



## Board of Zoning Appeals Division III (September 19, 2023) Meeting Agenda

### Meeting Details

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

**Date:** Tuesday, September 19, 2023      **Time:** 1:00 PM

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

### Business:

#### Adoption of Meeting Minutes:

#### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2023-UV3-013 | 5437 Greenfield Avenue**  
Warren Township, Council District #12, Zoned D-5  
Glenroy Construction Co. Inc, by Brian J. Tuohy

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor storage of materials, equipment and vehicles associated with a commercial contractor (not permitted) and an existing perimeter fence topped with barbed wire (barbed wire fencing prohibited).

**\*\* Withdrawal to be acknowledged**

- 2. 2023-UV3-017 | 5420 McFarland Road**  
Perry Township, Council District #24, Zoned D-1  
David Smithmeyer, by Jerry Hornback

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to allow:

On Parcel One

- a) Two primary dwellings (only one primary dwelling permitted per lot); and
- b) The westernmost dwelling maintaining a zero-foot northern side yard setback (eight-foot side yard setback required)

On Parcel Two

- a) An accessory structure without a primary dwelling (primary dwellings must be erected prior to accessory structures); and
- b) Legally establish a lot with a street frontage and width of 43-feet wide (minimum 45-foot-wide street frontage and lot width of 90 feet required).

**\*\* Continuance requested by petitioner.**

### Petitions for Public Hearing

#### PETITIONS TO BE EXPEDITED:

**3. 2023-DV1-034 (Amended) | 517 Prospect Street**

Center Township, Council District #16, Zoned D-8  
K&D Epic Holdings LLC, by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-unit multi-unit house on a 30-foot wide 2,700 square-foot lot (minimum 35-foot lot width and lot area of 3,500 square feet required), with a four-foot front yard setback and within the clear sight triangle of abutting street and alley (minimum 10-foot front yard setback and structures not permitted in the clear sight triangle).

**4. 2023-DV3-029 | 2824 Kristen West Drive**

Warren Township, Council District #13, Zoned D-A  
Marcus & Kimyatta Anderson

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a five-foot north side yard setback, resulting in an open space of 80 percent (15-foot side yard setback, open space of 85 percent required).

**5. 2023-DV3-031 | 2802 and 2806 Washington Boulevard**

Center Township, Council District #9, Zoned D-5  
IGS Holdings LLC, by Mark Young

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a quadplex on each lot, with a 2.8-foot south side yard setback at 2806 Washington Boulevard (five-foot side yard setbacks required) and a five-foot corner side yard setback at 2802 Washington Boulevard and 2.5-foot north side yard setback, with the building encroaching within the clear sight triangle of the intersection of Washington Boulevard and 28th Street (eight-foot corner side yard setback required, encroachment within clear sight triangles prohibited).

**6. 2023-DV3-032 | 1441 Fletcher Avenue**

Center Township, Council District #17, Zoned D-5  
Aaron Mang, by David Kingen & Emily Duncan

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached accessory garage with three-foot side yard setbacks and legally establish the dwellings zero-foot west side yard setback (five-foot side yard setbacks required).

**7. 2023-DV3-034 | 3309 East St. Clair Street, 601 and 603 North LaSalle Street**

Center Township, Council District #12, Zoned C-S and D-5 (D-8 pending)  
City of Indianapolis – Department of Metropolitan Development, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 43-unit townhome style apartment development (maximum 12 units permitted) with 35 parking spaces provided (43 parking spaces required), 10 feet of separation between buildings (20-foot separation required).

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

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

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

**8. 2023-DV3-028 | 405 South Shortridge Road**

Warren Township, Council District #18, Zoned C-S  
SRMK Realty LLC, by In and Out Unlimited

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an 8.5-foot tall, chain link perimeter fence, without vinyl coating or equivalent treatment (chain link fences prohibited within front yards of commercial districts, vinyl coating required, fence heights limited to 3.5-foot-tall in front yards and six-foot tall within side and rear yards).

**9. 2023-DV3-033 | 5317 East 16th Street**

Warren Township, Council District #12, Zoned HD-2  
JPCHC Real Estate LLC, by Tammy L. Ortman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an existing monument sign with a 0.5-foot setback from Downey Avenue and encroaching within the clear sight triangle of the intersection of East 16th Street and Downey Avenue (not permitted).

**10. 2023-UV3-020 | 3465 Newhart Street and 5200 Sandhurst Drive**

Perry Township, Council District #20, Zoned D-A (FF)  
Thomas Loudermilk

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a landscaping business with the outdoor storage of trucks, equipment, and materials (not permitted).

**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.

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

**Case Number:** 2023-UV3-013  
**Address:** 5437 Greenfield Avenue (approximate address)  
**Location:** Warren Township, Council District #12  
**Zoning:** D-5  
**Petitioner:** Glenroy Construction Co. Inc, by Brian J. Tuohy  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor storage of materials, equipment and vehicles associated with a commercial contractor (not permitted) and an existing perimeter fence topped with barbed wire (barbed wire fencing prohibited).

This petition was continued from the June 20, 2023 hearing to the September 19, 2023 hearing to allow the petitioner sufficient time to file a rezone and special exception petition instead.

The petitioner submitted a request to **withdraw** this petition. This would require the Board's acknowledgement.

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## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-UV3-017  
**Address:** 5420 McFarland Road (approximate address)  
**Location:** Perry Township, Council District #24  
**Zoning:** D-1  
**Petitioner:** David Smithmeyer, by Jerry Hornback  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to allow:

#### On Parcel One

- a) Two primary dwellings (only one primary dwelling permitted per lot); and
- b) The westernmost dwelling maintaining a zero-foot northern side yard setback (eight-foot side yard setback required)

#### On Parcel Two

- a) An accessory structure without a primary dwelling (primary dwellings must be erected prior to accessory structures); and
- b) Legally establish a lot with a street frontage and width of 43-feet wide (minimum 45-foot-wide street frontage and lot width of 90 feet required).

### ADDENDUM FOR SEPTEMBER 19, 2023

This petition was continued from the August 15, 2023, hearing, to the September 19, 2023, hearing, at the request of the petitioner.

Due to being out of town at the time of the September 19, 2023, hearing, the petitioner is requesting this petition **be continued from the September 19, 2023, hearing to the October 17, 2023, hearing.**

Staff has no objection to this request but will not support any further continuances.

### August 15, 2023

### RECOMMENDATIONS

Staff **recommends denial** of this request.

(Continued)

**SUMMARY OF ISSUES****LAND USE****EXISTING ZONING AND LAND USE**

Compact	D-1	Single-family dwelling, barn, and a detached accessory dwelling.
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**SURROUNDING ZONING AND LAND USE**

North	D-5	Single-family dwelling / Two-family dwellings
South	C-3	Commercial Offices
East	SU-1	Religious use grade school athletic fields
West	D-5	Two-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends suburban neighborhood uses for the site.
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- ◇ The subject site was originally developed with a single-family dwelling and a barn. A detached accessory dwelling with a garage was added to the site sometime between 1972 and 1978 according to aerial photos. Living space was added to the barn around 1956, according to Assessor's records, however, the living space as a use appears to have been abandoned and vacant for a number of years. Therefore, it would no longer be considered legally non-conforming. The petitioner plans to renovate the living space within the barn and turn it into a second primary dwelling on parcel one.
- ◇ After a Staff site visit, it was determined that parcel two would have a single-family dwelling on it after the parcel split, as the structure was mislabeled on the submitted site plan as a garage. Therefore, the portion of the request to provide for a parcel with an accessory structure without a primary dwelling could be withdrawn. Another variance may be needed if the structure does not meet the minimum square footage required for a single floor single-family dwelling.

**VARIANCE OF USE**

- ◇ Per Table 743-1: Use Table, a single-family dwelling is permitted in the D-1 District. However, two single-family dwellings are not permitted on a single lot in this district.
- ◇ Staff believes that the site is large enough to be divided appropriately to provide for two single-family dwellings on separate lots without the need for variances, or provide for two-family dwellings if rezoned, similar to surrounding properties. However, with the variances as proposed, the site would negatively impact surrounding properties. In Staff's opinion, by granting the requested variances to allow two single-family dwellings on an original single-family lot, with reduced setbacks, with an increase in density over the previous structure's use on a single lot, would provide for increased intensity and negatively impact adjacent properties.
- ◇ There is no practical difficulty with the site, as the site is large enough to be split into two parcels while meeting all required development standards. The strict application of the Ordinance would not constitute an unnecessary hardship since there are multiple options for residential development without the need for a variance of use.

(Continued)

**STAFF REPORT 2023-UV3-017 (Continued)****VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The grant of this petition would allow for the parcel to be split, with the westernmost dwelling maintaining a zero-foot northern side yard setback on parcel one and provide for a lot with a street frontage and width of 43-feet wide on parcel two after the split.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to building setbacks and lot widths, are intended to ensure orderly development and protect surrounding property values, by providing for sufficient space, open buffer areas along lot lines and to ensure adequate access around buildings, as well as to prevent fires from spreading between buildings.
- ◇ There is no practical difficulty with the site, as the site is large enough to be split into two parcels while meeting all required development standards. The strict application of the Ordinance would not constitute an unnecessary hardship since there are multiple options for residential development on this site without the need for the requested variances.

**GENERAL INFORMATION****THOROUGHFARE PLAN**

This portion of McFarland Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector, with a 40-foot existing right-of-way, and a 90-foot proposed right-of-way.

**SITE PLAN**

File-dated July 10, 2023.

**FINDINGS OF FACT**

File-dated July 10, 2023.

**ZONING HISTORY**

**2004-UV2-039; 2551 East Epler Avenue (west of site)**, requested a variance of use to provide for a two-family dwelling,

**2003-DV1-044; 2551 East Epler Avenue (west of site)**, requested a variance of development standards to provide for a 4,000 square foot detached accessory structure resulting in 4,896 square feet of detached accessory building area or 331.93 percent of the main floor area of the primary dwelling and 4,896 square feet of total accessory use area or 331.93 percent of the total floor area of the primary dwelling,

**2002-UV2-005; 5424 McFarland Road (south of site)**, requested a variance of use to provide for automobile and transmission service in an existing 1,288 square-foot building, **granted**.

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### 2023-UV3-017; Location Map



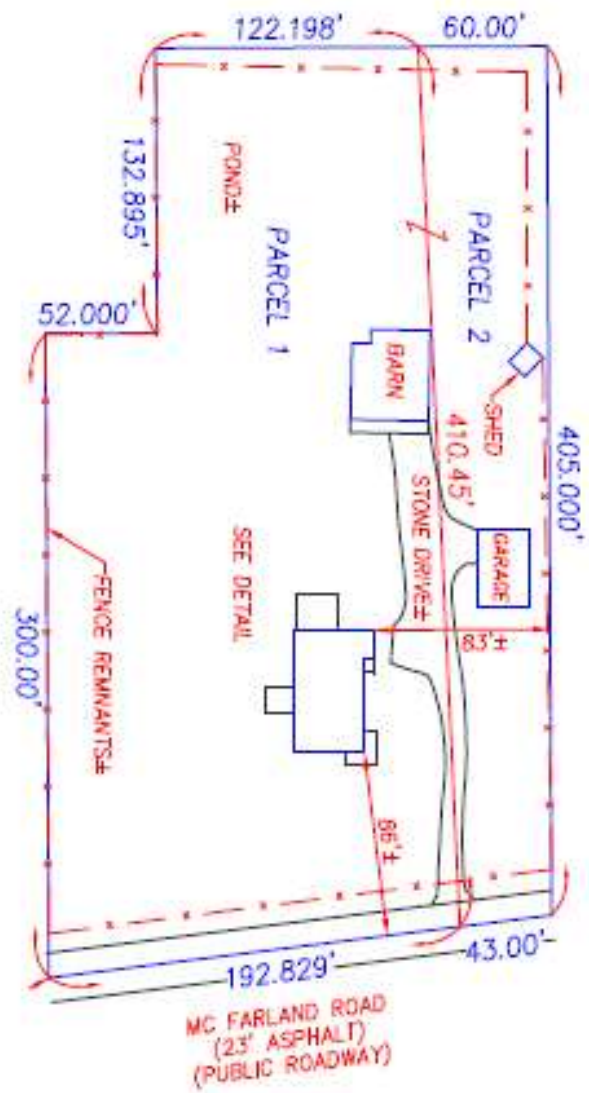






Photo of the subject site, primary dwelling on parcel 1, looking west



Photo of the subject site, south side yard on parcel 1, looking west



Photo of the subject site, second primary dwelling on parcel 1, looking west



Photo of the subject site, second primary dwelling proposed zero foot north side setback on parcel 1, looking west





Photo of subejct site parcel two frontage, looking west.



Photo of subejct site parcel two garage/accessory dwelling, looking west.





Photo of adjacent property to the south, looking west.



Photo of adjacent property to the north, looking south.

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-DV1-034 (Amended)  
**Address:** 517 Prospect Street (approximate address)  
**Location:** Center Township, Council District #16  
**Zoning:** D-8  
**Petitioner:** K&D Epic Holdings LLC, by Mark and Kim Crouch  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-unit multi-unit house on a 30-foot wide 2,700 square-foot lot (minimum 35-foot lot width and lot area of 3,500 square feet required), with a four-foot front yard setback and within the clear sight triangle of abutting street and alley (minimum 10-foot front yard setback and structures not permitted in the clear sight triangle).

Due to the lack of a quorum, this petition was transferred from the August 1, 2023, hearing of Division I to the August 15, 2023, hearing of Division III. No additional information was provided to the case file. Therefore, this petition was continued for cause to the September 19, 2023 hearing, at the request of staff.

### **RECOMMENDATIONS**

Staff **recommends approval** of the request as amended.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

##### **EXISTING ZONING AND LAND USE**

D-8	Compact	Undeveloped
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##### **SURROUNDING ZONING AND LAND USE**

North	D-8	Residential (Multi-unit house)
South	D-8	Undeveloped
East	D-8	Residential (Single-family dwelling)
West	C-5	Retail (Car dealership)

<b>COMPREHENSIVE PLAN</b>	The Comprehensive Plan recommends village mixed-use development.
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- ◇ The 0.06-acre subject is an undeveloped lot that is surrounded by an undeveloped lot to the south, single-family dwelling to the east, three-unit dwelling north, and a car dealership to the west.

(Continued)

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The initial request was for a three-unit multi-unit house without entrances facing the street on a lot that is smaller than required and with a zero-foot front yard setback without landscaping.
- ◇ The grant of the amended request would permit a two-unit multi-unit house on a lot that is smaller than required and with a four-foot front yard setback and within the clear sight triangle of the abutting street and ally. The changes reduced the unit count, allowed for the entrances to face Prospect Street and provided for sufficient room to providing landscaping in the front yard.
- ◇ The site is classified as having a Terrace Frontage, which requires a minimum front building line range from 10 feet to 19.9 feet. The proposal would allow for a reduced four-foot front setback which would not be out of line with the context of the surrounding area.
- ◇ Updates to the Infill Housing Guidelines adopted in 2021 note that when considering building elevations and architectural elements the “main entrances should be visible from the street. Entries should not be hidden, obscured, or missing front the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.”
- ◇ As proposed, the entrances for the two units were altered to be located on the front building façade and would provide street activation and promote eyes on the street to deter crime.
- ◇ There is an alley along the western property boundary that would provide access to the rear parking area behind the building. Initially, this alley was not reflected on the City’s mapping system, but that was updated when the mapping error was verified.
- ◇ Although development within the clear sight triangle is not permitted, the encroachment into this area is very minimal as noted in Staff Exhibit 1.
- ◇ Due to the changes in the site layout to provide a four-foot front setback with the installation of landscaping, while promoting an increase in dwelling units that is more appropriate for the site, staff is now recommending approval of the request as amended.

**GENERAL INFORMATION****THOROUGHFARE PLAN**

Prospect Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 60-foot existing right-of-way and a 56-foot proposed right-of-way.

**SITE PLAN**

File-dated June 27, 2023.

**AMENDED SITE PLAN**

File-dated September 11, 2023.

**ELEVATIONS**

File-dated September 11, 2023.

(Continued)

**STAFF REPORT 2023-DV1-034 (Continued)****FLOOR PLANS**

File-dated September 11, 2023.

**FINDINGS OF FACT**

File-dated June 27, 2023.

**ZONING HISTORY – SITE****EXISTING VIOLATIONS**

None.

**PREVIOUS CASES**

None.

**ZONING HISTORY – VICINITY**

**2023-UV3-010; 1041 South East Street** (northwest), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses (not permitted), with an eight-foot front transitional yard (10-foot front transitional yard required) and to legally establish a 2.33-foot north side setback, 2.5-foot south side setback, and 14.92-foot rear setback (10-foot side and 15-foot rear setbacks required), **granted**.

**2020-UV2-014; 368, 372, 376, 382 Prospect Street** (northwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dog park (not permitted) with a six-foot tall fence in the front yard, with banner yard signs on the perimeter fence (3.5-foot maximum fence height in a front yard, yard signs permitted as freestanding signs, maximum size six square feet), **granted**.

**2019-CVR-838; 643, 701, 705, 709, 713, 717 and 721 Prospect Street** (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for six single-family dwellings, as follows: a) 643 Prospect Street (Lot One); 25-foot street frontage and lot width, an eleven-foot front setback, 4.5 and eight feet between dwellings and a three-foot side setback (30-foot street frontage and lot width, 18-foot front setback or average, 10 feet between dwellings and four foot side setback required); b) 701 Prospect Street (Lot Two); an eleven-foot front setback and eight feet between dwellings (18-foot front setback or average and 10 feet between dwellings required); c) 705 Prospect Street (Lot Three); an eleven-foot front setback and eight feet between dwellings (18-foot front setback or average and 10 feet between dwellings required); d) 709 Prospect Street (Lot Four); a seven-foot front setback and eight feet between dwellings (18-foot front setback or average and 10 feet between dwellings required); e) 713 Prospect Street (Lot Five); a ten-foot front setback, eight feet between dwellings, and a nine-foot rear setback (18-foot front setback or average, ten feet between dwellings, 15-foot rear setback required); and f) 717-721 Prospect Street (Lot Six); a five-foot front setback, less than 25-foot lot width, within the clear sight triangle of the abutting street and alley (18-foot front setback or average, 30-foot lot width required and structures not permitted within the clear sight triangle), **granted**.

(Continued)

**STAFF REPORT 2023-DV1-034 (Continued)**

**2018-HOV-009; 606 East Morris Street** (southeast), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a 15-foot front setback, with 4.5 feet between primary dwellings, and creating an open space of 56% (18-foot front setback, 10 feet between dwellings, and 60% open space required), **granted.**

**2006-DV2-014; 1032 South East Street** (northwest), Variance to provide for construction of a 2,987-square foot family restaurant building with a 60-foot front setback from the centerline of South East Street, with a zero-foot front setback from the proposed right-of-way of Interstate 70, with a six-foot west side transitional yard, with eight off-street parking spaces, **granted.**

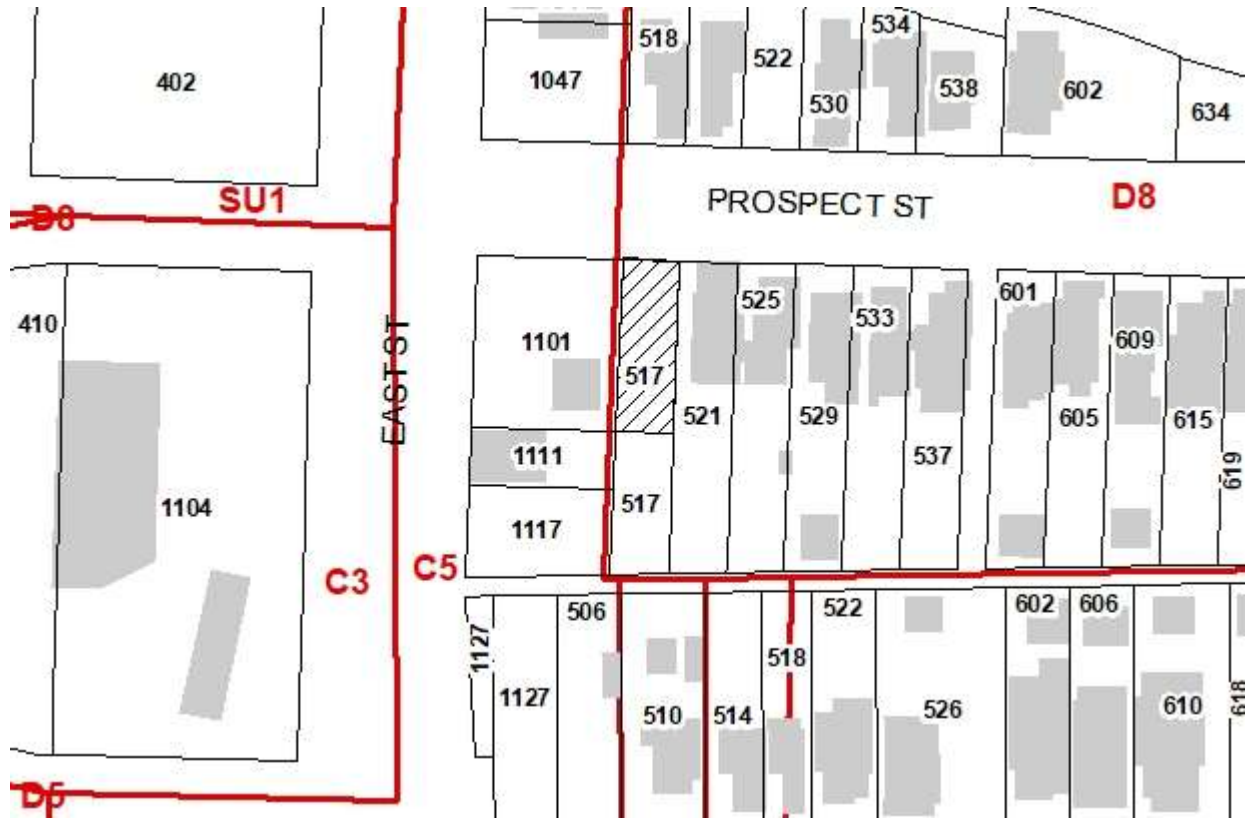
**90-V3-64; 1104 South East Street** (west) Variance to permit 26 square feet of sign area per pump island and to permit a sign to be placed on an existing canopy with less than the required setback, **granted.**

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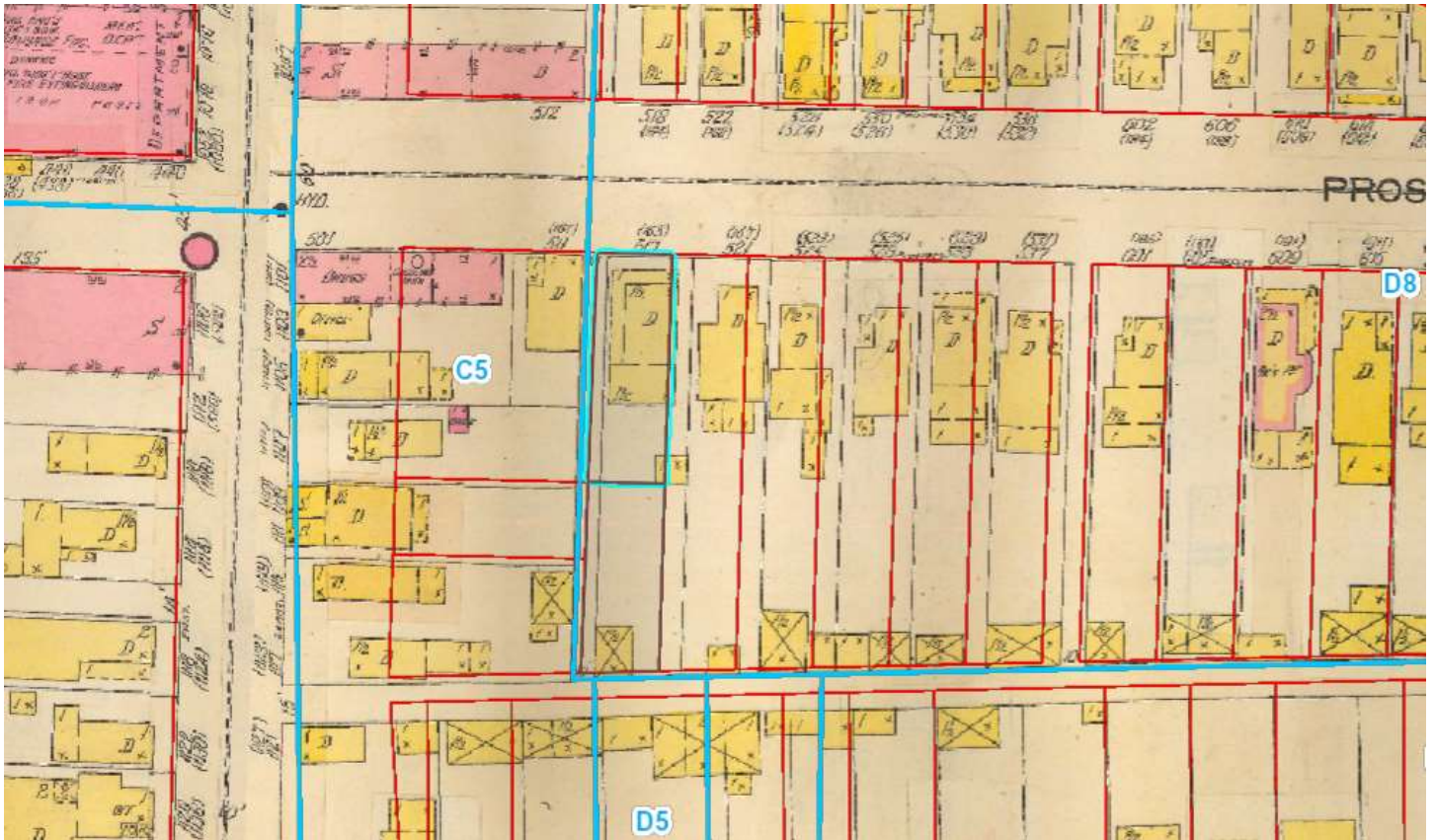
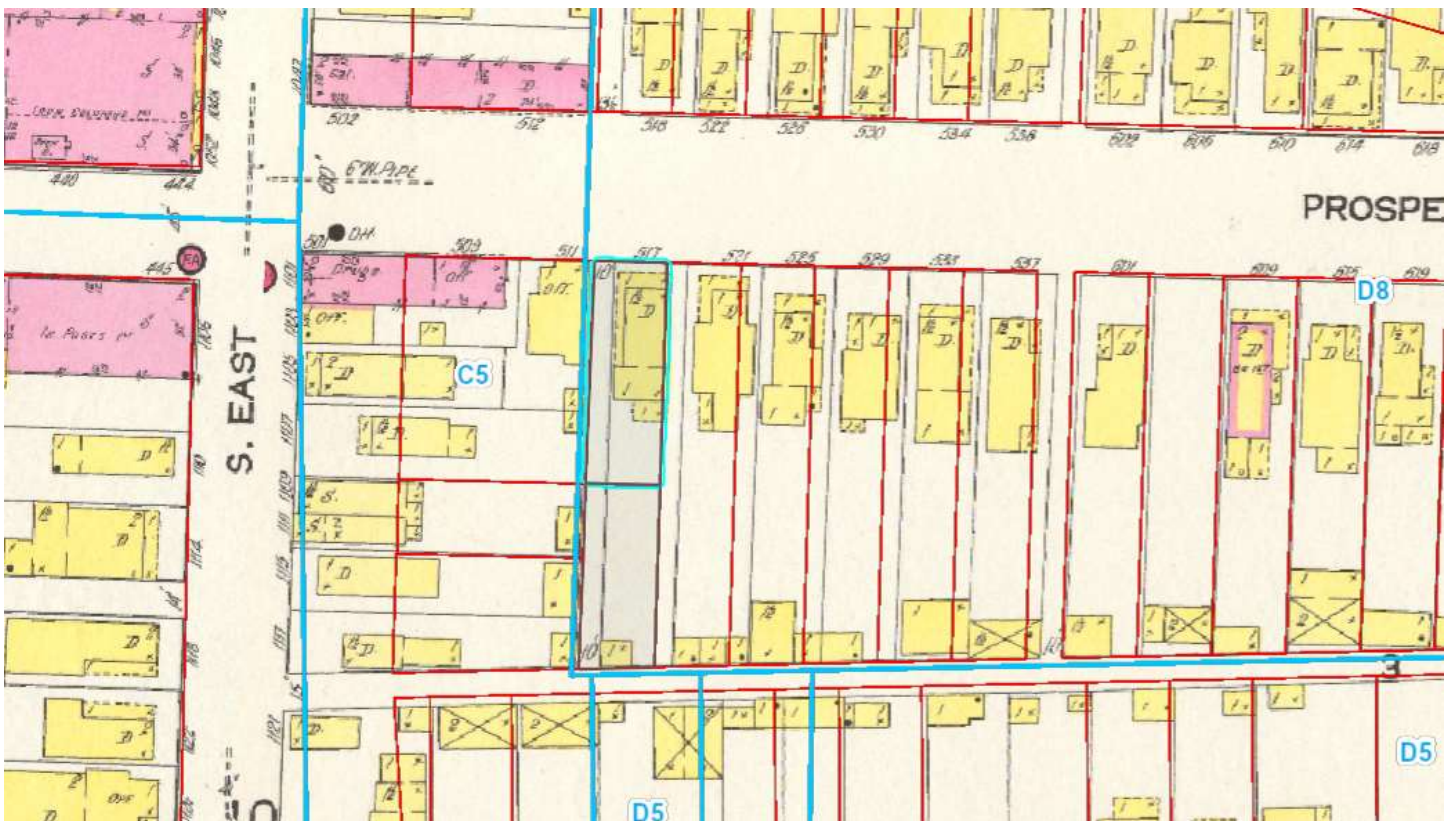
**2023-DV1-034; Location Map**

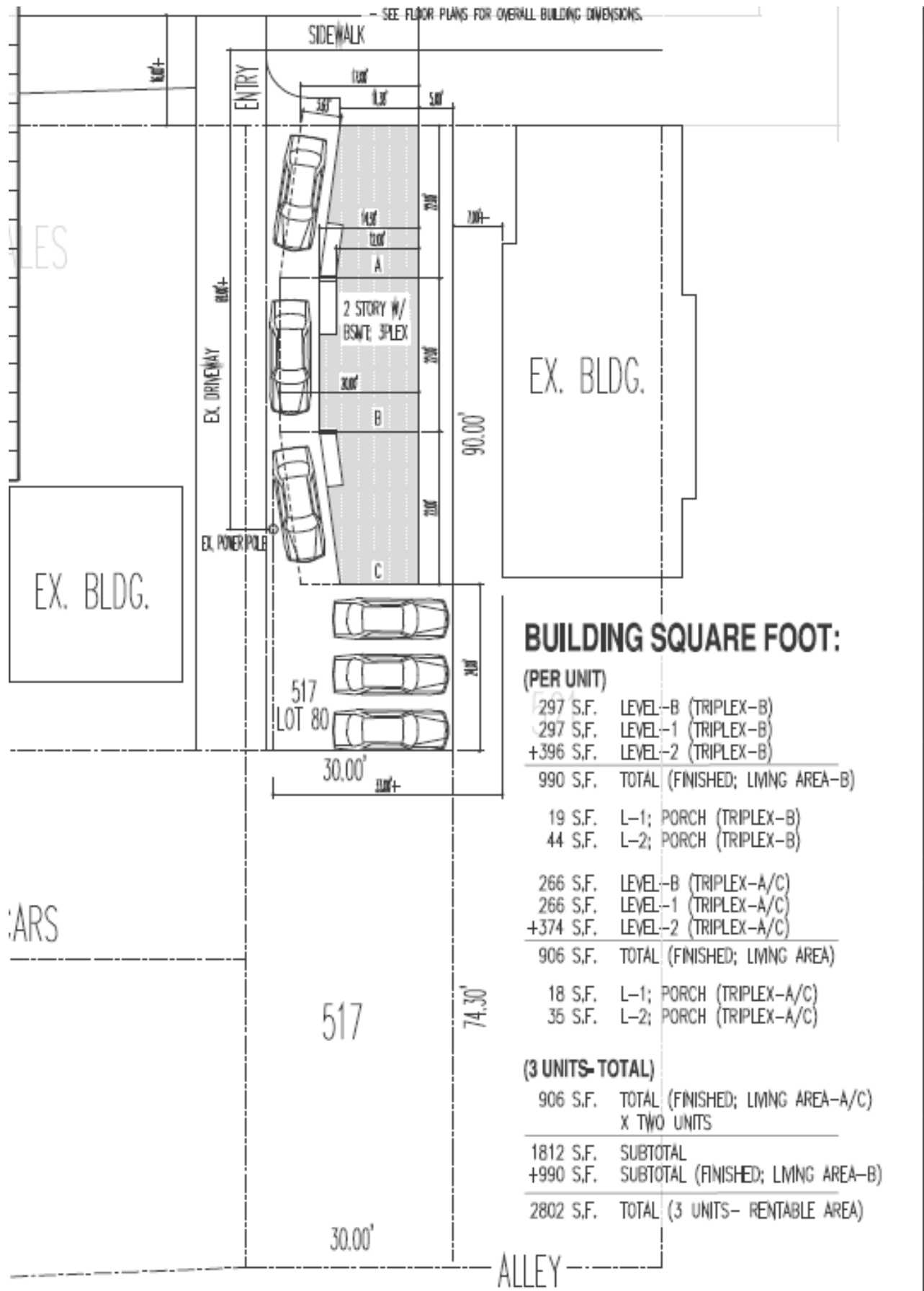


**2023-DV1-034; Aerial Map**





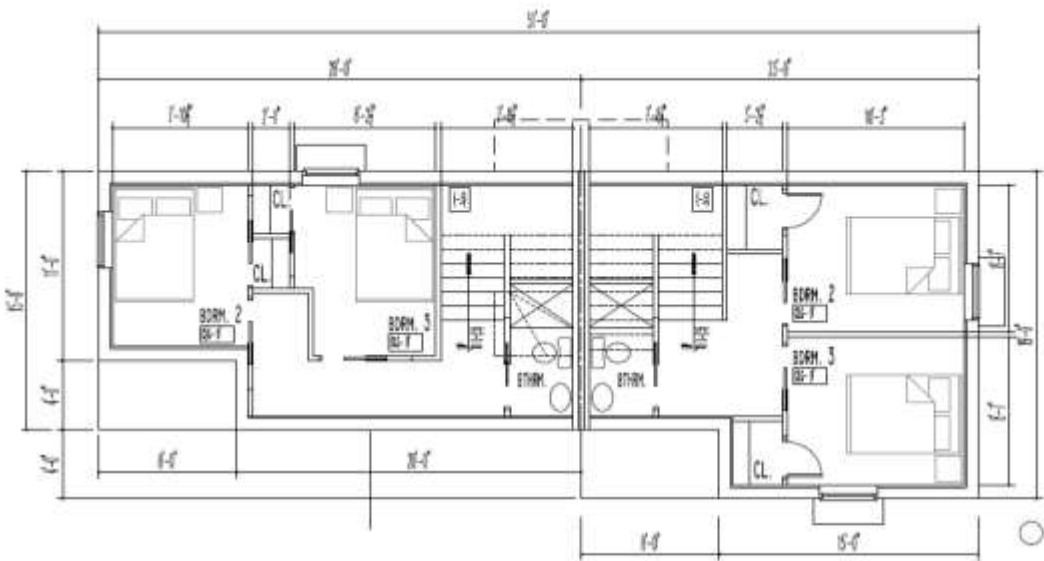
**2023-DV1-034; Sanborn (1898)****2023-DV1-034; Sanborn (1915)**











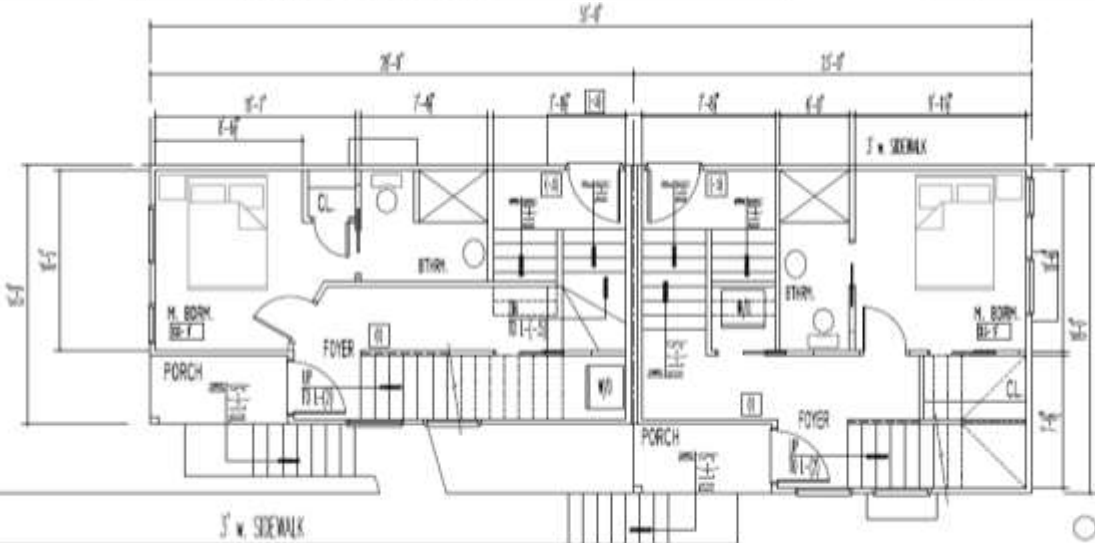
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Drawn By: CSE / BOK  
Checked By: PARADIGM  
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REVIEW

**A02**  
FLOOR PLAN-B  
-  
duplex\_FP-B(c)  
3/16"=1'-0"



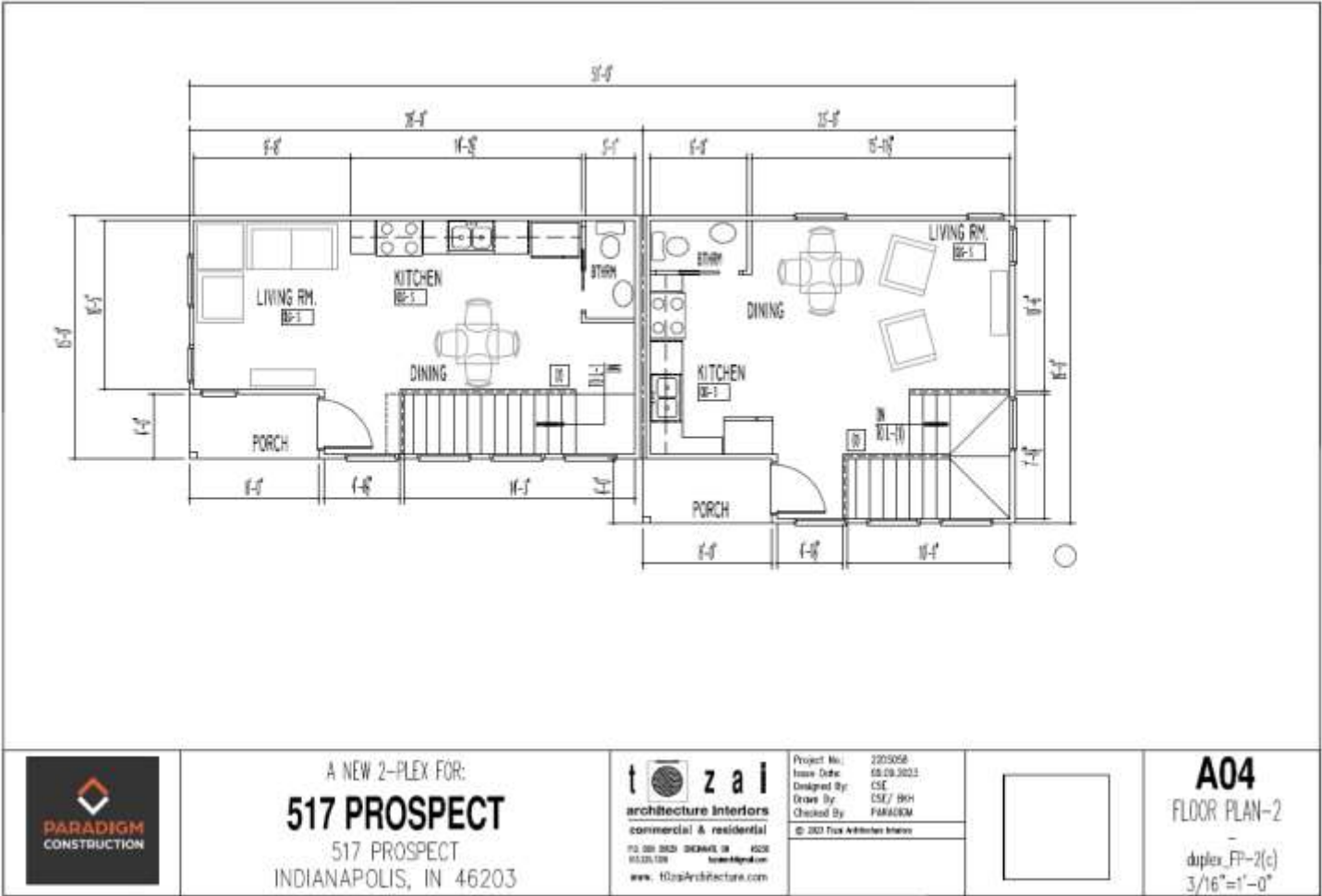
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REVIEW

**A03**  
FLOOR PLAN-1  
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duplex\_FP-1(c)  
3/16"=1'-0"



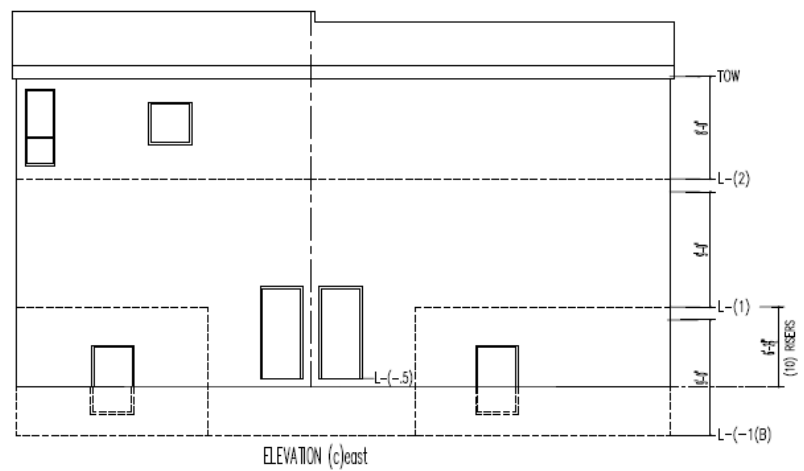
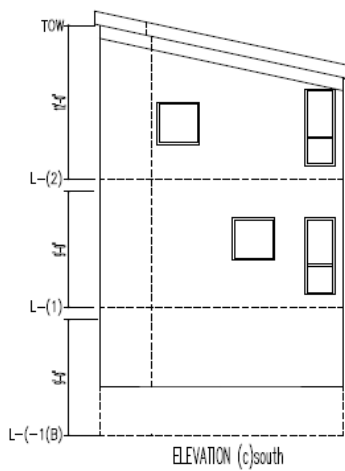
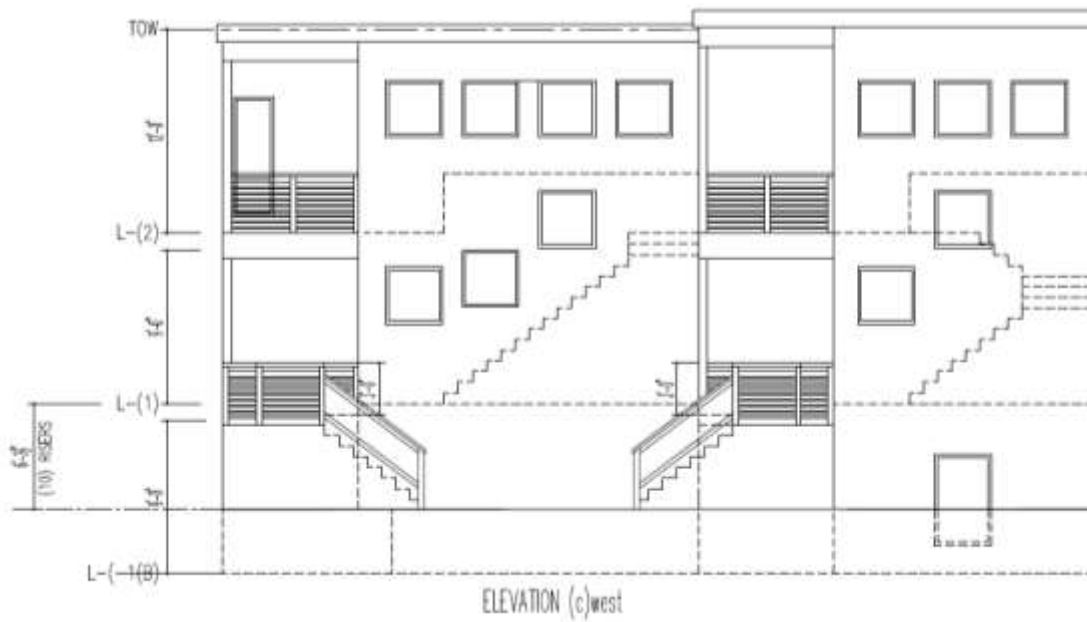
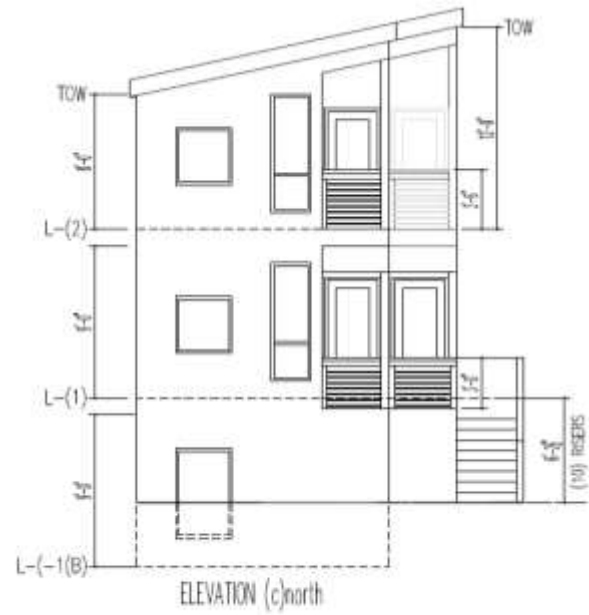
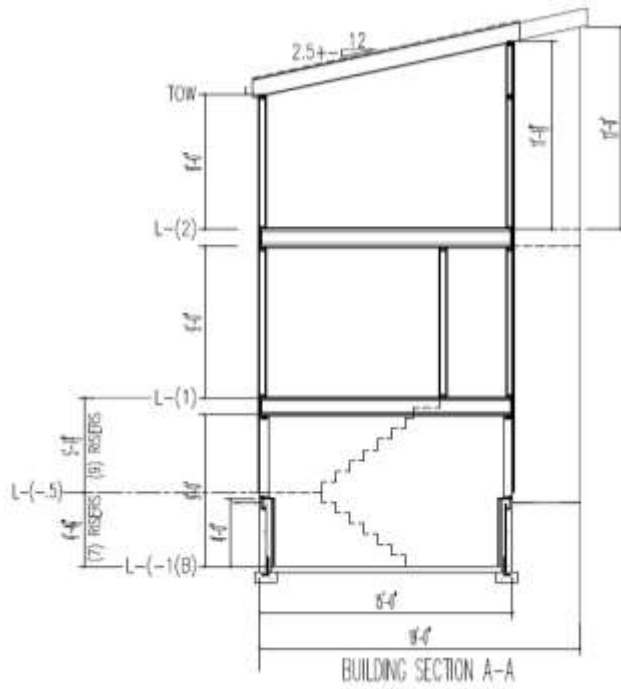






Photo of the Subject Property: 517 Prospect Street



Photo of the street frontage.



Photo of the undeveloped site south of the site.





Photo of the alley south of the undeveloped lot.



Photo of the single-family dwellings east of the subject site



Photo of the car dealership west of the subject site and



Photo of the residential dwellings north of the subject site.



Photo of the car dealership north west of the subjeet site.





Department of Metropolitan Development  
Division of Planning  
Current Planning

## BOARD OF ZONING APPEALS DIVISION III

September 19, 2023

**Case Number:** 2023-DV3-029

**Property Address:** 2824 Kristen West Drive (approximate address)

**Location:** Warren Township, Council District #13

**Petitioner:** Marcus & Kimyatta Anderson

**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 with a five-foot north side yard setback, resulting in an open space of 80 percent (15-foot side yard setback, open space of 85 percent required).

**Current Land Use:** Residential

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

**Recommended Motion:** Motion to approve petition 2023-DV3-029

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

## PETITION HISTORY

This is the first public hearing for this petition.

## STAFF RECOMMENDATION

Staff **recommends approval** of this petition

## PETITION OVERVIEW

- This request would provide for the construction of a detached garage with a five-foot north side yard setback, resulting in an open space of 80 percent (15-foot side yard setback, open space of 85% required).
- The area of the subject site is approximately 0.42 acres, well below the minimum lot size of 3 acres for parcels in D-A districts. The D-A side yard setback development standard of 30 feet is reduced to 15 feet for nonconforming parcels with deficient minimum lot area or lot width such as the subject site. However, given the degree to which the subject site is deficient in lot area, Staff believes that the reduced minimum setback requirement of 15 feet still too significant of a standard for the subject site. Given that the lot area is less than 1/6<sup>th</sup> the size of typical D-A lots, reducing the side yard setbacks by 50% does not eliminate practical difficulty for the property owner. Therefore, Staff is not



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

opposed to the variance request of a five-foot north side yard setback to allow for the construction of a detached garage.

- Similarly, the minimum open space requirement of 85% is a reasonable standard for D-A lots that are 3 or more acres. With the area of the subject site being significantly less than the typical lot size, Staff acknowledges a practical difficulty for the petitioner and is, therefore, not opposed to the variance request of 80% open space to allow for the construction of a detached garage.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
North:	D-A	North: Single-family residential
South:	D-A	South: Single-family residential
East:	D-A	East: Single-family residential
West:	D-A	West: Single-family residential
<b>Thoroughfare Plan</b>		
Kristen West Drive	Local Street Existing ROW: 53 feet Proposed ROW: 48 feet	
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	7/27/2023	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	7/27/2023	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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



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

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood living typology for this site.
- This typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate, and generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

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

- Not Applicable to the Site

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site

**Infill Housing Guidelines**

- The Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects for all scales and types.
- With regards to detached garages, the Infill Housing Guidelines document recommends:
  - Locate accessory structures behind primary building
  - Access accessory buildings from alleys, when possible
    - Since the site does not have alley access, the detached garage will be accessed from the driveway that is on the north side of the primary structure
  - Don't overshadow primary buildings
- The proposal is in accordance with these recommendations.

**Indy Moves**

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

- Not Applicable to the Site



Department of Metropolitan Development  
Division of Planning  
Current Planning

## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**83-UV3-98; 2640 N Butler Avenue (south of site)**, variance of use of the Dwelling Districts Ordinance to provide for the permanent use of a mobile home on the subject property, **approved**.

**87-UV1-17; 2944 Kristen West Drive (north of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of a mobile trailer for the storage of art equipment and materials for a maximum period of one year, **approved**.

**92-Z-85; 5325 E 30<sup>th</sup> Street (north of site)**, request rezoning of 6.495 acres from D-A district to SU-1 classification to provide for a church, **approved**.

**97-SE3-10; 2712 N Hawthorne Lane (west of site)**, special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured home being 28 by 40 feet, **approved**.

**98-Z-42; 2601 Hawthorne Lane (south of site)**, request rezoning of 2.8 acres from D-A to I-3-U, **approved**.

**99-SE3-5; 2714 N Hawthorne Lane (west of site)**, special exception of the Dwelling Districts Zoning Ordinance to provide the placement of a manufactured home, being 27 by 44 feet, **approved**.

**2000SE2013; 2750 N Hawthorne Lane (west of site)**, special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured home, **approved**.

**2008DV3039; 2723 N Butler Avenue (west of site)**, VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling District Zoning Ordinance to provide for the construction of a 1,200-square foot detached accessory building, resulting in an accessory building area of 1,663 square feet or 165 percent of the main floor area of the primary structure (maximum 756 square feet or 75 percent of the main floor area of the primary structure permitted), and 2,217 square feet of accessory use area or 220 percent of the total living area of the primary structure (maximum 1,007 square feet or 99.99 percent of the total living area of the primary structure permitted), **approved**.

**2014ZON077; 5249 E 30<sup>th</sup> Street (north of site)**, Rezoning of 2.55 acres from the D-5 (FF) and D-5 districts to the SU-1 (FF) and SU-1 classifications to provide for religious uses and the construction of a two-story, 4,000-square foot community building, and to add a second floor to building uses for offices, **approved**.

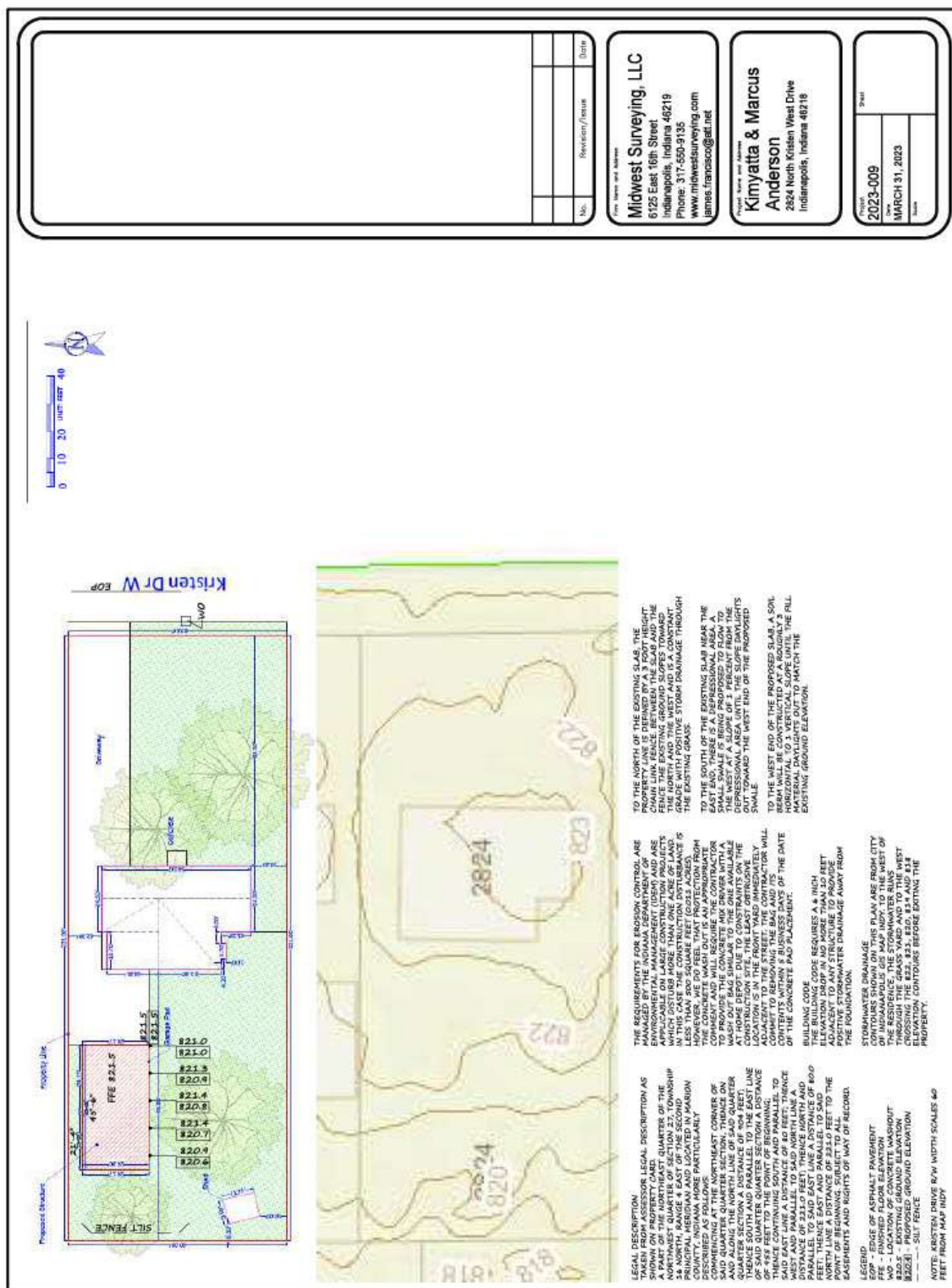
**2021DV1025; 2816 N Ritter Avenue (east of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for the completion of a



Department of Metropolitan Development  
Division of Planning  
Current Planning

1,600-square foot, 22.67-foot tall pole barn, with a three-foot side setback, 13.5-foot rear setback and 77% open space (accessory garage cannot be taller than the 14.5-foot tall dwelling, 15-foot side and rear setbacks and 85% open space required), **approved.**

## EXHIBITS

















## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-DV3-031  
**Address:** 2802 and 2806 Washington Boulevard (approximate address)  
**Location:** Center Township, Council District #9  
**Zoning:** D-5  
**Petitioner:** IGS Holdings LLC, by Mark Young  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a quadplex on each lot, with a 2.8-foot south side yard setback at 2806 Washington Boulevard (five-foot side yard setbacks required) and a five-foot corner side yard setback at 2802 Washington Boulevard and 2.5-foot north side yard setback, with the building encroaching within the clear sight triangle of the intersection of Washington Boulevard and 28<sup>th</sup> Street (eight-foot corner side yard setback required, encroachment within clear sight triangles prohibited).

### **RECOMMENDATIONS**

Staff **recommends approval** of this request.

### **SUMMARY OF ISSUES**

#### **LAND USE**

##### **EXISTING ZONING AND LAND USE**

D-5	Undeveloped
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##### **SURROUNDING ZONING AND LAND USE**

North - D-5	Single-family dwelling
South - PK-1	Park
East - C-1	Parking lot for commercial office
West - D-5	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends 8-15 dwelling units per acre for the site.
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### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ Setbacks are required to keep a minimum distance between property improvements and help reduce drainage overflows onto adjacent properties. Additionally, setbacks provide the required space needed to construct and maintain structures on a property without requiring access through adjacent properties. A setback of less than three feet from the property line requires additional fire-rating.

(Continued)

**STAFF REPORT 2023-DV3-031 (Continued)**

- ◇ For the five-foot corner side setback request, the existing right-of-way along this portion of East 28<sup>th</sup> Street is 49 feet, which encroaches into the subject site corner side yard approximately seven feet from the sidewalk. Therefore, the proposed dwelling would have a corner side setback of 12 feet from the sidewalk and would meet the intent of the corner side setback. Staff believes that the requested reduced corner setback would have no impact on the streetscape or the surrounding property owners and would represent a minor deviation from the Ordinance.
- ◇ The proposed 2.5-foot north side yard setback at 2802 Washington Boulevard and the 2.8-foot south side yard setback at 2806 Washington Boulevard would be between the two proposed quadplex's. Therefore, Staff believes the combined 5.3-foot separation between the two quadplex's would have no negative impact on adjacent properties and would be sufficient for maintenance and upkeep. The request would represent a minor deviation from the Ordinance.
- ◇ The Ordinance states "no obstructions shall be erected, placed, planted or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5 feet and 8 feet above grade level of the adjoining right-of-way within a Clear Sight Triangular Area." The clear sight triangular area is formed by the right-of-way centerline and the centerline of the driveway or adjacent right-of-way and the line connecting the two end points. The clear-sight triangle requirement is to provide for sight visibility for motorists at an intersection. Reduction in visibility at intersections would increase the possibility of motorists or pedestrian accidents.
- ◇ The proposed encroachment into the clear sight triangle is to allow for the proposed quadplex's to have front setbacks similar to other dwellings within the same block, as recommended by the Housing Infill Guidelines. The clear sight triangle at this northwest corner would be irrelevant, as Washington Boulevard is one way north, and there would be no vehicles traveling south and turning west onto East 28<sup>th</sup> Street that would need the sight lines. Vehicles traveling east on 28<sup>th</sup> Street and turning left or north onto Washington Boulevard would have sufficient site lines as the traffic stop bar for east bound traffic would provide for an approximate car length of clear site viewing of oncoming traffic and pedestrians. Therefore, Staff believes that the requested encroachment into the clear site triangle would represent a minor deviation from the Ordinance.

**GENERAL INFORMATION****THOROUGHFARE PLAN**

This portion of Washington Boulevard is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 60-foot existing and proposed right-of-way.

This portion of East 28<sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 49-foot existing and proposed right-of-way.

**SITE PLAN**

File-dated August 9, 2023.

**FINDINGS OF FACT**

File-dated August 9, 2023.

(Continued)



**ZONING HISTORY**

**2016-UV2-005; 2801 North Talbott Street and 2802 North Delaware Street (west of site),** requested a Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of two, four-story multi-family buildings, containing 47 total units and 32 parking spaces, **approved.**

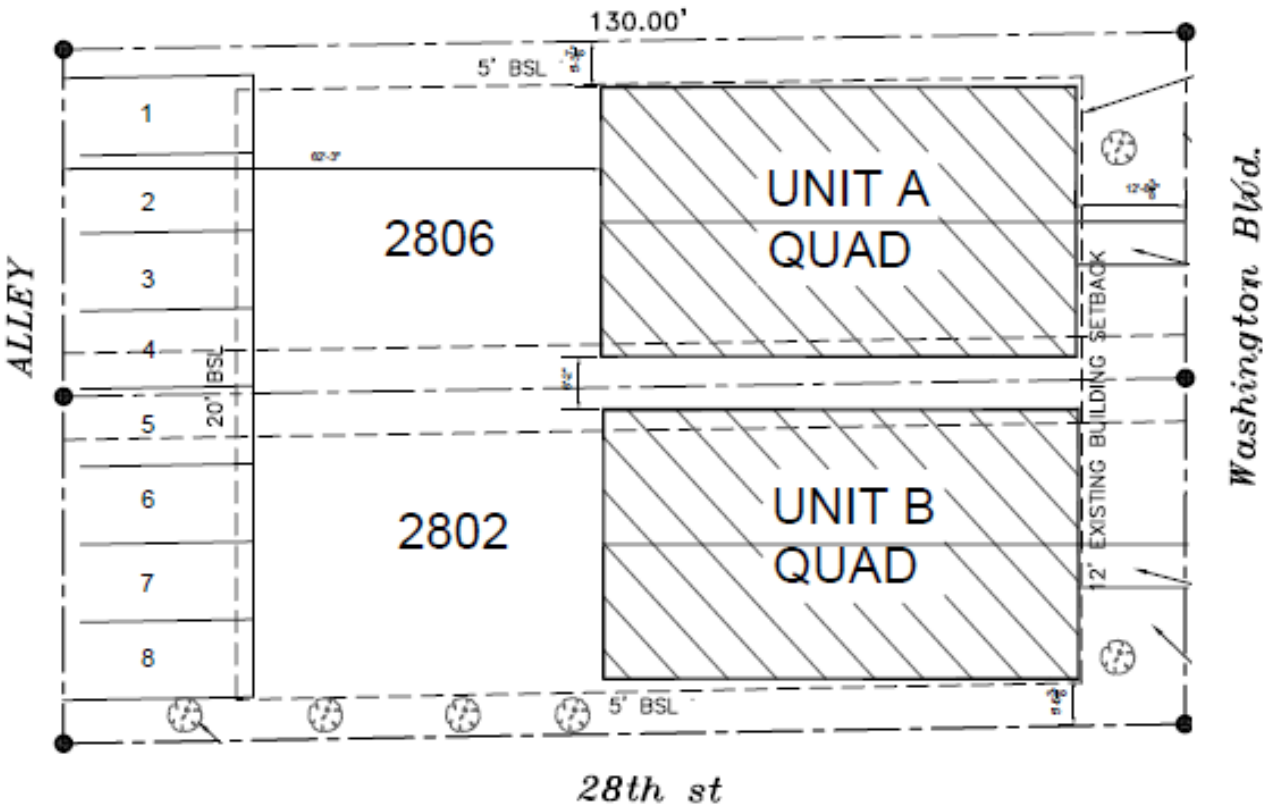
**2013-HOV-045; 2902 Washington Boulevard (north of site),** requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an 816-square foot single-family dwelling, with 10 and 12-foot front setbacks, from 29th Street and Washington Boulevard, respectively, with the proposed front porch being within the clear-sight triangle of Washington Boulevard and 29th Street, and creating an open space of 53.9%, **approved.**

**2006-ZON-823 / 2006-VAR-823; 300 East Fall Creek Parkway North Drive (south of site),** requested a rezoning of 2.69 acres, from the PK-1 district, to the C-1 classification to provide for an off-street parking lot, and a variance of development standards of the Commercial Zoning Ordinance to provide for a family restaurant use, with a 576-square foot outdoor seating area, with six parking spaces with a 1.2-foot setback along Fall Creek Parkway North Drive, and to provide for two parking spaces with a 4.1-foot setback along Washington Boulevard, **approved.**

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Front of 2802 Washington Boulevard subject site, looking west.



Front of 2806 Washington Boulevard subject site, looking west.





Adjacent property to the north, looking west.



Adjacent properties to the west, looking east.



Adjacent property to the east.



Adjacent Park property to the south.

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-DV3-032  
**Address:** 1441 Fletcher Avenue (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** D-5  
**Petitioner:** Aaron Mang, by David Kingen & Emily Duncan  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached accessory garage with three-foot side yard setbacks and legally establish the dwelling's zero-foot west side yard setback (five-foot side yard setbacks required).

### RECOMMENDATIONS

Staff **recommends approval** of the request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

D-5	Compact	Single-Family residential
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##### SURROUNDING ZONING AND LAND USE

North	D-5	Single-Family residential
South	D-5	Single-Family residential
East	D-5	Single-Family residential
West	D-5	Single-Family residential

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood development
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- ◇ The subject site is a 3,750-square foot lot developed with a single-family dwelling. This property is within the Spann & Co's Subdivision in the Fountain Square neighborhood.

(Continued)

**STAFF REPORT 2023-DV3-032 (Continued)****VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide the construction of a detached garage with three-foot side yard setbacks, and to legally establish a dwelling with a zero-foot side yard setback.
- ◇ The D-5 district has a five-foot required side yard setback; however, this requirement is based on a minimum lot size of 5,000 square feet and a minimum lot width of 40 feet. The subject site has a lot size of 3,750 square feet and a width of 30 feet. A lot of this size is more aligned with the compact lot standards, but those standards apply to districts D-5II, D-8, and D-9.
- ◇ Staff believes the deficient lot width creates a practical difficulty in meeting the required five-foot setback and is not opposed to the variance to provide for a three-foot side setback.
- ◇ The primary dwelling at this site has existed since at least 1915 as shown on the historic Sanborn Map below. Staff would not be opposed to a variance to legally establishing a zero-foot setback for a historic non-compliant dwelling.

**GENERAL INFORMATION****THOROUGHFARE PLAN**

Fletcher Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 48-foot existing and proposed right-of-way.

**SITE PLAN**

File-dated August 8, 2023

**FINDINGS OF FACT**

File-dated August 8, 2023

**ZONING HISTORY—SITE**

None

**ZONING HISTORY – VICINITY**

**2021-DV3-036, 1448 and 1452 Fletcher Avenue**, variance to provide for two single-family dwellings and detached garages with eight-foot front setbacks, and five and six feet between dwellings and 50% open space, **approved**.

**2019-DV2-007, 1440 Hoyt Avenue**, variance to provide for the construction of a detached garage creating 41% open space to legally establish the existing 13-foot front setback, zero-foot side setbacks and zero-foot separation of the primary dwelling from the adjoining dwellings, **approved**.

**2014-HOV-041, 7373 Holliday Drive**, variance to provide for a detached garage, with a seven-foot east side setback, an eight-foot north side setback and a 15-foot aggregate side setback, **approved**.

**2014-HOV-040, 1445 Fletcher Avenue**, variance to provide for the construction of a detached garage, with a three-foot west side setback and eight-foot aggregate side setback, creating an open space of 50 percent, **approved**.

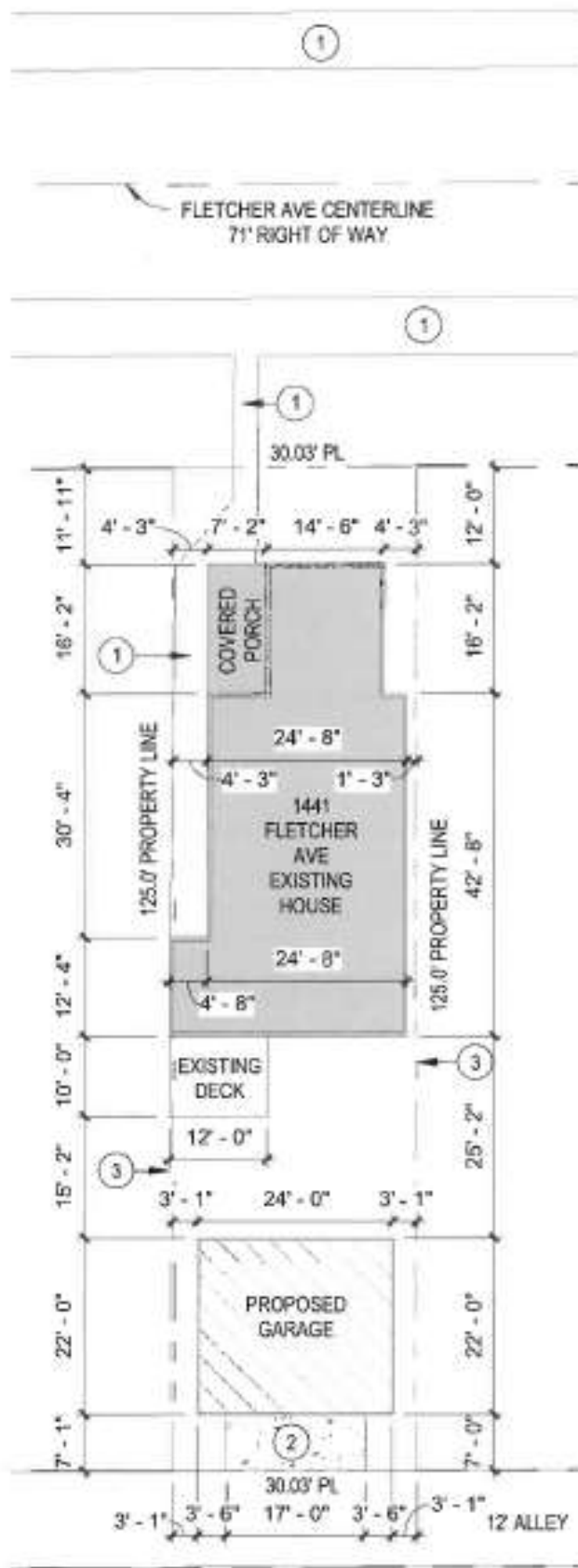
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**2023-DV3-032; Aerial Map**





## SITE PLAN GENERAL NOTES

- VERIFY ALL DIMENSIONS IN FIELD
- NO CHANGES TO EXISTING DRAINAGE EXIT FROM THE SITE WILL BE ALLOWED
- PROVIDE SILT FENCE AT ALL AREAS OF SOIL TO BE DISTURBED

## SITE PLAN NOTES

- EXISTING SIDEWALK
- PROPOSED DRIVEWAY
- EXISTING FENCE



**SITE PLAN**  
 CLIFFS CONSTRUCTION - CLF\_004  
 27 JUN 2023  
 1441 FLETCHER AVE  
 INDIANAPOLIS, IN 46225



**2023-DV3-032; Findings of Fact**

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS****FINDINGS OF FACT**

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

The proposed setbacks are similar to other for dwellings and accessory buildings up and down Fletcher Avenue and throughout the Fountain Square area.

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

The use and value of the residential area in the vicinity shall be enhanced as several other nearby dwellings and accessory buildings do not meet the minimum setbacks in the D5 zoned nearby area.

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

The strict application of the terms of the zoning ordinance would only allow for a one auto accessory building and would force more dwellers to park on the already crowded street.





Subject site viewed from Fletcher Avenue. Existing zero-foot setback shown.



Site viewed from Fletcher Avenue





Site Viewed from Alley, proposed garage location



View of neighboring garages on the alley, looking west

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-DV3-034  
**Address:** 3309 East St. Clair Street, 601 and 603 North LaSalle Street  
*(Approximate Address)*  
**Location:** Center Township, Council District #12  
**Zoning:** C-S and D-5 (In Process of Rezoning to D-8)  
**Petitioner:** City of Indianapolis – Department of Metropolitan Development, by Joseph D. Calderon  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 43-unit townhome style apartment development (maximum 12 units permitted) with 35 parking spaces provided (43 parking spaces required), 10 feet of separation between buildings (20-foot separation required).

### RECOMMENDATIONS

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

The site shall be developed in substantial compliance with the site plan dated September 12, 2023.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-S, D-5	Compact	Vacant land, single-family dwelling
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##### SURROUNDING ZONING AND LAND USE

North	D-5	Single-family dwellings
South	C-S	Vacant land
East	C-S	Vacant land
West	D-5	Single-family and two-family dwellings
Inholding	D-5	Single-family dwelling, vacant lot

(Continued)

## **STAFF REPORT 2023-DV3-034 (Continued)**

COMPREHENSIVE LAND USE PLAN    The Center Township Comprehensive Plan (2018) recommends Traditional Neighborhood.

- ◇ Historic mapping and aerial photography indicate that the subject site was originally developed with single-family, two-family and three-family dwellings. In the late 1960s or early 1970s, demolitions began to occur on the site to make way for parking for nearby industries. A single dwelling remains on the site today.
- ◇ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the subject site. The Traditional Neighborhood typology provides for a spectrum of housing types with a typical residential density of five to 15 units per acre. It also provides for some commercial development under certain criteria.
- ◇ The neighborhood to the west is also recommended for the Traditional Neighborhood typology, while a half-block to the east, the Heavy Industrial typology is recommended by the Land Use Plan.
- ◇ The site was the subject of a pending rezoning petition at the time when this variance petition was submitted. Petition 2023-ZON-065 requested a rezoning to the D-8 district. The petition was approved by the Metropolitan Development Commission on August 16, 2023. The approval was affirmed by the City-County Council on September 11, 2023 after the submission of this petition.
- ◇ The D-8 district provides for range of housing types including single-family dwellings, duplexes, multi-unit houses, rowhouses, and small apartment buildings.

## **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The petitioner seeks variances to provide for:
  - the construction of a 43-unit apartment project in the D-8 district where a maximum of twelve units per project is permitted,
  - a reduction in the number of parking spaces from the required 43 to 35 and,
  - ten feet of separation between buildings where 20 feet of separation between buildings is required.
- ◇ The Ordinance limits the number of units in a small apartment project in the D-8 district to twelve in order to fit those apartment buildings into a dense mixed-housing neighborhood without overwhelming nearby dwellings with the apartment buildings' height or bulk.

(Continued)

### **STAFF REPORT 2023-DV3-034 (Continued)**

- ◇ The proposed buildings are a full two stories with high-pitched roofs. The dwellings in the vicinity are a mix of one-stories buildings with front-gabled or hip roofs or full two-story structures with hip or side-gabled roofs. The height of the proposed buildings is not out of scale with the neighborhood.
- ◇ The orientation of the neighboring dwellings to the west is to face LaSalle Street and the orientation of the neighboring dwellings to the north is to face St Clair Street.
- ◇ The site plan shows units facing St Clair, LaSalle and North streets. This orientation fits the pattern of the neighborhood. It makes the development more “outward-facing” and helps to tie it into the neighborhood and create more pedestrian-friendly streets.
- ◇ The proposed buildings are larger in mass than the dwellings in the neighborhood and each building would have six or seven units. However, this site can be seen as transitional between the dense mixed single-family and two-family dwellings to the west and the industrial area planned to the east. An increase in density and building mass is reasonable in a transitional area.
- ◇ For apartment buildings of three floors or less, one parking space is required per unit. This number can be reduced by 30% if the apartment buildings are within one-quarter mile of a bus stop on a Transit Emphasis Corridor. The subject site would meet this criterion.
- ◇ The Ordinance requires a minimum space between buildings within multi-family dwelling projects. In the D-8 district that minimum spacing is 20 feet. The minimum spacing is established to provide for air movement, sunlight, and open space for the enjoyment of the tenants. It also provides space for passage between buildings in times of emergency and in everyday life.
- ◇ In this instance the rows of units have been designed to be entered from the front only, with no access to the back. This has been done as a security measure. The back space is intended only for utility space and to provide egress during emergencies.
- ◇ The distance between the backs of the proposed buildings is similar to the distance between the dwellings on the opposite side of the street.
- ◇ Also, by reducing the space between the backs of the buildings, the spaces between the fronts of the buildings are increased. This enhances the functionality of the front spaces.

(Continued)



## **STAFF REPORT 2023-DV3-034 (Continued)**

### **GENERAL INFORMATION**

#### THOROUGHFARE PLAN

St Clair Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.

LaSalle Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 60-foot existing right-of-way and a 56-foot proposed right-of-way.

North Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.

#### FLOODWAY / FLOODWAY FRINGE

This site is not located within a floodway or floodway fringe.

#### WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

### **ZONING HISTORY – SITE**

**2023-ZON-065; 3309 East St Clair Street and 601 & 603 North LaSalle Street**, requested the rezoning of 1.75 acres from the C-S and D-5 districts to the D-8 district, **approved**.

**2000-ZON-839 / 2000-VAC-839; 600-800 Sherman Drive**, requested the rezoning of 49 acres from the D-5, C-1, C-3 and I-4-U districts to the C-S district to provide for commercial and industrial uses, and vacation of nine rights-of-way, **three right-of-way vacations were withdrawn, the remainder of the petitions were approved**.

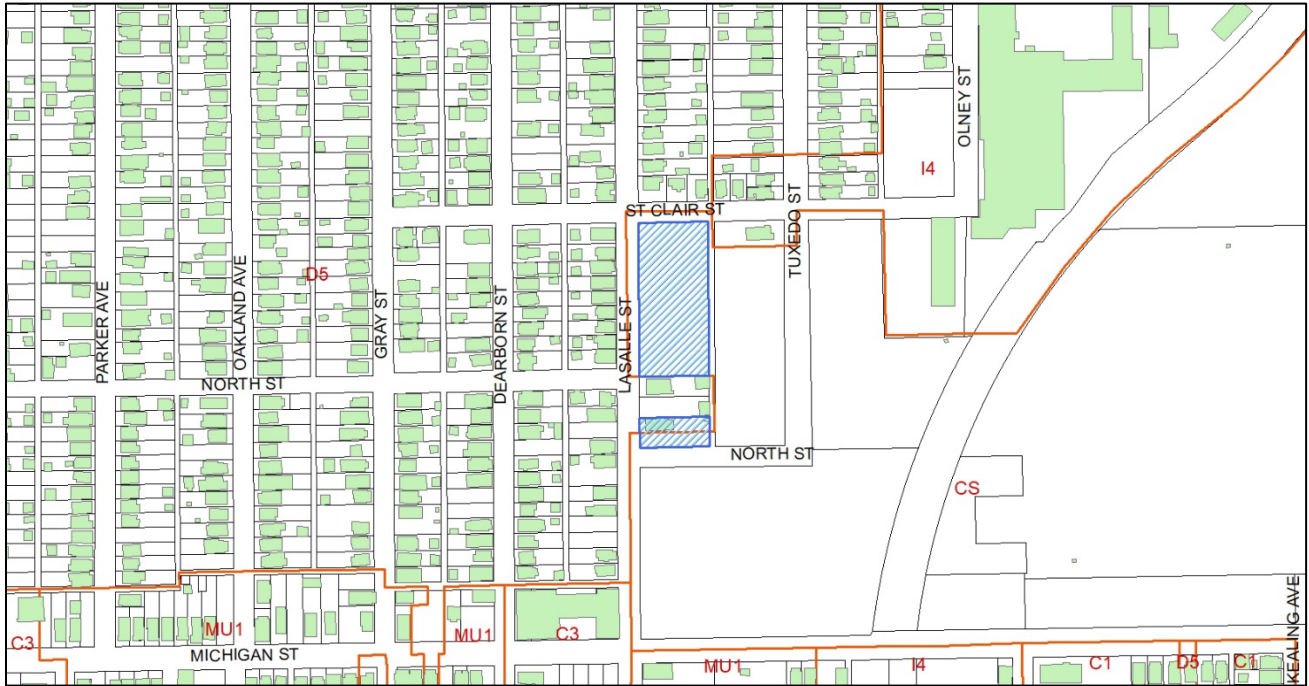
### **ZONING HISTORY – VICINITY**

**94-V1-125; 640 North LaSalle Street (west of site)**, requested a variance of development standards to provide for an over-height fence, **approved**.

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**STAFF REPORT 2023-DV3-034, Location**

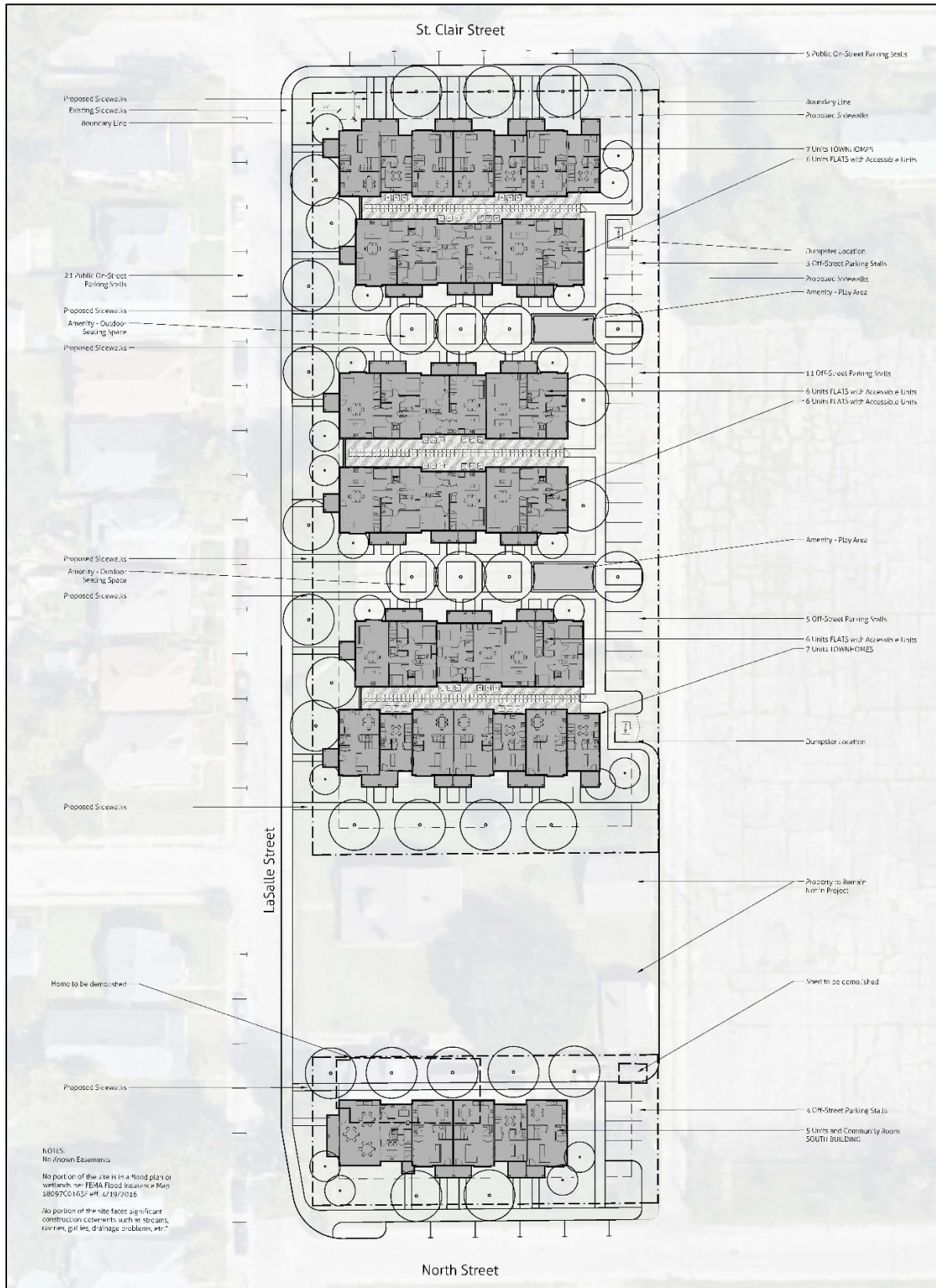


**STAFF REPORT 2023-DV3-034, Aerial photograph (2022)**





## 2023-DV3-034; Site Plan



## 2023-DV3-034; Elevations



**WOVE**  
ARCHITECTURE + DESIGN

0 5' 10' 20'  
SCALE: 1" = 10'-0"

**Bridges Townhomes SD201**  
Lasalle and E. St. Clair Streets  
09.12.23



**WOVE**  
ARCHITECTURE + DESIGN

0 4'-0" 8'-0" 16'-0"  
SCALE: 1/8" = 1'-0"

**Bridges Townhomes SD202**  
Lasalle and E. St. Clair Streets  
09.12.23



**2023-DV3-034; Perspectives**



**WOVE**  
ARCHITECTURE + DESIGN

3D View  
**1** Development Perspective

**Bridges Townhomes SD203**  
Lassalle and E. St. Clair Streets  
09.12.23

**2023-DV3-034; 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 provided variances will not result in an overcrowded and under parked development which provides for market based parking, code based building separation, and adequate livability space given the density of the project.

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 townhome style project is a natural fit in the traditional neighborhood context and all setbacks between the project and adjoining properties will be met.

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

the infill nature of the project makes it difficult to meet all development standards, particularly when there is enough room on the parcels to support the number of units proposed.

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2023-DV3-034; Photographs**



Looking south at the subject site from St Clair Street.



Looking south on the alley to the east of the site.





Looking east along St, Clair Street. The site is to the right.



Looking south along LaSalle Street from its intersection with St. Clair Street. The site is to the left.





Looking west from LaSalle Street at the southern portion of the site. The dwelling would be demolished.



Looking west along North Street at the neighbors to the west. The site is to the right.





Looking south across North Street at the neighbor to the south.



Looking north on LaSalle Street from the corner of North and LaSalle streets. The dwelling on the right is an inholding to the subject site.



Department of Metropolitan Development  
Division of Planning  
Current Planning

## BOARD OF ZONING APPEALS DIVISION III

September 19, 2023

Case Number:	2023-DV3-028
Property Address:	405 South Shortridge Road (approximate address)
Location:	Warren Township, Council District #18
Petitioner:	SRMK Realty LLC, by In and Out Unlimited
Current Zoning:	C-S
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an 8.5-foot tall, chain link perimeter fence, without vinyl coating or equivalent treatment (chain link fences prohibited within front yards of commercial districts, vinyl coating required, fence heights limited to 3.5-foot-tall in front yards and six-foot tall within side and rear yards).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends denial of this request
Recommended Motion:	Motion to approve petition 2023-DV3-028
Staff Reviewer:	Noah Stern, Associate Planner

## PETITION HISTORY

This is the first public hearing for this petition.

## STAFF RECOMMENDATION

Staff **recommends denial** of this request

## PETITION OVERVIEW

- This request would provide for the location of an 8.5-foot tall, chain link perimeter fence, without vinyl coating or equivalent treatment (chain link fences prohibited within front yards of commercial districts, vinyl coating required, fence heights limited to 3.5-foot-tall in front yards and six-foot tall within side and rear yards).
- Upon reviewing the property, Staff identified that additional variances will be necessary for this site and is, therefore, requesting a continuance for further evaluation.

## GENERAL INFORMATION

Existing Zoning

C-S



Department of Metropolitan Development  
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Existing Land Use	Commercial	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
	North: D-11	North: Mobile home community
	South: C-S	South: Commercial uses
	East: D-11	East: Mobile home community
	West: I-3	West: Industrial uses
Thoroughfare Plan		
South Shortridge Road	Local Street Existing ROW: 30 feet Proposed ROW: 60 feet	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	6/27/23	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	6/27/23	
Findings of Fact (Amended)	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book

### Pattern Book / Land Use Plan

- Enter Recommendation by Pattern Book or "Not Applicable to the Site. Please see Neighborhood / Area Specific Plan (etc.) below."

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

- Not Applicable to the Site

### Neighborhood / Area Specific Plan





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- 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



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## ZONING HISTORY

### ZONING HISTORY- SITE

**81-Z-72**, requested rezoning of 9.58 acres being in an A-2 District, to the C-5 classification, to provide for a car lot, **denied**.

**83-UV2-119**, requested a variance of the use of the (A-2) Marion County Master Plan Permanent Zoning Ordinance to allow automobile service with storage with a sign, **denied**.

**89-Z-144/89-CV-21**, requested rezoning of 5.545 acres, being in the A-2 District to the D-11 classification to provide for a mobile dwelling park, with reduced perimeter yards and minimum distance between buildings reduced from 25 feet to 22 feet, **approved**.

**91-Z-90/91-CV-4**, requested rezoning of two acres, being in the D-A District to the D-11 classification to provide for the expansion of a mobile dwelling park, with the rear perimeter yard reduced from 50 feet to 20 feet and the minimum distance between buildings reduced from 25 feet to 22 feet, **approved**.

**2018ZON068**, Rezoning of 8.77 acres from the D-11 and C-7 district to the C-S classification to provide for C-1 uses; I-1 uses; warehouse; commercial and building contractor; truck and trailer parking; and heavy truck, heavy equipment and vehicles sales, repair and service, **approved**.

### ZONING HISTORY – VICINITY

**84-UV1-40; 411 S Shortridge Road (south of site)**, variance of use and development standards of the Marion County Master Plan Permanent Zoning Ordinance to provide for the following uses and activities: rental and repair of commercial search lights, electrical contracting, fabrication, maintenance and sales of radio towers, automobile repair service, and outside storage of related equipment and materials, **approved**.

**86-Z-78; 415 S Shortridge Road (south of site)**, rezoning of approximately 4 acres, being in the A-2 district, to the C-1 classification, to provide for the construction of an office building, **approved**.

**88-Z-232/88-CV-32; 373-403 S Shortridge Road (north of site)**, requested rezoning of 18.213 acres, being in the A-2 district, to the D-11 classification to provide for a mobile dwelling park, with reduced perimeter yards and minimum distance between building reduced from 25 feet to 22 feet, **approved**.

**98-Z-100; 411 S Shortridge Road (south of site)**, variance of development standards of the Commercial Zoning Ordinance to provide for an auctioneering service and accessory, incidental uses with: a) a 1 foot side transitional yard to the north (minimum of 20 feet required) and; b) a 4 foot side yard setback to the south (minimum of 10 feet required), **approved**.

**2002DV3019; 400 S Shortridge Road (west of site)**, variance of development standards of the Industrial Zoning Ordinance to provide for a parking and maneuvering area located 8.59 feet from the east property line (parking and maneuvering areas not permitted within the required 150-foot front



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transitional yard), and a temporary gravel parking area (not permitted) located 39 feet from the right-of-way, **withdrawn**.

**2005DV3029; 7441 Chinook Circle (north of site)**, legally establish a mobile home park with distances between dwelling units varying from 9.5 ft. to 30.5 ft. (min. 25-ft. separation between dwelling units req.), and two dwellings with front yard setbacks of 4.9 ft. and 7.3 ft. (min. 10-ft. front yard setbacks req.) in D-11, **approved**.

**2005ZON155; 409 S Shortridge Road (south of site)**, rezone 2 acres from the D-11 District to the I-2-S classification to provide for industrial uses, **withdrawn**.

**2007ZON071; 415 S Shortridge Road (south of site)**, rezoning of 2.74 acres, from the C-1 district, to the C-ID classification to provide for commercial-industrial uses, **approved**.

**2022CZN868; 431 S Shortridge Road (south of site)**, (Second amendment) Rezoning of 2.74 acres from the D-A district to the C-S district to provide for an event center and C-1 uses with exceptions, **approved**.

**2022CVR868; 431 S Shortridge Road (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot east yard (10-foot rear yard required), and without the required front-yard landscaping (landscaping required), **withdrawn**.

















Department of Metropolitan Development  
Division of Planning  
Current Planning



## STAFF REPORT

Item 9.

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-DV3-033  
**Address:** 5317 East 16<sup>th</sup> Street (approximate address)  
**Location:** Warren Township, Council District #12  
**Zoning:** HD-2  
**Petitioner:** JPCHC Real Estate LLC, by Tammy L. Ortman  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an existing monument sign with a 0.5-foot setback from Downey Avenue and encroaching within the clear sight triangle of the intersection of East 16<sup>th</sup> Street and Downey Avenue (not permitted).

### **RECOMMENDATIONS**

Staff makes **no recommendation** of the request.

### **SUMMARY OF ISSUES**

#### **LAND USE ISSUES**

##### **EXISTING ZONING AND LAND USE**

Compact HD-2 Medical Office / Clinic

##### **SURROUNDING ZONING AND LAND USE**

North - D-5	Single-Family Dwellings
South - D-5	Single-Family Dwellings
East - HD-1	Hospital
West - HD-2	Child Care

**COMPREHENSIVE PLAN** The Comprehensive Plan recommends Institution Oriented mixed uses for the subject site.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The request would legally establish an existing monument sign, currently with a 0.5-foot setback from Downey Avenue and encroaching within the clear sight triangle of the intersection of East 16th Street and Downey Avenue.
- ◇ The Sign Regulations “facilitate an easy and agreeable communication between people...and serve an important function.” The purpose of the Sign Regulations is to “eliminate potential hazards to motorists, and pedestrians; to encourage signs which, by their good design, are integrated with and harmonious to the buildings and site which they occupy; and which eliminate excessive and confusing sign displays.” Proliferation of signs causes those signs that are permitted and legal to become less effective and reduces their value.

(Continued)



- ◇ Setbacks are required to keep a minimum distance between property improvements and help provide the required space needed to construct and maintain structures on a property.
- ◇ The clear sight triangular area is formed by the right-of-way centerline of East 16<sup>th</sup> Street and Downey Avenue and the line connecting the two end points. The clear-sight triangle requirement is to provide for sight visibility for motorists at an intersection. Reduction in visibility at intersections would increase the possibility of motorists or pedestrian accidents.
- ◇ According to the petitioner, the sign has existed in its current location since 1965. The petitioner also indicates the monument sign was constructed, believed pursuant to Permit No's 65-IP-B2725 and/or 65-B3245. Although, the actual permits from 1965 were not located, available records indicate that 65-IP-B2725 and 65-IP-B-3245 were for pole signs, not monument signs. The City has no record of a permit for a monument sign at this location.
- ◇ While disputed by the petitioner, it is believed that the monument sign is currently located in the public right-of-way and has been in its current location since prior to 1969. The City has no record of issuing a permit for a monument sign on the property.
- ◇ Staff typically does not support requests for encroachments into the clear sight triangle as a matter of both traffic and pedestrian safety. In this instance, due to the presence of the sign, advertising the location of the applicant since 2014, Staff makes no recommendation as to the granting of a variance.

**GENERAL INFORMATION**

**THOROUGHFARE PLAN**

This portion of East 16<sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with an 88-foot existing and proposed right-of-way.

This portion of North Downey Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 51-foot existing and proposed right-of-way.

**SITE PLAN**

File-dated August 22, 2023.

**FINDINGS OF FACT**

File-dated August 22, 2023.

**ZONING HISTORY**

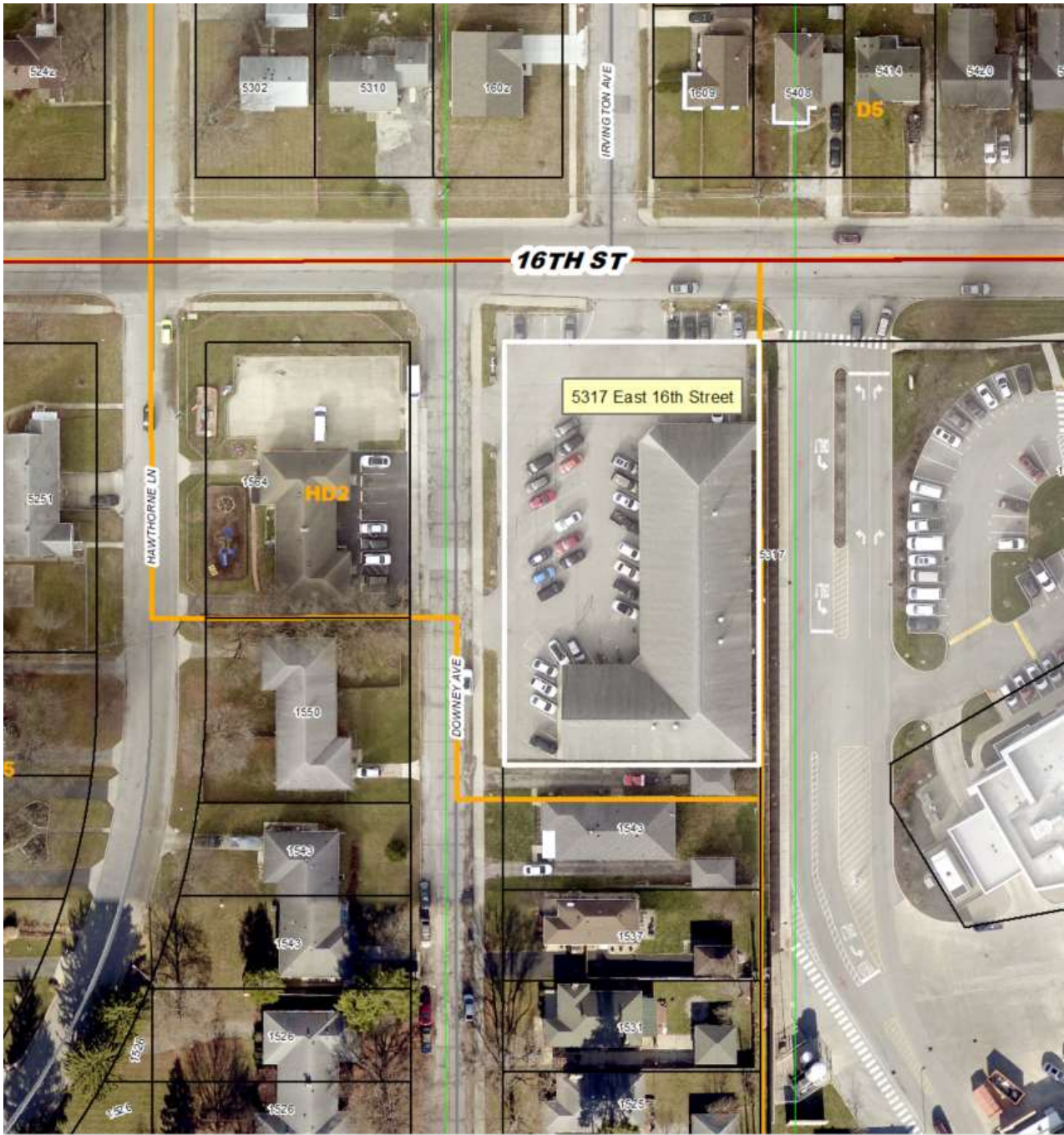
**2020-LNU-003; 5317 East 16<sup>th</sup> Street (subject site)**, requested a Certificate of Legally Established Non-Conforming Use (LNCU) to legally establish the existence of a commercial sign, **denied**.

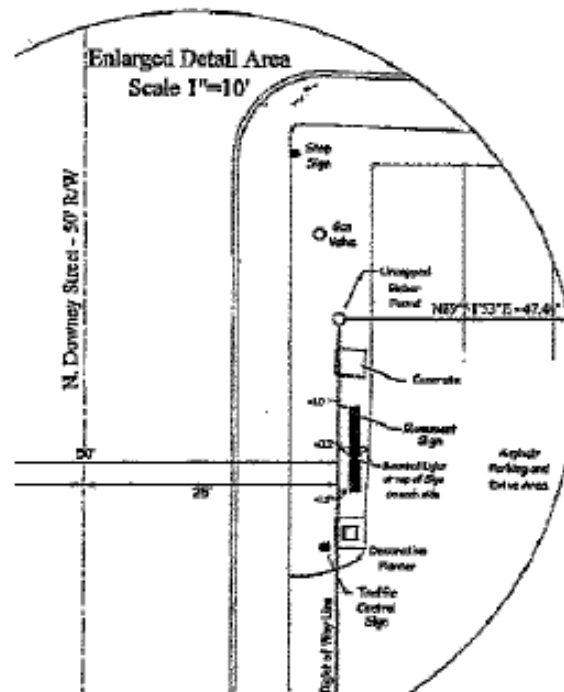
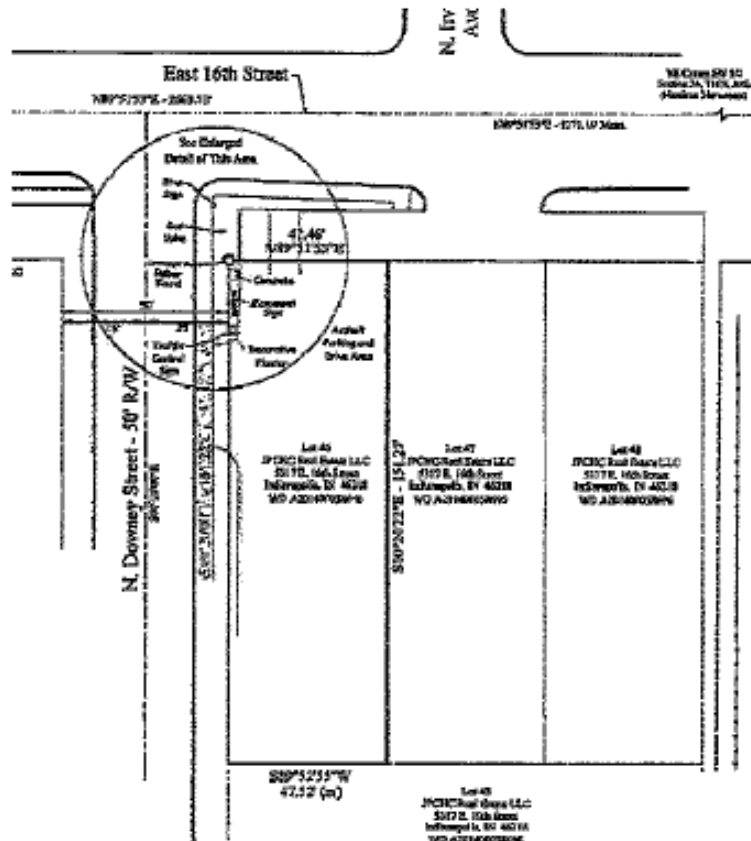
**64-V-5; 5317 East 16<sup>th</sup> Street**, requested a variance of use to permit sale of alcoholic beverages in the existing store building, with off street parking and loading spaces provided, **granted**.

**61-V-362; 5317 East 16<sup>th</sup> Street**, requested a variance of use and front building line requirements to permit erection of a pole sign located approximately four feet from the front lot line, **granted**.

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Subject site, looking south



Subject sign, looking east





Subject sign setback from Downey Street looking north.



Subject sign setback from Downey Street looking south.



Adjacent childcare use to the west.



Adjacent residential uses to the north.

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-UV3-020  
**Address:** 3465 Newhart Street and 5200 Sandhurst Drive (approximate address)  
**Location:** Perry Township, Council District #20  
**Zoning:** D-A (FF)  
**Petitioner:** Thomas Loudermilk  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a landscaping business with the outdoor storage of trucks, equipment, and materials (not permitted).

### **RECOMMENDATIONS**

Staff **recommends denial** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

##### EXISTING ZONING AND LAND USE

D-A	Metro	Single-family residential / agriculture
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##### SURROUNDING ZONING AND LAND USE

North	D-A	Single-family residential
South	D-A	Single-family residential
East	D-A	Single-family residential
West	D-A	Single-family residential

##### LAND USE PLAN

The Comprehensive Plan recommends Suburban Neighborhood development, with a 100-year flood overlay.

- ◇ The subject site contains the dwelling and accessory structures to the south on Newhart Street and the farmland on Sandhurst Drive to the north. The site is within the Sunshine Gardens Subdivision and Neighborhood east of the White River.

#### **VARIANCE OF USE**

- ◇ This request is for a variance of use to provide for the operation of a landscaping business with the outdoor storage of trucks, equipment, and materials, which is not permitted in the D-A district.

(Continued)

**STAFF REPORT 2023-UV3-020 (Continued)**

- ◇ The subject site has been used for residential and agriculture uses for several years, which are both permitted by the D-A zoning. Equipment for farming uses is permitted to be on site as part of the farming operations and are not part of the variance request.
- ◇ The subject variance would permit a landscaping business including storing and hauling dirt, gravel, and building materials as shown in the site visit photos. The current operation, which has an active violation, includes outdoor storage of much of these items. These uses are permitted only in heavy commercial districts or industrial districts. Staff believes these are inappropriate uses for the D-A district, and they do not meet the comprehensive plan recommendation; therefore, staff is recommending denial of the request.
- ◇ Staff would note that the plan of operation is primarily descriptive of the agricultural use and is not comprehensive. Commercial trucks and materials are a recent addition to the site as evidenced in the exhibits below, and has continued to increase in intensity. While some of the equipment may be dual use for the farm use and contractor use, staff believes the primary use of the equipment is for the landscaping contractor, and are, therefore, not permitted.

**GENERAL INFORMATION****THOROUGHFARE PLAN**

Newhart Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.

Sandhurst Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.

**SITE PLAN**

File-dated August 7, 2023

**PLAN OF OPERATION**

File-dated August 7, 2023

**FINDINGS OF FACT**

File-dated August 7, 2023

**ZONING HISTORY – SITE**

**PREVIOUS CASES:** None

(Continued)



**STAFF REPORT 2023-UV3-020 (Continued)**

**EXISTING VIOLATIONS:** **VIO22-001940**, the following violations were issued on March 22, 2022:

Failure to obtain an Improvement Location Permit for an accessory structure exceeding 200 square feet,

Failure to comply with use-specific standards and development standards for the D-A zoning district (parking areas in front yards shall be paved; the parking of vehicles on grass in the front yard is prohibited),

The following uses in a zoning district (D-A), when the provisions of which do not specifically permit such a use:

Conduct of an activity not permitted as a primary or accessory use (Landscape service/construction contractor is not permitted in the D-A district, Gravel Guy, Excavation and More, LLC),

The outdoor storage of junk, trash, or debris (construction materials, logs, scrap wood, pipes, and miscellaneous items throughout the property),

The outdoor storage of inoperable vehicles or vehicle parts (tractor tool attachments, vehicle jack, excavator bucket, and miscellaneous vehicle parts throughout property),

The storage of commercial vehicles (trailer with a cargo holder more than 12 feet in length),

The parking or storage of a commercial vehicle (vehicle designed to be used as a flat-bed truck, tractor, steam roller, or dump truck),

**ZONING HISTORY – VICINITY**

**2000-UV1-030, 5330 Sandhurst Drive**, variance of use to permit auto sales and display, **withdrawn**.

**93-V1-29, 3420 West Byrkit Street**, variance to permit an addition to an existing dwelling at a floor elevation of less than two feet above the base flood elevation, **approved**.

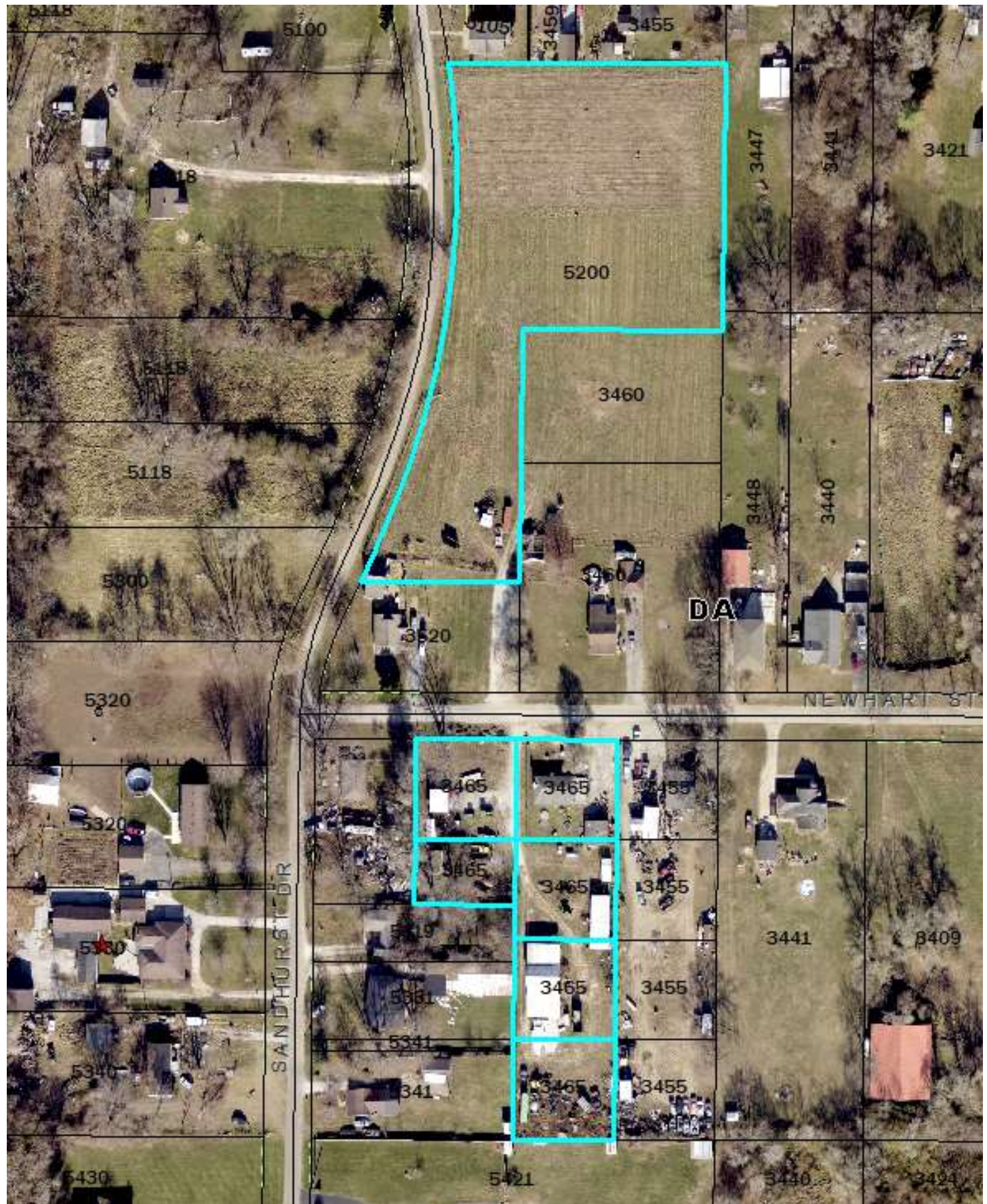
**96-UV3-82, 5031 Sandhurst Drive**, variance to legally establish the continued placement of a mobile home dwelling unit as a second dwelling on one lot with a side setback of 1.5 feet, to legally establish a single-family dwelling with a side yard of 3.2 feet, to legally establish a detached garage, measuring 22.6 by 27.8 feet, with a side setback of 0.5 foot, and to legally establish two detached sheds with a side setback of zero feet, **approved**.

**91-UV3-29, 5031 Sandhurst Drive**, variance to permit the placement of a mobile home in addition to an existing single-family residence, **denied**.

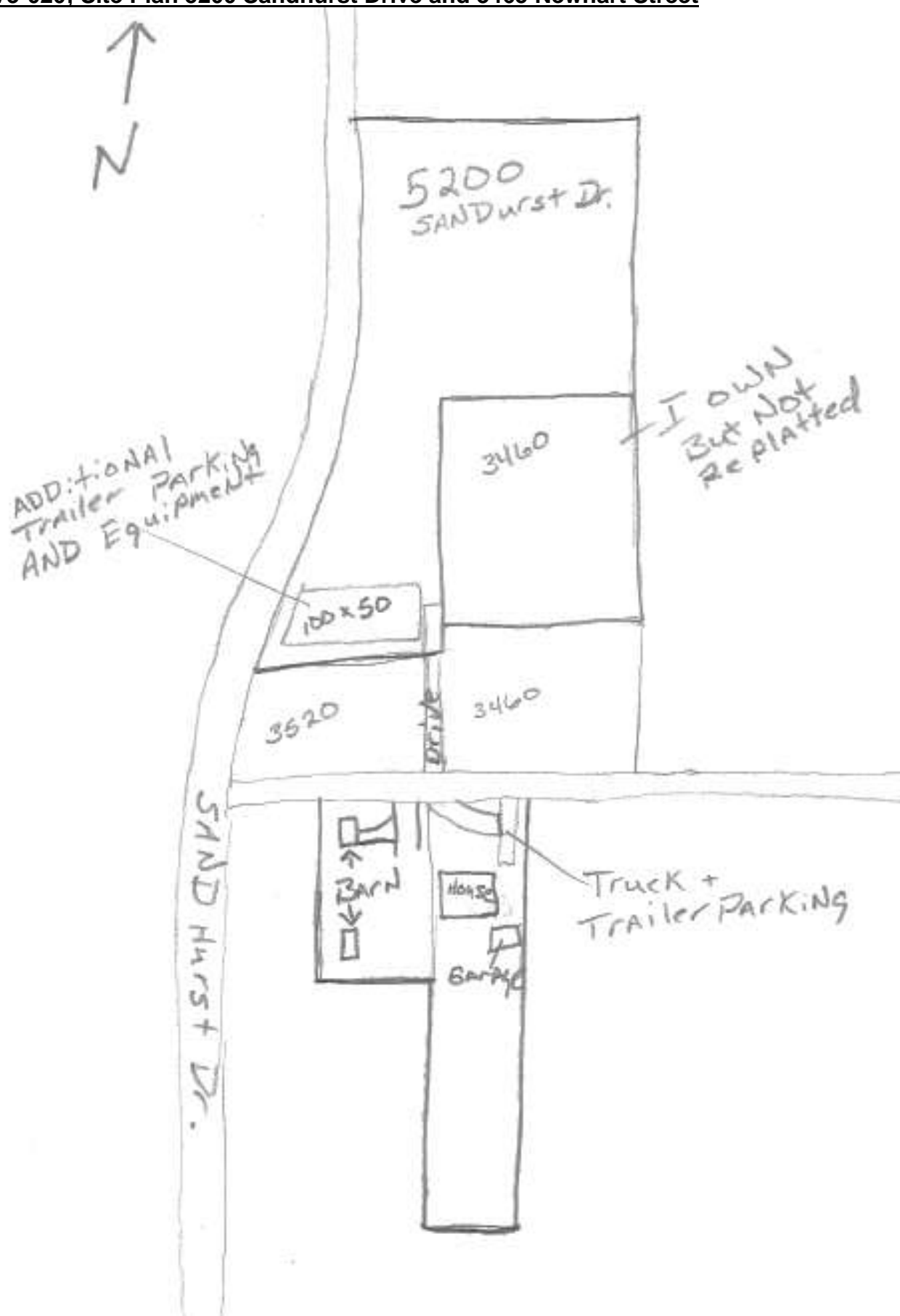
**2002-UV3-034, 5100 Sandhurst Drive**, variance to provide for a graphic and decal business for vehicles in an existing pole barn, **approved**.

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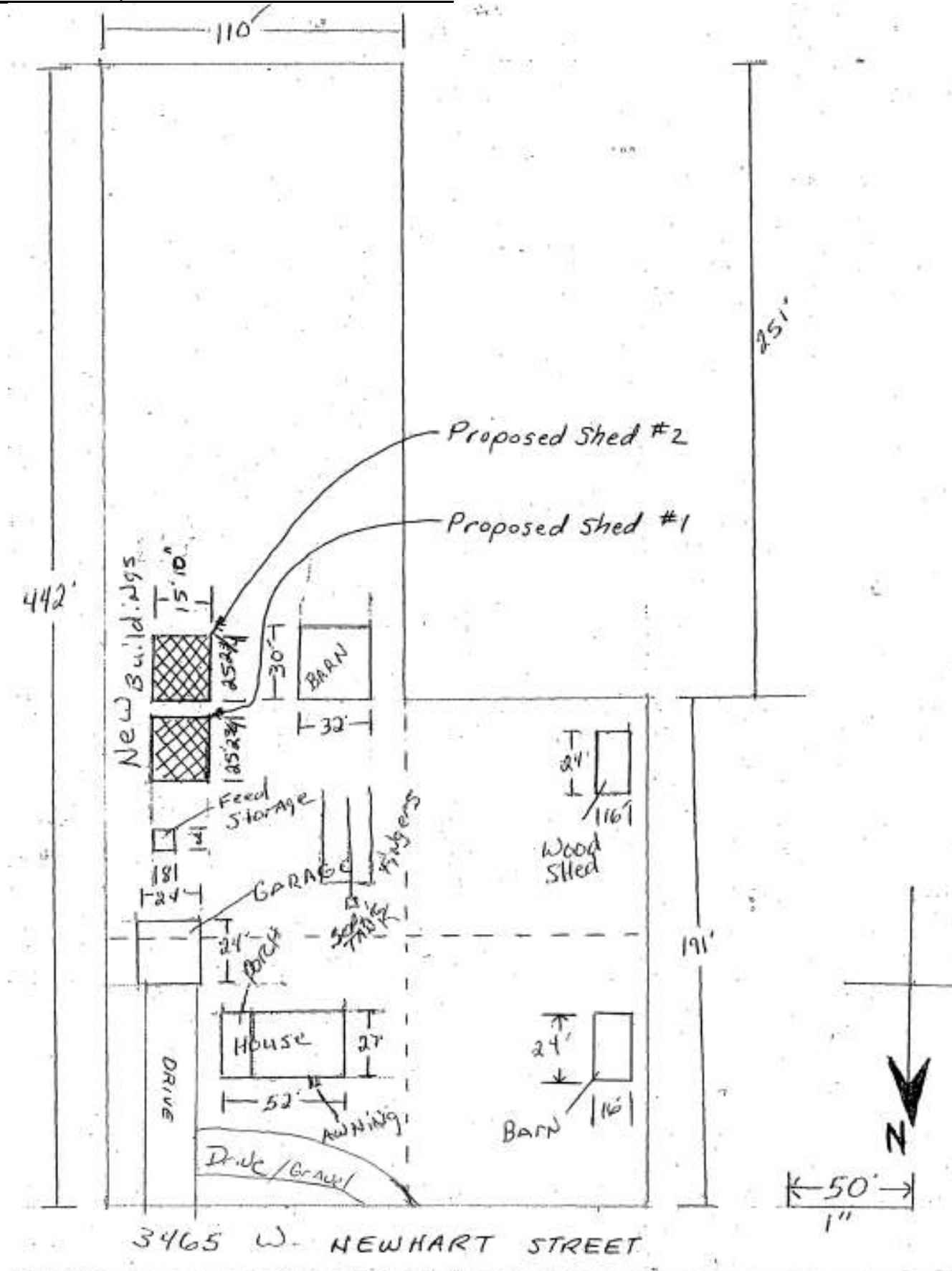
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2023-UV3-020; Site Plan 5200 Sandhurst Drive and 3465 Newhart Street









**2023-UV3-020; Plan of Operation**

3465 West Newhart Street and 5200 Sandhurst Drive

**Plan of Operation**

The trucks on this property are flat bed and dump bed trucks, which are larger than permitted on residential properties. The trucks are used for a farm and landscaping business to haul materials. These trucks and trailers are also used to haul tractors, which are larger and heavier than typical residential vehicles.

The farm grows corn, tomatoes, pumpkins, mums, beans, cucumbers, gourds, and other products. Straw is also transported to the site for farm use and for livestock.

Each product requires a different type of trailer to transport, flat-bed trucks for straw, etc. and dump bed trucks for corn for livestock, trailer for tractor transport.

Trucks and trailers, landscape trailers, and equipment/materials are to be parked on the same property as the owner's house. These vehicles have been operating at this site for 43 years. The variance is needed to continue operation.

All maintenance for trucks and trailers is done off-site at the vehicle dealership.

**2023-UV3-020; Findings of Fact**

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division III \_\_\_\_\_  
OF MARION COUNTY, INDIANA**

**PETITION FOR VARIANCE OF USE****FINDINGS OF FACT****1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE**

The land is use for agriculture, and all equipment are used for agricultural and commercial purposes.

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**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 variance is for parking of trucks and trailers for landscaping equipment and materials

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

The equipment for the subject variance is larger than permitted in the D-A district, but is directly related to the agriculture use. The trucks are used to transport products to farmers' markets.

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**4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE**

The operation of the agricultural use includes transporting produce to markets. The transport vehicles are stored on the same site as the agricultural use.

The size of the agricultural business requires larger equipment than permitted for D-A

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

The parking of trucks, trailers, and equipment is for use on agricultural land that is zoned D-A

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Farm field viewed from Sandhurst Drive, looking east



Site viewed from Sandhurst Drive, looking east. Proposed storage area.



Site viewed from Sandhurst Drive, looking east. Proposed Storage Area





Site viewed from Sandhurst Drive, looking east. Proposed storage area.



Site viewed from Sandhurst Drive, looking east. Proposed storage area.



Site viewed from Sandhurst Drive, looking east, Google Street View from 2011





Site viewed from Sandhurst Drive, looking east, Google Street View from 2019



Site viewed from Newhart Street, looking north



Site viewed from Newhart Street looking north Google Street View 2011





Site viewed from Newhart Street looking north Google Street View 2019



Site viewed from Newhart Street, looking south



Site viewed from Newhart Street, looking south





Site viewed from Newhart Street, looking south. Driveway trailer storage



Subject site driveway Google Street View August 2007



Subject site driveway Google Street View September 2011





Subject site driveway Google Street View May 2019



Aerial 2016



Aerial 2023