



Board of Zoning Appeals
Board of Zoning Appeals Division III (July
16, 2024)
Meeting Agenda

Meeting Details

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

Date: Tuesday, July 16, 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-UV3-004 | 2308 Shelby Street**
Center Township, Council District #19, zoned C-3 (TOD)
Walter Resinos

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

**** Automatic Continuance filed by a Registered Neighborhood Organization, continuing this petition to the August 20, 2024 hearing**

- 2. 2024-UV3-007 | 3304 South Walcott Street**
Perry Township, Council District #19, zoned D-5
L&A Concrete, by David Gilman

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 4,800 square foot building to be used for storage of commercial vehicles, equipment, and supplies for a concrete contractor (not permitted).

**** Staff requesting continuance to the August 20, 2024 hearing of Division III, due to lack of payment by the publication deadline**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 3. 2024-DV3-018 | 3805 South East Street**
Perry Township, Council District #23, zoned C-5
S & L Properties Indianapolis East LLC, by Lora Trent

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 10-foot tall monument sign within 300 feet of another freestanding sign, with a digital display within 600 feet of a protected district.

- 4. 2024-DV3-019 | 901 Campbell Avenue**
Warren Township, Council District #14, zoned D-4
Amanda Schmidt, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of an addition resulting in a zero-foot south side yard setback (four feet required).

- 5. 2024-DV3-020 | 1825 Marlowe Avenue**
Center Township, Council District #13, zoned D-8
Near East Area Renewal Inc., by Joe Smoker

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit townhome, with a 5.5-foot rear yard setback (15 feet required), with each unit having a main floor area of 600 square feet (660 square feet required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 6. 2024-DV3-015 | 2522 South Pennsylvania Street**
Center Township, Council District #18, zoned D-5
Juan Guardado, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house and deck with a one-foot south side yard setback.

- 7. 2024-UV3-005 | 6901 East 38th Street**
Warren Township, Council District #9, zoned C-5 (TOD)
Equipment Share, by Michael Rabinowitch

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

PETITIONS FOR PUBLIC HEARING (New Petitions):

- 8. 2024-UV3-008 | 2649 Fisher Road**
Warren Township, Council District #20, zoned D-A
German Mendez Sanchez and Ana Laura Miranda Dominguez, by Josh Smith

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

**** An Automatic Continuance has been filed by a Registered Neighborhood Organization, continuing this to the August 20, 2024 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. Written objections to a proposal are encouraged to be filed via email at dmdpubliccomments@indy.gov, before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.



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

Case Number: 2024-UV3-004

Property Address: 2308 Shelby Street (approximate address)

Location: Center Township, Council District #19

Petitioner: Walter Resinos

Current Zoning: C-3 (TOD)

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

Current Land Use: Commercial

Staff Recommendations: Staff has no recommendation for this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR JULY 16, 2024 BZA DIVISION III HEARING

- This petition was continued from the April 16, 2024 BZA Division III hearing to the May 28, 2024 BZA Division III hearing due to unpaid filing fees.
- The petition was continued to the July 16, 2024 BZA Division III hearing to allow for further review by interested parties.
- A timely automatic continuance was filed by a registered neighborhood organization, continuing this petition to the August 20, 2024 BZA Division III hearing without additional notice.



BOARD OF ZONING APPEALS DIVISION III

July 16, 2024

Case Number: 2024-UV3-007

Property Address: 3304 South Walcott Street (approximate address)

Location: Perry Township, Council District #19

Petitioner: L&A Concrete, by David Gilman

Current Zoning: D-5

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 4,800 square foot building to be used for storage of commercial vehicles, equipment, and supplies for a concrete contractor (not permitted).

Current Land Use: Undeveloped

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

Staff has not yet received the payment for this petition application as of July 11th despite reminders from the planner on 6/26, 7/3, 7/5 and 7/8 as well as any requests made at the time of filing and docketing. Staff requests that this petition be continued to the August 20, 2024 hearing date to allow time for payment to be received, and a full staff report will be available in advance of that date.



BOARD OF ZONING APPEALS DIVISION III

July 16, 2024

Case Number: 2024-DV3-018 (Amended)

Property Address: 3805 South East Street (approximate address)

Location: Perry Township, Council District #23

Petitioner: S & L Properties Indianapolis East LLC, by Lora Trent

Current Zoning: C-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 10-foot tall monument sign within 300 feet of another freestanding sign, with a digital display within 600 feet of a protected district.

Current Land Use: Commercial

Staff Recommendations: Staff recommends approval for this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR JULY 16, 2024 BZA DIVISION III HEARING

- This petition was continued to the July 16, 2024 BZA Division III hearing to allow for changes to the site plan

STAFF RECOMMENDATION

- Staff recommends approval of this petition

PETITION OVERVIEW

- This petition would provide for the location of a 10-foot tall monument sign within 300 feet of another freestanding sign, with a digital display within 600 feet of a protected district.
- The 300-foot separation requirement of freestanding signs is in place for a variety of reasons. The separation requirement helps to promote orderly development, to preserve neighborhood aesthetics, to maintain visibility, and to limit the frequency of potential distractions for motorists and other road users. The 600-foot separation is in place to provide for an adequate buffer of potential nuisances from sensitive districts, such as residential districts.
- The petitioner’s initial proposal called for a larger sign that represented not only a significant deviation from quality development, but also a potential nuisance to surrounding properties, and required more variances than the revised request. In effort to compromise with the future owner, Staff relayed to the



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

petitioner that Staff would be supportive of a proposal that calls for a sign that is located closer to the corner of South East Street and National Avenue, and calls for a monument sign of 10 feet in height, and with a digital display that meets the permitted sizing standards. A sign of this type and design would, in Staff’s position, be significantly less obtrusive to nearby protected districts, better preserve aesthetics and orderly development, and provide for increased separation from the adjacent freestanding sign to the south. The petitioner has agreed to these changes, and has updated the proposed site plan and elevations of the sign to be in-compliance for sign type, sign height, and digital display size, leaving only the need for the two separation variances. While still representing less of a separation than required, this location would be a significantly smaller variance than initially requested. Staff sees the updated proposal as a minimal nuisance to nearby protected districts and to broadly meet the intentions of the separation standards, being that the revised proposal is shorter in height and contains a smaller digital display than initially proposed. Likewise, Staff sees the design to be more in line with development within the Compact Context Area that is more urban in nature. For these reasons, Staff is unopposed to the variances requested.

GENERAL INFORMATION

Existing Zoning	C-5	
Existing Land Use	Vacant commercial building	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-5	North: Commercial
South:	C-5	South: Commercial
East:	C-5	East: Commercial
West:	C-5	West: Commercial
Thoroughfare Plan		
South East Street	Primary Arterial	105 feet of right-of-way existing and 104 feet proposed
National Avenue	Local Street	30 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/10/24	
Site Plan (Amended)	6/7/24	
Elevations	5/29//24	
Elevations (Amended)	6/7/24	
Landscape Plan	N/A	
Findings of Fact	5/10/24	
Findings of Fact (Amended)	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2024DV3006, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment with the location of a drive through and stacking spaces within the front yard of National Avenue, **approved**.

ZONING HISTORY – VICINITY

2023DV3027; 3719 S East Street (north of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 40-foot-tall building addition (maximum 25-foot-tall buildings permitted along transitional yard), **approved**.

2023DV3002; 3620 S East Street (west of site), (Amended) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of trash enclosures within the front yard of National Avenue, enclosed on three sides only (not permitted, four-sided enclosures required), **approved**.

2020CVR818; 3620 S East Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the replacement of an existing pole sign with a 36-foot tall, 260-square foot pole sign with a two-foot front setback from East Street (maximum 20-foot tall pole sign and five-foot front setback required), **approved**.

2015ZON091; 3604 Madison Avenue (north of site), rezoning of three acres from the D-A district to the C-7 classification to provide for truck and trailer repair, **approved**.

2013ZON053; 3800 S East Street (west of site), rezoning of 4.82 acres from the D-4 district and the C-5 districts to the C-5 classification to provide for automobile-related uses, **approved**.

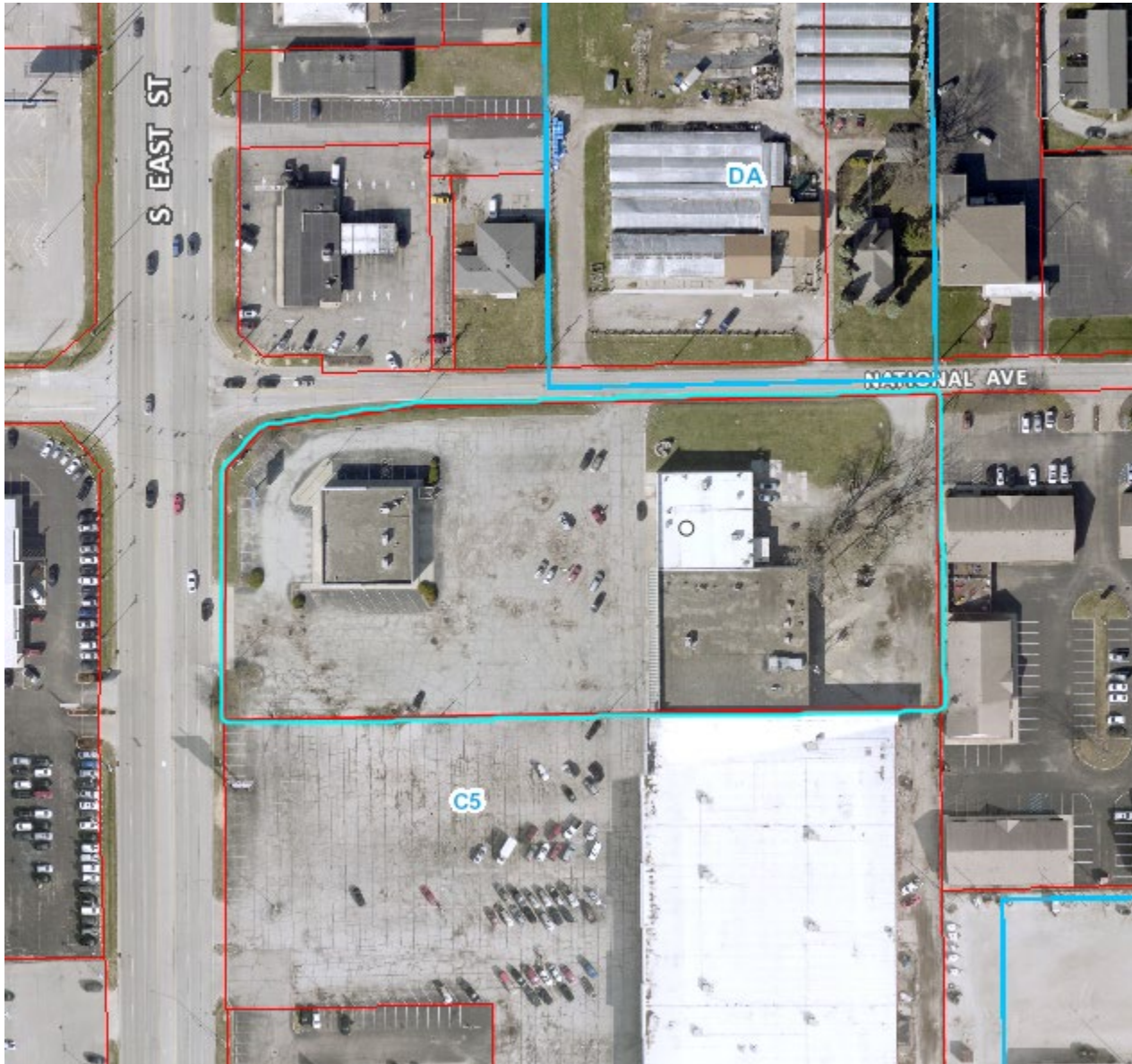
2011DV1056A/B; 3931 S East Street (south of site), Variance of development standards of the Sign Regulations to provide for a 40-foot tall, 360-square foot freestanding sign with a five-foot front setback (15-foot front setback required). Variance of development standards of the Sign Regulations to provide for a freestanding sign with an 80-square foot electronic variable message sign, within 300 feet of a D-4-zoned protected district (600-foot separation required), **approved**.

2003UV1007; 505 National Avenue (east of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for a 100 foot tall freestanding wireless communication tower (not permitted as an accessory use, maximum 65 feet permitted), **approved**.

95-Z-189; 3715 S East Street (north of site), rezoning of 2.008 acres from the C-3 district to the C-4 classification to provide for sale of automobile parts and accessories, **approved**.

93-Z-97; 506 East National Avenue (east of site), rezoning of 0.13 acres from C-5 to SU-5 to provide for a radio broadcasting antenna and accessory building, **approved**.

EXHIBITS



ME-35 MONUMENT WITH EMC
INDIANAPOLIS, IN
ME-35-L-60X210-10-RGB

EMC CHART - KNOWN RESTRICTIONS

COLOR: N STATIC: N VIDEO: Y N X
 ANIMATION: Y N MOVEMENT: Y N X

HOLD TIME (IF STATIC): 15.5sec
 TRANSITION TYPE: Transition if applicable
 DAYTIME BRIGHTNESS: Brightness if applicable
 NIGHTTIME BRIGHTNESS: Brightness if applicable

ADDITIONAL RESTRICTIONS:
 EVMS shall not display any copy or message that moves, appears to move or flashes or otherwise turn any illumination on and off more frequently than 15 seconds. Display of copy or message shall last at least fifteen (15) seconds.

SIGN CODES
 Max Height: 40'-0"

NOTES
 Square Footage:
 OVAL (26.51 SF) + EMC (17.52 SF) = 44.03 SF

SALES PERSON: MARK WESSELL
DESIGNED BY: J KROEGER
AD: 49669

DATE CREATED / REVISION HISTORY

04/16/24 - NEW
4/19/24 - Permitting
6/6/24 - Height edit
6/12/24 - ME-35



ME-35

- Culver's sign cabinet of aluminum construction and internally illuminated with LED's
- Thermofomed polycarbonate faces, embossed Culver's, 3M HP vinyl decoration
- Watchfire 60x210 RGB full color 10mm Electronic Message Center (EMC) with RF wireless communication
- Amber EMC option available
- Broadband communication option available
- UL marked product

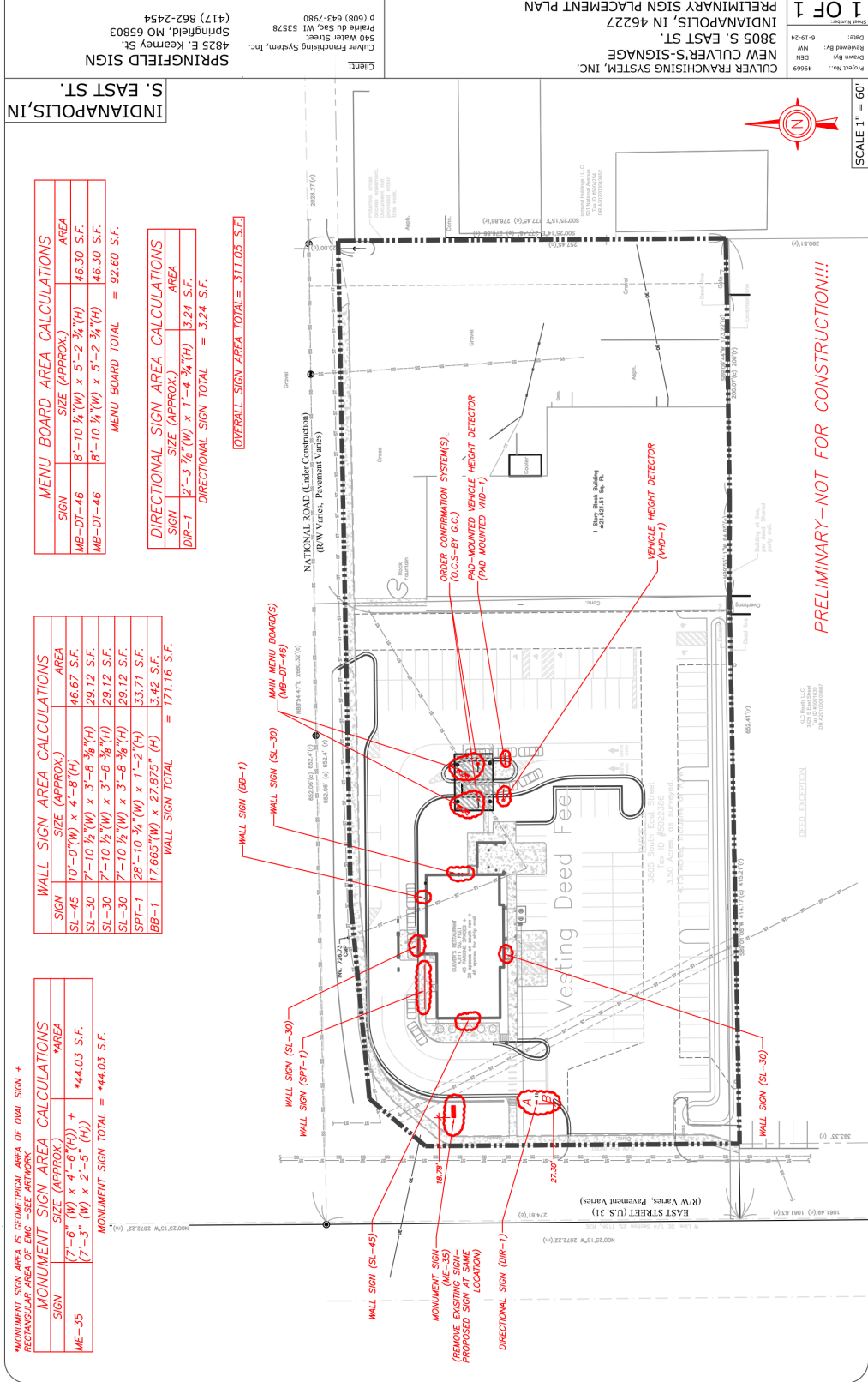
1 - Watchfire sign by Time-O-Matic, Inc.



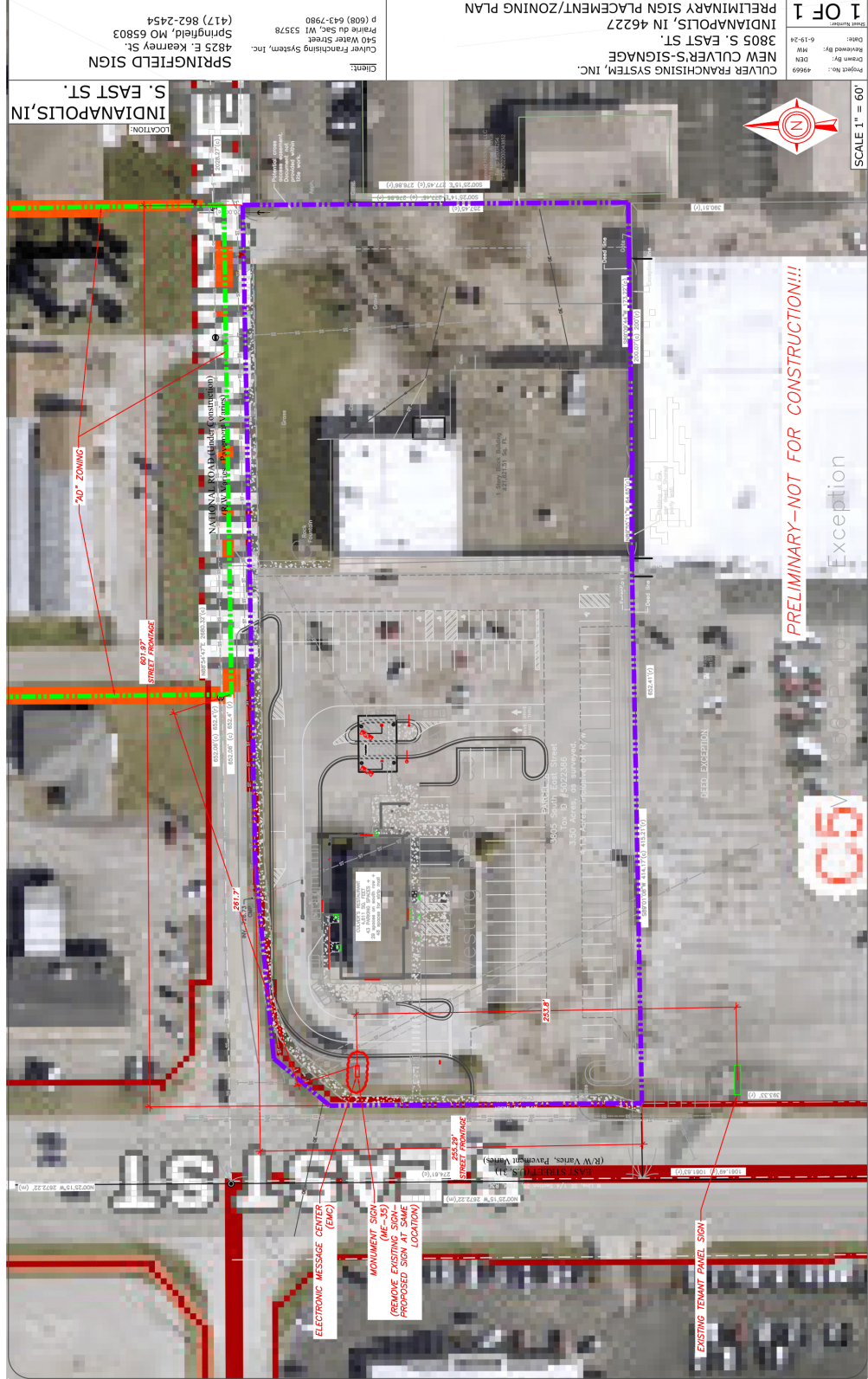
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BOARD OF ZONING APPEALS DIVISION III

July 16, 2024

Case Number: 2024-DV3-019
Address: 901 Campbell Avenue (approximate address)
Location: Warren Township, Council District #14
Zoning: D-4
Petitioner: Amanda Schmidt, by David Gilman
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of an addition resulting in a zero-foot south side yard setback (four feet required).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the construction of an addition resulting in a zero-foot south side yard setback (four feet required). Adjacent to the south side yard is a twelve-foot driveway and a side yard on the parcel to the south. The driveway and side yard would provide adequate separation from any primary dwelling or other accessory structure.
- ◇ Development in this area predates current zoning requirements. Residential uses with similar reduced setbacks are common in this area. Requiring that the site adhere to development standards for the proposed improvements, particularly given that the site was platted prior to current zoning requirements, would constitute a practical difficulty.
- ◇ The proposed setback would still provide adequate space to mitigate any adverse impacts and provide the minimum area necessary for maintenance setbacks similar to or greater than adjacent parcel accessory structures. The request would represent a minor deviation from the Ordinance.
- ◇ Generally, staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.



GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Recommends 3.5-5.0 dwelling units per acre	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Single-Family dwelling
	South:	South: Single-Family dwelling
	East:	East: Single-Family dwellings
	West:	West: Single-Family dwelling
Thoroughfare Plan		
Campbell Avenue	Local Street	70-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	June 3, 2024	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	June 3, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 3.5 – 5.0 dwellings per acre for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends 3.5-5.0 dwelling units per acre for the subject site, which provides for a medium density residential use. Permitted are single family and two-family dwellings

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

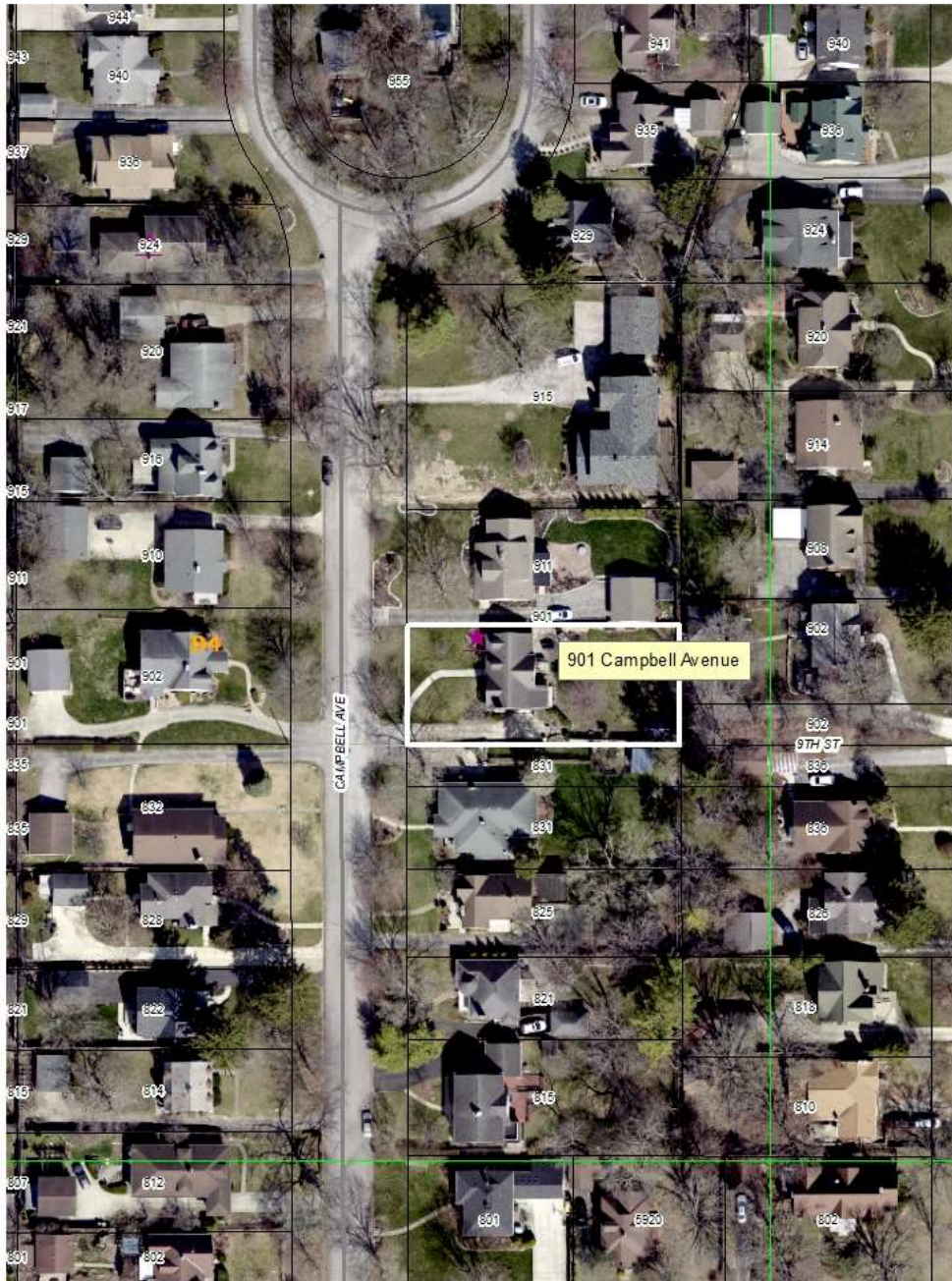
2011-HOV-002; 955 Campbell Avenue (north of site), requested a variance of development standards to legally establish a pool and fire pit in the front yard of the established front building line, and to provide for a 528-square foot detached garage in front of the established front building line, **granted.**

99-V3-49; 924 Campbell Avenue (north of site), requested a variance of development standards to provide for the construction of a 20 by 24-foot detached garage with a side yard setback of two feet, **granted.**

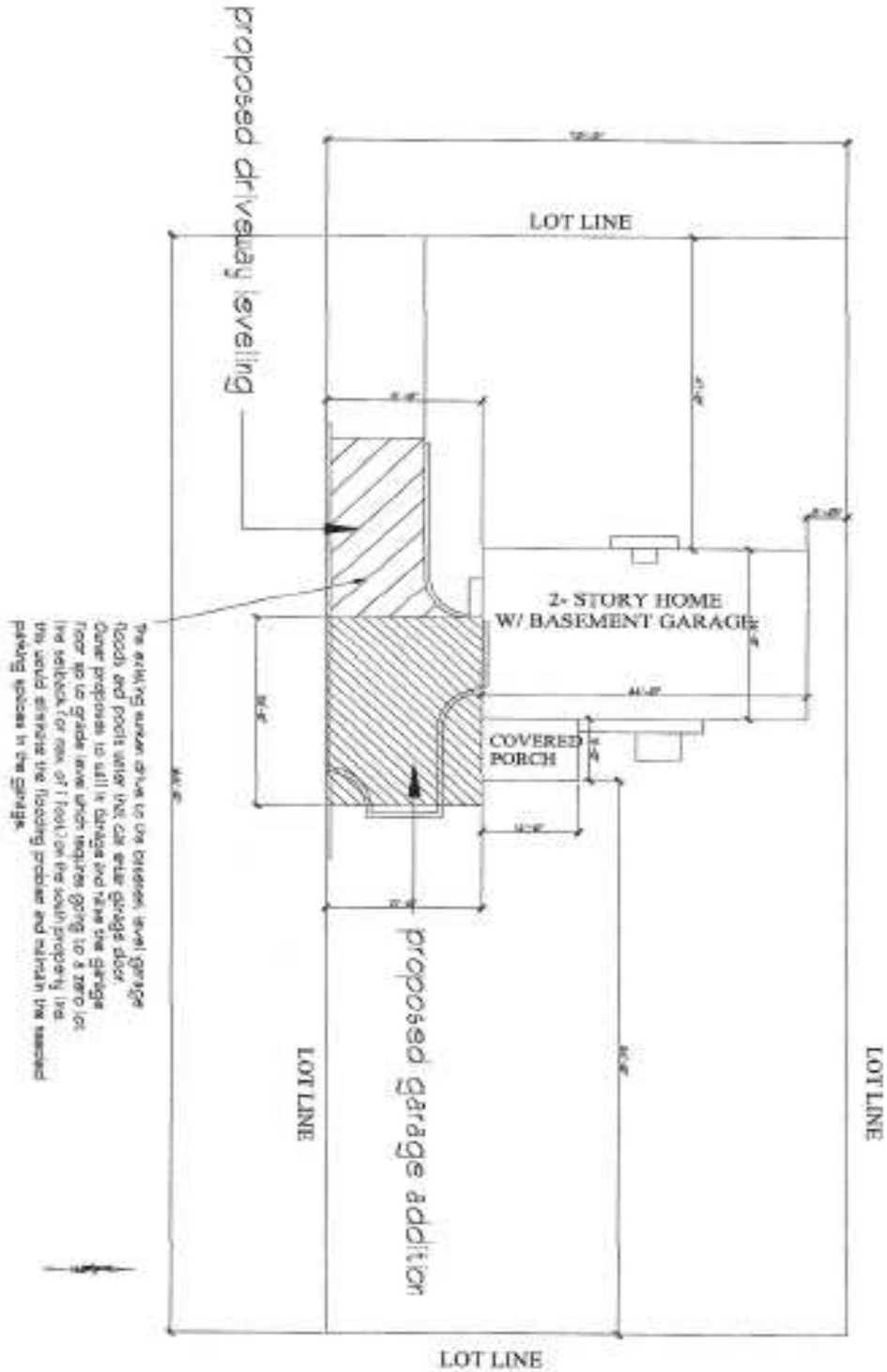
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EXHIBITS

Location Map



Site Plan





Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed garage will be constructed to meet the applicable building codes. The site will continue to provide for proper drainage and will not create a traffic hazard or health concern.

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 subject property has a common retaining wall with the adjacent property to the south. That wall is at a zero (0) foot setback and will provide for a portion of the proposed garage foundation. Both property owners are working together to elevate their common lots lines for the proposed garage and to improve the topographic conditions for drainage on 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:

The existing drive to the subterranean garage is well below the street elevation and stormwater often floods into the residence. The adjacent property to the south elevated their drive to match street level grade with the same type of construction. The subject property is now the only lot with this unusual construction design and it needs to be remedied to protect the residence, occupants and property values. Elevating the drive to match street grade and a street level garage is the best solution.

Photographs



Subject Property looking east.



Subject Property driveway and entrance to basement garage, looking east.



Subject Property entrance to basement garage, looking northeast.



Location of proposed addition, looking east.



Adjacent property to the south, looking east.



Adjacent property to the north, looking east.



BOARD OF ZONING APPEALS DIVISION III

July 16, 2024

Case Number: 2024-DV3-020

Property Address: 1825 Marlowe Avenue (approximate address)

Location: Center Township, Council District #13

Petitioner: Near East Area Renewal Inc., by Joe Smoker

Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit townhome, with a 5.5-foot rear yard setback (15 feet required), with each unit having a main floor area of 600 square feet (660 square feet required).

Current Land Use: Vacant

Staff Recommendations: Staff recommends approval of this petition

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

- This is the first public hearing for this petition.

STAFF RECOMMENDATION

- Staff recommends approval of this petition

PETITION OVERVIEW

- This petition would provide for the construction of a three-unit townhome, with a 5.5-foot rear yard setback (15 feet required), with each unit having a main floor area of 600 square feet (660 square feet required).
- The subject site is a three-parcel lot, with the parcel proposed for development being on the corner of Marlowe Avenue and Randolph Street. The front yard of this parcel is along Randolph Street, and is shorter in depth than the other parcels on Randolph Street. This is due to the existence of a small parcel to the rear that contains alley access. With the parcel proposed for development being shorter in depth than typically present on Randolph Street, there is a degree of practical difficulty for being able to meet rear yard setbacks. Further, with the proposal being in-compliance for all other setback standards as well as open space, Staff does not see this as over development of the parcel.
- With regards to the minimum floor area, Staff sees request as minor deviation from the 660 square feet standard, and finds it to be a reasonable request given the nature of the site. With townhomes



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generally containing a vertical living layout, Staff does not see the slight reduction in main floor living area as injurious to public health or safety.

- Additionally, the proposal would be in line with the recommendations of the Infill Housing Guidelines for new housing including orienting the units towards the street, reinforcing the front setbacks on the block, and meeting open space standards. Further, Staff believes the proposal to advance two of the City’s livability principles, being to promote equitable and affordable housing options, and to enhance economic competitiveness through reliable and timely access to employment centers, in this case the East Washington Street corridor. For these reasons, Staff is unopposed to the requested variances.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Single-family residential
	South:	South: Single-family residential
	East:	East: Two-family residential
	West:	West: Single-family residential
Thoroughfare Plan		
Randolph Street	Local Street	60 feet of right-of-way existing and 48 feet proposed
Marlowe Avenue	Local Street	53 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	6/19/24	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	6/19/24	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS
 Comprehensive Plan



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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- For new housing units, the Infill Housing Guidelines recommends:
 - Orient towards the street
 - Reinforce spacing on the block
 - Consider the size of surrounding houses
 - Avoid significant jumps in height

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

2023ZON008; 1717 E New York Street (west of site), Rezoning of 0.20 acre from the D-8 district to the C-3 district, **approved, subject to commitments.**

2012ZON052; 143 N State Ave (west of site), Rezoning of 0.25 acre, from the D-8 classification to the C-S District to provide for office uses, a coffee shop, deli, bakery and restaurant use, with outdoor seating and 17 parking spaces, **approved.**

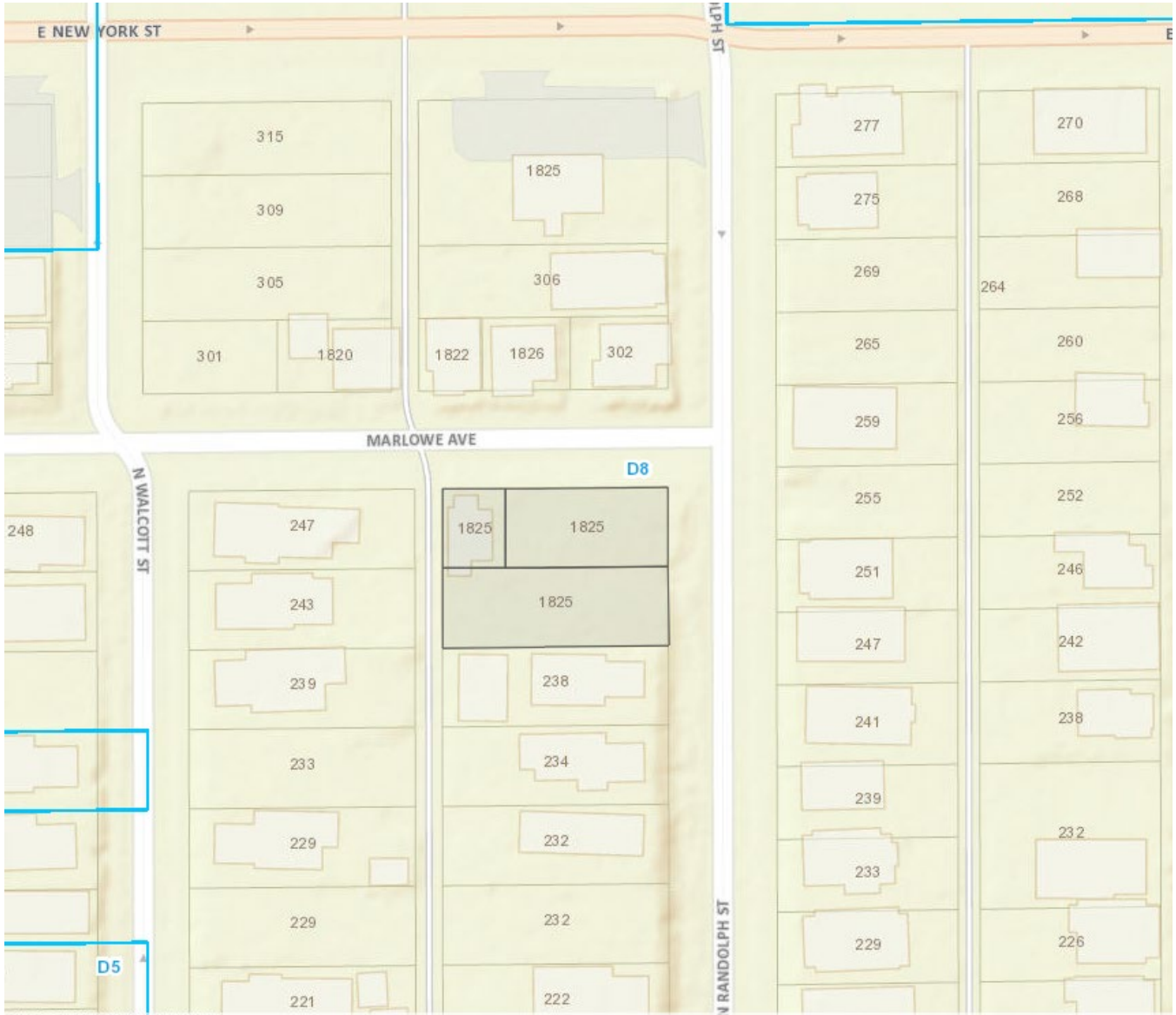
2011ZON095; 1825 E New York Street (north of site), Rezoning of 0.26 acre, from the D-8 District, to the C-S classification to provide for an automobile repair shop, daycare center, offices and C-3C uses, **withdrawn.**

2010ZON034; 1701 East New York Street (west of site), requested Rezoning of 0.22 acre from the C-3 district to the C-5 classification to provide for an automobile sales lot, **denied.**

2003UV2011: 1825 East New York Street (north of site), requested Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish an automobile repair shop (not permitted), with off-street parking and storage, **denied.**

86-UV1-68; 1825 East New York Street (north of site), variance of use of the Dwelling Districts Zoning Ordinance to permit the continued outdoor display and sales of automobiles, **granted for a temporary period of three years, expiring June 3, 1989.**

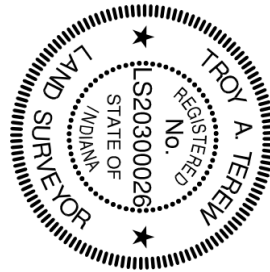
EXHIBITS



Department of Metropolitan Development
Division of Planning
Current Planning



WILLARD PLACE ADDITION
LOT #55, EXCEPT 35' W. END
PARCEL#1091977
MARION COUNTY, INDIANA
UNIT 1: 256 RANDOLPH STREET
UNIT 2: 1831 MARLOWE AVENUE
UNIT 3: 1829 MARLOWE AVENUE



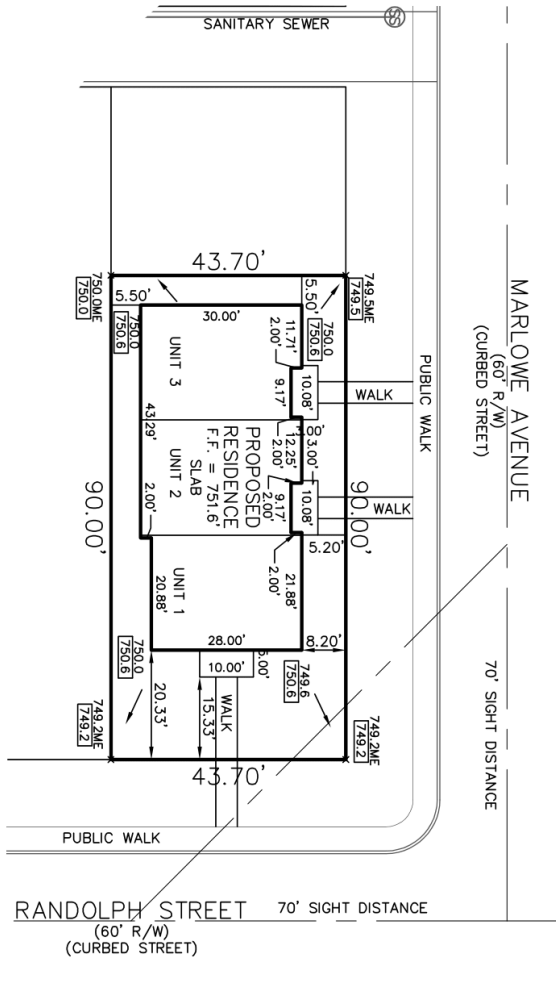
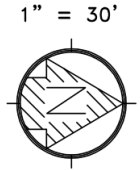
- NOTE:
- DRIVE ENTRY TO CONFORM WITH STD. PLAN 101.21
 - THE LOCATIONS, DIMENSIONS, AND WIDTH ALONG THE PROPOSED PUBLIC SIDEWALK WERE SCALED OR TAKEN FROM ENGINEERING CONSTRUCTION PLANS PREPARED BY OTHERS OR AS PROVIDED.
 - VERIFY SANITARY LATERAL LOCATION PRIOR TO CONSTRUCTION
 - IT SHALL BE THE RESPONSIBILITY OF THE BUILDER/CONTRACTOR TO VERIFY THE BUILDING DIMENSIONS, BUILDING LOCATIONS, THE LOCATION OF OTHER PERTINENT FEATURES AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION. THE INTENDED USE OF THIS PLOT PLANS FOR SECURING BUILDING PERMITS ONLY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

000.0 — PROPOSED GRADE
000.0 — EXISTING GRADE

T. A. T.

IMPERVIOUS LOT COVERAGE	
HOUSE:	1,950± SQ.FT.
PATIO/STOOP:	0± SQ.FT.
SIDEWALKS:	103± SQ.FT.
PARKING PAD/DRIVE:	0± SQ.FT.
PORCH:	147± SQ.FT.
DECK/STAIRS:	0± SQ.FT.
TOTAL IMPERVIOUS AREA:	2,200± SQ.FT.
LOT AREA:	3,933± SQ.FT.

PLOT PLAN
PREPARED FOR
STEVE KELLER CONSTRUCTION



TRUE NORTH
POINTING YOU IN THE RIGHT DIRECTION™

LAND DEVELOPMENT CONSULTING & LAND SURVEYING SERVICES
11690 Ohio Road, Suite#1000-289
Fishers, Indiana 46037
Phone: (317)-841-8734
Fax: (317)-841-8762
E-mail: Troy@Trueorthindy.com

DRWN: TAT	DATE: 03/29/24	SCALE: 1" = 30'
JOB#: 24-372	REV.:	
ZONING: D8 Small Lot		
Front: Terrace Frontage (10'-19.9')		
Side: 5' Min / 8' min. corner street side		
Rear: 20' (No rear setback on corner lot)		
F.F.E. HSE: 751.6'		
F.F.E. GAR: N.A.		
F.F.E. BSM'T: SLAB		

ALL OF THE WITHIN DESCRIBED LAND LIES WITHIN THAT FLOOD HAZARD ZONE "X", AND DOES NOT LIE WITHIN A 100-YEAR SFHA, AS SAID LAND PLOTS BY SCALE ON COMMUNITY-PANEL# 18097C0163 OF THE FLOOD INSURANCE RATE MAPS (FIRM) FOR MARION COUNTY, INDIANA (MAPS DATED: APRIL 19, 2016).



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 requested variance is a minor deviation from the ordinance and the proposed use is a permitted use and will generally be consistent with the surrounding structures.

Four horizontal lines for additional text.

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 construction will continue to help stabilize and add value to the neighborhood. The proposed structure is consistent with adjacent structures and the use would be similar to adjacent properties.

Four horizontal lines for additional text.

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

Townhomes traditionally have smaller main floor areas as they represent a vertical style of living and development. The requested variance is a minor deviation from the ordinance and the total square footage of each unit will meet and exceed the variance requirement. Additionally, the existing lot is smaller than other lots in the neighborhood and is a corner lot resulting in difficulty meeting the setback requirements.

Two horizontal lines for additional text.

DECISION

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

Adopted this _____ day of _____, 20 ____

Two sets of horizontal lines for signatures.









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

Case Number: 2024DV3015

Property Address: 2522 South Pennsylvania Street (approximate address)

Location: Center Township, Council District #18

Petitioner: Juan Guardado, by Joseph D. Calderon

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house and deck with a one-foot south side yard setback (five feet required).

Current Land Use: Residential

Staff Recommendations: Staff recommends **denial** of the request.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This petition was continued from the June 18, 2024 hearing to the July 16, 2024 hearing in order to allow time for the required legal notice to be sent.

STAFF RECOMMENDATION

Staff recommends **denial** of the request.

PETITION OVERVIEW

- The subject property is currently developed for residential uses and is surrounded by residential uses and zoning. It is located to the east of the intersection of Meridian Street and Pleasant Run Parkway and is to the north of Concordia Cemetery.
- Prior to 2022, aerial photography indicates that the property contained a single-family residence on the eastern portion of the parcel as well as a rear attached deck and detached garage. Between 2021 and 2022, additional construction commenced without permits to create a two-story addition to the east of the detached garage as well as a rear deck addition connecting the new two-story addition and existing rear deck (see aerial photography and site plan within the below Exhibits).



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

- The violation case VIO23-003575 was opened in June of 2023 for, among other items, construction of the garage and deck additions without permits. The violation case also mentioned construction within the required 5-foot side setback as well as a vehicle repair use being conducted at the subject site. Permit applications were made later that year (October 2023) indicating the use of the 2-story addition as a secondary dwelling unit and with no mention of continuation of the disallowed vehicle repair use. The permit reviewer also noted the non-compliant side setback.
- Grant of this variance would legalize the construction already underway at the site and would allow for the deficient 1-foot side yard setback to the south. The height of the accessory dwelling unit (19 feet) is shorter than the existing residence (19.5 feet); therefore, no height variance would be required to legalize the development.
- Approval of this variance would not allow for operation of a vehicle repair use within D-5 zoning; the petitioner's agent has indicated to our offices that the use will not be continued. It additionally would not legalize other items within the violation unrelated to the buildings constructed without permits (i.e. parking of commercial vehicles, outdoor storage of junk, trash, or debris, etc.). The southern wall of the construction would also need to be properly fire-rated and would not allow for operable windows; these are not zoning issues but would need to be addressed prior to issuance of building permits to legalize the structure.
- The floorplans submitted along with elevations indicating that the second floor of the new structure would function as a 296 SF secondary dwelling unit while the space below would be 'storage'. Given the proposed framing on the first floor of the structure staff does have some concerns that this would be utilized as living space or an additional dwelling unit disallowed by ordinance.
- The site is zoned D-5 to allow for walkable neighborhood development either in new suburban neighborhoods or infill situations in established urban areas. The Marion County Land Use Plan Pattern Book recommends it for the Traditional Neighborhood typology to allow for a full spectrum of housing types within compact and well-connected neighborhoods with infill development continuing the existing visual pattern of surrounding buildings. While both the Pattern Book and Infill Housing Guidelines encourage the placement of secondary dwelling units, the latter specifies that the scale and height of the accessory structure should not overshadow the primary residence.
- Regulations on side setbacks exist to ensure adequate separations between buildings on adjacent properties. This priority is reinforced by the recommendations of the Pattern Book and Infill Housing Guidelines below. Staff was unable to identify any site-specific difficulty that would require a side setback so far out of compliance with ordinance requirements. The property and zoning do not require construction of a larger rear deck or secondary dwelling unit, and there was nothing preventing compliant construction (lack of permits would not qualify as a difficulty).



Department of Metropolitan Development
 Division of Planning
 Current Planning

- To promote orderly development with adequate setbacks and avoid the precedent of building without permits and then having non-compliant work legalized after the fact, staff would recommend denial of the setback variance request. If the variance were to be approved over staff’s recommendation, it should be subject to a commitment that the storage area on the first floor below the secondary dwelling unit should remain storage and cannot be utilized as living space or an additional dwelling unit in the future.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Traditional Neighborhood
South:	D-5	South: Traditional Neighborhood
East:	D-5	East: Traditional Neighborhood
West:	D-5	West: Traditional Neighborhood
Thoroughfare Plan		
Pennsylvania Street	Local Street	51-foot right-of-way existing and 48-foot right-of-way proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	03/26/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	03/26/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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



Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Traditional Neighborhood Typology to allow for a full spectrum of housing types within compact and well-connected neighborhoods with infill development continuing the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. Secondary units are encouraged.

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 spacing between houses should establish a consistent rhythm and that new construction should reflect and reinforce spacing on the existing block with room left for maintenance of properties.
- The Guidelines also encourage placement of secondary dwelling units for reasons related to affordability and diversity of housing, but also indicate that the scale, height, size, and mass should not overshadow primary buildings on the lot.

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

96-HOV-117 ; 59 E Pleasant Run Parkway (north of site), variance of development standards of the Sign Regulations to provide for the installation of 12'8" by 4' ground sign externally illuminated (ground signs for subdivision or project signs permitted), **approved**.

96-HOV-93 ; 3536 S Delaware Street (southeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 24x40 garage addition with a one foot rear yard setbacks (minimum five feet required), **approved**.

EXHIBITS

2024DV3015 ; Aerial Map (2023)



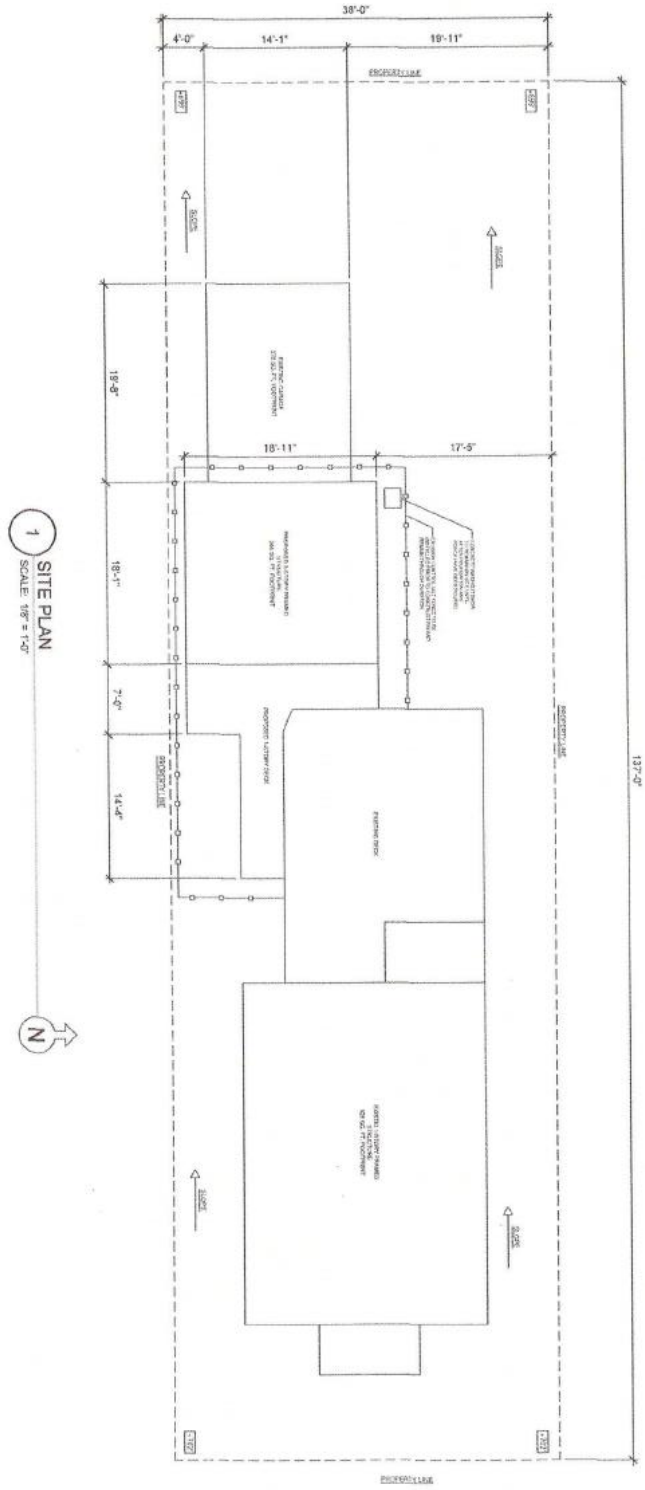
2024DV3015 ; Aerial Photography (2020)





Department of Metropolitan Development
Division of Planning
Current Planning

2024DV2019 ; Site Plan





2024DV2019 ; Findings of Fact

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

the structure will be similarly situated to other accessory structures on lots in the area and located in a fenced in yard. It will not create any traffic hazard.

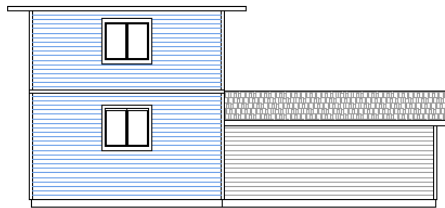
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

the structure is similarly situated to other accessory structures on the north and south adjoining properties and will not interfere with access to the accessory structures on the north and south 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 width of the property is insufficient to provide for a five foot (5') side yard setback, particularly in light of the fact of historical precedent of accessory structures being built very close to the side yard lot lines in the block which includes the subject property.

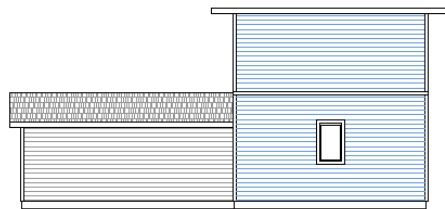
2024DV2019 ; Elevations Submitted for Permitting



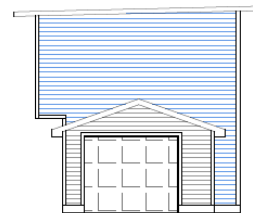
1 NORTH ELEVATION
3/16" = 1'-0"



3 EAST ELEVATION
3/16" = 1'-0"

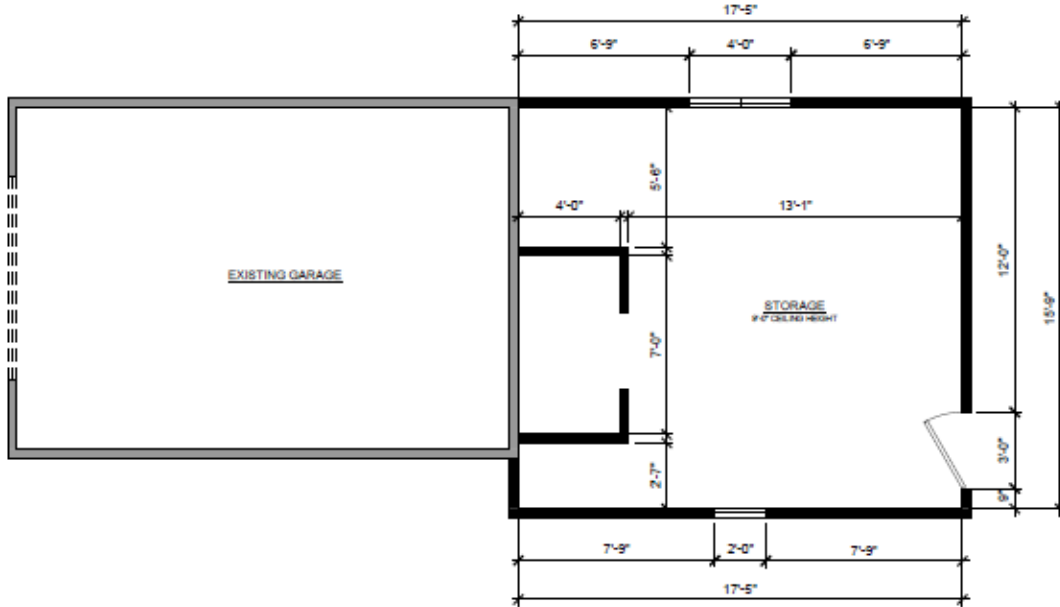


2 SOUTH ELEVATION
3/16" = 1'-0"

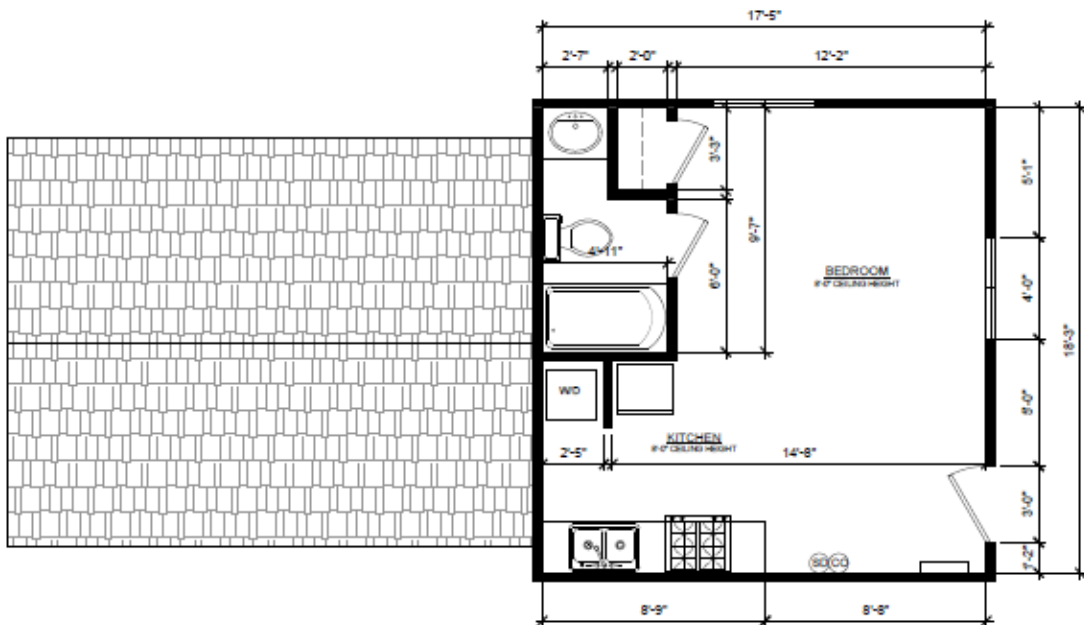


4 WEST ELEVATION
3/16" = 1'-0"

2024DV2019 ; Floorplans Submitted for Permitting



1 FIRST FLOOR PLAN
 1/4" = 1'-0"



1 SECOND FLOOR PLAN
 1/4" = 1'-0"

2024DV2019 ; Photographs



Photo 1: Subject Site Viewed from Front Yard (Pennsylvania)



Photo 2: Existing Side Setback to North

2024DV2019 ; Photographs (continued)



Photo 3: Southern Setback of Primary Residence + New Deck and Accessory Structure



Photo 4: Adjacent Property to the East

2024DV2019 ; Photographs (continued)



Photo 5: View of Primary + Accessory Structure from Side Alley to South



Photo 6: View of Subject Site from Rear Alley to West



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

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

Current Land Use: Heavy equipment sales and rental business

Staff Recommendation: Staff recommends denial.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued by the petitioner from the April 16, 2024, hearing, to the May 28, 2024, hearing. This petition was continued for cause by the petitioner from the May 28, 2024, hearing, to the July 16, 2024, hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the operation of heavy equipment sales and rental business, a C-7 use, in a C-5 district.
- ◇ The purpose of the existing C-5 district is to provide for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.



- ◇ The Comprehensive Plan recommends community commercial uses for the subject site. The proposed use would be permitted in the C-7, High Intensity Commercial District, which is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials, or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares
- ◇ Given the increase in intensity between the existing zoning and the proposed use, including the amount of outdoor storage of equipment, approval of this request would facilitate the intrusion of heavy commercial uses into an established community commercial neighborhood. The request would encourage additional encroachment, in a manner violating the development norms and commercial aesthetics of the street, and squarely deviating from the recommendations of the Comprehensive Plan.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the individual's needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a hardship, nor does the site possess a practical difficulty, since the site is zoned C-5 and could be used as permitted, by right, in the C-5 zoning classification. Any practical difficulty is self-imposed by the desire to use the site for operation of a of heavy equipment sales and rental business.
- ◇ The subject site is similar in size to other nearby commercial properties, that are able to follow the comprehensive plan and zoning ordinance without the need for the requested variances. Therefore, the Comprehensive Plan recommendation should not be disregarded, nor of the community commercial nature of the surrounding area. For these reasons, staff recommends its denial.

GENERAL INFORMATION

Existing Zoning	C-5	
Existing Land Use	Heavy equipment sales and rental business	
Comprehensive Plan	Recommends Community Commercial uses	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Community Commercial
South:	C-S	South: Undeveloped
East:	C-4 / C-5	East: Community Commercial
West:	C-5	West: Undeveloped / Indoor Greenhouse



Thoroughfare Plan		
East 38 th Street	Primary Arterial	76-foot existing right-of-way and an 88-foot proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	TOD	
Wellfield Protection Area	No	
Site Plan - Updated	May 13, 2024	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	March 8, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- This site lies within the Purple Line Transit-Oriented Development overlay. The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area. The Shadeland Stop is under construction and will be located approximately 340 feet to the east of the subject 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

2020-UV2-001; 6901 East 38th Street (subject site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a Rug Cleaning Service and a Water and Microbial Remediation, Fire Damage Restoration and Reconstruction Services Contractor, **granted subject to commitments.**

2017-UV2-006; 6845 Massachusetts Avenue (west of site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for hydroponic farming, **granted.**

2017-ZON-057; 6800 Pendleton Pike (north of site), requested the rezoning of 9.75 acres from the C-4 district to the C-S classification to provide for self-storage, truck and trailer rental and sharing and related retail uses, **approved.**

2014-DV1-068; 6901 Pendleton Pike (north of site), requested a variance of development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for a fast-food restaurant building, with a drive-through; with an approximately 55-foot setback from the centerline of 38th Street and 70-foot setback from the centerline of Pendleton Pike; and with parking and access drives, with zero-foot setbacks from 38th Street and Pendleton Pike, **granted.**

2010-UV3-005; 6801 East 38th Street (west of site), requested a variance of use of the Commercial Zoning Ordinance to provide for automobile sales, **denied.**

2009-DV3-022; 6909 East 38th Street (subject site), requested a variance of Development Standards of the Sign Regulations to provide for a 21-foot tall, 99.162-square foot pole sign, with a nine-foot front setback from the existing right-of-way of 38th Street, **granted.**

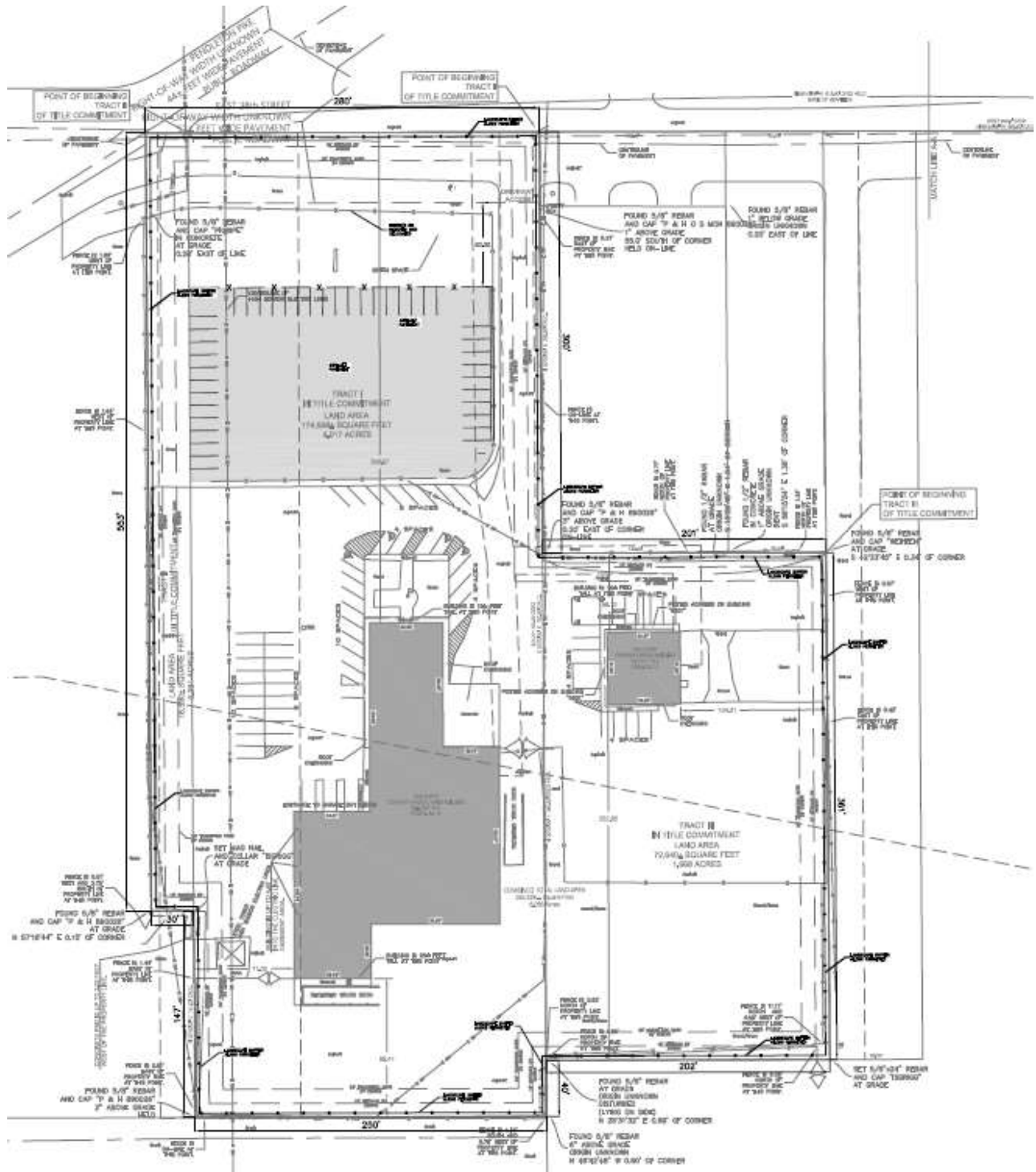
2007-ZON-841/2007-VAR-841; 3502 North Shadeland (south of site), requested a rezoning of 21.435 acres from the I-2-S District, to the C-S classification, to provide for mini-warehouses and automobile, truck and bus repair with a 7.1-acre, paved outdoor storage area for vehicles and a 9.1-acre, gravel outdoor storage area for vehicles; and a variance of development standards of the Commercial Zoning Ordinance to provide for a ten-foot east side transitional yard along a 60-foot section of the east property line, **approved.**

88-Z-115; 6901 East 38th Street (subject site), requested the rezoning of 9.5 acres, being in the C-4 district, to the C-5 classification to conform the zoning with the existing use, **approved.**

80-Z-152; 6909 East 38th Street (subject site), requested the rezoning of 1.67 acres, being in the D-3 district, to the C-5 classification, to provide for an automobile showroom, **approved.**

RU

Site Plan



Plan of Operation

Plan of Operation

6801 E. 38th Street

I. Description of Business Operations

EquipmentShare is a nationwide construction technology company dedicated to increasing industry productivity through smart jobsite technology and equipment rental, retail and service centers. EquipmentShare primarily engages in business to business transactions with limited retail customer interaction. The company uses technology to allow for mobile ordering and site delivery for tool and equipment rental.

A. Advanced Solutions Division

EquipmentShare’s Advanced Solutions Division specializes in the rental of Climate Control Equipment, Compressed Air Systems, Fluid Solutions and Power Solutions and Industrial Tooling Solutions. Examples of these systems include:





B. Tooling Solutions Division

The Tooling Solutions Division specializes in the rental of light duty and industrial equipment used to carry out specific tasks in the construction or manufacturing process. These tools include welders, various handheld tools, saws, cutters, and pipe fabricators. More specific examples of these systems include:

- Mobile Tool Trailers
- Weldin, Cutting and Pipe Fabrication
- Hazardous Location Lighting Equipment
- Electric Contractor Tools
- Industrial Supplies
- Material Handling
- Torquing, Hydraulic, and Electrical Power Tools
- Compressed Air Tools
- Tool Testing, Certification, and Repair
- Safety and Communication Equipment



Example of Tooling Solutions Handheld Tooling Equipment

III. Typical Hours of Operation

Typical hours of operation are Monday through Friday 7:00 AM to 5:00 PM. Typically closed on weekends and most major holidays.

IV. Employees on Site

Jobs on site would be full-time, benefited and family-supporting at more than 20% above the average median income including yard techs, mechanics, drivers, administrative support, telematics installation specialists and management...and have a multiplier effect by spurring new job growth in the construction industry and beyond. Active workforce development programs exist at every branch, which include apprenticeships, fellowships and on-the-job training. EquipmentShare anticipates that there will be 12-15 employees on site at any given time.



Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The proposed use, which will be properly fenced, secured and landscaped, will not interfere with any of the neighboring uses and provides an important service vital to the construction industry within the community.

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 proposed use, which will be properly fenced, secured and landscaped, will not interfere with any of the neighboring uses and provides an important service vital to the construction industry within the community.

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

The property is located in an area where there are adjacent industrial uses that are of the same intensity or more intense than the proposed use.

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

The construction equipment rental, sales, and service business has existed on the property for more than two years and similar uses are permitted by right in the existing C-5 zoning.

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

The comprehensive plan recommendation is for community commercial which permits some limited larger scale businesses like the one proposed so long as it is not adjacent to a protected district. Also, there are other nearby industrial uses already existing in the surrounding area.

Photographs



Subject site main entrance and building, looking south



Subject site second parcel and building, looking southeast



Subject site, outdoor storage of heavy equipment looking north



Subject site, outdoor storage of heavy equipment looking southwest



Subject site, outdoor storage of heavy equipment looking northwest



Subject site, outdoor storage of heavy equipment looking northeast



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

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

PETITION HISTORY

This is the first public hearing for this petition.

A registered neighborhood organization has filed an automatic continuance, **continuing this petition from the July 16, 2024, hearing, to the August 20, 2024, hearing.** This will require the Board’s acknowledgement.