



Board of Zoning Appeals Division II (August 8, 2023) Meeting Agenda

Meeting Details

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

Date: Tuesday, August 08, 2023

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2023-DV2-017 | 717 East 27th Street**
Center Township, Council District #17, Zoned D-8
Lamond Jay Henderson, by Myron Cheeks

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-story duplex on a 50-foot wide lot with an area of 2,737 square feet (three-story not permitted, minimum lot width of 60 feet and area of 7,200 square feet required) and a main floor area of 360 square feet per unit (660 square-foot minimum main floor area required) with a 5.25 front yard setback from 27th Street (minimum 10-foot front yard setback required), a 0.5-foot rear yard setback (20-foot rear yard setback required) and a sidewalk with a zero-foot rear yard setback (five-foot rear yard setback required) having 34% open space (60% open space required).

**** Continuance requested by staff**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 2. 2023-DV1-031 | 1409 Fletcher Avenue**
Center Township, Council District #17, Zoned D-5
Dan Barber, by Bob Abbott

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with three-foot side yard setbacks (five-foot side yard setbacks required).

- 3. 2023-DV1-035 | 1310 West 26th Street**
Center Township, Council District #11, Zoned D-5 (W-5)
Allan Pingul, by Jeremy Littell

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

4. 2023-DV2-014 | 28 East 40th Street

Washington Township, Council District #7, Zoned D-2 (MSPC)
Rachel & Tee Hellmann, by Bob Abbott

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a three-foot rear yard and east side yard setback (five-foot rear and side yard setback required).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

5. 2023-DV1-022 (Amended) | 2247 Broadway Street

Center Township, Council District #17, Zoned D-8
Reuben & Katherine Maust, by Peter Meehan

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house with a secondary dwelling containing 1,085 square feet (maximum 720 square feet permitted).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

6. 2023-DV2-010 | 526 Blue Ridge Road

Washington Township, Council District #7, Zoned D-5
Butler University, by Andrew Wert

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 43-foot 10-inch-tall single-family dwelling (maximum 35-foot height permitted) with a 10-foot rear yard setback (20-foot rear setback required) without a primary entry on the front façade (required).

7. 2023-DV2-013 | 4809 East 70th Street

Washington Township, Council District #3, Zoned D-2
Abraham Jordan and Kaitlin Browning

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a six-foot tall fence within the front yard of Riley Avenue (fences within front yards limited to a height of 3.5 feet).

PETITIONS FOR PUBLIC HEARING (New Petitions):

8. 2023-DV2-015 | 1133 South Illinois Street

Center Township, Council District #16, Zoned D-8
Hoosier Renovators LLC, by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit multi-unit house on a 30-foot-wide lot (minimum 35-foot wide lot required) with a three-foot front yard setback from Illinois Street (minimum 10-foot front yard setback required) and a sidewalk with a zero-foot side yard setback (minimum two-foot side yard setback required).

9. 2023-DV2-018 | 2050 Carrollton Avenue

Center Township, Council District #17, Zoned D-8
Breedy B LLC, by In and Out Unlimited LLC

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eight-foot-tall fence in the rear yard (maximum fence height of six-foot permitted).

10. 2023-UV2-009 | 1540 South East Street

Center Township, Council District #16, Zoned C-3
1540 East LLC, by Mark and Kim Crouch

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor within 70 feet of a protected district (500 feet of separation required) and a bar within 48-feet of a protected district (100 feet of separation 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.

STAFF REPORT

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

Case Number: 2023-DV2-017
Address: 717 East 27th Street (approximate address)
Location: Center Township, Council District #17
Zoning: D-8
Petitioner: Lamond Jay Henderson, by Myron Cheeks
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-story duplex on a 50-foot wide lot with an area of 2,737 square feet (three-story not permitted, minimum lot width of 60 feet and area of 7,200 square feet required) and a main floor area of 360 square feet per unit (660 square-foot minimum main floor area required) with a 5.25 front yard setback from 27th Street (minimum 10-foot front yard setback required), a 0.5-foot rear yard setback (20-foot rear yard setback required) and a sidewalk with a zero-foot rear yard setback (five-foot rear yard setback required) having 34% open space (60% open space required).

Staff is recommending this petition be **continued from the August 8, 2023 hearing to the September 12, 2023 hearing** to allow staff additional time to review and discuss changes made to an amended site plan.

MI



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

August 08, 2023

Case Number: 2023-DV1-031

Property Address: 1409 Fletcher Ave (approximate address)

Location: Center Township, Council District #17

Petitioner: Dan Barber, by Bob Abbott

Current Zoning: D-5

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with three-foot side yard setbacks (five-foot side yard setbacks required).

Current Land Use: Residential

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

Recommended Motion: Motion to approve petition 2023-DV1-031

Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

ADDENDUM FOR AUGUST 8, 2023

This petition was transferred from the August 1, 2023 BZA Division I hearing to the August 8, 2023 BZA Division II hearing due to lack of a quorum.

Staff continues to **recommend approval** of this request.

STAFF RECOMMENDATION

Staff recommends **approval** of this request

PETITION OVERVIEW

- ◇ This request would provide for a detached garage on the .09-acre subject site with three-foot side yard setbacks for both side yards (five-foot yard setbacks required).
- ◇ Detached garages are a normal development in the neighborhood. Additionally, with most of the area containing narrow lots, reduced side yard setbacks are not uncommon in the neighborhood.
- ◇ The existing lot has a width of 30 feet. The minimum lot width in the D-5 district is 40 feet, thus, the associated development standards for D-5 districts are meant for lots that are wider than the subject site, representing a practical difficulty for the property owner. Therefore, Staff would not



Department of Metropolitan Development
Division of Planning
Current Planning

be opposed to the reduced three-foot side yard setbacks to accommodate a new detached garage.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: D-5	North: Single-Family Residential
	South: D-5	South: Single-Family Residential
	East: D-5	East: Single-Family Residential
	West: D-5	West: Single-Family Residential
Thoroughfare Plan		
Fletcher Ave	Local Street Existing ROW: 72ft Proposed ROW: 48 ft	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/31/23	
Site Plan (Amended)	N/A	
Elevations	7/13/23	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	5/31/23	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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



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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan recommends the Traditional Neighborhood living typology for this site
- Garages should be loaded and accessed from an alley or side street, when possible.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects for all scales and types.
- With regards to detached garages, the Infill Housing Guidelines document recommends:
 - Locate accessory structures behind primary building
 - Access accessory buildings from alleys
 - Don't overshadow primary buildings
- The proposal is in accordance with these recommendations.

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

EXISTING VIOLATIONS

N/A

PREVIOUS CASES

N/A

ZONING HISTORY – VICINITY

2012DV2012; 1412 Hoyt Ave (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-story garage and room addition by legally establishing a 1.5-foot west side setback and creating a six-foot aggregate side setback (four-foot minimum and 10-foot aggregate side setback required), **dismissed**.

2019DV2007; 1440 Hoyt Ave (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage creating 41% open space (minimum 60% open space required) and to legally establish the existing 13-foot front setback, zero-foot side setbacks and zero-foot separation of the primary dwelling from the adjoining dwellings (18-foot front setback or average, three-foot side setback and 10-foot separation required), **approved**.

2019DV3011; 1230 Hoyt Ave (south of site), (AMENDED) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a 10-foot front setback and 3.5 feet between dwellings and to provide for a detached garage, creating 52% open space (18-foot front setback or average, 10 feet between dwellings and 60% open space required), **approved**.

2021DV1001; 1515 Hoyt Ave (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a 5.5-foot front setback, nine feet between dwellings, and a detached garage, resulting in 50% open space (18-foot front setback or average, 10 feet between dwellings and 60% open space required), **approved**.

2004ZON101; 1402 Hoyt Ave (south of site), Rezoning from C-1 district to D-5 district to provide for continued religious uses. The subject site is improved with a single-story church and was the subject of a previous petition, 2003-LNU-003, which granted a Certificate of Legal Nonconforming Use for religious uses, **approved**.

2013CZN824; 1334 Hoyt Ave (south of site), Rezoning of 0.25 acre from the C-1 district to the D-5 classification to provide for single-family residential development, **approved**.

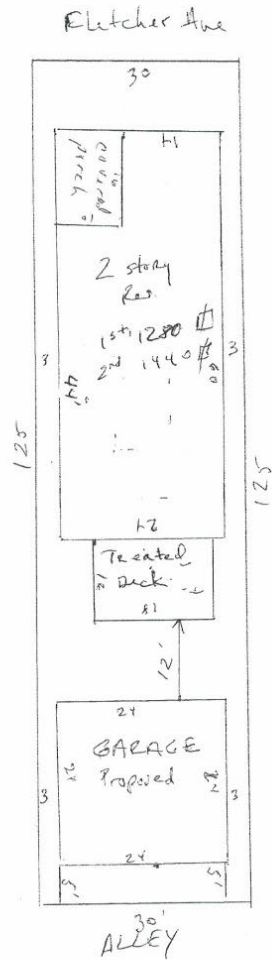


**Department of Metropolitan Development
Division of Planning
Current Planning**

2017ZON005, 1401 Hoyt Ave, (south of site), Rezoning of 0.09 acre, from the C-1 district to the D-5 classification, **approved.**

2017ZON048, 1407 Hoyt Ave, (south of site), Rezoning of 0.09 acre, from the C-1 district to the D-5 classification, **approved.**

EXHIBITS

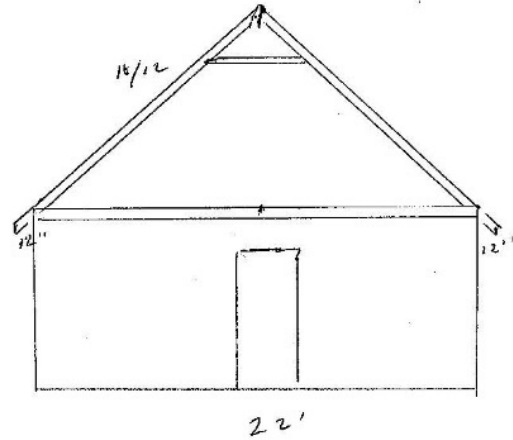
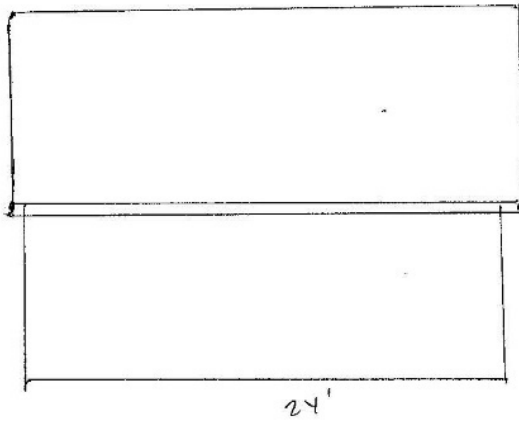
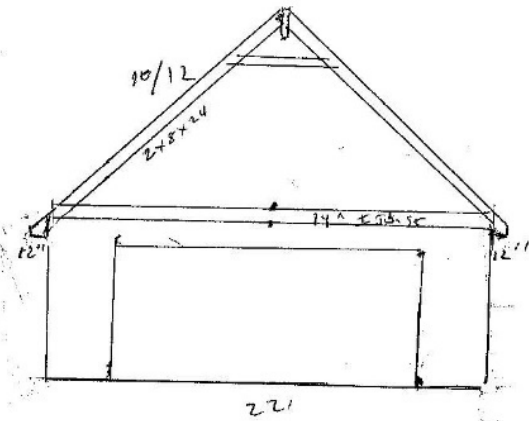
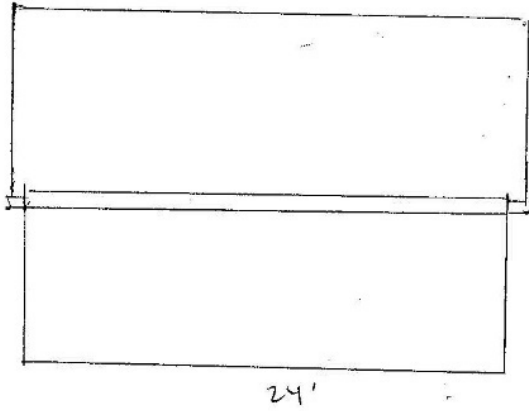


Dan Baker
 1409 Fletcher Ave
 Ingle 46203
 770-757-7796
 dbthree@gmail.com

North

1 inch
 8 feet

2023 DVI 031 1409 Fletcher Ave



1 inch
3 Feet



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE **_Detached garage is a normal accessory building for a residence and will be used only for legal parking of vehicles and storage of personal property**
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 **detached garages are common in this subdivision. Due to small lots, it is common to seek a variance on order to build a garage, The garage will remain at least 3 feet from side property lines and will be the same distance off of property as the primary residence**
3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE **Granting of side setbacks variance will not allow the detached garage from encroaching on lot lines or encumbering use of adjacent properties. Increasing building area is necessary in this subdivision due to small lots, The home itself nearly exceeds open area The addition of a small 22x24 detached garage would not be possible with out relief with this variance. A garage is crucial for security of automobiles and personal property**

DECISION

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

Adopted this _____ day of _____, 20 ____











Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

August 08, 2023

Case Number: 2023-DV1-035

Property Address: 1310 W 26th Street (approximate address)

Location: Center Township, Council District #11

Petitioner: Allan Pingul, by Jeremy Littell

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and secondary dwelling unit, with three-foot side yard setbacks on both sides (five-foot side yard setbacks required).

Current Land Use: Residential

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

Recommended Motion: Motion to approve petition 2023-DV1-035

Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

ADDENDUM FOR AUGUST 8, 2023

This petition was transferred from the August 1, 2023 BZA Division I hearing to the August 8, 2023 BZA Division II hearing due to lack of a quorum.

Staff continues to **recommend approval** of this request.

STAFF RECOMMENDATION

Staff **recommends approval** of this request

PETITION OVERVIEW

- ◇ The request would grant three-foot side yard setbacks (five-foot side yard setbacks required) on the 0.10-acre subject site to allow for the construction of a 2-story single-family detached house and a 2-story accessory structure with a garage on the ground floor.
- ◇ The minimum lot width in D-5 districts for detached units is 40 feet. The lot width of the subject site is 33 feet, representing a practical difficulty with regards to the ability for the property owner to comply with side yard setback requirements.

- ◇ In certain land use typologies, such as D-5, reduced setbacks can often lead to adjacent structures overwhelming one another. The proposed height of the primary structure is to be 25 feet (35 feet maximum). The adjacent single-family residence directly to the west of the subject site has a height of approximately 18 feet. The difference in height between the two structures is insignificant enough that the massing of the proposed structure will not overwhelm the adjacent structure. This is in accordance with the Comprehensive Plan recommendation of having primary structures be no more than one and half times the height of adjacent primary structures in the Traditional Neighborhood typology.
- ◇ Accessory structures such as detached garages are found throughout the neighborhood. While secondary dwelling structures are not commonplace in the surrounding area, the proposed design is in accordance with the Infill Housing Guidelines by placing the secondary structure behind the primary, by allowing for access via the alley to the secondary structure, and by using complimentary aesthetics to that of the primary structure. Likewise, the Marion County Land Use Plan Pattern Book encourages adding secondary dwelling units in traditional neighborhood contexts. Additionally, the lot will remain in compliance for the minimum amount of open space required (40%). Therefore, the proposed secondary dwelling unit will not have a significant negative impact on the subject site, nor the overall feeling of the neighborhood.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Single-Family Residential
South:	D-5	South: Single-Family Residential
East:	D-5	East: Single-Family Residential
West:	D-5	West: Single-Family Residential
Thoroughfare Plan		
26 th Street	Local Street Existing ROW: 54 ft Proposed ROW: 48 ft	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	6/28/2023	
Site Plan (Amended)	7/26/2023	
Elevations		
Elevations (Amended)	N/A	



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

Landscape Plan	N/A
Findings of Fact	6/28/2023
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 recommends the Traditional Neighborhood living typology for this site.
- In the Traditional Neighborhood living typology the Pattern Book:
 - Encourages secondary units
 - Recommends primary structures be no more than one and a half times the height of adjacent primary structures
 - Recommends garages be loaded and accessed from an alley or side street, when possible.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- The Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects for all scales and types.



Department of Metropolitan Development
Division of Planning
Current Planning

- The Infill Housing Guidelines document recommends:
 - Locate accessory structures behind primary building
 - Access accessory buildings from alleys
 - Don't overshadow primary buildings
 - Coordinate the architectural styles and aesthetics of primary and accessory structures
 - Be sensitive to street context: new housing might have different styles but should generally be coordinated with regards to setbacks, massing, public door placement, etc.
- The proposal is in accordance with these recommendations

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

EXISTING VIOLATIONS

N/A

PREVIOUS CASES

N/A

ZONING HISTORY – VICINITY

2011DV3029; 1352 W 25th Street (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 625-square foot addition to an existing dwelling, creating an open space of 60.56% and a rear setback of nine feet (minimum 65% open space and 20-foot rear setback required), **approved**.

2012UV1019; 1234 W 26th Street (east of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for a Men's Fellowship House including bible study, worship and meetings (not permitted), **approved**.

2019HOV010, 1362 W 27th Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four single-family dwellings with 637 square feet of main floor area (660 square feet required), **approved**.

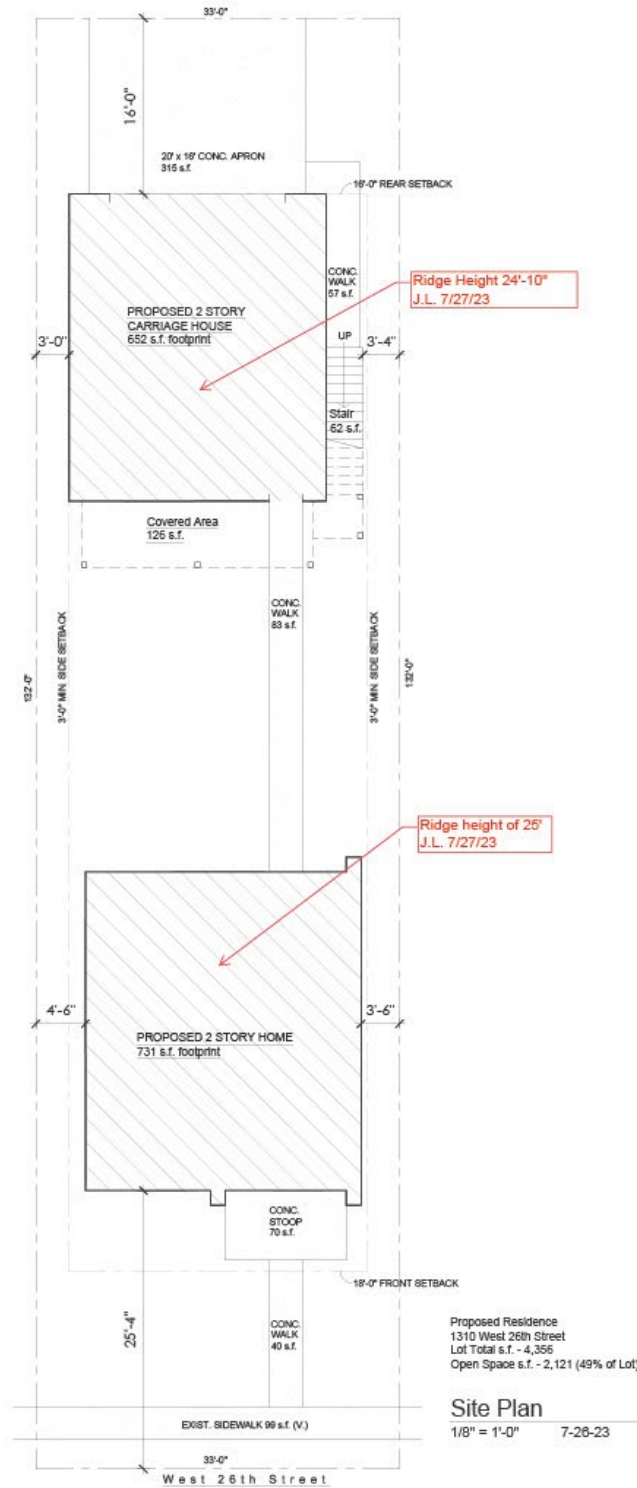
99-Z-41; 2651 N Harding Street (west of site), Rezoning from SU-7 to D-8 district to provide for a two-story, eight apartment unit multi-family structure- designated for seniors, the handicapped, and families 80% or below median income, **approved**.

2018ZON114, 2534 Burton Ave, (east of site), Rezoning of 1.6 acres from the C-1 (W-5), C-3, C-3 (W-5) I-2 (W-5) and I-3 (W-5) districts to the D-5 and D-5 (W-5) classifications, **approved**.

2023ZON033C, 909 N Pershing Ave, (east of site), Rezoning of 909 North Pershing Avenue, totaling 0.12-acre, from the C-1 District to the D-8 District. Rezoning of 1210 & 1214 Udell Street, totaling 0.13-acre, from the I-2 District to the D-8 District. Rezoning of 2520 & 2657 Burton Avenue, totaling 0.24-acre, from the I-2 (W-5) District to the D-8 (W-5) District, **approved**.

2006HOV038, 1260 Edgemont Ave (south of site), VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling with a 7.7-foot front setback from the right-of-way of Sugar Grove Avenue (minimum 25-foot front setback required), **approved**.

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

Petitioner proposed variance of setbacks for proposed house and garage will still be within compact context zone requirements for this area.

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

Existing trees and open space of adjacent properties will not be adversely affected by installation of the single story garage in the future

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

Strict application of setback guidelines will result in a smaller, less aesthetically pleasing single story addition that will not provide appropriate cost to value for Owner to produce a functional 4 bedroom, 2.5 bath home, and will significantly reduce overall value of the property.

Strict adherence to setback requirements will restrict Owner to a single car garage, rather than to a modern standard two car garage, for safe and protected parking of two vehicles on the property, which will reduce value of property.

DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____













Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

August 08, 2023

Case Number: 2023-DV2-014

Property Address: 28 E 40th Street (approximate address)

Location: Washington Township, Council District #7

Petitioner: Rachel & Tee Hellman, by Bob Abbott

Current Zoning: D-2 (MSPC)

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a three-foot rear yard and east side yard setback (five-foot rear and side yard setback required).

Current Land Use: Residential

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

Recommended Motion: Motion to approve petition 2023-DV2-014

Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff **recommends approval** of this petition

PETITION OVERVIEW

- This request would provide for a detached garage on the .12-acre site with three-foot rear yard and east side yard setbacks (five-foot rear and side setback required).
- The proposal calls for the demolition of the existing detached garage which has dimensions of 16'x22'. The new detached garage will have dimensions of 22'x24'. The existing garage also sits 3 feet from the both the rear property line and the east side property line. With the new garage sitting an equal distance from the property lines as the existing garage, there will not be any resulting adverse effects to the adjacent properties, nor the surrounding community.
- The driveway is shared with the adjacent property to the east, which also has a detached garage, located directly to the east of the detached garage of the subject site.



Department of Metropolitan Development
Division of Planning
Current Planning

- Detached garages are a normal development for the single-family detached houses in the surrounding area.

GENERAL INFORMATION

Existing Zoning	D-2		
Existing Land Use	Residential		
Comprehensive Plan	Traditional Neighborhood		
Surrounding Context	Zoning	Surrounding Context	
	North:	D-2	North: Single-family residential
	South:	D-9	South: Multi-family residential
	East:	D-2	East: Single-family residential
	West:	D-2	West: Single-family residential
Thoroughfare Plan			
40 th Street	Local Street Existing ROW: 40 ft Proposed ROW: 48 ft		
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	12/22/2022		
Site Plan (Amended)	N/A		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	12/22/2022		
Findings of Fact (Amended)	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

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



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

- In Traditional Neighborhood settings, the Pattern Book recommends garages should be loaded and accessed from an alley or side street, when possible.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines

- The Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects for all scales and types.
- With regards to detached garages, the Infill Housing Guidelines document recommends:
 - Locate accessory structures behind primary building
 - Access accessory buildings from alleys, when possible.
 - Don't overshadow primary buildings
- The proposal is in accordance with these recommendations.

Indy Moves

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

- Not Applicable to the Site



ZONING HISTORY

ZONING HISTORY – SITE

EXISTING VIOLATIONS

N/A

PREVIOUS CASES

N/A

ZONING HISTORY – VICINITY

2017DV1027; 4008 N Pennsylvania Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of a detached garage and a covered porch, creating 64.8% open space (75% required), **approved**.

2005DV2049; 3939 N Delaware Street (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 576-square foot detached garage with a 1.5-foot north side yard setback, and with a 1.5-foot rear yard setback, **approved**.

2005DV2003; 3915 N Delaware Street (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 418-square foot attached garage with a 3.2-foot south side yard setback, **approved**.

2008DV2040; 4180 N Pennsylvania Street (east of site), VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to provide for the construction of a twenty-foot tall, 840-square foot detached garage with a three-foot north side setback (minimum seven-foot side setback required), **approved**.

2006UV3032; 3965 N Meridian Street (west of site), Variance of use of the Commercial Zoning Ordinance to legally establish an office use and provide for limited C-2 and C-3 uses in the ground floor of the existing building, **approved**.

2004ZON028; 3951 N Meridian Street (west of site), Rezoning of 0.54 acre, being in the D-9 District, to the C-1 classification to legally establish office uses, **approved**.

2017CZN817, 3901 N Meridian Street (south of site), Rezoning of 1.5 acres from the C-1 and D-5 districts to the MU-1 district, **approved**.

2021CZN815A; 4011 N Pennsylvania Street (east of site), Rezoning of 1.5 acres from the SU-1 district to the C-S classification to provide for the existing religious use and opera center and other arts and culture-related uses, **approved**.

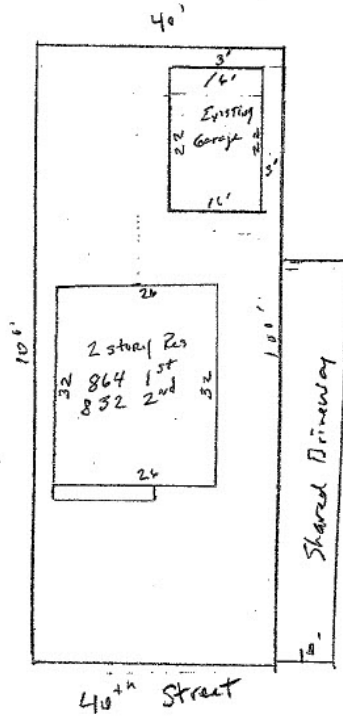
2021CZN815B; 4011 N Pennsylvania Street (east of site), Rezoning of 0.98 acre from the SU-1 district to the D-2 classification to provide for residential development, **approved**.

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning



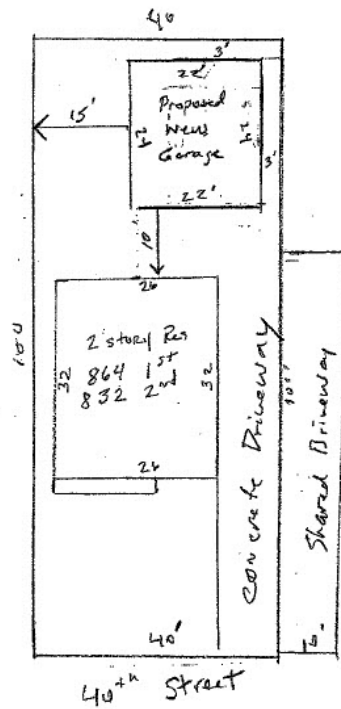
Ownership	
Name HELLMANN, RACHEL M & TEE J HELLMANN	
Address 25 E 40TH ST INDIANAPOLIS, IN 46205-262	
Account	3053405
Book	
Legal	
MARTINDALE & CO'S SUB 40FT W SIDE OF 169FT E END 100FT S SIDE L15	

North

1 inch
20 feet



Department of Metropolitan Development
Division of Planning
Current Planning



Ownership	
Name HELLMANN, RACHEL M & TEE J HELLMANN	
Address 28 E 40TH ST INDIANAPOLIS, IN 46205-262	
Account	3053405
Book	Page
Legal MARTINDALE & CO'S SUB 40FT W SIDE OF 159FT E END 100FT S SIDE L15	

North

1 inch
20 feet



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

A detached garage as a common addition to a primary structure and will only be used for legal parking of vehicles and storage of property and residential uses.

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:

Side and rear set backs will be the same as before and same as adjacent garage to the East/

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

The nature of narrow property with narrow driveway makes ingress and egress to garage door very difficult without garage being 3 feet from side and rear. Garage door to be positioned 2 feet off of garage given only the narrowest of access to garage door being only 10 feet off of house. Driveway is a shared drive for 3 properties and thus is provides limited access to garage

DECISION

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

Adopted this _____ day of _____, 20 ____



MERIDIAN STREET PRESERVATION COMMISSION

In the matter of an application filed by
Bob Abbott on behalf of Rachel Hellman
for a Prior Approval of a Variance for the property
located at 28 E. 40th Street

FINAL ORDER GRANTING PRIOR APPROVAL OF A VARIANCE #V-MSPC 23-04

The Meridian Street Preservation Commission, at a meeting held at 4:00 p.m. on June 20 2023, in the second floor conference room of the Meridian Street United Methodist Church at 5500 N. Meridian Street, and heard evidence and considered an application for a Prior Approval of a Variance filed by Bob Abbott on behalf of Rachel Hellman, for improvements to be made at the property located at 28 E. 40th Street.

Being duly advised in the premises, the Commission, by a vote of 6-0 of its six (6) members present and voting AYE: (Norman, Fujawa, Hess, Welling, Madden, Vanderstel), NAY: (None), ABSTAIN: (None) finds that:

1. The Commission has jurisdiction of this matter under Indiana Code 36-7-11.2-61.
2. The Certificate of Appropriateness requested approval for the:
 - Construction of a new garage with the reduction of rear setback (5ft. to 3ft.) and side setback (5ft. to 3ft.) required in D-5 zoning.
3. Such improvements shall be per plans on file with the Commission, except as amended below.
4. Said improvement is appropriate to the preservation of the area comprised of Meridian Street and bordering properties and complies with the architectural and construction standards in said area.
5. The Certificate of Appropriateness requested by the applicant should be **GRANTED**, with the following commitment(s): None.

*It is, therefore, ORDERED AND DECREED by the Meridian Street Preservation Commission that the Prior Approval of a Variance for the aforesaid construction is hereby **GRANTED**, to be evidenced solely by this Final Order. This Final Order must be acted upon within 2 years of the hearing date of the Meridian Street Preservation Commission and all aspects must be completed in whole.*

Shannon Norman
Shannon Norman, Chair

June 20, 2023
Date



Department of Metropolitan Development
Division of Planning
Current Planning

4002 N. Pennsylvania Street
Indianapolis, IN 46205

November 21, 2022

To Whom It May Concern:

My name is Tim Moriarty. My residence is on the Northwest corner of 40th and North Pennsylvania Street. The address is 4002 N. Pennsylvania Street, Indianapolis, IN 46205. I have lived at this address for 30 years and have shared the driveway with the residence to my North (4008 N. Pennsylvania Street) and directly West (28 East 40th Street). Our shared driveway provides the only driveway access for these three homes. Directly behind my garage sits the garages for 4008 N. Pennsylvania Street, and 28 East 40th respectively. My understanding is that TJ and Rachel Hellmann would like to build a new garage to replace their existing garage and in so doing are requesting a variance of 3' instead of 5' adjacent to the garage @ 4008 N. Pennsylvania Street. This new garage would replace the existing one car garage and provide ample parking for owners of 28 East 40th Street. This would be a welcome addition to this property and does not hinder or obstruct in any way the access to my garage or my neighbor directly to the North. This would be a property value improvement for all three homes.

Sincerely,

Tim Moriarty
4002 N. Pennsylvania Street
Indianapolis, IN 46205
Phone: 317-376-3413
Email: trmoriarty1@gmail.com



Department of Metropolitan Development
Division of Planning
Current Planning

November 17, 2022

Dear Members of the Board of Zoning Appeals,

I am writing this letter to express my support for the requested variance of my neighbors, Rachel and Tee Hellmann (28 E 40th Street, Indianapolis, IN). The variance would allow the Hellmann's to construct a new garage within 3' of their East and North property lines.

As you may realize, the Hellmann's property is quite unique since it shares a driveway with myself and another home owner. It is common for two homes to share a singular driveway in our neighborhood but very uncommon for three homes to share a singular driveway. Because of this, it is especially important that the Hellmann's receive the variance. The variance will ensure that there is plenty of common space in our communal drive so that we have appropriate turning radius to enter garages and that all vehicles can be moved in and out of the driveway in a safe and efficient way. This will not only benefit the Hellmann's but will benefit my wife and I as well.

Lastly, allowing the Hellmann's the easement would allow for their construction to be lined up with our garage that we recently constructed. Lining up the garages is not only the logical decision in terms of ease of use of the space but also makes sense aesthetically.

Thank you in advance for your time and consideration.

Sincerely,

Cliff Pittman
4008 N Pennsylvania Street
Indianapolis, IN 46205









STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-022 (Amended)
Address: 2247 Broadway Street (approximate address)
Location: Center Township, Council District #17
Zoning: D-8
Petitioner: Rueben & Katherine Maust, by Peter Meehan
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house with a secondary dwelling containing 1,085 square feet (maximum 720 square feet permitted).

ADDEDUM FOR AUGUST 8, 2023

This petition was transferred from the **August 1, 2023 BZA I hearing to the August 8, 2023 BZA II hearing** due to lack of quorum.

August 1, 2023

This petition was continued from the **July 6, 2023 hearing to the August 1, 2023 hearing** for an indecisive vote.

July 6, 2023

This petition was continued for cause from **June 6, 2023 hearing to the July 6, 2023 hearing** to provide for an amendment.

RECOMMENDATIONS

Staff **recommends denial** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-8	Compact	Single-Family residential
-----	---------	---------------------------

SURROUNDING ZONING AND LAND USE

North	D-8	Single-Family residential
South	D-8	Undeveloped
East	C-3	Commercial
West	D-8	Single-Family residential

(Continued)

STAFF REPORT 2023-DV1-022 (Continued)**COMPREHENSIVE PLAN**

The Comprehensive Plan recommends Traditional Neighborhood development

- ◇ The subject site is a 7,080-square foot lot in the D-8 district, and is developed with a single-family dwelling and a detached garage (to be demolished). This house is in the Near Northside neighborhood

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would provide for construction of a carriage house, which would include a secondary dwelling containing 1,085 square feet. The ordinance permits a maximum of 720 square feet for a secondary dwelling.
- ◇ The intent of the maximum floor area for a secondary dwelling is so that the secondary dwelling is clearly accessory and subordinate to the primary structure. Staff would also note that the minimum floor area for the D-8 district is 800 square feet—the proposed secondary dwelling is large enough to be considered a primary dwelling. Staff believes the practical difficulty for a larger secondary dwelling is self-imposed and is therefore recommending denial of the petition.

GENERAL INFORMATION**THOROUGHFARE PLAN**

Broadway Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 70-foot existing and proposed right-of-way.

SITE PLAN

File-dated April 14, 2023

SITE PLAN (AMENDED)

File-dated June 15, 2023

FLOOR PLANS

File-dated June 15, 2023

FINDINGS OF FACT

File-dated June 15, 2023

ZONING HISTORY – VICINITY

2006-DV3-053, 2259 Broadway Street, variance to provide for the construction of a 1,520-square foot single-family dwelling, having a main floor area of 610 square feet, and resulting in an open space ratio of 51.57 percent, **approved**.

2006-DV3-024, 655 East 23rd Street, variance to provide for ten-foot front yard setbacks, and in the case of a corner lot, to provide for a ten-foot front setback for the elevation of the single-family dwelling with a primary entrance, and for a five-foot front setback for other elevations, **approved**.

2006-DV3-023, 2259 Broadway Street, variance to provide for ten-foot front yard setbacks, and in the case of a corner lot, to provide for a ten-foot front setback for the elevation of the single-family dwelling with a primary entrance, and for a five-foot front setback for other elevations, **approved**.

98-UV1-55, 2246 North College Avenue, variance to provide for religious uses with a gravel parking area, **approved**.

86-Z-60, 2246 North College Avenue, rezoning of 0.28 acre from the D-8 district to the C-3 district, **approved**.

AR



2023-DV1-022; Site Plan**SITE DATA:**

Total Existing Lot Area: 7080 SF
 Zoning: D8
 Minimum Open Space: 55%

EXISTING

Main Home First Floor Area: 1980 SF
 Detached Garage Area: 440 SF

EXISTING LOT COVERAGE (%): 34 %

PROPOSED

Main Home First Floor Area: 1980 SF
 Proposed Garage Area: 1065 SF

PROPOSED LOT COVERAGE (%): 43 %

SITE PLAN LEGEND

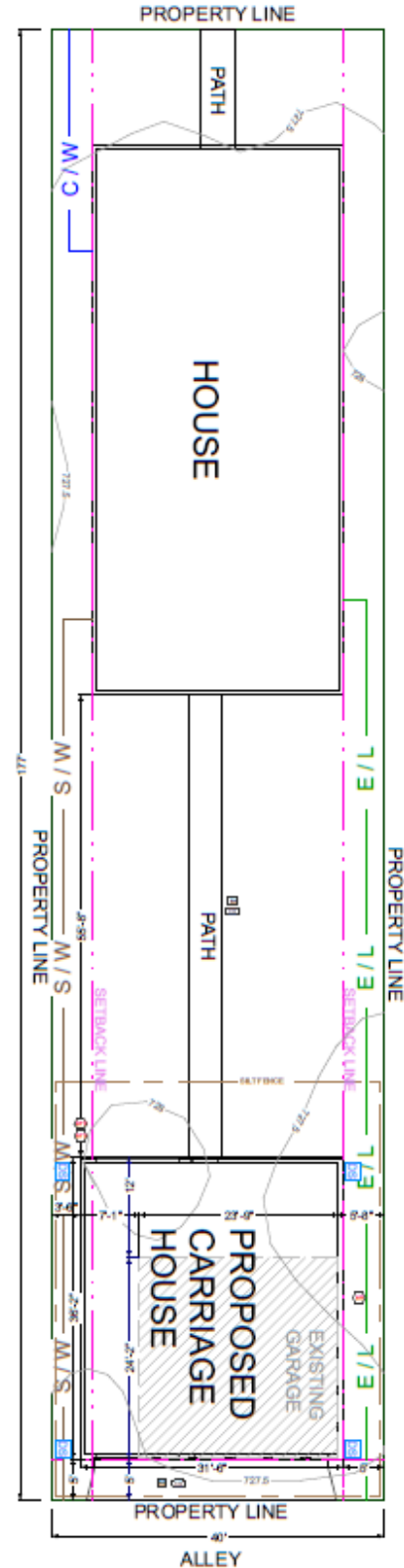
- C / W - WATER SERVICE
- E / L - ELECTRICAL SERVICE
- S / W - SEWER
- - - - - PROPERTY SET BACK LINE
- SITE TOPOGRAPHY
- [] SILT FENCE / EROSION CONTROL

SITE PLAN NOTES		
NOTE	QTY	DESCRIPTION
S1	1	DEMO PAVER PATH FROM EXISTING GARAGE TO HOUSE.
S2	1	DEMO EXISTING GARAGE APRON

LANDSCAPING PLAN NOTES		
NOTE	QTY	DESCRIPTION
L1	1	TRIM TREES AS NEEDED FOR NEW STRUCTURE HEIGHT.

UNDERGROUND UTILITY NOTES		
NOTE	QTY	DESCRIPTION
UT1	1	NEW ELECTRICAL SERVICE TO BE BORED UNDERGROUND TO GARAGE BUILDING.
UT2	1	NEW SEWER SERVICE TO BE BORED UNDERGROUND TO GARAGE BUILDING.
UT3	1	NEW WATER SERVICE TO BE BORED UNDERGROUND TO GARAGE BUILDING.

CONCRETE PLATWORK PLAN NOTES		
NOTE	QTY	DESCRIPTION
CC1	1	NEW ~225 SF - BROOM FINISHED CONCRETE PATH TO BE INSTALLED FROM HOUSE TO NEW GARAGE.
CC2	1	NEW ~145 SF - BROOM FINISHED CONCRETE GARAGE APRON TO BE INSTALLED FROM NEW GARAGE TO ALLEY.

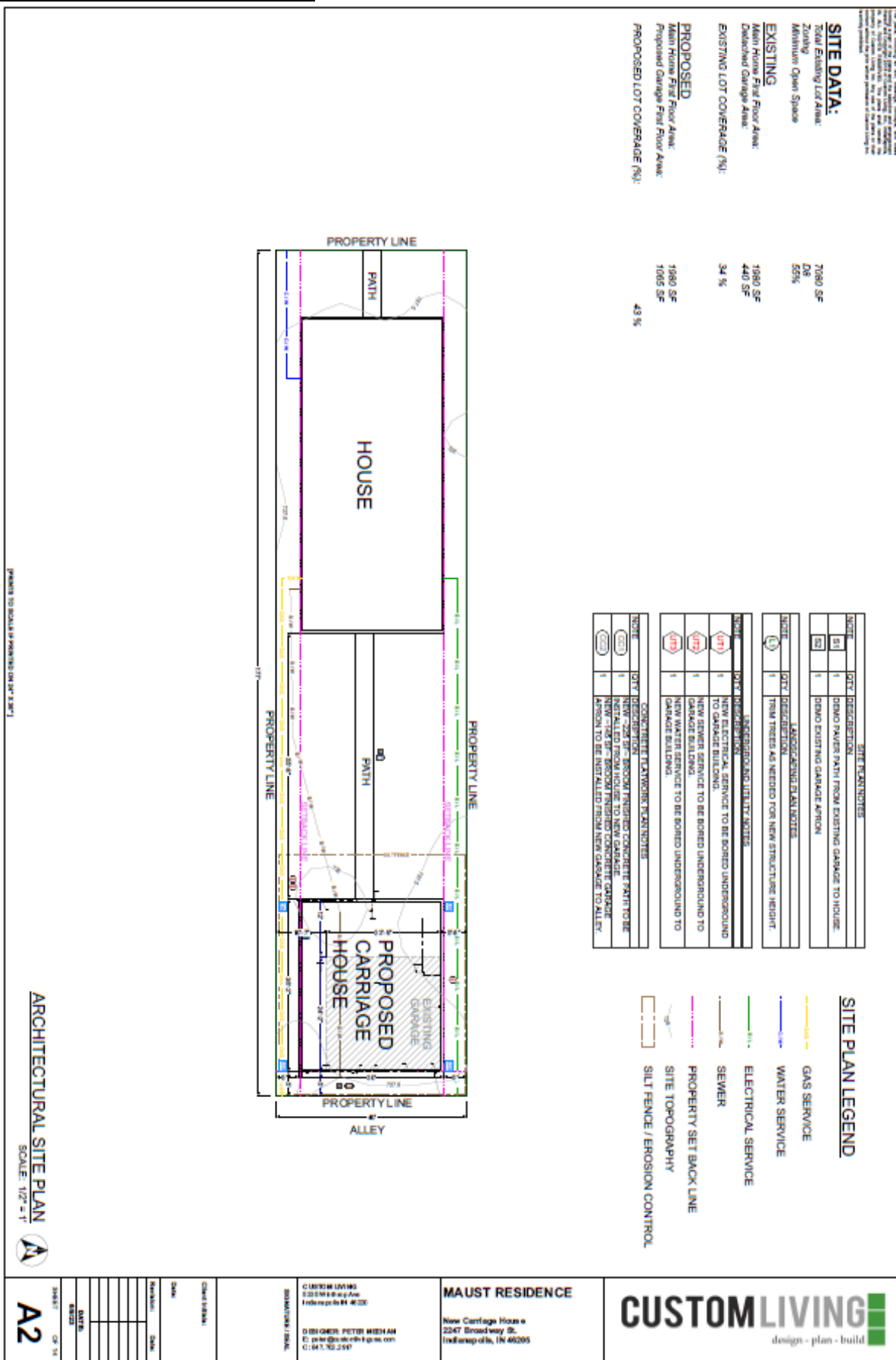


ARCHITECTURAL SITE PLAN
 SCALE: 1"=20'

MAUST RESIDENCE

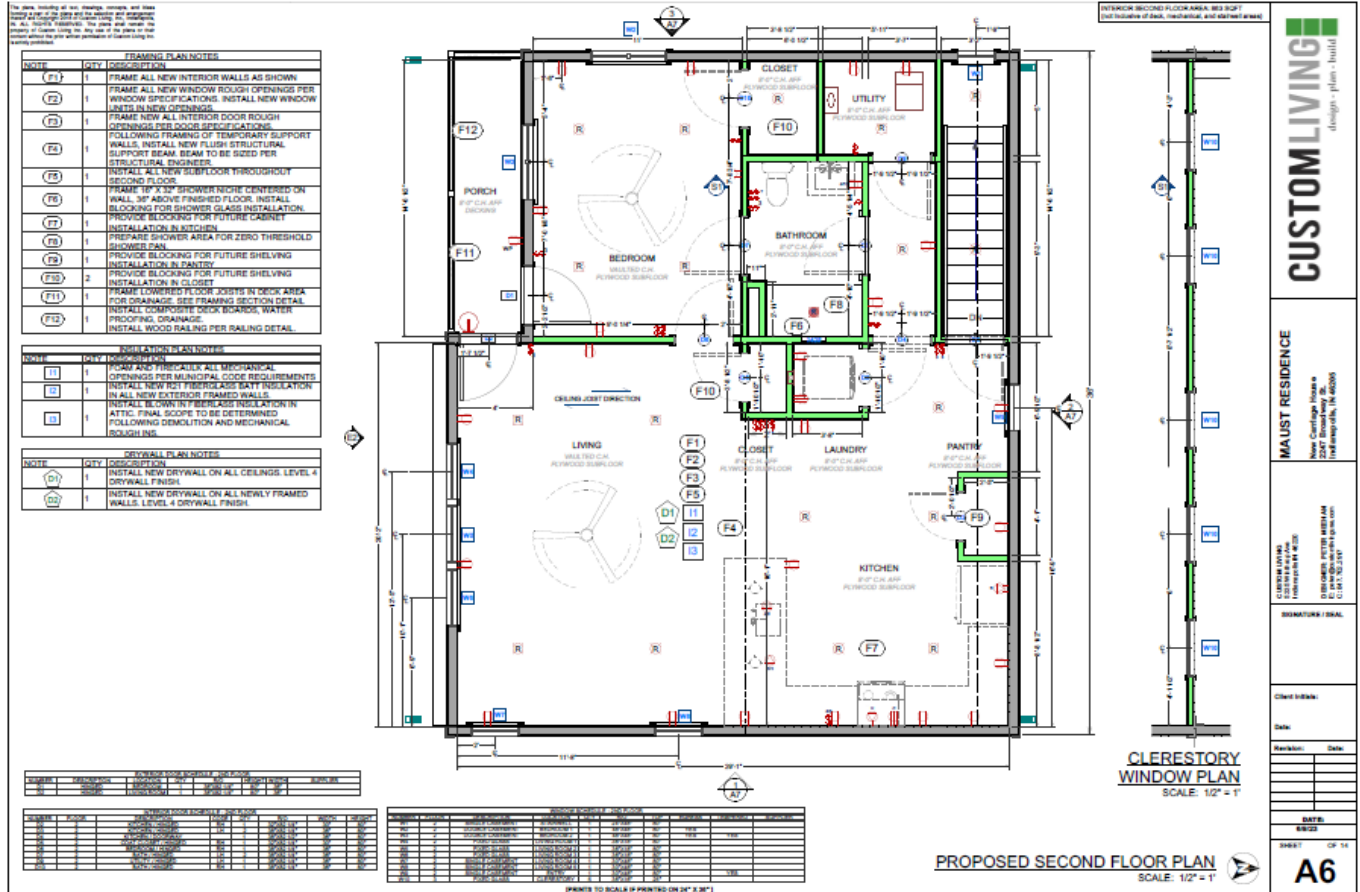
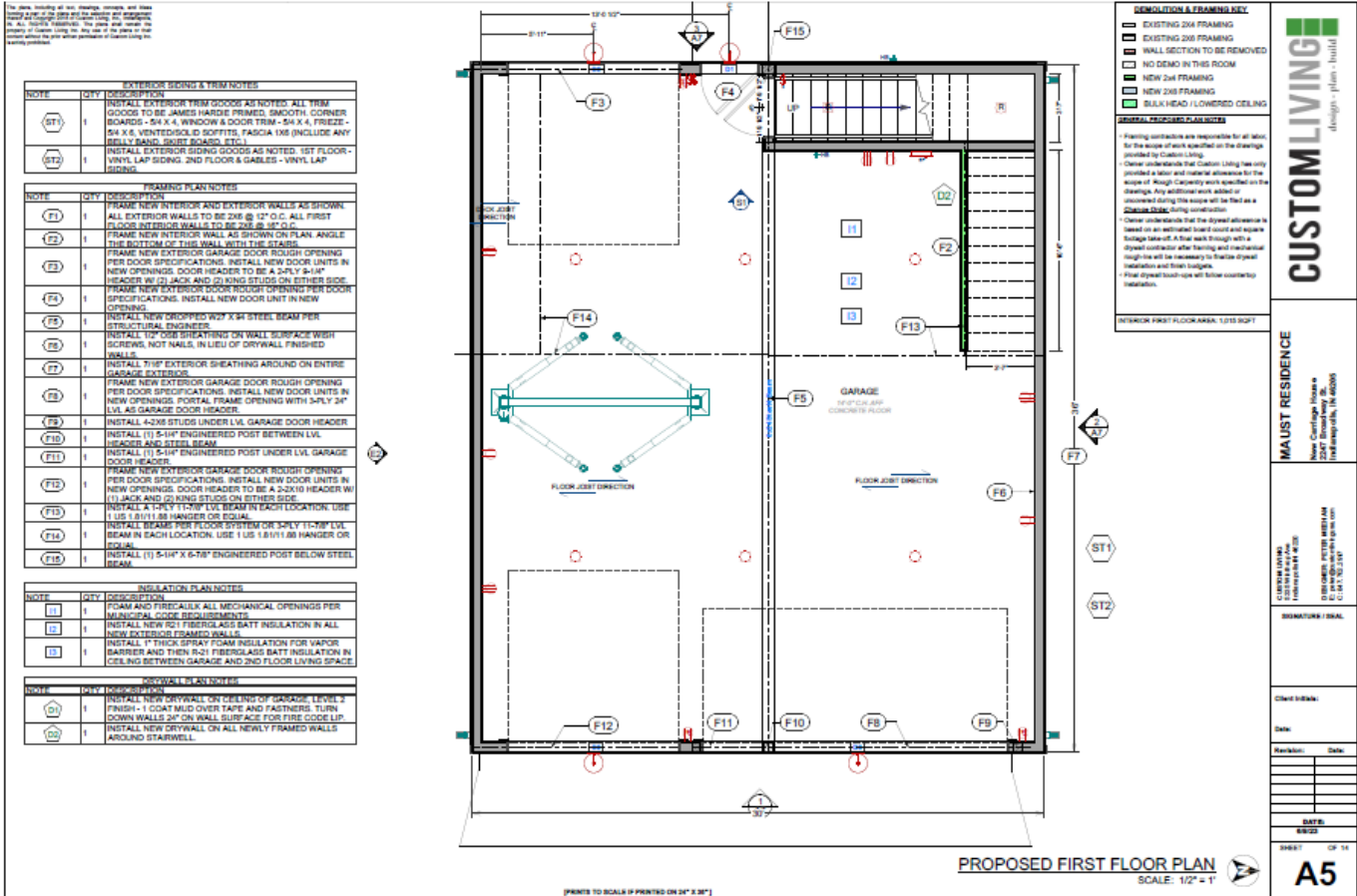
VARIANCE OF USE // 4/5/23

CUSTOMLIVING
 design - plan - build



2023-DV1-022; Floor Plan

Item 5.





Subject site viewed from Broadway street



Existing garage 23.75 feet wide, to be demolished

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV2-010
Address: 526 Blue Ridge Road (approximate address)
Location: Washington Township, Council District #7
Zoning: D-5
Petitioner: Butler University, by Andrew Wert
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 43-foot 10-inch-tall single-family dwelling (maximum 35-foot height permitted) with a 10-foot rear yard setback (20-foot rear setback required) without a primary entry on the front façade (required).

ADDENDUM FOR AUGUST 8, 2023

This petition was continued from the July 11, 2023 hearing to the August 8, 2023 hearing at the request of a remonstrator.

Staff continues to **recommend approval** of the request.

July 11, 2023

RECOMMENDATIONS

Staff **recommends approval** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-5	Compact	Residential (Single-family dwelling)
-----	---------	--------------------------------------

SURROUNDING ZONING AND LAND USE

North	D-5	Residential (Single-family dwelling)
South	D-5	Residential (Single-family dwelling)
East	D-5	Residential (Single-family dwelling)
West	UQ-1	University Dorm

COMPREHENSIVE PLAN

The Comprehensive Plan recommends institution-oriented mixed-use development.

(Continued)

STAFF REPORT 2023-DV2-010 (Continued)

- ◇ The 0.32-acre subject site is developed with a single-family dwelling with a four-foot-tall fence. The site border's a university to the west, zoned UQ-1, and single-family dwellings to the north, east and south, zoned D-5.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow for the construction of a 43-foot 10-inch-tall single-family dwelling with a 10-foot rear yard setback, without a primary entry on the front façade.
- ◇ The height limitation of the Ordinance is in place to maintain the character of neighborhoods. Excessively tall buildings create inconsistencies where infill housing development occurs.
- ◇ The subject site is located next to a four-story university housing building to the west, and two-story single-family dwellings north, east and south. The two dwellings north and south are owned by the university. The proposed dwelling, although taller than the 35-foot maximum permitted, would be in line with the context of the immediate surrounding area and would not be injurious to the public health, safety, morals, and general welfare of the community.
- ◇ The proposed building will be oriented towards Sunset Avenue, which is considered a corner side yard instead of being oriented south along Blue Ridge Road which is the front yard. Due to the orientation of the building, the front entrance would be along the side building façade instead of the front building façade. Staff determined that this would be a slight technicality change because the front of the dwelling would have a primary entrance and would not affect the use and value of the area adjacent to the property in a substantially adverse manner.
- ◇ Lastly, the required 20-foot rear setback would need to be along the northern property boundary, but the orientation of the proposed dwelling would have a 10-foot north rear setback to allow for the location of the garage to align with the existing curb cut and driveway. Staff would support this reduced rear yard setback to prevent the location of a driveway closer to the intersection of Sunset Avenue and Blue Ridge Road which could potentially cause pedestrian and vehicular conflicts.
- ◇ For these reasons, staff is recommending approval of the request.

GENERAL INFORMATION

THOROUGHFARE PLAN

Blue Ridge Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 70-foot existing right-of-way and a 48-foot proposed right-of-way.

Sunset Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with an 80-foot existing right-of-way and a 56-foot proposed right-of-way.

(Continued)

STAFF REPORT 2023-DV2-010 (Continued)

SITE PLAN	File-dated May 3, 2023.
AMENDED SITE PLAN	File-dated June 13, 2023.
ELEVATIONS	File-dated May 3, 2023.
FLOOR PLANS	File-dated May 3, 2023.
PLAN OF OPERATION	File-dated May 3, 2023.
FINDINGS OF FACT	File-dated May 3, 2023.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

None.

PREVIOUS CASES

70-V2-114; 526 Blue Ridge Road (subject site), Variance of use and rear yard requirements to permit construction of an addition to existing dormitory residence to house 70 girls, with sorority crest affixed to the house, with off-street parking available across Sunset Avenue, **granted by BZA and reversed and denied by the Superior Court of Marion County.**

61-V-216; 526 Blue Ridge Road (subject site), Request for permission to use the existing dwelling house as a dormitory for students, with off-street parking provided, **granted.**

ZONING HISTORY – VICINITY

2020-DV3-037; 4321 Clarendon Road; 3909 Cornelius Ave, 723 W 44th St, 406 Buckingham Dr, 4340 Sunset Ave, 503 West 49th St, 402 West 41st St, 4454 Boulevard Pl, 4321 Crown St, 325 West 47th St, 245 West 40th St (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 39-foot to 49.2-foot tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973.), **denied.**

2014-CVR-835; 340 South White River Parkway (northwest of site), Variance of use of the Central Business Districts Zoning Ordinance to provide for a county jail, community corrections and related uses and facilities associated with a consolidated justice center (SU-8 uses, correctional and penal institutions not permitted), **granted.**

(Continued)

STAFF REPORT 2023-DV2-010 (Continued)

2011-CVR-824 / 525 Blue Ridge Road and 530 West Hampton Road (south of site), Variance of use and development standards of the Special Districts Zoning Ordinance to provide for the University President's House (Carter House; 525) and the Efroymsen Center for Creative Writing (530), which would have lectures by visiting writers and authors and other university uses, as well as provide for housing for the writers, authors and up to three graduate students, and to provide for an attached garage, with a 0.75-foot front setback from Sunset Avenue (25-foot front setback required), **granted**.

2011-CZN-824; 525 Blue Ridge Road and 530 West Hampton Road (south of site), Rezoning of 0.645 acre from the D-5 District to the UQ-1 classification to provide for the University President's House (Carter House; 525) and the Efroymsen Center for Creative Writing (530), which would have lectures by visiting writers and authors and other university uses, as well as provide for housing for the writers and authors, **withdrawn**.

2006-DV2-023; 524 Buckingham Drive (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 360-square foot addition to an existing detached garage with a 1.5-foot north side setback, a 1.5-foot aggregate side setback, and to provide for a six-foot tall fence within the right-of-way of Sunset Avenue, **granted**.

2004-HOV-023; 527 West 46th Street (north of site) Variance of the development standards of the Dwelling Districts Zoning Ordinance to legally establish a 420-square foot detached garage located zero feet from the east property line (minimum four-foot side yard setback required) and to provide for a two-story 1,800-square foot building addition to the existing single-family dwelling resulting in the attachment of the nonconforming detached garage to the existing single-family dwelling, **granted**.

99-V1-90; 517 West 46th Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a second story garage and addition to an existing detached garage for a recreation room with an overall height of 24.5 feet (maximum 20 feet permitted) creating 1,465.1 square feet of detached accessory uses, or 83% of the size of the main floor area of the primary dwelling (maximum 1,313 square feet of 75% of the size of the main floor area of the primary residence permitted), with total accessory uses being 2,290 square feet, or 130% of the size of the main floor area of the primary residence (maximum 1,733 square feet of 99% of the size of the main floor area of the primary residence permitted), having a rear yard setback of two feet (minimum five feet required) and having a side yard setback of two feet (minimum five feet required), **withdrawn**.

93-Z-103; 525 Blue Ridge Road (south of site), Rezoning of 0.21 acre from D-5 district to UQ01 classification to provide for university-related office uses, **withdrawn**.

89-UV3-35; 518 Buckingham Drive (north of site), Variance of use to permit an addition to an existing detached garage to be used as an artist studio, **granted**.

87-HOV-118; 429 Buckingham Drive (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the installation of an in-ground swimming pool with a rear setback of six feet (20 feet required), **denied**.

(Continued)

STAFF REPORT 2023-DV2-010 (Continued)

82-V1-133; 502 Blue Ridge Road (east of site), Variance of development standards to permit an indoor pool and family room addition to the existing residence within the 20-foot rear yard setback, a 15-foot setback is proposed with a storeroom coming within 7.4 feet of the rear property line, **granted.**

59-V-500; 445 Blue Ridge Road (southeast of site), Variance of rear yard requirements to permit construction of a carport attached to the existing dwelling house and extending to 15'3" from the rear lot line, **granted.**

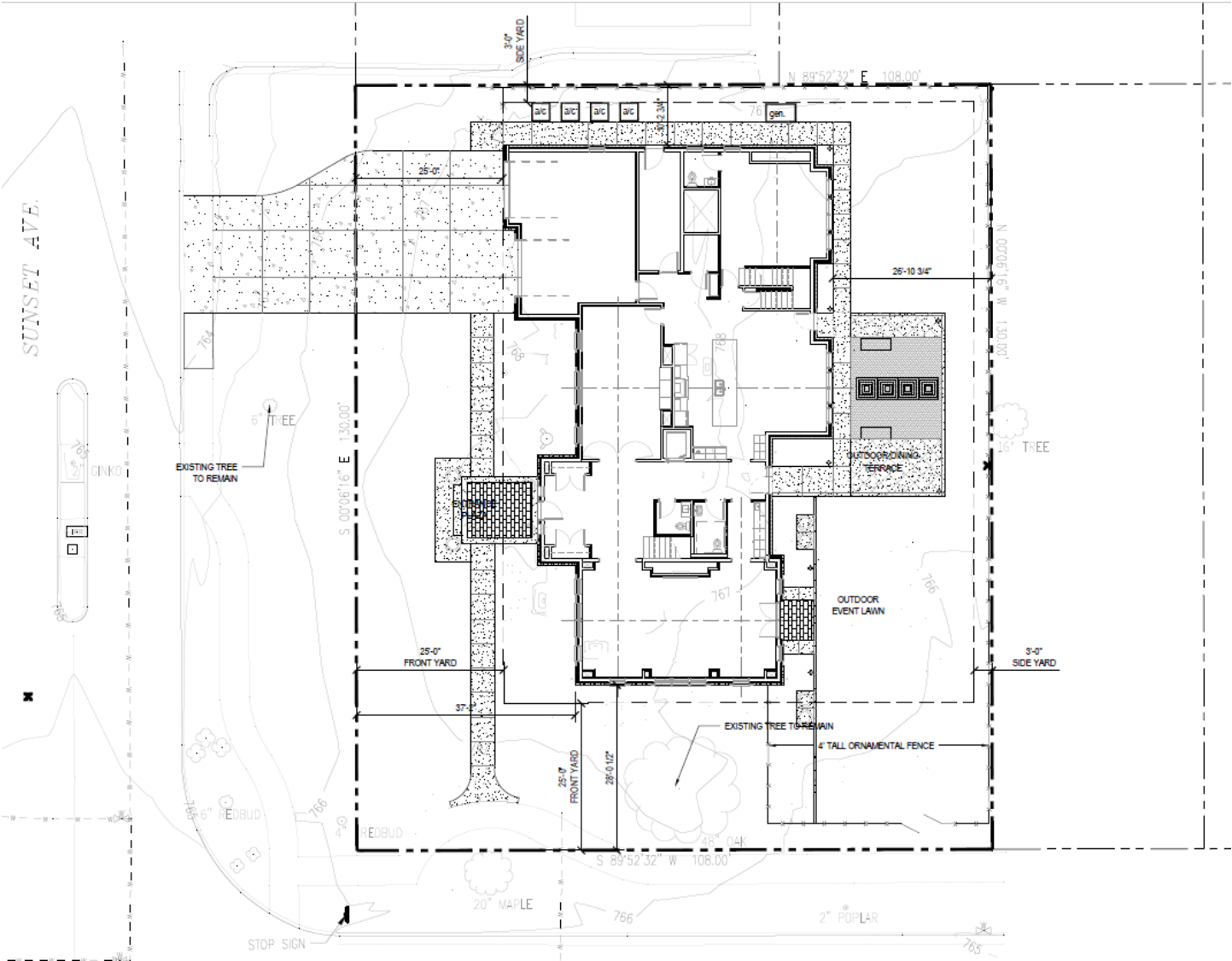
MI

2023-DV2-010; Location Map



2023-DV2-010; Aerial Map







EXTERIOR ELEVATION - WEST

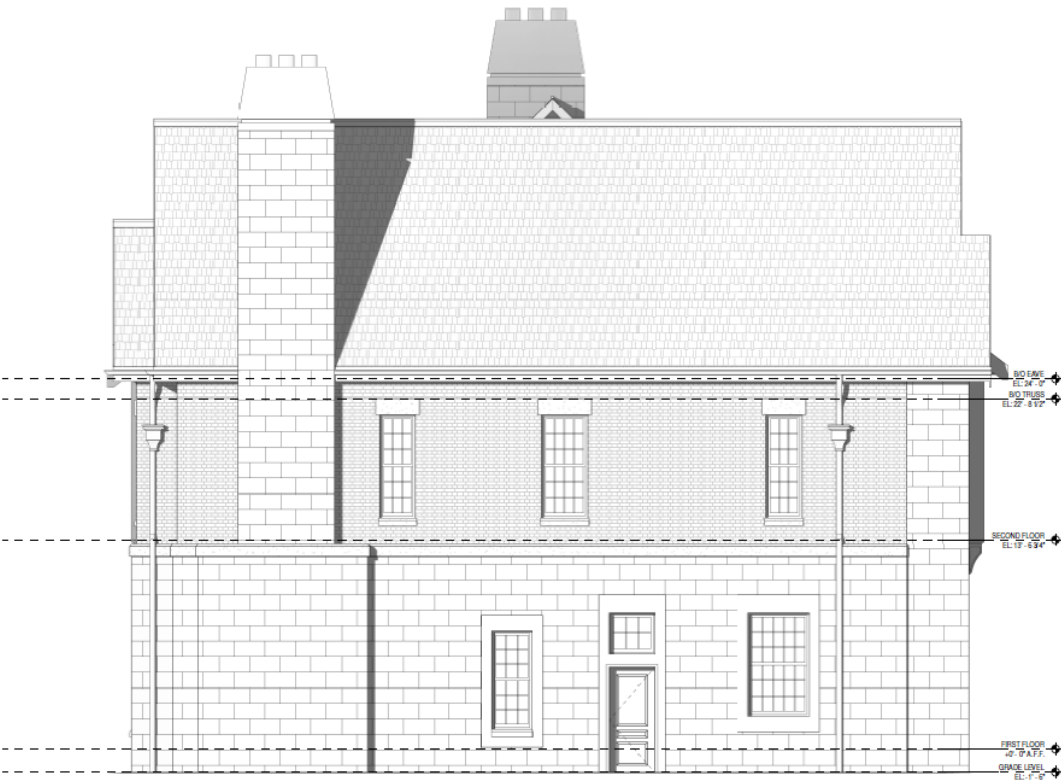
SCALE: 1/8" = 1'-0"



VIEW OF THE FRONT OF BUTLER HOUSE



VIEW OF THE BACK OF BUTLER HOUSE

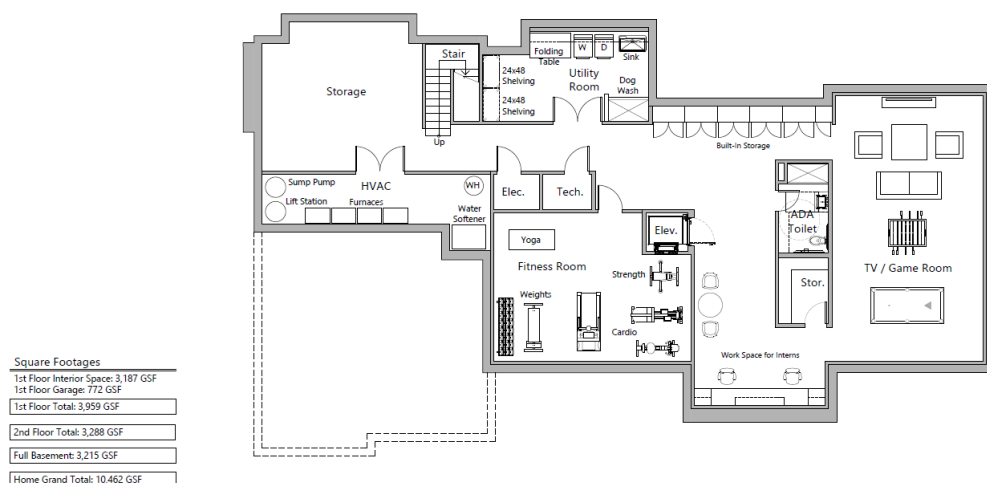


NORTH ELEVATION
SCALE: 1/4" = 1'-0"

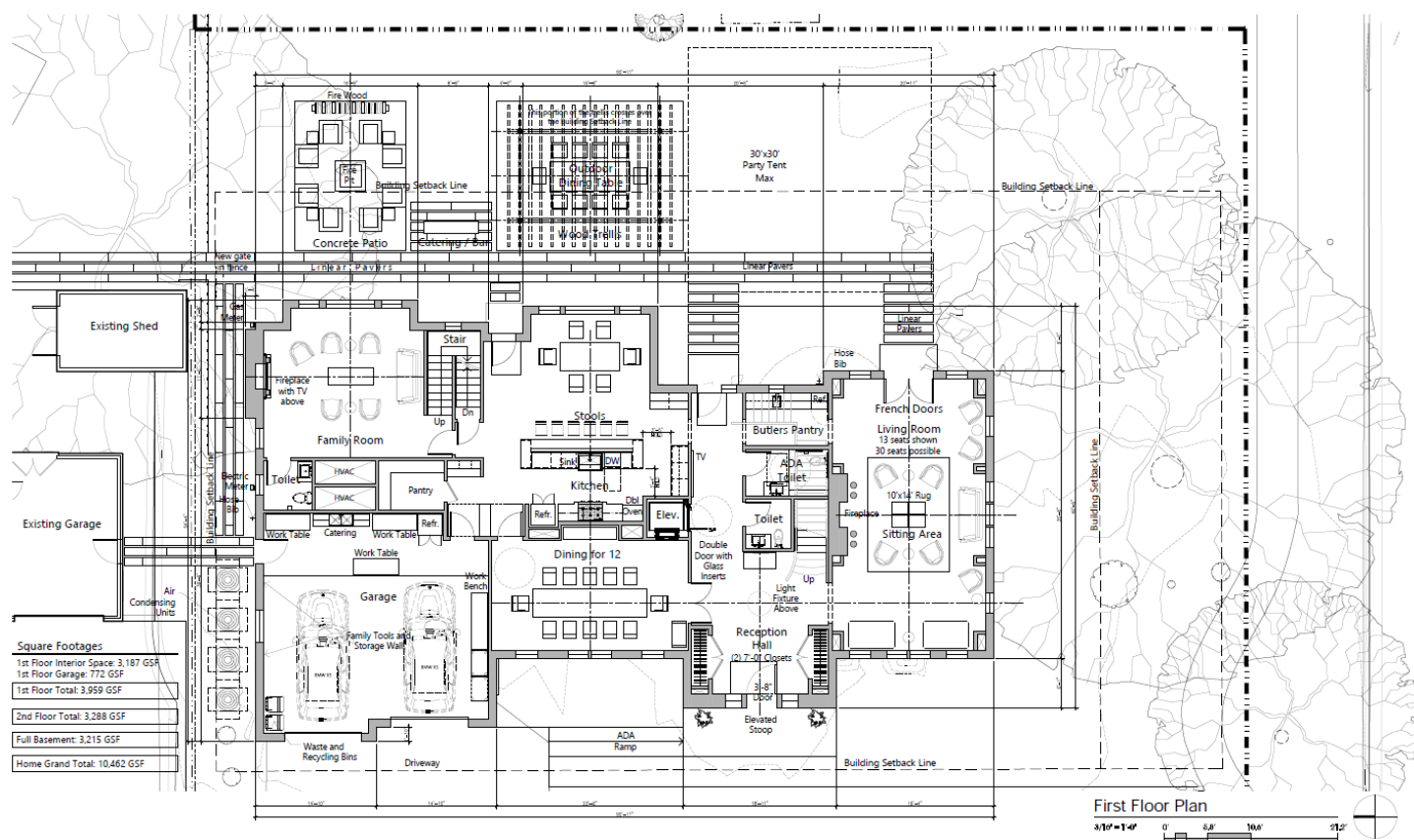
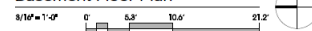


SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

2023-DV2-010; Floor Plans



Basement Floor Plan

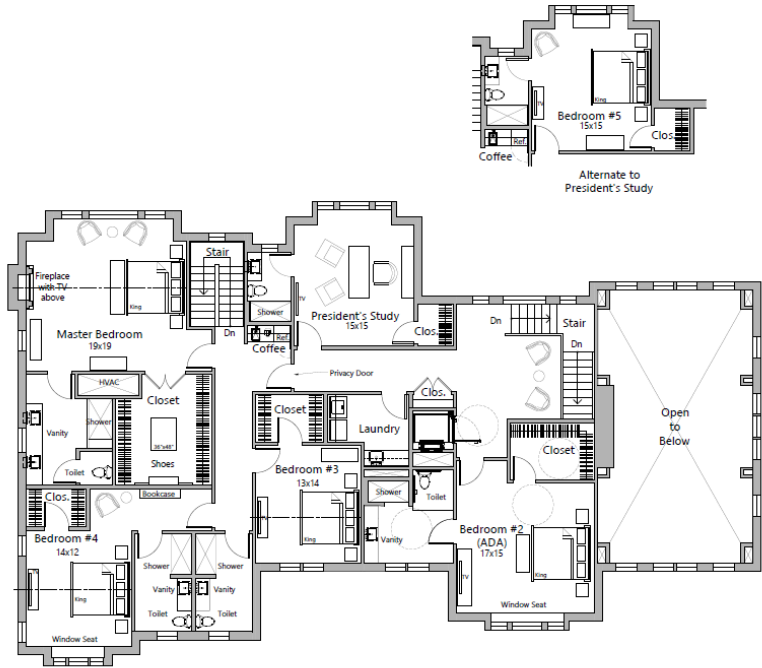


First Floor Plan



Square Footages

1st Floor Interior Space: 3,187 GSF
1st Floor Garage: 772 GSF
1st Floor Total: 3,959 GSF
2nd Floor Total: 3,288 GSF
Full Basement: 3,215 GSF
Home Grand Total: 10,462 GSF



2nd Floor Plan
3/16" = 1'-0"



Butler House
526 Blue Ridge Road, Indianapolis, IN | January 27, 2023

Plan of Operation

Butler University, Development Standards Variance petition

526 Blue Ridge Road

Butler University has plans to construct a new residence for the University President at 526 Blue Ridge Road, which is the northeast corner of Blue Ridge and Sunset Avenue. The residence is part of a development initiative known as the Gateway Project that seeks to improve the form and function of the campus. The current President's residence is located across the street to the south. The new structure will address limitations that exist with the current President's house. These include lack of sufficient space to hold indoor-outdoor events, ADA compliance, limited space for catering and lack of a garage.

Butler is seeking a development standards variance to allow an increase in the height of the structure. The existing D-5 zoning calls for a maximum height of 35 feet. The new residence will be 43 feet 10 inches in height. This is measured from grade to the highest ridge of the home.

While this will be a new structure, great effort has been made by the design team to complement the period architecture most prominently featured in the area. The Tudor design reflects a high-pitched roof and gable ends typical of the style. Total area of the new residence will be 10,462 square feet.

Butler believes the proposed structure will enhance the appearance of this part of campus. They respectfully seek approval of the requested variance.



Photo of the subject property looking north.



Photo of the subject property looking east.

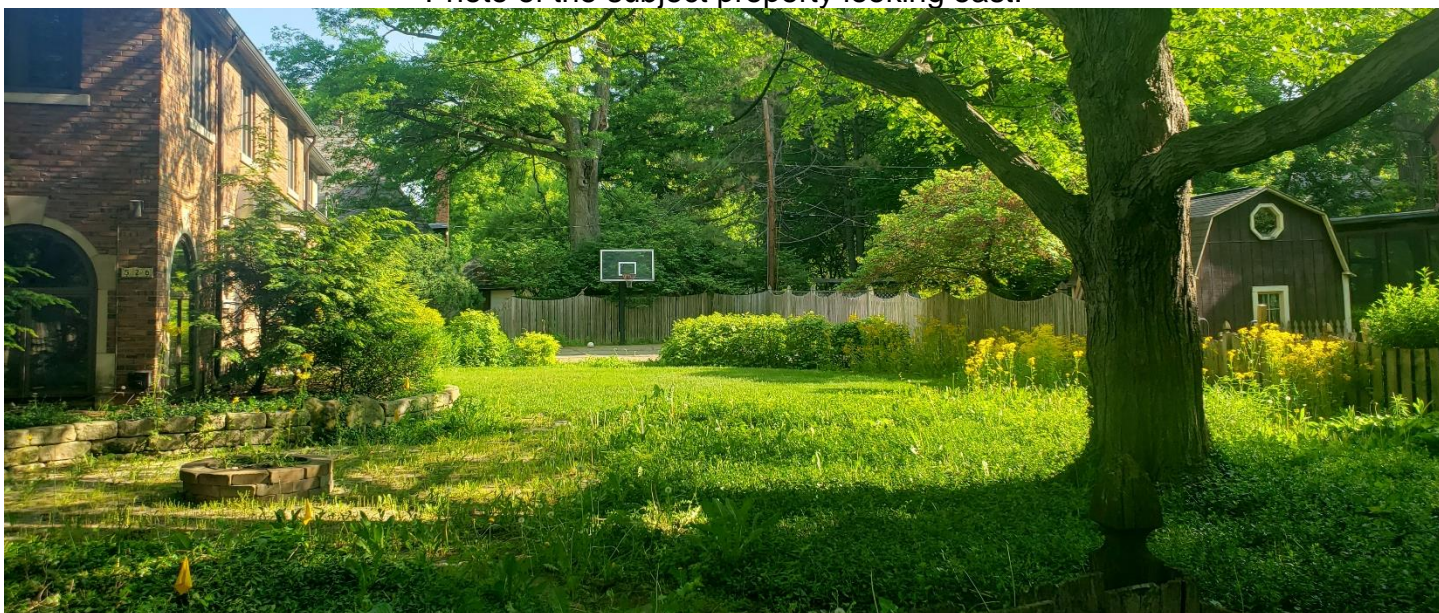


Photo of the existing side yard.



Photo of the single-family dwelling north of the site.



Photo of Butler University west of the site.



Photo of the single-family dwelling east of site.



Photo of the single-family dwellings south of site.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV2-013
Address: 4809 East 70th Street (approximate address)
Location: Washington Township, Council District #3
Zoning: D-2
Petitioner: Abraham Jordan and Kaitlin Browning
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a six-foot tall fence within the front yard of Riley Avenue (fences within front yards limited to a height of 3.5 feet).

ADDENDUM FOR AUGUST 8, 2023

This petition was continued from the July 11, 2023 hearing to the August 8, 2023 hearing by the Board due to the petitioners absence at the hearing.

Staff continues to **recommend denial** of the request.

July 11, 2023

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-2	Metro	Residential (Single-family dwelling)
-----	-------	--------------------------------------

SURROUNDING ZONING AND LAND USE

North	D-2	Residential (Single-family dwellings)
South	D-2	Residential (Single-family dwelling)
East	D-2	Residential (Single-family dwelling)
West	D-S	Residential (Single-family dwelling)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends suburban neighborhood development.

- ◇ The 0.78-acre subject site is developed with a single-family dwelling and a six-foot tall fence. It is surrounded by similarly developed single-family dwellings.

(Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow a six-foot tall privacy fence in the front yard of Riley Avenue.
- ◇ A fence with 30% opacity or less could permit a maximum height of four feet in the front yard without a variance. However, the type of fence on site is a privacy fence that is limited to 3.5 feet in height in the front yard.
- ◇ The variance request is related to an open zoning violation case (VIO23-003391) that was the result of a complaint reported to the Mayor's Action Center regarding the existing fence.
- ◇ Height limitations for fences and walls are in place to limit bulk, maintain openness, create a consistent density and intensity, keep structures at a human-scale, eliminate blocked sight lines from adjacent properties, and prevent a canyon-like effect of the streetscape.
- ◇ The Findings of Fact note that the strict application of the terms of the Zoning Ordinance would result in the practical difficulty in the use of the site because "the zoning ordinance's restriction on fence height limits the petitioner's ability to create an adequate level of privacy and security. Additionally, the zoning ordinance's restriction on fence height limits the safety of the petitioner's pets who require a secure outdoor space". However, privacy could be accomplished with dense, tall evergreen trees and certain types of other plants, plantings, or other adaptive design. Security could be provided with the installation of security cameras, and pets could safely be maintained within a six-foot fence located behind the front building line of the house without the need for a variance or with an Ordinance compliant four-foot-tall fence in the front yard.
- ◇ In staff's opinion, there is not a practical difficulty associated with the use of this site since the Ordinance offers fence options that could be proposed instead. Furthermore, the six-foot tall fence would reduce the security for pedestrians and negatively impact the residential character of the neighborhood.
- ◇ There are two example corner lots east and southeast of the site which show a privacy fence behind the front building line and a fence in the front yard that meets the opacity standards. This proves that there are viable options for the subject site to install a fence without the need for variances.
- ◇ Further review of the site plan resulted in the conclusion that the fence encroaches approximately 25 feet into a platted utility easement along the southern property boundary, which is not permitted. Staff would also note that an uncovered deck also falls approximately 10.5 feet within said easement. Another variance for the encroachments into the easement will be required, but the petitioner can either amend this request by continuing this petition or file for a separate variance later.

(Continued)

STAFF REPORT 2023-DV2-013 (Continued)**GENERAL INFORMATION**

THOROUGHFARE PLAN

70th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 120-foot existing right-of-way and a 50-foot proposed right-of-way.

Riley Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 52-foot existing right-of-way and a 50-foot proposed right-of-way.

SITE PLAN

File-dated June 13, 2023.

FINDINGS OF FACT

File-dated June 13, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

1. VIO23-003391; 4809 East 70th Street (subject site), Failure to comply with use-specific standards and zoning district development standards for the D-2 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard with more than 30% opacity...privacy fence).

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

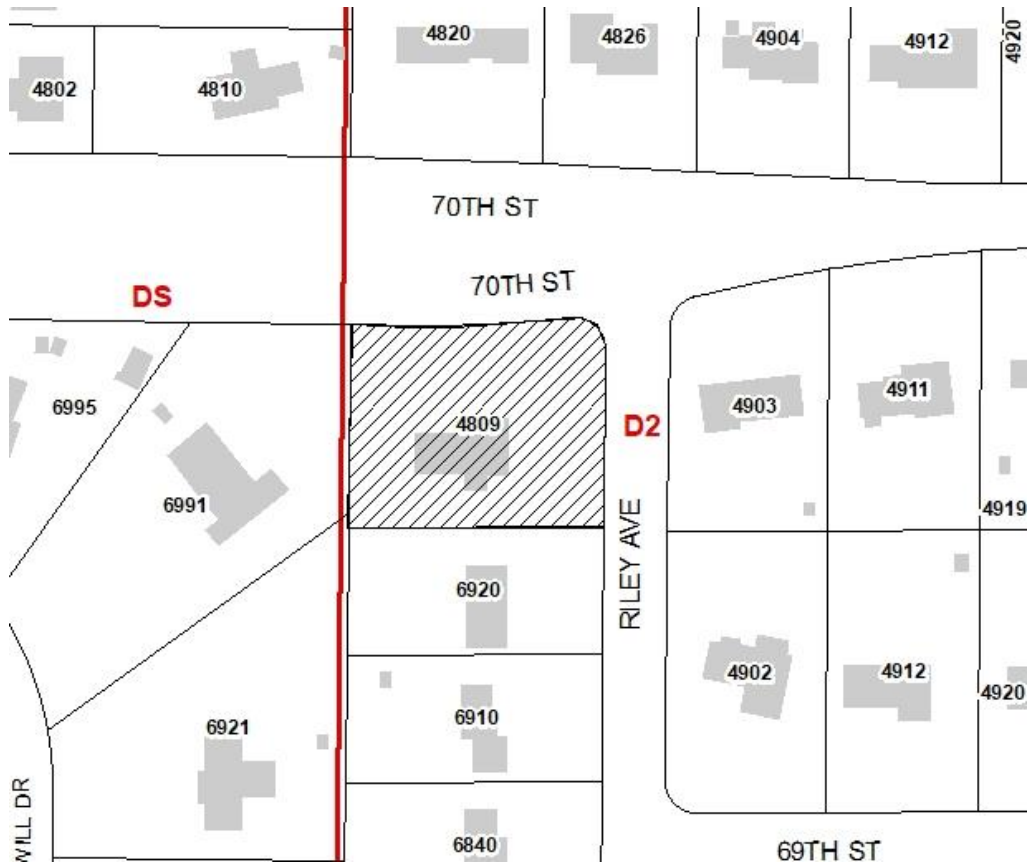
2021-DV1-009; 6995 Barr Will Drive (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish two sheds with 10-foot front setbacks and to provide for a detached garage, with an 18.5-foot front setback and within the front yard of East 70th Street, and a 7.5-foot side setback (40-foot front setback from the proposed right-of-way or average required, whichever is greater, accessory structures not permitted within the front yard, 15-foot side setback and 35-foot aggregate side setback required), **granted**.

2008-DV3-003; 4801 East 70th Street (west of site), Variance of development standards of the Wireless Communication Zoning Ordinance to provide for a wireless communication facility affixed to a telephone pole, extending the height of the pole by 15 feet, and with an approximately 25-square foot equipment cabinet within the right-of-way of 70th Street, **granted**.

2004-DV2-048; 5102 East 70th Street (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish the storage of a commercial trailer, **granted for one year**.

MI

2023-DV2-013; Location Map



2023-DV2-013; Aerial Map



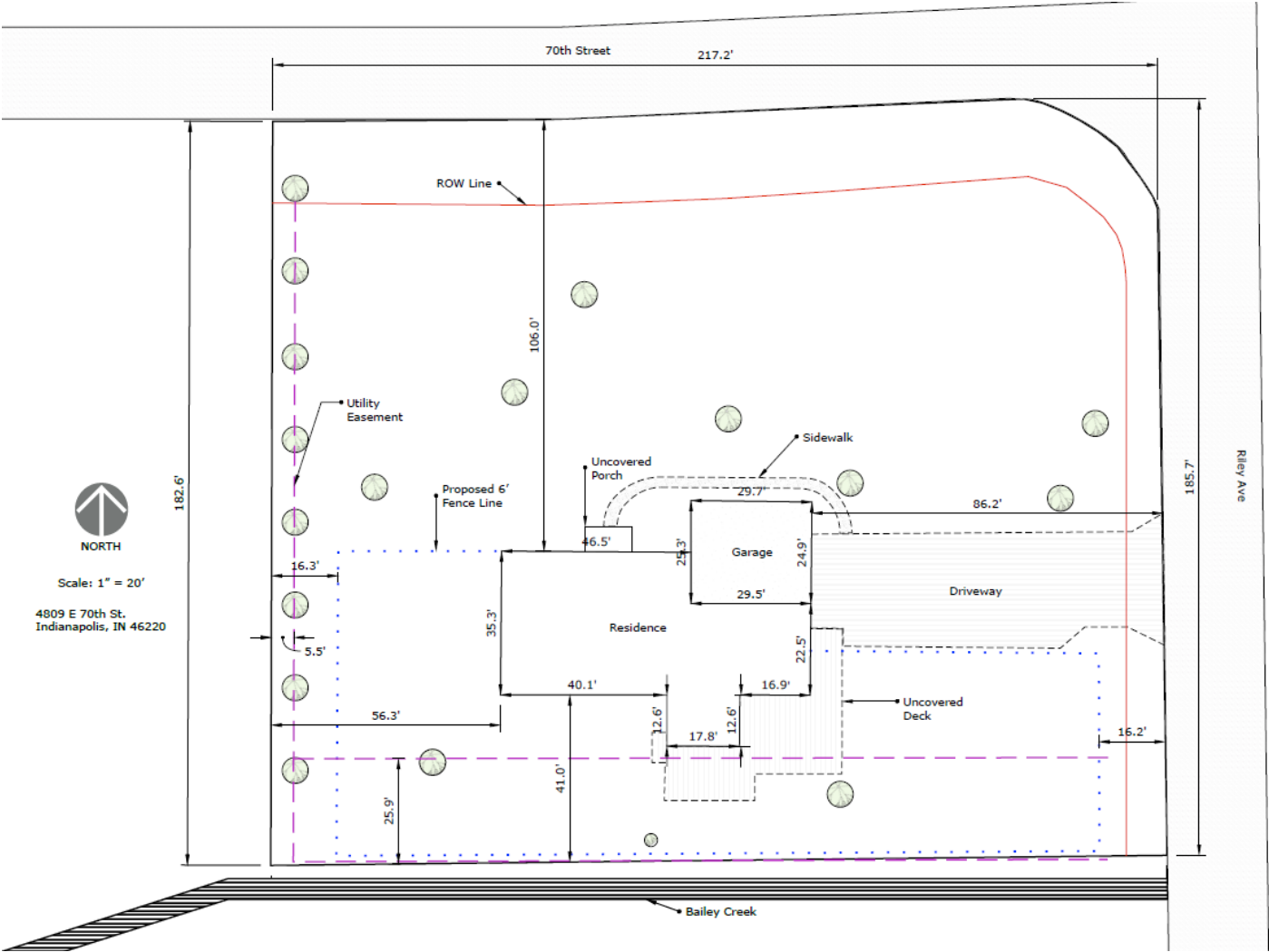




Photo of the Subject Property: 4809 East 70th Street



Photo of the Subject Property: 4809 East 70th Street



Photo of the subject site looking south from 70th Street.



Photo of single-family dwellings north of the site across 70th Street.



Photo of a compliant privacy fence not within the front yard of the corner lot east of the site.

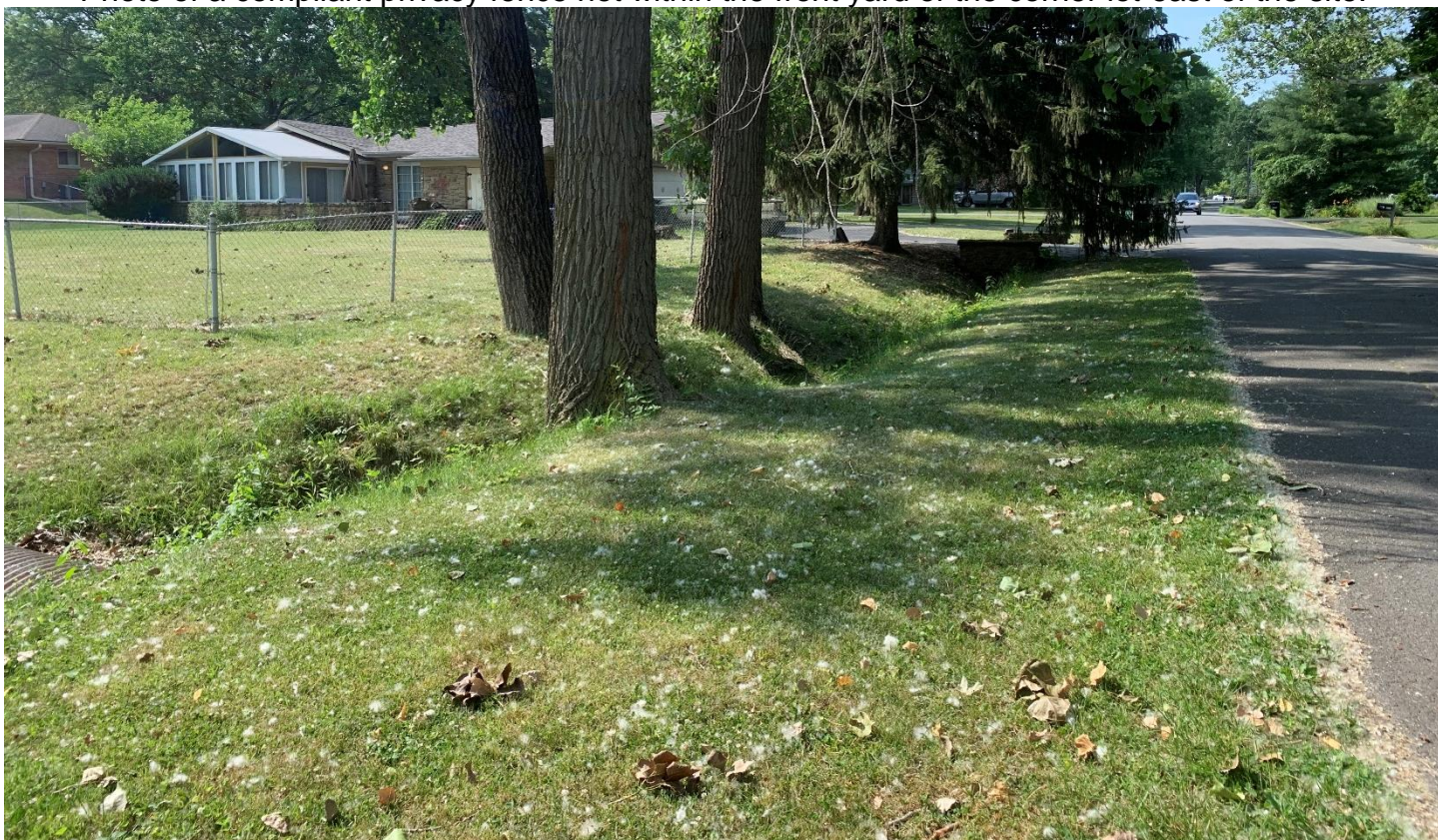


Photo of a compliant chain link fence in the front yard of another corner lot southeast of the site.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV2-015
Address: 1133 South Illinois Street (approximate address)
Location: Center Township, Council District #16
Zoning: D-8
Petitioner: Hoosier Renovators LLC, by Mark and Kim Crouch
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit multi-unit house on a 30-foot-wide lot (minimum 35-foot wide lot required) with a three-foot front yard setback from Illinois Street (minimum 10-foot front yard setback required) and a sidewalk with a zero-foot side yard setback (minimum two-foot side yard setback required).

RECOMMENDATIONS

Staff **recommends approval** of this request subject to the July 13, 2023 submitted site plan.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-8	Compact	Undeveloped
-----	---------	-------------

SURROUNDING ZONING AND LAND USE

North	D-8	Residential (Single-family dwelling)
South	D-8	Residential (Single-family dwelling)
East	C-4	Commercial
West	D-8	Residential (Single-family dwelling)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends traditional neighborhood development.

- ◇ The 0.06-acre subject site is an undeveloped lot. The site consisted of a two-family dwelling that was demolished in 2022 and is surrounded by single-family dwellings except for a commercial use east of the site.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow the construction of a three-unit multi-unit house with a deficient lot width and deficient front and side setbacks.

(Continued)

STAFF REPORT 2023-DV2-015 (Continued)

- ◇ Per Table 744-701-2, the Terrace Frontage design standards require a front building line range of 10 to 19.9 feet. The request would allow a three-foot front setback, but there is an exception for the front setback that notes “a site may be reduced to the average setback derived from the established front setbacks of the nearest lot on each side of the site that is improved with an existing primary building facing the same street and is within 200 feet of the site”. The average of the property north and south of the site would allow for a 2.5-foot front setback without a variance. For this reason, staff found no issue with the approval of the front setback variance that could ultimately be withdrawn if the petitioner so chooses.
- ◇ Table 744-201-1 notes that minor residential features such as sidewalks are required to be no closer than two feet from any side lot line. The request would allow zero-foot side yard setbacks for sidewalks north and south of the garage, which staff determined would not substantially affect use and value of the area adjacent to the property. Because the setback variance would not be for a portion of the building, staff is supportive of this request.
- ◇ Lastly, the variance would allow a three-unit multi-unit house to be built on a 30-foot lot width where 35 feet would have been required. Staff supports an increased housing density where appropriate and when the proposal would not cause overdevelopment of a site. Since the development for three units on this site would have minimal deviations from the Ordinance, it is reasonable to approve the proposal.

GENERAL INFORMATION

THOROUGHFARE PLAN	Illinois Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.
SITE PLAN	File-dated May 16, 2023.
AMENDED SITE PLAN	File-dated July 13, 2023.
PRELIMINARY ELEVATIONS	File-dated July 21, 2023.
PRELIMINARY FLOOR PLANS	File-dated July 21, 2023.
FINDINGS OF FACT	File-dated May 16, 2023.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

None.

PREVIOUS CASES

None.

(Continued)

STAFF REPORT 2023-DV2-015 (Continued)**ZONING HISTORY – VICINITY**

2022-DV1-025; 16 West Morris Street and 1150 South Meridian Street (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the redevelopment of a 4,940-square foot liquor store located 22 feet from a protected district (100-foot separation required), with a six-foot setback from Meridian Street and a four-foot setback from Morris Street (10-foot front yard setback required), encroaching within the clear sight triangle of the intersection of Meridian Street and Morris Street (prohibited) with vehicular access to Meridian Street and Morris Street (alley access required), a zero-foot south landscape strip (six feet required), and four frontage trees provided (seven trees required), and six frontage shrubs provided (27 large shrubs required). **granted.**

2019-UV3-002; 324 West Morris Street and various locations (southwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 30-inch wide by 46-inch-high banners as Public Signs, as provided for and amended by Petition 2018-APP-032, attached to utility poles within the right-of-way and within protected districts (not permitted) along Morris Street, Russell Avenue, Norwood Street, and Merrill Street, **granted.**

2018-APP-032; (southwest of site), Approval of 26-inch wide by 56.5-inch high banners as Public Signs attached to utility poles on locations along Morris Street, Russell Avenue, Illinois Street, West Street, McCarty Street, Meridian Street, South Street, Kentucky Avenue, Norwood Street, and Merrill Street and Bluff Road, **approved.**

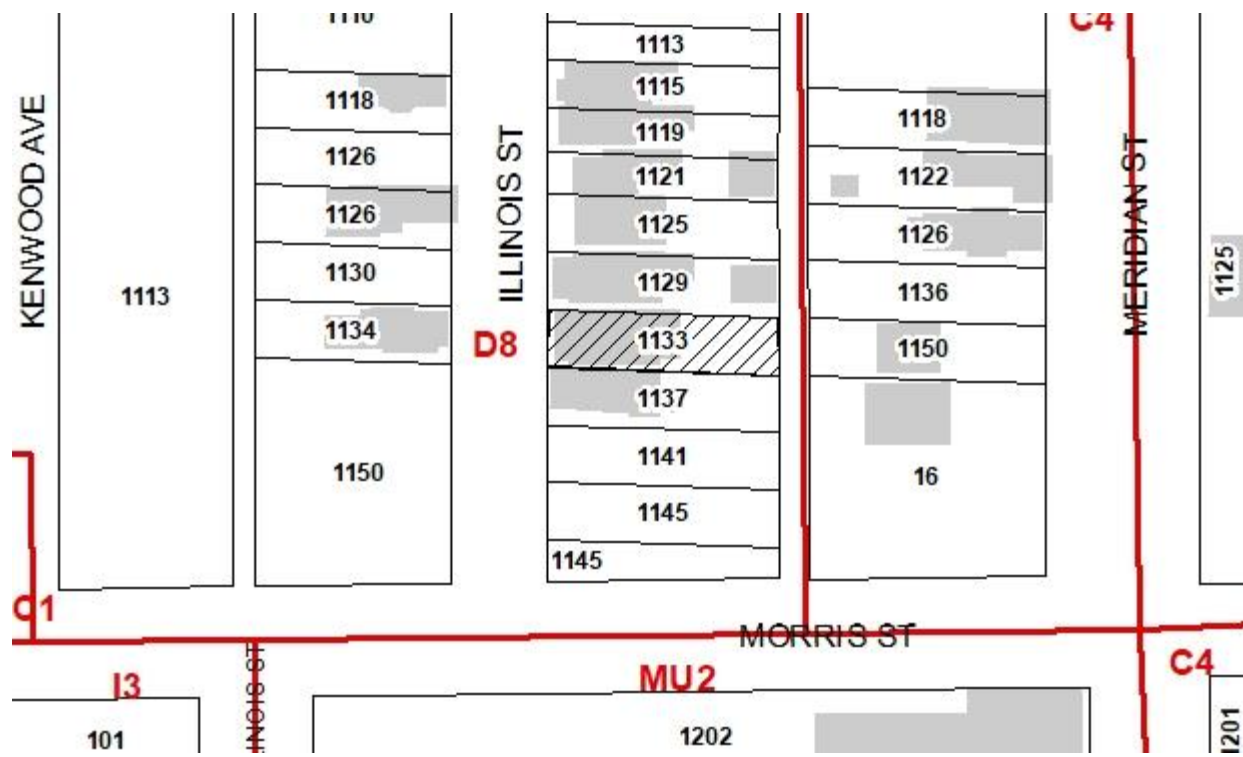
2018-UV3-006; 1106 South Meridian Street (northeast of site), Variance of use and development standards to provide for a contractor, and to legally establish zero-foot east and north front yards, without landscaping and to legally establish deficient parking and loading maneuvering within the right-of-way, **granted.**

2003-HOV-025; 1129 South Illinois (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 1,129 square foot single-family dwelling with a one-foot north side yard setback and a two-foot south side yard setback (minimum four-foot, ten-foot aggregate, side yard setback required), and to provide for a 576 square-foot detached garage with three-foot north and south side yard setback and a six-foot aggregate side yard setback (minimum four-foot, ten-foot aggregate, side yard setback required), resulting in 52.64 percent open space (minimum fifty-five percent open space required), **granted.**

2000-UV1-036; (north of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a 2,970-square foot addition to a 6,300-square foot warehouse, for a legally established fabric warehousing and distribution company, with a zero-foot side yard setback (minimum four-foot side yard setback (minimum four-foot side yard setback required), creating 3,978.4-square feet of open space or 30 percent of the lot area (minimum 7,286.62-square feet of open space or 55 percent of the lot area required), **withdrawn.**

87-Z-86; 1101 South Meridian Street (east of site) Rezoning of 4.3 acres, being in an area with undesignated zoning, to the C-4 classification to correct a map error relating to rezoning petition 84-Z-15, **approved**

2023-DV2-015; Location Map

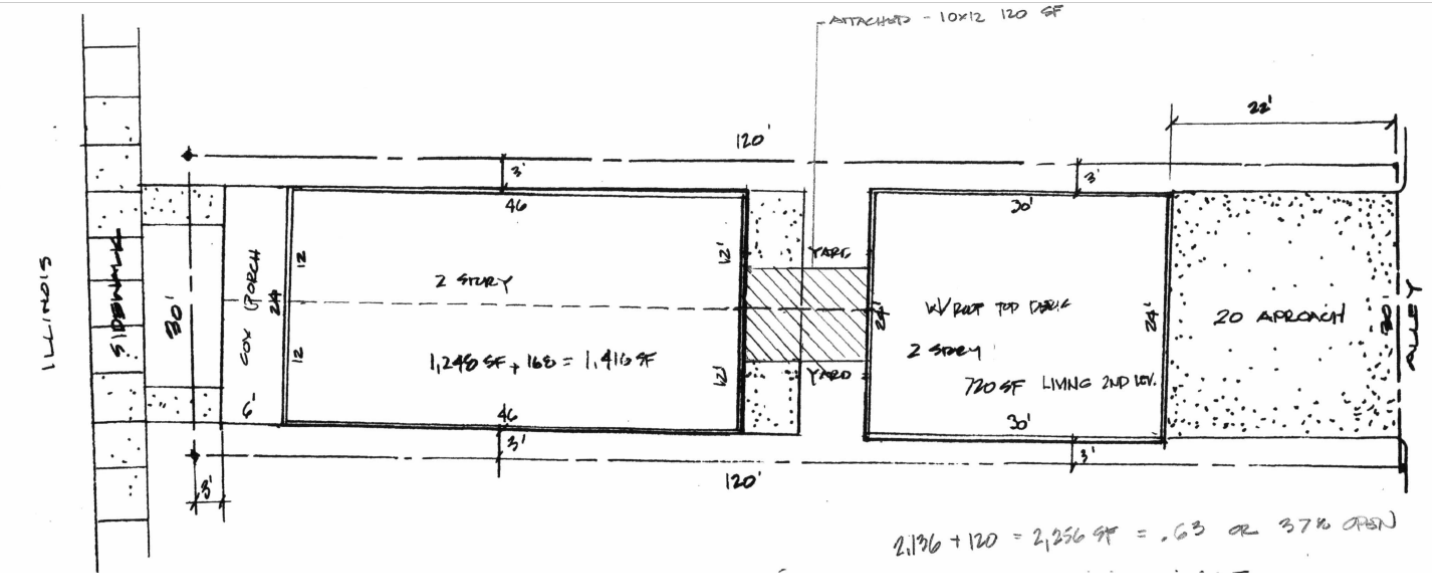


2023-DV2-015; Aerial Map



2023-DV2-015; Site Plan

Item 8.



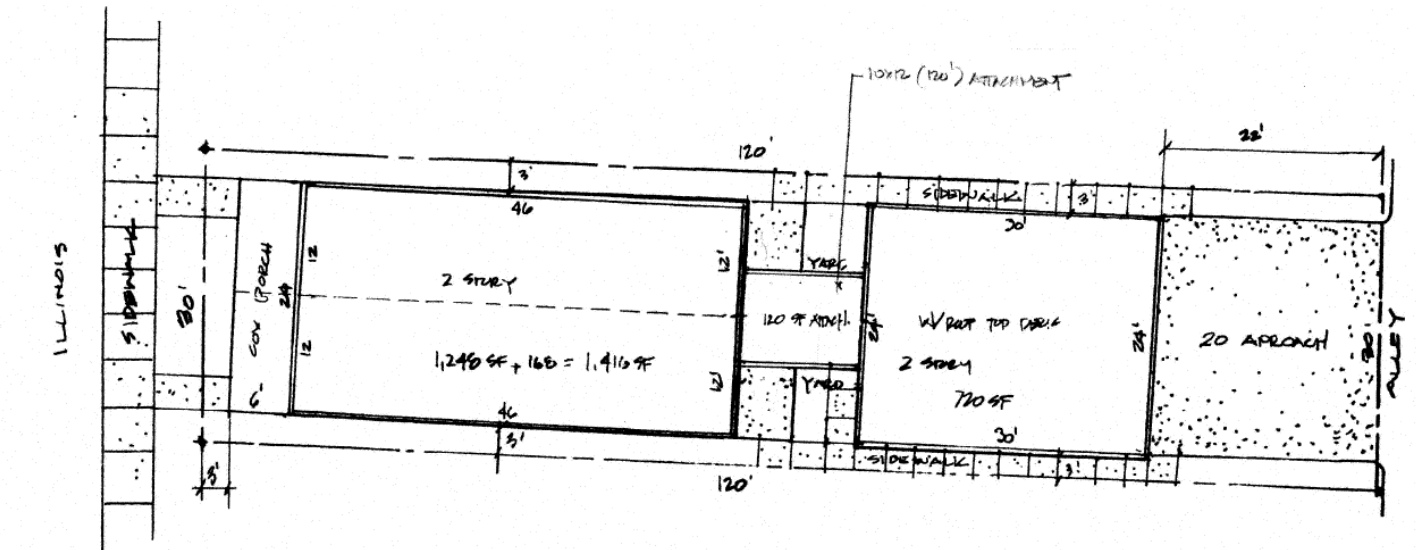
D-B ZONING LOT 30x120 3600 SF

ORIGINAL HOUSE DESTROYED BY NEARBY/DENY

SITE PLAN 1133 S ILLINOIS STREET
1"=10'

(3 UNIT MULTI FAMILY HOUSE - 0' SIDEWALK SETBACK / 3' FRONT YARD SETBACK 37% OPEN SPACE)

2023-DV2-015; Amended Site Plan

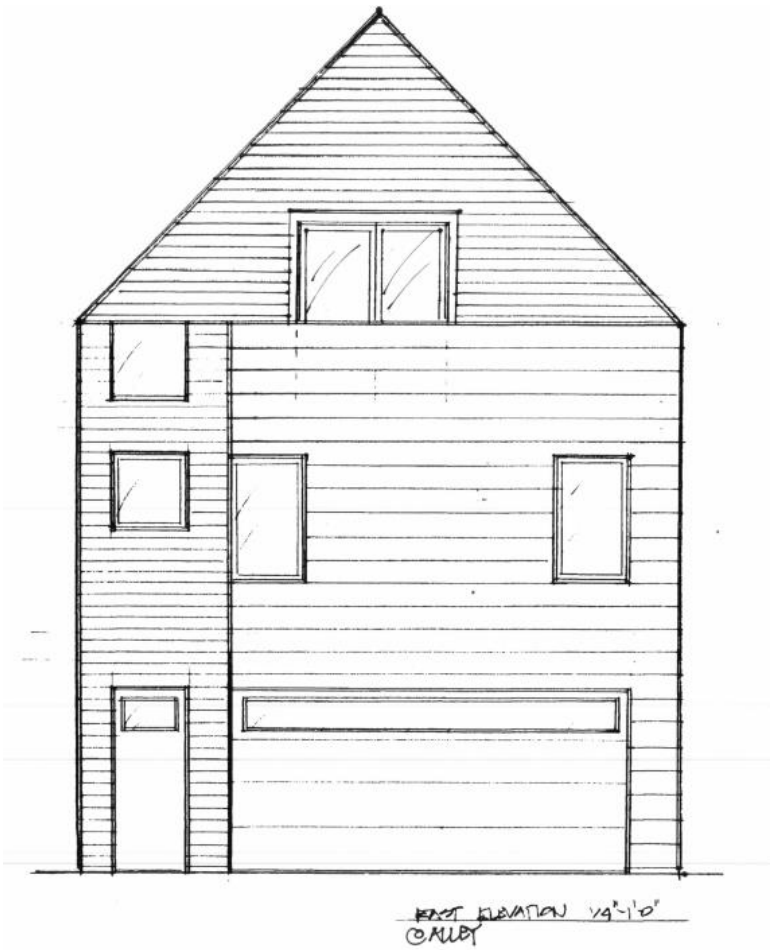


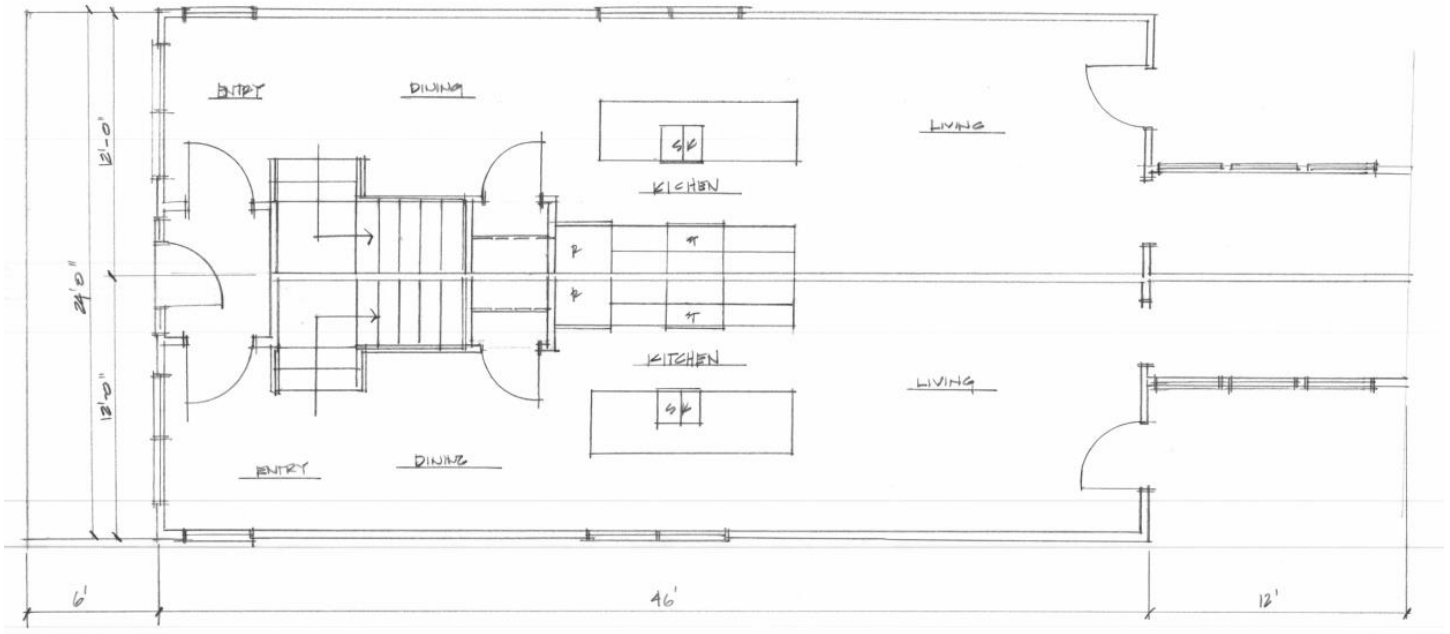
D-B ZONING LOT 30x120 3600 SF

ORIGINAL HOUSE DESTROYED BY NEARBY/DENY

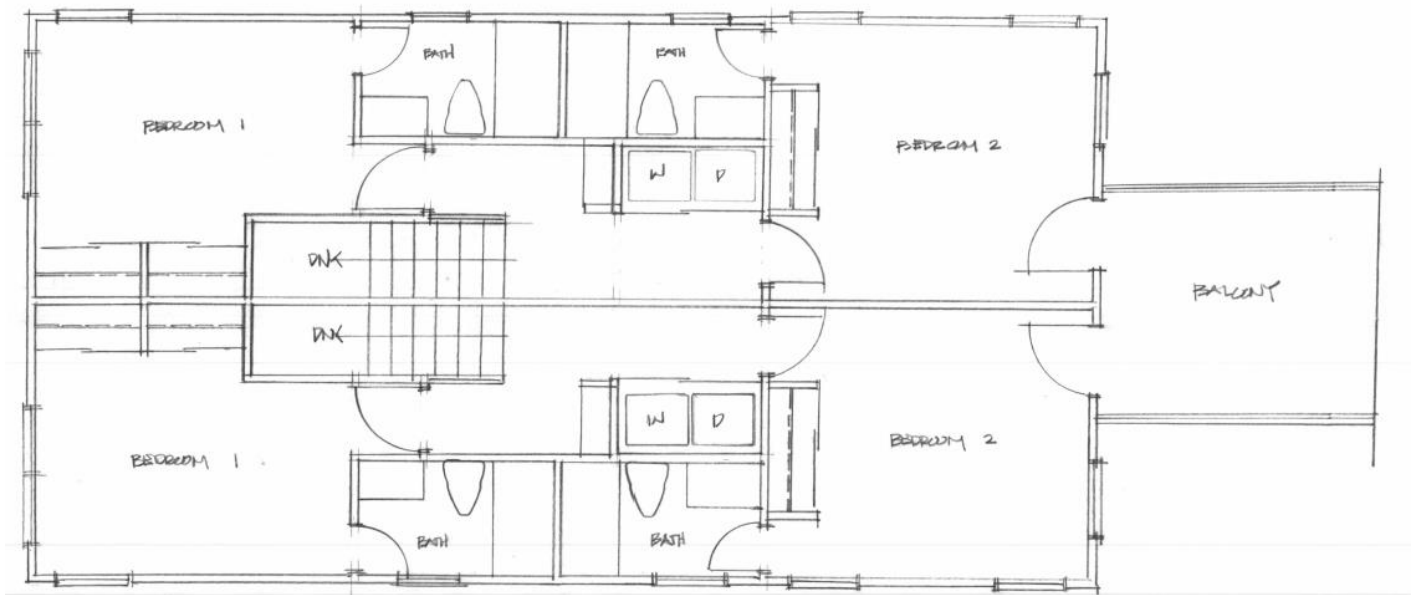
SITE PLAN 1133 S ILLINOIS STREET
1"=10'

(3 UNIT MULTI UNIT HOUSE - 0' SIDEWALK SETBACK 37% OPEN SPACE)





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



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

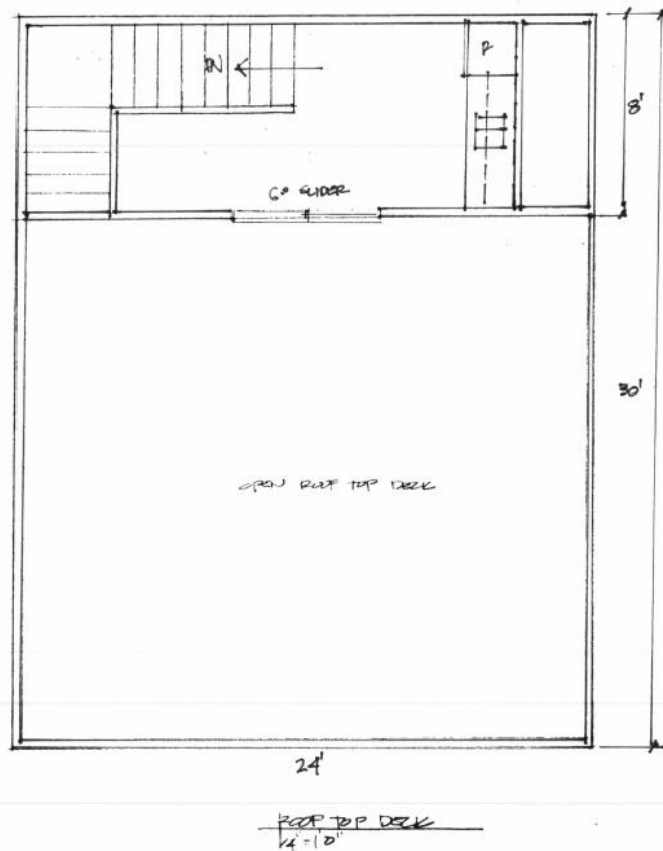
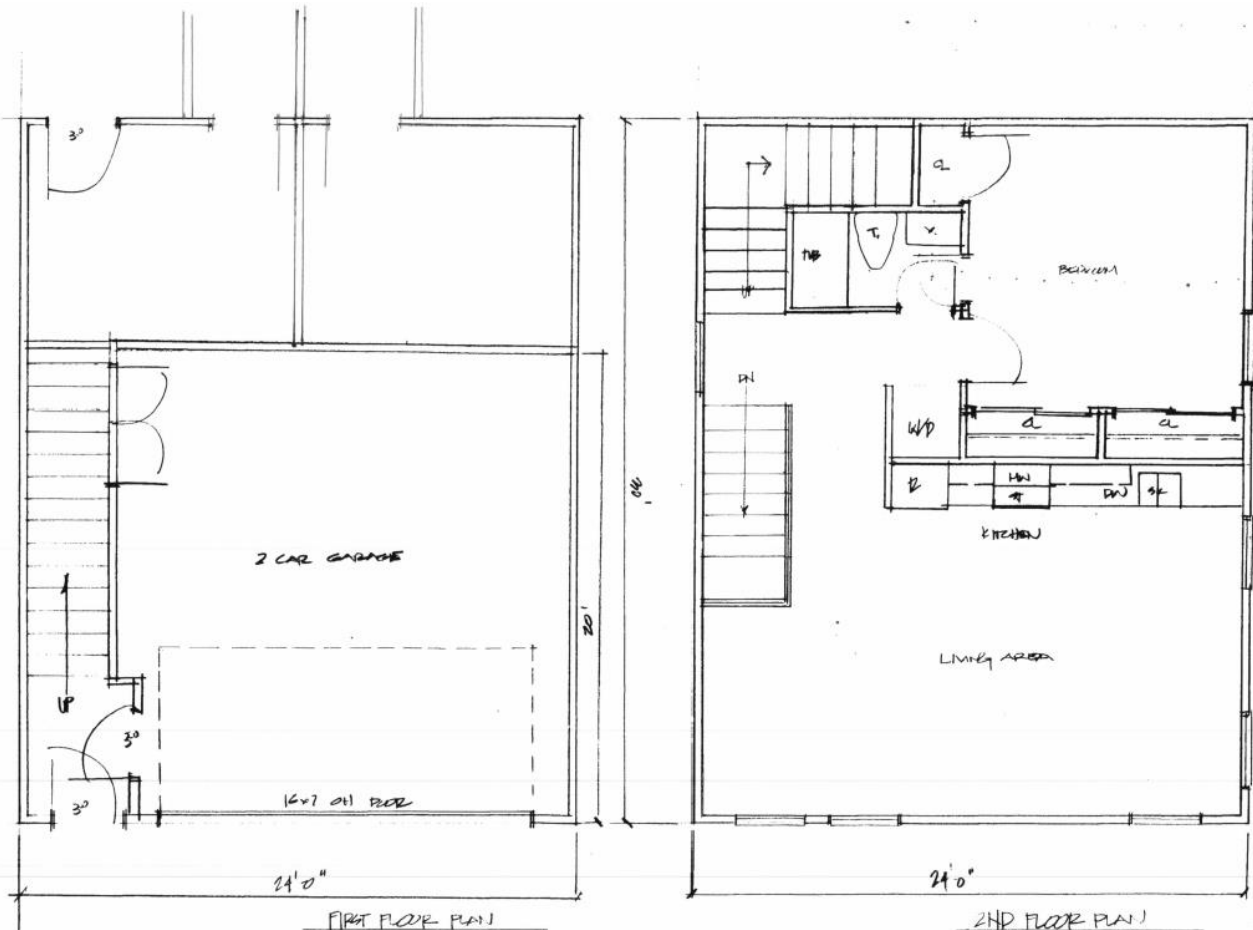




Photo of the Subject Property: 1133 South Illinois Street



Rear photo of the subject site.



Photo of the dwelling south of the subject site.



Photo of the dwelling north of the subject site.



Photo of the exiting front setbacks along Illinois Street.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION II

August 08, 2023

Case Number:	2023-DV2-018
Property Address:	2050 Carrollton Ave
Location:	Center Township, Council District #11
Petitioner:	Breedy B LLC, In and Out Unlimited LLC
Current Zoning:	D-8
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eight-foot-tall fence in the rear yard (maximum fence height of six-foot permitted).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends denial of this petition
Recommended Motion:	Motion to approve petition 2023-DV2-018 on the condition that this variance shall only apply to the rear fence and any new fences comply with the Ordinance
Staff Reviewer:	Noah Stern, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff **recommends denial** of this petition

- However, if the Board is to approve this petition, Staff would request for the approval to only apply to this rear fence, not permitting any future fences to be 8 feet in height.

PETITION OVERVIEW

- This request would allow for an 8-foot fence (6 feet in height permitted) on the 0.12-acre subject site.
- In dwelling districts, the maximum fence height permitted in rear and side yards is 6 feet. This height is to allow for a reasonable amount of privacy, if desired, without permitting unreasonably tall fences, which can present safety issues to the surrounding community. Additionally, fences beyond this height begin to resemble commercial and industrial developments in character. Deviating above this height is not recommended in residential areas.



Department of Metropolitan Development
Division of Planning
Current Planning

- Fencing designed to allow for partial visibility helps limit safety concerns about unsolicited activities taking place on a fenced-in property.
- Per the Ordinance, “Fences combined with a wall shall be constructed of wood, stone, brick, decorative concrete block, wrought iron (or products created to resemble these materials)...”. The fencing relevant to this petition, which connects with the wall of the detached garage, complies with the Ordinance by utilizing wood construction.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-8	North: Single-family residential
	South: D-8	South: Single-family residential
	East: D-8	East: Single-family residential
	West: D-8	West: Single-family residential
Thoroughfare Plan		
Carrollton Avenue	Local Street Existing ROW: 50 ft Proposed ROW: 48 ft	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	6/13/2023	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	6/13/2023	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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



Department of Metropolitan Development
Division of Planning
Current Planning

Pattern Book / Land Use Plan

- The Pattern Book recommends Traditional Neighborhood 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

- The Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects for all scales and types.
- With regards to fencing, the Infill Housing Guidelines recommends:
 - **Build Thoughtful Fences:** fencing around dwellings should be carefully placed. See-through fencing is the safest. In the front, fences should be ornamental in style. Do not install privacy fences in front yard.
- The petition utilizes see-through fencing for the top portion of the fence and is not requesting the 8-foot fencing in the front-yard.

Indy Moves

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

- Not Applicable to the Site



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

ZONING HISTORY – SITE

EXISTING VIOLATIONS

N/A

PREVIOUS CASES

2020DV3001; Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an 895-square foot secondary dwelling (maximum 720-square foot dwelling permitted), **withdrawn**

ZONING HISTORY – VICINITY

2010DV2027; 2009 Bellefontaine Street (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a two-family dwelling with a 7.42-foot setback from the right-of-way of East 20th Street, and a parking pad with a 5.625-foot front yard setback, **approved.**

2017DV2039; 2001 Carrollton Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an eight-foot tall fence (maximum six-foot tall fence permitted), **denied.**

2018DV2028; 2029 N College Ave (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a multi-family building with a four-foot front setback from the proposed right-of-way, with a one-foot north side setback and 17 feet between multi-family buildings and to provide for a multi-family building with a five-foot front setback from the proposed right-of-way and a 20-foot south side setback (30 feet from proposed right-of-way required, 27-foot side setback required and 20 feet between buildings required), and to permit a 0.95 floor area ratio for the project (maximum 0.60 required), **approved.**

2020DV1040; 2040 Cornell Avenue (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling with a five-foot front setback and a detached garage, both with three-foot side setbacks and 44% open space (18-foot front setback or average, four-foot side setbacks and 55% open space required), **approved.**

2021DV2021; 823 S 21st Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a one-foot setback from the right-of-way of 21st Street, a five-foot rear setback and 48% open space (18-foot front setback or average, 15-foot rear setback and 55% open space required), **approved.**

97UV129; 701 E 21st Street 9 (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the operation of a counseling service within one of the dwelling units of an existing multi-family building (not permitted). The property is located at 701 e 21st Street, Center Township, in a D-8 zoning district, **approved.**



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

2021ZON021; 2151 N College Avenue (north of site), Rezoning of 1.1 acres from D-8 and C-3 districts to the D-P classification to provide for 36 townhome units at a density of 25 units per acre, **approved**.

2022ZON073; 3415 N Sherman Drive (north of site), Rezoning of 0.16 acre from the C-4 district to the D-5 district to provide for residential uses, **approved**.

EXHIBITS





RIVERA
 GROUP, LLC
 100 EAST 10TH AVENUE, SUITE 100
 INDIANAPOLIS, IN 46204
 (317) 634-1234

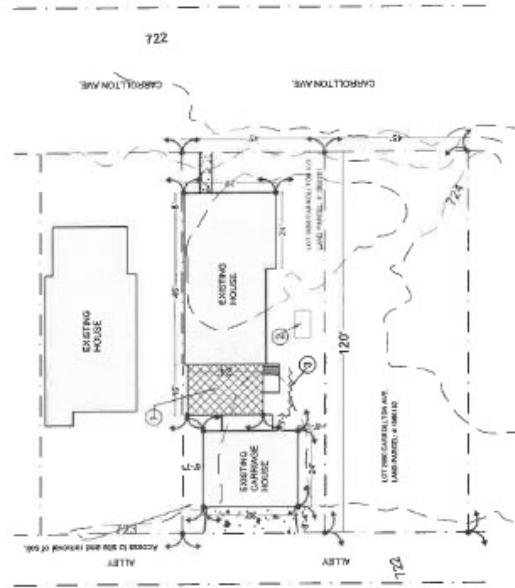
CERTIFIED BY

DRAWN BY
 Tamar de la Paz
 DATE
 JUN 04, 2021
 REVISION #

2050 Carrollton Ave.
 INDIANAPOLIS, INDIANA

C2

proposed
 Site Plan
 SCALE: 1" = 32'



SITE PLAN KEYNOTES

1. PROPOSED 2ND STORY ADDITION
2. PROVIDE CONCRETE WALKOUT
3. PROVIDE 8' FENCE FOR BROKEN CONTROL

GENERAL SITE NOTES

1. THESE DRAWINGS ARE INTENDED TO OUTLINE THE GENERAL SCOPE OF THE WORK. CONTRACTORS SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND UTILITIES. CONTRACTORS SHALL ALSO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES TO ALL APPLICABLE CODES AND GENERALLY ACCEPTED TRADE PRACTICES.
2. ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE PERFORMED IN COMPLIANCE WITH THE CURRENT VERSION OF THE CITY OF INDIANAPOLIS ZONING ORDINANCE AND CONSTRUCTION SPECIFICATIONS MANUAL.
3. NO SURVEY HAS BEEN PROVIDED FOR THIS SITE. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING A SURVEY FROM A QUALIFIED SURVEYOR. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING A SURVEY FROM A QUALIFIED SURVEYOR. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING A SURVEY FROM A QUALIFIED SURVEYOR.
4. ALL UTILITIES ARE PRESUMED TO BE EXISTING, UNLESS NOTED OTHERWISE. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING A SURVEY FROM A QUALIFIED SURVEYOR. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING A SURVEY FROM A QUALIFIED SURVEYOR.
5. THE SCOPE OF WORK IS DESIGNATED BY NATURE. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING A SURVEY FROM A QUALIFIED SURVEYOR. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING A SURVEY FROM A QUALIFIED SURVEYOR.

SITE DATA

LOT AREA (D5) - COMPACT	5,400 S.F.
PARCEL SIZE (45X130')	
TOTAL BLDG AREA	
EXISTING FOOTPRINT AREA	1,832 SQ. FT.
EXISTING CARRIAGE HOUSE AREA	720 SQ. FT.
EXISTING DRIVEWAY AREA	347.2 SQ. FT.
EXISTING SIDEWALK AREA	51.2 SQ. FT.
OPEN SPACE PERCENTAGE	69%



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

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed fence is not made of any materials that are dangerous or hazardous to the environment.
The property is kept well maintained and the above design of the fence allows some visual access
which is not required however, was considered when the design was implemented.

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 property is surrounded by single family homes with very specific design esthetics, all that are
cohesive and brings a certain character to the neighborhood.

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

The proposed petition is in lieu of an already existing violation of this property, subsequently the petition
is a formal request to establish compliance with the current zoning ordinance and development
standards.

DECISION

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

Adopted this _____ day of _____, 20 ____









STAFF REPORT

Item 10.

Department of Metropolitan Development Division of Planning - Current Planning Section

Case Number: 2023-UV2-009
Address: 1540 South East Street (approximate address)
Location: Center Township, Council District #16
Zoning: C-3
Petitioner: 1540 East LLC, by Mark and Kim Crouch
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor within 70 feet of a protected district (500 feet of separation required) and a bar within 48-feet of a protected district (100 feet of separation required).

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact	C-3	Commercial
---------	-----	------------

SURROUNDING ZONING AND LAND USE

North -	C-3	Residential / Commercial office
South -	C-3	Commercial event space
East -	C-3	Commercial / Residential
West -	C-1	Single-Family Dwelling

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Village Mixed Use for the site.
--------------------	---

VARIANCE OF USE

TATTOO PARLOR SEPERATION

- ◇ This request would provide for a variance of use, for a tattoo parlor to be located within 70 feet of the adjacent protected district to the west, 100 feet from the protected districts to the north/northwest, 150 feet from the protected district to the southwest, and 215 feet from the protected district to the east, when the Ordinance requires a separation of 500 feet, measured in any direction. The purpose of the separation requirement is to provide a buffer between land uses, when one land use is more intense and more impactful. Without the required 500-foot buffer, the impact upon the less intense uses, such as the residential neighborhood uses to the north, west and south, would be detrimental and injurious to the overall community.
- ◇ Due to inherent exceptional land use characteristics and potential locational impacts, tattoo parlors are permitted within the C-3 district only upon approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 743-1 and shall not be located within 500 ft. of a protected district. If they are not able to meet the 500-foot separation, then they are only permitted in the C-3 with a Variance of Use. Tattoo parlors are also permitted in the C-4, C-5, and C-7 Districts with a 1,000-foot separation from any protected district.

(Continued)

STAFF REPORT 2022-UV2-028 (Continued)

- ◇ The subject site is zoned C-3, however, the tenant bay is located approximately 70 feet from a D-5 zoned protected district to the northwest, west and south. There are other residential uses zoned C-3 to the north, east, and south. The site is otherwise surrounded by various commercial uses.
- ◇ If inappropriately located, this use may have a deleterious effect upon other land uses and values. Regardless of their size, tattoo parlors are not appropriate uses adjacent to residential uses because of the medical waste generated. For this site, there is little screening to buffer the site from the surrounding residential uses.

BAR SEPERATION

- ◇ This request would also provide for a variance of use, for a bar to be located within 48 feet of adjacent protected districts, when the Ordinance requires a separation of 100 feet, measured in any direction. The 48-foot measured separation is from the outside patio seating area, that has limited sound barriers and speakers for music mounted on the rear wall positioned to the west towards one of the adjacent protected districts as indicated in the plan of operation and as seen in staff photo #4).
- ◇ The purpose of the separation requirement is to provide a buffer between land uses, when one land use is more intense and more impactful. Without the required 100-foot buffer, the impact upon the less intense uses, such as the residential neighborhood uses to the east and west, would be detrimental and injurious to the overall community.
- ◇ The proposed use would be in an existing building that is legally non-conforming in lot coverage and setbacks. The existing building and patio covers approximately 46% of the site, limiting the site from providing enough parking to meet the demand for all the uses on site. This may require staff and customer parking to use adjacent residential streets and further impact adjacent protected residential dwellings.
- ◇ The strict application of the terms of the zoning ordinance does not prohibit the use of the property for its intended use, for neighborhood commercial retail and service development. A practical difficulty is not present because this lot is a typical lot, improved with a commercial building, and can be used for various C-3 permitted uses by right, other nearby properties have done without the need for a separation variance. Any practical difficulty is self-imposed by the desire to use the site for a tattoo parlor within 70 feet of a protected district, and a bar within 48-feet of a protected district.

(Continued)

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of South East Street is indicated as a primary arterial on the Official Thoroughfare Plan, with a 56-foot existing and proposed right-of-way. This portion of Lincoln Street is indicated as a local street on the Official Thoroughfare Plan, with a 65-foot existing and proposed right-of-way.
SITE PLAN	File-dated May 31, 2023
PLAN OF OPERATION (Tattoo)	File-dated July 24, 2023
PLAN OF OPERATION (Bar)	File-dated July 25, 2023
FINDINGS OF FACT (Tattoo)	File-dated September 19, 2022

ZONING HISTORY

2023-UV1-009; 409 Lincoln Street (southwest of site), requested a variance of use and development standards to provide for an addition to an existing single-family dwelling resulting in a two-foot west transitional side yard, **granted**.

2022-UV2-028; 1634 South East Street (south of site), requested a variance of use to provide for a bar within 22 feet and 75 feet of protected districts, **denied**.

2019-HOV-056; 438 Lincoln Street (west of site), requested a variance of use and development standards to provide for the construction of a porch, with a five-foot side west side transitional yard, attached to a single-family dwelling, located within the clear sight triangle of the abutting street and alley, with zero-foot front and front transitional yards, **granted**.

2019-DV1-002; 1506 South East Street (north of site), requested a variance of development standards to provide for a two-story single-family dwelling, with an eight-foot front setback, with two feet and 1.5-foot side setbacks, with two feet and 1.5 feet between primary dwellings and a detached garage with a two-foot south side setback, and with 37% open space., **granted**.

2019-DV2-018; 1539 South New Jersey Street (northwest of site), requested a variance of development standards to provide for single-family dwelling with an eight-foot front setback, 3.45-foot and four-foot separation between dwellings and to provide for a detached garage and 50% open space, **granted**.

2019-DV3-024; 1628 South East Street (south of site), requested a variance of development standards to provide for a real estate office, with accessory storage, with five parking spaces, and with maneuvering within the rear transitional yard, **granted**.

2018-DV1-025; 1531 South East Street (east of site), requested a variance of development standards to legally establish a retail building, with four parking spaces, three of which are substandard, without a van handicapped parking space, and with a zero-foot east transitional yard without landscaping, **granted**.

(Continued)

STAFF REPORT 2023-UV2-009 (Continued)

2018-DV3-009; 1628 South East Street (south of site), requested a variance of development standards to provide for an office / warehouse building, with 80% accessory use area, with six parking spaces provided, with deficient size and maneuvering area, with parking conflicting with a loading area, **denied**.

2018-DV3-017; 1502 South East Street (north of site), requested a variance of development standards to provide for an addition to a single-family dwelling, with nonconforming front and south side setbacks and separation between dwellings, creating an open space of 50% and to provide for a deck with a zero-foot north side setback, **granted**.

2018-UV1-017; 1529 South East Street (north of site), requested a variance of use to provide for primary and accessory residential uses, including a single-family dwelling and a detached garage, **granted**.

2018-UV1-046; 1518 South East Street (north of site), requested a variance of use and development standards to provide for the remodel of an existing single-family dwelling and the construction of a second single-family dwelling, with 4.5-foot front setbacks, on proposed lots with 27 feet of frontage and 24 feet of frontage, respectively, **granted**.

2018-CZN-821; 1526 South East Street (north of site), requested the rezoning of 0.13 acre from the C-1 district to the D-5 district; **approved**.

2017-ZON-016; 1401, 1425, 1441, 1460, 1462, 1464, 1502, 1816 and 1827 South East Street; 828 Beecher Street; 306, 310, 318, 322, 329, 353 and 401 Lincoln Street; 510 East Morris Street; 1538, 1542, 1551 and 1555 South New Jersey Street; 438 Orange Street; 445 and 446 Parkway Avenue (includes sites to the north, west and south), requested the rezoning of 1.95 acres, from the C-1, C-3, C-5 and I-4 districts, to the D-5 classification, **approved**.

2014-UV2-003; 1537 South East Street and 516 Lincoln Street (east of site), requested a variance of use and development standards to provide for commercial space and two dwelling units; and to legally establish an existing building, with a zero-foot front setback along East Street and Lincoln Street being within the clear sight triangle of said streets; a parking area with a zero-foot front setback; five parking spaces, with maneuvering within the right-of-way of Lincoln Street; without a landscape buffer along the frontage of both streets; and to provide for two stoops, with steps and a handicapped ramp encroaching approximately four to five feet, respectively into the right-of-way of Lincoln Street, **granted**.

2004-UV2-035; 1721 South East Street (south of site), requested a variance of use to legally establish an existing 985.25-square foot single-family home, **granted**.

RU

2023-UV2-009; Location Map





**Big Lew's Tattoos – Plan of Operation
1540 s east street Indianapolis Indiana 46225**

Workforce.

There will be about 1 Artist on site daily. Hours of operation are Monday- Closed, Tuesday- Saturday 11am-9pm, Sunday 12pm-6pm. Artists are responsible for their own transportation to and from work. There is street parking available for use onsite. There is a security system and cameras 24/7.

Clients & Customers.

Clients range between ages 18-90. Clients will come to the shop, Tuesday through Saturday 11am-9pm and Sunday 12pm-6pm. We can hold 15 clients in the shop at a time. We provide music and entertainment while a client waits on their tattoo. We provide amazing service, only doing amazing high-quality tattoos. We will make sure that the clients receive amazing service. The client will also receive after care instructions. There will be a receptionist at the front door at all times to greet clients and ensure they are signed in and accounted for at all times, street parking will be closely monitored by the camera systems. The cameras can be monitored on the owner's phone.

Materials Used.

Material used: cleaning supplies and Disinfectant These materials will be used to sanitize bathrooms and floors and common areas and booths. All cleaning supplies, and disinfectants will be stored in a locked storage room.

Client chairs, Artist chairs, Arm rest, machines, inks, needles, stencil paper, iPads, gloves.

Shipping & Receiving:

Materials are brought to the facility in either the company or mid-size cars of the office staff. Materials should be brought before or after business hours only. Stocking of materials should occur once a week. There should not be any shipping.

Waste:

Type of waste: Food trash, paper, plastic wrapping, needles, - generated by clients and employees.

Four trash barrels with lids and bags on site, multiple sharps containers, and a hazard bin.

Trash will be removed at the end of the shift daily. Any hazardous materials are picked up by a company.

The Vault Indy - Plan of operation
1542 South East Street, Indianapolis, IN 46225

The Vault Indy is a restaurant/bar creating craft cocktails and pairing local spirits with local foods. We hire local and all but one employee lives in Marion County. We are helping to be a part of the economic growth on the southside of Indianapolis. We also attract lots of out-of-town guests that might not know of the south side of Indianapolis and without our business and other new development the tourist might not venture to these smaller neighborhoods. The building we are in was vacant and run down when we first found it. It now has three different businesses all adding to the neighborhood. Although we are a bar, we keep the sound down outside at night in respect to our neighbors and try to get as involved with donations and neighborhood projects or development.

The Vault Indy employs 9-12 employees depending on the season and type of private events. Most work on site minus a marketing person that helps with social media advertising etc. Each employee has their own transportation or lives within walking distance of the establishment. They park either on the street or in the parking lot behind the building. All employees either leave together or leave during the daylight. There are cameras around the entire business to keep security as high as possible as well as we have a bouncer on Friday & Saturday evenings. The establishment also has a panic alarm and security system for fire, smoke, break ins etc. monitored by ADT.

The typical client for our establishment is from ages 22-75, all genders, interested in fine spirits and classic/craft cocktails. The median income of our client is unknown, but our average ticket price is \$50.00. All customers must be on site to purchase drinks or food from our establishment. Clients also park on street or in the private parking lot behind the building. 50 clients may be inside our establishment at a time and another 30 outside.

Our business provides the community with fresh local and organic ingredient foods along with local spirits from distillers around us and around the Midwest. We provide our clients with an intimate experience in crafting cocktails with fresh local ingredients. We also work hand in hand with the neighborhood to stay involved with any donations needed for community projects/events/the community center that helps with after school programs for working parents.

No hazardous materials used. Any cleaning supplies or sanitary products used in the dishwasher are not hazardous and safe for all contact due to being a food and drink establishment.

No shipping happens. We will eventually have some merch like shirts etc. but at this moment only products that can be purchased can't be shipped. We receive in food and liquor products delivered by small box trucks or vans weekly 2-3 times a week.

Waste generated is food waste, paper products, by guests and employees. No waste is hazardous. There is no recycling program as of yet, but we do use compostable products to reduce our waste.



#1 - Subject site looking west.



#2 - Subject site tattoo parlor tenant bay, looking west.



#3 - Subject site bar tenant bay, looking west.



#4 - Subject site bar tenant bay rear patio with speakers, looking east



#5 - Adjacent residential protected district approximately 48 and 70 feet to the west.



#6 - Adjacent residential protected district to the northwest.



#7 - Adjacent residential protected district to the west, looking east.



#8 – Adjacent residential use to the west, zoned C-1, looking north.



#9 - Adjacent residential protected district to the southwest approximately 108 feet, looking south.



#9 - Adjacent mixed use to the east, with commercial retail and apartments zoned C-3.



#9 - Adjacent mixed uses to the north, with multi-family apartments and commercial office zoned C-3, looking west.



Adjacent residential protected district to the north approximately 68 feet, looking west.