



Board of Zoning Appeals METROPOLITAN BOARD OF ZONING APPEALS Division I (January 2, 2024) Meeting Agenda

Meeting Details

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

Date: Tuesday, January 02, 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. 2023-DV1-058 (Amended) | 7215 East Thompson Road

Franklin Township, Council District #25, Zoned C-7 / I-2

VB BTS II, LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a monopole wireless communication facility with a height of 199 feet (maximum height of 70 feet permitted), being located 540 east of an existing wireless communication facility (1/2-mile radial separation required).

****Withdrawal to be acknowledged.**

2. 2023-UV1-027 | 7425 Westfield Boulevard

Washington Township, Council District #2, Zoned D-4 (TOD) (FF)

7425 Westfield Boulevard LLC, by Michael Lang

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a mental health treatment facility (not permitted) with 20 off-street parking spaces (31 parking spaces required).

**** Automatic Continuance to be acknowledged.**

3. 2023-UV1-028 | 7429 Westfield Boulevard

Washington Township, Council District #2, Zoned D-4 (TOD) (FF)

7425 Westfield Blvd LLC, by Michael Lang

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot (prohibited) with a zero-foot front yard setback from Helen Drive and a zero-foot west side yard setback and deficient landscaping (20-foot front yard, four-foot side yard setbacks and landscaping required).

**** Automatic Continuance to be acknowledged.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 4. 2023-DV1-056 | 3777 West 69th Street**
Pike Township, Council District #7, Zoned D-S
Silvia Sandoval & Glenda Buttrum, by Elizabeth Bentz Williams, AICP

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a detached garage with a seven-foot west side yard setback (15-foot side yard setbacks required) and a freestanding shed with a 4.5-foot east side yard setback, resulting in an 11.5-foot aggregate side yard setback (35-foot aggregate side yard setback required).

- 5. 2023-DV1-059 (Amended) | 3835 East 96th Street**
Washington Township, Council District #3, Zoned C-S
96th Street Retail Partners LLC, by Mike Timko, P.E.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience market with seven percent transparency on the western façade (minimum 40 percent transparency required on facades with a public entry).

- 6. 2023-DV1-060 | 1202 and 1244 Hartford Street**
Center Township, Council District #21 (#18 Beginning 2024), Zoned D-5 (TOD)
Latitude Community Investments LLC, by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on each lot with a one-foot front yard setback from Hartford Street and a three-foot rear yard setback (10-foot front, 20-foot rear yard setbacks required), with each lot having a surface parking lot with a two-foot front yard setback (20-foot setback required) and a main floor area of 634 square feet at 1244 Hartford Street (660 square foot main floor area required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 7. 2023-AP1-002 | 1001 North Rural Street**
Center Township, Council District #17, Zoned C-3
Harshpreet Inc., by Miranda Steele

Modification of Commitments related to 2008-DV1-058, to terminate Commitment Number 10, which prohibited the sale of cigarette/tobacco rolling papers.

- 8. 2023-DV1-054 | 530 West 44th Street**
Washington Township, Council District #7, Zoned D-5
James Hall

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 754-square foot carriage house (maximum square footage of 720 square feet permitted) with a five-foot corner side yard setback from Sunset Avenue (10-foot required) and a 2.5-foot rear yard setback (five-foot setback required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at dmdpubliccomments@indy.gov, before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary.

For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-DV1-058
Address: 7215 East Thompson Road (approximate address)
Location: Franklin Township, Council District #25
Zoning: C-7 / I-2
Petitioner: VB BTS II, LLC, by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a monopole wireless communication facility with a height of 199 feet (maximum height of 70 feet permitted).

This petition was previously continued for cause from the December 5, 2023, hearing, to the January 2, 2024 hearing, at the request of staff so that the petition could be amended.

The petitioner has since **requested that this petition be withdrawn.** The withdrawal will need to be acknowledged by the Board.

RU

STAFF REPORT

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

Case Number: 2023-UV1-027
Address: 7425 Westfield Boulevard (approximate address)
Location: Washington Township, Council District #2
Zoning: D-4 (TOD) (FF)
Petitioner: 7425 Westfield Boulevard LLC, by Michael Lang
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a mental health treatment facility (not permitted) with 20 off-street parking spaces (31 parking spaces required).

A registered neighborhood organization has filed an automatic continuance, **continuing this petition from the January 2, 2024, hearing, to the February 6, 2024, hearing.**

RU

STAFF REPORT

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

Case Number: 2023-UV1-028
Address: 7429 Westfield Boulevard (approximate address)
Location: Washington Township, Council District #2
Zoning: D-4 (TOD) (FF)
Petitioner: 7425 Westfield Blvd LLC, by Michael Lang
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot (prohibited) with a zero-foot front yard setback from Helen Drive and a zero-foot west side yard setback and deficient landscaping (20-foot front yard, four-foot side yard setbacks and landscaping required).

A registered neighborhood organization has filed an automatic continuance, continuing this petition from the January 2, 2024, hearing, to the February 6, 2024, hearing.

RU

STAFF REPORT

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

Case Number: 2023-DV1-056
Address: 3777 West 69th Street (approximate address)
Location: Pike Township, Council District #7
Zoning: D-S
Petitioner: Silvia Sandoval & Glenda Buttrum, by Elizabeth Bentz Williams, AICP
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a detached garage with a seven-foot west side yard setback (15-foot side yard setbacks required) and a freestanding shed with a 4.5-foot east side yard setback, resulting in an 11.5-foot aggregate side yard setback (35-foot aggregate side yard setback required).

ADDENDUM FOR JANUARY 2, 2024

This petition was continued for cause at the request of the petitioner, from the December 5, 2023, hearing, to the January 2, 2024, hearing.

Staff continues to recommend approval subject to the submitted commitments.

December 5, 2023

RECOMMENDATIONS

Staff **recommends approval** of the request subject to the submitted commitments outlined in Exhibit A.

SUMMARY OF ISSUES

LAND USE ISSUES

EXISTING ZONING AND LAND USE

D-S Single-family dwelling

SURROUNDING ZONING AND LAND USE

North - D-S Single-family dwelling
South - SU-2 Public middle school
East - D-S Single-family dwelling
West - D-S Single-family dwelling

COMPREHENSIVE LAND USE PLAN

The Comprehensive Plan recommends rural, or estate neighborhood uses for the site.
(Continued)

STAFF REPORT 2023-DV1-056 (Continued)

- ◇ This 1.55-acre site, zoned D-S, is developed with a single-family dwelling, detached garage, and accessory storage shed. Single-family dwellings are located to the west, north, and east in the D-S zone. The surrounding houses are similar in size to the existing dwelling. A public middle school is located in an SU-2 zone to the south of the property.
- ◇ A previous petition (2015-DV1-062), requested a variance of development standards to legally establish a 23-foot tall, 1,152-square foot detached garage, with an approximate seven-foot west side setback, and to legally establish a 658-square foot freestanding shed, with a 4.5-foot east side setback, creating an accessory building area (ABA) of 1,810 square feet or 156% of the main floor area of the primary dwelling and an accessory use area (AUA) of 2,496 square feet or 215% of the total floor area of the primary dwelling. That request was denied.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition request would legally establish the detached garage, with a seven-foot west side yard setback. The request would also legally establish a freestanding shed with a 4.5-foot east side yard setback, resulting in an 11.5-foot aggregate side yard setback.
- ◇ The previous request for the 23-foot tall height variance has been eliminated by the petitioner's agreement to reduce the height of the existing garage. This change would diminish the noticeable existing height differential between the garage and the one-story ranch single-family dwelling. The petitioner has submitted a commitment that this height reduction would be done within six months of the variance approval.
- ◇ With the height reduction, the visual impact of the garage would be lessened. This would provide for the garage not to dominate the streetscape and for the subject site dwelling to remain as the primary structure on the site. The garage would also be similar in height as other surrounding dwellings.
- ◇ The request to legally establish a freestanding shed with a 4.5-foot east side yard setback, resulting in an 11.5-foot aggregate side yard setback, would have minimal impact on adjoining properties, because, despite its length, its lack of bulk sufficiently diminishes its impact along the east lot line.
- ◇ Staff believes that the site is overly large and that the reduced setbacks as requested would not create a nuisance to surrounding neighbors.

GENERAL INFORMATION**THOROUGHFARE PLAN**

This portion of West 69th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 40-foot existing right-of-way, and a 50-foot proposed right-of-way.

SITE PLAN

File-dated October 11, 2023.

FINDINGS OF FACT

File-dated October 11, 2023.
(Continued)

STAFF REPORT 2023-DV1-056 (Continued)**ZONING HISTORY - SITE**

74-Z-198; rezoning of various tracts of land, being in A-2 and C-4 districts, to D-1, D-2, D-3, and D-4 classifications to permit single and two-family residences, as designated on maps on file, **granted.**

2015-DV1-062; requested a variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 23-foot tall, 1,152-square foot detached garage, with an approximate seven-foot west side setback, and to legally establish a 658-square foot freestanding shed, with a 4.5-foot east side setback, creating an accessory building area (ABA) of 1,810 square feet or 156% of the main floor area of the primary dwelling and an accessory use area (AUA) of 2,496 square feet or 215% of the total floor area of the primary dwelling, **denied.**

ZONING HISTORY - VICINITY

83-HOV-30; 3781 West 69th Street (west of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the placement of a detached garage being 5-feet from the side property line, **granted.**

84-HOV-125; 3722 West 69th Street (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a detached garage to be built at 6-feet from the side property line, **granted.**

89-UV1-127; 3640 West 69th Street (northeast of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to permit the construction of a 1,440-square foot building for vehicle and incidental storage, **granted.**

91-UV2-5; 3721 West 71st Street (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to permit outdoor storage of the following: one pick-up, one forestry truck, one stump grinder, and one woodchipper, **granted for a temporary period of two years.**

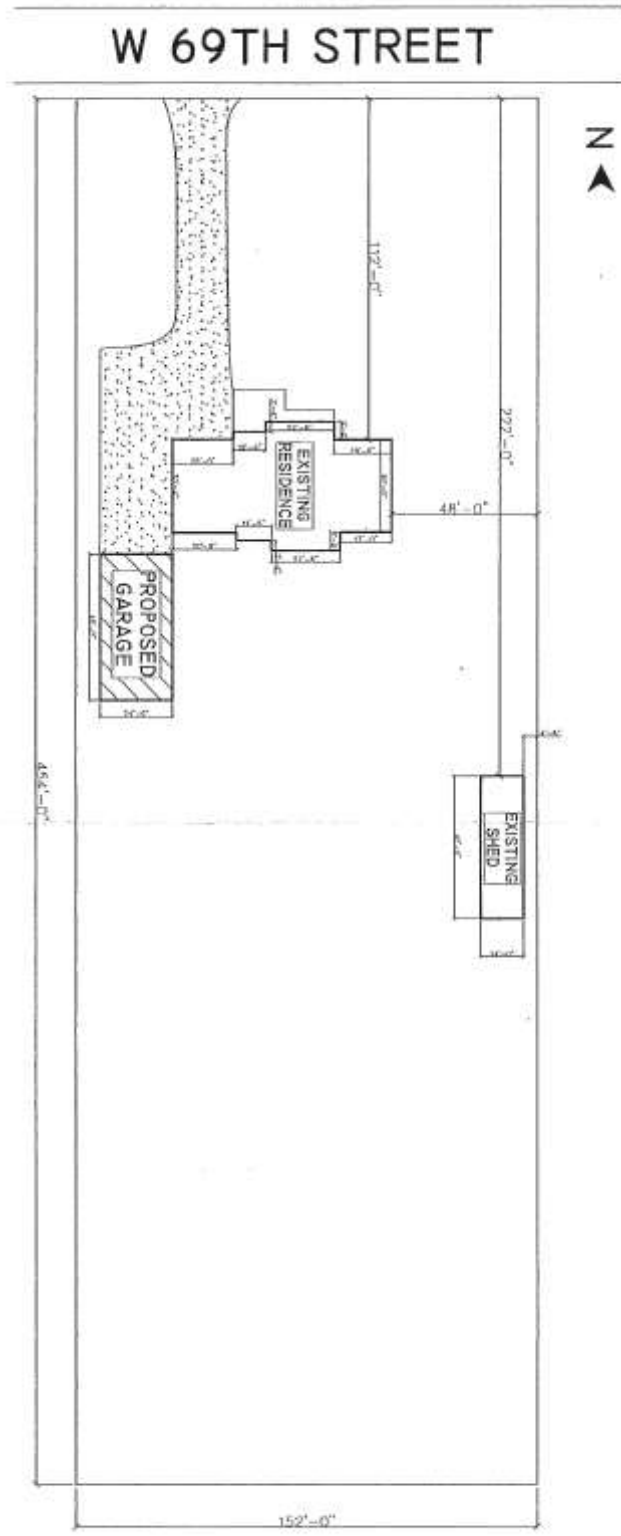
93-UV2-36; 3721 West 71st Street (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a tree service office within an existing residence with two employees parking on-site and outdoor storage of one pick-up truck, one woodchipper, one forestry truck, and one stump grinder, **granted.**

96-V1-111; 3788 West 69th Street (northwest of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 24 by 30-foot detached garage with an 8-foot side yard setback, **granted.**

2017-SE1-005; 3838 West 69th Street (northwest of site), requested a special exception to provide for primary and accessory religious uses, including but not limited to, a dwelling for the Abbot of the Temple, with a variance of development standards to legally establish a residential lot with a street frontage of 20 feet, **granted subject to commitments.**

RU





**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE
IN CONNECTION WITH A VARIANCE, SPECIAL EXCEPTION OR APPROVAL GRANT.**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the parcel of real estate:

Legal Description:

PART OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 3 EAST, IN MARION COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SAID POINT BEING 1555.88 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER SECTION AND 833.2 FEET WEST OF THE EAST LINE OF THE SAID NORTHEAST QUARTER SECTION; RUNNING THENCE WEST A DISTANCE OF 150 FEET TO A POINT; SAID POINT BEING 1556.55 FEET SOUTH OF THE NORTH LINE OF THE SAID NORTHEAST QUARTER SECTION, RUNNING THENCE SOUTH A DISTANCE OF 467.55 FEET TO A POINT SAID POINT BEING 979.9 FEET WEST OF THE EAST LINE AND 2024.10 FEET SOUTH OF THE NORTH LINE OF THE SAID NORTHEAST QUARTER SECTION; THENCE EAST A DISTANCE OF 150 FEET TO A POINT, SAID POINT BEING 829.9 FEET WEST OF THE EAST LINE AND 2022.76 FEET SOUTH OF THE NORTH LINE OF THE SAID NORTHEAST QUARTER SECTION, THENCE NORTH A DISTANCE OF 466.88 FEET TO THE PLACE OF POINT OF BEGINNING, CONTAINING 1.62 ACRES, MORE OR LESS.

Statement of COMMITMENTS:

- | | |
|----|---|
| 1. | <i><u>The garage roof shall be reduced to ensure the finished height is less than the height of the primary dwelling structure, to a maximum height of approximately 15 feet.</u></i> |
| 2. | <i><u>The reduction in height shall occur within 6 months of the variance approval.</u></i> |
| 3. | <i><u>There shall be no commercial vehicles or uses on site, and /or storage of commercial material and equipment on site.</u></i> |

These COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest in the real estate. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Board of Zoning Appeals made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the grant of variance, special exception or approval petition # 2023-DV1-___ by the Metropolitan Board of Zoning Appeals or the Hearing Officer.



The residence, looking south, from 69th Street.



The detached garage, to the west of the primary dwelling, looking south.



The west side property line, and garage setback, looking south.



The backyard, showing the side of the freestanding shed, looking east.



The east side property line, and shed setback, looking south.



The backyard, looking south.



Adjacent property to the west, looking south.



Adjacent property to the east, looking south.

STAFF REPORT

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

Case Number: 2023-DV1-059 (Amended)
Address: 3835 East 96th Street (approximate address)
Location: Washington Township, Council District #3
Zoning: C-S
Petitioner: 96th Street Retail Partners LLC, by Mike Timko, P.E.
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a convenience market with seven percent transparency on the western façade (minimum 40 percent transparency required on facades with a public entry).

This petition was automatically continued from the December 5, 2023, hearing, to the January 2, 2024, hearing, at the request of a registered neighborhood organization.

RECOMMENDATIONS

Staff **recommends approval** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

C-S Vacant Restaurant

SURROUNDING ZONING AND LAND USE

North - Hamilton County Automobile Sales
South - C-S Integrated Commercial Center
East - C-S Integrated Commercial Center
West - C-S Commercial Restaurant

COMPREHENSIVE PLAN

The Comprehensive Plan recommends community commercial uses for the site.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to the transparency requirement for facades with pedestrian access is intended to promote safety, by ensuring an adequate surface area of transparent materials, so that activity within a building can be surveilled by public safety.

(Continued)

- ◇ The primary entrance of the proposed structure, along the eastern façade facing towards the fueling stations, is Ordinance compliant in providing the required transparency.
- ◇ The variance request would be for a secondary entry along the western facade, that would provide transparencies of 7%.
- ◇ While Staff is hesitant to recommend approval of such variations, Staff would note that a majority of the area adjacent to the western façade is associated with bathrooms, limiting the amount of public window transparency. The primary and public retail area is adjacent to the eastern façade and has ample windows, therefore, Staff believes that the convenience markets design meets the intent of the Ordinance.

GENERAL INFORMATION

THOROUGHFARE PLAN	This section of East 96 th Street is classified on the Official Thoroughfare Plan as a primary arterial with a 56-foot existing and proposed half right-of-way.
SITE PLAN	File-dated October 10, 2023
ELEVATIONS	File-dated October 10, 2023
FINDINGS OF FACT	File-dated October 10, 2023

ZONING HISTORY

2020-MOD-008; 9450 Counselors Row (west of site), requested the modification of commitments of 80-Z-91A to modify Commitment #11 to provide for building signs, directional signs, identification signs, monument signs and pylon signs, **approved**.

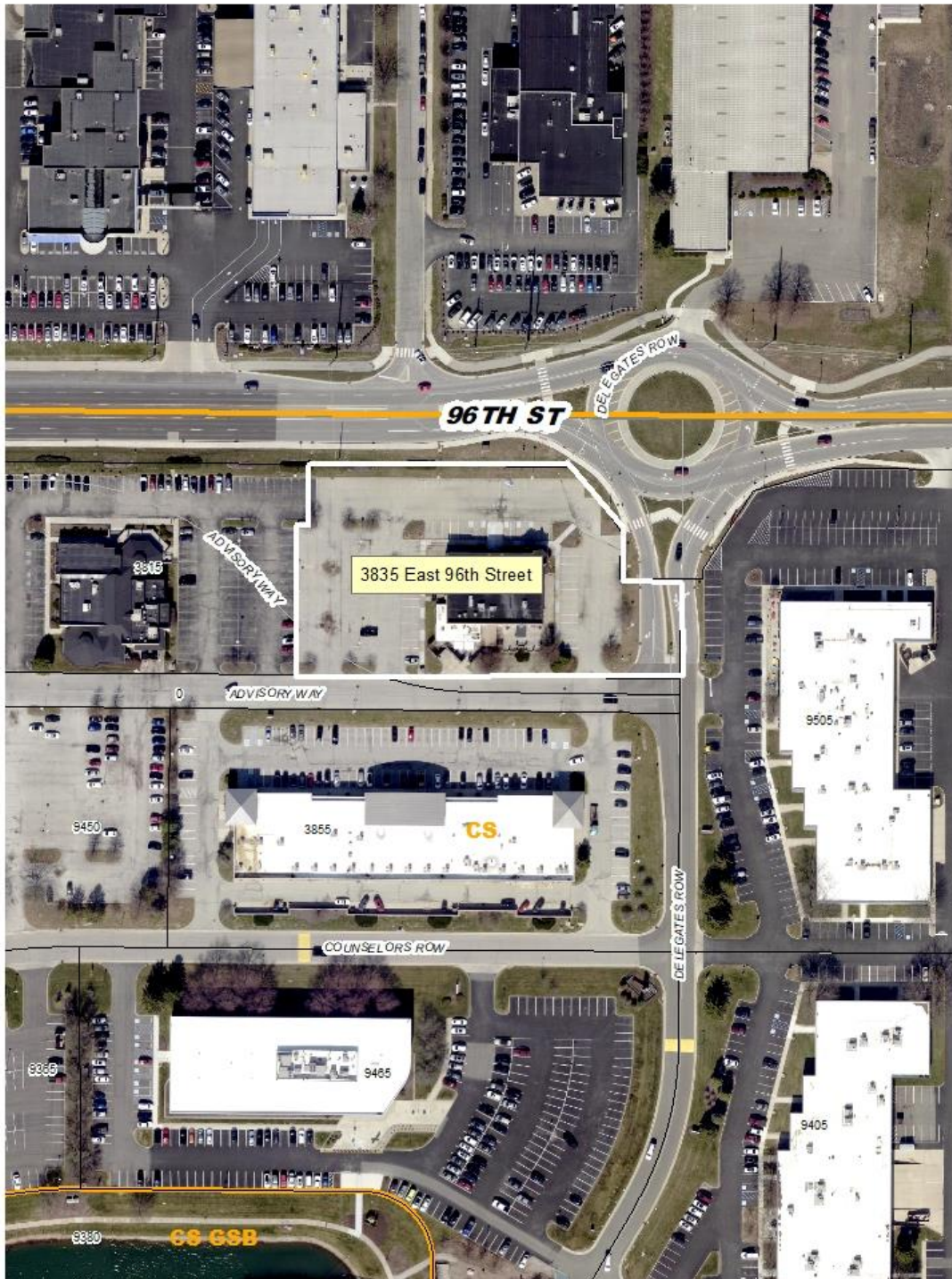
2017-DV1-028; 2450 Counselors Row (west of site), requested a variance of development standards to provide for increased building height and increased setbacks, **granted**.

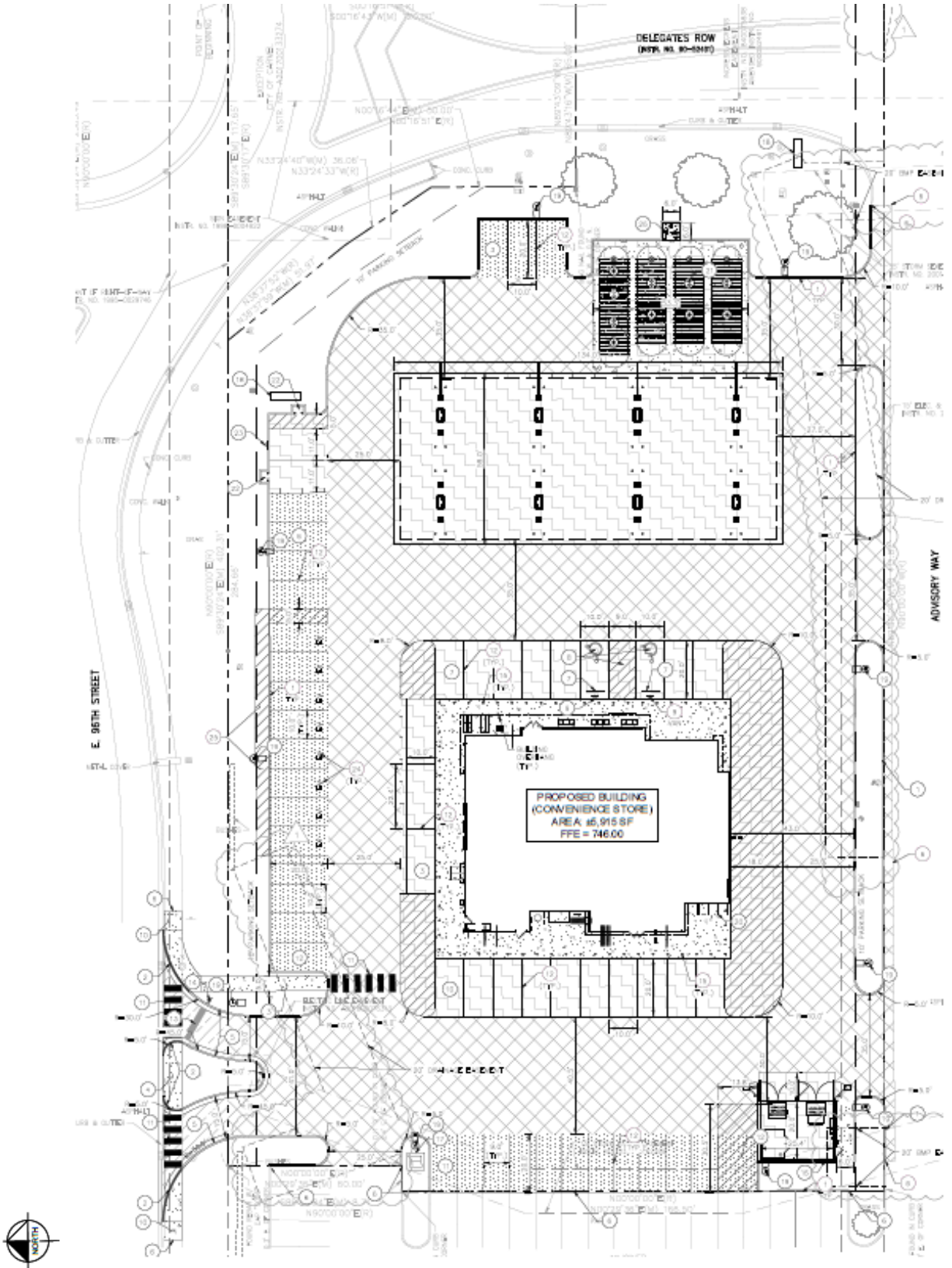
2004-DV1-047; 3737 East 96th Street (west of site), requested a variance of Development Standards of the Commercial Zoning Ordinance to provide for a bank with two drive-through lanes with five stacking spaces before the final component of each service unit, **denied**.

80-Z-91A; 3801 East 96th Street (includes subject site), requested the rezoning of 187 acres from the SU-23 and A-2 (GSB) districts to the C-S classification for commercial and industrial uses with gravel, sand and borrow operations, **approved**.

RU *****

2023-DV1-059: Location Map







View of subject site, existing building to be demolished, looking southeast.



View of adjacent integrated commercial center to the east.



View of adjacent integrated commercial center to the south.



View of adjacent commercial restaurant to the west.



BOARD OF ZONING APPEALS DIVISION I **January 2, 2024**

Case Number: 2023-DV1-060
Property Address: 1202 and 1244 Hartford Street (approximate address)
Location: Center Township, Council District #21 (#18 Beginning 2024)
Petitioner: Latitude Community Investments LLC, by Mark and Kim Crouch
Current Zoning: D-5 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on each lot with a one-foot front yard setback from Hartford Street and a three-foot rear yard setback (10-foot front, 20-foot rear yard setbacks required), with each lot having a surface parking lot with a two-foot front yard setback (20-foot setback required) and a main floor area of 634 square feet at 1244 Hartford Street (660 square foot main floor area required).

Current Land Use: Residential
Staff Recommendations: Staff recommends approval of this request.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval of this request.

PETITION OVERVIEW

- These parcels are currently undeveloped land that is bordered by residential development to the north and east and by an I-65 off-ramp to the west and south. This petition would allow for the legal placement of two single-family residences on the lots with deficient front and rear setbacks, deficient surface parking setbacks, and a main floor square footage below ordinance standards for the property at 1244 Hartford.
- These parcels are zoned D-5 (Dwelling District Five) to allow for medium and large-lot housing formats, primarily for detached houses. The Zoning Ordinance indicates that D-5 zoning is appropriate for infill situations within established urban areas. Additionally, the Marion County Land Use Plan Pattern Book indicates that Detached Housing is an acceptable land use within



**Department of Metropolitan Development
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Current Planning**

the Traditional Neighborhood typology. Although the TOD Overlay within the Pattern Book indicates that detached housing is not recommended as new development, these lots are substandard and irregular enough that staff feels placement of new housing would be appropriate.

- Setback standards allow for adequate separation between neighboring properties and between structures and public roadways. Additionally, uniform front setbacks help shape the perceived size of streets. Table 744-701-2 of the Indianapolis Zoning Ordinance indicates that along Terrace frontages a minimum front building line of 10’ is required. Additionally, 20-foot rear setbacks are required within D-5 zoning per Table 744-201-1 of the Ordinance.
- This request would establish 1-foot front setbacks and 3-foot rear setbacks along a block that is currently undeveloped. Staff has no objection to this request given that the existing lot is substandard to the point that complaint development would not be feasible.
- In November of 2021, additional ordinance standards were added to encourage walkable streetscapes in residential areas that minimize the impact of car access by limiting driveways and the extent of parking in front yards. Table 744-701-2 of the Indianapolis Zoning Ordinance indicates that along Terrace frontages, surface parking be placed either behind the front building line or at least 20 feet from the front property line (whichever is greater).
- This request would establish surface parking lots with 2-foot front setbacks. Staff has no objection to this request given that the existing lot is substandard to the point that complaint development would not be feasible.
- Minimum dwelling sizes allow for adequate safety and livability and limit overcrowding. Table 744-201-1 of the Indianapolis Zoning Ordinance indicates that the minimum floor area for a primary dwelling unit within D-5 zoning is 660 square feet.
- This request would establish a primary residence on 1244 Hartford Street with an area of only 634 square feet. Staff has no objection to this request given that the existing lot is substandard to the point that complaint development would not be feasible.

GENERAL INFORMATION

Existing Zoning	D-5 (TOD)	
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		
Hartford Street	Local Street	Existing ROW: 40’ Prop ROW: 48’



Context Area	Compact
Floodway / Floodway Fringe	No
Overlay	Yes
Wellfield Protection Area	No
Site Plan	11/07/2023
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	11/07/2023
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- 2020 Red Line TOD Strategic Plan
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood living typology for this site.
- This site is also within the Transit-Oriented Development Overlay which indicates that “where detached housing already exists, secondary units are encouraged. Detached Housing is not recommended as new development”.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls at the edge of the 1000-foot buffer around the existing Red Line. The homes would be built closest to a District Center BRT stop which allows for attached and detached single family residences further away from the stop itself.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.



Department of Metropolitan Development
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Current Planning

Infill Housing Guidelines

- The Infill Housing Guidelines (IHG) are used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects.
- The IHG recommends that front setbacks should match the context of the existing block and be built within existing setback ranges of adjacent properties (not relevant for this undeveloped block).
- The IHG does not make recommendations related to the placement of surface parking lots or to minimum sizes of dwelling units.

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

2023DV2032; 911 Sanders Street (north of site), variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of either:

A single-family dwelling: On a medium lot typology with an area of 2,817 square feet (minimum lot area of 7,200 square feet required); a six-foot front yard setback from Sanders Street (20-feet required); a three-foot front yard setback from Hartford Street; a five-foot front yard setback from I-65; a five-foot rear yard setback (20-foot rear yard setback required); an open space of 40 percent (60 percent required); and a front-loaded garage comprising 100 percent of a façade along Hartford Street (prohibited).

Or a two-unit multi-unit home: On a small lot with an area of 2,817 square feet (minimum lot area of 5,000 square feet required); a six-foot front yard setback from Sanders Street (20-feet required); a three-foot front yard setback from Hartford Street; a five-foot front yard setback from I-65; a five-foot rear yard setback (20-foot rear yard setback required); and a front-loaded garage comprising 100 percent of a façade along Hartford Street (prohibited), **pending**.

2021UV1021; 929 Sanders Street (east of site), variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation of existing buildings for a community center with light hosting capabilities, to provide for community meetings, artist pop-up exhibits, family gatherings such as reunions, or small business milestone celebrations and similar events (not permitted) and to provide for pavers and/or stamped concrete improvements and an arbor with 0.8-foot east side setback and a planter with a zero-foot west side setback (three-foot side setback required), **withdrawn**.

2014HOV014; 914 Sanders Street (north of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 440-square foot garage, and an open space ratio of 50% (minimum 65% open space required), **granted**.

2004DV1018; 1305 Hartford Street (southeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to attach an existing detached 29-foot tall, 2,250-square foot accessory structure to the primary structure, creating a five-foot rear setback along the east property line (20-foot rear setback required), **granted**.

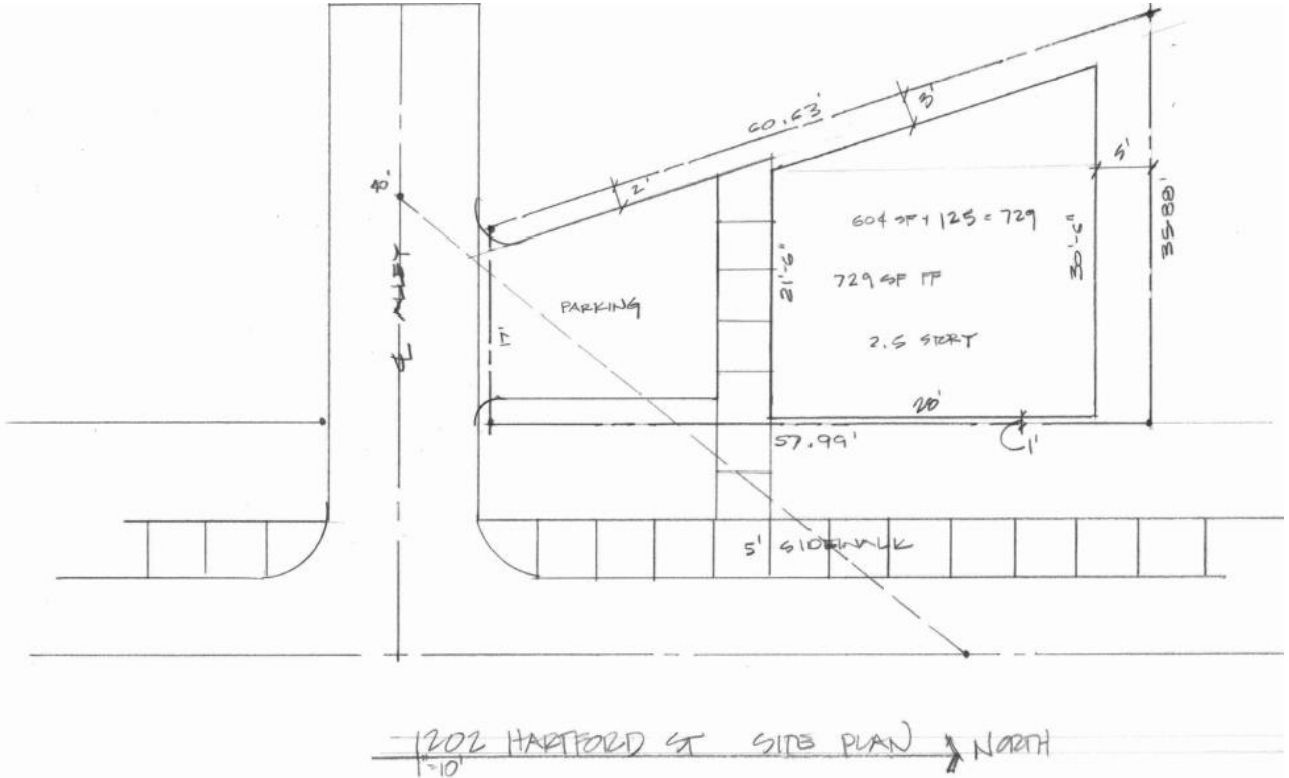
95-UV3-5; 929 Sanders Street (east of site), variance of use of the Dwelling Districts Zoning Ordinance to legally establish give dwelling units on one parcel (one dwelling unit per parcel permitted), **granted**.

EXHIBITS

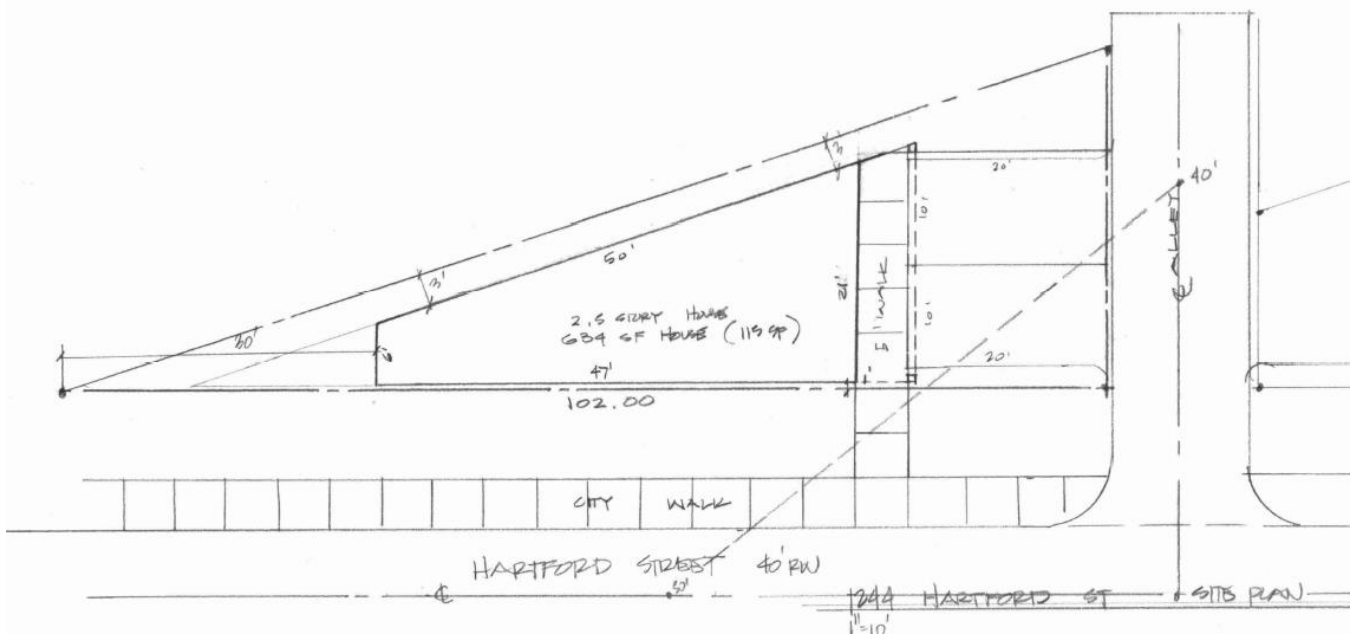
2023DV1060 ; Aerial Map



2023DV1060 ; Site Plan (1202 Hartford)



2023DV1060 ; Site Plan (1244 Hartford)





2023DV1060 ; 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 grant will allow for the construction of a single family residence for private residential use.

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 residence will be consistent with the development in the area and adjacent area.

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

lot is smaller than zoning minimums resulting in a need to reduce rear and front yard setback requirements. Without variance approval, proposed proposed residence will not be built.

2023DV1060 ; Pictures



Photo 1: Facing West Toward Interstate



Photo 2: Facing East, Toward Adjacent Properties Along Hartford

2023DV1060 ; Pictures (continued)



Photo 3: Facing South Toward 1244 Hartford



Photo 4: Facing North Toward 911 Sanders (outside scope) & Adjacent Properties Along Sanders

STAFF REPORT

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

Case Number: 2023-AP1-002
Address: 1001 North Rural Street (approximate address)
Location: Center Township, Council District #17
Zoning: C-3
Petitioner: Harshpreet Inc., by Miranda Steele
Request: Modification of Commitments related to 2008-DV1-058, to terminate Commitment Number 10, which prohibited the sale of cigarette/tobacco rolling papers.

RECOMMENDATIONS

Staff has **no recommendation** regarding the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-3 Compact Automobile Fueling Station & Convenience Store

SURROUNDING ZONING AND LAND USE

North D-5 Single and Two-Family Dwellings
South MU-2 Various Commercial Uses
East C-3 Retail
West C-3 Undeveloped Lot

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Village Mixed-Use development.

- ◇ This 045-acre lot, zoned C-3, is currently improved with an Automobile Fueling Station and Convenience store. To the north are Single and Two-family dwellings within the D-5 District. To the west and east are an undeveloped lot and gift shop, respectively, within the C-3 District. A multi-tenant bay commercial building is located to the south across 10th Street, within the MU-2 and C-3 Districts.
- ◇ The Land Use Pattern Book recommends Mixed-Use development.
- ◇ This property received a variance in 2008 (2008-DV1-058) which allowed for the installation of an additional gas pump and canopy expansion, with reduced setbacks. This request also allowed for a 20-foot tall, 257.1 square foot pole sign with a one-foot front yard setback.

(Continued)

STAFF REPORT 2023-AP1-002 (Continued)

- ◇ Upon review of archived footage of this hearing, Staff determined that a remonstrator representing the RMS Timwood Association appeared and requested that any grant be subject to a commitment prohibiting the sale of tobacco rolling papers. The East 10th Street Civic Association also appeared and requested various commitments, which would remain in effect if the request is approved.
- ◇ The sale of tobacco rolling papers would be permitted within Retail, Light General, which is permitted by-right within the C-3 District.
- ◇ Given that this commitment was not requested by Staff, no recommendation will be provided in relation to this request.

GENERAL INFORMATION**THOROUGHFARE PLAN**

This portion of Rural Street is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed 66-foot right-of-way.

This portion of 10th Street is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing 52-foot right of way and 56-foot proposed right-of-way.

ZONING HISTORY – SITE

2014-DV1-052; 1001 North Rural Street; requests variance of development standards to provide for an 8.5 by 22-foot remediation trailer, with a 12-foot north side transitional setback; **granted.**

2008-DV1-058; 1001 and 1011 North Rural Street and 2914 East 10th Street; requests variance of development standards of the Commercial Zoning Ordinance to provide for an additional gas pump and a 480-square foot gas station canopy addition with a 45-foot front setback from the centerline of North Rural Street, a fifteen-foot wide, two-way drive aisle north of the gas station canopy addition, three parking spaces with insufficient maneuvering and to legally establish a five-foot front landscape strip, and to provide for a twenty-foot tall, 257.1 square foot pole sign with a one-foot front setback from the rights-of-way of East 10th Street and Rural Street; **granted.**

88-HOV-35; 1001 North Rural Street; requests variance of development standards of the Commercial Zoning Ordinance to provide for a six-foot north transitional yard and an addition to an existing structure, and to provide for a pole sign to be located within the public right-of-way; **granted**

87-UV3-116; 1001 North Rural Street; requests variance of development standards of the Commercial Zoning Ordinance to provide for a gasoline service station with a reduced north side transitional yard; **granted.**

(Continued)

STAFF REPORT 2023-AP1-002 (Continued)

87-AP3-6; 1001 North Rural Street; requested a waiver of the Rules of Procedure to provide for the refiling of a variance of development standards within one year of the denial of a previous variance of development standards; **granted.**

87-V3-69; 1001 North Rural Street; requests a variance of development standards of the Commercial Zoning Ordinance to provide the construction of an addition to a convenience store with reduced parking and a dumpster located within the north side transitional yard; **denied.**

EDH

2023-AP1-002; Location Map

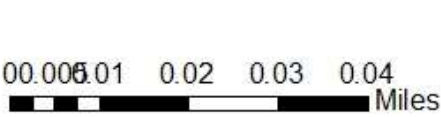
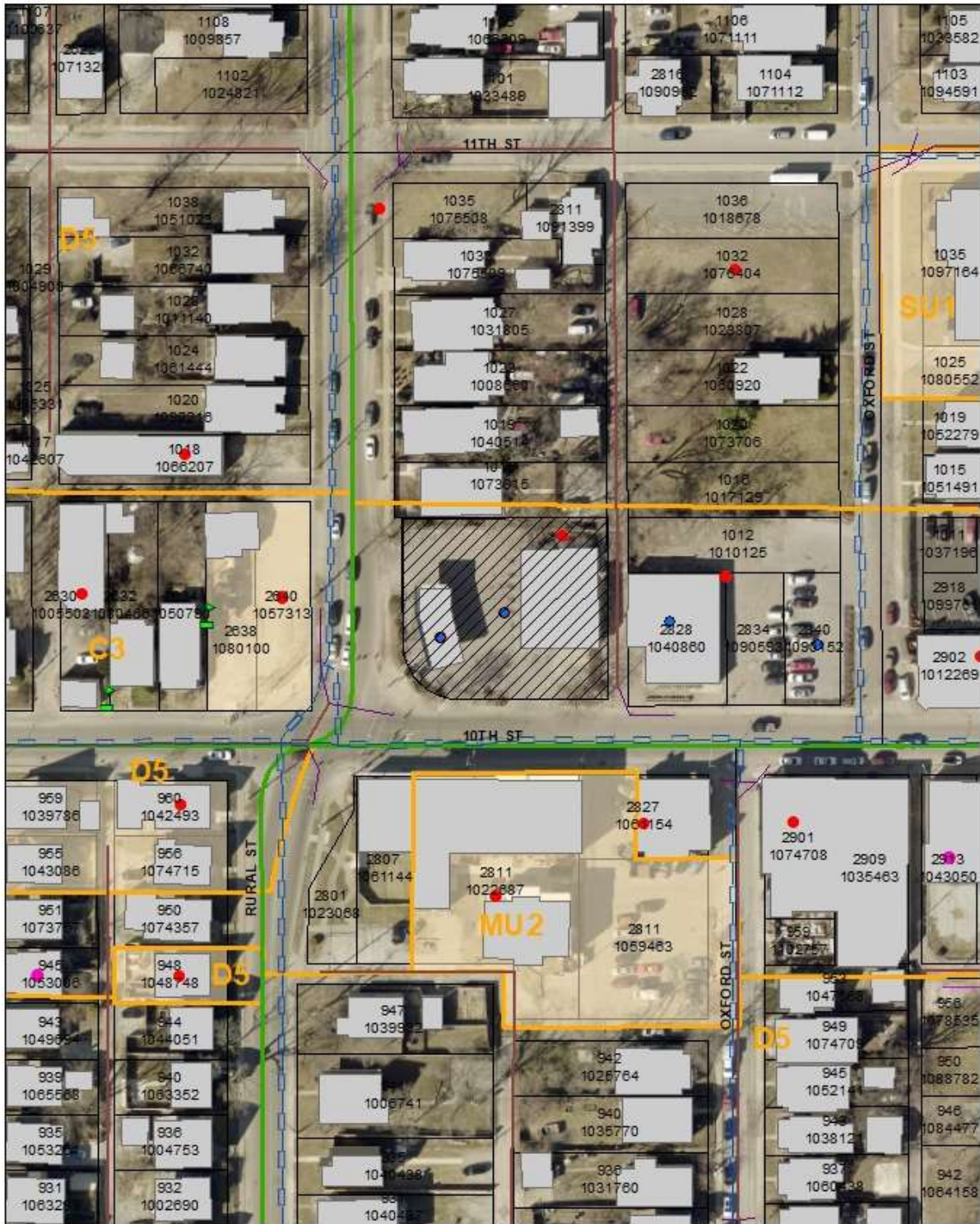




Photo One: Looking North Along Rural Street.



Photo Two: Looking South Along Rural Street.



Photo Three: Looking East Along 10th Street.



Photo Four: Looking West Along 10th Street.



Photo Five: Subject Site.

STAFF REPORT

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

Case Number: 2023-DV1-054
Address: 530 West 44th Street (approximate address)
Location: Washington Township, Council District #7
Zoning: D-5
Petitioner: James Hall
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 754-square foot carriage house (maximum square footage of 720 square feet permitted) with a five-foot corner side yard setback from Sunset Avenue (10-foot required) and a 2.5-foot rear yard setback (five-foot setback required).

ADDENDUM JANUARY 2, 2024

This petition was continued for cause by the petitioner from the November 14, 2023, hearing to the January 2, 2024, hearing.

No additional information has been submitted to the file.

November 14, 2023

The petitioner has submitted a request to **continue this petition for cause, to the January 2, 2024, hearing** without additional notice.

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact D-5 Single-family dwelling

SURROUNDING ZONING AND LAND USE

North D-5 University Office
South D-5 Single-family dwelling
East D-5 Single-family dwelling
West UQ-1 University building

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Institution-oriented mixed uses for the site.

(Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to accessory buildings, are intended to ensure the dwelling remains the primary use of the property. Limiting the size of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.
- ◇ Secondary dwelling units in the compact context are permitted above a garage when they are less than 720 square feet in size and meet other certain use-specific standards. The proposed secondary dwelling unit is approximately 754 square feet, larger than the permitted 720 square feet for a secondary dwelling unit.
- ◇ Staff believes that the proposed secondary dwelling unit could be reduced in size, and still provide for adequate parking, which would also allow the proposed structure to meet the required setbacks.
- ◇ 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. This proposed use would consist of new construction that could be designed to meet the terms of the Ordinance.
- ◇ No peculiar condition exists on site for staff to be supportive of the request. Instead, this is a self-imposed difficulty since the proposed structure could be designed in a way to meet the required setbacks and limited to the maximum size for the secondary dwelling unit without the need for variances.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of West 44th Street 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.

This portion of Sunset 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 September 21, 2023.

FINDINGS OF FACT

File-dated September 21, 2023.

ZONING HISTORY

2023-DV2-010; 526 Blue Ridge Road (north of site), requested a variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 43-foot 10-inch-tall single-family dwelling with a 10-foot rear yard setback without a primary entry on the front façade, **denied**.

2016-DV3-035; 653 West 44th Street (west of site), requested a variance of use to provide for a single-family dwelling occupied by five unrelated persons, **denied**.

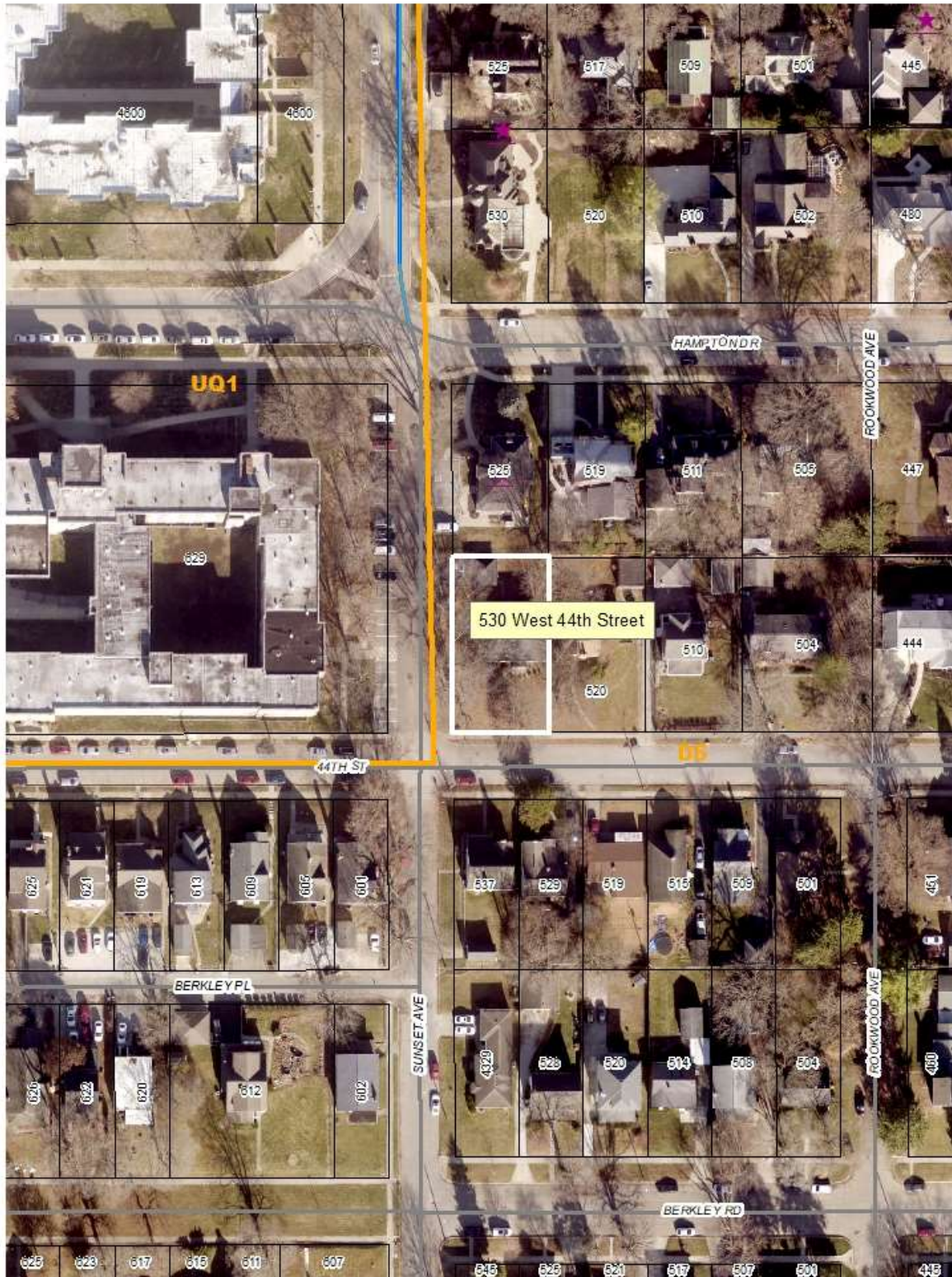
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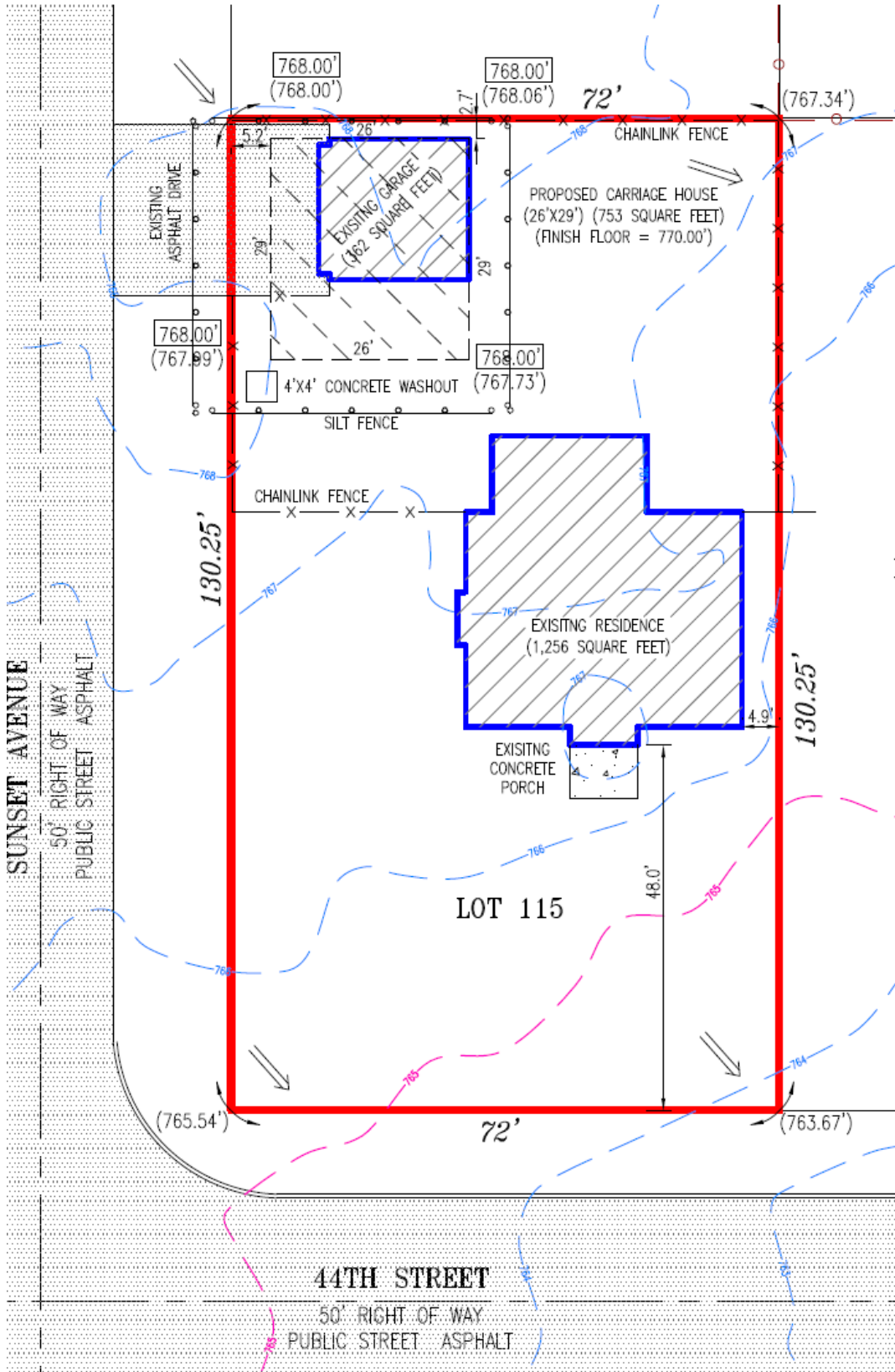
2006-UV2-040; 525 West Hampton Drive (north of site), requested a variance of use to provide for a university police station within an existing dwelling, **granted**.

2004-DV1-027; 313 Blue Ridge Road (east of site), requested a variance of development standards to legally establish a 1,429-square foot single-family dwelling with a 320-square foot attached deck with a one-foot west side yard setback, and to provide for a 48-square foot bay window addition resulting in a 21-foot front yard setback from the existing right-of-way of Blue Ridge Road, **granted subject to conditions**.

2001-UV1-026; 525 Berkley Road (south of site), requested a variance of use to provide for a single-family dwelling occupied by six unrelated persons, **denied**.

RU







Subject site, existing single-family dwelling, looking north.



Subject site, existing garage and location for the proposed new garage with a secondary dwelling unit, looking east.



Adjacent single-family dwelling to the south.



Adjacent single-family dwelling to the east, looking north.



Adjacent university office to the north, looking northeast.



Adjacent university building and parking to the west, looking northwest.