



Board of Zoning Appeals Division I (July 6, 2023) Meeting Agenda

Meeting Details

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

Date: Thursday, July 06, 2023

Time: 1:00 PM

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

Business:

PETITIONS REQUESTING TO BE CONTINUED:

1. 2023-DV1-021 | 1931 Lake of the Pines Drive, 8535 & 8515 West 21st Street

Wayne Township, Council District #6, Zoned D-11

Lake of the Pines LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of up to 52 lots with mobile homes, without an underground safe room or the installation of walkways (1,040 square foot safe room required for 52 lots and installation of walkways required) with 22-foot-wide pavement (24 feet required).

****Automatic Continuance by remonstrator to August 1, 2023 to be acknowledged**

2. 2023-UV1-014 | 7006 Southeastern Avenue

Franklin Township, Council District #18, Zoned I-1

The Auto Center, by Mitchell A. Ray

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a personal motor vehicle repair shop within the existing building (not permitted) with outdoor storage of motor vehicles awaiting repair within 70 feet of a protected district without the required screening (outdoor storage not permitted within 500 feet of a protected district, solid screened enclosure required).

**** Continuance request to August 1, 2023**

3. 2023-DV1-025 | 5010 East 16th Street

Center Township, Council District #12, Zoned C-4 / D-5

Mart Properties LLC, by William Faber

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 115-foot tall monopole wireless communication facility with a five-foot tall lightning rod, for a total height of 120 feet within 25 feet of a protected district (maximum height of 70 feet permitted within 500 feet of a protected district) without the required perimeter landscaping (10-foot wide landscape yard around the perimeter of the tower enclosure required) and a six-foot tall fence with one-foot of barbed wire (barbed wire prohibited).

****Automatic Continuance by remonstrator to August 1, 2023 to be acknowledged**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 4. 2023-DV1-028 | 7417 Glenview Drive East**
Washington Township, Council District #3, Zoned D-2
Gradison Building Corp., by Adam S. Mears

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a detached pool shed with a four-foot south side yard setback (seven-foot side yard setback required).

- 5. 2023-DV1-029 (Amended) | 8349 Acton Road**
Franklin Township, Council District #25, Zoned D-A
Carri Gano, by Steven A. Brown

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of detached garage with a four-foot south side yard setback (15-foot side yard setback required).

- 6. 2023-UV1-011 | 6809 West Washington Street**
Wayne Township, Council District #22, Zoned C-5
SLEKA II LLC, by Andrew Wert

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for operation of a fleet terminal facility and building addition resulting in a five-foot wide parking aisle width for four parking stalls (23-foot-wide parking aisle required).

- 7. 2023-UV1-012 | 5301 West 10th Street**
Wayne Township, Council District #15, Zoned C-3 / D-A (FW)
Golden Goose Tattoo Company, by Pat Rooney

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor within 70 feet of a protected district (not permitted, prohibited within 500 feet of a protected district).

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 8. 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).

- 9. 2023-UV1-010 | 1946 North Euclid Avenue**
Center Township, Council District #17, Zoned D-5
Daria Powell, by Kevin J. Powell

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of a single-family dwelling into a multi-unit house (2 units) (not permitted) and conversion of the detached garage into a third dwelling unit (not permitted) without any of the units on site being owner occupied (secondary dwelling units only permitted with single-family detached dwellings and owner shall occupy a unit on the lot as their permanent residence).

PETITIONS FOR PUBLIC HEARING (New Petitions):

- 10. 2023-DV1-027 | 8136 East Southport Road**
Franklin Township, Council District #25, Zoned C-4
WMG Acquisitions LLC, by Tammy Rice

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a monument sign, being the fourth freestanding sign along Southport Road, and located 295 feet

from another freestanding sign (maximum two freestanding signs permitted along a frontage, 300 feet of separation between freestanding signs required).

11. 2023-UV1-013 | 5320 West Vermont Street

Wayne Township, Council District #15, Zoned C-4
Josh Investment Inc., by Pat Rooney

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 42-unit multi-family dwelling project (not permitted) with a 17-foot east transitional yard and 16-foot south transitional yard (20-foot transitional yards required), 29 parking spaces (31 required for multi-family), and deficient landscaping and lighting elements (landscaping and photometric standards required).

12. 2023-UV1-015 | 3449 Broadway Street

Center Township, Council District #9, Zoned D-5
Lourenzo Giple and Angie Boarman

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage and secondary dwelling unit (secondary dwelling unit must be detached) with vehicular access from Fairfield Avenue (exclusive alley access required) and provide for the future addition and conversion to a two-family dwelling with a pierced shared wall, with a five-foot rear yard setback and being the third dwelling unit (not permitted, 20-foot rear yard setback required), resulting in an open space of 52% (60% open space required), per plans filed.

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at dmdpubliccomments@indy.gov, before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.

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

Case Number: 2023-DV1-021
Address: 1931 Lake of the Pines Drive, 8535 & 8515 West 21st Street
(approximate address)
Location: Wayne Township, Council District #6
Zoning: D-11
Petitioner: Lake of the Pines LLC, by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of up to 52 lots with mobile homes, without an underground safe room or the installation of walkways (1,040 square foot safe room required for 52 lots and installation of walkways required) with 22-foot-wide pavement (24 feet required).

A timely automatic continuance request was submitted by a City-County Councillor, **continuing this matter from the July 6, 2023 hearing to the August 1, 2023 hearing**. This would require the Board's acknowledgement.

MI

STAFF REPORT

Item 2.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-UV1-014
Address: 7006 Southeastern Avenue (approximate address)
Location: Franklin Township, Council District #18
Zoning: I-1
Petitioner: The Auto Center, by Mitchell A. Ray
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a personal motor vehicle repair shop within the existing building (not permitted) with outdoor storage of motor vehicles awaiting repair within 70 feet of a protected district without the required screening (outdoor storage not permitted within 500 feet of a protected district, solid screened enclosure required).

The petitioner has indicated their intent to request a **continuance for cause without notice, from the July 6, 2023, hearing, to the August 1, 2023, hearing.** Staff will have no objection to this first request.

RU

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

Case Number: 2023-DV1-025
Address: 5010 East 16th Street (approximate address)
Location: Center Township, Council District #12
Zoning: C-4 / D-5
Petitioner: Mart Properties LLC, by William Faber
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 115-foot tall monopole wireless communication facility with a five-foot tall lightning rod, for a total height of 120 feet within 25 feet of a protected district (maximum height of 70 feet permitted within 500 feet of a protected district) without the required perimeter landscaping (10-foot wide landscape yard around the perimeter of the tower enclosure required) and a six-foot tall fence with one-foot of barbed wire (barbed wire prohibited).

A timely automatic continuance request was submitted by a registered neighborhood organization, **continuing this matter from the July 6, 2023 hearing to the August 1, 2023 hearing**. This would require the Board's acknowledgement.

MI

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-028
Address: 7417 Glenview Drive East (approximate address)
Location: Washington Township, Council District #3
Zoning: D-2
Petitioner: Michael R. and Wynter D. Ackermann, by Adam S. Mears
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a detached pool shed with a four-foot south side yard setback (seven-foot side yard setback required).

RECOMMENDATIONS

Staff **recommends approval** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-2	Metro	Single-Family residential
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SURROUNDING ZONING AND LAND USE

North	D-2	Single-Family residential
South	D-2	Single-Family residential
East	D-A	Single-Family residential
West	D-2	Single-Family residential

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Suburban Neighborhood development
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- ◇ The subject site is a nearly 22,000 square foot lot in the D-2 district, and is developed with a single-family dwelling and detached accessory structures. This property is within the Glenview Estates Subdivision in the Allisonville Neighborhood.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for the location of a detached pool shed with a four-foot side yard setback where a seven-foot setback is required.
- ◇ This petition would legally establish a 252-square-foot pool shed that was placed on the property in 2020. The structure placement aligns with the edge of an existing pool apron. Typically, staff would suggest that the shed could be relocated to comply with the required seven-foot setback, however, staff would not be opposed to a slightly reduced setback for a detached accessory structure that has existed in a non-compliant location without complaint, and otherwise meets all ordinance standards.

(Continued)

STAFF REPORT 2023-DV1-028 (Continued)**GENERAL INFORMATION****THOROUGHFARE PLAN**

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

SITE PLAN

File-dated June 2, 2023

FINDINGS OF FACT

File-dated June 2, 2023

ZONING HISTORY – SITE

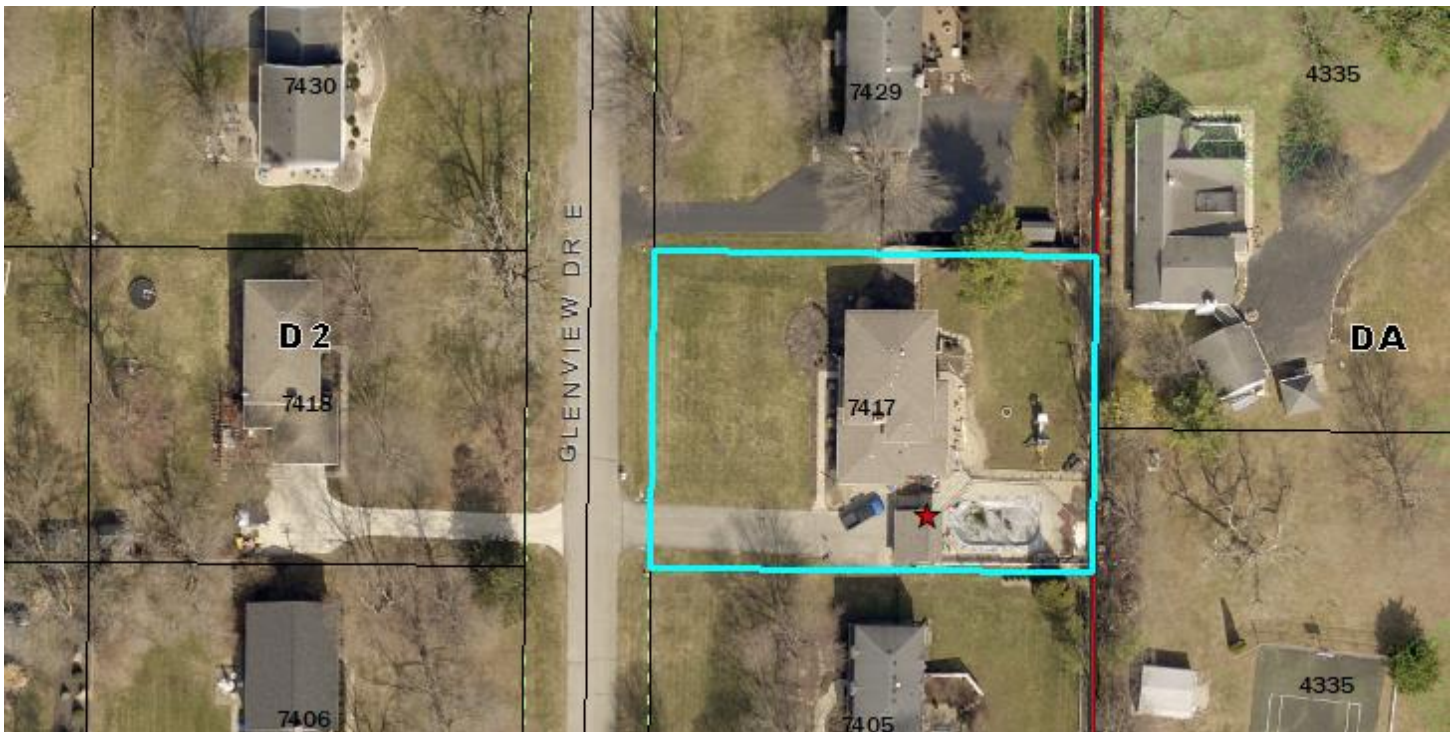
None

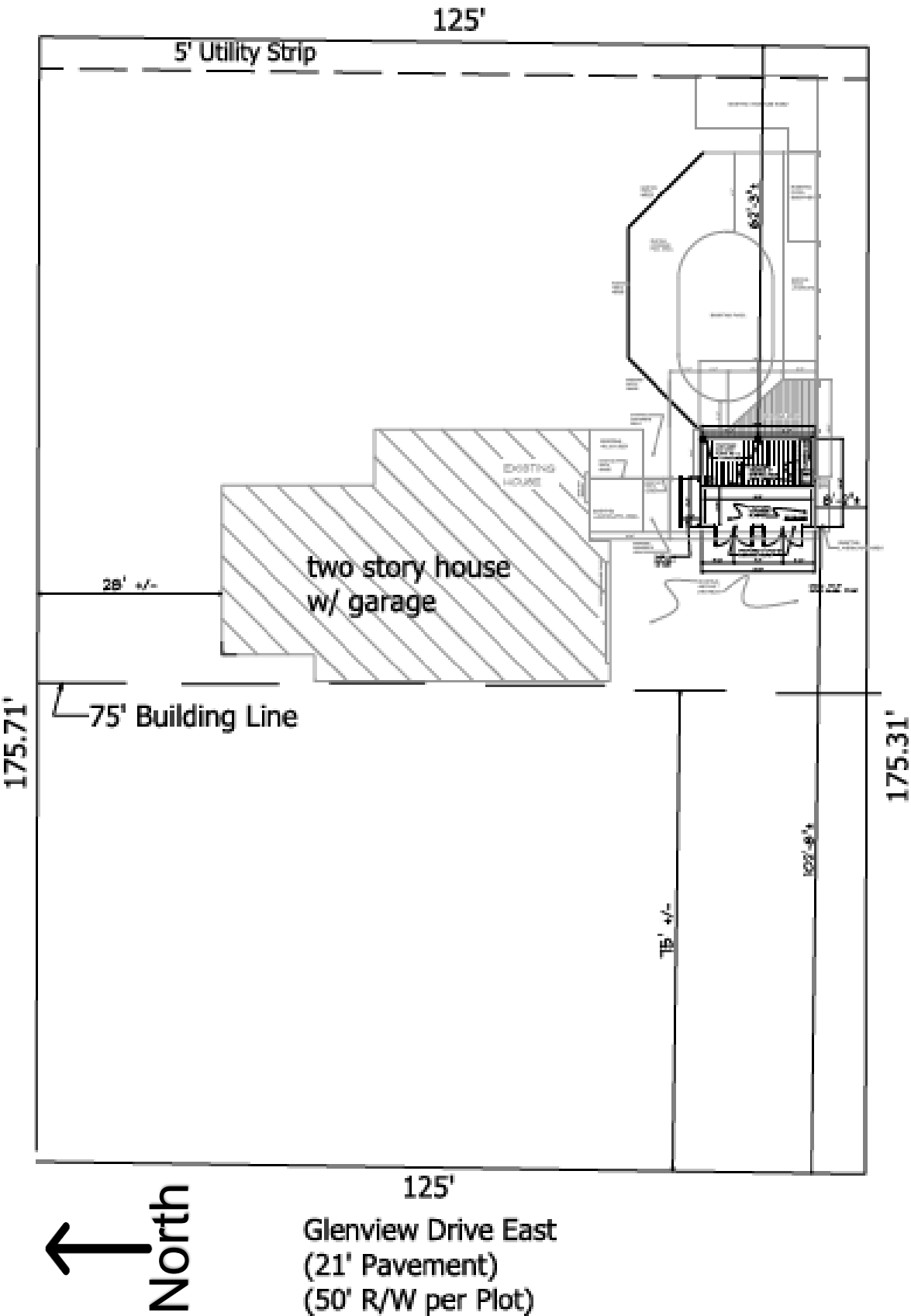
ZONING HISTORY –VICINITY

2015-UV3-010, 4355 E 75th Street, Variance to provide for 28.7-foot tall (including 4.9-foot-tall cupola), two-story, 24 by 36-foot detached accessory building, with a second floor dwelling unit, with an 11-foot side setback and an 18-foot rear setback, **approved**.

136-F-SZ-55, Approval of a subdivision plat to be known as Glenview Estates Addition Amended.

AR

2023-DV1-028; Aerial Map





Subject site viewed from Glenview Drive East



Subject site, South side setback

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-029 (Amended)
Address: 8349 Acton Road (approximate address)
Location: Franklin Township, Council District #25
Zoning: D-A
Petitioner: Carri Gano, by Steven A. Brown
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of detached garage with a four-foot south side yard setback (15-foot side yard setback required).

RECOMMENDATIONS

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-A	Metro	Residential (Single-family dwelling)
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SURROUNDING ZONING AND LAND USE

North	D-A	Residential (Single-family dwelling)
South	D-A	Residential (Single-family dwelling)
East	A-0	Residential (Single-family dwelling)
West	D-P	Residential (Single-family dwellings)

COMPREHENSIVE PLAN	The Comprehensive Plan recommends suburban neighborhood development.
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- ◇ The 0.51-acre subject site is developed with a single-family dwelling and detached garage. It is surrounding by similarly developed residential properties.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The initial request was to provide for the construction of a detached garage with a four-foot south side yard setback, resulting in an 18-foot aggregate side setback and an 18-foot rear yard setback where a 30-foot side yard, 75-foot aggregate side yard, and 75-foot rear setback was required.
- ◇ Due to an exception of the Ordinance, per Sec 744-202.A., this D-A lot was platted prior to December 20, 1989 allowing the exception to permit 15-foot minimum side and rear setbacks. This also resulted in the elimination of the aggregate side setback requirement.

(Continued)

STAFF REPORT 2023-DV1-029 (Continued)

- ◇ The amended request would allow a four-foot south side yard setback where 15 feet is required.
- ◇ Setbacks are required to keep a minimum distance between property improvements and help reduce drainage overflows onto adjacent properties. Additionally, setbacks provide the required space needed to construct and maintain structures on a property without requiring access through adjacent properties.
- ◇ The subject site is deficient in size as required by Table 744-201-1, which notes that the D-A district requires a minimum 3-acre lot area, 250-foot lot width, and 125-foot street frontage. Instead, the site measures approximately 19,500 square feet with a 100-foot lot width and street frontage.
- ◇ Approval of the request would not be out of character with the surrounding area where accessory structures have less than 15 feet from the side yard property lines.
- ◇ Staff typically supports variances where there is little impact to surrounding properties. In this case, a four-foot south side setback would provide sufficient separation for building maintenance.

GENERAL INFORMATION**THOROUGHFARE PLAN**

Acton Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 100-foot existing right-of-way and an 80-foot proposed right-of-way.

SITE PLAN

File-dated June 8, 2023.

FINDINGS OF FACT

File-dated June 8, 2023.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

1. Only VIO23-002521: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for mini-barns or sheds exceeding 200sq. feet...600sq. feet). Failure to comply with use-specific standards and zoning district development standards for the D-A district; (Table 744-201-1: - Garage located in the 15 ft. side yard setback).

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

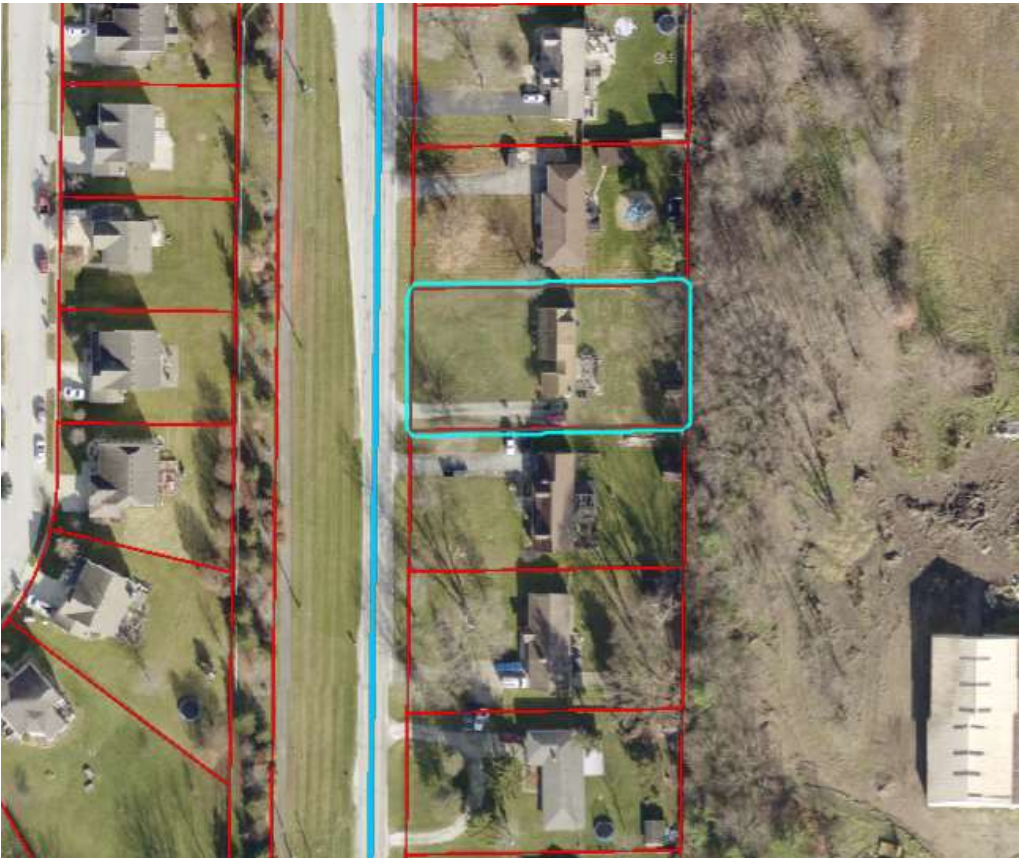
None.

MI

2023-DV1-029; Location Map



2023-DV1-029; Aerial Map



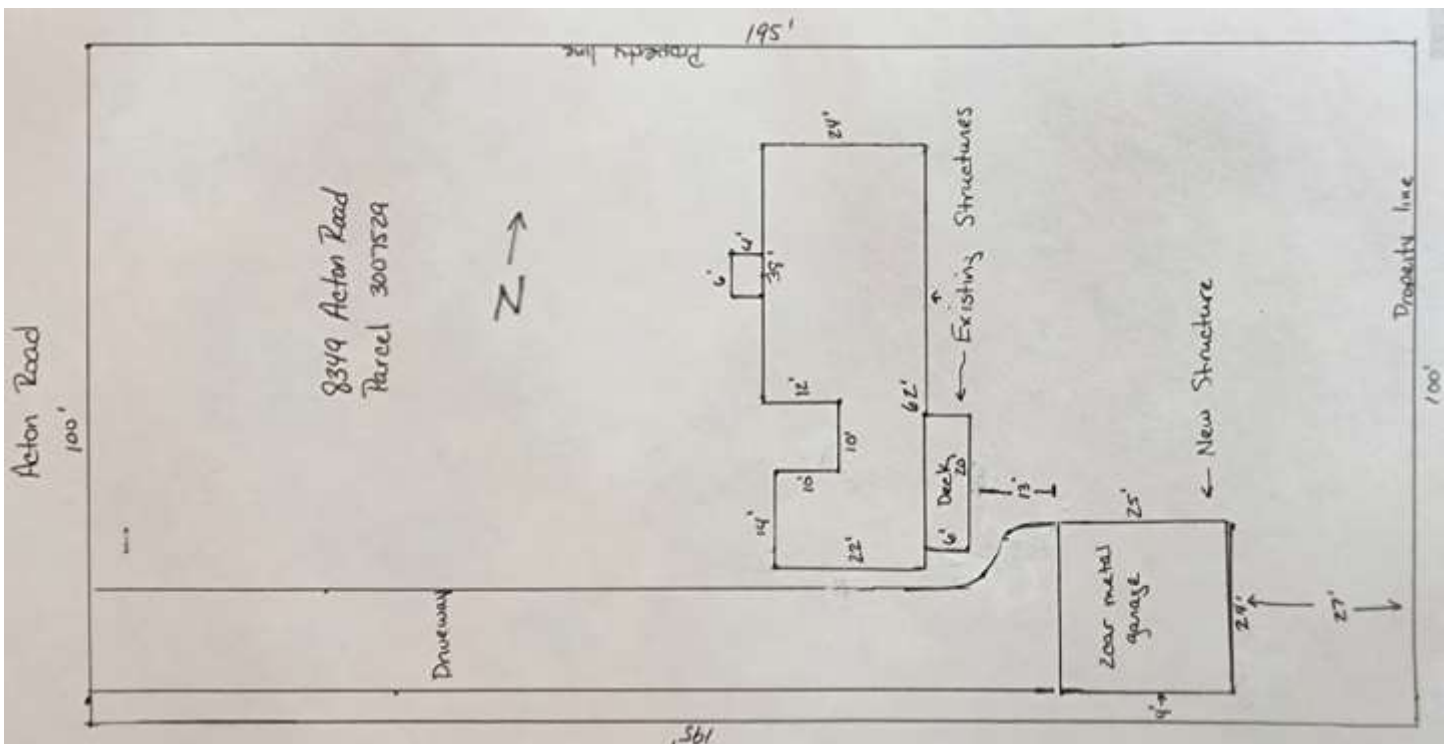
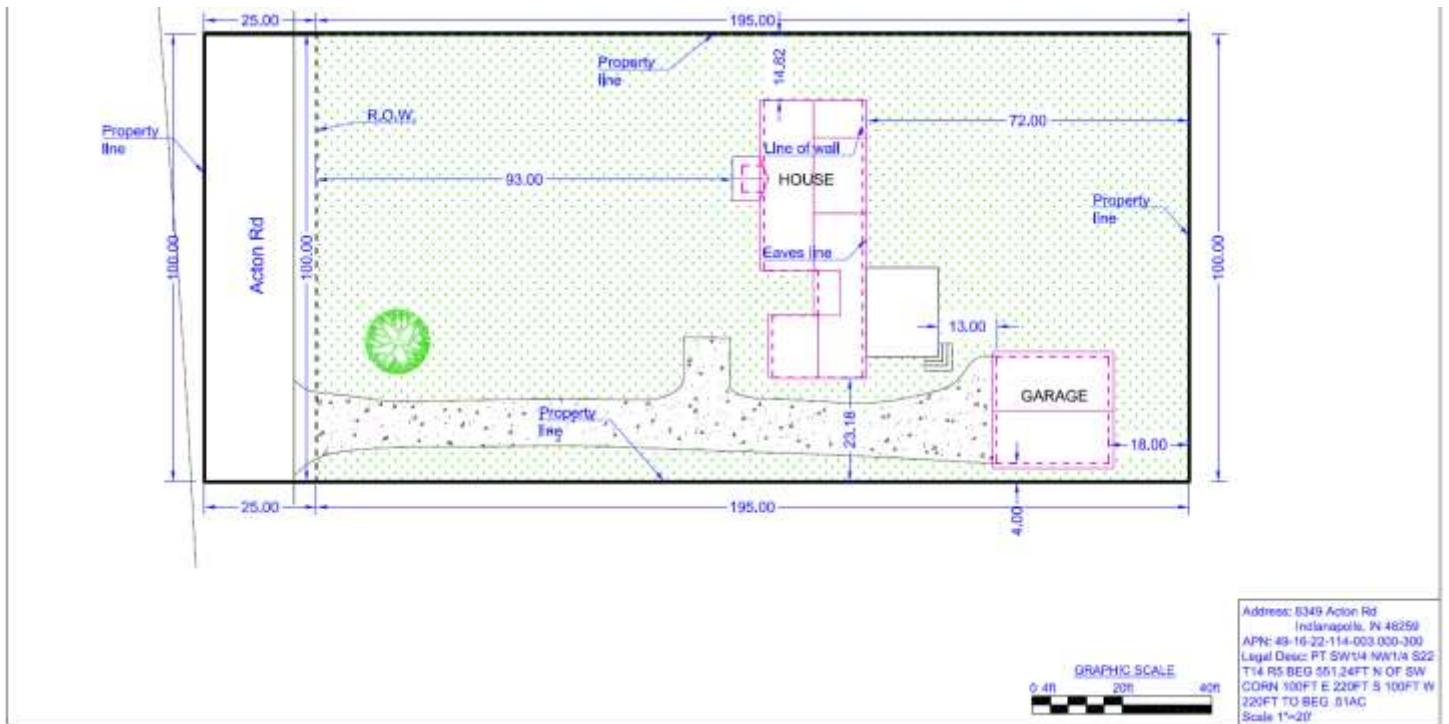




Photo of the Subject Property: 8349 Acton Road



Photo of the four-foot south side setback of the garage.



Photo of the rear yard looking northeast.



Photo of the rear yard looking south.



Photo of the single-family dwellings west of the site.



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



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

STAFF REPORT

Item 6.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV1-011
Address: 6809 West Washington Street (approximate address)
Location: Wayne Township, Council District #22
Zoning: C-5
Petitioner: SLEKA II LLC, by Andrew Wert
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for operation of a fleet terminal facility and building addition resulting in a five-foot wide parking aisle width for four parking stalls (23-foot-wide parking aisle required).

ADDENDUM FOR JULY 6, 2023

This petition was continued for cause, at the request of City County Councilor Jared Evans, to the July 6, 2023, hearing date, to discuss commitments with the petitioner.

Five commitments that were initiated by the community and agreed to by the petitioner were submitted to the file on June 28, 2023. These are in addition to the original commitment requested by Staff, that the variance grant be subject to the submitted plan of operation

Therefore, **Staff is recommending approval of the request, subject to the following commitments:**

1. A landscape plan shall be submitted for approval and implemented. Such plan shall include new evergreen trees to be planted between the parking lot and the west property line, spaced 20 feet on center, and two evergreen trees at the northeast corner of the subject property. Such trees shall be a minimum of six (6) feet in height at installation.
2. The first five parking spaces south of Washington Street shall be reserved for employee parking and shall remain unoccupied during non-business hours.
3. B-Link compatible security cameras shall be installed on site and remain in operation and linked to the B-Link system.
4. If fencing is to be installed, only wrought-iron style fencing shall be permitted.
5. The gravel area south of the parking lot shall be paved to facilitate a conforming parking aisle width of 23 feet after the proposed building addition is constructed.
6. The variance grant shall be subject to the plan of operation, file-dated May 1, 2023.

(Continued)

June 6, 2023**RECOMMENDATIONS**

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

The variance grant shall be subject to the plan of operation, file-dated May 1, 2023.

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

C-5 Fleet Terminal

SURROUNDING ZONING AND LAND USE

North -	C-4	Commercial
South -	C-5	Undeveloped
East -	C-5/SU-46/I-2	Commercial / Undeveloped / Mechanical Contractor
West -	C-S	Mini-Warehouse Storage

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Community Commercial uses for the site.
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VARIANCE OF USE

- ◇ This petition proposes to provide for the operation of a fleet terminal facility and building addition. A fleet terminal facility is permitted in the I-3 and I-4 Districts.
- ◇ The request would not be consistent with the community commercial recommendation of the Comprehensive Plan. However, the proposed use would be similar to an automobile rental facility, which is permitted in the C-5 district and consistent with the Plan recommendation. Adjacent properties have a heavy commercial recommendation of the Comprehensive Plan, and there are automobile-related and heavy commercial uses already existing in the surrounding area as well. In Staff's opinion, the proposed use would be compatible with nearby heavy commercial land uses and would not interfere with the implementation of the Plan.
- ◇ The plan of operation limits the number of cabs or car rentals to 15 vehicles parked on site, keeping the operation small in relation to the size of the lot. Therefore, any approval should be subject to this plan of operation.
- ◇ In Staff's opinion, the proposed variance of use would represent a minor deviation from the Ordinance.

(Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The requested five-foot wide parking aisle width for four parking stalls, where a 23-foot-wide parking aisle is required, would be located to the rear of the parking area, where vehicles are temporarily stored for either repair or removal. The proposed aisle area would not be accessed by drivers or other vehicles.
- ◇ A temporary gravel area has been added to the rear of the parking area to provide for a compliant 23 -foot wide drive aisle, however this is not shown on the site plan, and the gravel would need to be paved, in order for this variance to be withdrawn.
- ◇ As proposed, the reduced drive aisle would have minimal impact upon the adjacent neighbors, would provide adequate space to mitigate any adverse impacts, and provide the minimum area necessary for maintenance.
- ◇ Therefore, in Staff's opinion, the proposed variance of development standards would represent a minor deviation from the Ordinance.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of West Washington Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 90-foot existing right-of-way and a 102-foot proposed right-of-way.
SITE PLAN	File-dated May 1, 2023
PLAN OF OPERATIONS	File-dated May 1, 2023
FINDINGS OF FACT	File-dated May 1, 2023,

ZONING HISTORY

2019-UV3-006; 6780 West Washington Street (east of site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor sales, display and storage and the repair of construction equipment, **granted**.

2019-ZON-049; 6780 and 6870 West Washington Street (north of site), requested the rezoning of 19.154 acres from the C-4 District to the C-7 Classification, **approved**.

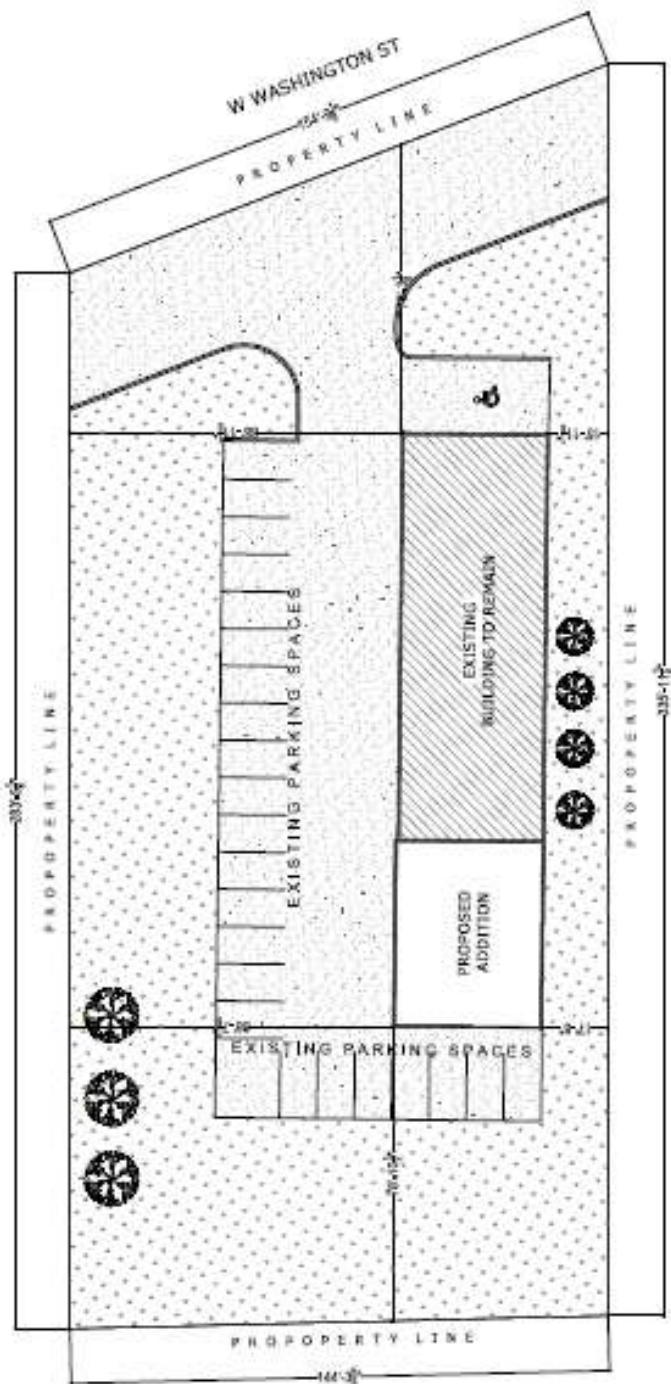
99-CP-43Z; 6820 West Minnesota Street (east of site), requested the rezoning of 0.41 acre from the D-3 District to the I-2-S Classification, **approved**.

99-CP-43V; 6820 West Minnesota Street (east of site), requested a variance of development standards to provide for the expansion of a machine shop with a side yard setback of 20 feet, a two-foot east side transitional yard, and parking in the rear of the transitional yard, **granted**.

RU

2023-UV1-011; Location Map





Plan of Operation

ZTrip, Variance of Use petition

6809 West Washington Street

In August of 2022, SLEKA II, LLC purchased a 1+ acre parcel at 6809 West Washington Street. The property contains a 4400 square foot building previously occupied by a CarX facility. The owners have applied for a 2000 square foot building addition to the south with the intent to lease to a ZTrip taxi operation.

This addition would consist of four offices, a conference room and restrooms. ZTrip is a taxi cab business that leases vehicles for their drivers. The drivers pay a fee to operate the car and keep all of the fares. Drivers take the car home with them when they are not in operation. ZTrip provides maintenance to the vehicles.

The site on West Washington will be utilized by an office staff of ten that works Monday through Friday, 7am to 5 pm. There will be approximately 15 cabs parked on the site for new drivers or spares. The only other vehicles from the ZTrip fleet that will be on the site will be those that are undergoing maintenance. These typically number ten cars per day for service, with an average stay of one hour per vehicle. The traffic in and out of the site will be reduced from the previous approved use.

There are no customers that come to the site, only ZTrip employees and deliveries. Most deliveries are by regular passenger vehicles except for tires, that are usually delivered in a small cargo van. Vehicle fluids are recycled through a service such as Safety Kleen. There will be no other hazardous materials on the site.

A variance of use is being sought because the C-5 zoning district does not permit a Fleet Terminal. In this particular case, the majority of the fleet is not located on site. It is the intent of the owners that this Plan of Operation document be included as a Commitment to the variance approval. Owners are also willing to commit to the approval being to this use and this use only.

The Comprehensive Plan for Wayne Township identifies this property as Community Commercial. In that the proposed addition is composed of offices, it is likely that this will enhance the likelihood of future uses conforming with the Comprehensive Plan recommendation.



Subject site looking east.



Subject site proposed addition area, looking south.



Subject site proposed five-foot wide parking aisle width for four parking stalls, looking east



Adjacent Heavy Commercial and Community Commercial to the north.



Adjacent mini-warehouse storage to the west.



Adjacent Community Commercial to the east.

STAFF REPORT

Item 7.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV1-012
Address: 5301 West 10th Street (approximate address)
Location: Wayne Township, Council District #15
Zoning: C-3 / D-A (FW)
Petitioner: Golden Goose Tattoo Company, by Pat Rooney
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor within 70 feet of a protected district (not permitted, prohibited within 500 feet of a protected district).

RECOMMENDATIONS

Staff **recommends approval** of the variance petition subject to the following condition:

The variance grant shall be subject to the submitted plan of operation, file-dated May 8, 2028.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Metro	C-3 / D-A	Community Commercial uses
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SURROUNDING ZONING AND LAND USE

North -	D-2 / C-3	Single-Family Dwellings / Community Commercial uses
South -	D-A	Floodway
East -	C-4	Community Commercial uses
West -	D-A	Undeveloped

COMPREHENSIVE PLAN	The Comprehensive Plan recommends community commercial uses for the site.
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- ◇ The subject site is split zoned in the C-3 and D-A Districts. A significant majority of the site is within the C-3 District, including the existing buildings and the proposed use location. Several outlying corners of the site are within the D-A District. These D-A District areas are primarily in the Floodway and undevelopable.

USE VARIANCE

- ◇ The requested variance of use would provide for a tattoo parlor within the existing commercial building. Tattoo Parlors are permitted in the C-3 District, provided the location can meet a 500-foot separation requirement from an abutting residential district. As the proposed location would not comply with the distance separation requirements of the Ordinance, the petitioner is required to seek a use variance for the proposed use.

(Continued)

- ◇ While the proposed use would be within 500 feet of a dwelling district, it would be separated from the adjacent dwelling district by West 10th Street, which is five lanes wide at this portion of the street. The closet dwelling would be approximately 250 feet to the northwest.
- ◇ A plan of operation has been submitted that limits the hours of operation from 11:00am to 7:00pm daily. Staffs believes these hours would limit the scope of operation, and the requested use would be an acceptable use at this location despite the deficient separation from protected districts.
- ◇ In Staff's opinion, the proposed tattoo parlor would not be dissimilar from other professional services permitted in the C-3 District. The process of creating a tattoo requires time, ensuring that turnover at the subject site would be limited. Additionally, Staff would also note that the limitations within the plan of operation, including hours of operation, would further reduce the number of customers using the service at any one time. Therefore, Staff is requesting that approval of this petition shall be subject to the plan of operation as a commitment.

TATOO PARLOR REGULATION

- ◇ Tattoo parlors are regulated by Title 16, Article 19, Chapter 3, Section 4.1 of the Indiana Code (IC 16-19-3-4.1), which directs the State Department of Health to establish rules related to tattoo parlors, resulting in the adoption of Title 410 of the Indiana Administrative Code, Article 1, Rule 5 (410 IAC 1-5, Sanitary Operation of Tattoo Parlors). These rules also apply to body piercing facilities.
- ◇ The Marion County Health Department (MCHD) in Chapter 19, Article Seven, of the Marion County Health and Hospital Code (19-701 to 19-712) requires tattoo parlors to be licensed, with annual renewals. Disinfection and sterilization equipment must be tested by an approved independent laboratory on a monthly basis. The MCHD has the authority to close a facility or suspend a license if tests results are not submitted in a timely manner, if proper hand-washing facilities are not provided at each station or if general conditions of the operation present an imminent threat to public health or transmission of communicable disease.

GENERAL INFORMATION

THOROUGHFARE PLAN	<p>This section of West 10th Street is classified on the Official Thoroughfare Plan as a primary arterial, with a 140-foot existing and proposed right-of-way.</p> <p>This section of Lynhurst Drive is classified on the Official Thoroughfare Plan as a primary arterial, with a 90-foot existing right-of-way and a 112-foot proposed right-of-way.</p>
SITE PLAN	File-dated May 8, 2023
PLAN OF OPERATION	File-dated May 8, 2023
FINDINGS OF FACT	File-dated June 14, 2023

(Continued)

ZONING HISTORY

2018-CZN-848/ 2018-CVR-848; 5301 West 10th Street (west and south of subject site), requested the rezoning of 2.57 acres from the D-A (FW) District to the C-3 (FW) classification, **approved**. Requested a variance of development standards to provide for a seven-foot front and front transitional yard, with landscaping, **approved**.

2004-UV3-041, 5301 West 10th Street (west of site), requested a variance of use to legally establish an amusement arcade with 18 amusement machines, **granted**.

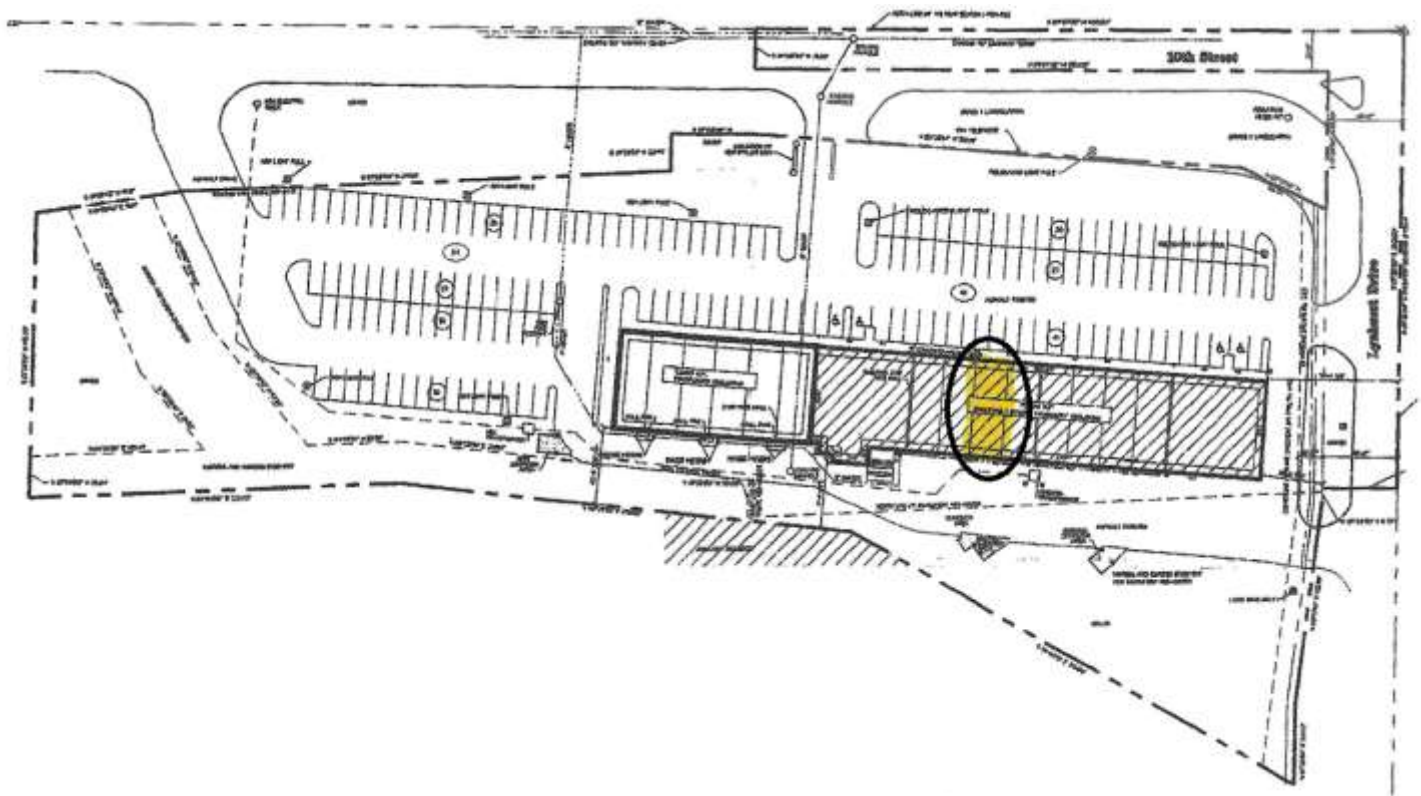
2001-UV2-021; 5301 West 10th Street (west of site), requested a variance of use and development standards to legally establish an amusement arcade, with 10 amusement machines in an existing tavern, **granted**.

96-UV1-74; 5301 – 5341 West 10th Street (includes subject site), requested a variance of use and development standards to legally establish an existing tavern and liquor store with: a) entertainment; b) outdoor seating and tables; c) outdoor recreational equipment, specifically a sand volleyball court; d) within 56 feet of Dwelling Districts; e) without the required front setback and landscape strip of 10 feet in width along North Lynhurst Drive and West 10th Street; f) with a side transitional yard of 3 feet, **granted**.

83-Z-139; 5301 West 10th Street (includes subject site), requested the rezoning of 2.576 acres, being in the A-2 District, to the C-3 classification, to provide for retail use, **approved**.

RU

This is an aerial map of a residential neighborhood in Norfolk, Virginia. The map shows several streets: 11th St, 10th St, Norfolk St, and Lynhurst Dr. A white outline highlights a property at 5301 West 10th Street. Other labels include D611, D2, D5, D6, DA, SU16, C3, and C4. Lot numbers are visible throughout the map.



Plan of Operations

Golden Goose Tattoo Company ("Petitioner") has eight artists operating as a tattoo collective in the 1,200 square foot portion of the subject property commonly known as 5329 West 10th Street, Indianapolis, IN. with the finest quality body art tattooing. As a destination business with the finest quality body art tattooing, the Petitioner's clients have scheduled appointments and shall not exceed more than one client per employee during tattooing with all appointments to occur during the normal hours of operation which shall be 11am-7pm daily.

Petitioner shall continue to meet all Health Department regulations and licensing requirements and shall follow standard procedures with sharps containers, and disposal of biohazard materials as well as do its implementing additional safety measures to help the community flatten the curve with respect to the current pandemic, including, without limitation, the following:

- Per Petitioner policy, no patron under the age of 18 years will be permitted to receive body tattooing;
- All patrons MUST bring valid state I.D. or Driver's License;
- All patrons will be required to fill out a release form which will be held and maintained as a personal patron record by the studio for the at least two years;
- Release form list will include: Patrons name, address, age, date tattooed, design of the tattoo, the location of the tattoo on the patrons body, and the name of the artist who performed the work;
- Upon entering the studio, patrons will be required to immediately wash their hands and will be required to complete a Covid-19 checklist;
- Covid-19 Checklist shall include: If patron has had any flu-like symptoms in the last 14 days, and, if so, they will be required to reschedule their appointment;
- Tattoo artists who have experienced any flu-like symptoms will be required to take leave immediately and will refrain from providing any services to patrons for 14 days or until a negative Covid-19 test is taken and proven with documentation;
- Tattoo artists who are experiencing symptoms of acute disease, including, but not limited to: jaundice, draining, open skin infections, boils, impetigo, or scabies, shall refrain from providing any services to patrons;
- All clients who receive a tattoo at Petitioner are sent home with in-depth aftercare instructions that are easy to read and straight forward in order to achieve ultimate success for healing newly tattooed areas; and
- A state of the art security system shall be installed.

It is very important to maintain the integrity and safety of Petitioner's employees and customers and great measures will be taken to ensure that patrons come into a very clean and sterile environment. The safety of the community and all employees is to be taken very seriously and it is certain that Petitioner will work diligently to follow any and all safety protocols, demands and recommendations made by the Marion County Health Department. Hand washing facilities shall be readily accessible where tattooing is provided. All artists' hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment. Only single use disposable towels will be used for drying. All artists will have individual and designated stations with sinks for hand washing. PPE is to be worn by the artist during all appointments. A clean protective clothing layer shall be worn whenever there is a



1. Subject site tenant bay, looking south.



2. Subject site, looking southeast



3. Protected district to north



4. Rear of the site, adjacent to south

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).

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
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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

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood development
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- ◇ 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

(Continued)

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

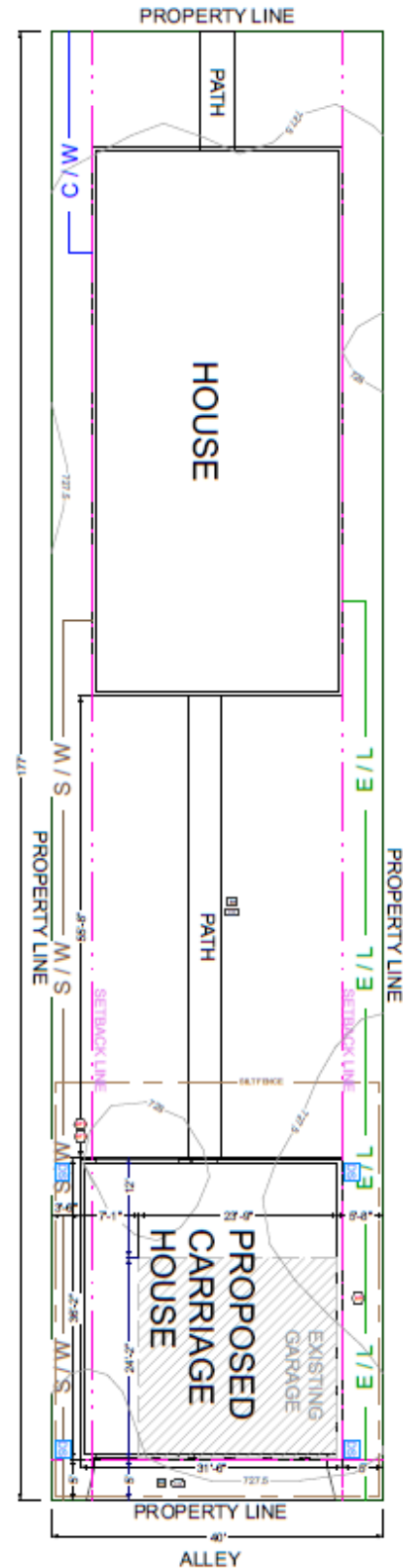
- C / W - WATER SERVICE
- E / L - ELECTRICAL SERVICE
- S / W - SEWER
- - - - - PROPERTY SET BACK LINE
- SITE TOPOGRAPHY
- [] SILT FENCE / EROSION CONTROL

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.

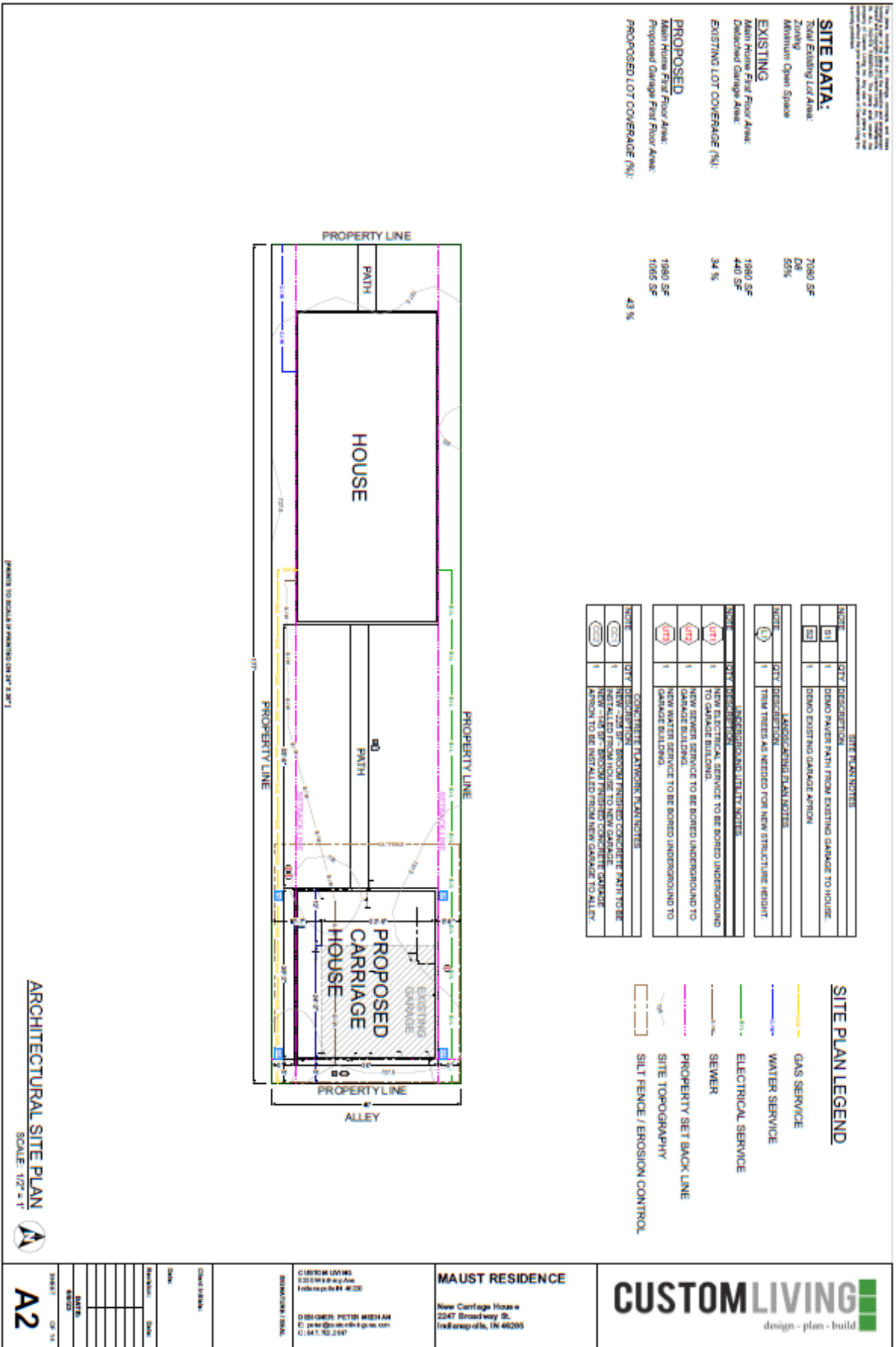


ARCHITECTURAL SITE PLAN
 SCALE: 1"=20'

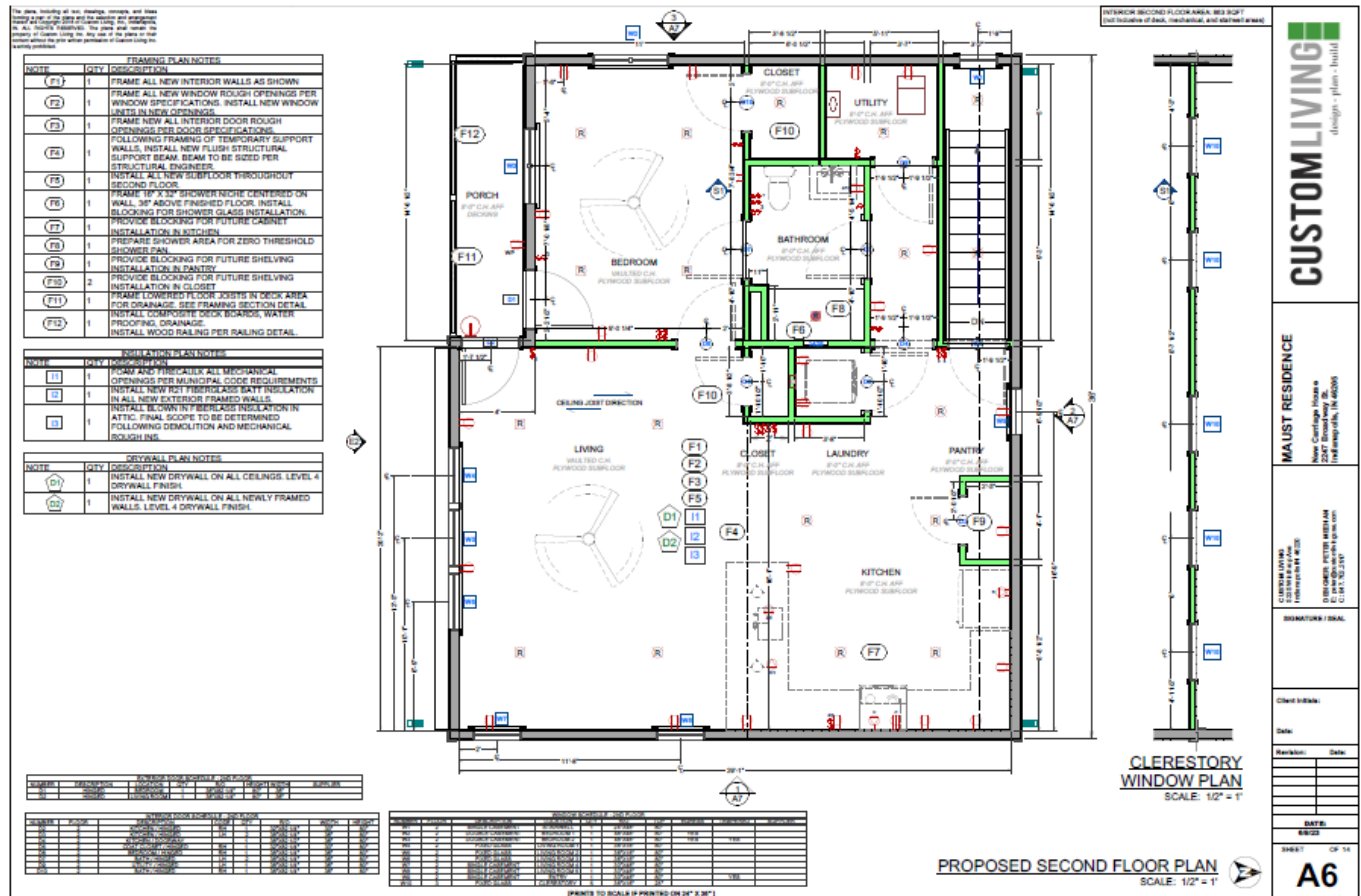
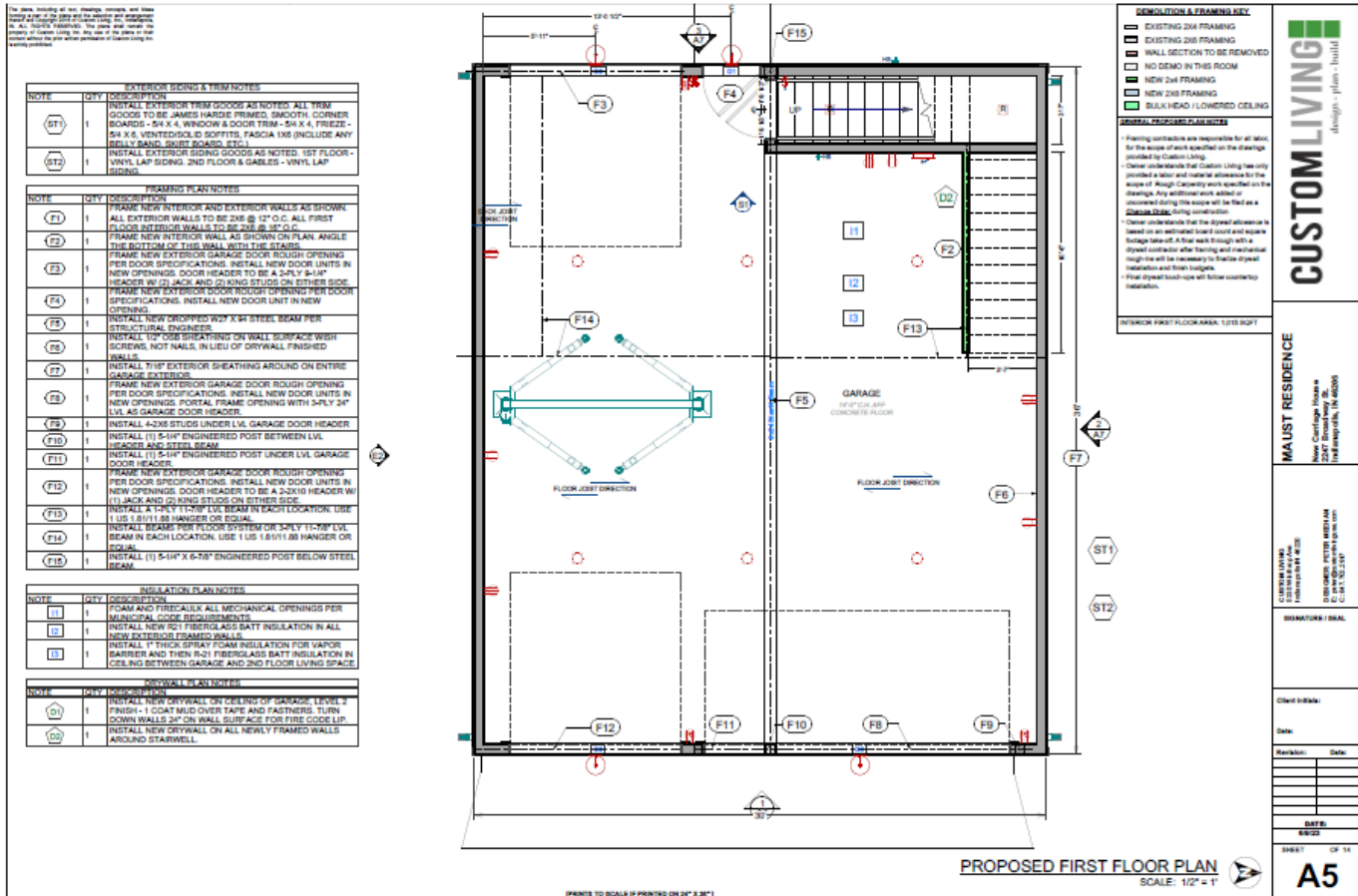
MAUST RESIDENCE

VARIANCE OF USE // 4/5/23

CUSTOMLIVING
 design - plan - build



2023-DV1-022; Floor Plan





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-UV1-010
Address: 1946 North Euclid Avenue (approximate address)
Location: Center Township, Council District #17
Zoning: D-5
Petitioner: Daria Powell, by Kevin J. Powell
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of a single-family dwelling into a multi-unit house (2 units) (not permitted) and conversion of the detached garage into a third dwelling unit (not permitted) without any of the units on site being owner occupied (secondary dwelling units only permitted with single-family detached dwellings and owner shall occupy a unit on the lot as their permanent residence).

ADDENDUM FOR JULY 6, 2023

This petition was automatically continued from the June 6, 2023 hearing to July 6, 2023 hearing at the request of a registered neighborhood organization.

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

June 6, 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-5	Compact	Residential (Single-family dwelling)
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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	D-5	Residential (Single-family dwelling)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends traditional neighborhood development.

(Continued)

- ◇ The 0.12-acre subject site is developed with a single-family dwelling and detached garage. The property is surrounded by similarly developed single-family dwellings with associated detached accessory structures.

VARIANCE OF USE

- ◇ The grant of the request would allow three units on site with two proposed in the single-family dwelling and one in the detached garage. The property owner would not reside on site.
- ◇ The D-5 district allows new construction of multi-unit dwellings. However, a variance is needed to convert a single-family dwelling into a multi-unit dwelling.
- ◇ The Ordinance only permits secondary dwelling units for properties with single-family detached dwellings and requires that the property owner occupy one of the dwelling units as a permanent resident.
- ◇ As proposed, this request would result in a density of 25 units per acre, which exceeds the Comprehensive Plan recommended density of five to 15 units per acre for the traditional neighborhood typology. Staff is supportive of the addition of density throughout the city, but there is a limit that can be placed per small individual residential lots. Additionally, the context of the neighborhood should be considered when reviewing variance proposals and staff was unable to locate any two-family or multi-family dwellings in the immediate area.
- ◇ Staff determined that the two units proposed in the existing dwelling would not be appropriate because it is unusually small measuring approximately 750 square feet per the site plan or 720 square feet per the floor plan compared to the minimum 900 square-foot main floor area required for a single-family dwelling. Two units within the existing dwelling would have a minimum floor area of 375 square feet or 360 square feet, but the petitioners' application noted that a one-bedroom apartment and studio apartment would be proposed resulting in one of the units being much smaller in size.
- ◇ An increase in housing units could be accomplished if the single-family dwelling were to remain and the garage converted to a secondary dwelling for a maximum of two units on site without the need for variances. This would result in an approximate density of 16 units per acre that would be more in line with the Comprehensive Plan recommendation.
- ◇ The requirement related to the property owner occupying one of the dwelling units as their permanent residence is to discourage the possibility of absentee owners and the resulting negative impact on adjacent residences and neighborhood such as neglect in property maintenance.
- ◇ The need for the variance does not arise from some condition peculiar to the property involved because two appropriately sized dwelling units could be proposed on site without the need for a variance.

(Continued)

STAFF REPORT 2023-UV1-010 (Continued)

- ◇ The strict application of the terms of the zoning ordinance would not constitute an unnecessary hardship if applied to the property for which the variance is sought because the site could continue to be used as is without variances.
- ◇ For these reasons, staff is recommending denial of the requests.

GENERAL INFORMATION

THOROUGHFARE PLAN	Euclid Avenue 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 1, 2023.
FLOOR PLAN	File-dated May 1, 2023.
FINDINGS OF FACT	File-dated May 1, 2023.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

None.

PREVIOUS CASES

None.

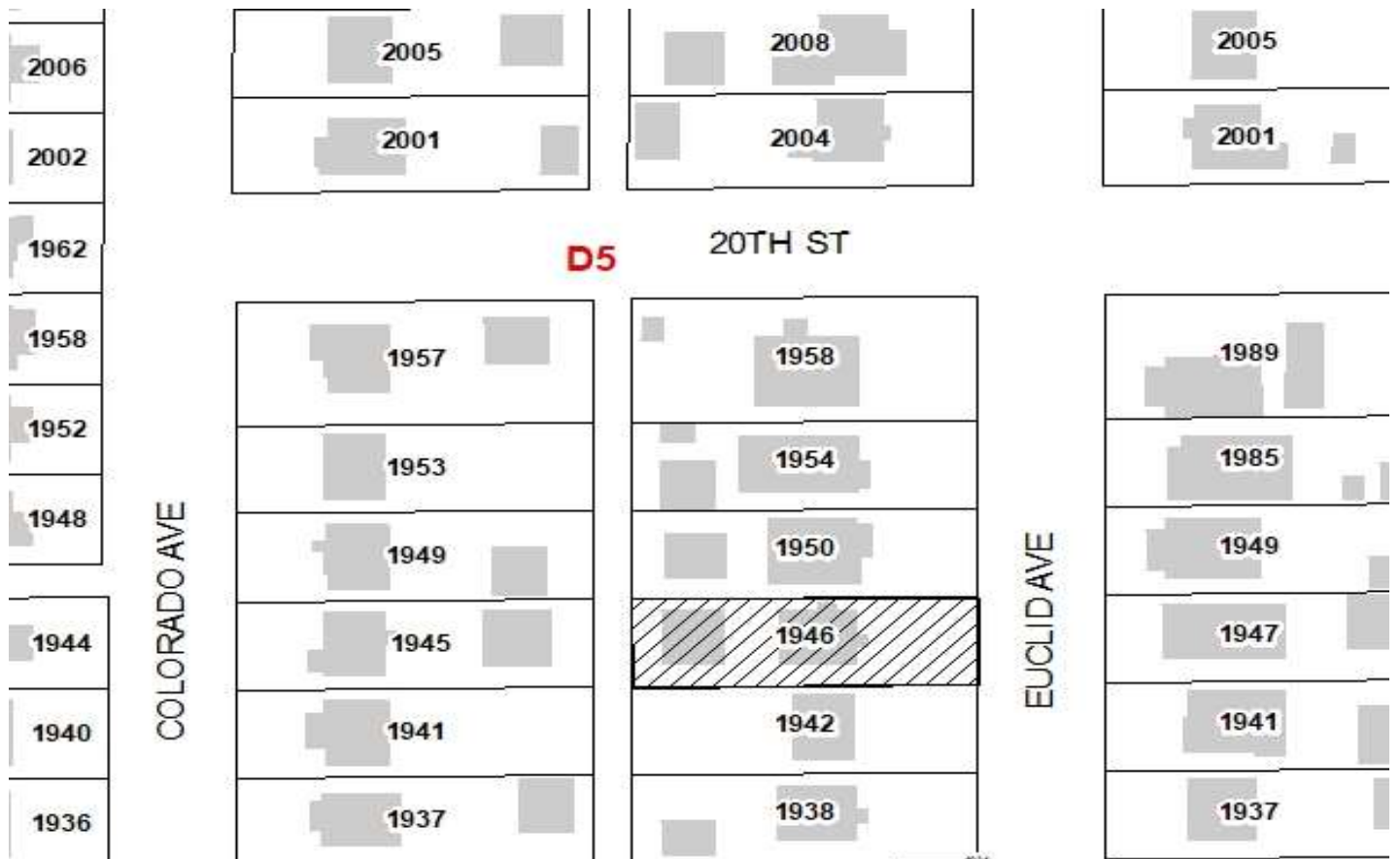
ZONING HISTORY – VICINITY

2008-HOV-023; 1949 Forest Manor Avenue (northwest of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a 578-square foot attached garage with a three-foot rear setback (minimum twenty-foot rear setback required), **granted**.

95-V2-10; 2002 North Linwood Avenue (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a six-foot tall fence within the required front yard along 20th Street (minimum 42 inches in height required within the front yard) and within the right-of-way of 20th Street (not permitted), **granted**.

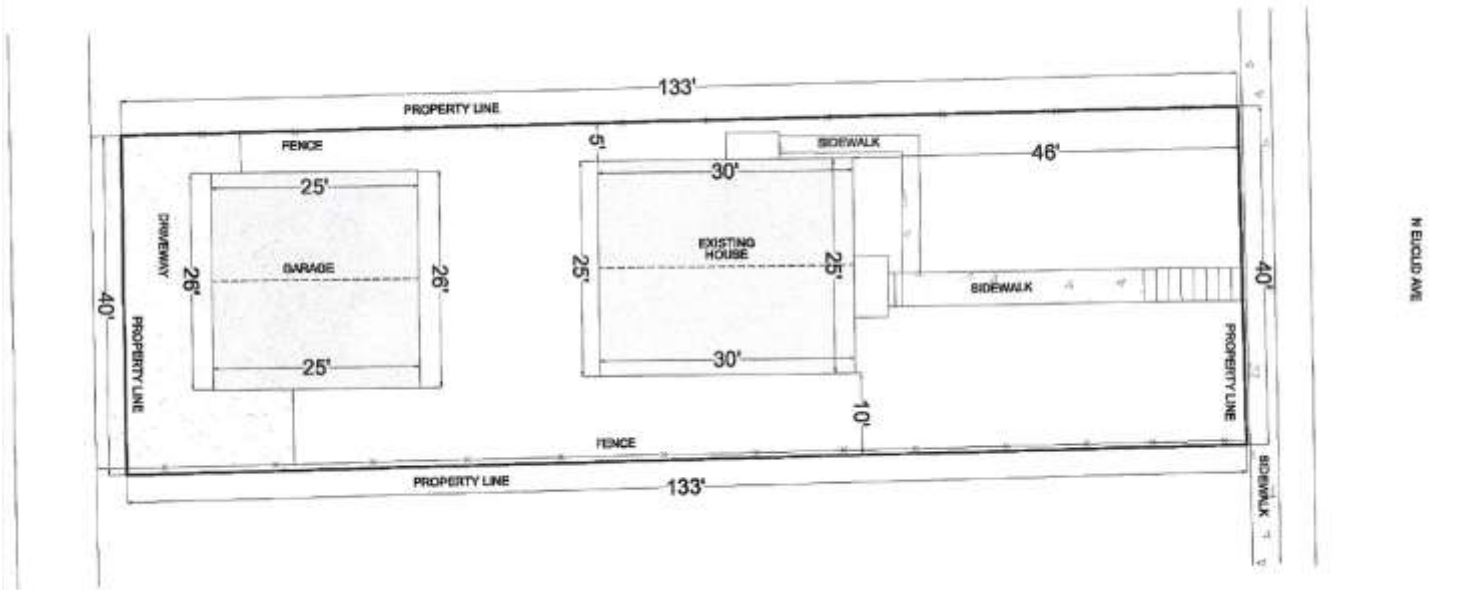
MI

2023-UV1-010; Location Map



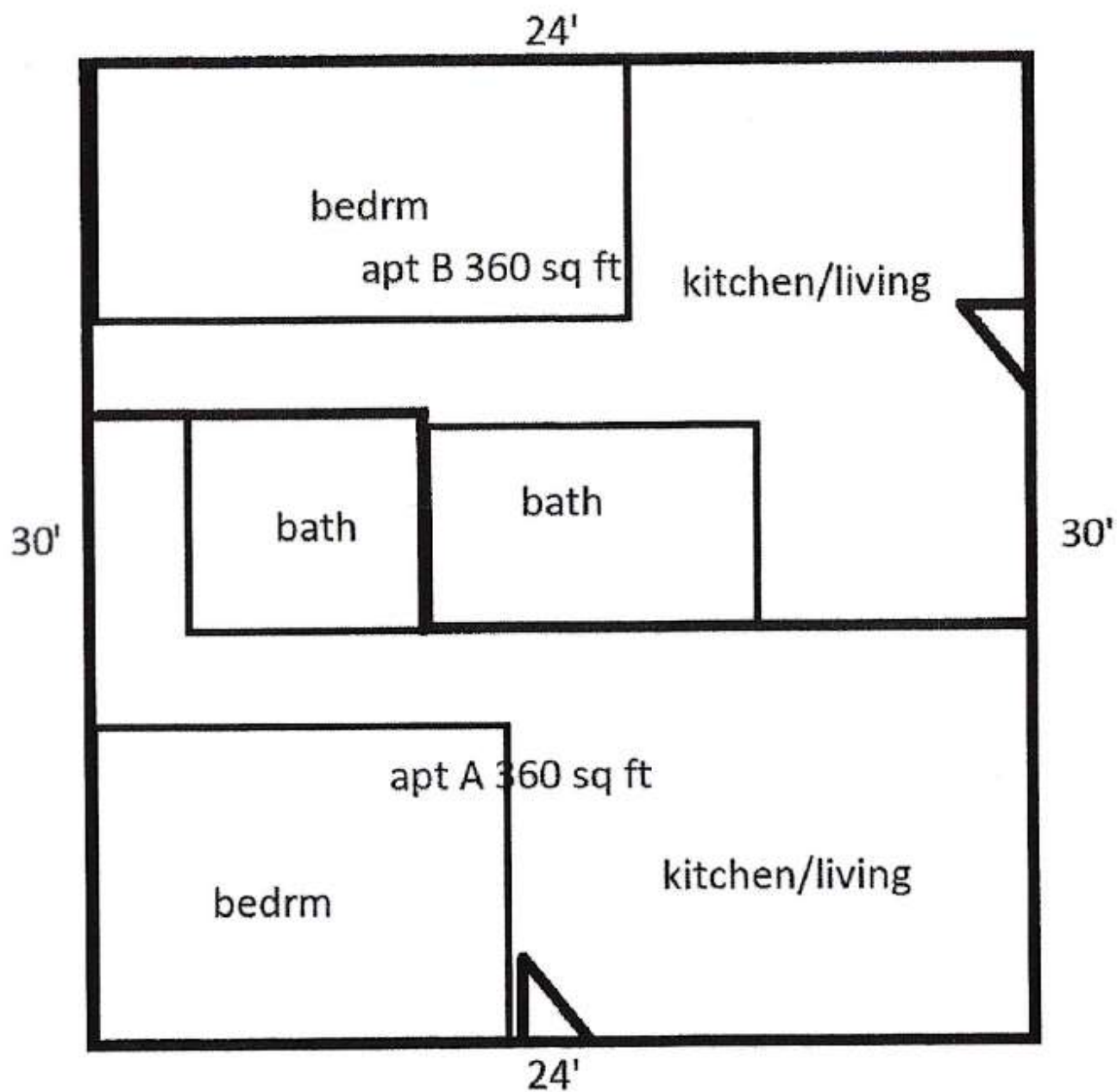
2023-UV1-010; Aerial Map





N ELMOLD AVE

1946 N. Euclid, Indianapolis, IN. 46218



PLAN OF OPERATION
1946 N EUCLID AVENUE
INDIANAPOLIS, IN 46218

The workforce would be maintenance, grass cutting, landscaping, performed done by the owner and/or subcontractors who are not W-2 employees.

Clients/Customers would be the occupants/tenants. There is parking in the detached two-car garage, street parking, plus a side area next to the garage.

The processes conducted on site would be providing safe, functional housing for tenants.

The materials used would be appliances and maintenance materials.

There will be no shipping and receiving other than regular mail

There will be no waste other than normal trash generated by tenants.



Photo of southern building façade at 1946 North Euclid Avenue.



Photo of the northern buiding façade at 1946 North Euclid Avenue.



Photo of the detached garage and north side setback.



Photo of the detached garage and south side setback.



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



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



Photo of a corner lot that could potentially be a two-family dwelling, but this was not confirmed.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-027
Address: 8136 East Southport Road (approximate address)
Location: Franklin Township, Council District #25
Zoning: C-4
Petitioner: WMG Acquisitions LLC, by Tammy Rice
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a monument sign, being the fourth freestanding sign along Southport Road, and located 295 feet from another freestanding sign (maximum two freestanding signs permitted along a frontage, 300 feet of separation between freestanding signs required).

RECOMMENDATIONS

Staff **recommends denial** of the request.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

C-4	Dentist office / Undeveloped out lot
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SURROUNDING ZONING AND LAND USE

North -	C-4	Integrated Commercial Center
South -	D-A	Single-Family Dwellings
East -	C-4	Undeveloped / Commercial restaurant
West -	C-4	Automotive fueling station

COMPREHENSIVE PLAN The Comprehensive Plan recommends community commercial uses.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Standards of the Sign Regulations are intended to promote quality sign displays that are integrated with developments and reduce potential hazards to pedestrians and motorists. These standards include the number of signs, and separation requirements.
- ◇ The Sign Regulations allow two freestanding signs for an integrated center. In addition, a separation distance of 300 feet is required between individual signs. These requirements are designed to mitigate the proliferation of freestanding signs and the visual conflicts and negative aesthetics associated with multiple signs in close proximity to one another.

(Continued)

- ◇ This request would provide for the erection of a fourth freestanding sign along Southport Road, where a maximum of two freestanding signs are permitted, and being 295 feet from an existing freestanding sign to the east, where a 300-foot separation is required.
- ◇ The practical difficulty noted in the findings of fact for the fourth freestanding sign is a result of the 1,120 square foot of integrated center frontage, and the Ordinance restricts new businesses from advertising in the out lots within an integrated center.
- ◇ At the time of Staff's site visit, the primary sign for the integrated center still contained vacant space, allowing for the placement of this development's tenants on that sign.
- ◇ The requested fourth freestanding sign could be replaced with an appropriate building or façade sign, providing the needed location identification for passing motorists. With the building being an out lot, there is no obstructive buildings or structures in front of the proposed building that would restrict any potential building or façade signage. This would also reduce the potential hazard of additional freestanding signs and allow for the location of the business to be found safely.
- ◇ The requested 295-foot sign separation is a result of the petitioner's desire to locate the sign on the easternmost portion of the parcel, where other frontage is available that the sign could be located with a 300-foot separation. Therefore, the practical difficulty in locating the sign with less than a 300-foot separation is self-imposed.
- ◇ Since the site is under development, the requested ordinances are a result of the specific design and development and not a result of the site. The site has no limiting factors, therefore, the site can be designed to meet the requirements of the Ordinance without the need of the requested variances and provide orderly development as other adjacent developments have been able to do so. Therefore, Staff does recommend denial of the requested variances due to no practical difficulty being imposed by the site.

GENERAL INFORMATION

THOROUGHFARE PLAN	This section of East Southport Road is classified as a primary arterial with a 90-foot existing and proposed right-of-way on the Official Thoroughfare Plan.
SITE PLAN	File-dated May 21, 2023
SIGN ELEVATIONS	File-dated May 21, 2023
FINDINGS OF FACT	File-dated May 31, 2023

ZONING HISTORY

2023-DV1-008; 8144 East Southport Road (east of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an out lot, including a) The erection of a third freestanding sign along Southport Road, being 260 feet from an existing freestanding sign to the east; b) Fifty-one parking spaces at 162-square foot each provided; and c) A drive through with stacking spaces within the front yard of Southport Road and no exclusive bypass aisle, **granted**.

(Continued)

STAFF REPORT 2023-DV1-027 (Continued)

2020-DV2-012; 8120 East Southport Road (west of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 139-foot setback and a double-loaded and single-loaded row of parking along Southport Road, **granted**.

2014-CZN-824A; 8120 East Southport Road (includes subject site), requested the rezoning of 28.15 acres from the D-A district to the C-4 classification to provide for an approximately 98,500 square foot grocery store, a fueling station and integrated commercial center, **approved**.

2014-CVR-824; 8120 East Southport Road (includes subject site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for a grocery store, a gasoline station and commercial retail development, with outdoor seating and dining, with 500 square feet of outdoor storage on the fueling station parcel, and with 665 parking spaces, **granted**.

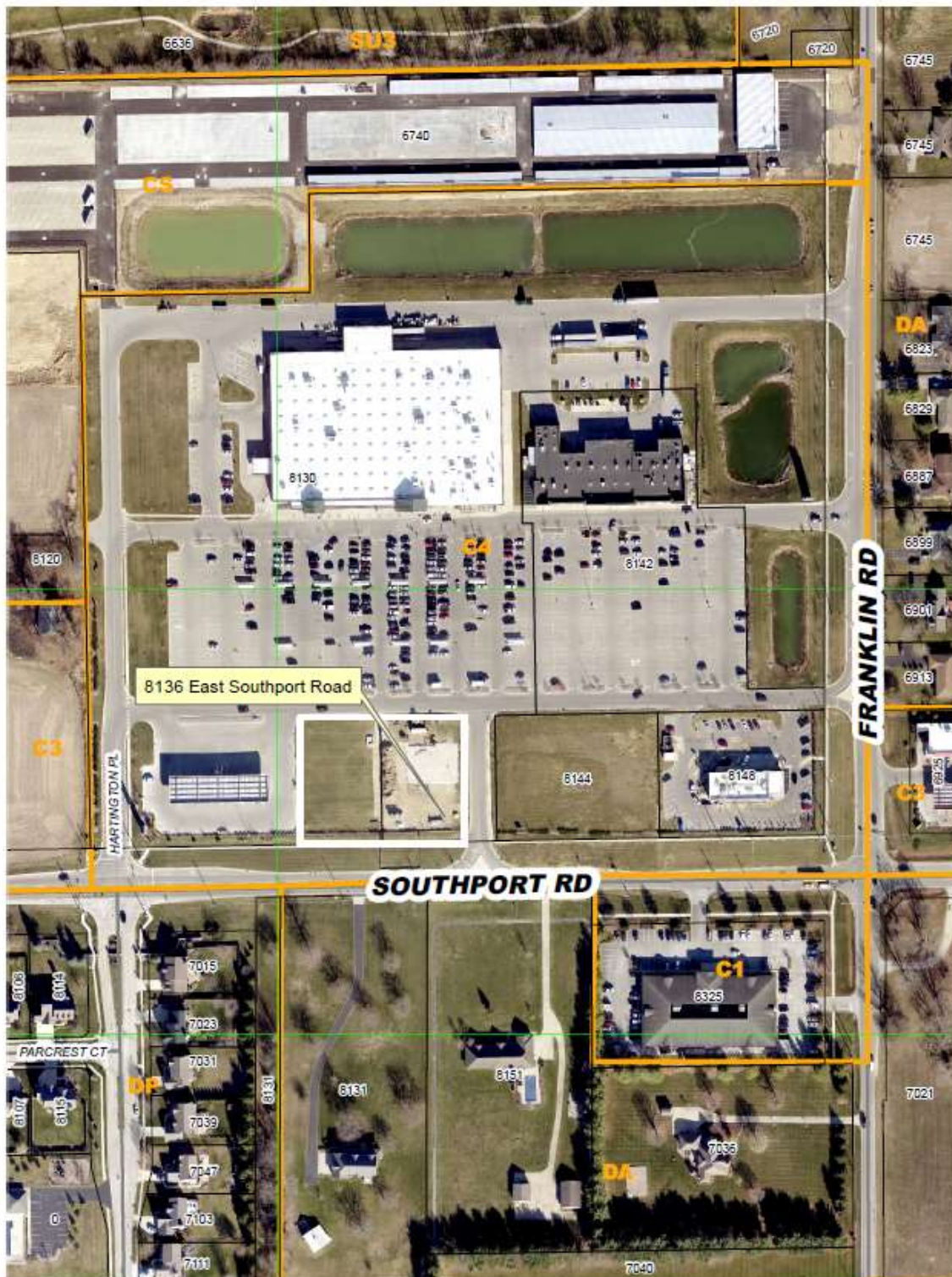
2014-CZN-824B; 8120 East Southport Road (west of site), requested the rezoning of 5.9 acres from the D-A district to the C-3 classification to provide for an integrated commercial center, **approved**.

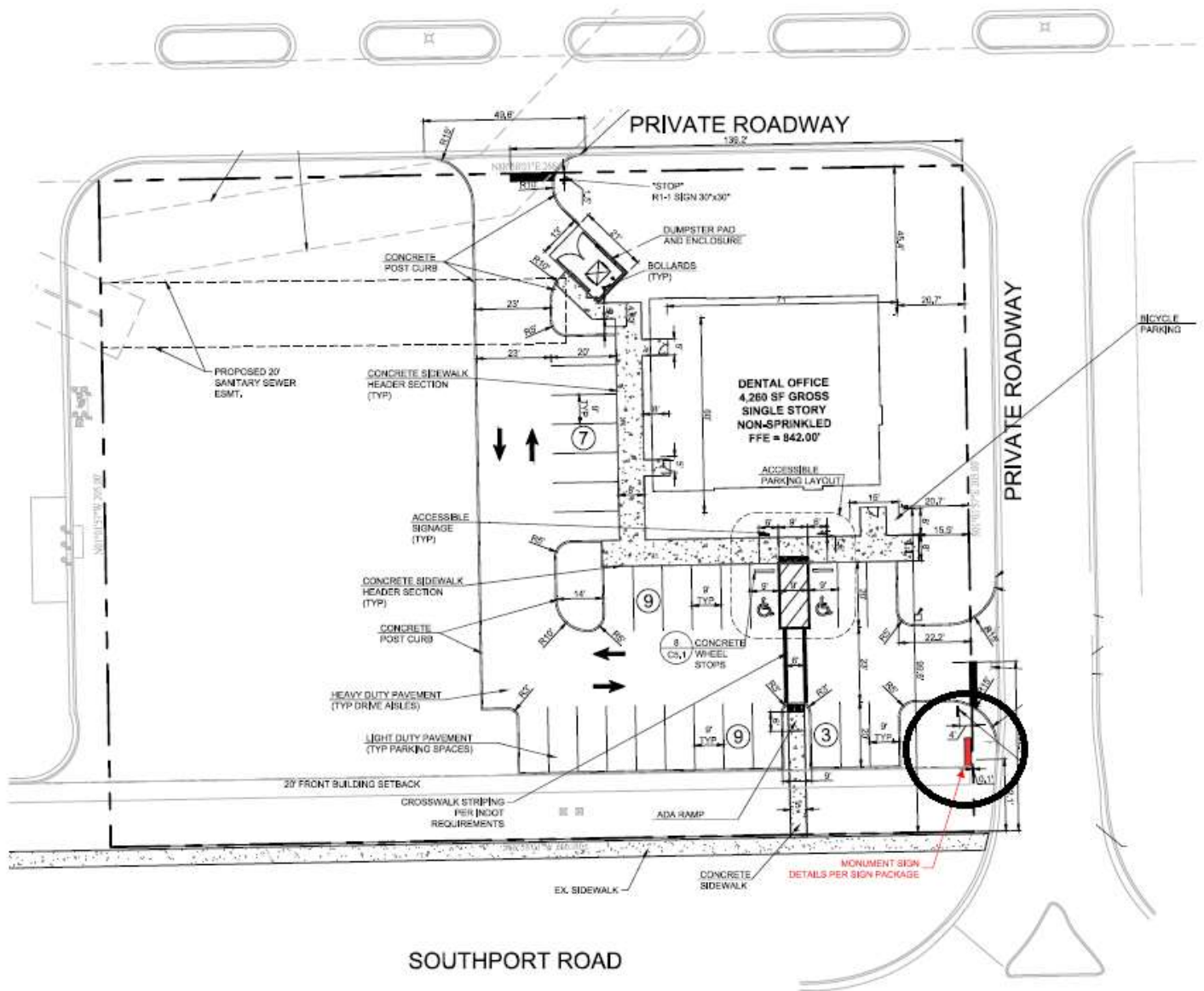
2014-CZN-824C; 8120 East Southport Road (north of site), requested the rezoning of 12.5 acres from the D-A district to the C-S classification to provide for an integrated commercial center, **approved**.

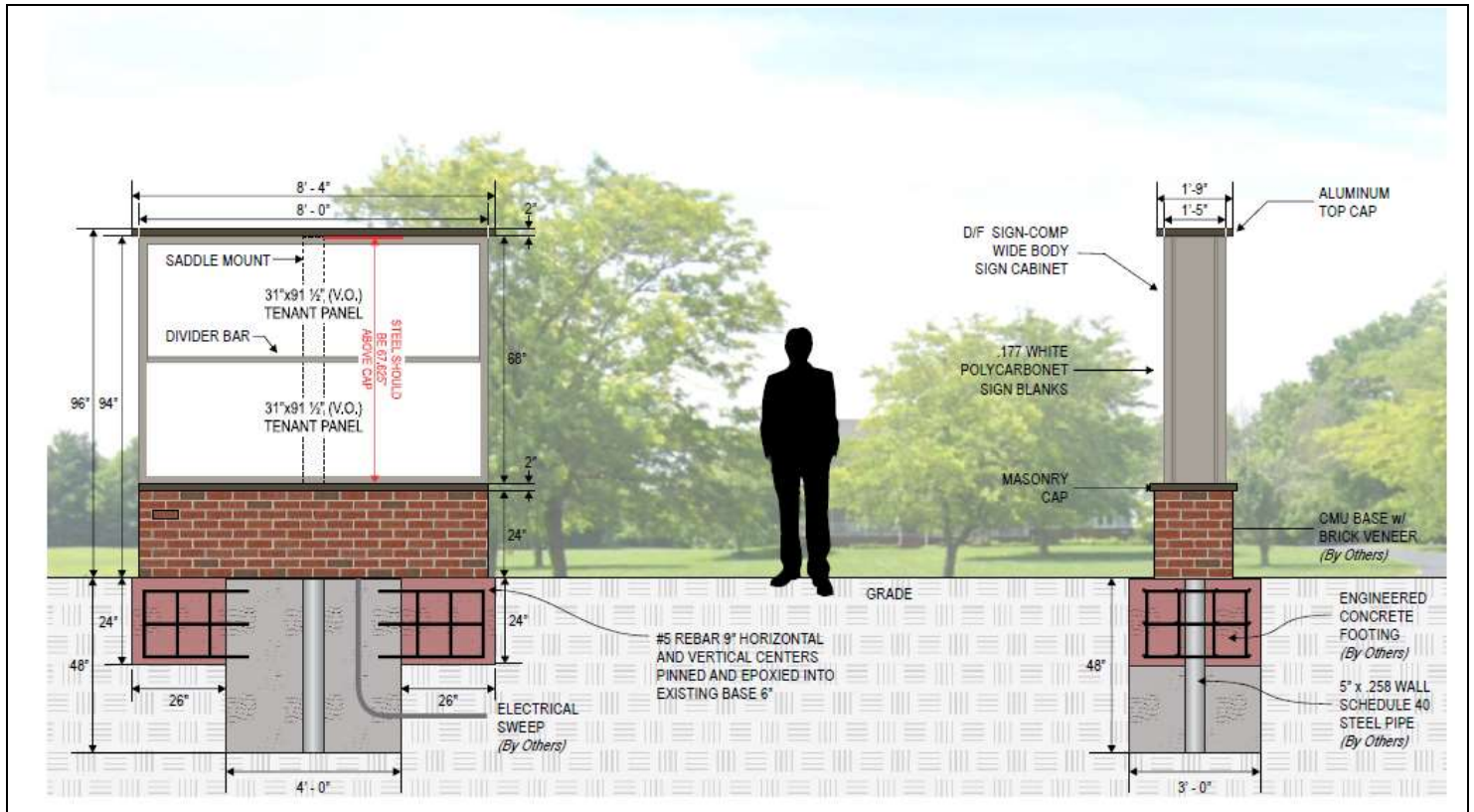
2014-CZN-824D; 8120 East Southport Road (west of site), requested the rezoning of 6.7 acres from the D-A district to the C-S classification to provide for an integrated commercial center, **approved**.

RU

2023-DV1-027: Location Map









View of subject site, looking north.



View of subject site, looking south from the integrated center.



View of adjacent integrated commercial center to the north



View of adjacent single-family dwelling to the south



View of adjacent automotive fueling station to the west.



View of adjacent out lot frontage to the east, with the second and third approved frontage signs.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV1-013
Address: 5320 West Vermont Street (approximate address)
Location: Wayne Township, Council District #15
Zoning: C-4
Petitioner: Josh Investment Inc., by Pat Rooney
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 42-unit multi-family dwelling project (not permitted) with a 17-foot east transitional yard and 16-foot south transitional yard (20-foot transitional yards required), 29 parking spaces (31 required for multi-family), and deficient landscaping and lighting elements (landscaping and photometric standards required).

RECOMMENDATIONS

Staff **strongly recommends denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-4	Metro	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	D-5	Residential (Single-family dwellings)
South	D-3	Residential (Single-family dwellings)
East	SU-1	Religious Use
West	C-4	Offices

COMPREHENSIVE PLAN	The Comprehensive Plan recommends office commercial development.
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- ◇ The 3.62-acre subject site is an undeveloped lot with an outdoor advertising sign on site.
- ◇ The site is surrounded by single-family dwellings to the south, zoned D-3, religious uses to the east, zoned SU-1, single-family dwellings to the north, zoned D-5, and offices to the west, zoned C-4.

(Continued)

VARIANCE OF USE

- ◇ The grant of the request would allow a multi-family development to be immediately adjacent to a proposed gas station and convenience store.
- ◇ The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.
- ◇ The Comprehensive Plan recommends Office Commercial typology. "The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons."
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time. The Pattern Book serves as a policy guide as development occurs.
- ◇ The Office Commercial recommendation does not include residential uses in the list of approved or supportive uses. Furthermore, the C-4 district does not allow residential uses by right other than emergency shelters, which are meant to be temporary solutions for those seeking assistance. This proves that the intent is to discourage residential development within this typology and zoning district.
- ◇ In instances where residential uses are developed on appropriately zoned dwelling districts, they are entitled to protections from such intense uses with the requirements for transitional yards that provide a high degree of heavily landscaped buffering to protect residents from issues with noise and light pollution. That would not be the case with this development since the request would integrate two opposing uses with shared access drives, parking lot, and lighting.
- ◇ The site would also not provide for residential amenities such as a club house, pool, outdoor recreation, walking trails, barbeque pits, or the like that would normally be provided for this type of residential development.
- ◇ Furthermore, Staff determined the development to be inappropriately designed creating a pedestrian safety concern because no safety measures would be taken to prevent pedestrian and vehicular incidences if customers from the commercial uses choose to cut through the shared parking area to circumvent a red light at the intersection.

(Continued)

STAFF REPORT 2023-UV1-013 (Continued)

- ◇ A multi-family development would be wholly inappropriate in such proximity to a proposed gas station and convenience store due to the nature of the use (noise, trash, lighting), with primarily outdoor operations 24 hours per day, 365 days per year. Providing a multi-family development at this location would be a disservice to future residents, since a 24-hour gas station and convenience store would have a negative impact on their quality of life.
- ◇ The Findings of Fact note that the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because “it would result in the subject property being used for a gas station only which is not the highest and best use of the subject property especially since the subject property is approximately 3.52 acres”. However, the C-4 district allows for a variety of other uses such as other commercial uses, health care facilities, community, cultural and educational facilities. It is unlikely that all appropriate uses have been exhausted. Instead, it would be the petitioner who would be restricting the development of the large site with the proposal.
- ◇ In staff’s opinion, the grant of the request would substantially interfere with the Comprehensive Plan because residential uses would not be recommended for office commercial development.
- ◇ If approved against staff’s recommendation, Indy Parks requests a commitment for the installation of required landscaping (trees) be installed in the right-of-way of Vermont Street and Lynhurst Drive at approved locations by City Forrester with maintenance funding to Keep Indianapolis Beautiful (KIB) for the trees for no less than three years after installation. Trees shall be maintained and replaced if needed by the petitioner throughout the three-year period.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would permit the development of the site to have deficient transitional yards, parking, landscaping, and lighting.
- ◇ The C-4 district in the Metro Context area requires 20-foot front transitional yards. As proposed, the site would have a 17-foot east transitional yard and a 16-foot south transitional yard.
- ◇ With this being all new construction, there is no reason why the 20-foot transitional yards could not be met to protect the religious and residential uses to the east and south from the more intense commercial use proposed.
- ◇ The parking calculations of the site included office space, fueling station/convenience store, and laundromat, but failed to include the parking requirements for the multi-family dwellings. Based on the three-story 42-unit complex, 31 parking spaces would be required for the multi-family dwellings. The site provides a total of 83 parking spaces, which leaves 54 for the commercial uses with a remainder of 29 spaces for the residents. There would be approximately two parking spaces missing, which staff finds could be proposed on site or the petitioner could use the parking reductions of the Ordinance to address the deficiency and note it on their parking calculations. An additional three bike spaces would be required unless the petitioner wishes to amend the request for an additional variance.

(Continued)

STAFF REPORT 2023-UV1-013 (Continued)

- ◇ The photometric plan provided did not extend to the entirety of the site as required by Table 744-604-1 for the entrances, walkways, and right-of-way. Additionally, the required light level standards were not met in the plan that was provided.
- ◇ Based on the landscape information provided, the required landscaping would not be met since the calculations of the required trees or plantings were not rounded up to the next whole number per Sec. 740-306.A. Staff was unable to confirm if the Green Factor would be met since a Green Factor calculation sheet was not provided.
- ◇ Ultimately, staff determined that the development standards could be met with the reconfiguration of the proposed development and strongly recommends that the request be denied.

GENERAL INFORMATION

THOROUGHFARE PLAN	Vermont Street 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 50-foot proposed right-of-way.
THOROUGHFARE PLAN	Lynhurst Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 98-foot existing right-of-way and a 112-foot proposed right-of-way.
OVERLAY	This site is located within an environmentally sensitive overlay, specifically the Forest Woodlands Alliance
FLOODPLAIN	The northern portion of this site is in the 500-year unregulated floodplain of Mill Run.
SITE PLAN	File-dated June 1, 2023.
LANDSCAPE PLAN	File-dated June 1, 2023.
ELEVATIONS	File-dated March 8, 2023.
PHOTOMETRIC PLAN	File-dated June 1, 2023.
FINDINGS OF FACT	File-dated March 8, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS: None.

PREVIOUS CASES

2001-DV2-024; 5348 West Vermont (subject site), Variance of development standards of the Sign Regulations to provide for a 40-foot tall, combined advertising sign / commercial pole sign located 76 feet from a protected district (minimum 100-foot separation required) for a proposed integrated center, with the advertising portion being 195-square feet and the commercial portion being 210-square feet, **denied**.

(Continued)

STAFF REPORT 2023-UV1-013 (Continued)

81-Z-44; 5320 West Vermont (subject site), Rezoning of 10.0 acres, being in the C-4 and D-6II Districts to the C-4 classification, to provide for commercial development, **approved**.

ZONING HISTORY – VICINITY

2020-UV1-013; 359 North Lynhurst Drive(southeast), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for automobile sales and repair (not permitted), with zero-foot front transitional yards and a 10-foot south side transitional yard (20-foot front and side transitional yards required), **withdrawn**.

2017-SE1-006; 5136 West Vermont Street (east), Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for accessory religious uses to an existing religious use, including offices and meeting rooms, **granted**.

2017-UV2-004; 645 North Lynhurst Drive (northeast), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for truck parking (not permitted), with a six-foot transitional setback and an office building with a 15-foot transitional setback (20-foot transitional setback required) and with a six-foot tall fence in the front yard (not permitted), **dismissed**.

2015-DV1-072; 528 Shingle Oak Court (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a sunroom addition, with an eleven-foot setback, encroaching nine feet into a 20-foot-wide drainage and utility and sewer easement, **granted**.

2006-DV1-032; 340 and 342 North Lynhurst Drive (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish an eight-foot-tall wooden privacy fence in the front yard along Vermont Street and in the west and south side yards, with portions of the fence rising to a height of nine feet along North Lynhurst Drive, **granted**.

92-Z-93; 603 North Lynhurst Drive (northeast of site), Rezoning of 2.1 acres being in the I-2-U district, to the C-3 Classification to provide for a retail center, **approved**.

86-UV1-95; 350 North Fuller Drive (southeast), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an addition to an existing church, **granted**.

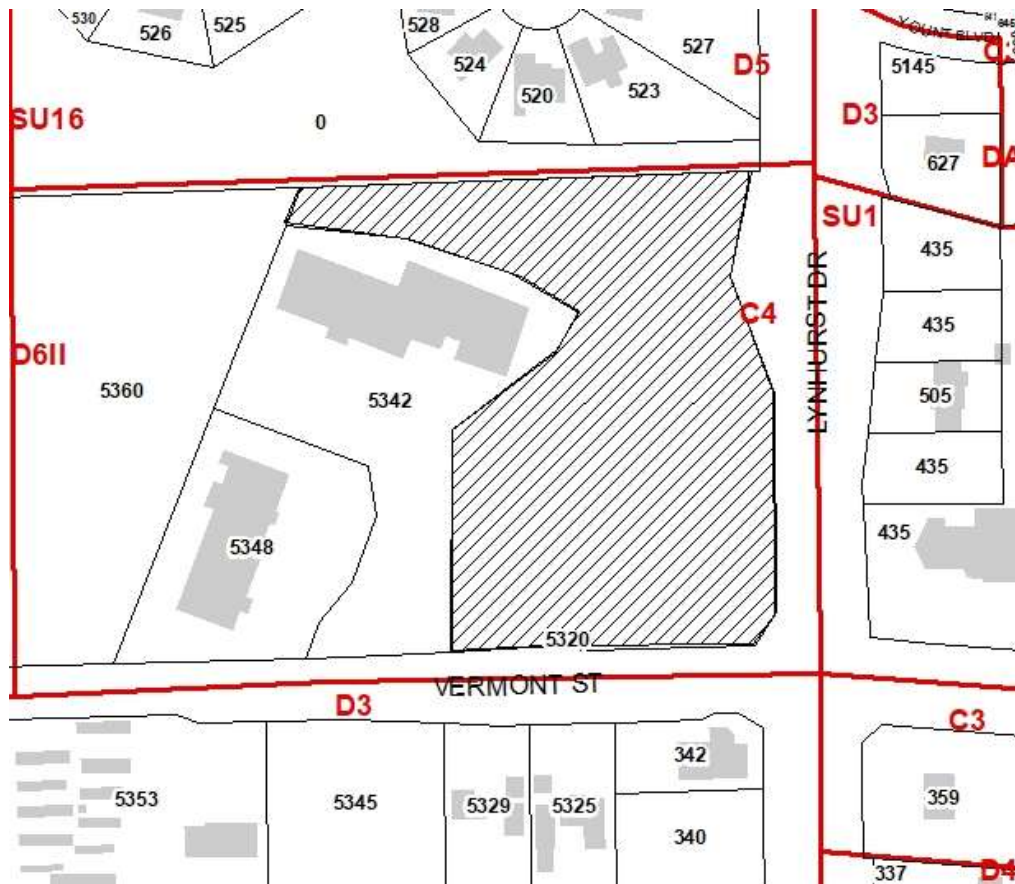
85-Z-27; 705 North Lynhurst Drive (northeast of site), Rezoning of 14.45 acres, being in the A-2 district, to the I-2-U classification, to provide for light industrial uses, **approved**.

85-Z-212; 602 North Lynhurst Drive (north of site), Rezoning of 93.8 acres from the SU-16, D-6II, D-7 and D-9 Districts to the D-5 Classification to provide for residential use by platting, **approved**.

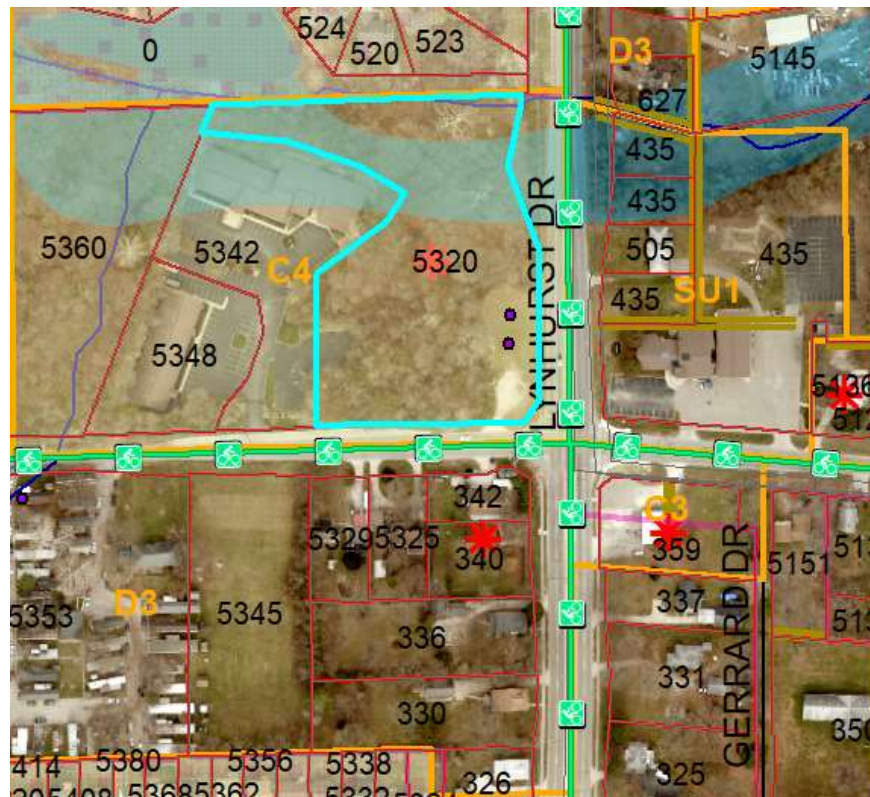
82-Z-97; 702 North Lynhurst Drive (north of site), Rezoning of 45.2 acres, being in the D-6II and D-7 District, to the SU-16 Classification to provide for commercial recreation and an amusement park, **approved**.

72-Z-97; 5520 West Vermont Street (west of site), Rezoning of 40.50 acres, being in the A-2 District, to the D-6II classification, to provide for an apartment complex, **approved**.

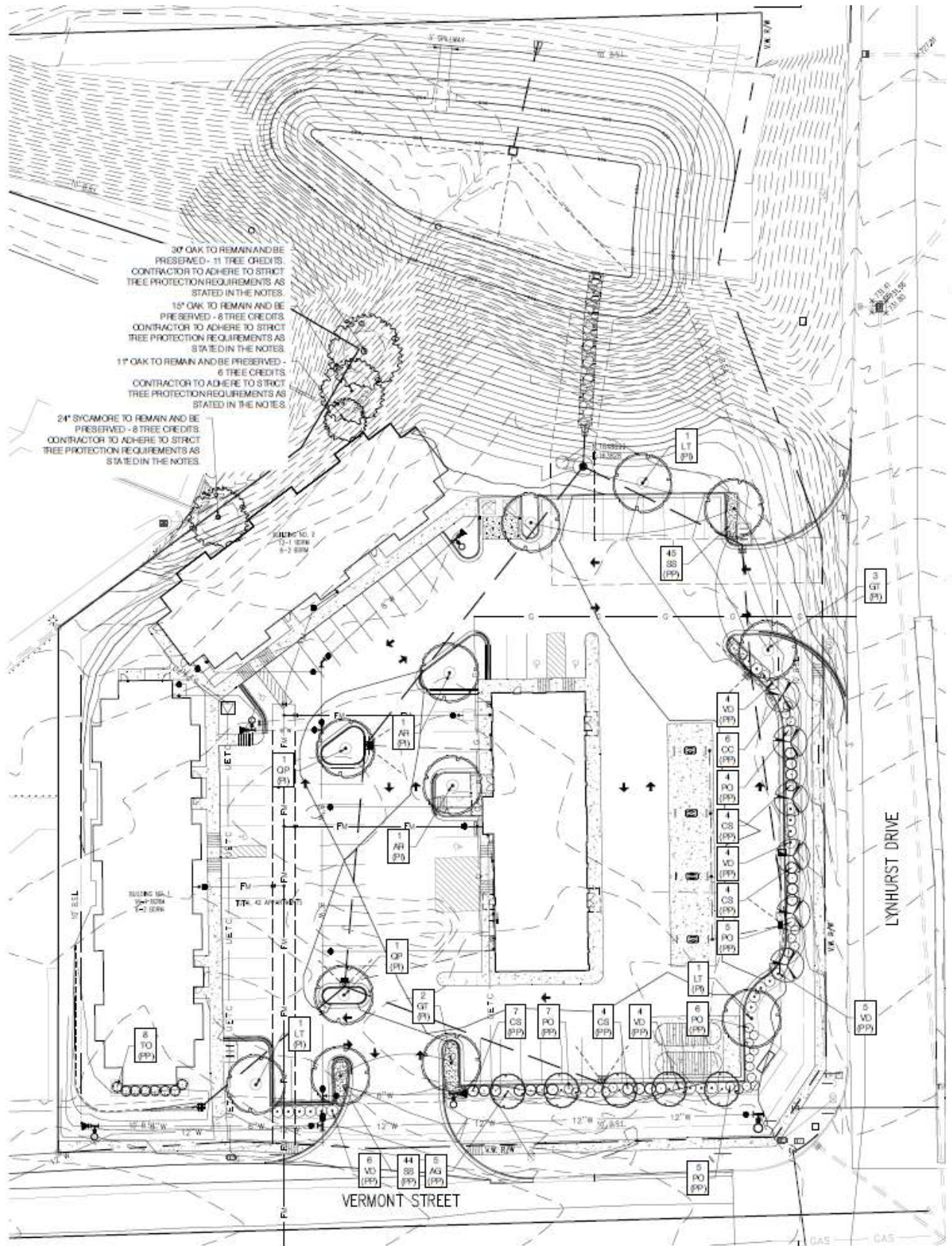
2023-UV1-013; Location Map



2023-UV1-013; Aerial Map





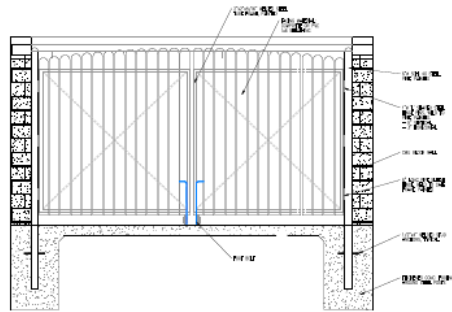


01 INTEGRATED CENTER
SITE LANDSCAPE PLAN

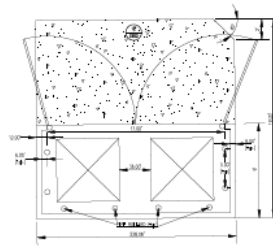


REQUIREMENTS

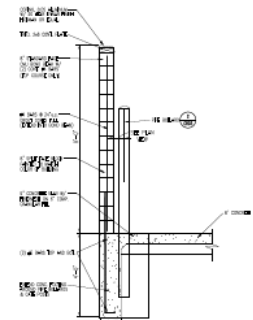
(PI)	PARKING LOT INTERIOR REQUIREMENTS
	9% OF UNCOVERED VEHICLE AREA 1 TREE PER 180 SF. = 4300 SF = 24 TREES REQUIRED 12 TREES PROVIDED + 12 TREE CREDITS USED
(PP)	PARKING LOT STREET FRONTAGE PERIMETER
	1 ORNA. TREE PER 20 LF + 3 SHRUBS PER 25 LF IN 6' BED 15 ORNA. + 37 SHRUBS ON EAST SIDE 17 ORNA. + 41 SHRUBS ON SOUTH SIDE 32 ORNA. + 78 SHRUBS REQUIRED 11 ORNA. + 21 TREE CREDITS + 78 SHRUBS PROVIDED
(FY)	FRONT YARD LANDSCAPE
	20% OF FRONT YARD FRONTAGE LENGTH IN NATIVE PERENNIAL AND SHRUB PLANTINGS 1,067 SF EAST + 1,103 SF SOUTH = 2,170 SF PLANTING 1,067 SF EAST + 1,103 SF SOUTH = 2,170 SF PLANTING



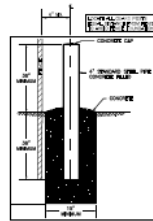
FRONT ELEVATION



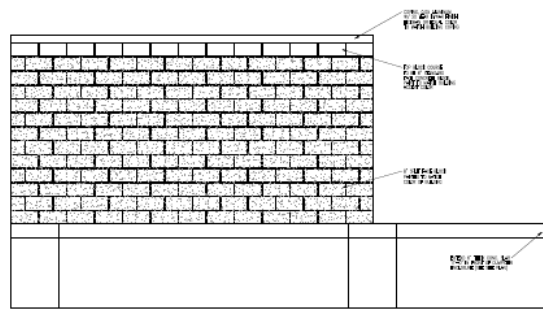
PLAN VIEW



WALL SECTION



CONCRETE BOLLARD DETAIL

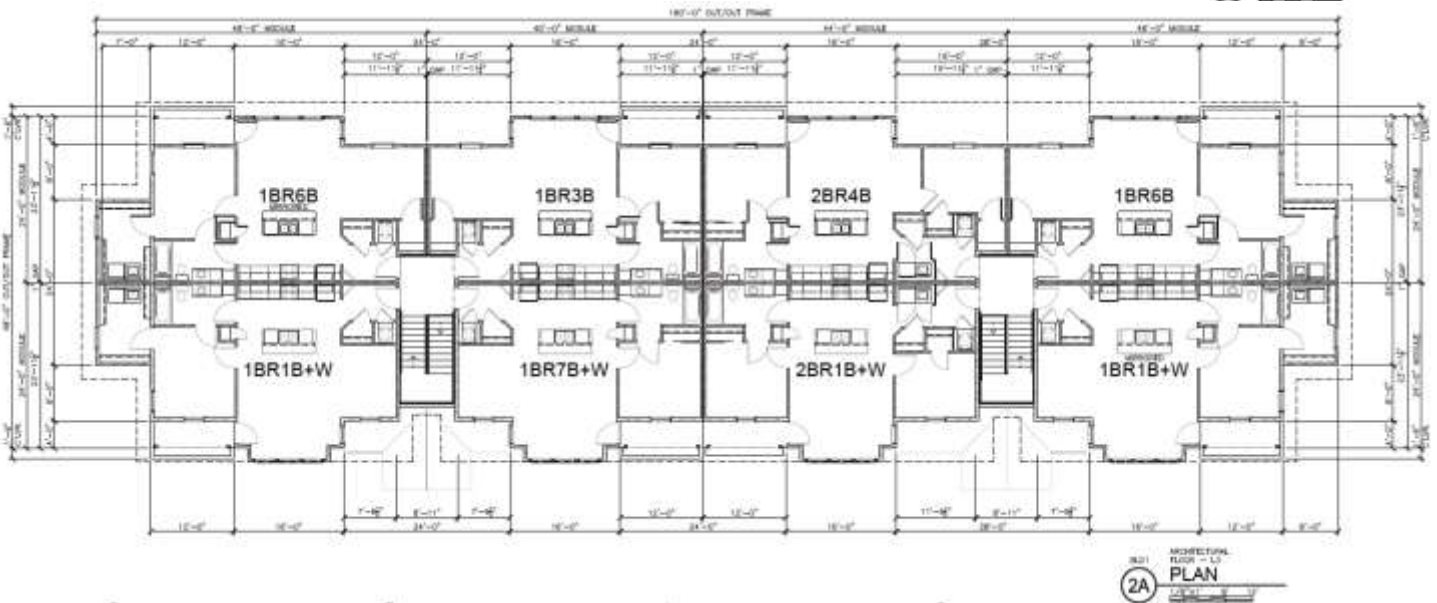
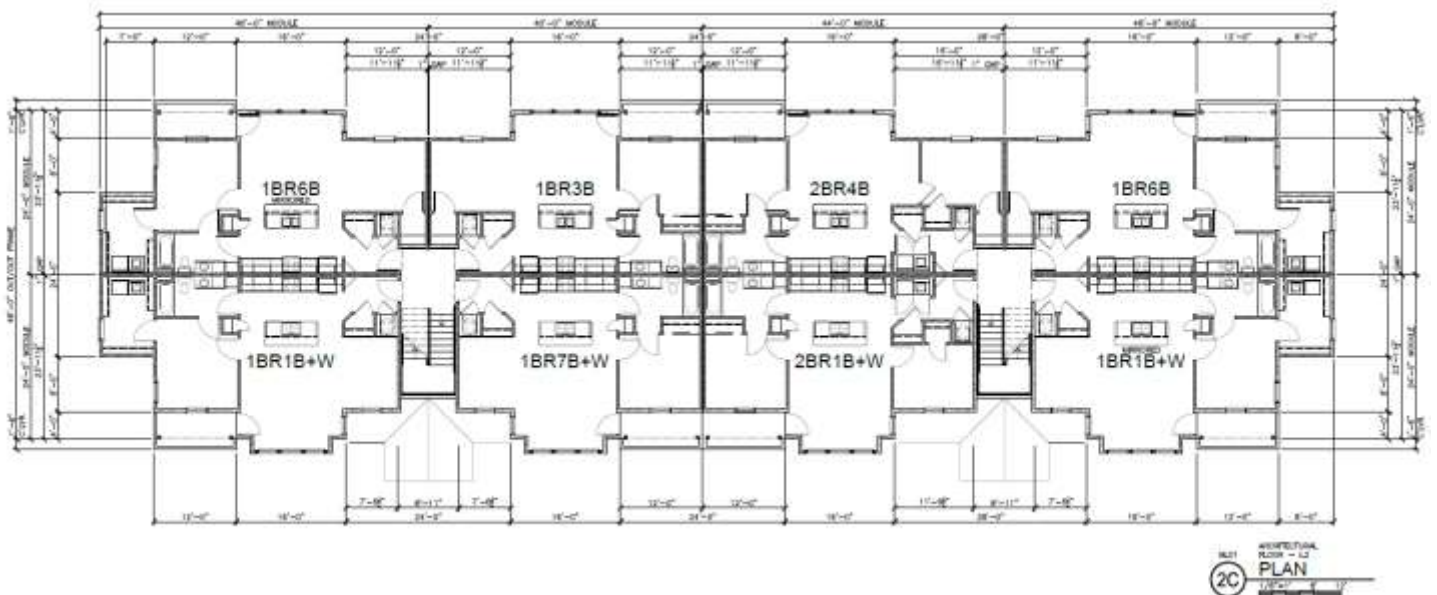
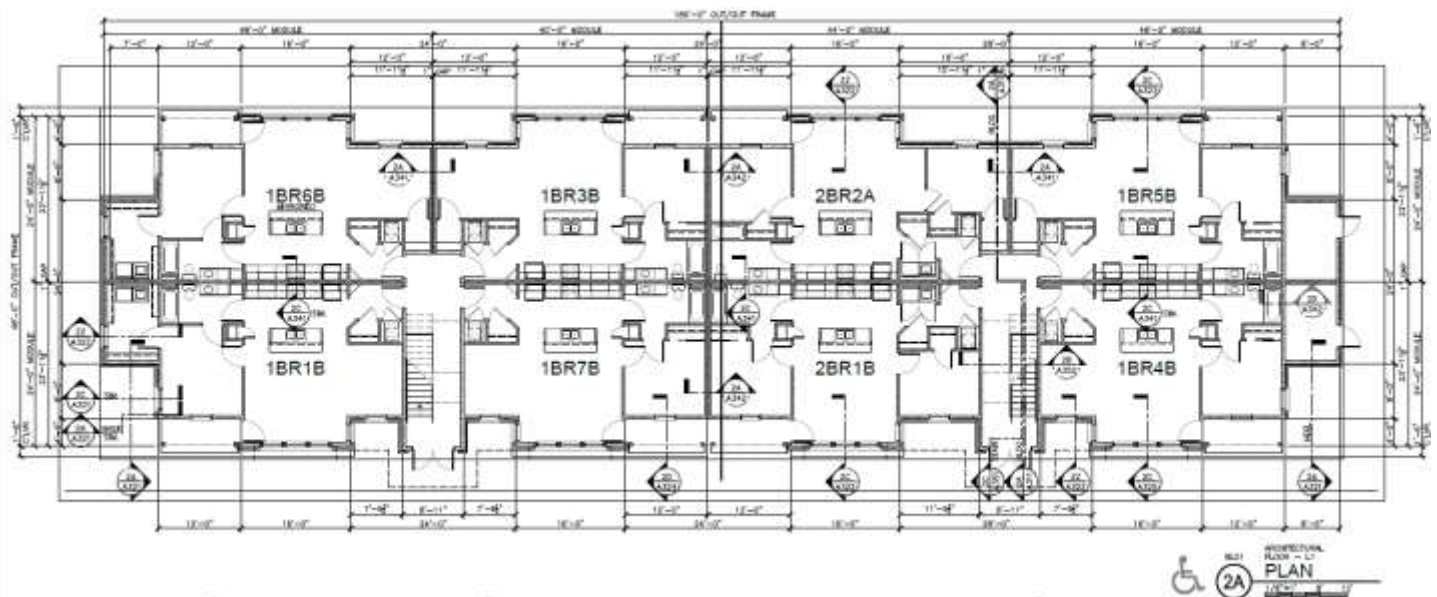


SIDE ELEVATION
NT

DUMPSTER ENCLOSURE DETAILS

NOTE: DUMPSTER MASONRY TO MATCH PROPOSED BUILDINGS. SEE ARCHITECTURAL PLANS

[illegible]



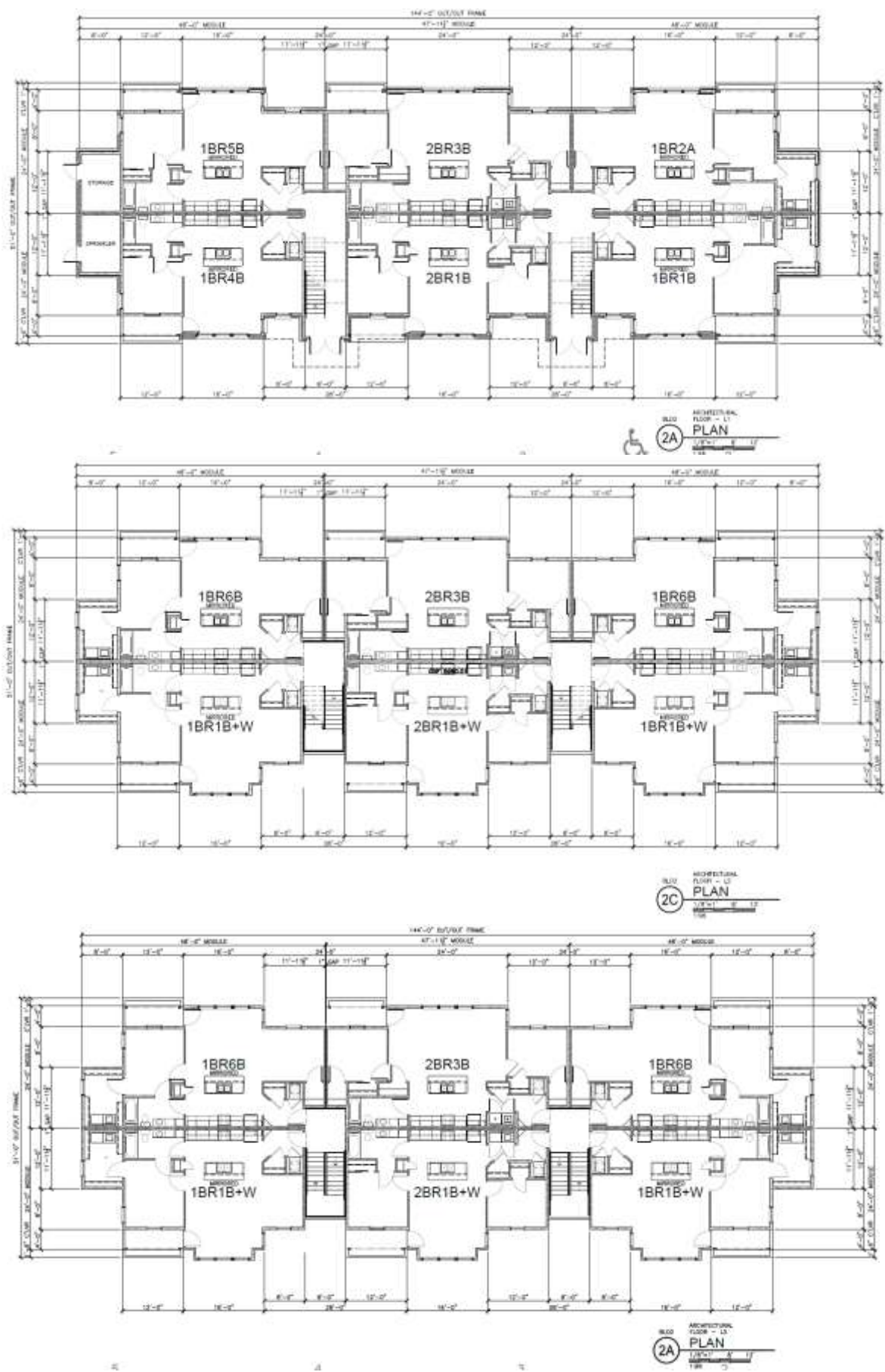






Photo of the Subject Property: 5320 West Vermont Street (



Photo of the southern property boundary of the subject site looking northwest.



Photo of the eastern property boundary looking west on the site.



Photo of the eastern property boundary looking northwest on the site.



Photo of the northern property boundary that would abut the single-family dwellings to the north.



Photo of the offices west of the subject site.



Photo of the western property boundary that will abut the offices to the west of the site.



Photo of the western property boundary of the subject site looking east.



Photo of the parking lot of the offices west of the site.



Photo of the single-family dwellings south of the site.



Photo of the commercial property southeast of the site.



Photo of a single-family dwelling east of the site.



Photo of the single-family dwelling associated with the church east of the site.



Photo of the church east of the site.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV1-015
Address: 3449 Broadway Street (approximate address)
Location: Center Township, Council District #9
Zoning: D-5
Petitioner: Lourenzo Giple and Angie Boarman
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage and secondary dwelling unit (secondary dwelling unit must be detached) with vehicular access from Fairfield Avenue (exclusive alley access required) and provide for the future addition and conversion to a two-family dwelling with a pierced shared wall, with a five-foot rear yard setback and being the third dwelling unit (not permitted, 20-foot rear yard setback required), resulting in an open space of 52% (60% open space required), per plans filed.

RECOMMENDATIONS

Staff **recommends approval** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-5	Compact	Single-family Dwelling
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SURROUNDING ZONING AND LAND USE

North	D-5	Single-family dwellings and undeveloped lots
South	D-5	Single and Two-family dwellings
East	C-3	Undeveloped lots
West	D-5	Single-family Dwellings

COMPREHENSIVE PLAN

The Comprehensive Plan recommends residential development with a density of 5-8 units per acre.

- ◇ This .21-acre lot, zoned D-5, is currently improved with a single-family dwelling. To the north of the subject site are single-family dwellings and an undeveloped lot, within the D-4 District. East of the subject site are undeveloped lots within the C-3 District. South of the subject site are single and two-family dwellings within the D-5 District. To the west are single-family dwellings within the D-5 District.

(Continued)

STAFF REPORT 2023-UV1-015 (Continued)

- ◇ The Mapleton Fall Creek Neighborhood Land Use Plan recommends residential development, with a density of 5-8 units per acre.
- ◇ The D-5 District is one of five Walkable Neighborhood Dwelling Districts of the Ordinance that are intended to promote the Livability Principals of the code. These districts strive to promote walkable, compact neighborhoods with well-connected street and pedestrian networks and emphasis an increase of residential density through flexible permitted uses dependent on lot size and area. The D-5 District is intended for large and medium lots to provide for detached housing and small-scale multi-family development for infill development in urban areas.

VARIANCE

- ◇ The request would allow for the construction of an attached garage and associated secondary dwelling unit, with vehicular access from Fairfield Avenue. The Ordinance requires that new construction comply with modern parking regulations, which require all lots that abut improved alleys to obtain exclusive vehicular access from that alley. In the Compact Context Area, secondary dwellings must be detached.
- ◇ The request would also allow for the construction of a future primary dwelling unit attached to the eastern elevation of the proposed garage. This proposed dwelling would be integrated with the existing garage and is intended to be subject to future transfer of ownership through the filing of a plat petition. This structure would have a deficient rear yard setback and create an overall open space of 52%.
- ◇ As proposed, the Ordinance does not contemplate this housing format as a defined use. The definition for attached single-family dwellings and duplexes each require that the units be separated by an unpierced wall or ceiling. The proposed garage would be integrated with both dwelling units, effectively prohibiting its construction by-right.
- ◇ This site abuts Critical Area Six of the Mapleton Fall Creek Neighborhood Land Use Plan, which includes lots at the intersection of Fairfield Avenue and College Avenue. This area has been identified as a historic commercial node where several lots are currently undeveloped and intended to be preserved for future community commercial uses. Recommendations for this critical area specifically include promoting architectural diversity and preserving adjacent residential uses along each thoroughfare to prevent commercial creep into existing neighborhoods. Staff believes that supporting increased density near this intersection will promote the implementation of this plan recommendation by increasing the likelihood of commercial redevelopment.
- ◇ While these units are physically attached through the garage, the Ordinance specifically prohibits vehicle storage areas from being calculated as living area. In addition, the proposed secondary dwelling is required to be detached from the primary structure within the Compact Context Area.

(Continued)

STAFF REPORT 2023-UV1-015 (Continued)

- ◇ While the proposed housing format isn't defined in the Ordinance, Staff would note that it believes it helps to promote the Livability Principles of the Ordinance, specifically by promoting equitable housing by introducing innovative formats for individuals and families of varying size.
- ◇ Given that the final request is intended to be subdivided, Staff believes it to be appropriate to view the request as a duplex. However, a new land use, being the Multi-Unit House, has been implemented with the adoption of the Walkable Neighborhood Districts as of November 2021. The subject site meets the requirements for this use, which allows for a house to contain up to four individual dwelling units within it. In addition, this use allows for an open space of 40%. Given that the total project will feature three dwelling units, Staff believes the request to be in alignment with the intent of the Walkable Neighborhood Districts and a minor deviation from the Zoning Ordinance.
- ◇ There is an existing curb cut roughly at the midpoint of the lot along Fairfield Avenue. The Ordinance requires that all lots that abut an improved alley and construct a garage maintain exclusive access from the alley. This is intended to prevent, and eliminate as redevelopment occurs, unnecessary curb cuts throughout the city in order to improve pedestrian connectivity and safety. However, given that a second primary dwelling is proposed along the eastern portion of the site, parallel to this existing alley, Staff believes the request to be appropriate as it also meets another goal of increasing density in the urban core. This future dwelling would be required to obtain exclusive vehicular access from the alley should an attached garage be constructed.
- ◇ The request would also legally establish an existing five-foot rear yard setback for the existing house and allow for an 11.3-foot rear setback for the proposed garage and a 16-foot setback for the future dwelling. The Ordinance requires a 20-foot rear yard setback for a duplex. Given that Fairfield Avenue is a diagonally oriented thoroughfare, lots that front upon it have a non-uniform depth which can complicate traditional building siting and orientation. In addition, Fairfield Avenue has an existing 60-foot-wide right-of-way, and is planned to be expanded to 78-foot wide. Allowing the proposed building to be closer to the rear lot line given this planned expansion is appropriate in order to minimize the potential for conflict when improving this future right-of-way.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of Fairfield Avenue is classified as a Primary Collector in the Official Thoroughfare Plan for Marion County, Indiana with an existing 60-foot right-of-way and proposed right-of-way of 78 feet.

This portion of Broadway Street is classified as a Local Street in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed right-of-way of 48 feet.

SITE PLAN

File-dated June 12, 2023.

FINDINGS OF FACT

File-dated June 27, 2023.

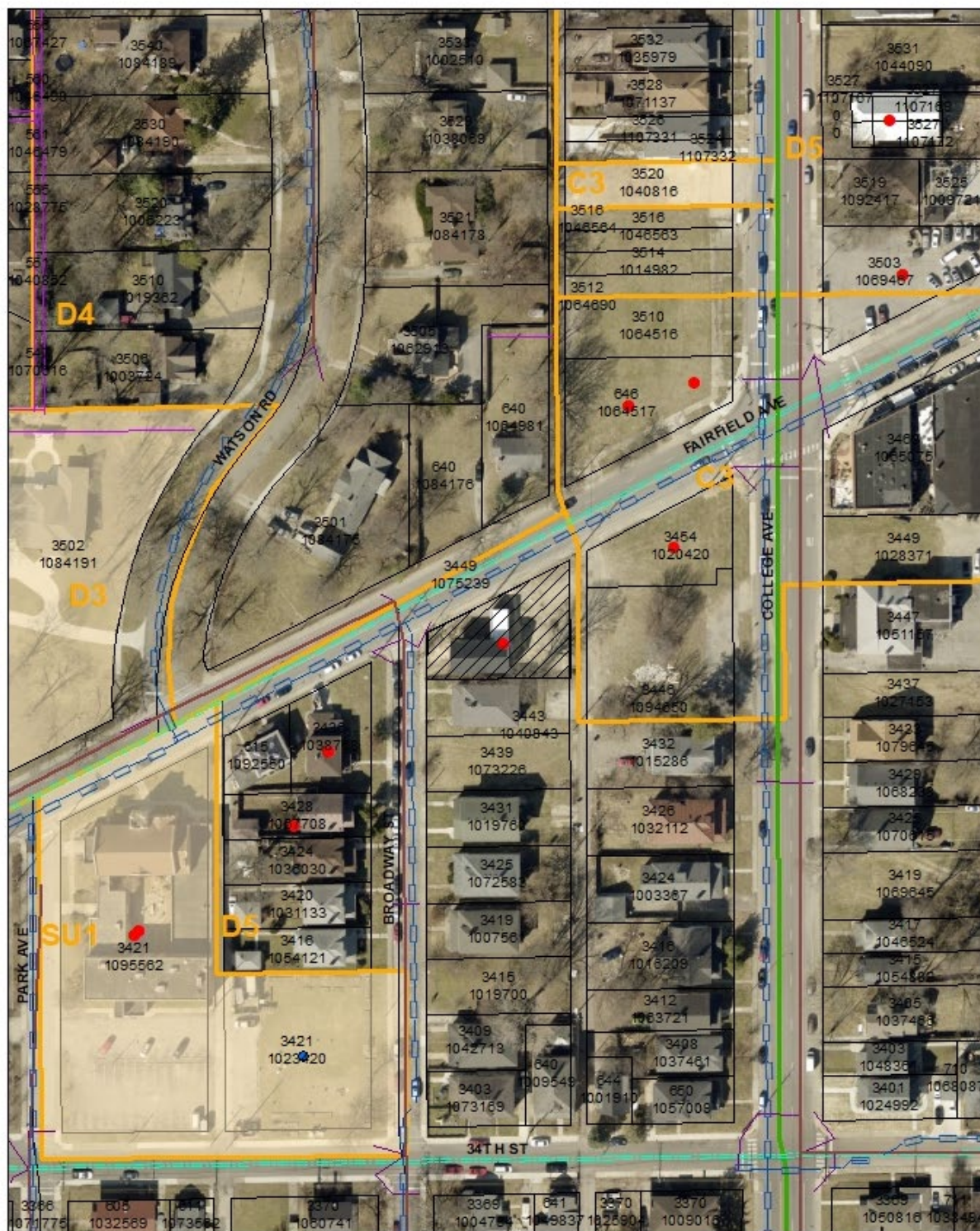
(Continued)

STAFF REPORT 2023-UV1-015 (Continued)

ZONING HISTORY – SITE

None.

EDH



0.00501 0.02 0.03 0.04
Miles



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 variance will allow for the construction of a new garage and accessory dwelling that uses an existing curb cut along Fairfield Avenue to access the proposed structure instead of using the alley. The variance will not result in an increase in public expenditure nor unduly increase traffic congestion in the public streets.

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

the proposed structure will utilize an existing curb cut along Fairfield Avenue. The variance is a minimum variation that makes possible the reasonable use of land. The proposed use will not cause a nuisance, create an economic hardship, diminish, nor impair property values to the adjacent properties.

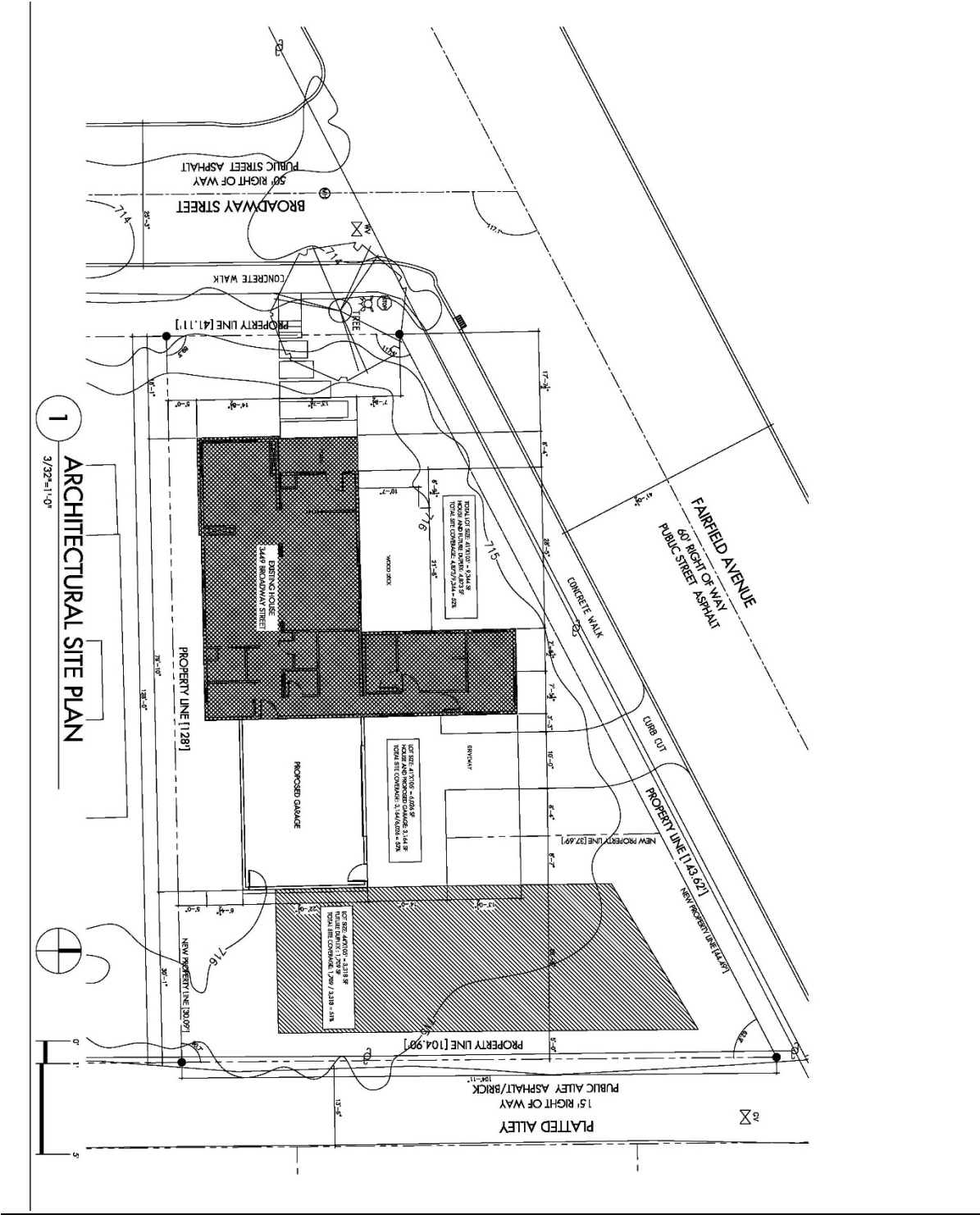
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

the proposed structure allows for the building of an additional structure on the property as dictated per the zoning. The current zoning is D5 and which allows for a duplex and the site previously featured a duplex structured. The owners plan to subdivide the parcel to build another attached structure on-site to complete the duplex and this variance request is the initial step in that process.

DECISION

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

Adopted this _____ day of _____, 20 ____



1 ARCHITECTURAL SITE PLAN
3/32=1'-0"



Photo One: Looking South along Broadway Avenue.



Photo Two: Looking North along Broadway Avenue.



Photo Three: Facing East along Fairfield Avenue.



Photo Four: Facing West along Fairfield Avenue.



Photo Five: Existing Single-Family Dwelling On Site.



Photo Six: Existing Rear Yard Setback.



Photo Seven: Area of Proposed Improvements On Site.



Photo Eight: Improved Alley with Subject Site in Background.