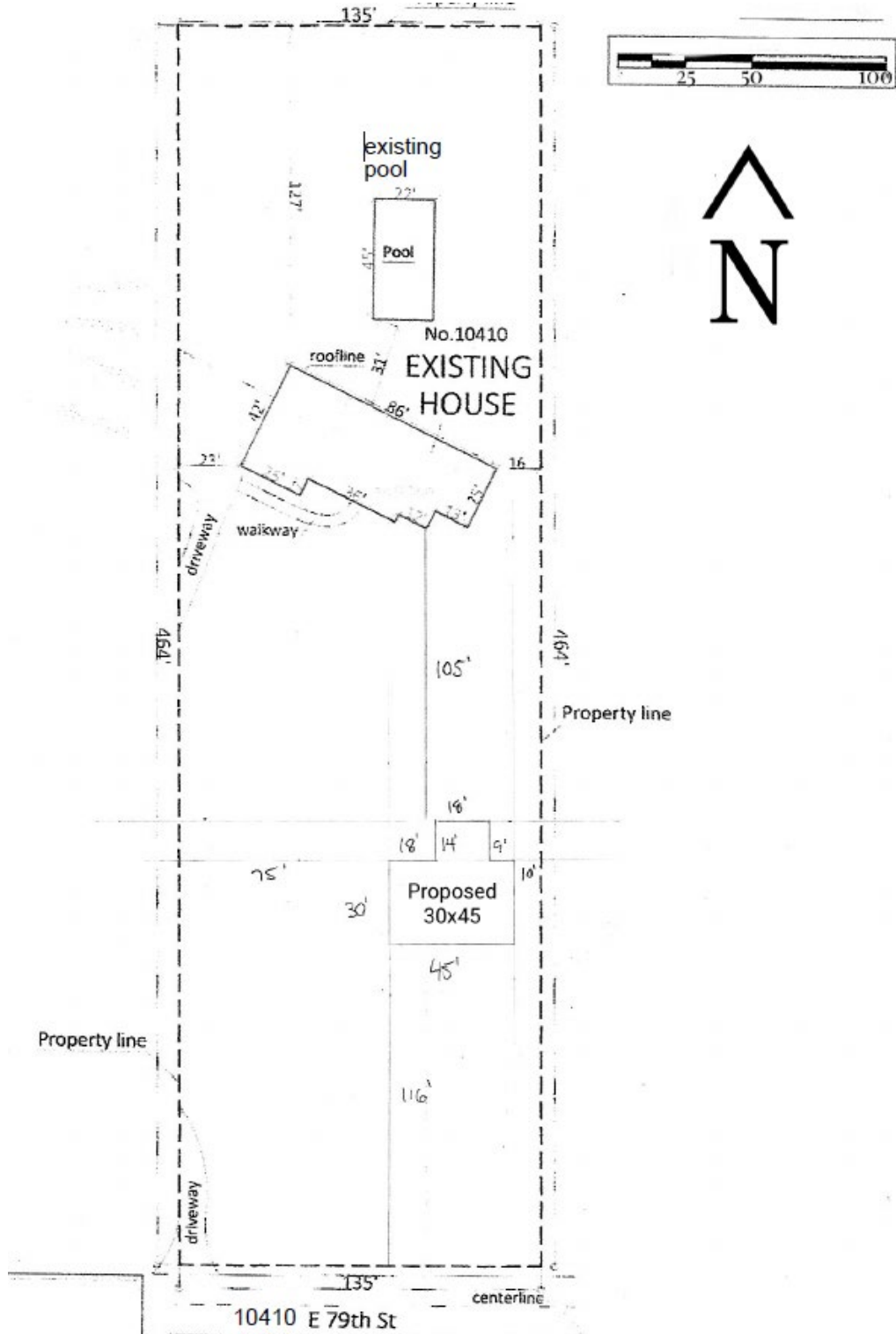


Exhibit 3: Site plan with the proposed garage.

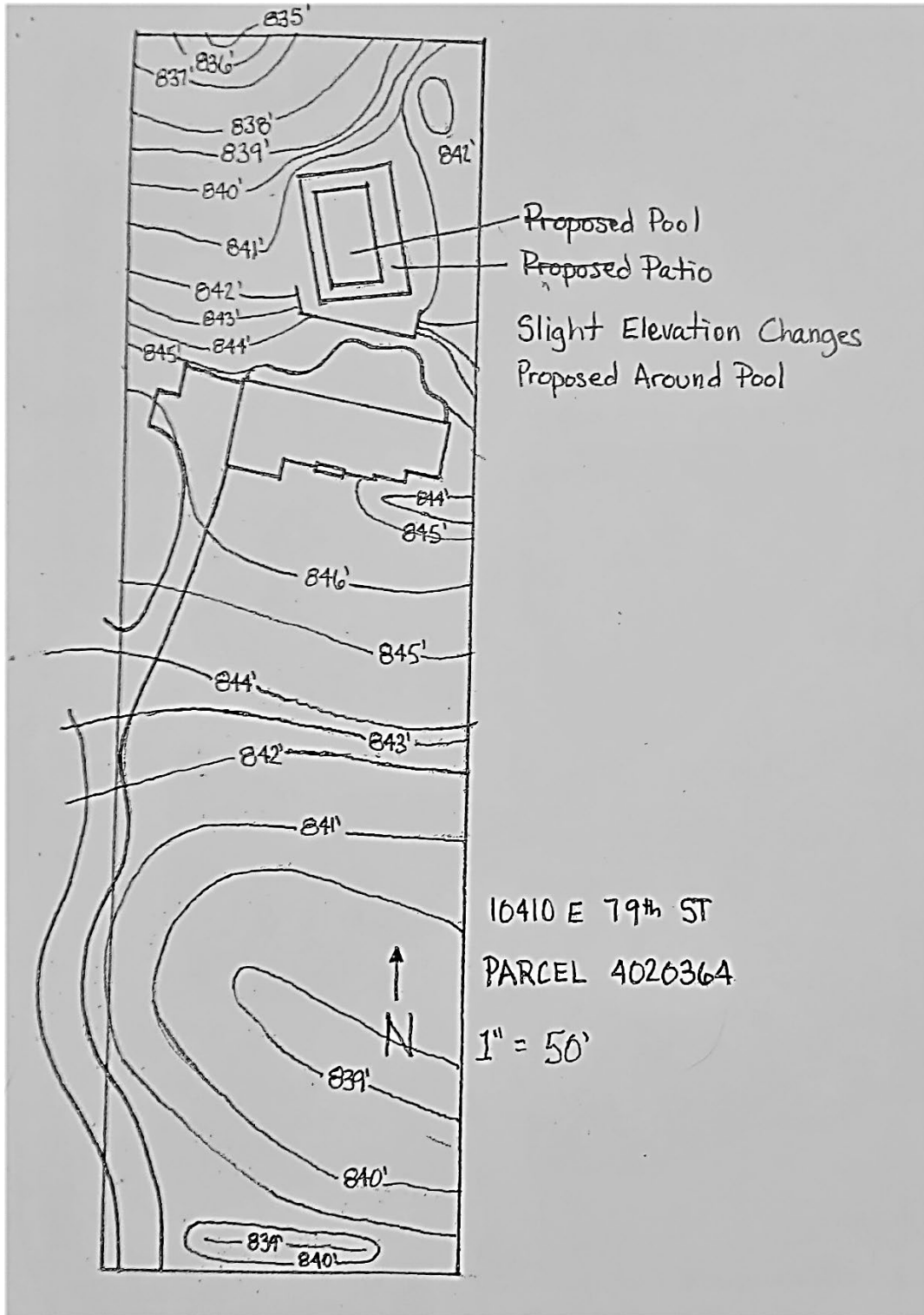


Exhibit 4: Topography map with existing home and pool.

Elevation Views

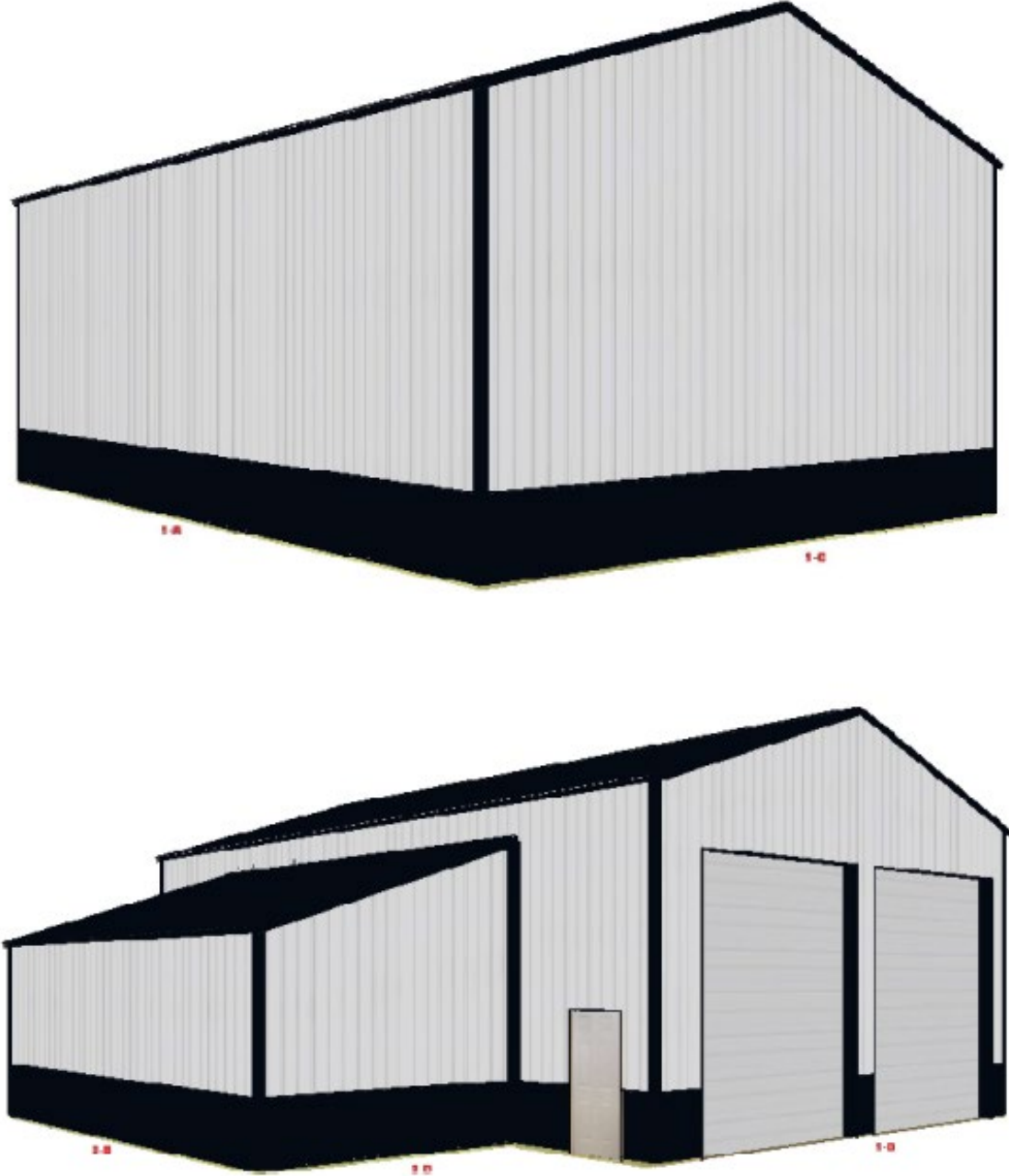


Exhibit 5: Elevation of the proposed garage.



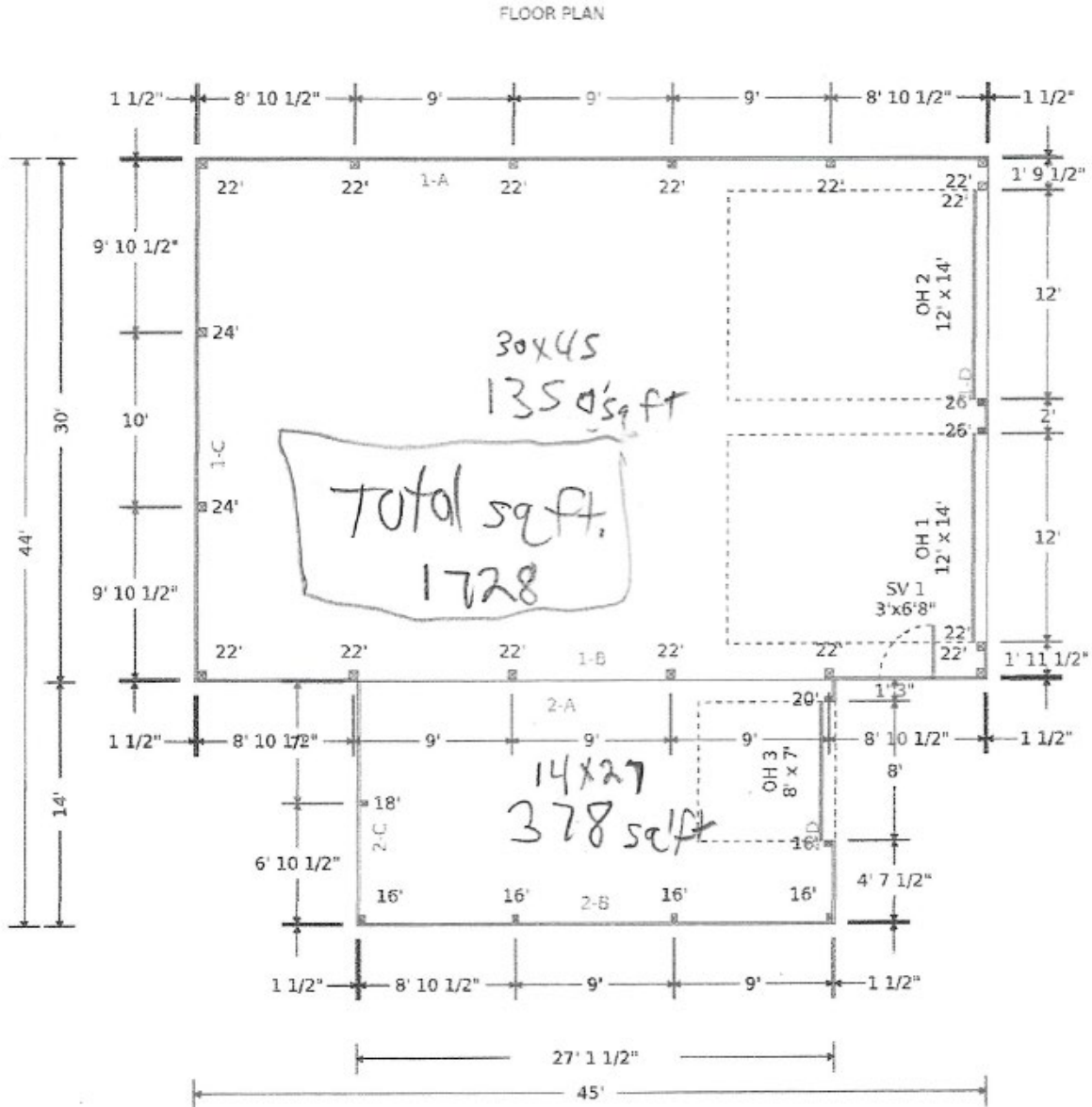


Exhibit 6: Floor plan of the proposed garage.





Exhibit 8: The primary structure located at 10410 East 79<sup>th</sup> Street.



Exhibit 9: The general area in which the proposed garage will be sitting.



Exhibit 10: Backyard of 10410 East 79<sup>th</sup> Street.



**BOARD OF ZONING APPEALS DIVISION III**

**November 19, 2024**

**Case Number:** 2024DV3024 (Amended)

**Property Address:** 10220 East Washington Street (approximate address)

**Location:** Warren Township, Council District #20

**Petitioner:** Indy WS40 LLC, by Joseph Calderon

**Current Zoning:** C-4 (TOD)

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive through without an exclusive bypass aisle (bypass aisle required) and the construction of freestanding buildings with front building line setbacks of up to 33 feet (maximum 20-feet permitted per 2023-DV3-004), a front building line width of 33.5 percent (46 percent required per 2023-DV3-004), and deficient first-story transparency on the front façade of the westernmost building (60% transparency required).

**Current Land Use:** Vacant Commercial

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

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

**10/15/24:** A continuance request was made by the petitioner to allow for revisions to be made to the request and site plan without the need for additional notice. This petition was continued from October 15<sup>th</sup> to the November 19<sup>th</sup> hearing date. Amended plan drawings were provided on November 6<sup>th</sup> indicating a drive-thru placed within the rear yard instead of the front (see Exhibits). The request for placement of a front-yard drive-thru was removed based on this updated layout, although variances are still needed for the other development standards related to the bypass aisle, transparency, and front building line setback and width. Staff feels that the new layout is a marginal improvement over the original submittal but still does not note any practical difficulty requiring relief and would maintain that a business so dependent on drive-thru vehicle traffic would not match the broader vision of the Transit Oriented Development overlay. Staff continues to recommend denial of the petition.

**9/17/24:** A timely automatic continuance request was filed by a registered neighborhood organization to continue this petition from the September 17<sup>th</sup> hearing date to the October 15<sup>th</sup> hearing date.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

## PETITION OVERVIEW

- The subject property is currently improved with a vacant restaurant building (formerly Golden Corral) and is directly south of the Washington Square Mall. Adjacent businesses include a steakhouse to the east, a large retailer to the north, and a multitenant commercial building to the east. The site is directly to the north of a proposed Blue Line BRT stop that would be placed within Washington Street near the private access road to the west of the subject site as well as a proposed shelter for the existing Line 87. The property was replatted earlier this year to create two outlots for development of three businesses to be placed at 10220 and 10226 E Washington Street.
- In addition to that plat petition, two variances for businesses at this site have been sought and granted within the past two years. Both variances were related to TOD standards (applicable given the proximity to the proposed Blue Line stop). 2023DV3004 was granted to allow for placement of a bank, multitenant commercial structure, and medical clinic at the site with deficiencies related to (a) drive-thru access from a private road, (b) placement of surface parking and (c) placement and width of the front building lines. Additionally, 2024DV3013 was approved earlier this year to allow for the bank to have a deficient number of front entry features. Staff notes that approval of the 2023 variance was subject to a commitment that sidewalk be added along the western portion of the site prior to construction: this commitment would still be applicable regardless of the result of this variance request.
- Changes to the proposed tenant occupying the property furthest to the west would result in the need for another new variance, the third requested for this site within two years. The proposed clinic has been replaced by a proposed beverage chain serviced by a two-lane drive-through that would be predominantly placed within the front yard. Although the 2023 variance would still be applicable, this layout would require several new or amended variances: the proposed drive-through would be located within a front yard (stacking spaces disallowed within front yards) without required bypass aisle and would be within 100 feet of the proposed BRT station (600-foot separation required unless fully behind the building). Additionally, the front setback allowed would be expanded from 20 feet to 60 feet and the required front building line would be reduced from 46% to 18.5% (standards previously granted by 2023DV3004). Finally, the front façade of the building would not meet transparency requirements for TOD.
- This property is zoned C-4 to allow for the development of major business grouping and regional-size shopping centers to serve populations ranging from neighborhoods to major segments of the total metropolitan area, and the Comprehensive Plan recommends it to the Regional Commercial typology to allow for commercial and office uses to serve significant portions of the county with pedestrian connectivity. Additionally, the proximity of this site to both a proposed BRT station and bus shelter means that recommendations from the Blue Line TOD Strategic Plan would be highly relevant. This plan recommends the site for a mix of retail, entertainment, office, and residential uses with vehicle areas consolidated and placed behind buildings to allow for pedestrian orientation at the street level and to encourage transit ridership and associated economic growth.

- The findings of fact provided by the applicant indicate that: (a) the design wouldn't interfere with access to the proposed bus station; (b) the design would match nearby properties that also don't meet TOD standards; and (c) the lot shape wouldn't allow for compliant development. Staff disagrees with each of these assertions. First, the proposed design with a drive-through directly between the BRT stop location and the business would hinder both pedestrian access to the business and the larger development strategy that the Plan envisions. Second, redevelopment of any neighboring sites would also require TOD compliance (neighboring context is not a site-specific difficulty) and no adjacent properties appear to have two drive-through lanes in their front yard or an FBL that would only comprise 18.5 of the lot width. Third, both the original site plan submitted in 2023 and the current layout show buildings with both drive-through designs and FBL widths that are substantially closer to the intent of TOD design standards.
- Although placement of stacking spaces within front yards is disallowed in all zoning contexts, TOD standards take the extra step of requiring placement of drive-throughs only within rear yards if the proposed spaces would be within 600 feet of a transit station to minimize the impact of car access on neighborhood streetscapes. This layout would ignore both of those standards and place two drive lanes without a full bypass aisle in the front yard as well as the western side yard: vehicle area would wrap around both likely frontages for pedestrian entry in a manner disallowed by standard ordinance and wholly inappropriate within 100 feet of a BRT station.
- The Blue Line TOD Strategic Plan envisions that buildings within the zoning layer would be constructed both close to front property lines and with front building line widths comprising much of the parcel width. These design standards are meant to facilitate walkable streetscapes with slow traffic speeds and well-connected sidewalks serving activated streetscapes and human-scale buildings. Grant of 2023DV3004 would allow this specific property to have a front setback 20 feet from the front property line and buildings with only half the width of the lot. However, grant of this variance would relax those standards further even though no observable practical difficulty exists that would prevent the property from being developed with a compliant layout. C-4 zoning allows a broad range of commercial uses and should allow for maximum flexibility in securing a user amenable to following TOD guidelines as closely as possible.
- The front façades of buildings within TOD also have applicable design standards governing transparency, the number of front entry features, and limitations on blank wall space. The proposed front façade of this building facing Washington Street would not meet the transparency requirement of 60% of the area between 3 and 8 feet from grade (plans show approximately 42% of this façade area comprised of glass). Given this deficiency as well as the fact that the front entry would be obscured by two lanes of drive-through traffic, staff does not feel that this deviation would meet or approximate the TOD vision for vibrant, pedestrian-friendly front entryways.
- To conclude, extensive research was conducted by the Indianapolis MPO to establish that (a) consumer preference for transit access and walkable mixed-use communities exists within several Indianapolis communities (transit-dependent households, seniors with limited mobility, millennials, etc.); and (b) based on analysis of nineteen separate variables (including employment density, proximity to retail, average income, rent, and home values, etc.), this node was





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

determined to have high TOD potential. A failure to maintain TOD design standards, especially for property so close to a proposed station, would jeopardize that potential.

- Staff does not object to the proposed primary use but does not feel that the sale of beverages would intrinsically require placement of a building and drive-through lanes so incongruous with ordinance standards; if two front-yard drive through lanes would be required to sell beverages then staff feels this site would not be a good fit for the use. The proposed design would require six variances without any observable practical difficulty (several of them extreme) and would result in auto-centric development fully antithetical to relevant ordinance and comprehensive plan guidance for TOD areas. Staff recommends denial of all proposed variances.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	Enter Zoning and Secondary Districts	
<b>Existing Land Use</b>	Vacant Commercial	
<b>Comprehensive Plan</b>	Regional Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-4	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	C-4	West: Commercial
<b>Thoroughfare Plan</b>		
Washington Street	Primary Arterial	124-foot existing right-of-way and 124-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	07/16/2024	
<b>Site Plan (Amended)</b>	11/06/2024	
<b>Elevations</b>	07/16/2024	
<b>Elevations (Amended)</b>	11/06/2024	
<b>Landscape Plan</b>	10/04/2024	
<b>Findings of Fact</b>	07/16/2024	
<b>Findings of Fact (Amended)</b>	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 this site to the Regional Commercial working typology which allows for commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Pedestrian connectivity should be emphasized, and outdoor display of merchandise should be limited for the use category.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- The Blue Line TOD Strategic Plan recommends this site for the Community Center typology which allows for a mix of retail, entertainment, office and residential uses with surface parking consolidated and placed behind buildings to allow for pedestrian orientation at the street while still supporting drive-to businesses.

**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

**2024DV3013**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a bank with one primary entry (two required), **approved**.

**2023DV3004**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an integrated center with: a) an accessory drive through within 600 feet of a transit station with access provided by a private drive (alley access required); b) a surface parking area within the minimum 50-foot front yard setback (not permitted); c) all building maintaining a 20-foot front yard setback (maximum 10-foot setback permitted); d) and a 46% front building line (80% required), **approved**.

### ZONING HISTORY – VICINITY

**2022UV3031 ; 10435 E Washington Street (east of site)**, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business (not permitted on lots greater than 0.5-acres), with a 23.5-foot front building line, 4% of the building line (60% front building line required), **withdrawn**.

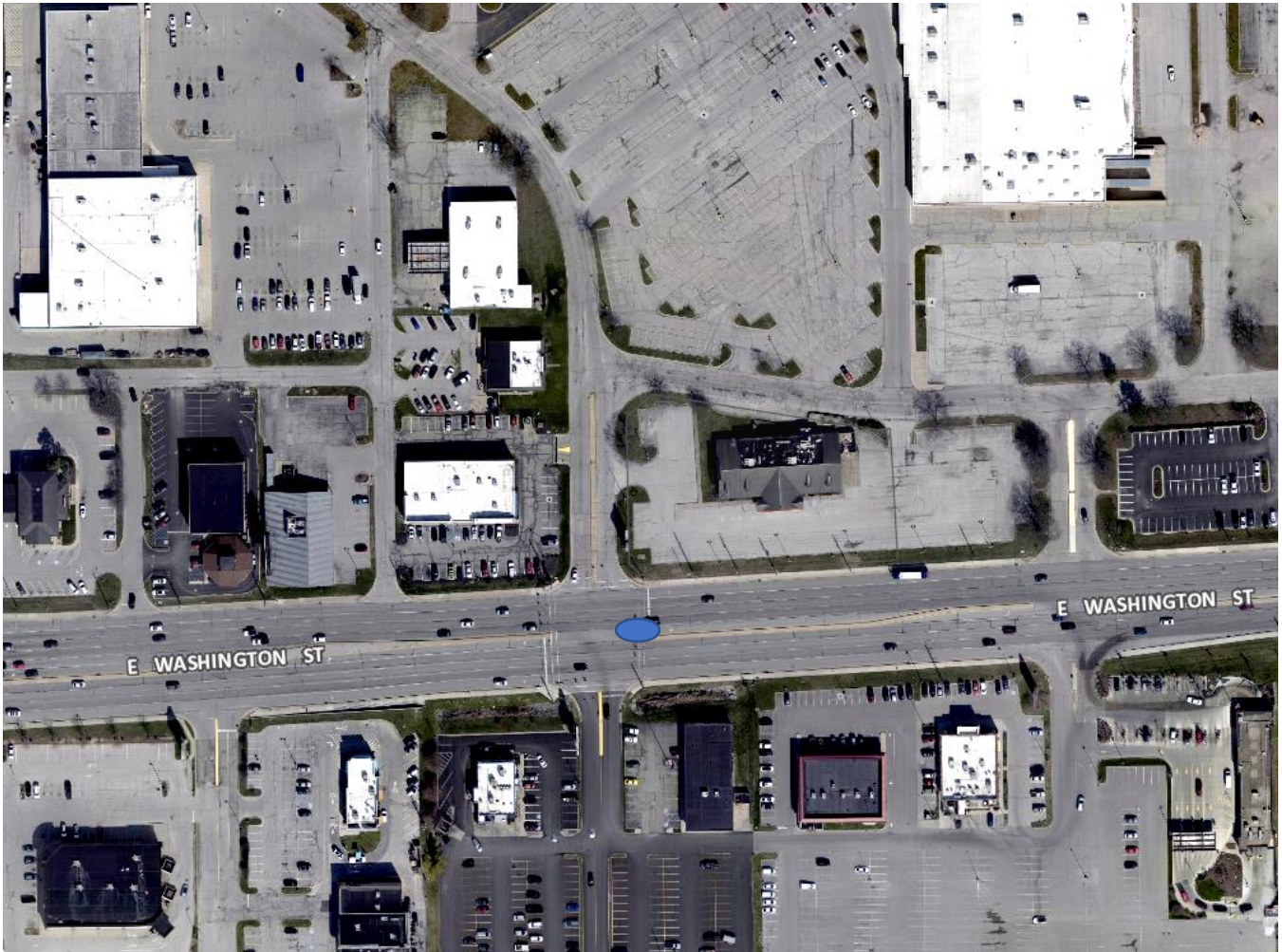
**2018UV2008 ; 10501 E Washington Street (east of site)**, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a contractor with outdoor storage, **approved**.

**2011UV2018 ; 10009 E Washington Street (south of site)**, Variance of use to provide for a daycare center in a 4,200-square foot tenant space, **approved**.

**2010DV2005 ; 10002 E Washington Street (west of site)**, Variance of development standards of the Sign Regulations to provide for an 18-foot tall, 42.5-square foot freestanding sign, within the sight-triangle of Mitthoefer Road and Washington Street, with a five-foot setback from Washington Street (15-foot setback from existing right-of-way required, structures cannot be within the sight triangle), **denied**.

**EXHIBITS**

**2024DV3024 ; Aerial Map**



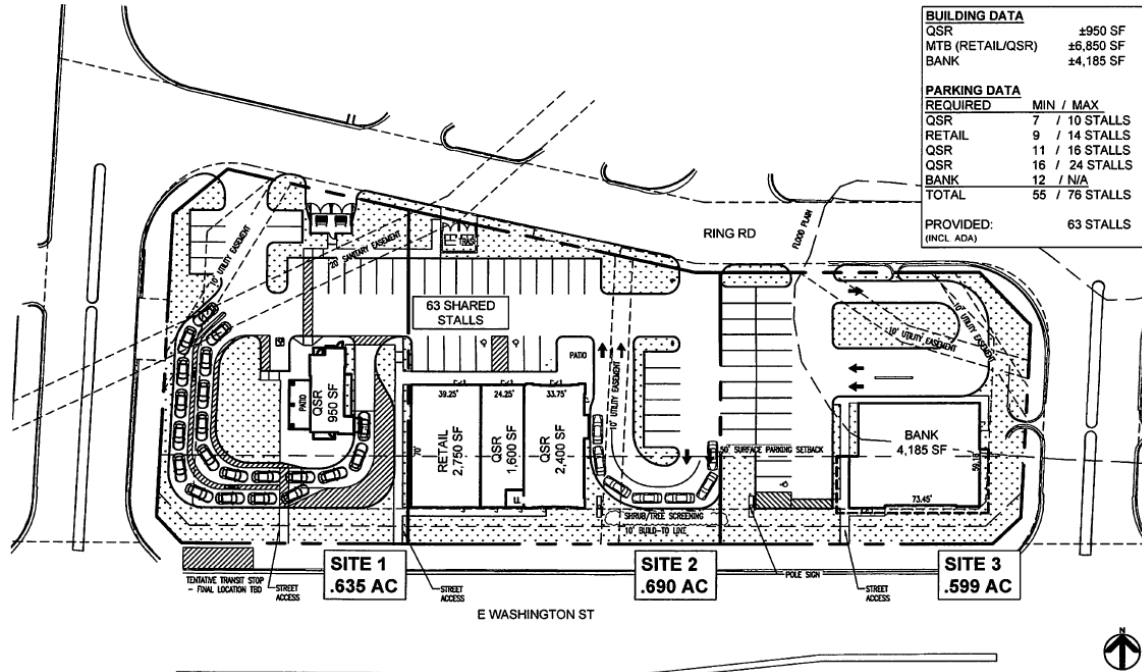
(Blue dot indicates approximate location of proposed BRT stop, additional bus shelter will be placed along N side of Washington adjacent to subject site)

**2024DV3024 ; Site Plan (Amended 11/06/2024 Submittal)**

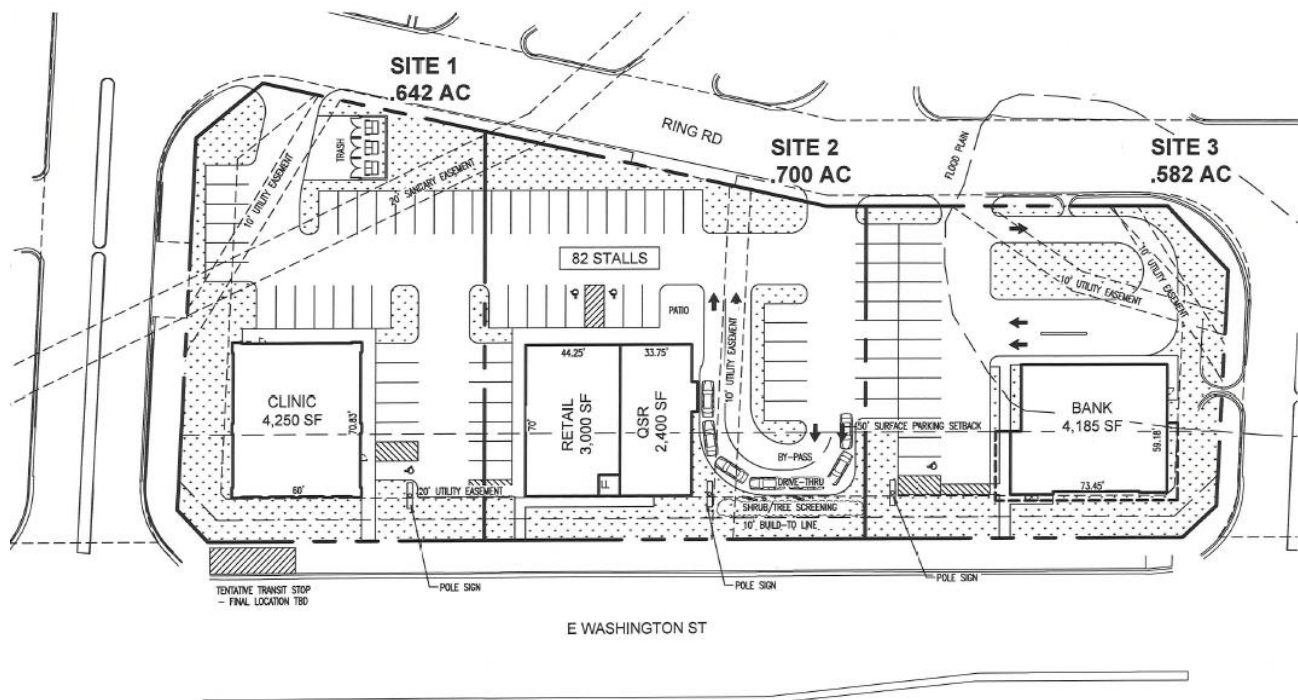


ITC

**2024DV3024 ; Site Plan (Original 07/16/2024 Submittal)**



**2024DV3024 ; Site Plan (Previous Variances)**



**2024DV3024 ; Elevations**





**2024DV3024 ; 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 building is part of a redevelopment that will replace a vacant building which is not only an eyesore, but which also does not meet the Transit Oriented Development Secondary District requirements. The proposed building will not interfere with any access to or from a proposed transit station.

---

---

---

**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 adjoining properties are all commercial outparcels and will be similar in character. None of the adjoining parcels meet the Transit Oriented Development Secondary District Standards, so relief from such requirements will not adversely impact adjoining properties.

---

---

---

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

the ordinance does not contemplate redevelopment of an existing site with historic improvements and setbacks, plus there is a 20 foot utility easement off of the front lot line that makes it impossible to comply with the front building line standard. There is no alley serving the development, just a ring road, so access to the drive through is close to what is contemplated by the Ordinance. The lot has much more width than depth, creating the need for the building width variance.

---



**2024DV3024 ; Photographs**



Photo 1: Subject Site from Southwest



Photo 2: Subject Site from Southeast

**2024DV3024 ; Photographs (continued)**



Photo 3: Subject Site from West



Photo 4: Subject Site from Northwest

**2024DV3024 ; Photographs (continued)**



Photo 5: Subject Site from North



Photo 6: Ring Road from East (private road along northern portion of site)

**2024DV3024 ; Photographs (continued)**



Photo 7: Adjacent Property to South



Photo 8: Adjacent Property to North



**BOARD OF ZONING APPEALS DIVISION III**

**November 19, 2024**

**Case Number:** 2024-DV3-026

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

**Location:** Warren Township, Council District #14

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

**Current Zoning:** C-4 (TOD)

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

**Current Land Use:** Commercial

**Staff Recommendations:** Staff **strongly recommends denial** this petition

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR NOVEMBER 19, 2024 BZA DIVISION III HEARING**

- This petition was continued from the October 15, 2024 hearing to allow for changes to the submitted elevations.
- This petition was automatically continued by a registered neighborhood organization from the September 17, 2024 hearing to the October 15, 2024 hearing.

**STAFF RECOMMENDATION**

- Staff **strongly recommends denial** of this petition.

**PETITION OVERVIEW**

- This petition would provide for the construction of an automobile fueling station with 16 pump islands/service areas (eight permitted) with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (25 feet required, maximum 40 percent lot width for parking permitted behind front building



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

line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required).

- The Transit Oriented Development (TOD) Secondary Zoning District prohibits fueling stations (either primary or accessory in nature) within 600 feet of a TOD transit station. Properties that are located more than 600 feet from a transit station are restricted to 8 fueling station pump islands. These regulations are in effort to limit scale of auto-related uses and the overall amount of vehicular traffic/activity within the TOD overlay, and particularly along the TOD route itself. The introduction of non-contributing auto-oriented uses—those uses that take away from the pedestrian walkability experience and create more potential conflicts between vehicular traffic and other modes of transportation—are detrimental to the neighborhoods adjacent to the TOD Overlay. The subject site is located approximately 1000 feet from the Sadlier Drive Blue Line transit station.
- Staff has significant concerns regarding the proposal for 16 pump island/service areas. Being twice the amount of service areas that are permitted, Staff sees this proposal as attracting an undesired increase in the amount of vehicular traffic directly along the Blue Line TOD route of East Washington Street. While fueling stations are allowed along Connector frontages, the increase in traffic, and the often-numerous curb cuts that they require, alter the pedestrian flow at crosswalks (marked or signalized), and can have a significant impact on public safety. Auto-related uses of this scale go directly against the intentions and goals of the TOD overlay district, being to “coordinate more compact, walkable and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips”. The TOD overlay district language goes on to state that “Development patterns and site designs that prioritize automobile travel undermine these public and private investments”. Staff believes that the introduction of auto-related uses at this scale would not only have detrimental impacts on this specific area of the TOD, but also would significantly weaken the success of the broader TOD system as a whole, and would serve as an undesired precedent for future development within the TOD overlay district.
- In addition to the proposed scale of the auto-related use, the proposed site plan and elevations do not meet the private frontage design standards laid out in Table 744-702-3. The standards in question, being the requirement to provide at least 40% first story transparency, to provide front building line coverage of at least 60% of the lot width, and to limit any off-street parking to 40% of the lot width behind the front building line and to provide at least a 25-foot setback for those parking areas. These standards are in place to promote quality development, enhance the pedestrian experience, and to guide the design of development based on the surrounding context and type of frontage. As stated in the request language and shown in the site plan, the proposal is significantly deficient in all four of these standards. Staff believes the proposed site plan and elevations to be poor development, that does not enhance or promote pedestrian activity, and with little regard to the subject site’s frontage and context of being along the TOD corridor.
- Additionally, Staff would note that the subject site is also located within the Compact Context Area, which roughly follows the boundaries of the former city limits of Indianapolis. Sites within the Compact Context Area are intended to contain a more urban, small-scale, compact design, that promotes



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

pedestrian activity. Staff finds the proposed larger-scale, auto-related use to be at odds with the intentions of properties within the Compact Context Area.

- Further, Staff does not believe there to be any practical difficulty for needing the requested variances. The subject site contains sufficient lot frontage and does not contain any significant obstructions or natural difficulties that impact the manner in which it can be developed. Staff believes that the proposed site plan and elevations can be revised to be Ordinance-compliant, and strongly requests that the petitioner does so.
- To conclude, Staff finds this proposal to be adverse to the intentions of the TOD overlay, the private frontage design standards, and the Compact Context Area. Staff does not find the site plan/elevations to be promoting/enhancing pedestrian activity, nor to be quality development. Staff believes that more appropriate uses and proposals for this site are possible and that the standards set forth by the Zoning Ordinance and the TOD overlay district, when followed, provide for a higher-quality development than the one proposed. Finally, Staff does not find there to be any related practical difficulty for needing the requested variances. Therefore, Staff strongly recommends denial of this petition.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-4 (TOD)	
<b>Existing Land Use</b>	Parking lot	
<b>Comprehensive Plan</b>	Office/Industrial Mixed Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: C-4	North: Auto-Repair
	South: C-5 / SU-9	South: Auto-Dealer / State Government Offices
	East: C-4	East: Commercial
	West: C-4	West: Highway interchange
<b>Thoroughfare Plan</b>		
East Washington Street	Primary Arterial	120 feet of right-of-way existing and 102 feet proposed
North Shortridge Road	Local Street	74 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	8/21/24	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	8/21/24	
<b>Elevations (Amended)</b>	10/31/24	
<b>Landscape Plan</b>	10/31/24	



<b>Findings of Fact</b>	8/21/24
<b>Findings of Fact (Amended)</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book
- Red Line TOD Strategic Plan (2020)
- Indy Moves

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan pattern Book recommends the Office/Industrial Mixed Use working typology for this site.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- The subject site is located approximately 1000 feet from the Sadlier Drive Blue Line transit station
- The Sadlier Drive transit station has been categorized as the community center typology, which is characterized as a dense, mixed-use neighborhood center with minimum 2 stories at the core with no front or side setbacks, and 0-10 foot setbacks at the periphery

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- The subject site is approximately 1100 feet from the Pennsy Trail





## ZONING HISTORY

### ZONING HISTORY – SITE

**83-HOV-44A**, variance of development standards of the Sign Regulations to allow for the relocation of an integrated-center pole sign containing 678.31 square feet, **approved**.

### ZONING HISTORY – VICINITY

**2016DV1044, 7101 E Washington Street (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an approximately 38-foot tall freestanding pylon sign, within 158 feet of an existing freestanding sign on the 372-foot frontage of East Washington Street (300-foot separation and 600 feet of frontage required for two signs), **approved**.

**2015UV3031, 7410 E Washington Street (east of site)**, Variance of use and development standards of the Commercial Zoning Ordinance to provide for the expansion of a carwash, with additional vending, change and storage structures and 16 vacuum stations (not permitted), with a five-foot north side transitional yard (20-foot transitional yard required), with said facilities being within 100 feet of a protected district (not permitted), **denied**.

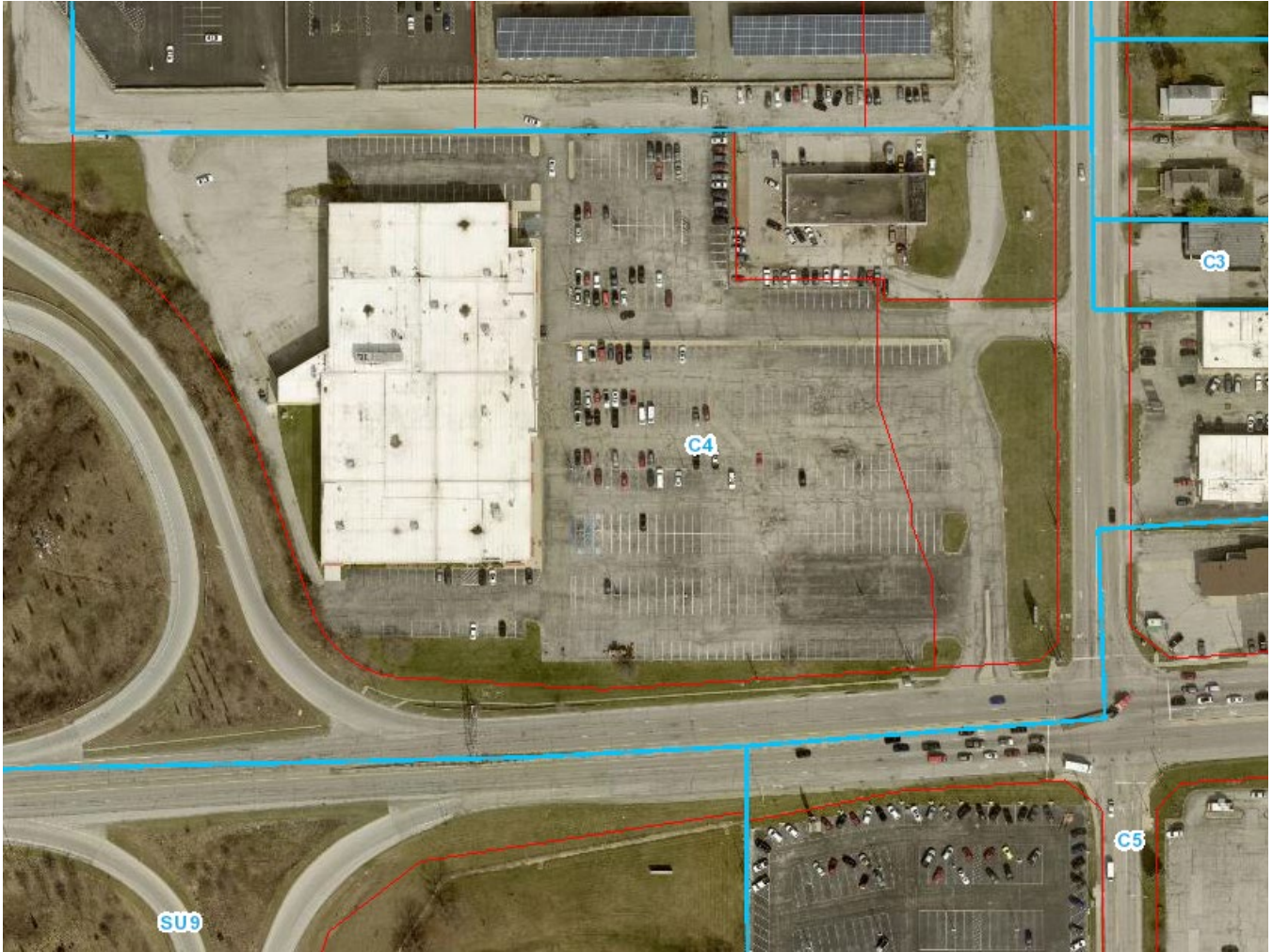
**2014DV3024, 7 N Shortridge Road (east of site)**, Variance of development standards of the Commercial Zoning Ordinance to provide for a fast-food restaurant, with carry-out and delivery services within approximately 10 feet of a D-3 zoned protected district (fast food restaurants and carryout food service not permitted within 100 feet of a protected district), **approved**.

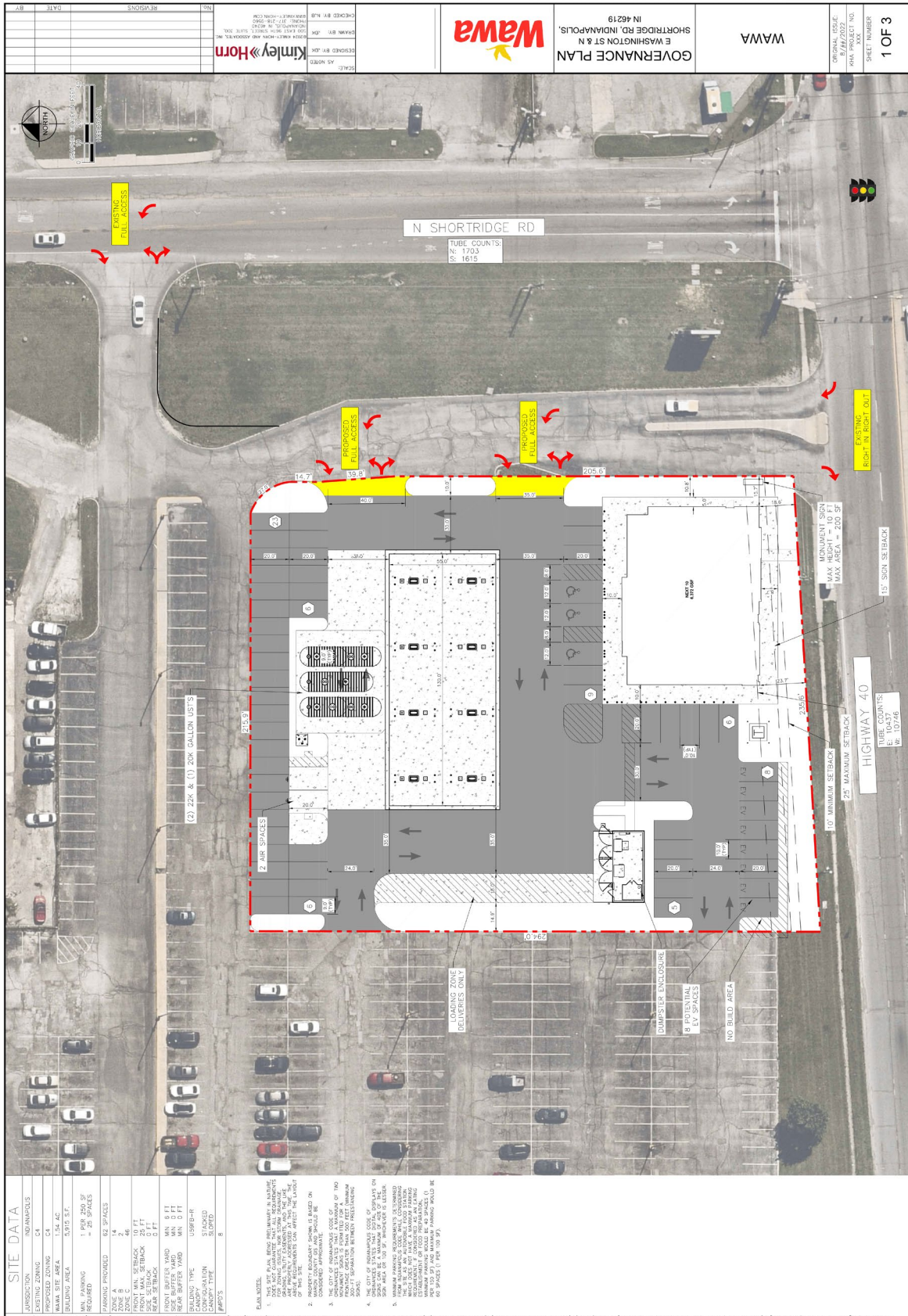
**2013ZON026; 401 N Shadeland Avenue (north of site)**, Rezoning of 37 acres from the C-S District to the C-S classification to provide for a solar power generation in addition to the uses previously approved by 2010-ZON-063, **approved**.

**2010ZON063, 401 N Shadeland Avenue (north of site)**, Rezoning of approximately 36 acres from the C-4 District to the C-S classification to provide for a data processing center, C-4 uses, with certain use prohibitions, and public safety uses, including an impound lot, **approved**.

**2006ZON065; 41 N Shadeland Avenue (east of site)**, rezoning of .43 acres, being in the D-3 District, to the C-3 classification to provide for neighborhood commercial uses, **approved subject to commitments**.

EXHIBITS





NO.	REVISIONS	DATE	BY

DESIGNED BY: JAC	SCALE:
DRAWN BY: JAC	
CHECKED BY: JAC	
DATE: 07/11/2023	
PROJECT NO: 2306	
PROJECT NAME: WAWA AND KIMLEY-HORN	
CLIENT: WAWA	
LOCATION: 401 EAST 90th STREET, SUITE 200, INDIANAPOLIS, IN 46219	

WAWA	GOVERNANCE PLAN
E WASHINGTON ST & N SHORTRIDGE RD, INDIANAPOLIS, IN 46219	

ORIGINAL SCALE: N/A	SHEET NUMBER: 1 OF 3
PROJECT NO: N/A	
DATE: N/A	

DATE: 07/11/2023	PROJECT NO: 2306
PROJECT NAME: WAWA AND KIMLEY-HORN	CLIENT: WAWA
LOCATION: 401 EAST 90th STREET, SUITE 200, INDIANAPOLIS, IN 46219	SCALE:

DESIGNED BY: JAC	SCALE:
DRAWN BY: JAC	
CHECKED BY: JAC	
DATE: 07/11/2023	
PROJECT NO: 2306	
PROJECT NAME: WAWA AND KIMLEY-HORN	
CLIENT: WAWA	
LOCATION: 401 EAST 90th STREET, SUITE 200, INDIANAPOLIS, IN 46219	

DATE: 07/11/2023	PROJECT NO: 2306
PROJECT NAME: WAWA AND KIMLEY-HORN	CLIENT: WAWA
LOCATION: 401 EAST 90th STREET, SUITE 200, INDIANAPOLIS, IN 46219	SCALE:

DESIGNED BY: JAC	SCALE:
DRAWN BY: JAC	
CHECKED BY: JAC	
DATE: 07/11/2023	
PROJECT NO: 2306	
PROJECT NAME: WAWA AND KIMLEY-HORN	
CLIENT: WAWA	
LOCATION: 401 EAST 90th STREET, SUITE 200, INDIANAPOLIS, IN 46219	

DATE: 07/11/2023	PROJECT NO: 2306
PROJECT NAME: WAWA AND KIMLEY-HORN	CLIENT: WAWA
LOCATION: 401 EAST 90th STREET, SUITE 200, INDIANAPOLIS, IN 46219	SCALE:

DESIGNED BY: JAC	SCALE:
DRAWN BY: JAC	
CHECKED BY: JAC	
DATE: 07/11/2023	
PROJECT NO: 2306	
PROJECT NAME: WAWA AND KIMLEY-HORN	
CLIENT: WAWA	
LOCATION: 401 EAST 90th STREET, SUITE 200, INDIANAPOLIS, IN 46219	

DATE: 07/11/2023	PROJECT NO: 2306
PROJECT NAME: WAWA AND KIMLEY-HORN	CLIENT: WAWA
LOCATION: 401 EAST 90th STREET, SUITE 200, INDIANAPOLIS, IN 46219	SCALE:

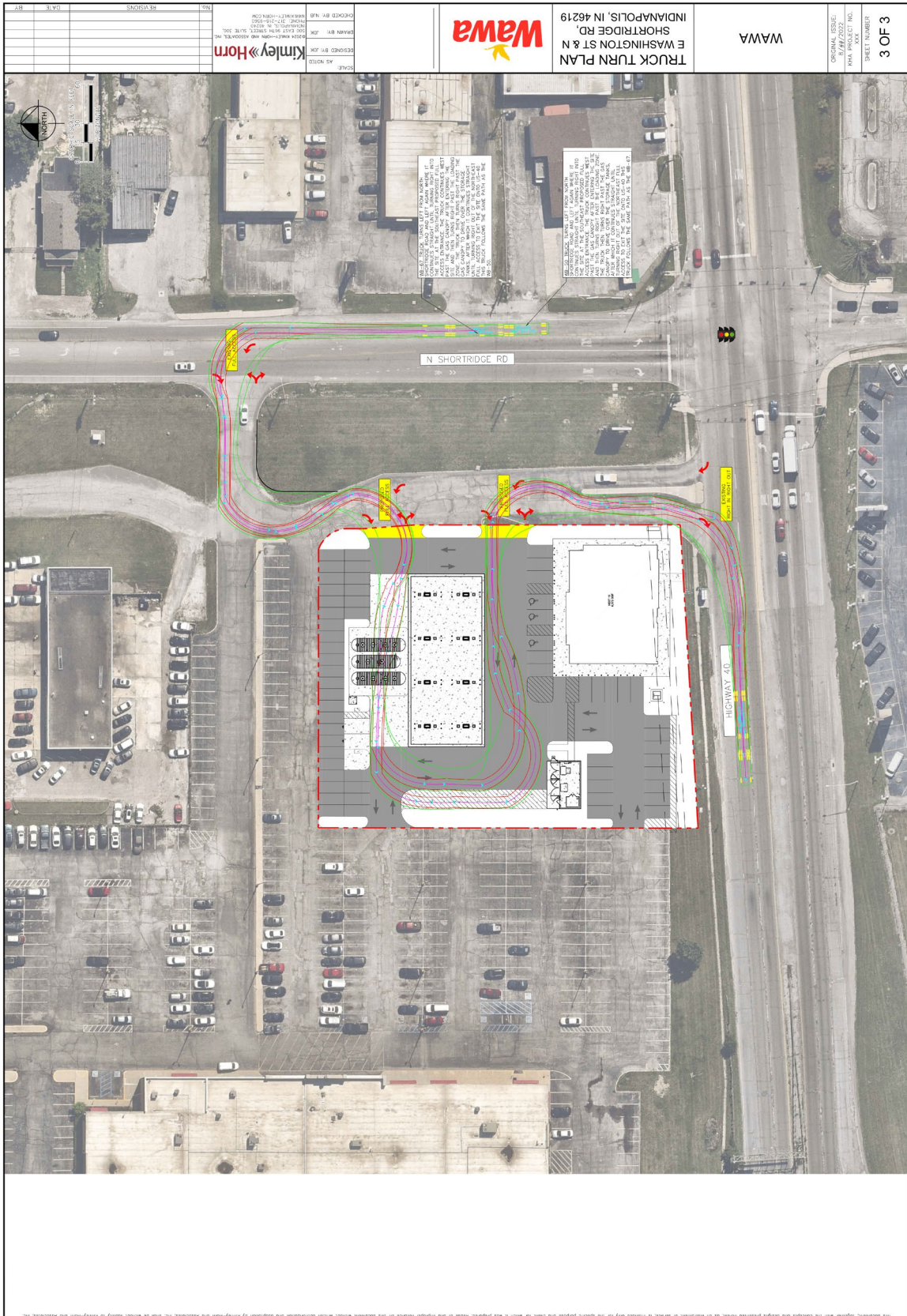
DESIGNED BY: JAC	SCALE:
DRAWN BY: JAC	
CHECKED BY: JAC	
DATE: 07/11/2023	
PROJECT NO: 2306	
PROJECT NAME: WAWA AND KIMLEY-HORN	
CLIENT: WAWA	
LOCATION: 401 EAST 90th STREET, SUITE 200, INDIANAPOLIS, IN 46219	

DATE: 07/11/2023	PROJECT NO: 2306
PROJECT NAME: WAWA AND KIMLEY-HORN	CLIENT: WAWA
LOCATION: 401 EAST 90th STREET, SUITE 200, INDIANAPOLIS, IN 46219	SCALE:

DESIGNED BY: JAC	SCALE:
DRAWN BY: JAC	
CHECKED BY: JAC	
DATE: 07/11/2023	
PROJECT NO: 2306	
PROJECT NAME: WAWA AND KIMLEY-HORN	
CLIENT: WAWA	
LOCATION: 401 EAST 90th STREET, SUITE 200, INDIANAPOLIS, IN 46219	

DATE: 07/11/2023	PROJECT NO: 2306
PROJECT NAME: WAWA AND KIMLEY-HORN	CLIENT: WAWA
LOCATION: 401 EAST 90th STREET, SUITE 200, INDIANAPOLIS, IN 46219	SCALE:

DESIGNED BY: JAC	SCALE:
DRAWN BY: JAC	
CHECKED BY: JAC	
DATE: 07/11/2023	
PROJECT NO: 2306	
PROJECT NAME: WAWA AND KIMLEY-HORN	
CLIENT: WAWA	
LOCATION: 401 EAST 90th STREET, SUITE 200, INDIANAPOLIS, IN 46219	



### CONCEPT PLANT SCHEDULE

Item	Description	Quantity	Notes
12	STREET FRONTAGE ORNAMENTAL TREES	12	
4	PARKING LOT PERIMETER TREES	4	
6	PARKING LOT INTERIOR TREES	6	
37	GREEN FACTOR TREES	37	
19	MECHANICAL SCREENING EVERGREENS	19	
47	STREET PLANTING SHRUBS, GRASSES (EXCLUDING TURF GRASS)	47	
15	PARKING LOT PERIMETER SHRUBS	15	
10	MECHANICAL SCREENING SHRUBS	10	
37	GREEN FACTOR SHRUBS	37	

Graphic Scale in Feet: 0, 10, 20, 30, 40, 50, 60, 70, 80, 90, 100

### ORDINANCE CHART

ZONING	Indicative REQUIREMENT	REQUIRED	PROVIDED
STREET FRONTAGE AND FRONT YARD - SECTION 4	<ul style="list-style-type: none"> <li>The front yard shall be landscaped with 12 ornamental trees, 24 shrubs, and 12 evergreens.</li> <li>Minimum of 100 sq ft of planting beds.</li> <li>Minimum of 100 sq ft of planting beds.</li> </ul>	<ul style="list-style-type: none"> <li>22 ornamental trees, 24 shrubs, 12 evergreens</li> </ul>	<ul style="list-style-type: none"> <li>22 ornamental trees, 24 shrubs, 12 evergreens</li> </ul>
SECTION 4A	<ul style="list-style-type: none"> <li>Minimum of 100 sq ft of planting beds.</li> <li>Minimum of 100 sq ft of planting beds.</li> </ul>	<ul style="list-style-type: none"> <li>131 LF / 35' x 4 shrub trees</li> <li>131 LF / 24' x 5 shrubs</li> <li>5 x 3 - 15 shrubs</li> </ul>	<ul style="list-style-type: none"> <li>4 shrub trees, 15 shrubs provided</li> </ul>
PARKING LOT INTERIORS - SECTION 6B	<ul style="list-style-type: none"> <li>For development occurring on back lot, 25% of all uncovered vehicle areas.</li> </ul>	<ul style="list-style-type: none"> <li>18, 101 SF x .06 = 1,086 SF / 180' x 6 shrub trees</li> </ul>	<ul style="list-style-type: none"> <li>6 shrub trees provided</li> </ul>
EQUIPMENT - SECTION 6B	<ul style="list-style-type: none"> <li>Landscaped screening material shall be provided to screen 25% capacity within one year of planting.</li> </ul>	<ul style="list-style-type: none"> <li>Landscaping material required for screening.</li> </ul>	<ul style="list-style-type: none"> <li>18 shrubs provided</li> </ul>
GREEN FACTOR	<ul style="list-style-type: none"> <li>Development on lot which 25% or more of the lot area shall be planted with a Green Factor of .25 or higher.</li> </ul>	<ul style="list-style-type: none"> <li>22 Green Factor required.</li> </ul>	<ul style="list-style-type: none"> <li>22 Green Factor provided.</li> </ul>

### SEEDING LEGEND

	PERMANENT SEEDING TURF TYPE TALL TURF - APPLY AT A RATE OF 6 LBS/1,000 SQ FT
	MULCH HARDWOOD SHREDDED MULCH NATURAL BROWN COLOR

ORIGINAL ISSUE: 05/22/24  
NO. 10000001  
SHEET NUMBER: L1.0

WAWA LANDSCAPE PLAN  
7140 E. WASHINGTON ST.  
INDIANAPOLIS IN 46219

DESIGNED BY: KIMLEY-HORN  
CHECKED BY: KIMLEY-HORN  
SCALE: AS NOTED

NO. DATE BY REVISIONS

**KEY PLAN**  
A.M. 3/11/17

**MATERIALS:**

- 1 BRICK
- 2 COMPOSITE SIDING
- 3 EIFS OR STUCCO
- 4 ROOF TPO
- 5 TILE

**7a METAL OVERHANG BRITE RED**

**1 FRONT ELEVATION**  
A.M. 3/11/17

**2 REAR ELEVATION**  
A.M. 3/11/17

**3 LEFT ELEVATION**  
A.M. 3/11/17

**4 RIGHT ELEVATION**  
A.M. 3/11/17

**U63FB**  
N. SHORTRIDGE RD & HIGHWAY 40  
INDIANAPOLIS, IN

**Wawa**

**HFA**

**Material Calculations (Front Elevation):**

GLAZING CALC. FRONT ELEVATION	100%
TRANSPIRANT GLAZING	133 SF
EIFS/STUCCO	56 SF
ROOF TPO	18 SF
TILE	18 SF
TOTAL GLAZING	65 SF
TOTAL AREA	115 SF

**Material Calculations (Rear Elevation):**

GLAZING CALC. REAR ELEVATION	11%
EIFS/STUCCO	31%
ROOF TPO	40%
TILE	18%
TOTAL GLAZING	10 SF
TOTAL AREA	100 SF

**Material Calculations (Left Elevation):**

GLAZING CALC. LEFT ELEVATION	100%
TRANSPIRANT GLAZING	100 SF
EIFS/STUCCO	30 SF
ROOF TPO	18 SF
TILE	18 SF
TOTAL GLAZING	166 SF
TOTAL AREA	172 SF

**Material Calculations (Right Elevation):**

GLAZING CALC. RIGHT ELEVATION	40%
EIFS/STUCCO	10%
ROOF TPO	10%
TILE	10%
TOTAL GLAZING	70 SF
TOTAL AREA	110 SF

**MATERIALS:**

- 1a BRICK
- 3a EIFS OR STUCCO
- 7a METAL: WHITE
- 7b METAL: WHITE
- 9c PAINT: CEILING BRIGHT WHITE
- 4a ROOF: TITANIUM
- 7b METAL: WHITE

1 FUEL CANOPY ELEVATION  
 1/4" = 1'-0"

2 FUEL CANOPY ELEVATION - LONG  
 1/4" = 1'-0"

3 TRASH COMPOUND SIDE ELEVATION  
 3/8" = 1'-0"

4 TRASH COMPOUND REAR ELEVATION  
 3/8" = 1'-0"

5 TRASH COMPOUND FRONT ELEVATION  
 3/8" = 1'-0"

6 TRASH COMPOUND SIDE ELEVATION  
 3/8" = 1'-0"

7 TRASH COMPOUND SIDE ELEVATION  
 3/8" = 1'-0"

8 FUEL CANOPY PERSPECTIVE



**STACKED 8 FUEL CANOPY & TRASH COMPOUND - LONG R**  
 N. SHORTRIDGE RD & HIGHWAY 40  
 INDIANAPOLIS, IN





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 project allows for a development on an unused portion of a commercial parking lot which has safe ingress/egress, and which promotes  
for a building and other improvements which attempt to provide elements desired under the Transit Oriented Development.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

there is adequate vehicular circulation proposed by the development and the investment in redeveloping an unused portion of an existing  
parking lot will add value to existing adjoining uses, which are all commercial and suburban in nature.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

the ordinance requirements overly restrict single use commercial development which in this case is permitted.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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** **November 19<sup>th</sup>, 2024**

**Case Number:** 2024-DV3-027

**Property Address:** 9621 E 96<sup>th</sup> Street

**Location:** Lawrence Township, Council District #4

**Petitioner:** Chris Shuptar

**Current Zoning:** D-A

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 24-foot tall, detached garage, being taller than the primary building (not permitted).

**Current Land Use:** Residential

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

**Staff Reviewer:** Kiya Mullins, Associate Planner

**PETITION HISTORY**

This is the second public hearing for this petition.

The first hearing occurred on October 15th, 2024, and was continued due to a split board opinion.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- This petition requests a variance to allow the construction of a proposed detached garage that will stand 24-30” tall and have a square footage 3,200 sqft (40ft W x 80ft L), which is taller than the primary structure. The City of Indianapolis Consolidated Zoning/Subdivision Ordinance does not permit this within Dwelling Districts.
- The primary structure on this D-A zoned property has a height of 23’ and 1,900 sqft. This new accessory structure would be placed between the existing barn and the primary building.
- The large size of the proposed garage is intended to be used for indoor storage of nine vehicles which the petitioner owns.
- Staff recommends denial of this case. The proposed accessory structure is almost twice the size of the primary structure. The scale and massing of the proposed structure is incongruous with the other structures on the lot. This issue is also self-imposed due to the ability to park the vehicles



Department of Metropolitan Development  
 Division of Planning  
 Current Planning

on the hard surface that is already existing on the property which would still be in accordance with the ordinance without the need of a variance.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: Hamilton County Zoning	North: Unknown
	South: D-S	South: Rural or Estate Neighborhood
	East: D-1	East: Rural or Estate Neighborhood
	West: D-P	West: Rural or Estate Neighborhood
<b>Thoroughfare Plan</b>		
96 <sup>th</sup> Street	Primary Arterial	81ft right-of-way existing and 119ft right-of-way proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	8/21/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	08/21/2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	08/21/2024	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- City of Indianapolis Consolidated Zoning/Subdivision Ordinance
- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines.

**Pattern Book / Land Use Plan**

- City of Indianapolis Consolidated Zoning/Subdivision Ordinance



- The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.
- Within the Consolidated Zoning and Subdivision Ordinance an accessory use includes a subordinate structure, building or use that is customarily associated with and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building and use and is located on the same lot as the primary building, structure or use (pg 10)
- According to the Consolidate Zoning and Subdivision Ordinance Accessory buildings and minor residential structures in all dwelling districts shall comply with the following requirements:
  - The horizontal land area covered by the primary building and all accessory buildings, and all game courts and all minor residential structures must cumulatively meet the required open space requirement of the district.
  - The horizontal land area covered by any one accessory building or minor residential structure must be less than the horizontal land area covered by the primary building.
  - The height of any accessory building or minor residential structure shall be less than the height of the primary building (pg 447). Enter Recommendation by Pattern Book or “Not Applicable to the Site. Please see Neighborhood / Area Specific Plan (etc.) below.”
- Pattern Book
  - The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space. (pg 17)

#### **Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

#### **Neighborhood / Area Specific Plan**

- Not Applicable to the Site.



**Infill Housing Guidelines**

- The Infill Housing Guidelines indicate that Accessory Structures scale, height, size and mass should relate to the primary building and should not overshadow it. (pg 28)

**Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – SURROUNDING AREA

- **2003-DV2-029: 9150 Mud Creek Road**
  - 42-inch brick fence with two brick posts located in required front yard. **AP.**
- **2005-DV1-046: 9808 Northwind Drive**
  - Provide for two subdivision identification signs located within the right-of-way of Northwind Drive (signs not permitted within the right-of-way), one being located on a 8.33-foot tall wall (structural barriers not permitted within the right-of-way; maximum 3.5-foot tall structural barrier permitted in front of the established building line of the primary dwelling on the lot), and the other being located on a 8.33-foot tall support structure (maximum four-foot tall sign permitted), and to provide for two subdivision identification signs located within the right-of-way of Southwind Drive (signs not permitted within the right-of-way), one being located on a 8.33-foot tall wall (structural barriers not permitted within the right-of-way; maximum 3.5-foot tall structural barrier permitted in front of the established building line of the primary dwelling on the lot), and the other being located on a 8.33-foot tall support structure (maximum four-foot tall sign permitted). **AP.**
- **2015-DV3-007: 9611 E 96<sup>th</sup> Street**
  - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 2,880-square foot, 22.6-foot tall pole barn (maximum 20-foot tall permitted), with an 864-square foot porch, with a 10-foot east side setback (15-foot side setback required), creating an accessory building area of 3,744 square feet or 257% of the main floor area of the primary dwelling and an accessory use area of 4,768 square feet or 173.4% of the total floor area of the primary dwelling (maximum 75% or 1,092 square feet of accessory building area and maximum 99.9% or 2,747 square feet of accessory use area permitted). **Approved.**
- **2016-DV3-021: 8909 Ginnylock Drive**
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an attached garage, with a 3.5-foot side setback and to legally establish a shed, with a two-foot side setback, creating a 5.5-foot aggregate side yard (minimum seven-foot setback and 12-foot aggregate side setback required). **Withdrawn.**
- **2017-DV1-002: 9240 Mud Creek Road**
  - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 43-foot-tall addition (maximum 24-foot tall permitted) to an existing pole barn, located in front of the established front building line of the primary dwelling (not permitted). **Approved.**
- **2017-HOV-080: 9431 Sargent Road**



Department of Metropolitan Development  
Division of Planning  
Current Planning

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with 15-foot and 24-foot side setbacks (minimum 30-foot side setback and 75-foot aggregate side setback, encroaching within the stream protection corridor of a Tributary of Mud Creek (50-foot stream protection corridor required)). **Approved.**

**EXHIBITS**

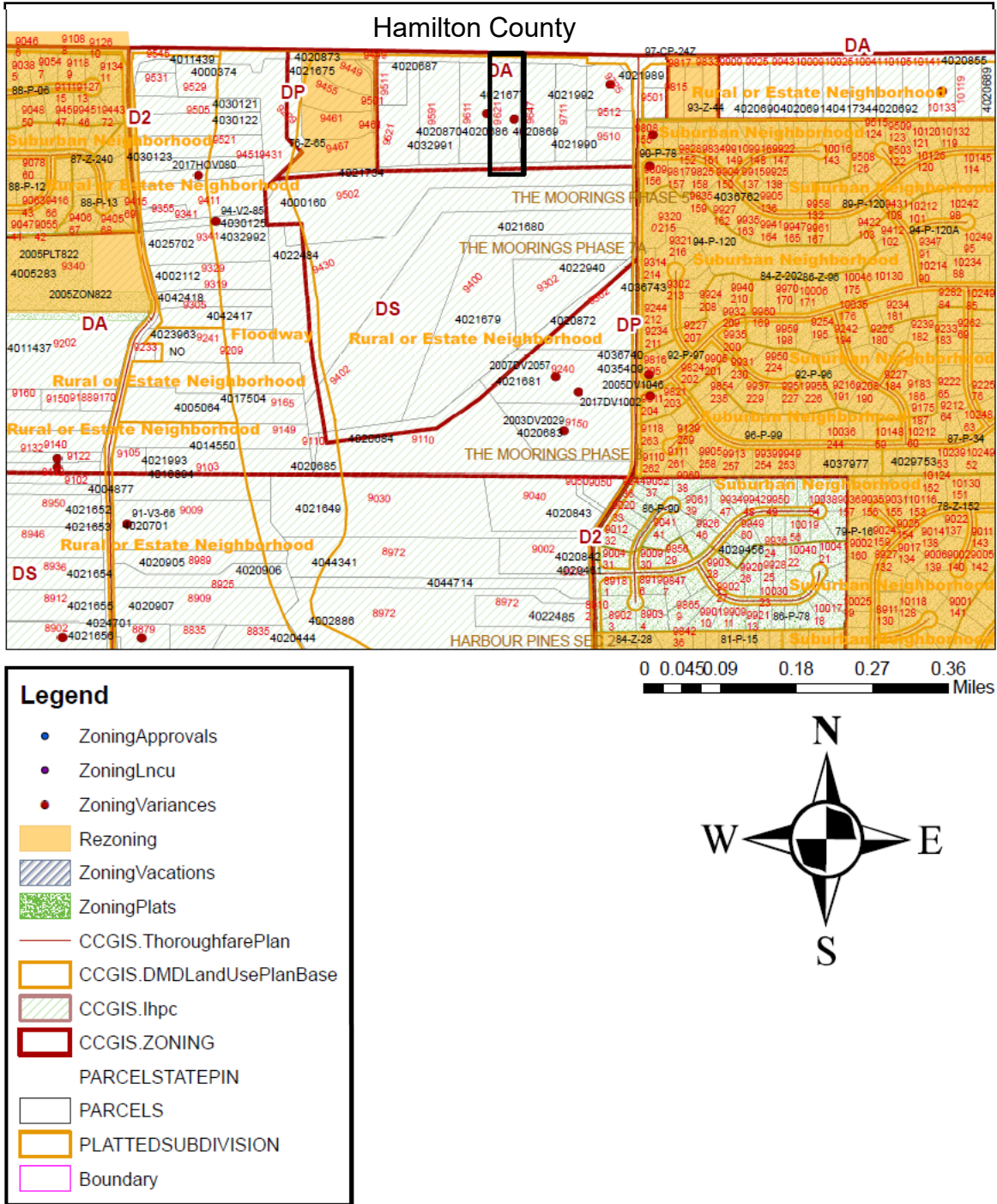


Exhibit 1: Area map around 9621 E 96th Street

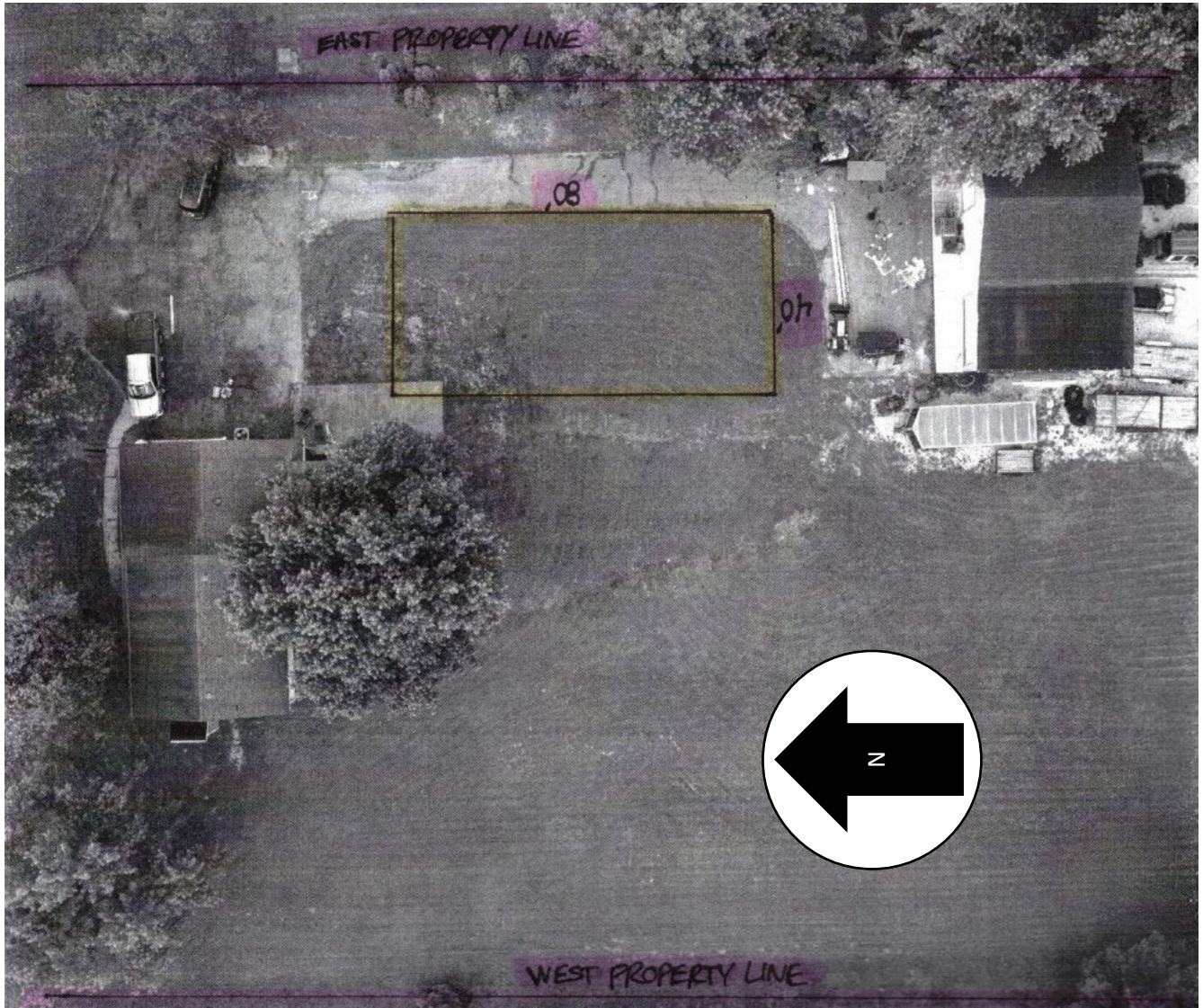


Exhibit 2: Site plan for the proposed barn at 9621 E 96<sup>th</sup> Street.

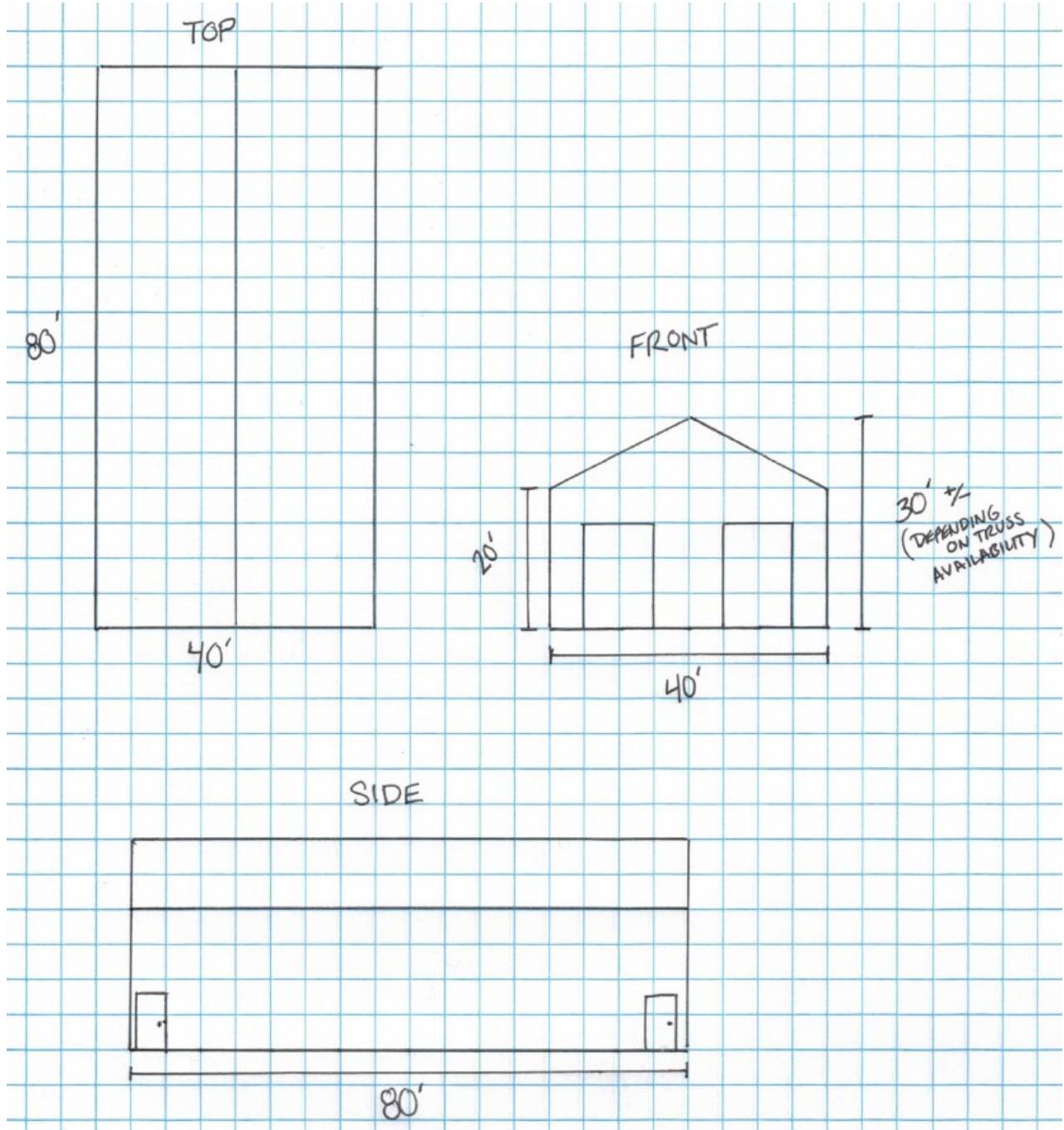


Exhibit 3: Drawn elevation of the proposed barn at 9621 E 96<sup>th</sup> Street.



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:

This proposed building will improve the value and aesthetic of properties in the immediate area.  
I have already spoken to all my neighbors and they have expressed excitement for the project.  
I have gone to great lengths to ensure that this project will not only improve my property by making it more functional storage, but it will also improve my neighbor's property by more effectively routing rain water south to where it naturally flows.

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:

Due to the location and type of property, this building will only increase values to the surrounding properties.  
The building proposed will be high quality construction and aesthetically pleasing as to not be an ear sore or even stand out beyond what is deemed to be reasonable.  
Furthermore, the current primary residence exterior will be renovated (siding and roof) to match the new construction.  
Lastly, the position of the building was carefully chosen to take advantage of large tree cover on the eastern property line.

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

Being a home that was built in the 1970's, square footage is not quite up to a modern standard for a parcel this size. Therefore, building anything larger than a small shed would require a special variance.  
I am a motorsport enthusiast and own 9 vehicles (most of them being off-road use only). Since most of them are for off-road sport only, they are not legally eligible for plates or insurance.  
That requires me to own various hauling trailers to transport these vehicles to their respective areas of recreational use.  
I am applying for the height variance merely because I need tall doors to fit trailers, my large (daily use) truck, and vehicles like RV's.  
The extra interior height will allow me to stack vehicles on top of each other for more efficient use of the storage space.  
It's less expensive to store vehicles vertically rather than constructing a larger footprint building.

Exhibit 4: The findings of fact, submitted by the petitioner.





Exhibit 5: The front of the primary structure at 9621 E 96<sup>th</sup> Street.



Exhibit 6: The back of the primary structure at 9621 E 96<sup>th</sup> Street.



Exhibit 7: The location between the back patio and the existing accessory structure where the proposed accessory building requested by the variance will sit looking east.



Exhibit 8: The location between the back patio and the existing accessory structure where the proposed accessory building requested by the variance will sit looking south.



Exhibit 9: The driveway at 9621 E 96<sup>th</sup> Street.



Exhibit 10: Closer picture of driveway leading to location where proposed accessory structure will sit.



Exhibit 11: Neighbor to the west of 9621 E 96<sup>th</sup> Street. Barn at this location is like the size of what the proposed accessory structure will be.



Exhibit 12: Neighbor to the west of 9621 E 96<sup>th</sup>s Street.



**BOARD OF ZONING APPEALS DIVISION III**

**November 19, 2024**

**Case Number:** 2024-DV3-028  
**Address:** 3810 & 3814 East Southport Road (approximate address)  
**Location:** Perry Township, Council District #24  
**Zoning:** C-3 (FW) (FF)  
**Petitioner:** Indiana Group Investment Inc., by David E. Dearing  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building addition, encroaching within the stream protection corridor of Little Buck Creek (not permitted, 100-foot separation from top of bank required).

**Current Land Use:** Vacant Trade School / Office building

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This petition was continued for cause by the petitioner from the October 15, 2024, hearing to the November 19, 2024, hearing.

The petitioner’s representative has indicated they will be **requesting another continuance for cause without notice, from the November 19, 2024, hearing, to the December 17, 2024, hearing.**

The petitioner’s representative will also be requesting to be released from representation of the petition. This will require the Board’s acknowledgement.

**STAFF RECOMMENDATION**

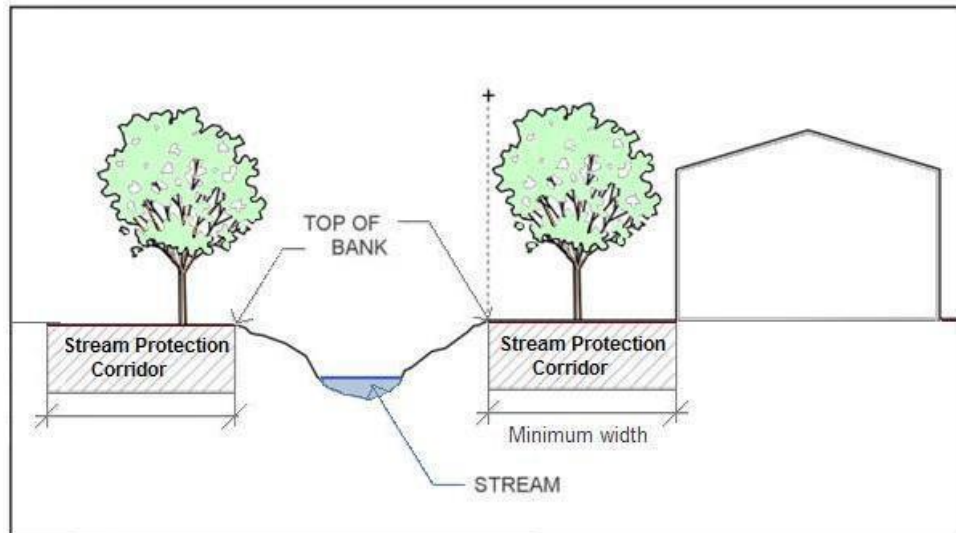
Staff recommends **denial** of this petition.

The petitioner has indicated in the findings of fact that the use would be for a banquet hall. The subject site is zoned C-3 which does not allow for a banquet hall, event center, or similar indoor entertainment uses which are permitted in the C-4 District. If a banquet hall or indoor entertainment is the proposed use, then this petition should be continued with new notice, so that the petition can be amended to allow for a variance of use to provide for the banquet hall. As it is improper to introduce a petition for a variance of development standards before the proposed use is approved. This is particularly egregious because of the wide variety of C-3 uses that would be allowed and would not require a large building addition that would encroach on a natural resource.

## PETITION OVERVIEW

### STREAM PROTECTION CORRIDOR

- ◇ This request would provide for new development or a building expansion within the stream protection corridor, where encroachment within the stream protection corridor is not permitted.
- ◇ A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Little Buck Creek is present on the subject site and is considered a Category One Stream. Category One streams have a corridor width of 100 feet in the Metro context area.
- ◇ The Stream Protection Corridor is defined as: “A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”
- ◇ Stream is defined as: “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”
- ◇ Stream Bank is defined as: “the sloping land that contains the stream channel and the normal flows of the stream.”
- ◇ Stream Channel is defined as: “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”
- ◇ A Category One Stream is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organisms such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.
- ◇ The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.
- ◇ As a Category One Stream within the Metro Context Area, Little Buck Creek is required to have a 100-foot stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



**Stream Protection Corridor**

- ◇ The existing building is considered legally non-conforming and can be redeveloped within the existing footprint only as it had been previously for the previous trade school. The proposed new building addition would increase the size of the existing building and expand it further into the Stream Protection Corridor.
- ◇ The request for the building addition to allow for additional planned seating for a banquet hall, and additional space to comply with ADA requirements, and risers for the sprinkler system, is a result of bad design and planning by the petitioner. There is no requirement for a minimum size of banquet hall, so the size can be compliant within the existing structure, if granted a variance of use. The ADA requirements and sprinkler systems can be designed to operate within the existing structure, as the previous use had done. The desire to not accommodate the Ordinance by compliant design is the choice of the petitioner and not imposed by the Ordinance.
- ◇ Because the site was never developed with a structure in this area, staff believes any practical difficulties would be self-imposed. Consequently, staff does not support this request to provide for the construction of a building addition, encroaching within the stream protection corridor.
- ◇ Staff feels the proposed building encroachment into the Stream Protection Corridor would be determinantal to the protection of the stream and its adjoining area, even if the area is already paved, as the building expansion, would prohibit space next to the existing underdeveloped vegetative target, and would allow for stream overflow when flood waters are present.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned C-3 and can be used by any number of uses permitted, by right, in the C-3 zoning classification. Including re-building the previous structure with the same footprint. Any practical difficulty is self-imposed by the desire to expand the structure on site into the Stream Protection Corridor for the operation of a banquet hall, and the petitioner not doing their due diligence on feasibility before buying this property.





- ◇ The subject site is similar to other nearby commercial properties, that are able to follow the zoning ordinance without the need for variances. Therefore, staff recommends this request be denied.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3	
<b>Existing Land Use</b>	Former Trade School / Office building	
<b>Comprehensive Plan</b>	Office Commercial / Floodway	
<b>Overlay</b>	No	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-3 / D-3	Undeveloped / Single-family dwellings
South:	PK-1 / D-P	Park / Vacant Commercial Building
East:	C-3	Commercial retail / office
West:	D-A	Single-family dwelling / Floodway
<b>Thoroughfare Plan</b>		
East Southport Road	Primary Arterial	92-foot existing right-of-way and a 102-foot proposed right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Floodway / 100-year Floodplain	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	September 24, 2024	
<b>Elevations</b>	N/A	
<b>Plan of Operation</b>	N/A	
<b>Commitments</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	September 15, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Office Commercial uses.

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends Office Commercial typology that provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.



**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**  
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

**ZONING HISTORY**

**98-2-129/98-DP-18; 3901 East Southport Road (south of site)**, requested the rezoning of 16.39 acres, being in the D-6I1, C-2 and C-6(FF){FW} Districts, to the DP(FF)(FW) classification to provide for commercial uses and park uses, **approved**.

**98-Z-65/ 98-DP-11; 7210 South Sherman Drive (south of site)**, requested the rezoning of 28.41 acres, being in the D-A(FF)(FW) District, to the DP(FF)(FW) classification to provide for a mixed residential community of condominiums, **approved**.

**90-UV1-82; 6920 Gray Road (east of site)**, requested a variance of use to permit the construction of an entry vestibule for an existing building, **granted**.

**84-UV3-114; 3830 East Southport Road (east of site)**, requested a variance of sue to provide for a children’s day care center in an existing building, **granted**.

**84-Z-110; 4001 East Southport Road (south of site)**, requested the rezoning of 2.97 acres, being in the C-2 and C-4 Districts, to the C-6 classification to provide for a motel, **approved**.

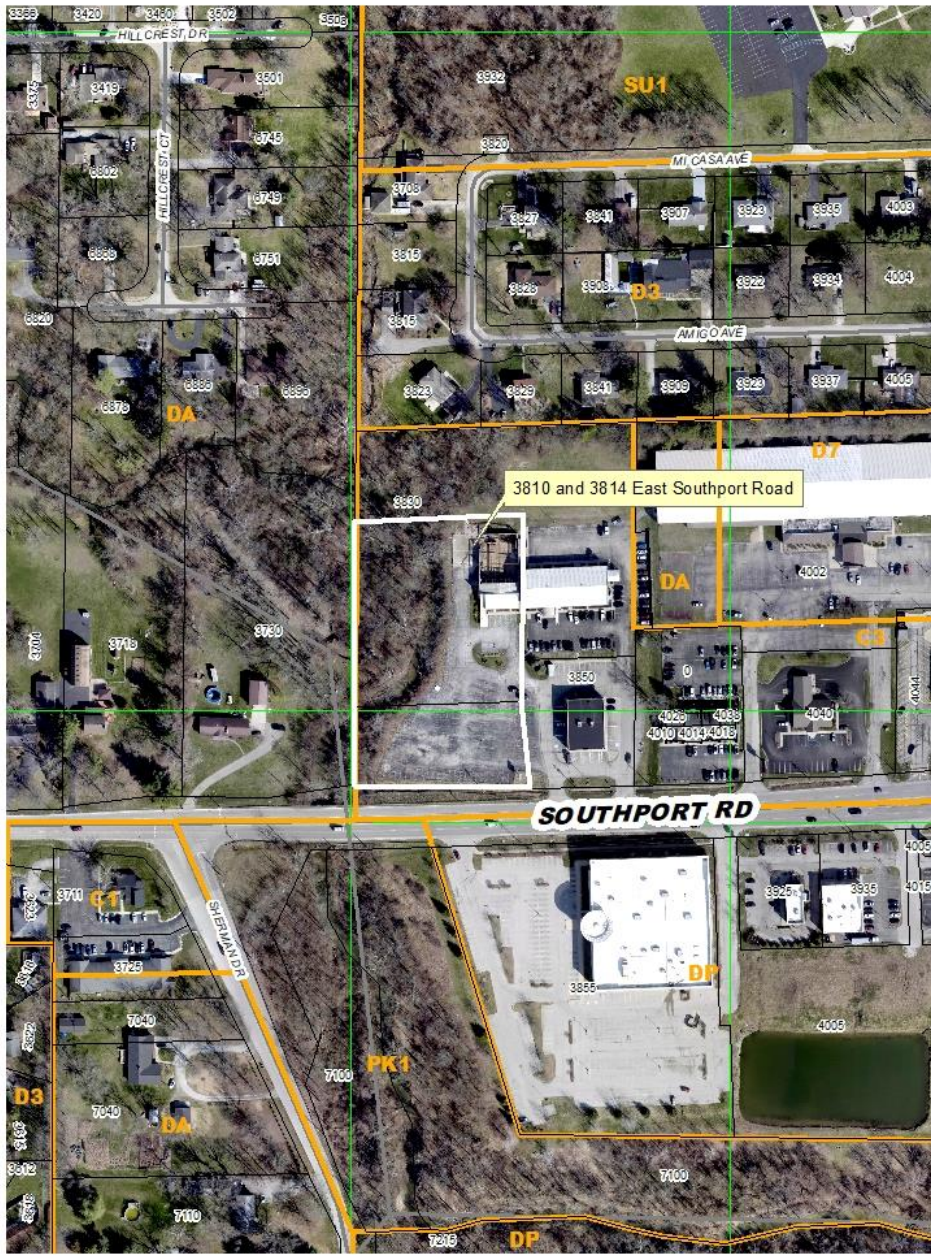
**83-Z-125; 3830 East Southport Road (east of site)**, requested the rezoning of 7.0 acres, being in the SU-2 District, to the C-3 classification, to provide for offices, a pharmacy, and retail sales, **approved**.

RU

\*\*\*\*\*

**EXHIBITS**

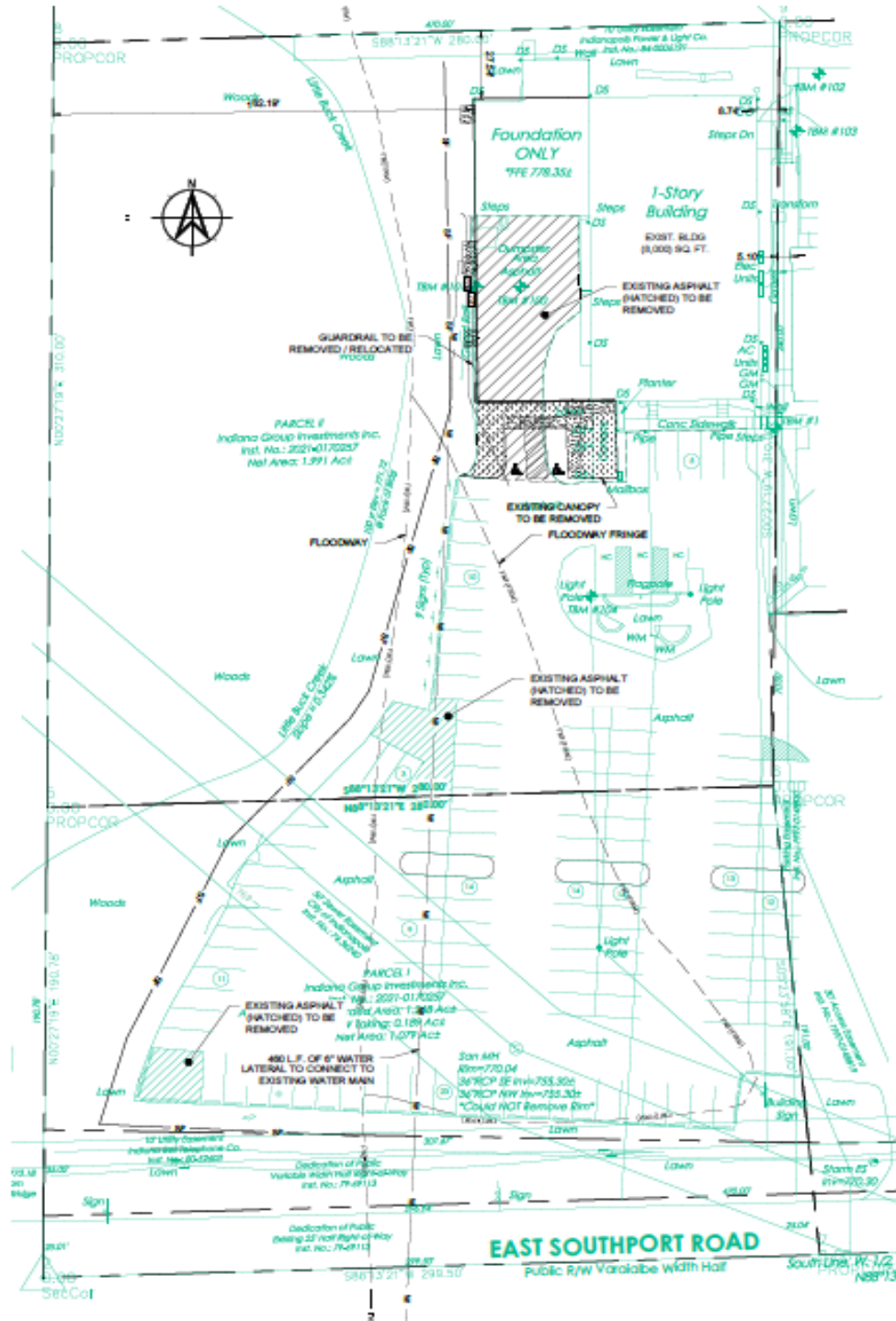
Location Map



Location Map close up



**Site Plan**





**Findings of Fact – Stream Protection Corridor**

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 grant will enable the property owner to repair, remodel and expand an existing, vacant, partially burned building on the site. No additional part of the Stream Protection Corridor will be developed because the building expansion will occur in an area that is already covered in concrete. The work will put the property to a productive use and increase the tax base, thus promoting the general welfare of the community.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:  
the repair, renovation and expansion of the vacant, partially burned building will enhance the property, which will increase the value of the adjacent property without affecting the use of the adjacent property.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:  
inability to square off the building will create significant financial difficulties for the owner by eliminating approximately one-half of the planned seating for a banquet hall. In addition, the additional space is needed in order to comply with ADA requirements for restrooms and accessible entrances, and to house the risers for the sprinkler system.

**Photographs**



Subject site, looking north.



Subject site proposed expansion area, looking north



Subject site proposed new building expansion area, looking south



Subject site expansion area onto legally non-conforming foundation, looking north





Adjacent office building to the east, looking north



Adjacent vacant fitness center / proposed event center



**BOARD OF ZONING APPEALS DIVISION III** **November 19, 2024**

**Case Number:** 2024UV3014  
**Property Address:** 454 East Stop 11 Road (*approximate address*)  
**Location:** Perry Township, Council District #23  
**Petitioner:** Perry Township Multischool Building Corporation of 1996, by Lisa Rains  
**Current Zoning:** SU-2

**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a monument sign with digital display (prohibited), located zero-feet from a protected district (600-foot separation required), and a zero-foot front yard setback, encroaching within the right-of-way of Stop 11 Road (five-foot setback required, encroachment within right-of-way not permitted).

**Current Land Use:** Special Use (Educational)

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

**10/15/24:** This petition received an indecisive 2-2 vote at the October 15<sup>th</sup> hearing date. The petition was then automatically continued to the November 19<sup>th</sup> hearing date. The petitioner provided several proposed commitments on October 31<sup>st</sup> (see Exhibits).

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- The subject site currently houses Douglas MacArthur Elementary School and is surrounded by a church to the southwest and single-family residential uses in all other directions. In the early 1990s, an externally illuminated monument sign utilizing changeable copy was installed near the Stop 11 Road intersection at the school’s southern boundary. The road to the west of the sign location was also expanded around this point in time. Staff was unable to locate the permit or variance by which the current sign was legalized in this location.
- The current sign is not located within the clear-sight triangle, and the furthest edge of the sign is approximately 30 feet from the property line, 52 feet from the closest street to the south, and 42 feet from the closest street to the west. City records don’t indicate that an encroachment license was issued for this signage in the past either (required for development within public ROW).



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

- Approval of this variance petition would allow for installation of a new sign in the same location as the currently existing sign (pending issuance of an encroachment license from the Department of Business and Neighborhood Services). It would also allow for the new sign to incorporate a digital display area that would comprise around 63% of the sign face area. Digital displays are prohibited within SU-2 zoning and are within 600 feet of protected districts.
- This property is zoned SU-2 which is a special use designation for schools and educational facilities. The Comprehensive Plan recommends it to the Traditional Neighborhood living typology which allow for predominantly single housing interspersed with attached and multifamily housing as well as a variety of neighborhood-serving businesses, institutions, and amenities. Neither the zoning district nor the plan recommendation contemplate placement of digital signage (typically only allowed in commercial or industrial areas with adequate separation from homes).
- The documentation provided by the applicant indicates that this sign wouldn't serve as an impediment to traffic, would be of reasonable size, and that the currently existing changeable copy sign is difficult to change in bad weather and offers a limited scope of information on school events. Staff would contend that placement of a digital sign about 12 times closer to residences than envisioned by typical ordinance standards could easily result in distractions for motorists at a busy intersection even if auto-dimming technology was implemented. Additionally, there are multiple alternate methods by which school events could be advertised without the need for a variance, and the size of the digital display area is also greater than what the ordinance contemplates (40% is the maximum allowed in commercial areas; special-use areas allow 0%).
- Placement of signage and other private encroachments within public rights-of-way is prohibited by ordinance to avoid the creation of visual obstructions or impediments for motorists or pedestrians as well as to allow for any potential future expansion of roadway. The area to the north of the current school sign is large and unobstructed; it is unclear why none of that space outside of the right-of-way could be utilized for placement of compliant signage.
- The broader zoning context would not be appropriate for installation of a sign with digital display: a variance application for EVMS signage for the church to the west was denied in 2016, and public feedback sessions preceding the most recent amendments to the sign ordinance in 2018 saw proximity of digitally illuminated signs to residential areas as a frequently cited concern. Additionally, since SU-2 zoning is designed for a lower level of intensity to allow for integration into neighborhood contexts, a digital sign illuminated 24 hours a day would not be contextually appropriate for surroundings.
- There is no practical difficulty at this site requiring installation of signage with intense digital elements placed near homes with limited screening or landscape buffering, and placement of a sign within ROW as well as with digital display so close to homes runs directly counter to both ordinance guidance and recent public feedback related to sign regulations. Staff would recommend denial of these variance requests.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	SU-2	
<b>Existing Land Use</b>	Special Use (Educational)	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-3 North: Residential
	South:	SU-1 South: Religious Use
	East:	D-2 East: Residential
	West:	D-A / SU-1 West: Residential/Religious Use
<b>Thoroughfare Plan</b>		
Meridian School Road / Stop 11 Road	Secondary Arterial	80-foot existing right-of-way and 90-foot proposed right-of-way
East Street / Stop 11 Road	Local Street	50-foot existing right-of-way and 118-foot proposed right-of-way
<b>Context Area</b>	Compact or Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	09/11/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	09/24/2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	09/05/2024	
<b>Findings of Fact (Amended)</b>	09/26/2024	

**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 this site to the Suburban Neighborhood living typology to allow for predominantly single housing interspersed with attached and multifamily housing as well as a variety of neighborhood-serving businesses, institutions, and amenities where appropriate. Large-scale schools are a contemplated land use for this typology and should be in harmony with surrounding neighborhoods (parking, service and emergency vehicle areas should be screened from surrounding residential uses).



**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

N/A

### ZONING HISTORY – VICINITY

**2020DV1052 & 2020DV1053 ; 331 Valley View Drive (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 47-foot tall wood and metal poles for small cell wireless communications facilities at multiple approximate addresses, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973), **withdrawn**.

**2016DV3009 ; 445 E Stop 11 Road (west of site)**, Variance of development standards of the Sign Regulations to provide for a 17.46-square foot electronic variable message sign (not permitted), being 74.7% of the total sign area of a 5.833-foot tall, 23.4-square foot pylon sign within 45 feet of the nearest protected district (maximum 40% of sign area permitted, maximum four-foot tall ground sign permitted within 300 feet of a protected district), and with a six-foot front setback (15-foot front setback required), **denied**.

**2013HOV010 ; 445 E Stop 11 Road (west of site)**, Variance of development standards of the Sign Regulations to provide for a four-foot tall, approximately 40-square foot freestanding sign, with a 12.5-foot front setback (15-foot front setback required), **approved**.

**87-V3-62 ; 8006 S East Street (south of site)**, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a garage that results in accessory space exceeding the area of the primary space and for the subject building to be 22.4 feet tall, **approved**.

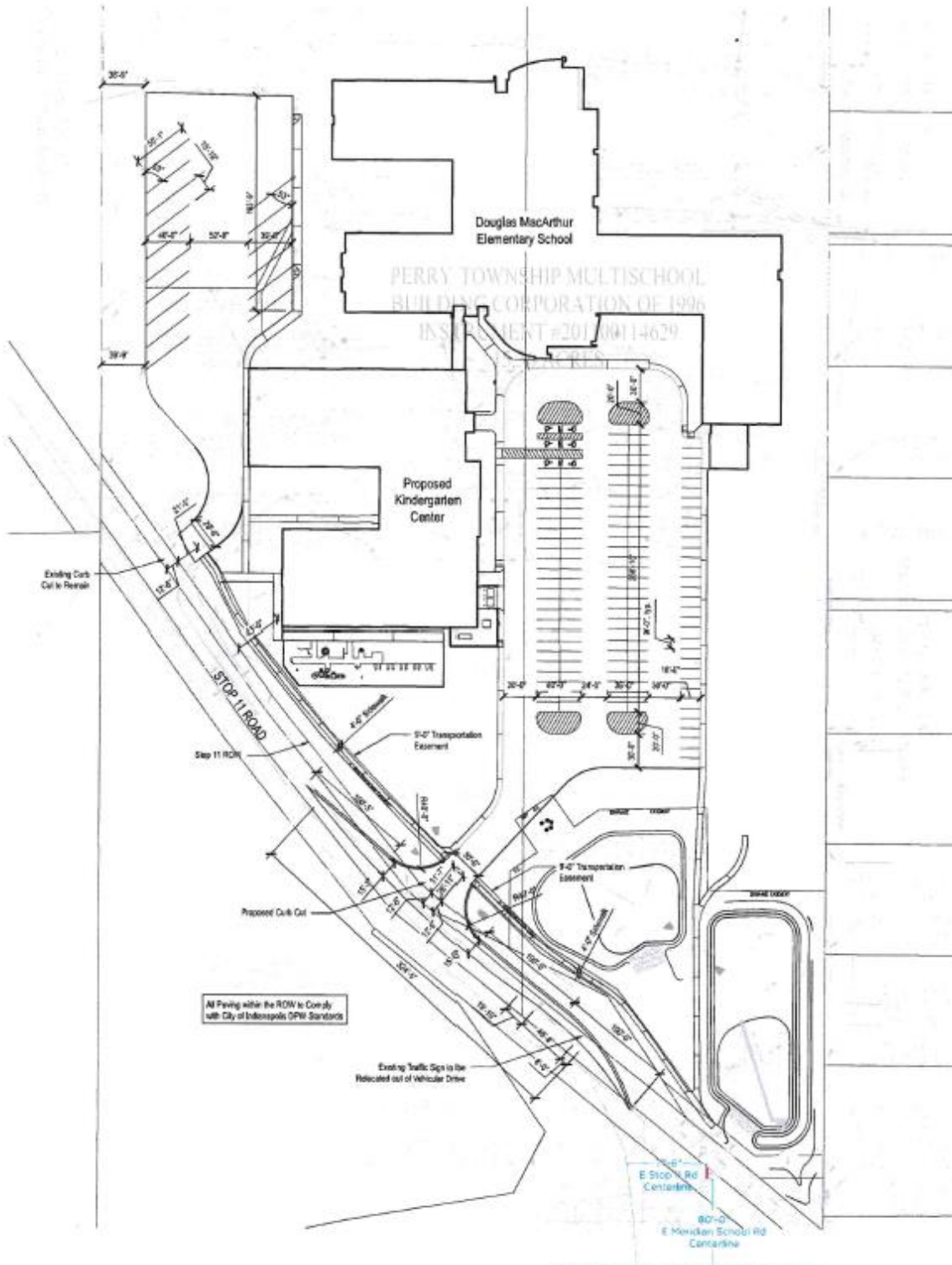
**EXHIBITS**

**2024UV3014 ; Aerial Map**



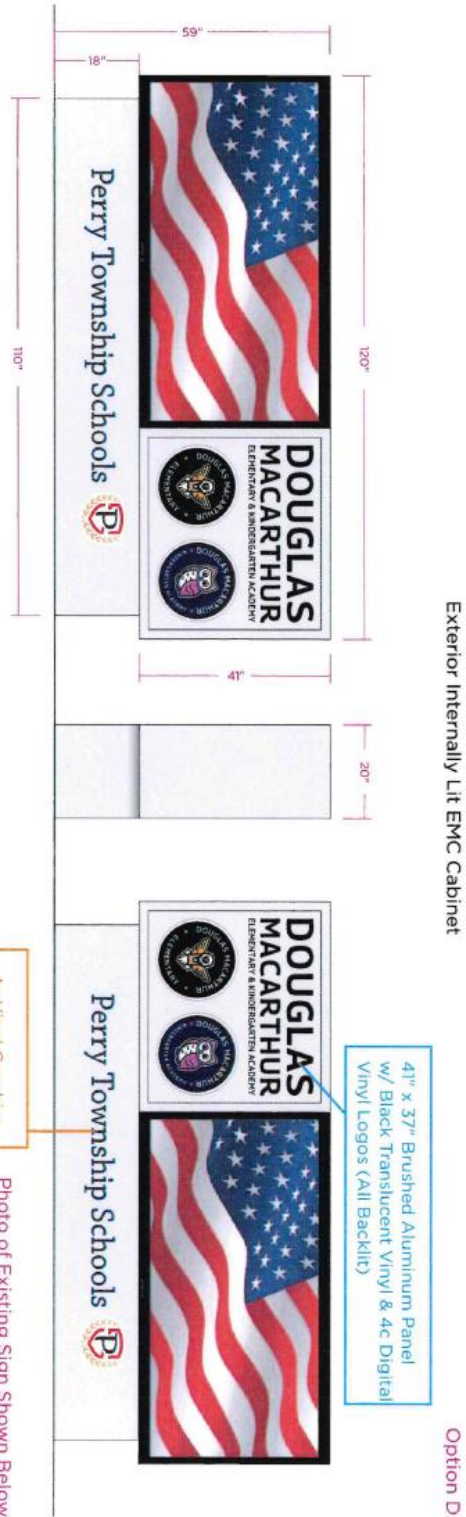
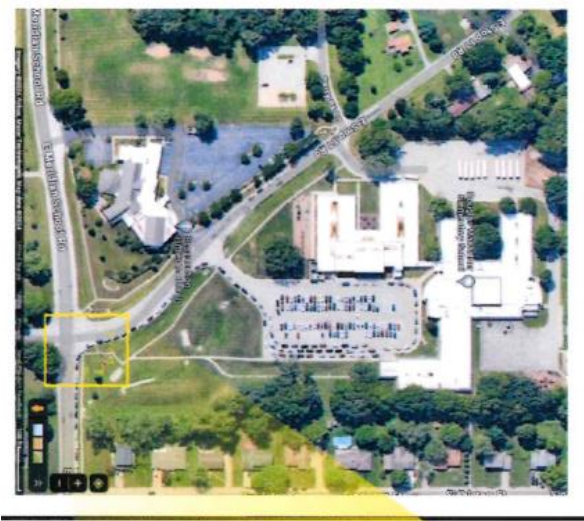
(note: current sign location marked by red rectangle. Proposed sign would utilize this approximate location and orientation)

**2024UV3014 ; Site Plan**





**2024UV3014 ; Elevation**



Exterior Internally Lit EMC Cabinet

Option D

Materials: Internally Lit Aluminum Cabinet w/ Day/Night Vinyl & 4c Digital Vinyl Graphics, 6' x 3' EMC  
Colors: Brushed Aluminum Cabinet, 4 Color Digital Graphics  
Typestyle: Logo Unknown, Tagline Franklin Gothic Heavy  
Mounting: TBD  
Quantity: 1 (Double Faced)

4c Vinyl Graphics  
80" x 9.7"



Photo of Existing Sign Shown Below



**2024UV3014 ; 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 monument sign is replacing an outdated sign that has been in place for more than 10 years. It will not block traffic views. The digital display has an auto-dim feature that minimizes brightness during dark hours. The digital display can also be preprogrammed to turn off when necessary. Petitioner intends to use the digital display to communicate important messages to the community regarding school activities.

**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 monument sign should increase value because a new, more modern and functional sign will better serve the community. Other properties or businesses in the area, including Perry Meridian High School, have digital displays and have not seen any adverse effects to adjacent properties.

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

Manual changeable signs are outdated and difficult to use. School schedules have become increasingly complex which requires several items to be displayed in a single day. A school serves the entire community and is unique in that way.

**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**

Outdated manual changeable message signs are physically difficult to update for school staff, especially in bad weather and simply do not attract attention the way modern digital displays do. Given the size restraints, manual changeable message signs are also limited to the amount of information that can be displayed at any one time.

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

It's only effect is to increase the effectiveness of communications between the school and the surrounding community.

**2024UV3014 ; Commitments Proposed by Petitioner (10/31/2024)**

**Statement of COMMITMENTS:**

1. There shall be no blinking, scrolling, flashing or video type messages on the proposed digital display message center sign. ("Digital Display Sign"). All messages shall change instantaneously.
2. All messages on the Digital Display Sign shall remain static for at least thirty (30) seconds.
3. The Digital Display Sign shall contain an automatic light sensing device that adjusts brightness as ambient light conditions change as set forth in Chapter 744, Article XI, Section 07.C. of the City of Indianapolis Consolidated Zoning/Subdivision Ordinance in effect as of the date of approval of 2022-DV3-050 (the "Digital Display Regulations").
4. The Digital Display Sign shall be turned off completely between the hours of 10:00pm and 6:00am.

**2024UV3014 ; Photographs**



Photo 1: Current Sign Face



Photo 2: Sign Viewed from Northeast + Existing Intersection

**2024UV3014 ; Photographs (continued)**



Photo 3: Sign Viewed from North + Adjacent Properties to South



Photo 4: Adjacent Property to West

**2024UV3014 ; Photographs (continued)**



Photo 5: Subject School Viewed from South



Photo 6: Adjacent Property to East



**BOARD OF ZONING APPEALS DIVISION III** **October 15, 2024**

**Case Number:** 2024UV3015 (Amended)

**Property Address:** 1311 and 1315 Standish Avenue (*approximate addresses*)

**Location:** Perry Township, Council District #23

**Petitioner:** Maninder Walia, by Thomas L. Pottschmidt

**Current Zoning:** D-8 (TOD)

**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 12-unit apartment building without exclusive alley access (required) and a parking lot with a zero-foot rear yard setback (10 feet required) and deficient landscaping (frontage and transitional landscaping required) with a livability space ratio of 0.40 (.66 required).

**Current Land Use:** Undeveloped

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

**11/19/24:** The petitioner will request an additional continuance to the December 17<sup>th</sup> hearing date to allow additional time for review of a new site plan and to make an application for a modification to 2021ZON030 (would be required before a variance for this property could be approved). A full staff report will be made available once the petition is ready to be heard.

**10/15/24:** The petitioner will request that this petition be continued to the November 18, 2024 hearing date of Division III to allow for additional time to amend plans and discuss with staff. A full staff report will be made available in advance of that hearing date.



**BOARD OF ZONING APPEALS DIVISION III** **November 19, 2024**

**Case Number:** 2024-DV3-029

**Property Address:** 405 Fintail Drive (*approximate address*)

**Location:** Warren Township, Council District #20

**Petitioner:** Thunderbird CC Land Partners LLC, by Brian J. Tuohy

**Current Zoning:** I-3

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a 20.87-acre motor truck terminal (maximum 10-acres permitted).

**Current Land Use:** Undeveloped

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

The site layout provided to staff for this development scenario shows parcel boundaries that do not match the legal description and subdivisions previously approved under 2023PLT032. Additionally, approval of the previous variance 2022DV3011 required administrative approval of plans showing a multi-purpose path connection to the Pennsy Trail; this trail connection has not yet been shown, and the grant of the previous variance (allowing parking and loading spaces in front yards) would be relevant for this petition. Filing and approval of (a) a new plat petition and (b) a new administrative approval showing the trail connection would be required before this variance could be heard, and a continuance request to the December 17<sup>th</sup> hearing date to facilitate those approvals. A full report will be made available in advance of the new hearing date.



## BOARD OF ZONING APPEALS DIVISION III

November 19<sup>th</sup>, 2024

<b>Case Number:</b>	2024-DV3-031
<b>Property Address:</b>	7031 East 86 <sup>th</sup> Street
<b>Location:</b>	Lawrence Township, Council District #4
<b>Petitioner:</b>	Amerco Real Estate Company, by Crystal Whitehead
<b>Current Zoning:</b>	I-3
<b>Request:</b>	Variance of Development standards of the Consolidated Zoning and Subdivision Ordinance to provide for installation of three skyline signs on the north façade (one skyline sign per elevation permitted).
<b>Current Land Use:</b>	Commercial
<b>Staff Recommendations:</b>	Staff recommends <b>denial</b> of this variance petition.
<b>Staff Reviewer:</b>	Kiya Mullins, Associate Planner

## PETITION HISTORY

This is the first public hearing for this variance petition.

## STAFF RECOMMENDATION

Staff recommends **denial** of this variance petition.

## PETITION OVERVIEW

- This petition is requesting the installation of three (3) skyline signs on the north façade of a newly built Ubox Storage Facility.
- This property is 2.91 acres zoned I-3 for Light Industry.
- The Ordinance permits one (1) skyline sign per elevation, with a maximum of four (4) signs per building.
- The three (3) proposed signs in this request are all on the same elevation of the building, and with their size and placement, would cause the front façade to be a potential distraction and eyesore for the public.
- Staff recommends **denial** of this variance request because it presents no practical difficulty. With minor changes to the current plan, the petitioner would be able to install new, compliant signage without the need for a variance. For example, the signs could be condensed into one, single sign, and/or the same signs could be moved to the other elevations of the same building.



## GENERAL INFORMATION

<b>Existing Zoning</b>	I-3	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Light Industrial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: I-3	North: Light Industrial
	South: I-3	South: Light Industrial
	East: C-1	East: Suburban Neighborhood
	West: I-3	West: Heavy Industrial
<b>Thoroughfare Plan</b>		
86 <sup>th</sup> Street	Primary Collector	50 ft right-of-way existing and 80 ft right-of-way proposed.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	10/03/2024	
<b>Site Plan (Amended)</b>	10/03/2024	
<b>Elevations</b>	10/03/2024	
<b>Elevations (Amended)</b>	11/7/2024	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	10/03/2024	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book.

### Pattern Book / Land Use Plan

- The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic (pg 21).
- The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks.



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

Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic (pg 21).

**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

- 2019-PLT-062: 7035 East 86<sup>th</sup> Street
  - Approval of a Subdivision Plat, to be known as Castlewood Minor Subdivision, dividing 7.6 acres into two lots.
    - Approved

### ZONING HISTORY – SURROUNDING AREA

- 2000-DV2-001: 8383 Craig Street
  - Advertising sign - side yard setback.
    - DIS
- 2000-UV3-008: 8889 Hague Road
  - Retail leasing business
    - AP
- 2001-DV2-034: 7320 East 86<sup>th</sup> Street
  - Advertising sign relocation.
    - AP
- 2001-DV3-036: 8463 Castlewood Drive
  - 7,000 square foot addition.
    - AP
- 2001-HOV-045: 8463 Castlewood Drive
  - 9' from I-69
    - AP
- 2001-ZON-103: 7423 & 7475 East 86<sup>th</sup> Street
  - Rezone 1.41 acres, from D-A and D-6II to C-1, to provide for three office buildings.
    - AP
- 2003-DV2-017: 8332 Castle Ridge Lane
  - Six-foot tall fence in front yard and right-of-way, various setbacks.
    - AP
- 2004-UV2-052: 8811 Bash Street
  - Provide for a cheerleading school in 10,172 sq. ft tenant space of existing 83,000 sq. ft. bldg. in I-3-S. (Amended)
    - AP
- 2006-UV3-018: 8750 Hague Road
  - Variance of Use of the Industrial Zoning Ordinance to provide for office uses, not in conjunction with a permitted industrial use, within an existing two-story, 67,500 square foot building (not permitted).
    - AP
- 2007-ZON-099: 7011 & 7013 East 86<sup>th</sup> Street
  - Rezoning 1.33 acres from I-3-S to C-5. Recorded commitments 2008-0014760.
    - AP

- 2008-DV1-003: 7013 East 86<sup>th</sup> Street
  - Variance of Development Standards of the Sign Regulations to provide for a 62.5 square-foot pylon sign with a thirteen square-foot electronic variable message sign component within approximately 280 feet of a protected district (minimum 600-foot separation required).
    - AP
- 2009-DV3-006: 6880 East 82<sup>nd</sup> Street
  - Variance of Development Standards of the Sign Regulations to provide for the replacement of a 111-square foot sign cabinet, being part of a 271-square foot, 74.17-foot tall pole sign for an integrated center, being partially within the right-of-way of Interstate 69 (minimum fifteen-foot front setback from the existing right-of-way line required).
    - Approved
- 2009-UV2-018: 7201 East 86<sup>th</sup> Street
  - Variance of Use of the Industrial Zoning Ordinance to: a) provide for the sale of buses (not permitted), b) with outdoor display of two buses for sale with a three-foot front setback and a zero-foot side setback (minimum 50-foot front and 30-foot side setbacks required), c) with 3,750 square feet of parking area within the required front yard or 32% of the required front yard (maximum 1,173 square feet or ten percent of the required front yard permitted to be parking area), d) without landscaping in the required 50-foot front yard (landscaping required), with parking and maneuvering area in the required front yard, e) without landscaping in the required 30-foot east and west side yards (landscaping required), with parking and maneuvering area in the required side yards, f) without landscaping in the required 30-foot rear yard (landscaping required), with parking and maneuvering area within the required rear yard.
    - Approved
- 2010-UV3-008: 7226 East 87<sup>th</sup> Street
  - Variance of Use of the Industrial Zoning Ordinance to provide for the retail sales of motorcycles, boats, sea-doo's, ATVs, and similar products, including accessory products (not permitted).
    - Approved
- 2011-ZON-002: 8310 Craig Street
  - Rezoning of 1.548 acres, from the C-S District, to the C-S classification to provide for office uses in addition to retail and restaurant uses.
    - Approved
- 2011-ZON-071: 7606 East 82<sup>nd</sup> Street
  - Rezoning of 22 acres, from the D-P and C-1 Districts to the D-P classification to provide for a religious use / residential campus, with 64 dwelling units at a density of 3.25 units per acre.
    - Approved
- 2013-UV2-004: 8531 Bash Street
  - Variance of Use of the Industrial Zoning Ordinance to provide for a business office and retail sales for a for 15- to 25-foot-long buses (not permitted), with indoor vehicle maintenance and service and outside storage and display of vehicles (not permitted).
    - Approved



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

- 2014-DV2-013: 8380 Whipporwill Drive
  - Variance of Development Standards of Sign Regulations to provide for a 6.5-foot tall, 130-square foot freestanding sign (maximum four-foot-tall sign permitted).
    - Approved
- 2015-UV1-027: 7601 88<sup>th</sup> Place
  - Variance of Use of the Industrial Zoning Ordinance to provide for an automobile repair, automobile collision repair and paint booth (not permitted).
    - Approved
- 2015-ZON-096: 7601 88<sup>th</sup> Place
  - Rezoning of 4.639 acres from the I-1-S and I-2-S districts to the C-S classification to provide for C-5, C-7 and I-2-S uses.
    - Approved
- 2017-DV3-036: 8301 Bash Street
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for transparency only adjacent to public areas at public entrances (40% transparency required within 50 feet of each public entrance, between three and eight feet above grade level).
    - Approved
- 2017-DV3-036: 8301 Bash Street
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for transparency only adjacent to public areas at public entrances (40% transparency required within 50 feet of each public entrance, between three and eight feet above grade level).
    - Approved
- 2019-DV1-030: 8889 Hague Road
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage at 86% of the building within 450 feet of a protected district, and with a 13-foot south side setback and five-foot east side setback (maximum 25% permitted, not permitted within 500 feet of a protected district, 30-foot side setback required).
    - Approved
- 2020-UV2-008: 8531 Bash Street
  - Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an office use within an existing building (not permitted) and to provide for a deck addition with a 21.5-foot side setback and 51-foot front transitional setback (30-foot side setback and 150-foot front transitional setback required).
    - Approved
- 2021-SE2-002: 7601 88<sup>th</sup> Place
  - Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses.
    - Approved
- 2023-CVR-851: 8333 Masters Road
  - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 8,000-square feet of outdoor storage (maximum 3,000-square



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

- feet or 25% of the total gross floor area of the building permitted), located 200 feet from a protected district (500-foot separation required) with an eight-foot rear yard setback (30-foot rear setback required).
- Approved
  - 2023-UV3-022: 8345 Bash Street
    - Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building to be used for automobile sales (not permitted).
      - Denied

**EXHIBITS**

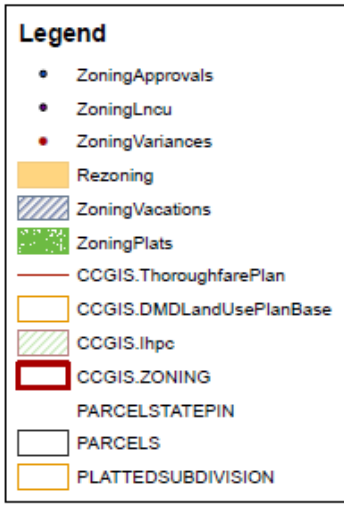
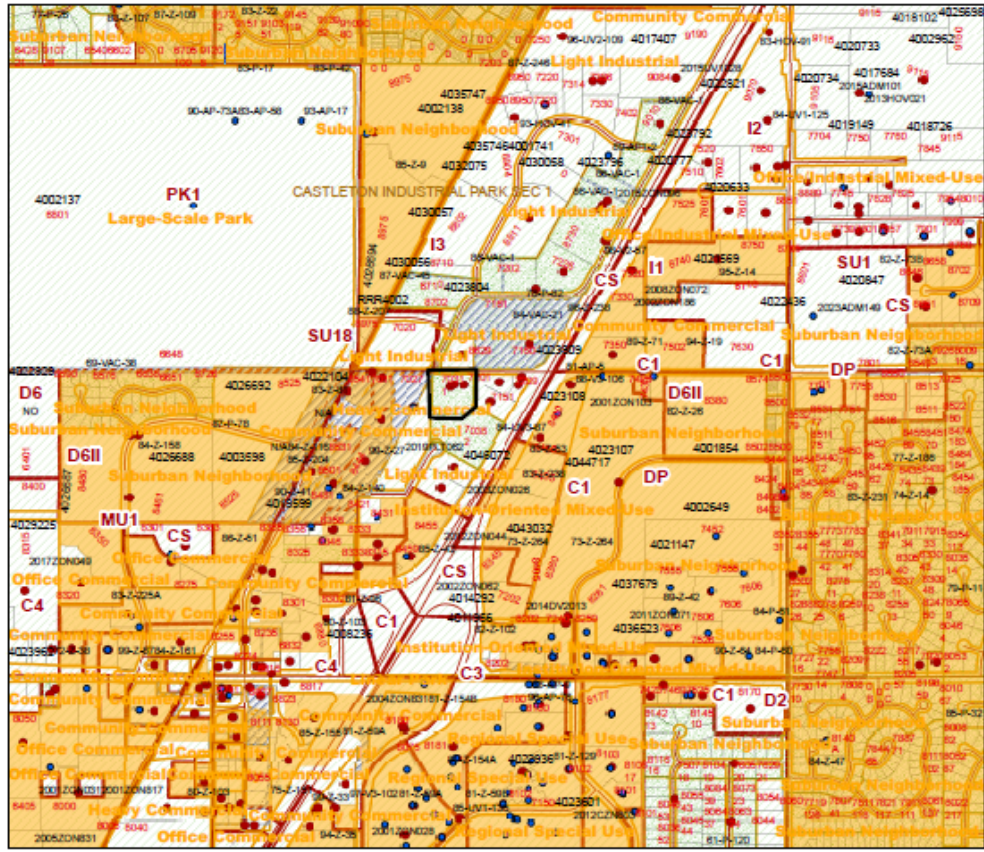


Exhibit 1: Area map around 7031 East 86<sup>th</sup> Street



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:

it will be designed, constructed, and maintained in a way as to be a solid structure. It will not have materials, equipment, nor conditions that would be harmful to people nor property.

---

---

---

---

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 signage will be designed, constructed, and maintained in a manner to be harmonious and consistent with other signage in the vicinity and commonly found in industrial/commercial areas.

---

---

---

---

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

without proper identification, a business could be missed and/or overlooked. Identification is critical to identify to potential customers and/or visitor's where the business is located. Signs are an essential component of a business's overall marketing. Exterior signs draw attention to a place of business and help differentiate it from others on the street.

---

---

---

---

Exhibit 2: Findings of Fact submitted by the petitioner.







Exhibit 4: Front of the Ubox storage facility at 7031 East 86<sup>th</sup> Street, where the three skyline signs will be placed.



Exhibit 5: Main Uhaul building to the west of the ubox storage building.



Exhibit 6: Industrial businesses across the street from the new ubox storage facility.

**BOARD OF ZONING APPEALS DIVISION III** **November 19, 2024**

**Case Number:** 2024-DV3-033  
**Address:** 2731 Columbia Avenue (approximate address)  
**Location:** Center Township, Council District #8  
**Zoning:** D-5  
**Petitioner:** K & D Epic Holdings LLC, by David Gilman  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit-multi-unit-house with walkways and parking areas maintaining zero-foot side yard setbacks (two and five feet required, respectively) with vehicles encroaching within the alley clear sight triangle (not permitted).

**Current Land Use:** Undeveloped  
**Staff Recommendation:** Staff recommends denial of this petition.  
**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- ◇ This neighborhood, originally platted around 1873, consists primarily of single-family dwellings with some two-family dwellings on the same block.
- ◇ The request would allow for the construction of a four-unit multi-unit house on the parcel, with walkways and parking areas maintaining zero-foot side yard setbacks. The request for the vehicles encroaching within the alley clear sight triangle is not needed and can be withdrawn.
- ◇ For a D-5-zoned property, the Ordinance requires a two-foot side yard setback for areas adjacent to a sidewalk as a minor residential feature. The petitioner has requested a variance that this requirement be reduced to a zero-foot side setback.
- ◇ For the parking area, the Ordinance requires a five-foot side yard setback. The petitioner has requested a variance that this requirement be reduced to a zero-foot side setback.



- ◇ The petitioner has indicated both reduced setbacks would be minor deviations from the Ordinance. Staff disagrees and believes the requested reduced setbacks would compromise adjacent properties and restrict emergency response access by not providing the adequate space needed and as required by the Ordinance.
- ◇ Though this area is zoned D-5 and is a walkable neighborhood, it did not develop in a manner that would allow for this dense of housing. The proposal would also create or encourage a disjointed pattern of residential development that does not follow the Housing Infill Guidelines and could have a destabilizing impact on the neighborhood.
- ◇ No practical difficulty exists for the property, as it is undeveloped and can be developed in a manner that is Ordinance compliant without the requested variances. Adjacent properties have demonstrated their ability to provide suitable development on similar sized lots as well. Any practical difficulty related to the request would be self-imposed, and by the need to place four dwelling units on a site that can't accommodate them without variances.
- ◇ Staff recommends denying this petition because the four-unit dwelling would be introducing a new building typology that creates heightened density in an area created for single-family dwellings and duplexes. The requested variances would allow for the proposed building with four (4) units, which will bring unnecessary traffic and use to a well-established area. The need for the variances is self-imposed since the parcel is undeveloped and could be developed in a way that would fit within the context of this area.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Recommends Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-5 Single-Family dwelling
	South:	D-5 Single-Family dwelling
	East:	D-5 Two-Family dwelling
	West:	D-5 Religious Use
<b>Thoroughfare Plan</b>		
Columbia Avenue	Local Street	60-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	N/A	
<b>Site Plan</b>	October 28, 2024	
<b>Elevations</b>	None provided	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	October 28, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Traditional Neighborhood uses.

**Pattern Book / Land Use Plan**

- The Pattern Book recommends the Traditional Neighborhood typology, which includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

**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**

**2002-SE1-004; 2750-2757 Columbia Avenue (north of site)**, requested a special exception to provide for the construction of an off-street parking area for an existing religious use, **granted.**

**97-SE3-2; 2730-2734 Columbia Avenue (west of site)**, requested a special exception to provide for religious uses within an existing building, including a 594-foot addition, with off-street parking, **granted.**

**96-SE3-4; 2750 North Columbia Avenue (north of site)**, requested a special exception to provide for religious uses, with 5 parking spaces and fencing along the north and south property lines, **granted.**

**89-SE2-7; 2734 Columbia Avenue (west of site)**, requested a special exception to provide for the conversion of a residence into a church limited to 20 seats, **granted.**

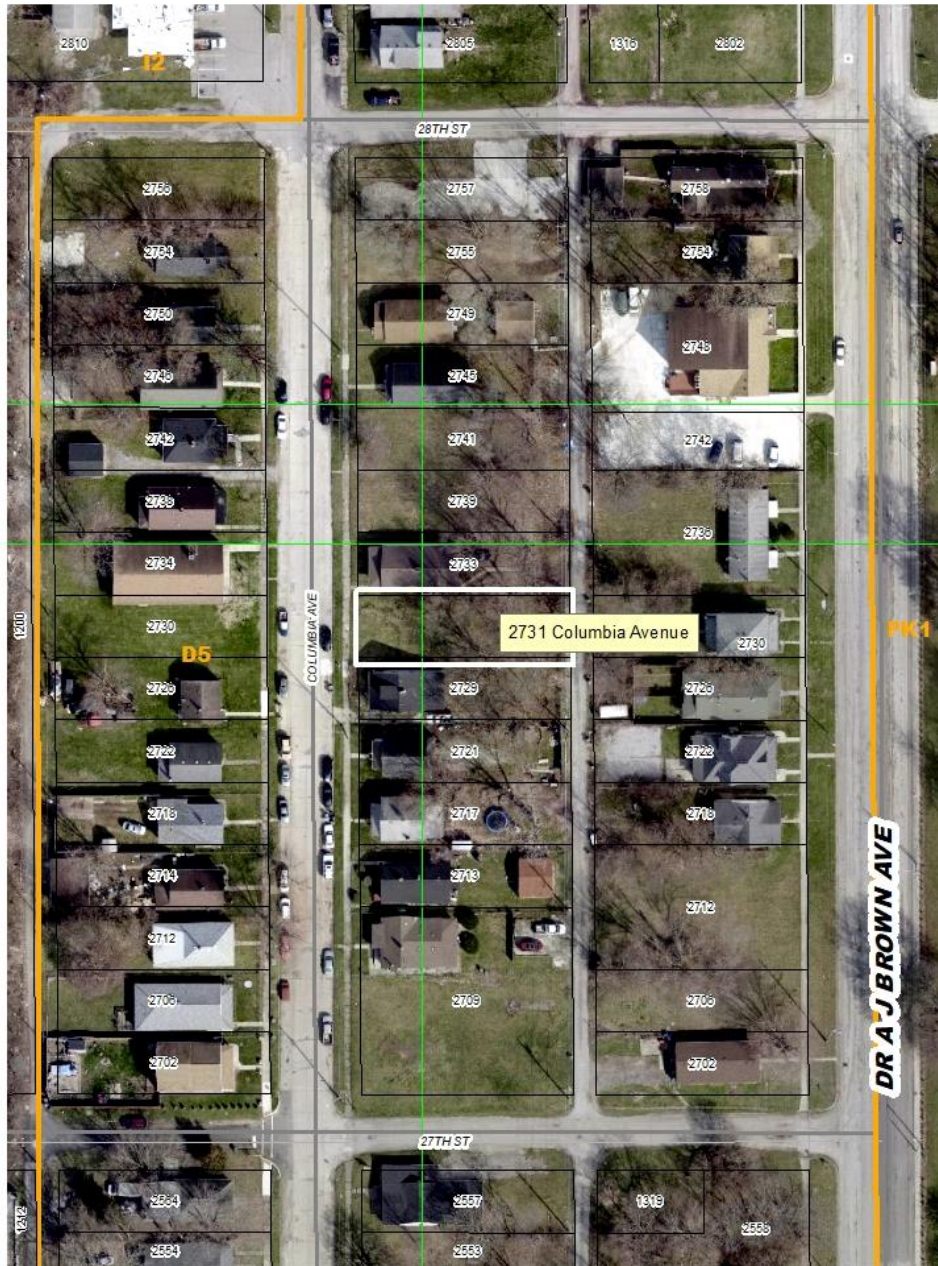
RU

\*\*\*\*\*



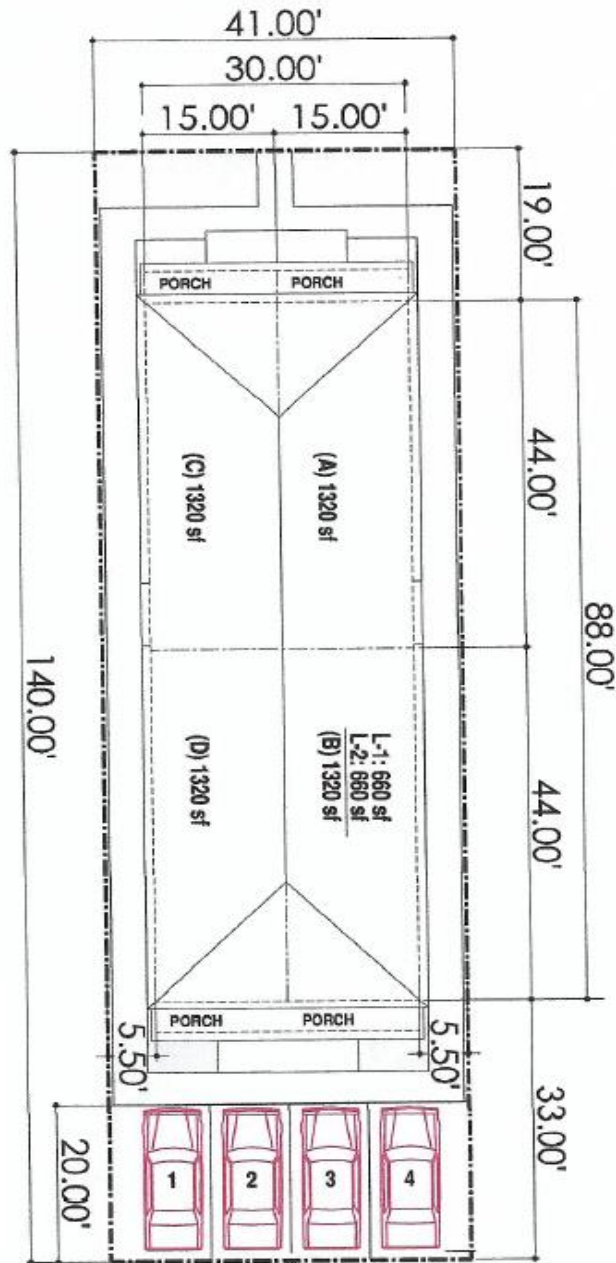
**EXHIBITS**

Location Map



Site Plan

**COMUMBIA AVE.**



**N**  **ALLEY**



**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 proposed dwelling will be constructed to current building codes and health department standards. The site has adequate utilities available and direct access to a public street.

---

---

---

---

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 area is a mix of small unit housing with a variety of architectural styles. The proposed use will be compatible with the developed neighborhood and the new investment in the area will have a positive impact on the property values.

---

---

---

---

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

The proposed walkways would be considered a minor residential structure by ordinance and would require a minimum side setback of 2 feet.  
The portion leading to the entrances would be allowed by right but the portion running to the proposed rear parking would require a variance to legalize. The required parking space encroaches by 2 feet and would be considered a minor deviation to the ordinance and would not have a negative impact on the Infill Housing Guidelines.

---

---

---

---

**Photographs**



Photo 1 - Subject property looking east.



Photo 2- Adjacent properties to the south, looking southeast.



Photo 3 – Adjacent property to the north, looking east.



Photo 4 - Adjacent property to the west.

**BOARD OF ZONING APPEALS DIVISION III**

**November 19, 2024**

**Case Number:** 2024-DV3-034  
**Address:** 2739 Columbia Avenue (approximate address)  
**Location:** Center Township, Council District #8  
**Zoning:** D-5  
**Petitioner:** K & D Epic Holdings LLC, by David Gilman  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a four-unit-multi-unit-house with walkways and parking areas maintaining zero-foot side yard setbacks (two and five feet required, respectively) with vehicles encroaching within the alley clear sight triangle (not permitted).

**Current Land Use:** Undeveloped

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

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- ◇ This neighborhood, originally platted around 1873, consists primarily of single-family dwellings with some two-family dwellings on the same block.
- ◇ The request would allow for the construction of a four-unit multi-unit house on the parcel, with walkways and parking areas maintaining zero-foot side yard setbacks. The request for the vehicles encroaching within the alley clear sight triangle is not needed and can be withdrawn.
- ◇ For a D-5-zoned property, the Ordinance requires a two-foot side yard setback for areas adjacent to a sidewalk as a minor residential feature. The petitioner has requested a variance that this requirement be reduced to a zero-foot side setback.
- ◇ For the parking area, the Ordinance requires a five-foot side yard setback. The petitioner has requested a variance that this requirement be reduced to a zero-foot side setback.



- ◇ The petitioner has indicated both reduced setbacks would be minor deviations from the Ordinance. Staff disagrees and believes the requested reduced setbacks would compromise adjacent properties and restrict emergency response access by not providing the adequate space needed and as required by the Ordinance.
- ◇ Though this area is zoned D-5 and is a walkable neighborhood, it did not develop in a manner that would allow for this dense of housing. The proposal would also create or encourage a disjointed pattern of residential development that does not follow the Housing Infill Guidelines and could have a destabilizing impact on the neighborhood.
- ◇ No practical difficulty exists for the property, as it is undeveloped and can be developed in a manner that is Ordinance compliant without the requested variances. Adjacent properties have demonstrated their ability to provide suitable development on similar sized lots as well. Any practical difficulty related to the request would be self-imposed, and by the need to place four dwelling units on a site that can't accommodate them without variances.
- ◇ Staff recommends denying this petition because the four-unit dwelling would be introducing a new building typology that creates heightened density in an area created for single-family dwellings and duplexes. The requested variances would allow for the proposed building with four (4) units, which will bring unnecessary traffic and use to a well-established area. The need for the variances is self-imposed since the parcel is undeveloped and could be developed in a way that would fit within the context of this area.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Recommends Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	D-5 Undeveloped
	South:	D-5 Single-Family dwelling
	East:	D-5 Two-Family dwelling
	West:	D-5 Single-family dwelling
<b>Thoroughfare Plan</b>		
Columbia Avenue	Local Street	60-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	N/A	
<b>Site Plan</b>	October 28, 2024	
<b>Elevations</b>	None provided	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	October 28, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Traditional Neighborhood uses.

**Pattern Book / Land Use Plan**

- The Pattern Book recommends the Traditional Neighborhood typology, which includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

**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

**2002-SE1-004; 2750-2757 Columbia Avenue (north of site)**, requested a special exception to provide for the construction of an off-street parking area for an existing religious use, **granted.**

**97-SE3-2; 2730-2734 Columbia Avenue (west of site)**, requested a special exception to provide for religious uses within an existing building, including a 594-foot addition, with off-street parking, **granted.**

**96-SE3-4; 2750 North Columbia Avenue (north of site)**, requested a special exception to provide for religious uses, with 5 parking spaces and fencing along the north and south property lines, **granted.**

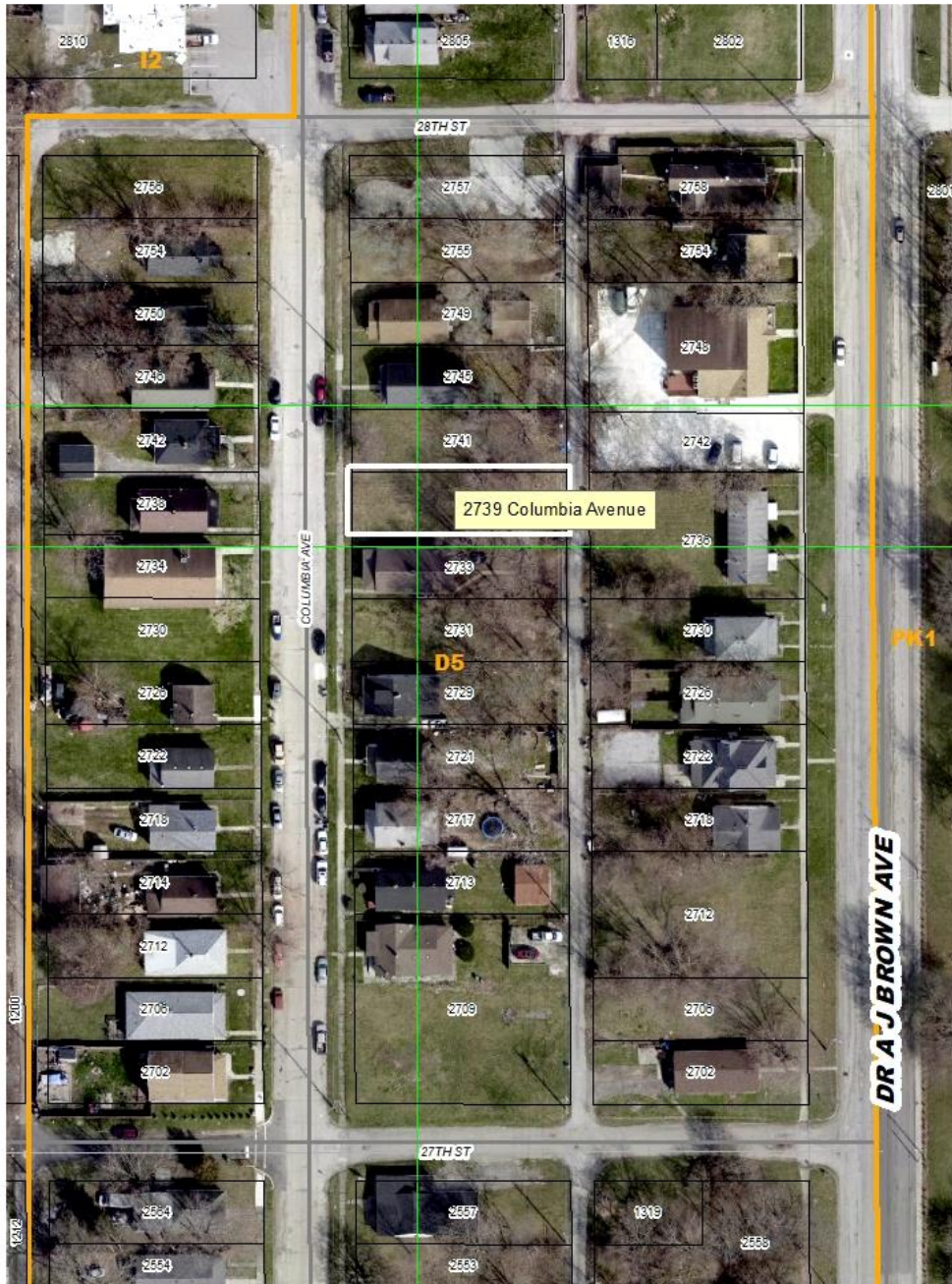
**89-SE2-7; 2734 Columbia Avenue (west of site)**, requested a special exception to provide for the conversion of a residence into a church limited to 20 seats, **granted.**

RU

\*\*\*\*\*

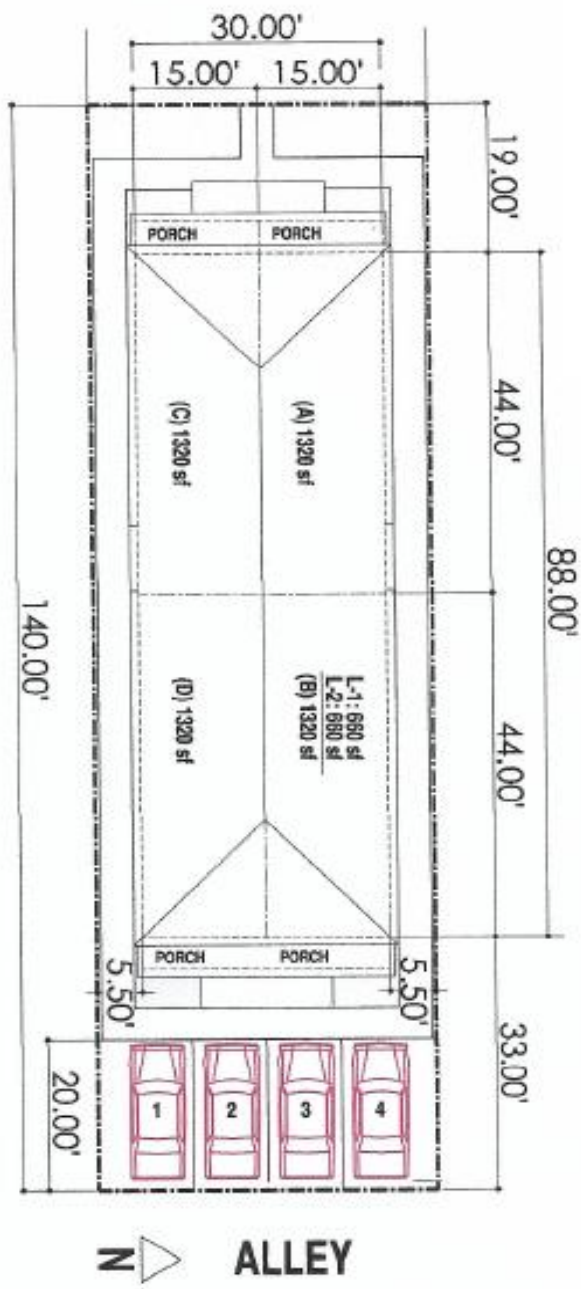
**EXHIBITS**

Location Map



Site Plan

**COMUMBIA AVE.**





**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 proposed dwelling will be constructed to current building codes and health department standards. The site has adequate utilities available and direct access to a public street.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 area is a mix of small unit housing with a variety of architectural styles. The proposed use will be compatible with the developed neighborhood and the new investment in the area will have a positive impact on the property values.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

The proposed walkways would be considered a minor residential structure by ordinance and would require a minimum side setback of 2 feet.  
The portion leading to the entrances would be allowed by right but the portion running to the proposed rear parking would require a variance to legalize. The required parking space encroaches by 2 feet and would be considered a minor deviation to the ordinance and would not have a negative impact on the Infill Housing Guidelines.  
\_\_\_\_\_  
\_\_\_\_\_

**Photographs**



Photo 1 - Subject property looking east.



Photo 2- Adjacent property to the south, looking east.



Photo 3 – Adjacent properties to the north, looking northeast.



Photo 4 - Adjacent property to the west, looking northwest.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**BOARD OF ZONING APPEALS DIVISION III**

**November 19, 2024**

**Case Number:** 2024-UV3-016  
**Property Address:** 425 & 435 South Gibson Avenue (*approximate address*)  
**Location:** Warren Township, Council District #20  
**Petitioner:** Oscar Garcia Cruz, by Steven A. Brown  
**Current Zoning:** D-2

**Request:** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the storage and occupancy of more than two recreational vehicles for more than 15 days per year (maximum of two recreational vehicles may be parked outside per lot, may not be occupied for more than 15 days) within gravel parking areas (hardscaping required) and the location of a six-foot tall privacy fence within the front yard of Gibson Avenue and encroaching within the clear sight triangle of the driveway (limited to 3.5-foot tall, encroachment of clear sight triangles not permitted).

**Current Land Use:** Residential / Undeveloped

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

The petitioner is planning to request a continuance for this petition from the November 19<sup>th</sup> hearing date to the January 21<sup>st</sup>, 2025, hearing date to allow for time for sufficient notice to be sent and given that the owner will be out of the county for the December Division III hearing date. Staff is supportive of this request but would likely not be supportive of additional continuance requests beyond January. A full staff report will be made available in advance of the January hearing date.