



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

Meeting Details

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

Date: Tuesday, January 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. 2023-SE3-005 | 6179 East 26th Street

Warren Township, Council District #13, Zoned D-A

Iglesia De Dios Israelita El Elohe Israel II Inc., by Marco Antonio Vazquez

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses with an 8.5-foot tall, 22-square foot pole sign (not permitted).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 111-foot wide parking area within the front yard of Sheridan Avenue (parking area width limited to 30 feet within front yards).

**** Staff requesting continuance to February 20, 2024**

2. 2023-SE3-006 | 1140 Dr. Martin Luther King Jr. Street

Center Township, Council District #11, Zoned SU-2 / D-8 (RC)

SMJ International o/b/o ATC, by Aaron Adelman

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility with a 120-foot tall monopole tower and a four-foot lightning rod.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communication facility without the required perimeter landscape screening (minimum 10-foot landscape yard required).

**** Continuance requested by petitioner to February 20, 2024**

3. 2023-UV3-024 | 2745 and 2815 Curry Road

Warren Township, Council District #14, Zoned D-A

David Palacios, by Joseph D. Calderon

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a landscaping contractor, including the indoor and outdoor storage of commercial vehicles, equipment, and materials (not permitted).

**** Automatic Continuance filed by Registered Neighborhood Organization**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

4. 2023-DV2-037 | 8120 Sycamore Road, Town of Williams Creek

Washington Township, Council District #2, Zoned D-S
Matthew and Michelle Pheffer, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a front yard setback of 61.9 feet from Sycamore Road (67-foot setback required) and a total open space of 83.8% (85% minimum open space required).

5. 2023-UV2-017 | 1701 West 18th Street

Center Township, Council District #11 (#12 Beginning in 2024), Zoned I-1
Joy's Helping Hand Child Care, by Jamika J. Cooper

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a Daycare facility for children up to 12 years of age (daycare facilities limited to those less than six years of age).

6. 2023-DV3-053 | 1711 Ringgold Avenue

Center Township, Council District #21 (#18 Beginning 2024), Zoned D-5 (TOD)
Delmar Investment LLC, by Jeanedward Berry

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and detached garage with three-foot side yard setbacks (five-foot side setbacks required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

7. 2023-UV1-023 | 7217 Woodland Drive

Pike Township, Council District #1, Zoned C-4
Enterprise Leasing Company of Indianapolis, LLC, by Joseph D. Calderon

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a car and truck rental facility with associated outdoor storage (not permitted).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

8. 2023-DV3-046 | 6415 East 82nd Street

Lawrence Township, Council District #3, Zoned C-4 /C-S
Baldwin Capital Partners, LLC, by Timothy E. Ochs

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a quick service oil change facility with a drive-through that faces a public right-of-way greater than 30-foot wide (not permitted) with five parking spaces provided (six required).

9. 2023-UV3-022 | 8345 Bash Street

Lawrence Township, Council District #3, Zoned C-4
CF Laughner Associates, by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building to be used for automobile sales (not permitted).

10. 2023-UV3-027 | 350 South Mitthoefer Road

Warren Township, Council District #19 (#20 Beginning 2024), Zoned I-3
SODI Transport Inc., by Narinder S. Sodhi

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the permanent location of portable storage units (limited to 30 consecutive days) with a 19-foot north side yard setback and a parking area with zero-foot side yard setbacks (30-foot side setbacks required).

**** Petitioner requests withdrawal**

PETITIONS FOR PUBLIC HEARING (New Petitions):

11. 2023-DV3-050 | 805 and 825 South Kitley Avenue

Warren Township, Council District #18 (#20 Beginning 2024), Zoned I-4 / C-7
Kitley Avenue Properties LLC, by J. Murray Clark and Mark R. Leach

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an eight-foot-tall fence and gate within the front yard of Kitley Avenue (maximum height of six feet permitted).

12. 2023-DV3-051 | 3449 North Kenwood Avenue

Center Township, Council District #9 (#8 Beginning 2024), Zoned D-5 (TOD)
Mamba Investments LLC, by Sharika Webb

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with three-foot side yard setbacks and a 27-foot front building line (five-foot setbacks required, maximum 19.9-foot front building line permitted).

13. 2023-UV3-026 | 4328 East Michigan Street

Center Township, Council District #12 (#13 Beginning 2024), Zoned MU-1
Robert McInteer

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing building to a duplex (not permitted) with one-foot front yard setbacks from Michigan Street and Euclid Avenue and a six-foot west side yard setback (12-foot front yard, 10-foot side yard setbacks required) with vehicular access from Euclid Avenue (exclusive vehicular access from an improved alley required).

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

January 16, 2023

Case Number: 2023-SE3-005
Property Address: 6179 East 26th Street (approximate address)
Location: Warren Township, Council District #13
Petitioner: Iglesia De Dios Israelita El Elohe Israwl II Inc., by Marco Antonio Vazquez
Current Zoning: D-A

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses with an 8.5-foot tall, 22-square foot pole sign (not permitted).

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 111-foot-wide parking area within the front yard of Sheridan Avenue (parking area width limited to 30 feet within front yards).

Current Land Use: Vacant

Staff

Recommendations: Staff has no recommendation for this petition

Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

ADDENDUM FOR DECEMBER 19, 2023 BZA III HEARING

- This petition was automatically continued from the November 28, 2023 BZA III hearing to the December 19, 2023 BZA III hearing and was continued again to the January 16, 2024 BZA III hearing to allow for site plan revisions.
- Staff is requesting an additional continuance with new notice to the February 20, 2024 BZA III hearing to allow for further review and to amend the request.

STAFF RECOMMENDATION

Staff has no recommendation for this petition.

PETITION OVERVIEW

- The petition is to be continued to allow for additional review.



GENERAL INFORMATION

Existing Zoning	D-A	
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: Single-Family Residential
	West:	West: Single-Family Residential
Thoroughfare Plan		
	E 26 th Street (Local Street) Existing ROW: 50 feet Proposed ROW: 48 feet	Sheridan Avenue (Local Street) Existing ROW: 30 feet Proposed ROW: 48 feet
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	9/21/23	
Site Plan (Amended)		
Elevations	9/21/23	
Elevations (Amended)		
Landscape Plan	N/A	
Findings of Fact	9/21/23	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Enter all comprehensive plans applicable to this proposal.

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan



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

- Enter Recommendation by TOD Plans or “Not Applicable to the Site.”

Neighborhood / Area Specific Plan

- Enter Recommendation by Pattern Book or “Not Applicable to the Site.

Infill Housing Guidelines

- Enter Recommendation by IHG or “Not Applicable to the Site.

Indy Moves

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

- Enter Recommendation by Indy Moves Plans or “Not Applicable to the Site.



ZONING HISTORY

Enter Zoning History



Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS

Enter any photographs or site plans

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-SE3-006
Address: 1140 Dr. Martin Luther King, Jr. Street (*Approximate Address*)
Location: Center Township, Council District #11
Petitioner: SMJ International o/b/o ATC, by Aaron Adelman
Request: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility with a 120-foot monopole tower and a four-foot lightening rod.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility without required perimeter landscaping screening (minimum 10-foot landscape yard required).

The neighborhood, petitioner and staff are continuing discussions regarding this petition. The petitioner has requested a **continuance** to the **February 20, 2024**, hearing. A staff report will be available prior to that hearing.

JY

STAFF REPORT

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

Case Number: 2023-UV3-024
Address: 2745 and 2815 Curry Road (approximate address)
Location: Warren Township, Council District #14
Zoning: D-A
Petitioner: David Palacios, by Joseph D. Calderon
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a landscaping contractor, including the indoor and outdoor storage of commercial vehicles, equipment, and materials (not permitted).

A registered neighborhood organization has filed an automatic continuance, continuing this petition from the January 16, 2024, hearing, to the February 20, 2024, hearing.

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BOARD OF ZONING APPEALS DIVISION III **January 09, 2024**

Case Number: 2023DV2037

Property Address: 8120 Sycamore Road (approximate address), Town of Williams Creek

Location: Washington Township, Council District # 2

Petitioner: Matthew and Michelle Pheffer, by Jose Calderon

Current Zoning: D-S

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in a front yard setback of 61.9 feet from Sycamore Road (67-foot setback required) and a total open space of 83.8% (85% minimum open space required).

Current Land Use: Residential

Staff Recommendations: Staff **recommends approval** of this request with a commitment to ensure two additional trees allowed by the Selected and Prohibited Plants List are added to replace those removed.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

Due to a lack of quorum at the January 9, 2024 hearing, this petition was continued and transferred, by the petitioner, the January 16, 2024 hearing of Division III.

STAFF RECOMMENDATION

Staff **recommends approval** of this request with a commitment to ensure two additional trees allowed by the Selected and Prohibited Plants List are added to replace those removed.

PETITION OVERVIEW

- This parcel contains an existing single-family residence along with an existing front-loaded driveway and small storage shed in the rear yard. This petition would allow for construction of front and rear additions that would result in a deficient front yard setback and a total open space below ordinance standards.
- These parcels are zoned D-S (Dwelling Suburban district) to allow for suburban areas with extreme topography that are conducive to estate development with a low density of housing units. D-S zoning is typified by generous front yards with trees along roadways that follow the natural terrain of the land. The existing home is an allowable use type per ordinance and is also a listed



Department of Metropolitan Development
 Division of Planning
 Current Planning

use for the Rural or Estate Neighborhood Typology within the Marion County Land Use Pattern Book.

- This property is located within the Environmental Overlay of the Marion County Land Use Pattern Book, which stipulates that for this typology “detached housing should be oriented to minimize impact on the natural environment, including trees” and that “development should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area”.
- Although two trees have already been removed to allow for installation of the front addition, the petitioner has agreed to add two additional trees elsewhere on the property to compensate. This commitment is reflected within the staff recommendation above and will assist in preserving the level of tree coverage that typifies D-S zoning. The trees to be added should comply with the Selected and Prohibited Plants List previously approved by the Metropolitan Development.
- 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 744-201-1 of the Indianapolis Zoning Ordinance indicates that for local streets within D-S zoning and in the Metro context, the minimum allowable front setback would be the larger of 40 feet from proposed right-of-way or the average setback of neighboring houses.
- This request would establish a front yard setback of 61.9 feet (a smaller amount than the average setback of 67 feet). Staff has no objection to this request given that the proposed setback is within the character of most surrounding properties and would be a larger proposed setback than the neighboring property to the south.
- Open space restrictions are in place to prevent over-development, promote development pattern unity, and preserve space for outdoor recreation and required stormwater drainage. Table 744-201-1 of the Indianapolis Zoning Ordinance indicates that the minimum total open space for D-S zoning districts is 85%.
- The front and rear additions proposed by this petition would establish a total open space of 83.8%. Staff has no objection to the request given the substandard area and width of the lot and the minor nature of the nonconformity.

GENERAL INFORMATION

Existing Zoning	D-S	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-S	North: Rural or Estate Neighborhood
South:	D-S	South: Rural or Estate Neighborhood
East:	D-S	East: Rural or Estate Neighborhood
West:	D-S	West: Rural or Estate Neighborhood



Department of Metropolitan Development
 Division of Planning
 Current Planning

Thoroughfare Plan		
Sycamore Street	Local Street	Existing ROW: 61' Prop ROW: 50'
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	12/11/2023	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/11/2023	
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 Rural or Estate Neighborhood living typology for this site.
- This site falls within the environmental overlay, which indicates that impact should be minimized on the natural environment and that development should preserve or add at least 30% of the parcel as tree canopy or naturalized area.

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



Department of Metropolitan Development
Division of Planning
Current Planning

- 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. The newly proposed front setback would fall within the existing setback range of neighboring houses.
- The IHG indicates that for lots that do not meet current size requirements such as this one, the surrounding context could be used to dictate appropriate housing sizes.

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

2019DV1036; 8185 Sycamore Road (northeast of site), variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall metal fence and a six-foot tall masonry wall with 6.5-foot tall posts in the front yard (maximum 42 and 48-inch fence and 4.5-foot and five-foot tall posts permitted), and to provide for a retaining wall taller than six feet without terracing and landscaping and exceeding six feet in height where topography drops more than two feet (terracing required maximum two feet additional height permitted for two-foot topography change), **approved**.

2018DV3010; 8192 Sycamore Road (north of site), variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an expanded rear (west) porch, creating an open space of 83% (85% required), **approved**.

2010DV2032; 8182 Sycamore Road (north of site), variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a single-family dwelling, with a south side setback of 12.9 feet (minimum 15-foot south side setback required), **approved**.

2006DV3025; 8105 Sycamore Road (southeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 5.17-foot tall fence within the required 25-foot front yard (maximum 3.5-foot tall fence permitted), **approved**.

2001VAC021 ; 8105 Sycamore Road (southeast of site), vacation of the platted building lines for Lot Number 123 in Williams Creek Estates, Meridian Hills, as per plat thereof recorded in Plat Book 20, Pages 30-31, in the Office of the Recorder of Marion County, Indiana, **approved**.

94-UV2-32; 8141 Sycamore Road (northeast of site), variance of use of the Dwelling Districts Ordinance to provide for the continued operation of a 696 square foot office within an existing single-family residence with two nonresident employees, **approved**.

88-V2-10; 8195 N Pennsylvania Street (northwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 23.2-foot tall (twenty feet maximum height permitted) detached garage with a front setback of twenty feet (twenty-five feet required), **approved**.

71-P-95; 0 Southern Ave (north of site), approval of a preliminary plan of a subdivision plat to be known as PENNSYLVANIA HEIGHTS, dividing 3.50 acres into 18 lots, being in A-2 district, to be platted according to D-5 zoning requirements, **approved**.



2023DV2037 ; Findings of Fact

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

there will still be ample room for off-street parking and the addition is still beyond the City zoning ordinance default front setback of 40 feet.

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 addition will be consistent with the south adjoiner's front building setback line, and there is no change to the existing building setback with respect to the north adjoiner.

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

the averaging of two adjoining properties front setbacks can lead to exaggerated setbacks required for the subject property's desired addition. Furthermore, the angle of Sycamore Road leads to greater setback, along Sycamore as it runs to the north.

2023DV2037 ; Pictures



Photo 1: View of the Subject Site



Photo 2: Facing South

2023DV2037 ; Pictures (continued)



Photo 3: Facing North



Photo 4: Across Sycamore from Subject Site



BOARD OF ZONING APPEALS DIVISION II

January 9, 2024

Case Number:	2023-UV2-017
Property Address:	1701 West 18th Street (approximate address)
Location:	Center Township, Council District #11 (#12 Beginning 2024)
Petitioner:	Joy's Helping Hand Child Care, by Jamika J. Cooper
Current Zoning:	I-1
Request:	Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a Daycare facility for children up to 12 years of age (daycare facilities limited to those less than six years of age).
Current Land Use:	Commercial
Staff Recommendations:	Staff recommends approval of this petition
Staff Reviewer:	Noah Stern, Associate Planner

PETITION HISTORY

ADDENDUM FOR JANUARY 16, 2024 BZA III HEARING

- This petition was transferred to BZA Division III from the January 9, 2024 BZA II hearing due to lack of a quorum. Staff continues to recommend approval of this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of this petition.

PETITION OVERVIEW

- This request would provide for the operation of a daycare facility for children up to 12 years of age (daycare facilities limited to those less than six years of age).
- Daycares typically provide services for children that are not yet old enough to attend formal schooling (usually around age six and below). With the proposed daycare requesting to provide services for children up to 12 years of age, a variance of use is needed. The proposal does not call for any changes to the building itself, nor will there be any changes to the existing landscaping. The proposal calls for a six-foot fence to enclose a small playground area (shown in site plan) that will be located west of the building footprint. This playground will not be located in the front yard of the site, meaning no variances are needed for the fence height. Staff is unopposed to this request.



GENERAL INFORMATION

Existing Zoning	I-1	
Existing Land Use	Commercial	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Surrounding Context
	North: PK-1	North: Vacant Lot
	South: I-1	South: Light Industrial
	East: PK-1	East: School
	West: I-1	West: Light Industrial
Thoroughfare Plan		
West 18 th Street	Local Street Proposed ROW: 48 feet Existing ROW: 60 feet	
Riverside Drive	Secondary Arterial Proposed ROW: 88 feet Existing ROW: 74 feet	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	11/13/23	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/13/23	
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 Light Industrial working 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

N/A

ZONING HISTORY – VICINITY

2017ZON029; 1844 West 16th Street (west of site), Rezoning of 1.6 acres, from the SU-7 (W-1) to the C-5 (W-1) district to provide for general commercial uses, **approved**.

2013CAP/CVR817; 1502 West 16th Street (east of site), Park District-One Approval to provide for a charter school for grades six through 12, with off-street parking and a proposed drop-off lane on 18th Street. Variance of use and development standards of the Special Districts Zoning Ordinance to provide for a charter school, with a 15-foot setback from Riverside Drive (40-foot front setback required and a 22-foot setback from 18th Street (25-foot front setback required), **approved**.

2008ZON051; Multiple Addresses (south of site), The Metropolitan Development Commission proposes the rezoning to the Regional Center secondary district, **approved**.

2010REG094; 1701 West 16th Street (south of site), Regional Center Approval for the hard surfacing of an existing 22,500 square foot parking lot in conjunction with an office/union hall, **approved**.

95-V3-35; 1722 West 16th Street (south of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for a retail paint store, with reduced parking space and with parking and maneuverability zero feet from the right-of-way, **granted**.

88-UV2-19; 1702 West 16th Street (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the construction and operation of a day care center, **granted**.



<p>2 JAN 2024 1234001.4</p> <p>D1.1 COPYRIGHT 2023</p>	<p>SITE CONTEXT PLAN</p> 	<p>Joy's Helping Hands Day Care</p> <p>1701 West 18th Street Indianapolis, IN 46202</p> <p><small>PRELIMINARY AND FOR REGULATORY APPROVAL. REMAINS OF CONSTRUCTION. NAME, OWNER AND ADDRESS ARE SUBJECT TO REVISION.</small></p>	<p>CD CARSON DESIGN ASSOCIATES</p>
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Department of Metropolitan Development
Division of Planning
Current Planning



Helping Children Reach for the Stars!

Plan of Operation:

The mission of Joy's Helping Hand Childcare (JHHCC) is to provide affordable, safe, and high-quality childcare services that support families' efforts to work and/or attend school. JHHCC offers a learning environment for children aged six weeks to 12 years, encouraging them to learn through play in a clean, secure, and developmentally appropriate atmosphere.

JHHCC has provided childcare services for almost 15 years and is a licensed childcare center of Level 1 PTQ in Indiana. After relocating to a new facility, we plan to apply for a Level 3 rating. We will offer our enrolled children a curriculum-based kindergarten readiness education and actively participate in the On My Way PreK program.

Our childcare center meets all the required staff-to-child ratios per licensure requirements. We are excited to announce that we are acquiring a new facility that can hold 110 children and employ 15 to 20 staff to be aligned with our children-to-staff ratio. To better serve the needs of working parents, we will modify our operating hours. Our new hours will be from 5 am to midnight, Monday through Friday, to accommodate parents who work non-traditional hours and late-shift business entities, including hospitals.

We anticipate reaching our capacity within six months of opening our center. The need for quality childcare in the area and need-based services for parents who work nontraditional hours has been increasing. Our daycare center serves children, and our current customers are their parents. We occasionally receive learning materials, such as curriculum booklets, via standard US mail. We strictly avoid handling any hazardous materials in our facility and only use approved sanitary cleaning solutions for daily cleaning. We purchase appropriate school supplies for the proper age from educational vendors to complement our curriculum. With our new center, we are installing a hardwired security system that will provide 24/7 surveillance of our building's grounds. We will also have indoor cameras to ensure the safety of our staff and children. Moreover, we will have an intercom system at the main entrance to our facility.











BOARD OF ZONING APPEALS DIVISION III

January 16, 2024

Case Number: 2023-DV3-053

Property Address: 1711 Ringgold Avenue (approximate address)

Location: Center Township, Council District #21 (#18 Beginning 2024)

Petitioner: Delmar Investment LLC, by Jeanedward Berry

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 and detached garage with three-foot side yard setbacks (five-foot side setbacks required).

Current Land Use: Vacant

Staff Recommendations: Staff **recommends approval** of this petition, subject to substantial compliance with the site plan, file-dated January 9, 2024

Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of this petition, subject to substantial compliance with the site plan, file-dated January 9, 2024.

PETITION OVERVIEW

- This petition would provide for the construction of a single-family dwelling and detached garage with three-foot side yard setbacks (five-foot side yard setbacks required).
- The subject site is currently vacant, with a new single-family dwelling proposed for the lot. The site is a deficient lot, with a width of approximately 30 feet, with the side yard setback standard of 5 feet in place having been designed for lots of 40 or more feet in width. This represents a practical difficulty on the owner, making the petition for reduced side yard setbacks a reasonable request. Given this hardship, Staff is not opposed to the variance request for the reduced side yard setbacks of 3 feet.
- Staff is requesting substantial compliance with the proposed site plan, so that new construction does not encroach upon the side lot lines and, subsequently, the adjacent houses than the proposal calls for.



GENERAL INFORMATION

Existing Zoning	D5 (TOD)	
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: Single-family residential
	West:	West: Single-family residential
Thoroughfare Plan		
Ringgold Avenue	Local Street Existing ROW: 45 feet Proposed ROW: 48 feet	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	12/13/23	
Site Plan (Amended)	1/9/24	
Elevations	12/13/23	
Elevations (Amended)	1/9/24	
Landscape Plan	N/A	
Findings of Fact	12/13/23	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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



Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located within ¼ mile of the Red Line route, with the closest station being the Pleasant Run station along Shelby Street (approximately 700 feet from the subject site). The Red Line TOD Strategic Plan has classified this area under the walkable neighborhood typology, characterized by a mix of uses at the station and primarily residential beyond, a mix of multi-family and single-family housing, and housing containing a maximum of 3 stories throughout.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- With regards to setbacks and building spacing, the Infill Housing Guidelines document recommends:
 - Spacing between buildings should be similar to the surrounding context to establish a rhythm and pattern along the street
 - Leave sufficient space for maintenance
- The proposal is in accordance with the recommendations

Indy Moves

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

- Greenways Master Plan
 - The subject site is located just north of the Pleasant Run Greenway Trail, with a bike/pedestrian bridge that connects the trail with E Pleasant Run Parkway North Drive located just to the east of the subject site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2022ZON007; (north of site), Rezoning of 0.474 acre from the D-5 (TOD) and D-8 (TOD) districts to the SU-2 (TOD) district to allow for school use, **approved**.

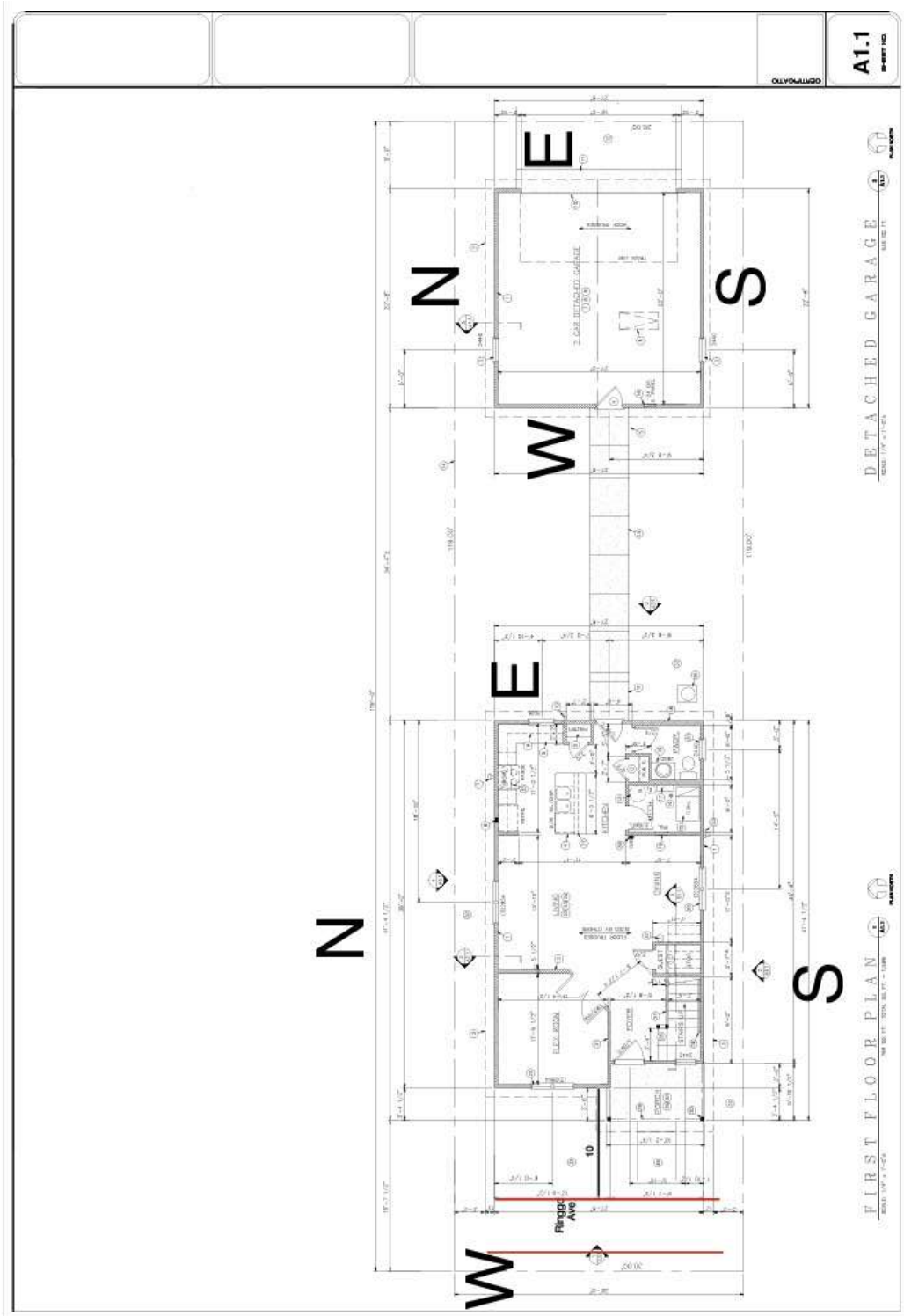
2020ZON065; 110 East Palmer Street (north of site), requested rezoning of 0.24 acre from the SU-1 district to the SU-2 district, **approved**.

2018DV2020; 1810 Barth Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a garage addition with a six-foot front setback from Barth Avenue and to legally establish a five-foot front setback from Pleasant Run Parkway, a two-foot separation between primary dwellings and a one-foot side setback (18-foot front setback or average, 10-foot separation, three-foot side setback), **approved**.

2017ZON071; 1001 East Palmer Street / 1634 and 1638 Barth Avenue, (north of site), requested rezoning of 1.33 acres from the SU-1 and D-5 districts to the D-8 classification, **approved**.

98-Z-213; 1001 East Palmer Street (north of site), requested rezoning of 2.0 acres from the D-5 District to the SU-1 classification, **approved**.

EXHIBITS











STAFF REPORT

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

Case Number: 2023-UV1-023
Address: 7217 Woodland Drive (approximate address)
Location: Pike Township, Council District #1
Zoning: C-4
Petitioner: Enterprise Leasing Company of Indianapolis, LLC, by Joseph D. Calderon
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a car and truck rental facility with associated outdoor storage (not permitted).

ADDENDUM

Due to an indecisive vote at the December 12, 2023 hearing, this petition was continued to the January 9, 2024 hearing.

At the November 14, 2023 hearing, the Petitioner requested a continuance to the next regular hearing and a transfer of the case to Division 2 of the Board of Zoning Appeals. The Board granted the transfer and continued to the December 12, 2023 hearing.

RECOMMENDATIONS

Staff **recommends denial** of the request for the variance of use to provide for the operation of a car and truck rental facility with associated outdoor storage. The proposed use is more intense than those contemplated in the Marion County Land Use Plan for Community Commercial or Regional Commercial typologies but is reserved for either Heavy Commercial or Heavy Industrial districts.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-4	Metro	Community-Regional Commercial (vacant restaurant)
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SURROUNDING ZONING AND LAND USE

North	C-S	Child Daycare Center
South	C-4	Automobile Fueling Station
East	C-3 / I-2	Neighborhood commercial mix / light industrial
West	C-4	Restaurant / vacant lot

COMPREHENSIVE PLAN The Comprehensive Plan recommends Community Commercial development.

(Continued)

- ◇ The 1.22-acre subject site consists of a single parcel developed approximately 1989 with a single commercial structure. The site has been used as a restaurant with an accessory drive-thru until recently vacated.

VARIANCE OF USE

- ◇ The grant of the request would provide for the operation of an auto and truck rental facility with associated outdoor storage. Light vehicle (passenger vehicles) rental is permitted in the C-5, C-7, and CBD-2 districts while heavy vehicle (greater than 14,000 GVWR) rental is permitted by right in C-7, I-3, and I-4 districts. The proposed use includes outdoor storage of heavy trucks and has been determined to be of the most intense commercial/industrial uses and is therefore reserved to the most intense commercial/industrial districts. Such uses are not suitable for the regional commercial district.
- ◇ The purpose of the C-4 district is to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, *certain permitted uses may have limited outdoor activities* [emphasis added], as specified.
- ◇ Guidance for the C-4 district is found in the Marion County Land Use Plan Pattern Book under the Regional Commercial typology. The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers.
- ◇ Guidance for the C-5 and C-7 districts can be found in the Marion County Land Use Plan Pattern Book under the Heavy Commercial typology. This typology provides for consumer-oriented general commercial and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often *dominated by exterior operations, sales, and display of goods* [emphasis added]. Examples include vehicle sales and commercial lumber yards.
- ◇ Approval of the proposed use would be incongruent with the Comprehensive Plan.

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 is less intense than many permitted uses and will not generate significant traffic.

- ◇ Staff has determined that the grant would be injurious to the general welfare of the community as this use has already been determined to be more intense than those permitted uses within the current zoning district. Traffic generation is not the sole determining factor for intensity of a use. Outdoor storage of vehicles is a related use which makes the proposal too intense for the C-4 district.

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 will serve other non-retail uses in Park 100, and will not impede access to any adjoining property.

- ◇ The use and value of the area adjacent to the property included in the variance would be adversely affected by the use as it is bordered to the north by a child day care facility. A child day care facility as a primary use, as seen in this scenario, is reserved to less intense commercial and industrial districts creating a conflict of adjacent uses.

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

the property has been developed and used for a particular use and it would be difficult to reuse the existing improvements for a permitted use. Furthermore, Park 100 has a wide variety of uses in the commercial and industrial realm.

- ◇ The property was developed and used as a restaurant for approximately 30 years. The existing zoning allows many uses for which this property could reasonably be adapted.

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 ordinance allows for more intense motor vehicle related uses in C-4 than the proposed use as an auto/truck rental facility.

- ◇ The ordinance does not allow for more intense automotive uses in the C-4 district. Those vehicle uses with such intense outdoor storage are reserved for heavy commercial and heavy industrial districts.

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

the proposed use will be comparable in intensity to many commercial uses contemplated in the community commercial classification.

- ◇ The Comprehensive Plan has reserved uses with such outdoor storage of heavy vehicles to the heavy commercial typology.

GENERAL INFORMATION

THOROUGHFARE PLAN	Woodland Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 90-foot existing right-of-way and a 50-foot proposed right-of-way.
SITE PLAN	File-dated October 9, 2023.
PLAN OF OPERATION	File-dated October 9, 2023.
FINDINGS OF FACT	File-dated October 9, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS: None

PREVIOUS CASES

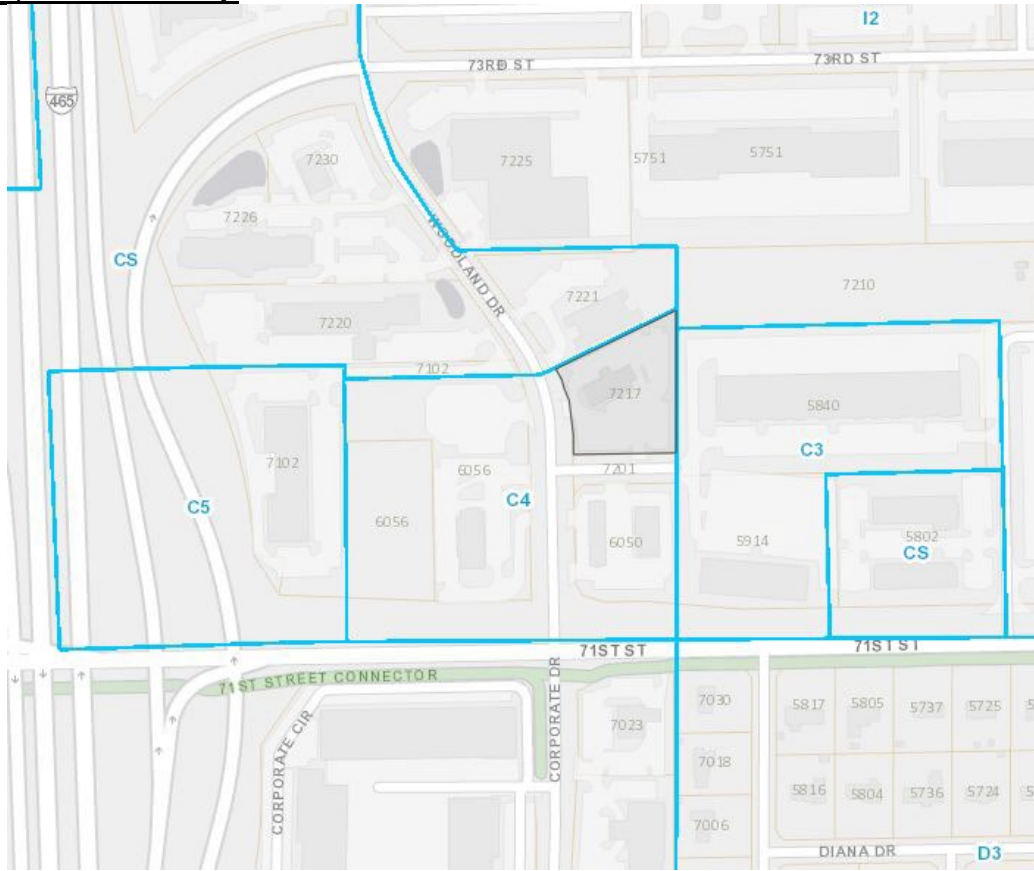
69-Z-317; West 71st (including subject site), Rezoning of 28.28 acres from the A-2 district to the C-4 district, **granted**.

ZONING HISTORY – VICINITY

2000-DV1-065; 6050 West 71st Street (south of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the construction of a 4,220 square foot convenience store, with an interior access drive located within the required front yard of Woodland Drive (interior access drives not permitted with the required front yard), **granted**.

BB

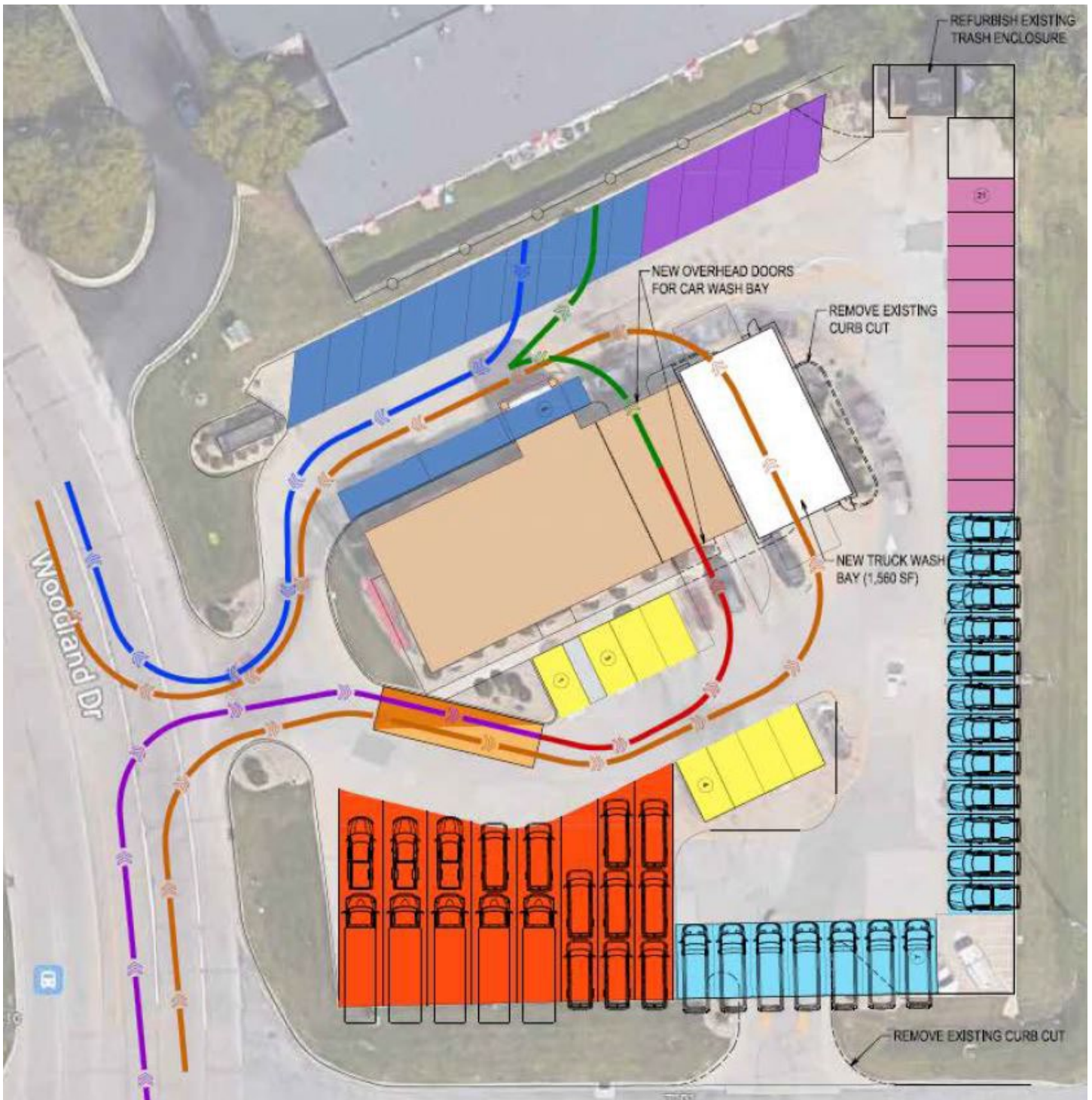
2023-UV1-023; Location Map



2023-UV1-023; Aerial Map



(Continued)



(Continued)



Photo of the Subject Property, view from north



Photo of the Subject Property, view from south

(Continued)



View of north neighbor site (child day care)



View south (Woodland Dr/71st St)

(Continued)



View west from site



Industrial site north of subject site

STAFF REPORT

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

Case Number: 2023-DV3-046
Address: 6415 East 82nd Street (approximate address)
Location: Lawrence Township, Council District #3
Zoning: C-4 /C-S
Petitioner: Baldwin Capital Partners, LLC, by Timothy E. Ochs
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a quick service oil change facility with a drive-through that faces a public right-of-way greater than 30-foot wide (not permitted) with five parking spaces provided (six required).

This petition was automatically continued from the December 19, 2023, hearing, to the January 16, 2024, hearing, at the request of City County Councilor Daniel Boots.

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

C-4 Community Commercial

SURROUNDING ZONING AND LAND USE

North - C-4 Community Commercial
South - C-S Commercial office and warehouse mix
East - C-4 Community Commercial
West - C-4 Community Commercial

COMPREHENSIVE PLAN The Comprehensive plan recommends heavy commercial uses for the site.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The petitioner proposes to demolish and replace the existing structure, with a quick service oil change facility designed with a drive-through that faces a public right-of-way greater than 30-foot wide, and with only five parking spaces.

(Continued)

- ◇ The proposed oil change facility with a drive-through that faces a public right-of-way is a design component of the petitioner that is proposing the development, and not reflective of any difficulty requirement or difficulty imposed on the site, as the site was previously developed with and can still be developed with C-4 uses that are Ordinance compliant without the need for any variances. There is nothing in the Ordinance that requires this site to be developed with a drive through, or a drive through with the specific petitioner’s design. The desire to do so is a matter of choice by the petitioner.
- ◇ The petitioner’s findings of fact indicate that the practical difficulty in the use of the property does in fact result from the narrow width of the lot that prevents a drive though from the side. An oil change facility can be provided without a drive through and with the doors on the east side of the facility, as they would face an internal drive. There is nothing in the Ordinance that requires this site to be developed with a drive through, or with the specific petitioner’s design. The desire to do so is a matter of choice by the petitioner.
- ◇ Staff believes that since this is new construction, and not limited by an existing building or topographical features, that the design of the new construction should relate to the site in meeting the Ordinance standards.
- ◇ The purpose of required off-street parking spaces regulations is to promote public safety by alleviating on-site and off-site traffic congestion from the operation of a facility that has insufficient parking for employees and customers.
- ◇ With the lack of the required parking spaces and the proximity of the final component facing a public right-of-way, traffic at this site is likely to result in congestion and vehicular conflict.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the proposed design of the facility or development. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site. This site would consist of new construction that could be designed to meet the terms of the Ordinance, but the petitioner has decided not to follow the Ordinance for their specific design. Therefore, Staff does recommend denial of the request as proposed.

GENERAL INFORMATION

THOROUGHFARE PLAN	This section of East 82 nd Street is classified on the Official Thoroughfare Plan as a primary arterial with a 150-foot existing and proposed right-of-way.
SITE PLAN	File-dated November 8, 2023
FINDINGS OF FACT	File-dated November 8, 2023

(Continued)

STAFF REPORT 2023-DV3-046 (Continued)

ZONING HISTORY

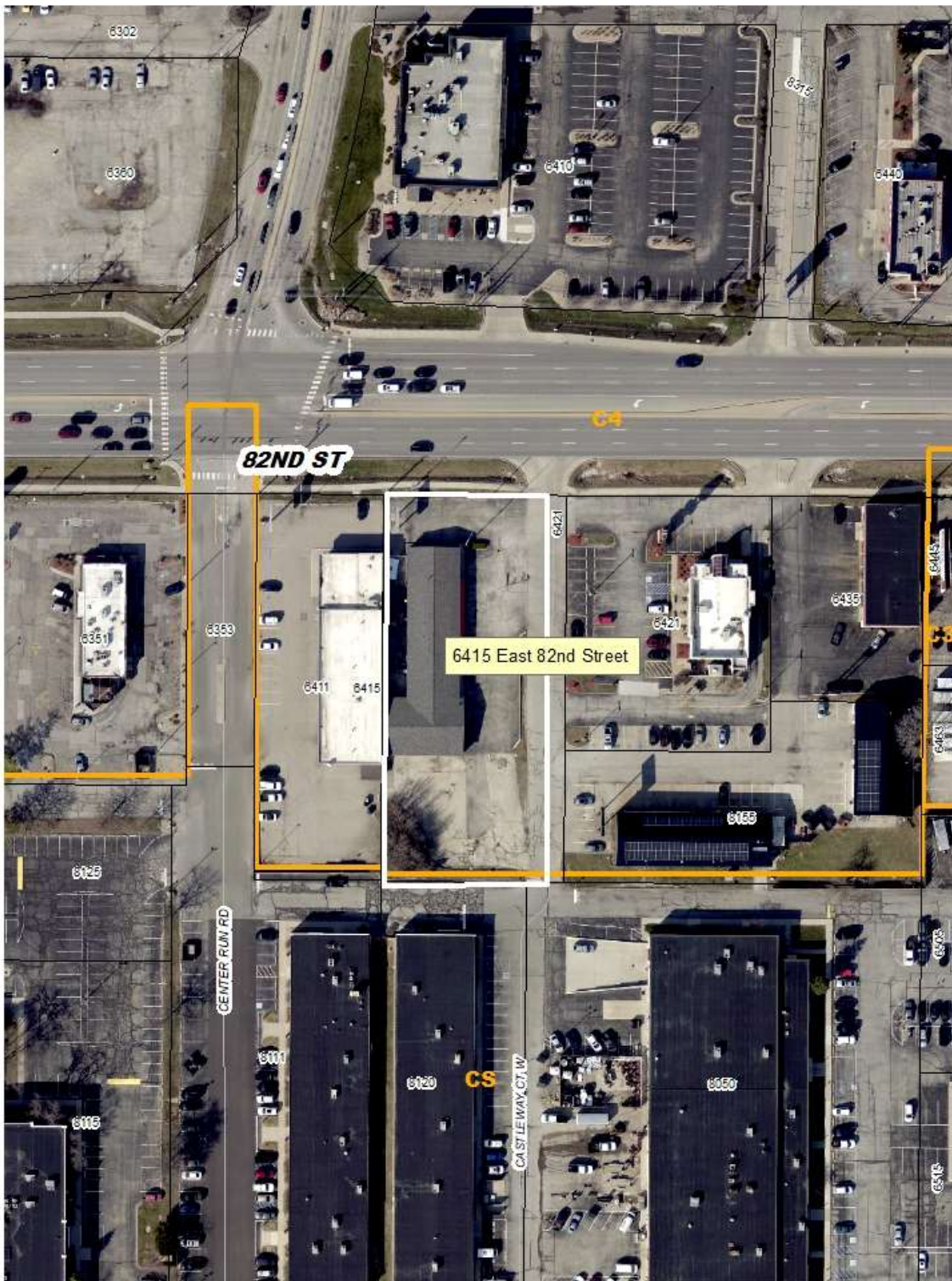
2013-UV1-012; 6445 East 82nd Street (east of site), requested a variance of use of the Commercial Zoning Ordinance to provide for an automotive glass, installation, replacement, and repair company, **granted**.

2001-ZON-817; 6081 East 82nd St (south and west of site); requested the rezoning of 122 acres from C-3, C-4, C-7, and I-2-S to C-S to provide for the development of an office-commercial-industrial business park, **approved**.

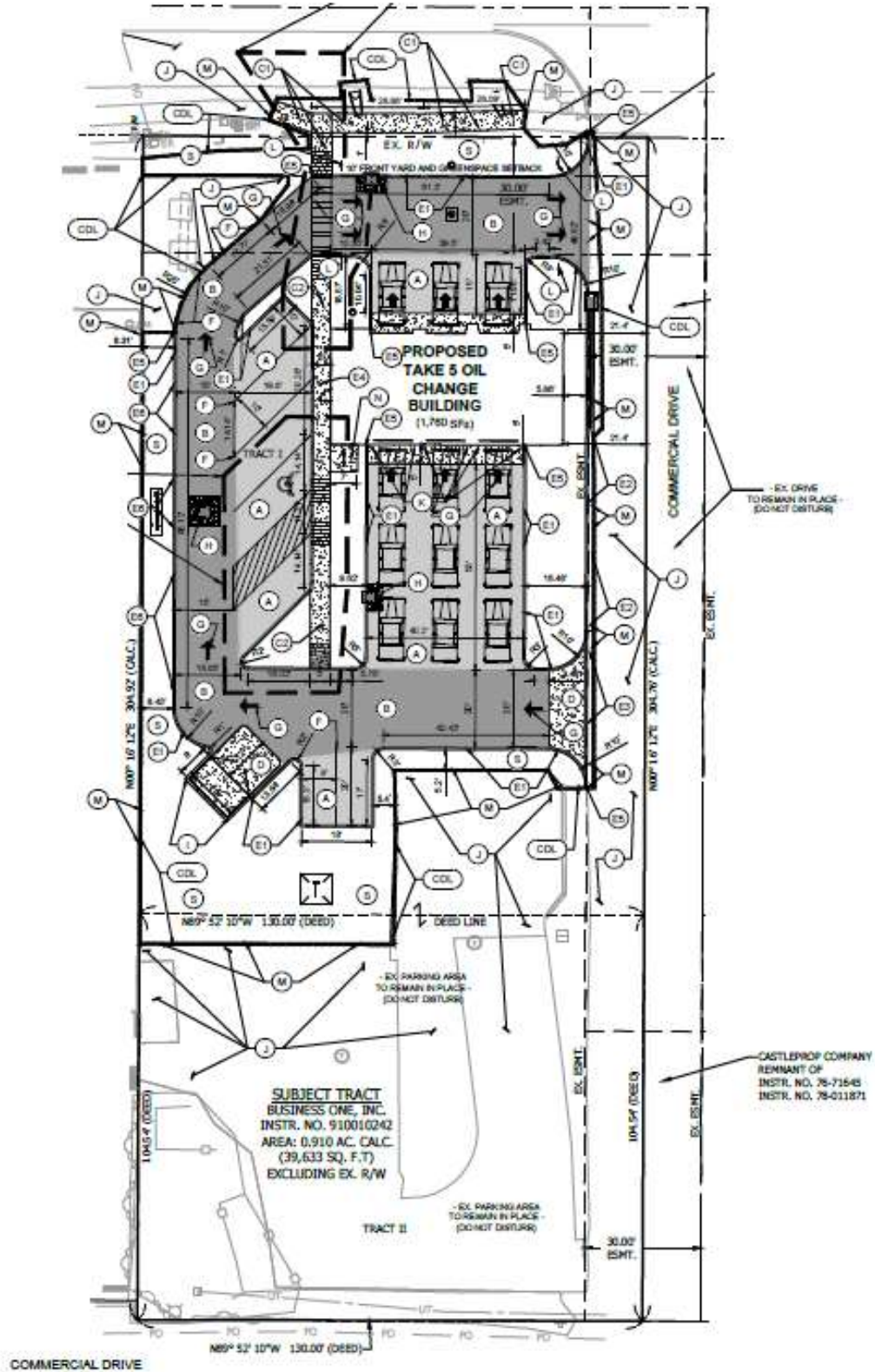
84-HOV-2; 6411 East 82nd Street (west of site), requested a variance of development standards to provide for an existing pole sign to be relocated within an integrated center, **granted**.

RU

2023-DV3-046: Location Map



E. 82ND STREET (FORMERLY S.R. 100)





View of subject site, existing building to be demolished, looking south from East 82nd Street.



View of subject site, east side of existing building to be demolished, looking southwest



View of adjacent community commercial to the north.



View of adjacent integrated commercial center to the east, looking south.



View of adjacent community commercial to the west, looking southeast.



View of adjacent commercial office and warehouse mix to the south.

STAFF REPORT

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

Case Number: 2023-UV3-022
Address: 8345 Bash Street (approximate address)
Location: Lawrence Township, Council District #3
Zoning: C-4
Petitioner: CF Laughner Associates, by David Gilman
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building to be used for automobile sales (not permitted).

This petition was automatically continued from the December 19, 2023, hearing, to the January 16, 2024, hearing, at the request of the petitioner’s representative.

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

C-4 Undeveloped

SURROUNDING ZONING AND LAND USE

North - C-4 Restaurant / Indoor Recreation Use
South - C-4 Commercial Hotel
East - C-4 Commercial Hotel
West - MU-1 Commercial Offices

COMPREHENSIVE PLAN The Comprehensive Plan recommends community commercial uses.

VARIANCE OF USE

- ◇ This request would provide for automobile sales, a heavy commercial use, within an area associated with neighborhood and community commercial uses, with MU-1 and C-4 zoning. A heavy commercial use at this location would represent a deviation from the Comprehensive Plan recommendation of community commercial uses.

- ◇ Retail automobile, motorcycle and light vehicle sales and rentals are generally considered a heavy or high-intensity commercial use, along with go-cart raceways, tractor sales, outdoor flea markets, and newspaper printing and publishing. These uses often tend to have extensive outdoor display and activity, bright lighting, and noise; characteristics that negatively affect lesser zoned districts.

(Continued)

STAFF REPORT 2023-UV3-022 (Continued)

- ◇ The proposed use would require extensive outdoor storage of product, materials, and equipment, compared to surrounding districts, which runs counter to the intent of the C-4 District.
- ◇ Staff believes that this request, if approved, would detract from a streetscape that is already overburdened with a number of existing businesses possessing poorly maintained outdoor storage.
- ◇ Staff has concerns that recommending approval of the variance request would continue the encroachment of heavy commercial and C-5 use conversions into a solidly designated commercial portion of the Castleton Commercial district to the south.
- ◇ There is no hardship associated with this property that necessitates a grant of this variance. It is currently zoned C-4 and can be utilized for C-4 uses without the benefit of a variance.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Bash Road is indicated in the Official Thoroughfare Plan as a primary collector, with an 80-foot existing right-of-way, and a 90-foot proposed right-of-way.
SITE PLAN	File-dated November 2, 2023.
PLAN OF OPERATION	File-dated November 21, 2023
FINDINGS OF FACT	File-dated November 2, 2023.

ZONING HISTORY

2017-DV3-036; 8301 Bash Street and 6880 East 82nd Street (south of site), requested a variance of development standards to provide for transparency only adjacent to public areas at public entrances, **granted.**

89-V1-26; 8250 Bash Street (southwest), requested a variance of development standards to provide for a veterinary clinic with twenty-five parking spaces, **granted.**

89-V2-37; 8321 Bash Street (east of site), requested a variance of development standards to provide for three, five-foot, six-inch tall integrated center signs, **granted.**

85-Z-170; 6902 East 82nd Street (includes subject site), requested the rezoning of 4.7 acres, being in the C-4, SU-2, and I-1-S Districts, to the C-6 classification, to provide for highway-oriented commercial uses, **approved.**

RU * * * * *

2023-UV3-022: Location Map





**Plan of Operation
8345 Bash Street
11/21/2023**

BACKGROUND

The subject site is located just north of 82nd Street on the east side of Bash Street. The site consists of one (1) acre and is zoned C4 (Integrated Center). The site will require on-site detention and is located on the less travelled Bash Street. There is little opportunity for new C4 users that are not already in the immediate area, specifically along East 82nd Street. The site's location and size are the main reason it has remained undeveloped since 1990 while all the surrounding area has developed.

Business Use

The petitioner seeks to operate a small auto sales business with only light maintenance consisting of minor service and detailing cars for sale. The site is limited to approximately 19 cars available for sale and a small 6,400 sqft building footprint. The site plan proposes an opportunity for auto-related office use in the 2,000 sqft lease space, namely an insurance or finance company.

Workforce

The auto sales workforce will consist of 2-3 full-time employees. The auto sales business will have no showroom floor or indoor display and have 2 service bays. The proposed 2,000 sqft office use will have 2 to 4 person staff.

Hours of Operation

Business hours will be 8am to 8pm Monday to Saturday and closed on Sundays.

Off-Street Parking

There shall be a total of 14 customer and employee parking spaces proposed, including van accessible handicap space.

Signage

Any ground sign or business wall sign shall comply with the current Sign Ordinance.

Clients and Customers

Many customers will first make inquiries on-line and call for an appointment. There will also be a few customers that will drive by and browse the vehicles on-site.

Lights

Only one (1) or two (2) outdoor pole lights may be anticipated since the business will be closed in the evenings. However, in the event the owner wants to install pole lights they will be fully shielded light fixtures.

Shipping and Receiving

All shipping and receiving will be delivered by normal postal services.

Drainage

The stormwater will be discharged to a new holding pond and released at a controlled rate to the natural drainage ditch located on the south side of the property.

Waste

All waste would be picked up by utilizing a private or City waste disposal service. There will be no storage of hazardous materials on site.



Subject site northern portion looking east



Subject site southern portion looking east



Adjacent commercial retail uses to the north of site.



Adjacent office commercial uses to the west of site.



Adjacent community commercial use to the south of site.



Adjacent community commercial use to the east of site, looking northeast.

STAFF REPORT

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

Case Number: 2023-UV3-027
Address: 350 South Mitthoefer Road (approximate address)
Location: Warren Township, Council District #19 (#20 Beginning 2024)
Zoning: I-3
Petitioner: SODI Transport Inc., by Narinder S. Sodhi
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the permanent location of portable storage units (limited to 30 consecutive days) with a 19-foot north side yard setback (30-foot side setbacks required).

After this petition was docketed, the petitioner requested that it be withdrawn, and any remaining fees be refunded. The withdrawal of the petition will need to be acknowledged by the Board.

The expenses already incurred by city offices for the requested variances total approximately \$1,045.25. Therefore, the Administrator has recommended **a refund of \$982.75** for expenses that were not incurred by this petition. The refund of any remaining fees will need to be considered by the Board.

RU



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

Case Number: 2023DV3050

Property Address: 805 S Kitley Ave (approximate address)

Location: Warren Township, Council District #18 (#20 beginning 2024)

Petitioner: Kitley Avenue Properties LLC, by J. Murray Clark and Mark R. Leach

Current Zoning: I-4 / C-7

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an eight-foot-tall fence and gate within the front yard of Kitley Avenue (maximum height of six feet permitted).

Current Land Use: Commercial

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

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of this request.

PETITION OVERVIEW

- This property currently houses a fencing contractor. The property was previously used as an appliance repair service business and received a variance in 2016 to allow for up to two dwelling units on the second floor of the existing building. In September of 2023, a violation case was opened related to the installation of a fence with height exceeding 6' in the front yard (disallowed per Table 744-510-2 of the Indianapolis Zoning Ordinance).
- This petition would seek to legalize the portion of the fence installed on the western portion of the property within the front yard at a height of 8 feet. The portions of the fence placed in the side yard are allowed by-right (maximum height allowable would be 10 feet for side and rear yards).
- Most of the land occupied by these parcels are zoned I-4 (Heavy Industrial District) while a small portion to the south is zoned C-7 (High-Intensity Commercial District). The Marion County Land Use Plan Pattern Book recommends Heavy Commercial development for this area.



Department of Metropolitan Development
Division of Planning
Current Planning

- The Indianapolis Zoning Ordinance prescribes height limitations for fences to maintain visibility, orderly development, and the appearance of open space while also allowing for reasonable privacy. Although neighboring properties have taller fences in front yards that predate current ordinance standards, it is unclear what inherent practical difficulties exist that would be remedied by an 8-foot fence but not by an ordinance-compliant 6-foot fence. Therefore, staff recommends denial of this request.

GENERAL INFORMATION

Existing Zoning	I-4/C-7	
Existing Land Use	Commercial	
Comprehensive Plan	Heavy Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-S	North: Light Industrial
South:	C-7	South: Heavy Commercial
East:	I-3	East: Light Industrial
West:	C-S	West: Light Industrial
Thoroughfare Plan		
Kitley Avenue	Primary Collector	Existing ROW: 50' Prop ROW: 80'
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	11/27/23	
Site Plan (Amended)	N/A	
Elevations	11/27/23	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/27/23	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan



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

- The Marion County Land Use Plan Pattern Book recommends the Heavy Commercial working 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

2016UV3014, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for up to two dwelling units (not permitted) on the second floor of the existing building, including residential accessory uses and structures (not permitted), **approved**.

2002LNU021, legally established nonconforming use certificate to legally establish uses and development standards in relation to the Industrial Zoning Ordinance and the Sign Regulations of Marion County, Indiana, **denied**.

81-Z-108, requested the rezoning of 2.39 acres from the SU-28 district to the I-4-U district, **approved**.

ZONING HISTORY – VICINITY

95-Z-104; 601 Kitley Avenue (west of site), Rezoning of 24.84 acres from the I-3-U and I-3-S Districts, to the C-S classification to provide for the continued use and development of a racetrack and associated facilities, **approved**.

93-UV2-44; 6464 Brookville Road (southwest of site), Variance of use of the Industrial Zoning Ordinance to provide for the sale of automobiles, **approved**.

90-V1-109; 6520 Brookville Road (southeast of site), Variance of development standards of the Industrial Zoning Ordinance to legally establish an existing front setback of less than the required 40 feet from the right-of-way; to allow more than 10% of the required parking within the front yard; to permit the construction of a storage building to store fencing materials within 300 feet of a dwelling district; to permit a rear yard setback of 3.5 feet; and a variance of development standards of the Sign Regulations of Marion County to legally establish an existing pole sign with a 14.5 foot setback from the right-of-way, **approved**.

85-V1-59; 6520 Brookville Road (southeast of site), Special request to allow outside storage in excess of fifty percent of total building space, use of the required front yard for outdoor display of products and the use of side transitional yard for storage and display and to extend the time in which to obtain an Improvement Location Permit, **approved**.

84-Z-80; 6450 Brookville Road (southwest of site), Rezoning of 0.822 acres from the I-3-U District, to the C-3 District to provide for restaurant and tavern uses, **approved**.

83-UV1-133; 802 S Kitley Avenue (west of site), Variance of use of the Industrial Zoning Ordinance to allow the construction of a building for restroom facilities accessory to an auto-race track, **approved**.




EXHIBITS

2023DV3050 ; Aerial Map



2023DV3050 ; Site Plan



-  Front Yard with Tall Fence
-  8' Ornamental Black Metal Fence with 24'-wide Cantilever Gate
-  8' Decorative Masonry Fence



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



2023DV3050 ; 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 fence was installed at its current height to protect the safety of those from the surrounding area as well to protect the substantial business investment of the Petitioner. The Petitioner operates a Monday - Friday business that is open during normal business hours. However, the surrounding sites include a bar (to the south) that is open until 3:00 AM each day and the Indianapolis Speedrome (to the west) that has eclectic, but often after hours, events drawing large numbers of people to the area. During these times, Petitioner's site, which stores its commercial vehicles and a large supply of valuable and dangerous (i.e., sharp) fencing materials, is vulnerable. Further, if someone were to gain access, especially with reduced mental faculties due to alcohol consumption, the potential to injure themselves is great.

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 Petitioner owns a number of parcels in the area which they have taken pains to secure to preserve the safety of their property and the general public. The business to the west, the Indianapolis Speedrome, is an entertainment complex with inconsistent hours of visiting patrons and patrons that may be new to the area. The fence is of high quality and looks aesthetically pleasing and complements the surrounding area. Clearly the use or value of adjacent properties will not be adversely affected.

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

The fence is of similar height and quality as the other fences along the business and in the area. This specific parcel is one of many that the Petitioner owns that completes an entire business footprint that encompasses a majority of the block. Requiring the fence to be lowered to less than its current height would create inconsistencies and detriment to the business. Further, IMPD reports that from June 6, 2023, to November 20, 2023, there were 167 incident reports made within a 1-mile radius of the site. If the Petitioner's fence is lower, the site could become a magnet for the existing nearby activity, and attract the problematic activity to the site. Additionally, strict compliance with the ordinance would substantially decrease protection of the commercial materials within the Petitioner's property. Finally, it would be cost prohibitive to remove the fence, as it is valued at more than \$42,000.

2023DV3050 ; Pictures



Photo 1: View of the Subject Site (from West)



Photo 2: View of the Subject Site (from South)

2023DV3050 ; Pictures (continued)



Photo 3: Fence from South

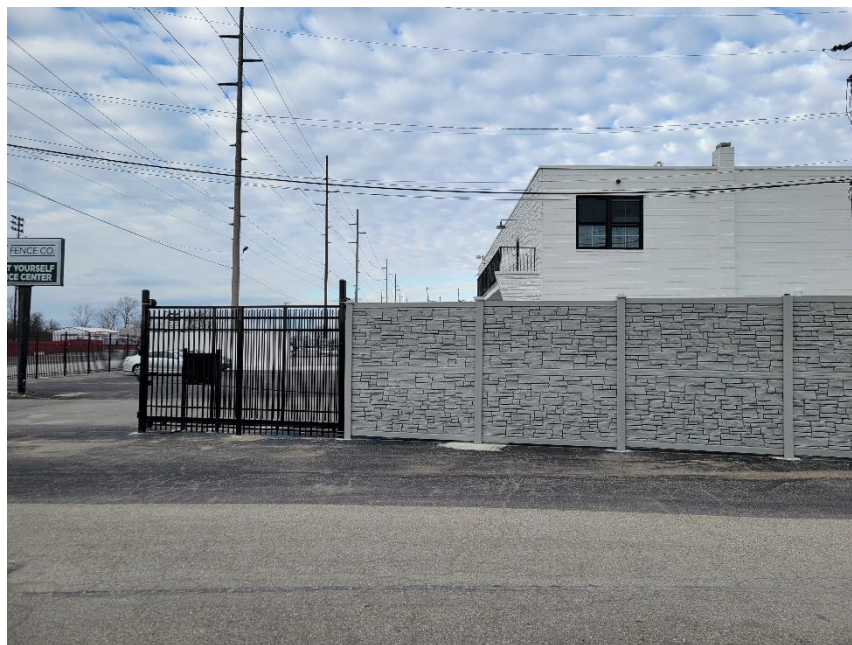


Photo 4: Fence from South showing Front Building Line

2023DV3050 ; Pictures (continued)



Photo 5: Adjacent Property to North



Photo 6: Adjacent Property to South



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

Case Number: 2023-DV3-051

Property Address: 3449 North Kenwood Avenue (approximate address)

Location: Center Township, Council District #9 (#8 Beginning 2024)

Petitioner: Mamba Investments LLC, by Sharika Webb

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 with three-foot side yard setbacks and a 27-foot front building line (five-foot setbacks required, maximum 19.9-foot front building line permitted).

Current Land Use: Residential

Staff Recommendations: Staff **recommends approval** of the request for three-foot side yard setbacks with a commitment to require administrative approval of the exterior elevations of the property. Staff **recommends denial** of the request for a 27-foot front building line.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request for three-foot side yard setbacks with a commitment to require administrative approval of the exterior elevations of the property. Staff **recommends denial** of the request for a 27-foot front building line.

PETITION OVERVIEW

- This parcel is currently undeveloped and is surrounded by existing residentially zoned land that is largely developed. This petition would allow for the legal placement of a single-family residence with deficient front building line and side setbacks for the primary structure.
- 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



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Division of Planning
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.

- The 2020 Red Line Transit-Oriented Development Plan discourages off-street surface parking. Although on-street parking is not available along the eastern side of Kenwood Avenue, the TOD plan encourages garages and multiple neighboring properties have detached garages facing the alley to the east. The proposed location of the single-family dwelling would likely necessitate an additional variance for a deficient rear setback if a detached garage were to be added to the property in the future.
- Most homes along this block of Kenwood have a 1-story covered front porch that extends out from the primary property. However, the proposed front and rear porches on this house are comprised of thick, solid walls that extend down from the roof and are heavy in their massing. The porches also do not show steps leading up to them despite plans indicating placement of a crawl space. This unusual façade design and potential difference in foundation height from neighboring properties do not demonstrate compliance with the Infill Housing Guidelines.
- Setback standards allow for adequate separation between neighboring properties and between structures and public roadways. They are also a key component of recent ordinance amendments focused on the implementation of walkable, compact neighborhoods. Additionally, uniform front setbacks help shape the perceived size of streets and promote orderly development as outlined within the Infill Housing Guidelines. Table 744-701-2 of the Indianapolis Zoning Ordinance indicates that along Terrace frontages a maximum front building line of 19.9 feet is allowed. Additionally, 5-foot side setbacks are required for this property and development type per Table 742.103.03 of the Ordinance.
- This request would establish 3-foot side setbacks. The requested side setbacks would not create uncharacteristically large gaps between properties or present the appearance of irregular spacing compared to neighboring properties. Additionally, the deficient sizing of the existing lot would make development with compliant side setbacks difficult. For these reasons, staff recommends approval of the request for 3-foot side setbacks.
- Staff's recommendation of approval for the side setback request would be conditioned upon the ability to provide administrative approval of exterior elevation renderings to ensure that the proposed massing and façade match the neighborhood context and conform with the Infill Housing Guidelines.
- This request would also establish a 27-foot front building line. Counter to the Infill Housing Guidelines, the proposed front setback does not fall within the existing setback range established by neighboring properties (maximum of neighboring houses on the block is 17 feet and the proposed is 20 feet). Additionally, the proposed location would likely not allow for future placement of a detached rear garage as recommended by the Red Line TOD Plan without a future variance.



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 Current Planning

- No practical difficulties exist that would prevent development of the property with a smaller front building line that would comply with ordinance standards and comprehensive plan guidelines. Therefore, staff recommends denial of the request for a 27-foot building line.

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-8	East: Traditional Neighborhood
West:	D-5	West: Traditional Neighborhood
Thoroughfare Plan		
Kenwood Avenue	Local Street	Existing ROW: 50' Prop ROW: 48'
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	12/20/2023	
Site Plan (Amended)	N/A	
Elevations	12/07/2023	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/07/2023	
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



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Current Planning**

- 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 Walkable Neighborhood BRT stop which is primarily comprised of attached and detached single-family development.
- Off-street parking is discouraged and should be limited to garages.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

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.
- The IHG indicates that side setbacks and building spacing should limit uncharacteristically large gaps and reify existing spacing along the block.

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

2022UV2023; 3401 N Capitol Avenue (southwest of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with minor residential features and structures (not permitted), **approved**.

2010ZON080; 3427 N Capitol Avenue (southwest of site), Rezoning of 0.37 acre, from the D-5 District, to the D-8 classification to provide for multifamily development, **approved**.

2010VAR011; 3427 N Capitol Avenue (southwest of site), Variance of Development Standards of the dwelling district zoning ordinance to provide for a 12.5-foot wide, two -way internal drive aisle (minimum 24-foot drive aisle width required); a trash container with a three-foot rear setback; a six-foot tall front yard fence; 18 parking spaces; and a three-foot north perimeter yard, **approved**.

2004DV3034; 145 W 35th Street (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a two-story, 2,338.40-square foot two-family dwelling, with a 250-square foot front porch, with a 2.50-foot front yard setback from the existing right-of-way of West 35th Street (minimum 25-foot setback from the existing right-of-way required) with a lot area of 3,120 square feet (minimum lot area of 9,000 square feet required), with a lot width of 52 feet and 60 square feet (minimum lot width of ninety feet required on both street frontages), and without each dwelling unit oriented to a different street (each dwelling unit required to be oriented to a different street), **approved**.

99-HOV-17; 3469 N Illinois Street (northeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a duplex with a main floor area of 591 square feet (minimum 660 square feet required), **approved**.

99-HOV-16; 3455 N Illinois Street (northeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a duplex with a front setback of 25 feet on Illinois Street (minimum 40 feet required), to provide for a main floor area of 591 square feet (minimum 660 square feet required), and to provide for 2 off street parking spaces (minimum 4 spaces required), **dismissed**.

99-V3-81; 3457 N Illinois St (northeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a duplex with one dwelling with a main floor area of 589 square feet (minimum 660 square feet required), a second dwelling with a main floor area of 603 square feet (minimum of 660 square feet required), a front setback of 25 feet along Illinois Street (minimum 40 feet required), and, an aggregate side yard setback of 8.2 (minimum 10 feet required), **approved**.



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99-SE3-6; 3450 N Illinois Street (east of site), special exception of the Dwelling Districts Zoning Ordinance to provide for the construction of a church, **approved**.

97-V1-26; 3469 N Illinois Street (northeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-family residential dwelling with: a) a front yard setback of 4.1 feet along 35th Street (minimum 25 feet required); b) a front yard setback of 25 feet along North Illinois Street (minimum 40 feet required); and c) zero off-street parking spaces (minimum 4 required), **approved**.

95-HOV-96; 3461 N Illinois Street (northeast of site), variance of development standards of the Dwelling District Zoning Ordinance to provide for the construction of three residences: one single-family residence with a front setback from North Illinois Street of 20 feet (minimum front setback of 40 feet required) and one two family residence with a front setback from North Illinois Street of 25 feet (minimum front setback of 40 feet required), **approved**.

95-HOV-95; 3433 N Illinois Street (southeast of site), variance of development standards of the Dwelling District Zoning Ordinance to provide for the construction of a single-family residence with a front setback from North Illinois Street of 20 feet (minimum front setback of 40 feet required), **approved**.

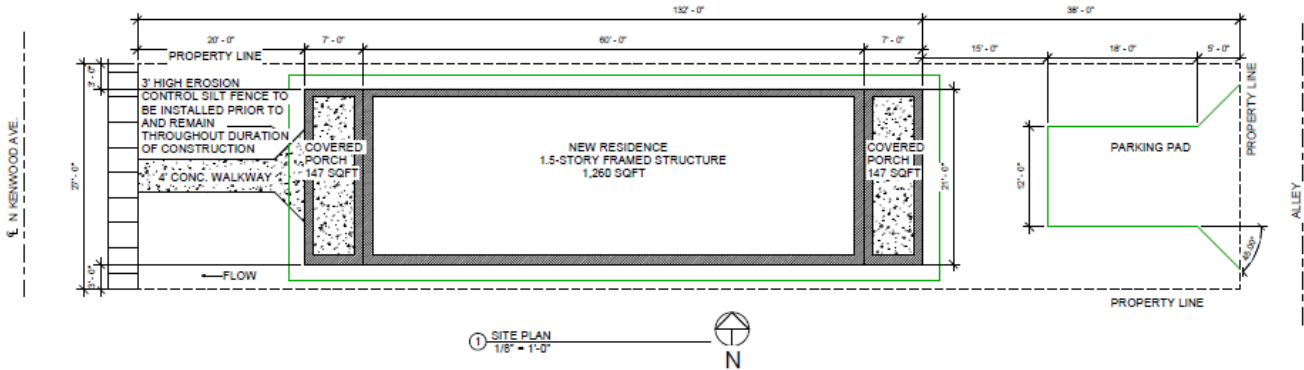
94-Z-155; 3433 N Illinois Street (southeast of site), rezone of 0.12 acre from C-4 to D-8, **approved**.

EXHIBITS

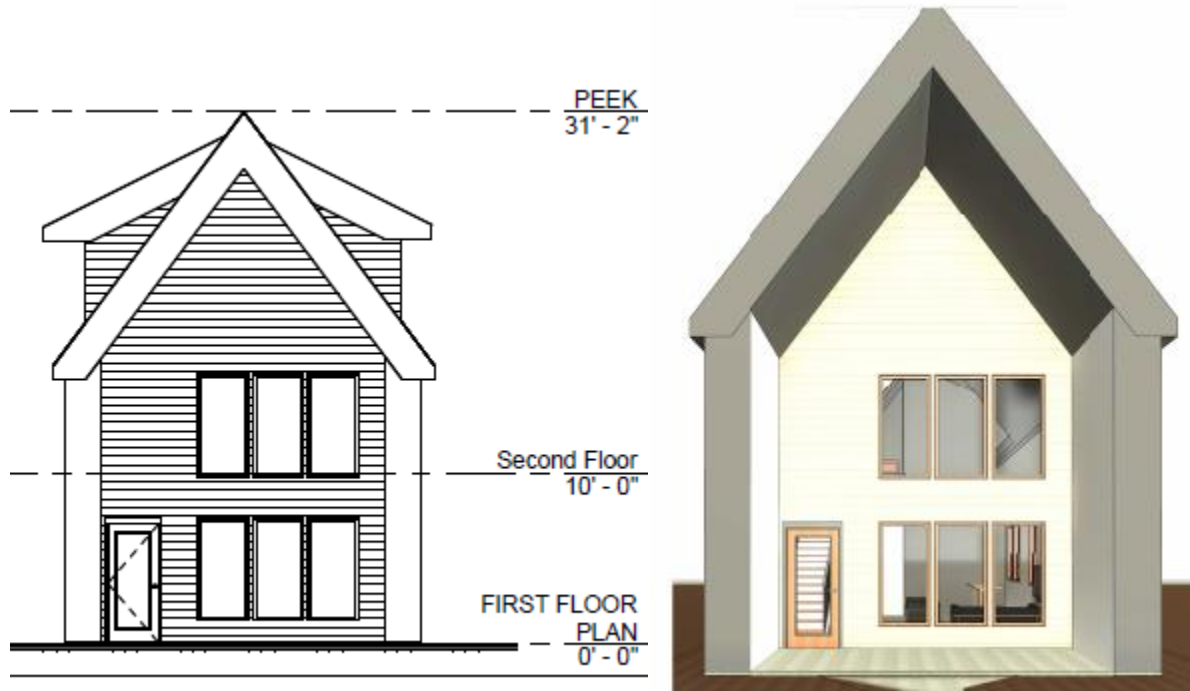
2023DV3051 ; Aerial Map



2023DV3051 ; Site Plan



2023DV3051 ; Front Elevation & Front Rendering





2023DV3051 ; Findings of Fact

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]
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 variance aligns with the existing zoning regulations besides the setback and will not pose a threat to the public. Instead the variance is crucial for promoting affordable housing, which contributes to the overall well-being of the community.

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

Due to the careful planning and consideration of the surrounding environment the proposed variance will not devalue the adjacent property. In order to achieve this the contractors selected are well trained and will ensure that the construction and development adheres to the highest standards. Their professional expertise will minimize any potential adverse effects on the adjacent areas.

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

The current zoning ordinances would necessitate narrowing the proposed new residential construction, creating practical difficulties in design and functionality. In addition, this limitation could hinder the ability to provide adequate living spaces and may compromise the overall quality of the housing.

2023DV3051 ; Pictures



Photo 1: View of the Subject Site (from West)



Photo 2: Adjacent Properties to West Across Kenwood

2023DV3051 ; Pictures (continued)



Photo 3: Neighboring Property to the North



Photo 4: Neighboring Property to the South

STAFF REPORT

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

Case Number: 2023-UV3-026
Address: 4328 East Michigan Street (approximate address)
Location: Center Township, Council District #12 (#13 Beginning 2024)
Zoning: MU-1
Petitioner: Robert McInteer
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing building to a duplex (not permitted) with one-foot front yard setbacks from Michigan Street and Euclid Avenue and a six-foot west side yard setback (12-foot front yard, 10-foot side yard setbacks required) with vehicular access from Euclid Avenue (exclusive vehicular access from an improved alley required).

RECOMMENDATIONS

Staff **recommends denial** of the request to allow for vehicular access from Euclid Avenue, however, **recommends approval** of the remainder of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

MU-1 Compact Vacant

SURROUNDING ZONING AND LAND USE

North D-5 Single-family Dwellings
South MU-1 Single-family Dwellings and General Commercial
East D-5 Multi-family Dwellings
West D-5 Single-family Dwellings & Two-Family Dwellings

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Village Mixed-Use development.

- ◇ This 0.11-acre lot, zoned MU-1, is currently improved with a vacant, previously commercial office building, with a residential appearance.

(Continued)

STAFF REPORT 2023-UV3-026 (Continued)

- ◇ North of the subject site are single-family dwellings, within the D-5 District. West of the site are single and two-family dwellings within the MU-1 District. To the east is a multi-family structure within the MU-1 District. To the south, across Michigan Street, are single-family dwellings and a general commercial building.
- ◇ The MU-1 District is intended to promote the development of high-rise office uses with apartments intermixed within the same building. The district is intended to be applied in areas with access to primary arterials, within proximity to high frequency mass transit, in order to promote increased presence of regional commercial complexes. Prior to the adoption of Indy Rezone, the subject site was zoned C-2, which served a similar purpose to the MU-1 District.

VARIANCE OF USE

- ◇ The request, as proposed, would allow for the conversion of the existing structure into a two-family dwelling.
- ◇ According to Assessor Property Cards, the structure was built in 1922, and has an area of 756 square feet. While a floor plan has not been provided, this would allow for the development of two efficiency style dwelling units. Staff would note that this would support the Ordinances Livability Principles, specifically to promote equitable, affordable housing options.
- ◇ Ideally, this Livability Principle would be applied in instances where the goal of lowering the combined cost of housing and transportation can be achieved. At the time of publication, the subject site is located along Indy Go's Route 3, which provides service every 30 minutes. Therefore, Staff believes the request to represent a reasonable deviation from the Ordinance.
- ◇ In Staff's opinion, the subject site is mis-zoned, given that the lot is substandard to reasonably provide for the building typology and intensity of uses associated with the intent of the district. Given that the request intends to repurpose the existing building, Staff believes there to be sufficient hardship warranting a favorable recommendation.
- ◇ Staff would note, however, that if approved, the variance grant would only apply to the existing building. Its grant would not apply to any subsequent building additions or site redevelopment.
- ◇ The use, as proposed, is more in line with the Artisan Food and Beverage land use. While this use is permitted within most Commercial and Mixed-Use Districts, and therefore would continue to require a variance of use within the D-5 District, Staff would note that this type of use is contemplated by the Land Use Pattern Book.
- ◇ According to the Land Use Pattern Book, such operations, classified as Community Farms/Gardens, are promoted to be located on sites recommended for Traditional Neighborhood Development, so long as they are limited to no more than two acres per site. This recommendation contemplates the sales of products grown on site.

(Continued)

STAFF REPORT 2023-UV3-026 (Continued)**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The portions of the request related to setbacks effectively legally establish deficiencies associated with the footprint of the existing building. Given the adaptive reuse of the structure, and facts indicated above, Staff believes this to be a reasonable request.
- ◇ The request also intends to provide vehicular access from Euclid Avenue along its eastern lot line. All lots within Marion County, with less than 200 linear feet of street frontage, that abut improved alleys, are required to maintain exclusive vehicular access from said alley. This alley is improved and appears to be well used given the presence of parking pads along the alley.
- ◇ This standard is intended to reduce the potential for conflict between vehicles and pedestrians and preserve the sidewalk network throughout the County by reducing the number of unnecessary curb cuts. Staff believes that this would unduly introduce a pedestrian hazard, and that no practical difficulty exists warranting approval of this portion of the request.

GENERAL INFORMATION**THOROUGHFARE PLAN**

This portion of Michigan Street is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing 59-foot right of way and proposed 78-foot right-of-way.

This portion of Euclid Avenue is classified as a Local Street in the Official Thoroughfare Plan for Marion County, Indiana, with an existing and proposed 50-foot right-of-way.

SITE PLAN

File-dated December 11, 2023.

FINDINGS OF FACT

File-dated December 11, 2023.

ZONING HISTORY – SITE

None.

(Continued)

STAFF REPORT 2023-UV3-026 (Continued)**ZONING HISTORY – VICINITY**

2021-UV1-005; 437 North Euclid Avenue; requests variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a transitional living quarters; *granted*.

2006; UV3-011; 4401 East Michigan Street; requests variance to provide for repair of used automobiles, with one parking space in the required ten-foot east transitional yard, with one parking space with insufficient maneuvering area in the alley; **granted**.

2005-HOV-035; 4319 East Michigan Street; requests variance to legally establish an existing two-story single-family dwelling with a detached garage; **granted**.

99-UV2-27; 4406 East Michigan Street; requests variance of use of the Commercial Zoning Ordinance to legally establish a 20 by 20 foot addition to an existing garage, associated with an existing single-family dwelling; **granted**.

98-Z-84; 4410-4424 East Michigan Street; requests rezoning of 0.5 acre from C-2 and D-5 Districts to the SU-1 classification; **approved**.

98-UV2-1; 4406 East Michigan Street; requests variance of use of the Commercial Zoning Ordinance to legally establish a 20 by 20 foot addition to an existing detached garage associated with a single-family residence; **denied**.

95-UV1-72; 4324 East Michigan Street; requests variance to provide for an ice producing operation; **granted**.

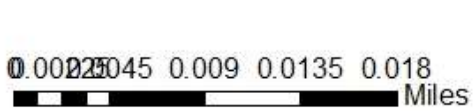
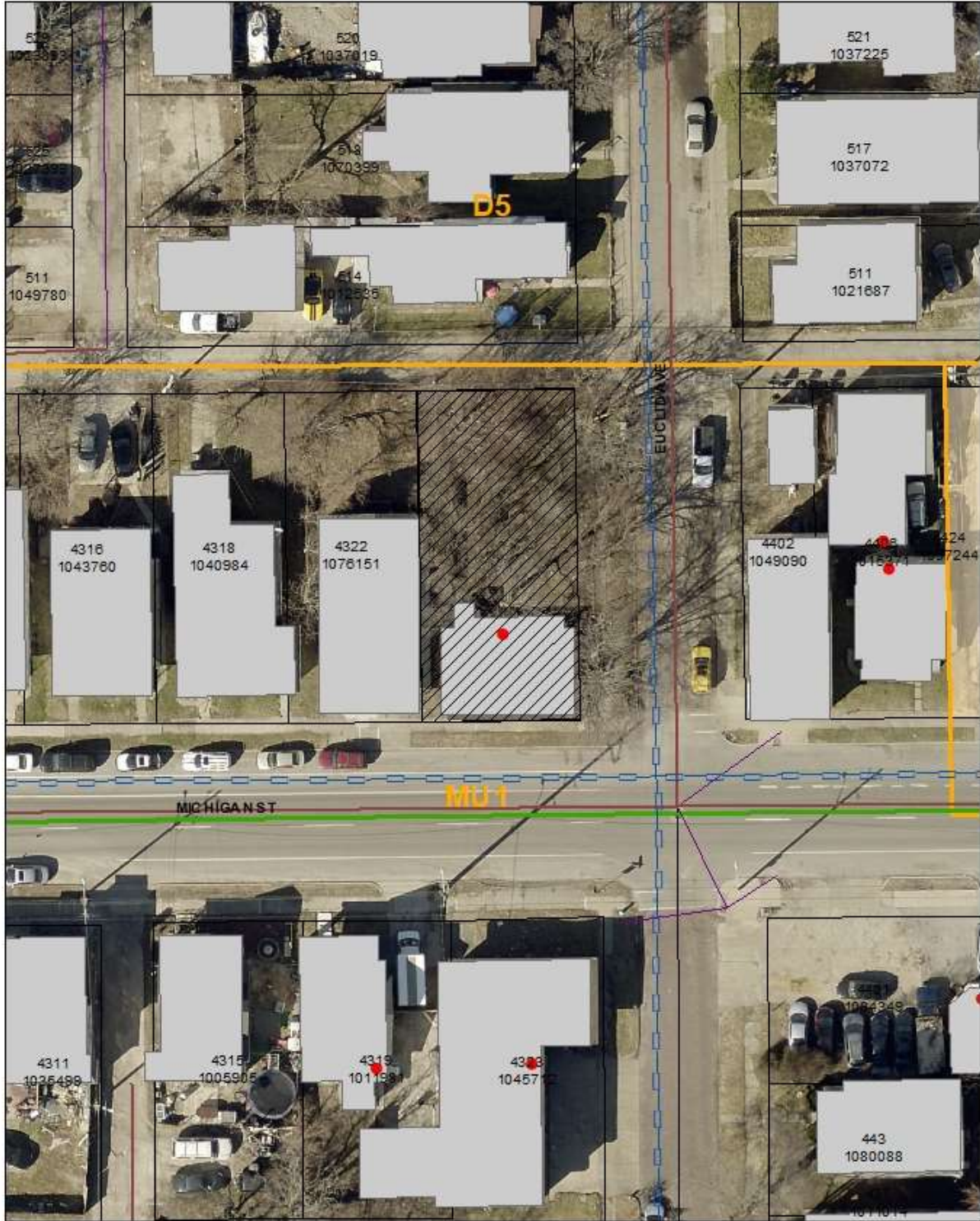
95-UV1-44; 4401 East Michigan Street; requests variance to legally establish a building contractor's facility in two one-story structures; **granted**.

94-V1-86; 422 North Linwood Avenue; requests variance to legally establish a 336-square foot carport with a zero-foot side yard setback, resulting in 62% open space; **granted**.

88-Z-75; 4428 East Michigan Street; requests rezoning of 0.12 acre from D-5 to C-3; **approved**.

81-V3-16; 4501 East Michigan Street; requests variance of use and development standards to permit open air auto sales with office and signs; **granted**.

EDH



2023-UV3-026; Findings of Fact - Use

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 nature of this petition is to allow for safe, healthy and affordable housing for residents of Indianapolis. This petition also mirrors the city's comprehensive plan of being a residential area.

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

A majority of the properties in close proximity are used as residential dwellings, which will allow for this variance of use to seamlessly interlock with the current zoning of adjacent properties. Speaking to the value of adjacent properties, the previous condition of the property is light, as a result would help better the community image and value, in the immediate area as well as this overall section of the michigan st corridor.

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

It is the petitioner's understanding that a zoning ordinance was adopted in 1968 to promote the development of commercial buildings to support the needs of the local community. This ordinance included converting 4328 E. Michigan st to a MU1 designation which does not fit well within the city's or community's needs the the present day. Since 1968 other areas have had more success garnering development for the community.

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 current property use drastically limits the property's ability to have a positive contribution to the community. The majority of uses for MU1 generally require a much larger lot size for development.

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

The current comprehensive plan designates this area as heavily traditional neighborhood. Two family dwellings are and will continue to be depended upon to provide safe, healthy and affordable housing for the constituents of Indianapolis.

DECISION

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

Adopted this _____ day of _____, 20 ____

2023-UV3-026; Findings of Fact – Development Standards

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 property is to remain within the comprehensive plan set forth by the city as a residential area and add affordable safe and healthy housing units, for residents of Indianapolis.

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 value and overall use will increase by adding affordable living conditions for at least two residents to become part of the community.

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

The property will not conform to the zoning ordinance development standards designated for MU1 for many factors including, minimum street frontage, minimum front yard setback, side transitional yard/abutting alley, minimum primary building height (all included in table (744-201-4). The development standards will prevent the practical use of the property in a reasonable manner due to the MU1 zoning designation being primarily for use in high rise and large unit mixed use buildings.

DECISION

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

Adopted this _____ day of _____, 20 ____

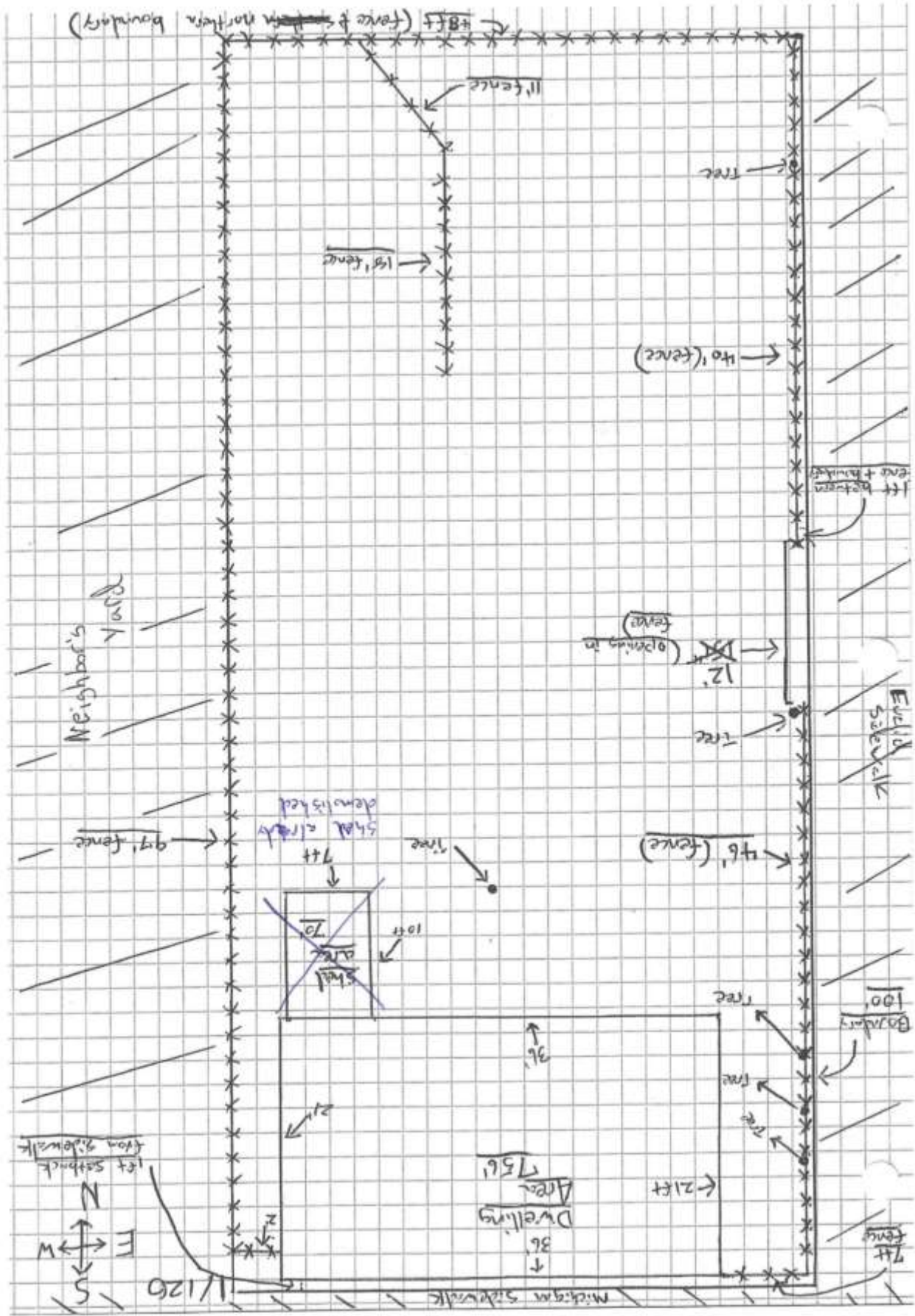




Photo One: Looking East Along Michigan Street



Photo Two: Looking West Along Michigan Street – Subject Site On Right



Photo Three: Facing South Along Euclid Avenue, Across Michigan Street



Photo Four: Looking North Along Euclid Avenue, Subject Site On Left



Photo Five: Existing Gap In Fence, Facing West



Photo Six: Looking West Along Improved Alley, Subject Site On Left